

**ACTS
OF THE
GENERAL ASSEMBLY**



2022 REGULAR SESSION

VOLUME I

VOLUME II

ACTS

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF VIRGINIA

2022 REGULAR SESSION

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**G. Paul Nardo
Clerk of the House of Delegates
and
Keeper of the Rolls of the Commonwealth**

**Jacqueline D. Scott
Indexing and Enrolling Director**

Indexing and Enrolling Assistant Clerks

Sarah A. Armistead

Jeannine B. Layell

Indexing and Enrolling Assistants

**Emily M. Hanson
Bruce E. Hoffman
James D. Hutzler
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Melisa G. Milton**

**Chayton S. Mouzon
Kelly T. Nguyen
Joyce D. Riley
David J. Stephenson
Francesca J. Ruivivar Victoria**

in cooperation with the

**Senate of Virginia,
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ACTS OF THE GENERAL ASSEMBLY

2022 REGULAR SESSION

CHAPTER 1

An Act to amend and reenact § 3.2-3305 of the Code of Virginia, relating to Dairy Producer Margin Coverage Premium Assistance Program; emergency.

[H 828]

Approved February 14, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-3305 of the Code of Virginia is amended and reenacted as follows:

§ 3.2-3305. (Expires July 1, 2023) Dairy Producer Margin Coverage Premium Assistance Program.

A. The Commissioner shall establish and administer the Dairy Producer Margin Coverage Premium Assistance Program to assist dairy producers that participate in the federal coverage program.

B. Any dairy producer in the Commonwealth that participates in the federal coverage program at the first tier coverage level and (i) has a resource management plan and has been certified as having implemented such plan by, or is in the process of having such plan reviewed by, DCR or a local soil and water conservation district, *(ii) has an approved Natural Resource Conservation Service nutrient management or soil health plan developed by an approved planner, or* ~~(ii)~~ (iii) has a nutrient management plan that has been approved by, or is currently being reviewed by, DCR shall be eligible to apply to participate in the Program. An eligible dairy producer shall apply to the Department by ~~February 1~~ *May 15* of each year to participate.

C. Any participating dairy producer that has paid an annual federal premium payment at the tier I level in accordance with the Farm Act and provides proof of such payment to the Department shall have the amount of such premium reimbursed by the Department. Such reimbursement shall be provided on a first-come, first-served basis and shall be subject to availability of funds expressly appropriated for the purposes set forth in this chapter.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 2

An Act to amend the Code of Virginia by adding a section numbered 22.1-2.1, relating to public elementary and secondary schools and public school-based early childhood care and education programs; student instruction; emergency.

[S 739]

Approved February 16, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-2.1 as follows:

§ 22.1-2.1. Provision of in-person instruction.

A. *As used in this section, "in-person instruction" means instructional interaction between teachers and students that occurs in person and in real time. "In-person instruction" does not include the act of proctoring remote online learning in a classroom.*

B. *Except as otherwise permitted in subdivision C 4 of § 22.1-98 or Article 3 (§ 22.1-276.01 et seq.) of Chapter 14, each school board shall offer in-person instruction to each student enrolled in the local school division in a public elementary and secondary school for at least the minimum number of required annual instructional hours and to each student enrolled in the local school division in a public school-based early childhood care and education program for the entirety of the instructional time provided pursuant to such program.*

C. *Notwithstanding any other provision of law or any regulation, rule, or policy implemented by a school board, school division, school official, or other state or local authority, the parent of any child enrolled in a public elementary or secondary school, or in any school-based early childhood care and education program, may elect for such child to not wear a mask while on school property. A parent making such an election shall not be required to provide a reason or any certification of the child's health or education status. No student shall suffer any adverse disciplinary or academic consequences as a result of this parental election. Nothing in this section shall be construed to affect the Governor's authority under Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 to accomplish the purposes of such chapter with regard to a communicable disease of public health threat as defined in § 44-146.16.*

2. That each local school division must comply with the provisions of subsection C of § 22.1-2.1 of the Code of Virginia, as created by this act, no later than March 1, 2022.

3. That an emergency exists and this act is in force from its passage.

CHAPTER 3

An Act to amend and reenact §§ 58.1-301, 58.1-322.02, 58.1-322.03, and 58.1-402 of the Code of Virginia, relating to conformity of Commonwealth's taxation system with Internal Revenue Code; Rebuild Virginia grants and Paycheck Protection Program loans; emergency.

[H 971]

Approved February 23, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-301, 58.1-322.02, 58.1-322.03, and 58.1-402 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-301. Conformity to Internal Revenue Code.

A. Any term used in this chapter shall have the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes, unless a different meaning is clearly required.

B. Any reference in this chapter to the laws of the United States relating to federal income taxes shall mean the provisions of the Internal Revenue Code of 1954, and amendments thereto, and other provisions of the laws of the United States relating to federal income taxes, as they existed on December 31, ~~2020~~ 2021, except for:

1. The special depreciation allowance for certain property provided for under §§ 168(k), 168(l), 168(m), 1400L, and 1400N of the Internal Revenue Code;

2. The carry-back of certain net operating losses for five years under § 172(b)(1)(H) of the Internal Revenue Code;

3. The original issue discount on applicable high yield discount obligations under § 163(e)(5)(F) of the Internal Revenue Code;

4. The deferral of certain income under § 108(i) of the Internal Revenue Code. For Virginia income tax purposes, income from the discharge of indebtedness in connection with the reacquisition of an "applicable debt instrument" (as defined under § 108(i) of the Internal Revenue Code) reacquired in the taxable year shall be fully included in the taxpayer's Virginia taxable income for the taxable year, unless the taxpayer elects to include such income in the taxpayer's Virginia taxable income ratably over a three-taxable-year period beginning with taxable year 2009 for transactions completed in taxable year 2009, or over a three-taxable-year period beginning with taxable year 2010 for transactions completed in taxable year 2010 on or before April 21, 2010. For purposes of such election, all other provisions of § 108(i) of the Internal Revenue Code shall apply mutatis mutandis. No other deferral shall be allowed for income from the discharge of indebtedness in connection with the reacquisition of an "applicable debt instrument";

5. For taxable years beginning on and after January 1, 2019, the suspension of the overall limitation on itemized deductions under § 68(f) of the Internal Revenue Code;

6. For taxable years beginning on and after January 1, 2017, but before January 1, 2018, and for taxable years beginning on and after January 1, 2019, the 7.5 percent of federal adjusted gross income threshold set forth in § 213(a) of the Internal Revenue Code that is used for purposes of computing the deduction allowed for expenses for medical care pursuant to § 213 of the Internal Revenue Code. For such taxable years, the threshold utilized for Virginia income tax purposes to compute the deduction allowed for expenses for medical care pursuant to § 213 of the Internal Revenue Code shall be 10 percent of federal adjusted gross income;

7. The provisions of §§ 2303(a) and 2303(b) of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136 (2020), related to the net operating loss limitation and carryback;

8. The provisions of § 2304(a) of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136 (2020), related to a loss limitation applicable to taxpayers other than corporations;

9. The provisions of § 2306 of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136 (2020), related to the limitation on business interest; and

10. ~~The~~ For taxable years beginning before January 1, 2021, the provisions of §§ 276(a), 276(b)(2), 276(b)(3), 278(a)(2), 278(a)(3), 278(b)(2), 278(b)(3), 278(c)(2), 278(c)(3), 278(d)(2), and 278(d)(3) of the federal Consolidated Appropriations Act, P.L. 116-260 (2020), and §§ 9672(2), 9672(3), 9673(2), and 9673(3) of the federal American Rescue Plan Act, P.L. 117-2 (2021), related to deductions, tax attributes, and basis increases for certain loan forgiveness and other business financial assistance.

The Department of Taxation is hereby authorized to develop procedures or guidelines for implementation of the provisions of this section, which procedures or guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

§ 58.1-322.02. Virginia taxable income; subtractions.

In computing Virginia taxable income pursuant to § 58.1-322, to the extent included in federal adjusted gross income, there shall be subtracted:

1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of any authority, commission, or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States, including, but not limited to, stocks, bonds, treasury bills, and treasury notes but

not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

2. Income derived from obligations, or on the sale or exchange of obligations, of the Commonwealth or of any political subdivision or instrumentality of the Commonwealth.

3. Benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code.

4. Up to \$20,000 of disability income, as defined in § 22(c)(2)(B)(iii) of the Internal Revenue Code; however, any person who claims a deduction under subdivision 5 of § 58.1-322.03 may not also claim a subtraction under this subdivision.

5. The amount of any refund or credit for overpayment of income taxes imposed by the Commonwealth or any other taxing jurisdiction.

6. The amount of wages or salaries eligible for the federal Work Opportunity Credit which was not deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.

7. Any amount included therein less than \$600 from a prize awarded by the Virginia Lottery.

8. The wages or salaries received by any person for active and inactive service in the National Guard of the Commonwealth of Virginia, not to exceed the amount of income derived from 39 calendar days of such service or \$3,000, whichever amount is less; however, only those persons in the ranks of O3 and below shall be entitled to the deductions specified in this subdivision.

9. Amounts received by an individual, not to exceed \$1,000 for taxable years beginning on or before December 31, 2019, and \$5,000 for taxable years beginning on or after January 1, 2020, as a reward for information provided to a law-enforcement official or agency, or to a nonprofit corporation created exclusively to assist such law-enforcement official or agency, in the apprehension and conviction of perpetrators of crimes. This subdivision shall not apply to the following: an individual who is an employee of, or under contract with, a law-enforcement agency, a victim or the perpetrator of the crime for which the reward was paid, or any person who is compensated for the investigation of crimes or accidents.

10. The amount of "qualified research expenses" or "basic research expenses" eligible for deduction for federal purposes, but which were not deducted, on account of the provisions of § 280C(c) of the Internal Revenue Code and which shall be available to partners, shareholders of S corporations, and members of limited liability companies to the extent and in the same manner as other deductions may pass through to such partners, shareholders, and members.

11. Any income received during the taxable year derived from a qualified pension, profit-sharing, or stock bonus plan as described by § 401 of the Internal Revenue Code, an individual retirement account or annuity established under § 408 of the Internal Revenue Code, a deferred compensation plan as defined by § 457 of the Internal Revenue Code, or any federal government retirement program, the contributions to which were deductible from the taxpayer's federal adjusted gross income, but only to the extent the contributions to such plan or program were subject to taxation under the income tax in another state.

12. Any income attributable to a distribution of benefits or a refund from a prepaid tuition contract or savings trust account with the Virginia College Savings Plan, created pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1. The subtraction for any income attributable to a refund shall be limited to income attributable to a refund in the event of a beneficiary's death, disability, or receipt of a scholarship.

13. All military pay and allowances, to the extent included in federal adjusted gross income and not otherwise subtracted, deducted, or exempted under this section, earned by military personnel while serving by order of the President of the United States with the consent of Congress in a combat zone or qualified hazardous duty area that is treated as a combat zone for federal tax purposes pursuant to § 112 of the Internal Revenue Code.

14. For taxable years beginning before January 1, 2015, the gain derived from the sale or exchange of real property or the sale or exchange of an easement to real property which results in the real property or the easement thereto being devoted to open-space use, as that term is defined in § 58.1-3230, for a period of time not less than 30 years. To the extent that a subtraction is taken in accordance with this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for three years following the year in which the subtraction is taken.

15. Fifteen thousand dollars of military basic pay for military service personnel on extended active duty for periods in excess of 90 days; however, the subtraction amount shall be reduced dollar-for-dollar by the amount by which the taxpayer's military basic pay exceeds \$15,000 and shall be reduced to zero if such military basic pay amount is equal to or exceeds \$30,000.

16. The first \$15,000 of salary for each federal and state employee whose total annual salary from all employment for the taxable year is \$15,000 or less.

17. Unemployment benefits taxable pursuant to § 85 of the Internal Revenue Code.

18. Any amount received as military retirement income by an individual awarded the Congressional Medal of Honor.

19. Items of income attributable to, derived from, or in any way related to (i) assets stolen from, hidden from, or otherwise lost by an individual who was a victim or target of Nazi persecution or (ii) damages, reparations, or other consideration received by a victim or target of Nazi persecution to compensate such individual for performing labor against his will under the threat of death, during World War II and its prelude and direct aftermath. This subtraction shall not apply to assets acquired with such items of income or with the proceeds from the sale of assets stolen from, hidden from, or

otherwise lost to, during World War II and its prelude and direct aftermath, a victim or target of Nazi persecution. The provisions of this subdivision shall only apply to an individual who was the first recipient of such items of income and who was a victim or target of Nazi persecution, or a spouse, surviving spouse, or child or stepchild of such victim.

As used in this subdivision:

"Nazi regime" means the country of Nazi Germany, areas occupied by Nazi Germany, those European countries allied with Nazi Germany, or any other neutral European country or area in Europe under the influence or threat of Nazi invasion.

"Victim or target of Nazi persecution" means any individual persecuted or targeted for persecution by the Nazi regime who had assets stolen from, hidden from, or otherwise lost as a result of any act or omission in any way relating to (i) the Holocaust, (ii) World War II and its prelude and direct aftermath, (iii) transactions with or actions of the Nazi regime, (iv) treatment of refugees fleeing Nazi persecution, or (v) the holding of such assets by entities or persons in the Swiss Confederation during World War II and its prelude and aftermath. A "victim or target of Nazi persecution" also includes any individual forced into labor against his will, under the threat of death, during World War II and its prelude and direct aftermath.

20. The military death gratuity payment made after September 11, 2001, to the survivor of deceased military personnel killed in the line of duty, pursuant to 10 U.S.C. Chapter 75; however, the subtraction amount shall be reduced dollar-for-dollar by the amount that the survivor may exclude from his federal gross income in accordance with § 134 of the Internal Revenue Code.

21. The death benefit payments from an annuity contract that are received by a beneficiary of such contract, provided that (i) the death benefit payment is made pursuant to an annuity contract with an insurance company and (ii) the death benefit payment is paid solely by lump sum. The subtraction under this subdivision shall be allowed only for that portion of the death benefit payment that is included in federal adjusted gross income.

22. Any gain recognized from the sale of launch services to space flight participants, as defined in 49 U.S.C. § 70102, or launch services intended to provide individuals with the training or experience of a launch, without performing an actual launch. To qualify for a deduction under this subdivision, launch services must be performed in Virginia or originate from an airport or spaceport in Virginia.

23. Any gain recognized as a result of resupply services contracts for delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8, and launched from an airport or spaceport in Virginia.

24. Any income taxed as a long-term capital gain for federal income tax purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership carried interest income) for federal income tax purposes. To qualify for a subtraction under this subdivision, such income shall be attributable to an investment in a "qualified business," as defined in § 58.1-339.4, or in any other technology business approved by the Secretary of Administration, provided that the business has its principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the investment shall be made between the dates of April 1, 2010, and June 30, 2020. No taxpayer who has claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4 shall be eligible for the subtraction under this subdivision for an investment in the same business.

25. For taxable years beginning on and after January 1, 2014, any income of an account holder for the taxable year taxed as (i) a capital gain for federal income tax purposes attributable to such person's first-time home buyer savings account established pursuant to Chapter 12 (§ 36-171 et seq.) of Title 36 and (ii) interest income or other income for federal income tax purposes attributable to such person's first-time home buyer savings account.

Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any subtraction taken under this subdivision shall be subject to recapture in the taxable year or years in which moneys or funds withdrawn from the first-time home buyer savings account were used for any purpose other than the payment of eligible costs by or on behalf of a qualified beneficiary, as provided under § 36-174. The amount subject to recapture shall be a portion of the amount withdrawn in the taxable year that was used for other than the payment of eligible costs, computed by multiplying the amount withdrawn and used for other than the payment of eligible costs by the ratio of the aggregate earnings in the account at the time of the withdrawal to the total balance in the account at such time.

However, recapture shall not apply to the extent of moneys or funds withdrawn that were (i) withdrawn by reason of the qualified beneficiary's death or disability; (ii) a disbursement of assets of the account pursuant to a filing for protection under the United States Bankruptcy Code, 11 U.S.C. §§ 101 through 1330; or (iii) transferred from an account established pursuant to Chapter 12 (§ 36-171 et seq.) of Title 36 into another account established pursuant to such chapter for the benefit of another qualified beneficiary.

For purposes of this subdivision, "account holder," "eligible costs," "first-time home buyer savings account," and "qualified beneficiary" mean the same as those terms are defined in § 36-171.

26. For taxable years beginning on and after January 1, 2015, any income for the taxable year attributable to the discharge of a student loan solely by reason of the student's death. For purposes of this subdivision, "student loan" means the same as that term is defined under § 108(f) of the Internal Revenue Code.

27. a. Income, including investment services partnership interest income (otherwise known as investment partnership carried interest income), attributable to an investment in a Virginia venture capital account. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2018, but before December 31, 2023. No

subtraction shall be allowed under this subdivision for an investment in a company that is owned or operated by a family member or an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision 24 or a tax credit under § 58.1-339.4 for the same investment.

b. As used in this subdivision 27:

"Qualified portfolio company" means a company that (i) has its principal place of business in the Commonwealth; (ii) has a primary purpose of production, sale, research, or development of a product or service other than the management or investment of capital; and (iii) provides equity in the company to the Virginia venture capital account in exchange for a capital investment. "Qualified portfolio company" does not include a company that is an individual or sole proprietorship.

"Virginia venture capital account" means an investment fund that has been certified by the Department as a Virginia venture capital account. In order to be certified as a Virginia venture capital account, the operator of the investment fund shall register the investment fund with the Department prior to December 31, 2023, (i) indicating that it intends to invest at least 50 percent of the capital committed to its fund in qualified portfolio companies and (ii) providing documentation that it employs at least one investor who has at least four years of professional experience in venture capital investment or substantially equivalent experience. "Substantially equivalent experience" includes, but is not limited to, an undergraduate degree from an accredited college or university in economics, finance, or a similar field of study. The Department may require an investment fund to provide documentation of the investor's training, education, or experience as deemed necessary by the Department to determine substantial equivalency. If the Department determines that the investment fund employs at least one investor with the experience set forth herein, the Department shall certify the investment fund as a Virginia venture capital account at such time as the investment fund actually invests at least 50 percent of the capital committed to its fund in qualified portfolio companies.

28. a. Income attributable to an investment in a Virginia real estate investment trust. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2019, but before December 31, 2024. No subtraction shall be allowed for an investment in a trust that is managed by a family member or an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision 24 or 27 or a tax credit under § 58.1-339.4 for the same investment.

b. As used in this subdivision 28:

"Distressed" means satisfying the criteria applicable to a locality described in subdivision E 2 of § 2.2-115.

"Double distressed" means satisfying the criteria applicable to a locality described in subdivision E 3 of § 2.2-115.

"Virginia real estate investment trust" means a real estate investment trust, as defined in 26 U.S.C. § 856, that has been certified by the Department as a Virginia real estate investment trust. In order to be certified as a Virginia real estate investment trust, the trustee shall register the trust with the Department prior to December 31, 2024, indicating that it intends to invest at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed. If the Department determines that the trust satisfies the preceding criteria, the Department shall certify the trust as a Virginia real estate investment trust at such time as the trust actually invests at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed.

29. For taxable years beginning on and after January 1, 2019, any gain recognized from the taking of real property by condemnation proceedings.

30. For taxable years beginning ~~on and after January 1, 2020, but~~ before January 1, 2021, up to \$100,000 of all grant funds received by the taxpayer under the Rebuild Virginia program established by the Governor and administered by the Department of Small Business and Supplier Diversity.

§ 58.1-322.03. Virginia taxable income; deductions.

In computing Virginia taxable income pursuant to § 58.1-322, there shall be deducted from Virginia adjusted gross income as defined in § 58.1-321:

1. a. The amount allowable for itemized deductions for federal income tax purposes where the taxpayer has elected for the taxable year to itemize deductions on his federal return, but reduced by the amount of income taxes imposed by the Commonwealth or any other taxing jurisdiction and deducted on such federal return and increased by an amount that, when added to the amount deducted under § 170 of the Internal Revenue Code for mileage, results in a mileage deduction at the state level for such purposes at a rate of 18 cents per mile; or

b. Provided that the taxpayer has not itemized deductions for the taxable year on his federal income tax return: (i) for taxable years beginning before January 1, 2019, and on and after January 1, 2026, \$3,000 for single individuals and \$6,000 for married persons (one-half of such amounts in the case of a married individual filing a separate return) and (ii) for taxable years beginning on and after January 1, 2019, but before January 1, 2026, \$4,500 for single individuals and \$9,000 for married persons (one-half of such amounts in the case of a married individual filing a separate return). For purposes of this section, any person who may be claimed as a dependent on another taxpayer's return for the taxable year may compute the deduction only with respect to earned income.

2. a. A deduction in the amount of \$930 for each personal exemption allowable to the taxpayer for federal income tax purposes.

b. Each blind or aged taxpayer as defined under § 63(f) of the Internal Revenue Code shall be entitled to an additional personal exemption in the amount of \$800.

The additional deduction for blind or aged taxpayers allowed under this subdivision shall be allowable regardless of whether the taxpayer itemizes deductions for the taxable year for federal income tax purposes.

3. A deduction equal to the amount of employment-related expenses upon which the federal credit is based under § 21 of the Internal Revenue Code for expenses for household and dependent care services necessary for gainful employment.

4. An additional \$1,000 deduction for each child residing for the entire taxable year in a home under permanent foster care placement as defined in § 63.2-908, provided that the taxpayer can also claim the child as a personal exemption under § 151 of the Internal Revenue Code.

5. a. A deduction in the amount of \$12,000 for individuals born on or before January 1, 1939.

b. A deduction in the amount of \$12,000 for individuals born after January 1, 1939, who have attained the age of 65. This deduction shall be reduced by \$1 for every \$1 that the taxpayer's adjusted federal adjusted gross income exceeds \$50,000 for single taxpayers or \$75,000 for married taxpayers. For married taxpayers filing separately, the deduction shall be reduced by \$1 for every \$1 that the total combined adjusted federal adjusted gross income of both spouses exceeds \$75,000.

For the purposes of this subdivision, "adjusted federal adjusted gross income" means federal adjusted gross income minus any benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code, as amended.

6. The amount an individual pays as a fee for an initial screening to become a possible bone marrow donor, if (i) the individual is not reimbursed for such fee or (ii) the individual has not claimed a deduction for the payment of such fee on his federal income tax return.

7. a. A deduction shall be allowed to the purchaser or contributor for the amount paid or contributed during the taxable year for a prepaid tuition contract or college savings trust account entered into with the Virginia College Savings Plan, pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1. Except as provided in subdivision b, the amount deducted on any individual income tax return in any taxable year shall be limited to \$4,000 per prepaid tuition contract or college savings trust account. No deduction shall be allowed pursuant to this subdivision 7 if such payments or contributions are deducted on the purchaser's or contributor's federal income tax return. If the purchase price or annual contribution to a college savings trust account exceeds \$4,000, the remainder may be carried forward and subtracted in future taxable years until the purchase price or college savings trust contribution has been fully deducted; however, except as provided in subdivision b, in no event shall the amount deducted in any taxable year exceed \$4,000 per contract or college savings trust account. Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any deduction taken hereunder shall be subject to recapture in the taxable year or years in which distributions or refunds are made for any reason other than (i) to pay qualified higher education expenses, as defined in § 529 of the Internal Revenue Code or (ii) the beneficiary's death, disability, or receipt of a scholarship. For the purposes of this subdivision, "purchaser" or "contributor" means the person shown as such on the records of the Virginia College Savings Plan as of December 31 of the taxable year. In the case of a transfer of ownership of a prepaid tuition contract or college savings trust account, the transferee shall succeed to the transferor's tax attributes associated with a prepaid tuition contract or college savings trust account, including, but not limited to, carryover and recapture of deductions.

b. A purchaser of a prepaid tuition contract or contributor to a college savings trust account who has attained age 70 shall not be subject to the limitation that the amount of the deduction not exceed \$4,000 per prepaid tuition contract or college savings trust account in any taxable year. Such taxpayer shall be allowed a deduction for the full amount paid for the contract or contributed to a college savings trust account, less any amounts previously deducted.

8. The total amount an individual actually contributed in funds to the Virginia Public School Construction Grants Program and Fund, established in Chapter 11.1 (§ 22.1-175.1 et seq.) of Title 22.1, provided that the individual has not claimed a deduction for such amount on his federal income tax return.

9. An amount equal to 20 percent of the tuition costs incurred by an individual employed as a primary or secondary school teacher licensed pursuant to Chapter 15 (§ 22.1-289.1 et seq.) of Title 22.1 to attend continuing teacher education courses that are required as a condition of employment; however, the deduction provided by this subdivision shall be available only if (i) the individual is not reimbursed for such tuition costs and (ii) the individual has not claimed a deduction for the payment of such tuition costs on his federal income tax return.

10. The amount an individual pays annually in premiums for long-term health care insurance, provided that the individual has not claimed a deduction for federal income tax purposes, or, for taxable years beginning before January 1, 2014, a credit under § 58.1-339.11. For taxable years beginning on and after January 1, 2014, no such deduction for long-term health care insurance premiums paid by the individual during the taxable year shall be allowed if the individual has claimed a federal income tax deduction for such taxable year for long-term health care insurance premiums paid by him.

11. Contract payments to a producer of quota tobacco or a tobacco quota holder, or their spouses, as provided under the American Jobs Creation Act of 2004 (P.L. 108-357), but only to the extent that such payments have not been subtracted pursuant to subsection D of § 58.1-402, as follows:

a. If the payment is received in installment payments, then the recognized gain may be subtracted in the taxable year immediately following the year in which the installment payment is received.

b. If the payment is received in a single payment, then 10 percent of the recognized gain may be subtracted in the taxable year immediately following the year in which the single payment is received. The taxpayer may then deduct an equal amount in each of the nine succeeding taxable years.

12. An amount equal to 20 percent of the sum paid by an individual pursuant to Chapter 6 (§ 58.1-600 et seq.), not to exceed \$500 in each taxable year, in purchasing for his own use the following items of tangible personal property: (i) any clothes washers, room air conditioners, dishwashers, and standard size refrigerators that meet or exceed the applicable energy star efficiency requirements developed by the U.S. Environmental Protection Agency and the U.S. Department of Energy; (ii) any fuel cell that (a) generates electricity using an electrochemical process, (b) has an electricity-only generation efficiency greater than 35 percent, and (c) has a generating capacity of at least two kilowatts; (iii) any gas heat pump that has a coefficient of performance of at least 1.25 for heating and at least 0.70 for cooling; (iv) any electric heat pump hot water heater that yields an energy factor of at least 1.7; (v) any electric heat pump that has a heating system performance factor of at least 8.0 and a cooling seasonal energy efficiency ratio of at least 13.0; (vi) any central air conditioner that has a cooling seasonal energy efficiency ratio of at least 13.5; (vii) any advanced gas or oil water heater that has an energy factor of at least 0.65; (viii) any advanced oil-fired boiler with a minimum annual fuel-utilization rating of 85; (ix) any advanced oil-fired furnace with a minimum annual fuel-utilization rating of 85; and (x) programmable thermostats.

13. The lesser of \$5,000 or the amount actually paid by a living donor of an organ or other living tissue for unreimbursed out-of-pocket expenses directly related to the donation that arose within 12 months of such donation, provided that the donor has not taken a medical deduction in accordance with the provisions of § 213 of the Internal Revenue Code for such expenses. The deduction may be taken in the taxable year in which the donation is made or the taxable year in which the 12-month period expires.

14. For taxable years beginning on and after January 1, 2013, the amount an individual age 66 or older with earned income of at least \$20,000 for the year and federal adjusted gross income not in excess of \$30,000 for the year pays annually in premiums for (i) a prepaid funeral insurance policy covering the individual or (ii) medical or dental insurance for any person for whom individual tax filers may claim a deduction for such premiums under federal income tax laws. As used in this subdivision, "earned income" means the same as that term is defined in § 32(c) of the Internal Revenue Code. The deduction shall not be allowed for any portion of such premiums paid for which the individual has (a) been reimbursed, (b) claimed a deduction for federal income tax purposes, (c) claimed a deduction or subtraction under another provision of this section, or (d) claimed a federal income tax credit or any income tax credit pursuant to this chapter.

15. For taxable years beginning on and after January 1, 2018, 20 percent of business interest disallowed as a deduction pursuant to § 163(j) of the Internal Revenue Code. For purposes of this subdivision, "business interest" means the same as that term is defined under § 163(j) of the Internal Revenue Code.

16. For taxable years beginning on and after January 1, 2019, the actual amount of real and personal property taxes imposed by the Commonwealth or any other taxing jurisdiction not otherwise deducted solely on account of the dollar limitation imposed on individual deductions by § 164(b)(6)(B) of the Internal Revenue Code.

17. For taxable years beginning on and after January 1, 2020, but before January 1, 2021, up to \$100,000 of the amount that is not deductible when computing federal adjusted gross income solely on account of the portion of subdivision B 10 of § 58.1-301 related to Paycheck Protection Program loans.

§ 58.1-402. Virginia taxable income.

A. For purposes of this article, Virginia taxable income for a taxable year means the federal taxable income and any other income taxable to the corporation under federal law for such year of a corporation adjusted as provided in subsections B, C, D, E, G, and H.

For a regulated investment company and a real estate investment trust, such term means the "investment company taxable income" and "real estate investment trust taxable income," respectively, to which shall be added in each case any amount of capital gains and any other income taxable to the corporation under federal law which shall be further adjusted as provided in subsections B, C, D, E, G, and H.

B. There shall be added to the extent excluded from federal taxable income:

1. Interest, less related expenses to the extent not deducted in determining federal taxable income, on obligations of any state other than Virginia, or of a political subdivision of any such other state unless created by compact or agreement to which the Commonwealth is a party;

2. Interest or dividends, less related expenses to the extent not deducted in determining federal taxable income, on obligations or securities of any authority, commission or instrumentality of the United States, which the laws of the United States exempt from federal income tax but not from state income taxes;

3. [Repealed.]

4. The amount of any net income taxes and other taxes, including franchise and excise taxes, which are based on, measured by, or computed with reference to net income, imposed by the Commonwealth or any other taxing jurisdiction, to the extent deducted in determining federal taxable income;

5. Unrelated business taxable income as defined by § 512 of the Internal Revenue Code;

6. [Repealed.]

7. The amount required to be included in income for the purpose of computing the partial tax on an accumulation distribution pursuant to § 667 of the Internal Revenue Code;

8. a. For taxable years beginning on and after January 1, 2004, the amount of any intangible expenses and costs directly or indirectly paid, accrued, or incurred to, or in connection directly or indirectly with one or more direct or indirect transactions with one or more related members to the extent such expenses and costs were deductible or deducted in computing federal taxable income for Virginia purposes. This addition shall not be required for any portion of the intangible expenses and costs if one of the following applies:

(1) The corresponding item of income received by the related member is subject to a tax based on or measured by net income or capital imposed by Virginia, another state, or a foreign government that has entered into a comprehensive tax treaty with the United States government;

(2) The related member derives at least one-third of its gross revenues from the licensing of intangible property to parties who are not related members, and the transaction giving rise to the expenses and costs between the corporation and the related member was made at rates and terms comparable to the rates and terms of agreements that the related member has entered into with parties who are not related members for the licensing of intangible property; or

(3) The corporation can establish to the satisfaction of the Tax Commissioner that the intangible expenses and costs meet both of the following: (i) the related member during the same taxable year directly or indirectly paid, accrued or incurred such portion to a person who is not a related member, and (ii) the transaction giving rise to the intangible expenses and costs between the corporation and the related member did not have as a principal purpose the avoidance of any portion of the tax due under this chapter.

b. A corporation required to add to its federal taxable income intangible expenses and costs pursuant to subdivision a may petition the Tax Commissioner, after filing the related income tax return for the taxable year and remitting to the Tax Commissioner all taxes, penalties, and interest due under this article for such taxable year including tax upon any amount of intangible expenses and costs required to be added to federal taxable income pursuant to subdivision a, to consider evidence relating to the transaction or transactions between the corporation and a related member or members that resulted in the corporation's taxable income being increased, as required under subdivision a, for such intangible expenses and costs.

If the corporation can demonstrate to the Tax Commissioner's sole satisfaction, by clear and convincing evidence, that the transaction or transactions between the corporation and a related member or members resulting in such increase in taxable income pursuant to subdivision a had a valid business purpose other than the avoidance or reduction of the tax due under this chapter, the Tax Commissioner shall permit the corporation to file an amended return. For purposes of such amended return, the requirements of subdivision a shall not apply to any transaction for which the Tax Commissioner is satisfied (and has identified) that the transaction had a valid business purpose other than the avoidance or reduction of the tax due under this chapter. Such amended return shall be filed by the corporation within one year of the written permission granted by the Tax Commissioner and any refund of the tax imposed under this article shall include interest at a rate equal to the rate of interest established under § 58.1-15 and such interest shall accrue as provided under § 58.1-1833. However, upon the filing of such amended return, any related member of the corporation that subtracted from taxable income amounts received pursuant to subdivision C 21 shall be subject to the tax imposed under this article on that portion of such amounts for which the corporation has filed an amended return pursuant to this subdivision. In addition, for such transactions identified by the Tax Commissioner herein by which he has been satisfied by clear and convincing evidence, the Tax Commissioner may permit the corporation in filing income tax returns for subsequent taxable years to deduct the related intangible expenses and costs without making the adjustment under subdivision a.

The Tax Commissioner may charge a fee for all direct and indirect costs relating to the review of any petition pursuant to this subdivision, to include costs necessary to secure outside experts in evaluating the petition. The Tax Commissioner may condition the review of any petition pursuant to this subdivision upon payment of such fee.

No suit for the purpose of contesting any action of the Tax Commissioner under this subdivision shall be maintained in any court of this Commonwealth.

c. Nothing in subdivision B 8 shall be construed to limit or negate the Department's authority under § 58.1-446;

9. a. For taxable years beginning on and after January 1, 2004, the amount of any interest expenses and costs directly or indirectly paid, accrued, or incurred to, or in connection directly or indirectly with one or more direct or indirect transactions with one or more related members to the extent such expenses and costs were deductible or deducted in computing federal taxable income for Virginia purposes. This addition shall not be required for any portion of the interest expenses and costs, if:

(1) The related member has substantial business operations relating to interest-generating activities, in which the related member pays expenses for at least five full-time employees who maintain, manage, defend or are otherwise responsible for operations or administration relating to the interest-generating activities; and

(2) The interest expenses and costs are not directly or indirectly for, related to or in connection with the direct or indirect acquisition, maintenance, management, sale, exchange, or disposition of intangible property; and

(3) The transaction giving rise to the expenses and costs between the corporation and the related member has a valid business purpose other than the avoidance or reduction of taxation and payments between the parties are made at arm's length rates and terms; and

(4) One of the following applies:

(i) The corresponding item of income received by the related member is subject to a tax based on or measured by net income or capital imposed by Virginia, another state, or a foreign government that has entered into a comprehensive tax treaty with the United States government;

(ii) Payments arise pursuant to a pre-existing contract entered into when the parties were not related members provided the payments continue to be made at arm's length rates and terms;

(iii) The related member engages in transactions with parties other than related members that generate revenue in excess of \$2 million annually; or

(iv) The transaction giving rise to the interest payments between the corporation and a related member was done at arm's length rates and terms and meets any of the following: (a) the related member uses funds that are borrowed from a party other than a related member or that are paid, incurred or passed-through to a person who is not a related member; (b) the debt is part of a regular and systematic funds management or portfolio investment activity conducted by the related member, whereby the funds of two or more related members are aggregated for the purpose of achieving economies of scale, the internal financing of the active business operations of members, or the benefit of centralized management of funds; (c) financing the expansion of the business operations; or (d) restructuring the debt of related members, or the pass-through of acquisition-related indebtedness to related members.

b. A corporation required to add to its federal taxable income interest expenses and costs pursuant to subdivision a may petition the Tax Commissioner, after filing the related income tax return for the taxable year and remitting to the Tax Commissioner all taxes, penalties, and interest due under this article for such taxable year including tax upon any amount of interest expenses and costs required to be added to federal taxable income pursuant to subdivision a, to consider evidence relating to the transaction or transactions between the corporation and a related member or members that resulted in the corporation's taxable income being increased, as required under subdivision a, for such interest expenses and costs.

If the corporation can demonstrate to the Tax Commissioner's sole satisfaction, by clear and convincing evidence, that the transaction or transactions between the corporation and a related member or members resulting in such increase in taxable income pursuant to subdivision a had a valid business purpose other than the avoidance or reduction of the tax due under this chapter and that the related payments between the parties were made at arm's length rates and terms, the Tax Commissioner shall permit the corporation to file an amended return. For purposes of such amended return, the requirements of subdivision a shall not apply to any transaction for which the Tax Commissioner is satisfied (and has identified) that the transaction had a valid business purpose other than the avoidance or reduction of the tax due under this chapter and that the related payments between the parties were made at arm's length rates and terms. Such amended return shall be filed by the corporation within one year of the written permission granted by the Tax Commissioner and any refund of the tax imposed under this article shall include interest at a rate equal to the rate of interest established under § 58.1-15 and such interest shall accrue as provided under § 58.1-1833. However, upon the filing of such amended return, any related member of the corporation that subtracted from taxable income amounts received pursuant to subdivision C 21 shall be subject to the tax imposed under this article on that portion of such amounts for which the corporation has filed an amended return pursuant to this subdivision. In addition, for such transactions identified by the Tax Commissioner herein by which he has been satisfied by clear and convincing evidence, the Tax Commissioner may permit the corporation in filing income tax returns for subsequent taxable years to deduct the related interest expenses and costs without making the adjustment under subdivision a.

The Tax Commissioner may charge a fee for all direct and indirect costs relating to the review of any petition pursuant to this subdivision, to include costs necessary to secure outside experts in evaluating the petition. The Tax Commissioner may condition the review of any petition pursuant to this subdivision upon payment of such fee.

No suit for the purpose of contesting any action of the Tax Commissioner under this subdivision shall be maintained in any court of this Commonwealth.

c. Nothing in subdivision B 9 shall be construed to limit or negate the Department's authority under § 58.1-446.

d. For purposes of subdivision B 9:

"Arm's-length rates and terms" means that (i) two or more related members enter into a written agreement for the transaction, (ii) such agreement is of a duration and contains payment terms substantially similar to those that the related member would be able to obtain from an unrelated entity, (iii) the interest is at or below the applicable federal rate compounded annually for debt instruments under § 1274(d) of the Internal Revenue Code that was in effect at the time of the agreement, and (iv) the borrower or payor adheres to the payment terms of the agreement governing the transaction or any amendments thereto.

"Valid business purpose" means one or more business purposes that alone or in combination constitute the motivation for some business activity or transaction, which activity or transaction improves, apart from tax effects, the economic position of the taxpayer, as further defined by regulation.

10. a. For taxable years beginning on and after January 1, 2009, the amount of dividends deductible under §§ 561 and 857 of the Internal Revenue Code by a Captive Real Estate Investment Trust (REIT). For purposes of this subdivision, a REIT is a Captive REIT if:

(1) It is not regularly traded on an established securities market;

(2) More than 50 percent of the voting power or value of beneficial interests or shares of which, at any time during the last half of the taxable year, is owned or controlled, directly or indirectly, by a single entity that is (i) a corporation or an association taxable as a corporation under the Internal Revenue Code; and (ii) not exempt from federal income tax pursuant to § 501(a) of the Internal Revenue Code; and

(3) More than 25 percent of its income consists of rents from real property as defined in § 856(d) of the Internal Revenue Code.

b. For purposes of applying the ownership test of subdivision 10 a (2), the following entities shall not be considered a corporation or an association taxable as a corporation:

- (1) Any REIT that is not treated as a Captive REIT;
- (2) Any REIT subsidiary under § 856 of the Internal Revenue Code other than a qualified REIT subsidiary of a Captive REIT;
- (3) Any Listed Australian Property Trust, or an entity organized as a trust, provided that a Listed Australian Property Trust owns or controls, directly or indirectly, 75 percent or more of the voting or value of the beneficial interests or shares of such trust; and
- (4) Any Qualified Foreign Entity.

c. For purposes of subdivision B 10, the constructive ownership rules prescribed under § 318(a) of the Internal Revenue Code, as modified by § 856(d)(5) of the Internal Revenue Code, shall apply in determining the ownership of stock, assets, or net profits of any person.

d. For purposes of subdivision B 10:

"Listed Australian Property Trust" means an Australian unit trust registered as a Management Investment Scheme, pursuant to the Australian Corporations Act, in which the principal class of units is listed on a recognized stock exchange in Australia and is regularly traded on an established securities market.

"Qualified Foreign Entity" means a corporation, trust, association or partnership organized outside the laws of the United States and that satisfies all of the following criteria:

- (1) At least 75 percent of the entity's total asset value at the close of its taxable year is represented by real estate assets, as defined in § 856(c)(5)(B) of the Internal Revenue Code, thereby including shares or certificates of beneficial interest in any REIT, cash and cash equivalents, and U.S. Government securities;
- (2) The entity is not subject to a tax on amounts distributed to its beneficial owners, or is exempt from entity level tax;
- (3) The entity distributes, on an annual basis, at least 85 percent of its taxable income, as computed in the jurisdiction in which it is organized, to the holders of its shares or certificates of beneficial interest;
- (4) The shares or certificates of beneficial interest of such entity are regularly traded on an established securities market or, if not so traded, not more than 10 percent of the voting power or value in such entity is held directly, indirectly, or constructively by a single entity or individual; and
- (5) The entity is organized in a country that has a tax treaty with the United States.

e. For taxable years beginning on or after January 1, 2016, for purposes of subdivision B 10, any voting power or value of the beneficial interests or shares in a REIT that is held in a segregated asset account of a life insurance corporation as described in § 817 of the Internal Revenue Code shall not be taken into consideration when determining if such REIT is a Captive REIT.

11. For taxable years beginning on or after January 1, 2016, to the extent that tax credit is allowed for the same donation pursuant to § 58.1-439.12:12, any amount claimed as a federal income tax deduction for such donation under § 170 of the Internal Revenue Code, as amended or renumbered.

C. There shall be subtracted to the extent included in and not otherwise subtracted from federal taxable income:

1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of any authority, commission or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States including, but not limited to, stocks, bonds, treasury bills, and treasury notes, but not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

2. Income derived from obligations, or on the sale or exchange of obligations of this Commonwealth or of any political subdivision or instrumentality of this Commonwealth.

3. Dividends upon stock in any domestic international sales corporation, as defined by § 992 of the Internal Revenue Code, 50 percent or more of the income of which was assessable for the preceding year, or the last year in which such corporation has income, under the provisions of the income tax laws of the Commonwealth.

4. The amount of any refund or credit for overpayment of income taxes imposed by this Commonwealth or any other taxing jurisdiction.

5. Any amount included therein by the operation of the provisions of § 78 of the Internal Revenue Code (foreign dividend gross-up).

6. The amount of wages or salaries eligible for the federal Targeted Jobs Credit which was not deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.

7. Any amount included therein by the operation of § 951 of the Internal Revenue Code (subpart F income) or, for taxable years beginning on and after January 1, 2018, § 951A of the Internal Revenue Code (Global Intangible Low-Taxed Income).

8. Any amount included therein which is foreign source income as defined in § 58.1-302.

9. [Repealed.]

10. The amount of any dividends received from corporations in which the taxpaying corporation owns 50 percent or more of the voting stock.

11. [Repealed.]

12, 13. [Expired.]

14. For taxable years beginning on or after January 1, 1995, the amount for "qualified research expenses" or "basic research expenses" eligible for deduction for federal purposes, but which were not deducted, on account of the provisions of § 280C(c) of the Internal Revenue Code.

15. For taxable years beginning on or after January 1, 2000, the total amount actually contributed in funds to the Virginia Public School Construction Grants Program and Fund established in Chapter 11.1 (§ 22.1-175.1 et seq.) of Title 22.1.

16. For taxable years beginning on or after January 1, 2000, but before January 1, 2015, the gain derived from the sale or exchange of real property or the sale or exchange of an easement to real property which results in the real property or the easement thereto being devoted to open-space use, as that term is defined in § 58.1-3230, for a period of time not less than 30 years. To the extent a subtraction is taken in accordance with this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for three years following the year in which the subtraction is taken.

17. For taxable years beginning on and after January 1, 2001, any amount included therein with respect to § 58.1-440.1.

18. For taxable years beginning on and after January 1, 1999, income received as a result of (i) the "Master Settlement Agreement," as defined in § 3.2-3100; and (ii) the National Tobacco Grower Settlement Trust dated July 19, 1999, by (a) tobacco farming businesses; (b) any business holding a tobacco marketing quota, or tobacco farm acreage allotment, under the Agricultural Adjustment Act of 1938; or (c) any business having the right to grow tobacco pursuant to such a quota allotment.

19, 20. [Repealed.]

21. For taxable years beginning on and after January 1, 2004, any amount of intangible expenses and costs or interest expenses and costs added to the federal taxable income of a corporation pursuant to subdivision B 8 or B 9 shall be subtracted from the federal taxable income of the related member that received such amount if such related member is subject to Virginia income tax on the same amount.

22. For taxable years beginning on and after January 1, 2009, any gain recognized from the sale of launch services to space flight participants, as defined in 49 U.S.C. § 70102, or launch services intended to provide individuals the training or experience of a launch, without performing an actual launch. To qualify for a deduction under this subdivision, launch services must be performed in Virginia or originate from an airport or spaceport in Virginia.

23. For taxable years beginning on and after January 1, 2009, any gain recognized as a result of resupply services contracts for delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8, and launched from an airport or spaceport in Virginia.

24. For taxable years beginning on or after January 1, 2011, any income taxed as a long-term capital gain for federal income tax purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership carried interest income) for federal income tax purposes. To qualify for a subtraction under this subdivision, such income must be attributable to an investment in a "qualified business," as defined in § 58.1-339.4, or in any other technology business approved by the Secretary of Administration, provided the business has its principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the investment must be made between the dates of April 1, 2010, and June 30, 2020. No taxpayer who has claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4 shall be eligible for the subtraction under this subdivision for an investment in the same business.

25. a. Income, including investment services partnership interest income (otherwise known as investment partnership carried interest income), attributable to an investment in a Virginia venture capital account. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2018, but before December 31, 2023. No subtraction shall be allowed under this subdivision for an investment in a company that is owned or operated by an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision C 24 for the same investment.

b. As used in this subdivision 25:

"Qualified portfolio company" means a company that (i) has its principal place of business in the Commonwealth; (ii) has a primary purpose of production, sale, research, or development of a product or service other than the management or investment of capital; and (iii) provides equity in the company to the Virginia venture capital account in exchange for a capital investment. "Qualified portfolio company" does not include a company that is an individual or sole proprietorship.

"Virginia venture capital account" means an investment fund that has been certified by the Department as a Virginia venture capital account. In order to be certified as a Virginia venture capital account, the operator of the investment fund shall register the investment fund with the Department prior to December 31, 2023, (i) indicating that it intends to invest at least 50 percent of the capital committed to its fund in qualified portfolio companies and (ii) providing documentation that it employs at least one investor who has at least four years of professional experience in venture capital investment or substantially equivalent experience. "Substantially equivalent experience" includes, but is not limited to, an undergraduate degree from an accredited college or university in economics, finance, or a similar field of study. The Department may require an investment fund to provide documentation of the investor's training, education, or experience as deemed necessary by the Department to determine substantial equivalency. If the Department determines that the investment fund employs at least one investor with the experience set forth herein, the Department shall certify the investment fund as a

Virginia venture capital account at such time as the investment fund actually invests at least 50 percent of the capital committed to its fund in qualified portfolio companies.

26. a. Income attributable to an investment in a Virginia real estate investment trust. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2019, but before December 31, 2024. No subtraction shall be allowed for an investment in a trust that is managed by an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision C 24 or 25 for the same investment.

b. As used in this subdivision 26:

"Distressed" means satisfying the criteria applicable to a locality described in subdivision E 2 of § 2.2-115.

"Double distressed" means satisfying the criteria applicable to a locality described in subdivision E 3 of § 2.2-115.

"Virginia real estate investment trust" means a real estate investment trust, as defined in 26 U.S.C. § 856, that has been certified by the Department as a Virginia real estate investment trust. In order to be certified as a Virginia real estate investment trust, the trustee shall register the trust with the Department prior to December 31, 2024, indicating that it intends to invest at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed. If the Department determines that the trust satisfies the preceding criteria, the Department shall certify the trust as a Virginia real estate investment trust at such time as the trust actually invests at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed.

27. For taxable years beginning on and after January 1, 2019, any gain recognized from the taking of real property by condemnation proceedings.

28. For taxable years beginning ~~on and after January 1, 2020, but~~ before January 1, 2021, up to \$100,000 of all grant funds received by the taxpayer under the Rebuild Virginia program established by the Governor and administered by the Department of Small Business and Supplier Diversity.

D. For taxable years beginning on and after January 1, 2006, there shall be subtracted from federal taxable income contract payments to a producer of quota tobacco or a tobacco quota holder as provided under the American Jobs Creation Act of 2004 (P.L. 108-357) as follows:

1. If the payment is received in installment payments, then the recognized gain, including any gain recognized in taxable year 2005, may be subtracted in the taxable year immediately following the year in which the installment payment is received.

2. If the payment is received in a single payment, then 10 percent of the recognized gain may be subtracted in the taxable year immediately following the year in which the single payment is received. The taxpayer may then deduct an equal amount in each of the nine succeeding taxable years.

E. Adjustments to federal taxable income shall be made to reflect the transitional modifications provided in § 58.1-315.

F. Notwithstanding any other provision of law, the income from any disposition of real property which is held by the taxpayer for sale to customers in the ordinary course of the taxpayer's trade or business, as defined in § 453(l)(1)(B) of the Internal Revenue Code, of property made on or after January 1, 2009, may, at the election of the taxpayer, be recognized under the installment method described under § 453 of the Internal Revenue Code, provided that (i) the election relating to the dealer disposition of the property has been made on or before the due date prescribed by law (including extensions) for filing the taxpayer's return of the tax imposed under this chapter for the taxable year in which the disposition occurs, and (ii) the dealer disposition is in accordance with restrictions or conditions established by the Department, which shall be set forth in guidelines developed by the Department. Along with such restrictions or conditions, the guidelines shall also address the recapture of such income under certain circumstances. The development of the guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

G. For taxable years beginning on and after January 1, 2018, there shall be deducted to the extent included in and not otherwise subtracted from federal taxable income 20 percent of business interest disallowed as a deduction pursuant to § 163(j) of the Internal Revenue Code. For purposes of this subsection, "business interest" means the same as that term is defined under § 163(j) of the Internal Revenue Code.

H. For taxable years beginning ~~on and after January 1, 2020, but~~ before January 1, 2021, there shall be deducted to the extent not otherwise subtracted from federal taxable income up to \$100,000 of the amount that is not deductible when computing federal taxable income solely on account of the portion of subdivision B 10 of § 58.1-301 related to Paycheck Protection Program loans.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 4

An Act to amend and reenact §§ 24.2-408 and 24.2-427 of the Code of Virginia, relating to voter registration; list maintenance; lists of decedents transmitted by State Registrar of Vital Records.

[H 55]

Approved February 23, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-408 and 24.2-427 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-408. State Registrar of Vital Records to transmit weekly lists of decedents to Department of Elections.

The State Registrar of Vital Records shall transmit to the Department of Elections by electronic means a ~~monthly~~ *weekly* list of all persons ~~of the age of seventeen 17 years of age or more older~~ who shall have died in the Commonwealth subsequent to its previous ~~monthly~~ *weekly* list. The lists shall be in a format specified by the Department and shall contain the deceased's name; address; county, city, or town of residence; social security number, if any; and date and place of his birth and of his death. The Department shall maintain a permanent record of the information in the lists as part of the voter registration system. ~~The, and the general registrars shall have access to use the information in the lists to carry out their duties pursuant to § 24.2-427. Information in the lists shall be confidential and consistent with the requirements of § 32.1-271.~~

§ 24.2-427. Cancellation of registration by voter or for persons known to be deceased or disqualified to vote.

A. Any registered voter may cancel his registration and have his name removed from the central registration records by signing an authorization for cancellation and mailing or otherwise submitting the signed authorization to the general registrar. When submitted by any means other than when notarized or in person, such cancellation must be made at least 22 days prior to an election in order to be valid in that election. The general registrar shall acknowledge receipt of the authorization and advise the voter in person or by first-class mail that his registration has been canceled within 10 days of receipt of such authorization.

B. The general registrar shall *promptly* cancel the registration of (i) all persons known by him to be deceased ~~or~~; (ii) ~~all persons known by him to be~~ disqualified to vote by reason of a felony conviction or adjudication of incapacity; ~~(iii)~~ (iii) all persons known by him not to be United States citizens by reason of reports from the Department of Motor Vehicles pursuant to § 24.2-410.1 or from the Department of Elections based on information received from the Systematic Alien Verification for Entitlements Program (SAVE Program) pursuant to subsection E of § 24.2-404 and in accordance with the requirements of subsection B1; ~~(iii)~~ (iv) all persons for whom a notice has been received, signed by the voter, or from the registration official of another jurisdiction that the voter has moved from the Commonwealth; and ~~(iv)~~ (v) all persons for whom a notice has been received, signed by the voter, or from the registration official of another jurisdiction that the voter has registered to vote outside the Commonwealth, subsequent to his registration in Virginia. The notice received in clauses ~~(iii)~~ (iv) and ~~(iv)~~ (v) shall be considered as a written request from the voter to have his registration cancelled. A voter's registration may be cancelled at any time during the year in which the general registrar discovers that the person is no longer entitled to be registered. The general registrar shall mail notice of any cancellation to the person whose registration is cancelled.

B1. The general registrar shall mail notice promptly to all persons known by him not to be United States citizens by reason of a report from the Department of Motor Vehicles pursuant to § 24.2-410.1 or from the Department of Elections based on information received from the Systematic Alien Verification for Entitlements Program (SAVE Program) pursuant to subsection E of § 24.2-404 prior to cancelling their registrations. The notice shall inform the person of the report from the Department of Motor Vehicles or from the Department of Elections and allow the person to submit his sworn statement that he is a United States citizen within 14 days of the date that the notice was mailed. The general registrar shall cancel the registrations of such persons who do not respond within 14 days to the notice that they have been reported not to be United States citizens.

B2. The general registrar shall (i) process the Department's most recent list of persons convicted of felonies within 21 to 14 days before any primary or general election, (ii) cancel the registration of any registered voter shown to have been convicted of a felony who has not provided evidence that his right to vote has been restored, and (iii) send prompt notice to the person of the cancellation of his registration. If it appears that any registered voter has made a false statement on his registration application with respect to his having been convicted of a felony, the general registrar shall report the fact to the attorney for the Commonwealth for prosecution under § 24.2-1016 for a false statement made on his registration application.

C. The general registrar may cancel the registration of any person for whom a notice has been submitted to the Department of Motor Vehicles in accordance with the Driver License Compact set out in Article 18 (§ 46.2-483 et seq.) of Chapter 3 of Title 46.2 and forwarded to the general registrar, that the voter has moved from the Commonwealth; provided that the registrar shall mail notice of such cancellation to the person at both his new address, as reported to the Department of Motor Vehicles, and the address at which he had most recently been registered in Virginia. No general registrar may cancel registrations under this authority while the registration records are closed pursuant to § 24.2-416. No registrar may cancel the registration under this authority of any person entitled to register under the provisions of subsection A of § 24.2-420.1, and shall reinstate the registration of any otherwise qualified voter covered by subsection A of § 24.2-420.1 who applies to vote within four years of the date of cancellation.

CHAPTER 5

An Act to amend and reenact § 24.2-310 of the Code of Virginia, relating to polling places; location requirements; waiver in certain circumstances.

Approved February 23, 2022

[H 195]

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-310 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-310. Requirements for polling places.

A. The polling place for each precinct shall be located within the county or city and either within the precinct or within one mile of the precinct boundary, *unless a waiver has been granted pursuant to subsection G*. The polling place for a county precinct may be located within a city (i) if the city is wholly contained within the county election district served by the precinct or (ii) if the city is wholly contained within the county and the polling place is located on property owned by the county. The polling place for a town precinct may be located within one mile of the precinct and town boundary. For town elections held in November, the town shall use the polling places established by the county for its elections.

B. The governing body of each county, city, and town shall provide funds to enable the general registrar to provide adequate facilities at each polling place for the conduct of elections. Each polling place shall be located in a public building whenever practicable. If more than one polling place is located in the same building, each polling place shall be located in a separate room or separate and defined space.

C. Polling places shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (§ 51.5-1 et seq.), the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. § 20101 et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the Acts.

D. If an emergency makes a polling place unusable or inaccessible, the electoral board or the general registrar shall provide an alternative polling place and give notice of the change in polling place, including to all candidates, or such candidate's campaign, appearing on the ballot to be voted at the alternative polling place, subject to the prior approval of the State Board. The general registrar shall provide notice to the voters appropriate to the circumstances of the emergency. For the purposes of this subsection, an "emergency" means a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.

E. It shall be permissible to distribute campaign materials on the election day on the property on which a polling place is located and outside of the building containing the room where the election is conducted except as specifically prohibited by law including, without limitation, the prohibitions of § 24.2-604 and the establishment of the "Prohibited Area" within 40 feet of any entrance to the polling place. However, and notwithstanding the provisions of clause (i) of subsection A of § 24.2-604, and upon the approval of the local electoral board, campaign materials may be distributed outside the polling place and inside the structure where the election is conducted, provided that the "Prohibited Area" (i) includes the area within the structure that is beyond 40 feet of any entrance to the polling place and the area within the structure that is within 40 feet of any entrance to the room where the election is conducted and (ii) is maintained and enforced as provided in § 24.2-604. The local electoral board may approve campaigning activities inside the building where the election is conducted when an entrance to the building is from an adjoining building, or if establishing the 40-foot prohibited area outside the polling place would hinder or delay a qualified voter from entering or leaving the building.

F. Any local government, local electoral board, or the State Board may make monetary grants to any non-governmental entity furnishing facilities under the provisions of § 24.2-307 or 24.2-308 for use as a polling place. Such grants shall be made for the sole purpose of meeting the accessibility requirements of this section. Nothing in this subsection shall be construed to obligate any local government, local electoral board, or the State Board to appropriate funds to any non-governmental entity.

G. *The general registrar or the governing body of the locality may request from the Department of Elections a waiver to establish a polling place that does not meet the location requirements of subsection A in the event that there is no suitable building that could be used within the precinct or within one mile of the precinct boundary. The Department shall grant such a waiver and may impose any conditions on the waiver that it deems necessary or appropriate to ensure accessibility and security of the polling place and compliance with any other requirements of state or federal law.*

CHAPTER 6

An Act to amend and reenact § 46.2-1239.1 of the Code of Virginia, relating to Potomac River Bridge Towing Compact.

[H 386]

Approved February 23, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1239.1 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1239.1. Potomac River Bridge Towing Compact.

Article I. Parties and Titles.

The Parties to this Compact are the Commonwealth of Virginia, the State of Maryland and the District of Columbia. This agreement shall be known as the Potomac River Bridge Towing Compact.

Article II. Findings and Purpose.

The Woodrow Wilson Memorial Bridge, Rochambeau Memorial Bridge, George Mason Memorial Bridge, Theodore Roosevelt Memorial Bridge, Francis Scott Key Bridge, Chain Bridge, Harry W. Nice Bridge, Sandy Hook Bridge, Brunswick Bridge, Point of Rocks Bridge, *Arland D. Williams, Jr. Memorial Bridge*, and American Legion Memorial

Bridge (*the Potomac River bridges*) all pass through the territorial jurisdiction of two or more of the three Parties. Experience has shown that traffic back-ups often prevent state troopers or police officers of the appropriate jurisdiction from arriving at the scene of a disabled or abandoned vehicle to take corrective action. The purpose of this Compact is to facilitate the prompt and orderly removal of disabled and abandoned vehicles from the *Potomac River bridges, as they are currently named or may subsequently be renamed*, by giving all three Parties jurisdiction to exercise appropriate authority anywhere on the bridges.

Article III. Authority to Direct Traffic and Authorize Removal of Vehicles.

The Parties hereby give one another all necessary power and authority to have their respective state troopers or local law-enforcement officers direct traffic and authorize the removal of disabled or abandoned vehicles, trailers, semitrailers or the parts or contents thereof, from any part of the Potomac River bridges, to the same extent and in the same manner that such troopers and local law-enforcement officers may exercise such authority in their own jurisdictions. However, no Party, acting through its troopers or local law-enforcement officers, shall have the authority to direct or authorize the towing or removal of any vehicle or other thing to a destination outside its own jurisdiction, unless the consent of an officer or trooper of the destination jurisdiction has been obtained.

Article IV. Disposition of Towed Vehicles.

All vehicles and their contents towed or removed from the Potomac River bridges pursuant to this Compact shall be subject to the exclusive jurisdiction of the place to which such vehicle and its contents are taken, and the handling and disposition of such vehicle and its contents shall be governed by the laws and procedures of that jurisdiction.

Article V. No Agency.

Each of the Parties shall act solely on its own authority within the jurisdiction granted. This Compact shall not be construed as creating any agency relationship between the Parties.

Article VI. Effective Date.

The provisions of this Compact shall take effect thirty days after the legislative bodies of the Parties having jurisdiction over one or several of the bridges identified in Article II have enacted Compacts substantially identical to this Compact.

Article VII. Termination.

The Governor of the Commonwealth of Virginia or State of Maryland, or the Mayor of the District of Columbia may withdraw from this Compact at any time upon thirty days' written notice to the other Parties.

2. That the provisions of this act shall become effective only upon enactment by the legislative bodies of the State of Maryland and the District of Columbia of legislation substantially similar to this act.

CHAPTER 7

An Act to amend and reenact §§ 58.1-602, 58.1-612.2, and 58.1-3826 of the Code of Virginia, relating to sales and transient occupancy taxes; accommodations intermediaries.

[H 518]

Approved March 2, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-602, 58.1-612.2, and 58.1-3826 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-602. Definitions.

As used in this chapter, unless the context clearly shows otherwise:

"Accommodations" means any room or rooms, lodgings, or accommodations in any hotel, motel, inn, tourist camp, tourist cabin, camping grounds, club, *short-term rental*, or any other place in which rooms, lodging, space, or accommodations are regularly furnished to transients for a consideration.

"Accommodations fee" means the room charge less the discount room charge, if any, provided that the accommodations fee shall not be less than \$0.

"Accommodations intermediary" means any person other than an accommodations provider that (i) facilitates the sale of an accommodation; and (ii) either (a) charges a room charge to the customer, and charges an accommodations fee to the customer, which fee it retains as compensation for facilitating the sale; (b) collects a room charge from the customer; or (c) charges a fee, other than an accommodations fee, to the customer, which fee it retains as compensation for facilitating the sale. For purposes of this definition, "facilitates the sale" includes brokering, coordinating, or in any other way arranging for the purchase of the right to use accommodations via a transaction directly, including via one or more payment processors, between a customer and an accommodations provider.

"Accommodations intermediary" does not include a person:

1. If the accommodations are provided by an accommodations provider operating under a trademark, trade name, or service mark belonging to such person; ~~or~~

2. Who facilitates the sale of an accommodation if (i) the price paid by the customer to such person is equal to the price paid by such person to the accommodations provider for the use of the accommodations and (ii) the only compensation received by such person for facilitating the sale of the accommodation is a commission paid from the accommodations provider to such person; or

3. *Who is licensed as a real estate licensee pursuant to Article 1 (§ 54.1-2100 et seq.) of Chapter 21 of Title 54.1, when acting within the scope of such license.*

"Accommodations provider" means any person that furnishes accommodations to the general public for compensation. The term "furnishes" includes the sale of use or possession or the sale of the right to use or possess.

"Advertising" means the planning, creating, or placing of advertising in newspapers, magazines, billboards, broadcasting and other media, including, without limitation, the providing of concept, writing, graphic design, mechanical art, photography and production supervision. Any person providing advertising as defined in this section shall be deemed to be the user or consumer of all tangible personal property purchased for use in such advertising.

"Affiliate" means the same as such term is defined in § 58.1-439.18.

"Amplification, transmission and distribution equipment" means, but is not limited to, production, distribution, and other equipment used to provide Internet-access services, such as computer and communications equipment and software used for storing, processing and retrieving end-user subscribers' requests.

"Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either directly or indirectly.

"Cost price" means the actual cost of an item or article of tangible personal property computed in the same manner as the sales price as defined in this section without any deductions therefrom on account of the cost of materials used, labor, or service costs, transportation charges, or any expenses whatsoever.

"Custom program" means a computer program that is specifically designed and developed only for one customer. The combining of two or more prewritten programs does not constitute a custom computer program. A prewritten program that is modified to any degree remains a prewritten program and does not become custom.

"Discount room charge" means the full amount charged by the accommodations provider to the accommodations intermediary, or an affiliate thereof, for furnishing the accommodations.

"Distribution" means the transfer or delivery of tangible personal property for use, consumption, or storage by the distributee, and the use, consumption, or storage of tangible personal property by a person that has processed, manufactured, refined, or converted such property, but does not include the transfer or delivery of tangible personal property for resale or any use, consumption, or storage otherwise exempt under this chapter.

"Gross proceeds" means the charges made or voluntary contributions received for the lease or rental of tangible personal property or for furnishing services, computed with the same deductions, where applicable, as for sales price as defined in this section over the term of the lease, rental, service, or use, but not less frequently than monthly. "Gross proceeds" does not include finance charges, carrying charges, service charges, or interest from credit extended on the lease or rental of tangible personal property under conditional lease or rental contracts or other conditional contracts providing for the deferred payments of the lease or rental price.

"Gross sales" means the sum total of all retail sales of tangible personal property or services as defined in this chapter, without any deduction, except as provided in this chapter. "Gross sales" does not include the federal retailers' excise tax or the federal diesel fuel excise tax imposed in § 4091 of the Internal Revenue Code if the excise tax is billed to the purchaser separately from the selling price of the article, or the Virginia retail sales or use tax, or any sales or use tax imposed by any county or city under § 58.1-605 or 58.1-606.

"Import" and "imported" are words applicable to tangible personal property imported into the Commonwealth from other states as well as from foreign countries, and "export" and "exported" are words applicable to tangible personal property exported from the Commonwealth to other states as well as to foreign countries.

"In this Commonwealth" or "in the Commonwealth" means within the limits of the Commonwealth of Virginia and includes all territory within these limits owned by or ceded to the United States of America.

"Integrated process," when used in relation to semiconductor manufacturing, means a process that begins with the research or development of semiconductor products, equipment, or processes, includes the handling and storage of raw materials at a plant site, and continues to the point that the product is packaged for final sale and either shipped or conveyed to a warehouse. Without limiting the foregoing, any semiconductor equipment, fuel, power, energy, supplies, or other tangible personal property shall be deemed used as part of the integrated process if its use contributes, before, during, or after production, to higher product quality, production yields, or process efficiencies. Except as otherwise provided by law, "integrated process" does not mean general maintenance or administration.

"Internet" means collectively, the myriad of computer and telecommunications facilities, which comprise the interconnected worldwide network of computer networks.

"Internet service" means a service that enables users to access proprietary and other content, information electronic mail, and the Internet as part of a package of services sold to end-user subscribers.

"Lease or rental" means the leasing or renting of tangible personal property and the possession or use thereof by the lessee or renter for a consideration, without transfer of the title to such property.

"Manufacturing, processing, refining, or conversion" includes the production line of the plant starting with the handling and storage of raw materials at the plant site and continuing through the last step of production where the product is finished or completed for sale and conveyed to a warehouse at the production site, and also includes equipment and supplies used for production line testing and quality control. "Manufacturing" also includes the necessary ancillary activities of newspaper and magazine printing when such activities are performed by the publisher of any newspaper or magazine for sale daily or regularly at average intervals not exceeding three months.

The determination of whether any manufacturing, mining, processing, refining or conversion activity is industrial in nature shall be made without regard to plant size, existence or size of finished product inventory, degree of mechanization, amount of capital investment, number of employees or other factors relating principally to the size of the business. Further, "industrial in nature" includes, but is not limited to, those businesses classified in codes 10 through 14 and 20 through 39 published in the Standard Industrial Classification Manual for 1972 and any supplements issued thereafter.

"Modular building" means, but is not limited to, single and multifamily houses, apartment units, commercial buildings, and permanent additions thereof, comprised of one or more sections that are intended to become real property, primarily constructed at a location other than the permanent site, built to comply with the Virginia Industrialized Building Safety Law (§ 36-70 et seq.) as regulated by the Virginia Department of Housing and Community Development, and shipped with most permanent components in place to the site of final assembly. For purposes of this chapter, "modular building" does not include a mobile office as defined in § 58.1-2401 or any manufactured building subject to and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.).

"Modular building manufacturer" means a person that owns or operates a manufacturing facility and is engaged in the fabrication, construction and assembling of building supplies and materials into modular buildings, as defined in this section, at a location other than at the site where the modular building will be assembled on the permanent foundation and may or may not be engaged in the process of affixing the modules to the foundation at the permanent site.

"Modular building retailer" means any person that purchases or acquires a modular building from a modular building manufacturer, or from another person, for subsequent sale to a customer residing within or outside of the Commonwealth, with or without installation of the modular building to the foundation at the permanent site.

"Motor vehicle" means a "motor vehicle" as defined in § 58.1-2401, taxable under the provisions of the Virginia Motor Vehicles Sales and Use Tax Act (§ 58.1-2400 et seq.) and upon the sale of which all applicable motor vehicle sales and use taxes have been paid.

"Occasional sale" means a sale of tangible personal property not held or used by a seller in the course of an activity for which it is required to hold a certificate of registration, including the sale or exchange of all or substantially all the assets of any business and the reorganization or liquidation of any business, provided that such sale or exchange is not one of a series of sales and exchanges sufficient in number, scope and character to constitute an activity requiring the holding of a certificate of registration.

"Open video system" means an open video system authorized pursuant to 47 U.S.C. § 573 and, for purposes of this chapter only, also includes Internet service regardless of whether the provider of such service is also a telephone common carrier.

"Person" includes any individual, firm, copartnership, cooperative, nonprofit membership corporation, joint venture, association, corporation, estate, trust, business trust, trustee in bankruptcy, receiver, auctioneer, syndicate, assignee, club, society, or other group or combination acting as a unit, body politic or political subdivision, whether public or private, or quasi-public, and the plural of "person" means the same as the singular.

"Prewritten program" means a computer program that is prepared, held or existing for general or repeated sale or lease, including a computer program developed for in-house use and subsequently sold or leased to unrelated third parties.

"Qualifying locality" means Charlotte County, Gloucester County, Halifax County, Henry County, Mecklenburg County, Northampton County, Patrick County, Pittsylvania County, or the City of Danville.

"Railroad rolling stock" means locomotives, of whatever motive power, autocars, railroad cars of every kind and description, and all other equipment determined by the Tax Commissioner to constitute railroad rolling stock.

"Remote seller" means any dealer deemed to have sufficient activity within the Commonwealth to require registration under § 58.1-613 under the criteria specified in subdivision C 10 or 11 of § 58.1-612 or any software provider acting on behalf of such dealer.

"Retail sale" or a "sale at retail" means a sale to any person for any purpose other than for resale in the form of tangible personal property or services taxable under this chapter, and shall include any such transaction as the Tax Commissioner upon investigation finds to be in lieu of a sale. All sales for resale must be made in strict compliance with regulations applicable to this chapter. Any dealer making a sale for resale which is not in strict compliance with such regulations shall be personally liable for payment of the tax.

The terms "retail sale" and a "sale at retail" specifically include the following: (i) the sale or charges for any accommodations furnished to transients for less than 90 continuous days; (ii) sales of tangible personal property to persons for resale when because of the operation of the business, or its very nature, or the lack of a place of business in which to display a certificate of registration, or the lack of a place of business in which to keep records, or the lack of adequate records, or because such persons are minors or transients, or because such persons are engaged in essentially service businesses, or for any other reason there is likelihood that the Commonwealth will lose tax funds due to the difficulty of policing such business operations; (iii) the separately stated charge made for automotive refinishing repair materials that are permanently applied to or affixed to a motor vehicle during its repair; and (iv) the separately stated charge for equipment available for lease or purchase by a provider of satellite television programming to the customer of such programming. Equipment sold to a provider of satellite television programming for subsequent lease or purchase by the customer of such programming shall be deemed a sale for resale. The Tax Commissioner is authorized to promulgate regulations requiring vendors of or sellers to such persons to collect the tax imposed by this chapter on the cost price of such tangible personal property to such persons and may refuse to issue certificates of registration to such persons. The terms "retail sale" and a

"sale at retail" also specifically include the separately stated charge made for supplies used during automotive repairs whether or not there is transfer of title or possession of the supplies and whether or not the supplies are attached to the automobile. The purchase of such supplies by an automotive repairer for sale to the customer of such repair services shall be deemed a sale for resale.

The term "transient" does not include a purchaser of camping memberships, time-shares, condominiums, or other similar contracts or interests that permit the use of, or constitute an interest in, real estate, however created or sold and whether registered with the Commonwealth or not. Further, a purchaser of a right or license which entitles the purchaser to use the amenities and facilities of a specific real estate project on an ongoing basis throughout its term shall not be deemed a transient, provided, however, that the term or time period involved is for seven years or more.

The terms "retail sale" and "sale at retail" do not include a transfer of title to tangible personal property after its use as tools, tooling, machinery or equipment, including dies, molds, and patterns, if (i) at the time of purchase, the purchaser is obligated, under the terms of a written contract, to make the transfer and (ii) the transfer is made for the same or a greater consideration to the person for whom the purchaser manufactures goods.

"Retailer" means every person engaged in the business of making sales at retail, or for distribution, use, consumption, or storage to be used or consumed in the Commonwealth.

"Room charge" means the full retail price charged to the customer by the accommodations intermediary for the use of the accommodations, including any accommodations fee, before taxes. *"Room charge" includes any fee charged to the customer and retained as compensation for facilitating the sale, whether described as an accommodations fee, facilitation fee, or any other name.* The room charge shall be determined in accordance with 23VAC10-210-730 and the related rulings of the Department on the same.

"Sale" means any transfer of title or possession, or both, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property and any rendition of a taxable service for a consideration, and includes the fabrication of tangible personal property for consumers who furnish, either directly or indirectly, the materials used in fabrication, and the furnishing, preparing, or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing, or serving such tangible personal property. A transaction whereby the possession of property is transferred but the seller retains title as security for the payment of the price shall be deemed a sale.

"Sales price" means the total amount for which tangible personal property or services are sold, including any services that are a part of the sale, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser, consumer, or lessee by the dealer, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, losses or any other expenses whatsoever. "Sales price" does not include (i) any cash discount allowed and taken; (ii) finance charges, carrying charges, service charges or interest from credit extended on sales of tangible personal property under conditional sale contracts or other conditional contracts providing for deferred payments of the purchase price; (iii) separately stated local property taxes collected; (iv) that portion of the amount paid by the purchaser as a discretionary gratuity added to the price of a meal; or (v) that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by a restaurant to the price of a meal, but only to the extent that such mandatory gratuity or service charge does not exceed 20 percent of the price of the meal. Where used articles are taken in trade, or in a series of trades as a credit or part payment on the sale of new or used articles, the tax levied by this chapter shall be paid on the net difference between the sales price of the new or used articles and the credit for the used articles.

"Semiconductor cleanrooms" means the integrated systems, fixtures, piping, partitions, flooring, lighting, equipment, and all other property used to reduce contamination or to control airflow, temperature, humidity, vibration, or other environmental conditions required for the integrated process of semiconductor manufacturing.

"Semiconductor equipment" means (i) machinery or tools or repair parts or replacements thereof; (ii) the related accessories, components, pedestals, bases, or foundations used in connection with the operation of the equipment, without regard to the proximity to the equipment, the method of attachment, or whether the equipment or accessories are affixed to the realty; (iii) semiconductor wafers and other property or supplies used to install, test, calibrate or recalibrate, characterize, condition, measure, or maintain the equipment and settings thereof; and (iv) equipment and supplies used for quality control testing of product, materials, equipment, or processes; or the measurement of equipment performance or production parameters regardless of where or when the quality control, testing, or measuring activity takes place, how the activity affects the operation of equipment, or whether the equipment and supplies come into contact with the product.

"Short-term rental" means the same as such term is defined in § 15.2-983.

"Storage" means any keeping or retention of tangible personal property for use, consumption or distribution in the Commonwealth, or for any purpose other than sale at retail in the regular course of business.

"Tangible personal property" means personal property that may be seen, weighed, measured, felt, or touched, or is in any other manner perceptible to the senses. "Tangible personal property" does not include stocks, bonds, notes, insurance or other obligations or securities. "Tangible personal property" includes (i) telephone calling cards upon their initial sale, which shall be exempt from all other state and local utility taxes, and (ii) manufactured signs.

"Use" means the exercise of any right or power over tangible personal property incident to the ownership thereof, except that it does not include the sale at retail of that property in the regular course of business. "Use" does not include the exercise of any right or power, including use, distribution, or storage, over any tangible personal property sold to a

nonresident donor for delivery outside of the Commonwealth to a nonresident recipient pursuant to an order placed by the donor from outside the Commonwealth via mail or telephone. "Use" does not include any sale determined to be a gift transaction, subject to tax under § 58.1-604.6.

"Use tax" refers to the tax imposed upon the use, consumption, distribution, and storage as defined in this section.

"Used directly," when used in relation to manufacturing, processing, refining, or conversion, refers to those activities that are an integral part of the production of a product, including all steps of an integrated manufacturing or mining process, but not including ancillary activities such as general maintenance or administration. When used in relation to mining, "used directly" refers to the activities specified in this definition and, in addition, any reclamation activity of the land previously mined by the mining company required by state or federal law.

"Video programmer" means a person that provides video programming to end-user subscribers.

"Video programming" means video and/or information programming provided by or generally considered comparable to programming provided by a cable operator, including, but not limited to, Internet service.

§ 58.1-612.2. Tax collectible from accommodations providers and intermediaries.

A. For any retail sale of accommodations not facilitated by an accommodations intermediary, the accommodations provider shall collect the retail sales and use taxes imposed in accordance with this chapter, computed on the total charges for the accommodations, and shall remit the same to the Department and shall be liable for the same.

B. For any retail sale of accommodations facilitated by an accommodations intermediary, the accommodations intermediary shall be deemed under this chapter as a dealer making a retail sale of an accommodation. The accommodations intermediary shall collect the retail sales and use taxes imposed in accordance with this chapter, computed on the room charge. ~~When the accommodations are at a hotel, the accommodations intermediary shall remit the taxes on the accommodations fee to the Department and shall remit any remaining taxes to the hotel, which shall remit such taxes to the Department. When the accommodations are at a short-term rental, as defined in § 15.2-983, or at any other accommodations, the accommodations intermediary shall remit the taxes on the room charge to the Department, and shall remit the same to the Department and shall be liable for the same.~~

C. ~~An accommodations intermediary shall not be liable for retail sales and use taxes remitted to an accommodations provider but that are not then remitted to the Department by the accommodations provider. For any retail sale of accommodations facilitated by an accommodations intermediary, an accommodations provider shall be liable for that portion of retail sales and use taxes that relates to the discount room charge only to the extent that the accommodations intermediary has remitted such taxes to the accommodations provider. For any transaction for the retail sale of accommodations involving two or more parties that meet the definition of accommodations intermediary, nothing in this section shall prohibit such parties from making an agreement regarding which party shall be responsible for collecting and remitting the tax, so long as the party so responsible is registered as a dealer with the Department. In such event, the party agreeing to collect and remit the tax shall be the sole party liable for the tax, and the other parties to such agreement shall not be liable for such tax.~~

D. For any retail sale of accommodations facilitated by an accommodations intermediary, nothing herein shall relieve the accommodations provider from liability for retail sales and use taxes on any amounts charged directly to the customer by the accommodations provider that are not collected by the accommodations intermediary.

E. For any retail sale of accommodations not facilitated by an accommodations intermediary, the accommodations provider shall separately state the amount of the tax on the bill, invoice, or similar documentation and shall add the tax to the total charges charged to the transient by the accommodations provider. For any retail sale of accommodations facilitated by an accommodations intermediary, the accommodations intermediary shall separately state the amount of the tax on the bill, invoice, or similar documentation and shall add the tax to the room charge; thereafter, such tax shall be a debt from the customer to the accommodations intermediary, recoverable at law in the same manner as other debts.

§ 58.1-3826. Scope of transient occupancy tax.

A. The transient occupancy tax imposed pursuant to the authority of this article shall be imposed only for the use or possession of any room or space that is suitable or intended for occupancy by transients for dwelling, lodging, or sleeping purposes.

B. For any retail sale of accommodations not facilitated by an accommodations intermediary, the accommodations provider shall collect the tax imposed pursuant to this article, computed on the total price paid for the use or possession of the accommodations, and shall remit the same to the locality and shall be liable for the same.

C. For any retail sale of accommodations facilitated by an accommodations intermediary, the accommodations intermediary shall be deemed under this article as a facility making a retail sale of an accommodation. The accommodations intermediary shall collect the tax imposed pursuant to this article, computed on the room charge. ~~When the accommodations are at a hotel, the accommodations intermediary shall remit the taxes on the accommodations fee to the locality and shall remit any remaining taxes to the hotel, which shall remit such taxes to the locality. When the accommodations are at a short-term rental, as defined in § 15.2-983, or at any other accommodations, the accommodations intermediary shall remit the taxes on the room charge to the locality, and shall remit the same to the locality and shall be liable for the same.~~

D. ~~An accommodations intermediary shall not be liable for taxes under this article remitted to an accommodations provider but that are then not remitted to the locality by the accommodations provider. For any retail sale of accommodations facilitated by an accommodations intermediary, an accommodations provider shall be liable for that portion of the taxes under this article that relate to the discount room charge only to the extent that the accommodations~~

~~intermediary has remitted such taxes to the accommodations provider~~ For any transaction for the retail sale of accommodations involving two or more parties that meet the definition of accommodations intermediary, nothing in this section shall prohibit such parties from making an agreement regarding which party shall be responsible for collecting and remitting the tax, so long as the party so responsible is registered with the locality for purposes of remitting the tax. In such event, the party that agrees to collect and remit the tax shall be the sole party liable for the tax, and the other parties to such agreement shall not be liable for such tax.

E. In any retail sale of any accommodations in which an accommodations intermediary does not facilitate the sale of the accommodations, the accommodations provider shall separately state the amount of the tax in the bill, invoice, or similar documentation and shall add the tax to the total price paid for the use or possession of the accommodations. In any retail sale of any accommodations in which an accommodations intermediary facilitates the sale of the accommodation, the accommodations intermediary shall separately state the amount of the tax on the bill, invoice, or similar documentation and shall add the tax to the room charge; thereafter, such tax shall be a debt from the customer to the accommodations intermediary, recoverable at law in the same manner as other debts.

F. Subject to applicable laws, an accommodations intermediary shall submit to a locality the property addresses and gross receipts for all accommodations facilitated by the accommodations intermediary in such locality. Such information shall be submitted monthly.

2. That the provisions of the first enactment of this act shall become effective on October 1, 2022.

3. That the Department of Taxation shall develop and make publicly available guidelines no later than August 1, 2022, for purposes of developing processes and procedures for implementing the provisions of this act. The development, issuance, and publication of the guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

4. That the Department of Taxation (the Department) shall convene and facilitate a work group to examine the processes currently used to collect local transient occupancy taxes and make recommendations for improving the efficiency and uniformity of those processes. The work group shall include one representative of the Commissioners of the Revenue, one representative of the Treasurers, one representative of counties, one representative of cities and towns, two representatives of the hotel industry, and two representatives of each type of accommodations intermediaries as defined in § 58.1-602 of the Code of Virginia, as amended by this act. The Department shall prepare and submit a report of the work group's findings and recommendations to the Chairmen of the House Committee on Finance and the Senate Committee on Finance and Appropriations no later than October 31, 2022.

CHAPTER 8

An Act to amend and reenact § 58.1-609.10 of the Code of Virginia, relating to sales and use tax exemption; aircraft components.

[H 462]

Approved March 2, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-609.10 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-609.10. Miscellaneous exemptions.

The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606 shall not apply to the following:

1. Artificial or propane gas, firewood, coal or home heating oil used for domestic consumption. "Domestic consumption" means the use of artificial or propane gas, firewood, coal or home heating oil by an individual purchaser for other than business, commercial or industrial purposes. The Tax Commissioner shall establish by regulation a system for use by dealers in classifying individual purchases for domestic or nondomestic use based on the principal usage of such gas, wood, coal or oil. Any person making a nondomestic purchase and paying the tax pursuant to this chapter who uses any portion of such purchase for domestic use may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for a refund of the tax paid on the domestic use portion.

2. An occasional sale, as defined in § 58.1-602. A nonprofit organization that is eligible to be granted an exemption on its purchases pursuant to § 58.1-609.11, and that is otherwise eligible for the exemption pursuant to this subdivision, shall be exempt pursuant to this subdivision on its sales of (i) food, prepared food and meals and (ii) tickets to events that include the provision of food, prepared food and meals, so long as such sales take place on fewer than 24 occasions in a calendar year.

3. Tangible personal property for future use by a person for taxable lease or rental as an established business or part of an established business, or incidental or germane to such business, including a simultaneous purchase and taxable leaseback.

4. Delivery of tangible personal property outside the Commonwealth for use or consumption outside of the Commonwealth. Delivery of goods destined for foreign export to a factor or export agent shall be deemed to be delivery of goods for use or consumption outside of the Commonwealth.

5. Tangible personal property purchased with food coupons issued by the United States Department of Agriculture under the Food Stamp Program or drafts issued through the Virginia Special Supplemental Food Program for Women, Infants, and Children.

6. Tangible personal property purchased for use or consumption in the performance of maintenance and repair services at Nuclear Regulatory Commission-licensed nuclear power plants located outside the Commonwealth.

7. Beginning July 1, 1997, and ending July 1, 2006, a professional's provision of original, revised, edited, reformatted or copied documents, including but not limited to documents stored on or transmitted by electronic media, to its client or to third parties in the course of the professional's rendition of services to its clientele.

8. School lunches sold and served to pupils and employees of schools and subsidized by government; school textbooks sold by a local board or authorized agency thereof; and school textbooks sold for use by students attending a college or other institution of learning, when sold (i) by such institution of learning or (ii) by any other dealer, when such textbooks have been certified by a department or instructor of such institution of learning as required textbooks for students attending courses at such institution.

9. Medicines, drugs, hypodermic syringes, artificial eyes, contact lenses, eyeglasses, eyeglass cases, and contact lens storage containers when distributed free of charge, all solutions or sterilization kits or other devices applicable to the wearing or maintenance of contact lenses or eyeglasses when distributed free of charge, and hearing aids dispensed by or sold on prescriptions or work orders of licensed physicians, dentists, optometrists, ophthalmologists, opticians, audiologists, hearing aid dealers and fitters, nurse practitioners, physician assistants, and veterinarians; controlled drugs purchased for use by a licensed physician, optometrist, licensed nurse practitioner, or licensed physician assistant in his professional practice, regardless of whether such practice is organized as a sole proprietorship, partnership, or professional corporation, or any other type of corporation in which the shareholders and operators are all licensed physicians, optometrists, licensed nurse practitioners, or licensed physician assistants engaged in the practice of medicine, optometry, or nursing; medicines and drugs purchased for use or consumption by a licensed hospital, nursing home, clinic, or similar corporation not otherwise exempt under this section; and samples of prescription drugs and medicines and their packaging distributed free of charge to authorized recipients in accordance with the federal Food, Drug, and Cosmetic Act (21 U.S.C.A. § 301 et seq., as amended). With the exceptions of those medicines and drugs used for agricultural production animals that are exempt to veterinarians under subdivision 1 of § 58.1-609.2, any veterinarian dispensing or selling medicines or drugs on prescription shall be deemed to be the user or consumer of all such medicines and drugs.

10. Wheelchairs and parts therefor, braces, crutches, prosthetic devices, orthopedic appliances, catheters, urinary accessories, other durable medical equipment and devices, and related parts and supplies specifically designed for those products; and insulin and insulin syringes, and equipment, devices or chemical reagents that may be used by a diabetic to test or monitor blood or urine, when such items or parts are purchased by or on behalf of an individual for use by such individual. Durable medical equipment is equipment that (i) can withstand repeated use, (ii) is primarily and customarily used to serve a medical purpose, (iii) generally is not useful to a person in the absence of illness or injury, and (iv) is appropriate for use in the home.

11. Drugs and supplies used in hemodialysis and peritoneal dialysis.

12. Special equipment installed on a motor vehicle when purchased by a handicapped person to enable such person to operate the motor vehicle.

13. Special typewriters and computers and related parts and supplies specifically designed for those products used by handicapped persons to communicate when such equipment is prescribed by a licensed physician.

14. a. (i) Any nonprescription drugs and proprietary medicines purchased for the cure, mitigation, treatment, or prevention of disease in human beings and (ii) any samples of nonprescription drugs and proprietary medicines distributed free of charge by the manufacturer, including packaging materials and constituent elements and ingredients.

b. The terms "nonprescription drugs" and "proprietary medicines" shall be defined pursuant to regulations promulgated by the Department of Taxation. The exemption authorized in this subdivision shall not apply to cosmetics.

15. Tangible personal property withdrawn from inventory and donated to (i) an organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code or (ii) the Commonwealth, any political subdivision of the Commonwealth, or any school, agency, or instrumentality thereof.

16. Tangible personal property purchased by nonprofit churches that are exempt from taxation under § 501(c)(3) of the Internal Revenue Code, or whose real property is exempt from local taxation pursuant to the provisions of § 58.1-3606, for use (i) in religious worship services by a congregation or church membership while meeting together in a single location and (ii) in the libraries, offices, meeting or counseling rooms or other rooms in the public church buildings used in carrying out the work of the church and its related ministries, including kindergarten, elementary and secondary schools. The exemption for such churches shall also include baptistries; bulletins, programs, newspapers and newsletters that do not contain paid advertising and are used in carrying out the work of the church; gifts including food for distribution outside the public church building; food, disposable serving items, cleaning supplies and teaching materials used in the operation of camps or conference centers by the church or an organization composed of churches that are exempt under this subdivision and which are used in carrying out the work of the church or churches; and property used in caring for or maintaining property owned by the church including, but not limited to, mowing equipment; and building materials installed by the church, and for which the church does not contract with a person or entity to have installed, in the public church buildings

used in carrying out the work of the church and its related ministries, including, but not limited to worship services; administrative rooms; and kindergarten, elementary, and secondary schools.

17. Medical products and supplies, which are otherwise taxable, such as bandages, gauze dressings, incontinence products and wound-care products, when purchased by a Medicaid recipient through a Department of Medical Assistance Services provider agreement.

18. Beginning July 1, 2007, and ending July 1, 2012, multifuel heating stoves used for heating an individual purchaser's residence. "Multifuel heating stoves" are stoves that are capable of burning a wide variety of alternative fuels, including, but not limited to, shelled corn, wood pellets, cherry pits, and olive pits.

19. Fabrication of animal meat, grains, vegetables, or other foodstuffs when the purchaser (i) supplies the foodstuffs and they are consumed by the purchaser or his family, (ii) is an organization exempt from taxation under § 501(c)(3) or (c)(4) of the Internal Revenue Code, or (iii) donates the foodstuffs to an organization exempt from taxation under § 501(c)(3) or (c)(4) of the Internal Revenue Code.

20. Beginning July 1, 2018, and ending July 1, ~~2022~~ 2025, parts, engines, and supplies used for maintaining, repairing, or reconditioning aircraft or any aircraft's avionics system, engine, or component parts. This exemption shall not apply to tools and other equipment not attached to or that does not become a part of the aircraft. For purposes of this subdivision, "aircraft" shall include both manned and unmanned systems. *However, for manned systems, "aircraft" shall include only aircraft with a maximum takeoff weight of at least 2,400 pounds.*

21. A gun safe with a selling price of \$1,500 or less. For purposes of this subdivision, "gun safe" means a safe or vault that is (i) commercially available, (ii) secured with a digital or dial combination locking mechanism or biometric locking mechanism, and (iii) designed for the storage of a firearm or of ammunition for use in a firearm. "Gun safe" does not include a glass-faced cabinet. Any discount, coupon, or other credit offered by the retailer or a vendor of the retailer to reduce the final price to the customer shall be taken into account in determining the selling price for purposes of this exemption.

CHAPTER 9

An Act to amend and reenact § 51.1-145 of the Code of Virginia, relating to Virginia Retirement System; employer contributions.

[H 473]

Approved March 2, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 51.1-145 of the Code of Virginia is amended and reenacted as follows:

§ 51.1-145. Employer contributions.

A. The total annual *defined benefit* employer contribution for each employer, expressed as a percentage of the annual membership payroll, shall be determined in a manner so as to remain relatively level from year to year. Each employer shall contribute for the *defined benefit plans, including the defined benefit component of the hybrid retirement program under § 51.1-169*, an amount equal to the sum of the normal contribution, any accrued liability contribution, and any supplementary contribution, *as well as amounts required for the defined contribution component of the hybrid retirement program under § 51.1-169*. The *defined benefit* contribution rates for each employer shall be determined ~~after each valuation~~ *biennially* and shall remain in effect until a new *biennial* valuation is made. All *defined benefit* contribution rates shall be computed in accordance with recognized actuarial principles on the basis of methods and assumptions approved by the Board and *as described in the Retirement System funding policy*.

B. The normal employer *defined benefit* contribution for any period shall be determined as a percentage, equal to the normal contribution rate, of the total covered compensation of the members employed during the period.

C. The normal *defined benefit* contribution rate for any employer shall be determined as the percentage represented by the ratio of (i) the annual normal cost to provide the benefits of the ~~retirement system~~ *Retirement System* with respect to members employed by the employer in excess of the members' contributions to (ii) the total annual compensation of the members.

D. The accrued *defined benefit* liability contribution for any employer for any period shall be determined as a percentage, equal to the accrued liability contribution rate, of the total compensation of the members during the period.

E. The accrued *defined benefit* liability contribution rate for any employer shall be a percentage of the total annual compensation of the members, determined so that a continuation of annual contributions by the employer at the same percentage of total annual compensation over a period of ~~40~~ years *determined by the Board consistent with recognized actuarial principles and the Retirement System funding policy* will be sufficient to amortize the unfunded accrued liability with respect to the employer.

F. The unfunded *defined benefit* accrued liability with respect to any employer as of any valuation date shall be determined as the excess of *the actuarial accrued liability over the sum of assets of the Retirement System as of the valuation date, as follows:* (i) the then present value of the benefits to be provided under the ~~retirement system~~ *Retirement System* in the future to members and former members over (ii) the sum of the assets of the ~~retirement system~~ *Retirement System* then currently in the members' contribution account and in the employer's retirement allowance account, plus the

then present value of the stipulated contributions to be made in the future by the members, plus the then present value of the normal contributions expected to be made in the future by the employer.

G. The supplementary *defined benefit* contribution for any employer for any period shall be determined as a percentage, equal to the supplementary contribution rate, of the total compensation of the members employed during the period.

H. Until July 1, 1997, the supplementary contribution rate for any employer shall be determined as the percentage represented by the ratio of (i) the average annual amount of post-retirement supplements, as provided for in this chapter, which is anticipated to become payable during the period to which the rate will be applicable with respect to former members to (ii) the total annual compensation of the members.

I. The Board shall certify to each employer the applicable *defined benefit* contribution rate and any changes in the rate. *The Board shall also provide the applicable estimated defined contribution amounts to each employer.*

J. The *defined benefit* employer contribution for the year shall be increased to the extent necessary to overcome any insufficiency if the contributions for any employer, when combined with the amount of the retirement allowance account of the employer, are insufficient to provide the benefits payable during the year.

K. The appropriation bill ~~which~~ *that* is submitted to the General Assembly by the Governor prior to each regular session that begins in an even-numbered year shall include the *defined benefit employer* contributions ~~which~~ *that* will become due and payable to the retirement allowance account from the state treasury during the following biennium, *an estimate of all state employer defined contribution amounts required by § 51.1-169, and amounts for contributions to applicable ancillary benefits as otherwise required by this title.* The amount of the *defined benefit* contributions shall be based on the contribution rates certified by the Board pursuant to subsection I of ~~this section~~ that are applicable to the Commonwealth as an employer and the anticipated compensation during the biennium of the members of the retirement system on behalf of whom the Commonwealth is the employer.

~~K-1.~~ L. The General Assembly shall set *defined benefit* contribution rates that are at least equal to the following percentage of the contribution rates certified by the Board pursuant to subsection I:

1. For members who are state employees as defined in § 51.1-124.3 and who are participating in a retirement plan established pursuant to Chapter 1 (§ 51.1-124.1 et seq.), (i) 67.02 percent for fiscal years beginning July 1, 2012, and July 1, 2013, (ii) 78.02 percent for fiscal years beginning July 1, 2014, and July 1, 2015, (iii) 89.01 percent for fiscal years beginning July 1, 2016, and July 1, 2017, and (iv) 100 percent for fiscal years beginning on or after July 1, 2018;

2. For members who are teachers as defined in § 51.1-124.3 and who are participating in a retirement plan established pursuant to Chapter 1 (§ 51.1-124.1 et seq.), (i) 69.53 percent for fiscal years beginning July 1, 2012, and July 1, 2013, (ii) 79.69 percent for fiscal years beginning July 1, 2014, and July 1, 2015, (iii) 89.84 percent for fiscal years beginning July 1, 2016, and July 1, 2017, and (iv) 100 percent for fiscal years beginning on or after July 1, 2018;

3. For members participating in a retirement plan established pursuant to Chapter 2 (§ 51.1-200 et seq.), (i) 75.84 percent for fiscal years beginning July 1, 2012, and July 1, 2013, (ii) 83.90 percent for fiscal years beginning July 1, 2014, and July 1, 2015, (iii) 91.95 percent for fiscal years beginning July 1, 2016, and July 1, 2017, and (iv) 100 percent for fiscal years beginning on or after July 1, 2018;

4. For members participating in a retirement plan established pursuant to Chapter 2.1 (§ 51.1-211 et seq.), (i) 75.82 percent for fiscal years beginning July 1, 2012, and July 1, 2013, (ii) 83.88 percent for fiscal years beginning July 1, 2014, and July 1, 2015, (iii) 91.94 percent for fiscal years beginning July 1, 2016, and July 1, 2017, and (iv) 100 percent for fiscal years beginning on or after July 1, 2018; and

5. For members participating in a retirement plan established pursuant to Chapter 3 (§ 51.1-300 et seq.), (i) 83.98 percent for fiscal years beginning July 1, 2012, and July 1, 2013, (ii) 89.32 percent for fiscal years beginning July 1, 2014, and July 1, 2015, (iii) 94.66 percent for fiscal years beginning July 1, 2016, and July 1, 2017, and (iv) 100 percent for fiscal years beginning on or after July 1, 2018.

~~L.~~ M. In the case of all teachers whose compensation is paid exclusively out of funds derived from local revenues and appropriations from the general fund of the state treasury, the Commonwealth shall contribute to the extent specified in the ~~appropriations~~ *appropriation* act. In the case of any teacher whose compensation is paid out of funds derived in whole or in part from any special fund or from a contributor other than the Commonwealth or a political subdivision thereof, contributions shall be paid out of the special fund or by the other contributor in proportion to that part of the compensation derived therefrom. In the case of all state employees whose compensation is paid exclusively by the Commonwealth out of the general fund of the state treasury, the Commonwealth shall be the sole contributor, and all contributions shall be paid out of the general fund. In the case of a state employee whose compensation is paid in whole or in part out of any special fund or by any contributor other than the Commonwealth, contributions on behalf of the employee shall be paid out of the special fund or by the other contributor in proportion to that part of the employee's compensation derived therefrom. The governing body of each political subdivision is hereby authorized to make appropriations from the funds of the political subdivision necessary to pay its proportionate share of contributions on behalf of every state employee whose compensation is paid in part by the political subdivision. In the case of each person who has elected to remain a member of a local retirement system, the Commonwealth shall reimburse the local employer an amount equal to the product of the compensation of the person and the employer contribution rate as used to determine the employer contribution for state employees under this section. Each employer shall keep such records and periodically furnish such information as the Board may require and shall inform new employees of their duties and obligations in connection with the ~~retirement system~~ *Retirement System*.

~~M. N.~~ The employer defined benefit contribution rate established for each employer may include the cost to administer any defined contribution plan administered by the Virginia Retirement System and available to the employer. The portion of such contribution designated to cover administrative costs of the defined contribution plans shall not be deposited into the trust fund established for the defined benefit plans but shall be separately accounted for and used solely to defray the administrative costs associated with the various defined contributions contribution plans. This provision shall supplement the authority of the Board under §§ 51.1-124.22 and 51.1-602 to charge and collect administrative fees to employers whose employees have available the various defined contribution plans administered by the Virginia Retirement System.

~~N.~~ Notwithstanding the foregoing, the total employer contribution for each employer authorized to participate in the hybrid retirement program described in § 51.1-169 for any period, expressed as a percentage of the employer's payroll for such period, shall be established as the contribution rate payable by such employer with respect to its employees enrolled in the defined benefit plan established under this chapter. The employer's contribution shall be first applied to the defined contribution component of the hybrid retirement program described in § 51.1-169, and the remainder shall be deposited in the employer's retirement allowance account.

~~O.~~ Institutions of higher education shall also pay contributions to the employer's retirement allowance account in amounts representing the difference between the contribution rate payable with respect to employees enrolled in the defined benefit plan under this chapter and the employer contributions paid to any optional retirement plan it offers on behalf of any of its nonfaculty Covered Employees, as described in §§ 23.1-1020 through 23.1-1026. The employer contribution rate established for each employer may include the annual rate of contribution payable by such employer with respect to employees enrolled in the optional defined contribution retirement plans established under §§ 51.1-126, 51.1-126.1, 51.1-126.3, and 51.1-126.4.

~~P.~~ Employer contributions may be returned to the employer only as determined in accordance with § 401(a) of the Internal Revenue Code, as amended or renumbered, and the regulations thereunder applicable to governmental plans.

~~Q.~~ Additionally, employers shall pay contributions as determined by the Retirement System for applicable ancillary benefits as otherwise required by this title.

2. That the provisions of the first enactment of this act shall become effective on July 1, 2024.

3. That, notwithstanding the provisions of the second enactment of this act, beginning July 1, 2022, the Virginia Retirement System is authorized to communicate the forthcoming changes, update data systems, and train Virginia Retirement System employers to ensure a coordinated and seamless transition upon implementation of the provisions of the first enactment of this act and to develop procedures for the separation of defined benefit and defined contribution amounts prior to the implementation of the provisions of the first enactment of this act.

CHAPTER 10

An Act to amend and reenact § 59.1-284.39 of the Code of Virginia, relating to the Shipping and Logistics Headquarters Grant Program.

[H 324]

Approved March 2, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-284.39 of the Code of Virginia is amended and reenacted as follows:

§ 59.1-284.39. Shipping and Logistics Headquarters Grant Program.

A. As used in this chapter, unless the context requires a different meaning:

"Capital investment" means an expenditure within an eligible locality, by or on behalf of a qualified company on or after January 1, 2021, in real property, tangible personal property, or both, at one of the facilities within an eligible locality that has been capitalized or is subject to being capitalized. "Capital investment" may include (i) the purchase of land and buildings and the cost of infrastructure development and land improvements; (ii) a capital expenditure related to a leasehold interest in real property; and (iii) the purchase or lease of furniture, fixtures, machinery, and equipment, including under an operating lease.

"Eligible locality" means the City of Chesapeake, the City of Norfolk, or the County of Arlington.

"Facilities" means the buildings, group of buildings, or campus, including any related furniture, fixtures, equipment, and business personal property, in an eligible locality that is owned, leased, licensed, occupied, or otherwise operated by or on behalf of a qualified company for use as a headquarters facility, a customer care center, or a research and development innovation center in the furtherance of its shipping and logistics business.

"Fund" means the Shipping and Logistics Headquarters Grant Fund.

"Grant" means a grant from the Fund awarded to a qualified company in an aggregate amount of up to ~~\$9.5 million~~ \$9,042,875. Grant proceeds are intended to be used by the qualified company to pay or reimburse costs associated with constructing, renovating, acquiring, and staffing the facilities.

"Memorandum of understanding" means a performance agreement or related document entered into on or before August 1, ~~2021~~ 2022, between a qualified company and the Commonwealth that sets forth the requirements for capital investment and the creation of new jobs for the qualified company.

"New job" means full-time employment at or associated with any of the facilities measured at any time after January 1, 2021, for which the annual average wage is at least \$56,713 for a position in the City of Norfolk ~~or the City of Chesapeake~~ or at least \$99,385 for a position in the County of Arlington, that requires a minimum of 38 hours of an employee's time per week for the entire normal year, consisting of at least 48 weeks, of the qualified company's operations. Seasonal or temporary positions and positions created when a job function is shifted from an existing location in the Commonwealth shall not qualify as new jobs. Any new job shall be in addition to the baseline number of existing full-time positions at the qualified company's facilities, to be set forth in the memorandum of understanding.

"Qualified company" means a shipping and logistics company, and its affiliates, that between January 1, 2021, and ~~December 31~~ *September 30*, 2030, is expected to (i) retain its North American headquarters operations in the City of Norfolk; (ii) make or cause to be made a capital investment at one or more of the facilities of at least \$36 million; (iii) create and maintain at least 415 new jobs at or associated with the facilities related to, or supportive of, its shipping and logistics business functions; and (iv) establish and operate a research and development innovation center.

"Secretary" means the Secretary of Commerce and Trade or his designee.

B. There is hereby created in the state treasury a nonreverting fund to be known as the Shipping and Logistics Headquarters Grant Fund. The Fund shall be established on the books of the Comptroller. All funds appropriated to the Fund shall be paid into the state treasury and credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purpose to pay grant installments pursuant to this chapter. Payment of such grant installments shall be made by check issued by the State Treasurer on warrant of the Comptroller. The Comptroller shall not draw any warrants to issue checks for grant installments under this section without a specific appropriation for the same.

C. Subject to appropriation by the General Assembly, ~~a qualified company shall be eligible to receive grant installments of \$6.33 million in fiscal year 2022 and \$3.17 million in fiscal year 2023. Such grant installments shall be paid to the qualified company from the Fund during each such fiscal year, contingent upon the qualified company's meeting the requirements set forth in the memorandum of understanding to provide security for any potential repayment of the grant, including a cash escrow~~ *the aggregate amount of grants payable under this section to a qualified company shall not exceed \$9,042,875. Grants shall be paid in nine annual installments, calculated in accordance with the memorandum of understanding, with grants that may be awarded in a particular fiscal year not to exceed the following:*

1. \$1,359,500 for the Commonwealth's fiscal year beginning July 1, 2022;
2. \$2,514,000, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2023;
3. \$3,468,500, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2024;
4. \$4,423,000, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2025;
5. \$5,377,500, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2026;
6. \$6,332,000, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2027;
7. \$7,286,500, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2028;
8. \$8,241,000, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2029; and
9. \$9,042,875, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2030.

D. A qualified company receiving a grant installment pursuant to this section shall provide evidence, satisfactory to the Secretary, annually of, for each facility: (i) the aggregate number of new jobs created and maintained as of the last day of the ~~calendar~~ *calendar* prior grant year as determined in the memorandum of understanding, the payroll paid by the qualified company during the ~~calendar~~ *calendar* grant year, and the average annual wage of the new jobs in the ~~calendar~~ *calendar* grant year and (ii) the aggregate amount of the capital investment made during the ~~calendar~~ *calendar* grant year, including the extent to which such capital investment was or was not subject to the Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.). The report and evidence shall be filed with the Secretary in person, by mail, or as otherwise agreed upon in the memorandum of understanding, by no later than ~~April 1~~ *each year 90 days* following the end of the prior ~~calendar~~ *calendar* grant year upon which the evidence is based.

E. The memorandum of understanding shall provide that if any annual report and evidence provided pursuant to subsection D indicates that the qualified company failed to meet certain targets for capital investment that is or is not subject to the Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.), the average annual wage for new jobs, or the number of new jobs, the qualified company may ~~be required to repay the Commonwealth a portion of the grant~~ *qualify for a reduced grant installment for the grant year* in an amount that reflects the value of the shortfall in the applicable target.

F. As a condition of receipt ~~and retention~~ of the grant, a qualified company shall make available to the Secretary for inspection all documents relevant and applicable to determining whether the qualified company has met the requirements for the receipt ~~and retention~~ of the grant as set forth herein and subject to the memorandum of understanding. All such

documents appropriately identified by the qualified company shall be considered confidential and proprietary; and shall not be subject to disclosure pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

CHAPTER 11

An Act to amend and reenact § 58.1-439 of the Code of Virginia, relating to income tax; major business facility job tax credit; sunset.

[H 269]

Approved March 2, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-439 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-439. Major business facility job tax credit.

A. For taxable years beginning on and after January 1, 1995, but before July 1, ~~2022~~ 2025, a taxpayer shall be allowed a credit against the taxes imposed by Articles 2 (§ 58.1-320 et seq.), 6 (§ 58.1-360 et seq.), and 10 (§ 58.1-400 et seq.) of Chapter 3; Chapter 12 (§ 58.1-1200 et seq.); Article 1 (§ 58.1-2500 et seq.) of Chapter 25; or Article 2 (§ 58.1-2620 et seq.) of Chapter 26 as set forth in this section.

B. For purposes of this section, the amount of any credit attributable to a partnership, electing small business corporation (S corporation), or limited liability company shall be allocated to the individual partners, shareholders, or members, respectively, in proportion to their ownership or interest in such business entities.

C. A "major business facility" is a company that satisfies the following criteria:

1. Subject to the provisions of subsections K or L, the establishment or expansion of the company shall result in the creation of at least 50 jobs for qualified full-time employees; the first such 50 jobs shall be referred to as the "threshold amount"; and

2. The company is engaged in any business in the Commonwealth, except a retail trade business if such trade is the principal activity of an individual facility in the Commonwealth. Examples of types of major business facilities that are eligible for the credit provided under this section include, but are not limited to, a headquarters, or portion of such a facility, where company employees are physically employed, and where the majority of the company's financial, personnel, legal or planning functions are handled either on a regional or national basis. A company primarily engaged in the Commonwealth in the business of manufacturing or mining; agriculture, forestry or fishing; transportation or communications; or a public utility subject to the corporation income tax shall be deemed to have established or expanded a major business facility in the Commonwealth if it meets the requirements of subdivision 1 during a single taxable year and such facilities are not retail establishments. A major business facility shall also include facilities that perform central management or administrative activities, whether operated as a separate trade or business, or as a separate support operation of another business. Central management or administrative activities include, but are not limited to, general management; accounting; computing; tabulating; purchasing; transportation or shipping; engineering and systems planning; advertising; technical sales and support operations; central administrative offices and warehouses; research, development and testing laboratories; computer-programming, data-processing and other computer-related services facilities; and legal, financial, insurance, and real estate services. The terms used in this subdivision to refer to various types of businesses shall have the same meanings as those terms are commonly defined in the Standard Industrial Classification Manual.

D. For purposes of this section, the "credit year" is the first taxable year following the taxable year in which the major business facility commenced or expanded operations.

E. The Department of Taxation shall make all determinations as to the classification of a major business facility in accordance with the provisions of this section.

F. A "qualified full-time employee" means an employee filling a new, permanent full-time position in a major business facility in the Commonwealth. A "new, permanent full-time position" is a job of an indefinite duration, created by the company as a result of the establishment or expansion of a major business facility in the Commonwealth, requiring a minimum of 35 hours of an employee's time a week for the entire normal year of the company's operations, which "normal year" shall consist of at least 48 weeks, or a position of indefinite duration which requires a minimum of 35 hours of an employee's time a week for the portion of the taxable year in which the employee was initially hired for, or transferred to, the major business facility in the Commonwealth. Seasonal or temporary positions, or a job created when a job function is shifted from an existing location in the Commonwealth to the new major business facility and positions in building and grounds maintenance, security, and other such positions which are ancillary to the principal activities performed by the employees at a major business facility shall not qualify as new, permanent full-time positions.

G. For any major business facility, the amount of credit earned pursuant to this section shall be equal to \$1,000 per qualified full-time employee, over the threshold amount, employed during the credit year. The credit shall be allowed ratably, with one-third of the credit amount allowed annually for three years beginning with the credit year. However, for taxable years beginning on or after January 1, 2009, one-half of the credit amount shall be allowed each year for two years. The portion of the \$1,000 credit earned with respect to any qualified full-time employee who is employed in the Commonwealth for less than 12 full months during the credit year will be determined by multiplying the credit amount by a fraction, the numerator of which is the number of full months that the qualified full-time employee worked for the major

business facility in the Commonwealth during the credit year, and the denominator of which is 12. A separate credit year and a three-year allowance period shall exist for each distinct major business facility of a single taxpayer, except for credits allowed for taxable years beginning on or after January 1, 2009, when a two-year allowance period shall exist for each distinct major business facility of a single taxpayer.

H. The amount of credit allowed pursuant to this section shall not exceed the tax imposed for such taxable year. Any credit not usable for the taxable year the credit was allowed may be, to the extent usable, carried over for the next 10 succeeding taxable years. No credit shall be carried back to a preceding taxable year. In the event that a taxpayer who is subject to the tax limitation imposed pursuant to this subsection is allowed another credit pursuant to any other section of the Code of Virginia, or has a credit carryover from a preceding taxable year, such taxpayer shall be considered to have first utilized any credit allowed which does not have a carryover provision, and then any credit which is carried forward from a preceding taxable year, prior to the utilization of any credit allowed pursuant to this section.

I. No credit shall be earned pursuant to this section for any employee (i) for whom a credit under this section was previously earned by a related party as defined by Internal Revenue Code § 267(b) or a trade or business under common control as defined by Internal Revenue Code § 52(b); (ii) who was previously employed in the same job function in Virginia by a related party as defined by Internal Revenue Code § 267(b) or a trade or business under common control as defined by Internal Revenue Code § 52(b); (iii) whose job function was previously performed at a different location in Virginia by an employee of the taxpayer, a related party as defined by Internal Revenue Code § 267(b), or a trade or business under common control as defined by Internal Revenue Code § 52(b); or (iv) whose job function previously qualified for a credit under this section at a different major business facility on behalf of the taxpayer, a related party as defined by Internal Revenue Code § 267(b), or a trade or business under common control as defined by Internal Revenue Code § 52(b).

J. Subject to the provisions of subsections K or L, recapture of this credit, under the following circumstances, shall be accomplished by increasing the tax in any of the five years succeeding the taxable year in which a credit has been earned pursuant to this section if the number of qualified full-time employees decreases below the average number of qualified full-time employees employed during the credit year. Such tax increase amount shall be determined by (i) recomputing the credit which would have been earned for the original credit year using the decreased number of qualified full-time employees and (ii) subtracting such recomputed credit from the amount of credit previously earned. In the event that the average number of qualifying full-time employees employed at a major business facility falls below the threshold amount in any of the five taxable years succeeding the credit year, all credits earned with respect to such major business facility shall be recaptured. No credit amount will be recaptured more than once pursuant to this subsection. Any recapture pursuant to this section shall reduce credits earned but not yet allowed, and credits allowed but carried forward, before the taxpayer's tax liability may be increased.

K. In the event that a major business facility is located in an economically distressed area or in an enterprise zone as defined in Chapter 49 (§ 59.1-538 et seq.) of Title 59.1 during a credit year, the threshold amount required to qualify for a credit pursuant to this section and to avoid full recapture shall be reduced from 50 to 25 for purposes of subdivision C 1 and subsection J. An area shall qualify as economically distressed if it is a city or county with an unemployment rate for the preceding year of at least 0.5 percent higher than the average statewide unemployment rate for such year. The Virginia Economic Development Partnership shall identify and publish a list of all economically distressed areas at least annually.

L. For taxable years beginning on or after January 1, 2004, but before January 1, 2006, in the event that a major business facility is located in a severely economically distressed area, the threshold amount required to qualify for a credit pursuant to this section and to avoid full recapture shall be reduced from 100 to 25 for purposes of subdivision C 1 and subsection J. However, the total amount of credit allowable under this subsection shall not exceed \$100,000 in aggregate. An area shall qualify as severely economically distressed if it is a city or county with an unemployment rate for the preceding year of at least twice the average statewide unemployment rate for such year. The Virginia Economic Development Partnership shall identify and publish a list of all severely economically distressed areas at least annually.

M. The Tax Commissioner shall promulgate regulations, in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), relating to (i) the computation, carryover, and recapture of the credit provided under this section; (ii) defining criteria for (a) a major business facility, (b) qualifying full-time employees at such facility, and (c) economically distressed areas; and (iii) the computation, carryover, recapture, and redemption of the credit by affiliated companies pursuant to subsection S.

N. The provisions of this section shall apply only in instances where an announcement of intent to establish or expand a major business facility is made on or after January 1, 1994. An announcement of intent to establish or expand a major business facility includes, but is not limited to, a press conference or extensive press coverage, providing information with respect to the impact of the project on the economy of the area where the major business facility is to be established or expanded and the Commonwealth as a whole.

O. The credit allowed pursuant to this section shall be granted to the person who pays taxes for the qualified full-time employees pursuant to Chapter 5 (§ 60.2-500 et seq.) of Title 60.2.

P. No person shall claim a credit allowed pursuant to this section and the credit allowed pursuant to § 58.1-439.2. Any qualified business firm receiving an enterprise zone job creation grant under § 59.1-547 shall not be eligible to receive a major business facility job tax credit pursuant to this section for any job used to qualify for the enterprise zone job creation grant.

Q. No person operating a business in the Commonwealth pursuant to Chapter 29 (§ 59.1-364 et seq.) of Title 59.1 shall claim a credit pursuant to this section.

R. Notwithstanding subsection O, a taxpayer may, for the purpose of determining the number of qualified full-time employees at a major business facility, include the employees of a contractor or a subcontractor if such employees are permanently assigned to the taxpayer's major business facility. If the taxpayer includes the employees of a contractor or subcontractor in its total of qualified full-time employees, it shall enter into a contractual agreement with the contractor or subcontractor prohibiting the contractor or subcontractor from also claiming these employees in order to receive a credit given under this section. The taxpayer shall provide evidence satisfactory to the Department of Taxation that it has entered into such a contract.

S. For purposes of satisfying the criteria of subdivision C 1, two or more affiliated companies may elect to aggregate the number of jobs created for qualified full-time employees as the result of the establishment or expansion by the individual companies in order to qualify for the credit allowed pursuant to this section. For purposes of this subsection, "affiliated companies" means two or more companies related to each other such that (i) one company owns at least 80 percent of the voting power of the other or others or (ii) at least 80 percent of the voting power of two or more companies is owned by the same interests.

T. The General Assembly of Virginia finds that modern business infrastructure allows businesses to locate their administrative or manufacturing facilities with minimal regard to the location of markets or the transportation of raw materials and finished goods, and that the economic vitality of the Commonwealth would be enhanced if such facilities were established in Virginia. Accordingly, the provisions of this section targeting the credit to major business facilities and limiting the credit to those companies which establish a major business facility in Virginia are integral to the purpose of the credit earned pursuant to this section and shall not be deemed severable.

U. For taxable years beginning on and after January 1, 2019, and notwithstanding the provisions of § 58.1-3 or any other provision of law, the Department of Taxation, in consultation with the Virginia Economic Development Partnership, shall publish the following information by November 1 of each year for the 12-month period ending on the preceding December 31:

1. The location of sites used for major business facilities for which a credit was claimed;
2. The North American Industry Classification System codes used for the major business facilities for which a credit was claimed;
3. The number of qualified full time employees for whom a credit was claimed; and
4. The total cost to the Commonwealth's general fund of the credits claimed.

Such information shall be published by the Department, regardless of how few taxpayers claimed the tax credit, in a manner that prevents the identification of particular taxpayers, reports, returns, or items.

CHAPTER 12

An Act to amend and reenact § 58.1-609.1 of the Code of Virginia, relating to sales tax exemption; gold, silver, and platinum bullion.

[H 3]

Approved March 2, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-609.1 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-609.1. Governmental and commodities exemptions.

The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606 shall not apply to the following:

1. Fuels which are subject to the tax imposed by Chapter 22 (§ 58.1-2200 et seq.). Persons who are refunded any such fuel tax shall, however, be subject to the tax imposed by this chapter, unless such taxes would be specifically exempted pursuant to any provision of this section.

2. Motor vehicles, trailers, semitrailers, mobile homes and travel trailers.

3. Gas, electricity, or water when delivered to consumers through mains, lines, or pipes.

4. Tangible personal property for use or consumption by the Commonwealth, any political subdivision of the Commonwealth, or the United States. This exclusion shall not apply to sales and leases to privately owned financial and other privately owned corporations chartered by the United States. Further, this exemption shall not apply to tangible personal property which is acquired by the Commonwealth or any of its political subdivisions and then transferred to private businesses for their use in a facility or real property improvement to be used by a private entity or for nongovernmental purposes other than tangible personal property acquired by the Herbert H. Bateman Advanced Shipbuilding and Carrier Integration Center and transferred to a Qualified Shipbuilder as defined in the third enactment of Chapter 790 of the 1998 Acts of the General Assembly.

5. Aircraft subject to tax under Chapter 15 (§ 58.1-1500 et seq.).

6. a. Motor fuels and alternative fuels for use in a commercial watercraft, as defined in § 58.1-2201, upon which a fuel tax is refunded pursuant to § 58.1-2259.

b. Fuels transactions upon which a fuel tax is refunded pursuant to subdivision A 22 of § 58.1-2259.

7. Sales by a government agency of the official flags of the United States, the Commonwealth of Virginia, or of any county, city or town.

8. Materials furnished by the State Board of Elections pursuant to §§ 24.2-404 through 24.2-407.

9. Watercraft as defined in § 58.1-1401.

10. Tangible personal property used in and about a marine terminal under the supervision of the Virginia Port Authority for handling cargo, merchandise, freight and equipment. This exemption shall apply to agents, lessees, sublessees or users of tangible personal property owned by or leased to the Virginia Port Authority and to property acquired or used by the Authority or by a nonstock, nonprofit corporation that operates a marine terminal or terminals on behalf of the Authority.

11. Sales by prisoners confined in state correctional facilities of artistic products personally made by the prisoners as authorized by § 53.1-46.

12. Tangible personal property for use or consumption by the Virginia Department for the Blind and Vision Impaired or any nominee, as defined in § 51.5-60, of such Department.

13. [Expired.]

14. Tangible personal property sold to residents and patients of the Virginia Veterans Care Center at a canteen operated by the Department of Veterans Services.

15. Tangible personal property for use or consumption by any nonprofit organization whose members include the Commonwealth and other states and which is organized for the purpose of fostering interstate cooperation and excellence in government.

16. Tangible personal property purchased for use or consumption by any soil and conservation district which is organized in accordance with the provisions of Article 3 (§ 10.1-506 et seq.) of Chapter 5 of Title 10.1.

17. Tangible personal property sold or leased to Alexandria Transit Company, Greater Lynchburg Transit Company, GRTC Transit System, or Greater Roanoke Transit Company, or to any other transit company that is owned, operated, or controlled by any county, city, or town, or any combination thereof, that provides public transportation services, and/or tangible personal property sold or leased to any county, city, or town, or any combination thereof, that is transferred to any of the companies set forth in this subdivision owned, operated, or controlled by any county, city, or town, or any combination thereof, that provides public transportation services.

18. (Expires July 1, 2022) Qualified products designated as Energy Star or WaterSense with a sales price of \$2,500 or less per product purchased for noncommercial home or personal use. The exemption provided by this subdivision shall apply only to sales occurring during the three-day period that begins each year on the first Friday in August and ends at 11:59 p.m. on the following Sunday.

For the purposes of this exemption, an Energy Star qualified product is any dishwasher, clothes washer, air conditioner, ceiling fan, light bulb, dehumidifier, programmable thermostat, or refrigerator, the energy efficiency of which has been designated by the United States Environmental Protection Agency and the United States Department of Energy as meeting or exceeding each such agency's requirements under the Energy Star program. For the purposes of this exemption, WaterSense qualified products are those that have been recognized as being water efficient by the WaterSense program sponsored by the U.S. Environmental Protection Agency as indicated by a WaterSense label.

19. Effective through June 30, 2025, ~~2022~~, gold, silver, or platinum bullion or legal tender coins whose sales price exceeds \$1,000. Each piece of gold, silver, or platinum or legal tender coin need not exceed \$1,000, provided that the sales price of one entire transaction of such pieces exceeds \$1,000. "Gold, silver, or platinum bullion" means gold, silver, or platinum, and any combination thereof, that has gone through a refining process and is in a state or condition such that its value depends on its mass and purity and not on its form, numismatic value, or other value. Gold, silver, or platinum bullion may contain other metals or substances, provided that the other substances by themselves have minimal value compared with the value of the gold, silver, or platinum. "Legal tender coins" means coins of any metal content issued by a government as a medium of exchange or payment of debts. "Gold, silver, or platinum bullion" and "legal tender coins" do not include jewelry or works of art.

20. Tangible personal property sold by a sheriff at a correctional facility pursuant to § 53.1-127.1 and sales of prepared food within such correctional facility.

CHAPTER 13

An Act to authorize the issuance of bonds, in an amount up to \$100,869,000 plus financing costs, pursuant to Article X, Section 9 (c) of the Constitution of Virginia, for paying costs of acquiring, constructing, and equipping revenue-producing capital projects at institutions of higher learning of the Commonwealth; to authorize the Treasury Board, by and with the consent of the Governor, to fix the details of such bonds, to provide for the sale of such bonds, and to issue notes to borrow money in anticipation of the issuance of the bonds; to provide for the pledge of the net revenues of such capital projects and the full faith, credit, and taxing power of the Commonwealth for the payment of such bonds; to provide that the interest income on such bonds and notes shall be exempt from all taxation by the Commonwealth and any political subdivision thereof; emergency.

[H 165]

Approved March 2, 2022

Whereas, Article X, Section 9 (c), Constitution of Virginia, provides that the General Assembly may authorize the creation of debt secured by a pledge of net revenues derived from rates, fees, or other charges and the full faith and credit of the Commonwealth of Virginia, provided that such debt is created for specific revenue-producing capital projects, including their enlargement or improvement, at, among others, institutions of higher learning of the Commonwealth; and

Whereas, in accordance with Article X, Section 9 (c), Constitution of Virginia, the Governor has certified in writing, filed with the Auditor of Public Accounts, his opinion that the anticipated net revenues of each of the capital projects identified below to be pledged to the payment of the principal of and the interest on that portion of such debt issued for each such project will be sufficient to meet such payments as the same become due and to provide such reserves as may be required by law and that each of the capital projects complies with the requirements of Article X, Section 9 (c), Constitution of Virginia; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. Title. *This act shall be known and may be cited as the "Commonwealth of Virginia Higher Educational Institutions Bond Act of 2022."*

§ 2. *Authorization of bonds and BANs. The Treasury Board is hereby authorized, by and with the consent of the Governor, to sell and issue, pursuant to Article X, Section 9 (c), Constitution of Virginia, at one time or from time to time, bonds of the Commonwealth, to be designated "Commonwealth of Virginia Higher Educational Institutions Bonds, Series" in an aggregate principal amount not exceeding \$100,869,000, plus amounts needed to fund issuance costs, reserve funds, construction period interest, and other financing expenses. The Treasury Board is further hereby authorized, by and with the consent of the Governor, to borrow money in anticipation of the issuance of bonds by the issuance of bond anticipation notes (BANs), including BANs issued as commercial paper. The proceeds of such bonds and BANs, excluding amounts needed to fund issuance costs, reserve funds, and other financing expenses, shall be used exclusively for the purpose of providing funds, with any other available funds, for paying all or a portion of the costs of acquiring, constructing, renovating, enlarging, improving, and equipping revenue-producing capital projects at institutions of higher learning of the Commonwealth as follows:*

<i>Institution</i>	<i>Project Title</i>	<i>Project Code</i>	<i>Amount</i>
<i>James Madison University</i>	<i>Village Student Housing, Phase I</i>	<i>18596</i>	<i>\$55,240,000</i>
<i>Virginia Polytechnic Institute and State University</i>	<i>Hitt Hall</i>	<i>18605</i>	<i>\$45,629,000</i>
<i>Total</i>			<i>\$100,869,000</i>

§ 3. *Application of proceeds. The proceeds, including any premium, of bonds and BANs (except the proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds, and (iii) refunding BANs) shall be deposited in a special capital outlay fund in the state treasury and, together with the investment income thereon, shall be disbursed by the State Treasurer for paying costs of the acquisition, construction, renovation, enlargement, improvement, and equipping of the authorized capital projects, including financing costs. The proceeds of (a) bonds the issuance of which has been anticipated by BANs, (b) refunding bonds, and (c) refunding BANs shall be used to pay such BANs, refunded bonds, and refunded BANs.*

§ 4. *Details, sale of bonds and BANs. Bonds and BANs shall be dated, and may be made redeemable before their maturity or maturities at such price or prices or within such price parameters, all as may be determined by the Treasury Board, by and with the consent of the Governor. Bonds and BANs shall be in such form, shall bear interest at such rate or rates, either at fixed rates or at rates established by formula or other method, and may contain such other provisions, all as determined by the Treasury Board or, when authorized by the Treasury Board, the State Treasurer. The principal of and premium, if any, and the interest on bonds and BANs shall be payable in lawful money of the United States of America. Bonds and BANs may be certificated or uncertificated as determined by the Treasury Board. The Treasury Board may contract for services of such registrars, transfer agents, or other authenticating agents as it deems appropriate to maintain a record of the persons entitled to the bonds and BANs. Bonds and BANs issued in certificated form may be issued under a system of book entry for recording the ownership and transfer of ownership of rights to receive payments on the bonds and BANs. The Treasury Board shall fix the authorized denomination or denominations of the bonds and the place or places of payment of certificated bonds and BANs, which may be at the Office of the State Treasurer or at any bank or trust company within or without the Commonwealth. Bonds shall mature at such time or times not exceeding 30 years from their date or dates, and BANs shall mature at such time or times not exceeding five years from their date or dates.*

The Treasury Board may sell bonds and BANs in such manner, by competitive bidding, negotiated sale, or private placement and for such price or within such price parameters as it may determine, by and with the consent of the Governor, to be in the best interest of the Commonwealth.

In the discretion of the Treasury Board, bonds and BANs may be issued at one time or from time to time and may be sold and issued at the same time with other general obligation bonds and BANs, respectively, of the Commonwealth authorized pursuant to Article X, Section 9 (a) (3), (b), and (c) of the Constitution of Virginia, as separate issues or as a combined issue, designated "Commonwealth of Virginia General Obligation Bonds Bond Anticipation Notes, Series"

§ 5. *Execution of bonds and BANs. Certificated bonds and BANs shall be signed on behalf of the Commonwealth by the Governor and by the State Treasurer, or shall bear their facsimile signatures, and shall bear the lesser seal of the Commonwealth or a facsimile thereof. If the bonds or BANs bear the facsimile signature of the State Treasurer, they shall be signed by such administrative assistant as the State Treasurer shall determine or by such registrar or paying agent as may be designated to sign them by the Treasury Board. If any officer whose signature or facsimile signature appears on any bonds or BANs ceases to be such officer before delivery, such signature or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery, and any bond or BAN may bear the facsimile signature of, or may be signed by, such persons as at the actual time of execution are the proper officers to sign such bond or BAN, although, at the date of such bond or BAN, such persons may not have been such officers.*

§ 6. *Sources for payment of expenses. All expenses incurred under this act shall be paid from the proceeds of bonds or BANs, from payments made by the institutions for which the capital projects were authorized in § 2 hereof or from any other available funds as the Treasury Board shall determine.*

§ 7. *Revenues. Each institution of higher learning named above is hereby authorized (i) to fix, revise, charge, and collect rates, fees, and charges for or in connection with the use, occupancy, and services of each capital project mentioned above or the system of which such capital project is a part and (ii) to pledge to the portion of the bonds or BANs issued for such capital project the net revenues resulting from such rates, fees, and charges and remaining after payment of the expenses of operating the project or system, as the case may be. Each such institution is further authorized to create debt service and sinking funds for the payments of the principal of, premium, if any, and interest on the bonds and other reserves required by any agency of the United States of America purchasing the bonds or any portion thereof.*

§ 8. *Investments and contracts. A. Pending the application of the proceeds of the bonds or BANs (including refunding bonds and BANs) to the purpose for which they have been authorized and the application of funds set aside for the purpose to the payment of bonds or BANs, they may be invested by the State Treasurer in securities that are legal investments under the laws of the Commonwealth for public funds and sinking funds, as the case may be. Whenever the State Treasurer receives interest from the investment of the proceeds of bonds or any BANs, such interest shall become a part of the principal of the bonds or any BANs and shall be used in the same manner as required for principal of the bonds or BANs.*

B. The Commonwealth may enter into any contract or other arrangement that is determined to be necessary or appropriate to place the obligation or investment of the Commonwealth, as represented by bonds, BANs, or investments, in whole or in part, on the interest rate, cash flow, or other basis desired by the Commonwealth. Such contract or other arrangement may include, without limitation, contracts commonly known as interest rate swap agreements and futures or contracts providing for payments based on levels of, or changes in, interest rates. These contracts or arrangements may be entered into by the Commonwealth in connection with, or incidental to, entering into, or maintaining any (i) agreement which secures bonds or BANs or (ii) investment, or contract providing for investment, otherwise authorized by law. These contracts and arrangements may contain such payment, security, default, remedy, and other terms and conditions as determined by the Commonwealth, after giving due consideration to the creditworthiness of the counterparty or other obligated party, including any rating by any nationally recognized rating agency, and any other criteria as may be appropriate. The determinations referred to in this subsection may be made by the Treasury Board or any public funds manager with professional investment capabilities duly authorized by the Treasury Board to make such determinations.

C. Any money set aside and pledged to secure payments of bonds, BANs, or any of the contracts entered into pursuant to this section may be invested in accordance with subsection A and may be pledged to and used to service any of the contracts or other arrangements entered into pursuant to subsection B.

§ 9. *Security for bonds and BANs. The net revenues of the capital projects set forth above and the full faith and credit of the Commonwealth are hereby irrevocably pledged for the payment of the principal of and the interest on bonds and BANs (unless the Treasury Board, by and with the consent of the Governor, shall provide otherwise) issued under this act. The proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds, and (iii) refunding BANs are hereby irrevocably pledged for the payment of principal of and interest and any premium on the BANs or bonds to be paid or redeemed thereby. In the event the net revenues pledged to the payment of the bonds or BANs are insufficient in any fiscal year for the timely payment of the principal of, premium, if any, and interest on the bonds or BANs, where the full faith and credit of the Commonwealth have been pledged, the General Assembly shall appropriate a sum sufficient therefor or the Governor shall direct payment therefor from the general fund revenues of the Commonwealth.*

§ 10. *Exemption of interest from tax. The bonds and BANs issued under the provisions of this act, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free and exempt from taxation by the Commonwealth and by any county, city, or town or other political subdivision thereof. The Treasury Board is authorized to take or refrain from taking any and all actions and to covenant to such effect, and to require the participating institutions to do and to covenant likewise, to the extent that, in the judgment of the Treasury Board, it is appropriate in order that interest on the bonds and BANs may be exempt from federal income tax. Alternatively, interest on bonds and BANs may be made subject to inclusion in gross income of the holders thereof for federal income tax purposes.*

§ 11. *Refunding bonds and BANs. The Treasury Board is authorized, by and with the consent of the Governor, to sell and issue, at one time or from time to time, refunding bonds and BANs of the Commonwealth, to refund any or all of the bonds and BANs, respectively, issued under this act or otherwise authorized pursuant to Article X, Section 9 (c), Constitution of Virginia. Refunding bonds and BANs may be issued in a principal amount up to the amount necessary to pay at maturity or redeem the bonds and BANs to be refunded and pay all issuance costs and other financing expenses of the*

refunding. Such refunding bonds and BANs may be issued whether or not the obligations to be refunded are then subject to redemption.

§ 12. Defeasance. Any bond or BAN for which cash or direct obligations of the United States of America shall have been set aside in escrow with the State Treasurer or a bank or trust company, within or without the Commonwealth, shall be deemed no longer outstanding under the applicable authorizing instrument, this act, and Article X, Section 9 (c) or (b), as the case may be, of the Constitution of Virginia.

§ 13. Severability. The provisions of this act or the application thereof to any person or circumstance which are held invalid shall not affect the validity of other provisions or applications of this act which can be given effect without the invalid provisions or applications.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 14

An Act to amend and reenact §§ 58.1-609.3 and 58.1-3660 of the Code of Virginia, relating to certified pollution control equipment; certification by subdivisions.

[H 148]

Approved March 2, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-609.3 and 58.1-3660 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-609.3. Commercial and industrial exemptions.

The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606 shall not apply to the following:

1. Personal property purchased by a contractor which is used solely in another state or in a foreign country, which could be purchased by such contractor for such use free from sales tax in such other state or foreign country, and which is stored temporarily in Virginia pending shipment to such state or country.

2. (i) Industrial materials for future processing, manufacturing, refining, or conversion into articles of tangible personal property for resale where such industrial materials either enter into the production of or become a component part of the finished product; (ii) industrial materials that are coated upon or impregnated into the product at any stage of its being processed, manufactured, refined, or converted for resale; (iii) machinery or tools or repair parts therefor or replacements thereof, fuel, power, energy, or supplies, used directly in processing, manufacturing, refining, mining or converting products for sale or resale; (iv) materials, containers, labels, sacks, cans, boxes, drums or bags for future use for packaging tangible personal property for shipment or sale; or (v) equipment, printing or supplies used directly to produce a publication described in subdivision 3 of § 58.1-609.6 whether it is ultimately sold at retail or for resale or distribution at no cost. Machinery, tools and equipment, or repair parts therefor or replacements thereof, shall be exempt if the preponderance of their use is directly in processing, manufacturing, refining, mining or converting products for sale or resale. The provisions of this subsection do not apply to the drilling or extraction of oil, gas, natural gas and coalbed methane gas. In addition, the exemption provided herein shall not be applicable to any machinery, tools, and equipment, or any other tangible personal property used by a public service corporation in the generation of electric power, except for raw materials that are inputs to production of electricity, including fuel, or for machinery, tools, and equipment used to generate energy derived from sunlight or wind. The exemption for machinery, tools, and equipment used to generate energy derived from sunlight or wind shall expire June 30, 2027.

3. Tangible personal property sold or leased to a public service corporation engaged in business as a common carrier of property or passengers by railway, for use or consumption by such common carrier directly in the rendition of its public service.

4. Ships or vessels, or repairs and alterations thereof, used or to be used exclusively or principally in interstate or foreign commerce; fuel and supplies for use or consumption aboard ships or vessels plying the high seas, either in intercoastal trade between ports in the Commonwealth and ports in other states of the United States or its territories or possessions, or in foreign commerce between ports in the Commonwealth and ports in foreign countries, when delivered directly to such ships or vessels; or tangible personal property used directly in the building, conversion or repair of the ships or vessels covered by this subdivision. This exemption shall include dredges, their supporting equipment, attendant vessels, and fuel and supplies for use or consumption aboard such vessels, provided the dredges are used exclusively or principally in interstate or foreign commerce.

5. Tangible personal property purchased for use or consumption directly and exclusively in basic research or research and development in the experimental or laboratory sense.

6. Notwithstanding the provisions of subdivision 20 of § 58.1-609.10, all tangible personal property sold or leased to an airline operating in intrastate, interstate or foreign commerce as a common carrier providing scheduled air service on a continuing basis to one or more Virginia airports at least one day per week, for use or consumption by such airline directly in the rendition of its common carrier service.

7. Meals furnished by restaurants or food service operators to employees as a part of wages.

8. Tangible personal property including machinery and tools, repair parts or replacements thereof, and supplies and materials used directly in maintaining and preparing textile products for rental or leasing by an industrial processor engaged in the commercial leasing or renting of laundered textile products.

9. Certified pollution control equipment and facilities as defined in § 58.1-3660, except for any equipment that has not been certified to the Department of Taxation by a state certifying authority *or subdivision certifying authority* pursuant to such section.

10. Parts, tires, meters and dispatch radios sold or leased to taxicab operators for use or consumption directly in the rendition of their services.

11. High speed electrostatic duplicators or any other duplicators which have a printing capacity of 4,000 impressions or more per hour purchased or leased by persons engaged primarily in the printing or photocopying of products for sale or resale.

12. From July 1, 1994, and ending July 1, 2022, raw materials, fuel, power, energy, supplies, machinery or tools or repair parts therefor or replacements thereof, used directly in the drilling, extraction, or processing of natural gas or oil and the reclamation of the well area. For the purposes of this section, the term "natural gas" shall mean "gas," "natural gas," and "coalbed methane gas" as defined in § 45.2-1600. For the purposes of this section, "drilling," "extraction," and "processing" shall include production, inspection, testing, dewatering, dehydration, or distillation of raw natural gas into a usable condition consistent with commercial practices, and the gathering and transportation of raw natural gas to a facility wherein the gas is converted into such a usable condition. Machinery, tools and equipment, or repair parts therefor or replacements thereof, shall be exempt if the preponderance of their use is directly in the drilling, extraction, refining, or processing of natural gas or oil for sale or resale, or in well area reclamation activities required by state or federal law.

13. Beginning July 1, 1997, (i) the sale, lease, use, storage, consumption, or distribution of an orbital or suborbital space facility, space propulsion system, space vehicle, satellite, or space station of any kind possessing space flight capability, including the components thereof, irrespective of whether such facility, system, vehicle, satellite, or station is returned to this Commonwealth for subsequent use, storage or consumption in any manner when used to conduct spaceport activities; (ii) the sale, lease, use, storage, consumption or distribution of tangible personal property placed on or used aboard any orbital or suborbital space facility, space propulsion system, space vehicle, satellite or space station of any kind, irrespective of whether such tangible personal property is returned to this Commonwealth for subsequent use, storage or consumption in any manner when used to conduct spaceport activities; (iii) fuels of such quality not adapted for use in ordinary vehicles, being produced for, sold and exclusively used for space flight when used to conduct spaceport activities; (iv) the sale, lease, use, storage, consumption or distribution of machinery and equipment purchased, sold, leased, rented or used exclusively for spaceport activities and the sale of goods and services provided to operate and maintain launch facilities, launch equipment, payload processing facilities and payload processing equipment used to conduct spaceport activities.

For purposes of this subdivision, "spaceport activities" means activities directed or sponsored at a facility owned, leased, or operated by or on behalf of the Virginia Commercial Space Flight Authority.

The exemptions provided by this subdivision shall not be denied by reason of a failure, postponement or cancellation of a launch of any orbital or suborbital space facility, space propulsion system, space vehicle, satellite or space station of any kind or the destruction of any launch vehicle or any components thereof.

14. Semiconductor cleanrooms or equipment, fuel, power, energy, supplies, or other tangible personal property used primarily in the integrated process of designing, developing, manufacturing, or testing a semiconductor product, a semiconductor manufacturing process or subprocess, or semiconductor equipment without regard to whether the property is actually contained in or used in a cleanroom environment, touches the product, is used before or after production, or is affixed to or incorporated into real estate.

15. Semiconductor wafers for use or consumption by a semiconductor manufacturer.

16. Railroad rolling stock when sold or leased by the manufacturer thereof.

17. Computer equipment purchased or leased on or before June 30, 2011, used in data centers located in a Virginia locality having an unemployment rate above 4.9 percent for the calendar quarter ending November 2007, for the processing, storage, retrieval, or communication of data, including but not limited to servers, routers, connections, and other enabling hardware when part of a new investment of at least \$75 million in such exempt property, when such investment results in the creation of at least 100 new jobs paying at least twice the prevailing average wage in that locality, so long as such investment was made in accordance with a memorandum of understanding with the Virginia Economic Development Partnership Authority entered into or amended between January 1, 2008, and December 31, 2008. The exemption shall also apply to any such computer equipment purchased or leased to upgrade, add to, or replace computer equipment purchased or leased in the initial investment. The exemption shall not apply to any computer software sold separately from the computer equipment, nor shall it apply to general building improvements or fixtures.

18. a. Beginning July 1, 2010, and ending June 30, 2035, computer equipment or enabling software purchased or leased for the processing, storage, retrieval, or communication of data, including but not limited to servers, routers, connections, and other enabling hardware, including chillers and backup generators used or to be used in the operation of the equipment exempted in this paragraph, provided that such computer equipment or enabling software is purchased or leased for use in a data center, which includes any data center facilities located in the same locality as the data center that are under common ownership or affiliation of the data center operator, that (i) is located in a Virginia locality; (ii) results in a

new capital investment on or after January 1, 2009, of at least \$150 million; and (iii) results in the creation on or after July 1, 2009, of at least 50 new jobs by the data center operator and the tenants of the data center, collectively, associated with the operation or maintenance of the data center provided that such jobs pay at least one and one-half times the prevailing average wage in that locality. The requirement of at least 50 new jobs is reduced to 10 new jobs if the data center is located in a distressed locality at the time of the execution of a memorandum of understanding with the Virginia Economic Development Partnership Authority. Additionally, the requirement of a \$150 million capital investment shall be reduced to \$70 million for data centers that qualify for the reduced jobs requirement.

This exemption applies to the data center operator and the tenants of the data center if they collectively meet the requirements listed in this section. Prior to claiming such exemption, any qualifying person claiming the exemption, including a data center operator on behalf of itself and its tenants, must enter into a memorandum of understanding with the Virginia Economic Development Partnership Authority that at a minimum provides the details for determining the amount of capital investment made and the number of new jobs created, the timeline for achieving the capital investment and new job goals, the repayment obligations should those goals not be achieved, and any conditions under which repayment by the qualifying data center or data center tenant claiming the exemption may be required. In addition, the exemption shall apply to any such computer equipment or enabling software purchased or leased to upgrade, supplement, or replace computer equipment or enabling software purchased or leased in the initial investment. The exemption shall not apply to any other computer software otherwise taxable under Chapter 6 of Title 58.1 that is sold or leased separately from the computer equipment, nor shall it apply to general building improvements or other fixtures.

b. For purposes of this subdivision 18, "distressed locality" means:

1. From July 1, 2021, until July 1, 2023, any locality that had (i) an annual unemployment rate for calendar year 2019 that was greater than the final statewide average unemployment rate for that calendar year and (ii) a poverty rate for calendar year 2019 that exceeded the statewide average poverty rate for that year; and

2. From and after July 1, 2023, any locality that has (i) an annual unemployment rate for the most recent calendar year for which such data is available that is greater than the final statewide average unemployment rate for that calendar year and (ii) a poverty rate for the most recent calendar year for which such data is available that exceeds the statewide average poverty rate for that year.

c. For so long as a data center operator is claiming an exemption pursuant to this subdivision 18, such operator shall be required to submit an annual report to the Virginia Economic Development Partnership Authority on behalf of itself and, if applicable, its participating tenants that includes their employment levels, capital investments, average annual wages, qualifying expenses, and tax benefit, and such other information as the Virginia Economic Development Partnership Authority determines is relevant, pursuant to procedures developed by the Virginia Economic Development Partnership Authority. The annual report shall be submitted by the data center operator in a format prescribed by the Virginia Economic Development Partnership Authority. The Virginia Economic Development Partnership Authority shall share all information collected with the Department.

The Department, in collaboration with the Virginia Economic Development Partnership Authority, shall publish a biennial report on the exemption that shall include aggregate information on qualifying expenses claimed under this exemption, the total value of the tax benefit, a return on investment analysis that includes direct and indirect jobs created by data center investment, state and local tax revenues generated, and any other information the Department and the Virginia Economic Development Partnership Authority deem appropriate to demonstrate the costs and benefits of the exemption. The report shall not include, and the Department and the Virginia Economic Development Partnership Authority shall not publish or disclose, any such information if it is unaggregated or if such report or publication could be used to identify a business or individual. The Department shall submit the report to the Chairmen of the Senate Committee on Finance and Appropriations and the House Committees on Appropriations and Finance. The Virginia Economic Development Partnership Authority may publish on its website and distribute annual information indicating the job creation and ranges of capital investments made by a data center operator and, if applicable, its participating tenants, in a format to be developed in consultation with data center operators.

19. (Effective until January 1, 2022) If the preponderance of their use is in the manufacture of beer by a brewer licensed pursuant to subdivision 1 or 2 of § 4.1-208, (i) machinery, tools, and equipment, or repair parts therefor or replacements thereof, fuel, power, energy, or supplies; (ii) materials for future processing, manufacturing, or conversion into beer where such materials either enter into the production of or become a component part of the beer; and (iii) materials, including containers, labels, sacks, cans, bottles, kegs, boxes, drums, or bags for future use, for packaging the beer for shipment or sale.

19. (Effective January 1, 2022) If the preponderance of their use is in the manufacture of beer by a brewer licensed pursuant to subdivision 3 or 4 of § 4.1-206.1, (i) machinery, tools, and equipment, or repair parts therefor or replacements thereof, fuel, power, energy, or supplies; (ii) materials for future processing, manufacturing, or conversion into beer where such materials either enter into the production of or become a component part of the beer; and (iii) materials, including containers, labels, sacks, cans, bottles, kegs, boxes, drums, or bags for future use, for packaging the beer for shipment or sale.

20. If the preponderance of their use is in advanced recycling, as defined in § 58.1-439.7, (i) machinery, tools, and equipment, or repair parts therefor or replacements thereof, fuel, power, energy, or supplies; (ii) materials for processing, manufacturing, or conversion for resale where such materials either are recycled or recovered; and (iii) materials, including

containers, labels, sacks, cans, boxes, drums, or bags used for packaging recycled or recovered material for shipment or resale.

§ 58.1-3660. Certified pollution control equipment and facilities.

A. Certified pollution control equipment and facilities, as defined herein, are hereby declared to be a separate class of property and shall constitute a classification for local taxation separate from other such classification of real or personal property and such property. Certified pollution control equipment and facilities shall be exempt from state and local taxation pursuant to Article X, Section 6 (d) of the Constitution of Virginia.

B. As used in this section:

"Certified pollution control equipment and facilities" means any property, including real or personal property, equipment, facilities, or devices, used primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the Commonwealth and which the state certifying authority *or subdivision certifying authority* having jurisdiction with respect to such property has certified to the Department of Taxation as having been constructed, reconstructed, erected, or acquired in conformity with the state program or requirements for abatement or control of water or atmospheric pollution or contamination, except that in the case of equipment, facilities, devices, or other property intended for use by any political subdivision in conjunction with the operation of its water, wastewater, stormwater, or solid waste management facilities or systems, including property that may be financed pursuant to Chapter 22 (§ 62.1-224 et seq.) of Title 62.1, the state certifying authority *or subdivision certifying authority* having jurisdiction with respect to such property shall, upon the request of the political subdivision, make such certification prospectively for property to be constructed, reconstructed, erected, or acquired for such purposes. Such property shall include, but is not limited to, any equipment used to grind, chip, or mulch trees, tree stumps, underbrush, and other vegetative cover for reuse as mulch, compost, landfill gas, synthetic or natural gas recovered from waste or other fuel, and equipment used in collecting, processing, and distributing, or generating electricity from, landfill gas or synthetic or natural gas recovered from waste, whether or not such property has been certified to the Department of Taxation by a state certifying authority *or subdivision certifying authority*. Such property shall include solar energy equipment, facilities, or devices owned or operated by a business that collect, generate, transfer, or store thermal or electric energy whether or not such property has been certified to the Department of Taxation by a state certifying authority *or subdivision certifying authority*. Such property shall also include energy storage systems, whether or not such property has been certified to the Department of Taxation by a state certifying authority *or subdivision certifying authority*. All such property as described in this definition shall not include the land on which such equipment or facilities are located.

"Energy storage system" means equipment, facilities, or devices that are capable of absorbing energy, storing it for a period of time, and redelivering that energy after it has been stored.

"State certifying authority" means the State Water Control Board or the Virginia Department of Health, for water pollution; the State Air Pollution Control Board, for air pollution; the Department of Energy, for solar energy projects, energy storage systems, and for coal, oil, and gas production, including gas, natural gas, and coalbed methane gas; and the Virginia Waste Management Board, for waste disposal facilities, natural gas recovered from waste facilities, and landfill gas production facilities, and shall include any interstate agency authorized to act in place of a certifying authority of the Commonwealth.

"Subdivision certifying authority" means the body of a political subdivision responsible for administering the political subdivision's water, wastewater, stormwater, or solid waste management facilities or systems. A subdivision certifying authority may only certify property pursuant to this section if the property being certified is equipment, facilities, devices, or other property intended for use by the political subdivision in conjunction with the operation of its water, wastewater, stormwater, or solid waste management facilities or systems. If property is certified by a subdivision certifying authority, it shall not be required to be certified by a state certifying authority.

C. For solar photovoltaic (electric energy) systems, this exemption applies only to (i) projects equaling 20 megawatts or less, as measured in alternating current (AC) generation capacity, for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or before December 31, 2018; (ii) projects equaling 20 megawatts or less, as measured in alternating current (AC) generation capacity, that serve any of the public institutions of higher education listed in § 23.1-100 or any private college as defined in § 23.1-105; (iii) 80 percent of the assessed value of projects for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization (a) between January 1, 2015, and June 30, 2018, for projects greater than 20 megawatts or (b) on or after July 1, 2018, for projects greater than 20 megawatts and less than 150 megawatts, as measured in alternating current (AC) generation capacity, and that are first in service on or after January 1, 2017; (iv) projects equaling five megawatts or less, as measured in alternating current (AC) generation capacity, for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or after January 1, 2019; and (v) 80 percent of the assessed value of all other projects equaling more than five megawatts and less than 150 megawatts, as measured in alternating current (AC) generation capacity for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or after January 1, 2019.

D. The exemption for solar photovoltaic (electric energy) projects greater than five megawatts, as measured in alternating current (AC) generation capacity, shall not apply to any such project unless an application has been filed with the locality for the project before July 1, 2030, regardless of whether a locality assesses a revenue share on such project pursuant to the provisions of § 58.1-2636. If a locality adopts an energy revenue share ordinance under § 58.1-2636, the

exemption for solar photovoltaic (electric energy) projects greater than five megawatts, as measured in alternating current (AC) generation capacity, shall be 100 percent of the assessed value. If a locality does not adopt an energy revenue share ordinance under § 58.1-2636, the exemption for solar photovoltaic (electric energy) projects greater than five megawatts, as measured in alternating current (AC) generation capacity, for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization, shall be 80 percent of the assessed value when an application has been filed with the locality prior to July 1, 2030. For purposes of this subsection, "application has been filed with the locality" means an applicant has filed an application for a zoning confirmation from the locality for a by-right use or an application for land use approval under the locality's zoning ordinance to include an application for a conditional use permit, special use permit, special exception, or other application as set out in the locality's zoning ordinance.

E. For pollution control equipment and facilities certified by the Virginia Department of Health, this exemption applies only to onsite sewage systems that serve 10 or more households, use nitrogen-reducing processes and technology, and are constructed, wholly or partially, with public funds.

F. Notwithstanding any provision to the contrary, for any solar photovoltaic project described in clauses (iii) and (v) of subsection C for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or after January 1, 2019, the amount of the exemption shall be as follows: 80 percent of the assessed value in the first five years in service after commencement of commercial operation, 70 percent of the assessed value in the second five years in service, and 60 percent of the assessed value for all remaining years in service.

G. Notwithstanding any provision to the contrary, the exemption for energy storage systems provided under this section (i) shall apply only to projects greater than five megawatts and less than 150 megawatts, as measured in alternating current (AC) storage capacity, and (ii) shall be in the following amounts: 80 percent of the assessed value in the first five years of service after commencement of commercial operation, 70 percent of the assessed value in the second five years in service, and 60 percent of the assessed value for all remaining years in service.

H. The exemption for energy storage systems greater than five megawatts, as measured in alternating current (AC) storage capacity, shall not apply to any such project unless an application has been filed with the locality for the project before July 1, 2030, regardless of whether a locality assesses a revenue share on such project pursuant to the provisions of § 58.1-2636. If a locality adopts an energy revenue share ordinance under § 58.1-2636, the exemption for energy storage systems greater than five megawatts, as measured in alternating current (AC) storage capacity, shall be 100 percent of the assessed value. If a locality does not adopt an energy revenue share ordinance under § 58.1-2636, the exemption for energy storage systems greater than five megawatts, as measured in alternating current (AC) storage capacity, shall be as set out in subsection G when an application has been filed with the locality prior to July 1, 2030. For the purposes of this subsection, "application has been filed with the locality" means an applicant has filed an application for a zoning confirmation from the locality for a by-right use or an application for land use approval under the locality's zoning ordinance to include an application for a conditional use permit, special use permit, special exception, or other application as set out in the locality's zoning ordinance.

CHAPTER 15

An Act to amend and reenact § 58.1-3970.1 of the Code of Virginia, relating to delinquent tax lands; disposition.

[H 298]

Approved March 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3970.1 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3970.1. Appointment of special commissioner to execute title to certain real estate with delinquent taxes or liens to localities.

A. 1. Except as provided in subsection B, in any proceedings under this article for the sale of a parcel or parcels of real estate ~~which~~ *that* meet all of the following: (i) each parcel has delinquent real estate taxes or the locality has a lien against the parcel for removal, repair, or securing of a building or structure; removal of trash, garbage, refuse, or litter; or the cutting of grass, weeds, or other foreign growth; (ii) each parcel has an assessed value of \$75,000 or less; and (iii) (a) such taxes and liens, together, including penalty and accumulated interest, exceed 50 percent of the assessed value of the parcel ~~or~~, (b) such taxes alone exceed 25 percent of the assessed value of the parcel, or (c) for parcels containing a structure that is a derelict building, as that term is defined in § 15.2-907.1, such taxes and liens, together, including penalty and accumulated interest, exceed 25 percent of the assessed value of the parcel, the locality may petition the circuit court to appoint a special commissioner to execute the necessary deed or deeds to convey the real estate ~~to the locality in lieu of the sale at public auction~~, *in lieu of the sale at public auction, to the locality, to the locality's land bank entity, or to an existing nonprofit entity designated by the locality to carry out the functions of a land bank entity pursuant to § 15.2-7512.* After notice as required by this article, service of process, and upon answer filed by the owner or other parties in interest to the bill in equity, the court shall allow the parties to present evidence and arguments, ore tenus, prior to the appointment of the special commissioner. Any surplusage accruing to a locality, *land bank entity, or existing nonprofit entity* as a result of the sale of the parcel or parcels after the receipt of the deed shall be payable to the beneficiaries of any liens against the property and to

the former owner, his heirs or assigns in accordance with § 58.1-3967. No deficiency shall be charged against the owner after conveyance to the locality, *land bank entity*, or *existing nonprofit entity*.

2. A *land bank entity* or *existing nonprofit entity* receiving any parcel pursuant to this section shall either (i) sell the property to a third party in an arms-length transaction or, if the *land bank entity* or *existing nonprofit entity* develops the property before selling it, make such sale within a reasonable period of time after completing such development or (ii) if the *land bank entity* or *existing nonprofit entity* does not intend to sell the property, pay to the beneficiaries of any liens against the property and to the former owner, his heirs or assigns any amount of surplusage, if any, that would result if the property were sold and the proceeds distributed in accordance with § 58.1-3967. For purposes of this section, "*existing nonprofit entity*" and "*land bank entity*" have the same meaning as those terms are defined in § 15.2-7500.

B. For a parcel or parcels of real estate in a locality with a score of 100 or higher on the fiscal stress index, as published by the Department of Housing and Community Development in July 2020, all of the provisions of subsection A shall apply except (i) that the percentage of taxes and liens, together, including penalty and accumulated interest, and the percentage of taxes alone set forth in ~~clause clauses~~ (iii) (a) and (b) of subsection A shall exceed 35 percent and 15 percent, respectively, of the assessed value of the parcel or parcels or (ii) that the percentage of taxes and liens, together, including penalty and accumulated interest, and the percentage of taxes alone set forth in ~~clause clauses~~ (iii) (a) and (b) of subsection A shall exceed 20 percent and 10 percent, respectively, of the assessed value of the parcel or parcels, and each parcel has an assessed value of \$150,000 or less, provided that under this clause the property is not an occupied dwelling, and the locality enters into an agreement for sale of the parcel to a nonprofit organization to renovate or construct a single-family dwelling on the parcel for sale to a person or persons to reside in the dwelling whose income is below the area median income.

C. For sales by a nonprofit organization pursuant to subsection B, such sales may include either (i) both the land and the structural improvements on a property or (ii) only the structural improvements of a property and not the land the structural improvements are located on. A sale of only the structural improvements is permissible only if (a) the structural improvements are subject to a ground lease with a community land trust, as that term is defined in § 55.1-1200; (b) the structural improvements are subject to a ground lease that has a term of at least 90 years; and (c) the community land trust retains a preemptive option to purchase such structural improvements at a price determined by a formula that is designed to ensure that the improvements remain affordable in perpetuity to low-income and moderate-income families earning less than 120 percent of the area median income, adjusted for family size.

CHAPTER 16

An Act to amend and reenact §§ 54.1-2400.01:1, 54.1-3200, and 54.1-3201 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 32 of Title 54.1 an article numbered 6, consisting of a section numbered 54.1-3225, relating to optometrists; laser surgery.

[S 375]

Approved March 9, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2400.01:1, 54.1-3200, and 54.1-3201 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 32 of Title 54.1 an article numbered 6, consisting of a section numbered 54.1-3225, as follows:

§ 54.1-2400.01:1. Surgery defined; who may perform surgery.

A. For the purposes of this subtitle, except as used in Chapter 38 (§ 54.1-3800 et seq.) related to veterinary medicine, "surgery" means the structural alteration of the human body by the incision or cutting into of tissue for the purpose of diagnostic or therapeutic treatment of conditions or disease processes by any instrument causing localized alteration or transposition of live human tissue, but does not include the following: procedures for the removal of superficial foreign bodies from the human body, punctures, injections, dry needling, acupuncture, or removal of dead tissue. For the purposes of this section, incision shall not mean the scraping or brushing of live tissue.

B. No person shall perform surgery unless he is (i) licensed by the Board of Medicine as a doctor of medicine, osteopathy, or podiatry; (ii) licensed by the Board of Dentistry as a doctor of dentistry; (iii) jointly licensed by the Boards of Medicine and Nursing as a nurse practitioner; (iv) a physician assistant acting under the supervision of a doctor of medicine, osteopathy, or podiatry; (v) a licensed midwife in the performance of episiotomies during childbirth; ~~or~~ (vi) *licensed by the Board of Optometry as an optometrist and certified to perform laser surgery pursuant to § 54.1-3225; or* (vii) acting pursuant to the orders and under the appropriate supervision of a licensed doctor of medicine, osteopathy, podiatry, or dentistry.

C. Nothing in this section shall be construed to restrict, limit, change, or expand the scope of practice in effect on January 1, 2012, of any profession licensed by any of the health regulatory boards within the Department of Health Professions.

§ 54.1-3200. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board of Optometry.

"Optometrist" means any person practicing the profession of optometry as defined in this chapter and the regulations of the Board.

"Practice of optometry" means the examination of the human eye to ascertain the presence of defects or abnormal conditions which may be corrected or relieved by the use of lenses, prisms or ocular exercises; visual training or orthoptics; the employment of any subjective or objective mechanism to determine the accommodative or refractive states of the human eye or range or power of vision of the human eye; the use of testing appliances for the purpose of the measurement of the powers of vision; the examination, diagnosis, and optometric treatment in accordance with this chapter, of conditions and visual or muscular anomalies of the human eye; the use of diagnostic pharmaceutical agents set forth in § 54.1-3221; and the prescribing or adapting of lenses, prisms or ocular exercises; visual training or orthoptics for the correction, relief, remediation or prevention of such conditions. An optometrist may treat certain diseases or abnormal conditions of the human eye and its adnexa with certain therapeutic pharmaceutical agents only as permitted under this chapter. The practice of optometry also includes the evaluation, examination, diagnosis, and treatment of abnormal or diseased conditions of the human eye and its adnexa by the use of medically recognized and appropriate devices, procedures, or technologies. However, the practice of optometry does not include treatment through surgery, including laser surgery; other invasive modalities, or the use of injections, including venipuncture and intravenous injections, except as provided in § 54.1-3222 or for the treatment of emergency cases of anaphylactic shock with intramuscular epinephrine practice in accordance with the provisions of § 54.1-3201.

"TPA-certified optometrist" means an optometrist who is licensed under this chapter and who has successfully completed the requirements for TPA certification established by the Board pursuant to Article 5 (§ 54.1-3222 et seq.). ~~Such certification shall enable an optometrist to prescribe and administer Schedule II controlled substances consisting of hydrocodone in combination with acetaminophen and Schedules III through VI controlled substances and devices as set forth in the Drug Control Act (§ 54.1-3400 et seq.) to treat diseases, including abnormal conditions, of the human eye and its adnexa, as determined by the Board. Such certification shall not, however, permit treatment through surgery, including, but not limited to, laser surgery, other invasive modalities, or the use of injections, including venipuncture and intravenous injections, except as provided in § 54.1-3222 or for treatment of emergency cases of anaphylactic shock with intramuscular epinephrine.~~

The foregoing shall not restrict the authority of any optometrist licensed or certified under this chapter for the removal of superficial foreign bodies from the human eye and its adnexa or from delegating to personnel in his personal employ and supervised by him, such activities or functions as are nondiscretionary and do not require the exercise of professional judgment for their performance and which are usually or customarily delegated to such persons by optometrists, if such activities or functions are authorized by and performed for such optometrists and responsibility for such activities or functions is assumed by such optometrists.

§ 54.1-3201. What constitutes practice of optometry.

A. The practice of optometry includes:

- 1. Examination of the human eye to ascertain the presence of defects or abnormal conditions that may be corrected or relieved by the use of lenses, prisms or ocular exercises, or visual training or orthoptics and the prescribing or adapting of lenses, prisms or ocular exercises, or visual training or orthoptics for the correction, relief, remediation, or prevention of such conditions;*
- 2. Employment of any subjective or objective mechanism to determine the accommodative or refractive states of the human eye or range or power of vision of the human eye;*
- 3. Use of testing appliances for the purpose of the measurement of the powers of vision;*
- 4. Examination, diagnosis, and optometric treatment in accordance with this chapter of conditions and visual or muscular anomalies of the human eye;*
- 5. Evaluation, examination, diagnosis, and treatment of abnormal or diseased conditions of the human eye and its adnexa by the use of medically recognized and appropriate devices, procedures, or technologies;*
- 6. Preoperative and postoperative care related to the human eye and adnexa; and*
- 7. Use of diagnostic pharmaceutical agents set forth in § 54.1-3221.*

B. Except as provided in §§ 54.1-3222 and 54.1-3225, the practice of optometry does not include treatment through:

- 1. Surgery, including:*
 - a. Retina laser procedures; laser procedures into the vitreous chamber of the eye to treat vitreous, retinal, or macular disease; laser in situ keratomileusis and photorefractive keratectomy eye surgery; or other laser surgery;*
 - b. Penetrating keratoplasty and corneal transplants;*
 - c. Surgery (i) related to removal of the eye; (ii) requiring a full-thickness incision or excision of the cornea or sclera; (iii) requiring physical incision of the iris and ciliary body, including the diathermy, and cryotherapy; (iv) requiring incision of the vitreous humor or retina; (v) requiring full-thickness conjunctivoplasty with a graft or flap; (vi) of the eyelid for incisional cosmetic or functional repair, or blepharochalasis, ptosis, or tarsorrhaphy treatment; (vii) of the bony orbit, including orbital implants; (viii) requiring surgical extraction of the crystalline lens; or (ix) requiring surgical anterior or posterior chamber intraocular implants; or*
 - d. Incisional or excisional surgery of the (i) extraocular muscles; (ii) lacrimal system, other than probing or related procedures; or (iii) pterygium surgery;*
- 2. Cryotherapy of the ciliary body;*

3. Iodizing radiation;
4. The use of injections, including venipuncture and intravenous injections;
5. Administration of or surgery using general anesthesia; or
6. Other invasive modalities.

C. An optometrist may (i) treat certain diseases or abnormal conditions of the human eye and its adnexa with certain therapeutic pharmaceutical agents as permitted under this chapter and (ii) administer intramuscular epinephrine for the treatment of emergency cases of anaphylactic shock.

D. Any person who in any way advertises himself as an optometrist or uses the title of doctor of optometry (O.D.) or any other letters or title in connection with his name which in any way conveys the impression that he is engaged in the practice of optometry shall be deemed to be practicing optometry within the meaning of this chapter.

Article 6.

Certification to Perform of Laser Surgery.

§ 54.1-3225. Certification to perform laser surgery.

A. The Board shall certify an optometrist to perform laser surgery consisting of peripheral iridotomy, selective laser trabeculoplasty, and YAG capsulotomy for the medically appropriate and recognized treatment of the human eye through revision, destruction, or other structural alteration of the tissue of the eye using laser technology upon submission by the optometrist of evidence satisfactory to the Board that he:

1. Is certified by the Board to prescribe for and treat diseases or abnormal conditions of the human eye and its adnexa with therapeutic pharmaceutical agents pursuant to § 54.1-3222; and

2. Has satisfactorily completed such didactic and clinical training programs provided by an accredited school or college of optometry that includes training in the use of lasers for the medically appropriate and recognized treatment of the human eye as the Board may require.

B. The Board shall indicate on any license issued pursuant to this chapter to an optometrist certified to perform laser surgery pursuant to this section that the optometrist is so certified.

2. That the Board of Optometry shall promulgate regulations establishing criteria for certification of an optometrist to perform certain procedures limited to peripheral iridotomy, selective laser trabeculoplasty, and YAG capsulotomy for the medically appropriate and recognized treatment of the human eye through revision, destruction, or other structural alteration of the tissue of the eye using approved laser technology. The regulations shall include provisions for: (i) promotion of patient safety; (ii) identification and categorization of procedures for the purpose of issuing certificates; (iii) establishment of an application process for certification to perform such procedures; (iv) establishment of minimum education, training, and experience requirements for certification to perform such procedures; (v) development of protocols for proctoring and criteria for requiring such proctoring; and (vi) implementation of a quality assurance review process for such procedures performed by certificate holders.

3. That the Board of Optometry (the Board) shall promulgate regulations requiring optometrists to annually register with the Board and to report certain information as deemed appropriate by the Board. The regulations shall include required reporting for: (i) any disciplinary action taken against a person licensed by the Board in another state or in a federal health institution or voluntary surrender of a license in another state while under investigation; (ii) any malpractice judgment against a person licensed by the Board; (iii) any settlement of a malpractice claim against a person licensed by the Board; and (iv) any evidence that indicates a reasonable belief that a person licensed by the Board is or may be professionally incompetent, has or may have engaged in intentional or negligent conduct that causes or is likely to cause injury to a patient or patients, has or may have engaged in unprofessional conduct, or may be mentally or physically unable to engage safely in the practice of his profession.

4. That an optometrist certified to perform laser surgery pursuant to § 54.1-3225 of the Code of Virginia, as created by this act, shall report quarterly to the Board of Optometry (the Board) the following information: (i) the number and type of laser surgeries performed by the optometrist, (ii) the conditions treated for each laser surgery performed, and (iii) any adverse treatment outcomes associated with such procedures that required a referral to an ophthalmologist for treatment. The Board shall report annually to the Governor and the Secretary of Health and Human Resources regarding the performance of laser surgery by optometrists during the previous 12-month period and shall make such report available on the Board's website. The provisions of this enactment shall expire on July 1, 2025.

CHAPTER 17

An Act to amend and reenact §§ 54.1-2400.01:1, 54.1-3200, and 54.1-3201 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 32 of Title 54.1 an article numbered 6, consisting of a section numbered 54.1-3225, relating to optometrists; laser surgery.

[H 213]

Approved March 9, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2400.01:1, 54.1-3200, and 54.1-3201 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 32 of Title 54.1 an article numbered 6, consisting of a section numbered 54.1-3225, as follows:

§ 54.1-2400.01:1. Surgery defined; who may perform surgery.

A. For the purposes of this subtitle, except as used in Chapter 38 (§ 54.1-3800 et seq.) related to veterinary medicine, "surgery" means the structural alteration of the human body by the incision or cutting into of tissue for the purpose of diagnostic or therapeutic treatment of conditions or disease processes by any instrument causing localized alteration or transposition of live human tissue, but does not include the following: procedures for the removal of superficial foreign bodies from the human body, punctures, injections, dry needling, acupuncture, or removal of dead tissue. For the purposes of this section, incision shall not mean the scraping or brushing of live tissue.

B. No person shall perform surgery unless he is (i) licensed by the Board of Medicine as a doctor of medicine, osteopathy, or podiatry; (ii) licensed by the Board of Dentistry as a doctor of dentistry; (iii) jointly licensed by the Boards of Medicine and Nursing as a nurse practitioner; (iv) a physician assistant acting under the supervision of a doctor of medicine, osteopathy, or podiatry; (v) a licensed midwife in the performance of episiotomies during childbirth; ~~or~~ (vi) *licensed by the Board of Optometry as an optometrist and certified to perform laser surgery pursuant to § 54.1-3225; or* (vii) acting pursuant to the orders and under the appropriate supervision of a licensed doctor of medicine, osteopathy, podiatry, or dentistry.

C. Nothing in this section shall be construed to restrict, limit, change, or expand the scope of practice in effect on January 1, 2012, of any profession licensed by any of the health regulatory boards within the Department of Health Professions.

§ 54.1-3200. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board of Optometry.

"Optometrist" means any person practicing the profession of optometry as defined in this chapter and the regulations of the Board.

"Practice of optometry" means the examination of the human eye to ascertain the presence of defects or abnormal conditions which may be corrected or relieved by the use of lenses, prisms or ocular exercises, visual training or orthoptics; the employment of any subjective or objective mechanism to determine the accommodative or refractive states of the human eye or range or power of vision of the human eye; the use of testing appliances for the purpose of the measurement of the powers of vision; the examination, diagnosis, and optometric treatment in accordance with this chapter, of conditions and visual or muscular anomalies of the human eye; the use of diagnostic pharmaceutical agents set forth in § 54.1-3221; and the prescribing or adapting of lenses, prisms or ocular exercises, visual training or orthoptics for the correction, relief, remediation or prevention of such conditions. An optometrist may treat certain diseases or abnormal conditions of the human eye and its adnexa with certain therapeutic pharmaceutical agents only as permitted under this chapter. The practice of optometry also includes the evaluation, examination, diagnosis, and treatment of abnormal or diseased conditions of the human eye and its adnexa by the use of medically recognized and appropriate devices, procedures, or technologies. However, the practice of optometry does not include treatment through surgery, including laser surgery, other invasive modalities, or the use of injections, including venipuncture and intravenous injections, except as provided in § 54.1-3222 or for the treatment of emergency cases of anaphylactic shock with intramuscular epinephrine practice in accordance with the provisions of § 54.1-3201.

"TPA-certified optometrist" means an optometrist who is licensed under this chapter and who has successfully completed the requirements for TPA certification established by the Board pursuant to Article 5 (§ 54.1-3222 et seq.). Such certification shall enable an optometrist to prescribe and administer Schedule H controlled substances consisting of hydrocodone in combination with acetaminophen and Schedules III through VI controlled substances and devices as set forth in the Drug Control Act (§ 54.1-3400 et seq.) to treat diseases, including abnormal conditions, of the human eye and its adnexa, as determined by the Board. Such certification shall not, however, permit treatment through surgery, including, but not limited to, laser surgery, other invasive modalities, or the use of injections, including venipuncture and intravenous injections, except as provided in § 54.1-3222 or for treatment of emergency cases of anaphylactic shock with intramuscular epinephrine.

The foregoing shall not restrict the authority of any optometrist licensed or certified under this chapter for the removal of superficial foreign bodies from the human eye and its adnexa or from delegating to personnel in his personal employ and supervised by him, such activities or functions as are nondiscretionary and do not require the exercise of professional judgment for their performance and which are usually or customarily delegated to such persons by optometrists, if such activities or functions are authorized by and performed for such optometrists and responsibility for such activities or functions is assumed by such optometrists.

§ 54.1-3201. What constitutes practice of optometry.

A. The practice of optometry includes:

1. Examination of the human eye to ascertain the presence of defects or abnormal conditions that may be corrected or relieved by the use of lenses, prisms or ocular exercises, or visual training or orthoptics and the prescribing or adapting of lenses, prisms or ocular exercises, or visual training or orthoptics for the correction, relief, remediation, or prevention of such conditions;

2. *Employment of any subjective or objective mechanism to determine the accommodative or refractive states of the human eye or range or power of vision of the human eye;*

3. *Use of testing appliances for the purpose of the measurement of the powers of vision;*

4. *Examination, diagnosis, and optometric treatment in accordance with this chapter of conditions and visual or muscular anomalies of the human eye;*

5. *Evaluation, examination, diagnosis, and treatment of abnormal or diseased conditions of the human eye and its adnexa by the use of medically recognized and appropriate devices, procedures, or technologies;*

6. *Preoperative and postoperative care related to the human eye and adnexa; and*

7. *Use of diagnostic pharmaceutical agents set forth in § 54.1-3221.*

B. Except as provided in §§ 54.1-3222 and 54.1-3225, the practice of optometry does not include treatment through:

1. *Surgery, including:*

a. Retina laser procedures; laser procedures into the vitreous chamber of the eye to treat vitreous, retinal, or macular disease; laser in situ keratomileusis and photorefractive keratectomy eye surgery; or other laser surgery;

b. Penetrating keratoplasty and corneal transplants;

c. Surgery (i) related to removal of the eye; (ii) requiring a full-thickness incision or excision of the cornea or sclera; (iii) requiring physical incision of the iris and ciliary body, including the diathermy, and cryotherapy; (iv) requiring incision of the vitreous humor or retina; (v) requiring full-thickness conjunctivoplasty with a graft or flap; (vi) of the eyelid for incisional cosmetic or functional repair, or blepharochalasis, ptosis, or tarsorrhaphy treatment; (vii) of the bony orbit, including orbital implants; (viii) requiring surgical extraction of the crystalline lens; or (ix) requiring surgical anterior or posterior chamber intraocular implants; or

d. Incisional or excisional surgery of the (i) extraocular muscles; (ii) lacrimal system, other than probing or related procedures; or (iii) pterygium surgery;

2. *Cryotherapy of the ciliary body;*

3. *Iodizing radiation;*

4. *The use of injections, including venipuncture and intravenous injections;*

5. *Administration of or surgery using general anesthesia; or*

6. *Other invasive modalities.*

C. An optometrist may (i) treat certain diseases or abnormal conditions of the human eye and its adnexa with certain therapeutic pharmaceutical agents as permitted under this chapter and (ii) administer intramuscular epinephrine for the treatment of emergency cases of anaphylactic shock.

D. Any person who in any way advertises himself as an optometrist or uses the title of doctor of optometry (O.D.) or any other letters or title in connection with his name which in any way conveys the impression that he is engaged in the practice of optometry shall be deemed to be practicing optometry within the meaning of this chapter.

Article 6.

Certification to Perform of Laser Surgery.

§ 54.1-3225. Certification to perform laser surgery.

A. The Board shall certify an optometrist to perform laser surgery consisting of peripheral iridotomy, selective laser trabeculoplasty, and YAG capsulotomy for the medically appropriate and recognized treatment of the human eye through revision, destruction, or other structural alteration of the tissue of the eye using laser technology upon submission by the optometrist of evidence satisfactory to the Board that he:

1. *Is certified by the Board to prescribe for and treat diseases or abnormal conditions of the human eye and its adnexa with therapeutic pharmaceutical agents pursuant to § 54.1-3222; and*

2. *Has satisfactorily completed such didactic and clinical training programs provided by an accredited school or college of optometry that includes training in the use of lasers for the medically appropriate and recognized treatment of the human eye as the Board may require.*

B. The Board shall indicate on any license issued pursuant to this chapter to an optometrist certified to perform laser surgery pursuant to this section that the optometrist is so certified.

2. That the Board of Optometry shall promulgate regulations establishing criteria for certification of an optometrist to perform certain procedures limited to peripheral iridotomy, selective laser trabeculoplasty, and YAG capsulotomy for the medically appropriate and recognized treatment of the human eye through revision, destruction, or other structural alteration of the tissue of the eye using approved laser technology. The regulations shall include provisions for: (i) promotion of patient safety; (ii) identification and categorization of procedures for the purpose of issuing certificates; (iii) establishment of an application process for certification to perform such procedures; (iv) establishment of minimum education, training, and experience requirements for certification to perform such procedures; (v) development of protocols for proctoring and criteria for requiring such proctoring; and (vi) implementation of a quality assurance review process for such procedures performed by certificate holders.

3. That the Board of Optometry (the Board) shall promulgate regulations requiring optometrists to annually register with the Board and to report certain information as deemed appropriate by the Board. The regulations shall include required reporting for: (i) any disciplinary action taken against a person licensed by the Board in another state or in a federal health institution or voluntary surrender of a license in another state while under investigation; (ii) any malpractice judgment against a person licensed by the Board; (iii) any settlement of a malpractice claim against a

person licensed by the Board; and (iv) any evidence that indicates a reasonable belief that a person licensed by the Board is or may be professionally incompetent, has or may have engaged in intentional or negligent conduct that causes or is likely to cause injury to a patient or patients, has or may have engaged in unprofessional conduct, or may be mentally or physically unable to engage safely in the practice of his profession.

4. That an optometrist certified to perform laser surgery pursuant to § 54.1-3225 of the Code of Virginia, as created by this act, shall report quarterly to the Board of Optometry (the Board) the following information: (i) the number and type of laser surgeries performed by the optometrist, (ii) the conditions treated for each laser surgery performed, and (iii) any adverse treatment outcomes associated with such procedures that required a referral to an ophthalmologist for treatment. The Board shall report annually to the Governor and the Secretary of Health and Human Resources regarding the performance of laser surgery by optometrists during the previous 12-month period and shall make such report available on the Board's website. The provisions of this enactment shall expire on July 1, 2025.

CHAPTER 18

An Act to amend and reenact §§ 38.2-3100.3 and 54.1-2820 of the Code of Virginia, relating to preneed funeral contracts; emergency.

[H 1269]

Approved March 9, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-3100.3 and 54.1-2820 of the Code of Virginia are amended and reenacted as follows:

§ 38.2-3100.3. Requirements of life insurance or annuity contracts used to fund preneed funeral contracts.

A. For purposes of this section, "preneed funeral contract" means any agreement where payment is made by the insured prior to the receipt of services or supplies contracted for, which evidences arrangements prior to death for (i) the providing of funeral services or (ii) the sale of funeral supplies.

B. Each individual and group life insurance policy issued or issued for delivery in Virginia, each individual and group annuity contract issued or issued for delivery in Virginia, and each certificate issued in connection with a group life insurance policy or group annuity contract issued or issued for delivery in Virginia shall include a provision specifying the means by which face amount adjustments will be made and benefits payable upon death will be adjusted; ~~according to the provisions of subsection C of § 54.1-2820~~; when such a policy or contract will be used to fund a preneed funeral contract.

C. Each insurer proposing to issue individual or group life insurance policies or individual or group annuity contracts in Virginia for purposes of funding preneed funeral contracts shall clearly disclose the intended purpose and market for such policies and contracts when submitting the forms with the Commission for approval, in accordance with § 38.2-316.

§ 54.1-2820. Requirements of preneed funeral contracts.

A. It shall be unlawful for any person residing or doing business within this Commonwealth, to make, either directly or indirectly by any means, a preneed funeral contract unless the contract:

1. Is made on forms prescribed by the Board and is written in clear, understandable language and printed in easy-to-read type, size and style;
2. Identifies the seller, seller's license number and contract buyer and the person for whom the contract is purchased if other than the contract buyer;
3. Contains a complete description of the supplies or services purchased;
4. Clearly discloses whether the price of the supplies and services purchased is guaranteed;
5. States if funds are required to be trusted pursuant to § 54.1-2822, the amount to be trusted, the name of the trustee, the disposition of the interest, the fees, expenses and taxes which may be deducted from the interest and a statement of the buyer's responsibility for taxes owed on the interest;
6. Contains the name, address and telephone number of the Board and lists the Board as the regulatory agency which handles consumer complaints;
7. Provides that any person who makes payment under the contract may terminate the agreement at any time prior to the furnishing of the services or supplies contracted for except as provided pursuant to subsection B; if the purchaser terminates the contract within 30 days of execution, the purchaser shall be refunded all consideration paid or delivered, together with any interest or income accrued thereon; if the purchaser terminates the contract after 30 days, the purchaser shall be refunded any amounts required to be deposited under § 54.1-2822, together with any interest or income accrued thereon;
8. Provides that if the particular supplies and services specified in the contract are unavailable at the time of delivery, the seller shall be required to furnish supplies and services similar in style and at least equal in quality of material and workmanship and the representative of the deceased shall have the right to choose the supplies or services to be substituted;
9. Discloses any penalties or restrictions, including but not limited to geographic restrictions or the inability of the provider to perform, on the delivery of merchandise, services or prearrangement guarantee; and
10. Complies with all disclosure requirements imposed by the Board.

If the contract seller will not be furnishing the supplies and services to the purchaser, the contract seller must attach to the preneed funeral contract a copy of the seller's agreement with the provider.

B. Subject to the requirements of § 54.1-2822, a preneed funeral contract may provide for an irrevocable trust or an amount in an irrevocable trust that is specifically identified as available exclusively for funeral or burial expenses, where:

1. A person irrevocably contracts for funeral goods and services, such person funds the contract by prepaying for the goods and services, and the funeral provider residing or doing business within the Commonwealth subsequently places the funds in a trust; or

2. A person establishes an irrevocable trust naming the funeral provider as the beneficiary; however, such person shall have the right to change the beneficiary to another funeral provider pursuant to § 54.1-2822.

C. ~~If a life insurance or annuity contract is used to fund the preneed funeral contract, the life insurance or annuity contract shall provide either that the face value thereof shall be adjusted annually by a factor equal to the annualized Consumer Price Index as published by the Bureau of Labor Statistics of the United States Department of Labor, or a benefit payable at death under such contract that will equal or exceed the sum of all premiums paid for such contract plus interest or dividends, which for the first 15 years shall be compounded annually at a rate of at least five percent. In any event, interest or dividends shall continue to be paid after 15 years. In addition, the face amount of any life insurance policy issued to fund a preneed funeral contract shall not be decreased over the life of the life insurance policy except for life insurance policies that have lapsed due to the nonpayment of premiums or have gone to a nonforfeiture option that lowers the face amount as allowed for in the provisions of the policy. The following must also be disclosed as prescribed by the Board:~~

1. The fact that a life insurance policy or annuity contract is involved or being used to fund the preneed contract;

2. The nature of the relationship among the soliciting agent, the provider of the supplies or services, the prearranger and the insurer;

3. The relationship of the life insurance policy or annuity contract to the funding of the preneed contract and the nature and existence of any guarantees relating to the preneed contract; and

4. The impact on the preneed contract of (i) any changes in the life insurance policy or annuity contract including but not limited to changes in the assignment, beneficiary designation or use of the proceeds, (ii) any penalties to be incurred by the policyholder as a result of failure to make premium payments, (iii) any penalties to be incurred or moneys to be received as a result of cancellation or surrender of the life insurance policy or annuity contract, and (iv) all relevant information concerning what occurs and whether any entitlements or obligations arise if there is a difference between the proceeds of the life insurance policy or annuity contract and the amount actually needed to fund the preneed contract.

D. When the consideration consists in whole or in part of any real estate, the contract shall be recorded as an attachment to the deed whereby such real estate is conveyed, and the deed shall be recorded in the clerk's office of the circuit court of the city or county in which the real estate being conveyed is located.

E. If any funeral supplies are sold and delivered prior to the death of the subject for whom they are provided, and the seller or any legal entity in which he or a member of his family has an interest thereafter stores these supplies, the risk of loss or damage shall be upon the seller during such period of storage.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 19

An Act to amend and reenact §§ 58.1-301, 58.1-322.02, 58.1-322.03, and 58.1-402 of the Code of Virginia, relating to conformity of Commonwealth's taxation system with Internal Revenue Code; Rebuild Virginia grants and Paycheck Protection Program loans; emergency.

[S 94]

Approved March 9, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-301, 58.1-322.02, 58.1-322.03, and 58.1-402 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-301. Conformity to Internal Revenue Code.

A. Any term used in this chapter shall have the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes, unless a different meaning is clearly required.

B. Any reference in this chapter to the laws of the United States relating to federal income taxes shall mean the provisions of the Internal Revenue Code of 1954, and amendments thereto, and other provisions of the laws of the United States relating to federal income taxes, as they existed on December 31, ~~2020~~ 2021, except for:

1. The special depreciation allowance for certain property provided for under §§ 168(k), 168(l), 168(m), 1400L, and 1400N of the Internal Revenue Code;

2. The carry-back of certain net operating losses for five years under § 172(b)(1)(H) of the Internal Revenue Code;

3. The original issue discount on applicable high yield discount obligations under § 163(e)(5)(F) of the Internal Revenue Code;

4. The deferral of certain income under § 108(i) of the Internal Revenue Code. For Virginia income tax purposes, income from the discharge of indebtedness in connection with the reacquisition of an "applicable debt instrument" (as

defined under § 108(i) of the Internal Revenue Code) reacquired in the taxable year shall be fully included in the taxpayer's Virginia taxable income for the taxable year, unless the taxpayer elects to include such income in the taxpayer's Virginia taxable income ratably over a three-taxable-year period beginning with taxable year 2009 for transactions completed in taxable year 2009, or over a three-taxable-year period beginning with taxable year 2010 for transactions completed in taxable year 2010 on or before April 21, 2010. For purposes of such election, all other provisions of § 108(i) of the Internal Revenue Code shall apply mutatis mutandis. No other deferral shall be allowed for income from the discharge of indebtedness in connection with the reacquisition of an "applicable debt instrument";

5. For taxable years beginning on and after January 1, 2019, the suspension of the overall limitation on itemized deductions under § 68(f) of the Internal Revenue Code;

6. For taxable years beginning on and after January 1, 2017, but before January 1, 2018, and for taxable years beginning on and after January 1, 2019, the 7.5 percent of federal adjusted gross income threshold set forth in § 213(a) of the Internal Revenue Code that is used for purposes of computing the deduction allowed for expenses for medical care pursuant to § 213 of the Internal Revenue Code. For such taxable years, the threshold utilized for Virginia income tax purposes to compute the deduction allowed for expenses for medical care pursuant to § 213 of the Internal Revenue Code shall be 10 percent of federal adjusted gross income;

7. The provisions of §§ 2303(a) and 2303(b) of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136 (2020), related to the net operating loss limitation and carryback;

8. The provisions of § 2304(a) of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136 (2020), related to a loss limitation applicable to taxpayers other than corporations;

9. The provisions of § 2306 of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136 (2020), related to the limitation on business interest; and

10. ~~The~~ For taxable years beginning before January 1, 2021, the provisions of §§ 276(a), 276(b)(2), 276(b)(3), 278(a)(2), 278(a)(3), 278(b)(2), 278(b)(3), 278(c)(2), 278(c)(3), 278(d)(2), and 278(d)(3) of the federal Consolidated Appropriations Act, P.L. 116-260 (2020), and §§ 9672(2), 9672(3), 9673(2), and 9673(3) of the federal American Rescue Plan Act, P.L. 117-2 (2021), related to deductions, tax attributes, and basis increases for certain loan forgiveness and other business financial assistance.

The Department of Taxation is hereby authorized to develop procedures or guidelines for implementation of the provisions of this section, which procedures or guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

§ 58.1-322.02. Virginia taxable income; subtractions.

In computing Virginia taxable income pursuant to § 58.1-322, to the extent included in federal adjusted gross income, there shall be subtracted:

1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of any authority, commission, or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States, including, but not limited to, stocks, bonds, treasury bills, and treasury notes but not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

2. Income derived from obligations, or on the sale or exchange of obligations, of the Commonwealth or of any political subdivision or instrumentality of the Commonwealth.

3. Benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code.

4. Up to \$20,000 of disability income, as defined in § 22(c)(2)(B)(iii) of the Internal Revenue Code; however, any person who claims a deduction under subdivision 5 of § 58.1-322.03 may not also claim a subtraction under this subdivision.

5. The amount of any refund or credit for overpayment of income taxes imposed by the Commonwealth or any other taxing jurisdiction.

6. The amount of wages or salaries eligible for the federal Work Opportunity Credit which was not deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.

7. Any amount included therein less than \$600 from a prize awarded by the Virginia Lottery.

8. The wages or salaries received by any person for active and inactive service in the National Guard of the Commonwealth of Virginia, not to exceed the amount of income derived from 39 calendar days of such service or \$3,000, whichever amount is less; however, only those persons in the ranks of O3 and below shall be entitled to the deductions specified in this subdivision.

9. Amounts received by an individual, not to exceed \$1,000 for taxable years beginning on or before December 31, 2019, and \$5,000 for taxable years beginning on or after January 1, 2020, as a reward for information provided to a law-enforcement official or agency, or to a nonprofit corporation created exclusively to assist such law-enforcement official or agency, in the apprehension and conviction of perpetrators of crimes. This subdivision shall not apply to the following: an individual who is an employee of, or under contract with, a law-enforcement agency, a victim or the perpetrator of the crime for which the reward was paid, or any person who is compensated for the investigation of crimes or accidents.

10. The amount of "qualified research expenses" or "basic research expenses" eligible for deduction for federal purposes, but which were not deducted, on account of the provisions of § 280C(c) of the Internal Revenue Code and which shall be available to partners, shareholders of S corporations, and members of limited liability companies to the extent and in the same manner as other deductions may pass through to such partners, shareholders, and members.

11. Any income received during the taxable year derived from a qualified pension, profit-sharing, or stock bonus plan as described by § 401 of the Internal Revenue Code, an individual retirement account or annuity established under § 408 of the Internal Revenue Code, a deferred compensation plan as defined by § 457 of the Internal Revenue Code, or any federal government retirement program, the contributions to which were deductible from the taxpayer's federal adjusted gross income, but only to the extent the contributions to such plan or program were subject to taxation under the income tax in another state.

12. Any income attributable to a distribution of benefits or a refund from a prepaid tuition contract or savings trust account with the Virginia College Savings Plan, created pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1. The subtraction for any income attributable to a refund shall be limited to income attributable to a refund in the event of a beneficiary's death, disability, or receipt of a scholarship.

13. All military pay and allowances, to the extent included in federal adjusted gross income and not otherwise subtracted, deducted, or exempted under this section, earned by military personnel while serving by order of the President of the United States with the consent of Congress in a combat zone or qualified hazardous duty area that is treated as a combat zone for federal tax purposes pursuant to § 112 of the Internal Revenue Code.

14. For taxable years beginning before January 1, 2015, the gain derived from the sale or exchange of real property or the sale or exchange of an easement to real property which results in the real property or the easement thereto being devoted to open-space use, as that term is defined in § 58.1-3230, for a period of time not less than 30 years. To the extent that a subtraction is taken in accordance with this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for three years following the year in which the subtraction is taken.

15. Fifteen thousand dollars of military basic pay for military service personnel on extended active duty for periods in excess of 90 days; however, the subtraction amount shall be reduced dollar-for-dollar by the amount by which the taxpayer's military basic pay exceeds \$15,000 and shall be reduced to zero if such military basic pay amount is equal to or exceeds \$30,000.

16. The first \$15,000 of salary for each federal and state employee whose total annual salary from all employment for the taxable year is \$15,000 or less.

17. Unemployment benefits taxable pursuant to § 85 of the Internal Revenue Code.

18. Any amount received as military retirement income by an individual awarded the Congressional Medal of Honor.

19. Items of income attributable to, derived from, or in any way related to (i) assets stolen from, hidden from, or otherwise lost by an individual who was a victim or target of Nazi persecution or (ii) damages, reparations, or other consideration received by a victim or target of Nazi persecution to compensate such individual for performing labor against his will under the threat of death, during World War II and its prelude and direct aftermath. This subtraction shall not apply to assets acquired with such items of income or with the proceeds from the sale of assets stolen from, hidden from, or otherwise lost to, during World War II and its prelude and direct aftermath, a victim or target of Nazi persecution. The provisions of this subdivision shall only apply to an individual who was the first recipient of such items of income and who was a victim or target of Nazi persecution, or a spouse, surviving spouse, or child or stepchild of such victim.

As used in this subdivision:

"Nazi regime" means the country of Nazi Germany, areas occupied by Nazi Germany, those European countries allied with Nazi Germany, or any other neutral European country or area in Europe under the influence or threat of Nazi invasion.

"Victim or target of Nazi persecution" means any individual persecuted or targeted for persecution by the Nazi regime who had assets stolen from, hidden from, or otherwise lost as a result of any act or omission in any way relating to (i) the Holocaust, (ii) World War II and its prelude and direct aftermath, (iii) transactions with or actions of the Nazi regime, (iv) treatment of refugees fleeing Nazi persecution, or (v) the holding of such assets by entities or persons in the Swiss Confederation during World War II and its prelude and aftermath. A "victim or target of Nazi persecution" also includes any individual forced into labor against his will, under the threat of death, during World War II and its prelude and direct aftermath.

20. The military death gratuity payment made after September 11, 2001, to the survivor of deceased military personnel killed in the line of duty, pursuant to 10 U.S.C. Chapter 75; however, the subtraction amount shall be reduced dollar-for-dollar by the amount that the survivor may exclude from his federal gross income in accordance with § 134 of the Internal Revenue Code.

21. The death benefit payments from an annuity contract that are received by a beneficiary of such contract, provided that (i) the death benefit payment is made pursuant to an annuity contract with an insurance company and (ii) the death benefit payment is paid solely by lump sum. The subtraction under this subdivision shall be allowed only for that portion of the death benefit payment that is included in federal adjusted gross income.

22. Any gain recognized from the sale of launch services to space flight participants, as defined in 49 U.S.C. § 70102, or launch services intended to provide individuals with the training or experience of a launch, without performing an actual launch. To qualify for a deduction under this subdivision, launch services must be performed in Virginia or originate from an airport or spaceport in Virginia.

23. Any gain recognized as a result of resupply services contracts for delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8, and launched from an airport or spaceport in Virginia.

24. Any income taxed as a long-term capital gain for federal income tax purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership carried interest income) for federal income tax purposes. To qualify for a subtraction under this subdivision, such income shall be attributable to an investment in a "qualified business," as defined in § 58.1-339.4, or in any other technology business approved by the Secretary of Administration, provided that the business has its principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the investment shall be made between the dates of April 1, 2010, and June 30, 2020. No taxpayer who has claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4 shall be eligible for the subtraction under this subdivision for an investment in the same business.

25. For taxable years beginning on and after January 1, 2014, any income of an account holder for the taxable year taxed as (i) a capital gain for federal income tax purposes attributable to such person's first-time home buyer savings account established pursuant to Chapter 12 (§ 36-171 et seq.) of Title 36 and (ii) interest income or other income for federal income tax purposes attributable to such person's first-time home buyer savings account.

Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any subtraction taken under this subdivision shall be subject to recapture in the taxable year or years in which moneys or funds withdrawn from the first-time home buyer savings account were used for any purpose other than the payment of eligible costs by or on behalf of a qualified beneficiary, as provided under § 36-174. The amount subject to recapture shall be a portion of the amount withdrawn in the taxable year that was used for other than the payment of eligible costs, computed by multiplying the amount withdrawn and used for other than the payment of eligible costs by the ratio of the aggregate earnings in the account at the time of the withdrawal to the total balance in the account at such time.

However, recapture shall not apply to the extent of moneys or funds withdrawn that were (i) withdrawn by reason of the qualified beneficiary's death or disability; (ii) a disbursement of assets of the account pursuant to a filing for protection under the United States Bankruptcy Code, 11 U.S.C. §§ 101 through 1330; or (iii) transferred from an account established pursuant to Chapter 12 (§ 36-171 et seq.) of Title 36 into another account established pursuant to such chapter for the benefit of another qualified beneficiary.

For purposes of this subdivision, "account holder," "eligible costs," "first-time home buyer savings account," and "qualified beneficiary" mean the same as those terms are defined in § 36-171.

26. For taxable years beginning on and after January 1, 2015, any income for the taxable year attributable to the discharge of a student loan solely by reason of the student's death. For purposes of this subdivision, "student loan" means the same as that term is defined under § 108(f) of the Internal Revenue Code.

27. a. Income, including investment services partnership interest income (otherwise known as investment partnership carried interest income), attributable to an investment in a Virginia venture capital account. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2018, but before December 31, 2023. No subtraction shall be allowed under this subdivision for an investment in a company that is owned or operated by a family member or an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision 24 or a tax credit under § 58.1-339.4 for the same investment.

b. As used in this subdivision 27:

"Qualified portfolio company" means a company that (i) has its principal place of business in the Commonwealth; (ii) has a primary purpose of production, sale, research, or development of a product or service other than the management or investment of capital; and (iii) provides equity in the company to the Virginia venture capital account in exchange for a capital investment. "Qualified portfolio company" does not include a company that is an individual or sole proprietorship.

"Virginia venture capital account" means an investment fund that has been certified by the Department as a Virginia venture capital account. In order to be certified as a Virginia venture capital account, the operator of the investment fund shall register the investment fund with the Department prior to December 31, 2023, (i) indicating that it intends to invest at least 50 percent of the capital committed to its fund in qualified portfolio companies and (ii) providing documentation that it employs at least one investor who has at least four years of professional experience in venture capital investment or substantially equivalent experience. "Substantially equivalent experience" includes, but is not limited to, an undergraduate degree from an accredited college or university in economics, finance, or a similar field of study. The Department may require an investment fund to provide documentation of the investor's training, education, or experience as deemed necessary by the Department to determine substantial equivalency. If the Department determines that the investment fund employs at least one investor with the experience set forth herein, the Department shall certify the investment fund as a Virginia venture capital account at such time as the investment fund actually invests at least 50 percent of the capital committed to its fund in qualified portfolio companies.

28. a. Income attributable to an investment in a Virginia real estate investment trust. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2019, but before December 31, 2024. No subtraction shall be allowed for an investment in a trust that is managed by a family member or an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision 24 or 27 or a tax credit under § 58.1-339.4 for the same investment.

b. As used in this subdivision 28:

"Distressed" means satisfying the criteria applicable to a locality described in subdivision E 2 of § 2.2-115.

"Double distressed" means satisfying the criteria applicable to a locality described in subdivision E 3 of § 2.2-115.

"Virginia real estate investment trust" means a real estate investment trust, as defined in 26 U.S.C. § 856, that has been certified by the Department as a Virginia real estate investment trust. In order to be certified as a Virginia real estate investment trust, the trustee shall register the trust with the Department prior to December 31, 2024, indicating that it intends to invest at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed. If the Department determines that the trust satisfies the preceding criteria, the Department shall certify the trust as a Virginia real estate investment trust at such time as the trust actually invests at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed.

29. For taxable years beginning on and after January 1, 2019, any gain recognized from the taking of real property by condemnation proceedings.

30. For taxable years beginning ~~on and after January 1, 2020, but~~ before January 1, 2021, up to \$100,000 of all grant funds received by the taxpayer under the Rebuild Virginia program established by the Governor and administered by the Department of Small Business and Supplier Diversity.

§ 58.1-322.03. Virginia taxable income; deductions.

In computing Virginia taxable income pursuant to § 58.1-322, there shall be deducted from Virginia adjusted gross income as defined in § 58.1-321:

1. a. The amount allowable for itemized deductions for federal income tax purposes where the taxpayer has elected for the taxable year to itemize deductions on his federal return, but reduced by the amount of income taxes imposed by the Commonwealth or any other taxing jurisdiction and deducted on such federal return and increased by an amount that, when added to the amount deducted under § 170 of the Internal Revenue Code for mileage, results in a mileage deduction at the state level for such purposes at a rate of 18 cents per mile; or

b. Provided that the taxpayer has not itemized deductions for the taxable year on his federal income tax return: (i) for taxable years beginning before January 1, 2019, and on and after January 1, 2026, \$3,000 for single individuals and \$6,000 for married persons (one-half of such amounts in the case of a married individual filing a separate return) and (ii) for taxable years beginning on and after January 1, 2019, but before January 1, 2026, \$4,500 for single individuals and \$9,000 for married persons (one-half of such amounts in the case of a married individual filing a separate return). For purposes of this section, any person who may be claimed as a dependent on another taxpayer's return for the taxable year may compute the deduction only with respect to earned income.

2. a. A deduction in the amount of \$930 for each personal exemption allowable to the taxpayer for federal income tax purposes.

b. Each blind or aged taxpayer as defined under § 63(f) of the Internal Revenue Code shall be entitled to an additional personal exemption in the amount of \$800.

The additional deduction for blind or aged taxpayers allowed under this subdivision shall be allowable regardless of whether the taxpayer itemizes deductions for the taxable year for federal income tax purposes.

3. A deduction equal to the amount of employment-related expenses upon which the federal credit is based under § 21 of the Internal Revenue Code for expenses for household and dependent care services necessary for gainful employment.

4. An additional \$1,000 deduction for each child residing for the entire taxable year in a home under permanent foster care placement as defined in § 63.2-908, provided that the taxpayer can also claim the child as a personal exemption under § 151 of the Internal Revenue Code.

5. a. A deduction in the amount of \$12,000 for individuals born on or before January 1, 1939.

b. A deduction in the amount of \$12,000 for individuals born after January 1, 1939, who have attained the age of 65. This deduction shall be reduced by \$1 for every \$1 that the taxpayer's adjusted federal adjusted gross income exceeds \$50,000 for single taxpayers or \$75,000 for married taxpayers. For married taxpayers filing separately, the deduction shall be reduced by \$1 for every \$1 that the total combined adjusted federal adjusted gross income of both spouses exceeds \$75,000.

For the purposes of this subdivision, "adjusted federal adjusted gross income" means federal adjusted gross income minus any benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code, as amended.

6. The amount an individual pays as a fee for an initial screening to become a possible bone marrow donor, if (i) the individual is not reimbursed for such fee or (ii) the individual has not claimed a deduction for the payment of such fee on his federal income tax return.

7. a. A deduction shall be allowed to the purchaser or contributor for the amount paid or contributed during the taxable year for a prepaid tuition contract or college savings trust account entered into with the Virginia College Savings Plan, pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1. Except as provided in subdivision b, the amount deducted on any individual income tax return in any taxable year shall be limited to \$4,000 per prepaid tuition contract or college savings trust account. No deduction shall be allowed pursuant to this subdivision 7 if such payments or contributions are deducted on the purchaser's or contributor's federal income tax return. If the purchase price or annual contribution to a college savings trust account exceeds \$4,000, the remainder may be carried forward and subtracted in future taxable years until the purchase

price or college savings trust contribution has been fully deducted; however, except as provided in subdivision b, in no event shall the amount deducted in any taxable year exceed \$4,000 per contract or college savings trust account. Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any deduction taken hereunder shall be subject to recapture in the taxable year or years in which distributions or refunds are made for any reason other than (i) to pay qualified higher education expenses, as defined in § 529 of the Internal Revenue Code or (ii) the beneficiary's death, disability, or receipt of a scholarship. For the purposes of this subdivision, "purchaser" or "contributor" means the person shown as such on the records of the Virginia College Savings Plan as of December 31 of the taxable year. In the case of a transfer of ownership of a prepaid tuition contract or college savings trust account, the transferee shall succeed to the transferor's tax attributes associated with a prepaid tuition contract or college savings trust account, including, but not limited to, carryover and recapture of deductions.

b. A purchaser of a prepaid tuition contract or contributor to a college savings trust account who has attained age 70 shall not be subject to the limitation that the amount of the deduction not exceed \$4,000 per prepaid tuition contract or college savings trust account in any taxable year. Such taxpayer shall be allowed a deduction for the full amount paid for the contract or contributed to a college savings trust account, less any amounts previously deducted.

8. The total amount an individual actually contributed in funds to the Virginia Public School Construction Grants Program and Fund, established in Chapter 11.1 (§ 22.1-175.1 et seq.) of Title 22.1, provided that the individual has not claimed a deduction for such amount on his federal income tax return.

9. An amount equal to 20 percent of the tuition costs incurred by an individual employed as a primary or secondary school teacher licensed pursuant to Chapter 15 (§ 22.1-289.1 et seq.) of Title 22.1 to attend continuing teacher education courses that are required as a condition of employment; however, the deduction provided by this subdivision shall be available only if (i) the individual is not reimbursed for such tuition costs and (ii) the individual has not claimed a deduction for the payment of such tuition costs on his federal income tax return.

10. The amount an individual pays annually in premiums for long-term health care insurance, provided that the individual has not claimed a deduction for federal income tax purposes, or, for taxable years beginning before January 1, 2014, a credit under § 58.1-339.11. For taxable years beginning on and after January 1, 2014, no such deduction for long-term health care insurance premiums paid by the individual during the taxable year shall be allowed if the individual has claimed a federal income tax deduction for such taxable year for long-term health care insurance premiums paid by him.

11. Contract payments to a producer of quota tobacco or a tobacco quota holder, or their spouses, as provided under the American Jobs Creation Act of 2004 (P.L. 108-357), but only to the extent that such payments have not been subtracted pursuant to subsection D of § 58.1-402, as follows:

a. If the payment is received in installment payments, then the recognized gain may be subtracted in the taxable year immediately following the year in which the installment payment is received.

b. If the payment is received in a single payment, then 10 percent of the recognized gain may be subtracted in the taxable year immediately following the year in which the single payment is received. The taxpayer may then deduct an equal amount in each of the nine succeeding taxable years.

12. An amount equal to 20 percent of the sum paid by an individual pursuant to Chapter 6 (§ 58.1-600 et seq.), not to exceed \$500 in each taxable year, in purchasing for his own use the following items of tangible personal property: (i) any clothes washers, room air conditioners, dishwashers, and standard size refrigerators that meet or exceed the applicable energy star efficiency requirements developed by the U.S. Environmental Protection Agency and the U.S. Department of Energy; (ii) any fuel cell that (a) generates electricity using an electrochemical process, (b) has an electricity-only generation efficiency greater than 35 percent, and (c) has a generating capacity of at least two kilowatts; (iii) any gas heat pump that has a coefficient of performance of at least 1.25 for heating and at least 0.70 for cooling; (iv) any electric heat pump hot water heater that yields an energy factor of at least 1.7; (v) any electric heat pump that has a heating system performance factor of at least 8.0 and a cooling seasonal energy efficiency ratio of at least 13.0; (vi) any central air conditioner that has a cooling seasonal energy efficiency ratio of at least 13.5; (vii) any advanced gas or oil water heater that has an energy factor of at least 0.65; (viii) any advanced oil-fired boiler with a minimum annual fuel-utilization rating of 85; (ix) any advanced oil-fired furnace with a minimum annual fuel-utilization rating of 85; and (x) programmable thermostats.

13. The lesser of \$5,000 or the amount actually paid by a living donor of an organ or other living tissue for unreimbursed out-of-pocket expenses directly related to the donation that arose within 12 months of such donation, provided that the donor has not taken a medical deduction in accordance with the provisions of § 213 of the Internal Revenue Code for such expenses. The deduction may be taken in the taxable year in which the donation is made or the taxable year in which the 12-month period expires.

14. For taxable years beginning on and after January 1, 2013, the amount an individual age 66 or older with earned income of at least \$20,000 for the year and federal adjusted gross income not in excess of \$30,000 for the year pays annually in premiums for (i) a prepaid funeral insurance policy covering the individual or (ii) medical or dental insurance for any person for whom individual tax filers may claim a deduction for such premiums under federal income tax laws. As used in this subdivision, "earned income" means the same as that term is defined in § 32(c) of the Internal Revenue Code. The deduction shall not be allowed for any portion of such premiums paid for which the individual has (a) been reimbursed, (b) claimed a deduction for federal income tax purposes, (c) claimed a deduction or subtraction under another provision of this section, or (d) claimed a federal income tax credit or any income tax credit pursuant to this chapter.

15. For taxable years beginning on and after January 1, 2018, 20 percent of business interest disallowed as a deduction pursuant to § 163(j) of the Internal Revenue Code. For purposes of this subdivision, "business interest" means the same as that term is defined under § 163(j) of the Internal Revenue Code.

16. For taxable years beginning on and after January 1, 2019, the actual amount of real and personal property taxes imposed by the Commonwealth or any other taxing jurisdiction not otherwise deducted solely on account of the dollar limitation imposed on individual deductions by § 164(b)(6)(B) of the Internal Revenue Code.

17. For taxable years beginning ~~on and after January 1, 2020, but~~ before January 1, 2021, up to \$100,000 of the amount that is not deductible when computing federal adjusted gross income solely on account of the portion of subdivision B 10 of § 58.1-301 related to Paycheck Protection Program loans.

§ 58.1-402. Virginia taxable income.

A. For purposes of this article, Virginia taxable income for a taxable year means the federal taxable income and any other income taxable to the corporation under federal law for such year of a corporation adjusted as provided in subsections B, C, D, E, G, and H.

For a regulated investment company and a real estate investment trust, such term means the "investment company taxable income" and "real estate investment trust taxable income," respectively, to which shall be added in each case any amount of capital gains and any other income taxable to the corporation under federal law which shall be further adjusted as provided in subsections B, C, D, E, G, and H.

B. There shall be added to the extent excluded from federal taxable income:

1. Interest, less related expenses to the extent not deducted in determining federal taxable income, on obligations of any state other than Virginia, or of a political subdivision of any such other state unless created by compact or agreement to which the Commonwealth is a party;

2. Interest or dividends, less related expenses to the extent not deducted in determining federal taxable income, on obligations or securities of any authority, commission or instrumentality of the United States, which the laws of the United States exempt from federal income tax but not from state income taxes;

3. [Repealed.]

4. The amount of any net income taxes and other taxes, including franchise and excise taxes, which are based on, measured by, or computed with reference to net income, imposed by the Commonwealth or any other taxing jurisdiction, to the extent deducted in determining federal taxable income;

5. Unrelated business taxable income as defined by § 512 of the Internal Revenue Code;

6. [Repealed.]

7. The amount required to be included in income for the purpose of computing the partial tax on an accumulation distribution pursuant to § 667 of the Internal Revenue Code;

8. a. For taxable years beginning on and after January 1, 2004, the amount of any intangible expenses and costs directly or indirectly paid, accrued, or incurred to, or in connection directly or indirectly with one or more direct or indirect transactions with one or more related members to the extent such expenses and costs were deductible or deducted in computing federal taxable income for Virginia purposes. This addition shall not be required for any portion of the intangible expenses and costs if one of the following applies:

(1) The corresponding item of income received by the related member is subject to a tax based on or measured by net income or capital imposed by Virginia, another state, or a foreign government that has entered into a comprehensive tax treaty with the United States government;

(2) The related member derives at least one-third of its gross revenues from the licensing of intangible property to parties who are not related members, and the transaction giving rise to the expenses and costs between the corporation and the related member was made at rates and terms comparable to the rates and terms of agreements that the related member has entered into with parties who are not related members for the licensing of intangible property; or

(3) The corporation can establish to the satisfaction of the Tax Commissioner that the intangible expenses and costs meet both of the following: (i) the related member during the same taxable year directly or indirectly paid, accrued or incurred such portion to a person who is not a related member, and (ii) the transaction giving rise to the intangible expenses and costs between the corporation and the related member did not have as a principal purpose the avoidance of any portion of the tax due under this chapter.

b. A corporation required to add to its federal taxable income intangible expenses and costs pursuant to subdivision a may petition the Tax Commissioner, after filing the related income tax return for the taxable year and remitting to the Tax Commissioner all taxes, penalties, and interest due under this article for such taxable year including tax upon any amount of intangible expenses and costs required to be added to federal taxable income pursuant to subdivision a, to consider evidence relating to the transaction or transactions between the corporation and a related member or members that resulted in the corporation's taxable income being increased, as required under subdivision a, for such intangible expenses and costs.

If the corporation can demonstrate to the Tax Commissioner's sole satisfaction, by clear and convincing evidence, that the transaction or transactions between the corporation and a related member or members resulting in such increase in taxable income pursuant to subdivision a had a valid business purpose other than the avoidance or reduction of the tax due under this chapter, the Tax Commissioner shall permit the corporation to file an amended return. For purposes of such amended return, the requirements of subdivision a shall not apply to any transaction for which the Tax Commissioner is satisfied (and has identified) that the transaction had a valid business purpose other than the avoidance or reduction of the

tax due under this chapter. Such amended return shall be filed by the corporation within one year of the written permission granted by the Tax Commissioner and any refund of the tax imposed under this article shall include interest at a rate equal to the rate of interest established under § 58.1-15 and such interest shall accrue as provided under § 58.1-1833. However, upon the filing of such amended return, any related member of the corporation that subtracted from taxable income amounts received pursuant to subdivision C 21 shall be subject to the tax imposed under this article on that portion of such amounts for which the corporation has filed an amended return pursuant to this subdivision. In addition, for such transactions identified by the Tax Commissioner herein by which he has been satisfied by clear and convincing evidence, the Tax Commissioner may permit the corporation in filing income tax returns for subsequent taxable years to deduct the related intangible expenses and costs without making the adjustment under subdivision a.

The Tax Commissioner may charge a fee for all direct and indirect costs relating to the review of any petition pursuant to this subdivision, to include costs necessary to secure outside experts in evaluating the petition. The Tax Commissioner may condition the review of any petition pursuant to this subdivision upon payment of such fee.

No suit for the purpose of contesting any action of the Tax Commissioner under this subdivision shall be maintained in any court of this Commonwealth.

c. Nothing in subdivision B 8 shall be construed to limit or negate the Department's authority under § 58.1-446;

9. a. For taxable years beginning on and after January 1, 2004, the amount of any interest expenses and costs directly or indirectly paid, accrued, or incurred to, or in connection directly or indirectly with one or more direct or indirect transactions with one or more related members to the extent such expenses and costs were deductible or deducted in computing federal taxable income for Virginia purposes. This addition shall not be required for any portion of the interest expenses and costs, if:

(1) The related member has substantial business operations relating to interest-generating activities, in which the related member pays expenses for at least five full-time employees who maintain, manage, defend or are otherwise responsible for operations or administration relating to the interest-generating activities; and

(2) The interest expenses and costs are not directly or indirectly for, related to or in connection with the direct or indirect acquisition, maintenance, management, sale, exchange, or disposition of intangible property; and

(3) The transaction giving rise to the expenses and costs between the corporation and the related member has a valid business purpose other than the avoidance or reduction of taxation and payments between the parties are made at arm's length rates and terms; and

(4) One of the following applies:

(i) The corresponding item of income received by the related member is subject to a tax based on or measured by net income or capital imposed by Virginia, another state, or a foreign government that has entered into a comprehensive tax treaty with the United States government;

(ii) Payments arise pursuant to a pre-existing contract entered into when the parties were not related members provided the payments continue to be made at arm's length rates and terms;

(iii) The related member engages in transactions with parties other than related members that generate revenue in excess of \$2 million annually; or

(iv) The transaction giving rise to the interest payments between the corporation and a related member was done at arm's length rates and terms and meets any of the following: (a) the related member uses funds that are borrowed from a party other than a related member or that are paid, incurred or passed-through to a person who is not a related member; (b) the debt is part of a regular and systematic funds management or portfolio investment activity conducted by the related member, whereby the funds of two or more related members are aggregated for the purpose of achieving economies of scale, the internal financing of the active business operations of members, or the benefit of centralized management of funds; (c) financing the expansion of the business operations; or (d) restructuring the debt of related members, or the pass-through of acquisition-related indebtedness to related members.

b. A corporation required to add to its federal taxable income interest expenses and costs pursuant to subdivision a may petition the Tax Commissioner, after filing the related income tax return for the taxable year and remitting to the Tax Commissioner all taxes, penalties, and interest due under this article for such taxable year including tax upon any amount of interest expenses and costs required to be added to federal taxable income pursuant to subdivision a, to consider evidence relating to the transaction or transactions between the corporation and a related member or members that resulted in the corporation's taxable income being increased, as required under subdivision a, for such interest expenses and costs.

If the corporation can demonstrate to the Tax Commissioner's sole satisfaction, by clear and convincing evidence, that the transaction or transactions between the corporation and a related member or members resulting in such increase in taxable income pursuant to subdivision a had a valid business purpose other than the avoidance or reduction of the tax due under this chapter and that the related payments between the parties were made at arm's length rates and terms, the Tax Commissioner shall permit the corporation to file an amended return. For purposes of such amended return, the requirements of subdivision a shall not apply to any transaction for which the Tax Commissioner is satisfied (and has identified) that the transaction had a valid business purpose other than the avoidance or reduction of the tax due under this chapter and that the related payments between the parties were made at arm's length rates and terms. Such amended return shall be filed by the corporation within one year of the written permission granted by the Tax Commissioner and any refund of the tax imposed under this article shall include interest at a rate equal to the rate of interest established under § 58.1-15 and such interest shall accrue as provided under § 58.1-1833. However, upon the filing of such amended return, any related

member of the corporation that subtracted from taxable income amounts received pursuant to subdivision C 21 shall be subject to the tax imposed under this article on that portion of such amounts for which the corporation has filed an amended return pursuant to this subdivision. In addition, for such transactions identified by the Tax Commissioner herein by which he has been satisfied by clear and convincing evidence, the Tax Commissioner may permit the corporation in filing income tax returns for subsequent taxable years to deduct the related interest expenses and costs without making the adjustment under subdivision a.

The Tax Commissioner may charge a fee for all direct and indirect costs relating to the review of any petition pursuant to this subdivision, to include costs necessary to secure outside experts in evaluating the petition. The Tax Commissioner may condition the review of any petition pursuant to this subdivision upon payment of such fee.

No suit for the purpose of contesting any action of the Tax Commissioner under this subdivision shall be maintained in any court of this Commonwealth.

c. Nothing in subdivision B 9 shall be construed to limit or negate the Department's authority under § 58.1-446.

d. For purposes of subdivision B 9:

"Arm's-length rates and terms" means that (i) two or more related members enter into a written agreement for the transaction, (ii) such agreement is of a duration and contains payment terms substantially similar to those that the related member would be able to obtain from an unrelated entity, (iii) the interest is at or below the applicable federal rate compounded annually for debt instruments under § 1274(d) of the Internal Revenue Code that was in effect at the time of the agreement, and (iv) the borrower or payor adheres to the payment terms of the agreement governing the transaction or any amendments thereto.

"Valid business purpose" means one or more business purposes that alone or in combination constitute the motivation for some business activity or transaction, which activity or transaction improves, apart from tax effects, the economic position of the taxpayer, as further defined by regulation.

10. a. For taxable years beginning on and after January 1, 2009, the amount of dividends deductible under §§ 561 and 857 of the Internal Revenue Code by a Captive Real Estate Investment Trust (REIT). For purposes of this subdivision, a REIT is a Captive REIT if:

(1) It is not regularly traded on an established securities market;

(2) More than 50 percent of the voting power or value of beneficial interests or shares of which, at any time during the last half of the taxable year, is owned or controlled, directly or indirectly, by a single entity that is (i) a corporation or an association taxable as a corporation under the Internal Revenue Code; and (ii) not exempt from federal income tax pursuant to § 501(a) of the Internal Revenue Code; and

(3) More than 25 percent of its income consists of rents from real property as defined in § 856(d) of the Internal Revenue Code.

b. For purposes of applying the ownership test of subdivision 10 a (2), the following entities shall not be considered a corporation or an association taxable as a corporation:

(1) Any REIT that is not treated as a Captive REIT;

(2) Any REIT subsidiary under § 856 of the Internal Revenue Code other than a qualified REIT subsidiary of a Captive REIT;

(3) Any Listed Australian Property Trust, or an entity organized as a trust, provided that a Listed Australian Property Trust owns or controls, directly or indirectly, 75 percent or more of the voting or value of the beneficial interests or shares of such trust; and

(4) Any Qualified Foreign Entity.

c. For purposes of subdivision B 10, the constructive ownership rules prescribed under § 318(a) of the Internal Revenue Code, as modified by § 856(d)(5) of the Internal Revenue Code, shall apply in determining the ownership of stock, assets, or net profits of any person.

d. For purposes of subdivision B 10:

"Listed Australian Property Trust" means an Australian unit trust registered as a Management Investment Scheme, pursuant to the Australian Corporations Act, in which the principal class of units is listed on a recognized stock exchange in Australia and is regularly traded on an established securities market.

"Qualified Foreign Entity" means a corporation, trust, association or partnership organized outside the laws of the United States and that satisfies all of the following criteria:

(1) At least 75 percent of the entity's total asset value at the close of its taxable year is represented by real estate assets, as defined in § 856(c)(5)(B) of the Internal Revenue Code, thereby including shares or certificates of beneficial interest in any REIT, cash and cash equivalents, and U.S. Government securities;

(2) The entity is not subject to a tax on amounts distributed to its beneficial owners, or is exempt from entity level tax;

(3) The entity distributes, on an annual basis, at least 85 percent of its taxable income, as computed in the jurisdiction in which it is organized, to the holders of its shares or certificates of beneficial interest;

(4) The shares or certificates of beneficial interest of such entity are regularly traded on an established securities market or, if not so traded, not more than 10 percent of the voting power or value in such entity is held directly, indirectly, or constructively by a single entity or individual; and

(5) The entity is organized in a country that has a tax treaty with the United States.

e. For taxable years beginning on or after January 1, 2016, for purposes of subdivision B 10, any voting power or value of the beneficial interests or shares in a REIT that is held in a segregated asset account of a life insurance corporation as described in § 817 of the Internal Revenue Code shall not be taken into consideration when determining if such REIT is a Captive REIT.

11. For taxable years beginning on or after January 1, 2016, to the extent that tax credit is allowed for the same donation pursuant to § 58.1-439.12:12, any amount claimed as a federal income tax deduction for such donation under § 170 of the Internal Revenue Code, as amended or renumbered.

C. There shall be subtracted to the extent included in and not otherwise subtracted from federal taxable income:

1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of any authority, commission or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States including, but not limited to, stocks, bonds, treasury bills, and treasury notes, but not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

2. Income derived from obligations, or on the sale or exchange of obligations of this Commonwealth or of any political subdivision or instrumentality of this Commonwealth.

3. Dividends upon stock in any domestic international sales corporation, as defined by § 992 of the Internal Revenue Code, 50 percent or more of the income of which was assessable for the preceding year, or the last year in which such corporation has income, under the provisions of the income tax laws of the Commonwealth.

4. The amount of any refund or credit for overpayment of income taxes imposed by this Commonwealth or any other taxing jurisdiction.

5. Any amount included therein by the operation of the provisions of § 78 of the Internal Revenue Code (foreign dividend gross-up).

6. The amount of wages or salaries eligible for the federal Targeted Jobs Credit which was not deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.

7. Any amount included therein by the operation of § 951 of the Internal Revenue Code (subpart F income) or, for taxable years beginning on and after January 1, 2018, § 951A of the Internal Revenue Code (Global Intangible Low-Taxed Income).

8. Any amount included therein which is foreign source income as defined in § 58.1-302.

9. [Repealed.]

10. The amount of any dividends received from corporations in which the taxpaying corporation owns 50 percent or more of the voting stock.

11. [Repealed.]

12, 13. [Expired.]

14. For taxable years beginning on or after January 1, 1995, the amount for "qualified research expenses" or "basic research expenses" eligible for deduction for federal purposes, but which were not deducted, on account of the provisions of § 280C(c) of the Internal Revenue Code.

15. For taxable years beginning on or after January 1, 2000, the total amount actually contributed in funds to the Virginia Public School Construction Grants Program and Fund established in Chapter 11.1 (§ 22.1-175.1 et seq.) of Title 22.1.

16. For taxable years beginning on or after January 1, 2000, but before January 1, 2015, the gain derived from the sale or exchange of real property or the sale or exchange of an easement to real property which results in the real property or the easement thereto being devoted to open-space use, as that term is defined in § 58.1-3230, for a period of time not less than 30 years. To the extent a subtraction is taken in accordance with this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for three years following the year in which the subtraction is taken.

17. For taxable years beginning on and after January 1, 2001, any amount included therein with respect to § 58.1-440.1.

18. For taxable years beginning on and after January 1, 1999, income received as a result of (i) the "Master Settlement Agreement," as defined in § 3.2-3100; and (ii) the National Tobacco Grower Settlement Trust dated July 19, 1999, by (a) tobacco farming businesses; (b) any business holding a tobacco marketing quota, or tobacco farm acreage allotment, under the Agricultural Adjustment Act of 1938; or (c) any business having the right to grow tobacco pursuant to such a quota allotment.

19, 20. [Repealed.]

21. For taxable years beginning on and after January 1, 2004, any amount of intangible expenses and costs or interest expenses and costs added to the federal taxable income of a corporation pursuant to subdivision B 8 or B 9 shall be subtracted from the federal taxable income of the related member that received such amount if such related member is subject to Virginia income tax on the same amount.

22. For taxable years beginning on and after January 1, 2009, any gain recognized from the sale of launch services to space flight participants, as defined in 49 U.S.C. § 70102, or launch services intended to provide individuals the training or experience of a launch, without performing an actual launch. To qualify for a deduction under this subdivision, launch services must be performed in Virginia or originate from an airport or spaceport in Virginia.

23. For taxable years beginning on and after January 1, 2009, any gain recognized as a result of resupply services contracts for delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8, and launched from an airport or spaceport in Virginia.

24. For taxable years beginning on or after January 1, 2011, any income taxed as a long-term capital gain for federal income tax purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership carried interest income) for federal income tax purposes. To qualify for a subtraction under this subdivision, such income must be attributable to an investment in a "qualified business," as defined in § 58.1-339.4, or in any other technology business approved by the Secretary of Administration, provided the business has its principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the investment must be made between the dates of April 1, 2010, and June 30, 2020. No taxpayer who has claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4 shall be eligible for the subtraction under this subdivision for an investment in the same business.

25. a. Income, including investment services partnership interest income (otherwise known as investment partnership carried interest income), attributable to an investment in a Virginia venture capital account. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2018, but before December 31, 2023. No subtraction shall be allowed under this subdivision for an investment in a company that is owned or operated by an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision C 24 for the same investment.

b. As used in this subdivision 25:

"Qualified portfolio company" means a company that (i) has its principal place of business in the Commonwealth; (ii) has a primary purpose of production, sale, research, or development of a product or service other than the management or investment of capital; and (iii) provides equity in the company to the Virginia venture capital account in exchange for a capital investment. "Qualified portfolio company" does not include a company that is an individual or sole proprietorship.

"Virginia venture capital account" means an investment fund that has been certified by the Department as a Virginia venture capital account. In order to be certified as a Virginia venture capital account, the operator of the investment fund shall register the investment fund with the Department prior to December 31, 2023, (i) indicating that it intends to invest at least 50 percent of the capital committed to its fund in qualified portfolio companies and (ii) providing documentation that it employs at least one investor who has at least four years of professional experience in venture capital investment or substantially equivalent experience. "Substantially equivalent experience" includes, but is not limited to, an undergraduate degree from an accredited college or university in economics, finance, or a similar field of study. The Department may require an investment fund to provide documentation of the investor's training, education, or experience as deemed necessary by the Department to determine substantial equivalency. If the Department determines that the investment fund employs at least one investor with the experience set forth herein, the Department shall certify the investment fund as a Virginia venture capital account at such time as the investment fund actually invests at least 50 percent of the capital committed to its fund in qualified portfolio companies.

26. a. Income attributable to an investment in a Virginia real estate investment trust. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2019, but before December 31, 2024. No subtraction shall be allowed for an investment in a trust that is managed by an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision C 24 or 25 for the same investment.

b. As used in this subdivision 26:

"Distressed" means satisfying the criteria applicable to a locality described in subdivision E 2 of § 2.2-115.

"Double distressed" means satisfying the criteria applicable to a locality described in subdivision E 3 of § 2.2-115.

"Virginia real estate investment trust" means a real estate investment trust, as defined in 26 U.S.C. § 856, that has been certified by the Department as a Virginia real estate investment trust. In order to be certified as a Virginia real estate investment trust, the trustee shall register the trust with the Department prior to December 31, 2024, indicating that it intends to invest at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed. If the Department determines that the trust satisfies the preceding criteria, the Department shall certify the trust as a Virginia real estate investment trust at such time as the trust actually invests at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed.

27. For taxable years beginning on and after January 1, 2019, any gain recognized from the taking of real property by condemnation proceedings.

28. For taxable years beginning on and after January 1, 2020, but before January 1, 2021, up to \$100,000 of all grant funds received by the taxpayer under the Rebuild Virginia program established by the Governor and administered by the Department of Small Business and Supplier Diversity.

D. For taxable years beginning on and after January 1, 2006, there shall be subtracted from federal taxable income contract payments to a producer of quota tobacco or a tobacco quota holder as provided under the American Jobs Creation Act of 2004 (P.L. 108-357) as follows:

1. If the payment is received in installment payments, then the recognized gain, including any gain recognized in taxable year 2005, may be subtracted in the taxable year immediately following the year in which the installment payment is received.

2. If the payment is received in a single payment, then 10 percent of the recognized gain may be subtracted in the taxable year immediately following the year in which the single payment is received. The taxpayer may then deduct an equal amount in each of the nine succeeding taxable years.

E. Adjustments to federal taxable income shall be made to reflect the transitional modifications provided in § 58.1-315.

F. Notwithstanding any other provision of law, the income from any disposition of real property which is held by the taxpayer for sale to customers in the ordinary course of the taxpayer's trade or business, as defined in § 453(l)(1)(B) of the Internal Revenue Code, of property made on or after January 1, 2009, may, at the election of the taxpayer, be recognized under the installment method described under § 453 of the Internal Revenue Code, provided that (i) the election relating to the dealer disposition of the property has been made on or before the due date prescribed by law (including extensions) for filing the taxpayer's return of the tax imposed under this chapter for the taxable year in which the disposition occurs, and (ii) the dealer disposition is in accordance with restrictions or conditions established by the Department, which shall be set forth in guidelines developed by the Department. Along with such restrictions or conditions, the guidelines shall also address the recapture of such income under certain circumstances. The development of the guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

G. For taxable years beginning on and after January 1, 2018, there shall be deducted to the extent included in and not otherwise subtracted from federal taxable income 20 percent of business interest disallowed as a deduction pursuant to § 163(j) of the Internal Revenue Code. For purposes of this subsection, "business interest" means the same as that term is defined under § 163(j) of the Internal Revenue Code.

H. For taxable years beginning ~~on and after January 1, 2020, but~~ before January 1, 2021, there shall be deducted to the extent not otherwise subtracted from federal taxable income up to \$100,000 of the amount that is not deductible when computing federal taxable income solely on account of the portion of subdivision B 10 of § 58.1-301 related to Paycheck Protection Program loans.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 20

An Act to amend and reenact § 46.2-739 of the Code of Virginia, relating to disabled veteran special license plate; surviving spouse.

[H 40]

Approved March 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-739 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-739. Special license plates for certain disabled veterans; fees.

A. On receipt of an application, the Commissioner shall issue special license plates to applicants who are veterans who have been certified by the U.S. Department of Veterans Affairs to have a service-connected disability or unremarried surviving spouses of disabled veterans as defined in § 46.2-100. *Any special license plate issued to a disabled veteran pursuant to this subsection may be transferred, upon his death, to his unremarried surviving spouse.* These license plates shall be special permanent red, white, and blue license plates bearing the letters "DV." The application shall be accompanied by a certification from the U.S. Department of Veterans Affairs that the veteran's disability is service-connected. License plates issued under this subsection shall not permit the vehicles upon which they are displayed to use parking spaces reserved for persons with disabilities that limit or impair their ability to walk.

B. On receipt of an application, the Commissioner shall issue special DV disabled parking license plates displaying the international symbol of access in the same size as the numbers and letters on the plate and in a color that contrasts to the background to veterans who are also persons with disabilities that limit or impair their ability to walk as defined in § 46.2-100. The Commissioner shall require that such application be accompanied by a certification signed by a licensed physician, licensed podiatrist, licensed chiropractor, licensed nurse practitioner, or licensed physician assistant to that effect. Special DV disabled parking license plates issued under this subsection shall authorize the vehicles upon which they are displayed to use parking spaces reserved for persons with disabilities that limit or impair their ability to walk.

C. No annual registration fee, as prescribed in § 46.2-694, and no annual fee, as set forth in subdivision B 3 of § 46.2-725, shall be required for any one motor vehicle owned and used personally by any disabled veteran as defined in § 46.2-100 or the unremarried surviving spouse of such disabled veteran, provided that such vehicle displays license plates issued under this section.

D. The provisions of subdivisions B 1 and 2 of § 46.2-725 shall not apply to license plates issued under this section.

CHAPTER 21

An Act to amend and reenact § 22.1-279.8 of the Code of Virginia, relating to school safety audits; law-enforcement officers.

[S 600]

Approved March 11, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 22.1-279.8 of the Code of Virginia is amended and reenacted as follows:****§ 22.1-279.8. School safety audits and school crisis, emergency management, and medical emergency response plans required.**

A. For the purposes of this section, unless the context requires otherwise:

"School crisis, emergency management, and medical emergency response plan" means the essential procedures, operations, and assignments required to prevent, manage, and respond to a critical event or emergency, including natural disasters involving fire, flood, tornadoes, or other severe weather; loss or disruption of power, water, communications or shelter; bus or other accidents; medical emergencies, including cardiac arrest and other life-threatening medical emergencies; student or staff member deaths; explosions; bomb threats; gun, knife or other weapons threats; spills or exposures to hazardous substances; the presence of unauthorized persons or trespassers; the loss, disappearance or kidnapping of a student; hostage situations; violence on school property or at school activities; incidents involving acts of terrorism; and other incidents posing a serious threat of harm to students, personnel, or facilities. The plan shall include a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § 19.2-11.01. The Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be the lead coordinating agencies for those individuals determined to be victims, and the plan shall also contain current contact information for both agencies.

"School safety audit" means a written assessment of the safety conditions in each public school to (i) identify and, if necessary, develop solutions for physical safety concerns, including building security issues, and (ii) identify and evaluate any patterns of student safety concerns occurring on school property or at school-sponsored events. Solutions and responses shall include recommendations for structural adjustments, changes in school safety procedures, and revisions to the school board's standards for student conduct.

B. The Virginia Center for School and Campus Safety, in consultation with the Department of Education, shall develop a list of items to be reviewed and evaluated in the school safety audits required by this section. Such items shall include those incidents reported to school authorities pursuant to § 22.1-279.3:1 and shall include a school inspection walk-through using a standardized checklist provided by the Virginia Center for School and Campus Safety, which shall incorporate crime prevention through environmental design principles.

The Virginia Center for School and Campus Safety shall prescribe a standardized report format for school safety audits, additional reporting criteria, and procedures for report submission, which may include instructions for electronic submission.

Each local school board shall require all schools under its supervisory control to annually conduct school safety audits, as defined in this section ~~and~~, consistent with such list *and in collaboration with the chief law-enforcement officer of the locality or his designee*.

The results of such school safety audits shall be made public within 90 days of completion *pursuant to this subsection*. The local school board shall retain authority to withhold or limit the release of any security plans, walk-through checklists, and specific vulnerability assessment components as provided in subdivision 4 of § 2.2-3705.2. The completed walk-through checklist shall be made available ~~upon request~~ to the chief law-enforcement officer of the locality or his designee. Each school shall maintain a copy of the school safety audit, which may exclude such security plans, walk-through checklists, and vulnerability assessment components, within the office of the school principal and shall make a copy of such report available for review upon written request.

Each school shall submit a copy of its school safety audit to the relevant school division superintendent. The division superintendent shall collate and submit all such school safety audits, in the prescribed format and manner of submission, to the Virginia Center for School and Campus Safety and shall make available ~~upon request~~ to the chief law-enforcement officer of the locality the results of such audits *for his review and recommendations*.

C. The division superintendent shall establish a school safety audit committee to include, if available, representatives of parents, teachers, local law-enforcement, emergency services agencies, local community services boards, and judicial and public safety personnel. The school safety audit committee shall review the completed school safety audits and submit any plans, as needed, for improving school safety to the division superintendent for submission to the local school board.

D. Each school board shall ensure that every school that it supervises shall develop a written school crisis, emergency management, and medical emergency response plan, consistent with the definition provided in this section, and shall include the chief law-enforcement officer, the fire chief, the chief of the emergency medical services agency, the executive director of the relevant regional emergency medical services council, and the emergency management official of the locality, or their designees, in the development of such plans. Each school division shall designate an emergency manager.

The Department of Education and the Virginia Center for School and Campus Safety shall provide technical assistance to the school divisions of the Commonwealth in the development of the school crisis, emergency management, and medical emergency response plans that describe the components of a medical emergency response plan developed in coordination with local emergency medical services providers, the training of school personnel and students to respond to a life-threatening emergency, and the equipment required for this emergency response. The local school board, the chief law-enforcement officer, the fire chief, the chief of the emergency medical services agency, the executive director of the relevant regional emergency medical services council, and the emergency management official of the locality, or their designees, shall annually review the written school crisis, emergency management, and medical emergency response plans. The local school board shall have the authority to withhold or limit the review of any security plans and specific vulnerability assessment components as provided in subdivision 4 of § 2.2-3705.2. The local school division superintendent shall certify this review in writing to the Virginia Center for School and Campus Safety no later than August 31 of each year.

Upon consultation with local school boards, division superintendents, the Virginia Center for School and Campus Safety, and the Coordinator of Emergency Management, the Board of Education shall develop, and may revise as it deems necessary, a model school crisis, emergency management, and medical emergency response plan for the purpose of assisting the public schools in Virginia in developing viable, effective crisis, emergency management, and medical emergency response plans. Such model shall set forth recommended effective procedures and means by which parents can contact the relevant school or school division regarding the location and safety of their school children and by which school officials may contact parents, with parental approval, during a critical event or emergency.

E. Each school board shall ensure that every public school it supervises employs at least one school administrator who has completed, either in-person or online, school safety training for public school personnel conducted by the Virginia Center for School and Campus Safety in accordance with subdivision A 1 of § 9.1-184. However, such requirement shall not apply if such required training is not available online.

CHAPTER 22

An Act to amend and reenact § 22.1-279.8 of the Code of Virginia, relating to school safety audits; law-enforcement officers.

[H 1129]

Approved March 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-279.8 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-279.8. School safety audits and school crisis, emergency management, and medical emergency response plans required.

A. For the purposes of this section, unless the context requires otherwise:

"School crisis, emergency management, and medical emergency response plan" means the essential procedures, operations, and assignments required to prevent, manage, and respond to a critical event or emergency, including natural disasters involving fire, flood, tornadoes, or other severe weather; loss or disruption of power, water, communications or shelter; bus or other accidents; medical emergencies, including cardiac arrest and other life-threatening medical emergencies; student or staff member deaths; explosions; bomb threats; gun, knife or other weapons threats; spills or exposures to hazardous substances; the presence of unauthorized persons or trespassers; the loss, disappearance or kidnapping of a student; hostage situations; violence on school property or at school activities; incidents involving acts of terrorism; and other incidents posing a serious threat of harm to students, personnel, or facilities. The plan shall include a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § 19.2-11.01. The Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be the lead coordinating agencies for those individuals determined to be victims, and the plan shall also contain current contact information for both agencies.

"School safety audit" means a written assessment of the safety conditions in each public school to (i) identify and, if necessary, develop solutions for physical safety concerns, including building security issues, and (ii) identify and evaluate any patterns of student safety concerns occurring on school property or at school-sponsored events. Solutions and responses shall include recommendations for structural adjustments, changes in school safety procedures, and revisions to the school board's standards for student conduct.

B. The Virginia Center for School and Campus Safety, in consultation with the Department of Education, shall develop a list of items to be reviewed and evaluated in the school safety audits required by this section. Such items shall include those incidents reported to school authorities pursuant to § 22.1-279.3:1 and shall include a school inspection walk-through using a standardized checklist provided by the Virginia Center for School and Campus Safety, which shall incorporate crime prevention through environmental design principles.

The Virginia Center for School and Campus Safety shall prescribe a standardized report format for school safety audits, additional reporting criteria, and procedures for report submission, which may include instructions for electronic submission.

Each local school board shall require all schools under its supervisory control to annually conduct school safety audits, as defined in this section ~~and~~, consistent with such list *and in collaboration with the chief law-enforcement officer of the locality or his designee*.

The results of such school safety audits shall be made public within 90 days of completion *pursuant to this subsection*. The local school board shall retain authority to withhold or limit the release of any security plans, walk-through checklists, and specific vulnerability assessment components as provided in subdivision 4 of § 2.2-3705.2. The completed walk-through checklist shall be made available ~~upon request~~ to the chief law-enforcement officer of the locality or his designee. Each school shall maintain a copy of the school safety audit, which may exclude such security plans, walk-through checklists, and vulnerability assessment components, within the office of the school principal and shall make a copy of such report available for review upon written request.

Each school shall submit a copy of its school safety audit to the relevant school division superintendent. The division superintendent shall collate and submit all such school safety audits, in the prescribed format and manner of submission, to the Virginia Center for School and Campus Safety and shall make available ~~upon request~~ to the chief law-enforcement officer of the locality the results of such audits *for his review and recommendations*.

C. The division superintendent shall establish a school safety audit committee to include, if available, representatives of parents, teachers, local law-enforcement, emergency services agencies, local community services boards, and judicial and public safety personnel. The school safety audit committee shall review the completed school safety audits and submit any plans, as needed, for improving school safety to the division superintendent for submission to the local school board.

D. Each school board shall ensure that every school that it supervises shall develop a written school crisis, emergency management, and medical emergency response plan, consistent with the definition provided in this section, and shall include the chief law-enforcement officer, the fire chief, the chief of the emergency medical services agency, the executive director of the relevant regional emergency medical services council, and the emergency management official of the locality, or their designees, in the development of such plans. Each school division shall designate an emergency manager. The Department of Education and the Virginia Center for School and Campus Safety shall provide technical assistance to the school divisions of the Commonwealth in the development of the school crisis, emergency management, and medical emergency response plans that describe the components of a medical emergency response plan developed in coordination with local emergency medical services providers, the training of school personnel and students to respond to a life-threatening emergency, and the equipment required for this emergency response. The local school board, the chief law-enforcement officer, the fire chief, the chief of the emergency medical services agency, the executive director of the relevant regional emergency medical services council, and the emergency management official of the locality, or their designees, shall annually review the written school crisis, emergency management, and medical emergency response plans. The local school board shall have the authority to withhold or limit the review of any security plans and specific vulnerability assessment components as provided in subdivision 4 of § 2.2-3705.2. The local school division superintendent shall certify this review in writing to the Virginia Center for School and Campus Safety no later than August 31 of each year.

Upon consultation with local school boards, division superintendents, the Virginia Center for School and Campus Safety, and the Coordinator of Emergency Management, the Board of Education shall develop, and may revise as it deems necessary, a model school crisis, emergency management, and medical emergency response plan for the purpose of assisting the public schools in Virginia in developing viable, effective crisis, emergency management, and medical emergency response plans. Such model shall set forth recommended effective procedures and means by which parents can contact the relevant school or school division regarding the location and safety of their school children and by which school officials may contact parents, with parental approval, during a critical event or emergency.

E. Each school board shall ensure that every public school it supervises employs at least one school administrator who has completed, either in-person or online, school safety training for public school personnel conducted by the Virginia Center for School and Campus Safety in accordance with subdivision A 1 of § 9.1-184. However, such requirement shall not apply if such required training is not available online.

CHAPTER 23

An Act to direct the Board of Education to examine its regulations to determine the feasibility of permitting all active duty members of the Armed Forces of the United States who serve as caregivers to apply for the Child Care Subsidy Program; report.

[H 994]

Approved March 11, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Board of Education shall examine its regulations in 8VAC20-790 of the Virginia Administrative Code and determine the feasibility of amending its regulations to permit all active duty members of the Armed Forces of the United States who serve as caregivers to dependents to apply for the Child Care Subsidy Program. The Board shall submit its findings to the House Committee on Education and the Senate Committee on Education and Health.*

CHAPTER 24

An Act to direct the Board of Education to examine its regulations to determine the feasibility of permitting all active duty members of the Armed Forces of the United States who serve as caregivers to apply for the Child Care Subsidy Program; report.

[S 529]

Approved March 11, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Board of Education shall examine its regulations in 8VAC20-790 of the Virginia Administrative Code and determine the feasibility of amending its regulations to permit all active duty members of the Armed Forces of the United States who serve as caregivers to dependents to apply for the Child Care Subsidy Program. The Board shall submit its findings to the House Committee on Education and the Senate Committee on Education and Health.*

CHAPTER 25

An Act to amend and reenact § 2.2-3703 of the Code of Virginia, relating to the Virginia Freedom of Information Act; Virginia Parole Board member votes.

[H 1303]

Approved March 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3703 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3703. Public bodies and records to which chapter inapplicable; voter registration and election records; access by persons incarcerated in a state, local, or federal correctional facility.

A. The provisions of this chapter shall not apply to:

1. The Virginia Parole Board (*the Board*), except that (i) information from the ~~Virginia Parole~~ Board providing the number of inmates considered by the Board for discretionary parole, the number of inmates granted or denied parole, and the number of parolees returned to the custody of the Department of Corrections solely as a result of a determination by the Board of a violation of parole shall be open to inspection and available for release, on a monthly basis, as provided by § 2.2-3704; (ii) all guidance documents, as defined in § 2.2-4101, shall be public records and subject to the provisions of this chapter; ~~and~~ (iii) all records concerning the finances of the ~~Virginia Parole~~ Board shall be public records and subject to the provisions of this chapter; *and (iv) individual Board member votes shall be public records and subject to the provisions of this chapter.* The information required by clause (i) shall be furnished by offense, sex, race, age of the inmate, and the locality in which the conviction was obtained, upon the request of the party seeking the information. The information required by clause (ii) shall include all documents establishing the policy of the Board or any change in or clarification of such policy with respect to grant, denial, deferral, revocation, or supervision of parole or geriatric release or the process for consideration thereof, and shall be clearly and conspicuously posted on the Board's website. However, such information shall not include any portion of any document reflecting the application of any policy or policy change or clarification of such policy to an individual inmate;

2. Petit juries and grand juries;

3. Family assessment and planning teams established pursuant to § 2.2-5207;

4. Sexual assault response teams established pursuant to § 15.2-1627.4, except that records relating to (i) protocols and policies of the sexual assault response team and (ii) guidelines for the community's response established by the sexual assault response team shall be public records and subject to the provisions of this chapter;

5. Multidisciplinary child sexual abuse response teams established pursuant to § 15.2-1627.5;

6. The Virginia State Crime Commission; and

7. The records maintained by the clerks of the courts of record, as defined in § 1-212, for which clerks are custodians under § 17.1-242, and courts not of record, as defined in § 16.1-69.5, for which clerks are custodians under § 16.1-69.54, including those transferred for storage, maintenance, or archiving. Such records shall be requested in accordance with the provisions of §§ 16.1-69.54:1 and 17.1-208, as appropriate. However, other records maintained by the clerks of such courts shall be public records and subject to the provisions of this chapter.

B. Public access to voter registration and election records shall be governed by the provisions of Title 24.2 and this chapter. The provisions of Title 24.2 shall be controlling in the event of any conflict.

C. No provision of this chapter or Chapter 21 (§ 30-178 et seq.) of Title 30 shall be construed to afford any rights to any person (i) incarcerated in a state, local or federal correctional facility, whether or not such facility is (a) located in the Commonwealth or (b) operated pursuant to the Corrections Private Management Act (§ 53.1-261 et seq.) or (ii) civilly committed pursuant to the Sexually Violent Predators Act (§ 37.2-900 et seq.). However, this subsection shall not be construed to prevent such persons from exercising their constitutionally protected rights, including, but not limited to, their right to call for evidence in their favor in a criminal prosecution.

CHAPTER 26

An Act to amend and reenact § 2.2-3703 of the Code of Virginia, relating to the Virginia Freedom of Information Act; Virginia Parole Board member votes.

[S 5]

Approved March 11, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 2.2-3703 of the Code of Virginia is amended and reenacted as follows:****§ 2.2-3703. Public bodies and records to which chapter inapplicable; voter registration and election records; access by persons incarcerated in a state, local, or federal correctional facility.**

A. The provisions of this chapter shall not apply to:

1. The Virginia Parole Board (*the Board*), except that (i) information from the ~~Virginia Parole Board~~ providing the number of inmates considered by the Board for discretionary parole, the number of inmates granted or denied parole, and the number of parolees returned to the custody of the Department of Corrections solely as a result of a determination by the Board of a violation of parole shall be open to inspection and available for release, on a monthly basis, as provided by § 2.2-3704; (ii) all guidance documents, as defined in § 2.2-4101, shall be public records and subject to the provisions of this chapter; ~~and~~ (iii) all records concerning the finances of the ~~Virginia Parole Board~~ shall be public records and subject to the provisions of this chapter; *and (iv) individual Board member votes shall be public records and subject to the provisions of this chapter.* The information required by clause (i) shall be furnished by offense, sex, race, age of the inmate, and the locality in which the conviction was obtained, upon the request of the party seeking the information. The information required by clause (ii) shall include all documents establishing the policy of the Board or any change in or clarification of such policy with respect to grant, denial, deferral, revocation, or supervision of parole or geriatric release or the process for consideration thereof, and shall be clearly and conspicuously posted on the Board's website. However, such information shall not include any portion of any document reflecting the application of any policy or policy change or clarification of such policy to an individual inmate;

2. Petit juries and grand juries;

3. Family assessment and planning teams established pursuant to § 2.2-5207;

4. Sexual assault response teams established pursuant to § 15.2-1627.4, except that records relating to (i) protocols and policies of the sexual assault response team and (ii) guidelines for the community's response established by the sexual assault response team shall be public records and subject to the provisions of this chapter;

5. Multidisciplinary child sexual abuse response teams established pursuant to § 15.2-1627.5;

6. The Virginia State Crime Commission; and

7. The records maintained by the clerks of the courts of record, as defined in § 1-212, for which clerks are custodians under § 17.1-242, and courts not of record, as defined in § 16.1-69.5, for which clerks are custodians under § 16.1-69.54, including those transferred for storage, maintenance, or archiving. Such records shall be requested in accordance with the provisions of §§ 16.1-69.54:1 and 17.1-208, as appropriate. However, other records maintained by the clerks of such courts shall be public records and subject to the provisions of this chapter.

B. Public access to voter registration and election records shall be governed by the provisions of Title 24.2 and this chapter. The provisions of Title 24.2 shall be controlling in the event of any conflict.

C. No provision of this chapter or Chapter 21 (§ 30-178 et seq.) of Title 30 shall be construed to afford any rights to any person (i) incarcerated in a state, local or federal correctional facility, whether or not such facility is (a) located in the Commonwealth or (b) operated pursuant to the Corrections Private Management Act (§ 53.1-261 et seq.) or (ii) civilly committed pursuant to the Sexually Violent Predators Act (§ 37.2-900 et seq.). However, this subsection shall not be construed to prevent such persons from exercising their constitutionally protected rights, including, but not limited to, their right to call for evidence in their favor in a criminal prosecution.

CHAPTER 27

An Act to amend and reenact § 18.2-311 of the Code of Virginia, relating to selling or possessing switchblade.

[S 758]

Approved March 11, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-311 of the Code of Virginia is amended and reenacted as follows:****§ 18.2-311. Prohibiting the selling or having in possession blackjacks, etc.**

If any person sells or barterers, or exhibits for sale or for barter, or gives or furnishes, or causes to be sold, bartered, given, or furnished, or has in his possession, or under his control, with the intent of selling, bartering, giving, or furnishing, any blackjack, brass or metal knucks, any disc of whatever configuration having at least two points or pointed blades ~~which~~ *that* is designed to be thrown or propelled and ~~which that~~ *which that* may be known as a throwing star or oriental dart, ~~switchblade knife,~~ ballistic knife as defined in § 18.2-307.1, or like weapons, such person is guilty of a Class 4 misdemeanor. The having

in one's possession of any such weapon shall be prima facie evidence, except in the case of a conservator of the peace, of his intent to sell, barter, give, or furnish the same.

CHAPTER 28

An Act to amend and reenact §§ 24.2-408 and 24.2-427 of the Code of Virginia, relating to voter registration; list maintenance; lists of decedents transmitted by State Registrar of Vital Records.

[S 211]

Approved March 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-408 and 24.2-427 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-408. State Registrar of Vital Records to transmit weekly lists of decedents to Department of Elections.

The State Registrar of Vital Records shall transmit to the Department of Elections by electronic means a ~~monthly~~ *weekly* list of all persons ~~of the age of seventeen~~ *17 years of age* or ~~more older~~ who ~~shall~~ have died in the Commonwealth subsequent to its previous ~~monthly~~ *weekly* list. The lists shall be in a format specified by the Department and shall contain the deceased's name; address; county, city, or town of residence; social security number, if any; and date and place of his birth and of his death. The Department shall maintain a permanent record of the information in the lists as part of the voter registration system. ~~The, and the general registrars shall have access to use~~ the information in the lists to carry out their duties pursuant to § 24.2-427. Information in the lists shall be confidential and consistent with the requirements of § 32.1-271.

§ 24.2-427. Cancellation of registration by voter or for persons known to be deceased or disqualified to vote.

A. Any registered voter may cancel his registration and have his name removed from the central registration records by signing an authorization for cancellation and mailing or otherwise submitting the signed authorization to the general registrar. When submitted by any means other than when notarized or in person, such cancellation must be made at least 22 days prior to an election in order to be valid in that election. The general registrar shall acknowledge receipt of the authorization and advise the voter in person or by first-class mail that his registration has been canceled within 10 days of receipt of such authorization.

B. The general registrar shall *promptly* cancel the registration of (i) all persons known by him to be deceased ~~or~~; (ii) ~~all~~ *persons known by him to be* disqualified to vote by reason of a felony conviction or adjudication of incapacity; ~~(iii)~~ (iii) all persons known by him not to be United States citizens by reason of reports from the Department of Motor Vehicles pursuant to § 24.2-410.1 or from the Department of Elections based on information received from the Systematic Alien Verification for Entitlements Program (SAVE Program) pursuant to subsection E of § 24.2-404 and in accordance with the requirements of subsection B1; ~~(iii)~~ (iv) all persons for whom a notice has been received, signed by the voter, or from the registration official of another jurisdiction that the voter has moved from the Commonwealth; and ~~(iv)~~ (v) all persons for whom a notice has been received, signed by the voter, or from the registration official of another jurisdiction that the voter has registered to vote outside the Commonwealth, subsequent to his registration in Virginia. The notice received in clauses ~~(iii)~~ (iv) and ~~(iv)~~ (v) shall be considered as a written request from the voter to have his registration cancelled. A voter's registration may be cancelled at any time during the year in which the general registrar discovers that the person is no longer entitled to be registered. The general registrar shall mail notice of any cancellation to the person whose registration is cancelled.

B1. The general registrar shall mail notice promptly to all persons known by him not to be United States citizens by reason of a report from the Department of Motor Vehicles pursuant to § 24.2-410.1 or from the Department of Elections based on information received from the Systematic Alien Verification for Entitlements Program (SAVE Program) pursuant to subsection E of § 24.2-404 prior to cancelling their registrations. The notice shall inform the person of the report from the Department of Motor Vehicles or from the Department of Elections and allow the person to submit his sworn statement that he is a United States citizen within 14 days of the date that the notice was mailed. The general registrar shall cancel the registrations of such persons who do not respond within 14 days to the notice that they have been reported not to be United States citizens.

B2. The general registrar shall (i) process the Department's most recent list of persons convicted of felonies within 21 to 14 days before any primary or general election, (ii) cancel the registration of any registered voter shown to have been convicted of a felony who has not provided evidence that his right to vote has been restored, and (iii) send prompt notice to the person of the cancellation of his registration. If it appears that any registered voter has made a false statement on his registration application with respect to his having been convicted of a felony, the general registrar shall report the fact to the attorney for the Commonwealth for prosecution under § 24.2-1016 for a false statement made on his registration application.

C. The general registrar may cancel the registration of any person for whom a notice has been submitted to the Department of Motor Vehicles in accordance with the Driver License Compact set out in Article 18 (§ 46.2-483 et seq.) of Chapter 3 of Title 46.2 and forwarded to the general registrar, that the voter has moved from the Commonwealth; provided that the registrar shall mail notice of such cancellation to the person at both his new address, as reported to the Department of Motor Vehicles, and the address at which he had most recently been registered in Virginia. No general registrar may cancel registrations under this authority while the registration records are closed pursuant to § 24.2-416. No registrar may

cancel the registration under this authority of any person entitled to register under the provisions of subsection A of § 24.2-420.1, and shall reinstate the registration of any otherwise qualified voter covered by subsection A of § 24.2-420.1 who applies to vote within four years of the date of cancellation.

CHAPTER 29

An Act to amend and reenact § 58.1-3321 of the Code of Virginia, relating to real property taxes; notice of proposed increase.

[H 1010]

Approved March 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3321 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3321. Effect on rate when assessment results in tax increase; public hearings; referendum.

A. When any annual assessment, biennial assessment, or general reassessment of real property by a county, city, or town would result in an increase of one percent or more in the total real property tax levied, such county, city, or town shall reduce its rate of levy for the forthcoming tax year so as to cause such rate of levy to produce no more than 101 percent of the previous year's real property tax levies, unless subsection B is complied with, which rate shall be determined by multiplying the previous year's total real property tax levies by 101 percent and dividing the product by the forthcoming tax year's total real property assessed value. An additional assessment or reassessment due to the construction of new or other improvements, including those improvements and changes set forth in § 58.1-3285, to the property shall not be an annual assessment or general reassessment within the meaning of this section, nor shall the assessed value of such improvements be included in calculating the new tax levy for purposes of this section. Special levies shall not be included in any calculations provided for under this section.

B. The governing body of a county, city, or town may, after conducting a public hearing, which shall not be held at the same time as the annual budget hearing, increase the rate above the reduced rate required in subsection A if any such increase is deemed to be necessary by such governing body.

C. Notice of ~~the any~~ public hearing *held pursuant to this section* shall be given at least 30 days before the date of such hearing by the publication of a notice in (i) at least one newspaper of general circulation in such county or city and (ii) a prominent public location at which notices are regularly posted in the building where the governing body of the county, city, or town regularly conducts its business, except that such notice shall be given at least 14 days before the date of such hearing in any year in which neither a general appropriation act nor amendments to a general appropriation act providing appropriations for the immediately following fiscal year have been enacted by April 30 of such year. *Additionally, in a county, city, or town that conducts its reassessment more than once every four years, the notice for any public hearing held pursuant to this section shall be published on a different day and in a different notice from any notice published for the annual budget hearing.* Any such notice shall be at least the size of one-eighth page of a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18-point. The notice described in clause (i) shall not be placed in that portion, if any, of the newspaper reserved for legal notices and classified advertisements. The notice described in clauses (i) and (ii) shall be in the following form and contain the following information, in addition to such other information as the local governing body may elect to include:

NOTICE OF PROPOSED REAL PROPERTY TAX INCREASE

The (name of the county, city or town) proposes to increase property tax levies.

1. Assessment Increase: Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by ____ percent.

2. Lowered Rate Necessary to Offset Increased Assessment: The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be \$ ____ per \$100 of assessed value. This rate will be known as the "lowered tax rate."

3. Effective Rate Increase: The (name of the county, city or town) proposes to adopt a tax rate of \$ ____ per \$100 of assessed value. The difference between the lowered tax rate and the proposed rate would be \$ ____ per \$100, or ____ percent. This difference will be known as the "effective tax rate increase."

Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.

4. Proposed Total Budget Increase: Based on the proposed real property tax rate and changes in other revenues, the total budget of (name of county, city or town) will exceed last year's by ____ percent.

A public hearing on the increase will be held on (date and time) at (meeting place).

~~E. D.~~ All hearings shall be open to the public. The governing body shall permit persons desiring to be heard an opportunity to present oral testimony within such reasonable time limits as shall be determined by the governing body.

~~E. E.~~ The provisions of this section shall not be applicable to the assessment of public service corporation property by the State Corporation Commission.

~~E. F.~~ Notwithstanding other provisions of general or special law, the tax rate for taxes due on or before June 30 of each year may be fixed on or before May 15 of that tax year.

CHAPTER 30

An Act to amend and reenact § 58.1-3506 of the Code of Virginia, relating to personal property tax; classification; emergency.

[H 1239]

Approved March 22, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 58.1-3506 of the Code of Virginia is amended and reenacted as follows:****§ 58.1-3506. Other classifications of tangible personal property for taxation.**

A. The items of property set forth below are each declared to be a separate class of property and shall constitute a classification for local taxation separate from other classifications of tangible personal property provided in this chapter:

1. a. Boats or watercraft weighing five tons or more, not used solely for business purposes;
- b. Boats or watercraft weighing less than five tons, not used solely for business purposes;
2. Aircraft having a maximum passenger seating capacity of no more than 50 that are owned and operated by scheduled air carriers operating under certificates of public convenience and necessity issued by the State Corporation Commission or the Civil Aeronautics Board;
3. Aircraft having a registered empty gross weight equal to or greater than 20,000 pounds that are not owned or operated by scheduled air carriers recognized under federal law, but not including any aircraft described in subdivision 4;
4. Aircraft that are (i) considered Warbirds, manufactured and intended for military use, excluding those manufactured after 1954, and (ii) used only for (a) exhibit or display to the general public and otherwise used for educational purposes (including such flights as are necessary for testing, maintaining, or preparing such aircraft for safe operation), or (b) airshow and flight demonstrations (including such flights necessary for testing, maintaining, or preparing such aircraft for safe operation), shall constitute a new class of property. Such class of property shall not include any aircraft used for commercial purposes, including transportation and other services for a fee;
5. All other aircraft not included in subdivision 2, 3, or 4 and flight simulators;
6. Antique motor vehicles as defined in § 46.2-100 which may be used for general transportation purposes as provided in subsection C of § 46.2-730;
7. Tangible personal property used in a research and development business;
8. Heavy construction machinery not used for business purposes, including land movers, bulldozers, front-end loaders, graders, packers, power shovels, cranes, pile drivers, forest harvesting and silvicultural activity equipment except as exempted under § 58.1-3505, and ditch and other types of diggers;
9. Generating equipment purchased after December 31, 1974, for the purpose of changing the energy source of a manufacturing plant from oil or natural gas to coal, wood, wood bark, wood residue, or any other alternative energy source for use in manufacturing and any cogeneration equipment purchased to achieve more efficient use of any energy source. Such generating equipment and cogeneration equipment shall include, without limitation, such equipment purchased by firms engaged in the business of generating electricity or steam, or both;
10. Vehicles without motive power, used or designed to be used as manufactured homes as defined in § 36-85.3;
11. Computer hardware used by businesses primarily engaged in providing data processing services to other nonrelated or nonaffiliated businesses;
12. Privately owned pleasure boats and watercraft, 18 feet and over, used for recreational purposes only;
13. Privately owned vans with a seating capacity of not less than seven nor more than 15 persons, including the driver, used exclusively pursuant to a ridesharing arrangement as defined in § 46.2-1400;
14. Motor vehicles specially equipped to provide transportation for physically handicapped individuals;
15. Motor vehicles (i) owned by members of a volunteer emergency medical services agency or a member of a volunteer fire department or (ii) leased by volunteer emergency medical services personnel or a member of a volunteer fire department if the volunteer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is owned by each volunteer member who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or volunteer fire department member, or leased by each volunteer member who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or volunteer fire department member if the volunteer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle, may be specially classified under this section, provided the volunteer regularly responds to emergency calls. The volunteer shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief of the volunteer emergency medical services agency or volunteer fire department, that the volunteer is an individual who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or a member of the volunteer fire department who regularly responds to calls or regularly performs other duties for the emergency medical services agency or fire department, and the motor vehicle owned or leased by the volunteer is identified. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the volunteer, to accept a certification after the January 31 deadline. In any county that prorates the assessment of tangible personal property pursuant to § 58.1-3516, a

replacement vehicle may be certified and classified pursuant to this subsection when the vehicle certified as of the immediately prior January date is transferred during the tax year;

16. Motor vehicles (i) owned by auxiliary members of a volunteer emergency medical services agency or volunteer fire department or (ii) leased by auxiliary members of a volunteer emergency medical services agency or volunteer fire department if the auxiliary member is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary volunteer fire department or emergency medical services agency member may be specially classified under this section. The auxiliary member shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief of the volunteer emergency medical services agency or volunteer fire department, that the volunteer is an auxiliary member of the volunteer emergency medical services agency or fire department who regularly performs duties for the emergency medical services agency or fire department, and the motor vehicle is identified as regularly used for such purpose; however, if a volunteer meets the definition of "emergency medical services personnel" in § 32.1-111.1 or volunteer fire department member and an auxiliary member are members of the same household, that household shall be allowed no more than two special classifications under this subdivision or subdivision 15. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the auxiliary member, to accept a certification after the January 31 deadline;

17. Motor vehicles owned by a nonprofit organization and used to deliver meals to homebound persons or provide transportation to senior or handicapped citizens in the community to carry out the purposes of the nonprofit organization;

18. Privately owned camping trailers as defined in § 46.2-100, and privately owned travel trailers as defined in § 46.2-1500, which are used for recreational purposes only, and privately owned trailers as defined in § 46.2-100, which are designed and used for the transportation of horses except those trailers described in subdivision A 11 of § 58.1-3505;

19. One motor vehicle owned and regularly used by a veteran who has either lost, or lost the use of, one or both legs, or an arm or a hand, or who is blind or who is permanently and totally disabled as certified by the Department of Veterans Services. In order to qualify, the veteran shall provide a written statement to the commissioner of revenue or other assessing officer from the Department of Veterans Services that the veteran has been so designated or classified by the Department of Veterans Services as to meet the requirements of this section, and that his disability is service-connected. For purposes of this section, a person is blind if he meets the provisions of § 46.2-100;

20. Motor vehicles (i) owned by persons who have been appointed to serve as auxiliary police officers pursuant to Article 3 (§ 15.2-1731 et seq.) of Chapter 17 of Title 15.2 or (ii) leased by persons who have been so appointed to serve as auxiliary police officers if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary police officer to respond to auxiliary police duties may be specially classified under this section. In order to qualify for such classification, any auxiliary police officer who applies for such classification shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of revenue or other assessing officer with a certification from the governing body that has appointed such auxiliary police officer or from the official who has appointed such auxiliary officers. That certification shall state that the applicant is an auxiliary police officer who regularly uses a motor vehicle to respond to auxiliary police duties, and it shall state that the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

21. Until the first to occur of June 30, 2029, or the date that a special improvements tax is no longer levied under § 15.2-4607 on property within a Multicounty Transportation Improvement District created pursuant to Chapter 46 (§ 15.2-4600 et seq.) of Title 15.2, tangible personal property that is used in manufacturing, testing, or operating satellites within a Multicounty Transportation Improvement District, provided that such business personal property is put into service within the District on or after July 1, 1999;

22. Motor vehicles which use clean special fuels as defined in § 46.2-749.3, which shall not include any vehicle described in subdivision 38 or 40;

23. Wild or exotic animals kept for public exhibition in an indoor or outdoor facility that is properly licensed by the federal government, the Commonwealth, or both, and that is properly zoned for such use. "Wild animals" means any animals that are found in the wild, or in a wild state, within the boundaries of the United States, its territories or possessions. "Exotic animals" means any animals that are found in the wild, or in a wild state, and are native to a foreign country;

24. Furniture, office, and maintenance equipment, exclusive of motor vehicles, that are owned and used by an organization whose real property is assessed in accordance with § 58.1-3284.1 and that is used by that organization for the purpose of maintaining or using the open or common space within a residential development;

25. Motor vehicles, trailers, and semitrailers with a gross vehicle weight of 10,000 pounds or more used to transport property or passengers for hire by a motor carrier engaged in interstate commerce;

26. All tangible personal property employed in a trade or business other than that described in subdivisions A 1 through A 20, except for subdivision A 18, of § 58.1-3503;

27. Programmable computer equipment and peripherals employed in a trade or business;

28. Privately owned pleasure boats and watercraft, motorized and under 18 feet, used for recreational purposes only;

29. Privately owned pleasure boats and watercraft, nonmotorized and under 18 feet, used for recreational purposes only;

30. Privately owned motor homes as defined in § 46.2-100 that are used for recreational purposes only;

31. Tangible personal property used in the provision of Internet services. For purposes of this subdivision, "Internet service" means a service, including an Internet Web-hosting service, that enables users to access content, information, electronic mail, and the Internet as part of a package of services sold to customers;

32. Motor vehicles (i) owned by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs or (ii) leased by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. For purposes of this subdivision, the term "auxiliary deputy sheriff" means auxiliary, reserve, volunteer, or special deputy sheriff. One motor vehicle that is regularly used by each auxiliary deputy sheriff to respond to auxiliary deputy sheriff duties may be specially classified under this section. In order to qualify for such classification, any auxiliary deputy sheriff who applies for such classification shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of revenue or other assessing officer with a certification from the governing body that has appointed such auxiliary deputy sheriff or from the official who has appointed such auxiliary deputy sheriff. That certification shall state that the applicant is an auxiliary deputy sheriff who regularly uses a motor vehicle to respond to such auxiliary duties, and it shall state that the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

33. Forest harvesting and silvicultural activity equipment, except as exempted under § 58.1-3505;

34. Equipment used primarily for research, development, production, or provision of biotechnology for the purpose of developing or providing products or processes for specific commercial or public purposes, including medical, pharmaceutical, nutritional, and other health-related purposes; agricultural purposes; or environmental purposes but not for human cloning purposes as defined in § 32.1-162.21 or for products or purposes related to human embryo stem cells. For purposes of this section, biotechnology equipment means equipment directly used in activities associated with the science of living things;

35. Boats or watercraft weighing less than five tons, used for business purposes only;

36. Boats or watercraft weighing five tons or more, used for business purposes only;

37. Tangible personal property which is owned and operated by a service provider who is not a CMRS provider and is not licensed by the FCC used to provide, for a fee, wireless broadband Internet service. For purposes of this subdivision, "wireless broadband Internet service" means a service that enables customers to access, through a wireless connection at an upload or download bit rate of more than one megabyte per second, Internet service, as defined in § 58.1-602, as part of a package of services sold to customers;

38. Low-speed vehicles as defined in § 46.2-100;

39. Motor vehicles with a seating capacity of not less than 30 persons, including the driver;

40. Motor vehicles powered solely by electricity;

41. Tangible personal property designed and used primarily for the purpose of manufacturing a product from renewable energy as defined in § 56-576;

42. Motor vehicles leased by a county, city, town, or constitutional officer if the locality or constitutional officer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle;

43. Computer equipment and peripherals used in a data center. For purposes of this subdivision, "data center" means a facility whose primary services are the storage, management, and processing of digital data and is used to house (i) computer and network systems, including associated components such as servers, network equipment and appliances, telecommunications, and data storage systems; (ii) systems for monitoring and managing infrastructure performance; (iii) equipment used for the transformation, transmission, distribution, or management of at least one megawatt of capacity of electrical power and cooling, including substations, uninterruptible power supply systems, all electrical plant equipment, and associated air handlers; (iv) Internet-related equipment and services; (v) data communications connections; (vi) environmental controls; (vii) fire protection systems; and (viii) security systems and services;

44. Motor vehicles (i) owned by persons who serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 or (ii) leased by persons who serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by a uniformed member of the Virginia Defense Force to respond to his official duties may be specially classified under this section. In order to qualify for such classification, any person who applies for such classification shall identify the vehicle for which the classification is sought and shall furnish to the commissioner of the revenue or other assessing officer a certification from the Adjutant General of the Department of Military Affairs under § 44-11. That certification shall state that (a) the applicant is a uniformed member of the Virginia Defense Force who regularly uses a motor vehicle to respond to his official duties, and (b) the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of the revenue or other

assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

45. If a locality has adopted an ordinance pursuant to subsection D of § 58.1-3703, tangible personal property of a business that qualifies under such ordinance for the first two tax years in which the business is subject to tax upon its personal property pursuant to this chapter. If a locality has not adopted such ordinance, this classification shall apply to the tangible personal property for such first two tax years of a business that otherwise meets the requirements of subsection D of § 58.1-3703;

46. Miscellaneous and incidental tangible personal property employed in a trade or business that is not classified as machinery and tools pursuant to Article 2 (§ 58.1-3507 et seq.), merchants' capital pursuant to Article 3 (§ 58.1-3509 et seq.), or short-term rental property pursuant to Article 3.1 (§ 58.1-3510.4 et seq.), and has an original cost of less than \$500. A county, city, or town shall allow a taxpayer to provide an aggregate estimate of the total cost of all such property owned by the taxpayer that qualifies under this subdivision, in lieu of a specific, itemized list; ~~and~~

47. Commercial fishing vessels and property permanently attached to such vessels; *and*

48. *The following classifications of vehicles:*

a. Automobiles as described in subdivision A 3 of § 58.1-3503;

b. Trucks of less than two tons as described in subdivision A 4 of § 58.1-3503;

c. Trucks and other vehicles as described in subdivision A 5 of § 58.1-3503;

d. Motor vehicles with specially designed equipment for use by the handicapped as described in subdivision A 9 of § 58.1-3503; and

e. Motorcycles, mopeds, all-terrain vehicles, off-road motorcycles, campers, and other recreational vehicles as described in subdivision A 10 of § 58.1-3503.

B. The governing body of any county, city, or town may levy a tax on the property enumerated in subsection A at different rates from the tax levied on other tangible personal property. The rates of tax and the rates of assessment shall (i) for purposes of subdivisions A 1, 2, 3, 4, 5, 6, 8, 11 through 20, 22 through 24, and 26 through 47, not exceed that applicable to the general class of tangible personal property, (ii) for purposes of subdivisions A 7, 9, 21, and 25, not exceed that applicable to machinery and tools, and (iii) for purposes of subdivision A 10, equal that applicable to real property. If an item of personal property is included in multiple classifications under subsection A, then the rate of tax shall be the lowest rate assigned to such classifications.

C. Notwithstanding any other provision of this section, for any qualifying vehicle, as such term is defined in § 58.1-3523, (i) included in any separate class of property in subsection A and (ii) assessed for tangible personal property taxes by a county, city, or town receiving a payment from the Commonwealth under Chapter 35.1 (§ 58.1-3523 et seq.) for providing tangible personal property tax relief, the county, city, or town may levy the tangible personal property tax on such qualifying vehicle at a rate not to exceed the rates of tax and rates of assessment required under such chapter.

2. That the provisions of this act shall apply to taxable years beginning on or after January 1, 2022, but before January 1, 2025.

3. That an emergency exists and this act is in force from its passage.

CHAPTER 31

An Act to amend and reenact § 46.2-1063 of the Code of Virginia, relating to front and rear bumper height limits; emergency.

[S 777]

Approved March 22, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1063 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1063. Alteration of suspension system; bumper height limits; raising body above frame rail.

No person shall drive on a public highway any motor vehicle registered as a passenger motor vehicle if it has been modified by alteration of its altitude from the ground to the extent that its bumpers, measured to any point on the lower edge of the main horizontal bumper bar, exclusive of any bumper guards, are not within the range of fourteen inches to twenty-two inches above the ground.

No vehicle shall be modified to cause the vehicle body or chassis to come in contact with the ground, expose the fuel tank to damage from collision, or cause the wheels to come in contact with the body under normal operation. No part of the original suspension system of a motor vehicle shall be disconnected to defeat the safe operation of its suspension system. However, nothing contained in this section shall prevent the installation of heavy duty equipment, including shock absorbers and overload springs. Nothing contained in this section shall prohibit the driving on a public highway of a motor vehicle with normal wear to the suspension system if such normal wear does not adversely affect the control of the vehicle.

No person shall drive on a public highway any motor vehicle registered as a truck if it has been modified by alteration of its altitude from the ground to the extent that its bumpers, measured to any point on the lower edge of the main horizontal bumper bar, exclusive of any bumper guards, do not fall within the limits specified herein for its gross vehicle weight rating category. The front bumper height of trucks whose gross vehicle weight ratings are 4,500 pounds or less shall be no less

than 14 inches and no more than 28 inches, and their rear bumper height shall be no less than 14 inches and no more than 28 inches. The front bumper height of trucks whose gross vehicle weight ratings are 4,501 pounds to 7,500 pounds shall be no less than 14 inches and no more than 29 inches, and their rear bumper height shall be no less than 14 inches and no more than 30 inches. The front bumper height of trucks whose gross vehicle weight ratings are 7,501 pounds to 15,000 pounds shall be no less than 14 inches and no more than 30 inches, and their rear bumper height shall be no less than 14 inches and no more than 31 inches. Bumper height limitations contained in this ~~section~~ *paragraph* shall not apply to trucks with gross vehicle weight ratings in excess of 15,000 pounds. For the purpose of this section, "truck" includes pickup and panel trucks, and "gross vehicle weight ratings" means manufacturer's gross vehicle weight ratings established for that vehicle as indicated by a number, plate, sticker, decal, or other device affixed to the vehicle by its manufacturer.

In the absence of bumpers, and in cases where bumper heights have been lowered, height measurements under the foregoing provisions of this section shall be made to the bottom of the frame rail. However, if bumper heights have been raised, height measurements under the foregoing provisions of this section shall be made to the bottom of the main horizontal bumper bar.

No vehicle shall be operated on a public highway if it has been modified by any means so as to raise its body more than three inches, in addition to any manufacturer's spacers and bushings, above the vehicle's frame rail or manufacturer's attachment points on the frame rail.

No passenger car or pickup or panel truck shall be operated on a public highway if the suspension, frame, or chassis has been modified by any means so as to cause the height of the front bumper to be four or more inches greater than the height of the rear bumper.

This section shall not apply to specially designed or modified motor vehicles when driven off the public highways in races and similar events. Such motor vehicles may be lawfully towed on the highways of the Commonwealth.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 32

An Act to amend and reenact § 62.1-44.15:28, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to stormwater management; proprietary best management practices; emergency.

[H 1224]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 62.1-44.15:28, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 62.1-44.15:28. (For expiration date, see Acts 2016, cc. 68 and 758, as amended by Acts 2017, c. 345) Development of regulations.

A. The Board is authorized to adopt regulations that specify minimum technical criteria and administrative procedures for Virginia Stormwater Management Programs. The regulations shall:

1. Establish standards and procedures for administering a VSMP;
2. Establish minimum design criteria for measures to control nonpoint source pollution and localized flooding, and incorporate the stormwater management regulations adopted pursuant to the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.), as they relate to the prevention of stream channel erosion. These criteria shall be periodically modified as required in order to reflect current engineering methods;
3. Require the provision of long-term responsibility for and maintenance of stormwater management control devices and other techniques specified to manage the quality and quantity of runoff;
4. Require as a minimum the inclusion in VSMPs of certain administrative procedures that include, but are not limited to, specifying the time period within which a VSMP authority shall grant land-disturbing activity approval, the conditions and processes under which approval shall be granted, the procedures for communicating disapproval, the conditions under which an approval may be changed, and requirements for inspection of approved projects;
5. Establish by regulations a statewide permit fee schedule to cover all costs associated with the implementation of a VSMP related to land-disturbing activities of one acre or greater. Such fee attributes include the costs associated with plan review, VSMP registration statement review, permit issuance, state-coverage verification, inspections, reporting, and compliance activities associated with the land-disturbing activities as well as program oversight costs. The fee schedule shall also include a provision for a reduced fee for land-disturbing activities between 2,500 square feet and up to one acre in Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) localities. The fee schedule shall be governed by the following:

a. The revenue generated from the statewide stormwater permit fee shall be collected utilizing, where practicable, an online payment system, and the Department's portion shall be remitted to the State Treasurer for deposit in the Virginia Stormwater Management Fund established pursuant to § 62.1-44.15:29. However, whenever the Board has approved a VSMP, no more than 30 percent of the total revenue generated by the statewide stormwater permit fees collected shall be remitted to the State Treasurer for deposit in the Virginia Stormwater Management Fund, with the balance going to the VSMP authority.

b. Fees collected pursuant to this section shall be in addition to any general fund appropriation made to the Department or other supporting revenue from a VSMP; however, the fees shall be set at a level sufficient for the Department and the VSMP to fully carry out their responsibilities under this article and its attendant regulations and local ordinances or standards and specifications where applicable. When establishing a VSMP, the VSMP authority shall assess the statewide fee schedule and shall have the authority to reduce or increase such fees, and to consolidate such fees with other program-related charges, but in no case shall such fee changes affect the amount established in the regulations as available to the Department for program oversight responsibilities pursuant to subdivision 5 a. A VSMP's portion of the fees shall be used solely to carry out the VSMP's responsibilities under this article and its attendant regulations, ordinances, or annual standards and specifications.

c. Until July 1, 2014, the fee for coverage under the General Permit for Discharges of Stormwater from Construction Activities issued by the Board, or where the Board has issued an individual permit or coverage under the General Permit for Discharges of Stormwater from Construction Activities for an entity for which it has approved annual standards and specifications, shall be \$750 for each large construction activity with sites or common plans of development equal to or greater than five acres and \$450 for each small construction activity with sites or common plans of development equal to or greater than one acre and less than five acres. On and after July 1, 2014, such fees shall only apply where coverage has been issued under the Board's General Permit for Discharges of Stormwater from Construction Activities to a state agency or federal entity for which it has approved annual standards and specifications. After establishment, such fees may be modified in the future through regulatory actions.

d. Until July 1, 2014, the Department is authorized to assess a \$125 reinspection fee for each visit to a project site that was necessary to check on the status of project site items noted to be in noncompliance and documented as such on a prior project inspection.

e. In establishing the fee schedule under this subdivision, the Department shall ensure that the VSMP authority portion of the statewide permit fee for coverage under the General Permit for Discharges of Stormwater from Construction Activities for small construction activity involving a single family detached residential structure with a site or area, within or outside a common plan of development or sale, that is equal to or greater than one acre but less than five acres shall be no greater than the VSMP authority portion of the fee for coverage of sites or areas with a land-disturbance acreage of less than one acre within a common plan of development or sale.

f. When any fees are collected pursuant to this section by credit cards, business transaction costs associated with processing such payments may be additionally assessed;

6. Establish statewide standards for stormwater management from land-disturbing activities of one acre or greater, except as specified otherwise within this article, and allow for the consolidation in the permit of a comprehensive approach to addressing stormwater management and erosion and sediment control, consistent with the provisions of the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.) and this article. However, such standards shall also apply to land-disturbing activity exceeding an area of 2,500 square feet in all areas of the jurisdictions designated as subject to the Chesapeake Bay Preservation Area Designation and Management Regulations;

7. Establish a procedure by which a stormwater management plan that is approved for a residential, commercial, or industrial subdivision shall govern the development of the individual parcels, including those parcels developed under subsequent owners;

8. Notwithstanding the provisions of subdivision 5, establish a procedure by which neither a registration statement nor payment of the Department's portion of the statewide permit fee established pursuant to that subdivision shall be required for coverage under the General Permit for Discharges of Stormwater from Construction Activities for construction activity involving a single-family detached residential structure, within or outside a common plan of development or sale;

9. Provide for the *certification and* use of a proprietary best management practice only if another state, regional, or national ~~certification~~ program has verified ~~and certified~~ its nutrient or sediment removal effectiveness *and all of such program's established test protocol requirements were met or exceeded. As used in this subdivision and any regulations or guidance adopted pursuant to this subdivision, "certification" means a determination by the Department that a proprietary best management practice is approved for use in accordance with this article;*

10. Require that VSMPs maintain after-development runoff rate of flow and characteristics that replicate, as nearly as practicable, the existing predevelopment runoff characteristics and site hydrology, or improve upon the contributing share of the existing predevelopment runoff characteristics and site hydrology if stream channel erosion or localized flooding is an existing predevelopment condition. Except where more stringent requirements are necessary to address total maximum daily load requirements or to protect exceptional state waters, any land-disturbing activity that provides for stormwater management shall satisfy the conditions of this subsection if the practices are designed to (i) detain the water quality volume and to release it over 48 hours; (ii) detain and release over a 24-hour period the expected rainfall resulting from the one year, 24-hour storm; and (iii) reduce the allowable peak flow rate resulting from the 1.5-year, two-year, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels as defined in any regulations promulgated pursuant to this section or any ordinances adopted pursuant to § 62.1-44.15:27 or 62.1-44.15:33;

11. Encourage low-impact development designs, regional and watershed approaches, and nonstructural means for controlling stormwater;

12. Promote the reclamation and reuse of stormwater for uses other than potable water in order to protect state waters and the public health and to minimize the direct discharge of pollutants into state waters;

13. Establish procedures to be followed when a locality that operates a VSMP wishes to transfer administration of the VSMP to the Department;

14. Establish a statewide permit fee schedule for stormwater management related to municipal separate storm sewer system permits;

15. Provide for the evaluation and potential inclusion of emerging or innovative nonproprietary stormwater control technologies that may prove effective in reducing nonpoint source pollution;

16. Require the owner of property that is zoned for residential use and on which is located a privately owned stormwater management facility serving one or more residential properties to record the long-term maintenance and inspection requirements for such facility with the deed for the owner's property; and

17. Require that all final plan elements, specifications, or calculations whose preparation requires a license under Chapter 4 (§ 54.1-400 et seq.) or 22 (§ 54.1-2200 et seq.) of Title 54.1 be appropriately signed and sealed by a professional who is licensed to engage in practice in the Commonwealth. Nothing in this subdivision shall authorize any person to engage in practice outside his area of professional competence.

B. The Board may integrate and consolidate components of the regulations implementing the Erosion and Sediment Control program and the Chesapeake Bay Preservation Area Designation and Management program with the regulations governing the Virginia Stormwater Management Program (VSMP) Permit program or repeal components so that these programs may be implemented in a consolidated manner that provides greater consistency, understanding, and efficiency for those regulated by and administering a VSMP.

§ 62.1-44.15:28. (For effective date, see Acts 2016, cc. 68 and 758, as amended by Acts 2017, c. 345) Development of regulations.

The Board is authorized to adopt regulations that establish requirements for the effective control of soil erosion, sediment deposition, and stormwater, including nonagricultural runoff, that shall be met in any VESMP to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources, and that specify minimum technical criteria and administrative procedures for VESMPs. The regulations shall:

1. Establish standards and procedures for administering a VESMP;

2. Establish minimum standards of effectiveness of the VESMP and criteria and procedures for reviewing and evaluating its effectiveness. The minimum standards of program effectiveness established by the Board shall provide that (i) no soil erosion control and stormwater management plan shall be approved until it is reviewed by a plan reviewer certified pursuant to § 62.1-44.15:30, (ii) each inspection of a land-disturbing activity shall be conducted by an inspector certified pursuant to § 62.1-44.15:30, and (iii) each VESMP shall contain a program administrator, a plan reviewer, and an inspector, each of whom is certified pursuant to § 62.1-44.15:30 and all of whom may be the same person;

3. Be based upon relevant physical and developmental information concerning the watersheds and drainage basins of the Commonwealth, including data relating to land use, soils, hydrology, geology, size of land area being disturbed, proximate water bodies and their characteristics, transportation, and public facilities and services;

4. Include any survey of lands and waters as the Board deems appropriate or as any applicable law requires to identify areas, including multijurisdictional and watershed areas, with critical soil erosion and sediment problems;

5. Contain conservation standards for various types of soils and land uses, which shall include criteria, techniques, and methods for the control of soil erosion and sediment resulting from land-disturbing activities;

6. Establish water quality and water quantity technical criteria. These criteria shall be periodically modified as required in order to reflect current engineering methods;

7. Require the provision of long-term responsibility for and maintenance of stormwater management control devices and other techniques specified to manage the quality and quantity of runoff;

8. Require as a minimum the inclusion in VESMPs of certain administrative procedures that include, but are not limited to, specifying the time period within which a VESMP authority shall grant land-disturbance approval, the conditions and processes under which such approval shall be granted, the procedures for communicating disapproval, the conditions under which an approval may be changed, and requirements for inspection of approved projects;

9. Establish a statewide fee schedule to cover all costs associated with the implementation of a VESMP related to land-disturbing activities where permit coverage is required, and for land-disturbing activities where the Board serves as a VESMP authority or VSMP authority. Such fee attributes include the costs associated with plan review, permit registration statement review, permit issuance, permit coverage verification, inspections, reporting, and compliance activities associated with the land-disturbing activities as well as program oversight costs. The fee schedule shall also include a provision for a reduced fee for a land-disturbing activity that disturbs 2,500 square feet or more but less than one acre in an area of a locality designated as a Chesapeake Bay Preservation Area pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.). The fee schedule shall be governed by the following:

a. The revenue generated from the statewide fee shall be collected utilizing, where practicable, an online payment system, and the Department's portion shall be remitted to the State Treasurer for deposit in the Virginia Stormwater Management Fund established pursuant to § 62.1-44.15:29. However, whenever the Board has approved a VESMP, no more

than 30 percent of the total revenue generated by the statewide fees collected shall be remitted to the State Treasurer for deposit in the Virginia Stormwater Management Fund, with the balance going to the VESMP authority;

b. Fees collected pursuant to this section shall be in addition to any general fund appropriation made to the Department or other supporting revenue from a VESMP; however, the fees shall be set at a level sufficient for the Department, the Board, and the VESMP to fully carry out their responsibilities under this article and local ordinances or standards and specifications where applicable. When establishing a VESMP, the VESMP authority shall assess the statewide fees pursuant to the schedule and shall have the authority to reduce or increase such fees, and to consolidate such fees with other program-related charges, but in no case shall such fee changes affect the amount established in the regulations as available to the Department for program oversight responsibilities pursuant to subdivision a. A VESMP's portion of the fees shall be used solely to carry out the VESMP's responsibilities under this article and associated ordinances;

c. In establishing the fee schedule under this subdivision, the Department shall ensure that the VESMP authority portion of the statewide fee for coverage under the General Permit for Discharges of Stormwater from Construction Activities for small construction activity involving a single-family detached residential structure with a site or area, within or outside a common plan of development or sale, that is equal to or greater than one acre but less than five acres shall be no greater than the VESMP authority portion of the fee for coverage of sites or areas with a land-disturbance acreage of less than one acre within a common plan of development or sale;

d. When any fees are collected pursuant to this section by credit cards, business transaction costs associated with processing such payments may be additionally assessed;

e. Notwithstanding the other provisions of this subdivision 9, establish a procedure by which neither a registration statement nor payment of the Department's portion of the statewide fee established pursuant to this subdivision 9 shall be required for coverage under the General Permit for Discharges of Stormwater from Construction Activities for construction activity involving a single-family detached residential structure, within or outside a common plan of development or sale;

10. Establish statewide standards for soil erosion control and stormwater management from land-disturbing activities;

11. Establish a procedure by which a soil erosion control and stormwater management plan or stormwater management plan that is approved for a residential, commercial, or industrial subdivision shall govern the development of the individual parcels, including those parcels developed under subsequent owners;

12. Provide for the *certification* and use of a proprietary best management practice only if another state, regional, or national ~~certification~~ program has verified ~~and certified~~ its nutrient or sediment removal effectiveness *and all of such program's established test protocol requirements were met or exceeded. As used in this subdivision and any regulations or guidance adopted pursuant to this subdivision, "certification" means a determination by the Department that a proprietary best management practice is approved for use in accordance with this article;*

13. Require that VESMPs maintain after-development runoff rate of flow and characteristics that replicate, as nearly as practicable, the existing predevelopment runoff characteristics and site hydrology, or improve upon the contributing share of the existing predevelopment runoff characteristics and site hydrology if stream channel erosion or localized flooding is an existing predevelopment condition.

a. Except where more stringent requirements are necessary to address total maximum daily load requirements or to protect exceptional state waters, any land-disturbing activity that was subject to the water quantity requirements that were in effect pursuant to this article prior to July 1, 2014, shall be deemed to satisfy the conditions of this subsection if the practices are designed to (i) detain the water volume equal to the first one-half inch of runoff multiplied by the impervious surface of the land development project and to release it over 48 hours; (ii) detain and release over a 24-hour period the expected rainfall resulting from the one year, 24-hour storm; and (iii) reduce the allowable peak flow rate resulting from the 1.5-year, two-year, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition. Any land-disturbing activity that complies with these requirements shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels as defined in any regulations promulgated pursuant to this section or any ordinances adopted pursuant to § 62.1-44.15:27 or 62.1-44.15:33;

b. Any stream restoration or relocation project that incorporates natural channel design concepts is not a man-made channel and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels as defined in any regulations promulgated pursuant to this article;

14. Encourage low-impact development designs, regional and watershed approaches, and nonstructural means for controlling stormwater;

15. Promote the reclamation and reuse of stormwater for uses other than potable water in order to protect state waters and the public health and to minimize the direct discharge of pollutants into state waters;

16. Establish procedures to be followed when a locality chooses to change the type of program it administers pursuant to subsection D of § 62.1-44.15:27;

17. Establish a statewide permit fee schedule for stormwater management related to MS4 permits;

18. Provide for the evaluation and potential inclusion of emerging or innovative nonproprietary stormwater control technologies that may prove effective in reducing nonpoint source pollution;

19. Require the owner of property that is zoned for residential use and on which is located a privately owned stormwater management facility serving one or more residential properties to record the long-term maintenance and inspection requirements for such facility with the deed for the owner's property; and

20. Require that all final plan elements, specifications, or calculations whose preparation requires a license under Chapter 4 (§ 54.1-400 et seq.) or 22 (§ 54.1-2200 et seq.) of Title 54.1 be appropriately signed and sealed by a professional who is licensed to engage in practice in the Commonwealth. Nothing in this subdivision shall authorize any person to engage in practice outside his area of professional competence.

2. That the Department of Environmental Quality shall prioritize review of any proprietary best management practice (BMP) that was on the Virginia Stormwater BMP Clearinghouse prior to December 31, 2021, and that submits documentation that another state, regional, or national program has verified its nutrient or sediment removal effectiveness and that it met or exceeded all of such program's established test protocol requirements.

3. That an emergency exists and this act is in force from its passage.

CHAPTER 33

An Act to amend and reenact § 29.1-113 of the Code of Virginia, relating to Department of Wildlife Resources; boat ramp fees.

[S 141]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 29.1-113 of the Code of Virginia is amended and reenacted as follows:

§ 29.1-113. Admittance, parking, and use at certain Department-owned facilities or Department-leased land; civil penalty.

A. No person shall make use of, gain admittance to, or attempt to use or gain admittance to ~~any certain Department-owned or Department-managed facility or boat ramp~~ *facilities* where the Department charges a fee established by the Board pursuant to § 29.1-103, unless the person pays such fee. However, such fee shall not apply to (i) any person holding a valid hunting, trapping, or fishing permit or an access permit or current certificate of boat registration issued by the Department; (ii) any person 16 years of age or younger; or (iii) ~~any person who is a passenger in but not the owner or operator of a paddlecraft or registered vessel~~ *the use of Department-owned boat ramps.*

B. No person shall hunt on private lands managed by the Department through a lease agreement or other similar memorandum of agreement where the Department issues an annual hunting stamp without having purchased a valid annual hunting stamp.

C. Any person violating subsection A or B may, in lieu of any criminal penalty, be assessed a civil penalty of up to \$50 by the Department. Civil penalties assessed under this section shall be paid into the Game Protection Fund established pursuant to § 29.1-101.

D. No owner or driver shall cause or permit a vehicle to stand:

1. On property owned or managed by the Department outside of a designated parking space, except for a reasonable time in order to receive or discharge passengers or in the case of an emergency;

2. In any designated parking space on property owned or managed by the Department in violation of any posted rule regarding use of the space; or

3. In any space on property owned or managed by the Department designated for use by persons with disabilities unless the vehicle displays a license plate or decal issued by the Commissioner of the Department of Motor Vehicles, or a similar identification issued by a similar authority of another state or the District of Columbia, that authorizes parking in such a designated space. Notwithstanding the provisions of § 29.1-554, any regulation of the Board, or any other trespass provision in the Code of Virginia, no person violating this subsection shall be subject to a criminal penalty. Any person violating this subsection may, in lieu of any criminal penalty, be assessed a civil penalty of \$25, which shall be paid into the Game Protection Fund.

CHAPTER 34

An Act to amend and reenact § 29.1-113 of the Code of Virginia, relating to Department of Wildlife Resources; boat ramp fees.

[H 463]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 29.1-113 of the Code of Virginia is amended and reenacted as follows:

§ 29.1-113. Admittance, parking, and use at certain Department-owned facilities or Department-leased land; civil penalty.

A. No person shall make use of, gain admittance to, or attempt to use or gain admittance to ~~any certain~~ Department-owned or Department-managed facility or boat ramp facilities where the Department charges a fee established by the Board pursuant to § 29.1-103, unless the person pays such fee. However, such fee shall not apply to (i) any person holding a valid hunting, trapping, or fishing permit or an access permit or current certificate of boat registration issued by the Department; (ii) any person 16 years of age or younger; or (iii) ~~any person who is a passenger in but not the owner or operator of a paddlecraft or registered vessel the use of Department-owned boat ramps.~~

B. No person shall hunt on private lands managed by the Department through a lease agreement or other similar memorandum of agreement where the Department issues an annual hunting stamp without having purchased a valid annual hunting stamp.

C. Any person violating subsection A or B may, in lieu of any criminal penalty, be assessed a civil penalty of up to \$50 by the Department. Civil penalties assessed under this section shall be paid into the Game Protection Fund established pursuant to § 29.1-101.

D. No owner or driver shall cause or permit a vehicle to stand:

1. On property owned or managed by the Department outside of a designated parking space, except for a reasonable time in order to receive or discharge passengers or in the case of an emergency;

2. In any designated parking space on property owned or managed by the Department in violation of any posted rule regarding use of the space; or

3. In any space on property owned or managed by the Department designated for use by persons with disabilities unless the vehicle displays a license plate or decal issued by the Commissioner of the Department of Motor Vehicles, or a similar identification issued by a similar authority of another state or the District of Columbia, that authorizes parking in such a designated space. Notwithstanding the provisions of § 29.1-554, any regulation of the Board, or any other trespass provision in the Code of Virginia, no person violating this subsection shall be subject to a criminal penalty. Any person violating this subsection may, in lieu of any criminal penalty, be assessed a civil penalty of \$25, which shall be paid into the Game Protection Fund.

CHAPTER 35

An Act to amend and reenact § 28.2-618, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to right to aquaculture.

[H 189]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 28.2-618, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 28.2-618. (Effective until July 1, 2035) Commonwealth guarantees rights of renter subject to right of fishing.

A. The Commonwealth shall guarantee to any person who has complied with ground assignment requirements the absolute right to continue to use and occupy the ground for the term of the lease, *including the right to propagate shellfish by whatever legal means necessary.*

B. The right described in subsection A is subject to:

1. The provisions of § 28.2-613;

2. Riparian rights;

3. The right of fishing in waters above the bottoms, provided (i) that no person exercising the right of fishing shall use any device which is fixed to the bottom, or which, in any way, interferes with the renter's rights or damages the bottoms, or the oysters planted thereon, and (ii) that crab pots and gill nets which are not staked to the bottom shall not be considered devices which are fixed to the bottom unless the crab pots and gill nets are used over planted oyster beds in waters of less than four feet at mean low water on the seaside of Northampton and Accomack Counties;

4. Established fishing stands, but only if the fishing stand license fee is timely received from the existing licensee of the fishing stand and no new applicant shall have priority over the oyster lease. However, a fishing stand location assigned prior to the lease of the oyster ground is a vested interest, a chattel real, and an inheritable right which may be transferred or assigned whenever the current licensee complies with all existing laws; and

5. Municipal dredging projects located in the Lynnhaven River or its creeks and tributaries, including dredging projects to restore existing navigation channels in areas approved by the Commission.

C. When a municipal dredging project of the type described in subdivision B 5 proposes to impact grounds that are condemned or not subject to beneficial use as oyster-planting ground, the Commissioner shall notify, by certified letter, the holder of any such lease within the footprint of the proposed navigation channel, requesting a response within 60 days. The locality shall compensate the lessee for the use of the ground, and if the parties cannot agree on a compensation amount, a court of competent jurisdiction shall determine the value of the ground as of the date it is first disturbed.

D. When a municipal dredging project of the type described in subdivision B 5 proposes to impact grounds that are subject to beneficial use as oyster-planting ground, the following process shall apply:

1. The Commissioner shall review any such proposed project to ensure that the project, in addition to meeting the considerations established in § 28.2-1205, avoids impacting grounds that are subject to beneficial use as oyster-planting ground to the maximum extent practicable. Upon determining that the project meets such standard, the Commissioner shall notify, by certified letter, the holder of any such lease within the footprint of the proposed navigation channel requesting a response within 60 days.

2. After the Commissioner sends such notice, the locality shall compensate the lessee for the use of the ground. If the lessee and the locality are able to agree on a compensation amount within 90 days from the date the Commissioner's notice is sent, no additional action is necessary on the part of the locality. Otherwise, the locality shall offer in writing to enter with the lessee into mediation, as defined in § 8.01-581.21, at the expense of the locality. If the lessee refuses such offer, or if the locality and the lessee reach no agreement within nine months of such offer, a court of competent jurisdiction shall determine and order fair compensation to the lessee.

3. The Commission shall hold a hearing on any such project prior to approval. Any objector, the locality, and the lessee shall each have an opportunity to be heard at such hearing. If the Commission approves the project and compensation for the lease has been determined pursuant to the provisions of this subsection, the Commissioner shall issue the permit for the project.

4. The provisions of any compensation agreement or order made pursuant to this section may include terms establishing a timeline by which the lessee shall vacate the impacted portion of the leased ground. The process of transferring a lease as a result of the completion of the process established in this subsection shall not extend or otherwise affect any timeline established in this subsection.

§ 28.2-618. (Effective July 1, 2035) Commonwealth guarantees rights of renter subject to right of fishing.

The Commonwealth shall guarantee to any person who has complied with ground assignment requirements the absolute right to continue to use and occupy the ground for the term of the lease, *including the right to propagate shellfish by whatever legal means necessary*, subject to:

1. Section 28.2-613;

2. Riparian rights;

3. The right of fishing in waters above the bottoms, provided (i) that no person exercising the right of fishing shall use any device which is fixed to the bottom, or which, in any way, interferes with the renter's rights or damages the bottoms, or the oysters planted thereon, and (ii) that crab pots and gill nets which are not staked to the bottom shall not be considered devices which are fixed to the bottom unless the crab pots and gill nets are used over planted oyster beds in waters of less than four feet at mean low water on the seaside of Northampton and Accomack Counties;

4. Established fishing stands, but only if the fishing stand license fee is timely received from the existing licensee of the fishing stand and no new applicant shall have priority over the oyster lease. However, a fishing stand location assigned prior to the lease of the oyster ground is a vested interest, a chattel real, and an inheritable right which may be transferred or assigned whenever the current licensee complies with all existing laws; and

5. Municipal dredging projects located in the Lynnhaven River or its creeks and tributaries, including dredging projects to restore existing navigation channels in areas approved by the Commission. Such projects shall be limited to grounds that are condemned, restricted, or otherwise nonproductive. The locality shall compensate the lessee for the use of the ground, and if the parties cannot agree on a compensation amount, a court of competent jurisdiction shall determine the value of the ground as of the date it is first disturbed.

CHAPTER 36

An Act to amend and reenact § 28.2-618, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to right to aquaculture.

[S 509]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 28.2-618, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 28.2-618. (Effective until July 1, 2035) Commonwealth guarantees rights of renter subject to right of fishing.

A. The Commonwealth shall guarantee to any person who has complied with ground assignment requirements the absolute right to continue to use and occupy the ground for the term of the lease, *including the right to propagate shellfish by whatever legal means necessary*.

B. The right described in subsection A is subject to:

1. The provisions of § 28.2-613;

2. Riparian rights;

3. The right of fishing in waters above the bottoms, provided (i) that no person exercising the right of fishing shall use any device which is fixed to the bottom, or which, in any way, interferes with the renter's rights or damages the bottoms, or the oysters planted thereon, and (ii) that crab pots and gill nets which are not staked to the bottom shall not be considered

devices which are fixed to the bottom unless the crab pots and gill nets are used over planted oyster beds in waters of less than four feet at mean low water on the seaside of Northampton and Accomack Counties;

4. Established fishing stands, but only if the fishing stand license fee is timely received from the existing licensee of the fishing stand and no new applicant shall have priority over the oyster lease. However, a fishing stand location assigned prior to the lease of the oyster ground is a vested interest, a chattel real, and an inheritable right which may be transferred or assigned whenever the current licensee complies with all existing laws; and

5. Municipal dredging projects located in the Lynnhaven River or its creeks and tributaries, including dredging projects to restore existing navigation channels in areas approved by the Commission.

C. When a municipal dredging project of the type described in subdivision B 5 proposes to impact grounds that are condemned or not subject to beneficial use as oyster-planting ground, the Commissioner shall notify, by certified letter, the holder of any such lease within the footprint of the proposed navigation channel, requesting a response within 60 days. The locality shall compensate the lessee for the use of the ground, and if the parties cannot agree on a compensation amount, a court of competent jurisdiction shall determine the value of the ground as of the date it is first disturbed.

D. When a municipal dredging project of the type described in subdivision B 5 proposes to impact grounds that are subject to beneficial use as oyster-planting ground, the following process shall apply:

1. The Commissioner shall review any such proposed project to ensure that the project, in addition to meeting the considerations established in § 28.2-1205, avoids impacting grounds that are subject to beneficial use as oyster-planting ground to the maximum extent practicable. Upon determining that the project meets such standard, the Commissioner shall notify, by certified letter, the holder of any such lease within the footprint of the proposed navigation channel requesting a response within 60 days.

2. After the Commissioner sends such notice, the locality shall compensate the lessee for the use of the ground. If the lessee and the locality are able to agree on a compensation amount within 90 days from the date the Commissioner's notice is sent, no additional action is necessary on the part of the locality. Otherwise, the locality shall offer in writing to enter with the lessee into mediation, as defined in § 8.01-581.21, at the expense of the locality. If the lessee refuses such offer, or if the locality and the lessee reach no agreement within nine months of such offer, a court of competent jurisdiction shall determine and order fair compensation to the lessee.

3. The Commission shall hold a hearing on any such project prior to approval. Any objector, the locality, and the lessee shall each have an opportunity to be heard at such hearing. If the Commission approves the project and compensation for the lease has been determined pursuant to the provisions of this subsection, the Commissioner shall issue the permit for the project.

4. The provisions of any compensation agreement or order made pursuant to this section may include terms establishing a timeline by which the lessee shall vacate the impacted portion of the leased ground. The process of transferring a lease as a result of the completion of the process established in this subsection shall not extend or otherwise affect any timeline established in this subsection.

§ 28.2-618. (Effective July 1, 2035) Commonwealth guarantees rights of renter subject to right of fishing.

The Commonwealth shall guarantee to any person who has complied with ground assignment requirements the absolute right to continue to use and occupy the ground for the term of the lease, *including the right to propagate shellfish by whatever legal means necessary*, subject to:

1. Section 28.2-613;

2. Riparian rights;

3. The right of fishing in waters above the bottoms, provided (i) that no person exercising the right of fishing shall use any device which is fixed to the bottom, or which, in any way, interferes with the renter's rights or damages the bottoms, or the oysters planted thereon, and (ii) that crab pots and gill nets which are not staked to the bottom shall not be considered devices which are fixed to the bottom unless the crab pots and gill nets are used over planted oyster beds in waters of less than four feet at mean low water on the seaside of Northampton and Accomack Counties;

4. Established fishing stands, but only if the fishing stand license fee is timely received from the existing licensee of the fishing stand and no new applicant shall have priority over the oyster lease. However, a fishing stand location assigned prior to the lease of the oyster ground is a vested interest, a chattel real, and an inheritable right which may be transferred or assigned whenever the current licensee complies with all existing laws; and

5. Municipal dredging projects located in the Lynnhaven River or its creeks and tributaries, including dredging projects to restore existing navigation channels in areas approved by the Commission. Such projects shall be limited to grounds that are condemned, restricted, or otherwise nonproductive. The locality shall compensate the lessee for the use of the ground, and if the parties cannot agree on a compensation amount, a court of competent jurisdiction shall determine the value of the ground as of the date it is first disturbed.

CHAPTER 37

An Act to amend and reenact § 18.2-433.2 of the Code of Virginia, relating to military honor guards and veterans service organizations; paramilitary activities; exception.

Approved April 1, 2022

[S 618]

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-433.2 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-433.2. Paramilitary activity prohibited; penalty.

A. A person is guilty of unlawful paramilitary activity, punishable as a Class 5 felony, if he:

1. Teaches or demonstrates to any other person the use, application, or making of any firearm, explosive or incendiary device, or technique capable of causing injury or death to persons, knowing or having reason to know or intending that such training will be employed for use in, or in furtherance of, a civil disorder;

2. Assembles with one or more persons for the purpose of training with, practicing with, or being instructed in the use of any firearm, explosive or incendiary device, or technique capable of causing injury or death to persons, intending to employ such training for use in, or in furtherance of, a civil disorder; or

3. Violates subsection A of § 18.2-282 while assembled with one or more persons for the purpose of and with the intent to intimidate any person or group of persons.

B. The provisions of subsection A shall not apply to any member of a lawfully recognized military color guard, honor guard, or similar organization, or a member of a veterans service organization that is congressionally chartered or officially recognized by the U.S. Department of Veterans Affairs, when such member is participating in a (i) training or educational exercise offered by such color guard, honor guard, or similar organization or such veterans service organization unless such member engages in such activity with malicious intent or (ii) funeral or public ceremony such as a parade or dedication ceremony on behalf of such color guard, honor guard, or similar organization or such veterans service organization unless such member engages in such activity with malicious intent.

CHAPTER 38

An Act to amend and reenact § 18.2-433.2 of the Code of Virginia, relating to military honor guards and veterans service organizations; paramilitary activities; exception.

[H 17]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-433.2 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-433.2. Paramilitary activity prohibited; penalty.

A. A person is guilty of unlawful paramilitary activity, punishable as a Class 5 felony, if he:

1. Teaches or demonstrates to any other person the use, application, or making of any firearm, explosive or incendiary device, or technique capable of causing injury or death to persons, knowing or having reason to know or intending that such training will be employed for use in, or in furtherance of, a civil disorder;

2. Assembles with one or more persons for the purpose of training with, practicing with, or being instructed in the use of any firearm, explosive or incendiary device, or technique capable of causing injury or death to persons, intending to employ such training for use in, or in furtherance of, a civil disorder; or

3. Violates subsection A of § 18.2-282 while assembled with one or more persons for the purpose of and with the intent to intimidate any person or group of persons.

B. The provisions of subsection A shall not apply to any member of a lawfully recognized military color guard, honor guard, or similar organization, or a member of a veterans service organization that is congressionally chartered or officially recognized by the U.S. Department of Veterans Affairs, when such member is participating in a (i) training or educational exercise offered by such color guard, honor guard, or similar organization or such veterans service organization unless such member engages in such activity with malicious intent or (ii) funeral or public ceremony such as a parade or dedication ceremony on behalf of such color guard, honor guard, or similar organization or such veterans service organization unless such member engages in such activity with malicious intent.

CHAPTER 39

An Act to amend and reenact § 46.2-221.2 of the Code of Virginia, relating to driver's license; extension of validity.

[H 540]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-221.2 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-221.2. Extension of expiration of driver's licenses issued to certain persons in service to the United States government or for good cause shown.

A. Notwithstanding § 46.2-330, any driver's license that is issued by the Department under Chapter 3 (§ 46.2-300 et seq.) to (i) a person serving outside the Commonwealth in the armed services of the United States, (ii) a person serving outside the Commonwealth as a member of the diplomatic service of the United States appointed under the Foreign Service Act of 1946, (iii) a civilian employee of the United States government or any agency or contractor thereof serving outside

the United States on behalf of the United States government, or (iv) a spouse or dependent accompanying any such member of the armed services or diplomatic service serving outside the Commonwealth or civilian employee of the United States government or any agency or contractor thereof serving outside the United States on behalf of the United States government shall be held not to have expired during the period of the licensee's service outside the Commonwealth in the armed services of the United States or as a member of the diplomatic service of the United States appointed under the Foreign Service Act of 1946 or as a civilian employee of the United States government or any agency or contractor thereof serving outside the United States on behalf of the United States government and 180 days thereafter. However, no extension granted under this section shall exceed ~~three~~ *six* years from the date of expiration shown on the individual's driver's license.

For the purposes of this subsection, "service in the armed services of the United States" includes active duty service with the regular Armed Forces of the United States or the National Guard or other reserve component.

B. Notwithstanding § 46.2-330, the Commissioner may, for good cause shown, extend the validity period of a driver's license issued by the Department pursuant to Chapter 3 (§ 46.2-300 et seq.), provided that the license holder requesting the extension (i) contacts the Department prior to expiration of his license, (ii) is temporarily absent from the Commonwealth at the time his driver's license is due for renewal, (iii) provides the Commissioner with verifiable evidence documenting the need for an extension, (iv) provides the Commissioner with the earliest date of return, and (v) is not eligible to renew his license online. No extension granted under this subsection shall exceed ~~one year~~ *two years* from the date of expiration shown on the individual's driver's license.

C. The Department shall furnish to any person whose driver's license is extended under this section documentary or other proof that he is entitled to the benefits of this section when operating any motor vehicle.

CHAPTER 40

An Act to amend and reenact §§ 29.1-302 and 29.1-302.02 of the Code of Virginia, relating to hunting and fishing license for disabled veterans.

[H 120]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 29.1-302 and 29.1-302.02 of the Code of Virginia are amended and reenacted as follows:

§ 29.1-302. Special license for certain resident disabled veterans.

~~Any resident veteran who is totally and permanently~~ *A. Certain resident veterans who are disabled due to a service-connected disability as certified by the U.S. Department of Veterans Affairs may apply for and receive at no cost from the Department a nontransferable license pursuant to 4VAC15-20-65, valid for life, permitting the veteran to hunt and freshwater fish, or to hunt only or to freshwater fish only, depending on which license is purchased, on any property in the Commonwealth according to restrictions and regulations of law. However, this license shall not entitle the owner to fish in designated waters stocked with trout by the Department or other public body.*

B. The cost for a license under this section shall be:

- 1. For a resident veteran rated as totally and permanently disabled by the U.S. Department of Veterans Affairs, no cost;*
- 2. For a resident veteran rated 70 percent or more disabled, but less than totally and permanently disabled, by the U.S. Department of Veterans Affairs, \$50;*
- 3. For a resident veteran rated 50 percent or more disabled, but less than 70 percent disabled, by the U.S. Department of Veterans Affairs, \$75; and*
- 4. For a resident veteran rated 30 percent or more disabled, but less than 50 percent disabled, by the U.S. Department of Veterans Affairs, \$100.*

§ 29.1-302.02. Special resident and nonresident hunting and fishing licenses for partially disabled veterans.

~~A. Any resident nonresident veteran who is rated by the U.S. Department of Veterans Affairs as having at least a 70 percent service-connected disability, upon certification, shall pay an amount equal to one-half the fee for the state resident nonresident basic hunting license required by subdivision 2 3 of § 29.1-303. Any nonresident veteran who is similarly rated, upon certification, shall pay an amount equal to one-half the fee for the state nonresident license required by subdivision 3 of § 29.1-303. The license fees established by this section may be revised by the Board pursuant to § 29.1-103.~~

~~B. Any resident nonresident veteran who is rated by the U.S. Department of Veterans Affairs as having at least a 70 percent service-connected disability, upon certification, shall pay an amount equal to one-half the fee for the state resident nonresident basic fishing license required by subdivision A 2 3 of § 29.1-310. Any nonresident veteran who is similarly rated, upon certification, shall pay an amount equal to one-half the fee for the state nonresident license required by subdivision A 3 of § 29.1-310. The license fees established by this section may be revised by the Board pursuant to § 29.1-103.~~

CHAPTER 41

An Act to amend and reenact §§ 9.1-176.1, 9.1-903, 16.1-237, 19.2-303, 19.2-303.3, 19.2-310.2, 19.2-310.3, 19.2-310.3:1, and 53.1-145 of the Code of Virginia, relating to the Department of Forensic Science; DNA data bank sample tracking system.

[S 150]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-176.1, 9.1-903, 16.1-237, 19.2-303, 19.2-303.3, 19.2-310.2, 19.2-310.3, 19.2-310.3:1, and 53.1-145 of the Code of Virginia are amended and reenacted as follows:

§ 9.1-176.1. Duties and responsibilities of local community-based probation officers.

A. Each local community-based probation officer, for the localities served, shall:

1. Supervise and assist all local-responsible adult offenders, residing within the localities served and placed on local community-based probation by any judge of any court within the localities served;
2. Ensure offender compliance with all orders of the court, including the requirement to perform community service;
3. Conduct, when ordered by a court, substance abuse screenings, or conduct or facilitate the preparation of assessments pursuant to state approved protocols;
4. Conduct, at his discretion, random drug and alcohol tests on any offender whom the officer has reason to believe is engaged in the illegal use of controlled substances or marijuana or the abuse of alcohol or prescribed medication;
5. Facilitate placement of offenders in substance abuse education or treatment programs and services or other education or treatment programs and services based on the needs of the offender;
6. Seek a *capias* from any judicial officer in the event of failure to comply with conditions of local community-based probation or supervision on the part of any offender provided that noncompliance resulting from intractable behavior presents a risk of flight, or a risk to public safety or to the offender;
7. Seek a motion to show cause for offenders requiring a subsequent hearing before the court;
8. Provide information to assist any law-enforcement officer with the return to custody of defendants placed on supervision for which a *capias* has been sought;
9. Keep such records and make such reports as required by the Department of Criminal Justice Services;
10. Determine by reviewing the ~~Local Inmate Data System~~ *Department of Forensic Science DNA data bank sample tracking system* upon intake and again prior to discharge whether a blood, saliva, or tissue sample ~~has been taken for DNA analysis is stored in the DNA data bank~~ for each offender required to submit a sample pursuant to Article 1.1 (§ 19.2-310.2 et seq.) of Chapter 18 of Title 19.2 and, ~~if no sample has been taken~~ *an offender's sample is not stored in the data bank*, require ~~an~~ the offender to submit a sample for DNA analysis;
11. Monitor the collection and payment of restitution to the victims of crime for offenders placed on local supervised probation; and

12. Determine by reviewing the offender's criminal history record at least 60 days prior to discharge whether all offenses for which the offender is being supervised appear on such record and, if any such offense that is required to be reported to the Central Criminal Records Exchange pursuant to § 19.2-390 does not appear, (i) order the offender to report to the law-enforcement agency that made the arrest for such offense or to the Department of State Police and submit to having his fingerprints and photograph taken for each such offense, (ii) provide written or electronic notification to the Central Criminal Records Exchange within the Department of State Police that the offense does not appear on the offender's criminal history record, and (iii) verify that such fingerprints and photograph have been taken.

B. Each local probation officer may provide the following optional services, as appropriate and when available resources permit:

1. Supervise local-responsible adult offenders placed on home incarceration with or without home electronic monitoring as a condition of local community-based probation;
2. Investigate and report on any local-responsible adult offender and prepare or facilitate the preparation of any other screening, assessment, evaluation, testing or treatment required as a condition of probation;
3. Monitor placements of local-responsible adults who are required to perform court-ordered community service at approved work sites;
4. Assist the courts, when requested, by monitoring the collection of court costs and fines for offenders placed on local probation; and
5. Collect supervision and intervention fees pursuant to § 9.1-182 subject to local approval and the approval of the Department of Criminal Justice Services.

§ 9.1-903. Registration and reregistration procedures.

A. Every person convicted, including juveniles tried and convicted in the circuit courts pursuant to § 16.1-269.1, whether sentenced as an adult or juvenile, of an offense for which registration is required and every juvenile found delinquent of an offense for which registration is required under subsection C of § 9.1-902 shall be required upon conviction to register, reregister, and verify his registration information with the Department of State Police. The court shall order the person to provide to the local law-enforcement agency of the county or city where he physically resides all information

required by the State Police for inclusion in the Registry. The court shall immediately remand the person to the custody of the local law-enforcement agency for the purpose of obtaining the person's fingerprints and photographs of a type and kind specified by the State Police for inclusion in the Registry. Upon conviction, the local law-enforcement agency shall forthwith forward to the State Police all the necessary registration information.

B. Every person required to register shall register in person within three days of his release from confinement in a state, local or juvenile correctional facility, in a state civil commitment program for sexually violent predators or, if a sentence of confinement is not imposed, within three days of suspension of the sentence or in the case of a juvenile of disposition. A person required to register shall register, and as part of the registration shall submit to be photographed, submit to have a sample of his blood, saliva, or tissue taken for DNA (deoxyribonucleic acid) analysis and submission to the DNA ~~database~~ *data bank* to determine identification characteristics specific to the person, provide electronic mail address information, any instant message, chat or other Internet communication name or identity information that the person uses or intends to use, submit to have his fingerprints and palm prints taken, provide information regarding his place of employment, and provide motor vehicle, watercraft and aircraft registration information for all motor vehicles, watercraft and aircraft owned by him. The local law-enforcement agency shall obtain from the person who presents himself for registration or reregistration one set of fingerprints, electronic mail address information, any instant message, chat or other Internet communication name or identity information that the person uses or intends to use, one set of palm prints, place of employment information, motor vehicle, watercraft and aircraft registration information for all motor vehicles, watercraft and aircraft owned by the registrant, proof of residency and a photograph of a type and kind specified by the State Police for inclusion in the Registry and advise the person of his duties regarding reregistration and verification of his registration information. The local law-enforcement agency shall obtain from the person who presents himself for registration a sample of his blood, saliva or tissue taken for DNA (deoxyribonucleic acid) analysis to determine identification characteristics specific to the person. If a sample ~~has been previously taken~~ from the person *is stored in the DNA data bank*, as indicated by the ~~Local Inmate Data System (LIDS) Department of Forensic Science DNA data bank sample tracking system~~, no additional sample shall be taken. The local law-enforcement agency shall forthwith forward to the State Police all necessary registration information.

C. To establish proof of residence in Virginia, a person who has a permanent physical address shall present one photo-identification form issued by a governmental agency of the Commonwealth which contains the person's complete name, gender, date of birth and complete physical address. The local law-enforcement agency shall forthwith forward to the State Police a copy of the identification presented by the person required to register.

D. Any person required to register shall also reregister in person with the local law-enforcement agency following any change of name or any change of residence, whether within or without the Commonwealth. The person shall register in person with the local law-enforcement agency within three days following his change of name. If his new residence is within the Commonwealth, the person shall register in person with the local law-enforcement agency where his new residence is located within three days following his change in residence. If the new residence is located outside of the Commonwealth, the person shall register in person with the local law-enforcement agency where he previously registered within 10 days prior to his change of residence. If a probation or parole officer becomes aware of a change of name or residence for any of his probationers or parolees required to register, the probation or parole officer shall notify the State Police forthwith of learning of the change. Whenever a person subject to registration changes residence to another state, the State Police shall notify the designated law-enforcement agency of that state.

E. Any person required to register shall reregister in person with the local law-enforcement agency where his residence is located within three days following any change of the place of employment, whether within or without the Commonwealth. If a probation or parole officer becomes aware of a change of the place of employment for any of his probationers or parolees required to register, the probation or parole officer shall notify the State Police forthwith upon learning of the change of the person's place of employment. Whenever a person subject to registration changes his place of employment to another state, the State Police shall notify the designated law-enforcement agency of that state.

F. Any person required to register shall reregister in person with the local law-enforcement agency where his residence is located within three days following any change of owned motor vehicle, watercraft and aircraft registration information, whether within or without the Commonwealth. If a probation or parole officer becomes aware of a change of owned motor vehicle, watercraft and aircraft registration information for any of his probationers or parolees required to register, the probation or parole officer shall notify the State Police forthwith upon learning of the change of the person's owned motor vehicle, watercraft and aircraft registration information. Whenever a person required to register changes his owned motor vehicle, watercraft and aircraft registration information to another state, the State Police shall notify the designated law-enforcement agency of that state.

G. Any person required to register shall reregister either in person or electronically with the local law-enforcement agency where his residence is located within 30 minutes following any change of the electronic mail address information, any instant message, chat or other Internet communication name or identity information that the person uses or intends to use, whether within or without the Commonwealth. If a probation or parole officer becomes aware of a change of the electronic mail address information, any instant message, chat or other Internet communication name or identity information for any of his probationers or parolees required to register, the probation or parole officer shall notify the State Police forthwith upon learning of the change.

H. Every person required to register shall submit to be photographed by a local law-enforcement agency every two years, during such person's required verification month and time interval pursuant to subsection B of § 9.1-904,

commencing with the date of initial verification. The local law-enforcement agency shall forthwith forward the photograph of a type and kind specified by the State Police to the State Police. Where practical, the local law-enforcement agency may electronically transfer a digital photograph containing the required information to the Registry.

I. Upon registration and every two years thereafter during such person's required verification month and time interval pursuant to subsection B of § 9.1-904, every person required to register shall be required to execute a consent form consistent with applicable law that authorizes a business or organization that offers electronic communications or remote computer services to provide to the Department of State Police any information pertaining to that person necessary to determine the veracity of his electronic identity information in the Registry.

J. The registration shall be maintained in the Registry and shall include the person's name, any former name if he has lawfully changed his name during the period for which he is required to register, all aliases that he has used or under which he may have been known, the date and locality of the conviction for which registration is required, his fingerprints and a photograph of a type and kind specified by the State Police, his date of birth, social security number, current physical and mailing address and a description of the offense or offenses for which he was convicted. The registration shall also include the locality of the conviction and a description of the offense or offenses for previous convictions for the offenses set forth in § 9.1-902.

K. The local law-enforcement agency shall forthwith forward to the State Police all necessary registration or reregistration information received by it. Upon receipt of registration or reregistration information the State Police shall forthwith notify the chief law-enforcement officer of the locality listed as the person's address on the registration and reregistration.

L. If a person required to register does not have a legal residence, such person shall designate a location that can be located with reasonable specificity where he resides or habitually locates himself. For the purposes of this section, "residence" shall include such a designated location. If the person wishes to change such designated location, he shall do it pursuant to the terms of this section.

§ 16.1-237. Powers, duties and functions of probation and parole officers.

In addition to any other powers and duties imposed by this law, a probation or parole officer appointed hereunder shall:

A. Investigate all cases referred to him by the judge or any person designated so to do, and shall render reports of such investigation as required;

B. Supervise persons placed under his supervision and shall keep informed concerning the conduct and condition of every person under his supervision by visiting, requiring reports and in other ways, and shall report thereon as required;

C. Under the general supervision of the director of the court service unit, investigate complaints and accept for informal supervision cases wherein such handling would best serve the interests of all concerned;

D. Use all suitable methods not inconsistent with conditions imposed by the court to aid and encourage persons on probation or parole and to bring about improvement in their conduct and condition;

E. Furnish to each person placed on probation or parole a written statement of the conditions of his probation or parole and instruct him regarding the same;

F. Keep records of his work including photographs and perform such other duties as the judge or other person designated by the judge or the Director shall require;

G. Have the authority to administer oaths and take acknowledgements for the purposes of §§ 16.1-259 and 16.1-260 to facilitate the processes of intake and petition;

H. Have the powers of arrest of a police officer and the power to carry a concealed weapon when specifically so authorized by the judge; and

I. Determine by reviewing the ~~Local Inmate Data System or the Juvenile Tracking System (JTS)~~ *Department of Forensic Science DNA data bank sample tracking system* upon intake and again prior to discharge whether a blood, saliva, or tissue sample ~~has been taken for DNA analysis~~ *is stored in the DNA data bank* for each offender required to submit a sample pursuant to § 16.1-299.1 and, if ~~no sample has been taken~~ *an offender's sample is not stored in the data bank*, require ~~an~~ the offender to submit a sample for DNA analysis.

§ 19.2-303. Suspension or modification of sentence; probation; taking of fingerprints and blood, saliva, or tissue sample as condition of probation.

After conviction, whether with or without jury, the court may suspend imposition of sentence or suspend the sentence in whole or part and in addition may place the defendant on probation under such conditions as the court shall determine, including monitoring by a GPS (Global Positioning System) tracking device, or other similar device, or may, as a condition of a suspended sentence, require the defendant to make at least partial restitution to the aggrieved party or parties for damages or loss caused by the offense for which convicted, or to perform community service, or both, under terms and conditions which shall be entered in writing by the court. The court may fix the period of probation for up to the statutory maximum period for which the defendant might originally have been sentenced to be imprisoned. Any period of supervised probation shall not exceed five years from the release of the defendant from any active period of incarceration. The limitation on the period of probation shall not apply to the extent that an additional period of probation is necessary (i) for the defendant to participate in a court-ordered program or (ii) if a defendant owes restitution and is still subject to restitution compliance review hearings in accordance with § 19.2-305.1. The defendant may be ordered by the court to pay the cost of the GPS tracking device or other similar device. If, however, the court suspends or modifies any sentence fixed by a jury pursuant to § 19.2-295, the court shall file a statement of the reasons for the suspension or modification in the same manner

as the statement required pursuant to subsection B of § 19.2-298.01. The judge, after convicting the defendant of any offense for which a report to the Central Criminal Records Exchange is required in accordance with subsection A of § 19.2-390, shall determine whether a copy of the defendant's fingerprints or fingerprint identification information has been provided by a law-enforcement officer to the clerk of court for each such offense. In any case where fingerprints or fingerprint identification information has not been provided by a law-enforcement officer to the clerk of court, the judge shall require that fingerprints and a photograph be taken by a law-enforcement officer as a condition of probation or of the suspension of the imposition or execution of any sentence for such offense. Such fingerprints shall be submitted to the Central Criminal Records Exchange under the provisions of subsection D of § 19.2-390.

In those courts having electronic access to the ~~Local Inmate Data System (LIDS)~~ *Department of Forensic Science DNA data bank sample tracking system* within the courtroom, prior to or upon sentencing, the clerk of court shall also determine by reviewing ~~LIDS the DNA data bank sample tracking system~~ whether a blood, saliva, or tissue sample ~~has been taken for DNA analysis and submitted to~~ *is stored in the DNA data bank maintained by the Department of Forensic Science pursuant to Article 1.1 (§ 19.2-310.2 et seq.) of Chapter 18 of this title.* In any case in which the clerk has determined that a DNA sample ~~or analysis~~ *is not stored in the DNA data bank, or in any case in which electronic access to LIDS the DNA data bank sample tracking system* is not available in the courtroom, the court shall order that the defendant appear within 30 days before the sheriff or probation officer and allow the sheriff or probation officer to take the required sample. The order shall also require that, if the defendant has not appeared and allowed the sheriff or probation officer to take the required sample by the date stated in the order, then the sheriff or probation officer shall report to the court the defendant's failure to appear and provide the required sample.

After conviction and upon sentencing of an active participant or member of a criminal street gang, the court may, as a condition for suspending the imposition of the sentence in whole or in part or for placing the accused on probation, place reasonable restrictions on those persons with whom the accused may have contact. Such restrictions may include prohibiting the accused from having contact with anyone whom he knows to be a member of a criminal street gang, except that contact with a family or household member, as defined in § 16.1-228, shall be permitted unless expressly prohibited by the court.

Notwithstanding any other provision of law, in any case where a defendant is convicted of a violation of § 18.2-48, 18.2-61, 18.2-63, 18.2-67.1, 18.2-67.2, 18.2-67.3, 18.2-370, or 18.2-370.1, committed on or after July 1, 2006, and some portion of the sentence is suspended, the judge shall order that the period of suspension shall be for a length of time at least equal to the statutory maximum period for which the defendant might originally have been sentenced to be imprisoned, and the defendant shall be placed on probation for that period of suspension subject to revocation by the court. The conditions of probation may include such conditions as the court shall determine, including active supervision. Where the conviction is for a violation of clause (iii) of subsection A of § 18.2-61, subdivision A 1 of § 18.2-67.1, or subdivision A 1 of § 18.2-67.2, the court shall order that at least three years of the probation include active supervision of the defendant under a postrelease supervision program operated by the Department of Corrections, and for at least three years of such active supervision, the defendant shall be subject to electronic monitoring by means of a GPS (Global Positioning System) tracking device, or other similar device.

If a person is sentenced to jail upon conviction of a misdemeanor or a felony, the court may, at any time before the sentence has been completely served, suspend the unserved portion of any such sentence, place the person on probation in accordance with the provisions of this section, or otherwise modify the sentence imposed.

If a person has been sentenced for a felony to the Department of Corrections (the Department), the court that heard the case, if it appears compatible with the public interest and there are circumstances in mitigation of the offense, may, at any time before the person is transferred to the Department, or within 60 days of such transfer, suspend or otherwise modify the unserved portion of such a sentence. The court may place the person on probation in accordance with the provisions of this section.

§ 19.2-303.3. Sentence to local community-based probation services; services agency; requirements for participation; sentencing; and removal from probation; payment of costs towards supervision and services.

A. Any offender who is (i) convicted on or after July 1, 1995, of a misdemeanor or a felony that is not a felony act of violence as defined in § 19.2-297.1, and for which the court imposes a total sentence of 12 months or less, and (ii) no younger than 18 years of age or is considered an adult at the time of conviction may be sentenced to a local community-based probation services agency established pursuant to § 9.1-174 by the local governing bodies within that judicial district or circuit.

B. In those courts having electronic access to the ~~Local Inmate Data System (LIDS)~~ *Department of Forensic Science DNA data bank sample tracking system* within the courtroom, at the time of sentencing, the clerk of court shall determine by reviewing ~~LIDS the DNA data bank sample tracking system~~, in any case where there is a felony *or qualifying misdemeanor* conviction, whether a sample of the offender's blood, saliva, or tissue or an analysis of the sample is stored in the DNA data bank maintained by the Department of Forensic Science pursuant to Article 1.1 (§ 19.2-310.2 et seq.) of Chapter 18 of this title. If the clerk has determined that a DNA sample or analysis is not stored in the DNA data bank, or in any case in which electronic access to ~~LIDS the DNA data bank sample tracking system~~ is not available in the courtroom, the court shall order that the offender appear within 30 days before the sheriff or community-based probation officer and allow the sheriff or community-based probation officer to take the required sample. The order shall also require that, if the offender has not appeared and allowed the sheriff or community-based probation officer to take the required sample by the date stated in the

order, then the sheriff or community-based probation officer shall report to the court the offender's failure to appear and provide the required sample. The court may order the offender placed under local community-based probation services pursuant to § 9.1-174 upon a determination by the court that the offender may benefit from these services and is capable of returning to society as a productive citizen with a reasonable amount of supervision and intervention including services set forth in § 9.1-176. All or part of any sentence imposed that has been suspended, shall be conditioned upon the offender's successful completion of local community-based probation services established pursuant to § 9.1-174.

The court may impose terms and conditions of supervision as it deems appropriate, including that the offender abide by any additional requirements of supervision imposed or established by the local community-based probation services agency during the period of probation supervision.

C. Any sworn officer of a local community-based probation services agency established or operated pursuant to the Comprehensive Community Corrections Act for Local-Responsible Offenders (§ 9.1-173 et seq.) may seek a *capias* from any judicial officer for the arrest of any person on local community-based probation and under its supervision for (i) intractable behavior; (ii) refusal to comply with the terms and conditions imposed by the court; (iii) refusal to comply with the requirements of local community-based probation supervision established by the agency; or (iv) the commission of a new offense while on local community-based probation and under agency supervision. Upon arrest, the offender shall be brought for a hearing before the court of appropriate jurisdiction. After finding that the offender (a) exhibited intractable behavior as defined herein; (b) refused to comply with terms and conditions imposed by the court; (c) refused to comply with the requirements of local community-based probation supervision established by the agency; or (d) committed a new offense while on local community-based probation and under agency supervision, the court may revoke all or part of the suspended sentence and supervision, and commit the offender to serve whatever sentence was originally imposed or impose such other terms and conditions of probation as it deems appropriate or, in a case where the proceeding has been deferred, enter an adjudication of guilt and proceed as otherwise provided by law.

"Intractable behavior" is that behavior that, in the determination of the court, indicates an offender's unwillingness or inability to conform his behavior to that which is necessary for successful completion of local community-based probation or that the offender's behavior is so disruptive as to threaten the successful completion of the program by other participants.

D. An offender sentenced to or provided a deferred proceeding and placed on community-based probation pursuant to this section may be required to pay an amount towards the costs of his supervision and services received in accordance with subsection D of § 9.1-182.

§ 19.2-310.2. Blood, saliva, or tissue sample required for DNA analysis upon conviction of certain crimes; fee.

A. Every person convicted of a felony on or after July 1, 1990, every person convicted of a felony offense under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 who was incarcerated on July 1, 1989, and every person convicted of a misdemeanor violation of § 16.1-253.2, 18.2-57, 18.2-60.3, 18.2-60.4, 18.2-67.4, 18.2-67.4:1, 18.2-67.4:2, 18.2-67.5, 18.2-102, 18.2-119, 18.2-121, 18.2-130, 18.2-370.6, 18.2-387, or 18.2-387.1 or subsection E of § 18.2-460 or of any similar ordinance of any locality shall have a sample of his blood, saliva, or tissue taken for DNA (deoxyribonucleic acid) analysis to determine identification characteristics specific to the person. If a sample has been previously taken from the person *is stored in the DNA data bank* as indicated by the ~~Local Inmate Data System (LIDS) Department of Forensic Science DNA data bank sample tracking system~~, no additional sample shall be taken. ~~The Department of Forensic Science shall provide to LIDS the most current information submitted to the DNA data bank on a weekly basis and shall remove from LIDS and the data bank persons no longer eligible to be in the data bank.~~ A fee of \$53 shall be charged for the withdrawal of this sample. The fee shall be taxed as part of the costs of the criminal case resulting in the conviction and \$15 of the fee shall be paid into the general fund of the locality where the sample was taken and \$38 of the fee shall be paid into the general fund of the state treasury. This fee shall only be taxed one time regardless of the number of samples taken. The assessment provided for herein shall be in addition to any other fees prescribed by law. The analysis shall be performed by the Department of Forensic Science or other entity designated by the Department. The identification characteristics of the profile resulting from the DNA analysis shall be stored and maintained by the Department in a DNA data bank and shall be made available only as provided in § 19.2-310.5.

B. After July 1, 1990, the blood, saliva, or tissue sample shall be taken prior to release from custody. Notwithstanding the provisions of § 53.1-159, any person convicted of an offense listed in subsection A who is in custody after July 1, 1990, shall provide a blood, saliva, or tissue sample prior to his release. Every person so convicted after July 1, 1990, who is not sentenced to a term of confinement shall provide a blood, saliva, or tissue sample as a condition of such sentence. A person required under this section to submit a sample for DNA analysis is not relieved from this requirement regardless of whether no blood, saliva, or tissue sample has been taken from the person or, if a sample has been taken, whether the sample or the results from the analysis of a sample cannot be found in the DNA data bank maintained by the Department of Forensic Science.

C. Nothing in this section shall prevent the Department of Forensic Science from including the identification characteristics of an individual's DNA profile in the DNA data bank as ordered by a circuit court pursuant to a lawful plea agreement.

D. A collection or placement of a sample for DNA analysis that was taken or retained in good faith does not invalidate the sample's use in the data bank pursuant to the provisions of this article. The detention, arrest, or conviction of a person based upon a data bank match or data bank information is not invalidated if it is determined that the sample was obtained, placed, or retained in the data bank in good faith, or if the conviction or juvenile adjudication that resulted in the collection

of the DNA sample was subsequently vacated or otherwise altered in any future proceeding, including but not limited to post-trial or post-fact-finding motions, appeals, or collateral attacks.

E. The Virginia Department of Corrections and the Department of Forensic Science shall, on a quarterly basis, compare databases of offenders under the custody or supervision of the Department of Corrections with the DNA data bank of the Department of Forensic Science. The Virginia Department of Corrections shall require a DNA sample of those offenders under its custody or supervision *who are required to submit a sample pursuant to this section* if they are not identified in the DNA data bank.

F. The Department of State Police shall verify that a DNA sample required to be taken for the Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-903 has been received by the Department of Forensic Science. In any instance where a DNA sample has not been received, the Department of State Police or its designee shall obtain from the person required to register a sample for DNA analysis.

G. Each community-based probation services agency established pursuant to § 9.1-174 shall determine by reviewing the ~~Local Inmate Data System~~ *Department of Forensic Science DNA data bank sample tracking system* upon intake and again prior to discharge whether a blood, saliva, or tissue sample ~~has been taken for DNA analysis is stored in the DNA data bank for each offender required to submit a sample pursuant to this section and, if no sample has been taken an offender's sample is not stored in the data bank,~~ require ~~an~~ the offender to submit a sample for DNA analysis.

H. The sheriff or regional jailer shall determine by reviewing the ~~Local Inmate Data System~~ *Department of Forensic Science DNA data bank sample tracking system* upon intake and again prior to release whether a blood, saliva, or tissue sample ~~has been taken for DNA analysis is stored in the DNA data bank for each offender required to submit a sample pursuant to this section and, if no sample has been taken an offender's sample is not stored in the data bank,~~ require ~~an~~ the offender to submit a sample for DNA analysis.

§ 19.2-310.3. Procedures for withdrawal of blood, saliva or tissue sample for DNA analysis.

Each sample required pursuant to § 19.2-310.2 from persons who are to be incarcerated shall be withdrawn at the receiving unit or at such other place as is designated by the Department of Corrections or, in the case of a juvenile, the Department of Juvenile Justice. The required samples from persons who are not sentenced to a term of confinement shall be withdrawn at a time and place specified by the sentencing court. Only a correctional health nurse technician or a physician, registered nurse, licensed practical nurse, graduate laboratory technician, or phlebotomist shall withdraw any blood sample to be submitted for analysis. No civil liability shall attach to any person authorized to withdraw blood, saliva or tissue as provided herein as a result of the act of withdrawing blood, saliva or tissue from any person submitting thereto, provided the blood, saliva or tissue was withdrawn according to recognized medical procedures. However, no person shall be relieved from liability for negligence in the withdrawing of any blood, saliva or tissue sample.

Chemically clean sterile disposable needles and vacuum draw tubes or swabs shall be used for all samples. The tube or envelope containing the sample shall be sealed and ~~labeled with the subject's name, social security number, date of birth, race and gender, the name of the person collecting the sample, and the date and place of collection.~~ *The tubes or envelopes containing the samples shall be secured to prevent tampering with the contents. The agency submitting the sample shall provide information pertaining to the sample by (i) logging such information into the Department of Forensic Science DNA data bank sample tracking system at the time of collection or (ii) submitting such information to the Department of Forensic Science along with the sample.* The steps herein set forth relating to the taking, handling, identification, and disposition of blood, saliva or tissue samples are procedural and not substantive. Substantial compliance therewith shall be deemed to be sufficient. The samples shall be *mailed or* transported to the Department of Forensic Science not more than 15 days following withdrawal and shall be analyzed and stored in the DNA data bank in accordance with §§ 19.2-310.4 and 19.2-310.5.

§ 19.2-310.3:1. Procedures for taking saliva or tissue sample for DNA analysis.

A. Each sample required pursuant to § 19.2-310.2:1 from persons arrested shall be taken before release from custody at such place as is designated by the law-enforcement agency responsible for arrest booking in the jurisdiction. Samples shall be taken in accordance with procedures adopted by the Department of Forensic Science. The sample shall be sealed and ~~labeled with the subject's name, social security number, date of birth, race and gender, the name of the person collecting the sample, the date and place of collection, information identifying the arresting or accompanying officer, and the offense for which the person was arrested.~~ *The sample shall be secured to prevent tampering with the contents and be accompanied by a copy of the arrest warrant or capias. The agency submitting the sample shall provide information pertaining to the sample by (i) logging such information into the Department of Forensic Science DNA data bank sample tracking system at the time of collection or (ii) submitting such information to the Department of Forensic Science along with the sample.* The steps herein set forth relating to the taking, handling, identification, and disposition of saliva or tissue samples are procedural and not substantive. The sample shall be *mailed or* transported to the Department of Forensic Science not more than 15 days following withdrawal and shall be analyzed and stored in the DNA data bank in accordance with §§ 19.2-310.4 and 19.2-310.5.

B. Substantial compliance therewith shall be deemed to be sufficient. If a sample ~~has been previously taken~~ from the individual *is stored in the data bank as indicated by the* ~~Local Inmate Data System (LIDS)~~ *Department of Forensic Science DNA data bank sample tracking system,* no additional sample shall be taken. No civil liability shall attach to any person authorized to take saliva or tissue as provided herein as a result of the act of taking saliva or tissue from any person

submitting thereto, provided the saliva or tissue was taken according to recognized medical procedures. However, no person shall be relieved from liability for negligence in the taking of any saliva or tissue sample.

§ 53.1-145. Powers and duties of probation and parole officers.

In addition to other powers and duties prescribed by this article, each probation and parole officer shall:

1. Investigate and report on any case pending in any court or before any judge in his jurisdiction referred to him by the court or judge;
2. Supervise and assist all persons within his territory placed on probation, secure, as appropriate and when available resources permit, placement of such persons in a substance abuse treatment program which may include utilization of acupuncture and other treatment modalities, and furnish every such person with a written statement of the conditions of his probation and instruct him therein; if any such person has been committed to the Department of Behavioral Health and Developmental Services under the provisions of Chapter 9 (§ 37.2-900 et seq.) of Title 37.2, the conditions of probation shall include the requirement that the person comply with all conditions given him by the Department of Behavioral Health and Developmental Services, and that he follow all of the terms of his treatment plan;
3. Supervise and assist all persons within his territory released on parole or postrelease supervision, secure, as appropriate and when available resources permit, placement of such persons in a substance abuse treatment program which may include utilization of acupuncture and other treatment modalities, and, in his discretion, assist any person within his territory who has completed his parole, postrelease supervision, or has been mandatorily released from any correctional facility in the Commonwealth and requests assistance in finding a place to live, finding employment, or in otherwise becoming adjusted to the community;
4. Arrest and recommit to the place of confinement from which he was released, or in which he would have been confined but for the suspension of his sentence or of its imposition, for violation of the terms of probation, post-release supervision pursuant to § 19.2-295.2 or parole, any probationer, person subject to post-release supervision or parolee under his supervision, or as directed by the Chairman, Board member or the court, pending a hearing by the Board or the court, as the case may be;
5. Keep such records, make such reports, and perform other duties as may be required of him by the Director and the court or judge by whom he was authorized;
6. Order and conduct, in his discretion, drug and alcohol screening tests of any probationer, person subject to post-release supervision pursuant to § 19.2-295.2 or parolee under his supervision who the officer has reason to believe is engaged in the illegal use of controlled substances or marijuana, or the abuse of alcohol. The cost of the test may be charged to the person under supervision. Regulations governing the officer's exercise of this authority shall be promulgated by the Director;
7. Have the power to carry a concealed weapon in accordance with regulations promulgated by the Director and upon the certification of appropriate training and specific authorization by a judge of a circuit court;
8. Provide services in accordance with any contract entered into between the Department of Corrections and the Department of Behavioral Health and Developmental Services pursuant to § 37.2-912;
9. Pursuant to any contract entered into between the Department of Corrections and the Department of Behavioral Health and Developmental Services, probation and parole officers shall have the power to provide intensive supervision services to persons placed on conditional release, regardless of whether the person has any time remaining to serve on any criminal sentence, pursuant to Chapter 9 (§ 37.2-900 et seq.);
10. Determine by reviewing the ~~Local Inmate Data System~~ *Department of Forensic Science DNA data bank sample tracking system* upon intake and again prior to release whether a blood, saliva, or tissue sample ~~has been taken for DNA analysis~~ *is stored in the data bank* for each person placed on probation or parole required to submit a sample pursuant to Article 1.1 (§ 19.2-310.2 et seq.) of Chapter 18 of Title 19.2 and, if ~~no sample has been taken~~ *a person's sample is not stored in the data bank*, require ~~the~~ *the* person placed on probation or parole to submit a sample for DNA analysis;
11. For every offender accepted pursuant to the Interstate Compact for the Supervision of Adult Offenders (§ 53.1-176.1 et seq.) who has been convicted of an offense that, if committed in Virginia, would ~~be considered a felony~~ *require the offender to submit a sample pursuant to Article 1.1 (§ 19.2-310.2 et seq.) of Chapter 18 of Title 19.2*, take a sample or verify that a sample has been taken and accepted into the data bank for DNA analysis in the Commonwealth;
12. Monitor the collection and payment of restitution to the victims of crime for offenders placed on supervised probation;
13. Prior to the release from supervision of any offender on probation as of July 1, 2019, review the criminal history record of the offender at least 60 days prior to release from supervision, or immediately if the offender is scheduled to be released from supervision within less than 60 days, to determine whether all offenses for which the offender is being supervised appear on such record and, if any such offense that is required to be reported to the Central Criminal Records Exchange pursuant to § 19.2-390 does not appear, (i) take and provide fingerprints and a photograph of the offender to the Central Criminal Records Exchange to be classified and filed as part of the criminal history record information pursuant to subsection D of § 19.2-390 and (ii) provide written or electronic notification to the Central Criminal Records Exchange within the Department of State Police that such offense does not appear on the offender's criminal history record; and
14. Upon intake of any offender on or after July 1, 2019, (i) take and provide fingerprints and a photograph of the offender to the Central Criminal Records Exchange to be classified and filed as part of the criminal history record information pursuant to subsection D of § 19.2-390, (ii) review the criminal history record of the offender to determine

whether all offenses for which the offender is being supervised appear on such record, and (iii) if any such offense that is required to be reported to the Central Criminal Records Exchange pursuant to § 19.2-390 does not appear, provide written or electronic notification to the Central Criminal Records Exchange within the Department of State Police that such offense does not appear on the offender's criminal history record.

Nothing in this article shall require probation and parole officers to investigate or supervise cases before general district or juvenile and domestic relations district courts.

CHAPTER 42

An Act to amend and reenact §§ 9.1-176.1, 9.1-903, 16.1-237, 19.2-303, 19.2-303.3, 19.2-310.2, 19.2-310.3, 19.2-310.3:1, and 53.1-145 of the Code of Virginia, relating to the Department of Forensic Science; DNA data bank sample tracking system.

[H 748]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-176.1, 9.1-903, 16.1-237, 19.2-303, 19.2-303.3, 19.2-310.2, 19.2-310.3, 19.2-310.3:1, and 53.1-145 of the Code of Virginia are amended and reenacted as follows:

§ 9.1-176.1. Duties and responsibilities of local community-based probation officers.

A. Each local community-based probation officer, for the localities served, shall:

1. Supervise and assist all local-responsible adult offenders, residing within the localities served and placed on local community-based probation by any judge of any court within the localities served;
2. Ensure offender compliance with all orders of the court, including the requirement to perform community service;
3. Conduct, when ordered by a court, substance abuse screenings, or conduct or facilitate the preparation of assessments pursuant to state approved protocols;
4. Conduct, at his discretion, random drug and alcohol tests on any offender whom the officer has reason to believe is engaged in the illegal use of controlled substances or marijuana or the abuse of alcohol or prescribed medication;
5. Facilitate placement of offenders in substance abuse education or treatment programs and services or other education or treatment programs and services based on the needs of the offender;
6. Seek a *causas* from any judicial officer in the event of failure to comply with conditions of local community-based probation or supervision on the part of any offender provided that noncompliance resulting from intractable behavior presents a risk of flight, or a risk to public safety or to the offender;
7. Seek a motion to show cause for offenders requiring a subsequent hearing before the court;
8. Provide information to assist any law-enforcement officer with the return to custody of defendants placed on supervision for which a *causas* has been sought;
9. Keep such records and make such reports as required by the Department of Criminal Justice Services;
10. Determine by reviewing the ~~Local Inmate Data System~~ *Department of Forensic Science DNA data bank sample tracking system* upon intake and again prior to discharge whether a blood, saliva, or tissue sample ~~has been taken for DNA analysis~~ *is stored in the DNA data bank* for each offender required to submit a sample pursuant to Article 1.1 (§ 19.2-310.2 et seq.) of Chapter 18 of Title 19.2 and, if ~~no sample has been taken~~ *an offender's sample is not stored in the data bank*, require ~~an~~ the offender to submit a sample for DNA analysis;
11. Monitor the collection and payment of restitution to the victims of crime for offenders placed on local supervised probation; and
12. Determine by reviewing the offender's criminal history record at least 60 days prior to discharge whether all offenses for which the offender is being supervised appear on such record and, if any such offense that is required to be reported to the Central Criminal Records Exchange pursuant to § 19.2-390 does not appear, (i) order the offender to report to the law-enforcement agency that made the arrest for such offense or to the Department of State Police and submit to having his fingerprints and photograph taken for each such offense, (ii) provide written or electronic notification to the Central Criminal Records Exchange within the Department of State Police that the offense does not appear on the offender's criminal history record, and (iii) verify that such fingerprints and photograph have been taken.

B. Each local probation officer may provide the following optional services, as appropriate and when available resources permit:

1. Supervise local-responsible adult offenders placed on home incarceration with or without home electronic monitoring as a condition of local community-based probation;
2. Investigate and report on any local-responsible adult offender and prepare or facilitate the preparation of any other screening, assessment, evaluation, testing or treatment required as a condition of probation;
3. Monitor placements of local-responsible adults who are required to perform court-ordered community service at approved work sites;
4. Assist the courts, when requested, by monitoring the collection of court costs and fines for offenders placed on local probation; and

5. Collect supervision and intervention fees pursuant to § 9.1-182 subject to local approval and the approval of the Department of Criminal Justice Services.

§ 9.1-903. Registration and reregistration procedures.

A. Every person convicted, including juveniles tried and convicted in the circuit courts pursuant to § 16.1-269.1, whether sentenced as an adult or juvenile, of an offense for which registration is required and every juvenile found delinquent of an offense for which registration is required under subsection C of § 9.1-902 shall be required upon conviction to register, reregister, and verify his registration information with the Department of State Police. The court shall order the person to provide to the local law-enforcement agency of the county or city where he physically resides all information required by the State Police for inclusion in the Registry. The court shall immediately remand the person to the custody of the local law-enforcement agency for the purpose of obtaining the person's fingerprints and photographs of a type and kind specified by the State Police for inclusion in the Registry. Upon conviction, the local law-enforcement agency shall forthwith forward to the State Police all the necessary registration information.

B. Every person required to register shall register in person within three days of his release from confinement in a state, local or juvenile correctional facility, in a state civil commitment program for sexually violent predators or, if a sentence of confinement is not imposed, within three days of suspension of the sentence or in the case of a juvenile of disposition. A person required to register shall register, and as part of the registration shall submit to be photographed, submit to have a sample of his blood, saliva, or tissue taken for DNA (deoxyribonucleic acid) analysis and submission to the DNA ~~database~~ *data bank* to determine identification characteristics specific to the person, provide electronic mail address information, any instant message, chat or other Internet communication name or identity information that the person uses or intends to use, submit to have his fingerprints and palm prints taken, provide information regarding his place of employment, and provide motor vehicle, watercraft and aircraft registration information for all motor vehicles, watercraft and aircraft owned by him. The local law-enforcement agency shall obtain from the person who presents himself for registration or reregistration one set of fingerprints, electronic mail address information, any instant message, chat or other Internet communication name or identity information that the person uses or intends to use, one set of palm prints, place of employment information, motor vehicle, watercraft and aircraft registration information for all motor vehicles, watercraft and aircraft owned by the registrant, proof of residency and a photograph of a type and kind specified by the State Police for inclusion in the Registry and advise the person of his duties regarding reregistration and verification of his registration information. The local law-enforcement agency shall obtain from the person who presents himself for registration a sample of his blood, saliva or tissue taken for DNA (deoxyribonucleic acid) analysis to determine identification characteristics specific to the person. If a sample ~~has been previously taken~~ from the person *is stored in the DNA data bank*, as indicated by the ~~Local Inmate Data System (LIDS)~~ *Department of Forensic Science DNA data bank sample tracking system*, no additional sample shall be taken. The local law-enforcement agency shall forthwith forward to the State Police all necessary registration information.

C. To establish proof of residence in Virginia, a person who has a permanent physical address shall present one photo-identification form issued by a governmental agency of the Commonwealth which contains the person's complete name, gender, date of birth and complete physical address. The local law-enforcement agency shall forthwith forward to the State Police a copy of the identification presented by the person required to register.

D. Any person required to register shall also reregister in person with the local law-enforcement agency following any change of name or any change of residence, whether within or without the Commonwealth. The person shall register in person with the local law-enforcement agency within three days following his change of name. If his new residence is within the Commonwealth, the person shall register in person with the local law-enforcement agency where his new residence is located within three days following his change in residence. If the new residence is located outside of the Commonwealth, the person shall register in person with the local law-enforcement agency where he previously registered within 10 days prior to his change of residence. If a probation or parole officer becomes aware of a change of name or residence for any of his probationers or parolees required to register, the probation or parole officer shall notify the State Police forthwith of learning of the change. Whenever a person subject to registration changes residence to another state, the State Police shall notify the designated law-enforcement agency of that state.

E. Any person required to register shall reregister in person with the local law-enforcement agency where his residence is located within three days following any change of the place of employment, whether within or without the Commonwealth. If a probation or parole officer becomes aware of a change of the place of employment for any of his probationers or parolees required to register, the probation or parole officer shall notify the State Police forthwith upon learning of the change of the person's place of employment. Whenever a person subject to registration changes his place of employment to another state, the State Police shall notify the designated law-enforcement agency of that state.

F. Any person required to register shall reregister in person with the local law-enforcement agency where his residence is located within three days following any change of owned motor vehicle, watercraft and aircraft registration information, whether within or without the Commonwealth. If a probation or parole officer becomes aware of a change of owned motor vehicle, watercraft and aircraft registration information for any of his probationers or parolees required to register, the probation or parole officer shall notify the State Police forthwith upon learning of the change of the person's owned motor vehicle, watercraft and aircraft registration information. Whenever a person required to register changes his owned motor vehicle, watercraft and aircraft registration information to another state, the State Police shall notify the designated law-enforcement agency of that state.

G. Any person required to register shall reregister either in person or electronically with the local law-enforcement agency where his residence is located within 30 minutes following any change of the electronic mail address information, any instant message, chat or other Internet communication name or identity information that the person uses or intends to use, whether within or without the Commonwealth. If a probation or parole officer becomes aware of a change of the electronic mail address information, any instant message, chat or other Internet communication name or identity information for any of his probationers or parolees required to register, the probation or parole officer shall notify the State Police forthwith upon learning of the change.

H. Every person required to register shall submit to be photographed by a local law-enforcement agency every two years, during such person's required verification month and time interval pursuant to subsection B of § 9.1-904, commencing with the date of initial verification. The local law-enforcement agency shall forthwith forward the photograph of a type and kind specified by the State Police to the State Police. Where practical, the local law-enforcement agency may electronically transfer a digital photograph containing the required information to the Registry.

I. Upon registration and every two years thereafter during such person's required verification month and time interval pursuant to subsection B of § 9.1-904, every person required to register shall be required to execute a consent form consistent with applicable law that authorizes a business or organization that offers electronic communications or remote computer services to provide to the Department of State Police any information pertaining to that person necessary to determine the veracity of his electronic identity information in the Registry.

J. The registration shall be maintained in the Registry and shall include the person's name, any former name if he has lawfully changed his name during the period for which he is required to register, all aliases that he has used or under which he may have been known, the date and locality of the conviction for which registration is required, his fingerprints and a photograph of a type and kind specified by the State Police, his date of birth, social security number, current physical and mailing address and a description of the offense or offenses for which he was convicted. The registration shall also include the locality of the conviction and a description of the offense or offenses for previous convictions for the offenses set forth in § 9.1-902.

K. The local law-enforcement agency shall forthwith forward to the State Police all necessary registration or reregistration information received by it. Upon receipt of registration or reregistration information the State Police shall forthwith notify the chief law-enforcement officer of the locality listed as the person's address on the registration and reregistration.

L. If a person required to register does not have a legal residence, such person shall designate a location that can be located with reasonable specificity where he resides or habitually locates himself. For the purposes of this section, "residence" shall include such a designated location. If the person wishes to change such designated location, he shall do it pursuant to the terms of this section.

§ 16.1-237. Powers, duties and functions of probation and parole officers.

In addition to any other powers and duties imposed by this law, a probation or parole officer appointed hereunder shall:

A. Investigate all cases referred to him by the judge or any person designated so to do, and shall render reports of such investigation as required;

B. Supervise persons placed under his supervision and shall keep informed concerning the conduct and condition of every person under his supervision by visiting, requiring reports and in other ways, and shall report thereon as required;

C. Under the general supervision of the director of the court service unit, investigate complaints and accept for informal supervision cases wherein such handling would best serve the interests of all concerned;

D. Use all suitable methods not inconsistent with conditions imposed by the court to aid and encourage persons on probation or parole and to bring about improvement in their conduct and condition;

E. Furnish to each person placed on probation or parole a written statement of the conditions of his probation or parole and instruct him regarding the same;

F. Keep records of his work including photographs and perform such other duties as the judge or other person designated by the judge or the Director shall require;

G. Have the authority to administer oaths and take acknowledgements for the purposes of §§ 16.1-259 and 16.1-260 to facilitate the processes of intake and petition;

H. Have the powers of arrest of a police officer and the power to carry a concealed weapon when specifically so authorized by the judge; and

I. Determine by reviewing the ~~Local Inmate Data System or the Juvenile Tracking System (JTS)~~ *Department of Forensic Science DNA data bank sample tracking system* upon intake and again prior to discharge whether a blood, saliva, or tissue sample ~~has been taken for DNA analysis~~ *is stored in the DNA data bank* for each offender required to submit a sample pursuant to § 16.1-299.1 and, if ~~no sample has been taken~~ *an offender's sample is not stored in the data bank*, require ~~an~~ the offender to submit a sample for DNA analysis.

§ 19.2-303. Suspension or modification of sentence; probation; taking of fingerprints and blood, saliva, or tissue sample as condition of probation.

After conviction, whether with or without jury, the court may suspend imposition of sentence or suspend the sentence in whole or part and in addition may place the defendant on probation under such conditions as the court shall determine, including monitoring by a GPS (Global Positioning System) tracking device, or other similar device, or may, as a condition of a suspended sentence, require the defendant to make at least partial restitution to the aggrieved party or parties for

damages or loss caused by the offense for which convicted, or to perform community service, or both, under terms and conditions which shall be entered in writing by the court. The court may fix the period of probation for up to the statutory maximum period for which the defendant might originally have been sentenced to be imprisoned. Any period of supervised probation shall not exceed five years from the release of the defendant from any active period of incarceration. The limitation on the period of probation shall not apply to the extent that an additional period of probation is necessary (i) for the defendant to participate in a court-ordered program or (ii) if a defendant owes restitution and is still subject to restitution compliance review hearings in accordance with § 19.2-305.1. The defendant may be ordered by the court to pay the cost of the GPS tracking device or other similar device. If, however, the court suspends or modifies any sentence fixed by a jury pursuant to § 19.2-295, the court shall file a statement of the reasons for the suspension or modification in the same manner as the statement required pursuant to subsection B of § 19.2-298.01. The judge, after convicting the defendant of any offense for which a report to the Central Criminal Records Exchange is required in accordance with subsection A of § 19.2-390, shall determine whether a copy of the defendant's fingerprints or fingerprint identification information has been provided by a law-enforcement officer to the clerk of court for each such offense. In any case where fingerprints or fingerprint identification information has not been provided by a law-enforcement officer to the clerk of court, the judge shall require that fingerprints and a photograph be taken by a law-enforcement officer as a condition of probation or of the suspension of the imposition or execution of any sentence for such offense. Such fingerprints shall be submitted to the Central Criminal Records Exchange under the provisions of subsection D of § 19.2-390.

In those courts having electronic access to the ~~Local Inmate Data System (LIDS)~~ *Department of Forensic Science DNA data bank sample tracking system* within the courtroom, prior to or upon sentencing, the clerk of court shall also determine by reviewing ~~LIDS the DNA data bank sample tracking system~~ whether a blood, saliva, or tissue sample ~~has been taken for DNA analysis and submitted to~~ *is stored in the DNA data bank maintained by the Department of Forensic Science pursuant to Article 1.1 (§ 19.2-310.2 et seq.) of Chapter 18 of this title.* In any case in which the clerk has determined that a DNA sample or analysis is not stored in the DNA data bank, or in any case in which electronic access to ~~LIDS the DNA data bank sample tracking system~~ is not available in the courtroom, the court shall order that the defendant appear within 30 days before the sheriff or probation officer and allow the sheriff or probation officer to take the required sample. The order shall also require that, if the defendant has not appeared and allowed the sheriff or probation officer to take the required sample by the date stated in the order, then the sheriff or probation officer shall report to the court the defendant's failure to appear and provide the required sample.

After conviction and upon sentencing of an active participant or member of a criminal street gang, the court may, as a condition for suspending the imposition of the sentence in whole or in part or for placing the accused on probation, place reasonable restrictions on those persons with whom the accused may have contact. Such restrictions may include prohibiting the accused from having contact with anyone whom he knows to be a member of a criminal street gang, except that contact with a family or household member, as defined in § 16.1-228, shall be permitted unless expressly prohibited by the court.

Notwithstanding any other provision of law, in any case where a defendant is convicted of a violation of § 18.2-48, 18.2-61, 18.2-63, 18.2-67.1, 18.2-67.2, 18.2-67.3, 18.2-370, or 18.2-370.1, committed on or after July 1, 2006, and some portion of the sentence is suspended, the judge shall order that the period of suspension shall be for a length of time at least equal to the statutory maximum period for which the defendant might originally have been sentenced to be imprisoned, and the defendant shall be placed on probation for that period of suspension subject to revocation by the court. The conditions of probation may include such conditions as the court shall determine, including active supervision. Where the conviction is for a violation of clause (iii) of subsection A of § 18.2-61, subdivision A 1 of § 18.2-67.1, or subdivision A 1 of § 18.2-67.2, the court shall order that at least three years of the probation include active supervision of the defendant under a postrelease supervision program operated by the Department of Corrections, and for at least three years of such active supervision, the defendant shall be subject to electronic monitoring by means of a GPS (Global Positioning System) tracking device, or other similar device.

If a person is sentenced to jail upon conviction of a misdemeanor or a felony, the court may, at any time before the sentence has been completely served, suspend the unserved portion of any such sentence, place the person on probation in accordance with the provisions of this section, or otherwise modify the sentence imposed.

If a person has been sentenced for a felony to the Department of Corrections (the Department), the court that heard the case, if it appears compatible with the public interest and there are circumstances in mitigation of the offense, may, at any time before the person is transferred to the Department, or within 60 days of such transfer, suspend or otherwise modify the unserved portion of such a sentence. The court may place the person on probation in accordance with the provisions of this section.

§ 19.2-303.3. Sentence to local community-based probation services; services agency; requirements for participation; sentencing; and removal from probation; payment of costs towards supervision and services.

A. Any offender who is (i) convicted on or after July 1, 1995, of a misdemeanor or a felony that is not a felony act of violence as defined in § 19.2-297.1, and for which the court imposes a total sentence of 12 months or less, and (ii) no younger than 18 years of age or is considered an adult at the time of conviction may be sentenced to a local community-based probation services agency established pursuant to § 9.1-174 by the local governing bodies within that judicial district or circuit.

B. In those courts having electronic access to the ~~Local Inmate Data System (LIDS)~~ *Department of Forensic Science DNA data bank sample tracking system* within the courtroom, at the time of sentencing, the clerk of court shall determine by reviewing ~~LIDS~~ *the DNA data bank sample tracking system*, in any case where there is a felony or qualifying misdemeanor conviction, whether a sample of the offender's blood, saliva, or tissue or an analysis of the sample is stored in the DNA data bank maintained by the Department of Forensic Science pursuant to Article 1.1 (§ 19.2-310.2 et seq.) of Chapter 18 of this title. If the clerk has determined that a DNA sample or analysis is not stored in the DNA data bank, or in any case in which electronic access to ~~LIDS~~ *the DNA data bank sample tracking system* is not available in the courtroom, the court shall order that the offender appear within 30 days before the sheriff or community-based probation officer and allow the sheriff or community-based probation officer to take the required sample. The order shall also require that, if the offender has not appeared and allowed the sheriff or community-based probation officer to take the required sample by the date stated in the order, then the sheriff or community-based probation officer shall report to the court the offender's failure to appear and provide the required sample. The court may order the offender placed under local community-based probation services pursuant to § 9.1-174 upon a determination by the court that the offender may benefit from these services and is capable of returning to society as a productive citizen with a reasonable amount of supervision and intervention including services set forth in § 9.1-176. All or part of any sentence imposed that has been suspended, shall be conditioned upon the offender's successful completion of local community-based probation services established pursuant to § 9.1-174.

The court may impose terms and conditions of supervision as it deems appropriate, including that the offender abide by any additional requirements of supervision imposed or established by the local community-based probation services agency during the period of probation supervision.

C. Any sworn officer of a local community-based probation services agency established or operated pursuant to the Comprehensive Community Corrections Act for Local-Responsible Offenders (§ 9.1-173 et seq.) may seek a *capias* from any judicial officer for the arrest of any person on local community-based probation and under its supervision for (i) intractable behavior; (ii) refusal to comply with the terms and conditions imposed by the court; (iii) refusal to comply with the requirements of local community-based probation supervision established by the agency; or (iv) the commission of a new offense while on local community-based probation and under agency supervision. Upon arrest, the offender shall be brought for a hearing before the court of appropriate jurisdiction. After finding that the offender (a) exhibited intractable behavior as defined herein; (b) refused to comply with terms and conditions imposed by the court; (c) refused to comply with the requirements of local community-based probation supervision established by the agency; or (d) committed a new offense while on local community-based probation and under agency supervision, the court may revoke all or part of the suspended sentence and supervision, and commit the offender to serve whatever sentence was originally imposed or impose such other terms and conditions of probation as it deems appropriate or, in a case where the proceeding has been deferred, enter an adjudication of guilt and proceed as otherwise provided by law.

"Intractable behavior" is that behavior that, in the determination of the court, indicates an offender's unwillingness or inability to conform his behavior to that which is necessary for successful completion of local community-based probation or that the offender's behavior is so disruptive as to threaten the successful completion of the program by other participants.

D. An offender sentenced to or provided a deferred proceeding and placed on community-based probation pursuant to this section may be required to pay an amount towards the costs of his supervision and services received in accordance with subsection D of § 9.1-182.

§ 19.2-310.2. Blood, saliva, or tissue sample required for DNA analysis upon conviction of certain crimes; fee.

A. Every person convicted of a felony on or after July 1, 1990, every person convicted of a felony offense under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 who was incarcerated on July 1, 1989, and every person convicted of a misdemeanor violation of § 16.1-253.2, 18.2-57, 18.2-60.3, 18.2-60.4, 18.2-67.4, 18.2-67.4:1, 18.2-67.4:2, 18.2-67.5, 18.2-102, 18.2-119, 18.2-121, 18.2-130, 18.2-370.6, 18.2-387, or 18.2-387.1 or subsection E of § 18.2-460 or of any similar ordinance of any locality shall have a sample of his blood, saliva, or tissue taken for DNA (deoxyribonucleic acid) analysis to determine identification characteristics specific to the person. If a sample ~~has been previously taken~~ from the person is stored in the DNA data bank as indicated by the ~~Local Inmate Data System (LIDS)~~ *Department of Forensic Science DNA data bank sample tracking system*, no additional sample shall be taken. ~~The Department of Forensic Science shall provide to LIDS the most current information submitted to the DNA data bank on a weekly basis and shall remove from LIDS and the data bank persons no longer eligible to be in the data bank.~~ A fee of \$53 shall be charged for the withdrawal of this sample. The fee shall be taxed as part of the costs of the criminal case resulting in the conviction and \$15 of the fee shall be paid into the general fund of the locality where the sample was taken and \$38 of the fee shall be paid into the general fund of the state treasury. This fee shall only be taxed one time regardless of the number of samples taken. The assessment provided for herein shall be in addition to any other fees prescribed by law. The analysis shall be performed by the Department of Forensic Science or other entity designated by the Department. The identification characteristics of the profile resulting from the DNA analysis shall be stored and maintained by the Department in a DNA data bank and shall be made available only as provided in § 19.2-310.5.

B. After July 1, 1990, the blood, saliva, or tissue sample shall be taken prior to release from custody. Notwithstanding the provisions of § 53.1-159, any person convicted of an offense listed in subsection A who is in custody after July 1, 1990, shall provide a blood, saliva, or tissue sample prior to his release. Every person so convicted after July 1, 1990, who is not sentenced to a term of confinement shall provide a blood, saliva, or tissue sample as a condition of such sentence. A person required under this section to submit a sample for DNA analysis is not relieved from this requirement regardless of whether

no blood, saliva, or tissue sample has been taken from the person or, if a sample has been taken, whether the sample or the results from the analysis of a sample cannot be found in the DNA data bank maintained by the Department of Forensic Science.

C. Nothing in this section shall prevent the Department of Forensic Science from including the identification characteristics of an individual's DNA profile in the DNA data bank as ordered by a circuit court pursuant to a lawful plea agreement.

D. A collection or placement of a sample for DNA analysis that was taken or retained in good faith does not invalidate the sample's use in the data bank pursuant to the provisions of this article. The detention, arrest, or conviction of a person based upon a data bank match or data bank information is not invalidated if it is determined that the sample was obtained, placed, or retained in the data bank in good faith, or if the conviction or juvenile adjudication that resulted in the collection of the DNA sample was subsequently vacated or otherwise altered in any future proceeding, including but not limited to post-trial or post-fact-finding motions, appeals, or collateral attacks.

E. The Virginia Department of Corrections and the Department of Forensic Science shall, on a quarterly basis, compare databases of offenders under the custody or supervision of the Department of Corrections with the DNA data bank of the Department of Forensic Science. The Virginia Department of Corrections shall require a DNA sample of those offenders under its custody or supervision *who are required to submit a sample pursuant to this section* if they are not identified in the DNA data bank.

F. The Department of State Police shall verify that a DNA sample required to be taken for the Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-903 has been received by the Department of Forensic Science. In any instance where a DNA sample has not been received, the Department of State Police or its designee shall obtain from the person required to register a sample for DNA analysis.

G. Each community-based probation services agency established pursuant to § 9.1-174 shall determine by reviewing the ~~Local Inmate Data System~~ *Department of Forensic Science DNA data bank sample tracking system* upon intake and again prior to discharge whether a blood, saliva, or tissue sample ~~has been taken for DNA analysis is stored in the DNA data bank~~ for each offender required to submit a sample pursuant to this section and, ~~if no sample has been taken an offender's sample is not stored in the data bank,~~ require ~~an~~ the offender to submit a sample for DNA analysis.

H. The sheriff or regional jailer shall determine by reviewing the ~~Local Inmate Data System~~ *Department of Forensic Science DNA data bank sample tracking system* upon intake and again prior to release whether a blood, saliva, or tissue sample ~~has been taken for DNA analysis is stored in the DNA data bank~~ for each offender required to submit a sample pursuant to this section and, ~~if no sample has been taken an offender's sample is not stored in the data bank,~~ require ~~an~~ the offender to submit a sample for DNA analysis.

§ 19.2-310.3. Procedures for withdrawal of blood, saliva or tissue sample for DNA analysis.

Each sample required pursuant to § 19.2-310.2 from persons who are to be incarcerated shall be withdrawn at the receiving unit or at such other place as is designated by the Department of Corrections or, in the case of a juvenile, the Department of Juvenile Justice. The required samples from persons who are not sentenced to a term of confinement shall be withdrawn at a time and place specified by the sentencing court. Only a correctional health nurse technician or a physician, registered nurse, licensed practical nurse, graduate laboratory technician, or phlebotomist shall withdraw any blood sample to be submitted for analysis. No civil liability shall attach to any person authorized to withdraw blood, saliva or tissue as provided herein as a result of the act of withdrawing blood, saliva or tissue from any person submitting thereto, provided the blood, saliva or tissue was withdrawn according to recognized medical procedures. However, no person shall be relieved from liability for negligence in the withdrawing of any blood, saliva or tissue sample.

Chemically clean sterile disposable needles and vacuum draw tubes or swabs shall be used for all samples. The tube or envelope containing the sample shall be sealed and ~~labeled with the subject's name, social security number, date of birth, race and gender, the name of the person collecting the sample, and the date and place of collection.~~ The tubes or envelopes containing the samples shall be secured to prevent tampering with the contents. *The agency submitting the sample shall provide information pertaining to the sample by (i) logging such information into the Department of Forensic Science DNA data bank sample tracking system at the time of collection or (ii) submitting such information to the Department of Forensic Science along with the sample.* The steps herein set forth relating to the taking, handling, identification, and disposition of blood, saliva or tissue samples are procedural and not substantive. Substantial compliance therewith shall be deemed to be sufficient. The samples shall be *mailed or transported to the Department of Forensic Science not more than 15 days following withdrawal and shall be analyzed and stored in the DNA data bank in accordance with §§ 19.2-310.4 and 19.2-310.5.*

§ 19.2-310.3:1. Procedures for taking saliva or tissue sample for DNA analysis.

A. Each sample required pursuant to § 19.2-310.2:1 from persons arrested shall be taken before release from custody at such place as is designated by the law-enforcement agency responsible for arrest booking in the jurisdiction. Samples shall be taken in accordance with procedures adopted by the Department of Forensic Science. The sample shall be sealed and ~~labeled with the subject's name, social security number, date of birth, race and gender, the name of the person collecting the sample, the date and place of collection, information identifying the arresting or accompanying officer, and the offense for which the person was arrested.~~ The sample shall be secured to prevent tampering with the contents and be accompanied by a copy of the arrest warrant or capias. *The agency submitting the sample shall provide information pertaining to the sample by (i) logging such information into the Department of Forensic Science DNA data bank sample tracking system at the time*

of collection or (ii) submitting such information to the Department of Forensic Science along with the sample. The steps herein set forth relating to the taking, handling, identification, and disposition of saliva or tissue samples are procedural and not substantive. The sample shall be *mailed or* transported to the Department of Forensic Science not more than 15 days following withdrawal and shall be analyzed and stored in the DNA data bank in accordance with §§ 19.2-310.4 and 19.2-310.5.

B. Substantial compliance therewith shall be deemed to be sufficient. If a sample ~~has been previously taken~~ from the individual *is stored in the data bank* as indicated by the ~~Local Inmate Data System (LIDS) Department of Forensic Science DNA data bank sample tracking system~~, no additional sample shall be taken. No civil liability shall attach to any person authorized to take saliva or tissue as provided herein as a result of the act of taking saliva or tissue from any person submitting thereto, provided the saliva or tissue was taken according to recognized medical procedures. However, no person shall be relieved from liability for negligence in the taking of any saliva or tissue sample.

§ 53.1-145. Powers and duties of probation and parole officers.

In addition to other powers and duties prescribed by this article, each probation and parole officer shall:

1. Investigate and report on any case pending in any court or before any judge in his jurisdiction referred to him by the court or judge;
2. Supervise and assist all persons within his territory placed on probation, secure, as appropriate and when available resources permit, placement of such persons in a substance abuse treatment program which may include utilization of acupuncture and other treatment modalities, and furnish every such person with a written statement of the conditions of his probation and instruct him therein; if any such person has been committed to the Department of Behavioral Health and Developmental Services under the provisions of Chapter 9 (§ 37.2-900 et seq.) of Title 37.2, the conditions of probation shall include the requirement that the person comply with all conditions given him by the Department of Behavioral Health and Developmental Services, and that he follow all of the terms of his treatment plan;
3. Supervise and assist all persons within his territory released on parole or postrelease supervision, secure, as appropriate and when available resources permit, placement of such persons in a substance abuse treatment program which may include utilization of acupuncture and other treatment modalities, and, in his discretion, assist any person within his territory who has completed his parole, postrelease supervision, or has been mandatorily released from any correctional facility in the Commonwealth and requests assistance in finding a place to live, finding employment, or in otherwise becoming adjusted to the community;
4. Arrest and recommit to the place of confinement from which he was released, or in which he would have been confined but for the suspension of his sentence or of its imposition, for violation of the terms of probation, post-release supervision pursuant to § 19.2-295.2 or parole, any probationer, person subject to post-release supervision or parolee under his supervision, or as directed by the Chairman, Board member or the court, pending a hearing by the Board or the court, as the case may be;
5. Keep such records, make such reports, and perform other duties as may be required of him by the Director and the court or judge by whom he was authorized;
6. Order and conduct, in his discretion, drug and alcohol screening tests of any probationer, person subject to post-release supervision pursuant to § 19.2-295.2 or parolee under his supervision who the officer has reason to believe is engaged in the illegal use of controlled substances or marijuana, or the abuse of alcohol. The cost of the test may be charged to the person under supervision. Regulations governing the officer's exercise of this authority shall be promulgated by the Director;
7. Have the power to carry a concealed weapon in accordance with regulations promulgated by the Director and upon the certification of appropriate training and specific authorization by a judge of a circuit court;
8. Provide services in accordance with any contract entered into between the Department of Corrections and the Department of Behavioral Health and Developmental Services pursuant to § 37.2-912;
9. Pursuant to any contract entered into between the Department of Corrections and the Department of Behavioral Health and Developmental Services, probation and parole officers shall have the power to provide intensive supervision services to persons placed on conditional release, regardless of whether the person has any time remaining to serve on any criminal sentence, pursuant to Chapter 9 (§ 37.2-900 et seq.);
10. Determine by reviewing the ~~Local Inmate Data System~~ *Department of Forensic Science DNA data bank sample tracking system* upon intake and again prior to release whether a blood, saliva, or tissue sample ~~has been taken for DNA analysis~~ *is stored in the data bank* for each person placed on probation or parole required to submit a sample pursuant to Article 1.1 (§ 19.2-310.2 et seq.) of Chapter 18 of Title 19.2 and, if ~~no sample has been taken~~ *a person's sample is not stored in the data bank*, require ~~the~~ person placed on probation or parole to submit a sample for DNA analysis;
11. For every offender accepted pursuant to the Interstate Compact for the Supervision of Adult Offenders (§ 53.1-176.1 et seq.) who has been convicted of an offense that, if committed in Virginia, would ~~be considered a felony~~ *require the offender to submit a sample pursuant to Article 1.1 (§ 19.2-310.2 et seq.) of Chapter 18 of Title 19.2*, take a sample or verify that a sample has been taken and accepted into the data bank for DNA analysis in the Commonwealth;
12. Monitor the collection and payment of restitution to the victims of crime for offenders placed on supervised probation;
13. Prior to the release from supervision of any offender on probation as of July 1, 2019, review the criminal history record of the offender at least 60 days prior to release from supervision, or immediately if the offender is scheduled to be

released from supervision within less than 60 days, to determine whether all offenses for which the offender is being supervised appear on such record and, if any such offense that is required to be reported to the Central Criminal Records Exchange pursuant to § 19.2-390 does not appear, (i) take and provide fingerprints and a photograph of the offender to the Central Criminal Records Exchange to be classified and filed as part of the criminal history record information pursuant to subsection D of § 19.2-390 and (ii) provide written or electronic notification to the Central Criminal Records Exchange within the Department of State Police that such offense does not appear on the offender's criminal history record; and

14. Upon intake of any offender on or after July 1, 2019, (i) take and provide fingerprints and a photograph of the offender to the Central Criminal Records Exchange to be classified and filed as part of the criminal history record information pursuant to subsection D of § 19.2-390, (ii) review the criminal history record of the offender to determine whether all offenses for which the offender is being supervised appear on such record, and (iii) if any such offense that is required to be reported to the Central Criminal Records Exchange pursuant to § 19.2-390 does not appear, provide written or electronic notification to the Central Criminal Records Exchange within the Department of State Police that such offense does not appear on the offender's criminal history record.

Nothing in this article shall require probation and parole officers to investigate or supervise cases before general district or juvenile and domestic relations district courts.

CHAPTER 43

An Act to amend and reenact § 15.2-911 of the Code of Virginia, relating to regulation of alarm systems; battery-charged fence security systems.

[S 526]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-911 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-911. Regulation of alarm company operators.

A. Any locality may by ordinance regulate the installation and maintenance of alarm systems operated by alarm company operators.

B. As used in this section; ~~an "alarm:~~

"Alarm company operator" means and includes any business operated for profit, engaged in the installation, maintenance, alteration, or servicing of alarm systems or which responds to such alarm systems. Such term, however, shall not include alarm systems maintained by governmental agencies or departments, nor shall it include a business which merely sells from a fixed location or manufactures alarm systems unless such business services, installs, monitors or responds to alarm systems at the protected premises.

~~C. As used in this section, the term "alarm~~ "Alarm system" means an assembly of equipment and devices arranged to signal the presence of a hazard requiring urgent attention and to which police or firefighters are expected to respond. Such system may be installed, maintained, altered or serviced by an alarm company operator in both commercial and residential premises.

"Battery-charged fence security system" means a system intended for security that includes a fence, a battery-operated energizer connected to the fence and designed to periodically deliver voltage impulses to the fence, a battery-charging device used exclusively to charge the battery, and any other ancillary components and attached equipment. "Battery-charged fence security system" does not include fencing engineered to exclude or contain deer or livestock.

C. 1. Any battery-charged fence security system shall (i) interface with a monitored alarm device in a manner that enables the system to transmit a signal intended to alert the owner or law enforcement; (ii) have an energizer powered by a commercial storage battery that provides not more than 12 volts of direct current and meets the standards set forth in the International Electrotechnical Commission Standard 60335-2-76; (iii) be located behind a nonelectric perimeter fence or wall that is at least five feet tall; (iv) be on property not zoned for residential use; (v) not be taller than 10 feet or two feet taller than the height of the perimeter fence or wall, whichever is taller; (vi) be marked with warning signs posted conspicuously on the fence at 30-foot intervals that state "Warning - Electric Fence"; and (vii) include a mechanism that allows first responders to deactivate the system during an emergency.

2. A locality may require: (i) a person who provides or operates a battery-charged fence security system to comply with this subsection; (ii) a person who provides or operates a battery-charged fence security system to comply with the ministerial requirements of an alarm company operator, including a permit or registration and payment of any accompanying fee, prior to providing or operating such battery-charged fence security system; and (iii) an installer, on completion of a newly installed battery-charged fence security system, to submit to the locality an affidavit that includes the address of the installation, name of the installer, date of the installation, and an affirmation that the criteria in this subsection are satisfied.

3. A locality may inspect a newly installed battery-charged fence security system after receipt of an affidavit to ensure the system meets the requirements of this subsection. If the battery-charged fence security system fails to comply with the criteria set forth in this subsection, the locality may issue a citation describing the specific noncompliance and requiring the battery-charged fence security system to come into compliance within a reasonable period of time. The locality may also

impose a penalty not to exceed \$500 for the first instance if the battery-charged fence security system is not made compliant within the specified period of time.

4. If a battery-charged fence security system meets the requirements of subdivision 1, then a locality shall not establish or otherwise impose any product, installation, or operational requirements, fees, or approvals for a battery-charged fence security system nor prohibit the use of such a system.

CHAPTER 44

An Act to amend and reenact § 15.2-911 of the Code of Virginia, relating to regulation of alarm systems; battery-charged fence security systems.

[H 907]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-911 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-911. Regulation of alarm company operators.

A. Any locality may by ordinance regulate the installation and maintenance of alarm systems operated by alarm company operators.

B. As used in this section, ~~an "alarm:~~

"Alarm company operator" means and includes any business operated for profit, engaged in the installation, maintenance, alteration, or servicing of alarm systems or which responds to such alarm systems. Such term, however, shall not include alarm systems maintained by governmental agencies or departments, nor shall it include a business which merely sells from a fixed location or manufactures alarm systems unless such business services, installs, monitors or responds to alarm systems at the protected premises.

~~C. As used in this section, the term "alarm~~ *"Alarm system" means an assembly of equipment and devices arranged to signal the presence of a hazard requiring urgent attention and to which police or firefighters are expected to respond. Such system may be installed, maintained, altered or serviced by an alarm company operator in both commercial and residential premises.*

"Battery-charged fence security system" means a system intended for security that includes a fence, a battery-operated energizer connected to the fence and designed to periodically deliver voltage impulses to the fence, a battery-charging device used exclusively to charge the battery, and any other ancillary components and attached equipment. "Battery-charged fence security system" does not include fencing engineered to exclude or contain deer or livestock.

C. 1. Any battery-charged fence security system shall (i) interface with a monitored alarm device in a manner that enables the system to transmit a signal intended to alert the owner or law enforcement; (ii) have an energizer powered by a commercial storage battery that provides not more than 12 volts of direct current and meets the standards set forth in the International Electrotechnical Commission Standard 60335-2-76; (iii) be located behind a nonelectric perimeter fence or wall that is at least five feet tall; (iv) be on property not zoned for residential use; (v) not be taller than 10 feet or two feet taller than the height of the perimeter fence or wall, whichever is taller; (vi) be marked with warning signs posted conspicuously on the fence at 30-foot intervals that state "Warning - Electric Fence"; and (vii) include a mechanism that allows first responders to deactivate the system during an emergency.

2. A locality may require: (i) a person who provides or operates a battery-charged fence security system to comply with this subsection; (ii) a person who provides or operates a battery-charged fence security system to comply with the ministerial requirements of an alarm company operator, including a permit or registration and payment of any accompanying fee, prior to providing or operating such battery-charged fence security system; and (iii) an installer, on completion of a newly installed battery-charged fence security system, to submit to the locality an affidavit that includes the address of the installation, name of the installer, date of the installation, and an affirmation that the criteria in this subsection are satisfied.

3. A locality may inspect a newly installed battery-charged fence security system after receipt of an affidavit to ensure the system meets the requirements of this subsection. If the battery-charged fence security system fails to comply with the criteria set forth in this subsection, the locality may issue a citation describing the specific noncompliance and requiring the battery-charged fence security system to come into compliance within a reasonable period of time. The locality may also impose a penalty not to exceed \$500 for the first instance if the battery-charged fence security system is not made compliant within the specified period of time.

4. If a battery-charged fence security system meets the requirements of subdivision 1, then a locality shall not establish or otherwise impose any product, installation, or operational requirements, fees, or approvals for a battery-charged fence security system nor prohibit the use of such a system.

CHAPTER 45

An Act to amend and reenact § 9.1-102 of the Code of Virginia, relating to human trafficking training for law-enforcement personnel.

[H 283]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 9.1-102 of the Code of Virginia is amended and reenacted as follows:****§ 9.1-102. Powers and duties of the Board and the Department.**

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions and (ii) temporary or probationary status and establish the time required for completion of such training. Such compulsory minimum training standards shall include crisis intervention training in accordance with clause (i) of § 9.1-188;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. [Repealed];

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies and correctional officers employed by the Department of Corrections under the provisions of Title 53.1. For correctional officers employed by the Department of Corrections, such standards shall include training on the general care of pregnant women, the impact of restraints on pregnant inmates and fetuses, the impact of being placed in restrictive housing or solitary confinement on pregnant inmates, and the impact of body cavity searches on pregnant inmates;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and institutions of higher education within or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;

14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;

15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training academies approved by the Department;

16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;
17. Make recommendations concerning any matter within its purview pursuant to this chapter;
18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;
19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;
20. Conduct audits as required by § 9.1-131;
21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;
22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;
23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;
24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;
25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;
26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;
27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;
28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;
29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;
30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;
31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;
32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;
33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;
34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish and periodically update model policies for law-enforcement personnel in the following subjects:

a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in subsection A of § 9.1-1301;

b. Communication with and facilitation of the safe return of individuals diagnosed with Alzheimer's disease;

c. Sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability;

d. Protocols for local and regional sexual assault response teams;

e. Communication of death notifications;

f. The questioning of individuals suspected of driving while intoxicated concerning the physical location of such individual's last consumption of an alcoholic beverage and the communication of such information to the Virginia Alcoholic Beverage Control Authority;

g. Vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

h. Criminal investigations that embody current best practices for conducting photographic and live lineups;

i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or street patrol duties;

j. *The recognition, prevention, and reporting of human trafficking;*

k. Missing children, missing adults, and search and rescue protocol; and

~~l.~~ l. The handling and use of tear gas or other gases and kinetic impact munitions, as defined in § 19.2-83.3, that embody current best practices for using such items as a crowd control measure or during an arrest or detention of another person;

38. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure (i) sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability; (ii) training in de-escalation techniques; and (iii) training in the lawful use of force, including the use of deadly force, as defined in § 19.2-83.3, only when necessary to protect the law-enforcement officer or another person;

39. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards that strengthen and improve such programs, including sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability;

40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

41. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

42. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, including school security officers described in clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards shall be specific to the role and responsibility of school security officers and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques such as a physical alternative to restraint; (v) disaster and emergency response; (vi) awareness of systemic and individual racism, cultural diversity, and implicit bias; (vii) working with students with disabilities, mental health needs, substance use disorders, and past traumatic

experiences; and (viii) student behavioral dynamics, including child and adolescent development and brain research. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of the standards and certification requirements in this subdivision. The Department shall require any school security officer who carries a firearm in the performance of his duties to provide proof that he has completed a training course provided by a federal, state, or local law-enforcement agency that includes training in active shooter emergency response, emergency evacuation procedure, and threat assessment;

43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);

44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

45. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

47. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117;

50. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional Standards Committee by providing technical assistance and administrative support, including staffing, for the Committee;

51. In accordance with § 9.1-102.1, design and approve the issuance of photo-identification cards to private security services registrants registered pursuant to Article 4 (§ 9.1-138 et seq.);

52. In consultation with the State Council of Higher Education for Virginia and the Virginia Association of Campus Law Enforcement Administrators, develop multidisciplinary curricula on trauma-informed sexual assault investigation;

53. In consultation with the Department of Behavioral Health and Developmental Services, develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers, administrators, or superintendents in any local or regional jail. Such program shall be based on any existing addiction recovery programs that are being administered by any local or regional jails in the Commonwealth. Participation in the model addiction recovery program shall be voluntary, and such program may address aspects of the recovery process, including medical and clinical recovery, peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of the recovery process;

54. Establish compulsory minimum training standards for certification and recertification of law-enforcement officers serving as school resource officers. Such training shall be specific to the role and responsibility of a law-enforcement officer working with students in a school environment and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques; (v) disaster and emergency response; (vi) awareness of systemic and individual racism, cultural diversity, and implicit bias; (vii) working with students with disabilities, mental health needs, substance use disorders, or past traumatic experiences; and (viii) student behavioral dynamics, including current child and adolescent development and brain research;

55. Establish a model policy for the operation of body-worn camera systems as defined in § 15.2-1723.1 that also addresses the storage and maintenance of body-worn camera system records;

56. Establish compulsory minimum training standards for detector canine handlers employed by the Department of Corrections, standards for the training and retention of detector canines used by the Department of Corrections, and a central database on the performance and effectiveness of such detector canines that requires the Department of Corrections to submit comprehensive information on each canine handler and detector canine, including the number and types of calls and searches, substances searched for and whether or not detected, and the number of false positives, false negatives, true positives, and true negatives;

57. Establish compulsory training standards for basic training of law-enforcement officers for recognizing and managing stress, self-care techniques, and resiliency;

58. Establish guidelines and standards for psychological examinations conducted pursuant to subsection C of § 15.2-1705;

59. Establish compulsory in-service training standards, to include frequency of retraining, for law-enforcement officers in the following subjects: (i) relevant state and federal laws; (ii) awareness of cultural diversity and the potential for bias-based profiling as defined in § 52-30.1; (iii) de-escalation techniques; (iv) working with individuals with disabilities, mental health needs, or substance use disorders; and (v) the lawful use of force, including the use of deadly force, as defined in § 19.2-83.3, only when necessary to protect the law-enforcement officer or another person;

60. Develop a uniform curriculum and lesson plans for the compulsory minimum entry-level, in-service, and advanced training standards to be employed by criminal justice training academies approved by the Department when conducting training;

61. Adopt statewide professional standards of conduct applicable to all certified law-enforcement officers and certified jail officers and appropriate due process procedures for decertification based on serious misconduct in violation of those standards;

62. Establish and administer a waiver process, in accordance with §§ 2.2-5515 and 15.2-1721.1, for law-enforcement agencies to use certain military property. Any waivers granted by the Criminal Justice Services Board shall be published by the Department on the Department's website;

63. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to include crisis intervention training in accordance with clause (ii) of § 9.1-188;

64. Advise and assist the Department of Behavioral Health and Developmental Services, and support local law-enforcement cooperation, with the development and implementation of the Marcus alert system, as defined in § 37.2-311.1, including the establishment of local protocols for law-enforcement participation in the Marcus alert system pursuant to § 9.1-193 and for reporting requirements pursuant to §§ 9.1-193 and 37.2-311.1; and

65. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

CHAPTER 46

An Act to amend and reenact § 9.1-102 of the Code of Virginia, relating to human trafficking training for law-enforcement personnel.

[S 467]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-102 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions and (ii) temporary or probationary status and establish the time required for completion of such training. Such compulsory minimum training standards shall include crisis intervention training in accordance with clause (i) of § 9.1-188;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. [Repealed];

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies and correctional officers employed by the Department of Corrections under the provisions of Title 53.1. For correctional officers employed by the Department of Corrections, such standards shall include training on the general care of pregnant women, the impact of restraints on pregnant inmates and fetuses, the impact of being placed in restrictive housing or solitary confinement on pregnant inmates, and the impact of body cavity searches on pregnant inmates;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and institutions of higher education within or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;

14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;

15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training academies approved by the Department;

16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;

17. Make recommendations concerning any matter within its purview pursuant to this chapter;

18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;

19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;

20. Conduct audits as required by § 9.1-131;

21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;

22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;

23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;

24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;

25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;

26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;

27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;

28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;

29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;

30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish and periodically update model policies for law-enforcement personnel in the following subjects:

a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in subsection A of § 9.1-1301;

b. Communication with and facilitation of the safe return of individuals diagnosed with Alzheimer's disease;

c. Sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability;

d. Protocols for local and regional sexual assault response teams;

e. Communication of death notifications;

f. The questioning of individuals suspected of driving while intoxicated concerning the physical location of such individual's last consumption of an alcoholic beverage and the communication of such information to the Virginia Alcoholic Beverage Control Authority;

g. Vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

h. Criminal investigations that embody current best practices for conducting photographic and live lineups;

i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or street patrol duties;

j. *The recognition, prevention, and reporting of human trafficking;*

k. Missing children, missing adults, and search and rescue protocol; and

~~l.~~ l. The handling and use of tear gas or other gases and kinetic impact munitions, as defined in § 19.2-83.3, that embody current best practices for using such items as a crowd control measure or during an arrest or detention of another person;

38. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure (i) sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability; (ii) training in de-escalation techniques; and (iii) training in the lawful use of force, including the use of deadly force, as defined in § 19.2-83.3, only when necessary to protect the law-enforcement officer or another person;

39. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards that strengthen and improve such programs, including sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for racially biased policing and

bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability;

40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

41. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

42. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, including school security officers described in clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards shall be specific to the role and responsibility of school security officers and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques such as a physical alternative to restraint; (v) disaster and emergency response; (vi) awareness of systemic and individual racism, cultural diversity, and implicit bias; (vii) working with students with disabilities, mental health needs, substance use disorders, and past traumatic experiences; and (viii) student behavioral dynamics, including child and adolescent development and brain research. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of the standards and certification requirements in this subdivision. The Department shall require any school security officer who carries a firearm in the performance of his duties to provide proof that he has completed a training course provided by a federal, state, or local law-enforcement agency that includes training in active shooter emergency response, emergency evacuation procedure, and threat assessment;

43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);

44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

45. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

47. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117;

50. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional Standards Committee by providing technical assistance and administrative support, including staffing, for the Committee;

51. In accordance with § 9.1-102.1, design and approve the issuance of photo-identification cards to private security services registrants registered pursuant to Article 4 (§ 9.1-138 et seq.);

52. In consultation with the State Council of Higher Education for Virginia and the Virginia Association of Campus Law Enforcement Administrators, develop multidisciplinary curricula on trauma-informed sexual assault investigation;

53. In consultation with the Department of Behavioral Health and Developmental Services, develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers, administrators, or superintendents in any local or regional jail. Such program shall be based on any existing addiction recovery programs that are being administered by any local or regional jails in the Commonwealth. Participation in the model addiction recovery program shall be voluntary, and such program may address aspects of the recovery process, including medical and clinical recovery, peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of the recovery process;

54. Establish compulsory minimum training standards for certification and recertification of law-enforcement officers serving as school resource officers. Such training shall be specific to the role and responsibility of a law-enforcement officer working with students in a school environment and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques; (v) disaster and emergency response; (vi) awareness of systemic and individual racism, cultural diversity, and implicit bias; (vii) working with students with disabilities, mental health needs, substance use disorders, or past traumatic experiences; and (viii) student behavioral dynamics, including current child and adolescent development and brain research;

55. Establish a model policy for the operation of body-worn camera systems as defined in § 15.2-1723.1 that also addresses the storage and maintenance of body-worn camera system records;

56. Establish compulsory minimum training standards for detector canine handlers employed by the Department of Corrections, standards for the training and retention of detector canines used by the Department of Corrections, and a central database on the performance and effectiveness of such detector canines that requires the Department of Corrections to submit comprehensive information on each canine handler and detector canine, including the number and types of calls and searches, substances searched for and whether or not detected, and the number of false positives, false negatives, true positives, and true negatives;

57. Establish compulsory training standards for basic training of law-enforcement officers for recognizing and managing stress, self-care techniques, and resiliency;

58. Establish guidelines and standards for psychological examinations conducted pursuant to subsection C of § 15.2-1705;

59. Establish compulsory in-service training standards, to include frequency of retraining, for law-enforcement officers in the following subjects: (i) relevant state and federal laws; (ii) awareness of cultural diversity and the potential for bias-based profiling as defined in § 52-30.1; (iii) de-escalation techniques; (iv) working with individuals with disabilities, mental health needs, or substance use disorders; and (v) the lawful use of force, including the use of deadly force, as defined in § 19.2-83.3, only when necessary to protect the law-enforcement officer or another person;

60. Develop a uniform curriculum and lesson plans for the compulsory minimum entry-level, in-service, and advanced training standards to be employed by criminal justice training academies approved by the Department when conducting training;

61. Adopt statewide professional standards of conduct applicable to all certified law-enforcement officers and certified jail officers and appropriate due process procedures for decertification based on serious misconduct in violation of those standards;

62. Establish and administer a waiver process, in accordance with §§ 2.2-5515 and 15.2-1721.1, for law-enforcement agencies to use certain military property. Any waivers granted by the Criminal Justice Services Board shall be published by the Department on the Department's website;

63. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to include crisis intervention training in accordance with clause (ii) of § 9.1-188;

64. Advise and assist the Department of Behavioral Health and Developmental Services, and support local law-enforcement cooperation, with the development and implementation of the Marcus alert system, as defined in § 37.2-311.1, including the establishment of local protocols for law-enforcement participation in the Marcus alert system pursuant to § 9.1-193 and for reporting requirements pursuant to §§ 9.1-193 and 37.2-311.1; and

65. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

CHAPTER 47

An Act to amend and reenact § 19.2-121 of the Code of Virginia, relating to bail for a person accused of a crime that is an act of violence; notice to attorney for the Commonwealth.

[H 756]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-121 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-121. Fixing terms of bail.

A. If the person is admitted to bail, the terms thereof shall be such as, in the judgment of any official granting or reconsidering the same, will be reasonably fixed to ~~assure~~ *ensure* the appearance of the accused and to ~~assure~~ *ensure* his good behavior pending trial. The judicial officer shall take into account (i) the nature and circumstances of the offense;

(ii) whether a firearm is alleged to have been used in the offense; (iii) the weight of the evidence; (iv) the financial resources of the accused or juvenile and his ability to pay bond; (v) the character of the accused or juvenile including his family ties, employment or involvement in education; (vi) his length of residence in the community; (vii) his record of convictions; (viii) his appearance at court proceedings or flight to avoid prosecution or failure to appear at court proceedings; (ix) whether the person is likely to obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate a prospective witness, juror, or victim; and (x) any other information available which the court considers relevant to the determination of whether the accused or juvenile is unlikely to appear for court proceedings.

B. When a magistrate conducts a bail hearing for a person arrested on a warrant or *capias* for a jailable offense, the magistrate shall describe the information considered under subsection A on a form provided by the Executive Secretary of the Supreme Court and shall transmit the completed form to the circuit court or district court before which the warrant or *capias* is returnable, *and if such jailable offense is an act of violence as defined in § 19.2-297.1, then such magistrate shall transmit within 24 hours a copy of the completed form to the attorney for the Commonwealth for the jurisdiction where the warrant or capias is returnable. Transmission of such copy to the attorney for the Commonwealth may be by facsimile or other electronic means.*

C. In any case where the accused has appeared and otherwise met the conditions of bail, no bond therefor shall be used to satisfy fines and costs unless agreed to by the person who posted such bond.

CHAPTER 48

An Act to amend and reenact § 19.2-121 of the Code of Virginia, relating to bail for a person accused of a crime that is an act of violence; notice to attorney for the Commonwealth.

[S 614]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-121 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-121. Fixing terms of bail.

A. If the person is admitted to bail, the terms thereof shall be such as, in the judgment of any official granting or reconsidering the same, will be reasonably fixed to ~~assure~~ *ensure* the appearance of the accused and to ~~assure~~ *ensure* his good behavior pending trial. The judicial officer shall take into account (i) the nature and circumstances of the offense; (ii) whether a firearm is alleged to have been used in the offense; (iii) the weight of the evidence; (iv) the financial resources of the accused or juvenile and his ability to pay bond; (v) the character of the accused or juvenile including his family ties, employment or involvement in education; (vi) his length of residence in the community; (vii) his record of convictions; (viii) his appearance at court proceedings or flight to avoid prosecution or failure to appear at court proceedings; (ix) whether the person is likely to obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate a prospective witness, juror, or victim; and (x) any other information available which the court considers relevant to the determination of whether the accused or juvenile is unlikely to appear for court proceedings.

B. When a magistrate conducts a bail hearing for a person arrested on a warrant or *capias* for a jailable offense, the magistrate shall describe the information considered under subsection A on a form provided by the Executive Secretary of the Supreme Court and shall transmit the completed form to the circuit court or district court before which the warrant or *capias* is returnable, *and if such jailable offense is an act of violence as defined in § 19.2-297.1, then such magistrate shall transmit within 24 hours a copy of the completed form to the attorney for the Commonwealth for the jurisdiction where the warrant or capias is returnable. Transmission of such copy to the attorney for the Commonwealth may be by facsimile or other electronic means.*

C. In any case where the accused has appeared and otherwise met the conditions of bail, no bond therefor shall be used to satisfy fines and costs unless agreed to by the person who posted such bond.

CHAPTER 49

An Act to amend and reenact §§ 52-12 through 52-20 of the Code of Virginia, relating to the Virginia State Police communication system.

[H 342]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 52-12 through 52-20 of the Code of Virginia are amended and reenacted as follows:

CHAPTER 2.

BASIC STATE POLICE COMMUNICATION SYSTEM.

§ 52-12. Establishment of State Police communication system.

There shall be established in the Department of State Police, a ~~basic coordinating~~ *fully integrated* police communication system of ~~private line typewriter communication,~~ operating through sending and receiving stations or

receiving stations only, and such associated equipment as may be necessary, at the headquarters of the Superintendent of State Police and at such substations or detached posts as shall be designated by the Superintendent; for the purpose of prompt collection and distribution of information throughout the Commonwealth as the police problems of the Commonwealth may require. Authority is hereby granted to connect such ~~basic~~ *communication* system directly or indirectly with similar systems in this or adjoining states.

§ 52-13. Installation, operation, and maintenance of system; personnel.

The Superintendent of State Police is authorized to install, operate, and maintain the ~~basic~~ *communication* system and to employ the necessary personnel for its installation, operation, and maintenance. The persons so employed may be members of the State Police, or other ~~State~~ *state* employees, particularly qualified for the duty they are to perform.

§ 52-14. Availability of system.

The ~~basic~~ *communication* system ~~herein~~ provided for *in this chapter* may be made available for use by any department or division of the ~~State~~ *state* government and by any county, city, town, railroad, or other special police department lawfully maintained by any corporation in ~~this~~ *the* Commonwealth as well as agencies of the federal government, subject to the following terms and conditions:

1. Application for permission to connect with the ~~basic~~ *communication* system shall be made to the Superintendent of State Police on forms to be provided by him;

2. Such application may be approved by the Superintendent if, as, and when in his discretion such connection is requisite and necessary for the best interests of the entire system;

3. Upon approval of such application and before the applicant shall be connected with the ~~basic~~ *communication* system, such applicant must agree to assume and pay all rentals for sending and receiving stations, or receiving stations only, as may be authorized by the Superintendent for installation within the jurisdiction of the applicant, and any and all costs of installation and operation of such stations; *and*

4. a. The Commonwealth shall pay all rental for necessary wire or circuit mileage required to connect such stations operated by criminal justice agencies of the Commonwealth and its political subdivisions, or the Federal Bureau of Investigation, with the ~~basic~~ *communication* system; *and*

b. All other agencies shall agree, as a condition of connection or continued service, to assume and pay all rental for necessary wire or circuit mileage required to connect such stations with the ~~basic~~ *communication* system.

§ 52-15. Control of system; orders, rules, or regulations.

~~Such~~ ~~basic~~ *The communication* system shall remain at all times under the *physical and operational* control of the Superintendent of State Police, and such control may be exercised by him through such member of ~~his department~~ *the Department of State Police* as he shall designate for such purpose.

The Superintendent may make and issue such orders, rules, or regulations for the use of the system as ~~in his discretion~~ are necessary for efficient operation.

§ 52-16. Governor may establish and maintain joint communication system to aid police.

The Governor may ~~in his discretion~~ establish, purchase, lease, or otherwise acquire all necessary property, real and personal, for ~~such~~ *the purpose of establishing and maintaining a joint state and local police communication system*; and cause to be constructed, equipped, maintained, and operated, at such place or places as he may determine, a ~~radio or teletype~~ *communication* system ~~or any combination of the two~~ for transmitting and receiving messages *and data*, in connection with the work of the police departments of, and officers exercising police powers in, the cities, towns, and counties of ~~Virginia~~ *the Commonwealth* and the work of the police officers of the Department of State Police, relating to the detection of crime ~~and~~, the apprehension of criminals, *emergency management and response, information relating to criminal activity*, and other necessary police activities.

§ 52-17. Contracts with counties, cities, and towns.

In order to make the *communication* system effective and of greatest benefit to the people of the Commonwealth, the Governor may ~~in his discretion~~ enter into negotiations with and make contracts and agreements with the ~~cities~~, counties, *cities*, and towns of the Commonwealth whereby portions of the cost of establishing, purchasing, constructing, maintaining, and operating such system will be borne by such localities.

In making agreements with the several localities, due consideration shall be given to the population thereof and to any expense incurred, or which may be incurred, by such localities in purchasing, constructing, maintaining, and operating local systems for similar purposes.

§ 52-18. Districts.

The Governor may ~~in his discretion~~ divide the Commonwealth into two or more ~~radio or teletype~~ *communication* system districts ~~or combination of the two~~, and, in the event of the proper proportionate monetary cooperation upon the part of localities within any one or more of such districts, may arrange for the establishment, purchase, installation, maintenance, and operation of such ~~radio or teletype~~ *communication* system equipment ~~or both~~ within such district or districts.

§ 52-19. Rules and regulations.

The Governor may ~~cause to be made and issued~~ *such* ~~make and issue~~ reasonable rules and regulations as he may deem necessary for the proper use of such *communication* system.

§ 52-20. Arrests without warrants in certain cases.

A. For the purposes of this section, "electronic communication" means the use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information.

B. Members of the State Police force of the Commonwealth, provided such officers are in uniform; or displaying a badge of office, may, at the scene of any motor vehicle accident; or in the apprehension of any person charged with the theft of any motor vehicle; on any of the highways of the Commonwealth, upon reasonable grounds to believe, based upon personal investigation, including information obtained from eyewitnesses, that a crime has been committed by any person then and there present; apprehend such person without a warrant of arrest; ~~and such.~~ *Such* officers may arrest; without a warrant; persons duly charged with crime in another jurisdiction upon receipt of a ~~telegram, a radio or teletype message, in which telegram, radio or teletype message shall be given~~ an electronic communication containing the name or a reasonably accurate description of such person wanted; *and* the crime alleged ~~and an allegation that such person is likely to flee the jurisdiction of the Commonwealth.~~

CHAPTER 50

An Act to amend and reenact § 46.2-1121 of the Code of Virginia, relating to projecting vehicle loads; flagging.

[H 67]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1121 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1121. Flag or light at end of load.

A. Whenever the load on any vehicle *other than a commercial motor vehicle* extends more than four feet beyond the rear of the bed or body thereof, there shall be displayed at the end of the load, in such a position as to be clearly visible at all times from the rear of the load, a red flag, not less than ~~twelve~~ 12 inches, both in length and width.

B. Any commercial motor vehicle transporting a load that extends beyond the sides of the vehicle by more than four inches or more than four feet beyond the rear of the vehicle shall have the extremities of the load marked with a red or orange fluorescent warning flag. Any such warning flag shall be at least 18 inches, both in length and width. If the projecting load is two feet wide or less, there shall be at least one flag at the extreme rear. If the projecting load is wider than two feet, there shall be at least two warning flags at the extreme rear. Any such flag shall be located to indicate the maximum widths of any load that extends beyond the sides or rear of the commercial motor vehicle.

~~Between~~ *C.* On any vehicle subject to the provisions of subsection A or B, between sunset and sunrise, ~~however,~~ there shall be displayed at the end of the load a red light plainly visible in clear weather at least 500 feet to the sides and rear of the vehicle.

2. That the provisions of this act shall become effective on July 1, 2023.

CHAPTER 51

An Act to amend and reenact §§ 46.2-665, 46.2-666, 46.2-670, 46.2-672, and 46.2-673 of the Code of Virginia and to amend the Code of Virginia by adding in Article 6 of Chapter 6 of Title 46.2 a section numbered 46.2-684.2, relating to Department of Motor Vehicles; permanent farm use placard.

[S 186]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-665, 46.2-666, 46.2-670, 46.2-672, and 46.2-673 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 6 of Chapter 6 of Title 46.2 a section numbered 46.2-684.2 as follows:

§ 46.2-665. Vehicles used for agricultural or horticultural purposes.

A. No person shall be required to obtain the registration certificate, license plates, or decals for or pay a registration fee for any motor vehicle, trailer, or semitrailer used exclusively for agricultural or horticultural purposes on lands owned or leased by the vehicle's owner.

B. This exemption shall only apply to (i) pickup or panel trucks, (ii) sport utility vehicles, (iii) vehicles having a gross vehicle weight rating greater than 7,500 pounds, and (iv) trailers and semitrailers that are not operated on or over any public highway in the Commonwealth for any purpose other than:

1. Crossing a highway;
2. Operating along a highway for a distance of no more than 75 miles from one part of the owner's land to another, irrespective of whether the tracts adjoin;
3. Taking the vehicle or attached fixtures to and from a repair shop for repairs;
4. Taking another vehicle exempt from registration under any provision of §§ 46.2-664 through 46.2-668 or 46.2-672, or any part or subcomponent of such a vehicle, to or from a repair shop for repairs, including return trips;
5. Operating along a highway to and from a refuse disposal facility for the purpose of disposing of trash and garbage generated on a farm;

6. Operating along a highway for a distance of no more than 75 miles for the purpose of obtaining supplies for agricultural or horticultural purposes, seeds, fertilizers, chemicals, or animal feed and returning; or

7. Transporting the vehicle's owner between his residence and the lands being used for agricultural or horticultural purposes.

~~C. Any law enforcement officer may require any person operating~~ *The owner or lessee of a vehicle, trailer, or semitrailer and claiming the exemption provided pursuant to this section to provide, upon request, the address of the lands owned or leased by the vehicle's owner for agricultural or horticultural purposes and the address of the residence address of the vehicle's owner. If such address is unavailable or unknown, the law enforcement officer may require such person to provide the real property parcel identification number of such lands shall be required to obtain a permanent farm use placard pursuant to § 46.2-684.2.*

§ 46.2-666. Vehicles used for seasonal transportation of farm produce and livestock.

No person shall be required to obtain the registration certificate, license plates, or decals for or pay a registration fee prescribed for any motor vehicle, trailer, or semitrailer owned by the owner or lessee of a farm and used by him on a seasonal basis in transporting farm produce and livestock along public highways for a distance of no more than 75 miles including the distance to the nearest storage house, packing plant, or market. The provisions of this section shall only apply to (i) pickup or panel trucks, (ii) sport utility vehicles, (iii) vehicles having a gross vehicle weight rating greater than 7,500 pounds, and (iv) trailers and semitrailers. ~~Any law enforcement officer may require any person operating~~ *The owner or lessee of a vehicle, trailer, or semitrailer and claiming the exemption provided pursuant to this section to provide, upon request, the address of the farm owned or leased by the vehicle's owner. If such address is unavailable or unknown, the law enforcement officer may require such person to provide the real property parcel identification number of such lands shall be required to obtain a permanent farm use placard pursuant to § 46.2-684.2.*

§ 46.2-670. Vehicles owned by farmers and used to transport certain wood products.

No person shall be required to obtain the registration certificate, license plates, or decals for or pay a registration fee for any motor vehicle, trailer, or semitrailer owned by a farm owner when the vehicle is operated or moved along a highway for no more than 75 miles between a sawmill or sawmill site and his farm to transport sawdust, wood shavings, slab wood, and other wood wastes. The provisions of this section shall only apply to (i) pickup or panel trucks, (ii) sport utility vehicles, (iii) vehicles having a gross vehicle weight rating greater than 7,500 pounds, and (iv) trailers and semitrailers. ~~Any law enforcement officer may require any person operating~~ *The owner or lessee of a vehicle, trailer, or semitrailer and claiming the exemption provided pursuant to this section to provide, upon request, the address of the farm owned by the vehicle's owner. If such address is unavailable or unknown, the law enforcement officer may require such person to provide the real property parcel identification number of such lands shall be required to obtain a permanent farm use placard pursuant to § 46.2-684.2.*

§ 46.2-672. Certain vehicles transporting fertilizer, cotton, or peanuts.

No person shall be required to obtain the registration certificate, license plates, or decals for or pay a registration fee for any motor vehicle or trailer, semitrailer, or fertilizer spreader drawn by a farm tractor used by a farmer, his tenant, agent or employee or a cotton ginner, peanut buyer, or fertilizer distributor to transport unginning cotton, peanuts, or fertilizer owned by the farmer, cotton ginner, peanut buyer, or fertilizer distributor from one farm to another, from farm to gin, from farm to dryer, from farm to market, or from fertilizer distributor to farm and on return to the distributor. *The owner or lessee of a vehicle, trailer, or semitrailer claiming the exemption provided pursuant to this section shall be required to obtain a permanent farm use placard pursuant to § 46.2-684.2.*

The provisions of this section shall not apply to vehicles operated on a for-hire basis.

§ 46.2-673. Return trips of exempted farm vehicles.

No person shall be required to obtain the registration certificate, license plates, or decals for or pay a registration fee for any farm vehicle exempted from registration under the provisions of this article when that vehicle is:

1. Making a return trip from any marketplace;
2. Transporting back to a farm ordinary and essential food and other products for home and farm use; or
3. Transporting supplies to the farm.

The owner or lessee of a vehicle, trailer, or semitrailer claiming the exemption provided pursuant to this section shall be required to obtain a permanent farm use placard pursuant to § 46.2-684.2.

§ 46.2-684.2. Permanent farm use placards.

A. For the purposes of this section, "farm use placard" means a device containing letters, numerals, or a combination of both attached to a vehicle that is used for one of the exempt purposes set forth in § 46.2-665, 46.2-666, 46.2-670, 46.2-672, or 46.2-673.

B. An owner or lessee of a farm vehicle claiming an exemption for a farm vehicle provided pursuant to § 46.2-665, 46.2-666, 46.2-670, 46.2-672, or 46.2-673 shall obtain a farm use placard from the Department and display such placard on the vehicle at all times. Such farm use placard shall be permanent and valid for so long as the owner or lessee uses the vehicle for an exempt purpose and shall not require renewal.

C. Application for a permanent farm use placard shall be made on a form provided by the Department and shall include:

1. The name of the owner or lessee of the vehicle for which the exemption is claimed;
2. The location and acreage of each farm on which the vehicle is to be used;

3. *The type of agricultural commodities, poultry, dairy products, or livestock produced on such farms and the approximate amounts produced annually;*

4. *A statement, signed by the owner or lessee, that the vehicle shall only be used for one or more of the exempt purposes set forth in § 46.2-665, 46.2-666, 46.2-670, 46.2-672, or 46.2-673; and*

5. *A statement, signed by the owner or lessee, that the vehicle is an insured motor vehicle as defined in § 46.2-705 or is insured by a policy authorized pursuant to § 46.2-684.1.*

D. The Department may charge a fee of \$15 for a farm use placard. All fees collected by the Commissioner pursuant to this section shall be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

E. Farm use placards are nontransferable.

F. An owner or lessee of a farm use vehicle shall return the farm use placard to the Department within 30 days of the vehicle ceasing to be used for one or more of the exempt purposes set forth in § 46.2-665, 46.2-666, 46.2-670, 46.2-672, or 46.2-673.

2. That the provisions of this act requiring the owner or lessee of a farm vehicle claiming an exemption for a farm vehicle provided pursuant to § 46.2-665, 46.2-666, 46.2-670, 46.2-672, or 46.2-673 of the Code of Virginia, as amended by this act, to obtain a farm use placard from the Department of Motor Vehicles and to display such placard on the vehicle at all times shall become effective on July 1, 2023.

CHAPTER 52

An Act to amend and reenact §§ 46.2-665, 46.2-666, 46.2-670, 46.2-672, and 46.2-673 of the Code of Virginia and to amend the Code of Virginia by adding in Article 6 of Chapter 6 of Title 46.2 a section numbered 46.2-684.2, relating to Department of Motor Vehicles; permanent farm use placard.

[H 179]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-665, 46.2-666, 46.2-670, 46.2-672, and 46.2-673 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 6 of Chapter 6 of Title 46.2 a section numbered 46.2-684.2 as follows:

§ 46.2-665. Vehicles used for agricultural or horticultural purposes.

A. No person shall be required to obtain the registration certificate, license plates, or decals for or pay a registration fee for any motor vehicle, trailer, or semitrailer used exclusively for agricultural or horticultural purposes on lands owned or leased by the vehicle's owner.

B. This exemption shall only apply to (i) pickup or panel trucks, (ii) sport utility vehicles, (iii) vehicles having a gross vehicle weight rating greater than 7,500 pounds, and (iv) trailers and semitrailers that are not operated on or over any public highway in the Commonwealth for any purpose other than:

1. Crossing a highway;
2. Operating along a highway for a distance of no more than 75 miles from one part of the owner's land to another, irrespective of whether the tracts adjoin;
3. Taking the vehicle or attached fixtures to and from a repair shop for repairs;
4. Taking another vehicle exempt from registration under any provision of §§ 46.2-664 through 46.2-668 or 46.2-672, or any part or subcomponent of such a vehicle, to or from a repair shop for repairs, including return trips;
5. Operating along a highway to and from a refuse disposal facility for the purpose of disposing of trash and garbage generated on a farm;
6. Operating along a highway for a distance of no more than 75 miles for the purpose of obtaining supplies for agricultural or horticultural purposes, seeds, fertilizers, chemicals, or animal feed and returning; or
7. Transporting the vehicle's owner between his residence and the lands being used for agricultural or horticultural purposes.

~~C. Any law enforcement officer may require any person operating~~ *The owner or lessee of a vehicle, trailer, or semitrailer and claiming the exemption provided pursuant to this section to provide, upon request, the address of the lands owned or leased by the vehicle's owner for agricultural or horticultural purposes and the address of the residence address of the vehicle's owner. If such address is unavailable or unknown, the law enforcement officer may require such person to provide the real property parcel identification number of such lands shall be required to obtain a permanent farm use placard pursuant to § 46.2-684.2.*

§ 46.2-666. Vehicles used for seasonal transportation of farm produce and livestock.

No person shall be required to obtain the registration certificate, license plates, or decals for or pay a registration fee prescribed for any motor vehicle, trailer, or semitrailer owned by the owner or lessee of a farm and used by him on a seasonal basis in transporting farm produce and livestock along public highways for a distance of no more than 75 miles including the distance to the nearest storage house, packing plant, or market. The provisions of this section shall only apply to (i) pickup or panel trucks, (ii) sport utility vehicles, (iii) vehicles having a gross vehicle weight rating greater than

7,500 pounds, and (iv) trailers and semitrailers. ~~Any law enforcement officer may require any person operating~~ *The owner or lessee of a vehicle, trailer, or semitrailer and claiming the exemption provided pursuant to this section to provide, upon request, the address of the farm owned or leased by the vehicle's owner. If such address is unavailable or unknown, the law enforcement officer may require such person to provide the real property parcel identification number of such lands shall be required to obtain a permanent farm use placard pursuant to § 46.2-684.2.*

§ 46.2-670. Vehicles owned by farmers and used to transport certain wood products.

No person shall be required to obtain the registration certificate, license plates, or decals for or pay a registration fee for any motor vehicle, trailer, or semitrailer owned by a farm owner when the vehicle is operated or moved along a highway for no more than 75 miles between a sawmill or sawmill site and his farm to transport sawdust, wood shavings, slab wood, and other wood wastes. The provisions of this section shall only apply to (i) pickup or panel trucks, (ii) sport utility vehicles, (iii) vehicles having a gross vehicle weight rating greater than 7,500 pounds, and (iv) trailers and semitrailers. ~~Any law enforcement officer may require any person operating~~ *The owner or lessee of a vehicle, trailer, or semitrailer and claiming the exemption provided pursuant to this section to provide, upon request, the address of the farm owned by the vehicle's owner. If such address is unavailable or unknown, the law enforcement officer may require such person to provide the real property parcel identification number of such lands shall be required to obtain a permanent farm use placard pursuant to § 46.2-684.2.*

§ 46.2-672. Certain vehicles transporting fertilizer, cotton, or peanuts.

No person shall be required to obtain the registration certificate, license plates, or decals for or pay a registration fee for any motor vehicle or trailer, semitrailer, or fertilizer spreader drawn by a farm tractor used by a farmer, his tenant, agent or employee or a cotton ginner, peanut buyer, or fertilizer distributor to transport unginning cotton, peanuts, or fertilizer owned by the farmer, cotton ginner, peanut buyer, or fertilizer distributor from one farm to another, from farm to gin, from farm to dryer, from farm to market, or from fertilizer distributor to farm and on return to the distributor. *The owner or lessee of a vehicle, trailer, or semitrailer claiming the exemption provided pursuant to this section shall be required to obtain a permanent farm use placard pursuant to § 46.2-684.2.*

The provisions of this section shall not apply to vehicles operated on a for-hire basis.

§ 46.2-673. Return trips of exempted farm vehicles.

No person shall be required to obtain the registration certificate, license plates, or decals for or pay a registration fee for any farm vehicle exempted from registration under the provisions of this article when that vehicle is:

1. Making a return trip from any marketplace;
2. Transporting back to a farm ordinary and essential food and other products for home and farm use; or
3. Transporting supplies to the farm.

The owner or lessee of a vehicle, trailer, or semitrailer claiming the exemption provided pursuant to this section shall be required to obtain a permanent farm use placard pursuant to § 46.2-684.2.

§ 46.2-684.2. Permanent farm use placards.

A. *For the purposes of this section, "farm use placard" means a device containing letters, numerals, or a combination of both attached to a vehicle that is used for one of the exempt purposes set forth in § 46.2-665, 46.2-666, 46.2-670, 46.2-672, or 46.2-673.*

B. *An owner or lessee of a farm vehicle claiming an exemption for a farm vehicle provided pursuant to § 46.2-665, 46.2-666, 46.2-670, 46.2-672, or 46.2-673 shall obtain a farm use placard from the Department and display such placard on the vehicle at all times. Such farm use placard shall be permanent and valid for so long as the owner or lessee uses the vehicle for an exempt purpose and shall not require renewal.*

C. *Application for a permanent farm use placard shall be made on a form provided by the Department and shall include:*

1. *The name of the owner or lessee of the vehicle for which the exemption is claimed;*
2. *The location and acreage of each farm on which the vehicle is to be used;*
3. *The type of agricultural commodities, poultry, dairy products, or livestock produced on such farms and the approximate amounts produced annually;*
4. *A statement, signed by the owner or lessee, that the vehicle shall only be used for one or more of the exempt purposes set forth in § 46.2-665, 46.2-666, 46.2-670, 46.2-672, or 46.2-673; and*
5. *A statement, signed by the owner or lessee, that the vehicle is an insured motor vehicle as defined in § 46.2-705 or is insured by a policy authorized pursuant to § 46.2-684.1.*

D. *The Department may charge a fee of \$15 for a farm use placard. All fees collected by the Commissioner pursuant to this section shall be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.*

E. *Farm use placards are nontransferable.*

F. *An owner or lessee of a farm use vehicle shall return the farm use placard to the Department within 30 days of the vehicle ceasing to be used for one or more of the exempt purposes set forth in § 46.2-665, 46.2-666, 46.2-670, 46.2-672, or 46.2-673.*

2. That the provisions of this act requiring the owner or lessee of a farm vehicle claiming an exemption for a farm vehicle provided pursuant to § 46.2-665, 46.2-666, 46.2-670, 46.2-672, or 46.2-673 of the Code of Virginia, as

amended by this act, to obtain a farm use placard from the Department of Motor Vehicles and to display such placard on the vehicle at all times shall become effective on July 1, 2023.

CHAPTER 53

An Act to designate Shifty Lane in the Town of Clinchco the "Staff Sergeant Darrell "Shifty" Powers Memorial Highway."

[H 667]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *Shifty Lane in the Town of Clinchco is hereby designated the "Staff Sergeant Darrell "Shifty" Powers Memorial Highway." The Department of Transportation shall place and maintain appropriate markers indicating the designation of this highway. This designation shall not affect any other designation heretofore or hereafter applied to this highway or any portions thereof.*

CHAPTER 54

An Act to amend and reenact § 46.2-749.4 of the Code of Virginia, relating to special license plates; localities.

[H 703]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-749.4 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-749.4. Special license plates bearing the seal, symbol, emblem, or logotype of counties, cities, and towns.

A. On receipt of a minimum of 350 paid applications and a design therefor, the Commissioner may develop and issue special license plates whose design incorporates the seal, symbol, emblem, or logotype of any county, city, or town. *However, in lieu of the minimum paid applications, a locality may elect to pay the initial issuance fee costs to the Commissioner and the Commissioner may develop and issue such special license plates immediately.* If all affected localities agree as to its design, the Commissioner may develop and issue special license plates jointly for more than one locality. Each local governing body of the counties, cities, or towns involved in the design of the license plates shall agree as to the issuance fee, and shall indicate to the Commissioner in writing, whether the license plates issued shall be revenue sharing or nonrevenue sharing license plates.

B. The annual fee for plates issued pursuant to this section that are nonrevenue sharing license plates shall be \$10 plus the prescribed fee for state license plates.

C. The annual fee for plates issued pursuant to this section that are revenue sharing license plates shall be \$25 plus the prescribed fee for state license plates. For each such \$25 fee collected in excess of 1,000 registrations pursuant to this section, \$15 shall be paid to the locality whose seal, symbol, emblem, or logotype appears on the plate. These funds shall be paid to the affected localities annually and may be used as provided by the local governing body. For license plates issued jointly for more than one locality, these funds shall be apportioned among the affected localities as agreed to with the Commissioner prior to issue.

The provisions of subdivision B 1 of § 46.2-725 shall not apply to license plates issued under this section.

CHAPTER 55

An Act to amend and reenact § 46.2-336 of the Code of Virginia, relating to issuance of original driver's licenses to minors.

[H 1050]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-336 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-336. Manner of issuing original driver's licenses to minors.

~~The~~ A. *Except as provided in subsection B, the Department shall forward all original driver's licenses issued to persons under the age of 18 years to the judge of the juvenile and domestic relations court in the city or county in which the licensee resides. The judge or a substitute judge shall issue to each person to be licensed the license so forwarded, and shall, at the time of issuance, conduct a formal, appropriate ceremony, in which he shall illustrate to the licensee the responsibility attendant on the privilege of driving a motor vehicle. The attorney for the Commonwealth who serves the jurisdiction in which the ceremony is to be conducted may request in writing in advance of such ceremony an opportunity to participate in the ceremony. Any judge who presides over such ceremony shall, upon request, afford the attorney for the Commonwealth the opportunity to participate in such ceremony and to address the prospective licensees and the persons enumerated below who may be accompanying the prospective licensees as to matters of enforcement, prosecutions, applicable punishments, and the responsibility of drivers generally. If the licensee is under the age of 18 years at the time his ceremony is held, he*

shall be accompanied at the ceremony by a parent, his guardian, spouse, or other person in loco parentis. However, the judge, for good cause shown, may mail or otherwise deliver the driver's license to any person who is a student at any educational institution outside of the Commonwealth of Virginia at the time such license is received by the judge as prescribed in this section.

B. The chief juvenile and domestic relations district court judge may waive the ceremonial requirements of subsection A for each juvenile and domestic relations district court within the district or order that each juvenile and domestic relations district court within the district conduct such ceremony in an alternative manner. In courts where the ceremony has been waived, the Department shall mail or otherwise deliver the driver's licenses directly to licensees.

C. The provisions of this section shall not apply to the issuance of Virginia driver's licenses to persons who hold valid driver's licenses issued by other states.

CHAPTER 56

An Act to designate a portion of U.S. Route 220 the "Norvel LaFayette Ray Lee Memorial Highway."

[H 1363]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the portion of U.S. Route 220 in Botetourt County between State Route 43 (Narrow Passage Road) and the boundary line between Botetourt and Alleghany Counties is hereby designated the "Norvel LaFayette Ray Lee Memorial Highway." The Department of Transportation shall place and maintain appropriate markers indicating the designation of this highway. This designation shall not affect any other designation heretofore or hereafter applied to this highway or any portions thereof.*

CHAPTER 57

An Act to amend and reenact § 22.1-279.8 of the Code of Virginia, relating to annual public elementary and secondary school safety audits; creation or review of school building floor plans required.

[H 741]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-279.8 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-279.8. School safety audits and school crisis, emergency management, and medical emergency response plans required.

A. For the purposes of this section, unless the context requires otherwise:

"School crisis, emergency management, and medical emergency response plan" means the essential procedures, operations, and assignments required to prevent, manage, and respond to a critical event or emergency, including natural disasters involving fire, flood, tornadoes, or other severe weather; loss or disruption of power, water, communications or shelter; bus or other accidents; medical emergencies, including cardiac arrest and other life-threatening medical emergencies; student or staff member deaths; explosions; bomb threats; gun, knife or other weapons threats; spills or exposures to hazardous substances; the presence of unauthorized persons or trespassers; the loss, disappearance or kidnapping of a student; hostage situations; violence on school property or at school activities; incidents involving acts of terrorism; and other incidents posing a serious threat of harm to students, personnel, or facilities. The plan shall include a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § 19.2-11.01. The Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be the lead coordinating agencies for those individuals determined to be victims, and the plan shall also contain current contact information for both agencies.

"School safety audit" means a written assessment of the safety conditions in each public school to (i) identify and, if necessary, develop solutions for physical safety concerns, including building security issues and (ii) identify and evaluate any patterns of student safety concerns occurring on school property or at school-sponsored events. Solutions and responses shall include recommendations for structural adjustments, changes in school safety procedures, and revisions to the school board's standards for student conduct.

B. The Virginia Center for School and Campus Safety, in consultation with the Department of Education, shall develop a list of items to be reviewed and evaluated in the school safety audits required by this section. Such items shall include those incidents reported to school authorities pursuant to § 22.1-279.3:1 and shall include a school inspection walk-through using a standardized checklist provided by the Virginia Center for School and Campus Safety, which shall incorporate crime prevention through environmental design principles.

The Virginia Center for School and Campus Safety shall prescribe a standardized report format for school safety audits, additional reporting criteria, and procedures for report submission, which may include instructions for electronic submission.

Each local school board shall require all schools under its supervisory control to annually conduct school safety audits as defined in this section and consistent with such list. *As part of each such audit, the school board shall create a detailed and accurate floor plan for each public school building in the local school division or shall certify that the existing floor plan for each such school is sufficiently detailed and accurate.*

The results of such school safety audits shall be made public within 90 days of completion. The local school board shall retain authority to withhold or limit the release of any security plans, walk-through checklists, *floor plans*, and specific vulnerability assessment components as provided in subdivision 4 of § 2.2-3705.2. The completed walk-through checklist shall be made available upon request to the chief law-enforcement officer of the locality or his designee. Each school shall maintain a copy of the school safety audit, which may exclude such security plans, walk-through checklists, and vulnerability assessment components, within the office of the school principal and shall make a copy of such report available for review upon written request.

Each school shall submit a copy of its school safety audit to the relevant school division superintendent. The division superintendent shall collate and submit all such school safety audits, in the prescribed format and manner of submission, to the Virginia Center for School and Campus Safety and shall make available upon request to the chief law-enforcement officer of the locality the results of such audits.

C. The division superintendent shall establish a school safety audit committee to include, if available, representatives of parents, teachers, local law-enforcement, emergency services agencies, local community services boards, and judicial and public safety personnel. The school safety audit committee shall review the completed school safety audits and submit any plans, as needed, for improving school safety to the division superintendent for submission to the local school board.

D. Each school board shall ensure that every school that it supervises shall develop a written school crisis, emergency management, and medical emergency response plan, consistent with the definition provided in this section, and shall include the chief law-enforcement officer, the fire chief, the chief of the emergency medical services agency, the executive director of the relevant regional emergency medical services council, and the emergency management official of the locality, or their designees, in the development of such plans. Each school division shall designate an emergency manager. The Department of Education and the Virginia Center for School and Campus Safety shall provide technical assistance to the school divisions of the Commonwealth in the development of the school crisis, emergency management, and medical emergency response plans that describe the components of a medical emergency response plan developed in coordination with local emergency medical services providers, the training of school personnel and students to respond to a life-threatening emergency, and the equipment required for this emergency response. The local school board, the chief law-enforcement officer, the fire chief, the chief of the emergency medical services agency, the executive director of the relevant regional emergency medical services council, and the emergency management official of the locality, or their designees, shall annually review the written school crisis, emergency management, and medical emergency response plans. The local school board shall have the authority to withhold or limit the review of any security plans and specific vulnerability assessment components as provided in subdivision 4 of § 2.2-3705.2. The local school division superintendent shall certify this review in writing to the Virginia Center for School and Campus Safety no later than August 31 of each year.

Upon consultation with local school boards, division superintendents, the Virginia Center for School and Campus Safety, and the Coordinator of Emergency Management, the Board of Education shall develop, and may revise as it deems necessary, a model school crisis, emergency management, and medical emergency response plan for the purpose of assisting the public schools in Virginia in developing viable, effective crisis, emergency management, and medical emergency response plans. Such model shall set forth recommended effective procedures and means by which parents can contact the relevant school or school division regarding the location and safety of their school children and by which school officials may contact parents, with parental approval, during a critical event or emergency.

E. Each school board shall ensure that every public school it supervises employs at least one school administrator who has completed, either in-person or online, school safety training for public school personnel conducted by the Virginia Center for School and Campus Safety in accordance with subdivision A 1 of § 9.1-184. However, such requirement shall not apply if such required training is not available online.

CHAPTER 58

An Act to amend the Code of Virginia by adding a section numbered 22.1-207.7, relating to school attendance; 4-H educational programs and activities.

[H 246]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

- 1. That the Code of Virginia is amended by adding a section numbered 22.1-207.7 as follows:**
§ 22.1-207.7. 4-H educational programs and activities; attendance.

A. No student who misses a partial or full day of school while participating in a 4-H educational program or activity shall be counted as absent for the purposes of calculating average daily membership and each such student shall receive course credit in the same manner as he would for a school field trip, provided that:

- 1. Each local school board shall develop policies and procedures for such students to make up missed work;*
- 2. Each local school board may determine the maximum number of school days per academic year that a student may spend participating in 4-H educational programs or activities to not be counted absent; and*
- 3. No school shall provide course credit to a student pursuant this section if the student's participation in a 4-H educational program or activity occurs during scheduled Standards of Learning assessments or during any period of time that the student is suspended or expelled from school.*

B. Upon request from a school principal or an assistant principal, an agent or representative from 4-H shall provide documentation as proof of a student's participation in an activity or program sponsored by 4-H.

CHAPTER 59

An Act to amend the Code of Virginia by adding a section numbered 22.1-207.7, relating to school attendance; 4-H educational programs and activities.

[S 596]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-207.7 as follows:

§ 22.1-207.7. 4-H educational programs and activities; attendance.

A. No student who misses a partial or full day of school while participating in a 4-H educational program or activity shall be counted as absent for the purposes of calculating average daily membership and each such student shall receive course credit in the same manner as he would for a school field trip, provided that:

- 1. Each local school board shall develop policies and procedures for such students to make up missed work;*
- 2. Each local school board may determine the maximum number of school days per academic year that a student may spend participating in 4-H educational programs or activities to not be counted absent; and*
- 3. No school shall provide course credit to a student pursuant this section if the student's participation in a 4-H educational program or activity occurs during scheduled Standards of Learning assessments or during any period of time that the student is suspended or expelled from school.*

B. Upon request from a school principal or an assistant principal, an agent or representative from 4-H shall provide documentation as proof of a student's participation in an activity or program sponsored by 4-H.

CHAPTER 60

An Act to amend and reenact §§ 46.2-341.14:1 and 46.2-341.14:9 of the Code of Virginia, relating to commercial driver's license examinations.

[H 1146]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-341.14:1 and 46.2-341.14:9 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-341.14:1. Requirements for third party testers.

A. Pursuant to § 46.2-341.14, third party testers will be authorized to issue skills test certificates, which will be accepted by the Department as evidence of satisfaction of the skills test component of the commercial driver's license examination. Authority to issue skills test certificates will be granted only to third party testers certified by the Department.

B. To qualify for certification, a third party tester shall:

- 1. Make application to and enter into an agreement with the Department as provided in § 46.2-341.14:3;*
- 2. Maintain a place of business in the Commonwealth;*
- 3. Have at least one certified third party examiner in his employ;*
- 4. Ensure that all third party examiners in his employ are certified and comply with the requirements of §§ 46.2-341.14:2 and 46.2-341.14:7;*

5. Permit the Department and the FMCSA of the U.S. Department of Transportation to conduct random examinations, inspections, and audits of its records, facilities, and operations that relate to the third party testing program without prior notice;

6. Maintain at the principal place of business a copy of the state certificate authorizing the third party tester to administer a commercial driver's license testing program and current third party agreement;

7. Maintain at a location in the Commonwealth, for a minimum of two years after a skills test is conducted, a record of each driver for whom the third party tester conducts a skills test, whether the driver passes or fails the test. Each such record shall include:

- a. The complete name of the driver;
 - b. The driver's social security number or other driver's license number and the name of the state or jurisdiction that issued the license held by the driver at the time of the test;
 - c. The date the driver took the skills test;
 - d. The test score sheet or sheets showing the results of the skills test and a copy of the skills test certificate, if issued;
 - e. The name and certification number of the third party examiner conducting the skills test; and
 - f. Evidence of ~~(i)~~ the driver's employment with the third party tester at the time the test was taken, ~~or if unless~~ the third party tester is a ~~school board~~ governmental entity, including a comprehensive community college in the Virginia Community College System, that tests drivers who are trained but not employed by the school board, that governmental entity, or a Class A driver training school certified as a third party tester pursuant to § 46.2-326. If the third party tester is a governmental entity that tests drivers who are not employed by that governmental entity, the third party tester shall maintain evidence that ~~(a)~~ the driver was employed by a school board at the time of the test and ~~(b)~~ the third party tester trained the driver in accordance with the Virginia School Bus Driver Training Curriculum Guide, or ~~(ii)~~ the student's enrollment governmental entity or enrolled in a commercial driver training course offered by a community college or Class A driver training school at the time the test was taken. If the testing entity is a Class A driver training school certified as a third party tester pursuant to § 46.2-326.1, the third party tester shall maintain evidence that the driver was a student enrolled in that Class A driver training school at the time the test was taken. If the driver was trained or employed by a school board, the third party tester shall maintain evidence that the driver was trained in accordance with the Virginia School Bus Driver Training Curriculum Guide;
8. Maintain at a location in the Commonwealth a record of each third party examiner in the employ of the third party tester. Each record shall include:
- a. Name and social security number;
 - b. Evidence of the third party examiner's certification by the Department;
 - c. A copy of the third party examiner's current training and driving record, which must be updated annually;
 - d. Evidence that the third party examiner is an employee of the third party tester; and
 - e. If the third party tester is a school board, a copy of the third party examiner's certification of instruction issued by the Department of Education;
9. Retain the records required in subdivision 8 for at least two years after the third party examiner leaves the employ of the third party tester;
10. Ensure that skills tests are conducted, and that skills test certificates are issued in accordance with the requirements of §§ 46.2-341.14:8 and 46.2-341.14:9 and the instructions provided by the Department;
11. Maintain compliance with all applicable provisions of this article and the third party tester agreement executed pursuant to § 46.2-341.14:3; and
12. Maintain a copy of the third party tester's road test route or routes approved by the Department.
- C. In addition to the requirements listed in subsection B, all third party testers who are not governmental entities, including a comprehensive community college in the Virginia Community College System, shall:
1. Be engaged in a business involving the use of commercial motor vehicles, which business has been in operation in the Commonwealth for a minimum of one year;
 2. For employers that are testing their own employees, employ at least 50 drivers of commercial motor vehicles licensed in the Commonwealth during the 12-month period preceding the application, including part-time and seasonal drivers. This requirement may be waived by the Department pursuant to § 46.2-341.14:10;
 3. If subject to the FMCSA regulations as a motor carrier and rated by the U.S. Department of Transportation, maintain a rating of "satisfactory";
 4. Comply with the Virginia Motor Carrier Safety Regulations; and
 5. Initiate and maintain a bond in the amount of \$5,000 to pay for retesting drivers in the event that the third party tester or one or more of its examiners are involved in fraudulent activities related to conducting knowledge or skills testing for applicants.
- D. (For effective date, see Acts 2019, c. 750, cl. 3, as amended by Acts 2020, c. 546) Certified third party testers are authorized to provide entry-level driver training to ~~individuals in their employ or applicants for employment~~ any individual to whom the third party tester would be permitted to administer a skills test pursuant to this article. If a certified third party tester elects to provide entry-level driver training, the third party tester shall (i) employ and utilize third party instructors, as defined in § 46.2-341.4, to provide all training and instruction to entry-level driver trainees; (ii) develop an entry-level driver training curriculum that complies with requirements prescribed by the Department and submit such curriculum to the Department for approval; (iii) upon notification by the Department that curriculum requirements have been updated, certify, in a format prescribed by the Department, that the third party tester has added the new topics to the course curriculum; and (iv) comply with the requirements provided in §§ 46.2-1708 through 46.2-1710. Notwithstanding the provisions of § 46.2-1708, no third party tester or third party instructor shall be required to be licensed by the Department. A certified third party tester may not provide entry-level driver training to driver trainees until such tester has been issued a unique training provider number and appears on the federal Training Provider Registry.

§ 46.2-341.14:9. The skills test certificate; validity of results.

A. The Department will accept a skills test certificate issued in accordance with this section as satisfaction of the skills test component of the commercial driver's license examination.

~~B. Skills test certificates may be issued only to drivers who are employees of the third party tester who issues the certificate, except as otherwise provided herein. In the case of school boards certified as third party testers, certificates may be issued to employees and to other drivers who have been trained by the school board in accordance with the Virginia School Bus Driver Training Curriculum Guide. For comprehensive community colleges in the Virginia Community College System that are certified as third party testers, certificates may be issued to students who are enrolled in a commercial driver training course offered by such community college at the time of the test.~~

~~C. Skills test certificates may be issued only to drivers who have passed the skills test conducted in accordance with this chapter and the instructions issued by the Department.~~

~~D. C. A skills test certificate will be accepted by the Department only if it is:~~

- ~~1. Issued by a third party tester certified by the Department in accordance with this article;~~
- ~~2. In a format prescribed by the Department, completed in its entirety, without alteration; and~~
- ~~3. Submitted to the Department within 60 days of the date of the skills test; and~~
- ~~4. Signed by the third party examiner who conducted the skills test.~~

~~D. The results of the skills test shall be valid for six months following the completion of the test.~~

CHAPTER 61

An Act to amend and reenact § 22.1-199.1 of the Code of Virginia, relating to public elementary and secondary education; at-risk add-on funds; Reading Recovery.

[H 418]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-199.1 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-199.1. Programs designed to promote educational opportunities.

A. The General Assembly finds that Virginia educational research supports the conclusion that poor children are more at risk of educational failure than children from more affluent homes and that reduced pupil/teacher ratios and class sizes result in improved academic performance among young children; to this end, the General Assembly establishes a long-term goal of reducing pupil/teacher ratios and class sizes for grades K through three in those schools in the Commonwealth with high or moderate concentrations of at-risk students.

With such funds as are provided in the appropriation act for this purpose, there is hereby established the statewide voluntary pupil/teacher ratio and class size reduction program for the purpose of reaching the long-term goal of statewide voluntary pupil/teacher ratio and class size reductions for grades K through three in schools with high or moderate concentrations of at-risk students, consistent with the provisions provided in the appropriation act.

In order to facilitate these primary grade ratio and class size reductions, the Department of Education shall calculate the state funding of these voluntary ratio and class size reductions based on the incremental cost of providing the lower class sizes according to the greater of the division average per-pupil cost of all divisions or the actual division per-pupil cost. Localities shall provide matching funds for these voluntary ratio and class size reductions based on the composite index of local ability to pay. School divisions shall notify the Department of Education of their intention to implement the reduced ratios and class sizes in one or more of their qualifying schools by August 1 of each year. By March 31 of each year, school divisions shall forward data substantiating that each participating school has a complying pupil/teacher ratio.

In developing each proposed biennium budget for public education, the Board of Education shall include funding for these ratios and class sizes. These ratios and class sizes shall be included in the annual budget for public education.

B. The General Assembly finds that educational technology is one of the most important components, along with highly skilled teachers, in ensuring the delivery of quality public school education throughout the Commonwealth. Therefore, the Board of Education shall strive to incorporate technological studies within the teaching of all disciplines. Further, the General Assembly notes that educational technology can only be successful if teachers and administrators are provided adequate training and assistance. To this end, the following program is established.

With such funds as are appropriated for this purpose, the Board of Education shall award to the several school divisions grants for expanded access to educational technology. Funding for educational technology training for instructional personnel shall be provided as set forth in the appropriation act.

Funds for improving the quality and capacity of educational technology shall also be provided as set forth in the appropriation act, including, but not limited to, (i) funds for providing a technology resource assistant to serve every elementary school in this Commonwealth beginning on July 1, 1998, and (ii) funds to maintain the currency of career and technical education programs. Any local school board accepting funds to hire technology resource assistants or maintain currency of career and technical education programs shall commit to providing the required matching funds, based on the composite index of local ability to pay.

Each qualifying school board shall establish an individualized technology plan, which shall be approved by the Superintendent of Public Instruction, for integrating technology into the classroom and into schoolwide instructional programs, including career and technical education programs. The grants shall be prioritized as follows:

1. In the 1994 biennium, the first priority for these funds shall be to automate the library media centers and provide network capabilities in Virginia's elementary, middle and high schools, or combination thereof, in order to ensure access to the statewide library and other information networks. If any elementary, middle or high school has already met this priority, the 1994 biennium grant shall be used to provide other educational technologies identified in the relevant division's approved technology plan, such as multimedia and telecomputing packages, integrated learning systems, laptop computer loan programs, career and technical education laboratories or other electronic techniques designed to enhance public education and to facilitate teacher training in and implementation of effective instructional technology. The Board shall also distribute, as provided in the appropriation act, funds to support the purchase of electronic reference materials for use in the statewide automated reference system.

2. In the 1996 biennium and thereafter, the first priority for funding shall be consistent with those components of the Board of Education's revised six-year technology plan which focus on (i) retrofitting and upgrading existing school buildings to efficiently use educational technology; (ii) providing (a) one network-ready multimedia microcomputer for each classroom, (b) a five-to-one ratio of pupils to network-ready microcomputers, (c) graphing calculators and relevant scientific probes/sensors as required by the Standards of Learning, and (d) training and professional development on available technologies and software to all levels and positions, including professional development for personnel delivering career and technical education at all levels and positions; and (iii) assisting school divisions in developing integrated voice-, video-, and data-connectivity to local, national and international resources.

This funding may be used to implement a local school division's long-range technology plan, at the discretion of the relevant school board, if the local plan meets or exceeds the goals and standards of the Board's revised six-year technology plan and has been approved by the Superintendent of Public Instruction.

3. The Departments of Education, Information Technology, and General Services shall coordinate master contracts for the purchase by local school boards of the aforementioned educational technologies and reference materials.

4. Beginning on July 1, 1998, a technology replacement program shall be, with such funds as may be appropriated for this purpose, implemented to replace obsolete educational hardware and software. As provided in subsection D of § 22.1-129, school boards may donate obsolete educational technology hardware and software which are being replaced. Any such donations shall be offered to other school divisions and to preschool programs in the Commonwealth, or to public school students as provided in guidelines to be promulgated by the Board of Education. Such guidelines shall include criteria for determining student eligibility and need; a reporting system for the compilation of information concerning the number and socioeconomic characteristics of recipient students; and notification of parents of the availability of such donations of obsolete educational hardware and software.

5. In fiscal year 2000, the Board of Education shall, with such funds as are appropriated for this purpose, contract for the development or purchase of interactive educational software and other instructional materials designed as tutorials to improve achievement on the Standards of Learning assessments. Such interactive educational software and other instructional materials may be used in media centers, computer laboratories, libraries, after-school or before-school programs or remedial programs by teachers and other instructional personnel or provided to parents and students to be used in the home. This interactive educational software and other instructional materials shall only be used as supplemental tools for instruction, remediation, and acceleration of the learning required by the K through 12 Standards of Learning objectives.

Consistent with school board policies designed to improve school-community communications and guidelines for providing instructional assistance in the home, each school division shall strive to establish a voice mail communication system after regular school hours for parents, families, and teachers by the year 2000.

C. The General Assembly finds that local autonomy in making decisions on local educational needs and priorities results in effective grass-roots efforts to improve education in the Commonwealth's public schools only when coupled with sufficient state funding; to this end, the following block grant program is hereby established. With such funds as are provided in the appropriation act, the Department of Education shall distribute block grants to localities to enable compliance with the Commonwealth's requirements for school divisions in effect on January 1, 1995. Therefore, for the purpose of such compliance, the block grant herein established shall consist of a sum equal to the amount appropriated in the appropriation act for the covered programs, including the at-risk add-on program; dropout prevention, specifically Project YES; Project Discovery; English as a second language programs, including programs for overage, nonschooled students; Advancement Via Individual Determination (AVID); the Homework Assistance Program; programs initiated under the Virginia Guaranteed Assistance Program, except that such funds shall not be used to pay any expenses of participating students at institutions of higher education; ~~Reading Recovery~~; and school/community health centers. Each school board may use any funds received through the block grant to implement the covered programs and other programs designed to save the Commonwealth's children from educational failure.

D. In order to reduce pupil/teacher ratios and class sizes in elementary schools, from such funds as may be appropriated for this purpose, each school board may employ additional classroom teachers, remedial teachers, and reading specialists for each of its elementary schools over the requirements of the Standards of Quality. State and local funding for such additional classroom teachers, remedial teachers, and reading specialists shall be apportioned as provided in the appropriation act.

E. Pursuant to a turnaround specialist program administered by the Department of Education, local school boards may enter into agreements with individuals to be employed as turnaround specialists to address those conditions at the school that may impede educational progress and effectiveness and academic success. Local school boards may offer such turnaround specialists or other administrative personnel incentives such as increased compensation, improved retirement benefits in accordance with Chapter 6.2 (§ 51.1-617 et seq.) of Title 51.1, increased deferred compensation in accordance with § 51.1-603, relocation expenses, bonuses, and other incentives as may be determined by the board.

F. The General Assembly finds that certain schools have particular difficulty hiring teachers for certain subject areas and that the need for such teachers in these schools is particularly strong. Accordingly in an effort to attract and retain high quality teachers, local school boards may offer instructional personnel serving in such schools as a member of a middle school teacher corps administered by the Department of Education incentives such as increased compensation, improved retirement benefits in accordance with Chapter 6.2 (§ 51.1-617 et seq.) of Title 51.1, increased deferred compensation in accordance with § 51.1-603, relocation expenses, bonuses, and other incentives as may be determined by the board.

For purposes of this subsection, "middle school teacher corps" means licensed instructional personnel who are assigned to a local school division to teach in a subject matter in grades six, seven, or eight where there is a critical need, as determined by the Department of Education. The contract between such persons and the relevant local school board shall specify that the contract is for service in the middle school teacher corps.

CHAPTER 62

An Act to amend and reenact § 8.01-490 of the Code of Virginia, relating to distrained or levied on personal property; auctioneers or auction firms outside of the county or city of an officer.

[H 449]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-490 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-490. No unreasonable distress or levy; sustenance provided for livestock; removal of property.

Officers shall in no case make an unreasonable distress or levy. For horses, or any livestock distrained or levied on, the officer shall provide sufficient sustenance while they remain in his possession. Nothing distrained or levied on shall be removed by him out of his county or city, *except that an officer distraining or levying on personal property may employ a Virginia-licensed auctioneer or auction firm, as those terms are defined in § 54.1-600, to sell such property on behalf of the officer, and the officer may remove such property to transport such property to the site of an auction for such sale, regardless of whether such site is within or outside such officer's county or city, or unless when it is otherwise specially provided.*

CHAPTER 63

An Act to amend and reenact §§ 63.2-104 and 63.2-105 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 66-10.3, relating to juvenile records; identification of children receiving coordinated services.

[S 316]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 63.2-104 and 63.2-105 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 66-10.3 as follows:

§ 63.2-104. Confidential records and information concerning social services; penalty.

A. The records, information and statistical registries of the Department, local departments and of all child-welfare agencies concerning social services to or on behalf of individuals shall be confidential information, provided that the Commissioner, the Board and their agents shall have access to such records, information and statistical registries, and that such records, information and statistical registries may be disclosed to any person having a legitimate interest in accordance with state and federal law and regulation.

A person having a legitimate interest in child-protective services records and records involving a child receiving foster care services as defined in § 16.1-228 includes the staff of (i) a court services unit, (ii) the Department of Juvenile Justice, (iii) a local community services board, or (iv) the Department of Behavioral Health and Developmental Services who are providing treatment, services, or care for a child who is the subject of such records for a purpose relevant to the provision of the treatment, services, or care when the local agencies have entered into a formal agreement with the Department of Juvenile Justice to provide coordinated services to such children. Such formal agreements may allow the local agencies and the Department of Juvenile Justice to immediately identify children who may be receiving or who have received treatment, services, or care from the local agencies and the Department of Juvenile Justice. Any court services unit or local community services board to which such records are disclosed in accordance with this paragraph shall not further disclose any information received unless such further disclosure is expressly required by law.

The model memorandum of understanding developed in accordance with § 66-10.3 may serve as the formal agreement that is required pursuant to this subsection, but any formal agreement that is entered into by the local agencies and the Department of Juvenile Justice shall be reviewed by the Office of the Attorney General before such agreement may take effect.

It shall be unlawful for any officer, agent or employee of any child-welfare agency; for the Commissioner, the State Board or their agents or employees; for any person who has held any such position; and for any other person to whom any such record or information is disclosed to disclose, directly or indirectly, any such confidential record or information, except as herein provided or pursuant to § 63.2-105. Every violation of this section shall constitute a Class 1 misdemeanor.

B. If a request for a record or information concerning applicants for and recipients of social services is made to the Department or a local department by a person who does not have a legitimate interest, the Commissioner or local director shall not provide the record or information unless permitted by state or federal law or regulation.

C. This section shall not apply to the disposition of adoption records, reports and information that is governed by the provisions of § 63.2-1246.

§ 63.2-105. Confidential records and information concerning social services; child-protective services and child-placing agencies.

A. The local department may disclose the contents of records and information learned during the course of a child-protective services investigation or during the provision of child-protective services to a family, without a court order and without the consent of the family, to a person having a legitimate interest when in the judgment of the local department such disclosure is in the best interest of the child who is the subject of the records. Persons having a legitimate interest in child-protective services records of local departments include, but are not limited to, (i) any person who is responsible for investigating a report of known or suspected abuse or neglect or for providing services to a child or family that is the subject of a report, including multidisciplinary teams and family assessment and planning teams referenced in subsections J and K of § 63.2-1503, law-enforcement agencies and attorneys for the Commonwealth; (ii) child welfare or human services agencies of the Commonwealth or its political subdivisions when those agencies request information to determine the compliance of any person with a child-protective services plan or an order of any court; (iii) personnel of the school or child day program as defined in § 63.2-100 attended by the child so that the local department can receive information from such personnel on an ongoing basis concerning the child's health and behavior, and the activities of the child's custodian; (iv) a parent, grandparent, or any other person when such parent, grandparent or other person would be considered by the local department as a potential caretaker of the child in the event the local department has to remove the child from his custodian; and (v) the Commitment Review Committee and the Office of the Attorney General for the purposes of sexually violent predator civil commitments pursuant to Chapter 9 (§ 37.2-900 et seq.) of Title 37.2; and (vi) the staff of (a) a court services unit, (b) the Department of Juvenile Justice, (c) a local community services board, or (d) the Department of Behavioral Health and Developmental Services who are providing treatment, services, or care for a child who is the subject of such records for a purpose relevant to the provision of the treatment, services, or care, including the immediate identification of children who may be receiving or who have received treatment, services, or care from the local agencies and the Department of Juvenile Justice, when the local agencies have entered into a formal agreement with the Department of Juvenile Justice to provide coordinated services to such children, provided that any court services unit or local community services board to which such records are disclosed in accordance with this paragraph shall not further disclose any information received unless such further disclosure is expressly required by law.

The model memorandum of understanding developed in accordance with § 66-10.3 may serve as the formal agreement that is required pursuant to this subsection, but any formal agreement that is entered into by the local agencies and the Department of Juvenile Justice shall be reviewed by the Office of the Attorney General before such agreement may take effect.

Whenever a local department exercises its discretion to release otherwise confidential information to any person who meets one or more of these descriptions, the local department shall be presumed to have exercised its discretion in a reasonable and lawful manner.

B. Any person who has not been legally adopted in accordance with the provisions of this title and who was a child for whom all parental rights and responsibilities have been terminated, shall not have access to any information from a child-placing agency with respect to the identity of the biological family, except (i) upon application of the child who is 18 or more years of age, (ii) upon order of a circuit court entered upon good cause shown, and (iii) after notice to and opportunity for hearing by the applicant for such order and the child-placing agency or local board that had custody of the child.

An eligible person who is a resident of Virginia may apply for the court order provided for herein to (a) the circuit court of the county or city where the person resides or (b) the circuit court of the county or city where the principal office of the child-placing agency or local board that controls the information sought by the person is located. An eligible person who is not a resident of Virginia shall apply for such a court order to the circuit court of the county or city where the principal office of the child-placing agency or local board that controls the information sought by the person is located.

If the identity and whereabouts of the biological family are known to the agency or local board, the court may require the agency or local board to advise the biological parents of the pendency of the application for such order. In determining good cause for the disclosure of such information, the court shall consider the relative effects of such action upon the applicant for such order and upon the biological parents.

§ 66-10.3. Guidelines and policies and procedures for sharing information derived from juvenile records.

A. The Department shall develop and biennially update a model memorandum of understanding setting forth the respective roles and responsibilities of the Department, the Department of Behavioral Health and Developmental Services, the Department of Social Services, the court service units, the local departments of social services, and the community services boards or behavioral health authorities regarding the sharing of information derived from juvenile records for purposes of identifying and serving juveniles who may be receiving or who have received treatment, services, or care from the local agencies, the Department, or the Department of Behavioral Health and Developmental Services.

B. In developing and updating the model memorandum of understanding, the Department shall consult with the Department of Behavioral Health and Developmental Services, the Department of Criminal Justice Services, the Department of Social Services, the Office of Children's Services, and representatives selected by the Department from the court service units, local departments of social services, community services boards or behavioral health authorities, youth and family organizations, and such other stakeholders as the Department shall deem appropriate from across the Commonwealth.

C. The model memorandum of understanding shall contain provisions regarding the manner in which a juvenile who may be receiving or who has received treatment, services, or care from such agency or department is identified by the agency or department and how such identification is shared among the agencies and departments, including the point at which a juvenile is identified by the agencies or departments that are providing or have provided treatment, services, or care to such juvenile; the manner in which past agency or department involvement is identified and shared, including when informed consent from a juvenile or guardian is appropriate and necessary; and the person at each agency or department responsible for identifying any potential juvenile and serving as a contact for information-sharing requests.

D. The Department shall distribute the model memorandum of understanding to each court services unit, community services board or behavioral health authority, and local department of social services.

CHAPTER 64

An Act to amend and reenact §§ 63.2-104 and 63.2-105 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 66-10.3, relating to juvenile records; identification of children receiving coordinated services.

[H 733]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 63.2-104 and 63.2-105 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 66-10.3 as follows:

§ 63.2-104. Confidential records and information concerning social services; penalty.

A. The records, information and statistical registries of the Department, local departments and of all child-welfare agencies concerning social services to or on behalf of individuals shall be confidential information, provided that the Commissioner, the Board and their agents shall have access to such records, information and statistical registries, and that such records, information and statistical registries may be disclosed to any person having a legitimate interest in accordance with state and federal law and regulation.

A person having a legitimate interest in child-protective services records and records involving a child receiving foster care services as defined in § 16.1-228 includes the staff of (i) a court services unit, (ii) the Department of Juvenile Justice, (iii) a local community services board, or (iv) the Department of Behavioral Health and Developmental Services who are providing treatment, services, or care for a child who is the subject of such records for a purpose relevant to the provision of the treatment, services, or care when the local agencies have entered into a formal agreement with the Department of Juvenile Justice to provide coordinated services to such children. Such formal agreements may allow the local agencies and the Department of Juvenile Justice to immediately identify children who may be receiving or who have received treatment, services, or care from the local agencies and the Department of Juvenile Justice. Any court services unit or local community services board to which such records are disclosed in accordance with this paragraph shall not further disclose any information received unless such further disclosure is expressly required by law.

The model memorandum of understanding developed in accordance with § 66-10.3 may serve as the formal agreement that is required pursuant to this subsection, but any formal agreement that is entered into by the local agencies and the Department of Juvenile Justice shall be reviewed by the Office of the Attorney General before such agreement may take effect.

It ~~shall be~~ is unlawful for any officer, agent or employee of any child-welfare agency; for the Commissioner, the State Board or their agents or employees; for any person who has held any such position; and for any other person to whom any such record or information is disclosed to disclose, directly or indirectly, any such confidential record or information, except as herein provided or pursuant to § 63.2-105. Every violation of this section shall constitute a Class 1 misdemeanor.

B. If a request for a record or information concerning applicants for and recipients of social services is made to the Department or a local department by a person who does not have a legitimate interest, the Commissioner or local director shall not provide the record or information unless permitted by state or federal law or regulation.

C. This section shall not apply to the disposition of adoption records, reports and information that is governed by the provisions of § 63.2-1246.

§ 63.2-105. Confidential records and information concerning social services; child-protective services and child-placing agencies.

A. The local department may disclose the contents of records and information learned during the course of a child-protective services investigation or during the provision of child-protective services to a family, without a court order and without the consent of the family, to a person having a legitimate interest when in the judgment of the local department such disclosure is in the best interest of the child who is the subject of the records. Persons having a legitimate interest in child-protective services records of local departments include, but are not limited to, (i) any person who is responsible for investigating a report of known or suspected abuse or neglect or for providing services to a child or family that is the subject of a report, including multidisciplinary teams and family assessment and planning teams referenced in subsections J and K of § 63.2-1503, law-enforcement agencies and attorneys for the Commonwealth; (ii) child welfare or human services agencies of the Commonwealth or its political subdivisions when those agencies request information to determine the compliance of any person with a child-protective services plan or an order of any court; (iii) personnel of the school or child day program as defined in § 63.2-100 attended by the child so that the local department can receive information from such personnel on an ongoing basis concerning the child's health and behavior, and the activities of the child's custodian; (iv) a parent, grandparent, or any other person when such parent, grandparent or other person would be considered by the local department as a potential caretaker of the child in the event the local department has to remove the child from his custodian; ~~and~~ (v) the Commitment Review Committee and the Office of the Attorney General for the purposes of sexually violent predator civil commitments pursuant to Chapter 9 (§ 37.2-900 et seq.) of Title 37.2; and (vi) *the staff of (a) a court services unit, (b) the Department of Juvenile Justice, (c) a local community services board, or (d) the Department of Behavioral Health and Developmental Services who are providing treatment, services, or care for a child who is the subject of such records for a purpose relevant to the provision of the treatment, services, or care, including the immediate identification of children who may be receiving or who have received treatment, services, or care from the local agencies and the Department of Juvenile Justice, when the local agencies have entered into a formal agreement with the Department of Juvenile Justice to provide coordinated services to such children, provided that any court services unit or local community services board to which such records are disclosed in accordance with this paragraph shall not further disclose any information received unless such further disclosure is expressly required by law.*

The model memorandum of understanding developed in accordance with § 66-10.3 may serve as the formal agreement that is required pursuant to this subsection, but any formal agreement that is entered into by the local agencies and the Department of Juvenile Justice shall be reviewed by the Office of the Attorney General before such agreement may take effect.

Whenever a local department exercises its discretion to release otherwise confidential information to any person who meets one or more of these descriptions, the local department shall be presumed to have exercised its discretion in a reasonable and lawful manner.

B. Any person who has not been legally adopted in accordance with the provisions of this title and who was a child for whom all parental rights and responsibilities have been terminated, shall not have access to any information from a child-placing agency with respect to the identity of the biological family, except (i) upon application of the child who is 18 or more years of age, (ii) upon order of a circuit court entered upon good cause shown, and (iii) after notice to and opportunity for hearing by the applicant for such order and the child-placing agency or local board that had custody of the child.

An eligible person who is a resident of Virginia may apply for the court order provided for herein to (a) the circuit court of the county or city where the person resides or (b) the circuit court of the county or city where the principal office of the child-placing agency or local board that controls the information sought by the person is located. An eligible person who is not a resident of Virginia shall apply for such a court order to the circuit court of the county or city where the principal office of the child-placing agency or local board that controls the information sought by the person is located.

If the identity and whereabouts of the biological family are known to the agency or local board, the court may require the agency or local board to advise the biological parents of the pendency of the application for such order. In determining good cause for the disclosure of such information, the court shall consider the relative effects of such action upon the applicant for such order and upon the biological parents.

§ 66-10.3. Guidelines and policies and procedures for sharing information derived from juvenile records.

A. *The Department shall develop and biennially update a model memorandum of understanding setting forth the respective roles and responsibilities of the Department, the Department of Behavioral Health and Developmental Services, the Department of Social Services, the court service units, the local departments of social services, and the community services boards or behavioral health authorities regarding the sharing of information derived from juvenile records for purposes of identifying and serving juveniles who may be receiving or who have received treatment, services, or care from the local agencies, the Department, or the Department of Behavioral Health and Developmental Services.*

B. *In developing and updating the model memorandum of understanding, the Department shall consult with the Department of Behavioral Health and Developmental Services, the Department of Criminal Justice Services, the Department of Social Services, the Office of Children's Services, and representatives selected by the Department from the court service units, local departments of social services, community services boards or behavioral health authorities, youth*

and family organizations, and such other stakeholders as the Department shall deem appropriate from across the Commonwealth.

C. The model memorandum of understanding shall contain provisions regarding the manner in which a juvenile who may be receiving or who has received treatment, services, or care from such agency or department is identified by the agency or department and how such identification is shared among the agencies and departments, including the point at which a juvenile is identified by the agencies or departments that are providing or have provided treatment, services, or care to such juvenile; the manner in which past agency or department involvement is identified and shared, including when informed consent from a juvenile or guardian is appropriate and necessary; and the person at each agency or department responsible for identifying any potential juvenile and serving as a contact for information-sharing requests.

D. The Department shall distribute the model memorandum of understanding to each court services unit, community services board or behavioral health authority, and local department of social services.

CHAPTER 65

An Act to amend and reenact §§ 54.1-2350, 55.1-1806, 55.1-1809, 55.1-1823, 55.1-1962, 55.1-1973, and 55.1-1991 of the Code of Virginia, relating to common interest communities; prohibition on refusal to recognize a licensed real estate broker.

[H 470]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2350, 55.1-1806, 55.1-1809, 55.1-1823, 55.1-1962, 55.1-1973, and 55.1-1991 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2350. Annual report; form to accompany resale certificates and disclosure packets.

In addition to the provisions of § 54.1-2349, the Board shall:

1. Administer the provisions of Article 2 (§ 54.1-2354.1 et seq.);

2. Develop and disseminate an association annual report form for use in accordance with §§ ~~55.1-1836~~ 55.1-1835, 55.1-1980, and 55.1-2182; and

3. Develop and disseminate a form to accompany resale certificates required pursuant to § 55.1-1990 and association disclosure packets required pursuant to § 55.1-1809, which form shall summarize the unique characteristics of common interest communities generally that may affect a prospective purchaser's decision to purchase a lot or unit located in a common interest community. The form shall include information on the following, which may or may not be applicable to a particular common interest community: (i) the obligation on the part of an owner to pay regular annual or special assessments to the association; (ii) the penalty for failure or refusal to pay such assessments; (iii) the purposes for which such assessments, if any, may be used, including for the construction or maintenance of stormwater management facilities; (iv) the importance the declaration of restrictive covenants or condominium instruments, as applicable, and other governing documents play in association living; (v) limitations on an owner's ability to rent his lot or unit; (vi) limitations on an owner's ability to park or store certain types of motor vehicles or boats within the common interest community; (vii) limitations on an owner's ability to maintain an animal as a pet within the lot or unit, or in common areas or common elements; (viii) architectural guidelines applicable to an owner's lot or unit; (ix) limitations on an owner's ability to operate a business within a dwelling unit on a lot or within a unit; (x) the period or length of declarant control; and (xi) that the purchase contract for a lot within an association is a legally binding document once it is signed by the prospective purchaser where the purchaser has not elected to cancel the purchase contract in accordance with law. The form shall also provide that (a) the purchaser remains responsible for his own examination of the materials that constitute the resale certificate or disclosure packet and of any table of contents that may be contained therein; (b) the purchaser shall carefully review the entire resale certificate or disclosure packet; and (c) the contents of the resale certificate or disclosure packet shall control to the extent that there are any inconsistencies between the form and the resale certificate or disclosure packet.

§ 55.1-1806. Rental of lots.

A. Except as expressly authorized in this chapter, in the declaration, or as otherwise provided by law, no association shall:

1. Condition or prohibit the rental to a tenant of a lot by a lot owner or make an assessment or impose a charge except as provided in § 55.1-1805;

2. Charge a rental fee, application fee, or other processing fee of any kind in excess of \$50 during the term of any lease;

3. Charge an annual or monthly rental fee or any other fee not expressly authorized in § 55.1-1805;

4. Require the lot owner to use a lease or an addendum to the lease prepared by the association;

5. Charge any deposit from the lot owner or the tenant of the lot owner; ~~or~~

6. Have the authority to evict a tenant of any lot owner or to require any lot owner to execute a power of attorney authorizing the association to evict such a tenant. ~~However, if the lot owner designates, or~~

7. ~~Refuse to recognize a person licensed under the provisions of § 54.1-2106.1 designated by the lot owner as the lot owner's authorized representative with respect to any lease, the association shall recognize such representation without a formal power of attorney, provided that the association is given a written authorization signed by the lot owner designating~~

~~such representative~~ under the provisions of § 55.1-1823. Notwithstanding the foregoing, the requirements of § 55.1-1828 and the declaration shall be satisfied before any such representative may exercise a vote on behalf of a lot owner as a proxy.

B. The association may require the lot owner to provide the association with (i) the names and contact information of and vehicle information for the tenants and authorized occupants under such lease and (ii) the name and contact information of any authorized agent of the lot owner. The association may require the lot owner to provide the association with the tenant's acknowledgment of and consent to any rules and regulations of the association.

C. The provisions of this section shall not apply to lots owned by the association.

§ 55.1-1809. Contents of association disclosure packet; delivery of packet.

A. Within 14 days after receipt of a written request and instructions by a seller or the seller's authorized agent, the association, *the association's managing agent, or any third party preparing an association disclosure packet on behalf of the association* shall deliver an association disclosure packet as directed in the written request. The information contained in the association disclosure packet shall be current as of a date specified on the association disclosure packet. If hand or electronically delivered, the written request is deemed received on the date of delivery. If sent by United States mail, the request is deemed received six days after the postmark date. An association disclosure packet shall contain the following:

1. The name of the association and, if incorporated, the state in which the association is incorporated and the name and address of its registered agent in the Commonwealth;
2. A statement of any expenditure of funds approved by the association or the board of directors that requires an assessment in addition to the regular assessment during the current year or the immediately succeeding fiscal year;
3. A statement, including the amount of all assessments and any other mandatory fees or charges currently imposed by the association, together with any post-closing fee charged by the common interest community manager, if any, and associated with the purchase, disposition, and maintenance of the lot and to the right of use of common areas, and the status of the account;
4. A statement of whether there is any other entity or facility to which the lot owner may be liable for fees or other charges;
5. The current reserve study report or summary of such report, a statement of the status and amount of any reserve or replacement fund, and any portion of the fund allocated by the board of directors for a specified project;
6. A copy of the association's current budget or a summary of such budget, prepared by the association, and a copy of its statement of income and expenses or statement of its financial position (balance sheet) for the last fiscal year for which such statement is available, including a statement of the balance due of any outstanding loans of the association;
7. A statement of the nature and status of any pending action or unpaid judgment (i) to which the association is a party and (ii) that could or would have a material impact on the association or its members or that relates to the lot being purchased;
8. A statement setting forth the insurance coverage that is provided for all lot owners by the association, including the fidelity coverage maintained by the association, and any additional insurance that is required or recommended for each lot owner;
9. A statement that any improvement or alteration made to the lot, or uses made of the lot or common area assigned to such lot, is or is not in violation of the declaration, bylaws, rules and regulations, architectural guidelines, and articles of incorporation, if any, of the association;
10. A statement setting forth any restriction, limitation, or prohibition on the right of a lot owner to place a sign on the owner's lot advertising the lot for sale;
11. A statement setting forth any restriction, limitation, or prohibition on the right of a lot owner to display any flag on the owner's lot, including reasonable restrictions as to the size, place, and manner of placement or display of such flag and the installation of any flagpole or similar structure necessary to display such flag;
12. A statement setting forth any restrictions as to the size, place, duration, or manner of placement or display of political signs by a lot owner on his lot;
13. A statement setting forth any restriction, limitation, or prohibition on the right of a lot owner to install or use solar energy collection devices on the owner's property;
14. A copy of the current declaration, the association's articles of incorporation and bylaws, and any rules and regulations or architectural guidelines adopted by the association;
15. A copy of any approved minutes of the board of directors and association meetings for the six calendar months preceding the request for the disclosure packet;
16. A copy of the notice given to the lot owner by the association of any current or pending rule or architectural violation;
17. A copy of the fully completed form developed by the Common Interest Community Board pursuant to § 54.1-2350;
18. Certification that the association has filed with the Common Interest Community Board the annual report required by § 55.1-1835. Such certification shall indicate the filing number assigned by the Common Interest Community Board and the expiration date of such filing; and
19. A statement indicating any known project approvals currently in effect issued by secondary mortgage market agencies.

B. Failure to receive copies of an association disclosure packet shall not excuse any failure to comply with the provisions of the declaration, articles of incorporation, bylaws, or rules or regulations.

C. The disclosure packet shall be delivered in accordance with the written request and instructions of the seller or the seller's authorized agent, including whether the disclosure packet shall be delivered electronically or in hard copy, and shall specify the complete contact information for the parties to whom the disclosure packet shall be delivered. The disclosure packet required by this section shall not, in and of itself, be deemed a security as defined in § 13.1-501.

D. The seller or the seller's authorized agent may request that the disclosure packet be provided in hard copy or in electronic form. An association or common interest community manager may provide the disclosure packet electronically; however, the seller or the seller's authorized agent shall have the right to request that the association disclosure packet be provided in hard copy. The seller or the seller's authorized agent shall continue to have the right to request a hard copy of the disclosure packet in person at the principal place of business of the association. If the seller or the seller's authorized agent requests that the disclosure packet be provided in electronic format, neither the association nor its common interest community manager may require the seller or the seller's authorized agent to pay any fees to use the provider's electronic network or system. The disclosure packet shall not be delivered in hard copy if the requester has requested delivery of such disclosure packet electronically. If the disclosure packet is provided electronically by a website link, the preparer shall not cause the website link to expire within the subsequent 90-day period. The preparer shall not charge another fee during the subsequent 12-month period, except that the preparer may charge an update fee for a financial update or for an inspection as provided in § 55.1-1810. If the seller or the seller's authorized agent asks that the disclosure packet be provided in electronic format, the seller or the seller's authorized agent may request that an electronic copy be provided to each of the following named in the request: the seller, the seller's authorized agent, the purchaser, the purchaser's authorized agent, and not more than one other person designated by the requester. If so requested, the property owners' association or its common interest community manager may require the seller or the seller's authorized agent to pay the fee specified in § 55.1-1810. Regardless of whether the disclosure packet is delivered in paper form or electronically, the preparer of the disclosure packet shall provide such disclosure packet directly to the persons designated by the requester to the addresses or, if applicable, the email addresses provided by the requester.

§ 55.1-1823. Designation of authorized representative.

Except as expressly authorized in this chapter or in the declaration or as otherwise provided by law, no property owners' association shall require any lot owner to execute a formal power of attorney if the lot owner designates a person licensed under the provisions of § 54.1-2106.1 as the lot owner's authorized representative, and the association shall recognize such representation without a formal power of attorney, provided that the association is given a written authorization ~~signed by the lot owner designating such representative~~ *that includes the designated representative's name, contact information, and license number and the lot owner's signature.* Notwithstanding the foregoing, the requirements of § 13.1-849 of the Virginia Nonstock Corporation Act (§ 13.1-801 et seq.) and the association's declaration, bylaws, and articles of incorporation shall be satisfied before any such representative may exercise a vote on behalf of a lot owner as a proxy.

§ 55.1-1962. Designation of authorized representative.

Except as expressly authorized in this chapter or in the condominium instruments or as otherwise provided by law, no unit owners' association shall require any unit owner to execute a formal power of attorney if the unit owner designates a person licensed under the provisions of § 54.1-2106.1 as the unit owner's authorized representative, and the unit owners' association shall recognize such representation without a formal power of attorney, provided that the unit owners' association is given a written authorization ~~signed by the unit owner designating such representative~~ *that includes the designated representative's name, contact information, and license number and the unit owner's signature.* Notwithstanding the foregoing, the requirements of § 55.1-1953 and the condominium instruments shall be satisfied before any such representative may exercise a vote on behalf of a unit owner as a proxy.

§ 55.1-1973. Rental of units.

A. Except as expressly authorized in this chapter or in the condominium instruments or as otherwise provided by law, no unit owners' association shall:

1. Condition or prohibit the rental of a unit to a tenant by a unit owner or make an assessment or impose a charge except as provided in § 55.1-1904;

2. Charge a rental fee, application fee, or other processing fee of any kind in excess of \$50 during the term of any lease;

3. Charge an annual or monthly rental fee or any other fee not expressly authorized in § 55.1-1904;

4. Require the unit owner to use a lease or an addendum to the lease prepared by the unit owners' association;

5. Charge any deposit from the unit owner or the tenant of the unit owner; ~~or~~

6. Have the authority to evict a tenant of any unit owner or to require any unit owner to execute a power of attorney authorizing the unit owners' association to so evict; ~~However, if the unit owner designates; or~~

7. ~~Refuse to recognize a person licensed under the provisions of § 54.1-2106.1 designated by the unit owner as the unit owner's authorized representative with respect to any lease, the unit owners' association shall recognize such representation without a formal power of attorney, provided that the unit owners' association is given a written authorization signed by the unit owner designating such representative under the provisions of § 55.1-1962.~~ Notwithstanding any other provision of this subdivision, the requirements of § 55.1-1953 and the condominium instruments shall be satisfied before any such representative may exercise a vote on behalf of a unit owner as a proxy.

B. The unit owners' association may require the unit owner to provide the unit owners' association with the names and contact information of the tenants and authorized occupants under such lease and of any authorized agent of the unit owner and vehicle information for such tenants or authorized occupants. The unit owners' association may require the unit owner to provide the unit owners' association with the tenant's acknowledgment of and consent to any rules and regulations of the unit owners' association.

C. The provisions of this section shall not apply to units owned by the unit owners' association.

§ 55.1-1991. Contents of resale certificate; delivery.

A. A resale certificate shall include the following:

1. An appropriate statement pursuant to subsection H of § 55.1-1966, which need not be notarized, and, if applicable, an appropriate statement pursuant to § 55.1-1969;

2. A statement of any expenditure of funds approved by the unit owners' association or the executive board that requires an assessment in addition to the regular assessment during the current or the immediately succeeding fiscal year;

3. A statement, including the amount, of all assessments and any other fees or charges currently imposed by the unit owners' association, together with any known post-closing fee charged by the common interest community manager, if any, and associated with the purchase, disposition, and maintenance of the condominium unit and the use of the common elements, and the status of the account;

4. A statement of whether there is any other entity or facility to which the unit owner may be liable for fees or other charges;

5. The current reserve study report or a summary of such report and a statement of the status and amount of any reserve or replacement fund and any portion of the fund designated for any specified project by the executive board;

6. A copy of the unit owners' association's current budget or a summary of such budget prepared by the unit owners' association and a copy of the statement of its financial position (balance sheet) for the last fiscal year for which a statement is available, including a statement of the balance due of any outstanding loans of the unit owners' association;

7. A statement of the nature and status of any pending actions or unpaid judgments to which the unit owners' association is a party that either could or would have a material impact on the unit owners' association or the unit owners or that relates to the unit being purchased;

8. A statement setting forth what insurance coverage is provided for all unit owners by the unit owners' association, including the fidelity bond maintained by the unit owners' association, and what additional insurance coverage would normally be secured by each individual unit owner;

9. A statement that any improvements or alterations made to the unit, or the limited common elements assigned thereto, are or are not in violation of the condominium instruments;

10. A copy of the current bylaws, rules and regulations, and architectural guidelines adopted by the unit owners' association and the amendments to any such documents;

11. A statement of whether any portion of the condominium is located within a development subject to the Property Owners' Association Act (§ 55.1-1800 et seq.);

12. A copy of the notice given to the unit owner by the unit owners' association of any current or pending rule or architectural violation;

13. A copy of any approved minutes of the executive board and unit owners' association meetings for the six calendar months preceding the request for the resale certificate;

14. Certification that the unit owners' association has filed with the Common Interest Community Board the annual report required by § 55.1-1980, the filing number assigned by the Common Interest Community Board, and the expiration date of such filing;

15. A statement of any limitation on the number of persons who may occupy a unit as a dwelling;

16. A statement setting forth any restrictions, limitation, or prohibition on the right of a unit owner to display the flag of the United States, including reasonable restrictions as to the size, time, place, and manner of placement or display of such flag;

17. A statement setting forth any restriction, limitation, or prohibition on the right of a unit owner to install or use solar energy collection devices on the unit owner's property;

18. A statement indicating any known project approvals currently in effect issued by secondary mortgage market agencies; and

19. A copy of the fully completed form developed by the Common Interest Community Board pursuant to § 54.1-2350.

B. Failure to receive a resale certificate shall not excuse any failure to comply with the provisions of the condominium instruments, articles of incorporation, or rules or regulations.

C. The resale certificate shall be delivered in accordance with the written request and instructions of the seller or the seller's authorized agent, including whether the resale certificate shall be delivered electronically or in hard copy, at the option of the seller or the seller's authorized agent, and shall specify the complete contact information for the parties to whom the resale certificate shall be delivered. ~~The resale certificate shall be delivered within 14 days of receipt of such request~~ *Within 14 days after receipt of a written request and instructions by a seller or the seller's authorized agent, the association, the association's managing agent, or any third party preparing a resale certificate on behalf of a unit owners' association shall deliver the resale certificate as directed in the written request.* The resale certificate shall not, in and of itself, be deemed a security within the meaning of § 13.1-501.

D. The seller or the seller's authorized agent may request that the resale certificate be provided in hard copy or in electronic form. A unit owners' association or common interest community manager may provide the resale certificate electronically; however, the seller or the seller's authorized agent shall have the right to request that the resale certificate be provided in hard copy. The seller or the seller's authorized agent shall continue to have the right to request a hard copy of the resale certificate in person at the principal place of business of the unit owners' association. If the seller or the seller's authorized agent requests that the resale certificate be provided in electronic format, neither the unit owners' association nor its common interest community manager may require the seller or the seller's authorized agent to pay any fees to use the provider's electronic network or system. The resale certificate shall not be delivered in hard copy if the requester has requested delivery of such resale certificate electronically. If the resale certificate is provided electronically by a website link, the preparer shall not cause the website link to expire within the subsequent 90-day period. The preparer shall not charge another fee during the subsequent 12-month period, except that the preparer may charge an update fee for a financial update or for an inspection as provided in § 55.1-1992. If the seller or the seller's authorized agent asks that the resale certificate be provided in electronic format, the seller or the seller's authorized agent may request that an electronic copy be provided to each of the following named in the request: the seller, the seller's authorized agent, the purchaser, the purchaser's authorized agent, and not more than one other person designated by the requester. If so requested, the unit owners' association or its common interest community manager may require the seller or the seller's authorized agent to pay the fee specified in § 55.1-1992. Regardless of whether the resale certificate is delivered in paper form or electronically, the preparer of the resale certificate shall provide such resale certificate directly to the persons designated by the requester to the addresses or, if applicable, the email addresses provided by the requester.

E. Subject to the provisions of § 55.1-1972, but notwithstanding any other provisions of this chapter, the provisions and requirements of this section shall apply to any such resale of a condominium unit created under the provisions of the Horizontal Property Act (§ 55.1-2000 et seq.).

F. Unless otherwise provided in the ratified real estate contract or other writing, delivery to the purchaser's authorized agent shall require delivery to such agent and not to a person other than such agent. Delivery of the resale certificate may be made by the unit owner or the seller's authorized agent.

G. If the unit is governed by more than one association, the purchaser's right of cancellation may be exercised within the required time frames following delivery of the last resale certificate or disclosure packet.

CHAPTER 66

An Act to amend and reenact §§ 54.1-2350, 55.1-1806, 55.1-1809, 55.1-1823, 55.1-1962, 55.1-1973, and 55.1-1991 of the Code of Virginia, relating to common interest communities; prohibition on refusal to recognize a licensed real estate broker.

[S 197]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2350, 55.1-1806, 55.1-1809, 55.1-1823, 55.1-1962, 55.1-1973, and 55.1-1991 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2350. Annual report; form to accompany resale certificates and disclosure packets.

In addition to the provisions of § 54.1-2349, the Board shall:

1. Administer the provisions of Article 2 (§ 54.1-2354.1 et seq.);
2. Develop and disseminate an association annual report form for use in accordance with §§ ~~55.1-1836~~ 55.1-1835, 55.1-1980, and 55.1-2182; and
3. Develop and disseminate a form to accompany resale certificates required pursuant to § 55.1-1990 and association disclosure packets required pursuant to § 55.1-1809, which form shall summarize the unique characteristics of common interest communities generally that may affect a prospective purchaser's decision to purchase a lot or unit located in a common interest community. The form shall include information on the following, which may or may not be applicable to a particular common interest community: (i) the obligation on the part of an owner to pay regular annual or special assessments to the association; (ii) the penalty for failure or refusal to pay such assessments; (iii) the purposes for which such assessments, if any, may be used, including for the construction or maintenance of stormwater management facilities; (iv) the importance the declaration of restrictive covenants or condominium instruments, as applicable, and other governing documents play in association living; (v) limitations on an owner's ability to rent his lot or unit; (vi) limitations on an owner's ability to park or store certain types of motor vehicles or boats within the common interest community; (vii) limitations on an owner's ability to maintain an animal as a pet within the lot or unit, or in common areas or common elements; (viii) architectural guidelines applicable to an owner's lot or unit; (ix) limitations on an owner's ability to operate a business within a dwelling unit on a lot or within a unit; (x) the period or length of declarant control; and (xi) that the purchase contract for a lot within an association is a legally binding document once it is signed by the prospective purchaser where the purchaser has not elected to cancel the purchase contract in accordance with law. The form shall also provide that (a) the purchaser remains responsible for his own examination of the materials that constitute the resale certificate or disclosure packet and of any table of contents that may be contained therein; (b) the purchaser shall carefully review the

entire resale certificate or disclosure packet; and (c) the contents of the resale certificate or disclosure packet shall control to the extent that there are any inconsistencies between the form and the resale certificate or disclosure packet.

§ 55.1-1806. Rental of lots.

A. Except as expressly authorized in this chapter, in the declaration, or as otherwise provided by law, no association shall:

1. Condition or prohibit the rental to a tenant of a lot by a lot owner or make an assessment or impose a charge except as provided in § 55.1-1805;

2. Charge a rental fee, application fee, or other processing fee of any kind in excess of \$50 during the term of any lease;

3. Charge an annual or monthly rental fee or any other fee not expressly authorized in § 55.1-1805;

4. Require the lot owner to use a lease or an addendum to the lease prepared by the association;

5. Charge any deposit from the lot owner or the tenant of the lot owner; ~~or~~

6. Have the authority to evict a tenant of any lot owner or to require any lot owner to execute a power of attorney authorizing the association to evict such a tenant: ~~However, if the lot owner designates; or~~

7. ~~Refuse to recognize a person licensed under the provisions of § 54.1-2106.1 designated by the lot owner as the lot owner's authorized representative with respect to any lease; the association shall recognize such representation without a formal power of attorney; provided that the association is given a written authorization signed by the lot owner designating such representative under the provisions of § 55.1-1823.~~ Notwithstanding the foregoing, the requirements of § 55.1-1828 and the declaration shall be satisfied before any such representative may exercise a vote on behalf of a lot owner as a proxy.

B. The association may require the lot owner to provide the association with (i) the names and contact information of and vehicle information for the tenants and authorized occupants under such lease and (ii) the name and contact information of any authorized agent of the lot owner. The association may require the lot owner to provide the association with the tenant's acknowledgment of and consent to any rules and regulations of the association.

C. The provisions of this section shall not apply to lots owned by the association.

§ 55.1-1809. Contents of association disclosure packet; delivery of packet.

A. Within 14 days after receipt of a written request and instructions by a seller or the seller's authorized agent, the association, *the association's managing agent, or any third party preparing an association disclosure packet on behalf of the association* shall deliver an association disclosure packet as directed in the written request. The information contained in the association disclosure packet shall be current as of a date specified on the association disclosure packet. If hand or electronically delivered, the written request is deemed received on the date of delivery. If sent by United States mail, the request is deemed received six days after the postmark date. An association disclosure packet shall contain the following:

1. The name of the association and, if incorporated, the state in which the association is incorporated and the name and address of its registered agent in the Commonwealth;

2. A statement of any expenditure of funds approved by the association or the board of directors that requires an assessment in addition to the regular assessment during the current year or the immediately succeeding fiscal year;

3. A statement, including the amount of all assessments and any other mandatory fees or charges currently imposed by the association, together with any post-closing fee charged by the common interest community manager, if any, and associated with the purchase, disposition, and maintenance of the lot and to the right of use of common areas, and the status of the account;

4. A statement of whether there is any other entity or facility to which the lot owner may be liable for fees or other charges;

5. The current reserve study report or summary of such report, a statement of the status and amount of any reserve or replacement fund, and any portion of the fund allocated by the board of directors for a specified project;

6. A copy of the association's current budget or a summary of such budget, prepared by the association, and a copy of its statement of income and expenses or statement of its financial position (balance sheet) for the last fiscal year for which such statement is available, including a statement of the balance due of any outstanding loans of the association;

7. A statement of the nature and status of any pending action or unpaid judgment (i) to which the association is a party and (ii) that could or would have a material impact on the association or its members or that relates to the lot being purchased;

8. A statement setting forth the insurance coverage that is provided for all lot owners by the association, including the fidelity coverage maintained by the association, and any additional insurance that is required or recommended for each lot owner;

9. A statement that any improvement or alteration made to the lot, or uses made of the lot or common area assigned to such lot, is or is not in violation of the declaration, bylaws, rules and regulations, architectural guidelines, and articles of incorporation, if any, of the association;

10. A statement setting forth any restriction, limitation, or prohibition on the right of a lot owner to place a sign on the owner's lot advertising the lot for sale;

11. A statement setting forth any restriction, limitation, or prohibition on the right of a lot owner to display any flag on the owner's lot, including reasonable restrictions as to the size, place, and manner of placement or display of such flag and the installation of any flagpole or similar structure necessary to display such flag;

12. A statement setting forth any restrictions as to the size, place, duration, or manner of placement or display of political signs by a lot owner on his lot;

13. A statement setting forth any restriction, limitation, or prohibition on the right of a lot owner to install or use solar energy collection devices on the owner's property;

14. A copy of the current declaration, the association's articles of incorporation and bylaws, and any rules and regulations or architectural guidelines adopted by the association;

15. A copy of any approved minutes of the board of directors and association meetings for the six calendar months preceding the request for the disclosure packet;

16. A copy of the notice given to the lot owner by the association of any current or pending rule or architectural violation;

17. A copy of the fully completed form developed by the Common Interest Community Board pursuant to § 54.1-2350;

18. Certification that the association has filed with the Common Interest Community Board the annual report required by § 55.1-1835. Such certification shall indicate the filing number assigned by the Common Interest Community Board and the expiration date of such filing; and

19. A statement indicating any known project approvals currently in effect issued by secondary mortgage market agencies.

B. Failure to receive copies of an association disclosure packet shall not excuse any failure to comply with the provisions of the declaration, articles of incorporation, bylaws, or rules or regulations.

C. The disclosure packet shall be delivered in accordance with the written request and instructions of the seller or the seller's authorized agent, including whether the disclosure packet shall be delivered electronically or in hard copy, and shall specify the complete contact information for the parties to whom the disclosure packet shall be delivered. The disclosure packet required by this section shall not, in and of itself, be deemed a security as defined in § 13.1-501.

D. The seller or the seller's authorized agent may request that the disclosure packet be provided in hard copy or in electronic form. An association or common interest community manager may provide the disclosure packet electronically; however, the seller or the seller's authorized agent shall have the right to request that the association disclosure packet be provided in hard copy. The seller or the seller's authorized agent shall continue to have the right to request a hard copy of the disclosure packet in person at the principal place of business of the association. If the seller or the seller's authorized agent requests that the disclosure packet be provided in electronic format, neither the association nor its common interest community manager may require the seller or the seller's authorized agent to pay any fees to use the provider's electronic network or system. The disclosure packet shall not be delivered in hard copy if the requester has requested delivery of such disclosure packet electronically. If the disclosure packet is provided electronically by a website link, the preparer shall not cause the website link to expire within the subsequent 90-day period. The preparer shall not charge another fee during the subsequent 12-month period, except that the preparer may charge an update fee for a financial update or for an inspection as provided in § 55.1-1810. If the seller or the seller's authorized agent asks that the disclosure packet be provided in electronic format, the seller or the seller's authorized agent may request that an electronic copy be provided to each of the following named in the request: the seller, the seller's authorized agent, the purchaser, the purchaser's authorized agent, and not more than one other person designated by the requester. If so requested, the property owners' association or its common interest community manager may require the seller or the seller's authorized agent to pay the fee specified in § 55.1-1810. Regardless of whether the disclosure packet is delivered in paper form or electronically, the preparer of the disclosure packet shall provide such disclosure packet directly to the persons designated by the requester to the addresses or, if applicable, the email addresses provided by the requester.

§ 55.1-1823. Designation of authorized representative.

Except as expressly authorized in this chapter or in the declaration or as otherwise provided by law, no property owners' association shall require any lot owner to execute a formal power of attorney if the lot owner designates a person licensed under the provisions of § 54.1-2106.1 as the lot owner's authorized representative, and the association shall recognize such representation without a formal power of attorney, provided that the association is given a written authorization ~~signed by the lot owner designating such representative~~ *that includes the designated representative's name, contact information, and license number and the lot owner's signature.* Notwithstanding the foregoing, the requirements of § 13.1-849 of the Virginia Nonstock Corporation Act (§ 13.1-801 et seq.) and the association's declaration, bylaws, and articles of incorporation shall be satisfied before any such representative may exercise a vote on behalf of a lot owner as a proxy.

§ 55.1-1962. Designation of authorized representative.

Except as expressly authorized in this chapter or in the condominium instruments or as otherwise provided by law, no unit owners' association shall require any unit owner to execute a formal power of attorney if the unit owner designates a person licensed under the provisions of § 54.1-2106.1 as the unit owner's authorized representative, and the unit owners' association shall recognize such representation without a formal power of attorney, provided that the unit owners' association is given a written authorization ~~signed by the unit owner designating such representative~~ *that includes the designated representative's name, contact information, and license number and the unit owner's signature.* Notwithstanding the foregoing, the requirements of § 55.1-1953 and the condominium instruments shall be satisfied before any such representative may exercise a vote on behalf of a unit owner as a proxy.

§ 55.1-1973. Rental of units.

A. Except as expressly authorized in this chapter or in the condominium instruments or as otherwise provided by law, no unit owners' association shall:

1. Condition or prohibit the rental of a unit to a tenant by a unit owner or make an assessment or impose a charge except as provided in § 55.1-1904;
2. Charge a rental fee, application fee, or other processing fee of any kind in excess of \$50 during the term of any lease;
3. Charge an annual or monthly rental fee or any other fee not expressly authorized in § 55.1-1904;
4. Require the unit owner to use a lease or an addendum to the lease prepared by the unit owners' association;
5. Charge any deposit from the unit owner or the tenant of the unit owner; ~~or~~
6. Have the authority to evict a tenant of any unit owner or to require any unit owner to execute a power of attorney authorizing the unit owners' association to so evict. ~~However, if the unit owner designates; or~~
7. ~~Refuse to recognize a person licensed under the provisions of § 54.1-2106.1 designated by the unit owner as the unit owner's authorized representative with respect to any lease; the unit owners' association shall recognize such representation without a formal power of attorney, provided that the unit owners' association is given a written authorization signed by the unit owner designating such representative under the provisions of § 55.1-1962.~~ Notwithstanding any other provision of this subdivision, the requirements of § 55.1-1953 and the condominium instruments shall be satisfied before any such representative may exercise a vote on behalf of a unit owner as a proxy.

B. The unit owners' association may require the unit owner to provide the unit owners' association with the names and contact information of the tenants and authorized occupants under such lease and of any authorized agent of the unit owner and vehicle information for such tenants or authorized occupants. The unit owners' association may require the unit owner to provide the unit owners' association with the tenant's acknowledgment of and consent to any rules and regulations of the unit owners' association.

C. The provisions of this section shall not apply to units owned by the unit owners' association.

§ 55.1-1991. Contents of resale certificate; delivery.

A. A resale certificate shall include the following:

1. An appropriate statement pursuant to subsection H of § 55.1-1966, which need not be notarized, and, if applicable, an appropriate statement pursuant to § 55.1-1969;
2. A statement of any expenditure of funds approved by the unit owners' association or the executive board that requires an assessment in addition to the regular assessment during the current or the immediately succeeding fiscal year;
3. A statement, including the amount, of all assessments and any other fees or charges currently imposed by the unit owners' association, together with any known post-closing fee charged by the common interest community manager, if any, and associated with the purchase, disposition, and maintenance of the condominium unit and the use of the common elements, and the status of the account;
4. A statement of whether there is any other entity or facility to which the unit owner may be liable for fees or other charges;
5. The current reserve study report or a summary of such report and a statement of the status and amount of any reserve or replacement fund and any portion of the fund designated for any specified project by the executive board;
6. A copy of the unit owners' association's current budget or a summary of such budget prepared by the unit owners' association and a copy of the statement of its financial position (balance sheet) for the last fiscal year for which a statement is available, including a statement of the balance due of any outstanding loans of the unit owners' association;
7. A statement of the nature and status of any pending actions or unpaid judgments to which the unit owners' association is a party that either could or would have a material impact on the unit owners' association or the unit owners or that relates to the unit being purchased;
8. A statement setting forth what insurance coverage is provided for all unit owners by the unit owners' association, including the fidelity bond maintained by the unit owners' association, and what additional insurance coverage would normally be secured by each individual unit owner;
9. A statement that any improvements or alterations made to the unit, or the limited common elements assigned thereto, are or are not in violation of the condominium instruments;
10. A copy of the current bylaws, rules and regulations, and architectural guidelines adopted by the unit owners' association and the amendments to any such documents;
11. A statement of whether any portion of the condominium is located within a development subject to the Property Owners' Association Act (§ 55.1-1800 et seq.);
12. A copy of the notice given to the unit owner by the unit owners' association of any current or pending rule or architectural violation;
13. A copy of any approved minutes of the executive board and unit owners' association meetings for the six calendar months preceding the request for the resale certificate;
14. Certification that the unit owners' association has filed with the Common Interest Community Board the annual report required by § 55.1-1980, the filing number assigned by the Common Interest Community Board, and the expiration date of such filing;
15. A statement of any limitation on the number of persons who may occupy a unit as a dwelling;

16. A statement setting forth any restrictions, limitation, or prohibition on the right of a unit owner to display the flag of the United States, including reasonable restrictions as to the size, time, place, and manner of placement or display of such flag;

17. A statement setting forth any restriction, limitation, or prohibition on the right of a unit owner to install or use solar energy collection devices on the unit owner's property;

18. A statement indicating any known project approvals currently in effect issued by secondary mortgage market agencies; and

19. A copy of the fully completed form developed by the Common Interest Community Board pursuant to § 54.1-2350.

B. Failure to receive a resale certificate shall not excuse any failure to comply with the provisions of the condominium instruments, articles of incorporation, or rules or regulations.

C. The resale certificate shall be delivered in accordance with the written request and instructions of the seller or the seller's authorized agent, including whether the resale certificate shall be delivered electronically or in hard copy, at the option of the seller or the seller's authorized agent, and shall specify the complete contact information for the parties to whom the resale certificate shall be delivered. ~~The resale certificate shall be delivered within 14 days of receipt of such request~~ *Within 14 days after receipt of a written request and instructions by a seller or the seller's authorized agent, the association, the association's managing agent, or any third party preparing a resale certificate on behalf of a unit owners' association shall deliver the resale certificate as directed in the written request.* The resale certificate shall not, in and of itself, be deemed a security within the meaning of § 13.1-501.

D. The seller or the seller's authorized agent may request that the resale certificate be provided in hard copy or in electronic form. A unit owners' association or common interest community manager may provide the resale certificate electronically; however, the seller or the seller's authorized agent shall have the right to request that the resale certificate be provided in hard copy. The seller or the seller's authorized agent shall continue to have the right to request a hard copy of the resale certificate in person at the principal place of business of the unit owners' association. If the seller or the seller's authorized agent requests that the resale certificate be provided in electronic format, neither the unit owners' association nor its common interest community manager may require the seller or the seller's authorized agent to pay any fees to use the provider's electronic network or system. The resale certificate shall not be delivered in hard copy if the requester has requested delivery of such resale certificate electronically. If the resale certificate is provided electronically by a website link, the preparer shall not cause the website link to expire within the subsequent 90-day period. The preparer shall not charge another fee during the subsequent 12-month period, except that the preparer may charge an update fee for a financial update or for an inspection as provided in § 55.1-1992. If the seller or the seller's authorized agent asks that the resale certificate be provided in electronic format, the seller or the seller's authorized agent may request that an electronic copy be provided to each of the following named in the request: the seller, the seller's authorized agent, the purchaser, the purchaser's authorized agent, and not more than one other person designated by the requester. If so requested, the unit owners' association or its common interest community manager may require the seller or the seller's authorized agent to pay the fee specified in § 55.1-1992. Regardless of whether the resale certificate is delivered in paper form or electronically, the preparer of the resale certificate shall provide such resale certificate directly to the persons designated by the requester to the addresses or, if applicable, the email addresses provided by the requester.

E. Subject to the provisions of § 55.1-1972, but notwithstanding any other provisions of this chapter, the provisions and requirements of this section shall apply to any such resale of a condominium unit created under the provisions of the Horizontal Property Act (§ 55.1-2000 et seq.).

F. Unless otherwise provided in the ratified real estate contract or other writing, delivery to the purchaser's authorized agent shall require delivery to such agent and not to a person other than such agent. Delivery of the resale certificate may be made by the unit owner or the seller's authorized agent.

G. If the unit is governed by more than one association, the purchaser's right of cancellation may be exercised within the required time frames following delivery of the last resale certificate or disclosure packet.

CHAPTER 67

An Act to amend and reenact § 2.2-1151 of the Code of Virginia, relating to Department of General Services; conveyance of easement and appurtenances thereto to telecommunications companies.

[S 444]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-1151 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-1151. Conveyance of easements and appurtenances thereto to cable television companies, utility companies, public service companies, political subdivisions by state departments, agencies or institutions; communication towers; telecommunications companies.

A. When it is deemed to be in the public interest and subject to guidelines adopted by the Department:

1. Any state department, agency or institution, through its executive head or governing board may convey to public utility companies, public service corporations or companies, political subdivisions ~~or~~, cable television companies, *or*

telecommunications companies right-of-way easements over property owned by the Commonwealth and held in its possession and any wires, pipes, conduits, fittings, supports and appurtenances thereto for the transmission of electricity, telephone, cable television, *telecommunications*, water, gas, steam, or sewage placed on, over or under the property.

2. Any state department, agency or institution having responsibility for a state-owned office building, through its executive head or governing board, may lease space to a credit union in the building for the purpose of providing credit union services that are readily accessible to state employees. The lease shall be for a term of not more than five years, with annual renewals or new leases permitted thereafter. Such lease may be granted for no consideration or for less than the fair market value.

3. Property owned by the Commonwealth may be sold or leased or other interests or rights therein granted or conveyed to political subdivisions or persons providing communication or information services for the purpose of erecting, operating, using or maintaining communication towers, antennas, or other radio distribution devices. If any tower proposed to be erected on property owned by the Commonwealth is to be used solely by private persons providing communication or information services, and there is no immediate use planned or anticipated by any department, agency or institution of the Commonwealth or political subdivision, the guidelines shall provide a means to obtain comments from the local governing body where the property is located. The conveyances shall be for such consideration as the Director of the Department deems appropriate, and may include shared use of the facilities by other political subdivisions or persons providing the same or similar services, and by departments, agencies, or institutions of the Commonwealth.

B. No transaction authorized by this section shall be made without the prior written recommendation by the Department to the Governor, the written approval by the Governor of the transaction itself, and the approval by the Attorney General as to the form of the instruments prior to execution.

C. This section shall not (i) apply to any lease or conveyance of a license or other interest in a communication tower for use in the deployment of wireless broadband service within an unserved area of the Commonwealth made pursuant to § 2.2-1150.2 or (ii) be construed to alter the control or ownership of towers currently maintained by other agencies of the Commonwealth.

CHAPTER 68

An Act to amend and reenact § 2.2-1151 of the Code of Virginia, relating to Department of General Services; conveyance of easement and appurtenances thereto to telecommunications companies.

[H 1019]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-1151 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-1151. Conveyance of easements and appurtenances thereto to cable television companies, utility companies, public service companies, political subdivisions by state departments, agencies or institutions; communication towers; telecommunications companies.

A. When it is deemed to be in the public interest and subject to guidelines adopted by the Department:

1. Any state department, agency or institution, through its executive head or governing board may convey to public utility companies, public service corporations or companies, political subdivisions ~~or~~, cable television companies, *or telecommunications companies* right-of-way easements over property owned by the Commonwealth and held in its possession and any wires, pipes, conduits, fittings, supports and appurtenances thereto for the transmission of electricity, telephone, cable television, *telecommunications*, water, gas, steam, or sewage placed on, over or under the property.

2. Any state department, agency or institution having responsibility for a state-owned office building, through its executive head or governing board, may lease space to a credit union in the building for the purpose of providing credit union services that are readily accessible to state employees. The lease shall be for a term of not more than five years, with annual renewals or new leases permitted thereafter. Such lease may be granted for no consideration or for less than the fair market value.

3. Property owned by the Commonwealth may be sold or leased or other interests or rights therein granted or conveyed to political subdivisions or persons providing communication or information services for the purpose of erecting, operating, using or maintaining communication towers, antennas, or other radio distribution devices. If any tower proposed to be erected on property owned by the Commonwealth is to be used solely by private persons providing communication or information services, and there is no immediate use planned or anticipated by any department, agency or institution of the Commonwealth or political subdivision, the guidelines shall provide a means to obtain comments from the local governing body where the property is located. The conveyances shall be for such consideration as the Director of the Department deems appropriate, and may include shared use of the facilities by other political subdivisions or persons providing the same or similar services, and by departments, agencies, or institutions of the Commonwealth.

B. No transaction authorized by this section shall be made without the prior written recommendation by the Department to the Governor, the written approval by the Governor of the transaction itself, and the approval by the Attorney General as to the form of the instruments prior to execution.

C. This section shall not (i) apply to any lease or conveyance of a license or other interest in a communication tower for use in the deployment of wireless broadband service within an unserved area of the Commonwealth made pursuant to § 2.2-1150.2 or (ii) be construed to alter the control or ownership of towers currently maintained by other agencies of the Commonwealth.

CHAPTER 69

An Act to direct the Department of Energy and the Department of Environmental Quality to analyze the life cycle of renewable energy facilities; report.

[S 499]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *The State Corporation Commission shall create a task force, in consultation with the Department of Energy and the Department of Environmental Quality, to analyze the life cycle of renewable energy facilities, including solar, wind, and battery storage components. The analysis shall assess the (i) feasibility, costs, recycling and salvage opportunities, waste strategies, and liability for the decommissioning of materials; (ii) potential impacts of underground infrastructure post-decommissioning; (iii) potential impacts of the life cycle on farming, forestry, and sensitive wetlands; and (iv) potential beneficial economic impact of solar, wind, and battery storage development. The task force shall include representatives of local governments, the Virginia Solar Energy Development and Energy Storage Authority, the Department of Energy, and the Department of Environmental Quality and at least one representative for each of the following sectors: agriculture, forestry, regulated electric service providers, competitive electric service providers, rural utility consumer services cooperatives, and renewable energy service providers, as well as organizations with expertise in the climate and environment. The State Corporation Commission shall submit a report of the task force's analysis to the Governor and the Chairs of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources no later than May 1, 2023.*

CHAPTER 70

An Act to direct the Department of Energy and the Department of Environmental Quality to analyze the life cycle of renewable energy facilities; report.

[H 774]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *The State Corporation Commission shall create a task force, in consultation with the Department of Energy and the Department of Environmental Quality, to analyze the life cycle of renewable energy facilities, including solar, wind, and battery storage components. The analysis shall assess the (i) feasibility, costs, recycling and salvage opportunities, waste strategies, and liability for the decommissioning of materials; (ii) potential impacts of underground infrastructure post-decommissioning; (iii) potential impacts of the life cycle on farming, forestry, and sensitive wetlands; and (iv) potential beneficial economic impact of solar, wind, and battery storage development. The task force shall include representatives of local governments, the Virginia Solar Energy Development and Energy Storage Authority, the Department of Energy, and the Department of Environmental Quality and at least one representative for each of the following sectors: agriculture, forestry, regulated electric service providers, competitive electric service providers, rural utility consumer services cooperatives, and renewable energy service providers, as well as organizations with expertise in the climate and environment. The State Corporation Commission shall submit a report of the task force's analysis to the Governor and the Chairs of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources no later than May 1, 2023.*

CHAPTER 71

An Act to amend and reenact § 54.1-2956.12 of the Code of Virginia, relating to registered surgical technologist; criteria for registration.

[H 598]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2956.12 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2956.12. Registered surgical technologist; use of title; registration.

A. No person shall hold himself out to be a surgical technologist or use or assume the title of "surgical technologist" or "certified surgical technologist," or use the designation "~~C.S.T.~~" or "S.T." or any variation thereof, unless such person is

certified by the Board. *No person shall use the designation "C.S.T." or any variation thereof unless such person (i) is certified by the Board and (ii) has successfully completed an accredited surgical technologist training program and holds a current credential as a certified surgical technologist from the National Board of Surgical Technology and Surgical Assisting or its successor.*

B. The Board shall certify as a surgical technologist any applicant who presents satisfactory evidence that he (i) has successfully completed an accredited surgical technologist training program and holds a current credential as a certified surgical technologist from the National Board of Surgical Technology and Surgical Assisting or its successor, (ii) has successfully completed a training program for surgical technology during the person's service as a member of any branch of the armed forces of the United States, or (iii) has practiced as a surgical technologist *or attended a surgical technologist training program at any time in the six months prior to July 1, 2021* *October 1, 2022*, provided he registers with the Board by December 31, ~~2021~~ 2022.

CHAPTER 72

An Act to amend and reenact § 32.1-297.1 of the Code of Virginia, relating to Virginia Transplant Council; membership.

[H 1345]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-297.1 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-297.1. The Virginia Transplant Council.

A. The Virginia Transplant Council (hereinafter referred to as the Council) is hereby established to fulfill the following duties:

1. To create, compile, maintain, and modify as necessary the Virginia Donor Registry established in § 32.1-292.2 in accordance with the regulations of the Board of Health and the administration of the Department of Health;
2. To conduct public education and information services relating to organ, tissue, and eye donation in the Commonwealth;
3. To coordinate organ, tissue, and eye donation activities in the Commonwealth;
4. To provide a forum for discussion among its members of any issues of which it may be apprised that could impact the effectiveness of its activities and the relationship between the public and its members; and
5. To advise the Board and Department of Health concerning organ, tissue, and eye donation activities, procurement, and transplantation efforts in Virginia.

The Council shall establish such bylaws as may be necessary for its operation, consistent with state and federal law.

B. The membership of the Council shall consist of the following organizations, each of whom shall have one vote: INOVA Fairfax Hospital, Henrico Doctors' Hospital, LifeNet Health, Lion's Medical Eye Bank and Research Center of Eastern Virginia, Mountain Regional Donor Services, Old Dominion Eye Foundation, Inc., Sentara Norfolk General Hospital, University of Virginia Health System, Virginia Commonwealth University Health System, Washington Regional Transplant Community, *Children's Hospital of The King's Daughters*, and any successor organization thereof ~~which~~ *that* remains directly involved in activities related to organ, tissue, or eye donation, procurement, or transplantation in Virginia, and one representative of donor families and one representative of transplant recipients. The Council shall elect, from among its membership, such officers as its bylaws require to serve for the terms established in such bylaws.

The Council shall also elect the representatives of donor families and transplant recipients who shall serve for terms established in the bylaws.

C. In order to provide flexibility and coordination and to prevent duplication of efforts, the Council may agree to extend nonvoting, associate membership on the Council to representatives of other organizations, agencies, or experts, public or private, who (i) are directly involved in or (ii) provide education or information on organ, tissue, or eye donation, procurement, or transplantation. Such membership (a) shall be extended to the Virginia Departments of Education, Health, Health Professions, and Motor Vehicles, and the Virginia Hospital and Healthcare Association; (b) may include at least one representative of the faith community and one representative of local public schools; and (c) may be extended to other organizations, agencies, or experts as the Council deems appropriate.

D. In addition to the duties assigned in subsection A, the Council (i) shall inform the Board regarding the Council's activities; (ii) shall conduct and coordinate professional education and informational activities as they relate to organ, tissue, and eye donation, procurement, and transplantation efforts; and (iii) as appropriate, may conduct its activities in coordination with other organizations whose goals are related to organ, tissue, or eye donation, procurement, or transplantation. To achieve its purposes efficiently and effectively, the Council may conduct its activities in partnership with its member organizations or may contract for services with appropriate parties.

E. The Council, or the Board on behalf of the Council, may apply for, accept, and expend gifts, grants, or donations from public or private sources to enable the Council to further its purposes and carry out its duties, and the Council may comply with such conditions and requirements as may be imposed on it in connection therewith.

There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Donor Registry and Public Awareness Fund (the Fund). The Fund shall be established on the books of the Comptroller as a revolving fund

and shall consist of such gifts, grants, or donations as may be received pursuant to this subsection and any moneys appropriated by the General Assembly to support the Council's education and information programs. Moneys remaining in the Fund at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it. The Council shall administer funds made available to it from the Fund and shall disburse such funds in accordance with the purposes of this article.

F. The Council may employ such employees, permanent and temporary, as it may deem necessary for the proper performance of its duties and shall determine their qualifications and duties. Employees of the Council shall be compensated in the manner provided by the Council and shall not be subject to the provisions of the Virginia Personnel Act (§ 2.2-2900 et seq.). Actual expenses incurred by the members of the Council in the performance of their duties and actual costs of hiring and compensating employees of the Council shall be paid from the Virginia Donor Registry and Public Awareness Fund.

G. In addition to such other reports as may be required by the Commissioner or the Board, on or before September 30 of each year, the Council shall submit a report on its activities, programs, and funding in the previous fiscal year to the Board.

CHAPTER 73

An Act to amend and reenact § 54.1-2405 of the Code of Virginia, relating to health care providers; transfer of patient records in conjunction with closure, sale, or relocation of practice; electronic notice permitted.

[H 555]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2405 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2405. Transfer of patient records in conjunction with closure, sale, or relocation of practice; notice required.

A. No person licensed, registered, or certified by one of the health regulatory boards under the Department shall transfer records pertaining to a current patient in conjunction with the closure, sale or relocation of a professional practice until such person has first attempted to notify the patient of the pending transfer, *either electronically or* by mail, at the patient's last known address, and by publishing prior notice in a newspaper of general circulation within the provider's practice area, as specified in § 8.01-324.

The notice shall specify that, at the written request of the patient or an authorized representative, the records or copies will be sent, within a reasonable time, to any other like-regulated provider of the patient's choice or provided to the patient pursuant to § 32.1-127.1:03. The notice shall also disclose whether any charges will be billed by the provider for supplying the patient or the provider chosen by the patient with the originals or copies of the patient's records. Such charges shall not exceed the actual costs of copying and mailing or delivering the records.

B. For the purposes of this section:

"Current patient" means a patient who has had a patient encounter with the provider or his professional practice during the two-year period immediately preceding the date of the record transfer.

"Relocation of a professional practice" means the moving of a practice located in Virginia from the location at which the records are stored at the time of the notice to another practice site that is located more than 30 miles away or to another practice site that is located in another state or the District of Columbia.

CHAPTER 74

An Act to amend and reenact § 19.2-169.8 of the Code of Virginia, relating to orders for evaluation or treatment for competency determinations and sanity; copies to the Department of Behavioral Health and Developmental Services.

[S 691]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-169.8 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-169.8. Orders for evaluation or treatment; duties of clerk; copies.

A. Whenever a court orders an evaluation pursuant to § 19.2-168.1, 19.2-169.1, or 19.2-169.5 or orders treatment pursuant to § 19.2-169.2 or 19.2-169.6, the clerk of the court shall provide a copy of the order to the appointed evaluator or to the director of the community services board, behavioral health authority, or hospital named in the order as soon as practicable but no later than the close of business on the next business day following entry of the order. The party requesting the evaluation pursuant to § 19.2-168.1, 19.2-169.1, or 19.2-169.5, the attorney for the Commonwealth if treatment is ordered pursuant to § 19.2-169.2, or the petitioner if treatment is ordered pursuant to § 19.2-169.6 shall be responsible for providing to the court the name, address, and other contact information for the appointed evaluator or the director of the community services board, behavioral health authority, or hospital unless the court or clerk already has this information.

The appointed evaluator or the director of the community services board, behavioral health authority, or hospital shall acknowledge receipt of the order to the clerk of the court on a form developed by the Office of the Executive Secretary of the Supreme Court of Virginia as soon as practicable but no later than the close of business on the next business day following receipt of the order. *The clerk shall also provide a copy of the order to the Department of Behavioral Health and Developmental Services.*

B. No person shall be liable for any act or omission relating to the performance of any requirement set forth in subsection A unless the person was grossly negligent or engaged in willful misconduct.

CHAPTER 75

An Act to amend and reenact § 19.2-169.8 of the Code of Virginia, relating to competency to stand trial; order for evaluation or treatment; copy to the Department of Behavioral Health and Developmental Services.

[H 738]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-169.8 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-169.8. Orders for evaluation or treatment; duties of clerk; copies.

A. Whenever a court orders an evaluation pursuant to § 19.2-168.1, 19.2-169.1, or 19.2-169.5 or orders treatment pursuant to § 19.2-169.2 or 19.2-169.6, the clerk of the court shall provide a copy of the order to the appointed evaluator or to the director of the community services board, behavioral health authority, or hospital named in the order as soon as practicable but no later than the close of business on the next business day following entry of the order. The party requesting the evaluation pursuant to § 19.2-168.1, 19.2-169.1, or 19.2-169.5, the attorney for the Commonwealth if treatment is ordered pursuant to § 19.2-169.2, or the petitioner if treatment is ordered pursuant to § 19.2-169.6 shall be responsible for providing to the court the name, address, and other contact information for the appointed evaluator or the director of the community services board, behavioral health authority, or hospital unless the court or clerk already has this information. The appointed evaluator or the director of the community services board, behavioral health authority, or hospital shall acknowledge receipt of the order to the clerk of the court on a form developed by the Office of the Executive Secretary of the Supreme Court of Virginia as soon as practicable but no later than the close of business on the next business day following receipt of the order. *The clerk shall also provide a copy of the order to the Department of Behavioral Health and Developmental Services.*

B. No person shall be liable for any act or omission relating to the performance of any requirement set forth in subsection A unless the person was grossly negligent or engaged in willful misconduct.

CHAPTER 76

An Act to amend and reenact § 59.1-284.39 of the Code of Virginia, relating to the Shipping and Logistics Headquarters Grant Program.

[S 103]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-284.39 of the Code of Virginia is amended and reenacted as follows:

§ 59.1-284.39. Shipping and Logistics Headquarters Grant Program.

A. As used in this chapter, unless the context requires a different meaning:

"Capital investment" means an expenditure within an eligible locality, by or on behalf of a qualified company on or after January 1, 2021, in real property, tangible personal property, or both, at one of the facilities within an eligible locality that has been capitalized or is subject to being capitalized. "Capital investment" may include (i) the purchase of land and buildings and the cost of infrastructure development and land improvements; (ii) a capital expenditure related to a leasehold interest in real property; and (iii) the purchase or lease of furniture, fixtures, machinery, and equipment, including under an operating lease.

"Eligible locality" means ~~the City of Chesapeake,~~ the City of Norfolk, or the County of Arlington.

"Facilities" means the buildings, group of buildings, or campus, including any related furniture, fixtures, equipment, and business personal property, in an eligible locality that is owned, leased, licensed, occupied, or otherwise operated by or on behalf of a qualified company for use as a headquarters facility, a customer care center, or a research and development innovation center in the furtherance of its shipping and logistics business.

"Fund" means the Shipping and Logistics Headquarters Grant Fund.

"Grant" means a grant from the Fund awarded to a qualified company in an aggregate amount of up to ~~\$9.5 million~~ \$9,042,875. Grant proceeds are intended to be used by the qualified company to pay or reimburse costs associated with constructing, renovating, acquiring, and staffing the facilities.

"Memorandum of understanding" means a performance agreement or related document entered into on or before August 1, ~~2021~~ 2022, between a qualified company and the Commonwealth that sets forth the requirements for capital investment and the creation of new jobs for the qualified company.

"New job" means full-time employment at or associated with any of the facilities measured at any time after January 1, 2021, for which the annual average wage is at least \$56,713 for a position in the City of Norfolk or the City of Chesapeake or at least \$99,385 for a position in the County of Arlington, that requires a minimum of 38 hours of an employee's time per week for the entire normal year, consisting of at least 48 weeks, of the qualified company's operations. Seasonal or temporary positions and positions created when a job function is shifted from an existing location in the Commonwealth shall not qualify as new jobs. Any new job shall be in addition to the baseline number of existing full-time positions at the qualified company's facilities, to be set forth in the memorandum of understanding.

"Qualified company" means a shipping and logistics company, and its affiliates, that between January 1, 2021, and ~~December 31~~ September 30, 2030, is expected to (i) retain its North American headquarters operations in the City of Norfolk; (ii) make or cause to be made a capital investment at one or more of the facilities of at least \$36 million; (iii) create and maintain at least 415 new jobs at or associated with the facilities related to, or supportive of, its shipping and logistics business functions; and (iv) establish and operate a research and development innovation center.

"Secretary" means the Secretary of Commerce and Trade or his designee.

B. There is hereby created in the state treasury a nonreverting fund to be known as the Shipping and Logistics Headquarters Grant Fund. The Fund shall be established on the books of the Comptroller. All funds appropriated to the Fund shall be paid into the state treasury and credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purpose to pay grant installments pursuant to this chapter. Payment of such grant installments shall be made by check issued by the State Treasurer on warrant of the Comptroller. The Comptroller shall not draw any warrants to issue checks for grant installments under this section without a specific appropriation for the same.

C. Subject to appropriation by the General Assembly, ~~a qualified company shall be eligible to receive grant installments of \$6.33 million in fiscal year 2022 and \$3.17 million in fiscal year 2023. Such grant installments shall be paid to the qualified company from the Fund during each such fiscal year, contingent upon the qualified company's meeting the requirements set forth in the memorandum of understanding to provide security for any potential repayment of the grant, including a cash escrow~~ the aggregate amount of grants payable under this section to a qualified company shall not exceed \$9,042,875. Grants shall be paid in nine annual installments, calculated in accordance with the memorandum of understanding, with grants that may be awarded in a particular fiscal year not to exceed the following:

1. \$1,359,500 for the Commonwealth's fiscal year beginning July 1, 2022;
2. \$2,514,000, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2023;
3. \$3,468,500, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2024;
4. \$4,423,000, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2025;
5. \$5,377,500, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2026;
6. \$6,332,000, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2027;
7. \$7,286,500, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2028;
8. \$8,241,000, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2029; and
9. \$9,042,875, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2030.

D. A qualified company receiving a grant installment pursuant to this section shall provide evidence, satisfactory to the Secretary, annually of, for each facility: (i) the aggregate number of new jobs created and maintained as of the last day of the ~~calendar~~ prior grant year as determined in the memorandum of understanding, the payroll paid by the qualified company during the ~~calendar~~ grant year, and the average annual wage of the new jobs in the ~~calendar~~ grant year and (ii) the aggregate amount of the capital investment made during the ~~calendar~~ grant year, including the extent to which such capital investment was or was not subject to the Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.). The report and evidence shall be filed with the Secretary in person, by mail, or as otherwise agreed upon in the memorandum of understanding, by no later than ~~April 1~~ each year 90 days following the end of the prior ~~calendar~~ grant year upon which the evidence is based.

E. The memorandum of understanding shall provide that if any annual report and evidence provided pursuant to subsection D indicates that the qualified company failed to meet certain targets for capital investment that is or is not subject to the Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.), the average annual wage for new jobs, or the number of new jobs, the qualified company may be required to repay the Commonwealth a portion of the grant qualify for a reduced grant installment for the grant year in an amount that reflects the value of the shortfall in the applicable target.

F. As a condition of receipt ~~and retention~~ of the grant, a qualified company shall make available to the Secretary for inspection all documents relevant and applicable to determining whether the qualified company has met the requirements for the receipt ~~and retention~~ of the grant as set forth herein and subject to the memorandum of understanding. All such documents appropriately identified by the qualified company shall be considered confidential and proprietary; and shall not be subject to disclosure pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

CHAPTER 77

An Act to amend the Code of Virginia by adding in Article 3 of Chapter 32 of Title 58.1 a section numbered 58.1-3228.2, relating to classification of real property owned by certain surviving spouses for tax purposes.

[H 957]

Approved April 5, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 3 of Chapter 32 of Title 58.1 a section numbered 58.1-3228.2 as follows:

§ 58.1-3228.2. Classification of real property owned by certain surviving spouses for tax purposes.

A. For taxable years beginning on or after January 1, 2022, any real property owned by a surviving spouse of a member of the Armed Forces of the United States who died in the line of duty with a line of duty determination from the U.S. Department of Defense, where such death was not the result of criminal conduct, and where such spouse occupies the real property as his principal place of residence and does not remarry may be declared and classified as a separate class of property and shall constitute a separate classification for local taxation of real property.

B. The governing body of such locality may by ordinance levy a tax on the property described in subsection A at a different rate than the tax imposed upon other real property, provided that the rate of tax on the property described in subsection A shall not be zero and shall not exceed the rate of tax on other real property.

C. Nothing in this section shall be construed to permit a locality to alter in any way its valuation of real property covered by this section.

D. Nothing in this section shall be construed to restrict the surviving spouse from moving to a different principal place of residence and without any requirement that the surviving spouse reside in the Commonwealth at the time of death of the member of the Armed Forces of the United States.

CHAPTER 78

An Act to amend and reenact §§ 4.1-204, 4.1-206.3, and 4.1-212.1, as they are currently effective and as they shall become effective, 4.1-230, 4.1-231.1, and 18.2-323.1 of the Code of Virginia and the second enactment of Chapter 281 and the second enactment of Chapter 282 of the Acts of Assembly of 2021, Special Session I, and to amend the Code of Virginia by adding a section numbered 4.1-212.2, relating to alcoholic beverage control; delivery of alcoholic beverages; third-party delivery license; container.

[S 254]

Approved April 5, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.1-204, 4.1-206.3, and 4.1-212.1, as they are currently effective and as they shall become effective, 4.1-230, 4.1-231.1, and 18.2-323.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 4.1-212.2 as follows:

§ 4.1-204. (Effective until July 1, 2022) Records of licensees; inspection of records and places of business.

A. Manufacturers, bottlers or wholesalers. — Every licensed manufacturer, bottler or wholesaler shall keep complete, accurate and separate records in accordance with Board regulations of all alcoholic beverages purchased, manufactured, bottled, sold or shipped by him, and the applicable tax required by § 4.1-234 or 4.1-236, if any.

B. Retailers. — Every retail licensee shall keep complete, accurate, and separate records, in accordance with Board regulations, of all purchases of alcoholic beverages, the prices charged such licensee therefor, and the names and addresses of the persons from whom purchased. Every retail licensee shall also preserve all invoices showing his purchases for a period as specified by Board regulations. He shall also keep an accurate account of daily sales, showing quantities of alcoholic beverages sold and the total price charged by him therefor. Except as otherwise provided in subsection D, such account need not give the names or addresses of the purchasers thereof, except as may be required by Board regulation for the sale of alcoholic beverages in kegs. In the case of persons holding retail licenses that require sales of food to determine their qualifications for such licenses, the records shall also include purchases and sales of food and nonalcoholic beverages.

Notwithstanding the provisions of subsection F, electronic records of retail licensees may be stored off site, provided that such records are readily retrievable and available for electronic inspection by the Board or its special agents at the licensed premises. However, in the case that such electronic records are not readily available for electronic inspection on the licensed premises, the retail licensee may obtain Board approval, for good cause shown, to permit the retail licensee to

provide the records to a special agent of the Board within three business days or less, as determined by the Board, after a request is made to inspect the records.

C. Common carriers. — Common carriers of passengers by train, boat, bus, or airplane shall keep records of purchases and sales of alcoholic beverages and food as required by Board regulation.

D. Wine and beer shippers. — Every wine and beer shipper licensee shall keep complete, accurate, and separate records in accordance with Board regulations of all shipments of wine or beer to persons in the Commonwealth. Such licensees shall also remit on a monthly basis an accurate account stating whether any wine, farm wine, or beer products were sold and shipped and, if so, stating the total quantities of wine and beer sold and the total price charged for such wine and beer. Such records shall include the names and addresses of the purchasers to whom the wine and beer is shipped.

E. Deliveries. — Every licensee or permittee that is authorized to make deliveries pursuant to § 4.1-212.1 shall keep complete, accurate, and separate records for a period of at least two years in accordance with Board regulations of all deliveries of ~~wine or beer alcoholic beverages~~ to persons in the Commonwealth. Such records shall include (i) the ~~brands types of wine and beer alcoholic beverages~~ sold, (ii) the total quantities of ~~wine and beer alcoholic beverages~~ sold, (iii) the total price charged for such ~~wine and beer, and alcoholic beverages~~, (iv) the ~~names, addresses, and signatures of the purchasers name and date of birth of the person to whom the wine and beer is alcoholic beverages~~ are delivered; ~~Such purchaser signatures may be in an electronic format, and (v) the address to which the alcoholic beverages are delivered.~~ Licensees and permittees shall remit such records on a monthly basis for any month during which the licensee or permittee makes a delivery for which the licensee or permittee is required to collect and remit excise taxes due to the Authority pursuant to subsection H of § 4.1-212.1.

Every licensee that is authorized to make deliveries pursuant to § 4.1-212.2 shall keep complete, accurate, and separate records for a period of at least two years in accordance with Board regulations of all deliveries of alcoholic beverages to persons in the Commonwealth. Such records shall include all information prescribed by Board regulations. Licensees shall remit such records within 24 hours of a records request by the Authority; however, the licensee may obtain Board approval, for good cause shown, to permit the licensee to provide records to a special agent of the Board within three business days or less, as determined by the Board, after a request is made to inspect the records.

F. Inspection. — The Board and its special agents shall be allowed free access during reasonable hours to every place in the Commonwealth and to the premises of both (i) every wine and beer shipper licensee and (ii) every licensee or permittee authorized to make deliveries wherever located where alcoholic beverages are manufactured, bottled, stored, offered for sale or sold, for the purpose of examining and inspecting such place and all records, invoices and accounts therein. The Board may engage the services of alcoholic beverage control authorities in any state to assist with the inspection of the premises of a wine and beer shipper licensee, licensee or permittee authorized to make deliveries, or any applicant for such license or permit.

For purposes of a Board inspection of the records of any retail licensees, "reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public. At any other time of day, if the retail licensee's records are not available for inspection, the retailer shall provide the records to a special agent of the Board within 24 hours after a request is made to inspect the records.

§ 4.1-204. (Effective July 1, 2022) Records of licensees; inspection of records and places of business.

A. Manufacturers, bottlers or wholesalers. — Every licensed manufacturer, bottler or wholesaler shall keep complete, accurate and separate records in accordance with Board regulations of all alcoholic beverages purchased, manufactured, bottled, sold or shipped by him, and the applicable tax required by § 4.1-234 or 4.1-236, if any.

B. Retailers. — Every retail licensee shall keep complete, accurate, and separate records, in accordance with Board regulations, of all purchases of alcoholic beverages, the prices charged such licensee therefor, and the names and addresses of the persons from whom purchased. Every retail licensee shall also preserve all invoices showing his purchases for a period as specified by Board regulations. He shall also keep an accurate account of daily sales, showing quantities of alcoholic beverages sold and the total price charged by him therefor. Except as otherwise provided in subsection D, such account need not give the names or addresses of the purchasers thereof, except as may be required by Board regulation for the sale of alcoholic beverages in kegs. In the case of persons holding retail licenses that require sales of food to determine their qualifications for such licenses, the records shall also include purchases and sales of food and nonalcoholic beverages.

Notwithstanding the provisions of subsection F, electronic records of retail licensees may be stored off site, provided that such records are readily retrievable and available for electronic inspection by the Board or its special agents at the licensed premises. However, in the case that such electronic records are not readily available for electronic inspection on the licensed premises, the retail licensee may obtain Board approval, for good cause shown, to permit the retail licensee to provide the records to a special agent of the Board within three business days or less, as determined by the Board, after a request is made to inspect the records.

C. Common carriers. — Common carriers of passengers by train, boat, bus, or airplane shall keep records of purchases and sales of alcoholic beverages and food as required by Board regulation.

D. Wine and beer shippers. — Every wine and beer shipper licensee shall keep complete, accurate, and separate records in accordance with Board regulations of all shipments of wine or beer to persons in the Commonwealth. Such licensees shall also remit on a monthly basis an accurate account stating whether any wine, farm wine, or beer products

were sold and shipped and, if so, stating the total quantities of wine and beer sold and the total price charged for such wine and beer. Such records shall include the names and addresses of the purchasers to whom the wine and beer is shipped.

E. Deliveries. — Every licensee or permittee that is authorized to make deliveries pursuant to § 4.1-212.1 shall keep complete, accurate, and separate records for a period of at least two years in accordance with Board regulations of all deliveries of wine or beer to persons in the Commonwealth. Such records shall include (i) the ~~brands types~~ of wine and beer sold, (ii) the total quantities of wine and beer sold, (iii) the total price charged for such wine and beer, ~~and~~ (iv) the ~~names, addresses, and signatures of the purchasers name and date of birth of the person to whom the wine and beer is delivered. Such purchaser signatures may be in an electronic format,~~ and (v) the address to which the wine and beer is delivered. Licensees and permittees shall remit such records on a monthly basis for any month during which the licensee or permittee makes a delivery for which the licensee or permittee is required to collect and remit excise taxes due to the Authority pursuant to subsection E of § 4.1-212.1.

Every licensee that is authorized to make deliveries pursuant to § 4.1-212.2 shall keep complete, accurate, and separate records for a period of at least two years in accordance with Board regulations of all deliveries of alcoholic beverages to persons in the Commonwealth. Such records shall include all information prescribed by Board regulations. Licensees shall remit such records within 24 hours of a records request by the Authority; however, the licensee may obtain Board approval, for good cause shown, to permit the licensee to provide records to a special agent of the Board within three business days or less, as determined by the Board, after a request is made to inspect the records.

F. Inspection. — The Board and its special agents shall be allowed free access during reasonable hours to every place in the Commonwealth and to the premises of both (i) every wine and beer shipper licensee and (ii) every licensee or permittee authorized to make deliveries wherever located where alcoholic beverages are manufactured, bottled, stored, offered for sale or sold, for the purpose of examining and inspecting such place and all records, invoices and accounts therein. The Board may engage the services of alcoholic beverage control authorities in any state to assist with the inspection of the premises of a wine and beer shipper licensee, licensee or permittee authorized to make deliveries, or any applicant for such license or permit.

For purposes of a Board inspection of the records of any retail licensees, "reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public. At any other time of day, if the retail licensee's records are not available for inspection, the retailer shall provide the records to a special agent of the Board within 24 hours after a request is made to inspect the records.

§ 4.1-206.3. (Effective until July 1, 2022) Retail licenses.

A. The Board may grant the following mixed beverages licenses:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in dining areas and other designated areas of such restaurant or off-premises consumption. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

If the restaurant is located on the premises of a hotel or motel with no fewer than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms, and other private rooms of such hotel or motel, such licensee may (a) sell and serve mixed beverages for on-premises consumption in such designated areas, bedrooms, and other private rooms or off-premises consumption and (b) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit, or profit club exclusively for its members and their guests, or members of another private, nonprofit, or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to (1) sell and serve mixed beverages for on-premises or off-premises consumption and (2) sell spirits that are packaged in original closed containers with a maximum capacity of two fluid ounces or 50 milliliters and purchased from the Board for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

If the restaurant is located on the premises of and operated by a municipal golf course, the Board shall recognize the seasonal nature of the business and waive any applicable monthly food sales requirements for those months when weather conditions may reduce patronage of the golf course, provided that prepared food, including meals, is available to patrons during the same months. The gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after the issuance of such license, shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food on an annualized basis.

If the restaurant is located on the premises of and operated by a culinary lodging resort, such license shall authorize the licensee to (A) sell alcoholic beverages, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, for off-premises consumption or for on-premises consumption in areas upon the licensed premises approved by the Board and other designated areas of the resort, including outdoor areas under the control of the licensee, and (B) permit the possession and consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in bedrooms and private guest rooms.

The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage carrier licenses to persons operating a common carrier of passengers by train, boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load alcoholic beverages onto the same airplanes and to transport and store alcoholic beverages at or in close proximity to the airport where the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (i) designate for purposes of its license all locations where the inventory of alcoholic beverages may be stored and from which the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier and (ii) maintain records of all alcoholic beverages to be transported, stored, and delivered by its authorized representative. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

5. Annual mixed beverage motor sports facility licenses, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers or in single original metal cans, during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas, or similar facilities, for on-premises consumption. Such license may be granted to persons operating food concessions at an outdoor motor sports facility that (i) is located on 1,200 acres of rural property bordering the Dan River and has a track surface of 3.27 miles in length or (ii) hosts a NASCAR national touring race. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for on-premises consumption in dining areas of the restaurant or off-premises consumption. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic beverages. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee to sell, on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable containers or in single original metal

cans for on-premises consumption in all seating areas, concourses, walkways, concession areas, similar facilities, and other areas upon the licensed premises approved by the Board and (ii) automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Such licenses may be granted to the following:

a. Corporations or associations operating a performing arts facility, provided the performing arts facility (i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards;

b. Persons operating food concessions at any performing arts facility located in the City of Norfolk or the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 1,400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants;

c. Persons operating food concessions at any performing arts facility located in the City of Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a total capacity in excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation standards;

d. Persons operating food concessions at any performing arts facility located in the arts and cultural district of the City of Harrisonburg, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has been rehabilitated in accordance with historic preservation standards; (iii) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons;

e. Persons operating food concessions at any multipurpose theater located in the historical district of the Town of Bridgewater, provided that the theater (i) is owned and operated by a governmental entity and (ii) has a total capacity in excess of 100 patrons;

f. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach;

g. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth; or

h. Persons operating food concessions at any corporate and performing arts facility located in Fairfax County, provided that the corporate and performing arts facility (i) is occupied under a bona fide long-term lease, management, or concession agreement, the original term of which was more than one year and (ii) has a total capacity in excess of 1,400 patrons. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business premises designated in the license, with a common alcoholic beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or

charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

11. Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.

12. Commercial lifestyle center licenses, which may be issued only to a commercial owners' association governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas, seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be consumed on the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed premises; however, no physical barriers shall be required for this purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the applicable provisions of this title and Board regulations.

13. Mixed beverage port restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons operating a business (i) that is primarily engaged in the sale of meals; (ii) that is located on property owned by the United States government or an agency thereof and used as a port of entry to or egress from the United States; and (iii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

14. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating either a performing arts facility or an art education and exhibition facility; (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and objects significant in American history and culture; (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open-door or closed-door access; or (iv) a locality for special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease, the original term of which was for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

B. The Board may grant an on-and-off-premises wine and beer license to the following:

1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed containers for off-premises consumption or (ii) for on-premises consumption, either with or without meals, in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

2. Hospitals, which shall authorize the licensee to sell wine and beer (i) in the rooms of patients for their on-premises consumption only in such rooms, provided the consent of the patient's attending physician is first obtained or (ii) in closed containers for off-premises consumption.

3. Rural grocery stores, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption. No license shall be granted unless (i) the grocery store is located in any town or in a rural area outside the corporate limits of any city or town and (ii) it appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this title will be promoted by granting the license.

4. Coliseums, stadiums, and racetracks, which shall authorize the licensee to sell wine and beer during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at coliseums, stadiums, racetracks, or similar facilities.

5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer during the performance of any event to patrons within all seating areas, concourses, walkways, or concession areas, or other areas approved by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that (a) has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach; (b) has seating or capacity for more than 3,500 persons and is located in the County of Albemarle, Alleghany, Augusta, Nelson, Pittsylvania, or Rockingham or the City of Charlottesville, Danville, or Roanoke; or (c) has capacity for more than 9,500 persons and is located in Henrico County.

6. Exhibition halls, which shall authorize the licensee to sell wine and beer during the event to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at exhibition or exposition halls, convention centers, or similar facilities located in any county operating under the urban county executive form of government or any city that is completely surrounded by such county. For purposes of this subdivision, "exhibition or exposition hall" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

7. Concert and dinner-theaters, which shall authorize the licensee to sell wine and beer during events to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, dining areas, and such additional locations designated by the Board in such facilities, for on-premises consumption or in closed containers for off-premises consumption. Persons licensed pursuant to this subdivision shall serve food, prepared on or off premises, whenever wine or beer is served. Such licenses may be granted to persons operating concert or dinner-theater venues on property fronting Natural Bridge School Road in Natural Bridge Station and formerly operated as Natural Bridge High School.

8. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or without meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be lawfully sold, for on-premises consumption or in closed containers for off-premises consumption. The privileges of this license shall be limited to the premises of the historic cinema house regularly occupied and utilized as such.

9. Nonprofit museums, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption in areas approved by the Board. Such licenses may be granted to persons operating a nonprofit museum exempt from taxation under § 501(c)(3) of the Internal Revenue Code, located in the Town of Front Royal, and dedicated to educating the consuming public about historic beer products. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

C. The Board may grant the following off-premises wine and beer licenses:

1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery store, delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina store as defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-308, to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-premises consumption; however, no single sample shall exceed four ounces of beer or two ounces of wine and no more than 12 ounces of beer or five ounces of wine shall be served to any person per day. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. With the consent of the licensee, farm wineries, wineries, breweries, distillers, and wholesale licensees or authorized representatives of such licensees may

participate in such tastings, including the pouring of samples. The licensee shall comply with any food inventory and sales volume requirements established by Board regulation.

2. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging, and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for off-premises consumption in accordance with subdivision 6 of § 4.1-200.

3. Confectionery licenses, which shall authorize the licensee to prepare and sell on the licensed premises for off-premises consumption confectionery that contains five percent or less alcohol by volume. Any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold.

D. The Board may grant the following banquet, special event, and tasting licenses:

1. Per-day event licenses.

a. Banquet licenses to persons in charge of banquets, and to duly organized nonprofit corporations or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Licensees who are nonprofit corporations or associations conducting fundraisers (i) shall also be authorized to sell wine, as part of any fundraising activity, in closed containers for off-premises consumption to persons to whom wine may be lawfully sold; (ii) shall be limited to no more than one such fundraiser per year; and (iii) if conducting such fundraiser through an online meeting platform, may ship such wine, in accordance with Board regulations, in closed containers to persons located within the Commonwealth. Except as provided in § 4.1-215, a separate license shall be required for each day of each banquet or special event. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Mixed beverage special events licenses to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

d. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

2. Annual licenses.

a. Annual banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer fire or volunteer emergency medical services agency station, provided such other premises are occupied and under the control of the volunteer fire department or volunteer emergency medical services agency while the privileges of its license are being exercised.

c. Designated outdoor refreshment area licenses to a locality, business improvement district, or nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within the area designated by the Board for the designated outdoor refreshment area and (ii) any permanent retail on-premises licensee that is located within the area designated by the Board for the designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for consumption in the area designated for the designated outdoor refreshment area, including sidewalks and the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the designated area for the designated outdoor refreshment area, the Board shall consult with the locality.

Designated outdoor refreshment area licensees shall be limited to 16 events per year, and the duration of any event shall not exceed three consecutive days. However, the Board may increase the frequency and duration of events after adoption of an ordinance by a locality requesting such increase in frequency and duration. Such ordinance shall include the size and scope of the area within which such events will be held, a public safety plan, and any other considerations deemed necessary by the Board. Such limitations on the number of events that may be held shall not apply during the effective dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively reduces allowable restaurant seating capacity; however, designated outdoor refreshment area licensees shall be subject to all other applicable provisions of this title and Board regulations and shall provide notice to the Board regarding the days and times during which the privileges of the license will be exercised. Only alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area may be consumed at the event, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly display the name or logo of the retail on-premises licensee from which the alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the designated outdoor refreshment area licensee. The designated outdoor refreshment area licensee shall post appropriate signage clearly demarcating for the public the boundaries of the event; however, no physical barriers shall be required for this purpose. The designated outdoor refreshment area licensee shall provide adequate security for the event to ensure compliance with the applicable provisions of this title and Board regulations.

d. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt, and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt, and steeplechase events, and (ii) exercised on no more than four calendar days per year.

f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

E. The Board may grant a marketplace license to persons operating a business enterprise of which the primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. In order to be eligible for and retain a marketplace license, the applicant's business enterprise must (i) provide a single category of goods or services in a manner intended to create a personalized experience for the customer; (ii) employ staff with expertise in such goods or services; (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic beverage control manager on the licensed premises at all times alcohol is served; (v) ensure that all employees satisfy any training requirements imposed by the Board; and (vi) purchase all wine and beer to be served from a licensed wholesaler or the Authority and retain purchase records as prescribed by the Board. In determining whether to grant a marketplace license, the Board shall consider (a) the average amount of time customers spend at the business; (b) the business's hours of operation; (c) the amount of time that the business has been in operation; and (d) any other requirements deemed necessary by the Board to protect the public health, safety, and welfare.

F. The Board may grant the following shipper, bottler, and related licenses:

1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in § 4.1-209.1.
2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside the Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations, in closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for off-premises consumption. Such licensee shall not be required to comply with the monthly food sale requirement established by Board regulations.
3. Bottler licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell, and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.
4. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by holders of wine and beer

shipper's licenses; (ii) store such wine or beer on behalf of the owner; and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or not, or any person under common control of such licensee, shall acquire or hold any financial interest, direct or indirect, in the business for which any fulfillment warehouse license is issued.

5. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer may be lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine and beer shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

6. *Third-party delivery licenses, which shall carry the privileges and limitations set forth in § 4.1-212.2.*

§ 4.1-206.3. (Effective July 1, 2022) Retail licenses.

A. The Board may grant the following mixed beverages licenses:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

If the restaurant is located on the premises of a hotel or motel with no fewer than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms, and other private rooms of such hotel or motel, such licensee may (a) sell and serve mixed beverages for consumption in such designated areas, bedrooms, and other private rooms and (b) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit, or profit club exclusively for its members and their guests, or members of another private, nonprofit, or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to (1) sell and serve mixed beverages for on-premises consumption and (2) sell spirits that are packaged in original closed containers with a maximum capacity of two fluid ounces or 50 milliliters and purchased from the Board for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

If the restaurant is located on the premises of and operated by a municipal golf course, the Board shall recognize the seasonal nature of the business and waive any applicable monthly food sales requirements for those months when weather conditions may reduce patronage of the golf course, provided that prepared food, including meals, is available to patrons during the same months. The gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after the issuance of such license, shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food on an annualized basis.

If the restaurant is located on the premises of and operated by a culinary lodging resort, such license shall authorize the licensee to (A) sell alcoholic beverages for on-premises consumption, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, in areas upon the licensed premises approved by the Board and other designated areas of the resort, including outdoor areas under the control of the licensee, and (B) permit the possession and consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in bedrooms and private guest rooms.

The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food

cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage carrier licenses to persons operating a common carrier of passengers by train, boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load alcoholic beverages onto the same airplanes and to transport and store alcoholic beverages at or in close proximity to the airport where the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (i) designate for purposes of its license all locations where the inventory of alcoholic beverages may be stored and from which the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier and (ii) maintain records of all alcoholic beverages to be transported, stored, and delivered by its authorized representative. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

5. Annual mixed beverage motor sports facility licenses, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers or in single original metal cans, during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas, or similar facilities, for on-premises consumption. Such license may be granted to persons operating food concessions at an outdoor motor sports facility that (i) is located on 1,200 acres of rural property bordering the Dan River and has a track surface of 3.27 miles in length or (ii) hosts a NASCAR national touring race. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for consumption in dining areas of the restaurant. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic beverages. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee to sell, on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption in all seating areas, concourses, walkways, concession areas, similar facilities, and other areas upon the licensed premises approved by the Board and (ii) automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Such licenses may be granted to the following:

a. Corporations or associations operating a performing arts facility, provided the performing arts facility (i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards;

b. Persons operating food concessions at any performing arts facility located in the City of Norfolk or the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 1,400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants;

c. Persons operating food concessions at any performing arts facility located in the City of Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a total capacity in excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation standards;

d. Persons operating food concessions at any performing arts facility located in the arts and cultural district of the City of Harrisonburg, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has been rehabilitated in accordance with historic preservation standards; (iii) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons;

e. Persons operating food concessions at any multipurpose theater located in the historical district of the Town of Bridgewater, provided that the theater (i) is owned and operated by a governmental entity and (ii) has a total capacity in excess of 100 patrons;

f. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach;

g. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth; or

h. Persons operating food concessions at any corporate and performing arts facility located in Fairfax County, provided that the corporate and performing arts facility (i) is occupied under a bona fide long-term lease, management, or concession agreement, the original term of which was more than one year and (ii) has a total capacity in excess of 1,400 patrons. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business premises designated in the license, with a common alcoholic beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

11. Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.

12. Commercial lifestyle center licenses, which may be issued only to a commercial owners' association governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas, seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be consumed on the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed

premises; however, no physical barriers shall be required for this purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the applicable provisions of this title and Board regulations.

13. Mixed beverage port restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons operating a business (i) that is primarily engaged in the sale of meals; (ii) that is located on property owned by the United States government or an agency thereof and used as a port of entry to or egress from the United States; and (iii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

14. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating either a performing arts facility or an art education and exhibition facility; (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and objects significant in American history and culture; (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open-door or closed-door access; or (iv) a locality for special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease, the original term of which was for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

B. The Board may grant an on-and-off-premises wine and beer license to the following:

1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed containers for off-premises consumption or (ii) for on-premises consumption, either with or without meals, in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

2. Hospitals, which shall authorize the licensee to sell wine and beer (i) in the rooms of patients for their on-premises consumption only in such rooms, provided the consent of the patient's attending physician is first obtained or (ii) in closed containers for off-premises consumption.

3. Rural grocery stores, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption. No license shall be granted unless (i) the grocery store is located in any town or in a rural area outside the corporate limits of any city or town and (ii) it appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this title will be promoted by granting the license.

4. Coliseums, stadiums, and racetracks, which shall authorize the licensee to sell wine and beer during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at coliseums, stadiums, racetracks, or similar facilities.

5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer during the performance of any event to patrons within all seating areas, concourses, walkways, or concession areas, or other areas approved by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable

containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that (a) has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach; (b) has seating or capacity for more than 3,500 persons and is located in the County of Albemarle, Alleghany, Augusta, Nelson, Pittsylvania, or Rockingham or the City of Charlottesville, Danville, or Roanoke; or (c) has capacity for more than 9,500 persons and is located in Henrico County.

6. Exhibition halls, which shall authorize the licensee to sell wine and beer during the event to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at exhibition or exposition halls, convention centers, or similar facilities located in any county operating under the urban county executive form of government or any city that is completely surrounded by such county. For purposes of this subdivision, "exhibition or exposition hall" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

7. Concert and dinner-theaters, which shall authorize the licensee to sell wine and beer during events to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, dining areas, and such additional locations designated by the Board in such facilities, for on-premises consumption or in closed containers for off-premises consumption. Persons licensed pursuant to this subdivision shall serve food, prepared on or off premises, whenever wine or beer is served. Such licenses may be granted to persons operating concert or dinner-theater venues on property fronting Natural Bridge School Road in Natural Bridge Station and formerly operated as Natural Bridge High School.

8. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or without meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be lawfully sold, for on-premises consumption or in closed containers for off-premises consumption. The privileges of this license shall be limited to the premises of the historic cinema house regularly occupied and utilized as such.

9. Nonprofit museums, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption in areas approved by the Board. Such licenses may be granted to persons operating a nonprofit museum exempt from taxation under § 501(c)(3) of the Internal Revenue Code, located in the Town of Front Royal, and dedicated to educating the consuming public about historic beer products. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

C. The Board may grant the following off-premises wine and beer licenses:

1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery store, delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina store as defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-308, to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-premises consumption; however, no single sample shall exceed four ounces of beer or two ounces of wine and no more than 12 ounces of beer or five ounces of wine shall be served to any person per day. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. With the consent of the licensee, farm wineries, wineries, breweries, distillers, and wholesale licensees or authorized representatives of such licensees may participate in such tastings, including the pouring of samples. The licensee shall comply with any food inventory and sales volume requirements established by Board regulation.

2. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging, and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for off-premises consumption in accordance with subdivision 6 of § 4.1-200.

3. Confectionery licenses, which shall authorize the licensee to prepare and sell on the licensed premises for off-premises consumption confectionery that contains five percent or less alcohol by volume. Any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold.

D. The Board may grant the following banquet, special event, and tasting licenses:

1. Per-day event licenses.

a. Banquet licenses to persons in charge of banquets, and to duly organized nonprofit corporations or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Licensees who are nonprofit corporations or associations conducting fundraisers (i) shall also be authorized to sell wine, as part of any fundraising activity, in closed containers for off-premises consumption to persons to whom wine may be lawfully sold; (ii) shall be limited to no more than one such fundraiser per year; and (iii) if conducting such fundraiser through an online meeting platform, may ship such wine, in accordance with Board regulations, in closed containers to persons located within the Commonwealth. Except as

provided in § 4.1-215, a separate license shall be required for each day of each banquet or special event. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Mixed beverage special events licenses to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

d. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

2. Annual licenses.

a. Annual banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer fire or volunteer emergency medical services agency station, provided such other premises are occupied and under the control of the volunteer fire department or volunteer emergency medical services agency while the privileges of its license are being exercised.

c. Designated outdoor refreshment area licenses to a locality, business improvement district, or nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within the area designated by the Board for the designated outdoor refreshment area and (ii) any permanent retail on-premises licensee that is located within the area designated by the Board for the designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for consumption in the area designated for the designated outdoor refreshment area, including sidewalks and the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the designated area for the designated outdoor refreshment area, the Board shall consult with the locality. Designated outdoor refreshment area licensees shall be limited to 16 events per year, and the duration of any event shall not exceed three consecutive days. However, the Board may increase the frequency and duration of events after adoption of an ordinance by a locality requesting such increase in frequency and duration. Such ordinance shall include the size and scope of the area within which such events will be held, a public safety plan, and any other considerations deemed necessary by the Board. Such limitations on the number of events that may be held shall not apply during the effective dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively reduces allowable restaurant seating capacity; however, designated outdoor refreshment area licensees shall be subject to all other applicable provisions of this title and Board regulations and shall provide notice to the Board regarding the days and times during which the privileges of the license will be exercised. Only alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area may be consumed at the event, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly display the name or logo of the retail on-premises licensee from which the alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the designated outdoor refreshment area licensee. The designated outdoor refreshment area licensee shall post appropriate signage clearly demarcating for the public the boundaries of the event; however, no physical barriers shall be required for this purpose. The designated outdoor refreshment area licensee shall provide adequate security for the event to ensure compliance with the applicable provisions of this title and Board regulations.

d. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively

for members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt, and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt, and steeplechase events, and (ii) exercised on no more than four calendar days per year.

f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

E. The Board may grant a marketplace license to persons operating a business enterprise of which the primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. In order to be eligible for and retain a marketplace license, the applicant's business enterprise must (i) provide a single category of goods or services in a manner intended to create a personalized experience for the customer; (ii) employ staff with expertise in such goods or services; (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic beverage control manager on the licensed premises at all times alcohol is served; (v) ensure that all employees satisfy any training requirements imposed by the Board; and (vi) purchase all wine and beer to be served from a licensed wholesaler or the Authority and retain purchase records as prescribed by the Board. In determining whether to grant a marketplace license, the Board shall consider (a) the average amount of time customers spend at the business; (b) the business's hours of operation; (c) the amount of time that the business has been in operation; and (d) any other requirements deemed necessary by the Board to protect the public health, safety, and welfare.

F. The Board may grant the following shipper, bottler, and related licenses:

1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in § 4.1-209.1.
2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside the Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations, in closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for off-premises consumption. Such licensee shall not be required to comply with the monthly food sale requirement established by Board regulations.
3. Bottler licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell, and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.
4. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by holders of wine and beer shipper's licenses; (ii) store such wine or beer on behalf of the owner; and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or not, or any person under common control of such licensee, shall acquire or hold any financial interest, direct or indirect, in the business for which any fulfillment warehouse license is issued.
5. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer may be lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine and beer shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

6. *Third-party delivery licenses, which shall carry the privileges and limitations set forth in § 4.1-212.2.*

§ 4.1-212.1. (Effective until July 1, 2022) Delivery of wine and beer; kegs; regulations of Board.

A. Any brewery, winery, or farm winery located within or outside the Commonwealth that is authorized to engage in the retail sale of wine or beer for off-premises consumption may deliver the brands of beer, wine, and farm wine produced by the same brewery, winery, or farm winery in closed containers to consumers within the Commonwealth for personal off-premises consumption.

B. Any person licensed to sell wine and beer at retail for off-premises consumption in the Commonwealth, and who is not a brewery, winery, or farm winery, may deliver the brands of beer, wine, and farm wine it is authorized to sell in closed

containers to consumers within the Commonwealth for personal off-premises consumption. Notwithstanding any provision of law to the contrary, such deliveries may be made to (i) a person's vehicle if located in a designated parking area of the licensee's premises where such person has electronically ordered beer, wine, or farm wine in advance of the delivery or (ii) such other locations as may be permitted by Board regulation.

C. Any person located outside the Commonwealth who is authorized to sell wine or beer at retail for off-premises consumption in its state of domicile, and who is not a brewery, winery, or farm winery, may apply for a delivery permit that shall authorize the delivery of any brands of beer, wine, and farm wine it is authorized to sell in its state of domicile, in closed containers, to consumers within the Commonwealth for personal off-premises consumption.

D. Any person licensed to sell mixed beverages at retail for off-premises consumption in the Commonwealth may deliver any mixed beverages it is authorized to sell in closed containers to consumers within the Commonwealth for personal off-premises consumption. Notwithstanding any provision of law to the contrary, such deliveries may be made to (i) a person's vehicle if located in a designated parking area of the licensee's premises where such person has electronically ordered mixed beverages in advance of the delivery or (ii) such other locations as may be permitted by Board regulation.

E. Any distiller that has been appointed as an agent of the Board pursuant to subsection D of § 4.1-119 may deliver to consumers within the Commonwealth for personal consumption any alcoholic beverages the distiller is authorized to sell through organized tasting events in accordance with subsection G of § 4.1-119 and Board regulations. Notwithstanding any provision of law to the contrary, such deliveries may be made to (i) a person's vehicle if located in a designated parking area of the licensee's premises where such person has electronically ordered mixed beverages in advance of the delivery or (ii) such other locations as may be permitted by Board regulation.

F. All deliveries made pursuant to this section shall be to consumers within the Commonwealth for personal consumption only and not for resale. Such deliveries shall be performed by either (i) the owner or any agent, officer, director, shareholder, or employee of the licensee or permittee or (ii) ~~an independent contractor of the licensee or permittee, provided that (a) the licensee or permittee has entered into a written agreement with the independent contractor establishing that the licensee or permittee shall be vicariously a third-party delivery licensee pursuant to § 4.1-212.2. The licensee performing the delivery shall be liable for any administrative violations of this section or § 4.1-304 committed by the independent contractor relating to any deliveries of alcoholic beverages made on behalf of the licensee or permittee and (b) only during transport through completion of the delivery. Alcoholic beverages shall not be delivered after 11:00 p.m. or before 6:00 a.m. Only one individual takes may take possession of the alcoholic beverages during the course of the delivery. No more than four cases of wine nor more than four cases of beer may be delivered at one time to any person in Virginia to whom alcoholic beverages may be lawfully sold, except that the licensee or permittee may deliver more than four cases of wine or more than four cases of beer if he notifies the Authority in writing at least one business day in advance of any such delivery, which notice contains the name and address of the intended recipient. Except as otherwise provided in this subtitle, alcoholic beverages sold for off-premises consumption or delivered pursuant to this section that are not in the manufacturer's original sealed container shall (a) be enclosed in a container that has no straw holes or other openings and is sealed in a manner that allows a person to readily discern whether the container has been opened or tampered with subsequent to its original closure; (b) display the name of the licensee from which the alcoholic beverages were purchased; (c) be clearly marked with the phrase "contains alcoholic beverages"; (d) in the case of wine, beer, or, if purchased from a mixed beverage restaurant or limited mixed beverage restaurant licensee, mixed beverages, have a maximum volume of 16 ounces per beverage; and (e) during delivery, be stored (1) in the trunk of the vehicle, (2) in an area that is rear of the driver's seat, (3) in a locked container or compartment, or (4) in the case of delivery by bicycle, in a compartment behind the bicyclist.~~

The Board may adopt such regulations as it reasonably deems necessary to implement the provisions of this section. Such regulations shall include provisions that require ~~(+) (A)~~ (A) the recipient to demonstrate, upon delivery, that he is at least 21 years of age and ~~(2) (B)~~ (B) the recipient to sign an electronic or paper form or other acknowledgement of receipt as approved by the Board.

G. In addition to other applicable requirements set forth in this section, the following provisions shall apply to the sale of mixed beverages for off-premises consumption and the delivery of mixed beverages pursuant to this section:

- ~~1. Mixed beverages shall not be sold for off-premises consumption or delivered after 11:00 p.m. or before 6:00 a.m.;~~
- ~~2. No distiller shall sell for off-premises consumption or deliver more than two mixed beverages at any one time, and no mixed beverage restaurant or limited mixed beverage restaurant licensee may sell for off-premises consumption or deliver more than four mixed beverages at any one time;~~
- ~~3. 2. All mixed beverages sold for off-premises consumption or delivered by a mixed beverage restaurant or limited mixed beverage restaurant licensee shall contain at least one mixer and have a maximum combined volume of 16 ounces; and~~
- ~~4. 3. Mixed beverage restaurant and limited mixed beverage restaurant licensees shall serve at least one meal with every two mixed beverages sold for off-premises consumption or delivered; and~~
- ~~5. Mixed beverages sold for off-premises consumption or delivered shall be in single original metal cans or in glass, paper, plastic, or similar disposable containers that include a secure lid, cap, or similar closure that prevents the mixed beverage from being consumed without removal of such lid, cap, or similar closure.~~

The Board may summarily revoke a licensee's privileges to sell or deliver mixed beverages for off-premises consumption for noncompliance with the provisions of this section or § 4.1-225 or 4.1-325. Any summary revocation by the

Board pursuant to this paragraph (i) shall not be subject to the provisions of § 4.1-227, (ii) shall not be subject to appeal, and (iii) shall become effective upon personal service of the notice of summary revocation to the licensee or upon the fourth business day after such notice is mailed to the licensee's residence or the address listed for the licensed premises on the initial license application.

H. For purposes of §§ 4.1-234 and 4.1-236 and Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, each delivery of wine, beer, or mixed beverages by a licensee or permittee shall constitute a sale in Virginia. The licensee or permittee shall collect the taxes due to the Commonwealth and remit any excise taxes monthly to the Authority and any sales taxes to the Department of Taxation, if such taxes have not already been paid.

I. Any manufacturer or retailer who is licensed to sell wine, beer, or both for off-premises consumption may sell such wine or beer in kegs, subject to any limitations imposed by Board regulation. The Board may impose a fee for keg registration seals. For purposes of this subsection, "keg registration seal" means any document, stamp, declaration, seal, decal, sticker, or device that is approved by the Board, designed to be affixed to kegs, and displays a registration number and such other information as may be prescribed by the Board.

§ 4.1-212.1. (Effective July 1, 2022) Delivery of wine and beer; kegs; regulations of Board.

A. Any brewery, winery, or farm winery located within or outside the Commonwealth that is authorized to engage in the retail sale of wine or beer for off-premises consumption may deliver the brands of beer, wine, and farm wine produced by the same brewery, winery, or farm winery in closed containers to consumers within the Commonwealth for personal off-premises consumption.

B. Any person licensed to sell wine and beer at retail for off-premises consumption in the Commonwealth, and who is not a brewery, winery, or farm winery, may deliver the brands of beer, wine, and farm wine it is authorized to sell in closed containers to consumers within the Commonwealth for personal off-premises consumption. Notwithstanding any provision of law to the contrary, such deliveries may be made to (i) a person's vehicle if located in a designated parking area of the licensee's premises where such person has electronically ordered beer, wine, or farm wine in advance of the delivery or (ii) such other locations as may be permitted by Board regulation.

C. Any person located outside the Commonwealth who is authorized to sell wine or beer at retail for off-premises consumption in its state of domicile, and who is not a brewery, winery, or farm winery, may apply for a delivery permit that shall authorize the delivery of any brands of beer, wine, and farm wine it is authorized to sell in its state of domicile, in closed containers, to consumers within the Commonwealth for personal off-premises consumption.

D. All such deliveries shall be to consumers within the Commonwealth for personal consumption only and not for resale. All such deliveries of beer, wine, or farm wine shall be performed by either (i) the owner or any ~~agent~~, officer, director, shareholder, or employee of the licensee or permittee or (ii) ~~an independent contractor of the licensee or permittee; provided that (a) the licensee or permittee has entered into a written agreement with the independent contractor establishing that the licensee or permittee shall be vicariously a third-party delivery licensee pursuant to § 4.1-212.2. The licensee performing the delivery shall be liable for any administrative violations of this section or § 4.1-304 committed by the independent contractor relating to any deliveries of beer, wine, or farm wine made on behalf of the licensee or permittee and (b) only during transport through completion of the delivery. Alcoholic beverages shall not be delivered after 11:00 p.m. or before 6:00 a.m. Only one individual takes may take possession of the beer, wine, or farm wine during the course of the delivery. No more than four cases of wine nor more than four cases of beer may be delivered at one time to any person in Virginia to whom alcoholic beverages may be lawfully sold, except that the licensee or permittee may deliver more than four cases of wine or more than four cases of beer if he notifies the Authority in writing at least one business day in advance of any such delivery, which notice contains the name and address of the intended recipient. Except as otherwise provided in this subtitle, wine or beer sold for off-premises consumption or delivered pursuant to this section that are not in the manufacturer's original sealed container shall (a) be enclosed in a container that has no straw holes or other openings and is sealed in a manner that allows a person to readily discern whether the container has been opened or tampered with subsequent to its original closure; (b) display the name of the licensee from which the wine or beer was purchased; (c) be clearly marked with the phrase "contains alcoholic beverages"; (d) have a maximum volume of 16 ounces per beverage; and (e) during delivery, be stored (1) in the trunk of the vehicle, (2) in an area that is rear of the driver's seat, (3) in a locked container or compartment, or (4) in the case of delivery by bicycle, in a compartment behind the bicyclist.~~

The Board may adopt such regulations as it reasonably deems necessary to implement the provisions of this section. Such regulations shall include provisions that require ~~(+) (A)~~ the recipient to demonstrate, upon delivery, that he is at least 21 years of age and ~~(-) (B)~~ the recipient to sign an electronic or paper form or other acknowledgement of receipt as approved by the Board.

E. For purposes of §§ 4.1-234 and 4.1-236 and Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, each delivery of wine or beer by a licensee or permittee shall constitute a sale in Virginia. The licensee or permittee shall collect the taxes due to the Commonwealth and remit any excise taxes monthly to the Authority and any sales taxes to the Department of Taxation, if such taxes have not already been paid.

F. Any manufacturer or retailer who is licensed to sell wine, beer, or both for off-premises consumption may sell such wine or beer in kegs, subject to any limitations imposed by Board regulation. The Board may impose a fee for keg registration seals. For purposes of this subsection, "keg registration seal" means any document, stamp, declaration, seal, decal, sticker, or device that is approved by the Board, designed to be affixed to kegs, and displays a registration number and such other information as may be prescribed by the Board.

§ 4.1-212.2. Third-party deliveries; limitations; penalties.

A. For the purposes of this section, "delivery personnel" means any employee, agent, or independent contractor of the third-party delivery licensee that engages in direct-to-consumer alcoholic beverage delivery on behalf of the third-party delivery licensee.

B. A third-party delivery license shall authorize the licensee to deliver alcoholic beverages to a consumer pursuant to an order for such alcoholic beverages placed with a licensee vested with delivery privileges. Except as otherwise permitted under § 4.1-212.1, no person shall provide alcoholic beverage delivery services in the Commonwealth unless such person holds a third-party delivery license and is registered with the State Corporation Commission. All deliveries of alcoholic beverages by a third-party delivery licensee shall comply with the following: (i) alcoholic beverages shall be delivered only to persons who are 21 years of age or older and have provided valid identification that provides bona fide evidence of legal age, as prescribed in § 4.1-304; (ii) the third-party delivery licensee shall verify at the time of delivery that the recipient is 21 years of age or older, ensure that the recipient's identification bears a photograph that reasonably appears to match the appearance of the recipient, and record the recipient's name and date of birth and the address to which the alcoholic beverages were delivered; (iii) alcoholic beverages shall not be delivered to any person whom the third-party delivery licensee knows or has reason to believe is intoxicated; (iv) except for deliveries made on behalf of the Authority, alcoholic beverages shall be delivered only for personal use and not for resale; (v) alcoholic beverages shall not be delivered to a correctional facility, a reformatory, a locker mailbox, a package shipping or storage facility, a retail licensee, or undergraduate housing at an institution of higher education; (vi) any alcoholic beverage that cannot be lawfully delivered shall be promptly returned to the licensed establishment at which the alcoholic beverage was purchased; (vii) only alcoholic beverages obtained directly from the licensed establishment with which the order was placed may be delivered; and (viii) the provisions of § 4.1-212.1 and any other requirements imposed on the delivery of alcoholic beverages by this subtitle or Board regulation.

C. In addition to the application requirements set forth in § 4.1-230 and any regulations or requirements adopted pursuant thereto, third-party delivery licensees shall provide to the Board, at the time of application and annually thereafter or as otherwise required by the Board, written certification that the third-party delivery licensee is in compliance with all applicable requirements set forth in Article 2 (§ 46.2-2141 et seq.) of Chapter 21 of Title 46.2. Third-party delivery licensees shall also provide to the Board, upon request, a copy of any contracts entered into by the licensee with any person offering alcoholic beverages for delivery.

D. Third-party delivery licensees shall provide to the Board, at the time of application and annually thereafter or as otherwise required by the Board, written certification that all delivery personnel (i) prior to delivering alcoholic beverages and annually thereafter, have completed and passed with a score of no less than 80 percent a Board-approved public safety course; (ii) are 21 years of age or older; (iii) have a valid driver's license, vehicle inspection, and vehicle registration; (iv) within the last seven years, have not been convicted of any of the following offenses under Virginia law or a substantially similar ordinance or law in any other jurisdiction: driving under the influence in violation of § 18.2-266 or 46.2-341.24 or a violation of § 4.1-304, 18.2-36.1, 18.2-51.4, 18.2-95, 18.2-357.1, or 46.2-894; (v) within the last three years, have not been convicted of more than three vehicle moving violations; and (vi) are not required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 or listed on the U.S. Department of Justice's National Sex Offender Public Website.

E. Any person who violates the provisions of this section shall be required to pay (i) \$2,500 for a first violation and (ii) \$5,000 for any second or subsequent violation. The penalties provided under this subsection may be imposed in addition to or without imposing any other penalties or actions provided by law.

F. Notwithstanding subsection B, a third-party delivery licensee may deliver alcoholic beverages to a retail licensee if such alcoholic beverages are being delivered on behalf of the Authority.

§ 4.1-230. Applications for licenses; publication; notice to localities; fees; permits.

A. Every person intending to apply for any license authorized by this chapter shall file with the Board an application on forms provided by the Board and a statement in writing by the applicant swearing and affirming that all of the information contained therein is true.

Applicants for retail licenses for establishments that serve food or are otherwise required to obtain a food establishment permit from the Department of Health or an inspection by the Department of Agriculture and Consumer Services shall provide a copy of such permit, proof of inspection, proof of a pending application for such permit, or proof of a pending request for such inspection. If the applicant provides a copy of such permit, proof of inspection, proof of a pending application for a permit, or proof of a pending request for an inspection, a license may be issued to the applicant. If a license is issued on the basis of a pending application or inspection, such license shall authorize the licensee to purchase alcoholic beverages in accordance with the provisions of this title; however, the licensee shall not sell or serve alcoholic beverages until a permit is issued or an inspection is completed.

B. In addition, each applicant for a license under the provisions of this chapter, except applicants for annual banquet, banquet, tasting, special events, club events, annual mixed beverage banquet, wine and beer shipper's, delivery permit, annual arts venue, or museum licenses issued under the provisions of Chapter 2 (§ 4.1-200 et seq.), or beer or wine importer's licenses, shall post a notice of his application with the Board on the front door of the building, place, or room where he proposes to engage in such business for no more than 30 days and not less than 10 days. Such notice shall be of a

size and contain such information as required by the Board, including a statement that any objections shall be submitted to the Board not more than 30 days following initial publication of the notice required pursuant to this subsection.

The applicant shall also cause notice to be published at least once a week for two consecutive weeks in a newspaper published in or having a general circulation in the county, city, or town wherein such applicant proposes to engage in such business. Such notice shall contain such information as required by the Board, including a statement that any objections to the issuance of the license be submitted to the Board not later than 30 days from the date of the initial newspaper publication. In the case of wine and beer shipper's licensees, *third-party delivery licensees*, delivery permittees, or operators of boats, dining cars, buffet cars, club cars, buses, and airplanes, the posting and publishing of notice shall not be required.

Except for applicants for annual banquet, banquet, tasting, mixed beverage special events, club events, annual mixed beverage banquet, wine and beer shipper's, beer or wine importer's, annual arts venue, or museum licenses, the Board shall conduct a background investigation, to include a criminal history records search, which may include a fingerprint-based national criminal history records search, on each applicant for a license. However, the Board may waive, for good cause shown, the requirement for a criminal history records search and completed personal data form for officers, directors, nonmanaging members, or limited partners of any applicant corporation, limited liability company, or limited partnership.

Except for applicants for wine and beer shipper's licenses and delivery permits, the Board shall notify the local governing body of each license application through the county or city attorney or the chief law-enforcement or administrative officer of the locality. Local governing bodies shall submit objections to the granting of a license within 30 days of the filing of the application.

C. Each applicant shall pay the required application fee at the time the application is filed. Each license application fee, including annual banquet and annual mixed beverage banquet, shall be \$195, plus the actual cost charged to the Department of State Police by the Federal Bureau of Investigation or the Central Criminal Records Exchange for processing any fingerprints through the Federal Bureau of Investigation or the Central Criminal Records Exchange for each criminal history records search required by the Board, except for banquet, tasting, or mixed beverage club events licenses, in which case the application fee shall be \$15. The application fee for banquet special event and mixed beverage special event licenses shall be \$45. Application fees shall be in addition to the state license fee required pursuant to § 4.1-231.1 and shall not be refunded.

D. Subsection A shall not apply to the continuance of licenses granted under this chapter; however, all licensees shall file and maintain with the Board a current, accurate record of the information required by the Board pursuant to subsection A and notify the Board of any changes to such information in accordance with Board regulations.

E. Every application for a permit granted pursuant to § 4.1-212 shall be on a form provided by the Board. Such permits shall confer upon their holders no authority to make solicitations in the Commonwealth as otherwise provided by law.

The fee for a temporary permit shall be one-twelfth of the combined fees required by this section for applicable licenses to sell wine, beer, or mixed beverages computed to the nearest cent and multiplied by the number of months for which the permit is granted.

F. The Board shall have the authority to increase state license fees from the amounts set forth in § 4.1-231.1 as it was in effect on January 1, 2022. The Board shall set the amount of such increases on the basis of the consumer price index and shall not increase fees more than once every three years. Prior to implementing any state license fee increase, the Board shall provide notice to all licensees and the general public of (i) the Board's intent to impose a fee increase and (ii) the new fee that would be required for any license affected by the Board's proposed fee increases. Such notice shall be provided on or before November 1 in any year in which the Board has decided to increase state license fees, and such increases shall become effective July 1 of the following year.

§ 4.1-231.1. Fees on state licenses.

A. (Contingent expiration date) The annual fees on state licenses shall be as follows:

1. Manufacturer licenses. For each:

a. Distiller's license and limited distiller's license, if not more than 5,000 gallons of alcohol or spirits, or both, manufactured during the year in which the license is granted, \$490; if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, \$2,725; and if more than 36,000 gallons manufactured during such year, \$4,060;

b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, \$380; if not more than 10,000 barrels of beer manufactured during the year in which the license is granted, \$2,350; and if more than 10,000 barrels manufactured during such year, \$4,690;

c. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the license is granted, \$215, and if more than 5,000 gallons manufactured during such year, \$4,210;

d. Farm winery license, \$245 for any Class A license and \$4,730 for any Class B license;

e. Wine importer's license, \$460; and

f. Beer importer's license, \$460.

2. Wholesale licenses. For each:

a. (1) Wholesale beer license, \$1,005 for any wholesaler who sells 300,000 cases of beer a year or less, \$1,545 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a year, and \$2,010 for any wholesaler who sells more than 600,000 cases of beer a year; and

(2) Wholesale beer license applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision a (1), multiplied by the number of separate locations covered by the license;

b. (1) Wholesale wine license, \$240 for any wholesaler who sells 30,000 gallons of wine or less per year, \$1,200 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000 gallons of wine per year, \$1,845 for any wholesaler who sells more than 150,000 but not more than 300,000 gallons of wine per year, and \$2,400 for any wholesaler who sells more than 300,000 gallons of wine per year; and

(2) Wholesale wine license, including that granted pursuant to subdivision 3 of § 4.1-206.2, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision b (1), multiplied by the number of separate locations covered by the license.

3. Retail licenses — mixed beverage. For each:

a. Mixed beverage restaurant license, granted to persons operating restaurants, including restaurants located on premises of and operated by hotels or motels, or other persons:

(1) With a seating capacity at tables for up to 100 persons, \$1,050;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$1,495;

(3) With a seating capacity at tables for more than 150 persons but not more than 500 persons, \$1,980;

(4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons, \$2,500; and

(5) With a seating capacity at tables for more than 1,000 persons, \$3,100;

b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs:

(1) With an average yearly membership of not more than 200 resident members, \$1,250;

(2) With an average yearly membership of more than 200 but not more than 500 resident members, \$2,440; and

(3) With an average yearly membership of more than 500 resident members, \$3,410;

c. Mixed beverage restaurant license for restaurants located on the premises of and operated by a casino gaming establishment, \$3,100 plus an additional \$5 for each gaming station located on the premises of the casino gaming establishment;

d. Mixed beverage caterer's license, \$1,990;

e. Mixed beverage limited caterer's license, \$550;

f. Mixed beverage carrier license:

(1) \$520 for each of the average number of dining cars, buffet cars, or club cars operated daily in the Commonwealth by a common carrier of passengers by train;

(2) \$910 for each common carrier of passengers by boat;

(3) \$520 for each common carrier of passengers by bus; and

(4) \$2,360 for each license granted to a common carrier of passengers by airplane;

g. Annual mixed beverage motor sports facility license, \$630;

h. Limited mixed beverage restaurant license:

(1) With a seating capacity at tables for up to 100 persons, \$945;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$1,385; and

(3) With a seating capacity at tables for more than 150 persons, \$1,875;

i. Annual mixed beverage performing arts facility license, \$630;

j. Bed and breakfast license, \$100;

k. Museum license, \$260;

l. Motor car sporting event facility license, \$300;

m. Commercial lifestyle center license, \$300;

n. Mixed beverage port restaurant license, \$1,050; and

o. Annual mixed beverage special events license, \$630.

4. Retail licenses — on-and-off-premises wine and beer. For each on-and-off premises wine and beer license, \$450.

5. Retail licenses — off-premises wine and beer. For each:

a. Retail off-premises wine and beer license, \$300;

b. Gourmet brewing shop license, \$320; and

c. Confectionery license, \$170.

6. Retail licenses — banquet, special event, and tasting licenses.

a. Per-day event licenses. For each:

(1) Banquet license, \$40 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215, which shall be \$100 per license;

(2) Mixed beverage special events license, \$45 for each day of each event;

(3) Mixed beverage club events license, \$35 for each day of each event; and

(4) Tasting license, \$40.

b. Annual licenses. For each:

(1) Annual banquet license, \$300;

(2) Banquet facility license, \$260;

(3) Designated outdoor refreshment area license, \$300. However, for any designated outdoor refreshment area license issued pursuant to a local ordinance, the annual fee shall be \$3,000;

(4) Annual mixed beverage banquet license, \$630;

- (5) Equine sporting event license, \$300; and
- (6) Annual arts venue event license, \$300.
- 7. Retail licenses — marketplace. For each marketplace license, \$1,000.
- 8. Retail licenses — shipper, bottler, and related licenses. For each:
 - a. Wine and beer shipper's license, \$230;
 - b. Internet wine and beer retailer license, \$240;
 - c. Bottler license, \$1,500;
 - d. Fulfillment warehouse license, \$210; ~~and~~
 - e. Marketing portal license, \$285; and

f. *Third-party delivery license, \$7,500, unless the licensee provides written certification to the Board that the licensee has no more than 25 delivery personnel, including employees, agents, and independent contractors that engage in direct-to-consumer alcoholic beverage delivery, in which case the license fee shall be \$2,500.*

9. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax imposed by this section on the license for which the applicant applied.

B. The tax on each license granted or reissued for a period other than 12, 24, or 36 months shall be equal to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by the number of months in the license period, and then increased by five percent. Such tax shall not be refundable, except as provided in § 4.1-232.

C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter, shall be liable to state merchants' license taxation and state restaurant license taxation and other state taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license tax on a beer wholesaler, the first \$163,800 of beer purchases shall be disregarded; and in ascertaining the liability of a wholesale wine distributor to merchants' license taxation, and in computing the wholesale merchants' license tax on a wholesale wine distributor, the first \$163,800 of wine purchases shall be disregarded.

D. In addition to the taxes set forth in this section, a fee of \$5 may be imposed on any license purchased in person from the Board if such license is available for purchase online.

§ 18.2-323.1. Drinking while operating a motor vehicle; possession of open container while operating a motor vehicle and presumption; penalty.

A. It ~~shall be~~ *is* unlawful for any person to consume an alcoholic beverage while driving a motor vehicle upon a public highway of ~~this~~ the Commonwealth.

B. ~~A~~ *Unless the driver is delivering alcoholic beverages in accordance with the provisions of § 4.1-212.1, a rebuttable presumption that the driver has consumed an alcoholic beverage in violation of this section shall be created if (i) an open container is located within the passenger area of the motor vehicle, (ii) the alcoholic beverage in the open container has been at least partially removed, and (iii) the appearance, conduct, odor of alcohol, speech, or other physical characteristic of the driver of the motor vehicle may be reasonably associated with the consumption of an alcoholic beverage.*

C. For the purposes of this section:

"Open container" means any vessel containing an alcoholic beverage, except the originally sealed manufacturer's container.

"Passenger area" means the area designed to seat the driver of any motor vehicle, any area within the reach of the driver, including an unlocked glove compartment, and the area designed to seat passengers. ~~This term shall~~ *"Passenger area" does not include the trunk of any passenger vehicle, the area behind the last upright seat of a passenger van, station wagon, hatchback, sport utility vehicle, or any similar vehicle, the living quarters of a motor home, or the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation, including a bus, taxi, or limousine, while engaged in the transportation of such persons.*

€ D. A violation of this section is punishable as a Class 4 misdemeanor.

2. That the second enactment of Chapter 281 and the second enactment of Chapter 282 of the Acts of Assembly of 2021, Special Session I, are amended and reenacted as follows:

2. That the provisions of this act shall expire on July 1, ~~2022~~ 2024.

3. That the Virginia Alcoholic Beverage Control Authority shall collect data regarding the compliance of third-party delivery licensees with the provisions of this act and report such data to the Chairmen of the House Committee on General Laws and the Senate Committee on Rehabilitation and Social Services by November 1, 2023.

4. That the Virginia Alcoholic Beverage Control Authority (the Authority) shall monitor the implementation of the provisions of this act to identify any difficulties of third-party delivery licensees in determining locations to which alcoholic beverages may be delivered and the adequacy of applicable training and education programs. The Board of Directors of the Authority shall promulgate regulations, if necessary, to address any issues identified during such monitoring process.

CHAPTER 79

An Act to amend and reenact §§ 4.1-204, 4.1-206.3, and 4.1-212.1, as they are currently effective and as they shall become effective, 4.1-230, 4.1-231.1, and 18.2-323.1 of the Code of Virginia and the second enactment of Chapter 281 and the

second enactment of Chapter 282 of the Acts of Assembly of 2021, Special Session I, and to amend the Code of Virginia by adding a section numbered 4.1-212.2, relating to alcoholic beverage control; delivery of alcoholic beverages; third-party delivery license; container.

[H 426]

Approved April 5, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.1-204, 4.1-206.3, and 4.1-212.1, as they are currently effective and as they shall become effective, 4.1-230, 4.1-231.1, and 18.2-323.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 4.1-212.2 as follows:

§ 4.1-204. (Effective until July 1, 2022) Records of licensees; inspection of records and places of business.

A. Manufacturers, bottlers or wholesalers. — Every licensed manufacturer, bottler or wholesaler shall keep complete, accurate and separate records in accordance with Board regulations of all alcoholic beverages purchased, manufactured, bottled, sold or shipped by him, and the applicable tax required by § 4.1-234 or 4.1-236, if any.

B. Retailers. — Every retail licensee shall keep complete, accurate, and separate records, in accordance with Board regulations, of all purchases of alcoholic beverages, the prices charged such licensee therefor, and the names and addresses of the persons from whom purchased. Every retail licensee shall also preserve all invoices showing his purchases for a period as specified by Board regulations. He shall also keep an accurate account of daily sales, showing quantities of alcoholic beverages sold and the total price charged by him therefor. Except as otherwise provided in subsection D, such account need not give the names or addresses of the purchasers thereof, except as may be required by Board regulation for the sale of alcoholic beverages in kegs. In the case of persons holding retail licenses that require sales of food to determine their qualifications for such licenses, the records shall also include purchases and sales of food and nonalcoholic beverages.

Notwithstanding the provisions of subsection F, electronic records of retail licensees may be stored off site, provided that such records are readily retrievable and available for electronic inspection by the Board or its special agents at the licensed premises. However, in the case that such electronic records are not readily available for electronic inspection on the licensed premises, the retail licensee may obtain Board approval, for good cause shown, to permit the retail licensee to provide the records to a special agent of the Board within three business days or less, as determined by the Board, after a request is made to inspect the records.

C. Common carriers. — Common carriers of passengers by train, boat, bus, or airplane shall keep records of purchases and sales of alcoholic beverages and food as required by Board regulation.

D. Wine and beer shippers. — Every wine and beer shipper licensee shall keep complete, accurate, and separate records in accordance with Board regulations of all shipments of wine or beer to persons in the Commonwealth. Such licensees shall also remit on a monthly basis an accurate account stating whether any wine, farm wine, or beer products were sold and shipped and, if so, stating the total quantities of wine and beer sold and the total price charged for such wine and beer. Such records shall include the names and addresses of the purchasers to whom the wine and beer is shipped.

E. Deliveries. — Every licensee or permittee that is authorized to make deliveries pursuant to § 4.1-212.1 shall keep complete, accurate, and separate records for a period of at least two years in accordance with Board regulations of all deliveries of ~~wine or beer~~ *alcoholic beverages* to persons in the Commonwealth. Such records shall include (i) the ~~brands~~ *types of wine and beer* ~~alcoholic beverages~~ sold, (ii) the total quantities of ~~wine and beer~~ *alcoholic beverages* sold, (iii) the total price charged for such ~~wine and beer, and~~ *alcoholic beverages*, (iv) the ~~names, addresses, and signatures of the purchasers name and date of birth of the person to whom the wine and beer is alcoholic beverages are delivered. Such purchaser signatures may be in an electronic format, and~~ *names, addresses, and signatures of the purchasers name and date of birth of the person to whom the wine and beer is alcoholic beverages are delivered. Such purchaser signatures may be in an electronic format, and* (v) the ~~address to which the alcoholic beverages are delivered.~~ Licensees and permittees shall remit such records on a monthly basis for any month during which the licensee or permittee makes a delivery for which the licensee or permittee is required to collect and remit excise taxes due to the Authority pursuant to subsection H of § 4.1-212.1.

Every licensee that is authorized to make deliveries pursuant to § 4.1-212.2 shall keep complete, accurate, and separate records for a period of at least two years in accordance with Board regulations of all deliveries of alcoholic beverages to persons in the Commonwealth. Such records shall include all information prescribed by Board regulations. Licensees shall remit such records within 24 hours of a records request by the Authority; however, the licensee may obtain Board approval, for good cause shown, to permit the licensee to provide records to a special agent of the Board within three business days or less, as determined by the Board, after a request is made to inspect the records.

F. Inspection. — The Board and its special agents shall be allowed free access during reasonable hours to every place in the Commonwealth and to the premises of both (i) every wine and beer shipper licensee and (ii) every licensee or permittee authorized to make deliveries wherever located where alcoholic beverages are manufactured, bottled, stored, offered for sale or sold, for the purpose of examining and inspecting such place and all records, invoices and accounts therein. The Board may engage the services of alcoholic beverage control authorities in any state to assist with the inspection of the premises of a wine and beer shipper licensee, licensee or permittee authorized to make deliveries, or any applicant for such license or permit.

For purposes of a Board inspection of the records of any retail licensees, "reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public. At any other time of day, if the

retail licensee's records are not available for inspection, the retailer shall provide the records to a special agent of the Board within 24 hours after a request is made to inspect the records.

§ 4.1-204. (Effective July 1, 2022) Records of licensees; inspection of records and places of business.

A. Manufacturers, bottlers or wholesalers. — Every licensed manufacturer, bottler or wholesaler shall keep complete, accurate and separate records in accordance with Board regulations of all alcoholic beverages purchased, manufactured, bottled, sold or shipped by him, and the applicable tax required by § 4.1-234 or 4.1-236, if any.

B. Retailers. — Every retail licensee shall keep complete, accurate, and separate records, in accordance with Board regulations, of all purchases of alcoholic beverages, the prices charged such licensee therefor, and the names and addresses of the persons from whom purchased. Every retail licensee shall also preserve all invoices showing his purchases for a period as specified by Board regulations. He shall also keep an accurate account of daily sales, showing quantities of alcoholic beverages sold and the total price charged by him therefor. Except as otherwise provided in subsection D, such account need not give the names or addresses of the purchasers thereof, except as may be required by Board regulation for the sale of alcoholic beverages in kegs. In the case of persons holding retail licenses that require sales of food to determine their qualifications for such licenses, the records shall also include purchases and sales of food and nonalcoholic beverages.

Notwithstanding the provisions of subsection F, electronic records of retail licensees may be stored off site, provided that such records are readily retrievable and available for electronic inspection by the Board or its special agents at the licensed premises. However, in the case that such electronic records are not readily available for electronic inspection on the licensed premises, the retail licensee may obtain Board approval, for good cause shown, to permit the retail licensee to provide the records to a special agent of the Board within three business days or less, as determined by the Board, after a request is made to inspect the records.

C. Common carriers. — Common carriers of passengers by train, boat, bus, or airplane shall keep records of purchases and sales of alcoholic beverages and food as required by Board regulation.

D. Wine and beer shippers. — Every wine and beer shipper licensee shall keep complete, accurate, and separate records in accordance with Board regulations of all shipments of wine or beer to persons in the Commonwealth. Such licensees shall also remit on a monthly basis an accurate account stating whether any wine, farm wine, or beer products were sold and shipped and, if so, stating the total quantities of wine and beer sold and the total price charged for such wine and beer. Such records shall include the names and addresses of the purchasers to whom the wine and beer is shipped.

E. Deliveries. — Every licensee or permittee that is authorized to make deliveries pursuant to § 4.1-212.1 shall keep complete, accurate, and separate records for a period of at least two years in accordance with Board regulations of all deliveries of wine or beer to persons in the Commonwealth. Such records shall include (i) the ~~brands types~~ of wine and beer sold, (ii) the total quantities of wine and beer sold, (iii) the total price charged for such wine and beer, and (iv) the ~~names, addresses, and signatures of the purchasers name and date of birth of the person to whom the wine and beer is delivered. Such purchaser signatures may be in an electronic format,~~ and (v) the address to which the wine and beer is delivered. Licensees and permittees shall remit such records on a monthly basis for any month during which the licensee or permittee makes a delivery for which the licensee or permittee is required to collect and remit excise taxes due to the Authority pursuant to subsection E of § 4.1-212.1.

Every licensee that is authorized to make deliveries pursuant to § 4.1-212.2 shall keep complete, accurate, and separate records for a period of at least two years in accordance with Board regulations of all deliveries of alcoholic beverages to persons in the Commonwealth. Such records shall include all information prescribed by Board regulations. Licensees shall remit such records within 24 hours of a records request by the Authority; however, the licensee may obtain Board approval, for good cause shown, to permit the licensee to provide records to a special agent of the Board within three business days or less, as determined by the Board, after a request is made to inspect the records.

F. Inspection. — The Board and its special agents shall be allowed free access during reasonable hours to every place in the Commonwealth and to the premises of both (i) every wine and beer shipper licensee and (ii) every licensee or permittee authorized to make deliveries wherever located where alcoholic beverages are manufactured, bottled, stored, offered for sale or sold, for the purpose of examining and inspecting such place and all records, invoices and accounts therein. The Board may engage the services of alcoholic beverage control authorities in any state to assist with the inspection of the premises of a wine and beer shipper licensee, licensee or permittee authorized to make deliveries, or any applicant for such license or permit.

For purposes of a Board inspection of the records of any retail licensees, "reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public. At any other time of day, if the retail licensee's records are not available for inspection, the retailer shall provide the records to a special agent of the Board within 24 hours after a request is made to inspect the records.

§ 4.1-206.3. (Effective until July 1, 2022) Retail licenses.

A. The Board may grant the following mixed beverages licenses:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in dining areas and other designated areas of such restaurant or off-premises consumption. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes

of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

If the restaurant is located on the premises of a hotel or motel with no fewer than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms, and other private rooms of such hotel or motel, such licensee may (a) sell and serve mixed beverages for on-premises consumption in such designated areas, bedrooms, and other private rooms or off-premises consumption and (b) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit, or profit club exclusively for its members and their guests, or members of another private, nonprofit, or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to (1) sell and serve mixed beverages for on-premises or off-premises consumption and (2) sell spirits that are packaged in original closed containers with a maximum capacity of two fluid ounces or 50 milliliters and purchased from the Board for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

If the restaurant is located on the premises of and operated by a municipal golf course, the Board shall recognize the seasonal nature of the business and waive any applicable monthly food sales requirements for those months when weather conditions may reduce patronage of the golf course, provided that prepared food, including meals, is available to patrons during the same months. The gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after the issuance of such license, shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food on an annualized basis.

If the restaurant is located on the premises of and operated by a culinary lodging resort, such license shall authorize the licensee to (A) sell alcoholic beverages, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, for off-premises consumption or for on-premises consumption in areas upon the licensed premises approved by the Board and other designated areas of the resort, including outdoor areas under the control of the licensee, and (B) permit the possession and consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in bedrooms and private guest rooms.

The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage carrier licenses to persons operating a common carrier of passengers by train, boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load alcoholic beverages onto the same airplanes and to transport and store alcoholic beverages at or in close proximity to the airport where the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (i) designate for purposes of its license all locations where the inventory of alcoholic beverages may be stored and from which the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier and (ii) maintain records of all alcoholic beverages to be transported, stored, and delivered by its authorized representative. The

granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

5. Annual mixed beverage motor sports facility licenses, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers or in single original metal cans, during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas, or similar facilities, for on-premises consumption. Such license may be granted to persons operating food concessions at an outdoor motor sports facility that (i) is located on 1,200 acres of rural property bordering the Dan River and has a track surface of 3.27 miles in length or (ii) hosts a NASCAR national touring race. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for on-premises consumption in dining areas of the restaurant or off-premises consumption. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic beverages. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee to sell, on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption in all seating areas, concourses, walkways, concession areas, similar facilities, and other areas upon the licensed premises approved by the Board and (ii) automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Such licenses may be granted to the following:

a. Corporations or associations operating a performing arts facility, provided the performing arts facility (i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards;

b. Persons operating food concessions at any performing arts facility located in the City of Norfolk or the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 1,400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants;

c. Persons operating food concessions at any performing arts facility located in the City of Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a total capacity in excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation standards;

d. Persons operating food concessions at any performing arts facility located in the arts and cultural district of the City of Harrisonburg, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has been rehabilitated in accordance with historic preservation standards; (iii) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons;

e. Persons operating food concessions at any multipurpose theater located in the historical district of the Town of Bridgewater, provided that the theater (i) is owned and operated by a governmental entity and (ii) has a total capacity in excess of 100 patrons;

f. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach;

g. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth; or

h. Persons operating food concessions at any corporate and performing arts facility located in Fairfax County, provided that the corporate and performing arts facility (i) is occupied under a bona fide long-term lease, management, or concession agreement, the original term of which was more than one year and (ii) has a total capacity in excess of 1,400 patrons. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business premises designated in the license, with a common alcoholic beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

11. Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.

12. Commercial lifestyle center licenses, which may be issued only to a commercial owners' association governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas, seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be consumed on the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed premises; however, no physical barriers shall be required for this purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the applicable provisions of this title and Board regulations.

13. Mixed beverage port restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons operating a business (i) that is primarily engaged in the sale of meals; (ii) that is located on property owned by the United States government or an agency thereof and used as a port of entry to or egress from the United States; and (iii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

14. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating either a performing arts facility or an art education and exhibition facility; (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and objects significant in American history and

culture; (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open-door or closed-door access; or (iv) a locality for special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease, the original term of which was for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

B. The Board may grant an on-and-off-premises wine and beer license to the following:

1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed containers for off-premises consumption or (ii) for on-premises consumption, either with or without meals, in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

2. Hospitals, which shall authorize the licensee to sell wine and beer (i) in the rooms of patients for their on-premises consumption only in such rooms, provided the consent of the patient's attending physician is first obtained or (ii) in closed containers for off-premises consumption.

3. Rural grocery stores, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption. No license shall be granted unless (i) the grocery store is located in any town or in a rural area outside the corporate limits of any city or town and (ii) it appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this title will be promoted by granting the license.

4. Coliseums, stadiums, and racetracks, which shall authorize the licensee to sell wine and beer during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at coliseums, stadiums, racetracks, or similar facilities.

5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer during the performance of any event to patrons within all seating areas, concourses, walkways, or concession areas, or other areas approved by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that (a) has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach; (b) has seating or capacity for more than 3,500 persons and is located in the County of Albemarle, Alleghany, Augusta, Nelson, Pittsylvania, or Rockingham or the City of Charlottesville, Danville, or Roanoke; or (c) has capacity for more than 9,500 persons and is located in Henrico County.

6. Exhibition halls, which shall authorize the licensee to sell wine and beer during the event to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at exhibition or exposition halls, convention centers, or similar facilities located in any county operating under the urban county executive form of government or any city that is completely surrounded by such county. For purposes of this subdivision, "exhibition or exposition hall" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

7. Concert and dinner-theaters, which shall authorize the licensee to sell wine and beer during events to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, dining areas, and such

additional locations designated by the Board in such facilities, for on-premises consumption or in closed containers for off-premises consumption. Persons licensed pursuant to this subdivision shall serve food, prepared on or off premises, whenever wine or beer is served. Such licenses may be granted to persons operating concert or dinner-theater venues on property fronting Natural Bridge School Road in Natural Bridge Station and formerly operated as Natural Bridge High School.

8. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or without meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be lawfully sold, for on-premises consumption or in closed containers for off-premises consumption. The privileges of this license shall be limited to the premises of the historic cinema house regularly occupied and utilized as such.

9. Nonprofit museums, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption in areas approved by the Board. Such licenses may be granted to persons operating a nonprofit museum exempt from taxation under § 501(c)(3) of the Internal Revenue Code, located in the Town of Front Royal, and dedicated to educating the consuming public about historic beer products. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

C. The Board may grant the following off-premises wine and beer licenses:

1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery store, delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina store as defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-308, to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-premises consumption; however, no single sample shall exceed four ounces of beer or two ounces of wine and no more than 12 ounces of beer or five ounces of wine shall be served to any person per day. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. With the consent of the licensee, farm wineries, wineries, breweries, distillers, and wholesale licensees or authorized representatives of such licensees may participate in such tastings, including the pouring of samples. The licensee shall comply with any food inventory and sales volume requirements established by Board regulation.

2. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging, and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for off-premises consumption in accordance with subdivision 6 of § 4.1-200.

3. Confectionery licenses, which shall authorize the licensee to prepare and sell on the licensed premises for off-premises consumption confectionery that contains five percent or less alcohol by volume. Any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold.

D. The Board may grant the following banquet, special event, and tasting licenses:

1. Per-day event licenses.

a. Banquet licenses to persons in charge of banquets, and to duly organized nonprofit corporations or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Licensees who are nonprofit corporations or associations conducting fundraisers (i) shall also be authorized to sell wine, as part of any fundraising activity, in closed containers for off-premises consumption to persons to whom wine may be lawfully sold; (ii) shall be limited to no more than one such fundraiser per year; and (iii) if conducting such fundraiser through an online meeting platform, may ship such wine, in accordance with Board regulations, in closed containers to persons located within the Commonwealth. Except as provided in § 4.1-215, a separate license shall be required for each day of each banquet or special event. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Mixed beverage special events licenses to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

d. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

2. Annual licenses.

a. Annual banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer fire or volunteer emergency medical services agency station, provided such other premises are occupied and under the control of the volunteer fire department or volunteer emergency medical services agency while the privileges of its license are being exercised.

c. Designated outdoor refreshment area licenses to a locality, business improvement district, or nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within the area designated by the Board for the designated outdoor refreshment area and (ii) any permanent retail on-premises licensee that is located within the area designated by the Board for the designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for consumption in the area designated for the designated outdoor refreshment area, including sidewalks and the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the designated area for the designated outdoor refreshment area, the Board shall consult with the locality. Designated outdoor refreshment area licensees shall be limited to 16 events per year, and the duration of any event shall not exceed three consecutive days. However, the Board may increase the frequency and duration of events after adoption of an ordinance by a locality requesting such increase in frequency and duration. Such ordinance shall include the size and scope of the area within which such events will be held, a public safety plan, and any other considerations deemed necessary by the Board. Such limitations on the number of events that may be held shall not apply during the effective dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively reduces allowable restaurant seating capacity; however, designated outdoor refreshment area licensees shall be subject to all other applicable provisions of this title and Board regulations and shall provide notice to the Board regarding the days and times during which the privileges of the license will be exercised. Only alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area may be consumed at the event, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly display the name or logo of the retail on-premises licensee from which the alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the designated outdoor refreshment area licensee. The designated outdoor refreshment area licensee shall post appropriate signage clearly demarcating for the public the boundaries of the event; however, no physical barriers shall be required for this purpose. The designated outdoor refreshment area licensee shall provide adequate security for the event to ensure compliance with the applicable provisions of this title and Board regulations.

d. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt, and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt, and steeplechase events, and (ii) exercised on no more than four calendar days per year.

f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

E. The Board may grant a marketplace license to persons operating a business enterprise of which the primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve complimentary wine or beer to bona fide

customers on the licensed premises subject to any limitations imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. In order to be eligible for and retain a marketplace license, the applicant's business enterprise must (i) provide a single category of goods or services in a manner intended to create a personalized experience for the customer; (ii) employ staff with expertise in such goods or services; (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic beverage control manager on the licensed premises at all times alcohol is served; (v) ensure that all employees satisfy any training requirements imposed by the Board; and (vi) purchase all wine and beer to be served from a licensed wholesaler or the Authority and retain purchase records as prescribed by the Board. In determining whether to grant a marketplace license, the Board shall consider (a) the average amount of time customers spend at the business; (b) the business's hours of operation; (c) the amount of time that the business has been in operation; and (d) any other requirements deemed necessary by the Board to protect the public health, safety, and welfare.

F. The Board may grant the following shipper, bottler, and related licenses:

1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in § 4.1-209.1.

2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside the Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations, in closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for off-premises consumption. Such licensee shall not be required to comply with the monthly food sale requirement established by Board regulations.

3. Bottler licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell, and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

4. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by holders of wine and beer shipper's licenses; (ii) store such wine or beer on behalf of the owner; and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or not, or any person under common control of such licensee, shall acquire or hold any financial interest, direct or indirect, in the business for which any fulfillment warehouse license is issued.

5. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer may be lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine and beer shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

6. *Third-party delivery licenses, which shall carry the privileges and limitations set forth in § 4.1-212.2.*

§ 4.1-206.3. (Effective July 1, 2022) Retail licenses.

A. The Board may grant the following mixed beverages licenses:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

If the restaurant is located on the premises of a hotel or motel with no fewer than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms, and other private rooms of such hotel or motel, such licensee may (a) sell and serve mixed beverages for consumption in such designated areas, bedrooms, and other private rooms and (b) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit, or profit club exclusively for its members and their guests, or members of another private, nonprofit, or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to (1) sell and serve mixed beverages for on-premises consumption and (2) sell spirits that are packaged in original closed containers with a maximum capacity of two fluid ounces or 50 milliliters and purchased from the Board for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on

another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

If the restaurant is located on the premises of and operated by a municipal golf course, the Board shall recognize the seasonal nature of the business and waive any applicable monthly food sales requirements for those months when weather conditions may reduce patronage of the golf course, provided that prepared food, including meals, is available to patrons during the same months. The gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after the issuance of such license, shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food on an annualized basis.

If the restaurant is located on the premises of and operated by a culinary lodging resort, such license shall authorize the licensee to (A) sell alcoholic beverages for on-premises consumption, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, in areas upon the licensed premises approved by the Board and other designated areas of the resort, including outdoor areas under the control of the licensee, and (B) permit the possession and consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in bedrooms and private guest rooms.

The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage carrier licenses to persons operating a common carrier of passengers by train, boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load alcoholic beverages onto the same airplanes and to transport and store alcoholic beverages at or in close proximity to the airport where the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (i) designate for purposes of its license all locations where the inventory of alcoholic beverages may be stored and from which the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier and (ii) maintain records of all alcoholic beverages to be transported, stored, and delivered by its authorized representative. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

5. Annual mixed beverage motor sports facility licenses, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers or in single original metal cans, during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas, or similar facilities, for on-premises consumption. Such license may be granted to persons operating food concessions at an outdoor motor sports facility that (i) is located on 1,200 acres of rural property bordering the Dan River and has a track surface of 3.27 miles in length or (ii) hosts a NASCAR national touring race. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for consumption in dining areas of the restaurant. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic beverages. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and

serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee to sell, on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption in all seating areas, concourses, walkways, concession areas, similar facilities, and other areas upon the licensed premises approved by the Board and (ii) automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Such licenses may be granted to the following:

a. Corporations or associations operating a performing arts facility, provided the performing arts facility (i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards;

b. Persons operating food concessions at any performing arts facility located in the City of Norfolk or the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 1,400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants;

c. Persons operating food concessions at any performing arts facility located in the City of Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a total capacity in excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation standards;

d. Persons operating food concessions at any performing arts facility located in the arts and cultural district of the City of Harrisonburg, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has been rehabilitated in accordance with historic preservation standards; (iii) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons;

e. Persons operating food concessions at any multipurpose theater located in the historical district of the Town of Bridgewater, provided that the theater (i) is owned and operated by a governmental entity and (ii) has a total capacity in excess of 100 patrons;

f. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach;

g. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth; or

h. Persons operating food concessions at any corporate and performing arts facility located in Fairfax County, provided that the corporate and performing arts facility (i) is occupied under a bona fide long-term lease, management, or concession agreement, the original term of which was more than one year and (ii) has a total capacity in excess of 1,400 patrons. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business premises designated in the license, with a common alcoholic beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

11. Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.

12. Commercial lifestyle center licenses, which may be issued only to a commercial owners' association governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas, seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be consumed on the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed premises; however, no physical barriers shall be required for this purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the applicable provisions of this title and Board regulations.

13. Mixed beverage port restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons operating a business (i) that is primarily engaged in the sale of meals; (ii) that is located on property owned by the United States government or an agency thereof and used as a port of entry to or egress from the United States; and (iii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

14. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating either a performing arts facility or an art education and exhibition facility; (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and objects significant in American history and culture; (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open-door or closed-door access; or (iv) a locality for special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease, the original term of which was for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

B. The Board may grant an on-and-off-premises wine and beer license to the following:

1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed containers for off-premises consumption or (ii) for on-premises consumption, either with or without meals, in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas

covered by the license. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

2. Hospitals, which shall authorize the licensee to sell wine and beer (i) in the rooms of patients for their on-premises consumption only in such rooms, provided the consent of the patient's attending physician is first obtained or (ii) in closed containers for off-premises consumption.

3. Rural grocery stores, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption. No license shall be granted unless (i) the grocery store is located in any town or in a rural area outside the corporate limits of any city or town and (ii) it appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this title will be promoted by granting the license.

4. Coliseums, stadiums, and racetracks, which shall authorize the licensee to sell wine and beer during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at coliseums, stadiums, racetracks, or similar facilities.

5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer during the performance of any event to patrons within all seating areas, concourses, walkways, or concession areas, or other areas approved by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that (a) has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach; (b) has seating or capacity for more than 3,500 persons and is located in the County of Albemarle, Alleghany, Augusta, Nelson, Pittsylvania, or Rockingham or the City of Charlottesville, Danville, or Roanoke; or (c) has capacity for more than 9,500 persons and is located in Henrico County.

6. Exhibition halls, which shall authorize the licensee to sell wine and beer during the event to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at exhibition or exposition halls, convention centers, or similar facilities located in any county operating under the urban county executive form of government or any city that is completely surrounded by such county. For purposes of this subdivision, "exhibition or exposition hall" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

7. Concert and dinner-theaters, which shall authorize the licensee to sell wine and beer during events to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, dining areas, and such additional locations designated by the Board in such facilities, for on-premises consumption or in closed containers for off-premises consumption. Persons licensed pursuant to this subdivision shall serve food, prepared on or off premises, whenever wine or beer is served. Such licenses may be granted to persons operating concert or dinner-theater venues on property fronting Natural Bridge School Road in Natural Bridge Station and formerly operated as Natural Bridge High School.

8. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or without meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be lawfully sold, for on-premises consumption or in closed containers for off-premises consumption. The privileges of this license shall be limited to the premises of the historic cinema house regularly occupied and utilized as such.

9. Nonprofit museums, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption in areas approved by the Board. Such licenses may be granted to persons operating a nonprofit museum exempt from taxation under § 501(c)(3) of the Internal Revenue Code, located in the Town of Front Royal, and dedicated to educating the consuming public about historic beer products. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

C. The Board may grant the following off-premises wine and beer licenses:

1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery store, delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina store as defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-308, to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-premises consumption; however, no single sample shall exceed four ounces of beer or

two ounces of wine and no more than 12 ounces of beer or five ounces of wine shall be served to any person per day. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. With the consent of the licensee, farm wineries, wineries, breweries, distillers, and wholesale licensees or authorized representatives of such licensees may participate in such tastings, including the pouring of samples. The licensee shall comply with any food inventory and sales volume requirements established by Board regulation.

2. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging, and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for off-premises consumption in accordance with subdivision 6 of § 4.1-200.

3. Confectionery licenses, which shall authorize the licensee to prepare and sell on the licensed premises for off-premises consumption confectionery that contains five percent or less alcohol by volume. Any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold.

D. The Board may grant the following banquet, special event, and tasting licenses:

1. Per-day event licenses.

a. Banquet licenses to persons in charge of banquets, and to duly organized nonprofit corporations or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Licensees who are nonprofit corporations or associations conducting fundraisers (i) shall also be authorized to sell wine, as part of any fundraising activity, in closed containers for off-premises consumption to persons to whom wine may be lawfully sold; (ii) shall be limited to no more than one such fundraiser per year; and (iii) if conducting such fundraiser through an online meeting platform, may ship such wine, in accordance with Board regulations, in closed containers to persons located within the Commonwealth. Except as provided in § 4.1-215, a separate license shall be required for each day of each banquet or special event. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Mixed beverage special events licenses to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

d. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

2. Annual licenses.

a. Annual banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer fire or volunteer emergency medical services agency station, provided such other premises are occupied and under the control of the volunteer fire department or volunteer emergency medical services agency while the privileges of its license are being exercised.

c. Designated outdoor refreshment area licenses to a locality, business improvement district, or nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within the area designated by the Board for the designated outdoor refreshment area and (ii) any permanent retail on-premises licensee that is located within

the area designated by the Board for the designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for consumption in the area designated for the designated outdoor refreshment area, including sidewalks and the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the designated area for the designated outdoor refreshment area, the Board shall consult with the locality. Designated outdoor refreshment area licensees shall be limited to 16 events per year, and the duration of any event shall not exceed three consecutive days. However, the Board may increase the frequency and duration of events after adoption of an ordinance by a locality requesting such increase in frequency and duration. Such ordinance shall include the size and scope of the area within which such events will be held, a public safety plan, and any other considerations deemed necessary by the Board. Such limitations on the number of events that may be held shall not apply during the effective dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively reduces allowable restaurant seating capacity; however, designated outdoor refreshment area licensees shall be subject to all other applicable provisions of this title and Board regulations and shall provide notice to the Board regarding the days and times during which the privileges of the license will be exercised. Only alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area may be consumed at the event, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly display the name or logo of the retail on-premises licensee from which the alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the designated outdoor refreshment area licensee. The designated outdoor refreshment area licensee shall post appropriate signage clearly demarcating for the public the boundaries of the event; however, no physical barriers shall be required for this purpose. The designated outdoor refreshment area licensee shall provide adequate security for the event to ensure compliance with the applicable provisions of this title and Board regulations.

d. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt, and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt, and steeplechase events, and (ii) exercised on no more than four calendar days per year.

f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

E. The Board may grant a marketplace license to persons operating a business enterprise of which the primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. In order to be eligible for and retain a marketplace license, the applicant's business enterprise must (i) provide a single category of goods or services in a manner intended to create a personalized experience for the customer; (ii) employ staff with expertise in such goods or services; (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic beverage control manager on the licensed premises at all times alcohol is served; (v) ensure that all employees satisfy any training requirements imposed by the Board; and (vi) purchase all wine and beer to be served from a licensed wholesaler or the Authority and retain purchase records as prescribed by the Board. In determining whether to grant a marketplace license, the Board shall consider (a) the average amount of time customers spend at the business; (b) the business's hours of operation; (c) the amount of time that the business has been in operation; and (d) any other requirements deemed necessary by the Board to protect the public health, safety, and welfare.

F. The Board may grant the following shipper, bottler, and related licenses:

1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in § 4.1-209.1.
2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside the Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations, in closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for off-premises consumption. Such licensee shall not be required to comply with the monthly food sale requirement established by Board regulations.
3. Bottler licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell, and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for

the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

4. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by holders of wine and beer shipper's licenses; (ii) store such wine or beer on behalf of the owner; and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or not, or any person under common control of such licensee, shall acquire or hold any financial interest, direct or indirect, in the business for which any fulfillment warehouse license is issued.

5. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer may be lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine and beer shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

6. *Third-party delivery licenses, which shall carry the privileges and limitations set forth in § 4.1-212.2.*

§ 4.1-212.1. (Effective until July 1, 2022) Delivery of wine and beer; kegs; regulations of Board.

A. Any brewery, winery, or farm winery located within or outside the Commonwealth that is authorized to engage in the retail sale of wine or beer for off-premises consumption may deliver the brands of beer, wine, and farm wine produced by the same brewery, winery, or farm winery in closed containers to consumers within the Commonwealth for personal off-premises consumption.

B. Any person licensed to sell wine and beer at retail for off-premises consumption in the Commonwealth, and who is not a brewery, winery, or farm winery, may deliver the brands of beer, wine, and farm wine it is authorized to sell in closed containers to consumers within the Commonwealth for personal off-premises consumption. Notwithstanding any provision of law to the contrary, such deliveries may be made to (i) a person's vehicle if located in a designated parking area of the licensee's premises where such person has electronically ordered beer, wine, or farm wine in advance of the delivery or (ii) such other locations as may be permitted by Board regulation.

C. Any person located outside the Commonwealth who is authorized to sell wine or beer at retail for off-premises consumption in its state of domicile, and who is not a brewery, winery, or farm winery, may apply for a delivery permit that shall authorize the delivery of any brands of beer, wine, and farm wine it is authorized to sell in its state of domicile, in closed containers, to consumers within the Commonwealth for personal off-premises consumption.

D. Any person licensed to sell mixed beverages at retail for off-premises consumption in the Commonwealth may deliver any mixed beverages it is authorized to sell in closed containers to consumers within the Commonwealth for personal off-premises consumption. Notwithstanding any provision of law to the contrary, such deliveries may be made to (i) a person's vehicle if located in a designated parking area of the licensee's premises where such person has electronically ordered mixed beverages in advance of the delivery or (ii) such other locations as may be permitted by Board regulation.

E. Any distiller that has been appointed as an agent of the Board pursuant to subsection D of § 4.1-119 may deliver to consumers within the Commonwealth for personal consumption any alcoholic beverages the distiller is authorized to sell through organized tasting events in accordance with subsection G of § 4.1-119 and Board regulations. Notwithstanding any provision of law to the contrary, such deliveries may be made to (i) a person's vehicle if located in a designated parking area of the licensee's premises where such person has electronically ordered mixed beverages in advance of the delivery or (ii) such other locations as may be permitted by Board regulation.

F. All deliveries made pursuant to this section shall be to consumers within the Commonwealth for personal consumption only and not for resale. Such deliveries shall be performed by either (i) the owner or any ~~agent~~, officer, director, shareholder, or employee of the licensee or permittee or (ii) ~~an independent contractor of the licensee or permittee~~; ~~provided that (a) the licensee or permittee has entered into a written agreement with the independent contractor establishing that the licensee or permittee shall be vicariously a third-party delivery licensee pursuant to § 4.1-212.2. The licensee performing the delivery shall be liable for any administrative violations of this section or § 4.1-304 committed by the independent contractor relating to any deliveries of alcoholic beverages made on behalf of the licensee or permittee and~~ ~~(b) only during transport through completion of the delivery. Alcoholic beverages shall not be delivered after 11:00 p.m. or before 6:00 a.m. Only one individual takes may take possession of the alcoholic beverages during the course of the delivery.~~ No more than four cases of wine nor more than four cases of beer may be delivered at one time to any person in Virginia to whom alcoholic beverages may be lawfully sold, except that the licensee or permittee may deliver more than four cases of wine or more than four cases of beer if he notifies the Authority in writing at least one business day in advance of any such delivery, which notice contains the name and address of the intended recipient. *Except as otherwise provided in this subtitle, alcoholic beverages sold for off-premises consumption or delivered pursuant to this section that are not in the manufacturer's original sealed container shall (a) be enclosed in a container that has no straw holes or other openings and is sealed in a manner that allows a person to readily discern whether the container has been opened or tampered with subsequent to its original closure; (b) display the name of the licensee from which the alcoholic beverages were purchased; (c) be clearly marked with the phrase "contains alcoholic beverages"; (d) in the case of wine, beer, or, if purchased from a mixed beverage restaurant or limited mixed beverage restaurant licensee, mixed beverages, have a maximum volume of 16 ounces per beverage; and (e) during delivery, be stored (1) in the trunk of the vehicle, (2) in an area that is rear of the*

driver's seat, (3) in a locked container or compartment, or (4) in the case of delivery by bicycle, in a compartment behind the bicyclist.

The Board may adopt such regulations as it reasonably deems necessary to implement the provisions of this section. Such regulations shall include provisions that require ~~(1)~~ (A) the recipient to demonstrate, upon delivery, that he is at least 21 years of age and ~~(2)~~ (B) the recipient to sign an electronic or paper form or other acknowledgement of receipt as approved by the Board.

G. In addition to other applicable requirements set forth in this section, the following provisions shall apply to the sale of mixed beverages for off-premises consumption and the delivery of mixed beverages pursuant to this section:

1. ~~Mixed beverages shall not be sold for off-premises consumption or delivered after 11:00 p.m. or before 6:00 a.m.;~~
2. No distiller shall sell for off-premises consumption or deliver more than two mixed beverages at any one time, and no mixed beverage restaurant or limited mixed beverage restaurant licensee may sell for off-premises consumption or deliver more than four mixed beverages at any one time;
3. ~~All mixed beverages sold for off-premises consumption or delivered by a mixed beverage restaurant or limited mixed beverage restaurant licensee shall contain at least one mixer and have a maximum combined volume of 16 ounces; and~~
4. 3. Mixed beverage restaurant and limited mixed beverage restaurant licensees shall serve at least one meal with every two mixed beverages sold for off-premises consumption or delivered; ~~and~~
5. ~~Mixed beverages sold for off-premises consumption or delivered shall be in single original metal cans or in glass, paper, plastic, or similar disposable containers that include a secure lid, cap, or similar closure that prevents the mixed beverage from being consumed without removal of such lid, cap, or similar closure.~~

The Board may summarily revoke a licensee's privileges to sell or deliver mixed beverages for off-premises consumption for noncompliance with the provisions of this section or § 4.1-225 or 4.1-325. Any summary revocation by the Board pursuant to this paragraph (i) shall not be subject to the provisions of § 4.1-227, (ii) shall not be subject to appeal, and (iii) shall become effective upon personal service of the notice of summary revocation to the licensee or upon the fourth business day after such notice is mailed to the licensee's residence or the address listed for the licensed premises on the initial license application.

H. For purposes of §§ 4.1-234 and 4.1-236 and Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, each delivery of wine, beer, or mixed beverages by a licensee or permittee shall constitute a sale in Virginia. The licensee or permittee shall collect the taxes due to the Commonwealth and remit any excise taxes monthly to the Authority and any sales taxes to the Department of Taxation, if such taxes have not already been paid.

I. Any manufacturer or retailer who is licensed to sell wine, beer, or both for off-premises consumption may sell such wine or beer in kegs, subject to any limitations imposed by Board regulation. The Board may impose a fee for keg registration seals. For purposes of this subsection, "keg registration seal" means any document, stamp, declaration, seal, decal, sticker, or device that is approved by the Board, designed to be affixed to kegs, and displays a registration number and such other information as may be prescribed by the Board.

§ 4.1-212.1. (Effective July 1, 2022) Delivery of wine and beer; kegs; regulations of Board.

A. Any brewery, winery, or farm winery located within or outside the Commonwealth that is authorized to engage in the retail sale of wine or beer for off-premises consumption may deliver the brands of beer, wine, and farm wine produced by the same brewery, winery, or farm winery in closed containers to consumers within the Commonwealth for personal off-premises consumption.

B. Any person licensed to sell wine and beer at retail for off-premises consumption in the Commonwealth, and who is not a brewery, winery, or farm winery, may deliver the brands of beer, wine, and farm wine it is authorized to sell in closed containers to consumers within the Commonwealth for personal off-premises consumption. Notwithstanding any provision of law to the contrary, such deliveries may be made to (i) a person's vehicle if located in a designated parking area of the licensee's premises where such person has electronically ordered beer, wine, or farm wine in advance of the delivery or (ii) such other locations as may be permitted by Board regulation.

C. Any person located outside the Commonwealth who is authorized to sell wine or beer at retail for off-premises consumption in its state of domicile, and who is not a brewery, winery, or farm winery, may apply for a delivery permit that shall authorize the delivery of any brands of beer, wine, and farm wine it is authorized to sell in its state of domicile, in closed containers, to consumers within the Commonwealth for personal off-premises consumption.

D. All such deliveries shall be to consumers within the Commonwealth for personal consumption only and not for resale. All such deliveries of beer, wine, or farm wine shall be performed by either (i) the owner or any ~~agent~~, officer, director, shareholder, or employee of the licensee or permittee or (ii) ~~an independent contractor of the licensee or permittee, provided that (a) the licensee or permittee has entered into a written agreement with the independent contractor establishing that the licensee or permittee shall be vicariously a third-party delivery licensee pursuant to § 4.1-212.2. The licensee performing the delivery shall be liable for any administrative violations of this section or § 4.1-304 committed by the independent contractor relating to any deliveries of beer, wine, or farm wine made on behalf of the licensee or permittee and (b) only during transport through completion of the delivery. Alcoholic beverages shall not be delivered after 11:00 p.m. or before 6:00 a.m. Only one individual takes may take possession of the beer, wine, or farm wine during the course of the delivery. No more than four cases of wine nor more than four cases of beer may be delivered at one time to any person in Virginia to whom alcoholic beverages may be lawfully sold, except that the licensee or permittee may deliver more than four cases of wine or more than four cases of beer if he notifies the Authority in writing at least one business day in advance~~

of any such delivery, which notice contains the name and address of the intended recipient. *Except as otherwise provided in this subtitle, wine or beer sold for off-premises consumption or delivered pursuant to this section that are not in the manufacturer's original sealed container shall (a) be enclosed in a container that has no straw holes or other openings and is sealed in a manner that allows a person to readily discern whether the container has been opened or tampered with subsequent to its original closure; (b) display the name of the licensee from which the wine or beer was purchased; (c) be clearly marked with the phrase "contains alcoholic beverages"; (d) have a maximum volume of 16 ounces per beverage; and (e) during delivery, be stored (1) in the trunk of the vehicle, (2) in an area that is rear of the driver's seat, (3) in a locked container or compartment, or (4) in the case of delivery by bicycle, in a compartment behind the bicyclist.*

The Board may adopt such regulations as it reasonably deems necessary to implement the provisions of this section. Such regulations shall include provisions that require ~~(B)~~ (A) the recipient to demonstrate, upon delivery, that he is at least 21 years of age and ~~(2)~~ (B) the recipient to sign an electronic or paper form or other acknowledgement of receipt as approved by the Board.

E. For purposes of §§ 4.1-234 and 4.1-236 and Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, each delivery of wine or beer by a licensee or permittee shall constitute a sale in Virginia. The licensee or permittee shall collect the taxes due to the Commonwealth and remit any excise taxes monthly to the Authority and any sales taxes to the Department of Taxation, if such taxes have not already been paid.

F. Any manufacturer or retailer who is licensed to sell wine, beer, or both for off-premises consumption may sell such wine or beer in kegs, subject to any limitations imposed by Board regulation. The Board may impose a fee for keg registration seals. For purposes of this subsection, "keg registration seal" means any document, stamp, declaration, seal, decal, sticker, or device that is approved by the Board, designed to be affixed to kegs, and displays a registration number and such other information as may be prescribed by the Board.

§ 4.1-212.2. Third-party deliveries; limitations; penalties.

A. *For the purposes of this section, "delivery personnel" means any employee, agent, or independent contractor of the third-party delivery licensee that engages in direct-to-consumer alcoholic beverage delivery on behalf of the third-party delivery licensee.*

B. *A third-party delivery license shall authorize the licensee to deliver alcoholic beverages to a consumer pursuant to an order for such alcoholic beverages placed with a licensee vested with delivery privileges. Except as otherwise permitted under § 4.1-212.1, no person shall provide alcoholic beverage delivery services in the Commonwealth unless such person holds a third-party delivery license and is registered with the State Corporation Commission. All deliveries of alcoholic beverages by a third-party delivery licensee shall comply with the following: (i) alcoholic beverages shall be delivered only to persons who are 21 years of age or older and have provided valid identification that provides bona fide evidence of legal age, as prescribed in § 4.1-304; (ii) the third-party delivery licensee shall verify at the time of delivery that the recipient is 21 years of age or older, ensure that the recipient's identification bears a photograph that reasonably appears to match the appearance of the recipient, and record the recipient's name and date of birth and the address to which the alcoholic beverages were delivered; (iii) alcoholic beverages shall not be delivered to any person whom the third-party delivery licensee knows or has reason to believe is intoxicated; (iv) except for deliveries made on behalf of the Authority, alcoholic beverages shall be delivered only for personal use and not for resale; (v) alcoholic beverages shall not be delivered to a correctional facility, a reformatory, a locker mailbox, a package shipping or storage facility, a retail licensee, or undergraduate housing at an institution of higher education; (vi) any alcoholic beverage that cannot be lawfully delivered shall be promptly returned to the licensed establishment at which the alcoholic beverage was purchased; (vii) only alcoholic beverages obtained directly from the licensed establishment with which the order was placed may be delivered; and (viii) the provisions of § 4.1-212.1 and any other requirements imposed on the delivery of alcoholic beverages by this subtitle or Board regulation.*

C. *In addition to the application requirements set forth in § 4.1-230 and any regulations or requirements adopted pursuant thereto, third-party delivery licensees shall provide to the Board, at the time of application and annually thereafter or as otherwise required by the Board, written certification that the third-party delivery licensee is in compliance with all applicable requirements set forth in Article 2 (§ 46.2-2141 et seq.) of Chapter 21 of Title 46.2. Third-party delivery licensees shall also provide to the Board, upon request, a copy of any contracts entered into by the licensee with any person offering alcoholic beverages for delivery.*

D. *Third-party delivery licensees shall provide to the Board, at the time of application and annually thereafter or as otherwise required by the Board, written certification that all delivery personnel (i) prior to delivering alcoholic beverages and annually thereafter, have completed and passed with a score of no less than 80 percent a Board-approved public safety course; (ii) are 21 years of age or older; (iii) have a valid driver's license, vehicle inspection, and vehicle registration; (iv) within the last seven years, have not been convicted of any of the following offenses under Virginia law or a substantially similar ordinance or law in any other jurisdiction: driving under the influence in violation of § 18.2-266 or 46.2-341.24 or a violation of § 4.1-304, 18.2-36.1, 18.2-51.4, 18.2-95, 18.2-357.1, or 46.2-894; (v) within the last three years, have not been convicted of more than three vehicle moving violations; and (vi) are not required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 or listed on the U.S. Department of Justice's National Sex Offender Public Website.*

E. Any person who violates the provisions of this section shall be required to pay (i) \$2,500 for a first violation and (ii) \$5,000 for any second or subsequent violation. The penalties provided under this subsection may be imposed in addition to or without imposing any other penalties or actions provided by law.

F. Notwithstanding subsection B, a third-party delivery licensee may deliver alcoholic beverages to a retail licensee if such alcoholic beverages are being delivered on behalf of the Authority.

§ 4.1-230. Applications for licenses; publication; notice to localities; fees; permits.

A. Every person intending to apply for any license authorized by this chapter shall file with the Board an application on forms provided by the Board and a statement in writing by the applicant swearing and affirming that all of the information contained therein is true.

Applicants for retail licenses for establishments that serve food or are otherwise required to obtain a food establishment permit from the Department of Health or an inspection by the Department of Agriculture and Consumer Services shall provide a copy of such permit, proof of inspection, proof of a pending application for such permit, or proof of a pending request for such inspection. If the applicant provides a copy of such permit, proof of inspection, proof of a pending application for a permit, or proof of a pending request for an inspection, a license may be issued to the applicant. If a license is issued on the basis of a pending application or inspection, such license shall authorize the licensee to purchase alcoholic beverages in accordance with the provisions of this title; however, the licensee shall not sell or serve alcoholic beverages until a permit is issued or an inspection is completed.

B. In addition, each applicant for a license under the provisions of this chapter, except applicants for annual banquet, banquet, tasting, special events, club events, annual mixed beverage banquet, wine and beer shipper's, delivery permit, annual arts venue, or museum licenses issued under the provisions of Chapter 2 (§ 4.1-200 et seq.), or beer or wine importer's licenses, shall post a notice of his application with the Board on the front door of the building, place, or room where he proposes to engage in such business for no more than 30 days and not less than 10 days. Such notice shall be of a size and contain such information as required by the Board, including a statement that any objections shall be submitted to the Board not more than 30 days following initial publication of the notice required pursuant to this subsection.

The applicant shall also cause notice to be published at least once a week for two consecutive weeks in a newspaper published in or having a general circulation in the county, city, or town wherein such applicant proposes to engage in such business. Such notice shall contain such information as required by the Board, including a statement that any objections to the issuance of the license be submitted to the Board not later than 30 days from the date of the initial newspaper publication. In the case of wine and beer shipper's licensees, *third-party delivery licensees*, delivery permittees, or operators of boats, dining cars, buffet cars, club cars, buses, and airplanes, the posting and publishing of notice shall not be required.

Except for applicants for annual banquet, banquet, tasting, mixed beverage special events, club events, annual mixed beverage banquet, wine and beer shipper's, beer or wine importer's, annual arts venue, or museum licenses, the Board shall conduct a background investigation, to include a criminal history records search, which may include a fingerprint-based national criminal history records search, on each applicant for a license. However, the Board may waive, for good cause shown, the requirement for a criminal history records search and completed personal data form for officers, directors, nonmanaging members, or limited partners of any applicant corporation, limited liability company, or limited partnership.

Except for applicants for wine and beer shipper's licenses and delivery permits, the Board shall notify the local governing body of each license application through the county or city attorney or the chief law-enforcement or administrative officer of the locality. Local governing bodies shall submit objections to the granting of a license within 30 days of the filing of the application.

C. Each applicant shall pay the required application fee at the time the application is filed. Each license application fee, including annual banquet and annual mixed beverage banquet, shall be \$195, plus the actual cost charged to the Department of State Police by the Federal Bureau of Investigation or the Central Criminal Records Exchange for processing any fingerprints through the Federal Bureau of Investigation or the Central Criminal Records Exchange for each criminal history records search required by the Board, except for banquet, tasting, or mixed beverage club events licenses, in which case the application fee shall be \$15. The application fee for banquet special event and mixed beverage special event licenses shall be \$45. Application fees shall be in addition to the state license fee required pursuant to § 4.1-231.1 and shall not be refunded.

D. Subsection A shall not apply to the continuance of licenses granted under this chapter; however, all licensees shall file and maintain with the Board a current, accurate record of the information required by the Board pursuant to subsection A and notify the Board of any changes to such information in accordance with Board regulations.

E. Every application for a permit granted pursuant to § 4.1-212 shall be on a form provided by the Board. Such permits shall confer upon their holders no authority to make solicitations in the Commonwealth as otherwise provided by law.

The fee for a temporary permit shall be one-twelfth of the combined fees required by this section for applicable licenses to sell wine, beer, or mixed beverages computed to the nearest cent and multiplied by the number of months for which the permit is granted.

F. The Board shall have the authority to increase state license fees from the amounts set forth in § 4.1-231.1 as it was in effect on January 1, 2022. The Board shall set the amount of such increases on the basis of the consumer price index and shall not increase fees more than once every three years. Prior to implementing any state license fee increase, the Board shall provide notice to all licensees and the general public of (i) the Board's intent to impose a fee increase and (ii) the new fee that would be required for any license affected by the Board's proposed fee increases. Such notice shall be provided on

or before November 1 in any year in which the Board has decided to increase state license fees, and such increases shall become effective July 1 of the following year.

§ 4.1-231.1. Fees on state licenses.

A. (Contingent expiration date) The annual fees on state licenses shall be as follows:

1. Manufacturer licenses. For each:

a. Distiller's license and limited distiller's license, if not more than 5,000 gallons of alcohol or spirits, or both, manufactured during the year in which the license is granted, \$490; if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, \$2,725; and if more than 36,000 gallons manufactured during such year, \$4,060;

b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, \$380; if not more than 10,000 barrels of beer manufactured during the year in which the license is granted, \$2,350; and if more than 10,000 barrels manufactured during such year, \$4,690;

c. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the license is granted, \$215, and if more than 5,000 gallons manufactured during such year, \$4,210;

d. Farm winery license, \$245 for any Class A license and \$4,730 for any Class B license;

e. Wine importer's license, \$460; and

f. Beer importer's license, \$460.

2. Wholesale licenses. For each:

a. (1) Wholesale beer license, \$1,005 for any wholesaler who sells 300,000 cases of beer a year or less, \$1,545 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a year, and \$2,010 for any wholesaler who sells more than 600,000 cases of beer a year; and

(2) Wholesale beer license applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision a (1), multiplied by the number of separate locations covered by the license;

b. (1) Wholesale wine license, \$240 for any wholesaler who sells 30,000 gallons of wine or less per year, \$1,200 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000 gallons of wine per year, \$1,845 for any wholesaler who sells more than 150,000 but not more than 300,000 gallons of wine per year, and \$2,400 for any wholesaler who sells more than 300,000 gallons of wine per year; and

(2) Wholesale wine license, including that granted pursuant to subdivision 3 of § 4.1-206.2, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision b (1), multiplied by the number of separate locations covered by the license.

3. Retail licenses — mixed beverage. For each:

a. Mixed beverage restaurant license, granted to persons operating restaurants, including restaurants located on premises of and operated by hotels or motels, or other persons:

(1) With a seating capacity at tables for up to 100 persons, \$1,050;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$1,495;

(3) With a seating capacity at tables for more than 150 persons but not more than 500 persons, \$1,980;

(4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons, \$2,500; and

(5) With a seating capacity at tables for more than 1,000 persons, \$3,100;

b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs:

(1) With an average yearly membership of not more than 200 resident members, \$1,250;

(2) With an average yearly membership of more than 200 but not more than 500 resident members, \$2,440; and

(3) With an average yearly membership of more than 500 resident members, \$3,410;

c. Mixed beverage restaurant license for restaurants located on the premises of and operated by a casino gaming establishment, \$3,100 plus an additional \$5 for each gaming station located on the premises of the casino gaming establishment;

d. Mixed beverage caterer's license, \$1,990;

e. Mixed beverage limited caterer's license, \$550;

f. Mixed beverage carrier license:

(1) \$520 for each of the average number of dining cars, buffet cars, or club cars operated daily in the Commonwealth by a common carrier of passengers by train;

(2) \$910 for each common carrier of passengers by boat;

(3) \$520 for each common carrier of passengers by bus; and

(4) \$2,360 for each license granted to a common carrier of passengers by airplane;

g. Annual mixed beverage motor sports facility license, \$630;

h. Limited mixed beverage restaurant license:

(1) With a seating capacity at tables for up to 100 persons, \$945;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$1,385; and

(3) With a seating capacity at tables for more than 150 persons, \$1,875;

i. Annual mixed beverage performing arts facility license, \$630;

j. Bed and breakfast license, \$100;

k. Museum license, \$260;

- l. Motor car sporting event facility license, \$300;
- m. Commercial lifestyle center license, \$300;
- n. Mixed beverage port restaurant license, \$1,050; and
- o. Annual mixed beverage special events license, \$630.
4. Retail licenses — on-and-off-premises wine and beer. For each on-and-off premises wine and beer license, \$450.
5. Retail licenses — off-premises wine and beer. For each:
 - a. Retail off-premises wine and beer license, \$300;
 - b. Gourmet brewing shop license, \$320; and
 - c. Confectionery license, \$170.
6. Retail licenses — banquet, special event, and tasting licenses.
 - a. Per-day event licenses. For each:
 - (1) Banquet license, \$40 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215, which shall be \$100 per license;
 - (2) Mixed beverage special events license, \$45 for each day of each event;
 - (3) Mixed beverage club events license, \$35 for each day of each event; and
 - (4) Tasting license, \$40.
 - b. Annual licenses. For each:
 - (1) Annual banquet license, \$300;
 - (2) Banquet facility license, \$260;
 - (3) Designated outdoor refreshment area license, \$300. However, for any designated outdoor refreshment area license issued pursuant to a local ordinance, the annual fee shall be \$3,000;
 - (4) Annual mixed beverage banquet license, \$630;
 - (5) Equine sporting event license, \$300; and
 - (6) Annual arts venue event license, \$300.
7. Retail licenses — marketplace. For each marketplace license, \$1,000.
8. Retail licenses — shipper, bottler, and related licenses. For each:
 - a. Wine and beer shipper's license, \$230;
 - b. Internet wine and beer retailer license, \$240;
 - c. Bottler license, \$1,500;
 - d. Fulfillment warehouse license, \$210; ~~and~~
 - e. Marketing portal license, \$285; *and*
 - f. *Third-party delivery license, \$7,500, unless the licensee provides written certification to the Board that the licensee has no more than 25 delivery personnel, including employees, agents, and independent contractors that engage in direct-to-consumer alcoholic beverage delivery, in which case the license fee shall be \$2,500.*
9. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax imposed by this section on the license for which the applicant applied.

B. The tax on each license granted or reissued for a period other than 12, 24, or 36 months shall be equal to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by the number of months in the license period, and then increased by five percent. Such tax shall not be refundable, except as provided in § 4.1-232.

C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter, shall be liable to state merchants' license taxation and state restaurant license taxation and other state taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license tax on a beer wholesaler, the first \$163,800 of beer purchases shall be disregarded; and in ascertaining the liability of a wholesale wine distributor to merchants' license taxation, and in computing the wholesale merchants' license tax on a wholesale wine distributor, the first \$163,800 of wine purchases shall be disregarded.

D. In addition to the taxes set forth in this section, a fee of \$5 may be imposed on any license purchased in person from the Board if such license is available for purchase online.

§ 18.2-323.1. Drinking while operating a motor vehicle; possession of open container while operating a motor vehicle and presumption; penalty.

A. ~~It shall be~~ *is* unlawful for any person to consume an alcoholic beverage while driving a motor vehicle upon a public highway of ~~this~~ *the* Commonwealth.

B. ~~A~~ *Unless the driver is delivering alcoholic beverages in accordance with the provisions of § 4.1-212.1, a rebuttable presumption that the driver has consumed an alcoholic beverage in violation of this section shall be created if (i) an open container is located within the passenger area of the motor vehicle, (ii) the alcoholic beverage in the open container has been at least partially removed, and (iii) the appearance, conduct, odor of alcohol, speech, or other physical characteristic of the driver of the motor vehicle may be reasonably associated with the consumption of an alcoholic beverage.*

C. For the purposes of this section:

"Open container" means any vessel containing an alcoholic beverage, except the originally sealed manufacturer's container.

"Passenger area" means the area designed to seat the driver of any motor vehicle, any area within the reach of the driver, including an unlocked glove compartment, and the area designed to seat passengers. ~~This term shall "Passenger area" does~~ not include the trunk of any passenger vehicle, the area behind the last upright seat of a passenger van, station wagon, hatchback, sport utility vehicle, or any similar vehicle, the living quarters of a motor home, or the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation, including a bus, taxi, or limousine, while engaged in the transportation of such persons.

€ D. A violation of this section is punishable as a Class 4 misdemeanor.

2. That the second enactment of Chapter 281 and the second enactment of Chapter 282 of the Acts of Assembly of 2021, Special Session I, are amended and reenacted as follows:

2. That the provisions of this act shall expire on July 1, ~~2022~~ 2024.

3. That the Virginia Alcoholic Beverage Control Authority shall collect data regarding the compliance of third-party delivery licensees with the provisions of this act and report such data to the Chairmen of the House Committee on General Laws and the Senate Committee on Rehabilitation and Social Services by November 1, 2023.

4. That the Virginia Alcoholic Beverage Control Authority (the Authority) shall monitor the implementation of the provisions of this act to identify any difficulties of third-party delivery licensees in determining locations to which alcoholic beverages may be delivered and the adequacy of applicable training and education programs. The Board of Directors of the Authority shall promulgate regulations, if necessary, to address any issues identified during such monitoring process.

CHAPTER 80

An Act to amend and reenact §§ 8.01-226.5:2, 16.1-228, 18.2-371, 18.2-371.1, 40.1-103, and 63.2-100 of the Code of Virginia, relating to save haven protections; newborn safety device.

[S 63]

Approved April 5, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-226.5:2, 16.1-228, 18.2-371, 18.2-371.1, 40.1-103, and 63.2-100 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-226.5:2. Immunity of hospital and emergency medical services agency personnel for the acceptance of certain infants.

Any personnel of a hospital or emergency medical services agency receiving a child under the circumstances described in the second paragraph of § 18.2-371, subdivision B 2 of § 18.2-371.1, or subsection B of § 40.1-103 shall be immune from civil liability or criminal prosecution for injury or other damage to the child unless such injury or other damage is the result of gross negligence or willful misconduct by such personnel. *Any hospital or emergency medical services agency that voluntarily installs a newborn safety device for the reception of children shall ensure that (i) the device is located inside the hospital or emergency medical services agency in an area that is conspicuous and visible to employees or personnel, (ii) the device is staffed 24 hours a day by a health care provider or emergency medical services personnel, (iii) the device is climate controlled and serves as a safe sleep environment for an infant, (iv) the device is equipped with a dual alarm system that sounds 60 seconds after a child is placed in the device and automatically places a call to 911 if the alarm is not deactivated within 60 seconds from within the hospital or emergency medical services agency, (v) the dual alarm system is visually checked at least two times per day and tested at least one time per week to ensure the alarm system is in working order, (vi) the device automatically locks when a child is placed in the device, and (vii) the device is identifiable by appropriate signage that shall include written and pictorial operational instructions.*

§ 16.1-228. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Abused or neglected child" means any child:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is

sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest. Nothing in this subdivision shall be construed to limit the provisions of § 16.1-278.4;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian, or other person standing in loco parentis;

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55.1-2000, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a Tier III offender pursuant to § 9.1-902; or

7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the federal Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102 et seq., and in the federal Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

If a civil proceeding under this chapter is based solely on the parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the child *within 30 days of the child's birth* to (i) a hospital that provides 24-hour emergency services ~~or to~~, (ii) an attended emergency medical services agency that employs emergency medical services personnel, ~~within 14 days of the child's birth~~ or (iii) a newborn safety device located at and operated by such hospital or emergency medical services agency. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means the place of residence of any natural person in which a child resides as a member of the household and in which he has been placed for the purposes of adoption or in which he has been legally adopted by another member of the household.

"Adult" means a person 18 years of age or older.

"Ancillary crime" or "ancillary charge" means any delinquent act committed by a juvenile as a part of the same act or transaction as, or that constitutes a part of a common scheme or plan with, a delinquent act that would be a felony if committed by an adult.

"Boot camp" means a short-term secure or nonsecure juvenile residential facility with highly structured components including, but not limited to, military style drill and ceremony, physical labor, education and rigid discipline, and no less than six months of intensive aftercare.

"Child," "juvenile," or "minor" means a person who is (i) younger than 18 years of age or (ii) for purposes of the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9 of Title 63.2, younger than 21 years of age and meets the eligibility criteria set forth in § 63.2-919.

"Child in need of services" means (i) a child whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of the child or (ii) a child under the age of 14 whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of another person; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be a child in need of services, nor shall any child who habitually remains away from or habitually deserts or abandons his family as a result of what the court or the local child protective services unit determines to be incidents of physical, emotional or sexual abuse in the home be considered a child in need of services for that reason alone.

However, to find that a child falls within these provisions, (i) the conduct complained of must present a clear and substantial danger to the child's life or health or to the life or health of another person, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family.

"Child in need of supervision" means:

1. A child who, while subject to compulsory school attendance, is habitually and without justification absent from school, and (i) the child has been offered an adequate opportunity to receive the benefit of any and all educational services and programs that are required to be provided by law and which meet the child's particular educational needs, (ii) the school system from which the child is absent or other appropriate agency has made a reasonable effort to effect the child's regular attendance without success, and (iii) the school system has provided documentation that it has complied with the provisions of § 22.1-258; or

2. A child who, without reasonable cause and without the consent of his parent, lawful custodian or placement authority, remains away from or deserts or abandons his family or lawful custodian on more than one occasion or escapes or remains away without proper authority from a residential care facility in which he has been placed by the court, and (i) such conduct presents a clear and substantial danger to the child's life or health, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family.

"Child welfare agency" means a child-placing agency, child-caring institution or independent foster home as defined in § 63.2-100.

"The court" or the "juvenile court" or the "juvenile and domestic relations court" means the juvenile and domestic relations district court of each county or city.

"Delinquent act" means (i) an act designated a crime under the law of the Commonwealth, or an ordinance of any city, county, town, or service district, or under federal law, (ii) a violation of § 18.2-308.7, or (iii) a violation of a court order as provided for in § 16.1-292, but does not include an act other than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a crime only if committed by a child.

"Delinquent child" means a child who has committed a delinquent act or an adult who has committed a delinquent act prior to his 18th birthday, except where the jurisdiction of the juvenile court has been terminated under the provisions of § 16.1-269.6.

"Department" means the Department of Juvenile Justice and "Director" means the administrative head in charge thereof or such of his assistants and subordinates as are designated by him to discharge the duties imposed upon him under this law.

"Driver's license" means any document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, or the comparable law of another jurisdiction, authorizing the operation of a motor vehicle upon the highways.

"Family abuse" means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

"Family or household member" means (i) the person's spouse, whether or not he or she resides in the same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v) any individual who has a child in common with the person, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous 12 months, cohabited with the person, and any children of either of them then residing in the same home with the person.

"Fictive kin" means persons who are not related to a child by blood or adoption but have an established relationship with the child or his family.

"Foster care services" means the provision of a full range of casework, treatment and community services for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 or in need of services as defined in this section and his family when the child (i) has been identified as needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through an agreement between the local board of social services or a public agency designated by the community policy and management team and the parents or guardians where legal custody remains with the parents or guardians, (iii) has been committed or entrusted to a local board of social services or child welfare agency, (iv) has been placed under the supervisory responsibility of the local board pursuant to § 16.1-293, or (v) is living with a relative participating in the Federal-Funded Kinship Guardianship Assistance program set forth in § 63.2-1305 and developed consistent with 42 U.S.C. § 673 or the State-Funded Kinship Guardianship Assistance program set forth in § 63.2-1306.

"Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a living arrangement in which such child or person does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older and who has been committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services; or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement in an independent living arrangement. "Independent living services" includes counseling, education, housing, employment, and money management skills development and access to essential documents and other appropriate services to help children or persons prepare for self-sufficiency.

"Intake officer" means a juvenile probation officer appointed as such pursuant to the authority of this chapter.

"Jail" or "other facility designed for the detention of adults" means a local or regional correctional facility as defined in § 53.1-1, except those facilities utilized on a temporary basis as a court holding cell for a child incident to a court hearing or as a temporary lock-up room or ward incident to the transfer of a child to a juvenile facility.

"The judge" means the judge or the substitute judge of the juvenile and domestic relations district court of each county or city.

"This law" or "the law" means the Juvenile and Domestic Relations District Court Law embraced in this chapter.

"Legal custody" means (i) a legal status created by court order which vests in a custodian the right to have physical custody of the child, to determine and redetermine where and with whom he shall live, the right and duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care, all subject to any residual parental rights and responsibilities or (ii) the legal status created by court order of joint custody as defined in § 20-107.2.

"Permanent foster care placement" means the place of residence in which a child resides and in which he has been placed pursuant to the provisions of §§ 63.2-900 and 63.2-908 with the expectation and agreement between the placing agency and the place of permanent foster care that the child shall remain in the placement until he reaches the age of majority unless modified by court order or unless removed pursuant to § 16.1-251 or 63.2-1517. A permanent foster care placement may be a place of residence of any natural person or persons deemed appropriate to meet a child's needs on a long-term basis.

"Qualified individual" means a trained professional or licensed clinician who is not an employee of the local board of social services or licensed child-placing agency that placed the child in a qualified residential treatment program and is not affiliated with any placement setting in which children are placed by such local board of social services or licensed child-placing agency.

"Qualified residential treatment program" means a program that (i) provides 24-hour residential placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical and other needs of children with serious emotional or behavioral disorders, including any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts outreach with the child's family members, including efforts to maintain connections between the child and his siblings and other family; documents and maintains records of such outreach efforts; and maintains contact information for any known biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child, facilitates participation by family members in the child's treatment program before and after discharge and documents the manner in which such participation is facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and Human Services; and (viii) requires that any child placed in the program receive an assessment within 30 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of Social Services; (b) identifies whether the needs of the child can be met through placement with a family member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified residential treatment program, that would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals established for the child in his foster care or permanency plan; (c) establishes a list of short-term and long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2.

"Residual parental rights and responsibilities" means all rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the person, including but not limited to the right of visitation, consent to adoption, the right to determine religious affiliation and the responsibility for support.

"Secure facility" or "detention home" means a local, regional or state public or private locked residential facility that has construction fixtures designed to prevent escape and to restrict the movement and activities of children held in lawful custody.

"Shelter care" means the temporary care of children in physically unrestricting facilities.

"State Board" means the State Board of Juvenile Justice.

"Status offender" means a child who commits an act prohibited by law which would not be criminal if committed by an adult.

"Status offense" means an act prohibited by law which would not be an offense if committed by an adult.

"Violent juvenile felony" means any of the delinquent acts enumerated in subsection B or C of § 16.1-269.1 when committed by a juvenile 14 years of age or older.

§ 18.2-371. Causing or encouraging acts rendering children delinquent, abused, etc.; penalty; abandoned infant.

Any person 18 years of age or older, including the parent of any child, who (i) willfully contributes to, encourages, or causes any act, omission, or condition that renders a child delinquent, in need of services, in need of supervision, or abused or neglected as defined in § 16.1-228 or (ii) engages in consensual sexual intercourse or anal intercourse with or performs cunnilingus, fellatio, or anilingus upon or by a child 15 or older not his spouse, child, or grandchild is guilty of a Class 1 misdemeanor. This section shall not be construed as repealing, modifying, or in any way affecting §§ 18.2-18, 18.2-19, 18.2-61, 18.2-63, and 18.2-347.

If the prosecution under this section is based solely on the accused parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense to prosecution of a parent under this section that such parent safely delivered the child *within the first 30 days of the child's life* to (a) a hospital that provides 24-hour emergency services or to, (b) an attended emergency medical services agency that employs emergency medical services personnel, ~~within the first 14 days of the child's life~~ or (c) a newborn safety device located at and operated by such hospital or

emergency medical services agency. In order for the affirmative defense to apply, the child shall be delivered in a manner reasonably calculated to ensure the child's safety.

§ 18.2-371.1. Abuse and neglect of children; penalty; abandoned infant.

A. Any parent, guardian, or other person responsible for the care of a child under the age of 18 who by willful act or willful omission or refusal to provide any necessary care for the child's health causes or permits serious injury to the life or health of such child is guilty of a Class 4 felony. For purposes of this subsection, "serious injury" includes but is not limited to (i) disfigurement, (ii) a fracture, (iii) a severe burn or laceration, (iv) mutilation, (v) maiming, (vi) forced ingestion of dangerous substances, and (vii) life-threatening internal injuries. For purposes of this subsection, "willful act or willful omission" includes operating or engaging in the conduct of a child welfare agency as defined in § 63.2-100 without first obtaining a license such person knows is required by Subtitle IV (§ 63.2-1700 et seq.) of Title 63.2 or after such license has been revoked or has expired and not been renewed.

B. 1. Any parent, guardian, or other person responsible for the care of a child under the age of 18 whose willful act or omission in the care of such child was so gross, wanton, and culpable as to show a reckless disregard for human life is guilty of a Class 6 felony.

2. If a prosecution under this subsection is based solely on the accused parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense to prosecution of a parent under this subsection that such parent safely delivered the child *within the first 30 days of the child's life* to (i) a hospital that provides 24-hour emergency services ~~or to~~, (ii) an attended emergency medical services agency that employs emergency medical services personnel, ~~within the first 14 days of the child's life~~ or (iii) a newborn safety device located at and operated by such hospital or emergency medical services agency. In order for the affirmative defense to apply, the child shall be delivered in a manner reasonably calculated to ensure the child's safety.

C. Any parent, guardian, or other person having care, custody, or control of a minor child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall not, for that reason alone, be considered in violation of this section.

§ 40.1-103. Cruelty and injuries to children; penalty; abandoned infant.

A. It shall be unlawful for any person employing or having the custody of any child willfully or negligently to cause or permit the life of such child to be endangered or the health of such child to be injured, or willfully or negligently to cause or permit such child to be placed in a situation that its life, health or morals may be endangered, or to cause or permit such child to be overworked, tortured, tormented, mutilated, beaten or cruelly treated. Any person violating this section is guilty of a Class 6 felony.

B. If a prosecution under this section is based solely on the accused parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense to prosecution of a parent under this section that such parent safely delivered the child *within the first 30 days of the child's life* to (i) a hospital that provides 24-hour emergency services ~~or to~~, (ii) an attended emergency medical services agency that employs emergency medical services personnel, ~~within the first 14 days of the child's life~~ or (iii) a newborn safety device located at and operated by such hospital or emergency medical services agency. In order for the affirmative defense to apply, the child shall be delivered in a manner reasonably calculated to ensure the child's safety.

§ 63.2-100. Definitions.

As used in this title, unless the context requires a different meaning:

"Abused or neglected child" means any child less than 18 years of age:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health. However, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child, who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest. Nothing in this subdivision shall be construed to limit the provisions of § 16.1-278.4;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian or other person standing in loco parentis;

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55.1-2000, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a Tier III offender pursuant to § 9.1-902; or

7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

If a civil proceeding under this title is based solely on the parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the child *within 30 days of the child's birth* to (i) a hospital that provides 24-hour emergency services ~~or to~~, (ii) an attended emergency medical services agency that employs emergency medical services providers, ~~within 14 days of the child's birth~~ or (iii) a newborn safety device located at and operated by such hospital or emergency medical services agency. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means any family home selected and approved by a parent, local board or a licensed child-placing agency for the placement of a child with the intent of adoption.

"Adoptive placement" means arranging for the care of a child who is in the custody of a child-placing agency in an approved home for the purpose of adoption.

"Adult abuse" means the willful infliction of physical pain, injury or mental anguish or unreasonable confinement of an adult as defined in § 63.2-1603.

"Adult day care center" means any facility that is either operated for profit or that desires licensure and that provides supplementary care and protection during only a part of the day to four or more aged, infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more aged, infirm or disabled adults.

"Adult exploitation" means the illegal, unauthorized, improper, or fraudulent use of an adult as defined in § 63.2-1603 or his funds, property, benefits, resources, or other assets for another's profit, benefit, or advantage, including a caregiver or person serving in a fiduciary capacity, or that deprives the adult of his rightful use of or access to such funds, property, benefits, resources, or other assets. "Adult exploitation" includes (i) an intentional breach of a fiduciary obligation to an adult to his detriment or an intentional failure to use the financial resources of an adult in a manner that results in neglect of such adult; (ii) the acquisition, possession, or control of an adult's financial resources or property through the use of undue influence, coercion, or duress; and (iii) forcing or coercing an adult to pay for goods or services or perform services against his will for another's profit, benefit, or advantage if the adult did not agree, or was tricked, misled, or defrauded into agreeing, to pay for such goods or services or to perform such services.

"Adult foster care" means room and board, supervision, and special services to an adult who has a physical or mental condition. Adult foster care may be provided by a single provider for up to three adults. "Adult foster care" does not include services or support provided to individuals through the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9.

"Adult neglect" means that an adult as defined in § 63.2-1603 is living under such circumstances that he is not able to provide for himself or is not being provided services necessary to maintain his physical and mental health and that the failure to receive such necessary services impairs or threatens to impair his well-being. However, no adult shall be considered neglected solely on the basis that such adult is receiving religious nonmedical treatment or religious nonmedical nursing care in lieu of medical care, provided that such treatment or care is performed in good faith and in accordance with the religious practices of the adult and there is a written or oral expression of consent by that adult.

"Adult protective services" means services provided by the local department that are necessary to protect an adult as defined in § 63.2-1603 from abuse, neglect or exploitation.

"Assisted living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require at least a moderate level of assistance with activities of daily living.

"Assisted living facility" means any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, but including any portion of such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage; (iii) a facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the handicapped pursuant to § 22.1-214, when such facility is licensed by the Department as a children's residential facility under Chapter 17 (§ 63.2-1700 et seq.), but including any portion of the facility not so licensed; and (iv) any housing project for persons 62 years of age or older or

the disabled that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled adults. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an aged, infirm or disabled individual.

"Auxiliary grants" means cash payments made to certain aged, blind or disabled individuals who receive benefits under Title XVI of the Social Security Act, as amended, or would be eligible to receive these benefits except for excess income.

"Birth family" or "birth sibling" means the child's biological family or biological sibling.

"Birth parent" means the child's biological parent and, for purposes of adoptive placement, means parent(s) by previous adoption.

"Board" means the State Board of Social Services.

"Child" means any natural person who is (i) under 18 years of age or (ii) for purposes of the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9, under 21 years of age and meets the eligibility criteria set forth in § 63.2-919.

"Child-placing agency" means (i) any person who places children in foster homes, adoptive homes or independent living arrangements pursuant to § 63.2-1819, (ii) a local board that places children in foster homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221, or (iii) an entity that assists parents with the process of delegating parental and legal custodial powers of their children pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20. "Child-placing agency" does not include the persons to whom such parental or legal custodial powers are delegated pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20. Officers, employees, or agents of the Commonwealth, or any locality acting within the scope of their authority as such, who serve as or maintain a child-placing agency, shall not be required to be licensed.

"Child-protective services" means the identification, receipt and immediate response to complaints and reports of alleged child abuse or neglect for children under 18 years of age. It also includes assessment, and arranging for and providing necessary protective and rehabilitative services for a child and his family when the child has been found to have been abused or neglected or is at risk of being abused or neglected.

"Child support services" means any civil, criminal or administrative action taken by the Division of Child Support Enforcement to locate parents; establish paternity; and establish, modify, enforce, or collect child support, or child and spousal support.

"Child-welfare agency" means a child-placing agency, children's residential facility, or independent foster home.

"Children's residential facility" means any facility, child-caring institution, or group home that is maintained for the purpose of receiving children separated from their parents or guardians for full-time care, maintenance, protection and guidance, or for the purpose of providing independent living services to persons between 18 and 21 years of age who are in the process of transitioning out of foster care. Children's residential facility shall not include:

1. A licensed or accredited educational institution whose pupils, in the ordinary course of events, return annually to the homes of their parents or guardians for not less than two months of summer vacation;
2. An establishment required to be licensed as a summer camp by § 35.1-18; and
3. A licensed or accredited hospital legally maintained as such.

"Commissioner" means the Commissioner of the Department, his designee or authorized representative.

"Department" means the State Department of Social Services.

"Department of Health and Human Services" means the Department of Health and Human Services of the United States government or any department or agency thereof that may hereafter be designated as the agency to administer the Social Security Act, as amended.

"Disposable income" means that part of the income due and payable of any individual remaining after the deduction of any amount required by law to be withheld.

"Energy assistance" means benefits to assist low-income households with their home heating and cooling needs, including, but not limited to, purchase of materials or substances used for home heating, repair or replacement of heating equipment, emergency intervention in no-heat situations, purchase or repair of cooling equipment, and payment of electric bills to operate cooling equipment, in accordance with § 63.2-805, or provided under the Virginia Energy Assistance Program established pursuant to the Low-Income Home Energy Assistance Act of 1981 (Title XXVI of Public Law 97-35), as amended.

"Family and permanency team" means the group of individuals assembled by the local department to assist with determining planning and placement options for a child, which shall include, as appropriate, all biological relatives and fictive kin of the child, as well as any professionals who have served as a resource to the child or his family, such as teachers, medical or mental health providers, and clergy members. In the case of a child who is 14 years of age or older, the family and permanency team shall also include any members of the child's case planning team that were selected by the child in accordance with subsection A of § 16.1-281.

"Federal-Funded Kinship Guardianship Assistance program" means a program consistent with 42 U.S.C. § 673 that provides, subject to a kinship guardianship assistance agreement developed in accordance with § 63.2-1305, payments to eligible individuals who have received custody of a child of whom they had been the foster parents.

"Fictive kin" means persons who are not related to a child by blood or adoption but have an established relationship with the child or his family.

"Foster care placement" means placement of a child through (i) an agreement between the parents or guardians and the local board where legal custody remains with the parents or guardians or (ii) an entrustment or commitment of the child to the local board or licensed child-placing agency. "Foster care placement" does not include placement of a child in accordance with a power of attorney pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20.

"Foster home" means a residence approved by a child-placing agency or local board in which any child, other than a child by birth or adoption of such person or a child who is the subject of a power of attorney to delegate parental or legal custodial powers by his parents or legal custodian to the natural person who has been designated the child's legal guardian pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20 and who exercises legal authority over the child on a continuous basis for at least 24 hours without compensation, resides as a member of the household.

"General relief" means money payments and other forms of relief made to those persons mentioned in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with § 63.2-401.

"Independent foster home" means a private family home in which any child, other than a child by birth or adoption of such person, resides as a member of the household and has been placed therein independently of a child-placing agency except (i) a home in which are received only children related by birth or adoption of the person who maintains such home and children of personal friends of such person; (ii) a home in which is received a child or children committed under the provisions of subdivision A 4 of § 16.1-278.2, subdivision 6 of § 16.1-278.4, or subdivision A 13 of § 16.1-278.8; and (iii) a home in which are received only children who are the subject of a properly executed power of attorney pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20.

"Independent living" means a planned program of services designed to assist a child age 16 and over and persons who are former foster care children or were formerly committed to the Department of Juvenile Justice and are between the ages of 18 and 21 in transitioning to self-sufficiency.

"Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a living arrangement in which such child or person does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older who was committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services; or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement in an independent living arrangement. Such services shall include counseling, education, housing, employment, and money management skills development, access to essential documents, and other appropriate services to help children or persons prepare for self-sufficiency.

"Independent physician" means a physician who is chosen by the resident of the assisted living facility and who has no financial interest in the assisted living facility, directly or indirectly, as an owner, officer, or employee or as an independent contractor with the residence.

"Intercountry placement" means the arrangement for the care of a child in an adoptive home or foster care placement into or out of the Commonwealth by a licensed child-placing agency, court, or other entity authorized to make such placements in accordance with the laws of the foreign country under which it operates.

"Interstate placement" means the arrangement for the care of a child in an adoptive home, foster care placement or in the home of the child's parent or with a relative or nonagency guardian, into or out of the Commonwealth, by a child-placing agency or court when the full legal right of the child's parent or nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the action of any court.

"Kinship care" means the full-time care, nurturing, and protection of children by relatives.

"Kinship guardian" means the adult relative of a child in a kinship guardianship established in accordance with § 63.2-1305 or 63.2-1306 who has been awarded custody of the child by the court after acting as the child's foster parent.

"Kinship guardianship" means a relationship established in accordance with § 63.2-1305 or 63.2-1306 between a child and an adult relative of the child who has formerly acted as the child's foster parent that is intended to be permanent and self-sustaining as evidenced by the transfer by the court to the adult relative of the child of the authority necessary to ensure the protection, education, care and control, and custody of the child and the authority for decision making for the child.

"Local board" means the local board of social services representing one or more counties or cities.

"Local department" means the local department of social services of any county or city in this Commonwealth.

"Local director" means the director or his designated representative of the local department of the city or county.

"Merit system plan" means those regulations adopted by the Board in the development and operation of a system of personnel administration meeting requirements of the federal Office of Personnel Management.

"Parental placement" means locating or effecting the placement of a child or the placing of a child in a family home by the child's parent or legal guardian for the purpose of foster care or adoption.

"Public assistance" means Temporary Assistance for Needy Families (TANF); auxiliary grants to the aged, blind and disabled; medical assistance; energy assistance; food stamps; employment services; child care; and general relief.

"Qualified assessor" means an entity contracting with the Department of Medical Assistance Services to perform nursing facility pre-admission screening or to complete the uniform assessment instrument for a home and community-based waiver program, including an independent physician contracting with the Department of Medical Assistance Services to complete the uniform assessment instrument for residents of assisted living facilities, or any hospital that has contracted with the Department of Medical Assistance Services to perform nursing facility pre-admission screenings.

"Qualified individual" means a trained professional or licensed clinician who is not an employee of the local board of social services or licensed child-placing agency that placed the child in a qualified residential treatment program and is not affiliated with any placement setting in which children are placed by such local board of social services or licensed child-placing agency.

"Qualified residential treatment program" means a program that (i) provides 24-hour residential placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical and other needs of children with serious emotional or behavioral disorders, including any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts outreach with the child's family members, including efforts to maintain connections between the child and his siblings and other family; documents and maintains records of such outreach efforts; and maintains contact information for any known biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child, facilitates participation by family members in the child's treatment program before and after discharge and documents the manner in which such participation is facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and Human Services; and (viii) requires that any child placed in the program receive an assessment within 30 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of Social Services; (b) identifies whether the needs of the child can be met through placement with a family member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified residential treatment program, that would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals established for the child in his foster care or permanency plan; (c) establishes a list of short-term and long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2.

"Residential living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require only minimal assistance with the activities of daily living. The definition of "residential living care" includes the services provided by independent living facilities that voluntarily become licensed.

"Sibling" means each of two or more children having one or more parents in common.

"Social services" means foster care, adoption, adoption assistance, child-protective services, domestic violence services, or any other services program implemented in accordance with regulations adopted by the Board. Social services also includes adult services pursuant to Article 4 (§ 51.5-144 et seq.) of Chapter 14 of Title 51.5 and adult protective services pursuant to Article 5 (§ 51.5-148) of Chapter 14 of Title 51.5 provided by local departments of social services in accordance with regulations and under the supervision of the Commissioner for Aging and Rehabilitative Services.

"Special order" means an order imposing an administrative sanction issued to any party licensed pursuant to this title by the Commissioner that has a stated duration of not more than 12 months. A special order shall be considered a case decision as defined in § 2.2-4001.

"State-Funded Kinship Guardianship Assistance program" means a program that provides payments to eligible individuals who have received custody of a relative child subject to a kinship guardianship assistance agreement developed in accordance with § 63.2-1306.

"Supervised independent living setting" means the residence of a person 18 years of age or older who is participating in the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9 where supervision includes a monthly visit with a service worker or, when appropriate, contracted supervision. "Supervised independent living setting" does not include residential facilities or group homes.

"Temporary Assistance for Needy Families" or "TANF" means the program administered by the Department through which a relative can receive monthly cash assistance for the support of his eligible children.

"Temporary Assistance for Needy Families-Unemployed Parent" or "TANF-UP" means the Temporary Assistance for Needy Families program for families in which both natural or adoptive parents of a child reside in the home and neither parent is exempt from Virginia Initiative for Education and Work (VIEW) participation under § 63.2-609.

"Title IV-E Foster Care" means a federal program authorized under §§ 472 and 473 of the Social Security Act, as amended, and administered by the Department through which foster care is provided on behalf of qualifying children.

CHAPTER 81

An Act to amend and reenact §§ 8.01-226.5:2, 16.1-228, 18.2-371, 18.2-371.1, 40.1-103, and 63.2-100 of the Code of Virginia, relating to save haven protections; newborn safety device.

[H 16]

Approved April 5, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-226.5:2, 16.1-228, 18.2-371, 18.2-371.1, 40.1-103, and 63.2-100 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-226.5:2. Immunity of hospital and emergency medical services agency personnel for the acceptance of certain infants.

Any personnel of a hospital or emergency medical services agency receiving a child under the circumstances described in the second paragraph of § 18.2-371, subdivision B 2 of § 18.2-371.1, or subsection B of § 40.1-103 shall be immune from civil liability or criminal prosecution for injury or other damage to the child unless such injury or other damage is the result of gross negligence or willful misconduct by such personnel. *Any hospital or emergency medical services agency that voluntarily installs a newborn safety device for the reception of children shall ensure that (i) the device is located inside the hospital or emergency medical services agency in an area that is conspicuous and visible to employees or personnel, (ii) the device is staffed 24 hours a day by a health care provider or emergency medical services personnel, (iii) the device is climate controlled and serves as a safe sleep environment for an infant, (iv) the device is equipped with a dual alarm system that sounds 60 seconds after a child is placed in the device and automatically places a call to 911 if the alarm is not deactivated within 60 seconds from within the hospital or emergency medical services agency, (v) the dual alarm system is visually checked at least two times per day and tested at least one time per week to ensure the alarm system is in working order, (vi) the device automatically locks when a child is placed in the device, and (vii) the device is identifiable by appropriate signage that shall include written and pictorial operational instructions.*

§ 16.1-228. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Abused or neglected child" means any child:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest. Nothing in this subdivision shall be construed to limit the provisions of § 16.1-278.4;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian, or other person standing in loco parentis;

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55.1-2000, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a Tier III offender pursuant to § 9.1-902; or

7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the federal Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102 et seq., and in the federal Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

If a civil proceeding under this chapter is based solely on the parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the child *within 30 days of the child's birth* to (i) a hospital that provides 24-hour emergency services ~~or to~~, (ii) an attended emergency medical services

agency that employs emergency medical services personnel, ~~within 14 days of the child's birth~~ or (iii) a newborn safety device located at and operated by such hospital or emergency medical services agency. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means the place of residence of any natural person in which a child resides as a member of the household and in which he has been placed for the purposes of adoption or in which he has been legally adopted by another member of the household.

"Adult" means a person 18 years of age or older.

"Ancillary crime" or "ancillary charge" means any delinquent act committed by a juvenile as a part of the same act or transaction as, or that constitutes a part of a common scheme or plan with, a delinquent act that would be a felony if committed by an adult.

"Boot camp" means a short-term secure or nonsecure juvenile residential facility with highly structured components including, but not limited to, military style drill and ceremony, physical labor, education and rigid discipline, and no less than six months of intensive aftercare.

"Child," "juvenile," or "minor" means a person who is (i) younger than 18 years of age or (ii) for purposes of the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9 of Title 63.2, younger than 21 years of age and meets the eligibility criteria set forth in § 63.2-919.

"Child in need of services" means (i) a child whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of the child or (ii) a child under the age of 14 whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of another person; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be a child in need of services, nor shall any child who habitually remains away from or habitually deserts or abandons his family as a result of what the court or the local child protective services unit determines to be incidents of physical, emotional or sexual abuse in the home be considered a child in need of services for that reason alone.

However, to find that a child falls within these provisions, (i) the conduct complained of must present a clear and substantial danger to the child's life or health or to the life or health of another person, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family.

"Child in need of supervision" means:

1. A child who, while subject to compulsory school attendance, is habitually and without justification absent from school, and (i) the child has been offered an adequate opportunity to receive the benefit of any and all educational services and programs that are required to be provided by law and which meet the child's particular educational needs, (ii) the school system from which the child is absent or other appropriate agency has made a reasonable effort to effect the child's regular attendance without success, and (iii) the school system has provided documentation that it has complied with the provisions of § 22.1-258; or

2. A child who, without reasonable cause and without the consent of his parent, lawful custodian or placement authority, remains away from or deserts or abandons his family or lawful custodian on more than one occasion or escapes or remains away without proper authority from a residential care facility in which he has been placed by the court, and (i) such conduct presents a clear and substantial danger to the child's life or health, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family.

"Child welfare agency" means a child-placing agency, child-caring institution or independent foster home as defined in § 63.2-100.

"The court" or the "juvenile court" or the "juvenile and domestic relations court" means the juvenile and domestic relations district court of each county or city.

"Delinquent act" means (i) an act designated a crime under the law of the Commonwealth, or an ordinance of any city, county, town, or service district, or under federal law, (ii) a violation of § 18.2-308.7, or (iii) a violation of a court order as provided for in § 16.1-292, but does not include an act other than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a crime only if committed by a child.

"Delinquent child" means a child who has committed a delinquent act or an adult who has committed a delinquent act prior to his 18th birthday, except where the jurisdiction of the juvenile court has been terminated under the provisions of § 16.1-269.6.

"Department" means the Department of Juvenile Justice and "Director" means the administrative head in charge thereof or such of his assistants and subordinates as are designated by him to discharge the duties imposed upon him under this law.

"Driver's license" means any document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, or the comparable law of another jurisdiction, authorizing the operation of a motor vehicle upon the highways.

"Family abuse" means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual

assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

"Family or household member" means (i) the person's spouse, whether or not he or she resides in the same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v) any individual who has a child in common with the person, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous 12 months, cohabited with the person, and any children of either of them then residing in the same home with the person.

"Fictive kin" means persons who are not related to a child by blood or adoption but have an established relationship with the child or his family.

"Foster care services" means the provision of a full range of casework, treatment and community services for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 or in need of services as defined in this section and his family when the child (i) has been identified as needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through an agreement between the local board of social services or a public agency designated by the community policy and management team and the parents or guardians where legal custody remains with the parents or guardians, (iii) has been committed or entrusted to a local board of social services or child welfare agency, (iv) has been placed under the supervisory responsibility of the local board pursuant to § 16.1-293, or (v) is living with a relative participating in the Federal-Funded Kinship Guardianship Assistance program set forth in § 63.2-1305 and developed consistent with 42 U.S.C. § 673 or the State-Funded Kinship Guardianship Assistance program set forth in § 63.2-1306.

"Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a living arrangement in which such child or person does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older and who has been committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services; or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement in an independent living arrangement. "Independent living services" includes counseling, education, housing, employment, and money management skills development and access to essential documents and other appropriate services to help children or persons prepare for self-sufficiency.

"Intake officer" means a juvenile probation officer appointed as such pursuant to the authority of this chapter.

"Jail" or "other facility designed for the detention of adults" means a local or regional correctional facility as defined in § 53.1-1, except those facilities utilized on a temporary basis as a court holding cell for a child incident to a court hearing or as a temporary lock-up room or ward incident to the transfer of a child to a juvenile facility.

"The judge" means the judge or the substitute judge of the juvenile and domestic relations district court of each county or city.

"This law" or "the law" means the Juvenile and Domestic Relations District Court Law embraced in this chapter.

"Legal custody" means (i) a legal status created by court order which vests in a custodian the right to have physical custody of the child, to determine and redetermine where and with whom he shall live, the right and duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care, all subject to any residual parental rights and responsibilities or (ii) the legal status created by court order of joint custody as defined in § 20-107.2.

"Permanent foster care placement" means the place of residence in which a child resides and in which he has been placed pursuant to the provisions of §§ 63.2-900 and 63.2-908 with the expectation and agreement between the placing agency and the place of permanent foster care that the child shall remain in the placement until he reaches the age of majority unless modified by court order or unless removed pursuant to § 16.1-251 or 63.2-1517. A permanent foster care placement may be a place of residence of any natural person or persons deemed appropriate to meet a child's needs on a long-term basis.

"Qualified individual" means a trained professional or licensed clinician who is not an employee of the local board of social services or licensed child-placing agency that placed the child in a qualified residential treatment program and is not affiliated with any placement setting in which children are placed by such local board of social services or licensed child-placing agency.

"Qualified residential treatment program" means a program that (i) provides 24-hour residential placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical and other needs of children with serious emotional or behavioral disorders, including any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs registered or licensed nursing and other clinical staff who

provide care, on site and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts outreach with the child's family members, including efforts to maintain connections between the child and his siblings and other family; documents and maintains records of such outreach efforts; and maintains contact information for any known biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child, facilitates participation by family members in the child's treatment program before and after discharge and documents the manner in which such participation is facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and Human Services; and (viii) requires that any child placed in the program receive an assessment within 30 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of Social Services; (b) identifies whether the needs of the child can be met through placement with a family member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified residential treatment program, that would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals established for the child in his foster care or permanency plan; (c) establishes a list of short-term and long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2.

"Residual parental rights and responsibilities" means all rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the person, including but not limited to the right of visitation, consent to adoption, the right to determine religious affiliation and the responsibility for support.

"Secure facility" or "detention home" means a local, regional or state public or private locked residential facility that has construction fixtures designed to prevent escape and to restrict the movement and activities of children held in lawful custody.

"Shelter care" means the temporary care of children in physically unrestricting facilities.

"State Board" means the State Board of Juvenile Justice.

"Status offender" means a child who commits an act prohibited by law which would not be criminal if committed by an adult.

"Status offense" means an act prohibited by law which would not be an offense if committed by an adult.

"Violent juvenile felony" means any of the delinquent acts enumerated in subsection B or C of § 16.1-269.1 when committed by a juvenile 14 years of age or older.

§ 18.2-371. Causing or encouraging acts rendering children delinquent, abused, etc.; penalty; abandoned infant.

Any person 18 years of age or older, including the parent of any child, who (i) willfully contributes to, encourages, or causes any act, omission, or condition that renders a child delinquent, in need of services, in need of supervision, or abused or neglected as defined in § 16.1-228 or (ii) engages in consensual sexual intercourse or anal intercourse with or performs cunnilingus, fellatio, or anilingus upon or by a child 15 or older not his spouse, child, or grandchild is guilty of a Class 1 misdemeanor. This section shall not be construed as repealing, modifying, or in any way affecting §§ 18.2-18, 18.2-19, 18.2-61, 18.2-63, and 18.2-347.

If the prosecution under this section is based solely on the accused parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense to prosecution of a parent under this section that such parent safely delivered the child *within the first 30 days of the child's life* to (a) a hospital that provides 24-hour emergency services ~~or to~~, (b) an attended emergency medical services agency that employs emergency medical services personnel, ~~within the first 14 days of the child's life~~ or (c) a newborn safety device located at and operated by such hospital or emergency medical services agency. In order for the affirmative defense to apply, the child shall be delivered in a manner reasonably calculated to ensure the child's safety.

§ 18.2-371.1. Abuse and neglect of children; penalty; abandoned infant.

A. Any parent, guardian, or other person responsible for the care of a child under the age of 18 who by willful act or willful omission or refusal to provide any necessary care for the child's health causes or permits serious injury to the life or health of such child is guilty of a Class 4 felony. For purposes of this subsection, "serious injury" includes but is not limited to (i) disfigurement, (ii) a fracture, (iii) a severe burn or laceration, (iv) mutilation, (v) maiming, (vi) forced ingestion of dangerous substances, and (vii) life-threatening internal injuries. For purposes of this subsection, "willful act or willful omission" includes operating or engaging in the conduct of a child welfare agency as defined in § 63.2-100 without first obtaining a license such person knows is required by Subtitle IV (§ 63.2-1700 et seq.) of Title 63.2 or after such license has been revoked or has expired and not been renewed.

B. 1. Any parent, guardian, or other person responsible for the care of a child under the age of 18 whose willful act or omission in the care of such child was so gross, wanton, and culpable as to show a reckless disregard for human life is guilty of a Class 6 felony.

2. If a prosecution under this subsection is based solely on the accused parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense to prosecution of a parent under this subsection that such parent safely delivered the child *within the first 30 days of the child's life* to (i) a hospital that provides 24-hour emergency services ~~or to~~, (ii) an attended emergency medical services agency that employs emergency medical services personnel, ~~within the first 14 days of the child's life~~ or (iii) a newborn safety device located at and operated by such hospital

or emergency medical services agency. In order for the affirmative defense to apply, the child shall be delivered in a manner reasonably calculated to ensure the child's safety.

C. Any parent, guardian, or other person having care, custody, or control of a minor child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall not, for that reason alone, be considered in violation of this section.

§ 40.1-103. Cruelty and injuries to children; penalty; abandoned infant.

A. It shall be unlawful for any person employing or having the custody of any child willfully or negligently to cause or permit the life of such child to be endangered or the health of such child to be injured, or willfully or negligently to cause or permit such child to be placed in a situation that its life, health or morals may be endangered, or to cause or permit such child to be overworked, tortured, tormented, mutilated, beaten or cruelly treated. Any person violating this section is guilty of a Class 6 felony.

B. If a prosecution under this section is based solely on the accused parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense to prosecution of a parent under this section that such parent safely delivered the child *within the first 30 days of the child's life to (i) a hospital that provides 24-hour emergency services or to, (ii) an attended emergency medical services agency that employs emergency medical services personnel, within the first 14 days of the child's life or (iii) a newborn safety device located at and operated by such hospital or emergency medical services agency.* In order for the affirmative defense to apply, the child shall be delivered in a manner reasonably calculated to ensure the child's safety.

§ 63.2-100. Definitions.

As used in this title, unless the context requires a different meaning:

"Abused or neglected child" means any child less than 18 years of age:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health. However, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child, who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest. Nothing in this subdivision shall be construed to limit the provisions of § 16.1-278.4;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian or other person standing in loco parentis;

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55.1-2000, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a Tier III offender pursuant to § 9.1-902; or

7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

If a civil proceeding under this title is based solely on the parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the child *within 30 days of the child's birth to (i) a hospital that provides 24-hour emergency services or to, (ii) an attended emergency medical services agency that employs emergency medical services providers, within 14 days of the child's birth or (iii) a newborn safety device located at and operated by such hospital or emergency medical services agency.* For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means any family home selected and approved by a parent, local board or a licensed child-placing agency for the placement of a child with the intent of adoption.

"Adoptive placement" means arranging for the care of a child who is in the custody of a child-placing agency in an approved home for the purpose of adoption.

"Adult abuse" means the willful infliction of physical pain, injury or mental anguish or unreasonable confinement of an adult as defined in § 63.2-1603.

"Adult day care center" means any facility that is either operated for profit or that desires licensure and that provides supplementary care and protection during only a part of the day to four or more aged, infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more aged, infirm or disabled adults.

"Adult exploitation" means the illegal, unauthorized, improper, or fraudulent use of an adult as defined in § 63.2-1603 or his funds, property, benefits, resources, or other assets for another's profit, benefit, or advantage, including a caregiver or person serving in a fiduciary capacity, or that deprives the adult of his rightful use of or access to such funds, property, benefits, resources, or other assets. "Adult exploitation" includes (i) an intentional breach of a fiduciary obligation to an adult to his detriment or an intentional failure to use the financial resources of an adult in a manner that results in neglect of such adult; (ii) the acquisition, possession, or control of an adult's financial resources or property through the use of undue influence, coercion, or duress; and (iii) forcing or coercing an adult to pay for goods or services or perform services against his will for another's profit, benefit, or advantage if the adult did not agree, or was tricked, misled, or defrauded into agreeing, to pay for such goods or services or to perform such services.

"Adult foster care" means room and board, supervision, and special services to an adult who has a physical or mental condition. Adult foster care may be provided by a single provider for up to three adults. "Adult foster care" does not include services or support provided to individuals through the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9.

"Adult neglect" means that an adult as defined in § 63.2-1603 is living under such circumstances that he is not able to provide for himself or is not being provided services necessary to maintain his physical and mental health and that the failure to receive such necessary services impairs or threatens to impair his well-being. However, no adult shall be considered neglected solely on the basis that such adult is receiving religious nonmedical treatment or religious nonmedical nursing care in lieu of medical care, provided that such treatment or care is performed in good faith and in accordance with the religious practices of the adult and there is a written or oral expression of consent by that adult.

"Adult protective services" means services provided by the local department that are necessary to protect an adult as defined in § 63.2-1603 from abuse, neglect or exploitation.

"Assisted living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require at least a moderate level of assistance with activities of daily living.

"Assisted living facility" means any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, but including any portion of such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage; (iii) a facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the handicapped pursuant to § 22.1-214, when such facility is licensed by the Department as a children's residential facility under Chapter 17 (§ 63.2-1700 et seq.), but including any portion of the facility not so licensed; and (iv) any housing project for persons 62 years of age or older or the disabled that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled adults. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an aged, infirm or disabled individual.

"Auxiliary grants" means cash payments made to certain aged, blind or disabled individuals who receive benefits under Title XVI of the Social Security Act, as amended, or would be eligible to receive these benefits except for excess income.

"Birth family" or "birth sibling" means the child's biological family or biological sibling.

"Birth parent" means the child's biological parent and, for purposes of adoptive placement, means parent(s) by previous adoption.

"Board" means the State Board of Social Services.

"Child" means any natural person who is (i) under 18 years of age or (ii) for purposes of the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9, under 21 years of age and meets the eligibility criteria set forth in § 63.2-919.

"Child-placing agency" means (i) any person who places children in foster homes, adoptive homes or independent living arrangements pursuant to § 63.2-1819, (ii) a local board that places children in foster homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221, or (iii) an entity that assists parents with the process of delegating

parental and legal custodial powers of their children pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20. "Child-placing agency" does not include the persons to whom such parental or legal custodial powers are delegated pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20. Officers, employees, or agents of the Commonwealth, or any locality acting within the scope of their authority as such, who serve as or maintain a child-placing agency, shall not be required to be licensed.

"Child-protective services" means the identification, receipt and immediate response to complaints and reports of alleged child abuse or neglect for children under 18 years of age. It also includes assessment, and arranging for and providing necessary protective and rehabilitative services for a child and his family when the child has been found to have been abused or neglected or is at risk of being abused or neglected.

"Child support services" means any civil, criminal or administrative action taken by the Division of Child Support Enforcement to locate parents; establish paternity; and establish, modify, enforce, or collect child support, or child and spousal support.

"Child-welfare agency" means a child-placing agency, children's residential facility, or independent foster home.

"Children's residential facility" means any facility, child-caring institution, or group home that is maintained for the purpose of receiving children separated from their parents or guardians for full-time care, maintenance, protection and guidance, or for the purpose of providing independent living services to persons between 18 and 21 years of age who are in the process of transitioning out of foster care. Children's residential facility shall not include:

1. A licensed or accredited educational institution whose pupils, in the ordinary course of events, return annually to the homes of their parents or guardians for not less than two months of summer vacation;
2. An establishment required to be licensed as a summer camp by § 35.1-18; and
3. A licensed or accredited hospital legally maintained as such.

"Commissioner" means the Commissioner of the Department, his designee or authorized representative.

"Department" means the State Department of Social Services.

"Department of Health and Human Services" means the Department of Health and Human Services of the United States government or any department or agency thereof that may hereafter be designated as the agency to administer the Social Security Act, as amended.

"Disposable income" means that part of the income due and payable of any individual remaining after the deduction of any amount required by law to be withheld.

"Energy assistance" means benefits to assist low-income households with their home heating and cooling needs, including, but not limited to, purchase of materials or substances used for home heating, repair or replacement of heating equipment, emergency intervention in no-heat situations, purchase or repair of cooling equipment, and payment of electric bills to operate cooling equipment, in accordance with § 63.2-805, or provided under the Virginia Energy Assistance Program established pursuant to the Low-Income Home Energy Assistance Act of 1981 (Title XXVI of Public Law 97-35), as amended.

"Family and permanency team" means the group of individuals assembled by the local department to assist with determining planning and placement options for a child, which shall include, as appropriate, all biological relatives and fictive kin of the child, as well as any professionals who have served as a resource to the child or his family, such as teachers, medical or mental health providers, and clergy members. In the case of a child who is 14 years of age or older, the family and permanency team shall also include any members of the child's case planning team that were selected by the child in accordance with subsection A of § 16.1-281.

"Federal-Funded Kinship Guardianship Assistance program" means a program consistent with 42 U.S.C. § 673 that provides, subject to a kinship guardianship assistance agreement developed in accordance with § 63.2-1305, payments to eligible individuals who have received custody of a child of whom they had been the foster parents.

"Fictive kin" means persons who are not related to a child by blood or adoption but have an established relationship with the child or his family.

"Foster care placement" means placement of a child through (i) an agreement between the parents or guardians and the local board where legal custody remains with the parents or guardians or (ii) an entrustment or commitment of the child to the local board or licensed child-placing agency. "Foster care placement" does not include placement of a child in accordance with a power of attorney pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20.

"Foster home" means a residence approved by a child-placing agency or local board in which any child, other than a child by birth or adoption of such person or a child who is the subject of a power of attorney to delegate parental or legal custodial powers by his parents or legal custodian to the natural person who has been designated the child's legal guardian pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20 and who exercises legal authority over the child on a continuous basis for at least 24 hours without compensation, resides as a member of the household.

"General relief" means money payments and other forms of relief made to those persons mentioned in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with § 63.2-401.

"Independent foster home" means a private family home in which any child, other than a child by birth or adoption of such person, resides as a member of the household and has been placed therein independently of a child-placing agency except (i) a home in which are received only children related by birth or adoption of the person who maintains such home and children of personal friends of such person; (ii) a home in which is received a child or children committed under the provisions of subdivision A 4 of § 16.1-278.2, subdivision 6 of § 16.1-278.4, or subdivision A 13 of § 16.1-278.8; and (iii) a

home in which are received only children who are the subject of a properly executed power of attorney pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20.

"Independent living" means a planned program of services designed to assist a child age 16 and over and persons who are former foster care children or were formerly committed to the Department of Juvenile Justice and are between the ages of 18 and 21 in transitioning to self-sufficiency.

"Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a living arrangement in which such child or person does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older who was committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services; or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement in an independent living arrangement. Such services shall include counseling, education, housing, employment, and money management skills development, access to essential documents, and other appropriate services to help children or persons prepare for self-sufficiency.

"Independent physician" means a physician who is chosen by the resident of the assisted living facility and who has no financial interest in the assisted living facility, directly or indirectly, as an owner, officer, or employee or as an independent contractor with the residence.

"Intercountry placement" means the arrangement for the care of a child in an adoptive home or foster care placement into or out of the Commonwealth by a licensed child-placing agency, court, or other entity authorized to make such placements in accordance with the laws of the foreign country under which it operates.

"Interstate placement" means the arrangement for the care of a child in an adoptive home, foster care placement or in the home of the child's parent or with a relative or nonagency guardian, into or out of the Commonwealth, by a child-placing agency or court when the full legal right of the child's parent or nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the action of any court.

"Kinship care" means the full-time care, nurturing, and protection of children by relatives.

"Kinship guardian" means the adult relative of a child in a kinship guardianship established in accordance with § 63.2-1305 or 63.2-1306 who has been awarded custody of the child by the court after acting as the child's foster parent.

"Kinship guardianship" means a relationship established in accordance with § 63.2-1305 or 63.2-1306 between a child and an adult relative of the child who has formerly acted as the child's foster parent that is intended to be permanent and self-sustaining as evidenced by the transfer by the court to the adult relative of the child of the authority necessary to ensure the protection, education, care and control, and custody of the child and the authority for decision making for the child.

"Local board" means the local board of social services representing one or more counties or cities.

"Local department" means the local department of social services of any county or city in this Commonwealth.

"Local director" means the director or his designated representative of the local department of the city or county.

"Merit system plan" means those regulations adopted by the Board in the development and operation of a system of personnel administration meeting requirements of the federal Office of Personnel Management.

"Parental placement" means locating or effecting the placement of a child or the placing of a child in a family home by the child's parent or legal guardian for the purpose of foster care or adoption.

"Public assistance" means Temporary Assistance for Needy Families (TANF); auxiliary grants to the aged, blind and disabled; medical assistance; energy assistance; food stamps; employment services; child care; and general relief.

"Qualified assessor" means an entity contracting with the Department of Medical Assistance Services to perform nursing facility pre-admission screening or to complete the uniform assessment instrument for a home and community-based waiver program, including an independent physician contracting with the Department of Medical Assistance Services to complete the uniform assessment instrument for residents of assisted living facilities, or any hospital that has contracted with the Department of Medical Assistance Services to perform nursing facility pre-admission screenings.

"Qualified individual" means a trained professional or licensed clinician who is not an employee of the local board of social services or licensed child-placing agency that placed the child in a qualified residential treatment program and is not affiliated with any placement setting in which children are placed by such local board of social services or licensed child-placing agency.

"Qualified residential treatment program" means a program that (i) provides 24-hour residential placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical and other needs of children with serious emotional or behavioral disorders, including any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts outreach with the child's family members, including efforts to maintain connections between the child and his siblings and

other family; documents and maintains records of such outreach efforts; and maintains contact information for any known biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child, facilitates participation by family members in the child's treatment program before and after discharge and documents the manner in which such participation is facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and Human Services; and (viii) requires that any child placed in the program receive an assessment within 30 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of Social Services; (b) identifies whether the needs of the child can be met through placement with a family member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified residential treatment program, that would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals established for the child in his foster care or permanency plan; (c) establishes a list of short-term and long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2.

"Residential living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require only minimal assistance with the activities of daily living. The definition of "residential living care" includes the services provided by independent living facilities that voluntarily become licensed.

"Sibling" means each of two or more children having one or more parents in common.

"Social services" means foster care, adoption, adoption assistance, child-protective services, domestic violence services, or any other services program implemented in accordance with regulations adopted by the Board. Social services also includes adult services pursuant to Article 4 (§ 51.5-144 et seq.) of Chapter 14 of Title 51.5 and adult protective services pursuant to Article 5 (§ 51.5-148) of Chapter 14 of Title 51.5 provided by local departments of social services in accordance with regulations and under the supervision of the Commissioner for Aging and Rehabilitative Services.

"Special order" means an order imposing an administrative sanction issued to any party licensed pursuant to this title by the Commissioner that has a stated duration of not more than 12 months. A special order shall be considered a case decision as defined in § 2.2-4001.

"State-Funded Kinship Guardianship Assistance program" means a program that provides payments to eligible individuals who have received custody of a relative child subject to a kinship guardianship assistance agreement developed in accordance with § 63.2-1306.

"Supervised independent living setting" means the residence of a person 18 years of age or older who is participating in the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9 where supervision includes a monthly visit with a service worker or, when appropriate, contracted supervision. "Supervised independent living setting" does not include residential facilities or group homes.

"Temporary Assistance for Needy Families" or "TANF" means the program administered by the Department through which a relative can receive monthly cash assistance for the support of his eligible children.

"Temporary Assistance for Needy Families-Unemployed Parent" or "TANF-UP" means the Temporary Assistance for Needy Families program for families in which both natural or adoptive parents of a child reside in the home and neither parent is exempt from Virginia Initiative for Education and Work (VIEW) participation under § 63.2-609.

"Title IV-E Foster Care" means a federal program authorized under §§ 472 and 473 of the Social Security Act, as amended, and administered by the Department through which foster care is provided on behalf of qualifying children.

CHAPTER 82

An Act to amend and reenact §§ 13.1-803, 13.1-1002, and 13.1-1201 of the Code of Virginia, relating to business entities; conversion and domestication.

[H 691]

Approved April 5, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 13.1-803, 13.1-1002, and 13.1-1201 of the Code of Virginia are amended and reenacted as follows:

§ 13.1-803. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Articles of incorporation" means all documents constituting, at any particular time, the charter of a corporation. It includes the original charter issued by the General Assembly, a court or the Commission and all amendments including certificates of merger, consolidation, or correction. When the articles of incorporation have been restated pursuant to any articles of restatement, amendment, domestication, or merger, it includes only the restated articles of incorporation without the accompanying articles of restatement, amendment, domestication, or merger. When used with respect to a foreign corporation, the "articles of incorporation" of such entity means the document that is equivalent to the articles of incorporation of a domestic corporation.

"Board of directors" means the group of persons vested with the management of the business of the corporation irrespective of the name by which such group is designated, and "director" means a member of the board of directors.

"Certificate," when relating to articles filed with the Commission, means the order of the Commission that makes the articles effective, together with the articles.

"Commission" means the State Corporation Commission of Virginia.

"Conspicuous" means so written, displayed, or presented that a reasonable person against whom the writing is to operate should have noticed it. For example, text that is italicized, is in boldface, contrasting colors, or capitals, or is underlined is conspicuous.

"Corporation" or "domestic corporation" means a corporation not authorized by law to issue shares, irrespective of the nature of the business to be transacted, organized under this chapter or existing pursuant to the laws of the Commonwealth on January 1, 1986, or that, by virtue of articles of incorporation, amendment, or merger, has become a domestic corporation of the Commonwealth, even though also being a corporation organized under laws other than the laws of the Commonwealth or that has become a domestic corporation of the Commonwealth pursuant to Article 11.1 (§ 13.1-898.1:1 et seq.).

"Deliver" or "delivery" means any method of delivery used in conventional commercial practice, including delivery by hand, mail, commercial delivery, and, if authorized in accordance with § 13.1-810, by electronic transmission.

"Disinterested director" means a director who, at the time action is to be taken under § 13.1-871, 13.1-878, or 13.1-880, does not have (i) a financial interest in a matter that is the subject of such action or (ii) a familial, financial, professional, employment, or other relationship with a person who has a financial interest in the matter, either of which would reasonably be expected to affect adversely the objectivity of the director when participating in the action, and if the action is to be taken under § 13.1-878 or 13.1-880, is also not a party to the proceeding. The presence of one or more of the following circumstances shall not by itself prevent a person from being a disinterested director: (a) nomination or election of the director to the current board by any person, acting alone or participating with others, who is so interested in the matter or (b) service as a director of another corporation of which an interested person is also a director.

"Document" means (i) any tangible medium on which information is inscribed, and includes any writing or written instrument, or (ii) an electronic record.

"Domestic," with respect to an entity, means an entity governed as to its internal affairs by the organic law of the Commonwealth.

"Domestic business trust" has the same meaning as specified in § 13.1-1201.

"Domestic limited liability company" has the same meaning as specified in § 13.1-1002.

"Domestic limited partnership" has the same meaning as specified in § 50-73.1.

"Domestic partnership" means an association of two or more persons to carry on as co-owners of a business for profit formed under § 50-73.88 or predecessor law of the Commonwealth and includes, for all purposes of the laws of the Commonwealth, a registered limited liability partnership.

"Domestic stock corporation" has the same meaning as "domestic corporation" as specified in § 13.1-603.

"Effective date," when referring to a document for which effectiveness is contingent upon issuance of a certificate by the Commission, means the time and date determined in accordance with § 13.1-806.

"Effective date of notice" is defined in § 13.1-810.

"Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

"Electronic record" means information that is stored in an electronic or other medium and is retrievable in paper form through an automated process used in conventional commercial practice, unless otherwise authorized in accordance with subsection J of § 13.1-810.

"Electronic transmission" or "electronically transmitted" means any form or process of communication, not directly involving the physical transfer of paper or other tangible medium, that (i) is suitable for the retention, retrieval, and reproduction of information by the recipient, and (ii) is retrievable in paper form by the recipient through an automated process used in conventional commercial practice, unless otherwise authorized in accordance with subsection J of § 13.1-810.

"Eligible entity" means a domestic or foreign unincorporated entity or a domestic or foreign stock corporation.

"Eligible interests" means interests or shares.

"Employee" includes, unless otherwise provided in the bylaws, an officer but not a director. A director may accept duties that make the director also an employee.

"Entity" includes any domestic or foreign corporation; any domestic or foreign stock corporation; any domestic or foreign unincorporated entity; any estate or trust; and any state, the United States, and any foreign government.

"Entity conversion" means conversion. A certificate of entity conversion is the same as a certificate of conversion.

"Foreign," with respect to an entity, means an entity governed as to its internal affairs by the organic law of a jurisdiction other than the Commonwealth.

"Foreign business trust" has the same meaning as specified in § 13.1-1201.

"Foreign corporation" means a corporation not authorized by law to issue shares, organized under laws other than the laws of the Commonwealth.

"Foreign limited liability company" has the same meaning as specified in § 13.1-1002.

"Foreign limited partnership" has the same meaning as specified in § 50-73.1.

"Foreign partnership" means an association of two or more persons to carry on as co-owners of a business for profit formed under the laws of any state or jurisdiction other than the Commonwealth, and includes, for all purposes of the laws of the Commonwealth, a foreign registered limited liability partnership.

"Foreign registered limited liability partnership" has the same meaning as specified in § 50-73.79.

"Foreign stock corporation" has the same meaning as "foreign corporation" as specified in § 13.1-603.

"Foreign unincorporated entity" means a foreign partnership, foreign limited liability company, foreign limited partnership, or foreign business trust.

"Government subdivision" includes authority, county, district, and municipality.

"Includes" denotes a partial definition.

"Incorporation surrender" has the same meaning as specified in § 13.1-898.1:1. A certificate of incorporation surrender is the same as a certificate of domestication.

"Individual" means a natural person.

"Interest" means either or both of the following rights under the organic law of a foreign or domestic unincorporated entity:

1. The right to receive distributions from the entity either in the ordinary course or upon liquidation; or

2. The right to receive notice or vote on issues involving its internal affairs, other than as an agent, assignee, proxy, or person responsible for managing its business and affairs.

"Jurisdiction of formation" means the state or country the law of which includes the organic law governing a domestic or foreign corporation or eligible entity.

"Means" denotes an exhaustive definition.

"Member" means one having a membership interest in a corporation in accordance with the provisions of its articles of incorporation or bylaws.

"Membership interest" means the interest of a member in a domestic or foreign corporation, including voting and all other rights associated with membership.

"Organic document" means the document, if any, that is filed of public record to create an unincorporated entity. Where an organic document has been amended or restated, the term means the organic document as last amended or restated.

"Organic law" means the statute governing the internal affairs of a domestic or foreign corporation or eligible entity.

"Person" includes an individual and an entity.

"Principal office" means the office, in or out of the Commonwealth, where the principal executive offices of a domestic or foreign corporation are located, or, if there are no such offices, the office, in or out of the Commonwealth, so designated by the board of directors. The designation of the principal office in the most recent annual report filed pursuant to § 13.1-936 shall be conclusive for purposes of this chapter.

"Proceeding" includes civil suit and criminal, administrative and investigatory action conducted by a governmental agency.

"Protected series" has the same meaning as specified in § 13.1-1002.

"Record date" means the date established under Article 7 (§ 13.1-837 et seq.) of this chapter on which a corporation determines the identity of its members and their membership interests for purposes of this chapter. The determination shall be made as of the close of business at the principal office of the corporation on the record date unless another time for doing so is specified when the record date is fixed.

"Registered limited liability partnership" has the same meaning as specified in § 50-73.79.

"Shares" has the same meaning as specified in § 13.1-603.

"Sign" or "signature" means, with present intent to authenticate or adopt a document: (i) to execute or adopt a tangible symbol to a document, and includes any manual, facsimile, or conformed signature; or (ii) to attach to or logically associate with an electronic transmission an electronic sound, symbol, or process, and includes an electronic signature in an electronic transmission.

"State" when referring to a part of the United States, includes a state, commonwealth, and the District of Columbia, and their agencies and governmental subdivisions; and a territory or insular possession, and their agencies and governmental subdivisions, of the United States.

"Transact business" includes the conduct of affairs by any corporation that is not organized for profit.

"Unincorporated entity" or "domestic unincorporated entity" means a domestic partnership, limited liability company, limited partnership, or business trust.

"United States" includes any district, authority, bureau, commission, department, or any other agency of the United States.

"Voting group" means all members of one or more classes that under the articles of incorporation or this chapter are entitled to vote and be counted together collectively on a matter at a meeting of members. All members entitled by the articles of incorporation or this chapter to vote generally on the matter are for that purpose a single voting group.

"Voting power" means the current power to vote in the election of directors.

"Writing" or "written" means any information in the form of a document.

§ 13.1-1002. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Articles of organization" means all documents constituting, at any particular time, the articles of organization of a limited liability company. The articles of organization include the original articles of organization, the original certificate of organization issued by the Commission, and all amendments to the articles of organization. When the articles of organization have been restated pursuant to any articles of restatement, amendment, domestication, or merger, the articles of organization include only the restated articles of organization without the articles of restatement, amendment, domestication, or merger.

"Assignee" means a person to which all or part of a membership interest has been transferred, whether or not the transferor is a member.

"Bankruptcy" means, with respect to any person, being the subject of an order for relief under Title 11 of the United States Code.

"Commission" means the State Corporation Commission of Virginia.

"Contribution" means any cash, property or services rendered, or a promissory note or other binding obligation to contribute cash or property or to perform services, which a member contributes to a limited liability company in his capacity as a member.

"Distribution" means a direct or indirect transfer of money or other property, or incurrence of indebtedness by a limited liability company, to or for the benefit of its members in respect of their interests.

"Domestic," with respect to an entity, means an entity governed as to its internal affairs by the organic law of the Commonwealth.

"Domestic business trust" has the same meaning as specified in § 13.1-1201.

"Domestic corporation" has the same meaning as specified in § 13.1-603.

"Domestic limited partnership" has the same meaning as specified in § 50-73.1.

"Domestic nonstock corporation" has the same meaning as "domestic corporation" as specified in § 13.1-803.

"Domestic partnership" means an association of two or more persons to carry on as co-owners a business for profit formed under § 50-73.88, or predecessor law of the Commonwealth, and includes, for all purposes of the laws of the Commonwealth, a registered limited liability partnership.

"Domestic stock corporation" has the same meaning as "domestic corporation" as specified in § 13.1-603.

"Effective date," when referring to a document for which effectiveness is contingent upon issuance of a certificate by the Commission, means the time and date determined in accordance with § 13.1-1004.

"Electronic transmission" means any form of communication, not directly involving the physical transmission of paper, that creates a record that may be retained, retrieved, and reviewed by a recipient thereof, and that may be directly reproduced in paper form by the recipient through an automated process. Any term used in this definition that is defined in § 59.1-480 of the Uniform Electronic Transactions Act (§ 59.1-479 et seq.) shall have the meaning set forth in that section.

"Eligible interests" means, as to a partnership, partnership interest as specified in § 50-73.79; as to a limited partnership, partnership interest as specified in § 50-73.1; as to a business trust, the beneficial interest of a beneficial owner as specified in § 13.1-1226; as to a stock corporation, shares as specified in § 13.1-603; or, as to a nonstock corporation, membership interest as specified in § 13.1-803.

"Entity" includes any domestic or foreign limited liability company, any domestic or foreign other business entity, any estate or trust, and any state, the United States, and any foreign government.

"Entity conversion" means conversion. A certificate of entity conversion is the same as a certificate of conversion.

"Foreign," with respect to an entity, means an entity governed as to its internal affairs by the organic law of a jurisdiction other than the Commonwealth.

"Foreign business trust" has the same meaning as specified in § 13.1-1201.

"Foreign corporation" has the same meaning as specified in § 13.1-603.

"Foreign limited liability company" means an entity, excluding a foreign business trust, that is an unincorporated organization that is organized under laws other than the laws of the Commonwealth and that is denominated by that law as a limited liability company, and that affords to each of its members, pursuant to the laws under which it is organized, limited liability with respect to the liabilities of the entity.

"Foreign limited partnership" has the same meaning as specified in § 50-73.1.

"Foreign nonstock corporation" has the same meaning as "foreign corporation" as specified in § 13.1-803.

"Foreign partnership" means an association of two or more persons to carry on as co-owners a business for profit formed under the laws of any state or jurisdiction other than the Commonwealth, and includes, for all purposes of the laws of the Commonwealth, a foreign registered limited liability partnership.

"Foreign protected series" means a protected series established by a foreign series limited liability company and having attributes comparable to a protected series established under Article 16 (§ 13.1-1088 et seq.). The term applies whether or not the law under which the foreign series limited liability company is organized refers to "protected series" or "series."

"Foreign registered limited liability partnership" has the same meanings as specified in §§ 50-2 and 50-73.79.

"Foreign series limited liability company" means a foreign limited liability company having at least one foreign protected series.

"Foreign stock corporation" has the same meaning as "foreign corporation" as specified in § 13.1-603.

"Jurisdiction," when used to refer to a political entity, means the United States, a state, a foreign country, or a political subdivision of a foreign country.

"Jurisdiction of formation" means the state or country the law of which includes the organic law governing a domestic or foreign limited liability company or other business entity.

"Limited liability company" or "domestic limited liability company" means an entity that is an unincorporated organization organized and existing under this chapter, or that has become a domestic limited liability company of the Commonwealth pursuant to § 13.1-1010.3 as it existed prior to its repeal, even though also being a non-United States entity organized under laws other than the laws of the Commonwealth, or that has become a domestic limited liability company of the Commonwealth pursuant to § 56-1, even though also being a non-United States entity organized under laws other than the laws of the Commonwealth, or that has become a domestic limited liability company of the Commonwealth pursuant to § 13.1-1010.1 as it existed prior to its repeal, or that has become a domestic limited liability company of the Commonwealth pursuant to Article 12.2 (§ 13.1-722.8 et seq.) of Chapter 9, Article 17.1 (§ 13.1-944.1 et seq.) of Chapter 10, Article 14 (§ 13.1-1074 et seq.) or Article 15 (§ 13.1-1081 et seq.) of this chapter, or Article 12 (§ 13.1-1264 et seq.) of Chapter 14. A limited liability company's status for federal tax purposes shall not affect its status as a distinct entity organized and existing under this chapter.

"Manager" or "managers" means a person or persons designated by the members of a limited liability company to manage the limited liability company as provided in the articles of organization or an operating agreement.

"Manager-managed limited liability company" means a limited liability company that is managed by a manager or managers as provided for in its articles of organization or an operating agreement.

"Member" means a person that has been admitted to membership in a limited liability company as provided in § 13.1-1038.1 and that has not ceased to be a member.

"Member-managed limited liability company" means a limited liability company that is not a manager-managed limited liability company.

"Membership interest" or "interest" means a member's share of the profits and the losses of the limited liability company and the right to receive distributions of the limited liability company's assets.

"Non-United States entity" means a foreign limited liability company (other than one formed under the laws of a state), or a corporation, business trust or association, real estate investment trust, common-law trust, or any other unincorporated business, including a partnership, formed, incorporated, organized, created or that otherwise came into being under the laws of any foreign country or other foreign jurisdiction (other than any state).

"Operating agreement" means an agreement of the members as to the affairs of a limited liability company and the conduct of its business, or a writing or agreement of a limited liability company with one member that satisfies the requirements of subdivision A 2 of § 13.1-1023.

"Organic law" means the statute governing the internal affairs of a domestic or foreign limited liability company or other business entity.

"Organization surrender" has the same meaning as specified in § 13.1-1074. A certificate of organization surrender is the same as a certificate of domestication.

"Other business entity" means a domestic or foreign partnership, limited partnership, business trust, stock corporation, or nonstock corporation.

"Person" has the same meaning as specified in § 13.1-603. "Person" includes a protected series.

"Principal office" means the office, in or out of the Commonwealth, where the principal executive offices of a domestic or foreign limited liability company are located or, if there are no such offices, the office, in or out of the Commonwealth, so designated by the limited liability company. The designation of the principal office in the most recent statement of change filed pursuant to § 13.1-1018.1 shall be conclusive for the purpose of this chapter.

"Property" means all property, whether real, personal, or mixed or tangible or intangible, or any right or interest therein.

"Protected series," except in the term "foreign protected series," means a person established under § 13.1-1095.

"Record," when used as a noun, means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

"Registered limited liability partnership" has the same meaning as specified in § 50-73.79.

"Series limited liability company," except in the term "foreign series limited liability company," means a limited liability company having at least one protected series.

"Sign" means, with present intent to authenticate or adopt a record, to execute or adopt a tangible symbol or to attach to or logically associate with the record an electronic symbol, sound, or process.

"State," when referring to a part of the United States, includes a state, commonwealth and the District of Columbia, and their agencies and governmental subdivisions; and a territory or insular possession, and their agencies and governmental subdivisions, of the United States.

"Transfer" includes an assignment, a conveyance, a sale, a lease, an encumbrance including a mortgage or security interest, a gift, and a transfer by operation of law.

"United States" includes a district, authority, bureau, commission, department, and any other agency of the United States.

§ 13.1-1201. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Articles of trust" means all documents constituting, at any particular time, the articles of trust of a business trust. "Articles of trust" includes the original articles of trust, the original certificate of trust issued by the Commission, and all amendments to the articles of trust. When the articles of trust have been restated pursuant to any articles of amendment, the articles of trust includes only the restated articles of trust and any subsequent amendments to the restated articles of trust, but does not include the articles of amendment accompanying the restated articles of trust. When used with respect to a foreign business trust, the "articles of trust" of such entity means the document that is equivalent to the articles of trust of a domestic business trust.

"Beneficial owner" means any owner of a beneficial interest in a business trust, the fact of ownership to be determined and evidenced, whether by means of registration, the issuance of certificates or otherwise, in conformity to the applicable provisions of the governing instrument of the business trust.

"Business trust" or "domestic business trust" means an unincorporated business, trust, or association that:

1. Is governed by a governing instrument under which:

a. Property is or will be held, managed, administered, controlled, invested, reinvested, or operated by a trustee for the benefit of persons as are or may become entitled to a beneficial interest in the trust property; or

b. Business or professional activities for profit are carried on or will be carried on by one or more trustees for the benefit of persons as are or may become entitled to a beneficial interest in the trust property; and

2. Files articles of trust under § 13.1-1212.

"Business trust" includes, without limitation, any of the following entities that conform with subdivisions 1 and 2 of this definition:

(1) A trust of the type known at common law as a "business trust" or "Massachusetts trust";

(2) A trust qualifying as a real estate mortgage investment conduit under § 860 D of the United States Internal Revenue Code of 1986, as amended, or under any successor provision;

(3) A trust qualifying as a real estate investment trust under §§ 856 through 859 of the United States Internal Revenue Code of 1986, as amended, or under any successor provision; or

(4) A "real estate investment trust" or "trust" created under former Chapter 9 (§ 6-577 et seq.) of Title 6 or former Chapter 9 (§ 6.1-343 et seq.) of Title 6.1.

"Commission" means the State Corporation Commission of Virginia.

"Domestic," with respect to an entity, means an entity governed as to its internal affairs by the organic law of the Commonwealth.

"Domestic corporation" has the same meaning as specified in § 13.1-603.

"Domestic limited partnership" has the same meaning as specified in § 50-73.1.

"Domestic nonstock corporation" has the same meaning as "domestic corporation" as specified in § 13.1-803.

"Domestic partnership" means an association of two or more persons to carry on as co-owners a business for profit formed under § 50-73.88, or predecessor law of the Commonwealth, and includes, for all purposes of the laws of the Commonwealth, a registered limited liability partnership.

"Domestic stock corporation" has the same meaning as "domestic corporation" as specified in § 13.1-603.

"Effective date," when referring to a document for which effectiveness is contingent upon issuance of a certificate by the Commission, means the time and date determined in accordance with § 13.1-1203.

"Entity" includes any domestic or foreign business trust or other business entity, any estate or trust, and any state, the United States, and any foreign government.

"Entity conversion" means conversion. A certificate of entity conversion is the same as a certificate of conversion.

"Foreign" with respect to an entity, means an entity governed as to its internal affairs by the organic law of a jurisdiction other than the Commonwealth.

"Foreign business trust" means a trust formed under the law of a jurisdiction other than the Commonwealth that would be a business trust if formed under the law of the Commonwealth.

"Foreign limited liability company" has the same meaning as specified in § 13.1-1002.

"Foreign limited partnership" has the same meaning as specified in § 50-73.1.

"Foreign nonstock corporation" has the same meaning as "foreign corporation" as specified in § 13.1-803.

"Governing instrument" means a trust instrument that creates a business trust and provides for the governance of the affairs of the business trust and the conduct of its business, including, without limitation, a declaration of trust.

"Jurisdiction of formation" means the state or country the law of which includes the organic law governing a domestic or foreign business trust or other business entity.

"Organic law" means the statute governing the internal affairs of a domestic or foreign business trust or other business entity.

"Other business entity" means a domestic or foreign stock corporation, a nonstock corporation, limited liability company, partnership, or limited partnership.

"Person" has the same meaning as specified in § 13.1-603.

"Protected series" has the same meaning as specified in § 13.1-1002.

"Registered limited liability partnership" has the same meaning as specified in § 50-73.79.

"State," when referring to a part of the United States, includes a state and commonwealth, and their agencies and governmental subdivisions; and a territory and insular possession, and their agencies and governmental subdivisions, of the United States.

~~"Trust" includes~~ "Trust" includes a common law trust, business trust, and foreign business trust.

"Trust surrender" has the same meaning as specified in § 13.1-1264. A certificate of trust surrender is the same as a certificate of domestication.

"Trustee" means a person appointed as a trustee in accordance with the governing instrument of a business trust.

"Trustee" may include a beneficial owner of a business trust.

"United States" includes any district, authority, bureau, commission, department, or other agency of the United States.

CHAPTER 83

An Act to amend and reenact § 10.1-1237 of the Code of Virginia, to amend the Code of Virginia by adding a section numbered 2.2-2240.2:1, and to repeal § 2.2-2240.2 of the Code of Virginia, relating to economic development; Virginia Business Ready Sites Program Fund created.

[S 28]

Approved April 5, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-1237 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-2240.2:1 as follows:

§ 2.2-2240.2:1. Virginia Business Ready Sites Program Fund.

A. As used in this section:

"Eligible site" means a site suitable to be marketed for industrial or commercial economic development purposes, as determined by the Authority. For a site development grant, an "eligible site" shall meet, or be determined by the Authority to be expected to meet, each of the following criteria: (i) the site is at least 100 contiguous acres, or it is a brownfield, as defined in § 10.1-1230; (ii) the site has parcels zoned for industrial or commercial uses; and (iii) the site is publicly owned, or if the site is under private ownership, there is an option agreement or other documentation of a commitment by the private owner to a competitive sales price, to permit access to the site for site assessment, and to market the site for industrial or commercial economic development purposes. If a site is located in Region 1 or 2, and it meets the criteria in clauses (ii) and (iii), the Authority may determine it to be an "eligible site" if the site is at least 50 contiguous acres. For a site characterization grant, an "eligible site" means any site of at least 25 acres that is suitable for potential industrial or commercial development.

"Fund" means the Virginia Business Ready Sites Program Fund established under subsection B.

"Industrial employment" means total Virginia employment for the most recent calendar year for which data is available, in the manufacturing (NAICS 31-33) or warehousing and storage (NAICS 493110) industries, as published by the U.S. Bureau of Labor Statistics' Quarterly Census of Employment and Wages.

"Region" means a region designated by the Virginia Growth and Opportunity Board under § 2.2-2484.

"Site characterization grant" means a grant to ascertain and designate a site's level of development as outlined in the Virginia Business Ready Sites Program Fund guidelines.

"Site development grant" means a grant to further develop a site for marketing to economic development projects as outlined in the Virginia Business Ready Sites Program Fund guidelines.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Business Ready Sites Program Fund. The Fund shall be established on the books of the Comptroller. All moneys appropriated by the General Assembly for the Fund, and from any other sources, public or private, shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

C. Moneys in the Fund shall be used to provide site characterization grants and site development grants for eligible sites for the purpose of creating and maintaining a portfolio of project-ready sites to promote economic development in all regions of the Commonwealth. Such grants shall be awarded on a competitive basis in accordance with the procedures of subsection D.

D. 1. The Governor shall award grants from the Fund only to political subdivisions of the Commonwealth.

2. The Authority shall establish guidelines, procedures, and objective criteria for the award and distribution of grants from the Fund. The preparation of the guidelines shall be exempt from the requirements of Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act.

3. To qualify to receive a grant from the Fund, a grant recipient shall enter into a performance agreement with the Authority that contains, at a minimum, provisions for disbursement of the grant, use of the proceeds, reporting, and repayment obligations in the event that the recipient fails to meet the terms of the performance agreement. Any repayment of grant funds required by such performance agreement shall be paid into the state treasury and credited to the Fund.

4. Any grant awarded from the Fund shall require matching funds as described in the guidelines established under subdivision 2.

E. The Authority shall report annually by November 1 on grant awards and expenditures from the Fund. The report shall include total appropriations made or transferred to the Fund, total grants awarded, total expenditures from the Fund, cash balances, and balances available for future commitments. The Authority shall prepare the report required by this subsection in conjunction with the reports required under § 2.2-2237.1.

F. The Auditor of Public Accounts or his authorized representative shall audit the accounts of the Fund in accordance with generally accepted auditing standards as determined necessary by the Auditor of Public Accounts. The cost of such audit services shall be borne by the Fund.

§ 10.1-1237. Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund established; uses.

A. There is hereby created and set apart a special, permanent, perpetual and nonreverting fund to be known as the Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund for the purposes of promoting the restoration and redevelopment of brownfield sites and to address environmental problems or obstacles to reuse so that these sites can be effectively marketed to new economic development prospects. The Fund shall consist of sums appropriated to the Fund by the General Assembly, all receipts by the Fund from loans made by it, all income from the investment of moneys held in the Fund, and any other sums designated for deposit to the Fund from any source, public or private, including any federal grants, awards or other forms of financial assistance received by the Commonwealth.

B. 1. The Authority shall administer and manage the Fund and establish the interest rates and repayment terms of such loans in accordance with a memorandum of agreement with the Partnership. The Partnership shall direct the distribution of loans or grants from the Fund to particular recipients based upon guidelines developed for this purpose. With approval from the Partnership, the Authority may ~~disperse monies~~ *disburse moneys* from the Fund for the payment of reasonable and necessary costs and expenses incurred in the administration and management of the Fund. The Authority may establish and collect a reasonable fee on outstanding loans for its management services.

2. The Partnership shall, working in consultation with the Department, include provisions in its guidelines that authorize grants from the Fund of up to \$500,000 for site remediation. The guidelines shall include a requirement that sites with potential for redevelopment and economic benefits to the surrounding community be considered for such grants.

C. All money belonging to the Fund shall be deposited in an account or accounts in banks or trust companies organized under the laws of the Commonwealth or in national banking associations located in Virginia or in savings institutions located in Virginia organized under the laws of the Commonwealth or the United States. The money in these accounts shall be paid by check and signed by the Executive Director of the Authority or other officers or employees designated by the Board of Directors of the Authority. All deposits of money shall, if required by the Authority, be secured in a manner determined by the Authority to be prudent, and all banks, trust companies and savings institutions are authorized to give security for the deposits. Money in the Fund shall not be commingled with other money of the Authority. Money in the Fund not needed for immediate use or disbursement may be invested or reinvested by the Authority in obligations or securities that are considered lawful investments for public funds under the laws of the Commonwealth. Expenditures and disbursements from the Fund shall be made by the Authority upon written request signed by the Chief Executive Officer of the Virginia Economic Development Partnership.

D. The Authority is empowered to collect, or to authorize others to collect on its behalf, amounts due to the Fund under any loan including, if appropriate, taking the action required by § 15.2-2659 to obtain payment of any amounts in default. Proceedings to recover amounts due to the Fund may be instituted by the Authority in the name of the Fund in the appropriate circuit court.

E. The Partnership may approve grants to local governments for the purposes of promoting the restoration and redevelopment of brownfield sites and to address real environmental problems or obstacles to reuse so that these sites can be effectively marketed to new economic development prospects. The grants may be used to pay the reasonable and necessary costs associated with the restoration and redevelopment of a brownfield site for (i) environmental and cultural resource site assessments, (ii) remediation of a contaminated property to remove hazardous substances, hazardous wastes, or solid wastes, (iii) the necessary removal of human remains, the appropriate treatment of grave sites, and the appropriate and necessary treatment of significant archaeological resources, or the stabilization or restoration of structures listed on or eligible for the Virginia Historic Landmarks Register, (iv) demolition and removal of existing structures, or other site work necessary to make a site or certain real property usable for new economic development, and (v) development of a remediation and reuse plan. The Partnership may establish such terms and conditions as it deems appropriate and shall evaluate each grant request in accordance with the guidelines developed for this purpose. The Authority shall disburse grants from the Fund in accordance with a written request from the Partnership.

F. The Authority may make loans to local governments, public authorities, corporations and partnerships to finance or refinance the cost of any brownfield restoration or remediation project for the purposes of promoting the restoration and redevelopment of brownfield sites and to address real environmental problems or obstacles to reuse so that these sites can be effectively marketed to economic development prospects. The loans shall be used to pay the reasonable and necessary costs related to the restoration and redevelopment of a brownfield site for (i) environmental and cultural resource site assessments, (ii) remediation of a contaminated property to remove hazardous substances, hazardous wastes, or solid wastes, (iii) the necessary removal of human remains, the appropriate treatment of grave sites, and the appropriate and necessary treatment of significant archaeological resources, or the stabilization or restoration of structures listed on or

eligible for the Virginia Historic Landmarks Register, (iv) demolition and removal of existing structures, or other site work necessary to make a site or certain real property usable for new economic development, and (v) development of a remediation and reuse plan.

The Partnership shall designate in writing the recipient of each loan, the purposes of the loan, and the amount of each such loan. No loan from the Fund shall exceed the total cost of the project to be financed or the outstanding principal amount of the indebtedness to be refinanced plus reasonable financing expenses.

G. Except as otherwise provided in this chapter, the Authority shall determine the interest rate and terms and conditions of any loan from the Fund, which may vary between local governments. Each loan shall be evidenced by appropriate bonds or notes of the local government payable to the Fund. The bonds or notes shall have been duly authorized by the local government and executed by its authorized legal representatives. The Authority is authorized to require in connection with any loan from the Fund such documents, instruments, certificates, legal opinions and other information as it may deem necessary or convenient. In addition to any other terms or conditions that the Authority may establish, the Authority may require, as a condition to making any loan from the Fund, that the local government receiving the loan covenant perform any of the following:

1. Establish and collect rents, rates, fees, taxes, and charges to produce revenue sufficient to pay all or a specified portion of (i) the costs of the project, (ii) any outstanding indebtedness incurred for the purposes of the project, including the principal of, premium, if any, and interest on the loan from the Fund to the local government, and (iii) any amounts necessary to create and maintain any required reserve.

2. Levy and collect ad valorem taxes on all property within the jurisdiction of the local government subject to local taxation sufficient to pay the principal of and premium, if any, and interest on the loan from the Fund to the local government.

3. Create and maintain a special fund or funds for the payment of the principal of, premium, if any, and interest on the loan from the Fund to the local government and any other amounts becoming due under any agreement entered into in connection with the loan, or the project or any portions thereof or other property of the local government, and deposit into any fund or funds amounts sufficient to make any payments on the loan as they become due and payable.

4. Create and maintain other special funds as required by the Authority.

5. Perform other acts otherwise permitted by applicable law to secure payment of the principal of, premium, if any, and interest on the loan from the Fund to the local government and to provide for the remedies of the Fund in the event of any default by the local government in the payment of the loan, including, without limitation, any of the following:

a. The conveyance of, or the granting of liens on or security interests in, real and personal property, together with all rights, title and interest therein, to the Fund;

b. The procurement of insurance, guarantees, letters of credit and other forms of collateral, security, liquidity arrangements or credit supports for the loan from any source, public or private, and the payment therefor of premiums, fees, or other charges;

c. The combination of one or more projects, or the combination of one or more projects with one or more other undertakings, for the purpose of financing, and the pledging of the revenues from such combined projects and undertakings to secure the loan from the Fund to the local government made in connection with such combination or any part or parts thereof;

d. The maintenance, replacement, renewal, and repair of the project; and

e. The procurement of casualty and liability insurance.

6. Obtain a review of the accounting and the internal controls from the Auditor of Public Accounts or his legally authorized representatives. The Authority may request additional reviews at any time during the term of the loan.

7. Directly offer, pledge, and consent to the Authority to take action pursuant to § 62.1-216.1 to obtain payment of any amounts in default.

H. All local governments borrowing money from the Fund are authorized to perform any acts, take any action, adopt any proceedings and make and carry out any contracts that are contemplated by this chapter. Such contracts need not be identical among all local governments, but may be structured as determined by the Authority according to the needs of the contracting local governments and the Fund.

I. Subject to the rights, if any, of the registered owners of any of the bonds of the Authority, the Authority may consent to and approve any modification in the terms of any loan to any local government.

J. The Partnership, through its Chief Executive Officer, shall have the authority to access and release moneys in the Fund for purposes of this section as long as the disbursement does not exceed the balance of the Fund. If the Partnership, through its Chief Executive Officer, requests a disbursement in an amount exceeding the current Fund balance, the disbursement shall require the written approval of the Governor. Disbursements from the Fund may be made for the purposes outlined in this section, including, but not limited to, personnel, administrative and equipment costs and expenses directly incurred by the Partnership or the Authority, or by any other agency or political subdivision acting at the direction of the Partnership.

The Authority is empowered at any time and from time to time to pledge, assign or transfer from the Fund to banks or trust companies designated by the Authority any or all of the assets of the Fund to be held in trust as security for the payment of the principal of, premium, if any, and interest on any or all of the bonds, as defined in § 62.1-199, issued to finance any project. The interests of the Fund in any assets so transferred shall be subordinate to the rights of the trustee

under the pledge, assignment or transfer. To the extent funds are not available from other sources pledged for such purpose, any of the assets or payments of principal and interest received on the assets pledged, assigned or transferred or held in trust may be applied by the trustee thereof to the payment of the principal of, premium, if any, and interest on such bonds of the Authority secured thereby, and, if such payments are insufficient for such purpose, the trustee is empowered to sell any or all of such assets and apply the net proceeds from the sale to the payment of the principal of, premium, if any, and interest on such bonds of the Authority. Any assets of the Fund pledged, assigned or transferred in trust as set forth above and any payments of principal, interest or earnings received thereon shall remain part of the Fund but shall be subject to the pledge, assignment or transfer to secure the bonds of the Authority and shall be held by the trustee to which they are pledged, assigned or transferred until no longer required for such purpose by the terms of the pledge, assignment or transfer.

K. The Authority is empowered at any time and from time to time to sell, upon such terms and conditions as the Authority shall deem appropriate, any loan, or interest therein, made pursuant to this chapter. The net proceeds of sale remaining after the payment of the costs and expenses of the sale shall be designated for deposit to, and become part of, the Fund.

L. The Authority may, with the approval of the Partnership, pledge, assign or transfer from the Fund to banks or trust companies designated by the Authority any or all of the assets of the Fund to be held in trust as security for the payment of the principal of, premium, if any, and interest on any or all of the bonds, as defined in § 62.1-199, issued to finance any project. The interests of the Fund in any assets so transferred shall be subordinate to the rights of the trustee under the pledge, assignment or transfer. To the extent funds are not available from other sources pledged for such purpose, any of the assets or payments of principal and interest received on the assets pledged, assigned or transferred or held in trust may be applied by the trustee thereof to the payment of the principal of, premium, if any, and interest on such bonds of the Authority secured thereby, and, if such payments are insufficient for such purpose, the trustee is empowered to sell any or all of such assets and apply the net proceeds from the sale to the payment of the principal of, premium, if any, and interest on such bonds of the Authority. Any assets of the Fund pledged, assigned or transferred in trust as set forth above and any payments of principal, interest or earnings received thereon shall remain part of the Fund but shall be subject to the pledge, assignment or transfer to secure the bonds of the Authority and shall be held by the trustee to which they are pledged, assigned or transferred until no longer required for such purpose by the terms of the pledge, assignment or transfer.

M. The Partnership, in consultation with the Department of Environmental Quality, shall develop guidance governing the use of the Fund and including criteria for project eligibility that considers the extent to which a grant or loan will facilitate the use or reuse of existing infrastructure, the extent to which a grant or loan will meet the needs of a community that has limited ability to draw on other funding sources because of the small size or low income of the community, the potential for redevelopment of the site, the economic and environmental benefits to the surrounding community, and the extent of the perceived or real environmental contamination at the site. The guidelines shall include a requirement for a one-to-one match by the recipient of any grant made by or from the Fund.

2. That § 2.2-2240.2 of the Code of Virginia is repealed.

3. That any funds remaining in the Major Employment and Investment Project Site Planning Grant Fund pursuant to § 2.2-2240.2 of the Code of Virginia, as repealed by this act, at the end of fiscal year 2022 shall be allocated to the Virginia Business Ready Sites Program Fund established under § 2.2-2240.2:1 of the Code of Virginia, as created by this act.

CHAPTER 84

An Act to amend and reenact §§ 3.2-3011, 3.2-3012, and 4.1-235 of the Code of Virginia, relating to alcoholic beverage control; Virginia Spirits Promotion Fund; funding; tax allocation; report.

[S 196]

Approved April 5, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-3011, 3.2-3012, and 4.1-235 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-3011. Powers and duties of the Board.

The Board shall have the power and duty to:

1. Receive and dispense funds or donations from the Virginia Spirits Promotion Fund;
2. Enter into contracts for the purpose of developing new or improved markets or marketing methods for spirits products;
3. Contract for research services to improve farming practices related to the growing of ingredients necessary for alcohol distillation in Virginia;
4. Enter into agreements with any local, state, or national organization or agency engaged in education for the purpose of disseminating information on spirits projects;
5. Enter into contracts with private or public entities for the purpose of developing marketing, advertising, and other promotional programs designed to promote the orderly growth of Virginia's spirits industry;
6. Rent or purchase office and laboratory space, land, equipment, and supplies as necessary to carry out its duties;
7. Employ such personnel as may be required to carry out those duties conferred by law;

8. Acquire any licenses or permits necessary for the performance of the powers and duties of the Board;
9. Cooperate with other state, regional, national, and international organizations in research, education, and promotion of the growing of ingredients necessary for alcohol production and the production of spirits in the Commonwealth and expend moneys from the Fund for such purposes;
10. Adopt a general statement of policy and procedures; ~~and~~
11. Receive from the chairman of the Board an annual report, including a statement of total receipts and disbursements for the year, and file a copy of such report with the Commissioner; *and*
12. *Submit an annual report to the Governor and General Assembly by October 1 of each year regarding the Board's activities and use of moneys in the Virginia Spirits Promotion Fund, including statistics regarding the extent to which use of moneys in the Virginia Spirits Promotion Fund has impacted spirits sales in the Commonwealth, which shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.*

§ 3.2-3012. Virginia Spirits Promotion Fund established.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Spirits Promotion Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. The Fund shall consist of all moneys appropriated to it by the General Assembly, *moneys received pursuant to § 4.1-235*, grants of private or government funds designated for specified activities authorized pursuant to this chapter, fees for services rendered pursuant to this chapter, and payments for products, equipment, or material or other goods supplied. All moneys shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of carrying out the provisions of this chapter. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the duly authorized officer of the Board.

B. The Board shall meet and evaluate proposals from applicants for funding from the Fund. The Board's final recommendations shall be made by recorded vote.

C. The Auditor of Public Accounts shall audit all accounts as provided in § 30-133.

§ 4.1-235. Collection; computation, distribution of tax on wine and other alcoholic beverages; refunds and adjustments.

A. The Board shall collect the state taxes levied pursuant to §§ 4.1-213 and 4.1-234 as follows:

1. Collection shall be from the purchaser at the time of or prior to sale, except as to sales made to wholesale wine licensees. Wholesale wine licensees shall collect the taxes at the time of or prior to sale to retail licensees, and shall remit such taxes monthly to the Board, along with such reports as may be required by the Board, at the time and in the manner prescribed by the Board.

2. In establishing the prices for items sold by it to persons other than wholesale licensees, the Board shall include a reasonable markup. The liter tax or 20 percent tax, as appropriate, shall then be added to the price of each container of alcoholic beverages. The four percent tax on vermouth and farm winery wines and ciders shall then be added for those products. In all cases the final price for each container may be established so as to be a multiple of five or rounded to end with a nine.

In accounting for the state tax on sales the Board shall divide the net sales for the quarter by 1.20 and multiply the result by 20 percent. As to the sale of vermouth and farm winery wine and cider, the Board shall divide the net sales for the quarter by 1.04 and multiply the result by four percent.

B. The amount of tax collected under this section during each quarter shall, within 50 days after the close of such quarter, be certified to the Comptroller by the Board and shall be transferred by him from the special fund described in § 4.1-116 to the general fund of the state treasury. The Board shall, not later than June 20 of every year, estimate the yield of the state tax on sales imposed by §§ 4.1-213 and 4.1-234 for the quarter ending June 30 and certify the amount of such estimate to the Comptroller, whereupon the Comptroller shall, before the end of the month, transfer the amount of such estimate from the special fund described in § 4.1-116 to the general fund of the state treasury, subject to such adjustment on account of an overestimate or underestimate as may be indicated within 50 days after the close of the quarter ending on June 30.

Forty-four percent of the amount derived from the liter tax levied pursuant to §§ 4.1-213 and 4.1-234 shall be transferred to the general fund and paid to the several counties, cities, and towns of the Commonwealth in proportion to their respective populations, and is appropriated for such purpose.

The counties, cities, and towns shall in no event receive from the taxes derived from the sale of wines less revenue than was received by such counties, cities, and towns for the year ending June 30, 1976.

The portion of wine liter tax and cider markup collected pursuant to §§ 4.1-213 and 4.1-234 that is attributable to the sale of wine and cider produced by a farm winery shall be deposited in the Virginia Wine Promotion Fund established pursuant to § 3.2-3005.

Twelve percent of the amount derived from the liter tax levied shall be retained by the Board as operating revenue and distributed as provided in § 4.1-117.

Twenty percent of the portion of tax collected pursuant to subsection B of § 4.1-234 that is attributable to the sale of spirits produced by a distiller licensee shall be deposited in the Virginia Spirits Promotion Fund established pursuant to § 3.2-3012.

C. As used in this section, the term "net sales" means gross sales less refunds to customers.

D. The Board may make a refund or adjustment of any tax paid to it under this section when (i) the wine upon which such tax has been paid has been condemned and is not permitted to be sold in the Commonwealth, or (ii) wine is returned by a retail licensee to a wholesale wine licensee for refund in accordance with Board regulations or approval. Any claim for such refund or adjustment shall be made to the Board in the report filed with the Board by the wholesale wine licensee for the period in which such return and refund occurs.

CHAPTER 85

An Act to amend and reenact §§ 3.2-3011, 3.2-3012, and 4.1-235 of the Code of Virginia, relating to alcoholic beverage control; Virginia Spirits Promotion Fund; funding; tax allocation; report.

[H 20]

Approved April 5, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-3011, 3.2-3012, and 4.1-235 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-3011. Powers and duties of the Board.

The Board shall have the power and duty to:

1. Receive and dispense funds or donations from the Virginia Spirits Promotion Fund;
2. Enter into contracts for the purpose of developing new or improved markets or marketing methods for spirits products;
3. Contract for research services to improve farming practices related to the growing of ingredients necessary for alcohol distillation in Virginia;
4. Enter into agreements with any local, state, or national organization or agency engaged in education for the purpose of disseminating information on spirits projects;
5. Enter into contracts with private or public entities for the purpose of developing marketing, advertising, and other promotional programs designed to promote the orderly growth of Virginia's spirits industry;
6. Rent or purchase office and laboratory space, land, equipment, and supplies as necessary to carry out its duties;
7. Employ such personnel as may be required to carry out those duties conferred by law;
8. Acquire any licenses or permits necessary for the performance of the powers and duties of the Board;
9. Cooperate with other state, regional, national, and international organizations in research, education, and promotion of the growing of ingredients necessary for alcohol production and the production of spirits in the Commonwealth and expend moneys from the Fund for such purposes;
10. Adopt a general statement of policy and procedures; ~~and~~
11. Receive from the chairman of the Board an annual report, including a statement of total receipts and disbursements for the year, and file a copy of such report with the Commissioner; *and*
12. *Submit an annual report to the Governor and General Assembly by October 1 of each year regarding the Board's activities and use of moneys in the Virginia Spirits Promotion Fund, including statistics regarding the extent to which use of moneys in the Virginia Spirits Promotion Fund has impacted spirits sales in the Commonwealth, which shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.*

§ 3.2-3012. Virginia Spirits Promotion Fund established.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Spirits Promotion Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. The Fund shall consist of all moneys appropriated to it by the General Assembly, *moneys received pursuant to § 4.1-235*, grants of private or government funds designated for specified activities authorized pursuant to this chapter, fees for services rendered pursuant to this chapter, and payments for products, equipment, or material or other goods supplied. All moneys shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of carrying out the provisions of this chapter. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the duly authorized officer of the Board.

B. The Board shall meet and evaluate proposals from applicants for funding from the Fund. The Board's final recommendations shall be made by recorded vote.

C. The Auditor of Public Accounts shall audit all accounts as provided in § 30-133.

§ 4.1-235. Collection; computation, distribution of tax on wine and other alcoholic beverages; refunds and adjustments.

A. The Board shall collect the state taxes levied pursuant to §§ 4.1-213 and 4.1-234 as follows:

1. Collection shall be from the purchaser at the time of or prior to sale, except as to sales made to wholesale wine licensees. Wholesale wine licensees shall collect the taxes at the time of or prior to sale to retail licensees, and shall remit

such taxes monthly to the Board, along with such reports as may be required by the Board, at the time and in the manner prescribed by the Board.

2. In establishing the prices for items sold by it to persons other than wholesale licensees, the Board shall include a reasonable markup. The liter tax or 20 percent tax, as appropriate, shall then be added to the price of each container of alcoholic beverages. The four percent tax on vermouth and farm winery wines and ciders shall then be added for those products. In all cases the final price for each container may be established so as to be a multiple of five or rounded to end with a nine.

In accounting for the state tax on sales the Board shall divide the net sales for the quarter by 1.20 and multiply the result by 20 percent. As to the sale of vermouth and farm winery wine and cider, the Board shall divide the net sales for the quarter by 1.04 and multiply the result by four percent.

B. The amount of tax collected under this section during each quarter shall, within 50 days after the close of such quarter, be certified to the Comptroller by the Board and shall be transferred by him from the special fund described in § 4.1-116 to the general fund of the state treasury. The Board shall, not later than June 20 of every year, estimate the yield of the state tax on sales imposed by §§ 4.1-213 and 4.1-234 for the quarter ending June 30 and certify the amount of such estimate to the Comptroller, whereupon the Comptroller shall, before the end of the month, transfer the amount of such estimate from the special fund described in § 4.1-116 to the general fund of the state treasury, subject to such adjustment on account of an overestimate or underestimate as may be indicated within 50 days after the close of the quarter ending on June 30.

Forty-four percent of the amount derived from the liter tax levied pursuant to §§ 4.1-213 and 4.1-234 shall be transferred to the general fund and paid to the several counties, cities, and towns of the Commonwealth in proportion to their respective populations, and is appropriated for such purpose.

The counties, cities, and towns shall in no event receive from the taxes derived from the sale of wines less revenue than was received by such counties, cities, and towns for the year ending June 30, 1976.

The portion of wine liter tax and cider markup collected pursuant to §§ 4.1-213 and 4.1-234 that is attributable to the sale of wine and cider produced by a farm winery shall be deposited in the Virginia Wine Promotion Fund established pursuant to § 3.2-3005.

Twelve percent of the amount derived from the liter tax levied shall be retained by the Board as operating revenue and distributed as provided in § 4.1-117.

Twenty percent of the portion of tax collected pursuant to subsection B of § 4.1-234 that is attributable to the sale of spirits produced by a distiller licensee shall be deposited in the Virginia Spirits Promotion Fund established pursuant to § 3.2-3012.

C. As used in this section, the term "net sales" means gross sales less refunds to customers.

D. The Board may make a refund or adjustment of any tax paid to it under this section when (i) the wine upon which such tax has been paid has been condemned and is not permitted to be sold in the Commonwealth, or (ii) wine is returned by a retail licensee to a wholesale wine licensee for refund in accordance with Board regulations or approval. Any claim for such refund or adjustment shall be made to the Board in the report filed with the Board by the wholesale wine licensee for the period in which such return and refund occurs.

CHAPTER 86

An Act to authorize the issuance of bonds, in an amount up to \$100,869,000 plus financing costs, pursuant to Article X, Section 9 (c) of the Constitution of Virginia, for paying costs of acquiring, constructing, and equipping revenue-producing capital projects at institutions of higher learning of the Commonwealth; to authorize the Treasury Board, by and with the consent of the Governor, to fix the details of such bonds, to provide for the sale of such bonds, and to issue notes to borrow money in anticipation of the issuance of the bonds; to provide for the pledge of the net revenues of such capital projects and the full faith, credit, and taxing power of the Commonwealth for the payment of such bonds; to provide that the interest income on such bonds and notes shall be exempt from all taxation by the Commonwealth and any political subdivision thereof; emergency.

[S 93]

Approved April 5, 2022

Whereas, Article X, Section 9 (c), Constitution of Virginia, provides that the General Assembly may authorize the creation of debt secured by a pledge of net revenues derived from rates, fees, or other charges and the full faith and credit of the Commonwealth of Virginia, provided that such debt is created for specific revenue-producing capital projects, including their enlargement or improvement, at, among others, institutions of higher learning of the Commonwealth; and

Whereas, in accordance with Article X, Section 9 (c), Constitution of Virginia, the Governor has certified in writing, filed with the Auditor of Public Accounts, his opinion that the anticipated net revenues of each of the capital projects identified below to be pledged to the payment of the principal of and the interest on that portion of such debt issued for each such project will be sufficient to meet such payments as the same become due and to provide such reserves as may be required by law and that each of the capital projects complies with the requirements of Article X, Section 9 (c), Constitution of Virginia; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. Title. This act shall be known and may be cited as the "Commonwealth of Virginia Higher Educational Institutions Bond Act of 2022."

§ 2. Authorization of bonds and BANs. The Treasury Board is hereby authorized, by and with the consent of the Governor, to sell and issue, pursuant to Article X, Section 9 (c), Constitution of Virginia, at one time or from time to time, bonds of the Commonwealth, to be designated "Commonwealth of Virginia Higher Educational Institutions Bonds, Series" in an aggregate principal amount not exceeding \$100,869,000, plus amounts needed to fund issuance costs, reserve funds, construction period interest, and other financing expenses. The Treasury Board is further hereby authorized, by and with the consent of the Governor, to borrow money in anticipation of the issuance of bonds by the issuance of bond anticipation notes (BANs), including BANs issued as commercial paper. The proceeds of such bonds and BANs, excluding amounts needed to fund issuance costs, reserve funds, and other financing expenses, shall be used exclusively for the purpose of providing funds, with any other available funds, for paying all or a portion of the costs of acquiring, constructing, renovating, enlarging, improving, and equipping revenue-producing capital projects at institutions of higher learning of the Commonwealth as follows:

<i>Institution</i>	<i>Project Title</i>	<i>Project Code</i>	<i>Amount</i>
<i>James Madison University</i>	<i>Village Student Housing, Phase I</i>	<i>18596</i>	<i>\$55,240,000</i>
<i>Virginia Polytechnic Institute and State University</i>	<i>Hitt Hall</i>	<i>18605</i>	<i>\$45,629,000</i>
<i>Total</i>			<i>\$100,869,000</i>

§ 3. Application of proceeds. The proceeds, including any premium, of bonds and BANs (except the proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds, and (iii) refunding BANs) shall be deposited in a special capital outlay fund in the state treasury and, together with the investment income thereon, shall be disbursed by the State Treasurer for paying costs of the acquisition, construction, renovation, enlargement, improvement, and equipping of the authorized capital projects, including financing costs. The proceeds of (a) bonds the issuance of which has been anticipated by BANs, (b) refunding bonds, and (c) refunding BANs shall be used to pay such BANs, refunded bonds, and refunded BANs.

§ 4. Details, sale of bonds and BANs. Bonds and BANs shall be dated, and may be made redeemable before their maturity or maturities at such price or prices or within such price parameters, all as may be determined by the Treasury Board, by and with the consent of the Governor. Bonds and BANs shall be in such form, shall bear interest at such rate or rates, either at fixed rates or at rates established by formula or other method, and may contain such other provisions, all as determined by the Treasury Board or, when authorized by the Treasury Board, the State Treasurer. The principal of and premium, if any, and the interest on bonds and BANs shall be payable in lawful money of the United States of America. Bonds and BANs may be certificated or uncertificated as determined by the Treasury Board. The Treasury Board may contract for services of such registrars, transfer agents, or other authenticating agents as it deems appropriate to maintain a record of the persons entitled to the bonds and BANs. Bonds and BANs issued in certificated form may be issued under a system of book entry for recording the ownership and transfer of ownership of rights to receive payments on the bonds and BANs. The Treasury Board shall fix the authorized denomination or denominations of the bonds and the place or places of payment of certificated bonds and BANs, which may be at the Office of the State Treasurer or at any bank or trust company within or without the Commonwealth. Bonds shall mature at such time or times not exceeding 30 years from their date or dates, and BANs shall mature at such time or times not exceeding five years from their date or dates.

The Treasury Board may sell bonds and BANs in such manner, by competitive bidding, negotiated sale, or private placement and for such price or within such price parameters as it may determine, by and with the consent of the Governor, to be in the best interest of the Commonwealth.

In the discretion of the Treasury Board, bonds and BANs may be issued at one time or from time to time and may be sold and issued at the same time with other general obligation bonds and BANs, respectively, of the Commonwealth authorized pursuant to Article X, Section 9 (a) (3), (b), and (c) of the Constitution of Virginia, as separate issues or as a combined issue, designated "Commonwealth of Virginia General Obligation Bonds Bond Anticipation Notes, Series"

§ 5. Execution of bonds and BANs. Certificated bonds and BANs shall be signed on behalf of the Commonwealth by the Governor and by the State Treasurer, or shall bear their facsimile signatures, and shall bear the lesser seal of the Commonwealth or a facsimile thereof. If the bonds or BANs bear the facsimile signature of the State Treasurer, they shall be signed by such administrative assistant as the State Treasurer shall determine or by such registrar or paying agent as may be designated to sign them by the Treasury Board. If any officer whose signature or facsimile signature appears on any bonds or BANs ceases to be such officer before delivery, such signature or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery, and any bond or BAN may bear the facsimile signature of, or may be signed by, such persons as at the actual time of execution are the proper officers to sign such bond or BAN, although, at the date of such bond or BAN, such persons may not have been such officers.

§ 6. Sources for payment of expenses. All expenses incurred under this act shall be paid from the proceeds of bonds or BANs, from payments made by the institutions for which the capital projects were authorized in § 2 hereof or from any other available funds as the Treasury Board shall determine.

§ 7. Revenues. Each institution of higher learning named above is hereby authorized (i) to fix, revise, charge, and collect rates, fees, and charges for or in connection with the use, occupancy, and services of each capital project mentioned above or the system of which such capital project is a part and (ii) to pledge to the portion of the bonds or BANs issued for such capital project the net revenues resulting from such rates, fees, and charges and remaining after payment of the expenses of operating the project or system, as the case may be. Each such institution is further authorized to create debt service and sinking funds for the payments of the principal of, premium, if any, and interest on the bonds and other reserves required by any agency of the United States of America purchasing the bonds or any portion thereof.

§ 8. Investments and contracts. A. Pending the application of the proceeds of the bonds or BANs (including refunding bonds and BANs) to the purpose for which they have been authorized and the application of funds set aside for the purpose to the payment of bonds or BANs, they may be invested by the State Treasurer in securities that are legal investments under the laws of the Commonwealth for public funds and sinking funds, as the case may be. Whenever the State Treasurer receives interest from the investment of the proceeds of bonds or any BANs, such interest shall become a part of the principal of the bonds or any BANs and shall be used in the same manner as required for principal of the bonds or BANs.

B. The Commonwealth may enter into any contract or other arrangement that is determined to be necessary or appropriate to place the obligation or investment of the Commonwealth, as represented by bonds, BANs, or investments, in whole or in part, on the interest rate, cash flow, or other basis desired by the Commonwealth. Such contract or other arrangement may include, without limitation, contracts commonly known as interest rate swap agreements and futures or contracts providing for payments based on levels of, or changes in, interest rates. These contracts or arrangements may be entered into by the Commonwealth in connection with, or incidental to, entering into, or maintaining any (i) agreement which secures bonds or BANs or (ii) investment, or contract providing for investment, otherwise authorized by law. These contracts and arrangements may contain such payment, security, default, remedy, and other terms and conditions as determined by the Commonwealth, after giving due consideration to the creditworthiness of the counterparty or other obligated party, including any rating by any nationally recognized rating agency, and any other criteria as may be appropriate. The determinations referred to in this subsection may be made by the Treasury Board or any public funds manager with professional investment capabilities duly authorized by the Treasury Board to make such determinations.

C. Any money set aside and pledged to secure payments of bonds, BANs, or any of the contracts entered into pursuant to this section may be invested in accordance with subsection A and may be pledged to and used to service any of the contracts or other arrangements entered into pursuant to subsection B.

§ 9. Security for bonds and BANs. The net revenues of the capital projects set forth above and the full faith and credit of the Commonwealth are hereby irrevocably pledged for the payment of the principal of and the interest on bonds and BANs (unless the Treasury Board, by and with the consent of the Governor, shall provide otherwise) issued under this act. The proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds, and (iii) refunding BANs are hereby irrevocably pledged for the payment of principal of and interest and any premium on the BANs or bonds to be paid or redeemed thereby. In the event the net revenues pledged to the payment of the bonds or BANs are insufficient in any fiscal year for the timely payment of the principal of, premium, if any, and interest on the bonds or BANs, where the full faith and credit of the Commonwealth have been pledged, the General Assembly shall appropriate a sum sufficient therefor or the Governor shall direct payment therefor from the general fund revenues of the Commonwealth.

§ 10. Exemption of interest from tax. The bonds and BANs issued under the provisions of this act, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free and exempt from taxation by the Commonwealth and by any county, city, or town or other political subdivision thereof. The Treasury Board is authorized to take or refrain from taking any and all actions and to covenant to such effect, and to require the participating institutions to do and to covenant likewise, to the extent that, in the judgment of the Treasury Board, it is appropriate in order that interest on the bonds and BANs may be exempt from federal income tax. Alternatively, interest on bonds and BANs may be made subject to inclusion in gross income of the holders thereof for federal income tax purposes.

§ 11. Refunding bonds and BANs. The Treasury Board is authorized, by and with the consent of the Governor, to sell and issue, at one time or from time to time, refunding bonds and BANs of the Commonwealth, to refund any or all of the bonds and BANs, respectively, issued under this act or otherwise authorized pursuant to Article X, Section 9 (c), Constitution of Virginia. Refunding bonds and BANs may be issued in a principal amount up to the amount necessary to pay at maturity or redeem the bonds and BANs to be refunded and pay all issuance costs and other financing expenses of the refunding. Such refunding bonds and BANs may be issued whether or not the obligations to be refunded are then subject to redemption.

§ 12. Defeasance. Any bond or BAN for which cash or direct obligations of the United States of America shall have been set aside in escrow with the State Treasurer or a bank or trust company, within or without the Commonwealth, shall be deemed no longer outstanding under the applicable authorizing instrument, this act, and Article X, Section 9 (c) or (b), as the case may be, of the Constitution of Virginia.

§ 13. Severability. The provisions of this act or the application thereof to any person or circumstance which are held invalid shall not affect the validity of other provisions or applications of this act which can be given effect without the invalid provisions or applications.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 87

An Act to amend and reenact § 5, as amended, of Chapter 39 of the Acts of Assembly of 1936, which provided a charter for the Town of South Hill, relating to election of mayor and council.

[H 1]

Approved April 5, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 5, as amended, of Chapter 39 of the Acts of Assembly of 1936 is amended and reenacted as follows:

§ 5. Election of mayor and council.

The mayor and council serving at the time of the passage of this act shall continue in office ~~and~~ until their successors are elected and qualify. An election shall be held in ~~May~~ November of ~~1998~~ 2022, and every four years thereafter, to elect one council member from Election District I and three council members from Election District II. An election shall be held in ~~May~~ November of ~~2000~~ 2024 and every four years thereafter to elect one council member from Election District I and three council members from Election District III. An election shall be held for mayor in ~~May~~ November of ~~2000~~ 2024 and every four years thereafter.

CHAPTER 88

An Act to amend and reenact § 5 of Chapters 237 and 710 of the Acts of Assembly of 2014, which provided a charter for the Town of Victoria, relating to election of mayor and council.

[H 2]

Approved April 5, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 5 of Chapters 237 and 710 of the Acts of Assembly of 2014 is amended and reenacted as follows:

§ 5. Election of mayor and council.

The mayor shall be elected for a term of two years. The members of council and mayor in office at the effective date of this amendment are hereby continued in office for the terms for which they were elected. ~~On the first Tuesday in May 1972~~ During the general election in November 2022, there shall be elected by the electors of the town three ~~councilmen~~ council members from the town at large, who shall serve for terms of four years each. ~~On the first Tuesday in May 1974~~ During the general election in November 2024 and every two years thereafter, there shall be elected by the electors of the town three ~~councilmen~~ council members from the town at large, who shall serve for terms of four years each. The mayor and ~~councilmen~~ council members shall take office on the first day of ~~July~~ January following their election.

CHAPTER 89

An Act to provide for the termination of the Town of St. Charles in Lee County.

[H 83]

Approved April 5, 2022

Whereas, the Town of St. Charles in Lee County was created by the Circuit Court of Lee County on January 10, 1914; and

Whereas, the Town of St. Charles was never granted a charter by the General Assembly as current law requires; and

Whereas, the Town of St. Charles has ceased to function as a town under Virginia law; and

Whereas, there is no functioning town council for the Town of St. Charles to request the termination of the town; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. That the Town of St. Charles in Lee County is terminated and that the procedures and requirements for annulment of a town charter as set out in Chapter 37 (§ 15.2-3700 et seq.) of Title 15.2 of the Code of Virginia shall be deemed to have been satisfied for this purpose.

2. That upon termination of the Town of St. Charles, any terms of office and the rights, powers, duties, and compensation of any officers, agents, and employees of the town shall also be terminated, and that the title to all property, real and personal, tangible and intangible, of the former town shall be vested in, and the indebtedness becomes a debt of, Lee County without any further act or deed.

CHAPTER 90

An Act to provide for the termination of the Town of St. Charles in Lee County.

[S 589]

Approved April 5, 2022

Whereas, the Town of St. Charles in Lee County was created by the Circuit Court of Lee County on January 10, 1914; and

Whereas, the Town of St. Charles was never granted a charter by the General Assembly as current law requires; and

Whereas, the Town of St. Charles has ceased to function as a town under Virginia law; and

Whereas, there is no functioning town council for the Town of St. Charles to request the termination of the town; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. That the Town of St. Charles in Lee County is terminated and that the procedures and requirements for annulment of a town charter as set out in Chapter 37 (§ 15.2-3700 et seq.) of Title 15.2 of the Code of Virginia shall be deemed to have been satisfied for this purpose.
2. That upon termination of the Town of St. Charles, any terms of office and the rights, powers, duties, and compensation of any officers, agents, and employees of the town shall also be terminated, and that the title to all property, real and personal, tangible and intangible, of the former town shall be vested in, and the indebtedness becomes a debt of, Lee County without any further act or deed.

CHAPTER 91

An Act to amend and reenact § 3.2-6593.1 of the Code of Virginia, relating to breeders of dogs and cats for animal testing facilities; adoption of dogs and cats.

[S 90]

Approved April 5, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-6593.1 of the Code of Virginia is amended and reenacted as follows:
§ 3.2-6593.1. Animal testing facilities; adoption of dogs and cats.

Any breeder or animal testing facility that no longer has need for a dog or cat in its possession that does not pose a health or safety risk to the public or welfare of the animal shall (i) offer for release such dog or cat to a releasing agency for eventual adoption or for adoption through a private placement or (ii) in the case of a testing facility operated by an agency or institution of higher education, develop its own adoption program, provided that such program maintains records that comply with § 3.2-6557. Such breeder or animal testing facility shall keep such offer for release open for a reasonable length of time, up to three weeks, prior to euthanizing such dog or cat. ~~An~~ A breeder or animal testing facility may enter into an agreement with a releasing agency for the implementation of the provisions of this section. ~~An~~ A breeder or animal testing facility shall not be liable for any harm caused by or any defect suffered by any dog or cat adopted pursuant to this section.

For purposes of this section, "breeder" means a breeder who breeds dogs and cats for sale or transfer to an animal testing facility.

CHAPTER 92

An Act to amend and reenact § 3.2-6500 of the Code of Virginia, relating to animal cruelty; companion animals; penalty.

[S 604]

Approved April 5, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-6500 of the Code of Virginia is amended and reenacted as follows:
§ 3.2-6500. Definitions.

As used in this chapter unless the context requires a different meaning:

"Abandon" means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care as set forth in § 3.2-6503 for a period of four consecutive days.

"Adequate care" or "care" means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.

"Adequate exercise" or "exercise" means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.

"Adequate feed" means access to and the provision of food that is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

"Adequate shelter" means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; during hot weather, is properly shaded and does not readily conduct heat; during cold weather, has a windbreak at its entrance and provides a quantity of bedding material consisting of hay, cedar shavings, or the equivalent that is sufficient to protect the animal from cold and promote the retention of body heat; and, for dogs and cats, provides a solid surface, resting platform, pad, floormat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors (i) permit the animals' feet to pass through the openings, (ii) sag under the animals' weight, or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter. The outdoor tethering of an animal shall not constitute the provision of adequate shelter (a) unless the animal is safe from predators and well suited and well equipped to tolerate its environment; (b) during the effective period for a hurricane warning or tropical storm warning issued for the area by the National Weather Service; or (c)(1) during a heat advisory issued by a local or state authority, (2) when the actual or effective outdoor temperature is 85 degrees Fahrenheit or higher or 32 degrees Fahrenheit or lower, or (3) during the effective period for a severe weather warning issued for the area by the National Weather Service, including a winter storm, tornado, or severe thunderstorm warning, unless an animal control officer, having inspected an animal's individual circumstances in clause (c)(1), (2), or (3), has determined the animal to be safe from predators and well suited and well equipped to tolerate its environment.

"Adequate space" means sufficient space to allow each animal to (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure. When an animal is tethered, "adequate space" means that the tether to which the animal is attached permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness that is configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; is at least 15 feet in length or four times the length of the animal, as measured from the tip of its nose to the base of its tail, whichever is greater, except when the animal is being walked on a leash or is attached by a tether to a lead line or when an animal control officer, having inspected an animal's individual circumstances, has determined that in such an individual case, a tether of at least 10 feet or three times the length of the animal, but shorter than 15 feet or four times the length of the animal, makes the animal more safe, more suited, and better equipped to tolerate its environment than a longer tether; does not, by its material, size, or weight or any other characteristic, cause injury or pain to the animal; does not weigh more than one-tenth of the animal's body weight; and does not have weights or other heavy objects attached to it. The walking of an animal on a leash by its owner shall not constitute the tethering of the animal for the purpose of this definition. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space. The provisions of this definition that relate to tethering shall not apply to agricultural animals.

"Adequate water" means provision of and access to clean, fresh, potable water of a drinkable temperature that is provided in a suitable manner, in sufficient volume, and at suitable intervals appropriate for the weather and temperature, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles that are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

"Adoption" means the transfer of ownership of a dog or a cat, or any other companion animal, from a releasing agency to an individual.

"Agricultural animals" means all livestock and poultry.

"Ambient temperature" means the temperature surrounding the animal.

"Animal" means any nonhuman vertebrate species except fish. For the purposes of § 3.2-6522, animal means any species susceptible to rabies. For the purposes of § 3.2-6570, animal means any nonhuman vertebrate species including fish except those fish captured and killed or disposed of in a reasonable and customary manner.

"Animal control officer" means a person appointed as an animal control officer or deputy animal control officer as provided in § 3.2-6555.

"Boarding establishment" means a place or establishment other than a public or private animal shelter where companion animals not owned by the proprietor are sheltered, fed, and watered in exchange for a fee. "Boarding

establishment" shall not include any private residential dwelling that shelters, feeds, and waters fewer than five companion animals not owned by the proprietor.

"Collar" means a well-fitted device, appropriate to the age and size of the animal, attached to the animal's neck in such a way as to prevent trauma or injury to the animal.

"Commercial dog breeder" means any person who, during any 12-month period, maintains 30 or more adult female dogs for the primary purpose of the sale of their offspring provided that a person who breeds an animal regulated under federal law as a research animal shall not be deemed to be a commercial dog breeder.

"Companion animal" means any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal that is bought, sold, traded, or bartered by any person. No agricultural animal, or game species, or ~~animal regulated under federal law as a research animal~~ *animal actively involved in bona fide scientific or medical experimentation* shall be considered a companion animal for the purposes of this chapter.

"Consumer" means any natural person purchasing an animal from a dealer or pet shop or hiring the services of a boarding establishment. The term "consumer" shall not include a business or corporation engaged in sales or services.

"Dealer" means any person who in the regular course of business for compensation or profit buys, sells, transfers, exchanges, or barter companion animals. The following shall not be considered dealers: (i) any person who transports companion animals in the regular course of business as a common carrier or (ii) any person whose primary purpose is to find permanent adoptive homes for companion animals.

"Direct and immediate threat" means any clear and imminent danger to an animal's health, safety or life.

"Dump" means to knowingly desert, forsake, or absolutely give up without having secured another owner or custodian any dog, cat, or other companion animal in any public place including the right-of-way of any public highway, road or street or on the property of another.

"Emergency veterinary treatment" means veterinary treatment to stabilize a life-threatening condition, alleviate suffering, prevent further disease transmission, or prevent further disease progression.

"Enclosure" means a structure used to house or restrict animals from running at large.

"Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent that causes painless loss of consciousness, and death during such loss of consciousness.

"Exhibitor" means any person who has animals for or on public display, excluding an exhibitor licensed by the U.S. Department of Agriculture.

"Facility" means a building or portion thereof as designated by the State Veterinarian, other than a private residential dwelling and its surrounding grounds, that is used to contain a primary enclosure or enclosures in which animals are housed or kept.

"Farming activity" means, consistent with standard animal husbandry practices, the raising, management, and use of agricultural animals to provide food, fiber, or transportation and the breeding, exhibition, lawful recreational use, marketing, transportation, and slaughter of agricultural animals pursuant to such purposes.

"Foster care provider" means a person who provides care or rehabilitation for companion animals through an affiliation with a public or private animal shelter, home-based rescue, releasing agency, or other animal welfare organization.

"Foster home" means a private residential dwelling and its surrounding grounds, or any facility other than a public or private animal shelter, at which site through an affiliation with a public or private animal shelter, home-based rescue, releasing agency, or other animal welfare organization care or rehabilitation is provided for companion animals.

"Groomer" means any person who, for a fee, cleans, trims, brushes, makes neat, manicures, or treats for external parasites any animal.

"Home-based rescue" means an animal welfare organization that takes custody of companion animals for the purpose of facilitating adoption and houses such companion animals in a foster home or a system of foster homes.

"Humane" means any action taken in consideration of and with the intent to provide for the animal's health and well-being.

"Humane investigator" means a person who has been appointed by a circuit court as a humane investigator as provided in § 3.2-6558.

"Humane society" means any incorporated, nonprofit organization that is organized for the purposes of preventing cruelty to animals and promoting humane care and treatment or adoptions of animals.

"Incorporated" means organized and maintained as a legal entity in the Commonwealth.

"Inspector" means a State Animal Welfare Inspector employed pursuant to § 3.2-5901.1 or his representative.

"Kennel" means any establishment in which five or more canines, felines, or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, selling, or showing.

"Law-enforcement officer" means any person who is a full-time or part-time employee of a police department or sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

"Livestock" includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; capradae animals; animals of the genus Lama or Vicugna; ratites; fish or shellfish in aquaculture facilities, as defined in § 3.2-2600; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

"New owner" means an individual who is legally competent to enter into a binding agreement pursuant to subdivision B 2 of § 3.2-6574, and who adopts or receives a dog or cat from a releasing agency.

"Ordinance" means any law, rule, regulation, or ordinance adopted by the governing body of any locality.

"Other officer" includes all other persons employed or elected by the people of Virginia, or by any locality, whose duty it is to preserve the peace, to make arrests, or to enforce the law.

"Owner" means any person who: (i) has a right of property in an animal; (ii) keeps or harbors an animal; (iii) has an animal in his care; or (iv) acts as a custodian of an animal.

"Pet shop" means a retail establishment where companion animals are bought, sold, exchanged, or offered for sale or exchange to the general public.

"Poultry" includes all domestic fowl and game birds raised in captivity.

"Primary enclosure" means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage, compartment, or hutch. For tethered animals, the term includes the shelter and the area within reach of the tether.

"Private animal shelter" means a facility operated for the purpose of finding permanent adoptive homes for animals that is used to house or contain animals and that is owned or operated by an incorporated, nonprofit, and nongovernmental entity, including a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other similar organization.

"Properly cleaned" means that carcasses, debris, food waste, and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals' contact with the above-mentioned contaminants; the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.

"Properly lighted" when referring to a facility means sufficient illumination to permit routine inspections, maintenance, cleaning, and housekeeping of the facility, and observation of the animals; to provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout the facility; and to promote the well-being of the animals.

"Properly lighted" when referring to a private residential dwelling and its surrounding grounds means sufficient illumination to permit routine maintenance and cleaning thereof, and observation of the companion animals; and to provide regular diurnal lighting cycles of either natural or artificial light to promote the well-being of the animals.

"Public animal shelter" means a facility operated by the Commonwealth, or any locality, for the purpose of impounding or sheltering seized, stray, homeless, abandoned, unwanted, or surrendered animals or a facility operated for the same purpose under a contract with any locality.

"Releasing agency" means (i) a public animal shelter or (ii) a private animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity or home-based rescue that releases companion animals for adoption.

"Research facility" means any place, laboratory, or institution licensed by the U.S. Department of Agriculture at which scientific tests, experiments, or investigations involving the use of living animals are carried out, conducted, or attempted.

"Sanitize" means to make physically clean and to remove and destroy, to a practical minimum, agents injurious to health.

"Sore" means, when referring to an equine, that an irritating or blistering agent has been applied, internally or externally, by a person to any limb or foot of an equine; any burn, cut, or laceration that has been inflicted by a person to any limb or foot of an equine; any tack, nail, screw, or chemical agent that has been injected by a person into or used by a person on any limb or foot of an equine; any other substance or device that has been used by a person on any limb or foot of an equine; or a person has engaged in a practice involving an equine, and as a result of such application, infliction, injection, use, or practice, such equine suffers, or can reasonably be expected to suffer, physical pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving, except that such term does not include such an application, infliction, injection, use, or practice in connection with the therapeutic treatment of an equine by or under the supervision of a licensed veterinarian. Notwithstanding anything contained herein to the contrary, nothing shall preclude the shoeing, use of pads, and use of action devices as permitted by 9 C.F.R. Part 11.2.

"Sterilize" or "sterilization" means a surgical or chemical procedure performed by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.

"Treasurer" includes the treasurer and his assistants of each county or city or other officer designated by law to collect taxes in such county or city.

"Treatment" or "adequate treatment" means the responsible handling or transportation of animals in the person's ownership, custody or charge, appropriate for the age, species, condition, size and type of the animal.

"Veterinary treatment" means treatment by or on the order of a duly licensed veterinarian.

"Weaned" means that an animal is capable of and physiologically accustomed to ingestion of solid food or food customary for the adult of the species and has ingested such food, without nursing, for a period of at least five days.

CHAPTER 93

An Act to amend the Code of Virginia by adding a section numbered 3.2-6592.1, relating to breeders; records of animals sold or transferred to animal testing facility.

[S 88]

Approved April 5, 2022

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 3.2-6592.1 as follows:****§ 3.2-6592.1. Breeding cats and dogs for experimental purposes.**

Any person or entity that breeds dogs or cats, including dogs or cats regulated under federal law as research animals, for sale or transfer to an animal testing facility shall be required to keep accurate records of each dog or cat purchased, acquired, owned, held, or otherwise in the person or entity's possession or control, and each dog or cat transported, euthanized, sold, or otherwise disposed of, for five years from the date of the acquisition, transfer, or disposition of the dog or cat. Records shall include:

1. The name and address of the person from whom the dog or cat was purchased or otherwise acquired, and such person's license or registration number if licensed or registered under the federal Animal Welfare Act (7 U.S.C. § 2131 et seq.);

2. The date on which the dog or cat was acquired;

3. The name and address of the person or entity to whom the dog or cat was sold, given, or transferred and such person or entity's license or registration number if licensed or registered under the federal Animal Welfare Act (7 U.S.C. § 2131 et seq.);

4. The official U.S. Department of Agriculture tag number or tattoo assigned to the dog or cat under the federal Animal Welfare Act (7 U.S.C. § 2131 et seq.);

5. A description of the dog or cat, which shall include (i) the species and breed or type, (ii) the sex, (iii) the date of birth or approximate age, and (iv) the color and any distinctive markings;

6. The date and number of any offspring born of any animal while in the possession or under the control of the person or entity;

7. All medical care and vaccinations provided to the animal;

8. The date and method of disposition of the dog or cat, including sale, death and cause thereof if not euthanasia, euthanasia, adoption, or transfer;

9. The number of dogs or cats in the person or entity's possession for which the person or entity no longer has a need; and

10. The number of dogs or cats in the person or entity's possession for which the person or entity no longer has a need that have been offered for transfer to a releasing agency for eventual adoption or for adoption through private placement in accordance with § 3.2-6593.1.

Records shall be made available upon request to the Department, animal control officers, and law-enforcement officers at mutually agreeable times. The person or entity subject to the requirements of this section shall quarterly submit a summary of such records to the State Veterinarian in a format prescribed by him.

CHAPTER 94

An Act to amend and reenact § 3.2-6511.2 of the Code of Virginia, relating to dealers; sale of dogs or cats for experimental purposes.

[H 1350]

Approved April 5, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 3.2-6511.2 of the Code of Virginia is amended and reenacted as follows:****§ 3.2-6511.2. Dealers; importation and sale of dogs and cats; penalty.**

A. No dealer or commercial dog breeder, or cat breeder shall import for sale, sell, or offer for sale, including sale for experimental purposes, any dog or cat bred by a person who has received from the U.S. Department of Agriculture, pursuant to enforcement of the federal Animal Welfare Act (7 U.S.C. § 2131 et seq.) or regulations adopted thereunder, (i) a citation for a direct or critical violation or citations for three or more indirect or noncritical violations for at least two years prior to the procurement of the dog or cat or (ii) two consecutive citations for no access to the facility prior to the procurement of the dog or cat.

B. No person shall serve as an owner, director, officer, manager, operator, member of staff, or animal caregiver for a dealer or commercial dog breeder, or cat breeder if such person has been convicted of a violation of § 3.2-6570.

C. Any person violating any provision of this section is guilty of a Class 1 misdemeanor for each dog or cat imported, sold, or offered for sale.

D. As used in this section, "dealer," "commercial dog breeder," or "cat breeder" includes any person or entity that breeds dogs or cats regulated under federal law as research animals.

2. That, in the case of a dealer, commercial dog breeder, or cat breeder that breeds dogs or cats regulated under federal law as research animals, the provisions of subsection A of § 3.2-6511.2 of the Code of Virginia, as amended by this act, shall apply only to violations under clause (i) or (ii) that occur on or after July 1, 2023.

CHAPTER 95

An Act to amend and reenact § 3.2-6511.2 of the Code of Virginia, relating to dealers; sale of dogs or cats for experimental purposes.

[S 87]

Approved April 5, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-6511.2 of the Code of Virginia is amended and reenacted as follows:

§ 3.2-6511.2. Dealers; importation and sale of dogs and cats; penalty.

A. No dealer ~~or~~, commercial dog breeder, *or cat breeder* shall import for sale, sell, or offer for sale, *including sale for experimental purposes*, any dog *or cat* bred by a person who has received from the U.S. Department of Agriculture, pursuant to enforcement of the federal Animal Welfare Act (7 U.S.C. § 2131 et seq.) or regulations adopted thereunder, (i) a citation for a direct or critical violation or citations for three or more indirect or noncritical violations for at least two years prior to the procurement of the dog *or cat* or (ii) two consecutive citations for no access to the facility prior to the procurement of the dog *or cat*.

B. No person shall serve as an owner, director, officer, manager, operator, member of staff, or animal caregiver for a dealer ~~or~~, commercial dog breeder, *or cat breeder* if such person has been convicted of a violation of § 3.2-6570.

C. Any person violating any provision of this section is guilty of a Class 1 misdemeanor for each dog *or cat* imported, sold, or offered for sale.

D. As used in this section, "dealer," "commercial dog breeder," or "cat breeder" includes any person or entity that breeds dogs or cats regulated under federal law as research animals.

2. That, in the case of a dealer, commercial dog breeder, or cat breeder that breeds dogs or cats regulated under federal law as research animals, the provisions of subsection A of § 3.2-6511.2 of the Code of Virginia, as amended by this act, shall apply only to violations under clause (i) or (ii) that occur on or after July 1, 2023.

CHAPTER 96

An Act to amend and reenact § 23.1-1017 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-4376.2, relating to the Virginia Public Procurement Act; public institutions of higher education; disclosure required by certain offerors; civil penalty.

[S 210]

Approved April 5, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-1017 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-4376.2 as follows:

§ 2.2-4376.2. Disclosure of contributions and gifts during procurement process; civil penalty.

A. As used in this section:

"Contribution" means the donation of money or in-kind contributions.

"In-kind contribution" means the donation of goods, services, property, or other thing of value, other than money. The basis for arriving at the dollar value of an in-kind contribution is as follows: new items are valued at retail value, used items are valued at fair market value, and services rendered are valued at the actual cost of service per hour.

"Offeror" includes the offeror's owner and any agent, managing member, officer, director, or spouse of the offeror.

"Public institution of higher education" means the same as that term is defined in § 23.1-100.

B. Every offeror awarded a contract by a public institution of higher education for any construction project that has a total cost of \$5 million or more shall disclose any contributions the offeror has made within the previous five-year period totaling \$25,000 or more to the public institution of higher education or any private foundation that exists solely to support the public institution of higher education. Any offeror who desires to protest the award or decision to award a contract pursuant to this section shall do so in accordance with the provisions of § 2.2-4360; however, no protest shall lie for a claim that the selected offeror was awarded a contract solely based on such offeror's contribution to the public institution of higher education.

C. Any offeror that knowingly fails to submit the disclosure required by this section shall be subject to a civil penalty of \$500. The attorney for the Commonwealth shall initiate civil proceedings to enforce the civil penalties. Any civil penalties collected shall be payable to the State Treasurer for deposit to the general fund.

§ 23.1-1017. Covered institutions; operational authority; procurement.

A. Subject to the express provisions of the management agreement, each covered institution may be exempt from the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.), except for §§ 2.2-4340, 2.2-4340.1, 2.2-4340.2, ~~and 2.2-4342, and 2.2-4376.2~~, which shall not be construed to require compliance with the prequalification application procedures of subsection B of § 2.2-4317, provided, however, that (i) any deviations from the Virginia Public Procurement Act in the management agreement shall be uniform across all covered institutions and (ii) the governing board of the covered institution shall adopt, and the covered institution shall comply with, policies for the procurement of goods and services, including professional services, that shall (a) be based upon competitive principles; (b) in each instance seek competition to the maximum practical degree; (c) implement a system of competitive negotiation for professional services pursuant to §§ 2.2-4303.1 and 2.2-4302.2; (d) prohibit discrimination in the solicitation and award of contracts on the basis of the bidder's or offeror's race, religion, color, sex, sexual orientation, gender identity, national origin, age, or disability or on any other basis prohibited by state or federal law; (e) incorporate the prompt payment principles of §§ 2.2-4350 and 2.2-4354; (f) consider the impact on correctional enterprises under § 53.1-47; and (g) provide that whenever solicitations are made seeking competitive procurement of goods or services, it shall be a priority of the institution to provide for fair and reasonable consideration of small, women-owned, and minority-owned businesses and to promote and encourage a diversity of suppliers.

B. Such policies may (i) provide for consideration of the dollar amount of the intended procurement, the term of the anticipated contract, and the likely extent of competition; (ii) implement a prequalification procedure for contractors or products; and (iii) include provisions for cooperative arrangements with other covered institutions, other public or private educational institutions, or other public or private organizations or entities, including public-private partnerships, public bodies, charitable organizations, health care provider alliances or purchasing organizations or entities, state agencies or institutions of the Commonwealth or the other states, the District of Columbia, the territories, or the United States, and any combination of such organizations and entities.

C. Nothing in this section shall preclude a covered institution from requesting and utilizing the assistance of the Virginia Information Technologies Agency for information technology procurements and covered institutions are encouraged to utilize such assistance.

D. Each covered institution shall post on the Department of General Services' central electronic procurement website all Invitations to Bid, Requests for Proposal, sole source award notices, and emergency award notices to ensure visibility and access to the Commonwealth's procurement opportunities on one website.

E. As part of any procurement provisions of the management agreement, the governing board of a covered institution shall identify the public, educational, and operational interests served by any procurement rule that deviates from procurement rules in the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

2. That the provisions of § 2.2-4376.2 of the Code of Virginia, as created by this act, shall expire on June 30, 2027.

CHAPTER 97

An Act to amend and reenact § 23.1-1017 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-4376.2, relating to the Virginia Public Procurement Act; public institutions of higher education; disclosure required by certain offerors; civil penalty.

[H 19]

Approved April 5, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-1017 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-4376.2 as follows:

§ 2.2-4376.2. Disclosure of contributions and gifts during procurement process; civil penalty.

A. As used in this section:

"Contribution" means the donation of money or in-kind contributions.

"In-kind contribution" means the donation of goods, services, property, or other thing of value, other than money. The basis for arriving at the dollar value of an in-kind contribution is as follows: new items are valued at retail value, used items are valued at fair market value, and services rendered are valued at the actual cost of service per hour.

"Offeror" includes the offeror's owner and any agent, managing member, officer, director, or spouse of the offeror.

"Public institution of higher education" means the same as that term is defined in § 23.1-100.

B. Every offeror awarded a contract by a public institution of higher education for any construction project that has a total cost of \$5 million or more shall disclose any contributions the offeror has made within the previous five-year period totaling \$25,000 or more to the public institution of higher education or any private foundation that exists solely to support the public institution of higher education. Any offeror who desires to protest the award or decision to award a contract pursuant to this section shall do so in accordance with the provisions of § 2.2-4360; however, no protest shall lie for a claim that the selected offeror was awarded a contract solely based on such offeror's contribution to the public institution of higher education.

C. Any offeror that knowingly fails to submit the disclosure required by this section shall be subject to a civil penalty of \$500. The attorney for the Commonwealth shall initiate civil proceedings to enforce the civil penalties. Any civil penalties collected shall be payable to the State Treasurer for deposit to the general fund.

§ 23.1-1017. Covered institutions; operational authority; procurement.

A. Subject to the express provisions of the management agreement, each covered institution may be exempt from the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.), except for §§ 2.2-4340, 2.2-4340.1, 2.2-4340.2, and 2.2-4342, and 2.2-4376.2, which shall not be construed to require compliance with the prequalification application procedures of subsection B of § 2.2-4317, provided, however, that (i) any deviations from the Virginia Public Procurement Act in the management agreement shall be uniform across all covered institutions and (ii) the governing board of the covered institution shall adopt, and the covered institution shall comply with, policies for the procurement of goods and services, including professional services, that shall (a) be based upon competitive principles; (b) in each instance seek competition to the maximum practical degree; (c) implement a system of competitive negotiation for professional services pursuant to §§ 2.2-4303.1 and 2.2-4302.2; (d) prohibit discrimination in the solicitation and award of contracts on the basis of the bidder's or offeror's race, religion, color, sex, sexual orientation, gender identity, national origin, age, or disability or on any other basis prohibited by state or federal law; (e) incorporate the prompt payment principles of §§ 2.2-4350 and 2.2-4354; (f) consider the impact on correctional enterprises under § 53.1-47; and (g) provide that whenever solicitations are made seeking competitive procurement of goods or services, it shall be a priority of the institution to provide for fair and reasonable consideration of small, women-owned, and minority-owned businesses and to promote and encourage a diversity of suppliers.

B. Such policies may (i) provide for consideration of the dollar amount of the intended procurement, the term of the anticipated contract, and the likely extent of competition; (ii) implement a prequalification procedure for contractors or products; and (iii) include provisions for cooperative arrangements with other covered institutions, other public or private educational institutions, or other public or private organizations or entities, including public-private partnerships, public bodies, charitable organizations, health care provider alliances or purchasing organizations or entities, state agencies or institutions of the Commonwealth or the other states, the District of Columbia, the territories, or the United States, and any combination of such organizations and entities.

C. Nothing in this section shall preclude a covered institution from requesting and utilizing the assistance of the Virginia Information Technologies Agency for information technology procurements and covered institutions are encouraged to utilize such assistance.

D. Each covered institution shall post on the Department of General Services' central electronic procurement website all Invitations to Bid, Requests for Proposal, sole source award notices, and emergency award notices to ensure visibility and access to the Commonwealth's procurement opportunities on one website.

E. As part of any procurement provisions of the management agreement, the governing board of a covered institution shall identify the public, educational, and operational interests served by any procurement rule that deviates from procurement rules in the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

2. That the provisions of § 2.2-4376.2 of the Code of Virginia, as created by this act, shall expire on June 30, 2027.

CHAPTER 98

An Act to amend and reenact § 29.1-521 of the Code of Virginia, relating to hunting on Sunday.

[S 8]

Approved April 5, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 29.1-521 of the Code of Virginia is amended and reenacted as follows:

§ 29.1-521. Unlawful to hunt, trap, possess, sell, or transport wild birds and wild animals except as permitted; exception; penalty.

A. The following is unlawful:

1. To hunt or kill *on Sunday* (i) any wild bird or wild animal, including any nuisance species, with a gun, firearm, or other weapon, *within 200 yards of a place of worship or any accessory structure thereof* or ~~to hunt or kill~~ (ii) any deer or bear with a gun, firearm, or other weapon with the aid or assistance of dogs; ~~on Sunday. The provision of this subdivision that prohibits the hunting or killing of any wild bird or wild animal, including nuisance species, on Sunday shall not apply to~~ (i) any person who hunts or kills raccoons; (ii) any person who hunts or kills birds in the family Rallidae or waterfowl, subject to geographical limitations established by the Director and except within 200 yards of a place of worship or any accessory structure thereof; or (iii) any landowner or member of his family or any person with written permission from the landowner who hunts or kills any wild bird or wild animal, including any nuisance species, on the landowner's property, except within 200 yards of a place of worship or any accessory structure thereof. However, a person lawfully carrying a gun, firearm, or other weapon on Sunday in an area that could be used for hunting shall not be presumed to be hunting on Sunday, absent evidence to the contrary.

2. To destroy or harass the nest, eggs, dens, or young of any wild bird or wild animal, except nuisance species, at any time without a permit as required by law.

3. To hunt or attempt to kill or trap any species of wild bird or wild animal after having obtained the daily bag or season limit during such day or season. However, any properly licensed person, or a person exempt from having to obtain a license, who has obtained such daily bag or season limit while hunting may assist others who are hunting game by calling game, retrieving game, handling dogs, or conducting drives if the weapon in his possession is an unloaded firearm, a bow without a nocked arrow, an unloaded slingbow, an unloaded arrowgun, or an unloaded crossbow. Any properly licensed person, or person exempt from having to obtain a license, who has obtained such season limit prior to commencement of the hunt may assist others who are hunting game by calling game, retrieving game, handling dogs, or conducting drives, provided he does not have a firearm, bow, slingbow, arrowgun, or crossbow in his possession.

4. To knowingly occupy any baited blind or other baited place for the purpose of taking or attempting to take any wild bird or wild animal or to put out bait or salt for any wild bird or wild animal for the purpose of taking or killing it. There shall be a rebuttable presumption that a person charged with violating this subdivision knows that he is occupying a baited blind or other baited place for the purpose of taking or attempting to take any wild bird or wild animal. However, this shall not apply to baiting nuisance species of animals and birds, or to baiting traps for the purpose of taking fur-bearing animals that may be lawfully trapped.

5. To kill or capture any wild bird or wild animal adjacent to any area while a field or forest fire is in progress.

6. To shoot or attempt to take any wild bird or wild animal from an automobile or other vehicle, except (i) as provided in § 29.1-521.3 or (ii) for the killing of nuisance species as defined in § 29.1-100 on private property by the owner of such property or his designee from a stationary automobile or other stationary vehicle.

7. To set a trap of any kind on the lands or waters of another without attaching to the trap: (i) the name and address of the trapper; or (ii) an identification number issued by the Department.

8. To set a trap where it would be likely to injure persons, dogs, stock, or fowl.

9. To fail to visit all traps once each day and remove all animals caught, and immediately report to the landowner as to stock, dogs, or fowl that are caught and the date. However, the Director or his designee may authorize employees of federal, state, and local government agencies, and persons holding a valid Commercial Nuisance Animal Permit issued by the Department, to visit body-gripping traps that are completely submerged at least once every 72 hours, and the Board may adopt regulations permitting trappers to visit traps less frequently under specified conditions. The Board shall adopt regulations permitting trappers to use remote trap-checking technology to check traps under specified conditions.

10. To hunt, trap, take, capture, kill, attempt to take, capture, or kill, possess, deliver for transportation, transport, cause to be transported, by any means whatever, receive for transportation or export, or import, at any time or in any manner, any wild bird or wild animal or the carcass or any part thereof, except as specifically permitted by law and only by the manner or means and within the numbers stated. However, the provisions of this section shall not be construed to prohibit the (i) use or transportation of legally taken turkey carcasses, or portions thereof, for the purposes of making or selling turkey callers; (ii) the manufacture or sale of implements, including tools or utensils made from legally harvested deer skeletal parts, including antlers; (iii) the possession of shed antlers; or (iv) the possession, manufacture, or sale of other parts or implements authorized by regulations adopted by the Board.

11. To offer for sale, sell, offer to purchase, or purchase, at any time or in any manner, any wild bird or wild animal or the carcass or any part thereof, except as specifically permitted by law, including subsection D of § 29.1-553. However, any nonprofit organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code that is (i) organized to provide wild game as food to the hungry and (ii) authorized by the Department to possess, transport, and distribute donated or unclaimed meat to the hungry may pay a processing fee in order to obtain such meat. Such fee shall not exceed the actual cost for processing the meat. In addition, any nonprofit organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code that is (a) organized to support wildlife habitat conservation and (b) approved by the Department shall be allowed to offer wildlife mounts that have undergone the taxidermy process for sale in conjunction with fundraising activities. A violation of this subdivision shall be punishable as provided in § 29.1-553.

12. To offer for sale, sell, offer to purchase, or purchase a hunt guaranteeing the killing of a deer, bear, or wild turkey. Nothing in this subdivision shall prevent a landowner from leasing land for hunting. A violation of this subdivision shall be punishable as provided in § 29.1-553.

B. Notwithstanding any other provision of this article, any American Indian who produces verification that he is an enrolled member of a tribe recognized by the Commonwealth, another state, or the U.S. government, may possess, offer for sale, or sell to another American Indian, or offer to purchase or purchase from another American Indian, parts of legally obtained fur-bearing animals, nonmigratory game birds, and game animals, except bear. Such legally obtained parts shall include antlers, hooves, feathers, claws, and bones.

"Verification" as used in this section shall include (i) display of a valid tribal identification card, (ii) confirmation through a central tribal registry, (iii) a letter from a tribal chief or council, or (iv) certification from a tribal office that the person is an enrolled member of the tribe.

C. Notwithstanding any other provision of this chapter, the Department may authorize the use of snake exclusion devices by public utilities at their transmission or distribution facilities and the incidental taking of snakes resulting from the use of such devices.

D. A violation of subdivisions A 1 through 10 shall be punishable as a Class 3 misdemeanor.

CHAPTER 99

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

[H 938]

Approved April 6, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Board of Education (the Board) shall collaborate with the Superintendent of Public Instruction and the Secretary of Education to convene a group of stakeholders to include parents, public school principals, public school superintendents, public school board members, public school teachers, institutions of higher education, the State Council of Higher Education for Virginia, industry partners and employers, and other concerned stakeholders to evaluate, to implement where possible, and to otherwise make recommendations to the General Assembly regarding the following goals:*

- 1. Promoting excellence in instruction and student achievement in mathematics;*
- 2. Expanding the Advanced Studies Diploma as an option for students in public high schools in the Commonwealth;*
- 3. Increasing the transparency of performance measures for public elementary and secondary schools in the Commonwealth;*
- 4. Ensuring that performance measures for public elementary and secondary schools prioritize the attainment of grade-level proficiency and growth during the course of a school year and from school year to school year in reading and mathematics for all students, especially in grades kindergarten through five;*
- 5. Ensuring that the Commonwealth's proficiency standards on Standards of Learning assessments in reading and mathematics are maintained; and*
- 6. Ensuring a strong accreditation system that promotes meaningful accountability year-over-year.*

§ 2. No later than November 30, 2022, the Secretary of Education and the Superintendent of Public Instruction shall report to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health the results of the evaluation conducted pursuant to § 1 of this act and recommendations to achieve the goals set forth in § 1 of this act.

CHAPTER 100

An Act to amend the Code of Virginia by adding a section numbered 22.1-16.8, relating to the Department of Education; model policies; instructional material; sexually explicit content; parental notification.

[S 656]

Approved April 6, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-16.8 as follows:

§ 22.1-16.8. Instructional material; sexually explicit content; parental notification.

- A. As used in this section, "sexually explicit content" has the same meaning as provided in subsection A of § 2.2-2827.*
- B. The Department shall develop and make available to each school board model policies for ensuring parental notification of any instructional material that includes sexually explicit content and include information, guidance, procedures, and standards relating to:

 - 1. Ensuring parental notification;*
 - 2. Directly identifying the specific instructional material and sexually explicit subjects; and*
 - 3. Permitting the parent of any student to review instructional material that includes sexually explicit content and provide, as an alternative, nonexplicit instructional material and related academic activities to any student whose parent so requests.**
- C. Each school board shall adopt policies that are consistent with but may be more comprehensive than the model policies developed by the Department pursuant to subsection B.*

2. That the Department of Education shall develop and make available to each school board model policies pursuant to subsection B of § 22.1-16.8 of the Code of Virginia, as created by this act, no later than July 31, 2022.

3. That each school board shall adopt policies pursuant to subsection C of § 22.1-16.8 of the Code of Virginia, as created by this act, no later than January 1, 2023.

4. That the provisions of this act shall not be construed as requiring or providing for the censoring of books in public elementary and secondary schools.

CHAPTER 101

An Act to amend and reenact § 38.2-3418.17 of the Code of Virginia, relating to health insurance; coverage for autism spectrum disorder; definition.

[H 225]

Approved April 6, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 38.2-3418.17 of the Code of Virginia is amended and reenacted as follows:****§ 38.2-3418.17. Coverage for autism spectrum disorder.**

A. Notwithstanding the provisions of § 38.2-3419 and any other provision of law, each insurer proposing to issue accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; each corporation providing accident and sickness subscription contracts; and each health maintenance organization providing a health care plan for health care services shall, as provided in this section, provide coverage for the diagnosis of autism spectrum disorder and the treatment of autism spectrum disorder, in individuals (i) from January 1, 2012, until January 1, 2016, from age two years through age six years; (ii) from January 1, 2016, until January 1, 2020, from age two years through age 10 years; and (iii) from and after January 1, 2020, of any age, subject to the annual maximum benefit limitation set forth in subsection K and to the provisions of subsection G. If an individual who is being treated for autism spectrum disorder becomes older than the applicable maximum age set forth in the preceding sentence and continues to need treatment, this section does not preclude coverage of treatment and services. In addition to the requirements imposed on health insurance issuers by § 38.2-3436, an insurer shall not terminate coverage or refuse to deliver, issue, amend, adjust, or renew coverage of an individual solely because the individual is diagnosed with autism spectrum disorder or has received treatment for autism spectrum disorder.

B. For purposes of this section:

"Applied behavior analysis" means the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior.

"Autism spectrum disorder" means any pervasive developmental disorder, ~~including (i) autistic disorder, (ii) Asperger's Syndrome, (iii) Rett syndrome, (iv) childhood disintegrative disorder, or (v) Pervasive Developmental Disorder — Not Otherwise Specified, or autism spectrum disorder~~, as defined in the most recent edition *or the most recent edition at the time of diagnosis* of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.

"Behavioral health treatment" means professional, counseling, and guidance services and treatment programs that are necessary to develop, maintain, or restore, to the maximum extent practicable, the functioning of an individual.

"Diagnosis of autism spectrum disorder" means medically necessary assessments, evaluations, or tests to diagnose whether an individual has an autism spectrum disorder.

"Medically necessary" means *in accordance with the generally accepted standards of mental disorder or condition care and clinically appropriate in terms of type, frequency, site, and duration*, based upon evidence and reasonably expected to do any of the following: (i) prevent the onset of an illness, condition, injury, or disability; (ii) reduce or ameliorate the physical, mental, or developmental effects of an illness, condition, injury, or disability; or (iii) assist to achieve or maintain maximum functional capacity in performing daily activities, taking into account both the functional capacity of the individual and the functional capacities that are appropriate for individuals of the same age.

"Pharmacy care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

"Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

"Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

"Therapeutic care" means services provided by licensed or certified speech therapists, occupational therapists, physical therapists, or clinical social workers.

"Treatment for autism spectrum disorder" shall be identified in a treatment plan and includes the following care prescribed or ordered for an individual diagnosed with autism spectrum disorder by a licensed physician or a licensed psychologist who determines the care to be medically necessary: (i) behavioral health treatment, (ii) pharmacy care, (iii) psychiatric care, (iv) psychological care, (v) therapeutic care, and (vi) applied behavior analysis when provided or supervised by a board certified behavior analyst who shall be licensed by the Board of Medicine. The prescribing practitioner shall be independent of the provider of applied behavior analysis.

"Treatment plan" means a plan for the treatment of autism spectrum disorder developed by a licensed physician or a licensed psychologist pursuant to a comprehensive evaluation or reevaluation performed in a manner consistent with the most recent clinical report or recommendation of the American Academy of Pediatrics or the American Academy of Child and Adolescent Psychiatry.

C. Except for inpatient services, if an individual is receiving treatment for an autism spectrum disorder, an insurer, corporation, or health maintenance organization shall have the right to request a review of that treatment, including an

independent review, not more than once every 12 months unless the insurer, corporation, or health maintenance organization and the individual's licensed physician or licensed psychologist agree that a more frequent review is necessary. The cost of obtaining any review, including an independent review, shall be covered under the policy, contract, or plan.

D. Coverage under this section will not be subject to any visit limits, and shall be neither different nor separate from coverage for any other illness, condition, or disorder for purposes of determining deductibles, lifetime dollar limits, copayment and coinsurance factors, and benefit year maximum for deductibles and copayment and coinsurance factors.

E. Nothing shall preclude the undertaking of usual and customary procedures, including prior authorization, to determine the appropriateness of, and medical necessity for, treatment of autism spectrum disorder under this section, provided that all such appropriateness and medical necessity determinations are made in the same manner as those determinations are made for the treatment of any other illness, condition, or disorder covered by such policy, contract, or plan.

F. The provisions of this section shall not apply to (i) short-term travel, accident only, limited, or specified disease policies; (ii) short-term nonrenewable policies of not more than six months' duration; or (iii) policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans.

G. The requirements of this section requiring that coverage be provided with regard to individuals from age two years through age six years shall apply to all insurance policies, subscription contracts, and health care plans delivered, issued for delivery, reissued, or extended on or after January 1, 2012, but prior to January 1, 2016; the requirements of this section requiring that coverage be provided with regard to individuals from age two years through age 10 years shall apply to all insurance policies, subscription contracts, and health care plans delivered, issued for delivery, reissued, or extended on or after January 1, 2016, but prior to January 1, 2020; the requirements of this section requiring that coverage be provided with regard to individuals of any age shall apply to all insurance policies, subscription contracts, and health care plans delivered, issued for delivery, reissued, or extended on or after January 1, 2020, and to all such policies, contracts, or plans to which a term is changed or any premium adjustment is made on or after such date; and the requirements of this section requiring that coverage be provided by policies, contracts, or plans issued in the individual market or small group markets shall apply to all insurance policies, subscription contracts, and health care plans in the individual and small group markets delivered, issued for delivery, reissued, or extended on or after January 1, 2021, and to all such policies, contracts, or plans to which a term is changed or any premium adjustment is made on or after such date.

H. Any coverage required pursuant to this section shall be in addition to the coverage required by § 38.2-3418.5 and other provisions of law. This section shall not be construed as diminishing any coverage required by § 38.2-3412.1. This section shall not be construed as affecting any obligation to provide services to an individual under an individualized family service plan, an individualized education program, or an individualized service plan.

I. Pursuant to the provisions of § 2.2-2818.2, this section shall apply to health coverage offered to state employees pursuant to § 2.2-2818 and to health insurance coverage offered to employees of local governments, local officers, teachers, and retirees, and the dependents of such employees, teachers, and retirees pursuant to § 2.2-1204.

J. Notwithstanding any provision of this section to the contrary:

1. An insurer, corporation, or health maintenance organization, or a governmental entity providing coverage for such treatment pursuant to subsection I, is exempt from providing coverage for behavioral health treatment required under this section and not covered by the insurer, corporation, health maintenance organization, or governmental entity providing coverage for such treatment pursuant to subsection I as of December 31, 2011, if:

a. An actuary, affiliated with the insurer, corporation, or health maintenance organization, who is a member of the American Academy of Actuaries and meets the American Academy of Actuaries' professional qualification standards for rendering an actuarial opinion related to health insurance rate making, certifies in writing to the Commissioner of Insurance that:

(1) Based on an analysis to be completed no more frequently than one time per year by each insurer, corporation, or health maintenance organization, or such governmental entity, for the most recent experience period of at least one year's duration, the costs associated with coverage of behavioral health treatment required under this section, and not covered as of December 31, 2011, exceeded one percent of the premiums charged over the experience period by the insurer, corporation, or health maintenance organization; and

(2) Those costs solely would lead to an increase in average premiums charged of more than one percent for all insurance policies, subscription contracts, or health care plans commencing on inception or the next renewal date, based on the premium rating methodology and practices the insurer, corporation, or health maintenance organization, or such governmental entity, employs; and

b. The Commissioner approves the certification of the actuary;

2. An exemption allowed under subdivision 1 shall apply for a one-year coverage period following inception or next renewal date of all insurance policies, subscription contracts, or health care plans issued or renewed during the one-year period following the date of the exemption, after which the insurer, corporation, or health maintenance organization, or such governmental entity, shall again provide coverage for behavioral health treatment required under this section;

3. An insurer, corporation, or health maintenance organization, or such governmental entity, may claim an exemption for a subsequent year, but only if the conditions specified in subdivision 1 again are met; and

4. Notwithstanding the exemption allowed under subdivision 1, an insurer, corporation, or health maintenance organization, or such a governmental entity, may elect to continue to provide coverage for behavioral health treatment required under this section.

K. Coverage for applied behavior analysis under this section will be subject to an annual maximum benefit of \$35,000, unless the insurer, corporation, or health maintenance organization elects to provide coverage in a greater amount.

L. As of January 1, 2014, to the extent that this section requires benefits that exceed the essential health benefits specified under § 1302(b) of the federal Patient Protection and Affordable Care Act (H.R. 3590), as amended (the ACA), the specific benefits that exceed the specified essential health benefits shall not be required of a qualified health plan when the plan is offered in the Commonwealth by a health carrier through a health benefit exchange established under § 1311 of the ACA. Nothing in this subsection shall nullify application of this section to plans offered outside such an exchange.

CHAPTER 102

An Act to amend and reenact § 38.2-3418.17 of the Code of Virginia, relating to health insurance; coverage for autism spectrum disorder; definition.

[S 321]

Approved April 6, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-3418.17 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-3418.17. Coverage for autism spectrum disorder.

A. Notwithstanding the provisions of § 38.2-3419 and any other provision of law, each insurer proposing to issue accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; each corporation providing accident and sickness subscription contracts; and each health maintenance organization providing a health care plan for health care services shall, as provided in this section, provide coverage for the diagnosis of autism spectrum disorder and the treatment of autism spectrum disorder, in individuals (i) from January 1, 2012, until January 1, 2016, from age two years through age six years; (ii) from January 1, 2016, until January 1, 2020, from age two years through age 10 years; and (iii) from and after January 1, 2020, of any age, subject to the annual maximum benefit limitation set forth in subsection K and to the provisions of subsection G. If an individual who is being treated for autism spectrum disorder becomes older than the applicable maximum age set forth in the preceding sentence and continues to need treatment, this section does not preclude coverage of treatment and services. In addition to the requirements imposed on health insurance issuers by § 38.2-3436, an insurer shall not terminate coverage or refuse to deliver, issue, amend, adjust, or renew coverage of an individual solely because the individual is diagnosed with autism spectrum disorder or has received treatment for autism spectrum disorder.

B. For purposes of this section:

"Applied behavior analysis" means the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior.

"Autism spectrum disorder" means any pervasive developmental disorder, ~~including (i) autistic disorder, (ii) Asperger's Syndrome, (iii) Rett syndrome, (iv) childhood disintegrative disorder, or (v) Pervasive Developmental Disorder — Not Otherwise Specified; or autism spectrum disorder~~, as defined in the most recent edition or the most recent edition at the time of diagnosis of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.

"Behavioral health treatment" means professional, counseling, and guidance services and treatment programs that are necessary to develop, maintain, or restore, to the maximum extent practicable, the functioning of an individual.

"Diagnosis of autism spectrum disorder" means medically necessary assessments, evaluations, or tests to diagnose whether an individual has an autism spectrum disorder.

"Medically necessary" means in accordance with the generally accepted standards of mental disorder or condition care and clinically appropriate in terms of type, frequency, site, and duration, based upon evidence and reasonably expected to do any of the following: (i) prevent the onset of an illness, condition, injury, or disability; (ii) reduce or ameliorate the physical, mental, or developmental effects of an illness, condition, injury, or disability; or (iii) assist to achieve or maintain maximum functional capacity in performing daily activities, taking into account both the functional capacity of the individual and the functional capacities that are appropriate for individuals of the same age.

"Pharmacy care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

"Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

"Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

"Therapeutic care" means services provided by licensed or certified speech therapists, occupational therapists, physical therapists, or clinical social workers.

"Treatment for autism spectrum disorder" shall be identified in a treatment plan and includes the following care prescribed or ordered for an individual diagnosed with autism spectrum disorder by a licensed physician or a licensed psychologist who determines the care to be medically necessary: (i) behavioral health treatment, (ii) pharmacy care, (iii) psychiatric care, (iv) psychological care, (v) therapeutic care, and (vi) applied behavior analysis when provided or supervised by a board certified behavior analyst who shall be licensed by the Board of Medicine. The prescribing practitioner shall be independent of the provider of applied behavior analysis.

"Treatment plan" means a plan for the treatment of autism spectrum disorder developed by a licensed physician or a licensed psychologist pursuant to a comprehensive evaluation or reevaluation performed in a manner consistent with the most recent clinical report or recommendation of the American Academy of Pediatrics or the American Academy of Child and Adolescent Psychiatry.

C. Except for inpatient services, if an individual is receiving treatment for an autism spectrum disorder, an insurer, corporation, or health maintenance organization shall have the right to request a review of that treatment, including an independent review, not more than once every 12 months unless the insurer, corporation, or health maintenance organization and the individual's licensed physician or licensed psychologist agree that a more frequent review is necessary. The cost of obtaining any review, including an independent review, shall be covered under the policy, contract, or plan.

D. Coverage under this section will not be subject to any visit limits, and shall be neither different nor separate from coverage for any other illness, condition, or disorder for purposes of determining deductibles, lifetime dollar limits, copayment and coinsurance factors, and benefit year maximum for deductibles and copayment and coinsurance factors.

E. Nothing shall preclude the undertaking of usual and customary procedures, including prior authorization, to determine the appropriateness of, and medical necessity for, treatment of autism spectrum disorder under this section, provided that all such appropriateness and medical necessity determinations are made in the same manner as those determinations are made for the treatment of any other illness, condition, or disorder covered by such policy, contract, or plan.

F. The provisions of this section shall not apply to (i) short-term travel, accident only, limited, or specified disease policies; (ii) short-term nonrenewable policies of not more than six months' duration; or (iii) policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans.

G. The requirements of this section requiring that coverage be provided with regard to individuals from age two years through age six years shall apply to all insurance policies, subscription contracts, and health care plans delivered, issued for delivery, reissued, or extended on or after January 1, 2012, but prior to January 1, 2016; the requirements of this section requiring that coverage be provided with regard to individuals from age two years through age 10 years shall apply to all insurance policies, subscription contracts, and health care plans delivered, issued for delivery, reissued, or extended on or after January 1, 2016, but prior to January 1, 2020; the requirements of this section requiring that coverage be provided with regard to individuals of any age shall apply to all insurance policies, subscription contracts, and health care plans delivered, issued for delivery, reissued, or extended on or after January 1, 2020, and to all such policies, contracts, or plans to which a term is changed or any premium adjustment is made on or after such date; and the requirements of this section requiring that coverage be provided by policies, contracts, or plans issued in the individual market or small group markets shall apply to all insurance policies, subscription contracts, and health care plans in the individual and small group markets delivered, issued for delivery, reissued, or extended on or after January 1, 2021, and to all such policies, contracts, or plans to which a term is changed or any premium adjustment is made on or after such date.

H. Any coverage required pursuant to this section shall be in addition to the coverage required by § 38.2-3418.5 and other provisions of law. This section shall not be construed as diminishing any coverage required by § 38.2-3412.1. This section shall not be construed as affecting any obligation to provide services to an individual under an individualized family service plan, an individualized education program, or an individualized service plan.

I. Pursuant to the provisions of § 2.2-2818.2, this section shall apply to health coverage offered to state employees pursuant to § 2.2-2818 and to health insurance coverage offered to employees of local governments, local officers, teachers, and retirees, and the dependents of such employees, teachers, and retirees pursuant to § 2.2-1204.

J. Notwithstanding any provision of this section to the contrary:

1. An insurer, corporation, or health maintenance organization, or a governmental entity providing coverage for such treatment pursuant to subsection I, is exempt from providing coverage for behavioral health treatment required under this section and not covered by the insurer, corporation, health maintenance organization, or governmental entity providing coverage for such treatment pursuant to subsection I as of December 31, 2011, if:

a. An actuary, affiliated with the insurer, corporation, or health maintenance organization, who is a member of the American Academy of Actuaries and meets the American Academy of Actuaries' professional qualification standards for rendering an actuarial opinion related to health insurance rate making, certifies in writing to the Commissioner of Insurance that:

(1) Based on an analysis to be completed no more frequently than one time per year by each insurer, corporation, or health maintenance organization, or such governmental entity, for the most recent experience period of at least one year's duration, the costs associated with coverage of behavioral health treatment required under this section, and not covered as of December 31, 2011, exceeded one percent of the premiums charged over the experience period by the insurer, corporation, or health maintenance organization; and

(2) Those costs solely would lead to an increase in average premiums charged of more than one percent for all insurance policies, subscription contracts, or health care plans commencing on inception or the next renewal date, based on the premium rating methodology and practices the insurer, corporation, or health maintenance organization, or such governmental entity, employs; and

b. The Commissioner approves the certification of the actuary;

2. An exemption allowed under subdivision 1 shall apply for a one-year coverage period following inception or next renewal date of all insurance policies, subscription contracts, or health care plans issued or renewed during the one-year period following the date of the exemption, after which the insurer, corporation, or health maintenance organization, or such governmental entity, shall again provide coverage for behavioral health treatment required under this section;

3. An insurer, corporation, or health maintenance organization, or such governmental entity, may claim an exemption for a subsequent year, but only if the conditions specified in subdivision 1 again are met; and

4. Notwithstanding the exemption allowed under subdivision 1, an insurer, corporation, or health maintenance organization, or such a governmental entity, may elect to continue to provide coverage for behavioral health treatment required under this section.

K. Coverage for applied behavior analysis under this section will be subject to an annual maximum benefit of \$35,000, unless the insurer, corporation, or health maintenance organization elects to provide coverage in a greater amount.

L. As of January 1, 2014, to the extent that this section requires benefits that exceed the essential health benefits specified under § 1302(b) of the federal Patient Protection and Affordable Care Act (H.R. 3590), as amended (the ACA), the specific benefits that exceed the specified essential health benefits shall not be required of a qualified health plan when the plan is offered in the Commonwealth by a health carrier through a health benefit exchange established under § 1311 of the ACA. Nothing in this subsection shall nullify application of this section to plans offered outside such an exchange.

CHAPTER 103

An Act to require the Secretary of Health and Human Resources, together with the Secretary of Public Safety and Homeland Security, to study options to increase the use of alternative custody arrangements for individuals who are subject to an emergency custody or temporary detention order; report.

[S 202]

Approved April 6, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Secretary of Health and Human Resources (the Secretary) shall, together with the Secretary of Public Safety and Homeland Security, study options to increase the use of alternative custody arrangements for individuals who are subject to an emergency custody or temporary detention order to reduce the time law-enforcement officers are required to maintain custody of such individuals and mitigate the burden the requirement for law enforcement custody places on local law-enforcement officers and local law-enforcement agencies. In conducting such study, the Secretary shall review overall best practices for alternative custody arrangements implemented in other states and develop recommendations for options to (i) allow law-enforcement officers to transfer custody of individuals who are subject to an emergency custody or temporary detention order to another person with the necessary training and certification to maintain custody of such individual in order to reduce the time law-enforcement officers must remain with the person who is the subject of the emergency custody or temporary detention order and (ii) increase the availability of beds for individuals who are subject to an emergency custody or temporary detention order to ensure prompt transfer to an appropriate facility, including expansion of crisis intervention team assessment centers and development of regional crisis receiving centers and other options for increasing the availability of beds at state and private hospitals and other behavioral health facilities for adults and children who are subject to an emergency custody or temporary detention order. In conducting such study, the Secretary shall include opportunity for participation by stakeholders, including the Behavioral Health Commission, Virginia State Police, Virginia Sheriffs' Association, Police Benevolent Association, Virginia Association of Community Services Boards, Virginia Hospital and Healthcare Association, Office of the Executive Secretary of the Supreme Court of Virginia, and other stakeholders. The Secretary shall report his findings and recommendations to the Governor and the Chairmen of the House Committees on Appropriations and Health, Welfare and Institutions and the Senate Committees on Education and Health and Finance and Appropriations by October 1, 2022.*

CHAPTER 104

An Act to permit the Board of Education to temporarily extend certain teachers' licenses; emergency.

[H 236]

Approved April 6, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Board of Education may grant a two-year extension of the license of any individual licensed by the Board of Education pursuant to its authority in subsection B of § 22.1-298.1 of the Code of Virginia whose license expires on*

June 30, 2022, in order to provide the individual with sufficient additional time to complete the requirements for licensure or license renewal.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 105

An Act to amend and reenact § 15.2-1517 of the Code of Virginia, relating to insurance for employees of certain public school foundations.

[H 223]

Approved April 6, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-1517 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-1517. Insurance for employees and retired employees of localities and other local governmental entities; participation by certain volunteers.

A. Any locality may provide group life, accident, and health insurance programs for its officers and employees; employees of boards, commissions, agencies, or authorities created by or controlled by such locality; ~~or~~ employees of boards, commissions, agencies, or authorities that are political subdivisions of the Commonwealth and work in close cooperation with such locality; *or employees of a public school foundation as defined in subsection A of § 22.1-212.2:2 that provides support exclusively for such locality.* In addition, any locality that provides such a health insurance program may allow eligible members of approved volunteer fire or rescue companies, as determined by the locality, to participate in such a health insurance program. Such programs may be through a program of self-insurance, purchased insurance, or partial self-insurance and purchased insurance, whichever is determined to be the most cost effective. The total cost of such policies or protection may be paid entirely by the locality or shared with the employee. The governing body of any locality may provide for its retired officers and retired employees, including retired employees of boards, commissions, agencies, or authorities that are political subdivisions of the Commonwealth and work in close cooperation with such locality, to be eligible for such group life, accident, and health insurance programs. The cost of such insurance for retired officers and retired employees may be paid in whole or in part by the locality. The governing body of any locality may permit members of approved volunteer fire or rescue companies to participate in its group health insurance programs, subject to the eligibility criteria established by the locality. The cost of a volunteer's participation in such a health insurance program shall be paid for in full by the participating volunteer. Any locality may fund the cost of a volunteer's participation in a mental health treatment and counseling program that is offered to individual members of approved volunteer fire or rescue companies and is comparable to an employee assistance program offered to paid employees of the locality.

B. In the event a county or city elects to provide one or more of such programs for its officers and employees, it shall provide such programs to the constitutional officers and their employees on the same basis as provided to other officers and employees, unless the constitutional officers and employees are covered under a state program, and the cost of such local program shall be borne entirely by the locality or shared with the employee.

C. 1. Except as otherwise provided herein, in the event the governing body of any locality elects to provide group accident and health insurance for its officers and employees, including constitutional officers and their employees, such programs shall require that upon retirement, or upon the effective date of this provision for those who have previously retired, any such individual with (i) at least 15 years of continuous employment with the locality or (ii) less than 15 years of continuous employment who has retired due to line-of-duty injuries may choose to continue his coverage with the insurer at the retiree's expense until such individual attains 65 years of age at the insurer's customary premium rate applicable (a) to such policies, (b) to the class of risk to which the person then belongs, and (c) to his age.

2. The governing body, when providing this coverage, may further provide that the retiree be rated separately from the active employees covered under the group plan offered by such governing body.

3. Any locality that has not offered the opportunity to continue group health coverage provided by the locality as required by subdivision 1 to its retirees who had retired on or before June 30, 1993, and who meet the criteria for such coverage as set forth in subdivision 1, shall do so by July 1, 2000. Any retiree from the service of a locality who had retired on or before June 30, 1993, and who meets the criteria to continue his group health coverage from the locality under subdivision 1 who has not yet elected to continue his group health coverage from the locality shall elect whether to do so by July 1, 2000.

4. Nothing herein shall prohibit a locality from providing group accident and health coverage or benefits for its retirees in addition to the coverage required under this section.

D. Any locality that offers group health plans to its employees and the employees of constitutional officers and its retirees, as provided by this section or otherwise, may provide in the plan providing such coverage that any retiree who is participating in a group health plan provided by the locality who subsequently terminates his participation in such plan may not thereafter rejoin a group health plan provided by the locality.

CHAPTER 106

An Act to amend and reenact § 15.2-1517 of the Code of Virginia, relating to insurance for employees of certain public school foundations.

[S 437]

Approved April 6, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 15.2-1517 of the Code of Virginia is amended and reenacted as follows:****§ 15.2-1517. Insurance for employees and retired employees of localities and other local governmental entities; participation by certain volunteers.**

A. Any locality may provide group life, accident, and health insurance programs for its officers and employees; employees of boards, commissions, agencies, or authorities created by or controlled by such locality; ~~or~~ employees of boards, commissions, agencies, or authorities that are political subdivisions of the Commonwealth and work in close cooperation with such locality; *or employees of a public school foundation as defined in subsection A of § 22.1-212.2:2 that provides support exclusively for such locality.* In addition, any locality that provides such a health insurance program may allow eligible members of approved volunteer fire or rescue companies, as determined by the locality, to participate in such a health insurance program. Such programs may be through a program of self-insurance, purchased insurance, or partial self-insurance and purchased insurance, whichever is determined to be the most cost effective. The total cost of such policies or protection may be paid entirely by the locality or shared with the employee. The governing body of any locality may provide for its retired officers and retired employees, including retired employees of boards, commissions, agencies, or authorities that are political subdivisions of the Commonwealth and work in close cooperation with such locality, to be eligible for such group life, accident, and health insurance programs. The cost of such insurance for retired officers and retired employees may be paid in whole or in part by the locality. The governing body of any locality may permit members of approved volunteer fire or rescue companies to participate in its group health insurance programs, subject to the eligibility criteria established by the locality. The cost of a volunteer's participation in such a health insurance program shall be paid for in full by the participating volunteer. Any locality may fund the cost of a volunteer's participation in a mental health treatment and counseling program that is offered to individual members of approved volunteer fire or rescue companies and is comparable to an employee assistance program offered to paid employees of the locality.

B. In the event a county or city elects to provide one or more of such programs for its officers and employees, it shall provide such programs to the constitutional officers and their employees on the same basis as provided to other officers and employees, unless the constitutional officers and employees are covered under a state program, and the cost of such local program shall be borne entirely by the locality or shared with the employee.

C. 1. Except as otherwise provided herein, in the event the governing body of any locality elects to provide group accident and health insurance for its officers and employees, including constitutional officers and their employees, such programs shall require that upon retirement, or upon the effective date of this provision for those who have previously retired, any such individual with (i) at least 15 years of continuous employment with the locality or (ii) less than 15 years of continuous employment who has retired due to line-of-duty injuries may choose to continue his coverage with the insurer at the retiree's expense until such individual attains 65 years of age at the insurer's customary premium rate applicable (a) to such policies, (b) to the class of risk to which the person then belongs, and (c) to his age.

2. The governing body, when providing this coverage, may further provide that the retiree be rated separately from the active employees covered under the group plan offered by such governing body.

3. Any locality that has not offered the opportunity to continue group health coverage provided by the locality as required by subdivision 1 to its retirees who had retired on or before June 30, 1993, and who meet the criteria for such coverage as set forth in subdivision 1, shall do so by July 1, 2000. Any retiree from the service of a locality who had retired on or before June 30, 1993, and who meets the criteria to continue his group health coverage from the locality under subdivision 1 who has not yet elected to continue his group health coverage from the locality shall elect whether to do so by July 1, 2000.

4. Nothing herein shall prohibit a locality from providing group accident and health coverage or benefits for its retirees in addition to the coverage required under this section.

D. Any locality that offers group health plans to its employees and the employees of constitutional officers and its retirees, as provided by this section or otherwise, may provide in the plan providing such coverage that any retiree who is participating in a group health plan provided by the locality who subsequently terminates his participation in such plan may not thereafter rejoin a group health plan provided by the locality.

CHAPTER 107

An Act to amend and reenact § 46.2-743 of the Code of Virginia, relating to special license plates; United States Navy; Navy-Marine Corps Relief Society Fund.

[S 212]

Approved April 6, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 46.2-743 of the Code of Virginia is amended and reenacted as follows:****§ 46.2-743. Special license plates for active duty members of the armed forces of the United States and certain veterans; fees.**

A. On receipt of an application and written evidence that the applicant is an honorably discharged former member of one of the armed forces of the United States, the Commissioner shall issue to the applicant special license plates.

B. On receipt of an application and written evidence that the applicant is on active duty with, has been honorably discharged after at least six months of active duty service in, or has retired from the United States Marine Corps, the Commissioner shall issue to the applicant special license plates whose design incorporates an emblem of the United States Marine Corps. Unremarried surviving spouses of persons eligible to receive special license plates under this subsection may also be issued special license plates under this subsection.

C. On receipt of an application and written evidence that the applicant is on active duty with, has been honorably discharged after at least six months of active duty service in, or has retired from the United States Army, the Commissioner shall issue to the applicant special license plates whose design incorporates an emblem of the United States Army.

D. On receipt of an application and written evidence that the applicant is on active duty with, has been honorably discharged after at least six months of active duty service in, or has retired from the United States Coast Guard, the Commissioner shall issue to the applicant special license plates whose design incorporates an emblem of the United States Coast Guard. Unremarried surviving spouses of persons eligible to receive special license plates under this subsection may also be issued special license plates under this subsection.

E. On receipt of an application and written evidence that the applicant is on active duty with, has been honorably discharged after at least six months of active duty service in, or has retired from the United States Navy, the Commissioner shall issue to the applicant special license plates whose design incorporates an emblem of the United States Navy. Unremarried surviving spouses of persons eligible to receive special license plates under this subsection may also be issued special license plates under this subsection. The annual fee for plates issued pursuant to this subsection shall be \$25 in addition to the prescribed fee for state license plates. For each such \$25 fee collected in excess of 1,000 registrations pursuant to this subsection, \$15 shall be paid into the state treasury and credited to a special nonreverting fund known as the Navy-Marine Corps Relief Society Fund established within the Department of Accounts. These funds shall be paid annually to the Navy-Marine Corps Relief Society and used to support its operation and programs in Virginia. All other fees imposed under the provisions of this subsection shall be paid to, and received by, the Commissioner of the Department of Motor Vehicles and paid by him into the state treasury and set aside as a special fund to be used to meet the necessary expenses incurred by the Department of Motor Vehicles.

F. All special license plates that have been developed and issued pursuant to subsection B, C, ~~or~~ D, or E shall also be issued to applicants who can provide documentation from the U.S. Department of Veterans Affairs indicating that the applicant has been designated disabled, and that his disability is service-connected, and that he has been honorably discharged from a branch of the armed forces of the United States.

~~F.~~ G. On receipt of an application and written evidence that the applicant is a veteran of World War II, the Commissioner shall issue special license plates to veterans of World War II. For each set of license plates issued under this subsection, the Commissioner shall charge, in addition to the prescribed cost of state license plates, a one-time fee of \$10 at the time the plates are issued.

~~G.~~ H. On receipt of an application and written evidence that the applicant is a veteran of the Korean War, the Commissioner shall issue special license plates to veterans of the Korean War.

~~H.~~ I. On receipt of an application and written evidence that the applicant is a veteran of the Vietnam War, the Commissioner shall issue special license plates to veterans of the Vietnam War.

~~I.~~ J. On receipt of an application and written evidence that the applicant is a veteran of the Asiatic-Pacific Campaign, the Commissioner shall issue special license plates to veterans of that campaign. For each set of license plates issued under this subsection, the Commissioner shall charge, in addition to the prescribed cost of state license plates, a one-time fee of \$10 at the time the plates are issued.

~~J.~~ K. On receipt of an application and written evidence that the applicant is a veteran of Operation Iraqi Freedom, the Commissioner shall issue special license plates to veterans of Operation Iraqi Freedom.

~~K.~~ L. On receipt of an application and written evidence that the applicant is a veteran of Operation Enduring Freedom, the Commissioner shall issue special license plates to veterans of Operation Enduring Freedom.

~~L.~~ M. On receipt of an application and written evidence that the applicant is a member of the Virginia Defense Force, the Commissioner shall issue special license plates to members of the Virginia Defense Force.

~~M, N.~~ On receipt of an application and written evidence that the applicant is a veteran of Operation Desert Shield or Operation Desert Storm, the Commissioner shall issue special license plates to veterans of those military operations.

~~N, O.~~ The provisions of subdivisions B 1 and B 2 of § 46.2-725 shall not apply to license plates issued under subsections ~~F, G, H, J, K, L, and M, and N.~~

CHAPTER 108

An Act to condition the conveyance of certain property.

[H 1278]

Approved April 6, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Board of Wildlife Resources, formerly known as the Board of Game and Inland Fisheries (the Grantor), is authorized to convey all or part of the parcels described in the deed dated December 29, 2004, from Rabbit Creek, LP, a Pennsylvania limited partnership, to the Commonwealth of Virginia, Board of Game and Inland Fisheries, and recorded in the Clerk's Office of the Circuit Court of Frederick County, Virginia, as Instrument Number 040026714 (the Property), to the Shenandoah Valley Battlefields Foundation. Any deed related to the conveyance shall include a condition that the Property be open to public use, including for public fishing in Red Bud Run and management of the fishery by the Department of Wildlife Resources, and any deed shall provide that, if such condition is not met, the property shall revert to the Commonwealth.*

§ 2. *That the granting and conveying of Property shall be made upon terms the Grantor deems proper, with the approval of the Department of General Services and the Secretary of Administration, and in a form approved by the Attorney General.*

CHAPTER 109

An Act to direct the Rockingham Circuit Court to establish a pilot program for an index of wills.

[S 221]

Approved April 6, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *Pursuant to an order of the Rockingham Circuit Court in accordance with subsection F of § 64.2-409 of the Code of Virginia authorizing the clerk to lodge wills for safekeeping, the clerk of the Rockingham Circuit Court may establish a pilot project for an index of wills lodged for safekeeping, with a searchable database available to the public. Such database shall protect the privacy of information contained in wills so lodged with the clerk in accordance with § 17.1-293 of the Code of Virginia. The clerk shall pay all costs associated with the pilot project. The clerk shall make a written report of findings and recommendations regarding the pilot project to the Senate Committee on the Judiciary and the House Committee for Courts of Justice no later than November 1, 2026.*

CHAPTER 110

An Act to amend and reenact § 19.2-8 of the Code of Virginia, relating to misdemeanor sexual offenses where the victim is a minor; statute of limitations; penalty.

[S 227]

Approved April 6, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-8 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-8. Limitation of prosecutions.

A prosecution for a misdemeanor, or any pecuniary fine, forfeiture, penalty or amercement, shall be commenced within one year next after there was cause therefor, except that a prosecution for petit larceny may be commenced within five years, and for an attempt to produce abortion, within two years after commission of the offense.

A prosecution for any misdemeanor violation of § 54.1-3904 shall be commenced within two years of the discovery of the offense.

A prosecution for violation of laws governing the placement of children for adoption without a license pursuant to § 63.2-1701 shall be commenced within one year from the date of the filing of the petition for adoption.

A prosecution for making a false statement or representation of a material fact knowing it to be false or knowingly failing to disclose a material fact, to obtain or increase any benefit or other payment under the Virginia Unemployment Compensation Act (§ 60.2-100 et seq.) shall be commenced within three years next after the commission of the offense.

A prosecution for any violation of § 10.1-1320, 62.1-44.32 (b), 62.1-194.1, or Article 11 (§ 62.1-44.34:14 et seq.) of Chapter 3.1 of Title 62.1 that involves the discharge, dumping or emission of any toxic substance as defined in § 32.1-239 shall be commenced within three years next after the commission of the offense.

Prosecution of Building Code violations under § 36-106 shall commence within one year of discovery of the offense by the building official, provided that such discovery occurs within two years of the date of initial occupancy or use after construction of the building or structure, or the issuance of a certificate of use and occupancy for the building or structure, whichever is later. However, prosecutions under § 36-106 relating to the maintenance of existing buildings or structures as contained in the Uniform Statewide Building Code shall commence within one year of the issuance of a notice of violation for the offense by the building official.

Prosecution of any misdemeanor violation of § 54.1-111 shall commence within one year of the discovery of the offense by the complainant, but in no case later than five years from occurrence of the offense.

Prosecution of any misdemeanor violation of any professional licensure requirement imposed by a locality shall commence within one year of the discovery of the offense by the complainant, but in no case later than five years from occurrence of the offense.

Prosecution of nonfelonious offenses which constitute malfeasance in office shall commence within two years next after the commission of the offense.

Prosecution for a violation for which a penalty is provided for by § 55.1-1989 shall commence within three years next after the commission of the offense.

Prosecution of illegal sales or purchases of wild birds, wild animals and freshwater fish under § 29.1-553 shall commence within three years after commission of the offense.

Prosecution of violations under Title 58.1 for offenses involving false or fraudulent statements, documents or returns, or for the offense of willfully attempting in any manner to evade or defeat any tax or the payment thereof, or for the offense of willfully failing to pay any tax, or willfully failing to make any return at the time or times required by law or regulations shall commence within three years next after the commission of the offense, unless a longer period is otherwise prescribed.

Prosecution of violations of subsection A or B of § 3.2-6570 shall commence within five years of the commission of the offense, except violations regarding agricultural animals shall commence within one year of the commission of the offense.

A prosecution for a violation of § 18.2-386.1 shall be commenced within five years of the commission of the offense.

A prosecution for any violation of the Campaign Finance Disclosure Act, Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2, shall commence within one year of the discovery of the offense but in no case more than three years after the date of the commission of the offense.

A prosecution of a crime that is punishable as a misdemeanor pursuant to the Virginia Computer Crimes Act (§ 18.2-152.1 et seq.) or pursuant to § 18.2-186.3 for identity theft shall be commenced before the earlier of (i) five years after the commission of the last act in the course of conduct constituting a violation of the article or (ii) one year after the existence of the illegal act and the identity of the offender are discovered by the Commonwealth, by the owner, or by anyone else who is damaged by such violation.

A prosecution of a misdemeanor under § 18.2-64.2, 18.2-67.4, 18.2-67.4:1, 18.2-67.4:2, 18.2-67.5, or 18.2-370.6 *or clause (ii) of § 18.2-371* where the victim is a minor at the time of the offense shall be commenced no later than one year after the victim reaches majority, unless the alleged offender of such offense was an adult and more than three years older than the victim at the time of the offense, in which instance such prosecution shall be commenced no later than five years after the victim reaches majority.

A prosecution for a violation of § 18.2-260.1 shall be commenced within three years of the commission of the offense.

Nothing in this section shall be construed to apply to any person fleeing from justice or concealing himself within or without the Commonwealth to avoid arrest or be construed to limit the time within which any prosecution may be commenced for desertion of a spouse or child or for neglect or refusal or failure to provide for the support and maintenance of a spouse or child.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 552 of the Acts of Assembly of 2021, Special Session 1, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 111

An Act to amend and reenact § 58.1-3234 of the Code of Virginia, relating to land use assessment; forms.

[H 238]

Approved April 6, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3234 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3234. Application by property owners for assessment, etc., under ordinance; continuation of assessment, etc.

Property owners shall submit an application for taxation on the basis of a use assessment to the local assessing officer as follows:

1. The property owner shall submit an initial application, unless it is a revalidation form, at least 60 days preceding the tax year for which such taxation is sought;

2. In any year in which a general reassessment is being made, the property owner may submit such application until 30 days have elapsed after his notice of increase in assessment is mailed in accordance with § 58.1-3330, or 60 days preceding the tax year, whichever is later; or

3. In any locality which has adopted a fiscal tax year under Chapter 30 (§ 58.1-3000 et seq.), but continues to assess as of January 1, such application shall be submitted for any year at least 60 days preceding the effective date of the assessment for such year.

The governing body, by ordinance, may permit applications to be filed within no more than 60 days after the filing deadline specified herein, upon the payment of a late filing fee to be established by the governing body. In addition, a locality may, by ordinance, permit a further extension of the filing deadline specified herein, upon payment of an extension fee to be established by the governing body in an amount not to exceed the late filing fee, to a date not later than 30 days after notices of assessments are mailed. An individual who is owner of an undivided interest in a parcel may apply on behalf of himself and the other owners of such parcel upon submitting an affidavit that such other owners are minors or cannot be located. An application shall be submitted whenever the use or acreage of such land previously approved changes; however, no application fee may be required when a change in acreage occurs solely as a result of a conveyance necessitated by governmental action or condemnation of a portion of any land previously approved for taxation on the basis of use assessment. The governing body of any locality may, however, require any such property owner to revalidate at least every six years with such locality, on or before the date on which the last installment of property tax prior to the effective date of the assessment is due, on forms prepared by the ~~locality~~ *Department*, any applications previously approved. Each locality ~~which~~ *that* has adopted an ordinance hereunder may provide for the imposition of a revalidation fee every sixth year. Such revalidation fee shall not, however, exceed the application fee currently charged by the locality. The governing body may also provide for late filing of revalidation forms on or before the effective date of the assessment, on payment of a late filing fee. Forms shall be prepared by the ~~State Tax Commissioner~~ *Department* and supplied to the locality for use of the applicants and applications shall be submitted on such forms. An application fee may be required to accompany all such applications.

In the event of a material misstatement of facts in the application or a material change in such facts prior to the date of assessment, such application for taxation based on use assessment granted thereunder shall be void and the tax for such year extended on the basis of value determined under § 58.1-3236 D. Except as provided by local ordinance, no application for assessment based on use shall be accepted or approved if, at the time the application is filed, the tax on the land affected is delinquent. Upon the payment of all delinquent taxes, including penalties and interest, the application shall be treated in accordance with the provisions of this section.

Continuation of valuation, assessment and taxation under an ordinance adopted pursuant to this article shall depend on continuance of the real estate in a qualifying use, continued payment of taxes as referred to in § 58.1-3235, and compliance with the other requirements of this article and the ordinance and not upon continuance in the same owner of title to the land.

In the event that the locality provides for a sliding scale under an ordinance, the property owner and the locality shall execute a written agreement which sets forth the period of time that the property shall remain within the classes of real estate set forth in § 58.1-3230. The term of the written agreement shall be for a period not exceeding 20 years, and the instrument shall be recorded in the office of the clerk of the circuit court for the locality in which the subject property is located.

No locality shall require any applicant who is a lessor of the property or a portion of the property that is the subject of an application submitted pursuant to this section to provide the lease agreement governing the property for the purpose of determining whether the property is eligible for special assessment and taxation pursuant to this article.

2. That the Department of Taxation shall, in developing the forms authorized by this act, seek input from commissioners of revenue throughout the Commonwealth regarding such forms and ensure geographic diversity in conducting its review.

CHAPTER 112

An Act to require the Board of Health to convene a workgroup to provide recommendations related to regulations requiring hospitals to develop protocols for connecting patients receiving rehabilitation services to necessary follow-up care.

[H 235]

Approved April 6, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Board of Health shall convene a workgroup composed of representatives of hospitals, health care providers providing rehabilitation services, and other stakeholders to provide recommendations regarding regulations requiring

hospitals to develop protocols for connecting patients receiving rehabilitation services to necessary follow-up care, including recommendations for requirements related to (i) providing instructions for follow-up care, (ii) making referrals for any such follow-up care, and (iii) providing information necessary for the patient to schedule initial appointments for such follow-up care, including the name of and contact information for each provider and information regarding any scheduled appointments. The workgroup shall report its recommendations to the Board of Health by October 1, 2022.

CHAPTER 113

An Act to amend and reenact §§ 38.2-1322, 38.2-1329, 38.2-1330, and 38.2-1333 of the Code of Virginia, relating to insurance holding company systems; group capital calculation and liquidity stress test; hazardous financial conditions.

[H 82]

Approved April 6, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-1322, 38.2-1329, 38.2-1330, and 38.2-1333 of the Code of Virginia are amended and reenacted as follows:

§ 38.2-1322. Definitions.

As used in this article:

"Acquiring person" means any person by whom or on whose behalf acquisition of control of any domestic insurer is to be effected.

"Affiliate" of a specific person or a person "affiliated" with a specific person means a person that directly or indirectly through one or more intermediaries, controls, is controlled by or is under common control with the person specified.

"Control," including the terms "controlling," "controlled by" and "under common control with," means direct or indirect possession of the power to direct or cause the direction of the management and policies of a person, through (i) the ownership of voting securities, (ii) by contract other than a commercial contract for goods or nonmanagement services, or (iii) otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person directly or indirectly owns, controls, holds with the power to vote, or holds proxies representing collectively 10 percent or more of the voting securities of any other person. This presumption may be rebutted by a showing made in the manner provided by subsection K of § 38.2-1329 that control does not exist. After giving all interested persons notice and opportunity to be heard and making specific findings to support its determination, the Commission may determine that control exists, notwithstanding the absence of a presumption to that effect.

"Enterprise risk" means any activity, circumstance, event, or series of events involving one or more affiliates of an insurer that, if not remedied promptly, is likely to have a material adverse effect upon the financial condition or liquidity of the insurer or its insurance holding company system as a whole, including, but not limited to, anything that would cause the insurer's risk-based capital to fall into company action level as set forth in § 38.2-5503 or would cause the insurer to be in hazardous financial condition pursuant to 14VAC5-290-30 and 14VAC5-290-40 of the Virginia Administrative Code.

"Group-wide supervisor" means the regulatory official authorized to engage in conducting and coordinating group-wide supervision activities who is determined or acknowledged by the Commission under § 38.2-1332.2 to have sufficient significant contacts with the internationally active insurance group.

"Insurance holding company system" means two or more affiliated persons, one or more of which is an insurer.

"Insurer" means an insurance company as defined in § 38.2-100.

"Internationally active insurance group" means an insurance holding company system that includes an insurer registered under § 38.2-1329 and that meets the following criteria: (i) premiums written in at least three countries; (ii) the percentage of gross premiums written outside the United States is at least 10 percent of the insurance holding company system's total gross written premiums; and (iii) based on a three year rolling average, (a) the total assets of the insurance holding company system are at least \$50 billion or (b) the total gross written premiums of the insurance holding company system are at least \$10 billion.

"Lead state commissioner" means the insurance commissioner, director, or superintendent of the lead state of the insurance holding company system as determined by the Financial Analysis Handbook adopted by the NAIC.

"Material transaction" means (i) any sale, purchase, exchange, loan or extension of credit, or investment; (ii) any dividend or distribution; (iii) any reinsurance treaty or risk-sharing arrangement; (iv) any management contract, service contract or cost-sharing arrangement; (v) any merger with or acquisition of control of any corporation; or (vi) any other transaction or agreement that the Commission by order, rule or regulation determines to be material. Any series of transactions occurring within a 12-month period that are sufficiently similar in nature as to be reasonably construed as a single transaction and that in the aggregate exceed any minimum limits shall be deemed a material transaction.

"NAIC" means the National Association of Insurance Commissioners.

"NAIC Group Capital Calculation Instructions" means the group capital calculation instructions as adopted by the NAIC and as amended by the NAIC from time to time in accordance with the procedures adopted by the NAIC.

"NAIC Liquidity Stress Test Framework" or "Framework" means an NAIC publication that includes a history of the NAIC's development of regulatory liquidity stress testing, the scope criteria applicable for a specific data year, and the

liquidity stress test instructions and reporting templates for a specific data year, as adopted by the NAIC and amended by the NAIC from time to time in accordance with the procedures adopted by the NAIC.

"Scope criteria" means the designated exposure bases along with minimum magnitudes thereof for the specified data year, used to establish a preliminary list of insurers considered scoped into the NAIC Liquidity Stress Test Framework for that data year.

"SEC" means the U.S. Securities and Exchange Commission.

"Subsidiary" of a specified person means an affiliate directly or indirectly controlled by that person through one or more intermediaries.

"Ultimate controlling person" means the person that is not controlled by any other person.

"Voting security" means any security that enables the owner to vote for the election of directors. "Voting security" includes any security convertible into or evidencing a right to acquire a voting security.

§ 38.2-1329. Registration of insurers that are members of holding company system.

A. Each insurer licensed to do business in the Commonwealth that is a member of an insurance holding company system shall register with the Commission.

B. 1. This section shall not apply to any foreign insurer subject to disclosure requirements and standards adopted by statute or regulation in the jurisdiction of its domicile that are substantially similar to those contained in this section, subsection A of § 38.2-1330, subsection D of § 38.2-1330, § 38.2-1330.1, and either (i) a provision substantially similar to subsection B of § 38.2-1330 or (ii) a provision such as the following: "Each registered insurer shall keep current the information required to be disclosed in its registration statement by reporting all material changes or additions within 15 days after the end of the month in which it learns of each change or addition."

2. Any insurer that is subject to registration under this section shall register within 15 days after it becomes subject to registration, and annually thereafter by April 30 of each year for the previous calendar year, unless the Commission for good cause shown extends the time for registration, and then within the extended time.

3. Any licensed insurer that is a member of an insurance holding company system but not subject to registration under this section may be required by the Commission to furnish a copy of the registration statement, or other information filed by the insurer, with the insurance regulatory authority of its domiciliary jurisdiction.

C. Each insurer subject to registration under this section shall file a registration statement on a form provided by the Commission. Such statement shall contain current information on:

1. The capital structure, general financial condition, ownership, and management of the insurer and any person controlling the insurer;

2. The identity of every member of the insurance holding company system;

3. The following agreements in force, continuing relationships and transactions currently outstanding between the insurer and its affiliates:

a. Loans, other investments, or purchases, sales or exchanges of securities of the affiliates by the insurer or of the insurer by its affiliates;

b. Purchases, sales, or exchanges of assets;

c. Transactions not in the ordinary course of business;

d. Guarantees or undertakings for the benefit of an affiliate that result in an actual contingent exposure of the insurer's assets to liability, other than insurance contracts entered into in the ordinary course of the insurer's business;

e. All management and service contracts and all cost-sharing arrangements;

f. Reinsurance agreements or other risk-sharing arrangements;

g. Dividends and other distributions to shareholders; and

h. Consolidated tax allocation agreements;

4. Any pledge of the insurer's stock, including stock of any subsidiary or controlling affiliate, for a loan made to any member of the insurance holding company system;

5. If requested by the Commission, financial statements of or within an insurance holding company system, including all affiliates. Financial statements may include but are not limited to annual audited financial statements filed with the SEC pursuant to the Securities Act of 1933, as amended, or the Securities Exchange Act of 1934, as amended. An insurer required to file financial statements pursuant to this subdivision may satisfy the request by providing the Commission with the most recently filed parent corporation financial statements that have been filed with the SEC;

6. Other matters relating to transactions between registered insurers and any affiliates which may be included from time to time in any registration forms adopted or approved by the Commission;

7. Statements that the corporate governance and internal controls are managed under the direction of the insurer's board of directors in a manner consistent with § 13.1-673 or § 13.1-853 as applicable, and that the insurer's officers or senior management have approved, implemented, and continue to maintain and monitor corporate governance and internal control procedures; and

8. Any other information required by the Commission by rule or regulation.

D. All registration statements shall contain a summary outlining all items in the current registration statement representing changes from the prior registration statement.

E. If information is not material for the purposes of this section, it need not be disclosed on the registration statement filed pursuant to subsection C. Unless the Commission prescribes otherwise *and except for the purposes of*

subsections M and N, sales, purchases, exchanges, loans or extensions of credit, investments, or guarantees involving one-half of one percent or less of an insurer's admitted assets as of the immediately preceding December 31 shall not be deemed material for purposes of this section.

F. Each registered insurer shall report all additional material transactions with affiliates and any material changes in previously reported material transactions with affiliates on amendment forms provided by the Commission. Each insurer shall make its report within 15 days after the end of the month in which it learns of each additional material transaction or material change in material transaction. Subject to § 38.2-1330.1, each insurer shall report to the Commission all dividends and other distributions to shareholders within five business days following their declaration, and such declaration shall confer no rights upon shareholders until:

1. The Commission has approved the payment of such dividend or distribution; or
2. Thirty days after the Commission has received written notice of the declaration thereof and has not within such period disapproved such payment.

Each registered insurer shall also keep current the information required by subsection C by filing an amendment to its registration statement within 120 days after the end of each fiscal year of the ultimate controlling person of the insurance holding company system.

G. The Commission shall terminate the registration of any insurer that demonstrates it no longer is a member of an insurance holding company system.

H. The Commission may require or allow two or more affiliated insurers subject to registration under this section to file a consolidated registration statement or consolidated reports amending their consolidated registration statement or their individual registration statements.

I. The Commission may allow an insurer that is authorized to do business in this Commonwealth and that is part of an insurance holding company system to register on behalf of any affiliated insurer required to register under subsection A and to file all information and material required to be filed under this section.

J. The provisions of this section shall not apply to any insurer, information, or transaction if and to the extent that the Commission by rule, regulation, or order shall exempt the same from the provisions of this section.

K. Any person may file with the Commission a disclaimer of affiliation with any authorized insurer. The disclaimer shall fully disclose all material relationships and bases for affiliation between the person and the insurer as well as the basis for disclaiming the affiliation. A disclaimer of affiliation shall be deemed to have been granted unless the Commission, within 30 days following receipt of a complete disclaimer, notifies the filing party the disclaimer is disallowed. In the event of disallowance, the disclaiming party may request a hearing. The disclaiming party shall be relieved of its duty to register under this section if approval of the disclaimer has been granted by the Commission or if the disclaimer is deemed to have been approved.

L. The ultimate controlling person of every insurer subject to registration shall also file an annual enterprise risk report. The report shall be appropriate to the nature, scale, and complexity of the operations of the insurance holding company system, and shall, to the best of the ultimate controlling person's knowledge and belief, identify the material risks within the insurance holding company system that could pose enterprise risk to the insurer. The report shall be filed with the ~~insurance lead state commissioner, director, or superintendent of the lead state of the insurance holding company system as determined by the procedures within the Financial Analysis Handbook adopted by the NAIC.~~

M. Except as provided below, the ultimate controlling person of every insurer subject to registration shall concurrently file with the registration an annual group capital calculation as directed by the lead state commissioner. The report shall be completed in accordance with the NAIC Group Capital Calculation Instructions, which may permit the lead state commissioner to allow a controlling person that is not the ultimate controlling person to file the group capital calculation. The report shall be filled with the lead state commissioner of the insurance holding company system. The following insurance holding company systems are exempt from filing the group capital calculation:

1. An insurance holding company system that has only one insurer within its holding company structure, that only writes business and is only licensed in its domestic state, and that assumes no business from any other insurer.

2. Any insurance holding company system that is required to perform a group capital calculation specified by the Federal Reserve Board. The lead state commissioner shall request the calculation from the Federal Reserve Board under the terms of information sharing agreements in effect. However, if the Federal Reserve Board cannot share the calculation with the lead state commissioner, the insurance holding company shall not be exempt from filing the group capital calculation.

3. An insurance holding company system whose non-U.S. group-wide supervisor is located within a reciprocal jurisdiction as described in subsection E of § 38.2-1316.2 that recognizes the U.S. state regulatory approach to group supervision and group capital.

4. An insurance holding system:

a. That provides information to the lead state that meets the requirements for accreditation under the NAIC financial standards and accreditation program, either directly or indirectly through the group-wide supervisor, who has determined such information is satisfactory to allow the lead state to comply with the NAIC group supervision approach, as detailed in the NAIC Financial Analysis Handbook; and

b. Whose non-U.S. group-wide supervisor that is not located in a reciprocal jurisdiction recognizes and accepts, as specified by the Commission in regulation, the group capital calculation as the worldwide group capital assessment for the U.S. insurance groups that operate in that jurisdiction.

Notwithstanding the exemptions provided for in subdivisions 3 and 4, a lead state commissioner shall require the group capital calculation for U.S. operations of any non-U.S.-based insurance holding company system where, after any necessary consultation with other supervisors or officials, it is deemed appropriate by the lead state commissioner for prudential oversight and solvency monitoring purposes or for ensuring the competitiveness of the insurance market.

Notwithstanding the exemptions provided for in subdivisions 1 through 4, the lead state commissioner has the discretion to exempt the ultimate controlling person from filing the annual group capital calculation or to accept a limited group capital filing or report in accordance with criteria as specified by the Commission in regulation.

If the lead state commissioner determines that an insurance holding company system no longer meets one or more of the requirements for an exemption specified in subdivisions 1 through 4, the insurance holding company system shall file the group capital calculation at the next annual filing date unless given an extension by the lead state commissioner based on reasonable grounds shown.

N. The ultimate controlling person of every insurer subject to registration and scoped into the NAIC Liquidity Stress Test Framework shall file the results of a specific year's liquidity stress test. The filing shall be made to the lead state commissioner of the insurance holding company system.

1. Any change to the NAIC Liquidity Stress Test Framework or to the data year for which the scope criteria are to be measured shall be effective on January 1 of the year following the calendar year when such changes are adopted. Insurers meeting at least one threshold of the scope criteria are considered scoped in the Framework for the specified data year unless the lead state commissioner, in consultation with the NAIC Financial Stability Task Force or its successor, determines the insurer should not be scoped into the Framework for that data year. Insurers that do not trigger at least one threshold of the scope criteria shall be considered scoped out of the Framework for the specified data year, unless the lead state commissioner, in consultation with the NAIC Financial Stability Task Force or its successor, determines the insurer should be scoped into the Framework for that data year.

2. The performance of and filing of the results from a specific year's liquidity stress test shall comply with Framework's instructions and reporting templates for that year and any lead state commissioner determinations, in consultation with the NAIC Financial Stability Task Force or its successor, provided within the Framework.

O. The failure to file a registration statement or any summary of the registration statement or enterprise risk filing required by this section within the time specified for filing shall be a violation of this section.

§ 38.2-1330. Standards for transactions within an insurance holding company system; adequacy of surplus.

A. Transactions within an insurance holding company system to which an insurer subject to registration is a party shall be subject to the following standards:

1. The terms shall be fair and reasonable;

2. Agreements for cost-sharing services and management shall include such provisions as required by rule or regulation promulgated by the Commission;

3. Charges or fees for services performed shall be reasonable;

4. Expenses incurred and payments received shall be allocated to the insurer in conformity with customary insurance accounting practices consistently applied;

5. The books, accounts, and records of each party shall disclose clearly and accurately the precise nature and details of the transactions, including such accounting information as is necessary to support the reasonableness of the charges or fees to the respective parties; ~~and~~

6. The insurer's surplus as regards policyholders following any dividends or distributions to shareholder affiliates shall be reasonable in relation to the insurer's outstanding liabilities and adequate to meet its financial needs;

7. If an insurer subject to this article is deemed by the Commission to be in a hazardous financial condition as defined by 14VAC5-290 or a condition that would be grounds for supervision, conservation, or a delinquency proceeding, then the Commission may require the insurer to secure and maintain either a deposit held by the Commission or a bond as determined by the insurer at the insurer's discretion, for the protection of the insurer for the duration of the contract, agreement, or existence of the condition for which the Commission required deposit or bond.

In determining if a deposit or bond is required, the Commission shall consider whether concerns exist with respect to the affiliated person's ability to fulfill the contract or agreement if the insurer were to be put into liquidation. Once the insurer is deemed to be in a hazardous financial condition or a condition that would be grounds for supervision, conservation, or a delinquency proceeding, and a deposit or bond is necessary, the Commission has the discretion to determine the amount of the deposit or bond, not to exceed the value of the contract or agreement in any one year, and whether such deposit or bond shall be required for a single contract, multiple contracts, or a contract only with a specific person;

8. All records and data of the insurer held by an affiliate are and remain the property of the insurer, are subject to the control of the insurer, are identifiable, and are segregated or readily capable of segregation at no additional cost to the insurer from all other persons' records and data. This includes all records and data that are otherwise the property of the insurer, in whatever form maintained, including claims and claim files, policyholder lists, application files, litigation files, premium records, rate books, underwriting manuals, personnel records, financial records, or similar records within the

possession, custody, or control of the affiliate. At the request of the insurer, the affiliate shall provide that the receiver may (i) obtain a complete set of all records of any type that pertain to the insurer's business, (ii) obtain access to the operating systems on which the data is maintained, (iii) obtain the software that runs those systems either through assumption of licensing agreements or otherwise, and (iv) restrict the use of the data by the affiliate if it is not operating the insurer's business. The affiliate shall provide a waiver of any landlord lien or other encumbrance to give the insurer access to all records and data in the event of the affiliate's default under a lease or other agreement; and

9. Premiums or other funds belonging to the insurer that are collected by or held by an affiliate are the exclusive property of the insurer and subject to the control of the insurer. Any right of offset in the event that an insurer is placed into receivership shall be subject to Chapter 15 (§ 38.2-1500 et seq.).

B. Transactions described in subdivisions 1 through 7 that involve a domestic insurer and any person in its insurance holding company system, including amendments or modifications of affiliate agreements previously filed pursuant to this section, that are subject to materiality standards contained in such subdivisions may not be entered into unless the insurer has notified the Commission in writing of its intention to enter into the transaction at least 30 days prior thereto, or such shorter period as the Commission may permit, and the Commission has not disapproved it within that period. The notice for amendments or modifications shall include the reasons for the change and the financial impact on the domestic insurer. Informal notice shall be reported, within 30 days after a termination of a previously filed agreement, to the Commission for determination of the type of filing required, if any. Transactions to which this subsection applies, with their materiality standards, are:

1. Sales, purchases, exchanges, loans, extensions of credit, or investments, provided the transactions are equal to or exceed:

a. With respect to nonlife insurers, the lesser of three percent of the insurer's admitted assets or 25 percent of surplus as regards policyholders as of the immediately preceding December 31; or

b. With respect to life insurers, three percent of the insurer's admitted assets as of the immediately preceding December 31;

2. Loans or extensions of credit to any person who is not an affiliate, where the insurer makes loans or extensions of credit with the agreement or understanding that the proceeds of the transactions, in whole or in substantial part, are to be used to make loans or extensions of credit to, to purchase assets of, or to make investments in, any affiliate of the insurer making the loans or extensions of credit, provided the transactions are equal to or exceed:

a. With respect to nonlife insurers, the lesser of three percent of the insurer's admitted assets or 25 percent of surplus as regards policyholders as of the immediately preceding December 31; or

b. With respect to life insurers, three percent of the insurer's admitted assets as of the immediately preceding December 31;

3. Reinsurance agreements or modifications thereto, including:

a. All reinsurance pooling agreements; and

b. Agreements in which the reinsurance premium or a change in the insurer's liabilities, or the projected reinsurance premium or a change in the insurer's liabilities in any of the next three years, equals or exceeds five percent of the insurer's surplus as regards policyholders, as of the immediately preceding December 31, including those agreements that may require as consideration the transfer of assets from an insurer to a nonaffiliate, if an agreement or understanding exists between the insurer and nonaffiliate that any portion of the assets will be transferred to one or more affiliates of the insurer;

4. All management agreements, service contracts, tax allocation agreements, guarantees, and cost-sharing arrangements;

5. Guarantees when made by a domestic insurer, provided, however, that a guarantee that is quantifiable as to amount is not subject to the notice requirements of this subdivision unless it exceeds the lesser of one-half of one percent of the insurer's admitted assets or 10 percent of surplus as regards policyholders as of the immediately preceding December 31. Further, all guarantees that are not quantifiable as to amount are subject to the notice requirements of this subdivision;

6. Direct or indirect acquisitions or investments in a person that controls the insurer or in an affiliate of the insurer in an amount that, together with its present holdings in such investments, exceeds two and one-half percent of the insurer's surplus to policyholders. The Commission may exempt such a transaction by regulation; and

7. Any material transactions that the Commission determines may adversely affect the interests of the insurer's policyholders.

Nothing in this subsection shall be deemed to authorize or permit any transactions that, in the case of an insurer not a member of the same insurance holding company system, would be otherwise contrary to law.

C. In addition:

1. Notwithstanding the control of a domestic insurer by any person, the officers and directors of the insurer shall not thereby be relieved of any obligation or liability to which they would otherwise be subject by law, and the insurer shall be managed so as to assure its separate operating identity consistent with this article;

2. Nothing in this section shall preclude a domestic insurer from having or sharing a common management or cooperative or joint use of personnel, property, or services with one or more other persons under arrangements meeting the standards of subsection A;

3. Not less than one-third of the directors of a domestic insurer, and not less than one-third of the members of each committee of the board of directors of any domestic insurer, shall be persons who are not officers or employees of the

insurer or of any entity controlling, controlled by, or under common control with the insurer and who are not beneficial owners of a controlling interest in the voting stock of the insurer or entity. At least one such person shall be included in any quorum for the transaction of business at any meeting of the board of directors or any committee thereof;

4. The board of directors of a domestic insurer shall establish one or more committees composed solely of directors who are not officers or employees of the insurer or of any entity controlling, controlled by, or under common control with the insurer and who are not beneficial owners of a controlling interest in the voting stock of the insurer or any such entity. The committee or committees shall have responsibility for nominating candidates for director for election by shareholders or policyholders, evaluating the performance of officers deemed to be principal officers of the insurer, and recommending to the board of directors the selection and compensation of the principal officers;

5. The provisions of subdivisions 3 and 4 shall not apply to a domestic insurer if the person controlling the insurer, such as an insurer, a mutual insurance holding company, or a publicly held corporation, has a board of directors and committees thereof that meet the requirements of subdivisions 3 and 4 with respect to such controlling entity; and

6. An insurer may make application to the Commission for a waiver from the requirements of this subsection if the insurer's annual direct written and assumed premium, excluding premiums reinsured with the Federal Crop Insurance Corporation and National Flood Insurance Program, is less than \$300 million. An insurer may also make application to the Commission for a waiver from the requirements of this subsection based upon unique circumstances. The Commission may consider various factors including the type of business entity, volume of business written, availability of qualified board members, or ownership or organizational structure of the entity.

D. For purposes of this article, in determining whether an insurer's surplus as regards policyholders is reasonable in relation to the insurer's outstanding liabilities and adequate to meet its financial needs, the following factors, among others, shall be considered:

1. The size of the insurer as measured by its assets, capital and surplus, reserves, premium writings, insurance in force, and other appropriate criteria;

2. The extent to which the insurer's business is diversified among different lines of insurance;

3. The number and size of risks insured in each line of business;

4. The extent of the geographical dispersion of the insurer's insured risk;

5. The nature and extent of the insurer's reinsurance program;

6. The quality, diversification, and liquidity of the insurer's investment portfolio;

7. The recent past and projected future trend in the size of the insurer's surplus to policyholders;

8. The recent past and projected future trend in the size of the insurer's investment portfolio;

9. The surplus as regards policyholders maintained by other comparable insurers;

10. The adequacy of the insurer's reserves;

11. The quality of the insurer's earnings and the extent to which the reported earnings of the insurer include extraordinary items; and

12. The quality and liquidity of investments in affiliates. The Commission in its judgment may classify any investment as a nonadmitted asset for the purpose of determining the adequacy of surplus as regards policyholders.

E. No domestic insurer shall enter into transactions that are part of a plan or series of like transactions with persons within the insurance holding company system if the purpose of those separate transactions is to avoid the statutory threshold amount and thus avoid the review that otherwise would be required. If the Commission determines that separate transactions were entered into over any 12-month period for that purpose, the Commission may exercise its authority under § 38.2-1334.2:2.

F. The Commission, in reviewing transactions pursuant to subsection B, shall consider whether the transactions comply with the standards set forth in subsection A and whether they may adversely affect the interests of policyholders.

G. The Commission shall be notified in writing within 30 days of any investment of the domestic insurer in any one corporation if the total investment in such corporation by the insurance holding company system exceeds 10 percent of such corporation's voting securities.

H. *Any affiliate that is party to a contract or agreement described in subdivision B 4 with a domestic insurer shall be subject to the jurisdiction of any supervision, seizure, conservatorship, or receivership proceedings against the insurer and to the authority of any supervisor, conservator, rehabilitator, or liquidator for the insurer appointed pursuant to Chapter 15 (§ 38.2-1500 et seq.) for the purpose of interpreting, enforcing, and overseeing the affiliate's obligations under the agreement or contract to perform services for the insurer that are (i) an integral part of the insurer's operation, including management, administrative, accounting, data processing, marketing, underwriting, claims handling, investment, or any other similar functions or (ii) essential to the insurer's ability to fulfill its obligations under insurance policies. The Commission may require that an agreement or contract described in subdivision B 4 for the provision of services described in clause (i) or (ii) specify that the affiliate consents to the jurisdiction as set forth in this subsection.*

§ 38.2-1333. Confidential treatment of information and documents.

A. All documents, materials, or other information obtained by or disclosed to the Commission or any other person in the course of an examination or investigation made pursuant to § 38.2-1332, and all information reported or provided to the Commission pursuant to subdivisions A 12 and 13 of § 38.2-1324 and §§ 38.2-1329, 38.2-1330, 38.2-1330.1, and 38.2-1332.2 is declared to be proprietary and to contain trade secrets and shall be confidential by law and privileged, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action.

However, the Commission is authorized to use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the Commission's official duties. The Commission shall not otherwise make the documents, materials, or other information public without the prior written consent of the insurer to which they pertain. After an insurer and its affiliates have been given notice and opportunity to be heard, the Commission may publish all or any part of the documents, materials, or other information referred to in this section in any manner it considers appropriate if it determines that the interests of policyholders or the public will be served by the publication.

1. *For the purposes of the information reported to the Commission pursuant to subsection M of § 38.2-1329, the Commission shall maintain the confidentiality of the group capital calculation and group capital ratio produced within the calculation and any group capital information received from an insurance holding company system supervised by the Federal Reserve Board or U.S. group-wide supervisor.*

2. *For the purposes of the information reported to the Commission pursuant to subsection N of § 38.2-1329, the Commission shall maintain the confidentiality of the liquidity stress test results and supporting disclosures and any liquidity stress test information received from an insurance holding company system supervised by the Federal Reserve Board and non-U.S. group-wide supervisor.*

B. Neither the Commission nor any person who received documents, materials, or other information while acting under the authority of the Commission or with whom such documents, materials, or other information are shared pursuant to this article shall be permitted or required to testify in any private civil action concerning any confidential documents, materials, or information subject to subsection A.

C. In order to assist in the performance of the Commission's duties, the Commission:

1. May share documents, materials, or other information, including the confidential and privileged documents, materials, or information subject to subsection A, *including proprietary and trade secret documents and materials*, with other state, federal, and international regulatory agencies; with the NAIC ~~and its affiliates and subsidiaries~~; *with any third-party consultants designated by the Commission*; and with state, federal, and international law-enforcement authorities, including members of any supervisory college described in § 38.2-1332.1, provided that the recipient agrees in writing to maintain the confidentiality and privileged status of the document, material, or other information and has verified in writing the legal authority to maintain confidentiality;

2. May, notwithstanding subdivision 1, only share confidential and privileged documents, materials, or information reported pursuant to subsection L of § 38.2-1329 with insurance commissioners in any states that have statutes or regulations substantially similar to subsection A and that have agreed in writing not to disclose such information;

3. May receive documents, materials, or information, including otherwise confidential and privileged documents, materials, or information, *including proprietary and trade secret information* from the NAIC and its affiliates and subsidiaries and from regulatory and law-enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential or privileged any documents, materials, or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or information; and

4. Shall enter into written agreements with the NAIC *and any third-party consultant designated by the Commission* governing sharing and use of information provided pursuant to this article consistent with this subsection that shall:

a. Specify procedures and protocols regarding the confidentiality and security of information shared with the NAIC ~~and its affiliates and subsidiaries~~ *or a third-party consultant designated by the Commission* pursuant to this article, including procedures and protocols for sharing by the NAIC with other state, federal, or international regulators. *The agreement shall provide that the recipient agrees in writing to maintain the confidentiality and privileged status of the documents, materials, or other information and has verified in writing the legal authority to maintain such confidentiality;*

b. Specify that ownership of information shared with the NAIC ~~and its affiliates and subsidiaries~~ *or a third-party consultant designated by the Commission* pursuant to this article remains with the Commission and that the NAIC's *or third party consultant's* use of the information is subject to the direction of the Commission;

c. *Except for documents, material, or information reported pursuant to subsection N of § 38.2-1329, prohibit the NAIC or third-party consultant designated by the Commission from storing the information shared pursuant to this article in a permanent database after the underlying analysis is completed;*

d. Require prompt notice to be given to an insurer whose confidential information in the possession of the NAIC *or a third-party consultant designated by the Commission* pursuant to this article is subject to a request or subpoena to the NAIC *or a third-party consultant designated by the Commission* for disclosure or production; ~~and~~

~~d. e.~~ Require the NAIC ~~and its affiliates and subsidiaries~~ *or a third-party consultant designated by the Commission* to consent to intervention by an insurer in any judicial or administrative action in which the NAIC and its affiliates and subsidiaries may be required to disclose confidential information about the insurer shared with the NAIC ~~and its affiliates and subsidiaries~~ *or a third-party consultant designated by the Commission* pursuant to this article; *and*

f. *For documents, materials, and information reported pursuant to subsection N of § 38.2-1329, in the case of an agreement involving a third-party consultant, provide for notification of the identity of the consultant to the applicable insurers.*

D. The sharing of information by the Commission pursuant to this article shall not constitute a delegation of regulatory authority or rulemaking, and the Commission is solely responsible for the administration, execution, and enforcement of the provisions of this article.

E. No waiver of any applicable privilege or claim of confidentiality in the documents, materials, or information shall occur as a result of disclosure to the Commission under this section or as a result of sharing as authorized in subsection C.

F. Documents, materials, or other information in the possession or control of the NAIC or a third-party consultant designated by the Commission pursuant to this article shall be confidential by law and privileged, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action.

G. Except as otherwise provided by the provisions of this article, the making, publishing, disseminating, circulating, or placing before the public, or causing directly or indirectly to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio or television station or any electronic means of communication available to the public, or in any other way as an advertisement, announcement, or statement containing a representation or statement with regard to the group capital calculation, group capital ratio, liquidity stress test results, or supporting disclosures for the liquidity stress test, of any insurer or any insurer group, or of any component derived in the calculation by an insurer, broker, or other person engaged in any manner in the insurance business, shall be prohibited. However, if any materially false statement with respect to the group capital calculation, the resulting group capital ratio, an inappropriate comparison of any amount to an insurer's or insurance group's group capital calculation or resulting group capital ratio, the liquidity stress test result, or supporting disclosures is published in any written publication, and the insurer is able to demonstrate to the Commission with substantial proof the falsity or the inappropriateness of such statement, as the case may be, then the insurer may publish announcements in a written publication if the sole purpose of the announcement is to rebut the materially false or inappropriate statement.

CHAPTER 114

An Act to amend and reenact §§ 54.1-3446, 54.1-3448, 54.1-3452, and 54.1-3454 of the Code of Virginia, relating to Drug Control Act; Schedule I; Schedule II; Schedule IV; Schedule V.

[H 193]

Approved April 6, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3446, 54.1-3448, 54.1-3452, and 54.1-3454 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-3446. Schedule I.

The controlled substances listed in this section are included in Schedule I:

1. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

1-[1-[1-(4-bromophenyl)ethyl]-4-piperidinyl]-1,3-dihydro-2H-benzimidazol-2-one (other name: Brorphine);

1-[2-methyl-4-(3-phenyl-2-propen-1-yl)-1-piperazinyl]-1-butanone (other name: 2-methyl AP-237);

1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (other name: PEPAP);

1-methyl-4-phenyl-4-propionoxypiperidine (other name: MPPP);

2-[(4-methoxyphenyl)methyl]-N,N-diethyl-5-nitro-1H-benzimidazole-1-ethanamine (other name: Metonitazene);

2-methoxy-N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-acetamide (other name: Methoxyacetyl fentanyl);

3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methyl-benzamide (other name: U-47700);

3,4-dichloro-N-[[1-(dimethylamino)cyclohexyl]methyl]benzamide (other name: AH-7921);

Acetyl fentanyl (other name: desmethyl fentanyl);

Acetylmethadol;

Allylprodine;

Alphacetylmethadol (except levo-alpha-acetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);

Alphameprodine;

Alphamethadol;

Benzethidine;

Betacetylmethadol;

Betameprodine;

Betamethadol;

Betaprodine;

Clonitazene;

Dextromoramide;

Diampromide;

Diethylthiambutene;

Difenoxin;

Dimenoxadol;

Dimepheptanol;
Dimethylthiambutene;
Dioxaphetylbutyrate;
Dipipanone;
Ethylmethylthiambutene;
Etonitazene;
Etoxidine;
Furethidine;
Hydroxypethidine;
Ketobemidone;
Levomoramide;
Levophenacetylmorphan;
Morpheridine;
MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine);
N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (other name: Cyclopropyl fentanyl);
N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide (other name: Tetrahydrofuranyl fentanyl);
N-[1-[1-methyl-2-(2-thienyl)ethyl]-4-piperidyl]-N-phenylpropanamide (other name: alpha-methylthiofentanyl);
N-[1-(1-methyl-2-phenylethyl)-4-piperidyl]-N-phenylacetamide (other name: acetyl-alpha-methylfentanyl);
N-{1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidyl}-N-phenylpropanamide (other name: beta-hydroxythiofentanyl);
N-[1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide (other name: beta-hydroxyfentanyl);
N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide (other names:
1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine, alpha-methylfentanyl);
N-(2-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidyl]-propanamide (other names: 2-fluorofentanyl,
ortho-fluorofentanyl);
N-(3-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidyl]-propanamide (other name: 3-fluorofentanyl);
N-[3-methyl-1-(2-hydroxy-2-phenylethyl)-4-piperidyl]-N-phenylpropanamide (other name:
beta-hydroxy-3-methylfentanyl);
N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide (other name: 3-methylfentanyl);
N-[3-methyl-1-(2-thienyl)ethyl-4-piperidyl]-N-phenylpropanamide (other name: 3-methylthiofentanyl);
*N-(4-chlorophenyl)-N-[1-(2-phenylethyl)-4-piperidyl]-propanamide (other names: para-chlorofentanyl,
4-chlorofentanyl);*
N-(4-fluorophenyl)-2-methyl-N-[1-(2-phenylethyl)-4-piperidyl]-propanamide (other name: para-fluoroisobutyryl
fentanyl);
N-(4-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidyl]-butanamide (other name: para-fluorobutyrylfentanyl);
N-(4-fluorophenyl)-N-1-(2-phenylethyl)-4-piperidyl]-propanamide (other name: para-fluorofentanyl);
N,N-diethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine (other name: Isotonitazene);
*N,N-diethyl-2-[(4-ethoxyphenyl) methyl]-1H-benzimidazol-1-yl]-ethan-1-amine (other names: Etazene,
Desnitroetonitazene);*
N,N-diethyl-2-[(4-methoxyphenyl)methyl]-1H-benzimidazole-1-ethanamine (other name: Metodesnitazene);
N-phenyl-N-[1-(2-phenylmethyl)-4-piperidyl]-2-furancarboxamide (other name: N-benzyl Furanyl norfentanyl);
N-phenyl-N-(4-piperidyl)-propanamide (other name: Norfentanyl);
Noracymethadol;
Norlevorphanol;
Normethadone;
Norpipanone;
N-phenyl-N-[1-(2-phenylethyl)-4-piperidyl]-2-furancarboxamide (other name: Furanyl fentanyl);
N-phenyl-N-[1-(2-phenylethyl)-4-piperidyl]-2-propenamide (other name: Acryl fentanyl);
N-phenyl-N-[1-(2-phenylethyl)-4-piperidyl]-butanamide (other name: butyryl fentanyl);
N-phenyl-N-[1-(2-phenylethyl)-4-piperidyl]-pentanamide (other name: Pentanoyl fentanyl);
N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidyl]-propanamide (other name: thiofentanyl);
Phenadoxone;
Phenampramide;
Phenomorphin;
Phenoperidine;
Piritramide;
Proheptazine;
Propiridine;
Propiram;
Racemoramide;
Tilidine;
Trimeperidine;

- N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-1,3-benzodioxole-5-carboxamide (other name: Benzodioxole fentanyl);
 3,4-dichloro-N-[2-(diethylamino)cyclohexyl]-N-methylbenzamide (other name: U-49900);
 2-(2,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-methyl acetamide (other name: U-48800);
 2-(3,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-methyl acetamide (other name: U-51754);
 N-(2-fluorophenyl)-2-methoxy-N-[1-(2-phenylethyl)-4-piperidinyl]-acetamide (other name: Ocfentanil);
 N-(4-methoxyphenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name: 4-methoxybutyrylfentanyl);
 N-phenyl-2-methyl-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: Isobutyryl fentanyl);
 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-cyclopentanecarboxamide (other name: Cyclopentyl fentanyl);
 N-phenyl-N-(1-methyl-4-piperidinyl)-propanamide (other name: N-methyl norfentanyl);
 N-[2-(dimethylamino)cyclohexyl]-N-methyl-1,3-benzodioxole-5-carboxamide (other names: 3,4-methylenedioxy U-47700 or 3,4-MDO-U-47700);
 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-butanamide (other name: Crotonyl fentanyl);
 N-phenyl-N-[4-phenyl-1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: 4-phenylfentanyl);
 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-benzamide (other names: Phenyl fentanyl, Benzoyl fentanyl);
 N-[2-(dimethylamino)cyclohexyl]-N-phenylfuran-2-carboxamide (other name: Furanyl UF-17);
 N-[2-(dimethylamino)cyclohexyl]-N-phenylpropionamide (other name: UF-17);
 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-isopropyl-benzamide (other name: Isopropyl U-47700).
2. Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:
- Acetorphine;
 - Acetyldihydrocodeine;
 - Benzylmorphine;
 - Codeine methylbromide;
 - Codeine-N-Oxide;
 - Cyprenorphine;
 - Desomorphine;
 - Dihydromorphine;
 - Drotebanol;
 - Etorphine;
 - Heroin;
 - Hydromorphinol;
 - Methyldesorphine;
 - Methyldihydromorphine;
 - Morphine methylbromide;
 - Morphine methylsulfonate;
 - Morphine-N-Oxide;
 - Myorphine;
 - Nicocodeine;
 - Nicomorphine;
 - Normorphine;
 - Pholcodine;
 - Thebacon.
3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this subdivision only, the term "isomer" includes the optical, position, and geometric isomers):
- Alpha-ethyltryptamine (some trade or other names: Monase; a-ethyl-1H-indole-3-ethanamine; 3-2-aminobutyl] indole; a-ET; AET);
 - 4-Bromo-2,5-dimethoxyphenethylamine (some trade or other names: 2-4-bromo-2,5-dimethoxyphenyl]-1-aminoethane; alpha-desmethyl DOB; 2C-B; Nexus);
 - 3,4-methylenedioxy amphetamine;
 - 5-methoxy-3,4-methylenedioxy amphetamine;
 - 3,4,5-trimethoxy amphetamine;
 - Alpha-methyltryptamine (other name: AMT);
 - Bufotenine;
 - Diethyltryptamine;
 - Dimethyltryptamine;
 - 4-methyl-2,5-dimethoxyamphetamine;
 - 2,5-dimethoxy-4-ethylamphetamine (DOET);
 - 4-fluoro-N-ethylamphetamine;
 - 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);

Ibogaine;
 5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);
 Lysergic acid diethylamide;
 Mescaline;
 Parahexyl (some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo [b,d]pyran; Synhexyl);
 Peyote;
 N-ethyl-3-piperidyl benzilate;
 N-methyl-3-piperidyl benzilate;
 Psilocybin;
 Psilocyn;
 Salvinorin A;
 Tetrahydrocannabinols, except as present in (i) industrial hemp, as defined in § 3.2-4112, that is possessed by a person registered pursuant to subsection A of § 3.2-4115 or his agent; (ii) a hemp product, as defined in § 3.2-4112, containing a tetrahydrocannabinol concentration of no greater than 0.3 percent that is derived from industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or federal law; (iii) marijuana; (iv) dronabinol in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration; or (v) industrial hemp, as defined in § 3.2-4112, that is possessed by a person who holds a hemp producer license issued by the U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990;
 2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-a-methylphenethylamine; 2,5-DMA);
 3,4-methylenedioxymethamphetamine (MDMA), its optical, positional and geometric isomers, salts and salts of isomers;
 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4 (methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);
 N-hydroxy-3,4-methylenedioxyamphetamine (some other names: N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA);
 4-bromo-2,5-dimethoxyamphetamine (some trade or other names: 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA);
 4-methoxyamphetamine (some trade or other names: 4-methoxy-a-methylphenethylamine; paramethoxyamphetamine; PMA);
 Ethylamine analog of phencyclidine (some other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);
 Pyrrolidine analog of phencyclidine (some other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP);
 Thiophene analog of phencyclidine (some other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienyl analog of phencyclidine, TPCP, TCP);
 1-1-(2-thienyl)cyclohexyl]pyrrolidine (other name: TCPy);
 3,4-methylenedioxypropylvalerone (other name: MDPV);
 4-methylmethcathinone (other names: mephedrone, 4-MMC);
 3,4-methylenedioxyethcathinone (other name: methylone);
 Naphthylpyrovalerone (other name: naphyrone);
 4-fluoromethcathinone (other names: flephedrone, 4-FMC);
 4-methoxymethcathinone (other names: methedrone; bk-PMMA);
 Ethcathinone (other name: N-ethylcathinone);
 3,4-methylenedioxyethcathinone (other name: ethylone);
 Beta-keto-N-methyl-3,4-benzodioxolylbutanamine (other name: butylone);
 N,N-dimethylcathinone (other name: metamfepramone);
 Alpha-pyrrolidinopropiophenone (other name: alpha-PPP);
 4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP);
 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP);
 Alpha-pyrrolidinovalerophenone (other name: alpha-PVP);
 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (other name: MDAI);
 3-fluoromethcathinone (other name: 3-FMC);
 4-Ethyl-2,5-dimethoxyphenethylamine (other name: 2C-E);
 4-Iodo-2,5-dimethoxyphenethylamine (other name: 2C-I);
 4-Methylethcathinone (other name: 4-MEC);
 4-Ethylmethcathinone (other name: 4-EMC);
 N,N-diallyl-5-methoxytryptamine (other name: 5-MeO-DALT);
 Beta-keto-methylbenzodioxolylpentanamine (other names: Pentylone, bk-MBDP);
 Alpha-methylamino-butyrophenone (other name: Buphedrone);
 Alpha-methylamino-valerophenone (other name: Pentedrone);
 3,4-Dimethylmethcathinone (other name: 3,4-DMMC);

4-methyl-alpha-pyrrolidinopropiophenone (other name: MPPP);
4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 25-I, 25I-NBOMe, 2C-I-NBOMe);
Methoxetamine (other names: MXE, 3-MeO-2-Oxo-PCE);
4-Fluoromethamphetamine (other name: 4-FMA);
4-Fluoroamphetamine (other name: 4-FA);
2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (other name: 2C-D);
2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (other name: 2C-C);
2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-2);
2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-4);
2-(2,5-Dimethoxyphenyl)ethanamine (other name: 2C-H);
2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (other name: 2C-N);
2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (other name: 2C-P);
(2-aminopropyl)benzofuran (other name: APB);
(2-aminopropyl)-2,3-dihydrobenzofuran (other name: APDB);
4-chloro-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 2C-C-NBOMe, 25C-NBOMe, 25C);
4-bromo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 2C-B-NBOMe, 25B-NBOMe, 25B);
Acetoxymethyltryptamine (other names: AcO-Psilocin, AcO-DMT, Psilacetin);
Benocyclidine (other names: BCP, BTCP);
Alpha-pyrrolidinobutiophenone (other name: alpha-PBP);
3,4-methylenedioxy-N,N-dimethylcathinone (other names: Dimethylone, bk-MDDMA);
4-bromomethcathinone (other name: 4-BMC);
4-chloromethcathinone (other name: 4-CMC);
4-Iodo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25I-NBOH);
Alpha-Pyrrolidinohexiophenone (other name: alpha-PHP);
Alpha-Pyrrolidinoheptiophenone (other name: PV8);
5-methoxy-N,N-methylisopropyltryptamine (other name: 5-MeO-MIPT);
Beta-keto-N,N-dimethylbenzodioxolylbutanamine (other names: Dibutylone, bk-DMBDB);
Beta-keto-4-bromo-2,5-dimethoxyphenethylamine (other name: bk-2C-B);
1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-pentanone (other name: N-ethylpentylone);
1-[1-(3-methoxyphenyl)cyclohexyl]piperidine (other name: 3-methoxy PCP);
1-[1-(4-methoxyphenyl)cyclohexyl]piperidine (other name: 4-methoxy PCP);
4-Chloroethcathinone (other name: 4-CEC);
3-Methoxy-2-(methylamino)-1-(4-methylphenyl)-1-propanone (other name: Mexedrone);
1-propionyl lysergic acid diethylamide (other name: 1P-LSD);
(2-Methylaminopropyl)benzofuran (other name: MAPB);
1-(1,3-benzodioxol-5-yl)-2-(dimethylamino)-1-pentanone (other names: N,N-Dimethylpentylone, Dipentylone);
1-(4-methoxyphenyl)-2-(pyrrolidin-1-yl)octan-1-one (other name: 4-methoxy-PV9);
3,4-tetramethylene-alpha-pyrrolidinovalerophenone (other name: TH-PVP);
4-allyloxy-3,5-dimethoxyphenethylamine (other name: Allylescaline);
4-Bromo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25B-NBOH);
4-chloro-alpha-methylamino-valerophenone (other name: 4-chloropentedrone);
4-chloro-alpha-Pyrrolidinovalerophenone (other name: 4-chloro-alpha-PVP);
4-fluoro-alpha-Pyrrolidinoheptiophenone (other name: 4-fluoro-PV8);
4-hydroxy-N,N-diisopropyltryptamine (other name: 4-OH-DIPT);
4-methyl-alpha-ethylaminopentiophenone;
4-methyl-alpha-Pyrrolidinohexiophenone (other name: MPHP);
5-methoxy-N,N-dimethyltryptamine (other name: 5-MeO-DMT);
5-methoxy-N-ethyl-N-isopropyltryptamine (other name: 5-MeO-EIPT);
6-ethyl-6-nor-lysergic acid diethylamide (other name: ETH-LAD);
6-allyl-6-nor-lysergic acid diethylamide (other name: AL-LAD);
(N-methyl aminopropyl)-2,3-dihydrobenzofuran (other name: MAPDB);
2-(methylamino)-2-phenyl-cyclohexanone (other name: Deschloroketamine);
2-(ethylamino)-2-phenyl-cyclohexanone (other name: deschloro-N-ethyl-ketamine);
2-methyl-1-(4-(methylthio)phenyl)-2-morpholinopropiophenone (other name: MMMP);
Alpha-ethylaminohexanophenone (other name: N-ethylhexedrone);
N-ethyl-1-(3-methoxyphenyl)cyclohexylamine (other name: 3-methoxy-PCE);
4-fluoro-alpha-pyrrolidinohexiophenone (other name: 4-fluoro-alpha-PHP);
N-ethyl-1,2-diphenylethylamine (other name: Ephedrine);

- 2,5-dimethoxy-4-chloroamphetamine (other name: DOC);
 3,4-methylenedioxy-N-tert-butylcathinone;
 Alpha-pyrrolidinoisohexiophenone (other name: alpha-PiHP);
 1-[1-(3-hydroxyphenyl)cyclohexyl]piperidine (other name: 3-hydroxy PCP);
 4-acetyloxy-N,N-diallyltryptamine (other name: 4-AcO-DALT);
 4-hydroxy-N,N-methylisopropyltryptamine (other name: 4-hydroxy-MiPT);
 3,4-Methylenedioxy-alpha-pyrrolidinohexanophenone (other name: MDPHP);
 5-methoxy-N,N-dibutyltryptamine (other name: 5-methoxy-DBT);
 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-butanone (other names: Eutylone, bk-EBDB);
 1-(1,3-benzodioxol-5-yl)-2-(butylamino)-1-pentanone (other name: N-butylpentylone);
 N-benzyl-3,4-dimethoxyamphetamine (other name: N-benzyl-3,4-DMA);
 1-(benzo[d][1,3]dioxol-5-yl)-2-(sec-butylamino)pentan-1-one (other name: N-sec-butyl Pentylone);
 1-cyclopropionyl lysergic acid diethylamide (other name: 1cP-LSD);
 2-(ethylamino)-1-phenylheptan-1-one (other name: N-ethylheptedrone);
 (2-ethylaminopropyl)benzofuran (other name: EAPB);
 4-ethyl-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]benzeneethanamine (other name: 25E-NBOH);
 2-fluoro-Deschloroketamine (other name: 2-(2-fluorophenyl)-2-(methylamino)-cyclohexanone);
 4-hydroxy-N-ethyl-N-propyltryptamine (other name: 4-hydroxy-EPT);
 2-(isobutylamino)-1-phenylhexan-1-one (other names: N-Isobutyl Hexedrone, alpha-isobutylaminohexanophenone);
 1-(4-methoxyphenyl)-N-methylpropan-2-amine (other names: para-Methoxymethamphetamine, PMMA);
 N-ethyl-1-(3-hydroxyphenyl)cyclohexylamine (other name: 3-hydroxy-PCE);
 N-heptyl-3,4-dimethoxyamphetamine (other ~~names:~~ name: N-heptyl-3,4-DMA);
 N-hexyl-3,4-dimethoxyamphetamine (other ~~names:~~ name: N-hexyl-3,4-DMA);
 4-fluoro-3-methyl-alpha-pyrrolidinovalerophenone (other name: 4-fluoro-3-methyl-alpha-PVP);
 4-fluoro-alpha-methylamino-valerophenone (other name: 4-fluoropentedrone);
 N-(1,4-dimethylpentyl)-3,4-dimethoxyamphetamine (other name: N-(1,4-dimethylpentyl)-3,4-DMA);
 4,5-methylenedioxy-N,N-diisopropyltryptamine (other name: 4,5-MDO-DiPT);
 Alpha-pyrrolidinocyclohexanophenone (other name: alpha-PCYP);
 3,4-methylenedioxy-alpha-pyrrolidinoheptiophenone (other name: MDPV8);
 4-chloro-alpha-methylaminobutiophenone (other name: 4-chloro Buphedrone).
4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:
- 5-(2-chlorophenyl)-1,3-dihydro-3-methyl-7-nitro-2H-1,4-benzodiazepin-2-one (other name: Meclonazepam);
 7-chloro-5-(2-fluorophenyl)-1,3-dihydro-1,4-benzodiazepin-2-one (other name: Norfludiazepam);
 Bromazolam;
 Clonazolam;
 Deschloroetizolam;
 Etizolam;
 Flualprazolam;
 Flubromazepam;
 Flubromazolam;
 Gamma hydroxybutyric acid (some other names include GHB; gamma hydroxybutyrate; 4-hydroxybutyrate;
 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);
 Mecloqualone;
 Methaqualone.
5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:
- 2-(3-fluorophenyl)-3-methylmorpholine (other name: 3-fluorophenmetrazine);
 Aminorex (some trade or other names; aminoxaphen; 2-amino-5-phenyl-2-oxazoline);
 4,5-dihydro-5-phenyl-2-oxazolamine);
 Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone,
 2-aminopropiophenone, norephedrone), and any plant material from which Cathinone may be derived;
 Cis-4-methylaminorex (other name: cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);
 Ethylamphetamine;
 Ethyl phenyl(piperidin-2-yl)acetate (other name: Ethylphenidate);
 Fenethylline;

Methcathinone (some other names: 2-(methylamino)-propiofenone; alpha-(methylamino)-propiofenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiofenone; monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR 1432);

N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine);

N,N-dimethylamphetamine (other names: ~~N, N-alpha-trimethyl-benzeneethanamine, N, N-alpha-trimethylphenethylamine~~) *N,N-alpha-trimethyl-benzeneethanamine, N,N-alpha-trimethylphenethylamine*);

Methyl 2-(4-fluorophenyl)-2-(2-piperidinyl)acetate (other name: 4-fluoromethylphenidate);

Isopropyl-2-phenyl-2-(2-piperidinyl)acetate (other name: Isopropylphenidate);

4-chloro-N,N-dimethylcathinone;

3,4-methylenedioxy-N-benzylcathinone (other name: BMDP).

6. Any substance that contains one or more cannabimimetic agents or that contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, and any preparation, mixture, or substance containing, or mixed or infused with, any detectable amount of one or more cannabimimetic agents.

a. "Cannabimimetic agents" includes any substance that is within any of the following structural classes:

2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent;

3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent;

3-(1-naphthoyl)pyrrole with substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent;

1-(1-naphthylmethyl)indene with substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent;

3-phenylacetylindole or 3-benzoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent;

3-cyclopropoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the cyclopropyl ring to any extent;

3-adamantoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent;

N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent; and

N-(adamantyl)-indazole-3-carboxamide with substitution at a nitrogen atom of the indazole ring, whether or not further substituted on the indazole ring to any extent, whether or not substituted on the adamantyl ring to any extent.

b. The term "cannabimimetic agents" includes:

5-(1,1-Dimethylheptyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497);

5-(1,1-Dimethylhexyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C6 homolog);

5-(1,1-Dimethyloctyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C8 homolog);

5-(1,1-Dimethylnonyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C9 homolog);

1-pentyl-3-(1-naphthoyl)indole (other names: JWH-018, AM-678);

1-butyl-3-(1-naphthoyl)indole (other name: JWH-073);

1-pentyl-3-(2-methoxyphenylacetyl)indole (other name: JWH-250);

1-hexyl-3-(naphthalen-1-oyl)indole (other name: JWH-019);

1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (other name: JWH-200);

(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (other name: HU-210);

1-pentyl-3-(4-methoxy-1-naphthoyl)indole (other name: JWH-081);

1-pentyl-3-(4-methyl-1-naphthoyl)indole (other name: JWH-122);

1-pentyl-3-(2-chlorophenylacetyl)indole (other name: JWH-203);

1-pentyl-3-(4-ethyl-1-naphthoyl)indole (other name: JWH-210);

1-pentyl-3-(4-chloro-1-naphthoyl)indole (other name: JWH-398);

1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (other name: AM-694);

1-((N-methylpiperidin-2-yl)methyl)-3-(1-naphthoyl)indole (other name: AM-1220);

1-(5-fluoropentyl)-3-(1-naphthoyl)indole (other name: AM-2201);

1-[(N-methylpiperidin-2-yl)methyl]-3-(2-iodobenzoyl)indole (other name: AM-2233);

Pravadoline (4-methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (other name: WIN 48,098); (4-methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (other name: WIN 48,098);

1-pentyl-3-(4-methoxybenzoyl)indole (other names: RCS-4, SR-19);

1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (other names: RCS-8, SR-18);

1-pentyl-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: UR-144);

1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other names: XLR-11, 5-fluoro-UR-144);

N-adamantyl-1-fluoropentylindole-3-carboxamide (other name: STS-135);
 N-adamantyl-1-pentylindazole-3-carboxamide (other names: AKB48, APINACA);
 1-pentyl-3-(1-adamantoyl)indole (other name: AB-001);
 (8-quinoliny)(1-pentylindol-3-yl)carboxylate (other name: PB-22);
 (8-quinoliny)(1-(5-fluoropentyl)indol-3-yl)carboxylate (other name: 5-fluoro-PB-22);
 (8-quinoliny)(1-cyclohexylmethyl-indol-3-yl)carboxylate (other name: BB-22);
 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: AB-PINACA);
 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide (other name: AB-FUBINACA);
 1-(5-fluoropentyl)-3-(1-naphthoyl)indazole (other name: THJ-2201);
 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: ADB-PINACA);
 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other name:
 AB-CHMINACA);
 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name:
 5-fluoro-AB-PINACA);
~~N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide~~
N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other names:
 ADB-CHMINACA, MAB-CHMINACA);
 Methyl-2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (other name: 5-fluoro-AMB);
 1-naphthalenyl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (other name: NM-2201);
 1-(4-fluorobenzyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: FUB-144);
 1-(5-fluoropentyl)-3-(4-methyl-1-naphthoyl)indole (other name MAM-2201);
~~N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamide~~
N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamide (other name:
 ADB-FUBINACA);
~~Methyl 2-[(1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name:
 MDMB-FUBINACA) 2-[1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name:
 MDMB-FUBINACA);~~
 Methyl 2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other names: 5-fluoro-ADB,
 5-Fluoro-MDMB-PINACA);
~~Methyl 2-((1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl)amino)-3-methylbutanoate (other names:
 AMB-FUBINACA, FUB-AMB) 2-((1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl)amino)-3-methylbutanoate
 (other names: AMB-FUBINACA, FUB-AMB);~~
 N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (other ~~name~~ names: FUB-AKB48,
 5F-APINACA);
 N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (other name: 5F-AKB48);
 N-(adamantanyl)-1-(5-chloropentyl) indazole-3-carboxamide (other name: 5-chloro-AKB48);
 Naphthalen-1-yl 1-pentyl-1H-indazole-3-carboxylate (other name: SDB-005);
 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indole-3-carboxamide (other name: AB-CHMICA);
 1-pentyl-N-(phenylmethyl)-1H-indole-3-carboxamide (other name: SDB-006);
 Quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (other name: FUB-PB-22);
 Methyl N-[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]valinate (other name: MMB-CHMICA);
~~N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide e~~
N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name:
 5-fluoro-ADB-PINACA);
 1-(4-cyanobutyl)-N-(1-methyl-1-phenylethyl)-1H-indazole-3-carboxamide (other name: 4-cyano
 CUMYL-BUTINACA);
~~Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3,3-dimethylbutanoate (other name:
 5-Fluoro-MDMB-PICA) names: 5-fluoro MDMB-PICA, 5F-MDMB-PICA);~~
~~Ethyl 2-((1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl)amino)-3-methylbutanoate e Ethyl~~
2-((1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl)amino)-3-methylbutanoate (other name: EMB-FUBINACA);
 Methyl 2-[1-(4-fluorobutyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name:
 4-fluoro-MDMB-BUTINACA);
 1-(5-fluoropentyl)-N-(1-methyl-1-phenylethyl)-1H-indole-3-carboxamide (other name: 5-fluoro CUMYL-PICA);
 Methyl 2-[1-(pent-4-enyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name: MDMB-4en-PINACA);
 Methyl 2-((1-[(4-fluorophenyl)methyl]-1H-indole-3-carbonyl)amino)-3-methylbutanoate (other names:
 MMB-FUBICA, AMB-FUBICA);
 Methyl 2-[1-(4-penten-1-yl)-1H-indole-3-carboxamido]-3-methylbutanoate (other names: MMB022,
 MMB-4en-PICA);
 Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3-methylbutanoate (other name: MMB 2201);
 Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3-phenylpropanoate (other name: 5-fluoro-MPP-PICA);
 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-butylindazole-3-carboxamide (other name: ADB-BUTINACA);

N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-chloropentyl)indazole-3-carboxamide (other name: 5-chloro-AB-PINACA);

1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (other names: 5F-CUMYL-PINACA, 5-fluoro CUMYL-PINACA, CUMYL-5F-PINACA);

Ethyl 2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other names: 5F-EDMB-PINACA, 5-fluoro EDMB-PINACA);

Ethyl-2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3-methylbutanoate (other names: 5-fluoro-EMB-PINACA, 5F-AEB);

Ethyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3-methylbutanoate (other name: 5-fluoro-EMB-PICA);

Ethyl-2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3,3-dimethylbutanoate (other name: 5-fluoro EDMB-PICA);

Methyl 2-[1-(4-fluorobutyl)-1H-indole-3-carboxamido]-3,3-dimethylbutanoate (other name: 4-fluoro-MDMB-BUTICA);

Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (other names: MDMB-CHMICA, MMB-CHMINACA);

N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(pent-4-enyl)indazole-3-carboxamide (other name: ADB-4en-PINACA).

§ 54.1-3448. Schedule II.

The controlled substances listed in this section are included in Schedule II:

1. Any of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine, naldemedine, nalmefene, naloxone naltrexone and their respective salts, but including the following:

Raw opium;

Opium extracts;

Opium fluid extracts;

Powdered opium;

Granulated opium;

Tincture of opium;

Codeine;

Dihydroetorphine;

Ethylmorphine;

Etorphine hydrochloride;

Hydrocodone;

Hydromorphone;

Metopon;

Oripavine (3-O-demethylthebaine or 6,7,8,14-tetrahydro-4,

5-alpha-epoxy-6-methoxy-17-methylmorphinan-3-ol);

Morphine;

Noroxymorphone;

Oxycodone;

Oxymorphone;

Thebaine.

Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in this subdivision, but not including the isoquinoline alkaloids of opium.

Opium poppy and poppy straw.

Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or eugonine; cocaine or any salt or isomer thereof.

Concentrate of poppy straw, the crude extract of poppy straw in either liquid, solid or powder form, which contains the phenanthrene alkaloids of the opium poppy.

2. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

Alfentanil;

Alphaprodine;

Anileridine;

Bezitramide;

Bulk dextropropoxyphene (nondosage forms);

Carfentanil;

Dihydrocodeine;

Diphenoxylate;

Fentanyl;
 Isomethadone;
 Levo-alpha-acetylmethadol (levo-alpha-acetylmethadol)(levomethadyl acetate)(LAAM);
 Levomethorphan;
 Levorphanol;
 Metazocine;
 Methadone;
 Methadone — Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
 Moramide — Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid;
 Pethidine (other name: meperidine);
 Pethidine — Intermediate — A, 4-cyano-1-methyl-4-phenylpiperidine;
 Pethidine — Intermediate — B, ethyl-4-phenylpiperidine-4-carboxylate;
 Pethidine — Intermediate — C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
 Phenazocine;
 Piminodine;
 Racemethorphan;
 Racemorphan;
 Remifentanyl;
 Sufentanyl;
 Tapentadol;
 Thiafentanyl.

3. Any material, compound, mixture or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

Amphetamine, its salts, optical isomers, and salts of its optical isomers;
 Phenmetrazine and its salts;
 Any substance which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers;
 Methylphenidate;
 Lisdexamfetamine, its salts, isomers, and salts of its isomers.

4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Amobarbital;
 Glutethimide;
 Secobarbital;
 Pentobarbital;
 Phencyclidine.

5. The following hallucinogenic substances:

Nabilone;
 Dronabinol ((-)-delta-9-trans tetrahydrocannabinol) in an oral solution in a drug product approved for marketing by the U.S. Food and Drug Administration.

6. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances which are:

a. Immediate precursors to amphetamine and methamphetamine:
 Phenylacetone.
 b. Immediate precursor to phencyclidine:
 1-phenylcyclohexylamine;
 1-piperidinocyclohexanecarbonitrile (other name: PCC).
 c. Immediate precursor to fentanyl:
 4-anilino-N-phenethyl-4-piperidine (ANPP).

§ 54.1-3452. Schedule IV.

The controlled substances listed in this section are included in Schedule IV unless specifically excepted or listed in another schedule:

1. Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

Alfaxalone (5[alpha]-pregnan-3[alpha]-ol-11, 20-dione), previously spelled "alphaxalone," including its salts, isomers, and salts of isomers;

Alprazolam;
 Barbitol;
Brexanolone;
 Bromazepam;

Camazepam;
 Carisoprodol;
 Chloral betaine;
 Chloral hydrate;
 Chlordiazepoxide;
 Clobazam;
 Clonazepam;
 Clorazepate;
 Clotiazepam;
 Cloxazolam;
 Delorazepam;
 Diazepam;
 Dichloralphenazone;
 Estazolam;
 Ethchlorvynol;
 Ethinamate;
 Ethyl loflazepate;
 Fludiazepam;
 Flunitrazepam;
 Flurazepam;
 Fospropofol;
 Halazepam;
 Haloxazolam;
 Ketazolam;
 Loprazolam;
 Lorazepam;
 Lormetazepam;
 Mebutamate;
 Medazepam;
 Methohexital;
 Meprobamate;
 Methylphenobarbital;
 Midazolam;
 Nimetazepam;
 Nitrazepam;
 Nordiazepam;
 Oxazepam;
 Oxazolam;
 Paraldehyde;
 Petrichloral;
 Phenobarbital;
 Pinazepam;
 Prazepam;
 Quazepam;
 Suvorexant ((7R)-4-(5-chloro-1,3-benzoxazol-2-yl)-7-methyl-1,4-diazepan-1-yl)[5-methyl-2-(2H-1, 2, 3-triazol-2-yl) phenyl]methanone), including its salts, isomers, and salts of isomers;
 Temazepam;
 Tetrazepam;
 Triazolam;
 Zaleplon;
 Zolpidem;
 Zopiclone.

2. Any compound, mixture or preparation which contains any quantity of the following substances including any salts or isomers thereof:

Fenfluramine;
 Lorcaserin.

3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Cathine (+)-norpseudoephedrine;

Diethylpropion;
 Fencamfamin;
 Fenproporex;
 Mazindol;
 Mefenorex;
 Modafinil;
 Phentermine;
 Pemoline (including organometallic complexes and chelates thereof);
 Pipradrol;
 Sibutramine;
Solriamfetol (2-amino-3-phenylpropyl carbamate);
 SPA (-)-1-dimethylamino-1,2-diphenylethane.

4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane);
 Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit;
 2-[(dimethylamino methyl)-1-(3-methoxyphenyl) cyclohexanol, its salts, optical and geometric isomers, and salts of such isomers, including tramadol.

5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including their salts:

Butorphanol (including its optical isomers);
 Eluxadoline (including its optical isomers and its salts, isomers, and salts of isomers);
 Pentazocine.

6. The Board may except by regulation any compound, mixture, or preparation containing any depressant substance listed in subdivision 1 from the application of all or any part of this chapter if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

§ 54.1-3454. Schedule V.

The controlled substances listed in this section are included in Schedule V:

1. Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:

Not more than 200 milligrams of codeine, or any of its salts, per 100 milliliters or per 100 grams;
 Not more than 100 milligrams of dihydrocodeine, or any of its salts, per 100 milliliters or per 100 grams;
 Not more than 100 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or per 100 grams;
 Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;
 Not more than 100 milligrams of opium per 100 milliliters or per 100 grams;
 Not more than 0.5 milligrams of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

The Board may except by regulation any compound, mixture, or preparation containing any depressant substance listed in subdivision 1 from the application of all or any part of this chapter and such substances so excepted may be dispensed pursuant to § 54.1-3416.

2. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

Pyrovalerone.

3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts:

Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl] butanamide) (also referred to as BRV; UCB-34714; Briviact);
 Ezogabine [N-[2-amino-4-(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl ester]-2779;
 Gabapentin [1-(aminomethyl)cyclohexaneacetic acid];
 Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide];
Lasmiditan [2,4,6-trifluoro-N-(6-(1-methylpiperidine-4-carbonyl)pyridine-2-yl)-benzamide];
 Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 115

An Act to amend and reenact §§ 54.1-3446, 54.1-3448, 54.1-3452, and 54.1-3454 of the Code of Virginia, relating to Drug Control Act; Schedule I; Schedule II; Schedule IV; Schedule V.

[S 759]

Approved April 6, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3446, 54.1-3448, 54.1-3452, and 54.1-3454 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-3446. Schedule I.

The controlled substances listed in this section are included in Schedule I:

1. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

1-[1-[1-(4-bromophenyl)ethyl]-4-piperidinyl]-1,3-dihydro-2H-benzimidazol-2-one (other name: Brorphine);

1-[2-methyl-4-(3-phenyl-2-propen-1-yl)-1-piperazinyl]-1-butanone (other name: 2-methyl AP-237);

1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (other name: PEPAP);

1-methyl-4-phenyl-4-propionoxypiperidine (other name: MPPP);

2-[(4-methoxyphenyl)methyl]-N,N-diethyl-5-nitro-1H-benzimidazole-1-ethanamine (other name: Metonitazene);

2-methoxy-N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-acetamide (other name: Methoxyacetyl fentanyl);

3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methyl-benzamide (other name: U-47700);

3,4-dichloro-N-{[1-(dimethylamino)cyclohexyl]methyl}benzamide (other name: AH-7921);

Acetyl fentanyl (other name: desmethyl fentanyl);

Acetylmethadol;

Allylprodine;

Alphacetylmethadol (except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);

Alphameprodine;

Alphamethadol;

Benzethidine;

Betacetylmethadol;

Betameprodine;

Betamethadol;

Betaprodine;

Clonitazene;

Dextromoramide;

Diampromide;

Diethylthiambutene;

Difenoxin;

Dimenoxadol;

Dimepheptanol;

Dimethylthiambutene;

Dioxaphetylbutyrate;

Dipipanone;

Ethylmethylthiambutene;

Etonitazene;

Etoxidine;

Furethidine;

Hydroxypethidine;

Ketobemidone;

Levomoramide;

Levophenacymorphan;

Morpheridine;

MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine);

N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (other name: Cyclopropyl fentanyl);

N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide (other name: Tetrahydrofuranyl fentanyl);

N-[1-[1-methyl-2-(2-thienyl)ethyl]-4-piperidyl]-N-phenylpropanamide (other name: alpha-methylthiofentanyl);

N-[1-(1-methyl-2-phenylethyl)-4-piperidyl]-N-phenylacetamide (other name: acetyl-alpha-methylfentanyl);

N-{1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl}-N-phenylpropanamide (other name: beta-hydroxythiofentanyl);

N-[1-(2-hydroxy-2-phenyl)ethyl]-4-piperidyl]-N-phenylpropanamide (other name: beta-hydroxyfentanyl);

N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide (other names:
 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine, alpha-methylfentanyl);
 N-(2-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidyl]-propanamide (other names: 2-fluorofentanyl,
 ortho-fluorofentanyl);
 N-(3-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidyl]-propanamide (other name: 3-fluorofentanyl);
 N-[3-methyl-1-(2-hydroxy-2-phenylethyl)-4-piperidyl]-N-phenylpropanamide (other name:
 beta-hydroxy-3-methylfentanyl);
 N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide (other name: 3-methylfentanyl);
 N-[3-methyl-1-(2-thienyl)ethyl-4-piperidyl]-N-phenylpropanamide (other name: 3-methylthiofentanyl);
 N-(4-chlorophenyl)-N-[1-(2-phenylethyl)-4-piperidyl]-propanamide (other names: para-chlorofentanyl,
 4-chlorofentanyl);
 N-(4-fluorophenyl)-2-methyl-N-[1-(2-phenylethyl)-4-piperidyl]-propanamide (other name: para-fluoroisobutyryl
 fentanyl);
 N-(4-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidyl]-butanamide (other name: para-fluorobutyrylfentanyl);
 N-(4-fluorophenyl)-N-1-(2-phenylethyl)-4-piperidyl]-propanamide (other name: para-fluorofentanyl);
 N,N-diethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine (other name: Isotonitazene);
 N,N-diethyl-2-[(4-ethoxyphenyl) methyl]-1H-benzimidazol-1-yl)-ethan-1-amine (other names: Etazene,
 Desnitroetonitazene);
 N,N-diethyl-2-[(4-methoxyphenyl)methyl]-1H-benzimidazole-1-ethanamine (other name: Metodesnitazene);
 N-phenyl-N-[1-(2-phenylmethyl)-4-piperidyl]-2-furancarboxamide (other name: N-benzyl Furanyl norfentanyl);
 N-phenyl-N-(4-piperidyl)-propanamide (other name: Norfentanyl);
 Noracymethadol;
 Norlevorphanol;
 Normethadone;
 Norpipanone;
 N-phenyl-N-[1-(2-phenylethyl)-4-piperidyl]-2-furancarboxamide (other name: Furanyl fentanyl);
 N-phenyl-N-[1-(2-phenylethyl)-4-piperidyl]-2-propenamide (other name: Acryl fentanyl);
 N-phenyl-N-[1-(2-phenylethyl)-4-piperidyl]-butanamide (other name: butyryl fentanyl);
 N-phenyl-N-[1-(2-phenylethyl)-4-piperidyl]-pentanamide (other name: Pentanoyl fentanyl);
 N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidyl]-propanamide (other name: thiofentanyl);
 Phenadoxone;
 Phenampromide;
 Phenomorphan;
 Phenoperidine;
 Piritramide;
 Proheptazine;
 Properidine;
 Propiram;
 Racemoramide;
 Tilidine;
 Trimeperidine;
 N-phenyl-N-[1-(2-phenylethyl)-4-piperidyl]-1,3-benzodioxole-5-carboxamide (other name: Benzodioxole fentanyl);
 3,4-dichloro-N-[2-(diethylamino)cyclohexyl]-N-methylbenzamide (other name: U-49900);
 2-(2,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-methyl acetamide (other name: U-48800);
 2-(3,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-methyl acetamide (other name: U-51754);
 N-(2-fluorophenyl)-2-methoxy-N-[1-(2-phenylethyl)-4-piperidyl]-acetamide (other name: Ocfentanyl);
 N-(4-methoxyphenyl)-N-[1-(2-phenylethyl)-4-piperidyl]-butanamide (other name: 4-methoxybutyrylfentanyl);
 N-phenyl-2-methyl-N-[1-(2-phenylethyl)-4-piperidyl]-propanamide (other name: Isobutyryl fentanyl);
 N-phenyl-N-[1-(2-phenylethyl)-4-piperidyl]-cyclopentanecarboxamide (other name: Cyclopentyl fentanyl);
 N-phenyl-N-(1-methyl-4-piperidyl)-propanamide (other name: N-methyl norfentanyl);
 N-[2-(dimethylamino)cyclohexyl]-N-methyl-1,3-benzodioxole-5-carboxamide (other names: 3,4-methylenedioxy
 U-47700 or 3,4-MDO-U-47700);
 N-phenyl-N-[1-(2-phenylethyl)-4-piperidyl]-2-butanamide (other name: Crotonyl fentanyl);
 N-phenyl-N-[4-phenyl-1-(2-phenylethyl)-4-piperidyl]-propanamide (other name: 4-phenylfentanyl);
 N-phenyl-N-[1-(2-phenylethyl)-4-piperidyl]-benzamide (other names: Phenyl fentanyl, Benzoyl fentanyl);
 N-[2-(dimethylamino)cyclohexyl]-N-phenylfuran-2-carboxamide (other name: Furanyl UF-17);
 N-[2-(dimethylamino)cyclohexyl]-N-phenylpropionamide (other name: UF-17);
 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-isopropyl-benzamide (other name: Isopropyl U-47700).

2. Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted,
 whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:
 Acetorphine;

Acetyldihydrocodeine;
 Benzylmorphine;
 Codeine methylbromide;
 Codeine-N-Oxide;
 Cyprenorphine;
 Desomorphine;
 Dihydromorphine;
 Drotebanol;
 Etorphine;
 Heroin;
 Hydromorphanol;
 Methyldesorphine;
 Methylhydromorphine;
 Morphine methylbromide;
 Morphine methylsulfonate;
 Morphine-N-Oxide;
 Myrophine;
 Nicocodeine;
 Nicomorphine;
 Normorphine;
 Pholcodine;
 Thebacon.

3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this subdivision only, the term "isomer" includes the optical, position, and geometric isomers):

Alpha-ethyltryptamine (some trade or other names: Monase; a-ethyl-1H-indole-3-ethanamine; 3-2-aminobutyl] indole; a-ET; AET);

4-Bromo-2,5-dimethoxyphenethylamine (some trade or other names:

2-4-bromo-2,5-dimethoxyphenyl]-1-aminoethane; alpha-desmethyl DOB; 2C-B; Nexus);

3,4-methylenedioxy amphetamine;

5-methoxy-3,4-methylenedioxy amphetamine;

3,4,5-trimethoxy amphetamine;

Alpha-methyltryptamine (other name: AMT);

Bufotenine;

Diethyltryptamine;

Dimethyltryptamine;

4-methyl-2,5-dimethoxyamphetamine;

2,5-dimethoxy-4-ethylamphetamine (DOET);

4-fluoro-N-ethylamphetamine;

2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);

Ibogaine;

5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);

Lysergic acid diethylamide;

Mescaline;

Parahexyl (some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo [b,d] pyran; Synhexyl);

Peyote;

N-ethyl-3-piperidyl benzilate;

N-methyl-3-piperidyl benzilate;

Psilocybin;

Psilocyn;

Salvinorin A;

Tetrahydrocannabinols, except as present in (i) industrial hemp, as defined in § 3.2-4112, that is possessed by a person registered pursuant to subsection A of § 3.2-4115 or his agent; (ii) a hemp product, as defined in § 3.2-4112, containing a tetrahydrocannabinol concentration of no greater than 0.3 percent that is derived from industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or federal law; (iii) marijuana; (iv) dronabinol in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration; or (v) industrial hemp, as defined in § 3.2-4112, that is possessed by a person who holds a hemp producer license issued by the U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990;

2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-a-methylphenethylamine; 2,5-DMA);

3,4-methylenedioxyamphetamine (MDMA), its optical, positional and geometric isomers, salts and salts of isomers;

3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4 (methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);

N-hydroxy-3,4-methylenedioxyamphetamine (some other names: N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA);

4-bromo-2,5-dimethoxyamphetamine (some trade or other names: 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA);

4-methoxyamphetamine (some trade or other names: 4-methoxy-a-methylphenethylamine; paramethoxyamphetamine; PMA);

Ethylamine analog of phencyclidine (some other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);

Pyrrolidine analog of phencyclidine (some other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP);

Thiophene analog of phencyclidine (some other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienyl analog of phencyclidine, TPCP, TCP);

1-1-(2-thienyl)cyclohexyl]pyrrolidine (other name: TCPy);

3,4-methylenedioxypropylvalerone (other name: MDPV);

4-methylmethcathinone (other names: mephedrone, 4-MMC);

3,4-methylenedioxyethcathinone (other name: methylone);

Naphthylpyrovalerone (other name: naphyrone);

4-fluoromethcathinone (other names: flephedrone, 4-FMC);

4-methoxymethcathinone (other names: methedrone; bk-PMMA);

Ethcathinone (other name: N-ethylcathinone);

3,4-methylenedioxyethcathinone (other name: ethylone);

Beta-keto-N-methyl-3,4-benzodioxolylbutanamine (other name: butylone);

N,N-dimethylcathinone (other name: metamfepramone);

Alpha-pyrrolidinopropiophenone (other name: alpha-PPP);

4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP);

3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP);

Alpha-pyrrolidinovalerophenone (other name: alpha-PVP);

6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (other name: MDAI);

3-fluoromethcathinone (other name: 3-FMC);

4-Ethyl-2,5-dimethoxyphenethylamine (other name: 2C-E);

4-Iodo-2,5-dimethoxyphenethylamine (other name: 2C-I);

4-Methylethcathinone (other name: 4-MEC);

4-Ethylmethcathinone (other name: 4-EMC);

N,N-diallyl-5-methoxytryptamine (other name: 5-MeO-DALT);

Beta-keto-methylbenzodioxolylpentanamine (other names: Pentylone, bk-MBDP);

Alpha-methylamino-butyrophenone (other name: Buphedrone);

Alpha-methylamino-valerophenone (other name: Pentedrone);

3,4-Dimethylmethcathinone (other name: 3,4-DMMC);

4-methyl-alpha-pyrrolidinopropiophenone (other name: MPPP);

4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 25-I, 25I-NBOMe, 2C-I-NBOMe);

Methoxetamine (other names: MXE, 3-MeO-2-Oxo-PCE);

4-Fluoromethamphetamine (other name: 4-FMA);

4-Fluoroamphetamine (other name: 4-FA);

2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (other name: 2C-D);

2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (other name: 2C-C);

2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-2);

2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-4);

2-(2,5-Dimethoxyphenyl)ethanamine (other name: 2C-H);

2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (other name: 2C-N);

2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (other name: 2C-P);

(2-aminopropyl)benzofuran (other name: APB);

(2-aminopropyl)-2,3-dihydrobenzofuran (other name: APDB);

4-chloro-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 2C-C-NBOMe, 25C-NBOMe, 25C);

4-bromo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 2C-B-NBOMe, 25B-NBOMe, 25B);

Acetoxymethyltryptamine (other names: AcO-Psilocin, AcO-DMT, Psilacetin);

Benocyclidine (other names: BCP, BTCP);
Alpha-pyrrolidinobutiophenone (other name: alpha-PBP);
3,4-methylenedioxy-N,N-dimethylcathinone (other names: Dimethylone, bk-MDDMA);
4-bromomethcathinone (other name: 4-BMC);
4-chloromethcathinone (other name: 4-CMC);
4-Iodo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25I-NBOH);
Alpha-Pyrrolidinohexiophenone (other name: alpha-PHP);
Alpha-Pyrrolidinoheptiophenone (other name: PV8);
5-methoxy-N,N-methylisopropyltryptamine (other name: 5-MeO-MIPT);
Beta-keto-N,N-dimethylbenzodioxolylbutanamine (other names: Dibutylone, bk-DMBDB);
Beta-keto-4-bromo-2,5-dimethoxyphenethylamine (other name: bk-2C-B);
1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-pentanone (other name: N-ethylpentylone);
1-[1-(3-methoxyphenyl)cyclohexyl]piperidine (other name: 3-methoxy PCP);
1-[1-(4-methoxyphenyl)cyclohexyl]piperidine (other name: 4-methoxy PCP);
4-Chloroethcathinone (other name: 4-CEC);
3-Methoxy-2-(methylamino)-1-(4-methylphenyl)-1-propanone (other name: Mexedrone);
1-propionyl lysergic acid diethylamide (other name: 1P-LSD);
(2-Methylaminopropyl)benzofuran (other name: MAPB);
1-(1,3-benzodioxol-5-yl)-2-(dimethylamino)-1-pentanone (other names: N,N-Dimethylpentylone, Dipentylone);
1-(4-methoxyphenyl)-2-(pyrrolidin-1-yl)octan-1-one (other name: 4-methoxy-PV9);
3,4-tetramethylene-alpha-pyrrolidinovalerophenone (other name: TH-PVP);
4-allyloxy-3,5-dimethoxyphenethylamine (other name: Allylescaline);
4-Bromo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25B-NBOH);
4-chloro-alpha-methylamino-valerophenone (other name: 4-chloropentedrone);
4-chloro-alpha-Pyrrolidinovalerophenone (other name: 4-chloro-alpha-PVP);
4-fluoro-alpha-Pyrrolidinoheptiophenone (other name: 4-fluoro-PV8);
4-hydroxy-N,N-diisopropyltryptamine (other name: 4-OH-DIPT);
4-methyl-alpha-ethylaminopentiophenone;
4-methyl-alpha-Pyrrolidinohexiophenone (other name: MPHP);
5-methoxy-N,N-dimethyltryptamine (other name: 5-MeO-DMT);
5-methoxy-N-ethyl-N-isopropyltryptamine (other name: 5-MeO-EIPT);
6-ethyl-6-nor-lysergic acid diethylamide (other name: ETH-LAD);
6-allyl-6-nor-lysergic acid diethylamide (other name: AL-LAD);
(N-methyl aminopropyl)-2,3-dihydrobenzofuran (other name: MAPDB);
2-(methylamino)-2-phenyl-cyclohexanone (other name: Deschloroketamine);
2-(ethylamino)-2-phenyl-cyclohexanone (other name: deschloro-N-ethyl-ketamine);
2-methyl-1-(4-(methylthio)phenyl)-2-morpholinopropiophenone (other name: MMMP);
Alpha-ethylaminohexanophenone (other name: N-ethylhexedrone);
N-ethyl-1-(3-methoxyphenyl)cyclohexylamine (other name: 3-methoxy-PCE);
4-fluoro-alpha-pyrrolidinohexiophenone (other name: 4-fluoro-alpha-PHP);
N-ethyl-1,2-diphenylethylamine (other name: Ephedrine);
2,5-dimethoxy-4-chloroamphetamine (other name: DOC);
3,4-methylenedioxy-N-tert-butylcathinone;
Alpha-pyrrolidinoisohexiophenone (other name: alpha-PiHP);
1-[1-(3-hydroxyphenyl)cyclohexyl]piperidine (other name: 3-hydroxy PCP);
4-acetyloxy-N,N-diallyltryptamine (other name: 4-AcO-DALT);
4-hydroxy-N,N-methylisopropyltryptamine (other name: 4-hydroxy-MiPT);
3,4-Methylenedioxy-alpha-pyrrolidinohexanophenone (other name: MDPHP);
5-methoxy-N,N-dibutyltryptamine (other name: 5-methoxy-DBT);
1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-butanone (other names: Eutylone, bk-EBDB);
1-(1,3-benzodioxol-5-yl)-2-(butylamino)-1-pentanone (other name: N-butylpentylone);
N-benzyl-3,4-dimethoxyamphetamine (other name: N-benzyl-3,4-DMA);
1-(benzo[d][1,3]dioxol-5-yl)-2-(sec-butylamino)pentan-1-one (other name: N-sec-butyl Pentylone);
1-cyclopropionyl lysergic acid diethylamide (other name: 1cP-LSD);
2-(ethylamino)-1-phenylheptan-1-one (other name: N-ethylheptedrone);
(2-ethylaminopropyl)benzofuran (other name: EAPB);
4-ethyl-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25E-NBOH);
2-fluoro-Deschloroketamine (other name: 2-(2-fluorophenyl)-2-(methylamino)-cyclohexanone);
4-hydroxy-N-ethyl-N-propyltryptamine (other name: 4-hydroxy-EPT);
2-(isobutylamino)-1-phenylhexan-1-one (other names: N-Isobutyl Hexedrone, alpha-isobutylaminohexanphenone);
1-(4-methoxyphenyl)-N-methylpropan-2-amine (other names: para-Methoxymethamphetamine, PMMA);

N-ethyl-1-(3-hydroxyphenyl)cyclohexylamine (other name: 3-hydroxy-PCE);
 N-heptyl-3,4-dimethoxyamphetamine (other ~~names:~~ name: N-heptyl-3,4-DMA);
 N-hexyl-3,4-dimethoxyamphetamine (other ~~names:~~ name: N-hexyl-3,4-DMA);
 4-fluoro-3-methyl-alpha-pyrrolidinovalerophenone (other name: 4-fluoro-3-methyl-alpha-PVP);
 4-fluoro-alpha-methylamino-valerophenone (other name: 4-fluoropentedrone);
 N-(1,4-dimethylpentyl)-3,4-dimethoxyamphetamine (other name: N-(1,4-dimethylpentyl)-3,4-DMA);
 4,5-methylenedioxy-N,N-diisopropyltryptamine (other name: 4,5-MDO-DiPT);
 Alpha-pyrrolidinocyclohexanophenone (other name: alpha-PCYP);
 3,4-methylenedioxy-alpha-pyrrolidinoheptiophenone (other name: MDPV8);
 4-chloro-alpha-methylaminobutiophenone (other name: 4-chloro Buphedrone).

4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

5-(2-chlorophenyl)-1,3-dihydro-3-methyl-7-nitro-2H-1,4-benzodiazepin-2-one (other name: Meclonazepam);
 7-chloro-5-(2-fluorophenyl)-1,3-dihydro-1,4-benzodiazepin-2-one (other name: Norfludiazepam);
 Bromazolam;
 Clonazolam;
 Deschloroetizolam;
 Etizolam;
 Flualprazolam;
 Flubromazepam;
 Flubromazolam;

Gamma hydroxybutyric acid (some other names include GHB; gamma hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);

Mecloqualone;
 Methaqualone.

5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

2-(3-fluorophenyl)-3-methylmorpholine (other name: 3-fluorophenmetrazine);
 Aminorex (some trade or other names; aminoxaphen; 2-amino-5-phenyl-2-oxazoline;
 4,5-dihydro-5-phenyl-2-oxazolamine);
 Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone,
 2-aminopropiophenone, norephedrone), and any plant material from which Cathinone may be derived;
 Cis-4-methylaminorex (other name: cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);
 Ethylamphetamine;
 Ethyl phenyl(piperidin-2-yl)acetate (other name: Ethylphenidate);
 Fenethylamine;
 Methcathinone (some other names: 2-(methylamino)-propionophenone; alpha-(methylamino)-propionophenone;
 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone;
 N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR 1432);
 N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine);
 N,N-dimethylamphetamine (other names: N,N-alpha-trimethyl-benzeneethanamine, N,
~~N-alpha-trimethylphenethylamine~~) N,N-alpha-trimethyl-benzeneethanamine, N,N-alpha-trimethylphenethylamine);
 Methyl 2-(4-fluorophenyl)-2-(2-piperidinyl)acetate (other name: 4-fluoromethylphenidate);
 Isopropyl-2-phenyl-2-(2-piperidinyl)acetate (other name: Isopropylphenidate);
 4-chloro-N,N-dimethylcathinone;
 3,4-methylenedioxy-N-benzylcathinone (other name: BMDP).

6. Any substance that contains one or more cannabimimetic agents or that contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, and any preparation, mixture, or substance containing, or mixed or infused with, any detectable amount of one or more cannabimimetic agents.

a. "Cannabimimetic agents" includes any substance that is within any of the following structural classes:

2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent;

3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent;

3-(1-naphthoyl)pyrrole with substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent;

1-(1-naphthylmethyl)indene with substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent;

3-phenylacetylindole or 3-benzoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent;

3-cyclopropoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the cyclopropyl ring to any extent;

3-adamantoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent;

N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent; and

N-(adamantyl)-indazole-3-carboxamide with substitution at a nitrogen atom of the indazole ring, whether or not further substituted on the indazole ring to any extent, whether or not substituted on the adamantyl ring to any extent.

b. The term "cannabimimetic agents" includes:

5-(1,1-Dimethylheptyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497);

5-(1,1-Dimethylhexyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C6 homolog);

5-(1,1-Dimethyloctyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C8 homolog);

5-(1,1-Dimethylnonyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C9 homolog);

1-pentyl-3-(1-naphthoyl)indole (other names: JWH-018, AM-678);

1-butyl-3-(1-naphthoyl)indole (other name: JWH-073);

1-pentyl-3-(2-methoxyphenylacetyl)indole (other name: JWH-250);

1-hexyl-3-(naphthalen-1-oyl)indole (other name: JWH-019);

1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (other name: JWH-200);

(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (other name: HU-210);

1-pentyl-3-(4-methoxy-1-naphthoyl)indole (other name: JWH-081);

1-pentyl-3-(4-methyl-1-naphthoyl)indole (other name: JWH-122);

1-pentyl-3-(2-chlorophenylacetyl)indole (other name: JWH-203);

1-pentyl-3-(4-ethyl-1-naphthoyl)indole (other name: JWH-210);

1-pentyl-3-(4-chloro-1-naphthoyl)indole (other name: JWH-398);

1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (other name: AM-694);

1-((N-methylpiperidin-2-yl)methyl)-3-(1-naphthoyl)indole (other name: AM-1220);

1-(5-fluoropentyl)-3-(1-naphthoyl)indole (other name: AM-2201);

1-[(N-methylpiperidin-2-yl)methyl]-3-(2-iodobenzoyl)indole (other name: AM-2233);

Pravadoline (4-methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (other name: WIN-48,098) (4-methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (other name: WIN 48,098);

1-pentyl-3-(4-methoxybenzoyl)indole (other names: RCS-4, SR-19);

1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (other names: RCS-8, SR-18);

1-pentyl-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: UR-144);

1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other names: XLR-11, 5-fluoro-UR-144);

N-adamantyl-1-fluoropentylindole-3-carboxamide (other name: STS-135);

N-adamantyl-1-pentylindazole-3-carboxamide (other names: AKB48, APINACA);

1-pentyl-3-(1-adamantoyl)indole (other name: AB-001);

(8-quinolinyl)(1-pentylindol-3-yl)carboxylate (other name: PB-22);

(8-quinolinyl)(1-(5-fluoropentyl)indol-3-yl)carboxylate (other name: 5-fluoro-PB-22);

(8-quinolinyl)(1-cyclohexylmethyl-indol-3-yl)carboxylate (other name: BB-22);

N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: AB-PINACA);

N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide (other name: AB-FUBINACA);

1-(5-fluoropentyl)-3-(1-naphthoyl)indazole (other name: THJ-2201);

N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: ADB-PINACA);

N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other name: AB-CHMINACA);

N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name: 5-fluoro-AB-PINACA);

N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide

N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other names: ADB-CHMINACA, MAB-CHMINACA);

Methyl-2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (other name: 5-fluoro-AMB);

1-naphthalenyl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (other name: NM-2201);

1-(4-fluorobenzyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: FUB-144);

1-(5-fluoropentyl)-3-(4-methyl-1-naphthoyl)indole (other name MAM-2201);

~~N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamide~~
~~N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamide~~ (other name:
 ADB-FUBINACA);

~~Methyl 2-[[1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate~~ (other name:
~~MDMB-FUBINACA)~~ ~~2-[[1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate~~ (other name:
 MDMB-FUBINACA);

~~Methyl 2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate~~ (other names: 5-fluoro-ADB,
 5-Fluoro-MDMB-PINACA);

~~Methyl 2-((1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl)amino)-3-methylbutanoate~~ (other names:
~~AMB-FUBINACA, FUB-AMB)~~ ~~2-((1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl)amino)-3-methylbutanoate~~
 (other names: AMB-FUBINACA, FUB-AMB);

~~N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide~~ (other name: ~~names: FUB-AKB48,~~
 5F-APINACA);

~~N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide~~ (other name: 5F-AKB48);

~~N-(adamantan-1-yl)-1-(5-chloropentyl)-1H-indazole-3-carboxamide~~ (other name: 5-chloro-AKB48);

~~Naphthalen-1-yl-1-pentyl-1H-indazole-3-carboxylate~~ (other name: SDB-005);

~~N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indole-3-carboxamide~~ (other name: AB-CHMICA);

~~1-pentyl-N-(phenylmethyl)-1H-indole-3-carboxamide~~ (other name: SDB-006);

~~Quinolin-8-yl-1-(4-fluorobenzyl)-1H-indole-3-carboxylate~~ (other name: FUB-PB-22);

~~Methyl N-[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]valinate~~ (other name: MMB-CHMICA);

~~N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide~~
~~N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide~~ (other name:
 5-fluoro-ADB-PINACA);

~~1-(4-cyanobutyl)-N-(1-methyl-1-phenylethyl)-1H-indazole-3-carboxamide~~ (other name: 4-cyano
 CUMYL-BUTINACA);

~~Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3,3-dimethylbutanoate~~ (other name:
 5-Fluoro-MDMB-PICA) ~~names: 5-fluoro MDMB-PICA, 5F-MDMB-PICA);~~

~~Ethyl 2-((1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl)amino)-3-methylbutanoate~~ ~~Ethyl~~
~~2-((1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl)amino)-3-methylbutanoate~~ (other name: EMB-FUBINACA);

~~Methyl 2-[1-(4-fluorobutyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate~~ (other name:
 4-fluoro-MDMB-BUTINACA);

~~1-(5-fluoropentyl)-N-(1-methyl-1-phenylethyl)-1H-indole-3-carboxamide~~ (other name: 5-fluoro CUMYL-PICA);

~~Methyl 2-[1-(pent-4-enyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate~~ (other name: MDMB-4en-PINACA);

~~Methyl 2-((1-[(4-fluorophenyl)methyl]-1H-indole-3-carbonyl)amino)-3-methylbutanoate~~ (other names:
 MMB-FUBICA, AMB-FUBICA);

~~Methyl 2-[1-(4-penten-1-yl)-1H-indole-3-carboxamido]-3-methylbutanoate~~ (other names: MMB022,
 MMB-4en-PICA);

~~Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3-methylbutanoate~~ (other name: MMB 2201);

~~Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3-phenylpropanoate~~ (other name: 5-fluoro-MPP-PICA);

~~N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-butylindazole-3-carboxamide~~ (other name: ADB-BUTINACA);

~~N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-chloropentyl)indazole-3-carboxamide~~ (other name:
 5-chloro-AB-PINACA);

~~1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide~~ (other names: 5F-CUMYL-PINACA,
 5-fluoro CUMYL-PINACA, CUMYL-5F-PINACA);

~~Ethyl 2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate~~ (other names: 5F-EDMB-PINACA,
 5-fluoro EDMB-PINACA);

~~Ethyl 2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3-methylbutanoate~~ (other names: 5-fluoro-EMB-PINACA,
 5F-AEB);

~~Ethyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3-methylbutanoate~~ (other name: 5-fluoro-EMB-PICA);

~~Ethyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3,3-dimethylbutanoate~~ (other name: 5-fluoro EDMB-PICA);

~~Methyl 2-[1-(4-fluorobutyl)-1H-indole-3-carboxamido]-3,3-dimethylbutanoate~~ (other name:

~~4-fluoro-MDMB-BUTICA);~~

~~Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate~~ (other names: MDMB-CHMICA,
 MMB-CHMINACA);

~~N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(pent-4-enyl)indazole-3-carboxamide~~ (other name: ADB-4en-PINACA).

§ 54.1-3448. Schedule II.

The controlled substances listed in this section are included in Schedule II:

1. Any of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine, naldemedine, nalmeferene, naloxone naltrexone and their respective salts, but including the following:

Raw opium;
 Opium extracts;
 Opium fluid extracts;
 Powdered opium;
 Granulated opium;
 Tincture of opium;
 Codeine;
 Dihydroetorphine;
 Ethylmorphine;
 Etorphine hydrochloride;
 Hydrocodone;
 Hydromorphone;
 Metopon;
 Oripavine (3-O-demethylthebaine or 6,7,8,14-tetrahydro-4,5-alpha-epoxy-6-methoxy-17-methylmorphinan-3-ol);
 Morphine;
Noroxymorphone;
 Oxycodone;
 Oxymorphone;
 Thebaine.

Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in this subdivision, but not including the isoquinoline alkaloids of opium.

Opium poppy and poppy straw.

Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine; cocaine or any salt or isomer thereof.

Concentrate of poppy straw, the crude extract of poppy straw in either liquid, solid or powder form, which contains the phenanthrene alkaloids of the opium poppy.

2. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

Alfentanil;
 Alphaprodine;
 Anileridine;
 Bezitramide;
 Bulk dextropropoxyphene (nondosage forms);
 Carfentanil;
 Dihydrocodeine;
 Diphenoxylate;
 Fentanyl;
 Isomethadone;
 Levo-alpha-acetylmethadol (levo-alpha-acetylmethadol)(levomethadyl acetate)(LAAM);
 Levomethorphan;
 Levorphanol;
 Metazocine;
 Methadone;
 Methadone — Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
 Moramide — Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid;
 Pethidine (other name: meperidine);
 Pethidine — Intermediate — A, 4-cyano-1-methyl-4-phenylpiperidine;
 Pethidine — Intermediate — B, ethyl-4-phenylpiperidine-4-carboxylate;
 Pethidine — Intermediate — C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
 Phenazocine;
 Piminodine;
 Racemethorphan;
 Racemorphan;
 Remifentanil;
 Sufentanil;
 Tapentadol;

Thiafentanil.

3. Any material, compound, mixture or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

Amphetamine, its salts, optical isomers, and salts of its optical isomers;

Phenmetrazine and its salts;

Any substance which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers;

Methylphenidate;

Lisdexamfetamine, its salts, isomers, and salts of its isomers.

4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Amobarbital;

Glutethimide;

Secobarbital;

Pentobarbital;

Phencyclidine.

5. The following hallucinogenic substances:

Nabilone;

Dronabinol ((-)-delta-9-trans tetrahydrocannabinol) in an oral solution in a drug product approved for marketing by the U.S. Food and Drug Administration.

6. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances which are:

a. Immediate precursors to amphetamine and methamphetamine:

Phenylacetone.

b. Immediate precursor to phencyclidine:

1-phenylcyclohexylamine;

1-piperidinocyclohexanecarbonitrile (other name: PCC).

c. Immediate precursor to fentanyl:

4-anilino-N-phenethyl-4-piperidine (ANPP).

§ 54.1-3452. Schedule IV.

The controlled substances listed in this section are included in Schedule IV unless specifically excepted or listed in another schedule:

1. Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

Alfaxalone (5[alpha]-pregnan-3[alpha]-ol-11, 20-dione), previously spelled "alphaxalone," including its salts, isomers, and salts of isomers;

Alprazolam;

Barbital;

Brexanolone;

Bromazepam;

Camazepam;

Carisoprodol;

Chloral betaine;

Chloral hydrate;

Chlordiazepoxide;

Clobazam;

Clonazepam;

Clorazepate;

Clotiazepam;

Cloxazolam;

Delorazepam;

Diazepam;

Dichloralphenazone;

Estazolam;

Ethchlorvynol;

Ethinamate;

Ethyl loflazepate;

Fludiazepam;

Flunitrazepam;

Flurazepam;

Fospropofol;
 Halazepam;
 Haloxazolam;
 Ketazolam;
 Loprazolam;
 Lorazepam;
 Lormetazepam;
 Mebutamate;
 Medazepam;
 Methohexital;
 Meprobamate;
 Methylphenobarbital;
 Midazolam;
 Nimetazepam;
 Nitrazepam;
 Nordiazepam;
 Oxazepam;
 Oxazolam;
 Paraldehyde;
 Petrichloral;
 Phenobarbital;
 Pinazepam;
 Prazepam;
 Quazepam;
 Suvorexant [(7R)-4-(5-chloro-1,3-benzoxazol-2-yl)-7-methyl-1,4-diazepan-1-yl][5-methyl-2-(2H-1, 2, 3-triazol-2-yl) phenyl]methanone), including its salts, isomers, and salts of isomers;
 Temazepam;
 Tetrazepam;
 Triazolam;
 Zaleplon;
 Zolpidem;
 Zopiclone.

2. Any compound, mixture or preparation which contains any quantity of the following substances including any salts or isomers thereof:

Fenfluramine;
 Lorcaserin.

3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Cathine (+)-norpseudoephedrine;
 Diethylpropion;
 Fencamfamin;
 Fenproporex;
 Mazindol;
 Mefenorex;
 Modafinil;
 Phentermine;
 Pemoline (including organometallic complexes and chelates thereof);
 Pipradrol;
 Sibutramine;

Solriamfetol (2-amino-3-phenylpropyl carbamate);

SPA (-)-1-dimethylamino-1,2-diphenylethane.

4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane);

Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit;

2-[(dimethylamino) methyl]-1-(3-methoxyphenyl) cyclohexanol, its salts, optical and geometric isomers, and salts of such isomers, including tramadol.

5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including their salts:

Butorphanol (including its optical isomers);

Eluxadoline (including its optical isomers and its salts, isomers, and salts of isomers);

Pentazocine.

6. The Board may except by regulation any compound, mixture, or preparation containing any depressant substance listed in subdivision 1 from the application of all or any part of this chapter if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

§ 54.1-3454. Schedule V.

The controlled substances listed in this section are included in Schedule V:

1. Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:

Not more than 200 milligrams of codeine, or any of its salts, per 100 milliliters or per 100 grams;

Not more than 100 milligrams of dihydrocodeine, or any of its salts, per 100 milliliters or per 100 grams;

Not more than 100 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or per 100 grams;

Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;

Not more than 100 milligrams of opium per 100 milliliters or per 100 grams;

Not more than 0.5 milligrams of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

The Board may except by regulation any compound, mixture, or preparation containing any depressant substance listed in subdivision 1 from the application of all or any part of this chapter and such substances so excepted may be dispensed pursuant to § 54.1-3416.

2. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

Pyrovalerone.

3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts:

Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl] butanamide) (also referred to as BRV; UCB-34714; Briviact);

Ezogabine [N-[2-amino-4-(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl ester]-2779;

Gabapentin [1-(aminomethyl)cyclohexaneacetic acid];

Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide];

Lasmiditan [2,4,6-trifluoro-N-(6-(1-methylpiperidine-4-carbonyl)pyridine-2-yl)-benzamide];

Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 116

An Act to amend and reenact § 32.1-269.1 of the Code of Virginia, relating to amending death certificates.

[H 1001]

Approved April 6, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-269.1 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-269.1. Amending death certificates; change and correction of demographic information by affidavit or court order.

A. Notwithstanding § 32.1-276, a death certificate registered under this chapter may be amended only in accordance with this section and such regulations as may be adopted by the Board to protect the integrity and accuracy of such death certificate. Such regulations shall specify the minimum evidence required for a change in any such death certificate.

B. A death certificate that is amended under this section shall be marked "amended," and the date of amendment and a summary description of the evidence submitted in support of the amendment shall be endorsed on or made a part of the death certificate. The Board shall prescribe by regulation the conditions under which omissions or errors on death certificates may be corrected.

C. The State Registrar, upon receipt of an affidavit and supporting evidence testifying to corrected information on a death certificate within 45 days of the filing of a death certificate, shall amend such death certificate to reflect the new information and evidence.

D. The State Registrar, upon receipt of an affidavit and supporting evidence testifying to corrected information on a death certificate more than 45 days after the filing of a death certificate, including the correct spelling of the name of the deceased, the deceased's parent or spouse, or the informant; the sex, age, race, date of birth, place of birth, citizenship, social security number, education, occupation or kind or type of business, military status, or date of death of the deceased; the place of residence of the deceased, if located within the Commonwealth; the name of the institution; the county, city, or town where the death occurred; or the street or place where the death occurred, shall amend such death certificate to reflect the new information and evidence.

~~*E.*~~ *E. For death certificate amendments received more than 45 days after the filing of a death certificate, other than the correction of information by the State Registrar pursuant to subsection ~~E~~ D, the surviving spouse or immediate family, as defined by the regulations of the Board, of the deceased; attending funeral service licensee; or other reporting source may file a petition with the circuit court of the county or city in which the decedent resided as of the date of his death, or the Circuit Court of the City of Richmond, requesting an order to amend a death certificate, along with an affidavit sworn to under oath that supports such request. A copy of the petition shall be served upon (i) the State Registrar pursuant to Chapter 8 (§ 8.01-285 et seq.) of Title 8.01 and (ii) any person listed as an informant on the death certificate, unless such person provides an affidavit in support of such petition. The clerk shall submit such petition and any evidence received with the petition to the judge for entry of an order without the necessity of a hearing, unless the judge decides a hearing is necessary. The clerk shall transmit a certified copy of the court's order to the State Registrar, who shall amend such death certificate in accordance with the order. The matters for which a petition may be filed include changing the name of the deceased, the deceased's parent or spouse, or the informant; the marital status of the deceased; or the place of residence of the deceased, when the place of residence is outside the Commonwealth.*

~~*F.*~~ *F. When an applicant, as defined by the regulations of the Board, does not submit the minimum documentation required by regulation to amend a death certificate or when the State Registrar finds reason to question the validity or sufficiency of the evidence, the death certificate shall not be amended and the State Registrar shall so advise the applicant. An aggrieved applicant may petition the circuit court of the county or city in which he resides, or the Circuit Court of the City of Richmond, for an order compelling the State Registrar to amend the death certificate; an aggrieved applicant who is currently residing out of state may petition any circuit court in the Commonwealth for such an order. A copy of the petition shall be served upon (i) the State Registrar pursuant to Chapter 8 (§ 8.01-285 et seq.) of Title 8.01 and (ii) any person listed as an informant on the death certificate, unless such person provides an affidavit in support of such petition. The clerk shall submit such petition and any evidence received with the petition to the judge for entry of an order without the necessity of a hearing, unless the judge decides a hearing is necessary. The State Registrar or his authorized representative may appear and testify in such proceeding. The clerk shall transmit a certified copy of the court's order to the State Registrar, who shall amend such death certificate in accordance with the order.*

CHAPTER 117

An Act to amend and reenact § 32.1-269.1 of the Code of Virginia, relating to amending death certificates.

[S 55]

Approved April 6, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-269.1 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-269.1. Amending death certificates; change and correction of demographic information by affidavit or court order.

A. Notwithstanding § 32.1-276, a death certificate registered under this chapter may be amended only in accordance with this section and such regulations as may be adopted by the Board to protect the integrity and accuracy of such death certificate. Such regulations shall specify the minimum evidence required for a change in any such death certificate.

B. A death certificate that is amended under this section shall be marked "amended," and the date of amendment and a summary description of the evidence submitted in support of the amendment shall be endorsed on or made a part of the death certificate. The Board shall prescribe by regulation the conditions under which omissions or errors on death certificates may be corrected.

C. The State Registrar, upon receipt of an affidavit and supporting evidence testifying to corrected information on a death certificate within 45 days of the filing of a death certificate, shall amend such death certificate to reflect the new information and evidence.

D. The State Registrar, upon receipt of an affidavit and supporting evidence testifying to corrected information on a death certificate more than 45 days after the filing of a death certificate, including the correct spelling of the name of the deceased, the deceased's parent or spouse, or the informant; the sex, age, race, date of birth, place of birth, citizenship, social security number, education, occupation or kind or type of business, military status, or date of death of the deceased; the place of residence of the deceased, if located within the Commonwealth; the name of the institution; the county, city, or

town where the death occurred; or the street or place where the death occurred, shall amend such death certificate to reflect the new information and evidence.

~~D~~. *E.* For death certificate amendments *received more than 45 days after the filing of a death certificate*, other than the correction of information by the State Registrar pursuant to subsection ~~E~~ *D*, the surviving spouse or immediate family, as defined by the regulations of the Board, of the deceased; attending funeral service licensee; or other reporting source may file a petition with the circuit court of the county or city in which the decedent resided as of the date of his death, or the Circuit Court of the City of Richmond, requesting an order to amend a death certificate, along with an affidavit sworn to under oath that supports such request. A copy of the petition shall be served upon (i) the State Registrar pursuant to Chapter 8 (§ 8.01-285 et seq.) of Title 8.01 and (ii) any person listed as an informant on the death certificate, unless such person provides an affidavit in support of such petition. The clerk shall submit such petition and any evidence received with the petition to the judge for entry of an order without the necessity of a hearing, unless the judge decides a hearing is necessary. The clerk shall transmit a certified copy of the court's order to the State Registrar, who shall amend such death certificate in accordance with the order. The matters for which a petition may be filed include changing the name of the deceased, the deceased's parent or spouse, or the informant; the marital status of the deceased; or the place of residence of the deceased, when the place of residence is outside the Commonwealth.

~~E~~. *F.* When an applicant, as defined by the regulations of the Board, does not submit the minimum documentation required by regulation to amend a death certificate or when the State Registrar finds reason to question the validity or sufficiency of the evidence, the death certificate shall not be amended and the State Registrar shall so advise the applicant. An aggrieved applicant may petition the circuit court of the county or city in which he resides, or the Circuit Court of the City of Richmond, for an order compelling the State Registrar to amend the death certificate; an aggrieved applicant who is currently residing out of state may petition any circuit court in the Commonwealth for such an order. A copy of the petition shall be served upon (i) the State Registrar pursuant to Chapter 8 (§ 8.01-285 et seq.) of Title 8.01 and (ii) any person listed as an informant on the death certificate, unless such person provides an affidavit in support of such petition. The clerk shall submit such petition and any evidence received with the petition to the judge for entry of an order without the necessity of a hearing, unless the judge decides a hearing is necessary. The State Registrar or his authorized representative may appear and testify in such proceeding. The clerk shall transmit a certified copy of the court's order to the State Registrar, who shall amend such death certificate in accordance with the order.

CHAPTER 118

An Act to amend and reenact § 54.1-2014 of the Code of Virginia, relating to the Real Estate Appraiser Board; continuing education to include fair housing or appraisal bias.

[H 284]

Approved April 6, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2014 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2014. Continuing education.

The Board may establish in regulations requirements for continuing education as a prerequisite to renewal of a license issued under this chapter. *If the Board requires continuing education, the requirements shall include a minimum of two hours of fair housing or appraisal bias courses.*

2. That the Real Estate Appraiser Board (the Board) shall promulgate regulations to implement the provisions of this act that include a course of at least two hours relating to fair housing or appraisal bias. The Board's initial adoption of regulations necessary to implement the provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board shall provide an opportunity for public comment on the regulations prior to adoption.

3. That the provisions of this act shall become effective on July 1, 2023.

CHAPTER 119

An Act to authorize the issuance of special license plates commemorating the Richmond Planet newspaper bearing the legend THE RICHMOND PLANET.

[S 753]

Approved April 6, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. Special license plates commemorating the Richmond Planet newspaper bearing the legend THE RICHMOND PLANET.

On receipt of an application and following the provisions of § 46.2-725 of the Code of Virginia, the Commissioner of the Department of Motor Vehicles shall issue to the applicant special license plates commemorating the Richmond Planet newspaper bearing the legend THE RICHMOND PLANET.

CHAPTER 120

An Act to amend and reenact §§ 5, 9, and 12, as severally amended, of Chapter 44 of the Acts of Assembly of 1938, which provided a charter for the Town of Clarksville in Mecklenburg County, relating to town council.

[H 218]

Approved April 6, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 5, 9, and 12, as severally amended, of Chapter 44 of the Acts of Assembly of 1938 are amended and reenacted as follows:

§ 5. The mayor and three town council members will be elected from the town at large on the first Tuesday ~~in May, 1974,~~ following the first Monday in November of even-numbered years beginning in November 2022, and three council members and the mayor biennially thereafter. Councilmen and the mayor shall be qualified electors of the town. The newly elected mayor and council members shall assume office the first day of ~~July~~ January following each election and shall serve for terms of four years ~~except the mayor, who will serve for a term of two years,~~ and until their successors are appointed or elected and qualified as provided by law.

§ 9. At or before its first meeting in ~~July in even-numbered~~ January in odd-numbered years, the council shall elect one of its members to be vice-mayor who shall preside at such meetings in the absence of the mayor, and who, when the mayor is unable to perform any or all such duties so entrusted to the mayor, shall be designated acting mayor by a majority vote of the other members present. The vice-mayor, when acting as mayor, shall have all the duties and responsibilities of the position of mayor. The vice-mayor shall be entitled to a vote on all questions just as any other member except when he/she presides at a council meeting, at such time he/she shall vote only when it is necessary to break a tie.

§ 12. The town council is hereby authorized to fix the salaries of each of the members of the town council, mayor, members of boards or commissions and all appointed officers and all employees of the town, at a sum not to exceed any limitations placed by the laws and Constitution of the Commonwealth of Virginia. The salaries of the mayor and town council shall be fixed by the council in ~~August~~ February to be effective ~~September 1st of each odd-numbered~~ March 1 of each even-numbered year and shall not be increased or diminished during the following two-year period.

CHAPTER 121

An Act to amend and reenact §§ 5, 9, and 12, as severally amended, of Chapter 44 of the Acts of Assembly of 1938, which provided a charter for the Town of Clarksville in Mecklenburg County, relating to town council.

[S 91]

Approved April 6, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 5, 9, and 12, as severally amended, of Chapter 44 of the Acts of Assembly of 1938 are amended and reenacted as follows:

§ 5. The mayor and three town council members will be elected from the town at large on the first Tuesday ~~in May, 1974,~~ following the first Monday in November of even-numbered years beginning in November 2022, and three council members and the mayor biennially thereafter. Councilmen and the mayor shall be qualified electors of the town. The newly elected mayor and council members shall assume office the first day of ~~July~~ January following each election and shall serve for terms of four years ~~except the mayor, who will serve for a term of two years,~~ and until their successors are appointed or elected and qualified as provided by law.

§ 9. At or before its first meeting in ~~July in even-numbered~~ January in odd-numbered years, the council shall elect one of its members to be vice-mayor who shall preside at such meetings in the absence of the mayor, and who, when the mayor is unable to perform any or all such duties so entrusted to the mayor, shall be designated acting mayor by a majority vote of the other members present. The vice-mayor, when acting as mayor, shall have all the duties and responsibilities of the position of mayor. The vice-mayor shall be entitled to a vote on all questions just as any other member except when he/she presides at a council meeting, at such time he/she shall vote only when it is necessary to break a tie.

§ 12. The town council is hereby authorized to fix the salaries of each of the members of the town council, mayor, members of boards or commissions and all appointed officers and all employees of the town, at a sum not to exceed any limitations placed by the laws and Constitution of the Commonwealth of Virginia. The salaries of the mayor and town council shall be fixed by the council in ~~August~~ February to be effective ~~September 1st of each odd-numbered~~ March 1 of each even-numbered year and shall not be increased or diminished during the following two-year period.

CHAPTER 122

An Act to amend and reenact §§ 4 and 7, as amended, of Chapter 364 of the Acts of Assembly of 1942, which provided a charter for the Town of Kenbridge, relating to time of elections; term of mayor.

[H 219]

Approved April 6, 2022

Be it enacted by the General Assembly of Virginia:**1. That §§ 4 and 7, as amended, of Chapter 364 of the Acts of Assembly of 1942 are amended and reenacted as follows:****§ 4. Composition of council and vacancies.**

The council shall consist of a mayor and six other electors of the town, who shall be denominated the council of the town. The mayor and council members shall be elected for a term of four years at a general election held for that purpose on the first Tuesday of May, and the persons so elected shall enter upon the duties of their office on the first day of July next succeeding their election; and shall continue in office until their successors are qualified. *However, beginning with the municipal election to be held in 2022, the mayor and council members shall be elected at the time of the November general election and shall enter upon the duties of their office on the first day of January next succeeding their election. Beginning with the municipal election to be held in 2024, the mayor shall be elected for a term of two years.*

Every person elected a council member of the town, shall, on or before the day on which he enters upon the performance of his duties, qualify by taking and subscribing an oath faithfully to execute the duties of his office to the best of his judgment; and the person elected mayor shall take and subscribe the oath prescribed by law for State officers.

Any such oath of council members and mayor may be taken before any officer authorized by law to administer oaths; and shall, when so taken and subscribed, be forthwith returned to the clerk of the town, who shall enter the same on record in the minute book of the council.

The council shall be the judge of the election, qualification, and returns of its members; may fine members for disorderly behavior; and, with the concurrence of two-thirds of its membership, expel a member. If any person returned is adjudged disqualified or is expelled, a new election to fill the vacancy shall be held in the town on such date as the council may prescribe, except that where there shall be vacancies in the majority of the council the circuit court of Lunenburg County shall fill such vacancies. Any vacancy occurring otherwise during the term for which any of the persons have been elected may be filled by the council by the appointment of anyone eligible for such office. A vacancy in the office of the mayor may be filled by the council from the electors of the town.

The mayor and council serving at the time of the passage of this act shall continue in office until their successors are elected and qualified. An election shall be held in ~~May~~ *November* of ~~2020~~ *2022*, and every four years thereafter, to elect three council members. An election shall be held in ~~May~~ *November* of ~~2022~~ *2024*, and every four years thereafter, to elect three other council members. An election shall be held for mayor in ~~May~~ *November* of ~~2020~~ *2024* and every ~~four~~ *two* years thereafter. The council shall declare by ordinance or resolution which three council member seats are up for election in 2020 and which three council member seats are up for election in 2022.

§ 7. Organization of meetings of council.

At the regularly scheduled ~~June~~ town council meeting immediately following a regular municipal election, the council shall meet at the usual place for holding its meetings, at which time any newly elected mayor and council members shall take the oath of office. On ~~July~~ *January* 1 immediately following a regular municipal election, such mayor and council members shall assume the duties of their offices. At its first meeting the council shall elect from its members a person to serve as vice-mayor for the following two years. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution. The mayor or any three members of the council may call special meetings of the council at any time after giving at least twelve hours written notice to the other members of the purpose, place, and time of such special meeting. Special meetings may also be held at any time without notice, provided all members of the council attend.

A majority of all members shall constitute a quorum, but a smaller number may adjourn from time to time, and compel the attendance of absentees.

The council shall fix the compensation of its members and of all other officers and/or agents and employees of the town.

CHAPTER 123

An Act to amend and reenact § 3.1 of Chapter 128 of the Acts of Assembly of 1989, which provided a charter for the Town of Blackstone in Nottoway County, relating to elections.

[H 220]

Approved April 6, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 3.1 of Chapter 128 of the Acts of Assembly of 1989 is amended and reenacted as follows:****§ 3.1. Election, qualification and term of office.**

A. The Town of Blackstone shall be governed by a town council of seven members, and a mayor, all of whom shall be qualified voters of the town.

B. The council and mayor in office at the time of the passage of this act, shall continue until the expiration of the terms for which they were elected, or until their successors are duly elected and qualified.

C. The mayor and council shall each be elected for a term of four years and each shall serve until his successor shall have qualified. They shall be elected on the first Tuesday ~~in May, 1990,~~ *following the first Monday in November* immediately preceding the expiration of the terms of their predecessors ~~and every four years thereafter,~~ and shall enter upon their duties on ~~July 1~~ *January 1* succeeding their election.

CHAPTER 124

An Act to amend and reenact § 3.1 of Chapter 128 of the Acts of Assembly of 1989, which provided a charter for the Town of Blackstone in Nottoway County, relating to elections.

[S 92]

Approved April 6, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 3.1 of Chapter 128 of the Acts of Assembly of 1989 is amended and reenacted as follows:

§ 3.1. Election, qualification and term of office.

A. The Town of Blackstone shall be governed by a town council of seven members, and a mayor, all of whom shall be qualified voters of the town.

B. The council and mayor in office at the time of the passage of this act, shall continue until the expiration of the terms for which they were elected, or until their successors are duly elected and qualified.

C. The mayor and council shall each be elected for a term of four years and each shall serve until his successor shall have qualified. They shall be elected on the first Tuesday ~~in May, 1990,~~ *following the first Monday in November* immediately preceding the expiration of the terms of their predecessors ~~and every four years thereafter,~~ and shall enter upon their duties on ~~July 1~~ *January 1* succeeding their election.

CHAPTER 125

An Act to amend and reenact §§ 24.2-101 and 24.2-667.1 of the Code of Virginia, relating to elections; voting systems; reporting absentee results by precinct.

[H 927]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-101 and 24.2-667.1 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-101. Definitions.

As used in this title, unless the context requires a different meaning:

"Ballot scanner machine" means the electronic counting machine in which a voter inserts a marked ballot to be scanned and the results tabulated.

"Candidate" means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. "Candidate" shall include a person who seeks the nomination of a political party or who, by reason of receiving the nomination of a political party for election to an office, is referred to as its nominee. For the purposes of Chapters 8 (§ 24.2-800 et seq.), 9.3 (§ 24.2-945 et seq.), and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any write-in candidate. However, no write-in candidate who has received less than 15 percent of the votes cast for the office shall be eligible to initiate an election contest pursuant to Article 2 (§ 24.2-803 et seq.) of Chapter 8. For the purposes of Chapters 9.3 (§ 24.2-945 et seq.) and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any person who raises or spends funds in order to seek or campaign for an office of the Commonwealth, excluding federal offices, or one of its governmental units in a party nomination process or general, primary, or special election; and such person shall be considered a candidate until a final report is filed pursuant to Article 3 (§ 24.2-947 et seq.) of Chapter 9.3.

"Central absentee voter precinct" means a precinct established pursuant to § 24.2-712 for the processing of absentee ballots for the county or city or any combination of precincts within the county or city.

"Constitutional office" or "constitutional officer" means a county or city office or officer referred to in Article VII, Section 4 of the Constitution of Virginia: clerk of the circuit court, attorney for the Commonwealth, sheriff, commissioner of the revenue, and treasurer.

"Department of Elections" or "Department" means the state agency headed by the Commissioner of Elections.

"Direct recording electronic machine" or "DRE" means the electronic voting machine on which a voter touches areas of a computer screen, or uses other control features, to mark a ballot and his vote is recorded electronically.

"Election" means a general, primary, or special election.

"Election district" means the territory designated by proper authority or by law which is represented by an official elected by the people, including the Commonwealth, a congressional district, a General Assembly district, or a district for the election of an official of a county, city, town, or other governmental unit.

"Electoral board" or "local electoral board" means a board appointed pursuant to § 24.2-106 to administer elections for a county or city. The electoral board of the county in which a town or the greater part of a town is located shall administer the town's elections.

"Entrance of polling place" or "entrance to polling place" means an opening in the wall used for ingress to a structure.

"General election" means an election held in the Commonwealth on the Tuesday after the first Monday in November or on the first Tuesday in May for the purpose of filling offices regularly scheduled by law to be filled at those times.

"General registrar" means the person appointed by the electoral board of a county or city pursuant to § 24.2-110 to be responsible for all aspects of voter registration, in addition to other duties prescribed by this title. When performing duties related to the administration of elections, the general registrar is acting in his capacity as the director of elections for the locality in which he serves.

"Machine-readable ballot" means a tangible ballot that is marked by a voter or by a system or device operated by a voter, is available for verification by the voter at the time the ballot is cast, and is then fed into and scanned by a separate counting machine capable of reading ballots and tabulating results.

"Officer of election" means a person appointed by an electoral board pursuant to § 24.2-115 to serve at a polling place for any election.

"Paper ballot" means a tangible ballot that is marked by a voter and then manually counted.

"Party" or "political party" means an organization of citizens of the Commonwealth which, at either of the two preceding statewide general elections, received at least 10 percent of the total vote cast for any statewide office filled in that election. The organization shall have a state central committee and an office of elected state chairman which have been continually in existence for the six months preceding the filing of a nominee for any office.

"Person with a disability" means a person with a disability as defined by the Virginians with Disabilities Act (§ 51.5-1 et seq.).

"Polling place" means the structure that contains the one place provided for each precinct at which the qualified voters who are residents of the precinct may vote.

"Precinct" means the territory designated by the governing body of a county, city, or town to be served by one polling place.

"Primary" or "primary election" means an election held for the purpose of selecting a candidate to be the nominee of a political party for election to office.

"Printed ballot" means a tangible ballot that is printed on paper and includes both machine-readable ballots and paper ballots.

"Qualified voter" means a person who is entitled to vote pursuant to the Constitution of Virginia and who is (i) 18 years of age on or before the day of the election or qualified pursuant to § 24.2-403 or subsection D of § 24.2-544, (ii) a resident of the Commonwealth and of the precinct in which he offers to vote, and (iii) a registered voter. No person who has been convicted of a felony shall be a qualified voter unless his civil rights have been restored by the Governor or other appropriate authority. No person adjudicated incapacitated shall be a qualified voter unless his capacity has been reestablished as provided by law. Whether a signature should be counted towards satisfying the signature requirement of any petition shall be determined based on the signer of the petition's qualification to vote. For purposes of determining if a signature on a petition shall be included in the count toward meeting the signature requirements of any petition, "qualified voter" shall include only persons maintained on the Virginia voter registration system (a) with active status and (b) with inactive status who are qualified to vote for the office for which the petition was circulated.

"Qualified voter in a town" means a person who is a resident within the corporate boundaries of the town in which he offers to vote, duly registered in the county of his residence, and otherwise a qualified voter.

"Referendum" means any election held pursuant to law to submit a question to the voters for approval or rejection.

"Registered voter" means any person who is maintained on the Virginia voter registration system. All registered voters shall be maintained on the Virginia voter registration system with active status unless assigned to inactive status by a general registrar in accordance with Chapter 4 (§ 24.2-400 et seq.). For purposes of applying the precinct size requirements of § 24.2-307, calculating election machine requirements pursuant to Article 3 (§ 24.2-625 et seq.) of Chapter 6, mailing notices of local election district, precinct or polling place changes as required by subdivision 13 of § 24.2-114 and § 24.2-306, and determining the number of signatures required for candidate and voter petitions, "registered voter" shall include only persons maintained on the Virginia voter registration system with active status. For purposes of determining if a signature on a petition shall be included in the count toward meeting the signature requirements of any petition, "registered voter" shall include only persons maintained on the Virginia voter registration system (i) with active status and (ii) on inactive status who are qualified to vote for the office for which the petition was circulated.

"Registration records" means all official records concerning the registration of qualified voters and shall include all records, lists, applications, and files, whether maintained in books, on cards, on automated data bases, or by any other legally permitted record-keeping method.

"Residence" or "resident," for all purposes of qualification to register and vote, means and requires both domicile and a place of abode. To establish domicile, a person must live in a particular locality with the intention to remain. A place of abode is the physical place where a person dwells.

"Special election" means any election that is held pursuant to law to fill a vacancy in office or to hold a referendum.

"State Board" or "Board" means the State Board of Elections.

"Virginia voter registration system" or "voter registration system" means the automated central record-keeping system for all voters registered within the Commonwealth that is maintained as provided in Article 2 (§ 24.2-404 et seq.) of Chapter 4.

"Voting system" means the electronic voting and counting machines used at elections: ~~This term includes, including~~ direct recording electronic machines (DRE) ~~and~~ ballot scanner machines, *and on-demand ballot printing systems and ballot marking devices used to manufacture or mark ballots to be cast by voters on electronic voting and counting machines.*

§ 24.2-667.1. Reporting of results; absentee votes.

The general registrar shall report to the Department for each precinct in his locality the number and results of absentee ballots cast by voters assigned to such precinct. Results from absentee voting and voting at the precinct on election day shall be reported separately. The general registrar shall also report to the Department of Elections the number and results of absentee ballots cast early in person pursuant to § 24.2-701.1 separately from the number and results of all other absentee ballots. The Department shall establish standards for ascertaining and reporting such information.

CHAPTER 126

An Act to amend and reenact §§ 24.2-101 and 24.2-667.1 of the Code of Virginia, relating to elections; voting systems; reporting absentee results by precinct.

[S 3]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-101 and 24.2-667.1 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-101. Definitions.

As used in this title, unless the context requires a different meaning:

"Ballot scanner machine" means the electronic counting machine in which a voter inserts a marked ballot to be scanned and the results tabulated.

"Candidate" means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. "Candidate" shall include a person who seeks the nomination of a political party or who, by reason of receiving the nomination of a political party for election to an office, is referred to as its nominee. For the purposes of Chapters 8 (§ 24.2-800 et seq.), 9.3 (§ 24.2-945 et seq.), and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any write-in candidate. However, no write-in candidate who has received less than 15 percent of the votes cast for the office shall be eligible to initiate an election contest pursuant to Article 2 (§ 24.2-803 et seq.) of Chapter 8. For the purposes of Chapters 9.3 (§ 24.2-945 et seq.) and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any person who raises or spends funds in order to seek or campaign for an office of the Commonwealth, excluding federal offices, or one of its governmental units in a party nomination process or general, primary, or special election; and such person shall be considered a candidate until a final report is filed pursuant to Article 3 (§ 24.2-947 et seq.) of Chapter 9.3.

"Central absentee voter precinct" means a precinct established pursuant to § 24.2-712 for the processing of absentee ballots for the county or city or any combination of precincts within the county or city.

"Constitutional office" or "constitutional officer" means a county or city office or officer referred to in Article VII, Section 4 of the Constitution of Virginia: clerk of the circuit court, attorney for the Commonwealth, sheriff, commissioner of the revenue, and treasurer.

"Department of Elections" or "Department" means the state agency headed by the Commissioner of Elections.

"Direct recording electronic machine" or "DRE" means the electronic voting machine on which a voter touches areas of a computer screen, or uses other control features, to mark a ballot and his vote is recorded electronically.

"Election" means a general, primary, or special election.

"Election district" means the territory designated by proper authority or by law which is represented by an official elected by the people, including the Commonwealth, a congressional district, a General Assembly district, or a district for the election of an official of a county, city, town, or other governmental unit.

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"Entrance of polling place" or "entrance to polling place" means an opening in the wall used for ingress to a structure.

"General election" means an election held in the Commonwealth on the Tuesday after the first Monday in November or on the first Tuesday in May for the purpose of filling offices regularly scheduled by law to be filled at those times.

"General registrar" means the person appointed by the electoral board of a county or city pursuant to § 24.2-110 to be responsible for all aspects of voter registration, in addition to other duties prescribed by this title. When performing duties

related to the administration of elections, the general registrar is acting in his capacity as the director of elections for the locality in which he serves.

"Machine-readable ballot" means a tangible ballot that is marked by a voter or by a system or device operated by a voter, is available for verification by the voter at the time the ballot is cast, and is then fed into and scanned by a separate counting machine capable of reading ballots and tabulating results.

"Officer of election" means a person appointed by an electoral board pursuant to § 24.2-115 to serve at a polling place for any election.

"Paper ballot" means a tangible ballot that is marked by a voter and then manually counted.

"Party" or "political party" means an organization of citizens of the Commonwealth which, at either of the two preceding statewide general elections, received at least 10 percent of the total vote cast for any statewide office filled in that election. The organization shall have a state central committee and an office of elected state chairman which have been continually in existence for the six months preceding the filing of a nominee for any office.

"Person with a disability" means a person with a disability as defined by the Virginians with Disabilities Act (§ 51.5-1 et seq.).

"Polling place" means the structure that contains the one place provided for each precinct at which the qualified voters who are residents of the precinct may vote.

"Precinct" means the territory designated by the governing body of a county, city, or town to be served by one polling place.

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"Printed ballot" means a tangible ballot that is printed on paper and includes both machine-readable ballots and paper ballots.

"Qualified voter" means a person who is entitled to vote pursuant to the Constitution of Virginia and who is (i) 18 years of age on or before the day of the election or qualified pursuant to § 24.2-403 or subsection D of § 24.2-544, (ii) a resident of the Commonwealth and of the precinct in which he offers to vote, and (iii) a registered voter. No person who has been convicted of a felony shall be a qualified voter unless his civil rights have been restored by the Governor or other appropriate authority. No person adjudicated incapacitated shall be a qualified voter unless his capacity has been reestablished as provided by law. Whether a signature should be counted towards satisfying the signature requirement of any petition shall be determined based on the signer of the petition's qualification to vote. For purposes of determining if a signature on a petition shall be included in the count toward meeting the signature requirements of any petition, "qualified voter" shall include only persons maintained on the Virginia voter registration system (a) with active status and (b) with inactive status who are qualified to vote for the office for which the petition was circulated.

"Qualified voter in a town" means a person who is a resident within the corporate boundaries of the town in which he offers to vote, duly registered in the county of his residence, and otherwise a qualified voter.

"Referendum" means any election held pursuant to law to submit a question to the voters for approval or rejection.

"Registered voter" means any person who is maintained on the Virginia voter registration system. All registered voters shall be maintained on the Virginia voter registration system with active status unless assigned to inactive status by a general registrar in accordance with Chapter 4 (§ 24.2-400 et seq.). For purposes of applying the precinct size requirements of § 24.2-307, calculating election machine requirements pursuant to Article 3 (§ 24.2-625 et seq.) of Chapter 6, mailing notices of local election district, precinct or polling place changes as required by subdivision 13 of § 24.2-114 and § 24.2-306, and determining the number of signatures required for candidate and voter petitions, "registered voter" shall include only persons maintained on the Virginia voter registration system with active status. For purposes of determining if a signature on a petition shall be included in the count toward meeting the signature requirements of any petition, "registered voter" shall include only persons maintained on the Virginia voter registration system (i) with active status and (ii) on inactive status who are qualified to vote for the office for which the petition was circulated.

"Registration records" means all official records concerning the registration of qualified voters and shall include all records, lists, applications, and files, whether maintained in books, on cards, on automated data bases, or by any other legally permitted record-keeping method.

"Residence" or "resident," for all purposes of qualification to register and vote, means and requires both domicile and a place of abode. To establish domicile, a person must live in a particular locality with the intention to remain. A place of abode is the physical place where a person dwells.

"Special election" means any election that is held pursuant to law to fill a vacancy in office or to hold a referendum.

"State Board" or "Board" means the State Board of Elections.

"Virginia voter registration system" or "voter registration system" means the automated central record-keeping system for all voters registered within the Commonwealth that is maintained as provided in Article 2 (§ 24.2-404 et seq.) of Chapter 4.

"Voting system" means the electronic voting and counting machines used at elections. ~~This term includes~~, including direct recording electronic machines (DRE) ~~and~~ ballot scanner machines, *and on-demand ballot printing systems and ballot marking devices used to manufacture or mark ballots to be cast by voters on electronic voting and counting machines.*

§ 24.2-667.1. Reporting of results; absentee votes.

The general registrar shall report to the Department for each precinct in his locality the number and results of absentee ballots cast by voters assigned to such precinct. Results from absentee voting and voting at the precinct on election

day shall be reported separately. The general registrar shall *also* report to the Department of Elections the number and results of absentee ballots cast early in person pursuant to § 24.2-701.1 separately from the number and results of all other absentee ballots. *The Department shall establish standards for ascertaining and reporting such information.*

CHAPTER 127

An Act to amend and reenact §§ 10.1-1186.01 and 62.1-44.19:14 of the Code of Virginia, relating to Enhanced Nutrient Removal Certainty Program; Fredericksburg wastewater treatment facility.

[H 1067]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-1186.01 and 62.1-44.19:14 of the Code of Virginia are amended and reenacted as follows:

§ 10.1-1186.01. Reimbursements to localities for upgrades to treatment works.

A. As used in this section, "Enhanced Nutrient Removal Certainty Program" or "ENRC Program" means the same as that term is defined in § 62.1-44.19:13.

B. The General Assembly shall fund grants to finance the reasonable costs of design and installation of nutrient removal technology at the publicly owned treatment works designated as significant dischargers contained in subsection F or as eligible nonsignificant dischargers as defined in § 10.1-2117. When grant disbursements pursuant to this section reach a sum sufficient to fund the completion of the ENRC Program at all publicly owned treatment works, the House Committee on Agriculture, Chesapeake and Natural Resources, the House Committee on Appropriations, the Senate Committee on Agriculture, Conservation and Natural Resources, and the Senate Committee on Finance and Appropriations shall review (i) the future funding needs to meet the purposes of the Water Quality Improvement Act, (ii) the most recent annual needs estimate required by § 10.1-2134.1, and (iii) the appropriate funding mechanism for such needs.

C. The disbursement of grants for the design and installation of nutrient removal technology at those publicly owned treatment works included in subsection F and eligible nonsignificant dischargers shall be made monthly based on a requisition submitted by the grant recipient in the form requested by the Department. Each requisition shall include written certification that the applicable local share of the cost of nutrient removal technology for that portion of the project covered by such requisition has been incurred or expended. Except as may otherwise be approved by the Department, disbursements shall not exceed 95 percent of the total grant amount until satisfactory completion of the project. The distribution of the grants shall be effected by one of the following methods:

1. In payments to be paid by the State Treasurer out of funds appropriated to the Water Quality Improvement Fund pursuant to § 10.1-2131;

2. Over a specified time through a contractual agreement entered into by the Treasury Board and approved by the Governor, on behalf of the Commonwealth, and the locality or public service authority undertaking the design and installation of nutrient removal technology, such payments to be paid by the State Treasurer out of funds appropriated to the Treasury Board; or

3. In payments to be paid by the State Treasurer upon request of the Director out of proceeds from bonds issued by the Virginia Public Building Authority, in consultation with the Department, pursuant to §§ 2.2-2261, 2.2-2263, and 2.2-2264, including the Commonwealth's share of the interest costs expended by the locality or regional authority for financing such project during the period from 50 percent completion of construction to final completion of construction.

D. The General Assembly has the sole authority to determine whether disbursement shall be made pursuant to subdivision C 1, 2, or 3, or a combination thereof, provided that a disbursement shall be made pursuant to subdivision C 3 only upon a certification by the Department that project grant reimbursements for the fiscal year will exceed the available funds in the Water Quality Improvement Fund.

E. Exclusive of any deposits made pursuant to § 10.1-2128, the grants awarded pursuant to this section shall include such appropriations as provided from time to time in the appropriation act or any amendments thereto.

F. The disbursement of grants to finance the costs of design and installation of nutrient removal technology, including eligible design and installation costs for implementation of the ENRC Program, at the following listed publicly owned treatment works and other eligible nonsignificant dischargers shall be provided pursuant to the distribution methodology included in § 10.1-2131. The notation "WIP3-N" or "WIP3-P" indicates that a facility is subject to additional requirements for total nitrogen or total phosphorus, respectively, under the ENRC Program. In no case shall any publicly owned treatment works receive a grant of less than 35 percent of the costs of the design and installation of nutrient removal technology.

FACILITY NAME	OWNER
Shenandoah - Potomac River Basin	
ACSA-Fishersville STP	Augusta County Service Authority
Luray STP	Town of Luray
ACSA-Middle River Regional STP	Augusta County Service Authority
HRRSA-North River WWTF WIP3-P	Harrisonburg-Rockingham Regional Sewer Authority

ACSA-Stuarts Draft STP	Augusta County Service Authority
Waynesboro STP	City of Waynesboro
ACSA-Weyers Cave STP	Augusta County Service Authority
Berryville STP	Town of Berryville
Front Royal STP	Town of Front Royal
Mount Jackson STP	Town of Mount Jackson
New Market STP	Town of New Market
Shenandoah Co.-North Fork Regional WWTP	Shenandoah County
Stoney Creek Sanitary District STP	Stoney Creek Sanitary District
Strasburg STP	Town of Strasburg
Woodstock STP	Town of Woodstock
FWSA-Opequon Water Reclamation Facility	Frederick-Winchester Service Authority
FWSA-Parkins Mill WWTF	Frederick-Winchester Service Authority
Purcellville-Basham Simms WWTF	Town of Purcellville
LCSA-Broad Run WRF	Loudoun County Service Authority
Leesburg WPCF	Town of Leesburg
Round Hill WWTP	Town of Round Hill
PWCSA-H.L. Mooney WWTF	Prince William County Service Authority
Upper Occoquan Sewage Authority WWTP	Upper Occoquan Sewage Authority
FCW&SA-Vint Hill WWTF	Fauquier County Water and Sewer Authority
Alexandria Sanitation Authority WWTP	Alexandria Sanitation Authority
Arlington Co. WPCF	Arlington County
Fairfax Co. Noman-Cole Pollution Control Facility	Fairfax County
Stafford Co.-Aquia WWTP	Stafford County
Colonial Beach STP	Town of Colonial Beach
Dahlgren Sanitary District WWTP	King George County Service Authority
Fairview Beach STP	King George County Service Authority
Purkins Corner WWTP	King George County Service Authority
District of Columbia - Blue Plains STP (Virginia portion)	Loudoun County Service Authority and Fairfax County contract for capacity and Fairfax County contract for capacity
Rappahannock River Basin	
Culpeper WWTP	Town of Culpeper
Marshall WWTP	Town of Marshall
Mountain Run WWTP	Culpeper County
Orange STP	Town of Orange
Rapidan STP	Rapidan Service Authority
FCW&SA-Remington WWTP	Fauquier County Water and Sewer Authority
Warrenton STP	Town of Warrenton
Wilderness Shores WWTP	Rapidan Service Authority
Spotsylvania Co.-FMC WWTF	Spotsylvania County
Fredericksburg WWTF <i>WIP3-N, WIP3-P</i>	City of Fredericksburg
Stafford Co.-Little Falls Run WWTF	Stafford County
Spotsylvania Co.-Massaponax WWTF <i>WIP3-N, WIP3-P</i>	Spotsylvania County
Montross-Westmoreland WWTP	Westmoreland County

Oakland Park STP	King George County Service Authority
Tappahannock WWTP	Town of Tappahannock
Urbanna WWTP	Hampton Roads Sanitation District
Warsaw STP	Town of Warsaw
Reedville Sanitary District WWTP	Reedville Sanitary District 60
Kilmarnock WWTP	Town of Kilmarnock
York River Basin	
Caroline Co. Regional STP	Caroline County
Gordonsville STP	Rapidan Service Authority
Ashland WWTP	Hanover County
Doswell WWTP	Hanover County
HRSD-York River STP WIP3-N	Hampton Roads Sanitation District
Parham Landing WWTP	New Kent County
Totopotomoy WWTP	Hanover County
HRSD-West Point STP	Hampton Roads Sanitation District
HRSD-Mathews Courthouse STP	Hampton Roads Sanitation District
Spotsylvania Co.-Thornburg STP WIP3-N, WIP3-P	Spotsylvania County
James River Basin	
Buena Vista STP	City of Buena Vista
Covington STP	City of Covington
Lexington-Rockbridge Regional WQCF	Maury Service Authority
Alleghany Co.-Low Moor STP	Alleghany County
Alleghany Co.-Lower Jackson River WWTP	Alleghany County
Amherst-Rutledge Creek WWTP	Town of Amherst
Lynchburg STP	City of Lynchburg
RWSA-Moores Creek Regional STP	Rivanna Water and Sewer Authority
Crewe WWTP	Town of Crewe
Farmville WWTP	Town of Farmville
Chesterfield Co.-Falling Creek WWTP	Chesterfield County
Henrico Co. WWTP	Henrico County
Hopewell Regional WWTF	City of Hopewell
Chesterfield Co.-Proctors Creek WWTP	Chesterfield County
Richmond WWTP	City of Richmond
South Central Wastewater Authority WWTF WIP3-N, WIP3-P	South Central Wastewater Authority
HRSD-Boat Harbor STP WIP3-N, WIP3-P	Hampton Roads Sanitation District
HRSD-Williamsburg STP WIP3-N, WIP3-P	Hampton Roads Sanitation District
HRSD-Nansemond STP WIP3-N, WIP3-P	Hampton Roads Sanitation District
HRSD-Army Base STP WIP3-N, WIP3-P	Hampton Roads Sanitation District
HRSD-Virginia Initiative Plant STP WIP3-N, WIP3-P	Hampton Roads Sanitation District
HRSD-Chesapeake/Elizabeth STP WIP3-N, WIP3-P	Hampton Roads Sanitation District
Eastern Shore Basin	
Cape Charles WWTP	Town of Cape Charles
Onancock WWTP	Town of Onancock
Tangier Island WWTP	Town of Tangier

G. To the extent that any publicly owned treatment works receives less than the grant specified pursuant to § 10.1-2131, any year-end revenue surplus or unappropriated balances deposited in the Water Quality Improvement Fund, as required by § 10.1-2128, shall be prioritized in order to augment the funding of those projects for which grants have been prorated. Any additional reimbursements to these prorated projects shall not exceed the total reimbursement amount due pursuant to the formula established in subsection E of § 10.1-2131.

H. Notwithstanding the provisions of subsection B of § 10.1-2131, the Director shall not be required to enter into a grant agreement with a facility designated as a significant discharger or eligible nonsignificant discharger if the Director determines that the use of nutrient credits in accordance with the Chesapeake Bay Watershed Nutrient Credit Exchange Program (§ 62.1-44.19:12 et seq.) would be significantly more cost-effective than the installation of nutrient controls for the facility in question.

§ 62.1-44.19:14. Watershed general permit for nutrients.

A. The Board shall issue a Watershed General Virginia Pollutant Discharge Elimination System Permit, hereafter referred to as the general permit, authorizing point source discharges of total nitrogen and total phosphorus to the waters of the Chesapeake Bay and its tributaries. Except as otherwise provided in this article, the general permit shall control in lieu of technology-based, water quality-based, and best professional judgment, interim or final effluent limitations for total nitrogen and total phosphorus in individual Virginia Pollutant Discharge Elimination System permits for facilities covered by the general permit where the effluent limitations for total nitrogen and total phosphorus in the individual permits are based upon standards, criteria, waste load allocations, policy, or guidance established to restore or protect the water quality and beneficial uses of the Chesapeake Bay or its tidal tributaries.

B. This section shall not be construed to limit or otherwise affect the Board's authority to establish and enforce more stringent water quality-based effluent limitations for total nitrogen or total phosphorus in individual permits where those limitations are necessary to protect local water quality. The exchange or acquisition of credits pursuant to this article shall not affect any requirement to comply with such local water quality-based limitations.

C. The general permit shall contain the following:

1. Waste load allocations for total nitrogen and total phosphorus for each permitted facility expressed as annual mass loads, including reduced waste load allocations where applicable under the ENRC Program. The allocations for each permitted facility shall reflect the applicable individual water quality-based total nitrogen and total phosphorus waste load allocations. An owner or operator of two or more facilities located in the same tributary may apply for and receive an aggregated waste load allocation for total nitrogen and an aggregated waste load allocation for total phosphorus for multiple facilities reflecting the total of the water quality-based total nitrogen and total phosphorus waste load allocations established for such facilities individually;

2. A schedule requiring compliance with the combined waste load allocations for each tributary as soon as possible taking into account (i) opportunities to minimize costs to the public or facility owners by phasing in the implementation of multiple projects; (ii) the availability of required services and skilled labor; (iii) the availability of funding from the Virginia Water Quality Improvement Fund as established in § 10.1-2128, the Virginia Water Facilities Revolving Fund as established in § 62.1-225, and other financing mechanisms; (iv) water quality conditions; and (v) other relevant factors. Following receipt of the compliance plans required by subdivision C 3, the Board shall reevaluate the schedule taking into account the information in the compliance plans and the factors in this subdivision, and may modify the schedule as appropriate;

3. A requirement that the permittees shall either individually or through the Association submit compliance plans to the Department for approval. The compliance plans shall contain, at a minimum, any capital projects and implementation schedules needed to achieve total nitrogen and phosphorus reductions sufficient to comply with the individual and combined waste load allocations of all the permittees in the tributary. The compliance plans may rely on the exchange of point source credits in accordance with this article, but not the acquisition of credits through payments authorized by § 62.1-44.19:18, to achieve compliance with the individual and combined waste load allocations in each tributary. The compliance plans shall be updated annually and submitted to the Department no later than February 1 of each year. The compliance plans due beginning February 1, 2023, shall address the requirements of the ENRC Program;

4. Such monitoring and reporting requirements as the Board deems necessary to carry out the provisions of this article;

5. A procedure that requires every owner or operator of a facility authorized by a Virginia Pollutant Discharge Elimination System permit to discharge 100,000 gallons or more per day, or an equivalent load, directly into tidal waters, or 500,000 gallons or more per day, or an equivalent load, directly into nontidal waters, to secure general permit coverage by filing a registration statement with the Department within a specified period after each effective date of the general permit. The procedure shall also require any owner or operator of a facility authorized by a Virginia Pollutant Discharge Elimination System permit to discharge 40,000 gallons or more per day, or an equivalent load, directly into tidal or nontidal waters to secure general permit coverage by filing a registration statement with the Department at the time he makes application with the Department for a new discharge or expansion that is subject to an offset or technology-based requirement in § 62.1-44.19:15, and thereafter within a specified period of time after each effective date of the general permit. The procedure shall also require any owner or operator of a facility with a discharge that is subject to an offset requirement in subdivision A 5 of § 62.1-44.19:15 to secure general permit coverage by filing a registration statement with the Department prior to commencing the discharge and thereafter within a specified period of time after each effective date of the general permit. The general permit shall provide that any facility authorized by a Virginia Pollutant Discharge Elimination System permit and not required by this subdivision to file a registration statement shall be deemed to be

covered under the general permit at the time it is issued, and shall file a registration statement with the Department when required by this section. Owners or operators of facilities that are deemed to be permitted under this section shall have no other obligation under the general permit prior to filing a registration statement and securing coverage under the general permit based upon such registration statement;

6. A procedure for efficiently modifying the lists of facilities covered by the general permit where the modification does not change or otherwise alter any waste load allocation or delivery factor adopted pursuant to the Water Quality Management Planning Regulation (9VAC25-720) or its successor, or an applicable total maximum daily load. The procedure shall also provide for modifying or incorporating new waste load allocations or delivery factors, including the opportunity for public notice and comment on such modifications or incorporations; and

7. Such other conditions as the Board deems necessary to carry out the provisions of this chapter and Section 402 of the federal Clean Water Act (33 U.S.C. § 1342).

D. 1. The Board shall (i) review during the year 2020 and every 10 years thereafter the basis for allocations granted in the Water Quality Management Planning Regulation (9VAC25-720) and (ii) as a result of such decennial reviews propose for inclusion in the Water Quality Management Planning Regulation (9VAC25-720) either the reallocation of unneeded allocations to other facilities registered under the general permit or the reservation of such allocations for future use.

2. For each decennial review, the Board shall determine whether a permitted facility has:

a. Changed the use of the facility in such a way as to make discharges unnecessary, ceased the discharge of nutrients, and become unlikely to resume such discharges in the foreseeable future; or

b. Changed the production processes employed in the facility in such a way as to render impossible, or significantly to diminish the likelihood of, the resumption of previous nutrient discharges.

3. Beginning in 2030, each review also shall consider the following factors for municipal wastewater facilities:

a. Substantial changes in the size or population of a service area;

b. Significant changes in land use resulting from adopted changes to zoning ordinances or comprehensive plans within a service area;

c. Significant establishment of conservation easements or other perpetual instruments that are associated with a deed and that restrict growth or development;

d. Constructed treatment facility capacity;

e. Significant changes in the understanding of the water chemistry or biology of receiving waters that would reasonably result in unused nutrient discharge allocations over an extended period of time;

f. Significant changes in treatment technologies that would reasonably result in unused nutrient discharge allocations over an extended period of time;

g. The ability of the permitted facility to accommodate projected growth under existing nutrient waste load allocations; and

h. Other similarly significant factors that the Board determines reasonably to affect the allocations granted.

The Board shall not reduce allocations based solely on voluntary improvements in nutrient removal technology.

E. The Board shall maintain and make available to the public a current listing, by tributary, of all permittees and permitted facilities under the general permit, together with each permitted facility's total nitrogen and total phosphorus waste load allocations, and total nitrogen and total phosphorus delivery factors.

F. Except as otherwise provided in this article, in the event that there are conflicting or duplicative conditions contained in the general permit and an individual Virginia Pollutant Discharge Elimination System permit, the conditions in the general permit shall control.

G. The Board shall adopt amendments to the Water Quality Management Planning Regulation and modifications to Virginia Pollutant Discharge Elimination System permits or registration lists to establish and implement the Phase III Watershed Implementation Plan Enhanced Nutrient Removal Certainty Program (ENRC Program) as provided in this subsection. The ENRC Program shall consist of the following projects and the following waste load allocation reductions and their respective schedules for compliance.

1. Priority projects for additional nitrogen and phosphorus removal (schedule for compliance):

PROJECT NAME	DESCRIPTION (COMPLIANCE SCHEDULE)
HRSD-Chesapeake/Elizabeth STP	Consolidate into regional system and close treatment facility (1/1/2023)
HRSD-Boat Harbor WWTP	Convey by subaqueous crossing to Nansemond River WWTP for nutrient removal (1/1/2026)
HRSD-Nansemond River WWTP	Upgrade and expand with nutrient removal technology of 4.0 mg/L total nitrogen (1/1/2026) and 0.30 mg/L total phosphorus (1/1/2032)

HRSD-Nassawadox WWTP	Convey to regional system for nutrient removal (1/1/2026)
<i>Fredericksburg WWTF</i>	<i>Expand with nutrient removal technology of 3.0 mg/L total nitrogen and 0.22 mg/L total phosphorus (1/1/2026)</i>
Spotsylvania Co.-FMC WWTF	Convey to Massaponax WWTF and close treatment facility (1/1/2026)
Spotsylvania Co.-Massaponax WWTF	Expand with nutrient removal technology of 4.0 mg/L total nitrogen and 0.30 mg/L total phosphorus to consolidate and close FMC WWTF (1/1/2026)
Spotsylvania Co.-Thornburg STP	Upgrade with nutrient removal technology of 4.0 mg/L total nitrogen and 0.30 mg/L total phosphorus (1/1/2026)
HRRSA-North River WWTP	Phosphorus removal tertiary filtration upgrade (1/1/2026)
South Central Wastewater Authority WWTF	Upgrade with nutrient removal technology of 4.0 mg/L total nitrogen and 0.30 mg/L total phosphorus (1/1/2026)
HRSD-Williamsburg WWTP	Upgrade with nutrient removal technology of 4.0 mg/L total nitrogen (1/1/2026) and 0.30 mg/L total phosphorus (1/1/2032)
HRSD-VIP WWTP	Upgrade with nutrient removal technology of 4.0 mg/L total nitrogen (1/1/2026) and 0.30 mg/L total phosphorus (1/1/2032)
HRSD-James River WWTP	Upgrade with nutrient removal technology of 4.0 mg/L total nitrogen (1/1/2026) and 0.30 mg/L total phosphorus (1/1/2028)
HRSD-Army Base WWTP	Convey to VIP WWTP for nutrient removal (1/1/2032) or upgrade with nutrient removal technology of 4.0 mg/L total nitrogen (1/1/2026) and 0.30 mg/L total phosphorus (1/1/2032)

Each priority project and the associated schedule of compliance shall be incorporated into the applicable Virginia Pollutant Discharge Elimination System permit or registration list. Each priority project facility shall be in compliance by complying with applicable annual average total nitrogen and total phosphorus concentrations for compliance years 2026, 2028, and 2032 or, only for a facility subject to an aggregated waste load allocation, by exercising the option of achieving an equivalent discharged load by the date set out in the schedule of compliance based on the applicable total nitrogen and total phosphorus annual average concentrations and actual annual flow treated without the acquisition and use of point source credits generated by permitted facilities not under common ownership. Noncompliance shall be enforceable in the same manner as any other condition of a Virginia Pollutant Discharge Elimination System permit.

2. Nitrogen waste load allocation reductions — HRSD-York River WWTP:

Reduce the total nitrogen waste load allocation for the HRSD-York River WWTP to 228,444 lbs/year effective January 1, 2026.

3. James River HRSD SWIFT nutrient upgrades:

Reduce total nitrogen waste load allocations for HRSD treatment works in the James River basin to the following allocations effective January 1, 2026:

FACILITY NAME	TOTAL NITROGEN WASTELOAD ALLOCATION (lbs/year)
HRSD-Army Base WWTP	219,307
HRSD-Boat Harbor STP	304,593
HRSD-James River STP	243,674
HRSD-VIP WWTP	487,348
HRSD-Nansemond STP	365,511
HRSD-Williamsburg STP	274,133

Reduce total phosphorus waste load allocations for HRSD treatment works in the James River basin to the following allocations effective January 1, 2026:

FACILITY NAME	TOTAL PHOSPHORUS WASTELOAD ALLOCATION (lbs/year)
HRSD-Army Base WWTP	27,413
HRSD-Boat Harbor STP	38,074
HRSD-James River STP	30,459
HRSD-VIP WWTP	60,919
HRSD-Nansemond STP	45,689
HRSD-Williamsburg STP	34,267

Reduce total phosphorus waste load allocations for HRSD treatment works in the James River basin to the following allocations effective January 1, 2030:

FACILITY NAME	TOTAL PHOSPHORUS WASTELOAD ALLOCATION (lbs/year)
HRSD-Army Base WWTP	21,931
HRSD-Boat Harbor STP	30,459
HRSD-James River STP	24,367
HRSD-VIP WWTP	48,735
HRSD-Nansemond STP	36,551
HRSD-Williamsburg STP	27,413

Reduce total phosphorus waste load allocations for HRSD treatment works in the James River basin to the following allocations effective January 1, 2032:

FACILITY NAME	TOTAL PHOSPHORUS WASTELOAD ALLOCATION (lbs/year)
HRSD-Army Base WWTP	16,448
HRSD-Boat Harbor STP	22,844
HRSD-James River STP	18,276
HRSD-VIP WWTP	36,551
HRSD-Nansemond STP	27,413
HRSD-Williamsburg STP	20,560

Transfer the total nitrogen (454,596 lbs/year) and total phosphorus (41,450 lbs/year) waste load allocations for the HRSD-Chesapeake/Elizabeth STP to the Nutrient Offset Fund effective January 1, 2026.

Transfer the total nitrogen (153,500 lbs/yr) and total phosphorous (17,437 lbs/yr) waste load allocations for the HRSD-J.H. Miles Facility consolidation to HRSD in accordance with the approved registration list December 21, 2015, transfer.

2. That the nutrient technology requirements of 3.0 mg/L total nitrogen and 0.22 mg/L total phosphorus for the Fredericksburg Waste Water Treatment Facility established in the first enactment clause of this act shall take effect and apply on an annual basis when the expanded Fredericksburg Waste Water Treatment Facility receives its certificate to operate.

CHAPTER 128

An Act to amend and reenact §§ 10.1-1186.01 and 62.1-44.19:14 of the Code of Virginia, relating to Enhanced Nutrient Removal Certainty Program; Fredericksburg wastewater treatment facility.

[S 355]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-1186.01 and 62.1-44.19:14 of the Code of Virginia are amended and reenacted as follows:

§ 10.1-1186.01. Reimbursements to localities for upgrades to treatment works.

A. As used in this section, "Enhanced Nutrient Removal Certainty Program" or "ENRC Program" means the same as that term is defined in § 62.1-44.19:13.

B. The General Assembly shall fund grants to finance the reasonable costs of design and installation of nutrient removal technology at the publicly owned treatment works designated as significant dischargers contained in subsection F or as eligible nonsignificant dischargers as defined in § 10.1-2117. When grant disbursements pursuant to this section reach a sum sufficient to fund the completion of the ENRC Program at all publicly owned treatment works, the House Committee on Agriculture, Chesapeake and Natural Resources, the House Committee on Appropriations, the Senate Committee on Agriculture, Conservation and Natural Resources, and the Senate Committee on Finance and Appropriations shall review (i) the future funding needs to meet the purposes of the Water Quality Improvement Act, (ii) the most recent annual needs estimate required by § 10.1-2134.1, and (iii) the appropriate funding mechanism for such needs.

C. The disbursement of grants for the design and installation of nutrient removal technology at those publicly owned treatment works included in subsection F and eligible nonsignificant dischargers shall be made monthly based on a requisition submitted by the grant recipient in the form requested by the Department. Each requisition shall include written certification that the applicable local share of the cost of nutrient removal technology for that portion of the project covered by such requisition has been incurred or expended. Except as may otherwise be approved by the Department, disbursements shall not exceed 95 percent of the total grant amount until satisfactory completion of the project. The distribution of the grants shall be effected by one of the following methods:

1. In payments to be paid by the State Treasurer out of funds appropriated to the Water Quality Improvement Fund pursuant to § 10.1-2131;

2. Over a specified time through a contractual agreement entered into by the Treasury Board and approved by the Governor, on behalf of the Commonwealth, and the locality or public service authority undertaking the design and installation of nutrient removal technology, such payments to be paid by the State Treasurer out of funds appropriated to the Treasury Board; or

3. In payments to be paid by the State Treasurer upon request of the Director out of proceeds from bonds issued by the Virginia Public Building Authority, in consultation with the Department, pursuant to §§ 2.2-2261, 2.2-2263, and 2.2-2264, including the Commonwealth's share of the interest costs expended by the locality or regional authority for financing such project during the period from 50 percent completion of construction to final completion of construction.

D. The General Assembly has the sole authority to determine whether disbursement shall be made pursuant to subdivision C 1, 2, or 3, or a combination thereof, provided that a disbursement shall be made pursuant to subdivision C 3 only upon a certification by the Department that project grant reimbursements for the fiscal year will exceed the available funds in the Water Quality Improvement Fund.

E. Exclusive of any deposits made pursuant to § 10.1-2128, the grants awarded pursuant to this section shall include such appropriations as provided from time to time in the appropriation act or any amendments thereto.

F. The disbursement of grants to finance the costs of design and installation of nutrient removal technology, including eligible design and installation costs for implementation of the ENRC Program, at the following listed publicly owned treatment works and other eligible nonsignificant dischargers shall be provided pursuant to the distribution methodology included in § 10.1-2131. The notation "WIP3-N" or "WIP3-P" indicates that a facility is subject to additional requirements for total nitrogen or total phosphorus, respectively, under the ENRC Program. In no case shall any publicly owned treatment works receive a grant of less than 35 percent of the costs of the design and installation of nutrient removal technology.

FACILITY NAME

OWNER

Shenandoah - Potomac River Basin

ACSA-Fishersville STP

Luray STP

ACSA-Middle River Regional STP

Augusta County Service Authority

Town of Luray

Augusta County Service Authority

HRRSA-North River WWTF WIP3-P	Harrisonburg-Rockingham Regional Sewer Authority
ACSA-Stuarts Draft STP	Augusta County Service Authority
Waynesboro STP	City of Waynesboro
ACSA-Weyers Cave STP	Augusta County Service Authority
Berryville STP	Town of Berryville
Front Royal STP	Town of Front Royal
Mount Jackson STP	Town of Mount Jackson
New Market STP	Town of New Market
Shenandoah Co.-North Fork Regional WWTP	Shenandoah County
Stoney Creek Sanitary District STP	Stoney Creek Sanitary District
Strasburg STP	Town of Strasburg
Woodstock STP	Town of Woodstock
FWSA-Opequon Water Reclamation Facility	Frederick-Winchester Service Authority
FWSA-Parkins Mill WWTF	Frederick-Winchester Service Authority
Purcellville-Basham Simms WWTF	Town of Purcellville
LCSA-Broad Run WRF	Loudoun County Service Authority
Leesburg WPCF	Town of Leesburg
Round Hill WWTP	Town of Round Hill
PWCSA-H.L. Mooney WWTF	Prince William County Service Authority
Upper Occoquan Sewage Authority WWTP	Upper Occoquan Sewage Authority
FCW&SA-Vint Hill WWTF	Fauquier County Water and Sewer Authority
Alexandria Sanitation Authority WWTP	Alexandria Sanitation Authority
Arlington Co. WPCF	Arlington County
Fairfax Co. Noman-Cole	Fairfax County
Pollution Control Facility	
Stafford Co.-Aquia WWTP	Stafford County
Colonial Beach STP	Town of Colonial Beach
Dahlgren Sanitary District WWTP	King George County Service Authority
Fairview Beach STP	King George County Service Authority
Purkins Corner WWTP	King George County Service Authority
District of Columbia - Blue Plains STP (Virginia portion)	Loudoun County Service Authority and Fairfax County contract for capacity and Fairfax County contract for capacity
Rappahannock River Basin	
Culpeper WWTP	Town of Culpeper
Marshall WWTP	Town of Marshall
Mountain Run WWTP	Culpeper County
Orange STP	Town of Orange
Rapidan STP	Rapidan Service Authority
FCW&SA-Remington WWTP	Fauquier County Water and Sewer Authority
Warrenton STP	Town of Warrenton
Wilderness Shores WWTP	Rapidan Service Authority
Spotsylvania Co.-FMC WWTF	Spotsylvania County
Fredericksburg WWTF <i>WIP3-N, WIP3-P</i>	City of Fredericksburg
Stafford Co.-Little Falls Run WWTF	Stafford County
Spotsylvania Co.-Massaponax WWTF WIP3-N, WIP3-P	Spotsylvania County
Montross-Westmoreland WWTP	Westmoreland County

Oakland Park STP	King George County Service Authority
Tappahannock WWTP	Town of Tappahannock
Urbanna WWTP	Hampton Roads Sanitation District
Warsaw STP	Town of Warsaw
Reedville Sanitary District WWTP	Reedville Sanitary District 60
Kilmarnock WWTP	Town of Kilmarnock
York River Basin	
Caroline Co. Regional STP	Caroline County
Gordonsville STP	Rapidan Service Authority
Ashland WWTP	Hanover County
Doswell WWTP	Hanover County
HRSD-York River STP WIP3-N	Hampton Roads Sanitation District
Parham Landing WWTP	New Kent County
Totopotomoy WWTP	Hanover County
HRSD-West Point STP	Hampton Roads Sanitation District
HRSD-Mathews Courthouse STP	Hampton Roads Sanitation District
Spotsylvania Co.-Thornburg STP WIP3-N, WIP3-P	Spotsylvania County
James River Basin	
Buena Vista STP	City of Buena Vista
Covington STP	City of Covington
Lexington-Rockbridge Regional WQCF	Maury Service Authority
Alleghany Co.-Low Moor STP	Alleghany County
Alleghany Co.-Lower Jackson River WWTP	Alleghany County
Amherst-Rutledge Creek WWTP	Town of Amherst
Lynchburg STP	City of Lynchburg
RWSA-Moores Creek Regional STP	Rivanna Water and Sewer Authority
Crewe WWTP	Town of Crewe
Farmville WWTP	Town of Farmville
Chesterfield Co.-Falling Creek WWTP	Chesterfield County
Henrico Co. WWTP	Henrico County
Hopewell Regional WWTF	City of Hopewell
Chesterfield Co.-Proctors Creek WWTP	Chesterfield County
Richmond WWTP	City of Richmond
South Central Wastewater Authority WWTF WIP3-N, WIP3-P	South Central Wastewater Authority
HRSD-Boat Harbor STP WIP3-N, WIP3-P	Hampton Roads Sanitation District
HRSD-Williamsburg STP WIP3-N, WIP3-P	Hampton Roads Sanitation District
HRSD-Nansemond STP WIP3-N, WIP3-P	Hampton Roads Sanitation District
HRSD-Army Base STP WIP3-N, WIP3-P	Hampton Roads Sanitation District
HRSD-Virginia Initiative Plant STP WIP3-N, WIP3-P	Hampton Roads Sanitation District
HRSD-Chesapeake/Elizabeth STP WIP3-N, WIP3-P	Hampton Roads Sanitation District
Eastern Shore Basin	
Cape Charles WWTP	Town of Cape Charles
Onancock WWTP	Town of Onancock
Tangier Island WWTP	Town of Tangier

G. To the extent that any publicly owned treatment works receives less than the grant specified pursuant to § 10.1-2131, any year-end revenue surplus or unappropriated balances deposited in the Water Quality Improvement Fund, as required by § 10.1-2128, shall be prioritized in order to augment the funding of those projects for which grants have been prorated. Any additional reimbursements to these prorated projects shall not exceed the total reimbursement amount due pursuant to the formula established in subsection E of § 10.1-2131.

H. Notwithstanding the provisions of subsection B of § 10.1-2131, the Director shall not be required to enter into a grant agreement with a facility designated as a significant discharger or eligible nonsignificant discharger if the Director determines that the use of nutrient credits in accordance with the Chesapeake Bay Watershed Nutrient Credit Exchange Program (§ 62.1-44.19:12 et seq.) would be significantly more cost-effective than the installation of nutrient controls for the facility in question.

§ 62.1-44.19:14. Watershed general permit for nutrients.

A. The Board shall issue a Watershed General Virginia Pollutant Discharge Elimination System Permit, hereafter referred to as the general permit, authorizing point source discharges of total nitrogen and total phosphorus to the waters of the Chesapeake Bay and its tributaries. Except as otherwise provided in this article, the general permit shall control in lieu of technology-based, water quality-based, and best professional judgment, interim or final effluent limitations for total nitrogen and total phosphorus in individual Virginia Pollutant Discharge Elimination System permits for facilities covered by the general permit where the effluent limitations for total nitrogen and total phosphorus in the individual permits are based upon standards, criteria, waste load allocations, policy, or guidance established to restore or protect the water quality and beneficial uses of the Chesapeake Bay or its tidal tributaries.

B. This section shall not be construed to limit or otherwise affect the Board's authority to establish and enforce more stringent water quality-based effluent limitations for total nitrogen or total phosphorus in individual permits where those limitations are necessary to protect local water quality. The exchange or acquisition of credits pursuant to this article shall not affect any requirement to comply with such local water quality-based limitations.

C. The general permit shall contain the following:

1. Waste load allocations for total nitrogen and total phosphorus for each permitted facility expressed as annual mass loads, including reduced waste load allocations where applicable under the ENRC Program. The allocations for each permitted facility shall reflect the applicable individual water quality-based total nitrogen and total phosphorus waste load allocations. An owner or operator of two or more facilities located in the same tributary may apply for and receive an aggregated waste load allocation for total nitrogen and an aggregated waste load allocation for total phosphorus for multiple facilities reflecting the total of the water quality-based total nitrogen and total phosphorus waste load allocations established for such facilities individually;

2. A schedule requiring compliance with the combined waste load allocations for each tributary as soon as possible taking into account (i) opportunities to minimize costs to the public or facility owners by phasing in the implementation of multiple projects; (ii) the availability of required services and skilled labor; (iii) the availability of funding from the Virginia Water Quality Improvement Fund as established in § 10.1-2128, the Virginia Water Facilities Revolving Fund as established in § 62.1-225, and other financing mechanisms; (iv) water quality conditions; and (v) other relevant factors. Following receipt of the compliance plans required by subdivision C 3, the Board shall reevaluate the schedule taking into account the information in the compliance plans and the factors in this subdivision, and may modify the schedule as appropriate;

3. A requirement that the permittees shall either individually or through the Association submit compliance plans to the Department for approval. The compliance plans shall contain, at a minimum, any capital projects and implementation schedules needed to achieve total nitrogen and phosphorus reductions sufficient to comply with the individual and combined waste load allocations of all the permittees in the tributary. The compliance plans may rely on the exchange of point source credits in accordance with this article, but not the acquisition of credits through payments authorized by § 62.1-44.19:18, to achieve compliance with the individual and combined waste load allocations in each tributary. The compliance plans shall be updated annually and submitted to the Department no later than February 1 of each year. The compliance plans due beginning February 1, 2023, shall address the requirements of the ENRC Program;

4. Such monitoring and reporting requirements as the Board deems necessary to carry out the provisions of this article;

5. A procedure that requires every owner or operator of a facility authorized by a Virginia Pollutant Discharge Elimination System permit to discharge 100,000 gallons or more per day, or an equivalent load, directly into tidal waters, or 500,000 gallons or more per day, or an equivalent load, directly into nontidal waters, to secure general permit coverage by filing a registration statement with the Department within a specified period after each effective date of the general permit. The procedure shall also require any owner or operator of a facility authorized by a Virginia Pollutant Discharge Elimination System permit to discharge 40,000 gallons or more per day, or an equivalent load, directly into tidal or nontidal waters to secure general permit coverage by filing a registration statement with the Department at the time he makes application with the Department for a new discharge or expansion that is subject to an offset or technology-based requirement in § 62.1-44.19:15, and thereafter within a specified period of time after each effective date of the general permit. The procedure shall also require any owner or operator of a facility with a discharge that is subject to an offset requirement in subdivision A 5 of § 62.1-44.19:15 to secure general permit coverage by filing a registration statement with the Department prior to commencing the discharge and thereafter within a specified period of time after each effective date of the general permit. The general permit shall provide that any facility authorized by a Virginia Pollutant Discharge Elimination System permit and not required by this subdivision to file a registration statement shall be deemed to be

covered under the general permit at the time it is issued, and shall file a registration statement with the Department when required by this section. Owners or operators of facilities that are deemed to be permitted under this section shall have no other obligation under the general permit prior to filing a registration statement and securing coverage under the general permit based upon such registration statement;

6. A procedure for efficiently modifying the lists of facilities covered by the general permit where the modification does not change or otherwise alter any waste load allocation or delivery factor adopted pursuant to the Water Quality Management Planning Regulation (9VAC25-720) or its successor, or an applicable total maximum daily load. The procedure shall also provide for modifying or incorporating new waste load allocations or delivery factors, including the opportunity for public notice and comment on such modifications or incorporations; and

7. Such other conditions as the Board deems necessary to carry out the provisions of this chapter and Section 402 of the federal Clean Water Act (33 U.S.C. § 1342).

D. 1. The Board shall (i) review during the year 2020 and every 10 years thereafter the basis for allocations granted in the Water Quality Management Planning Regulation (9VAC25-720) and (ii) as a result of such decennial reviews propose for inclusion in the Water Quality Management Planning Regulation (9VAC25-720) either the reallocation of unneeded allocations to other facilities registered under the general permit or the reservation of such allocations for future use.

2. For each decennial review, the Board shall determine whether a permitted facility has:

a. Changed the use of the facility in such a way as to make discharges unnecessary, ceased the discharge of nutrients, and become unlikely to resume such discharges in the foreseeable future; or

b. Changed the production processes employed in the facility in such a way as to render impossible, or significantly to diminish the likelihood of, the resumption of previous nutrient discharges.

3. Beginning in 2030, each review also shall consider the following factors for municipal wastewater facilities:

a. Substantial changes in the size or population of a service area;

b. Significant changes in land use resulting from adopted changes to zoning ordinances or comprehensive plans within a service area;

c. Significant establishment of conservation easements or other perpetual instruments that are associated with a deed and that restrict growth or development;

d. Constructed treatment facility capacity;

e. Significant changes in the understanding of the water chemistry or biology of receiving waters that would reasonably result in unused nutrient discharge allocations over an extended period of time;

f. Significant changes in treatment technologies that would reasonably result in unused nutrient discharge allocations over an extended period of time;

g. The ability of the permitted facility to accommodate projected growth under existing nutrient waste load allocations; and

h. Other similarly significant factors that the Board determines reasonably to affect the allocations granted.

The Board shall not reduce allocations based solely on voluntary improvements in nutrient removal technology.

E. The Board shall maintain and make available to the public a current listing, by tributary, of all permittees and permitted facilities under the general permit, together with each permitted facility's total nitrogen and total phosphorus waste load allocations, and total nitrogen and total phosphorus delivery factors.

F. Except as otherwise provided in this article, in the event that there are conflicting or duplicative conditions contained in the general permit and an individual Virginia Pollutant Discharge Elimination System permit, the conditions in the general permit shall control.

G. The Board shall adopt amendments to the Water Quality Management Planning Regulation and modifications to Virginia Pollutant Discharge Elimination System permits or registration lists to establish and implement the Phase III Watershed Implementation Plan Enhanced Nutrient Removal Certainty Program (ENRC Program) as provided in this subsection. The ENRC Program shall consist of the following projects and the following waste load allocation reductions and their respective schedules for compliance.

1. Priority projects for additional nitrogen and phosphorus removal (schedule for compliance):

PROJECT NAME	DESCRIPTION (COMPLIANCE SCHEDULE)
HRSD-Chesapeake/Elizabeth STP	Consolidate into regional system and close treatment facility (1/1/2023)
HRSD-Boat Harbor WWTP	Convey by subaqueous crossing to Nansemond River WWTP for nutrient removal (1/1/2026)
HRSD-Nansemond River WWTP	Upgrade and expand with nutrient removal technology of 4.0 mg/L total nitrogen (1/1/2026) and 0.30 mg/L total phosphorus (1/1/2032)
HRSD-Nassawadox WWTP	Convey to regional system for nutrient removal (1/1/2026)
Fredericksburg WWTF	Expand with nutrient removal technology of 3.0 mg/L total nitrogen and 0.22 mg/L total phosphorus (1/1/2026)
Spotsylvania Co.-FMC WWTF	Convey to Massaponax WWTF and close treatment facility (1/1/2026)

Spotsylvania Co.-Massaponax WWTF	Expand with nutrient removal technology of 4.0 mg/L total nitrogen and 0.30 mg/L total phosphorus to consolidate and close FMC WWTF (1/1/2026)
Spotsylvania Co.-Thornburg STP	Upgrade with nutrient removal technology of 4.0 mg/L total nitrogen and 0.30 mg/L total phosphorus (1/1/2026)
HRRSA-North River WWTP	Phosphorus removal tertiary filtration upgrade (1/1/2026)
South Central Wastewater Authority WWTF	Upgrade with nutrient removal technology of 4.0 mg/L total nitrogen and 0.30 mg/L total phosphorus (1/1/2026)
HRSD-Williamsburg WWTP	Upgrade with nutrient removal technology of 4.0 mg/L total nitrogen (1/1/2026) and 0.30 mg/L total phosphorus (1/1/2032)
HRSD-VIP WWTP	Upgrade with nutrient removal technology of 4.0 mg/L total nitrogen (1/1/2026) and 0.30 mg/L total phosphorus (1/1/2032)
HRSD-James River WWTP	Upgrade with nutrient removal technology of 4.0 mg/L total nitrogen (1/1/2026) and 0.30 mg/L total phosphorus (1/1/2028)
HRSD-Army Base WWTP	Convey to VIP WWTP for nutrient removal (1/1/2032) or upgrade with nutrient removal technology of 4.0 mg/L total nitrogen (1/1/2026) and 0.30 mg/L total phosphorus (1/1/2032)

Each priority project and the associated schedule of compliance shall be incorporated into the applicable Virginia Pollutant Discharge Elimination System permit or registration list. Each priority project facility shall be in compliance by complying with applicable annual average total nitrogen and total phosphorus concentrations for compliance years 2026, 2028, and 2032 or, only for a facility subject to an aggregated waste load allocation, by exercising the option of achieving an equivalent discharged load by the date set out in the schedule of compliance based on the applicable total nitrogen and total phosphorus annual average concentrations and actual annual flow treated without the acquisition and use of point source credits generated by permitted facilities not under common ownership. Noncompliance shall be enforceable in the same manner as any other condition of a Virginia Pollutant Discharge Elimination System permit.

2. Nitrogen waste load allocation reductions — HRSD-York River WWTP:

Reduce the total nitrogen waste load allocation for the HRSD-York River WWTP to 228,444 lbs/year effective January 1, 2026.

3. James River HRSD SWIFT nutrient upgrades:

Reduce total nitrogen waste load allocations for HRSD treatment works in the James River basin to the following allocations effective January 1, 2026:

FACILITY NAME	TOTAL NITROGEN WASTELOAD ALLOCATION (lbs/year)
HRSD-Army Base WWTP	219,307
HRSD-Boat Harbor STP	304,593
HRSD-James River STP	243,674
HRSD-VIP WWTP	487,348
HRSD-Nansemond STP	365,511
HRSD-Williamsburg STP	274,133

Reduce total phosphorus waste load allocations for HRSD treatment works in the James River basin to the following allocations effective January 1, 2026:

FACILITY NAME	TOTAL PHOSPHORUS WASTELOAD ALLOCATION (lbs/year)
HRSD-Army Base WWTP	27,413
HRSD-Boat Harbor STP	38,074
HRSD-James River STP	30,459
HRSD-VIP WWTP	60,919
HRSD-Nansemond STP	45,689
HRSD-Williamsburg STP	34,267

Reduce total phosphorus waste load allocations for HRSD treatment works in the James River basin to the following allocations effective January 1, 2030:

FACILITY NAME	TOTAL PHOSPHORUS WASTELOAD ALLOCATION (lbs/year)
HRSD-Army Base WWTP	21,931
HRSD-Boat Harbor STP	30,459
HRSD-James River STP	24,367
HRSD-VIP WWTP	48,735
HRSD-Nansemond STP	36,551
HRSD-Williamsburg STP	27,413

Reduce total phosphorus waste load allocations for HRSD treatment works in the James River basin to the following allocations effective January 1, 2032:

FACILITY NAME	TOTAL PHOSPHORUS WASTELOAD ALLOCATION (lbs/year)
HRSD-Army Base WWTP	16,448
HRSD-Boat Harbor STP	22,844
HRSD-James River STP	18,276
HRSD-VIP WWTP	36,551
HRSD-Nansemond STP	27,413
HRSD-Williamsburg STP	20,560

Transfer the total nitrogen (454,596 lbs/year) and total phosphorus (41,450 lbs/year) waste load allocations for the HRSD-Chesapeake/Elizabeth STP to the Nutrient Offset Fund effective January 1, 2026.

Transfer the total nitrogen (153,500 lbs/yr) and total phosphorus (17,437 lbs/yr) waste load allocations for the HRSD-J.H. Miles Facility consolidation to HRSD in accordance with the approved registration list December 21, 2015, transfer.

2. That the nutrient technology requirements of 3.0 mg/L total nitrogen and 0.22 mg/L total phosphorus for the Fredericksburg Waste Water Treatment Facility established in the first enactment clause of this act shall take effect and apply on an annual basis when the expanded Fredericksburg Waste Water Treatment Facility receives its certificate to operate.

CHAPTER 129

An Act to direct the Virginia Code Commission to convene a work group to review relevant provisions of the Code of Virginia, relating to public notices required to be published by localities.

[H 1131]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Virginia Code Commission shall convene a work group, including representatives of the Virginia Press Association, the Virginia Association of Counties, the Virginia Municipal League, and other relevant stakeholders to review requirements throughout the Code of Virginia for localities to provide public notice for intended actions and events, including business meetings, the creation of taxation zones, proposed amendments to existing planning and zoning ordinances, and consideration of budgets. The work group shall also review (i) the varying frequency for publishing notices in newspapers and other print media, (ii) the number of days required to elapse between the publications of notices, and (iii) the amount of information required to be contained in each notice and make recommendations for uniformity and efficiency. The Virginia Code Commission shall submit a report to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology summarizing the work and any recommendations of the work group by November 1, 2022.*

CHAPTER 130

An Act to direct the Virginia Code Commission to convene a work group to review relevant provisions of the Code of Virginia, relating to public notices required to be published by localities.

[S 417]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Virginia Code Commission shall convene a work group, including representatives of the Virginia Press Association, the Virginia Association of Counties, the Virginia Municipal League, and other relevant stakeholders to review requirements throughout the Code of Virginia for localities to provide public notice for intended actions and events, including business meetings, the creation of taxation zones, proposed amendments to existing planning and zoning ordinances, and consideration of budgets. The work group shall also review (i) the varying frequency for publishing notices in newspapers and other print media, (ii) the number of days required to elapse between the publications of notices, and (iii) the amount of information required to be contained in each notice and make recommendations for uniformity and efficiency. The Virginia Code Commission shall submit a report to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology summarizing the work and any recommendations of the work group by November 1, 2022.*

CHAPTER 131

An Act to amend and reenact §§ 38.2-135, 38.2-316, and 38.2-1800 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 38.2-107.2, relating to insurance; private family leave insurance.

[S 15]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. **That §§ 38.2-135, 38.2-316, and 38.2-1800 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 38.2-107.2 as follows:**

§ 38.2-107.2. Private family leave insurance.

"Family leave insurance" means an insurance policy issued to an employer related to a benefit program provided to an employee to pay for a percentage or portion of the employee's income loss due to (i) the birth of a child or adoption of a child by the employee; (ii) placement of a child with the employee for foster care; (iii) care of a family member of the employee who has a serious health condition; or (iv) circumstances arising out of the fact that the employee's family member who is a service member is on active duty or has been notified of an impending call or order to active duty. Family leave insurance may be written as an amendment or rider to a group disability income policy, included in a group disability income policy, or written as a separate group insurance policy purchased by an employer.

§ 38.2-135. Classes of insurance companies may be licensed to write.

Except as otherwise provided in this title and subject to any conditions and restrictions imposed therein, any insurer licensed to transact the business of insurance in ~~this~~ the Commonwealth, other than life insurers and title insurers, may be licensed to write one or more of the classes of insurance enumerated in Article 2 (§ 38.2-101 et seq.) of this chapter that it is authorized under its charter to write, except life insurance, industrial life insurance, credit life insurance, variable life insurance, modified guaranteed life insurance, annuities, variable annuities, modified guaranteed annuities, and title insurance. An insurer licensed to write life insurance shall not be licensed to write any additional class of insurance except modified guaranteed life insurance, variable life insurance, annuities, modified guaranteed annuities, variable annuities, credit life insurance, credit accident and sickness insurance, accident and sickness insurance, ~~and~~ industrial life insurance, *and family leave insurance*. An insurer licensed to write title insurance shall not be licensed to write any additional class of insurance. However, any life insurer that has been licensed to write and has been actively engaged in writing life insurance and any additional class of insurance set out in Article 2 (§ 38.2-101 et seq.) of this chapter continuously during a period of ~~twenty~~ 20 years immediately preceding July 1, 1952, may continue to be licensed to write those classes of insurance. No company shall write any class of insurance unless it has a current annual license from the Commission to do so.

§ 38.2-316. Policy forms to be filed with Commission; notice of approval or disapproval; exceptions.

A. No policy of life insurance, industrial life insurance, variable life insurance, modified guaranteed life insurance, group life insurance, *family leave insurance*, accident and sickness insurance, or group accident and sickness insurance; no annuity, modified guaranteed annuity, pure endowment, variable annuity, group annuity, group modified guaranteed annuity, or group variable annuity contract; no health services plan, legal services plan, dental or optometric services plan, or health maintenance organization contract; no dental plan organization dental benefit contract; and no fraternal benefit certificate nor any certificate or evidence of coverage issued in connection with such policy, contract, or plan issued or issued for delivery in Virginia shall be delivered or issued for delivery in ~~this~~ the Commonwealth unless a copy of the form has been filed with the Commission. In addition to the above requirement, no policy of accident and sickness insurance *or*

family leave insurance shall be delivered or issued for delivery in ~~this~~ the Commonwealth unless the rate manual showing rates, rules, and classification of risks applicable thereto has been filed with the Commission.

B. Except as provided in this section, no application form shall be used with the policy or contract and no rider or endorsement shall be attached to or printed or stamped upon the policy or contract unless the form of such application, rider or endorsement has been filed with the Commission. No individual certificate and no enrollment form shall be used in connection with any group life insurance policy, group accident and sickness insurance policy, group annuity contract, ~~or~~ group variable annuity contract, *or group family leave insurance policy* unless the form for the certificate and enrollment form have been filed with the Commission.

C. 1. None of the policies, contracts, and certificates specified in subsection A ~~of this section~~ shall be delivered or issued for delivery in ~~this~~ the Commonwealth and no applications, enrollment forms, riders, and endorsements shall be used in connection with the policies, contracts, and certificates unless the forms thereof have been approved in writing by the Commission as conforming to the requirements of this title and not inconsistent with law.

2. In addition to the above requirement, no premium rate change applicable to individual accident and sickness insurance policies, subscriber contracts of health services plans, dental or optometric services plans, or fraternal benefit contracts providing individual accident and sickness coverage as authorized in § 38.2-4116 shall be used unless the premium rate change has been approved in writing by the Commission. No premium rate change applicable to individual or group Medicare supplement policies shall be used unless the premium rate change has been approved in writing by the Commission.

D. The Commission may disapprove or withdraw approval of the form of any policy, contract or certificate specified in subsection A ~~of this section~~, or of any application, enrollment form, rider or endorsement, if the form:

1. Does not comply with the laws of ~~this~~ the Commonwealth;
2. Has any title, heading, backing or other indication of the contents of any or all of its provisions that is likely to mislead the policyholder, contract holder or certificate holder; or
3. Contains any provisions that encourage misrepresentation or are misleading, deceptive or contrary to the public policy of ~~this~~ the Commonwealth.

E. Within 30 days after the filing of any form requiring approval, the Commission shall notify the organization filing the form of its approval or disapproval of the form which has been filed, and, in the event of disapproval, its reason therefor. The Commission, at its discretion, may extend for up to an additional 30 days the period within which it shall approve or disapprove the form. Any form received but neither approved nor disapproved by the Commission shall be deemed approved at the expiration of the 30 days if the period is not extended, or at the expiration of the extended period, if any; however, no organization shall use a form deemed approved under the provisions of this section until the organization has filed with the Commission a written notice of its intent to use the form together with a copy of the form and the original transmittal letter thereof. The notice shall be filed in the offices of the Commission at least 10 days prior to the organization's use of the form.

F. If the Commission proposes to withdraw approval previously given or deemed given to the form of any policy, contract or certificate, or of any application, rider or endorsement, it shall notify the insurer in writing at least 15 days prior to the proposed effective date of withdrawal giving its reasons for withdrawal.

G. Any insurer or fraternal benefit society aggrieved by the disapproval or withdrawal of approval of any form may proceed as indicated in § 38.2-1926.

H. This section shall not apply to any special rider or endorsement on any policy, except an accident and sickness insurance policy that relates only to the manner of distribution of benefits or to the reservation of rights and benefits under such policy, and that is used at the request of the individual policyholder, contract holder or certificate holder.

I. The Commission may exempt any categories of such policies, contracts, and certificates and any applicable rate manuals from (i) the filing requirements, (ii) the approval requirements of this section, or (iii) both such requirements. The Commission may modify such requirements, subject to such limitations and conditions which the Commission finds appropriate. In promulgating an exemption, the Commission may consider the nature of the coverage, the person or persons to be insured or covered, the competence of the buyer or other parties to the contract, and other criteria the Commission considers relevant.

J. In lieu of complying with the requirements of subsections A, B, and C, any legal services organization operating, conducting, or administering a legal services plan may provide the Commission with an informational filing regarding a subscription contract, enrollment form, rider, or endorsement used by the legal services organization in connection with a legal services plan offered in the Commonwealth together with written notice of its intent to use the form. Upon providing such informational filing and notice, the legal services organization may use the subscription contract, enrollment form, rider, or endorsement without its prior approval by the Commission. This subsection shall not limit the authority of the Commission to review a legal services plan and any subscription contract, enrollment form, rider, or endorsement used in connection therewith and to disapprove the use of such form for any of the grounds set forth in subsection D.

K. Pursuant to the authority granted by § 38.2-223, the Commission may promulgate such rules and regulations as it may deem necessary to set standards for policy and other form submissions required by this section or § 38.2-3501.

§ 38.2-1800. Definitions.

As used in this chapter:

"Agent," "insurance agent," "producer," or "insurance producer," when used without qualification, means an individual or business entity that sells, solicits, or negotiates contracts of insurance or annuity in the Commonwealth.

"Appointed agent," "appointed insurance agent," "appointed producer," or "appointed insurance producer," when used without qualification, means an individual or business entity licensed in the Commonwealth to sell, solicit, or negotiate contracts of insurance or annuity of the classes authorized within the scope of such license and who is appointed by a company licensed in the Commonwealth to sell, solicit, or negotiate on its behalf contracts of insurance of the classes authorized within the scope of such license and, if authorized by the company, may collect premiums on those contracts.

"Business entity" means a partnership, limited partnership, limited liability company, corporation, or other legal entity other than a sole proprietorship.

"Dental plan organization authority" means the authority in the Commonwealth to sell, solicit, or negotiate dental benefit contracts on behalf of dental plan organizations licensed under Chapter 61 (§ 38.2-6100 et seq.).

"Dental services authority" means the authority in the Commonwealth to sell, solicit, or negotiate dental services plan contracts on behalf of dental services plans licensed under Chapter 45 (§ 38.2-4500 et seq.).

"Filed" means received by the Commission.

"Health agent" means an agent licensed in the Commonwealth to sell, solicit, or negotiate insurance as defined in §§ 38.2-108 and 38.2-109, and including contracts issued by insurers, health services plans, health maintenance organizations, dental services plans, optometric services plans, and dental plan organizations licensed in the Commonwealth.

"Home protection insurance authority" means the authority in the Commonwealth to sell, solicit, or negotiate home protection insurance as defined in § 38.2-129 on behalf of insurers licensed in the Commonwealth.

"Home state" means the District of Columbia and any state or territory of the United States, except Virginia, or any province of Canada, in which an insurance producer maintains such person's principal place of residence or principal place of business and is licensed by that jurisdiction to act as a resident insurance producer.

"Legal services insurance authority" means the authority in the Commonwealth to sell, solicit, or negotiate legal services insurance as defined in § 38.2-127 on behalf of insurers licensed in the Commonwealth.

"License" means a document issued by the Commission authorizing an individual or business entity to act as an insurance producer for the lines of authority specified in the document. Except as provided in § 38.2-1833, the license itself does not create any authority, actual, apparent or inherent, in the licensee to represent, commit, or bind an insurer.

"Licensed agent," "licensed insurance agent," "licensed producer," or "licensed insurance producer," when used without qualification, means an individual or business entity licensed in the Commonwealth to sell, solicit, or negotiate contracts of insurance or annuity of the classes authorized within the scope of such license.

"Life and annuities insurance agent" means an agent licensed in the Commonwealth to sell, solicit, or negotiate life insurance and annuity contracts as defined in §§ 38.2-102, 38.2-103, 38.2-104, 38.2-105.1, 38.2-106, and 38.2-107.1, respectively, *and family leave insurance as defined in § 38.2-107.2*, on behalf of insurers licensed in the Commonwealth.

"Limited burial insurance authority" means the authority in the Commonwealth to sell, solicit, or negotiate burial insurance society membership where the certificates of membership are used solely to fund preneed funeral contracts on any individual, on behalf of insurers licensed under Chapter 40 (§ 38.2-4000 et seq.); or to represent an association referred to in § 38.2-3318.1, limited to soliciting members of that association for association group life insurance certificates where the funds are used solely to fund preneed funeral contracts.

"Limited lines credit insurance agent" means an agent licensed in the Commonwealth whose authority is restricted to selling, soliciting, or negotiating, on behalf of insurers licensed in the Commonwealth, one or more of the following coverages to individuals through a master, corporate, group or individual policy: (i) credit life insurance and credit accident and sickness insurance, but only to the extent authorized in Chapter 37.1 (§ 38.2-3717 et seq.); (ii) credit involuntary unemployment insurance as defined in § 38.2-122.1; (iii) credit property insurance, as defined in § 38.2-122.2; (iv) mortgage accident and sickness insurance; (v) mortgage redemption insurance; (vi) mortgage guaranty insurance; and (vii) any other form of insurance offered in connection with an extension of credit that is limited to partially or wholly extinguishing that credit obligation and that the Commission specifically determines may be sold, solicited, or negotiated by those holding a limited lines credit insurance agent license. Each insurer that sells, solicits or negotiates any of the coverages set forth in this definition shall provide to each individual whose duties will include selling, soliciting or negotiating such coverages a program of instruction that may, at the discretion of the Commission, be submitted for approval by the Commission or reviewed by the Commission subsequent to its implementation.

"Limited lines life and health agent" means an individual or business entity authorized by the Commission whose license authority to sell, solicit, or negotiate is limited to the following, or any other type of authority that the Commission may deem it necessary to recognize for the purposes of complying with § 38.2-1836: dental services authority; limited burial insurance authority; mutual assessment life and health insurance authority; optometric services authority; and dental plan organization authority. Limited lines life and health insurance shall not include life insurance, health insurance, property insurance, casualty insurance, and title insurance.

"Limited lines property and casualty agent" means an individual or business entity authorized by the Commission whose license authority to sell, solicit, or negotiate is limited to the following, or any other type of authority that the Commission may deem it necessary to recognize for the purposes of complying with § 38.2-1836: home protection insurance authority; legal services insurance authority; mutual assessment property and casualty insurance authority; ocean

marine insurance authority; pet accident, sickness and hospitalization insurance authority; portable electronics insurance authority; self storage insurance authority; and travel insurance. Unless otherwise defined, "limited lines property and casualty insurance" shall not include life insurance, health insurance, property insurance, casualty insurance, and title insurance.

"Mortgage accident and sickness insurance authority" means the authority in the Commonwealth to sell, solicit, or negotiate mortgage accident and sickness insurance on behalf of insurers licensed in the Commonwealth.

"Mortgage guaranty insurance authority" means the authority in the Commonwealth to sell, solicit, or negotiate mortgage guaranty insurance on behalf of insurers licensed in the Commonwealth.

"Mortgage redemption insurance authority" means the authority in the Commonwealth to sell, solicit, or negotiate mortgage redemption insurance on behalf of insurers licensed in the Commonwealth. As used in this chapter, "mortgage redemption insurance" means a nonrenewable, nonconvertible, decreasing term life insurance policy written in connection with a mortgage transaction for a period of time coinciding with the term of the mortgage. The initial sum shall not exceed the amount of the indebtedness outstanding at the time the insurance becomes effective, rounded up to the next \$1,000.

"Motor vehicle rental contract enroller" means an unlicensed hourly or salaried employee of a motor vehicle rental company that is in the business of providing primarily private motor vehicles to the public under a rental agreement for a period of less than six months, and receives no direct or indirect commission from the insurer, the renter or the vehicle rental company.

"Motor vehicle rental contract insurance agent" means a person who (i) is a selling agent of a motor vehicle rental company that is in the business of providing primarily private passenger motor vehicles to the public under a rental agreement for a period of less than six months and (ii) whose license in the Commonwealth is restricted to selling, soliciting, or negotiating only the following insurance coverages, and solely in connection with and incidental to the rental contract:

1. Personal accident insurance that provides benefits in the event of accidental death or injury occurring during the rental period;
2. Liability coverage sold to the renter in excess of the rental company's obligations under § 38.2-2204, 38.2-2205, or Title 46.2, as applicable;
3. Personal effects insurance that provides coverages for the loss of or damage to the personal effects of the renter and other vehicle occupants while such personal effects are in or upon the rental vehicle during the rental period;
4. Roadside assistance and emergency sickness protection programs; and
5. Other travel-related or vehicle-related insurance coverage that a motor vehicle rental company offers in connection with and incidental to the rental of vehicles.

The term "motor vehicle rental contract insurance agent" does not include motor vehicle rental contract enrollers.

"Mutual assessment life and health insurance authority" means the authority in the Commonwealth to sell, solicit, or negotiate mutual assessment life and accident and sickness insurance on behalf of insurers licensed under Chapter 39 (§ 38.2-3900 et seq.), but only to the extent permitted under § 38.2-3919.

"Mutual assessment property and casualty insurance authority" means the authority in the Commonwealth to sell, solicit, or negotiate mutual assessment property and casualty insurance on behalf of insurers licensed under Chapter 25 (§ 38.2-2500 et seq.), but only to the extent permitted under § 38.2-2525.

"NAIC" means the National Association of Insurance Commissioners.

"Negotiate" means the act of conferring directly with or offering advice directly to a purchaser or prospective purchaser of a particular contract of insurance concerning any of the substantive benefits, terms or conditions of the contract, provided that the person engaged in that act either sells insurance or obtains insurance from insurers for purchasers.

"Ocean marine insurance authority" means the authority in the Commonwealth to sell, solicit, or negotiate those classes of insurance classified in § 38.2-126, except those classes specifically classified as inland marine insurance, on behalf of insurers licensed in the Commonwealth.

"Optometric services authority" means the authority in the Commonwealth to sell, solicit, or negotiate optometric services plan contracts on behalf of optometric services plans licensed under Chapter 45 (§ 38.2-4500 et seq.).

"Personal lines agent" means an agent licensed in the Commonwealth to sell, solicit, or negotiate insurance as defined in §§ 38.2-110 through 38.2-114, 38.2-116, 38.2-117, 38.2-118, 38.2-124, 38.2-125, 38.2-126, 38.2-129, 38.2-130, and 38.2-131 for transactions involving insurance primarily for personal, family, or household needs rather than for business or professional needs.

"Pet accident, sickness and hospitalization insurance authority" means the authority in the Commonwealth to sell, solicit, or negotiate pet accident, sickness and hospitalization insurance on behalf of insurers licensed in the Commonwealth.

"Property and casualty insurance agent" means an agent licensed in the Commonwealth to sell, solicit, or negotiate both personal and commercial lines of insurance as defined in §§ 38.2-110 through 38.2-122.2, and §§ 38.2-124 through 38.2-134 on behalf of insurers licensed in the Commonwealth.

"Resident" means (i) an individual residing in Virginia; (ii) an individual residing outside of Virginia whose principal place of business is in Virginia, who is able to demonstrate to the satisfaction of the Commission that the laws of his home state prevent him from obtaining a resident agent license in that state, and who affirmatively chooses to qualify as and be

treated as a resident of Virginia for purposes of licensing and continuing education, both in Virginia and in the state in which the individual resides, if applicable; (iii) a partnership duly formed and recorded in Virginia; (iv) a corporation incorporated and existing under the laws of Virginia; (v) a limited liability company organized and existing under the laws of Virginia; or (vi) a foreign business entity that is not licensed as a resident agent in any other jurisdiction, and that demonstrates to the satisfaction of the Commission that its principal place of business is within the Commonwealth of Virginia.

"Restricted nonresident health agent" means a nonresident agent whose license authority in his home state does not include all of the authority granted under a health agent license in Virginia. The license issued to such agent shall authorize the agent to sell, solicit, or negotiate in Virginia, on behalf of insurers licensed in Virginia, only those kinds or classes of insurance for which the agent is authorized in his home state.

"Restricted nonresident life and annuities agent" means a nonresident agent whose license authority in his home state does not include all of the authority granted under a life and annuities agent license in Virginia. The license issued to such agent shall authorize the agent to sell, solicit, or negotiate in Virginia, on behalf of insurers licensed in Virginia, only those kinds or classes of insurance for which the agent is authorized in his home state.

"Restricted nonresident personal lines agent" means a nonresident agent whose license authority in his home state does not include all of the authority granted under a personal lines agent license in Virginia. The license issued to such agent shall authorize the agent to sell, solicit, or negotiate in Virginia, on behalf of insurers licensed in Virginia, only those kinds or classes of insurance for which the agent is authorized in his home state.

"Restricted nonresident property and casualty agent" means a nonresident agent whose license authority in his home state does not include all of the authority granted under a property and casualty agent license in Virginia. The license issued to such agent shall authorize the agent to sell, solicit, or negotiate in Virginia, on behalf of insurers licensed in Virginia, only those kinds or classes of insurance for which the agent is authorized in his home state.

"Sell" means to exchange a contract of insurance by any means, for money or its equivalent, on behalf of an insurer.

"Settlement agent" means a person licensed as a title insurance agent and registered with the Virginia State Bar pursuant to Chapter 10 (§ 55.1-1000 et seq.) of Title 55.1.

"Solicit" means attempting to sell insurance or asking or urging a person to apply for a particular class of insurance from one or more insurers.

"Surety bail bondsman" means a person licensed as a surety bail bondsman pursuant to Article 11 (§ 9.1-185 et seq.) of Chapter 1 of Title 9.1.

"Surplus lines broker" means a person licensed pursuant to Article 5.1 (§ 38.2-1857.1 et seq.) of this chapter, and who is thereby authorized to engage in the activities set forth in Chapter 48 (§ 38.2-4805.1 et seq.).

"Terminate" means the cancellation of the relationship between an insurance producer and the insurer, or the termination of an insurance producer's authority to transact insurance.

"Title insurance agent" means an agent licensed in the Commonwealth to sell, solicit, or negotiate title insurance, and performing all of the services set forth in § 38.2-4601.1, on behalf of title insurance companies licensed under Chapter 46 (§ 38.2-4600 et seq.).

"Uniform Application" means the current version of the NAIC Uniform Application for resident and nonresident producer licensing.

"Uniform Business Entity Application" means the current version of the NAIC Uniform Business Entity Application for resident and nonresident business entities.

"Variable contract agent" means an agent licensed in the Commonwealth to sell, solicit, or negotiate variable life insurance and variable annuity contracts on behalf of insurers licensed in the Commonwealth.

"Viatical settlement broker" means a person licensed pursuant to Chapter 60 (§ 38.2-6000 et seq.), in accordance with Article 6.1 (§ 38.2-1865.1 et seq.) of this chapter, and who is thereby authorized to engage in the activities set forth in Chapter 60 (§ 38.2-6000 et seq.).

CHAPTER 132

An Act to amend and reenact §§ 38.2-135, 38.2-316, and 38.2-1800 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 38.2-107.2, relating to insurance; private family leave insurance.

[H 1156]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-135, 38.2-316, and 38.2-1800 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 38.2-107.2 as follows:

§ 38.2-107.2. Private family leave insurance.

"Family leave insurance" means an insurance policy issued to an employer related to a benefit program provided to an employee to pay for a percentage or portion of the employee's income loss due to (i) the birth of a child or adoption of a child by the employee; (ii) placement of a child with the employee for foster care; (iii) care of a family member of the employee who has a serious health condition; or (iv) circumstances arising out of the fact that the employee's family member who is a service member is on active duty or has been notified of an impending call or order to active duty. Family

leave insurance may be written as an amendment or rider to a group disability income policy, included in a group disability income policy, or written as a separate group insurance policy purchased by an employer.

§ 38.2-135. Classes of insurance companies may be licensed to write.

Except as otherwise provided in this title and subject to any conditions and restrictions imposed therein, any insurer licensed to transact the business of insurance in ~~this~~ *the* Commonwealth, other than life insurers and title insurers, may be licensed to write one or more of the classes of insurance enumerated in Article 2 (§ 38.2-101 et seq.) of this chapter that it is authorized under its charter to write, except life insurance, industrial life insurance, credit life insurance, variable life insurance, modified guaranteed life insurance, annuities, variable annuities, modified guaranteed annuities, and title insurance. An insurer licensed to write life insurance shall not be licensed to write any additional class of insurance except modified guaranteed life insurance, variable life insurance, annuities, modified guaranteed annuities, variable annuities, credit life insurance, credit accident and sickness insurance, accident and sickness insurance, ~~and~~ industrial life insurance, *and family leave insurance*. An insurer licensed to write title insurance shall not be licensed to write any additional class of insurance. However, any life insurer that has been licensed to write and has been actively engaged in writing life insurance and any additional class of insurance set out in Article 2 (§ 38.2-101 et seq.) of this chapter continuously during a period of ~~twenty~~ 20 years immediately preceding July 1, 1952, may continue to be licensed to write those classes of insurance. No company shall write any class of insurance unless it has a current annual license from the Commission to do so.

§ 38.2-316. Policy forms to be filed with Commission; notice of approval or disapproval; exceptions.

A. No policy of life insurance, industrial life insurance, variable life insurance, modified guaranteed life insurance, group life insurance, *family leave insurance*, accident and sickness insurance, or group accident and sickness insurance; no annuity, modified guaranteed annuity, pure endowment, variable annuity, group annuity, group modified guaranteed annuity, or group variable annuity contract; no health services plan, legal services plan, dental or optometric services plan, or health maintenance organization contract; no dental plan organization dental benefit contract; and no fraternal benefit certificate nor any certificate or evidence of coverage issued in connection with such policy, contract, or plan issued or issued for delivery in Virginia shall be delivered or issued for delivery in ~~this~~ *the* Commonwealth unless a copy of the form has been filed with the Commission. In addition to the above requirement, no policy of accident and sickness insurance *or family leave insurance* shall be delivered or issued for delivery in ~~this~~ *the* Commonwealth unless the rate manual showing rates, rules, and classification of risks applicable thereto has been filed with the Commission.

B. Except as provided in this section, no application form shall be used with the policy or contract and no rider or endorsement shall be attached to or printed or stamped upon the policy or contract unless the form of such application, rider or endorsement has been filed with the Commission. No individual certificate and no enrollment form shall be used in connection with any group life insurance policy, group accident and sickness insurance policy, group annuity contract, ~~or~~ group variable annuity contract, *or group family leave insurance policy* unless the form for the certificate and enrollment form have been filed with the Commission.

C. 1. None of the policies, contracts, and certificates specified in subsection A ~~of this section~~ shall be delivered or issued for delivery in ~~this~~ *the* Commonwealth and no applications, enrollment forms, riders, and endorsements shall be used in connection with the policies, contracts, and certificates unless the forms thereof have been approved in writing by the Commission as conforming to the requirements of this title and not inconsistent with law.

2. In addition to the above requirement, no premium rate change applicable to individual accident and sickness insurance policies, subscriber contracts of health services plans, dental or optometric services plans, or fraternal benefit contracts providing individual accident and sickness coverage as authorized in § 38.2-4116 shall be used unless the premium rate change has been approved in writing by the Commission. No premium rate change applicable to individual or group Medicare supplement policies shall be used unless the premium rate change has been approved in writing by the Commission.

D. The Commission may disapprove or withdraw approval of the form of any policy, contract or certificate specified in subsection A ~~of this section~~, or of any application, enrollment form, rider or endorsement, if the form:

1. Does not comply with the laws of ~~this~~ *the* Commonwealth;
2. Has any title, heading, backing or other indication of the contents of any or all of its provisions that is likely to mislead the policyholder, contract holder or certificate holder; or
3. Contains any provisions that encourage misrepresentation or are misleading, deceptive or contrary to the public policy of ~~this~~ *the* Commonwealth.

E. Within 30 days after the filing of any form requiring approval, the Commission shall notify the organization filing the form of its approval or disapproval of the form which has been filed, and, in the event of disapproval, its reason therefor. The Commission, at its discretion, may extend for up to an additional 30 days the period within which it shall approve or disapprove the form. Any form received but neither approved nor disapproved by the Commission shall be deemed approved at the expiration of the 30 days if the period is not extended, or at the expiration of the extended period, if any; however, no organization shall use a form deemed approved under the provisions of this section until the organization has filed with the Commission a written notice of its intent to use the form together with a copy of the form and the original transmittal letter thereof. The notice shall be filed in the offices of the Commission at least 10 days prior to the organization's use of the form.

F. If the Commission proposes to withdraw approval previously given or deemed given to the form of any policy, contract or certificate, or of any application, rider or endorsement, it shall notify the insurer in writing at least 15 days prior to the proposed effective date of withdrawal giving its reasons for withdrawal.

G. Any insurer or fraternal benefit society aggrieved by the disapproval or withdrawal of approval of any form may proceed as indicated in § 38.2-1926.

H. This section shall not apply to any special rider or endorsement on any policy, except an accident and sickness insurance policy that relates only to the manner of distribution of benefits or to the reservation of rights and benefits under such policy, and that is used at the request of the individual policyholder, contract holder or certificate holder.

I. The Commission may exempt any categories of such policies, contracts, and certificates and any applicable rate manuals from (i) the filing requirements, (ii) the approval requirements of this section, or (iii) both such requirements. The Commission may modify such requirements, subject to such limitations and conditions which the Commission finds appropriate. In promulgating an exemption, the Commission may consider the nature of the coverage, the person or persons to be insured or covered, the competence of the buyer or other parties to the contract, and other criteria the Commission considers relevant.

J. In lieu of complying with the requirements of subsections A, B, and C, any legal services organization operating, conducting, or administering a legal services plan may provide the Commission with an informational filing regarding a subscription contract, enrollment form, rider, or endorsement used by the legal services organization in connection with a legal services plan offered in the Commonwealth together with written notice of its intent to use the form. Upon providing such informational filing and notice, the legal services organization may use the subscription contract, enrollment form, rider, or endorsement without its prior approval by the Commission. This subsection shall not limit the authority of the Commission to review a legal services plan and any subscription contract, enrollment form, rider, or endorsement used in connection therewith and to disapprove the use of such form for any of the grounds set forth in subsection D.

K. Pursuant to the authority granted by § 38.2-223, the Commission may promulgate such rules and regulations as it may deem necessary to set standards for policy and other form submissions required by this section or § 38.2-3501.

§ 38.2-1800. Definitions.

As used in this chapter:

"Agent," "insurance agent," "producer," or "insurance producer," when used without qualification, means an individual or business entity that sells, solicits, or negotiates contracts of insurance or annuity in the Commonwealth.

"Appointed agent," "appointed insurance agent," "appointed producer," or "appointed insurance producer," when used without qualification, means an individual or business entity licensed in the Commonwealth to sell, solicit, or negotiate contracts of insurance or annuity of the classes authorized within the scope of such license and who is appointed by a company licensed in the Commonwealth to sell, solicit, or negotiate on its behalf contracts of insurance of the classes authorized within the scope of such license and, if authorized by the company, may collect premiums on those contracts.

"Business entity" means a partnership, limited partnership, limited liability company, corporation, or other legal entity other than a sole proprietorship.

"Dental plan organization authority" means the authority in the Commonwealth to sell, solicit, or negotiate dental benefit contracts on behalf of dental plan organizations licensed under Chapter 61 (§ 38.2-6100 et seq.).

"Dental services authority" means the authority in the Commonwealth to sell, solicit, or negotiate dental services plan contracts on behalf of dental services plans licensed under Chapter 45 (§ 38.2-4500 et seq.).

"Filed" means received by the Commission.

"Health agent" means an agent licensed in the Commonwealth to sell, solicit, or negotiate insurance as defined in §§ 38.2-108 and 38.2-109, and including contracts issued by insurers, health services plans, health maintenance organizations, dental services plans, optometric services plans, and dental plan organizations licensed in the Commonwealth.

"Home protection insurance authority" means the authority in the Commonwealth to sell, solicit, or negotiate home protection insurance as defined in § 38.2-129 on behalf of insurers licensed in the Commonwealth.

"Home state" means the District of Columbia and any state or territory of the United States, except Virginia, or any province of Canada, in which an insurance producer maintains such person's principal place of residence or principal place of business and is licensed by that jurisdiction to act as a resident insurance producer.

"Legal services insurance authority" means the authority in the Commonwealth to sell, solicit, or negotiate legal services insurance as defined in § 38.2-127 on behalf of insurers licensed in the Commonwealth.

"License" means a document issued by the Commission authorizing an individual or business entity to act as an insurance producer for the lines of authority specified in the document. Except as provided in § 38.2-1833, the license itself does not create any authority, actual, apparent or inherent, in the licensee to represent, commit, or bind an insurer.

"Licensed agent," "licensed insurance agent," "licensed producer," or "licensed insurance producer," when used without qualification, means an individual or business entity licensed in the Commonwealth to sell, solicit, or negotiate contracts of insurance or annuity of the classes authorized within the scope of such license.

"Life and annuities insurance agent" means an agent licensed in the Commonwealth to sell, solicit, or negotiate life insurance and annuity contracts as defined in §§ 38.2-102, 38.2-103, 38.2-104, 38.2-105.1, 38.2-106, and 38.2-107.1, respectively, and *family leave insurance as defined in § 38.2-107.2*, on behalf of insurers licensed in the Commonwealth.

"Limited burial insurance authority" means the authority in the Commonwealth to sell, solicit, or negotiate burial insurance society membership where the certificates of membership are used solely to fund preneed funeral contracts on any individual, on behalf of insurers licensed under Chapter 40 (§ 38.2-4000 et seq.); or to represent an association referred to in § 38.2-3318.1, limited to soliciting members of that association for association group life insurance certificates where the funds are used solely to fund preneed funeral contracts.

"Limited lines credit insurance agent" means an agent licensed in the Commonwealth whose authority is restricted to selling, soliciting, or negotiating, on behalf of insurers licensed in the Commonwealth, one or more of the following coverages to individuals through a master, corporate, group or individual policy: (i) credit life insurance and credit accident and sickness insurance, but only to the extent authorized in Chapter 37.1 (§ 38.2-3717 et seq.); (ii) credit involuntary unemployment insurance as defined in § 38.2-122.1; (iii) credit property insurance, as defined in § 38.2-122.2; (iv) mortgage accident and sickness insurance; (v) mortgage redemption insurance; (vi) mortgage guaranty insurance; and (vii) any other form of insurance offered in connection with an extension of credit that is limited to partially or wholly extinguishing that credit obligation and that the Commission specifically determines may be sold, solicited, or negotiated by those holding a limited lines credit insurance agent license. Each insurer that sells, solicits or negotiates any of the coverages set forth in this definition shall provide to each individual whose duties will include selling, soliciting or negotiating such coverages a program of instruction that may, at the discretion of the Commission, be submitted for approval by the Commission or reviewed by the Commission subsequent to its implementation.

"Limited lines life and health agent" means an individual or business entity authorized by the Commission whose license authority to sell, solicit, or negotiate is limited to the following, or any other type of authority that the Commission may deem it necessary to recognize for the purposes of complying with § 38.2-1836: dental services authority; limited burial insurance authority; mutual assessment life and health insurance authority; optometric services authority; and dental plan organization authority. Limited lines life and health insurance shall not include life insurance, health insurance, property insurance, casualty insurance, and title insurance.

"Limited lines property and casualty agent" means an individual or business entity authorized by the Commission whose license authority to sell, solicit, or negotiate is limited to the following, or any other type of authority that the Commission may deem it necessary to recognize for the purposes of complying with § 38.2-1836: home protection insurance authority; legal services insurance authority; mutual assessment property and casualty insurance authority; ocean marine insurance authority; pet accident, sickness and hospitalization insurance authority; portable electronics insurance authority; self storage insurance authority; and travel insurance. Unless otherwise defined, "limited lines property and casualty insurance" shall not include life insurance, health insurance, property insurance, casualty insurance, and title insurance.

"Mortgage accident and sickness insurance authority" means the authority in the Commonwealth to sell, solicit, or negotiate mortgage accident and sickness insurance on behalf of insurers licensed in the Commonwealth.

"Mortgage guaranty insurance authority" means the authority in the Commonwealth to sell, solicit, or negotiate mortgage guaranty insurance on behalf of insurers licensed in the Commonwealth.

"Mortgage redemption insurance authority" means the authority in the Commonwealth to sell, solicit, or negotiate mortgage redemption insurance on behalf of insurers licensed in the Commonwealth. As used in this chapter, "mortgage redemption insurance" means a nonrenewable, nonconvertible, decreasing term life insurance policy written in connection with a mortgage transaction for a period of time coinciding with the term of the mortgage. The initial sum shall not exceed the amount of the indebtedness outstanding at the time the insurance becomes effective, rounded up to the next \$1,000.

"Motor vehicle rental contract enroller" means an unlicensed hourly or salaried employee of a motor vehicle rental company that is in the business of providing primarily private motor vehicles to the public under a rental agreement for a period of less than six months, and receives no direct or indirect commission from the insurer, the renter or the vehicle rental company.

"Motor vehicle rental contract insurance agent" means a person who (i) is a selling agent of a motor vehicle rental company that is in the business of providing primarily private passenger motor vehicles to the public under a rental agreement for a period of less than six months and (ii) whose license in the Commonwealth is restricted to selling, soliciting, or negotiating only the following insurance coverages, and solely in connection with and incidental to the rental contract:

1. Personal accident insurance that provides benefits in the event of accidental death or injury occurring during the rental period;
2. Liability coverage sold to the renter in excess of the rental company's obligations under § 38.2-2204, 38.2-2205, or Title 46.2, as applicable;
3. Personal effects insurance that provides coverages for the loss of or damage to the personal effects of the renter and other vehicle occupants while such personal effects are in or upon the rental vehicle during the rental period;
4. Roadside assistance and emergency sickness protection programs; and
5. Other travel-related or vehicle-related insurance coverage that a motor vehicle rental company offers in connection with and incidental to the rental of vehicles.

The term "motor vehicle rental contract insurance agent" does not include motor vehicle rental contract enrollers.

"Mutual assessment life and health insurance authority" means the authority in the Commonwealth to sell, solicit, or negotiate mutual assessment life and accident and sickness insurance on behalf of insurers licensed under Chapter 39 (§ 38.2-3900 et seq.), but only to the extent permitted under § 38.2-3919.

"Mutual assessment property and casualty insurance authority" means the authority in the Commonwealth to sell, solicit, or negotiate mutual assessment property and casualty insurance on behalf of insurers licensed under Chapter 25 (§ 38.2-2500 et seq.), but only to the extent permitted under § 38.2-2525.

"NAIC" means the National Association of Insurance Commissioners.

"Negotiate" means the act of conferring directly with or offering advice directly to a purchaser or prospective purchaser of a particular contract of insurance concerning any of the substantive benefits, terms or conditions of the contract, provided that the person engaged in that act either sells insurance or obtains insurance from insurers for purchasers.

"Ocean marine insurance authority" means the authority in the Commonwealth to sell, solicit, or negotiate those classes of insurance classified in § 38.2-126, except those classes specifically classified as inland marine insurance, on behalf of insurers licensed in the Commonwealth.

"Optometric services authority" means the authority in the Commonwealth to sell, solicit, or negotiate optometric services plan contracts on behalf of optometric services plans licensed under Chapter 45 (§ 38.2-4500 et seq.).

"Personal lines agent" means an agent licensed in the Commonwealth to sell, solicit, or negotiate insurance as defined in §§ 38.2-110 through 38.2-114, 38.2-116, 38.2-117, 38.2-118, 38.2-124, 38.2-125, 38.2-126, 38.2-129, 38.2-130, and 38.2-131 for transactions involving insurance primarily for personal, family, or household needs rather than for business or professional needs.

"Pet accident, sickness and hospitalization insurance authority" means the authority in the Commonwealth to sell, solicit, or negotiate pet accident, sickness and hospitalization insurance on behalf of insurers licensed in the Commonwealth.

"Property and casualty insurance agent" means an agent licensed in the Commonwealth to sell, solicit, or negotiate both personal and commercial lines of insurance as defined in §§ 38.2-110 through 38.2-122.2, and §§ 38.2-124 through 38.2-134 on behalf of insurers licensed in the Commonwealth.

"Resident" means (i) an individual residing in Virginia; (ii) an individual residing outside of Virginia whose principal place of business is in Virginia, who is able to demonstrate to the satisfaction of the Commission that the laws of his home state prevent him from obtaining a resident agent license in that state, and who affirmatively chooses to qualify as and be treated as a resident of Virginia for purposes of licensing and continuing education, both in Virginia and in the state in which the individual resides, if applicable; (iii) a partnership duly formed and recorded in Virginia; (iv) a corporation incorporated and existing under the laws of Virginia; (v) a limited liability company organized and existing under the laws of Virginia; or (vi) a foreign business entity that is not licensed as a resident agent in any other jurisdiction, and that demonstrates to the satisfaction of the Commission that its principal place of business is within the Commonwealth of Virginia.

"Restricted nonresident health agent" means a nonresident agent whose license authority in his home state does not include all of the authority granted under a health agent license in Virginia. The license issued to such agent shall authorize the agent to sell, solicit, or negotiate in Virginia, on behalf of insurers licensed in Virginia, only those kinds or classes of insurance for which the agent is authorized in his home state.

"Restricted nonresident life and annuities agent" means a nonresident agent whose license authority in his home state does not include all of the authority granted under a life and annuities agent license in Virginia. The license issued to such agent shall authorize the agent to sell, solicit, or negotiate in Virginia, on behalf of insurers licensed in Virginia, only those kinds or classes of insurance for which the agent is authorized in his home state.

"Restricted nonresident personal lines agent" means a nonresident agent whose license authority in his home state does not include all of the authority granted under a personal lines agent license in Virginia. The license issued to such agent shall authorize the agent to sell, solicit, or negotiate in Virginia, on behalf of insurers licensed in Virginia, only those kinds or classes of insurance for which the agent is authorized in his home state.

"Restricted nonresident property and casualty agent" means a nonresident agent whose license authority in his home state does not include all of the authority granted under a property and casualty agent license in Virginia. The license issued to such agent shall authorize the agent to sell, solicit, or negotiate in Virginia, on behalf of insurers licensed in Virginia, only those kinds or classes of insurance for which the agent is authorized in his home state.

"Sell" means to exchange a contract of insurance by any means, for money or its equivalent, on behalf of an insurer.

"Settlement agent" means a person licensed as a title insurance agent and registered with the Virginia State Bar pursuant to Chapter 10 (§ 55.1-1000 et seq.) of Title 55.1.

"Solicit" means attempting to sell insurance or asking or urging a person to apply for a particular class of insurance from one or more insurers.

"Surety bail bondsman" means a person licensed as a surety bail bondsman pursuant to Article 11 (§ 9.1-185 et seq.) of Chapter 1 of Title 9.1.

"Surplus lines broker" means a person licensed pursuant to Article 5.1 (§ 38.2-1857.1 et seq.) of this chapter, and who is thereby authorized to engage in the activities set forth in Chapter 48 (§ 38.2-4805.1 et seq.).

"Terminate" means the cancellation of the relationship between an insurance producer and the insurer, or the termination of an insurance producer's authority to transact insurance.

"Title insurance agent" means an agent licensed in the Commonwealth to sell, solicit, or negotiate title insurance, and performing all of the services set forth in § 38.2-4601.1, on behalf of title insurance companies licensed under Chapter 46 (§ 38.2-4600 et seq.).

"Uniform Application" means the current version of the NAIC Uniform Application for resident and nonresident producer licensing.

"Uniform Business Entity Application" means the current version of the NAIC Uniform Business Entity Application for resident and nonresident business entities.

"Variable contract agent" means an agent licensed in the Commonwealth to sell, solicit, or negotiate variable life insurance and variable annuity contracts on behalf of insurers licensed in the Commonwealth.

"Viatical settlement broker" means a person licensed pursuant to Chapter 60 (§ 38.2-6000 et seq.), in accordance with Article 6.1 (§ 38.2-1865.1 et seq.) of this chapter, and who is thereby authorized to engage in the activities set forth in Chapter 60 (§ 38.2-6000 et seq.).

CHAPTER 133

An Act to amend and reenact § 38.2-3407.20 of the Code of Virginia, relating to health insurance; calculation of enrollee's contribution; high deductible health plan.

[S 433]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-3407.20 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-3407.20. Calculation of enrollee's contribution to out-of-pocket maximum or cost-sharing requirement.

A. As used in this section:

"Carrier" shall have the meaning set forth in § 38.2-3407.10; however, "carrier" also includes any person required to be licensed under this title that offers or operates a managed care health insurance plan subject to Chapter 58 (§ 38.2-5800 et seq.) or that provides or arranges for the provision of health care services, health plans, networks, or provider panels that are subject to regulation as the business of insurance under this title.

"Cost sharing" means any coinsurance, copayment, or deductible.

"Enrollee" means any person entitled to health care services from a carrier.

"Health care services" means items or services furnished to any individual for the purpose of preventing, alleviating, curing, or healing human illness, injury, or physical disability.

"Health plan" means any individual or group health care plan, subscription contract, evidence of coverage, certificate, health services plan, medical or hospital services plan, accident and sickness insurance policy or certificate, managed care health insurance plan, or other similar certificate, policy, contract, or arrangement, and any endorsement or rider thereto, to cover all or a portion of the cost of persons receiving covered health care services, that is subject to state regulation and that is required to be offered, arranged, or issued in the Commonwealth by a carrier licensed under this title. "Health plan" does not mean (i) coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare), Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid) or Title XXI of the Social Security Act, 42 U.S.C. § 1397aa et seq. (CHIP), 5 U.S.C. § 8901 et seq. (federal employees), or 10 U.S.C. § 1071 et seq. (TRICARE); or (ii) accident only, credit or disability insurance, long-term care insurance, TRICARE supplement, Medicare supplement, or workers' compensation coverages.

B. To the extent permitted by federal law and regulation *and except as provided in subsection C*, when calculating an enrollee's overall contribution to any out-of-pocket maximum or any cost-sharing requirement under a health plan, a carrier shall include any amounts paid by the enrollee or paid on behalf of the enrollee by another person.

C. If the application of the provisions of subsection B would result in a health plan's ineligibility to qualify as a Health Savings Account-qualified High Deductible Health Plan under 26 U.S.C. § 223, then the requirements of subsection B shall not apply with respect to the deductible of such health plan until after the enrollee has satisfied the minimum deductible under 26 U.S.C. § 223. However, with respect to items or services that are preventive care pursuant to 26 U.S.C. § 223 (c)(2)(C), the provisions of subsection B shall apply regardless of whether the minimum deductible under 26 U.S.C. § 223 has been satisfied.

D. This section shall apply with respect to health plans that are entered into, amended, extended, or renewed on or after January 1, 2020.

~~D. E.~~ Pursuant to the authority granted by § 38.2-223, the Commission may promulgate such rules and regulations as it may deem necessary to implement this section.

CHAPTER 134

An Act to amend and reenact § 38.2-3407.20 of the Code of Virginia, relating to health insurance; calculation of enrollee's contribution; high deductible health plan.

[H 1081]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 38.2-3407.20 of the Code of Virginia is amended and reenacted as follows:****§ 38.2-3407.20. Calculation of enrollee's contribution to out-of-pocket maximum or cost-sharing requirement.****A.** As used in this section:

"Carrier" shall have the meaning set forth in § 38.2-3407.10; however, "carrier" also includes any person required to be licensed under this title that offers or operates a managed care health insurance plan subject to Chapter 58 (§ 38.2-5800 et seq.) or that provides or arranges for the provision of health care services, health plans, networks, or provider panels that are subject to regulation as the business of insurance under this title.

"Cost sharing" means any coinsurance, copayment, or deductible.

"Enrollee" means any person entitled to health care services from a carrier.

"Health care services" means items or services furnished to any individual for the purpose of preventing, alleviating, curing, or healing human illness, injury, or physical disability.

"Health plan" means any individual or group health care plan, subscription contract, evidence of coverage, certificate, health services plan, medical or hospital services plan, accident and sickness insurance policy or certificate, managed care health insurance plan, or other similar certificate, policy, contract, or arrangement, and any endorsement or rider thereto, to cover all or a portion of the cost of persons receiving covered health care services, that is subject to state regulation and that is required to be offered, arranged, or issued in the Commonwealth by a carrier licensed under this title. "Health plan" does not mean (i) coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare), Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid) or Title XXI of the Social Security Act, 42 U.S.C. § 1397aa et seq. (CHIP), 5 U.S.C. § 8901 et seq. (federal employees), or 10 U.S.C. § 1071 et seq. (TRICARE); or (ii) accident only, credit or disability insurance, long-term care insurance, TRICARE supplement, Medicare supplement, or workers' compensation coverages.

B. To the extent permitted by federal law and regulation *and except as provided in subsection C*, when calculating an enrollee's overall contribution to any out-of-pocket maximum or any cost-sharing requirement under a health plan, a carrier shall include any amounts paid by the enrollee or paid on behalf of the enrollee by another person.

C. *If the application of the provisions of subsection B would result in a health plan's ineligibility to qualify as a Health Savings Account-qualified High Deductible Health Plan under 26 U.S.C. § 223, then the requirements of subsection B shall not apply with respect to the deductible of such health plan until after the enrollee has satisfied the minimum deductible under 26 U.S.C. § 223. However, with respect to items or services that are preventive care pursuant to 26 U.S.C. § 223 (c)(2)(C), the provisions of subsection B shall apply regardless of whether the minimum deductible under 26 U.S.C. § 223 has been satisfied.*

D. This section shall apply with respect to health plans that are entered into, amended, extended, or renewed on or after January 1, 2020.

E. Pursuant to the authority granted by § 38.2-223, the Commission may promulgate such rules and regulations as it may deem necessary to implement this section.

CHAPTER 135

An Act to amend and reenact § 28.2-506 of the Code of Virginia, relating to season for taking oysters.

[S 629]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 28.2-506 of the Code of Virginia is amended and reenacted as follows:****§ 28.2-506. Season for taking oysters from public rocks; penalty.**

A. The season for taking oysters by shaft tongs or by hand from the public oyster beds, rocks, or shoals shall be as follows:

1. James River seed area, from October 1 until July 1. The Commission may set an alternate date, no earlier than June 1, for the completion of this season in any year in which such an action can be expected to improve the quality of seed oysters.

2. All other areas, from October 1 until June 1.

B. The season for taking oysters by patent tongs from the public oyster beds, rocks, or shoals shall be from October 1 to March 31. The Commission may set an alternate opening date, no later than November 1, *or close the season* for any

area in the Commonwealth where the use of patent tongs is permitted, when in its opinion the condition of the oysters warrants.

C. It shall be unlawful for any person to take or catch oysters from the public rocks or shoals of this Commonwealth at any time other than that provided in subsections A and B of this section except as set forth in Chapter 8 of this subtitle and except as provided in § 28.2-507.

D. The possession of patent tongs and oysters in a boat at any time other than the season for patent tongs as specified in subsections A and B of this section is prima facie evidence of a violation of this section.

E. Taking oysters or having patent tongs or any other device for taking or catching oysters on public rocks, beds, or shoals, except during the seasons specified in subsections A and B of this section, is prima facie evidence of a violation of this section.

F. The possession of oysters while taking or catching clams during the prohibited season to take or catch oysters from the public rocks, beds, or shoals, is prima facie evidence of a violation of this section.

A violation of this section is a Class 1 misdemeanor.

CHAPTER 136

An Act to amend the second enactment of Chapter 357 and the second enactment of Chapter 441 of the Acts of Assembly of 2018, relating to definition of public aircraft; sunset.

[S 653]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That the second enactment of Chapter 357 and the second enactment of Chapter 441 of the Acts of Assembly of 2018 are amended as follows:

2. That the provisions of this act shall expire on ~~September 1, 2023~~ July 1, 2025.

CHAPTER 137

An Act to amend the second enactment of Chapter 525 of the Acts of Assembly of 2020, as amended and reenacted by Chapter 146 of the Acts of Assembly of 2021, Special Session I, relating to GO Virginia Grants; matching funds; sunset.

[H 654]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That the second enactment of Chapter 525 of the Acts of Assembly of 2020, as amended and reenacted by Chapter 146 of the Acts of Assembly of 2021, Special Session I, is amended as follows:

2. That the provisions of this act shall expire on July 1, ~~2022~~ 2023.

CHAPTER 138

An Act to amend and reenact § 54.1-3321 of the Code of Virginia, relating to opioid treatment program pharmacy; medication dispensing; registered nurses and licensed practical nurses.

[S 511]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3321 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-3321. Registration of pharmacy technicians.

A. No person shall perform the duties of a pharmacy technician without first being registered as a pharmacy technician with the Board. Upon being registered with the Board as a pharmacy technician, the following tasks may be performed:

1. The entry of prescription information and drug history into a data system or other record keeping system;
2. The preparation of prescription labels or patient information;
3. The removal of the drug to be dispensed from inventory;
4. The counting, measuring, or compounding of the drug to be dispensed;
5. The packaging and labeling of the drug to be dispensed and the repackaging thereof;
6. The stocking or loading of automated dispensing devices or other devices used in the dispensing process;
7. The acceptance of refill authorization from a prescriber or his authorized agency, so long as there is no change to the original prescription; and
8. The performance of any other task restricted to pharmacy technicians by the Board's regulations.

B. To be registered as a pharmacy technician, a person shall submit:

1. An application and fee specified in regulations of the Board;
 2. (Effective July 1, 2022) Evidence that he has successfully completed a training program that is (i) an accredited training program, including an accredited training program operated through the Department of Education's Career and Technical Education program or approved by the Board, or (ii) operated through a federal agency or branch of the military; and

3. Evidence that he has successfully passed a national certification examination administered by the Pharmacy Technician Certification Board or the National Healthcareer Association.

C. The Board shall promulgate regulations establishing requirements for:

1. Issuance of a registration as a pharmacy technician to a person who, prior to the effective date of such regulations, (i) successfully completed or was enrolled in a Board-approved pharmacy technician training program or (ii) passed a national certification examination required by the Board but did not complete a Board-approved pharmacy technician training program;

2. Issuance of a registration as a pharmacy technician to a person who (i) has previously practiced as a pharmacy technician in another U.S. jurisdiction and (ii) has passed a national certification examination required by the Board; and

3. Evidence of continued competency as a condition of renewal of a registration as a pharmacy technician.

D. The Board shall waive the initial registration fee for a pharmacy technician applicant who works as a pharmacy technician exclusively in a free clinic pharmacy. A person registered pursuant to this subsection shall be issued a limited-use registration. A pharmacy technician with a limited-use registration shall not perform pharmacy technician tasks in any setting other than a free clinic pharmacy. The Board shall also waive renewal fees for such limited-use registrations. A pharmacy technician with a limited-use registration may convert to an unlimited registration by paying the current renewal fee.

E. Any person registered as a pharmacy technician prior to the effective date of regulations implementing the provisions of this section shall not be required to comply with the requirements of subsection B in order to maintain or renew registration as a pharmacy technician.

F. A pharmacy technician trainee enrolled in a training program for pharmacy technicians described in subdivision B 2 may engage in the acts set forth in subsection A for the purpose of obtaining practical experience required for completion of the training program, so long as such activities are directly monitored by a supervising pharmacist.

G. To be registered as a pharmacy technician trainee, a person shall submit an application and a fee specified in regulations of the Board. Such registration shall only be valid while the person is enrolled in a pharmacy technician training program described in subsection B and actively progressing toward completion of such program. A registration card issued pursuant to this section shall be invalid and shall be returned to the Board if such person fails to enroll in a pharmacy technician training program described in subsection B.

H. A pharmacy intern may perform the duties set forth for pharmacy technicians in subsection A when registered with the Board for the purpose of gaining the practical experience required to apply for licensure as a pharmacist.

I. A registered nurse or licensed practical nurse practicing at an opioid treatment program pharmacy may perform the duties set forth for pharmacy technicians in subsection A, provided that all take-home medication doses are verified for accuracy by a pharmacist prior to dispensing.

CHAPTER 139

An Act to amend and reenact §§ 46.2-105.1, 46.2-332, 46.2-341.14:1, and 46.2-341.14:9 of the Code of Virginia and to repeal the second enactment of Chapter 546 of the Acts of Assembly of 2020, relating to driver training.

[H 530]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-105.1, 46.2-332, 46.2-341.14:1, and 46.2-341.14:9 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-105.1. Unlawful procurement of certificate, license, or permit; unauthorized possession of examination or answers; unlawful distribution of false operator's license; penalty.

A. It shall be unlawful:

1. For any person to procure, or assist another to procure, through theft, fraud, or other illegal means, a certificate, license, or permit, from the Department of Motor Vehicles;

2. For any person, other than an authorized agent of the Department of Motor Vehicles, to procure or have in his possession or furnish to another person, prior to the beginning of an examination, any question intended to be used by the Department of Motor Vehicles in conducting an examination;

3. For any person to receive or furnish to any person taking an examination, prior to or during an examination, any written or printed material purporting to be answers to questions intended to be used by the Department of Motor Vehicles in conducting an examination;

4. For any person to communicate by any means to any person taking an examination, during an examination, any information purporting to be answers to questions intended to be used by the Department of Motor Vehicles in conducting an examination;

5. For any person to attempt to procure, through theft, fraud or other illegal means, any questions intended to be used by the Department of Motor Vehicles in conducting an examination, or the answers to the questions; or

6. To promise or offer any valuable or other consideration to a person having access to the questions or answers as an inducement to procure for delivery to the promisor, or any other person, a copy or copies of any questions or answers.

B. If an examination is divided into separate parts, each of the parts shall be deemed an examination for the purposes of this section.

C. Any violation of any provision of subsection A of this section shall be punishable as a Class 2 misdemeanor.

D. Any person or entity other than the Department of Motor Vehicles that sells, gives, or distributes, or attempts to sell, give or distribute any document purporting to be a license to operate a motor vehicle in the Commonwealth is guilty of a Class 1 misdemeanor.

E. Nothing in this section or in any regulations of the Department shall be construed to prohibit (i) the possession, use, or provision of the Department's driver license examination questions by or to any person for the purpose of administering a knowledge examination or (ii) the Department from making sample examination questions available to the public or the public from possessing sample examination questions.

§ 46.2-332. Fees.

A. The fee for each driver's license other than a commercial driver's license shall be \$2.40 per year. This fee shall not apply to driver privilege cards or permits issued under § 46.2-328.3. If the license is a commercial driver's license or seasonal restricted commercial driver's license, the fee shall be \$6 per year. For any one or more driver's license endorsements or classifications, except a motorcycle classification, there shall be an additional fee of \$1 per year; for a motorcycle classification, there shall be an additional fee of \$2 per year. For any and all driver's license classifications, there shall be an additional fee of \$1 per year. For any revalidation of a seasonal restricted commercial driver's license, the fee shall be \$5. A fee of \$10 shall be charged to extend the validity period of a driver's license pursuant to subsection B of § 46.2-221.2.

~~A reexamination fee of \$2 shall be charged for each administration of the knowledge portion of the driver's license examination taken by an applicant who is 18 years of age or older if taken more than once within a 15-day period. The reexamination fee shall be charged each time the examination is administered until the applicant successfully completes the examination; if taken prior to the fifteenth day.~~

B. An applicant who is ~~less~~ *younger* than 18 years of age who does not successfully complete the knowledge portion of the driver's license examination shall not be permitted to take the knowledge portion more than once in 15 days.

C. A fee of \$50 shall be charged each time an applicant for a commercial driver's license fails to keep a scheduled skills test appointment, unless such applicant cancels his appointment with the assigned driver's license examiner at least 24 hours in advance of the scheduled appointment. The Commissioner may, on a case-by-case basis, waive such fee for good cause shown. All such fees shall be paid by the Commissioner into the state treasury and set aside as a special fund to be used to meet the necessary expenses incurred by the Department.

D. If the applicant for a driver's license is an employee of the Commonwealth, or of any county, city, or town who drives a motorcycle or a commercial motor vehicle solely in the line of his duty, he shall be exempt from the additional fee otherwise assessable for a motorcycle classification or a commercial motor vehicle endorsement. The Commissioner may prescribe the forms as may be requisite for completion by persons claiming exemption from additional fees imposed by this section.

E. No additional fee above \$2.40 per year shall be assessed for the driver's license or commercial driver's license required for the operation of a school bus.

~~Excluding the \$2 reexamination fee, \$1.50~~ *F. One dollar and 50 cents* of all fees collected for each original or renewal driver's license, other than a driver privilege card issued under § 46.2-328.3, shall be paid into the driver education fund of the state treasury and expended as provided by law. Unexpended funds from the driver education fund shall be retained in the fund and be available for expenditure in ensuing years as provided therein.

G. All fees for motorcycle classifications shall be distributed as provided in § 46.2-1191.

H. This section shall supersede conflicting provisions of this chapter.

§ 46.2-341.14:1. Requirements for third party testers.

A. Pursuant to § 46.2-341.14, third party testers will be authorized to issue skills test certificates, which will be accepted by the Department as evidence of satisfaction of the skills test component of the commercial driver's license examination. Authority to issue skills test certificates will be granted only to third party testers certified by the Department.

B. To qualify for certification, a third party tester shall:

1. Make application to and enter into an agreement with the Department as provided in § 46.2-341.14:3;
2. Maintain a place of business in the Commonwealth;
3. Have at least one certified third party examiner in his employ;
4. Ensure that all third party examiners in his employ are certified and comply with the requirements of §§ 46.2-341.14:2 and 46.2-341.14:7;

5. Permit the Department and the FMCSA of the U.S. Department of Transportation to conduct random examinations, inspections, and audits of its records, facilities, and operations that relate to the third party testing program without prior notice;

6. Maintain at the principal place of business a copy of the state certificate authorizing the third party tester to administer a commercial driver's license testing program and current third party agreement;

7. Maintain at a location in the Commonwealth, for a minimum of two years after a skills test is conducted, a record of each driver for whom the third party tester conducts a skills test, whether the driver passes or fails the test. Each such record shall include:

- a. The complete name of the driver;
- b. The driver's social security number or other driver's license number and the name of the state or jurisdiction that issued the license held by the driver at the time of the test;
- c. The date the driver took the skills test;
- d. The test score sheet or sheets showing the results of the skills test and a copy of the skills test certificate, if issued;
- e. The name and certification number of the third party examiner conducting the skills test; and
- f. Evidence of ~~(i)~~ the driver's employment with the third party tester at the time the test was taken, ~~or if unless~~ the third party tester is a ~~school board~~ governmental entity, including a comprehensive community college in the Virginia Community College System, that tests drivers who are trained but not employed by the school board, that governmental entity, or a Class A driver training school certified as a third party tester pursuant to § 46.2-326. If the third party tester is a governmental entity that tests drivers who are not employed by that governmental entity, the third party tester shall maintain evidence that ~~(a)~~ the driver was employed by a school board at the time of the test and ~~(b)~~ the third party tester trained the driver in accordance with the Virginia School Bus Driver Training Curriculum Guide, or ~~(ii)~~ the student's enrollment governmental entity or enrolled in a commercial driver training course offered by a community college or Class A driver training school at the time the test was taken. *If the testing entity is a Class A driver training school certified as a third party tester pursuant to § 46.2-326.1, the third party tester shall maintain evidence that the driver was a student enrolled in that Class A driver training school at the time the test was taken. If the driver was trained or employed by a school board, the third party tester shall maintain evidence that the driver was trained in accordance with the Virginia School Bus Driver Training Curriculum Guide;*

8. Maintain at a location in the Commonwealth a record of each third party examiner in the employ of the third party tester. Each record shall include:

- a. Name and social security number;
 - b. Evidence of the third party examiner's certification by the Department;
 - c. A copy of the third party examiner's current training and driving record, which must be updated annually;
 - d. Evidence that the third party examiner is an employee of the third party tester; and
 - e. If the third party tester is a school board, a copy of the third party examiner's certification of instruction issued by the Department of Education;
9. Retain the records required in subdivision 8 for at least two years after the third party examiner leaves the employ of the third party tester;

10. Ensure that skills tests are conducted, and that skills test certificates are issued in accordance with the requirements of §§ 46.2-341.14:8 and 46.2-341.14:9 and the instructions provided by the Department;

11. Maintain compliance with all applicable provisions of this article and the third party tester agreement executed pursuant to § 46.2-341.14:3; and

12. Maintain a copy of the third party tester's road test route or routes approved by the Department.

C. In addition to the requirements listed in subsection B, all third party testers who are not governmental entities, including a comprehensive community college in the Virginia Community College System, shall:

1. Be engaged in a business involving the use of commercial motor vehicles, which business has been in operation in the Commonwealth for a minimum of one year;

2. For employers that are testing their own employees, employ at least 50 drivers of commercial motor vehicles licensed in the Commonwealth during the 12-month period preceding the application, including part-time and seasonal drivers. This requirement may be waived by the Department pursuant to § 46.2-341.14:10;

3. If subject to the FMCSA regulations as a motor carrier and rated by the U.S. Department of Transportation, maintain a rating of "satisfactory";

4. Comply with the Virginia Motor Carrier Safety Regulations; and

5. Initiate and maintain a bond in the amount of \$5,000 to pay for retesting drivers in the event that the third party tester or one or more of its examiners are involved in fraudulent activities related to conducting knowledge or skills testing for applicants.

D. (For effective date, see Acts 2019, c. 750, cl. 3, as amended by Acts 2020, c. 546) Certified third party testers are authorized to provide entry-level driver training to ~~any individuals in their employ or applicants for employment~~ individual to whom the third party tester would be permitted to administer a skills test pursuant to this article. If a certified third party tester elects to provide entry-level driver training, the third party tester shall (i) employ and utilize third party instructors, as defined in § 46.2-341.4, to provide all training and instruction to entry-level driver trainees; (ii) develop an entry-level driver training curriculum that complies with requirements prescribed by the Department and submit such curriculum to the Department for approval; (iii) upon notification by the Department that curriculum requirements have been updated, certify, in a format prescribed by the Department, that the third party tester has added the new topics to the course curriculum; and (iv) comply with the requirements provided in §§ 46.2-1708 through 46.2-1710. Notwithstanding the provisions of

§ 46.2-1708, no third party tester or third party instructor shall be required to be licensed by the Department. A certified third party tester may not provide entry-level driver training to driver trainees until such tester has been issued a unique training provider number and appears on the federal Training Provider Registry.

§ 46.2-341.14:9. The skills test certificate; validity of results.

A. The Department will accept a skills test certificate issued in accordance with this section as satisfaction of the skills test component of the commercial driver's license examination.

~~B. Skills test certificates may be issued only to drivers who are employees of the third party tester who issues the certificate, except as otherwise provided herein. In the case of school boards certified as third party testers, certificates may be issued to employees and to other drivers who have been trained by the school board in accordance with the Virginia School Bus Driver Training Curriculum Guide. For comprehensive community colleges in the Virginia Community College System that are certified as third party testers, certificates may be issued to students who are enrolled in a commercial driver training course offered by such community college at the time of the test.~~

~~C.~~ Skills test certificates may be issued only to drivers who have passed the skills test conducted in accordance with this chapter and the instructions issued by the Department.

~~D.~~ C. A skills test certificate will be accepted by the Department only if it is:

1. Issued by a third party tester certified by the Department in accordance with this article;
2. In a format prescribed by the Department, completed in its entirety, without alteration; *and*
3. ~~Submitted to the Department within 60 days of the date of the skills test; and~~
4. Signed by the third party examiner who conducted the skills test.

D. The results of the skills test shall be valid for six months following the completion of the test.

2. That the second enactment of Chapter 546 of the Acts of Assembly of 2020 is repealed.

CHAPTER 140

An Act to amend and reenact §§ 2.2-1837, 24.2-110, 24.2-111, 24.2-112, 24.2-114, 24.2-119 through 24.2-122, 24.2-230, 24.2-412, 24.2-620, 24.2-621, 24.2-632, 24.2-701.1, 24.2-707.1, and 47.1-19 of the Code of Virginia, relating to elections administration; reclassification of assistant registrars.

[H 542]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-1837, 24.2-110, 24.2-111, 24.2-112, 24.2-114, 24.2-119 through 24.2-122, 24.2-230, 24.2-412, 24.2-620, 24.2-621, 24.2-632, 24.2-701.1, 24.2-707.1, and 47.1-19 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-1837. Risk management plan for public liability.

A. Subject to the approval of the Governor, the Division shall establish a risk management plan, which may be purchased insurance, self-insurance or a combination of self-insurance and purchased insurance to provide:

1. Protection against liability imposed by law for damages resulting from any claim:

a. Made against any state department, agency, institution, board, commission, officer, agent, or employee for acts or omissions of any nature while acting in an authorized governmental or proprietary capacity and in the course and scope of employment or authorization;

b. Made against participants, other than professional counsel, in student disciplinary proceedings at public institutions of higher education for nonmalicious acts or omissions of any nature in the course and scope of participation in the proceedings; or

c. Resulting from an authorized indemnification agreement entered into by a public institution of higher education in the Commonwealth in accordance with this subsection.

A public institution of higher education in the Commonwealth may execute an indemnification agreement if the Governor (i) considers in advance of execution (a) the institution's analysis of the relevant public benefit and risk of liability, (b) the Division's charge to be assessed against the institution for providing insurance or self-insurance coverage for the claims resulting from the indemnification agreement, and (c) the Office of the Attorney General's comments and (ii) determines that execution is necessary to further the public's best interests.

The indemnification agreement shall limit the institution's total liability to a stated dollar amount and shall notify the contractor that the full faith and credit of the Commonwealth are not pledged or committed to payment of the institution's obligation under the agreement. However, no such institution shall be authorized to enter into an indemnification agreement in accordance with this subsection to indemnify any person or entity against damages arising from a sponsored project conducted by such institution. For the purposes of this section, a "sponsored project" is a research, instruction, or service project conducted at a public institution of higher education in the Commonwealth pursuant to a grant, cooperative agreement, or other contract;

2. Protection against tort liability and incidental medical payments arising out of the ownership, maintenance or use of buildings, grounds or properties owned or leased by the Commonwealth or used by state employees or other authorized persons in the course of their employment;

3. For the payment of attorney fees and expenses incurred in defending such persons and entities concerning any claim that (i) arises from their governmental employment or authorization, that (ii) arises from their participation in such student disciplinary proceedings, or (iii) is described in any such indemnification agreement, where the Division is informed by the Attorney General's office that it will not provide a defense due to a conflict or other appropriate reason; and

4. For the payment of attorney fees and expenses awarded to any individual or entity against the Commonwealth, or any department, agency, institution, board, commission, officer, agent, or employee of the Commonwealth for acts or omissions of any nature while acting in an authorized governmental or proprietary capacity, or in reliance upon any constitutional provision, or law of the Commonwealth. It is the obligation of the Division to provide for such indemnification regardless of whether there is a request for or an award of damages associated with the award of such fees and expenses.

a. As a condition of coverage for the payment of attorney fees and expenses, the department, agency, institution, board, commission, officer, agent, or employee of the Commonwealth shall (i) promptly notify the Division of the commencement of any claim, suit, action or other proceeding prior to its settlement, (ii) provide the Division with full nonprivileged information on the matter as requested, and (iii) permit the Division to participate in the investigation of such claim, suit, action or other proceeding. Failure to promptly notify the Division or to reasonably cooperate may, at the Division's discretion, result in no payment or a reduced payment being made.

b. The Division shall set the premium and administrative costs to be paid to it for providing payment of attorney fees and expenses awarded pursuant to this section. The premiums and administrative costs set by the Division shall be payable in the amounts, at the time and in the manner that the Division in its sole discretion requires. Premiums and administrative costs shall be set to best ensure the financial stability of the plan.

B. Any risk management plan established pursuant to this section shall provide for the establishment of a trust fund or contribution to the State Insurance Reserve Trust Fund for the payment of claims covered under the plan. The funds shall be invested as provided in § 2.2-1806 and interest shall be added to the fund as earned. The trust fund shall also provide for payment of administrative costs, contractual costs, and other expenses related to the administration of such plan.

C. The risk management plan for public liability shall be submitted to the Governor for approval prior to implementation.

D. The risk management plan established pursuant to this section shall provide protection against professional liability imposed by law as provided in § 24.2-121, resulting from any claim made against a local electoral board, any of its members, any general registrar, or any employee of or paid ~~assistant~~ *deputy* to a registrar for acts or omissions of any nature while acting in an authorized governmental or proprietary capacity and in the course and scope of employment or authorization, regardless of whether or not the civil action requests monetary damages, subject to the limitations of the risk management plan.

E. The risk management plan established pursuant to this section shall provide protection against any claim made against any soil and water conservation district, director, officer, agent or employee thereof, (i) arising out of the ownership, maintenance or use of buildings, grounds or properties owned, leased or maintained by any such district or used by district employees or other authorized persons in the course of their employment or (ii) arising out of acts or omissions of any nature while acting in an authorized governmental or proprietary capacity and in the course and scope of employment or authorization.

F. The risk management plan established pursuant to this section shall provide protection against professional liability imposed by law for damages resulting from any claim made against a local school board selection commission or local school board selection commission members for acts or omissions of any nature while acting in an authorized governmental or proprietary capacity and in the course and scope of authorization, subject to the limitations of the risk management plan.

G. The risk management plan established pursuant to this section shall provide coverage for any matter that involves or could involve an action or proceeding against a judge, the nature of which is designed to determine whether discipline or other sanction of the judge for malfeasance or misfeasance is appropriate or to otherwise determine the fitness of the judge to hold office or to continue his employment. No coverage or indemnification shall be made pursuant to this subsection when the Supreme Court of Virginia finds that the judge should be censured or removed from office pursuant to Section 10 of Article VI of the Constitution of Virginia or statutes enacted pursuant thereto.

H. The risk management plan established pursuant to this section shall provide protection against claims made against chaplains by persons incarcerated in a state correctional facility, a juvenile correctional center, or a facility operated pursuant to the Corrections Private Management Act (§ 53.1-261 et seq.) arising out of services provided by the chaplains to such incarcerated persons, regardless of whether such services were provided on a volunteer basis or for compensation. For the purposes of this subsection, chaplains shall include only those persons, who, at the time any claim may arise, were acting pursuant to, and in compliance with, an agreement between the chaplain or an organization to which the chaplain belongs, and the Department of Corrections, the Department of Juvenile Justice, or an operator of a facility operated pursuant to the Corrections Private Management Act.

§ 24.2-110. Appointment, qualifications, and term of general registrar; vacancies; certain prohibitions.

Each electoral board shall meet in the month of May or June in 2007, and every four years thereafter, and shall appoint a general registrar, who shall be a qualified voter of the county or city for which he is appointed unless such county or city has a population of 50,000 or less. In the case of a city that is wholly contained within one county, the city electoral board

may appoint a qualified voter of that county to serve as city general registrar. General registrars shall serve four-year terms beginning July 1, 2007, and each fourth year thereafter, and continue in office until a successor is appointed and qualifies.

The electoral board shall fill any vacancy in the office of general registrar for the unexpired term. The electoral board shall declare vacant and fill the office of the general registrar if the appointee fails to qualify and deliver a copy of his oath to the secretary of the electoral board within 30 days after he has been notified of his appointment.

No general registrar shall hold any other office, by election or appointment, while serving as general registrar; however, with the consent of the electoral board, he may undertake other duties which do not conflict with his duties as general registrar. General registrars shall not serve as officers of election. The election or appointment of a general registrar to any other office shall vacate the office of the general registrar.

No general registrar shall be eligible to offer for or hold an office to be filled by election in whole or in part by the qualified voters of his jurisdiction at any election held during the time he serves as general registrar or for the six months thereafter.

The electoral board shall not appoint to the office of general registrar any person who is the spouse of an electoral board member or any person, or the spouse of any person, who is the parent, grandparent, sibling, child, or grandchild of an electoral board member.

No general registrar shall serve as the chairman of a political party or other officer of a state, local or district level political party committee. No general registrar shall serve as a paid or volunteer worker in the campaign of a candidate for nomination or election to an office filled by election in whole or in part by the qualified voters of his jurisdiction. The restrictions of this paragraph shall apply to paid ~~assistant~~ deputy registrars but shall not apply to unpaid ~~assistant~~ deputy registrars.

§ 24.2-111. Compensation and expenses of general registrars.

The General Assembly shall establish a compensation plan in the general appropriation act for the general registrars. The governing body for the county or city of each general registrar shall pay compensation in accordance with the plan and be reimbursed annually as authorized in the act. The governing body shall be required to provide benefits to the general and ~~assistant~~ deputy registrars and staff as provided to other employees of the locality, and shall be authorized to supplement the salary of the general registrar to the extent provided in the act.

Each locality shall pay the reasonable expenses of the general registrar, including reimbursement for mileage at the rate payable to members of the General Assembly. In case of a dispute, the State Board shall approve or disapprove the reimbursement. Reasonable expenses include, but are not limited to, costs for (i) an adequately trained registrar's staff, including training in the use of computers and other technology to the extent provided to other local employees with similar job responsibilities, and reasonable costs for the general registrar to receive and maintain certification as required by the State Board pursuant to subsection C of § 24.2-103; (ii) adequate training for officers of election; (iii) conducting elections as required by this title; and (iv) voter education.

§ 24.2-112. Deputy registrars; employees.

The electoral board of each county and city shall determine the number of ~~assistant~~ deputy registrars to serve in the office of the general registrar, including any to serve full-time.

In Russell County, there shall be at least one full-time ~~assistant~~ deputy registrar who shall serve in the office of the general registrar.

In any county or city whose population is over 15,500, there shall be at least one ~~assistant~~ deputy registrar who shall serve at least one day each week in the office of the general registrar.

Any county or city whose population is 15,500 or less shall have at least one substitute registrar who is able to take over the duties of the general registrar in an emergency and who shall assist the general registrar when he requests.

The electoral board shall set the term for the ~~assistant~~ deputy registrars; however, their terms shall not extend beyond the term set by law of the incumbent general registrar. The general registrar shall establish the duties of ~~assistant~~ deputy registrars, appoint ~~assistant~~ deputy registrars, and have authority to remove any ~~assistant~~ deputy registrar who fails to discharge the duties of his office.

All ~~assistant~~ deputy registrars shall have the same limitations and qualifications and fulfill the same requirements as the general registrar except that (i) ~~an assistant~~ a deputy registrar may be an officer of election and (ii) ~~an assistant~~ a deputy registrar shall be a qualified voter of the Commonwealth but is not required to be a qualified voter of the county or city in which he serves as deputy registrar. Candidates who are residents in the county or city for which they seek appointment may be given preference in hiring. Localities may mutually agree to share ~~an assistant~~ a deputy registrar among two or more localities. ~~Assistant~~ Deputy registrars who agree to serve without pay shall be supervised and trained by the general registrar.

All other employees shall be employed by the general registrar. The general registrar may hire additional temporary employees on a part-time basis as needed.

The compensation of any ~~assistant~~ deputy registrar, other than those who agree to serve without pay, or any other employee of the general registrar shall be fixed and paid by the local governing body and shall be the equivalent of or exceed the minimum hourly wage established by federal law in 29 U.S.C. § 206 (a)(1), as amended.

The general registrar shall not appoint to the office of paid ~~assistant~~ deputy registrar his spouse or any person, or the spouse of any person, who is his parent, grandparent, sibling, child, or grandchild.

§ 24.2-114. Duties and powers of general registrar.

In addition to the other duties required by this title, the general registrar, and the ~~assistant~~ *deputy* registrars acting under his supervision, shall:

1. Maintain the office of the general registrar and establish and maintain additional public places for voter registration in accordance with the provisions of § 24.2-412.

2. Participate in programs to educate the general public concerning registration and encourage registration by the general public. No registrar shall actively solicit, in a selective manner, any application for registration or for a ballot or offer anything of value for any such application.

3. Perform his duties within the county or city he was appointed to serve, except that a registrar may (i) go into a county or city in the Commonwealth contiguous to his county or city to register voters of his county or city when conducting registration jointly with the registrar of the contiguous county or city or (ii) notwithstanding any other provision of law, participate in multijurisdictional staffing for voter registration offices, approved by the State Board, that are located at facilities of the Department of Motor Vehicles.

4. Provide the appropriate forms for applications to register and to obtain the information necessary to complete the applications pursuant to the provisions of the Constitution of Virginia and general law.

5. Indicate on the registration records for each accepted mail voter registration application form returned by mail pursuant to Article 3.1 (§ 24.2-416.1 et seq.) of Chapter 4 that the registrant has registered by mail. The general registrar shall fulfill this duty in accordance with the instructions of the State Board so that those persons who registered by mail are identified on the registration records, lists of registered voters furnished pursuant to § 24.2-405, lists of persons who voted furnished pursuant to § 24.2-406, and pollbooks used for the conduct of elections.

6. Accept a registration application or request for transfer or change of address submitted by or for a resident of any other county or city in the Commonwealth. Registrars shall process registration applications and requests for transfer or change of address from residents of other counties and cities in accordance with written instructions from the State Board and shall forward the completed application or request to the registrar of the applicant's residence. Notwithstanding the provisions of § 24.2-416, the registrar of the applicant's residence shall recognize as timely any application or request for transfer or change of address submitted to any person authorized to receive voter registration applications pursuant to Chapter 4 (§ 24.2-400 et seq.), prior to or on the final day of registration. The registrar of the applicant's residence shall determine the qualification of the applicant, including whether the applicant has ever been convicted of a felony, and if so, under what circumstances the applicant's right to vote has been restored, and promptly notify the applicant at the address shown on the application or request of the acceptance or denial of his registration or transfer. However, notification shall not be required when the registrar does not have an address for the applicant.

7. Preserve order at and in the vicinity of the place of registration. For this purpose, the registrar shall be vested with the powers of a conservator of the peace while engaged in the duties imposed by law. He may exclude from the place of registration persons whose presence disturbs the registration process. He may appoint special officers, not exceeding three in number, for a place of registration and may summon persons in the vicinity to assist whenever, in his judgment, it is necessary to preserve order. The general registrar and any ~~assistant~~ *deputy* registrar shall be authorized to administer oaths for purposes of this title.

8. Maintain the official registration records for his county or city in the system approved by, and in accordance with the instructions of, the State Board; preserve the written applications of all persons who are registered; and preserve for a period of four years the written applications of all persons who are denied registration or whose registration is cancelled.

9. If a person is denied registration, notify such person in writing of the denial and the reason for denial within five days of the denial in accordance with § 24.2-422.

10. Verify the accuracy of the pollbooks provided for each election by the State Board, make the pollbooks available to the precincts, and according to the instructions of the State Board provide a copy of the data from the pollbooks to the State Board after each election for voting credit purposes.

11. Retain the pollbooks in his principal office for two years from the date of the election.

12. Maintain accurate and current registration records and comply with the requirements of this title for the transfer, inactivation, and cancellation of voter registrations.

13. Whenever election districts, precincts, or polling places are altered, provide for entry into the voter registration system of the proper district and precinct designations for each registered voter whose districts or precinct have changed and notify each affected voter of changes affecting his districts or polling place by mail.

14. Whenever any part of his county or city becomes part of another jurisdiction by annexation, merger, or other means, transfer to the appropriate general registrar the registration records of the affected registered voters. The general registrar for their new county or city shall notify them by mail of the transfer and their new election districts and polling places.

15. When he registers any person who was previously registered in another state, notify the appropriate authority in that state of the person's registration in Virginia by providing electronically, through the Department of Elections, the information contained in that person's registration application.

16. Whenever any person is believed to be registered or voting in more than one state or territory of the United States at the same time, inquire about, or provide information from the voter's registration and voting records to any appropriate voter registration or other authority of another state or territory who inquires about, that person's registration and voting history.

17. At the request of the county or city chairman of any political party nominating a candidate for the General Assembly, constitutional office, or local office by a method other than a primary, review any petition required by the party in its nomination process to determine whether those signing the petition are registered voters with active status.

18. Carry out such other duties as prescribed by the electoral board in his capacity as the director of elections for the locality in which he serves.

19. Receive and maintain certification through the certification program conducted by the State Board for general registrars pursuant to subsection C of § 24.2-103. Each general registrar shall be required to receive certification through the certification program within 12 months of his initial appointment or any subsequent reappointment, unless a waiver has been granted by the State Board pursuant to subsection C of § 24.2-103.

§ 24.2-119. Restrictions on persons holding other offices serving as member of electoral board, registrar, or officer of election.

No person, nor the deputy of any person, who is employed by or holds any office or post of profit or emolument, or who holds any elective office of profit or trust, under the governments of the United States, the Commonwealth, or any county, city, or town, shall be appointed a member of the electoral board or general registrar. No person, nor the deputy or the employee of any person, who holds any elective office of profit or trust under the government of the United States, the Commonwealth, or any county, city, or town of the Commonwealth, shall be appointed ~~an assistant~~ *a deputy* registrar or officer of election.

§ 24.2-119.1. Prohibition on discrimination in employment; penalty.

Any person who serves as a member of a local electoral board, ~~an assistant~~ *a deputy* general registrar, or an officer of election shall neither be discharged from employment nor have any adverse personnel action taken against him, nor shall he be required to use sick leave or vacation time, as a result of his absence from employment due to his service at a polling place on election day or at a meeting of the electoral board following the election to ascertain the results of such election pursuant to § 24.2-671, provided that he gave reasonable notice to his employer of such service. No such person who serves for four or more hours, including travel time, on his day of service shall be required to start any work shift that begins on or after 5:00 p.m. on the day of his service or begins before 3:00 a.m. on the day following the day of his service. Any employer violating the provisions of this section shall be guilty of a Class 3 misdemeanor.

§ 24.2-120. Oath of office.

The oath of office for the members of the electoral board, registrars, and officers of election shall be the oath stated in Article II, Section 7, of the Constitution. Each member of the electoral board, registrar, and officer of election shall take and sign the oath before performing the duties of his office.

Each member of an electoral board and general registrar shall file the original signed oath in the clerk's office of the circuit court of his county or city. The general registrar shall file a copy with the secretary of his electoral board.

The oath of office for ~~assistant~~ *deputy* and substitute registrars, officers of election, and voting equipment custodians may be administered by a general registrar or a notary as well as by persons authorized to administer oaths under § 49-3.

The oath of office for officers of election may be administered by a member of the electoral board, the general registrar, ~~an assistant~~ *a deputy* or substitute registrar, as well as by notaries and persons authorized to administer oaths under § 49-3.

§ 24.2-121. Defense of the electoral board, its members, and the general registrar staff; appointment of counsel.

If any electoral board, any of its members, any general registrar, or any employee of or paid ~~assistant~~ *deputy* to a registrar is made defendant in any civil action arising out of the performance of his official duties, and does not have legal defense provided under applicable insurance coverage, the officer, employee, or ~~assistant~~ *deputy* may apply to the Virginia Division of Risk Management to assign counsel for his defense in the action. In such case, and regardless of whether or not the civil action seeks monetary damages, the Division shall obtain one or more attorneys to defend such action, which attorney may be the Attorney General, the attorney for the Commonwealth of the particular locality served by the defendant, or one or more private attorneys as may be appropriate. In the case of any private attorney, the Division shall determine the appropriate rate of compensation. All private attorneys' fees and any expenses incurred in the defense of the action shall be paid from the treasury of the Commonwealth of Virginia.

§ 24.2-122. Status of members of electoral boards, registrars, and officers of election.

Members of electoral boards, registrars, and officers of election shall serve the Commonwealth and its localities in administering the election laws. They shall be deemed to be employees of the county or city in which they serve except as otherwise specifically provided by state law.

A county or city may retain officers of election as independent contractors.

~~Assistant~~ *Deputy* registrars who agree to serve without pay are not state or local employees for any purpose.

§ 24.2-230. Applicability of article; certain exceptions.

This article shall apply to all elected or appointed Commonwealth, constitutional, and local officers, except officers for whose removal the Constitution of Virginia specifically provides.

However, an appointed officer shall be removed from office only by the person or authority who appointed him unless he is sentenced for a crime as provided for in § 24.2-231 or is determined to be "mentally incompetent" as provided for in § 24.2-232. This exception shall not apply to an officer who is (i) appointed to fill a vacancy in an elective office or (ii) appointed to an office for a term established by law and the appointing person or authority is not given the unqualified power of removal.

This article shall be applicable to members of local electoral boards and general registrars, but shall not be applicable to ~~assistant~~ deputy registrars who may be removed from office by the general registrar pursuant to § 24.2-112 or to officers of election who may be removed from office by the local electoral board pursuant to § 24.2-109.

§ 24.2-412. Other locations and times for voter registration.

A. In addition to voter registration locations provided for in §§ 24.2-411, 24.2-411.2, and 24.2-411.3, opportunities for voter registration may be provided at other agency offices, business offices, establishments, and occasional sites open to the general public, and shall be provided as required by this section. Voter registration shall be conducted only in public places open to the general public and at preannounced hours. ~~Assistant~~ Deputy registrars should serve during such hours and at such places. The conduct of voter registration by the general registrar or ~~an assistant~~ a deputy registrar in public places at preannounced hours shall not be deemed solicitation of registration.

B. The general registrar is authorized to set within his jurisdiction ongoing locations and times for registration in local or state government agency offices or in businesses or other establishments open to the general public, subject to the approval of, and pursuant to an agreement with, the head of the government agency, the owner or manager of the business or establishment, or the designee of either. The agreement shall provide for the appointment of employees of the agency, business, or establishment to serve as ~~assistant~~ deputy registrars and shall be in writing and approved by the local electoral board prior to implementation.

Employees of the agency, business, or establishment who are appointed to serve as ~~assistant~~ deputy registrars may be nonresidents of the jurisdiction they are appointed to serve, provided that (i) they are qualified voters of the Commonwealth and (ii) they serve only at their place of employment within the jurisdiction they are appointed to serve.

C. The general registrar or electoral board may set additional occasional sites and times for registration within the jurisdiction. A multifamily residential building not usually open to the public may be used as an occasional registration site so long as the public has free access to the site during the time for registering voters. Voter registration conducted in a high school or at the location of a naturalization ceremony shall not be required to be open to the public.

§ 24.2-620. Dividing ballots into packages for each precinct; delivery of absentee ballots.

The electoral board or general registrar shall cause to be made, in the presence of at least one member of the board or a designee of the board, one or more packages of ballots for each precinct in the election district. Each package shall contain a number of ballots determined by the board or general registrar. Each of these packages shall be securely sealed in the presence of a member of the board or such designated person so that the ballots shall be invisible, and so that the packages cannot be readily opened without detection. On each of the packages shall be endorsed the name of the precinct for which it is intended and the number of ballots therein contained. Thereafter the packages designated for each precinct shall be delivered to the general registrar and remain in his exclusive possession until delivered by him, or by a board member, a designee of the board, or ~~an assistant~~ a deputy registrar, to the officers of election of each precinct as provided in § 24.2-621.

There shall be sufficient ballots for those offering to vote absentee delivered to the general registrar by the deadline stated in § 24.2-612. Any such ballots remaining unused at the close of the polls on election day shall be sent by the general registrar to the clerk of the circuit court of the county or city.

§ 24.2-621. Delivery of packages to officers; opening packages.

Before every election the secretary of the electoral board, or another board member, board employee, or the general or ~~an assistant~~ a deputy registrar designated by the board, shall deliver to an officer of election of each precinct the official ballots for that precinct and obtain a receipt for the package or packages and a certificate that the seals are unbroken. If the secretary or other such designated person is unable to deliver the official ballots, another member of the board shall deliver the ballots.

Before opening the polls, the officers of election shall open the sealed package and carefully count the ballots. If there is more than one package, additional packages shall be opened as needed and the ballots counted as provided in this section.

§ 24.2-632. Voting equipment custodians.

A. For the purpose of programming and preparing voting and counting equipment, including the programming of any electronic activation devices or data storage media used to program or operate the equipment, and maintaining, testing, calibrating, and delivering it, the electoral board and general registrar shall employ one or more persons, to be known as custodians of voting equipment. The custodians shall be fully competent, thoroughly instructed, and sworn to perform their duties honestly and faithfully, and for such purpose shall be appointed and instructed at least 30 days before each election. With the approval of the State Board, the electoral board or general registrar may contract with the voting equipment vendor or another contractor for the purpose of programming, preparing and maintaining the voting equipment. The voting equipment custodians shall instruct and supervise the vendor or contractor technicians and oversee the programming, testing, calibrating and delivering of the equipment. The vendor or contractor technicians shall be sworn to perform their duties honestly and faithfully and be informed of and subject to the misdemeanor and felony penalties provided in §§ 24.2-1009 and 24.2-1010.

The final testing of the equipment prior to each election shall be done in the presence of an electoral board member, a representative of the electoral board, or the general registrar. The electoral board or general registrar may authorize a representative to be present at the final testing only if it is impracticable for a board member or general registrar to attend, and such representative shall in no case be the custodian or a vendor or contractor technician who was responsible for programming the ballot software, electronic activation devices, or electronic data storage media.

B. Notwithstanding the provisions of subsection A, the local electoral board or general registrar may assign a board member or ~~an assistant~~ *a deputy* registrar to serve as a custodian without pay for such service. The board member or ~~assistant~~ *deputy* registrar serving as custodian shall be fully competent, thoroughly instructed, and sworn to perform his duties honestly and faithfully, and for such purpose shall be appointed and instructed at least 30 days before each election. Whenever the presence of an electoral board member or general registrar and custodian is required by the provisions of this title, the same person shall not serve in both capacities.

§ 24.2-701.1. Absentee voting in person.

A. Absentee voting in person shall be available on the forty-fifth day prior to any election and shall continue until 5:00 p.m. on the Saturday immediately preceding the election. In the case of a special election, excluding for federal offices, if time is insufficient between the issuance of the writ calling for the special election and the date of the special election, absentee voting in person shall be available as soon as possible after the issuance of the writ.

Any registered voter offering to vote absentee in person shall provide his name and his residence address in the county or city in which he is offering to vote. After verifying that the voter is a registered voter of that county or city, the general registrar shall enroll the voter's name and address on the absentee voter applicant list maintained pursuant to § 24.2-706.

Except as provided in subsection F, a registered voter voting by absentee ballot in person shall provide one of the forms of identification specified in subsection B of § 24.2-643. If he does not show one of the forms of identification specified in subsection B of § 24.2-643, he shall be allowed to vote after signing a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named registered voter he claims to be. A voter who requires assistance in voting by reason of a physical disability or an inability to read or write, and who requests assistance pursuant to § 24.2-649, may be assisted in preparation of this statement in accordance with that section. The provisions of § 24.2-649 regarding voters who are unable to sign shall be followed when assisting a voter in completing this statement. A voter who does not show one of the forms of identification specified in this subsection or does not sign this statement shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board shall provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to § 24.2-653.01 and this section.

B. Absentee voting in person shall be available during regular business hours. The electoral board of each county and city shall provide for absentee voting in person in the office of the general registrar or a voter satellite office established pursuant to § 24.2-701.2. For purposes of this chapter, such offices shall be open to the public a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all elections. The electoral board or general registrar may provide for absentee voting in person in such offices on Sundays. Any applicant who is in line to cast his ballot when the office of the general registrar or voter satellite office closes shall be permitted to cast his absentee ballot that day.

C. The general registrar may provide for the casting of absentee ballots in person pursuant to this section on voting systems. The Department shall prescribe the procedures for use of voting systems. The procedures shall provide for absentee voting in person on voting systems that have been certified and are currently approved by the State Board. The procedures shall be applicable and uniformly applied by the Department to all localities using comparable voting systems.

D. At least two officers of election shall be present during all hours that absentee voting in person is available and shall represent the two major political parties, except in the case of a party primary, when they may represent the party conducting the primary. However, such requirement shall not apply when (i) voting systems that are being used pursuant to subsection C are located in the office of the general registrar or voter satellite office and (ii) the general registrar or ~~an assistant~~ *a deputy* registrar is present.

E. The Department shall include absentee ballots voted in person in its instructions for the preparation, maintenance, and reporting of ballots, pollbooks, records, and returns.

F. This subsection shall apply in the case of any individual who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in a federal election in the state. At such election, such individual shall present (i) a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. Such individual who desires to vote in person but who does not show one of the forms of identification specified in this subsection shall be offered a provisional ballot under the provisions of § 24.2-653. The identification requirements of subsection B of § 24.2-643 and subsection A of § 24.2-653 shall not apply to such voter at such election. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to § 24.2-653.01 and this section.

§ 24.2-707.1. Drop-off locations for return of absentee ballots.

A. The general registrar of each county or city shall establish at the office of the general registrar and each voter satellite office in operation for an election a drop-off location for the purpose of allowing the deposit of completed absentee ballots for such election. On the day of the election, there shall also be a drop-off location at each polling place in operation for the election. The general registrar may establish additional drop-off locations within the county or city as he deems necessary. All drop-off locations shall be accessible; be on public property, unless located at a polling place; and otherwise comply with any criteria for drop-off locations set by the Department.

B. The Department shall set standards for the establishment and operation of drop-off locations, including necessary security requirements. The Department shall submit such standards annually by October 1 to the Chairmen of the House and

Senate Committees on Privileges and Elections, the Senate Committee on Finance and Appropriations, and the House Committee on Appropriations.

C. Not later than 55 days prior to any election, the general registrar shall post notice of the sites of the drop-off locations in the locality in the office of the general registrar and on the official website of the county or city. Such notice shall remain in the office of the general registrar and on the official website of the county or city for the duration of the period during which absentee ballots may be returned.

D. Absentee ballots shall be collected from drop-off locations in accordance with the instructions provided by the Department. Such instructions shall include chain of custody requirements and recordkeeping requirements. Absentee ballots shall be collected at least daily by (i) two officers of election or electoral board members representing the two major political parties where practicable or (ii) two employees from the office of the general registrar, unless the drop-off location is in the office of the general registrar, in which case the general registrar or ~~an assistant~~ *a deputy* general registrar may collect the absentee ballots.

§ 47.1-19. Fees.

A. A notary may, for taking and certifying the acknowledgment of any writing, or administering and certifying an oath, or certifying affidavits and depositions of witnesses, or certifying that a copy of a document is a true copy thereof, charge a fee up to \$5.

B. A notary may, for taking and certifying the acknowledgement of any electronic document, or administering and certifying an oath or affirmation, or certifying electronic affidavits and depositions of witnesses, or certifying that a copy of an electronic document is a true copy thereof, charge a fee not to exceed \$25.

C. Any person appointed as a member of an electoral board or a general registrar shall be prohibited from collecting any fee as a notary during the time of such appointment. Any person appointed as ~~an assistant~~ *a deputy* registrar or officer of election shall be prohibited from collecting any fee as a notary for services relating to the administration of elections or the election laws.

D. It shall be unlawful for any notary to charge more than the fee established herein for any notarial act; however, a notary may recover, with the agreement of the person to be charged, any actual and reasonable expense of traveling to a place where a notarial act is to be performed if it is not the usual place in which the notary performs his office.

CHAPTER 141

An Act to amend and reenact § 53.1-136 of the Code of Virginia, relating to Virginia Parole Board; monthly reports.

[S 547]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-136 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-136. Powers and duties of Board; notice of release of certain inmates.

In addition to the other powers and duties imposed upon the Board by this article, the Board shall:

1. Adopt, subject to approval by the Governor, general rules governing the granting of parole and eligibility requirements, which shall be published and posted for public review;

2. Adopt, subject to approval by the Governor, rules providing for the granting of parole to those prisoners who are eligible for parole pursuant to § 53.1-165.1 on the basis of demonstrated maturity and rehabilitation and the lesser culpability of juvenile offenders;

3. a. Release on parole for such time and upon such terms and conditions as the Board shall prescribe, persons convicted of felonies and confined under the laws of the Commonwealth in any correctional facility in Virginia when those persons become eligible and are found suitable for parole, according to those rules adopted pursuant to subdivisions 1 and 2;

b. Establish the conditions of postrelease supervision authorized pursuant to § 18.2-10 and subsection A of § 19.2-295.2;

c. Notify the Department of Corrections of its decision to grant discretionary parole or conditional release to an inmate. The Department of Corrections shall set the release date for such inmate no sooner than 30 business days from the date that the Department of Corrections receives such notification from the Chairman of the Board, except that the Department of Corrections may set an earlier release date in the case of an inmate granted conditional release pursuant to § 53.1-40.02. In the case of an inmate granted parole who was convicted of a felony and sentenced to a term of 10 or more years, or an inmate granted conditional release, the Board shall notify the attorney for the Commonwealth in the jurisdiction where the inmate was sentenced (i) by electronic means at least 21 business days prior to such inmate's release that such inmate has been granted discretionary parole or conditional release pursuant to § 53.1-40.01 or 53.1-40.02 or (ii) by telephone or other electronic means prior to such inmate's release that such inmate has been granted conditional release pursuant to § 53.1-40.02 where death is imminent. Nothing in this section shall be construed to alter the obligations of the Board under § 53.1-155 for investigation prior to release on discretionary parole;

d. Provide that in any case where a person who is released on parole or postrelease supervision has been committed to the Department of Behavioral Health and Developmental Services under the provisions of Chapter 9 (§ 37.2-900 et seq.) of Title 37.2 the conditions of his parole or postrelease supervision shall include the requirement that the person comply with

all conditions given him by the Department of Behavioral Health and Developmental Services and that he follow all of the terms of his treatment plan;

4. Revoke parole and any period of postrelease and order the reincarceration of any parolee or felon serving a period of postrelease supervision or impose a condition of participation in any component of the Statewide Community-Based Corrections System for State-Responsible Offenders (§ 53.1-67.2 et seq.) on any eligible parolee, when, in the judgment of the Board, he has violated the conditions of his parole or postrelease supervision or is otherwise unfit to be on parole or on postrelease supervision;

5. Issue final discharges to persons released by the Board on parole when the Board is of the opinion that the discharge of the parolee will not be incompatible with the welfare of such person or of society;

6. Make investigations and reports with respect to any commutation of sentence, pardon, reprieve or remission of fine, or penalty when requested by the Governor;

7. Publish ~~by the fifteenth day of each month~~ a statement regarding the action taken by the Board on the parole of prisoners ~~during the prior month~~ *within 30 days of such action*. The statement shall list (i) the name of each prisoner considered for parole, (ii) the offense of which the prisoner was convicted, (iii) the jurisdiction in which such offense was committed, (iv) *the length of the prisoner's sentence and the date such sentence was imposed*, (v) the amount of time the prisoner has served, ~~(v)~~ (vi) whether the prisoner was granted or denied parole, and ~~(vi)~~ (vii) the basis for the grant or denial of parole. However, in the case of a prisoner granted parole, the information set forth in clauses (i) through ~~(vi)~~ (vii) regarding such prisoner shall be included in the statement published in the month immediately succeeding the month in which notification of the decision to grant parole was given to the attorney for the Commonwealth and any victims; and

8. Ensure that each person eligible for parole receives a timely and thorough review of his suitability for release on parole, including a review of any relevant post-sentencing information. If parole is denied, the basis for the denial of parole shall be in writing and shall give specific reasons for such denial to such inmate.

CHAPTER 142

An Act to direct the Secretary of Transportation to implement initiatives related to commercial driver's licenses.

[H 553]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Secretary of Transportation (the Secretary), in consultation with the Secretary of Labor, the Secretary of Public Safety and Homeland Security, and other relevant stakeholders, shall:*

1. *Identify state laws, regulations, or policies that adversely affect or create unnecessary burdens upon the trucking industry and commercial drivers. The Secretary shall propose recommendations to address any such laws, regulations, or policies;*

2. *Work with the Secretary of Labor to promote commercial driver's license (CDL) training and certification opportunities among the workforce in the Commonwealth;*

3. *Work with the Department of Veterans Services to promote CDL training and certification opportunities for veterans and military service members;*

4. *Work with the Department of Corrections to promote CDL training and certification opportunities for individuals who are preparing to reenter society or who have already reentered society;*

5. *Coordinate with third parties, such as public institutions of higher education and private businesses, to increase the number of training and testing opportunities for CDL applicants and licensees, and to expand existing training where possible; and*

6. *Encourage third-party CDL testing and training programs to expand the pool of CDL applicants eligible to participate in their programs.*

All agencies of the Commonwealth shall, upon request, provide assistance to and fully cooperate with the Secretary in carrying out the provisions of this act.

2. That the provisions of this act shall expire on July 1, 2023.

CHAPTER 143

An Act to amend and reenact §§ 3.02, 3.03, 4.03, as amended, 4.07, as amended, 5.01, 7.02, as amended, and 16.01 of Chapter 542 of the Acts of Assembly of 1990, which provided a charter for the City of Bristol, relating to election of city councilmembers; election of city manager; chief financial officer monthly statement for presentation.

[H 556]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.02, 3.03, 4.03, as amended, 4.07, as amended, 5.01, 7.02, as amended, and 16.01 of Chapter 542 of the Acts of Assembly of 1990 are amended and reenacted as follows:

§ 3.02. Election of ~~councilmen~~ *councilmembers*.

A municipal election shall be held on the first Tuesday ~~following the first Monday in May~~ *November* of every second year ~~after beginning in the year 1988~~ *2022*. This election shall be known as the regular municipal ~~councilmanic~~ *council* election at which shall be elected by the qualified voters of the city, on a general ticket from the city at large, one member of council for each ~~council member~~ *councilmember* whose term expires on ~~July~~ *January* 1 following the election.

The number of candidates equal to the positions to be filled who receive the highest number of votes at such election shall be declared elected. ~~Councilmen~~ *Councilmembers* shall serve for a term of four years from ~~July~~ *January* 1 following their election.

Each qualified voter shall be entitled to vote for as many candidates as there are vacancies to be filled and no more. No voter shall in such election cast more than one vote for the same person.

In counting the vote, any ballot found to contain a greater number of names for the office of ~~councilman~~ *councilmember* than the number of vacancies to be filled shall be void, but no ballot shall be void for containing a less number of names than the number of vacancies being filled.

All ~~council members~~ *councilmembers* holding office at the time of enactment of this charter shall continue in office for the term of office to which they were elected.

§ 3.03. Vacancies in office of ~~councilman~~ *councilmembers*.

Mid-term vacancies in the office of ~~councilman~~ *councilmember*, from whatever cause arising, shall be filled within thirty days for the unexpired portion of the term by majority vote of the remaining members of the council.

If the council fails to fill a vacancy in its membership within thirty days of the occurrence of the vacancy, the vacancy shall be filled by the judge of the Circuit Court for the City of Bristol, Virginia. Upon the expiration of thirty days from the occurrence of a vacancy without appointment by council, the city clerk shall certify that fact to the judge of the circuit court. If the clerk fails to do so for ten days, any citizen may file a petition in the court showing the unfilled vacancy.

Upon appointment to fill a vacancy by the circuit court, the clerk of the court shall transmit to the council a copy of the order of appointment, which shall be entered on the minutes of the next meeting of the council.

§ 4.03. Meetings.

At nine o'clock a.m. on ~~July the first business day following January 1 following a regular municipal election, or if that should be Saturday, Sunday or a legal holiday, then on the first business day following,~~ the council shall hold an inaugural *or organizational* meeting at the usual place for holding the meetings of the council.

At that meeting, newly elected ~~councilmen~~ *councilmembers* shall be sworn and assume the duties of their office; and then shall make such elections and appointments as are otherwise provided for in this charter.

At nine o'clock a.m. on ~~July the first business day following January 1 in each year when no municipal election has been held, or if such day be Saturday, Sunday or a legal holiday, then the first business day following,~~ the council shall have an *inaugural or organizational* meeting for the purpose of making such appointments and transacting such other business as this charter shall provide shall be made or transacted on ~~July~~ *January* 1 of each year.

~~Each July 1;~~ *At* the inaugural or organizational meeting, council shall make such appointments of its own members to such boards, authorities, committees or commissions that require a representative from the members of the council. Additionally, at the inaugural or organizational meeting, or as soon as possible thereafter, council shall also make such citizen appointments to the planning commission, board of zoning appeals, economic development committee, social services board, board of building code appeals, BVU Authority, Industrial Development Authority and any other boards to which the council makes appointments of members whose terms have expired as of midnight on ~~the 30th day of June~~ *December 31*. Nothing herein is meant to preclude the filling of any vacancies on such boards, authorities, committees or commissions prior to ~~July~~ *January* 1, if such opening exists prior to midnight on ~~June 30th~~ *December 31*. The length of terms of all appointees to the BVU Authority are governed by the BVU Authority Act and not the Charter.

Council shall thereafter regularly meet at such times as may be prescribed by ordinance, provided that it shall meet not less than once each month.

The mayor, any member of the council, or the city manager may call a special meeting of the council at any time, upon twelve hours written notice stating the purpose of the meeting served upon each member personally, or left at his usual place of business or residence. The called meeting may be held without written notice, provided all members of the council attend. At such special meeting, no business other than that mentioned in the call shall be considered.

All meetings of the council shall be public as provided for by the Virginia Freedom of Information Act, with executive sessions as permitted therein at the discretion of the majority of council. The council shall keep written minutes of its proceedings but does not have to keep minutes of its executive session. Citizens may have access to the minutes and records of all public meetings at any reasonable time.

§ 4.07. Appointments and removals.

The council in making appointments and removals shall act only by affirmative vote of at least three members. It may remove any person appointed by it for an indefinite term, provided that the person to be removed shall have been served with written notice of the intention of the council to remove him at least ten days prior to the action becoming final. If two or more members of council shall be disabled to vote pursuant to the provisions of the Virginia State and Local Government

Conflict of Interests Act (§ 2.1-639.1 et seq.) or its successors, as the same may be amended from time to time, council may act by an affirmative vote of those members of city council not so disabled to vote. No hearing shall be required.

Any member of the council or any member of a board or commission, and any other person appointed by the council for a specified term may be removed during that term by the council but only for malfeasance or neglect of duty. The person to be removed shall be entitled to notice of the intention of the council to remove him, containing a clear statement of the grounds for such removal, and fixing the time and place, not less than ten days after the service of such notice, at which he shall be given an opportunity to be heard thereon. After the hearing, which shall be public at the option of the person sought to be removed, and at which he may be represented by counsel, the decision of the council shall be final. It shall be the duty of the council, at the request of the person sought to be removed, to subpoena witnesses whose testimony would be pertinent to the matter in hand. Any officer, elective or appointed, including ~~councilmen~~ *councilmember*, or an employee of the city who shall be convicted by a final judgment of any court from which no appeal has been taken, or which has been affirmed by a court of last resort, on a charge involving moral turpitude, whether felony or misdemeanor, shall forfeit his office or employment. Council shall also have the power to otherwise punish its own members and to compel their attendance.

§ 5.01. Appointments and qualifications.

There shall be a city manager who shall be the administrative and executive head of the city and shall be responsible to the council for the proper administration of the city government. He shall be chosen by the council solely on the basis of his executive and administrative qualifications. The choice shall not be limited to inhabitants of the city or the Commonwealth of Virginia. He shall be appointed by council for a term of one year, unless sooner removed by council as herein provided. The city manager's term shall commence immediately upon election by council at ~~a the inaugural or organizational meeting to be held on July 1 of each year, or if such day be on Saturday, Sunday or a legal holiday, on the first business day following.~~ *the inaugural or organizational meeting*. Such term shall end on ~~June 30~~ *December 31* of the ~~succeeding~~ *same* calendar year. Vacancies during the term may be filled by the council for the remainder of the term. During the absence or disability of the city manager, the council may, by general ordinance, or specific act, designate some properly qualified person to perform the duties of the office as acting city manager in the absence of an assistant city manager.

§ 7.02. Finance department.

A. Generally. There shall be a finance department headed by a department head known as the chief financial officer, who shall be in charge of the accounting and finances of the city. The chief financial officer shall function as budget director, which position shall require skill in public administration and the accepted practices and municipal budgetary procedure and shall compile, in cooperation with the various department heads, the departmental estimates and other data necessary or useful to the city manager in the preparation of the annual budget.

B. General powers and duties of chief financial officer. The chief financial officer shall have general management and control, subject to the direction and control of the city manager, of the administration of the financial affairs of the city and to that end shall have authority and be required to:

1. Keep books of account of the receipts from all sources and expenditures of all departments, courts, boards, commissions, offices and agencies of the city and prescribe the form of receipts, vouchers, bills or claims to be used and accounts to be kept by all departments, courts, boards, commissions, offices and agencies of the city. The chief financial officer in so doing shall consult with the retained public auditor for the city so that his books of account and other items mentioned herein produce the requisite information for auditing purposes;

2. Maintain suitable records to keep an accurate account with the city treasurer, making entries therein, where practical, on the same date which they occur, and said records shall be kept so that an examination of them will show the condition of the treasury;

3. Cooperate with the city manager in compiling estimates for the current expense and capital budgets;

4. Require daily, or at such intervals as he may deem expedient, report of receipts and a remission of the same from each department, court, board, commission, office and agency, and shall on the proper in-paying warrant remit the same to the treasurer;

5. Examine all contracts, purchase orders and other documents which create financial obligations against the city to determine that money has been appropriated and allotted therefor and that an unexpended and unencumbered balance is available and such appropriation and allotment to meet the same;

6. Audit before payment for legality and correctness all accounts, claims and demands against the city and no money shall be drawn from any bank account of the city except by warrant or check signed by the city manager and treasurer, based upon a voucher prepared by him;

7. Submit to the city manager for presentation to the council, not later than the 25th day of each month, *or as soon as practicable thereafter*, a statement concerning the financial transactions of the city prepared in accordance with accepted principles in municipal accounting and budgetary procedure and showing:

(a) The amount of each appropriation with transfers to and from the same, the allotment thereof to the end of the preceding month, encumbrances and expenditures charged against such appropriation during the preceding month, the total of such charges for the fiscal year to the end of the preceding month and the unencumbered balance remaining in such appropriation; and

(b) The revenue estimated to be received from each source, the actual receipts from each source for the preceding month, the total receipts from each source for the fiscal year to the end of the preceding month, and the balance remaining to be collected;

8. Furnish the head of each department, court, board, commission, office or agency of the city a copy of such portion of the statement relating to such department, court, board, commission, office or agency;

9. Prepare and submit to the city manager at the end of each fiscal year, for the preceding year, a complete financial statement and report of the financial transactions of the city;

10. Protect the interest of the city by withholding the payment of any claim or demand by any person, firm or corporation against the city until any indebtedness or other liability due from such person, firm or corporation shall first have been settled and adjusted; and

11. Perform such other duties as may be required of him by this charter, by the city manager or by the city council.

C. Annual audit. The council shall cause to be made annually an independent financial audit of all accounts, books, records and financial transactions of the city by the auditor of public accounts of the Commonwealth or by a firm of independent certified public accountants to be selected by council. The audit shall be of sufficient scope to express an opinion as to whether the books and records and the financial statements prepared therefrom as contained in the annual financial report of the city present fairly the fiscal affairs of the city in accordance with generally accepted accounting principles of municipal accounting and applicable government laws. The report of such audit shall be always available for public inspection in the office of the city clerk and in the office of the city manager during regular business hours and shall be posted on the city's website for public viewing. The chief financial officer shall cooperate with and provide the necessary information to the auditor for the purpose of producing the annual audit.

D. Other audits of accounts. Upon the death, resignation, removal or expiration of the term of any officer of the city, the chief financial officer, under the supervision of the city manager, shall audit the accounts of such officer and report the result of the audit to the council. The chief financial officer shall also audit the accounts of any office or department of the city upon the request of the council, under the supervision of the city manager. Any such audit, at the direction of the council, may be made by an independent certified public accountant rather than by the chief financial officer if they so direct.

E. Commissioner of revenue. There shall be elected, pursuant to Chapter 3 of this charter and the general law of the Commonwealth, a commissioner of revenue as provided for in the Constitution of the Commonwealth of Virginia who shall perform such duties as are not inconsistent with the laws of the Commonwealth in relation to the assessment of property and license taxes as may be required by the council for the purpose of levying city property and license taxes. He shall perform such other duties within the City of Bristol, Virginia, as are prescribed for him by the general law of the Commonwealth of Virginia and as may be prescribed for him by this charter or by the city council for the City of Bristol, Virginia, and are not inconsistent with his office. The commissioner of revenue shall have the power to administer oaths in the performance of his official duties.

F. City treasurer. There shall be elected, pursuant to Chapter 3 of this charter and the general law of the Commonwealth, a city treasurer, as provided for in the Constitution of Virginia who shall, except as otherwise provided in this charter, be the custodian of all funds of the city and the city's chief financial officer's bond, and pursuant thereto shall:

1. Deposit all funds coming into the treasurer's hands to the account of the city, in such separate accounts as may be provided for by council, in such banks as may be designated for that purpose by the council. However, the city manager may authorize any department or agency of the city to maintain a petty cash fund not to exceed \$300. Such fund authorized shall be reimbursed by the treasurer only upon presentation of vouchers approved by the chief financial officer;

2. Receive all moneys belonging to and received by the city and keep a correct account of all such receipts;

3. Be subject to the supervision of the council, perform such other duties not inconsistent with the office as council may from time to time direct, and have such powers and duties as are now or may hereafter be prescribed by the general law of the Commonwealth or ordinance of this city;

4. Make all such reports to the chief financial officer with respect to receipts and expenditures in the city treasury as may be required by the chief financial officer to properly keep the financial records of the city up to date;

5. Pay out no money from the city treasury except as may have been approved by the city manager and the chief financial officer on forms prescribed by the chief financial officer, all in accordance with the provisions of this charter;

6. Present annually to council the treasurer's account with the State Auditor;

7. Receive no money or permit the payment of the same into the treasury, except upon the presentation of a proper form authorizing such payment and receipt, which form shall show the source and amount of such money and shall be signed by the chief financial officer or his designee. No license, permit or other authorization for which the party receiving same is required to pay money to the city shall be valid unless and until the treasurer receipts the same giving the amount and date of such receipt; and

8. Report a list of delinquent real and personal property taxes for the next preceding year to the city manager and to city council no later than July 1 of each year.

§ 16.01. Present officers to hold over, contracts, etc. to continue.

The present mayor, ~~councilmen~~ *councilmembers* and all other officers of the City of Bristol shall continue to hold office, and to perform the duties of their respective offices for the city for the terms for which they were elected or appointed and until their successors are elected or appointed to replace them and such replacements are qualified, as herein or elsewhere provided by laws, and all liabilities, actions, claims, contracts and prosecutions heretofore existing under the Charter of the City of Bristol shall remain and continue as if this charter had not been passed.

CHAPTER 144

An Act to allow the State Water Control Board to amend certain regulations.

[S 567]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The State Water Control Board shall amend subdivision G 2 of 9VAC25-410-20 of the Virginia Administrative Code to provide that Virginia Pollutant Discharge Elimination System permits may also be issued to an existing sewage treatment plant constructed and placed into service prior to January 1, 2001, serving no less than 10 homes but no more than 25 homes if such sewage treatment plant has a documented history of substantial noncompliance and it is not feasible to connect to a publicly owned sewage treatment plant.*

CHAPTER 145

An Act to amend and reenact § 54.1-2713 of the Code of Virginia, relating to license to teach dentistry; foreign dental program graduates.

[S 590]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. **That § 54.1-2713 of the Code of Virginia is amended and reenacted as follows:**

§ 54.1-2713. Licenses to teach dentistry; renewals.

A. Upon payment of the prescribed fee and provided that no grounds exist to deny licensure pursuant to § 54.1-2706, the Board may grant, without examination, a faculty license to teach dentistry in a dental program accredited by the Commission on Dental Accreditation of the American Dental Association to any applicant who meets one of the following qualifications:

1. Is a graduate of a dental school or college or the dental department of an institution of higher education, has a current unrestricted license to practice dentistry in at least one other United States jurisdiction, and has never been licensed to practice dentistry in the Commonwealth; ~~or~~

2. Is a graduate of a dental school or college or the dental department of an institution of higher education, has completed an advanced dental education program accredited by the Commission on Dental Accreditation of the American Dental Association, and has never been licensed to practice dentistry in the Commonwealth; *or*

3. *Is a graduate of a dental school or college or the dental department of an institution of higher education in a foreign country and has been granted a certification letter from the dean or program director of an accredited dental program confirming that the applicant has clinical competency and clinical experience that meet the credentialing standards of the dental school with which the applicant is to be affiliated.*

B. The dean or program director of the accredited dental program shall provide to the Board verification that the applicant is being hired by the program and shall include an assessment of the applicant's clinical competency and clinical experience that qualifies the applicant for a faculty license.

C. The holder of a license issued pursuant to this section shall be entitled to perform all activities that a person licensed to practice dentistry would be entitled to perform and that are part of his faculty duties, including all patient care activities associated with teaching, research, and the delivery of patient care, which take place only within educational facilities owned or operated by or affiliated with the dental school or program. A licensee who is qualified based on educational requirements for a specialty board certification shall only practice in the specialty for which he is qualified. A license issued pursuant to this section shall not authorize the holder to practice dentistry in nonaffiliated clinics or in private practice settings.

D. Any license issued under this section shall expire on June 30 of the second year after its issuance or shall terminate when the licensee leaves employment at the accredited dental program. Such license may be renewed annually thereafter as long as the accredited program certifies to the licensee's continuing employment.

2. **That the provisions of this act shall expire on July 1, 2025.**

CHAPTER 146

An Act to amend and reenact § 29.1-545 of the Code of Virginia, relating to live nutria.

[H 65]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. **That § 29.1-545 of the Code of Virginia is amended and reenacted as follows:**

§ 29.1-545. Possession, sale, offering for sale or liberation of live nutria.

It shall be unlawful for any person, firm, association or corporation to possess, sell, offer for sale, or liberate in the Commonwealth any live fur-bearing animal commonly referred to as nutria (*Myocastor coypus*). *This section does not apply to employees of the Department of Wildlife Resources, U.S. Department of Agriculture, or U.S. Fish and Wildlife Service, or any persons involved in research or management activities with these agencies.*

CHAPTER 147

An Act to authorize the reestablishment of a general hospital in Patrick County.

[H 1305]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *That, notwithstanding any other provision of law, the State Health Commissioner shall accept and review applications for and may issue a license to an acute care hospital located in Patrick County that was previously licensed as an acute care hospital under a license that was valid and in effect prior to December 31, 2018.*

§ 2. *That, notwithstanding the requirements of § 32.1-102.3 of the Code of Virginia and regulations of the Board of Health, the reestablishment of a general hospital with up to one magnetic resonance imaging unit, one computed tomographic imaging unit, 25 inpatient beds, and two operating rooms in Patrick County shall not constitute a project for the purposes of the issuance of a certificate of public need, provided that (i) the reestablishment is the result of the closure and subsequent sale of a general hospital that was licensed in Patrick County prior to December 31, 2018, (ii) the previous general hospital in Patrick County had been issued a certificate of public need or did not require a certificate of public need at the time at which the project was first commenced, and (iii) the reestablishment of such general hospital occurs within seven years of the date of the closure of the general hospital in Patrick County.*

CHAPTER 148

An Act to amend and reenact § 54.1-3926 of the Code of Virginia, relating to attorneys; examinations and issuance of licenses; requirements.

[H 117]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3926 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-3926. Preliminary proof of education required of applicant.

Before an applicant will be permitted to take any examination under this article, the applicant shall furnish to the Board satisfactory evidence that he has:

1. ~~Completed all degree requirements from~~ *Satisfactorily completed legal studies amounting to at least five semesters, or the equivalent of at least five semesters on a system other than a semester system, of full-time study at a law school approved by the American Bar Association or the Board;*

2. *Received a bachelor's degree from an accredited baccalaureate institution of higher education and studied law for three years, consisting of not less than 18 hours per week for at least 40 weeks per year in the office of an attorney practicing in the Commonwealth, whose full time is devoted to the practice of law;*

3. *Studied law for at least three years partly in a law school approved by the American Bar Association or the Board and partly, for not less than 18 hours per week for at least 40 weeks per year, in the office of an attorney practicing in the Commonwealth whose full time is devoted to the practice of law;*

4. *Received a bachelor's degree from an accredited baccalaureate institution of higher education and studied law for three years, consisting of not less than 18 hours per week for at least 40 weeks per year, with a retired circuit court judge who served the Commonwealth as a circuit court judge for a minimum of 10 years and who at the time of commencement of the three-year study period was retired for not more than five years; or*

5. *Completed all degree requirements from a law school not approved by the American Bar Association, including a foreign law school, obtained an LL.M. from a law school approved by the American Bar Association, and been admitted to practice law before the court of last resort in any state or territory of the United States or the District of Columbia.*

The attorney in whose office or the judge with whom the applicant intends to study shall be approved by the Board, which shall prescribe reasonable conditions as to the course of study.

CHAPTER 149

An Act to amend and reenact § 54.1-1101 of the Code of Virginia, relating to Department of Professional and Occupational Regulation; Board for Contractors; exemption from licensure.

[S 121]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 54.1-1101 of the Code of Virginia is amended and reenacted as follows:****§ 54.1-1101. Exemptions; failure to obtain certificate of occupancy; penalties.**

- A. The provisions of this chapter shall not apply to:
1. Any governmental agency performing work with its own forces;
 2. Work bid upon or undertaken for the armed services of the United States under the Armed Services Procurement Act;
 3. Work bid upon or undertaken for the United States government on land under the exclusive jurisdiction of the federal government either by statute or deed of cession;
 4. Work bid upon or undertaken for the Department of Transportation on the construction, reconstruction, repair, or improvement of any highway or bridge;
 5. Any other persons who may be specifically excluded by other laws but only to such an extent as such laws provide;
 6. Any material supplier who renders advice concerning use of products sold and who does not provide construction or installation services;
 7. Any person who performs or supervises the construction, removal, repair, or improvement of no more than one primary residence owned by him and for his own use during any 24-month period;
 8. Any person who performs or supervises the construction, removal, repair, or improvement of a house upon his own real property as a bona fide gift to a member of his immediate family provided such member lives in the house. For purposes of this section, "immediate family" includes one's mother, father, son, daughter, brother, sister, grandchild, grandparent, mother-in-law, and father-in-law;
 9. Any person who performs or supervises the repair or improvement of industrial or manufacturing facilities, or a commercial or retail building, for his own use;
 10. Any person who performs or supervises the repair or improvement of residential dwelling units owned by him that are subject to the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.);
 11. Any owner-developer, provided that any third-party purchaser is made a third-party beneficiary to the contract between the owner-developer and a licensed contractor whereby the contractor's obligation to perform the contract extends to both the owner-developer and the third party;
 12. Work undertaken by students as part of a career and technical education project as defined in § 22.1-228 established by any school board in accordance with Article 5 (§ 22.1-228 et seq.) of Chapter 13 of Title 22.1 for the construction of portable classrooms or single family homes;
 13. Any person who performs the removal of building detritus or provides janitorial, cleaning, or sanitizing services incidental to the construction, removal, repair, or improvement of real property;
 14. Any person who is performing work directly under the supervision of a licensed contractor and is (i) a student in good standing and enrolled in a public or private institution of higher education, (ii) a student enrolled in a career training or technical education program, or (iii) an apprentice as defined in § 40.1-120; and
 15. Work undertaken by a person providing construction, remodeling, repair, improvement, removal, or demolition valued at ~~\$5,000~~ \$25,000 or less per project on behalf of a properly licensed contractor, provided that such contractor holds a valid license in the (i) residential building, (ii) commercial building, or (iii) home improvement building contractor classification. However, any construction services that require an individual license or certification shall be rendered only by an individual licensed or certified in accordance with this chapter.
- All other contractors performing work for any government or for any governmental agency are subject to the provisions of this chapter and are required to be licensed as provided herein.
- B. Any person who is exempt from the provisions of this chapter as a result of subdivision A 7, 10, 11, or 12 shall obtain a certificate of occupancy for any building constructed, repaired or improved by him prior to conveying such property to a third-party purchaser, unless such purchaser has acknowledged in writing that no certificate of occupancy has been issued and that such purchaser consents to acquire the property without a certificate of occupancy.
- C. Any person who is exempt from the provisions of this chapter as a result of subdivision 7, 8, 9, 10, 11, 12, or 14 of subsection A shall comply with the provisions of the Uniform Statewide Building Code (§ 36-97 et seq.).
- D. Any person who violates the provisions of subsection B or C shall be guilty of a Class 1 misdemeanor. The third or any subsequent conviction of violating subsection B or C during a 36-month period shall constitute a Class 6 felony.

CHAPTER 150

An Act to amend and reenact §§ 2.2-1604 and 2.2-4310 of the Code of Virginia, relating to the Department of Small Business and Supplier Diversity; definitions; small business.

[S 128]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:**1. That §§ 2.2-1604 and 2.2-4310 of the Code of Virginia are amended and reenacted as follows:****§ 2.2-1604. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Certification" means the process by which (i) a business is determined to be a small, women-owned, or minority-owned business or (ii) an employment services organization, for the purpose of reporting small, women-owned, and minority-owned business and employment services organization participation in state contracts and purchases pursuant to §§ 2.2-1608 and 2.2-1610.

"Department" means the Department of Small Business and Supplier Diversity or any division of the Department to which the Director has delegated or assigned duties and responsibilities.

"Employment services organization" means an organization that provides community-based employment services to individuals with disabilities that is an approved Commission on Accreditation of Rehabilitation Facilities (CARF) accredited vendor of the Department for Aging and Rehabilitative Services.

"Historically black colleges and university" includes any college or university that was established prior to 1964; whose principal mission was, and is, the education of black Americans; and that is accredited by a nationally recognized accrediting agency or association determined by the Secretary of Education.

"Minority individual" means an individual who is a citizen of the United States or a legal resident alien and who satisfies one or more of the following definitions:

1. "African American" means a person having origins in any of the original peoples of Africa and who is regarded as such by the community of which this person claims to be a part.

2. "Asian American" means a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, including but not limited to Japan, China, Vietnam, Samoa, Laos, Cambodia, Taiwan, Northern Mariana Islands, the Philippines, a U.S. territory of the Pacific, India, Pakistan, Bangladesh, or Sri Lanka, and who is regarded as such by the community of which this person claims to be a part.

3. "Hispanic American" means a person having origins in any of the Spanish-speaking peoples of Mexico, South or Central America, or the Caribbean Islands or other Spanish or Portuguese cultures and who is regarded as such by the community of which this person claims to be a part.

4. "Native American" means a person having origins in any of the original peoples of North America and who is regarded as such by the community of which this person claims to be a part or who is recognized by a tribal organization.

"Minority-owned business" means a business that is at least 51 percent owned by one or more minority individuals who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more minority individuals who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more minority individuals, or any historically black college or university, regardless of the percentage ownership by minority individuals or, in the case of a corporation, partnership, or limited liability company or other entity, the equity ownership interest in the corporation, partnership, or limited liability company or other entity.

"Small business" means a business that is at least 51 percent independently owned and controlled by one or more individuals, *or in the case of a cooperative association organized pursuant to Chapter 3 (§ 13.1-301 et seq.) of Title 13.1 as a nonstock corporation, is at least 51 percent independently controlled by one or more members*, who are U.S. citizens or legal resident aliens and, together with affiliates, has 250 or fewer employees or average annual gross receipts of \$10 million or less averaged over the previous three years. One or more of the individual owners *or members* shall control both the management and daily business operations of the small business.

"State agency" means any authority, board, department, instrumentality, institution, agency, or other unit of state government. "State agency" does not include any county, city, or town.

"Women-owned business" means a business that is at least 51 percent owned by one or more women who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest is owned by one or more women who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more women.

§ 2.2-4310. Discrimination prohibited; participation of small, women-owned, minority-owned, and service disabled veteran-owned businesses and employment services organizations.

A. In the solicitation or awarding of contracts, no public body shall discriminate against a bidder or offeror because of race, religion, color, sex, sexual orientation, gender identity, national origin, age, disability, status as a service disabled veteran, or any other basis prohibited by state law relating to discrimination in employment. Whenever solicitations are

made, each public body shall include businesses selected from a list made available by the Department of Small Business and Supplier Diversity, which list shall include all companies and organizations certified by the Department.

B. All public bodies shall establish programs consistent with this chapter to facilitate the participation of small businesses, businesses owned by women, minorities, and service disabled veterans, and employment services organizations in procurement transactions. The programs established shall be in writing and shall comply with the provisions of any enhancement or remedial measures authorized by the Governor pursuant to subsection C or, where applicable, by the chief executive of a local governing body pursuant to § 15.2-965.1, and shall include specific plans to achieve any goals established therein. State agencies shall submit annual progress reports on (i) small, women-owned, and minority-owned business procurement, (ii) service disabled veteran-owned business procurement, and (iii) employment services organization procurement to the Department of Small Business and Supplier Diversity in a form specified by the Department of Small Business and Supplier Diversity. Contracts and subcontracts awarded to employment services organizations and service disabled veteran-owned businesses shall be credited toward the small business, women-owned, and minority-owned business contracting and subcontracting goals of state agencies and contractors. The Department of Small Business and Supplier Diversity shall make information on service disabled veteran-owned procurement available to the Department of Veterans Services upon request.

C. Whenever there exists (i) a rational basis for small business or employment services organization enhancement or (ii) a persuasive analysis that documents a statistically significant disparity between the availability and utilization of women-owned and minority-owned businesses, the Governor is authorized and encouraged to require state agencies to implement appropriate enhancement or remedial measures consistent with prevailing law. Any enhancement or remedial measure authorized by the Governor pursuant to this subsection for state public bodies may allow for small businesses certified by the Department of Small Business and Supplier Diversity or a subcategory of small businesses established as a part of the enhancement program to have a price preference over noncertified businesses competing for the same contract award on designated procurements, provided that the bid of the certified small business or the business in such subcategory of small businesses established as a part of an enhancement program does not exceed the low bid by more than five percent.

D. In awarding a contract for services to a small, women-owned, or minority-owned business that is certified in accordance with § 2.2-1606, or to a business identified by a public body as a service disabled veteran-owned business where the award is being made pursuant to an enhancement or remedial program as provided in subsection C, the public body shall include in every such contract of more than \$10,000 the following:

"If the contractor intends to subcontract work as part of its performance under this contract, the contractor shall include in the proposal a plan to subcontract to small, women-owned, minority-owned, and service disabled veteran-owned businesses."

E. In the solicitation or awarding of contracts, no state agency, department, or institution shall discriminate against a bidder or offeror because the bidder or offeror employs ex-offenders unless the state agency, department, or institution has made a written determination that employing ex-offenders on the specific contract is not in its best interest.

F. As used in this section:

"Employment services organization" means an organization that provides community-based employment services to individuals with disabilities that is an approved Commission on Accreditation of Rehabilitation Facilities (CARF) accredited vendor of the Department for Aging and Rehabilitative Services.

"Minority individual" means an individual who is a citizen of the United States or a legal resident alien and who satisfies one or more of the following definitions:

1. "African American" means a person having origins in any of the original peoples of Africa and who is regarded as such by the community of which this person claims to be a part.

2. "Asian American" means a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, including but not limited to Japan, China, Vietnam, Samoa, Laos, Cambodia, Taiwan, Northern Mariana Islands, the Philippines, a U.S. territory of the Pacific, India, Pakistan, Bangladesh, or Sri Lanka and who is regarded as such by the community of which this person claims to be a part.

3. "Hispanic American" means a person having origins in any of the Spanish-speaking peoples of Mexico, South or Central America, or the Caribbean Islands or other Spanish or Portuguese cultures and who is regarded as such by the community of which this person claims to be a part.

4. "Native American" means a person having origins in any of the original peoples of North America and who is regarded as such by the community of which this person claims to be a part or who is recognized by a tribal organization.

"Minority-owned business" means a business that is at least 51 percent owned by one or more minority individuals who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more minority individuals who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more minority individuals, or any historically black college or university as defined in § 2.2-1604, regardless of the percentage ownership by minority individuals or, in the case of a corporation, partnership, or limited liability company or other entity, the equity ownership interest in the corporation, partnership, or limited liability company or other entity.

"Service disabled veteran" means a veteran who (i) served on active duty in the United States military ground, naval, or air service, (ii) was discharged or released under conditions other than dishonorable, and (iii) has a service-connected disability rating fixed by the United States Department of Veterans Affairs.

"Service disabled veteran business" means a business that is at least 51 percent owned by one or more service disabled veterans or, in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more individuals who are service disabled veterans and both the management and daily business operations are controlled by one or more individuals who are service disabled veterans.

"Small business" means a business, independently owned and controlled by one or more individuals, *or in the case of a cooperative association organized pursuant to Chapter 3 (§ 13.1-301 et seq.) of Title 13.1 as a nonstock corporation, controlled by one or more members*, who are U.S. citizens or legal resident aliens, and together with affiliates, has 250 or fewer employees, or annual gross receipts of \$10 million or less averaged over the previous three years. One or more of the individual owners *or members* shall control both the management and daily business operations of the small business.

"State agency" means any authority, board, department, instrumentality, institution, agency, or other unit of state government. "State agency" shall not include any county, city, or town.

"Women-owned business" means a business that is at least 51 percent owned by one or more women who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest is owned by one or more women who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more women.

CHAPTER 151

An Act to amend and reenact §§ 32.1-162.1, 32.1-282, 54.1-2900, and 54.1-2952 of the Code of Virginia, relating to practice of physician assistants.

[H 145]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-162.1, 32.1-282, 54.1-2900, and 54.1-2952 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-162.1. Definitions.

As used in this article unless a different meaning or construction is clearly required by the context or otherwise:

"Hospice" means a coordinated program of home and inpatient care provided directly or through an agreement under the direction of an identifiable hospice administration providing palliative and supportive medical and other health services to terminally ill patients and their families. A hospice utilizes a medically directed interdisciplinary team. A hospice program of care provides care to meet the physical, psychological, social, spiritual and other special needs which are experienced during the final stages of illness, and during dying and bereavement. Hospice care shall be available twenty-four hours a day, seven days a week.

"Hospice facility" means an institution, place, or building owned or operated by a hospice provider and licensed by the Department to provide room, board, and appropriate hospice care on a 24-hour basis, including respite and symptom management, to individuals requiring such care pursuant to the orders of a physician. Such facilities with 16 or fewer beds are exempt from Certificate of Public Need laws and regulations. Such facilities with more than 16 beds shall be licensed as a nursing facility or hospital and shall be subject to Certificate of Public Need laws and regulations.

"Hospice patient" means a diagnosed terminally ill patient, with an anticipated life expectancy of six months or less, who, alone or in conjunction with designated family members, has voluntarily requested admission and been accepted into a licensed hospice program.

"Hospice patient's family" shall mean the hospice patient's immediate kin, including a spouse, brother, sister, child or parent. Other relations and individuals with significant personal ties to the hospice patient may be designated as members of the hospice patient's family by mutual agreement among the hospice patient, the relation or individual, and the hospice team.

"Identifiable hospice administration" means an administrative group, individual or legal entity that has a distinct organizational structure, accountable to the governing authority directly or through a chief executive officer. This administration shall be responsible for the management of all aspects of the program.

"Inpatient" means the provision of services, such as food, laundry, housekeeping, and staff to provide health or health-related services, including respite and symptom management, to hospice patients, whether in a hospital, nursing facility, or hospice facility.

"Interdisciplinary team" means the patient and the patient's family, the attending physician, and the following hospice personnel: physician, nurse, social worker, and trained volunteer. ~~Providers~~ *Physician assistants and providers* of special services, such as clergy, mental health, pharmacy, and any other appropriate allied health services, may also be included on the team as the needs of the patient dictate.

"Palliative care" means treatment directed at controlling pain, relieving other symptoms, and focusing on the special needs of the patient and family as they experience the stress of the dying process, rather than the treatment aimed at investigation and intervention for the purpose of cure or prolongation of life.

§ 32.1-282. Medical examiners.

A. The Chief Medical Examiner may appoint for each county and city one or more medical examiners, who shall be licensed as a doctor of medicine or osteopathic medicine, a physician assistant, or a nurse practitioner in the Commonwealth and appointed as agents of the Commonwealth, to assist the Office of the Chief Medical Examiner with medicolegal death investigations. A physician assistant appointed as a medical examiner shall have a practice agreement with and be under the continuous supervision of a physician medical examiner in accordance with § 54.1-2952. A nurse practitioner appointed as a medical examiner shall practice in accordance with § 54.1-2957.

B. At the request of the Chief Medical Examiner, the Assistant Chief Medical Examiner, or their designees, medical examiners may assist the Office of the Chief Medical Examiner with cases requiring medicolegal death investigations in accordance with § 32.1-283.

C. The term of each medical examiner appointed, other than an appointment to fill a vacancy, shall begin on the first day of October of the year of appointment. The term of each medical examiner shall be three years; however, an appointment to fill a vacancy shall be for the unexpired term.

§ 54.1-2900. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Acupuncturist" means an individual approved by the Board to practice acupuncture. This is limited to "licensed acupuncturist" which means an individual other than a doctor of medicine, osteopathy, chiropractic or podiatry who has successfully completed the requirements for licensure established by the Board (approved titles are limited to: Licensed Acupuncturist, Lic.Ac., and L.Ac.).

"Auricular acupuncture" means the subcutaneous insertion of sterile, disposable acupuncture needles in predetermined, bilateral locations in the outer ear when used exclusively and specifically in the context of a chemical dependency treatment program.

"Birth control" means contraceptive methods that are approved by the U.S. Food and Drug Administration. "Birth control" shall not be considered abortion for the purposes of Title 18.2.

"Board" means the Board of Medicine.

"Certified nurse midwife" means an advanced practice registered nurse who is certified in the specialty of nurse midwifery and who is jointly licensed by the Boards of Medicine and Nursing as a nurse practitioner pursuant to § 54.1-2957.

"Certified registered nurse anesthetist" means an advanced practice registered nurse who is certified in the specialty of nurse anesthesia, who is jointly licensed by the Boards of Medicine and Nursing as a nurse practitioner pursuant to § 54.1-2957, and who practices under the supervision of a doctor of medicine, osteopathy, podiatry, or dentistry but is not subject to the practice agreement requirement described in § 54.1-2957.

"Clinical nurse specialist" means an advanced practice registered nurse who is certified in the specialty of clinical nurse specialist and who is jointly licensed by the Boards of Medicine and Nursing as a nurse practitioner pursuant to § 54.1-2957.

"Collaboration" means the communication and decision-making process among health care providers who are members of a patient care team related to the treatment of a patient that includes the degree of cooperation necessary to provide treatment and care of the patient and includes (i) communication of data and information about the treatment and care of a patient, including the exchange of clinical observations and assessments, and (ii) development of an appropriate plan of care, including decisions regarding the health care provided, accessing and assessment of appropriate additional resources or expertise, and arrangement of appropriate referrals, testing, or studies.

"Consultation" means communicating data and information, exchanging clinical observations and assessments, accessing and assessing additional resources and expertise, problem-solving, and arranging for referrals, testing, or studies.

"Genetic counselor" means a person licensed by the Board to engage in the practice of genetic counseling.

"Healing arts" means the arts and sciences dealing with the prevention, diagnosis, treatment and cure or alleviation of human physical or mental ailments, conditions, diseases, pain or infirmities.

"Licensed certified midwife" means a person who is licensed as a certified midwife by the Boards of Medicine and Nursing.

"Medical malpractice judgment" means any final order of any court entering judgment against a licensee of the Board that arises out of any tort action or breach of contract action for personal injuries or wrongful death, based on health care or professional services rendered, or that should have been rendered, by a health care provider, to a patient.

"Medical malpractice settlement" means any written agreement and release entered into by or on behalf of a licensee of the Board in response to a written claim for money damages that arises out of any personal injuries or wrongful death, based on health care or professional services rendered, or that should have been rendered, by a health care provider, to a patient.

"Nurse practitioner" means an advanced practice registered nurse who is jointly licensed by the Boards of Medicine and Nursing pursuant to § 54.1-2957.

"Occupational therapy assistant" means an individual who has met the requirements of the Board for licensure and who works under the supervision of a licensed occupational therapist to assist in the practice of occupational therapy.

"Patient care team" means a multidisciplinary team of health care providers actively functioning as a unit with the management and leadership of one or more patient care team physicians for the purpose of providing and delivering health care to a patient or group of patients.

"Patient care team physician" means a physician who is actively licensed to practice medicine in the Commonwealth, who regularly practices medicine in the Commonwealth, and who provides management and leadership in the care of patients as part of a patient care team.

"Patient care team podiatrist" means a podiatrist who is actively licensed to practice podiatry in the Commonwealth, who regularly practices podiatry in the Commonwealth, and who provides management and leadership to ~~physician assistants~~ in the care of patients as part of a patient care team.

"Physician assistant" means a health care professional who has met the requirements of the Board for licensure as a physician assistant.

"Practice of acupuncture" means the stimulation of certain points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain ailments or conditions of the body and includes the techniques of electroacupuncture, cupping and moxibustion. The practice of acupuncture does not include the use of physical therapy, chiropractic, or osteopathic manipulative techniques; the use or prescribing of any drugs, medications, serums or vaccines; or the procedure of auricular acupuncture as exempted in § 54.1-2901 when used in the context of a chemical dependency treatment program for patients eligible for federal, state or local public funds by an employee of the program who is trained and approved by the National Acupuncture Detoxification Association or an equivalent certifying body.

"Practice of athletic training" means the prevention, recognition, evaluation, and treatment of injuries or conditions related to athletic or recreational activity that requires physical skill and utilizes strength, power, endurance, speed, flexibility, range of motion or agility or a substantially similar injury or condition resulting from occupational activity immediately upon the onset of such injury or condition; and subsequent treatment and rehabilitation of such injuries or conditions under the direction of the patient's physician or under the direction of any doctor of medicine, osteopathy, chiropractic, podiatry, or dentistry, while using heat, light, sound, cold, electricity, exercise or mechanical or other devices.

"Practice of behavior analysis" means the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior.

"Practice of chiropractic" means the adjustment of the 24 movable vertebrae of the spinal column, and assisting nature for the purpose of normalizing the transmission of nerve energy, but does not include the use of surgery, obstetrics, osteopathy, or the administration or prescribing of any drugs, medicines, serums, or vaccines. "Practice of chiropractic" shall include (i) requesting, receiving, and reviewing a patient's medical and physical history, including information related to past surgical and nonsurgical treatment of the patient and controlled substances prescribed to the patient, and (ii) documenting in a patient's record information related to the condition and symptoms of the patient, the examination and evaluation of the patient made by the doctor of chiropractic, and treatment provided to the patient by the doctor of chiropractic. "Practice of chiropractic" shall also include performing the physical examination of an applicant for a commercial driver's license or commercial learner's permit pursuant to § 46.2-341.12 if the practitioner has (i) applied for and received certification as a medical examiner pursuant to 49 C.F.R. Part 390, Subpart D and (ii) registered with the National Registry of Certified Medical Examiners.

"Practice of genetic counseling" means (i) obtaining and evaluating individual and family medical histories to assess the risk of genetic medical conditions and diseases in a patient, his offspring, and other family members; (ii) discussing the features, history, diagnosis, environmental factors, and risk management of genetic medical conditions and diseases; (iii) ordering genetic laboratory tests and other diagnostic studies necessary for genetic assessment; (iv) integrating the results with personal and family medical history to assess and communicate risk factors for genetic medical conditions and diseases; (v) evaluating the patient's and family's responses to the medical condition or risk of recurrence and providing client-centered counseling and anticipatory guidance; (vi) identifying and utilizing community resources that provide medical, educational, financial, and psychosocial support and advocacy; and (vii) providing written documentation of medical, genetic, and counseling information for families and health care professionals.

"Practice of licensed certified midwifery" means the provision of primary health care for preadolescents, adolescents, and adults within the scope of practice of a certified midwife established in accordance with the Standards for the Practice of Midwifery set by the American College of Nurse-Midwives, including (i) providing sexual and reproductive care and care during pregnancy and childbirth, postpartum care, and care for the newborn for up to 28 days following the birth of the child; (ii) prescribing of pharmacological and non-pharmacological therapies within the scope of the practice of midwifery; (iii) consulting or collaborating with or referring patients to such other health care providers as may be appropriate for the care of the patients; and (iv) serving as an educator in the theory and practice of midwifery.

"Practice of medicine or osteopathic medicine" means the prevention, diagnosis, and treatment of human physical or mental ailments, conditions, diseases, pain, or infirmities by any means or method.

"Practice of occupational therapy" means the therapeutic use of occupations for habilitation and rehabilitation to enhance physical health, mental health, and cognitive functioning and includes the evaluation, analysis, assessment, and delivery of education and training in basic and instrumental activities of daily living; the design, fabrication, and application of orthoses (splints); the design, selection, and use of adaptive equipment and assistive technologies; therapeutic activities

to enhance functional performance; vocational evaluation and training; and consultation concerning the adaptation of physical, sensory, and social environments.

"Practice of podiatry" means the prevention, diagnosis, treatment, and cure or alleviation of physical conditions, diseases, pain, or infirmities of the human foot and ankle, including the medical, mechanical and surgical treatment of the ailments of the human foot and ankle, but does not include amputation of the foot proximal to the transmetatarsal level through the metatarsal shafts. Amputations proximal to the metatarsal-phalangeal joints may only be performed in a hospital or ambulatory surgery facility accredited by an organization listed in § 54.1-2939. The practice includes the diagnosis and treatment of lower extremity ulcers; however, the treatment of severe lower extremity ulcers proximal to the foot and ankle may only be performed by appropriately trained, credentialed podiatrists in an approved hospital or ambulatory surgery center at which the podiatrist has privileges, as described in § 54.1-2939. The Board of Medicine shall determine whether a specific type of treatment of the foot and ankle is within the scope of practice of podiatry.

"Practice of radiologic technology" means the application of ionizing radiation to human beings for diagnostic or therapeutic purposes.

"Practice of respiratory care" means the (i) administration of pharmacological, diagnostic, and therapeutic agents related to respiratory care procedures necessary to implement a treatment, disease prevention, pulmonary rehabilitative, or diagnostic regimen prescribed by a practitioner of medicine or osteopathic medicine; (ii) transcription and implementation of the written or verbal orders of a practitioner of medicine or osteopathic medicine pertaining to the practice of respiratory care; (iii) observation and monitoring of signs and symptoms, general behavior, general physical response to respiratory care treatment and diagnostic testing, including determination of whether such signs, symptoms, reactions, behavior or general physical response exhibit abnormal characteristics; and (iv) implementation of respiratory care procedures, based on observed abnormalities, or appropriate reporting, referral, respiratory care protocols or changes in treatment pursuant to the written or verbal orders by a licensed practitioner of medicine or osteopathic medicine or the initiation of emergency procedures, pursuant to the Board's regulations or as otherwise authorized by law. The practice of respiratory care may be performed in any clinic, hospital, skilled nursing facility, private dwelling or other place deemed appropriate by the Board in accordance with the written or verbal order of a practitioner of medicine or osteopathic medicine, and shall be performed under qualified medical direction.

"Practice of surgical assisting" means the performance of significant surgical tasks, including manipulation of organs, suturing of tissue, placement of hemostatic agents, injection of local anesthetic, harvesting of veins, implementation of devices, and other duties as directed by a licensed doctor of medicine, osteopathy, or podiatry under the direct supervision of a licensed doctor of medicine, osteopathy, or podiatry.

"Qualified medical direction" means, in the context of the practice of respiratory care, having readily accessible to the respiratory therapist a licensed practitioner of medicine or osteopathic medicine who has specialty training or experience in the management of acute and chronic respiratory disorders and who is responsible for the quality, safety, and appropriateness of the respiratory services provided by the respiratory therapist.

"Radiologic technologist" means an individual, other than a licensed doctor of medicine, osteopathy, podiatry, or chiropractic or a dentist licensed pursuant to Chapter 27 (§ 54.1-2700 et seq.), who (i) performs, may be called upon to perform, or is licensed to perform a comprehensive scope of diagnostic or therapeutic radiologic procedures employing ionizing radiation and (ii) is delegated or exercises responsibility for the operation of radiation-generating equipment, the shielding of patient and staff from unnecessary radiation, the appropriate exposure of radiographs, the administration of radioactive chemical compounds under the direction of an authorized user as specified by regulations of the Department of Health, or other procedures that contribute to any significant extent to the site or dosage of ionizing radiation to which a patient is exposed.

"Radiologic technologist, limited" means an individual, other than a licensed radiologic technologist, dental hygienist, or person who is otherwise authorized by the Board of Dentistry under Chapter 27 (§ 54.1-2700 et seq.) and the regulations pursuant thereto, who performs diagnostic radiographic procedures employing equipment that emits ionizing radiation that is limited to specific areas of the human body.

"Radiologist assistant" means an individual who has met the requirements of the Board for licensure as an advanced-level radiologic technologist and who, under the direct supervision of a licensed doctor of medicine or osteopathy specializing in the field of radiology, is authorized to (i) assess and evaluate the physiological and psychological responsiveness of patients undergoing radiologic procedures; (ii) evaluate image quality, make initial observations, and communicate observations to the supervising radiologist; (iii) administer contrast media or other medications prescribed by the supervising radiologist; and (iv) perform, or assist the supervising radiologist to perform, any other procedure consistent with the guidelines adopted by the American College of Radiology, the American Society of Radiologic Technologists, and the American Registry of Radiologic Technologists.

"Respiratory care" means the practice of the allied health profession responsible for the direct and indirect services, including inhalation therapy and respiratory therapy, in the treatment, management, diagnostic testing, control, and care of patients with deficiencies and abnormalities associated with the cardiopulmonary system under qualified medical direction.

"Surgical assistant" means an individual who has met the requirements of the Board for licensure as a surgical assistant and who works under the direct supervision of a licensed doctor of medicine, osteopathy, or podiatry.

§ 54.1-2952. Role of patient care team physician or patient care team podiatrist on patient care teams; services that may be performed by physician assistants; responsibility of licensee; employment of physician assistants.

A. A patient care team physician or patient care team podiatrist licensed under this chapter may serve on a patient care team with physician assistants and shall provide collaboration and consultation to such physician assistants. No patient care team physician or patient care team podiatrist shall be allowed to collaborate or consult with more than six physician assistants on a patient care team at any one time.

Service as part of a patient care team by a patient care team physician or patient care team podiatrist shall not, by the existence of such service alone, establish or create vicarious liability for the actions or inactions of other team members.

B. Physician assistants may practice medicine to the extent and in the manner authorized by the Board. A patient care team physician or patient care team podiatrist shall be available at all times to collaborate and consult with physician assistants. Each patient care team shall identify the relevant physician assistant's scope of practice and an evaluation process for the physician assistant's performance.

C. Physician assistants appointed as medical examiners pursuant to § 32.1-282 ~~shall only function as part of a patient care team that has a licensed doctor of medicine or osteopathic medicine who has been appointed to serve as a medical examiner pursuant to § 32.1-282~~ may practice without a written or electronic practice agreement.

D. Any professional corporation or partnership of any licensee, any hospital and any commercial enterprise having medical facilities for its employees that are supervised by one or more physicians or podiatrists may employ one or more physician assistants in accordance with the provisions of this section.

Activities shall be performed in a manner consistent with sound medical practice and the protection of the health and safety of the patient. Such activities shall be set forth in a practice agreement and may include health care services that are educational, diagnostic, therapeutic, or preventive, including establishing a diagnosis, providing treatment, and performing procedures. Prescribing or dispensing of drugs may be permitted as provided in § 54.1-2952.1. In addition, a physician assistant may perform initial and ongoing evaluation and treatment of any patient in a hospital, including its emergency department, in accordance with the practice agreement, including tasks performed, relating to the provision of medical care in an emergency department.

A patient care team physician or the on-duty emergency department physician shall be available at all times for collaboration and consultation with both the physician assistant and the emergency department physician. No person shall have responsibility for any physician assistant who is not employed by the person or the person's business entity.

E. No physician assistant shall perform any acts beyond those set forth in the practice agreement or authorized as part of the patient care team. No physician assistant practicing in a hospital shall render care to a patient unless the physician responsible for that patient is available for collaboration or consultation, pursuant to regulations of the Board.

F. Notwithstanding the provisions of § 54.1-2956.8:1, a licensed physician assistant who (i) is working in the field of radiology or orthopedics as part of a patient care team, (ii) has been trained in the proper use of equipment for the purpose of performing radiologic technology procedures consistent with Board regulations, and (iii) has successfully completed the exam administered by the American Registry of Radiologic Technologists for physician assistants for the purpose of performing radiologic technology procedures may use fluoroscopy for guidance of diagnostic and therapeutic procedures.

CHAPTER 152

An Act to provide a new charter for the Town of Grottoes in Rockingham County and to repeal Chapter 571 of the Acts of Assembly of 1997, as amended, which provided a charter for the Town of Grottoes.

[H 161]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1.

*CHARTER
FOR THE
TOWN OF GROTTTOES.*

Chapter 1.

Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Grottoes, as such limits may be altered and established by law, shall constitute and continue to be a body politic and corporate to be known and designated as the Town of Grottoes, and as such, shall have perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with, and have a corporate seal that it may alter, renew, or amend at its pleasure by ordinance.

§ 1.2. Boundaries.

The territory embraced within the present limits of the Town of Grottoes is described in a recordation in the Clerk's Office of the court where deeds are filed. It is the purpose of the description to embrace and include within the limits of the Town of Grottoes all land legally within the boundaries of said Town as of the date of the enactment of this Charter.

Chapter 2.

Powers.

§ 2.1. General Grant of Powers.

(a) Powers authorized in Code of Virginia. The Town shall have and may exercise all powers that are now or hereafter may be conferred upon or delegated to Towns under the Constitution and the laws of the Commonwealth of Virginia as fully and completely as if such powers were specifically enumerated in this Charter. No enumeration of particular powers in this Charter shall be held to exclude other, unmentioned powers. The Town shall have, exercise, and enjoy all of the rights, immunities, powers, and privileges and be subject to all of the duties and obligations now appertaining to and incumbent upon the Town as a municipal corporation.

(b) Powers exercised by governing body. All powers vested in the Town by this Charter shall be exercised by its governing body unless expressly provided to the contrary. Such powers shall include those not expressly prohibited by the Constitution and general law of the Commonwealth of Virginia and that are necessary or desirable to secure and promote the general welfare of the Town's inhabitants and the safety, health, peace, good order, comfort, convenience, morals, trade, commerce, and industry of the Town and the Town's inhabitants, and the enumeration of specific powers shall not be construed or held to be exclusive or as a limitation upon any general grant of power but shall be construed and held to be in addition to any general grant of power. The exercise of the powers conferred under this section is specifically limited to the area within the corporate limits of the Town, unless otherwise conferred in the applicable sections of the Constitution and general laws, as amended, of the Commonwealth of Virginia.

(c) Repeal of prior inconsistent acts and Charters. All acts and parts of acts in conflict with this Charter are hereby repealed, insofar as they affect the provisions of this Charter; provided, however, that nothing contained in this act shall be construed to invalidate or to in any manner affect the present existing indebtedness and liabilities of the Town, whether evidenced by bonded obligations or otherwise, or to relieve it of any part of its present obligation or liability on account of bond issues, liabilities, or debts of whatsoever nature or kind. Upon the effective date of this Charter, all references to the Town Superintendent in the Town's resolutions, ordinances, code provisions, contracts, and all other official acts and governing documents then in effect shall be deemed as referring to the Town Manager.

§ 2.2. Financial Powers.

(a) Generally. In accordance with the Constitution of Virginia and the United States Constitution, the Town may raise through annual taxes and assessments on property, persons, and other subjects of taxation that are not prohibited by law such sums of money as in the judgment of the Town are necessary to pay the debts, defray the expenses, accomplish the purposes, and perform the functions of the Town, in such manner as the Council deems necessary or expedient.

(b) Assessments for local improvements. The Town may impose special or local assessments for local improvements and enforce payment thereof, subject, however, to such limitations prescribed by the Constitution of Virginia as may be in force at the time of the imposition of such special or local assessments.

(c) Water and sewage rates; rates and charges for public utilities or services operated by the Town. The Town may establish, impose, and enforce water, light, and sewage rates and rates and charges for public utilities, or other services, products, or conveniences, operated, rendered, or furnished by the Town and assess, or cause to be assessed, water, light, sewage, and other public utility rates and charges directly against the owner or owners of the buildings, or against the proper tenant or tenants, and in the event that such rates and charges shall be assessed against a tenant, then the Council may, by an ordinance, require of such tenant a deposit of such reasonable amount as may be by such ordinance prescribed before furnishing such services to such tenant.

§ 2.3. Contractual Powers; Gifts; Grants.

(a) Acquisition of property generally; holding, selling, leasing Town property. The Town may acquire, by purchase, gift, devise, condemnation, or otherwise, property, real and personal, or any estate or interest therein, within or without the Town or the Commonwealth of Virginia and for any of the purposes of the Town.

(b) Debts and evidence of indebtedness. The Town may contract debts, borrow money, and make and issue evidence of indebtedness.

(c) Gifts. The Town may accept or refuse gifts, donations, bequests, or grants of any kind from any source, absolutely or in trust, that are related to the Town's powers, duties, and functions, or for educational, charitable, or other public purposes, and do all the things and acts necessary to carry out the purposes of such gifts, grants, bequests, and devisees, with power to manage maintain, operate, sell, lease, or otherwise handle or dispose of the same, in accordance with terms and conditions of such gifts, grants, bequests, and devisees.

§ 2.4. Operational Powers.

(a) Generally. The Town may provide for the organization, conduct, and operation of all departments, offices, boards, commissions, and agencies of the Town, subject to such limitations as may be imposed by this Charter or otherwise by law, and may establish, consolidate, abolish, or change departments, offices, boards, commissions, and agencies of the municipal corporation and prescribe the powers, duties, and functions thereof, except where such departments, offices, boards, commissions, and agencies or the powers, duties, and functions thereof are specifically established or prescribed by this Charter or otherwise by law.

(b) Records and accounts. The Town shall provide for the control and management of the Town's affairs and shall prescribe and require the adoption and keeping of such books, records, accounts, and systems of accounting by the departments, boards, commissions, or other agencies of the local government consistent with generally accepted accounting standards necessary to give full and true accounts of the affairs, resources, and revenues of the municipal corporation and the handling, use, and disposal thereof.

(c) Expenditure of money. The Town may expend money for all lawful purposes.

(d) *Construction and maintenance of improvements, buildings, and property for use and operation of Town departments. The Town may construct, maintain, regulate, and operate public improvements of all kinds, including municipal and other buildings, comfort stations, markets, and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the Town, and may acquire by condemnation or otherwise all land, riparian, and other rights and easements necessary for such improvements, or any of them.*

(e) *Town events. The Town may conduct festivals, music events, running races, athletic competitions, community festivals, and all such other events and may charge fees for the participation therein.*

§ 2.5. *Utilities; Public Improvements.*

(a) *Water works and water supply. The Town may own, operate, and maintain water works and acquire in any lawful manner in any town, county or city of the Commonwealth of Virginia such water, lands, property rights, and riparian rights as the Council may deem necessary for the purpose of providing the Town with an adequate water supply, and of piping or conducting the same; lay all necessary mains and service lines, either within or without the corporate limits of the Town, and charge and collect water rents therefor; erect and maintain all necessary dams, pumping stations, and other works in connection therewith; make reasonable rules and regulations for promoting the purity of the Town water supply and protecting it from pollution and for this purpose exercise full police powers and sanitary patrol over all lands comprised within the limits of the watershed tributary to any such water supply wherever such lands may be located in the Commonwealth of Virginia; impose and enforce adequate penalties for the violation of any such rules and regulations and prevent by injunction any pollution or threatened pollution of such water supply and any and all acts likely to impair the purity thereof; and for the purpose of acquiring lands, interest in lands, property rights, and riparian rights or materials for any such use, exercise all powers of eminent domain provided by the laws of the Commonwealth of Virginia. For any of the purposes aforesaid, said Town may, if the Council shall so determine, acquire by condemnation, purchase, or otherwise any estate or interest in such lands or any of them in fee.*

(b) *Wastewater collection and treatment. The Town may collect, treat, and dispose of sewage. The Town may own, operate, and maintain wastewater treatment plants and acquire in any lawful manner in any town, county or city of the Commonwealth of Virginia such lands and property rights as the Council may deem necessary for the purpose of providing the Town with an adequate wastewater treatment, and of collecting the same; lay all necessary mains and service lines, either within or without the corporate limits of the Town, and charge and collect fees therefor; erect and maintain all necessary pumping stations and other works in connection therewith; make reasonable rules and regulations for protecting the Town from pollution and for this purpose exercise full police powers and sanitary patrol over all lands comprised within the limits of the watershed tributary to the Town's water supply wherever such lands may be located in the Commonwealth of Virginia; impose and enforce adequate penalties for the violation of any such rules and regulations; and for the purpose of acquiring lands, interest in lands, and property rights for any such use, exercise all powers of eminent domain provided by the laws of the Commonwealth of Virginia. For any of the purposes aforesaid, said Town may, if the Council shall so determine, acquire by condemnation, purchase, or otherwise any estate or interest in such lands or any of them in fee.*

(c) *Streets; parks and playgrounds; infrastructure; vehicles. The Town may establish, maintain, improve, alter, vacate, regulate, and otherwise manage its streets, alleys, parks, playgrounds, and all of its public infrastructure and public works, in such manner as best serves the public interest, safety, and convenience; regulate, limit, restrict, and control the services and routes of and rates charged by vehicles for the carrying of passengers and property in accordance with general law; permit or prohibit poles and wires for electric, telephone, telegraph, television, and other purposes to be erected and gas pipes to be laid in the streets and alleys and prescribe and collect an annual charge for such privileges; and subject to the provisions of franchise agreements, require the owner or lessees of any such poles or wires now in use or hereafter used to place such wires, cables, and accoutrements in conduits underground in accordance with the Town's prescribed requirements.*

(d) *Public utilities. Subject to the provisions of the Constitution of Virginia, this Charter, and general law, the Town may grant franchises for public utilities, reserving rights of transfer, renewal, extension, and amendment thereof.*

(e) *Collection and disposition of garbage, ashes, refuse, reduction, and disposal plant. The Town may collect and dispose of ashes, garbage, carcasses of dead animals, and other refuse; make reasonable charges therefor; acquire and operate reduction or any other plants for the utilization or destruction of such materials, or any of them; contract for and regulate the collection and disposal thereof and require and regulate the collection and disposal thereof.*

§ 2.6. *Nuisances; Sanitary Conditions.*

The Town may compel the abatement and removal of all nuisances within the Town; require all lands, lots, and other premises within the Town to be kept clean; regulate the keeping of animals, poultry, and other fowl therein; regulate the exercise of any dangerous or unwholesome business, trade, or employment therein; regulate the transportation of all articles through the streets of the Town; compel the abatement of smoke, dust, and unnecessary noise; compel the removal of grass and weeds from private and public property and snow from sidewalks; require the covering or removal of offensive, unwholesome, unsanitary, or unhealthy substances allowed to accumulate in or on any place or premises; require the filling in to the street level of the portion of any lot adjacent to a street where the difference in level between the lot and the street constitutes a danger to life and limb; require the raising or draining of the grounds subject to be covered by stagnant water and the razing or repair of all unsafe, dangerous, or unsanitary public or private buildings, walls, or structures; and remedy, repair, and secure any blighted or derelict building or structure within the Town in accordance with applicable law.

§ 2.7. *Police Powers.*

(a) *The Town may exercise full police powers as provided by general law and establish and maintain a department or division of police.*

(b) *The Town may also do all things whatsoever necessary or expedient for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce, or industries of the Town or its inhabitants; prescribe any penalty for the violation of any Town ordinance, rule, or regulation or of any provisions of this Charter, not exceeding the fine or sentence imposed by the laws of the Commonwealth of Virginia; pass and enforce all bylaws, rules, regulations, and ordinances that it may deem necessary for the good order and government of the Town, the management of its property, the conduct of its affairs, and the peace, comfort, convenience, order, morals, health, and protection of its citizens or their property; and do such other things and pass such other laws as may be necessary or proper to carry into full effect any power, authority, capacity, or jurisdiction that is or shall be granted to or vested in said Town, or in the Council, court, or offices thereof, or which may be necessarily incident to a municipal corporation.*

§ 2.8. *Miscellaneous Powers.*

(a) *Removal or reconstruction of unsafe buildings; protection of public gatherings. The Town may regulate the size, height, materials, and construction of buildings, fences, walls, retaining walls, and other structures hereafter erected in such manner as the public safety and conveniences may require; remove or require to be removed or reconstructed any building, structure, or addition thereto that by reason of dilapidation, defect of structure, or other causes may have become dangerous to life or property, or that may have been erected contrary to law; and enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments, or amusements.*

(b) *Fees for permits. The Town may charge and collect fees for permits to use public facilities and for public services and privileges.*

(c) *Injunctive relief. The Town may maintain a suit to restrain by injunction the violation of any ordinance, notwithstanding any punishment that may be provided for the violation of such ordinance.*

Chapter 3.

Elected Officers.

§ 3.1. *Government of Town.*

The Town shall be governed by a Town Council composed of six members and a Mayor, all of whom shall be qualified voters in the Town.

§ 3.2. *Mayor.*

The Mayor shall be the Chief Executive of the Town.

The Mayor shall have and exercise all the privileges and authority conferred by general law not inconsistent with this Charter. The Mayor shall preside over the meetings of the Council and shall have the right to speak therein. The Mayor shall be entitled to vote upon measures pending before the Council only in event that the other members voting are equally divided for and against such measure.

The Mayor shall be the head of Town government for all ceremonial purposes and shall perform such other duties consistent with the office as may be imposed by the Council. The Mayor shall see that the duties of the various Town officers are faithfully performed and shall execute on behalf of the Town such documents or instruments as the Council, this Charter, or the laws of the Commonwealth of Virginia shall require.

§ 3.3. *Vice-Mayor.*

The Council shall elect each year during its organizational meeting a Vice-Mayor, who shall possess the powers and discharge the duties of the Mayor during any absence or disability of the Mayor.

§ 3.4. *Council as a Continuing Body.*

The Council shall be a continuing body, and no measure pending before it nor any contract or obligation incurred shall abate or be discontinued because of the expiration of the term of office or the removal of any Council members.

§ 3.5. *Election of Mayor and Members of Council.*

The Mayor and members of Council shall be elected by the qualified voters of the Town in the manner provided by law from the Town at large. The Council and Mayor in office at the time of the adoption of this Charter shall continue in office until the expiration of the terms for which they were elected or until their successors are elected and qualified. The term of office for members of the Council and Mayor shall be four (4) years or until their successors are elected and qualified. All elections of the Mayor and Council members shall take place on the Tuesday after the first Monday in November. Persons elected under this section shall take office on January 1 following their election.

§ 3.6. *Vacancies.*

Vacancies on the Council shall be filled in accordance with general law.

§ 3.7. *Meetings of the Council.*

(a) *Organizational meeting. The Town Council's organizational meeting for the purposes set forth in § 15.2-1416 of the Code of Virginia shall be its first meeting held after January 1 of each year.*

(b) *Regular meetings. The Council shall fix the date and time of its regular meetings, which shall be at least once each month.*

(c) *Special meetings. A special meeting of the Council shall be held when called by the Mayor or when requested by three or more of the members of the Council. The call or request shall be made to the Clerk and shall specify the matters to be considered at the meeting. Upon receipt of such call or request, the Clerk of the Council, after consultation with the Mayor, shall immediately notify each member of the Council and the Town attorney in writing delivered in person, or to his*

or her place of residence or business or, if so requested by the member of the governing body, by electronic mail or facsimile, to attend such meeting at the time and place stated in the notice. Such notice shall specify the matters to be considered at the meeting. No matter not specified in the notice shall be considered at such meeting unless the Council by unanimous consent agrees to consider additional matters.

(d) *Rules of procedure.* From time to time, the Council may adopt rules of procedure governing its meetings, such rules not being inconsistent with state law.

§ 3.8. *Committees.*

The Mayor shall establish committees consisting of members of the Council, including a finance committee and such other committees as deemed appropriate. At the organizational meeting each year, and at such other times as appropriate, the Mayor shall assign the Council members to the various committees and shall name the respective chair.

§ 3.9. *Compensation.*

Compensation for the Mayor, Council members, and all appointed officers shall be set by the Council, subject to any limitations placed thereon by the laws of the Commonwealth of Virginia.

Chapter 4.

Appointed Officers.

§ 4.1. *Town Manager.*

The Council may appoint a Town Manager, who shall be the Town's Chief Administrative Officer and the administrative head. The Town Manager shall be responsible to the Council for the proper management of the Town. In addition to any other duties prescribed by the Council or required by law, the Town Manager shall:

(1) See that all ordinances, resolutions, directives, and orders of the Council and all laws of the Commonwealth of Virginia are faithfully executed;

(2) Appoint, supervise, and dismiss all officers and employees of the Town, including but not limited to the police chief and treasurer, if any. The Town Manager may authorize the head of an office or department to appoint, supervise, and discipline subordinates in such office or department subject to review and approval by the Town Manager;

(3) Report to the Council from time to time on the affairs of the Town;

(4) Receive reports from, and give directions to, all heads of offices and departments of the Town;

(5) Submit to the Council a proposed annual budget, in accordance with general law, with recommendations, and execute the budget as finally adopted by the Council; and

(6) Advise the Council on the Town's financial condition and future financial needs.

§ 4.2. *Town Attorney.*

The Council may appoint a Town attorney to represent the Town, who shall be an attorney-at-law licensed to practice under the laws of the Commonwealth of Virginia. The Town attorney shall receive compensation as provided by the Council and shall have such duties as prescribed by the Council.

§ 4.3. *Clerk.*

The Council may appoint a Clerk, who shall be responsible for maintaining the official legislative record of Council meetings and actions and perform such other duties as may be prescribed by the Council or required by law.

§ 4.4. *Other Officers.*

The Council may appoint any other officers as it deems necessary and proper.

§ 4.5. *Terms of Office.*

Appointees under this chapter shall serve at the pleasure of the Council. The Council may fill any vacancy in any appointive office.

Chapter 5.

Financial Provisions.

§ 5.1. *Fiscal Year.* The fiscal year of the Town shall begin on July 1 of each year and end on June 30 of the following year.

Chapter 6.

Miscellaneous.

§ 6.1. *Existing Ordinances.*

All ordinances now in force in the Town, not inconsistent with this Charter, shall be and remain in force until altered, amended, or repealed by the Council.

§ 6.2. *Severability of Provisions of this Charter.*

If any clause, sentence, paragraph, or part of this Charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of the Charter but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

2. That Chapter 571 of the Acts of Assembly of 1997, as amended, is repealed.

CHAPTER 153

An Act to direct the Secretary of Public Safety and Homeland Security to convene a work group to study inmate work release programs.

[H 170]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Secretary of Public Safety and Homeland Security shall convene a work group to study inmate work release programs and shall include in the study a review of the availability of both public and private employment for inmates eligible for work release within the locality of a correctional facility. The work group shall be composed of at least one representative from each of the following groups: the Office of the Executive Secretary, Department of Corrections, Virginia Sheriffs' Association, Virginia Association of Regional Jails, and one or more organizations that specialize in reentry services, including transition and employment. The work group shall report its findings and recommendations to the Secretary of Public Safety and Homeland Security and the Chairmen of the House Committee for Courts of Justice, House Committee on Public Safety, Senate Committee on Rehabilitation and Social Services, and Senate Committee on the Judiciary by December 1, 2022.*

CHAPTER 154

An Act to amend and reenact § 58.1-602 of the Code of Virginia, relating to sales tax; taxable accommodations.

[S 432]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-602 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-602. (Effective September 1, 2021) Definitions.

As used in this chapter, unless the context clearly shows otherwise:

"Accommodations" means any room or rooms, lodgings, or accommodations in any hotel, motel, inn, tourist camp, tourist cabin, camping grounds, club, or any other place in which rooms, lodging, space, or accommodations are regularly furnished to transients for a consideration. "Accommodations" does not include rooms or space offered by a person in the business of providing conference rooms, meeting space, or event space if the person does not also offer rooms available for overnight sleeping.

"Accommodations fee" means the room charge less the discount room charge, if any, provided that the accommodations fee shall not be less than \$0.

"Accommodations intermediary" means any person other than an accommodations provider that facilitates the sale of an accommodation, charges a room charge to the customer, and charges an accommodations fee to the customer, which fee it retains as compensation for facilitating the sale. For purposes of this definition, "facilitates the sale" includes brokering, coordinating, or in any other way arranging for the purchase of the right to use accommodations via a transaction directly, including via one or more payment processors, between a customer and an accommodations provider.

"Accommodations intermediary" does not include a person:

1. If the accommodations are provided by an accommodations provider operating under a trademark, trade name, or service mark belonging to such person; or

2. Who facilitates the sale of an accommodation if (i) the price paid by the customer to such person is equal to the price paid by such person to the accommodations provider for the use of the accommodations and (ii) the only compensation received by such person for facilitating the sale of the accommodation is a commission paid from the accommodations provider to such person.

"Accommodations provider" means any person that furnishes accommodations to the general public for compensation. The term "furnishes" includes the sale of use or possession or the sale of the right to use or possess.

"Advertising" means the planning, creating, or placing of advertising in newspapers, magazines, billboards, broadcasting and other media, including, without limitation, the providing of concept, writing, graphic design, mechanical art, photography and production supervision. Any person providing advertising as defined in this section shall be deemed to be the user or consumer of all tangible personal property purchased for use in such advertising.

"Affiliate" means the same as such term is defined in § 58.1-439.18.

"Amplification, transmission and distribution equipment" means, but is not limited to, production, distribution, and other equipment used to provide Internet-access services, such as computer and communications equipment and software used for storing, processing and retrieving end-user subscribers' requests.

"Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either directly or indirectly.

"Cost price" means the actual cost of an item or article of tangible personal property computed in the same manner as the sales price as defined in this section without any deductions therefrom on account of the cost of materials used, labor, or service costs, transportation charges, or any expenses whatsoever.

"Custom program" means a computer program that is specifically designed and developed only for one customer. The combining of two or more prewritten programs does not constitute a custom computer program. A prewritten program that is modified to any degree remains a prewritten program and does not become custom.

"Discount room charge" means the full amount charged by the accommodations provider to the accommodations intermediary, or an affiliate thereof, for furnishing the accommodations.

"Distribution" means the transfer or delivery of tangible personal property for use, consumption, or storage by the distributee, and the use, consumption, or storage of tangible personal property by a person that has processed, manufactured, refined, or converted such property, but does not include the transfer or delivery of tangible personal property for resale or any use, consumption, or storage otherwise exempt under this chapter.

"Gross proceeds" means the charges made or voluntary contributions received for the lease or rental of tangible personal property or for furnishing services, computed with the same deductions, where applicable, as for sales price as defined in this section over the term of the lease, rental, service, or use, but not less frequently than monthly. "Gross proceeds" does not include finance charges, carrying charges, service charges, or interest from credit extended on the lease or rental of tangible personal property under conditional lease or rental contracts or other conditional contracts providing for the deferred payments of the lease or rental price.

"Gross sales" means the sum total of all retail sales of tangible personal property or services as defined in this chapter, without any deduction, except as provided in this chapter. "Gross sales" does not include the federal retailers' excise tax or the federal diesel fuel excise tax imposed in § 4091 of the Internal Revenue Code if the excise tax is billed to the purchaser separately from the selling price of the article, or the Virginia retail sales or use tax, or any sales or use tax imposed by any county or city under § 58.1-605 or 58.1-606.

"Import" and "imported" are words applicable to tangible personal property imported into the Commonwealth from other states as well as from foreign countries, and "export" and "exported" are words applicable to tangible personal property exported from the Commonwealth to other states as well as to foreign countries.

"In this Commonwealth" or "in the Commonwealth" means within the limits of the Commonwealth of Virginia and includes all territory within these limits owned by or ceded to the United States of America.

"Integrated process," when used in relation to semiconductor manufacturing, means a process that begins with the research or development of semiconductor products, equipment, or processes, includes the handling and storage of raw materials at a plant site, and continues to the point that the product is packaged for final sale and either shipped or conveyed to a warehouse. Without limiting the foregoing, any semiconductor equipment, fuel, power, energy, supplies, or other tangible personal property shall be deemed used as part of the integrated process if its use contributes, before, during, or after production, to higher product quality, production yields, or process efficiencies. Except as otherwise provided by law, "integrated process" does not mean general maintenance or administration.

"Internet" means collectively, the myriad of computer and telecommunications facilities, which comprise the interconnected worldwide network of computer networks.

"Internet service" means a service that enables users to access proprietary and other content, information electronic mail, and the Internet as part of a package of services sold to end-user subscribers.

"Lease or rental" means the leasing or renting of tangible personal property and the possession or use thereof by the lessee or renter for a consideration, without transfer of the title to such property.

"Manufacturing, processing, refining, or conversion" includes the production line of the plant starting with the handling and storage of raw materials at the plant site and continuing through the last step of production where the product is finished or completed for sale and conveyed to a warehouse at the production site, and also includes equipment and supplies used for production line testing and quality control. "Manufacturing" also includes the necessary ancillary activities of newspaper and magazine printing when such activities are performed by the publisher of any newspaper or magazine for sale daily or regularly at average intervals not exceeding three months.

The determination of whether any manufacturing, mining, processing, refining or conversion activity is industrial in nature shall be made without regard to plant size, existence or size of finished product inventory, degree of mechanization, amount of capital investment, number of employees or other factors relating principally to the size of the business. Further, "industrial in nature" includes, but is not limited to, those businesses classified in codes 10 through 14 and 20 through 39 published in the Standard Industrial Classification Manual for 1972 and any supplements issued thereafter.

"Modular building" means, but is not limited to, single and multifamily houses, apartment units, commercial buildings, and permanent additions thereof, comprised of one or more sections that are intended to become real property, primarily constructed at a location other than the permanent site, built to comply with the Virginia Industrialized Building Safety Law (§ 36-70 et seq.) as regulated by the Virginia Department of Housing and Community Development, and shipped with most permanent components in place to the site of final assembly. For purposes of this chapter, "modular building" does not include a mobile office as defined in § 58.1-2401 or any manufactured building subject to and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.).

"Modular building manufacturer" means a person that owns or operates a manufacturing facility and is engaged in the fabrication, construction and assembling of building supplies and materials into modular buildings, as defined in this

section, at a location other than at the site where the modular building will be assembled on the permanent foundation and may or may not be engaged in the process of affixing the modules to the foundation at the permanent site.

"Modular building retailer" means any person that purchases or acquires a modular building from a modular building manufacturer, or from another person, for subsequent sale to a customer residing within or outside of the Commonwealth, with or without installation of the modular building to the foundation at the permanent site.

"Motor vehicle" means a "motor vehicle" as defined in § 58.1-2401, taxable under the provisions of the Virginia Motor Vehicles Sales and Use Tax Act (§ 58.1-2400 et seq.) and upon the sale of which all applicable motor vehicle sales and use taxes have been paid.

"Occasional sale" means a sale of tangible personal property not held or used by a seller in the course of an activity for which it is required to hold a certificate of registration, including the sale or exchange of all or substantially all the assets of any business and the reorganization or liquidation of any business, provided that such sale or exchange is not one of a series of sales and exchanges sufficient in number, scope and character to constitute an activity requiring the holding of a certificate of registration.

"Open video system" means an open video system authorized pursuant to 47 U.S.C. § 573 and, for purposes of this chapter only, also includes Internet service regardless of whether the provider of such service is also a telephone common carrier.

"Person" includes any individual, firm, copartnership, cooperative, nonprofit membership corporation, joint venture, association, corporation, estate, trust, business trust, trustee in bankruptcy, receiver, auctioneer, syndicate, assignee, club, society, or other group or combination acting as a unit, body politic or political subdivision, whether public or private, or quasi-public, and the plural of "person" means the same as the singular.

"Prewritten program" means a computer program that is prepared, held or existing for general or repeated sale or lease, including a computer program developed for in-house use and subsequently sold or leased to unrelated third parties.

"Qualifying locality" means Charlotte County, Gloucester County, Halifax County, Henry County, Mecklenburg County, Northampton County, Patrick County, Pittsylvania County, or the City of Danville.

"Railroad rolling stock" means locomotives, of whatever motive power, autocars, railroad cars of every kind and description, and all other equipment determined by the Tax Commissioner to constitute railroad rolling stock.

"Remote seller" means any dealer deemed to have sufficient activity within the Commonwealth to require registration under § 58.1-613 under the criteria specified in subdivision C 10 or 11 of § 58.1-612 or any software provider acting on behalf of such dealer.

"Retail sale" or a "sale at retail" means a sale to any person for any purpose other than for resale in the form of tangible personal property or services taxable under this chapter, and shall include any such transaction as the Tax Commissioner upon investigation finds to be in lieu of a sale. All sales for resale must be made in strict compliance with regulations applicable to this chapter. Any dealer making a sale for resale which is not in strict compliance with such regulations shall be personally liable for payment of the tax.

The terms "retail sale" and a "sale at retail" specifically include the following: (i) the sale or charges for any accommodations furnished to transients for less than 90 continuous days; (ii) sales of tangible personal property to persons for resale when because of the operation of the business, or its very nature, or the lack of a place of business in which to display a certificate of registration, or the lack of a place of business in which to keep records, or the lack of adequate records, or because such persons are minors or transients, or because such persons are engaged in essentially service businesses, or for any other reason there is likelihood that the Commonwealth will lose tax funds due to the difficulty of policing such business operations; (iii) the separately stated charge made for automotive refinish repair materials that are permanently applied to or affixed to a motor vehicle during its repair; and (iv) the separately stated charge for equipment available for lease or purchase by a provider of satellite television programming to the customer of such programming. Equipment sold to a provider of satellite television programming for subsequent lease or purchase by the customer of such programming shall be deemed a sale for resale. The Tax Commissioner is authorized to promulgate regulations requiring vendors of or sellers to such persons to collect the tax imposed by this chapter on the cost price of such tangible personal property to such persons and may refuse to issue certificates of registration to such persons. The terms "retail sale" and a "sale at retail" also specifically include the separately stated charge made for supplies used during automotive repairs whether or not there is transfer of title or possession of the supplies and whether or not the supplies are attached to the automobile. The purchase of such supplies by an automotive repairer for sale to the customer of such repair services shall be deemed a sale for resale.

The term "transient" does not include a purchaser of camping memberships, time-shares, condominiums, or other similar contracts or interests that permit the use of, or constitute an interest in, real estate, however created or sold and whether registered with the Commonwealth or not. Further, a purchaser of a right or license which entitles the purchaser to use the amenities and facilities of a specific real estate project on an ongoing basis throughout its term shall not be deemed a transient, provided, however, that the term or time period involved is for seven years or more.

The terms "retail sale" and "sale at retail" do not include a transfer of title to tangible personal property after its use as tools, tooling, machinery or equipment, including dies, molds, and patterns, if (i) at the time of purchase, the purchaser is obligated, under the terms of a written contract, to make the transfer and (ii) the transfer is made for the same or a greater consideration to the person for whom the purchaser manufactures goods.

"Retailer" means every person engaged in the business of making sales at retail, or for distribution, use, consumption, or storage to be used or consumed in the Commonwealth.

"Room charge" means the full retail price charged to the customer by the accommodations intermediary for the use of the accommodations, including any accommodations fee, before taxes. The room charge shall be determined in accordance with 23VAC10-210-730 and the related rulings of the Department on the same.

"Sale" means any transfer of title or possession, or both, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property and any rendition of a taxable service for a consideration, and includes the fabrication of tangible personal property for consumers who furnish, either directly or indirectly, the materials used in fabrication, and the furnishing, preparing, or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing, or serving such tangible personal property. A transaction whereby the possession of property is transferred but the seller retains title as security for the payment of the price shall be deemed a sale.

"Sales price" means the total amount for which tangible personal property or services are sold, including any services that are a part of the sale, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser, consumer, or lessee by the dealer, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, losses or any other expenses whatsoever. "Sales price" does not include (i) any cash discount allowed and taken; (ii) finance charges, carrying charges, service charges or interest from credit extended on sales of tangible personal property under conditional sale contracts or other conditional contracts providing for deferred payments of the purchase price; (iii) separately stated local property taxes collected; (iv) that portion of the amount paid by the purchaser as a discretionary gratuity added to the price of a meal; or (v) that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by a restaurant to the price of a meal, but only to the extent that such mandatory gratuity or service charge does not exceed 20 percent of the price of the meal. Where used articles are taken in trade, or in a series of trades as a credit or part payment on the sale of new or used articles, the tax levied by this chapter shall be paid on the net difference between the sales price of the new or used articles and the credit for the used articles.

"Semiconductor cleanrooms" means the integrated systems, fixtures, piping, partitions, flooring, lighting, equipment, and all other property used to reduce contamination or to control airflow, temperature, humidity, vibration, or other environmental conditions required for the integrated process of semiconductor manufacturing.

"Semiconductor equipment" means (i) machinery or tools or repair parts or replacements thereof; (ii) the related accessories, components, pedestals, bases, or foundations used in connection with the operation of the equipment, without regard to the proximity to the equipment, the method of attachment, or whether the equipment or accessories are affixed to the realty; (iii) semiconductor wafers and other property or supplies used to install, test, calibrate or recalibrate, characterize, condition, measure, or maintain the equipment and settings thereof; and (iv) equipment and supplies used for quality control testing of product, materials, equipment, or processes; or the measurement of equipment performance or production parameters regardless of where or when the quality control, testing, or measuring activity takes place, how the activity affects the operation of equipment, or whether the equipment and supplies come into contact with the product.

"Storage" means any keeping or retention of tangible personal property for use, consumption or distribution in the Commonwealth, or for any purpose other than sale at retail in the regular course of business.

"Tangible personal property" means personal property that may be seen, weighed, measured, felt, or touched, or is in any other manner perceptible to the senses. "Tangible personal property" does not include stocks, bonds, notes, insurance or other obligations or securities. "Tangible personal property" includes (i) telephone calling cards upon their initial sale, which shall be exempt from all other state and local utility taxes, and (ii) manufactured signs.

"Use" means the exercise of any right or power over tangible personal property incident to the ownership thereof, except that it does not include the sale at retail of that property in the regular course of business. "Use" does not include the exercise of any right or power, including use, distribution, or storage, over any tangible personal property sold to a nonresident donor for delivery outside of the Commonwealth to a nonresident recipient pursuant to an order placed by the donor from outside the Commonwealth via mail or telephone. "Use" does not include any sale determined to be a gift transaction, subject to tax under § 58.1-604.6.

"Use tax" refers to the tax imposed upon the use, consumption, distribution, and storage as defined in this section.

"Used directly," when used in relation to manufacturing, processing, refining, or conversion, refers to those activities that are an integral part of the production of a product, including all steps of an integrated manufacturing or mining process, but not including ancillary activities such as general maintenance or administration. When used in relation to mining, "used directly" refers to the activities specified in this definition and, in addition, any reclamation activity of the land previously mined by the mining company required by state or federal law.

"Video programmer" means a person that provides video programming to end-user subscribers.

"Video programming" means video and/or information programming provided by or generally considered comparable to programming provided by a cable operator, including, but not limited to, Internet service.

2. That nothing in the definitions of "retail sale" and "sale at retail" in § 58.1-602 of the Code of Virginia shall be construed to require or have required, in any year prior to the effective date of this act, the collection of any tax under Chapter 6 (§ 58.1-600 et seq.) of Title 58.1 of the Code of Virginia for the offering of rooms or space by a

person in the business of providing conference rooms, meeting space, or event space if the person does not also offer rooms available for overnight sleeping.

3. That the provisions of the first enactment of this act shall be given retroactive effect to September 1, 2021.

4. That the provisions of this act shall not entitle any taxpayer to a refund of taxes remitted prior to July 1, 2022.

CHAPTER 155

An Act to amend and reenact §§ 4 and 5, as amended, of Chapter 131 of the Acts of Assembly of 1964, which provided a charter for the Town of Urbanna in Middlesex County, relating to election of council and mayor.

[H 190]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 4 and 5, as amended, of Chapter 131 of the Acts of Assembly of 1964 are amended and reenacted as follows:

§ 4. Mayor.

The mayor shall be elected for a term of ~~two~~ four years, on the November general election date, ~~2012 and every two years thereafter~~. The mayor so elected shall enter upon the duties of his/her office on the first day of January succeeding his/her election; and remain in office until his/her successor has qualified. The mayor's compensation shall be fixed by the council.

The mayor shall be the chief executive officer of the town. He/she shall have and exercise all power and authority conferred by general law not inconsistent with this charter. He/she shall preside over the meetings of the town council and shall have the same right to speak and vote as members of the town council. He/she shall be recognized as the head of the town government for all ceremonial and military purposes. He/she shall perform such other duties consistent with his/her office as may be imposed by the council. He/she shall see that the duties of the various town officers are faithfully performed. He/she, or the person acting as mayor, may sign and deliver such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require or authorize.

§ 5. Council.

~~Six electors of the town of Urbanna shall be elected as Council council members of the town on the shall be elected in November general election date, 2012 and every two years thereafter. The Council members so elected shall enter upon the duties of their offices on the first day of January succeeding their election, and of 2022 and shall take office January 1, 2023. The three council members receiving the highest number of votes and the mayor shall serve four-year terms expiring on December 31, 2026; the other three council members elected in November of 2022 shall serve two-year terms expiring on December 31, 2024. At the election in November of 2024, three council members shall be elected for four-year terms. After the staggering of terms, council members shall serve four-year terms.~~

Candidates for Town Council shall not be identified on the ballot by political affiliation.

Notwithstanding term expiration dates, all council members shall remain in office until their successors have qualified.

CHAPTER 156

An Act to require the Board of Education to seek and incorporate into the through-year growth assessment system certain local input and suggestions.

[H 197]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. That, in implementing the through-year growth assessment system for the administration of reading and mathematics assessments in grades three through eight as required by subsection C of § 22.1-253.13:3 of the Code of Virginia, the Board of Education, in coordination with the Superintendent of Public Instruction, shall seek input and suggestions from each interested local school division in the Commonwealth regarding ways in which the administration of such assessments and the reporting of assessment results can be improved and shall, to the extent possible, incorporate such input and suggestions into the through-year growth assessment system.

CHAPTER 157

An Act to amend and reenact § 46.2-730 of the Code of Virginia, relating to antique motor vehicles and antique trailers; license plates.

[S 749]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-730 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-730. License plates for antique motor vehicles and antique trailers; fee.

A. On receipt of an application and evidence that the applicant owns or has regular use of another passenger car, autocycle, or motorcycle, the Commissioner shall issue appropriately designed license plates to owners of antique motor vehicles and antique trailers. These license plates shall be valid so long as title to the vehicle is vested in the applicant. The fee for the registration card and license plates of any of these vehicles shall be a one-time fee of \$50.

B. On receipt of an application and evidence that the applicant owns or has regular use of another passenger car, autocycle, or motorcycle, the Commissioner may authorize for use on antique motor vehicles and antique trailers Virginia license plates manufactured prior to 1976 and designed for use without decals, if such license plates are embossed with or are of the same year of issue as the model year of the antique motor vehicle or antique trailer on which they are to be displayed. Original metal year tabs issued in place of license plates for years 1943 and 1952 and used with license plates issued in 1942 and 1951, respectively, also may be authorized by the Commissioner for use on antique motor vehicles and antique trailers that are of the same model year as the year the metal tab was originally issued. These license plates and metal tabs shall remain valid so long as title to the vehicle is vested in the applicant. The fee for the registration card and permission to use the license plates and metal tabs on any of these vehicles shall be a one-time fee of \$50. If more than one request is made for use, as provided in this section, of license plates having the same number, the Department shall accept *multiple requests only the first such application if (i) the number combination requested is not currently registered on license plates embossed with the year matching the plate being requested and (ii) only one license plate with the same number combination has been issued for use after 1973 or, if the plate requested is for a motorcycle, 1976.*

C. Notwithstanding the provisions of §§ 46.2-711 and 46.2-715, antique motor vehicles may display single license plates if the original manufacturer's design of the antique motor vehicles allows for the use of only single license plates or if the license plate was originally issued in one of the following years and is displayed in accordance with the provisions of subsection B: 1906, 1907, 1908, 1909, 1945, or 1946.

D. Antique motor vehicles and antique trailers registered with license plates issued or authorized for use under this section shall not be used for general transportation purposes, including, but not limited to, daily travel to and from the owner's place of employment, but shall only be used:

1. For participation in club activities, exhibits, tours, parades, and similar events;

2. On the highways of the Commonwealth for the purpose of testing their operation or selling the vehicle or trailer, obtaining repairs or maintenance, transportation to and from events as described in subdivision 1, and for occasional pleasure driving not exceeding 250 miles from the residence of the owner; and

3. To carry or transport (i) passengers in the antique motor vehicles, (ii) personal effects in the antique motor vehicles and antique trailers, or (iii) other antique motor vehicles being transported for show purposes.

The registration card issued to an antique motor vehicle or an antique trailer registered pursuant to subsections A, B, and C shall indicate such vehicle or trailer is for limited use.

E. Owners of motor vehicles and trailers applying for registration pursuant to subsections A, B and C shall submit to the Department, in the manner prescribed by the Department, certifications that such vehicles or trailers are capable of being safely operated on the highways of the Commonwealth.

Pursuant to § 46.2-1000, the Department shall suspend the registration of any vehicle or trailer registered with license plates issued under this section that the Department or the Department of State Police determines is not properly equipped or otherwise unsafe to operate. Any law-enforcement officer shall take possession of the license plates, registration card and decals, if any, of any vehicle or trailer registered with license plates issued under this section when he observes any defect in such vehicle or trailer as set forth in § 46.2-1000.

F. Antique motor vehicles and antique trailers displaying license plates issued or authorized for use pursuant to subsections B and C may be used for general transportation purposes if the following conditions are met:

1. The physical condition of the vehicle's license plate or plates has been inspected and approved by the Department;

2. The license plate or plates are registered to the specific vehicle by the Department;

3. The owner of the vehicle periodically registers the vehicle with the Department and pays a registration fee for the vehicle equal to that which would be charged to obtain regular state license plates for that vehicle;

4. The vehicle passes a periodic safety inspection as provided in Article 21 (§ 46.2-1157 et seq.) of Chapter 10;

5. The vehicle displays current decals attached to the license plate, issued by the Department, indicating the valid registration period for the vehicle; and

6. When applicable, the vehicle meets the requirement of Article 22 (§ 46.2-1176 et seq.) of Chapter 10.

If more than one request is made for use, as provided in this subsection, of license plates having the same number, the Department shall accept *multiple requests only the first such application if (i) the number combination requested is not currently registered on license plates embossed with the year matching the plate being requested and (ii) only one license plate with the same number combination has been issued for use after 1973 or, if the plate requested is for a motorcycle, 1976.* Only vehicles titled to the person seeking to use license plates as provided in this subsection shall be eligible to use license plates as provided in this subsection.

G. Nothing in this section shall be construed as prohibiting the use of an antique motor vehicle to tow a trailer or semitrailer.

H. Any owner of an antique motor vehicle or antique trailer registered with license plates pursuant to this section who is convicted of a violation of this section is guilty of a Class 4 misdemeanor. Upon receiving a record of conviction of a violation of this section, the Department shall revoke and not reinstate the owner's privilege to register the vehicle operated in violation of this section with license plates issued or authorized for use pursuant to this section for a period of five years from the date of conviction.

I. Except for the one-time \$50 registration fee prescribed in subsections A and B, the provisions of this section shall apply to all owners of vehicles and trailers registered with license plates issued under this section prior to July 1, 2007. Such owners shall, based on a schedule and a manner prescribed by the Department, (i) provide evidence that they own or have regular use of another passenger car or motorcycle, as required under subsections A and B, and (ii) comply with the certification provisions of subsection E. The Department shall cancel the registrations of vehicles owned by persons that, prior to January 1, 2008, do not provide the Department ~~(i)~~ (a) evidence of owning or having regular use of another autocycle, passenger car, or motorcycle, as required under subsections A and B, and ~~(ii)~~ (b) the certification required pursuant to subsection E.

CHAPTER 158

An Act to amend and reenact § 36-4 of the Code of Virginia, relating to redevelopment and housing authorities; naming convention.

[H 214]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 36-4 of the Code of Virginia is amended and reenacted as follows:

§ 36-4. Creation of redevelopment and housing authorities.

In each locality there is hereby created a political subdivision of the Commonwealth, with such public and corporate powers as are set forth in this chapter, to be known respectively as the "_____ (insert name of locality) Redevelopment and Housing Authority" *or by an appropriate name and title to be determined by each locality* (hereinafter referred to as "authority"); provided, however, that any authority not now activated shall not transact any business or exercise any powers authorized under this chapter until or unless the qualified voters of such locality shall, by a majority vote of such qualified voters voting in a referendum held as provided in § 36-4.1, ~~have indicated~~ *indicate* a need for an authority to function in such locality. The referendum to determine whether or not there is a need for an authority to function (i) may be called by the governing body by resolution or (ii) shall be called by the governing body upon the filing of a petition signed by at least two percent of the qualified voters registered in the jurisdiction, asserting that there is need for an authority to function in such locality and requesting the governing body to call such referendum.

The governing body may by resolution call for a referendum to determine whether there is need for an authority in the locality if the governing body believes it is appropriate for one of the reasons set out in § 36-2. In the case of a town located within the county, the town council shall first obtain the concurrence of the governing body of the county and the county redevelopment and housing authority prior to scheduling a referendum.

In any suit, action, or proceeding involving the validity or enforcement of or relating to any contract of the authority, the authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers hereunder if the voters of the locality have so indicated in a referendum held pursuant to § 36-4.1; that there is need for the authority.

CHAPTER 159

An Act to amend and reenact § 28.2-1203 of the Code of Virginia, relating to unlawful use of subaqueous beds; replacement of piers.

[S 145]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 28.2-1203 of the Code of Virginia is amended and reenacted as follows:

§ 28.2-1203. Unlawful use of subaqueous beds; penalty.

A. It shall be unlawful for any person to build, dump, trespass or encroach upon or over, or take or use any materials from the beds of the bays, ocean, rivers, streams, or creeks which are the property of the Commonwealth, unless such act is performed pursuant to a permit issued by the Commission or is necessary for the following:

1. Erection of dams, the construction of which has been authorized by proper authority;
2. Uses of subaqueous beds authorized elsewhere in this title;

3. Construction and maintenance of congressionally approved navigation and flood-control projects undertaken by the United States Army Corps of Engineers, the United States Coast Guard, or other federal agency authorized by Congress to regulate navigation, navigable waters, or flood control;

4. Construction of piers, docks, marine terminals, and port facilities owned or leased by or to the Commonwealth or any of its political subdivisions;

5. Except as provided in subsection D of § 28.2-1205, placement, after submission of an application to the Commission for review and processing, of private piers for noncommercial purposes by owners of the riparian lands in the waters opposite those lands, provided that (i) the piers do not extend beyond the navigation line or private pier lines established by the Commission or the United States Army Corps of Engineers, (ii) the piers do not exceed six feet in width and finger piers do not exceed five feet in width, (iii) any L or T head platforms and appurtenant floating docking platforms do not exceed, in the aggregate, 400 square feet, (iv) if prohibited by local ordinance open-sided shelter roofs or gazebo-type structures shall not be placed on platforms as described in clause (iii), but may be placed on such platforms if not prohibited by local ordinance, and (v) the piers are determined not to be a navigational hazard by the Commission. Subject to any applicable local ordinances, such piers may include an attached boat lift and an open-sided roof designed to shelter a single boat slip or boat lift. In cases in which open-sided roofs designed to shelter a single boat, boat slip or boat lift will exceed 700 square feet in coverage or the open-sided shelter roofs or gazebo structures exceed 400 square feet, and in cases in which an adjoining property owner objects to a proposed roof structure, permits shall be required as provided in § 28.2-1204;

6. *Maintenance or replacement of a previously authorized pier, provided that it is reconstructed within the footprint of the existing pier;*

7. Agricultural, horticultural or silvicultural irrigation on riparian lands or the watering of animals on riparian lands, provided that (i) no permanent structure is placed on or over the subaqueous bed, (ii) the person withdrawing water complies with requirements administered by the Department of Environmental Quality under Title 62.1, and (iii) the activity is conducted without adverse impacts to instream beneficial uses as defined in § 62.1-10; or

7.8. Recreational gold mining, provided that (i) a man-portable suction dredge no larger than four inches in diameter is used, (ii) rights of riparian property owners are not affected, (iii) the activity is conducted without adverse impacts to instream beneficial uses as defined in § 62.1-10, (iv) the activity is conducted without adverse impacts to underwater historic properties and related objects as defined in § 10.1-2214, and (v) the activity is not defined as mining in § 45.2-1200.

B. A violation of this section is a Class 1 misdemeanor.

CHAPTER 160

An Act to amend and reenact § 62.1-44.15:27, as it is currently effective and as it may become effective, of the Code of Virginia, relating to administration of Virginia Stormwater Management Programs; regional industrial facility authorities.

[H 184]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 62.1-44.15:27, as it is currently effective and as it may become effective, of the Code of Virginia is amended and reenacted as follows:

§ 62.1-44.15:27. (For expiration date, see Acts 2016, cc. 68 and 758, as amended by Acts 2017, c. 345) Establishment of Virginia Stormwater Management Programs.

A. Any locality that operates a regulated MS4 or that notifies the Department of its decision to participate in the establishment of a VSMP shall be required to adopt a VSMP for land-disturbing activities consistent with the provisions of this article according to a schedule set by the Department. Such schedule shall require implementation no later than July 1, 2014. Thereafter, the Department shall provide an annual schedule by which localities can submit applications to implement a VSMP. Localities subject to this subsection are authorized to coordinate plan review and inspections with other entities in accordance with subsection H.

The Department shall operate a VSMP on behalf of any locality that does not operate a regulated MS4 and that does not notify the Department, according to a schedule set by the Department, of its decision to participate in the establishment of a VSMP. A locality that decides not to establish a VSMP shall still comply with the requirements set forth in this article and attendant regulations as required to satisfy the stormwater flow rate capacity and velocity requirements set forth in the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.). A locality that is subject to the provisions of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) also shall adopt requirements set forth in this article and attendant regulations as required to regulate Chesapeake Bay Preservation Act land-disturbing activities in accordance with § 62.1-44.15:28. To comply with the water quantity technical criteria set forth in this article and attendant regulations, a rural Tidewater locality may adopt a tiered approach to water quantity management for Chesapeake Bay Preservation Act land-disturbing activities pursuant to § 62.1-44.15:27.2.

Notwithstanding any other provision of this subsection, any county that operates an MS4 that became a regulated MS4 on or after January 1, 2014 may elect, on a schedule set by the Department, to defer the implementation of the county's VSMP until no later than January 1, 2015. During this deferral period, when such county thus lacks the legal authority to operate a VSMP, the Department shall operate a VSMP on behalf of the county and address post-construction stormwater runoff and the required design criteria for stormwater runoff controls. Any such county electing to defer the establishment of its VSMP shall still comply with the requirements set forth in this article and attendant regulations as required to satisfy

the stormwater flow rate capacity and velocity requirements set forth in the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.).

B. Any town, including a town that operates a regulated MS4, lying within a county that has adopted a VSMP in accordance with subsection A may decide, but shall not be required, to become subject to the county's VSMP. Any town lying within a county that operates an MS4 that became a regulated MS4 on or after January 1, 2014 may elect to become subject to the county's VSMP according to the deferred schedule established in subsection A. During the county's deferral period, the Department shall operate a VSMP on behalf of the town and address post-construction stormwater runoff and the required design criteria for stormwater runoff controls for the town as provided in subsection A. If a town lies within the boundaries of more than one county, the town shall be considered to be wholly within the county in which the larger portion of the town lies. Towns shall inform the Department of their decision according to a schedule established by the Department. Thereafter, the Department shall provide an annual schedule by which towns can submit applications to adopt a VSMP.

C. In support of VSMP authorities, the Department shall:

1. Provide assistance grants to localities not currently operating a local stormwater management program to help the localities to establish their VSMP.

2. Provide technical assistance and training.

3. Provide qualified services in specified geographic areas to a VSMP to assist localities in the administration of components of their programs. The Department shall actively assist localities in the establishment of their programs and in the selection of a contractor or other entity that may provide support to the locality or regional support to several localities.

D. The Department shall develop a model ordinance for establishing a VSMP consistent with this article and its associated regulations, including the Virginia Stormwater Management Program (VSMP) General Permit for Discharges of Stormwater from Construction Activities.

E. Each locality that administers an approved VSMP shall, by ordinance, establish a VSMP that shall be administered in conjunction with a local MS4 program and a local erosion and sediment control program if required pursuant to the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.), and which shall include the following:

1. Consistency with regulations adopted in accordance with provisions of this article;

2. Provisions for long-term responsibility for and maintenance of stormwater management control devices and other techniques specified to manage the quality and quantity of runoff; and

3. Provisions for the integration of the VSMP with local erosion and sediment control, flood insurance, flood plain management, and other programs requiring compliance prior to authorizing construction in order to make the submission and approval of plans, issuance of permits, payment of fees, and coordination of inspection and enforcement activities more convenient and efficient both for the local governments and those responsible for compliance with the programs.

F. The Board may approve a state entity, including the Department, federal entity, or, for linear projects subject to annual standards and specifications, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102 to operate a Virginia Stormwater Management Program consistent with the requirements of this article and its associated regulations and the VSMP authority's Department-approved annual standards and specifications. For these programs, enforcement shall be administered by the Department and the Board where applicable in accordance with the provisions of this article.

G. The Board shall approve a VSMP when it deems a program consistent with this article and associated regulations, including the Virginia Stormwater Management Program (VSMP) General Permit for Discharges of Stormwater from Construction Activities.

H. A VSMP authority may enter into agreements or contracts with soil and water conservation districts, adjacent localities, or other public or private entities to carry out or assist with the responsibilities of this article. A VSMP authority may enter into contracts with third-party professionals who hold certificates of competence in the appropriate subject areas, as provided in subsection A of § 62.1-44.15:30, to carry out any or all of the responsibilities that this article requires of a VSMP authority, including plan review and inspection but not including enforcement.

I. If a locality establishes a VSMP, it shall issue a consolidated stormwater management and erosion and sediment control permit that is consistent with the provisions of the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.). When available in accordance with subsection J, such permit, where applicable, shall also include a copy of or reference to state VSMP permit coverage authorization to discharge.

J. Upon the development of an online reporting system by the Department, but no later than July 1, 2014, a VSMP authority shall then be required to obtain evidence of state VSMP permit coverage where it is required prior to providing approval to begin land disturbance.

K. Any VSMP adopted pursuant to and consistent with this article shall be considered to meet the stormwater management requirements under the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) and attendant regulations, and effective July 1, 2014, shall not be subject to local program review under the stormwater management provisions of the Chesapeake Bay Preservation Act.

L. All VSMP authorities shall comply with the provisions of this article and the stormwater management provisions of the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.) and related regulations. The VSMP authority responsible for regulating the land-disturbing activity shall require compliance with the issued permit, permit conditions, and plan specifications. The state shall enforce state permits.

M. In the case of a land-disturbing activity located on property controlled by a regional industrial facility authority established pursuant to Chapter 64 (§ 15.2-6400 et seq.) of Title 15.2, if a participating local member of such an authority also administers a VSMP, such locality shall be authorized to administer the VSMP on authority property, in accordance with an agreement entered into with all relevant localities and the existing VSMP for the property.

§ 62.1-44.15:27. (For effective date, see Acts 2016, cc. 68 and 758, as amended by Acts 2017, c. 345) Virginia Programs for Erosion Control and Stormwater Management.

A. Any locality that operates a regulated MS4 or that administers a Virginia Stormwater Management Program (VSMP) as of July 1, 2017, shall be required to adopt and administer a VESMP consistent with the provisions of this article that regulates any land-disturbing activity that (i) disturbs 10,000 square feet or more or (ii) disturbs 2,500 square feet or more in an area of a locality designated as a Chesapeake Bay Preservation Area pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.). The VESMP shall be adopted according to a process established by the Department.

B. Any locality that does not operate a regulated MS4 and for which the Department administers a VSMP as of July 1, 2017, shall choose one of the following options and shall notify the Department of its choice according to a process established by the Department:

1. Adopt and administer a VESMP consistent with the provisions of this article that regulates any land-disturbing activity that (i) disturbs 10,000 square feet or more or (ii) disturbs 2,500 square feet or more in an area of a locality designated as a Chesapeake Bay Preservation Area pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.);

2. Adopt and administer a VESMP consistent with the provisions of this article that regulates any land-disturbing activity that (i) disturbs 10,000 square feet or more or (ii) disturbs 2,500 square feet or more in an area of a locality designated as a Chesapeake Bay Preservation Area pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.), except that the Department shall provide the locality with review of the plan required by § 62.1-44.15:34 and provide a recommendation to the locality on the plan's compliance with the water quality and water quantity technical criteria; or

3. Adopt and administer a VESCP pursuant to Article 2.4 (§ 62.1-44.15:51 et seq.) that regulates any land-disturbing activity that (i) disturbs 10,000 square feet or more or (ii) disturbs 2,500 square feet or more in an area of a locality designated as a Chesapeake Bay Preservation Area pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.). For such a land-disturbing activity in a Chesapeake Bay Preservation Area, the VESCP authority also shall adopt requirements set forth in this article and attendant regulations as required to regulate those activities in accordance with §§ 62.1-44.15:28 and 62.1-44.15:34.

The Board shall administer a VSMP on behalf of each VESCP authority for any land-disturbing activity that (a) disturbs one acre or more of land or (b) disturbs less than one acre of land and is part of a larger common plan of development or sale that results in one acre or greater of land disturbance.

C. Any town that is required to or elects to adopt and administer a VESMP or VESCP, as applicable, may choose one of the following options and shall notify the Department of its choice according to a process established by the Department:

1. Any town, including a town that operates a regulated MS4, lying within a county may enter into an agreement with the county to become subject to the county's VESMP. If a town lies within the boundaries of more than one county, it may enter into an agreement with any of those counties that operates a VESMP.

2. Any town that chooses not to adopt and administer a VESMP pursuant to subdivision B 3 and that lies within a county may enter into an agreement with the county to become subject to the county's VESMP or VESCP, as applicable. If a town lies within the boundaries of more than one county, it may enter into an agreement with any of those counties.

3. Any town that is subject to the provisions of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) may enter into an agreement with a county pursuant to subdivision C 1 or 2 only if the county administers a VESMP for land-disturbing activities that disturb 2,500 square feet or more.

D. Any locality that chooses not to implement a VESMP pursuant to subdivision B 3 may notify the Department at any time that it has chosen to implement a VESMP pursuant to subdivision B 1 or 2. Any locality that chooses to implement a VESMP pursuant to subdivision B 2 may notify the Department at any time that it has chosen to implement a VESMP pursuant to subdivision B 1. A locality may petition the Board at any time for approval to change from fully administering a VESMP pursuant to subdivision B 1 to administering a VESMP in coordination with the Department pursuant to subdivision B 2 due to a significant change in economic conditions or other fiscal emergency in the locality. The provisions of the Administrative Process Act (§ 2.2-4000 et seq.) shall govern any appeal of the Board's decision.

E. To comply with the water quantity technical criteria set forth in this article and attendant regulations for land-disturbing activities that disturb an area of 2,500 square feet or more but less than one acre, any rural Tidewater locality may adopt a tiered approach to water quantity management pursuant to § 62.1-44.15:27.2.

F. In support of VESMP authorities, the Department shall provide technical assistance and training and general assistance to localities in the establishment and administration of their individual or regional programs.

G. The Department shall develop a model ordinance for establishing a VESMP consistent with this article.

H. Each locality that operates a regulated MS4 or that chooses to administer a VESMP shall, by ordinance, establish a VESMP that shall be administered in conjunction with a local MS4 management program, if applicable, and which shall include the following:

1. Ordinances, policies, and technical materials consistent with regulations adopted in accordance with this article;
2. Requirements for land-disturbance approvals;
3. Requirements for plan review, inspection, and enforcement consistent with the requirements of this article, including provisions requiring periodic inspections of the installation of stormwater management measures. A VESMP authority may require monitoring and reports from the person responsible for meeting the permit conditions to ensure compliance with the permit and to determine whether the measures required in the permit provide effective stormwater management;
4. Provisions charging each applicant a reasonable fee to defray the cost of program administration for a regulated land-disturbing activity that does not require permit coverage. Such fee may be in addition to any fee charged pursuant to the statewide fee schedule established in accordance with subdivision 9 of § 62.1-44.15:28, although payment of fees may be consolidated in order to provide greater convenience and efficiency for those responsible for compliance with the program. A VESMP authority shall hold a public hearing prior to establishing such fees. The fee shall not exceed an amount commensurate with the services rendered, taking into consideration the time, skill, and the VESMP authority's expense involved;
5. Provisions for long-term responsibility for and maintenance of stormwater management control devices and other techniques specified to manage the quality and quantity of runoff; and
6. Provisions for the coordination of the VESMP with flood insurance, flood plain management, and other programs requiring compliance prior to authorizing land disturbance in order to make the submission and approval of plans, issuance of land-disturbance approvals, payment of fees, and coordination of inspection and enforcement activities more convenient and efficient both for the local governments and those responsible for compliance with the programs.
 - I. The Board shall approve a VESMP when it deems a program consistent with this article and associated regulations.
 - J. A VESMP authority may enter into agreements or contracts with the Department, soil and water conservation districts, adjacent localities, planning district commissions, or other public or private entities to carry out or assist with plan review and inspections. A VESMP authority may enter into contracts with third-party professionals who hold certifications in the appropriate subject areas, as provided in subsection A of § 62.1-44.15:30, to carry out any or all of the responsibilities that this article requires of a VESMP authority, including plan review and inspection but not including enforcement.
 - K. A VESMP authority shall be required to obtain evidence of permit coverage from the Department's online reporting system, where such coverage is required, prior to providing land-disturbance approval.
 - L. The VESMP authority responsible for regulating the land-disturbing activity shall require compliance with its applicable ordinances and the conditions of its land-disturbance approval and plan specifications. The Board shall enforce permits and require compliance with its applicable regulations, including when serving as a VSMP authority in a locality that chose not to adopt a VESMP in accordance with subdivision B 3.
 - M. *In the case of a land-disturbing activity located on property controlled by a regional industrial facility authority established pursuant to Chapter 64 (§ 15.2-6400 et seq.) of Title 15.2, if a participating local member of such an authority also administers a VESMP, such locality shall be authorized to administer the VESMP on authority property, in accordance with an agreement entered into with all relevant localities and the existing VSMP or VESMP for the property.*

CHAPTER 161

An Act to amend and reenact § 54.1-2313.1 of the Code of Virginia, relating to Cemetery Board; appointment of receiver upon revocation or surrender of license to operate cemetery in Virginia.

[S 183]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2313.1 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2313.1. Protection of preneed burial and perpetual care trust funds; operation of cemetery company; appointment of receiver.

No licensee or any agent of the licensee shall divert or misuse any funds held in trust or otherwise held by him for another. If preneed or perpetual care funds are held in trust and the Board or its agents have reason to believe that (i) the licensee is not able to adequately protect the interest of the person involved; (ii) the licensee has had his license suspended, revoked, or surrendered; ~~or~~ and (iii) the conduct of the licensee or the operation of the cemetery threatens the interests of the public, the Board ~~may~~ shall file a petition with any court of record having equity jurisdiction over the licensee or any of the funds held by him stating the facts upon which it relies ~~and the relief requested.~~

The court may temporarily enjoin further activity by the licensee and take such further action as shall be necessary to ensure that the cemetery company is operated in full compliance with this chapter and the Board's regulations, or to conserve, protect, and disburse the funds involved, or both, including the appointment of a receiver ~~to operate.~~ *If a receiver is appointed, the expenses of such receivership and a reasonable fee, as determined by the court, shall be paid from the assets of the cemetery company.* The Board shall not be liable for any expenses or fees of the receiver.

CHAPTER 162

An Act to direct the Department of Labor and Industry to disseminate information regarding seizure first aid.

[H 1178]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Department of Labor and Industry (the Department) shall provide all employers and employees in the Commonwealth with in-color informational posters, at least 8.5 inches by 11 inches in size, with respect to rendering seizure first aid. The information shall be disseminated by means determined by the Department, including electronically, and the information approved by the Department shall be fully consistent with information and guidelines developed by the Epilepsy Foundation of America and any such successor organization. Each employer of 25 or more employees in the Commonwealth shall physically post information on seizure first aid provided by the Department in a prominent position in the employer's workplace that is visible to employees. For the purposes of this act, "seizure first aid" means procedures to respond, attend, and provide comfort and safety to an individual suffering from a seizure. "Seizure first aid" does not include training to medically treat an individual suffering from a seizure. Nothing in this act shall be construed to supersede any other provision of law, including the exemption from liability for a person rendering emergency care in good faith without compensation pursuant to the provisions of § 8.01-225 of the Code of Virginia.*

CHAPTER 163

An Act to repeal the second enactment of Chapter 342 and the third enactment of Chapter 362 of the Acts of Assembly of 2017, relating to nonrepairable and rebuilt vehicles; sunset.

[H 1092]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. **That the second enactment of Chapter 342 and the third enactment of Chapter 362 of the Acts of Assembly of 2017 are repealed.**

CHAPTER 164

An Act to amend the Code of Virginia by adding in Chapter 2 of Title 38.2 a section numbered 38.2-237, relating to insurance; provider complaints; notice of premium increase.

[H 146]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. **That the Code of Virginia is amended by adding in Chapter 2 of Title 38.2 a section numbered 38.2-237 as follows:**

§ 38.2-237. Provider complaints.

Any person may submit a complaint of one or more issues of noncompliance by an insurer with any insurance law, insurance regulation, or order of the Commission on behalf of a health care provider. The complainant shall provide detailed information supporting the allegation of noncompliance. The Commission shall investigate complaints alleging violations of insurance laws, regulations, and orders of the Commission and notify the complainants of the outcomes. The Commission shall have no jurisdiction to adjudicate (i) individual controversies or (ii) as between two contracting parties, matters of contractual dispute unrelated to insurance laws, regulations, or Commission orders.

CHAPTER 165

An Act to amend and reenact § 15.2-2511.1 of the Code of Virginia, relating to local taxes; surplus revenues.

[H 267]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. **That § 15.2-2511.1 of the Code of Virginia is amended and reenacted as follows:**

§ 15.2-2511.1. Return of local surplus funds.

Any locality may by ordinance develop a method for returning surplus real or personal property tax revenues, or both, to taxpayers who are assessed ~~real property~~ such taxes in any fiscal year in which the locality reports a surplus. The locality may reduce a taxpayer's refund by the amount of any taxes, penalties, and interest that are due from such taxpayer, or any past-due taxes, penalties, and interest that have been assessed within the appropriate period of limitations.

CHAPTER 166

An Act to amend and reenact § 15.2-2511.1 of the Code of Virginia, relating to local taxes; surplus revenues.

[S 12]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2511.1 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2511.1. Return of local surplus funds.

Any locality may by ordinance develop a method for returning surplus real *or personal* property tax revenues, *or both*, to taxpayers who are assessed ~~real property~~ *such* taxes in any fiscal year in which the locality reports a surplus. The locality may reduce a taxpayer's refund by the amount of any taxes, penalties, and interest that are due from such taxpayer, or any past-due taxes, penalties, and interest that have been assessed within the appropriate period of limitations.

CHAPTER 167

An Act to amend and reenact § 58.1-3609 of the Code of Virginia, relating to real property tax; exemptions.

[H 200]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3609 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3609. Post-1971 property exempt from taxation by classification.

A. The real and personal property of an organization classified in §§ 58.1-3610 through 58.1-3621 and used by such organization for a religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purpose as set forth in Article X, Section 6 (a) (6) of the Constitution of Virginia, the particular purpose for which such organization is classified being specifically set forth within each section, shall be exempt from taxation, so long as such organization is operated not for profit and the property so exempt is used in accordance with the purpose for which the organization is classified. The real and personal property of an organization classified in § 58.1-3622 and used by such organization for charitable and benevolent purposes as set forth in Article X, Section 6 (a) (6) of the Constitution of Virginia shall be exempt from taxation so long as the local governing body in which the property is located passes a resolution approving such exemption and the organization satisfies the other requirements in this subsection. *The property exempted from taxation pursuant to this section shall include the real and personal property of a single member limited liability company whose sole member is an organization classified in §§ 58.1-3610 through 58.1-3622.*

B. Exemptions of property from taxation under this article shall be strictly construed in accordance with Article X, Section 6 (f) of the Constitution of Virginia.

CHAPTER 168

An Act to amend and reenact § 22.1-253.13:1 of the Code of Virginia, relating to public middle schools; physical education; personal safety training.

[H 1215]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-253.13:1 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-253.13:1. Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.

A. The General Assembly and the Board of Education believe that the fundamental goal of the public schools of the Commonwealth must be to enable each student to develop the skills that are necessary for success in school, preparation for life, and reaching their full potential. The General Assembly and the Board of Education find that the quality of education is dependent upon the provision of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of high-quality instructional personnel; (ii) the appropriate learning environment designed to promote student achievement; (iii) quality instruction that enables each student to become a productive and educated citizen of Virginia and the United States of America; and (iv) the adequate commitment of other resources. In keeping with this goal, the General Assembly shall provide for the support of public education as set forth in Article VIII, Section 1 of the Constitution of Virginia.

B. The Board of Education shall establish educational objectives known as the Standards of Learning, which shall form the core of Virginia's educational program, and other educational objectives, which together are designed to ensure the development of the skills that are necessary for success in school and for preparation for life in the years beyond. At a

minimum, the Board shall establish Standards of Learning for English, mathematics, science, and history and social science. The Standards of Learning shall not be construed to be regulations as defined in § 2.2-4001.

The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality foundation educational program. The Standards of Learning shall include, but not be limited to, the basic skills of communication (listening, speaking, reading, and writing); computation and critical reasoning, including problem solving and decision making; proficiency in the use of computers and related technology; computer science and computational thinking, including computer coding; and the skills to manage personal finances and to make sound financial decisions.

The English Standards of Learning for reading in kindergarten through grade three shall be based on components of effective reading instruction, to include, at a minimum, phonemic awareness, systematic phonics, fluency, vocabulary development, and text comprehension.

The Standards of Learning in all subject areas shall be subject to regular review and revision to maintain rigor and to reflect a balance between content knowledge and the application of knowledge in preparation for eventual employment and lifelong learning. The Board of Education shall establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such review and revision on a more frequent basis.

To provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board of Education shall conduct public hearings prior to establishing revised Standards of Learning. Thirty days prior to conducting such hearings, the Board shall give notice of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to revise the Standards of Learning in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any revisions of the Standards of Learning.

In addition, the Department of Education shall make available and maintain a website, either separately or through an existing website utilized by the Department of Education, enabling public elementary, middle, and high school educators to submit recommendations for improvements relating to the Standards of Learning, when under review by the Board according to its established schedule, and related assessments required by the Standards of Quality pursuant to this chapter. Such website shall facilitate the submission of recommendations by educators.

School boards shall implement the Standards of Learning or objectives specifically designed for their school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to achieve the educational objectives established by the school division at appropriate age or grade levels. The curriculum adopted by the local school division shall be aligned to the Standards of Learning.

The Board of Education shall include in the Standards of Learning for history and social science the study of contributions to society of diverse people. For the purposes of this subsection, "diverse" includes consideration of disability, ethnicity, race, and gender.

The Board of Education shall include in the Standards of Learning for health instruction in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Such instruction shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. No teacher who is in compliance with subdivision D 3 of § 22.1-298.1 shall be required to be certified as a trainer of cardiopulmonary resuscitation to provide instruction for non-certification.

With such funds as are made available for this purpose, the Board shall regularly review and revise the competencies for career and technical education programs to require the full integration of English, mathematics, science, and history and social science Standards of Learning. Career and technical education programs shall be aligned with industry and professional standard certifications, where they exist.

The Board shall establish content standards and curriculum guidelines for courses in career investigation in elementary school, middle school, and high school. Each school board shall (i) require each middle school student to take at least one course in career investigation or (ii) select an alternate means of delivering the career investigation course to each middle school student, provided that such alternative is equivalent in content and rigor and provides the foundation for such students to develop their academic and career plans. Any school board may require (a) such courses in career investigation at the high school level as it deems appropriate, subject to Board approval as required in subsection A of § 22.1-253.13:4, and (b) such courses in career investigation at the elementary school level as it deems appropriate. The Board shall develop and disseminate to each school board career investigation resource materials that are designed to ensure that students have the ability to further explore interest in career and technical education opportunities in middle and high school. In developing such resource materials, the Board shall consult with representatives of career and technical education, industry, skilled trade associations, chambers of commerce or similar organizations, and contractor organizations.

C. Local school boards shall develop and implement a program of instruction for grades K through 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board of Education. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts and computations, proficiency in the use of computers and related technology, computer science and computational thinking, including computer coding, and scientific concepts and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and world and

United States history, economics, government, foreign languages, international cultures, health and physical education, environmental issues, and geography necessary for responsible participation in American society and in the international community; fine arts, which may include, but need not be limited to, music and art, and practical arts; knowledge and skills needed to qualify for further education, gainful employment, or training in a career or technical field; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

Local school boards shall also develop and implement programs of prevention, intervention, or remediation for students who are educationally at risk including, but not limited to, those who fail to achieve a passing score on any Standards of Learning assessment in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs shall include components that are research-based.

Any student who achieves a passing score on one or more, but not all, of the Standards of Learning assessments for the relevant grade level in grades three through eight may be required to attend a remediation program.

Any student who fails to achieve a passing score on all of the Standards of Learning assessments for the relevant grade level in grades three through eight or who fails an end-of-course test required for the award of a verified unit of credit shall be required to attend a remediation program or to participate in another form of remediation. Division superintendents shall require such students to take special programs of prevention, intervention, or remediation, which may include attendance in public summer school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

Remediation programs shall include, when applicable, a procedure for early identification of students who are at risk of failing the Standards of Learning assessments in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs may also include summer school for all elementary and middle school grades and for all high school academic courses, as defined by regulations promulgated by the Board of Education, or other forms of remediation. Summer school remediation programs or other forms of remediation shall be chosen by the division superintendent to be appropriate to the academic needs of the student. Students who are required to attend such summer school programs or to participate in another form of remediation shall not be charged tuition by the school division.

The requirement for remediation may, however, be satisfied by the student's attendance in a program of prevention, intervention or remediation that has been selected by his parent, in consultation with the division superintendent or his designee, and is either (i) conducted by an accredited private school or (ii) a special program that has been determined to be comparable to the required public school remediation program by the division superintendent. The costs of such private school remediation program or other special remediation program shall be borne by the student's parent.

The Board of Education shall establish standards for full funding of summer remedial programs that shall include, but not be limited to, the minimum number of instructional hours or the equivalent thereof required for full funding and an assessment system designed to evaluate program effectiveness. Based on the number of students attending and the Commonwealth's share of the per pupil instructional costs, state funds shall be provided for the full cost of summer and other remediation programs as set forth in the appropriation act, provided such programs comply with such standards as shall be established by the Board, pursuant to § 22.1-199.2.

D. Local school boards shall also implement the following:

1. Programs in grades K through three that emphasize developmentally appropriate learning to enhance success.
2. Programs based on prevention, intervention, or remediation designed to increase the number of students who earn a high school diploma and to prevent students from dropping out of school. Such programs shall include components that are research-based.
3. Career and technical education programs incorporated into the K through 12 curricula that include:
 - a. Knowledge of careers and all types of employment opportunities, including, but not limited to, apprenticeships, entrepreneurship and small business ownership, the military, and the teaching profession, and emphasize the advantages of completing school with marketable skills;
 - b. Career exploration opportunities in the middle school grades;
 - c. Competency-based career and technical education programs that integrate academic outcomes, career guidance, and job-seeking skills for all secondary students. Programs shall be based upon labor market needs and student interest. Career guidance shall include counseling about available employment opportunities and placement services for students exiting school. Each school board shall develop and implement a plan to ensure compliance with the provisions of this subdivision. Such plan shall be developed with the input of area business and industry representatives and local comprehensive community colleges and shall be submitted to the Superintendent of Public Instruction in accordance with the timelines established by federal law;
 - d. Annual notice on its website to enrolled high school students and their parents of (i) the availability of the postsecondary education and employment data published by the State Council of Higher Education on its website pursuant to § 23.1-204.1 and (ii) the opportunity for such students to obtain a nationally recognized career readiness certificate at a local public high school, comprehensive community college, or workforce center; and
 - e. As part of each student's academic and career plan, a list of (i) the top 100 professions in the Commonwealth by median pay and the education, training, and skills required for each such profession and (ii) the top 10 degree programs at institutions of higher education in the Commonwealth by median pay of program graduates. The Department of Education shall annually compile such lists and provide them to each local school board.

4. Educational objectives in middle and high school that emphasize economic education and financial literacy pursuant to § 22.1-200.03.

5. Early identification of students with disabilities and enrollment of such students in appropriate instructional programs consistent with state and federal law.

6. Early identification of gifted students and enrollment of such students in appropriately differentiated instructional programs.

7. Educational alternatives for students whose needs are not met in programs prescribed elsewhere in these standards. Such students shall be counted in average daily membership (ADM) in accordance with the regulations of the Board of Education.

8. Adult education programs for individuals functioning below the high school completion level. Such programs may be conducted by the school board as the primary agency or through a collaborative arrangement between the school board and other agencies.

9. A plan to make achievements for students who are educationally at risk a divisionwide priority that shall include procedures for measuring the progress of such students.

10. An agreement for postsecondary degree attainment with a comprehensive community college in the Commonwealth specifying the options for students to complete an associate degree or a one-year Uniform Certificate of General Studies from a comprehensive community college concurrent with a high school diploma. Such agreement shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher.

11. A plan to notify students and their parents of the availability of dual enrollment and advanced placement classes; career and technical education programs, including internships, externships, apprenticeships, credentialing programs, certification programs, licensure programs, and other work-based learning experiences; the International Baccalaureate Program and Academic Year Governor's School Programs; the qualifications for enrolling in such classes, programs, and experiences; and the availability of financial assistance to low-income and needy students to take the advanced placement and International Baccalaureate examinations. This plan shall include notification to students and parents of the agreement with a comprehensive community college in the Commonwealth to enable students to complete an associate degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma.

12. Identification of students with limited English proficiency and enrollment of such students in appropriate instructional programs, which programs may include dual language programs whereby such students receive instruction in English and in a second language.

13. Early identification, diagnosis, and assistance for students with reading and mathematics problems and provision of instructional strategies and reading and mathematics practices that benefit the development of reading and mathematics skills for all students.

Local school divisions shall provide reading intervention services to students in kindergarten through grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading test or any reading diagnostic test that meets criteria established by the Department of Education. Local school divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Such reading intervention services shall be evidence-based, including services that are grounded in the science of reading, and include (i) the components of effective reading instruction and (ii) explicit, systematic, sequential, and cumulative instruction, to include phonemic awareness, systematic phonics, fluency, vocabulary development, and text comprehension as appropriate based on the student's demonstrated reading deficiencies. The parent of each student who receives such reading intervention services shall be notified before the services begin in accordance with the provisions of § 22.1-215.2, and the progress of each such student shall be monitored throughout the provision of services. Each student who receives such reading intervention services shall be assessed again at the end of that school year. The local school division, in its discretion, shall provide such reading intervention services prior to promoting a student from grade three to grade four. Such reading intervention services may be administered through the use of reading specialists; trained aides; trained volunteers under the supervision of a certified teacher; computer-based reading tutorial programs; aides to instruct in-class groups while the teacher provides direct instruction to the students who need extra assistance; and extended instructional time in the school day or school year for these students. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or early intervention reading may be used to meet the requirements of this subdivision.

Local school divisions shall provide algebra readiness intervention services to students in grades six through nine who are at risk of failing the Algebra I end-of-course test, as demonstrated by their individual performance on any diagnostic test that has been approved by the Department of Education. Local school divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student who receives algebra readiness intervention services will be assessed again at the end of that school year. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or algebra readiness intervention services may be used to meet the requirements of this subdivision.

As used in this subdivision:

"Science of reading" means the study of the relationship between cognitive science and educational outcomes.

14. Incorporation of art, music, and physical education as a part of the instructional program at the elementary school level.

15. A program of physical activity available to all students in grades kindergarten through five consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school year and available to all students in grades six through 12 with a goal of at least 150 minutes per week on average during the regular school year. Such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, (iii) recess, or (iv) other programs and physical activities deemed appropriate by the local school board. Each local school board shall implement such program during the regular school year. *Any physical education class offered to students in grades seven and eight shall include at least one hour of personal safety training per school year in each such grade level that is developed and delivered in partnership with the local law-enforcement agency and consists of situational safety awareness training and social media education.*

16. A program of student services for kindergarten through grade 12 that shall be designed to aid students in their educational, social, and career development.

17. The collection and analysis of data and the use of the results to evaluate and make decisions about the instructional program.

18. A program of instruction in the high school Virginia and U.S. Government course on all information and concepts contained in the civics portion of the U.S. Naturalization Test.

E. From such funds as may be appropriated or otherwise received for such purpose, there shall be established within the Department of Education a unit to (i) conduct evaluative studies; (ii) provide the resources and technical assistance to increase the capacity for school divisions to deliver quality instruction; and (iii) assist school divisions in implementing those programs and practices that will enhance pupil academic performance and improve family and community involvement in the public schools. Such unit shall identify and analyze effective instructional programs and practices and professional development initiatives; evaluate the success of programs encouraging parental and family involvement; assess changes in student outcomes prompted by family involvement; and collect and disseminate among school divisions information regarding effective instructional programs and practices, initiatives promoting family and community involvement, and potential funding and support sources. Such unit may also provide resources supporting professional development for administrators and teachers. In providing such information, resources, and other services to school divisions, the unit shall give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of Learning assessments.

F. Each local school board may enter into agreements for postsecondary course credit, credential, certification, or license attainment, hereinafter referred to as College and Career Access Pathways Partnerships (Partnerships), with comprehensive community colleges or other public institutions of higher education or educational institutions established pursuant to Title 23.1 that offer a career and technical education curriculum. Such Partnerships shall (i) specify the options for students to take courses as part of the career and technical education curriculum that lead to course credit or an industry-recognized credential, certification, or license concurrent with a high school diploma; (ii) specify the credit, credentials, certifications, or licenses available for such courses; and (iii) specify available options for students to participate in pre-apprenticeship and apprenticeship programs at comprehensive community colleges concurrent with the pursuit of a high school diploma and receive college credit and high school credit for successful completion of any such program.

CHAPTER 169

An Act to prohibit certain requirements regarding renewable energy certificates; priority of procurement.

[H 1204]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. *§ 1. Notwithstanding the provisions of subsection C of § 56-585.5 of the Code of Virginia, any Phase I Utility or Phase II Utility, as such terms are defined in subdivision A 1 of § 56-585.1 of the Code of Virginia, shall, for renewable energy portfolio standard (RPS) program compliance years 2023 and 2024, prioritize procurement of renewable energy certificates (RECs) from renewable energy standard sources (RPS eligible sources) located in the Commonwealth, provided that such RECs are cost-competitive when compared with out-of-state sources at the time of procurement. Additionally, to promote economic development in the counties and cities eligible for funding through the Tobacco Commission Region Revitalization Commission, each utility shall include in its annual filing for RPS program compliance years 2023 and 2024 a plan for prioritizing procurement of RECs from RPS eligible sources that are both (i) cost-competitive and (ii) eligible for the Virginia Brownfield and Coal Mine Renewable Energy Grant Fund and Program established pursuant to § 45.2-1725 of the Code of Virginia.*

CHAPTER 170

An Act to amend and reenact § 54.1-2816.1 of the Code of Virginia, relating to continuing education requirements for funeral service licensees, funeral directors, and embalmers.

[H 99]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2816.1 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2816.1. Continuing education requirements; promulgation of regulations.

A. The Board shall promulgate regulations governing continuing education requirements for funeral services licensees, funeral directors, and embalmers licensed by the Board.

B. The Board shall approve criteria for continuing education courses, requiring no more than five hours per year, that are directly related to the respective license and scope of practice of funeral service licensees, funeral directors, and embalmers. Approved continuing education courses shall include; ~~but not be limited to;~~ **at least** one hour per year covering compliance with federal or state laws and regulations governing the profession; ~~and at least or~~ one hour per year covering preneed funeral arrangements, *provided that at least one hour of continuing education in preneed is completed every three years.* Course providers may be required to register continuing education courses with the Board pursuant to Board regulations. The Board shall not allow continuing education credit for courses where the principal purpose of the course is to promote, sell, or offer goods, products, or services to funeral homes.

C. All course providers shall furnish written certification to licensees of the Board attending and completing respective courses, indicating the satisfactory completion of an approved continuing education course. Each course provider shall retain records of all persons attending and those persons satisfactorily completing such continuing education courses for a period of two years following each course. Applicants for renewal or reinstatement of licenses issued pursuant to this article shall retain for a period of two years the written certification issued by any Board-approved provider of continuing education courses. The Board may require course providers or licensees to submit copies of such records or certification, as it deems necessary, to ensure compliance with continuing education requirements.

D. The Board shall have the authority to grant exemptions or waivers in cases of certified illness or undue hardship.

E. The Board may provide for an inactive status for those licensees who do not practice in Virginia. The Board may adopt regulations reducing or waiving continuing education requirements for any licensee granted such inactive status. However, ~~no licensee~~ **licensees** granted inactive status may have their license changed to active status without first obtaining additional continuing education hours as may be determined by the Board. No person or registrant shall practice in Virginia as an embalmer, funeral director, or funeral service licensee unless he holds a current, active license.

CHAPTER 171

An Act to amend and reenact § 32.1-258.1 of the Code of Virginia, relating to Board of Health; fee for Certificate of Birth Resulting in Stillbirth.

[H 91]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-258.1 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-258.1. Certificate of Birth Resulting in Stillbirth; requirements.

Upon the request of either individual listed as the parent on a report of fetal death in the Commonwealth as defined in § 32.1-264, the State Registrar shall issue a Certificate of Birth Resulting in Stillbirth for unintended, intrauterine fetal deaths occurring after a gestational period of 20 weeks or more. The requesting parent may, but shall not be required to, provide a name for the stillborn child on the Certificate of Birth Resulting in Stillbirth. ~~The Board of Health shall prescribe a reasonable fee to cover the administrative cost and preparation of such certificate.~~ This section shall apply retroactively to any circumstances that would have resulted in the issuance of a Certificate of Birth Resulting in Stillbirth, as prescribed by the Board.

CHAPTER 172

An Act to amend and reenact § 32.1-162.9 of the Code of Virginia, relating to Department of Health; home care organizations; license renewal.

[H 93]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-162.9 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-162.9. Licenses required; renewal thereof.

A. No person shall establish or operate a home care organization without a license issued pursuant to this article unless he is exempt from licensure pursuant to § 32.1-162.8. No license to establish or operate a home care organization shall be issued to any person who has been sanctioned pursuant to 42 U.S.C. § 1320a-7b.

B. The Commissioner shall issue or renew a license to establish or operate a home care organization upon application therefor on a form and accompanied by a fee prescribed by the Board if the Commissioner finds that the home care organization is in compliance with the provisions of this article and regulations of the Board, unless the Commissioner determines that no reciprocal agreement for the licensing of home care organizations has been entered into by the Commonwealth with the state in which the applicant resides or with the state in which the applicant's home care organization is licensed to operate. The Commissioner shall not issue or renew a license to establish or operate a home care organization to any applicant who has been sanctioned pursuant to 42 U.S.C. § 1320a-7b.

C. Any licensed home care organization may establish one or more branch offices serving portions of the total geographic area served by the licensee, provided that each branch office operates under the supervision and administrative control of the licensee. The address of each branch office at which services are provided by the licensee shall be submitted to the Department and included on any license issued to the licensee. Branch offices shall be operated under the initial license issued to the home care organization and shall not be required to obtain an additional license. Upon receipt of notice that a home care organization has established a branch office that meets the criteria set forth in this subsection, the Department shall issue an updated license including the address of the newly established branch office to the home care organization within 10 business days.

D. Every applicant for an initial license to establish or operate a home care organization shall include as part of his application proof of initial reserve operating funds in an amount determined by the Board, which shall be sufficient to ensure operation of the home care organization for the three-month period after a license to operate has been issued. Such funds may include cash, cash equivalents that are readily convertible to known amounts of cash and that present insignificant risk of change in value, borrowed funds that are immediately available to the applicant, or a line of credit that is immediately available to the applicant. Proof of funds sufficient to meet the requirements of this subsection shall include a current balance sheet demonstrating availability of cash or cash equivalents, including all borrowed funds, sufficient to meet the requirement for initial reserve operating funds together with a letter from the officer of the bank or other financial institution where the funds are held or a letter of credit from a lender demonstrating the current availability of a line of credit and the amount thereof.

E. Every such license shall expire on the *third* anniversary of its issuance or renewal.

F. The activities and services of each applicant for issuance or renewal of a home care organization license shall be subject to an inspection or examination by the Commissioner to determine if the home care organization is in compliance with the provisions of this article and regulations of the Board.

G. No license issued pursuant to this article may be transferred or assigned.

H. *Upon renewal of a license, the Department shall not require a home care organization to submit financial documents other than those required for initial licensure.*

2. That the fee for renewal of a home care organization license shall be \$1,500 until such time as the Board of Health may amend or repeal regulations for the licensure of home care organizations (12VAC5-381 of the Virginia Administrative Code).

CHAPTER 173

An Act to amend and reenact § 54.1-2601 of the Code of Virginia, relating to volunteer audiologists.

[H 84]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2601 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2601. Exemptions.

This chapter shall not:

1. Prevent any person from engaging, individually or through his employees, in activities for which he is licensed or from using appropriate descriptive words, phrases or titles to refer to his services;
2. Prevent any person employed by a federal, state, county or municipal agency, or an educational institution as a speech or hearing specialist or therapist from performing the regular duties of his office or position;
3. Prevent any student, intern or trainee in audiology or speech-language pathology, pursuing a course of study at an accredited institution of higher education, or working in a recognized training center, under the direct supervision of a licensed or certified audiologist or speech-language pathologist, from performing services constituting a part of his supervised course of study;
4. Prevent a licensed audiologist or speech-language pathologist from employing or using the services of unlicensed persons as necessary to assist him in his practice;

5. Authorize any person, unless otherwise licensed to do so, to prepare, order, dispense, alter or repair hearing aids or parts of or attachments to hearing aids for consideration. However, audiologists licensed under this chapter may make earmold impressions and prepare and alter earmolds for clinical use and research;

6. *Prevent an audiologist from volunteering to provide free health care to an underserved area of the Commonwealth under the auspices of a publicly supported nonprofit organization that sponsors the provision of health care to populations of underserved people if they do so for a period not exceeding three consecutive days and if the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state.*

CHAPTER 174

An Act to require the Department of Social Services to increase public awareness of and to establish a hotline to provide information about infant relinquishment laws and options in the Commonwealth.

[H 50]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Department of Social Services (the Department) shall establish a toll-free, 24-hour hotline to make information about the Commonwealth's safe haven laws that provide for relinquishment of an infant, infant relinquishment locations, and support and resources available for parents available to the public and shall make information about the hotline, including the toll-free number that may be used to contact the hotline, available on its website. The Department shall also undertake a campaign to increase public awareness of the Commonwealth's laws providing for relinquishment of an infant and the hotline established pursuant to this act.*

CHAPTER 175

An Act to amend and reenact §§ 10.1-408 and 10.1-413 of the Code of Virginia, relating to James State Scenic River.

[H 49]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. **That §§ 10.1-408 and 10.1-413 of the Code of Virginia are amended and reenacted as follows:**

§ 10.1-408. Uses not affected by scenic river designation.

A. Except as provided in § 10.1-407, all riparian land and water uses along or in the designated section of a river that are permitted by law shall not be restricted by this chapter.

B. Designation as a scenic river shall not be used:

1. To designate the lands along the river and its tributaries as unsuitable for mining pursuant to § 45.2-1028 or regulations promulgated with respect to such section, or as unsuitable for use as a location for a surface mineral mine as defined in § 45.2-1101; however, the Department shall still be permitted to exercise the powers granted under § 10.1-402; or

2. To be a criterion for purposes of imposing water quality standards under the federal Clean Water Act.

C. Nothing in this chapter shall preclude the federal government, the Commonwealth, or a locality or local governing body from using, constructing, reconstructing, replacing, repairing, operating, or performing necessary maintenance on any road or bridge.

D. Nothing in § 10.1-413, 10.1-414, or 10.1-418.6 shall preclude the Commonwealth or a local governing body or authority from constructing, reconstructing, operating, or performing necessary maintenance on any transportation or public water supply project.

E. Nothing in this chapter shall preclude the continued:

1. Use, operation, and maintenance of the existing Loudoun County Sanitation Authority water impoundment or the installation of new water intake facilities in the existing reservoir located within the section of Goose Creek designated by § 10.1-411;

2. Operation and maintenance of existing dams in the section of the Rappahannock River designated by § 10.1-415;

3. Operation, maintenance, alteration, expansion, or destruction of the Embrey Dam or its appurtenances by the City of Fredericksburg, including the old VEPCO canal and the existing City Reservoir behind the Embrey Dam, or any other part of the City's waterworks; or

4. Operation and maintenance of existing dams in the section of the Clinch River designated by § 10.1-410.2.

F. The City of Richmond shall be allowed to reconstruct, operate, and maintain existing facilities at the Byrd Park and Hollywood Hydroelectric Power Stations at current capacity. Nothing in this chapter shall be construed to prevent the Commonwealth, the City of Richmond, or any common carrier railroad from constructing or reconstructing floodwalls or public common carrier facilities that may traverse the section of the James River designated by § 10.1-412, such as road or railroad bridges, raw water intake structures, or water or sewer lines that would be constructed below water level.

G. The owner of the Harvell Dam in the City of Petersburg may construct, reconstruct, operate, and maintain the Harvell Dam subject to other law and regulation.

H. Nothing in this chapter shall preclude the Commonwealth, the City of Fredericksburg, or ~~the County of Stafford, Spotsylvania, or Culpeper, Spotsylvania, or Stafford County~~ from constructing any new raw water intake structures or devices, including pipes and reservoirs but not dams, or laying water or sewer lines below water level.

I. Nothing in this chapter shall:

1. Preclude the construction, operation, repair, maintenance, or replacement of (i) a natural gas pipeline for which the State Corporation Commission has issued a certificate of public convenience and necessity or any connections with such pipeline owned by the Richmond Gas Utility and connected to such pipeline or (ii) the natural gas pipeline, case number PUE 860065, for which the State Corporation Commission has issued a certificate of public convenience and necessity; ~~or~~

2. Be construed to prevent the construction, use, operation, and maintenance of a natural gas pipeline (i) traversing the portion of the river designated by § 10.1-411.1 at, or at any point north of, the existing power line that is located approximately 200 feet north of the northern entrance to the Swede Tunnel or (ii) on or beneath the two existing railroad trestles, one located just south of the Swede Tunnel and the other located just north of the confluence of the Guest River with the Clinch River, or to prevent the use, operation, and maintenance of such railroad trestles in furtherance of the construction, operation, use, and maintenance of such pipeline; ~~or~~

3. *Preclude the construction, use, operation, maintenance, replacement, or removal of any asset owned or operated by an entity organized pursuant to Chapter 9.1 (§ 56-231.15 et seq.) of Title 56 traversing the portion of the river designated by § 10.1-413 at or any point between the confluence of Allen's Creek and the James River and the confluence of David Creek and the James River.*

§ 10.1-413. James State Scenic River.

The James River in Botetourt and Rockbridge Counties, including the Towns of Buchanan and Glasgow, from its origination at the confluence of the Jackson and Cowpasture Rivers running approximately 59 miles southeastward to the Rockbridge-Amherst-Bedford County line and the James River in *Nelson, Appomattox, Albemarle, Buckingham, and Fluvanna Counties from one mile upstream of Warren boat ramp running approximately 20 miles to New Canton the confluence of Allens Creek running approximately 57 miles to Stearnes* are hereby designated as the James State Scenic River, components of the Virginia Scenic Rivers System.

2. That the provisions of Chapter 4 (§ 10.1-400 et seq.) of Title 10.1 of the Code of Virginia shall not apply prior to July 1, 2027, to any water supply project undertaken by a locality or authority within the portion of the James State Scenic River designated as a state scenic river pursuant to this act.

CHAPTER 176

An Act to amend and reenact § 38.2-3221 of the Code of Virginia, relating to standard nonforfeiture provisions for life insurance; minimum nonforfeiture amounts; interest rates.

[H 44]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-3221 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-3221. Minimum values.

A. The minimum values specified in §§ 38.2-3222 through 38.2-3225 and 38.2-3227 of any paid-up annuity, cash surrender or death benefits available under an annuity contract shall be based upon the minimum nonforfeiture amounts defined in this section and applied as follows:

1. For contracts issued before April 1, 2003, the amounts shall be determined in accordance with subsections B, C, and D.
2. For contracts issued on or after April 1, 2003, and before July 1, 2004, the amounts shall be determined in accordance with the applicable provisions of subsections B, C, D, and E ~~of this section~~.
3. For contracts issued on or after July 1, 2004, and before July 1, 2005, the amounts shall be determined in accordance with the applicable provisions of subsections B, C, D, and E ~~of this section~~ unless the insurer makes the election authorized by subsection F ~~of this section~~, in which case the amounts shall be determined in accordance with subdivisions F 1 through F 4.
4. For contracts issued on or after July 1, 2005, the amounts shall be determined in accordance with subdivisions F 1 through F 4.

B. 1. For contracts providing for flexible considerations, the minimum nonforfeiture amount at or any time before the beginning of any annuity payments shall equal any accumulation up to that time at an annual rate of interest of three percent of percentages of the net considerations as defined in this subsection, paid prior to that time, increased by an existing additional amount credited by the insurer to the contract and decreased by the sum of:

a. Any prior withdrawals from or partial surrenders of the contract accumulated at a rate of interest of three percent per year; and

b. The amount of any indebtedness to the insurer on the contract, including interest due and accrued.

2. The net considerations for a given contract year used to define the minimum nonforfeiture amount shall be not less than zero and shall equal the corresponding gross considerations credited to the contract during that contract year less an annual contract charge of \$30 and less a collection charge of \$1.25 per consideration credited to the contract during that contract year. The percentages of net considerations shall be 65 percent of the net consideration for the first contract year

and 87 1/2 percent of the net considerations for the second and later contract years. Notwithstanding the provisions of the preceding sentence, the percentage shall be 65 percent of the portion of the total net consideration for any renewal contract year that exceeds by not more than two times the sum of those portions of the net considerations in all prior contract years for which the percentage was 65 percent.

C. For contracts providing for fixed scheduled considerations, minimum nonforfeiture amounts shall be calculated on the assumption that considerations are paid annually in advance and shall be the same as for contracts with flexible considerations that are paid annually with two exceptions:

1. The portion of the net consideration for the first contract year to be accumulated shall be the sum of 65 percent of the net consideration for the first contract year plus 22 1/2 percent of the excess of the net consideration for the first contract year over the lesser of the net considerations for the second and third contract years.

2. The annual contract charge shall be the lesser of (i) \$30 or (ii) 10 percent of the gross annual consideration.

D. For contracts providing for a single consideration, minimum nonforfeiture amounts shall be the same as for contracts with flexible considerations except that the percentage of net consideration used to determine the minimum nonforfeiture amount shall equal 90 percent, and the net consideration shall be the gross consideration less a contract charge of \$75.

E. Notwithstanding any other provision of this section, for any contract issued on or after April 1, 2003, and before July 1, 2005, the interest rate at which net considerations, partial withdrawals, and partial surrenders may be accumulated, for the purposes of determining minimum nonforfeiture amounts, may be one and one-half percent per year.

F. The following provisions shall apply for contracts issued on or after July 1, 2005, and at the election of the insurer may apply also to specified contracts issued on or after July 1, 2004. An insurer may make this election on a contract-form-by-contract-form basis by filing written notice with the Commission and specifying a date for the provisions to apply prior to July 1, 2005.

1. The minimum nonforfeiture amount at or any time before the beginning of any annuity payments shall equal an accumulation up to that time at rates of interest, as indicated in subdivision 3 of this subsection, of the net considerations as defined in this subsection, paid prior to that time, and decreased by the sum of:

a. Any prior withdrawals from or partial surrenders of the contract accumulated at rates of interest as indicated in subdivision 3 of this subsection;

b. An annual contract charge of \$50, accumulated at rates of interest as indicated in subdivision 3 of this subsection;

c. Any premium tax paid by the insurer for the contract, accumulated at rates of interest as indicated in subdivision 3 of this subsection, adjusted for any tax that is not actually paid or which has been credited back to the insurer, such as upon early termination of the contract; and

d. The amount of any indebtedness to the insurer on the contract, including interest due and accrued.

2. The net considerations for a given contract year used to define the minimum nonforfeiture amount shall be equal to 87.5 percent of the gross considerations credited to the contract during that contract year.

3. The interest rate used in determining minimum nonforfeiture amounts shall be an annual rate of interest determined as the lesser of three percent per annum and the following, which shall be specified in the contract if the interest rate will be reset:

a. The five-year Constant Maturity Treasury Rate reported by the Federal Reserve as of a date, or average over a period, rounded to the nearest one-twentieth of one percent, specified in the contract no longer than 15 months prior to the contract issue date or redetermination date under this subdivision;

b. Reduced by 125 basis points;

c. Where the resulting interest rate is not less than ~~one percent~~ 15 basis points (0.15 percent); and

d. The interest rate shall apply for an initial period and may be redetermined for additional periods. The redetermination date, basis and period, if any, shall be stated in the contract. The basis is the date or average over a specified period that produces the value of the five-year Constant Maturity Treasury Rate to be used at each redetermination date.

4. During the period or term that a contract provides substantive participation in an equity indexed benefit, it may increase the reduction described in subdivision 3 b of this subsection by up to an additional 100 basis points to reflect the value of the equity index benefit. The present value at the contract issue date, and at each redetermination date thereafter, of the additional reduction shall not exceed the market value of the benefit. The Commission may require a demonstration that the present value of the additional reduction does not exceed the market value of the benefit. Where administration is lacking or unacceptable, the Commission may, at its discretion, disallow or limit the additional reduction.

G. The Commission may adopt rules and regulations to implement the provisions of subdivision F 4 of this section and to provide for further adjustments to the calculation of minimum nonforfeiture amounts for contracts that provide substantive participation in an equity index benefit and for other contracts for which the Commission determines adjustments are justified.

CHAPTER 177

An Act to amend and reenact § 30-209 of the Code of Virginia, relating to waste coal; removal in the public interest; Commission on Electric Utility Regulation; sunset.

[H 1326]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 30-209 of the Code of Virginia is amended and reenacted as follows:

§ 30-209. Sunset.

This chapter shall expire on July 1, ~~2022~~ 2024.

2. That in furtherance of the need to address the environmental hazards of abandoned coal mines, the removal of waste coal from previously mined sites in the coalfield region of the Commonwealth, as described in § 15.2-6002 of the Code of Virginia, is in the public interest. For the purposes of this act, "waste coal" means usable material that is a by-product of previous coal processing operations.

3. That the Commission on Electric Utility Regulation may review information on the approximate volume and number of waste coal piles present in the coalfield region of the Commonwealth, as described in § 15.2-6002 of the Code of Virginia, and options for cleaning up such waste coal piles.

CHAPTER 178

An Act to amend and reenact § 15.2-2209.1:1 of the Code of Virginia, relating to local land use approvals; extension of approvals to address the COVID-19 pandemic.

[H 272]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2209.1:1 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2209.1:1. Extension of approvals to address the COVID-19 pandemic.

A. Notwithstanding any time limits for validity set out in § 15.2-2260 or 15.2-2261, any subdivision plat valid under § 15.2-2260 and outstanding as of July 1, 2020, and any recorded plat or final site plan valid under § 15.2-2261 and outstanding as of July 1, 2020, shall remain valid until July 1, ~~2022~~ 2023, or such later date as may be provided for by the terms of the locality's approval, local ordinance, resolution, or regulation. Any other plan or permit associated with such plat or site plan extended by this subsection is similarly extended for the same time period.

B. Notwithstanding any other provision of this chapter, for any valid special exception, special use permit, or conditional use permit, or any modifications thereto, outstanding as of July 1, 2020, any deadline in the exception permit, or in the local zoning ordinance that requires the landowner or developer to commence the project or incur significant expenses related to improvements for the project within a certain time, is extended until July 1, ~~2022~~ 2023, or such longer period as may be agreed to by the locality.

C. Notwithstanding any other provision of this chapter, for any rezoning approved pursuant to § 15.2-2297, 15.2-2298, or 15.2-2303 and valid and outstanding as of July 1, 2020, any proffered condition that requires the landowner or developer to incur significant expenses upon the occurrence of an event related to a stage or level of development is extended until July 1, ~~2022~~ 2023, or longer as may be agreed to by the locality. However, the extensions in this subsection do not apply (i) to proffered dedications of land or rights-of-way pursuant to § 15.2-2297, 15.2-2298, or 15.2-2303 or (ii) when completion of the event related to the stage or level of development has already occurred.

D. The extension of validity provided in subsection A and the extension of deadlines as provided in subsection B will be effective only if any unreleased performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the proposed development are continued in force. However, if the locality has enacted a bonding moratorium or deferral program, the performance bonds and agreements or other financial guarantees of completion may be waived or modified by the locality, in which case the provisions of subsections A and B apply. The landowner or developer must comply with the terms of any bonding moratorium or deferral agreement with the locality in order for the extensions referred to in this subsection to be effective.

2. That nothing in this act shall be construed to extend any provision of § 15.2-2209.1 of the Code of Virginia; however, any time limits for validity for any subdivision plat or any recorded plat or final site plan that expired June 30, 2020, pursuant to § 15.2-2209.1 or otherwise, may be extended by the terms of the locality's approval, local ordinance, resolution or regulation, or by agreement of the locality.

CHAPTER 179

An Act to amend and reenact § 15.2-2209.1:1 of the Code of Virginia, relating to local land use approvals; extension of approvals to address the COVID-19 pandemic.

[S 501]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 15.2-2209.1:1 of the Code of Virginia is amended and reenacted as follows:****§ 15.2-2209.1:1. Extension of approvals to address the COVID-19 pandemic.**

A. Notwithstanding any time limits for validity set out in § 15.2-2260 or 15.2-2261, any subdivision plat valid under § 15.2-2260 and outstanding as of July 1, 2020, and any recorded plat or final site plan valid under § 15.2-2261 and outstanding as of July 1, 2020, shall remain valid until July 1, ~~2022~~ 2023, or such later date as may be provided for by the terms of the locality's approval, local ordinance, resolution, or regulation. Any other plan or permit associated with such plat or site plan extended by this subsection is similarly extended for the same time period.

B. Notwithstanding any other provision of this chapter, for any valid special exception, special use permit, or conditional use permit, or any modifications thereto, outstanding as of July 1, 2020, any deadline in the exception permit, or in the local zoning ordinance that requires the landowner or developer to commence the project or incur significant expenses related to improvements for the project within a certain time, is extended until July 1, ~~2022~~ 2023, or such longer period as may be agreed to by the locality.

C. Notwithstanding any other provision of this chapter, for any rezoning approved pursuant to § 15.2-2297, 15.2-2298, or 15.2-2303 and valid and outstanding as of July 1, 2020, any proffered condition that requires the landowner or developer to incur significant expenses upon the occurrence of an event related to a stage or level of development is extended until July 1, ~~2022~~ 2023, or longer as may be agreed to by the locality. However, the extensions in this subsection do not apply (i) to proffered dedications of land or rights-of-way pursuant to § 15.2-2297, 15.2-2298, or 15.2-2303 or (ii) when completion of the event related to the stage or level of development has already occurred.

D. The extension of validity provided in subsection A and the extension of deadlines as provided in subsection B will be effective only if any unreleased performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the proposed development are continued in force. However, if the locality has enacted a bonding moratorium or deferral program, the performance bonds and agreements or other financial guarantees of completion may be waived or modified by the locality, in which case the provisions of subsections A and B apply. The landowner or developer must comply with the terms of any bonding moratorium or deferral agreement with the locality in order for the extensions referred to in this subsection to be effective.

2. That nothing in this act shall be construed to extend any provision of § 15.2-2209.1 of the Code of Virginia; however, any time limits for validity for any subdivision plat or any recorded plat or final site plan that expired June 30, 2020, pursuant to § 15.2-2209.1 or otherwise, may be extended by the terms of the locality's approval, local ordinance, resolution, or regulation, or by agreement of the locality.

CHAPTER 180

An Act to amend and reenact §§ 38.2-1902, 38.2-2218, and 38.2-2219 of the Code of Virginia and to repeal § 38.2-3515 of the Code of Virginia, relating to insurance; exceptions to the regulation of rates; notice provisions; repeal airtrip accident policy provision.

[H 62]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:**1. That §§ 38.2-1902, 38.2-2218, and 38.2-2219 of the Code of Virginia are amended and reenacted as follows:****§ 38.2-1902. Scope of chapter.**

A. Except as provided in subsection B ~~of this section~~, this chapter applies to the classes of insurance defined in §§ 38.2-110 through 38.2-122, 38.2-124 through 38.2-128 and 38.2-130 through 38.2-133.

B. This chapter does not apply to:

1. Insurance written through the Virginia Workers' Compensation Plan pursuant to Chapter 20 (§ 38.2-2000 et seq.) of this title;
2. Insurance on a specific risk as provided in § 38.2-1920;
3. Reinsurance, other than joint reinsurance, to the extent stated in § 38.2-1915;
4. Life insurance as defined in § 38.2-102;
5. Annuities as defined in §§ 38.2-106 and 38.2-107;
6. Accident and sickness insurance as defined in § 38.2-109;
7. Title insurance as defined in § 38.2-123;

8. Insurance of vessels or craft used primarily in a trade or business, their cargoes, marine builders' risks and marine protection and indemnity;

9. Insurance against loss of or damage to hulls of aircraft, including their accessories and equipment, or against liability, other than workers' compensation and employers' liability, arising out of the ownership, maintenance or use of aircraft;

10. ~~Automobile bodily injury and property damage liability insurance issued to: (i) any motor carrier of property who is required to file such insurance with the Department of Motor Vehicles pursuant to § 46.2-2053 or any amendment to that section; or (ii) any motor carrier of property required by 49 U.S.C.A. § 315, or any rule or regulation prescribed by the Interstate Commerce Commission pursuant to 49 U.S.C.A. § 315, to file such insurance with the Interstate Commerce Commission;~~

44. Insurance written through the Virginia Automobile Insurance Plan. However, § 38.2-1905 shall apply to insurance written through the Plan;

~~42- 11. Insurance provided pursuant to Chapter 27 (§ 38.2-2700 et seq.) of this title;~~

~~43- 12. Home protection contracts as defined by § 38.2-2600 and their rates until such time as the Commission determines there is sufficient competition in the industry as provided by § 38.2-2608.~~

C. This chapter shall not apply to any class of insurance written (i) by any mutual assessment property and casualty insurance company organized and operating under the laws of this Commonwealth and doing business only in this Commonwealth or (ii) by any mutual insurance company or association organized under the laws of this Commonwealth, conducting business only in this Commonwealth, and issuing only policies providing for perpetual insurance.

§ 38.2-2218. Adoption of standard forms for motor vehicle insurance.

The Commission shall prepare a standard form whenever it believes that any form of policy or any form of rider, endorsement, or other supplemental agreement or provision, for use in connection with any contract of motor vehicle insurance to be issued or delivered upon any motor vehicle principally garaged or principally used in this Commonwealth, is so extensively used that a standard form is desirable. The Commission shall file a copy of the standard form in its office and shall provide by order that, at least ~~thirty~~ 30 days after the order, the form shall become a standard form for use by all insurers unless objection to the proposed form is filed with the Commission within ~~twenty~~ 20 days after the entry of the order. The Commission shall ~~mail a copy~~ provide notice of its order to all insurers licensed to transact the class of insurance to which the form is applicable, and to all rate service and advisory organizations representing those insurers.

§ 38.2-2219. Hearing on objections to the form.

If any insurer or rate service organization affected by an order entered pursuant to § 38.2-2218 files objections to a proposed standard form within the time prescribed in the Commission's order, the Commission shall rescind the order and shall ~~notify~~ provide notice of the rescission to all insurers and rate service organizations affected by the order that on a day specified in the notice, which shall be at least ~~thirty~~ 30 days from the date on which the objections are received, it will hold a public hearing on the adoption of the proposed form, and that at the hearing any person interested may appear and be heard. After the hearing the Commission may by order confirm or amend the proposed form and set a day, at least ~~thirty~~ 30 days after the entry of the order, when the approved form shall become a standard form for use by all insurers. The Commission may by ~~the~~ order refuse to adopt the proposed form.

2. That § 38.2-3515 of the Code of Virginia is repealed.

CHAPTER 181

An Act to amend and reenact § 15.2-2232 of the Code of Virginia, relating to comprehensive plan; public hearing.

[H 648]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2232 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2232. Legal status of plan.

A. Whenever a local planning commission recommends a comprehensive plan or part thereof for the locality and such plan has been approved and adopted by the governing body, it shall control the general or approximate location, character and extent of each feature shown on the plan. Thereafter, unless a feature is already shown on the adopted master plan or part thereof or is deemed so under subsection D, no street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than a railroad facility or an underground natural gas or underground electric distribution facility of a public utility as defined in subdivision (b) of § 56-265.1 within its certificated service territory, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof. In connection with any such determination, the commission may, and at the direction of the governing body shall, hold a public hearing, after notice as required by § 15.2-2204. Following the adoption of the Statewide Transportation Plan by the Commonwealth Transportation Board pursuant to § 33.2-353 and written notification to the affected local governments, each local government through which one or more of the designated corridors of statewide significance traverses, shall, at a

minimum, note such corridor or corridors on the transportation plan map included in its comprehensive plan for information purposes at the next regular update of the transportation plan map. Prior to the next regular update of the transportation plan map, the local government shall acknowledge the existence of corridors of statewide significance within its boundaries.

B. The commission shall communicate its findings to the governing body, indicating its approval or disapproval with written reasons therefor. The governing body may overrule the action of the commission by a vote of a majority of its membership. Failure of the commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval. The owner or owners or their agents may appeal the decision of the commission to the governing body within 10 days after the decision of the commission. The appeal shall be by written petition to the governing body setting forth the reasons for the appeal. The appeal shall be heard and determined within 60 days from its filing. A majority vote of the governing body shall overrule the commission.

C. Widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas shall likewise be submitted for approval, but paving, repair, reconstruction, improvement, drainage or similar work and normal service extensions of public utilities or public service corporations shall not require approval unless such work involves a change in location or extent of a street or public area.

D. Any public area, facility, *park* or use as set forth in subsection A which is identified within, but not the entire subject of, a submission under either § 15.2-2258 for subdivision or subdivision A 8 of § 15.2-2286 for development or both may be deemed a feature already shown on the adopted master plan, and, therefore, excepted from the requirement for submittal to and approval by the commission or the governing body; provided, that the governing body has by ordinance or resolution defined standards governing the construction, establishment or authorization of such public area, facility, *park* or use or has approved it through acceptance of a proffer made pursuant to § 15.2-2303.

E. Approval and funding of a public telecommunications facility on or before July 1, 2012, by the Virginia Public Broadcasting Board pursuant to Article 12 (§ 2.2-2426 et seq.) of Chapter 24 of Title 2.2 or after July 1, 2012, by the Board of Education pursuant to § 22.1-20.1 shall be deemed to satisfy the requirements of this section and local zoning ordinances with respect to such facility with the exception of television and radio towers and structures not necessary to house electronic apparatus. The exemption provided for in this subsection shall not apply to facilities existing or approved by the Virginia Public Telecommunications Board prior to July 1, 1990. The Board of Education shall notify the governing body of the locality in advance of any meeting where approval of any such facility shall be acted upon.

F. On any application for a telecommunications facility, the commission's decision shall comply with the requirements of the Federal Telecommunications Act of 1996. Failure of the commission to act on any such application for a telecommunications facility under subsection A submitted on or after July 1, 1998, within 90 days of such submission shall be deemed approval of the application by the commission unless the governing body has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The governing body may extend the time required for action by the local commission by no more than 60 additional days. If the commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed approved by the commission.

G. A proposed telecommunications tower or a facility constructed by an entity organized pursuant to Chapter 9.1 (§ 56-231.15 et seq.) of Title 56 shall be deemed to be substantially in accord with the comprehensive plan and commission approval shall not be required if the proposed telecommunications tower or facility is located in a zoning district that allows such telecommunications towers or facilities by right.

H. A solar facility subject to subsection A shall be deemed to be substantially in accord with the comprehensive plan if (i) such proposed solar facility is located in a zoning district that allows such solar facilities by right; (ii) such proposed solar facility is designed to serve the electricity or thermal needs of the property upon which such facility is located, or will be owned or operated by an eligible customer-generator or eligible agricultural customer-generator under § 56-594 or 56-594.01 or by a small agricultural generator under § 56-594.2; or (iii) the locality waives the requirement that solar facilities be reviewed for substantial accord with the comprehensive plan. All other solar facilities shall be reviewed for substantial accord with the comprehensive plan in accordance with this section. However, a locality may allow for a substantial accord review for such solar facilities to be advertised and approved concurrently in a public hearing process with a rezoning, special exception, or other approval process.

CHAPTER 182

An Act to amend and reenact § 65.2-709 of the Code of Virginia, relating to workers' compensation; cost of living supplements.

[S 677]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 65.2-709 of the Code of Virginia is amended and reenacted as follows:

§ 65.2-709. Cost of living supplements for total incapacity and dependents of deceased.

A. ~~In the event that the~~ Cost of living supplements shall be payable under this section if:

1. The combined disability benefit entitlement of a claimant or his dependents under this title and the ~~Federal~~ federal Old-Age, Survivors, and Disability Insurance ~~Act~~ program is less than ~~eighty~~ 80 percent of the average monthly earnings of the claimant before disability or death; or

2. The claimant or his dependents are receiving disability payments under this title but not benefits under the federal Old-Age, Survivors, and Disability Insurance program.

Such cost of living supplements shall be payable, in addition to the other benefits payable under this title, in accordance with the provisions of this section to those recipients of awards resulting from occupational disease, accident, or death occurring on or after July 1, 1975, under § 65.2-500, subsection C of § 65.2-503, subdivision A 4 of § 65.2-504, and §§ 65.2-512 and 65.2-513. For purposes of determining the monthly amount of combined disability entitlement received by a claimant pursuant to subdivision A 1, the claimant may deduct any monthly amounts paid for Medicare.

B. The Commission may require the claimant to present evidence of filing for ~~Federal~~ federal Old-Age, Survivors, and Disability Insurance benefits in order to establish eligibility under ~~this section~~ subdivision A 1 and also may require the claimant to furnish the employer with the decision on his claim for such federal benefits.

C. The amounts of supplementary payments provided for herein shall be determined by using a compounding method of computation annually. The percentage of change shall be determined by reference to the increase, if any, in the United States Average Consumer Price Index for all items, as published by the Bureau of Labor Statistics of the ~~United States~~ U.S. Department of Labor, from its monthly average, from one calendar year to another.

D. Amounts of supplementary payments shall be based on the percentage increase, if any, in the Average Consumer Price Index for all items adjusted annually. Any change in the cost of living supplement determined as of any determination date shall become effective as of October 1 next following such determination date and, as the case may be, shall be added to or subtracted from any cost of living supplements previously payable; however, compensation paid the claimant under this section shall at no time exceed the then current maximum weekly amount payable under § 65.2-500.

CHAPTER 183

An Act to amend and reenact §§ 46.2-104, 46.2-227, 46.2-603, and 46.2-692 of the Code of Virginia, relating to electronic credentials.

[S 34]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-104, 46.2-227, 46.2-603, and 46.2-692 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-104. Possession of registration cards; exhibiting registration card and licenses; failure to carry license or registration card.

The operator of any motor vehicle, trailer, or semitrailer being operated on the highways in the Commonwealth; shall have in his possession: (i) the *physical* registration card issued by the Department or the registration card issued by the state or country in which the motor vehicle, trailer, or semitrailer is registered; and (ii) his driver's license, learner's permit, or temporary driver's permit.

The owner or operator of any motor vehicle, trailer, or semitrailer shall stop on the signal of any law-enforcement officer who is in uniform or shows his badge or other sign of authority and shall, on the officer's request, exhibit his registration card, driver's license, learner's permit, or temporary driver's permit and write his name in the presence of the officer, if so required, for the purpose of establishing his identity.

Every person licensed by the Department as a driver or issued a learner's or temporary driver's permit who fails to carry his license or permit, and the registration card for the vehicle which he operates, ~~shall be~~ is guilty of a traffic infraction and upon conviction punished by a fine of ~~ten dollars~~ \$10. However, if any person summoned to appear before a court for failure to display his license, permit, or registration card presents, before the return date of the summons, to the court a license or permit issued to him prior to the time the summons was issued or a registration card, as the case may be, or appears pursuant to the summons and produces before the court a license or permit issued to him prior to the time the summons was issued or a registration card, as the case may be, he shall, upon payment of all applicable court costs, have complied with the provisions of this section.

§ 46.2-227. Fees.

A. The Department shall assess a fee of *up to* \$10 per year for each individual who is issued electronic credentials by the Department or is granted access to an electronic credential issued in accordance with an agreement pursuant to the provisions of subsection C of § 46.2-226.

B. The Department shall assess a fee pursuant to § 46.2-214 for searches of the verification system.

C. Pursuant to § 46.2-214, the fees received by the Department pursuant to this section shall be paid into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

§ 46.2-603. Issuance of certificate of title and registration card.

A. The Department, on receiving an application for a certificate of title for a motor vehicle, trailer, or semitrailer, shall issue to the owner a certificate of title and a registration card as separate documents.

B. Subject to all applicable federal laws, the Department may refrain from issuing a certificate of title in paper form and, instead, shall create only the electronic record of such title to be retained by the Department in its existing electronic title record system with a notation that no certificate of title has been printed on paper. The owner of a vehicle will be deemed to have obtained and the Department will be deemed to have issued a certificate of title when such title record has been created electronically as provided in this subsection. An owner or lienholder listed on a title record so created may at any time request and the Department shall provide a paper certificate of title for the vehicle. Except as provided in § 46.2-603.1, all transfers of vehicle ownership shall require a paper certificate of title in accordance with, and subject to, all applicable federal laws.

C. *The Department may issue an electronic registration card to an individual who holds a valid physical registration card that the Department is authorized to issue. If the Department issues an electronic registration card, the registration card shall be issued in addition to, and not instead of, the underlying physical registration card for which a person is eligible. No electronic registration card shall be issued unless the applicant holds the corresponding physical registration card. The possession or display of an electronic registration card shall not relieve a person from the requirements of any state law or regulation or local ordinance or regulation requiring the possession or display of the physical credential. Any provision of state law or regulation or local ordinance or regulation that may be satisfied by the display or possession of a physical registration card may be satisfied by displaying or possessing an electronic registration card issued pursuant to this section at the discretion of the person to whom it is presented and subject to the conditions of this section.*

§ 46.2-692. Fee for replacement of indicia of titling and registration.

The fee for the replacement or duplication of license plates, decals, registration cards, or certificates of title ~~which are lost, mutilated or illegible~~ shall be as follows:

1. For any type of replacement or duplication of vehicle registration cards, International Registration Plan cab cards, registration cards for overload permits, or dealer registration cards, \$2, except that no fee shall be charged for the replacement or duplication of a vehicle registration card or registration card for overload permit that is conducted using the Internet;
2. For a certificate of title, \$5;
3. For license plates or license plates with decals, \$10;
4. For a license plate with decals issued for trailers, \$5; and
5. For one or two decals, \$1.

CHAPTER 184

An Act to amend and reenact §§ 32.1-263 and 54.1-2972 of the Code of Virginia, relating to nurse practitioners; declaration of death and cause of death.

[H 286]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-263 and 54.1-2972 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-263. Filing death certificates; medical certification; investigation by Office of the Chief Medical Examiner.

A. A death certificate, including, if known, the social security number or control number issued by the Department of Motor Vehicles pursuant to § 46.2-342 of the deceased, shall be filed for each death that occurs in the Commonwealth. Non-electronically filed death certificates shall be filed with the registrar of any district in the Commonwealth within three days after such death and prior to final disposition or removal of the body from the Commonwealth. Electronically filed death certificates shall be filed with the State Registrar of Vital Records through the Electronic Death Registration System within three days after such death and prior to final disposition or removal of the body from the Commonwealth. Any death certificate shall be registered by such registrar if it has been completed and filed in accordance with the following requirements:

1. If the place of death is unknown, but the dead body is found in the Commonwealth, the death shall be registered in the Commonwealth and the place where the dead body is found shall be shown as the place of death. If the date of death is unknown, it shall be determined by approximation, taking into consideration all relevant information, including information provided by the immediate family regarding the date and time that the deceased was last seen alive, if the individual died in his home; and
2. When death occurs in a moving conveyance, in the United States of America and the body is first removed from the conveyance in the Commonwealth, the death shall be registered in the Commonwealth and the place where it is first removed shall be considered the place of death. When a death occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the body is first removed from the conveyance in the Commonwealth, the death shall be registered in the Commonwealth but the certificate shall show the actual place of death insofar as can be determined.

B. The licensed funeral director, funeral service licensee, office of the state anatomical program, or next of kin as defined in § 54.1-2800 who first assumes custody of a dead body shall complete the certificate of death. He shall obtain

personal data of the deceased necessary to complete the certificate of death, including the social security number of the deceased or control number issued to the deceased by the Department of Motor Vehicles pursuant to § 46.2-342, from the best qualified person or source available and obtain the medical certification from the person responsible therefor.

If a licensed funeral director, funeral service licensee, or representative of the office of the state anatomical program completes the certificate of death, he shall file the certificate of death with the State Registrar of Vital Records electronically using the Electronic Death Registration System and in accordance with the requirements of subsection A. If a member of the next of kin of the deceased completes the certificate of death, he shall file the certificate of death in accordance with the requirements of subsection A but shall not be required to file the certificate of death electronically.

C. The medical certification shall be completed and filed electronically with the State Registrar of Vital Records using the Electronic Death Registration System within 24 hours after death by the physician *or autonomous nurse practitioner* in charge of the patient's care for the illness or condition ~~which~~ *that* resulted in death except when inquiry or investigation by the Office of the Chief Medical Examiner is required by § 32.1-283 or 32.1-285.1, or by the physician ~~that~~ *or autonomous nurse practitioner who* pronounces death pursuant to § 54.1-2972. If the death occurred while under the care of a hospice provider, the medical certification shall be completed by the decedent's health care provider and filed electronically with the State Registrar of Vital Records using the Electronic Death Registration System for completion of the death certificate.

In the absence of such physician *or autonomous nurse practitioner* or with his approval, the certificate may be completed and filed by the following: (i) another physician *or autonomous nurse practitioner* employed or engaged by the same professional practice; (ii) a physician assistant supervised by such physician; (iii) a nurse practitioner *who is not an autonomous nurse practitioner* practicing in accordance with the provisions of § 54.1-2957; (iv) the chief medical officer or medical director, or his designee, of the institution, hospice, or nursing home in which death occurred; (v) a physician *or autonomous nurse practitioner* specializing in the delivery of health care to hospitalized or emergency department patients who is employed by or engaged by the facility where the death occurred; (vi) the physician who performed an autopsy upon the decedent; (vii) an individual to whom the physician *or autonomous nurse practitioner* has delegated authority to complete and file the certificate, if such individual has access to the medical history of the case and death is due to natural causes; or (viii) a physician who is not licensed by the Board of Medicine who was in charge of the patient's care for the illness or condition that resulted in death. A physician described in clause (viii) who completes a certificate in accordance with this subsection shall not be required to register with the Electronic Death Registration System or complete the certificate electronically.

As used in this subsection, "autonomous nurse practitioner" has the same meaning as provided in § 54.1-2972.

D. When inquiry or investigation by the Office of the Chief Medical Examiner is required by § 32.1-283 or 32.1-285.1, the Chief Medical Examiner shall cause an investigation of the cause of death to be made and the medical certification portion of the death certificate to be completed and filed within 24 hours after being notified of the death. If the Office of the Chief Medical Examiner refuses jurisdiction, the physician last furnishing medical care to the deceased shall prepare and file the medical certification portion of the death certificate.

E. If the death is a natural death and a death certificate is being prepared pursuant to § 54.1-2972 and the physician, nurse practitioner, or physician assistant is uncertain about the cause of death, he shall use his best medical judgment to certify a reasonable cause of death or contact the health district physician director in the district where the death occurred to obtain guidance in reaching a determination as to a cause of death and document the same.

If the cause of death cannot be determined within 24 hours after death, the medical certification shall be completed as provided by regulations of the Board. The attending physician *or autonomous nurse practitioner, as defined in § 54.1-2972*, or the Chief Medical Examiner, an Assistant Chief Medical Examiner, or a medical examiner appointed pursuant to § 32.1-282 shall give the funeral director or person acting as such notice of the reason for the delay, and final disposition of the body shall not be made until authorized by the attending physician, *autonomous nurse practitioner*, the Chief Medical Examiner, an Assistant Chief Medical Examiner, or a medical examiner appointed pursuant to § 32.1-282.

F. A physician, nurse practitioner, physician assistant, or individual delegated authority to complete and file a certificate of death by a physician who, in good faith, files a certificate of death or determines the cause of death shall be immune from civil liability, only for such filing and determination of causes of death on such certificate, absent gross negligence or willful misconduct.

§ 54.1-2972. When person deemed medically and legally dead; determination of death; nurses', physician assistants', or nurse practitioners' authority to pronounce death under certain circumstances.

A. *As used in this subsection, "autonomous nurse practitioner" means a nurse practitioner who is authorized to practice without a practice agreement pursuant to subsection 1 of § 54.1-2957.*

B. A person shall be medically and legally dead if:

1. In the opinion of a physician duly authorized to practice medicine in the Commonwealth *or autonomous nurse practitioner*, based on the ordinary standards of medical practice, there is the absence of spontaneous respiratory and spontaneous cardiac functions and, because of the disease or condition that directly or indirectly caused these functions to cease, or because of the passage of time since these functions ceased, attempts at resuscitation would not, in the opinion of such physician *or autonomous nurse practitioner*, be successful in restoring spontaneous life-sustaining functions, and, in such event, death shall be deemed to have occurred at the time these functions ceased; or

2. In the opinion of a physician, who shall be duly licensed to practice medicine in the Commonwealth and board-eligible or board-certified in the field of neurology, neurosurgery, or critical care medicine, when based on the

ordinary standards of medical practice, there is irreversible cessation of all functions of the entire brain, including the brain stem, and, in the opinion of such physician, based on the ordinary standards of medical practice and considering the irreversible cessation of all functions of the entire brain, including the brain stem, and the patient's medical record, further attempts at resuscitation or continued supportive maintenance would not be successful in restoring such functions, and, in such event, death shall be deemed to have occurred at the time when all such functions have ceased.

B. A registered nurse ~~or a~~, physician assistant, *or nurse practitioner who is not an autonomous nurse practitioner* may pronounce death if the following criteria are satisfied: (i) the nurse is employed by or the physician assistant *or nurse practitioner who is not an autonomous nurse practitioner* works at (a) a home care organization as defined in § 32.1-162.7, (b) a hospice as defined in § 32.1-162.1, (c) a hospital or nursing home as defined in § 32.1-123, including state-operated hospitals for the purposes of this section, (d) the Department of Corrections, or (e) a continuing care retirement community registered with the State Corporation Commission pursuant to Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2; (ii) the nurse ~~or~~, physician assistant, *or nurse practitioner who is not an autonomous nurse practitioner* is directly involved in the care of the patient; (iii) the patient's death has occurred; (iv) the patient is under the care of a physician *or autonomous nurse practitioner* when his death occurs; (v) the patient's death has been anticipated; and (vi) the physician *or autonomous nurse practitioner* is unable to be present within a reasonable period of time to determine death; ~~and (vii) there is a valid Do Not Resuscitate Order pursuant to § 54.1-2987-1 for the patient who has died.~~ The nurse ~~or~~, physician assistant, *or nurse practitioner who is not an autonomous nurse practitioner* shall inform the patient's attending and consulting ~~physicians~~ *physician or autonomous nurse practitioner* of the patient's death as soon as practicable.

The nurse ~~or~~, physician assistant, *or nurse practitioner who is not an autonomous nurse practitioner* shall have the authority to pronounce death in accordance with such procedural regulations, if any, as may be promulgated by the Board of Medicine; however, if the circumstances of the death are not anticipated or the death requires an investigation by the Office of the Chief Medical Examiner, ~~the such~~ nurse ~~or~~, physician assistant, *or nurse practitioner* shall notify the Office of the Chief Medical Examiner of the death and the body shall not be released to the funeral director.

This subsection shall not authorize a nurse ~~or~~, physician assistant, *or nurse practitioner who is not an autonomous nurse practitioner* to determine the cause of death. Determination of cause of death shall continue to be the responsibility of the attending physician *or autonomous nurse practitioner*, except as provided in § 32.1-263. Further, this subsection shall not be construed to impose any obligation to carry out the functions of this subsection.

This subsection shall not relieve any registered nurse ~~or~~, physician assistant, *or nurse practitioner who is not an autonomous nurse practitioner* from any civil or criminal liability that might otherwise be incurred for failure to follow statutes or Board of Nursing or Board of Medicine regulations.

C. The alternative definitions of death provided in subdivisions A 1 and 2 may be utilized for all purposes in the Commonwealth, including the trial of civil and criminal cases.

CHAPTER 185

An Act to amend and reenact § 10.1-2204 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 10.1-2202.5, relating to Virginia Black, Indigenous, and People of Color Historic Preservation Fund established.

[H 141]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-2204 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 10.1-2202.5 as follows:

§ 10.1-2202.5. Virginia Black, Indigenous, and People of Color Historic Preservation Fund; established.

A. As used in this section:

"Eligible costs" means acquisition of real property and any improvements thereon; acquisition of a permanent protective interest in real property such as a perpetual preservation easement; costs associated with the acquisition of real property or interests thereof, such as appraisals, environmental reports, surveys, title searches, title insurance, and closing costs; costs of registering property with the Virginia Landmarks Register and the National Register of Historic Places, including survey and consultation fees and other related costs; and costs associated with the material rehabilitation or stabilization of real property.

"Fund" means the Virginia Black, Indigenous, and People of Color Historic Preservation Fund.

"Organization" means a private nonprofit organization.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Black, Indigenous, and People of Color Historic Preservation Fund. The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose, any funds from the federal government, and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes set forth in this section. Expenditures and disbursements from the

Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director.

C. Moneys in the Fund shall be used solely for grants to any eligible state-recognized or federally recognized Indian tribe, private nonprofit organization, or locality for eligible costs related to the purchase of a fee simple or protective interest in real property; rehabilitation or stabilization of real property; or data recovery of any cultural or historical property associated with Black, indigenous, or people of color communities and listed in the Virginia Landmarks Register, the National Register of Historic Places, designated as a National Historic Landmark, or determined eligible for such listing. Matching funds may be required for grants from the Fund.

D. Grants awarded from the Fund for the acquisition of real property by fee simple purchase or by purchase of protective interests shall not exceed 50 percent of the appraised value of the land or permanent protective interest.

E. Grants from the Fund may be awarded for a prospective purchase or for acquisitions upon which the applicant has already completed the transaction. If the transaction has been completed at the time of the application for the grant, the applicant shall demonstrate that (i) the transaction was completed no more than 12 months prior to the date of the application for the grant and (ii) an identifiable threat to the resource or compelling need for preservation existed at the time of the purchase.

F. Any state-recognized or federally recognized Indian tribe, organization, or locality receiving a grant from the Fund shall grant the Board or other holder a perpetual easement pursuant to the Open-Space Land Act (§ 10.1-1700 et seq.) for the purpose of preserving real property that is important for its historical, architectural, or archaeological aspects, replacing restrictions on the use or development of the land. If the easement is granted to a holder other than the Board, all terms and conditions of the easement shall be reviewed by the Department to ensure that the easement accomplishes the perpetual preservation of the property. Such other holder shall demonstrate to the Department that it has the capacity and expertise to manage and enforce the terms of the easement.

G. The Director shall administer and manage the Fund and shall establish guidelines for applications, evaluations, and recommendations to the Board for the award of grants from the Fund. In awarding grants, the Board shall give primary consideration to the significance of the real property and the threat to and integrity of features associated with such property. The Board shall also consider the applicant's financial need, the ability of an applicant to provide matching funds, and the financial and administrative capacity of the applicant to complete the project and maintain and manage the property in a manner that is consistent with public investment and public interest, such as education, recreation, research, heritage tourism promotion, or orderly community development. The Director shall make grant award recommendations to the Board for approval by the Board. The Director shall incorporate the ConserveVirginia program, established pursuant to § 10.1-104.6:1, into grant award recommendations to the Board, when appropriate.

§ 10.1-2204. Duties of Board of Historic Resources.

A. The Board of Historic Resources shall:

1. Designate historic landmarks, including buildings, structures, districts, objects and sites which constitute the principal historical, architectural, archaeological, and cultural resources which are of local, statewide or national significance and withdraw designation either upon a determination by the Board that the property has failed to retain those characteristics for which it was designated or upon presentation of new or additional information proving to the satisfaction of the Board that the designation had been based on error of fact;

2. Establish and endorse appropriate historic preservation practices for the care and management of designated landmarks;

3. Approve the proposed text and authorize the manufacture of highway historical markers;

4. Acquire battlefield properties, designated landmarks, and other properties of historic significance, or easements or interests therein;

5. Review the programs and services of the Department of Historic Resources, including annual plans and make recommendations to the Director and the Governor concerning the effectiveness of those programs and services;

6. In cooperation with the Department, and through public lectures, writings, and other educational activities, promote awareness of the importance of historic resources and the benefits of their preservation and use; ~~and~~

7. Approve awards from the Virginia Black, Indigenous, and People of Color Historic Preservation Fund established pursuant to § 10.1-2202.5; and

8. Apply for gifts, grants and bequests for deposit in the Historic Resources Fund to promote the missions of the Board and the Department.

B. For the purposes of this chapter, designation by the Board of Historic Resources shall mean an act of official recognition designed (i) to educate the public to the significance of the designated resource and (ii) to encourage local governments and property owners to take the designated property's historic, architectural, archaeological, and cultural significance into account in their planning, the local government comprehensive plan, and their decision making. Such designation, itself, shall not regulate the action of local governments or property owners with regard to the designated property.

CHAPTER 186

An Act to amend and reenact § 10.1-2204 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 10.1-2202.5, relating to Virginia Black, Indigenous, and People of Color Historic Preservation Fund established.

[S 158]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-2204 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 10.1-2202.5 as follows:

§ 10.1-2202.5. Virginia Black, Indigenous, and People of Color Historic Preservation Fund; established.

A. As used in this section:

"Eligible costs" means acquisition of real property and any improvements thereon; acquisition of a permanent protective interest in real property such as a perpetual preservation easement; costs associated with the acquisition of real property or interests thereof, such as appraisals, environmental reports, surveys, title searches, title insurance, and closing costs; costs of registering property with the Virginia Landmarks Register and the National Register of Historic Places, including survey and consultation fees and other related costs; and costs associated with the material rehabilitation or stabilization of real property.

"Fund" means the Virginia Black, Indigenous, and People of Color Historic Preservation Fund.

"Organization" means a private nonprofit organization.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Black, Indigenous, and People of Color Historic Preservation Fund. The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose, any funds from the federal government, and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes set forth in this section. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director.

C. Moneys in the Fund shall be used solely for grants to any eligible state-recognized or federally recognized Indian tribe, private nonprofit organization, or locality for eligible costs related to the purchase of a fee simple or protective interest in real property; rehabilitation or stabilization of real property; or data recovery of any cultural or historical property associated with Black, indigenous, or people of color communities and listed in the Virginia Landmarks Register, the National Register of Historic Places, designated as a National Historic Landmark, or determined eligible for such listing. Matching funds may be required for grants from the Fund.

D. Grants awarded from the Fund for the acquisition of real property by fee simple purchase or by purchase of protective interests shall not exceed 50 percent of the appraised value of the land or permanent protective interest.

E. Grants from the Fund may be awarded for a prospective purchase or for acquisitions upon which the applicant has already completed the transaction. If the transaction has been completed at the time of the application for the grant, the applicant shall demonstrate that (i) the transaction was completed no more than 12 months prior to the date of the application for the grant and (ii) an identifiable threat to the resource or compelling need for preservation existed at the time of the purchase.

F. Any state-recognized or federally recognized Indian tribe, organization, or locality receiving a grant from the Fund shall grant the Board or other holder a perpetual easement pursuant to the Open-Space Land Act (§ 10.1-1700 et seq.) for the purpose of preserving real property that is important for its historical, architectural, or archaeological aspects, replacing restrictions on the use or development of the land. If the easement is granted to a holder other than the Board, all terms and conditions of the easement shall be reviewed by the Department to ensure that the easement accomplishes the perpetual preservation of the property. Such other holder shall demonstrate to the Department that it has the capacity and expertise to manage and enforce the terms of the easement.

G. The Director shall administer and manage the Fund and shall establish guidelines for applications, evaluations, and recommendations to the Board for the award of grants from the Fund. In awarding grants, the Board shall give primary consideration to the significance of the real property and the threat to and integrity of features associated with such property. The Board shall also consider the applicant's financial need, the ability of an applicant to provide matching funds, and the financial and administrative capacity of the applicant to complete the project and maintain and manage the property in a manner that is consistent with public investment and public interest, such as education, recreation, research, heritage tourism promotion, or orderly community development. The Director shall make grant award recommendations to the Board for approval by the Board. The Director shall incorporate the Conserve Virginia program, established pursuant to § 10.1-104.6:1, into grant award recommendations to the Board, when appropriate.

§ 10.1-2204. Duties of Board of Historic Resources.

A. The Board of Historic Resources shall:

1. Designate historic landmarks, including buildings, structures, districts, objects and sites which constitute the principal historical, architectural, archaeological, and cultural resources which are of local, statewide or national significance and withdraw designation either upon a determination by the Board that the property has failed to retain those characteristics for which it was designated or upon presentation of new or additional information proving to the satisfaction of the Board that the designation had been based on error of fact;

2. Establish and endorse appropriate historic preservation practices for the care and management of designated landmarks;

3. Approve the proposed text and authorize the manufacture of highway historical markers;

4. Acquire battlefield properties, designated landmarks, and other properties of historic significance, or easements or interests therein;

5. Review the programs and services of the Department of Historic Resources, including annual plans and make recommendations to the Director and the Governor concerning the effectiveness of those programs and services;

6. In cooperation with the Department, and through public lectures, writings, and other educational activities, promote awareness of the importance of historic resources and the benefits of their preservation and use; ~~and~~

7. *Approve awards from the Virginia Black, Indigenous, and People of Color Historic Preservation Fund established pursuant to § 10.1-2202.5; and*

8. Apply for gifts, grants and bequests for deposit in the Historic Resources Fund to promote the missions of the Board and the Department.

B. For the purposes of this chapter, designation by the Board of Historic Resources shall mean an act of official recognition designed (i) to educate the public to the significance of the designated resource and (ii) to encourage local governments and property owners to take the designated property's historic, architectural, archaeological, and cultural significance into account in their planning, the local government comprehensive plan, and their decision making. Such designation, itself, shall not regulate the action of local governments or property owners with regard to the designated property.

CHAPTER 187

An Act to amend and reenact § 10.1-2211.2 of the Code of Virginia, relating to historical African American cemeteries.

[S 477]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-2211.2 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-2211.2. Disbursement of funds appropriated for caring for historical African American cemeteries and graves.

A. For purposes of this section:

"Fund" means the Historical African American Cemeteries and Graves Fund created pursuant to § 10.1-2211.3.

"Historical African American cemetery" means a cemetery that was established prior to January 1, ~~1900~~ 1948, for interments of African Americans.

"Qualified organization" means a charitable corporation, charitable association, or charitable trust that has been granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and whose primary purpose is the preservation of historical cemeteries and graves or any person or locality that owns a historical African American cemetery.

B. At the direction of the Director, the Comptroller of the Commonwealth shall draw an annual warrant upon the State Treasurer from any sum that may be provided to the Department in the general appropriation act for the purpose of maintaining qualifying cemeteries and graves pursuant to this section. Any representative of a qualified organization desiring to receive funding from such appropriation for the maintenance of qualifying cemeteries and graves pursuant to this section shall submit an application to the Department on or before May 30 each year. Such appropriations shall be allocated on the basis of the number of graves, monuments, and markers in a cemetery of African Americans who ~~lived at any time between January 1, 1800, and January 1, 1900~~ were interred in such cemetery prior to January 1, 1948, the dates to be determined by reference to grave markers or, at the discretion of the Director, other historical records. Such number of graves, monuments, and markers, as documented by the qualified organization, shall be multiplied by the rate of \$5 or the average actual cost of routine maintenance of a grave, monument, or marker, whichever is greater, to determine the amount of the allocation. The Department shall determine the average actual cost of routine maintenance of a grave, monument, or marker in a biennial survey of at least four properly maintained cemeteries, each located in a different geographical region of the Commonwealth. The Director shall deposit any appropriated funds that are not disbursed during the same fiscal year into the Fund.

IN THE COUNTY OF:

Arlington

Calloway Cemetery

NUMBER:

29

Lomax Cemetery	66
Mount Salvation Cemetery	29
Buckingham	
Stanton Family Cemetery	36
Henrico	
East End Cemetery	4,875
Loudoun	
African-American Burial Ground for the Enslaved at Belmont	44
Mt. Zion Old School Baptist Church Cemetery	33
Montgomery	
Wake Forest Cemetery	40
Westview Cemetery	47
Pulaski	
New River Cemetery	33
West Dublin Cemetery	44
IN THE CITY OF:	
Alexandria	
Baptist Cemetery of the African American Heritage Park	28
Contrabands and Freedmen Cemetery	631
Douglass Cemetery	83
Lebanon Union Cemetery	53
Methodist Protestant Cemetery	1,134
Penny Hill Cemetery	14
Charlottesville	
Daughters of Zion Cemetery	192
Chesapeake	
Cuffeytown Cemetery	52
Hampton	
Bassette's Cemetery	212
Elmerton Cemetery	339
Good Samaritan Cemetery	37
Pleasant Shade Cemetery	29
Queen Street Cemetery	14
Tucker Family Cemetery	15
Union Street Cemetery	125
Harrisonburg	
Newtown Cemetery	400
Martinsville	
Matthews Cemetery	8
The People's Cemetery	178
Smith Street Cemetery	9
Portsmouth	
Mt. Calvary Cemetery	266
Radford	
Mountain View Cemetery	91
Richmond	
Evergreen Cemetery	2,100

Suffolk

Oak Lawn Cemetery

468

C. In addition to any sum provided to a qualified organization as set forth in subsection B, the Director may disburse funds to any qualified organization to fund maintenance and care of additional historical African American graves in the Commonwealth that have been certified by the Department and documented in the Department's cultural resources database. Funds disbursed under this subsection shall be disbursed at the rate set forth in subsection B.

D. A qualified organization receiving funds shall expend the funds for the routine maintenance of its historical African American cemetery, associated graves, and graves certified by the Department and documented in the Department's cultural resources database and the erection of and caring for markers, memorials, and monuments to the memory of such African Americans.

E. Each qualified organization, through its proper officer, shall after July 1 of each year submit to the Director a certified statement that the funds appropriated to the organization during the preceding fiscal year were or will be expended for the purposes set forth in subsection D. No organization that fails to comply with any of the requirements of this section shall receive moneys allocated under this section for any subsequent fiscal year until the organization fully complies with the requirements.

F. In addition to funds that may be provided pursuant to subsection B or C, any organization that receives funds pursuant to subsection B or C may apply to the Director for a grant to perform extraordinary maintenance, renovation, repair, or reconstruction of any of its historical African American cemeteries and graves. Such a grant shall be made from any appropriation made available by the General Assembly for such purpose or from the Fund.

G. Any locality may receive and hold funds drawn pursuant to subsection B or C on behalf of any qualified organization until such time as the organization is able to receive or utilize such funds. No local matching funds shall be required for any grants made pursuant to this section.

H. The owner of a historical African American cemetery shall reasonably cooperate with a qualified organization that receives funds pursuant to subsection B or C.

CHAPTER 188

An Act to amend and reenact § 38.2-1845.12 of the Code of Virginia, relating to insurance; public adjusters; standards of conduct.

[S 194]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-1845.12 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-1845.12. Standards of conduct for public adjusters.

A. A public adjuster shall be fair and honest in any and all respects in any communications with an insured and with an insurer or its representatives.

B. No person except a public adjuster duly licensed under this article shall:

1. Accept a commission, fee, or other compensation for investigating or settling claims;
2. Prepare, complete, or file an insurance claim on behalf of an insured;
3. Aid or act on behalf of an insured in negotiating for or effecting the settlement of a claim for loss or damage covered by an insurance contract;

4. Advertise for employment as a public adjuster; or

5. Solicit, investigate, or adjust a claim on behalf of a public adjuster or an insured.

C. ~~A~~ No public adjuster shall have ~~no~~ a financial interest in any aspect of an insured's claim other than the salary, fee, commission, or compensation that may be established in the written contract between the insured and the public adjuster. *For the purposes of this subsection, "financial interest" includes participation by a public adjuster, directly or indirectly, in the reconstruction, repair, or restoration of damaged property that is the subject of a claim adjusted by that public adjuster.*

D. ~~A~~ No public adjuster shall ~~not~~ refer or direct an insured needing repairs or other services in connection with a loss to any person in which the public adjuster has an ownership interest nor to any person who will or is reasonably anticipated to provide the public adjuster with any direct or indirect compensation for the referral of any resulting business; ~~however, this subsection shall not be construed to prohibit the execution of a bona fide written repair agreement between an insured and a contractor pursuant to which the contractor undertakes to assume the insured's obligation to compensate a public adjuster pursuant to the terms of a preexisting agreement between the public adjuster and the insured meeting the requirements of this article, including §§ 38.2-1845.13 and 38.2-1845.14.~~

E. ~~A~~ No public adjuster shall ~~not~~ prevent or attempt to dissuade an insured from communicating with an insurer, the insurer's adjuster, an independent adjuster representing the insurer, an attorney, or any other person regarding the settlement of the insured's claim.

F. The public adjuster's full consideration for the public adjuster's services shall be stated in the written contract with the insured. If the consideration is based on a share of the insurance proceeds, the exact percentage shall be specified.

G. Any choice of counsel to represent the insured shall be made solely by the insured.

H. ~~A~~ No public adjuster ~~may not~~ shall settle a claim unless the terms and conditions of the settlement are approved by the insured in writing.

I. ~~A~~ No public adjuster shall ~~not~~ acquire any interest in salvage property except with the express written permission of the insured after settlement with the insurer.

J. ~~A~~ No public adjuster shall ~~not~~ permit an unlicensed employee or representative of the public adjuster to conduct business for which a license is required under this article.

K. No public adjuster ~~may~~ shall represent or act as a company adjuster or independent adjuster on the same claim.

L. No public adjuster shall enter into a contract or accept a power of attorney that vests in the public adjuster the effective authority to choose the persons who shall perform repair work.

M. ~~A~~ No public adjuster shall ~~not~~ solicit or attempt to solicit a client during the progress of a loss producing occurrence as covered by the insurance contract.

N. ~~Public adjusters may not~~ No public adjuster shall solicit a client for employment from 8:00 p.m. to 8:00 a.m. daily.

O. A public adjuster shall notify, in writing, the insured or claimant in advance of the name and location of any proposed contractor, architect, engineer, or similar professional before any bid or proposal by any of these persons may be used by the public adjuster in estimating the loss. The insured or claimant may exercise veto power of any of these persons, in which case that person shall not be used in estimating costs.

P. A public adjuster shall ensure that any professional used in formulating estimates, the practice of whose profession in the Commonwealth requires a license issued pursuant to Title 54.1, including any architect or engineer as defined in § 54.1-400 and any contractor as defined in § 54.1-1100, holds a current license from the appropriate licensing authority of the Commonwealth.

Q. No person shall advertise or promise to pay or rebate all or any portion of any insurance deductible as an inducement to the sale of the services of a public adjuster. As used in this subsection, the term "promise to pay or rebate" includes (i) granting any allowance or offering any discount against the fees to be charged, including, but not limited to, an allowance or discount in return for displaying a sign or other advertisement at the insured's premises or (ii) paying the insured or any person directly or indirectly associated with the property any form of compensation, gift, prize, bonus, coupon, credit, referral fee, or other item of monetary value for any reason.

R. No public adjuster shall engage in any activity that may reasonably be construed as a conflict of interest, including soliciting or accepting any remuneration of any kind or nature, directly or indirectly, except as set forth in a public adjusting contract with an insured.

CHAPTER 189

An Act to amend and reenact § 33.2-3703 of the Code of Virginia, relating to Central Virginia Transportation Authority; membership.

[H 138]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-3703 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-3703. Composition of Authority.

The Authority shall consist of ~~47~~ 18 members as follows:

1. The chief elected officer, or his designee, of the governing body of each of the counties embraced by the Authority;
2. The chief elected officer, or his designee, of the City of Richmond and the Town of Ashland;
3. One member of the House of Delegates who resides in a county or city embraced by the Authority, appointed by the Speaker of the House, and one member of the Senate who resides in a county or city embraced by the Authority, appointed by the Senate Committee on Rules;
4. A member of the Commonwealth Transportation Board who resides in a locality embraced by the Authority and is appointed by the Governor; and
5. The following ~~five~~ six persons serving ex officio as nonvoting members of the Authority: the Director of the Department of Rail and Public Transportation, or his designee; the Commissioner of Highways, or his designee; the Executive Director of the Virginia Port Authority, or his designee; the Chief Executive Officer of the Greater Richmond Transit Company (GRTC); ~~and~~ the Chief Executive Officer of the Richmond Metropolitan Transportation Authority; *and the Chief Executive Officer of the Capital Region Airport Commission.*

All members of the Authority shall serve terms coincident with their terms of office. Vacancies shall be filled in the same manner as the original appointment. If a member of the Authority who represents a locality as provided in subdivision 1 or 2 is unable to attend a meeting of the Authority, he may designate another current elected official of such governing body to attend such meeting of the Authority. Such designation shall be for the purposes of one meeting and shall be submitted in writing or electronically to the Chairman of the Authority at least 48 hours prior to the affected meeting.

The Authority shall elect a chairman and vice-chairman from among its voting membership.

The Auditor of Public Accounts, or his legally authorized representatives, shall annually audit the financial accounts of the Authority, and the cost of such audit shall be borne by the Authority.

CHAPTER 190

An Act to amend and reenact § 33.2-3703 of the Code of Virginia, relating to Central Virginia Transportation Authority; membership.

[S 476]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-3703 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-3703. Composition of Authority.

The Authority shall consist of ~~17~~ 18 members as follows:

1. The chief elected officer, or his designee, of the governing body of each of the counties embraced by the Authority;
2. The chief elected officer, or his designee, of the City of Richmond and the Town of Ashland;
3. One member of the House of Delegates who resides in a county or city embraced by the Authority, appointed by the Speaker of the House, and one member of the Senate who resides in a county or city embraced by the Authority, appointed by the Senate Committee on Rules;
4. A member of the Commonwealth Transportation Board who resides in a locality embraced by the Authority and is appointed by the Governor; and
5. The following ~~five~~ six persons serving ex officio as nonvoting members of the Authority: the Director of the Department of Rail and Public Transportation, or his designee; the Commissioner of Highways, or his designee; the Executive Director of the Virginia Port Authority, or his designee; the Chief Executive Officer of the Greater Richmond Transit Company (GRTC); ~~and~~ the Chief Executive Officer of the Richmond Metropolitan Transportation Authority; *and the Chief Executive Officer of the Capital Region Airport Commission.*

All members of the Authority shall serve terms coincident with their terms of office. Vacancies shall be filled in the same manner as the original appointment. If a member of the Authority who represents a locality as provided in subdivision 1 or 2 is unable to attend a meeting of the Authority, he may designate another current elected official of such governing body to attend such meeting of the Authority. Such designation shall be for the purposes of one meeting and shall be submitted in writing or electronically to the Chairman of the Authority at least 48 hours prior to the affected meeting.

The Authority shall elect a chairman and vice-chairman from among its voting membership.

The Auditor of Public Accounts, or his legally authorized representatives, shall annually audit the financial accounts of the Authority, and the cost of such audit shall be borne by the Authority.

CHAPTER 191

An Act to direct the Board of Funeral Directors and Embalmers to convene a work group to study how to regulate and implement the process of alkaline hydrolysis in the Commonwealth.

[S 129]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Board of Funeral Directors and Embalmers (the Board) shall convene a work group consisting of relevant stakeholders to determine the (i) regulatory and statutory changes needed to legalize, implement, and regulate the process of alkaline hydrolysis in the Commonwealth; (ii) necessary qualifications to enable a person to engage in the practice of alkaline hydrolysis; (iii) proper standards for the operation of a facility containing a pressure vessel for alkaline hydrolysis; and (iv) proper requirements for licensure as an owner or operator of such a facility. In conducting its study, the work group shall provide opportunity for public participation and consider any necessary environmental precautions and safety measures to ensure proper (a) regulation and implementation of the alkaline hydrolysis process and (b) regulation and inspection of facilities where alkaline hydrolysis is conducted in the Commonwealth. The Board shall report the results of such study to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions on or before November 1, 2022.*

CHAPTER 192

An Act to amend and reenact § 22.1-206 of the Code of Virginia, relating to public schools; instruction concerning gambling.

[H 1108]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-206 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-206. Instruction concerning drugs, alcohol, substance abuse, tobacco and nicotine products, and gambling.

A. Instruction concerning drugs and drug abuse shall be provided by the public schools as prescribed by the Board of Education.

B. Instruction concerning the public safety hazards and dangers of alcohol abuse, underage drinking, and drunk driving shall be provided in the public schools. The Virginia Alcoholic Beverage Control Authority shall provide educational materials to the Department of Education. The Department of Education shall review and shall distribute such materials as are approved to the public schools.

C. The Virginia Foundation for Healthy Youth shall develop and the Department of Education shall distribute to each local school division educational materials concerning the health and safety risks of using tobacco products, nicotine vapor products, and alternative nicotine products, as such terms are defined in § 18.2-371.2. Instruction concerning the health and safety risks of using tobacco products, nicotine vapor products, and alternative nicotine products, as such terms are defined in § 18.2-371.2, shall be provided in each public elementary and secondary school in the Commonwealth, consistent with such educational materials.

D. Instruction concerning gambling and the addictive potential thereof shall be provided by the public schools as prescribed by the Board.

2. That the Board of Education shall report to the Chairmen of House Committee on Education and the Senate Committee on Education and Health a description of the instruction concerning gambling and the addictive potential thereof that it prescribes pursuant to subsection D of § 22.1-206 of the Code of Virginia, as amended by this act.

CHAPTER 193

An Act to amend and reenact § 28.2-302.2 of the Code of Virginia, relating to fishing licenses.

[H 1112]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 28.2-302.2 of the Code of Virginia is amended and reenacted as follows:

§ 28.2-302.2. Recreational license fee; cooperative program.

A. The annual fee for the saltwater recreational fishing license shall be seven dollars and fifty cents or as subsequently revised by the Commission pursuant to § 28.2-201. Agents of the Commission shall retain the agent's fee established by the Board of Wildlife Resources pursuant to subsection B of § 29.1-327, except that the agent's fee shall be deducted from the license fee established by the Commission pursuant to subdivision 4 of § 28.2-201, as compensation for issuing each license.

B. All funds collected under this section shall be paid into the state treasury to the credit of the Virginia Saltwater Recreational Fishing Development Fund, as established in § 28.2-302.3.

C. The Commission shall enter into cooperative programs with the Department of Wildlife Resources as are necessary to carry out the provisions of this section.

D. The Commission shall also have the power necessary to conduct and establish cooperative fish projects with the federal government as prescribed by Congress and in compliance with rules and regulations promulgated by the United States Secretary of the Interior.

~~E. Upon implementation of an automated point-of-sale licensing system, licenses~~ *A resident may purchase a license issued under this section that is valid for one year or for multiple years from the date of purchase.*

CHAPTER 194

An Act to amend and reenact § 4.1-119 of the Code of Virginia, as it is currently effective and as it shall become effective, relating to alcoholic beverage control; operation of government stores; sale of nonalcoholic spirit alternatives.

[H 1251]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-119, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 4.1-119. (Effective until July 1, 2022) Operation of government stores.

A. Subject to the provisions of §§ 4.1-121 and 4.1-122, the Board may establish, maintain, and operate government stores for the sale of spirits, *nonalcoholic spirit alternatives*, wine produced by farm wineries, low alcohol beverage coolers produced by licensed distillers, vermouth, mixers, products used in connection with distilled spirits, including any garnish or garnishment applied to the rim of a glass of distilled spirits, as may be approved by the Board from time to time, and

products licensed by the Virginia Tourism Corporation as specified in § 4.1-103 in such counties, cities, and towns considered advisable by the Board. The Board may discontinue any such store.

B. With respect to the sale of wine or cider produced by farm wineries, the Board may give preference to farm wineries that produce 2,500 cases or less of wine or cider per year.

C. The Board shall fix the wholesale and retail prices at which the various classes, varieties and brands of alcoholic beverages and other Board-approved products that are sold in government stores. Differences in the cost of operating stores, and market competition and conditions may be reflected in the sale price of alcoholic beverages sold at government stores. The Board may sell alcoholic beverages to federal instrumentalities (i) authorized and operating under the laws of the United States and regulations of the United States Department of Defense and (ii) located within the boundaries of federal enclaves or reservations over which the United States has acquired jurisdiction, at prices which may be greater or less than the wholesale price charged other authorized purchasers. Nothing in this subsection shall be construed to limit the authority of the Board to fix the retail price of alcoholic beverages sold at government stores, which retail price may include promotional, volume, or other discounts deemed appropriate by the Board.

D. Alcoholic beverages at government stores shall be sold by employees of the Authority who shall carry out the provisions of this title and Board regulations governing the operation of government stores and the sale of alcoholic beverages, except that the Board may appoint the holder of a distiller's license or its officers and employees as agents of the Board for the sale of spirits and low alcohol beverage coolers, manufactured by or for, or blended by such licensee on the licensed premises, at government stores established by the Board (i) on the distiller's licensed premises or (ii) at the site of an event licensed by the Board and conducted for the purpose of featuring and educating the consuming public about spirits products.

Such agents shall sell the spirits and low alcohol beverage coolers in accordance with the provisions of this title, Board regulations, and the terms of the agency agreement between the Authority and the licensed distiller. The Authority shall pay a licensed distiller making sales pursuant to an agreement authorized by this subsection a commission of not less than 20 percent of the retail price of the goods sold. If the licensed distiller makes application and meets certain requirements established by the Board, such agreement shall allow monthly revenue transfers from the licensed distiller to the Board to be submitted electronically and, notwithstanding the provisions of §§ 2.2-1802 and 4.1-116, to be limited to the amount due to the Board in applicable taxes and markups.

For the purposes of this subsection, "blended" means the receipt by a licensed distiller of deliveries and shipments of alcoholic beverages, other than wine and beer, in accordance with subdivision A 6 of § 4.1-201 to be (a)(1) additionally aged by the receiving distillery in order to increase the quality and flavor of such alcoholic beverages or (2) used in a low alcohol beverage cooler and (b) bottled by the receiving distillery.

E. No Class 1 neutral grain spirit or alcohol, as defined by federal regulations, that is without distinctive character, aroma, taste or color shall be sold in government stores at a proof greater than 151 except upon permits issued by the Board for industrial, commercial, culinary, or medical use.

F. All alcoholic beverages sold in government stores, except for tasting samples pursuant to subsection G sold in government stores established by the Board on a distiller's licensed premises, shall be in closed containers, sealed and affixed with labels prescribed by the Board.

G. No alcoholic beverages shall be consumed in a government store by any person unless it is part of an organized tasting event conducted by (i) an employee of a manufacturer of distilled spirits or farm winery or (ii) an authorized representative of a manufacturer of distilled spirits or farm winery with a permit issued by the Board pursuant to subdivision A 14 of § 4.1-212, at which the samples of alcoholic beverages provided to any consumer do not exceed the limits for spirits or wine set forth in subdivision A 5 of § 4.1-201.1. No sample may be consumed by any individual to whom alcoholic beverages may not lawfully be sold pursuant to § 4.1-304.

Notwithstanding the provision of this subsection to the contrary, an agent of the Board appointed pursuant to subsection D may give samples of spirits, beer, wine, or cider to persons to whom alcoholic beverages may be lawfully sold for on-premises or off-premises consumption, provided that (i) the spirits, beer, wine, or cider samples are manufactured within the same licensed premises or on contiguous premises of such agent licensed as a distillery, brewery, or winery; (ii) no single sample shall exceed four ounces of beer, two ounces of wine or cider, or one-half ounce of spirits, unless served as a mixed beverage, in which case a single sample of spirits may contain up to one and one-half ounces of spirits; (iii) no more than 12 ounces of beer, five ounces of wine, or three ounces of spirits shall be given or sold to any person per day; and (iv) in the case of spirits samples, a method is used to track the consumption of each consumer. Nothing in this paragraph shall prohibit such agent from serving samples of spirits as part of a mixed beverage. Such mixed beverage samples may contain spirits or vermouth not manufactured on the licensed premises or on contiguous premises of the licensed distillery, provided that at least 75 percent of the alcohol used in such samples is manufactured on the licensed premises or on contiguous premises of the licensed distillery. An agent of the Board appointed pursuant to subsection D may keep on the licensed premises no more than 10 varieties of spirits or vermouth not manufactured on the licensed premises or on contiguous premises of the licensed distillery. Any spirits or vermouth used in such samples that are not manufactured on the licensed premises or on contiguous premises of the licensed distillery shall be purchased from the Board.

The Board shall establish guidelines governing tasting events conducted pursuant to this subsection.

Any case fee charged to a licensed distiller by the Board for moving spirits from the production and bailment area to the tasting area of a government store established by the Board on the distiller's licensed premises shall be waived if such spirits are moved by employees of the licensed distiller.

H. With respect to purchases by licensees at government stores, the Authority shall (i) accept in payment for any purchase or series of purchases cash, electronic fund transfer, credit or debit card, or check payable to the Authority, in the exact amount of any such purchase or series of purchases and (ii) provide notice to licensees on Board policies relating to the assignment of government stores from which licensees may purchase products and any procedure for the licensee to elect to make purchases from an alternative government store.

I. With respect to purchases by consumers at government stores, the Authority shall accept cash in payment for any purchase or series of purchases. The Board may adopt regulations which provide for accepting a credit card or debit card as payment. Such regulations may provide for the collection, where appropriate, of related fees, penalties, and service charges for the use of a credit card or debit card by any consumer.

J. Before the Authority implements any increase in the markup on distilled spirits or any change to the markup formula for distilled spirits pursuant to § 4.1-235 that would result in an increase in the retail price of distilled spirits sold to the public, the Authority shall (i) provide at least 45 days' public notice before such a price increase takes effect; (ii) provide the opportunity for submission of written comments regarding the proposed price increase; (iii) conduct a public meeting for the purpose of receiving verbal comment regarding the proposed price increase; and (iv) consider any written or verbal comments before implementing such a price increase.

§ 4.1-119. (Effective July 1, 2022) Operation of government stores.

A. Subject to the provisions of §§ 4.1-121 and 4.1-122, the Board may establish, maintain, and operate government stores for the sale of spirits, *nonalcoholic spirit alternatives*, wine produced by farm wineries, low alcohol beverage coolers produced by licensed distillers, vermouth, mixers, products used in connection with distilled spirits, including any garnish or garnishment applied to the rim of a glass of distilled spirits, as may be approved by the Board from time to time, and products licensed by the Virginia Tourism Corporation as specified in § 4.1-103 in such counties, cities, and towns considered advisable by the Board. The Board may discontinue any such store.

B. With respect to the sale of wine or cider produced by farm wineries, the Board may give preference to farm wineries that produce 2,500 cases or less of wine or cider per year.

C. The Board shall fix the wholesale and retail prices at which the various classes, varieties and brands of alcoholic beverages and other Board-approved products that are sold in government stores. Differences in the cost of operating stores, and market competition and conditions may be reflected in the sale price of alcoholic beverages sold at government stores. The Board may sell alcoholic beverages to federal instrumentalities (i) authorized and operating under the laws of the United States and regulations of the United States Department of Defense and (ii) located within the boundaries of federal enclaves or reservations over which the United States has acquired jurisdiction, at prices which may be greater or less than the wholesale price charged other authorized purchasers. Nothing in this subsection shall be construed to limit the authority of the Board to fix the retail price of alcoholic beverages sold at government stores, which retail price may include promotional, volume, or other discounts deemed appropriate by the Board.

D. Alcoholic beverages at government stores shall be sold by employees of the Authority who shall carry out the provisions of this title and Board regulations governing the operation of government stores and the sale of alcoholic beverages, except that the Board may appoint the holder of a distiller's license or its officers and employees as agents of the Board for the sale of spirits and low alcohol beverage coolers, manufactured by or for, or blended by such licensee on the licensed premises, at government stores established by the Board (i) on the distiller's licensed premises or (ii) at the site of an event licensed by the Board and conducted for the purpose of featuring and educating the consuming public about spirits products.

Such agents shall sell the spirits and low alcohol beverage coolers in accordance with the provisions of this title, Board regulations, and the terms of the agency agreement between the Authority and the licensed distiller. The Authority shall pay a licensed distiller making sales pursuant to an agreement authorized by this subsection a commission of not less than 20 percent of the retail price of the goods sold. If the licensed distiller makes application and meets certain requirements established by the Board, such agreement shall allow monthly revenue transfers from the licensed distiller to the Board to be submitted electronically and, notwithstanding the provisions of §§ 2.2-1802 and 4.1-116, to be limited to the amount due to the Board in applicable taxes and markups.

For the purposes of this subsection, "blended" means the receipt by a licensed distiller of deliveries and shipments of alcoholic beverages, other than wine and beer, in accordance with subdivision A 6 of § 4.1-201 to be (a)(1) additionally aged by the receiving distillery in order to increase the quality and flavor of such alcoholic beverages or (2) used in a low alcohol beverage cooler and (b) bottled by the receiving distillery.

E. No Class 1 neutral grain spirit or alcohol, as defined by federal regulations, that is without distinctive character, aroma, taste or color shall be sold in government stores at a proof greater than 101 except upon permits issued by the Board for industrial, commercial, culinary, or medical use.

F. All alcoholic beverages sold in government stores, except for tasting samples pursuant to subsection G sold in government stores established by the Board on a distiller's licensed premises, shall be in closed containers, sealed and affixed with labels prescribed by the Board.

G. No alcoholic beverages shall be consumed in a government store by any person unless it is part of an organized tasting event conducted by (i) an employee of a manufacturer of distilled spirits or farm winery or (ii) an authorized representative of a manufacturer of distilled spirits or farm winery with a permit issued by the Board pursuant to subdivision A 14 of § 4.1-212, at which the samples of alcoholic beverages provided to any consumer do not exceed the limits for spirits or wine set forth in subdivision A 5 of § 4.1-201.1. No sample may be consumed by any individual to whom alcoholic beverages may not lawfully be sold pursuant to § 4.1-304.

Notwithstanding the provision of this subsection to the contrary, an agent of the Board appointed pursuant to subsection D may give samples of spirits, beer, wine, or cider to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption, provided that (i) the spirits, beer, wine, or cider samples are manufactured within the same licensed premises or on contiguous premises of such agent licensed as a distillery, brewery, or winery; (ii) no single sample shall exceed four ounces of beer, two ounces of wine or cider, or one-half ounce of spirits, unless served as a mixed beverage, in which case a single sample of spirits may contain up to one and one-half ounces of spirits; (iii) no more than 12 ounces of beer, five ounces of wine, or three ounces of spirits shall be given or sold to any person per day; and (iv) in the case of spirits samples, a method is used to track the consumption of each consumer. Nothing in this paragraph shall prohibit such agent from serving samples of spirits as part of a mixed beverage. Such mixed beverage samples may contain spirits or vermouth not manufactured on the licensed premises or on contiguous premises of the licensed distillery, provided that at least 75 percent of the alcohol used in such samples is manufactured on the licensed premises or on contiguous premises of the licensed distillery. An agent of the Board appointed pursuant to subsection D may keep on the licensed premises no more than 10 varieties of spirits or vermouth not manufactured on the licensed premises or on contiguous premises of the licensed distillery. Any spirits or vermouth used in such samples that are not manufactured on the licensed premises or on contiguous premises of the licensed distillery shall be purchased from the Board.

The Board shall establish guidelines governing tasting events conducted pursuant to this subsection.

Any case fee charged to a licensed distiller by the Board for moving spirits from the production and bailment area to the tasting area of a government store established by the Board on the distiller's licensed premises shall be waived if such spirits are moved by employees of the licensed distiller.

H. With respect to purchases by licensees at government stores, the Authority shall (i) accept in payment for any purchase or series of purchases cash, electronic fund transfer, credit or debit card, or check payable to the Authority, in the exact amount of any such purchase or series of purchases and (ii) provide notice to licensees on Board policies relating to the assignment of government stores from which licensees may purchase products and any procedure for the licensee to elect to make purchases from an alternative government store.

I. With respect to purchases by consumers at government stores, the Authority shall accept cash in payment for any purchase or series of purchases. The Board may adopt regulations which provide for accepting a credit card or debit card as payment. Such regulations may provide for the collection, where appropriate, of related fees, penalties, and service charges for the use of a credit card or debit card by any consumer.

J. Before the Authority implements any increase in the markup on distilled spirits or any change to the markup formula for distilled spirits pursuant to § 4.1-235 that would result in an increase in the retail price of distilled spirits sold to the public, the Authority shall (i) provide at least 45 days' public notice before such a price increase takes effect; (ii) provide the opportunity for submission of written comments regarding the proposed price increase; (iii) conduct a public meeting for the purpose of receiving verbal comment regarding the proposed price increase; and (iv) consider any written or verbal comments before implementing such a price increase.

CHAPTER 195

An Act to expand the existing Housing and Supportive Services Interagency Leadership Team initiative to include adults 65 years of age or older as a target subpopulation.

[H 239]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Department for Housing and Community Development shall expand the existing Housing and Supportive Services Interagency Leadership Team (the ILT) initiative, which currently includes people with intellectual and developmental disabilities, people with serious mental illness, and people experiencing chronic homelessness as target subpopulations, to also include adults 65 years of age or older as a target subpopulation. The ILT shall seek input from appropriate stakeholders to facilitate the development of strategies for increasing the supply of permanent supportive housing for adults 65 years of age or older.*

CHAPTER 196

An Act to expand the existing Housing and Supportive Services Interagency Leadership Team initiative to include adults 65 years of age or older as a target subpopulation.

[S 263]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Department for Housing and Community Development shall expand the existing Housing and Supportive Services Interagency Leadership Team (the ILT) initiative, which currently includes people with intellectual and developmental disabilities, people with serious mental illness, and people experiencing chronic homelessness as target subpopulations, to also include adults 65 years of age or older as a target subpopulation. The ILT shall seek input from appropriate stakeholders to facilitate the development of strategies for increasing the supply of permanent supportive housing for adults 65 years of age or older.*

CHAPTER 197

An Act to amend and reenact §§ 54.1-2957, as it is currently effective and as it shall become effective, and 54.1-2957.01 of the Code of Virginia, relating to clinical nurse specialist; practice agreement.

[H 285]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2957, as it is currently effective and as it shall become effective, and 54.1-2957.01 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2957. (Effective until July 1, 2022) Licensure and practice of nurse practitioners.

A. As used in this section, "clinical experience" means the postgraduate delivery of health care directly to patients pursuant to a practice agreement with a patient care team physician.

B. The Board of Medicine and the Board of Nursing shall jointly prescribe the regulations governing the licensure of nurse practitioners. It is unlawful for a person to practice as a nurse practitioner in the Commonwealth unless he holds such a joint license.

C. Every nurse practitioner other than a certified nurse midwife, certified registered nurse anesthetist, or clinical nurse specialist or a nurse practitioner who meets the requirements of subsection I shall maintain appropriate collaboration and consultation, as evidenced in a written or electronic practice agreement, with at least one patient care team physician. A nurse practitioner who meets the requirements of subsection I may practice without a written or electronic practice agreement. A certified nurse midwife shall practice pursuant to subsection H. A nurse practitioner who is licensed by the Boards of Medicine and Nursing as a clinical nurse specialist shall practice pursuant to subsection J. A certified registered nurse anesthetist shall practice under the supervision of a licensed doctor of medicine, osteopathy, podiatry, or dentistry. A nurse practitioner who is appointed as a medical examiner pursuant to § 32.1-282 shall practice in collaboration with a licensed doctor of medicine or osteopathic medicine who has been appointed to serve as a medical examiner pursuant to § 32.1-282. Collaboration and consultation among nurse practitioners and patient care team physicians may be provided through telemedicine as described in § 38.2-3418.16.

Physicians on patient care teams may require that a nurse practitioner be covered by a professional liability insurance policy with limits equal to the current limitation on damages set forth in § 8.01-581.15.

Service on a patient care team by a patient care team member shall not, by the existence of such service alone, establish or create liability for the actions or inactions of other team members.

D. The Boards of Medicine and Nursing shall jointly promulgate regulations specifying collaboration and consultation among physicians and nurse practitioners working as part of patient care teams that shall include the development of, and periodic review and revision of, a written or electronic practice agreement; guidelines for availability and ongoing communications that define consultation among the collaborating parties and the patient; and periodic joint evaluation of the services delivered. Practice agreements shall include provisions for (i) periodic review of health records, which may include visits to the site where health care is delivered, in the manner and at the frequency determined by the nurse practitioner and the patient care team physician and (ii) input from appropriate health care providers in complex clinical cases and patient emergencies and for referrals. Evidence of a practice agreement shall be maintained by a nurse practitioner and provided to the Boards upon request. For nurse practitioners providing care to patients within a hospital or health care system, the practice agreement may be included as part of documents delineating the nurse practitioner's clinical privileges or the electronic or written delineation of duties and responsibilities in collaboration and consultation with a patient care team physician.

E. The Boards of Medicine and Nursing may issue a license by endorsement to an applicant to practice as a nurse practitioner if the applicant has been licensed as a nurse practitioner under the laws of another state and, pursuant to regulations of the Boards, the applicant meets the qualifications for licensure required of nurse practitioners in the

Commonwealth. A nurse practitioner to whom a license is issued by endorsement may practice without a practice agreement with a patient care team physician pursuant to subsection I if such application provides an attestation to the Boards that the applicant has completed the equivalent of at least two years of full-time clinical experience, as determined by the Boards, in accordance with the laws of the state in which the nurse practitioner was licensed.

F. Pending the outcome of the next National Specialty Examination, the Boards may jointly grant temporary licensure to nurse practitioners.

G. In the event a physician who is serving as a patient care team physician dies, becomes disabled, retires from active practice, surrenders his license or has it suspended or revoked by the Board, or relocates his practice such that he is no longer able to serve, and a nurse practitioner is unable to enter into a new practice agreement with another patient care team physician, the nurse practitioner may continue to practice upon notification to the designee or his alternate of the Boards and receipt of such notification. Such nurse practitioner may continue to treat patients without a patient care team physician for an initial period not to exceed 60 days, provided the nurse practitioner continues to prescribe only those drugs previously authorized by the practice agreement with such physician and to have access to appropriate input from appropriate health care providers in complex clinical cases and patient emergencies and for referrals. The designee or his alternate of the Boards shall grant permission for the nurse practitioner to continue practice under this subsection for another 60 days, provided the nurse practitioner provides evidence of efforts made to secure another patient care team physician and of access to physician input.

H. Every certified nurse midwife shall practice in accordance with regulations adopted by the Boards and consistent with the Standards for the Practice of Midwifery set by the American College of Nurse-Midwives governing such practice. A certified nurse midwife who has practiced fewer than 1,000 hours shall practice in consultation with a certified nurse midwife who has practiced for at least two years prior to entering into the practice agreement or a licensed physician, in accordance with a practice agreement. Such practice agreement shall address the availability of the certified nurse midwife who has practiced for at least two years prior to entering into the practice agreement or the licensed physician for routine and urgent consultation on patient care. Evidence of the practice agreement shall be maintained by the certified nurse midwife and provided to the Boards upon request. A certified nurse midwife who has completed 1,000 hours of practice as a certified nurse midwife may practice without a practice agreement upon receipt by the certified nurse midwife of an attestation from the certified nurse midwife who has practiced for at least two years prior to entering into the practice agreement or the licensed physician with whom the certified nurse midwife has entered into a practice agreement stating (i) that such certified nurse midwife or licensed physician has provided consultation to the certified nurse midwife pursuant to a practice agreement meeting the requirements of this section and (ii) the period of time for which such certified nurse midwife or licensed physician practiced in collaboration and consultation with the certified nurse midwife pursuant to the practice agreement. A certified nurse midwife authorized to practice without a practice agreement shall consult and collaborate with and refer patients to such other health care providers as may be appropriate for the care of the patient.

I. A nurse practitioner, other than a nurse practitioner licensed by the Boards of Medicine and Nursing in the category of certified nurse midwife, certified registered nurse anesthetist, or clinical nurse specialist, who has completed the equivalent of at least two years of full-time clinical experience as a licensed nurse practitioner, as determined by the Boards, may practice in the practice category in which he is certified and licensed without a written or electronic practice agreement upon receipt by the nurse practitioner of an attestation from the patient care team physician stating (i) that the patient care team physician has served as a patient care team physician on a patient care team with the nurse practitioner pursuant to a practice agreement meeting the requirements of this section and § 54.1-2957.01; (ii) that while a party to such practice agreement, the patient care team physician routinely practiced with a patient population and in a practice area included within the category for which the nurse practitioner was certified and licensed; and (iii) the period of time for which the patient care team physician practiced with the nurse practitioner under such a practice agreement. A copy of such attestation shall be submitted to the Boards together with a fee established by the Boards. Upon receipt of such attestation and verification that a nurse practitioner satisfies the requirements of this subsection, the Boards shall issue to the nurse practitioner a new license that includes a designation indicating that the nurse practitioner is authorized to practice without a practice agreement. In the event that a nurse practitioner is unable to obtain the attestation required by this subsection, the Boards may accept other evidence demonstrating that the applicant has met the requirements of this subsection in accordance with regulations adopted by the Boards.

A nurse practitioner authorized to practice without a practice agreement pursuant to this subsection shall (a) only practice within the scope of his clinical and professional training and limits of his knowledge and experience and consistent with the applicable standards of care, (b) consult and collaborate with other health care providers based on the clinical conditions of the patient to whom health care is provided, and (c) establish a plan for referral of complex medical cases and emergencies to physicians or other appropriate health care providers.

A nurse practitioner practicing without a practice agreement pursuant to this subsection shall obtain and maintain coverage by or shall be *the* named insured on a professional liability insurance policy with limits equal to the current limitation on damages set forth in § 8.01-581.15.

J. ~~Nurse practitioners~~ *A nurse practitioner licensed by the Boards of Medicine and Nursing in the category of clinical nurse specialist who does not prescribe controlled substances or devices may practice in the practice category in which he is certified and licensed without a written or electronic practice agreement. Such nurse practitioner shall (i) only practice within the scope of his clinical and professional training and limits of his knowledge and experience and consistent with the*

applicable standards of care, (ii) consult and collaborate with other health care providers based on the clinical condition of the patient to whom health care is provided, and (iii) establish a plan for referral of complex medical cases and emergencies to physicians or other appropriate health care providers.

A nurse practitioner licensed by the Boards in the category of clinical nurse specialist who prescribes controlled substances or devices shall practice in consultation with a licensed physician in accordance with a practice agreement between the nurse practitioner and the licensed physician. Such practice agreement shall address the availability of the physician for routine and urgent consultation on patient care. Evidence of a practice agreement shall be maintained by a nurse practitioner and provided to the Boards upon request. The practice of clinical nurse specialists shall be consistent with the standards of care for the profession and with applicable laws and regulations.

§ 54.1-2957. (Effective July 1, 2022) Licensure and practice of nurse practitioners.

A. As used in this section, "clinical experience" means the postgraduate delivery of health care directly to patients pursuant to a practice agreement with a patient care team physician.

B. The Board of Medicine and the Board of Nursing shall jointly prescribe the regulations governing the licensure of nurse practitioners. It is unlawful for a person to practice as a nurse practitioner in the Commonwealth unless he holds such a joint license.

C. Every nurse practitioner other than a certified nurse midwife, certified registered nurse anesthetist, or clinical nurse specialist or a nurse practitioner who meets the requirements of subsection I shall maintain appropriate collaboration and consultation, as evidenced in a written or electronic practice agreement, with at least one patient care team physician. A nurse practitioner who meets the requirements of subsection I may practice without a written or electronic practice agreement. A certified nurse midwife shall practice pursuant to subsection H. A nurse practitioner who is licensed by the Boards of Medicine and Nursing as a clinical nurse specialist shall practice pursuant to subsection J. A certified registered nurse anesthetist shall practice under the supervision of a licensed doctor of medicine, osteopathy, podiatry, or dentistry. A nurse practitioner who is appointed as a medical examiner pursuant to § 32.1-282 shall practice in collaboration with a licensed doctor of medicine or osteopathic medicine who has been appointed to serve as a medical examiner pursuant to § 32.1-282. Collaboration and consultation among nurse practitioners and patient care team physicians may be provided through telemedicine as described in § 38.2-3418.16.

Physicians on patient care teams may require that a nurse practitioner be covered by a professional liability insurance policy with limits equal to the current limitation on damages set forth in § 8.01-581.15.

Service on a patient care team by a patient care team member shall not, by the existence of such service alone, establish or create liability for the actions or inactions of other team members.

D. The Boards of Medicine and Nursing shall jointly promulgate regulations specifying collaboration and consultation among physicians and nurse practitioners working as part of patient care teams that shall include the development of, and periodic review and revision of, a written or electronic practice agreement; guidelines for availability and ongoing communications that define consultation among the collaborating parties and the patient; and periodic joint evaluation of the services delivered. Practice agreements shall include provisions for (i) periodic review of health records, which may include visits to the site where health care is delivered, in the manner and at the frequency determined by the nurse practitioner and the patient care team physician and (ii) input from appropriate health care providers in complex clinical cases and patient emergencies and for referrals. Evidence of a practice agreement shall be maintained by a nurse practitioner and provided to the Boards upon request. For nurse practitioners providing care to patients within a hospital or health care system, the practice agreement may be included as part of documents delineating the nurse practitioner's clinical privileges or the electronic or written delineation of duties and responsibilities in collaboration and consultation with a patient care team physician.

E. The Boards of Medicine and Nursing may issue a license by endorsement to an applicant to practice as a nurse practitioner if the applicant has been licensed as a nurse practitioner under the laws of another state and, pursuant to regulations of the Boards, the applicant meets the qualifications for licensure required of nurse practitioners in the Commonwealth. A nurse practitioner to whom a license is issued by endorsement may practice without a practice agreement with a patient care team physician pursuant to subsection I if such application provides an attestation to the Boards that the applicant has completed the equivalent of at least five years of full-time clinical experience, as determined by the Boards, in accordance with the laws of the state in which the nurse practitioner was licensed.

F. Pending the outcome of the next National Specialty Examination, the Boards may jointly grant temporary licensure to nurse practitioners.

G. In the event a physician who is serving as a patient care team physician dies, becomes disabled, retires from active practice, surrenders his license or has it suspended or revoked by the Board, or relocates his practice such that he is no longer able to serve, and a nurse practitioner is unable to enter into a new practice agreement with another patient care team physician, the nurse practitioner may continue to practice upon notification to the designee or his alternate of the Boards and receipt of such notification. Such nurse practitioner may continue to treat patients without a patient care team physician for an initial period not to exceed 60 days, provided the nurse practitioner continues to prescribe only those drugs previously authorized by the practice agreement with such physician and to have access to appropriate input from appropriate health care providers in complex clinical cases and patient emergencies and for referrals. The designee or his alternate of the Boards shall grant permission for the nurse practitioner to continue practice under this subsection for another 60 days,

provided the nurse practitioner provides evidence of efforts made to secure another patient care team physician and of access to physician input.

H. Every certified nurse midwife shall practice in accordance with regulations adopted by the Boards and consistent with the Standards for the Practice of Midwifery set by the American College of Nurse-Midwives governing such practice. A certified nurse midwife who has practiced fewer than 1,000 hours shall practice in consultation with a certified nurse midwife who has practiced for at least two years prior to entering into the practice agreement or a licensed physician, in accordance with a practice agreement. Such practice agreement shall address the availability of the certified nurse midwife who has practiced for at least two years prior to entering into the practice agreement or the licensed physician for routine and urgent consultation on patient care. Evidence of the practice agreement shall be maintained by the certified nurse midwife and provided to the Boards upon request. A certified nurse midwife who has completed 1,000 hours of practice as a certified nurse midwife may practice without a practice agreement upon receipt by the certified nurse midwife of an attestation from the certified nurse midwife who has practiced for at least two years prior to entering into the practice agreement or the licensed physician with whom the certified nurse midwife has entered into a practice agreement stating (i) that such certified nurse midwife or licensed physician has provided consultation to the certified nurse midwife pursuant to a practice agreement meeting the requirements of this section and (ii) the period of time for which such certified nurse midwife or licensed physician practiced in collaboration and consultation with the certified nurse midwife pursuant to the practice agreement. A certified nurse midwife authorized to practice without a practice agreement shall consult and collaborate with and refer patients to such other health care providers as may be appropriate for the care of the patient.

I. A nurse practitioner, other than a nurse practitioner licensed by the Boards of Medicine and Nursing in the category of certified nurse midwife, certified registered nurse anesthetist, or clinical nurse specialist, who has completed the equivalent of at least five years of full-time clinical experience as a licensed nurse practitioner, as determined by the Boards, may practice in the practice category in which he is certified and licensed without a written or electronic practice agreement upon receipt by the nurse practitioner of an attestation from the patient care team physician stating (i) that the patient care team physician has served as a patient care team physician on a patient care team with the nurse practitioner pursuant to a practice agreement meeting the requirements of this section and § 54.1-2957.01; (ii) that while a party to such practice agreement, the patient care team physician routinely practiced with a patient population and in a practice area included within the category for which the nurse practitioner was certified and licensed; and (iii) the period of time for which the patient care team physician practiced with the nurse practitioner under such a practice agreement. A copy of such attestation shall be submitted to the Boards together with a fee established by the Boards. Upon receipt of such attestation and verification that a nurse practitioner satisfies the requirements of this subsection, the Boards shall issue to the nurse practitioner a new license that includes a designation indicating that the nurse practitioner is authorized to practice without a practice agreement. In the event that a nurse practitioner is unable to obtain the attestation required by this subsection, the Boards may accept other evidence demonstrating that the applicant has met the requirements of this subsection in accordance with regulations adopted by the Boards.

A nurse practitioner authorized to practice without a practice agreement pursuant to this subsection shall (a) only practice within the scope of his clinical and professional training and limits of his knowledge and experience and consistent with the applicable standards of care, (b) consult and collaborate with other health care providers based on the clinical conditions of the patient to whom health care is provided, and (c) establish a plan for referral of complex medical cases and emergencies to physicians or other appropriate health care providers.

A nurse practitioner practicing without a practice agreement pursuant to this subsection shall obtain and maintain coverage by or shall be *the* named insured on a professional liability insurance policy with limits equal to the current limitation on damages set forth in § 8.01-581.15.

~~J. Nurse practitioners~~ A nurse practitioner licensed by the Boards of Medicine and Nursing in the category of clinical nurse specialist *who does not prescribe controlled substances or devices may practice in the practice category in which he is certified and licensed without a written or electronic practice agreement. Such nurse practitioner shall (i) only practice within the scope of his clinical and professional training and limits of his knowledge and experience and consistent with the applicable standards of care, (ii) consult and collaborate with other health care providers based on the clinical condition of the patient to whom health care is provided, and (iii) establish a plan for referral of complex medical cases and emergencies to physicians or other appropriate health care providers.*

A nurse practitioner licensed by the Boards in the category of clinical nurse specialist who prescribes controlled substances or devices shall practice in consultation with a licensed physician in accordance with a practice agreement between the nurse practitioner and the licensed physician. Such practice agreement shall address the availability of the physician for routine and urgent consultation on patient care. Evidence of a practice agreement shall be maintained by a nurse practitioner and provided to the Boards upon request. The practice of clinical nurse specialists shall be consistent with the standards of care for the profession and with applicable laws and regulations.

§ 54.1-2957.01. Prescription of certain controlled substances and devices by licensed nurse practitioners.

A. In accordance with the provisions of this section and pursuant to the requirements of Chapter 33 (§ 54.1-3300 et seq.), a licensed nurse practitioner shall have the authority to prescribe Schedule II through Schedule VI controlled substances and devices as set forth in Chapter 34 (§ 54.1-3400 et seq.).

B. A nurse practitioner who does not meet the requirements for practice without a written or electronic practice agreement set forth in subsection I of § 54.1-2957 shall prescribe controlled substances or devices only if such prescribing is

authorized by a written or electronic practice agreement entered into by the nurse practitioner and a patient care team physician *or, if the nurse practitioner is licensed by the Boards of Medicine and Nursing in the category of clinical nurse specialist, the nurse practitioner and a licensed physician*. Such nurse practitioner shall provide to the Boards of Medicine and Nursing such evidence as the Boards may jointly require that the nurse practitioner has entered into and is, at the time of writing a prescription, a party to a written or electronic practice agreement with a patient care team physician, *or, if the nurse practitioner is licensed by the Boards of Medicine and Nursing in the category of clinical nurse specialist, a licensed physician*, that clearly states the prescriptive practices of the nurse practitioner. Such written or electronic practice agreements shall include the controlled substances the nurse practitioner is or is not authorized to prescribe and may restrict such prescriptive authority as described in the practice agreement. Evidence of a practice agreement shall be maintained by a nurse practitioner pursuant to § 54.1-2957. Practice agreements authorizing a nurse practitioner to prescribe controlled substances or devices pursuant to this section either shall be signed by the patient care team physician, *or, if the nurse practitioner is licensed by the Boards of Medicine and Nursing in the category of clinical nurse specialist, a licensed physician*, or shall clearly state the name of the patient care team physician, *or, if the nurse practitioner is licensed by the Boards of Medicine and Nursing in the category of clinical nurse specialist, the name of the licensed physician*, who has entered into the practice agreement with the nurse practitioner.

It shall be unlawful for a nurse practitioner to prescribe controlled substances or devices pursuant to this section unless (i) such prescription is authorized by the written or electronic practice agreement or (ii) the nurse practitioner is authorized to practice without a written or electronic practice agreement pursuant to subsection I of § 54.1-2957.

C. The Boards of Medicine and Nursing shall promulgate regulations governing the prescriptive authority of nurse practitioners as are deemed reasonable and necessary to ensure an appropriate standard of care for patients. Such regulations shall include requirements as may be necessary to ensure continued nurse practitioner competency, which may include continuing education, testing, or any other requirement, and shall address the need to promote ethical practice, an appropriate standard of care, patient safety, the use of new pharmaceuticals, and appropriate communication with patients.

D. This section shall not limit the functions and procedures of certified registered nurse anesthetists or of any nurse practitioners which are otherwise authorized by law or regulation.

E. The following restrictions shall apply to any nurse practitioner authorized to prescribe drugs and devices pursuant to this section:

1. The nurse practitioner shall disclose to the patient at the initial encounter that he is a licensed nurse practitioner. Any party to a practice agreement shall disclose, upon request of a patient or his legal representative, the name of the patient care team physician, *or, if the nurse practitioner is licensed by the Boards of Medicine and Nursing in the category of clinical nurse specialist, the name of the licensed physician*, and information regarding how to contact the patient care team physician *or licensed physician*.

2. Physicians shall not serve as a patient care team physician on a patient care team ~~at any one time to or enter into a practice agreement with~~ more than six nurse practitioners *at any one time*.

F. This section shall not prohibit a licensed nurse practitioner from administering controlled substances in compliance with the definition of "administer" in § 54.1-3401 or from receiving and dispensing manufacturers' professional samples of controlled substances in compliance with the provisions of this section.

G. Notwithstanding any provision of law or regulation to the contrary, a nurse practitioner licensed by the Boards of Medicine and Nursing in the category of certified nurse midwife ~~or clinical nurse specialist~~ and holding a license for prescriptive authority may prescribe Schedules II through VI controlled substances. However, if the nurse practitioner licensed by the Boards of Medicine and Nursing in the category of certified nurse midwife ~~or clinical nurse specialist~~ is required, pursuant to subsection H ~~or J~~ of § 54.1-2957, to practice pursuant to a practice agreement, such prescribing shall also be in accordance with any prescriptive authority included in such practice agreement.

H. Notwithstanding any provision of law or regulation to the contrary, a nurse practitioner licensed by the Boards of Medicine and Nursing as a certified registered nurse anesthetist shall have the authority to prescribe Schedule II through Schedule VI controlled substances and devices in accordance with the requirements for practice set forth in subsection C of § 54.1-2957 to a patient requiring anesthesia, as part of the periprocedural care of such patient. As used in this subsection, "periprocedural" means the period beginning prior to a procedure and ending at the time the patient is discharged.

CHAPTER 198

An Act to amend and reenact § 54.1-2972 of the Code of Virginia, relating to licensed practical nurses; authority to pronounce death.

[S 169]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2972 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2972. When person deemed medically and legally dead; determination of death; nurses', licensed practical nurses', or physician assistants' authority to pronounce death under certain circumstances.

A. A person shall be medically and legally dead if:

1. In the opinion of a physician duly authorized to practice medicine in the Commonwealth, based on the ordinary standards of medical practice, there is the absence of spontaneous respiratory and spontaneous cardiac functions and, because of the disease or condition that directly or indirectly caused these functions to cease, or because of the passage of time since these functions ceased, attempts at resuscitation would not, in the opinion of such physician, be successful in restoring spontaneous life-sustaining functions, and, in such event, death shall be deemed to have occurred at the time these functions ceased; or

2. In the opinion of a physician, who shall be duly licensed to practice medicine in the Commonwealth and board-eligible or board-certified in the field of neurology, neurosurgery, or critical care medicine, when based on the ordinary standards of medical practice, there is irreversible cessation of all functions of the entire brain, including the brain stem, and, in the opinion of such physician, based on the ordinary standards of medical practice and considering the irreversible cessation of all functions of the entire brain, including the brain stem, and the patient's medical record, further attempts at resuscitation or continued supportive maintenance would not be successful in restoring such functions, and, in such event, death shall be deemed to have occurred at the time when all such functions have ceased.

B. A registered nurse or a physician assistant may pronounce death if the following criteria are satisfied: (i) the nurse is employed by or the physician assistant works at (a) a home care organization as defined in § 32.1-162.7, (b) a hospice as defined in § 32.1-162.1, (c) a hospital or nursing home as defined in § 32.1-123, including state-operated hospitals for the purposes of this section, (d) the Department of Corrections, or (e) a continuing care retirement community registered with the State Corporation Commission pursuant to Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2; (ii) the nurse or physician assistant is directly involved in the care of the patient; (iii) the patient's death has occurred; (iv) the patient is under the care of a physician when his death occurs; (v) the patient's death has been anticipated; (vi) the physician is unable to be present within a reasonable period of time to determine death; and (vii) there is a valid Do Not Resuscitate Order pursuant to § 54.1-2987.1 for the patient who has died. *A licensed practical nurse may pronounce death for a patient in hospice pursuant to a valid Do Not Resuscitate Order issued in accordance with § 54.1-2987.1.* The nurse, *licensed practical nurse*, or physician assistant shall inform the patient's attending and consulting physicians of the patient's death as soon as practicable.

The nurse, *licensed practical nurse*, or physician assistant shall have the authority to pronounce death in accordance with such procedural regulations, if any, as may be promulgated by the Board of Medicine; however, if the circumstances of the death are not anticipated or the death requires an investigation by the Office of the Chief Medical Examiner, the nurse, *licensed practical nurse*, or physician assistant shall notify the Office of the Chief Medical Examiner of the death and the body shall not be released to the funeral director.

This subsection shall not authorize a nurse, *licensed practical nurse*, or physician assistant to determine the cause of death. Determination of cause of death shall continue to be the responsibility of the attending physician, except as provided in § 32.1-263. Further, this subsection shall not be construed to impose any obligation to carry out the functions of this subsection.

This subsection shall not relieve any registered nurse, *licensed practical nurse*, or physician assistant from any civil or criminal liability that might otherwise be incurred for failure to follow statutes or Board of Nursing or Board of Medicine regulations.

C. The alternative definitions of death provided in subdivisions A 1 and 2 may be utilized for all purposes in the Commonwealth, including the trial of civil and criminal cases.

CHAPTER 199

An Act to amend and reenact § 6-231, as amended, of Chapter 358 of the Acts of Assembly of 1958, which provided a charter for the Town of Tazewell in Tazewell County, relating to board of zoning appeals.

[H 52]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 6-231, as amended, of Chapter 358 of the Acts of Assembly of 1958 is amended and reenacted as follows:

§ 6-231. The board of zoning appeals shall consist of five members, one of whom may be a member of the Planning Commission, each of whom is to be appointed for a term of ~~two~~ five years, and subject to removal for cause by the council, upon written charges and after public hearing. Vacancies shall be filled by the council for the unexpired term of any member.

CHAPTER 200

An Act to amend and reenact § 6-231, as amended, of Chapter 358 of the Acts of Assembly of 1958, which provided a charter for the Town of Tazewell in Tazewell County, relating to board of zoning appeals.

[S 627]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 6-231, as amended, of Chapter 358 of the Acts of Assembly of 1958 is amended and reenacted as follows:**

§ 6-231. The board of zoning appeals shall consist of five members, one of whom may be a member of the Planning Commission, each of whom is to be appointed for a term of ~~two~~ five years, and subject to removal for cause by the council, upon written charges and after public hearing. Vacancies shall be filled by the council for the unexpired term of any member.

CHAPTER 201

An Act to amend and reenact §§ 4.1-130, 4.1-131, 4.1-212, and 4.1-311 of the Code of Virginia and to repeal § 4.1-310 of the Code of Virginia, relating to alcoholic beverage control; transportation of alcoholic beverages.

[S 325]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:**1. That §§ 4.1-130, 4.1-131, 4.1-212, and 4.1-311 of the Code of Virginia are amended and reenacted as follows:****§ 4.1-130. Importation of beverages not under customs or internal revenue bonds; storage in approved warehouses; release.**

A. Notwithstanding the provisions of § ~~4.1-310~~ 4.1-311, alcoholic beverages not under United States customs bonds or internal revenue bonds may be transported into and stored in the Commonwealth in warehouses which have been approved by the Board for that purpose.

The Board may refuse to approve any warehouse as a place where alcoholic beverages may be stored if it has reasonable cause to believe that the owner or operator of the warehouse is a person to whom or the place sought to be approved is one for which the Board may refuse to grant a license under the provisions of § 4.1-222, which shall apply mutatis mutandis, unless the provisions of such section are inapplicable.

The Board may disapprove any warehouse which has been approved as a place where alcoholic beverages may be stored if it has reasonable cause to believe that a ground exists for which the Board may suspend or revoke a license under the provisions of § 4.1-225, which shall apply mutatis mutandis, unless the provisions of such section are inapplicable.

B. Alcoholic beverages stored in warehouses in the Commonwealth pursuant to this section shall be released only on permits issued by the Board for delivery to the Board or to persons entitled to receive them within or outside the Commonwealth.

§ 4.1-131. Importation of beverages under customs bonds and holding in warehouses; release.

A. Alcoholic beverages may be imported into the Commonwealth under United States customs bonds and be held in the Commonwealth in United States customs bonded warehouses. Alcoholic beverages may be removed from any such warehouse, wherever situated, to such a warehouse located in the Commonwealth and be held in the Commonwealth.

B. Alcoholic beverages so imported or removed to such warehouses in the Commonwealth shall be released from customs bonds in the Commonwealth only (i) for delivery to the Board, or to licensees entitled to receive them in the Commonwealth, as provided in § ~~4.1-310~~ 4.1-311; (ii) to boats engaged in foreign trade, trade between the Atlantic and Pacific ports of the United States, trade between the United States and any of its possessions outside of the several states and the District of Columbia, or for shipment outside of the Commonwealth; or (iii) in accordance with subsection C for the official or personal use of persons who are on duty in the United States as members of the armed forces of any foreign country, or their immediate family, authorized by federal laws and regulations to receive imported alcoholic beverages free of customs duties and internal revenue taxes.

C. Persons operating United States customs bonded warehouses and licensed as wholesalers or retailers may make sales and deliveries, in quantities determined by the Board, of alcoholic beverages held in customs bond to foreign armed forces personnel as provided in subsection B. Such sales may be made only on permits issued by the Board which shall cover the transportation of such imported alcoholic beverages, either by the operator of a customs bonded warehouse or purchaser from the operator, from such customs bonded warehouse to the place of duty or residence of such authorized persons.

§ 4.1-212. Permits required in certain instances.

A. The Board may grant the following permits which shall authorize:

1. Wine and beer salesmen representing any out-of-state wholesaler engaged in the sale of wine and beer, or either, to sell or solicit the sale of wine or beer, or both in the Commonwealth.

2. Any person having any interest in the manufacture, distribution or sale of spirits or other alcoholic beverages to solicit any mixed beverage licensee, his agent, employee or any person connected with the licensee in any capacity in his licensed business to sell or offer for sale such spirits or alcoholic beverages.

3. Any person to keep upon his premises alcoholic beverages that he is not authorized by any license to sell and which shall be used for culinary purposes only.

4. Any person to transport lawfully purchased alcoholic beverages within, into or through the Commonwealth, except that no permit shall be required for any person shipping or transporting into the Commonwealth a reasonable quantity of

alcoholic beverages when such person is relocating his place of residence to the Commonwealth in accordance with ~~§ 4.1-310~~ 4.1-311.

5. Any person to keep, store, or possess any still or distilling apparatus for the purpose of distilling alcohol.

6. The release of alcoholic beverages not under United States custom bonds or internal revenue bonds stored in Board approved warehouses for delivery to the Board or to persons entitled to receive them within or outside of the Commonwealth.

7. The release of alcoholic beverages from United States customs bonded warehouses for delivery to the Board or to licensees and other persons enumerated in subsection B of § 4.1-131.

8. The release of alcoholic beverages from United States internal revenue bonded warehouses for delivery in accordance with subsection C of § 4.1-132.

9. A secured party or any trustee, curator, committee, conservator, receiver or other fiduciary appointed or qualified in any court proceeding, to continue to operate under the licenses previously issued to any deceased or other person licensed to sell alcoholic beverages for such period as the Board deems appropriate.

10. The one-time sale of lawfully acquired alcoholic beverages belonging to any person, or which may be a part of such person's estate, including a judicial sale, estate sale, sale to enforce a judgment lien or liquidation sale to satisfy indebtedness secured by a security interest in alcoholic beverages, by a sheriff, personal representative, receiver or other officer acting under authority of a court having jurisdiction in the Commonwealth, or by any secured party as defined in subdivision (a)(73) of § 8.9A-102 of the Virginia Uniform Commercial Code. Such sales shall be made only to persons who are licensed or hold a permit to sell alcoholic beverages in the Commonwealth or to persons outside the Commonwealth for resale outside the Commonwealth and upon such conditions or restrictions as the Board may prescribe.

11. Any person who purchases at a foreclosure, secured creditor's or judicial auction sale the premises or property of a person licensed by the Board and who has become lawfully entitled to the possession of the licensed premises to continue to operate the establishment to the same extent as a person holding such licenses for a period not to exceed 60 days or for such longer period as determined by the Board. Such permit shall be temporary and shall confer the privileges of any licenses held by the previous owner to the extent determined by the Board. Such temporary permit may be issued in advance, conditioned on the above requirements.

12. The storage of lawfully acquired alcoholic beverages not under customs bond or internal revenue bond in warehouses located in the Commonwealth.

13. The storage of wine by a licensed winery or farm winery under internal revenue bond in warehouses located in the Commonwealth.

14. Any person to conduct tastings in accordance with § 4.1-201.1, provided that such person has filed an application for a permit in which the applicant represents (i) that he or she is under contract to conduct such tastings on behalf of the alcoholic beverage manufacturer or wholesaler named in the application; (ii) that such contract grants to the applicant the authority to act as the authorized representative of such manufacturer or wholesaler; and (iii) that such contract contains an acknowledgment that the manufacturer or wholesaler named in the application may be held liable for any violation of § 4.1-201.1 by its authorized representative. A permit issued pursuant to this subdivision shall be valid for at least one year, unless sooner suspended or revoked by the Board in accordance with § 4.1-229.

15. Any person who, through contract, lease, concession, license, management or similar agreement (hereinafter referred to as the contract), becomes lawfully entitled to the use and control of the premises of a person licensed by the Board to continue to operate the establishment to the same extent as a person holding such licenses, provided such person has made application to the Board for a license at the same premises. The permit shall (i) confer the privileges of any licenses held by the previous owner to the extent determined by the Board and (ii) be valid for a period of 120 days or for such longer period as may be necessary as determined by the Board pending the completion of the processing of the permittee's license application. No permit shall be issued without the written consent of the previous licensee. No permit shall be issued under the provisions of this subdivision if the previous licensee owes any state or local taxes, or has any pending charges for violation of this title or any Board regulation, unless the permittee agrees to assume the liability of the previous licensee for the taxes or any penalty for the pending charges. An application for a permit may be filed prior to the effective date of the contract, in which case the permit when issued shall become effective on the effective date of the contract. Upon the effective date of the permit, (a) the permittee shall be responsible for compliance with the provisions of this title and any Board regulation and (b) the previous licensee shall not be held liable for any violation of this title or any Board regulation committed by, or any errors or omissions of, the permittee.

16. Any sight-seeing carrier or contract passenger carrier as defined in § 46.2-2000 transporting individuals for compensation to a winery, brewery, or restaurant, licensed under this chapter and authorized to conduct tastings, to collect the licensee's tasting fees from tour participants for the sole purpose of remitting such fees to the licensee.

17. Any tour company guiding individuals for compensation on a walking tour to one or more establishments licensed to sell alcoholic beverages at retail for on-premises consumption to collect as one fee from tour participants (i) the licensee's fee for the alcoholic beverages served as part of the tour, (ii) a fee for any food offered as part of the tour, and (iii) a fee for the walking tour service. The tour company shall remit to the licensee any fee collected for the alcoholic beverages and any food served as part of the tour. The tour company shall ensure that (a) each tour includes no more than 15 participants per tour guide and no more than three tour guides, (b) a tour guide is present with the participants throughout the duration of the tour, and (c) all participants are persons to whom alcoholic beverages may be lawfully sold.

B. Nothing in subdivision 9, 10, or 11 shall authorize any brewery, winery or affiliate or a subsidiary thereof which has supplied financing to a wholesale licensee to manage and operate the wholesale licensee in the event of a default, except to the extent authorized by subdivision B 3 a of § 4.1-216.

§ 4.1-311. Limitations on transporting lawfully purchased alcoholic beverages; penalty.

A. ~~The Except as otherwise permitted under subsection F of § 4.1-206.3 or § 4.1-209.1 or 4.1-212.1, the transportation of alcoholic beverages lawfully purchased in the Commonwealth in excess of the following limits is prohibited except in accordance with Board regulations and the following provisions:~~

1. ~~Wine and beer, no limitation may be (i) if lawfully purchased in the Commonwealth for personal use and not for resale, transported within the Commonwealth in the personal possession of the purchaser; (ii) if lawfully purchased outside the Commonwealth for personal use and not for resale, transported into or within the Commonwealth in the personal possession of the purchaser in an amount not to exceed three gallons; or (iii) transported into the Commonwealth if consigned to a wholesale wine licensee.~~

2. ~~Beer may be (i) if lawfully purchased in the Commonwealth for personal use and not for resale, transported within the Commonwealth in the personal possession of the purchaser; (ii) if lawfully purchased outside the Commonwealth for personal use and not for resale, transported into or within the Commonwealth in the personal possession of the purchaser in an amount not to exceed three gallons; or (iii) transported into the Commonwealth if consigned to a wholesale beer licensee.~~

3. ~~Alcoholic beverages other than wine and beer, may be (i) if lawfully purchased for personal use and not for resale, transported into or within the Commonwealth in the personal possession of the purchaser in an amount not to exceed three gallons; provided that not more than one gallon thereof shall be in containers holding less than one-fifth of a gallon. If any part of the alcoholic beverages being transported is held in metric-sized containers, the three-gallon limitation shall be construed to be 12 liters, and not more than 4 liters thereof shall be in containers smaller than 750 milliliters or (ii) transported into the Commonwealth if such alcoholic beverages (a) are consigned to the Board, (b) are being transported to a distillery or winery licensee, or (c) are ordered by the Board and are being transported directly to persons for industrial purposes, persons for the manufacture of articles allowed to be manufactured under § 4.1-200, or hospitals pursuant to a permit issued by the Board for which the Board may charge a reasonable fee.~~

B. ~~The transportation of alcoholic beverages lawfully purchased outside the Commonwealth, within, into or through the Commonwealth, in quantities in excess of one gallon or four liters if any part of the alcohol being transported is held in metric-sized containers, is prohibited except in accordance with Board regulations adopted pursuant to this section provisions of this section shall not be construed to prohibit (i) any person from bringing, through U.S. Customs in his accompanying baggage, into the Commonwealth for personal use and not for resale alcoholic beverages in an amount not to exceed three gallons; (ii) the transportation into the Commonwealth of a reasonable quantity of alcoholic beverages for personal use and not for resale in the personal or household effects of a person relocating his place of residence to the Commonwealth; or (iii) the transportation of alcoholic beverages on passenger boats, dining cars, buffet cars, or club cars licensed under this title or by common carriers engaged in interstate or foreign commerce.~~

C. Any person transporting alcoholic beverages in violation of this section ~~shall be~~ is guilty of a Class 1 misdemeanor.

2. That § 4.1-310 of the Code of Virginia is repealed.

3. That the Board of Directors of the Virginia Alcoholic Beverage Control Authority (the Board) shall promulgate regulations to implement the provisions of this act. The Board's initial adoption of regulations necessary to implement the provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board shall provide an opportunity for public comment on such regulations prior to adoption.

4. That the Virginia Code Commission shall replace with "this subtitle" all references to "this title" in Chapters 1 through 5 of Title 4.1 of the Code of Virginia.

CHAPTER 202

An Act to amend and reenact § 58.1-1812 of the Code of Virginia, relating to tax assessments; notice.

[H 1083]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-1812 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-1812. Assessment of omitted taxes by the Department of Taxation.

A. If the Tax Commissioner ascertains that any person has failed to make a proper return or to pay in full any proper tax, he shall assess the taxes prescribed by law, adding to the taxes so assessed the penalty prescribed by law, if any, for the failure to file a return (if a return was required by law but not filed within the time prescribed by law) and the penalty or penalties prescribed by law for the failure to pay the taxes and penalty or penalties within the time prescribed by law. If no penalty is so prescribed, he shall assess a penalty of ~~5~~ five percent of the tax due, or if the failure to pay in full was fraudulent, a penalty of 100 percent of the tax due. In addition thereto, interest on the outstanding tax and penalty shall be charged at the rate established under § 58.1-15 for the period between the due date and the date of full payment.

Except as otherwise provided by law, the amount of tax shall be assessed within three years after the return was filed, whether such return was filed on or after the date prescribed, and no proceeding in court without assessment shall be begun for the collection of such tax after the expiration of such period. A return of tax filed before the last day prescribed by law for the timely filing thereof shall be considered as filed on the last day. A return of recordation tax shall be considered as having been filed on the date of recordation. If no return is filed, the tax may be assessed within six years of the date such return was due. If a false or fraudulent return is filed with intent to evade the payment of tax, an assessment may be made at any time.

Upon such assessment, the Department of Taxation shall send a bill therefor to the taxpayer and the taxes, penalties, and interest shall be remitted to the Department of Taxation within ~~thirty~~ 30 days from the date of such bill. *Effective January 1, 2023, such bill and notice of assessment shall identify the date the initial return or payment was received by the Department, any payment amounts received, and an explanation of the taxes, penalties, and interest related to such assessment on such taxpayer.* If such taxes, penalties, and interest are not paid within such ~~thirty~~ 30 days, interest at the rate provided herein shall accrue thereon from the date of such assessment until payment.

B. The Department of Taxation shall not assess penalty or interest on any assessment of tax for the recovery of an erroneous refund; ~~as defined in this section~~, provided that the tax is paid to the Department within ~~thirty~~ 30 days from the date of the bill. If the tax is not remitted to the Department within ~~thirty~~ 30 days from the date of such bill, interest at the rate provided herein shall accrue thereon from the date of such assessment until payment.

As used in this section, "erroneous refund" means any refund of tax resulting solely from an error by the Department of Taxation ~~which~~ that results in the taxpayer receiving a refund to which the taxpayer is not entitled.

CHAPTER 203

An Act to amend and reenact § 58.1-439 of the Code of Virginia, relating to income tax; major business facility job tax credit; sunset.

[S 185]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-439 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-439. Major business facility job tax credit.

A. For taxable years beginning on and after January 1, 1995, but before July 1, ~~2022~~ 2025, a taxpayer shall be allowed a credit against the taxes imposed by Articles 2 (§ 58.1-320 et seq.), 6 (§ 58.1-360 et seq.), and 10 (§ 58.1-400 et seq.) of Chapter 3; Chapter 12 (§ 58.1-1200 et seq.); Article 1 (§ 58.1-2500 et seq.) of Chapter 25; or Article 2 (§ 58.1-2620 et seq.) of Chapter 26 as set forth in this section.

B. For purposes of this section, the amount of any credit attributable to a partnership, electing small business corporation (S corporation), or limited liability company shall be allocated to the individual partners, shareholders, or members, respectively, in proportion to their ownership or interest in such business entities.

C. A "major business facility" is a company that satisfies the following criteria:

1. Subject to the provisions of subsections K or L, the establishment or expansion of the company shall result in the creation of at least 50 jobs for qualified full-time employees; the first such 50 jobs shall be referred to as the "threshold amount"; and

2. The company is engaged in any business in the Commonwealth, except a retail trade business if such trade is the principal activity of an individual facility in the Commonwealth. Examples of types of major business facilities that are eligible for the credit provided under this section include, but are not limited to, a headquarters, or portion of such a facility, where company employees are physically employed, and where the majority of the company's financial, personnel, legal or planning functions are handled either on a regional or national basis. A company primarily engaged in the Commonwealth in the business of manufacturing or mining; agriculture, forestry or fishing; transportation or communications; or a public utility subject to the corporation income tax shall be deemed to have established or expanded a major business facility in the Commonwealth if it meets the requirements of subdivision 1 during a single taxable year and such facilities are not retail establishments. A major business facility shall also include facilities that perform central management or administrative activities, whether operated as a separate trade or business, or as a separate support operation of another business. Central management or administrative activities include, but are not limited to, general management; accounting; computing; tabulating; purchasing; transportation or shipping; engineering and systems planning; advertising; technical sales and support operations; central administrative offices and warehouses; research, development and testing laboratories; computer-programming, data-processing and other computer-related services facilities; and legal, financial, insurance, and real estate services. The terms used in this subdivision to refer to various types of businesses shall have the same meanings as those terms are commonly defined in the Standard Industrial Classification Manual.

D. For purposes of this section, the "credit year" is the first taxable year following the taxable year in which the major business facility commenced or expanded operations.

E. The Department of Taxation shall make all determinations as to the classification of a major business facility in accordance with the provisions of this section.

F. A "qualified full-time employee" means an employee filling a new, permanent full-time position in a major business facility in the Commonwealth. A "new, permanent full-time position" is a job of an indefinite duration, created by the company as a result of the establishment or expansion of a major business facility in the Commonwealth, requiring a minimum of 35 hours of an employee's time a week for the entire normal year of the company's operations, which "normal year" shall consist of at least 48 weeks, or a position of indefinite duration which requires a minimum of 35 hours of an employee's time a week for the portion of the taxable year in which the employee was initially hired for, or transferred to, the major business facility in the Commonwealth. Seasonal or temporary positions, or a job created when a job function is shifted from an existing location in the Commonwealth to the new major business facility and positions in building and grounds maintenance, security, and other such positions which are ancillary to the principal activities performed by the employees at a major business facility shall not qualify as new, permanent full-time positions.

G. For any major business facility, the amount of credit earned pursuant to this section shall be equal to \$1,000 per qualified full-time employee, over the threshold amount, employed during the credit year. The credit shall be allowed ratably, with one-third of the credit amount allowed annually for three years beginning with the credit year. However, for taxable years beginning on or after January 1, 2009, one-half of the credit amount shall be allowed each year for two years. The portion of the \$1,000 credit earned with respect to any qualified full-time employee who is employed in the Commonwealth for less than 12 full months during the credit year will be determined by multiplying the credit amount by a fraction, the numerator of which is the number of full months that the qualified full-time employee worked for the major business facility in the Commonwealth during the credit year, and the denominator of which is 12. A separate credit year and a three-year allowance period shall exist for each distinct major business facility of a single taxpayer, except for credits allowed for taxable years beginning on or after January 1, 2009, when a two-year allowance period shall exist for each distinct major business facility of a single taxpayer.

H. The amount of credit allowed pursuant to this section shall not exceed the tax imposed for such taxable year. Any credit not usable for the taxable year the credit was allowed may be, to the extent usable, carried over for the next 10 succeeding taxable years. No credit shall be carried back to a preceding taxable year. In the event that a taxpayer who is subject to the tax limitation imposed pursuant to this subsection is allowed another credit pursuant to any other section of the Code of Virginia, or has a credit carryover from a preceding taxable year, such taxpayer shall be considered to have first utilized any credit allowed which does not have a carryover provision, and then any credit which is carried forward from a preceding taxable year, prior to the utilization of any credit allowed pursuant to this section.

I. No credit shall be earned pursuant to this section for any employee (i) for whom a credit under this section was previously earned by a related party as defined by Internal Revenue Code § 267(b) or a trade or business under common control as defined by Internal Revenue Code § 52(b); (ii) who was previously employed in the same job function in Virginia by a related party as defined by Internal Revenue Code § 267(b) or a trade or business under common control as defined by Internal Revenue Code § 52(b); (iii) whose job function was previously performed at a different location in Virginia by an employee of the taxpayer, a related party as defined by Internal Revenue Code § 267(b), or a trade or business under common control as defined by Internal Revenue Code § 52(b); or (iv) whose job function previously qualified for a credit under this section at a different major business facility on behalf of the taxpayer, a related party as defined by Internal Revenue Code § 267(b), or a trade or business under common control as defined by Internal Revenue Code § 52(b).

J. Subject to the provisions of subsections K or L, recapture of this credit, under the following circumstances, shall be accomplished by increasing the tax in any of the five years succeeding the taxable year in which a credit has been earned pursuant to this section if the number of qualified full-time employees decreases below the average number of qualified full-time employees employed during the credit year. Such tax increase amount shall be determined by (i) recomputing the credit which would have been earned for the original credit year using the decreased number of qualified full-time employees and (ii) subtracting such recomputed credit from the amount of credit previously earned. In the event that the average number of qualifying full-time employees employed at a major business facility falls below the threshold amount in any of the five taxable years succeeding the credit year, all credits earned with respect to such major business facility shall be recaptured. No credit amount will be recaptured more than once pursuant to this subsection. Any recapture pursuant to this section shall reduce credits earned but not yet allowed, and credits allowed but carried forward, before the taxpayer's tax liability may be increased.

K. In the event that a major business facility is located in an economically distressed area or in an enterprise zone as defined in Chapter 49 (§ 59.1-538 et seq.) of Title 59.1 during a credit year, the threshold amount required to qualify for a credit pursuant to this section and to avoid full recapture shall be reduced from 50 to 25 for purposes of subdivision C 1 and subsection J. An area shall qualify as economically distressed if it is a city or county with an unemployment rate for the preceding year of at least 0.5 percent higher than the average statewide unemployment rate for such year. The Virginia Economic Development Partnership shall identify and publish a list of all economically distressed areas at least annually.

L. For taxable years beginning on or after January 1, 2004, but before January 1, 2006, in the event that a major business facility is located in a severely economically distressed area, the threshold amount required to qualify for a credit pursuant to this section and to avoid full recapture shall be reduced from 100 to 25 for purposes of subdivision C 1 and subsection J. However, the total amount of credit allowable under this subsection shall not exceed \$100,000 in aggregate. An area shall qualify as severely economically distressed if it is a city or county with an unemployment rate for the preceding year of at least twice the average statewide unemployment rate for such year. The Virginia Economic Development Partnership shall identify and publish a list of all severely economically distressed areas at least annually.

M. The Tax Commissioner shall promulgate regulations, in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), relating to (i) the computation, carryover, and recapture of the credit provided under this section; (ii) defining criteria for (a) a major business facility, (b) qualifying full-time employees at such facility, and (c) economically distressed areas; and (iii) the computation, carryover, recapture, and redemption of the credit by affiliated companies pursuant to subsection S.

N. The provisions of this section shall apply only in instances where an announcement of intent to establish or expand a major business facility is made on or after January 1, 1994. An announcement of intent to establish or expand a major business facility includes, but is not limited to, a press conference or extensive press coverage, providing information with respect to the impact of the project on the economy of the area where the major business facility is to be established or expanded and the Commonwealth as a whole.

O. The credit allowed pursuant to this section shall be granted to the person who pays taxes for the qualified full-time employees pursuant to Chapter 5 (§ 60.2-500 et seq.) of Title 60.2.

P. No person shall claim a credit allowed pursuant to this section and the credit allowed pursuant to § 58.1-439.2. Any qualified business firm receiving an enterprise zone job creation grant under § 59.1-547 shall not be eligible to receive a major business facility job tax credit pursuant to this section for any job used to qualify for the enterprise zone job creation grant.

Q. No person operating a business in the Commonwealth pursuant to Chapter 29 (§ 59.1-364 et seq.) of Title 59.1 shall claim a credit pursuant to this section.

R. Notwithstanding subsection O, a taxpayer may, for the purpose of determining the number of qualified full-time employees at a major business facility, include the employees of a contractor or a subcontractor if such employees are permanently assigned to the taxpayer's major business facility. If the taxpayer includes the employees of a contractor or subcontractor in its total of qualified full-time employees, it shall enter into a contractual agreement with the contractor or subcontractor prohibiting the contractor or subcontractor from also claiming these employees in order to receive a credit given under this section. The taxpayer shall provide evidence satisfactory to the Department of Taxation that it has entered into such a contract.

S. For purposes of satisfying the criteria of subdivision C 1, two or more affiliated companies may elect to aggregate the number of jobs created for qualified full-time employees as the result of the establishment or expansion by the individual companies in order to qualify for the credit allowed pursuant to this section. For purposes of this subsection, "affiliated companies" means two or more companies related to each other such that (i) one company owns at least 80 percent of the voting power of the other or others or (ii) at least 80 percent of the voting power of two or more companies is owned by the same interests.

T. The General Assembly of Virginia finds that modern business infrastructure allows businesses to locate their administrative or manufacturing facilities with minimal regard to the location of markets or the transportation of raw materials and finished goods, and that the economic vitality of the Commonwealth would be enhanced if such facilities were established in Virginia. Accordingly, the provisions of this section targeting the credit to major business facilities and limiting the credit to those companies which establish a major business facility in Virginia are integral to the purpose of the credit earned pursuant to this section and shall not be deemed severable.

U. For taxable years beginning on and after January 1, 2019, and notwithstanding the provisions of § 58.1-3 or any other provision of law, the Department of Taxation, in consultation with the Virginia Economic Development Partnership, shall publish the following information by November 1 of each year for the 12-month period ending on the preceding December 31:

1. The location of sites used for major business facilities for which a credit was claimed;
2. The North American Industry Classification System codes used for the major business facilities for which a credit was claimed;
3. The number of qualified full time employees for whom a credit was claimed; and
4. The total cost to the Commonwealth's general fund of the credits claimed.

Such information shall be published by the Department, regardless of how few taxpayers claimed the tax credit, in a manner that prevents the identification of particular taxpayers, reports, returns, or items.

CHAPTER 204

An Act to amend and reenact §§ 3.2-5100, 3.2-5101, 3.2-5130, and 15.2-2288.6 of the Code of Virginia, relating to food and drink law; permitting requirements.

[H 837]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-5100, 3.2-5101, 3.2-5130, and 15.2-2288.6 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-5100. Duties of Commissioner.

A. ~~It shall be the duty of the~~ *The Commissioner shall inquire into the dairy and food and drink products, and the articles that are food or drinks, or the necessary constituents of the food or drinks, that are manufactured, sold, exposed, or offered for sale in the Commonwealth.*

B. The Commissioner may procure samples of the dairy and food products covered by this chapter and may have the samples analyzed.

C. *The Commissioner shall issue a permit to any food manufacturer, food storage warehouse, or retail food establishment that, after inspection, is determined to be in compliance with all applicable provisions of this chapter and any regulations adopted thereunder. The Commissioner shall notify any applicant denied a permit of the reason for such denial. Any food manufacturer, food storage warehouse, or retail food establishment issued a permit pursuant to this subsection shall be exempt from any other license, permit, or inspection required for the sale, preparation, or handling of food unless such food manufacturer, food storage warehouse, or retail food establishment is operating as (i) a restaurant as defined in Title 35.1, as jointly determined by the State Health Commissioner and the Commissioner; (ii) a plant that processes and distributes Grade A milk as referenced in this title, as determined by the State Health Commissioner; or (iii) a shellfish establishment as defined in Title 28.2, as determined by the State Health Commissioner.*

D. The Commissioner shall make a complaint against the manufacturer or vendor of any food or drink or dairy products that are adulterated, impure, or unwholesome, in contravention of the laws of the Commonwealth, and furnish all evidence to obtain a conviction of the offense charged. The Commissioner may make complaint and cause proceedings to be commenced against any person for enforcement of the laws relative to adulteration, impure, or unwholesome food or drink, and in such cases he shall not be obliged to furnish security for costs.

§ 3.2-5101. Board authorized to adopt regulations; exception.

A. Whenever in the judgment of the Commissioner action will promote honesty and fair dealing in the interest of consumers, the Board shall adopt regulations fixing and establishing for any food or class of food: labeling requirements; a reasonable definition and standard of identity; and a reasonable standard of quality and fill of container, or tolerances or limits of variability. In prescribing a definition and standard of identity for any food or class of food in which optional ingredients are permitted, the Board shall, for the purpose of promoting honesty and fair dealing in the interest of the consumers, designate the optional ingredients that shall be named on the label. The definitions and standards so adopted may conform so far as practicable to the definitions and standards promulgated by the Secretary of Health and Human Services under authority conferred by Section 401 of the federal act.

B. *The Board may adopt regulations for the efficient administration of subsection C of § 3.2-5100 in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).*

C. Any regulations adopted pertaining to this section shall not apply to nonprofit organizations holding one-day food sales. The Commissioner may disseminate to nonprofit organizations educational materials related to the safe preparation of food for human consumption.

§ 3.2-5130. Inspections required to operate food establishment.

A. It is unlawful to operate as a food ~~manufacturing plant~~ *manufacturer, food storage warehouse, or retail food store establishment until* ~~it~~ *(i) such food manufacturer, food storage warehouse, or retail food establishment has been inspected by the Commissioner. This section and (ii) the Commissioner has issued a permit pursuant to subsection C of § 3.2-5100 for the operation of the food manufacturer, food storage warehouse, or retail food establishment. If the inspection finds no significant health hazards to the public, any food manufacturer, food storage warehouse, or retail food establishment may operate until receipt of the permit. Such permit shall be processed within 30 days of the inspection date.*

B. *If the Commissioner determines that conditions exist in a food manufacturer, food storage warehouse, or retail food establishment that would render such entity significantly out of compliance with an applicable provision of this chapter or regulation adopted pursuant to this chapter, the Commissioner may, in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), deny, suspend, or revoke the permit of such entity. If the Commissioner determines that conditions exist in a food manufacturer, food storage warehouse, or retail food establishment that present a significant and immediate public health hazard, the Commissioner may suspend the permit of such entity and shall seek an expedited informal fact-finding proceeding pursuant to § 2.2-4019.*

C. *The provisions of subsections A and B shall not apply to:*

1. Food ~~manufacturing plants~~ *manufacturers* operating under a grant of inspection from the Office of Meat and Poultry Services or a permit from the Office of Dairy and Foods in the Department; and Grade A fluid milk manufacturing plants and shellfish and crustacea processing plants operating under a permit from the Virginia Department of Health;

2. Nonprofit organizations holding one-day food sales;

3. Private homes where the resident processes and prepares candies, jams, and jellies not considered to be low-acid or acidified low-acid food products, dried fruits, dry herbs, dry seasonings, dry mixtures, coated and uncoated nuts, vinegars and flavored vinegars, popcorn, popcorn balls, cotton candy, dried pasta, dry baking mixes, roasted coffee, dried tea, cereals, trail mixes, granola, and baked goods that do not require time or temperature control after preparation if such products are: (i) sold to an individual for his own consumption and not for resale; (ii) sold at the private home or at farmers markets; (iii) not offered for sale to be used in or offered for consumption in retail food establishments; (iv) not offered for sale over the Internet or in interstate commerce; and (v) affixed with a label displaying the name, physical address, and telephone number of the person preparing the food product, the date the food product was processed, and the statement "NOT FOR RESALE — PROCESSED AND PREPARED WITHOUT STATE INSPECTION" shall be placed on the

principal display panel. Nothing in this subdivision shall create or diminish the authority of the Commissioner under § 3.2-5102;

4. Private homes where the resident processes and prepares pickles and other acidified vegetables that have an equilibrium pH value of 4.6 or lower if such products are (i) sold to an individual for his own consumption and not for resale; (ii) sold at the private home or at farmers markets; (iii) not offered for sale to be used in or offered for consumption in retail food establishments; (iv) not offered for sale over the Internet or in interstate commerce; (v) affixed with a label displaying the name, physical address, and telephone number of the person preparing the food product, the date the food product was processed, and the statement "NOT FOR RESALE — PROCESSED AND PREPARED WITHOUT STATE INSPECTION" shall be placed on the principal display panel; and (vi) not exceeding \$3,000 in gross sales in a calendar year. Nothing in this subdivision shall create or diminish the authority of the Commissioner under § 3.2-5102;

5. Private homes where the resident processes and prepares honey produced by his own hives, if: (i) the resident sells less than 250 gallons of honey annually; (ii) the resident does not process and sell other food products in addition to honey, except as allowed by subdivisions 3 and 4; (iii) the product complies with the other provisions of this chapter; and (iv) the product is labeled "PROCESSED AND PREPARED WITHOUT STATE INSPECTION. WARNING: Do Not Feed Honey to Infants Under One Year Old." Nothing in this subdivision shall increase or diminish the authority of the Commissioner under § 3.2-5102; and

6. Retail establishments that (i) do not prepare or serve food; (ii) sell only food or beverages that are sealed in packaging by the manufacturer and have been officially inspected in the manufacturing process; (iii) do not sell infant formulas; (iv) do not sell salvaged foods; and (v) certify to the Department that they meet the provisions of this subdivision.

~~B. D.~~ Nonprofit organizations, private homes, and retail establishments that qualify for an exception under subsection ~~A C~~ shall be exempt from *the permit and inspection requirements of this chapter* and the inspection fees. Nothing in this section shall prevent the Department from inspecting any nonprofit organization, private home, or retail establishment if a consumer complaint is received.

~~E. E.~~ Any person who violates any provision of this section is guilty of a Class 1 misdemeanor.

§ 15.2-2288.6. Agricultural operations; local regulation of certain activities.

A. No locality shall regulate the carrying out of any of the following activities at an agricultural operation, as defined in § 3.2-300, unless there is a substantial impact on the health, safety, or general welfare of the public:

1. Agritourism activities as defined in § 3.2-6400;

2. The sale of agricultural or silvicultural products, or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation;

3. The preparation, processing, or sale of food products in compliance with subdivisions ~~A C~~ 3, 4, and 5 of § 3.2-5130 or related state laws and regulations; or

4. Other activities or events that are usual and customary at Virginia agricultural operations.

Any local restriction placed on an activity listed in this subsection shall be reasonable and shall take into account the economic impact of the restriction on the agricultural operation and the agricultural nature of the activity.

B. No locality shall require a special exception, administrative permit not required by state law, or special use permit for any activity listed in subsection A on property that is zoned as an agricultural district or classification unless there is a substantial impact on the health, safety, or general welfare of the public.

C. Except regarding the sound generated by outdoor amplified music, no local ordinance regulating the sound generated by any activity listed in subsection A shall be more restrictive than the general noise ordinance of the locality. In permitting outdoor amplified music at an agricultural operation, the locality shall consider the effect on adjoining property owners and nearby residents.

D. The provisions of this section shall not affect any entity licensed in accordance with Chapter 2 (§ 4.1-200 et seq.) of Title 4.1. Nothing in this section shall be construed to affect the provisions of Chapter 3 (§ 3.2-300 et seq.) of Title 3.2, to alter the provisions of § 15.2-2288.3, or to restrict the authority of any locality under Title 58.1.

2. That beginning July 1, 2022, the Commissioner of Agriculture and Consumer Services (the Commissioner) shall issue a permit to any food manufacturer, food storage warehouse, or retail food establishment legally operating on that date that satisfactorily completed its most recent food safety inspection by the Commissioner. A food manufacturer, food storage warehouse, or retail food establishment that receives a permit pursuant to this enactment shall not be exempt from future food safety inspections by the Commissioner.

3. That by July 1, 2022, the Commissioner of Agriculture and Consumer Services shall develop a written appeal process for any food manufacturer, food storage warehouse, or retail food establishment to utilize in the event a permit is suspended.

4. That the provisions of this act shall not apply until January 1, 2023, to any food manufacturer, food storage warehouse, or retail food establishment located in a locality that adopted a local food inspection or permitting ordinance prior to January 1, 2022.

5. That the Virginia Department of Agriculture and Consumer Services shall work with localities that adopted a local food inspection or permitting ordinance prior to January 1, 2022, to address concerns regarding the implementation of this act prior to the January 1, 2023, implementation in such localities as set forth in the fourth enactment of this act.

CHAPTER 205

An Act to amend and reenact § 22.1-253.13:2 of the Code of Virginia, relating to school counselors; staffing ratios; flexibility.

[H 829]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 22.1-253.13:2 of the Code of Virginia is amended and reenacted as follows:****§ 22.1-253.13:2. Standard 2. Instructional, administrative, and support personnel.**

A. The Board shall establish requirements for the licensing of teachers, principals, superintendents, and other professional personnel.

B. School boards shall employ licensed instructional personnel qualified in the relevant subject areas.

C. Each school board shall assign licensed instructional personnel in a manner that produces divisionwide ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, school counselors *or certain other licensed individuals as set forth in subdivision H 4*, and librarians, that are not greater than the following ratios: (i) 24 to one in kindergarten with no class being larger than 29 students; if the average daily membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall be assigned to the class; (ii) 24 to one in grades one, two, and three with no class being larger than 30 students; (iii) 25 to one in grades four through six with no class being larger than 35 students; and (iv) 24 to one in English classes in grades six through 12. After September 30 of any school year, anytime the number of students in a class exceeds the class size limit established by this subsection, the local school division shall notify the parent of each student in such class of such fact no later than 10 days after the date on which the class exceeded the class size limit. Such notification shall state the reason that the class size exceeds the class size limit and describe the measures that the local school division will take to reduce the class size to comply with this subsection.

Within its regulations governing special education programs, the Board shall seek to set pupil/teacher ratios for pupils with intellectual disability that do not exceed the pupil/teacher ratios for self-contained classes for pupils with specific learning disabilities.

Further, school boards shall assign instructional personnel in a manner that produces schoolwide ratios of students in average daily memberships to full-time equivalent teaching positions of 21 to one in middle schools and high schools. School divisions shall provide all middle and high school teachers with one planning period per day or the equivalent, unencumbered of any teaching or supervisory duties.

D. (Effective until July 1, 2022) Each local school board shall employ with state and local basic, special education, gifted, and career and technical education funds a minimum number of licensed, full-time equivalent instructional personnel for each 1,000 students in average daily membership (ADM) as set forth in the appropriation act. Calculations of kindergarten positions shall be based on full-day kindergarten programs. Beginning with the March 31 report of average daily membership, those school divisions offering half-day kindergarten with pupil/teacher ratios that exceed 30 to one shall adjust their average daily membership for kindergarten to reflect 85 percent of the total kindergarten average daily memberships, as provided in the appropriation act.

D. (Effective July 1, 2022) Each local school board shall employ with state and local basic, special education, gifted, and career and technical education funds a minimum number of licensed, full-time equivalent instructional personnel for each 1,000 students in average daily membership (ADM) as set forth in the appropriation act.

E. In addition to the positions supported by basic aid and in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be provided to fund certain full-time equivalent instructional positions for each 1,000 students in grades K through 12 who are identified as needing prevention, intervention, and remediation services. State funding for prevention, intervention, and remediation programs provided pursuant to this subsection and the appropriation act may be used to support programs for educationally at-risk students as identified by the local school boards.

To provide algebra readiness intervention services required by § 22.1-253.13:1, school divisions may employ mathematics teacher specialists to provide the required algebra readiness intervention services. School divisions using the Standards of Learning Algebra Readiness Initiative funding in this manner shall only employ instructional personnel licensed by the Board of Education.

F. In addition to the positions supported by basic aid and those in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the general appropriation act, shall be provided to support (i) 18.5 full-time equivalent instructional positions in the 2020-2021 school year for each 1,000 students identified as having limited English proficiency and (ii) 20 full-time equivalent instructional positions in the 2021-2022 school year and thereafter for each 1,000 students identified as having limited English proficiency, which positions may include dual language teachers who provide instruction in English and in a second language.

To provide flexibility in the instruction of English language learners who have limited English proficiency and who are at risk of not meeting state accountability standards, school divisions may use state and local funds from the Standards of Quality Prevention, Intervention, and Remediation account to employ additional English language learner teachers or dual

language teachers to provide instruction to identified limited English proficiency students. Using these funds in this manner is intended to supplement the instructional services provided in this section. School divisions using the SOQ Prevention, Intervention, and Remediation funds in this manner shall employ only instructional personnel licensed by the Board of Education.

G. In addition to the full-time equivalent positions required elsewhere in this section, each local school board shall employ the following reading specialists in elementary schools, one full-time in each elementary school at the discretion of the local school board. One reading specialist employed by each local school board that employs a reading specialist shall have training in the identification of and the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder and shall serve as an advisor on dyslexia and related disorders. Such reading specialist shall have an understanding of the definition of dyslexia and a working knowledge of (i) techniques to help a student on the continuum of skills with dyslexia; (ii) dyslexia characteristics that may manifest at different ages and grade levels; (iii) the basic foundation of the keys to reading, including multisensory, explicit, systemic, and structured reading instruction; and (iv) appropriate interventions, accommodations, and assistive technology supports for students with dyslexia.

To provide reading intervention services required by § 22.1-253.13:1, school divisions may employ reading specialists to provide the required reading intervention services. School divisions using the Early Reading Intervention Initiative funds in this manner shall employ only instructional personnel licensed by the Board of Education.

H. Each local school board shall employ, at a minimum, the following full-time equivalent positions for any school that reports fall membership, according to ~~the type of school and~~ student enrollment:

1. Principals in elementary schools, one half-time to 299 students, one full-time at 300 students; principals in middle schools, one full-time, to be employed on a 12-month basis; principals in high schools, one full-time, to be employed on a 12-month basis;

2. Assistant principals in elementary schools, one half-time at 600 students, one full-time at 900 students; assistant principals in middle schools, one full-time for each 600 students; assistant principals in high schools, one full-time for each 600 students; and school divisions that employ a sufficient number of assistant principals to meet this staffing requirement may assign assistant principals to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary;

3. Librarians in elementary schools, one part-time to 299 students, one full-time at 300 students; librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time at 1,000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students, two full-time at 1,000 students. Local school divisions that employ a sufficient number of librarians to meet this staffing requirement may assign librarians to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary; and

4. School counselors:

~~a. Effective with the 2020-2021 school year, in elementary schools, one hour per day per 75 students, one full-time at 375 students, one hour per day additional time per 75 students or major fraction thereof; in middle schools, one period per 65 students, one full-time at 325 students, one additional period per 65 students or major fraction thereof; in high schools, one period per 60 students, one full-time at 300 students, one additional period per 60 students or major fraction thereof.~~

~~b. Effective with the 2021-2022 school year, local school boards shall employ, one full-time equivalent school counselor position per 325 students in grades kindergarten through 12.~~

~~c. However, in order to meet the staffing requirements set forth in this subdivision, any local school board (i) may employ, under a provisional license issued by the Department for three school years with an allowance for an additional two-year extension with the approval of the division superintendent, any professional counselor licensed by the Board of Counseling, clinical social worker licensed by the Board of Social Work, psychologist licensed by the Board of Psychology, or other licensed counseling professional with appropriate experience and training, provided that any such individual makes progress toward completing the requirements for full licensure as a school counselor during such period of employment or (ii) in the event that the school board does not receive any application from a licensed school counselor, professional counselor, clinical social worker, or psychologist or another licensed counseling professional with appropriate experience and training to fill a school counselor vacancy in the school division, may enter into an annual contract with another entity for the provision of school counseling services by a licensed professional counselor, clinical social worker, or psychologist or another licensed counseling professional with appropriate experience and training. Local school divisions boards that employ a sufficient number of school counselors individuals to meet the school counselor staffing requirements set forth in this subdivision may assign school counselors such individuals to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or high schools.~~

I. Local school boards shall employ five full-time equivalent positions per 1,000 students in grades kindergarten through five to serve as elementary resource teachers in art, music, and physical education.

J. Local school boards shall employ two full-time equivalent positions per 1,000 students in grades kindergarten through 12, one to provide technology support and one to serve as an instructional technology resource teacher.

To provide flexibility, school divisions may use the state and local funds for instructional technology resource teachers to employ a data coordinator position, an instructional technology resource teacher position, or a data coordinator/instructional resource teacher blended position. The data coordinator position is intended to serve as a resource to principals and classroom teachers in the area of data analysis and interpretation for instructional and school improvement

purposes, as well as for overall data management and administration of state assessments. School divisions using these funds in this manner shall employ only instructional personnel licensed by the Board of Education.

K. Local school boards may employ additional positions that exceed these minimal staffing requirements. These additional positions may include, but are not limited to, those funded through the state's incentive and categorical programs as set forth in the appropriation act.

L. A combined school, such as kindergarten through 12, shall meet at all grade levels the staffing requirements for the highest grade level in that school; this requirement shall apply to all staff, except for school counselors *or certain other licensed individuals as set forth in subdivision H 4*, and shall be based on the school's total enrollment; ~~school counselor staff requirements shall, however, be based on the enrollment at the various school organization levels, i.e., elementary, middle, or high school.~~ The Board of Education may grant waivers from these staffing levels upon request from local school boards seeking to implement experimental or innovative programs that are not consistent with these staffing levels.

M. School boards shall, however, annually, on or before December 31, report to the public (i) the actual pupil/teacher ratios in elementary school classrooms in the local school division by school for the current school year; and (ii) the actual pupil/teacher ratios in middle school and high school in the local school division by school for the current school year. Actual pupil/teacher ratios shall include only the teachers who teach the grade and class on a full-time basis and shall exclude resource personnel. School boards shall report pupil/teacher ratios that include resource teachers in the same annual report. Any classes funded through the voluntary kindergarten through third grade class size reduction program shall be identified as such classes. Any classes having waivers to exceed the requirements of this subsection shall also be identified. Schools shall be identified; however, the data shall be compiled in a manner to ensure the confidentiality of all teacher and pupil identities.

N. Students enrolled in a public school on a less than full-time basis shall be counted in ADM in the relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time basis in any mathematics, science, English, history, social science, career and technical education, fine arts, foreign language, or health education or physical education course shall be counted in the ADM in the relevant school division on a pro rata basis as provided in the appropriation act. Each such course enrollment by such students shall be counted as 0.25 in the ADM; however, no such nonpublic or home school student shall be counted as more than one-half a student for purposes of such pro rata calculation. Such calculation shall not include enrollments of such students in any other public school courses.

O. Each school board shall provide at least three specialized student support positions per 1,000 students. For purposes of this subsection, specialized student support positions include school social workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior analysts, and other licensed health and behavioral positions, which may either be employed by the school board or provided through contracted services.

P. Each local school board shall provide those support services that are necessary for the efficient and cost-effective operation and maintenance of its public schools.

For the purposes of this title, unless the context otherwise requires, "support services positions" shall include the following:

1. Executive policy and leadership positions, including school board members, superintendents and assistant superintendents;

2. Fiscal and human resources positions, including fiscal and audit operations;

3. Student support positions, including (i) social work administrative positions not included in subsection O; (ii) school counselor administrative positions not included in subdivision H 4; (iii) homebound administrative positions supporting instruction; (iv) attendance support positions related to truancy and dropout prevention; and (v) health and behavioral administrative positions not included in subsection O;

4. Instructional personnel support, including professional development positions and library and media positions not included in subdivision H 3;

5. Technology professional positions not included in subsection J;

6. Operation and maintenance positions, including facilities; pupil transportation positions; operation and maintenance professional and service positions; and security service, trade, and laborer positions;

7. Technical and clerical positions for fiscal and human resources, student support, instructional personnel support, operation and maintenance, administration, and technology; and

8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time at 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in high schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students. Local school divisions that employ a sufficient number of school-based clerical personnel to meet this staffing requirement may assign the clerical personnel to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary.

Pursuant to the appropriation act, support services shall be funded from basic school aid.

School divisions may use the state and local funds for support services to provide additional instructional services.

Q. Notwithstanding the provisions of this section, when determining the assignment of instructional and other licensed personnel in subsections C through J, a local school board shall not be required to include full-time students of approved virtual school programs.

CHAPTER 206

An Act to amend and reenact § 8.01-380 of the Code of Virginia, relating to nonsuits; appeals from judgment of a general district court; emergency.

[H 782]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-380 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-380. Dismissal of action by nonsuit; fees and costs.

A. A party shall not be allowed to suffer a nonsuit as to any cause of action or claim, or any other party to the proceeding, unless he does so before a motion to strike the evidence has been sustained or before the jury retires from the bar or before the action has been submitted to the court for decision. After a nonsuit no new proceeding on the same cause of action or against the same party shall be had in any court other than that in which the nonsuit was taken, unless that court is without jurisdiction, or not a proper venue, or other good cause is shown for proceeding in another court, or when such new proceeding is instituted in a federal court. If after a nonsuit an improper venue is chosen, the court shall not dismiss the matter but shall transfer it to the proper venue upon motion of any party.

B. Only one nonsuit may be taken to a cause of action or against the same party to the proceeding, as a matter of right, although the court may allow additional nonsuits upon reasonable notice to counsel of record for all defendants and upon a reasonable attempt to notify any party not represented by counsel, or counsel may stipulate to additional nonsuits. The court, in the event additional nonsuits are allowed, may assess costs and reasonable attorney fees against the nonsuiting party. When suffering a nonsuit, a party shall inform the court if the cause of action has been previously nonsuited. Any order effecting a subsequent nonsuit shall reflect all prior nonsuits and shall include language that reflects the date of any previous nonsuit together with the court in which any previous nonsuit was taken.

C. If notice to take a nonsuit of right is given to the opposing party within seven days of trial or during trial, the court in its discretion may assess against the nonsuiting party reasonable witness fees and travel costs of expert witnesses scheduled to appear at trial, which are actually incurred by the opposing party, solely by reason of the failure to give notice at least seven days prior to trial. The court shall have the authority to determine the reasonableness of expert witness fees and travel costs. Invoices, receipts, or confirmation of payment shall be admissible to prove reasonableness without the need to offer testimony to support the authenticity or reasonableness of such documents, and may, in the court's discretion, satisfy the reasonableness requirement under this subsection. Nothing herein shall preclude any party from offering additional evidence or testimony to support or rebut the reasonableness requirement.

D. A party shall not be allowed to nonsuit a cause of action, without the consent of the adverse party who has filed a counterclaim, cross claim or third-party claim which arises out of the same transaction or occurrence as the claim of the party desiring to nonsuit unless the counterclaim, cross claim or third-party claim can remain pending for independent adjudication by the court.

E. A voluntary nonsuit taken pursuant to this section is subject to the tolling provisions of subdivision E 3 of § 8.01-229.

F. Upon the timely perfection of an appeal from a judgment of a general district court, pursuant to § 16.1-106, a party may suffer a nonsuit as otherwise set forth in this section, and such nonsuit shall annul the judgment of the general district court.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 207

An Act to amend and reenact § 62.1-44.15:67 of the Code of Virginia, relating to publication of local Chesapeake Bay Preservation Area information.

[H 771]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 62.1-44.15:67 of the Code of Virginia is amended and reenacted as follows:

§ 62.1-44.15:67. Cooperative state-local program.

A. Healthy state and local economies and a healthy Chesapeake Bay are integrally related; balanced economic development and water quality protection are not mutually exclusive. The protection of the public interest in the Chesapeake Bay, its tributaries, and other state waters and the promotion of the general welfare of the people of the Commonwealth require that (i) the counties, cities, and towns of Tidewater Virginia incorporate general water quality

protection measures into their comprehensive plans, zoning ordinances, and subdivision ordinances; (ii) the counties, cities, and towns of Tidewater Virginia establish programs, in accordance with criteria established by the Commonwealth, that define and protect certain lands, hereinafter called Chesapeake Bay Preservation Areas, which if improperly developed may result in substantial damage to the water quality of the Chesapeake Bay and its tributaries; (iii) the Commonwealth make its resources available to local governing bodies by providing financial and technical assistance, policy guidance, and oversight when requested or otherwise required to carry out and enforce the provisions of this article; and (iv) all agencies of the Commonwealth exercise their delegated authority in a manner consistent with water quality protection provisions of local comprehensive plans, zoning ordinances, and subdivision ordinances when it has been determined that they comply with the provisions of this article.

B. Local governments have the initiative for planning and for implementing the provisions of this article, and the Commonwealth shall act primarily in a supportive role by providing oversight for local governmental programs, by establishing criteria as required by this article, and by providing those resources necessary to carry out and enforce the provisions of this article.

C. *Each local government in Tidewater Virginia shall publish on its website the elements and criteria adopted to implement its local plan as required by this article, including those elements and criteria required by 9VAC25-830-60 for local programs.*

CHAPTER 208

An Act to amend the Code of Virginia by adding in Title 2.2 a chapter numbered 55.5, consisting of a section numbered 2.2-5516, by adding sections numbered 15.2-1609.11 and 15.2-1710.1, and by adding in Chapter 1 of Title 52 a section numbered 52-11.6, relating to arrest and summons quotas; prohibition.

[H 750]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 2.2 a chapter numbered 55.5, consisting of a section numbered 2.2-5516, by adding sections numbered 15.2-1609.11 and 15.2-1710.1, and by adding in Chapter 1 of Title 52 a section numbered 52-11.6 as follows:

CHAPTER 55.5.

ARREST OR SUMMONS QUOTA PROHIBITED.

§ 2.2-5516. Arrest or summons quota prohibited.

A. *No agency of the Commonwealth or director or chief executive of any agency or department employing law-enforcement officers as defined in § 9.1-101 shall establish a formal or informal quota that requires a law-enforcement officer to make a specific number of arrests or issue a specific number of summonses within a designated period of time.*

B. *Nothing in this section shall preclude an agency of the Commonwealth or director or chief executive of any agency or department employing law-enforcement officers from collecting, analyzing, and utilizing information concerning the number of arrests made or summonses issued for any other purpose.*

§ 15.2-1609.11. Arrest or summons quota prohibited.

A. *A sheriff shall not establish a formal or informal quota that requires a deputy to make a specific number of arrests or issue a specific number of summonses within a designated period of time.*

B. *A sheriff shall not use the number of arrests made or summonses issued by a deputy as the sole criterion for evaluating a deputy's job performance.*

C. *Nothing in this section shall preclude a sheriff from collecting, analyzing, and utilizing information concerning the number of arrests made or summonses issued for any other purpose.*

§ 15.2-1710.1. Arrest or summons quota prohibited.

A. *A police force shall not establish a formal or informal quota that requires a police officer to make a specific number of arrests or issue a specific number of summonses within a designated period of time.*

B. *A police force shall not use the number of arrests made or summonses issued by a police officer as the sole criterion for evaluating an officer's job performance.*

C. *Nothing in this section shall preclude a police force from collecting, analyzing, and utilizing information concerning the number of arrests made or summonses issued for any other purpose.*

§ 52-11.6. Arrest or summons quota prohibited.

A. *The Department of State Police shall not establish a formal or informal quota that requires a police officer to make a specific number of arrests or issue a specific number of summonses within a designated period of time.*

B. *The Department of State Police shall not use the number of arrests made or summonses issued by a police officer as the sole criterion for evaluating an officer's job performance.*

C. *Nothing in this section shall preclude the Department of State Police from collecting, analyzing, and utilizing information concerning the number of arrests made or summonses issued for any other purpose.*

CHAPTER 209

An Act to amend the Code of Virginia by adding in Title 2.2 a chapter numbered 55.5, consisting of a section numbered 2.2-5516, by adding sections numbered 15.2-1609.11 and 15.2-1710.1, and by adding in Chapter 1 of Title 52 a section numbered 52-11.6, relating to arrest and summons quotas; prohibition.

[S 327]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 2.2 a chapter numbered 55.5, consisting of a section numbered 2.2-5516, by adding sections numbered 15.2-1609.11 and 15.2-1710.1, and by adding in Chapter 1 of Title 52 a section numbered 52-11.6 as follows:

CHAPTER 55.5.

ARREST OR SUMMONS QUOTA PROHIBITED.

§ 2.2-5516. Arrest or summons quota prohibited.

A. No agency of the Commonwealth or director or chief executive of any agency or department employing law-enforcement officers as defined in § 9.1-101 shall establish a formal or informal quota that requires a law-enforcement officer to make a specific number of arrests or issue a specific number of summonses within a designated period of time.

B. Nothing in this section shall preclude an agency of the Commonwealth or director or chief executive of any agency or department employing law-enforcement officers from collecting, analyzing, and utilizing information concerning the number of arrests made or summonses issued for any other purpose.

§ 15.2-1609.11. Arrest or summons quota prohibited.

A. A sheriff shall not establish a formal or informal quota that requires a deputy to make a specific number of arrests or issue a specific number of summonses within a designated period of time.

B. A sheriff shall not use the number of arrests made or summonses issued by a deputy as the sole criterion for evaluating a deputy's job performance.

C. Nothing in this section shall preclude a sheriff from collecting, analyzing, and utilizing information concerning the number of arrests made or summonses issued for any other purpose.

§ 15.2-1710.1. Arrest or summons quota prohibited.

A. A police force shall not establish a formal or informal quota that requires a police officer to make a specific number of arrests or issue a specific number of summonses within a designated period of time.

B. A police force shall not use the number of arrests made or summonses issued by a police officer as the sole criterion for evaluating an officer's job performance.

C. Nothing in this section shall preclude a police force from collecting, analyzing, and utilizing information concerning the number of arrests made or summonses issued for any other purpose.

§ 52-11.6. Arrest or summons quota prohibited.

A. The Department of State Police shall not establish a formal or informal quota that requires a police officer to make a specific number of arrests or issue a specific number of summonses within a designated period of time.

B. The Department of State Police shall not use the number of arrests made or summonses issued by a police officer as the sole criterion for evaluating an officer's job performance.

C. Nothing in this section shall preclude the Department of State Police from collecting, analyzing, and utilizing information concerning the number of arrests made or summonses issued for any other purpose.

CHAPTER 210

An Act to amend and reenact § 9.1-116.1 of the Code of Virginia, relating to Virginia Sexual and Domestic Violence Victim Fund; purpose.

[H 749]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-116.1 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-116.1. Virginia Sexual and Domestic Violence Victim Fund; purpose; guidelines.

A. There is created the Virginia Sexual and Domestic Violence Victim Fund as a special nonreverting fund to be administered by the Department of Criminal Justice Services to support the prosecution of domestic violence cases and victim services.

B. The Department shall adopt guidelines, the purpose of which shall be to make funds available to (i) local attorneys for the Commonwealth for the purpose of funding the cost of additional attorneys or to further dedicate existing resources to prosecute felonies and misdemeanors involving domestic violence, sexual violence, sexual abuse, stalking, and family abuse; ~~and~~, (ii) law-enforcement authorities or appropriate programs, including civil legal assistance, to assist in protecting and providing necessary services to victims of and children affected by domestic violence, sexual abuse, stalking, and

family abuse; and (iii) sexual assault service providers and hospitals for the purpose of funding the cost of salaries and equipment for sexual assault forensic examiners, sexual assault nurse examiners, and pediatric sexual assault nurse examiners, with priority for funding such costs given to such forensic examiners and nurse examiners serving rural or underserved areas of the Commonwealth.

C. A portion of the sum collected pursuant to § 16.1-69.48:1 as specified in that section shall be deposited into the state treasury to the credit of this Fund in addition to any other ~~monies~~ moneys appropriated, allocated or received specifically for such purpose. The Fund shall be distributed according to grant procedures adopted pursuant to this section and shall be established on the books of the Comptroller. Any funds remaining in such Fund at the end of the biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on the Fund shall be credited to the Fund.

D. The Department shall establish a grant procedure to govern funds awarded for this purpose.

CHAPTER 211

An Act to require each school board to submit an annual report to the Virginia Department of Education and the Virginia Department of Housing and Community Development listing each student's 9-1-1 address that does not have broadband access.

[S 724]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *Beginning in the 2022 school year and in each school year thereafter through the 2025 school year, each school board shall submit an annual report to the Virginia Department of Education and the Virginia Department of Housing and Community Development listing each student's 9-1-1 address that does not have broadband access, as defined by the broadband guidelines set out by the Virginia Department of Housing and Community Development for its Virginia Telecommunication Initiative. Each school board shall submit such annual report no later than December 31 of each such school year. The Virginia Department of Education, in consultation with the Virginia Department of Housing and Community Development, shall develop and publish no later than September 1, 2022, and may update annually thereafter a framework and survey tool for school boards to submit such report and the data contained therein.*

CHAPTER 212

An Act to amend and reenact § 33.2-289 of the Code of Virginia, relating to Virginia Passenger Rail Authority; membership.

[S 725]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. **That § 33.2-289 of the Code of Virginia is amended and reenacted as follows:**

§ 33.2-289. Board of Directors.

A. The Authority shall be governed by the Board of Directors of the Authority consisting of 15 members as follows: (i) 12 nonlegislative citizen members, appointed by the Governor, who shall serve with voting privileges; (ii) a designee of the President and Chief Executive Officer of the National Passenger Rail Corporation, who shall serve without voting privileges; (iii) the chief executive officer of a commuter rail service jointly operated by the Northern Virginia Transportation District established pursuant to § 33.2-1904 and the Potomac and Rappahannock Transportation District established pursuant to the Transportation District Act (§ 33.2-1900 et seq.), who shall serve ex officio without voting privileges; and (iv) the Director of the Department, who shall serve ex officio and shall have voting privileges only in the event of a tie. Of the 12 nonlegislative citizen members with voting privileges:

1. Three members shall reside within the boundaries of the Northern Virginia Transportation District established pursuant to § 33.2-1904. Such members may be selected from a list recommended by the Northern Virginia Transportation Commission, after due consideration of such list by the Governor;

2. Three members shall reside within the boundaries of the Potomac-Rappahannock Transportation District established pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.). Such members may be selected from a list recommended by the Potomac and Rappahannock Transportation Commission, after due consideration of such list by the Governor;

3. Two members shall reside within the boundaries of the Richmond Metropolitan Transportation Authority established pursuant to Chapter 29 (§ 33.2-2900 et seq.);

4. Two members shall reside within the boundaries of the Hampton Roads Transportation Accountability Commission established pursuant to Chapter 26 (§ 33.2-2600 et seq.); ~~and~~

5. ~~Two members~~ One member shall reside within the boundaries of Planning District 5, 9, 10, or 11; and

6. One member shall reside within the boundaries of Planning District 3 or 4.

B. The nonlegislative citizen members appointed by the Governor shall be subject to confirmation by the General Assembly. Vacancies shall be filled by appointment by the Governor for the unexpired term and shall be effective until

30 days after the next meeting of the ensuing General Assembly and, if confirmed, thereafter for the remainder of the term. No member shall be eligible to serve more than two consecutive four-year terms. The remainder of any term for which a member is appointed to fill a vacancy shall not constitute a term in determining that member's eligibility for reappointment. No member of a governing body of a locality shall be eligible, during the term of office for which he was elected or appointed, to serve as an appointed member of the Board. The Director shall serve terms coincident with his term of office.

C. The Director of the Department shall serve as chairman of the Board. The Board shall annually elect from among its members a vice-chairman and a secretary. The Board shall also annually elect a treasurer, who need not be a member of the Board, and may also elect other subordinate officers who need not be a member of the Board, as it deems proper. The chairman or, in his absence, the vice-chairman shall preside at all meetings of the Board. In the absence of both the chairman and vice-chairman, the Board shall appoint a chairman pro tempore, who shall preside at such meetings.

D. Seven members shall constitute a quorum for the transaction of the Authority's business, and no vacancy in the membership shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority. All actions of the Board shall require the affirmative vote of a majority of the members present and voting, except that the sale of land or issuance of bonds shall require an affirmative vote of nine members present and voting.

E. The Board shall meet at least once quarterly. The Board shall determine the times and places of its regular meetings. Special meetings of the Board shall be held when requested by three or more members of the Board. Any such request for a special meeting shall be in writing, and the request shall specify the time and place of the meeting and the matters to be considered at the meeting. A reasonable effort shall be made to provide each member with notice of any special meeting. No matter not specified in the notice shall be considered at such special meeting unless all members of the Board are present.

F. The members of the Board shall be entitled to reimbursement for their reasonable travel, meal, and lodging expenses incurred in attending the meetings of the Board or while otherwise engaged in the discharge of their duties. Such expenses shall be paid out of the treasury of the Authority upon vouchers signed by the chairman of the Board or by such other person or persons as may be designated by the Board for this purpose.

CHAPTER 213

An Act to amend and reenact § 65.2-603 of the Code of Virginia, relating to workers' compensation; employer duty to furnish medical attention; cost limit.

[H 689]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 65.2-603 of the Code of Virginia is amended and reenacted as follows:

§ 65.2-603. Duty to furnish medical attention, etc., and vocational rehabilitation; effect of refusal of employee to accept.

A. Pursuant to this section:

1. As long as necessary after an accident, the employer shall furnish or cause to be furnished, free of charge to the injured employee, a physician chosen by the injured employee from a panel of at least three physicians selected by the employer and such other necessary medical attention. Where such accident results in the amputation or loss of use of an arm, hand, leg, or foot or the enucleation of an eye or the loss of any natural teeth or loss of hearing, the employer shall furnish prosthetic or orthotic appliances, as well as wheelchairs, *scooters*, walkers, canes, or crutches, proper fitting and maintenance thereof, and training in the use thereof, as the nature of the injury may require.

In awards entered for incapacity for work, under this title, upon determination by the treating physician and the Commission that the same is medically necessary, the Commission may:

a. Require that the employer either (i) furnish and maintain modifications to or equipment for the employee's automobile or (ii) if there is a loss of function to either or both feet, legs, hands, or arms and if the Commission determines that modifications to or equipment for the employee's automobile pursuant to clause (i) are not technically feasible, will not render the automobile operable by the employee, or will cost more than is available for such purpose after payment for any items provided under subdivision b, order that the balance of funds available under the aggregate cap of ~~\$42,000~~ \$55,000 be applied towards the purchase by the employee of a suitable automobile or to furnish or maintain modifications to such automobile; and

b. Require that the employer furnish and maintain bedside lifts, adjustable beds, and modification of the employee's principal home consisting of ramps, handrails, ~~or any appliances prescribed by the treating physician~~ and doorway alterations, ~~or any appliances prescribed by the treating physician~~, except for appliances or medical equipment required to be furnished by the employer pursuant to subdivision A 1.

The aggregate cost of all such items and modifications required to be furnished pursuant to subdivisions a and b on account of any one accident shall not exceed ~~\$42,000~~ \$55,000. *This limit shall be increased on an annual basis at the same rate as provided in subsection C of § 65.2-709.*

The employee shall accept the attending physician, unless otherwise ordered by the Commission, and in addition, such surgical and hospital service and supplies as may be deemed necessary by the attending physician or the Commission.

2. The employer shall repair, if repairable, or replace dentures, artificial limbs, or other prosthetic or orthotic devices damaged in an accident otherwise compensable under workers' compensation, and furnish proper fitting thereof.

3. The employer shall also furnish or cause to be furnished, at the direction of the Commission, reasonable and necessary vocational rehabilitation services; however, the employer shall not be required to furnish, or cause to be furnished, services under this subdivision to any injured employee not eligible for lawful employment.

Vocational rehabilitation services may include vocational evaluation, counseling, job coaching, job development, job placement, on-the-job training, education, and retraining. Those vocational rehabilitation services that involve the exercise of professional judgment as defined in § 54.1-3510 shall be provided by a certified rehabilitation provider pursuant to Article 2 (§ 54.1-3510 et seq.) of Chapter 35 of Title 54.1 or by a person licensed by the Boards of Counseling; Medicine; Nursing; Optometry; Psychology; or Social Work or, in accordance with subsection B of § 54.1-3513, by a person certified by the Commission on Rehabilitation Counselor Certification (CRCC) as a certified rehabilitation counselor (CRC) or a person certified by the Commission on Certification of Work Adjustment and Vocational Evaluation Specialists (CCWAVES) as a Certified Vocational Evaluation Specialist (CVE).

In the event a dispute arises, any party may request a hearing and seek the approval of the Commission for the proposed services. Such services shall take into account the employee's preinjury job and wage classifications; his age, aptitude, and level of education; the likelihood of success in the new vocation; and the relative costs and benefits to be derived from such services.

B. The unjustified refusal of the employee to accept such medical service or vocational rehabilitation services when provided by the employer shall bar the employee from further compensation until such refusal ceases and no compensation shall at any time be paid for the period of suspension unless, in the opinion of the Commission, the circumstances justified the refusal. In any such case the Commission may order a change in the medical or hospital service or vocational rehabilitation services.

C. If in an emergency or on account of the employer's failure to provide the medical care during the period herein specified, or for other good reasons, a physician other than provided by the employer is called to treat the injured employee, during such period, the reasonable cost of such service shall be paid by the employer if ordered so to do by the Commission.

D. As used in this section and in § 65.2-604, the terms "medical attention," "medical service," "medical care," and "medical report" shall be deemed to include chiropractic service or treatment and, where appropriate, a chiropractic treatment report.

E. Whenever an employer furnishes an employee the names of three physicians pursuant to this section, and the employer also assumes all or part of the cost of providing health care coverage for the employee as a self-insured or under a group health insurance policy, health services plan or health care plan, upon the request of an employee, the employer shall also inform the employee whether each physician named is eligible to receive payment under the employee's health care coverage provided by the employer.

F. If the injured employee has an injury which may be treated within the scope of practice for a chiropractor, then the employer or insurer may include chiropractors on the panel provided the injured employee.

CHAPTER 214

An Act to amend and reenact § 54.1-2910.3:1 of the Code of Virginia, relating to Medicaid participants; treatment involving prescription of opioids; payment.

[S 594]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2910.3:1 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2910.3:1. Medicaid recipients; treatment involving prescription of opioids; payment.

A. No provider licensed pursuant to this chapter, *regardless of whether the provider participates in the state plan for medical assistance*, shall request or require a patient who is a recipient of medical assistance services pursuant to the state plan for medical assistance and who is a recipient of health care services involving (i) the prescription of an opioid for the management of pain or (ii) the prescription of buprenorphine-containing products, methadone, or other opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration for medication-assisted treatment of opioid addiction to pay costs associated with the provision of such service out-of-pocket. The prohibition on payment of costs shall not apply to a recipient's cost-sharing amounts required by the state plan for medical assistance.

B. Every provider who does not accept payment from the Department of Medical Assistance Services for health care services who intends to provide health care services described in subsection A to a patient who is a recipient of medical assistance services pursuant to the state plan for medical assistance shall, prior to providing such health care services, provide written notice to such patient that (i) the Commonwealth's program of medical assistance services covers the health care services described in subsection A and the Department of Medical Assistance Services will pay for such health care services if such health care services are determined to meet the Department of Medical Assistance Service's medical necessity criteria and (ii) the provider does not participate in the Commonwealth's program of medical assistance and will not accept payment from the Department of Medical Assistance Services for such health care services. Such notice and the

patient's acknowledgment of such notice shall be documented in the patient's medical record *and does not exempt the provider from the requirements of subsection A.*

CHAPTER 215

An Act to direct the Department of Health to amend its regulations to remove the triennial audit requirement for home care organizations.

[S 580]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Department of Health shall amend its regulations to remove the triennial audit requirement for home care organizations.*

CHAPTER 216

An Act to amend and reenact §§ 56-576 and 56-585.1:10 of the Code of Virginia, relating to business park electric transmission infrastructure pilot program; location of qualifying projects.

[H 405]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 56-576 and 56-585.1:10 of the Code of Virginia are amended and reenacted as follows:

§ 56-576. Definitions.

As used in this chapter:

"Affiliate" means any person that controls, is controlled by, or is under common control with an electric utility.

"Aggregator" means a person that, as an agent or intermediary, (i) offers to purchase, or purchases, electric energy or (ii) offers to arrange for, or arranges for, the purchase of electric energy, for sale to, or on behalf of, two or more retail customers not controlled by or under common control with such person. The following activities shall not, in and of themselves, make a person an aggregator under this chapter: (i) furnishing legal services to two or more retail customers, suppliers or aggregators; (ii) furnishing educational, informational, or analytical services to two or more retail customers, unless direct or indirect compensation for such services is paid by an aggregator or supplier of electric energy; (iii) furnishing educational, informational, or analytical services to two or more suppliers or aggregators; (iv) providing default service under § 56-585; (v) engaging in activities of a retail electric energy supplier, licensed pursuant to § 56-587, which are authorized by such supplier's license; and (vi) engaging in actions of a retail customer, in common with one or more other such retail customers, to issue a request for proposal or to negotiate a purchase of electric energy for consumption by such retail customers.

(Expires December 31, 2023) "Business park" means a land development containing a minimum of 100 contiguous acres classified as a Tier 4 site under the Virginia Economic Development Partnership's Business Ready Sites Program that is developed and constructed by *a locality*, an industrial development authority, or a similar political subdivision of the Commonwealth created pursuant to § 15.2-4903 or other act of the General Assembly, in order to promote business development ~~and that is located in an area of the Commonwealth designated as a qualified opportunity zone by the U.S. Secretary of the Treasury via his delegation of authority to the Internal Revenue Service.~~

"Combined heat and power" means a method of using waste heat from electrical generation to offset traditional processes, space heating, air conditioning, or refrigeration.

"Commission" means the State Corporation Commission.

"Community in which a majority of the population are people of color" means a U.S. Census tract where more than 50 percent of the population comprises individuals who identify as belonging to one or more of the following groups: Black, African American, Asian, Pacific Islander, Native American, other non-white race, mixed race, Hispanic, Latino, or linguistically isolated.

"Cooperative" means a utility formed under or subject to Chapter 9.1 (§ 56-231.15 et seq.).

"Covered entity" means a provider in the Commonwealth of an electric service not subject to competition but does not include default service providers.

"Covered transaction" means an acquisition, merger, or consolidation of, or other transaction involving stock, securities, voting interests or assets by which one or more persons obtains control of a covered entity.

"Curtailment" means inducing retail customers to reduce load during times of peak demand so as to ease the burden on the electrical grid.

"Customer choice" means the opportunity for a retail customer in the Commonwealth to purchase electric energy from any supplier licensed and seeking to sell electric energy to that customer.

"Demand response" means measures aimed at shifting time of use of electricity from peak-use periods to times of lower demand by inducing retail customers to curtail electricity usage during periods of congestion and higher prices in the electrical grid.

"Distribute," "distributing," or "distribution of" electric energy means the transfer of electric energy through a retail distribution system to a retail customer.

"Distributor" means a person owning, controlling, or operating a retail distribution system to provide electric energy directly to retail customers.

"Electric distribution grid transformation project" means a project associated with electric distribution infrastructure, including related data analytics equipment, that is designed to accommodate or facilitate the integration of utility-owned or customer-owned renewable electric generation resources with the utility's electric distribution grid or to otherwise enhance electric distribution grid reliability, electric distribution grid security, customer service, or energy efficiency and conservation, including advanced metering infrastructure; intelligent grid devices for real time system and asset information; automated control systems for electric distribution circuits and substations; communications networks for service meters; intelligent grid devices and other distribution equipment; distribution system hardening projects for circuits, other than the conversion of overhead tap lines to underground service, and substations designed to reduce service outages or service restoration times; physical security measures at key distribution substations; cyber security measures; energy storage systems and microgrids that support circuit-level grid stability, power quality, reliability, or resiliency or provide temporary backup energy supply; electrical facilities and infrastructure necessary to support electric vehicle charging systems; LED street light conversions; and new customer information platforms designed to provide improved customer access, greater service options, and expanded access to energy usage information.

"Electric utility" means any person that generates, transmits, or distributes electric energy for use by retail customers in the Commonwealth, including any investor-owned electric utility, cooperative electric utility, or electric utility owned or operated by a municipality.

"Energy efficiency program" means a program that reduces the total amount of electricity that is required for the same process or activity implemented after the expiration of capped rates. Energy efficiency programs include equipment, physical, or program change designed to produce measured and verified reductions in the amount of electricity required to perform the same function and produce the same or a similar outcome. Energy efficiency programs may include, but are not limited to, (i) programs that result in improvements in lighting design, heating, ventilation, and air conditioning systems, appliances, building envelopes, and industrial and commercial processes; (ii) measures, such as but not limited to the installation of advanced meters, implemented or installed by utilities, that reduce fuel use or losses of electricity and otherwise improve internal operating efficiency in generation, transmission, and distribution systems; and (iii) customer engagement programs that result in measurable and verifiable energy savings that lead to efficient use patterns and practices. Energy efficiency programs include demand response, combined heat and power and waste heat recovery, curtailment, or other programs that are designed to reduce electricity consumption so long as they reduce the total amount of electricity that is required for the same process or activity. Utilities shall be authorized to install and operate such advanced metering technology and equipment on a customer's premises; however, nothing in this chapter establishes a requirement that an energy efficiency program be implemented on a customer's premises and be connected to a customer's wiring on the customer's side of the inter-connection without the customer's expressed consent.

"Generate," "generating," or "generation of" electric energy means the production of electric energy.

"Generator" means a person owning, controlling, or operating a facility that produces electric energy for sale.

"Historically economically disadvantaged community" means (i) a community in which a majority of the population are people of color or (ii) a low-income geographic area.

"Incumbent electric utility" means each electric utility in the Commonwealth that, prior to July 1, 1999, supplied electric energy to retail customers located in an exclusive service territory established by the Commission.

"Independent system operator" means a person that may receive or has received, by transfer pursuant to this chapter, any ownership or control of, or any responsibility to operate, all or part of the transmission systems in the Commonwealth.

"In the public interest," for purposes of assessing energy efficiency programs, describes an energy efficiency program if the Commission determines that the net present value of the benefits exceeds the net present value of the costs as determined by not less than any three of the following four tests: (i) the Total Resource Cost Test; (ii) the Utility Cost Test (also referred to as the Program Administrator Test); (iii) the Participant Test; and (iv) the Ratepayer Impact Measure Test. Such determination shall include an analysis of all four tests, and a program or portfolio of programs shall be approved if the net present value of the benefits exceeds the net present value of the costs as determined by not less than any three of the four tests. If the Commission determines that an energy efficiency program or portfolio of programs is not in the public interest, its final order shall include all work product and analysis conducted by the Commission's staff in relation to that program, including testimony relied upon by the Commission's staff, that has bearing upon the Commission's decision. If the Commission reduces the proposed budget for a program or portfolio of programs, its final order shall include an analysis of the impact such budget reduction has upon the cost-effectiveness of such program or portfolio of programs. An order by the Commission (a) finding that a program or portfolio of programs is not in the public interest or (b) reducing the proposed budget for any program or portfolio of programs shall adhere to existing protocols for extraordinarily sensitive information. In addition, an energy efficiency program may be deemed to be "in the public interest" if the program (1) provides measurable and verifiable energy savings to low-income customers or elderly customers or (2) is a pilot program of limited

scope, cost, and duration, that is intended to determine whether a new or substantially revised program or technology would be cost-effective.

"Low-income geographic area" means any locality, or community within a locality, that has a median household income that is not greater than 80 percent of the local median household income, or any area in the Commonwealth designated as a qualified opportunity zone by the U.S. Secretary of the Treasury via his delegation of authority to the Internal Revenue Service.

"Low-income utility customer" means any person or household whose income is no more than 80 percent of the median income of the locality in which the customer resides. The median income of the locality is determined by the U.S. Department of Housing and Urban Development.

"Measured and verified" means a process determined pursuant to methods accepted for use by utilities and industries to measure, verify, and validate energy savings and peak demand savings. This may include the protocol established by the United States Department of Energy, Office of Federal Energy Management Programs, Measurement and Verification Guidance for Federal Energy Projects, measurement and verification standards developed by the American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE), or engineering-based estimates of energy and demand savings associated with specific energy efficiency measures, as determined by the Commission.

"Municipality" means a city, county, town, authority, or other political subdivision of the Commonwealth.

"New underground facilities" means facilities to provide underground distribution service. "New underground facilities" includes underground cables with voltages of 69 kilovolts or less, pad-mounted devices, connections at customer meters, and transition terminations from existing overhead distribution sources.

"Peak-shaving" means measures aimed solely at shifting time of use of electricity from peak-use periods to times of lower demand by inducing retail customers to curtail electricity usage during periods of congestion and higher prices in the electrical grid.

"Percentage of Income Payment Program (PIPP) eligible utility customer" means any person or household whose income does not exceed 150 percent of the federal poverty level.

"Person" means any individual, corporation, partnership, association, company, business, trust, joint venture, or other private legal entity, and the Commonwealth or any municipality.

"Previously developed project site" means any property, including related buffer areas, if any, that has been previously disturbed or developed for non-single-family residential, non-agricultural, or non-silvicultural use, regardless of whether such property currently is being used for any purpose. "Previously developed project site" includes a brownfield as defined in § 10.1-1230 or any parcel that has been previously used (i) for a retail, commercial, or industrial purpose; (ii) as a parking lot; (iii) as the site of a parking lot canopy or structure; (iv) for mining, which is any lands affected by coal mining that took place before August 3, 1977, or any lands upon which extraction activities have been permitted by the Department of Energy under Title 45.2; (v) for quarrying; or (vi) as a landfill.

"Qualified waste heat resource" means (i) exhaust heat or flared gas from an industrial process that does not have, as its primary purpose, the production of electricity and (ii) a pressure drop in any gas for an industrial or commercial process.

"Renewable energy" means energy derived from sunlight, wind, falling water, biomass, sustainable or otherwise, (the definitions of which shall be liberally construed), energy from waste, landfill gas, municipal solid waste, wave motion, tides, and geothermal power, and does not include energy derived from coal, oil, natural gas, or nuclear power. "Renewable energy" also includes the proportion of the thermal or electric energy from a facility that results from the co-firing of biomass. "Renewable energy" does not include waste heat from fossil-fired facilities or electricity generated from pumped storage but includes run-of-river generation from a combined pumped-storage and run-of-river facility.

"Renewable thermal energy" means the thermal energy output from (i) a renewable-fueled combined heat and power generation facility that is (a) constructed, or renovated and improved, after January 1, 2012, (b) located in the Commonwealth, and (c) utilized in industrial processes other than the combined heat and power generation facility or (ii) a solar energy system, certified to the OG-100 standard of the Solar Ratings and Certification Corporation or an equivalent certification body, that (a) is constructed, or renovated and improved, after January 1, 2013, (b) is located in the Commonwealth, and (c) heats water or air for residential, commercial, institutional, or industrial purposes.

"Renewable thermal energy equivalent" means the electrical equivalent in megawatt hours of renewable thermal energy calculated by dividing (i) the heat content, measured in British thermal units (BTUs), of the renewable thermal energy at the point of transfer to a residential, commercial, institutional, or industrial process by (ii) the standard conversion factor of 3.413 million BTUs per megawatt hour.

"Renovated and improved facility" means a facility the components of which have been upgraded to enhance its operating efficiency.

"Retail customer" means any person that purchases retail electric energy for its own consumption at one or more metering points or nonmetered points of delivery located in the Commonwealth.

"Retail electric energy" means electric energy sold for ultimate consumption to a retail customer.

"Revenue reductions related to energy efficiency programs" means reductions in the collection of total non-fuel revenues, previously authorized by the Commission to be recovered from customers by a utility, that occur due to measured and verified decreased consumption of electricity caused by energy efficiency programs approved by the Commission and implemented by the utility, less the amount by which such non-fuel reductions in total revenues have been mitigated through other program-related factors, including reductions in variable operating expenses.

"Rooftop solar installation" means a distributed electric generation facility, storage facility, or generation and storage facility utilizing energy derived from sunlight, with a rated capacity of not less than 50 kilowatts, that is installed on the roof structure of an incumbent electric utility's commercial or industrial class customer, including host sites on commercial buildings, multifamily residential buildings, school or university buildings, and buildings of a church or religious body.

"Solar energy system" means a system of components that produces heat or electricity, or both, from sunlight.

"Supplier" means any generator, distributor, aggregator, broker, marketer, or other person who offers to sell or sells electric energy to retail customers and is licensed by the Commission to do so, but it does not mean a generator that produces electric energy exclusively for its own consumption or the consumption of an affiliate.

"Supply" or "supplying" electric energy means the sale of or the offer to sell electric energy to a retail customer.

"Total annual energy savings" means (i) the total combined kilowatt-hour savings achieved by electric utility energy efficiency and demand response programs and measures installed in that program year, as well as savings still being achieved by measures and programs implemented in prior years, or (ii) savings attributable to newly installed combined heat and power facilities, including waste heat-to-power facilities, and any associated reduction in transmission line losses, provided that biomass is not a fuel and the total efficiency, including the use of thermal energy, for eligible combined heat and power facilities must meet or exceed 65 percent and have a nameplate capacity rating of less than 25 megawatts.

"Transmission of," "transmit," or "transmitting" electric energy means the transfer of electric energy through the Commonwealth's interconnected transmission grid from a generator to either a distributor or a retail customer.

"Transmission system" means those facilities and equipment that are required to provide for the transmission of electric energy.

"Waste heat to power" means a system that generates electricity through the recovery of a qualified waste heat resource.

§ 56-585.1:10. (Expires December 31, 2023) Pilot program for transmission facilities serving business parks.

The Virginia Economic Development Partnership shall conduct a pilot program within the certificated service territory of each investor-owned electric utility, other than a utility described in subsection G of § 56-580 (Pilot Utility), *or within a business park located in Planning District 19* for the purpose of promoting economic development in areas of the Commonwealth ~~designated as an opportunity zone listed by the U.S. Secretary of the Treasury via his delegation of authority to the Internal Revenue Service.~~ The pilot program shall allow any Pilot Utility to complete the construction phase of a transmission line and associated substation to provide the electric infrastructure to a business park, as defined in § 56-576, ~~located in an opportunity zone~~ within the Pilot Utility's certificated service territory *or within Planning District 19* where investments by a locality or an industrial development authority, or a similar political subdivision of the Commonwealth created pursuant to § 15.2-4903 or other act of the General Assembly, in the siting, environmental review, pre-engineering design, and transmission right-of-way acquisition have been made prior to the public announcement of a prospective occupant of the business park. Each pilot program shall be subject to the following terms, conditions, and restrictions:

~~1. As used in this section, "opportunity zone" means areas of the Commonwealth designated as a qualified opportunity zone by the U.S. Secretary of the Treasury via his delegation of authority to the Internal Revenue Service.~~

~~2.~~ The costs incurred by the Pilot Utility after January 1, 2019, to construct, operate, and maintain transmission lines and associated substations installed in order to provide service to a business park participating in the pilot program shall be recovered by the Pilot Utility pursuant to a rate adjustment clause approved by the Commission in subdivision A 4 of § 56-585.1.

~~3.~~ 2. Qualifying projects shall have revenue sharing agreements between two or more localities.

~~4.~~ 3. Each individual qualifying project shall be less than seven miles in length.

~~5.~~ 4. The role of the Virginia Economic Development Partnership in conducting the pilot program is to certify that up to three petitions ~~within the certificated service territory of~~ for each Pilot Utility ~~addresses~~ address the eligibility criteria for participation in the pilot program set forth in § 56-576 and in this section.

CHAPTER 217

An Act to amend and reenact § 44-146.19 of the Code of Virginia, relating to powers and duties of political subdivisions; emergency management assessment.

[S 60]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 44-146.19 of the Code of Virginia is amended and reenacted as follows:

§ 44-146.19. Powers and duties of political subdivisions.

A. Each political subdivision within the Commonwealth shall be within the jurisdiction of and served by the Department of Emergency Management and be responsible for local disaster mitigation, preparedness, response, and recovery. Each political subdivision shall maintain in accordance with state disaster preparedness plans and programs an agency of emergency management which, except as otherwise provided under this chapter, has jurisdiction over and services the entire political subdivision.

B. Each political subdivision shall have a director of emergency management who, after the term of the person presently serving in this capacity has expired and in the absence of an executive order by the Governor, shall be the following:

1. In the case of a city, the mayor or city manager, who shall appoint a coordinator of emergency management with consent of council;

2. In the case of a county, a member of the board of supervisors selected by the board or the chief administrative officer for the county, who shall appoint a coordinator of emergency management with the consent of the governing body;

3. A coordinator of emergency management shall be appointed by the council of any town to ensure integration of its organization into the county emergency management organization;

4. In the case of the Towns of Chincoteague and West Point and of towns with a population in excess of 5,000 having an emergency management organization separate from that of the county, the mayor or town manager shall appoint a coordinator of emergency services with consent of council;

5. In Smyth County and in York County, the chief administrative officer for the county shall appoint a director of emergency management, with the consent of the governing body, who shall appoint a coordinator of emergency management with the consent of the governing body.

C. Whenever the Governor has declared a state of emergency, each political subdivision within the disaster area may, under the supervision and control of the Governor or his designated representative, control, restrict, allocate, or regulate the use, sale, production, and distribution of food, fuel, clothing, and other commodities, materials, goods, services, and resource systems which fall only within the boundaries of that jurisdiction and which do not impact systems affecting adjoining or other political subdivisions, enter into contracts and incur obligations necessary to combat such threatened or actual disaster, protect the health and safety of persons and property, and provide emergency assistance to the victims of such disaster. In exercising the powers vested under this section, under the supervision and control of the Governor, the political subdivision may proceed without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, levying of taxes, and appropriation and expenditure of public funds.

D. The director of each local organization for emergency management may, in collaboration with (i) other public and private agencies within the Commonwealth or (ii) other states or localities within other states, develop or cause to be developed mutual aid arrangements for reciprocal assistance in case of a disaster too great to be dealt with unassisted. Such arrangements shall be consistent with state plans and programs and it shall be the duty of each local organization for emergency management to render assistance in accordance with the provisions of such mutual aid arrangements. Except where a mutual aid arrangement for reciprocal assistance exists between localities, no locality shall prohibit another locality from providing emergency medical services across local boundaries solely on the basis of financial considerations.

E. Each local and interjurisdictional agency shall prepare and keep current a local or interjurisdictional emergency operations plan for its area. The plan shall include, but not be limited to, responsibilities of all local agencies and shall establish a chain of command, and a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § 19.2-11.01. The Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be the lead coordinating agencies for those individuals determined to be victims, and the plan shall also contain current contact information for both agencies. Such plan shall also contain provisions to ensure that the plan is applied equitably and that the needs of minority and vulnerable communities are met during emergencies. Every four years, each local and interjurisdictional agency shall conduct a comprehensive review and revision of its emergency operations plan to ensure that the plan remains current, and the revised plan shall be formally adopted by the locality's governing body. In the case of an interjurisdictional agency, the plan shall be formally adopted by the governing body of each of the localities encompassed by the agency. Each political subdivision having a nuclear power station or other nuclear facility within 10 miles of its boundaries shall, if so directed by the Department of Emergency Management, prepare and keep current an appropriate emergency plan for its area for response to nuclear accidents at such station or facility.

F. All political subdivisions shall provide (i) an annually updated emergency management assessment and (ii) data related to emergency sheltering capabilities, including emergency shelter locations, evacuation zones, capacity by person, medical needs capacity, current wind rating, standards compliance, backup power, and lead agency for staffing, to the State Coordinator of Emergency Management on or before ~~May~~ August 1 of each year.

G. By July 1, 2005, all localities with a population greater than 50,000 shall establish an alert and warning plan for the dissemination of adequate and timely warning to the public in the event of an emergency or threatened disaster. The governing body of the locality, in consultation with its local emergency management organization, shall amend its local emergency operations plan that may include rules for the operation of its alert and warning system, to include sirens, Emergency Alert System (EAS), NOAA Weather Radios, or other personal notification systems, amateur radio operators, or any combination thereof.

H. Localities that have established an agency of emergency management shall have authority to require the review of, and suggest amendments to, the emergency plans of nursing homes, assisted living facilities, adult day care centers, and child day care centers that are located within the locality.

CHAPTER 218

An Act to amend and reenact § 32.1-127 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 54.1-2404.1, relating to health care providers; health care records of minors; available via secure website.

[H 916]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-127 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 54.1-2404.1 as follows:

§ 32.1-127. Regulations.

A. The regulations promulgated by the Board to carry out the provisions of this article shall be in substantial conformity to the standards of health, hygiene, sanitation, construction and safety as established and recognized by medical and health care professionals and by specialists in matters of public health and safety, including health and safety standards established under provisions of Title XVIII and Title XIX of the Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.).

B. Such regulations:

1. Shall include minimum standards for (i) the construction and maintenance of hospitals, nursing homes and certified nursing facilities to ensure the environmental protection and the life safety of its patients, employees, and the public; (ii) the operation, staffing and equipping of hospitals, nursing homes and certified nursing facilities; (iii) qualifications and training of staff of hospitals, nursing homes and certified nursing facilities, except those professionals licensed or certified by the Department of Health Professions; (iv) conditions under which a hospital or nursing home may provide medical and nursing services to patients in their places of residence; and (v) policies related to infection prevention, disaster preparedness, and facility security of hospitals, nursing homes, and certified nursing facilities;

2. Shall provide that at least one physician who is licensed to practice medicine in this Commonwealth shall be on call at all times, though not necessarily physically present on the premises, at each hospital which operates or holds itself out as operating an emergency service;

3. May classify hospitals and nursing homes by type of specialty or service and may provide for licensing hospitals and nursing homes by bed capacity and by type of specialty or service;

4. Shall also require that each hospital establish a protocol for organ donation, in compliance with federal law and the regulations of the Centers for Medicare and Medicaid Services (CMS), particularly 42 C.F.R. § 482.45. Each hospital shall have an agreement with an organ procurement organization designated in CMS regulations for routine contact, whereby the provider's designated organ procurement organization certified by CMS (i) is notified in a timely manner of all deaths or imminent deaths of patients in the hospital and (ii) is authorized to determine the suitability of the decedent or patient for organ donation and, in the absence of a similar arrangement with any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks, the suitability for tissue and eye donation. The hospital shall also have an agreement with at least one tissue bank and at least one eye bank to cooperate in the retrieval, processing, preservation, storage, and distribution of tissues and eyes to ensure that all usable tissues and eyes are obtained from potential donors and to avoid interference with organ procurement. The protocol shall ensure that the hospital collaborates with the designated organ procurement organization to inform the family of each potential donor of the option to donate organs, tissues, or eyes or to decline to donate. The individual making contact with the family shall have completed a course in the methodology for approaching potential donor families and requesting organ or tissue donation that (a) is offered or approved by the organ procurement organization and designed in conjunction with the tissue and eye bank community and (b) encourages discretion and sensitivity according to the specific circumstances, views, and beliefs of the relevant family. In addition, the hospital shall work cooperatively with the designated organ procurement organization in educating the staff responsible for contacting the organ procurement organization's personnel on donation issues, the proper review of death records to improve identification of potential donors, and the proper procedures for maintaining potential donors while necessary testing and placement of potential donated organs, tissues, and eyes takes place. This process shall be followed, without exception, unless the family of the relevant decedent or patient has expressed opposition to organ donation, the chief administrative officer of the hospital or his designee knows of such opposition, and no donor card or other relevant document, such as an advance directive, can be found;

5. Shall require that each hospital that provides obstetrical services establish a protocol for admission or transfer of any pregnant woman who presents herself while in labor;

6. Shall also require that each licensed hospital develop and implement a protocol requiring written discharge plans for identified, substance-abusing, postpartum women and their infants. The protocol shall require that the discharge plan be discussed with the patient and that appropriate referrals for the mother and the infant be made and documented. Appropriate referrals may include, but need not be limited to, treatment services, comprehensive early intervention services for infants and toddlers with disabilities and their families pursuant to Part H of the Individuals with Disabilities Education Act, 20 U.S.C. § 1471 et seq., and family-oriented prevention services. The discharge planning process shall involve, to the extent possible, the other parent of the infant and any members of the patient's extended family who may participate in the follow-up care for the mother and the infant. Immediately upon identification, pursuant to § 54.1-2403.1, of any

substance-abusing, postpartum woman, the hospital shall notify, subject to federal law restrictions, the community services board of the jurisdiction in which the woman resides to appoint a discharge plan manager. The community services board shall implement and manage the discharge plan;

7. Shall require that each nursing home and certified nursing facility fully disclose to the applicant for admission the home's or facility's admissions policies, including any preferences given;

8. Shall require that each licensed hospital establish a protocol relating to the rights and responsibilities of patients which shall include a process reasonably designed to inform patients of such rights and responsibilities. Such rights and responsibilities of patients, a copy of which shall be given to patients on admission, shall be consistent with applicable federal law and regulations of the Centers for Medicare and Medicaid Services;

9. Shall establish standards and maintain a process for designation of levels or categories of care in neonatal services according to an applicable national or state-developed evaluation system. Such standards may be differentiated for various levels or categories of care and may include, but need not be limited to, requirements for staffing credentials, staff/patient ratios, equipment, and medical protocols;

10. Shall require that each nursing home and certified nursing facility train all employees who are mandated to report adult abuse, neglect, or exploitation pursuant to § 63.2-1606 on such reporting procedures and the consequences for failing to make a required report;

11. Shall permit hospital personnel, as designated in medical staff bylaws, rules and regulations, or hospital policies and procedures, to accept emergency telephone and other verbal orders for medication or treatment for hospital patients from physicians, and other persons lawfully authorized by state statute to give patient orders, subject to a requirement that such verbal order be signed, within a reasonable period of time not to exceed 72 hours as specified in the hospital's medical staff bylaws, rules and regulations or hospital policies and procedures, by the person giving the order, or, when such person is not available within the period of time specified, co-signed by another physician or other person authorized to give the order;

12. Shall require, unless the vaccination is medically contraindicated or the resident declines the offer of the vaccination, that each certified nursing facility and nursing home provide or arrange for the administration to its residents of (i) an annual vaccination against influenza and (ii) a pneumococcal vaccination, in accordance with the most recent recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention;

13. Shall require that each nursing home and certified nursing facility register with the Department of State Police to receive notice of the registration, reregistration, or verification of registration information of any person required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 within the same or a contiguous zip code area in which the home or facility is located, pursuant to § 9.1-914;

14. Shall require that each nursing home and certified nursing facility ascertain, prior to admission, whether a potential patient is required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, if the home or facility anticipates the potential patient will have a length of stay greater than three days or in fact stays longer than three days;

15. Shall require that each licensed hospital include in its visitation policy a provision allowing each adult patient to receive visits from any individual from whom the patient desires to receive visits, subject to other restrictions contained in the visitation policy including, but not limited to, those related to the patient's medical condition and the number of visitors permitted in the patient's room simultaneously;

16. Shall require that each nursing home and certified nursing facility shall, upon the request of the facility's family council, send notices and information about the family council mutually developed by the family council and the administration of the nursing home or certified nursing facility, and provided to the facility for such purpose, to the listed responsible party or a contact person of the resident's choice up to six times per year. Such notices may be included together with a monthly billing statement or other regular communication. Notices and information shall also be posted in a designated location within the nursing home or certified nursing facility. No family member of a resident or other resident representative shall be restricted from participating in meetings in the facility with the families or resident representatives of other residents in the facility;

17. Shall require that each nursing home and certified nursing facility maintain liability insurance coverage in a minimum amount of \$1 million, and professional liability coverage in an amount at least equal to the recovery limit set forth in § 8.01-581.15, to compensate patients or individuals for injuries and losses resulting from the negligent or criminal acts of the facility. Failure to maintain such minimum insurance shall result in revocation of the facility's license;

18. Shall require each hospital that provides obstetrical services to establish policies to follow when a stillbirth, as defined in § 32.1-69.1, occurs that meet the guidelines pertaining to counseling patients and their families and other aspects of managing stillbirths as may be specified by the Board in its regulations;

19. Shall require each nursing home to provide a full refund of any unexpended patient funds on deposit with the facility following the discharge or death of a patient, other than entrance-related fees paid to a continuing care provider as defined in § 38.2-4900, within 30 days of a written request for such funds by the discharged patient or, in the case of the death of a patient, the person administering the person's estate in accordance with the Virginia Small Estates Act (§ 64.2-600 et seq.);

20. Shall require that each hospital that provides inpatient psychiatric services establish a protocol that requires, for any refusal to admit (i) a medically stable patient referred to its psychiatric unit, direct verbal communication between the on-call physician in the psychiatric unit and the referring physician, if requested by such referring physician, and prohibits on-call physicians or other hospital staff from refusing a request for such direct verbal communication by a referring physician and (ii) a patient for whom there is a question regarding the medical stability or medical appropriateness of admission for inpatient psychiatric services due to a situation involving results of a toxicology screening, the on-call physician in the psychiatric unit to which the patient is sought to be transferred to participate in direct verbal communication, either in person or via telephone, with a clinical toxicologist or other person who is a Certified Specialist in Poison Information employed by a poison control center that is accredited by the American Association of Poison Control Centers to review the results of the toxicology screen and determine whether a medical reason for refusing admission to the psychiatric unit related to the results of the toxicology screen exists, if requested by the referring physician;

21. Shall require that each hospital that is equipped to provide life-sustaining treatment shall develop a policy governing determination of the medical and ethical appropriateness of proposed medical care, which shall include (i) a process for obtaining a second opinion regarding the medical and ethical appropriateness of proposed medical care in cases in which a physician has determined proposed care to be medically or ethically inappropriate; (ii) provisions for review of the determination that proposed medical care is medically or ethically inappropriate by an interdisciplinary medical review committee and a determination by the interdisciplinary medical review committee regarding the medical and ethical appropriateness of the proposed health care; and (iii) requirements for a written explanation of the decision reached by the interdisciplinary medical review committee, which shall be included in the patient's medical record. Such policy shall ensure that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 (a) are informed of the patient's right to obtain his medical record and to obtain an independent medical opinion and (b) afforded reasonable opportunity to participate in the medical review committee meeting. Nothing in such policy shall prevent the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 from obtaining legal counsel to represent the patient or from seeking other remedies available at law, including seeking court review, provided that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986, or legal counsel provides written notice to the chief executive officer of the hospital within 14 days of the date on which the physician's determination that proposed medical treatment is medically or ethically inappropriate is documented in the patient's medical record;

22. Shall require every hospital with an emergency department to establish protocols to ensure that security personnel of the emergency department, if any, receive training appropriate to the populations served by the emergency department, which may include training based on a trauma-informed approach in identifying and safely addressing situations involving patients or other persons who pose a risk of harm to themselves or others due to mental illness or substance abuse or who are experiencing a mental health crisis;

23. Shall require that each hospital establish a protocol requiring that, before a health care provider arranges for air medical transportation services for a patient who does not have an emergency medical condition as defined in 42 U.S.C. § 1395dd(e)(1), the hospital shall provide the patient or his authorized representative with written or electronic notice that the patient (i) may have a choice of transportation by an air medical transportation provider or medically appropriate ground transportation by an emergency medical services provider and (ii) will be responsible for charges incurred for such transportation in the event that the provider is not a contracted network provider of the patient's health insurance carrier or such charges are not otherwise covered in full or in part by the patient's health insurance plan;

24. Shall establish an exemption, for a period of no more than 30 days, from the requirement to obtain a license to add temporary beds in an existing hospital or nursing home when the Commissioner has determined that a natural or man-made disaster has caused the evacuation of a hospital or nursing home and that a public health emergency exists due to a shortage of hospital or nursing home beds;

25. Shall establish protocols to ensure that any patient scheduled to receive an elective surgical procedure for which the patient can reasonably be expected to require outpatient physical therapy as a follow-up treatment after discharge is informed that he (i) is expected to require outpatient physical therapy as a follow-up treatment and (ii) will be required to select a physical therapy provider prior to being discharged from the hospital;

26. Shall permit nursing home staff members who are authorized to possess, distribute, or administer medications to residents to store, dispense, or administer cannabis oil to a resident who has been issued a valid written certification for the use of cannabis oil in accordance with subsection B of § 54.1-3408.3 and has registered with the Board of Pharmacy;

27. Shall require each hospital with an emergency department to establish a protocol for the treatment and discharge of individuals experiencing a substance use-related emergency, which shall include provisions for (i) appropriate screening and assessment of individuals experiencing substance use-related emergencies to identify medical interventions necessary for the treatment of the individual in the emergency department and (ii) recommendations for follow-up care following discharge for any patient identified as having a substance use disorder, depression, or mental health disorder, as appropriate, which may include, for patients who have been treated for substance use-related emergencies, including opioid overdose, or other high-risk patients, (a) the dispensing of naloxone or other opioid antagonist used for overdose reversal pursuant to subsection X of § 54.1-3408 at discharge or (b) issuance of a prescription for and information about accessing naloxone or other opioid antagonist used for overdose reversal, including information about accessing naloxone or other opioid antagonist used for overdose reversal at a community pharmacy, including any outpatient pharmacy operated by the hospital, or through a community organization or pharmacy that may dispense naloxone or other opioid antagonist used for

overdose reversal without a prescription pursuant to a statewide standing order. Such protocols may also provide for referrals of individuals experiencing a substance use-related emergency to peer recovery specialists and community-based providers of behavioral health services, or to providers of pharmacotherapy for the treatment of drug or alcohol dependence or mental health diagnoses;

28. During a public health emergency related to COVID-19, shall require each nursing home and certified nursing facility to establish a protocol to allow each patient to receive visits, consistent with guidance from the Centers for Disease Control and Prevention and as directed by the Centers for Medicare and Medicaid Services and the Board. Such protocol shall include provisions describing (i) the conditions, including conditions related to the presence of COVID-19 in the nursing home, certified nursing facility, and community, under which in-person visits will be allowed and under which in-person visits will not be allowed and visits will be required to be virtual; (ii) the requirements with which in-person visitors will be required to comply to protect the health and safety of the patients and staff of the nursing home or certified nursing facility; (iii) the types of technology, including interactive audio or video technology, and the staff support necessary to ensure visits are provided as required by this subdivision; and (iv) the steps the nursing home or certified nursing facility will take in the event of a technology failure, service interruption, or documented emergency that prevents visits from occurring as required by this subdivision. Such protocol shall also include (a) a statement of the frequency with which visits, including virtual and in-person, where appropriate, will be allowed, which shall be at least once every 10 calendar days for each patient; (b) a provision authorizing a patient or the patient's personal representative to waive or limit visitation, provided that such waiver or limitation is included in the patient's health record; and (c) a requirement that each nursing home and certified nursing facility publish on its website or communicate to each patient or the patient's authorized representative, in writing or via electronic means, the nursing home's or certified nursing facility's plan for providing visits to patients as required by this subdivision;

29. Shall require each hospital, nursing home, and certified nursing facility to establish and implement policies to ensure the permissible access to and use of an intelligent personal assistant provided by a patient, in accordance with such regulations, while receiving inpatient services. Such policies shall ensure protection of health information in accordance with the requirements of the federal Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. § 1320d et seq., as amended. For the purposes of this subdivision, "intelligent personal assistant" means a combination of an electronic device and a specialized software application designed to assist users with basic tasks using a combination of natural language processing and artificial intelligence, including such combinations known as "digital assistants" or "virtual assistants"; ~~and~~

30. During a declared public health emergency related to a communicable disease of public health threat, shall require each hospital, nursing home, and certified nursing facility to establish a protocol to allow patients to receive visits from a rabbi, priest, minister, or clergy of any religious denomination or sect consistent with guidance from the Centers for Disease Control and Prevention and the Centers for Medicare and Medicaid Services and subject to compliance with any executive order, order of public health, Department guidance, or any other applicable federal or state guidance having the effect of limiting visitation. Such protocol may restrict the frequency and duration of visits and may require visits to be conducted virtually using interactive audio or video technology. Any such protocol may require the person visiting a patient pursuant to this subdivision to comply with all reasonable requirements of the hospital, nursing home, or certified nursing facility adopted to protect the health and safety of the person, patients, and staff of the hospital, nursing home, or certified nursing facility; *and*

31. *Shall require that every hospital that makes health records, as defined in § 32.1-127.1:03, of patients who are minors available to such patients through a secure website shall make such health records available to such patient's parent or guardian through such secure website, unless the hospital cannot make such health record available in a manner that prevents disclosure of information, the disclosure of which has been denied pursuant to subsection F of § 32.1-127.1:03 or for which consent required in accordance with subsection E of § 54.1-2969 has not been provided.*

C. Upon obtaining the appropriate license, if applicable, licensed hospitals, nursing homes, and certified nursing facilities may operate adult day care centers.

D. All facilities licensed by the Board pursuant to this article which provide treatment or care for hemophiliacs and, in the course of such treatment, stock clotting factors, shall maintain records of all lot numbers or other unique identifiers for such clotting factors in order that, in the event the lot is found to be contaminated with an infectious agent, those hemophiliacs who have received units of this contaminated clotting factor may be apprised of this contamination. Facilities which have identified a lot that is known to be contaminated shall notify the recipient's attending physician and request that he notify the recipient of the contamination. If the physician is unavailable, the facility shall notify by mail, return receipt requested, each recipient who received treatment from a known contaminated lot at the individual's last known address.

E. Hospitals in the Commonwealth may enter into agreements with the Department of Health for the provision to uninsured patients of naloxone or other opioid antagonists used for overdose reversal.

§ 54.1-2404.1. Patient records.

Any health care provider who makes health records, as defined in § 32.1-127.1:03, of patients who are minors available to such patients through a secure website shall make all such health records available to such patient's parent or guardian through such secure website, unless the health care provider cannot make such health record available in a manner that prevents disclosure of information, the disclosure of which has been denied pursuant to subsection F of § 32.1-127.1:03 or for which consent required in accordance with subsection E of § 54.1-2969 has not been provided.

CHAPTER 219

An Act to provide for a special election relating to transition of a city to town status; sunset.

[S 85]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *Notwithstanding the provisions of Chapter 41 (§ 15.2-4100 et seq.) of Title 15.2 of the Code of Virginia, the circuit court for the City of Martinsville, prior to entering an order granting town status pursuant to such chapter, shall first require an election to be held as provided in § 2.*

§ 2. *The court shall require the regular election officers of the city, at the succeeding November general election, to open a poll and take the sense of the qualified voters of the city on the question submitted as hereinafter provided.*

§ 3. *The regular election officers shall conduct the election as provided by general law, insofar as is applicable. The ballot shall contain the following question:*

"Question: Shall the City of Martinsville become a town?"

§ 4. *The ballots shall be prepared, distributed, and voted, and the results of the election shall be ascertained and certified, in the manner prescribed by § 24.2-684 of the Code of Virginia.*

§ 5. *If it appears by the report certified by the secretary of the electoral board that a majority of the qualified voters of the city voting on the question are in favor of the transition from city to town status, the special court shall enter the order granting town status in accordance with the provisions of Chapter 41 (§ 15.2-4100 et seq.) of Title 15.2 of the Code of Virginia. All other provisions of such chapter shall continue to be applicable.*

2. That the provisions of this act shall expire on July 1, 2026.

CHAPTER 220

An Act to provide for a special election relating to transition of a city to town status.

[H 173]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *Notwithstanding the provisions of Chapter 41 (§ 15.2-4100 et seq.) of Title 15.2 of the Code of Virginia, the circuit court for the City of Martinsville, prior to entering an order granting town status pursuant to such chapter, shall first require an election to be held as provided in § 2.*

§ 2. *The court shall require the regular election officers of the city, at the succeeding November general election, to open a poll and take the sense of the qualified voters of the city on the question submitted as hereinafter provided.*

§ 3. *The regular election officers shall conduct the election as provided by general law, insofar as is applicable. The ballot shall contain the following question:*

"Question: Shall the City of Martinsville become a town?"

§ 4. *The ballots shall be prepared, distributed, and voted, and the results of the election shall be ascertained and certified, in the manner prescribed by § 24.2-684 of the Code of Virginia.*

§ 5. *If it appears by the report certified by the secretary of the electoral board that a majority of the qualified voters of the city voting on the question are in favor of the transition from city to town status, the special court shall enter the order granting town status in accordance with the provisions of Chapter 41 (§ 15.2-4100 et seq.) of Title 15.2 of the Code of Virginia. All other provisions of such chapter shall continue to be applicable.*

2. That the provisions of this act shall expire on July 1, 2026.

CHAPTER 221

An Act to require the Department of Medical Assistance Services to continue the work group to study options for the permanent use of virtual supports and increasing access to virtual supports and services for individuals with intellectual and developmental disabilities.

[H 990]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Department of Medical Assistance Services shall continue the work group composed of individuals with developmental disabilities, families of individuals with developmental disabilities, representatives of advocacy organizations, and other appropriate stakeholders to study and develop recommendations for the permanent use of virtual supports and increasing access to virtual supports and services for individuals with intellectual and developmental disabilities by promoting access to assistive technology and environmental modifications. The Department shall report its findings and recommendations to the Governor and the General Assembly by November 1, 2022.*

CHAPTER 222

An Act to require the Department of Medical Assistance Services to continue the work group to study options for the permanent use of virtual supports and increasing access to virtual supports and services for individuals with intellectual and developmental disabilities.

[S 232]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Department of Medical Assistance Services shall continue the work group composed of individuals with developmental disabilities, families of individuals with developmental disabilities, representatives of advocacy organizations, and other appropriate stakeholders to study and develop recommendations for the permanent use of virtual supports and increasing access to virtual supports and services for individuals with intellectual and developmental disabilities by promoting access to assistive technology and environmental modifications. The Department shall report its findings and recommendations to the Governor and the General Assembly by November 1, 2022.*

CHAPTER 223

An Act to amend and reenact §§ 58.1-3830 and 58.1-3832.1 of the Code of Virginia, relating to local cigarette tax; unsold inventory.

[S 25]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-3830 and 58.1-3832.1 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-3830. Local cigarette taxes authorized; use of dual die or stamp to evidence payment.

A. Any locality is authorized to levy taxes upon the sale or use of cigarettes. The governing body of any locality that levies a cigarette tax and permits the use of meter impressions or stamps to evidence its payment may authorize an officer of the local or joint enforcement authority to enter into an arrangement with the Department of Taxation under which a tobacco wholesaler who so desires may use a dual die or stamp to evidence the payment of both the local tax and the state tax, and the Department is hereby authorized to enter into such an arrangement. The procedure under such an arrangement shall be such as may be agreed upon by and between the authorized local or joint enforcement authority officer and the Department.

B. Any county cigarette tax imposed shall not apply within the limits of any town located in such county where such town now, or hereafter, imposes a town cigarette tax. However, if the governing body of any such town shall provide that a county cigarette tax, as well as the town cigarette tax, shall apply within the limits of such town, then such cigarette tax may be imposed by the county within such town.

C. The maximum tax rate imposed by a locality on cigarettes pursuant to the provisions of this section shall be as follows:

1. If such locality is (i) a city or town that, on January 1, 2020, had in effect a rate not exceeding two cents (\$0.02) per cigarette sold or (ii) a county, then the maximum rate shall be two cents (\$0.02) per cigarette sold.

2. If such locality is a city or town that, on January 1, 2020, had in effect a rate exceeding two cents (\$0.02) per cigarette sold, then the maximum rate shall be the rate in effect on January 1, 2020.

D. Any locality that increases its tax rate shall, for one calendar year after the increase, allow a person with unsold inventory to pay the tax increase on the unsold inventory by filing a return, rather than requiring the use of a stamp or meter impression. Such return shall identify the amount of unsold inventory, the amount of tax paid on such unsold inventory, and the amount of tax due as a result of the tax rate increase. Such return shall be due six calendar months after the effective date of the tax rate increase. For purposes of this subsection, "unsold inventory" means cigarettes held prior to the tax rate increase.

§ 58.1-3832.1. Regional cigarette tax boards.

A. As used in this section:

"Member locality" means a locality that elects to become a member of a regional cigarette tax board and have its local cigarette tax administered by the board.

"Region" means the group of localities for which the regional cigarette tax board administers local cigarette taxes.

"Regional cigarette tax board" means a board established by a group of at least six member localities pursuant to their powers under this article, Chapter 13 (§ 15.2-1300 et seq.) of Title 15.2, and the Regional Cooperation Act (§ 15.2-4200 et seq.), with the purpose of administering local cigarette taxes on a regional basis subject to the provisions of this section.

B. A regional cigarette tax board shall have the following duties:

1. Providing for the use of a uniform meter impression or stamp as evidence of payment of any local cigarette tax within the region.

2. Entering into an arrangement, on behalf of or in cooperation with its member localities, with the Department pursuant to the provisions of subsection A of § 58.1-3830, for the use of a dual die or stamp as evidence of payment of any applicable local and state tax.

3. Providing a single point of contact for a stamping agent authorized under this article or Chapter 10 (§ 58.1-1000) to remit local cigarette taxes due to any member locality.

4. Providing a discount to a stamping agent as compensation for accounting for the tax due under this article. The discount shall be in the amount of two percent of the tax otherwise due.

5. Distributing any local cigarette taxes collected by the board to the appropriate member locality.

6. Enforcing all local cigarette tax ordinances within the region.

7. Promoting uniformity of cigarette tax ordinances among its member localities.

8. To the extent possible, encouraging uniformity of cigarette tax rates among its member localities.

9. *Allowing persons with unsold inventory subject to tax increase to pay such increase by filing a return consistent with the provisions of subsection D of § 58.1-3830.*

10. Accomplishing any other purpose that helps promote the uniform administration of local cigarette taxes throughout the region.

CHAPTER 224

An Act to amend and reenact §§ 58.1-3830 and 58.1-3832.1 of the Code of Virginia, relating to local cigarette tax; unsold inventory.

[H 1076]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-3830 and 58.1-3832.1 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-3830. Local cigarette taxes authorized; use of dual die or stamp to evidence payment.

A. Any locality is authorized to levy taxes upon the sale or use of cigarettes. The governing body of any locality that levies a cigarette tax and permits the use of meter impressions or stamps to evidence its payment may authorize an officer of the local or joint enforcement authority to enter into an arrangement with the Department of Taxation under which a tobacco wholesaler who so desires may use a dual die or stamp to evidence the payment of both the local tax and the state tax, and the Department is hereby authorized to enter into such an arrangement. The procedure under such an arrangement shall be such as may be agreed upon by and between the authorized local or joint enforcement authority officer and the Department.

B. Any county cigarette tax imposed shall not apply within the limits of any town located in such county where such town now, or hereafter, imposes a town cigarette tax. However, if the governing body of any such town shall provide that a county cigarette tax, as well as the town cigarette tax, shall apply within the limits of such town, then such cigarette tax may be imposed by the county within such town.

C. The maximum tax rate imposed by a locality on cigarettes pursuant to the provisions of this section shall be as follows:

1. If such locality is (i) a city or town that, on January 1, 2020, had in effect a rate not exceeding two cents (\$0.02) per cigarette sold or (ii) a county, then the maximum rate shall be two cents (\$0.02) per cigarette sold.

2. If such locality is a city or town that, on January 1, 2020, had in effect a rate exceeding two cents (\$0.02) per cigarette sold, then the maximum rate shall be the rate in effect on January 1, 2020.

D. Any locality that increases its tax rate shall, for one calendar year after the increase, allow a person with unsold inventory to pay the tax increase on the unsold inventory by filing a return, rather than requiring the use of a stamp or meter impression. Such return shall identify the amount of unsold inventory, the amount of tax paid on such unsold inventory, and the amount of tax due as a result of the tax rate increase. Such return shall be due six calendar months after the effective date of the tax rate increase. For purposes of this subsection, "unsold inventory" means cigarettes held prior to the tax rate increase.

§ 58.1-3832.1. Regional cigarette tax boards.

A. As used in this section:

"Member locality" means a locality that elects to become a member of a regional cigarette tax board and have its local cigarette tax administered by the board.

"Region" means the group of localities for which the regional cigarette tax board administers local cigarette taxes.

"Regional cigarette tax board" means a board established by a group of at least six member localities pursuant to their powers under this article, Chapter 13 (§ 15.2-1300 et seq.) of Title 15.2, and the Regional Cooperation Act (§ 15.2-4200 et seq.), with the purpose of administering local cigarette taxes on a regional basis subject to the provisions of this section.

B. A regional cigarette tax board shall have the following duties:

1. Providing for the use of a uniform meter impression or stamp as evidence of payment of any local cigarette tax within the region.

2. Entering into an arrangement, on behalf of or in cooperation with its member localities, with the Department pursuant to the provisions of subsection A of § 58.1-3830, for the use of a dual die or stamp as evidence of payment of any applicable local and state tax.

3. Providing a single point of contact for a stamping agent authorized under this article or Chapter 10 (§ 58.1-1000) to remit local cigarette taxes due to any member locality.

4. Providing a discount to a stamping agent as compensation for accounting for the tax due under this article. The discount shall be in the amount of two percent of the tax otherwise due.

5. Distributing any local cigarette taxes collected by the board to the appropriate member locality.

6. Enforcing all local cigarette tax ordinances within the region.

7. Promoting uniformity of cigarette tax ordinances among its member localities.

8. To the extent possible, encouraging uniformity of cigarette tax rates among its member localities.

9. *Allowing persons with unsold inventory subject to tax increase to pay such increase by filing a return consistent with the provisions of subsection D of § 58.1-3830.*

10. Accomplishing any other purpose that helps promote the uniform administration of local cigarette taxes throughout the region.

CHAPTER 225

An Act to amend and reenact § 32.1-176.5 of the Code of Virginia, relating to City of Chesapeake; local government authority to require analysis of water.

[H 548]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-176.5 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-176.5. Construction permit; local government authority to require analysis of water.

A. Any person intending to construct a private well shall apply to the Department for and receive a permit before proceeding with construction. The permit application shall include a site plan. No survey plat shall be required. In all cases, it shall be the landowner's responsibility to ensure that the water well is properly located on the landowner's property. This permit shall be issued no later than 60 days from application and in accordance with the Board's regulations. In addition, an inspection shall be made after construction to assure that the construction standards are met.

B. The local governing bodies of the Counties of Albemarle, Bedford, Chesterfield, Clarke, Culpeper, Fairfax, Fauquier, Goochland, James City, Loudoun, Orange, Powhatan, Prince William, Rappahannock, Stafford, Warren, and York, and the Cities of *Chesapeake*, Manassas, Manassas Park, Suffolk, and Virginia Beach may by ordinance establish reasonable testing requirements to determine compliance with existing federal or state drinking water quality standards and require that such testing be done prior to the issuance of building permits. Such testing requirements shall apply only to building permit applicants proposing to utilize private ground water wells as their primary potable water source. In developing such an ordinance, the local governing body shall consider (i) the appropriate ground water constituents to be tested using the above standards as guidance; (ii) the reasonable cost of such testing ~~which~~ *that* may be borne by the applicant; and (iii) the availability of certified laboratories to perform such services. However, no such test shall be conducted by Consolidated Laboratories. The applicant shall be notified of the test results with respect to such established standards.

C. Any local governing body referenced in subsection B of this section that has adopted a well abandonment ordinance may require property owners to close and cap abandoned or inactive wells pursuant to that ordinance.

CHAPTER 226

An Act to amend and reenact § 32.1-176.5 of the Code of Virginia, relating to City of Chesapeake; local government authority to require analysis of water.

[S 53]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-176.5 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-176.5. Construction permit; local government authority to require analysis of water.

A. Any person intending to construct a private well shall apply to the Department for and receive a permit before proceeding with construction. The permit application shall include a site plan. No survey plat shall be required. In all cases, it shall be the landowner's responsibility to ensure that the water well is properly located on the landowner's property. This permit shall be issued no later than 60 days from application and in accordance with the Board's regulations. In addition, an inspection shall be made after construction to assure that the construction standards are met.

B. The local governing bodies of the Counties of Albemarle, Bedford, Chesterfield, Clarke, Culpeper, Fairfax, Fauquier, Goochland, James City, Loudoun, Orange, Powhatan, Prince William, Rappahannock, Stafford, Warren, and York, and the Cities of *Chesapeake*, Manassas, Manassas Park, Suffolk, and Virginia Beach may by ordinance establish reasonable testing requirements to determine compliance with existing federal or state drinking water quality standards and require that such testing be done prior to the issuance of building permits. Such testing requirements shall apply only to building permit applicants proposing to utilize private ground water wells as their primary potable water source. In developing such an ordinance, the local governing body shall consider (i) the appropriate ground water constituents to be tested using the above standards as guidance; (ii) the reasonable cost of such testing ~~which~~ *that* may be borne by the applicant; and (iii) the availability of certified laboratories to perform such services. However, no such test shall be conducted by Consolidated Laboratories. The applicant shall be notified of the test results with respect to such established standards.

C. Any local governing body referenced in subsection B of this section that has adopted a well abandonment ordinance may require property owners to close and cap abandoned or inactive wells pursuant to that ordinance.

CHAPTER 227

An Act to amend and reenact § 4, as amended, of Chapter 261 of the Acts of Assembly of 1960, which provided a charter for the Town of Colonial Beach in Westmoreland County, relating to appointments; chief of police.

[H 164]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 4, as amended, of Chapter 261 of the Acts of Assembly of 1960 is amended and reenacted as follows:

§ 4. (a) The council may appoint a clerk, a town attorney and such other officers (including those in subsection (b) of this ~~article~~ *section*) as well as such other committees of the council and create such boards and departments as it deems necessary or proper, and define their duties and functions; such persons so appointed, as set out above, shall hold office during the pleasure of the council and shall give bond as the council requires and shall receive such compensation as the council prescribes.

(b) The council shall establish and maintain a police department ~~which~~ *that* shall be under the supervision of a ~~Chief~~ *chief* of ~~Police~~ *police*, who shall be appointed by the town ~~council~~ *manager* and serve at the pleasure of the town ~~council~~ *manager*.

CHAPTER 228

An Act to amend and reenact § 58.1-609.10 of the Code of Virginia, relating to sales and use tax exemption; aircraft components.

[S 701]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-609.10 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-609.10. Miscellaneous exemptions.

The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606 shall not apply to the following:

1. Artificial or propane gas, firewood, coal or home heating oil used for domestic consumption. "Domestic consumption" means the use of artificial or propane gas, firewood, coal or home heating oil by an individual purchaser for other than business, commercial or industrial purposes. The Tax Commissioner shall establish by regulation a system for use by dealers in classifying individual purchases for domestic or nondomestic use based on the principal usage of such gas, wood, coal or oil. Any person making a nondomestic purchase and paying the tax pursuant to this chapter who uses any portion of such purchase for domestic use may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for a refund of the tax paid on the domestic use portion.

2. An occasional sale, as defined in § 58.1-602. A nonprofit organization that is eligible to be granted an exemption on its purchases pursuant to § 58.1-609.11, and that is otherwise eligible for the exemption pursuant to this subdivision, shall be exempt pursuant to this subdivision on its sales of (i) food, prepared food and meals and (ii) tickets to events that include the provision of food, prepared food and meals, so long as such sales take place on fewer than 24 occasions in a calendar year.

3. Tangible personal property for future use by a person for taxable lease or rental as an established business or part of an established business, or incidental or germane to such business, including a simultaneous purchase and taxable leaseback.

4. Delivery of tangible personal property outside the Commonwealth for use or consumption outside of the Commonwealth. Delivery of goods destined for foreign export to a factor or export agent shall be deemed to be delivery of goods for use or consumption outside of the Commonwealth.

5. Tangible personal property purchased with food coupons issued by the United States Department of Agriculture under the Food Stamp Program or drafts issued through the Virginia Special Supplemental Food Program for Women, Infants, and Children.

6. Tangible personal property purchased for use or consumption in the performance of maintenance and repair services at Nuclear Regulatory Commission-licensed nuclear power plants located outside the Commonwealth.

7. Beginning July 1, 1997, and ending July 1, 2006, a professional's provision of original, revised, edited, reformatted or copied documents, including but not limited to documents stored on or transmitted by electronic media, to its client or to third parties in the course of the professional's rendition of services to its clientele.

8. School lunches sold and served to pupils and employees of schools and subsidized by government; school textbooks sold by a local board or authorized agency thereof; and school textbooks sold for use by students attending a college or other institution of learning, when sold (i) by such institution of learning or (ii) by any other dealer, when such textbooks have been certified by a department or instructor of such institution of learning as required textbooks for students attending courses at such institution.

9. Medicines, drugs, hypodermic syringes, artificial eyes, contact lenses, eyeglasses, eyeglass cases, and contact lens storage containers when distributed free of charge, all solutions or sterilization kits or other devices applicable to the wearing or maintenance of contact lenses or eyeglasses when distributed free of charge, and hearing aids dispensed by or sold on prescriptions or work orders of licensed physicians, dentists, optometrists, ophthalmologists, opticians, audiologists, hearing aid dealers and fitters, nurse practitioners, physician assistants, and veterinarians; controlled drugs purchased for use by a licensed physician, optometrist, licensed nurse practitioner, or licensed physician assistant in his professional practice, regardless of whether such practice is organized as a sole proprietorship, partnership, or professional corporation, or any other type of corporation in which the shareholders and operators are all licensed physicians, optometrists, licensed nurse practitioners, or licensed physician assistants engaged in the practice of medicine, optometry, or nursing; medicines and drugs purchased for use or consumption by a licensed hospital, nursing home, clinic, or similar corporation not otherwise exempt under this section; and samples of prescription drugs and medicines and their packaging distributed free of charge to authorized recipients in accordance with the federal Food, Drug, and Cosmetic Act (21 U.S.C.A. § 301 et seq., as amended). With the exceptions of those medicines and drugs used for agricultural production animals that are exempt to veterinarians under subdivision 1 of § 58.1-609.2, any veterinarian dispensing or selling medicines or drugs on prescription shall be deemed to be the user or consumer of all such medicines and drugs.

10. Wheelchairs and parts therefor, braces, crutches, prosthetic devices, orthopedic appliances, catheters, urinary accessories, other durable medical equipment and devices, and related parts and supplies specifically designed for those products; and insulin and insulin syringes, and equipment, devices or chemical reagents that may be used by a diabetic to test or monitor blood or urine, when such items or parts are purchased by or on behalf of an individual for use by such individual. Durable medical equipment is equipment that (i) can withstand repeated use, (ii) is primarily and customarily used to serve a medical purpose, (iii) generally is not useful to a person in the absence of illness or injury, and (iv) is appropriate for use in the home.

11. Drugs and supplies used in hemodialysis and peritoneal dialysis.

12. Special equipment installed on a motor vehicle when purchased by a handicapped person to enable such person to operate the motor vehicle.

13. Special typewriters and computers and related parts and supplies specifically designed for those products used by handicapped persons to communicate when such equipment is prescribed by a licensed physician.

14. a. (i) Any nonprescription drugs and proprietary medicines purchased for the cure, mitigation, treatment, or prevention of disease in human beings and (ii) any samples of nonprescription drugs and proprietary medicines distributed free of charge by the manufacturer, including packaging materials and constituent elements and ingredients.

b. The terms "nonprescription drugs" and "proprietary medicines" shall be defined pursuant to regulations promulgated by the Department of Taxation. The exemption authorized in this subdivision shall not apply to cosmetics.

15. Tangible personal property withdrawn from inventory and donated to (i) an organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code or (ii) the Commonwealth, any political subdivision of the Commonwealth, or any school, agency, or instrumentality thereof.

16. Tangible personal property purchased by nonprofit churches that are exempt from taxation under § 501(c)(3) of the Internal Revenue Code, or whose real property is exempt from local taxation pursuant to the provisions of § 58.1-3606, for use (i) in religious worship services by a congregation or church membership while meeting together in a single location and (ii) in the libraries, offices, meeting or counseling rooms or other rooms in the public church buildings used in carrying out the work of the church and its related ministries, including kindergarten, elementary and secondary schools. The exemption for such churches shall also include baptistries; bulletins, programs, newspapers and newsletters that do not contain paid advertising and are used in carrying out the work of the church; gifts including food for distribution outside the public church building; food, disposable serving items, cleaning supplies and teaching materials used in the operation of camps or conference centers by the church or an organization composed of churches that are exempt under this subdivision and which are used in carrying out the work of the church or churches; and property used in caring for or maintaining

property owned by the church including, but not limited to, mowing equipment; and building materials installed by the church, and for which the church does not contract with a person or entity to have installed, in the public church buildings used in carrying out the work of the church and its related ministries, including, but not limited to worship services; administrative rooms; and kindergarten, elementary, and secondary schools.

17. Medical products and supplies, which are otherwise taxable, such as bandages, gauze dressings, incontinence products and wound-care products, when purchased by a Medicaid recipient through a Department of Medical Assistance Services provider agreement.

18. Beginning July 1, 2007, and ending July 1, 2012, multifuel heating stoves used for heating an individual purchaser's residence. "Multifuel heating stoves" are stoves that are capable of burning a wide variety of alternative fuels, including, but not limited to, shelled corn, wood pellets, cherry pits, and olive pits.

19. Fabrication of animal meat, grains, vegetables, or other foodstuffs when the purchaser (i) supplies the foodstuffs and they are consumed by the purchaser or his family, (ii) is an organization exempt from taxation under § 501(c)(3) or (c)(4) of the Internal Revenue Code, or (iii) donates the foodstuffs to an organization exempt from taxation under § 501(c)(3) or (c)(4) of the Internal Revenue Code.

20. Beginning July 1, 2018, and ending July 1, ~~2022~~ 2025, parts, engines, and supplies used for maintaining, repairing, or reconditioning aircraft or any aircraft's avionics system, engine, or component parts. This exemption shall not apply to tools and other equipment not attached to or that does not become a part of the aircraft. For purposes of this subdivision, "aircraft" shall include both manned and unmanned systems. *However, for manned systems, "aircraft" shall include only aircraft with a maximum takeoff weight of at least 2,400 pounds.*

21. A gun safe with a selling price of \$1,500 or less. For purposes of this subdivision, "gun safe" means a safe or vault that is (i) commercially available, (ii) secured with a digital or dial combination locking mechanism or biometric locking mechanism, and (iii) designed for the storage of a firearm or of ammunition for use in a firearm. "Gun safe" does not include a glass-faced cabinet. Any discount, coupon, or other credit offered by the retailer or a vendor of the retailer to reduce the final price to the customer shall be taken into account in determining the selling price for purposes of this exemption.

CHAPTER 229

An Act to amend and reenact § 51.1-145 of the Code of Virginia, relating to Virginia Retirement System; employer contributions.

[S 70]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 51.1-145 of the Code of Virginia is amended and reenacted as follows:

§ 51.1-145. Employer contributions.

A. The total annual *defined benefit* employer contribution for each employer, expressed as a percentage of the annual membership payroll, shall be determined in a manner so as to remain relatively level from year to year. Each employer shall contribute *for the defined benefit plans, including the defined benefit component of the hybrid retirement program under § 51.1-169*, an amount equal to the sum of the normal contribution, any accrued liability contribution, and any supplementary contribution, *as well as amounts required for the defined contribution component of the hybrid retirement program under § 51.1-169*. The *defined benefit* contribution rates for each employer shall be determined ~~after each valuation~~ *biennially* and shall remain in effect until a new *biennial* valuation is made. All *defined benefit* contribution rates shall be computed in accordance with recognized actuarial principles on the basis of methods and assumptions approved by the Board *and as described in the Retirement System funding policy*.

B. The normal employer *defined benefit* contribution for any period shall be determined as a percentage, equal to the normal contribution rate, of the total covered compensation of the members employed during the period.

C. The normal *defined benefit* contribution rate for any employer shall be determined as the percentage represented by the ratio of (i) the annual normal cost to provide the benefits of the ~~retirement system~~ *Retirement System* with respect to members employed by the employer in excess of the members' contributions to (ii) the total annual compensation of the members.

D. The accrued *defined benefit* liability contribution for any employer for any period shall be determined as a percentage, equal to the accrued liability contribution rate, of the total compensation of the members during the period.

E. The accrued *defined benefit* liability contribution rate for any employer shall be a percentage of the total annual compensation of the members, determined so that a continuation of annual contributions by the employer at the same percentage of total annual compensation over a period of ~~40~~ years *determined by the Board consistent with recognized actuarial principles and the Retirement System funding policy* will be sufficient to amortize the unfunded accrued liability with respect to the employer.

F. The unfunded *defined benefit* accrued liability with respect to any employer as of any valuation date shall be determined as the excess of the *actuarial accrued liability over the sum of assets of the Retirement System as of the valuation date, as follows*: (i) the then present value of the benefits to be provided under the ~~retirement system~~ *Retirement System* in the future to members and former members over (ii) the sum of the assets of the ~~retirement system~~ *Retirement System*

System then currently in the members' contribution account and in the employer's retirement allowance account, plus the then present value of the stipulated contributions to be made in the future by the members, plus the then present value of the normal contributions expected to be made in the future by the employer.

G. The supplementary *defined benefit* contribution for any employer for any period shall be determined as a percentage, equal to the supplementary contribution rate, of the total compensation of the members employed during the period.

H. Until July 1, 1997, the supplementary contribution rate for any employer shall be determined as the percentage represented by the ratio of (i) the average annual amount of post-retirement supplements, as provided for in this chapter, which is anticipated to become payable during the period to which the rate will be applicable with respect to former members to (ii) the total annual compensation of the members.

I. The Board shall certify to each employer the applicable *defined benefit* contribution rate and any changes in the rate. *The Board shall also provide the applicable estimated defined contribution amounts to each employer.*

J. The *defined benefit* employer contribution for the year shall be increased to the extent necessary to overcome any insufficiency if the contributions for any employer, when combined with the amount of the retirement allowance account of the employer, are insufficient to provide the benefits payable during the year.

K. The appropriation bill ~~which~~ that is submitted to the General Assembly by the Governor prior to each regular session that begins in an even-numbered year shall include the *defined benefit employer* contributions ~~which~~ that will become due and payable to the retirement allowance account from the state treasury during the following biennium, *an estimate of all state employer defined contribution amounts required by § 51.1-169, and amounts for contributions to applicable ancillary benefits as otherwise required by this title.* The amount of the *defined benefit* contributions shall be based on the contribution rates certified by the Board pursuant to subsection I ~~of this section~~ that are applicable to the Commonwealth as an employer and the anticipated compensation during the biennium of the members of the ~~retirement system~~ Retirement System on behalf of whom the Commonwealth is the employer.

~~K~~ L. The General Assembly shall set *defined benefit* contribution rates that are at least equal to the following percentage of the contribution rates certified by the Board pursuant to subsection I:

1. For members who are state employees as defined in § 51.1-124.3 and who are participating in a retirement plan established pursuant to Chapter 1 (§ 51.1-124.1 et seq.), (i) 67.02 percent for fiscal years beginning July 1, 2012, and July 1, 2013, (ii) 78.02 percent for fiscal years beginning July 1, 2014, and July 1, 2015, (iii) 89.01 percent for fiscal years beginning July 1, 2016, and July 1, 2017, and (iv) 100 percent for fiscal years beginning on or after July 1, 2018;

2. For members who are teachers as defined in § 51.1-124.3 and who are participating in a retirement plan established pursuant to Chapter 1 (§ 51.1-124.1 et seq.), (i) 69.53 percent for fiscal years beginning July 1, 2012, and July 1, 2013, (ii) 79.69 percent for fiscal years beginning July 1, 2014, and July 1, 2015, (iii) 89.84 percent for fiscal years beginning July 1, 2016, and July 1, 2017, and (iv) 100 percent for fiscal years beginning on or after July 1, 2018;

3. For members participating in a retirement plan established pursuant to Chapter 2 (§ 51.1-200 et seq.), (i) 75.84 percent for fiscal years beginning July 1, 2012, and July 1, 2013, (ii) 83.90 percent for fiscal years beginning July 1, 2014, and July 1, 2015, (iii) 91.95 percent for fiscal years beginning July 1, 2016, and July 1, 2017, and (iv) 100 percent for fiscal years beginning on or after July 1, 2018;

4. For members participating in a retirement plan established pursuant to Chapter 2.1 (§ 51.1-211 et seq.), (i) 5.82 percent for fiscal years beginning July 1, 2012, and July 1, 2013, (ii) 83.88 percent for fiscal years beginning July 1, 2014, and July 1, 2015, (iii) 91.94 percent for fiscal years beginning July 1, 2016, and July 1, 2017, and (iv) 100 percent for fiscal years beginning on or after July 1, 2018; and

5. For members participating in a retirement plan established pursuant to Chapter 3 (§ 51.1-300 et seq.), (i) 83.98 percent for fiscal years beginning July 1, 2012, and July 1, 2013, (ii) 89.32 percent for fiscal years beginning July 1, 2014, and July 1, 2015, (iii) 94.66 percent for fiscal years beginning July 1, 2016, and July 1, 2017, and (iv) 100 percent for fiscal years beginning on or after July 1, 2018.

~~E~~ M. In the case of all teachers whose compensation is paid exclusively out of funds derived from local revenues and appropriations from the general fund of the state treasury, the Commonwealth shall contribute to the extent specified in the ~~appropriations~~ appropriation act. In the case of any teacher whose compensation is paid out of funds derived in whole or in part from any special fund or from a contributor other than the Commonwealth or a political subdivision thereof, contributions shall be paid out of the special fund or by the other contributor in proportion to that part of the compensation derived therefrom. In the case of all state employees whose compensation is paid exclusively by the Commonwealth out of the general fund of the state treasury, the Commonwealth shall be the sole contributor, and all contributions shall be paid out of the general fund. In the case of a state employee whose compensation is paid in whole or in part out of any special fund or by any contributor other than the Commonwealth, contributions on behalf of the employee shall be paid out of the special fund or by the other contributor in proportion to that part of the employee's compensation derived therefrom. The governing body of each political subdivision is hereby authorized to make appropriations from the funds of the political subdivision necessary to pay its proportionate share of contributions on behalf of every state employee whose compensation is paid in part by the political subdivision. In the case of each person who has elected to remain a member of a local retirement system, the Commonwealth shall reimburse the local employer an amount equal to the product of the compensation of the person and the employer contribution rate as used to determine the employer contribution for state employees under this

section. Each employer shall keep such records and periodically furnish such information as the Board may require and shall inform new employees of their duties and obligations in connection with the ~~retirement system~~ *Retirement System*.

~~M. N.~~ The ~~employer defined benefit~~ contribution rate established for each employer may include the cost to administer any defined contribution plan administered by the ~~Virginia~~ Retirement System and available to the employer. The portion of such contribution designated to cover administrative costs of the defined contribution plans shall not be deposited into the trust fund established for the defined benefit plans but shall be separately accounted for and used solely to defray the administrative costs associated with the various defined ~~contributions~~ *contribution* plans. This provision shall supplement the authority of the Board under §§ 51.1-124.22 and 51.1-602 to charge and collect administrative fees to employers whose employees have available the various defined contribution plans administered by the ~~Virginia~~ Retirement System.

~~N.~~ Notwithstanding the foregoing, the total employer contribution for each employer authorized to participate in the hybrid retirement program described in § 51.1-169 for any period, expressed as a percentage of the employer's payroll for such period, shall be established as the contribution rate payable by such employer with respect to its employees enrolled in the defined benefit plan established under this chapter. The employer's contribution shall be first applied to the defined contribution component of the hybrid retirement program described in § 51.1-169, and the remainder shall be deposited in the employer's retirement allowance account.

~~O.~~ Institutions of higher education shall also pay contributions to the employer's retirement allowance account in amounts representing the difference between the contribution rate payable with respect to employees enrolled in the defined benefit plan under this chapter and the employer contributions paid to any optional retirement plan it offers on behalf of any of its nonfaculty Covered Employees, as described in §§ 23.1-1020 through 23.1-1026. The employer contribution rate established for each employer may include the annual rate of contribution payable by such employer with respect to employees enrolled in the optional defined contribution retirement plans established under §§ 51.1-126, 51.1-126.1, 51.1-126.3, and 51.1-126.4.

~~P.~~ Employer contributions may be returned to the employer only as determined in accordance with § 401(a) of the Internal Revenue Code, as amended or renumbered, and the regulations thereunder applicable to governmental plans.

~~Q.~~ Additionally, employers shall pay contributions as determined by the Retirement System for applicable ancillary benefits as otherwise required by this title.

2. That the provisions of the first enactment of this act shall become effective on July 1, 2024.

3. That, notwithstanding the provisions of the second enactment of this act, beginning July 1, 2022, the Virginia Retirement System is authorized to communicate the forthcoming changes, update data systems, and train Virginia Retirement System employers to ensure a coordinated and seamless transition upon implementation of the provisions of the first enactment of this act and to develop procedures for the separation of defined benefit and defined contribution amounts prior to the implementation of the provisions of the first enactment of this act.

CHAPTER 230

An Act to amend and reenact § 15.2-6407 of the Code of Virginia, relating to Virginia Regional Industrial Facilities Act; revenue sharing agreements; facilities.

[S 720]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-6407 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-6407. Revenue sharing agreements.

A. Notwithstanding the requirements of Chapter 34 (§ 15.2-3400 et seq.) ~~of this title~~, the member localities may agree to a revenue and economic growth-sharing arrangement with respect to tax revenues and other income and revenues generated by any facility owned by *an authority or a facility owned by a non-authority utilized as part of a cooperative arrangement entered into by an authority promoting economic and workforce development*. Such member localities may be located in any jurisdiction participating in the Appalachian Region Interstate Compact or a similar agreement for interstate cooperation for economic and workforce development authorized by law. The obligations of the parties to any such agreement shall not be construed to be debt within the meaning of Article VII, Section 10 of the Constitution of Virginia. Any such agreement shall be approved by a majority vote of the governing bodies of the member localities reaching such an agreement but shall not require any other approval.

B. With any such revenue and economic growth-sharing arrangement entered into by localities, the Department of Taxation's calculation of true values as applied to the Commonwealth's composite index of local ability-to-pay shall take into account an agreement whereby a portion of real property tax revenue is initially paid to one locality and redistributed to another locality. Such calculation shall properly apportion the percentage of tax revenue ultimately received by each locality. Each participating locality shall include in reports to the Department of Taxation of its taxable real estate the apportioned fair market value of the property upon which such revenue sharing is based. The Department of Taxation shall collect annually, from each participating locality, the taxable real estate value used to determine and apportion the fair market value of the property adjustments upon which such revenue sharing is based.

CHAPTER 231

An Act to amend and reenact § 15.2-6407 of the Code of Virginia, relating to Virginia Regional Industrial Facilities Act; revenue sharing agreements; facilities.

[H 1271]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 15.2-6407 of the Code of Virginia is amended and reenacted as follows:****§ 15.2-6407. Revenue sharing agreements.**

A. Notwithstanding the requirements of Chapter 34 (§ 15.2-3400 et seq.) ~~of this title~~, the member localities may agree to a revenue and economic growth-sharing arrangement with respect to tax revenues and other income and revenues generated by any facility owned by an authority or a facility owned by a non-authority utilized as part of a cooperative arrangement entered into by an authority promoting economic and workforce development. Such member localities may be located in any jurisdiction participating in the Appalachian Region Interstate Compact or a similar agreement for interstate cooperation for economic and workforce development authorized by law. The obligations of the parties to any such agreement shall not be construed to be debt within the meaning of Article VII, Section 10 of the Constitution of Virginia. Any such agreement shall be approved by a majority vote of the governing bodies of the member localities reaching such an agreement but shall not require any other approval.

B. With any such revenue and economic growth-sharing arrangement entered into by localities, the Department of Taxation's calculation of true values as applied to the Commonwealth's composite index of local ability-to-pay shall take into account an agreement whereby a portion of real property tax revenue is initially paid to one locality and redistributed to another locality. Such calculation shall properly apportion the percentage of tax revenue ultimately received by each locality. Each participating locality shall include in reports to the Department of Taxation of its taxable real estate the apportioned fair market value of the property upon which such revenue sharing is based. The Department of Taxation shall collect annually, from each participating locality, the taxable real estate value used to determine and apportion the fair market value of the property adjustments upon which such revenue sharing is based.

CHAPTER 232

An Act to require the Department of Health to develop recommendations for protocols for hospitals that provide obstetrical services related to admission and readmission of patients.

[H 1107]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Department of Health (the Department) shall develop recommendations for protocols for hospitals that provide obstetrical services for (i) admission or transfer of any pregnant woman who presents herself while in labor or while experiencing a perinatal emergency and (ii) direct readmission, if appropriate, to the hospital of any patient who (a) received obstetrical services from the hospital, (b) experiences postpartum complications requiring immediate medical care, and (c) is referred to the hospital by the patient's health care provider. The Department shall make such recommendations available to every hospital in the Commonwealth that provides obstetrical services by December 15, 2022.

CHAPTER 233

An Act to amend and reenact § 22.1-254 of the Code of Virginia, relating to certain public elementary and secondary school students; excused absences; attendance at pow wow.

[H 1022]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 22.1-254 of the Code of Virginia is amended and reenacted as follows:**

§ 22.1-254. Compulsory attendance required; excuses and waivers; alternative education program attendance; exemptions from article.

A. As used in this subsection, "attend" includes participation in educational programs and courses at a site remote from the school with the permission of the school and in conformity with applicable requirements.

Except as otherwise provided in this article, every parent, guardian, or other person in the Commonwealth having control or charge of any child who will have reached the fifth birthday on or before September 30 of any school year and who has not passed the eighteenth birthday shall, during the period of each year the public schools are in session and for the same number of days and hours per day as the public schools, cause such child to attend a public school or a private,

denominational, or parochial school or have such child taught by a tutor or teacher of qualifications prescribed by the Board of Education and approved by the division superintendent, or provide for home instruction of such child as described in § 22.1-254.1.

As prescribed in the regulations of the Board of Education, the requirements of this section may also be satisfied by causing a child to attend an alternative program of study or work/study offered by a public, private, denominational, or parochial school or by a public or private degree-granting institution of higher education. Further, in the case of any five-year-old child who is subject to the provisions of this subsection, the requirements of this section may be alternatively satisfied by causing the child to attend any public educational pre-kindergarten program, including a Head Start program, or in a private, denominational, or parochial educational pre-kindergarten program.

Instruction in the home of a child or children by the parent, guardian, or other person having control or charge of such child or children shall not be classified or defined as a private, denominational or parochial school.

The requirements of this section shall apply to (i) any child in the custody of the Department of Juvenile Justice or the Department of Corrections who has not passed his eighteenth birthday and (ii) any child whom the division superintendent has required to take a special program of prevention, intervention, or remediation as provided in subsection C of § 22.1-253.13:1 and in § 22.1-254.01. The requirements of this section shall not apply to (a) any person 16 through 18 years of age who is housed in an adult correctional facility when such person is actively pursuing the achievement of a passing score on a high school equivalency examination approved by the Board of Education but is not enrolled in an individual student alternative education plan pursuant to subsection E, and (b) any child who has obtained a high school diploma or its equivalent, a certificate of completion, or has achieved a passing score on a high school equivalency examination approved by the Board of Education, or who has otherwise complied with compulsory school attendance requirements as set forth in this article.

B. A school board shall excuse from attendance at school:

1. Any pupil who, together with his parents, by reason of bona fide religious training or belief is conscientiously opposed to attendance at school. For purposes of this subdivision, "bona fide religious training or belief" does not include essentially political, sociological or philosophical views or a merely personal moral code; and

2. On the recommendation of the juvenile and domestic relations district court of the county or city in which the pupil resides and for such period of time as the court deems appropriate, any pupil who, together with his parents, is opposed to attendance at a school by reason of concern for such pupil's health, as verified by competent medical evidence, or by reason of such pupil's reasonable apprehension for personal safety when such concern or apprehension in that pupil's specific case is determined by the court, upon consideration of the recommendation of the principal and division superintendent, to be justified.

C. Each local school board shall develop policies for excusing students who are absent by reason of observance of a religious holiday. Such policies shall ensure that a student shall not be deprived of any award or of eligibility or opportunity to compete for any award, or of the right to take an alternate test or examination, for any which he missed by reason of such absence, if the absence is verified in a manner acceptable to the school board.

D. A school board may excuse from attendance at school:

1. On recommendation of the principal and the division superintendent and with the written consent of the parent or guardian, any pupil who the school board determines, in accordance with regulations of the Board of Education, cannot benefit from education at such school; or

2. On recommendation of the juvenile and domestic relations district court of the county or city in which the pupil resides, any pupil who, in the judgment of such court, cannot benefit from education at such school.

E. Local school boards may allow the requirements of subsection A to be met under the following conditions:

For a student who is at least 16 years of age, there shall be a meeting of the student, the student's parents, and the principal or his designee of the school in which the student is enrolled in which an individual student alternative education plan shall be developed in conformity with guidelines prescribed by the Board, which plan must include:

1. Career guidance counseling;

2. Mandatory enrollment and attendance in a preparatory program for passing a high school equivalency examination approved by the Board of Education or other alternative education program approved by the local school board with attendance requirements that provide for reporting of student attendance by the chief administrator of such preparatory program or approved alternative education program to such principal or his designee;

3. Mandatory enrollment in a program to earn a ~~Board of Education-approved~~ *Board-approved* career and technical education credential, such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment;

4. Successful completion of the course in economics and personal finance required to earn a ~~Board of Education-approved~~ *Board-approved* high school diploma;

5. Counseling on the economic impact of failing to complete high school; and

6. Procedures for reenrollment to comply with the requirements of subsection A.

A student for whom an individual student alternative education plan has been granted pursuant to this subsection and who fails to comply with the conditions of such plan shall be in violation of the compulsory school attendance law, and the

division superintendent or attendance officer of the school division in which such student was last enrolled shall seek immediate compliance with the compulsory school attendance law as set forth in this article.

Students enrolled with an individual student alternative education plan shall be counted in the average daily membership of the school division.

F. A school board may, in accordance with the procedures set forth in Article 3 (§ 22.1-276.01 et seq.) of Chapter 14 and upon a finding that a school-age child has been (i) charged with an offense relating to the Commonwealth's laws, or with a violation of school board policies, on weapons, alcohol or drugs, or intentional injury to another person; (ii) found guilty or not innocent of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the superintendent of the school division pursuant to subsection G of § 16.1-260; (iii) suspended pursuant to § 22.1-277.05; or (iv) expelled from school attendance pursuant to § 22.1-277.06 or 22.1-277.07 or subsection C of § 22.1-277, require the child to attend an alternative education program as provided in § 22.1-209.1:2 or 22.1-277.2:1.

G. Whenever a court orders any pupil into an alternative education program, including a program preparing students for a high school equivalency examination approved by the Board of Education, offered in the public schools, the local school board of the school division in which the program is offered shall determine the appropriate alternative education placement of the pupil, regardless of whether the pupil attends the public schools it supervises or resides within its school division.

The juvenile and domestic relations district court of the county or city in which a pupil resides or in which charges are pending against a pupil, or any court in which charges are pending against a pupil, may require the pupil who has been charged with (i) a crime that resulted in or could have resulted in injury to others, (ii) a violation of Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2, or (iii) any offense related to possession or distribution of any Schedule I, II, or III controlled substances to attend an alternative education program, including, but not limited to, night school, adult education, or any other education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.

This subsection shall not be construed to limit the authority of school boards to expel, suspend, or exclude students, as provided in §§ 22.1-277.04, 22.1-277.05, 22.1-277.06, 22.1-277.07, and 22.1-277.2. As used in this subsection, the term "charged" means that a petition or warrant has been filed or is pending against a pupil.

H. Within one calendar month of the opening of school, each school board shall send to the parents or guardian of each student enrolled in the division a copy of the compulsory school attendance law and the enforcement procedures and policies established by the school board.

I. The provisions of this article shall not apply to:

1. Children suffering from contagious or infectious diseases while suffering from such diseases;
2. Children whose immunizations against communicable diseases have not been completed as provided in § 22.1-271.2;
3. Children under 10 years of age who live more than two miles from a public school unless public transportation is provided within one mile of the place where such children live;
4. Children between the ages of 10 and 17, inclusive, who live more than 2.5 miles from a public school unless public transportation is provided within 1.5 miles of the place where such children live; and
5. Children excused pursuant to subsections B and D.

Further, any child who will not have reached his sixth birthday on or before September 30 of each school year whose parent or guardian notifies the appropriate school board that he does not wish the child to attend school until the following year because the child, in the opinion of the parent or guardian, is not mentally, physically, or emotionally prepared to attend school, may delay the child's attendance for one year.

The distances specified in subdivisions 3 and 4 shall be measured or determined from the child's residence to the entrance to the school grounds or to the school bus stop nearest the entrance to the residence of such children by the nearest practical routes which are usable for walking or riding. Disease shall be established by the certificate of a reputable practicing physician in accordance with regulations adopted by the Board of Education.

J. Subject to guidelines established by the Department of Education, any student who is absent from school due to his mental or behavioral health shall be granted an excused absence.

K. Subject to guidelines established by the Department of Education, each school board (i) shall permit one school day-long excused absence per school year for any middle school or high school student in the local school division who is absent from school to engage in a civic event and (ii) may permit additional excused absences for such students who are absent for such purpose. Local school boards may require that the student provide advance notice of the intended absence and require that the student provide documentation of participation in a civic event.

L. Subject to guidelines established by the Department, any student who is a member of a state-recognized or federally recognized tribal nation that is headquartered in the Commonwealth and who is absent from school to attend such tribal nation's pow wow gathering shall be granted one excused absence per academic year, provided that the parent of such student provides to the student's school advance notice of such absence in the manner required by the school.

CHAPTER 234

An Act to amend and reenact §§ 13.1-312, 13.1-1123, 54.1-2717, 54.1-3902, 56-509, and 56-537 of the Code of Virginia and to repeal § 13.1-542, relating to corporations and regulated business entities; not set out and obsolete sections of the Code of Virginia.

[H 561]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 13.1-312, 13.1-1123, 54.1-2717, 54.1-3902, 56-509, and 56-537 of the Code of Virginia are amended and reenacted as follows:

§ 13.1-312. Liberal construction of article.

It is the declared policy of ~~this State~~ *the Commonwealth*, as one means of improving the economic position of agriculture, to encourage the organization of producers of agricultural products into effective ~~non-profit co-operative~~ *nonprofit cooperative* associations under the control of such producers, and to that end this Act ~~should~~ *shall* be liberally construed to accomplish its purposes.

§ 13.1-1123. Coordination with other provisions of Virginia Code.

For purposes of all sections of this Code other than sections in Chapter 7 (§ ~~13.1-542~~ *13.1-542.1* et seq.) and in this chapter, whenever the term "professional corporation" is used, that term shall be deemed to include a professional limited liability company, and wherever the terms "shareholder," "employee," "officer" or "agent" are used, those terms shall be deemed to include, as appropriate, the terms member, manager, employee, and agent.

§ 54.1-2717. Practice of dentistry by professional business entities.

A. No corporation shall be formed or foreign corporation domesticated in the Commonwealth for the purpose of practicing dentistry other than a professional corporation as permitted by Chapter 7 (§ ~~13.1-542~~ *13.1-542.1* et seq.) of Title 13.1.

B. No limited liability company shall be organized or foreign limited liability company domesticated in the Commonwealth for the purpose of practicing dentistry other than a professional limited liability company as permitted by Chapter 13 (§ 13.1-1100 et seq.) of Title 13.1.

C. Notwithstanding the provisions of subsections A and B, dentists licensed pursuant to this chapter may practice as employees of the dental clinics operated as specified in subsection A of § 54.1-2715.

§ 54.1-3902. Professional corporations; professional limited liability companies; and registered limited liability partnerships.

A. No professional corporation organized or qualifying under the provisions of Chapter 7 (§ ~~13.1-542~~ *13.1-542.1* et seq.) of Title 13.1, professional limited liability company organized or qualifying under the provisions of Chapter 13 (§ 13.1-1100 et seq.) of Title 13.1, or registered limited liability partnership registered under the provisions of Article 9.1 (§ 50-73.132 et seq.) of Chapter 2.2 of Title 50 shall render the professional services of attorneys in this Commonwealth unless the professional corporation, professional limited liability company, or registered limited liability partnership is registered under this section.

B. A professional corporation organized or qualifying under the provisions of Chapter 7 (§ *13.1-542.1* et seq.) of Title 13.1, a professional limited liability company organized or qualifying under the provisions of Chapter 13 (§ *13.1-1100* et seq.) of Title 13.1, or a registered limited liability partnership registered under the provisions of Article 9.1 (§ 50-73.132 et seq.) of Chapter 2.2 of Title 50 shall be issued a professional corporation, a professional limited liability company, or a registered limited liability partnership registration certificate by the Virginia State Bar upon application and payment of a registration fee of \$100, provided that:

1. Each member, manager, partner, employee, or agent of the professional corporation, the professional limited liability company, or the registered limited liability partnership who will practice law in Virginia is an active member of the Virginia State Bar, or otherwise legally authorized to practice law in Virginia, except that nothing herein shall prohibit a nonlicensed individual from serving as secretary, treasurer, office manager, or business manager of any such corporation, limited liability company, or registered limited liability partnership; and

2. The name of the professional corporation, the professional limited liability company, or the registered limited liability partnership and the conduct of its practice conform with the ethical standards which the shareholders, members, managers, partners, employees, and agents are required to observe in the practice of law or patent law as defined in § 54.1-3901 in this Commonwealth and that, in the case of a corporation, the corporate name complies with subsection A of § 13.1-630; in the case of a limited liability company, the limited liability company name complies with subsection A of § 13.1-1012; and, in the case of a registered limited liability partnership, the registered limited liability partnership name complies with § 50-73.133.

C. Professional corporation, professional limited liability company, and registered limited liability partnership registration certificates shall be renewed biennially for a fee of \$50.

§ 56-509. Uninterrupted functioning and operation of essential public utilities.

The continuous, uninterrupted, and proper functioning and operation of public utilities engaged in the business of furnishing water, light, heat, gas, electric power, transportation ~~or~~, communication, or any one or more of them; to the

people of Virginia are hereby declared to be essential to ~~their~~ *the public* welfare, health, and safety. It is contrary to the public policy of the ~~State Commonwealth~~ to permit any substantial impairment or suspension of the operation of any such utility, and it is the duty of the ~~Government of the State Commonwealth~~ to exercise all available means and every power at its command to prevent the same so as to protect its citizens from any dangers, perils, calamities, or catastrophes ~~which that~~ would result therefrom. ~~It is further declared that~~ *Further*; such utilities are ~~clothed with a~~ *declared to be of* vital public interest, and ~~to protect the same as such~~, it is necessary that impairment or suspension of the operation of any such utility for any reason be prevented to the extent and by the means ~~hereinafter~~ *hereafter* provided.

§ 56-537. Construction of highways and use of public funds in the public interest.

The General Assembly finds that there is a compelling public need for rapid construction of safe and efficient highways for the purpose of travel within the Commonwealth; and that it is in the public interest to encourage construction of additional, safe, convenient, and economic highway facilities by private parties, provided that adequate safeguards are provided against default in the construction and operation obligations of the operators of roadways. The public interest shall include without limitation the relative speed of the construction of the project and the relative cost efficiency of private construction of the project. The General Assembly further finds that the use of public funds for the purposes set out in this section is in the public interest. ~~Accordingly, the General Assembly finds~~ *and* that this chapter is necessary for the public convenience, safety, and welfare.

2. That § 13.1-542 of the Code of Virginia is repealed.

CHAPTER 235

An Act to amend and reenact §§ 10.1-408, 10.1-411.1, 10.1-412, 28.2-1309, 28.2-1409, 29.1-610, 62.1-44.19:1, and 62.1-44.19:2 of the Code of Virginia, relating to conservation and natural resources; sections not set out; technical revisions.

[H 562]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-408, 10.1-411.1, 10.1-412, 28.2-1309, 28.2-1409, 29.1-610, 62.1-44.19:1, and 62.1-44.19:2 of the Code of Virginia are amended and reenacted as follows:

§ 10.1-408. Uses not affected by scenic river designation.

A. Except as provided in § 10.1-407, all riparian land and water uses along or in the designated section of a river that are permitted by law shall not be restricted by this chapter.

B. Designation as a scenic river shall not be used:

1. To designate the lands along the river and its tributaries as unsuitable for mining pursuant to § 45.2-1028 or regulations promulgated with respect to such section, or as unsuitable for use as a location for a surface mineral mine as defined in § 45.2-1101; however, the Department shall still be permitted to exercise the powers granted under § 10.1-402; or

2. To be a criterion for purposes of imposing water quality standards under the federal Clean Water Act.

C. Nothing in this chapter shall preclude the federal government, the Commonwealth, or a locality or local governing body from using, constructing, reconstructing, replacing, repairing, operating, or performing necessary maintenance on any road or bridge.

D. Nothing in § 10.1-414 or 10.1-418.6 shall preclude the Commonwealth or a local governing body or authority from constructing, reconstructing, operating, or performing necessary maintenance on any transportation or public water supply project.

E. Nothing in this chapter shall preclude the continued:

1. Use, operation, and maintenance of the existing Loudoun County Sanitation Authority water impoundment or the installation of new water intake facilities in the existing reservoir located within the section of Goose Creek designated by § 10.1-411;

2. Operation and maintenance of existing dams in the section of the Rappahannock River designated by § 10.1-415;

3. Operation, maintenance, alteration, expansion, or destruction ~~of the Embrey Dam or its appurtenances~~ by the City of Fredericksburg, ~~including of the old VEPCO canal and the existing City Reservoir behind the Embrey Dam~~, or any other part of the ~~City's~~ *city's* waterworks; or

4. Operation and maintenance of existing dams in the section of the Clinch River designated by § 10.1-410.2.

F. The City of Richmond shall be allowed to reconstruct, operate, and maintain existing facilities at the Byrd Park and Hollywood Hydroelectric Power Stations at current capacity. Nothing in this chapter shall be construed to prevent the Commonwealth, the City of Richmond, or any common carrier railroad from constructing or reconstructing floodwalls or public common carrier facilities that may traverse the section of the James River designated by § 10.1-412, such as road or railroad bridges, raw water intake structures, or water or sewer lines that would be constructed below water level.

G. The owner of the Harvell Dam in the City of Petersburg may construct, reconstruct, operate, and maintain the Harvell Dam subject to other law and regulation.

H. Nothing in this chapter shall preclude the Commonwealth, the City of Fredericksburg, or the County of Stafford, Spotsylvania, or Culpeper from constructing any new raw water intake structures or devices, including pipes and reservoirs but not dams, or laying water or sewer lines below water level.

I. Nothing in this chapter shall:

1. Preclude the construction, operation, repair, maintenance, or replacement of (i) a natural gas pipeline for which the State Corporation Commission has issued a certificate of public convenience and necessity or any connections with such pipeline owned by the Richmond Gas Utility and connected to such pipeline or (ii) the natural gas pipeline, case number PUE 860065, for which the State Corporation Commission has issued a certificate of public convenience and necessity; or

2. Be construed to prevent the construction, use, operation, and maintenance of a natural gas pipeline (i) traversing the portion of the river designated by § 10.1-411.1 at, or at any point north of, the existing power line that is located approximately 200 feet north of the northern entrance to the Swede Tunnel or (ii) on or beneath the two existing railroad trestles, one located just south of the Swede Tunnel and the other located just north of the confluence of the Guest River with the Clinch River, or to prevent the use, operation, and maintenance of such railroad trestles in furtherance of the construction, operation, use, and maintenance of such pipeline.

§ 10.1-411.1. Guest State Scenic River.

The ~~Clinch River from the Route 58 bridge in St. Paul to the junction with the Guest River, a distance of approximately 9.2 miles, and a segment of the Guest River in Wise County, from a point 100 feet downstream from the Route 72 bridge to its confluence with the Clinch River, a distance of approximately 6.5 miles,~~ ~~are~~ is hereby designated as the ~~Clinch-Guest~~ Guest State Scenic River, a component of the Virginia Scenic Rivers System.

§ 10.1-412. Historic Falls of the James State Scenic River.

The Historic Falls of the James ~~from Orleans Street extended~~ in the City of Richmond ~~westward to, from the western~~ 1970 corporate limits of the city ~~to Orleans Street extended, a distance of approximately eight miles,~~ is hereby designated as the Historic Falls of the James State Scenic River, a component of the Virginia Scenic Rivers System.

§ 28.2-1309. Emergency sand grading activities on nonvegetated wetlands located on the Atlantic Shoreline of Virginia Beach.

A. *As used in this section, "emergency" means a sudden and unforeseeable occurrence or condition of such disastrous severity or magnitude that governmental action beyond that authorized by existing law is required because governmental inaction for the period required to amend the law to meet the exigency would cause immediate and irrevocable harm to the citizens or a portion of the citizenry of the Commonwealth.*

B. Notwithstanding the provisions of § 28.2-1302, sand grading activities are permitted on nonvegetated wetlands located on the Atlantic Shoreline of the City of Virginia Beach if (i) *such activities are otherwise permitted by law;* and ~~if (ii) the city manager has declared an emergency and has issued a permit for this such purpose. Such activities may be conducted without advance notice and hearing; however, the city manager, upon request and after reasonable notice as to time and place, the city manager shall hold a hearing to affirm, modify, amend, or cancel such emergency permit. "Emergency," as used in this section, means a sudden and unforeseeable occurrence or condition of such disastrous severity or magnitude that governmental action beyond that authorized by existing law is required because governmental inaction for the period required to amend the law to meet the exigency would work immediate and irrevocable harm upon the citizens or a portion of the citizenry of the Commonwealth.~~

§ 28.2-1409. Emergency sand grading activities on sand dunes located on the Atlantic Shoreline of Virginia Beach.

A. *As used in this section, "emergency" means a sudden and unforeseeable occurrence or condition of such disastrous severity or magnitude that governmental action beyond that authorized by existing law is required because governmental inaction for the period required to amend the law to meet the exigency would cause immediate and irrevocable harm to the citizens or a portion of the citizenry of the Commonwealth.*

B. Notwithstanding the provisions of § 28.2-1403, sand grading activities are permitted on coastal primary sand dunes located on the Atlantic Shoreline of the City of Virginia Beach if (i) *such activities are otherwise permitted by law;* and ~~if (ii) the city manager has declared an emergency and has issued a permit for this such purpose. Such activities may be conducted without advance notice and hearing; however, the city manager, upon request and after reasonable notice as to time and place, the city manager shall hold a hearing to affirm, modify, amend, or cancel such emergency permit. "Emergency," as used in this section, means a sudden and unforeseeable occurrence or condition of such disastrous severity or magnitude that governmental action beyond that authorized by existing law is required because governmental inaction for the period required to amend the law to meet the exigency would work immediate and irrevocable harm upon the citizens or a portion of the citizenry of the Commonwealth.~~

§ 29.1-610. Portion of James River a no-hunting area.

The James River, ~~downstream~~ from Boshers's Dam ~~downstream~~ to the Interstate 95 bridge, ~~is hereby declared a no hunting no-hunting area. It shall be~~ is unlawful to take, attempt to take, or pursue wildlife within ~~this such~~ area; however, fishing ~~in this such area shall be~~ is permitted as *otherwise* authorized by law.

§ 62.1-44.19:1. Prohibiting sewage discharge under certain conditions in Virginia Beach.

~~Whenever~~ ~~If the Board or the State Department of Health or the State Water Control Board~~ determines that a receiving stream in ~~the City of~~ Virginia Beach is being polluted by the sewage discharge from a private or public sewage utility; and that it is possible to connect such utility to the sewage system of a municipality, sewage treatment authority, or sanitation

district, the Board is hereby empowered to may order the utility in the City of Virginia Beach to stop such discharge into the receiving stream. The utility shall discontinue the said such discharge within one year of such order by providing either by (i) adequate treatment as determined by the Board or the State Department of Health or Water Control Board, or by (ii) a connection to central facilities; either of which is to occur within one year.

§ 62.1-44.19:2. Additional requirements on sewage discharge in the Cities of Chesapeake, Hampton, Newport News, Norfolk, and Virginia Beach.

~~On and after A. Beginning January one, nineteen hundred seventy three, all 1, 1973, every sewage pumping stations station in the Cities of Chesapeake, Newport News, Hampton, Newport News, Norfolk, and Virginia Beach shall:~~

~~(a) have 1. Have adequate personnel on call at all times, each of whom may serve multiple pumping stations, as prescribed by the Chesapeake, Newport News, Hampton, Newport News, Norfolk and, or Virginia Beach City Councils Council, respectively;~~

~~(b) be 2. As prescribed by the Board, be inspected at such intervals and maintain such records of inspection as shall be prescribed by the Board, which. Such records shall be open for review by the Board or its representatives at any reasonable time it shall designate designates;~~

~~(c) have 3. Have an automatic alarm system installed to give immediate warning of any pump station failure;~~

~~(d) have 4. Have emergency pump connections installed and have portable pumps available to pump sewage to downstream sewer lines during periods any period of pump station failure;~~

~~(e) not 5. Not use, except in an emergency pursuant to regulations as provided by the Board, any overflow lines line from any such pumping stations, station except as provided in subsection (d) herein subdivision 4.~~

~~B. Any sewerage system within the cities City of Chesapeake, Newport News, Hampton, Newport News, Norfolk and, or Virginia Beach which that complies with the requirements of this section shall be is deemed to meet the requirements for continuous operability as set forth in regulations of the Board or the State Department of Health or the State Water Control Board.~~

CHAPTER 236

An Act to amend and reenact § 46.2-773, as it shall become effective, of the Code of Virginia, relating to Department of Motor Vehicles; mileage-based user fee program; protection of data.

[S 237]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-773, as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 46.2-773. (Effective July 1, 2022; for contingent expiration, see Acts 2020, cc. 1230 and 1275) Mileage-based user fee program.

A. There is hereby established a mileage-based user fee program. The program shall be a voluntary program that allows owners of vehicles subject to the highway use fee pursuant to § 46.2-772 to pay a mileage-based fee in lieu of the highway use fee. No owner of a motor vehicle registered in the Commonwealth shall be required to participate in the program established pursuant to this section.

B. In any year that an owner pays the fee set forth in this section, such owner shall not be subject to the fee set forth in § 46.2-772 for the same vehicle. In no case shall the fees paid pursuant to this section during a 12-month period exceed the annual highway use fee that would have otherwise been paid.

C. The fee schedule for the mileage-based user fee program shall be calculated by dividing the amount of the highway use fee as determined pursuant to subsection B of § 46.2-772 by the average number of miles traveled by a passenger vehicle in the Commonwealth to determine a fee per mile driven.

D. The Department shall establish procedures for the collection of the fees set forth in this section. Such procedures may limit the total number of participants during the first four years of the program.

E. The Department shall offer program participants the option to participate without location tracking.

F. Information collected by the Department and any other entity pursuant to this chapter shall be limited exclusively to that information necessary for the administration of the mileage-based user fee and shall be used solely for such purpose. Information collected shall not (i) be open to the public or subject to disclosure pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.); (ii) be sold for sales, solicitation, or marketing purposes; or (iii) be disclosed to any other entity except as may be necessary for the collection of unpaid mileage-based user fees or to the owner of a vehicle as part of the owner's challenge to the imposition of a mileage-based user fee.

CHAPTER 237

An Act to amend and reenact § 46.2-623 of the Code of Virginia, relating to vehicle registration; personal property tax relief.

[H 693]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 46.2-623 of the Code of Virginia is amended and reenacted as follows:****§ 46.2-623. Statements in application.**

A. Every application for a certificate of title shall contain (i) a statement of the applicant's title and of all liens or encumbrances on the vehicle and the names and addresses of all persons having any interest in the vehicle and the nature of every interest in the vehicle; (ii) the Social Security number, if any, of the owner and, if the application is in the name of an employer for a business vehicle, the employer's identification number assigned by the United States Internal Revenue Service; and (iii) a brief description of the vehicle to be titled or registered, including the name of the maker, the vehicle identification or serial number and, when titling or registering a new vehicle, the date of sale by the manufacturer or dealer to the person first operating the vehicle.

B. The lessor of a qualifying vehicle, as defined in § 58.1-3523, shall send a report to the Department for each such qualifying vehicle containing (i) the name and address of the lessee as it appears in the lease contract; (ii) the social security number of the lessee; and (iii) the registration number of the vehicle as described under Article 1 (§ 46.2-600 et seq.) of Chapter 6.

C. Such lessor shall send a monthly report to the Department, by the fifteenth day of the month or such later day as may be prescribed in the guidelines promulgated under § 58.1-3532, listing any changes, additions or deletions to the information provided under subsection B as of the last day of the preceding month.

D. The application for title or registration shall contain such additional information as may be required by the Department.

E. The Department may require that an applicant present proof reasonably acceptable to the Department of the accuracy of information provided on the application, including proof of identity, and may refuse to issue a certificate of title until such proof has been provided.

F. *The application for registration shall include any additional information required to determine if the vehicle is a qualifying vehicle, as defined in § 58.1-3523. Any vehicle held in a trust shall be evaluated in the same manner as a vehicle owned by a natural person.*

CHAPTER 238

An Act to amend the Code of Virginia by adding a section numbered 22.1-217.04, relating to language development for children who are deaf or hard of hearing; assessment resources for parents and educators; advisory committee; report.

[H 649]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 22.1-217.04 as follows:****§ 22.1-217.04. Language development for children who are deaf or hard of hearing; assessment resources for parents and educators; advisory committee; report.**

A. *For the purposes of this section, "language developmental milestones" means milestones of development aligned to the existing instrument used to assess the development of children with disabilities pursuant to federal law.*

B. 1. *The Department, in coordination with the Department for the Deaf and Hard-of-Hearing and the Department of Behavioral Health and Developmental Services, shall establish an advisory committee for the purpose of soliciting input from members on the selection of language developmental milestones for inclusion in a resource for use by parents of a child from birth to age five who is identified as deaf or hard of hearing to monitor and track the child's expressive and receptive language acquisition and developmental stages toward English literacy. The advisory committee shall consist of 16 nonlegislative citizen members, nine of which shall be voting members as described in subdivision 2 and seven of which shall be nonvoting members as described in subdivision 3. The majority of members shall be deaf or hard of hearing, and all of the members shall have experience in the field of education of individuals who are deaf or hard of hearing. The advisory committee shall have a balance of members who personally, professionally, or parentally use the dual languages of American Sign Language and English and members who personally, professionally, or parentally use only spoken English.*

2. *The nine voting members of the committee shall be as follows:*

a. *One parent of a child who is deaf or hard of hearing who has chosen American Sign Language as the primary language for his child;*

b. *One parent of a child who is deaf or hard of hearing who has chosen spoken language as the communication mode for his child;*

c. One parent of a child who is deaf or hard of hearing who has chosen cued speech as the communication mode for his child;

d. One teacher for the deaf or hard of hearing or developmental specialist who possesses the highest skill level in the development of American Sign Language competence with experience in early intervention;

e. One teacher for the deaf or hard of hearing or developmental specialist who possesses the highest skill level in the development of spoken language competence for children with hearing loss with experience in early intervention;

f. One teacher for the deaf or hard of hearing or early intervention specialist who possesses the highest skill level in the development of cued speech or language competence with experience in early intervention;

g. One speech-language pathologist who possesses the highest skill level in the development of American Sign Language with experience in early intervention;

h. One speech-language pathologist who possesses the highest skill level in the development of spoken language for children with hearing loss with experience in early intervention; and

i. One service coordinator from early intervention with experience in providing families with unbiased information regarding communication methodologies available to families.

3. The seven nonvoting members of the committee shall be representatives of each of the following agencies or committees, as determined by the agency head or committee chair:

a. The Virginia Early Hearing Detection and Intervention Program Advisory Committee;

b. The Virginia School for the Deaf and the Blind;

c. The Infant and Toddler Connection of Virginia;

d. The Virginia Department of Education;

e. The Center for Family Involvement at the Virginia Commonwealth University Partnership for People with Disabilities;

f. The Virginia Department for the Deaf and Hard-of-Hearing; and

g. The Virginia Association of the Deaf.

C. No later than January 1, 2023, the Department, in coordination with the Department for the Deaf and Hard-of-Hearing and the Department of Behavioral Health and Developmental Services, shall provide the advisory committee established pursuant to subsection B with a list of all existing language developmental milestones from standardized norms and any relevant information regarding such language developmental milestones for possible inclusion in the parent resource set forth in subsection D. No later than June 1, 2023, the advisory committee shall recommend language developmental milestones for inclusion in the parent resource and may make recommendations for tools or assessments to be included in an educator resource set forth in subsection E for use in assessing the language and literacy development of children from birth to age five who are deaf or hard of hearing. No later than June 30, 2023, the Department, in consultation with the Department for the Deaf and Hard-of-Hearing and the Department of Behavioral Health and Developmental Services, shall select language developmental milestones for inclusion in the parent resource and inform the advisory committee of its selections.

D. The Department, in consultation with the Department for the Deaf and Hard-of-Hearing and the Department of Behavioral Health and Developmental Services, shall, after considering the recommendations submitted by the advisory committee, select language developmental milestones for inclusion in a resource, and develop such resource, for use by parents of a child from birth to age five who is identified as deaf or hard of hearing to monitor and track the child's expressive and receptive language acquisition and developmental stages toward English literacy. Such parent resource shall:

1. Be appropriate for use, in both content and administration, with children who use American Sign Language, English, or both;

2. Present the language developmental milestones selected pursuant to subsection C in terms of typical development of all children in a particular age range;

3. Be written for clarity and ease of use by parents;

4. Be aligned to the Department's existing infant, toddler, and preschool guidelines; the existing instrument used to assess the development of children with disabilities pursuant to federal law; and state standards in English language arts;

5. Make clear that parents have the right to select American Sign Language, English, or both for their child's language acquisition and developmental milestones;

6. Make clear that the parent resource is not a formal assessment of language and literacy development and that parents' observations of their child may differ from formal assessment data presented at an Individual Family Service Plan (IFSP) or Individualized Education Program (IEP) meeting;

7. Explain that parents may bring the parent resource to an IFSP or IEP meeting for purposes of sharing their observations about their child's development; and

8. Include fair, balanced, and comprehensive information about American Sign Language and English and respective communication modes as well as available services and programs.

The Department, the Department for the Deaf and Hard-of-Hearing, and the Department of Behavioral Health and Developmental Services shall jointly disseminate the resource to parents of children from birth to age five who are deaf or hard of hearing.

E. The Department, in coordination with the Department for the Deaf and Hard-of-Hearing and the Department of Behavioral Health and Developmental Services, shall, after considering any recommendations submitted by the advisory committee, select existing tools or assessments for early intervention specialists and educators for use in assessing the language and literacy development of children from birth to age five who are deaf or hard of hearing. Such tools or assessments shall:

- 1. Be in a format that shows stages of language and literacy development;*
- 2. Be selected for use by educators to track the expressive and receptive language acquisition and developmental stages toward English literacy of children from birth to age five who are deaf or hard of hearing; and*
- 3. Be appropriate, in both content and administration, for use with children who are deaf or hard of hearing and who use American Sign Language, English, or both.*

The Department, the Department for the Deaf and Hard-of-Hearing, and the Department of Behavioral Health and Developmental Services shall jointly disseminate the tools or assessments selected pursuant to this subsection to local educational agencies and provide materials and training on their use. Such tools or assessments may be used by a child's IFSP or IEP team, as applicable, to track the expressive and receptive language acquisition and developmental stages toward English literacy of such child or to establish or modify IFSP or IEP plans.

F. In addition to the powers and duties set forth above, the advisory committee may:

- 1. Advise the Department, the Department for the Deaf and Hard-of-Hearing, and the Department of Behavioral Health and Developmental Services or its contractor on the content and administration of the existing instrument used to assess the development of children who are deaf or hard of hearing in order to ensure the appropriate use of such instrument for the assessment of the language and literacy development of children from birth to age five who are deaf or hard of hearing; and*
- 2. Make recommendations regarding future research to improve the measurement of the language and literacy development of children from birth to age five who are deaf or hard of hearing.*

G. If a child from birth to age five who is deaf or hard of hearing does not demonstrate progress in expressive and receptive language skills as measured by one of the educator tools or assessments selected pursuant to subsection E or by the existing instrument used to assess the development of children who are deaf or hard of hearing, such child's IFSP or IEP team, as applicable, shall explain in detail the reasons why the child is not meeting or progressing toward the language developmental milestones and shall recommend specific strategies, services, and programs that shall be provided to assist the child's progress toward English literacy.

H. No later than August 1, 2024, and no later than August 1 of each year thereafter, the Department, in coordination with the Department for the Deaf and Hard-of-Hearing and the Department of Behavioral Health and Developmental Services, shall produce a report, using existing data reported in compliance with the federally required state performance plan on students with disabilities, that compares the language and literacy development of children from birth to age five who are deaf or hard of hearing with the language and literacy development of their peers who are not deaf or hard of hearing and shall make such report available to the public on its website.

I. The Department, the Department for the Deaf and Hard-of-Hearing, and the Department of Behavioral Health and Developmental Services shall comply with the provisions of the federal Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.) and the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) in carrying out the provisions of this section.

J. The advisory committee function shall terminate effective June 30, 2023.

CHAPTER 239

An Act to amend and reenact § 46.2-2099.48 of the Code of Virginia, relating to transportation network companies; cash fares.

[H 641]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-2099.48 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-2099.48. General operational requirements for transportation network companies and TNC partner.

A. A transportation network company and a TNC partner shall provide passenger transportation only on a prearranged basis and only by means of a digital platform that enables passengers to connect with TNC partners using a TNC partner vehicle. No TNC partner shall transport a passenger unless a transportation network company has matched the TNC partner to that passenger through the digital platform. A TNC partner shall not provide transportation in any other manner. A TNC partner shall not solicit, accept, or arrange transportation except through a transportation network company's digital platform or through a TNC broker.

B. A transportation network company shall authorize collection of fares for transporting passengers solely through a digital platform. A TNC partner shall not accept payment of fares directly from a passenger or any other person prearranging a ride or by any means other than electronically via a digital platform, *unless:*

1. *The ride is booked by a transit system, with a transportation network company with which it has a contract, on behalf of an eligible paratransit passenger;*

2. *The fare is a defined amount, as published by the transit system, and is communicated to the passenger in advance;*

3. *The transportation network company specifically authorizes over the digital network the TNC partner to collect cash for the fare, and that authorization includes the amount to be collected. The transportation network company's digital platform shall provide the TNC partner with a method to acknowledge receipt of the fare when it is collected;*

4. *The passenger receives a receipt for the fare paid; and*

5. *The transit system receives a receipt and full accounting of cash fares monthly, or on demand, through the transportation network company's account dashboard.*

C. A transportation network company with knowledge that a TNC partner has violated the provisions of subsection A or B shall remove the TNC partner from the transportation network company's digital platform for at least one year.

D. A transportation network company shall publish the following information on its public website and associated digital platform:

1. The method used to calculate fares or the applicable rates being charged and an option to receive an estimated fare;

2. Information about its TNC partner screening criteria, including a description of the offenses that the transportation network company will regard as grounds for disqualifying an individual from acting as a TNC partner;

3. The means for a passenger or other person to report a TNC partner reasonably suspected of operating a TNC partner vehicle under the influence of drugs or alcohol;

4. Information about the company's training and testing policies for TNC partners;

5. Information about the company's standards for TNC partner vehicles; and

6. A customer support telephone number or email address and instructions regarding any alternative methods for reporting a complaint.

E. A transportation network company shall associate a TNC partner with one or more personal vehicles and shall authorize a TNC partner to transport passengers only in a vehicle specifically associated with a TNC partner by the transportation network company. The transportation network company shall arrange transportation solely for previously associated TNC partners and TNC partner vehicles. A TNC partner shall not transport passengers except in a TNC partner vehicle associated with the TNC partner by the transportation network company.

F. A TNC partner shall carry at all times while operating a TNC partner vehicle proof of coverage under each in-force TNC insurance policy, which may be displayed as part of the digital platform, and each in-force personal automobile insurance policy covering the vehicle. The TNC partner shall present such proof of insurance upon request to the Commissioner, a law-enforcement officer, an airport owner and operator, an official of the Washington Metropolitan Area Transit Commission, or any person involved in an accident that occurs during the operation of a TNC partner vehicle. The transportation network company shall require the TNC partner's compliance with the provisions of this subsection.

G. Prior to a passenger's entering a TNC partner vehicle, a transportation network company shall provide through the digital platform to the person prearranging the ride the first name and a photograph of the TNC partner, the make and model of the TNC partner vehicle, and the license plate number of the TNC partner vehicle.

H. A transportation network company shall provide to each of its TNC partners a credential, which may be displayed as part of the digital platform, that includes the following information:

1. The name or logo of the transportation network company;

2. The name and a photograph of the TNC partner; and

3. The make, model, and license plate number of each TNC partner vehicle associated with the TNC partner and the state issuing each such license plate.

The TNC partner shall carry the credential at all times during the operation of a TNC partner vehicle and shall present the credential upon request to law-enforcement officers, airport owners and operators, officials of the Washington Metropolitan Area Transit Commission, or a passenger. The transportation network company shall require the TNC partner's compliance with this subsection.

I. A transportation network company and its TNC partner shall, at all times during a prearranged ride, make the following information available through its digital platform immediately upon request to representatives of the Department, to law-enforcement officers, to officials of the Washington Metropolitan Area Transit Commission, and to airport owners and operators:

1. The name of the transportation network company;

2. The name of the TNC partner and the identification number issued to the TNC partner by the transportation network company;

3. The license plate number of the TNC partner vehicle and the state issuing such license plate; and

4. The location, date, and approximate time that each passenger was or will be picked up.

J. Upon completion of a prearranged ride, a transportation network company shall transmit to the person who prearranged the ride an electronic receipt that includes:

1. A map of the route taken;

2. The date and the times the trip began and ended;

3. The total fare, including the base fare and any additional charges incurred for distance traveled or duration of the prearranged ride;

4. The TNC partner's first name and photograph; and
5. Contact information by which additional support may be obtained.

K. The transportation network company shall adopt and enforce a policy of nondiscrimination on the basis of a passenger's points of departure and destination and shall notify TNC partners of such policy.

TNC partners shall comply with all applicable laws regarding nondiscrimination against passengers or potential passengers.

A transportation network company shall provide passengers an opportunity to indicate whether they require a wheelchair-accessible vehicle. If a transportation network company cannot arrange wheelchair-accessible service in a TNC partner vehicle in any instance, it shall direct the passenger to an alternate provider of wheelchair-accessible service, if available.

A transportation network company shall not impose additional charges for providing services to persons with disabilities because of those disabilities.

TNC partners shall comply with all applicable laws relating to accommodation of service animals.

A TNC partner may refuse to transport a passenger for any reason not prohibited by law, including any case in which (i) the passenger is acting in an unlawful, disorderly, or endangering manner; (ii) the passenger is unable to care for himself and is not in the charge of a responsible companion; or (iii) the TNC partner has already committed to providing a ride for another passenger.

A TNC partner shall immediately report to the transportation network company any refusal to transport a passenger after accepting a request to transport that passenger.

L. No transportation network company or TNC partner shall conduct any operation on the property of or into any airport unless such operation is authorized by the airport owner and operator and is in compliance with the rules and regulations of that airport. The Department may take action against a transportation network company that violates any regulation of an airport owner and operator, including the suspension or revocation of the transportation network company's certificate.

M. A TNC partner shall access and utilize a digital platform in a manner that is consistent with traffic laws of the Commonwealth.

N. In accordance with § 46.2-812, no TNC partner shall operate a motor vehicle for more than 13 hours in any 24-hour period.

CHAPTER 240

An Act to amend the Code of Virginia by adding a section numbered 22.1-217.04, relating to language development for children who are deaf or hard of hearing; assessment resources for parents and educators; advisory committee; report.

[S 265]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-217.04 as follows:

§ 22.1-217.04. Language development for children who are deaf or hard of hearing; assessment resources for parents and educators; advisory committee; report.

A. For the purposes of this section, "language developmental milestones" means milestones of development aligned to the existing instrument used to assess the development of children with disabilities pursuant to federal law.

B. 1. The Department, in coordination with the Department for the Deaf and Hard-of-Hearing and the Department of Behavioral Health and Developmental Services, shall establish an advisory committee for the purpose of soliciting input from members on the selection of language developmental milestones for inclusion in a resource for use by parents of a child from birth to age five who is identified as deaf or hard of hearing to monitor and track the child's expressive and receptive language acquisition and developmental stages toward English literacy. The advisory committee shall consist of 16 nonlegislative citizen members, nine of which shall be voting members as described in subdivision 2 and seven of which shall be nonvoting members as described in subdivision 3. The majority of members shall be deaf or hard of hearing, and all of the members shall have experience in the field of education of individuals who are deaf or hard of hearing. The advisory committee shall have a balance of members who personally, professionally, or parentally use the dual languages of American Sign Language and English and members who personally, professionally, or parentally use only spoken English.

2. The nine voting members of the committee shall be as follows:

a. One parent of a child who is deaf or hard of hearing who has chosen American Sign Language as the primary language for his child;

b. One parent of a child who is deaf or hard of hearing who has chosen spoken language as the communication mode for his child;

c. One parent of a child who is deaf or hard of hearing who has chosen cued speech as the communication mode for his child;

d. One teacher for the deaf or hard of hearing or developmental specialist who possesses the highest skill level in the development of American Sign Language competence with experience in early intervention;

e. One teacher for the deaf or hard of hearing or developmental specialist who possesses the highest skill level in the development of spoken language competence for children with hearing loss with experience in early intervention;

f. One teacher for the deaf or hard of hearing or early intervention specialist who possesses the highest skill level in the development of cued speech or language competence with experience in early intervention;

g. One speech-language pathologist who possesses the highest skill level in the development of American Sign Language with experience in early intervention;

h. One speech-language pathologist who possesses the highest skill level in the development of spoken language for children with hearing loss with experience in early intervention; and

i. One service coordinator from early intervention with experience in providing families with unbiased information regarding communication methodologies available to families.

3. The seven nonvoting members of the committee shall be representatives of each of the following agencies or committees, as determined by the agency head or committee chair:

a. The Virginia Early Hearing Detection and Intervention Program Advisory Committee;

b. The Virginia School for the Deaf and the Blind;

c. The Infant and Toddler Connection of Virginia;

d. The Virginia Department of Education;

e. The Center for Family Involvement at the Virginia Commonwealth University Partnership for People with Disabilities;

f. The Virginia Department for the Deaf and Hard-of-Hearing; and

g. The Virginia Association of the Deaf.

C. No later than January 1, 2023, the Department, in coordination with the Department for the Deaf and Hard-of-Hearing and the Department of Behavioral Health and Developmental Services, shall provide the advisory committee established pursuant to subsection B with a list of all existing language developmental milestones from standardized norms and any relevant information regarding such language developmental milestones for possible inclusion in the parent resource set forth in subsection D. No later than June 1, 2023, the advisory committee shall recommend language developmental milestones for inclusion in the parent resource and may make recommendations for tools or assessments to be included in an educator resource set forth in subsection E for use in assessing the language and literacy development of children from birth to age five who are deaf or hard of hearing. No later than June 30, 2023, the Department, in consultation with the Department for the Deaf and Hard-of-Hearing and the Department of Behavioral Health and Developmental Services, shall select language developmental milestones for inclusion in the parent resource and inform the advisory committee of its selections.

D. The Department, in consultation with the Department for the Deaf and Hard-of-Hearing and the Department of Behavioral Health and Developmental Services, shall, after considering the recommendations submitted by the advisory committee, select language developmental milestones for inclusion in a resource, and develop such resource, for use by parents of a child from birth to age five who is identified as deaf or hard of hearing to monitor and track the child's expressive and receptive language acquisition and developmental stages toward English literacy. Such parent resource shall:

1. Be appropriate for use, in both content and administration, with children who use American Sign Language, English, or both;

2. Present the language developmental milestones selected pursuant to subsection C in terms of typical development of all children in a particular age range;

3. Be written for clarity and ease of use by parents;

4. Be aligned to the Department's existing infant, toddler, and preschool guidelines; the existing instrument used to assess the development of children with disabilities pursuant to federal law; and state standards in English language arts;

5. Make clear that parents have the right to select American Sign Language, English, or both for their child's language acquisition and developmental milestones;

6. Make clear that the parent resource is not a formal assessment of language and literacy development and that parents' observations of their child may differ from formal assessment data presented at an Individual Family Service Plan (IFSP) or Individualized Education Program (IEP) meeting;

7. Explain that parents may bring the parent resource to an IFSP or IEP meeting for purposes of sharing their observations about their child's development; and

8. Include fair, balanced, and comprehensive information about American Sign Language and English and respective communication modes as well as available services and programs.

The Department, the Department for the Deaf and Hard-of-Hearing, and the Department of Behavioral Health and Developmental Services shall jointly disseminate the resource to parents of children from birth to age five who are deaf or hard of hearing.

E. The Department, in coordination with the Department for the Deaf and Hard-of-Hearing and the Department of Behavioral Health and Developmental Services, shall, after considering any recommendations submitted by the advisory committee, select existing tools or assessments for early intervention specialists and educators for use in assessing the language and literacy development of children from birth to age five who are deaf or hard of hearing. Such tools or assessments shall:

1. Be in a format that shows stages of language and literacy development;
2. Be selected for use by educators to track the expressive and receptive language acquisition and developmental stages toward English literacy of children from birth to age five who are deaf or hard of hearing; and
3. Be appropriate, in both content and administration, for use with children who are deaf or hard of hearing and who use American Sign Language, English, or both.

The Department, the Department for the Deaf and Hard-of-Hearing, and the Department of Behavioral Health and Developmental Services shall jointly disseminate the tools or assessments selected pursuant to this subsection to local educational agencies and provide materials and training on their use. Such tools or assessments may be used by a child's IFSP or IEP team, as applicable, to track the expressive and receptive language acquisition and developmental stages toward English literacy of such child or to establish or modify IFSP or IEP plans.

F. In addition to the powers and duties set forth above, the advisory committee may:

1. Advise the Department, the Department for the Deaf and Hard-of-Hearing, and the Department of Behavioral Health and Developmental Services or its contractor on the content and administration of the existing instrument used to assess the development of children who are deaf or hard of hearing in order to ensure the appropriate use of such instrument for the assessment of the language and literacy development of children from birth to age five who are deaf or hard of hearing; and
2. Make recommendations regarding future research to improve the measurement of the language and literacy development of children from birth to age five who are deaf or hard of hearing.

G. If a child from birth to age five who is deaf or hard of hearing does not demonstrate progress in expressive and receptive language skills as measured by one of the educator tools or assessments selected pursuant to subsection E or by the existing instrument used to assess the development of children who are deaf or hard of hearing, such child's IFSP or IEP team, as applicable, shall explain in detail the reasons why the child is not meeting or progressing toward the language developmental milestones and shall recommend specific strategies, services, and programs that shall be provided to assist the child's progress toward English literacy.

H. No later than August 1, 2024, and no later than August 1 of each year thereafter, the Department, in coordination with the Department for the Deaf and Hard-of-Hearing and the Department of Behavioral Health and Developmental Services, shall produce a report, using existing data reported in compliance with the federally required state performance plan on students with disabilities, that compares the language and literacy development of children from birth to age five who are deaf or hard of hearing with the language and literacy development of their peers who are not deaf or hard of hearing and shall make such report available to the public on its website.

I. The Department, the Department for the Deaf and Hard-of-Hearing, and the Department of Behavioral Health and Developmental Services shall comply with the provisions of the federal Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.) and the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) in carrying out the provisions of this section.

J. The advisory committee function shall terminate effective June 30, 2023.

CHAPTER 241

An Act to amend and reenact § 22.1-182 of the Code of Virginia, relating to school buses; commercial use.

[S 774]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-182 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-182. Use of school buses for public and commercial purposes.

The school board of any school division may enter into agreements with *any third-party logistics company*, the governing body of any county, city, or town in the school division, any state agency, or any agency established or identified pursuant to ~~United States Public Law~~ P.L. 89-73 or any law amendatory or supplemental thereto providing for the use of the school buses of such school division by such *third-party logistics company* or agency or by departments, boards, commissions, or officers of such county, city, or town for public purposes, including transportation for the elderly, or *private purposes, except that such third-party logistics company shall not use the school buses to provide transportation of passengers for compensation or for residential delivery of products for compensation*. Each such agreement shall provide for reimbursing the school board in full for the proportionate share of any and all costs, both fixed and variable, of such buses incurred by such school board attributable to the use of such buses pursuant to such agreement. *Each such agreement shall also require the third-party logistics company, governing body, state agency, or agency established or identified pursuant to P.L. 89-73 or any law amendatory or supplemental thereto to supply insurance on the school bus that meets the minimum coverage requirements in § 22.1-190.* The *third-party logistics company*, governing body, state agency, or agency established or identified pursuant to ~~United States Public Law~~ P.L. 89-73 or any law amendatory or supplemental thereto shall indemnify and hold harmless the school board from any and all liability of the school board by virtue of use of such buses pursuant to an agreement authorized herein.

CHAPTER 242

An Act to require the Virginia Department for Aging and Rehabilitative Services to convene a work group to review and evaluate guardianship visitation requirements; report.

[H 634]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Virginia Department for Aging and Rehabilitative Services shall convene a work group including representatives from public guardianship provider organizations, private guardianship attorneys, the Virginia Academy of Elder Law Attorneys, the Virginia disAbility Law Center, the Virginia Poverty Law Center, the Virginia Department for Aging and Rehabilitative Services, and the Virginia League of Social Services Executives; a representative from the Office of the Executive Secretary of the Supreme Court of Virginia, the Virginia Working Interdisciplinary Networks of Guardianship Stakeholders, the Virginia Hospital and Healthcare Association, the Virginia Health Care Association, and the Virginia Center for Assisted Living; and an individual who has served as guardian to a family member to (i) evaluate how a requirement for private guardians to visit the individual under their guardianship in person at least once every 90 days would reduce the availability of willing and qualified individuals to serve as private guardians, if at all; (ii) consider whether a different number and frequency of visits per year, other than at least once every 90 days, would better balance resource constraints with the importance of guardian visits to the incapacitated person under their care; (iii) determine the additional resources, if any, needed to mitigate the negative impacts of an increased visitation requirement on the willingness and availability of qualified individuals to serve as private guardians; (iv) determine how those resources could be allocated to the relevant private and public entities in the guardianship system to promote compliance with an increased visitation requirement; and (v) determine whether expansion of the Virginia Public Guardian and Conservator Program would substantially alleviate issues related to these concerns.*

The work group shall develop a summary of its activities and recommendations for establishing the number of required private guardian visits per year, the frequency with which they should occur, whether they should be in-person or virtual, the resources needed to carry out the work group's recommendations, and any other parameters that should be incorporated into a new visitation requirement. The summary and recommendations shall be submitted to the Chairs of the House Committee for Courts of Justice and the Senate Committee on the Judiciary by November 1, 2022.

CHAPTER 243

An Act to amend and reenact § 64.2-2003 of the Code of Virginia, relating to guardianship and conservatorship; duties of the guardian ad litem; report contents.

[H 623]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 64.2-2003 of the Code of Virginia is amended and reenacted as follows:

§ 64.2-2003. Appointment of guardian ad litem.

A. On the filing of every petition for guardianship or conservatorship, the court shall appoint a guardian ad litem to represent the interests of the respondent. The guardian ad litem shall be paid a fee that is fixed by the court to be paid by the petitioner or taxed as costs, as the court directs.

B. Duties of the guardian ad litem include (i) personally visiting the respondent; (ii) advising the respondent of rights pursuant to §§ 64.2-2006 and 64.2-2007 and certifying to the court that the respondent has been so advised; (iii) recommending that legal counsel be appointed for the respondent, pursuant to § 64.2-2006, if the guardian ad litem believes that counsel for the respondent is necessary; (iv) *notifying the court as soon as practicable if the respondent requests counsel regardless of whether the guardian ad litem recommends counsel*; (v) investigating the petition and evidence, requesting additional evaluation if necessary, considering whether a less restrictive alternative to guardianship or conservatorship is available, including the use of an advance directive, supported decision-making agreement, or durable power of attorney, and filing a report pursuant to subsection C; and ~~(vi)~~ (vi) personally appearing at all court proceedings and conferences. If the respondent is between 17 and a half and 21 years of age and has an Individualized Education Plan (IEP) and transition plan, the guardian ad litem shall review such IEP and transition plan and include the results of his review in the report required by clause ~~(iv)~~ (v).

C. In the report required by clause ~~(iv)~~ (v) of subsection B, the guardian ad litem shall address the following major areas of concern: (i) whether the court has jurisdiction; (ii) whether a guardian or conservator is needed based on evaluations and reviews conducted pursuant to subsection B; (iii) the extent of the duties and powers of the guardian or conservator; (iv) the propriety and suitability of the person selected as guardian or conservator after consideration of the person's geographic location, familial or other relationship with the respondent, ability to carry out the powers and duties of the office, commitment to promoting the respondent's welfare, any potential conflicts of interests, wishes of the respondent, and recommendations of relatives; (v) a recommendation as to the amount of surety on the conservator's bond, if any; and

(vi) consideration of proper residential placement of the respondent. *The report shall also contain an explanation by the guardian ad litem as to any (a) decision not to recommend the appointment of counsel for the respondent, (b) determination that a less restrictive alternative to guardianship or conservatorship is not advisable, and (c) determination that appointment of a limited guardian or conservator is not appropriate.*

D. A health care provider and local school division shall disclose or make available to the guardian ad litem, upon request, any information, records, and reports concerning the respondent that the guardian ad litem determines necessary to perform his duties under this section.

CHAPTER 244

An Act to direct the Common Interest Community Board to review the feasibility of allowing audio and video recordings to be submitted with a notice of final adverse decision; report.

[S 693]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Common Interest Community Board (the Board) shall review the feasibility of allowing audio and video recordings to be submitted with a notice of final adverse decision as a record pertinent to the decision in accordance with § 54.1-2354.4 of the Code of Virginia. In conducting its review, the Board shall (i) solicit and consider public comments; (ii) identify pertinent statutory and regulatory amendments necessary to allow for the submission of audio and video recordings in accordance with the provisions of this act; (iii) identify any impediments to the submission of audio and video recordings, including information technology limitations and compliance with the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia) and other public records laws; and (iv) consider whether allowing the submission of audio and video recordings pursuant to the provisions of this act would assist the Common Interest Community Ombudsman in the performance of his duties with respect to any notice of final adverse decision.*

The Board shall report its findings and any legislative, regulatory, policy, or budgetary recommendations to the Secretary of Labor and the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology on or before November 1, 2022.

CHAPTER 245

An Act to amend and reenact § 59.1-148.3 of the Code of Virginia, relating to purchase of service handguns or other weapons by retired sworn law-enforcement officers.

[H 1130]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-148.3 of the Code of Virginia is amended and reenacted as follows:

§ 59.1-148.3. Purchase of handguns or other weapons of certain officers.

A. The Department of State Police, the Department of Wildlife Resources, the Virginia Alcoholic Beverage Control Authority, the Virginia Lottery, the Marine Resources Commission, the Capitol Police, the Department of Conservation and Recreation, the Department of Forestry, any sheriff, any regional jail board or authority, and any local police department may allow any ~~full-time~~ sworn law-enforcement officer, deputy, or regional jail officer, a local fire department may allow any full-time sworn fire marshal, the Department of Motor Vehicles may allow any law-enforcement officer, any institution of higher ~~learning~~ education named in § 23.1-1100 may allow any campus police officer appointed pursuant to Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1, retiring on or after July 1, 1991, and the Department of Corrections may allow any employee with internal investigations authority designated by the Department of Corrections pursuant to subdivision 11 of § 53.1-10 who retires (i) after at least 10 years of service, (ii) at 70 years of age or older, or (iii) as a result of a service-incurred disability or who is receiving long-term disability payments for a service-incurred disability with no expectation of returning to the employment where he incurred the disability to purchase the service handgun issued or previously issued to him by the agency or institution at a price of \$1. If the previously issued weapon is no longer available, a weapon of like kind may be substituted for that weapon. This privilege shall also extend to any former Superintendent of the Department of State Police who leaves service after a minimum of five years. This privilege shall also extend to any person listed in this subsection who is eligible for retirement with at least 10 years of service who resigns on or after July 1, 1991, in good standing from one of the agencies listed in this section to accept a position covered by the Virginia Retirement System. Other weapons issued by the agencies listed in this subsection for personal duty use of an officer may, with approval of the agency head, be sold to the officer subject to the qualifications of this section at a fair market price determined as in subsection B, so long as the weapon is a type and configuration that can be purchased at a regular hardware or sporting goods store by a private citizen without restrictions other than the instant background check.

B. The agencies listed in subsection A may allow any ~~full-time~~ sworn law-enforcement officer who retires with five or more years of service, but less than 10, to purchase the service handgun issued to him by the agency at a price equivalent to

the weapon's fair market value on the date of the officer's retirement. Any ~~full-time~~ sworn law-enforcement officer employed by any of the agencies listed in subsection A who is retired for disability as a result of a nonservice-incurred disability may purchase the service handgun issued to him by the agency at a price equivalent to the weapon's fair market value on the date of the officer's retirement. Determinations of fair market value may be made by reference to a recognized pricing guide.

C. The agencies listed in subsection A may allow the immediate survivor of any ~~full-time~~ sworn law-enforcement officer (i) who is killed in the line of duty or (ii) who dies in service and has at least 10 years of service to purchase the service handgun issued to the officer by the agency at a price of \$1.

D. The governing board of any institution of higher learning named in § 23.1-1100 may allow any campus police officer appointed pursuant to Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 who retires on or after July 1, 1991, to purchase the service handgun issued to him at a price equivalent to the weapon's fair market value on the date of the officer's retirement. Determinations of fair market value may be made by reference to a recognized pricing guide.

E. Any officer who at the time of his retirement is a ~~full-time~~ sworn law-enforcement officer with a state agency listed in subsection A, when the agency allows purchases of service handguns, and who retires after 10 years of state service, even if a portion of his service was with another state agency, may purchase the service handgun issued to him by the agency from which he retires at a price of \$1.

F. The sheriff of Hanover County may allow any auxiliary or volunteer deputy sheriff with a minimum of 10 years of service, upon leaving office, to purchase for \$1 the service handgun issued to him.

G. Any sheriff or local police department may allow any auxiliary law-enforcement officer with more than 10 years of service to purchase the service handgun issued to him by the agency at a price that is equivalent to or less than the weapon's fair market value on the date of purchase by the officer.

H. The agencies listed in subsection A may allow any full-time sworn law-enforcement officer currently employed by the agency to purchase his service handgun, with the approval of the chief law-enforcement officer of the agency, at a fair market price. This subsection shall only apply when the agency has purchased new service handguns for its officers, and the handgun subject to the sale is no longer used by the agency or officer in the course of duty.

CHAPTER 246

An Act to amend and reenact § 59.1-148.3 of the Code of Virginia, relating to purchase of service handguns or other weapons by retired sworn law-enforcement officers.

[S 207]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-148.3 of the Code of Virginia is amended and reenacted as follows:

§ 59.1-148.3. Purchase of handguns or other weapons of certain officers.

A. The Department of State Police, the Department of Wildlife Resources, the Virginia Alcoholic Beverage Control Authority, the Virginia Lottery, the Marine Resources Commission, the Capitol Police, the Department of Conservation and Recreation, the Department of Forestry, any sheriff, any regional jail board or authority, and any local police department may allow any ~~full-time~~ sworn law-enforcement officer, deputy, or regional jail officer, a local fire department may allow any full-time sworn fire marshal, the Department of Motor Vehicles may allow any law-enforcement officer, any institution of higher ~~learning~~ *education* named in § 23.1-1100 may allow any campus police officer appointed pursuant to Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1, retiring on or after July 1, 1991, and the Department of Corrections may allow any employee with internal investigations authority designated by the Department of Corrections pursuant to subdivision 11 of § 53.1-10 who retires (i) after at least 10 years of service, (ii) at 70 years of age or older, or (iii) as a result of a service-incurred disability or who is receiving long-term disability payments for a service-incurred disability with no expectation of returning to the employment where he incurred the disability to purchase the service handgun issued or previously issued to him by the agency or institution at a price of \$1. If the previously issued weapon is no longer available, a weapon of like kind may be substituted for that weapon. This privilege shall also extend to any former Superintendent of the Department of State Police who leaves service after a minimum of five years. This privilege shall also extend to any person listed in this subsection who is eligible for retirement with at least 10 years of service who resigns on or after July 1, 1991, in good standing from one of the agencies listed in this section to accept a position covered by the Virginia Retirement System. Other weapons issued by the agencies listed in this subsection for personal duty use of an officer may, with approval of the agency head, be sold to the officer subject to the qualifications of this section at a fair market price determined as in subsection B, so long as the weapon is a type and configuration that can be purchased at a regular hardware or sporting goods store by a private citizen without restrictions other than the instant background check.

B. The agencies listed in subsection A may allow any ~~full-time~~ sworn law-enforcement officer who retires with five or more years of service, but less than 10, to purchase the service handgun issued to him by the agency at a price equivalent to the weapon's fair market value on the date of the officer's retirement. Any ~~full-time~~ sworn law-enforcement officer employed by any of the agencies listed in subsection A who is retired for disability as a result of a nonservice-incurred disability may purchase the service handgun issued to him by the agency at a price equivalent to the weapon's fair market

value on the date of the officer's retirement. Determinations of fair market value may be made by reference to a recognized pricing guide.

C. The agencies listed in subsection A may allow the immediate survivor of any ~~full-time~~ sworn law-enforcement officer (i) who is killed in the line of duty or (ii) who dies in service and has at least 10 years of service to purchase the service handgun issued to the officer by the agency at a price of \$1.

D. The governing board of any institution of higher learning named in § 23.1-1100 may allow any campus police officer appointed pursuant to Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 who retires on or after July 1, 1991, to purchase the service handgun issued to him at a price equivalent to the weapon's fair market value on the date of the officer's retirement. Determinations of fair market value may be made by reference to a recognized pricing guide.

E. Any officer who at the time of his retirement is a ~~full-time~~ sworn law-enforcement officer with a state agency listed in subsection A, when the agency allows purchases of service handguns, and who retires after 10 years of state service, even if a portion of his service was with another state agency, may purchase the service handgun issued to him by the agency from which he retires at a price of \$1.

F. The sheriff of Hanover County may allow any auxiliary or volunteer deputy sheriff with a minimum of 10 years of service, upon leaving office, to purchase for \$1 the service handgun issued to him.

G. Any sheriff or local police department may allow any auxiliary law-enforcement officer with more than 10 years of service to purchase the service handgun issued to him by the agency at a price that is equivalent to or less than the weapon's fair market value on the date of purchase by the officer.

H. The agencies listed in subsection A may allow any full-time sworn law-enforcement officer currently employed by the agency to purchase his service handgun, with the approval of the chief law-enforcement officer of the agency, at a fair market price. This subsection shall only apply when the agency has purchased new service handguns for its officers, and the handgun subject to the sale is no longer used by the agency or officer in the course of duty.

CHAPTER 247

An Act to amend and reenact § 2.2-4023 of the Code of Virginia, relating to the Administrative Process Act; final orders; electronic retention.

[S 480]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4023 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4023. Final orders.

The terms of any final agency case decision, as signed by it, shall be served upon the named parties by mail unless service otherwise made is duly acknowledged by them in writing. The signed originals, *which may be retained in an electronic medium in accordance with § 42.1-86.01*, shall remain in the custody of the agency as public records subject to judicial notice by all courts and agencies; and they, or facsimiles thereof, together with the full record or file in every case shall be made available for public inspection or copying except (i) so far as the agency may withhold the same in whole or part for the purpose of protecting individuals mentioned from personal embarrassment, obloquy, or disclosures of a private nature including statements respecting the physical, mental, moral, or financial condition of such individuals or (ii) for trade secrets or, so far as protected by other laws, other commercial or industrial information imparted in confidence. Final orders may be recorded, enforced, and satisfied as orders or decrees of a circuit court upon certification of such orders by the agency head or his designee.

CHAPTER 248

An Act to amend and reenact § 8.01-293 of the Code of Virginia, relating to service of process; investigator employed by an attorney for the Commonwealth or Indigent Defense Commission.

[S 291]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-293 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-293. Authorization to serve process, capias or show cause order; execute writ of possession or eviction and levy upon property.

A. The following persons are authorized to serve process:

1. The sheriff within such territorial bounds as described in § 8.01-295;

2. Any person ~~of age~~ 18 years *of age* or older and who is not a party or otherwise interested in the subject matter in controversy. For purposes of this subdivision, an investigator employed ~~by an attorney for the Commonwealth or employed by the Indigent Defense Commission, who within 10 years immediately prior to being employed by the attorney for the Commonwealth or Indigent Defense Commission was an active law-enforcement officer as defined in § 9.1-101 in the~~

~~Commonwealth and retired or resigned from his position as a law-enforcement officer in good standing,~~ shall not be considered to be a party or otherwise interested in the subject matter in controversy while engaged in the performance of his official duties *when serving witness subpoenas. For purposes of this subdivision, an investigator employed by an attorney for the Commonwealth shall not be considered to be a party or otherwise interested in the subject matter in controversy while engaged in the performance of his official duties,* provided that the sheriff in the jurisdiction where process is to be served has agreed that such ~~investigators~~ *investigator* may serve process. If a sheriff has agreed that such ~~investigators~~ *investigator* may serve process, then ~~investigators~~ *an investigator* employed by either an attorney for the Commonwealth or the Indigent Defense Commission may serve process. However, in any case in which custody or visitation of a minor child or children is at issue and a summons is issued for the attendance and testimony of a teacher or other school personnel who is not a party to the proceeding, if such summons is served on school property, it shall be served only by a sheriff or his deputy; or

3. A private process server. For purposes of this section, "private process server" means any person 18 years of age or older and who is not a party or otherwise interested in the subject matter in controversy, and who charges a fee for service of process.

Whenever in this Code the term "officer" or "sheriff" is used to refer to persons authorized to make, return, or do any other act relating to service of process, such term shall be deemed to refer to any person authorized by this section to serve process.

B. Notwithstanding any other provision of law (i) only a sheriff or high constable may execute an order or writ of possession for personal, real, or mixed property, including a writ of eviction arising out of an action in unlawful entry and detainer or ejection; (ii) any sheriff, high constable, or law-enforcement officer as defined in § 9.1-101 of the Code of Virginia may serve any *capias* or show cause order; and (iii) only a sheriff, the high constable for the City of Norfolk or Virginia Beach, or a treasurer may levy upon property.

CHAPTER 249

An Act to amend and reenact § 15.2-2308 of the Code of Virginia, relating to board of zoning appeals; funding.

[H 616]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2308 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2308. Boards of zoning appeals to be created; membership, organization, etc.

A. Every locality that has enacted or enacts a zoning ordinance pursuant to this chapter or prior enabling laws shall establish a board of zoning appeals that shall consist of either five or seven residents of the locality, or in a town with a population of 3,500 or less, either three, five, or seven residents of the locality, appointed by the circuit court for the locality. Boards of zoning appeals for a locality within the fifteenth or nineteenth judicial circuit may be appointed by the chief judge or his designated judge or judges in their respective circuit, upon concurrence of such locality. Their terms of office shall be for five years each, except that original appointments shall be made for such terms that the term of one member shall expire each year. The secretary of the board shall notify the court at least 30 days in advance of the expiration of any term of office and shall also notify the court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves. Members of the board shall hold no other public office in the locality, except that one may be a member of the local planning commission, any member may be appointed to serve as an officer of election as defined in § 24.2-101, and any elected official of an incorporated town may serve on the board of the county in which the member also resides. A member whose term expires shall continue to serve until his successor is appointed and qualifies. The circuit court for the City of Chesapeake and the Circuit Court for the City of Hampton shall appoint at least one but not more than three alternates to the board of zoning appeals. At the request of the local governing body, the circuit court for any other locality may appoint not more than three alternates to the board of zoning appeals. The qualifications, terms and compensation of alternate members shall be the same as those of regular members. A regular member when he knows he will be absent from or will have to abstain from any application at a meeting shall notify the chairman 24 hours prior to the meeting of such fact. The chairman shall select an alternate to serve in the absent or abstaining member's place and the records of the board shall so note. Such alternate member may vote on any application in which a regular member abstains.

B. Localities may, by ordinances enacted in each jurisdiction, create a joint board of zoning appeals that shall consist of two members appointed from among the residents of each participating jurisdiction by the circuit court for each county or city, plus one member from the area at large to be appointed by the circuit court or jointly by such courts if more than one, having jurisdiction in the area. The term of office of each member shall be five years, except that of the two members first appointed from each jurisdiction, the term of one shall be for two years and of the other, four years. Vacancies shall be filled for the unexpired terms. In other respects, joint boards of zoning appeals shall be governed by all other provisions of this article.

C. With the exception of its secretary and the alternates, the board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. The board may elect as its secretary either one of its members

or a qualified individual who is not a member of the board, excluding the alternate members. A secretary who is not a member of the board shall not be entitled to vote on matters before the board. Notwithstanding any other provision of law, general or special, for the conduct of any hearing, a quorum shall be not less than a majority of all the members of the board and the board shall offer an equal amount of time in a hearing on the case to the applicant, appellant or other person aggrieved under § 15.2-2314, and the staff of the local governing body. Except for matters governed by § 15.2-2312, no action of the board shall be valid unless authorized by a majority vote of those present and voting. The board may make, alter and rescind rules and forms for its procedures, consistent with ordinances of the locality and general laws of the Commonwealth. The board shall keep a full public record of its proceedings and shall submit a report of its activities to the governing body or bodies at least once each year.

D. ~~Within the limits of funds appropriated by the governing body,~~ *Upon request of the board of zoning appeals, the governing body shall consider appropriation of funds so that the board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. If a board has needs that surpass the budgeted amount, the governing body shall review the board's request.* Members of the board may receive such compensation as may be authorized by the respective governing bodies. Any board member or alternate may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by the court that appointed him, after a hearing held after at least 15 days' notice.

E. Notwithstanding any contrary provisions of this section, in the Cities of Portsmouth and Virginia Beach, members of the board shall be appointed by the governing body. The governing body shall also appoint at least one but not more than three alternates to the board.

CHAPTER 250

An Act to amend and reenact § 38.2-6505 of the Code of Virginia, relating to the Virginia Health Benefit Exchange; marketing.

[H 312]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-6505 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-6505. Duties of Exchange.

The Exchange shall:

1. Implement procedures for the certification, recertification, and decertification of qualified health plans and qualified dental plans consistent with guidelines developed by the Secretary under § 1311(c) of the Federal Act and § 38.2-6506;
2. Provide for enrollment periods under § 1311(c)(6) of the Federal Act;
3. Provide for the operation of a toll-free telephone hotline to respond to requests for assistance;
4. Utilize a website on which enrollees and prospective enrollees of qualified health plans and qualified dental plans may obtain standardized comparative information. Information on qualified health plans shall include, at a minimum, (i) premium and cost-sharing information; (ii) the summary of benefits and coverage offered; (iii) identification of a qualified health plan as a bronze-level, silver-level, gold-level, or platinum-level plan as defined by § 1302(d) of the Federal Act or a catastrophic plan as defined by § 1302(e) of the Federal Act; (iv) the results of enrollee satisfaction surveys, described in § 1311(c)(4) of the Federal Act; (v) quality ratings assigned pursuant to § 1311(c)(3) of the Federal Act; (vi) medical loss ratio information as reported to the Secretary in accordance with 45 C.F.R. Part 158; (vii) transparency of coverage measures reported to the Exchange during certification processes; and (viii) the provider directory made available to the Exchange. The website shall be accessible to persons with disabilities, shall provide meaningful access for persons with limited English proficiency, and shall contain the information described in clauses (i) through (viii) without diversion to a website of a carrier;
5. Assign a rating to each qualified health plan offered through the Exchange in accordance with the criteria developed by the Secretary under § 1311(c)(3) of the Federal Act;
6. Determine each qualified health plan's level of coverage in accordance with regulations issued by the Secretary under § 1302(d)(2)(A) of the Federal Act;
7. Use a standardized format for presenting health benefit options in the Exchange, including the use of the uniform outline of coverage as established under § 2715 of the PHSA, 42 U.S.C. § 300gg-15;
8. Inform individuals, in accordance with § 1413 of the Federal Act, of eligibility requirements for (i) the State Medicaid Program; (ii) the Children's Health Insurance Program (CHIP) under Title XXI of the Social Security Act, including FAMIS, as amended from time to time; or (iii) any applicable state or local public health subsidy program, and enroll an individual in such program if it is determined, through screening of the application, that such individual is eligible for any such program;
9. Make available by electronic means through the website described in subdivision 4 a calculator to determine the actual cost of coverage after application of any premium assistance tax credit under 26 U.S.C. § 36B and any cost-sharing reduction under § 1402 of the Federal Act;

10. Establish an American Health Benefit Exchange through which qualified individuals may enroll in any qualified health plan or qualified dental plan offered through the American Health Benefit Exchange for which they are eligible and establish a SHOP exchange through which qualified employers may make their eligible employees eligible for one or more qualified health plans or qualified dental plans offered through the SHOP exchange or specify a level of coverage so that any of their eligible employees may enroll in any qualified health plan or qualified dental plan offered through the SHOP exchange at the specified level of coverage;

11. Subject to § 1411 of the Federal Act, grant a certification attesting that, for purposes of the individual responsibility penalty under § 5000A of the Internal Revenue Code of 1986, an individual is exempt from the individual responsibility requirement or from the penalty imposed by that section because there is no affordable qualified health plan available through the Exchange, or the individual's employer, covering the individual or the individual meets the requirements for any other such exemption from the individual responsibility requirement or penalty;

12. Transfer to the U.S. Secretary of the Treasury the following:

a. A list of the individuals who are issued a certification under subdivision 11, including the name and taxpayer identification number of each individual;

b. The name and taxpayer identification number of each individual who was an employee of an employer but who was determined to be eligible for the premium assistance tax credit under 26 U.S.C. § 36B because (i) the employer did not provide minimum essential coverage or (ii) the employer provided minimum essential coverage but a determination under 26 U.S.C. § 36B(c)(2)(C) found that either the coverage was unaffordable for the employee or did not provide the required minimum actuarial value; and

c. The name and taxpayer identification number of (i) each individual who notifies the Exchange under 42 U.S.C. § 18081 that the individual has changed employers and (ii) each individual who ceases coverage under a qualified health plan and the effective date of the cessation;

13. Provide to each employer the name of each of the employer's employees described in subdivision 12 b who ceases coverage under a qualified health plan during a plan year and the effective date of the cessation;

14. Perform duties required of the Exchange by the Secretary or the U.S. Secretary of the Treasury related to determining eligibility for premium assistance tax credits, reduced cost-sharing, or individual responsibility requirement exemptions;

15. Certify entities qualified to serve as Navigators in accordance with § 1311(i) of the Federal Act and § 38.2-6513;

16. Consult with stakeholders relevant to carrying out the activities required under this chapter, including:

a. Health care consumers who are enrollees in qualified health plans and qualified dental plans;

b. Individuals and entities with experience in facilitating enrollment in qualified health plans and qualified dental plans;

c. Advocates for enrolling hard-to-reach populations, which include individuals with mental health or substance use disorders;

d. Representatives of small businesses and self-employed individuals;

e. The Department of Medical Assistance Services;

f. Federally recognized tribes, as defined in the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. § 479a), that are located within the Exchange's geographic area;

g. Public health experts;

h. Health care providers;

i. Large employers;

j. Health carriers; and

k. Insurance agents;

17. Meet the following financial integrity requirements:

a. Keep an accurate accounting of all activities, receipts, and expenditures and annually submit to the Secretary, the Governor, and the Commission a report concerning such accountings;

b. Fully cooperate with any investigation conducted by the Secretary pursuant to the Secretary's authority under the Federal Act and allow the Secretary, in coordination with the Inspector General of the U.S. Department of Health and Human Services, to:

(1) Investigate the affairs of the Exchange;

(2) Examine the properties and records of the Exchange; and

(3) Require periodic reports in relation to the activities undertaken by the Exchange; and

c. Not use any funds in carrying out its activities under this chapter that are intended for the administrative and operational expenses of the Exchange for staff retreats, promotional giveaways, excessive executive compensation, or promotion of federal or state legislative and regulatory modifications;

18. In collaboration with the Department of Medical Assistance Services, coordinate the operations of the Exchange with the operations of the state plan for medical assistance to determine initial and ongoing eligibility for those programs in a streamlined fashion;

19. Identify systems, policies, and practices to achieve the requirements of subdivisions 8 and 18 and in doing so, consult with stakeholders, including the Department of Taxation, the Department of Medical Assistance Services, the

Department of Social Services, consumer groups, insurers, health care providers, navigators or other consumer assisters, insurance brokers or agents, and other relevant stakeholders selected by the Exchange; ~~and~~

20. Prepare an annual marketing plan that includes consumer outreach, licensed health insurance agents, and navigator programs; and

21. Take any other actions necessary and appropriate to ensure that the Exchange complies with the requirements of the Federal Act.

CHAPTER 251

An Act to amend and reenact § 38.2-6505 of the Code of Virginia, relating to the Virginia Health Benefit Exchange; marketing.

[S 469]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-6505 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-6505. Duties of Exchange.

The Exchange shall:

1. Implement procedures for the certification, recertification, and decertification of qualified health plans and qualified dental plans consistent with guidelines developed by the Secretary under § 1311(c) of the Federal Act and § 38.2-6506;

2. Provide for enrollment periods under § 1311(c)(6) of the Federal Act;

3. Provide for the operation of a toll-free telephone hotline to respond to requests for assistance;

4. Utilize a website on which enrollees and prospective enrollees of qualified health plans and qualified dental plans may obtain standardized comparative information. Information on qualified health plans shall include, at a minimum, (i) premium and cost-sharing information; (ii) the summary of benefits and coverage offered; (iii) identification of a qualified health plan as a bronze-level, silver-level, gold-level, or platinum-level plan as defined by § 1302(d) of the Federal Act or a catastrophic plan as defined by § 1302(e) of the Federal Act; (iv) the results of enrollee satisfaction surveys, described in § 1311(c)(4) of the Federal Act; (v) quality ratings assigned pursuant to § 1311(c)(3) of the Federal Act; (vi) medical loss ratio information as reported to the Secretary in accordance with 45 C.F.R. Part 158; (vii) transparency of coverage measures reported to the Exchange during certification processes; and (viii) the provider directory made available to the Exchange. The website shall be accessible to persons with disabilities, shall provide meaningful access for persons with limited English proficiency, and shall contain the information described in clauses (i) through (viii) without diversion to a website of a carrier;

5. Assign a rating to each qualified health plan offered through the Exchange in accordance with the criteria developed by the Secretary under § 1311(c)(3) of the Federal Act;

6. Determine each qualified health plan's level of coverage in accordance with regulations issued by the Secretary under § 1302(d)(2)(A) of the Federal Act;

7. Use a standardized format for presenting health benefit options in the Exchange, including the use of the uniform outline of coverage as established under § 2715 of the PHSA, 42 U.S.C. § 300gg-15;

8. Inform individuals, in accordance with § 1413 of the Federal Act, of eligibility requirements for (i) the State Medicaid Program; (ii) the Children's Health Insurance Program (CHIP) under Title XXI of the Social Security Act, including FAMIS, as amended from time to time; or (iii) any applicable state or local public health subsidy program, and enroll an individual in such program if it is determined, through screening of the application, that such individual is eligible for any such program;

9. Make available by electronic means through the website described in subdivision 4 a calculator to determine the actual cost of coverage after application of any premium assistance tax credit under 26 U.S.C. § 36B and any cost-sharing reduction under § 1402 of the Federal Act;

10. Establish an American Health Benefit Exchange through which qualified individuals may enroll in any qualified health plan or qualified dental plan offered through the American Health Benefit Exchange for which they are eligible and establish a SHOP exchange through which qualified employers may make their eligible employees eligible for one or more qualified health plans or qualified dental plans offered through the SHOP exchange or specify a level of coverage so that any of their eligible employees may enroll in any qualified health plan or qualified dental plan offered through the SHOP exchange at the specified level of coverage;

11. Subject to § 1411 of the Federal Act, grant a certification attesting that, for purposes of the individual responsibility penalty under § 5000A of the Internal Revenue Code of 1986, an individual is exempt from the individual responsibility requirement or from the penalty imposed by that section because there is no affordable qualified health plan available through the Exchange, or the individual's employer, covering the individual or the individual meets the requirements for any other such exemption from the individual responsibility requirement or penalty;

12. Transfer to the U.S. Secretary of the Treasury the following:

a. A list of the individuals who are issued a certification under subdivision 11, including the name and taxpayer identification number of each individual;

b. The name and taxpayer identification number of each individual who was an employee of an employer but who was determined to be eligible for the premium assistance tax credit under 26 U.S.C. § 36B because (i) the employer did not provide minimum essential coverage or (ii) the employer provided minimum essential coverage but a determination under 26 U.S.C. § 36B(c)(2)(C) found that either the coverage was unaffordable for the employee or did not provide the required minimum actuarial value; and

c. The name and taxpayer identification number of (i) each individual who notifies the Exchange under 42 U.S.C. § 18081 that the individual has changed employers and (ii) each individual who ceases coverage under a qualified health plan and the effective date of the cessation;

13. Provide to each employer the name of each of the employer's employees described in subdivision 12 b who ceases coverage under a qualified health plan during a plan year and the effective date of the cessation;

14. Perform duties required of the Exchange by the Secretary or the U.S. Secretary of the Treasury related to determining eligibility for premium assistance tax credits, reduced cost-sharing, or individual responsibility requirement exemptions;

15. Certify entities qualified to serve as Navigators in accordance with § 1311(i) of the Federal Act and § 38.2-6513;

16. Consult with stakeholders relevant to carrying out the activities required under this chapter, including:

a. Health care consumers who are enrollees in qualified health plans and qualified dental plans;

b. Individuals and entities with experience in facilitating enrollment in qualified health plans and qualified dental plans;

c. Advocates for enrolling hard-to-reach populations, which include individuals with mental health or substance use disorders;

d. Representatives of small businesses and self-employed individuals;

e. The Department of Medical Assistance Services;

f. Federally recognized tribes, as defined in the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. § 479a), that are located within the Exchange's geographic area;

g. Public health experts;

h. Health care providers;

i. Large employers;

j. Health carriers; and

k. Insurance agents;

17. Meet the following financial integrity requirements:

a. Keep an accurate accounting of all activities, receipts, and expenditures and annually submit to the Secretary, the Governor, and the Commission a report concerning such accountings;

b. Fully cooperate with any investigation conducted by the Secretary pursuant to the Secretary's authority under the Federal Act and allow the Secretary, in coordination with the Inspector General of the U.S. Department of Health and Human Services, to:

(1) Investigate the affairs of the Exchange;

(2) Examine the properties and records of the Exchange; and

(3) Require periodic reports in relation to the activities undertaken by the Exchange; and

c. Not use any funds in carrying out its activities under this chapter that are intended for the administrative and operational expenses of the Exchange for staff retreats, promotional giveaways, excessive executive compensation, or promotion of federal or state legislative and regulatory modifications;

18. In collaboration with the Department of Medical Assistance Services, coordinate the operations of the Exchange with the operations of the state plan for medical assistance to determine initial and ongoing eligibility for those programs in a streamlined fashion;

19. Identify systems, policies, and practices to achieve the requirements of subdivisions 8 and 18 and in doing so, consult with stakeholders, including the Department of Taxation, the Department of Medical Assistance Services, the Department of Social Services, consumer groups, insurers, health care providers, navigators or other consumer assisters, insurance brokers or agents, and other relevant stakeholders selected by the Exchange; ~~and~~

20. *Prepare an annual marketing plan that includes consumer outreach, licensed health insurance agents, and navigator programs; and*

21. Take any other actions necessary and appropriate to ensure that the Exchange complies with the requirements of the Federal Act.

CHAPTER 252

An Act to amend and reenact § 58.1-439.12:04 of the Code of Virginia, relating to tax credit for participating landlords.

[H 402]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-439.12:04 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-439.12:04. Tax credit for participating landlords.

A. As used in this section, unless the context clearly shows otherwise, the term or phrase:

"Dwelling unit" means an individual housing unit in an apartment building, an individual housing unit in multifamily residential housing, a single-family residence, or any similar individual housing unit.

"Eligible census tract" means a census tract in Virginia in which less than 10 percent of the residents live below the poverty level, as defined by the United States government and determined by the most recent United States census.

~~"Eligible housing area" means an eligible census tract in (i) the Richmond Metropolitan Statistical Area, (ii) the Washington-Arlington-Alexandria Metropolitan Statistical Area, or (iii) the Virginia Beach-Norfolk-Newport News Metropolitan Statistical Area.~~

"Housing authority" means a housing authority created under Article 1 (§ 36-1 et seq.) of Chapter 1 of Title 36 or other government agency that is authorized by the United States government under the United States Housing Act of 1937 (42 U.S.C. § 1437 et seq.) to administer a housing choice voucher program, or the authorized agent of such a housing authority that is authorized to act upon that authority's behalf. The term shall also include the Virginia Housing Development Authority.

"Housing choice voucher" means tenant-based assistance by a housing authority pursuant to 42 U.S.C. § 1437f et seq.

"Participating landlord" means any person engaged in the business of the rental of dwelling units who is (i) subject to the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.) and (ii) performing obligations under a contract with a housing authority relating to the rental of qualified housing units.

"Qualified housing unit" means a dwelling unit that is located in an eligible ~~housing area~~ census tract for which a portion of the rent is paid by a housing authority, which payment is pursuant to a housing choice voucher program.

B. For taxable years beginning on or after January 1, 2010, but before January 1, 2025, a participating landlord renting a qualified housing unit shall be eligible for a credit against the tax levied pursuant to § 58.1-320 or 58.1-400 in an amount equal to 10 percent of the fair market value of the rent for the unit, computed for that portion of the taxable year in which the unit was rented by such landlord to a tenant participating in a housing choice voucher program. The Department of Housing and Community Development shall administer and issue the tax credit under this section. If (i) the same parcel of real property contains four or more dwelling units and (ii) the total number of qualified housing units on the parcel in the relevant taxable year exceeds 25 percent of the total dwelling units on the parcel, then the tax credit under this section shall apply only to a limited number of qualified housing units with regard to such parcel of real property, with the limited number being equal to 25 percent of the total dwelling units on such parcel of real property in the taxable year.

C. The Department of Housing and Community Development shall issue tax credits under this section on a fiscal year basis. The maximum amount of tax credits that may be issued under this section in each fiscal year shall be \$250,000.

D. Participating landlords shall apply to the Department of Housing and Community Development for tax credits under this section. The Department of Housing and Community Development shall determine the credit amount allowable to the participating landlord for the taxable year and shall also determine the fair market value of the rent for the qualified housing unit based on the fair market rent approved by the United States Department of Housing and Urban Development as the basis for the tenant-based assistance provided through the housing choice voucher program for the qualified housing unit. In issuing tax credits under this section, the Department of Housing and Community Development shall provide a written certification to the participating landlord, which certification shall report the amount of the tax credit approved by the Department. The participating landlord shall attach the certification to the applicable income tax return.

E. The Board of Housing and Community Development shall establish and issue guidelines for purposes of implementing the provisions of this section. The guidelines shall provide for the allocation of tax credits among participating landlords requesting credits. The guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

F. In no case shall the amount of credit taken by a participating landlord for any taxable year exceed the total amount of tax imposed by this chapter for the taxable year. If the amount of credit issued by the Department of Housing and Community Development for a taxable year exceeds the landlord's tax liability imposed by this chapter for such taxable year, then the amount that exceeds the tax liability may be carried over for credit against the income taxes of the participating landlord in the next five taxable years or until the total amount of the tax credit issued has been taken, whichever is sooner. Credits granted to a partnership, limited liability company, or electing small business corporation (S corporation) shall be allocated to the individual partners, members, or shareholders, respectively, in proportion to their ownership or interest in such business entities.

G. In the event that the amount of the qualified requests for tax credits for participating landlords in the fiscal year exceeds \$250,000, the Department of Housing and Community Development shall pro rate the tax credits among the qualified applicants.

CHAPTER 253

An Act to amend the Code of Virginia by adding a section numbered 19.2-188.4, relating to testimony by two-way video conferencing; certain forensic medical examination reports by sexual assault nurse examiners and sexual assault forensic examiners.

[H 404]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 19.2-188.4 as follows:

§ 19.2-188.4. Two-way video testimony related to certain forensic medical examinations.

A. Any testimony offered by either party in a preliminary hearing or sentencing hearing, or offered by the accused in any hearing other than a trial, by a sexual assault nurse examiner or sexual assault forensic examiner who performed a forensic medical examination may be presented using two-way video conferencing.

B. Any testimony offered by either party in a trial, or offered by the attorney for the Commonwealth in any hearing other than a preliminary hearing or sentencing hearing, by a sexual assault nurse examiner or sexual assault forensic examiner who performed a forensic medical examination may be presented by two-way video conferencing with the consent of the court and all parties.

C. The two-way video testimony permitted by this section shall comply with the provisions of subsection B of § 19.2-3.1. In addition, unless otherwise agreed to by the parties and the court, (i) all orders pertaining to witnesses apply to witnesses testifying by two-way video conferencing; (ii) upon request, all materials read or used by the witness during his testimony shall be identified on the video; and (iii) any witness testifying by two-way video conferencing shall certify at the conclusion of his testimony, under penalty of perjury, that he did not engage in any off-camera communications with any person during his testimony.

D. Nothing in this section shall be construed as requiring a locality to purchase a two-way electronic video and audio communication system. Any decision to purchase such a system is at the discretion of the locality.

CHAPTER 254

An Act to amend and reenact § 24.2-706 of the Code of Virginia, relating to absentee ballots; materials included; information on proposed constitutional amendments and referenda.

[H 439]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-706 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-706. Duty of general registrar on receipt of application; statement of voter.

A. On receipt of an application for an absentee ballot, the general registrar shall enroll the name and address of each registered applicant on an absentee voter applicant list that shall be maintained in the office of the general registrar with a file of the applications received. The list shall be available for inspection and copying and the applications shall be available for inspection only by any registered voter during regular office hours. Upon request and for a reasonable fee, the Department of Elections shall provide an electronic copy of the absentee voter applicant list to any political party or candidate. Such list shall be used only for campaign and political purposes. Any list made available for inspection and copying under this section shall contain the post office box address in lieu of the residence street address for any individual who has furnished at the time of registration or subsequently, in addition to his street address, a post office box address pursuant to subsection B of § 24.2-418.

No list or application containing an individual's social security number, or any part thereof, or the individual's day and month of birth, shall be made available for inspection or copying by anyone. The Department of Elections shall prescribe procedures for general registrars to make the information in the lists and applications available in a manner that does not reveal social security numbers or parts thereof, or an individual's day and month of birth.

B. The completion and timely delivery of an application for an absentee ballot shall be construed to be an offer by the applicant to vote in the election.

The general registrar shall note on each application received whether the applicant is or is not a registered voter. In reviewing the application for an absentee ballot, the general registrar shall not reject the application of any individual because of an error or omission on any record or paper relating to the application, if such error or omission is not material in determining whether such individual is qualified to vote absentee.

C. If the application has been properly completed and signed and the applicant is a registered voter of the precinct in which he offers to vote, the general registrar shall, at the time when the printed ballots for the election are available, send by the deadline set out in § 24.2-612, obtaining a certificate or other evidence of either first-class or expedited mailing or delivery from the United States Postal Service or other commercial delivery provider, or deliver to him in person in the office of the registrar, the following items and nothing else:

1. An envelope containing the folded ballot, sealed and marked "Ballot within. Do not open except in presence of a witness."

2. An envelope for resealing the marked ballot, on which envelope is printed the following:

"Statement of Voter."

"I do hereby state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that my FULL NAME is _____ (last, first, middle); that I am now or have been at some time since last November's general election a legal resident of _____ (STATE YOUR LEGAL RESIDENCE IN VIRGINIA including the house number, street name or rural route address, city, zip code); that I received the enclosed ballot(s) upon application to the registrar of such county or city; that I opened the envelope marked 'ballot within' and marked the ballot(s) in the presence of the witness, without assistance or knowledge on the part of anyone as to the manner in which I marked it (or I am returning the form required to report how I was assisted); that I then sealed the ballot(s) in this envelope; and that I have not voted and will not vote in this election at any other time or place.

Signature of Voter _____

Date _____

Signature of witness _____ "

For elections held after January 1, 2004, instead of the envelope containing the above oath, an envelope containing the standard oath prescribed by the presidential designee under § 101(b)(7) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.) shall be sent to voters who are qualified to vote absentee under that Act.

When this statement has been properly completed and signed by the registered voter and witnessed, his ballot shall not be subject to challenge pursuant to § 24.2-651.

3. An envelope, properly addressed and postage prepaid, for the return of the ballot to the general registrar by mail or by the applicant in person, or to a drop-off location.

4. Printed instructions for completing the ballot and statement on the envelope and returning the ballot. Such instructions shall include information on the sites of all drop-off locations in the county or city. *Whenever there is a proposed constitutional amendment or a statewide referendum to be voted on by the voters, these instructions shall also include the website address where the explanation of the proposed amendment prepared pursuant to § 30-19.9 or the information about the referendum prepared pursuant to § 30-19.10 is posted on the Department's website.*

For federal elections held after January 1, 2004, for any voter who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time the voter votes in a federal election in the state, the printed instructions shall direct the voter to submit with his ballot (i) a copy of a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. Such individual who desires to vote by mail but who does not submit one of the forms of identification specified in this paragraph may cast such ballot by mail and the ballot shall be counted as a provisional ballot under the provisions of § 24.2-653.01. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to § 24.2-653.01 and this section.

5. For any voter entitled to vote absentee under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.), information provided by the Department of Elections specific to the voting rights and responsibilities for such citizens, or information provided by the registrar specific to the status of the voter registration and absentee ballot application of such voter, may be included.

The envelopes and instructions shall be in the form prescribed by the Department of Elections.

D. The general registrar may contract with a third party for the printing, assembly, and mailing of the items set forth in subsection C. The general registrar shall provide to the contractor in a timely manner the names, addresses, precincts, and ballot styles of voters requesting an absentee ballot by mail. The vendor shall provide to the general registrar a report of the voters to whom the absentee ballot materials have been sent.

E. If the applicant completes his application in person under § 24.2-701 at a time when the printed ballots for the election are available, he may request that the general registrar send to him by mail the items set forth in subdivisions C 1 through 4, instead of casting the ballot in person. Such request shall be made no later than 5:00 p.m. on the eleventh day prior to the election in which the applicant offers to vote, and the general registrar shall send those items to the applicant by mail, obtaining a certificate or other evidence of mailing.

F. If the applicant is a covered voter, as defined in § 24.2-452, the general registrar, at the time when the printed ballots for the election are available, shall mail by the deadline set forth in § 24.2-612 or deliver in person to the applicant in the office of the general registrar the items as set forth in subdivisions C 1 through 4 and, if necessary, an application for registration. A certificate or other evidence of mailing shall not be required. If the applicant requests that such items be sent by electronic transmission, the general registrar, at the time when the printed ballots for the election are available but not later than the deadline set forth in § 24.2-612, shall send by electronic transmission the blank ballot, the form for the envelope for returning the marked ballot, and instructions to the voter. Such materials shall be sent using the official email address or fax number of the office of the general registrar published on the Department of Elections website. The State Board of Elections may prescribe by regulation the format of the email address used for transmitting ballots to eligible voters. A general registrar may also use electronic transmission facilities provided by the Federal Voting Assistance Program. The voted ballot shall be returned to the general registrar as otherwise required by this chapter.

G. The circuit courts shall have jurisdiction to issue an injunction to enforce the provisions of this section upon the application of (i) any aggrieved voter, (ii) any candidate in an election district in whole or in part in the court's jurisdiction where a violation of this section has occurred, or is likely to occur, or (iii) the campaign committee or the appropriate district political party chairman of such candidate. Any person who fails to discharge his duty as provided in this section through willful neglect of duty and with malicious intent shall be guilty of a Class 1 misdemeanor as provided in subsection A of § 24.2-1001.

CHAPTER 255

An Act to amend and reenact §§ 15.2-5704, 15.2-5705, 56-1.2:1, and 56-232.2:1 of the Code of Virginia, relating to park authorities; electric vehicle charging stations.

[H 443]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-5704, 15.2-5705, 56-1.2:1, and 56-232.2:1 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-5704. Powers of authority.

Each authority shall be deemed to be performing essential governmental functions providing for the public health and welfare, and is authorized and empowered:

1. To have existence for such term of years as specified by the participating localities;
2. To adopt bylaws for the regulation of its affairs and the conduct of its business;
3. To adopt an official seal and alter the same at pleasure;
4. To maintain an office at such place or places as it may designate;
5. To sue and be sued;
6. To acquire, purchase, lease as lessee, construct, reconstruct, improve, extend, operate and maintain parks within, or partly within and partly outside, one or more of the participating localities; to acquire by gift, purchase or the exercise of the right of eminent domain lands or rights in land or water rights in connection therewith; and to sell, lease as lessor, transfer or dispose of any property or interest therein acquired by it; however, the power of eminent domain shall not extend beyond the geographical limits of the localities composing the authority;
7. To regulate the uses of all lands and facilities under control of the authority;
8. *To locate and operate a retail fee-based electric vehicle charging station on property under the jurisdiction of the authority; to provide that the use of such station is restricted to the employees of the locality, authority, and authorized visitors; and to install signage that provides notice of such restriction;*
- ~~8~~ 9. To issue revenue bonds and revenue refunding bonds of the authority, such bonds to be payable solely from revenues derived from the use of the facilities or the furnishing of park services;
- ~~9~~ 10. To accept grants and gifts from the localities forming or thereafter joining the authority, the Commonwealth, the federal government or any other governmental bodies or political subdivisions, and from any other person;
- ~~10~~ 11. To enter into contracts with the federal government, the Commonwealth, any political subdivision, or any agency or instrumentality thereof, or with any other person providing for or relating to the furnishing of park services or facilities;
- ~~11~~ 12. To contract with any municipality, county, person or any public authority or political subdivision of this or any adjoining state, on such terms as the authority shall deem proper, for the construction, operation and maintenance of any park which is partly in this Commonwealth and partly in such adjoining state;
- ~~12~~ 13. To exercise the same rights for acquiring property for the construction or improvement, maintenance or operation of a park as the locality or localities by which such authority is created may exercise. The governing body of any participating locality, notwithstanding any contrary provision of law, general or special, is authorized and empowered to transfer jurisdiction over, to lease, lend, grant or convey to the authority, upon the request of the authority, upon such terms and conditions as the governing body of such locality may agree with the authority as reasonable and fair, real or personal property as may be necessary or desirable in connection with the acquisition, construction, improvement, operation or maintenance of a park, including public roads and other property already devoted to public use. Agreements may be entered into by the authority with the Commonwealth, or any agency acting on behalf of the Commonwealth, for the acquisition of any lands or property, owned or controlled by the Commonwealth, for the purposes of construction or improvement, maintenance or operation of a park;
- ~~13~~ 14. In the event of annexation by a municipality not a member of the authority of lands, areas, or territory served by the authority, then such authority may continue to do business, exercise its jurisdiction over properties and facilities in and upon or over such lands, areas or territory as long as any bonds or indebtedness remain outstanding or unpaid, or any contracts or other obligations remain in force;
- ~~14~~ 15. To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter, including a trust agreement or trust agreements securing any revenue bonds or revenue refunding bonds issued hereunder;

~~15.~~ 16. To do all acts and things necessary or convenient to carry out the powers granted by this chapter;

~~16.~~ 17. To borrow, at such rates of interest as the law authorizes, from the federal government or any agency thereof, individuals, partnerships, or private or municipal corporations, for the purpose of acquiring parklands and improvements thereon; to issue its notes, bonds or other obligations; to secure such obligations by mortgage or pledge of the property and improvements being acquired and the income derived therefrom; and to use any revenues and other income of the authority for payment of interest and retirement of principal of such obligations provided that prior approval of the governing body of the locality shall be obtained by an authority that was created by a single locality. Any locality which has formed or joined an authority may lend money to the authority. The power to borrow set forth in this subdivision shall be in addition to the power to issue revenue bonds and revenue refunding bonds set forth in subdivision ~~8 of this section~~ 9 and § 15.2-5712. Notes, bonds or other obligations issued under this subdivision shall not be deemed to constitute a debt of the Commonwealth or of any political subdivision of the Commonwealth or a pledge of the faith and credit of the Commonwealth or of any political subdivision of the Commonwealth; and

~~17.~~ 18. To adopt such rules and regulations from time to time, not in conflict with the laws of this Commonwealth, concerning the use of properties under its control as will tend to the protection of such property and the public thereon. No such rule or regulation shall be adopted until after descriptive notice of an intention to propose such rule or regulation for passage has been published in accordance with the procedures required for the adoption of general county ordinances and emergency county ordinances as set forth in § 15.2-1427, mutatis mutandis. The full text of any proposed rule or regulation shall be available for public inspection and copying during regular office hours of the authority at a place designated in the published notice.

§ 15.2-5705. Violation of rules and regulations.

Any violation of any such rule and regulation adopted pursuant to subdivision ~~17~~ 18 of § 15.2-5704 shall constitute a Class 4 misdemeanor.

§ 56-1.2:1. Retail sale of electricity in connection with the provision of electric vehicle charging service.

A. The provision of electric vehicle charging service by a person, locality, *park authority created by a locality pursuant to § 15.2-5702*, school board, or any agency as defined in § 2.2-128 that is not a public utility, public service corporation, or public service company shall not constitute the retail sale of electricity if:

1. The electricity furnished in connection with the provision of electric vehicle charging service is used solely for transportation purposes; and

2. The person, locality, *park authority created by a locality pursuant to § 15.2-5702*, school board, or agency as defined in § 2.2-128 providing the electric vehicle charging service has procured the furnished electricity from the public utility that is authorized by the Commission to engage in the retail sale of electricity within the exclusive service territory in which the electric vehicle charging service is provided.

B. The provision of electric vehicle charging service shall:

1. Be a permitted electric utility activity of a certificated electric utility; and

2. Not affect the status as a public utility of a certificated public utility that provides such service.

§ 56-232.2:1. Regulation of electric vehicle charging service.

The Commission shall not regulate or prescribe the rates, charges, and fees for the provision of retail electric vehicle charging service provided by any agency as defined in § 2.2-128, persons, localities, *park authority created by a locality pursuant to § 15.2-5702*, or school boards other than public service corporations. Sales of electricity by public utilities to an agency as defined in § 2.2-128, a person, a locality, *park authority created by a locality pursuant to § 15.2-5702*, or a school board that (i) is not a public service corporation and (ii) provides electric vehicle charging service shall continue to be regulated by the Commission to the same extent as are other services provided by public utilities. The Commission may adopt regulations implementing this section.

CHAPTER 256

An Act to amend and reenact § 58.1-416 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 58.1-422.4, relating to income tax; property information and analytics firms.

[H 453]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-416 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 58.1-422.4 as follows:

§ 58.1-416. When certain other sales deemed in the Commonwealth.

A. Sales, other than sales of tangible personal property, are in the Commonwealth if:

1. The income-producing activity is performed in the Commonwealth; or

2. The income-producing activity is performed both in and outside the Commonwealth and a greater proportion of the income-producing activity is performed in the Commonwealth than in any other state, based on costs of performance.

B. 1. For debt buyers, as defined in § 58.1-422.3, sales, other than sales of tangible personal property, are in the Commonwealth if they consist of money recovered on debt that a debt buyer collected from a person who is a resident of the

Commonwealth or an entity that has its commercial domicile in the Commonwealth. Such rule shall apply regardless of the location of a debt buyer's business.

2. For property information and analytics firms, as defined in § 58.1-422.4, that meet the requirements set forth in § 58.1-422.4, sales of services are in the Commonwealth if they are derived from transactions with a customer or client who receives the benefit of the services in the Commonwealth. Such rule shall apply regardless of the location of a property information and analytics firm's business operations.

C. The taxes under this article on the sales described under subsection B are imposed to the maximum extent permitted under the Constitutions of Virginia and the United States and federal law. For the collection of such taxes on such sales, it is the intent of the General Assembly that the Tax Commissioner and the Department assert the taxpayer's nexus with the Commonwealth to the maximum extent permitted under the Constitutions of Virginia and the United States and federal law.

D. If necessary information is not available to the taxpayer to determine whether a sale other than a sale of tangible personal property is in the Commonwealth pursuant to the provisions of subsections B and C, the taxpayer may estimate the dollar value or portion of such sale in the Commonwealth, provided that the taxpayer can demonstrate to the satisfaction of the Tax Commissioner that (i) the estimate has been undertaken in good faith, (ii) the estimate is a reasonable approximation of the dollar value or portion of such sale in the Commonwealth, and (iii) in using an estimate the taxpayer did not have as a principal purpose the avoidance of any tax due under this article. The Department may implement procedures for obtaining its approval to use an estimate. The Department shall adopt remedies and corrective procedures for cases in which the Department has determined that the sourcing rules for sales other than sales of tangible personal property have been abused by the taxpayer, which may include reliance on the location of income-producing activity and direct costs of performance as described in subsection A.

§ 58.1-422.4. Property information and analytics firms.

A. As used in this section:

"Authority" means the Virginia Economic Development Partnership Authority.

"Eligible city" means the City of Richmond.

"Memorandum of understanding" means a performance agreement or related document entered into by a property information and analytics firm and the Authority on or after December 1, 2021, but before August 1, 2022, that sets forth the requirements for capital investments and the creation of new full-time jobs by such property information and analytics firm.

"Property information and analytics firm" means an entity and its affiliated entities that as of January 1, 2022, is primarily a commercial real estate information and analytics firm with a location in an eligible city and that between January 1, 2022, and January 1, 2029, is expected to (i) make or cause to be made a capital investment in an eligible city of at least \$414.45 million and (ii) create at least 1,785 new jobs with average annual wages of at least \$85,000 per job.

B. 1. For taxable years beginning on or after January 1, 2022, but before January 1, 2029, a property information and analytics firm shall be subject to the provisions of subdivision B 2 of § 58.1-416 only if the Authority certifies to the Department that it has at least 1,000 full-time employees as of January 1, 2022, in an eligible city, subject to the terms and conditions of the memorandum of understanding.

2. For taxable years beginning on or after January 1, 2029, a property information and analytics firm shall be subject to the provisions of subdivision B 2 of § 58.1-416 only if the Authority certifies to the Department that it has at least 2,785 full-time employees as of January 1, 2029, in an eligible city, and from January 1, 2022, through December 31, 2028, has made or caused to be made a capital investment for its facilities in that eligible city of at least \$414.45 million. Once the Authority certifies a property information and analytics firm has met the job and capital investment requirements set forth in this subdivision, no additional certifications shall be required and the property information and analytics firm shall continue to be subject to the provisions of subdivision B 2 of § 58.1-416 in all future taxable years.

C. The General Assembly finds that the growth of property information and analytics firms, including the capital investment and new jobs spurred by such growth, is essential to the continued fiscal health of the Commonwealth. Accordingly, the provisions of subsections A and B relating to capital investment and new jobs are integral to the purpose of this section. If any provision of this section is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, that provision shall not be deemed severable.

2. That the Department of Taxation shall develop and make publicly available guidelines implementing the provisions of this act. In developing such guidelines, the Department of Taxation shall not be subject to the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) for guidelines promulgated on or before December 31, 2023, but shall cooperate with and seek the counsel of interested groups and shall not promulgate any guidelines, preliminary or final, without first seeking such counsel and conducting a public hearing. Preliminary guidelines shall be promulgated and made publicly available no later than December 31, 2022, and final guidelines shall be promulgated and made publicly available no later than December 31, 2023. After December 31, 2023, the guidelines shall be subject to the Administrative Process Act and accorded the weight of regulations under § 58.1-205 of the Code of Virginia.

3. That for taxable years beginning on and after January 1, 2022, but before January 1, 2032, any property information and analytics firm, as defined in § 58.1-422.4 of the Code of Virginia, as created by this act, that apportions its income pursuant to subdivision B 2 of § 58.1-416 of the Code of Virginia, as amended by this act, shall include with its income tax return information regarding market-based sourcing for services under this act as

compared to cost of performance, including the amounts of the property, payroll, and sales factors under both methods; the apportionment percentages under both methods; and the amount of tax calculated under both methods. The Department of Taxation shall use such information to compute an estimate of the fiscal savings to such firms. Notwithstanding any provision of § 58.1-3 of the Code of Virginia or any other law, the Department of Taxation may provide to the Virginia Economic Development Partnership Authority and the Secretaries of Commerce and Trade and Finance such information as may be necessary to facilitate the purposes of this act. In addition and notwithstanding any provision of § 58.1-3 of the Code of Virginia or any other law, the Department of Taxation shall, upon request, report to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations the number of returns processed for property information and analytics firms that used market-based sourcing for services under this act and the annual estimated revenue impact of market-based sourcing as compared with cost of performance.

4. That the memorandum of understanding, as defined in § 58.1-422.4 of the Code of Virginia, as created by this act, shall include provisions that require the property information and analytics firm (the Firm) to report annually to the Secretaries of Commerce and Trade and Finance beginning January 1, 2023, such information as is necessary to demonstrate the Firm is in compliance with the performance criteria set forth in the memorandum of understanding. The annual report shall contain information regarding the new jobs created and new capital investments made by the Firm to satisfy the performance criteria, the anticipated liability of the Firm notwithstanding the provisions of this act related to the apportionment of its income, the anticipated liability of the Firm pursuant to the apportionment formula under this act, and other such financial information as the Virginia Economic Development Partnership Authority or the Secretaries of Commerce and Trade and Finance deem necessary to demonstrate that the Firm will be able to fulfill the obligations of the memorandum of understanding regarding repayment of the benefit of the apportionment formula under this act should it fail to meet the terms and conditions of the memorandum of understanding.

5. That the memorandum of understanding, as defined in § 58.1-422.4 of the Code of Virginia, as created by this act, shall contain a provision that should the property information and analytics firm (the Firm) be out of substantial compliance with the performance criteria set forth in the memorandum of understanding for three consecutive years, then the memorandum of understanding shall terminate, and the Firm shall repay the benefits received under this act proportional to the failure to create new jobs and make new investments as outlined in the terms and conditions. If the memorandum is terminated pursuant to this enactment and such provision, the Secretary of Finance shall notify the Department of Taxation, and the Firm shall thereafter no longer be eligible to utilize the apportionment formula set forth in subdivision B 2 of § 58.1-416 of the Code of Virginia, as amended by this act.

6. Any person to whom tax information is divulged pursuant to this act shall be subject to the prohibitions and penalties set forth in § 58.1-3 of the Code of Virginia as though he were a tax official.

7. That the provisions of this act shall not become effective until a memorandum of understanding, as defined in § 58.1-422.4 of the Code of Virginia, as created by this act, is signed. If such memorandum of understanding is not signed by August 1, 2022, the provisions of subsection B 2 of § 58.1-416 of the Code of Virginia, as amended by this act, shall not be applicable in any taxable year beginning on or after January 1, 2023.

8. That the Virginia Economic Development Partnership Authority shall provide, upon signature, a copy of any memorandum of understanding, as defined in § 58.1-422.4 of the Code of Virginia, as created by this act, to the Chairmen of the MEI Project Approval Commission, the House Committee on Appropriations, and the Senate Committee on Finance and Appropriations. The provisions of this act shall expire if copies of such memorandum are not delivered within seven days of signature.

CHAPTER 257

An Act to amend and reenact § 58.1-416 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 58.1-422.4, relating to income tax; property information and analytics firms.

[S 346]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-416 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 58.1-422.4 as follows:

§ 58.1-416. When certain other sales deemed in the Commonwealth.

A. Sales, other than sales of tangible personal property, are in the Commonwealth if:

1. The income-producing activity is performed in the Commonwealth; or
2. The income-producing activity is performed both in and outside the Commonwealth and a greater proportion of the income-producing activity is performed in the Commonwealth than in any other state, based on costs of performance.

B. 1. For debt buyers, as defined in § 58.1-422.3, sales, other than sales of tangible personal property, are in the Commonwealth if they consist of money recovered on debt that a debt buyer collected from a person who is a resident of the

Commonwealth or an entity that has its commercial domicile in the Commonwealth. Such rule shall apply regardless of the location of a debt buyer's business.

2. For property information and analytics firms, as defined in § 58.1-422.4, that meet the requirements set forth in § 58.1-422.4, sales of services are in the Commonwealth if they are derived from transactions with a customer or client who receives the benefit of the services in the Commonwealth. Such rule shall apply regardless of the location of a property information and analytics firm's business operations.

C. The taxes under this article on the sales described under subsection B are imposed to the maximum extent permitted under the Constitutions of Virginia and the United States and federal law. For the collection of such taxes on such sales, it is the intent of the General Assembly that the Tax Commissioner and the Department assert the taxpayer's nexus with the Commonwealth to the maximum extent permitted under the Constitutions of Virginia and the United States and federal law.

D. If necessary information is not available to the taxpayer to determine whether a sale other than a sale of tangible personal property is in the Commonwealth pursuant to the provisions of subsections B and C, the taxpayer may estimate the dollar value or portion of such sale in the Commonwealth, provided that the taxpayer can demonstrate to the satisfaction of the Tax Commissioner that (i) the estimate has been undertaken in good faith, (ii) the estimate is a reasonable approximation of the dollar value or portion of such sale in the Commonwealth, and (iii) in using an estimate the taxpayer did not have as a principal purpose the avoidance of any tax due under this article. The Department may implement procedures for obtaining its approval to use an estimate. The Department shall adopt remedies and corrective procedures for cases in which the Department has determined that the sourcing rules for sales other than sales of tangible personal property have been abused by the taxpayer, which may include reliance on the location of income-producing activity and direct costs of performance as described in subsection A.

§ 58.1-422.4. Property information and analytics firms.

A. As used in this section:

"Authority" means the Virginia Economic Development Partnership Authority.

"Eligible city" means the City of Richmond.

"Memorandum of understanding" means a performance agreement or related document entered into by a property information and analytics firm and the Authority on or after December 1, 2021, but before August 1, 2022, that sets forth the requirements for capital investments and the creation of new full-time jobs by such property information and analytics firm.

"Property information and analytics firm" means an entity and its affiliated entities that as of January 1, 2022, is primarily a commercial real estate information and analytics firm with a location in an eligible city and that between January 1, 2022, and January 1, 2029, is expected to (i) make or cause to be made a capital investment in an eligible city of at least \$414.45 million and (ii) create at least 1,785 new jobs with average annual wages of at least \$85,000 per job.

B. 1. For taxable years beginning on or after January 1, 2022, but before January 1, 2029, a property information and analytics firm shall be subject to the provisions of subdivision B 2 of § 58.1-416 only if the Authority certifies to the Department that it has at least 1,000 full-time employees as of January 1, 2022, in an eligible city, subject to the terms and conditions of the memorandum of understanding.

2. For taxable years beginning on or after January 1, 2029, a property information and analytics firm shall be subject to the provisions of subdivision B 2 of § 58.1-416 only if the Authority certifies to the Department that it has at least 2,785 full-time employees as of January 1, 2029, in an eligible city, and from January 1, 2022, through December 31, 2028, has made or caused to be made a capital investment for its facilities in that eligible city of at least \$414.45 million. Once the Authority certifies a property information and analytics firm has met the job and capital investment requirements set forth in this subdivision, no additional certifications shall be required and the property information and analytics firm shall continue to be subject to the provisions of subdivision B 2 of § 58.1-416 in all future taxable years.

C. The General Assembly finds that the growth of property information and analytics firms, including the capital investment and new jobs spurred by such growth, is essential to the continued fiscal health of the Commonwealth. Accordingly, the provisions of subsections A and B relating to capital investment and new jobs are integral to the purpose of this section. If any provision of this section is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, that provision shall not be deemed severable.

2. That the Department of Taxation shall develop and make publicly available guidelines implementing the provisions of this act. In developing such guidelines, the Department of Taxation shall not be subject to the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) for guidelines promulgated on or before December 31, 2023, but shall cooperate with and seek the counsel of interested groups and shall not promulgate any guidelines, preliminary or final, without first seeking such counsel and conducting a public hearing. Preliminary guidelines shall be promulgated and made publicly available no later than December 31, 2022, and final guidelines shall be promulgated and made publicly available no later than December 31, 2023. After December 31, 2023, the guidelines shall be subject to the Administrative Process Act and accorded the weight of regulations under § 58.1-205 of the Code of Virginia.

3. That for taxable years beginning on and after January 1, 2022, but before January 1, 2032, any property information and analytics firm, as defined in § 58.1-422.4 of the Code of Virginia, as created by this act, that apportions its income pursuant to subdivision B 2 of § 58.1-416 of the Code of Virginia, as amended by this act, shall include with its income tax return information regarding market-based sourcing for services under this act as

compared to cost of performance, including the amounts of the property, payroll, and sales factors under both methods; the apportionment percentages under both methods; and the amount of tax calculated under both methods. The Department of Taxation shall use such information to compute an estimate of the fiscal savings to such firms. Notwithstanding any provision of § 58.1-3 of the Code of Virginia or any other law, the Department of Taxation may provide to the Virginia Economic Development Partnership Authority and the Secretaries of Commerce and Trade and Finance such information as may be necessary to facilitate the purposes of this act. In addition and notwithstanding any provision of § 58.1-3 of the Code of Virginia or any other law, the Department of Taxation shall, upon request, report to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations the number of returns processed for property information and analytics firms that used market-based sourcing for services under this act and the annual estimated revenue impact of market-based sourcing as compared with cost of performance.

4. That the memorandum of understanding, as defined in § 58.1-422.4 of the Code of Virginia, as created by this act, shall include provisions that require the property information and analytics firm (the Firm) to report annually to the Secretaries of Commerce and Trade and Finance beginning January 1, 2023, such information as is necessary to demonstrate the Firm is in compliance with the performance criteria set forth in the memorandum of understanding. The annual report shall contain information regarding the new jobs created and new capital investments made by the Firm to satisfy the performance criteria, the anticipated liability of the Firm notwithstanding the provisions of this act related to the apportionment of its income, the anticipated liability of the Firm pursuant to the apportionment formula under this act, and other such financial information as the Virginia Economic Development Partnership Authority or the Secretaries of Commerce and Trade and Finance deem necessary to demonstrate that the Firm will be able to fulfill the obligations of the memorandum of understanding regarding repayment of the benefit of the apportionment formula under this act should it fail to meet the terms and conditions of the memorandum of understanding.

5. That the memorandum of understanding, as defined in § 58.1-422.4 of the Code of Virginia, as created by this act, shall contain a provision that should the property information and analytics firm (the Firm) be out of substantial compliance with the performance criteria set forth in the memorandum of understanding for three consecutive years, then the memorandum of understanding shall terminate, and the Firm shall repay the benefits received under this act proportional to the failure to create new jobs and make new investments as outlined in the terms and conditions. If the memorandum is terminated pursuant to this enactment and such provision, the Secretary of Finance shall notify the Department of Taxation, and the Firm shall thereafter no longer be eligible to utilize the apportionment formula set forth in subdivision B 2 of § 58.1-416 of the Code of Virginia, as amended by this act.

6. Any person to whom tax information is divulged pursuant to this act shall be subject to the prohibitions and penalties set forth in § 58.1-3 of the Code of Virginia as though he were a tax official.

7. That the provisions of this act shall not become effective until a memorandum of understanding, as defined in § 58.1-422.4 of the Code of Virginia, as created by this act, is signed. If such memorandum of understanding is not signed by August 1, 2022, the provisions of subsection B 2 of § 58.1-416 of the Code of Virginia, as amended by this act, shall not be applicable in any taxable year beginning on or after January 1, 2023.

8. That the Virginia Economic Development Partnership Authority shall provide, upon signature, a copy of any memorandum of understanding, as defined in § 58.1-422.4 of the Code of Virginia, as created by this act, to the Chairmen of the MEI Project Approval Commission, the House Committee on Appropriations, and the Senate Committee on Finance and Appropriations. The provisions of this act shall expire if copies of such memorandum are not delivered within seven days of signature.

CHAPTER 258

An Act to amend and reenact §§ 24.2-946 and 24.2-947.3 of the Code of Virginia and to amend the Code of Virginia by adding in Article 3 of Chapter 9.3 of Title 24.2 a section numbered 24.2-948.5, relating to campaign finance; record retention requirements and reviews of campaign finance disclosure reports.

[H 492]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-946 and 24.2-947.3 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 3 of Chapter 9.3 of Title 24.2 a section numbered 24.2-948.5 as follows:

§ 24.2-946. Summary of election laws; forms; instructions.

A. The State Board shall summarize the provisions of the election laws relating to the Campaign Finance Disclosure Act of 2006 and provide for distribution of this summary and prescribed forms to each candidate, person, or committee on request or upon their first filing with the State Board pursuant to this chapter, whichever occurs first.

B. The Board shall designate the forms required for complying with this chapter which shall be the only such forms used in complying with the provisions of this chapter.

C. The Board shall provide, with the summary required by this section, instructions for persons filing reports pursuant to this chapter to assist them in completing the reports. The instructions shall include directions for the reporting of filing fees for any party nomination method. *The instructions shall set out the requirements for retaining records and materials for implementing the review provisions of § 24.2-948.5.*

D. The Board shall provide instructions for candidates who seek election for successive terms in the same office for the filing of reports within each appropriate election cycle for the office and for the aggregation of contributions within each election cycle.

E. The Board shall provide, with the summary required by this section, to each candidate, person, or committee on request or upon their first filing with the State Board pursuant to this chapter, whichever occurs first, a copy of a written explanation prepared by the Attorney General of the provisions of the Act that prohibit the personal use of campaign funds. The explanation shall cover the provisions that prohibit the personal use of campaign funds and shall delineate the differences between prohibited personal uses of campaign funds and permitted uses of the funds.

§ 24.2-947.3. Campaign committee treasurer requirements and responsibilities.

A. Upon meeting any of the requirements of subsection A of § 24.2-947.1, the candidate shall appoint a single campaign treasurer who shall be a registered voter in Virginia. Every treasurer so appointed shall accept the appointment, in writing on the statement of organization, prior to the filing thereof. No individual shall act as treasurer unless the required statement of appointment has been filed. The same person may serve as campaign treasurer for more than one candidate.

B. In the event of the death, resignation, removal, or change of the treasurer, the candidate shall designate a successor and file the name and address of the successor within 10 days of the change with the State Board, general registrar, or both, as provided in subsection B of § 24.2-947.1.

C. Any candidate who fails to appoint a treasurer or successor treasurer shall be deemed to have appointed himself treasurer and shall comply as such with the provisions of this chapter.

D. All contributions and expenditures received or made by any candidate, or received or made on his behalf or in relation to his candidacy by any person, except independent expenditures, shall be paid over or delivered to the candidate's treasurer or shall be reported to the treasurer in such detail and form as to allow him to comply fully with this chapter. An independent expenditure shall be reported pursuant to § 24.2-945.2 in lieu of being reported to the candidate's treasurer.

E. The candidate or his treasurer shall keep detailed and accurate accounts of all contributions turned over to and expenditures made by the candidate or his treasurer on behalf of the candidate or his campaign committee, or reported to any candidate or his treasurer pursuant to this article. Such account shall set forth the date of the contribution or expenditure, its amount or value, the name and address of the person or committee making the contribution or to whom the expenditure was made, and the object or purpose of the contribution or expenditure. Such books and records may be destroyed or discarded at any time after (i) one year from the date of filing the final report required by § 24.2-948.4 or (ii) three years after the December 31 immediately following the election, whichever last occurs, unless a court of competent jurisdiction shall order their retention for a longer period.

F. *The treasurer shall be responsible for retaining all bank statements for, and copies of checks issued on, the campaign depository and bills, invoices, and receipts for any expenditure greater than \$500. The treasurer for a nonincumbent candidate shall retain such records and materials for a period starting from the date of the designation of the campaign depository for the campaign through July 1 of the year immediately following the year of the election. The treasurer for incumbent candidates shall retain such records and materials for a period starting from the date that the incumbent was sworn into office for the term being served at the time of the election through July 1 of the year immediately following the year of the election. The treasurer shall make such records and materials available to the Department or its designee upon request pursuant to the provisions of § 24.2-948.5.*

G. It shall be unlawful for any candidate, his treasurer, or any person receiving contributions or making expenditures on a candidate's behalf or in relation to his candidacy, to fail to report every contribution and expenditure as required by this article.

§ 24.2-948.5. Reviews of campaign finance reports and records.

A. *The Department shall have the authority to review the reports and records of the campaign committees. The purposes of the review shall be to (i) reconcile the balance in the campaign depository with the amounts reported in the candidate's reports of receipts and expenditures and (ii) review the reports for mathematical accuracy and facial completeness including the reporting of specific information required by law. In the performance of its review, the Department is authorized to request the production of monthly bank statements for, and copies of checks issued on, campaign depositories and itemized bills, invoices, and receipts for any expenditure of campaign funds in an amount greater than \$500.*

B. *The Department shall review the reports and records of the campaign committees within 180 days following the general election. The Department shall review the reports and records of all of the campaign committees for candidates, including losing primary candidates, for statewide office; 10 percent of the campaign committees for candidates, including losing primary candidates, for the Senate and House of Delegates; and one percent of candidates, including losing primary candidates, for all other offices in any year in which such offices are elected. The State Board shall meet publicly to select the campaign committees to be reviewed by a drawing that ensures selection on a random basis.*

C. *No review shall be conducted of a campaign committee for any office that has received less than \$25,000 in contributions during the campaign, including the transfer of surplus funds from a prior campaign. Campaign committees*

for candidates that are exempt from review pursuant to this subsection shall not be included in the drawing provided for in subsection B or counted in determining the number that equals the relevant percentage of the campaign committees to be reviewed.

D. In the performance of its duties under this section, the Department may employ the services of additional personnel to the extent that appropriated funds are available to the Department for such purpose.

E. The Department shall make a report of the results of its reviews available to the State Board, the Governor, and the General Assembly by July 1 of each year following the election year for the office to which the review pertains and the same shall be posted to the Department's website.

2. That campaign finance reports filed prior to January 1, 2024, shall not be subject to the provisions of this act, and the provisions of this act shall not be effective until January 1, 2024.

CHAPTER 259

An Act to amend and reenact §§ 18.2-60.5, 18.2-178.1, 18.2-369, 46.2-341.20:7, 54.1-3408.3, 54.1-3442.5, 54.1-3442.6, and 54.1-3442.7 of the Code of Virginia, relating to abuse and neglect; financial exploitation; incapacitated adults; penalties.

[H 496]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-60.5, 18.2-178.1, 18.2-369, 46.2-341.20:7, 54.1-3408.3, 54.1-3442.5, 54.1-3442.6, and 54.1-3442.7 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-60.5. Unauthorized use of electronic tracking device; penalty.

A. Any person who installs or places an electronic tracking device through intentionally deceptive means and without consent, or causes an electronic tracking device to be installed or placed through intentionally deceptive means and without consent, and uses such device to track the location of any person is guilty of a Class 1 misdemeanor.

B. The provisions of this section shall not apply to the installation, placement, or use of an electronic tracking device by:

1. A law-enforcement officer, judicial officer, probation or parole officer, or employee of the Department of Corrections when any such person is engaged in the lawful performance of official duties and in accordance with other state or federal law;

2. The parent or legal guardian of a minor when tracking (i) the minor or (ii) any person authorized by the parent or legal guardian as a caretaker of the minor at any time when the minor is under the person's sole care;

3. A legally authorized representative of an ~~incapacitated~~ *vulnerable* adult, as defined in § 18.2-369;

4. The owner of fleet vehicles, when tracking such vehicles;

5. An electronic communications provider to the extent that such installation, placement, or use is disclosed in the provider's terms of use, privacy policy, or similar document made available to the customer; or

6. A registered private investigator, as defined in § 9.1-138, who is regulated in accordance with § 9.1-139 and is acting in the normal course of his business and with the consent of the owner of the property upon which the electronic tracking device is installed and placed. However, such exception shall not apply if the private investigator is working on behalf of a client who is subject to a protective order under § 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-279.1, 19.2-152.8, 19.2-152.9, or 19.2-152.10 or subsection B of § 20-103, or if the private investigator knows or should reasonably know that the client seeks the private investigator's services to aid in the commission of a crime.

C. For the purposes of this section:

"Electronic tracking device" means an electronic or mechanical device that permits a person to remotely determine or track the position and movement of another person.

"Fleet vehicle" means (i) one or more motor vehicles owned by a single entity and operated by employees or agents of the entity for business or government purposes, (ii) motor vehicles held for lease or rental to the general public, or (iii) motor vehicles held for sale by motor vehicle dealers.

§ 18.2-178.1. Financial exploitation of vulnerable adults; penalty.

A. *As used in this section, "vulnerable adult" means the same as that term is defined in § 18.2-369.*

B. It is unlawful for any person who knows or should know that another person ~~suffers from mental incapacity~~ *is a vulnerable adult* to, through the use of that other person's ~~mental incapacity~~ *impairment*, take, obtain, or convert money or other thing of value belonging to that other person with the intent to permanently deprive him thereof. Any person who violates this section shall be deemed guilty of larceny.

~~B-~~ C. Venue for the trial of an accused charged with a violation of this section shall be in any county or city in which (i) any act was performed in furtherance of the offense or (ii) the accused resided at the time of the offense.

~~C-~~ D. This section shall not apply to a transaction or disposition of money or other thing of value in which the accused acted for the benefit of the ~~person with mental incapacity~~ *vulnerable adult* or made a good faith effort to assist such person with the management of his money or other thing of value.

D. As used in this section, "mental incapacity" means that condition of a person existing at the time of the offense described in subsection A that prevents him from understanding the nature or consequences of the transaction or disposition of money or other thing of value involved in such offense.

§ 18.2-369. Abuse and neglect of vulnerable adults; penalties.

A. It is unlawful for any responsible person to abuse or neglect any ~~incapacitated~~ *vulnerable adult as defined in this section*. Any responsible person who abuses or neglects ~~an incapacitated~~ *a vulnerable adult* in violation of this section and the abuse or neglect does not result in serious bodily injury or disease to the ~~incapacitated~~ *vulnerable adult* is guilty of a Class 1 misdemeanor. Any responsible person who is convicted of a second or subsequent offense under this subsection is guilty of a Class 6 felony.

B. Any responsible person who abuses or neglects ~~an incapacitated~~ *a vulnerable adult* in violation of this section and the abuse or neglect results in serious bodily injury or disease to the ~~incapacitated~~ *vulnerable adult* is guilty of a Class 4 felony. Any responsible person who abuses or neglects ~~an incapacitated~~ *a vulnerable adult* in violation of this section and the abuse or neglect results in the death of the ~~incapacitated~~ *vulnerable adult* is guilty of a Class 3 felony.

C. For purposes of this section:

"Abuse" means (i) knowing and willful conduct that causes physical injury or pain or (ii) knowing and willful use of physical restraint, including confinement, as punishment, for convenience or as a substitute for treatment, except where such conduct or physical restraint, including confinement, is a part of care or treatment and is in furtherance of the health and safety of the ~~incapacitated person~~ *vulnerable adult*.

"~~Incapacitated adult~~" means any person 18 years of age or older who is impaired by reason of mental illness, intellectual disability, physical illness or disability, advanced age or other causes to the extent the adult lacks sufficient understanding or capacity to make, communicate or carry out reasonable decisions concerning his well-being.

"Neglect" means the knowing and willful failure by a responsible person to provide treatment, care, goods, or services which results in injury to the health or endangers the safety of ~~an incapacitated~~ *a vulnerable adult*.

"Responsible person" means a person who has responsibility for the care, custody, or control of ~~an incapacitated person~~ *a vulnerable adult* by operation of law or who has assumed such responsibility voluntarily, by contract or in fact.

"Serious bodily injury or disease" ~~shall include~~ *includes* but ~~is not~~ *is* limited to (i) disfigurement, (ii) a fracture, (iii) a severe burn or laceration, (iv) mutilation, (v) maiming, or (vi) life-threatening internal injuries or conditions, whether or not caused by trauma.

"Vulnerable adult" means any person 18 years of age or older who is impaired by reason of mental illness, intellectual or developmental disability, physical illness or disability, or other causes, including age, to the extent the adult lacks sufficient understanding or capacity to make, communicate, or carry out reasonable decisions concerning his well-being or has one or more limitations that substantially impair the adult's ability to independently provide for his daily needs or safeguard his person, property, or legal interests.

D. No responsible person shall be in violation of this section whose conduct was (i) in accordance with the informed consent of the ~~incapacitated person~~ *vulnerable adult* that was given when he was not ~~incapacitated~~ *vulnerable* or a person authorized to consent on his behalf; (ii) in accordance with a declaration by the ~~incapacitated person~~ *vulnerable adult* under the Health Care Decisions Act (§ 54.1-2981 et seq.) that was given when he was not ~~incapacitated~~ *vulnerable* or with the provisions of a valid medical power of attorney; (iii) in accordance with the wishes of the ~~incapacitated person~~ *vulnerable adult* that were made known when he was not ~~incapacitated~~ *vulnerable* or a person authorized to consent on behalf of the ~~incapacitated person~~ *vulnerable adult* and in accord with the tenets and practices of a church or religious denomination; (iv) incident to necessary movement of, placement of, or protection from harm to the ~~incapacitated person~~ *vulnerable adult*; or (v) a bona fide, recognized, or approved practice to provide medical care.

§ 46.2-341.20:7. Possession of marijuana in commercial motor vehicle unlawful; civil penalty.

A. It is unlawful for any person to knowingly or intentionally possess marijuana in a commercial motor vehicle as defined in § 46.2-341.4. The attorney for the Commonwealth or the county, city, or town attorney may prosecute such a case.

Upon the prosecution of a person for a violation of this section, ownership or occupancy of the vehicle in which marijuana was found shall not create a presumption that such person either knowingly or intentionally possessed such marijuana.

Any person who violates this section is subject to a civil penalty of no more than \$25. A violation of this section is a civil offense. Any civil penalties collected pursuant to this section shall be deposited into the Drug Offender Assessment and Treatment Fund established pursuant to § 18.2-251.02. Violations of this section by an adult shall be prepayable according to the procedures in § 16.1-69.40:2.

B. Any violation of this section shall be charged by summons. A summons for a violation of this section may be executed by a law-enforcement officer when such violation is observed by such officer. The summons used by a law-enforcement officer pursuant to this section shall be in form the same as the uniform summons for motor vehicle law violations as prescribed pursuant to § 46.2-388. No court costs shall be assessed for violations of this section. A person's criminal history record information as defined in § 9.1-101 shall not include records of any charges or judgments for a violation of this section, and records of such charges or judgments shall not be reported to the Central Criminal Records Exchange; however, such violation shall be reported to the Department of Motor Vehicles and shall be included on such individual's driving record.

C. The procedure for appeal and trial of any violation of this section shall be the same as provided by law for misdemeanors; if requested by either party on appeal to the circuit court, trial by jury shall be as provided in Article 4 (§ 19.2-260 et seq.) of Chapter 15 of Title 19.2, and the Commonwealth shall be required to prove its case beyond a reasonable doubt.

D. The provisions of this section shall not apply to members of state, federal, county, city, or town law-enforcement agencies, jail officers, or correctional officers, as defined in § 53.1-1, certified as handlers of dogs trained in the detection of controlled substances when possession of marijuana is necessary for the performance of their duties.

E. The provisions of this section involving marijuana in the form of cannabis products as that term is defined in § 54.1-3408.3 shall not apply to any person who possesses such cannabis product pursuant to a valid written certification issued by a practitioner in the course of his professional practice pursuant to § 54.1-3408.3 for treatment or to alleviate the symptoms of (i) the person's diagnosed condition or disease, (ii) if such person is the parent or guardian of a minor or of ~~an~~ ~~incapacitated~~ a *vulnerable* adult as defined in § 18.2-369, such minor's or ~~incapacitated~~ *vulnerable* adult's diagnosed condition or disease, or (iii) if such person has been designated as a registered agent pursuant to § 54.1-3408.3, the diagnosed condition or disease of his principal or, if the principal is the parent or legal guardian of a minor or of ~~an~~ ~~incapacitated~~ a *vulnerable* adult as defined in § 18.2-369, such minor's or ~~incapacitated~~ *vulnerable* adult's diagnosed condition or disease.

§ 54.1-3408.3. Certification for use of cannabis oil for treatment.

A. As used in this section:

"Botanical cannabis" means cannabis that is composed wholly of usable cannabis from the same parts of the same chemovar of cannabis plant.

"Cannabis oil" means any formulation of processed Cannabis plant extract, which may include oil from industrial hemp extract acquired by a pharmaceutical processor pursuant to § 54.1-3442.6, or a dilution of the resin of the Cannabis plant that contains at least five milligrams of cannabidiol (CBD) or tetrahydrocannabinolic acid (THC-A) and no more than 10 milligrams of delta-9-tetrahydrocannabinol per dose. "Cannabis oil" does not include industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or federal law, unless it has been acquired and formulated with cannabis plant extract by a pharmaceutical processor.

"Cannabis product" means a product that is (i) produced by a pharmaceutical processor, registered with the Board, and compliant with testing requirements and (ii) composed of cannabis oil or botanical cannabis.

"Designated caregiver facility" means any hospice or hospice facility licensed pursuant to § 32.1-162.3, or home care organization as defined in § 32.1-162.7 that provides pharmaceutical services or home health services, private provider licensed by the Department of Behavioral Health and Developmental Services pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2, assisted living facility licensed pursuant to § 63.2-1701, or adult day care center licensed pursuant to § 63.2-1701.

"Practitioner" means a practitioner of medicine or osteopathy licensed by the Board of Medicine, a physician assistant licensed by the Board of Medicine, or a nurse practitioner jointly licensed by the Board of Medicine and the Board of Nursing.

"Registered agent" means an individual designated by a patient who has been issued a written certification, or, if such patient is a minor or ~~an~~ ~~incapacitated~~ a *vulnerable* adult as defined in § 18.2-369, designated by such patient's parent or legal guardian, and registered with the Board pursuant to subsection G.

"Usable cannabis" means any cannabis plant material, including seeds, but not (i) resin that has been extracted from any part of the cannabis plant, its seeds, or its resin; (ii) the mature stalks, fiber produced from the stalks, or any other compound, manufacture, salt, or derivative, mixture, or preparation of the mature stalks; or (iii) oil or cake made from the seeds of the plant.

B. A practitioner in the course of his professional practice may issue a written certification for the use of cannabis products for treatment or to alleviate the symptoms of any diagnosed condition or disease determined by the practitioner to benefit from such use. The practitioner shall use his professional judgment to determine the manner and frequency of patient care and evaluation and may employ the use of telemedicine, provided that the use of telemedicine includes the delivery of patient care through real-time interactive audio-visual technology. If a practitioner determines it is consistent with the standard of care to dispense botanical cannabis to a minor, the written certification shall specifically authorize such dispensing. If not specifically included on the initial written certification, authorization for botanical cannabis may be communicated verbally or in writing to the pharmacist at the time of dispensing.

C. The written certification shall be on a form provided by the Office of the Executive Secretary of the Supreme Court developed in consultation with the Board of Medicine. Such written certification shall contain the name, address, and telephone number of the practitioner, the name and address of the patient issued the written certification, the date on which the written certification was made, and the signature or authentic electronic signature of the practitioner. Such written certification issued pursuant to subsection B shall expire no later than one year after its issuance unless the practitioner provides in such written certification an earlier expiration.

D. No practitioner shall be prosecuted under § 18.2-248 or 18.2-248.1 for the issuance of a certification for the use of cannabis products for the treatment or to alleviate the symptoms of a patient's diagnosed condition or disease pursuant to a written certification issued pursuant to subsection B. Nothing in this section shall preclude the Board of Medicine from

sanctioning a practitioner for failing to properly evaluate or treat a patient's medical condition or otherwise violating the applicable standard of care for evaluating or treating medical conditions.

E. A practitioner who issues a written certification to a patient pursuant to this section shall register with the Board and shall hold sufficient education and training to exercise appropriate professional judgment in the certification of patients. The Board shall not limit the number of patients to whom a practitioner may issue a written certification. The Board may report information to the applicable licensing board on unusual patterns of certifications issued by a practitioner.

F. A patient who has been issued a written certification shall register with the Board or, if such patient is a minor or ~~an incapacitated~~ *a vulnerable* adult as defined in § 18.2-369, a patient's parent or legal guardian shall register and shall register such patient with the Board. No patient shall be required to physically present the written certification after the initial dispensing by any pharmaceutical processor or cannabis dispensing facility under each written certification, provided that the pharmaceutical processor or cannabis dispensing facility maintains an electronic copy of the written certification.

G. A patient, or, if such patient is a minor or ~~an incapacitated~~ *a vulnerable* adult as defined in § 18.2-369, such patient's parent or legal guardian, may designate an individual to act as his registered agent for the purposes of receiving cannabis products pursuant to a valid written certification. Such designated individual shall register with the Board. The Board may set a limit on the number of patients for whom any individual is authorized to act as a registered agent.

H. Upon delivery of cannabis oil by a pharmaceutical processor or cannabis dispensing facility to a designated caregiver facility, any employee or contractor of a designated caregiver facility, who is licensed or registered by a health regulatory board and who is authorized to possess, distribute, or administer medications, may accept delivery of the cannabis oil on behalf of a patient or resident for subsequent delivery to the patient or resident and may assist in the administration of the cannabis oil to the patient or resident as necessary.

I. The Board shall promulgate regulations to implement the registration process. Such regulations shall include (i) a mechanism for sufficiently identifying the practitioner issuing the written certification, the patient being treated by the practitioner, his registered agent, and, if such patient is a minor or ~~an incapacitated~~ *a vulnerable* adult as defined in § 18.2-369, the patient's parent or legal guardian; (ii) a process for ensuring that any changes in the information are reported in an appropriate timeframe; and (iii) a prohibition for the patient to be issued a written certification by more than one practitioner during any given time period.

J. Information obtained under the registration process shall be confidential and shall not be subject to the disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). However, reasonable access to registry information shall be provided to (i) the Chairmen of the House Committee for Courts of Justice and the Senate Committee on the Judiciary, (ii) state and federal agencies or local law enforcement for the purpose of investigating or prosecuting a specific individual for a specific violation of law, (iii) licensed practitioners or pharmacists, or their agents, for the purpose of providing patient care and drug therapy management and monitoring of drugs obtained by a registered patient, (iv) a pharmaceutical processor or cannabis dispensing facility involved in the treatment of a registered patient, or (v) a registered patient, his registered agent, or, if such patient is a minor or ~~an incapacitated~~ *a vulnerable* adult as defined in § 18.2-369, the patient's parent or legal guardian, but only with respect to information related to such registered patient.

§ 54.1-3442.5. Definitions.

As used in this article:

"Botanical cannabis," "cannabis oil," "cannabis product," and "usable cannabis" have the same meanings as specified in § 54.1-3408.3.

"Cannabis dispensing facility" means a facility that (i) has obtained a permit from the Board pursuant to § 54.1-3442.6; (ii) is owned, at least in part, by a pharmaceutical processor; and (iii) dispenses cannabis products produced by a pharmaceutical processor to a registered patient, his registered agent, or, if such patient is a minor or ~~an incapacitated~~ *a vulnerable* adult as defined in § 18.2-369, such patient's parent or legal guardian.

"Designated caregiver facility" has the same meaning as defined in § 54.1-3408.3.

"Pharmaceutical processor" means a facility that (i) has obtained a permit from the Board pursuant to § 54.1-3408.3 and (ii) cultivates Cannabis plants intended only for the production of cannabis oil, botanical cannabis, and usable cannabis, produces cannabis products, and dispenses cannabis products to a registered patient, his registered agent, or, if such patient is a minor or ~~an incapacitated~~ *a vulnerable* adult as defined in § 18.2-369, such patient's parent or legal guardian.

"Practitioner" has the same meaning as specified in § 54.1-3408.3.

"Registered agent" has the same meaning as specified in § 54.1-3408.3.

§ 54.1-3442.6. Permit to operate pharmaceutical processor or cannabis dispensing facility.

A. No person shall operate a pharmaceutical processor or a cannabis dispensing facility without first obtaining a permit from the Board. The application for such permit shall be made on a form provided by the Board and signed by a pharmacist who will be in full and actual charge of the pharmaceutical processor's dispensing area or cannabis dispensing facility. The Board shall establish an application fee and other general requirements for such application.

B. Each permit shall expire annually on a date determined by the Board in regulation. The number of permits that the Board may issue or renew in any year is limited to one pharmaceutical processor and up to five cannabis dispensing facilities for each health service area established by the Board of Health. Permits shall be displayed in a conspicuous place on the premises of the pharmaceutical processor and cannabis dispensing facility.

C. The Board shall adopt regulations establishing health, safety, and security requirements for pharmaceutical processors and cannabis dispensing facilities. Such regulations shall include requirements for (i) physical standards;

(ii) location restrictions; (iii) security systems and controls; (iv) minimum equipment and resources; (v) recordkeeping; (vi) labeling, including the potency of each botanical cannabis product and the amounts recommended by the practitioner or dispensing pharmacist, and packaging; (vii) routine inspections no more frequently than once annually; (viii) processes for safely and securely dispensing and delivering in person cannabis products to a registered patient, his registered agent, or, if such patient is a minor or ~~an incapacitated~~ a vulnerable adult as defined in § 18.2-369, such patient's parent or legal guardian; (ix) dosage limitations for cannabis oil that provide that each dispensed dose of cannabis oil not exceed 10 milligrams of delta-9-tetrahydrocannabinol; (x) a process for the wholesale distribution of and the transfer of usable cannabis, botanical cannabis, cannabis oil, and cannabis products between pharmaceutical processors, between a pharmaceutical processors and a cannabis dispensing facility, and between cannabis dispensing facilities; (xi) an allowance for the sale of devices for administration of dispensed cannabis products and hemp-based CBD products that meet the applicable standards set forth in state and federal law, including the laboratory testing standards set forth in subsection M; (xii) an allowance for the use and distribution of inert product samples containing no cannabinoids for patient demonstration exclusively at the pharmaceutical processor or cannabis dispensing facility, and not for further distribution or sale, without the need for a written certification; (xiii) a process for acquiring oil from industrial hemp extract and formulating such oil extract with Cannabis plant extract into allowable dosages of cannabis oil; and (xiv) an allowance for the advertising and promotion of the pharmaceutical processor's products and operations, which shall not limit the pharmaceutical processor from the provision of educational material to practitioners who issue written certifications and registered patients. The Board shall also adopt regulations for pharmaceutical processors that include requirements for (a) processes for safely and securely cultivating Cannabis plants intended for producing cannabis products, (b) the secure disposal of agricultural waste, and (c) a process for registering cannabis oil products.

D. The Board shall require that, after processing and before dispensing any cannabis products, a pharmaceutical processor shall make a sample available from each batch of cannabis product for testing by an independent laboratory located in Virginia meeting Board requirements. A valid sample size for testing shall be determined by each laboratory and may vary due to sample matrix, analytical method, and laboratory-specific procedures. A minimum sample size of 0.5 percent of individual units for dispensing or distribution from each homogenized batch of cannabis oil is required to achieve a representative cannabis oil sample for analysis. A minimum sample size, to be determined by the certified testing laboratory, from each batch of botanical cannabis is required to achieve a representative botanical cannabis sample for analysis. Botanical cannabis products shall only be tested for the following: total cannabidiol (CBD); total tetrahydrocannabinol (THC); terpenes; pesticide chemical residue; heavy metals; mycotoxins; moisture; and microbiological contaminants. Testing thresholds shall be consistent with generally accepted cannabis industry thresholds. The pharmaceutical processor may remediate cannabis oil that fails any quality testing standard. Following remediation, all remediated cannabis oil shall be subject to laboratory testing and approved upon satisfaction of testing standards applied to cannabis oil generally. If the batch fails retesting, it shall be considered usable cannabis and may be processed into cannabis oil, unless the failure is related to pesticide requirements, in which case the batch shall not be considered usable cannabis and shall not be processed into cannabis oil. Stability testing shall not be required for any cannabis oil product with an expiration date assigned by the pharmaceutical processor of six months or less from the date of packaging.

E. A laboratory testing samples for a pharmaceutical processor shall obtain a controlled substances registration certificate pursuant to § 54.1-3423 and shall comply with quality standards established by the Board in regulation.

F. Every pharmaceutical processor's dispensing area or cannabis dispensing facility shall be under the personal supervision of a licensed pharmacist on the premises of the pharmaceutical processor or cannabis dispensing facility. The pharmaceutical processor shall ensure that security measures are adequate to protect the cannabis from diversion at all times, and the pharmacist-in-charge shall have concurrent responsibility for preventing diversion from the dispensing area.

Every pharmaceutical processor shall designate a person who shall have oversight of the cultivation and production areas of the pharmaceutical processor and shall provide such information to the Board. The Board shall direct all communications related to enforcement of requirements related to cultivation and production of cannabis oil products by the pharmaceutical processor to such designated person.

G. The Board shall require the material owners of an applicant for a pharmaceutical processor or cannabis dispensing facility permit to submit to fingerprinting and provide personal descriptive information to be forwarded along with his fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding the applicant's material owners. The cost of fingerprinting and the criminal history record search shall be paid by the applicant. The Central Criminal Records Exchange shall forward the results of the criminal history background check to the Board or its designee, which shall be a governmental entity. A pharmaceutical processor shall maintain evidence of criminal background checks for all employees and delivery agents of the pharmaceutical processor. Criminal background checks of employees and delivery agents may be conducted by any service sufficient to disclose any federal and state criminal convictions.

H. In addition to other employees authorized by the Board, a pharmaceutical processor may employ individuals who may have less than two years of experience (i) to perform cultivation-related duties under the supervision of an individual who has received a degree in a field related to the cultivation of plants or a certification recognized by the Board or who has at least two years of experience cultivating plants, (ii) to perform extraction-related duties under the supervision of an individual who has a degree in chemistry or pharmacology or at least two years of experience extracting chemicals from

plants, and (iii) to perform duties at the pharmaceutical processor and cannabis dispensing facility upon certification as a pharmacy technician.

I. A pharmaceutical processor to whom a permit has been issued by the Board may establish up to five cannabis dispensing facilities for the dispensing of cannabis products that have been cultivated and produced on the premises of a pharmaceutical processor permitted by the Board. Each cannabis dispensing facility shall be located within the same health service area as the pharmaceutical processor.

J. No person who has been convicted of a felony under the laws of the Commonwealth or another jurisdiction within the last five years shall be employed by or act as an agent of a pharmaceutical processor or cannabis dispensing facility.

K. Every pharmaceutical processor or cannabis dispensing facility shall adopt policies for pre-employment drug screening and regular, ongoing, random drug screening of employees.

L. A pharmacist at the pharmaceutical processor's dispensing area and the cannabis dispensing facility shall determine the number of pharmacy interns, pharmacy technicians, and pharmacy technician trainees who can be safely and competently supervised at one time; however, no pharmacist shall supervise more than six persons performing the duties of a pharmacy technician at one time in the pharmaceutical processor's dispensing area or cannabis dispensing facility.

M. A pharmaceutical processor may acquire industrial hemp extract processed in Virginia, and in compliance with state or federal law, from a registered industrial hemp dealer or processor. A pharmaceutical processor may process and formulate such oil extract with cannabis plant extract into an allowable dosage of cannabis oil. Industrial hemp acquired by a pharmaceutical processor is subject to the same third-party testing requirements that may apply to cannabis plant extract. Testing shall be performed by a laboratory located in Virginia and in compliance with state law. The industrial hemp dealer or processor shall provide such third-party testing results to the pharmaceutical processor before industrial hemp may be acquired.

N. With the exception of § 2.2-4031, neither the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) nor public participation guidelines adopted pursuant thereto shall apply to the adoption of any regulation pursuant to this section. Prior to adopting any regulation pursuant to this section, the Board of Pharmacy shall publish a notice of opportunity to comment in the Virginia Register of Regulations and post the action on the Virginia Regulatory Town Hall. Such notice of opportunity to comment shall contain (i) a summary of the proposed regulation; (ii) the text of the proposed regulation; and (iii) the name, address, and telephone number of the agency contact person responsible for receiving public comments. Such notice shall be made at least 60 days in advance of the last date prescribed in such notice for submittals of public comment. The legislative review provisions of subsections A and B of § 2.2-4014 shall apply to the promulgation or final adoption process for regulations pursuant to this section. The Board of Pharmacy shall consider and keep on file all public comments received for any regulation adopted pursuant to this section.

O. The Board shall register all cannabis products that meet testing, labeling, and packaging standards.

§ 54.1-3442.7. Dispensing cannabis products; report.

A. A pharmaceutical processor or cannabis dispensing facility shall dispense or deliver cannabis products only in person to (i) a patient who is a Virginia resident or temporarily resides in Virginia as made evident to the Board, has been issued a valid written certification, and is registered with the Board pursuant to § 54.1-3408.3; (ii) such patient's registered agent; or (iii) if such patient is a minor or ~~an incapacitated~~ *a vulnerable* adult as defined in § 18.2-369, such patient's parent or legal guardian who is a Virginia resident or temporarily resides in Virginia as made evident to the Board and is registered with the Board pursuant to § 54.1-3408.3. A companion may accompany a registered patient into a pharmaceutical processor's dispensing area or cannabis dispensing facility. Prior to the initial dispensing of cannabis products pursuant to each written certification, a pharmacist or pharmacy technician employed by the pharmaceutical processor or cannabis dispensing facility shall make and maintain, on site or remotely by electronic means, for two years a paper or electronic copy of the written certification that provides an exact image of the document that is clearly legible; shall view, in person or by audiovisual means, a current photo identification of the patient, registered agent, parent, or legal guardian; and shall verify current board registration of the practitioner and the corresponding patient, registered agent, parent, or legal guardian. Thereafter, an initial dispensing may be delivered to the patient, registered agent, parent, legal guardian, or designated caregiver facility. Prior to any subsequent dispensing of cannabis products pursuant to each written certification, an employee or delivery agent shall view a current photo identification of the patient, registered agent, parent, or legal guardian and the current board registration issued to the patient, registered agent, parent, or legal guardian. No pharmaceutical processor or cannabis dispensing facility shall dispense more than a 90-day supply, as determined by the dispensing pharmacist or certifying practitioner, for any patient during any 90-day period. A pharmaceutical processor or cannabis dispensing facility may dispense less than a 90-day supply of a cannabis product for any patient during any 90-day period; however, a pharmaceutical processor or cannabis dispensing facility may dispense more than one cannabis product to a patient at one time. No more than four ounces of botanical cannabis shall be dispensed for each 30-day period for which botanical cannabis is dispensed. The Board shall establish in regulation an amount of cannabis oil that constitutes a 90-day supply to treat or alleviate the symptoms of a patient's diagnosed condition or disease. In determining the appropriate amount of a cannabis product to be dispensed to a patient, a pharmaceutical processor or cannabis dispensing facility shall consider all cannabis products dispensed to the patient and adjust the amount dispensed accordingly.

B. A pharmaceutical processor or cannabis dispensing facility shall dispense only cannabis products produced on the premises of a pharmaceutical processor permitted by the Board or cannabis oil that has been formulated with oil from

industrial hemp acquired by a pharmaceutical processor from a registered industrial hemp dealer or processor pursuant to § 54.1-3442.6. A pharmaceutical processor may begin cultivation upon being issued a permit by the Board.

C. The Board shall report annually by December 1 to the Chairmen of the House Committee for Health, Welfare and Institutions and the Senate Committee on Education and Health on the operation of pharmaceutical processors and cannabis dispensing facilities issued a permit by the Board, including the number of practitioners, patients, registered agents, and parents or legal guardians of patients who have registered with the Board and the number of written certifications issued pursuant to § 54.1-3408.3.

D. The concentration of delta-9-tetrahydrocannabinol in any cannabis product on site may be up to 10 percent greater than or less than the level of delta-9-tetrahydrocannabinol measured for labeling. A pharmaceutical processor and cannabis dispensing facility shall ensure that such concentration in any cannabis product on site is within such range. A pharmaceutical processor producing cannabis products shall establish a stability testing schedule of cannabis products.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 552 of the Acts of Assembly of 2021, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 260

An Act to amend and reenact §§ 2.2-1115.1, 2.2-2022, 2.2-2023, 2.2-2101, 2.2-2699.5, and 2.2-2699.6 of the Code of Virginia and to repeal § 2.2-2699.7 of the Code of Virginia, relating to Information Technology Advisory Council; membership; duties; report.

[S 703]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-1115.1, 2.2-2022, 2.2-2023, 2.2-2101, 2.2-2699.5, and 2.2-2699.6 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-1115.1. Standard vendor accounting information.

A. The Division, the Virginia Information Technologies Agency, and the State Comptroller shall develop and maintain data standards for use by all agencies and institutions for payments and purchases of goods and services pursuant to §§ 2.2-1115 and 2.2-2012. Such standards shall include at a minimum the vendor number, name, address, and tax identification number; commodity code, order number, invoice number, and receipt information; and other information necessary to appropriately and consistently identify all suppliers of goods, commodities, and other services to the Commonwealth. The Division, the Virginia Information Technologies Agency, and the State Comptroller shall annually review and update these standards to provide the Commonwealth information to monitor all procurement of goods and services and to implement adequate controls to pay only authorized providers of goods and services to the Commonwealth.

B. The Division and the Virginia Information Technologies Agency shall submit these standards to the Information Technology Advisory Council in accordance with § 2.2-2699.6 for review ~~as statewide technical and data standards for information technology.~~

C. The Division and the State Comptroller shall adhere to the adopted data standards and match all purchases of goods, commodities, and other services to the related payment activity and make the matched information available on the Auditor of Public Accounts' Commonwealth Data Point website pursuant to subdivision H 3 a of § 30-133. This information shall be available at a transactional level and be in sufficient detail to make clear what an agency has purchased; when the purchase was made; the vendor from whom the purchase was made; the amount purchased, if applicable; and how much was paid. To the extent the purchase is made for professional services as defined in § 2.2-4301, other than for accounting or legal services, from an entity of the Commonwealth, the name of the buyer in the selling Department or agency shall be specified. Purchases made using credit card or other financing arrangements shall specify the vendor.

§ 2.2-2022. Definitions; purpose.

A. As used in this article, unless the context requires a different meaning,

~~"Costs" "costs" means the reasonable and customary charges for goods and services incurred or to be incurred in major information technology projects.~~

~~"Technology infrastructure" means telecommunications, automated data processing, word processing and management information systems, and related information, equipment, goods and services.~~

B. In order for the Commonwealth to take advantage of technological applications in providing services and solving problems of Virginia's citizens, there is a need to ~~reinvest savings that accrue from increased usage of technology into invest~~ in new and emerging technologies that will provide for ~~both~~ greater efficiencies ~~and~~, better responsiveness, ~~and improved cybersecurity~~. The purpose of this article is to create the Virginia Technology Infrastructure Fund (the Fund). The Fund shall make moneys available to state agencies and institutions of higher education for ~~major~~ information technology projects ~~and services~~.

§ 2.2-2023. Virginia Technology Infrastructure Fund created; contributions.

A. The Virginia Technology Infrastructure Fund (the Fund) is created in the state treasury. The Fund is to be used to fund ~~major~~ information technology projects *and services* or to pay private partners as authorized in subsection C of § 2.2-2007.

B. The Fund shall consist of: (i) the transfer of general and nongeneral fund appropriations from executive branch agencies which represent savings that accrue from reductions in the cost of information technology and communication services; (ii) the transfer of general and nongeneral fund appropriations from executive branch agencies which represent savings from the implementation of information technology enterprise projects; (iii) funds identified pursuant to subsection C of § 2.2-2007; (iv) such general and nongeneral fund fees or surcharges as may be assessed to executive branch agencies for enterprise technology projects; (v) gifts, grants, or donations from public or private sources; and (vi) such other funds as may be appropriated by the General Assembly. Savings shall be as identified by the CIO through a methodology reviewed by the ITAC and approved by the Secretary of Finance. The Auditor of Public Accounts shall certify the amount of any savings identified by the CIO. For public institutions of higher education, however, savings shall consist only of that portion of total savings that represent general funds. The State Comptroller is authorized to transfer cash consistent with appropriation transfers. Appropriated funds from federal sources are exempted from transfer. Except for funds to pay private partners as authorized in subsection C of § 2.2-2007, moneys in the Fund shall only be expended as provided by the appropriation act.

Interest earned on the Fund shall be credited to the Fund. The Fund shall be permanent and nonreverting. Any unexpended balance in the Fund at the end of the biennium shall not be transferred to the general fund of the state treasury.

§ 2.2-2101. Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position.

The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23.1-3126; to members of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23.1-3121; to members of the Board of Directors of the New College Institute, who shall be appointed as provided for in § 23.1-3112; to members of the Advisory Board on Teacher Education and Licensure, who shall be appointed as provided for in § 22.1-305.2; to members of the Virginia Interagency Coordinating Council, who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23.1-3117; to members of the Board of Trustees of the Online Virginia Network Authority, who shall be appointed as provided in § 23.1-3136; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; *to members of the Information Technology Advisory Council, who shall be appointed as provided for in § 2.2-2699.5*; to members of the Board of Visitors of the Virginia School for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.2; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the State Executive Council for Children's Services, who shall be appointed as provided in § 2.2-2648; to members of the Virginia Board of Workforce Development, who shall be appointed as provided for in § 2.2-2471; to members of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to members of the Secure and Resilient Commonwealth Panel, who shall be appointed as provided for in § 2.2-222.3; to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; to members of the Southwest Virginia Cultural Heritage Foundation, who shall be appointed as provided in § 2.2-2735; to members of the Virginia Growth and Opportunity Board, who shall be appointed as provided in § 2.2-2485; to members of the Henrietta Lacks Commission, who shall be appointed as provided in § 2.2-2538; or to members of the Commission to Study Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination Against African Americans, who shall be appointed as provided in § 2.2-2552.

§ 2.2-2699.5. Information Technology Advisory Council; membership; terms; quorum; compensation; staff.

A. The Information Technology Advisory Council (ITAC) is established as an advisory council, within the meaning of § 2.2-2100, in the executive branch of state government. The ITAC shall be responsible for advising, *and making recommendations to*, the Chief Information Officer of the Commonwealth (CIO) and the Secretary of Administration ~~on the planning, budgeting, acquiring, using, disposing, managing, and administering of~~ *regarding* information technology in the Commonwealth, *as detailed in § 2.2-2699.6*.

B. The ITAC shall consist of not more than ~~16~~ 20 members as follows: (i) ~~one representative from an agency under each of the Governor's Secretaries, as set out in Chapter 2 (§ 2.2-200 et seq.), to be appointed by the Governor and serve with voting privileges;~~ (ii) the Secretary of Administration ~~and, or his designee,~~ the CIO, ~~who~~ *and another of the*

Governor's Secretaries as defined in subsection E of § 2.2-200, or his designee, all of whom shall serve ex officio with voting privileges; (iii) ~~the Secretary of the Commonwealth or his designee; and (iv) at the Governor's discretion;~~ (ii) four members of the House of Delegates, to be appointed by the Speaker of the House of Delegates; (iii) three members of the Senate, to be appointed by the Senate Committee on Rules; and (iv) an even number, not ~~more than two~~ to exceed 10, of nonlegislative citizen members to be appointed by the Governor and serve with voting privileges.

Legislative members and ex officio members of the ITAC shall serve terms coincident with their terms of office. Nonlegislative citizen members shall represent a diversity of appropriate experience and expertise and, after an initial staggering of terms, shall be appointed for terms of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed. However, no nonlegislative citizen member shall serve more than two consecutive four-year terms. ~~The Initial appointment terms of one year or two years and the remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.~~ Vacancies shall be filled in the same manner as the original appointments.

C. The ITAC shall elect a chairman and vice-chairman annually from among the members, except that neither the Secretary of Administration nor the CIO may serve as chairman. A majority of the members shall constitute a quorum. The meetings of the ITAC shall be held at the call of the chairman, the Secretary of Administration, or the CIO, or whenever the majority of the members so request.

~~D. Nonlegislative~~ Legislative members of the ITAC shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation ~~and for the performance of their duties as provided in § 2.2-2813.~~ All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties; as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Virginia Information Technologies Agency.

E. The disclosure requirements of subsection B of § 2.2-3114 of the State and Local Government Conflict of Interests Act shall apply to nonlegislative citizen members of the ITAC.

F. The Virginia Information Technologies Agency shall serve as staff to the ITAC.

§ 2.2-2699.6. Powers and duties of the ITAC; report.

A. The ITAC shall have the power and duty to:

1. Adopt rules and procedures for the conduct of its business;
2. Advise the CIO ~~on the development of all major information technology projects as defined in § 2.2-2006 regarding cybersecurity policies, standards, and guidelines, for (i) assessing security risks, (ii) determining appropriate security measures, (iii) performing security audits of government electronic information, (iv) strengthening the Commonwealth's cybersecurity, and (v) protecting against and responding to breaches of information technology security;~~
3. Advise the CIO on strategies, ~~standards,~~ and priorities for the use of information technology for executive branch agencies;
4. Advise the CIO on ~~developing the six-year plan for~~ information technology *planning and* projects;
5. Advise the CIO on ~~statewide technical and data policies, standards, and guidelines for information technology and data related systems, including the utilization of nationally recognized technical and data standards for health information technology systems or software purchased by a state agency of the Commonwealth; and~~
6. Advise the CIO on statewide information technology architecture and related system technical and data standards;
7. Advise the CIO on assessing and meeting the Commonwealth's business needs through the application of information technology;
8. Advise the CIO on the prioritization, development, and implementation of enterprise-wide technology applications; ~~annually review all executive branch agency technology applications budgets; and advise the CIO on infrastructure information technology budgeting, investments, and expenditures; and~~
9. Advise the CIO on the development, implementation, and execution of a technology applications governance framework for executive branch agencies. Such framework shall establish the categories of use by which technology applications shall be classified, including but not limited to enterprise-wide, multiagency, or agency-specific. The framework shall also provide the policies and procedures for determining within each category of use (i) the ownership and sponsorship of applications; (ii) the proper development of technology applications; (iii) the schedule for maintenance or enhancement of applications; and (iv) the methodology for retirement or replacement of applications. ITAC shall include the participation of executive branch agency leaders who are necessary for defining agency business needs, as well as agency information technology managers who are necessary for overseeing technology applications performance relative to agency business needs. Agency representatives shall assist ITAC in determining the potential information technology solutions that can meet agency business needs, as well as how those solutions may be funded.

B. The ITAC may appoint advisory subcommittees consisting of individuals with expertise in particular subject areas and information technology to advise the ITAC on the utilization of nationally recognized technical and data standards in such subject areas. If such a subcommittee is appointed by the ITAC, the CIO, or his designee, shall be an ex officio member and the Secretary of Administration may appoint representatives from other relevant Secretariats or state agencies as may be appropriate. Any such subcommittee may be appointed for a period of two years and may be reappointed by the ITAC at the end of any two-year period.

C. The CIO shall report annually to the Governor and the General Assembly regarding the work of the ITAC and any advisory subcommittees.

Definitions. D.

As used in this section:

"Executive branch agency", "information technology" has the same meaning as set forth in § 2.2-2006.

"Technology applications" includes, but is not limited to, hardware, software, maintenance, facilities, contractor services, goods, and services that promote business functionality and facilitate the storage, flow, use or processing of information by executive branch agencies of the Commonwealth in the execution of their business activities.

2. That § 2.2-2699.7 of the Code of Virginia is repealed.

3. That the initial appointments of nonlegislative citizen members of the Information Technology Advisory Council (§ 2.2-2699.5 of the Code of Virginia), as amended by this act, shall be staggered as follows: two members for a term of one year, two members for a term of two years, three members for a term of three years, and three members for a term of four years.

CHAPTER 261

An Act to amend and reenact §§ 2.2-1115.1, 2.2-2022, 2.2-2023, 2.2-2101, 2.2-2699.5, and 2.2-2699.6 of the Code of Virginia and to repeal § 2.2-2699.7 of the Code of Virginia, relating to Information Technology Advisory Council; membership; duties; report.

[H 1304]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-1115.1, 2.2-2022, 2.2-2023, 2.2-2101, 2.2-2699.5, and 2.2-2699.6 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-1115.1. Standard vendor accounting information.

A. The Division, the Virginia Information Technologies Agency, and the State Comptroller shall develop and maintain data standards for use by all agencies and institutions for payments and purchases of goods and services pursuant to §§ 2.2-1115 and 2.2-2012. Such standards shall include at a minimum the vendor number, name, address, and tax identification number; commodity code, order number, invoice number, and receipt information; and other information necessary to appropriately and consistently identify all suppliers of goods, commodities, and other services to the Commonwealth. The Division, the Virginia Information Technologies Agency, and the State Comptroller shall annually review and update these standards to provide the Commonwealth information to monitor all procurement of goods and services and to implement adequate controls to pay only authorized providers of goods and services to the Commonwealth.

B. The Division and the Virginia Information Technologies Agency shall submit these standards to the Information Technology Advisory Council in accordance with § 2.2-2699.6 for review ~~as statewide technical and data standards for information technology.~~

C. The Division and the State Comptroller shall adhere to the adopted data standards and match all purchases of goods, commodities, and other services to the related payment activity and make the matched information available on the Auditor of Public Accounts' Commonwealth Data Point website pursuant to subdivision H 3 a of § 30-133. This information shall be available at a transactional level and be in sufficient detail to make clear what an agency has purchased; when the purchase was made; the vendor from whom the purchase was made; the amount purchased, if applicable; and how much was paid. To the extent the purchase is made for professional services as defined in § 2.2-4301, other than for accounting or legal services, from an entity of the Commonwealth, the name of the buyer in the selling Department or agency shall be specified. Purchases made using credit card or other financing arrangements shall specify the vendor.

§ 2.2-2022. Definitions; purpose.

A. As used in this article, unless the context requires a different meanings,

"Costs" "costs" means the reasonable and customary charges for goods and services incurred or to be incurred ~~in major information technology projects.~~

"Technology infrastructure" means ~~telecommunications, automated data processing, word processing and management information systems, and related information, equipment, goods and services.~~

B. In order for the Commonwealth to take advantage of technological applications in providing services and solving problems of Virginia's citizens, there is a need to ~~reinvest savings that accrue from increased usage of technology into~~ invest in new and emerging technologies that will provide for ~~both~~ greater efficiencies ~~and~~, better responsiveness, ~~and improved cybersecurity~~. The purpose of this article is to create the Virginia Technology Infrastructure Fund (the Fund). The Fund shall make moneys available to state agencies and institutions of higher education for ~~major information technology projects and services.~~

§ 2.2-2023. Virginia Technology Infrastructure Fund created; contributions.

A. The Virginia Technology Infrastructure Fund (the Fund) is created in the state treasury. The Fund is to be used to fund ~~major information technology projects and services~~ or to pay private partners as authorized in subsection C of § 2.2-2007.

B. The Fund shall consist of: (i) the transfer of general and nongeneral fund appropriations from executive branch agencies which represent savings that accrue from reductions in the cost of information technology and communication

services; (ii) the transfer of general and nongeneral fund appropriations from executive branch agencies which represent savings from the implementation of information technology enterprise projects; (iii) funds identified pursuant to subsection C of § 2.2-2007; (iv) such general and nongeneral fund fees or surcharges as may be assessed to executive branch agencies for enterprise technology projects; (v) gifts, grants, or donations from public or private sources; and (vi) such other funds as may be appropriated by the General Assembly. Savings shall be as identified by the CIO through a methodology reviewed by the ITAC and approved by the Secretary of Finance. The Auditor of Public Accounts shall certify the amount of any savings identified by the CIO. For public institutions of higher education, however, savings shall consist only of that portion of total savings that represent general funds. The State Comptroller is authorized to transfer cash consistent with appropriation transfers. Appropriated funds from federal sources are exempted from transfer. Except for funds to pay private partners as authorized in subsection C of § 2.2-2007, moneys in the Fund shall only be expended as provided by the appropriation act.

Interest earned on the Fund shall be credited to the Fund. The Fund shall be permanent and nonreverting. Any unexpended balance in the Fund at the end of the biennium shall not be transferred to the general fund of the state treasury.

§ 2.2-2101. Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position.

The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23.1-3126; to members of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23.1-3121; to members of the Board of Directors of the New College Institute, who shall be appointed as provided for in § 23.1-3112; to members of the Advisory Board on Teacher Education and Licensure, who shall be appointed as provided for in § 22.1-305.2; to members of the Virginia Interagency Coordinating Council, who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23.1-3117; to members of the Board of Trustees of the Online Virginia Network Authority, who shall be appointed as provided in § 23.1-3136; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; to members of the Information Technology Advisory Council, who shall be appointed as provided for in § 2.2-2699.5; to members of the Board of Visitors of the Virginia School for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.2; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the State Executive Council for Children's Services, who shall be appointed as provided in § 2.2-2648; to members of the Virginia Board of Workforce Development, who shall be appointed as provided for in § 2.2-2471; to members of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to members of the Secure and Resilient Commonwealth Panel, who shall be appointed as provided for in § 2.2-222.3; to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; to members of the Southwest Virginia Cultural Heritage Foundation, who shall be appointed as provided in § 2.2-2735; to members of the Virginia Growth and Opportunity Board, who shall be appointed as provided in § 2.2-2485; to members of the Henrietta Lacks Commission, who shall be appointed as provided in § 2.2-2538; or to members of the Commission to Study Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination Against African Americans, who shall be appointed as provided in § 2.2-2552.

§ 2.2-2699.5. Information Technology Advisory Council; membership; terms; quorum; compensation; staff.

A. The Information Technology Advisory Council (ITAC) is established as an advisory council, within the meaning of § 2.2-2100, in the executive branch of state government. The ITAC shall be responsible for advising, *and making recommendations to*, the Chief Information Officer of the Commonwealth (CIO) and the Secretary of Administration ~~on the planning, budgeting, acquiring, using, disposing, managing, and administering of~~ regarding information technology in the Commonwealth, *as detailed in § 2.2-2699.6.*

B. The ITAC shall consist of not more than 16 20 members as follows: (i) ~~one representative from an agency under each of the Governor's Secretaries, as set out in Chapter 2 (§ 2.2-200 et seq.), to be appointed by the Governor and serve with voting privileges;~~ (ii) the Secretary of Administration ~~and, or his designee,~~ the CIO, ~~who and another of the Governor's Secretaries as defined in subsection E of § 2.2-200, or his designee,~~ all of whom shall serve ex officio with voting privileges; (iii) ~~the Secretary of the Commonwealth or his designee;~~ and (iv) ~~at the Governor's discretion,~~ (ii) *four members of the House of Delegates, to be appointed by the Speaker of the House of Delegates;* (iii) *three members of the Senate, to be appointed by the Senate Committee on Rules;* and (iv) *an even number, not more than two to exceed 10, of nonlegislative citizen members to be appointed by the Governor and serve with voting privileges.*

Legislative members and ex officio members of the ITAC shall serve terms coincident with their terms of office. Nonlegislative citizen members shall represent a diversity of appropriate experience and expertise and, after an initial staggering of terms, shall be appointed for terms of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed. However, no nonlegislative citizen member shall serve more than two consecutive four-year terms. ~~The Initial appointment terms of one year or two years and the remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.~~ Vacancies shall be filled in the same manner as the original appointments.

C. The ITAC shall elect a chairman and vice-chairman annually from among the members, except that neither the Secretary of Administration nor the CIO may serve as chairman. A majority of the members shall constitute a quorum. The meetings of the ITAC shall be held at the call of the chairman, the Secretary of Administration, or the CIO, or whenever the majority of the members so request.

D. ~~Nonlegislative~~ *Legislative members of the ITAC shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation and for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties; as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Virginia Information Technologies Agency.*

E. The disclosure requirements of subsection B of § 2.2-3114 of the State and Local Government Conflict of Interests Act shall apply to *nonlegislative* citizen members of the ITAC.

F. The Virginia Information Technologies Agency shall serve as staff to the ITAC.

§ 2.2-2699.6. Powers and duties of the ITAC; report.

A. The ITAC shall have the power and duty to:

1. Adopt rules and procedures for the conduct of its business;
2. Advise the CIO ~~on the development of all major information technology projects as defined in § 2.2-2006 regarding cybersecurity policies, standards, and guidelines, for (i) assessing security risks, (ii) determining appropriate security measures, (iii) performing security audits of government electronic information, (iv) strengthening the Commonwealth's cybersecurity, and (v) protecting against and responding to breaches of information technology security;~~
3. Advise the CIO on strategies; ~~standards;~~ and priorities for ~~the use of~~ information technology for executive branch agencies;
4. Advise the CIO on ~~developing the six-year plan for~~ information technology *planning and* projects;
5. Advise the CIO on ~~statewide technical and data policies, standards, and guidelines for information technology and data related systems; including the utilization of nationally recognized technical and data standards for health information technology systems or software purchased by a state agency of the Commonwealth; and~~
6. Advise the CIO on ~~statewide information technology architecture and related system technical and data standards;~~
7. Advise the CIO on ~~assessing and meeting the Commonwealth's business needs through the application of information technology;~~
8. Advise the CIO on ~~the prioritization, development, and implementation of enterprise-wide technology applications; annually review all executive branch agency technology applications budgets; and advise the CIO on infrastructure information technology budgeting, investments, and expenditures; and~~
9. Advise the CIO on ~~the development, implementation, and execution of a technology applications governance framework for executive branch agencies. Such framework shall establish the categories of use by which technology applications shall be classified, including but not limited to enterprise-wide, multiagency, or agency-specific. The framework shall also provide the policies and procedures for determining within each category of use (i) the ownership and sponsorship of applications; (ii) the proper development of technology applications; (iii) the schedule for maintenance or enhancement of applications; and (iv) the methodology for retirement or replacement of applications. ITAC shall include the participation of executive branch agency leaders who are necessary for defining agency business needs; as well as agency information technology managers who are necessary for overseeing technology applications performance relative to agency business needs. Agency representatives shall assist ITAC in determining the potential information technology solutions that can meet agency business needs, as well as how those solutions may be funded.~~

B. *The ITAC may appoint advisory subcommittees consisting of individuals with expertise in particular subject areas and information technology to advise the ITAC on the utilization of nationally recognized technical and data standards in such subject areas. If such a subcommittee is appointed by the ITAC, the CIO, or his designee, shall be an ex officio member and the Secretary of Administration may appoint representatives from other relevant Secretariats or state agencies as may be appropriate. Any such subcommittee may be appointed for a period of two years and may be reappointed by the ITAC at the end of any two-year period.*

C. *The CIO shall report annually to the Governor and the General Assembly regarding the work of the ITAC and any advisory subcommittees.*

Definitions. D.

As used in this section:

~~"Executive branch agency,"~~ "information technology" has the same meaning as set forth in § 2.2-2006.

"Technology applications" includes, but is not limited to, hardware, software, maintenance, facilities, contractor services, goods, and services that promote business functionality and facilitate the storage, flow, use or processing of information by executive branch agencies of the Commonwealth in the execution of their business activities.

2. That § 2.2-2699.7 of the Code of Virginia is repealed.

3. That the initial appointments of nonlegislative citizen members of the Information Technology Advisory Council (§ 2.2-2699.5 of the Code of Virginia), as amended by this act, shall be staggered as follows: two members for a term of one year, two members for a term of two years, three members for a term of three years, and three members for a term of four years.

CHAPTER 262

An Act to amend the Code of Virginia by adding a section numbered 36-98.4, relating to Uniform Statewide Building Code; agritourism event buildings.

[S 400]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 36-98.4 as follows:

§ 36-98.4. Agritourism event buildings.

A. The Board shall have the power and duty to promulgate regulations pertaining to the construction and rehabilitation of agritourism event buildings. As used in this section, "agritourism event building" means a building or structure located on property where farming operations or agritourism takes place, which is primarily used for holding events and entertainment gatherings open to the public of 300 people or less. Regulations promulgated hereunder shall be limited to the following:

1. Requirements for outward swinging doors with panic hardware, emergency lights, and exit signs on designated emergency exits;
2. Emergency vehicle access to the agritourism event structure;
3. At least one restroom with handwashing facilities;
4. Portable fire extinguishers for the purpose of fire suppression;
5. A manual unmonitored fire alarm system with pull stations; and
6. A fire evacuation plan.

B. To assist the Board in the administration of this section, the Board shall appoint an Agritourism Event Structure Technical Advisory Committee, consisting of nine members. The nine members shall be appointed one each from the following: Virginia Farm Bureau Federation, the Virginia Agribusiness Council, the Virginia Wineries Association, the Virginia Craft Brewers Guild, a craft beverage manufacturer, the Virginia Association of Counties, the Virginia Fire Prevention Association, the Virginia Fire Services Board, and the Virginia Building and Code Officials Association.

C. Inspections conducted pursuant to this section shall be performed by persons certified by the Board pursuant to subdivision 6 of § 36-137 as competent to inspect agritourism event buildings. The Board may conduct or cause to be conducted any inspection pursuant to this section, provided that any person performing the inspection on behalf of the Board is certified by the Board as set forth in this subsection.

2. That the provisions of subsections A and C of § 36-98.4 of the Code of Virginia, as created by this act, shall not become effective unless reenacted by the 2023 Session of the General Assembly.

CHAPTER 263

An Act to authorize the Science Museum of Virginia to convey certain right-of-way easements to the Children's Museum of Richmond.

[S 470]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Science Museum of Virginia (Grantor) is hereby authorized to convey the easements specified herein to the Children's Museum of Richmond (Grantee) on portions of Grantor's property in the City of Richmond, identified as parcel number N0001396026 (the Grantor Property).

§ 2. Grantor is authorized to convey to Grantee easements for the purposes of: (i) providing non-vehicular access to and from the green space to be installed by Grantor on the Grantor Property and allowing recreational use of such green space; (ii) providing vehicular and pedestrian access over the paved driveways on the Grantor Property for access to and from the parking deck constructed by Grantor on the Grantor Property; and (iii) allowing Grantee to park motor vehicles, except for buses, within such parking deck.

§ 3. That the easements shall be granted and conveyed upon such terms that Grantor deems proper, with the approval of the Department of General Services and the Secretary of Administration and in a form approved by the Attorney General.

Grantor is hereby authorized to prepare, execute, and deliver such deed, easement, and other documents as may be necessary or appropriate to accomplish the conveyance.

CHAPTER 264

An Act to amend and reenact §§ 37.2-308, 37.2-504, and 37.2-605 of the Code of Virginia and to repeal Article 2 (§ 37.2-315) of Chapter 3 of Title 37.2 and §§ 63.2-1400 and 63.2-1500 of the Code of Virginia, relating to health services; obsolete provisions.

[S 479]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 37.2-308, 37.2-504, and 37.2-605 of the Code of Virginia are amended and reenacted as follows:

§ 37.2-308. Data reporting on children and adolescents.

A. The Department shall collect and compile the following data:

1. The total number of licensed and staffed inpatient acute care psychiatric beds for children under the age of 14 and adolescents ages 14 through 17; and
2. The total number of licensed and staffed residential treatment beds for children under the age of 14 and adolescents ages 14 through 17 in residential facilities licensed pursuant to this title, excluding group homes.

B. The Department shall collect and compile data obtained from the community policy and management team pursuant to subdivision 16 of § 2.2-5206 and each community services board or behavioral health authority pursuant to § 37.2-507 and subdivision 17 of § 37.2-605. The Department shall ensure that the data reported is not duplicative.

C. The Department shall report this data on a quarterly basis to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations and to the Virginia Commission on Youth.

§ 37.2-504. Community services boards; local government departments; powers and duties.

A. Every operating and administrative policy community services board and local government department with a policy-advisory board shall have the following powers and duties:

1. Review and evaluate public and private community mental health, developmental, and substance abuse services and facilities that receive funds from it and advise the governing body of each city or county that established it as to its findings.
2. Pursuant to § 37.2-508, submit to the governing body of each city or county that established it a performance contract for community mental health, developmental, and substance abuse services for its approval prior to submission of the contract to the Department.

3. Within amounts appropriated for this purpose, provide services authorized under the performance contract.

4. In accordance with its approved performance contract, enter into contracts with other providers for the delivery of services or operation of facilities.

5. In the case of operating and administrative policy boards, make policies or regulations concerning the delivery of services and operation of facilities under its direction or supervision, subject to applicable policies and regulations adopted by the Board.

6. In the case of an operating board, appoint an executive director of community mental health, developmental, and substance abuse services, who meets the minimum qualifications established by the Department, and prescribe his duties. The compensation of the executive director shall be fixed by the operating board within the amounts made available by appropriation for this purpose. The executive director shall serve at the pleasure of the operating board and be employed under an annually renewable contract that contains performance objectives and evaluation criteria. For an operating board, the Department shall approve the selection of the executive director for adherence to minimum qualifications established by the Department and the salary range of the executive director. In the case of an administrative policy board, the board shall participate with local government in the appointment and annual performance evaluation of an executive director of community mental health, developmental, and substance abuse services, who meets the minimum qualifications established by the Department, and prescribe his duties. The compensation of the executive director shall be fixed by local government in consultation with the administrative policy board within the amounts made available by appropriation for this purpose. In the case of a local government department with a policy-advisory board, the director of the local government department shall serve as the executive director. The policy-advisory board shall participate in the selection and the annual performance evaluation of the executive director, who meets the minimum qualifications established by the Department. The compensation of the executive director shall be fixed by local government in consultation with the policy-advisory board within the amounts made available by appropriation for this purpose.

7. Prescribe a reasonable schedule of fees for services provided by personnel or facilities under the jurisdiction or supervision of the board and establish procedures for the collection of those fees. All fees collected shall be included in the performance contract submitted to the local governing body or bodies pursuant to subdivision 2 and § 37.2-508 and shall be used only for community mental health, developmental, and substance abuse services purposes. Every board shall institute a reimbursement system to maximize the collection of fees from individuals receiving services under its jurisdiction or supervision, consistent with the provisions of § 37.2-511, and from responsible third party payors. Boards shall not attempt

to bill or collect fees for time spent participating in commitment hearings for involuntary admissions pursuant to Article 5 (§ 37.2-814 et seq.) of Chapter 8.

8. Accept or refuse gifts, donations, bequests, or grants of money or property from any source and utilize them as authorized by the governing body of each city or county that established it.

9. Seek and accept funds through federal grants. In accepting federal grants, the board shall not bind the governing body of any city or county that established it to any expenditures or conditions of acceptance without the prior approval of the governing body.

10. Notwithstanding any provision of law to the contrary, disburse funds appropriated to it in accordance with such regulations as may be established by the governing body of each city or county that established it.

11. Apply for and accept loans as authorized by the governing body of each city or county that established it.

12. Develop joint written agreements, consistent with policies adopted by the Board, with local school divisions; health departments; boards of social services; housing agencies, where they exist; courts; sheriffs; area agencies on aging; and regional offices of the Department for Aging and Rehabilitative Services. The agreements shall specify the services to be provided to individuals. All participating agencies shall develop and implement the agreements and shall review the agreements annually.

~~13. Develop and submit to the Department the necessary information for the preparation of the Comprehensive State Plan for Behavioral Health and Developmental Services pursuant to § 37.2-315.~~

~~14. Take all necessary and appropriate actions to maximize the involvement and participation of individuals receiving services and family members of individuals receiving services in policy formulation and services planning, delivery, and evaluation.~~

~~15. 14. Institute, singly or in combination with other community services boards or behavioral health authorities, a dispute resolution mechanism that is approved by the Department and enables individuals receiving services and family members of individuals receiving services to resolve concerns, issues, or disagreements about services without adversely affecting their access to or receipt of appropriate types and amounts of current or future services from the community services board.~~

~~16. 15. Notwithstanding the provisions of § 37.2-400 or any regulations adopted thereunder, release data and information about each individual receiving services to the Department so long as the Department implements procedures to protect the confidentiality of that data and information.~~

~~17. 16. In the case of administrative policy boards and local government departments with policy-advisory boards, carry out other duties and responsibilities as assigned by the governing body of each city or county that established it.~~

~~18. 17. In the case of an operating board, have authority, notwithstanding any provision of law to the contrary, to receive state and federal funds directly from the Department and act as its own fiscal agent, when authorized to do so by the governing body of each city or county that established it.~~

By local agreement between the administrative policy board and the governing body of the city or county that established it, additional responsibilities may be carried out by the local government, including personnel or financial management. In the case of an administrative policy board established by more than one city or county, the cities and counties shall designate which local government shall assume these responsibilities.

B. Every policy-advisory community services board, with staff support provided by the director of the local government department, shall have the following powers and duties:

1. Advise the local government regarding policies or regulations for the delivery of services and operation of facilities by the local government department, subject to applicable policies and regulations adopted by the Board.

2. Review and evaluate the operations of the local government department and advise the local governing body of each city or county that established it as to its findings.

3. Review the community mental health, developmental, and substance abuse services provided by the local government department and advise the local governing body of each city or county that established it as to its findings.

4. Review and comment on the performance contract, *and* performance reports, ~~and Comprehensive State Plan information~~ developed by the local government department. The board's comments shall be attached to the performance contract, *and* performance reports, ~~and Comprehensive State Plan information~~ prior to their submission to the local governing body of each city or county that established it and to the Department.

5. Advise the local government as to the necessary and appropriate actions to maximize the involvement and participation of individuals receiving services and family members of individuals receiving services in policy formulation and services planning, delivery, and evaluation.

6. Participate in the selection and the annual performance evaluation of the local government department director employed by the city or county.

7. Carry out other duties and responsibilities as assigned by the governing body of each city or county that established it.

§ 37.2-605. Behavioral health authorities; powers and duties.

Every authority shall be deemed to be a public instrumentality, exercising public and essential governmental functions to provide for the public mental health, welfare, convenience, and prosperity of the residents and such other persons who might be served by the authority and to provide behavioral health services to those residents and persons. An authority shall have the following powers and duties:

1. Review and evaluate public and private community mental health, developmental, and substance abuse services and facilities that receive funds from the authority and advise the governing body of the city or county that established it as to its findings.

2. Pursuant to § 37.2-608, submit to the governing body of the city or county that established the authority an annual performance contract for community mental health, developmental, and substance abuse services for its approval prior to submission of the contract to the Department.

3. Within amounts appropriated for this purpose, provide services authorized under the performance contract.

4. In accordance with its approved performance contract, enter into contracts with other providers for the delivery of services or operation of facilities.

5. Make and enter into all other contracts or agreements as the authority may determine that are necessary or incidental to the performance of its duties and to the execution of powers granted by this chapter, including contracts with any federal agency, any subdivision or instrumentality of the Commonwealth, behavioral health providers, insurers, and managed care or health care networks on such terms and conditions as the authority may approve.

6. Make policies or regulations concerning the delivery of services and operation of facilities under its direction or supervision, subject to applicable policies and regulations adopted by the Board.

7. Appoint a chief executive officer of the behavioral health authority, who meets the minimum qualifications established by the Department, and prescribe his duties. The compensation of the chief executive officer shall be fixed by the authority within the amounts made available by appropriation for this purpose. The chief executive officer shall serve at the pleasure of the authority's board of directors and be employed under an annually renewable contract that contains performance objectives and evaluation criteria. The Department shall approve the selection of the chief executive officer for adherence to minimum qualifications established by the Department and the salary range of the chief executive officer.

8. Authorize the chief executive officer to maintain a complement of professional staff to operate the behavioral health authority's service delivery system.

9. Prescribe a reasonable schedule of fees for services provided by personnel or facilities under the jurisdiction or supervision of the authority and establish procedures for the collection of those fees. All fees collected shall be included in the performance contract submitted to the local governing body pursuant to subdivision 2 and § 37.2-608 and shall be used only for community mental health, developmental, and substance abuse services purposes. Every authority shall institute a reimbursement system to maximize the collection of fees from individuals receiving services under the jurisdiction or supervision of the authority, consistent with the provisions of § 37.2-612, and from responsible third party payors. Authorities shall not attempt to bill or collect fees for time spent participating in commitment hearings for involuntary admissions pursuant to Article 5 (§ 37.2-814 et seq.) of Chapter 8.

10. Accept or refuse gifts, donations, bequests, or grants of money or property or other assistance from the federal government, the Commonwealth, any municipality thereof, or any other sources, public or private; utilize them to carry out any of its purposes; and enter into any agreement or contract regarding or relating to the acceptance, use, or repayment of any such grant or assistance.

11. Seek and accept funds through federal grants. In accepting federal grants, the authority shall not bind the governing body of the city or county that established it to any expenditures or conditions of acceptance without the prior approval of that governing body.

12. Notwithstanding any provision of law to the contrary, disburse funds appropriated to it in accordance with applicable regulations.

13. Apply for and accept loans in accordance with regulations established by the board of directors.

14. Develop joint written agreements, consistent with policies adopted by the Board, with local school divisions; health departments; local boards of social services; housing agencies, where they exist; courts; sheriffs; area agencies on aging; and regional offices of the Department for Aging and Rehabilitative Services. The agreements shall specify the services to be provided to individuals. All participating agencies shall develop and implement the agreements and shall review the agreements annually.

~~15. Develop and submit to the Department the necessary information for the preparation of the Comprehensive State Plan for Behavioral Health and Developmental Services pursuant to § 37.2-315.~~

~~16.~~ Take all necessary and appropriate actions to maximize the involvement and participation of individuals receiving services and family members of individuals receiving services in policy formulation and service planning, delivery, and evaluation.

~~17.~~ 16. Institute, singly or in combination with community services boards or other behavioral health authorities, a dispute resolution mechanism that is approved by the Department and enables individuals receiving services and family members of individuals receiving services to resolve concerns, issues, or disagreements about services without adversely affecting their access to or receipt of appropriate types and amounts of current or future services from the authority.

~~18.~~ 17. Notwithstanding the provisions of § 37.2-400 and regulations adopted thereunder, release data and information about each individual receiving services to the Department, so long as the Department implements procedures to protect the confidentiality of that data and information. Every authority shall submit data on children and youth in the same manner as community services boards, as set forth in § 37.2-507.

~~19.~~ 18. Fulfill all other duties and be subject to applicable provisions specified in the Code of Virginia pertaining to community services boards.

~~20-~~ 19. Make loans and provide other assistance to corporations, partnerships, associations, joint ventures, or other entities in carrying out any activities authorized by this chapter.

~~21-~~ 20. Transact its business, locate its offices and control, directly or through stock or nonstock corporations or other entities, facilities that will assist the authority in carrying out the purposes and intent of this chapter, including without limitations the power to own or operate, directly or indirectly, behavioral health facilities in its service area.

~~22-~~ 21. Acquire property, real or personal, by purchase, gift, or devise on such terms and conditions and in such manner as it may deem proper and such rights, easements, or estates therein as may be necessary for its purposes and sell, lease, and dispose of the same or any portion thereof or interest therein, whenever it shall become expedient to do so.

~~23-~~ 22. Participate in joint ventures with persons, corporations, partnerships, associations, or other entities for providing behavioral health care or related services or other activities that the authority may undertake to the extent that such undertakings assist the authority in carrying out the purposes and intent of this chapter.

~~24-~~ 23. Conduct or engage in any lawful business, activity, effort, or project that is necessary or convenient for the purposes of the authority or for the exercise of any of its powers.

~~25-~~ 24. As a public instrumentality, establish and operate its administrative management infrastructure in whole or in part independent of the local governing body; however, nothing in the chapter precludes behavioral health authorities from acquiring support services through existing governmental entities.

~~26-~~ 25. Carry out capital improvements and bonding through existing economic or industrial development authorities.

~~27-~~ 26. Establish retirement, group life insurance, and group accident and sickness insurance plans or systems for its employees in the same manner as cities, counties, and towns are permitted to do under § 51.1-801.

~~28-~~ 27. Provide an annual report to the Department of the authority's activities.

~~29-~~ 28. Ensure a continuation of all services for individuals during any transition period.

2. That Article 2 (§ 37.2-315) of Chapter 3 of Title 37.2 and §§ 63.2-1400 and 63.2-1500 of the Code of Virginia are repealed.

CHAPTER 265

An Act to amend the Code of Virginia by adding in Article 5 of Chapter 4 of Title 64.2 a section numbered 64.2-454.1, relating to will contest; presumption of undue influence.

[S 554]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 5 of Chapter 4 of Title 64.2 a section numbered 64.2-454.1 as follows:

§ 64.2-454.1. Will contest; presumption of undue influence.

In any case contesting the validity of a decedent's will where a presumption of undue influence arises, the finder of fact shall presume that undue influence was exerted over the decedent unless, based on all the evidence introduced at trial, the finder of fact finds that the decedent did intend it to be his will.

CHAPTER 266

An Act to amend and reenact § 19.2-386.14 of the Code of Virginia, relating to sharing of forfeited assets; promoting law enforcement.

[H 1282]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-386.14 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-386.14. Sharing of forfeited assets.

A. All cash, negotiable instruments, and proceeds from a sale conducted pursuant to § 19.2-386.7 or 19.2-386.12, after deduction of expenses, fees, and costs as provided in § 19.2-386.12, shall, as soon after entry of the forfeiture as is practicable, be distributed in a manner consistent with this chapter and Article VIII, Section 8 of the Constitution of Virginia.

A1. All cash, negotiable instruments and proceeds from a sale conducted pursuant to § 19.2-386.7 or 19.2-386.12, after deduction of expenses, fees and costs as provided in § 19.2-386.12, shall, as soon after entry of the forfeiture as is practicable, be paid over to the state treasury into a special fund of the Department of Criminal Justice Services for distribution in accordance with this section. The forfeited property and proceeds, less 10 percent, shall be made available to federal, state, and local agencies to promote law enforcement in accordance with this section, *which may include expenditures to strengthen relationships between the community and law enforcement, encourage goodwill between the community and law enforcement, or promote cooperation with law enforcement*, and regulations adopted by the Criminal Justice Services Board to implement the asset-sharing program.

The 10 percent retained by the Department shall be held in a nonreverting fund, known as the Asset Sharing Administrative Fund. Administrative costs incurred by the Department to manage and operate the asset-sharing program shall be paid from the Fund. Any amounts remaining in the Fund after payment of these costs shall be used to promote state or local law-enforcement activities. Distributions from the Fund for these activities shall be based upon need and shall be made from time to time in accordance with regulations promulgated by the Board.

B. Any federal, state or local agency or office that directly participated in the investigation or other law-enforcement activity which led, directly or indirectly, to the seizure and forfeiture shall be eligible for, and may petition the Department for, return of the forfeited asset or an equitable share of the net proceeds, based upon the degree of participation in the law-enforcement effort resulting in the forfeiture, taking into account the total value of all property forfeited and the total law-enforcement effort with respect to the violation of law on which the forfeiture is based. Upon finding that the petitioning agency is eligible for distribution and that all participating agencies agree on the equitable share of each, the Department shall distribute each share directly to the appropriate treasury of the participating agency.

If all eligible participating agencies cannot agree on the equitable shares of the net proceeds, the shares shall be determined by the Criminal Justice Services Board in accordance with regulations which shall specify the criteria to be used by the Board in assessing the degree of participation in the law-enforcement effort resulting in the forfeiture.

C. After the order of forfeiture is entered concerning any motor vehicle, boat, aircraft, or other tangible personal property, any seizing agency may (i) petition the Department for return of the property that is not subject to a grant or pending petition for remission or (ii) request the circuit court to order the property destroyed. Where all the participating agencies agree upon the equitable distribution of the tangible personal property, the Department shall return the property to those agencies upon finding that (a) the agency meets the criteria for distribution as set forth in subsection B and (b) the agency has a clear and reasonable law-enforcement need for the forfeited property.

If all eligible participating agencies cannot agree on the distribution of the property, distribution shall be determined by the Criminal Justice Services Board as in subsection B, taking into consideration the clear and reasonable law-enforcement needs for the property which the agencies may have. In order to equitably distribute tangible personal property, the Criminal Justice Services Board may require the agency receiving the property to reimburse the Department in cash for the difference between the fair market value of the forfeited property and the agency's equitable share as determined by the Criminal Justice Services Board.

If a seizing agency has received property for its use pursuant to this section, when the agency disposes of the property (1) by sale, the proceeds shall be distributed as set forth in this section; or (2) by destruction pursuant to a court order, the agency shall do so in a manner consistent with this section.

D. All forfeited property, including its proceeds or cash equivalent, received by a participating state or local agency pursuant to this section shall be used to promote law enforcement, *which may include expenditures to strengthen relationships between the community and law enforcement, encourage goodwill between the community and law enforcement, or promote cooperation with law enforcement*, but shall not be used to supplant existing programs or funds. The Board shall promulgate regulations establishing an audit procedure to ensure compliance with this section.

E. On or after July 1, 2012, but before July 1, 2014, local seizing agencies may contribute cash funds and proceeds from forfeited property to the Virginia Public Safety Foundation to support the construction of the Commonwealth Public Safety Memorial. Any funds contributed by seizing agencies shall be contributed only after an internal analysis to determine that such contributions will not negatively impact law-enforcement training or operations.

F. The Department shall report annually on or before December 31 to the Governor and the General Assembly the amount of all cash, negotiable instruments, and proceeds from sales conducted pursuant to § 19.2-386.7 or 19.2-386.12 that were forfeited to the Commonwealth, including the amount of all forfeitures distributed to the Literary Fund. Such report shall also detail the amount distributed by the Department to each federal, state, or local agency or office pursuant to this section, and the amount each state or local agency or office received from federal asset forfeiture proceedings. Any state or local agency that receives a forfeited asset or an equitable share of the net proceeds of a forfeited asset from the Department or from a federal asset forfeiture proceeding shall inform the Department, in a manner prescribed by the Department, of (i) the offense on which the forfeiture is based listed in the information filed pursuant to § 19.2-386.1, (ii) any criminal charge brought against the owner of the forfeited asset, and (iii) if a criminal charge was brought against the owner of the forfeited asset, the status of the charge, including whether the charge is pending or resulted in a conviction. The Department shall include such information in the annual report. The Department shall ensure that such report is available to the public.

CHAPTER 267

An Act to amend the Code of Virginia by adding a section numbered 55.1-1208.1, relating to Virginia Residential Landlord and Tenant Act; rental agreements; child care.

[S 69]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 55.1-1208.1 as follows:

§ 55.1-1208.1. Rental agreements; child care.

A rental agreement may contain provisions that allow the operation of child care services provided by a tenant of an apartment building that meet state and local laws and regulations.

CHAPTER 268

An Act to amend and reenact § 55.1-703 of the Code of Virginia, relating to Residential Property Disclosure Act; required disclosures for buyer to beware; buyer to exercise necessary due diligence; lot coverage.

[H 702]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 55.1-703 of the Code of Virginia is amended and reenacted as follows:****§ 55.1-703. Required disclosures for buyer to beware; buyer to exercise necessary due diligence.**

A. The owner of the residential real property shall furnish to a purchaser a residential property disclosure statement for the buyer to beware of certain matters that may affect the buyer's decision to purchase such real property. Such statement shall be provided by the Real Estate Board on its website.

B. The residential property disclosure statement provided by the Real Estate Board on its website shall include the following:

1. The owner makes no representations or warranties as to the condition of the real property or any improvements thereon, or with regard to any covenants and restrictions, or any conveyances of mineral rights, as may be recorded among the land records affecting the real property or any improvements thereon, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary, including obtaining a home inspection, as defined in § 54.1-500, a mold assessment conducted by a business that follows the guidelines provided by the U.S. Environmental Protection Agency, and a residential building energy analysis, as defined in § 54.1-1144, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

2. *The owner makes no representation with respect to current lot lines or the ability to expand, improve, or add any structures on the property, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary, including obtaining a property survey and contacting the locality to determine zoning ordinances or lot coverage, height, or setback requirements on the property.*

3. The owner makes no representations with respect to any matters that may pertain to parcels adjacent to the subject parcel, including zoning classification or permitted uses of adjacent parcels, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary with respect to adjacent parcels in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

~~3.~~ 4. The owner makes no representations to any matters that pertain to whether the provisions of any historic district ordinance affect the property, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary with respect to any historic district designated by the locality pursuant to § 15.2-2306, including review of (i) any local ordinance creating such district, (ii) any official map adopted by the locality depicting historic districts, and (iii) any materials available from the locality that explain (a) any requirements to alter, reconstruct, renovate, restore, or demolish buildings or signs in the local historic district and (b) the necessity of any local review board or governing body approvals prior to doing any work on a property located in a local historic district, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

4. 5. The owner makes no representations with respect to whether the property contains any resource protection areas established in an ordinance implementing the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) adopted by the locality where the property is located pursuant to § 62.1-44.15:74, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary to determine whether the provisions of any such ordinance affect the property, including review of any official map adopted by the locality depicting resource protection areas, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

~~5.~~ 6. The owner makes no representations with respect to information on any sexual offenders registered under Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, and purchasers are advised to exercise whatever due diligence they deem necessary with respect to such information, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

6. 7. The owner makes no representations with respect to whether the property is within a dam break inundation zone. Such disclosure statement shall advise purchasers to exercise whatever due diligence they deem necessary with respect to whether the property resides within a dam break inundation zone, including a review of any map adopted by the locality depicting dam break inundation zones;

~~7.~~ 8. The owner makes no representations with respect to the presence of any wastewater system, including the type or size of the wastewater system or associated maintenance responsibilities related to the wastewater system, located on the property, and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of

any wastewater system on the property and the costs associated with maintaining, repairing, or inspecting any wastewater system, including any costs or requirements related to the pump-out of septic tanks, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

~~8-~~ 9. The owner makes no representations with respect to any right to install or use solar energy collection devices on the property;

~~9-~~ 10. The owner makes no representations with respect to whether the property is located in one or more special flood hazard areas, and purchasers are advised to exercise whatever due diligence they deem necessary, including (i) obtaining a flood certification or mortgage lender determination of whether the property is located in one or more special flood hazard areas, (ii) reviewing any map depicting special flood hazard areas, (iii) contacting the Federal Emergency Management Agency (FEMA) or visiting the website for FEMA's National Flood Insurance Program or the Virginia Flood Risk Information website operated by the Department of Conservation and Recreation, and (iv) determining whether flood insurance is required, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract. A flood risk information form, pursuant to the provisions of subsection D, that provides additional information on flood risk and flood insurance is available for download by the Real Estate Board on its website;

~~10-~~ 11. The owner makes no representations with respect to whether the property is subject to one or more conservation or other easements, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

~~11-~~ 12. The owner makes no representations with respect to whether the property is subject to a community development authority approved by a local governing body pursuant to Article 6 (§ 15.2-5152 et seq.) of Chapter 51 of Title 15.2, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary in accordance with terms and conditions as may be contained in the real estate purchase contract, including determining whether a copy of the resolution or ordinance has been recorded in the land records of the circuit court for the locality in which the community development authority district is located for each tax parcel included in the district pursuant to § 15.2-5157, but in any event prior to settlement pursuant to such contract;

~~12-~~ 13. The owner makes no representations with respect to whether the property is located on or near deposits of marine clays (marumsco soils), and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary in accordance with terms and conditions as may be contained in the real estate purchase contract, including consulting public resources regarding local soil conditions and having the soil and structural conditions of the property analyzed by a qualified professional;

~~13-~~ 14. The owner makes no representations with respect to whether the property is located in a locality classified as Zone 1 or Zone 2 by the U.S. Environmental Protection Agency's (EPA) Map of Radon Zones, and purchasers are advised to exercise whatever due diligence they deem necessary to determine whether the property is located in such a zone, including (i) reviewing the EPA's Map of Radon Zones or visiting the EPA's radon information website; (ii) visiting the Virginia Department of Health's Indoor Radon Program website; (iii) visiting the National Radon Proficiency Program's website; (iv) visiting the National Radon Safety Board's website that lists the Board's certified contractors; and (v) ordering a radon inspection, in accordance with the terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

~~14-~~ 15. The owner makes no representations with respect to whether the property contains any pipe, pipe or plumbing fitting, fixture, solder, or flux that does not meet the federal Safe Drinking Water Act definition of "lead free" pursuant to 42 U.S.C. § 300g-6, and purchasers are advised to exercise whatever due diligence they deem necessary to determine whether the property contains any pipe, pipe or plumbing fitting, fixture, solder, or flux that does not meet the federal Safe Drinking Water Act definition of "lead free," in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

~~15-~~ 16. The owner makes no representations with respect to the existence of defective drywall on the property, and purchasers are advised to exercise whatever due diligence they deem necessary to determine whether there is defective drywall on the property, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract. For purposes of this subdivision, "defective drywall" means the same as that term is defined in § 36-156.1; and

~~16-~~ 17. The owner makes no representation with respect to the condition or regulatory status of any impounding structure or dam on the property or under the ownership of the common interest community that the owner of the property is required to join, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary to determine the condition, regulatory status, cost of required maintenance and operation, or other relevant information pertaining to the impounding structure or dam, including contacting the Department of Conservation and Recreation or a licensed professional engineer.

C. The residential property disclosure statement shall be delivered in accordance with § 55.1-709.

D. The Real Estate Board shall make available on its website a flood risk information form. Such form shall be substantially as follows:

Flood Risk Information Form

The purpose of this information form is to provide property owners and potential property owners with information regarding flood risk. This information form does not determine whether a property owner will be required to purchase a flood insurance policy. That determination is made by the lender providing a loan for the property at the lender's discretion.

Mortgage lenders are mandated under the Flood Disaster Protection Act of 1973 and the National Flood Insurance Reform Act of 1994 to require the purchase of flood insurance by property owners who acquire loans from federally regulated, supervised, or insured financial institutions for the acquisition or improvement of land, facilities, or structures located within or to be located within a Special Flood Hazard Area. A Special Flood Hazard Area (SFHA) is a high-risk area defined as any land that would be inundated by a flood, also known as a base flood, having a one percent chance of occurring in a given year. The lender reviews the current National Flood Insurance Program (NFIP) maps for the community in which the property is located to determine its location relative to the published SFHA and completes the Standard Flood Hazard Determination Form (SFHDF), created by the Federal Emergency Management Agency (FEMA). If the lender determines that the structure is indeed located within a SFHA and the community is participating in the NFIP, the borrower is then notified that flood insurance will be required as a condition of receiving the loan. A similar review and notification are completed whenever a loan is sold on the secondary loan market or when the lender completes a routine review of its mortgage portfolio.

Properties that are not located in a SFHA can still flood. Flood damage is not generally covered by a standard home insurance policy. It is prudent to consider purchasing flood insurance even when flood insurance is not required by a lender. Properties not located in a SFHA may be eligible for a low-cost preferred risk flood insurance policy. Property owners and buyers are encouraged to consult with their insurance agent about flood insurance.

What is a flood? A flood is a general and temporary condition of partial or complete inundation of two or more acres of normally dry land area or of two or more properties, at least one of which is the policyholder's property, from (i) overflow of inland or tidal waters, (ii) unusual and rapid accumulation or runoff of surface waters from any source, (iii) mudflow, or (iv) collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels that result in a flood.

FEMA is required to update Flood Maps every five years. Flood zones for this property may change due to periodic map updates. To determine what flood zone or zones a property is located in a buyer can visit the website for FEMA's National Flood Insurance Program or the Virginia Department of Conservation and Recreation's Flood Risk Information System website.

CHAPTER 269

An Act to amend and reenact § 32.1-325 of the Code of Virginia, relating to state plan for medical assistance services; remote patient monitoring.

[S 426]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-325 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-325. Board to submit plan for medical assistance services to U.S. Secretary of Health and Human Services pursuant to federal law; administration of plan; contracts with health care providers.

A. The Board, subject to the approval of the Governor, is authorized to prepare, amend from time to time, and submit to the U.S. Secretary of Health and Human Services a state plan for medical assistance services pursuant to Title XIX of the United States Social Security Act and any amendments thereto. The Board shall include in such plan:

1. A provision for payment of medical assistance on behalf of individuals, up to the age of 21, placed in foster homes or private institutions by private, nonprofit agencies licensed as child-placing agencies by the Department of Social Services or placed through state and local subsidized adoptions to the extent permitted under federal statute;

2. A provision for determining eligibility for benefits for medically needy individuals which disregards from countable resources an amount not in excess of \$3,500 for the individual and an amount not in excess of \$3,500 for his spouse when such resources have been set aside to meet the burial expenses of the individual or his spouse. The amount disregarded shall be reduced by (i) the face value of life insurance on the life of an individual owned by the individual or his spouse if the cash surrender value of such policies has been excluded from countable resources and (ii) the amount of any other revocable or irrevocable trust, contract, or other arrangement specifically designated for the purpose of meeting the individual's or his spouse's burial expenses;

3. A requirement that, in determining eligibility, a home shall be disregarded. For those medically needy persons whose eligibility for medical assistance is required by federal law to be dependent on the budget methodology for Aid to Families with Dependent Children, a home means the house and lot used as the principal residence and all contiguous property. For all other persons, a home shall mean the house and lot used as the principal residence, as well as all contiguous property, as long as the value of the land, exclusive of the lot occupied by the house, does not exceed \$5,000. In any case in which the definition of home as provided here is more restrictive than that provided in the state plan for medical assistance services in Virginia as it was in effect on January 1, 1972, then a home means the house and lot used as the principal residence and all contiguous property essential to the operation of the home regardless of value;

4. A provision for payment of medical assistance on behalf of individuals up to the age of 21, who are Medicaid eligible, for medically necessary stays in acute care facilities in excess of 21 days per admission;

5. A provision for deducting from an institutionalized recipient's income an amount for the maintenance of the individual's spouse at home;

6. A provision for payment of medical assistance on behalf of pregnant women which provides for payment for inpatient postpartum treatment in accordance with the medical criteria outlined in the most current version of or an official update to the "Guidelines for Perinatal Care" prepared by the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists or the "Standards for Obstetric-Gynecologic Services" prepared by the American College of Obstetricians and Gynecologists. Payment shall be made for any postpartum home visit or visits for the mothers and the children which are within the time periods recommended by the attending physicians in accordance with and as indicated by such Guidelines or Standards. For the purposes of this subdivision, such Guidelines or Standards shall include any changes thereto within six months of the publication of such Guidelines or Standards or any official amendment thereto;

7. A provision for the payment for family planning services on behalf of women who were Medicaid-eligible for prenatal care and delivery as provided in this section at the time of delivery. Such family planning services shall begin with delivery and continue for a period of 24 months, if the woman continues to meet the financial eligibility requirements for a pregnant woman under Medicaid. For the purposes of this section, family planning services shall not cover payment for abortion services and no funds shall be used to perform, assist, encourage or make direct referrals for abortions;

8. A provision for payment of medical assistance for high-dose chemotherapy and bone marrow transplants on behalf of individuals over the age of 21 who have been diagnosed with lymphoma, breast cancer, myeloma, or leukemia and have been determined by the treating health care provider to have a performance status sufficient to proceed with such high-dose chemotherapy and bone marrow transplant. Appeals of these cases shall be handled in accordance with the Department's expedited appeals process;

9. A provision identifying entities approved by the Board to receive applications and to determine eligibility for medical assistance, which shall include a requirement that such entities (i) obtain accurate contact information, including the best available address and telephone number, from each applicant for medical assistance, to the extent required by federal law and regulations, and (ii) provide each applicant for medical assistance with information about advance directives pursuant to Article 8 (§ 54.1-2981 et seq.) of Chapter 29 of Title 54.1, including information about the purpose and benefits of advance directives and how the applicant may make an advance directive;

10. A provision for breast reconstructive surgery following the medically necessary removal of a breast for any medical reason. Breast reductions shall be covered, if prior authorization has been obtained, for all medically necessary indications. Such procedures shall be considered noncosmetic;

11. A provision for payment of medical assistance for annual pap smears;

12. A provision for payment of medical assistance services for prostheses following the medically necessary complete or partial removal of a breast for any medical reason;

13. A provision for payment of medical assistance which provides for payment for 48 hours of inpatient treatment for a patient following a radical or modified radical mastectomy and 24 hours of inpatient care following a total mastectomy or a partial mastectomy with lymph node dissection for treatment of disease or trauma of the breast. Nothing in this subdivision shall be construed as requiring the provision of inpatient coverage where the attending physician in consultation with the patient determines that a shorter period of hospital stay is appropriate;

14. A requirement that certificates of medical necessity for durable medical equipment and any supporting verifiable documentation shall be signed, dated, and returned by the physician, physician assistant, or nurse practitioner and in the durable medical equipment provider's possession within 60 days from the time the ordered durable medical equipment and supplies are first furnished by the durable medical equipment provider;

15. A provision for payment of medical assistance to (i) persons age 50 and over and (ii) persons age 40 and over who are at high risk for prostate cancer, according to the most recent published guidelines of the American Cancer Society, for one PSA test in a 12-month period and digital rectal examinations, all in accordance with American Cancer Society guidelines. For the purpose of this subdivision, "PSA testing" means the analysis of a blood sample to determine the level of prostate specific antigen;

16. A provision for payment of medical assistance for low-dose screening mammograms for determining the presence of occult breast cancer. Such coverage shall make available one screening mammogram to persons age 35 through 39, one such mammogram biennially to persons age 40 through 49, and one such mammogram annually to persons age 50 and over. The term "mammogram" means an X-ray examination of the breast using equipment dedicated specifically for mammography, including but not limited to the X-ray tube, filter, compression device, screens, film and cassettes, with an average radiation exposure of less than one rad mid-breast, two views of each breast;

17. A provision, when in compliance with federal law and regulation and approved by the Centers for Medicare & Medicaid Services (CMS), for payment of medical assistance services delivered to Medicaid-eligible students when such services qualify for reimbursement by the Virginia Medicaid program and may be provided by school divisions, regardless of whether the student receiving care has an individualized education program or whether the health care service is included in a student's individualized education program. Such services shall include those covered under the state plan for medical assistance services or by the Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) benefit as specified in § 1905(r) of the federal Social Security Act, and shall include a provision for payment of medical assistance for health care

services provided through telemedicine services, as defined in § 38.2-3418.16. No health care provider who provides health care services through telemedicine shall be required to use proprietary technology or applications in order to be reimbursed for providing telemedicine services;

18. A provision for payment of medical assistance services for liver, heart and lung transplantation procedures for individuals over the age of 21 years when (i) there is no effective alternative medical or surgical therapy available with outcomes that are at least comparable; (ii) the transplant procedure and application of the procedure in treatment of the specific condition have been clearly demonstrated to be medically effective and not experimental or investigational; (iii) prior authorization by the Department of Medical Assistance Services has been obtained; (iv) the patient selection criteria of the specific transplant center where the surgery is proposed to be performed have been used by the transplant team or program to determine the appropriateness of the patient for the procedure; (v) current medical therapy has failed and the patient has failed to respond to appropriate therapeutic management; (vi) the patient is not in an irreversible terminal state; and (vii) the transplant is likely to prolong the patient's life and restore a range of physical and social functioning in the activities of daily living;

19. A provision for payment of medical assistance for colorectal cancer screening, specifically screening with an annual fecal occult blood test, flexible sigmoidoscopy or colonoscopy, or in appropriate circumstances radiologic imaging, in accordance with the most recently published recommendations established by the American College of Gastroenterology, in consultation with the American Cancer Society, for the ages, family histories, and frequencies referenced in such recommendations;

20. A provision for payment of medical assistance for custom ocular prostheses;

21. A provision for payment for medical assistance for infant hearing screenings and all necessary audiological examinations provided pursuant to § 32.1-64.1 using any technology approved by the United States Food and Drug Administration, and as recommended by the national Joint Committee on Infant Hearing in its most current position statement addressing early hearing detection and intervention programs. Such provision shall include payment for medical assistance for follow-up audiological examinations as recommended by a physician, physician assistant, nurse practitioner, or audiologist and performed by a licensed audiologist to confirm the existence or absence of hearing loss;

22. A provision for payment of medical assistance, pursuant to the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (P.L. 106-354), for certain women with breast or cervical cancer when such women (i) have been screened for breast or cervical cancer under the Centers for Disease Control and Prevention (CDC) Breast and Cervical Cancer Early Detection Program established under Title XV of the Public Health Service Act; (ii) need treatment for breast or cervical cancer, including treatment for a precancerous condition of the breast or cervix; (iii) are not otherwise covered under creditable coverage, as defined in § 2701 (c) of the Public Health Service Act; (iv) are not otherwise eligible for medical assistance services under any mandatory categorically needy eligibility group; and (v) have not attained age 65. This provision shall include an expedited eligibility determination for such women;

23. A provision for the coordinated administration, including outreach, enrollment, re-enrollment and services delivery, of medical assistance services provided to medically indigent children pursuant to this chapter, which shall be called Family Access to Medical Insurance Security (FAMIS) Plus and the FAMIS Plan program in § 32.1-351. A single application form shall be used to determine eligibility for both programs;

24. A provision, when authorized by and in compliance with federal law, to establish a public-private long-term care partnership program between the Commonwealth of Virginia and private insurance companies that shall be established through the filing of an amendment to the state plan for medical assistance services by the Department of Medical Assistance Services. The purpose of the program shall be to reduce Medicaid costs for long-term care by delaying or eliminating dependence on Medicaid for such services through encouraging the purchase of private long-term care insurance policies that have been designated as qualified state long-term care insurance partnerships and may be used as the first source of benefits for the participant's long-term care. Components of the program, including the treatment of assets for Medicaid eligibility and estate recovery, shall be structured in accordance with federal law and applicable federal guidelines;

25. A provision for the payment of medical assistance for otherwise eligible pregnant women during the first five years of lawful residence in the United States, pursuant to § 214 of the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111-3);

26. A provision for the payment of medical assistance for medically necessary health care services provided through telemedicine services, as defined in § 38.2-3418.16, regardless of the originating site or whether the patient is accompanied by a health care provider at the time such services are provided. No health care provider who provides health care services through telemedicine services shall be required to use proprietary technology or applications in order to be reimbursed for providing telemedicine services.

For the purposes of this subdivision, "originating site" means any location where the patient is located, including any medical care facility or office of a health care provider, the home of the patient, the patient's place of employment, or any public or private primary or secondary school or postsecondary institution of higher education at which the person to whom telemedicine services are provided is located;

27. A provision for the payment of medical assistance for the dispensing or furnishing of up to a 12-month supply of hormonal contraceptives at one time. Absent clinical contraindications, the Department shall not impose any utilization controls or other forms of medical management limiting the supply of hormonal contraceptives that may be dispensed or

furnished to an amount less than a 12-month supply. Nothing in this subdivision shall be construed to (i) require a provider to prescribe, dispense, or furnish a 12-month supply of self-administered hormonal contraceptives at one time or (ii) exclude coverage for hormonal contraceptives as prescribed by a prescriber, acting within his scope of practice, for reasons other than contraceptive purposes. As used in this subdivision, "hormonal contraceptive" means a medication taken to prevent pregnancy by means of ingestion of hormones, including medications containing estrogen or progesterone, that is self-administered, requires a prescription, and is approved by the U.S. Food and Drug Administration for such purpose; ~~and~~

28. A provision for payment of medical assistance for remote patient monitoring services provided via telemedicine, as defined in § 38.2-3418.16, for (i) high-risk pregnant persons; (ii) medically complex infants and children; (iii) transplant patients; (iv) patients who have undergone surgery, for up to three months following the date of such surgery; and (v) patients with a chronic *or acute* health condition who have had two or more hospitalizations or emergency department visits related to such ~~chronic~~ health condition in the previous 12 months *when there is evidence that the use of remote patient monitoring is likely to prevent readmission of such patient to a hospital or emergency department.* For the purposes of this subdivision, "remote patient monitoring services" means the use of digital technologies to collect medical and other forms of health data from patients in one location and electronically transmit that information securely to health care providers in a different location for analysis, interpretation, and recommendations, and management of the patient. "Remote patient monitoring services" includes monitoring of clinical patient data such as weight, blood pressure, pulse, pulse oximetry, blood glucose, and other patient physiological data, treatment adherence monitoring, and interactive videoconferencing with or without digital image upload; *and*

29. *A provision for the payment of medical assistance for provider-to-provider consultations that is no more restrictive than, and is at least equal in amount, duration, and scope to, that available through the fee-for-service program.*

B. In preparing the plan, the Board shall:

1. Work cooperatively with the State Board of Health to ensure that quality patient care is provided and that the health, safety, security, rights and welfare of patients are ensured.

2. Initiate such cost containment or other measures as are set forth in the appropriation act.

3. Make, adopt, promulgate and enforce such regulations as may be necessary to carry out the provisions of this chapter.

4. Examine, before acting on a regulation to be published in the Virginia Register of Regulations pursuant to § 2.2-4007.05, the potential fiscal impact of such regulation on local boards of social services. For regulations with potential fiscal impact, the Board shall share copies of the fiscal impact analysis with local boards of social services prior to submission to the Registrar. The fiscal impact analysis shall include the projected costs/savings to the local boards of social services to implement or comply with such regulation and, where applicable, sources of potential funds to implement or comply with such regulation.

5. Incorporate sanctions and remedies for certified nursing facilities established by state law, in accordance with 42 C.F.R. § 488.400 et seq. ², Enforcement of Compliance for Long-Term Care Facilities With Deficiencies.²

6. On and after July 1, 2002, require that a prescription benefit card, health insurance benefit card, or other technology that complies with the requirements set forth in § 38.2-3407.4:2 be issued to each recipient of medical assistance services, and shall upon any changes in the required data elements set forth in subsection A of § 38.2-3407.4:2, either reissue the card or provide recipients such corrective information as may be required to electronically process a prescription claim.

C. In order to enable the Commonwealth to continue to receive federal grants or reimbursement for medical assistance or related services, the Board, subject to the approval of the Governor, may adopt, regardless of any other provision of this chapter, such amendments to the state plan for medical assistance services as may be necessary to conform such plan with amendments to the United States Social Security Act or other relevant federal law and their implementing regulations or constructions of these laws and regulations by courts of competent jurisdiction or the United States Secretary of Health and Human Services.

In the event conforming amendments to the state plan for medical assistance services are adopted, the Board shall not be required to comply with the requirements of Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2. However, the Board shall, pursuant to the requirements of § 2.2-4002, (i) notify the Registrar of Regulations that such amendment is necessary to meet the requirements of federal law or regulations or because of the order of any state or federal court, or (ii) certify to the Governor that the regulations are necessitated by an emergency situation. Any such amendments that are in conflict with the Code of Virginia shall only remain in effect until July 1 following adjournment of the next regular session of the General Assembly unless enacted into law.

D. The Director of Medical Assistance Services is authorized to:

1. Administer such state plan and receive and expend federal funds therefor in accordance with applicable federal and state laws and regulations; and enter into all contracts necessary or incidental to the performance of the Department's duties and the execution of its powers as provided by law.

2. Enter into agreements and contracts with medical care facilities, physicians, dentists and other health care providers where necessary to carry out the provisions of such state plan. Any such agreement or contract shall terminate upon conviction of the provider of a felony. In the event such conviction is reversed upon appeal, the provider may apply to the Director of Medical Assistance Services for a new agreement or contract. Such provider may also apply to the Director for reconsideration of the agreement or contract termination if the conviction is not appealed, or if it is not reversed upon appeal.

3. Refuse to enter into or renew an agreement or contract, or elect to terminate an existing agreement or contract, with any provider who has been convicted of or otherwise pled guilty to a felony, or pursuant to Subparts A, B, and C of 42 C.F.R. Part 1002, and upon notice of such action to the provider as required by 42 C.F.R. § 1002.212.

4. Refuse to enter into or renew an agreement or contract, or elect to terminate an existing agreement or contract, with a provider who is or has been a principal in a professional or other corporation when such corporation has been convicted of or otherwise pled guilty to any violation of § 32.1-314, 32.1-315, 32.1-316, or 32.1-317, or any other felony or has been excluded from participation in any federal program pursuant to 42 C.F.R. Part 1002.

5. Terminate or suspend a provider agreement with a home care organization pursuant to subsection E of § 32.1-162.13.

For the purposes of this subsection, "provider" may refer to an individual or an entity.

E. In any case in which a Medicaid agreement or contract is terminated or denied to a provider pursuant to subsection D, the provider shall be entitled to appeal the decision pursuant to 42 C.F.R. § 1002.213 and to a post-determination or post-denial hearing in accordance with the Administrative Process Act (§ 2.2-4000 et seq.). All such requests shall be in writing and be received within 15 days of the date of receipt of the notice.

The Director may consider aggravating and mitigating factors including the nature and extent of any adverse impact the agreement or contract denial or termination may have on the medical care provided to Virginia Medicaid recipients. In cases in which an agreement or contract is terminated pursuant to subsection D, the Director may determine the period of exclusion and may consider aggravating and mitigating factors to lengthen or shorten the period of exclusion, and may reinstate the provider pursuant to 42 C.F.R. § 1002.215.

F. When the services provided for by such plan are services which a marriage and family therapist, clinical psychologist, clinical social worker, professional counselor, or clinical nurse specialist is licensed to render in Virginia, the Director shall contract with any duly licensed marriage and family therapist, duly licensed clinical psychologist, licensed clinical social worker, licensed professional counselor or licensed clinical nurse specialist who makes application to be a provider of such services, and thereafter shall pay for covered services as provided in the state plan. The Board shall promulgate regulations which reimburse licensed marriage and family therapists, licensed clinical psychologists, licensed clinical social workers, licensed professional counselors and licensed clinical nurse specialists at rates based upon reasonable criteria, including the professional credentials required for licensure.

G. The Board shall prepare and submit to the Secretary of the United States Department of Health and Human Services such amendments to the state plan for medical assistance services as may be permitted by federal law to establish a program of family assistance whereby children over the age of 18 years shall make reasonable contributions, as determined by regulations of the Board, toward the cost of providing medical assistance under the plan to their parents.

H. The Department of Medical Assistance Services shall:

1. Include in its provider networks and all of its health maintenance organization contracts a provision for the payment of medical assistance on behalf of individuals up to the age of 21 who have special needs and who are Medicaid eligible, including individuals who have been victims of child abuse and neglect, for medically necessary assessment and treatment services, when such services are delivered by a provider which specializes solely in the diagnosis and treatment of child abuse and neglect, or a provider with comparable expertise, as determined by the Director.

2. Amend the Medallion II waiver and its implementing regulations to develop and implement an exception, with procedural requirements, to mandatory enrollment for certain children between birth and age three certified by the Department of Behavioral Health and Developmental Services as eligible for services pursuant to Part C of the Individuals with Disabilities Education Act (20 U.S.C. § 1471 et seq.).

3. Utilize, to the extent practicable, electronic funds transfer technology for reimbursement to contractors and enrolled providers for the provision of health care services under Medicaid and the Family Access to Medical Insurance Security Plan established under § 32.1-351.

4. Require any managed care organization with which the Department enters into an agreement for the provision of medical assistance services to include in any contract between the managed care organization and a pharmacy benefits manager provisions prohibiting the pharmacy benefits manager or a representative of the pharmacy benefits manager from conducting spread pricing with regards to the managed care organization's managed care plans. For the purposes of this subdivision:

"Pharmacy benefits management" means the administration or management of prescription drug benefits provided by a managed care organization for the benefit of covered individuals.

"Pharmacy benefits manager" means a person that performs pharmacy benefits management.

"Spread pricing" means the model of prescription drug pricing in which the pharmacy benefits manager charges a managed care plan a contracted price for prescription drugs, and the contracted price for the prescription drugs differs from the amount the pharmacy benefits manager directly or indirectly pays the pharmacist or pharmacy for pharmacist services.

I. The Director is authorized to negotiate and enter into agreements for services rendered to eligible recipients with special needs. The Board shall promulgate regulations regarding these special needs patients, to include persons with AIDS, ventilator-dependent patients, and other recipients with special needs as defined by the Board.

J. Except as provided in subdivision A 1 of § 2.2-4345, the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not apply to the activities of the Director authorized by subsection I of this section. Agreements made pursuant to this subsection shall comply with federal law and regulation.

CHAPTER 270

An Act to amend and reenact § 18.2-308.2:5 of the Code of Virginia, relating to criminal history record information check required to sell firearm; exception for purchase of service weapon.

[S 675]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-308.2:5 of the Code of Virginia is amended and reenacted as follows:****§ 18.2-308.2:5. Criminal history record information check required to sell firearm; penalty.**

A. No person shall sell a firearm for money, goods, services or anything else of value unless he has obtained verification from a licensed dealer in firearms that information on the prospective purchaser has been submitted for a criminal history record information check as set out in § 18.2-308.2:2 and that a determination has been received from the Department of State Police that the prospective purchaser is not prohibited under state or federal law from possessing a firearm or such sale is specifically exempted by state or federal law. The Department of State Police shall provide a means by which sellers may obtain from designated licensed dealers the approval or denial of firearm transfer requests, based on criminal history record information checks. The processes established shall conform to the provisions of § 18.2-308.2:2, and the definitions and provisions of § 18.2-308.2:2 regarding criminal history record information checks shall apply to this section mutatis mutandis. The designated dealer shall collect and disseminate the fees prescribed in § 18.2-308.2:2 as required by that section. The dealer may charge and retain an additional fee not to exceed \$15 for obtaining a criminal history record information check on behalf of a seller.

B. Notwithstanding the provisions of subsection A and unless otherwise prohibited by state or federal law, a person may sell a firearm to another person if:

1. The sale of a firearm is to an authorized representative of the Commonwealth or any subdivision thereof as part of an authorized voluntary gun buy-back or give-back program; ~~or~~

2. The sale occurs at a firearms show, as defined in § 54.1-4200, and the seller has received a determination from the Department of State Police that the purchaser is not prohibited under state or federal law from possessing a firearm in accordance with § 54.1-4201.2; *or*

3. *The sale of a firearm is conducted pursuant to § 59.1-148.3, with the exception of a sale conducted pursuant to subsection C of § 59.1-148.3.*

C. Any person who willfully and intentionally sells a firearm to another person without obtaining verification in accordance with this section is guilty of a Class 1 misdemeanor.

D. Any person who willfully and intentionally purchases a firearm from another person without obtaining verification in accordance with this section is guilty of a Class 1 misdemeanor.

CHAPTER 271

An Act to amend and reenact § 15.2-2201 of the Code of Virginia, relating to planning; definition of subdivision; boundary line agreement.

[H 1088]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 15.2-2201 of the Code of Virginia is amended and reenacted as follows:****§ 15.2-2201. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Affordable housing" means, as a guideline, housing that is affordable to households with incomes at or below the area median income, provided that the occupant pays no more than thirty percent of his gross income for gross housing costs, including utilities. For the purpose of administering affordable dwelling unit ordinances authorized by this chapter, local governments may establish individual definitions of affordable housing and affordable dwelling units including determination of the appropriate percent of area median income and percent of gross income.

"Conditional zoning" means, as part of classifying land within a locality into areas and districts by legislative action, the allowing of reasonable conditions governing the use of such property, such conditions being in addition to, or modification of the regulations provided for a particular zoning district or zone by the overall zoning ordinance.

"Development" means a tract of land developed or to be developed as a unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units. The term "development" shall not be construed to include any tract of land which will be principally devoted to agricultural production.

"Historic area" means an area containing one or more buildings or places in which historic events occurred or having special public value because of notable architectural, archaeological or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.

"Incentive zoning" means the use of bonuses in the form of increased project density or other benefits to a developer in return for the developer providing certain features, design elements, uses, services, or amenities desired by the locality, including but not limited to, site design incorporating principles of new urbanism and traditional neighborhood development, environmentally sustainable and energy-efficient building design, affordable housing creation and preservation, and historical preservation, as part of the development.

"Local planning commission" means a municipal planning commission or a county planning commission.

"Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under jurisdiction of the U.S. Department of Defense, including any leased facility, or any land or interest in land owned by the Commonwealth and administered by the Adjutant General of Virginia or the Virginia Department of Military Affairs. "Military installation" does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

"Mixed use development" means property that incorporates two or more different uses, and may include a variety of housing types, within a single development.

"Official map" means a map of legally established and proposed public streets, waterways, and public areas adopted by a locality in accordance with the provisions of Article 4 (§ 15.2-2233 et seq.) hereof.

"Planned unit development" means a form of development characterized by unified site design for a variety of housing types and densities, clustering of buildings, common open space, and a mix of building types and land uses in which project planning and density calculation are performed for the entire development rather than on an individual lot basis.

"Planning district commission" means a regional planning agency chartered under the provisions of Chapter 42 (§ 15.2-4200 et seq.) of this title.

"Plat" or "plat of subdivision" means the schematic representation of land divided or to be divided and information in accordance with the provisions of §§ 15.2-2241, 15.2-2242, 15.2-2258, 15.2-2262, and 15.2-2264, and other applicable statutes.

"Preliminary subdivision plat" means the proposed schematic representation of development or subdivision that establishes how the provisions of §§ 15.2-2241 and 15.2-2242, and other applicable statutes will be achieved.

"Resident curator" means a person, firm, or corporation that leases or otherwise contracts to manage, preserve, maintain, operate, or reside in a historic property in accordance with the provisions of § 15.2-2306 and other applicable statutes.

"Site plan" means the proposal for a development or a subdivision including all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, public facilities and such other information as required by the subdivision ordinance to which the proposed development or subdivision is subject.

"Special exception" means a special use that is a use not permitted in a particular district except by a special use permit granted under the provisions of this chapter and any zoning ordinances adopted herewith.

"Street" means highway, street, avenue, boulevard, road, lane, alley, or any public way.

"Subdivision," unless otherwise defined in an ordinance adopted pursuant to § 15.2-2240, means the division of a parcel of land into three or more lots or parcels of less than five acres each for the purpose of transfer of ownership or building development, or, if a new street is involved in such division, any division of a parcel of land. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided and solely for the purpose of recordation of any single division of land into two lots or parcels, a plat of such division shall be submitted for approval in accordance with § 15.2-2258. *Nothing in this definition, section, nor any ordinance adopted pursuant to § 15.2-2240 shall preclude different owners of adjacent parcels from entering into a valid and enforceable boundary line agreement with one another so long as such agreement is only used to resolve a bona fide property line dispute, the boundary adjustment does not move by more than 250 feet from the center of the current platted line or alter either parcel's resultant acreage by more than five percent of the smaller parcel size, and such agreement does not create an additional lot, alter the existing boundary lines of localities, result in greater street frontage, or interfere with a recorded easement, and such agreement shall not result in any nonconformity with local ordinances and health department regulations. Notice shall be provided to the zoning administrator of the locality in which the parcels are located for review. For any property affected by this definition, any division of land subject to a partition suit by virtue of order or decree by a court of competent jurisdiction shall take precedence over the requirements of Article 6 (§ 15.2-2240 et seq.) and the minimum lot area, width, or frontage requirements in the zoning ordinance so long as the lot or parcel resulting from such order or decree does not vary from minimum lot area, width, or frontage requirements by more than 20 percent. A copy of the final decree shall be provided to the zoning administrator of the locality in which the property is located.*

"Variance" means, in the application of a zoning ordinance, a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

"Working waterfront" means an area or structure on, over, or adjacent to navigable waters that provides access to the water and is used for water-dependent commercial, industrial, or governmental activities, including commercial and

recreational fishing; tourism; aquaculture; boat and ship building, repair, and services; seafood processing and sales; transportation; shipping; marine construction; and military activities.

"Working waterfront development area" means an area containing one or more working waterfronts having economic, cultural, or historic public value of such significance as to warrant development and reparation.

"Zoning" or "to zone" means the process of classifying land within a locality into areas and districts, such areas and districts being generally referred to as "zones," by legislative action and the prescribing and application in each area and district of regulations concerning building and structure designs, building and structure placement and uses to which land, buildings and structures within such designated areas and districts may be put.

CHAPTER 272

An Act to amend and reenact § 51.5-150 of the Code of Virginia, relating to public guardian and conservator program; decennial review of staff-to-client ratios; report.

[H 96]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 51.5-150 of the Code of Virginia is amended and reenacted as follows:

§ 51.5-150. Powers and duties of the Department with respect to public guardian and conservator program.

A. The Department shall fund from appropriations received for such purpose a statewide system of local or regional public guardian and conservator programs.

B. The Department shall:

1. Make and enter into all contracts necessary or incidental to the performance of its duties and in furtherance of the purposes as specified in this article in conformance with the Public Procurement Act (§ 2.2-4300 et seq.);

2. Contract with local or regional public or private entities to provide services as guardians and conservators operating as local or regional Virginia public guardian and conservator programs in those cases in which a court, pursuant to §§ 64.2-2010 and 64.2-2015, determines that a person is eligible to have a public guardian or conservator appointed;

3. Adopt reasonable regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) as appropriate to implement, administer, and manage the state and local or regional programs authorized by this article, including, but not limited to, the adoption of:

a. Minimum training and experience requirements for volunteers and professional staff of the local and regional programs;

b. An ideal range of ~~staff to client~~ *staff-to-client* ratios for the programs, and adoption of procedures to be followed whenever a local or regional program falls below or exceeds the ideal range of ~~staff to client~~ *staff-to-client* ratios, which shall include, but not be limited to, procedures to ensure that services shall continue to be available to those in need and that appropriate notice is given to the courts; sheriffs, where appropriate; and the Department;

c. Procedures governing disqualification of any program falling below or exceeding the ideal range of ~~staff to client~~ *staff-to-client* ratios, which shall include a process for evaluating any program that has exceeded the ratio to assess the effects falling below or exceeding the ideal range of ratios has, had, or is having upon the program and upon the incapacitated persons served by the program.

The regulations shall require that evaluations occur no less frequently than every six months and shall continue until the ~~staff to client~~ *staff-to-client* ratio returns to within the ideal range; and

d. Person-centered practice procedures that shall:

(1) Focus on the preferences and needs of the individual receiving public guardianship services; and

(2) Empower and support the individual receiving public guardianship services, to the extent feasible, in defining the direction for his life and promoting self-determination and community involvement.

4. Establish procedures and administrative guidelines to ensure the separation of local or regional Virginia public guardian and conservator programs from any other guardian or conservator program operated by the entity with whom the Department contracts, specifically addressing the need for separation in programs that may be fee-generating;

5. Establish recordkeeping and accounting procedures to ensure that each local or regional program (i) maintains confidential, accurate, and up-to-date records of the personal and property matters over which it has control for each incapacitated person for whom it is appointed guardian or conservator and (ii) files with the Department an account of all public and private funds received;

6. Establish criteria for the conduct of and filing with the Department and as otherwise required by law: values history surveys, annual decisional accounting and assessment reports, the care plan designed for the incapacitated person, and such other information as the Department may by regulation require;

7. Establish criteria to be used by the local and regional programs in setting priorities with regard to services to be provided;

8. Take such other actions as are necessary to ensure coordinated services and a reasonable review of all local and regional programs;

9. Maintain statistical data on the operation of the programs and report such data to the General Assembly on or before January 1 of each even-numbered year as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents regarding the status of the Virginia Public Guardian and Conservator Program and the identified operational needs of the program. Such report shall be posted on the Department's website. In addition, the Department shall enter into a contract with an appropriate research entity with expertise in gerontology, disabilities, and public administration to conduct an evaluation of local public guardian and conservator programs from funds specifically appropriated and allocated for this purpose, and the evaluator shall provide a report with recommendations to the Department and to the Public Guardian and Conservator Advisory Board established pursuant to § 51.5-149.1. Trends identified in the report, including the need for public guardians, conservators, and other types of surrogate decision-making services, shall be presented to the General Assembly. The Department shall request such a report from an appropriate research entity every four years, provided the General Assembly appropriates funds for that purpose; ~~and~~

10. *Decennially review the ideal range of staff-to-client ratios for local and regional public guardian and conservator programs in the Commonwealth and make recommendations as to whether the ratio should be revised to ensure that public guardians are able to meet their obligations to incapacitated persons pursuant to this article and report its findings and conclusions to the Governor and the General Assembly by December 1 of each year in which such review is performed; and*

11. Recommend appropriate legislative or executive actions.

C. Nothing in this article shall prohibit the Department from contracting pursuant to subdivision B 2 with an entity that may also provide privately funded surrogate decision-making services, including guardian and conservator services funded with fees generated by the estates of incapacitated persons, provided such private programs are administered by the contracting entity entirely separately from the local or regional Virginia public guardian and conservator programs, in conformity with regulations established by the Department in that respect.

D. In accordance with the Public Procurement Act (§ 2.2-4300 et seq.) and recommendations of the Public Guardian and Conservator Advisory Board, the Department may contract with a not-for-profit private entity that does not provide services to incapacitated persons as guardian or conservator to administer the program, and, if it does, the term "Department" when used in this article shall refer to the contract administrator.

2. That the Department for Aging and Rehabilitative Services shall complete the first decennial review of staff-to-client ratios for local and regional public guardian and conservator programs required pursuant to this act and report its findings and conclusions to the Governor and the General Assembly by December 1, 2022.

CHAPTER 273

An Act to amend and reenact § 3.2-6511 of the Code of Virginia, relating to pet shops; notice of deceased animals.

[H 523]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-6511 of the Code of Virginia is amended and reenacted as follows:

§ 3.2-6511. Failure of dealer or pet shop to provide adequate care; penalty; report.

A. Any dealer or pet shop that fails to adequately house, feed, water, exercise or care for animals in his or its possession or custody as provided for under this chapter is guilty of a Class 3 misdemeanor. Such animals shall be subject to seizure and impoundment, and upon conviction of such person the animals may be sold, euthanized, or disposed of as provided by § 3.2-6546 for licensed, tagged, or tattooed animals. Such failure is also grounds for revocation of a permit or certificate of registration after public hearing. Any funds that result from such sale shall be used first to pay the costs of the local jurisdiction for the impoundment and disposition of the animals, and any funds remaining shall be paid to the owner, if known. If the owner is not found, the remaining funds shall be paid into the Literary Fund.

B. *Pet shops shall retain records indicating any time a dog or cat in its possession or custody dies or is euthanized. Such records shall be (i) maintained for a period of at least two years and (ii) provided to animal control officers and the Inspector.*

CHAPTER 274

An Act to amend and reenact § 58.1-442 of the Code of Virginia, relating to tax returns of affiliated corporations; permission to change basis of type of return filed.

[H 348]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-442 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-442. Separate, combined or consolidated returns of affiliated corporations.

A. Corporations which are affiliated within the meaning of § 58.1-302 may, for any taxable year, file separate returns, file a combined return or file a consolidated return of net income for the purpose of this chapter, and the taxes thereunder

shall be computed and determined upon the basis of the type of return filed. Following an election to file on a separate, consolidated, or combined basis all returns thereafter filed shall be upon the same basis unless permission to change is granted by the Department.

B. For the purpose of subsection A:

1. A consolidated return shall mean a single return for a group of corporations affiliated within the meaning of § 58.1-302, prepared in accordance with the principles of § 1502 of the Internal Revenue Code and regulations promulgated thereunder. Permission to file a consolidated return shall not be denied to a group of affiliated corporations filing a consolidated federal return solely because two or more members of such affiliated group would be required to use different apportionment factors if separate returns were filed. The Tax Commissioner shall promulgate regulations setting forth the manner in which such an affiliated group shall compute its Virginia taxable income.

2. A combined return shall mean a single return for a group of corporations affiliated within the meaning of § 58.1-302, in which income or loss is separately determined in accordance with subdivisions a through d below:

a. Virginia taxable income or loss is computed separately for each corporation;

b. Allocable income is allocated to the state of commercial domicile separately for each corporation;

c. Apportionable income or loss is computed, utilizing separate apportionment factors for each corporation;

d. Income or loss computed in accordance with items a through c above is combined and reported on a single return for the affiliated group.

C. Notwithstanding subsection A, a group of corporations may apply to the Tax Commissioner for permission to change the basis of the type of return filed (i) from consolidated to separate or (ii) from separate or combined to consolidated, if such corporations are affiliated within the meaning of § 58.1-302 and the affiliated group of which they are members, as it has existed from time to time, has filed on the same basis for at least the preceding 20 12 years. Permission shall be granted if:

1. For the taxable year immediately preceding the taxable year for which the new election would be applicable, there would have been no decrease in tax liability computed under the proposed election as compared to the affiliated group's former filing method; and

2. The affiliated group agrees to file returns computing its Virginia income tax liability under both the new filing method and the former method and will pay the greater of the two amounts for the taxable year in which the new election is effective and for the immediately succeeding taxable year.

CHAPTER 275

An Act to amend and reenact §§ 54.1-2901, 54.1-3501, 54.1-3601, and 54.1-3701 of the Code of Virginia, relating to telemedicine; out of state providers; behavioral health services.

[H 537]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2901, 54.1-3501, 54.1-3601, and 54.1-3701 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2901. Exceptions and exemptions generally.

A. The provisions of this chapter shall not prevent or prohibit:

1. Any person entitled to practice his profession under any prior law on June 24, 1944, from continuing such practice within the scope of the definition of his particular school of practice;

2. Any person licensed to practice naturopathy prior to June 30, 1980, from continuing such practice in accordance with regulations promulgated by the Board;

3. Any licensed nurse practitioner from rendering care in accordance with the provisions of §§ 54.1-2957 and 54.1-2957.01, any nurse practitioner licensed by the Boards of Medicine and Nursing in the category of certified nurse midwife practicing pursuant to subsection H of § 54.1-2957, or any nurse practitioner licensed by the Boards of Medicine and Nursing in the category of clinical nurse specialist practicing pursuant to subsection J of § 54.1-2957 when such services are authorized by regulations promulgated jointly by the Boards of Medicine and Nursing;

4. Any registered professional nurse, licensed nurse practitioner, graduate laboratory technician or other technical personnel who have been properly trained from rendering care or services within the scope of their usual professional activities which shall include the taking of blood, the giving of intravenous infusions and intravenous injections, and the insertion of tubes when performed under the orders of a person licensed to practice medicine or osteopathy, a nurse practitioner, or a physician assistant;

5. Any dentist, pharmacist or optometrist from rendering care or services within the scope of his usual professional activities;

6. Any practitioner licensed or certified by the Board from delegating to personnel supervised by him, such activities or functions as are nondiscretionary and do not require the exercise of professional judgment for their performance and which are usually or customarily delegated to such persons by practitioners of the healing arts, if such activities or functions are

authorized by and performed for such practitioners of the healing arts and responsibility for such activities or functions is assumed by such practitioners of the healing arts;

7. The rendering of medical advice or information through telecommunications from a physician licensed to practice medicine in Virginia or an adjoining state, or from a licensed nurse practitioner, to emergency medical personnel acting in an emergency situation;

8. The domestic administration of family remedies;

9. The giving or use of massages, steam baths, dry heat rooms, infrared heat or ultraviolet lamps in public or private health clubs and spas;

10. The manufacture or sale of proprietary medicines in this Commonwealth by licensed pharmacists or druggists;

11. The advertising or sale of commercial appliances or remedies;

12. The fitting by nonitinerant persons or manufacturers of artificial eyes, limbs or other apparatus or appliances or the fitting of plaster cast counterparts of deformed portions of the body by a nonitinerant bracedmaker or prosthetist for the purpose of having a three-dimensional record of the deformity, when such bracedmaker or prosthetist has received a prescription from a licensed physician, licensed nurse practitioner, or licensed physician assistant directing the fitting of such casts and such activities are conducted in conformity with the laws of Virginia;

13. Any person from the rendering of first aid or medical assistance in an emergency in the absence of a person licensed to practice medicine or osteopathy under the provisions of this chapter;

14. The practice of the religious tenets of any church in the ministrations to the sick and suffering by mental or spiritual means without the use of any drug or material remedy, whether gratuitously or for compensation;

15. Any legally qualified out-of-state or foreign practitioner from meeting in consultation with legally licensed practitioners in this Commonwealth;

16. Any practitioner of the healing arts licensed or certified and in good standing with the applicable regulatory agency in another state or Canada when that practitioner of the healing arts is in Virginia temporarily and such practitioner has been issued a temporary authorization by the Board from practicing medicine or the duties of the profession for which he is licensed or certified (i) in a summer camp or in conjunction with patients who are participating in recreational activities, (ii) while participating in continuing educational programs prescribed by the Board, or (iii) by rendering at any site any health care services within the limits of his license, voluntarily and without compensation, to any patient of any clinic which is organized in whole or in part for the delivery of health care services without charge as provided in § 54.1-106;

17. The performance of the duties of any active duty health care provider in active service in the army, navy, coast guard, marine corps, air force, or public health service of the United States at any public or private health care facility while such individual is so commissioned or serving and in accordance with his official military duties;

18. Any masseur, who publicly represents himself as such, from performing services within the scope of his usual professional activities and in conformance with state law;

19. Any person from performing services in the lawful conduct of his particular profession or business under state law;

20. Any person from rendering emergency care pursuant to the provisions of § 8.01-225;

21. Qualified emergency medical services personnel, when acting within the scope of their certification, and licensed health care practitioners, when acting within their scope of practice, from following Durable Do Not Resuscitate Orders issued in accordance with § 54.1-2987.1 and Board of Health regulations, or licensed health care practitioners from following any other written order of a physician not to resuscitate a patient in the event of cardiac or respiratory arrest;

22. Any commissioned or contract medical officer of the army, navy, coast guard or air force rendering services voluntarily and without compensation while deemed to be licensed pursuant to § 54.1-106;

23. Any provider of a chemical dependency treatment program who is certified as an "acupuncture detoxification specialist" by the National Acupuncture Detoxification Association or an equivalent certifying body, from administering auricular acupuncture treatment under the appropriate supervision of a National Acupuncture Detoxification Association certified licensed physician or licensed acupuncturist;

24. Any employee of any assisted living facility who is certified in cardiopulmonary resuscitation (CPR) acting in compliance with the patient's individualized service plan and with the written order of the attending physician not to resuscitate a patient in the event of cardiac or respiratory arrest;

25. Any person working as a health assistant under the direction of a licensed medical or osteopathic doctor within the Department of Corrections, the Department of Juvenile Justice or local correctional facilities;

26. Any employee of a school board, authorized by a prescriber and trained in the administration of insulin and glucagon, when, upon the authorization of a prescriber and the written request of the parents as defined in § 22.1-1, assisting with the administration of insulin or administering glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia;

27. Any practitioner of the healing arts or other profession regulated by the Board from rendering free health care to an underserved population of Virginia who (i) does not regularly practice his profession in Virginia, (ii) holds a current valid license or certificate to practice his profession in another state, territory, district or possession of the United States, (iii) volunteers to provide free health care to an underserved area of the Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization that sponsors the provision of health care to populations of underserved people, (iv) files a copy of the license or certification issued in such other jurisdiction with the Board, (v) notifies the Board

at least five business days prior to the voluntary provision of services of the dates and location of such service, and (vi) acknowledges, in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the limited period that such free health care is made available through the volunteer, nonprofit organization on the dates and at the location filed with the Board. The Board may deny the right to practice in Virginia to any practitioner of the healing arts whose license or certificate has been previously suspended or revoked, who has been convicted of a felony or who is otherwise found to be in violation of applicable laws or regulations. However, the Board shall allow a practitioner of the healing arts who meets the above criteria to provide volunteer services without prior notice for a period of up to three days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state;

28. Any registered nurse, acting as an agent of the Department of Health, from obtaining specimens of sputum or other bodily fluid from persons in whom the diagnosis of active tuberculosis disease, as defined in § 32.1-49.1, is suspected and submitting orders for testing of such specimens to the Division of Consolidated Laboratories or other public health laboratories, designated by the State Health Commissioner, for the purpose of determining the presence or absence of tubercle bacilli as defined in § 32.1-49.1;

29. Any physician of medicine or osteopathy or nurse practitioner from delegating to a registered nurse under his supervision the screening and testing of children for elevated blood-lead levels when such testing is conducted (i) in accordance with a written protocol between the physician or nurse practitioner and the registered nurse and (ii) in compliance with the Board of Health's regulations promulgated pursuant to §§ 32.1-46.1 and 32.1-46.2. Any follow-up testing or treatment shall be conducted at the direction of a physician or nurse practitioner;

30. Any practitioner of one of the professions regulated by the Board of Medicine who is in good standing with the applicable regulatory agency in another state or Canada from engaging in the practice of that profession when the practitioner is in Virginia temporarily with an out-of-state athletic team or athlete for the duration of the athletic tournament, game, or event in which the team or athlete is competing;

31. Any person from performing state or federally funded health care tasks directed by the consumer, which are typically self-performed, for an individual who lives in a private residence and who, by reason of disability, is unable to perform such tasks but who is capable of directing the appropriate performance of such tasks; ~~or~~

32. Any practitioner of one of the professions regulated by the Board of Medicine who is in good standing with the applicable regulatory agency in another state from engaging in the practice of that profession in Virginia with a patient who is being transported to or from a Virginia hospital for care; *or*

33. *Any doctor of medicine or osteopathy, physician assistant, or nurse practitioner who would otherwise be subject to licensure by the Board who holds an active, unrestricted license in another state, the District of Columbia, or a United States territory or possession and who is in good standing with the applicable regulatory agency in that state, the District of Columbia, or that United States territory or possession who provides behavioral health services, as defined in § 37.2-100, from engaging in the practice of his profession and providing behavioral health services to a patient located in the Commonwealth in accordance with the standard of care when (i) such practice is for the purpose of providing continuity of care through the use of telemedicine services as defined in § 38.2-3418.16 and (ii) the practitioner has previously established a practitioner-patient relationship with the patient and has performed an in-person evaluation of the patient within the previous year. A practitioner who provides behavioral health services to a patient located in the Commonwealth through use of telemedicine services pursuant to this subdivision may provide such services for a period of no more than one year from the date on which the practitioner began providing such services to such patient.*

B. Notwithstanding any provision of law or regulation to the contrary, military medical personnel, as defined in § 2.2-2001.4, while participating in a program established by the Department of Veterans Services pursuant to § 2.2-2001.4, may practice under the supervision of a licensed physician or podiatrist or the chief medical officer of an organization participating in such program, or his designee who is a licensee of the Board and supervising within his scope of practice.

§ 54.1-3501. Exemption from requirements of licensure.

The requirements for licensure in this chapter shall not be applicable to:

1. Persons who render services that are like or similar to those falling within the scope of the classifications or categories in this chapter, including persons acting as members of substance abuse self-help groups, so long as the recipients or beneficiaries of such services are not subject to any charge or fee, or any financial requirement, actual or implied, and the person rendering such service is not held out, by himself or otherwise, as a person licensed under this chapter.

2. The activities or services of a student pursuing a course of study in counseling, substance abuse treatment or marriage and family therapy in an institution accredited by an accrediting agency recognized by the Board or under the supervision of a person licensed or certified under this chapter, if such activities or services constitute a part of the student's course of study and are adequately supervised.

3. The activities, including marriage and family therapy, counseling, or substance abuse treatment, of rabbis, priests, ministers or clergymen of any religious denomination or sect when such activities are within the scope of the performance of their regular or specialized ministerial duties, and no separate charge is made or when such activities are performed, whether with or without charge, for or under auspices or sponsorship, individually or in conjunction with others, of an established and legally cognizable church, denomination or sect, and the person rendering service remains accountable to its established authority.

4. Persons employed as salaried employees or volunteers of the federal government, the Commonwealth, a locality, or of any agency established or funded, in whole or part, by any such governmental entity or of a private, nonprofit

organization or agency sponsored or funded, in whole or part, by a community-based citizen group or organization. Any person who renders psychological services, as defined in Chapter 36 (§ 54.1-3600 et seq.) of this title, shall be subject to the requirements of that chapter. Any person who, in addition to the ~~above enumerated~~ *above-enumerated* employment, engages in an independent private practice shall not be exempt from the requirements for licensure.

5. Persons regularly employed by private business firms as personnel managers, deputies or assistants so long as their counseling activities relate only to employees of their employer and in respect to their employment.

6. Persons regulated by this Board as professional counselors or persons regulated by another board within the Department of Health Professions who provide, within the scope of their practice, marriage and family therapy, counseling or substance abuse treatment to individuals or groups.

7. *Any practitioner of a profession regulated by the Board who is licensed in another state, the District of Columbia, or a United States territory or possession and who is in good standing with the applicable regulatory agency in that state, the District of Columbia, or that United States territory or possession who provides behavioral health services, as defined in § 37.2-100, to a patient located in the Commonwealth when (i) such practice is for the purpose of providing continuity of care through the use of telemedicine services as defined in § 38.2-3418.16 and (ii) the practitioner has previously established a practitioner-patient relationship with the patient. A practitioner who provides behavioral health services to a patient located in the Commonwealth through use of telemedicine services pursuant to this subdivision may provide such services for a period of no more than one year from the date on which the practitioner began providing such services to such patient.*

§ 54.1-3601. Exemption from requirements of licensure.

The requirements for licensure provided for in this chapter shall not be applicable to:

1. Persons who render services that are like or similar to those falling within the scope of the classifications or categories in this chapter, so long as the recipients or beneficiaries of such services are not subject to any charge or fee, or any financial requirement, actual or implied, and the person rendering such service is not held out, by himself or otherwise, as a licensed practitioner or a provider of clinical or school psychology services.

2. The activities or services of a student pursuing a course of study in psychology in an institution accredited by an accrediting agency recognized by the Board or under the supervision of a practitioner licensed or certified under this chapter, if such activities or services constitute a part of his course of study and are adequately supervised.

3. The activities of rabbis, priests, ministers or clergymen of any religious denomination or sect when such activities are within the scope of the performance of their regular or specialized ministerial duties, and no separate charge is made or when such activities are performed, whether with or without charge, for or under the auspices or sponsorship, individually or in conjunction with others, of an established and legally cognizable church, denomination or sect, and the person rendering service remains accountable to its established authority.

4. Persons employed as salaried employees or volunteers of the federal government, the Commonwealth, a locality, or any agency established or funded, in whole or part, by any such governmental entity or of a private, nonprofit organization or agency sponsored or funded, in whole or part, by a community-based citizen group or organization, except that any such person who renders psychological services, as defined in this chapter, shall be (i) supervised by a licensed psychologist or clinical psychologist; (ii) licensed by the Department of Education as a school psychologist; or (iii) employed by a school for students with disabilities which is certified by the Board of Education. Any person who, in addition to the ~~above enumerated~~ *above-enumerated* employment, engages in an independent private practice shall not be exempt from the licensure requirements.

5. Persons regularly employed by private business firms as personnel managers, deputies or assistants so long as their counseling activities relate only to employees of their employer and in respect to their employment.

6. Any psychologist holding a license or certificate in another state, the District of Columbia, or a United States territory or foreign jurisdiction consulting with licensed psychologists in this Commonwealth.

7. Any psychologist holding a license or certificate in another state, the District of Columbia, or a United States territory or foreign jurisdiction when in Virginia temporarily and such psychologist has been issued a temporary license by the Board to participate in continuing education programs or rendering psychological services without compensation to any patient of any clinic which is organized in whole or in part for the delivery of health care services without charge as provided in § 54.1-106.

8. The performance of the duties of any commissioned or contract clinical psychologist in active service in the army, navy, coast guard, marine corps, air force, or public health service of the United States while such individual is so commissioned or serving.

9. Any person performing services in the lawful conduct of his particular profession or business under state law.

10. Any person duly licensed as a psychologist in another state or the District of Columbia who testifies as a treating psychologist or who is employed as an expert for the purpose of possibly testifying as an expert witness.

11. *Any psychologist who is licensed in another state, the District of Columbia, or a United States territory or possession and who is in good standing with the applicable regulatory agency in that state, the District of Columbia, or that United States territory or possession who provides behavioral health services, as defined in § 37.2-100, to a patient located in the Commonwealth when (i) such practice is for the purpose of providing continuity of care through the use of telemedicine services as defined in § 38.2-3418.16 and (ii) the psychologist has previously established a practitioner-patient relationship with the patient. A psychologist who provides behavioral health services to a patient*

located in the Commonwealth through use of telemedicine services pursuant to this subdivision may provide such services for a period of no more than one year from the date on which the psychologist began providing such services to such patient.

§ 54.1-3701. Exemption from requirements of licensure.

The requirements for licensure provided for in this chapter shall not be applicable to:

1. Persons who render services that are like or similar to those falling within the scope of the classifications or categories in this chapter, so long as the recipients or beneficiaries of such services are not subject to any charge or fee, or any financial requirement, actual or implied, and the person rendering such service is not held out, by himself or otherwise, as a licensed practitioner.

2. The activities or services of a student pursuing a course of study in social work in an institution recognized by the Board for purposes of licensure upon completion of the course of study or under the supervision of a practitioner licensed under this chapter; if such activities or services constitute a part of his course of study and are adequately supervised.

3. The activities of rabbis, priests, ministers or clergymen of any religious denomination or sect when such activities are within the scope of the performance of their regular or specialized ministerial duties, and no separate charge is made or when such activities are performed, whether with or without charge, for or under auspices or sponsorship, individually or in conjunction with others, of an established and legally cognizable church, denomination or sect, and the person rendering service remains accountable to its established authority.

4. Persons employed as salaried employees or volunteers of the federal government, the Commonwealth, a locality, or of any agency established or funded, in whole or part, by any such governmental entity or of a private, nonprofit organization or agency sponsored or funded, in whole or part, by a community-based citizen group or organization. Any person who renders psychological services, as defined in Chapter 36 (§ 54.1-3600 et seq.) of this title, shall be subject to the requirements of that chapter. Any person who, in addition to the ~~above enumerated~~ *above-enumerated* employment, engages in an independent private practice shall not be exempt from the requirements for licensure.

5. Persons regularly employed by private business firms as personnel managers, deputies or assistants so long as their counseling activities relate only to employees of their employer and in respect to their employment.

6. *Any person who is licensed to practice as a clinical social worker in another state, the District of Columbia, or a United States territory or possession and who is in good standing with the applicable regulatory agency in that state, the District of Columbia, or that United States territory or possession who provides behavioral health services, as defined in § 37.2-100, to a patient located in the Commonwealth when (i) such practice is for the purpose of providing continuity of care through the use of telemedicine services as defined in § 38.2-3418.16 and (ii) the clinical social worker has previously established a practitioner-patient relationship with the patient. A person who is licensed to practice as clinical social worker who provides behavioral health services to a patient located in the Commonwealth through use of telemedicine services pursuant to this subdivision may provide such services for a period of no more than one year from the date on which the clinical social worker began providing such services to such patient.*

CHAPTER 276

An Act to amend and reenact § 18.2-60.3 of the Code of Virginia, relating to stalking; venue; penalty.

[H 451]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-60.3 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-60.3. Stalking; penalty.

A. Any person, except a law-enforcement officer, as defined in § 9.1-101, and acting in the performance of his official duties, and a registered private investigator, as defined in § 9.1-138, who is regulated in accordance with § 9.1-139 and acting in the course of his legitimate business, who on more than one occasion engages in conduct, *either in person or through any other means, including by mail, telephone, or an electronically transmitted communication*, directed at another person with the intent to place, or when he knows or reasonably should know that the conduct places that other person in reasonable fear of death, criminal sexual assault, or bodily injury to that other person or to that other person's family or household member is guilty of a Class 1 misdemeanor. If the person contacts or follows or attempts to contact or follow the person at whom the conduct is directed after being given actual notice that the person does not want to be contacted or followed, such actions shall be prima facie evidence that the person intended to place that other person, or reasonably should have known that the other person was placed, in reasonable fear of death, criminal sexual assault, or bodily injury to himself or a family or household member.

B. Any person who is convicted of a second offense of subsection A occurring within five years of a prior conviction of such an offense under this section or for a substantially similar offense under the law of any other jurisdiction is guilty of a Class 6 felony.

C. A person may be convicted under this section ~~irrespective of the~~ *in any jurisdiction or jurisdictions* within the Commonwealth wherein the conduct described in subsection A occurred, if the person engaged in that conduct on at least one occasion in the jurisdiction where the person is tried *or in the jurisdiction where the person at whom the conduct is*

directed resided at the time of such conduct. Evidence of any such conduct that occurred outside the Commonwealth may be admissible, if relevant, in any prosecution under this section ~~provided that the prosecution is based upon conduct occurring within the Commonwealth.~~

D. Upon finding a person guilty under this section, the court shall, in addition to the sentence imposed, issue an order prohibiting contact between the defendant and the victim or the victim's family or household member.

E. The Department of Corrections, sheriff or regional jail director shall give notice prior to the release from a state correctional facility or a local or regional jail of any person incarcerated upon conviction of a violation of this section, to any victim of the offense who, in writing, requests notice, or to any person designated in writing by the victim. The notice shall be given at least 15 days prior to release of a person sentenced to a term of incarceration of more than 30 days or, if the person was sentenced to a term of incarceration of at least 48 hours but no more than 30 days, 24 hours prior to release. If the person escapes, notice shall be given as soon as practicable following the escape. The victim shall keep the Department of Corrections, sheriff or regional jail director informed of the current mailing address and telephone number of the person named in the writing submitted to receive notice.

All information relating to any person who receives or may receive notice under this subsection shall remain confidential and shall not be made available to the person convicted of violating this section.

For purposes of this subsection, "release" includes a release of the offender from a state correctional facility or a local or regional jail (i) upon completion of his term of incarceration or (ii) on probation or parole.

No civil liability shall attach to the Department of Corrections nor to any sheriff or regional jail director or their deputies or employees for a failure to comply with the requirements of this subsection.

F. For purposes of this section:

"Family or household member" has the same meaning as provided in § 16.1-228.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 552 of the Acts of Assembly of 2021, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 277

An Act to amend and reenact § 53.1-127 of the Code of Virginia, relating to local correctional facilities; entry privileges.

[S 673]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-127 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-127. Who may enter interior of local correctional facilities; searches of those entering.

A. Members of the local governing bodies that participate in the funding of a local correctional facility may go into the interior of that facility. ~~Agents~~ *The Governor, members of the General Assembly, and agents* of the Board may go into the interior of any local correctional facility. In addition, Department of Corrections staff and state and local health department staff shall, in the performance of their duties, have access to the interior of any local correctional facility subject to the standards promulgated pursuant to subsections A and B of § 53.1-68. Attorneys shall be permitted in the interior of a local correctional facility to confer with prisoners who are their clients and with prisoners who are witnesses in cases in which they are involved. Except for the announced or unannounced inspections authorized pursuant to subsections A and B of § 53.1-68 or a review conducted pursuant to § 53.1-69.1, the sheriff, jail administrator, or other person in charge of the facility shall prescribe the time and conditions under which attorneys and other persons may enter the local correctional facility for which he is responsible.

B. Any person seeking to enter the interior of any local correctional facility shall be subject to a search of his person and effects. Such search shall be performed in a manner reasonable under the circumstances and may be a condition precedent to entering a local correctional facility.

CHAPTER 278

An Act to amend and reenact § 64.2-2004 of the Code of Virginia, relating to guardianship and conservatorship; notice of hearing.

[H 1212]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 64.2-2004 of the Code of Virginia is amended and reenacted as follows:

§ 64.2-2004. Notice of hearing; jurisdictional.

A. Upon the filing of the petition, the court shall promptly set a date, time, and location for a hearing. The respondent shall be given reasonable notice of the hearing. The respondent may not waive notice, and a failure to properly notify the respondent shall be jurisdictional.

B. A respondent, whether or not he resides in the Commonwealth, shall be personally served with the notice of the hearing, a copy of the petition, and a copy of the order appointing a guardian ad litem pursuant to § 64.2-2003. A certification, in the guardian ad litem's report required by subsection B of § 64.2-2003, that the guardian ad litem personally served the respondent with the notice, a copy of the petition, and a copy of the order appointing a guardian ad litem shall constitute valid personal service for purposes of this section.

C. A copy of the notice, together with a copy of the petition, shall be mailed by first-class mail by the petitioner at least ~~seven~~ 10 days before the hearing to all adult individuals and to all entities whose names and post office addresses appear in the petition. The court, for good cause shown, may waive the advance notice required by this subsection. If the advance notice is waived, the petitioner shall promptly mail by first-class mail a copy of the petition and any order entered to those individuals and entities.

D. Any adult individual or entity whose name and post office addresses appear in the petition may become a party to the proceeding by filing a pleading in accordance with Rule 1:4 of the Rules of the Supreme Court of Virginia. Such individual or entity shall mail his pleadings via first-class mail to the petitioner, any counsel of record, the guardian ad litem, and all other adult individuals and entities whose names and post office addresses appear in the petition. Such pleading may also be sent via electronic mail or facsimile to all counsel of record and the guardian ad litem, as well as those other adult individuals and entities whose email addresses or facsimile numbers are known to the person filing the pleading. If a cross-petition is filed, the petitioner shall file a response to such cross-petition.

~~E.~~ The notice to the respondent shall include a brief statement in at least 14-point type of the purpose of the proceedings and shall inform the respondent of the right to be represented by counsel pursuant to § 64.2-2006 and to a hearing pursuant to § 64.2-2007. Additionally, the notice shall include the following statement in conspicuous, bold print.

WARNING TO THE RESPONDENT

AT THE HEARING YOU MAY LOSE MANY OF YOUR RIGHTS. A GUARDIAN MAY BE APPOINTED TO MAKE PERSONAL DECISIONS FOR YOU. A CONSERVATOR MAY BE APPOINTED TO MAKE DECISIONS CONCERNING YOUR PROPERTY AND FINANCES. THE APPOINTMENT MAY AFFECT CONTROL OF HOW YOU SPEND YOUR MONEY, HOW YOUR PROPERTY IS MANAGED AND CONTROLLED, WHO MAKES YOUR MEDICAL DECISIONS, WHERE YOU LIVE, WHETHER YOU ARE ALLOWED TO VOTE, AND OTHER IMPORTANT RIGHTS.

NOTIFICATION TO OTHERS

ANY ADULT INDIVIDUAL OR ENTITY WHOSE NAME AND POST OFFICE ADDRESSES APPEAR IN THE PETITION FOR APPOINTMENT MAY BECOME A PARTY TO THIS ACTION BY FILING A PLEADING WITH THE CIRCUIT COURT IN WHICH THIS CASE IS PENDING. THAT PLEADING MUST BE MAILED TO THE PETITIONER, ANY COUNSEL OF RECORD, THE GUARDIAN AD LITEM, AND ALL OTHER ADULT INDIVIDUALS AND ENTITIES WHOSE NAMES AND POST OFFICE ADDRESSES APPEAR IN THE PETITION. IN ADDITION, SUCH PLEADING MAY BE SENT BY EMAIL OR FAX TO ANY SUCH OTHER ADULT INDIVIDUAL OR ENTITY FOR WHOM SUCH EMAIL ADDRESS OR FAX NUMBER IS KNOWN.

~~E.~~ F. The petitioner shall file with the clerk of the circuit court a statement of compliance with subsections B, C, and ~~D~~ E. Certification of personal service made by the guardian ad litem as required by subsection B may satisfy this requirement as to compliance with subsection B.

CHAPTER 279

An Act to amend and reenact § 17.1-128 of the Code of Virginia, relating to civil cases; recovery of certain costs.

[H 1327]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 17.1-128 of the Code of Virginia is amended and reenacted as follows:

§ 17.1-128. Recording evidence and incidents of trial in certain civil cases and cost thereof; cost of transcripts; preservation of original notes or records; certified transcript prima facie correct.

In all civil cases, the court or judge trying the case may by order entered of record provide for the recording verbatim of the evidence and incidents of trial either by a court reporter or by mechanical or electronic devices approved by the court. The expense of reporting and recording the trial of a civil case shall be paid by the litigants in the manner and in the proportion as the court may in its discretion direct. A transcript of the record, when required by any party, shall be paid for by such party. The court on appeal may provide that such cost may, in civil cases, be reimbursed to the party prevailing. *The court shall not allow a defendant convicted of a crime from which the civil matter arose to recover such cost from the victim, as defined in § 19.2-11.01, of such crime.* The failure to secure the services of a reporter, or the failure to have the case reported or recorded for any other reason, shall not affect the proceeding or trial. The reporter or other individual designated to report and record the trial shall preserve the original shorthand notes or other original records for not less than five years.

The transcript in any case certified by the reporter or other individual designated to report and record the trial shall be deemed prima facie a correct statement of the evidence and incidents of trial.

The administration of this section shall be under the direction of the Supreme Court of Virginia.

CHAPTER 280

An Act to amend and reenact § 5.04, as amended, of Chapter 717 of the Acts of Assembly of 1980, which provided a charter for the City of Chesapeake, relating to operating budget; reserves.

[H 454]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 5.04, as amended, of Chapter 717 of the Acts of Assembly of 1980 is amended and reenacted as follows:

§ 5.04. Operating budget preparation.

The budget shall provide a financial plan for the ensuing fiscal year, and shall be in such form as the manager deems advisable or the council may require. ~~A minimum of six percent of the total general fund revenue shall be reserved upon the adoption of the city's annual operating budget and shall be restricted for emergency use and cash flow needs which occur throughout the year.~~ In organizing the budget, the manager shall utilize the most feasible combination of expenditures classification by fund, organization unit, program, purpose or activity and object. It shall be prepared in accordance with generally accepted principles of municipal accounting and budgeting procedures and techniques. It shall be the duty of the head of each department, the judges of the courts not of record or commission, including the school board, and each other office or agency supported in whole or in part by the city, to file at such time as the city manager may prescribe estimates of revenue and expenditures for that department, court, board, commission, office or agency for the ensuing fiscal year. The city manager shall hold such hearings as deemed advisable and shall review the estimates and other data pertinent to the preparation of the budget and make such revisions in such estimates as deemed proper, subject to the laws of the Commonwealth relating to the obligatory expenditures for any purpose, except that in the case of the school board may recommend a revision only in its total estimated resources and requirements. In no event shall the requirements recommended by the city manager in the budget exceed the resources estimated, taking into account the estimated cash surplus or deficit at the end of the current fiscal year, unless the city manager shall recommend an increase in the rate of ad valorem taxes on real estate and tangible personal property or other new or increased fees, charges, or taxes or licenses within the power of the city to levy and collect in the ensuing year, the revenue from which, estimated on the average experience with the same or similar taxes during the three tax years last past will make up the difference. If estimated resources exceed estimated requirements, the city manager may recommend revisions in the tax and license ordinances of the city in order to bring the budget into balance.

At the same time that the city manager submits the operating budget, the city manager shall introduce and recommend to the council an appropriation ordinance which shall be based on the budget. The city manager shall also introduce at the same time any ordinances levying a new tax or altering the rate on any existing tax necessary to balance the budget as provided in this section.

CHAPTER 281

An Act to amend the Code of Virginia by adding a section numbered 57-35.37, relating to sale of cemeteries owned by a locality; notice to descendants.

[H 615]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 57-35.37 as follows:

§ 57-35.37. Sale of cemeteries owned by a locality; required notice to descendants of original owner.

A. No cemetery owned by a county or city shall be sold to a private owner unless the county or city has made a good faith effort to ensure, prior to sale, that the ownership of such cemetery is vested in the estate of the last owner of record or that permission for the sale has been granted by the family members or descendants of such owner.

B. For purposes of subsection A, a county or city will be deemed to have made a good faith effort if it attempts to contact all known family members and descendants of the last owner of record no less than three separate times by phone, mail, or visiting the last known address of record for such family members or descendants; however, if the county or city is unable to successfully contact a family member or descendant, it must utilize two different contact methods listed above for a total of three different times in an attempt to reach the family members or descendants of the last owner of record of the cemetery. A county or city shall keep written records of each attempt to contact a family member or descendant of the cemetery's last owner of record.

CHAPTER 282

An Act to amend and reenact § 62.1-132.3:4 of the Code of Virginia, relating to Waterway Maintenance Grant Program.

[S 357]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 62.1-132.3:4 of the Code of Virginia is amended and reenacted as follows:****§ 62.1-132.3:4. Virginia Waterway Maintenance Grant Program.**

A. Once each fiscal year, the Authority shall award a grant of funds to a qualified applicant or applicants to support a dredging project or projects that have been approved by the Authority. The source of the grant funds shall be the Virginia Waterway Maintenance Fund created pursuant to § 62.1-132.3:3. Applicants shall be limited to political subdivisions and the governing bodies of Virginia localities.

B. The Authority shall develop guidelines establishing an application process, procedures for evaluating the feasibility of a proposed dredging project, and procedures for awarding grants. The guidelines and procedures shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.). The guidelines and procedures shall provide that:

1. The Authority shall evaluate each application to determine its completeness, the sufficiency of its justification for the proposed project, the status of any necessary permits, the adequacy of its project management organization, and the potential beneficial use of dredged materials for the purpose of mitigation of coastal erosion, flooding, or other purposes for the common good.

2. The Authority shall not require any level of matching contributions from the applicant.

3. No award of a grant shall support any dredging project for a solely privately owned marina or dock. *However, the Authority may award a grant to a political subdivision or governing body for the dredging of a waterway channel with a bottom that is privately owned if such political subdivision or governing body holds a lease of such bottom with a term of 25 years or more.*

4. Prior to receipt of a grant, the applicant shall enter into a memorandum of understanding with the Authority establishing the requirements for the use of the grant funds.

C. Projects for which the Authority may award grant funding include (i) feasibility and cost evaluations, pre-project engineering studies, and project permitting and contracting costs for a waterway project conducted by the Commonwealth; (ii) the state portion of a nonfederal sponsor funding requirement for a federal project, which may include the beneficial use of dredged materials that are not covered by federal funding; (iii) the Commonwealth's maintenance of shallow-draft navigable waterway channel maintenance dredging and the construction and management of areas for the placement of dredged material; and (iv) the beneficial use, for environmental restoration and the mitigation of coastal erosion or flooding, of dredged materials from waterway projects conducted by the Commonwealth.

CHAPTER 283

An Act to amend and reenact § 38.2-3468 of the Code of Virginia, relating to pharmacy benefits managers; frequency of required report.

[S 359]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 38.2-3468 of the Code of Virginia is amended and reenacted as follows:****§ 38.2-3468. Examination of books and records; reports; access to records.**

A. Each carrier, on its own or through its contract for pharmacy benefits, shall ensure that the Commissioner may examine or audit the books and records of a pharmacy benefits manager providing claims processing services or other prescription drug or device services for a carrier that are relevant to determining if the pharmacy benefits manager is in compliance with this article. The carrier shall be responsible for the charges incurred in the examination, including the expenses of the Commissioner or his designee and the expenses and compensation of his examiners and assistants.

B. ~~Any~~ Each carrier, on its own or through its contract for pharmacy benefits, shall report *the following information* to the Commissioner ~~on a quarterly basis~~ for each health benefit plan ~~the following information~~:

1. The aggregate amount of rebates received by the pharmacy benefits manager;

2. The aggregate amount of rebates distributed to the appropriate health benefit plan;

3. The aggregate amount of rebates passed on to the enrollees of each health benefit plan at the point of sale that reduced the enrollees' applicable deductible, copayment, coinsurance, or other cost-sharing amount;

4. Upon the request of the Commission, the individual and aggregate amount paid by the health benefit plan to the pharmacy benefits manager for services itemized by pharmacy, by product, and by goods and services; and

5. Upon the request of the Commission, the individual and aggregate amount a pharmacy benefits manager paid for services itemized by pharmacy, by product, and by goods and services.

The report required by this subsection shall be filed on a quarterly basis through March 31, 2023. The final quarterly report shall include information for the period ending December 31, 2022. Thereafter, by March 31 of each year, the report shall be filed on a calendar year basis. The 2023 calendar year report shall be filed by March 31, 2024.

C. All working papers, documents, reports, and copies thereof, produced by, obtained by or disclosed to the Commission or any other person in the course of an examination made under this article and any analysis of such information or documents shall be given confidential treatment, are not subject to subpoena, and may not be made public by the Commission or any other person. Access may also be granted to (i) a regulatory official of any state or country; (ii) the National Association of Insurance Commissioners (NAIC), its affiliate, or its subsidiary; or (iii) a law-enforcement authority of any state or country, provided that those officials are required under their law to maintain its confidentiality. Any such disclosure by the Commission shall not constitute a waiver of confidentiality of such papers, documents, reports or copies thereof. Any parties receiving such papers must agree in writing prior to receiving the information to provide to it the same confidential treatment as required by this section.

CHAPTER 284

An Act to amend and reenact § 38.2-3407.15:2 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 38.2-3407.15:7, relating to health insurance; carrier disclosure of certain information.

[H 360]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-3407.15:2 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 38.2-3407.15:7 as follows:

§ 38.2-3407.15:2. Carrier contracts; required provisions regarding prior authorization.

A. As used in this section, unless the context requires a different meaning:

"Carrier" has the same meaning ascribed thereto in subsection A of § 38.2-3407.15.

"Prior authorization" means the approval process used by a carrier before certain drug benefits may be provided.

"Provider contract" has the same meaning ascribed thereto in subsection A of § 38.2-3407.15.

"Supplementation" means a request communicated by the carrier to the prescriber or his designee, for additional information, limited to items specifically requested on the applicable prior authorization request, necessary to approve or deny a prior authorization request.

B. Any provider contract between a carrier and a participating health care provider with prescriptive authority, or its contracting agent, shall contain specific provisions that:

1. Require the carrier to, in a method of its choosing, accept telephonic, facsimile, or electronic submission of prior authorization requests that are delivered from e-prescribing systems, electronic health record systems, and health information exchange platforms that utilize the National Council for Prescription Drug Programs' SCRIPT standards;

2. Require that the carrier communicate to the prescriber or his designee within 24 hours, including weekend hours, of submission of an urgent prior authorization request to the carrier, if submitted telephonically or in an alternate method directed by the carrier, that the request is approved, denied, or requires supplementation;

3. Require that the carrier communicate electronically, telephonically, or by facsimile to the prescriber or his designee, within two business days of submission of a fully completed prior authorization request, that the request is approved, denied, or requires supplementation;

4. Require that the carrier communicate electronically, telephonically, or by facsimile to the prescriber or his designee, within two business days of submission of a properly completed supplementation from the prescriber or his designee, that the request is approved or denied;

5. Require that if the prior authorization request is denied, the carrier shall communicate electronically, telephonically, or by facsimile to the prescriber or his designee, within the timeframes established by subdivision 3 or 4, as applicable, the reasons for the denial;

6. Require that prior authorization approved by another carrier be honored, upon the carrier's receipt from the prescriber or his designee of a record demonstrating the previous carrier's prior authorization approval or any written or electronic evidence of the previous carrier's coverage of such drug, at least for the initial 30 days of a member's prescription drug benefit coverage under a new health plan, subject to the provisions of the new carrier's evidence of coverage;

7. Require that a tracking system be used by the carrier for all prior authorization requests and that the identification information be provided electronically, telephonically, or by facsimile to the prescriber or his designee, upon the carrier's response to the prior authorization request;

8. Require that the carrier's prescription drug formularies, all drug benefits subject to prior authorization by the carrier, all of the carrier's prior authorization procedures, and all prior authorization request forms accepted by the carrier be made available through one central location on the carrier's website and that such information be updated by the carrier within seven days of approved changes;

9. Require a carrier to honor a prior authorization issued by the carrier for a drug, other than an opioid, regardless of changes in dosages of such drug, provided such drug is prescribed consistent with U.S. Food and Drug Administration-labeled dosages;

10. Require a carrier to honor a prior authorization issued by the carrier for a drug regardless of whether the covered person changes plans with the same carrier and the drug is a covered benefit with the current health plan;

11. Require a carrier, when requiring a prescriber to provide supplemental information that is in the covered individual's health record or electronic health record, to identify the specific information required;

12. Require that no prior authorization be required for at least one drug prescribed for substance abuse medication-assisted treatment, provided that (i) the drug is a covered benefit, (ii) the prescription does not exceed the FDA-labeled dosages, and (iii) the drug is prescribed consistent with the regulations of the Board of Medicine;

13. Require that when any carrier has previously approved prior authorization for any drug prescribed for the treatment of a mental disorder listed in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, no additional prior authorization shall be required by the carrier, provided that (i) the drug is a covered benefit; (ii) the prescription does not exceed the FDA-labeled dosages; (iii) the prescription has been continuously issued for no fewer than three months; and (iv) the prescriber performs an annual review of the patient to evaluate the drug's continued efficacy, changes in the patient's health status, and potential contraindications. Nothing in this subdivision shall prohibit a carrier from requiring prior authorization for any drug that is not listed on its prescription drug formulary at the time the initial prescription for the drug is issued; ~~and~~

14. Require a carrier to honor a prior authorization issued by the carrier for a drug regardless of whether the drug is removed from the carrier's prescription drug formulary after the initial prescription for that drug is issued, provided that the drug and prescription are consistent with the applicable provisions of subdivision 13;

15. *Require a carrier, beginning July 1, 2025, notwithstanding the provisions of subdivision 1 or any other provision of this section, to establish and maintain an online process that (i) links directly to e-prescribing systems and electronic health record systems that utilize the National Council for Prescription Drug Programs SCRIPT standard; (ii) can accept electronic prior authorization requests from a provider; (iii) can approve electronic prior authorization requests for which no additional information is needed by the carrier to process the prior authorization request, no clinical review is required, and that meet the carrier's criteria for approval; and (iv) otherwise meets the requirements of this section. No carrier shall (a) impose a charge or fee on a participating health care provider for accessing the online process required by this subdivision or (b) access, absent provider consent, provider data via the online process other than for the enrollee; and*

16. *Require a participating health care provider, beginning July 1, 2025, to ensure that any e-prescribing system or electronic health record system owned by or contracted for the provider to maintain an enrollee's health record has the ability to access the electronic prior authorization process established by a carrier as required by subdivision 15 and the real-time cost information data for a covered prescription drug made available by a carrier pursuant to § 38.2-3407.15:7. A provider may request a waiver of compliance under this subdivision for undue hardship for a period not to exceed 12 months.*

C. The Commission shall have no jurisdiction to adjudicate individual controversies arising out of this section.

D. This section shall apply with respect to any contract between a carrier and a participating health care provider, or its contracting agent, that is entered into, amended, extended, or renewed on or after January 1, 2016.

E. Notwithstanding any law to the contrary, the provisions of this section shall not apply to:

1. Coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare), Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid), Title XXI of the Social Security Act, 42 U.S.C. § 1397aa et seq. (CHIP), 5 U.S.C. § 8901 et seq. (federal employees), or 10 U.S.C. § 1071 et seq. (TRICARE);

2. Accident only, credit or disability insurance, long-term care insurance, TRICARE supplement, Medicare supplement, or workers' compensation coverages;

3. Any dental services plan or optometric services plan as defined in § 38.2-4501; or

4. Any health maintenance organization that (i) contracts with one multispecialty group of physicians who are employed by and are shareholders of the multispecialty group, which multispecialty group of physicians may also contract with health care providers in the community; (ii) provides and arranges for the provision of physician services by such multispecialty group physicians or by such contracted health care providers in the community; and (iii) receives and processes at least 85 percent of prescription drug prior authorization requests in a manner that is interoperable with e-prescribing systems, electronic health records, and health information exchange platforms.

§ 38.2-3407.15:7. Carrier provision of certain prescription drug information.

A. *As used in this section:*

"Carrier" has the same meaning as provided in § 38.2-3407.15.

"Cost-sharing requirement" has the same meaning as provided in § 38.2-3438.

"Enrollee" has the same meaning as provided in § 38.2-3407.10.

"Pharmacy benefits manager" has the same meaning as provided in § 38.2-3465.

"Provider" has the same meaning as provided in § 38.2-3407.10.

B. *Beginning July 1, 2025, any carrier or its pharmacy benefits manager shall provide real-time cost information data to enrollees and contracted providers for a covered prescription drug, including any cost-sharing requirement or prior authorization requirements, and shall ensure that the data is accurate. Such cost information data shall be available to the*

provider in a format that a provider can access and understand such as through the provider's e-prescribing system or electronic health record system for which the carrier or pharmacy benefits manager or its designated subcontractor has adopted that utilizes the National Council for Prescription Drug Programs SCRIPT standard from which the provider makes the request.

2. That the State Corporation Commission's Bureau of Insurance (the Bureau) shall, in coordination with the Secretary of Health and Human Resources, establish a work group to evaluate and make recommendations to modify the process for prior authorization for drug benefits in order to maximize efficiency and minimize delays. Such recommendations shall include a single standardized process as required by this act and any recommendations for necessary statutory or regulatory changes. The work group shall include relevant stakeholders, including representatives from the Virginia Association of Health Plans, the Medical Society of Virginia, the National Council for Prescription Drug Programs, the Virginia Pharmacists Association, and the Virginia Hospital and Healthcare Association, and other parties with an interest in the underlying technology. The work group shall report its findings and recommendations to the Chairmen of the Senate Committee on Commerce and Labor and the House Committee on Commerce and Energy by November 1, 2022.

3. That the provisions of the first enactment of this act shall not become effective unless reenacted by the 2023 Session of the General Assembly.

CHAPTER 285

An Act to amend and reenact § 38.2-3407.15:2 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 38.2-3407.15:7, relating to health insurance; carrier disclosure of certain information.

[S 428]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-3407.15:2 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 38.2-3407.15:7 as follows:

§ 38.2-3407.15:2. Carrier contracts; required provisions regarding prior authorization.

A. As used in this section, unless the context requires a different meaning:

"Carrier" has the same meaning ascribed thereto in subsection A of § 38.2-3407.15.

"Prior authorization" means the approval process used by a carrier before certain drug benefits may be provided.

"Provider contract" has the same meaning ascribed thereto in subsection A of § 38.2-3407.15.

"Supplementation" means a request communicated by the carrier to the prescriber or his designee, for additional information, limited to items specifically requested on the applicable prior authorization request, necessary to approve or deny a prior authorization request.

B. Any provider contract between a carrier and a participating health care provider with prescriptive authority, or its contracting agent, shall contain specific provisions that:

1. Require the carrier to, in a method of its choosing, accept telephonic, facsimile, or electronic submission of prior authorization requests that are delivered from e-prescribing systems, electronic health record systems, and health information exchange platforms that utilize the National Council for Prescription Drug Programs' SCRIPT standards;

2. Require that the carrier communicate to the prescriber or his designee within 24 hours, including weekend hours, of submission of an urgent prior authorization request to the carrier, if submitted telephonically or in an alternate method directed by the carrier, that the request is approved, denied, or requires supplementation;

3. Require that the carrier communicate electronically, telephonically, or by facsimile to the prescriber or his designee, within two business days of submission of a fully completed prior authorization request, that the request is approved, denied, or requires supplementation;

4. Require that the carrier communicate electronically, telephonically, or by facsimile to the prescriber or his designee, within two business days of submission of a properly completed supplementation from the prescriber or his designee, that the request is approved or denied;

5. Require that if the prior authorization request is denied, the carrier shall communicate electronically, telephonically, or by facsimile to the prescriber or his designee, within the timeframes established by subdivision 3 or 4, as applicable, the reasons for the denial;

6. Require that prior authorization approved by another carrier be honored, upon the carrier's receipt from the prescriber or his designee of a record demonstrating the previous carrier's prior authorization approval or any written or electronic evidence of the previous carrier's coverage of such drug, at least for the initial 30 days of a member's prescription drug benefit coverage under a new health plan, subject to the provisions of the new carrier's evidence of coverage;

7. Require that a tracking system be used by the carrier for all prior authorization requests and that the identification information be provided electronically, telephonically, or by facsimile to the prescriber or his designee, upon the carrier's response to the prior authorization request;

8. Require that the carrier's prescription drug formularies, all drug benefits subject to prior authorization by the carrier, all of the carrier's prior authorization procedures, and all prior authorization request forms accepted by the carrier be made

available through one central location on the carrier's website and that such information be updated by the carrier within seven days of approved changes;

9. Require a carrier to honor a prior authorization issued by the carrier for a drug, other than an opioid, regardless of changes in dosages of such drug, provided such drug is prescribed consistent with U.S. Food and Drug Administration-labeled dosages;

10. Require a carrier to honor a prior authorization issued by the carrier for a drug regardless of whether the covered person changes plans with the same carrier and the drug is a covered benefit with the current health plan;

11. Require a carrier, when requiring a prescriber to provide supplemental information that is in the covered individual's health record or electronic health record, to identify the specific information required;

12. Require that no prior authorization be required for at least one drug prescribed for substance abuse medication-assisted treatment, provided that (i) the drug is a covered benefit, (ii) the prescription does not exceed the FDA-labeled dosages, and (iii) the drug is prescribed consistent with the regulations of the Board of Medicine;

13. Require that when any carrier has previously approved prior authorization for any drug prescribed for the treatment of a mental disorder listed in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, no additional prior authorization shall be required by the carrier, provided that (i) the drug is a covered benefit; (ii) the prescription does not exceed the FDA-labeled dosages; (iii) the prescription has been continuously issued for no fewer than three months; and (iv) the prescriber performs an annual review of the patient to evaluate the drug's continued efficacy, changes in the patient's health status, and potential contraindications. Nothing in this subdivision shall prohibit a carrier from requiring prior authorization for any drug that is not listed on its prescription drug formulary at the time the initial prescription for the drug is issued; ~~and~~

14. Require a carrier to honor a prior authorization issued by the carrier for a drug regardless of whether the drug is removed from the carrier's prescription drug formulary after the initial prescription for that drug is issued, provided that the drug and prescription are consistent with the applicable provisions of subdivision 13;

15. *Require a carrier, beginning July 1, 2025, notwithstanding the provisions of subdivision 1 or any other provision of this section, to establish and maintain an online process that (i) links directly to e-prescribing systems and electronic health record systems that utilize the National Council for Prescription Drug Programs SCRIPT standard; (ii) can accept electronic prior authorization requests from a provider; (iii) can approve electronic prior authorization requests for which no additional information is needed by the carrier to process the prior authorization request, no clinical review is required, and that meet the carrier's criteria for approval; and (iv) otherwise meets the requirements of this section. No carrier shall (a) impose a charge or fee on a participating health care provider for accessing the online process required by this subdivision or (b) access, absent provider consent, provider data via the online process other than for the enrollee; and*

16. *Require a participating health care provider, beginning July 1, 2025, to ensure that any e-prescribing system or electronic health record system owned by or contracted for the provider to maintain an enrollee's health record has the ability to access the electronic prior authorization process established by a carrier as required by subdivision 15 and the real-time cost information data for a covered prescription drug made available by a carrier pursuant to § 38.2-3407.15:7. A provider may request a waiver of compliance under this subdivision for undue hardship for a period not to exceed 12 months.*

C. The Commission shall have no jurisdiction to adjudicate individual controversies arising out of this section.

D. This section shall apply with respect to any contract between a carrier and a participating health care provider, or its contracting agent, that is entered into, amended, extended, or renewed on or after January 1, 2016.

E. Notwithstanding any law to the contrary, the provisions of this section shall not apply to:

1. Coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare), Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid), Title XXI of the Social Security Act, 42 U.S.C. § 1397aa et seq. (CHIP), 5 U.S.C. § 8901 et seq. (federal employees), or 10 U.S.C. § 1071 et seq. (TRICARE);

2. Accident only, credit or disability insurance, long-term care insurance, TRICARE supplement, Medicare supplement, or workers' compensation coverages;

3. Any dental services plan or optometric services plan as defined in § 38.2-4501; or

4. Any health maintenance organization that (i) contracts with one multispecialty group of physicians who are employed by and are shareholders of the multispecialty group, which multispecialty group of physicians may also contract with health care providers in the community; (ii) provides and arranges for the provision of physician services by such multispecialty group physicians or by such contracted health care providers in the community; and (iii) receives and processes at least 85 percent of prescription drug prior authorization requests in a manner that is interoperable with e-prescribing systems, electronic health records, and health information exchange platforms.

§ 38.2-3407.15:7. Carrier provision of certain prescription drug information.

A. As used in this section:

"Carrier" has the same meaning as provided in § 38.2-3407.15.

"Cost-sharing requirement" has the same meaning as provided in § 38.2-3438.

"Enrollee" has the same meaning as provided in § 38.2-3407.10.

"Pharmacy benefits manager" has the same meaning as provided in § 38.2-3465.

"Provider" has the same meaning as provided in § 38.2-3407.10.

B. Beginning July 1, 2025, any carrier or its pharmacy benefits manager shall provide real-time cost information data to enrollees and contracted providers for a covered prescription drug, including any cost-sharing requirement or prior authorization requirements, and shall ensure that the data is accurate. Such cost information data shall be available to the provider in a format that a provider can access and understand such as through the provider's e-prescribing system or electronic health record system for which the carrier or pharmacy benefits manager or its designated subcontractor has adopted that utilizes the National Council for Prescription Drug Programs SCRIPT standard from which the provider makes the request.

2. That the State Corporation Commission's Bureau of Insurance (the Bureau) shall, in coordination with the Secretary of Health and Human Resources, establish a work group to evaluate and make recommendations to modify the process for prior authorization for drug benefits in order to maximize efficiency and minimize delays. Such recommendations shall include a single standardized process as required by this act and any recommendations for necessary statutory or regulatory changes. The work group shall include relevant stakeholders, including representatives from the Virginia Association of Health Plans, the Medical Society of Virginia, the National Council for Prescription Drug Programs, the Virginia Pharmacists Association, and the Virginia Hospital and Healthcare Association, and other parties with an interest in the underlying technology. The work group shall report its findings and recommendations to the Chairmen of the Senate Committee on Commerce and Labor and the House Committee on Commerce and Energy by November 1, 2022.

3. That the provisions of the first enactment of this act shall not become effective unless reenacted by the 2023 Session of the General Assembly.

CHAPTER 286

An Act to amend and reenact § 58.1-3981 of the Code of Virginia, relating to refunds of local taxes; authority of treasurer.

[H 368]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3981 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3981. Correction by commissioner or other official performing his duties.

A. If the commissioner of the revenue, or other official performing the duties imposed on commissioners of the revenue under this title, is satisfied that he has erroneously assessed such applicant with any such tax, he shall correct such assessment. If the assessment exceeds the proper amount, he shall exonerate the applicant from the payment of so much as is erroneously charged if not paid into the treasury of the county or city. If the assessment has been paid, the governing body of the county or city shall, upon the certificate of the commissioner with the consent of the town, city or county attorney, or if none, the attorney for the Commonwealth, that such assessment was erroneous, direct the treasurer of the county, city or town to refund the excess to the taxpayer, with interest if authorized pursuant to § 58.1-3918 or in the ordinance authorized by § 58.1-3916, or as otherwise authorized in that section. However, the governing body of the county, city or town may authorize the treasurer to approve and issue any refund up to ~~\$5,000~~ \$10,000 as a result of an erroneous assessment.

B. If the assessment is less than the proper amount, the commissioner shall assess such applicant with the proper amount. If any assessment is erroneous because of a mere clerical error or calculation, the same may be corrected as herein provided and with or without petition from the taxpayer. If such error or calculation was made in work performed by others in connection with conducting general assessments, such mistake may be corrected by the commissioner of the revenue.

C. If the commissioner of the revenue, or other official performing the duties imposed on commissioners of the revenue under this title, is satisfied that any assessment is erroneous because of a factual error made in work performed by others in connection with conducting general reassessments, he shall correct such assessment as herein provided and with or without petition from the taxpayer.

D. An error in the valuation of property subject to the rollback tax imposed under § 58.1-3237 for those years to which such tax is applicable may be corrected within three years of the assessment of the rollback tax.

E. A copy of any correction made under this section shall be certified by the commissioner or such other official to the treasurer of his county, city, or town.

F. In any action on application for correction under § 58.1-3980, if so requested by the applicant, the commissioner or other such official shall state in writing the facts and law supporting the action on such application and mail a copy of such writing to the applicant at his last known address.

CHAPTER 287

An Act to amend and reenact § 3.2-311 of the Code of Virginia, relating to Local Food and Farming Infrastructure Grant Program.

[H 323]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-311 of the Code of Virginia is amended and reenacted as follows:

§ 3.2-311. Local Food and Farming Infrastructure Grant Program.

A. The Governor may award grants from the Fund for the Local Food and Farming Infrastructure Grant Program to encourage efforts by political subdivisions to support agriculture and forestry.

B. Any funds awarded by the Governor pursuant to this section shall be awarded as reimbursable grants of no more than ~~\$25,000~~ \$50,000 per grant to political subdivisions to support community infrastructure development projects that support local food production and sustainable agriculture.

C. The Secretary of Agriculture and Forestry shall develop guidelines for the Local Grant Program and administer the Local Grant Program on behalf of the Governor. Such guidelines shall (i) include a requirement that any political subdivision applying for a grant provide matching funds, (ii) require that grants be awarded on a competitive basis, and (iii) state the criteria the Governor will use in evaluating any grant application submitted pursuant to this section. Such guidelines shall favor projects that establish or maintain (a) farmers markets pursuant to Chapter 35 (§ 3.2-3500 et seq.); (b) food hubs; or (c) processing facilities that are primarily locally owned, including commercial kitchens, packaging and labeling facilities, animal slaughtering facilities, or other facilities, and that are primarily utilized for the processing of meats, dairy products, produce, or other products. Such guidelines shall favor projects that create infrastructure in proximity to small-scale agricultural producers.

D. The guidelines developed pursuant to subsection C may (i) allow contributions to a project by certain specified entities, such as a nonprofit organization or charitable foundation, to count as eligible local matching funds and (ii) accept a reduced match requirement for an economically distressed locality applying for an award.

CHAPTER 288

An Act to amend and reenact §§ 12, 18, and 19, as severally amended, of Chapter 34 of the Acts of Assembly of 1918, which provided a charter for the City of Norfolk, relating to council; elections.

[H 321]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 12, 18, and 19, as severally amended, of Chapter 34 of the Acts of Assembly of 1918 are amended and reenacted as follows:

§ 12. Meetings of council.

On the ~~first day of July~~ next *Tuesday in January after January 1* following the regular municipal election, ~~or if such day be Saturday or Sunday, then on the following Tuesday,~~ the council shall meet at the usual place for holding meetings of the legislative body of the city, at which time the newly elected council members shall assume the duties of their office. The time for any such meeting shall be set by ordinance adopted by council not less than thirty nor more than forty-five days prior to the election. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution. It shall hold at least one regular meeting each month. The mayor, any member of the council, or the city manager, may call special meetings of the council at any time upon at least twelve hours' written notice to each member, served personally or left at his usual place of business or residence; or such meeting may be held at any time without notice, provided all members of the council attend. All meetings of the council shall be public except where closed pursuant to the provisions of general law, and any citizen may have access to the minutes and records thereof at all reasonable times.

§ 18. Time of holding municipal elections and conduct of elections.

~~A municipal election shall be held on the first Tuesday in May of the year 1992, and of every second year thereafter, which shall be known as the regular municipal election for the election of council members. In accordance with § 15.2-1400 of the Code of Virginia (1950), as amended, beginning in 2022 municipal elections shall be held at the time of the November general election and every second year thereafter. The elections for wards one through five shall be at the time of the November 2022 general election and every four years thereafter and the elections for superwards designated six and seven and the mayor shall be at the time of the November 2024 general election and every four years thereafter. All terms shall commence on January 1 and end on December 31. Any matter which, by the terms of this charter, may be submitted to the electors of the city, at any special election, may be submitted at a regular municipal election.~~

~~An election to fill each of the ward and superward council seats shall be held at the regular municipal election in 1992. Those candidates elected from wards designated one through five shall serve on city council for a term beginning on the first day of July of the year 1992 and terminating two years hence or upon qualification of their successors. Those candidates elected from superwards designated six and seven shall serve on city council for terms beginning on the first day of July of the year 1992 and terminating four years hence or upon qualification of their successors. Thereafter, elections for council members from wards one through five shall be held every four years beginning on the first Tuesday in May, of the year 1994, and elections for superwards six and seven shall be held every four years beginning on the first Tuesday in May, of the year 1996, with persons so elected to begin their four-year terms on the first day of July following their election. Until July 1, 1992, the city council shall consist of the members of city council serving at the time of adoption of this amendment or their successors as provided in § 7 of this charter.~~

Beginning in the year 2006, there shall be an election for the office of mayor to be held at the regular municipal election that year. The candidate receiving the most votes from the qualified voters of the city voting at-large for said office shall be elected mayor to serve for a term of four years beginning July 1, 2006, or upon qualification of his or her successor. Thereafter, elections for the office of mayor shall be held every four years beginning on the first Tuesday in May of the year 2010, with persons so elected to begin their four-year terms on the first day of July following their election. However, persons elected mayor at the regular municipal election in 2014 shall be elected for a term of two years beginning July 1, 2014. Thereafter, elections for the office of mayor shall be held every four years beginning on the first Tuesday in May of the year 2016, with persons so elected to begin their four-year terms on the first day of July following their election.

§ 19. Notice of candidacy and petition.

Candidates for the city council shall be qualified voters of the ward or superward from which they seek election, or in the case of the election of the mayor, qualified voters of the city at-large. Such candidates, subject to the provisions of § 21 of this charter, shall file their notices of candidacy and their petitions in the manner provided by law. No candidate may seek election for more than one seat in an election. A sitting member of council who files his or her candidacy for mayor or for election to a council seat other than reelection to his or her own seat and so appears on the ballot shall be deemed to have resigned his or her seat effective ~~June 30~~ *December 31* of the year in which the election is held whether or not he or she is elected to the new seat sought.

CHAPTER 289

An Act to disseminate consumer information about noxious weeds and invasive plants.

[H 314]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Commissioner of Agriculture and Consumer Services (the Commissioner) shall, by January 1, 2023, develop a brochure for use by retail establishments that sell plants in the Commonwealth that explains the value of plant species native to the Commonwealth and the harm of noxious weeds and other invasive plants, and shall include information as to how to access more information about noxious weeds and invasive plant species on the Department of Agriculture and Consumer Services' website. The brochure shall be available for reproduction by a retail establishment, at the retail establishment's expense. The Commissioner shall work with relevant industry stakeholders to facilitate the distribution of the information contained in the brochure.*

CHAPTER 290

An Act to amend and reenact § 13.1-1062 of the Code of Virginia, relating to limited liability companies; prepayment of annual registration fees.

[H 309]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 13.1-1062 of the Code of Virginia is amended and reenacted as follows:

§ 13.1-1062. Assessment of annual registration fees; annual registration fees to be paid by domestic and foreign limited liability companies.

A. Every domestic limited liability company, every protected series, every foreign limited liability company registered to transact business in the Commonwealth, and every foreign protected series registered to transact business in the Commonwealth shall pay into the state treasury on or before the last day of the twelfth month next succeeding the month in which it was organized, established, or registered to transact business in the Commonwealth, and by such date in each year thereafter, an annual registration fee of \$50, provided that (i) for a domestic limited liability company that became a domestic limited liability company by conversion from a domestic stock corporation or nonstock corporation, or by domestication from a foreign limited liability company that was registered to transact business in the Commonwealth at the time of the domestication, the annual registration fee shall be paid each year on or before the date on which its annual registration fee was due prior to the conversion or domestication and (ii) for a domestic limited liability company that became a domestic limited liability company by conversion from a domestic limited partnership or business trust, the annual registration fee shall be paid each year on or before the last day of the twelfth month next succeeding the month in which it was originally incorporated, organized, or formed as an entity, except the initial annual registration fee to be paid by the domestic limited liability company shall be due in the year after the calendar year in which the conversion became effective when the annual registration fee of the domestic limited partnership or business trust was paid for the calendar year in which it was converted, or when the month in which the conversion was effective precedes the month in which the domestic limited partnership or business trust was originally incorporated, organized, or formed as an entity by two months or less.

The annual registration fee shall be imposed irrespective of any specific license tax or other tax or fee imposed by law upon the domestic or foreign limited liability company or any protected series thereof for the privilege of carrying on its business in the Commonwealth or upon its franchise, property, or receipts.

B. Each year, the Commission shall ascertain from its records each domestic limited liability company, each protected series, each foreign limited liability company registered to transact business in the Commonwealth, and each foreign protected series registered to transact business in the Commonwealth, as of the first day of the second month next preceding the month in which it was organized, established, or registered to transact business in the Commonwealth, and, except as provided in subsection A, shall assess against each such limited liability company and each such protected series the annual registration fee herein imposed. Notwithstanding the foregoing, (i) for a domestic limited liability company that became a domestic limited liability company by conversion from a domestic stock corporation or nonstock corporation, or by domestication from a foreign limited liability company that was registered to transact business in the Commonwealth at the time of the domestication, the assessment shall be made as of the first day of the second month next preceding the month in which its annual registration fee was due prior to the conversion or domestication and (ii) for a domestic limited liability company that became a domestic limited liability company by conversion from a domestic limited partnership or business trust, except as provided in subsection A, the assessment shall be made as of the first day of the second month next preceding the month in which the domestic limited liability company was originally incorporated, organized, or formed as an entity.

C. At the discretion of the Commission, the annual registration fee due date for a limited liability company may be extended, on a monthly basis for a period of not less than one month nor more than 11 months, at the request of its registered agent of record or as may be necessary to distribute annual registration fee due dates of limited liability companies as equally as practicable throughout the year on a monthly basis.

D. A statement of the assessment, when made, shall be forwarded by the clerk of the Commission to the Comptroller and to each domestic and foreign limited liability company and each protected series thereof.

E. A domestic or foreign limited liability company shall not be required to pay the annual registration fee assessed against it pursuant to subsection B in any year if (i) the Commission issues or files any of the following types of certificate or instrument and (ii) the certificate or instrument is effective on or before the annual registration fee due date:

1. A certificate of cancellation of existence or a certificate of organization surrender for a domestic limited liability company;
2. A certificate of cancellation for a foreign limited liability company;
3. A certificate of merger or an authenticated copy of an instrument of merger for a domestic or foreign limited liability company that has merged into a surviving domestic limited liability company or other business entity or into a surviving foreign limited liability company or other business entity; or
4. An authenticated copy of an instrument of entity conversion for a foreign limited liability company that has converted to a different entity type.

The Commission shall cancel the annual registration fee assessments specified in this subsection that remain unpaid.

F. Annual registration assessments that have been paid shall not be refunded.

G. The fees paid into the state treasury under this section and the fees collected under § 13.1-1005 shall be set aside and paid into the special fund created under § 13.1-775.1, and shall be used only by the Commission as it deems necessary to defray the costs of the Commission and of the office of the clerk of the Commission in supervising, implementing, administering and enforcing the provisions of this chapter. The projected excess of fees collected over the costs of administration and enforcement so incurred shall be paid into the general fund prior to the close of each fiscal year, based on the unexpended balance of the special fund at the end of the prior fiscal year. An adjustment of this transfer amount to reflect actual fees collected shall occur during the first quarter of the succeeding fiscal year. *For the purpose of determining the projected excess of fees and the actual fees collected under this section, the Commission, for any prepaid annual registration fee paid in accordance with subsection H, shall include only the portion of the prepaid annual registration fee attributable to the year to which the fee pertains.*

H. *Notwithstanding the provisions of this section, the Commission is authorized to establish a process for online prepayment of the annual registration fees required by this section whereby a domestic or foreign limited liability company may prepay its annual registration fees for two or three years.*

CHAPTER 291

An Act to amend and reenact § 3.2-5100 of the Code of Virginia, relating to food manufacturers operating in historic buildings.

[S 305]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-5100 of the Code of Virginia is amended and reenacted as follows:

§ 3.2-5100. Duties of Commissioner.

A. It shall be the duty of the Commissioner to inquire into the dairy and food and drink products, and the articles that are food or drinks, or the necessary constituents of the food or drinks, that are manufactured, sold, exposed, or offered for sale in the Commonwealth.

B. The Commissioner may procure samples of the dairy and food products covered by this chapter and may have the samples analyzed.

C. The Commissioner shall make a complaint against the manufacturer or vendor of any food or drink or dairy products that are adulterated, impure, or unwholesome, in contravention of the laws of the Commonwealth, and furnish all evidence to obtain a conviction of the offense charged. The Commissioner may make complaint and cause proceedings to be commenced against any person for enforcement of the laws relative to adulteration, impure, or unwholesome food or drink, and in such cases he shall not be obliged to furnish security for costs.

D. The Commissioner may develop criteria to determine if food manufacturers that are operating in a building deemed, in consultation with the Director of the Department of Historic Resources, to be historic are producing food products that are low risk of being adulterated. If, pursuant to such criteria, any such manufacturer is producing food products that are deemed to be low risk, the Commissioner may exempt the food manufacturer from specified provisions of this chapter, or regulations adopted thereunder, that pertain to the structure of the building, provided that the Commissioner determines that such exemption is unlikely to result in the preparation for sale, manufacture, packing, storage, sale, or distribution of any food that is adulterated, as defined in § 3.2-5122.

CHAPTER 292

An Act to amend and reenact §§ 46.2-332, 46.2-341.14:1, and 46.2-341.14:9 of the Code of Virginia, relating to commercial driver's license examinations.

[S 301]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-332, 46.2-341.14:1, and 46.2-341.14:9 of the Code of Virginia are amended and reenacted as follows: § 46.2-332. Fees.

A. The fee for each driver's license other than a commercial driver's license shall be \$2.40 per year. This fee shall not apply to driver privilege cards or permits issued under § 46.2-328.3. If the license is a commercial driver's license or seasonal restricted commercial driver's license, the fee shall be \$6 per year. For any one or more driver's license endorsements or classifications, except a motorcycle classification, there shall be an additional fee of \$1 per year; for a motorcycle classification, there shall be an additional fee of \$2 per year. For any and all driver's license classifications, there shall be an additional fee of \$1 per year. For any revalidation of a seasonal restricted commercial driver's license, the fee shall be \$5. A fee of \$10 shall be charged to extend the validity period of a driver's license pursuant to subsection B of § 46.2-221.2.

~~A reexamination fee of \$2 shall be charged for each administration of the knowledge portion of the driver's license examination taken by an applicant who is 18 years of age or older if taken more than once within a 15-day period. The reexamination fee shall be charged each time the examination is administered until the applicant successfully completes the examination; if taken prior to the fifteenth day.~~

B. An applicant who is ~~less~~ *younger* than 18 years of age who does not successfully complete the knowledge portion of the driver's license examination shall not be permitted to take the knowledge portion more than once in 15 days.

C. A fee of \$50 shall be charged each time an applicant for a commercial driver's license fails to keep a scheduled skills test appointment, unless such applicant cancels his appointment with the assigned driver's license examiner at least 24 hours in advance of the scheduled appointment. The Commissioner may, on a case-by-case basis, waive such fee for good cause shown. All such fees shall be paid by the Commissioner into the state treasury and set aside as a special fund to be used to meet the necessary expenses incurred by the Department.

D. If the applicant for a driver's license is an employee of the Commonwealth, or of any county, city, or town who drives a motorcycle or a commercial motor vehicle solely in the line of his duty, he shall be exempt from the additional fee otherwise assessable for a motorcycle classification or a commercial motor vehicle endorsement. The Commissioner may prescribe the forms as may be requisite for completion by persons claiming exemption from additional fees imposed by this section.

E. No additional fee above \$2.40 per year shall be assessed for the driver's license or commercial driver's license required for the operation of a school bus.

~~Excluding the \$2 reexamination fee, \$1.50~~ *F. One dollar and 50 cents* of all fees collected for each original or renewal driver's license, other than a driver privilege card issued under § 46.2-328.3, shall be paid into the driver education fund of the state treasury and expended as provided by law. Unexpended funds from the driver education fund shall be retained in the fund and be available for expenditure in ensuing years as provided therein.

G. All fees for motorcycle classifications shall be distributed as provided in § 46.2-1191.

H. This section shall supersede conflicting provisions of this chapter.

§ 46.2-341.14:1. Requirements for third party testers.

A. Pursuant to § 46.2-341.14, third party testers will be authorized to issue skills test certificates, which will be accepted by the Department as evidence of satisfaction of the skills test component of the commercial driver's license examination. Authority to issue skills test certificates will be granted only to third party testers certified by the Department.

B. To qualify for certification, a third party tester shall:

1. Make application to and enter into an agreement with the Department as provided in § 46.2-341.14:3;
2. Maintain a place of business in the Commonwealth;
3. Have at least one certified third party examiner in his employ;
4. Ensure that all third party examiners in his employ are certified and comply with the requirements of §§ 46.2-341.14:2 and 46.2-341.14:7;

5. Permit the Department and the FMCSA of the U.S. Department of Transportation to conduct random examinations, inspections, and audits of its records, facilities, and operations that relate to the third party testing program without prior notice;

6. Maintain at the principal place of business a copy of the state certificate authorizing the third party tester to administer a commercial driver's license testing program and current third party agreement;

7. Maintain at a location in the Commonwealth, for a minimum of two years after a skills test is conducted, a record of each driver for whom the third party tester conducts a skills test, whether the driver passes or fails the test. Each such record shall include:

- a. The complete name of the driver;
- b. The driver's social security number or other driver's license number and the name of the state or jurisdiction that issued the license held by the driver at the time of the test;
- c. The date the driver took the skills test;
- d. The test score sheet or sheets showing the results of the skills test and a copy of the skills test certificate, if issued;
- e. The name and certification number of the third party examiner conducting the skills test; and
- f. Evidence of ~~(i) the driver's employment with the third party tester at the time the test was taken, or if unless the third party tester is a school board governmental entity, including a comprehensive community college in the Virginia Community College System, that tests drivers who are trained but not employed by the school board, that governmental entity, or a Class A driver training school certified as a third party tester pursuant to § 46.2-326. If the third party tester is a governmental entity that tests drivers who are not employed by that governmental entity, the third party tester shall maintain evidence that~~ ~~(a) the driver was employed by a school board at the time of the test and (b) the third party tester trained the driver in accordance with the Virginia School Bus Driver Training Curriculum Guide, or (ii) the student's enrollment~~ governmental entity or enrolled in a commercial driver training course offered by a community college or Class A driver training school at the time the test was taken. *If the testing entity is a Class A driver training school certified as a third party tester pursuant to § 46.2-326.1, the third party tester shall maintain evidence that the driver was a student enrolled in that Class A driver training school at the time the test was taken. If the driver was trained or employed by a school board, the third party tester shall maintain evidence that the driver was trained in accordance with the Virginia School Bus Driver Training Curriculum Guide;*

8. Maintain at a location in the Commonwealth a record of each third party examiner in the employ of the third party tester. Each record shall include:

- a. Name and social security number;
 - b. Evidence of the third party examiner's certification by the Department;
 - c. A copy of the third party examiner's current training and driving record, which must be updated annually;
 - d. Evidence that the third party examiner is an employee of the third party tester; and
 - e. If the third party tester is a school board, a copy of the third party examiner's certification of instruction issued by the Department of Education;
9. Retain the records required in subdivision 8 for at least two years after the third party examiner leaves the employ of the third party tester;

10. Ensure that skills tests are conducted, and that skills test certificates are issued in accordance with the requirements of §§ 46.2-341.14:8 and 46.2-341.14:9 and the instructions provided by the Department;

11. Maintain compliance with all applicable provisions of this article and the third party tester agreement executed pursuant to § 46.2-341.14:3; and

12. Maintain a copy of the third party tester's road test route or routes approved by the Department.

C. In addition to the requirements listed in subsection B, all third party testers who are not governmental entities, including a comprehensive community college in the Virginia Community College System, shall:

1. Be engaged in a business involving the use of commercial motor vehicles, which business has been in operation in the Commonwealth for a minimum of one year;

2. For employers that are testing their own employees, employ at least 50 drivers of commercial motor vehicles licensed in the Commonwealth during the 12-month period preceding the application, including part-time and seasonal drivers. This requirement may be waived by the Department pursuant to § 46.2-341.14:10;

3. If subject to the FMCSA regulations as a motor carrier and rated by the U.S. Department of Transportation, maintain a rating of "satisfactory";

4. Comply with the Virginia Motor Carrier Safety Regulations; and

5. Initiate and maintain a bond in the amount of \$5,000 to pay for retesting drivers in the event that the third party tester or one or more of its examiners are involved in fraudulent activities related to conducting knowledge or skills testing for applicants.

D. (For effective date, see Acts 2019, c. 750, cl. 3, as amended by Acts 2020, c. 546) Certified third party testers are authorized to provide entry-level driver training to ~~individuals in their employ or applicants for employment~~ *any individual to whom the third party tester would be permitted to administer a skills test pursuant to this article*. If a certified third party tester elects to provide entry-level driver training, the third party tester shall (i) employ and utilize third party instructors, as defined in § 46.2-341.4, to provide all training and instruction to entry-level driver trainees; (ii) develop an entry-level driver training curriculum that complies with requirements prescribed by the Department and submit such curriculum to the Department for approval; (iii) upon notification by the Department that curriculum requirements have been updated, certify, in a format prescribed by the Department, that the third party tester has added the new topics to the course curriculum; and (iv) comply with the requirements provided in §§ 46.2-1708 through 46.2-1710. Notwithstanding the provisions of § 46.2-1708, no third party tester or third party instructor shall be required to be licensed by the Department. A certified third party tester may not provide entry-level driver training to driver trainees until such tester has been issued a unique training provider number and appears on the federal Training Provider Registry.

§ 46.2-341.14:9. The skills test certificate; validity of results.

A. The Department will accept a skills test certificate issued in accordance with this section as satisfaction of the skills test component of the commercial driver's license examination.

~~B. Skills test certificates may be issued only to drivers who are employees of the third party tester who issues the certificate, except as otherwise provided herein. In the case of school boards certified as third party testers, certificates may be issued to employees and to other drivers who have been trained by the school board in accordance with the Virginia School Bus Driver Training Curriculum Guide. For comprehensive community colleges in the Virginia Community College System that are certified as third party testers, certificates may be issued to students who are enrolled in a commercial driver training course offered by such community college at the time of the test.~~

~~C. Skills test certificates may be issued only to drivers who have passed the skills test conducted in accordance with this chapter and the instructions issued by the Department.~~

~~C. A skills test certificate will be accepted by the Department only if it is:~~

- ~~1. Issued by a third party tester certified by the Department in accordance with this article;~~
- ~~2. In a format prescribed by the Department, completed in its entirety, without alteration; and~~
- ~~3. Submitted to the Department within 60 days of the date of the skills test; and~~
- ~~4. Signed by the third party examiner who conducted the skills test.~~

~~D. The results of the skills test shall be valid for six months following the completion of the test.~~

CHAPTER 293

An Act for the relief of Joseph Carter, relating to claims; compensation for wrongful incarceration.

[H 383]

Approved April 8, 2022

Whereas, Joseph Carter was convicted in the Circuit Court of the City of Norfolk on June 27, 1990, for the first degree murder, attempted robbery, robbery, and statutory burglary; and

Whereas, Mr. Carter was sentenced two life sentences, plus an additional 30 years in prison; and

Whereas, Mr. Carter served almost 27 years in the Virginia Department of Corrections, remaining infraction free for the final 16 years of his incarceration before being paroled in 2016; and

Whereas, Mr. Carter was released from prison on parole supervision, with no violations committed during his supervision; and

Whereas, Mr. Carter maintained steady employment until he was no longer able to work due to worsening symptoms of his diagnosed spinal stenosis; and

Whereas, Mr. Carter, through counsel, submitted a petition for clemency seeking an absolute pardon based on the evidence of his innocence, including insufficient evidence to support a guilty verdict, strong chance of witness misidentification, lack of motive, and lack of blood sample analysis; and

Whereas, there was no physical or forensic evidence tying Mr. Carter to the murder; the Commonwealth instead relied solely on tainted witness testimony obtained by disgraced former Norfolk Detective Robert Glenn Ford and his partner; and

Whereas, two eyewitnesses initially told police that they did not recognize either of the two masked assailants. During later interviews with Detective Ford, both witnesses changed their stories and ultimately identified Mr. Carter as the perpetrator; and

Whereas, the Commonwealth witness who testified that Mr. Carter and his co-defendant were looking for money on the night of the robbery and murder only provided this alleged motive to police after he was questioned by Detective Ford because his fingerprints were found at the scene; and

Whereas, during the post-conviction investigation, the Commonwealth's critical eyewitness admitted that her trial testimony was false and that she was in fact never able to identify the two men leaving the scene on the night of the victim's

murder, swearing that "[t]he truth is that I have no idea who committed this crime, because I did not get a good look at either man. They flew by my window so fast; it was impossible to see any identifying details."

Whereas, Governor Ralph Northam granted Mr. Carter an absolute pardon on August 13, 2021, noting that "Mr. Carter was an unfortunate victim of Norfolk Detective Glenn Ford, who used his official capacity to extort witnesses in order to yield high solvability percentages and was eventually convicted on federal charges;" and

Whereas, Governor Ralph Northam decided that it was "just and appropriate to grant this ABSOLUTE PARDON that reflects Mr. Carter's innocence of First Degree Murder, Attempted Robbery, Robbery, and Statutory Burglary for which he was convicted on June 27, 1990."

Whereas, during the course of Mr. Carter's wrongful incarceration, he and his wife divorced, and his children lost decades with their father. Also, both of Mr. Carter's parents died, as well as his brother and oldest son.

Whereas, Mr. Carter, as a result of his wrongful incarceration, lost 27 years of his freedom and countless life experiences and opportunities, including family relations, the opportunity to further his education, and the opportunity to earn potential income from gainful employment during his years of incarceration; and

Whereas, Mr. Carter has no other means to obtain adequate relief except by action of this body; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. *That there is hereby appropriated from the general fund of the state treasury the sum of \$1,483,342 for the relief of Joseph Carter; to be paid by check issued by the State Treasurer on warrant of the Comptroller upon execution of a release of all claims Mr. Carter may have against the Commonwealth or any agency, instrumentality, office, employee, or political subdivision in connection with the aforesaid occurrence.*

As Mr. Carter is older than 60 years, the compensation, subject to the execution of the release described herein, shall be paid in one lump sum of \$1,483,342 by check issued by the State Treasurer on warrant of the Comptroller within 60 days immediately following the execution of such release.

§ 2. *That Mr. Carter shall be entitled to receive reimbursements up to \$10,000 for tuition for career and technical training within the Virginia Community College System contingent upon successful completion of the training. Reimbursement for tuition shall be provide by the comprehensive community college at which the career or technical training was completed. The tuition benefit provided by this section shall expire on January 1, 2026.*

§ 3. *That any amount already paid to Mr. Carter as a transition assistance grant pursuant to subsection C of § 8.01-195.11 of the Code of Virginia shall be deducted from any award received pursuant to § 1 of this act.*

2. That the provisions of § 8.01-195.12 of the Code of Virginia shall apply to any compensation awarded under this act.

CHAPTER 294

An Act to amend and reenact § 51.1-124.1 of the Code of Virginia and to repeal §§ 58.1-815.3, 58.1-3229, and 58.1-3506.8 of the Code of Virginia, relating to retirement and taxation; not set out and obsolete sections.

[H 338]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 51.1-124.1 of the Code of Virginia is amended and reenacted as follows:

§ 51.1-124.1. Virginia Retirement System established.

Article X, Section 11 of the Constitution of Virginia requires the General Assembly to maintain a ~~state employees'~~ retirement system for *state employees and employees of participating political subdivisions and school divisions*, subject to restrictions and conditions prescribed by the General Assembly, that shall be administered in the best interests of the beneficiaries thereof. ~~Pursuant to this constitutional duty, the General Assembly hereby finds and declares that all present and future members of the Retirement System are entitled to a retirement system whose governing structure and institutional organization foster public confidence and trust in its investment practices, policy decisions, and administrative operations.~~ To that end and for the purposes of providing adequate benefits and pensions to members, encouraging stable employer contribution rates, and ensuring the overall soundness of the Retirement System, the General Assembly hereby establishes the Virginia Retirement System as an independent agency of the Commonwealth, exclusive of the legislative, executive, and judicial branches of government, in the following provisions.

2. That §§ 58.1-815.3, 58.1-3229, and 58.1-3506.8 of the Code of Virginia are repealed.

CHAPTER 295

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 7 of Title 37.2 a section numbered 37.2-714.1, relating to state facilities; video visitation.

[H 388]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 7 of Title 37.2 a section numbered 37.2-714.1 as follows:

§ 37.2-714.1. State facilities; video visitation.

The director of every state facility shall establish a process to facilitate virtual visitation through the use of audio and video equipment for individuals receiving services at the state facility.

CHAPTER 296

An Act for the relief of Emerson Eugene Stevens, relating to claims; compensation for wrongful incarceration.

[H 394]

Approved April 11, 2022

WHEREAS, Emerson Eugene Stevens was convicted in the Circuit Court of the County of Lancaster on July 12, 1986, of the abduction with intent to defile and first-degree murder of Mary Harding; and

WHEREAS, Mr. Stevens was sentenced by a jury to 65 years in prison for the abduction with intent to defile conviction and 99 years and one day in prison for the first-degree murder conviction; and

WHEREAS, Mr. Stevens served 32 years in the Virginia Department of Corrections before being released on parole in 2017; and

WHEREAS, the only physical evidence purportedly linking Mr. Stevens to the crime was a hair; the FBI now states that the type of microscopic hair comparison used in his case is scientifically unreliable and should never serve as a basis upon which to convict a defendant. The other physical link between Mr. Stevens and the crime was a type of fishing knife that Mr. Stevens might once have had and that had supposedly caused wounds on the victim's back. The Commonwealth's expert on this piece of evidence years later reviewed the case and signed an affidavit swearing that the wounds were, in fact, more consistent with a postmortem encounter with a propeller than a knife; and

WHEREAS, several of the Commonwealth's critical witnesses lied during their testimony. For example, an "eyewitness" who placed Mr. Stevens' car outside of the victim's house was later prosecuted and convicted of obstruction of justice for his false testimony against Emerson Stevens; and

WHEREAS, the Commonwealth presented false testimony from a marine scientist regarding the location where the victim's body was dumped in relation to where she ultimately was found. This testimony was later characterized by the scientist as "eyewash" (nonsense), and it was also inconsistent with the investigative findings of an FBI Task Force; and

WHEREAS, the lead investigator on Mr. Stevens' case, Virginia State Police Special Agent David Riley, has a documented history of misconduct. His improper conduct in the case of Beverly Anne Monroe, who was wrongfully convicted of murder, in part led a federal court to grant Ms. Monroe a writ of habeas corpus; and

WHEREAS, Mr. Stevens was released on parole in 2017, after serving 32 years in prison for this crime. Still, the University of Virginia School of Law Innocence Project (UVAIP) continued his habeas corpus litigation in an effort to exonerate Mr. Stevens and clear his name and record; and

WHEREAS, in April 2020, the United States Court of Appeals for the Fourth Circuit encouraged the Governor to exercise his pardon power, noting that "the executive's power and responsibility both before and after conviction remain fundamental in our system of divided powers." In re Stevens, 936 F.3d 229, 234 (4th Cir. April 15, 2020). In his concurring opinion, Judge Thacker found that "the evidence as a whole overwhelmingly supports a conclusion that no reasonable jury would have convicted Stevens." Stevens, 936, F.3d at 237; and

WHEREAS, during the course of the subsequent federal habeas corpus litigation, the District Court Judge overseeing the proceedings wrote, "The Court reminds the Parties, as did the Fourth Circuit, that seeking a pardon from the Governor may be the more expeditious pursuit given the length of time it requires to obtain habeas relief in federal court and the limiting parameters the [statute] imposes on review"; and

WHEREAS, Mr. Stevens, through the UVAIP, submitted a petition for clemency seeking an absolute pardon based on the circumstances surrounding his innocence; and

WHEREAS, on August 13, 2021, Governor Ralph Northam granted Mr. Stevens an absolute pardon. In so doing, Governor Northam noted that the pardon "reflects Mr. Stevens' innocence"; and

WHEREAS, since his release on parole, Mr. Stevens has had no new arrests; and

WHEREAS, during the course of Mr. Stevens' wrongful incarceration, he and his wife divorced, his three children lost decades with their father, and both of his parents and one of his children died; and

WHEREAS, Mr. Stevens, as a result of his wrongful incarceration, lost 32 years of his freedom and countless life experiences and opportunities, including family relations, the opportunity to further his education, and the opportunity to earn potential income from gainful employment during his years of incarceration; and

WHEREAS, Mr. Stevens has no other means to obtain adequate relief except by action of this body; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. *That there is hereby appropriated from the general fund of the state treasury the sum of \$1,699,274 for the relief of Emerson Eugene Stevens, to be paid by check issued by the State Treasurer on warrant of the Comptroller upon execution of a release of all claims Mr. Stevens may have against the Commonwealth or any agency, instrumentality, office, employee, or political subdivision in connection with the aforesaid occurrence.*

As Mr. Stevens is older than 60 years, the compensation, subject to the execution of the release described herein, shall be paid in one lump sum of \$1,699,274 by check issued by the State Treasurer on warrant of the Comptroller within 60 days immediately following the execution of such release.

§ 2. *That Mr. Stevens shall be entitled to receive reimbursement up to \$10,000 for tuition for career and technical training within the Virginia Community College System contingent upon successful completion of the training. Reimbursement for tuition shall be provided by the comprehensive community college at which the career or technical training was completed. The tuition benefit provided by this section shall expire on January 1, 2026.*

§ 3. *That any amount already paid to Mr. Stevens as a transition assistance grant pursuant to subsection C of § 8.01-195.11 of the Code of Virginia shall be deducted from any award received pursuant to § 1 of this act.*

2. That the provisions of § 8.01-195.12 of the Code of Virginia shall apply to any compensation awarded under this act.

CHAPTER 297

An Act to amend and reenact § 32.1-137.05 of the Code of Virginia, relating to hospitals; price transparency.

[H 481]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-137.05 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-137.05. Information regarding standard charges; advance estimate of patient payment amount for elective procedure, test, or service.

A. Every hospital shall make available to the public on its website a machine-readable file containing a list of all standard charges for all items and services provided by the hospital in accordance with 45 C.F.R. § 180.50, as amended. As used in this subsection, "hospital," "items and services," "machine-readable," and "standard charge" have the same meaning as set forth in 45 C.F.R. § 180.20.

B. Every hospital shall, upon request of a patient scheduled to receive an elective procedure, test, or service to be performed by the hospital, or upon request of such patient's legally authorized representative, made no less than three days in advance of the date on which such elective procedure, test, or service is scheduled to be performed, furnish the patient with an estimate of the payment amount for which the participant will be responsible for such elective procedure, test, or service. Every hospital shall provide written information about the patient's ability to request an estimate of the payment amount pursuant to this section. Such written information shall be posted conspicuously in public areas of the hospital, including admissions or registration areas, and included on any website maintained by the hospital.

2. That the provisions of the first enactment of this act shall become effective on July 1, 2023.

3. That the Secretary of Health and Human Resources shall develop recommendations for implementation of this act, including any regulatory changes that may be necessary for implementation of this act, and shall report his recommendations to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2022.

CHAPTER 298

An Act to amend and reenact §§ 63.2-608 and 63.2-609 of the Code of Virginia, relating to Virginia Initiative for Education and Work; exemption for postsecondary students.

[H 484]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 63.2-608 and 63.2-609 of the Code of Virginia are amended and reenacted as follows:

§ 63.2-608. Virginia Initiative for Education and Work (VIEW).

A. The Department shall establish and administer the Virginia Initiative for Education and Work (VIEW) to reduce long-term dependence on welfare, emphasize personal responsibility, and enhance opportunities for personal initiative and self-sufficiency by promoting the value of work. The Department shall endeavor to develop placements for VIEW participants that will enable participants to develop job skills that are likely to result in independent employment and that take into consideration the proficiency, experience, skills, and prior training of a participant.

VIEW shall recognize clearly defined responsibilities and obligations on the part of public assistance recipients and shall include a written agreement of personal responsibility requiring parents to participate in work activities while receiving TANF, earned-income disregards to reduce disincentives to work, and a limit on TANF financial assistance.

VIEW shall require all able-bodied recipients of TANF who do not meet an exemption to participate in a work activity. VIEW shall require eligible TANF recipients to participate in unsubsidized, partially subsidized or fully subsidized employment or other allowable TANF work activity as defined by federal law and enter into an agreement of personal responsibility.

B. To the maximum extent permitted by federal law, and notwithstanding other provisions of Virginia law, the Department and local departments may, through applicable procurement laws and regulations, engage the services of public and private organizations to operate VIEW and to provide services incident to such operation.

C. All VIEW participants shall be under the direction and supervision of a case manager.

D. The Department shall ensure that participants are assigned to one of the following work activities within 90 days after the approval of TANF assistance:

1. Unsubsidized private-sector employment;
2. Subsidized employment, as follows:

a. The Department shall conduct a program in accordance with this section that shall be known as the Full Employment Program (FEP). Persons who are otherwise eligible for TANF may participate in FEP unless exempted by this chapter. FEP shall assign participants to subsidized wage-paying private-sector jobs designed to increase the participants' self-sufficiency and improve their competitive position in the workforce.

b. Participants in FEP shall be placed in full-time employment when appropriate and shall be paid by the employer at an hourly rate not less than the federal or state minimum wage, whichever is higher. Wages earned by a FEP employee during the period for which his employer receives a subsidy pursuant to subdivision c shall be disregarded in the calculation of TANF benefits.

c. Every employer subject to the Virginia unemployment insurance tax shall be eligible for assignment of FEP participants, but no employer shall be required to utilize such participants. Pursuant to Board regulations, participating employers shall receive a subsidy of up to \$1,000 per month for each FEP employee for a period not to exceed six months. Employers shall ensure that jobs made available to FEP participants are in conformity with § 3304(a)(5) of the Federal Unemployment Tax Act. FEP participants cannot be used to displace regular workers.

d. FEP employers shall:

- (i) Endeavor to make FEP placements positive learning and training experiences;
- (ii) Provide on-the-job training to the degree necessary for the participants to perform their duties;
- (iii) Pay wages to participants at the same rate that they are paid to other employees performing the same type of work and having similar experience and employment tenure;
- (iv) Provide sick leave, holiday and vacation benefits to participants to the same extent and on the same basis that they are provided to other employees performing the same type of work and having similar employment experience and tenure;
- (v) Maintain health, safety and working conditions at or above levels generally acceptable in the industry and no less than those in which other employees perform the same type of work;
- (vi) Provide workers' compensation coverage for participants;
- (vii) Encourage volunteer mentors from among their other employees to assist participants in becoming oriented to work and the workplace; and
- (viii) Sign an agreement with the local department outlining the employer requirements to participate in FEP. All agreements shall include notice of the employer's obligation to repay FEP reimbursements in the event the employer violates FEP rules.

e. As a condition of FEP participation, employers shall be prohibited from discriminating against any person, including program participants, on the basis of race, color, sex, sexual orientation, gender identity, national origin, religion, age, or disability;

3. Part-time or temporary employment;

4. Community work experience, as follows:

a. The Department and local departments shall work with other state, regional and local agencies and governments in developing job placements that serve a useful public purpose as provided in § 482(f) of the Social Security Act, as amended. Placements shall be selected to provide skills and serve a public function. VIEW participants shall not displace regular workers.

b. The number of hours per week for participants shall be determined by combining the total dollar amount of TANF and SNAP benefits and dividing by the minimum wage with a maximum of a work week of 32 hours, of which up to 12 hours of employment-related education and training may substitute for work experience employment; *or*

5. ~~Educational activities that lead to a post-secondary credential, such as a degree or industry-recognized credential, certification, or license from an accredited institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education for Virginia; or~~

~~6. Any other allowable TANF work activity as defined by federal law.~~

E. Notwithstanding the provisions of subsections A and D, if a local department determines that a VIEW participant is in need of job skills and would benefit from immediate job skills training, it may place the participant in a program preparing individuals for a high school equivalency examination approved by the Board of Education, a career and technical education program targeted at skills required for particular employment opportunities, or an apprenticeship program developed by the local department in accordance with requirements established by the Department. Eligible participants include those with problems related to obtaining and retaining employment, such as participants (i) with less than a high school education, (ii) whose reading or math skills are at or below the eighth grade level, (iii) who have not retained a job for a period of at least six months during the prior two years, or (iv) who are in a treatment program for a substance abuse problem or are receiving services through a family violence treatment program. The VIEW participant may continue in a

high school equivalency examination preparation program, career and technical education program, or apprenticeship program for as long as the local department determines he is progressing satisfactorily and to the extent permitted by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193), as amended.

F. Participants may be reevaluated after a period determined by the local department and reassigned to another work component. In addition, the number of hours worked may be reduced by the local department so that a participant may complete additional training or education to further his employability.

G. Local departments shall be authorized to sanction parents up to the full amount of the TANF grant for noncompliance, unless good cause exists.

H. VIEW participants shall not be assigned to projects that require that they travel unreasonable distances from their homes or remain away from their homes overnight without their consent.

Any injury to a VIEW participant arising out of and in the course of community work experience shall be covered by the participant's existing Medicaid coverage. If a community work experience participant is unable to work due to such an accident, his status shall be reviewed to determine whether he is eligible for an exemption from the limitation on TANF financial assistance.

A community work experience participant who becomes incapacitated for 30 days or more shall be eligible for TANF financial assistance for the duration of the incapacity, if otherwise eligible.

The Board shall adopt regulations providing for the accrual of paid sick leave or other equivalent mechanism for community work experience participants.

§ 63.2-609. VIEW exemptions.

The following TANF recipients shall be exempt from mandatory participation in VIEW and shall remain eligible for TANF financial assistance:

1. Any individual, including all minor caretakers, under 16 years of age;
2. Any individual at least 16, but no more than 19 years of age, who is enrolled full-time in elementary or secondary school, including career and technical education programs. The career and technical education program must be equivalent to secondary school. Whenever feasible, such recipients should participate in summer work;
3. *To the extent authorized by federal law and regulations, any individual who is enrolled full time in an accredited public institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education for Virginia and is taking courses as part of a curriculum that leads to a postsecondary credential, such as a degree or an industry-recognized credential, certification, or license;*
4. Any individual who is unable to participate because of a temporary medical condition that is preventing employment or training, as determined by a physician or other qualified medical professional and certified by a written medical statement. Such an exemption shall be reevaluated every 60 days to determine whether the person is still exempt;
- ~~4.~~ 5. Any individual who is disabled, as determined by receipt of Social Security Disability Benefits or Supplemental Security Income;
- ~~5.~~ 6. Any individual 60 years of age or older;
- ~~6.~~ 7. Any individual who is the sole caregiver of another member of the household who is disabled as determined by receipt of Social Security Disability Benefits or Supplemental Security Income or who is incapacitated by another condition as determined by the Board and whose presence is essential for the care of the other member on a substantially continuous basis; *or*
- ~~7.~~ 8. A parent or caretaker-relative of a child under 12 months of age who personally provides care for the child. A parent or caretaker-relative exempt from mandatory participation in VIEW pursuant to this subdivision shall be exempt for a period of no more than 12 months. Months during which a parent or caretaker-relative is exempt may be consecutive or nonconsecutive.

In a TANF-UP case, both parents shall be referred for participation unless one meets an exemption; only one parent can be exempt. If both parents meet an exemption criterion, they shall decide who will be referred for participation.

CHAPTER 299

An Act to amend and reenact § 8.01-2 of the Code of Virginia, relating to person under a disability; parties unknown.

[H 678]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-2 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-2. General definitions for this title.

As used in this title, unless the context otherwise requires, the term:

1. "Action" and "suit" may be used interchangeably and shall include all civil proceedings whether upon claims at law, in equity, or statutory in nature and whether in circuit courts or district courts;
2. "Decree" and "judgment" may be used interchangeably and shall include orders or awards;
3. "Fiduciary" shall include any one or more of the following:
 - a. guardian,

- b. committee,
 - c. trustee,
 - d. executor,
 - e. administrator, and administrator with the will annexed,
 - f. curator of the will of any decedent, or
 - g. conservator;
4. "Rendition of a judgment" means the time at which the judgment is signed and dated;
5. "Person" shall include individuals, a trust, an estate, a partnership, an association, an order, a corporation, or any other legal or commercial entity;
6. "Person under a disability" shall include:
- a. a person convicted of a felony during the period he is confined;
 - b. an infant;
 - c. an incapacitated person as defined in § 64.2-2000;
 - d. an incapacitated ex-service person under § 64.2-2016; ~~or~~
 - e. *persons made defendants by the general description of "parties unknown" in suits involving real property; or*
 - f. any other person who, upon motion to the court by any party to an action or suit or by any person in interest, is determined to be (i) incapable of taking proper care of his person, or (ii) incapable of properly handling and managing his estate, or (iii) otherwise unable to defend his property or legal rights either because of age or temporary or permanent impairment, whether physical, mental, or both. Such impairment may also include substance abuse as defined in § 37.2-100;
7. "Sheriff" shall include deputy sheriffs and such other persons designated in § 15.2-1603;
8. "Summons" and "subpoena" may be used interchangeably and shall include a subpoena duces tecum for the production of documents and tangible things;
9. "Court of equity," "law and equity court," "law and chancery court," "chancery court," "corporation court," "the chancery side," "court exercising powers in chancery," "court with equitable jurisdiction," and "receivership court" shall mean the circuit court when entertaining equitable claims;
10. A "motion for judgment," "bill," "bill of complaint," or "bill in equity" shall mean a complaint in a civil action, as provided in the Rules of Supreme Court of Virginia;
11. "Equity practice," "equity procedure," "chancery practice," and "chancery procedure" shall mean practice and procedure in a civil action as prescribed by this Code and the Rules of Supreme Court of Virginia.

CHAPTER 300

An Act to amend the Code of Virginia by adding a section numbered 32.1-325.04, relating to medical assistance services; eligibility; individuals confined in state correctional facilities.

[H 800]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 32.1-325.04 as follows:

§ 32.1-325.04. Eligibility for medical assistance; individuals confined in state correctional facilities.

A. The Department shall coordinate with the Department of Corrections to identify persons in the custody of state correctional facilities who are currently enrolled in the Commonwealth's program of medical assistance or who may be eligible for services under the state plan for medical assistance upon release and shall, prior to the release of such persons, (i) review the eligibility of currently enrolled persons to ensure continued access to medical assistance upon release or (ii) enroll persons not previously enrolled who meet eligibility criteria in the Commonwealth's program of medical assistance services; however, no services under the state plan for medical assistance shall be furnished to any person while he is confined in a state correctional facility unless federal financial participation is available to pay for the cost of the services provided.

B. An individual who is enrolled in the Commonwealth's program of medical assistance services at the time of release from the custody of a state correctional facility shall be eligible for services upon release and shall continue to be eligible for services under the state plan for medical assistance until such time as the person is determined to no longer be eligible for medical assistance.

CHAPTER 301

An Act to amend and reenact §§ 2.2-1604, 2.2-1605, and 2.2-4310 of the Code of Virginia, relating to the Department of Small Business and Supplier Diversity; agency procurement enhancement plans.

[H 814]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-1604, 2.2-1605, and 2.2-4310 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-1604. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Certification" means the process by which (i) a business is determined to be a small, women-owned, or minority-owned business or (ii) an employment services organization, for the purpose of reporting small, women-owned, and minority-owned business and employment services organization participation in state contracts and purchases pursuant to §§ 2.2-1608 and 2.2-1610.

"Department" means the Department of Small Business and Supplier Diversity or any division of the Department to which the Director has delegated or assigned duties and responsibilities.

"Employment services organization" means an organization that provides community-based employment services to individuals with disabilities that is an approved Commission on Accreditation of Rehabilitation Facilities (CARF) accredited vendor of the Department for Aging and Rehabilitative Services.

"Historically black colleges and university" includes any college or university that was established prior to 1964; whose principal mission was, and is, the education of black Americans; and that is accredited by a nationally recognized accrediting agency or association determined by the Secretary of Education.

"Minority individual" means an individual who is a citizen of the United States or a legal resident alien and who satisfies one or more of the following definitions:

1. "African American" means a person having origins in any of the original peoples of Africa and who is regarded as such by the community of which this person claims to be a part.

2. "Asian American" means a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, including but not limited to Japan, China, Vietnam, Samoa, Laos, Cambodia, Taiwan, Northern Mariana Islands, the Philippines, a U.S. territory of the Pacific, India, Pakistan, Bangladesh, or Sri Lanka, and who is regarded as such by the community of which this person claims to be a part.

3. "Hispanic American" means a person having origins in any of the Spanish-speaking peoples of Mexico, South or Central America, or the Caribbean Islands or other Spanish or Portuguese cultures and who is regarded as such by the community of which this person claims to be a part.

4. "Native American" means a person having origins in any of the original peoples of North America and who is regarded as such by the community of which this person claims to be a part or who is recognized by a tribal organization.

"Minority-owned business" means a business that is at least 51 percent owned by one or more minority individuals who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more minority individuals who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more minority individuals, or any historically black college or university, regardless of the percentage ownership by minority individuals or, in the case of a corporation, partnership, or limited liability company or other entity, the equity ownership interest in the corporation, partnership, or limited liability company or other entity.

"Small business" means a business that is at least 51 percent independently owned and controlled by one or more individuals who are U.S. citizens or legal resident aliens and, together with affiliates, has 250 or fewer employees or average annual gross receipts of \$10 million or less averaged over the previous three years. One or more of the individual owners shall control both the management and daily business operations of the small business.

"State agency" means any authority, board, department, instrumentality, institution, agency, or other unit of state government. "State agency" does not include any county, city, or town.

"SWaM" means small, women-owned, or minority-owned or related to a small, women-owned, or minority-owned business.

"SWaM plan" means a written program, plan, or progress report submitted by a state agency to the Department pursuant to § 2.2-4310.

"Women-owned business" means a business that is at least 51 percent owned by one or more women who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest is owned by one or more women who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more women.

§ 2.2-1605. Powers and duties of Department.

A. The Department shall have the following powers and duties:

1. Coordinate as consistent with prevailing law the plans, programs, and operations of the state government that affect or may contribute to the establishment, preservation, and strengthening of small, women-owned, and minority-owned businesses;

2. Promote the mobilization of activities and resources of state and local governments, businesses and trade associations, baccalaureate institutions of higher education, foundations, professional organizations, and volunteer and other groups towards the growth of small businesses and businesses owned by women and minorities, and facilitate the coordination of the efforts of these groups with those of state departments and agencies;

3. Establish a center for the development, collection, summarization, and dissemination of information that will be helpful to persons and organizations throughout the nation in undertaking or promoting procurement from small, women-owned, and minority-owned businesses;

4. Consistent with prevailing law and availability of funds, and according to the Director's discretion, provide technical and management assistance to small, women-owned, and minority-owned businesses and defray all or part of the costs of pilot or demonstration projects that are designed to overcome the special problems of small, women-owned, and minority-owned businesses;

5. Advise the Small Business Financing Authority on the management and administration of the Small, Women-owned, and Minority-owned Business Loan Fund created pursuant to § 2.2-2311.1;

6. Implement any remediation or enhancement measure for small, women-owned, or minority-owned businesses as may be authorized by the Governor pursuant to subsection C of § 2.2-4310 and develop regulations, consistent with prevailing law, for program implementation. Such regulations shall be developed in consultation with the state agencies with procurement responsibility and promulgated by those agencies in accordance with applicable law; and

7. Receive and coordinate, with the appropriate state agency, the investigation of complaints that a business certified pursuant to this chapter has failed to comply with its subcontracting plan under subsection D of § 2.2-4310. If the Department determines that a business certified pursuant to this chapter has failed to comply with the subcontracting plan, the business shall provide a written explanation.

B. In addition, the Department shall serve as the liaison between the Commonwealth's existing businesses and state government in order to promote the development of Virginia's economy. To that end, the Department shall:

1. Encourage the training or retraining of individuals for specific employment opportunities at new or expanding business facilities in the Commonwealth;

2. Develop and implement programs to assist small businesses in the Commonwealth in order to promote their growth and the creation and retention of jobs for Virginians;

3. Establish an industry program that is the principal point of communication between basic employers in the Commonwealth and the state government that will address issues of significance to business;

4. Make available to existing businesses, in conjunction and cooperation with localities, chambers of commerce, and other public and private groups, basic information and pertinent factors of interest and concern to such businesses; ~~and~~

5. Develop statistical reports on job creation and the general economic conditions in the Commonwealth; *and*

6. *Annually review and provide feedback on SWaM plans. The review shall focus on strategies state agencies can use to improve SWaM spending, increase procurement of goods and services from SWaM businesses, and meet procurement goals outlined in SWaM plans. The Department shall encourage state agencies to integrate such strategies with all current and future procurements. The Department shall suggest strategies that may be more effective or changes to strategies that have not been effective. Upon request of a state agency, the Department shall meet with the state agency one-on-one to discuss its SWaM goals and strategies and advise it on effective strategies. The Department shall research and compile information that state agencies can use to increase SWaM spending and shall develop and publish guidance on how state agencies can implement these strategies.*

C. All agencies of the Commonwealth shall assist the Department upon request and furnish such information and assistance as the Department may require in the discharge of its duties.

§ 2.2-4310. Discrimination prohibited; participation of small, women-owned, minority-owned, and service disabled veteran-owned businesses and employment services organizations.

A. In the solicitation or awarding of contracts, no public body shall discriminate against a bidder or offeror because of race, religion, color, sex, sexual orientation, gender identity, national origin, age, disability, status as a service disabled veteran, or any other basis prohibited by state law relating to discrimination in employment. Whenever solicitations are made, each public body shall include businesses selected from a list made available by the Department of Small Business and Supplier Diversity, which list shall include all companies and organizations certified by the Department.

B. All public bodies shall establish programs consistent with this chapter to facilitate the participation of small businesses, businesses owned by women, minorities, and service disabled veterans, and employment services organizations in procurement transactions. The programs established shall be in writing and shall comply with the provisions of any enhancement or remedial measures authorized by the Governor pursuant to subsection C or, where applicable, by the chief executive of a local governing body pursuant to § 15.2-965.1, and shall include specific plans to achieve any goals established therein. State agencies shall submit annual progress reports on (i) small, women-owned, and minority-owned business procurement, (ii) service disabled veteran-owned business procurement, and (iii) employment services organization procurement to the Department of Small Business and Supplier Diversity in a form specified by the Department of Small Business and Supplier Diversity. *All state agencies shall cooperate with the Department of Small Business and Supplier Diversity's annual review of their programs pursuant to § 2.2-1605 and shall update such programs to incorporate any feedback and suggestions for improvement.* Contracts and subcontracts awarded to employment services organizations and service disabled veteran-owned businesses shall be credited toward the small business, women-owned, and minority-owned business contracting and subcontracting goals of state agencies and contractors. The Department of Small Business and Supplier Diversity shall make information on service disabled veteran-owned procurement available to the Department of Veterans Services upon request.

C. Whenever there exists (i) a rational basis for small business or employment services organization enhancement or (ii) a persuasive analysis that documents a statistically significant disparity between the availability and utilization of women-owned and minority-owned businesses, the Governor is authorized and encouraged to require state agencies to implement appropriate enhancement or remedial measures consistent with prevailing law. Any enhancement or remedial measure authorized by the Governor pursuant to this subsection for state public bodies may allow for small businesses certified by the Department of Small Business and Supplier Diversity or a subcategory of small businesses established as a part of the enhancement program to have a price preference over noncertified businesses competing for the same contract award on designated procurements, provided that the bid of the certified small business or the business in such subcategory of small businesses established as a part of an enhancement program does not exceed the low bid by more than five percent.

D. In awarding a contract for services to a small, women-owned, or minority-owned business that is certified in accordance with § 2.2-1606, or to a business identified by a public body as a service disabled veteran-owned business where the award is being made pursuant to an enhancement or remedial program as provided in subsection C, the public body shall include in every such contract of more than \$10,000 the following:

"If the contractor intends to subcontract work as part of its performance under this contract, the contractor shall include in the proposal a plan to subcontract to small, women-owned, minority-owned, and service disabled veteran-owned businesses."

E. In the solicitation or awarding of contracts, no state agency, department, or institution shall discriminate against a bidder or offeror because the bidder or offeror employs ex-offenders unless the state agency, department, or institution has made a written determination that employing ex-offenders on the specific contract is not in its best interest.

F. As used in this section:

"Employment services organization" means an organization that provides community-based employment services to individuals with disabilities that is an approved Commission on Accreditation of Rehabilitation Facilities (CARF) accredited vendor of the Department for Aging and Rehabilitative Services.

"Minority individual" means an individual who is a citizen of the United States or a legal resident alien and who satisfies one or more of the following definitions:

1. "African American" means a person having origins in any of the original peoples of Africa and who is regarded as such by the community of which this person claims to be a part.

2. "Asian American" means a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, including but not limited to Japan, China, Vietnam, Samoa, Laos, Cambodia, Taiwan, Northern Mariana Islands, the Philippines, a U.S. territory of the Pacific, India, Pakistan, Bangladesh, or Sri Lanka and who is regarded as such by the community of which this person claims to be a part.

3. "Hispanic American" means a person having origins in any of the Spanish-speaking peoples of Mexico, South or Central America, or the Caribbean Islands or other Spanish or Portuguese cultures and who is regarded as such by the community of which this person claims to be a part.

4. "Native American" means a person having origins in any of the original peoples of North America and who is regarded as such by the community of which this person claims to be a part or who is recognized by a tribal organization.

"Minority-owned business" means a business that is at least 51 percent owned by one or more minority individuals who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more minority individuals who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more minority individuals, or any historically black college or university as defined in § 2.2-1604, regardless of the percentage ownership by minority individuals or, in the case of a corporation, partnership, or limited liability company or other entity, the equity ownership interest in the corporation, partnership, or limited liability company or other entity.

"Service disabled veteran" means a veteran who (i) served on active duty in the United States military ground, naval, or air service, (ii) was discharged or released under conditions other than dishonorable, and (iii) has a service-connected disability rating fixed by the United States Department of Veterans Affairs.

"Service disabled veteran business" means a business that is at least 51 percent owned by one or more service disabled veterans or, in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more individuals who are service disabled veterans and both the management and daily business operations are controlled by one or more individuals who are service disabled veterans.

"Small business" means a business, independently owned and controlled by one or more individuals who are U.S. citizens or legal resident aliens, and together with affiliates, has 250 or fewer employees, or annual gross receipts of \$10 million or less averaged over the previous three years. One or more of the individual owners shall control both the management and daily business operations of the small business.

"State agency" means any authority, board, department, instrumentality, institution, agency, or other unit of state government. "State agency" shall not include any county, city, or town.

"Women-owned business" means a business that is at least 51 percent owned by one or more women who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity,

at least 51 percent of the equity ownership interest is owned by one or more women who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more women.

CHAPTER 302

An Act to amend and reenact §§ 2.2-1605 and 2.2-1610 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-1605.1, relating to the Department of Small Business and Supplier Diversity; mentorship program.

[H 815]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-1605 and 2.2-1610 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-1605.1 as follows:

§ 2.2-1605. Powers and duties of Department.

A. The Department shall have the following powers and duties:

1. Coordinate as consistent with prevailing law the plans, programs, and operations of the state government that affect or may contribute to the establishment, preservation, and strengthening of small, women-owned, and minority-owned businesses;

2. Promote the mobilization of activities and resources of state and local governments, businesses and trade associations, baccalaureate institutions of higher education, foundations, professional organizations, and volunteer and other groups towards the growth of small businesses and businesses owned by women and minorities, and facilitate the coordination of the efforts of these groups with those of state departments and agencies;

3. Establish a center for the development, collection, summarization, and dissemination of information that will be helpful to persons and organizations throughout the nation in undertaking or promoting procurement from small, women-owned, and minority-owned businesses;

4. Consistent with prevailing law and availability of funds, and according to the Director's discretion, provide technical and management assistance to small, women-owned, and minority-owned businesses and defray all or part of the costs of pilot or demonstration projects that are designed to overcome the special problems of small, women-owned, and minority-owned businesses;

5. Advise the Small Business Financing Authority on the management and administration of the Small, Women-owned, and Minority-owned Business Loan Fund created pursuant to § 2.2-2311.1;

6. Implement any remediation or enhancement measure for small, women-owned, or minority-owned businesses as may be authorized by the Governor pursuant to subsection C of § 2.2-4310 and develop regulations, consistent with prevailing law, for program implementation. Such regulations shall be developed in consultation with the state agencies with procurement responsibility and promulgated by those agencies in accordance with applicable law; ~~and~~

7. Receive and coordinate, with the appropriate state agency, the investigation of complaints that a business certified pursuant to this chapter has failed to comply with its subcontracting plan under subsection D of § 2.2-4310. If the Department determines that a business certified pursuant to this chapter has failed to comply with the subcontracting plan, the business shall provide a written explanation; *and*

8. *Facilitate relationships between established businesses and start-up women-owned and minority-owned businesses by creating and administering a mentorship program under the provisions of § 2.2-1605.1.*

B. In addition, the Department shall serve as the liaison between the Commonwealth's existing businesses and state government in order to promote the development of Virginia's economy. To that end, the Department shall:

1. Encourage the training or retraining of individuals for specific employment opportunities at new or expanding business facilities in the Commonwealth;

2. Develop and implement programs to assist small businesses in the Commonwealth in order to promote their growth and the creation and retention of jobs for Virginians;

3. Establish an industry program that is the principal point of communication between basic employers in the Commonwealth and the state government that will address issues of significance to business;

4. Make available to existing businesses, in conjunction and cooperation with localities, chambers of commerce, and other public and private groups, basic information and pertinent factors of interest and concern to such businesses; and

5. Develop statistical reports on job creation and the general economic conditions in the Commonwealth.

C. All agencies of the Commonwealth shall assist the Department upon request and furnish such information and assistance as the Department may require in the discharge of its duties.

§ 2.2-1605.1. Mentorship program.

A. *The Department shall establish and administer a pilot program whereby established businesses, or subject matter experts in relevant industry sectors, act as mentors for start-up women-owned and minority-owned businesses. In establishing the program, the Department may include any of the following elements: (i) requiring a participant who has completed the Department's Scaling4Growth program or any successor program to act as a mentor for a start-up women-owned or minority-owned business; (ii) awarding grants in each region, as defined in § 2.2-2484, to recruit mentors*

and match them with start-up women-owned and minority-owned businesses in such region; or (iii) any other measures the Department deems appropriate for facilitating mentorship relationships between established businesses and start-up women-owned and minority-owned businesses. The Department shall also evaluate the feasibility of awarding procurement preferences for businesses who agree to act as mentors in the mentorship program.

B. In establishing the pilot program under subsection A, the Department shall by July 1, 2023, select an initial group of established businesses, subject matter experts in relevant industry sectors, and start-up women-owned and minority-owned businesses. The Department shall by July 1, 2024, report on the progress of the initial group pursuant to § 2.2-1610, but shall not select a second group unless directed to do so in legislation enacted by the General Assembly.

§ 2.2-1610. Reports and recommendations; collection of data.

The Director shall, from time to time, submit directly or through an assistant to the Governor his recommendations for legislation or other action as he deems desirable to promote the purposes of this chapter.

The Director shall report, on or before November 1 of each year, to the Governor and the General Assembly the identity of the state departments and agencies failing to submit annual progress reports on small, women-owned, and minority-owned business procurement required by § 2.2-4310 and the nature and extent of such lack of compliance. The annual report shall include recommendations on the ways to improve compliance with the provisions of § 2.2-4310 and such other related matters as the Director deems appropriate. *The Department shall include in its annual report information on the progress of the mentorship program established under § 2.2-1605.1.*

The Director, with the assistance of the Comptroller, shall develop and implement a systematic data collection process that will provide information for a report to the Governor and General Assembly on state expenditures to small, women-owned, and minority-owned businesses during the previous fiscal year.

An institution exercising authority granted under this section shall promptly make available to the Department, upon request, copies of its procurement records, receipts, and transactions in regard to procurement from small, women-owned, and minority-owned businesses in order for the Department to ensure institution compliance with its approved reporting and certification criteria.

CHAPTER 303

An Act to amend the Code of Virginia by adding sections numbered 10.1-200.01 and 22.1-206.1, relating to Lyme disease; signage; instructional resources and materials.

[H 850]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding sections numbered 10.1-200.01 and 22.1-206.1 as follows:

§ 10.1-200.01. Lyme disease signage.

A. *The Department shall develop and post in each state park and interstate park signage addressing the appropriate steps a visitor can take to prevent tick bites, how to identify Lyme disease, and where to seek treatment.*

B. *The Department shall install such signage first in those areas in the Commonwealth that have been identified as most susceptible to Lyme disease and shall complete the installation of such signage in all state parks and interstate parks by January 1, 2028.*

C. *Until it completes the installation of all such signage, the Department shall report its progress annually to the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources.*

§ 22.1-206.1. Lyme disease; instructional resources and materials.

The Secretary of Education, in collaboration with the Secretary of Health and Human Resources and the Secretary of Natural and Historic Resources, shall develop instructional resources and materials to assist school boards and local and regional public libraries in establishing an education and awareness program to protect children from Lyme disease and other tick-borne infections. Such instructional resources and materials (i) shall be appropriate for individuals of school age; (ii) shall provide information on the identification of ticks, recommended procedures for safe tick removal, and best practices to provide protection from ticks; (iii) may include video productions, pamphlets, and demonstration programs to illustrate the sizes of various ticks, including sizes before and after each variety has become engorged, to assist with the identification of a tick and the reaction on the skin that may result from a tick bite; and (iv) shall be made available to school boards and local and regional public libraries upon request at no charge.

CHAPTER 304

An Act to amend and reenact § 19.2-175 of the Code of Virginia, relating to compensation of experts in criminal cases.

[S 191]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-175 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-175. Compensation of experts.

Each psychiatrist, clinical psychologist, or other expert appointed by the court to render professional service pursuant to § 19.2-168.1, 19.2-169.1, 19.2-169.5, 19.2-182.8, 19.2-182.9, or 19.2-301; who is not regularly employed by the Commonwealth of Virginia, except by the University of Virginia School of Medicine and the Virginia Commonwealth University School of Medicine, shall receive a reasonable fee for such service. For any psychiatrist, clinical psychologist, or other expert appointed by the court to render such professional services who is regularly employed by the Commonwealth of Virginia, except by the University of Virginia School of Medicine or the Virginia Commonwealth University School of Medicine, the fee shall be paid only for professional services provided during nonstate hours that have been approved by his employing agency as being beyond the scope of his state employment duties. The fee shall be determined in each instance by the court that appointed the expert, in accordance with guidelines established by the Supreme Court after consultation with the Department of Behavioral Health and Developmental Services. Except in aggravated murder cases pursuant to § 18.2-31, the fee shall not exceed ~~\$750~~ \$1,200, but in addition, if any such expert is required to appear as a witness in any hearing held pursuant to such sections, he shall receive mileage and a fee of \$100 for each day during which he is required so to serve. An itemized account of expense, duly sworn to, must be presented to the court; and when allowed shall be certified to the Supreme Court for payment out of the state treasury; and be charged against the appropriations made to pay criminal charges. Allowance for the fee and for the per diem authorized shall also be made by order of the court, duly certified to the Supreme Court for payment out of the appropriation to pay criminal charges.

CHAPTER 305

An Act to amend and reenact §§ 16.1-278.2, 16.1-278.4, 16.1-278.8, and 16.1-281 of the Code of Virginia, relating to foster care placements; court review.

[S 396]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-278.2, 16.1-278.4, 16.1-278.8, and 16.1-281 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-278.2. Abused, neglected, or abandoned children or children without parental care.

A. Within 60 days of a preliminary removal order hearing held pursuant to § 16.1-252 or a hearing on a preliminary protective order held pursuant to § 16.1-253, a dispositional hearing shall be held if the court found abuse or neglect and (i) removed the child from his home or (ii) entered a preliminary protective order. Notice of the dispositional hearing shall be provided to the child's parent, guardian, legal custodian, or other person standing in loco parentis in accordance with § 16.1-263. The hearing shall be held and a dispositional order may be entered, although a parent, guardian, legal custodian, or person standing in loco parentis fails to appear and is not represented by counsel, provided personal or substituted service was made on the person, or the court determines that such person cannot be found, after reasonable effort, or in the case of a person who is without the Commonwealth, the person cannot be found or his post office address cannot be ascertained after reasonable effort. Notice shall also be provided to the local department of social services, the guardian ad litem and, if appointed, the court-appointed special advocate.

If a child is found to be (a) abused or neglected; (b) at risk of being abused or neglected by a parent or custodian who has been adjudicated as having abused or neglected another child in his care; or (c) abandoned by his parent or other custodian, or without parental care and guardianship because of his parent's absence or physical or mental incapacity, the juvenile court or the circuit court may make any of the following orders of disposition to protect the welfare of the child:

1. Enter an order pursuant to the provisions of § 16.1-278;
2. Permit the child to remain with his parent, subject to such conditions and limitations as the court may order with respect to such child and his parent or other adult occupant of the same dwelling;
3. Prohibit or limit contact as the court deems appropriate between the child and his parent or other adult occupant of the same dwelling whose presence tends to endanger the child's life, health or normal development. The prohibition may exclude any such individual from the home under such conditions as the court may prescribe for a period to be determined by the court but in no event for longer than 180 days from the date of such determination. A hearing shall be held within 150 days to determine further disposition of the matter that may include limiting or prohibiting contact for another 180 days;
4. Permit the local board of social services or a public agency designated by the community policy and management team to place the child, subject to the provisions of § 16.1-281, in suitable family homes, child-caring institutions, residential facilities, or independent living arrangements with legal custody remaining with the parents or guardians. The local board or public agency and the parents or guardians shall enter into an agreement which shall specify the responsibilities of each for the care and control of the child. The board or public agency that places the child shall have the final authority to determine the appropriate placement for the child. *Nothing herein shall limit the authority of the court to review the child's status in foster care in accordance with subsection G of § 16.1-281 or to review the foster care plan through a petition filed pursuant to subsection A of § 16.1-282.*

Any order allowing a local board or public agency to place a child where legal custody remains with the parents or guardians as provided in this section shall be entered only upon a finding by the court that reasonable efforts have been made to prevent placement out of the home and that continued placement in the home would be contrary to the welfare of the child; and the order shall so state.

5. After a finding that there is no less drastic alternative, transfer legal custody, subject to the provisions of § 16.1-281, to any of the following:

- a. A person with a legitimate interest subject to the provisions of subsection A1;
- b. A child welfare agency, private organization or facility that is licensed or otherwise authorized by law to receive and provide care for such child; however, a court shall not transfer legal custody of an abused or neglected child to an agency, organization or facility out of the Commonwealth without the approval of the Commissioner of Social Services; or
- c. The local board of social services of the county or city in which the court has jurisdiction or, at the discretion of the court, to the local board of the county or city in which the child has residence if other than the county or city in which the court has jurisdiction. The local board shall accept the child for care and custody, provided that it has been given reasonable notice of the pendency of the case and an opportunity to be heard. However, in an emergency in the county or city in which the court has jurisdiction, the local board may be required to accept a child for a period not to exceed 14 days without prior notice or an opportunity to be heard if the judge entering the placement order describes the emergency and the need for such temporary placement in the order. Nothing in this section shall prohibit the commitment of a child to any local board of social services in the Commonwealth when the local board consents to the commitment. The board to which the child is committed shall have the final authority to determine the appropriate placement for the child. *Nothing herein shall limit the authority of the court to review the child's status in foster care in accordance with subsection G of § 16.1-281 or to review the foster care plan through a petition filed pursuant to subsection A of § 16.1-282.*

Any order authorizing removal from the home and transferring legal custody of a child to a local board of social services as provided in this section shall be entered only upon a finding by the court that reasonable efforts have been made to prevent removal and that continued placement in the home would be contrary to the welfare of the child; and the order shall so state.

A finding by the court that reasonable efforts were made to prevent removal of the child from his home shall not be required if the court finds that (i) the residual parental rights of the parent regarding a sibling of the child have previously been involuntarily terminated; (ii) the parent has been convicted of an offense under the laws of the Commonwealth or a substantially similar law of any other state, the United States, or any foreign jurisdiction that constitutes murder or voluntary manslaughter, or a felony attempt, conspiracy, or solicitation to commit any such offense, if the victim of the offense was a child of the parent, a child with whom the parent resided at the time such offense occurred, or the other parent of the child; (iii) the parent has been convicted of an offense under the laws of the Commonwealth or a substantially similar law of any other state, the United States, or any foreign jurisdiction that constitutes felony assault resulting in serious bodily injury or felony bodily wounding resulting in serious bodily injury or felony sexual assault, if the victim of the offense was a child of the parent or a child with whom the parent resided at the time of such offense; or (iv) on the basis of clear and convincing evidence, the parent has subjected any child to aggravated circumstances, or abandoned a child under circumstances that would justify the termination of residual parental rights pursuant to subsection D of § 16.1-283.

As used in this section:

"Aggravated circumstances" means torture, chronic or severe abuse, or chronic or severe sexual abuse, if the victim of such conduct was a child of the parent or child with whom the parent resided at the time such conduct occurred, including the failure to protect such a child from such conduct, which conduct or failure to protect (i) evinces a wanton or depraved indifference to human life or (ii) has resulted in the death of such a child or in serious bodily injury to such a child.

"Chronic abuse" or "chronic sexual abuse" means recurring acts of physical abuse that place the child's health, safety and well-being at risk.

"Serious bodily injury" means bodily injury that involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

"Severe abuse" or "severe sexual abuse" may include an act or omission that occurred only once but otherwise meets the definition of "aggravated circumstances."

6. Transfer legal custody pursuant to subdivision 5 of this section and order the parent to participate in such services and programs or to refrain from such conduct as the court may prescribe; or

7. Terminate the rights of the parent pursuant to § 16.1-283.

A1. Any order transferring custody of the child to a person with a legitimate interest pursuant to subdivision A 5 shall be entered only upon a finding, based upon a preponderance of the evidence, that such person is one who, after an investigation as directed by the court, (i) is found by the court to be willing and qualified to receive and care for the child; (ii) is willing to have a positive, continuous relationship with the child; (iii) is committed to providing a permanent, suitable home for the child; and (iv) is willing and has the ability to protect the child from abuse and neglect; and the order shall so state. The court's order transferring custody to a person with a legitimate interest should further provide for, as appropriate, any terms or conditions which would promote the child's interest and welfare; ongoing provision of social services to the child and the child's custodian; and court review of the child's placement.

B. If the child has been placed in foster care, at the dispositional hearing the court shall review the foster care plan for the child filed in accordance with § 16.1-281 by the local department of social services, a public agency designated by the

community policy and management team which places a child through an agreement with the parents or guardians where legal custody remains with the parents or guardians, or child welfare agency.

C. Any preliminary protective orders entered on behalf of the child shall be reviewed at the dispositional hearing and may be incorporated, as appropriate, in the dispositional order.

D. A dispositional order entered pursuant to this section is a final order from which an appeal may be taken in accordance with § 16.1-296.

§ 16.1-278.4. Children in need of services.

If a child is found to be in need of services or a status offender, the juvenile court or the circuit court may make any of the following orders of disposition for the supervision, care and rehabilitation of the child:

1. Enter an order pursuant to the provisions of § 16.1-278.

2. Permit the child to remain with his parent subject to such conditions and limitations as the court may order with respect to such child and his parent.

3. Order the parent with whom the child is living to participate in such programs, cooperate in such treatment or be subject to such conditions and limitations as the court may order and as are designed for the rehabilitation of the child and his parent.

4. Beginning July 1, 1992, in the case of any child fourteen years of age or older, where the court finds that the child is not able to benefit appreciably from further schooling, the court may excuse the child from further compliance with any legal requirement of compulsory school attendance as provided under § 22.1-254 or authorize the child, notwithstanding the provisions of any other law, to be employed in any occupation which is not legally declared hazardous for children under the age of eighteen.

5. Permit the local board of social services or a public agency designated by the community policy and management team to place the child, subject to the provisions of § 16.1-281, in suitable family homes, child caring-institutions, residential facilities, or independent living arrangements with legal custody remaining with the parents or guardians. The local board or public agency and the parents or guardians shall enter into an agreement which shall specify the responsibilities of each for the care and control of the child. The board or public agency that places the child shall have the final authority to determine the appropriate placement for the child. *Nothing herein shall limit the authority of the court to review the child's status in foster care in accordance with subsection G of § 16.1-281 or to review the foster care plan through a petition filed pursuant to subsection A of § 16.1-282.*

Any order allowing a local board or public agency to place a child where legal custody remains with the parents or guardians as provided in this section shall be entered only upon a finding by the court that reasonable efforts have been made to prevent placement out of the home and that continued placement in the home would be contrary to the welfare of the child, and the order shall so state.

6. Transfer legal custody to any of the following:

a. A relative or other individual who, after study, is found by the court to be qualified to receive and care for the child;

b. A child welfare agency, private organization or facility that is licensed or otherwise authorized by law to receive and provide care for such child. The court shall not transfer legal custody of a child in need of services to an agency, organization or facility out of the Commonwealth without the approval of the Commissioner of Social Services; or

c. The local board of social services of the county or city in which the court has jurisdiction or, at the discretion of the court, to the local board of the county or city in which the child has residence if other than the county or city in which the court has jurisdiction. The local board shall accept the child for care and custody, provided that it has been given reasonable notice of the pendency of the case and an opportunity to be heard. However, in an emergency in the county or city in which the court has jurisdiction, the local board may be required to accept a child for a period not to exceed fourteen days without prior notice or an opportunity to be heard if the judge entering the placement order describes the emergency and the need for such temporary placement in the order. Nothing in this subdivision shall prohibit the commitment of a child to any local board of social services in the Commonwealth when the local board consents to the commitment. The board to which the child is committed shall have the final authority to determine the appropriate placement for the child. *Nothing herein shall limit the authority of the court to review the child's status in foster care in accordance with subsection G of § 16.1-281 or to review the foster care plan through a petition filed pursuant to subsection A of § 16.1-282.*

Any order authorizing removal from the home and transferring legal custody of a child to a local board of social services as provided in this subdivision shall be entered only upon a finding by the court that reasonable efforts have been made to prevent removal and that continued placement in the home would be contrary to the welfare of the child, and the order shall so state.

A finding by the court that reasonable efforts were made to prevent removal of the child from his home shall not be required if the court finds that (i) the residual parental rights of the parent regarding a sibling of the child have previously been involuntarily terminated; (ii) the parent has been convicted of an offense under the laws of the Commonwealth or a substantially similar law of any other state, the United States, or any foreign jurisdiction that constitutes murder or voluntary manslaughter, or a felony attempt, conspiracy, or solicitation to commit any such offense, if the victim of the offense was a child of the parent, a child with whom the parent resided at the time such offense occurred, or the other parent of the child; (iii) the parent has been convicted of an offense under the laws of the Commonwealth or a substantially similar law of any other state, the United States, or any foreign jurisdiction that constitutes felony assault resulting in serious bodily injury or felony bodily wounding resulting in serious bodily injury or felony sexual assault, if the victim of the offense was a child of

the parent or a child with whom the parent resided at the time of such offense; or (iv) on the basis of clear and convincing evidence, the parent has subjected any child to aggravated circumstances, or abandoned a child under circumstances that would justify the termination of residual parental rights pursuant to subsection D of § 16.1-283.

As used in this section:

"Aggravated circumstances" means torture, chronic or severe abuse, or chronic or severe sexual abuse, if the victim of such conduct was a child of the parent or child with whom the parent resided at the time such conduct occurred, including the failure to protect such a child from such conduct, which conduct or failure to protect (i) evinces a wanton or depraved indifference to human life or (ii) has resulted in the death of such a child or in serious bodily injury to such a child.

"Chronic abuse" or "chronic sexual abuse" means recurring acts of physical abuse that place the child's health, safety and well-being at risk.

"Serious bodily injury" means bodily injury that involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

"Severe abuse" or "severe sexual abuse" may include an act or omission that occurred only once but otherwise meets the definition of "aggravated circumstances."

7. Require the child to participate in a public service project under such conditions as the court prescribes.

§ 16.1-278.8. Delinquent juveniles.

A. If a juvenile is found to be delinquent, except where such finding involves a refusal to take a breath test in violation of § 18.2-268.2 or a similar ordinance, the juvenile court or the circuit court may make any of the following orders of disposition for his supervision, care and rehabilitation:

1. Enter an order pursuant to the provisions of § 16.1-278;

2. Permit the juvenile to remain with his parent, subject to such conditions and limitations as the court may order with respect to the juvenile and his parent;

3. Order the parent of a juvenile living with him to participate in such programs, cooperate in such treatment or be subject to such conditions and limitations as the court may order and as are designed for the rehabilitation of the juvenile and his parent;

4. Defer disposition for a specific period of time established by the court with due regard for the gravity of the offense and the juvenile's history, after which time the charge may be dismissed by the judge if the juvenile exhibits good behavior during the period for which disposition is deferred;

4a. Defer disposition and place the juvenile in the temporary custody of the Department to attend a boot camp established pursuant to § 66-13 provided bed space is available for confinement and the juvenile (i) has been found delinquent for an offense that would be a Class 1 misdemeanor or felony if committed by an adult, (ii) has not previously been and is not currently being adjudicated delinquent or found guilty of a violent juvenile felony, (iii) has not previously attended a boot camp, (iv) has not previously been committed to and received by the Department, and (v) has had an assessment completed by the Department or its contractor concerning the appropriateness of the candidate for a boot camp. Upon the juvenile's withdrawal, removal or refusal to comply with the terms and conditions of participation in the program, he shall be brought before the court for a hearing at which the court may impose any other disposition as authorized by this section which could have been imposed at the time the juvenile was placed in the custody of the Department;

5. Without entering a judgment of guilty and with the consent of the juvenile and his attorney, defer disposition of the delinquency charge for a specific period of time established by the court with due regard for the gravity of the offense and the juvenile's history, and place the juvenile on probation under such conditions and limitations as the court may prescribe. Upon fulfillment of the terms and conditions, the court shall discharge the juvenile and dismiss the proceedings against him. Discharge and dismissal under these provisions shall be without adjudication of guilt;

6. Order the parent of a juvenile with whom the juvenile does not reside to participate in such programs, cooperate in such treatment or be subject to such conditions and limitations as the court may order and as are designed for the rehabilitation of the juvenile where the court determines this participation to be in the best interest of the juvenile and other parties concerned and where the court determines it reasonable to expect the parent to be able to comply with such order;

7. Place the juvenile on probation under such conditions and limitations as the court may prescribe;

7a. Place the juvenile on probation and order treatment for the abuse or dependence on alcohol or drugs in a program licensed by the Department of Behavioral Health and Developmental Services for the treatment of juveniles for substance abuse provided that (i) the juvenile has received a substance abuse screening and assessment pursuant to § 16.1-273 and that such assessment reasonably indicates that the commission of the offense was motivated by, or closely related to, the habitual use of alcohol or drugs and indicates that the juvenile is in need of treatment for this condition; (ii) the juvenile has not previously been and is not currently being adjudicated for a violent juvenile felony; and (iii) such facility is available. Upon the juvenile's withdrawal, removal, or refusal to comply with the conditions of participation in the program, he shall be brought before the court for a hearing at which the court may impose any other disposition authorized by this section. The court shall review such placements at 30-day intervals;

8. Impose a fine not to exceed \$500 upon such juvenile;

9. Suspend the motor vehicle and driver's license of such juvenile or impose a curfew on the juvenile as to the hours during which he may operate a motor vehicle. Any juvenile whose driver's license is suspended may be referred for an assessment and subsequent referral to appropriate services, upon such terms and conditions as the court may order. The court, in its discretion and upon a demonstration of hardship, may authorize the use of a restricted permit to operate a motor

vehicle by any juvenile who enters such program for any of the purposes set forth in subsection E of § 18.2-271.1 or for travel to and from school. The restricted permit shall be issued in accordance with the provisions of such subsection. However, only an abstract of the court order that identifies the juvenile and the conditions under which the restricted license is to be issued shall be sent to the Department of Motor Vehicles.

If a curfew is imposed, the juvenile shall surrender his driver's license, which shall be held in the physical custody of the court during any period of curfew restriction. The court shall send an abstract of any order issued under the provisions of this section to the Department of Motor Vehicles, which shall preserve a record thereof. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of this chapter or the provisions of Title 46.2, this record shall be available only to all law-enforcement officers, attorneys for the Commonwealth and courts. A copy of the court order, upon which shall be noted all curfew restrictions, shall be provided to the juvenile and shall contain such information regarding the juvenile as is reasonably necessary to identify him. The juvenile may operate a motor vehicle under the court order in accordance with its terms.

Any juvenile who operates a motor vehicle in violation of any restrictions imposed pursuant to this section is guilty of a violation of § 46.2-301.

The Department of Motor Vehicles shall refuse to issue a driver's license to any juvenile denied a driver's license until such time as is stipulated in the court order or until notification by the court of withdrawal of the order imposing the curfew;

10. Require the juvenile to make restitution or reparation to the aggrieved party or parties for actual damages or loss caused by the offense for which the juvenile was found to be delinquent;

11. Require the juvenile to participate in a public service project under such conditions as the court prescribes;

12. In case of traffic violations, impose only those penalties that are authorized to be imposed on adults for such violations. However, for those violations punishable by confinement if committed by an adult, confinement shall be imposed only as authorized by this title;

13. Transfer legal custody to any of the following:

a. A relative or other individual who, after study, is found by the court to be qualified to receive and care for the juvenile;

b. A child welfare agency, private organization or facility that is licensed or otherwise authorized by law to receive and provide care for such juvenile. The court shall not transfer legal custody of a delinquent juvenile to an agency, organization or facility outside of the Commonwealth without the approval of the Director; or

c. The local board of social services of the county or city in which the court has jurisdiction or, at the discretion of the court, to the local board of the county or city in which the juvenile has residence if other than the county or city in which the court has jurisdiction. The board shall accept the juvenile for care and custody, provided that it has been given reasonable notice of the pendency of the case and an opportunity to be heard. However, in an emergency in the county or city in which the court has jurisdiction, such local board may be required to temporarily accept a juvenile for a period not to exceed 14 days without prior notice or an opportunity to be heard if the judge entering the placement order describes the emergency and the need for such temporary placement in the order. Nothing in this subdivision shall prohibit the commitment of a juvenile to any local board of social services in the Commonwealth when such local board consents to the commitment. The board to which the juvenile is committed shall have the final authority to determine the appropriate placement for the juvenile. *Nothing herein shall limit the authority of the court to review the child's status in foster care in accordance with subsection G of § 16.1-281 or to review the foster care plan through a petition filed pursuant to subsection A of § 16.1-282.* Any order authorizing removal from the home and transferring legal custody of a juvenile to a local board of social services as provided in this subdivision shall be entered only upon a finding by the court that reasonable efforts have been made to prevent removal and that continued placement in the home would be contrary to the welfare of the juvenile, and the order shall so state;

14. Unless waived by an agreement between the attorney for the Commonwealth and the juvenile and his attorney or other legal representative, upon consideration of the results of an investigation completed pursuant to § 16.1-273, commit the juvenile to the Department of Juvenile Justice, but only if (i) he is 11 years of age or older and has been adjudicated delinquent of an act enumerated in subsection B or C of § 16.1-269.1 or (ii) he is 14 years of age or older and the current offense is (a) an offense that would be a felony if committed by an adult, (b) an offense that would be a Class 1 misdemeanor if committed by an adult and the juvenile has previously been found to be delinquent based on an offense that would be a felony if committed by an adult, or (c) an offense that would be a Class 1 misdemeanor if committed by an adult and the juvenile has previously been adjudicated delinquent of three or more offenses that would be a Class 1 misdemeanor if committed by an adult, and each such offense was not a part of a common act, transaction or scheme;

15. Impose the penalty authorized by § 16.1-284;

16. Impose the penalty authorized by § 16.1-284.1;

17. Unless waived by an agreement between the attorney for the Commonwealth and the juvenile and his attorney or other legal representative, upon consideration of the results of an investigation completed pursuant to § 16.1-273, impose the penalty authorized by § 16.1-285.1;

18. Impose the penalty authorized by § 16.1-278.9; or

19. Require the juvenile to participate in a gang-activity prevention program including, but not limited to, programs funded under the Virginia Juvenile Community Crime Control Act pursuant to § 16.1-309.7, if available, when a juvenile has been found delinquent of any of the following violations: § 18.2-51, 18.2-51.1, 18.2-52, 18.2-53, 18.2-55, 18.2-56,

18.2-57, 18.2-57.2, 18.2-121, 18.2-127, 18.2-128, 18.2-137, 18.2-138, 18.2-146, or 18.2-147, or any violation of a local ordinance adopted pursuant to § 15.2-1812.2.

B. If the court finds a juvenile delinquent of any of the following offenses, the court shall require the juvenile to make at least partial restitution or reparation for any property damage, for loss caused by the offense, or for actual medical expenses incurred by the victim as a result of the offense: § 18.2-51, 18.2-51.1, 18.2-52, 18.2-53, 18.2-55, 18.2-56, 18.2-57, 18.2-57.2, 18.2-121, 18.2-127, 18.2-128, 18.2-137, 18.2-138, 18.2-146, or 18.2-147; or for any violation of a local ordinance adopted pursuant to § 15.2-1812.2. The court shall further require the juvenile to participate in a community service project under such conditions as the court prescribes.

§ 16.1-281. Foster care plan.

A. In any case in which (i) a local board of social services places a child through an agreement with the parents or guardians where legal custody remains with the parents or guardian, or (ii) legal custody of a child is given to a local board of social services or a child welfare agency, the local department of social services or child welfare agency shall prepare a foster care plan for such child, as described hereinafter. The individual family service plan developed by the family assessment and planning team pursuant to § 2.2-5208 may be accepted by the court as the foster care plan if it meets the requirements of this section.

The representatives of such department or agency shall involve in the development of the plan the child's parent(s), except when parental rights have been terminated or the local department of social services or child welfare agency has made diligent efforts to locate the parent(s) and such parent(s) cannot be located, relatives and fictive kin who are interested in the child's welfare, and any other person or persons standing in loco parentis at the time the board or child welfare agency obtained custody or the board placed the child. The representatives of such department or agency shall involve a child who is 12 years of age or older in the development of the plan and, at the option of such child, up to two members of the case planning team who are chosen by the child and who are not a foster parent of, or caseworker for, the child. A child under 12 years of age may be involved in the development of the plan if such involvement is consistent with the best interests of the child. In cases where either the parent(s) or child is not involved in the development of the plan, the department or agency shall include in the plan a full description of the reasons therefor.

The department or child welfare agency shall file the plan with the juvenile and domestic relations district court within 45 days following the transfer of custody or the board's placement of the child unless the court, for good cause shown, allows an extension of time, which shall not exceed an additional 60 days. However, a foster care plan shall be filed in accordance with the provisions of § 16.1-277.01 with a petition for approval of an entrustment agreement. A foster care plan need not be prepared if the child is returned to his prior family or placed in an adoptive home within 45 days following transfer of custody to the board or agency or the board's placement of the child.

B. The foster care plan shall describe in writing (i) the programs, care, services and other support which will be offered to the child and his parents and other prior custodians; (ii) the participation and conduct which will be sought from the child's parents and other prior custodians; (iii) the visitation and other contacts which will be permitted between the child and his parents and other prior custodians, and between the child and his siblings; (iv) the nature of the placement or placements which will be provided for the child, *including an assessment of the stability of each placement, the services provided or plans for services to be provided to address placement instability or to prevent disruption of the placement, and a description of other placements that were considered for the child, if any, and reasons why such other placements were not provided*; (v) for school-age children, the school placement of the child; (vi) for children 14 years of age and older, the child's needs and goals in the areas of counseling, education, housing, employment, and money management skills development, along with specific independent living services that will be provided to the child to help him reach these goals; and (vii) for children 14 years and older, an explanation of the child's rights with respect to education, health, visitation, court participation, and the right to stay safe and avoid exploitation. The foster care plan shall include all documentation specified in 42 U.S.C. § 675(5)(1) and § 63.2-905.3. If the child in foster care is placed in a qualified residential treatment program as defined in § 16.1-228, the foster care plan shall also include the report and documentation set forth in subsection A of § 63.2-906.1. If the child in foster care is pregnant or is the parent of a child, the foster care plan shall also include (a) a list of the services and programs to be provided to or on behalf of the child to ensure parental readiness or capability and (b) a description of the foster care prevention strategy for any child born to the child in foster care. In cases in which a foster care plan approved prior to July 1, 2011, identifies independent living as the goal for the child, and in cases involving children admitted to the United States as refugees or asylees who are 16 years of age or older and for whom the goal is independent living, the plan shall also describe the programs and services which will help the child prepare for the transition from foster care to independent living. If consistent with the child's health and safety, the plan shall be designed to support reasonable efforts which lead to the return of the child to his parents or other prior custodians within the shortest practicable time which shall be specified in the plan. The child's health and safety shall be the paramount concern of the court and the agency throughout the placement, case planning, service provision and review process. For a child 14 years of age and older, the plan shall include a signed acknowledgment by the child that the child has received a copy of the plan and that the rights contained therein have been explained to the child in an age-appropriate manner.

If the department or child welfare agency concludes that it is not reasonably likely that the child can be returned to his prior family within a practicable time, consistent with the best interests of the child, the department, child welfare agency or team shall (1) include a full description of the reasons for this conclusion; (2) provide information on the opportunities for placing the child with a relative or in an adoptive home; (3) design the plan to lead to the child's successful placement with

a relative or fictive kin for the purpose of establishing eligibility for the Federal-Funded Kinship Guardianship Assistance program established pursuant to § 63.2-1305 or the State-Funded Kinship Guardianship Assistance program established pursuant to § 63.2-1306 or in an adoptive home within the shortest practicable time; and (4) if neither of such placements is feasible, explain why permanent foster care is the plan for the child or independent living is the plan for the child in cases involving children admitted to the United States as refugees or asylees who are 16 years of age or older and for whom the goal is independent living.

The local board or other child welfare agency having custody of the child shall not be required by the court to make reasonable efforts to reunite the child with a parent if the court finds that (A) the residual parental rights of the parent regarding a sibling of the child have previously been involuntarily terminated; (B) the parent has been convicted of an offense under the laws of the Commonwealth or a substantially similar law of any other state, the United States or any foreign jurisdiction that constitutes murder or voluntary manslaughter, or a felony attempt, conspiracy or solicitation to commit any such offense, if the victim of the offense was a child of the parent, a child with whom the parent resided at the time such offense occurred or the other parent of the child; (C) the parent has been convicted of an offense under the laws of the Commonwealth or a substantially similar law of any other state, the United States or any foreign jurisdiction that constitutes felony assault resulting in serious bodily injury or felony bodily wounding resulting in serious bodily injury or felony sexual assault, if the victim of the offense was a child of the parent or a child with whom the parent resided at the time of such offense; or (D) based on clear and convincing evidence, the parent has subjected any child to aggravated circumstances, or abandoned a child under circumstances which would justify the termination of residual parental rights pursuant to subsection D of § 16.1-283.

As used in this section:

"Aggravated circumstances" means torture, chronic or severe abuse, or chronic or severe sexual abuse, if the victim of such conduct was a child of the parent or child with whom the parent resided at the time such conduct occurred, including the failure to protect such a child from such conduct, which conduct or failure to protect: (i) evinces a wanton or depraved indifference to human life, or (ii) has resulted in the death of such a child or in serious bodily injury to such a child.

"Chronic abuse" or "chronic sexual abuse" means recurring acts of physical abuse that place the child's health, safety and well-being at risk.

"Independent living" has the meaning set forth in § 63.2-100.

"Serious bodily injury" means bodily injury that involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

"Severe abuse" or "severe sexual abuse" may include an act or omission that occurred only once, but otherwise meets the definition of "aggravated circumstances."

Within 30 days of making a determination that reasonable efforts to reunite the child with the parents are not required, the court shall hold a permanency planning hearing pursuant to § 16.1-282.1.

C. A copy of the entire foster care plan shall be sent by the court to the child, if he is 12 years of age or older; the guardian ad litem for the child, the attorney for the child's parents or for any other person standing in loco parentis at the time the board or child welfare agency obtained custody or the board placed the child, to the parents or other person standing in loco parentis, and such other persons as appear to the court to have a proper interest in the plan. However, a copy of the plan shall not be sent to a parent whose parental rights regarding the child have been terminated. A copy of the plan shall be sent by the court to the foster parents. A hearing shall be held for the purpose of reviewing and approving the foster care plan. The hearing shall be held within 60 days of (i) the child's initial foster care placement, if the child was placed through an agreement between the parents or guardians and the local department of social services or a child welfare agency; (ii) the original preliminary removal order hearing, if the child was placed in foster care pursuant to § 16.1-252; (iii) the hearing on the petition for relief of custody, if the child was placed in foster care pursuant to § 16.1-277.02; or (iv) the dispositional hearing at which the child was placed in foster care and an order was entered pursuant to § 16.1-278.2, 16.1-278.3, 16.1-278.4, 16.1-278.5, 16.1-278.6, or 16.1-278.8. However, the hearing shall be held in accordance with the provisions of § 16.1-277.01 with a petition for approval of an entrustment agreement. If the judge makes any revision in any part of the foster care plan, a copy of the changes shall be sent by the court to all persons who received a copy of the original of that part of the plan.

C1. Any order transferring custody of the child to a relative other than the child's prior family shall be entered only upon a finding, based upon a preponderance of the evidence, that the relative is one who, after an investigation as directed by the court, (i) is found by the court to be willing and qualified to receive and care for the child; (ii) is willing to have a positive, continuous relationship with the child; (iii) is committed to providing a permanent, suitable home for the child; and (iv) is willing and has the ability to protect the child from abuse and neglect; and the order shall so state. The court's order transferring custody to a relative should further provide for, as appropriate, any terms or conditions which would promote the child's interest and welfare; ongoing provision of social services to the child and the child's custodian; and court review of the child's placement.

C2. Any order entered at the conclusion of the hearing that has the effect of achieving a permanent goal for the child by terminating residual parental rights pursuant to § 16.1-277.01, 16.1-277.02, 16.1-278.3, or 16.1-283; by placing the child in permanent foster care pursuant to clause (iv) of subsection A of § 16.1-282.1; or, in cases in which independent living was identified as the goal for a child in a foster care plan approved prior to July 1, 2011, or in which a child has been admitted to the United States as a refugee or asylee and is over 16 years of age and independent living has been identified as the

permanency goal for the child, by directing the board or agency to provide the child with services to achieve independent living status, if the child has attained the age of 16 years, pursuant to clause (v) of subsection A of § 16.1-282.1 shall state whether reasonable efforts have been made to place the child in a timely manner in accordance with the foster care plan and to complete the steps necessary to finalize the permanent placement of the child.

D. The court in which the foster care plan is filed shall be notified immediately if the child is returned to his parents or other persons standing in loco parentis at the time the board or agency obtained custody or the board placed the child.

E. 1. In cases in which a child is placed by the local board of social services or a licensed child-placing agency in a qualified residential treatment program as defined in § 16.1-228, a hearing shall be held within 60 days of such placement. Prior to such hearing, the qualified residential treatment program shall file with the court the assessment report prepared pursuant to clause (viii) of the definition of qualified residential treatment program set forth in § 16.1-228. The court shall (i) consider the assessment report prepared by a qualified individual pursuant to clause (viii) of the definition of qualified residential treatment program set forth in § 16.1-228 and submitted pursuant to this subsection; (ii) consider the report and documentation required under subsection A of § 63.2-906.1 and filed with the foster care or permanency plan; (iii) determine whether the needs of the child can be met through placement in a foster home or, if not, whether placement in the qualified residential treatment program would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals established for the child in his foster care or permanency plan; and (iv) approve or deny the placement of the child in the qualified residential treatment program. The hearing required by this subsection may be held in conjunction with a dispositional hearing held pursuant to subsection C, a foster care review hearing held pursuant to § 16.1-282, a permanency planning hearing held pursuant to § 16.1-282.1, or an annual foster care review hearing held pursuant to § 16.1-282.2, provided that such hearing has already been scheduled by the court and is held within 60 days of the child's placement in the qualified residential treatment program.

2. If the child remains placed in the qualified residential treatment program during any subsequent hearings held pursuant to subsection C or § 16.1-282, 16.1-282.1, or 16.1-282.2, the local board of social services or licensed child-placing agency shall present evidence at such hearing that demonstrates (i) that the ongoing assessment of the child's strengths and needs continues to support the determination that the child's needs cannot be met through placement in a foster home and that the child's placement in the qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment and is consistent with the short-term and long-term goals established for the child in his foster care or permanency plan; (ii) the specific treatment or service needs of the child that will be met in the qualified residential treatment program and the length of time the child is expected to need such treatment or services; and (iii) the efforts made by the local board of social services to prepare the child to return home or to be placed with a fit and willing relative, legal guardian, or adoptive parent, or in a foster home. The court shall review such evidence and approve or deny the continued placement of the child in the qualified residential treatment program.

F. At the conclusion of the hearing at which the initial foster care plan is reviewed, the court shall schedule a foster care review hearing to be held within four months in accordance with § 16.1-282. However, if an order is entered pursuant to subsection C2, the court shall schedule a foster care review hearing to be held within 12 months of the entry of such order in accordance with the provisions of § 16.1-282.2. Parties who are present at the hearing at which the initial foster care plan is reviewed shall be given notice of the date set for the foster care review hearing and parties who are not present shall be summoned as provided in § 16.1-263.

G. Nothing in this section shall limit the authority of the juvenile judge or the staff of the juvenile court, upon order of the judge, to review the status of children in the custody of local boards of social services or placed by local boards of social services on its own motion. The court shall appoint an attorney to act as guardian ad litem to represent the child any time a hearing is held to review the foster care plan filed for the child or to review the child's status in foster care.

2. That the Committee on District Courts be requested to study the Juvenile and Domestic Relations District Court system to assess whether appropriate diligence and attention is being given to child dependency court hearings and to make recommendations as to whether a separate docket or court would result in better service to children and families involved in child dependency hearings. The Committee on District Courts shall complete its meetings by November 30, 2023, and shall submit to the Governor and General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2024 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

3. That the Office of the Children's Ombudsman shall convene a work group to consider issues relating to the Commonwealth's model of court-appointed legal counsel in child dependency cases. The work group shall include representatives from the Virginia Indigent Defense Commission, the Virginia Bar Association Commission on the Needs of Children, the Commission on Youth, the Office of the Executive Secretary of the Supreme Court of Virginia, and the Virginia Poverty Law Center and other Virginia Legal Aid programs. The work group shall make recommendations for legislative and budgetary changes to address these issues by November 1, 2022, to the Chairmen of the Senate Committee on the Judiciary and the House Committee for Courts of Justice.

CHAPTER 306

An Act to amend and reenact § 15.2-1509 of the Code of Virginia, relating to local government hiring; people with disabilities.

[H 710]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 15.2-1509 of the Code of Virginia is amended and reenacted as follows:****§ 15.2-1509. Preferences for veterans and people with disabilities in local government employment.**

Consistent with the requirements and obligations to protected classes under federal or state law, any locality shall take into consideration or give preference to an individual's status as an honorably discharged veteran of the ~~armed forces~~ *Armed Forces* of the United States or status as a person with a disability in its employment hiring policies and practices, provided that such veteran or person with a disability meets all of the knowledge, skills and eligibility requirements for the available position. Additional consideration shall also be given to veterans who have a service connected disability rating fixed by the U.S. Department of Veterans Affairs. "Veterans" as used in this section refers to the same class as included in § 2.2-2903 with regard to the state service. "Person with a disability" as used in this section refers to the same class as included in § 51.5-40.1.

CHAPTER 307

An Act to amend and reenact §§ 8.01-626, 8.01-675.5, 17.1-404, and 17.1-405 of the Code of Virginia, relating to injunctions; review by Supreme Court.

[S 715]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:**1. That §§ 8.01-626, 8.01-675.5, 17.1-404, and 17.1-405 of the Code of Virginia are amended and reenacted as follows:****§ 8.01-626. Review of injunction; petitions for review.**

~~Wherein~~ *When* a circuit court (i) grants ~~an~~ a preliminary or permanent injunction ~~or~~, (ii) refuses an injunction ~~or~~, (iii) having granted an injunction, dissolves or refuses to enlarge it, ~~or~~ (iv) enters an order reviewable pursuant to subsection B of § 8.01-675.5, an aggrieved party may file a petition for review with the clerk of the Supreme Court of Appeals within 15 days of the circuit court's order. ~~The clerk shall assign the petition to a three-judge panel of the Court of Appeals. The aggrieved party shall serve a copy of the petition for review on the counsel for the opposing party, which may file a response within seven days from the date of service unless the court determines a shorter time frame. The petition for review shall be accompanied by a copy of the proceedings, including the original papers and the court's order respecting the injunction. The court may take such action thereon as it considers appropriate under the circumstances of the case.~~

~~When the Court of Appeals has initially acted upon a petition for review of an order of a circuit court respecting an injunction; a party aggrieved by such action of the Court of Appeals may, within 15 days of the order of the Court of Appeals, present a petition for review of such order to the clerk of the Supreme Court. The clerk shall assign the petition to a three-justice panel of the Supreme Court. The aggrieved party shall serve a copy of the petition for review on the counsel for the opposing party, which may file a response within seven days from the date of service unless the court determines a shorter time frame. The petition for review shall be accompanied by a copy of the proceedings before the circuit court, including the original papers and the circuit court's order respecting the injunction; and a copy of the order of the Court of Appeals from which review is sought. The Supreme Court may take such action thereon as it considers appropriate under the circumstances of the case.~~

~~Nothing in this section shall be construed to prevent the Court of Appeals or the Supreme Court from resolving a petition for review by an order joined by more than one judge or justice three justices. An order issued by a justice of the Supreme Court does not become a judgment of the court except on the concurrence of at least three justices; as provided in § 17.1-308.~~

§ 8.01-675.5. Appeal of interlocutory orders and decrees by permission; immunity.

A. When, prior to the commencement of trial, the circuit court has entered in any pending civil action an order or decree that is not otherwise appealable, any party may file in the circuit court a motion requesting that the circuit court certify such order or decree for interlocutory appeal.

The motion shall include a concise analysis of the statutes, rules, or cases believed to be determinative of the issues and request that the court certify in writing that the order or decree involves a question of law as to which (i) there is substantial ground for difference of opinion; (ii) there is no clear, controlling precedent on point in the decisions of the Supreme Court of Virginia or the Court of Appeals of Virginia; (iii) determination of the issues will be dispositive of a material aspect of the proceeding currently pending before the court; and (iv) it is in the parties' best interest to seek an interlocutory appeal. If the request for certification is opposed by any party, the parties may brief the motion in accordance with the Rules of Supreme Court of Virginia.

Within 15 days of the entry of an order by the circuit court granting such certification, a petition for appeal may be filed with the Court of Appeals. If the Court of Appeals determines that the certification by the circuit court has sufficient merit, it may, in its discretion, permit an appeal to be taken from the interlocutory order or decree and shall notify the certifying circuit court and counsel for the parties of its decision.

The consideration of any petition and appeal by the Court of Appeals shall be in accordance with the applicable provisions of the Rules of the Supreme Court of Virginia and shall not take precedence on the docket unless the court so orders.

B. When, prior to the commencement of trial, the circuit court has entered in any pending civil action an order granting or denying a plea of sovereign, absolute, or qualified immunity that, if granted, would immunize the movant from compulsory participation in the proceeding, the order is eligible for immediate appellate review. Any person aggrieved by such order may, within 15 days of the entry of such order, file a petition for review with the *Supreme Court of Appeals* in accordance with the procedures set forth in § 8.01-626. ~~If the assigned judge or judges grant the petition for review, the clerk shall refer the appeal to a panel of the court, as the court shall direct, and the parties shall prosecute the appeal in the manner provided for in the Rules of Supreme Court of Virginia.~~

C. No petitions or appeals under this section shall stay proceedings in the circuit court unless the circuit court or appellate court orders such a stay upon a finding that (i) the petition or appeal could be dispositive of the entire civil action or (ii) there exists good cause, other than the pending petition or appeal, to stay the proceedings.

D. The failure of a party to seek interlocutory review under this section shall not preclude review of the issue on appeal from a final order. An order by the *Supreme Court* or Court of Appeals denying interlocutory review under this section shall not preclude review of the issue on appeal from a final order, unless the order denying such interlocutory review provides for such preclusion.

§ 17.1-404. Original jurisdiction in matters of contempt and injunctions, writs of mandamus, prohibition and habeas corpus.

The Court of Appeals shall have authority to punish for contempt. ~~A judge of the Court of Appeals shall exercise initially the authority concerning injunctions vested in a justice of the Supreme Court by § 8.01-626 in any case over which the court would have appellate jurisdiction as provided in §§ 17.1-405 and 17.1-406.~~ In addition, in such cases over which the court would have appellate jurisdiction, the court shall have original jurisdiction to issue writs of mandamus, prohibition and habeas corpus.

§ 17.1-405. Appellate jurisdiction — Administrative agency, Virginia Workers' Compensation Commission, and civil matter appeals.

Unless otherwise provided by law, any aggrieved party may appeal to the Court of Appeals from:

1. Any final decision of a circuit court on appeal from (i) a decision of an administrative agency, or (ii) a grievance hearing decision issued pursuant to § 2.2-3005;

2. Any final decision of the Virginia Workers' Compensation Commission;

3. Except as provided in subsection B of § 17.1-406, any final judgment, order, or decree of a circuit court in a civil matter;

4. Any interlocutory decree or order pursuant to § 8.01-267.8; ~~8.01-626, or 8.01-675.5;~~ or

5. Any final judgment, order, or decree of a circuit court (i) involving an application for a concealed weapons permit pursuant to Article 6.1 (§ 18.2-307.1 et seq.) of Chapter 7 of Title 18.2, (ii) involving involuntary treatment of prisoners pursuant to § 53.1-40.1 or 53.1-133.04, or (iii) for declaratory or injunctive relief under § 57-2.02.

2. That any case affected by the provisions of this act for which a petition for review to the Court of Appeals of Virginia has been filed prior to July 1, 2022, shall continue in the Court of Appeals of Virginia and, if further review is sought, in the Supreme Court of Virginia, and shall not be affected by the provisions of this act.

CHAPTER 308

An Act to amend and reenact §§ 38.2-2202, 38.2-2206, and 46.2-2057 of the Code of Virginia, relating to motor vehicle insurance; uninsured motorist coverage.

[S 754]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-2202, 38.2-2206, and 46.2-2057 of the Code of Virginia are amended and reenacted as follows:

§ 38.2-2202. Required notice of optional coverage available.

A. No new policy for insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle shall be issued or delivered in the Commonwealth unless there is enclosed with the policy, in boldface type, the following statement:

IMPORTANT NOTICE

IN ADDITION TO THE MINIMUM INSURANCE REQUIRED BY LAW, YOU MAY PURCHASE ADDITIONAL INSURANCE COVERAGE FOR THE NAMED INSURED AND FOR HIS RELATIVES WHO ARE MEMBERS OF HIS HOUSEHOLD WHILE IN OR UPON, ENTERING OR ALIGHTING FROM A MOTOR VEHICLE, OR THROUGH

BEING STRUCK BY A MOTOR VEHICLE WHILE NOT OCCUPYING A MOTOR VEHICLE, AND FOR OCCUPANTS OF THE INSURED MOTOR VEHICLE. THE FOLLOWING HEALTH CARE AND DISABILITY BENEFITS ARE AVAILABLE FOR EACH ACCIDENT:

1. PAYMENT OF UP TO \$2,000 PER PERSON FOR ALL REASONABLE AND NECESSARY EXPENSES FOR MEDICAL, CHIROPRACTIC, HOSPITAL, DENTAL, SURGICAL, PROSTHETIC AND REHABILITATION SERVICES, SERVICES PROVIDED BY AN EMERGENCY MEDICAL SERVICES VEHICLE AS DEFINED IN § 32.1-111.1, AND FUNERAL EXPENSES RESULTING FROM THE ACCIDENT AND INCURRED WITHIN THREE YEARS AFTER THE DATE OF THE ACCIDENT. HOWEVER, IF YOU DO NOT PURCHASE THE \$2,000 LIMIT OF COVERAGE, YOU AND THE COMPANY MAY AGREE TO ANY OTHER LIMIT; AND

2. AN AMOUNT EQUAL TO THE LOSS OF INCOME UP TO \$100 PER WEEK IF THE INJURED PERSON IS ENGAGED IN AN OCCUPATION FOR WHICH HE RECEIVES COMPENSATION, FROM THE FIRST WORKDAY LOST AS A RESULT OF THE ACCIDENT UP TO THE DATE THE PERSON IS ABLE TO RETURN TO HIS USUAL OCCUPATION. SUCH PAYMENTS ARE LIMITED TO A PERIOD EXTENDING ONE YEAR FROM THE DATE OF THE ACCIDENT.

IF YOU DESIRE TO PURCHASE EITHER OR BOTH OF THESE COVERAGES AT AN ADDITIONAL PREMIUM, YOU MAY DO SO BY CONTACTING THE AGENT OR COMPANY THAT ISSUED YOUR POLICY.

The insurer issuing the policy shall inform the insured by any reasonable means of communication of the approximate premium for the additional coverage.

B. No new policy of insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle shall be issued or delivered in the Commonwealth unless the following statement, printed in boldface type, is enclosed with the policy:

IMPORTANT NOTICE

YOU ARE ENTITLED TO PURCHASE UNINSURED/UNDERINSURED COVERAGE LIMITS EQUAL TO THE LIABILITY LIMITS ON YOUR MOTOR VEHICLE POLICY. HOWEVER, ANY ONE NAMED INSURED HAS THE RIGHT TO REDUCE THE LIMITS OF THE UNINSURED/UNDERINSURED MOTORIST COVERAGE TO LESS THAN THE LIABILITY LIMITS ON THE POLICY BUT NO LOWER THAN THE FINANCIAL RESPONSIBILITY LIMITS REQUIRED BY § 46.2-472 OF THE CODE OF VIRGINIA. THE INSURER MAY REQUIRE THAT A REQUEST TO REDUCE COVERAGE BE IN WRITING. ONCE ANY ONE NAMED INSURED REDUCES THE POLICY LIMITS FOR UNINSURED/UNDERINSURED MOTORIST COVERAGE BELOW THE POLICY'S LIABILITY LIMITS, THAT ELECTION IS BINDING ON ALL INSUREDS ON THE POLICY. LATER, IF YOU DESIRE TO INCREASE YOUR LIMITS, YOU MUST MAKE A SPECIFIC REQUEST TO YOUR INSURER. YOU MAY WANT TO PUT THIS REQUEST IN WRITING.

BEFORE REDUCING THE LIMITS OF THE UNINSURED/UNDERINSURED MOTORIST COVERAGE, YOU SHOULD CAREFULLY CONSIDER THAT THIS COVERAGE PROVIDES IMPORTANT PROTECTION IN THE EVENT YOU ARE INJURED OR YOUR MOTOR VEHICLE IS DAMAGED DUE TO THE ACTIONS OF AN UNINSURED/UNDERINSURED MOTORIST.

C. No policy of insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle shall be issued, delivered, or renewed after July 1, 2023, in the Commonwealth unless the following statement, printed in boldface type, is enclosed with the policy:

IMPORTANT NOTICE

PREVIOUSLY, YOUR UNDERINSURED MOTORIST COVERAGE PAID DAMAGES DUE TO AN INSURED AFTER ANY CREDIT OF THE BODILY INJURY OR PROPERTY DAMAGE LIABILITY COVERAGE APPLICABLE TO THE INSURED'S DAMAGES HAD BEEN APPLIED.

THE LAW HAS BEEN AMENDED TO REQUIRE INSURERS TO PROVIDE UNDERINSURED MOTORIST COVERAGE THAT PAYS ANY DAMAGES DUE TO AN INSURED IN ADDITION TO ANY BODILY INJURY OR PROPERTY DAMAGE LIABILITY THAT IS APPLICABLE TO THE INSURED'S DAMAGES. THIS CHANGE MAY AFFECT YOUR PREMIUM.

YOU MAY ELECT TO REFUSE THIS CHANGE IN YOUR UNDERINSURED MOTORIST COVERAGE.

AN ELECTION TO DECREASE YOUR UNDERINSURED MOTORIST COVERAGE MUST BE IN WRITING. ONCE ANY ONE NAMED INSURED ELECTS TO DECREASE THE UNDERINSURED MOTORIST COVERAGE, THAT ELECTION IS BINDING ON ALL INSUREDS ON THE POLICY. LATER, IF YOU DESIRE TO PURCHASE INCREASED UNDERINSURED MOTORIST COVERAGE, YOU MUST MAKE A SPECIFIC REQUEST TO YOUR INSURER. YOU MUST PUT THIS REQUEST IN WRITING.

BEFORE ELECTING TO DECREASE YOUR UNDERINSURED MOTORIST COVERAGE, YOU SHOULD CAREFULLY CONSIDER THAT THIS COVERAGE PROVIDES IMPORTANT PROTECTION IN THE EVENT YOU ARE INJURED OR YOUR MOTOR VEHICLE IS DAMAGED DUE TO THE ACTIONS OF AN UNDERINSURED MOTORIST.

§ 38.2-2206. Uninsured motorist insurance coverage.

A. Except as provided in subsection J, no policy or contract of bodily injury or property damage liability insurance relating to the ownership, maintenance, or use of a motor vehicle shall be issued or delivered in this Commonwealth to the owner of such vehicle or shall be issued or delivered by any insurer licensed in this Commonwealth upon any motor vehicle principally garaged or used in this Commonwealth unless it contains an endorsement or provisions undertaking to pay the

insured all sums that he is legally entitled to recover as damages from the owner or operator of an uninsured motor vehicle, within limits not less than the requirements of § 46.2-472. Those limits shall equal but not exceed the limits of the liability insurance provided by the policy, unless any one named insured rejects the additional uninsured motorist insurance coverage by notifying the insurer as provided in subsection B of § 38.2-2202. This rejection of the additional uninsured motorist insurance coverage by any one named insured shall be binding upon all insureds under such policy ~~as defined in subsection B~~. The endorsement or provisions shall also *provide underinsured motorist insurance coverage with limits that shall be equal to the uninsured motorist insurance coverage limits and shall* obligate the insurer to make payment for bodily injury or property damage caused by the operation or use of an underinsured motor vehicle to the extent the vehicle is underinsured; ~~as defined in subsection B~~.

The endorsement shall provide that underinsured motorist coverage shall be paid without any credit for the bodily injury and property damage coverage available for payment, unless any one named insured signs an election to reduce any underinsured motorist coverage payments by the bodily injury liability or property damage liability coverage available for payment by notifying the insurer as provided in subsection C of § 38.2-2202. This election by any one named insured shall be binding upon all insureds under such policy.

The endorsement or provisions shall also provide for at least \$20,000 coverage for damage or destruction of the property of the insured in any one accident but may provide an exclusion of the first \$200 of the loss or damage where the loss or damage is a result of any one accident involving an unidentifiable owner or operator of an uninsured motor vehicle.

B. 1. As used in this section:

"Bodily injury" includes death resulting from bodily injury.

"Insured" as used in subsections A, D, G, and H, means the named insured and, while resident of the same household, the spouse of the named insured, and relatives, wards or foster children of either, while in a motor vehicle or otherwise, and any person who uses the motor vehicle to which the policy applies, with the expressed or implied consent of the named insured, and a guest in the motor vehicle to which the policy applies or the personal representative of any of the above.

"Uninsured motor vehicle" means a motor vehicle for which (i) there is no bodily injury liability insurance and property damage liability insurance in the amounts specified by § 46.2-472, (ii) there is such insurance but the insurer writing the insurance denies coverage for any reason whatsoever, including failure or refusal of the insured to cooperate with the insurer, (iii) there is no bond or deposit of money or securities in lieu of such insurance, (iv) the owner of the motor vehicle has not qualified as a self-insurer under the provisions of § 46.2-368, or (v) the owner or operator of the motor vehicle is immune from liability for negligence under the laws of the Commonwealth or the United States, in which case the provisions of subsection F shall apply and the action shall continue against the insurer. A motor vehicle shall be deemed uninsured if its owner or operator is unknown.

A motor vehicle is "underinsured" when, and to the extent that, the total amount of bodily injury and property damage coverage applicable to the operation or use of the motor vehicle and available for payment for such bodily injury or property damage, including all bonds or deposits of money or securities made pursuant to Article 15 (§ 46.2-435 et seq.) of Chapter 3 of Title 46.2, is less than the total amount of ~~uninsured motorist coverage afforded~~ *damages sustained up to the total amount of underinsured motorist coverage afforded* any person injured as a result of the operation or use of the vehicle.

"Available for payment" means the amount of liability insurance coverage applicable to the claim of the injured person for bodily injury or property damage reduced by the payment of any other claims arising out of the same occurrence.

2. If an injured person is entitled to *uninsured or underinsured motorist coverage* under more than one policy, the ~~following order of priority of policies applies and any amount available for payment~~ *insurers shall be credited against such policies obligated to the injured person in the following order of priority of payment:*

- ~~1~~ a. The policy covering a motor vehicle occupied by the injured person at the time of the accident;
- ~~2~~ b. The policy covering a motor vehicle not involved in the accident under which the injured person is a named insured;
- ~~3~~ c. The policy covering a motor vehicle not involved in the accident under which the injured person is an insured other than a named insured.

Where there is more than one insurer providing coverage under one of the payment priorities set forth, their liability shall be proportioned as to their respective *available uninsured or underinsured motorist coverages*.

3. *If an injured person is entitled to underinsured motorist coverage under one or more policies wherein a named insured has elected to reduce the underinsured motorist limits by the available bodily injury liability insurance or property damage liability insurance coverage available for payment, any amount available for payment shall be credited against such policies in payment priority pursuant to subdivision 2 a only, and where there is more than one such policy entitled to such credit, the credit shall be apportioned pro-rata pursuant to the policies' respective available underinsured motorist coverages.*

4. Recovery under the endorsement or provisions shall be subject to the conditions set forth in this section.

C. There shall be a rebuttable presumption that a motor vehicle is uninsured if the Commissioner of the Department of Motor Vehicles certifies that, from the records of the Department of Motor Vehicles, it appears that (i) there is no bodily injury liability insurance and property damage liability insurance in the amounts specified by § 46.2-472 covering the owner or operator of the motor vehicle; (ii) no bond has been given or cash or securities delivered in lieu of the insurance; or (iii) the owner or operator of the motor vehicle has not qualified as a self-insurer in accordance with the provisions of § 46.2-368.

D. If the owner or operator of any motor vehicle that causes bodily injury or property damage to the insured is unknown, and if the damage or injury results from an accident where there has been no contact between that motor vehicle and the motor vehicle occupied by the insured, or where there has been no contact with the person of the insured if the insured was not occupying a motor vehicle, then for the insured to recover under the endorsement required by subsection A, the accident shall be reported promptly to either (i) the insurer or (ii) a law-enforcement officer having jurisdiction in the county or city in which the accident occurred. If it is not reasonably practicable to make the report promptly, the report shall be made as soon as reasonably practicable under the circumstances.

E. If the owner or operator of any vehicle causing injury or damages is unknown, an action may be instituted against the unknown defendant as "John Doe" and service of process may be made by delivering a copy of the motion for judgment or other pleadings to the clerk of the court in which the action is brought. Service upon the insurer issuing the policy shall be made as prescribed by law as though the insurer were a party defendant. The provisions of § 8.01-288 shall not be applicable to the service of process required in this subsection. The insurer shall have the right to file pleadings and take other action allowable by law in the name of John Doe.

F. If any action is instituted against the owner or operator of an uninsured or underinsured motor vehicle by any insured intending to rely on the uninsured or underinsured coverage provision or endorsement of this policy under which the insured is making a claim, then the insured shall serve a copy of the process upon this insurer in the manner prescribed by law, as though the insurer were a party defendant. The provisions of § 8.01-288 shall not be applicable to the service of process required in this subsection. The insurer shall then have the right to file pleadings and take other action allowable by law in the name of the owner or operator of the uninsured or underinsured motor vehicle or in its own name. Notwithstanding the provisions of subsection A, the immunity from liability for negligence of the owner or operator of a motor vehicle shall not be a bar to the insured obtaining a judgment enforceable against the insurer for the negligence of the immune owner or operator, and shall not be a defense available to the insurer to the action brought by the insured, which shall proceed against the named defendant although any judgment obtained against an immune defendant shall be entered in the name of "Immune Defendant" and shall be enforceable against the insurer and any other nonimmune defendant as though it were entered in the actual name of the named immune defendant. Nothing in this subsection shall prevent the owner or operator of the uninsured motor vehicle from employing counsel of his own choice and taking any action in his own interest in connection with the proceeding.

G. Any insurer paying a claim under the endorsement or provisions required by subsection A shall be subrogated to the rights of the insured to whom the claim was paid against the person causing the injury, death, or damage and that person's insurer, although it may deny coverage for any reason, to the extent that payment was made. The bringing of an action against the unknown owner or operator as John Doe or the conclusion of such an action shall not bar the insured from bringing an action against the owner or operator proceeded against as John Doe, or against the owner's or operator's insurer denying coverage for any reason, if the identity of the owner or operator who caused the injury or damages becomes known. The bringing of an action against an unknown owner or operator as John Doe shall toll the statute of limitations for purposes of bringing an action against the owner or operator who caused the injury or damages until his identity becomes known. In no event shall an action be brought against an owner or operator who caused the injury or damages, previously filed against as John Doe, more than three years from the commencement of the action against the unknown owner or operator as John Doe in a court of competent jurisdiction. Any recovery against the owner or operator, or the insurer of the owner or operator shall be paid to the insurer of the injured party to the extent that the insurer paid the named insured in the action brought against the owner or operator as John Doe. However, the insurer shall pay its proportionate part of all reasonable costs and expenses incurred in connection with the action, including reasonable attorney's fees. Nothing in an endorsement or provisions made under this subsection nor any other provision of law shall prevent the joining in an action against John Doe of the owner or operator of the motor vehicle causing the injury as a party defendant, and the joinder is hereby specifically authorized. No action, verdict or release arising out of a suit brought under this subsection shall give rise to any defenses in any other action brought in the subrogated party's name, including res judicata and collateral estoppel.

H. No endorsement or provisions providing the coverage required by subsection A shall require arbitration of any claim arising under the endorsement or provisions, nor may anything be required of the insured except the establishment of legal liability, nor shall the insured be restricted or prevented in any manner from employing legal counsel or instituting legal proceedings.

I. Except as provided in § 65.2-309.1, the provisions of subsections A and B of § 38.2-2204 and the provisions of subsection A shall not apply to any policy of insurance to the extent that it covers the liability of an employer under any workers' compensation law, or to the extent that it covers liability to which the Federal Tort Claims Act applies. No provision or application of this section shall limit the liability of an insurer of motor vehicles to an employee or other insured under this section who is injured by an uninsured motor vehicle; provided that in the event an employee of a self-insured employer receives a workers' compensation award for injuries resulting from an accident with an uninsured motor vehicle, such award shall be set off against any judgment for damages awarded pursuant to this section for personal injuries resulting from such accident.

J. Policies of insurance whose primary purpose is to provide coverage in excess of other valid and collectible insurance or qualified self-insurance may include uninsured motorist coverage as provided in subsection A. Insurers issuing or providing liability policies that are of an excess or umbrella type or which provide liability coverage incidental to a policy

and not related to a specifically insured motor vehicle, shall not be required to offer, provide or make available to those policies uninsured or underinsured motor vehicle coverage as defined in subsection A.

K. An injured person, or in the case of death or disability his personal representative, may settle a claim with (i) a liability insurer, including any insurer providing liability coverage through an excess or umbrella insurance policy or contract and (ii) the liability insurer's insured for the available limits of the liability insurer's coverage. Upon settlement with the liability insurer, the injured party or personal representative shall proceed to execute a full release in favor of the underinsured motorist's liability insurer and its insured and finalize the proposed settlement without prejudice to any underinsured motorist benefits or claim. Any such release that states that it is being executed pursuant to or consistent with this subsection shall not operate to release any parties other than the liability insurer and underinsured motorist, regardless of the identities of the released parties set forth in the release, and any terms contained in the release that are inconsistent with, or in violation of, this section are null and void. Upon payment of the liability insurer's available limits to the injured person or personal representative or his attorney, the liability insurer shall thereafter have no further duties to its insured, including the duty to defend its insured if an action has been or is brought against the liability insurer's insured, and the insurer providing applicable underinsured motorist coverage shall have no right of subrogation or claim against the underinsured motorist. However, if the underinsured motorist unreasonably fails to cooperate with the underinsured motorist benefits insurer in the defense of any lawsuit brought by the injured person or his personal representative, he may again be subjected to a claim for subrogation by the underinsured motorist benefits insurer pursuant to § 8.01-66.1:1. Nothing in this section or § 8.01-66.1:1 shall create any duty on the part of any underinsured motorist benefits insurer to defend any underinsured motorist. No attorney-client relationship is created between the underinsured motorist and counsel for the underinsured motorist benefits insurer without the express intent and agreement of the underinsured motorist, the underinsured motorist benefits insurer, and counsel for the underinsured motorist benefits insurer. This section provides an alternative means by which the parties may resolve claims and does not eliminate or restrict any other available means.

L. Any settlement between the injured person or his personal representative, any insurer providing liability coverage applicable to the claim, and the underinsured motorist described in subsection K shall be in writing, signed by both the injured person or his personal representative and the underinsured motorist, and shall include the following notice to the underinsured motorist, which must be initialed by the underinsured motorist:

"NOTICE TO RELEASED PARTY: Your insurance company has agreed to pay the available limits of its insurance to settle certain claims on your behalf. This settlement secures a full release of you for all claims the claimant/plaintiff has against you arising out of the subject accident, as well as ensures that no judgment can ever be entered against you by the claimant/plaintiff. In order to protect yourself from subrogation by any underinsured motorist insurer, you are agreeing to cooperate with the underinsured motorist benefits insurer(s). The underinsured motorist benefits insurer is not your insurer and has no duty to defend you.

Under this manner of settlement, the underinsured motorist benefits insurer(s) that is/are involved in this case has/has no right of subrogation against you unless you fail to reasonably cooperate in its/their defense of the claim by not (i) attending your deposition and trial, if subpoenaed, (ii) assisting in responding to discovery, (iii) meeting with defense counsel at reasonable times after commencement of this suit and before your testimony at a deposition and/or trial, and (iv) notifying the underinsured motorist benefits insurer or its defense counsel of any change in your address, provided that the underinsured motorist benefits insurer or its defense counsel has notified you of its existence and provided you with their contact information.

Upon payment of the agreed settlement amount by your insurance company(ies), such company shall no longer owe you any duties, including the duty to hire and pay for an attorney for you. You are not required to consent to settlement in this manner. If you do not consent to settlement in this manner, your insurance company will still defend you in any lawsuit brought against you by the claimant/plaintiff, but you will not have the protections of a full release from the claimant/plaintiff, judgment could be entered against you and may exceed your available insurance coverage, and any underinsured motorist benefits insurer would have a right of subrogation against you to recover any moneys it pays to the claimant/plaintiff.

You are encouraged to discuss your rights and obligations related to settlement in this manner with your insurance company and/or an attorney. By signing this document, you agree to consent to this settlement and to reasonably cooperate with the underinsured motorist benefits insurer in the defense of any lawsuit brought by the claimant/plaintiff.

____ (initial)"

In the alternative to having the underinsured motorist sign the release and initial the notice, the liability insurer may send the notice and release to the underinsured motorist by certified mail return receipt requested to his last known address, which will be deemed to have satisfied the requirements of this subsection.

M. Any action brought by the injured person or his personal representative to recover underinsured motorist benefits after payment of the liability insurer's available limits pursuant to subsection K shall be brought against the released defendant, and a copy of the complaint shall be served on any insurer providing underinsured motorist benefits. If an action is pending at the time the liability insurer's available limits are paid to the injured person or personal representative or his attorney, then the action shall remain pending against the named defendant or defendants who have been released. If such action results in a verdict in favor of the injured person or his personal representative against a released defendant, then judgment as to that defendant shall be entered in the name of "Released Defendant" and shall be enforceable against the

underinsured motorist benefits insurer, not to exceed the underinsured motorist benefits limits, and against any unreleased defendant, as though it were entered in the actual name of the released defendant.

N. Any proposed settlement between a liability insurer and a person under a disability or a personal representative as permitted in subsection K that compromises in part a claim for personal injuries by the person under a disability or for death by wrongful act pursuant to § 8.01-50 may be, but is not required to be, approved pursuant to § 8.01-424 or 8.01-55, as applicable. If the personal representative elects not to have the settlement with the liability insurer approved pursuant to § 8.01-55, then any payment made to the personal representative by the liability insurer shall be made payable to the personal representative's attorney, to be held in trust, or paid into the court pursuant to § 8.01-600 if the personal representative is not represented by an attorney, with no disbursements made therefrom until the compromise is approved by the court pursuant to § 8.01-55. Approval by the court of a settlement between the liability insurer and a person under a disability or the personal representative pursuant to this subsection shall not prejudice the person's or personal representative's claim for underinsured motorist benefits.

§ 46.2-2057. Taxicab insurance required.

A. Each operator of a motor vehicle performing a bona fide taxicab service shall file insurance as required under this article unless evidence can be shown to the Department that the operator (i) is a self-insurer under an ordinance of the city or county where the home office of the operator is located or (ii) *has been issued a certificate of self-insurance* pursuant to § 46.2-368.

B. Any self-insurance protection subject to this section shall provide for protection against the uninsured or underinsured motorist to the extent required by § 38.2-2206. Notwithstanding § 38.2-2206 or any other provision of this title, protection against the uninsured or underinsured motorist shall be subject to a limit exclusive of interest and costs, with respect to each motor vehicle, *as follows: (i) a limit of \$25,000 because of due to* bodily injury to or death of one person in any one accident; (ii) subject to the limit for one person, a limit of \$50,000 *because of due to* bodily injury or death of two or more persons in any one accident; and (iii) a limit of \$20,000 *because of due to* injury to or destruction of property of others in any one accident. *The amount of bodily injury or property damage liability coverage available for payment from any source shall be credited against and reduce the amount of protection otherwise available against an underinsured motorist.* Nothing herein shall preclude any self-insurer operator from purchasing or providing uninsured or underinsured motorist insurance coverage in an amount greater than required in this subsection. Such protection against uninsured and underinsured motorists shall be secondary coverage to any other valid and collectible insurance providing the same protection that is available to any person otherwise entitled to assert a claim to such protection by virtue of this section.

2. That the provisions of this act shall apply to new and renewal policies effective on or after July 1, 2023.

CHAPTER 309

An Act to amend and reenact §§ 64.2-621 and 64.2-628 of the Code of Virginia, relating to transfer on death deed; conveyance of cooperative interest.

[H 887]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 64.2-621 and 64.2-628 of the Code of Virginia are amended and reenacted as follows:

§ 64.2-621. Definitions.

As used in this article:

"Beneficiary" means a person that receives property under a transfer on death deed.

"Designated beneficiary" means a person designated to receive property in a transfer on death deed.

"Joint owner" means an individual who owns property concurrently with one or more other individuals with a right of survivorship. "Joint owner" includes a joint tenant with the right of survivorship and tenant by the entirety with the right of survivorship. "Joint owner" does not include a tenant in common.

"Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

"Property" means an interest in real property located in the Commonwealth that is transferable on the death of the owner.

"Transfer on death deed" means a deed *or conveyance of a cooperative interest* authorized under this article.

"Transferor" means an individual who makes a transfer on death deed.

§ 64.2-628. Requirements.

A transfer on death deed:

1. Except as otherwise provided in subdivision 2, shall contain the essential elements and formalities of a properly recordable inter vivos deed *or document to convey a cooperative interest created pursuant to the Virginia Real Estate Cooperative Act (§ 55.1-2100 et seq.);*

2. Shall state that the transfer to the designated beneficiary is to occur at the transferor's death;

3. Shall be recorded before the transferor's death in the land records of the clerk's office of the circuit court in the jurisdiction where the property is located;
4. Shall comply with the requirements for recordation set forth in Chapter 6 (§ 55.1-600 et seq.) of Title 55.1 and shall be indexed by the clerk of court under the name of the transferor as grantor;
5. Unless the transfer is for consideration, shall be exempt from recordation tax as provided by subsection J of § 58.1-811;
6. For property owned by joint owners to be effective, shall be executed by all joint owners; and
7. Shall be considered a deed for purposes of complying with the requirements of § 17.1-223.

CHAPTER 310

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 1 of Title 3.2 a section numbered 3.2-108.2, relating to slaughter and meat-processing facilities.

[H 830]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 1 of Title 3.2 a section numbered 3.2-108.2 as follows:

§ 3.2-108.2. Expansion of the Commonwealth's slaughter and meat-processing facilities.

A. It is the policy of the Commonwealth to encourage the growth of all segments of its agricultural industry. The General Assembly finds that the livestock industry has a significant impact on the Commonwealth's economy and that it is to the Commonwealth's benefit to encourage, expand, and develop slaughter and meat-processing facilities with strategic planning and programs that provide financial incentives and technical assistance to encourage and supplement private capital. The General Assembly finds that it is to the Commonwealth's benefit to maintain a state meat inspection program in cooperation with the U.S. Department of Agriculture.

B. The Department shall establish a strategic plan to increase the combined throughput capacity of inspected slaughter and meat-processing facilities in the Commonwealth and provide recommendations to the General Assembly as to how to implement the strategic plan.

C. To the extent that public or private funds become available, the Department may establish a program of financial incentives and technical assistance designed to encourage, expand, and develop slaughter and meat-processing facilities in the Commonwealth.

2. That the Department of Agriculture and Consumer Services shall develop a five-year strategic plan to achieve an increase in the total combined throughput capacity of inspected slaughter and meat-processing facilities. The strategic plan shall be completed by January 1, 2023.

CHAPTER 311

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 1 of Title 3.2 a section numbered 3.2-108.2, relating to slaughter and meat-processing facilities.

[S 726]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 1 of Title 3.2 a section numbered 3.2-108.2 as follows:

§ 3.2-108.2. Expansion of the Commonwealth's slaughter and meat-processing facilities.

A. It is the policy of the Commonwealth to encourage the growth of all segments of its agricultural industry. The General Assembly finds that the livestock industry has a significant impact on the Commonwealth's economy and that it is to the Commonwealth's benefit to encourage, expand, and develop slaughter and meat-processing facilities with strategic planning and programs that provide financial incentives and technical assistance to encourage and supplement private capital. The General Assembly finds that it is to the Commonwealth's benefit to maintain a state meat inspection program in cooperation with the U.S. Department of Agriculture.

B. The Department shall establish a strategic plan to increase the combined throughput capacity of inspected slaughter and meat-processing facilities in the Commonwealth and provide recommendations to the General Assembly as to how to implement the strategic plan.

C. To the extent that public or private funds become available, the Department may establish a program of financial incentives and technical assistance designed to encourage, expand, and develop slaughter and meat-processing facilities in the Commonwealth.

2. That the Department of Agriculture and Consumer Services shall develop a five-year strategic plan to achieve an increase in the total combined throughput capacity of inspected slaughter and meat-processing facilities. The strategic plan shall be completed by January 1, 2023.

CHAPTER 312

An Act to repeal Chapter 109, as amended, of the Acts of Assembly of 1984, which provided a charter for the Town of Pound in Wise County.

[H 904]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That Chapter 109, as amended, of the Acts of Assembly of 1984 is repealed.
2. That the provisions of this act shall become effective on November 1, 2023.

CHAPTER 313

An Act to amend and reenact § 51.5-135 of the Code of Virginia, relating to aging services; allocation of resources; individuals with the greatest economic need.

[H 917]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 51.5-135 of the Code of Virginia is amended and reenacted as follows:

§ 51.5-135. Powers and duties of Department with respect to aging persons; area agencies on aging.

A. The Department shall provide aging services to improve the quality of life for and meet the needs of older persons in the Commonwealth and shall act as a focal point among state agencies for research, policy analysis, long-range planning, and education on aging issues. ~~In providing aging services, the~~ The Department shall use available resources to provide services to older persons with the greatest economic needs and those with the greatest social needs. *In allocating resources to provide aging services, the Department (i) shall prioritize providing services to those with the greatest economic need and (ii) among individuals with comparable levels of economic need, may prioritize providing services to individuals with the greatest social need.* The Department shall also serve as the lead agency in coordinating the work of state agencies on meeting the needs of an aging society. The Department's policies and programs shall be designed to enable older persons to be as independent and self-sufficient as possible. The Department shall promote local participation in programs for older persons, evaluate and monitor aging services, and provide information to the general public. In furtherance of this mission, the Department shall have, without limitation, the following duties to:

1. Study the economic, social, and physical condition of the residents in the Commonwealth whose age qualifies them for coverage under the Older Americans Act, 42 U.S.C. § 3001 et seq., or any law amendatory or supplemental thereto, and the employment, medical, educational, recreational, and housing facilities available to them, with the view of determining the needs and problems of such persons;

2. Determine the services and facilities, private and governmental and state and local, provided for and available to older persons and recommend to the appropriate persons such coordination of and changes in such services and facilities as will make them of greater benefit to older persons and more responsive to their needs;

3. Act as the designated state unit on aging for the purposes of carrying out the requirements under P.L. 89-73 or any law amendatory or supplemental thereto, and as the sole agency for administering or supervising the administration of such plans as may be adopted in accordance with the provisions of such laws. The Department may prepare, submit, and carry out state plans and shall be the agency primarily responsible for coordinating state programs and activities related to the purposes of, or undertaken under, such plans or laws;

4. Apply, with the approval of the Governor, for and expend such grants, gifts, or bequests from any source that becomes available in connection with its duties under this section, and may comply with such conditions and requirements as may be imposed in connection therewith;

5. Hold hearings and conduct investigations necessary to pass upon applications for approval of a project under the plans and laws set out in subdivision 3, and shall make reports to the U.S. Secretary of Health and Human Services as may be required;

6. Designate area agencies on aging pursuant to P.L. 89-73 or any law amendatory or supplemental thereto of the Congress of the United States and to adopt regulations for the composition and operation of such area agencies on aging, each of which shall be designated as the lead agency in each respective area for the No Wrong Door system of aging and disability resource centers;

7. Provide staff support to the Commonwealth Council on Aging;

8. Assist state, local, and nonprofit agencies, including, but not limited to, area agencies on aging, in identifying grant and public-private partnership opportunities for improving services to older Virginians;

9. Provide or contract for the administration of the state long-term care ombudsman program. Such program or contract shall provide a minimum staffing ratio of one ombudsman to every 2,000 long-term care beds, subject to sufficient appropriations by the General Assembly. The Department may also contract with such entities for the administration of elder rights programs as authorized under P.L. 89-73, such as insurance counseling and assistance, and the creation of an elder information/elder rights center;

10. Serve as the focal point for the rights of older persons and their families by establishing, maintaining, and publicizing (i) a toll-free number and (ii) a means of electronic access to provide resource and referral information and other assistance and advice as may be requested; and

11. Develop and maintain a four-year plan for aging services in the Commonwealth, pursuant to § 51.5-136.

B. The governing body of any county, city, or town may appropriate funds for support of area agencies on aging designated pursuant to subdivision A 6.

C. All agencies of the Commonwealth shall assist the Department in effectuating its functions in accordance with its designation as the single state agency as required in subdivision A 3.

CHAPTER 314

An Act to amend and reenact § 58.1-3234 of the Code of Virginia, relating to land use assessment; parcels with multiple owners.

[H 996]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3234 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3234. Application by property owners for assessment, etc., under ordinance; continuation of assessment, etc.

Property owners shall submit an application for taxation on the basis of a use assessment to the local assessing officer as follows:

1. The property owner shall submit an initial application, unless it is a revalidation form, at least 60 days preceding the tax year for which such taxation is sought;

2. In any year in which a general reassessment is being made, the property owner may submit such application until 30 days have elapsed after his notice of increase in assessment is mailed in accordance with § 58.1-3330, or 60 days preceding the tax year, whichever is later; or

3. In any locality which has adopted a fiscal tax year under Chapter 30 (§ 58.1-3000 et seq.), but continues to assess as of January 1, such application shall be submitted for any year at least 60 days preceding the effective date of the assessment for such year.

The governing body, by ordinance, may permit applications to be filed within no more than 60 days after the filing deadline specified herein, upon the payment of a late filing fee to be established by the governing body. In addition, a locality may, by ordinance, permit a further extension of the filing deadline specified herein, upon payment of an extension fee to be established by the governing body in an amount not to exceed the late filing fee, to a date not later than 30 days after notices of assessments are mailed. An individual who is owner of an undivided interest in a parcel may apply on behalf of himself and the other owners of such parcel upon submitting an affidavit that such other owners are minors ~~or~~, cannot be located, *or represent a minority interest in such parcel*. An application shall be submitted whenever the use or acreage of such land previously approved changes; however, no application fee may be required when a change in acreage occurs solely as a result of a conveyance necessitated by governmental action or condemnation of a portion of any land previously approved for taxation on the basis of use assessment. The governing body of any locality may, however, require any such property owner to revalidate at least every six years with such locality, on or before the date on which the last installment of property tax prior to the effective date of the assessment is due, on forms prepared by the locality, any applications previously approved. Each locality which has adopted an ordinance hereunder may provide for the imposition of a revalidation fee every sixth year. Such revalidation fee shall not, however, exceed the application fee currently charged by the locality. The governing body may also provide for late filing of revalidation forms on or before the effective date of the assessment, on payment of a late filing fee. Forms shall be prepared by the State Tax Commissioner and supplied to the locality for use of the applicants and applications shall be submitted on such forms. An application fee may be required to accompany all such applications.

In the event of a material misstatement of facts in the application or a material change in such facts prior to the date of assessment, such application for taxation based on use assessment granted thereunder shall be void and the tax for such year extended on the basis of value determined under § 58.1-3236 D. Except as provided by local ordinance, no application for assessment based on use shall be accepted or approved if, at the time the application is filed, the tax on the land affected is delinquent. Upon the payment of all delinquent taxes, including penalties and interest, the application shall be treated in accordance with the provisions of this section.

Continuation of valuation, assessment and taxation under an ordinance adopted pursuant to this article shall depend on continuance of the real estate in a qualifying use, continued payment of taxes as referred to in § 58.1-3235, and compliance with the other requirements of this article and the ordinance and not upon continuance in the same owner of title to the land.

In the event that the locality provides for a sliding scale under an ordinance, the property owner and the locality shall execute a written agreement which sets forth the period of time that the property shall remain within the classes of real estate set forth in § 58.1-3230. The term of the written agreement shall be for a period not exceeding 20 years, and the instrument shall be recorded in the office of the clerk of the circuit court for the locality in which the subject property is located.

No locality shall require any applicant who is a lessor of the property or a portion of the property that is the subject of an application submitted pursuant to this section to provide the lease agreement governing the property for the purpose of determining whether the property is eligible for special assessment and taxation pursuant to this article.

CHAPTER 315

An Act to amend and reenact § 1.2, as amended, § 1.3, §§ 2.1 and 2.2, as severally amended, § 2.3, § 2.4, as amended, §§ 2.5 and 3.1, §§ 3.2 through 3.5, as severally amended, § 3.6, §§ 4.1, 4.2, and 4.3, as severally amended, § 5.1, and § 5.2, as amended, of Chapter 520 of the Acts of Assembly of 1983, which provided a charter for the Town of Lovettsville in Loudoun County, relating to Town Council; town officers and powers.

[H 1028]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 1.2, as amended, § 1.3, §§ 2.1 and 2.2, as severally amended, § 2.3, § 2.4, as amended, §§ 2.5 and 3.1, §§ 3.2 through 3.5, as severally amended, § 3.6, §§ 4.1, 4.2, and 4.3, as severally amended, § 5.1, and § 5.2, as amended, of Chapter 520 of the Acts of Assembly of 1983 are amended and reenacted as follows:

§ 1.2 - Corporate ~~limits~~ Limits.

The corporate limits or boundaries of the Town are those established in Deed Book 6M at Page 406, et seq., of the land records of Loudoun County, Virginia, as extended by the annexation decree of the Circuit Court of Loudoun County, Virginia, entered on March 27, 1973, of record in the Clerk's Office of the Circuit Court for Loudoun County in Common Law Order Book 33 at Page 21, Deed Book 572 beginning at Page 545, by Final Order entered June 12, 1995, of record in the Clerk's Office in Common Law Order Book 102 at Page 0263 in At Law No. 16467 and in Deed Book 1371 at page 1964, et seq., and by Final Order entered December 22, 2006, in CL 43628, recorded among the land records of Loudoun County as Instrument Nos. 20070104-0000612 and 20070315-0019694, and the plat as 20070315-0019695, and by any orders of the Circuit Court of Loudoun County heretofore or hereafter entered.

§ 1.3 - Corporate ~~seal~~ Seal.

The Town of Lovettsville may provide for the adoption of its corporate seal, which it may alter, amend or renew at its pleasure.

§ 2.1 - In ~~general~~ General.

The Town of Lovettsville shall have and may exercise all the powers and privileges conferred upon it by this charter, as well as all the powers and privileges conferred upon towns by the Constitution of Virginia and all other laws of the Commonwealth. All powers set forth in Chapter 9 (§ 15.2-900 et seq.) of Title 15.2 of the Code of Virginia, as now existing or as may be added to or amended from time to time, are hereby specifically conferred upon the Town of Lovettsville.

§ 2.2 - Eminent ~~domain~~ Domain.

~~Generally.~~ The Powers powers of eminent domain, which may be exercised by municipal corporations under the provisions of Title 15.2 (§ 15.2-100 et seq.) and Title 25.1 (§ 25.1-100 et seq.) of the Code of Virginia, are hereby conferred upon the Town.

§ 2.3 - Acquisition of ~~land~~ Land or ~~interest therein~~ Interest Therein for ~~exchange~~ Exchange with ~~public utility company~~ Public Utility Company.

Whenever any public utility company owns any land or any easement, right-of-way or other interest in land which the Town deems necessary and intends to acquire for any public purpose, which land, easement, right-of-way or other interest in land owned by such public utility company is devoted to a public use, the Town may acquire by gift, purchase or by the exercise of its power of eminent domain additional or a like easement, right-of-way or interest in land adjacent to or approximately adjacent to such land needed and proposed to be acquired by the Town. The Town may then convey the same to the public utility company for use by such company in lieu of the land, easement, right-of-way or other interest in land theretofore owned by it but needed by the Town. The condemnation of such land, easement, right-of-way or other interest in land to be conveyed to any public utility company shall be governed by the procedures prescribed in this charter.

§ 2.4 - Water and ~~sewer services~~ Sewer Services.

A. Generally. The Town shall have the power and authority to acquire, establish, maintain, operate, extend and enlarge waterworks and sewage disposal plants within or without the corporate limits of the Town; and to establish and enforce reasonable rates, rules and regulations for the use of same, any or all of which rates, rules and regulations the Council may alter from time to time.

B. Rates. In operating public water and sewer services, the Town may charge a different rate for services furnished to customers outside the corporate limits of the Town from the rates charged for similar services to customers within the corporate limits.

C. Unpaid ~~charges~~ *Charges*. The Town may provide by ordinance that all unpaid water and sewer service charges and interest thereon shall constitute a lien on the real estate served by the water or sewer line through which the service is provided.

§ 2.5 - Power to ~~incur debts~~ *Incur Debts* and ~~contract loans~~ *Contract Loans*.

A. The Council, within the limits of the Constitution of this Commonwealth and in accordance with the provisions of general law, may, in the name of and for the use of the Town, contract loans or cause to be issued certificates of debt, notes or bonds.

B. The Council shall have the power to negotiate temporary loans, in anticipation of taxes, for the purpose of paying current expenses of the Town, such loans to be evidenced by bonds or notes bearing interest at a rate permitted by general law for towns, and such bonds or notes shall be payable within one (1) year from the date of issue out of the current revenue of the year in which the same are issued. No such temporary loan shall in the aggregate exceed seventy-five percent (75%) of the Town's income of the previous year.

C. All bonds and other evidences of indebtedness of the Town shall be signed by the Mayor and countersigned by the Town Clerk.

§ 3.1 - Conduct of ~~municipal elections~~ *Municipal Elections*.

All elections shall be conducted pursuant to and in accordance with the general laws governing the holding of elections in towns.

§ 3.2 - Council.

A. The legislative powers of the Town shall be vested in a ~~town council~~ *Town Council*, composed of six (6) members, who shall be elected as specified herein.

B. Council members shall be elected to four-year terms, on the date specified by general law for municipal elections, in the manner herein provided:

1. Three ~~council~~ (3) *Council* members shall be elected in the municipal elections held in 1984, and in municipal elections held every four (4) years thereafter.

2. Three ~~council~~ (3) *Council* members shall be elected in the municipal elections held in 1986, and in municipal elections held every four (4) years thereafter.

C. The ~~council~~ *Council* members so elected shall qualify and take office on ~~July 1~~ *the date specified by general law for municipal elections*, following their election, and shall continue to serve until their successors are duly elected, qualify and assume office.

~~E~~ D. Any person qualified to vote in Town elections shall be eligible for the office of ~~councilman~~ *Council member*.

~~D~~ E. Vacancies in the ~~council~~ *Council*, for whatever cause arising, shall be filled for the ~~unexpired term~~ *by a majority vote of the remaining members of the Council from among the qualified voters of the Town. For purposes of this section, no distinction shall be made between a member elected to the council and a member who has been appointed to the council except as to voting on those matters set forth in Article VII, Section 7 of the Constitution of Virginia. Upon any matter except those set forth in Article VII, Section 7 of the Constitution of Virginia coming before the council, the votes of all members shall be of the same dignity, whether a member has been elected or appointed in accordance with general law. Council members appointed to fill vacancies on the Council shall have the rights, privileges, powers, duties and obligations of an elected member of the Council as provided in this charter, or otherwise conferred by general law not inconsistent with this charter.*

~~E~~ F. The *Council* members of the ~~Council~~ in office at the time of the passage of this Act shall continue until the expiration of the terms for which they were elected *or appointed*, or until their successors are duly elected, qualify and assume office.

§ 3.3 - Mayor.

A. Powers and ~~duties~~ *Duties*.

1. The ~~mayor~~ *Mayor* shall be the ~~chief executive officer~~ *Chief Executive Officer* of the Town and shall be recognized as the head of Town government for all ceremonial purposes, the purpose of military law and the service of civil process;

~~he~~ 2. *The Mayor shall have and exercise all power and authority conferred by general law on the mayors of towns not inconsistent with this charter;*

~~he~~ 3. *The Mayor shall authenticate by his signature such documents as the council Council, this charter or the laws of the Commonwealth shall require;*

~~and he~~ 4. *The Mayor shall perform such other duties consistent with his office the Office of Mayor as may be imposed by the council Council;*

~~2~~ 5. *The mayor Mayor shall preside at all meetings of the council Council but shall have no vote except in case of tie;*

~~he~~ 6. *The Mayor shall have the power to veto resolutions, acts and ordinances of the council Council, which resolutions, acts and ordinances may be passed over such veto by a two-thirds majority vote of the entire council;*

~~and he shall~~ 7. *The Mayor may from time to time recommend to the council Council such measures as he may deem the Mayor deems necessary for the welfare of the Town;*

~~3-8.~~ Except as otherwise provided herein or by law, the ~~mayor~~ Mayor shall have the authority to appoint such officers and committees as are necessary for the proper administration of the affairs of the Town; but shall report each appointment to the ~~council~~ Council for confirmation at the next meeting thereof following any such appointment; ~~the mayor and~~

9. The Mayor shall see that the duties of the various Town officers are faithfully performed, and he shall have the power to suspend any such officer for misconduct in office or neglect of duty until the next regular or special meeting of the ~~council~~ Council, when the decision of the ~~council~~ Council shall be final. *In the absence of an officer, the roles and responsibilities of said officer shall be executed by the Town Manager or a staff member.*

B. Election. In each even-numbered year, on the date specified by general law for municipal elections, a ~~mayor~~ Mayor for the Town shall be elected for a term of two (2) years. The person so elected shall so qualify and take office on ~~July 1~~ the date specified by general law for municipal elections, following election. ~~Mayors~~ The Mayor shall continue to serve until ~~their successors are~~ a successor is duly elected, ~~qualify~~ qualifies and ~~assume~~ assumes office.

C. Qualifications. Any person qualified to vote in Town elections shall be eligible for the ~~office~~ Office of ~~mayor~~ Mayor.

D. Vacancies. A vacancy in the ~~office~~ Office of ~~mayor~~ Mayor, *for whatever cause arising*, shall be filled ~~for the unexpired term by a majority vote of the members elected to the council from among the qualified voters of the Town. A member of the council shall not be qualified to fill a vacancy in the office of mayor. For the purposes of this section, no distinction shall be made between a person elected as mayor and a person who has been appointed as mayor except as to voting on those matters set forth in Article VII, Section 7 of the Constitution of Virginia. Upon any matter except those set forth in Article VII, Section 7 of the Constitution of Virginia coming before the council, the votes of all members shall be of the same dignity, whether a member has been elected or appointed in accordance with general law. The person appointed to fill a vacancy in the Office of Mayor shall have the rights, privileges, powers, duties and obligations as provided in this charter, or otherwise conferred by general law on the mayors of towns not inconsistent with this charter.~~

E. The ~~mayor~~ Mayor in office at the time of the passage of this Act shall continue in office until the expiration of the term for which ~~he~~ the Mayor was elected, or until ~~his~~ a successor is duly elected, qualifies and assumes office.

§ 3.4 - Vice-Mayor.

A. The ~~council~~ Council shall elect from among its members a ~~vice mayor~~ Vice-Mayor, who shall preside at ~~council~~ Council meetings in the absence of the ~~mayor~~ Mayor. Election of the ~~vice mayor~~ Vice-Mayor shall be made at the organizational meeting of the ~~council~~ Council following the regular election of ~~mayor~~ the Mayor and ~~council~~ Council members.

B. In the event of the disability or absence of the ~~mayor~~ Mayor, ~~his place~~ the Office of Mayor may be filled and ~~his duties~~ the Mayor's powers and duties discharged by the ~~vice mayor~~ Vice-Mayor.

§ 3.5 - Meeting.

A. All meetings of the council shall be public, unless a closed session is called according to *general law*. No official action shall be taken by the ~~council~~ Council while in closed session.

B. The ~~council~~ Council, by ordinance, shall adopt such rules as it may deem proper for the regulation of its proceedings and the time of its meetings. It shall hold at least such regular meetings as may be required by § 15.2-1416 of the Code of Virginia. Special meetings may be called at any time by the ~~mayor~~ Mayor or by three (3) Council members ~~of the council~~, provided all Council members ~~of the council~~ are actually notified of such meeting.

C. A majority of the ~~council~~ Council shall constitute a quorum for the transaction of business. Each Council member ~~of the council~~ shall have one (1) vote.

§ 3.6 - Compensation.

Compensation for Council members ~~of the council~~ and the ~~mayor~~ Mayor shall be set by the ~~council~~ Council. Any increases in the compensation of the ~~mayor~~ Mayor or Council members ~~of the council~~ may become effective during such ~~mayor's~~ Mayor's or ~~council~~ Council member's term of office.

§ 4.1 - Town ~~officers~~ Officers.

A. Town Clerk. ~~A~~ The Mayor shall appoint and the Council shall confirm the appointment of a Town Clerk ~~shall be appointed~~ who shall be the Clerk of the ~~council~~ Council and shall keep the journal of its proceedings and shall record all ordinances and resolutions in a book or books kept for that purpose. All such records shall be public records, stored and filed at the Town's offices and open to inspection at any time during the Town's regular office hours. The Town Clerk shall serve at the pleasure of the ~~town~~ ~~council~~ Council.

B. Town Treasurer. ~~A~~ The Mayor shall appoint and the Council shall confirm the appointment of a Town Treasurer ~~shall be appointed~~, who shall receive all money belonging to the Town and keep correct accounts of all receipts from all sources and of all expenditures; ~~he~~. The Town Treasurer shall be responsible for the collection of all license fees, taxes, levies and charges due to the Town and shall disburse the funds of the Town as the ~~council~~ Council may direct. The Town Treasurer shall serve at the pleasure of the ~~town~~ ~~council~~ Council.

C. Town Manager. ~~A~~ The Mayor shall appoint and the Council shall confirm the appointment of a Town Manager, ~~in the discretion of the mayor and council, may be appointed~~ who shall serve as the ~~chief administrative officer~~ Chief Administrative Officer of the Town. The Town Manager shall serve at the pleasure of the ~~council~~ Council.

D. Other ~~town officers~~ Town Officers. The ~~mayor, in his discretion and with the approval of the council, may~~ Mayor shall appoint and the Council shall confirm the appointment of a ~~town attorney~~ Town Attorney, a ~~town zoning administrator~~ Town Zoning Administrator, and such other town officers as may be deemed appropriate. Such officers shall serve at the pleasure of the ~~council~~ Council, unless the ~~council~~ Council shall provide otherwise.

E. *Non-Officers.* For staff not considered officers, the Town Manager shall hire and the Mayor and the Council may confirm the non-officers' employment. Requests for such confirmation may be initiated by the Mayor or any three (3) Council members and shall only be invoked prior to the non-officer's initial offer of employment.

F. *Duties, etc Etc.* Each officer shall have such duties as are specified by the ~~council~~ Council not inconsistent with the Constitution and general laws of the Commonwealth and this charter, shall execute such bonds as may be prescribed by resolution of the ~~council~~ Council, and shall receive such compensation as the ~~council~~ Council may prescribe.

~~F. G.~~ The same person may be appointed to more than one (1) office; provided, however, that no person may serve both as an officer of the Town and as ~~mayor~~ Mayor or Council member of the ~~council~~ except as otherwise provided in this charter or by general law.

§ 4.2 - Boards, ~~commissions~~ Commissions and ~~committees~~ Committees.

A. *Planning ~~commission~~ Commission.* The ~~council~~ Council shall appoint a Town ~~planning commission which~~ Planning Commission that shall have such powers and duties as are provided by general law.

B. *Board of Zoning Appeals.* The ~~council~~ Council shall appoint the members of the Board of Zoning Appeals for the Town, which shall consist of three (3) or five (5) members, and prescribe their terms of office and qualifications. The Board of Zoning Appeals shall have such powers and duties as are provided by general law.

C. *Committees.* The ~~council~~ Council, in its discretion, may establish such committees, whether standing or ad hoc, as it may deem appropriate, to study and report to the ~~council~~ Council on those matters referred to such committees by the ~~council~~ Council. The report of any such committee shall not be binding upon the ~~council~~, Council but shall be advisory only.

D. *Membership.* Except as otherwise provided by law, Council members of the ~~council~~ and the ~~mayor~~ Mayor are eligible to serve as members of any Town commission, committee or group. ~~Members of the council and the mayor serving and shall be entitled to participate fully as voting members of such commission, committee or group except as otherwise provided by law.~~

E. *Compensation.* The ~~council~~ Council may provide for compensation to such of their boards, commissions or committees performing special work to the extent that may be reasonable and fair.

§ 4.3 - Fiscal ~~control~~ Control.

A. *Fiscal ~~year~~ Year.* The fiscal year of the Town shall begin on July 1 and end on June 30.

B. *Fiscal ~~control~~ Control.* The ~~council~~ Council shall have the power to control and manage the fiscal affairs of the Town and to make such ordinances, orders and resolutions relating to the same as it may deem necessary. After the close of each fiscal year, the ~~council~~ Council shall cause to be made an independent audit of the accounts, books, records and financial transactions of the Town either by the Auditor of Public Accounts of the Commonwealth or by an independent certified public accountant to be selected by the ~~council~~ Council. The report of such audit shall be filed within such time as the ~~council~~ Council shall specify, and one (1) copy thereof shall always be available for public inspection in the Town's offices during the Town's regular business hours.

§ 5.1 - Continuity.

A. All ordinances now in force in the Town of Lovettsville, not inconsistent with this charter, shall remain in force until altered, amended or repealed by the ~~council~~ Council.

B. The present officers of the Town shall continue in office at the pleasure of the ~~council~~ Council, or until their successors have been duly appointed.

§ 5.2 - Historic ~~districts~~ Districts.

Notwithstanding any other provision of law, the ~~council~~ Council may establish one (1) or more historic districts within the Town for the purpose of promoting the general welfare, education and recreational pleasure of the public through the perpetuation of those general areas, individual structures or premises ~~which that~~ have been officially designated by the ~~council~~ Council as having historical or architectural significance. The establishment of historic districts shall be by amendment of the Town's zoning ordinance and consistent with the purposes, criteria and procedures set forth in § 15.2-2306 of the Code of Virginia.

CHAPTER 316

An Act to amend the Code of Virginia by adding a section numbered 9.1-906.1, relating to sex offenders in emergency shelters; notification; registration.

[H 1080]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 9.1-906.1 as follows:

§ 9.1-906.1. Emergency shelters; notification; registration.

Any person required to register or reregister who enters any place or facility that is designated by the Commonwealth or any political subdivision thereof as an emergency shelter and operated in response to a state or local emergency declared pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 shall, as soon as practicable after entry, notify a member of the emergency shelter's staff who is responsible for providing security at the emergency shelter that such person is a registered

sex offender. The use of such Registry information pursuant to this section does not constitute a violation of § 9.1-918. No person shall be denied entry into an emergency shelter solely on the basis of his status as a registered sex offender unless such entry is otherwise prohibited by law.

2. That the Department of State Police shall provide to any person required to register on the Sex Offender and Crimes Against Minors Registry at the time of his initial registration a summary of the provisions of this act.

CHAPTER 317

An Act to amend and reenact § 8.01-606 of the Code of Virginia, relating to payment of small amounts to certain persons without involvement of fiduciary; threshold.

[H 1132]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-606 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-606. Payment of small amounts to certain persons through court without intervention of fiduciary; authority of commissioners of accounts; certain fiduciaries exempt from accountings.

A. Whenever there is due to any person, any sum of money from any source, not exceeding ~~\$25,000~~ \$50,000, the fund may be paid into the circuit court of the county or city in which the fund became due or such person resides. The court may, by an order entered of record, (i) pay the fund to the person to whom it is due, if the person is considered by the court competent to expend and use the same in his behalf, or (ii) pay the fund to some other person who is considered competent to administer it, for the benefit of the person entitled to the fund, without the intervention of a fiduciary, whether the other person resides within or without this Commonwealth. The clerk of the court shall take a receipt from the person to whom the money is paid, which shall show the source from which it was derived, the amount, to whom it belongs, and when and to whom it was paid. The receipt shall be signed and acknowledged by the person receiving the money, and entered of record in the book in the clerk's office in which the current fiduciary accounts are entered and indexed. Upon the payment into court the person owing the money shall be discharged of such obligation. No bond shall be required of the party to whom the money is paid by the court.

B. Whenever (i) it appears to the court having control of a fund, tangible personal property or intangible personal property or supervision of its administration, whether a suit is pending therefor or not, that a person under a disability who has no fiduciary, is entitled to a fund arising from the sale of lands for a division or otherwise, or a fund, tangible personal property or intangible personal property as distributee of any estate, or from any other source, (ii) a judgment, decree, or order for the payment of a sum of money or for delivery of tangible personal property or intangible personal property to a person under a disability who has no fiduciary is rendered by any court, and the amount to which such person is entitled or the value of the tangible personal property or intangible personal property is not more than ~~\$25,000~~ \$50,000, or (iii) a person under a disability is entitled to receive payments of income, tangible personal property or intangible personal property and the amount of the income payments is not more than ~~\$25,000~~ \$50,000 in any one year, or the value of the tangible personal property is not more than ~~\$25,000~~ \$50,000, or the current market value of the intangible personal property is not more than ~~\$25,000~~ \$50,000, the court may, without the intervention of a fiduciary, cause such fund, property or income to be paid or delivered to any person deemed by the court capable of properly handling it, to be used solely for the education, maintenance and support of the person under a disability. In any case in which an infant is entitled to such fund, property or income, the court may, upon its being made to appear that the infant is of sufficient age and discretion to use the fund, property or income judiciously, cause the fund to be paid or delivered directly to the infant.

C. Where judgment is taken in the general district court, upon motion of a party for good cause shown, the general district court judge may enter an order directing the clerk of the general district court to hold such funds in escrow for a period not to exceed 180 days to enable such party to file a petition pursuant to § 8.01-600 requesting that such funds be received and held by the clerk of the circuit court upon payment of fees in accordance with § 17.1-275. The party petitioning the circuit court shall provide the clerk of the general district court a certified copy of any order entered by the circuit court directing that such funds held by the clerk of the general district court be transferred to the clerk of the circuit court. If no such order is received by the clerk of the general district court within the 180-day period, the clerk of the general district court shall give notice to the parties that such funds shall be disbursed to the plaintiff for which judgment was entered in the general district court within 30 days after such notice.

D. Whenever a person is entitled to a fund or such property distributable by a fiduciary settling his accounts before the commissioner of accounts of the court in which the fiduciary qualified, and the amount or value of the fund or property, or the value of any combination thereof, is not more than ~~\$25,000~~ \$50,000, the commissioner of accounts may approve distribution thereof in the same manner and to the extent of the authority herein conferred upon a court including exemption from filing further accounts where the value of the fund being administered is less than ~~\$25,000~~ \$50,000.

E. Whenever an incapacitated person or infant is entitled to a fund or such property distributable by a fiduciary settling accounts before the commissioner of accounts of the court in which the fiduciary qualified and the will or trust instrument under which the fiduciary serves, authorizes the fiduciary to distribute the property or fund to the incapacitated person or infant without the intervention of a guardian, conservator or committee, and the amount or value of such fund or property, or

the value of any combination thereof, is not more than ~~\$25,000~~ \$50,000, the commissioner of accounts may approve distribution thereof in the same manner and to the extent of the authority hereinabove conferred upon a court or judge thereof.

F. Whenever a fiduciary is administering funds not exceeding ~~\$25,000~~ \$50,000, the circuit court of the county or city in which the fund is being administered by order entered of record may authorize the fiduciary, when considered competent to administer the funds, to continue to administer the funds for the benefit of the person entitled to the fund without the necessity of filing any further accounts, whether such person resides within or without this Commonwealth. The clerk of the court shall take a receipt from the fiduciary, which shall show the amount of the fund remaining, to whom it belongs, and the date the court entered the order exempting the filing of further accounts. The receipt shall be signed and acknowledged by the fiduciary, and entered of record in the book in the clerk's office in which the current fiduciary accounts are entered and indexed. No surety shall be required on the bond of a fiduciary granted an exemption from filing any further accounts.

G. Whenever a fiduciary qualifies pursuant to § 64.2-454 for the sole purpose of prosecuting or defending an action, the court in which the fiduciary qualifies or the commissioner of accounts for such court may exempt the fiduciary from filing further accounts where the fiduciary is not administering any funds and has no power of sale over any real estate the decedent owned.

CHAPTER 318

An Act to amend and reenact § 24.2-427 of the Code of Virginia, relating to voter registration; cancellation of registration; notice requirement.

[H 1140]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-427 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-427. Cancellation of registration by voter or for persons known to be deceased or disqualified to vote.

A. Any registered voter may cancel his registration and have his name removed from the central registration records by signing an authorization for cancellation and mailing or otherwise submitting the signed authorization to the general registrar. When submitted by any means other than when notarized or in person, such cancellation must be made at least 22 days prior to an election in order to be valid in that election. The general registrar shall acknowledge receipt of the authorization and advise the voter in person or by first-class mail that his registration has been canceled within 10 days of receipt of such authorization.

B. The general registrar shall cancel the registration of (i) all persons known by him to be deceased or disqualified to vote by reason of a felony conviction or adjudication of incapacity; (ii) all persons known by him not to be United States citizens by reason of reports from the Department of Motor Vehicles pursuant to § 24.2-410.1 or from the Department of Elections based on information received from the Systematic Alien Verification for Entitlements Program (SAVE Program) pursuant to subsection E of § 24.2-404 and in accordance with the requirements of subsection ~~B~~ C; (iii) all persons for whom a notice has been received, signed by the voter, or from the registration official of another jurisdiction that the voter has moved from the Commonwealth; and (iv) all persons for whom a notice has been received, signed by the voter, or from the registration official of another jurisdiction that the voter has registered to vote outside the Commonwealth, subsequent to his registration in Virginia. The notice received in clauses (iii) and (iv) shall be considered as a written request from the voter to have his registration cancelled. A voter's registration may be cancelled at any time during the year in which the general registrar discovers that the person is no longer entitled to be registered. The general registrar shall ~~mail~~ provide notice of any cancellation to the person whose registration is cancelled, *by mail to the address listed in the voter's registration record and by email to the email address provided on the voter's registration application, if one was provided.*

~~B~~ C. The general registrar shall mail notice promptly to all persons known by him not to be United States citizens by reason of a report from the Department of Motor Vehicles pursuant to § 24.2-410.1 or from the Department of Elections based on information received from the Systematic Alien Verification for Entitlements Program (SAVE Program) pursuant to subsection E of § 24.2-404 prior to cancelling their registrations. The notice shall inform the person of the report from the Department of Motor Vehicles or from the Department of Elections and allow the person to submit his sworn statement that he is a United States citizen within 14 days of the date that the notice was mailed. The general registrar shall cancel the registrations of such persons who do not respond within 14 days to the notice that they have been reported not to be United States citizens.

~~B~~ D. The general registrar shall (i) process the Department's most recent list of persons convicted of felonies within 21 to 14 days before any primary or general election, (ii) cancel the registration of any registered voter shown to have been convicted of a felony who has not provided evidence that his right to vote has been restored, and (iii) send prompt notice to the person of the cancellation of his registration. If it appears that any registered voter has made a false statement on his registration application with respect to his having been convicted of a felony, the general registrar shall report the fact to the attorney for the Commonwealth for prosecution under § 24.2-1016 for a false statement made on his registration application.

~~E.~~ The general registrar may cancel the registration of any person for whom a notice has been submitted to the Department of Motor Vehicles in accordance with the Driver License Compact set out in Article 18 (§ 46.2-483 et seq.) of Chapter 3 of Title 46.2 and forwarded to the general registrar, that the voter has moved from the Commonwealth; provided that the registrar shall mail notice of such cancellation to the person at both his new address, as reported to the Department of Motor Vehicles, and the address at which he had most recently been registered in Virginia. No general registrar may cancel registrations under this authority while the registration records are closed pursuant to § 24.2-416. No registrar may cancel the registration under this authority of any person entitled to register under the provisions of subsection A of § 24.2-420.1, and shall reinstate the registration of any otherwise qualified voter covered by subsection A of § 24.2-420.1 who applies to vote within four years of the date of cancellation.

CHAPTER 319

An Act to amend and reenact §§ 38.2-3465 and 38.2-3467 of the Code of Virginia, relating to health insurance; discrimination prohibited against covered entities and contract pharmacies.

[H 1162]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-3465 and 38.2-3467 of the Code of Virginia are amended and reenacted as follows:

§ 38.2-3465. Definitions.

A. As used in this article, unless the context requires a different meaning:

"Carrier" has the same meaning ascribed thereto in subsection A of § 38.2-3407.15. However, "carrier" does not include a nonprofit health maintenance organization that operates as a group model whose internal pharmacy operation exclusively serves the members or patients of the nonprofit health maintenance organization.

"Claim" means a request from a pharmacy or pharmacist to be reimbursed for the cost of administering, filling, or refilling a prescription for a drug or for providing a medical supply or device.

"Claims processing services" means the administrative services performed in connection with the processing and adjudicating of claims relating to pharmacist services that include (i) receiving payments for pharmacist services, (ii) making payments to pharmacists or pharmacies for pharmacist services, or (iii) both receiving and making payments.

"Contract pharmacy" means a pharmacy operating under contract with a 340B-covered entity to provide dispensing services to the 340B-covered entity, as described in 75 Fed. Reg. 10272 (March 5, 2010) or any superseding guidance published thereafter.

"Covered entity" means an entity described in § 340B(a)(4) of the federal Public Health Service Act, 42 U.S.C. § 256B(a)(4). "Covered entity" does not include a hospital as defined in § 32.1-123 or 37.2-100.

"Covered individual" means an individual receiving prescription medication coverage or reimbursement provided by a pharmacy benefits manager or a carrier under a health benefit plan.

"Health benefit plan" has the same meaning ascribed thereto in § 38.2-3438.

"Mail order pharmacy" means a pharmacy whose primary business is to receive prescriptions by mail or through electronic submissions and to dispense medication to covered individuals through the use of the United States mail or other common or contract carrier services and that provides any consultation with covered individuals electronically rather than face-to-face.

"Pharmacy benefits management" means the administration or management of prescription drug benefits provided by a carrier for the benefit of covered individuals. "Pharmacy benefits management" does not include any service provided by a nonprofit health maintenance organization that operates as a group model provided that the service is furnished through the internal pharmacy operation exclusively serves the members or patients of the nonprofit health maintenance organization.

"Pharmacy benefits manager" or "PBM" means an entity that performs pharmacy benefits management. "Pharmacy benefits manager" includes an entity acting for a PBM in a contractual relationship in the performance of pharmacy benefits management for a carrier, nonprofit hospital, or third-party payor under a health program administered by the Commonwealth.

"Pharmacy benefits manager affiliate" means a business, pharmacy, or pharmacist that directly or indirectly, through one or more intermediaries, owns or controls, is owned or controlled by, or is under common ownership interest or control with a pharmacy benefits manager.

"Rebate" means a discount or other price concession, including without limitation incentives, disbursements, and reasonable estimates of a volume-based discount, or a payment that is (i) based on utilization of a prescription drug and (ii) paid by a manufacturer or third party, directly or indirectly, to a pharmacy benefits manager, pharmacy services administrative organization, or pharmacy after a claim has been processed and paid at a pharmacy.

"Retail community pharmacy" means a pharmacy that is open to the public, serves walk-in customers, and makes available face-to-face consultations between licensed pharmacists and persons to whom medications are dispensed.

"Spread pricing" means the model of prescription drug pricing in which the pharmacy benefits manager charges a health benefit plan a contracted price for prescription drugs, and the contracted price for the prescription drugs differs from the amount the pharmacy benefits manager directly or indirectly pays the pharmacist or pharmacy for pharmacist services.

§ 38.2-3467. Prohibited conduct by carriers and pharmacy benefits managers.

A. No carrier on its own or through its contracted pharmacy benefits manager or representative of a pharmacy benefits manager shall:

1. Cause or knowingly permit the use of any advertisement, promotion, solicitation, representation, proposal, or offer that is untrue;

2. Charge a pharmacist or pharmacy a fee related to the adjudication of a claim other than a reasonable fee for an initial claim submission;

3. Reimburse a pharmacy or pharmacist an amount less than the amount that the pharmacy benefits manager reimburses a pharmacy benefits manager affiliate for providing the same pharmacist services, calculated on a per-unit basis using the same generic product identifier or generic code number and reflecting all drug manufacturer's rebates, direct and indirect administrative fees, and costs and any remuneration; ~~or~~

4. Penalize or retaliate against a pharmacist or pharmacy for exercising rights provided pursuant to the provisions of this article;

5. *Impose requirements, exclusions, reimbursement terms, or other conditions on a covered entity or contract pharmacy that differ from those applied to entities or pharmacies that are not covered entities or contract pharmacies on the basis that the entity or pharmacy is a covered entity or contract pharmacy or that the entity or pharmacy dispenses 340B-covered drugs. Nothing in this subdivision shall (i) apply to drugs with an annual estimated per-patient cost exceeding \$250,000 or (ii) prohibit the identification of a 340B reimbursement request; or*

6. *Interfere with a covered individual's right to choose a pharmacy or provider, based on the pharmacy or provider's status as a covered entity or contract pharmacy.*

B. No carrier, on its own or through its contracted pharmacy benefits manager or representative of a pharmacy benefits manager, shall restrict participation of a pharmacy in a pharmacy network for provider accreditation standards or certification requirements if a pharmacist meets such accreditation standards or certification standards.

C. No carrier, on its own or through its contracted pharmacy benefits manager or representative of a pharmacy benefits manager, shall include any mail order pharmacy or pharmacy benefits manager affiliate in calculating or determining network adequacy under any law or contract in the Commonwealth.

D. No carrier, on its own or through its contracted pharmacy benefits manager or representative of a pharmacy benefits manager, shall conduct spread pricing in the Commonwealth.

E. Each carrier on its own or through its contracted pharmacy benefits manager or representative of a pharmacy benefits manager shall comply with the provisions of this section in addition to complying with the provisions of § 38.2-3407.15:1.

CHAPTER 320

An Act to amend and reenact § 8.07, as amended, of Chapter 147 of the Acts of Assembly of 1962, which provided a charter for the City of Virginia Beach, relating to board of equalization.

[H 1163]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 8.07, as amended, of Chapter 147 of the Acts of Assembly of 1962 is amended and reenacted as follows:

§ 8.07. Annual assessment of real estate.

The council may, in lieu of annual, biennial or triennial assessment, reassessment and equalization of the methods prescribed by general law, provide by ordinance for the assessments of real estate for local taxation and to that end may appoint one or more persons as assessors to assess or reassess for taxation the real estate within the city. Such assessors shall make assessments and reassessments on the same basis as real estate is required to be assessed under the provisions of general law and as of the first day of July of each year in which such assessment, reassessment and equalization of assessments is made, shall have the same authority as the assessors appointed under the provisions of general law and shall be charged with duties similar to those thereby imposed upon such assessors. The judges of the circuit court shall annually appoint a board of equalization of real estate assessments to be composed of ~~three~~ *four* members who shall be freeholders of the city. Such board of equalization shall have and may exercise the powers to revise, correct and amend any assessment of real estate and to that end shall have all powers conferred upon boards of equalization by general law. The provisions of general law notwithstanding, the board of equalization may adopt any regulations providing for the oral presentation, with formal petitions or other pleadings of requests for review, and looking to the further facilitation and simplification of proceeding before the board. This section shall not apply to assessment of any real estate assessable by the State Corporation Commission.

CHAPTER 321

An Act to amend and reenact §§ 1 and 4 of the charter of the Town of Appomattox in Appomattox County, which was granted by order of the Circuit Court of the County of Appomattox on June 2, 1925, and as amended by Chapter 43 of the Acts of Assembly of 1980, and as further amended by Chapters 134 and 135 of the Acts of Assembly of 2021, Special Session I, relating to election and appointment of officers; time of election.

[H 1170]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 1 and 4 of the charter of the Town of Appomattox in Appomattox County, which was granted by order of the Circuit Court of the County of Appomattox on June 2, 1925, and as amended by Chapter 43 of the Acts of Assembly of 1980, and as further amended by Chapters 134 and 135 of the Acts of Assembly of 2021, Special Session I, are amended and reenacted as follows:

§ 1. Election and appointment of officers, etc.

There shall be elected by the qualified voters of said town; ~~every two years on the first Tuesday in May of every even-numbered year~~, one elector thereof who shall be denominated the mayor; and six electors; who shall be denominated the councilmen of said town. The mayor and six councilmen shall constitute the council of said town. The town council shall have the authority to appoint or employ a town clerk, a treasurer, a commissioner of revenue, a town manager, a health or sanitary officer, and such other officers as it may deem appropriate for the proper conduct of government of the town. The same person may serve in one or more of such capacities. The town council shall have the power to fix the salaries and compensation of said employees and appointees as necessary, but such compensation shall be fixed by said council before the individual chosen shall assume the duties of office. The town council may also appoint committees and boards and prescribe and fix their duties.

§ 4. Terms of office - vacancy and how filled.

The mayor and members of council in office on July 1, 2021, shall continue in office until the expiration of the terms for which they were elected or until their successors are elected and qualified. At the next election of members to the town council held on the ~~first Tuesday following the first Monday in May~~ *November 2022*, the three council candidates receiving the greatest number of votes shall be elected for ~~three and one-half year~~ *four-year* terms, and the three council candidates receiving the next greatest number of votes and the mayor shall be elected for ~~one and one-half year~~ *two-year* terms. Thereafter, the council members shall be elected for terms of four years, and the mayor shall be elected for a term of two years, or until their successors are elected and qualified. An election shall be held on the Tuesday following the first Monday in November ~~2023~~ *2024* for the three council seats first expiring and for the mayor, and on the Tuesday following the first Monday in November ~~2025~~ *2026* for the three council seats next expiring *and for the mayor*. Elections thereafter shall be held every two years on the Tuesday following the first Monday in November. The term of each person elected under this section at a November election shall begin on January 1 next following the election. In case of a vacancy in the office of mayor, or councilmen, elected by the electors of said town, caused by death, resignation or otherwise, such vacancy shall be filled by a majority vote of the town council from the electors of the town for the unexpired term.

CHAPTER 322

An Act to amend the Code of Virginia by adding in Chapter 20 of Title 2.2 a section numbered 2.2-2004.2, relating to Department of Veterans Services; Suicide Prevention Coordinator; position created; report.

[H 1203]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 20 of Title 2.2 a section numbered 2.2-2004.2 as follows:

§ 2.2-2004.2. Suicide Prevention Coordinator; position created; duties; report.

A. There is created in the Department of Veterans Services the position of Suicide Prevention Coordinator to support and closely coordinate effective mental health care services for military service members and veterans and their families.

B. The Suicide Prevention Coordinator shall:

1. Gather data on mental health challenges commonly experienced by military service members and veterans and their families that may lead to suicide;

2. In coordination with federal, state, and local partners, gather, review, analyze, and disseminate timely federal, state, and local data on the quantity, common causes, and methods of suicide utilized among military service members, veterans, and their family members;

3. Collaborate with federal, state, and local partners to increase mental health, substance abuse, and suicide risk screenings and refer military service members and veterans and their family members to the appropriate behavioral health and medical professionals or services;

4. Identify and coordinate new behavioral health and suicide prevention opportunities and funding for those opportunities and, from such funds as may be appropriated or are otherwise available for this purpose, administer a grant program to assist local partners in implementing and coordinating suicide prevention efforts in local communities;

5. Provide suicide prevention resources, training, and support to federal, state, and local agencies; and

6. Perform other duties as may be required to effectively provide suicide prevention resources, training, and support to military service members, veterans, and their families.

C. The Commissioner shall include a summary of the work of the Suicide Prevention Coordinator in the annual report to the Secretary of Veterans and Defense Affairs, the Governor, and the General Assembly as required pursuant to subdivision 9 of § 2.2-2004.

CHAPTER 323

An Act to amend and reenact § 6.2-1000 of the Code of Virginia, relating to financial institutions; definition of trust business.

[H 1237]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 6.2-1000 of the Code of Virginia is amended and reenacted as follows:

§ 6.2-1000. Definitions.

As used in this chapter, unless the context requires otherwise:

"Affiliated trust company" means a trust company that is controlled by a trust company holding company.

"Trust business" means the holding out by a person or legal entity to the public at large by advertising, solicitation or other means that the person or legal entity is available to act as a fiduciary in the Commonwealth or is accepting and undertaking to perform the duties of a fiduciary in the regular course of its business. A person does not engage in trust business by:

1. Rendering services as an attorney at law, *either individually or through an entity wholly owned by attorneys at law*, in the performance of duties as a fiduciary;

2. Rendering services as a certified or registered public accountant in the performance of duties as such;

3. Acting as trustee under a deed of trust made only as security for the payment of money or for the performance of another act;

4. Acting as a trustee in bankruptcy or as a receiver;

5. Holding trusts of real estate for the primary purpose of subdivision, development or sale, or to facilitate any business transaction with respect to such real estate;

6. Engaging in the business of an escrow agent;

7. Holding assets as trustee of a trust created for charitable purposes if:

a. The trustee is an entity exempt from federal income tax under § 501(c) (3) of the Internal Revenue Code; and

b. The trust is (i) exempt from federal income taxes under § 501(c) (3) of the Internal Revenue Code; (ii) a charitable remainder trust described in § 664 of the Internal Revenue Code; (iii) a pooled income fund described in § 642(c) (5) of the Internal Revenue Code; or (iv) a trust the charitable interest in which is either a guaranteed annuity or a fixed percentage distributed yearly of the fair market value of the trust property, described in § 2055(e) (2) (B) or § 2522(c) (2) (B) of the Internal Revenue Code;

8. Receiving rents and proceeds of sale as a licensed real estate broker on behalf of the principal; or

9. Engaging in securities transactions as a broker-dealer or salesman.

"Trust company" means a corporation, including an affiliated trust company, that is authorized to engage in the trust business under Article 2 (§ 6.2-1013 et seq.) of this chapter, the powers of which are expressly restricted to the conduct of trust business.

"Trust company holding company" means a corporation that controls a trust company. A trust company holding company shall not be deemed a financial institution holding company for any purpose under this title unless it controls a financial institution other than an affiliated trust company or another financial institution holding company.

"Trust institution" means any (i) bank authorized to engage in the trust business, (ii) trust company, or (iii) trust subsidiary.

"Trust subsidiary" or "subsidiary trust company" means a corporation organized under Chapter 9 (§ 13.1-601 et seq.) of Title 13.1, or an association organized under the National Banking Act with its main office located in the Commonwealth, that is authorized to transact trust business and business incidental thereto, but not to accept deposits except as incidental to such trust business.

CHAPTER 324

An Act to amend and reenact § 8.01-251 of the Code of Virginia, relating to limitations on judgments; extensions and renewals.

[H 1234]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-251 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-251. Limitations on enforcement of judgments.

A. No execution shall be issued and no action brought on a judgment dated, extended, or renewed, prior to July 1, 2021, including a judgment in favor of the Commonwealth and a judgment rendered in another state or country, after 20 years from the date of such judgment or domestication of such judgment or 20 years from the date of such extension or renewal of such judgment, whichever is later, unless the period is extended as provided in this section. No execution shall be issued and no action brought on a judgment dated on or after July 1, 2021, including a judgment in favor of the Commonwealth and a judgment rendered in another state or country, after 10 years from the date of such judgment or domestication of such judgment, unless the period is extended as provided in this section, except that no execution shall be issued and no action brought on a judgment dated on or after July 1, 2021, that was created by nonpayment of child support after 20 years from the date of such judgment or domestication of such judgment.

B. The limitation prescribed in subsection A may be extended by the recordation of a certificate in the form provided in subsection G prior to the expiration of the limitation period prescribed herein in the clerk's office in which such judgment lien is recorded and executed by either the judgment lien creditor or his assignee or by his duly authorized attorney-in-fact the judgment creditor's or his assignee's attorney or authorized agent. Recordation of the certificate shall extend the limitations period of the right to enforce such judgment lien for 10 years from the date of the recordation of the certificate. A judgment creditor or his assignee may record one additional extension by recording another certificate in the form provided in subsection G prior to the expiration of the original 10-year extension of the limitation period, which shall extend the limitations period of the right to enforce such judgment lien for 10 years from the date of recordation of the second certificate.

The clerk of the court shall index the certificate in both names in the index of the judgment lien book and give reference to the book and page in which the original lien is recorded. This extension procedure is subject to the exception that if the action is against a personal representative of a decedent, the motion shall be within two years from the date of his qualification, the extension may be for only two years from the time of the recordation of the certificate, and there may be only one such extension.

C. No suit shall be brought to enforce the lien of any judgment, including judgments in favor of the Commonwealth, upon which the right to issue an execution or bring an action is barred by other subsections of this section, nor shall any suit be brought to enforce the lien of any judgment against the lands which that have been conveyed by the judgment debtor to a grantee for value, unless the same be brought within five years from the due recordation of the deed from such judgment debtor to such grantee and unless a notice of lis pendens shall have been recorded in the manner provided by § 8.01-268 before the expiration of such five-year period.

D. In computing the time, any time during which the right to sue out execution on the judgment is suspended by the terms thereof, or by legal process, shall be omitted. Sections 8.01-230 et seq., 8.01-247 and 8.01-256 shall apply to the right to bring such action in like manner as to any right.

E. This section shall not be construed to impair the right of subrogation to which any person may become entitled while the lien is in force, provided that he institutes proceedings to enforce such right within five years after the same accrued, nor shall the lien of a judgment be impaired by the recovery of another judgment thereon, or by a forthcoming bond taken on an execution thereon, such bond having the force of a judgment.

F. Limitations on enforcement of judgments entered in the general district courts shall be governed by § 16.1-94.1, unless an abstract of such judgment is docketed in the judgment book of a circuit court. Upon the docketing of such judgment, the limitation for the enforcement of a district court judgment is the same as for a judgment of the circuit court such judgment shall be treated as a judgment entered by the circuit court and may be extended in the same manner as a judgment entered by the circuit court, although the original date of entry of the judgment shall remain the date that was entered by the general district court.

G. Any extension of the limitations of the right to enforce a judgment shall conform substantially with the following form:

CERTIFICATE OF EXTENSION OF LIMITATION OF RIGHT TO ENFORCE JUDGMENT LIEN

Place of Record _____
Date Judgment Docketed _____
Judgment Lien Book _____ Book Page _____
Name of Judgment Creditor(s) or Assignee(s) _____
Address of Judgment Creditor(s) or Assignee(s) _____
Phone number of Judgment Creditors(s) or Assignee(s) (if available) _____

Name of Judgment Creditor(s) or Assignee(s)' attorney or agent _____
 Address of Creditor(s) or Assignee(s)' attorney or agent _____
 Name of Debtor(s) _____

I/we, the ~~judgment lien creditor(s)~~ undersigned [] judgment creditor(s) [] agent of judgment creditor(s) [] attorney for judgment creditor(s), do hereby certify that the aforementioned judgment lien be extended 10 years from the date of my/our endorsement upon this certificate.

~~Judgment Creditor/Attorney-in-Fact/Agent~~ [] Judgment creditor(s) or assignee(s) [] agent of judgment creditor(s) or assignee(s) [] attorney for judgment creditor(s) or assignee(s): _____

Commonwealth of Virginia

County/City of _____

Subscribed, sworn to and acknowledged before me by

_____ this _____ day of _____, 20 ____

My Commission expires: _____

Notary Public: _____

CHAPTER 325

An Act to amend and reenact §§ 2.2-3701 and 30-179 of the Code of Virginia, relating to the Virginia Freedom of Information Act and the Virginia Freedom of Information Advisory Council; definition; official public government website.

[S 152]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3701 and 30-179 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-3701. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Closed meeting" means a meeting from which the public is excluded.

"Electronic communication" means the use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information.

"Emergency" means an unforeseen circumstance rendering the notice required by this chapter impossible or impracticable and which circumstance requires immediate action.

"Information," as used in the exclusions established by §§ 2.2-3705.1 through 2.2-3705.7, means the content within a public record that references a specifically identified subject matter, and shall not be interpreted to require the production of information that is not embodied in a public record.

"Meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through electronic communication means pursuant to § 2.2-3708.2, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. Neither the gathering of employees of a public body nor the gathering or attendance of two or more members of a public body (a) at any place or function where no part of the purpose of such gathering or attendance is the discussion or transaction of any public business, and such gathering or attendance was not called or prearranged with any purpose of discussing or transacting any business of the public body, or (b) at a public forum, candidate appearance, or debate, the purpose of which is to inform the electorate and not to transact public business or to hold discussions relating to the transaction of public business, even though the performance of the members individually or collectively in the conduct of public business may be a topic of discussion or debate at such public meeting, shall be deemed a "meeting" subject to the provisions of this chapter.

"Official public government website" means any Internet site controlled by a public body and used, among any other purposes, to post required notices and other content pursuant to this chapter on behalf of the public body.

"Open meeting" or "public meeting" means a meeting at which the public may be present.

"Public body" means any legislative body, authority, board, bureau, commission, district or agency of the Commonwealth or of any political subdivision of the Commonwealth, including cities, towns and counties, municipal councils, governing bodies of counties, school boards and planning commissions; governing boards of public institutions of higher education; and other organizations, corporations or agencies in the Commonwealth supported wholly or principally by public funds. It shall include (i) the Virginia Birth-Related Neurological Injury Compensation Program and its board of directors established pursuant to Chapter 50 (§ 38.2-5000 et seq.) of Title 38.2 and (ii) any committee, subcommittee, or other entity however designated, of the public body created to perform delegated functions of the public body or to advise the public body. It shall not exclude any such committee, subcommittee or entity because it has private sector or citizen members. Corporations organized by the Virginia Retirement System are "public bodies" for purposes of this chapter.

For the purposes of the provisions of this chapter applicable to access to public records, constitutional officers and private police departments as defined in § 9.1-101 shall be considered public bodies and, except as otherwise expressly provided by law, shall have the same obligations to disclose public records as other custodians of public records.

"Public records" means all writings and recordings that consist of letters, words or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business.

"Regional public body" means a unit of government organized as provided by law within defined boundaries, as determined by the General Assembly, which unit includes two or more localities.

"Scholastic records" means those records containing information directly related to a student or an applicant for admission and maintained by a public body that is an educational agency or institution or by a person acting for such agency or institution.

"Trade secret" means the same as that term is defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.).

§ 30-179. Powers and duties of the Council.

The Council shall:

1. Furnish, upon request, advisory opinions or guidelines, and other appropriate information regarding the Freedom of Information Act (§ 2.2-3700 et seq.) to any person or public body, in an expeditious manner;
2. Conduct training seminars and educational programs for the members and staff of public bodies and other interested persons on the requirements of the Freedom of Information Act (§ 2.2-3700 et seq.);
3. Publish such educational materials as it deems appropriate on the provisions of the Freedom of Information Act (§ 2.2-3700 et seq.);
4. Request from any public body such assistance, services, and information as will enable the Council to effectively carry out its responsibilities. Information provided to the Council by a public body shall not be released to any other party unless authorized by such public body;
5. Assist in the development and implementation of the provisions of § 2.2-3704.1;
6. Develop the public comment form for use by designated public bodies in accordance with subdivision D 6 of § 2.2-3708.2;
7. Develop an online public comment form to be posted on the Council's official public government website, *as defined in § 2.2-3701*, to enable any requester to comment on the quality of assistance provided to the requester by a public body; and
8. Report annually on or before December 1 of each year on its activities and findings regarding the Freedom of Information Act (§ 2.2-3700 et seq.), including recommendations for changes in the law, to the General Assembly and the Governor. The annual report shall be published as a state document.

CHAPTER 326

An Act to amend and reenact § 19.2-77 of the Code of Virginia, relating to offenses committed during a close pursuit; arrest warrant.

[S 102]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-77 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-77. Escape, flight and pursuit; arrest anywhere in Commonwealth.

Whenever a person in the custody of an officer shall escape or whenever a person shall flee from an officer attempting to arrest him, such officer, with or without a warrant, may pursue such person anywhere in the Commonwealth and, when actually in close pursuit, may arrest him wherever he is found. If the arrest is made in a county or city adjoining that from which the accused fled, or in any area of the Commonwealth within one mile of the boundary of the county or city from which he fled, the officer may forthwith return the accused before the proper official of the county or city from which he fled. If the arrest is made beyond the foregoing limits, the officer shall proceed according to the provisions of § 19.2-76, and if such arrest is made without a warrant, the officer shall procure a warrant from the magistrate serving the county or city wherein the arrest was made, charging the accused with the offense committed in the county or city from which he fled *and any offense committed during the close pursuit in the county or city where such offense was committed.*

CHAPTER 327

An Act to amend and reenact § 19.2-152.4:3 of the Code of Virginia, relating to duties and responsibilities of local pretrial services officers; behavioral health dockets.

[S 295]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-152.4:3 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-152.4:3. Duties and responsibilities of local pretrial services officers.

- A. Each local pretrial services officer, for the jurisdictions served, shall:
1. Investigate and interview defendants arrested on state and local warrants and who are detained in jails located in jurisdictions served by the agency while awaiting a hearing before any court that is considering or reconsidering bail, at initial appearance, advisement or arraignment, or at other subsequent hearings;
 2. Present a pretrial investigation report with recommendations to assist courts in discharging their duties related to granting or reconsidering bail;
 3. Supervise and assist all defendants residing within the jurisdictions served and placed on pretrial supervision by any judicial officer within the jurisdictions to ensure compliance with the terms and conditions of bail;
 4. Conduct random drug and alcohol tests on any defendant under supervision for whom a judicial officer has ordered testing or who has been required to refrain from excessive use of alcohol or use of any illegal drug or controlled substance or other defendant-specific condition of bail related to alcohol or substance abuse;
 5. Seek a *capias* from any judicial officer pursuant to § 19.2-152.4:1 for any defendant placed under supervision or the custody of the agency who fails to comply with the conditions of bail or supervision, when continued liberty or noncompliance presents a risk of flight, a risk to public safety or risk to the defendant;
 6. Seek an order to show cause why the defendant should not be required to appear before the court in those cases requiring a subsequent hearing before the court;
 7. Provide defendant-based information to assist any law-enforcement officer with the return to custody of defendants placed on supervision for which a *capias* has been sought; and
 8. Keep such records and make such reports as required by the Commonwealth of Virginia Department of Criminal Justice Services.
- B. Each local pretrial services officer, for the jurisdictions served, may provide the following optional services, as appropriate and when available resources permit:
1. Conduct, subject to court approval, drug and alcohol screenings, or tests at investigation pursuant to subsection B of § 19.2-123 or following release to supervision, and conduct or facilitate the preparation of screenings or assessments or both pursuant to state approved protocols;
 2. Facilitate placement of defendants in a substance abuse education or treatment program or services or other education or treatment service, *including referral to screening for participation in a behavioral health docket that has been established in accordance with § 18.2-254.3 as a treatment service*, when ordered as a condition of bail;
 3. Sign for the custody of any defendant investigated by a pretrial services officer, and released by a court to pretrial supervision as the sole term and condition of bail or when combined with an unsecured bond;
 4. Provide defendant information and investigation services for those who are detained in jails located in jurisdictions served by the agency and are awaiting an initial bail hearing before a magistrate;
 5. Supervise defendants placed by any judicial officer on home electronic monitoring as a condition of bail and supervision;
 6. Prepare, for defendants investigated, the financial statement-eligibility determination form for indigent defense services; and
 7. Subject to approved procedures and if so requested by the court, coordinate for defendants investigated, services for court-appointed counsel and for interpreters for foreign-language speaking and deaf or hard of hearing defendants.

CHAPTER 328

An Act to amend and reenact § 4, as amended, of Chapter 377 of the Acts of Assembly of 1946, which provided a charter for the Town of Chase City in Mecklenburg County, relating to municipal elections.

[H 1256]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 4, as amended, of Chapter 377 of the Acts of Assembly of 1946 is amended and reenacted as follows:

§ 4. Administration and government.

(1) *Incumbent mayor and council members to continue in office, etc.*

The present mayor and ~~councilmen~~ *council members* of the town of Chase City shall continue in office and exercise all the powers conferred by this charter and the general laws of this State until the expiration of the term for which they were elected, or until their successors are duly elected and qualified. The present mayor and ~~councilmen~~ *council members* whose terms expire in ~~1975~~ 2022 shall continue in office until their successors are elected and qualify in ~~1976~~ 2023, and the ~~councilmen~~ *council members* whose terms expire in ~~1977~~ 2024 shall continue in office until their successors are elected and qualify in ~~1978~~ 2025.

(2) Except as otherwise provided in this charter, all powers of the town and the administration and government thereof shall be vested in the council and such boards or officers as are hereafter mentioned, or may be by law otherwise provided.

(3) *Elections, terms and oaths of mayor and council members; effect of failure to qualify or take oath.*

On the first Tuesday following the first Monday in ~~May, 1976~~ November 2022, there shall be elected by the qualified voters of the town, one elector of the town, who shall be denominated mayor, and three other electors, who shall be

denominated ~~councilmen~~ *council members*. The elector elected as mayor shall serve for a term of two years, and the three other electors at such election shall serve for a term of four years. On the first Tuesday *following the first Monday in May, 1978 November 2024*, there shall be elected by the qualified voters of the town an elector who shall be denominated mayor and three other electors, who shall be denominated ~~councilmen~~ *council members*. Such electors shall serve a term of four years, except for the mayor who shall serve a term of two years. Thereafter each two years, there shall be elected by the qualified voters of the town from the electors, a mayor to serve for a term of two years and three electors to serve for a term of four years, denominated as ~~councilmen~~ *council members*. They shall enter upon the duties of their offices on the first day of ~~July~~ *January* next succeeding their election, and shall continue in office until their successors are duly elected and qualified. Every person so elected shall take an oath faithfully to execute the duties of his office and the mayor shall take the oath prescribed by law for State officers. The failure of any person elected or appointed under the provision of this charter to qualify or to take the oath required, within the time prescribed for entering upon the discharge of the duties of the office to which he is elected or appointed, shall vacate the said office, and the council shall proceed and is hereby vested with power to fill such vacancy in the manner herein prescribed.

(4) There shall be appointed for the town a registrar and officers of elections in the manner provided for by general law of Virginia, and all elections held in said town shall be conducted in accordance with said general law; the electorate shall be that prescribed by general law.

(5) The council shall be the judge of the election, qualification, and returns of its members; may fine them for disorderly conduct, and with the concurrence of two-thirds, expel a member. If any person returned be adjudged disqualified, or be expelled, a new election to fill the vacancy shall be held on such day as the council may prescribe. Any vacancy occurring otherwise during the term for which such person was elected shall be filled by the council by the appointment of any one eligible to such office. A vacancy in the office of mayor shall be filled by the council from the electors of the town, and any member of the council may be eligible to fill such vacancy.

(6) A majority of the members of the council shall constitute a quorum for the transaction of business.

(7) Each member of the council may receive a salary to be fixed by the council, payable at such times, and in such manner as the council may direct, but the salary paid to any one member during any year shall not exceed the sum of \$1,000 per annum. The mayor may receive a salary to be fixed by the council, payable in such manner and at such times as the council may direct, not to exceed the sum of \$4,000 per annum.

The mayor shall preside at the meetings of the council and perform such other duties as are prescribed by this charter and by general law, and such as may be imposed by the council consistent with his office. The mayor shall have no right to vote in the council except in case of a tie he shall have the right to break the same by his vote; but he shall have no right of veto. He shall take care and see that the bylaws, ordinances, acts, and resolutions of the council are faithfully executed and obeyed, and shall have and exercise all power and authority conferred by general law on mayors of towns not inconsistent with this charter. The mayor shall authenticate, by his signature, such documents as the laws, or this charter, require.

(8) The council shall, as soon as practicable after qualification, appoint one of its members as vice-mayor. The vice-mayor, during the absence or disability of the mayor, shall perform the duties and be vested with all the powers, authority, and jurisdiction, of the mayor; and in the event of a vacancy for any reason in the office of mayor, he shall act as mayor until a mayor is duly appointed by the council or is elected.

(9) The council shall, by ordinance, fix the time for their regular meetings, which shall be held at least once a month. Special meetings may be called by the clerk at the instance of the mayor or any two members of the council in writing; and no other business shall be transacted at a special meeting except that stated in the call, unless all members be present and consent to the transaction of such other business. The meetings of the council shall be open to the public except when in the judgment of the council the public welfare shall require executive meetings.

(10) The council shall keep a minute book, in which the clerk shall note the proceedings of the council, and shall record proceedings at large on the minute book and keep the same properly indexed.

(11) The council may adopt rules for regulating its proceedings, but no tax shall be levied, corporate debt contracted, or appropriation of money exceeding the sum of \$300 be made, except by a recorded affirmative vote of a majority of all the members elected to the council.

(12) There shall be appointed by the council at its first regular meeting in ~~July~~ *January* after the election of ~~councilmen~~ *council members*, or as soon as practicable thereafter, a treasurer, who shall hold office for a term of two years. The council may provide a salary for the treasurer. He shall give such bond, with surety and in such penalty as the council prescribes. He shall receive all money belonging to the town, and keep correct accounts of all receipts from all sources and of all expenditures of all departments. He shall be responsible for the collection of all taxes, license fees, levies and charges due to the town, and shall disburse the moneys of the town in the manner prescribed by the council as it may by ordinance direct.

(13) The treasurer shall make such reports and at such time as the council may prescribe. The books and accounts of the treasurer shall be examined and audited at least once a year by a competent accountant selected by the council, such examination and audit to be reported to the council.

(14) The council may in its discretion designate the place of deposit of all town funds, which shall be kept by the treasurer separate and apart from his personal funds.

(15) There shall be appointed by the council, at its first regular meeting in ~~July~~ *January* after its election of ~~councilmen~~ *council members* or as soon as possible or as practical thereafter, a clerk of the council, who shall hold office for a term of two years. He shall attend the meetings of the council and keep its minutes and records and have charge of the corporate

seal. He shall keep all papers required to be kept by the council, shall publish such reports and ordinances as are required to be published, and shall perform such other duties as the council may from time to time require. His compensation shall be fixed by the council. Any vacancy in this office shall be filled by the council.

(16) There shall be appointed by the council at its first regular meeting in ~~July~~ *January* after the election of ~~councilmen~~ *council members* or as soon as practicable thereafter, a town sergeant, who shall also be chief of police, and shall hold office for two years. His duties shall be such as the council prescribes. He shall be vested with the powers of a conservator of the peace. His compensation shall be fixed by the council.

(17) The council may appoint or elect such other officers as may be necessary, including a business manager for the town, and fix their salaries and define their duties.

(18) The council may appoint a justice of the peace for the town, who shall be clothed with all the powers and authority of other justices of the peace within his territorial jurisdiction. The term of office of such justice of the peace shall not be for a term beyond that of the mayor in office at the time of his appointment.

CHAPTER 329

An Act to amend and reenact §§ 2 and 3 of Chapter 867 of the Acts of Assembly of 2003, which provided a charter for the Town of La Crosse in Mecklenburg County, relating to municipal elections.

[H 1258]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 2 and 3 of Chapter 867 of the Acts of Assembly of 2003 are amended and reenacted as follows:

§ 2. Election, etc. of mayor, council members, clerk-treasurer, recorder, town manager and chief of police.

The municipal officers of the town shall consist of a mayor, six council members, a clerk-treasurer, a recorder and a chief of police. The mayor and members of council shall be elected by the qualified voters of the town, and all persons qualified to vote in said election shall be eligible for any of said offices. The council shall be elected in the manner provided by Virginia election laws. Three council members shall be elected on the first Tuesday ~~in May 2002~~ *following the first Monday in November 2022* and every four years thereafter. The mayor and three other council members shall be elected on the first Tuesday ~~in May 2004~~ *following the first Monday in November 2024* and every four years thereafter. The office of clerk and treasurer may be held by the same person. Unless otherwise provided by the council, the town clerk shall be the recorder. The town manager shall be appointed by a majority vote of council. The chief of police, who does not necessarily have to be a qualified voter of the town, shall be appointed by the town manager, subject to confirmation by town council.

§ 3. Mayor and president of council.

The mayor shall be the chief executive officer of the town. He shall have and exercise all power and authority conferred by general law not inconsistent with this charter. He shall preside over the meeting of the town council and shall have the same right to speak therein as a member of the council, but shall not vote except in the case of a tie vote. He shall have the power of veto over the ordinances and resolutions of the council, but such ordinances and resolutions may be passed over such veto by a two-thirds vote of the members of the town council present and voting. He shall be recognized as the head of the town government for all ceremonial purposes. He shall perform such other duties consistent with his office as may be imposed by the town council. He shall see that the duties of the various town officers are faithfully performed. The police force of the town shall be under the control of the mayor for the purpose of enforcing peace and good order and executing the laws of the Commonwealth and the ordinances of the town. He, or the person acting as mayor, may deputize such assistant policemen as may be necessary, and shall authenticate by his signature such documents or instruments as the council, this charter, or the law of the Commonwealth shall require.

At the first meeting of the council in ~~July~~ *January* of each ~~even-numbered~~ *odd-numbered* year, the council shall elect from its members a president of council, who shall serve for a term of two years. The president of council shall act as mayor during the absence or disability of the mayor, and, if a vacancy occurs, shall become mayor until the next regular council election. At that election, a mayor shall be elected to fill the unexpired term.

CHAPTER 330

An Act to amend and reenact § 23.1-904 of the Code of Virginia, relating to public institutions of higher education; academic credit; education, experience, training, and credentials in Armed Forces of the United States.

[H 1277]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-904 of the Code of Virginia is amended and reenacted as follows:

§ 23.1-904. **Course credit; veterans; active duty military students.**

A. The governing board of each public institution of higher education shall implement policies that provide students called to active military duty during an academic semester with the opportunity to earn full course credit. Such policies shall

provide, as one option, that such students who have completed 75 percent of the course requirements at the time of activation and who meet other specified requirements receive full course credit.

B. The governing board of each public institution of higher education shall, in accordance with guidelines developed by the Council, implement policies for the purpose of awarding academic credit to students for ~~educational~~ *education, experience, training, and credentials* gained from service in the Armed Forces of the United States.

C. The governing board of each public institution of higher education shall, in accordance with guidelines developed by the Council, implement policies that recognize the scheduling difficulties and obligations encountered by active duty members of the Armed Forces of the United States.

2. That the governing board of each public institution of higher education shall map the existing opportunities to earn education, experience, training, and credentials in the Armed Forces of the United States to the award of academic credit in its programs. The State Council of Higher Education shall update its guidelines developed pursuant to subsection B of § 23.1-904 of the Code of Virginia, as amended by this act, no later than February 1, 2023, and the governing board of each public institution of higher education shall update its policies implemented pursuant to subsection B of § 23.1-904 of the Code of Virginia, as amended by this act, no later than the beginning of the 2023–2024 academic year.

CHAPTER 331

An Act to amend and reenact § 62.1-44.38:1 of the Code of Virginia, relating to comprehensive water supply planning process.

[H 1297]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 62.1-44.38:1 of the Code of Virginia is amended and reenacted as follows:

§ 62.1-44.38:1. Comprehensive water supply planning process; state, regional, and local water supply plans.

A. The Board, with advice and guidance from the Commissioner of Health, local governments, public service authorities, and other interested parties, shall establish a comprehensive water supply planning process for the development of local, regional, and state water supply plans consistent with the provisions of this chapter. This process shall be designed to (i) ensure that adequate and safe drinking water is available to all citizens of the Commonwealth; (ii) encourage, promote, and protect all other beneficial uses of the Commonwealth's water resources; (iii) encourage, promote, and develop incentives for alternative water sources, including desalinization; and (iv) encourage the development of cross-jurisdictional water supply projects.

B. The Board shall adopt regulations designating regional planning areas based primarily on river basins *as appropriate based on water supply sources. The Board shall consider existing interjurisdictional arrangements in designating regional planning areas.* The Board may, as appropriate, designate multiple regional planning areas within a single river basin in order to enhance the manageability of planning within such basin. The regulations shall identify the particular regional planning area in which each locality shall participate and shall state which local stakeholder groups, including local governments, industrial and agricultural water users, public water suppliers, developers and economic development organizations, and conservation and environmental organizations, shall or may participate in coordinated water resource planning. *The regulations shall further provide a mechanism for a locality to request a change of its designated regional planning area to an adjoining planning area that is based on water supply source, river basin, or existing or planned cross-jurisdictional relationship, which change shall be effective upon approval of the Department, notwithstanding the provisions of Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2.*

C. 1. Each locality in a regional planning area shall participate in cross-jurisdictional, coordinated water resource planning. Such local coordination shall accommodate existing regional groups that have already developed water supply plans, including planning district commissions, and other regional planning entities as appropriate.

2. Each locality in a regional planning area shall develop and submit, with the other localities in that planning area, a single jointly produced regional water supply plan to the Department of Environmental Quality (the Department). Such regional water supply plan shall (i) clearly identify the region's water supply risks and (ii) propose regional strategies to address those water supply risks.

3. Each regional water supply plan also shall comply with applicable criteria and guidelines developed by the Board. Such criteria and guidelines shall take into account existing local and regional water supply planning efforts and requirements imposed under other state or federal laws. The criteria and guidelines established by the Board shall not prohibit a town from entering into a regional water supply plan with an adjacent county in the same regional planning area.

4. This section is intended to inform any regional water resource planning being done in the Commonwealth pursuant to interstate compacts.

D. The Board and the Department shall prioritize the allocation of planning funds and other funds to localities that sufficiently participate in regional planning.

E. In accordance with subdivision B 2 of § 62.1-44.38, the Department shall facilitate regional planning and provide assistance to each regional planning area as needed.

CHAPTER 332

An Act to amend and reenact §§ 3.2, 3.4, as amended, 4.1, and 6.1 of Chapters 629 and 674 of the Acts of Assembly of 2005, which provided a charter for the City of Waynesboro, relating to elections and appointments; council, city manager, and school board.

[H 1311]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2, 3.4, as amended, 4.1, and 6.1 of Chapter 629 and 674 of the Acts of Assembly of 2005 is amended and reenacted as follows:

§ 3.2. Composition and election of council; vacancies.

(a) The council shall consist of five (5) members, ~~who shall be voted at large one of whom shall be a resident of Ward A, one a resident of Ward B, one a resident of Ward C, one a resident of Ward D, and one a member at large who may be a resident of any ward,~~ whose term of office each, except as hereinafter fixed, shall be for the term of four (4) years. ~~The member at large shall be elected by the qualified voters at large, and the four ward members shall be elected only by the qualified voters of their respective wards.~~ At the municipal election held in ~~2006~~ 2022, and every four (4) years thereafter, two (2) council members shall be elected, one from each ward having a council member whose term is expiring, who shall serve for a term of four (4) years and thereafter until their successors shall have been elected and qualified. At the municipal election held in ~~2008~~ 2024, and every four (4) years thereafter, three (3) council members shall be elected, one from each ward having a council member whose term is expiring; and one ~~member at large~~ member at large, who shall serve for a period of four (4) years and thereafter until their successors have been elected and qualified. Municipal elections shall be held and conducted at the time and in the manner provided for by general law. The persons elected shall take office ~~July January 1~~ of following the year in which they are elected.

(b) Vacancies in the council shall be filled within thirty (30) days, for the unexpired terms, by a majority vote of the remaining council members except as otherwise provided by general law.

§ 3.4. Organizational rules; election of mayor.

(a) The city council shall assemble for an organizational meeting at its first regular session in July 2022, and, effective January 2023, in January each year for the purposes set forth in § 15.2-1416 of the Code of Virginia, at which time the newly elected council members, after first having taken oaths prescribed by law, shall assume the duties of the office. Thereafter, the council shall meet at such times as may be prescribed by ordinance or resolution, except that they shall regularly meet not less than once each month. The mayor, any member of the council, or the city manager may call special meetings of the council at any time (on at least twelve (12) hours written notice), with the purpose of ~~said~~ the meeting stated therein, to each member served personally or left at such member's usual place of business or residence. No business other than that mentioned in the ~~call~~ written notice shall be considered at such meeting, except upon the consent of no fewer than four-fifths (4/5) of the members of the council.

(b) All meetings of the council shall be public except, if otherwise authorized by general law. Any citizen may have access to the minutes and records thereof at all reasonable times.

(c) The council shall elect one of its members as ~~chairman~~ mayor, who shall be ex officio ~~mayor~~ chair of all meetings, and one of its members as vice mayor; who shall be ex officio vice chair.

(d) The mayor shall be elected by the council for a term of two (2) years and shall preside at meetings of the council and perform such other duties consistent with the office as may be imposed by the council. The mayor shall have a vote and voice in the proceedings, but no veto. The mayor shall be the official head of the city but shall have no jurisdiction or authority to hear, determine, or try any civil or criminal matters. In times of public danger or emergency, the mayor, or during the mayor's absence or disability, the city manager, may take command of the police and maintain order and enforce the laws, and for this purpose, may deputize such assistant police officers as may be necessary. During absence or disability, except as above provided, the city manager's duties shall be performed by another member appointed by the council. The mayor shall authenticate by signature such instruments as the council, this Charter, or the laws of the state shall require.

(e) On the day of the first regular meeting in ~~July~~ January following the regular municipal election and organization of the council, or as soon thereafter as may be practicable, the council shall elect a city manager, city clerk, city attorney, city assessor, and such other officers as may come within their jurisdiction, each of whom shall serve at the pleasure of the council, provided that the council may elect the city clerk, city manager, city attorney, city assessor, and such other officers for terms of ~~one year~~ two years each, beginning ~~July~~ January 1, 2023, subject to removal by the council for cause, and in no event shall the council elect any officer for a term extending beyond ~~June 30~~ December 31 next succeeding each regular biennial municipal election for members of the council.

§ 4.1. Vesting of executive and administrative powers of city; appointment, term and compensation of city manager.

The administrative and executive powers of the city, including the power of appointment of officers and employees, are vested in an official to be known as the city manager, who shall be appointed by the council each year on ~~July~~ January 1, or as soon thereafter as practicable, for a term of not exceeding ~~one year~~ two years unless sooner removed by the council upon proven charges preferred for malfeasance or misfeasance, neglect of duty, or incompetency. The city manager shall receive such compensation as shall be fixed by the council and shall devote all time to the business of the city.

§ 6.1. School board; generally.

(a) The school board shall be composed of five (5) members, to be elected from the qualified voters of the city at large, one of whom shall be a resident of Ward A, one a resident of Ward B, one a resident of Ward C, one a resident of Ward D, and one member at large who may be a resident of any ward. *The member at large shall be elected by the qualified voters at large, and the four ward members shall be elected only by the qualified voters of their respective wards.* Their terms shall be for four (4) years *or until their successors have been elected and qualified*, except that all elections to fill vacancies shall be for the unexpired term.

(b) At the municipal election held in ~~2006~~ 2022 and every four (4) years thereafter, two (2) school board members shall be elected for terms of four (4) years, one from each ward from which a council member is simultaneously elected to a full term. At the municipal election held in ~~2008~~ 2024 and every four (4) years ~~thereafterward~~ thereafter, three (3) city school board members shall be elected for terms of four (4) years, one from each ward from which a council member is simultaneously elected to a full term *and one member at large*. Municipal elections shall be held and conducted at the time and in the manner provided for by state law. The persons elected shall take office on ~~July~~ January 1 ~~of~~ following the year in which they are elected.

(c) Vacancies on the school board shall be filled within thirty (30) days, for the unexpired term, by a majority vote of the remaining school board members until an election can be held in accordance with general state law.

(d) Any person qualified to vote in the city shall be eligible to be a member of the school board.

(e) Compensation for school board members shall be as prescribed by law.

(f) The organizational meeting of the school board shall take place on each ~~July~~ January 1, or as soon thereafter as may be practicable.

(g) The school board shall be a body corporate under the designation, "Waynesboro School Board," by which name it may sue and be sued, contract and be contracted with, and purchase, take, hold, lease, and convey school property, both real and personal. The title to all public school property within the corporate limits of the city shall be vested in the Waynesboro School Board. By mutual consent of the school board and the council of the city, the title to the school property may vest in the city.

CHAPTER 333

An Act to amend and reenact § 28.2-104.1 of the Code of Virginia, relating to living shorelines.

[H 1322]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 28.2-104.1 of the Code of Virginia is amended and reenacted as follows:

§ 28.2-104.1. Living shorelines; development of general permit; guidance.

A. As used in this section, unless the context requires a different meaning:

"Living shoreline" means a shoreline management practice that provides erosion control and water quality benefits; protects, restores, or enhances natural shoreline habitat; and maintains coastal processes through the strategic placement of plants, stone, sand fill, and other structural and organic materials. When practicable, a living shoreline may enhance coastal resilience and attenuation of wave energy and storm surge.

"*Other structural and organic materials*" means materials or features that provide added protection or stability for the natural shoreline habitat components of a living shoreline that attenuate wave energy and do not interfere with natural coastal processes or the natural continuity of the land-water interface. "*Other structural and organic materials*" may be composed of a variety of natural or man-made materials, including rock, concrete, wood fiber, oyster shells, and geotextiles; however, structural features shall be free from contaminants and shall be adequately secured to prevent full or partial dislodging or detachment due to wave action or other natural forces.

B. The Commission, in cooperation with the Department of Conservation and Recreation, the Department of Environmental Quality, and local wetlands boards, and with technical assistance from the Virginia Institute of Marine Science, shall establish and implement a general permit regulation that authorizes and encourages the use of living shorelines as the preferred alternative for stabilizing tidal shorelines in the Commonwealth. The regulation shall provide for an expedited permit review process for qualifying living shoreline projects requiring authorization under Chapters 12 (§ 28.2-1200 et seq.), 13 (§ 28.2-1300 et seq.), and 14 (§ 28.2-1400 et seq.). In developing the general permit, the Commission shall consult with the U.S. Army Corps of Engineers to ensure the minimization of conflicts with federal law and regulation.

C. The Commission, in cooperation with the Department of Conservation and Recreation and with technical assistance from the Virginia Institute of Marine Science, shall develop integrated guidance for the management of tidal shoreline systems to provide a technical basis for the coordination of permit decisions required by any regulatory entity exercising authority over a shoreline management project. The guidance shall:

1. Communicate to stakeholders and regulatory authorities that it is the policy of the Commonwealth to support living shorelines as the preferred alternative for stabilizing tidal shorelines;

2. Identify preferred shoreline management approaches for the shoreline types found in the Commonwealth;

3. Explain the risks and benefits of protection provided by various shoreline system elements associated with each management option; and

4. Recommend procedures to achieve efficiency and effectiveness by the various regulatory entities exercising authority over a shoreline management project.

D. The Commission shall permit only living shoreline approaches to shoreline management unless the best available science shows that such approaches are not suitable. If the best available science shows that a living shoreline approach is not suitable, the Commission shall require the applicant to incorporate, to the maximum extent possible, elements of living shoreline approaches into permitted projects.

CHAPTER 334

An Act directing the Department of Agriculture and Consumer Services to convene a work group to evaluate the needs of the Virginia Winery Distribution Company.

[H 1336]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Department of Agriculture and Consumer Services (Department) shall convene a work group consisting of representatives of the Virginia Alcoholic Beverage Control Authority, the Virginia Wineries Association, the Virginia Wine Wholesalers Association, the Virginia Beer Wholesalers Association, and the Virginia Craft Brewers Guild and other relevant stakeholders to (i) conduct research to determine the appropriate fee structure and general fund appropriation necessary to adequately address staffing needs and perform information technology system upgrades for the purpose of accommodating winery, farm winery, and limited brewery licensees that wish to utilize the services of the Virginia Winery Distribution Company, created by the Department; (ii) evaluate the number of barrels of beer allowed to be distributed by a limited brewery licensee over the course of one year; and (iii) review and evaluate alternative avenues of distribution, other than distribution through the Virginia Winery Distribution Company, that could be made available to limited brewery licensees. The work group shall report its findings and recommendations to the Board of Directors of the Virginia Winery Distribution Company (the Board) for approval. The Board shall report any approved findings and recommendations of the work group to the Chairmen of the Senate Committee on Rehabilitation and Social Services and the House Committee on General Laws no later than October 1, 2022.*

CHAPTER 335

An Act to amend and reenact §§ 3.1, 3.2, 3.3, and 4.3 of Chapter 251 of the Acts of Assembly of 1972, which provided a charter for the Town of The Plains in Fauquier County, relating to dates of election and terms of offices.

[S 322]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.1, 3.2, 3.3, and 4.3 of Chapter 251 of the Acts of Assembly of 1972 are amended and reenacted as follows:

§ 3.1. Composition of council; election, qualification and term of office of councilmen and mayor.

The Town of The Plains shall be governed by a town council composed of six councilmen and the mayor, to be elected from the town at large. The councilmen and the mayor shall be qualified electors of the town; and shall serve for terms of four years. At the election held on the first Tuesday following the first Monday in ~~May, 1972~~ November 2022, the three councilmen receiving the highest number of votes elected shall serve for terms of four years; ~~the three councilmen receiving the next highest number of votes shall serve for terms of two years.~~ At the election held on the first Tuesday following the first Monday in ~~May, 1974,~~ November 2024 and in every election thereafter, the three councilmen elected shall serve for terms of four years. The mayor shall be elected on the first Tuesday following the first Monday in ~~May, 1972,~~ November 2024 and every four years thereafter.

§ 3.2. When terms of office to begin.

The terms of office for the town councilmen and mayor shall begin on the first day of ~~July~~ January next following their election.

§ 3.3. Vacancies on council.

Vacancies on the town council shall be filled within forty-five days for the unexpired terms by a majority vote of the remaining members, provided; that where a vacancy ~~shall occur~~ occurs more than six months prior to a regular town election, such vacancy shall be filled by a majority vote of the remaining members only until a successor shall have been chosen by the qualified electors of the town and shall have qualified as provided by law. In the town election to be held on the first Tuesday following the first Monday in ~~May~~ November next following the occurrence of such vacancy, there shall be elected by the qualified electors of the town a member of the council to fill each such vacancy for the unexpired term. The term of office of any councilman so elected shall begin on the first day of ~~July~~ January next following his election.

§ 4.3. Term of office.

Officers and deputy and assistant officers appointed by the town council shall be appointed for a term of two years, unless otherwise provided by this Charter or by ordinance of the town council. Such term shall begin on the first day in ~~July~~ *January* in each even-numbered year.

CHAPTER 336

An Act to amend and reenact §§ 18.2-60, 18.2-60.1, 18.2-83, 18.2-152.7:1, and 18.2-430 of the Code of Virginia, relating to threats and harassment of certain officials and property; venue.

[H 350]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-60, 18.2-60.1, 18.2-83, 18.2-152.7:1, and 18.2-430 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-60. Threats of death or bodily injury to a person or member of his family; threats of death or bodily injury to persons on school property; threats of death or bodily injury to health care providers; penalty.

A. 1. Any person who knowingly communicates, in a writing, including an electronically transmitted communication producing a visual or electronic message, a threat to kill or do bodily injury to a person, regarding that person or any member of his family, and the threat places such person in reasonable apprehension of death or bodily injury to himself or his family member, is guilty of a Class 6 felony. However, any person who violates this subsection with the intent to commit an act of terrorism as defined in § 18.2-46.4 is guilty of a Class 5 felony.

2. Any person who communicates a threat, in a writing, including an electronically transmitted communication producing a visual or electronic message, to kill or do bodily harm, (i) on the grounds or premises of any elementary, middle or secondary school property, (ii) at any elementary, middle or secondary school-sponsored event or (iii) on a school bus to any person or persons, regardless of whether the person who is the object of the threat actually receives the threat, and the threat would place the person who is the object of the threat in reasonable apprehension of death or bodily harm, is guilty of a Class 6 felony.

3. Any person 18 years of age or older who communicates a threat in writing, including an electronically transmitted communication producing a visual or electronic message, to another to kill or to do serious bodily injury to any other person and makes such threat with the intent to (i) intimidate a civilian population at large; (ii) influence the conduct or activities of a government, including the government of the United States, a state, or a locality, through intimidation; or (iii) compel the emergency evacuation, or avoidance, of any place of assembly, any building or other structure, or any means of mass transportation is guilty of a Class 5 felony. Any person younger than 18 years of age who commits such offense is guilty of a Class 1 misdemeanor.

B. Any person who orally makes a threat to kill or to do bodily injury to (i) any employee of any elementary, middle, or secondary school, while on a school bus, on school property, or at a school-sponsored activity or (ii) any health care provider as defined in § 8.01-581.1 who is engaged in the performance of his duties in a hospital as defined in § 18.2-57 or in an emergency room on the premises of any clinic or other facility rendering emergency medical care, unless the person is on the premises of the hospital or emergency room of the clinic or other facility rendering emergency medical care as a result of an emergency custody order pursuant to § 37.2-808, involuntary temporary detention order pursuant to § 37.2-809, involuntary hospitalization order pursuant to § 37.2-817, or emergency custody order of a conditionally released acquittee pursuant to § 19.2-182.9, is guilty of a Class 1 misdemeanor.

C. A prosecution pursuant to this section may be either in the county, city, or town in which the communication was made or received ~~or in the City of Richmond if venue cannot otherwise be established and the person threatened is one of the following officials or employees of the Commonwealth and such official or employee was threatened while engaged in the performance of his public duties or because of his position with the Commonwealth: the Governor, Governor elect, Lieutenant Governor, Lieutenant Governor elect, Attorney General, or Attorney General elect, a member or employee of the General Assembly, a justice of the Supreme Court of Virginia, or a judge of the Court of Appeals of Virginia.~~

§ 18.2-60.1. Threatening the Governor or his immediate family.

Any person who shall knowingly and willfully send, deliver or convey, or cause to be sent, delivered or conveyed, to the Governor or his immediate family any threat to take the life of or inflict bodily harm upon the Governor or his immediate family, whether such threat be oral or written, is guilty of a Class 6 felony. ~~A violation of this section may be prosecuted in the jurisdiction in which the communication was made or received or in the City of Richmond if venue cannot otherwise be established.~~

§ 18.2-83. Threats to bomb or damage buildings or means of transportation; false information as to danger to such buildings, etc.; punishment; venue.

A. Any person (i) who makes and communicates to another by any means any threat to bomb, burn, destroy or in any manner damage any place of assembly, building or other structure, or any means of transportation, or (ii) who communicates to another, by any means, information, knowing the same to be false, as to the existence of any peril of bombing, burning, destruction or damage to any such place of assembly, building or other structure, or any means of

transportation, is guilty of a Class 5 felony, provided, however, that if such person is under 15 years of age, he is guilty of a Class 1 misdemeanor.

B. A violation of this section may be prosecuted either in the jurisdiction from which the communication was made or in the jurisdiction where the communication was received ~~or in the City of Richmond if venue cannot otherwise be established and the property threatened is owned by the Commonwealth and located within the Capitol District.~~

§ 18.2-152.7:1. Harassment by computer; penalty.

If any person, with the intent to coerce, intimidate, or harass any person, shall use a computer or computer network to communicate obscene, vulgar, profane, lewd, lascivious, or indecent language, or make any suggestion or proposal of an obscene nature, or threaten any illegal or immoral act, he is guilty of a Class 1 misdemeanor. ~~A violation of this section may be prosecuted in the jurisdiction in which the communication was made or received or in the City of Richmond if venue cannot otherwise be established and the person subjected to the act is one of the following officials or employees of the Commonwealth and such official or employee was subjected to the act while engaged in the performance of his public duties or because of his position with the Commonwealth: the Governor, Governor-elect, Lieutenant Governor, Lieutenant Governor-elect, Attorney General, or Attorney General-elect, a member or employee of the General Assembly, a justice of the Supreme Court of Virginia, or a judge of the Court of Appeals of Virginia.~~

§ 18.2-430. Venue for offenses under this article.

Any person violating any of the provisions of this article may be prosecuted either in the county or city from which he called or in the county or city in which the call was received; ~~or in the City of Richmond if venue cannot otherwise be established and the person subjected to the act is one of the following officials or employees of the Commonwealth and such official or employee was subjected to the act while engaged in the performance of his public duties or because of his position with the Commonwealth: the Governor, Governor-elect, Lieutenant Governor, Lieutenant Governor-elect, Attorney General, or Attorney General-elect, a member or employee of the General Assembly, a justice of the Supreme Court of Virginia or a judge of the Court of Appeals of Virginia.~~

CHAPTER 337

An Act to amend and reenact § 44-146.29:3 of the Code of Virginia, relating to Emergency Shelters Upgrade Assistance Grant Fund.

[S 353]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 44-146.29:3 of the Code of Virginia is amended and reenacted as follows:

§ 44-146.29:3. Emergency Shelters Upgrade Assistance Grant Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Emergency Shelters Upgrade Assistance Grant Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of providing matching funds to localities *or entities previously outlined in a local shelter plan* to install, maintain, or repair infrastructure for backup energy generation for emergency shelters, including solar energy generators, and improve the hazard-specific structural integrity of shelter facilities owned by the locality *or identified in the shelter plan of the locality*. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director of Emergency Management or, if designated, the State Coordinator of Emergency Management.

CHAPTER 338

An Act to amend and reenact §§ 3.1, as amended, 3.5, and 4.2 of Chapter 591 of the Acts of Assembly of 1997, which provided a charter for the Town of Port Royal, relating to town council; membership.

[S 387]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.1, as amended, 3.5, and 4.2 of Chapter 591 of the Acts of Assembly of 1997 are amended and reenacted as follows:

§ 3.1. Council.

A. The Town shall be governed by a council composed of ~~seven~~ five members elected at large.

B. The members of council in office at the time of the passage of this act shall continue until the expiration of the terms for which they were elected, or until their successors are duly elected and qualified.

C. In 2018 and every two years thereafter, on the dates specified by general law for November elections, all members of the council shall be elected for terms of two years each. The persons so elected shall qualify and take office on January 1 following their election, and they shall continue to serve until their successors are duly elected, qualify and assume office.

D. Any person qualified to vote in town elections shall be eligible for the office of councilman.

§ 3.5. Meetings of council.

The council shall fix the time of its regular meetings, which shall be at least once each month; however, the council may, by majority vote, dispense with any two such regular meetings. Except as herein provided, the council shall follow the latest edition of Robert's Rules of Order for rules of procedure necessary for the orderly conduct of its business except where it is inconsistent with the laws of the Commonwealth of Virginia. Minutes shall be kept of its official proceedings, and its meetings shall be open to the public unless an executive session is called according to law. Special meetings may be called at any time by the mayor or any ~~four~~ three members of the council, provided that the members of council are given reasonable notice of such meetings. No business shall be transacted at the special meeting except that for which it shall be called. If the mayor and all the members of the council are present, this provision requiring prior notice for special meetings is waived.

§ 4.2. Legislative procedure, etc.

Except in dealing with parliamentary procedure, the council shall act only by ordinance or resolution, and, with the exception of ordinances making appropriations or authorizing the contracting of indebtedness, each ordinance or resolution shall be confined to one general subject. ~~Four~~ Three members of council shall constitute a quorum.

CHAPTER 339

An Act to amend and reenact § 19.2-298 of the Code of Virginia, relating to transmission of sentencing documents to the Department of Health Professions and Department of Behavioral Health and Developmental Services.

[S 408]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-298 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-298. Pronouncement of sentence.

After a finding of guilty, sentence shall be pronounced, or decision to suspend the imposition of sentence shall be announced, without unreasonable delay. Pending pronouncement, the court may commit the accused to jail or may continue or alter the bail except that in those cases where the accused is convicted of a murder in the first degree, the court shall commit him to jail and he shall not be allowed bail pending the pronouncement of sentence. Before pronouncing the sentence, the court shall inquire of the accused if he desires to make a statement and if he desires to advance any reason why judgment should not be pronounced against him.

Whenever any person willfully and knowingly fails to surrender or submit to the custody of a sheriff as ordered by a court, any law-enforcement officer, with or without a warrant, may arrest such person anywhere in the Commonwealth. If the arrest is made in the county or city in which the person was ordered to surrender, or in an adjoining county or city, the officer may forthwith return the accused before the proper court. If the arrest is made beyond the foregoing limits, the officer shall proceed according to the provisions of § 19.2-76, and if such arrest is made without a warrant, the officer shall procure a warrant from the magistrate serving the county or city wherein the arrest was made, charging the accused with contempt of court.

After the pronouncement of sentence, if the court is aware that the defendant is registered, certified, or licensed by a health regulatory board or holds a multistate licensure privilege, or is licensed by the Department of Behavioral Health and Developmental Services in accordance with § 37.2-404, and the defendant has been convicted of a felony, crime involving moral turpitude, or crime that occurred during the course of practice for which such practitioner or person is licensed, the court shall order the clerk of the court to transmit certified copies of sentencing documents to the Director of the Department of Health Professions or to the Commissioner of Behavioral Health and Developmental Services. Such certified copies of sentencing documents shall be transmitted within 30 days after the sentencing hearing.

CHAPTER 340

An Act to amend and reenact § 54.1-1147 of the Code of Virginia, relating to Board for Contractors; certification of automatic fire sprinkler inspectors; exemptions.

[H 474]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-1147 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-1147. Certified automatic fire sprinkler inspector.

A. No person may perform or offer to perform inspections of automatic fire sprinkler systems in the Commonwealth unless he is certified under the provisions of this section.

B. The Board shall certify as an automatic fire sprinkler inspector any person who receives (i) a Level II or higher Inspection and Testing of Water-Based Systems certificate issued through the National Institute for Certification in Engineering Technologies or (ii) a substantially similar certification from a nationally recognized training program approved by the Board. The Board may suspend or revoke certification as an automatic fire sprinkler inspector for any person that does not maintain a certification required under this subsection.

C. Notwithstanding the provisions of subsection A, a person lacking certification under this section but participating in a training or apprenticeship program may perform automatic fire sprinkler inspections so long as (i) such person is accompanied by a certified automatic fire sprinkler inspector and (ii) any required inspection forms are signed by the certified automatic fire sprinkler inspector.

D. This section shall not apply to building officials and technical assistants enforcing the Uniform Statewide Building Code (§ 36-97 et seq.) or fire officials and technical assistants enforcing the Virginia Statewide Fire Prevention Code Act (§ 27-94 et seq.).

CHAPTER 341

An Act to amend and reenact § 46.2-905 of the Code of Virginia, relating to bicycles and certain other vehicles; riding two abreast.

[S 362]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-905 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-905. Riding bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, motorized skateboards or scooters, and mopeds on roadways and bicycle paths.

Any person operating a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard or scooter, or moped on a roadway at less than the normal speed of traffic at the time and place under conditions then existing shall ride as close as safely practicable to the right curb or edge of the roadway, except under any of the following circumstances:

1. When overtaking and passing another vehicle proceeding in the same direction;
2. When preparing for a left turn at an intersection or into a private road or driveway;
3. When reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right curb or edge;
4. When avoiding riding in a lane that must turn or diverge to the right; and
5. When riding upon a one-way road or highway, a person may also ride as near the left-hand curb or edge of such roadway as safely practicable.

For purposes of this section, a "substandard width lane" is a lane too narrow for a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard or scooter, or moped and another vehicle to pass safely side by side within the lane.

Persons riding bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, or motorized skateboards or scooters on a highway shall not ride more than two abreast. *Persons riding two abreast shall not impede the normal and reasonable movement of traffic and shall move into a single-file formation as quickly as is practicable when being overtaken from the rear by a faster-moving vehicle. However, the failure to move into a single-file formation shall not constitute negligence per se in any civil action. This section shall not change any existing law, rule, or procedure pertaining to any such civil action, nor shall this section bar any claim that otherwise exists.*

Notwithstanding any other provision of law to the contrary, the Department of Conservation and Recreation shall permit the operation of electric personal assistive mobility devices on any bicycle path or trail designated by the Department for such use.

CHAPTER 342

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 5 of Title 32.1 a section numbered 32.1-137.09, relating to hospital emergency department CPT code data reporting.

[H 910]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 5 of Title 32.1 a section numbered 32.1-137.09 as follows:

§ 32.1-137.09. Hospital emergency department CPT code data reporting.

A. Every hospital in the Commonwealth that includes an emergency department shall report quarterly to the Department, for the preceding quarter, (i) the total number of visits to the hospital's emergency department, by location, and (ii) the total number of visits to the hospital's emergency department by emergency department evaluation and management (E/M) Physicians' Current Procedural Terminology (CPT) code.

B. The Department shall annually publish a report setting forth the average number of hospital emergency department visits by location and by emergency department E/M CPT code statewide and by region for each month.

C. The Department may enter into a contract or agreement with the nonprofit organization with which the Department has entered into a contract or agreement pursuant to § 32.1-276.4 for the compilation, storage, analysis, and evaluation of data required to be submitted pursuant to this section.

CHAPTER 343

An Act to amend and reenact § 23.1-203 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-206.1, relating to Department of Education; State Council of Higher Education for Virginia; instruction concerning post-graduate opportunities for high school students.

[H 1299]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-203 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-206.1 as follows:

§ 22.1-206.1. Instruction concerning post-graduate opportunities for high school students.

A. As used in this section, "institution of higher education" means each public institution of higher education and each private institution of higher education, as those terms are defined in § 23.1-100.

B. The Department shall collect and distribute to school boards and publicly post on its website information that assists high school students in making more informed decisions about their futures after graduating from high school and in doing so ensure that such students are aware of the costs and benefits of different educational and certificate programs. The Department shall annually collect and compile such information in consultation with the State Council of Higher Education for Virginia (the Council) and any other entity that can assist the Department with collecting and compiling such information and shall update its distribution materials accordingly each year. The Department shall post and distribute the information to school boards, with any relevant updates, no later than October 1 each year, and shall provide an annual update to the General Assembly on how such information was distributed. Each school board shall ensure that the information is readily available to each high school student and distributed to each high school student who expresses an interest in attending an institution of higher education or completing another training program described in this section. Information to be collected shall include:

1. To the extent available from the Council or other entities or sources, the most in-demand occupations in the Commonwealth, including entry wages and common degree levels required or encouraged for entering such occupations, and lists of offerings at institutions of higher education that offer such programs.

2. The average cost of institutions of higher education, set out by type of institution.

3. The federal and state scholarship, merit, and need-based aid programs available to students for attending institutions of higher education.

4. To the extent available from the Council or other entities or sources, the average monthly student loan payment and the average total amount of student loans for individuals who attend institutions of higher education, with such information distinguished by type of institution, to the extent that the Department and the Council can determine such information.

5. To the extent available from the Council or other entities or sources, the average student loan default rate for students who attend institutions of higher education, to the extent that the Department and the Council can determine such information.

6. To the extent available from the Council or other entities or sources, information relating to the availability of paid internship and externship opportunities for students attending institutions of higher education with such information distinguished by major or area of study.

7. The average time that it takes to complete degrees offered by institutions of higher education.

8. Median annual wages for individuals who graduate from institutions of higher education, distinguished by degree level.

9. To the extent available from the Council or other entities or sources, the average starting salary for individuals who complete career and technical education programs in the Commonwealth.

10. The contact information for each institution of higher education.

11. To the extent available from the Council or other entities or sources, information regarding the degree to which any institutions of higher education that accept public funding align their curricula or programs with the state job market, including the degree to which they contribute to filling the most in-demand jobs in the Commonwealth. The information in this subdivision shall also be included in the annual report sent to the General Assembly described in this subsection.

12. Any other information that the Department or the Council deem appropriate to assist high school students in weighing the costs and benefits of post-high-school training and education.

§ 23.1-203. Duties of Council.

The Council shall:

1. Develop a statewide strategic plan that (i) reflects the goals set forth in subsection A of § 23.1-1002 or (ii) once adopted, reflects the goals and objectives developed pursuant to subdivision B 5 of § 23.1-309 for higher education in the Commonwealth, identifies a coordinated approach to such state and regional goals, and emphasizes the future needs for higher education in the Commonwealth at both the undergraduate and the graduate levels and the mission, programs, facilities, and location of each of the existing institutions of higher education, each public institution's six-year plan, and such other matters as the Council deems appropriate. The Council shall revise such plan at least once every six years and shall submit such recommendations as are necessary for the implementation of the plan to the Governor and the General Assembly.

2. Review and approve or disapprove any proposed change in the statement of mission of any public institution of higher education and define the mission of all newly created public institutions of higher education. The Council shall report such approvals, disapprovals, and definitions to the Governor and the General Assembly at least once every six years. No such actions shall become effective until 30 days after adjournment of the session of the General Assembly next following the filing of such a report. Nothing in this subdivision shall be construed to authorize the Council to modify any mission statement adopted by the General Assembly or empower the Council to affect, either directly or indirectly, the selection of faculty or the standards and criteria for admission of any public institution of higher education, whether relating to academic standards, residence, or other criteria. Faculty selection and student admission policies shall remain a function of the individual public institutions of higher education.

3. Study any proposed escalation of any public institution of higher education to a degree-granting level higher than that level to which it is presently restricted and submit a report and recommendation to the Governor and the General Assembly relating to the proposal. The study shall include the need for and benefits or detriments to be derived from the escalation. No such institution shall implement any such proposed escalation until the Council's report and recommendation have been submitted to the General Assembly and the General Assembly approves the institution's proposal.

4. Review and approve or disapprove all enrollment projections proposed by each public institution of higher education. The Council's projections shall be organized numerically by level of enrollment and shall be used solely for budgetary, fiscal, and strategic planning purposes. The Council shall develop estimates of the number of degrees to be awarded by each public institution of higher education and include those estimates in its reports of enrollment projections. The student admissions policies for such institutions and their specific programs shall remain the sole responsibility of the individual governing boards but all baccalaureate public institutions of higher education shall adopt dual admissions policies with comprehensive community colleges as required by § 23.1-907.

5. Review and approve or disapprove all new undergraduate or graduate academic programs that any public institution of higher education proposes.

6. Review and require the discontinuance of any undergraduate or graduate academic program that is presently offered by any public institution of higher education when the Council determines that such academic program is (i) nonproductive in terms of the number of degrees granted, the number of students served by the program, the program's effectiveness, and budgetary considerations or (ii) supported by state funds and unnecessarily duplicative of academic programs offered at other public institutions of higher education. The Council shall make a report to the Governor and the General Assembly with respect to the discontinuance of any such academic program. No such discontinuance shall become effective until 30 days after the adjournment of the session of the General Assembly next following the filing of such report.

7. Review and approve or disapprove the establishment of any department, school, college, branch, division, or extension of any public institution of higher education that such institution proposes to establish, whether located on or off the main campus of such institution. If any organizational change is determined by the Council to be proposed solely for the purpose of internal management and the institution's curricular offerings remain constant, the Council shall approve the proposed change. Nothing in this subdivision shall be construed to authorize the Council to disapprove the establishment of any such department, school, college, branch, division, or extension established by the General Assembly.

8. Review the proposed closure of any academic program in a high demand or critical shortage area, as defined by the Council, by any public institution of higher education and assist in the development of an orderly closure plan, when needed.

9. Develop a uniform, comprehensive data information system designed to gather all information necessary to the performance of the Council's duties. The system shall include information on admissions, enrollment, self-identified students with documented disabilities, personnel, programs, financing, space inventory, facilities, and such other areas as the Council deems appropriate. When consistent with the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.), the Virginia Unemployment Compensation Act (§ 60.2-100 et seq.), and applicable federal law, the Council, acting solely or in partnership with the Virginia Department of Education or the Virginia Employment Commission, may contract with private entities to create de-identified student records in which all personally identifiable information has been removed for the purpose of assessing the performance of institutions and specific programs relative to the workforce needs of the Commonwealth.

10. In cooperation with public institutions of higher education, develop guidelines for the assessment of student achievement. Each such institution shall use an approved program that complies with the guidelines of the Council and is consistent with the institution's mission and educational objectives in the development of such assessment. The Council shall report each institution's assessment of student achievement in the revisions to the Commonwealth's statewide strategic plan for higher education.

11. In cooperation with the appropriate state financial and accounting officials, develop and establish uniform standards and systems of accounting, recordkeeping, and statistical reporting for public institutions of higher education.

12. Review biennially and approve or disapprove all changes in the inventory of educational and general space that any public institution of higher education proposes and report such approvals and disapprovals to the Governor and the General Assembly. No such change shall become effective until 30 days after the adjournment of the session of the General Assembly next following the filing of such report.

13. Visit and study the operations of each public institution of higher education at such times as the Council deems appropriate and conduct such other studies in the field of higher education as the Council deems appropriate or as may be requested by the Governor or the General Assembly.

14. Provide advisory services to each accredited nonprofit private institution of higher education whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education on academic, administrative, financial, and space utilization matters. The Council may review and advise on joint activities, including contracts for services between public institutions of higher education and such private institutions of higher education or between such private institutions of higher education and any agency or political subdivision of the Commonwealth.

15. Adopt such policies and regulations as the Council deems necessary to implement its duties established by state law. Each public institution of higher education shall comply with such policies and regulations.

16. Issue guidelines consistent with the provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g), requiring public institutions of higher education to release a student's academic and disciplinary record to a student's parent.

17. Require each institution of higher education formed, chartered, or established in the Commonwealth after July 1, 1980, to ensure the preservation of student transcripts in the event of institutional closure or revocation of approval to operate in the Commonwealth. An institution may ensure the preservation of student transcripts by binding agreement with another institution of higher education with which it is not corporately connected or in such other way as the Council may authorize by regulation. In the event that an institution closes or has its approval to operate in the Commonwealth revoked, the Council, through its director, may take such action as is necessary to secure and preserve the student transcripts until such time as an appropriate institution accepts all or some of the transcripts. Nothing in this subdivision shall be deemed to interfere with the right of a student to his own transcripts or authorize disclosure of student records except as may otherwise be authorized by law.

18. Require the development and submission of articulation, dual admissions, and guaranteed admissions agreements between associate-degree-granting and baccalaureate public institutions of higher education.

19. Provide periodic updates of base adequacy funding guidelines adopted by the Joint Subcommittee Studying Higher Education Funding Policies for each public institution of higher education.

20. Develop, pursuant to the provisions of § 23.1-907, guidelines for articulation, dual admissions, and guaranteed admissions agreements, including guidelines related to a one-year Uniform Certificate of General Studies Program and a one-semester Passport Program to be offered at each comprehensive community college. The guidelines developed pursuant to this subdivision shall be developed in consultation with all public institutions of higher education in the Commonwealth, the Department of Education, and the Virginia Association of School Superintendents and shall ensure standardization, quality, and transparency in the implementation of the programs and agreements. At the discretion of the Council, private institutions of higher education eligible for tuition assistance grants may also be consulted.

21. Cooperate with the Board of Education in matters of interest to both public elementary and secondary schools and public institutions of higher education, particularly in connection with coordination of the college admission requirements, coordination of teacher training programs with the public school programs, and the Board of Education's Six-Year Educational Technology Plan for Virginia. The Council shall encourage public institutions of higher education to design programs that include the skills necessary for the successful implementation of such Plan.

22. Advise and provide technical assistance to the Brown v. Board of Education Scholarship Committee in the implementation and administration of the Brown v. Board of Education Scholarship Program pursuant to Chapter 34.1 (§ 30-231.01 et seq.) of Title 30.

23. Insofar as possible, seek the cooperation and utilize the facilities of existing state departments, institutions, and agencies in carrying out its duties.

24. Serve as the coordinating council for public institutions of higher education.

25. Serve as the planning and coordinating agency for all postsecondary educational programs for all health professions and occupations and make recommendations, including those relating to financing, for providing adequate and coordinated educational programs to produce an appropriate supply of properly trained personnel. The Council may conduct such studies as it deems appropriate in furtherance of the requirements of this subdivision. All state departments and agencies shall cooperate with the Council in the execution of its responsibilities under this subdivision.

26. Carry out such duties as the Governor may assign to it in response to agency designations requested by the federal government.

27. Insofar as practicable, preserve the individuality, traditions, and sense of responsibility of each public institution of higher education in carrying out its duties.

28. Insofar as practicable, seek the assistance and advice of each public institution of higher education in fulfilling its duties and responsibilities.

29. Administer the Virginia Longitudinal Data System as a multiagency partnership for the purposes of developing educational, health, social service, and employment outcome data; improving the efficacy of state services; and aiding decision making.

30. *Assist the Department of Education with collecting and compiling information for distribution to high school students that assist such students in making more informed decisions about post-high-school educational and training opportunities pursuant to § 22.1-206.1.*

CHAPTER 344

An Act to amend and reenact § 23.1-203 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-206.1, relating to Department of Education; State Council of Higher Education for Virginia; instruction concerning post-graduate opportunities for high school students.

[S 738]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-203 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-206.1 as follows:

§ 22.1-206.1. Instruction concerning post-graduate opportunities for high school students.

A. As used in this section, "institution of higher education" means each public institution of higher education and each private institution of higher education, as those terms are defined in § 23.1-100.

B. The Department shall collect and distribute to school boards and publicly post on its website information that assists high school students in making more informed decisions about their futures after graduating from high school and in doing so ensure that such students are aware of the costs and benefits of different educational and certificate programs. The Department shall annually collect and compile such information in consultation with the State Council of Higher Education for Virginia (the Council) and any other entity that can assist the Department with collecting and compiling such information and shall update its distribution materials accordingly each year. The Department shall post and distribute the information to school boards, with any relevant updates, no later than October 1 each year, and shall provide an annual update to the General Assembly on how such information was distributed. Each school board shall ensure that the information is readily available to each high school student and distributed to each high school student who expresses an interest in attending an institution of higher education or completing another training program described in this section. Information to be collected shall include:

1. To the extent available from the Council or other entities or sources, the most in-demand occupations in the Commonwealth, including entry wages and common degree levels required or encouraged for entering such occupations, and lists of offerings at institutions of higher education that offer such programs.

2. The average cost of institutions of higher education, set out by type of institution.

3. The federal and state scholarship, merit, and need-based aid programs available to students for attending institutions of higher education.

4. To the extent available from the Council or other entities or sources, the average monthly student loan payment and the average total amount of student loans for individuals who attend institutions of higher education, with such information distinguished by type of institution, to the extent that the Department and the Council can determine such information.

5. To the extent available from the Council or other entities or sources, the average student loan default rate for students who attend institutions of higher education, to the extent that the Department and the Council can determine such information.

6. To the extent available from the Council or other entities or sources, information relating to the availability of paid internship and externship opportunities for students attending institutions of higher education with such information distinguished by major or area of study.

7. The average time that it takes to complete degrees offered by institutions of higher education.

8. Median annual wages for individuals who graduate from institutions of higher education, distinguished by degree level.

9. To the extent available from the Council or other entities or sources, the average starting salary for individuals who complete career and technical education programs in the Commonwealth.

10. The contact information for each institution of higher education.

11. To the extent available from the Council or other entities or sources, information regarding the degree to which any institutions of higher education that accept public funding align their curricula or programs with the state job market,

including the degree to which they contribute to filling the most in-demand jobs in the Commonwealth. The information in this subdivision shall also be included in the annual report sent to the General Assembly described in this subsection.

12. Any other information that the Department or the Council deem appropriate to assist high school students in weighing the costs and benefits of post-high-school training and education.

§ 23.1-203. Duties of Council.

The Council shall:

1. Develop a statewide strategic plan that (i) reflects the goals set forth in subsection A of § 23.1-1002 or (ii) once adopted, reflects the goals and objectives developed pursuant to subdivision B 5 of § 23.1-309 for higher education in the Commonwealth, identifies a coordinated approach to such state and regional goals, and emphasizes the future needs for higher education in the Commonwealth at both the undergraduate and the graduate levels and the mission, programs, facilities, and location of each of the existing institutions of higher education, each public institution's six-year plan, and such other matters as the Council deems appropriate. The Council shall revise such plan at least once every six years and shall submit such recommendations as are necessary for the implementation of the plan to the Governor and the General Assembly.

2. Review and approve or disapprove any proposed change in the statement of mission of any public institution of higher education and define the mission of all newly created public institutions of higher education. The Council shall report such approvals, disapprovals, and definitions to the Governor and the General Assembly at least once every six years. No such actions shall become effective until 30 days after adjournment of the session of the General Assembly next following the filing of such a report. Nothing in this subdivision shall be construed to authorize the Council to modify any mission statement adopted by the General Assembly or empower the Council to affect, either directly or indirectly, the selection of faculty or the standards and criteria for admission of any public institution of higher education, whether relating to academic standards, residence, or other criteria. Faculty selection and student admission policies shall remain a function of the individual public institutions of higher education.

3. Study any proposed escalation of any public institution of higher education to a degree-granting level higher than that level to which it is presently restricted and submit a report and recommendation to the Governor and the General Assembly relating to the proposal. The study shall include the need for and benefits or detriments to be derived from the escalation. No such institution shall implement any such proposed escalation until the Council's report and recommendation have been submitted to the General Assembly and the General Assembly approves the institution's proposal.

4. Review and approve or disapprove all enrollment projections proposed by each public institution of higher education. The Council's projections shall be organized numerically by level of enrollment and shall be used solely for budgetary, fiscal, and strategic planning purposes. The Council shall develop estimates of the number of degrees to be awarded by each public institution of higher education and include those estimates in its reports of enrollment projections. The student admissions policies for such institutions and their specific programs shall remain the sole responsibility of the individual governing boards but all baccalaureate public institutions of higher education shall adopt dual admissions policies with comprehensive community colleges as required by § 23.1-907.

5. Review and approve or disapprove all new undergraduate or graduate academic programs that any public institution of higher education proposes.

6. Review and require the discontinuance of any undergraduate or graduate academic program that is presently offered by any public institution of higher education when the Council determines that such academic program is (i) nonproductive in terms of the number of degrees granted, the number of students served by the program, the program's effectiveness, and budgetary considerations or (ii) supported by state funds and unnecessarily duplicative of academic programs offered at other public institutions of higher education. The Council shall make a report to the Governor and the General Assembly with respect to the discontinuance of any such academic program. No such discontinuance shall become effective until 30 days after the adjournment of the session of the General Assembly next following the filing of such report.

7. Review and approve or disapprove the establishment of any department, school, college, branch, division, or extension of any public institution of higher education that such institution proposes to establish, whether located on or off the main campus of such institution. If any organizational change is determined by the Council to be proposed solely for the purpose of internal management and the institution's curricular offerings remain constant, the Council shall approve the proposed change. Nothing in this subdivision shall be construed to authorize the Council to disapprove the establishment of any such department, school, college, branch, division, or extension established by the General Assembly.

8. Review the proposed closure of any academic program in a high demand or critical shortage area, as defined by the Council, by any public institution of higher education and assist in the development of an orderly closure plan, when needed.

9. Develop a uniform, comprehensive data information system designed to gather all information necessary to the performance of the Council's duties. The system shall include information on admissions, enrollment, self-identified students with documented disabilities, personnel, programs, financing, space inventory, facilities, and such other areas as the Council deems appropriate. When consistent with the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.), the Virginia Unemployment Compensation Act (§ 60.2-100 et seq.), and applicable federal law, the Council, acting solely or in partnership with the Virginia Department of Education or the Virginia Employment Commission, may contract with private entities to create de-identified student records in which all personally identifiable

information has been removed for the purpose of assessing the performance of institutions and specific programs relative to the workforce needs of the Commonwealth.

10. In cooperation with public institutions of higher education, develop guidelines for the assessment of student achievement. Each such institution shall use an approved program that complies with the guidelines of the Council and is consistent with the institution's mission and educational objectives in the development of such assessment. The Council shall report each institution's assessment of student achievement in the revisions to the Commonwealth's statewide strategic plan for higher education.

11. In cooperation with the appropriate state financial and accounting officials, develop and establish uniform standards and systems of accounting, recordkeeping, and statistical reporting for public institutions of higher education.

12. Review biennially and approve or disapprove all changes in the inventory of educational and general space that any public institution of higher education proposes and report such approvals and disapprovals to the Governor and the General Assembly. No such change shall become effective until 30 days after the adjournment of the session of the General Assembly next following the filing of such report.

13. Visit and study the operations of each public institution of higher education at such times as the Council deems appropriate and conduct such other studies in the field of higher education as the Council deems appropriate or as may be requested by the Governor or the General Assembly.

14. Provide advisory services to each accredited nonprofit private institution of higher education whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education on academic, administrative, financial, and space utilization matters. The Council may review and advise on joint activities, including contracts for services between public institutions of higher education and such private institutions of higher education or between such private institutions of higher education and any agency or political subdivision of the Commonwealth.

15. Adopt such policies and regulations as the Council deems necessary to implement its duties established by state law. Each public institution of higher education shall comply with such policies and regulations.

16. Issue guidelines consistent with the provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g), requiring public institutions of higher education to release a student's academic and disciplinary record to a student's parent.

17. Require each institution of higher education formed, chartered, or established in the Commonwealth after July 1, 1980, to ensure the preservation of student transcripts in the event of institutional closure or revocation of approval to operate in the Commonwealth. An institution may ensure the preservation of student transcripts by binding agreement with another institution of higher education with which it is not corporately connected or in such other way as the Council may authorize by regulation. In the event that an institution closes or has its approval to operate in the Commonwealth revoked, the Council, through its director, may take such action as is necessary to secure and preserve the student transcripts until such time as an appropriate institution accepts all or some of the transcripts. Nothing in this subdivision shall be deemed to interfere with the right of a student to his own transcripts or authorize disclosure of student records except as may otherwise be authorized by law.

18. Require the development and submission of articulation, dual admissions, and guaranteed admissions agreements between associate-degree-granting and baccalaureate public institutions of higher education.

19. Provide periodic updates of base adequacy funding guidelines adopted by the Joint Subcommittee Studying Higher Education Funding Policies for each public institution of higher education.

20. Develop, pursuant to the provisions of § 23.1-907, guidelines for articulation, dual admissions, and guaranteed admissions agreements, including guidelines related to a one-year Uniform Certificate of General Studies Program and a one-semester Passport Program to be offered at each comprehensive community college. The guidelines developed pursuant to this subdivision shall be developed in consultation with all public institutions of higher education in the Commonwealth, the Department of Education, and the Virginia Association of School Superintendents and shall ensure standardization, quality, and transparency in the implementation of the programs and agreements. At the discretion of the Council, private institutions of higher education eligible for tuition assistance grants may also be consulted.

21. Cooperate with the Board of Education in matters of interest to both public elementary and secondary schools and public institutions of higher education, particularly in connection with coordination of the college admission requirements, coordination of teacher training programs with the public school programs, and the Board of Education's Six-Year Educational Technology Plan for Virginia. The Council shall encourage public institutions of higher education to design programs that include the skills necessary for the successful implementation of such Plan.

22. Advise and provide technical assistance to the Brown v. Board of Education Scholarship Committee in the implementation and administration of the Brown v. Board of Education Scholarship Program pursuant to Chapter 34.1 (§ 30-231.01 et seq.) of Title 30.

23. Insofar as possible, seek the cooperation and utilize the facilities of existing state departments, institutions, and agencies in carrying out its duties.

24. Serve as the coordinating council for public institutions of higher education.

25. Serve as the planning and coordinating agency for all postsecondary educational programs for all health professions and occupations and make recommendations, including those relating to financing, for providing adequate and coordinated educational programs to produce an appropriate supply of properly trained personnel. The Council may conduct

such studies as it deems appropriate in furtherance of the requirements of this subdivision. All state departments and agencies shall cooperate with the Council in the execution of its responsibilities under this subdivision.

26. Carry out such duties as the Governor may assign to it in response to agency designations requested by the federal government.

27. Insofar as practicable, preserve the individuality, traditions, and sense of responsibility of each public institution of higher education in carrying out its duties.

28. Insofar as practicable, seek the assistance and advice of each public institution of higher education in fulfilling its duties and responsibilities.

29. Administer the Virginia Longitudinal Data System as a multiagency partnership for the purposes of developing educational, health, social service, and employment outcome data; improving the efficacy of state services; and aiding decision making.

30. *Assist the Department of Education with collecting and compiling information for distribution to high school students that assist such students in making more informed decisions about post-high-school educational and training opportunities pursuant to § 22.1-206.1.*

CHAPTER 345

An Act to amend and reenact § 2.2-231 of the Code of Virginia and to amend the Code of Virginia by adding in Article 11 of Chapter 2 of Title 2.2 a section numbered 2.2-233.1, relating to the Virginia Military Community Infrastructure Grant Program and Fund.

[H 354]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-231 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 11 of Chapter 2 of Title 2.2 a section numbered 2.2-233.1 as follows:

§ 2.2-231. Powers and duties of the Secretary.

Unless the Governor expressly reserves such power to himself, the Secretary shall:

1. Serve as the Governor's liaison for veterans affairs and provide active outreach to the U.S. Department of Veterans Affairs, the veterans service organizations, and the veterans community in Virginia to support and assist Virginia's veterans in identifying and obtaining the services, assistance, and support to which they are entitled.

2. Work with federal officials to obtain additional federal resources and coordinate veterans policy development and information exchange.

3. Work with and through appropriate members of the Governor's Cabinet to coordinate working relationships between state agencies and take all actions necessary to ensure that available federal and state resources are directed toward assisting veterans and addressing all issues of mutual concern to the Commonwealth and the armed forces of the United States, including quality of life issues unique to Virginia's active duty military personnel and their families, the quality of educational opportunities for military children, the future of federal impact aid, preparedness, public safety and security concerns, transportation needs, alcoholic beverage law enforcement, substance abuse, social service needs, possible expansion and growth of military facilities in the Commonwealth, and intergovernmental support agreements with state and local governments under the provisions of 10 U.S.C. § 2336.

4. Educate the public on veterans and defense issues in coordination with applicable state agencies.

5. Serve as chairman of the Virginia Military Advisory Council to establish a working relationship with Virginia's active duty military bases.

6. Monitor and enhance efforts to provide assistance and support for veterans living in Virginia and members of the Virginia National Guard and Virginia residents in the Armed Forces Reserves not in active federal service in the areas of (i) medical care, (ii) mental health and rehabilitative services, (iii) housing, (iv) homelessness prevention, (v) job creation, and (vi) education.

7. Seek additional federal resources to support veterans services.

8. Monitor efforts to provide services to veterans, those members of the Virginia National Guard, and Virginia residents in the Armed Forces Reserves who qualify for veteran status, and their immediate family members, including the dissemination of relevant materials and the rendering of technical or other advice.

9. Serve as the Governor's liaison and provide active outreach to localities of the Commonwealth and veterans support organizations in the development, implementation, and review of local veterans services programs as part of the state program.

10. Serve as the Governor's defense liaison and provide active outreach to the U.S. Department of Defense and the defense establishment in Virginia to support the military installations and activities in the Commonwealth to continue to enhance Virginia's current military-friendly environment, and foster and promote business, technology, transportation, education, economic development, and other efforts in support of the mission, execution, and transformation of the United States government military and national defense activities located in the Commonwealth.

11. Promote the industrial and economic development of localities included in or adjacent to United States government military and other national defense activities and those of the Commonwealth because the success of such activities depends on cooperation between the localities, the Commonwealth, and the United States military and national defense activities.

12. Provide technical assistance and coordination between the Commonwealth, its political subdivisions, and the United States government military and national defense activities located within the Commonwealth.

13. Employ, as needed, consultants, attorneys, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers, and such other employees and agents as may be necessary, and to fix their compensation to be payable from funds made available for that purpose.

14. Receive and accept from any federal or private agency, foundation, corporation, association, or person grants, donations of money, real property, or personal property for the benefit of the Commonwealth and receive and accept from the Commonwealth or any state, any municipality, county, or other political subdivision thereof, and from any other source, aid or contributions of money, property, or other things of value, to be held, used, and applied for the purposes for which such grants and contributions may be made.

15. Receive and accept from any source aid, grants, and contributions of money, property, labor, or other things of value to be held, used, and applied to carry out these requirements subject to the conditions upon which the aid, grants, or contributions are made.

16. Make grants to local governments, state and federal agencies, and private entities with any funds of the Secretary available for such purpose.

17. Take any actions necessary or convenient to the exercise of the powers granted or reasonably implied to this Secretary and not otherwise inconsistent with the law of the Commonwealth.

18. Work with veterans services organizations and counterparts in other states to monitor and encourage the timely and accurate processing of veterans benefit requests by the U.S. Department of Veterans Affairs, including requests for services connected to health care, mental health care, and disability payments.

19. In conjunction with subdivision 6, coordinate with federal, state, local, and private partners to assist homeless veterans in obtaining a state-issued identification card, in order to enable these veterans to access the available federal, state, local, and other resources they need to attain financial stability or address other issues that have adversely affected their lives.

20. *Develop a grant application, procedures, and guidelines for and oversee the implementation and administration of the Virginia Military Community Infrastructure Grant Program and Fund.*

§ 2.2-233.1. Virginia Military Community Infrastructure Grant Program and Fund.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Military Community Infrastructure Grant Fund. The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used, in the sole discretion of the Governor, to provide an annual grant award to eligible military communities in the Commonwealth and carry out the purposes of the Virginia Military Community Infrastructure Grant Program described in subsection B. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Secretary.

B. The Fund shall be used by the Governor to support military communities in the Commonwealth by awarding grants to aid the planning and design, construction, or completion of infrastructure projects that enhance military readiness, installation resiliency, or quality of life for military communities. Any such project shall be clearly defined, shall include a measurable outcome in support of the task force mission of protecting military installations in the Commonwealth, and shall typically be completed within two years of contracting.

C. The Secretary shall develop guidance and criteria to be used in awarding grants under the Program, and an annual grant application, which shall include, at a minimum, requirements for the grantee to:

- 1. Report expenditures each quarter;*
- 2. Retain all invoices, bills, receipts, canceled checks, proof of payment, and similar documentation to substantiate expenditures of grant funding;*
- 3. Provide a 50 percent cash match from nonstate funds; and*
- 4. Return excess state grant funding within 30 days after the term of the grant expires.*

D. Prior to the distribution of any funds, any grantee seeking funding pursuant to this section shall submit a grant application to the Secretary for consideration. The Commonwealth shall have the right to make inspections and copies of the books and records of a grantee at any time. A grantee shall undergo an audit for the grant period and provide a copy of the audit report to the Secretary.

E. As used in this section:

"Fund" means the Virginia Military Community Infrastructure Grant Fund created pursuant to this section.

"Infrastructure" means any project that will (i) preserve, protect, and enhance military installations; (ii) support the state's position in research and development related to or arising out of military missions and contracting; and (iii) improve

the military-friendly environment for service members, military dependents, military retirees, and businesses that bring military-related and base-related jobs to the Commonwealth.

"Military community" means any locality that can demonstrate that more than five percent of the community's economy is derived from military funding.

"Program" means the Virginia Military Community Infrastructure Grant Program created pursuant to this section.

CHAPTER 346

An Act to amend and reenact § 2.2-231 of the Code of Virginia and to amend the Code of Virginia by adding in Article 11 of Chapter 2 of Title 2.2 a section numbered 2.2-233.1, relating to the Virginia Military Community Infrastructure Grant Program and Fund.

[S 315]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-231 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 11 of Chapter 2 of Title 2.2 a section numbered 2.2-233.1 as follows:

§ 2.2-231. Powers and duties of the Secretary.

Unless the Governor expressly reserves such power to himself, the Secretary shall:

1. Serve as the Governor's liaison for veterans affairs and provide active outreach to the U.S. Department of Veterans Affairs, the veterans service organizations, and the veterans community in Virginia to support and assist Virginia's veterans in identifying and obtaining the services, assistance, and support to which they are entitled.

2. Work with federal officials to obtain additional federal resources and coordinate veterans policy development and information exchange.

3. Work with and through appropriate members of the Governor's Cabinet to coordinate working relationships between state agencies and take all actions necessary to ensure that available federal and state resources are directed toward assisting veterans and addressing all issues of mutual concern to the Commonwealth and the armed forces of the United States, including quality of life issues unique to Virginia's active duty military personnel and their families, the quality of educational opportunities for military children, the future of federal impact aid, preparedness, public safety and security concerns, transportation needs, alcoholic beverage law enforcement, substance abuse, social service needs, possible expansion and growth of military facilities in the Commonwealth, and intergovernmental support agreements with state and local governments under the provisions of 10 U.S.C. § 2336.

4. Educate the public on veterans and defense issues in coordination with applicable state agencies.

5. Serve as chairman of the Virginia Military Advisory Council to establish a working relationship with Virginia's active duty military bases.

6. Monitor and enhance efforts to provide assistance and support for veterans living in Virginia and members of the Virginia National Guard and Virginia residents in the Armed Forces Reserves not in active federal service in the areas of (i) medical care, (ii) mental health and rehabilitative services, (iii) housing, (iv) homelessness prevention, (v) job creation, and (vi) education.

7. Seek additional federal resources to support veterans services.

8. Monitor efforts to provide services to veterans, those members of the Virginia National Guard, and Virginia residents in the Armed Forces Reserves who qualify for veteran status, and their immediate family members, including the dissemination of relevant materials and the rendering of technical or other advice.

9. Serve as the Governor's liaison and provide active outreach to localities of the Commonwealth and veterans support organizations in the development, implementation, and review of local veterans services programs as part of the state program.

10. Serve as the Governor's defense liaison and provide active outreach to the U.S. Department of Defense and the defense establishment in Virginia to support the military installations and activities in the Commonwealth to continue to enhance Virginia's current military-friendly environment, and foster and promote business, technology, transportation, education, economic development, and other efforts in support of the mission, execution, and transformation of the United States government military and national defense activities located in the Commonwealth.

11. Promote the industrial and economic development of localities included in or adjacent to United States government military and other national defense activities and those of the Commonwealth because the success of such activities depends on cooperation between the localities, the Commonwealth, and the United States military and national defense activities.

12. Provide technical assistance and coordination between the Commonwealth, its political subdivisions, and the United States government military and national defense activities located within the Commonwealth.

13. Employ, as needed, consultants, attorneys, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers, and such other employees and agents as may be necessary, and to fix their compensation to be payable from funds made available for that purpose.

14. Receive and accept from any federal or private agency, foundation, corporation, association, or person grants, donations of money, real property, or personal property for the benefit of the Commonwealth and receive and accept from

the Commonwealth or any state, any municipality, county, or other political subdivision thereof, and from any other source, aid or contributions of money, property, or other things of value, to be held, used, and applied for the purposes for which such grants and contributions may be made.

15. Receive and accept from any source aid, grants, and contributions of money, property, labor, or other things of value to be held, used, and applied to carry out these requirements subject to the conditions upon which the aid, grants, or contributions are made.

16. Make grants to local governments, state and federal agencies, and private entities with any funds of the Secretary available for such purpose.

17. Take any actions necessary or convenient to the exercise of the powers granted or reasonably implied to this Secretary and not otherwise inconsistent with the law of the Commonwealth.

18. Work with veterans services organizations and counterparts in other states to monitor and encourage the timely and accurate processing of veterans benefit requests by the U.S. Department of Veterans Affairs, including requests for services connected to health care, mental health care, and disability payments.

19. In conjunction with subdivision 6, coordinate with federal, state, local, and private partners to assist homeless veterans in obtaining a state-issued identification card, in order to enable these veterans to access the available federal, state, local, and other resources they need to attain financial stability or address other issues that have adversely affected their lives.

20. Develop a grant application, procedures, and guidelines for and oversee the implementation and administration of the Virginia Military Community Infrastructure Grant Program and Fund.

§ 2.2-233.1. Virginia Military Community Infrastructure Grant Program and Fund.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Military Community Infrastructure Grant Fund. The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used, in the sole discretion of the Governor, to provide an annual grant award to eligible military communities in the Commonwealth and carry out the purposes of the Virginia Military Community Infrastructure Grant Program described in subsection B. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Secretary.

B. The Fund shall be used by the Governor to support military communities in the Commonwealth by awarding grants to aid the planning and design, construction, or completion of infrastructure projects that enhance military readiness, installation resiliency, or quality of life for military communities. Any such project shall be clearly defined, shall include a measurable outcome in support of the task force mission of protecting military installations in the Commonwealth, and shall typically be completed within two years of contracting.

C. The Secretary shall develop guidance and criteria to be used in awarding grants under the Program, and an annual grant application, which shall include, at a minimum, requirements for the grantee to:

1. Report expenditures each quarter;
2. Retain all invoices, bills, receipts, canceled checks, proof of payment, and similar documentation to substantiate expenditures of grant funding;
3. Provide a 50 percent cash match from nonstate funds; and
4. Return excess state grant funding within 30 days after the term of the grant expires.

D. Prior to the distribution of any funds, any grantee seeking funding pursuant to this section shall submit a grant application to the Secretary for consideration. The Commonwealth shall have the right to make inspections and copies of the books and records of a grantee at any time. A grantee shall undergo an audit for the grant period and provide a copy of the audit report to the Secretary.

E. As used in this section:

"Fund" means the Virginia Military Community Infrastructure Grant Fund created pursuant to this section.

"Infrastructure" means any project that will (i) preserve, protect, and enhance military installations; (ii) support the state's position in research and development related to or arising out of military missions and contracting; and (iii) improve the military-friendly environment for service members, military dependents, military retirees, and businesses that bring military-related and base-related jobs to the Commonwealth.

"Military community" means any locality that can demonstrate that more than five percent of the community's economy is derived from military funding.

"Program" means the Virginia Military Community Infrastructure Grant Program created pursuant to this section.

CHAPTER 347

An Act to amend and reenact § 15.2-2159 of the Code of Virginia, relating to fee for solid waste disposal; Bath County.

Approved April 11, 2022

[H 32]

Be it enacted by the General Assembly of Virginia:**1. That § 15.2-2159 of the Code of Virginia is amended and reenacted as follows:****§ 15.2-2159. Fee for solid waste disposal by counties.**

A. Accomack, Augusta, Buckingham, Floyd, Highland, Pittsylvania, Russell, and Wise Counties may by ordinance, and after a public hearing, levy a fee for the disposal of solid waste not to exceed the actual cost incurred by the county in procuring, developing, maintaining, and improving the landfill and for such reserves as may be necessary for capping and closing such landfill in the future. *Bath*, Buckingham, Russell, and Southampton Counties may by ordinance, and after a public hearing, levy a fee for the management of solid waste not to exceed the actual cost incurred by the county in removing and disposing of solid waste. Such fee as collected shall be deposited in a special account to be expended only for the purposes for which it was levied. Except in Floyd, Pittsylvania, Russell, Southampton, and Wise Counties, such fee shall not be used to purchase or subsidize the purchase of equipment used for the collection of solid waste. In Augusta, Highland, Pittsylvania, and Southampton Counties, such fee (i) may only be levied upon persons whose residential solid waste is disposed of at a county landfill or county solid waste collection or disposal facility and (ii) shall not be levied upon persons whose residential waste is not disposed of in such landfill or facility if such nondisposal is documented by the collector or generator of such waste as required by ordinance of such county. Documentation provided by a collector of such waste pursuant to clause (ii) shall not be disclosed by the county to any other person.

B. Any fee imposed by subsection A when combined with any other fee or charge for disposal of waste shall not exceed the actual cost incurred by the county in procuring, developing, maintaining, and improving its landfill and for such reserves as may be necessary for capping and closing such landfill in the future or, in the case of Southampton County, such fee shall not exceed the costs and fees expended by the county in removing and disposing of solid waste.

C. Any county which imposes the fee allowed under subsection A may enter into a contractual agreement with any water or heat, light, and power company or other corporation coming within the provisions of Chapter 26 (§ 58.1-2600 et seq.) of Title 58.1 except Appalachian Power Company and any cooperative formed under or subject to Article 1 (§ 56-231.15 et seq.) of Chapter 9.1 of Title 56 for the collection of such fee. The agreement may include a commission for such service in the form of a deduction from the fee remitted. The commission shall be provided for by ordinance, which shall set the rate not to exceed five percent of the amount of fees due and collected.

D. Accomack, *Bath*, Buckingham, Highland, Pittsylvania, Russell, Southampton, and Wise Counties have the following authority regarding collection of said fee:

1. To prorate said fee depending upon the period a resident or business is located in said county during the year of fee levy;
2. To levy penalty for late payment of fee as set forth in § 58.1-3916 of the Code of Virginia;
3. To levy interest on unpaid fees as set forth in § 58.1-3916 of the Code of Virginia;
4. To credit the fee first against the most delinquent use fee account owing;
5. To require payment of the fee prior to approval of an application for rezoning, special exception, variance, or other land use permit; and
6. To provide discounts to the standard fee rates for older persons, as defined in § 51.5-135, and disabled persons based on ability to pay.

E. Pittsylvania and Southampton Counties may by ordinance provide an exemption from the fee for the disposal of solid waste to any veteran who has been rated by the U.S. Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100 percent service-connected, permanent, and total disability in accordance with the standards set forth in § 58.1-3219.5.

CHAPTER 348

An Act to amend and reenact § 15.2-2159 of the Code of Virginia, relating to fee for solid waste disposal; Bath County.

[S 294]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 15.2-2159 of the Code of Virginia is amended and reenacted as follows:****§ 15.2-2159. Fee for solid waste disposal by counties.**

A. Accomack, Augusta, Buckingham, Floyd, Highland, Pittsylvania, Russell, and Wise Counties may by ordinance, and after a public hearing, levy a fee for the disposal of solid waste not to exceed the actual cost incurred by the county in procuring, developing, maintaining, and improving the landfill and for such reserves as may be necessary for capping and closing such landfill in the future. *Bath*, Buckingham, Russell, and Southampton Counties may by ordinance, and after a public hearing, levy a fee for the management of solid waste not to exceed the actual cost incurred by the county in removing and disposing of solid waste. Such fee as collected shall be deposited in a special account to be expended only for the purposes for which it was levied. Except in Floyd, Pittsylvania, Russell, Southampton, and Wise Counties, such fee shall not be used to purchase or subsidize the purchase of equipment used for the collection of solid waste. In Augusta, Highland, Pittsylvania, and Southampton Counties, such fee (i) may only be levied upon persons whose residential solid waste is disposed of at a county landfill or county solid waste collection or disposal facility and (ii) shall not be levied upon persons

whose residential waste is not disposed of in such landfill or facility if such nondisposal is documented by the collector or generator of such waste as required by ordinance of such county. Documentation provided by a collector of such waste pursuant to clause (ii) shall not be disclosed by the county to any other person.

B. Any fee imposed by subsection A when combined with any other fee or charge for disposal of waste shall not exceed the actual cost incurred by the county in procuring, developing, maintaining, and improving its landfill and for such reserves as may be necessary for capping and closing such landfill in the future or, in the case of Southampton County, such fee shall not exceed the costs and fees expended by the county in removing and disposing of solid waste.

C. Any county which imposes the fee allowed under subsection A may enter into a contractual agreement with any water or heat, light, and power company or other corporation coming within the provisions of Chapter 26 (§ 58.1-2600 et seq.) of Title 58.1 except Appalachian Power Company and any cooperative formed under or subject to Article 1 (§ 56-231.15 et seq.) of Chapter 9.1 of Title 56 for the collection of such fee. The agreement may include a commission for such service in the form of a deduction from the fee remitted. The commission shall be provided for by ordinance, which shall set the rate not to exceed five percent of the amount of fees due and collected.

D. Accomack, Bath, Buckingham, Highland, Pittsylvania, Russell, Southampton, and Wise Counties have the following authority regarding collection of said fee:

1. To prorate said fee depending upon the period a resident or business is located in said county during the year of fee levy;

2. To levy penalty for late payment of fee as set forth in § 58.1-3916 of the Code of Virginia;

3. To levy interest on unpaid fees as set forth in § 58.1-3916 of the Code of Virginia;

4. To credit the fee first against the most delinquent use fee account owing;

5. To require payment of the fee prior to approval of an application for rezoning, special exception, variance, or other land use permit; and

6. To provide discounts to the standard fee rates for older persons, as defined in § 51.5-135, and disabled persons based on ability to pay.

E. Pittsylvania and Southampton Counties may by ordinance provide an exemption from the fee for the disposal of solid waste to any veteran who has been rated by the U.S. Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100 percent service-connected, permanent, and total disability in accordance with the standards set forth in § 58.1-3219.5.

CHAPTER 349

An Act to amend and reenact § 38.2-3521.1 of the Code of Virginia, relating to health insurance; association health plan for real estate salespersons.

[H 768]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-3521.1 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-3521.1. Group accident and sickness insurance definitions.

Except as provided in § 38.2-3522.1, no policy of group accident and sickness insurance shall be delivered in this Commonwealth unless it conforms to one of the following descriptions:

A. A policy issued to an employer, or to the trustees of a fund established by an employer, which employer or trustees shall be deemed the policyholder, to insure employees of the employer for the benefit of persons other than the employer, subject to the following requirements:

1. The employees eligible for insurance under the policy shall be all of the employees of the employer, or all of any class or classes thereof. The policy may provide that the term "employees" shall include the employees of one or more subsidiary corporations, and the employees, individual proprietors, and partners of one or more affiliated corporations, proprietorships or partnerships if the business of the employer and of such affiliated corporations, proprietorships or partnerships is under common control. The policy may provide that the term "employees" shall include retired employees, former employees and directors of a corporate employer. A policy issued to insure the employees of a public body may provide that the term "employees" shall include elected or appointed officials.

2. The premium for the policy shall be paid either from the employer's funds or from funds contributed by the insured employees, or from both. Except as provided in subdivision 3 of this subsection, a policy on which no part of the premium is to be derived from funds contributed by the insured employees must insure all eligible employees, except those who reject such coverage in writing.

3. An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer, except as otherwise prohibited in this title.

B. A policy ~~which~~ *that* is:

1. Not subject to Chapter 37.1 (§ 38.2-3727 et seq.) ~~of this title;~~ and

2. Issued to a creditor or its parent holding company or to a trustee or trustees or agent designated by two or more creditors, which creditor, holding company, affiliate, trustee, trustees or agent shall be deemed the policyholder, to insure debtors of the creditor or creditors with respect to their indebtedness, subject to the following requirements:

a. The debtors eligible for insurance under the policy shall be all of the debtors of the creditor or creditors, or all of any class or classes thereof. The policy may provide that the term "debtors" shall include:

(1) Borrowers of money or purchasers or lessees of goods, services, or property for which payment is arranged through a credit transaction;

(2) The debtors of one or more subsidiary corporations; and

(3) The debtors of one or more affiliated corporations, proprietorships or partnerships if the business of the policyholder and of such affiliated corporations, proprietorships or partnerships is under common control.

b. The premium for the policy shall be paid either from the creditor's funds, or from charges collected from the insured debtors, or from both. Except as provided in subdivision 3 of this subsection, a policy on which no part of the premium is to be derived from funds contributed by insured debtors specifically for their insurance must insure all eligible debtors.

3. An insurer may exclude any debtors as to whom evidence of individual insurability is not satisfactory to the insurer.

4. The total amount of insurance payable with respect to an indebtedness shall not exceed the greater of the scheduled or actual amount of unpaid indebtedness to the creditor. The insurer may exclude any payments which that are delinquent on the date the debtor becomes disabled as defined in the policy.

5. The insurance may be payable to the creditor or any successor to the right, title, and interest of the creditor. Such payment or payments shall reduce or extinguish the unpaid indebtedness of the debtor to the extent of each such payment and any excess of the insurance shall be payable to the insured or the estate of the insured.

6. Notwithstanding the preceding provisions of this section, insurance on agricultural credit transaction commitments may be written up to the amount of the loan commitment. Insurance on educational credit transaction commitments may be written up to the amount of the loan commitment less the amount of any repayments made on the loan.

C. A policy issued to a labor union, or similar employee organization, which labor union or organization shall be deemed to be the policyholder, to insure members of such union or organization for the benefit of persons other than the union or organization or any of its officials, representatives, or agents, subject to the following requirements:

1. The members eligible for insurance under the policy shall be all of the members of the union or organization, or all of any class or classes thereof.

2. The premium for the policy shall be paid from either from funds of the union or organization, or from funds contributed by the insured members specifically for their insurance, or from both. Except as provided in subdivision 3 of this subsection, a policy on which no part of the premium is to be derived from funds contributed by the insured members specifically for their insurance must insure all eligible members, except those who reject such coverage in writing.

3. An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer, except as otherwise prohibited in this title.

D. A policy issued (i) to or for a multiple employer welfare arrangement, a rural electric cooperative, or a rural electric telephone cooperative as these terms are defined in 29 U.S.C. § 1002, or (ii) to a trust, or to the trustees of a fund, established or adopted by or for two or more employers, or by one or more labor unions of similar employee organizations, or by one or more employers and one or more labor unions or similar employee organizations, which trust or trustees shall be deemed the policyholder, to insure employees of the employers or members of the unions or organizations for the benefit of persons other than the employers or the unions or organizations, subject to the following requirements:

1. The persons eligible for insurance shall be all of the employees of the employers or all of the members of the unions or organizations, or all of any class or classes thereof. The policy may provide that the term "employee" shall include the employees of one or more subsidiary corporations, and the employees, individual proprietors, and partners of one or more affiliated corporations, proprietorships or partnerships if the business of the employer and of such affiliated corporations, proprietorships or partnerships is under common control. The policy may provide that the term "employees" shall include retired employees, former employees and directors of a corporate employer. The policy may provide that the term "employees" shall include the trustees or their employees, or both, if their duties are principally connected with such trusteeship.

2. The premium for the policy shall be paid from funds contributed by the employer or employers of the insured persons, or by the union or unions or similar employee organizations, or by both, or from funds contributed by the insured persons or from both the insured persons and the employers or unions or similar employee organizations. Except as provided in subdivision 3 of this subsection, a policy on which no part of the premium is to be derived from funds contributed by the insured persons specifically for their insurance must insure all eligible persons, except those who reject such coverage in writing.

3. An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer, except as otherwise prohibited in this title.

E. 1. A policy issued to an association or to a trust or to the trustees of a fund established, created, or maintained for the benefit of members of one or more associations which association or trust shall be deemed the policyholder. The association or associations shall:

a. Have at the outset a minimum of 100 persons;

b. Have been organized and maintained in good faith for purposes other than that of obtaining insurance;

c. Have been in active existence for at least five years;
d. Have a constitution and bylaws which provide that (i) the association or associations hold regular meetings not less than annually to further purposes of the members, (ii) except for credit unions, the association or associations collect dues or solicit contributions from members, and (iii) the members have voting privileges and representation on the governing board and committees;

e. Does not condition membership in the association on any health status-related factor relating to an individual (including an employee of an employer or a dependent of an employee);

f. Makes health insurance coverage offered through the association available to all members regardless of any health status-related factor relating to such members (or individuals eligible for coverage through a member);

g. Does not make health insurance coverage offered through the association available other than in connection with a member of the association; and

h. Meets such additional requirements as may be imposed under the laws of this Commonwealth.

2. The policy shall be subject to the following requirements:

a. The policy may insure members of such association or associations, employees thereof or employees of members, or one or more of the preceding or all of any class or classes thereof for the benefit of persons other than the employee's employer.

b. The premium for the policy shall be paid from funds contributed by the association or associations, or by employer members, or by both, or from funds contributed by the covered persons or from both the covered persons and the association, associations, or employer members.

3. Except as provided in subdivision 4 of this subsection, a policy on which no part of the premium is to be derived from funds contributed by the covered persons specifically for their insurance must insure all eligible persons, except those who reject such coverage in writing.

4. An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer, except as otherwise prohibited in this title.

F. A policy issued to a credit union or to a trustee or trustees or agent designated by two or more credit unions, which credit union, trustee, trustees, or agent shall be deemed the policyholder, to insure members of such credit union or credit unions for the benefit of persons other than the credit union or credit unions, trustee or trustees, or agent or any of their officials, subject to the following requirements:

1. The members eligible for insurance shall be all of the members of the credit union or credit unions, or all of any class or classes thereof.

2. The premium for the policy shall be paid by the policyholder from the credit union's funds and, except as provided in subdivision 3 of this subsection, must insure all eligible members.

3. An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer.

G. *Notwithstanding the provisions of subsection J, a policy issued to an association of real estate salespersons, as defined in § 54.1-2101, which association shall be deemed the policyholder, to insure members of such association, subject to the following requirements:*

1. *All of the members of such association shall be eligible for coverage. Members shall include (i) an employer member with at least one employee that is domiciled in the Commonwealth or (ii) a self-employed individual who (a) has an ownership right in a "trade or business," regardless of whether the trade or business is incorporated or unincorporated, (b) earns wages or self-employment income from the trade or business, and (c) works at least 20 hours a week or 80 hours a month providing personal services to the trade or business or earns income from the trade or business that at least equals the self-employed individual's cost of the health coverage.*

2. *The association shall (i) have at the outset a minimum of 25,000 members, (ii) have been organized and maintained in good faith for purposes other than that of obtaining insurance, (iii) have been in active existence for at least five years, and (iv) have a constitution and bylaws that provide that (a) the association hold regular meetings not less than annually to further purposes of the members, (b) the association collects dues or solicits contributions from members, and (c) the members have voting privileges and representation on the governing board and committees.*

3. *In no case shall membership in the association be conditioned on any health status-related factor relating to an individual, including an employee of an employer or a dependent of an employee.*

4. *The health insurance coverage offered through the association shall be available to all members regardless of any health status-related factor relating to such members or individuals eligible for coverage through a member.*

5. *The association shall not make health insurance coverage offered through the association available other than in connection with a member of the association.*

6. *The premium for the policy shall be paid from funds contributed by the association or by employer members, or by both, or from funds contributed by the covered persons or from both the covered persons and the association or employer members.*

7. *The policy issued to such an association shall (i) be considered a large group market plan subject to all coverage mandates applicable to a large group market plan offered in the Commonwealth and the large group market insurance regulations under the federal Public Health Service Act, P.L. 78-410, as amended; (ii) be subject to the group health plan coverage requirements under the federal Patient Protection and Affordable Care Act, P.L. 111-148, as amended; (iii) be*

prohibited from denying coverage under the policy on the basis of a preexisting condition as set forth in § 38.2-3444; (iv) be guaranteed issue and guaranteed renewable; (v) notwithstanding the provisions of subsection A of § 38.2-3451 providing that a large group market plan is not required to provide coverage for essential health benefits in a manner that exceeds the requirements of the federal Patient Protection and Affordable Care Act, P.L. 111-148, as amended, as of January 1, 2019, be subject to the requirements to provide essential health benefits and cost-sharing requirements as set forth in § 38.2-3451; and (vi) offer a minimum level of coverage designed to provide benefits that are actuarially equivalent to 60 percent of the full actuarial value of the benefits provided under the plan.

8. The insurer issuing such a policy shall (i) treat all of the members and employees of employer members who are enrolled in coverage under the policy as a single risk pool; (ii) set premiums on the basis of all of the collective group experience of the members and employees of employer members who are enrolled in coverage under the policy; (iii) be permitted to vary premiums by age, but such rate shall not vary by more than four to one for adults; (iv) be prohibited from varying premiums on the basis of gender; (v) be prohibited from varying premiums on the basis of the health status of an individual employee of an employer member or a self-employed individual member; and (vi) not establish discriminatory rules based on the health status of an employer member, an individual employee of an employer member, or a self-employed individual for eligibility or contribution.

9. A policy that meets the requirements of subdivisions 7 and 8 shall be considered to be compliant with the large group market insurance regulations under the federal Public Health Service Act, P.L. 78-410, as amended, and, as such, the Commonwealth, through the regulation of such policy by the Commission, shall be considered to be substantially enforcing the federal Patient Protection and Affordable Care Act, P.L. 111-148, as amended, with regard to such policy. The Commission shall regulate the policy in a manner that is consistent with this subdivision. In any case in which a federal agency renders a decision that is contrary to the provisions of this subdivision, notwithstanding any other provision of law, the Attorney General may resolve any difference between federal law and the laws of the Commonwealth.

H. A policy issued to a health maintenance organization as provided in subsection B of § 38.2-4314.

~~H. I. A policy of blanket insurance issued in accordance with § 38.2-3521.2.~~

~~H. J. The provisions of this section shall not apply in any instance in which the provisions of this section are inconsistent or in conflict with a provision of Article 6 (§ 38.2-3438 et seq.) of Chapter 34.~~

CHAPTER 350

An Act to amend and reenact § 38.2-3521.1 of the Code of Virginia, relating to health insurance; association health plan for real estate salespersons.

[S 335]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-3521.1 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-3521.1. Group accident and sickness insurance definitions.

Except as provided in § 38.2-3522.1, no policy of group accident and sickness insurance shall be delivered in this Commonwealth unless it conforms to one of the following descriptions:

A. A policy issued to an employer, or to the trustees of a fund established by an employer, which employer or trustees shall be deemed the policyholder, to insure employees of the employer for the benefit of persons other than the employer, subject to the following requirements:

1. The employees eligible for insurance under the policy shall be all of the employees of the employer, or all of any class or classes thereof. The policy may provide that the term "employees" shall include the employees of one or more subsidiary corporations, and the employees, individual proprietors, and partners of one or more affiliated corporations, proprietorships or partnerships if the business of the employer and of such affiliated corporations, proprietorships or partnerships is under common control. The policy may provide that the term "employees" shall include retired employees, former employees and directors of a corporate employer. A policy issued to insure the employees of a public body may provide that the term "employees" shall include elected or appointed officials.

2. The premium for the policy shall be paid either from the employer's funds or from funds contributed by the insured employees, or from both. Except as provided in subdivision 3 of this subsection, a policy on which no part of the premium is to be derived from funds contributed by the insured employees must insure all eligible employees, except those who reject such coverage in writing.

3. An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer, except as otherwise prohibited in this title.

B. A policy ~~which~~ that is:

1. Not subject to Chapter 37.1 (§ 38.2-3727 et seq.) ~~of this title;~~ and

2. Issued to a creditor or its parent holding company or to a trustee or trustees or agent designated by two or more creditors, which creditor, holding company, affiliate, trustee, trustees or agent shall be deemed the policyholder, to insure debtors of the creditor or creditors with respect to their indebtedness, subject to the following requirements:

a. The debtors eligible for insurance under the policy shall be all of the debtors of the creditor or creditors, or all of any class or classes thereof. The policy may provide that the term "debtors" shall include:

(1) Borrowers of money or purchasers or lessees of goods, services, or property for which payment is arranged through a credit transaction;

(2) The debtors of one or more subsidiary corporations; and

(3) The debtors of one or more affiliated corporations, proprietorships or partnerships if the business of the policyholder and of such affiliated corporations, proprietorships or partnerships is under common control.

b. The premium for the policy shall be paid either from the creditor's funds, or from charges collected from the insured debtors, or from both. Except as provided in subdivision 3 of this subsection, a policy on which no part of the premium is to be derived from funds contributed by insured debtors specifically for their insurance must insure all eligible debtors.

3. An insurer may exclude any debtors as to whom evidence of individual insurability is not satisfactory to the insurer.

4. The total amount of insurance payable with respect to an indebtedness shall not exceed the greater of the scheduled or actual amount of unpaid indebtedness to the creditor. The insurer may exclude any payments which that are delinquent on the date the debtor becomes disabled as defined in the policy.

5. The insurance may be payable to the creditor or any successor to the right, title, and interest of the creditor. Such payment or payments shall reduce or extinguish the unpaid indebtedness of the debtor to the extent of each such payment and any excess of the insurance shall be payable to the insured or the estate of the insured.

6. Notwithstanding the preceding provisions of this section, insurance on agricultural credit transaction commitments may be written up to the amount of the loan commitment. Insurance on educational credit transaction commitments may be written up to the amount of the loan commitment less the amount of any repayments made on the loan.

C. A policy issued to a labor union, or similar employee organization, which labor union or organization shall be deemed to be the policyholder, to insure members of such union or organization for the benefit of persons other than the union or organization or any of its officials, representatives, or agents, subject to the following requirements:

1. The members eligible for insurance under the policy shall be all of the members of the union or organization, or all of any class or classes thereof.

2. The premium for the policy shall be paid *from* either ~~from~~ funds of the union or organization, or from funds contributed by the insured members specifically for their insurance, or from both. Except as provided in subdivision 3 of this subsection, a policy on which no part of the premium is to be derived from funds contributed by the insured members specifically for their insurance must insure all eligible members, except those who reject such coverage in writing.

3. An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer, except as otherwise prohibited in this title.

D. A policy issued (i) to or for a multiple employer welfare arrangement, a rural electric cooperative, or a rural electric telephone cooperative as these terms are defined in 29 U.S.C. § 1002, or (ii) to a trust, or to the trustees of a fund, established or adopted by or for two or more employers, or by one or more labor unions of similar employee organizations, or by one or more employers and one or more labor unions or similar employee organizations, which trust or trustees shall be deemed the policyholder, to insure employees of the employers or members of the unions or organizations for the benefit of persons other than the employers or the unions or organizations, subject to the following requirements:

1. The persons eligible for insurance shall be all of the employees of the employers or all of the members of the unions or organizations, or all of any class or classes thereof. The policy may provide that the term "employee" shall include the employees of one or more subsidiary corporations, and the employees, individual proprietors, and partners of one or more affiliated corporations, proprietorships or partnerships if the business of the employer and of such affiliated corporations, proprietorships or partnerships is under common control. The policy may provide that the term "employees" shall include retired employees, former employees and directors of a corporate employer. The policy may provide that the term "employees" shall include the trustees or their employees, or both, if their duties are principally connected with such trusteeship.

2. The premium for the policy shall be paid from funds contributed by the employer or employers of the insured persons, or by the union or unions or similar employee organizations, or by both, or from funds contributed by the insured persons or from both the insured persons and the employers or unions or similar employee organizations. Except as provided in subdivision 3 of this subsection, a policy on which no part of the premium is to be derived from funds contributed by the insured persons specifically for their insurance must insure all eligible persons, except those who reject such coverage in writing.

3. An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer, except as otherwise prohibited in this title.

E. 1. A policy issued to an association or to a trust or to the trustees of a fund established, created, or maintained for the benefit of members of one or more associations which association or trust shall be deemed the policyholder. The association or associations shall:

a. Have at the outset a minimum of 100 persons;

b. Have been organized and maintained in good faith for purposes other than that of obtaining insurance;

c. Have been in active existence for at least five years;

d. Have a constitution and bylaws which provide that (i) the association or associations hold regular meetings not less than annually to further purposes of the members, (ii) except for credit unions, the association or associations collect dues or

solicit contributions from members, and (iii) the members have voting privileges and representation on the governing board and committees;

e. Does not condition membership in the association on any health status-related factor relating to an individual (including an employee of an employer or a dependent of an employee);

f. Makes health insurance coverage offered through the association available to all members regardless of any health status-related factor relating to such members (or individuals eligible for coverage through a member);

g. Does not make health insurance coverage offered through the association available other than in connection with a member of the association; and

h. Meets such additional requirements as may be imposed under the laws of this Commonwealth.

2. The policy shall be subject to the following requirements:

a. The policy may insure members of such association or associations, employees thereof or employees of members, or one or more of the preceding or all of any class or classes thereof for the benefit of persons other than the employee's employer.

b. The premium for the policy shall be paid from funds contributed by the association or associations, or by employer members, or by both, or from funds contributed by the covered persons or from both the covered persons and the association, associations, or employer members.

3. Except as provided in subdivision 4 of this subsection, a policy on which no part of the premium is to be derived from funds contributed by the covered persons specifically for their insurance must insure all eligible persons, except those who reject such coverage in writing.

4. An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer, except as otherwise prohibited in this title.

F. A policy issued to a credit union or to a trustee or trustees or agent designated by two or more credit unions, which credit union, trustee, trustees, or agent shall be deemed the policyholder, to insure members of such credit union or credit unions for the benefit of persons other than the credit union or credit unions, trustee or trustees, or agent or any of their officials, subject to the following requirements:

1. The members eligible for insurance shall be all of the members of the credit union or credit unions, or all of any class or classes thereof.

2. The premium for the policy shall be paid by the policyholder from the credit union's funds and, except as provided in subdivision 3 of this subsection, must insure all eligible members.

3. An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer.

G. *Notwithstanding the provisions of subsection J, a policy issued to an association of real estate salespersons, as defined in § 54.1-2101, which association shall be deemed the policyholder; to insure members of such association, subject to the following requirements:*

1. *All of the members of such association shall be eligible for coverage. Members shall include (i) an employer member with at least one employee that is domiciled in the Commonwealth or (ii) a self-employed individual who (a) has an ownership right in a "trade or business," regardless of whether the trade or business is incorporated or unincorporated, (b) earns wages or self-employment income from the trade or business, and (c) works at least 20 hours a week or 80 hours a month providing personal services to the trade or business or earns income from the trade or business that at least equals the self-employed individual's cost of the health coverage.*

2. *The association shall (i) have at the outset a minimum of 25,000 members, (ii) have been organized and maintained in good faith for purposes other than that of obtaining insurance, (iii) have been in active existence for at least five years, and (iv) have a constitution and bylaws that provide that (a) the association hold regular meetings not less than annually to further purposes of the members, (b) the association collects dues or solicits contributions from members, and (c) the members have voting privileges and representation on the governing board and committees.*

3. *In no case shall membership in the association be conditioned on any health status-related factor relating to an individual, including an employee of an employer or a dependent of an employee.*

4. *The health insurance coverage offered through the association shall be available to all members regardless of any health status-related factor relating to such members or individuals eligible for coverage through a member.*

5. *The association shall not make health insurance coverage offered through the association available other than in connection with a member of the association.*

6. *The premium for the policy shall be paid from funds contributed by the association or by employer members, or by both, or from funds contributed by the covered persons or from both the covered persons and the association or employer members.*

7. *The policy issued to such an association shall (i) be considered a large group market plan subject to all coverage mandates applicable to a large group market plan offered in the Commonwealth and the large group market insurance regulations under the federal Public Health Service Act, P.L. 78-410, as amended; (ii) be subject to the group health plan coverage requirements under the federal Patient Protection and Affordable Care Act, P.L. 111-148, as amended; (iii) be prohibited from denying coverage under the policy on the basis of a preexisting condition as set forth in § 38.2-3444; (iv) be guaranteed issue and guaranteed renewable; (v) notwithstanding the provisions of subsection A of § 38.2-3451 providing that a large group market plan is not required to provide coverage for essential health benefits in a manner that exceeds the*

requirements of the federal Patient Protection and Affordable Care Act, P.L. 111-148, as amended, as of January 1, 2019, be subject to the requirements to provide essential health benefits and cost-sharing requirements as set forth in § 38.2-3451; and (vi) offer a minimum level of coverage designed to provide benefits that are actuarially equivalent to 60 percent of the full actuarial value of the benefits provided under the plan.

8. The insurer issuing such a policy shall (i) treat all of the members and employees of employer members who are enrolled in coverage under the policy as a single risk pool; (ii) set premiums on the basis of all of the collective group experience of the members and employees of employer members who are enrolled in coverage under the policy; (iii) be permitted to vary premiums by age, but such rate shall not vary by more than four to one for adults; (iv) be prohibited from varying premiums on the basis of gender; (v) be prohibited from varying premiums on the basis of the health status of an individual employee of an employer member or a self-employed individual member; and (vi) not establish discriminatory rules based on the health status of an employer member, an individual employee of an employer member, or a self-employed individual for eligibility or contribution.

9. A policy that meets the requirements of subdivisions 7 and 8 shall be considered to be compliant with the large group market insurance regulations under the federal Public Health Service Act, P.L. 78-410, as amended, and, as such, the Commonwealth, through the regulation of such policy by the Commission, shall be considered to be substantially enforcing the federal Patient Protection and Affordable Care Act, P.L. 111-148, as amended, with regard to such policy. The Commission shall regulate the policy in a manner that is consistent with this subdivision. In any case in which a federal agency renders a decision that is contrary to the provisions of this subdivision, notwithstanding any other provision of law, the Attorney General may resolve any difference between federal law and the laws of the Commonwealth.

H. A policy issued to a health maintenance organization as provided in subsection B of § 38.2-4314.

~~H. I.~~ A policy of blanket insurance issued in accordance with § 38.2-3521.2.

~~I. J.~~ The provisions of this section shall not apply in any instance in which the provisions of this section are inconsistent or in conflict with a provision of Article 6 (§ 38.2-3438 et seq.) of Chapter 34.

CHAPTER 351

An Act to amend and reenact §§ 8.01-27.5 and 59.1-200 of the Code of Virginia, relating to duty of in-network providers to submit claims to health insurers; Virginia Consumer Protection Act.

[S 681]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-27.5 and 59.1-200 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-27.5. Duty of in-network providers to submit claims to health insurers; liability of covered patients for unbilled health care services.

A. As used in this section:

"Covered patient" means a patient whose health care services are covered under terms of a health care policy.

"Health care policy" means any health care plan, subscription contract, evidence of coverage, certificate, health services plan, medical or hospital services plan, accident and sickness insurance policy or certificate, or other similar certificate, policy, contract, or arrangement, and any endorsement or rider thereto, offered, arranged, issued, or administered by a health insurer to an individual or a group contract holder to cover all or a portion of the cost of individuals, or their eligible dependents, receiving covered health care services. "Health care policy" includes coverages issued pursuant to (i) Chapter 28 (§ 2.2-2800 et seq.) of Title 2.2 (state employees); (ii) § 2.2-1204 (local choice); (iii) 5 U.S.C. § 8901 et seq. (federal employees); (iv) an employee welfare benefit plan as defined in 29 U.S.C. § 1002 (1) of the Employee Retirement Income Security Act of 1974 (ERISA) that is self-insured or self-funded; and (v) Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare), Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid), or Title XXI of the Social Security Act, 42 U.S.C. § 1397aa et seq. (CHIP). "Health care policy" does not include (a) Chapter 55 of Title 10 of the United States Code, 10 U.S.C. § 1071 et seq. (TRICARE); (b) subscription contracts for one or more dental or optometric services plans that are subject to Chapter 45 (§ 38.2-4500 et seq.) of Title 38.2; (c) insurance policies that provide coverage, singly or in combination, for death, dismemberment, disability, or hospital and medical care caused by or necessitated as a result of accident or specified kinds of accidents, including student accident, sports accident, blanket accident, specific accident, and accidental death and dismemberment policies; (d) credit life insurance and credit accident and sickness insurance issued pursuant to Chapter 37.1 (§ 38.2-3717 et seq.) of Title 38.2; (e) insurance policies that provide payments when an insured is disabled or unable to work because of illness, disease, or injury, including incidental benefits; (f) long-term care insurance as defined in § 38.2-5200; (g) plans providing only limited health care services under § 38.2-4300 unless offered by endorsement or rider to a group health benefit plan; (h) TRICARE supplement, Medicare supplement, or workers' compensation coverages; or (i) medical expense coverage issued pursuant to § 38.2-2201.

"Health care provider" has the same meaning ascribed to the term in § 8.01-581.1.

"Health care services" means items or services furnished to any individual for the purpose of preventing, alleviating, curing, or healing human illness, injury, or physical disability.

"Health insurer" means any entity that is the issuer or sponsor of a health care policy.

"In-network provider" means a health care provider that is employed by or has entered into a provider agreement with the health insurer that has issued the health care policy or is a participating provider with such health insurer, under which agreement or conditions of participation the health care provider has agreed to provide health care services to covered patients.

"Patient" means an individual who receives health care services from a health care provider, or any person authorized by law to consent on behalf of the individual incapable of making an informed decision, or, in the case of a minor child, the parent or parents having custody of the child or the child's legal guardian, or as otherwise provided by law.

"Provider agreement" means a contract, agreement, or arrangement between a health care provider and a health insurer, or a health insurer's network, provider panel, intermediary, or representative, under which the health care provider has agreed to provide health care services to patients with coverage under a health care policy issued by the health insurer and to accept payment from the health insurer for the health care services provided.

B. An in-network provider that provides health care services to a covered patient shall submit its claim to the health insurer for the health care services in accordance with the terms of the applicable provider agreement or as permitted under applicable federal or state laws or regulations, provided that the covered patient provides the in-network provider with information required by the terms of the covered patient's health care policy's plan documents, including the information that is required to verify the individual's coverage under the health care policy, within not fewer than 21 business days before the deadline for the in-network provider to submit its claim to the health insurer as required by the terms of the provider agreement. If an in-network provider does not submit its claim to the health insurer in accordance with the requirements of this subsection, then (i) the covered patient shall have no obligation to pay for health care services for which the in-network provider was required to submit its claim, (ii) the in-network provider shall not have the benefit of the liens provided by §§ 8.01-66.2 and 8.01-66.9 with regard to health care services for which the in-network provider was required to submit its claim, and (iii) the in-network provider shall be prohibited from recovering payment for any of the health care services for which it was required to submit its claim from an insurer providing medical expense benefits to the covered patient under a policy of motor vehicle liability insurance pursuant to § 38.2-2201, by exercising an assignment of the covered patient's rights to the medical expense benefits or by other means. If the in-network provider submits its claim to the health insurer in accordance with the requirements of this subsection, the covered patient or the health insurer shall be obligated to pay for the health care services in accordance with the terms of the provider agreement or health care policy's plan documents. To the extent that self-insured or self-funded plans governed by ERISA or Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare), Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid), or Title XXI of the Social Security Act, 42 U.S.C. § 1397aa et seq. (CHIP) provide otherwise, health care providers shall be permitted to submit claims and coordinate benefits as provided for in the provider agreements or plan documents or as required under applicable federal and state laws and regulations.

C. *Any knowing violation of the provisions of this section shall constitute a prohibited practice in accordance with § 59.1-200 and shall be subject to any and all of the enforcement provisions of the Virginia Consumer Protection Act (§ 59.1-196 et seq.).*

§ 59.1-200. Prohibited practices.

A. The following fraudulent acts or practices committed by a supplier in connection with a consumer transaction are hereby declared unlawful:

1. Misrepresenting goods or services as those of another;
2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;
3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services, with another;
4. Misrepresenting geographic origin in connection with goods or services;
5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or benefits;
6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;
7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective, blemished, deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class," without clearly and unequivocally indicating in the advertisement or offer for sale that the goods are used, secondhand, repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars, imperfects or "not first class";

8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell at the price or upon the terms advertised.

In any action brought under this subdivision, the refusal by any person, or any employee, agent, or servant thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms advertised or offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall not apply when it is clearly and conspicuously stated in the advertisement or offer by which such goods or services are advertised or offered for sale, that the supplier or offeror has a limited quantity or amount of such goods or services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or reasonably expected to have at least such quantity or amount for sale;

9. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;

10. Misrepresenting that repairs, alterations, modifications, or services have been performed or parts installed;

11. Misrepresenting by the use of any written or documentary material that appears to be an invoice or bill for merchandise or services previously ordered;

12. Notwithstanding any other provision of law, using in any manner the words "wholesale," "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the goods or services advertised or offered for sale;

13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of defense, or attempting to collect any liquidated damages or penalties under any clause, waiver, damages, or penalties that are void or unenforceable under any otherwise applicable laws of the Commonwealth, or under federal statutes or regulations;

13a. Failing to provide to a consumer, or failing to use or include in any written document or material provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure, notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so provide, use, or include the statement, disclosure, notice, or other information in connection with the consumer transaction;

14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection with a consumer transaction;

15. Violating any provision of § 3.2-6509, 3.2-6512, 3.2-6513, 3.2-6513.1, 3.2-6514, 3.2-6515, 3.2-6516, or 3.2-6519 is a violation of this chapter;

16. Failing to disclose all conditions, charges, or fees relating to:

a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor does this subdivision apply to special order purchases where the purchaser has requested the supplier to order merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor vehicles, farm tractors, or motorcycles as defined in § 46.2-100;

b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;

16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of \$5 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving overpayments. If the credit balance information is incorporated into statements of account furnished consumers by suppliers within such 60-day period, no separate or additional notice is required;

17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;

18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.);

19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.);

20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.);

21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17 et seq.);

22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);

23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et seq.);

24. Violating any provision of § 54.1-1505;

25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6 (§ 59.1-207.34 et seq.);

26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;

27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);

28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);

29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);

30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et seq.);

31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);

32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;

33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;

34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;

35. Using the consumer's social security number as the consumer's account number with the supplier, if the consumer has requested in writing that the supplier use an alternate number not associated with the consumer's social security number;

36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;

37. Violating any provision of § 8.01-40.2;

38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;

39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);
40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;
41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525 et seq.);
42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);
43. Violating any provision of § 59.1-443.2;
44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);
45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;
46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;
47. Violating any provision of § 18.2-239;
48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);
49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable presumption that a supplier has reason to know a children's product was recalled if notice of the recall has been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's products that are used, secondhand or "seconds";
50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);
51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;
52. Violating any provision of § 8.2-317.1;
53. Violating subsection A of § 9.1-149.1;
54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This subdivision shall not apply to the sale or offering for sale of any building or structure in which defective drywall has been permanently installed or affixed;
55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1;
56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);
57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;
58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.);
59. Violating any provision of subsection E of § 32.1-126;
60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed under Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1;
61. Violating any provision of § 2.2-2001.5;
62. Violating any provision of Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1;
63. Violating any provision of § 6.2-312;
64. Violating any provision of Chapter 20.1 (§ 6.2-2026 et seq.) of Title 6.2;
65. Violating any provision of Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2; ~~and~~
66. Violating any provision of Chapter 54 (§ 59.1-586 et seq.); *and*
67. *Knowingly violating any provision of § 8.01-27.5.*

B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

CHAPTER 352

An Act to amend and reenact § 42.1-36 of the Code of Virginia, relating to local library boards; Botetourt County.

[H 468]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 42.1-36 of the Code of Virginia is amended and reenacted as follows:

§ 42.1-36. Boards not mandatory.

The formation, creation, or continued existence of boards shall not be considered or construed in any manner as mandatory upon (i) any city or town with a manager; (ii) any county with a county manager, county executive, urban county manager, or urban county executive form of government; (iii) any county that has adopted a charter; or (iv) the Counties of *Botetourt*, *Caroline*, *Chesterfield*, and *Shenandoah*, by virtue of this chapter.

CHAPTER 353

An Act to direct the Bureau of Insurance to convene a work group regarding continuity of care.

[H 912]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Bureau of Insurance of the State Corporation Commission (the Bureau) shall convene a work group to determine options for ensuring continuity of care covered by insurance for a reasonable amount of time under reasonable conditions during the time that providers and insurance carriers are negotiating provider contracts. The work group shall include representatives of the Virginia Hospital & Healthcare Association, the Virginia Association of Health Plans, the Medical Society of Virginia, and other relevant parties identified by the Bureau. The work group shall provide recommendations regarding improvements to § 38.2-3407.10 of the Code of Virginia, and any other relevant laws, to ensure proper notice to enrollees and providers, to ensure reasonable opportunities for continuity of care and coverage, and to determine whether special considerations should apply for health care systems that own and operate affiliated hospitals, medical groups, and insurance carriers. The work group shall provide its recommendations no later than December 1, 2022, to the Chairs of the House Committee on Commerce and Energy, the House Committee on Health, Welfare and Institutions, the Senate Committee on Commerce and Labor, and the Senate Committee on Education and Health.*

CHAPTER 354

An Act to amend the Code of Virginia by adding in Title 64.2 a chapter numbered 10.1, containing articles numbered 1 through 10, consisting of sections numbered 64.2-1033 through 64.2-1078, and to repeal Chapter 10 (§§ 64.2-1000 through 64.2-1032) of Title 64.2 of the Code of Virginia, relating to the Uniform Fiduciary Income and Principal Act.

[H 370]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 64.2 a chapter numbered 10.1, containing articles numbered 1 through 10, consisting of sections numbered 64.2-1033 through 64.2-1078, as follows:

CHAPTER 10.1.

UNIFORM FIDUCIARY INCOME AND PRINCIPAL ACT.

Article I.

General Provisions.

§ 64.2-1033. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Accounting period" means a calendar year, unless a fiduciary selects another period of 12 calendar months or approximately 12 calendar months. "Accounting period" includes a part of a calendar year or another period of 12 calendar months or approximately 12 calendar months that begins when an income interest begins or ends when an income interest ends.

"Asset-backed security" means a security that is serviced primarily by the cash flows of a discrete pool of fixed or revolving receivables or other financial assets that by their terms convert into cash within a finite time. "Asset-backed security" includes rights or other assets that ensure the servicing or timely distribution of proceeds to the holder of the asset-backed security. "Asset-backed security" does not include an asset to which § 64.2-1048, 64.2-1056, or 64.2-1061 applies.

"Beneficiary" includes:

- 1. For a trust, (i) a current beneficiary, including a current income beneficiary and a beneficiary that may receive only principal; (ii) a remainder beneficiary; and (iii) any other successor beneficiary;*
- 2. For an estate, an heir, legatee, and devisee; and*
- 3. For a life estate or term interest, a person that holds a life estate, term interest, or remainder or other interest following a life estate or term interest.*

"Court" means the court in the Commonwealth having jurisdiction relating to a trust, estate, or life estate or other term interest described in subdivision 2 of § 64.2-1034.

"Current income beneficiary" means a beneficiary to which a fiduciary may distribute net income, whether or not the fiduciary also may distribute principal to the beneficiary.

"Distribution" means a payment or transfer by a fiduciary to a beneficiary in the beneficiary's capacity as a beneficiary, made under the terms of the trust, without consideration other than the beneficiary's right to receive the payment or transfer under the terms of the trust. "Distribute," "distributed," and "distributee" have corresponding meanings.

"Estate" means a decedent's estate. "Estate" includes the property of the decedent as the estate is originally constituted and the property of the estate as it exists at any time during administration.

"Fiduciary" includes a trustee, trust director under the Uniform Directed Trust Act (§ 64.2-779.26 et seq.), personal representative, life tenant, holder of a term interest, and person acting under a delegation from a fiduciary. "Fiduciary" includes a person that holds property for a successor beneficiary whose interest may be affected by an allocation of receipts and expenditures between income and principal. If there are two or more co-fiduciaries, "fiduciary" includes all co-fiduciaries acting under the terms of the trust and applicable law.

"Income" means money or other property a fiduciary receives as current return from principal. "Income" includes a part of receipts from a sale, exchange, or liquidation of a principal asset, to the extent provided in Articles 4 (§ 64.2-1048 et seq.), 5 (§ 64.2-1051 et seq.), and 6 (§ 64.2-1055 et seq.).

"Income interest" means the right of a current income beneficiary to receive all or part of net income, whether the terms of the trust require the net income to be distributed or authorize the net income to be distributed in the fiduciary's discretion. "Income interest" includes the right of a current beneficiary to use property held by a fiduciary.

"Independent person" means a person that is not:

1. For a trust, (i) a qualified beneficiary determined under § 64.2-701, (ii) a settlor of the trust, or (iii) an individual whose legal obligation to support a beneficiary may be satisfied by a distribution from the trust;

2. For an estate, a beneficiary;

3. A spouse, parent, brother, sister, or issue of an individual described in subdivision 1 or 2;

4. A corporation, partnership, limited liability company, or other entity in which persons described in subdivision 1, 2, or 3, in the aggregate, have voting control; or

5. An employee of a person described in subdivision 1, 2, 3, or 4.

"Mandatory income interest" means the right of a current income beneficiary to receive net income that the terms of the trust require the fiduciary to distribute.

"Net income" means the total allocations during an accounting period to income under the terms of a trust and this chapter minus the disbursements during the period, other than distributions, allocated to income under the terms of the trust and this chapter. To the extent the trust is a unitrust under Article 3 (§ 64.2-1039 et seq.), "net income" means the unitrust amount determined under Article 3. "Net income" includes an adjustment from principal to income under § 64.2-1038. "Net income" does not include an adjustment from income to principal under § 64.2-1038.

"Person" means an individual, estate, trust, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

"Personal representative" means an executor, administrator, successor personal representative, special administrator, or person that performs substantially the same function with respect to an estate under the law governing the person's status.

"Principal" means property held in trust for distribution to, production of income for, or use by a current or successor beneficiary.

"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

"Settlor" has the same meaning as the definition provided in § 64.2-701.

"Special tax benefit" means:

1. Exclusion of a transfer to a trust from gifts described in § 2503(b) of the Internal Revenue Code of 1986, as amended, because of the qualification of an income interest in the trust as a present interest in property;

2. Status as a qualified subchapter S trust described in § 1361(d)(3) of the Internal Revenue Code of 1986, as amended, at a time the trust holds stock of an S corporation described in § 1361(a)(1) of the Internal Revenue Code of 1986, as amended;

3. An estate or gift tax marital deduction for a transfer to a trust under § 2056 or 2523 of the Internal Revenue Code of 1986, as amended, which depends or depended in whole or in part on the right of the settlor's spouse to receive the net income of the trust;

4. Exemption in whole or in part of a trust from the federal generation-skipping transfer tax imposed by § 2601 of the Internal Revenue Code of 1986, as amended, because the trust was irrevocable on September 25, 1985, if there is any possibility that (i) a taxable distribution, as defined in § 2612(b) of the Internal Revenue Code of 1986, as amended, could be made from the trust or (ii) a taxable termination, as defined in § 2612(a) of the Internal Revenue Code of 1986, as amended, could occur with respect to the trust; or

5. An inclusion ratio, as defined in § 2642(a) of the Internal Revenue Code of 1986, as amended, of the trust that is less than one, if there is any possibility that (i) a taxable distribution, as defined in § 2612(b) of the Internal Revenue Code of 1986, as amended, could be made from the trust or (ii) a taxable termination, as defined in § 2612(a) of the Internal Revenue Code of 1986, as amended, could occur with respect to the trust.

"Successive interest" means the interest of a successor beneficiary.

"Successor beneficiary" means a person entitled to receive income or principal or to use property when an income interest or other current interest ends.

"Terms of a trust" means:

1. Except as otherwise provided in subdivision 2, the manifestation of the settlor's intent regarding a trust's provisions as (i) expressed in the trust instrument or (ii) established by other evidence that would be admissible in a judicial proceeding;

2. The trust's provisions as established, determined, or amended by (i) a trustee or trust director in accordance with applicable law, (ii) court order, or (iii) a nonjudicial settlement agreement under § 64.2-709;

3. For an estate, a will; or

4. For a life estate or term interest, the corresponding manifestation of the rights of the beneficiaries.

"Trust" includes all trusts described in § 64.2-700.

"Trustee" means a person, other than a personal representative, that owns or holds property for the benefit of a beneficiary. "Trustee" includes an original, additional, or successor trustee, whether or not appointed or confirmed by a court.

"Will" means any testamentary instrument recognized by applicable law that makes a legally effective disposition of an individual's property, effective at the individual's death. "Will" includes a codicil or other amendment to a testamentary instrument.

§ 64.2-1034. Scope.

Except as otherwise provided in the terms of the trust or this chapter, this chapter applies to:

1. A trust or estate; and

2. A life estate or other term interest in which the interest of one or more persons will be succeeded by the interest of one or more other persons.

§ 64.2-1035. Governing law.

Except as otherwise provided in the terms of a trust or this chapter, this chapter applies when the Commonwealth is the principal place of administration of a trust or estate or the situs of property that is not held in a trust or estate and is subject to a life estate or other term interest described in subdivision 2 of § 64.2-1034. By accepting the trusteeship of a trust having its principal place of administration in the Commonwealth or by moving the principal place of administration of a trust to the Commonwealth, the trustee submits to the application of this chapter to any matter within the scope of this chapter involving the trust.

Article 2.

Fiduciary Duties and Judicial Review.

§ 64.2-1036. Fiduciary duties; general principles.

A. In making an allocation or determination or exercising discretion under this chapter, a fiduciary shall:

1. Act in good faith, based on what is fair and reasonable to all beneficiaries;

2. Administer a trust or estate impartially, except to the extent the terms of the trust manifest an intent that the fiduciary shall or may favor one or more beneficiaries;

3. Administer the trust or estate in accordance with the terms of the trust, even if there is a different provision in this chapter; and

4. Administer the trust or estate in accordance with this chapter, except to the extent the terms of the trust provide otherwise or authorize the fiduciary to determine otherwise.

B. A fiduciary's allocation, determination, or exercise of discretion under this chapter is presumed to be fair and reasonable to all beneficiaries. A fiduciary may exercise a discretionary power of administration given to the fiduciary by the terms of the trust, and an exercise of the power that produces a result different from a result required or permitted by this chapter does not create an inference that the fiduciary abused the fiduciary's discretion.

C. A fiduciary shall:

1. Add a receipt to principal, to the extent neither the terms of the trust nor this chapter allocates the receipt between income and principal; and

2. Charge a disbursement to principal, to the extent neither the terms of the trust nor this chapter allocates the disbursement between income and principal.

D. A fiduciary may exercise the power to adjust under § 64.2-1038, convert an income trust to a unitrust under subdivision A 1 of § 64.2-1041, change the percentage or method used to calculate a unitrust amount under subdivision A 2 of § 64.2-1041, or convert a unitrust to an income trust under subdivision A 3 of § 64.2-1041 if the fiduciary determines the exercise of the power will assist the fiduciary to administer the trust or estate impartially.

E. Factors the fiduciary must consider in making the determination under subsection D include:

1. The terms of the trust;

2. The nature, distribution standards, and expected duration of the trust;

3. The effect of the allocation rules, including specific adjustments between income and principal, under Articles 4 (§ 64.2-1048 et seq.) through 9 (§ 64.2-1073 et seq.);

4. The desirability of liquidity and regularity of income;

5. The desirability of the preservation and appreciation of principal;

6. The extent to which an asset is used or may be used by a beneficiary;

7. The increase or decrease in the value of principal assets, reasonably determined by the fiduciary;

8. Whether and to what extent the terms of the trust give the fiduciary power to accumulate income or invade principal or prohibit the fiduciary from accumulating income or invading principal;

9. The extent to which the fiduciary has accumulated income or invaded principal in preceding accounting periods;

10. The effect of current and reasonably expected economic conditions; and

11. The reasonably expected tax consequences of the exercise of the power.

§ 64.2-1037. Judicial review of exercise of discretionary power; request for instruction.

A. As used in this section, "fiduciary decision" means:

1. A fiduciary's allocation between income and principal or other determination regarding income and principal required or authorized by the terms of the trust or this chapter;

2. The fiduciary's exercise or nonexercise of a discretionary power regarding income and principal granted by the terms of the trust or this chapter, including the power to adjust under § 64.2-1038, convert an income trust to a unitrust under subdivision A 1 of § 64.2-1041, change the percentage or method used to calculate a unitrust amount under subdivision A 2 of § 64.2-1041, or convert a unitrust to an income trust under subdivision A 3 of § 64.2-1041; or

3. The fiduciary's implementation of a decision described in subdivision 1 or 2.

B. The court may not order a fiduciary to change a fiduciary decision unless the court determines that the fiduciary decision was an abuse of the fiduciary's discretion.

C. If the court determines that a fiduciary decision was an abuse of the fiduciary's discretion, the court may order a remedy authorized by law, including § 64.2-792. To place the beneficiaries in the positions the beneficiaries would have occupied if there had not been an abuse of the fiduciary's discretion, the court may order:

1. The fiduciary to exercise or refrain from exercising the power to adjust under § 64.2-1038;

2. The fiduciary to exercise or refrain from exercising the power to convert an income trust to a unitrust under subdivision A 1 of § 64.2-1041, change the percentage or method used to calculate a unitrust amount under subdivision A 2 of § 64.2-1041, or convert a unitrust to an income trust under subdivision A 3 of § 64.2-1041;

3. The fiduciary to distribute an amount to a beneficiary;

4. A beneficiary to return some or all of a distribution; or

5. The fiduciary to withhold an amount from one or more future distributions to a beneficiary.

D. On petition by a fiduciary for instruction, the court may determine whether a proposed fiduciary decision will result in an abuse of the fiduciary's discretion. If the petition describes the proposed decision, contains sufficient information to inform the beneficiary of the reasons for making the proposed decision and the facts on which the fiduciary relies, and explains how the beneficiary will be affected by the proposed decision, a beneficiary that opposes the proposed decision has the burden to establish that it will result in an abuse of the fiduciary's discretion.

§ 64.2-1038. Fiduciary's power to adjust.

A. Except as otherwise provided in the terms of a trust or this section, a fiduciary, in a record, without court approval, may adjust between income and principal if the fiduciary determines the exercise of the power to adjust will assist the fiduciary to administer the trust or estate impartially.

B. This section does not create a duty to exercise or consider the power to adjust under subsection A or to inform a beneficiary about the applicability of this section.

C. A fiduciary that in good faith exercises or fails to exercise the power to adjust under subsection A is not liable to a person affected by the exercise or failure to exercise.

D. In deciding whether and to what extent to exercise the power to adjust under subsection A, a fiduciary shall consider all factors the fiduciary considers relevant, including relevant factors in subsection E of § 64.2-1036 and the application of subsection I of § 64.2-1048 and §§ 64.2-1055 and 64.2-1060.

E. A fiduciary may not exercise the power under subsection A to make an adjustment or under § 64.2-1055 to make a determination that an allocation is insubstantial if:

1. The adjustment or determination would reduce the amount payable to a current income beneficiary from a trust that qualifies for a special tax benefit, except to the extent the adjustment is made to provide for a reasonable apportionment of the total return of the trust between the current income beneficiary and successor beneficiaries;

2. The adjustment or determination would change the amount payable to a beneficiary, as a fixed annuity or a fixed fraction of the value of the trust assets, under the terms of the trust;

3. The adjustment or determination would reduce an amount that is permanently set aside for a charitable purpose under the terms of the trust, unless both income and principal are set aside for the charitable purpose;

4. Possessing or exercising the power would cause a person to be treated as the owner of all or part of the trust for federal income tax purposes;

5. Possessing or exercising the power would cause all or part of the value of the trust assets to be included in the gross estate of an individual for federal estate tax purposes;

6. Possessing or exercising the power would cause an individual to be treated as making a gift for federal gift tax purposes;

7. The fiduciary is not an independent person;

8. The trust is irrevocable and provides for income to be paid to the settlor and possessing or exercising the power would cause the adjusted principal or income to be considered an available resource or available income under a public-benefit program; or

9. The trust is a unitrust under Article 3 (§ 64.2-1039 et seq.).

F. If subdivision E 4, 5, 6, or 7 applies to a fiduciary:

1. A co-fiduciary to which subdivisions E 4 through 7 does not apply may exercise the power to adjust, unless the exercise of the power by the remaining co-fiduciary or co-fiduciaries is not permitted by the terms of the trust or law other than this chapter; or

2. If there is no co-fiduciary to which subdivisions E 4 through 7 does not apply, the fiduciary may appoint a co-fiduciary to which subdivisions E 4 through 7 does not apply, which may be a special fiduciary with limited powers, and the appointed co-fiduciary may exercise the power to adjust under subsection A, unless the appointment of a co-fiduciary or the exercise of the power by a co-fiduciary is not permitted by the terms of the trust or law other than this chapter.

G. A fiduciary may release or delegate to a co-fiduciary the power to adjust under subsection A if the fiduciary determines that the fiduciary's possession or exercise of the power will or may:

1. Cause a result described in subdivision E 1 through 6 or 8; or
2. Deprive the trust of a tax benefit or impose a tax burden not described in subdivisions E 1 through 6.

H. A fiduciary's release or delegation to a co-fiduciary under subsection G of the power to adjust under subsection A:

1. Must be in a record;

2. Applies to the entire power, unless the release or delegation provides a limitation, which may be a limitation to the power to adjust:

- a. From income to principal;
- b. From principal to income;
- c. For specified property; or
- d. In specified circumstances;

3. For a delegation, may be modified by a redelegation under this subsection by the co-fiduciary to which the delegation is made; and

4. Subject to subdivision 3, is permanent, unless the release or delegation provides a specified period, including a period measured by the life of an individual or the lives of more than one individual.

I. Terms of a trust that deny or limit the power to adjust between income and principal do not affect the application of this section, unless the terms of the trust expressly deny or limit the power to adjust under subsection A.

J. The exercise of the power to adjust under subsection A in any accounting period may apply to the current period, the immediately preceding period, and one or more subsequent periods.

K. A description of the exercise of the power to adjust under subsection A must be:

1. Included in a report, if any, sent to beneficiaries under § 64.2-775; or
2. Communicated at least annually to the qualified beneficiaries determined under § 64.2-701, other than the Attorney General.

Article 3.

Unitrust.

§ 64.2-1039. Definitions.

As used in this article, unless the context requires a different meaning:

"Applicable value" means the amount of the net fair market value of a trust taken into account under § 64.2-1045.

"Express unitrust" means a trust for which, under the terms of the trust without regard to this article, income or net income must or may be calculated as a unitrust amount.

"Income trust" means a trust that is not a unitrust.

"Net fair market value of a trust" means the fair market value of the assets of the trust, less the noncontingent liabilities of the trust.

"Unitrust" means a trust for which net income is a unitrust amount. "Unitrust" includes an express unitrust.

"Unitrust amount" means an amount computed by multiplying a determined value of a trust by a determined percentage. For a unitrust administered under a unitrust policy, "unitrust amount" means the applicable value, multiplied by the unitrust rate.

"Unitrust policy" means a policy described in §§ 64.2-1043 through 64.2-1047 and adopted under § 64.2-1041.

"Unitrust rate" means the rate used to compute the unitrust amount for a unitrust administered under a unitrust policy.

§ 64.2-1040. Application; duties and remedies.

A. Except as otherwise provided in subsection B, this article applies to:

1. An income trust, unless the terms of the trust expressly prohibit use of this article by a specific reference to this article or an explicit expression of intent that net income not be calculated as a unitrust amount; and

2. An express unitrust, except to the extent the terms of the trust explicitly:

- a. Prohibit use of this article by a specific reference to this article;
- b. Prohibit conversion to an income trust; or
- c. Limit changes to the method of calculating the unitrust amount.

B. This article does not apply to a trust described in § 170(f)(2)(B), 642(c)(5), 664(d), 2702(a)(3)(A)(ii) or (iii), or 2702(b) of the Internal Revenue Code of 1986, as amended.

C. An income trust to which this article applies under subdivision A 1 may be converted to a unitrust under this article regardless of the terms of the trust concerning distributions. Conversion to a unitrust under this article does not affect other terms of the trust concerning distributions of income or principal.

D. This article applies to an estate only to the extent a trust is a beneficiary of the estate. To the extent of the trust's interest in the estate, the estate may be administered as a unitrust, the administration of the estate as a unitrust may be discontinued, or the percentage or method used to calculate the unitrust amount may be changed, in the same manner as for a trust under this article.

E. This article does not create a duty to take or consider action under this article or to inform a beneficiary about the applicability of this article.

F A fiduciary that in good faith takes or fails to take an action under this article is not liable to a person affected by the action or inaction.

§ 64.2-1041. Authority of fiduciary.

A. A fiduciary, without court approval, by complying with subsections B and F, may:

1. Convert an income trust to a unitrust if the fiduciary adopts in a record a unitrust policy for the trust providing:

a. That in administering the trust the net income of the trust will be a unitrust amount rather than net income determined without regard to this article; and

b. The percentage and method used to calculate the unitrust amount;

2. Change the percentage or method used to calculate a unitrust amount for a unitrust if the fiduciary adopts in a record a unitrust policy or an amendment or replacement of a unitrust policy providing changes in the percentage or method used to calculate the unitrust amount; or

3. Convert a unitrust to an income trust if the fiduciary adopts in a record a determination that, in administering the trust, the net income of the trust will be net income determined without regard to this article rather than a unitrust amount.

B. A fiduciary may take an action under subsection A if:

1. The fiduciary determines that the action will assist the fiduciary to administer a trust impartially;

2. The fiduciary sends a notice in a record, in the manner required by § 64.2-1042, describing and proposing to take the action;

3. The fiduciary sends a copy of the notice under subdivision 2 to each settlor of the trust that is:

a. If an individual, living; or

b. If not an individual, in existence;

4. At least one member of each class of the qualified beneficiaries determined under § 64.2-701, other than the Attorney General, receiving the notice under subdivision 2 is:

a. If an individual, legally competent;

b. If not an individual, in existence; or

c. Represented in the manner provided in Article 3 (§ 64.2-714 et seq.) of Chapter 7; and

5. The fiduciary does not receive, by the date specified in the notice under subdivision D 5 of § 64.2-1042, an objection in a record to the action proposed under subdivision 2 from a person to which the notice under subdivision 2 is sent.

C. If a fiduciary receives, not later than the date stated in the notice under subdivision D 5 of § 64.2-1042, an objection in a record described in subdivision D 4 of § 64.2-1042 to a proposed action, the fiduciary or a beneficiary may request the court to have the proposed action taken as proposed, taken with modifications, or prevented. A person described in subsection A of § 64.2-1042 may oppose the proposed action in the proceeding under this subsection, whether or not the person:

1. Consented under subsection C of § 64.2-1042; or

2. Objected under subdivision D 4 of § 64.2-1042.

D. If, after sending a notice under subdivision B 2, a fiduciary decides not to take the action proposed in the notice, the fiduciary shall notify in a record each person described in subsection A of § 64.2-1042 of the decision not to take the action and the reasons for the decision.

E. If a beneficiary requests in a record that a fiduciary take an action described in subsection A and the fiduciary declines to act or does not act within 90 days after receiving the request, the beneficiary may request the court to direct the fiduciary to take the action requested.

F. In deciding whether and how to take an action authorized by subsection A, or whether and how to respond to a request by a beneficiary under subsection E, a fiduciary shall consider all factors relevant to the trust and the beneficiaries, including relevant factors in subsection E of § 64.2-1036.

G. A fiduciary may release or delegate the power to convert an income trust to a unitrust under subdivision A 1, change the percentage or method used to calculate a unitrust amount under subdivision A 2, or convert a unitrust to an income trust under subdivision A 3, for a reason described in subsection G of § 64.2-1038 and in the manner described in subsection H of § 64.2-1038.

§ 64.2-1042. Notice.

A. A notice required by subdivision B 2 of § 64.2-1041 shall be sent in a manner authorized under § 64.2-707 to:

1. The qualified beneficiaries determined under § 64.2-701, other than the Attorney General;

2. Each person acting as trust director of the trust under the Uniform Directed Trust Act (§ 64.2-779.26 et seq.); and

3. Each person that is granted a power by the terms of the trust to appoint or remove a trustee or person described in subdivision 2, to the extent the power is exercisable when the person that exercises the power is not then serving as a trustee or person described in subdivision 2.

B. The representation provisions of Article 3 (§ 64.2-714 et seq.) of Chapter 7 apply to notice under this section.

C. A person may consent in a record at any time to action proposed under subdivision B 2 of § 64.2-1041. A notice required by subdivision B 2 of § 64.2-1041 need not be sent to a person that consents under this subsection.

D. A notice required by subdivision B 2 of § 64.2-1041 shall include:

1. The action proposed under subdivision B 2 of § 64.2-1041;

2. For a conversion of an income trust to a unitrust, a copy of the unitrust policy adopted under subdivision A 1 of § 64.2-1041;

3. For a change in the percentage or method used to calculate the unitrust amount, a copy of the unitrust policy or amendment or replacement of the unitrust policy adopted under subdivision A 2 of § 64.2-1041;

4. A statement that the person to which the notice is sent may object to the proposed action by stating in a record the basis for the objection and sending or delivering the record to the fiduciary;

5. The date by which an objection under subdivision 4 must be received by the fiduciary, which must be at least 30 days after the date the notice is sent;

6. The date on which the action is proposed to be taken and the date on which the action is proposed to take effect;

7. The name and contact information of the fiduciary; and

8. The name and contact information of a person that may be contacted for additional information.

§ 64.2-1043. Unitrust policy.

A. In administering a unitrust under this article, a fiduciary shall follow a unitrust policy adopted under subdivision A 1 or 2 of § 64.2-1041 or amended or replaced under subdivision A 2 of § 64.2-1041.

B. A unitrust policy shall provide:

1. The unitrust rate or the method for determining the unitrust rate under § 64.2-1044;

2. The method for determining the applicable value under § 64.2-1045; and

3. The rules described in §§ 64.2-1044 through 64.2-1047 that apply in the administration of the unitrust, whether the rules are:

a. Mandatory, as provided in subsection A of § 64.2-1045 and subsection A of § 64.2-1046; or

b. Optional, as provided in § 64.2-1044, subsection B of § 64.2-1045, subsection B of § 64.2-1046, and subsection A of § 64.2-1047, to the extent the fiduciary elects to adopt those rules.

§ 64.2-1044. Unitrust rate.

A. Except as otherwise provided in subdivision B 1 of § 64.2-1047, a unitrust rate may be:

1. A fixed unitrust rate; or

2. A unitrust rate that is determined for each period using:

a. A market index or other published data; or

b. A mathematical blend of market indices or other published data over a stated number of preceding periods.

B. Except as otherwise provided in subdivision B 1 of § 64.2-1047, a unitrust policy may provide:

1. A limit on how high the unitrust rate determined under subdivision A 2 may rise;

2. A limit on how low the unitrust rate determined under subdivision A 2 may fall;

3. A limit on how much the unitrust rate determined under subdivision A 2 may increase over the unitrust rate for the preceding period or a mathematical blend of unitrust rates over a stated number of preceding periods;

4. A limit on how much the unitrust rate determined under subdivision A 2 may decrease below the unitrust rate for the preceding period or a mathematical blend of unitrust rates over a stated number of preceding periods; or

5. A mathematical blend of any of the unitrust rates determined under subdivision A 2 and subdivisions B 1 through 4.

§ 64.2-1045. Applicable value.

A. A unitrust policy must provide the method for determining the fair market value of an asset for the purpose of determining the unitrust amount, including:

1. The frequency of valuing the asset, which need not require a valuation in every period; and

2. The date for valuing the asset in each period in which the asset is valued.

B. Except as otherwise provided in subdivision B 2 of § 64.2-1047, a unitrust policy may provide methods for determining the amount of the net fair market value of the trust to take into account in determining the applicable value, including:

1. Obtaining an appraisal of an asset for which fair market value is not readily available;

2. Exclusion of specific assets or groups or types of assets;

3. Other exceptions or modifications of the treatment of specific assets or groups or types of assets;

4. Identification and treatment of cash or property held for distribution;

5. Use of:

a. An average of fair market values over a stated number of preceding periods; or

b. Another mathematical blend of fair market values over a stated number of preceding periods;

6. A limit on how much the applicable value of all assets, groups of assets, or individual assets may increase over:

a. The corresponding applicable value for the preceding period; or

b. A mathematical blend of applicable values over a stated number of preceding periods;

7. A limit on how much the applicable value of all assets, groups of assets, or individual assets may decrease below:

a. The corresponding applicable value for the preceding period; or

b. A mathematical blend of applicable values over a stated number of preceding periods;

8. The treatment of accrued income and other features of an asset that affect value; and

9. Determining the liabilities of the trust, including treatment of liabilities to conform with the treatment of assets under subdivisions 1 through 8.

§ 64.2-1046. Period.

A. A unitrust policy must provide the period used under §§ 64.2-1044 and 64.2-1045. Except as otherwise provided in subdivision B 3 of § 64.2-1047, the period may be:

1. *A calendar year;*
2. *A 12-month period other than a calendar year;*
3. *A calendar quarter;*
4. *A three-month period other than a calendar quarter; or*
5. *Another period.*

B. Except as otherwise provided in subsection B of § 64.2-1047, a unitrust policy may provide standards for:

1. *Using fewer preceding periods under subdivision A 2 b, B 3, or B 4 of § 64.2-1044 if:*
 - a. *The trust was not in existence in a preceding period; or*
 - b. *Market indices or other published data are not available for a preceding period;*
2. *Using fewer preceding periods under subdivision B 5 a, B 5 b, B 6 b, or B 7 b of § 64.2-1045 if:*
 - a. *The trust was not in existence in a preceding period; or*
 - b. *Fair market values are not available for a preceding period; and*
3. *Prorating the unitrust amount on a daily basis for a part of a period in which the trust or the administration of the trust as a unitrust or the interest of any beneficiary commences or terminates.*

§ 64.2-1047. Special tax benefits; other rules.

A. A unitrust policy may:

1. *Provide methods and standards for:*
 - a. *Determining the timing of distributions;*
 - b. *Making distributions in cash or in kind or partly in cash and partly in kind; or*
 - c. *Correcting an underpayment or overpayment to a beneficiary based on the unitrust amount if there is an error in calculating the unitrust amount;*
 2. *Specify sources and the order of sources, including categories of income for federal income tax purposes, from which distributions of a unitrust amount are paid; or*
 3. *Provide other standards and rules the fiduciary determines serve the interests of the beneficiaries.*
- B. If a trust qualifies for a special tax benefit or a fiduciary is not an independent person:*
1. *The unitrust rate established under § 64.2-1044 may not be less than three percent or more than five percent;*
 2. *The only provisions of § 64.2-1045 that apply are subsection A and subdivisions B 1, B 4, B 5 a, and B 9 of § 64.2-1045;*
 3. *The only period that may be used under § 64.2-1046 is a calendar year under subdivision A 1 of § 64.2-1046; and*
 4. *The only other provisions of § 64.2-1046 that apply are subdivisions B 2 a and B 3 of § 64.2-1046.*

Article 4.

Allocation of Receipts: Receipts from Entity.

§ 64.2-1048. Character of receipts from entity.

A. As used in this section:

"Capital distribution" means an entity distribution of money that is a (i) return of capital or (ii) distribution in total or partial liquidation of the entity.

"Entity" means a corporation, partnership, limited liability company, regulated investment company, real estate investment trust, common trust fund, or any other organization or arrangement in which a fiduciary owns or holds an interest, whether or not the entity is a taxpayer for federal income tax purposes. "Entity" does not include (i) a trust or estate to which § 64.2-1049 applies, (ii) a business or other activity to which § 64.2-1050 applies that is not conducted by an entity described above, (iii) an asset-backed security, or (iv) an instrument or arrangement to which § 64.2-1063 applies.

"Entity distribution" means a payment or transfer by an entity made to a person in the person's capacity as an owner or holder of an interest in the entity.

B. In this section, an attribute or action of an entity includes an attribute or action of any other entity in which the entity owns or holds an interest, including an interest owned or held indirectly through another entity.

C. Except as otherwise provided in subdivisions D 2, 3, and 4, a fiduciary shall allocate to income:

1. *Money received in an entity distribution; and*
2. *Tangible personal property of nominal value received from the entity.*

D. A fiduciary shall allocate to principal:

1. *Property received in an entity distribution that is not:*
 - a. *Money; or*
 - b. *Tangible personal property of nominal value;*
2. *Money received in an entity distribution in an exchange for part or all of the fiduciary's interest in the entity, to the extent the entity distribution reduces the fiduciary's interest in the entity relative to the interests of other persons that own or hold interests in the entity;*
3. *Money received in an entity distribution that the fiduciary determines or estimates is a capital distribution; and*
4. *Money received in an entity distribution from an entity that is:*
 - a. *A regulated investment company or real estate investment trust if the money received is a capital gain dividend for federal income tax purposes; or*

- b. Treated for federal income tax purposes comparably to the treatment described in subdivision a.
- E. A fiduciary may determine or estimate that money received in an entity distribution is a capital distribution:
1. By relying without inquiry or investigation on a characterization of the entity distribution provided by or on behalf of the entity, unless the fiduciary:
 - a. Determines, on the basis of information known to the fiduciary, that the characterization is or may be incorrect; or
 - b. Owns or holds more than 50 percent of the voting interest in the entity;
 2. By determining or estimating, on the basis of information known to the fiduciary or provided to the fiduciary by or on behalf of the entity, that the total amount of money and property received by the fiduciary in the entity distribution or a series of related entity distributions is or will be greater than 20 percent of the fair market value of the fiduciary's interest in the entity; or
 3. If neither subdivision 1 nor 2 applies, by considering the factors in subsection F and the information known to the fiduciary or provided to the fiduciary by or on behalf of the entity.
- F. In making a determination or estimate under subdivision E 3, a fiduciary may consider:
1. A characterization of an entity distribution provided by or on behalf of the entity;
 2. The amount of money or property received in:
 - a. The entity distribution; or
 - b. What the fiduciary determines is or will be a series of related entity distributions;
 3. The amount described in subdivision 2 compared to the amount the fiduciary determines or estimates is, during the current or preceding accounting periods:
 - a. The entity's operating income;
 - b. The proceeds of the entity's sale or other disposition of:
 - (1) All or part of the business or other activity conducted by the entity;
 - (2) One or more business assets that are not sold to customers in the ordinary course of the business or other activity conducted by the entity; or
 - (3) One or more assets other than business assets, unless the entity's primary activity is to invest in assets to realize gain on the disposition of all or some of the assets;
 - c. If the entity's primary activity is to invest in assets to realize gain on the disposition of all or some of the assets, the gain realized on the disposition;
 - d. The entity's regular, periodic entity distributions;
 - e. The amount of money the entity has accumulated;
 - f. The amount of money the entity has borrowed;
 - g. The amount of money the entity has received from the sources described in §§ 64.2-1054, 64.2-1057, 64.2-1058, and 64.2-1059; and
 - h. The amount of money the entity has received from a source not otherwise described in this subdivision; and
 4. Any other factor the fiduciary determines is relevant.
- G. If, after applying subsections C through F, a fiduciary determines that a part of an entity distribution is a capital distribution but is in doubt about the amount of the entity distribution that is a capital distribution, the fiduciary shall allocate to principal the amount of the entity distribution that is in doubt.
- H. If a fiduciary receives additional information about the application of this section to an entity distribution before the fiduciary has paid part of the entity distribution to a beneficiary, the fiduciary may consider the additional information before making the payment to the beneficiary and may change a decision to make the payment to the beneficiary.
- I. If a fiduciary receives additional information about the application of this section to an entity distribution after the fiduciary has paid part of the entity distribution to a beneficiary, the fiduciary is not required to change or recover the payment to the beneficiary but may consider that information in determining whether to exercise the power to adjust under § 64.2-1038.

§ 64.2-1049. Distribution from trust or estate.

A fiduciary shall allocate to income an amount received as a distribution of income, including a unitrust distribution under Article 3 (§ 64.2-1039 et seq.), from a trust or estate in which the fiduciary has an interest, other than an interest the fiduciary purchased in a trust that is an investment entity, and shall allocate to principal an amount received as a distribution of principal from the trust or estate. If a fiduciary purchases, or receives from a settlor, an interest in a trust that is an investment entity, § 64.2-1048, 64.2-1062, or 64.2-1063 applies to a receipt from the trust.

§ 64.2-1050. Business or other activity conducted by fiduciary.

- A. This section applies to a business or other activity conducted by a fiduciary if the fiduciary determines that it is in the interests of the beneficiaries to account separately for the business or other activity instead of:
1. Accounting for the business or other activity as part of the fiduciary's general accounting records; or
 2. Conducting the business or other activity through an entity defined in subsection A of § 64.2-1048.
- B. A fiduciary may account separately under this section for the transactions of a business or other activity, whether or not assets of the business or other activity are segregated from other assets held by the fiduciary.
- C. A fiduciary that accounts separately under this section for a business or other activity:
1. May determine:
 - a. The extent to which the net cash receipts of the business or other activity must be retained for:

- (1) Working capital;
- (2) The acquisition or replacement of fixed assets; and
- (3) Other reasonably foreseeable needs of the business or other activity; and

b. The extent to which the remaining net cash receipts are accounted for as principal or income in the fiduciary's general accounting records for the trust;

2. May make a determination under subdivision 1 separately and differently from the fiduciary's decisions concerning distributions of income or principal; and

3. Shall account for the net amount received from the sale of an asset of the business or other activity, other than a sale in the ordinary course of the business or other activity, as principal in the fiduciary's general accounting records for the trust, to the extent the fiduciary determines that the net amount received is no longer required in the conduct of the business or other activity.

D. Activities for which a fiduciary may account separately under this section include:

1. Retail, manufacturing, service, and other traditional business activities;
2. Farming;
3. Raising and selling livestock and other animals;
4. Managing rental properties;
5. Extracting minerals, water, and other natural resources;
6. Growing and cutting timber;
7. An activity to which § 64.2-1061, 64.2-1062, or 64.2-1063 applies; and
8. Any other business conducted by the fiduciary.

Article 5.

Allocation of Receipts: Receipts Not Normally Apportioned.

§ 64.2-1051. Principal receipts.

A fiduciary shall allocate to principal:

1. To the extent not allocated under this chapter, an asset received from:

- a. An individual during the individual's lifetime;
- b. An estate;
- c. A trust on termination of an income interest; or
- d. A payor under a contract naming the fiduciary as beneficiary;

2. Except as otherwise provided in this article, money or other property received from the sale, exchange, liquidation, or change in form of a principal asset;

3. An amount recovered from a third party to reimburse the fiduciary because of a disbursement described in subsection A of § 64.2-1065 or for another reason to the extent not based on loss of income;

4. Proceeds of property taken by eminent domain, except that proceeds awarded for loss of income in an accounting period are income if a current income beneficiary had a mandatory income interest during the period;

5. Net income received in an accounting period during which there is no beneficiary to which a fiduciary may or must distribute income; and

6. Other receipts as provided in Article 6 (§ 64.2-1055 et seq.).

§ 64.2-1052. Rental property.

To the extent a fiduciary does not account for the management of rental property as a business under § 64.2-1050, the fiduciary shall allocate to income an amount received as rent of real or personal property, including an amount received for cancellation or renewal of a lease. An amount received as a refundable deposit, including a security deposit or a deposit that is to be applied as rent for future periods:

1. Shall be added to principal and held subject to the terms of the lease, except as otherwise provided by law other than this chapter; and

2. Is not allocated to income or available for distribution to a beneficiary until the fiduciary's contractual obligations have been satisfied with respect to that amount.

§ 64.2-1053. Receipt on obligation to be paid in money.

A. This section does not apply to an obligation to which § 64.2-1056, 64.2-1057, 64.2-1058, 64.2-1059, 64.2-1061, 64.2-1062, or 64.2-1063 applies.

B. A fiduciary shall allocate to income, without provision for amortization of premium, an amount received as interest on an obligation to pay money to the fiduciary, including an amount received as consideration for prepaying principal.

C. A fiduciary shall allocate to principal an amount received from the sale, redemption, or other disposition of an obligation to pay money to the fiduciary. A fiduciary shall allocate to income the increment in value of a bond or other obligation for the payment of money bearing no stated interest but payable or redeemable, at maturity or another future time, in an amount that exceeds the amount in consideration of which it was issued.

§ 64.2-1054. Insurance policy or contract.

A. This section does not apply to a contract to which § 64.2-1056 applies.

B. Except as otherwise provided in subsection C, a fiduciary shall allocate to principal the proceeds of a life insurance policy or other contract received by the fiduciary as beneficiary, including a contract that insures against damage to, destruction of, or loss of title to an asset. The fiduciary shall allocate dividends on an insurance policy to income to the

extent premiums on the policy are paid from income and to principal to the extent premiums on the policy are paid from principal.

C. A fiduciary shall allocate to income proceeds of a contract that insures the fiduciary against loss of:

1. Occupancy or other use by a current income beneficiary;
2. Income; or
3. Subject to § 64.2-1050, profits from a business.

Article 6.

Allocation of Receipts: Receipts Normally Apportioned.

§ 64.2-1055. Insubstantial allocation not required.

A. If a fiduciary determines that an allocation between income and principal required by § 64.2-1056, 64.2-1057, 64.2-1058, 64.2-1059, or 64.2-1062 is insubstantial, the fiduciary may allocate the entire amount to principal, unless subsection E of § 64.2-1038 applies to the allocation.

B. A fiduciary may presume an allocation is insubstantial under subsection A if:

1. The amount of the allocation would increase or decrease net income in an accounting period, as determined before the allocation, by less than 10 percent; and
2. The asset producing the receipt to be allocated has a fair market value less than 10 percent of the total fair market value of the assets owned or held by the fiduciary at the beginning of the accounting period.

C. The power to make a determination under subsection A may be:

1. Exercised by a co-fiduciary in the manner described in subsection F of § 64.2-1038; or
2. Released or delegated for a reason described in subsection G of § 64.2-1038 and in the manner described in subsection H of § 64.2-1038.

§ 64.2-1056. Deferred compensation, annuity, or similar payment.

A. As used in this section:

"Internal income of a separate fund" means the amount determined under subsection B.

"Marital trust" means a trust:

1. Of which the settlor's surviving spouse is the only current income beneficiary and is entitled to a distribution of all of the current net income of the trust; and
2. That qualifies for a marital deduction with respect to the settlor's estate under § 2056 of the Internal Revenue Code of 1986, as amended, because:
 - a. An election to qualify for a marital deduction under § 2056(b)(7) of the Internal Revenue Code of 1986, as amended, has been made; or
 - b. The trust qualifies for a marital deduction under § 2056(b)(5) of the Internal Revenue Code of 1986, as amended.

"Payment" means an amount a fiduciary may receive over a fixed number of years or during the life of one or more individuals because of services rendered or property transferred to the payor in exchange for future amounts the fiduciary may receive. "Payment" includes an amount received in money or property from the payor's general assets or from a separate fund created by the payor.

"Separate fund" includes a private or commercial annuity, an individual retirement account, and a pension, profit-sharing, stock-bonus, or stock-ownership plan.

B. For each accounting period, the following rules apply to a separate fund:

1. The fiduciary shall determine the internal income of the separate fund as if the separate fund were a trust subject to this chapter.
2. If the fiduciary cannot determine the internal income of the separate fund under subdivision 1, the internal income of the separate fund is deemed to equal four percent of the value of the separate fund, according to the most recent statement of value preceding the beginning of the accounting period.
3. If the fiduciary cannot determine the value of the separate fund under subdivision 2, the value of the separate fund is deemed to equal the present value of the expected future payments, as determined under § 7520 of the Internal Revenue Code of 1986, as amended, for the month preceding the beginning of the accounting period for which the computation is made.

C. A fiduciary shall allocate a payment received from a separate fund during an accounting period to income, to the extent of the internal income of the separate fund during the period, and the balance to principal.

D. The fiduciary of a marital trust shall:

1. Withdraw from a separate fund the amount the current income beneficiary of the trust requests the fiduciary to withdraw, not greater than the amount by which the internal income of the separate fund during the accounting period exceeds the amount the fiduciary otherwise receives from the separate fund during the period;
2. Transfer from principal to income the amount the current income beneficiary requests the fiduciary to transfer, not greater than the amount by which the internal income of the separate fund during the period exceeds the amount the fiduciary receives from the separate fund during the period after the application of subdivision 1; and
3. Distribute to the current income beneficiary as income:
 - a. The amount of the internal income of the separate fund received or withdrawn during the period; and
 - b. The amount transferred from principal to income under subdivision 2.

E. For a trust, other than a marital trust, of which one or more current income beneficiaries are entitled to a distribution of all of the current net income, the fiduciary shall transfer from principal to income the amount by which the internal income of a separate fund during the accounting period exceeds the amount the fiduciary receives from the separate fund during the period.

§ 64.2-1057. Liquidating asset.

A. As used in this section, "liquidating asset" means an asset whose value will diminish or terminate because the asset is expected to produce receipts for a limited time. "Liquidating asset" includes a leasehold, patent, copyright, royalty right, and right to receive payments during a period of more than one year under an arrangement that does not provide for the payment of interest on the unpaid balance.

B. This section does not apply to a receipt subject to § 64.2-1048, 64.2-1056, 64.2-1058, 64.2-1059, 64.2-1061, 64.2-1062, 64.2-1063, or 64.2-1066.

C. A fiduciary shall allocate:

1. To income:

a. A receipt produced by a liquidating asset, to the extent the receipt does not exceed four percent of the value of the asset; or

b. If the fiduciary cannot determine the value of the asset, 10 percent of the receipt; and

2. To principal, the balance of the receipt.

§ 64.2-1058. Minerals, water, and other natural resources.

A. To the extent a fiduciary does not account for a receipt from an interest in minerals, water, or other natural resources as a business under § 64.2-1050, the fiduciary shall allocate the receipt:

1. To income, to the extent received:

a. As delay rental or annual rent on a lease;

b. As a factor for interest or the equivalent of interest under an agreement creating a production payment; or

c. On account of an interest in renewable water;

2. To principal, if received from a production payment, to the extent subdivision 1 b does not apply; or

3. Between income and principal equitably, to the extent received:

a. On account of an interest in nonrenewable water;

b. As a royalty, shut-in-well payment, take-or-pay payment, or bonus; or

c. From a working interest or any other interest not provided for in subdivision 1 or 2 or subdivision a or b.

B. This section applies to an interest owned or held by a fiduciary whether or not a settlor was extracting minerals, water, or other natural resources before the fiduciary owned or held the interest.

C. An allocation of a receipt under subdivision A 3 is presumed to be equitable if the amount allocated to principal is equal to the amount allowed by the Internal Revenue Code of 1986, as amended, as a deduction for depletion of the interest.

D. If a fiduciary owns or holds an interest in minerals, water, or other natural resources before July 1, 2022, the fiduciary may allocate receipts from the interest as provided in this section or in the manner used by the fiduciary before July 1, 2022. If the fiduciary acquires an interest in minerals, water, or other natural resources on or after July 1, 2022, the fiduciary shall allocate receipts from the interest as provided in this section.

§ 64.2-1059. Timber.

A. To the extent a fiduciary does not account for receipts from the sale of timber and related products as a business under § 64.2-1050, the fiduciary shall allocate the net receipts:

1. To income, to the extent the amount of timber cut from the land does not exceed the rate of growth of the timber;

2. To principal, to the extent the amount of timber cut from the land exceeds the rate of growth of the timber or the net receipts are from the sale of standing timber;

3. Between income and principal if the net receipts are from the lease of land used for growing and cutting timber or from a contract to cut timber from land, by determining the amount of timber cut from the land under the lease or contract and applying the rules in subdivisions 1 and 2; or

4. To principal, to the extent advance payments, bonuses, and other payments are not allocated under subdivisions 1, 2, or 3.

B. In determining net receipts to be allocated under subsection A, a fiduciary shall deduct and transfer to principal a reasonable amount for depletion.

C. This section applies to land owned or held by a fiduciary whether or not a settlor was cutting timber from the land before the fiduciary owned or held the property.

D. If a fiduciary owns or holds an interest in land used for growing and cutting timber before July 1, 2022, the fiduciary may allocate net receipts from the sale of timber and related products as provided in this section or in the manner used by the fiduciary before July 1, 2022. If the fiduciary acquires an interest in land used for growing and cutting timber on or after July 1, 2022, the fiduciary shall allocate net receipts from the sale of timber and related products as provided in this section.

§ 64.2-1060. Marital deduction property not productive of income.

A. If a trust received property for which a gift or estate tax marital deduction was allowed and the settlor's spouse holds a mandatory income interest in the trust, the spouse may require the trustee, to the extent the trust assets otherwise do not provide the spouse with sufficient income from or use of the trust assets to qualify for the deduction, to:

1. Make property productive of income;
2. Convert property to property productive of income within a reasonable time; or
3. Exercise the power to adjust under § 64.2-1038.

B. The trustee may decide which action or combination of actions in subsection A to take.

§ 64.2-1061. Derivative or option.

A. As used in this section, "derivative" means a contract, instrument, other arrangement, or combination of contracts, instruments, or other arrangements, the value, rights, and obligations of which are, in whole or in part, dependent on or derived from an underlying tangible or intangible asset, group of tangible or intangible assets, index, or occurrence of an event. "Derivative" includes stocks, fixed income securities, and financial instruments and arrangements based on indices, commodities, interest rates, weather-related events, and credit-default events.

B. To the extent a fiduciary does not account for a transaction in derivatives as a business under § 64.2-1050, the fiduciary shall allocate 10 percent of receipts from the transaction and 10 percent of disbursements made in connection with the transaction to income and the balance to principal.

C. Subsection D applies if:

1. A fiduciary:

- a. Grants an option to buy property from a trust, whether or not the trust owns the property when the option is granted;
 - b. Grants an option that permits another person to sell property to the trust; or
 - c. Acquires an option to buy property for the trust or an option to sell an asset owned by the trust; and
2. The fiduciary or other owner of the asset is required to deliver the asset if the option is exercised.

D. If this subsection applies, the fiduciary shall allocate 10 percent to income and the balance to principal of the following amounts:

1. An amount received for granting the option;
2. An amount paid to acquire the option; and
3. Gain or loss realized on the exercise, exchange, settlement, offset, closing, or expiration of the option.

§ 64.2-1062. Asset-backed security.

A. Except as otherwise provided in subsection B, a fiduciary shall allocate to income a receipt from or related to an asset-backed security, to the extent the payor identifies the payment as being from interest or other current return, and to principal the balance of the receipt.

B. If a fiduciary receives one or more payments in exchange for part or all of the fiduciary's interest in an asset-backed security, including a liquidation or redemption of the fiduciary's interest in the security, the fiduciary shall allocate to income 10 percent of receipts from the transaction and 10 percent of disbursements made in connection with the transaction and to principal the balance of the receipts and disbursements.

§ 64.2-1063. Other financial instrument or arrangement.

A fiduciary shall allocate receipts from or related to a financial instrument or arrangement not otherwise addressed by this chapter. The allocation must be consistent with §§ 64.2-1061 and 64.2-1062.

Article 7.

Allocation of Disbursements.

§ 64.2-1064. Disbursement from income.

Subject to § 64.2-1067, and except as otherwise provided in subdivision C 2 or 3 of § 64.2-1071, a fiduciary shall disburse from income:

1. One-half of:

- a. The regular compensation of the fiduciary and any person providing investment advisory, custodial, or other services to the fiduciary, to the extent income is sufficient; and
- b. An expense for an accounting, judicial or nonjudicial proceeding, or other matter that involves both income and successive interests, to the extent income is sufficient;

2. The balance of the disbursements described in subdivision 1, to the extent a fiduciary that is an independent person determines that making those disbursements from income would be in the interests of the beneficiaries;

3. Another ordinary expense incurred in connection with administration, management, or preservation of property and distribution of income, including interest, an ordinary repair, regularly recurring tax assessed against principal, and an expense of an accounting, judicial or nonjudicial proceeding, or other matter that involves primarily an income interest, to the extent income is sufficient; and

4. A premium on insurance covering loss of a principal asset or income from or use of the asset.

§ 64.2-1065. Disbursement from principal.

A. Subject to § 64.2-1068, and except as otherwise provided in subdivision C 2 of § 64.2-1071, a fiduciary shall disburse from principal:

1. The balance of the disbursements described in subdivisions 1 and 3 of § 64.2-1064, after application of subdivision 2 of § 64.2-1064;
2. The fiduciary's compensation calculated on principal as a fee for acceptance, distribution, or termination;
3. A payment of an expense to prepare for or execute a sale or other disposition of property;
4. A payment on the principal of a trust debt;

5. A payment of an expense of an accounting, judicial or nonjudicial proceeding, or other matter that involves primarily principal, including a proceeding to construe the terms of the trust or protect property;

6. A payment of a premium for insurance, including title insurance, not described in subdivision 4 of § 64.2-1064, of which the fiduciary is the owner and beneficiary;

7. A payment of an estate or inheritance tax or other tax imposed because of the death of a decedent, including penalties, apportioned to the trust; and

8. A payment:

a. Related to environmental matters, including:

(1) Reclamation;

(2) Assessing environmental conditions;

(3) Remedying and removing environmental contamination;

(4) Monitoring remedial activities and the release of substances;

(5) Preventing future releases of substances;

(6) Collecting amounts from persons liable or potentially liable for the costs of activities described in subdivisions (1) through (5);

(7) Penalties imposed under environmental laws or regulations;

(8) Other actions to comply with environmental laws or regulations;

(9) Statutory or common law claims by third parties; and

(10) Defending claims based on environmental matters; and

b. For a premium for insurance for matters described in subdivision a.

B. If a principal asset is encumbered with an obligation that requires income from the asset to be paid directly to a creditor, the fiduciary shall transfer from principal to income an amount equal to the income paid to the creditor in reduction of the principal balance of the obligation.

C. Notwithstanding any other provision of law and unless the terms of the trust provide to the contrary, a trustee may pay from the principal of the trust from time to time (i) the federal or state income taxes, or both, imposed upon the settlor on income of the trust that is not distributed to the settlor or (ii) such amounts that are required to reimburse the settlor for any federal or state income taxes, or both, imposed on the settlor on income of the trust that is not distributed to the settlor. The trustee shall not have the power to make payments pursuant to this subsection with respect to any trust where a charitable income, estate, or gift tax deduction has been allowed, in whole or in part, for the contributions to such trust if the exercise of such power would limit or reduce the amount of such deduction.

§ 64.2-1066. Transfer from income to principal for depreciation.

A. As used in this section, "depreciation" means a reduction in value due to wear, tear, decay, corrosion, or gradual obsolescence of a tangible asset having a useful life of more than one year.

B. A fiduciary may transfer to principal a reasonable amount of the net cash receipts from a principal asset that is subject to depreciation, but may not transfer any amount for depreciation:

1. Of the part of real property used or available for use by a beneficiary as a residence;

2. Of tangible personal property held or made available for the personal use or enjoyment of a beneficiary; or

3. Under this section, to the extent the fiduciary accounts:

a. Under § 64.2-1057 for the asset; or

b. Under § 64.2-1050 for the business or other activity in which the asset is used.

C. An amount transferred to principal under this section need not be separately held.

§ 64.2-1067. Reimbursement of income from principal.

A. If a fiduciary makes or expects to make an income disbursement described in subsection B, the fiduciary may transfer an appropriate amount from principal to income in one or more accounting periods to reimburse income.

B. To the extent the fiduciary has not been and does not expect to be reimbursed by a third party, income disbursements to which subsection A applies include:

1. An amount chargeable to principal but paid from income because principal is illiquid;

2. A disbursement made to prepare property for sale, including improvements and commissions; and

3. A disbursement described in subsection A of § 64.2-1065.

C. If an asset whose ownership gives rise to an income disbursement becomes subject to a successive interest after an income interest ends, the fiduciary may continue to make transfers under subsection A.

§ 64.2-1068. Reimbursement of principal from income.

A. If a fiduciary makes or expects to make a principal disbursement described in subsection B, the fiduciary may transfer an appropriate amount from income to principal in one or more accounting periods to reimburse principal or provide a reserve for future principal disbursements.

B. To the extent a fiduciary has not been and does not expect to be reimbursed by a third party, principal disbursements to which subsection A applies include:

1. An amount chargeable to income but paid from principal because income is not sufficient;

2. The cost of an improvement to principal, whether a change to an existing asset or the construction of a new asset, including a special assessment;

3. A disbursement made to prepare property for rental, including tenant allowances, leasehold improvements, and commissions;

4. A periodic payment on an obligation secured by a principal asset, to the extent the amount transferred from income to principal for depreciation is less than the periodic payment; and

5. A disbursement described in subsection A of § 64.2-1065.

C. If an asset whose ownership gives rise to a principal disbursement becomes subject to a successive interest after an income interest ends, the fiduciary may continue to make transfers under subsection A.

§ 64.2-1069. Income taxes.

A. A tax required to be paid by a fiduciary that is based on receipts allocated to income must be paid from income.

B. A tax required to be paid by a fiduciary that is based on receipts allocated to principal must be paid from principal, even if the tax is called an income tax by the taxing authority.

C. Subject to subsection D and §§ 64.2-1067, 64.2-1068, and 64.2-1070, a tax required to be paid by a fiduciary on a share of an entity's taxable income in an accounting period must be paid from:

1. Income and principal proportionately to the allocation between income and principal of receipts from the entity in the period; and

2. Principal, to the extent the tax exceeds the receipts from the entity in the period.

D. After applying subsections A, B, and C, a fiduciary shall adjust income or principal receipts, to the extent the taxes the fiduciary pays are reduced because of a deduction for a payment made to a beneficiary.

§ 64.2-1070. Adjustment between income and principal because of taxes.

A. A fiduciary may make an adjustment between income and principal to offset the shifting of economic interests or tax benefits between current income beneficiaries and successor beneficiaries that arises from:

1. An election or decision the fiduciary makes regarding a tax matter, other than a decision to claim an income tax deduction to which subsection B applies;

2. An income tax or other tax imposed on the fiduciary or a beneficiary as a result of a transaction involving the fiduciary or a distribution by the fiduciary; or

3. Ownership by the fiduciary of an interest in an entity a part of whose taxable income, whether or not distributed, is includable in the taxable income of the fiduciary or a beneficiary.

B. If the amount of an estate tax marital or charitable deduction is reduced because a fiduciary deducts an amount paid from principal for income tax purposes instead of deducting it for estate tax purposes and, as a result, estate taxes paid from principal are increased and income taxes paid by the fiduciary or a beneficiary are decreased, the fiduciary shall charge each beneficiary that benefits from the decrease in income tax to reimburse the principal from which the increase in estate tax is paid. The total reimbursement must equal the increase in the estate tax, to the extent the principal used to pay the increase would have qualified for a marital or charitable deduction but for the payment. The share of the reimbursement for each fiduciary or beneficiary whose income taxes are reduced must be the same as its share of the total decrease in income tax.

C. A fiduciary that charges a beneficiary under subsection B may offset the charge by obtaining payment from the beneficiary, withholding an amount from future distributions to the beneficiary, or adopting another method or combination of methods.

Article 8.

Death of Individual or Termination of Income Interest.

§ 64.2-1071. Determination and distribution of net income.

A. This section applies when:

1. The death of an individual results in the creation of an estate or trust; or

2. An income interest in a trust terminates, whether the trust continues or is distributed.

B. A fiduciary of an estate or trust with an income interest that terminates shall determine, under subsection G and Articles 4 (§ 64.2-1048 et seq.), 5 (§ 64.2-1051 et seq.), 6 (§ 64.2-1055 et seq.), 7 (§ 64.2-1064 et seq.), and 9 (§ 64.2-1073 et seq.), the amount of net income and net principal receipts received from property specifically given to a beneficiary. The fiduciary shall distribute the net income and net principal receipts to the beneficiary that is to receive the specific property.

C. A fiduciary shall determine the income and net income of an estate or income interest in a trust that terminates, other than the amount of net income determined under subsection B, under Articles 4 (§ 64.2-1048 et seq.), 5 (§ 64.2-1051 et seq.), 6 (§ 64.2-1055 et seq.), 7 (§ 64.2-1064 et seq.), and 9 (§ 64.2-1073 et seq.), and by:

1. Including in net income all income from property used or sold to discharge liabilities;

2. Paying from income or principal, in the fiduciary's discretion, fees of attorneys, accountants, and fiduciaries, court costs and other expenses of administration, and interest on estate and inheritance taxes and other taxes imposed because of the decedent's death, but the fiduciary may pay the expenses from income of property passing to a trust for which the fiduciary claims a federal estate tax marital or charitable deduction only to the extent:

a. The payment of the expenses from income will not cause the reduction or loss of the deduction; or

b. The fiduciary makes an adjustment under subsection B of § 64.2-1070; and

3. Paying from principal other disbursements made or incurred in connection with the settlement of the estate or the winding up of an income interest that terminates, including:

a. To the extent authorized by the decedent's will, the terms of the trust, or applicable law, debts, funeral expenses, disposition of remains, family allowances, estate and inheritance taxes, and other taxes imposed because of the decedent's death; and

b. Related penalties that are apportioned, by the decedent's will, the terms of the trust, or applicable law, to the estate or income interest that terminates.

D. If a decedent's will, the terms of a trust, or applicable law provides for the payment of interest or the equivalent of interest to a beneficiary that receives a pecuniary amount outright, the fiduciary shall make the payment from net income determined under subsection C or from principal, to the extent net income is insufficient.

E. If a beneficiary is to receive a pecuniary amount outright from a trust after an income interest ends because of an income beneficiary's death, and no payment of interest or the equivalent of interest is provided for by the terms of the trust or applicable law, the fiduciary shall pay the interest or the equivalent of interest to which the beneficiary would be entitled under applicable law if the pecuniary amount were required to be paid under a will.

F. A fiduciary shall distribute net income remaining after payments required by subsections D and E in the manner described in § 64.2-1072 to all other beneficiaries, including a beneficiary that receives a pecuniary amount in trust, even if the beneficiary holds an unqualified power to withdraw assets from the trust or other presently exercisable general power of appointment over the trust.

G. A fiduciary may not reduce principal or income receipts from property described in subsection B because of a payment described in § 64.2-1064 or 64.2-1065, to the extent the decedent's will, the terms of the trust, or applicable law requires the fiduciary to make the payment from assets other than the property or to the extent the fiduciary recovers or expects to recover the payment from a third party. The net income and principal receipts from the property must be determined by including the amount the fiduciary receives or pays regarding the property, whether the amount accrued or became due before, on, or after the date of the decedent's death or an income interest's terminating event, and making a reasonable provision for an amount the estate or income interest may become obligated to pay after the property is distributed.

§ 64.2-1072. Distribution to successor beneficiary.

A. Except to the extent Article 3 (§ 64.2-1039 et seq.) applies for a beneficiary that is a trust, each beneficiary described in subsection F of § 64.2-1071 is entitled to receive a share of the net income equal to the beneficiary's fractional interest in undistributed principal assets, using values as of the distribution date. If a fiduciary makes more than one distribution of assets to beneficiaries to which this section applies, each beneficiary, including a beneficiary that does not receive part of the distribution, is entitled, as of each distribution date, to a share of the net income the fiduciary received after the decedent's death, an income interest's other terminating event, or the preceding distribution by the fiduciary.

B. In determining a beneficiary's share of net income under subsection A, the following rules apply:

1. The beneficiary is entitled to receive a share of the net income equal to the beneficiary's fractional interest in the undistributed principal assets immediately before the distribution date.

2. The beneficiary's fractional interest under subdivision 1 must be calculated:

a. On the aggregate value of the assets as of the distribution date without reducing the value by any unpaid principal obligation; and

b. Without regard to:

(1) Property specifically given to a beneficiary under the decedent's will or the terms of the trust; and

(2) Property required to pay pecuniary amounts not in trust.

3. The distribution date under subdivision 1 may be the date as of which the fiduciary calculates the value of the assets if that date is reasonably near the date on which the assets are distributed.

C. To the extent a fiduciary does not distribute under this section all of the collected but undistributed net income to each beneficiary as of a distribution date, the fiduciary shall maintain records showing the interest of each beneficiary in the net income.

D. If this section applies to income from an asset, a fiduciary may apply the rules in this section to net gain or loss realized from the disposition of the asset after the decedent's death, an income interest's terminating event, or the preceding distribution by the fiduciary.

Article 9.

Apportionment at Beginning and End of Income Interest.

§ 64.2-1073. When right to income begins and ends.

A. An income beneficiary is entitled to net income in accordance with the terms of the trust from the date an income interest begins. The income interest begins on the date specified in the terms of the trust or, if no date is specified, on the date an asset becomes subject to:

1. The trust for the current income beneficiary; or

2. A successive interest for a successor beneficiary.

B. An asset becomes subject to a trust under subdivision A 1:

1. For an asset that is transferred to the trust during the settlor's life, on the date the asset is transferred;

2. For an asset that becomes subject to the trust because of a decedent's death, on the date of the decedent's death, even if there is an intervening period of administration of the decedent's estate; or

3. For an asset that is transferred to a fiduciary by a third party because of a decedent's death, on the date of the decedent's death.

C. An asset becomes subject to a successive interest under subdivision A 2 on the day after the preceding income interest ends, as determined under subsection D, even if there is an intervening period of administration to wind up the preceding income interest.

D. An income interest ends on the day before an income beneficiary dies or another terminating event occurs or on the last day of a period during which there is no beneficiary to which a fiduciary may or must distribute income.

§ 64.2-1074. Apportionment of receipts and disbursements when decedent dies or income interest begins.

A. A fiduciary shall allocate an income receipt or disbursement, other than a receipt to which subsection B of § 64.2-1071 applies, to principal if its due date occurs before the date on which:

1. For an estate, the decedent died; or
2. For a trust or successive interest, an income interest begins.

B. If the due date of a periodic income receipt or disbursement occurs on or after the date on which a decedent died or an income interest begins, a fiduciary shall allocate the receipt or disbursement to income.

C. If an income receipt or disbursement is not periodic or has no due date, a fiduciary shall treat the receipt or disbursement under this section as accruing from day to day. The fiduciary shall allocate to principal the portion of the receipt or disbursement accruing before the date on which a decedent died or an income interest begins and to income the balance.

D. A receipt or disbursement is periodic under subsections B and C if:

1. The receipt or disbursement must be paid at regular intervals under an obligation to make payments; or
2. The payor customarily makes payments at regular intervals.

E. An item of income or obligation is due under this section on the date the payor is required to make a payment. If a payment date is not stated, there is no due date.

F. Distributions to shareholders or other owners from an entity to which § 64.2-1048 applies are due:

1. On the date fixed by or on behalf of the entity for determining the persons entitled to receive the distribution;
2. If no date is fixed, on the date of the decision by or on behalf of the entity to make the distribution; or
3. If no date is fixed and the fiduciary does not know the date of the decision by or on behalf of the entity to make the distribution, on the date the fiduciary learns of the decision.

§ 64.2-1075. Apportionment when income interest ends.

A. As used in this section, "undistributed income" means net income received on or before the date on which an income interest ends. "Undistributed income" does not include an item of income or expense that is due or accrued or net income that has been added or is required to be added to principal under the terms of the trust.

B. Except as otherwise provided in subsection C, when a mandatory income interest of a beneficiary ends, the fiduciary shall pay the beneficiary's share of the undistributed income that is not disposed of under the terms of the trust to the beneficiary or, if the beneficiary does not survive the date the interest ends, to the beneficiary's estate.

C. If a beneficiary has an unqualified power to withdraw more than five percent of the value of a trust immediately before an income interest ends:

1. The fiduciary shall allocate to principal the undistributed income from the portion of the trust which may be withdrawn; and

2. Subsection B applies only to the balance of the undistributed income.

D. When a fiduciary's obligation to pay a fixed annuity or a fixed fraction of the value of assets ends, the fiduciary shall prorate the final payment as required to preserve an income tax, gift tax, estate tax, or other tax benefit.

Article 10.

Miscellaneous Provisions.

§ 64.2-1076. Uniformity of application and construction.

In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

§ 64.2-1077. Relation to Electronic Signatures in Global and National Commerce Act.

This chapter modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001 et seq., but does not modify, limit, or supersede § 101(c) of that act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in § 103(b) of that act, 15 U.S.C. § 7003(b).

§ 64.2-1078. Application to trust or estate.

This chapter applies to a trust or estate existing or created on or after July 1, 2022, except as otherwise expressly provided in the terms of the trust or this chapter.

2. That Chapter 10 (§§ 64.2-1000 through 64.2-1032) of Title 64.2 of the Code of Virginia is repealed.

3. That nothing in this act affects the validity of any unitrust created pursuant to the provisions of Chapter 10 (§ 64.2-1000 et seq.) of Title 64.2 of the Code of Virginia, as it was in effect prior to July 1, 2022.

4. That nothing in this act affects the validity of any determination or adjustment to principal and income made pursuant to the provisions of Chapter 10 (§ 64.2-1000 et seq.) of Title 64.2 of the Code of Virginia, as it was in effect prior to July 1, 2022.

CHAPTER 355

An Act to amend and reenact §§ 22.1-7.1, 22.1-17.6, 22.1-20.1, 22.1-23.1, 22.1-47.2, 22.1-50, 22.1-57.3:1, 22.1-57.3:1.1, 22.1-57.3:1.2, 22.1-57.3:2.1, 22.1-57.3:3, 22.1-81, 22.1-98.2, 22.1-129, 22.1-175.4, 22.1-178, 22.1-199.1, 22.1-207.3, 22.1-209.2, 22.1-212.24, 22.1-212.25, 22.1-215.1, 22.1-253.13:3, 22.1-253.13:4, 22.1-254.1, 22.1-271.3, 22.1-274, 22.1-280.2, 22.1-280.2:2, 22.1-296.2, 22.1-296.3, 22.1-303, 22.1-321.1, 22.1-346.2, 42.1-36.1, 42.1-43, 42.1-60, 42.1-61, 42.1-63, 42.1-65, 42.1-70, and 42.1-77 of the Code of Virginia and to repeal §§ 22.1-16.2, 22.1-57.3:2, 22.1-89.3, and 22.1-212 and Articles 4 (§§ 42.1-30, 42.1-31, and 42.1-32) and 5 (§§ 42.1-32.1 through 42.1-32.6) of Chapter 1 of Title 42.1 of the Code of Virginia, relating to libraries and education services; obsolete provisions.

[S 421]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That 22.1-7.1, 22.1-17.6, 22.1-20.1, 22.1-23.1, 22.1-47.2, 22.1-50, 22.1-57.3:1, 22.1-57.3:1.1, 22.1-57.3:1.2, 22.1-57.3:2.1, 22.1-57.3:3, 22.1-81, 22.1-98.2, 22.1-129, 22.1-175.4, 22.1-178, 22.1-199.1, 22.1-207.3, 22.1-209.2, 22.1-212.24, 22.1-212.25, 22.1-215.1, 22.1-253.13:3, 22.1-253.13:4, 22.1-254.1, 22.1-271.3, 22.1-274, 22.1-280.2, 22.1-280.2:2, 22.1-296.2, 22.1-296.3, 22.1-303, 22.1-321.1, 22.1-346.2, 42.1-36.1, 42.1-43, 42.1-60, 42.1-61, 42.1-63, 42.1-65, 42.1-70, and 42.1-77 of the Code of Virginia are amended and reenacted follows:

§ 22.1-7.1. Open school enrollment policy.

A. Any local school board may establish and implement policies to provide for the open enrollment to any school of any student residing within the school division upon the request of a parent or guardian. In developing such policies, a local school board may include the following conditions and limitations:

1. An application process whereby a parent or guardian indicates a school preference for purposes of his child attending a school in the child's school division but outside of the attendance area in which the child resides;
2. A requirement that the parent or guardian provide transportation for the student attending a school other than his assigned school;
3. A requirement that a student may be disqualified from attending a school other than his assigned school if he has been subject to a specified disciplinary action;
4. A prohibition on the recruitment of a student from one school to another by a school division employee;
5. A limitation on participation in certain athletic activities for a student who chooses to attend a school other than his assigned school;
6. A random, unbiased selection process in the event open enrollment requests exceed the capacity of a school;
7. A provision that a student shall be permitted to remain at the receiving school until the student has completed the highest grade level in the school; and
8. A preference to a student (i) who resides in a location that has been subject to a change in school attendance area during the previous two years, (ii) who has a sibling attending the receiving school, or (iii) whose parent or guardian is an employee of the receiving school.

B. A copy of the school division's policies for open enrollment, if any, shall be posted on the division's website and shall be available to the public upon request.

C. Nothing in this section shall interfere with a local school board's authority to adopt a pupil ~~placement~~ *assignment* plan pursuant to § 22.1-79.

D. For the purposes of this section, "open enrollment" means a policy adopted and implemented by a local school board to allow any student to enroll in any school within the school division of attendance regardless of the location of the student's residence.

§ 22.1-17.6. Public elementary and secondary schools and local school divisions; information and forms.

A. The Board shall adopt policies to ensure that the Department of ~~Education~~ does not require public elementary or secondary schools or local school divisions to (i) provide information that is already available to or housed within the Department of ~~Education~~; (ii) provide the same written information more than once during a school year, absent a change in the underlying information; (iii) complete forms for students with disabilities unless such forms are necessary to ensure compliance with the federal Individuals with Disabilities Education Act (20 U.S.C. § 1431 et seq.); or (iv) provide information that is not necessary to comply with state or federal law unless such information is relevant to student outcomes or the efficient operation of the public schools, provided that the Department of ~~Education~~ may require such schools and local school divisions to provide any such information or complete any such forms if the Department of ~~Education~~ demonstrates a compelling need or demonstrates that it does not have a more expeditious method for obtaining the information or completing the forms.

~~B. The Department of Education shall study the transition to electronic submission of all information and forms to the Department of Education by public elementary and secondary schools and local school divisions and submit a report of its findings to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than November 1, 2016.~~

~~C. The Department of Education shall annually evaluate and determine the continued need for the information that it collects from public elementary and secondary schools and local school divisions. In making such evaluation and~~

determination, the Department of Education shall consider whether the information that it collects is required by state or federal law.

~~D. C.~~ The Board shall report to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health by November 15 of each year on (i) information that public elementary and secondary schools and local school divisions are required to provide to the Department of Education pursuant to state law, (ii) the results of the annual evaluation and determination made by the Department of Education pursuant to subsection ~~C B~~, (iii) any reports required of public elementary or secondary schools or local school divisions that the Department of Education has consolidated, (iv) any information that the Department of Education no longer collects from public elementary or secondary schools or local school divisions, and (v) any forms that the Department of Education no longer requires public elementary or secondary schools or local school divisions to complete.

§ 22.1-20.1. Powers and duties of the Board related to public broadcasting stations; disbursement of funds.

A. As used in this section, unless the context requires a different meaning:

"Public broadcasting station" means any noncommercial, educational television or radio station that (i) is licensed and regulated by the Federal Communications Commission as a noncommercial, educational broadcasting station; (ii) is operated by a public agency or a nonprofit private foundation, corporation, or association; (iii) has offices and studios located in Virginia; and (iv) on or before January 1, 1997, was qualified to receive or was the recipient of a Virginia community service grant or other instructional television service funds, or, after January 1, 1997, until July 1, 2012, was qualified by the Virginia Public Broadcasting Board to receive state funds under standards and criteria established by the Virginia Public Broadcasting Board pursuant to law, or, after July 1, 2012, was qualified by the Board of Education in accordance with this section. Public broadcasting station shall not include any institution of higher education that produces or transmits distance education and other credit and noncredit television programs, unless such institution requests qualification as a public broadcasting station and the Board of Education approves its request.

B. The Board shall have the power and duty to:

1. Receive, allocate, and dispense funds appropriated by the General Assembly and funds received by the Board from other sources, subject to the approval of the Director of the Department of Planning and Budget;

2. Develop reasonable and fair formulas for allocating and distributing state funds and other funds of the Board to Virginia's public broadcasting stations consistent with the intent of such appropriations;

3. Apply for, accept, and receive grants of federal funds and funds from other public and private sources;

4. Adopt, administer, and apply standards and criteria by which the Board may permit television and radio stations to qualify as public broadcasting stations if those stations did not qualify for or receive Virginia community service grants or other instructional television service funds as of January 1, 1997, but otherwise qualify as such under the definition of a public broadcasting station in ~~§ 2.2-1122~~. To avoid unnecessary duplication of public broadcasting services, the Board shall consider: (i) the adequacy of existing programming, coverage, and other public broadcasting services in the geographic area to be served and the extent to which those services would be duplicated by an additional public broadcasting station and (ii) the sufficiency of funds administered by the Board to support existing or proposed public broadcasting stations;

5. Coordinate such strategic planning by the public broadcasting stations as the Board deems appropriate and identify and communicate to the Governor and the General Assembly the funding and other requirements of Virginia's public broadcasting stations; and

6. Enter into contracts with public broadcasting stations, state agencies and institutions, public schools, and private entities for goods and services.

C. The Director of the Department of Planning and Budget shall oversee and approve the disbursement of all funds appropriated to the Board for the purposes enumerated in this section. Upon approval, the funds of the Board shall be disbursed for the following general purposes:

1. Annual operating-grant-funding to public broadcasting stations for developing, acquiring, producing, and distributing programs and related services that support local needs of preschool and adult education; disseminating information to the citizenry regarding the government and its affairs; promoting tourism and enhancing the Commonwealth's economic development; and supporting other programs that inform, educate, and entertain the citizenry with noncommercial programming.

2. Annual contract-funding to public broadcasting stations to regionally manage and provide programming and related services that directly support the instructional activities of local schools and home educators.

3. Matching-capital-funding to public broadcasting stations for construction and equipment modernization to keep Virginia stations consistent with industry standards.

4. Funding for specific programs and projects to be provided by a public broadcasting station that may not be included in another funding category.

§ 22.1-23.1. Model exit questionnaire for teachers.

The Department of Education (the Department) shall develop and oversee a pilot program to administer across five geographically and demographically diverse school divisions the model exit questionnaire for teachers developed by the Superintendent of Public Instruction (the Superintendent) pursuant to § 22.1-23, analyze the results of each such questionnaire, and include such results and analysis in the Superintendent's annual report beginning in 2018. The Department shall (i) administer such questionnaire to each teacher who ceases to be employed by the relevant school board

for any reason and (ii) collect, maintain, and report on the results of each such questionnaire in a manner that ensures the confidentiality of each teacher's name and other personally identifying information.

§ 22.1-47.2. Petitions for a referendum on direct election of school board members.

Petitions circulated pursuant to § 22.1-57.2 or § 22.1-57.4 may be circulated for a period not to exceed one calendar year. If the period from the date of the earliest signature to the latest signature exceeds one calendar year, all signatures shall be invalid.

At the time the petitions are filed, the petitions shall contain the required number of signatures of voters who are currently registered to vote in the county.

Persons signing petitions for a referendum to be held at the November 1994 general election ~~and on subsequent November general election dates~~ shall date their signatures on the petitions.

~~Any petition circulated pursuant to § 22.1-57.2 or this article which calls for a November 1993 referendum (i) shall not be subject to the requirements of this section that the signatures be dated and that the petition be circulated no longer than one calendar year and (ii) may be circulated for signatures in both 1992 and 1993.~~

§ 22.1-50. Appointment and term generally; vacancies.

The school board of a school division composed of the city or town to which the provisions of this article are applicable shall be appointed by the governing body of such city or town and shall consist of three members for each district in such city or town. However, the school board of a school division composed of any city or town having only one district shall consist of five members. Members shall be appointed for three-year terms except that initial appointments shall be for such terms that the term of one member from each district expires each year. However, the additional two members of the school board of a school division composed of any city or town having only one district, ~~who are appointed after July 1, 1992,~~ shall be appointed for such terms that the terms of one or two members expire each year. The governing body may, by duly adopted ordinance, limit the number of consecutive terms served by school board members. Terms shall commence on July 1. A vacancy occurring on the school board at any time other than by expiration of term shall be filled by the governing body for the unexpired term. Within ~~thirty~~ 30 days preceding July 1 of each year, the governing body shall appoint a successor to each member whose term expires on June 30 of that year, provided the office of that member has not been abolished in redistricting the city or town.

§ 22.1-57.3:1. Staggered terms of elected school boards in certain counties.

~~A. The provisions of this subsection apply only to Loudoun, Pulaski and Rockbridge Counties.~~

~~Following a referendum in which the qualified voters approve a change to an elected school board, the school board boards of Bath, Pulaski, and Rockbridge Counties shall be elected as provided in § 22.1-57.3 except that the terms of school board members shall be staggered as provided in this section.~~

~~The initial election of the school board shall be held at the first November general election in an odd-numbered year following the referendum, and the entire school board shall be elected at the initial election.~~

~~At the initial election, (i) if the school board has an even number of members, half of the successful candidates shall be elected for four-year terms and half of the successful candidates shall be elected for two-year terms and (ii) if the school board has an odd number of members, the smallest number of successful candidates which creates a majority of the board shall be elected for four-year terms and the remaining successful candidates shall be elected for two-year terms. Assignment of the individual terms of members shall be determined by lot by the electoral board of the county at its meeting to ascertain the results of the election and immediately upon certification of the results of the election.~~

~~Thereafter, all members shall be elected for four-year terms and the school board elections shall be conducted biennially for staggered terms.~~

~~B. The provisions of this subsection apply only to Bath County.~~

~~Pursuant to the referendum in which the qualified voters approved a change to an elected school board, the school board shall be elected as provided in § 22.1-57.3 except that the terms of school board members shall be staggered as provided in this subsection.~~

~~At the November 2003 general election, three members of the school board shall be elected for four-year terms and two members of the school board shall be elected for two-year terms.~~

~~Assignment of the individual terms of members shall be determined by lot by the electoral board of the County at its meeting to ascertain the results of the election and immediately upon certification of the results of the election.~~

~~Thereafter, all members shall be elected for four-year terms and the school board elections shall be conducted alternate biennially for between the election of three members and the election of the remaining two members to ensure staggered terms.~~

§ 22.1-57.3:1.1. Loudoun County school board; staggered terms.

~~Notwithstanding § 22.1-57.3:1 and the second enactment of Chapter 744 of the Acts of Assembly of 1994, the~~ The school board of Loudoun County shall be elected as provided in § 22.1-57.3, except that upon a majority vote of its members the terms of school board members may be staggered as provided in this section. At the November election immediately preceding the end of the board's term, and upon the board's prior vote for staggered terms, the members from four of the nine districts, inclusive of the at-large district, to be determined by lot by the electoral board of the county prior to its meeting immediately preceding the deadline for candidate filing, shall be elected for four-year terms, and the remaining districts' successful candidates shall be elected for two-year terms.

Hereafter, all members shall be elected for four-year terms, and the school board elections shall be conducted biennially for staggered terms.

§ 22.1-57.3:1.2. Pittsylvania County school board; staggered terms.

The school board of Pittsylvania County shall be elected as provided in § 22.1-57.3, except that ~~upon a majority vote of its members the terms of school board members may be staggered as provided in this section. At the November 2011 general election, the members from four districts, to be determined by lot by the electoral board of the county as soon as practicable before the election, shall be elected for four-year terms and the remaining districts' successful candidates shall be elected for two-year terms.~~

~~Hereafter, all members shall be elected for four-year terms and the school board elections shall be conducted alternate biennially for between the election of the members from four districts and the election of the members from the remaining three districts to ensure staggered terms.~~

§ 22.1-57.3:2.1. Appointment and terms of school board members for City of Williamsburg.

Notwithstanding any provisions of this article to the contrary, the terms of school board members representing the City of Williamsburg ~~appointed in 1995 and 1996 shall expire on December 31 in 1998 and 1999, respectively, and subsequent appointments for all Williamsburg school board members shall be for terms of four years, with terms commencing on January 1.~~

§ 22.1-57.3:3. Election of school board and chairman in certain counties.

A. The provisions of this section shall be applicable in any county (i) ~~which that~~ has the county executive form of government and ~~which that~~ is contiguous to a county having the urban county executive form of government and (ii) in which the chairman of the board of supervisors is elected at large.

B. Following a referendum ~~held in 1994 or thereafter~~ in which the qualified voters of the county approve a change to an elected school board, the school board shall be elected as provided in § 22.1-57.3 except as otherwise provided in this section. One member of the school board shall be elected at large. All other members shall be elected from the same districts from which the members of the board of supervisors other than the chairman are elected. The member of the school board who is elected at large at the initial or any subsequent election shall be the chairman of the school board during his term of office notwithstanding the provisions of § 22.1-76.

§ 22.1-81. Annual report.

Unless for good cause shown an extension of time not to exceed fifteen days is granted by the Superintendent of Public Instruction, each school board, with the assistance of the division superintendent, shall; ~~on or before September 15 of each year,~~ make a report covering the work of the schools for the year ending the preceding June 30 to the Board of Education ~~according to a timeline and on forms supplied by the Superintendent of Public Instruction.~~

§ 22.1-98.2. Certain agreements; adjustment of state share for basic aid.

A. Any school board of a school division in which fewer than 1,100 students were included in average daily membership for the preceding school year, in a locality that has a local composite index of .6000 or greater, and has 65 percent or more of its local taxes coming from real estate taxes, as calculated by the Auditor of Public Accounts and reported annually to the Department of Education, upon entering into certain cost-savings agreements with a contiguous school division for the consolidation or sharing of educational, administrative, or support services, shall receive the state share for basic aid computed on the basis of the composite index of local ability-to-pay of the contiguous school division, calculated annually.

~~The Board of Education shall develop eligibility criteria for such cost-savings and service-sharing agreements and for the adjustment of the state share for basic aid, consistent with the appropriation act.~~

~~The Governor shall approve the adjustment to the state share prior to the disbursement of funds. The Department of Education shall annually report to the Chairmen of the House Committee on Appropriations and Senate Committee on Finance and Appropriations the cost-savings agreements made and the adjusted state shares so approved.~~

B. The local school board receiving the adjusted state share shall not use the additional funds received to supplant local funds appropriated for education. The adjusted state share shall be used solely for educational purposes and shall not be used to reduce local operating expenditures for public education from the prior fiscal year. However, no school division shall be required to maintain a per pupil expenditure for operations that exceeds the per pupil expenditure in the prior fiscal year. The superintendent of the school division shall inform the Superintendent of Public Instruction of the public education purpose for which these local funds shall be used.

C. Nothing in this section shall prohibit the Commonwealth from terminating or modifying any program or function under which distribution to a local school board has been made, and if so terminated or modified all obligations hereunder shall cease or be reduced in proportion with such modifications, as the case may be.

D. Except as provided in subsection C, such contractual agreements shall remain in effect until terminated by the relevant school divisions. If any such contractual agreements between the relevant school divisions terminate, the Commonwealth's obligation under this section shall cease.

E. This agreement and adjusted state payment shall be in lieu of any existing funds a locality receives from a Small School Division Assistance grant.

~~F. Any standard of quality set forth in this act that is not required as of June 30, 2004, and for which additional state funding is required, shall not take effect unless the state's share of funding that standard is included in the general~~

appropriation act for the period July 1, 2004, through June 30, 2006, passed during the 2004 Session of the General Assembly and signed into law by the Governor.

§ 22.1-129. Surplus property; sale, exchange or lease of real and personal property.

A. Whenever a school board determines that it has no use for some of its real property, the school board may sell such property and may retain all or a portion of the proceeds of such sale upon approval of the local governing body and after the school board has held a public hearing on such sale and retention of proceeds, or may convey the title to such real property to the county or city or town comprising the school division or, if the school division is composed of more than one county or city, to the county or city in which the property is located. To convey the title, the school board shall adopt a resolution that such real property is surplus and shall record such resolution along with the deed to the property with the clerk of the circuit court for the county or city where such property is located. Upon the recording of the resolution and the deed, the title shall vest in the appropriate county, city or town.

B. A school board shall have the power to exchange real and personal property, to lease real and personal property either as lessor or lessee, to grant easements on real property, to convey real property in trust to secure loans, to convey real property to adjust the boundaries of the property and to sell personal property in such manner and upon such terms as it deems proper. As lessee of real property, a school board shall have the power to expend funds for capital repairs and improvements on such property, if the lease is for a term equal to or longer than the useful life of such repairs or improvements.

C. Notwithstanding the provisions of subsections A and B, a school board shall have the power to sell career and technical education projects and associated land pursuant to § 22.1-234.

Notwithstanding the provisions of subsections A and B, a school board of the City of Virginia Beach shall have the power to sell property to the Virginia Department of Transportation or the Commissioner of Highways when the Commissioner has determined that (i) such conveyance is necessary and (ii) when eminent domain has been authorized for the construction, reconstruction, alteration, maintenance, and repair of the public highways of the Commonwealth, and for all other purposes incidental thereto, including, ~~but not limited to,~~ the relocation of public utilities as may be required.

D. School boards may donate obsolete educational technology hardware and software that is being replaced pursuant to ~~subdivision~~ *subsection B 4* of § 22.1-199.1. Any such donations shall be offered to other school divisions, to students, as provided in Board of Education guidelines, and to preschool programs in the Commonwealth. In addition, elected school boards may donate such obsolete educational technology hardware and software and other obsolete personal property to a Virginia nonprofit organization which is exempt from taxation under § 501(c)(3) of the Internal Revenue Code.

§ 22.1-175.4. Application for grants.

~~A. All funds appropriated for financial assistance for the purposes of this chapter during fiscal years 1998-1999 and 1999-2000 pursuant to Item 554 of the 1998-2000 Appropriation Act shall be apportioned and distributed among the school divisions of the Commonwealth as follows: (i) there shall be apportioned and distributed equally to every school division grants in the sum of \$200,000 each and (ii) the balance of all available funds shall be apportioned and distributed to each school division on a pro rata basis according to the school division's average daily membership adjusted by the locality's composite index of ability to pay as set forth in the general appropriation act.~~

~~Local governing bodies may establish a separate escrow fund for the deposit of such funds as provided in § 22.1-175.5.~~

~~B. All funds appropriated for financial assistance for the purposes of this chapter for subsequent fiscal years shall be apportioned and distributed among the school divisions of the Commonwealth in accordance with eligibility and needs criteria to be established by the 2000 Session of the General Assembly. In developing such eligibility and needs criteria, the 2000 Session of the General Assembly shall consider the recommendations of the Commission on State Funding of Public School Construction.~~

§ 22.1-178. Requirements for persons employed to drive school buses.

A. No school board shall hire, employ, or enter into any agreement with any person for the purposes of operating a school bus transporting pupils unless the person proposed to so operate such school bus shall:

1. Have a physical examination of a scope prescribed by the Board of Education with the advice of the Medical Society of Virginia and furnish a form prescribed by the Board of Education showing the results of such examination.
2. Furnish a statement or copy of records from the Department of Motor Vehicles showing that the records of such Department do not disclose that the person, within the preceding five years, has been convicted upon a charge of driving under the influence of alcohol or drugs, convicted of a felony or assigned to any alcohol safety action program or driver alcohol rehabilitation program pursuant to § 18.2-271.1 or, within the preceding 12 months, has been convicted of two or more moving traffic violations or required to attend a driver improvement clinic by the Commissioner of the Department of Motor Vehicles pursuant to § 46.2-498.
3. Furnish a statement signed by two reputable persons who reside in the school division or in the applicant's community that the person is of good moral character.
4. Exhibit a license showing the person has successfully undertaken the examination prescribed by § 46.2-339.
5. Have reached the age of 18 ~~on~~ by the first day of the school year.

B. Any school board may require proof of current certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator as a condition to employment to operate a school bus transporting pupils.

C. School boards may require persons accepting employment ~~after July 1, 1994~~, as a driver of a school bus transporting pupils to agree, as a condition of employment, to submit to alcohol and controlled substance testing. Any such tests shall be conducted in compliance with Board of Education regulations.

D. The documents required pursuant to subdivisions A 1 and A 2 shall be furnished annually prior to the anniversary date of the employment agreement as a condition to continuing employment to operate a school bus.

E. The documents required pursuant to this section shall be filed with, and made a part of, the records of the school board employing such person as a school bus operator.

F. The ~~State Department of Education~~ shall furnish to the several division superintendents the necessary forms to be used by applicants in furnishing the information required by this section. Insofar as practicable, such forms shall be designed to limit paperwork, avoid the possibility of mistake, and furnish all parties involved with a complete and accurate record of the information required.

G. The physical examination required by subsection A may be performed and the report of the results signed by a licensed nurse practitioner or physician assistant.

§ 22.1-199.1. Programs designed to promote educational opportunities.

A. The General Assembly finds that Virginia educational research supports the conclusion that poor children are more at risk of educational failure than children from more affluent homes and that reduced pupil/teacher ratios and class sizes result in improved academic performance among young children; to this end, the General Assembly establishes a long-term goal of reducing pupil/teacher ratios and class sizes for grades K through three in those schools in the Commonwealth with high or moderate concentrations of at-risk students.

With such funds as are provided in the appropriation act for this purpose, there is hereby established the statewide voluntary pupil/teacher ratio and class size reduction program for the purpose of reaching the long-term goal of statewide voluntary pupil/teacher ratio and class size reductions for grades K through three in schools with high or moderate concentrations of at-risk students, consistent with the provisions provided in the appropriation act.

In order to facilitate these primary grade ratio and class size reductions, the ~~Department of Education~~ shall calculate the state funding of these voluntary ratio and class size reductions based on the incremental cost of providing the lower class sizes according to the greater of the division average per-pupil cost of all divisions or the actual division per-pupil cost. Localities shall provide matching funds for these voluntary ratio and class size reductions based on the composite index of local ability to pay. School divisions shall notify the ~~Department of Education~~ of their intention to implement the reduced ratios and class sizes in one or more of their qualifying schools by August 1 of each year. By March 31 of each year, school divisions shall forward data substantiating that each participating school has a complying pupil/teacher ratio.

In developing each proposed biennium budget for public education, the ~~Board of Education~~ shall include funding for these ratios and class sizes. These ratios and class sizes shall be included in the annual budget for public education.

B. The General Assembly finds that educational technology is one of the most important components, along with highly skilled teachers, in ensuring the delivery of quality public school education throughout the Commonwealth. Therefore, the ~~Board of Education~~ shall strive to incorporate technological studies within the teaching of all disciplines. Further, the General Assembly notes that educational technology can only be successful if teachers and administrators are provided adequate training and assistance. To this end, the following program is established.

With such funds as are appropriated for this purpose, the ~~Board of Education~~ shall award to the several school divisions grants for expanded access to educational technology. Funding for educational technology training for instructional personnel shall be provided as set forth in the appropriation act.

Funds for improving the quality and capacity of educational technology shall also be provided as set forth in the appropriation act, including, ~~but not limited to~~, (i) funds for providing a technology resource assistant to serve every elementary school in this Commonwealth ~~beginning on July 1, 1998~~; and (ii) funds to maintain the currency of career and technical education programs. Any local school board accepting funds to hire technology resource assistants or maintain currency of career and technical education programs shall commit to providing the required matching funds, based on the composite index of local ability to pay.

Each qualifying school board shall establish an individualized technology plan, which shall be approved by the Superintendent of ~~Public Instruction~~, for integrating technology into the classroom and into schoolwide instructional programs, including career and technical education programs. The ~~grants shall be prioritized as follows~~:

~~1. In the 1994 biennium, the first priority for these funds shall be to automate the library media centers and provide network capabilities in Virginia's elementary, middle and high schools, or combination thereof, in order to ensure access to the statewide library and other information networks. If any elementary, middle or high school has already met this priority, the 1994 biennium grant shall be used to provide other educational technologies identified in the relevant division's approved technology plan, such as multimedia and telecomputing packages, integrated learning systems, laptop computer loan programs, career and technical education laboratories or other electronic techniques designed to enhance public education and to facilitate teacher training in and implementation of effective instructional technology. The Board shall also distribute, as provided in the appropriation act, funds to support the purchase of electronic reference materials for use in the statewide automated reference system.~~

~~2. In the 1996 biennium and thereafter, the first priority for funding shall be consistent with those components of the Board of Education's Board's revised six-year technology plan which that focus on (i) retrofitting and upgrading existing school buildings to efficiently use educational technology; (ii) providing (a) one network-ready multimedia microcomputer~~

for each classroom, (b) a five-to-one ratio of pupils to network-ready microcomputers, (c) graphing calculators and relevant scientific probes/sensors as required by the Standards of Learning, and (d) training and professional development on available technologies and software to all levels and positions, including professional development for personnel delivering career and technical education at all levels and positions; and (iii) assisting school divisions in developing integrated voice-, video-, and data-connectivity to local, national, and international resources.

This funding may be used to implement a local school division's long-range technology plan, at the discretion of the relevant school board, if the local plan meets or exceeds the goals and standards of the Board's revised six-year technology plan and has been approved by the Superintendent of Public Instruction.

~~3. The Departments Department of Education, Information Technology, and the Department of General Services, and the Virginia Information Technologies Agency shall coordinate master contracts for the purchase by local school boards of the aforementioned educational technologies and reference materials.~~

~~4. Beginning on July 1, 1998, a A technology replacement program shall be, with such funds as may be appropriated for this purpose, implemented to replace obsolete educational hardware and software. As provided in subsection D of § 22.1-129, school boards may donate obsolete educational technology hardware and software which that are being replaced. Any such donations shall be offered to other school divisions and to preschool programs in the Commonwealth; or to public school students as provided in guidelines to be promulgated by the Board of Education. Such guidelines shall include criteria for determining student eligibility and needs; a reporting system for the compilation of information concerning the number and socioeconomic characteristics of recipient students; and notification of parents of the availability of such donations of obsolete educational hardware and software.~~

~~5. In fiscal year 2000, the Board of Education shall, with such funds as are appropriated for this purpose, contract for the development or purchase of interactive educational software and other instructional materials designed as tutorials to improve achievement on the Standards of Learning assessments. Such interactive educational software and other instructional materials may be used in media centers, computer laboratories, libraries, after school or before school programs or remedial programs by teachers and other instructional personnel or provided to parents and students to be used in the home. This interactive educational software and other instructional materials shall only be used as supplemental tools for instruction, remediation, and acceleration of the learning required by the K through 12 Standards of Learning objectives.~~

~~Consistent with school board policies designed to improve school-community communications and guidelines for providing instructional assistance in the home, each school division shall strive to establish a voice mail communication system after regular school hours for parents, families, and teachers by the year 2000.~~

C. The General Assembly finds that local autonomy in making decisions on local educational needs and priorities results in effective ~~grass-roots~~ *grassroots* efforts to improve education in the Commonwealth's public schools only when coupled with sufficient state funding; to this end, the following block grant program is hereby established. With such funds as are provided in the appropriation act, the Department of Education shall distribute block grants to localities to enable compliance with the Commonwealth's requirements for school divisions in effect on January 1, 1995. Therefore, for the purpose of such compliance, the block grant herein established shall consist of a sum equal to the amount appropriated in the appropriation act for the covered programs, including the at-risk add-on program; dropout prevention, specifically Project YES; Project Discovery; English as a second language programs, including programs for overage, nonschooled students; Advancement Via Individual Determination (AVID); the Homework Assistance Program; programs initiated under the Virginia Guaranteed Assistance Program, except that such funds shall not be used to pay any expenses of participating students at institutions of higher education; Reading Recovery; and school/community health centers. Each school board may use any funds received through the block grant to implement the covered programs and other programs designed to save the Commonwealth's children from educational failure.

D. In order to reduce pupil/teacher ratios and class sizes in elementary schools, from such funds as may be appropriated for this purpose, each school board may employ additional classroom teachers, remedial teachers, and reading specialists for each of its elementary schools over the requirements of the Standards of Quality. State and local funding for such additional classroom teachers, remedial teachers, and reading specialists shall be apportioned as provided in the appropriation act.

E. Pursuant to a turnaround specialist program administered by the Department of Education, local school boards may enter into agreements with individuals to be employed as turnaround specialists to address those conditions at the school that may impede educational progress and effectiveness and academic success. Local school boards may offer such turnaround specialists or other administrative personnel incentives such as increased compensation, improved retirement benefits in accordance with Chapter 6.2 (§ 51.1-617 et seq.) of Title 51.1, increased deferred compensation in accordance with § 51.1-603, relocation expenses, bonuses, and other incentives as may be determined by the board.

F. The General Assembly finds that certain schools have particular difficulty hiring teachers for certain subject areas and that the need for such teachers in these schools is particularly strong. Accordingly in an effort to attract and retain high quality teachers, local school boards may offer instructional personnel serving in such schools as a member of a middle school teacher corps administered by the Department of Education incentives such as increased compensation, improved retirement benefits in accordance with Chapter 6.2 (§ 51.1-617 et seq.) of Title 51.1, increased deferred compensation in accordance with § 51.1-603, relocation expenses, bonuses, and other incentives as may be determined by the board.

For purposes of this subsection, "middle school teacher corps" means licensed instructional personnel who are assigned to a local school division to teach in a subject matter in grades six, seven, or eight where there is a critical need, as

determined by the Department of Education. The contract between such persons and the relevant local school board shall specify that the contract is for service in the middle school teacher corps.

§ 22.1-207.3. School breakfast programs.

A. ~~By July 1, 1994, upon~~ *Upon* the appropriation and authorization of federal funds for the reimbursement of school breakfast programs, each school board shall establish a school breakfast program in any public school in which ~~twenty-five~~ 25 percent or more of enrolled school-age children were approved eligible to receive free or reduced price meals in the federally funded lunch program during the previous school year.

B. The Board of Education shall promulgate regulations for the implementation of the program. Such regulations shall include, but not be limited to, criteria for eligibility and exemptions; a reporting system for the compilation and analysis of information concerning the number and socioeconomic characteristics of participating school-age children; standards for food services; program evaluation; the investigation of complaints; an appeals process; notification of parents and guardians of the availability of the school breakfast program; and provision to teachers, children, and their parents or guardians of nutrition information describing the relationship between good nutrition, learning, and health.

C. Each school board subject to the provisions of this section shall develop and implement a plan to ensure compliance with the provisions of subsection A and submit the plan to the Department of Education no later than ~~thirty~~ 30 days prior to the commencement of the program. ~~Beginning by June 30, 1995, and thereafter annually, each~~ *Each* school board shall ~~annually~~ report such information as required in subsection B to the Department of Education on such forms and in the manner to be prescribed by the Board. In the event that federal funding for school breakfast programs is reduced or eliminated, a school board may support the program with such state or local funds as may be appropriated for such purposes.

§ 22.1-209.2. Programs and teachers in regional detention homes, certain local detention homes and state agencies and institutions.

The Board of Education shall prepare and supervise the implementation in the regional detention homes and ~~those~~ local detention homes ~~having teachers whose salaries were being funded by the Commonwealth on January 1, 1984,~~ a program designed to educate and train the children detained in the homes. In addition, the Board shall supervise those programs of evaluation, education, and training provided to school-age children by the Department of Health, the Department of Behavioral Health and Developmental Services, the children's teaching hospital associated with the Eastern Virginia Medical School, the Virginia Commonwealth University Health System Authority, the children's teaching hospital associated with the Virginia Commonwealth University Health System Authority, and the University of Virginia Hospitals pursuant to the Board's standards and regulations as required by § 22.1-7.

The Board shall promulgate such rules and regulations as may be necessary to conform these programs with the applicable federal and state laws and regulations including; ~~but not limited to,~~ teacher/student ratios and special education requirements for children with disabilities. The education programs in the relevant detention homes and state agencies and institutions shall be approved by the Board, and the Board shall prepare a budget for these educational programs ~~which~~ *that* shall be solely supported by such general funds as are appropriated by the General Assembly for this purpose. Teacher staffing ratios for regional or local detention homes shall be based on a ratio of one teacher for every ~~twelve~~ 12 beds based on the capacity of the facility; however, if the previous year's average daily attendance exceeds this bed capacity, the ratio shall be based on the average daily attendance at the facility as calculated by the Department of Education from the previous school year.

The Board of Education shall enter into contracts with the relevant state agency or institution or detention facility or the local school divisions in which the state agencies or institutions or the regional detention homes and the relevant local detention homes are located for the hiring and supervision of teachers.

In any case in which the Board enters into a contract with the relevant state agency or institution, the Department of Human Resource Management shall establish salary schedules for the teachers ~~which~~ *that* are competitive with those in effect for the school divisions in which the agency or institution is located.

§ 22.1-212.24. Approval of multidivision online providers; contracts with local school boards.

A. The Superintendent of Public Instruction shall develop, and the Board of Education shall approve, (i) the criteria and application process for approving multidivision online providers; (ii) a process for monitoring approved multidivision online providers; (iii) a process for revocation of the approval of a previously approved multidivision online provider; and (iv) an appeals process for a multidivision online provider whose approval was revoked or whose application was denied. The process developed under this subsection shall require approvals and revocations to be determined by the Superintendent of Public Instruction, and either the denial of an application or revocation of approval may be appealed to the Board of Education for review. The approval of a multidivision online provider under this section shall be effective until the approval is revoked, for cause, pursuant to the terms of this section. Any notice of revocation of approval of a multidivision online provider or rejection of an application by a multidivision online provider shall state the grounds for such action with reasonable specificity and give reasonable notice to the multidivision online provider to appeal. ~~These criteria and processes shall be adopted by January 31, 2011.~~

B. In developing the criteria for approval pursuant to subsection A, the Superintendent of Public Instruction shall (i) require multidivision online providers to be accredited by a national, regional, or state accreditation program approved by the Board; (ii) require such courses or programs, pupil performance standards, and curriculum to meet or exceed any applicable Standards of Learning and Standards of Accreditation; (iii) require any educational objectives and assessments

used to measure pupil progress toward achievement of the school's pupil performance standards to be in accordance with the Board's Standards of Accreditation and all applicable state and federal laws; (iv) require such courses or programs to maintain minimum staffing requirements appropriate for virtual school programs; and (v) publish the criteria for approval of multidivision online providers on its website, including any applicable deadlines, fees, and guidelines.

C. ~~The Department of Education~~ may charge a multidivision online provider applicant or a local school board requesting to offer a course through Virtual Virginia a fee not to exceed the costs required to ensure proper evaluation and approval of such requests. The Department shall establish and publish a fee schedule for purposes of this subsection.

D. Local school boards may enter into contracts, consistent with the criteria approved by the Board pursuant to this section, with approved private or nonprofit organizations to provide multidivision online courses and virtual school programs. Such contracts shall be exempt from the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

§ 22.1-212.25. Information regarding online courses and virtual programs; report.

A. ~~The Department of Education~~ shall develop and maintain a website that provides objective information for students, parents, and educators regarding online courses and virtual programs offered through local school boards by multidivision online providers that have been approved in accordance with § 22.1-212.24 and courses offered through the Virtual Virginia Program. The website shall include information regarding the overall instructional programs, the specific content of individual online courses and online programs, a direct link to each multidivision online provider's website, how to register for online learning programs and courses, teacher qualifications, course completion rates, and other evaluative and comparative information. The website shall also provide information regarding the process and criteria for approving multidivision online providers. Multidivision online providers shall provide the ~~Department of Education~~ the required information for the website as a condition of maintaining Board approval.

B. ~~The Superintendent of Public Instruction~~ shall develop model policies and procedures regarding student access to online courses and online learning programs that may be used by local school divisions.

Nothing in this article shall be deemed to require a local school division to adopt model policies or procedures developed pursuant to this section.

C. ~~Beginning November 1, 2011, and annually thereafter, the~~ ~~The Board of Education~~ shall include in its annual report to the Governor and the General Assembly information regarding multidivision online learning during the previous school year. The information shall include but not be limited to student demographics, course enrollment data, parental satisfaction, aggregated student course completion and passing rates, and activities and outcomes of course and provider approval reviews. ~~The November 1, 2011, report shall be an interim progress report and include information on the criteria and processes adopted by the Board and outcomes of provider applications.~~

D. ~~By July 1, 2011, local~~ Local school boards shall post on their websites information regarding online courses and programs that are available through the school division and Virtual Virginia. Such information shall include but not be limited to the types of online courses and programs available to students through the school division, when the school division will pay course fees and other costs for nonresident students, and the granting of high school credit.

§ 22.1-215.1. Information regarding procedures and rights relating to special education placement and withdrawal.

~~Effective July 1, 2001, the~~ ~~The Board of Education~~ shall publicize and disseminate to parents of students who are enrolled in special education programs or for whom a special education placement has been recommended information regarding current federal law and regulation addressing procedures and rights related to the placement and withdrawal of children in special education.

§ 22.1-253.13:3. Standard 3. Accreditation, other standards, assessments, and releases from state regulations.

A. The Board shall promulgate regulations establishing standards for accreditation pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), which shall include (i) student outcome and growth measures, (ii) requirements and guidelines for instructional programs and for the integration of educational technology into such instructional programs, (iii) administrative and instructional staffing levels and positions, including staff positions for supporting educational technology, (iv) student services, (v) auxiliary education programs such as library and media services, (vi) requirements for graduation from high school, (vii) community relations, and (viii) the philosophy, goals, and objectives of public education in the Commonwealth.

The Board shall promulgate regulations establishing standards for accreditation of public virtual schools under the authority of the local school board that enroll students full time.

The Board's regulations establishing standards for accreditation shall ensure that the accreditation process is transparent and based on objective measurements and that any appeal of the accreditation status of a school is heard and decided by the Board.

The Board shall review annually the accreditation status of all schools in the Commonwealth. The Board shall review the accreditation status of a school once every three years if the school has been fully accredited for three consecutive years. Upon such triennial review, the Board shall review the accreditation status of the school for each individual year within that triennial review period. If the Board finds that the school would have been accredited every year of that triennial review period the Board shall accredit the school for another three years. The Board may review the accreditation status of any other school once every two years or once every three years, provided that any school that receives a multiyear accreditation status other than full accreditation shall be covered by a Board-approved multiyear corrective action plan for the duration of

the period of accreditation. Such multiyear corrective action plan shall include annual written progress updates to the Board. A multiyear accreditation status shall not relieve any school or division of annual reporting requirements.

Each local school board shall maintain schools that are fully accredited pursuant to the standards for accreditation as prescribed by the Board. Each local school board shall report the accreditation status of all schools in the local school division annually in public session.

The Board shall establish a review process to assist any school that does not meet the standards established by the Board. The relevant school board shall report the results of such review and any annual progress reports in public session and shall implement any actions identified through such review and utilize them for improvement planning.

The Board shall establish a corrective action plan process for any school that does not meet the standards established by the Board. Such process shall require (a) each school board to submit a corrective action plan for any school in the local school division that does not meet the standards established by the Board and (b) any school board that fails to demonstrate progress in developing or implementing any such corrective action plan to enter into a memorandum of understanding with the Board.

When the Board determines through its review process that the failure of schools within a division to meet the standards established by the Board is related to division-level failure to implement the Standards of Quality or other division-level action or inaction, the Board may require a division-level academic review. After the conduct of such review and within the time specified by the Board, each school board shall enter into a memorandum of understanding with the Board and shall subsequently submit to the Board for approval a corrective action plan, consistent with criteria established by the Board setting forth specific actions and a schedule designed to ensure that schools within its school division meet the standards established by the Board. If the Board determines that the proposed corrective action plan is not sufficient to enable all schools within the division to meet the standards established by the Board, the Board may return the plan to the local school board with directions to submit an amended plan pursuant to Board guidance. Such corrective action plans shall be part of the relevant school division's comprehensive plan pursuant to § 22.1-253.13:6.

B. The Superintendent of ~~Public Instruction~~ shall develop, subject to revision by the Board, criteria for determining and recognizing educational performance in the Commonwealth's local school divisions and public schools. The portion of such criteria that measures individual student growth shall become an integral part of the accreditation process for schools in which any grade level in the grade three through eight range is taught. The Superintendent of ~~Public Instruction~~ shall annually report to the Board on the accreditation status of all school divisions and schools. Such report shall include an analysis of the strengths and weaknesses of public education programs in the various school divisions in Virginia and recommendations to the General Assembly for further enhancing student learning uniformly across the Commonwealth. In recognizing educational performance and individual student growth in the school divisions, the Board shall include consideration of special school division accomplishments, such as numbers of dual enrollments and students in Advanced Placement and International Baccalaureate courses, and participation in academic year Governor's Schools.

The Superintendent of ~~Public Instruction~~ shall assist local school boards in the implementation of action plans for increasing educational performance and individual student growth in those school divisions and schools that are identified as not meeting the approved criteria. The Superintendent of ~~Public Instruction~~ shall monitor the implementation of and report to the Board on the effectiveness of the corrective actions taken to improve the educational performance in such school divisions and schools.

C. With such funds as are available for this purpose, the Board shall prescribe assessment methods to determine the level of achievement of the Standards of Learning objectives by all students. Such assessments shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the Standards of Learning being assessed. The Board shall, with the assistance of independent testing experts, conduct a regular analysis and validation process for these assessments. In lieu of a one-time end-of-year assessment, the Board shall establish, for the purpose of providing measures of individual student growth over the course of the school year, a through-year growth assessment system, aligned with the Standards of Learning, for the administration of reading and mathematics assessments in grades three through eight. Such through-year growth assessment system shall include at least one beginning-of-year, one mid-year, and one end-of-year assessment in order to provide individual student growth scores over the course of the school year, but the total time scheduled for taking all such assessments shall not exceed 150 percent of the time scheduled for taking a single end-of-year proficiency assessment. The Department shall ensure adequate training for teachers and principals on how to interpret and use student growth data from such assessments to improve reading and mathematics instruction in grades three through eight throughout the school year. With such funds and content as are available for such purpose, such through-year growth assessment system shall provide accurate measurement of a student's performance, through computer adaptive technology, using test items at, below, and above the student's grade level as necessary.

The Board shall also provide the option of industry certification and state licensure examinations as a student-selected credit.

The Department shall make available to school divisions Standards of Learning assessments typically administered by high schools by December 1 of the school year in which such assessments are to be administered or when newly developed assessments are available, whichever is later.

The Board shall make publicly available such assessments in a timely manner and as soon as practicable following the administration of such tests, so long as the release of such assessments does not compromise test security or deplete the

bank of assessment questions necessary to construct subsequent tests, or limit the ability to test students on demand and provide immediate results in the web-based assessment system.

The Board shall prescribe alternative methods of Standards of Learning assessment administration for children with disabilities, as that term is defined in § 22.1-213, who meet criteria established by the Board to demonstrate achievement of the Standards of Learning. An eligible student's Individual Education Program team shall make the final determination as to whether an alternative method of administration is appropriate for the student.

The Board shall include in the student outcome and growth measures that are required by the standards of accreditation the required assessments for various grade levels and classes, including the completion of the alternative assessments implemented by each local school board, in accordance with the Standards of Learning. These assessments shall include end-of-course or end-of-grade tests for English, mathematics, science, and history and social science and may be integrated to include multiple subject areas.

The Standards of Learning assessments administered to students in grades three through eight shall not exceed (i) reading and mathematics in grades three and four; (ii) reading, mathematics, and science in grade five; (iii) reading and mathematics in grades six and seven; (iv) reading, writing, and mathematics in grade eight; (v) science after the student receives instruction in the grade six science, life science, and physical science Standards of Learning and before the student completes grade eight; and (vi) Virginia Studies and Civics and Economics once each at the grade levels deemed appropriate by each local school board. The reading and mathematics assessments administered to students in grades three through eight shall be through-year growth assessments.

Each school board shall annually certify that it has provided instruction and administered an alternative assessment, consistent with Board guidelines, to students in grades three through eight in each Standards of Learning subject area in which a Standards of Learning assessment was not administered during the school year. Such guidelines shall (a) incorporate options for age-appropriate, authentic performance assessments and portfolios with rubrics and other methodologies designed to ensure that students are making adequate academic progress in the subject area and that the Standards of Learning content is being taught; (b) permit and encourage integrated assessments that include multiple subject areas; and (c) emphasize collaboration between teachers to administer and substantiate the assessments and the professional development of teachers to enable them to make the best use of alternative assessments.

Local school divisions shall provide targeted mathematics remediation and intervention to students in grades six through eight who show computational deficiencies as demonstrated by their individual performance on any diagnostic test or grade-level Standards of Learning mathematics test that measures non-calculator computational skills.

The Department shall award recovery credit to any student in grades three through eight who performs below grade level on a Standards of Learning assessment in English reading or mathematics, receives remediation, and subsequently retakes and performs at or above grade level on such an assessment, including any such student who subsequently retakes such an assessment on an expedited basis.

In addition, to assess the educational progress of students, the Board shall (1) develop appropriate assessments, which may include criterion-referenced tests and other assessment instruments that may be used by classroom teachers; (2) select appropriate industry certification and state licensure examinations; and (3) prescribe and provide measures, which may include nationally normed tests to be used to identify students who score in the bottom quartile at selected grade levels. ~~An annual justification that includes evidence that the student meets the participation criteria defined by the Department shall be provided for each student considered for the Virginia Grade Level Alternative. Each Individual Education Program team shall review such justification and make the final determination as to whether or not the Virginia Grade Level Alternative is appropriate for the student. The superintendent and the school board chairman shall certify to the Board, as a part of certifying compliance with the Standards of Quality, that there is a justification in the Individual Education Program for every student who takes the Virginia Grade Level Alternative. Compliance with this requirement shall be monitored as a part of the special education monitoring process conducted by the Department. The Board shall report to the Governor and General Assembly in its annual reports pursuant to § 22.1-18 any school division that is not in compliance with this requirement.~~

The Standards of Learning requirements, including all related assessments, shall be waived for any student awarded a scholarship under the Brown v. Board of Education Scholarship Program, pursuant to § 30-231.2, who is enrolled in a preparation program for a high school equivalency examination approved by the Board or in an adult basic education program or an adult secondary education program to obtain the high school diploma or a high school equivalency certificate.

The Department shall develop processes for informing school divisions of changes in the Standards of Learning.

The Board may adopt special provisions related to the administration and use of any Standards of Learning test or tests in a content area as applied to accreditation ratings for any period during which the Standards of Learning content or assessments in that area are being revised and phased in. Prior to statewide administration of such tests, the Board shall provide notice to local school boards regarding such special provisions.

The Board shall not include in its calculation of the passage rate for a Standards of Learning assessment or the level of achievement of the Standards of Learning objectives for an individual student growth assessment for the purposes of state accountability any student whose parent has decided to not have his child take such Standards of Learning assessment, unless such exclusions would result in the school's not meeting any required state or federal participation rate.

D. The Board may pursue all available civil remedies pursuant to § 22.1-19.1 or administrative action pursuant to § 22.1-292.1 for breaches in test security and unauthorized alteration of test materials or test results.

The Board may initiate or cause to be initiated a review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests, including the exclusion of students from testing who are required to be assessed, by local school board employees responsible for the distribution or administration of the tests.

Records and other information furnished to or prepared by the Board during the conduct of a review or investigation may be withheld pursuant to subdivision 10 of § 2.2-3705.3. However, this section shall not prohibit the disclosure of records to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board. Any local school board or division superintendent receiving such records or other information shall, upon taking personnel action against a relevant employee, place copies of such records or information relating to the specific employee in such person's personnel file.

Notwithstanding any other provision of state law, no test or examination authorized by this section, including the Standards of Learning assessments, shall be released or required to be released as minimum competency tests, if, in the judgment of the Board, such release would breach the security of such test or examination or deplete the bank of questions necessary to construct future secure tests.

E. With such funds as may be appropriated, the Board may provide, through an agreement with vendors having the technical capacity and expertise to provide computerized tests and assessments, and test construction, analysis, and security, for (i) web-based computerized tests and assessments, including computer-adaptive Standards of Learning assessments, for the evaluation of student progress during and after remediation and (ii) the development of a remediation item bank directly related to the Standards of Learning.

F. To assess the educational progress of students as individuals and as groups, each local school board shall require the use of Standards of Learning assessments, alternative assessments, and other relevant data, such as industry certification and state licensure examinations, to evaluate student progress and to determine educational performance. Each local school shall require the administration of appropriate assessments to students, which may include criterion-referenced tests and teacher-made tests and shall include the Standards of Learning assessments, the local school board's alternative assessments, and the National Assessment of Educational Progress state-by-state assessment. Each school board shall analyze and report annually, in compliance with any criteria that may be established by the Board, the results from ~~the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, if administered,~~ industry certification examinations; and the Standards of Learning Assessments to the public.

~~The Board shall not require administration of the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, except as may be selected to facilitate compliance with the requirements for home instruction pursuant to § 22.1-254.1.~~

The Board shall include requirements for the reporting of the Standards of Learning assessment data, regardless of accreditation frequency, as part of the Board's requirements relating to the School Performance Report Card. Such scores shall be disaggregated for each school by student subgroups on the Virginia assessment program as appropriate and shall be reported to the public within three months of their receipt. These reports (i) shall be posted on the portion of the Department's website relating to the School Performance Report Card, in a format and in a manner that allows year-to-year comparisons, and (ii) may include the National Assessment of Educational Progress state-by-state assessment.

G. Each local school division superintendent shall regularly review the division's submission of data and reports required by state and federal law and regulations to ensure that all information is accurate and submitted in a timely fashion. The Superintendent of ~~Public Instruction~~ shall provide a list of the required reports and data to division superintendents annually. The status of compliance with this requirement shall be included in the Board's annual report to the Governor and the General Assembly as required by § 22.1-18.

H. Any school board may request the Board for release from state regulations or, on behalf of one or more of its schools, for approval of an Individual School Accreditation Plan for the evaluation of the performance of one or more of its schools as authorized for certain other schools by the Standards for Accreditation pursuant to 8VAC20-131-280 C of the Virginia Administrative Code. Waivers of regulatory requirements may be granted by the Board based on submission of a request from the division superintendent and chairman of the local school board. The Board may grant, for a period up to five years, a waiver of regulatory requirements that are not (i) mandated by state or federal law or (ii) designed to promote health or safety. The school board shall provide in its waiver request a description of how the releases from state regulations are designed to increase the quality of instruction and improve the achievement of students in the affected school or schools. The Department shall provide (a) guidance to any local school division that requests releases from state regulations and (b) information about opportunities to form partnerships with other agencies or entities to any local school division in which the school or schools granted releases from state regulations have demonstrated improvement in the quality of instruction and the achievement of students.

The Board may also grant local school boards waivers of specific requirements in § 22.1-253.13:2, based on submission of a request from the division superintendent and chairman of the local school board, permitting the local school board to assign instructional personnel to the schools with the greatest needs, so long as the school division employs a

sufficient number of personnel divisionwide to meet the total number required by § 22.1-253.13:2 and all pupil/teacher ratios and class size maximums set forth in subsection C of § 22.1-253.13:2 are met. The school board shall provide in its request a description of how the waivers from specific Standards of Quality staffing standards are designed to increase the quality of instruction and improve the achievement of students in the affected school or schools. The waivers may be renewed in up to five-year increments, or revoked, based on student achievement results in the affected school or schools.

§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.

A. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who meet the requirements prescribed by the Board of Education and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education. Provisions shall be made to facilitate the transfer and appropriate grade placement of students from other public secondary schools, from nonpublic schools, or from home instruction as outlined in the standards for accreditation. The standards for accreditation shall include provisions relating to the completion of graduation requirements through Virtual Virginia. Further, reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed.

In addition, each local school board may devise, vis-a-vis the award of diplomas to secondary school students, a mechanism for calculating class rankings that takes into consideration whether the student has taken a required class more than one time and has had any prior earned grade for such required class expunged.

Each local school board shall notify the parents of rising eleventh and twelfth grade students of (i) the requirements for graduation pursuant to the standards for accreditation and (ii) the requirements that have yet to be completed by the individual student.

B. Students identified as disabled who complete the requirements of their individualized education programs and meet certain requirements prescribed by the Board pursuant to regulations but do not meet the requirements for any named diploma shall be awarded Applied Studies diplomas by local school boards. The Board shall develop and implement statewide requirements for earning an Applied Studies diploma for implementation at the beginning of the 2022-2023 school year.

Each local school board shall notify the parent of such students with disabilities who have an individualized education program and who fail to meet the graduation requirements of the student's right to a free and appropriate education to age 21, inclusive, pursuant to Article 2 (§ 22.1-213 et seq.) of Chapter 13.

The Department shall develop guidance, in multiple languages, for students and parents conveying (i) the limitations of the applied studies diploma, (ii) key curriculum and testing decisions that reduce the likelihood that a student will be able to obtain a standard diploma, and (iii) a statement that the pursuit of an applied studies diploma may preclude a student's ability to pursue a standard diploma.

Each local school board shall provide guidance from the Department to parents of students with disabilities regarding the Applied Studies diploma and its limitations at a student's annual individualized education program meeting corresponding to grades three through 12 when curriculum or statewide assessment decisions are being made that impact the type of diploma for which the student can qualify.

C. Students who have completed a prescribed course of study as defined by the local school board shall be awarded certificates of program completion by local school boards if they are not eligible to receive a Board of Education approved diploma.

Each local school board shall provide notification of the right to a free public education for students who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1 (§ 22.1-1 et seq.), to the parent of students who fail to graduate or who have failed to achieve graduation requirements as provided in the standards for accreditation. If such student who does not graduate or complete such requirements is a student for whom English is a second language, the local school board shall notify the parent of the student's opportunity for a free public education in accordance with § 22.1-5.

D. In establishing graduation requirements, the Board shall:

1. Develop and implement, in consultation with stakeholders representing elementary and secondary education, higher education, and business and industry in the Commonwealth and including parents, policymakers, and community leaders in the Commonwealth, a Profile of a Virginia Graduate that identifies the knowledge and skills that students should attain during high school in order to be successful contributors to the economy of the Commonwealth, giving due consideration to critical thinking, creative thinking, collaboration, communication, and citizenship.

2. Emphasize the development of core skill sets in the early years of high school.

3. Establish multiple paths toward college and career readiness for students to follow in the later years of high school. Each such pathway shall include opportunities for internships, externships, and credentialing.

4. Provide for the selection of integrated learning courses meeting the Standards of Learning and approved by the Board to satisfy graduation requirements, which shall include Standards of Learning testing, as necessary.

5. Require students to complete at least one course in fine or performing arts or career and technical education, one course in United States and Virginia history, and two sequential elective courses chosen from a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses that provides a foundation for further education or training or preparation for employment.

6. Require that students (i) complete an Advanced Placement, honors, International Baccalaureate, or dual enrollment course; (ii) complete a high-quality work-based learning experience, as defined by the Board; or (iii) earn a career and technical education credential that has been approved by the Board, except when a career and technical education credential in a particular subject area is not readily available or appropriate or does not adequately measure student competency, in which case the student shall receive satisfactory competency-based instruction in the subject area to earn credit. The career and technical education credential, when required, could include the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment. The Department of Education shall develop, maintain, and make available to each local school board a catalogue of the testing accommodations available to English language learners for each such certification, examination, assessment, and battery. Each local school board shall develop and implement policies to require each high school principal or his designee to notify each English language learner of the availability of such testing accommodations prior to the student's participation in any such certification, examination, assessment, or battery.

7. ~~Beginning with first-time ninth grade students in the 2016-2017 school year, require~~ *Require* students to be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation.

8. Make provision in its regulations for students with disabilities to earn a diploma.

9. Require students to complete one virtual course, which may be a noncredit-bearing course.

10. Provide that students who complete elective classes into which the Standards of Learning for any required course have been integrated and achieve a passing score on the relevant Standards of Learning test for the relevant required course receive credit for such elective class.

11. Establish a procedure to facilitate the acceleration of students that allows qualified students, with the recommendation of the division superintendent, without completing the 140-hour class, to obtain credit for such class upon demonstrating mastery of the course content and objectives and receiving a passing score on the relevant Standards of Learning assessment. Nothing in this section shall preclude relevant school division personnel from enforcing compulsory attendance in public schools.

12. Provide for the award of credit for passing scores on industry certifications, state licensure examinations, and national occupational competency assessments approved by the Board of Education.

School boards shall report annually to the Board of Education the number of Board-approved industry certifications obtained, state licensure examinations passed, national occupational competency assessments passed, Armed Services Vocational Aptitude Battery assessments passed, and Virginia workplace readiness skills assessments passed, and the number of career and technical education completers who graduated. These numbers shall be reported as separate categories on the School Performance Report Card.

For the purposes of this subdivision, "career and technical education completer" means a student who has met the requirements for a career and technical concentration or specialization and all requirements for high school graduation or an approved alternative education program.

In addition, the Board may:

a. For the purpose of awarding credit, approve the use of additional or substitute tests for the correlated Standards of Learning assessment, such as academic achievement tests, industry certifications, or state licensure examinations; and

b. Permit students completing career and technical education programs designed to enable such students to pass such industry certification examinations or state licensure examinations to be awarded, upon obtaining satisfactory scores on such industry certification or licensure examinations, appropriate credit for one or more career and technical education classes into which relevant Standards of Learning for various classes taught at the same level have been integrated. Such industry certification and state licensure examinations may cover relevant Standards of Learning for various required classes and may, at the discretion of the Board, address some Standards of Learning for several required classes.

13. Provide for the waiver of certain graduation requirements (i) upon the Board's initiative or (ii) at the request of a local school board. Such waivers shall be granted only for good cause and shall be considered on a case-by-case basis.

14. Consider all computer science course credits earned by students to be science course credits, mathematics course credits, or career and technical education credits. The Board of Education shall develop guidelines addressing how computer science courses can satisfy graduation requirements.

15. Permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction upon providing the Board with satisfactory proof, based on Board guidelines, that the students for whom such requirements are waived have learned the content and skills included in the relevant Standards of Learning.

16. Provide for the award of verified units of credit for a satisfactory score, as determined by the Board, on the Preliminary ACT (PreACT) or Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) examination.

17. Permit students to exceed a full course load in order to participate in courses offered by an institution of higher education that lead to a degree, certificate, or credential at such institution.

18. Permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction after the student has completed the course curriculum and relevant Standards of Learning end-of-course assessment, or Board-approved substitute, provided that such student subsequently receives instruction, coursework, or study toward an industry certification approved by the local school board.

19. Permit any English language learner who previously earned a sufficient score on an Advanced Placement or International Baccalaureate foreign language examination or an SAT II Subject Test in a foreign language to substitute computer coding course credit for any foreign language course credit required to graduate, except in cases in which such foreign language course credit is required to earn an advanced diploma offered by a nationally recognized provider of college-level courses.

20. Permit a student who is pursuing an advanced diploma and whose individualized education program specifies a credit accommodation for world language to substitute two standard units of credit in computer science for two standard units of credit in a world language. For any student that elects to substitute a credit in computer science for credit in world language, his or her school counselor must provide notice to the student and parent or guardian of possible impacts related to college entrance requirements.

E. In the exercise of its authority to recognize exemplary performance by providing for diploma seals:

1. The Board shall develop criteria for recognizing exemplary performance in career and technical education programs by students who have completed the requirements for a Board of Education-approved diploma and shall award seals on the diplomas of students meeting such criteria.

2. The Board shall establish criteria for awarding a diploma seal for science, technology, engineering, and mathematics (STEM) for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) relevant coursework; (ii) technical writing, reading, and oral communication skills; (iii) relevant training; and (iv) industry, professional, and trade association national certifications.

3. The Board shall establish criteria for awarding a diploma seal for excellence in civics education and understanding of our state and federal constitutions and the democratic model of government for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) successful completion of history, government, and civics courses, including courses that incorporate character education; (ii) voluntary participation in community service or extracurricular activities that includes the types of activities that shall qualify as community service and the number of hours required; and (iii) related requirements as it deems appropriate.

4. The Board shall establish criteria for awarding a diploma seal of biliteracy to any student who demonstrates proficiency in English and at least one other language for the Board of Education-approved diplomas. The Board shall consider criteria including the student's (i) score on a College Board Advanced Placement foreign language examination, (ii) score on an SAT II Subject Test in a foreign language, (iii) proficiency level on an ACTFL Assessment of Performance toward Proficiency in Languages (AAPPL) measure or another nationally or internationally recognized language proficiency test, or (iv) cumulative grade point average in a sequence of foreign language courses approved by the Board.

F. The Board shall establish, by regulation, requirements for the award of a general achievement adult high school diploma for those persons who are not subject to the compulsory school attendance requirements of § 22.1-254 and have (i) achieved a passing score on a high school equivalency examination approved by the Board of Education; (ii) successfully completed an education and training program designated by the Board of Education; (iii) earned a Board of Education-approved career and technical education credential such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment; and (iv) satisfied other requirements as may be established by the Board for the award of such diploma.

G. To ensure the uniform assessment of high school graduation rates, the Board shall collect, analyze, report, and make available to the public high school graduation and dropout data using a formula prescribed by the Board.

H. The Board shall also collect, analyze, report, and make available to the public high school graduation and dropout data using a formula that excludes any student who fails to graduate because such student is in the custody of the Department of Corrections, the Department of Juvenile Justice, or local law enforcement. For the purposes of the Standards of Accreditation, the Board shall use the graduation rate required by this subsection.

I. The Board may promulgate such regulations as may be necessary and appropriate for the collection, analysis, and reporting of such data required by subsections G and H.

§ 22.1-254.1. Declaration of policy; requirements for home instruction of children.

A. When the requirements of this section have been satisfied, instruction of children by their parents is an acceptable alternative form of education under the policy of the Commonwealth of Virginia. Any parent of any child who will have reached the fifth birthday on or before September 30 of any school year and who has not passed the eighteenth birthday may elect to provide home instruction in lieu of school attendance if he (i) holds a high school diploma; (ii) is a teacher of qualifications prescribed by the Board of Education; (iii) provides the child with a program of study or curriculum, which may be delivered through a correspondence course or distance learning program or in any other manner; or (iv) provides evidence that he is able to provide an adequate education for the child.

B. Any parent who elects to provide home instruction in lieu of school attendance shall annually notify the division superintendent in August of his intention to so instruct the child and provide a description of the curriculum, limited to a list of subjects to be studied during the coming year, and evidence of having met one of the criteria for providing home instruction as required by subsection A. ~~Effective July 1, 2000, parents~~ Parents electing to provide home instruction shall provide such annual notice no later than August 15. Any parent who moves into a school division or begins home instruction after the school year has begun shall notify the division superintendent of his intention to provide home

instruction as soon as practicable and shall thereafter comply with the requirements of this section within 30 days of such notice. The division superintendent shall notify the Superintendent of ~~Public Instruction~~ of the number of students in the school division receiving home instruction.

C. The parent who elects to provide home instruction shall provide the division superintendent by August 1 following the school year in which the child has received home instruction with either (i) evidence that the child has attained a composite score in or above the fourth stanine on any nationally normed standardized achievement test, or an equivalent score on the ACT, SAT, or PSAT test or (ii) an evaluation or assessment ~~which that~~ the division superintendent determines to indicate that the child is achieving an adequate level of educational growth and progress, including ~~but not limited to~~ (a) an evaluation letter from a person licensed to teach in any state, or a person with a master's degree or higher in an academic discipline, having knowledge of the child's academic progress, stating that the child is achieving an adequate level of educational growth and progress or (b) a report card or transcript from an institution of higher education, college distance learning program, or home-education correspondence school.

In the event that evidence of progress as required in this subsection is not provided by the parent, the home instruction program for that child may be placed on probation for one year. Parents shall file with the division superintendent evidence of their ability to provide an adequate education for their child in compliance with subsection A and a remediation plan for the probationary year ~~which that~~ indicates their program is designed to address any educational deficiency. Upon acceptance of such evidence and plan by the division superintendent, the home instruction may continue for one probationary year. If the remediation plan and evidence are not accepted or the required evidence of progress is not provided by August 1 following the probationary year, home instruction shall cease and the parent shall make other arrangements for the education of the child ~~which that~~ comply with § 22.1-254. The requirements of *this* subsection ~~€~~ shall not apply to children who are under the age of six as of September 30 of the school year.

D. Nothing in this section shall prohibit a pupil and his parents from obtaining an excuse from school attendance by reason of bona fide religious training or belief pursuant to subdivision B 1 of § 22.1-254.

E. Any party aggrieved by a decision of the division superintendent may appeal his decision within 30 days to an independent hearing officer. The independent hearing officer shall be chosen from the list maintained by the Executive Secretary of the Supreme Court for hearing appeals of the placements of children with disabilities. The costs of the hearing shall be apportioned among the parties by the hearing officer in a manner consistent with his findings.

F. School boards shall make Advanced Placement (AP), Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT), and PreACT examinations available to students receiving home instruction pursuant to this section. School boards shall adopt written policies that specify the date by which such students shall register to participate in such examinations. School boards shall notify such students and their parents of such registration deadline and the availability of financial assistance to low-income and needy students to take such examinations.

G. No division superintendent or local school board shall disclose to the Department of ~~Education~~ or any other person or entity outside of the local school division information that is provided by a parent or student to satisfy the requirements of this section or subdivision B 1 of § 22.1-254. However, a division superintendent or local school board may disclose, with the written consent of a student's parent, such information to the extent provided by the parent's consent. Nothing in this subsection shall prohibit a division superintendent from notifying the Superintendent of ~~Public Instruction~~ of the number of students in the school division receiving home instruction as required by subsection B.

§ 22.1-271.3. Guidelines for school attendance for children infected with human immunodeficiency virus; school personnel training required; notification of school personnel in certain cases.

A. The Board of ~~Education~~, in cooperation with the Board of Health, shall develop, and revise as necessary, model guidelines for school attendance for children infected with human immunodeficiency virus. ~~The first such guidelines shall be completed by December 1, 1989.~~ The Board shall distribute copies of these guidelines to each division superintendent and every school board member in the Commonwealth immediately following ~~completion~~ *development or revision*.

B. Each school board shall, ~~by July 1, 1990,~~ adopt guidelines for school attendance for children with human immunodeficiency virus. Such guidelines shall be consistent with the model guidelines for such school attendance developed by the Board of ~~Education~~.

C. Every school board shall ensure that all school personnel having direct contact with students receive appropriate training in the etiology, prevention, transmission modes, and effects of blood-borne pathogens, specifically, hepatitis B and human immunodeficiency viruses or any other infections that are the subject of regulations promulgated by the Safety and Health Codes Board of the Virginia Occupational Safety and Health Program within the Department of Labor and Industry.

D. Upon notification by a school employee who believes he has been involved in a possible exposure-prone incident ~~which that~~ may have exposed the employee to the blood or body fluids of a student, the division superintendent shall contact the local health director who, upon immediate investigation of the incident, shall determine if a potentially harmful exposure has occurred and make recommendations, based upon all information available to him, regarding how the employee can reduce any risks from such exposure. The division superintendent shall share these recommendations with the school employee. Except as permitted by § 32.1-45.1, the division superintendent and the school employee shall not divulge any information provided by the local health director regarding such student. The information provided by the local health director shall be subject to any applicable confidentiality requirements set forth in Chapter 2 (§ 32.1-35 et seq.) of Title 32.1.

§ 22.1-274. School health services.

A. A school board shall provide pupil personnel and support services in compliance with § 22.1-253.13:2. A school board may employ school nurses, physicians, physical therapists, occupational therapists, and speech therapists. No such personnel shall be employed unless they meet such standards as may be determined by the Board of Education. Subject to the approval of the appropriate local governing body, a local health department may provide personnel for health services for the school division.

B. In implementing subsection P of § 22.1-253.13:2, relating to providing support services that are necessary for the efficient and cost-effective operation and maintenance of its public schools, each school board may strive to employ, or contract with local health departments for, nursing services consistent with a ratio of at least one nurse ~~(i) per 2,500 students by July 1, 1996; (ii) per 2,000 students by July 1, 1997; (iii) per 1,500 students by July 1, 1998; and (iv) per 1,000 students by July 1, 1999.~~ In those school divisions in which there are more than 1,000 students in average daily membership in school buildings, this section shall not be construed to encourage the employment of more than one nurse per school building. Further, this section shall not be construed to mandate the aspired-to ratios.

C. The Board of Education shall monitor the progress in achieving the ratios ratio set forth in subsection B and any subsequent increase in prevailing statewide costs, and the mechanism for funding health services, pursuant to subsection P of § 22.1-253.13:2 and the appropriation act. The Board shall also determine how school health funds are used and school health services are delivered in each locality and shall provide, by December 1, 1994, a detailed analysis of school health expenditures to the House Committee on Education, the House Committee on Appropriations, the Senate Committee on Education and Health, and the Senate Committee on Finance and Appropriations.

D. With the exception of school administrative personnel and persons employed by school boards who have the specific duty to deliver health-related services, no licensed instructional employee, instructional aide, or clerical employee shall be disciplined, placed on probation, or dismissed on the basis of such employee's refusal to (i) perform nonemergency health-related services for students or (ii) obtain training in the administration of insulin and glucagon. However, instructional aides and clerical employees may not refuse to dispense oral medications.

For the purposes of this subsection, "health-related services" means those activities that, when performed in a health care facility, must be delivered by or under the supervision of a licensed or certified professional.

E. Each school board shall ensure that in school buildings with an instructional and administrative staff of 10 or more (i) at least three employees have current certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator and (ii) if one or more students diagnosed as having diabetes attend such school, at least two employees have been trained in the administration of insulin and glucagon. In school buildings with an instructional and administrative staff of fewer than 10, school boards shall ensure that (a) at least two employees have current certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator and (b) if one or more students diagnosed as having diabetes attend such school, at least one employee has been trained in the administration of insulin and glucagon. ~~"Employee"~~ For purposes of this subsection, "employee" includes any person employed by a local health department who is assigned to the public school pursuant to an agreement between the local health department and the school board. When a registered nurse, nurse practitioner, physician, or physician assistant is present, no employee who is not a registered nurse, nurse practitioner, physician, or physician assistant shall assist with the administration of insulin or administer glucagon. Prescriber authorization and parental consent shall be obtained for any employee who is not a registered nurse, nurse practitioner, physician, or physician assistant to assist with the administration of insulin and administer glucagon.

§ 22.1-280.2. School crime line defined; development of school crime lines authorized; local school boards' authority; Board to promulgate regulations.

A. As used in this section: ~~"School,"~~ "school crime line" means a confidential, anonymous system providing inducements for students to report any unlawful act occurring in school buildings or on school grounds or during school-sponsored activities to local law-enforcement authorities ~~which~~ that is established as a cooperative alliance between the local school board, news media, the community, and law-enforcement officials or through a separate, nonprofit corporation governed by a board of directors or as part of a local "Crime Stoppers" program.

B. In order to reduce crime and violence within the school divisions in the Commonwealth, any local school board may develop a school crime line program as a joint, self-sustaining, cooperative alliance with news media, the community, and law-enforcement authorities to receive, screen, and reward student reports of unlawful acts committed in school buildings or on school grounds or at school functions, when such reports lead to arrests or recovery of contraband or stolen property. Police or other law-enforcement personnel shall staff every school crime line program, receive reported information from anonymous student callers, screen such information, and direct information for further investigation, as may be appropriate.

C. Such programs may be established (i) by a local school board as a joint, self-sustaining, cooperative alliance with news media, the community, and law-enforcement authorities; (ii) through a separate nonprofit corporation initiated jointly by the local school board, news media, the community, and law-enforcement authorities and governed by a board of directors; or (iii) as part of a local "Crime Stoppers" program.

The governing board of any separate nonprofit school crime line corporation shall include broad-based community representation and shall, through its bylaws, set the policy, coordinate fund raising, and formulate a system of rewards. Prior to implementation of any school crime line program and annually thereafter, the local school board shall review and approve, as complying with the ~~Board of Education's~~ Board's regulations for implementation of school crime lines, its regulations or the bylaws of any nonprofit school crime line corporation or the bylaws of any nonprofit "Crime Stoppers"

corporation operating a school crime line. No school crime line program shall be implemented or revised without first obtaining the local school board's approval. Every local school board developing a school crime line program shall also notify all students and their parents or other custodian of the procedures and policies governing the program prior to implementation and annually thereafter.

D. ~~By July 1, 1994, the~~ The Board of Education shall promulgate regulations for the implementation of school crime lines, including, ~~but not limited to,~~ appropriate fund raising, and the appropriateness of and limitations on rewards. In developing the regulations, the Board shall, in consultation with the Office of the Attorney General, address issues relating to civil rights, privacy, and any other question of law, including the civic duty to report crime without compensation.

E. Local school boards may establish, as a separate account, a school crime line fund, consisting of private contributions, local appropriations specifically designated for such purposes, and such funds as may be appropriated for this purpose by the Commonwealth pursuant to the appropriation act. No state or local funds appropriated for educational purposes shall be used to implement a school crime line.

§ 22.1-280.2:2. Public School Security Equipment Grant Act of 2013.

A. This section shall be known and may be cited as the "Public School Security Equipment Grant Act of 2013."

B. For purposes of this section:

"Authority" means the Virginia Public School Authority.

~~"Department" means the Department of Education.~~

"Eligible school division" means a (i) local school division or (ii) regional vocational center, special education center, alternative education center, or academic year Governor's School serving public school students in grades K through 12. ~~The term shall also include.~~ "Eligible school division" includes the Virginia School for the Deaf and the Blind.

"Local school division" means a school division with schools subject to state accreditation and whose students are required to be reported in fall membership for grades K through 12.

"Security equipment" includes building modifications and fixtures, including security vestibules, vaping detectors, security-related devices located outside of the school building on school property, and security-related devices located on school buses.

C. The Authority shall issue bonds for the purpose of grant payments to eligible school divisions of the Commonwealth to be used exclusively for purchasing security equipment for schools, including any related installation, ~~which that~~ is designed to improve and help ensure the safety of students attending public schools in ~~Virginia the~~ Commonwealth. Such grants shall not be used to pay for security equipment that is not included or described in a grant application approved by the Department pursuant to subsection D. The amount of grants provided to each eligible school division pursuant to this section shall not exceed \$100,000 for each fiscal year of the Commonwealth. Funds for the payment of such grants shall be provided from the issuance of bonds by the Authority, provided that the Authority shall not issue more than an aggregate of \$6 million in bonds, after all costs, for such grants during each fiscal year of the Commonwealth. In addition, the Authority shall ensure that no more than an aggregate principal amount of \$30 million in bonds issued under this section shall be outstanding at any time. Eligible school divisions seeking a grant shall apply to the Department, which shall be responsible for administering the grant program.

The Authority shall work with the Department to determine the schedule for the issuance of the bonds, which shall be based in part upon eligible school divisions having sufficient funds to purchase such security equipment. The payment of debt service on such bonds shall be as provided in the general appropriation act.

Such grants shall be in addition to all other grants made to local governments, school boards, or school divisions according to law. In addition, such grants shall not replace or be in lieu of loans to local school boards or interest rate subsidy payments to local school boards pursuant to Chapter 11.1 (§ 22.1-175.1 et seq.) ~~of Title 22-1~~, and the issuance of such bonds and the payment of such grants shall not, except as herein provided, affect or otherwise amend the provisions of such chapter as they relate to the powers and duties of the Authority, local school boards, local governments, or any other entity.

D. Based on the criteria developed by the Department in collaboration with the Department of Criminal Justice Services, eligible school divisions shall apply for a grant by August 1 of each year. As a condition of receiving a grant, a local match of 25 percent of the grant amount shall be required. The Superintendent of ~~Public Instruction~~ is authorized to reduce the local match for local school divisions with a composite index of local ability-to-pay less than 0.2000, including any such school division participating in a regional vocational center, special education center, alternative education center, or academic year Governor's School. The Virginia School for the Deaf and the Blind shall be exempt from the match requirement.

Grants shall be awarded by the Department on a competitive basis. As part of the application for a grant, each eligible school division shall (i) identify with specificity the security equipment for which grants are being sought, as well as the estimated costs to purchase and install the security equipment, and (ii) certify that it is the intent of the eligible school division to purchase the security equipment within six months of approval of any grant by the Department.

If the Department determines that a grant shall be paid to an eligible school division under this section, it shall provide a written certification to the chairman of the Authority directing him to make a grant payment in a specific amount to the eligible school division. The Department, however, shall not make such written certification until it has established that the Authority has sufficient funds to make such grant payment. The Authority shall only make grant payments to an eligible

school division for the grants provided under this section upon receipt of such written certification. The Authority shall make such grant payments, and in the amounts as directed by the Department, within 30 days of receipt of the certification.

E. The Department shall develop guidelines concerning the requirements for applying for a grant and the administration of such grants. Such guidelines shall not be subject to the Administrative Process Act (§ 2.2-4000 et seq.).

F. In the event that two or more local school divisions became one local school division, whether by consolidation of only the local school divisions or by consolidation of the local governments, such resulting local school division shall be eligible for grants on the basis of the same number of local school divisions as existed prior to September 30, 2012.

G. The Authority shall take all necessary and proper steps as it is authorized to take under law to carry out the provisions of this section.

H. ~~Beginning in 2014, the~~ The Department shall make an annual report to the General Assembly by September 1 of each year reporting (i) the total grants paid during the immediately prior fiscal year to each eligible school division and (ii) a general description of the security equipment purchased by eligible school divisions.

§ 22.1-296.2. Fingerprinting required; reciprocity permitted.

A. As a condition of employment, the school boards of the Commonwealth shall require any applicant who is offered or accepts employment ~~after July 1, 1989, whether full-time full time or part-time, part time or permanent; or temporary,~~ to submit to fingerprinting and to provide personal descriptive information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such applicant. The school board may (i) pay for all or a portion of the cost of the fingerprinting or criminal records check or (ii) in its discretion, require the applicant to pay for all or a portion of the cost of such fingerprinting or criminal records check.

The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no record exists, shall report to the school board whether or not the applicant has ever been convicted of a felony or a Class 1 misdemeanor or an equivalent offense in another state.

To conserve the costs of conducting criminal history record checks to applicants and school boards, upon the written request and permission of the applicant, a school board shall inform another school board with which reciprocity has been established, and to which the applicant also has applied for employment, of the results of the criminal history record information conducted within the previous ~~ninety~~ 90 days that it obtained concerning the applicant. Criminal history record information pertaining to an applicant for employment by a school board shall be exchanged only between school boards in the Commonwealth in which a current agreement of reciprocity for the exchange of such information has been established and is in effect. Reciprocity agreements between school boards shall provide for the apportionment of the costs of the fingerprinting or criminal records check between the applicant and the school board, as prescribed in this section. However, school boards that enter into reciprocity agreements shall not each levy the costs of the fingerprinting or criminal records check on the applicant.

B. The division superintendent shall inform the relevant school board of any notification of arrest of a school board employee received pursuant to § 19.2-83.1. The school board shall require such employee, whether ~~full-time full time or part-time, part time or permanent; or temporary,~~ to submit to fingerprinting and to provide personal descriptive information to be forwarded along with the employee's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such employee. The school board may (i) pay for all or a portion of the cost of the fingerprinting or criminal records check or (ii) in its discretion, require the applicant to pay for all or a portion of the cost of such fingerprinting or criminal records check.

The Central Criminal Records Exchange, upon receipt of an employee's record or notification that no record exists, shall report to the school board whether or not the employee has been convicted of any of the offenses listed in subsection A ~~of this section~~. The contents of the employee's record shall be used by the school board solely to implement the provisions of §§ 22.1-307 and 22.1-315.

C. The Central Criminal Records Exchange shall not disclose information to the school board regarding charges or convictions of any crimes not specified in this section. If an applicant is denied employment or a current employee is suspended or dismissed because of information appearing on his criminal history record, the school board shall provide a copy of the information obtained from the Central Criminal Records Exchange to the applicant or employee. The information provided to the school board shall not be disseminated except as provided in this section.

§ 22.1-296.3. Certain private school employees subject to fingerprinting and criminal records checks.

A. As a condition of employment, the governing boards or administrators of private elementary or secondary schools that are accredited pursuant to § 22.1-19 shall require any applicant who accepts employment, whether ~~full-time full time or part-time, part time or permanent; or temporary,~~ to submit to fingerprinting and to provide personal descriptive information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such applicant.

The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no record exists, shall report to the governing board or administrator, or to a private organization coordinating such records on behalf of such governing board or administrator pursuant to a written agreement with the Department of State Police, that the applicant meets the criteria or does not meet the criteria for employment based on whether or not the applicant has ever been convicted of any barrier crime as defined in § 19.2-392.02.

B. The Central Criminal Records Exchange shall not disclose information to such governing board, administrator, or private organization coordinating such records regarding charges or convictions of any crimes. If any applicant is denied employment because of information appearing on the criminal history record and the applicant disputes the information upon which the denial was based, the Central Criminal Records Exchange shall, upon request, furnish the applicant the procedures for obtaining a copy of the criminal history record from the Federal Bureau of Investigation. The information provided to the governing board, administrator, or private organization coordinating such records shall not be disseminated except as provided in this section. A governing board or administrator employing or previously employing a temporary teacher or a private organization coordinating such records on behalf of such governing board or administrator pursuant to a written agreement with the Department of State Police may disseminate, at the written request of such temporary teacher, whether such teacher meets the criteria or does not meet the criteria for employment pursuant to subsection A to the governing board or administrator of another accredited private elementary or secondary school in which such teacher has accepted employment. Such governing board, administrator, or private organization transferring criminal records information pursuant to this section shall be immune from civil liability for any official act, decision, or omission done or made in the performance of such transfer, when such acts or omissions are taken in good faith and are not the result of gross negligence or willful misconduct.

Fees charged for the processing and administration of background checks pursuant to this section shall not exceed the actual cost to the state of such processing and administration.

C. ~~Effective July 1, 2017, the~~ The governing board or administrator of a private elementary or secondary school that is accredited pursuant to § 22.1-19 that operates a child day program or family day system regulated by the Department pursuant to Chapter 14.1 (§ 22.1-289.02 et seq.) shall accept evidence of a background check in accordance with § 22.1-289.035 for individuals who are required to undergo a background check in accordance with that section as a condition of employment in lieu of the background check required by subsection A.

D. The governing boards or administrators of private elementary and secondary schools that are accredited pursuant to § 22.1-19 shall adopt and implement policies prohibiting any individual who is a governing board member, administrator, employee, contractor, or agent of a private elementary or secondary school to assist a governing board member, administrator, employee, contractor, or agent of such private elementary or secondary school in obtaining a new job if such individual knows or has probable cause to believe that the individual seeking new employment engaged in sexual misconduct regarding a minor or student in violation of law.

E. For purposes of this section, "governing board" or "administrator" means the unit or board or person designated to supervise operations of a system of private schools or a private school accredited pursuant to § 22.1-19.

Nothing in this section or § 19.2-389 shall be construed to require any private or religious school ~~which~~ that is not so accredited to comply with this section.

§ 22.1-303. Probationary terms of service for teachers.

A. A probationary term of service of three years in the same school division shall be required before a teacher is issued a continuing contract. School boards shall provide each probationary teacher except probationary teachers who have prior successful teaching experience, as determined by the local school board in a school division, a mentor teacher, as described by Board guidelines developed pursuant to § 22.1-305.1, during the first year of the probationary period, to assist such probationary teacher in achieving excellence in instruction. During the probationary period, such probationary teacher shall be evaluated annually based upon the evaluation procedures developed by the employing school board for use by the division superintendent and principals in evaluating teachers as required by subsection C of § 22.1-295. A teacher in his first year of the probationary period shall be evaluated informally at least once during the first semester of the school year. The division superintendent shall consider such evaluations, among other things, in making any recommendations to the school board regarding the nonrenewal of such probationary teacher's contract as provided in § 22.1-305.

Any teacher hired on or after July 1, 2001, shall be required, as a condition of achieving continuing contract status, to have successfully completed training in instructional strategies and techniques for intervention for or remediation of students who fail or are at risk of failing the Standards of Learning assessments. Local school divisions shall be required to provide said training at no cost to teachers employed in their division. In the event a local school division fails to offer said training in a timely manner, no teacher will be denied continuing contract status for failure to obtain such training.

B. Once a continuing contract status has been attained in a school division in the Commonwealth, another probationary period need not be served in any other school division unless such probationary period, not to exceed two years, is made a part of the contract of employment. Further, when a teacher has attained continuing contract status in a school division in the Commonwealth and separates from and returns to teaching service in a school division in Virginia by the beginning of the third year, such teacher shall be required to serve a probationary period not to exceed two years, if made a part of the contract for employment.

C. For the purpose of calculating the years of service required to attain continuing contract status, at least 160 contractual teaching days during the school year shall be deemed the equivalent of one year in the first year of service by a teacher.

~~D. Teachers holding three-year local eligibility licenses issued prior to July 1, 2013, shall not be eligible for continuing contract status while teaching under the authority of such license. Upon attainment of a collegiate professional or postgraduate professional license issued by the Department of Education, such teachers shall serve a probationary term of service of three years prior to being eligible for continuing contract status pursuant to this section.~~

§ 22.1-321.1. Possession and administration of epinephrine.

~~By the beginning of the 2016 - 2017 school year, the~~ The Board shall promulgate regulations for the possession and administration of epinephrine in every school for students with disabilities, to be administered by any employee of the school who is authorized by a prescriber and trained in the administration of epinephrine to any student believed to be having an anaphylactic reaction.

§ 22.1-346.2. Board of Visitors of the Virginia School for the Deaf and the Blind established.

A. There is hereby established the Board of Visitors of the Virginia School for the Deaf and the Blind (*Board of Visitors*), as a policy agency in the executive branch of state government under the name of the "Virginia School for the Deaf and the Blind," for the purpose of governing the educational programs and services to deaf, blind, and multi-disabled students enrolled at the Virginia School for the Deaf and the Blind.

B. The Board of *Visitors* shall have a total membership of 11 members that shall consist of four legislative members and seven nonlegislative citizen members. Members shall be appointed as follows: two members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; two members of the Senate, to be appointed by the Senate Committee on Rules; and seven nonlegislative citizen members, of whom one shall be a parent of a child who is deaf or blind representing the Eastern region of the Commonwealth, one shall be a parent of a child who is deaf or blind representing the Western region of the Commonwealth, and one shall be a representative of the Virginia School for the Deaf and the Blind Alumni Association, to be appointed by the Governor, subject to confirmation by the General Assembly. Nonlegislative citizen members of the Board of *Visitors* shall be citizens of the Commonwealth. Legislative members of the Board of *Visitors* shall serve terms coincident with their terms of office. After the initial staggering of terms, nonlegislative members appointed shall serve for four-year terms. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed. However, no House member shall serve more than four consecutive two-year terms, no Senate member shall serve more than two consecutive four-year terms, and no nonlegislative member appointed by the Governor shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

The Board of *Visitors* shall elect a chairman and vice-chairman from among its membership. The Board of *Visitors* shall elect a secretary, who shall keep an accurate record of the proceedings of the Board of *Visitors* and of the executive committee if one is created by the Board of *Visitors*, and such other officers as the Board deems appropriate. A majority of the members shall constitute a quorum. The Board of *Visitors* shall meet no more than four times each year. The meetings of the Board of *Visitors* shall be held at the call of the chairman or whenever the majority of the members so request.

C. Legislative members of the Board of *Visitors* shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of expenses of the members shall be provided from such funds as may be appropriated to the Board of Visitors of the Virginia School for the Deaf and the Blind, in accordance with the appropriations act.

D. The Superintendent of ~~Public Instruction~~ shall designate a member of the staff of the Department of ~~Education~~ to serve as a consultant to the Board of Visitors of the Virginia School for the Deaf and the Blind on matters pertaining to instruction, federal and state special education requirements, and school accreditation, and to provide technical assistance to assist the Board of *Visitors* in meeting specific instructional and school accreditation needs.

E. The Board of *Visitors* shall have the following powers and duties:

1. Establish such rules, policies, and regulations for the governance of the Virginia School for the Deaf and the Blind.
2. Prescribe the criteria and procedures governing admissions to the school, and the review of student placement, to ensure the appropriateness of the placement and instructional program of each student admitted to the school, pursuant to § 22.1-348 and in accordance with federal and state special education laws and regulations.
3. Establish a policy governing the transportation of students at the school to permit frequent home visits by students, and to provide to each student transportation to and from the school and the place of residence of such student's parent or guardian whenever the school is officially closed.
4. Prescribe and approve the education programs of the Virginia School for the Deaf and the Blind, in consultation with the Department of ~~Education~~, the Virginia Department for the Deaf and Hard-of-Hearing, and the Virginia Department for the Blind and ~~Visually~~ Vision Impaired.
5. Appoint the superintendent, other officers, and the faculty of the school. The superintendent shall be appointed every two years and the other officers and faculty annually. However, the superintendent, with the approval of the chairman of the Board of *Visitors*, shall be authorized to fill vacancies in positions appointed by the Board of *Visitors* occurring between meetings of the Board of *Visitors*. The Board of *Visitors* may remove at any time the superintendent, other officers, faculty, and employees for cause, subject to the provisions of Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2.
6. Establish the qualifications, duties, and compensation of the superintendent, other officers, faculty, and employees of the school.

7. Prepare and submit to the Governor and *the* General Assembly, ~~beginning July 1, 2010,~~ an annual report detailing the curricula and other educational programs and services of the school, including receipts and disbursements pertaining to the operation of the school for each fiscal year ending on June 30.

§ 42.1-36.1. Power and duty of library boards and certain governing bodies regarding acceptable Internet use policies.

A. Every (i) library board established pursuant to § 42.1-35 or (ii) governing body of any county, city, or town that, pursuant to § 42.1-36, has not established a library board pursuant to § 42.1-35; shall establish an acceptable use policy for the Internet designed to (a) prohibit use by library employees and patrons of the library's computer equipment and communications services for sending, receiving, viewing, or downloading illegal material via the Internet, (b) prevent access by library patrons under the age of 18 to material that is harmful to juveniles, and (c) establish appropriate measures to be taken against persons who violate the policy. For libraries established under § 42.1-33, the policy shall also require the selection, installation, and activation of, on those computers that are accessible to the public and have Internet access, a technology protection measure to filter or block Internet access through such computers to child pornography as defined in § ~~18.2-374.1~~ 18.2-374.1, obscenity as defined in § 18.2-372, and, with respect to minors, materials deemed harmful to juveniles as defined in § 18.2-390. Such policy shall provide that a person authorized by the library board shall disable or otherwise bypass the technology protection measure required by this section at the request of a patron to enable access for bona fide research or other lawful purposes. The policy required by this section shall be posted online; however, if the library does not have a website, the policy shall be available to the public upon request.

The library board or the governing body may include such other terms, conditions, and requirements in the library's policy as it deems appropriate, such as requiring written parental authorization for Internet use by juveniles or differentiating acceptable uses between elementary, middle, and high school students.

B. The library board or the governing body shall take such steps as it deems appropriate to implement and enforce the library's policy, which may include, but are not limited to, (i) the use of software programs designed to block access by (a) library employees and patrons to illegal material ~~or~~, (b) library patrons under the age of 18 to material that is harmful to juveniles, or (c) both; (ii) charging library employees to casually monitor patrons' Internet use; or (iii) installing privacy screens on computers that access the Internet. For libraries established under § 42.1-33, the library board or governing body shall direct such libraries to select and install on those computers that are accessible to the public and have Internet access a technology protection measure as required by the policy established pursuant to subsection A. No state funding shall be withheld and no other adverse action taken against a library by the Librarian of Virginia or any other official of state government when the technology protection measure fails, provided that such library promptly has taken reasonable steps to rectify and prevent such failures in the future.

§ 42.1-43. Appropriation for free library or library service conducted by company, society, or organization.

The governing body of any county, city, or town in which no free public library system as provided in this chapter ~~shall have~~ *has* been established; may, ~~in its discretion,~~ appropriate such sums of money as ~~to it seems proper~~ *determines is appropriate* for the support and maintenance of any free library or library service operated and conducted in such county, city, or town by a company, society, or association organized under the provisions of §§ ~~13.1-801 through 13.1-980~~ Chapter 10 (§ 13.1-801 *et seq.*) of Title 13.1.

§ 42.1-60. State Law Library managed by Supreme Court.

There shall be a State Law Library at Richmond; ~~with a branch thereof at Staunton,~~ maintained as at present, which shall be managed by the Supreme Court. The Court shall appoint the librarian and other employees to hold office ~~during~~ *at* the pleasure of the Court; ~~provided, however, that the clerk at Staunton shall act as law librarian there without additional compensation therefor.~~

§ 42.1-61. Books, etc., constituting State Law Library.

The State Law Library shall consist of the books, *periodicals, audiovisual materials, and other media* now in the law ~~libraries~~ *library* at Richmond ~~and Staunton,~~ with such additions as may be made thereto.

§ 42.1-63. Regulation of State Law Library.

The Supreme Court shall have the power to make and enforce such rules and orders for the regulation of the State Law Library, and the use thereof, as ~~may to it seem proper~~ *determines is appropriate*. ~~Such rules and orders may provide for the assessment and collection of fees for the use of computer research services other than for valid state uses, which shall include official use by attorneys for the Commonwealth and public defenders, and their assistants. Such fees shall be assessed in the amount necessary to cover the expenses of such services and those collected and hereby appropriated to the Court to be paid as part of the cost of maintaining such computer research capabilities.~~

§ 42.1-65. Local law libraries in charge of circuit court clerks; computer research services; expenses.

A. If the members of the bar practicing in any county or city of the Commonwealth shall procure by voluntary contribution a law library ~~of the~~ *with a value of at least \$500; at the least,* for the use of the courts held in such county or city, and of the bar practicing therein, it shall be the duty of the circuit court of such county or city to require its clerk to take charge of the *law* library so contributed and to keep ~~the same~~ *the law library* in the courthouse or clerk's office building according to the rules prescribed by the bar and approved by the court. In addition, all or a portion of such law library may be housed in the local public library with the approval of and subject to the management and control of the local public library.

B. If the members of the bars practicing in two or more adjoining counties or cities of the Commonwealth shall jointly procure by voluntary contribution a law library ~~of the~~ *with a value of at least \$500; at the least,* for the joint use of the courts

held in such counties and cities, and of the bars practicing therein, it shall be the joint duty of the circuit courts of such counties and cities to require one of its clerks to take charge of the *law library* so contributed and to keep the ~~same law library~~ *law library* in the most convenient courthouse or clerk's office building according to the rules jointly prescribed by the bars and jointly approved by the courts.

C. Such local and regional law libraries may purchase or lease computer terminals for the purpose of retrieving available legal reference data, and if so, the library rules shall provide for the assessment and collection of fees, which may include use of a flat rate or fee structure, for the use of computer research services other than for official use of the courts, attorneys for the Commonwealth and public defenders, and their assistants, and counties and cities serviced by such libraries, which fees shall be sufficient to cover the expenses of such services. ~~Such libraries, pursuant to rules of the Supreme Court and at costs to such libraries, may have access to computer research services of the State Law Library.~~

§ 42.1-70. Assessment for law library as part of costs in civil actions; contributions from bar associations.

Any county, city, or town may, through its governing body, assess, as part of the costs incident to each civil action filed in the courts located within its boundaries, a sum not in excess of ~~four dollars~~ *\$4*.

The imposition of such assessment shall be by ordinance of the governing body, which ordinance may provide for different sums in circuit courts and district courts, and the assessment shall be collected by the clerk of the court in which the action is filed, and remitted to the treasurer of such county, city, or town and held by such treasurer subject to disbursements by the governing body for the acquisition of (i) law books, law periodicals and computer legal research services, *and* computer terminals for offsite placement to maximize access to the law library by the public, and (ii) equipment for the establishment, use, and maintenance of a law library ~~which that~~ *which that* shall be open for the use of the public at hours convenient to the public. In addition to the acquisition of law books, law periodicals and computer legal research services, and equipment, the disbursements may include compensation to be paid to librarians and other necessary staff for the maintenance of such library and acquisition of suitable quarters for such library. The compensation of such librarians and the necessary staff and the cost of suitable quarters for such library shall be fixed by the governing body and paid out of the fund created by the imposition of such assessment of cost. ~~Such libraries, pursuant to rules of the Supreme Court and at costs to such libraries, may have access to computer research services of the State Law Library.~~ Disbursements may be made to purchase or lease computer terminals for the purpose of retaining such research services. The assessment provided for ~~herein in this section~~ shall be in addition to all other costs prescribed by law, but shall not apply to any action in which the Commonwealth or any political subdivision thereof or the federal government is a party and in which the costs are assessed against the Commonwealth, *or any* political subdivision thereof, *or the* federal government. The governing body is authorized to accept contributions to the fund from any bar association.

Any such library established in the County of Wythe shall be located only in a town ~~which that~~ *which that* is the seat of the county government.

§ 42.1-77. Definitions.

As used in this chapter, *unless the context requires a different meaning*:

"Agency" means all boards, commissions, departments, divisions, institutions, *and* authorities, ~~or and~~ parts thereof, of the Commonwealth or its political subdivisions and includes the offices of constitutional officers.

~~"Archival quality" means a quality of reproduction consistent with established standards specified by state and national agencies and organizations responsible for establishing such standards, such as the Association for Information and Image Management, the American National Standards Institute, and the National Institute of Standards and Technology.~~

"Archival record" means a public record of continuing and enduring value useful to the citizens of the Commonwealth and necessary to the administrative functions of public agencies in the conduct of services and activities mandated by law that is identified on a Library of Virginia approved records retention and disposition schedule as having sufficient informational value to be permanently maintained by the Commonwealth.

"Archives" means the program administered by The Library of Virginia for the preservation of archival records.

"Board" means the State Library Board.

"Conversion" means the act of moving electronic records to a different format, especially data from an obsolete format to a current format.

"Custodian" means the public official in charge of an office having public records.

"Disaster plan" means the information maintained by an agency that outlines recovery techniques and methods to be followed in case of an emergency that impacts the agency's records.

"Electronic record" means a public record whose creation, storage, and access require the use of an automated system or device. Ownership of the hardware, software, or media used to create, store, or access the electronic record has no bearing on a determination of whether such record is a public record.

"Essential public record" means records that are required for recovery and reconstruction of any agency to enable it to resume its core operations and functions and to protect the rights and interests of persons.

"Librarian of Virginia" means the State Librarian of Virginia or his designated representative.

"Lifecycle" means the creation, use, maintenance, and disposition of a public record.

~~"Metadata" means data describing the context, content, and structure of records and their management through time.~~

"Migration" means the act of moving electronic records from one information system or medium to another to ensure continued access to the records while maintaining the records' authenticity, integrity, reliability, and usability.

"Original record" means the first generation of the information and is the preferred version of a record. Archival records should to the maximum extent possible be original records.

"Preservation" means the processes and operations involved in ensuring the technical and intellectual survival of authentic records through time.

~~"Private record" means a record that does not relate to or affect the carrying out of the constitutional, statutory, or other official ceremonial duties of a public official, including the correspondence, diaries, journals, or notes that are not prepared for, utilized for, circulated, or communicated in the course of transacting public business.~~

"Public official" means all persons holding any office created by the Constitution of Virginia or by any act of the General Assembly, the Governor and all other officers of the executive branch of the state government, and all other officers, heads, presidents, or chairmen of boards, commissions, departments, and agencies of the state government or its political subdivisions.

"Public record" or "record" means recorded information that documents a transaction or activity by or with any public officer, agency, or employee of an agency. Regardless of physical form or characteristic, the recorded information is a "public record" if it is produced, collected, received, or retained in pursuance of law or in connection with the transaction of public business. The medium upon which such information is recorded has no bearing on the determination of whether the recording is a "public record."

For purposes of this chapter, "public record" ~~shall~~ *does not include (i) nonrecord materials, meaning materials made or acquired and preserved solely for reference use or exhibition purposes, extra copies of documents preserved only for convenience or reference, and or stocks of publications or (ii) records that are not related to or affect the carrying out of the constitutional, statutory, or other official ceremonial duties of a public official, including the correspondence, diaries, journals, or notes that are not prepared for, utilized for, circulated, or communicated in the course of the transaction of public business.*

"Records retention and disposition schedule" means a Library of Virginia-approved timetable stating the required retention period and disposition action of a records series. The administrative, fiscal, historical, and legal value of a public record shall be considered in appraising its appropriate retention schedule. The terms "administrative," "fiscal," "historical," and "legal" value shall be defined as:

1. "Administrative value": Records shall be deemed of administrative value if they have continuing utility in the operation of an agency.

2. "Fiscal value": Records shall be deemed of fiscal value if they are needed to document and verify financial authorizations, obligations, and transactions.

3. "Historical value": Records shall be deemed of historical value if they contain unique information, regardless of age, that provides understanding of some aspect of the government and promotes the development of an informed and enlightened citizenry.

4. "Legal value": Records shall be deemed of legal value if they document actions taken in the protection and proving of legal or civil rights and obligations of individuals and agencies.

2. That §§ 22.1-16.2, 22.1-57.3:2, 22.1-89.3, and 22.1-212 and Articles 4 (§§ 42.1-30, 42.1-31, and 42.1-32) and 5 (§§ 42.1-32.1 through 42.1-32.6) of Chapter 1 of Title 42.1 of the Code of Virginia are repealed.

3. That the provisions of this act that amend § 22.1-178 of the Code of Virginia shall not be construed to require any individual who accepted employment on or before July 1, 1994, as a driver of a school bus transporting pupils to agree, as a condition of employment, to submit to alcohol and controlled substance testing.

4. That the provisions of this act that amend § 22.1-296.2 of the Code of Virginia shall not be construed to require, as a condition of employment by a school board, any applicant who was offered or accepted employment on or before July 1, 1989, whether full time or part time or permanent or temporary, to submit to fingerprinting and to provide personal descriptive information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such applicant.

CHAPTER 356

An Act to amend and reenact §§ 3.2-401, 10.1-1186.3, 10.1-1306 through 10.1-1307.02, 10.1-1307.04, 10.1-1308.1 through 10.1-1314, 10.1-1315, 10.1-1316, 10.1-1318, 10.1-1320, 10.1-1320.1, 10.1-1322, 10.1-1322.4, 10.1-1333, 15.2-2403.3, as it may become effective, 15.2-5101, 28.2-1205.1, 46.2-1601, 62.1-44.3, as it is currently effective and as it may become effective, 62.1-44.14, 62.1-44.15:81, 62.1-44.15:83, 62.1-104, 62.1-242, and 62.1-255 of the Code of Virginia; to amend the Code of Virginia by adding in Article 1 of Chapter 3.1 of Title 62.1 a section numbered 62.1-44.6:1 and by adding sections numbered 62.1-248.2 and 62.1-263.1; and to repeal §§ 10.1-1322.01 and 62.1-44.15:02 of the Code of Virginia, relating to Air Pollution Control Board and State Water Control Board; authority of Department of Environmental Quality.

[S 657]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-401, 10.1-1186.3, 10.1-1306 through 10.1-1307.02, 10.1-1307.04, 10.1-1308.1 through 10.1-1314, 10.1-1315, 10.1-1316, 10.1-1318, 10.1-1320, 10.1-1320.1, 10.1-1322, 10.1-1322.4, 10.1-1333, 15.2-2403.3, as it may become effective, 15.2-5101, 28.2-1205.1, 46.2-1601, 62.1-44.3, as it is currently effective and as it may become effective, 62.1-44.14, 62.1-44.15:81, 62.1-44.15:83, 62.1-104, 62.1-242, and 62.1-255 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 3.1 of Title 62.1 a section numbered 62.1-44.6:1 and by adding sections numbered 62.1-248.2 and 62.1-263.1 as follows:

§ 3.2-401. Exclusions from chapter.

This chapter shall not apply to any agricultural activity to which: (i) Article 12 (§ 10.1-1181.1 et seq.) of Chapter 11 of Title 10.1; or (ii) a *water-related* permit issued by the ~~State Water Control Board~~, *Department of Environmental Quality* applies.

§ 10.1-1186.3. Additional powers of Boards and the Department; mediation; alternative dispute resolution.

A. The State Air Pollution Control Board, the State Water Control Board, and the Virginia Waste Management Board, in their discretion, or the *Director*, in his discretion, may employ mediation as defined in § 8.01-581.21, or a dispute resolution proceeding as defined in § 8.01-576.4, in appropriate cases to resolve underlying issues, reach a consensus, or compromise on contested issues. An "appropriate case" means any process related to the development of a regulation by the *Board* or the issuance of a permit by the *Department* in which it is apparent that there are significant issues of disagreement among interested persons and for which the *Board* or the *Department* finds that the use of a mediation or dispute resolution proceeding is in the public interest. The *Boards* or the *Department* shall consider not using a mediation or dispute resolution proceeding if:

1. A definitive or authoritative resolution of the matter is required for precedential value, and such a proceeding is not likely to be accepted generally as an authoritative precedent;
2. The matter involves or may bear upon significant questions of state policy that require additional procedures before a final resolution may be made, and such a proceeding would not likely serve to develop a recommended policy for the ~~Board~~ *Department*;
3. Maintaining established policies is of special importance, so that variations among individual decisions are not increased and such a proceeding would not likely reach consistent results among individual decisions;
4. The matter significantly affects persons or organizations who are not parties to the proceeding;
5. A full public record of the proceeding is important, and a mediation or dispute resolution proceeding cannot provide such a record; and
6. The *Board* or the *Department* must maintain continuing jurisdiction over the matter with the authority to alter the disposition of the matter in light of changed circumstances, and a mediation or dispute resolution proceeding would interfere with the *Department* or the *Board's* fulfilling that requirement.

Mediation and alternative dispute resolution as authorized by this section are voluntary procedures which supplement rather than limit other dispute resolution techniques available to the *Boards* or the *Department*. Mediation or a dispute resolution proceeding may be employed in the issuance of a permit only with the consent and participation of the permit applicant and shall be terminated at the request of the permit applicant.

B. The decision to employ mediation or a dispute resolution proceeding is in a *Board's* or the *Department's* sole discretion and is not subject to judicial review.

C. The outcome of any mediation or dispute resolution proceeding shall not be binding upon a *Board* or the *Department*, but may be considered by a ~~Board~~ the *Department* in issuing a permit or by a *Board* in promulgating a regulation.

D. Each *Board* and the *Department* shall adopt rules and regulations, in accordance with the Administrative Process Act, for the implementation of this section. Such rules and regulations shall include: (i) standards and procedures for the conduct of mediation and dispute resolution, including an opportunity for interested persons identified by the ~~Board~~ *Department* to participate in the proceeding; (ii) the appointment and function of a neutral, as defined in § 8.01-576.4, to encourage and assist parties to voluntarily compromise or settle contested issues; and (iii) procedures to protect the confidentiality of papers, work product or other materials.

E. The provisions of § 8.01-576.10 concerning the confidentiality of a mediation or dispute resolution proceeding shall govern all such proceedings held pursuant to this section except where the *Department* or a *Board* uses or relies on information obtained in the course of such proceeding in issuing a permit or promulgating a regulation, respectively.

Nothing in this section shall create or alter any right, action or cause of action, or be interpreted or applied in a manner inconsistent with the Administrative Process Act (§ 2.2-4000 et seq.), with applicable federal law or with any applicable requirement for the Commonwealth to obtain or maintain federal delegation or approval of any regulatory program.

§ 10.1-1306. Inspections, investigations, etc.

The ~~Board~~ *Department* shall make, or cause to be made, such investigations and inspections and do such other things as are reasonably necessary to carry out the provisions of this chapter, within the limits of the appropriations, study grants, funds, or personnel which are available for the purposes of this chapter, including the achievement and maintenance of such levels of air quality as will protect human health, welfare and safety and to the greatest degree practicable prevent injury to plant and animal life and property and which will foster the comfort and convenience of the people of the Commonwealth and their enjoyment of life and property and which will promote the economic and social development of the Commonwealth and facilitate enjoyment of its attractions.

§ 10.1-1307. Further powers and duties of Board and Department.

A. The Board shall have the power to control and regulate its internal affairs; *The Department shall have the power to initiate and supervise research programs to determine the causes, effects, and hazards of air pollution; initiate and supervise statewide programs of air pollution control education; cooperate with and receive money from the federal government or any county or municipal government, and receive money from any other source, whether public or private; develop a comprehensive program for the study, abatement, and control of all sources of air pollution in the Commonwealth; and advise, consult, and cooperate with agencies of the United States and all agencies of the Commonwealth, political subdivisions, private industries, and any other affected groups in furtherance of the purposes of this chapter.*

B. The Board may adopt by regulation emissions standards controlling the release into the atmosphere of air pollutants from motor vehicles, only as provided in § 10.1-1307.05 and Article 22 (§ 46.2-1176 et seq.) of Chapter 10 of Title 46.2.

C. After any regulation has been adopted by the Board pursuant to § 10.1-1308, ~~it the Department may in its discretion~~ grant local variances therefrom, if it finds after an investigation and hearing that local conditions warrant; *except that no local variances shall be granted from regulations adopted by the Board pursuant to § 10.1-1308 related to the requirements of subsection E of §10.1-1308 or Article 4 (§ 10.1-1329 et seq.).* If local variances are permitted, the ~~Board~~ Department shall issue an order to this effect. Such order shall be subject to revocation or amendment at any time if the ~~Board~~ Department, after a hearing, determines that the amendment or revocation is warranted. Variances and amendments to variances shall be adopted only after a public hearing has been conducted pursuant to the public advertisement of the subject, date, time, and place of the hearing at least 30 days prior to the scheduled hearing. The hearing shall be conducted to give the public an opportunity to comment on the variance.

D. After the Board has adopted the regulations provided for in § 10.1-1308, ~~it the Department~~ shall have the power to: (i) initiate and receive complaints as to air pollution; (ii) hold or cause to be held hearings and enter orders diminishing or abating the causes of air pollution and orders to enforce ~~its~~ the Board's regulations pursuant to § 10.1-1309; and (iii) institute legal proceedings, including suits for injunctions for the enforcement of ~~its~~ orders, regulations, and the abatement and control of air pollution and for the enforcement of penalties.

E. The Board in making regulations ~~and; the Department~~ in approving variances, control programs, or permits; and the courts in granting injunctive relief under the provisions of this chapter, shall consider facts and circumstances relevant to the reasonableness of the activity involved and the regulations proposed to control it, including:

1. The character and degree of injury to, or interference with, safety, health, or the reasonable use of property which is caused or threatened to be caused;

2. The social and economic value of the activity involved;

3. The suitability of the activity to the area in which it is located, *except that consideration of this factor shall be satisfied if the local governing body of a locality in which a facility or activity is proposed has resolved that the location and operation of the proposed facility or activity is suitable to the area in which it is located;* and

4. The scientific and economic practicality of reducing or eliminating the discharge resulting from such activity.

F. The ~~Board may designate one of its members, the Director, or a staff assistant to~~ Department shall conduct the hearings provided for in this chapter. ~~A record of the hearing shall be made and furnished to the Board for its use in arriving at its decision.~~

G. The Board shall not:

1. Adopt any regulation limiting emissions from wood heaters; or

2. Enforce against a manufacturer, distributor, or consumer any federal regulation limiting emissions from wood heaters adopted after May 1, 2014.

H. The ~~Board~~ Department shall submit an annual report to the Governor and General Assembly on or before October 1 of each year on matters relating to the Commonwealth's air pollution control policies and on the status of the Commonwealth's air quality.

I. In granting a permit pursuant to this section, the Department shall provide in writing a clear and concise statement of the legal basis, scientific rationale, and justification for the decision reached. When the decision of the Department is to deny a permit, pursuant to this section, the Department shall, in consultation with legal counsel, provide a clear and concise statement explaining the reason for the denial, the scientific justification for the same, and how the Department's decision is in compliance with applicable laws and regulations. Copies of the decision, certified by the Director, shall be mailed by certified mail to the permittee or applicant.

§ 10.1-1307.01. Further duties of Board and Department; localities particularly affected.

A. ~~Before~~ The Board, before promulgating a regulation under consideration, or the Department, before granting a variance to an existing regulation, or issuing a permit for the construction of a new major source or for a major modification to an existing source, if ~~the Board finds~~ it is found that there is a locality particularly affected by the regulation, variance, or permit, ~~the Board~~ shall, respectively:

1. Publish, or require the applicant to publish, a notice in a local paper of general circulation in each locality affected at least 30 days prior to the close of any public comment period. Such notice shall contain a statement of the estimated local impact of the proposed action, which at a minimum shall provide information regarding specific pollutants and the total quantity of each that may be emitted and shall list the type and quantity of any fuels to be used.

2. Mail the notice to the chief elected official and chief administrative officer of and the planning district commission for such locality.

Written comments shall be accepted by the Board for at least 15 days after any hearing on the regulation, ~~variance, or permit~~, unless the Board votes to shorten the period. *Written comments shall be accepted by the Department for at least 15 days after any hearing on the variance or permit.*

~~B. Before~~ *If the Department finds, before granting any variance to an existing regulation or issuing any permit for (i) a new fossil fuel-fired generating facility with a capacity of 500 megawatts or more, (ii) a major modification to an existing source that is a fossil fuel-fired generating facility with a capacity of 500 megawatts or more, (iii) a new fossil fuel-fired compressor station facility used to transport natural gas, or (iv) a major modification to an existing source that is a fossil fuel-fired compressor station facility used to transport natural gas, if the Board finds that there is a locality particularly affected by such variance or permit, the Board Department shall:*

1. Require the applicant to publish a notice in at least one local paper of general circulation in any locality particularly affected at least 60 days prior to the close of any public comment period. Such notice shall (i) contain a statement of the estimated local impact of the proposed action; (ii) provide information regarding specific pollutants and the total quantity of each that may be emitted; (iii) list the type, quantity, and source of any fuel to be used; (iv) advise the public ~~how to request Board consideration or as to the date and location of a public hearing~~; and (v) advise the public where to obtain information regarding the proposed action. The Department shall post such notice on the Department website and on a Department social media account.

2. Require the applicant to mail the notice to (i) the chief elected official of, chief administrative officer of, and planning district commission for each locality particularly affected; (ii) every public library and public school located within five miles of such facility; and (iii) the owner of each parcel of real property that is depicted as adjacent to the facility on the current real estate tax assessment maps of the locality.

Written comments shall be accepted by the ~~Board~~ *Department* for at least 30 days after any hearing on such variance or permit, unless the ~~Board votes~~ *Director elects* to shorten the period.

C. For the purposes of this section, the term "locality particularly affected" means any locality that bears any identified disproportionate material air quality impact that would not be experienced by other localities.

§ 10.1-1307.02. Permit for generation of electricity during ISO-declared emergency.

A. As used in this section:

"Emergency generation source" means a stationary internal combustion engine that operates according to the procedures in the ISO's emergency operations manual during an ISO-declared emergency.

"ISO-declared emergency" means a condition that exists when the independent system operator, as defined in § 56-576, notifies electric utilities that an emergency exists or may occur and that complies with the definition of "emergency" adopted by the Board pursuant to subsection B.

"Retail customer" has the same meaning ascribed thereto in § 56-576.

B. The Board shall adopt a general permit ~~or permits regulation~~ for the use of back-up generation to authorize the construction, installation, reconstruction, modification, and operation of emergency generation sources during ISO-declared emergencies. Such general permit ~~or permits regulation~~ shall include a definition of "emergency" that is compatible with the ISO's emergency operations manual. After adoption of such general permit ~~or permits regulation~~, any amendments to the Board's regulations necessary to carry out the provisions of this section shall be exempt from Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act.

§ 10.1-1307.04. Greenhouse gas emissions inventory.

A. The Department shall conduct a comprehensive statewide baseline and projection inventory of all greenhouse gas (GHG) emissions and shall update such inventory every four years. The Board may adopt regulations necessary to collect from all source sectors data needed *by the Department* to conduct, update, and maintain such inventory.

B. The ~~Board~~ *Department* shall include the inventory in the report required pursuant to subsection H of § 10.1-1307, beginning with the report issued prior to October 1, 2022, and every four years thereafter. The Department shall publish such inventory on its website, showing changes in GHG emissions relative to an estimated GHG emissions baseline case for calendar year 2010.

C. Any information, except emissions data, that is reported to or otherwise obtained by the Department pursuant to this section and that contains or might reveal proprietary information shall be confidential and shall be exempt from the mandatory disclosure requirements of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). Each owner shall notify the Director or his representative of the existence of proprietary information if he desires the protection provided pursuant to this subsection.

§ 10.1-1308.1. Streamlined permitting process for qualified energy generators.

A. As used in this section:

"Biomass" means organic material that is available on a renewable or recurring basis, including:

1. Forest-related materials, including mill residues, logging residues, forest thinnings, slash, brush, low-commercial value materials or undesirable species, and woody material harvested for the purpose of forest fire fuel reduction or forest health and watershed improvement;

2. Agricultural-related materials, including orchard trees, vineyard, grain or crop residues, including straws, aquatic plants and agricultural processed co-products and waste products, including fats, oils, greases, whey, and lactose;

3. Animal waste, including manure and slaughterhouse and other processing waste;

4. Solid woody waste materials, including landscape trimmings, waste pallets, crates and manufacturing, construction, and demolition wood wastes, excluding pressure-treated, chemically treated or painted wood wastes and wood contaminated with plastic;

5. Crops and trees planted for the purpose of being used to produce energy;

6. Landfill gas, wastewater treatment gas, and biosolids, including organic waste byproducts generated during the wastewater treatment process; and

7. Municipal solid waste, excluding tires and medical and hazardous waste.

"Expedited process" means a process that (i) requires the applicant to pay fees to the Commonwealth in connection with the issuance and processing of the permit application that do not exceed \$50 and (ii) has a duration, from receipt of a complete permit application until final action by the ~~Board~~ or Department on the application, not longer than 60 days.

"Qualified energy generator" means a commercial facility located in the Commonwealth with the capacity annually to generate no more than five megawatts of electricity, or produce the equivalent amount of energy in the form of fuel, steam, or other energy product, that is generated or produced from biomass, and that is sold to an unrelated person or used in a manufacturing process.

B. The ~~Board~~ Department shall develop an expedited process for issuing any permit that ~~the Board~~ it is required to issue for the construction or operation of a qualified energy generator. The development of the expedited permitting process shall be in accordance with subdivision A 8 of § 2.2-4006; however, if the construction or operation of a qualified energy generator is subject to a major new source review program required by § 110(a)(2)(C) of the federal Clean Air Act, this section shall not apply.

§ 10.1-1309. Issuance of special orders; civil penalties.

A. The ~~Board~~ Department shall have the power to issue special orders to:

(i) owners who are permitting or causing air pollution as defined by § 10.1-1300, to cease and desist from such pollution;

(ii) owners who have failed to construct facilities in accordance with or have failed to comply with plans for the control of air pollution submitted by them to and approved by the ~~Board~~ Department, to construct such facilities in accordance with or otherwise comply with, such approved plans;

(iii) owners who have violated or failed to comply with the terms and provisions of any ~~Board~~ Department order or directive to comply with such terms and provisions;

(iv) owners who have contravened duly adopted and promulgated air quality standards and policies, to cease such contravention and to comply with air quality standards and policies;

(v) require any owner to comply with the provisions of this chapter and any ~~Board~~ Department decision; and

(vi) require any person to pay civil penalties of up to \$32,500 for each violation, not to exceed \$100,000 per order, if (a) the person has been issued at least two written notices of alleged violation by the Department for the same or substantially related violations at the same site, (b) such violations have not been resolved by demonstration that there was no violation, by an order issued by ~~the Board~~ or the Director, or by other means, (c) at least 130 days have passed since the issuance of the first notice of alleged violation, and (d) there is a finding that such violations have occurred after a hearing conducted in accordance with subsection B. The actual amount of any penalty assessed shall be based upon the severity of the violations, the extent of any potential or actual environmental harm, the compliance history of the facility or person, any economic benefit realized from the noncompliance, and the ability of the person to pay the penalty. The ~~Board~~ Department shall provide the person with the calculation for the proposed penalty prior to any hearing conducted for the issuance of an order that assesses penalties pursuant to this subsection. Penalties shall be paid to the state treasury and deposited by the State Treasurer into the Virginia Environmental Emergency Response Fund (§ 10.1-2500 et seq.). The issuance of a notice of alleged violation by the Department shall not be considered a case decision as defined in § 2.2-4001. Any notice of alleged violation shall include a description of each violation, the specific provision of law violated, and information on the process for obtaining a final decision or fact finding from the Department on whether or not a violation has occurred, and nothing in this section shall preclude an owner from seeking such a determination.

B. Such special orders are to be issued only after a hearing before a hearing officer appointed by the Supreme Court in accordance with § 2.2-4020 with reasonable notice to the affected owners of the time, place and purpose thereof, and they shall become effective not less than five days after service as provided in subsection C below. Should the ~~Board~~ Department find that any such owner is unreasonably affecting the public health, safety or welfare, or the health of animal or plant life, or property, after a reasonable attempt to give notice, it shall declare a state of emergency and may issue without hearing an emergency special order directing the owner to cease such pollution immediately, and shall within 10 days hold a hearing, after reasonable notice as to the time and place thereof to the owner, to affirm, modify, amend or cancel such emergency special order. If the ~~Board~~ Department finds that an owner who has been issued a special order or an emergency special order is not complying with the terms thereof, it may proceed in accordance with § 10.1-1316 or 10.1-1320.

C. Any special order issued under the provisions of this section need not be filed with the Secretary of the Commonwealth, but the owner to whom such special order is directed shall be notified by certified mail, return receipt requested, sent to the last known address of such owner, or by personal delivery by an agent of the ~~Board~~ Department, and the time limits specified shall be counted from the date of receipt.

D. Nothing in this section or in § 10.1-1307 shall limit the ~~Board's~~ Department's authority to proceed against such owner directly under § 10.1-1316 or 10.1-1320 without the prior issuance of an order, special or otherwise.

§ 10.1-1309.1. Special orders; penalties.

The ~~Board~~ Department is authorized to issue special orders in compliance with the Administrative Process Act (§ 2.2-4000 et seq.) requiring that an owner file with the ~~Board~~ Department a plan to abate, control, prevent, remove, or contain any substantial and imminent threat to public health or the environment that is reasonably likely to occur if such source ceases operations. Such plan shall also include a demonstration of financial capability to implement the plan. Financial capability may be demonstrated by the establishment of an escrow account, the creation of a trust fund to be maintained within the Department, submission of a bond, corporate guarantee based on audited financial statements, or such other instruments as the ~~Board~~ Department may deem appropriate. The ~~Board~~ Department may require that such plan and instruments be updated as appropriate. The ~~Board~~ Department shall give due consideration to any plan submitted by the owner in accordance with §§ 10.1-1410, 10.1-1428, and 62.1-44.15:1.1, in determining the necessity for and suitability of any plan submitted under this section.

For the purposes of this section, "ceases operation" means to cease conducting the normal operation of a source which is regulated under this chapter under circumstances where it would be reasonable to expect that such operation will not be resumed by the owner at the source. The term shall not include the sale or transfer of a source in the ordinary course of business or a permit transfer in accordance with Board regulations.

Any person who ceases operations and who knowingly and willfully fails to implement a closure plan or to provide adequate funds for implementation of such plan shall, if such failure results in a significant harm or an imminent and substantial threat of significant harm to human health or the environment, be liable to the Commonwealth and any political subdivision thereof for the costs incurred in abating, controlling, preventing, removing, or containing such harm or threat.

Any person who ceases operations and who knowingly and willfully fails to implement a closure plan or to provide adequate funds for implementation of such plan shall, if such failure results in a significant harm or an imminent and substantial threat of significant harm to human health or the environment, be guilty of a Class 4 felony.

§ 10.1-1310. Decision of Department pursuant to hearing.

Any decision by the ~~Board~~ Department rendered pursuant to hearings under § 10.1-1309 shall be reduced to writing and shall contain the explicit findings of fact and conclusions of law upon which the ~~Board's~~ Department's decision is based. Certified copies of the written decision shall be delivered or mailed by certified mail to the parties affected by it. Failure to comply with the provisions of this section shall render such decision invalid.

§ 10.1-1310.1. Notification of local government.

Upon determining that there has been a violation of this chapter or any regulation promulgated under this chapter or order of the ~~Board~~ Department, and such violation poses an imminent threat to the health, safety or welfare of the public, the Director shall immediately notify the chief administrative officer of any potentially affected local government. Neither the Director, the Commonwealth, nor any employee of the Commonwealth shall be liable for a failure to provide, or a delay in providing, the notification required by this section.

§ 10.1-1311. Penalties for noncompliance; judicial review.

A. The Board is authorized to promulgate regulations providing for the determination of a formula for the basis of the amount of any noncompliance penalty to be assessed by a court pursuant to subsection B hereof, in conformance with the requirements of Section 120 of the federal Clean Air Act, as amended, and any regulations promulgated thereunder. Any regulations promulgated pursuant to this section shall be in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

B. Upon a determination of the amount by the ~~Board~~ Department, the ~~Board~~ Department shall petition the circuit court of the county or city wherein the owner subject to such noncompliance assessment resides, regularly or systematically conducts affairs or business activities, or where such owner's property affected by the administrative action is located for an order requiring payment of a noncompliance penalty in a sum the court deems appropriate.

C. Any order issued by a court pursuant to this section may be enforced as a judgment of the court. All sums collected, less the assessment and collection costs, shall be paid into the state treasury and deposited by the State Treasurer into the Virginia Environmental Emergency Response Fund pursuant to Chapter 25 (§ 10.1-2500 et seq.) of this title.

D. Any penalty assessed under this section shall be in addition to permits, fees, orders, payments, sanctions, or other requirements under this chapter, and shall in no way affect any civil or criminal enforcement proceedings brought under other provisions of this chapter.

§ 10.1-1312. Air pollution control districts.

A. The ~~Board~~ Department may create, within any area of the Commonwealth, local air pollution control districts comprising a city or county or a part or parts of each, or two or more cities or counties, or any combination or parts thereof. Such local districts may be established by the ~~Board~~ Department on its own motion or upon request of the governing body or bodies of the area involved.

B. In each district there shall be a local air pollution control committee, the members of which shall be appointed by the ~~Board~~ Department from lists of recommended nominees submitted by the respective governing bodies of each locality, all or a portion of which are included in the district. The number of members on each committee shall be in the discretion of the ~~Board~~ Department. When a district includes two or more localities or portions thereof, the ~~Board~~ Department shall apportion the membership of the committee among the localities, provided that each locality shall have at least one representative on the committee. The members shall not be compensated out of state funds, but may be reimbursed for expenses out of state funds. Localities may provide for the payment of compensation and reimbursement of expenses to the

members and may appropriate funds therefore. The portion of such payment to be borne by each locality shall be prescribed by agreement.

C. The local committee is empowered to observe compliance with the regulations of the Board and report instances of noncompliance to the ~~Board~~ *Department*, to conduct educational programs relating to air pollution and its effects, to assist the Department in its air monitoring programs, to initiate and make studies relating to air pollution and its effects, and to make recommendations to the ~~Board~~ *Department*.

D. The governing body of any locality, wholly or partially included within any such district, may appropriate funds for use by the local committee in air pollution control and studies.

§ 10.1-1313. State Advisory Board on Air Pollution.

The ~~Board~~ *Department* is authorized to name qualified persons to a State Advisory Board on Air Pollution.

§ 10.1-1314. Owners to furnish plans, specifications and information.

Every owner which the ~~Board~~ *Department* has reason to believe is causing, or may be about to cause, an air pollution problem shall on request of the ~~Board~~ *Department* furnish such plans, specifications and information as may be required by the ~~Board~~ *Department* in the discharge of its duties under this chapter. Any information, except emission data, as to secret processes, formulae or methods of manufacture or production shall not be disclosed in public hearing and shall be kept confidential. If samples are taken for analysis, a duplicate of the analytical report shall be furnished promptly to the person from whom such sample is requested.

§ 10.1-1315. Right of entry.

Whenever it is necessary for the purposes of this chapter, the ~~Board~~ *Department* or any ~~member~~, agent or employee thereof, when duly authorized by the ~~Board~~ *Director*, may at reasonable times enter any establishment or upon any property, public or private, to obtain information or conduct surveys or investigations.

§ 10.1-1316. Enforcement and civil penalties.

A. Any owner violating or failing, neglecting or refusing to obey any provision of this chapter, any Board regulation or *Department* order, or any permit condition may be compelled to comply by injunction, mandamus or other appropriate remedy.

B. Without limiting the remedies which may be obtained under subsection A, any owner violating or failing, neglecting or refusing to obey any Board regulation or *Department* order, any provision of this chapter, or any permit condition shall be subject, in the discretion of the court, to a civil penalty not to exceed \$32,500 for each violation. Each day of violation shall constitute a separate offense. In determining the amount of any civil penalty to be assessed pursuant to this subsection, the court shall consider, in addition to such other factors as it may deem appropriate, the size of the owner's business, the severity of the economic impact of the penalty on the business, and the seriousness of the violation. Such civil penalties shall be paid into the state treasury and deposited by the State Treasurer into the Virginia Environmental Emergency Response Fund pursuant to Chapter 25 (§ 10.1-2500 et seq.) of this title. Such civil penalties may, in the discretion of the court assessing them, be directed to be paid into the treasury of the county, city or town in which the violation occurred, to be used to abate environmental pollution in such manner as the court may, by order, direct, except that where the owner in violation is the county, city or town itself, or its agent, the court shall direct the penalty to be paid into the state treasury and deposited by the State Treasurer into the Virginia Environmental Emergency Response Fund pursuant to Chapter 25 of this title.

C. With the consent of an owner who has violated or failed, neglected or refused to obey any Board regulation or *Department* order, or any provision of this chapter, or any permit condition, the ~~Board~~ *Department* may provide, in any order issued by the ~~Board~~ *Department* against the owner, for the payment of civil charges in specific sums, not to exceed the limit of subsection B. Such civil charges shall be in lieu of any civil penalty which could be imposed under subsection B. Such civil charges shall be paid into the state treasury and deposited by the State Treasurer into the Virginia Environmental Emergency Response Fund pursuant to Chapter 25 of this title.

D. The ~~Board~~ *Department* shall develop and provide an opportunity for public comment on guidelines and procedures that contain specific criteria for calculating the appropriate penalty for each violation based upon the severity of the violations, the extent of any potential or actual environmental harm, the compliance history of the facility or person, any economic benefit realized from the noncompliance, and the ability of the person to pay the penalty.

§ 10.1-1318. Appeal from decision of Department.

A. Any owner aggrieved by a final decision of the ~~Board~~ *Department* under § 10.1-1309, § 10.1-1322 or subsection D of § 10.1-1307 is entitled to judicial review thereof in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

B. Any person who has participated, in person or by submittal of written comments, in the public comment process related to a final decision of the ~~Board~~ *Department* under § 10.1-1322 and who has exhausted all available administrative remedies for review of the ~~Board's~~ *Department's* decision, shall be entitled to judicial review of the ~~Board's~~ *Department's* decision in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) if such person meets the standard for obtaining judicial review of a case or controversy pursuant to Article III of the United States Constitution. A person shall be deemed to meet such standard if (i) such person has suffered an actual or imminent injury which is an invasion of a legally protected interest and which is concrete and particularized; (ii) such injury is fairly traceable to the decision of the Board and not the result of the independent action of some third party not before the court; and (iii) such injury will likely be redressed by a favorable decision by the court.

§ 10.1-1320. Penalties; chapter not to affect right to relief or to maintain action.

Any owner knowingly violating any provision of this chapter, Board regulation, or *Department* order, or any permit condition shall upon conviction be guilty of a misdemeanor and shall be subject to a fine of not more than \$10,000 for each violation within the discretion of the court. Each day of violation shall constitute a separate offense.

Nothing in this chapter shall be construed to abridge, limit, impair, create, enlarge or otherwise affect substantively or procedurally the right of any person to damages or other relief on account of injury to persons or property.

§ 10.1-1320.1. Duty of attorney for the Commonwealth.

It shall be the duty of every attorney for the Commonwealth to whom the Director or his authorized representative has reported any violation of (i) this chapter ~~or~~, (ii) any regulation of the Board, or (iii) order of the ~~Board~~ *Department*, to cause proceedings to be prosecuted without delay for the fines and penalties in such cases.

§ 10.1-1322. Permits.

A. Pursuant to regulations adopted by the Board ~~and subject to § 10.1-1322.01~~, permits may be issued, amended, revoked or terminated and reissued by the Department and may be enforced under the provisions of this chapter in the same manner as regulations and orders. Failure to comply with any condition of a permit shall be considered a violation of this chapter and investigations and enforcement actions may be pursued in the same manner as is done with regulations of the Board and orders of the ~~Board~~ *Department* under the provisions of this chapter. To the extent allowed by federal law, any person holding a permit who is intending to upgrade the permitted facility by installing technology, control equipment, or other apparatus that the permittee demonstrates to the satisfaction of the Director will result in improved energy efficiency, will reduce the emissions of regulated air pollutants, and meets the requirements of Best Available Control Technology shall not be required to obtain a new, modified, or amended permit. The permit holder shall provide the demonstration anticipated by this subsection to the Department no later than 30 days prior to commencing construction.

B. The Board by regulation may prescribe and provide for the payment and collection of annual permit program fees for air pollution sources. Annual permit program fees shall not be collected until (i) the federal Environmental Protection Agency approves the Board's operating permit program established pursuant to Title V of the federal Clean Air Act or (ii) the Governor determines that such fees are needed earlier to maintain primacy over the program. The annual fees shall be based on the actual emissions (as calculated or estimated) of each regulated pollutant, as defined in § 502 of the federal Clean Air Act, in tons per year, not to exceed 4,000 tons per year of each pollutant for each source. The annual permit program fees shall not exceed a base year amount of \$25 per ton using 1990 as the base year, and shall be adjusted annually by the Consumer Price Index as described in § 502 of the federal Clean Air Act. Permit program fees for air pollution sources who receive state operating permits in lieu of Title V operating permits shall be paid in the first year and thereafter shall be paid biennially. The fees shall approximate the direct and indirect costs of administering and enforcing the permit program, and of administering the small business stationary source technical and environmental compliance assistance program as required by the federal Clean Air Act. The Board shall ~~also collect~~ *promulgate regulations establishing* permit application fee amounts not to exceed \$30,000 from applicants for a permit for a new major stationary source. The permit application fee amount paid shall be credited towards the amount of annual fees owed pursuant to this section during the first two years of the source's operation. The fees shall be exempt from statewide indirect costs charged and collected by the Department of Accounts.

C. When adopting regulations for permit program fees for air pollution sources, the Board shall take into account the permit fees charged in neighboring states and the importance of not placing existing or prospective industry in the Commonwealth at a competitive disadvantage.

D. On or before January 1 of every even-numbered year, the Department shall make an evaluation of the implementation of the permit fee program and provide this evaluation in writing to the Senate Committee on Agriculture, Conservation and Natural Resources, the Senate Committee on Finance and Appropriations, the House Committee on Appropriations, the House Committee on Agriculture, Chesapeake and Natural Resources, and the House Committee on Finance. This evaluation shall include a report on the total fees collected, the amount of general funds allocated to the Department, the Department's use of the fees and the general funds, the number of permit applications received, the number of permits issued, the progress in eliminating permit backlogs, and the timeliness of permit processing.

E. To the extent allowed by federal law and regulations, priority for utilization of permit fees shall be given to cover the costs of processing permit applications in order to more efficiently issue permits.

F. Fees collected pursuant to this section shall not supplant or reduce in any way the general fund appropriation to the Department.

G. The permit fees shall apply to permit programs in existence on July 1, 1992, any additional permit programs that may be required by the federal government and administered by the ~~Board~~ *Department*, or any new permit program required by the Code of Virginia.

H. The permit program fee regulations promulgated pursuant to this section shall not become effective until July 1, 1993.

I. [Expired.]

§ 10.1-1322.4. Permit modifications for alternative fuels or raw materials.

Unless required by federal law or regulation, no additional permit or permit modifications shall be required by the ~~Board~~ for the use, by any source, of an alternative fuel or raw material, if the owner demonstrates to the ~~Board~~ that as a result of trial burns at his facility or other facilities or other sufficient data that the emissions resulting from the use of the

alternative fuel or raw material supply are decreased. To the extent allowed by federal law or regulation, no demonstration shall be required for the use of processed animal fat, processed fish oil, processed vegetable oil, distillate oil, or any mixture thereof in place of the same quantity of residual oil to fire industrial boilers.

§ 10.1-1333. Permitting process for clean coal projects.

To the extent authorized by federal law, the ~~Board~~ *Department of Environmental Quality* shall implement permit processes that facilitate the construction of clean coal projects in the Commonwealth by, among such other actions as it deems appropriate, giving priority to processing permit applications for clean coal projects.

§ 15.2-2403.3. (For contingent effective date, see Acts 2016, cc. 68 and 758, as amended by Acts 2017, c. 345) Stormwater service districts; allocation of revenues.

Any town located within a stormwater service district created pursuant to this chapter shall be entitled to any revenues collected within the town pursuant to subdivision 6 of § 15.2-2403, subject to the limitations set forth therein, so long as the town maintains its own municipal separate storm sewer system (MS4) permit issued by the ~~State Water Control Board~~ *Department of Environmental Quality* or maintains its own stormwater service district.

§ 15.2-5101. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Authority" means an authority created under the provisions of § 15.2-5102 or Article 6 (§ 15.2-5152 et seq.) of this chapter or, if any such authority has been abolished, the entity succeeding to the principal functions thereof.

"Bonds" and "revenue bonds" include notes, bonds, bond anticipation notes, and other obligations of an authority for the payment of money.

"Cost," as applied to a system, includes the purchase price of the system or the cost of acquiring all of the capital stock of the corporation owning such system and the amount to be paid to discharge all of its obligations in order to vest title to the system or any part thereof in the authority; the cost of improvements; the cost of all land, properties, rights, easements, franchises and permits acquired; the cost of all labor, machinery and equipment; financing and credit enhancement charges; interest prior to and during construction and for one year after completion of construction; any deposit to any bond interest and principal reserve account, start-up costs and reserves and expenditures for operating capital; cost of engineering and legal services, plans, specifications, surveys, estimates of costs and revenues; other expenses necessary or incident to the determining of the feasibility or practicability of any such acquisition, improvement, or construction; administrative expenses and such other expenses as may be necessary or incident to the financing authorized in this chapter and to the acquisition, improvement, or construction of any such system and the placing of the system in operation by the authority. Any obligation or expense incurred by an authority in connection with any of the foregoing items of cost and any obligation or expense incurred by the authority prior to the issuance of revenue bonds under the provisions of this chapter for engineering studies, for estimates of cost and revenues, and for other technical or professional services which may be utilized in the acquisition, improvement or construction of such system is a part of the cost of such system.

"Cost of improvements" means the cost of constructing improvements and includes the cost of all labor and material; the cost of all land, property, rights, easements, franchises, and permits acquired which are deemed necessary for such construction; interest during any period of disuse during such construction; the cost of all machinery and equipment; financing charges; cost of engineering and legal expenses, plans, specifications; and such other expenses as may be necessary or incident to such construction.

"Federal agency" means the United States of America or any department, agency, instrumentality, or bureau thereof.

"Green roof" means a roof or partially covered roof consisting of plants, soil, or another lightweight growing medium that is installed on top of a waterproof membrane and designed in accordance with the Virginia Stormwater Management Program's standards and specifications for green roofs, as set forth in the Virginia BMP Clearinghouse.

"Improvements" means such repairs, replacements, additions, extensions and betterments of and to a system as an authority deems necessary to place or maintain the system in proper condition for the safe, efficient and economical operation thereof or to provide service in areas not currently receiving such service.

"Owner" includes persons, federal agencies, and units of the Commonwealth having any title or interest in any system, or the services or facilities to be rendered thereby.

"Political subdivision" means a locality or any institution or commission of the Commonwealth of Virginia.

"Refuse" means solid waste, including sludge and other discarded material, such as solid, liquid, semi-solid or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations or from community activities or residences. "Refuse" does not include (i) solid and dissolved materials in domestic sewage, (ii) solid or dissolved material in irrigation return flows or in industrial discharges which are sources subject to a permit from the ~~State Water Control Board~~ *Department of Environmental Quality*, or (iii) source, special nuclear, or by-product material as defined by the Federal Atomic Energy Act of 1954 (42 U.S.C. § 2011, et seq.), as amended.

"Refuse collection and disposal system" means a system, plant or facility designed to collect, manage, dispose of, or recover and use energy from refuse and the land, structures, vehicles and equipment for use in connection therewith.

"Sewage" means the water-carried wastes created in and carried, or to be carried, away from residences, hotels, schools, hospitals, industrial establishments, commercial establishments or any other private or public buildings, together with such surface or ground water and household and industrial wastes as may be present.

"Sewage disposal system" means any system, plant, disposal field, lagoon, pumping station, constructed drainage ditch or surface water intercepting ditch, incinerator, area devoted to sanitary landfills, or other works, installed for the purpose of treating, neutralizing, stabilizing or disposing of sewage, industrial waste or other wastes.

"Sewer system" or "sewage system" means pipelines or conduits, pumping stations, and force mains, and all other constructions, devices, and appliances appurtenant thereto, used for conducting sewage, industrial wastes or other wastes to a plant of ultimate disposal.

"Stormwater control system" means a structural system of any type that is designed to manage the runoff from land development projects or natural systems designated for such purposes, including, without limitation, retention basins, ponds, wetlands, sewers, conduits, pipelines, pumping and ventilating stations, and other plants, structures, and real and personal property used for support of the system.

"System" means any sewage disposal system, sewer system, stormwater control system, water or waste system, and for authorities created under Article 6 (§ 15.2-5152 et seq.) of this chapter, such facilities as may be provided by the authority under § 15.2-5158.

"Unit" means any department, institution or commission of the Commonwealth; any public corporate instrumentality thereof; any district; or any locality.

"Water or waste system" means any water system, sewer system, sewage disposal system, or refuse collection and disposal system, or any combination of such systems. "Water system" means all plants, systems, facilities or properties used or useful or having the present capacity for future use in connection with the supply or distribution of water, or facilities incident thereto, and any integral part thereof, including water supply systems, water distribution systems, dams and facilities for the generation or transmission of hydroelectric power, reservoirs, wells, intakes, mains, laterals, pumping stations, standpipes, filtration plants, purification plants, hydrants, meters, valves and equipment, appurtenances, and all properties, rights, easements and franchises relating thereto and deemed necessary or convenient by the authority for the operation thereof but not including dams or facilities for the generation or transmission of hydroelectric power that are not incident to plants, systems, facilities or properties used or useful or having the present capacity for future use in connection with the supply or distribution of water.

§ 28.2-1205.1. Coordinated review of water resources projects.

A. Applications for water resources projects that require a Virginia Marine Resources permit and an individual Virginia Water Protection Permit under § 62.1-44.15:20 shall be submitted and processed through a joint application and review process.

B. The Commissioner and the Director of the Department of Environmental Quality, in consultation with the Virginia Institute of Marine Science, the Department of Wildlife Resources, the Department of Historic Resources, the Department of Health, the Department of Conservation and Recreation, the Virginia Department of Agriculture and Consumer Services, and any other appropriate or interested state agency, shall coordinate the joint review process to ensure the orderly evaluation of projects requiring both permits.

C. The joint review process shall include, but not be limited to, provisions to ensure that: (i) the initial application for the project shall be advertised simultaneously by the Commission and the Department of Environmental Quality; (ii) project reviews shall be completed by all state agencies that have been asked to review and provide comments, within 45 days of project notification by the Commission and the Department of Environmental Quality; (iii) the Commission and the ~~State Water Control Board~~ *Department of Environmental Quality* shall coordinate permit issuance and, to the extent practicable, shall take action on the permit application no later than one year after the agencies have received complete applications; (iv) to the extent practicable, the Commission and the ~~State Water Control Board~~ *Department of Environmental Quality* shall take action concurrently, but no more than six months apart; and (v) upon taking its final action on each permit, the Commission and the ~~State Water Control Board~~ *Department of Environmental Quality* shall provide each other with notification of its action and any and all supporting information, including any background materials or exhibits used in the application.

§ 46.2-1601. Licensing of dealers of salvage vehicles; fees.

A. It shall be unlawful for any person to engage in business in the Commonwealth as an auto recycler, salvage pool, or vehicle removal operator without first acquiring a license issued by the Commissioner for each such business at each location. The fee for the first such license issued or renewed under this chapter shall be \$100 per license year or part thereof. The fee for each additional license issued or renewed under this chapter for the same location shall be \$25 per license year or part thereof. However, no fee shall be charged for supplemental locations of a business located within 500 yards of the licensed location.

B. No license shall be issued or renewed for any person unless (i) the licensed business contains at least 600 square feet of enclosed space, (ii) the licensed business is shown to be in compliance with all applicable zoning ordinances, and (iii) the applicant may (a) certify to the Commissioner that the licensed business is permitted under a Virginia Pollutant Discharge Elimination System individual or general permit issued by the ~~State Water Control Board~~ *Department of Environmental Quality* for discharges of storm water associated with industrial activity and provides the permit number(s) from such permit(s) or (b) certify to the Commissioner that the licensed business is otherwise exempt from such permitting requirements. Nothing in this section shall authorize any person to act as a motor vehicle dealer or salesperson without being licensed under Chapter 15 (§ 46.2-1500 et seq.) and meeting all requirements imposed by such chapter.

C. Licenses issued under this section shall be deemed not to have expired if the renewal application and required fees as set forth in subsection A are received by the Commissioner or postmarked not more than 30 days after the expiration date of such license. Whenever the renewal application is received by the Commissioner or postmarked not more than 30 days after the expiration date of such license, the license fees shall be 150 percent of the fees provided for in subsection A.

D. The Commissioner may offer an optional multiyear license for any license set forth in this section. When such option is offered and chosen by the licensee, all fees due at the time of licensing shall be multiplied by the number of years for which the license will be issued.

§ 62.1-44.3. (For expiration date, see Acts 2016, cc. 68 and 758, as amended by Acts 2017, c. 345) Definitions.

Unless a different meaning is required by the context, the following terms as used in this chapter shall have the meanings hereinafter respectively ascribed to them:

"Beneficial use" means both instream and offstream uses. Instream beneficial uses include, but are not limited to, the protection of fish and wildlife resources and habitat, maintenance of waste assimilation, recreation, navigation, and cultural and aesthetic values. The preservation of instream flows for purposes of the protection of navigation, maintenance of waste assimilation capacity, the protection of fish and wildlife resources and habitat, recreation, cultural and aesthetic values is an instream beneficial use of Virginia's waters. Offstream beneficial uses include, but are not limited to, domestic (including public water supply), agricultural uses, electric power generation, commercial, and industrial uses.

"Board" means the State Water Control Board. *However, when used outside the context of the promulgation of regulations, including regulations to establish general permits, pursuant to this chapter, "Board" means the Department of Environmental Quality.*

"Certificate" means any certificate issued by the ~~Board~~ Department.

"Department" means the Department of Environmental Quality.

"Director" means the Director of the Department of Environmental Quality.

"Establishment" means any industrial establishment, mill, factory, tannery, paper or pulp mill, mine, coal mine, colliery, breaker or coal-processing operations, quarry, oil refinery, boat, vessel, and every other industry or plant or works the operation of which produces industrial wastes or other wastes or which may otherwise alter the physical, chemical or biological properties of any state waters.

"Excavate" or "excavation" means ditching, dredging, or mechanized removal of earth, soil or rock.

"Industrial wastes" means liquid or other wastes resulting from any process of industry, manufacture, trade, or business or from the development of any natural resources.

"The law" or "this law" means the law contained in this chapter as now existing or hereafter amended.

"Member" means a member of the Board.

"Normal agricultural activities" means those activities defined as an agricultural operation in § 3.2-300 and any activity that is conducted as part of or in furtherance of such agricultural operation but shall not include any activity for which a permit would have been required as of January 1, 1997, under 33 U.S.C. § 1344 or any regulations promulgated pursuant thereto.

"Normal silvicultural activities" means any silvicultural activity as defined in § 10.1-1181.1 and any activity that is conducted as part of or in furtherance of such silvicultural activity but shall not include any activity for which a permit would have been required as of January 1, 1997, under 33 U.S.C. § 1344 or any regulations promulgated pursuant thereto.

"Other wastes" means decayed wood, sawdust, shavings, bark, lime, garbage, refuse, ashes, offal, tar, oil, chemicals, and all other substances except industrial wastes and sewage which may cause pollution in any state waters.

"Owner" means the Commonwealth or any of its political subdivisions, including but not limited to sanitation district commissions and authorities and any public or private institution, corporation, association, firm, or company organized or existing under the laws of this or any other state or country, or any officer or agency of the United States, or any person or group of persons acting individually or as a group that owns, operates, charters, rents, or otherwise exercises control over or is responsible for any actual or potential discharge of sewage, industrial wastes, or other wastes to state waters, or any facility or operation that has the capability to alter the physical, chemical, or biological properties of state waters in contravention of § 62.1-44.5.

"Person" means an individual, corporation, partnership, association, governmental body, municipal corporation, or any other legal entity.

"Policies" means policies established under subdivisions (3a) and (3b) of § 62.1-44.15.

"Pollution" means such alteration of the physical, chemical, or biological properties of any state waters as will or is likely to create a nuisance or render such waters (a) harmful or detrimental or injurious to the public health, safety, or welfare or to the health of animals, fish, or aquatic life; (b) unsuitable with reasonable treatment for use as present or possible future sources of public water supply; or (c) unsuitable for recreational, commercial, industrial, agricultural, or other reasonable uses, provided that (i) an alteration of the physical, chemical, or biological property of state waters or a discharge or deposit of sewage, industrial wastes or other wastes to state waters by any owner which by itself is not sufficient to cause pollution but which, in combination with such alteration of or discharge or deposit to state waters by other owners, is sufficient to cause pollution; (ii) the discharge of untreated sewage by any owner into state waters; and (iii) contributing to the contravention of standards of water quality duly established by the Board, are "pollution" for the terms and purposes of this chapter.

"Pretreatment requirements" means any requirements arising under the Board's pretreatment regulations including the duty to allow or carry out inspections, entry, or monitoring activities; any rules, regulations, or orders issued by the owner of a publicly owned treatment works; or any reporting requirements imposed by the owner of a publicly owned treatment works or by the regulations of the Board.

"Pretreatment standards" means any standards of performance or other requirements imposed by regulation of the Board upon an industrial user of a publicly owned treatment works.

"Reclaimed water" means water resulting from the treatment of domestic, municipal, or industrial wastewater that is suitable for a direct beneficial or controlled use that would not otherwise occur. Specifically excluded from this definition is "gray water."

"Reclamation" means the treatment of domestic, municipal, or industrial wastewater or sewage to produce reclaimed water for a direct beneficial or controlled use that would not otherwise occur.

"Regulation" means a regulation issued under § 62.1-44.15 (10).

"Reuse" means the use of reclaimed water for a direct beneficial use or a controlled use that is in accordance with the requirements of the Board.

"Rule" means a rule adopted by the Board to regulate the procedure of the Board pursuant to § 62.1-44.15 (7).

"Ruling" means a ruling issued under § 62.1-44.15 (9).

"Sewage" means the water-carried human wastes from residences, buildings, industrial establishments or other places together with such industrial wastes and underground, surface, storm, or other water as may be present.

"Sewage treatment works" or "treatment works" means any device or system used in the storage, treatment, disposal, or reclamation of sewage or combinations of sewage and industrial wastes, including but not limited to pumping, power, and other equipment, and appurtenances, and any works, including land, that are or will be (i) an integral part of the treatment process or (ii) used for the ultimate disposal of residues or effluent resulting from such treatment. These terms shall not include onsite sewage systems or alternative discharging sewage systems.

"Sewerage system" means pipelines or conduits, pumping stations, and force mains, and all other construction, devices, and appliances appurtenant thereto, used for conducting sewage or industrial wastes or other wastes to a point of ultimate disposal.

"Special order" means a special order issued under subdivisions (8a), (8b), and (8c) of § 62.1-44.15.

"Standards" means standards established under subdivisions (3a) and (3b) of § 62.1-44.15.

"State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.

"Wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

§ 62.1-44.3. (For effective date, see Acts 2016, cc. 68 and 758, as amended by Acts 2017, c. 345) Definitions.

Unless a different meaning is required by the context, the following terms as used in this chapter shall have the meanings hereinafter respectively ascribed to them:

"Beneficial use" means both instream and offstream uses. Instream beneficial uses include, but are not limited to, the protection of fish and wildlife resources and habitat, maintenance of waste assimilation, recreation, navigation, and cultural and aesthetic values. The preservation of instream flows for purposes of the protection of navigation, maintenance of waste assimilation capacity, the protection of fish and wildlife resources and habitat, recreation, cultural and aesthetic values is an instream beneficial use of Virginia's waters. Offstream beneficial uses include, but are not limited to, domestic (including public water supply), agricultural uses, electric power generation, commercial, and industrial uses.

"Board" means the State Water Control Board. *However, when used outside the context of the promulgation of regulations, including regulations to establish general permits, pursuant to this chapter, "Board" means the Department of Environmental Quality.*

"Certificate" means any certificate or permit issued by the ~~Board~~ Department.

"Department" means the Department of Environmental Quality.

"Director" means the Director of the Department of Environmental Quality.

"Establishment" means any industrial establishment, mill, factory, tannery, paper or pulp mill, mine, coal mine, colliery, breaker or coal-processing operations, quarry, oil refinery, boat, vessel, and every other industry or plant or works the operation of which produces industrial wastes or other wastes or which may otherwise alter the physical, chemical or biological properties of any state waters.

"Excavate" or "excavation" means ditching, dredging, or mechanized removal of earth, soil or rock.

"Industrial wastes" means liquid or other wastes resulting from any process of industry, manufacture, trade, or business or from the development of any natural resources.

"Land-disturbance approval" means an approval allowing a land-disturbing activity to commence issued by (i) a Virginia Erosion and Stormwater Management Program authority after the requirements of § 62.1-44.15:34 have been met or (ii) a Virginia Erosion and Sediment Control Program authority after the requirements of § 62.1-44.15:55 have been met.

"The law" or "this law" means the law contained in this chapter as now existing or hereafter amended.

"Member" means a member of the Board.

"Municipal separate storm sewer" means a conveyance or system of conveyances otherwise known as a municipal separate storm sewer system or "MS4," including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains, that is:

1. Owned or operated by a federal entity, state, city, town, county, district, association, or other public body, created by or pursuant to state law, having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including a special district under state law such as a sewer district, flood control district, drainage district or similar entity, or a designated and approved management agency under § 208 of the federal Clean Water Act (33 U.S.C. § 1251 et seq.) that discharges to surface waters;

2. Designed or used for collecting or conveying stormwater;

3. Not a combined sewer; and

4. Not part of a publicly owned treatment works.

"Normal agricultural activities" means those activities defined as an agricultural operation in § 3.2-300 and any activity that is conducted as part of or in furtherance of such agricultural operation but shall not include any activity for which a permit would have been required as of January 1, 1997, under 33 U.S.C. § 1344 or any regulations promulgated pursuant thereto.

"Normal silvicultural activities" means any silvicultural activity as defined in § 10.1-1181.1 and any activity that is conducted as part of or in furtherance of such silvicultural activity but shall not include any activity for which a permit would have been required as of January 1, 1997, under 33 U.S.C. § 1344 or any regulations promulgated pursuant thereto.

"Other wastes" means decayed wood, sawdust, shavings, bark, lime, garbage, refuse, ashes, offal, tar, oil, chemicals, and all other substances except industrial wastes and sewage which may cause pollution in any state waters.

"Owner" means the Commonwealth or any of its political subdivisions, including but not limited to sanitation district commissions and authorities and any public or private institution, corporation, association, firm, or company organized or existing under the laws of this or any other state or country, or any officer or agency of the United States, or any person or group of persons acting individually or as a group that owns, operates, charters, rents, or otherwise exercises control over or is responsible for any actual or potential discharge of sewage, industrial wastes, or other wastes to state waters, or any facility or operation that has the capability to alter the physical, chemical, or biological properties of state waters in contravention of § 62.1-44.5.

"Person" means an individual, corporation, partnership, association, governmental body, municipal corporation, or any other legal entity.

"Policies" means policies established under subdivisions (3a) and (3b) of § 62.1-44.15.

"Pollution" means such alteration of the physical, chemical, or biological properties of any state waters as will or is likely to create a nuisance or render such waters (a) harmful or detrimental or injurious to the public health, safety, or welfare or to the health of animals, fish, or aquatic life; (b) unsuitable with reasonable treatment for use as present or possible future sources of public water supply; or (c) unsuitable for recreational, commercial, industrial, agricultural, or other reasonable uses, provided that (i) an alteration of the physical, chemical, or biological property of state waters or a discharge or deposit of sewage, industrial wastes or other wastes to state waters by any owner which by itself is not sufficient to cause pollution but which, in combination with such alteration of or discharge or deposit to state waters by other owners, is sufficient to cause pollution; (ii) the discharge of untreated sewage by any owner into state waters; and (iii) contributing to the contravention of standards of water quality duly established by the Board, are "pollution" for the terms and purposes of this chapter.

"Pretreatment requirements" means any requirements arising under the Board's pretreatment regulations including the duty to allow or carry out inspections, entry, or monitoring activities; any rules, regulations, or orders issued by the owner of a publicly owned treatment works; or any reporting requirements imposed by the owner of a publicly owned treatment works or by the regulations of the Board.

"Pretreatment standards" means any standards of performance or other requirements imposed by regulation of the Board upon an industrial user of a publicly owned treatment works.

"Reclaimed water" means water resulting from the treatment of domestic, municipal, or industrial wastewater that is suitable for a direct beneficial or controlled use that would not otherwise occur. Specifically excluded from this definition is "gray water."

"Reclamation" means the treatment of domestic, municipal, or industrial wastewater or sewage to produce reclaimed water for a direct beneficial or controlled use that would not otherwise occur.

"Regulation" means a regulation issued under subdivision (10) of § 62.1-44.15.

"Reuse" means the use of reclaimed water for a direct beneficial use or a controlled use that is in accordance with the requirements of the Board.

"Rule" means a rule adopted by the Board to regulate the procedure of the Board pursuant to subdivision (7) of § 62.1-44.15.

"Ruling" means a ruling issued under subdivision (9) of § 62.1-44.15.

"Sewage" means the water-carried human wastes from residences, buildings, industrial establishments or other places together with such industrial wastes and underground, surface, storm, or other water as may be present.

"Sewage treatment works" or "treatment works" means any device or system used in the storage, treatment, disposal, or reclamation of sewage or combinations of sewage and industrial wastes, including but not limited to pumping, power,

and other equipment, and appurtenances, and any works, including land, that are or will be (i) an integral part of the treatment process or (ii) used for the ultimate disposal of residues or effluent resulting from such treatment. These terms shall not include onsite sewage systems or alternative discharging sewage systems.

"Sewerage system" means pipelines or conduits, pumping stations, and force mains, and all other construction, devices, and appliances appurtenant thereto, used for conducting sewage or industrial wastes or other wastes to a point of ultimate disposal.

"Special order" means a special order issued under subdivisions (8a), (8b), and (8c) of § 62.1-44.15.

"Standards" means standards established under subdivisions (3a) and (3b) of § 62.1-44.15.

"State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.

"Wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

§ 62.1-44.6:1. Permit rationale.

In granting a permit pursuant to this chapter, the Department shall provide in writing a clear and concise statement of the legal basis, scientific rationale, and justification for the decision reached. When the decision of the Department is to deny a permit pursuant to this chapter, the Department shall, in consultation with legal counsel, provide a clear and concise statement explaining the reason for the denial, the scientific justification for the same, and how the Department's decision is in compliance with applicable laws and regulations. Copies of the decision, certified by the Director, shall be mailed by certified mail to the permittee or applicant.

§ 62.1-44.14. Chairman; Executive Director; employment of personnel; supervision; budget preparation.

The Board shall elect its chairman, and the Executive Director shall be appointed as set forth in § 2.2-106. The Executive Director shall serve as executive officer and devote his whole time to the performance of his duties, and he shall have such administrative powers as are conferred upon him by the Board; and, further, the Board may delegate to its Executive Director any of the powers and duties invested in it by this chapter except the adoption and promulgation of standards, rules and regulations; and the revocation of certificates. The Executive Director is authorized to issue, modify or revoke orders in cases of emergency as described in §§ 62.1-44.15 (8b) and 62.1-44.34:20 of this chapter. The Executive Director is further authorized to employ such consultants and full-time technical and clerical workers as are necessary and within the available funds to carry out the purposes of this chapter.

It shall be the duty of the Executive Director to exercise general supervision and control over the quality and management of all state waters and to administer and enforce this chapter, and all certificates, standards, policies, rules, regulations, rulings and special orders promulgated by the Board. The Executive Director shall prepare, approve, and submit all requests for appropriations and be responsible for all expenditures pursuant to appropriations. The Executive Director shall be vested with all the authority of the Board when it is not in session, except for the Board's authority to consider permits pursuant to § 62.1-44.15:02 and to issue special orders pursuant to subdivisions (8a) and (8b) of § 62.1-44.15 and subject to such regulations as may be prescribed by the Board. In no event shall the Executive Director have the authority to adopt or promulgate any regulation.

§ 62.1-44.15:81. Application and preparation of draft certification conditions.

A. Any applicant for a federal license or permit for a natural gas transmission pipeline greater than 36 inches inside diameter subject to § 7c of the federal Natural Gas Act (15 U.S.C. § 717f(c)) shall submit a separate application, at the same time the Joint Permit Application is submitted, to the Department containing a description of all activities that will occur in upland areas, including activities in or related to (i) slopes with a grade greater than 15 percent; (ii) karst geology features, including sinkholes and underground springs; (iii) proximity to sensitive streams and wetlands identified by the Department of Conservation and Recreation or the Department of Wildlife Resources; (iv) seasonally high water tables; (v) water impoundment structures and reservoirs; and (vi) areas with highly erodible soils, low pH, and acid sulfate soils. Concurrently with the Joint Permit Application, the applicant shall also submit a detailed erosion and sediment control plan and stormwater management plan subject to Department review and approval.

B. After receipt of an application in accordance with subsection A, the Department shall issue a request for information about how the erosion and sediment control plan and stormwater management plan will address activities in or related to the upland areas identified in subsection A. The response to such request shall include the specific strategies and best management practices that will be utilized by the applicant to address challenges associated with each area type and an explanation of how such strategies and best management practices will ensure compliance with water quality standards.

C. At any time during the review of the application, but prior to issuing a certification pursuant to this article, the Department may issue an information request to the applicant for any relevant additional information necessary to determine (i) if any activities related to the applicant's project in upland areas are likely to result in a discharge to state waters and (ii) how the applicant proposes to minimize water quality impacts to the maximum extent practicable to protect water quality. The information request shall provide a reasonable amount of time for the applicant to respond.

D. The Department shall review the information contained in the application, the response to the information request in subsection B, and any additional information obtained through any information requests issued pursuant to subsection C to determine if any activities described in the application or in any additional information requests (i) are likely to result in a discharge to state waters with the potential to adversely impact water quality and (ii) will not be addressed by the Virginia

Water Protection Permit issued for the activity pursuant to Article 2.2 (§ 62.1-44.15:20 et seq.). The Department of Wildlife Resources, the Department of Conservation and Recreation, the Department of Health, and the Department of Agriculture and Consumer Services shall consult with the Department during the review of the application and any additional information obtained through any information requests issued pursuant to subsection B or C. Following the conclusion of its review, the Department shall develop a draft certification or denial. A draft certification, including (i) any additional conditions for activities in upland areas necessary to protect water quality and (ii) a condition that the applicant shall not commence land-disturbing activity prior to approval by the Department of the erosion and sediment control plan and stormwater management plan required pursuant to subsection E, shall be noticed for public comment and potential issuance by the Department ~~or the Board pursuant to § 62.1-44.15:02~~. The Department shall make the information contained in the application and any additional information obtained through any information requests issued pursuant to subsection B or C available to the public.

E. Notwithstanding any applicable annual standards and specifications for erosion and sediment control or stormwater management pursuant to Article 2.3 (§ 62.1-44.15:24 et seq.) or 2.4 (§ 62.1-44.15:51 et seq.), the applicant shall not commence land-disturbing activity prior to resolution of any unresolved issues identified in subsection B to the satisfaction of the Department and approval by the Department of an erosion and sediment control plan and stormwater management plan in accordance with applicable regulations. The Department shall act on any plan submittal within 60 days after initial submittal of a completed plan to the Department. The Department may issue either approval or disapproval and shall provide written rationale for its decision. The Department shall act on any plan that has been previously disapproved within 30 days after the plan has been revised and resubmitted for approval.

F. No action by either the Department or the Board on a certification pursuant to this article shall alter the siting determination made through Federal Energy Regulatory Commission or State Corporation Commission approval.

G. The Department shall assess an administrative charge to the applicant to cover the direct costs of services rendered associated with its responsibilities pursuant to this section.

H. Neither the Department nor the Board shall expressly waive certification of a natural gas transmission pipeline of greater than 36 inches inside diameter under § 401 of the federal Clean Water Act (33 U.S.C. § 1341). The Department or the Board shall act on any certification request within a reasonable period of time pursuant to federal law. Nothing in this section shall be construed to prohibit the Department or the Board from taking action to deny a certification in accordance with the provisions of § 401 of the federal Clean Water Act (33 U.S.C. § 1341).

§ 62.1-44.15:83. Requests for public hearing, hearings, and final decisions procedures.

A. The issuance of a certification pursuant to this article shall be a permit action ~~for purposes of § 62.1-44.15:02~~.

B. The Department shall assess an administrative charge to the applicant to cover the direct costs of services rendered associated with its responsibilities pursuant to this section.

§ 62.1-104. Definitions.

(1) Except as modified below, the definitions contained in Title 1 shall apply in this chapter.

(2) "Board" means the State Water Control Board. *However, when used outside the context of the promulgation of regulations, including regulations to establish general permits, pursuant to this chapter, "Board" means the Department of Environmental Quality.*

(3) "Impounding structure" means a man-made device, whether a dam across a watercourse or other structure outside a watercourse, used or to be used for the authorized storage of flood waters for subsequent beneficial use.

(4) "Watercourse" means a natural channel having a well-defined bed and banks and in which water flows when it normally does flow. For the purposes hereof they shall be limited to rivers, creeks, streams, branches, and other watercourses which are nonnavigable in fact and which are wholly within the jurisdiction of the Commonwealth.

(5) "Riparian land" is land which is contiguous to and touches a watercourse. It does not include land outside the watershed of the watercourse. Real property under common ownership and which is not separated from riparian land by land of any other ownership shall likewise be deemed riparian land, notwithstanding that such real property is divided into tracts and parcels which may not bound upon the watercourse.

(6) "Riparian owner" is an owner of riparian land.

(7) "Average flow" means the average discharge of a stream at a particular point and normally is expressed in cubic feet per second. It may be determined from actual measurements or computed from the most accurate information available.

(8) "Diffused surface waters" are those which, resulting from precipitation, flow down across the surface of the land until they reach a watercourse, after which they become parts of streams.

(9) "Floodwaters" means water in a stream which is over and above the average flow.

(10) "Court" means the circuit court of the county or city in which an impoundment is located or proposed to be located.

§ 62.1-242. Definitions.

As used in this chapter, unless the context requires otherwise:

"Beneficial use" means both instream and offstream uses. Instream beneficial uses include but are not limited to protection of fish and wildlife habitat, maintenance of waste assimilation, recreation, navigation, and cultural and aesthetic values. Offstream beneficial uses include but are not limited to domestic (including public water supply), agricultural, electric power generation, commercial, and industrial uses. Domestic and other existing beneficial uses shall be considered the highest priority beneficial uses.

"Board" means the State Water Control Board. *However, when used outside the context of the promulgation of regulations, including regulations to establish general permits, pursuant to this chapter, "Board" means the Department of Environmental Quality.*

"Nonconsumptive use" means the use of water withdrawn from a stream in such a manner that it is returned to the stream without substantial diminution in quantity at or near the point from which it was taken and would not result in or exacerbate low flow conditions.

"Surface water withdrawal permit" means a document issued by the Board evidencing the right to withdraw surface water.

"Surface water management area" means a geographically defined surface water area in which the Board has deemed the levels or supply of surface water to be potentially adverse to public welfare, health and safety.

"Surface water" means any water in the Commonwealth, except ground water, as defined in § 62.1-255.

§ 62.1-248.2. Permit rationale.

In granting a permit pursuant to this chapter, the Department shall provide in writing a clear and concise statement of the legal basis, scientific rationale, and justification for the decision reached. When the decision of the Department is to deny a permit pursuant to this chapter, the Department shall, in consultation with legal counsel, provide a clear and concise statement explaining the reason for the denial, the scientific justification for the same, and how the Department's decision is in compliance with applicable laws and regulations. Copies of the decision, certified by the Director, shall be mailed by certified mail to the permittee or applicant.

§ 62.1-255. Definitions.

As used in this chapter, unless the context requires otherwise:

"Agricultural irrigation" means irrigation that is used to support any operation devoted to the bona fide production of crops, animals, or fowl, including the production of fruits and vegetables of any kind; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silvicultural activity.

"Beneficial use" includes domestic (including public water supply), agricultural, commercial, and industrial uses.

"Board" means the State Water Control Board. *However, when used outside the context of the promulgation of regulations, including regulations to establish general permits, pursuant to this chapter, "Board" means the Department of Environmental Quality.*

"Department" means the Department of Environmental Quality.

"Eastern Shore Groundwater Management Area" means the ground water management area declared by the Board encompassing the Counties of Accomack and Northampton.

"Ground water" means any water, except capillary moisture, beneath the land surface in the zone of saturation or beneath the bed of any stream, lake, reservoir or other body of surface water wholly or partially within the boundaries of the Commonwealth, whatever the subsurface geologic structure in which such water stands, flows, percolates or otherwise occurs.

"Ground water withdrawal permit" means a certificate issued by the Board permitting the withdrawal of a specified quantity of ground water in a ground water management area.

"Irrigation" means the controlled application of water through man-made systems to supply water requirements not satisfied by rainfall to assist in the growing or maintenance of vegetative growth.

"Nonagricultural irrigation" means all irrigation other than agricultural irrigation.

"Person" means any and all persons, including individuals, firms, partnerships, associations, public or private institutions, municipalities or political subdivisions, governmental agencies, or private or public corporations organized under the laws of the Commonwealth or any other state or country.

"Surficial aquifer" means the upper surface of a zone of saturation, where the body of ground water is not confined by an overlying impermeable zone.

§ 62.1-263.1. Permit rationale.

In granting a permit pursuant to this chapter, the Department shall provide in writing a clear and concise statement of the legal basis, scientific rationale, and justification for the decision reached. When the decision of the Department is to deny a permit pursuant to this chapter, the Department shall, in consultation with legal counsel, provide a clear and concise statement explaining the reason for the denial, the scientific justification for the same, and how the Department's decision is in compliance with applicable laws and regulations. Copies of the decision, certified by the Director, shall be mailed by certified mail to the permittee or applicant.

2. That §§ 10.1-1322.01 and 62.1-44.15:02 of the Code of Virginia are repealed.

3. That any permits or orders issued by the Air Pollution Control Board or the State Water Control Board prior to the effective date of this act shall continue in full force and are enforceable by the Department of Environmental Quality.

4. That nothing in this act shall be construed to limit or impact § 3.2-301 or 15.2-2288.6 of the Code of Virginia.

5. That at each regular meeting of the Air Pollution Control Board and the State Water Control Board (the Boards), the Department of Environmental Quality (the Department) shall provide an overview and update regarding any controversial permits pending before the Department that are relevant to each board. Immediately after such presentation by the Department, the Boards shall have an opportunity to respond to the Department's presentation and provide commentary regarding such pending permits. Before rendering a final decision on a controversial

permit, the Department shall publish a summary of public comments received during the applicable public comment period and public hearing. After such publication, the Department shall publish responses to the public comment summary and hold a public hearing to provide an opportunity for individuals who previously commented, either at a public hearing or in writing during the applicable public comment period, to respond to the Department's public comment summary and response. No new information will be accepted at that time.

For purposes of this enactment, "controversial permit" means an air or water permitting action for which a public hearing has been granted pursuant to the provisions of the sixth enactment of this act. "Controversial permit" also means an air permitting action where a public hearing is required for (i) the construction of a new major source or for a major modification to an existing source, (ii) a new fossil fuel-fired generating facility with a capacity of 500 megawatts or more, (iii) a major modification to an existing source that is a fossil fuel-fired generating facility with a capacity of 500 megawatts or more, (iv) a new fossil fuel-fired compressor station facility used to transport natural gas, or (v) a major modification to an existing source that is a fossil fuel-fired compressor station facility used to transport natural gas.

6. That any changes to regulations necessary to implement the provisions of this act shall include the following criteria for requesting and granting a public hearing on a permit action during a public comment period in those instances where a public hearing is not mandatory under state or federal law or regulation. During the public comment period on permit action, interested persons may request a public hearing to contest such action or the terms and conditions thereof. Requests for a public hearing shall contain the following information: (i) the name and postal mailing or email address of the requester; (ii) the names and addresses of all persons for whom the requester is acting as a representative (for the purposes of this requirement, "person" includes an unincorporated association); (iii) the reason for the request for a public hearing; (iv) a brief, informal statement setting forth the factual nature and the extent of the interest of the requester or of the persons for whom the requester is acting as representative in the application or tentative determination, including an explanation of how and to what extent such interest would be directly and adversely affected by the issuance, denial, modification, or revocation of the permit in question; and (v) where possible, specific references to the terms and conditions of the permit in question, together with suggested revisions and alterations of those terms and conditions that the requester considers are needed to conform the permit to the intent and provisions of the basic laws of the State Air Pollution Control Board or the State Water Control Board, as applicable. Upon completion of the public comment period on a permit action, the Director of the Department of Environmental Quality shall review all timely requests for public hearing filed during the public comment period on the permit action and within 30 calendar days following the expiration of the time period for the submission of requests shall grant a public hearing, unless the permittee or applicant agrees to a later date, if the Director finds the following: (a) that there is a significant public interest in the issuance, denial, modification, or revocation of the permit in question as evidenced by receipt of a minimum of 25 individual requests for a public hearing; (b) that the requesters raise substantial, disputed issues relevant to the issuance, denial, modification, or revocation of the permit in question; and (c) that the action requested by the interested party is not on its face inconsistent with, or in violation of, the basic laws of the State Air Pollution Control Board if the permit action is an air permit action, or the basic laws of the State Water Control Board if the permit action is a water permit action, federal law, or any regulation promulgated thereunder. The Director of the Department of Environmental Quality shall, forthwith, notify by email or mail at his last known address (1) each requester and (2) the applicant or permittee of the decision to grant or deny a public hearing. If the request for a public hearing is granted, the Director shall schedule the hearing at a time between 45 and 75 days after emailing or mailing of the notice of the decision to grant the public hearing. The Director shall cause, or require the applicant to publish, notice of a public hearing to be published once, in a newspaper of general circulation in the city or county where the facility or operation that is the subject of the permit or permit application is located, at least 30 days before the hearing date. In making its decision, the Department shall consider (A) the verbal and written comments received during the public comment period and public hearing made part of the record, (B) any commentary of the Board, and (C) the agency files. The public comment period shall remain open for 15 days after the close of the public hearing if required by § 10.1-1307.01 of the Code of Virginia, as amended by this act, or § 62.1-44.15:01 of the Code of Virginia. In addition, the Director may, in his discretion, convene a public hearing on a permit action.

CHAPTER 357

An Act for the relief of Eric Weakley, relating to claims; compensation for wrongful incarceration.

[H 1254]

Approved April 11, 2022

Whereas, Eric Weakley (Mr. Weakley) was convicted in the Culpeper Circuit Court on June 13, 2001, of second degree murder for a 1996 crime of which he is innocent; and

Whereas, Mr. Weakley was sentenced to 20 years of incarceration with 13 years and four months suspended; and

Whereas, Mr. Weakley served almost six years and eight months in the custody of the Virginia Department of Corrections before being released on probation; and

Whereas, after the 1996 murder of Thelma Scroggins went unsolved for several years, law enforcement zeroed in on Mr. Weakley, to the exclusion of other far more viable suspects; and

Whereas, law enforcement followed Mr. Weakley, repeatedly showing up at his home and workplaces, harassing him and interviewing him multiple times over the course of months; and

Whereas, Mr. Weakley repeatedly denied involvement in or knowledge of the murder, maintaining his innocence; and

Whereas, law enforcement coached Mr. Weakley, providing Mr. Weakley details and information about the crime and photos of the crime scene, and eventually pressured him into accepting responsibility for a crime he did not commit and implicating others; and

Whereas, law enforcement repeatedly disregarded details provided by Mr. Weakley that were inconsistent with the crime scene and physical evidence, such as the type of gun used, the number of shots fired, the location and type of wounds on the victim, and the clothing worn by the victim; and

Whereas, no physical evidence connected Mr. Weakley, who was 16 years old at the time of the crime, to the murder; and

Whereas, the physical evidence in fact supported the theory that the crime was committed by a single assailant, not three teenage boys; and

Whereas, Mr. Weakley's false confession was the product of extensive psychological coercion, including harassment and threats; and

Whereas, false confessions are a known cause of wrongful convictions; and

Whereas, Mr. Weakley had a newborn baby girl at the time he was being harassed by police, placing him under more pressure and making him even more susceptible to police coercion; and

Whereas, Mr. Weakley eventually pled guilty to second degree murder, all the while telling the judge at his plea hearing, "I am not guilty of the crime"; and

Whereas, Mr. Weakley ultimately testified against his two co-defendants, admitting on cross-examination at one trial that he had trouble distinguishing what was true from what was not; and

Whereas, one of Mr. Weakley's co-defendants, Jason Kloby, was acquitted at trial; and

Whereas, Mr. Weakley's second co-defendant, Michael Hash, was convicted, but was exonerated and had his conviction vacated on a petition for writ of habeas corpus by the United States District Court for the Western District of Virginia; and

Whereas, after his release, Mr. Weakley eventually fully recanted his confession, explaining that he had come to believe his false confession, that he had believed his testimony at Mr. Kloby's trial to be true at the time he provided it, and that by the time of Mr. Hash's trial, he testified to what he thought was the truth, but that he often could not tell truth from fiction at that point; and

Whereas, in providing a sworn recantation after having completed his own sentence, Mr. Weakley exposed himself to the possibility of perjury charges in order to do the right thing and help exonerate Mr. Hash; and

Whereas, in granting Mr. Hash habeas relief, a federal judge sitting in the United States District Court for the Western District of Virginia found Mr. Weakley's recantation to be reliable and corroborated; and

Whereas, Mr. Weakley, through the Innocence Project at the University of Virginia School of Law, submitted a petition for clemency seeking an absolute pardon based on the circumstances surrounding his innocence; and

Whereas, on January 3, 2022, Governor Ralph Northam granted Mr. Weakley an absolute pardon, and in so doing, noted that "Mr. Weakley was pressured by law enforcement to accept responsibility for a crime he did not commit" and that the pardon "reflects Mr. Weakley's innocence"; and

Whereas, Mr. Weakley spent seven years on probation after his incarceration; and

Whereas, since Mr. Weakley's release, he has had no new arrests; and

Whereas, during the course of Mr. Weakley's wrongful incarceration, he missed the early childhood of his young daughter, who was only one-and-a-half years old when he began his incarceration; and

Whereas, Mr. Weakley, as a result of his wrongful incarceration, lost nearly seven years of his freedom and countless life experiences and opportunities, including family relations, the opportunity to further his education, and the opportunity to earn potential income from gainful employment during his years of incarceration; and

Whereas, Mr. Weakley has no other means to obtain adequate relief except by action of this body; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That there is hereby appropriated from the general fund of the state treasury the sum of \$343,232 for the relief of Eric Weakley, to be paid by check issued by the State Treasurer on warrant of the Comptroller upon execution of a release of all claims Mr. Weakley may have against the Commonwealth or any agency, instrumentality, office, employee, or political subdivision in connection with the aforesaid occurrence.*

The compensation, subject to the execution of the release described herein, shall be paid in (i) an initial lump sum of \$85,808 by check issued by the State Treasurer on warrant of the Comptroller within 60 days immediately following the execution of such release and (ii) the sum of \$257,424 to purchase an annuity no later than one year after the effective date of the appropriation for compensation, for the primary benefit of Mr. Weakley, the terms of such annuity structured in Mr. Weakley's best interests based on consultation among Mr. Weakley or his representatives, the State Treasurer, and other necessary parties.

The State Treasurer shall purchase the annuity at the lowest cost available from any A+ rated company authorized to sell annuities in the Commonwealth, including any A+ rated company from which the State Lottery Department may

purchase an annuity. The annuity shall provide that it shall not be sold, discounted, or used as securitization for loans and mortgages. The annuity shall, however, contain beneficiary provisions providing for the annuity's continued disbursement in the event of Mr. Weakley's death.

§ 2. *That Mr. Weakley shall be entitled to receive reimbursement up to \$10,000 for tuition for career and technical training within the Virginia Community College System contingent upon successful completion of the training. Reimbursement for tuition shall be provided by the comprehensive community college at which the career or technical training was completed. The tuition benefit provided by this section shall expire on January 1, 2026.*

§ 3. *That any amount already paid to Mr. Weakley as a transition assistance grant pursuant to subsection C of § 8.01-195.11 of the Code of Virginia shall be deducted from any award received pursuant to § 1 of this act.*

2. That the provisions of § 8.01-195.12 of the Code of Virginia shall apply to any compensation awarded under this act.

CHAPTER 358

An Act to amend and reenact § 58.1-3984 of the Code of Virginia, relating to appeal of local tax assessments.

[H 226]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3984 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3984. Application to court to correct erroneous assessments of local levies generally.

A. Any person assessed with local taxes, aggrieved by any such assessment, may, unless otherwise specially provided by law (including, but not limited to, as provided under (i) § 15.2-717 and (ii) § 3 of Chapter 261 of the Acts of Assembly of 1936 (which was continued in effect by § 58-769 of the Code of Virginia; and now continued in effect by § 58.1-3260), as amended by Chapter 422 of the Acts of Assembly of 1950, as amended by Chapter 339 of the Acts of Assembly of 1958, and as amended by the 2003 Regular Session of the General Assembly), (a) within three years from the last day of the tax year for which any such assessment is made, (b) within one year from the date of the assessment, (c) within one year from the date of the Tax Commissioner's final determination under *subdivision A 6 of § 58.1-3703.1 A 5* or *subsection D of § 58.1-3983.1 D*, or (d) within one year from the date of the final determination under § 58.1-3981, whichever is later, apply for relief to the circuit court of the county or city wherein such assessment was made. The application shall be before the court when it is filed in the clerk's office. *The taxpayer filing the application and the locality shall be necessary parties to the proceedings in the circuit court. The locality shall be named in the application as the "City of _____," "Town of _____," or "_____ County," as applicable.* In such proceedings, except for proceedings seeking relief from real property taxes, the burden of proof shall be upon the taxpayer to show that the property in question is valued at more than its fair market value or that the assessment is not uniform in its application, or that the assessment is otherwise invalid or illegal, but it shall not be necessary for the taxpayer to show that intentional, systematic, and willful discrimination has been made.

All proceedings pursuant to this section shall be conducted as an action at law before the court, sitting without a jury. The county or city attorney; or, if none, the attorney for the Commonwealth; shall defend the ~~application~~ *locality in any such proceedings.*

Prior to the release of any information that constitutes confidential tax information under § 58.1-3, pursuant to discovery or otherwise, for the purposes of a proceeding under this section, the court shall, no later than the issuance of the scheduling order, make the following order:

"Unless otherwise ordered by the court, no entity or person who has obtained confidential information protected by § 58.1-3 of the Code of Virginia regarding [property reference], directly or indirectly through any party to this action, shall disclose, exhibit, or discuss the confidential information except as provided herein. Confidential information protected by § 58.1-3 may be revealed to or discussed only with the following persons in connection with the review or litigation of the assessment of the above-referenced property:

1. The taxpayer or the ~~local government~~ *locality* (the "Parties");
2. Counsel for any Party to this action and employees of the counsel's firm, including attorneys other than counsel;
3. Outside experts retained by and assisting counsel for any Party in the preparation for or trial of this action;
4. The court or an administrative board reviewing the assessment on the above-referenced property, persons employed by the court or administrative board, and persons employed to transcribe or record the testimony or argument at a hearing, trial, or deposition regarding the assessment of the above-referenced property; and
5. Any person who may be called as a witness in a hearing, trial, or discovery that counsel believes in good faith to be necessary for the preparation or presentation of the case.

No person who is furnished with confidential information shall reveal it to, or discuss it with, any person who is not entitled to receive it under the terms of this order. Prior to their receipt of confidential information, those persons described in subdivisions 3 and 5 shall be required to sign an acknowledgement of this order and agree to be bound by the terms hereof and be subject to the jurisdiction of the court for enforcement thereof. Any person who violates the provisions of this order shall be subject to the penalty provided in subsection F of § 58.1-3."

Once the above-referenced order is entered, § 58.1-3 shall not be applicable to prevent the release of any relevant information that is responsive to a request for discovery made in the course of an appeal pursuant to this section.

B. In circuit court proceedings to seek relief from real property taxes, there shall be a presumption that the valuation determined by the assessor or as adjusted by the board of equalization is correct. The burden of proof shall be on the taxpayer to rebut such presumption and show by a preponderance of the evidence that the property in question is ~~valued~~ *was assessed* at more *or less* than its fair market value or that the assessment is not uniform in its application, and that it was not arrived at in accordance with generally accepted appraisal practices, procedures, rules, and standards as prescribed by nationally recognized professional appraisal organizations such as the International Association of Assessing Officers (IAAO) and applicable Virginia law relating to valuation of property. Mistakes of fact, including computation, that affect the assessment shall be deemed not to be in accordance with generally accepted appraisal practice.

However, in any appeal of the assessment of residential property filed by a taxpayer as an owner of real property containing less than four residential units, the assessing officer shall give the required written notice to the taxpayer, or his duly authorized representative, under subsection E of § 58.1-3331, and, upon written request, shall provide the taxpayer or his duly authorized representative copies of the assessment records set out in subsections A, B, and C of § 58.1-3331 pertaining to the assessing officer's determination of fair market value of the property under appeal. A written request by the taxpayer or his duly authorized representative shall be made following the filing of the appeal to circuit court and no later than 45 days prior to trial, unless otherwise provided by an order of the court before which the appeal is pending. Provided the written request is made in accordance with this section or any applicable court order, the assessing officer shall provide such records within 15 days of the written request to the taxpayer or his duly authorized representative. If the assessing officer fails to do so, the assessing officer shall present the following into evidence prior to the presentation of evidence by the taxpayer at the hearing: (i) copies of the assessment records maintained by the assessing officer under § 58.1-3331, (ii) testimony that explains the methodologies employed by the assessing officer to determine the assessed value of the property, and (iii) testimony that states that the assessed value was arrived at in accordance with generally accepted appraisal practices, procedures, rules, and standards as prescribed by nationally recognized professional appraisal organizations such as the International Association of Assessing Officers (IAAO) and applicable Virginia law relating to valuation of property. Upon the conclusion of the presentation of the evidence of the assessing officer, the taxpayer shall have the burden of proof by a preponderance of the evidence to rebut such evidence presented by the assessing officer as otherwise provided in this section.

C. The presumptions, burdens, and standards set out in subsection B shall not be construed to change or have any effect upon the presumptions, burdens, and standards applicable to applications for the correction of erroneous assessments of any local tax other than real property taxes.

D. In the event it comes or is brought to the attention of the commissioner of the revenue *or other assessing official* of the locality that the assessment of any tax is improper or is based on obvious error and should be corrected in order that the ends of justice may be served, and he is not able to correct it under § 58.1-3981, the commissioner of the revenue *or other assessing official* shall apply to the appropriate court, in the manner herein provided for relief of the taxpayer. Such application may include a petition for relief for any of several taxpayers.

CHAPTER 359

An Act to direct the State Board of Local and Regional Jails to make recommendations regarding certain fees in local and regional correctional facilities.

[S 581]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *The State Board of Local and Regional Jails (the Board) shall convene a work group to review and make recommendations regarding the reduction or elimination of costs and fees charged to inmates in local or regional correctional facilities to defray the costs of an inmate's keep, work release, or participation in educational or rehabilitative programs; to use telephone services; to purchase items or services from stores or commissaries; to utilize electronic visitation systems; and otherwise deemed relevant by the Board. The work group shall be composed of two members of the House Committee on Public Safety who are not members of the same political party and two members of the Senate Committee on Rehabilitation and Social Services who are not members of the same political party. Such legislative members shall appoint as members of the work group one formerly incarcerated person, one family member of a currently incarcerated person, and at least one representative of the following organizations or companies: the Virginia Sheriffs' Association, the Virginia Association of Chiefs of Police, the Virginia Association of Regional Jails, the American Civil Liberties Union of Virginia, Worth Rises, Social Action Linking Together, Justice Forward Virginia, the Sistas in Prison Reform, Americans for Prosperity, a vendor that provides telephone services to local correctional facilities within the Commonwealth, and a vendor that provides commissary services to local correctional facilities within the Commonwealth. The work group shall report its findings and recommendations to the Chairmen of the House Committee on Public Safety and the Senate Committee on Rehabilitation and Social Services by December 1, 2022.*

CHAPTER 360

An Act to amend and reenact § 2.2-4303 of the Code of Virginia, relating to the Virginia Public Procurement Act; methods of procurement; submitting bids electronically.

[H 964]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 2.2-4303 of the Code of Virginia is amended and reenacted as follows:****§ 2.2-4303. Methods of procurement.**

A. All public contracts with nongovernmental contractors for the purchase or lease of goods, or for the purchase of services, insurance, or construction, shall be awarded after competitive sealed bidding, or competitive negotiation as provided in this section, unless otherwise authorized by law. *All state public bodies accepting bids or proposals for contracts pursuant to this chapter shall provide an option to submit bids or proposals through the Commonwealth's statewide electronic procurement system, known as eVA. The Director of the Department of General Services, or his designee, may grant an exemption from such requirement at the request of a state public body and upon a showing of good cause. Local public bodies are encouraged to use eVA to offer an electronic submission option.*

B. Professional services shall be procured by competitive negotiation.

C. Goods, services other than professional services, and insurance may be procured by competitive sealed bidding or competitive negotiation.

Upon a written determination made in advance by (i) the Governor or his designee in the case of a procurement by the Commonwealth or by a department, agency or institution thereof or (ii) the local governing body in the case of a procurement by a political subdivision of the Commonwealth, that competitive negotiation is either not practicable or not fiscally advantageous, insurance may be procured through a licensed agent or broker selected in the manner provided for the procurement of things other than professional services set forth in § 2.2-4302.2. The basis for this determination shall be documented in writing.

D. Construction may be procured only by competitive sealed bidding, except that competitive negotiation may be used in the following instances:

1. By any public body on a fixed price design-build basis or construction management basis as provided in Chapter 43.1 (§ 2.2-4378 et seq.); or

2. By any public body for the construction of highways and any draining, dredging, excavation, grading or similar work upon real property upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, which writing shall document the basis for this determination.

E. Upon a determination in writing that there is only one source practicably available for that which is to be procured, a contract may be negotiated and awarded to that source without competitive sealed bidding or competitive negotiation. The writing shall document the basis for this determination. The public body shall issue a written notice stating that only one source was determined to be practicably available, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted on the Department of General Services' central electronic procurement website or other appropriate websites, and in addition, public bodies may publish in a newspaper of general circulation on the day the public body awards or announces its decision to award the contract, whichever occurs first. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

F. In case of emergency, a contract may be awarded without competitive sealed bidding or competitive negotiation; however, such procurement shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. The public body shall issue a written notice stating that the contract is being awarded on an emergency basis, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted on the Department of General Services' central electronic procurement website or other appropriate websites, and in addition, public bodies may publish in a newspaper of general circulation on the day the public body awards or announces its decision to award the contract, whichever occurs first, or as soon thereafter as is practicable. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

G. A public body may establish purchase procedures, if adopted in writing, not requiring competitive sealed bids or competitive negotiation for single or term contracts for:

1. Goods and services other than professional services and non-transportation-related construction, if the aggregate or the sum of all phases is not expected to exceed \$200,000; and

2. Transportation-related construction, if the aggregate or sum of all phases is not expected to exceed \$25,000.

However, such small purchase procedures shall provide for competition wherever practicable.

Such purchase procedures may allow for single or term contracts for professional services without requiring competitive negotiation, provided the aggregate or the sum of all phases is not expected to exceed \$80,000.

Where small purchase procedures are adopted for construction, the procedures shall not waive compliance with the Uniform State Building Code.

For state public bodies, informal solicitations conducted under this subsection shall require the posting of a public notice on the Department of General Services' central electronic procurement website. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

H. Upon a determination made in advance by a public body and set forth in writing that the purchase of goods, products or commodities from a public auction sale is in the best interests of the public, such items may be purchased at the auction, including online public auctions. Purchase of information technology and telecommunications goods and nonprofessional services from a public auction sale shall be permitted by any authority, department, agency, or institution of the Commonwealth if approved by the Chief Information Officer of the Commonwealth. The writing shall document the basis for this determination. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates shall not be made by online public auctions.

I. The purchase of goods or nonprofessional services, but not construction or professional services, may be made by reverse auctioning. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates shall not be made by reverse auctioning.

2. That the provisions of this act shall become effective on July 1, 2023.

CHAPTER 361

An Act to amend and reenact § 58.1-3252 of the Code of Virginia, relating to real property tax; assessment cycles.

[H 951]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3252 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3252. In counties.

There shall be a general reassessment of real estate every four years *or, if determined by majority vote of a county's board of supervisors, every three years*. Any county that, ~~however,~~ has a total population of 50,000 or less may elect by majority vote of its board of supervisors to conduct its general reassessments at either five-year or six-year intervals. In addition, Augusta County and Bedford County may elect by majority vote of their respective board of supervisors to conduct their general reassessments at either five-year or six-year intervals.

Nothing in this section shall affect the power of any county to use the annual or biennial assessment method as authorized by law.

CHAPTER 362

An Act to amend and reenact § 58.1-3252 of the Code of Virginia, relating to real property tax; assessment cycles.

[S 77]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3252 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3252. In counties.

There shall be a general reassessment of real estate every four years *or, if determined by majority vote of a county's board of supervisors, every three years*. Any county that, ~~however,~~ has a total population of 50,000 or less may elect by majority vote of its board of supervisors to conduct its general reassessments at either five-year or six-year intervals. In addition, Augusta County and Bedford County may elect by majority vote of their respective board of supervisors to conduct their general reassessments at either five-year or six-year intervals.

Nothing in this section shall affect the power of any county to use the annual or biennial assessment method as authorized by law.

CHAPTER 363

An Act to amend and reenact §§ 56-585.3 and 56-594.01 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 56-594.01:1, relating to electric cooperatives; net energy metering; power purchase agreements; local facilities usage charges.

[H 266]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 56-585.3 and 56-594.01 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 56-594.01:1 as follows:

§ 56-585.3. Regulation of cooperative rates after rate caps.

A. After the expiration or termination of capped rates, the rates, terms and conditions of distribution electric cooperatives subject to Article 1 (§ 56-231.15 et seq.) of Chapter 9.1 shall be regulated in accordance with the provisions of Chapters 9.1 (§ 56-231.15 et seq.) and 10 (§ 56-232 et seq.), as modified by the following provisions:

1. Except for energy related cost (fuel cost), the Commission shall not require any cooperative to adjust, modify, or revise its rates, by means of riders or otherwise, to reflect changes in wholesale power cost which occurred during the capped rate period, other than in a general rate proceeding;

2. Each cooperative may, without Commission approval or the requirement of any filing other than as provided in this subdivision, upon an affirmative resolution of its board of directors, increase or decrease all classes of its rates for distribution services at any time, provided, however, that such adjustments will not effect a cumulative net increase or decrease in excess of five percent in such rates in any three-year period. Such adjustments will not affect or be limited by any existing fuel or wholesale power cost adjustment provisions. The cooperative will promptly file any such revised rates with the Commission for informational purposes;

3. Each cooperative may, without Commission approval, upon an affirmative resolution of its board of directors, make any adjustment to its terms and conditions that does not affect the cooperative's revenues from the distribution or supply of electric energy. In addition, a cooperative may make such adjustments to any pass-through of third-party service charges and fees, and to any fees, charges and deposits set out in Schedule F of such cooperative's Terms and Conditions filed as of January 1, 2007. The cooperative will promptly file any such amended terms and conditions with the Commission for informational purposes;

4. Each cooperative may, without Commission approval or the requirement of any filing other than as provided in this subdivision, upon an affirmative resolution of its board of directors, make any adjustment to its rates reasonably calculated to collect any or all of the fixed costs of owning and operating its electric distribution system, including without limitation, such costs as are identified as customer-related costs in a cost of service study, through a new or modified fixed monthly charge, rather than through volumetric charges associated with the use of electric energy or demand, or to rebalance among any of the fixed monthly charge, distribution demand, and distribution energy; however, such adjustments shall be revenue neutral based on the cooperative's determination of the proper intra-class allocation of the revenues produced by its then current rates. If a rate class contains a supply demand charge, the cooperative may rebalance its rate for electricity supply service pursuant to this subdivision. The cooperative may elect, but is not required, to implement such adjustments through incremental changes over the course of up to three years. The cooperative shall file promptly revised tariffs reflecting any such adjustments with the Commission for informational purposes;

5. A cooperative may, at any time after the expiration or termination of capped rates, petition the Commission for approval of one or more rate adjustment clauses for the timely and current recovery from customers of the costs described in subdivisions A 5 b and e of § 56-585.1;

6. A cooperative that is not a current member of a utility aggregation cooperative may at any time petition the Commission for approval of one or more rate adjustment clauses for the timely and current recovery of cost from customers of (i) one or more generation facilities, (ii) one or more major unit modifications of generation facilities, or (iii) one or more pumped hydroelectricity generation and storage facilities. A cooperative seeking a rate adjustment clause pursuant to this subdivision shall have the right, after notice and the opportunity for a hearing, to recover the costs of a facility described in clauses (i), (ii), or (iii) in a rate adjustment clause including construction work in progress and allowance for funds during construction, planning, and development costs of infrastructure associated therewith. The costs of the facility other than projected construction work in progress and allowance for funds used during construction shall not be recovered prior to the date that the facility either (a) begins commercial operation or (b) comes under the ownership of the cooperative. For the purposes of this subdivision, the cooperative's cost of capital shall be recoverable in such a rate adjustment clause and shall be set as either the cooperative's long-term cost of debt or most recent rate of return authorized by the Commission in a rate proceeding. In any proceeding conducted pursuant to this subdivision, the Commission shall consider that all costs expended and revenues recovered arising out of the procurement of generation resources pursuant to this subdivision will inure to the benefit of the general membership of the cooperative. Nothing in this subdivision shall relieve a cooperative from any requirement to obtain a certificate of public convenience and necessity for purposes of constructing generation in the Commonwealth. The Commission's final order regarding any petition filed pursuant to this subdivision shall be entered not more than nine months after the date of filing of such petition. If such petition is approved, the order shall direct that the

applicable rate adjustment clause be applied to customers' bills not more than 60 days after the date of the order. Any petition filed pursuant to this subdivision shall be considered by the Commission on a stand-alone basis without regard to the other costs, revenues, investments, or earnings of the cooperative. Any costs incurred by a cooperative prior to the filing of such petition, or during the consideration thereof by the Commission, that are proposed for recovery in such petition, shall be deferred on the books and records of the cooperative until the Commission's final order in the matter, or until the implementation of any applicable approved rate adjustment clause, whichever is later; ~~and~~

7. A cooperative may adopt any other cooperative's voluntary rate, voluntary program (including a pilot program), or voluntary tariff, and cost recovery therefor, by submitting the same to the Commission for administrative approval. The staff of the Commission shall have the authority to approve such administrative filing notwithstanding any other provision of law; *and*

8. *A cooperative may, without approval of the Commission or the requirement of any filing other than as provided in this subsection, upon an affirmative resolution of its board of directors, approve any voluntary tariff, and cost recovery therefor, and shall promptly file any such tariff with the Commission for informational purposes.*

B. None of the adjustments described in subdivisions A 2 through A 5 will apply to the rates paid by any customer that takes service by means of dedicated distribution facilities and had noncoincident peak demand in excess of 90 megawatts in calendar year 2006.

C. Nothing in this section shall be deemed to grant to a cooperative any authority to amend or adjust any terms and conditions of service or agreements regarding pole attachments or the use of the cooperative's poles or conduits.

§ 56-594.01. Net energy metering provisions for electric cooperative service territories.

A. The Commission shall establish by regulation a program that affords eligible customer-generators the opportunity to participate in net energy metering in the service territory of each electric cooperative, which program shall commence on the later of July 1, 2019, or the effective date of such regulations. Such regulations shall be similar to existing regulations promulgated pursuant to § 56-594. In lieu of adopting new regulations, the Commission may amend such existing regulations to apply to electric cooperatives with such revisions as are required to comply with the provisions of this section. The regulations may include requirements applicable to (i) retail sellers, (ii) owners or operators of distribution or transmission facilities, (iii) providers of default service, (iv) eligible customer-generators, or (v) any combination of the foregoing, as the Commission determines will facilitate the provision of net energy metering, provided that the Commission determines that such requirements do not adversely affect the public interest.

B. As used in this section:

"Eligible customer-generator" means a customer that owns and operates, or contracts with other persons to own, operate, or both, an electrical generating facility that (i) has a capacity of not more than 20 kilowatts for residential customers and not more than one megawatt for nonresidential customers on an electrical generating facility placed in service after July 1, 2015; (ii) uses as its total source of fuel renewable energy as defined in § 56-576; (iii) is located on the customer's premises and is connected to the customer's wiring on the customer's side of its interconnection with the distributor; (iv) is interconnected and operated in parallel with an electric company's transmission and distribution facilities; and (v) is intended primarily to offset all or part of the customer's own electricity requirements. In addition to the electrical generating facility size limitations in clause (i), the capacity of any generating facility installed under this section after July 1, 2015, shall not exceed the expected annual energy consumption based on the previous 12 months of billing history or an annualized calculation of billing history if 12 months of billing history is not available.

"Net energy metering" means measuring the difference, over the net metering period, between (i) electricity supplied to an eligible customer-generator from the electric grid and (ii) the electricity generated and fed back to the electric grid by the eligible customer-generator.

"Net metering period" means the 12-month period following the date of final interconnection of the eligible customer-generator's system with an electric service provider, and each 12-month period thereafter.

C. The Commission's regulations shall ensure that (i) the metering equipment installed for net metering shall be capable of measuring the flow of electricity in two directions and (ii) any eligible customer-generator seeking to participate in net energy metering shall notify its supplier and receive approval to interconnect prior to installation of an electrical generating facility. The Commission shall publish a form for such prior notice and such notice shall be processed promptly by the supplier prior to any construction activity taking place. After construction, inspection and documentation thereof shall be required prior to interconnection. The electric distribution company shall have 30 days from the date of each notification for residential facilities, and 60 days from the date of each notification for nonresidential facilities, to determine whether the interconnection requirements have been met. Such regulations shall allocate fairly the cost of such equipment and any necessary interconnection. An eligible customer-generator's electrical generating system shall meet all applicable safety and performance standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories. In addition to the requirements set forth in this section and to ensure public safety, power quality, and reliability of the supplier's electric distribution system, an eligible customer-generator whose electrical generating system meets those standards and rules shall bear all reasonable costs of equipment required for the interconnection to the supplier's electric distribution system, including costs, if any, to (a) install additional controls, (b) perform or pay for additional tests, and (c) purchase additional liability insurance. An electric cooperative may publish and use its own forms, including an electronic form, for purposes of implementing the regulations

described herein so long as the information collected on the Commission's form is also collected by the cooperative and submitted to the Commission.

D. The Commission shall establish minimum requirements for contracts to be entered into by the parties to net metering arrangements. Such requirements shall protect the eligible customer-generator against discrimination by virtue of its status as an eligible customer-generator and permit customers that are served on time-of-use tariffs that have electricity supply demand charges contained within the electricity supply portion of the time-of-use tariffs to participate as an eligible customer-generator. Notwithstanding the cost allocation provisions of subsection C, eligible customer-generators served on demand charge-based time-of-use tariffs shall bear the incremental metering costs required to net meter such customers.

E. If electricity generated by an eligible customer-generator over the net metering period exceeds the electricity consumed by the eligible customer-generator, the customer-generator shall be compensated for the excess electricity if the entity contracting to receive such electric energy and the eligible customer-generator enter into a power purchase agreement for such excess electricity. Upon the written request of the eligible customer-generator, the supplier that serves the eligible customer-generator shall enter into a power purchase agreement with the requesting eligible customer-generator that is consistent with the minimum requirements for contracts established by the Commission pursuant to subsection D. The power purchase agreement shall obligate the supplier to purchase such excess electricity at the rate that is provided for such purchases in a net metering standard contract or tariff approved by the Commission, unless the parties agree to a higher rate. The eligible customer-generator owns any renewable energy certificates associated with its electrical generating facility; however, at the time that the eligible customer-generator enters into a power purchase agreement with its supplier, the eligible customer-generator shall have a one-time option to sell the renewable energy certificates associated with such electrical generating facility to its supplier and be compensated at an amount that is established by the Commission to reflect the value of such renewable energy certificates. Nothing in this section shall prevent the eligible customer-generator and the supplier from voluntarily entering into an agreement for the sale and purchase of excess electricity or renewable energy certificates at mutually agreed upon prices if the eligible customer-generator does not exercise its option to sell its renewable energy certificates to its supplier at Commission-approved prices at the time that the eligible customer-generator enters into a power purchase agreement with its supplier. All costs incurred by the supplier to purchase excess electricity and renewable energy certificates from eligible customer-generators shall be recoverable through its fuel adjustment clause. For purposes of this section, "all costs" shall be defined as the rates paid to the eligible customer-generator for the purchase of excess electricity and renewable energy certificates and any administrative costs incurred to manage the eligible customer-generator's power purchase arrangements. The net metering standard contract or tariff shall be available to eligible customer-generators on a first-come, first-served basis, subject to the provisions of subsection F, and shall require the supplier to pay the eligible customer-generator for such excess electricity in a timely manner at a rate to be established by the Commission.

F. Net energy metering shall be open to customers on a first-come, first-served basis until such time as the total capacity of the generation facilities, expressed in alternating current nameplate, reaches two percent of system peak for residential customers, two percent of system peak for not-for-profit and nonjurisdictional customers, and one percent of system peak for other nonresidential customers, which are herein referred to as the electric cooperative's caps. As used in this subsection, "percent of system peak" refers to a percentage of the electric cooperative's highest total system peak, based on the noncoincident peak of the electric cooperative or the coincident peak of all of the electric cooperative's customers, within the past three years as listed in Part O, Line 20 of Form 7 filed with the Rural Utilities Service or its equivalent, less any portion of the cooperative's total load that is served by a competitive service provider or by a market-based rate. Such caps shall not decrease but may increase if the system peak in any year exceeds the previous year's system peak. Nothing in this subsection shall amend or confer new rights upon any existing nonjurisdictional contract or arrangement or work to submit any nonjurisdictional customer, contract, or arrangement to the jurisdiction of the Commission. For purposes of calculating the caps established in this subsection, all net energy metering shall be counted, whenever interconnected, and shall include net energy metering interconnected pursuant to § 56-594, agricultural net energy metering, and any net energy metering entered into with a third-party provider registered pursuant to subsection K. Net energy metering with nonjurisdictional customers entered into prior to July 1, 2019, may be counted toward the caps, in the discretion of the cooperative, as net energy metering if the nonjurisdictional customer takes service pursuant to a cooperative's net energy metering rider. Net energy metering with nonjurisdictional customers entered into on or after July 1, 2019, shall be counted toward the caps by default unless the cooperative has reason to exclude such net energy metering as subject to a separate contract or arrangement. Each electric cooperative governed by this section shall publish information regarding the calculation and status of its caps pursuant to this subsection, or the electric cooperative's systemwide cap established in § 56-585.4 if applicable, on the electric cooperative's website.

G. An electric cooperative may, without Commission approval or the requirement of any filing other than as provided in this subsection, upon the adoption by its board of directors of a resolution so providing, raise the caps established in subsection F up to a cumulative total of seven percent of system peak, calculated according to the methodology described in subsection F, with any increase allocated among residential, not-for-profit and nonjurisdictional, and other nonresidential customers as the board of directors may find to be in the interests of the electric cooperative's membership. The electric cooperative shall promptly file a revised net energy metering compliance filing with the Commission for informational purposes.

H. Any residential eligible customer-generator who owns and operates, or contracts with other persons to own, operate, or both, an electrical generating facility with a capacity that exceeds 10 kilowatts shall pay to its supplier, in addition to any other charges authorized by law, a monthly standby charge. The amount of the standby charge and the terms and conditions under which it is assessed shall be in accordance with a methodology developed by the supplier and approved by the Commission. The Commission shall approve a supplier's proposed standby charge methodology if it finds that the standby charges collected from all such eligible customer-generators allow the supplier to recover only the portion of the supplier's infrastructure costs that are properly associated with serving such eligible customer-generators. Such an eligible customer-generator shall not be liable for a standby charge until the date specified in an order of the Commission approving its supplier's methodology.

I. Any eligible agricultural customer-generator interconnected in an electric cooperative service territory prior to July 1, 2019, shall continue to be governed by § 56-594 and the regulations adopted pursuant thereto throughout the grandfathering period described in subsection A of § 56-594.

J. Any eligible customer-generator served by a competitive service provider pursuant to the provisions of § 56-577 shall engage in net energy metering only with such supplier and pursuant only to tariffs filed by such supplier. Such an eligible customer-generator shall pay the full portion of its distribution charges, without offset or netting, to its electric cooperative.

K. After the conclusion of the Commission's rulemaking proceeding pursuant to subsection L, third-party partial requirements power purchase agreements, the purpose of which is to finance the purchase of renewable generation facilities by eligible customer-generators through the sale of electricity, shall be permitted pursuant to the provisions of this section only for those retail customers and nonjurisdictional customers of the electric cooperative that are exempt from federal income taxation, unless otherwise permitted by § 56-585.4 or subsection M. No person shall offer a third-party partial requirements power purchase agreement in the service territory of an electric cooperative without fulfilling the registration requirements set forth in this section and complying with applicable Commission rules, including those adopted pursuant to subdivision L 2.

L. After August 1, 2019, but before January 1, 2020, the Commission shall initiate a rulemaking proceeding to promulgate the regulations necessary to implement this section as follows:

1. In conducting such a proceeding, the Commission may require notice to be given to current eligible customer-generators and eligible agricultural customer-generators but shall not require general publication of the notice. An opportunity to request a hearing shall be afforded, but a hearing is not required. In the rulemaking proceeding, the electric cooperatives governed by this section shall be required to submit compliance filings, but no other individual proceedings shall be required or conducted.

2. In promulgating regulations to govern third-party power purchase agreement providers as retail sellers, the Commission shall:

a. Direct the staff to administer a registration system for such providers;

b. Enumerate in its regulations the jurisdiction of the Commission over providers, generally limited in scope to the behavior of providers, customer complaints, and their compliance with the registration requirements and stating clearly that civil contract disputes and claims for damages against providers shall not be subject to the jurisdiction of the Commission;

c. ~~Establish enumerate~~ Enumerate in its regulations the maximum extent of its authority over the providers, to be limited to any or all of:

(1) Monetary penalties against registered providers not to exceed \$30,000 per provider registration;

(2) Orders for providers to cease or desist from a certain practice, act, or omission;

(3) Debarment of registered providers;

(4) The issuance of orders to show cause; and

(5) Authority incident to subdivisions (1) through (4);

d. Delineate in its regulations two classes of providers, one for residential customers and one for nonresidential customers;

e. Direct the staff to set up a self-certification system as described in this subdivision;

f. Establish business practice and consumer protection standards from a national renewable energy association whose business is germane to the businesses of the providers;

g. Require providers to comply with other applicable Commission regulations governing interconnection and safety, including utility procedures governing the same;

h. Require minimum capitalization or other bond or surety that, in the judgment of the Commission, is necessary for adequate consumer protection and in the public interest;

i. Require the payment of a fee of \$250 for residential and nonresidential provider registration; and

j. Provide that no registered provider, by virtue of that status alone, shall be considered a public utility or competitive service provider for purposes of this title.

3. The self-certification system described in this subdivision shall require a provider to affirm to the staff, under the penalty of revocation of registration, (i) that it is licensed to do business in Virginia; (ii) the names of the responsible officers of the provider entity; (iii) that its named officers have no felony convictions or convictions for crimes of moral turpitude; (iv) that it will abide by all applicable Commission regulations promulgated under this section or for purposes of interconnections and safety; (v) that it will appoint an officer to be a primary liaison to the staff; (vi) that it will appoint an

employee to be a primary contact for customer complaints; (vii) that it will have and disclose to customers a dispute resolution procedure; (viii) that it has specified in its registration materials in which territories it intends to offer power purchase agreements; (ix) that it, and each of its named officers, agree to submit themselves to the jurisdiction of the Commission as described in this subdivision; and (x) that, once registered, the provider shall report any material changes in its registration materials to the staff, as a continuing obligation of registration. The staff shall send a copy of the registration materials to each cooperative in whose territory the provider intends to offer power purchase agreements. The staff, once satisfied that the certifications required pursuant to this subdivision are complete, and not more than 30 days following the initial and complete submittal of the registration materials, shall enter the provider onto the official register of providers. No formal Commission proceeding is required for registration but may be initiated if the staff (a) has reason to doubt the veracity of the certifications of the provider or (b) in any other case, if, in the judgment of the staff, extenuating or extraordinary circumstances exist that warrant a proceeding. The staff shall not investigate the corporate structure, financing, bookkeeping, accounting practices, contracting practices, prices, or terms and conditions in a third-party partial requirements power purchase agreement. Nothing in this section shall abridge the right of any person, including the Office of Attorney General, from proceeding in a cause of action under the Virginia Consumer Protection Act, § 59.1-196 et seq.

4. The Commission shall complete such rulemaking procedure within 12 months of its initiation.

M. An electric cooperative may, without approval of the Commission or the requirement of any filing other than as provided in this subsection, and upon the adoption by its board of directors of a resolution so providing, permit the use of any third-party partial requirements power purchase agreement, the purpose of which agreement is to finance the purchase of renewable generation facilities by eligible customer-generators through the sale of electricity for residential retail customers, nonresidential retail customers, or both. The electric cooperative shall promptly file a revised net energy metering compliance filing with the Commission for informational purposes.

§ 56-594.01:1. Local facilities usage charges; electric cooperatives.

A. For the purpose of this section:

"Electric cooperative" or "cooperative" means a utility formed under or subject to Chapter 9.1 (§ 56-231.15 et seq.) and subject to regulation as to rates and service by the Commission.

"Customer" means a customer interconnected to facilities of an electric cooperative pursuant to 20VAC5-314, generating or interconnected for export, which customer is neither selling power to the cooperative nor interconnected pursuant to § 56-594.01 or 56-594.2.

B. Any customer may enter into an agreement for local facilities usage charges, which may be denominated as an operations and maintenance agreement or facilities agreement or otherwise. Such agreement shall be deemed just and reasonable by operation of law without separate approval by the Commission.

C. In the absence of an agreement between the parties, an electric cooperative may apply at any time to the Commission for a tariff for local facilities usage charges for the use of cooperative system facilities. Local facilities usage charges shall be designed by the cooperative, either on the basis of line-miles of utility facilities used or the capacity of the interconnecting facility, or on the basis of a combination of these factors. The Commission shall approve a just and reasonable rate. In approving such rate, the Commission shall consider (i) the ongoing costs of operating and maintaining all local utility facilities used by interconnecting customers to access a contract path to PJM Interconnection, LLC, market delivery points, including a reasonable margin and all costs of any associated regulatory proceeding, and (ii) standard utility practices. The Commission is not required to conduct a hearing on any application pursuant to this subsection, but the Commission shall order notice to each affected customer and an opportunity to comment. Any party to the proceeding shall have the right to request a hearing on the application. Any proceeding conducted pursuant to this subsection shall be completed within 12 months of its commencement. Once the Commission approves a tariff for charges as described in this subsection, any interconnected customer shall be subject to the tariff thereafter. However, any agreements entered into pursuant to subsection B shall continue to have force and effect according to their terms and shall not be subject to the tariff unless the customer desires to transition to tariffed services.

D. In the absence of an agreement executed pursuant to subsection B or a specific tariff approved for local facilities usage charges pursuant to subsection C, any electric cooperative with a previously approved tariff for excess facilities charges may use such tariff to recover local facilities usage charges without seeking separate approval from the Commission. Any customer impacted by any action of a cooperative pursuant to this subsection shall have the right to petition the Commission for redress and review of the charges as applied to the customer by initiating a petition proceeding pursuant to subsection C of 5VAC5-20-100. The petitioner shall bear the burden of proof in such proceeding. If a cooperative's acts are found to be unjust or unreasonable, such a proceeding shall include the establishment of a tariff pursuant to subsection C. If such a proceeding includes the establishment of a tariff pursuant to subsection C, the cooperative shall bear the burden of proof. The results of any such proceeding shall not, in any case, invalidate an excess facilities tariff or charges as to any person other than the customer initiating the proceeding.

E. The provisions of this section shall be applied notwithstanding any other provision of law.

CHAPTER 364

An Act to amend and reenact §§ 56-585.3 and 56-594.01 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 56-594.01:1, relating to electric cooperatives; net energy metering; power purchase agreements; local facilities usage charges.

[S 505]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 56-585.3 and 56-594.01 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 56-594.01:1 as follows:

§ 56-585.3. Regulation of cooperative rates after rate caps.

A. After the expiration or termination of capped rates, the rates, terms and conditions of distribution electric cooperatives subject to Article 1 (§ 56-231.15 et seq.) of Chapter 9.1 shall be regulated in accordance with the provisions of Chapters 9.1 (§ 56-231.15 et seq.) and 10 (§ 56-232 et seq.), as modified by the following provisions:

1. Except for energy related cost (fuel cost), the Commission shall not require any cooperative to adjust, modify, or revise its rates, by means of riders or otherwise, to reflect changes in wholesale power cost which occurred during the capped rate period, other than in a general rate proceeding;

2. Each cooperative may, without Commission approval or the requirement of any filing other than as provided in this subdivision, upon an affirmative resolution of its board of directors, increase or decrease all classes of its rates for distribution services at any time, provided, however, that such adjustments will not effect a cumulative net increase or decrease in excess of five percent in such rates in any three-year period. Such adjustments will not affect or be limited by any existing fuel or wholesale power cost adjustment provisions. The cooperative will promptly file any such revised rates with the Commission for informational purposes;

3. Each cooperative may, without Commission approval, upon an affirmative resolution of its board of directors, make any adjustment to its terms and conditions that does not affect the cooperative's revenues from the distribution or supply of electric energy. In addition, a cooperative may make such adjustments to any pass-through of third-party service charges and fees, and to any fees, charges and deposits set out in Schedule F of such cooperative's Terms and Conditions filed as of January 1, 2007. The cooperative will promptly file any such amended terms and conditions with the Commission for informational purposes;

4. Each cooperative may, without Commission approval or the requirement of any filing other than as provided in this subdivision, upon an affirmative resolution of its board of directors, make any adjustment to its rates reasonably calculated to collect any or all of the fixed costs of owning and operating its electric distribution system, including without limitation, such costs as are identified as customer-related costs in a cost of service study, through a new or modified fixed monthly charge, rather than through volumetric charges associated with the use of electric energy or demand, or to rebalance among any of the fixed monthly charge, distribution demand, and distribution energy; however, such adjustments shall be revenue neutral based on the cooperative's determination of the proper intra-class allocation of the revenues produced by its then current rates. If a rate class contains a supply demand charge, the cooperative may rebalance its rate for electricity supply service pursuant to this subdivision. The cooperative may elect, but is not required, to implement such adjustments through incremental changes over the course of up to three years. The cooperative shall file promptly revised tariffs reflecting any such adjustments with the Commission for informational purposes;

5. A cooperative may, at any time after the expiration or termination of capped rates, petition the Commission for approval of one or more rate adjustment clauses for the timely and current recovery from customers of the costs described in subdivisions A 5 b and e of § 56-585.1;

6. A cooperative that is not a current member of a utility aggregation cooperative may at any time petition the Commission for approval of one or more rate adjustment clauses for the timely and current recovery of cost from customers of (i) one or more generation facilities, (ii) one or more major unit modifications of generation facilities, or (iii) one or more pumped hydroelectricity generation and storage facilities. A cooperative seeking a rate adjustment clause pursuant to this subdivision shall have the right, after notice and the opportunity for a hearing, to recover the costs of a facility described in clauses (i), (ii), or (iii) in a rate adjustment clause including construction work in progress and allowance for funds during construction, planning, and development costs of infrastructure associated therewith. The costs of the facility other than projected construction work in progress and allowance for funds used during construction shall not be recovered prior to the date that the facility either (a) begins commercial operation or (b) comes under the ownership of the cooperative. For the purposes of this subdivision, the cooperative's cost of capital shall be recoverable in such a rate adjustment clause and shall be set as either the cooperative's long-term cost of debt or most recent rate of return authorized by the Commission in a rate proceeding. In any proceeding conducted pursuant to this subdivision, the Commission shall consider that all costs expended and revenues recovered arising out of the procurement of generation resources pursuant to this subdivision will inure to the benefit of the general membership of the cooperative. Nothing in this subdivision shall relieve a cooperative from any requirement to obtain a certificate of public convenience and necessity for purposes of constructing generation in the Commonwealth. The Commission's final order regarding any petition filed pursuant to this subdivision shall be entered not more than nine months after the date of filing of such petition. If such petition is approved, the order shall direct that the

applicable rate adjustment clause be applied to customers' bills not more than 60 days after the date of the order. Any petition filed pursuant to this subdivision shall be considered by the Commission on a stand-alone basis without regard to the other costs, revenues, investments, or earnings of the cooperative. Any costs incurred by a cooperative prior to the filing of such petition, or during the consideration thereof by the Commission, that are proposed for recovery in such petition, shall be deferred on the books and records of the cooperative until the Commission's final order in the matter, or until the implementation of any applicable approved rate adjustment clause, whichever is later; ~~and~~

7. A cooperative may adopt any other cooperative's voluntary rate, voluntary program (including a pilot program), or voluntary tariff, and cost recovery therefor, by submitting the same to the Commission for administrative approval. The staff of the Commission shall have the authority to approve such administrative filing notwithstanding any other provision of law; *and*

8. *A cooperative may, without approval of the Commission or the requirement of any filing other than as provided in this subsection, upon an affirmative resolution of its board of directors, approve any voluntary tariff, and cost recovery therefor, and shall promptly file any such tariff with the Commission for informational purposes.*

B. None of the adjustments described in subdivisions A 2 through A 5 will apply to the rates paid by any customer that takes service by means of dedicated distribution facilities and had noncoincident peak demand in excess of 90 megawatts in calendar year 2006.

C. Nothing in this section shall be deemed to grant to a cooperative any authority to amend or adjust any terms and conditions of service or agreements regarding pole attachments or the use of the cooperative's poles or conduits.

§ 56-594.01. Net energy metering provisions for electric cooperative service territories.

A. The Commission shall establish by regulation a program that affords eligible customer-generators the opportunity to participate in net energy metering in the service territory of each electric cooperative, which program shall commence on the later of July 1, 2019, or the effective date of such regulations. Such regulations shall be similar to existing regulations promulgated pursuant to § 56-594. In lieu of adopting new regulations, the Commission may amend such existing regulations to apply to electric cooperatives with such revisions as are required to comply with the provisions of this section. The regulations may include requirements applicable to (i) retail sellers, (ii) owners or operators of distribution or transmission facilities, (iii) providers of default service, (iv) eligible customer-generators, or (v) any combination of the foregoing, as the Commission determines will facilitate the provision of net energy metering, provided that the Commission determines that such requirements do not adversely affect the public interest.

B. As used in this section:

"Eligible customer-generator" means a customer that owns and operates, or contracts with other persons to own, operate, or both, an electrical generating facility that (i) has a capacity of not more than 20 kilowatts for residential customers and not more than one megawatt for nonresidential customers on an electrical generating facility placed in service after July 1, 2015; (ii) uses as its total source of fuel renewable energy as defined in § 56-576; (iii) is located on the customer's premises and is connected to the customer's wiring on the customer's side of its interconnection with the distributor; (iv) is interconnected and operated in parallel with an electric company's transmission and distribution facilities; and (v) is intended primarily to offset all or part of the customer's own electricity requirements. In addition to the electrical generating facility size limitations in clause (i), the capacity of any generating facility installed under this section after July 1, 2015, shall not exceed the expected annual energy consumption based on the previous 12 months of billing history or an annualized calculation of billing history if 12 months of billing history is not available.

"Net energy metering" means measuring the difference, over the net metering period, between (i) electricity supplied to an eligible customer-generator from the electric grid and (ii) the electricity generated and fed back to the electric grid by the eligible customer-generator.

"Net metering period" means the 12-month period following the date of final interconnection of the eligible customer-generator's system with an electric service provider, and each 12-month period thereafter.

C. The Commission's regulations shall ensure that (i) the metering equipment installed for net metering shall be capable of measuring the flow of electricity in two directions and (ii) any eligible customer-generator seeking to participate in net energy metering shall notify its supplier and receive approval to interconnect prior to installation of an electrical generating facility. The Commission shall publish a form for such prior notice and such notice shall be processed promptly by the supplier prior to any construction activity taking place. After construction, inspection and documentation thereof shall be required prior to interconnection. The electric distribution company shall have 30 days from the date of each notification for residential facilities, and 60 days from the date of each notification for nonresidential facilities, to determine whether the interconnection requirements have been met. Such regulations shall allocate fairly the cost of such equipment and any necessary interconnection. An eligible customer-generator's electrical generating system shall meet all applicable safety and performance standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories. In addition to the requirements set forth in this section and to ensure public safety, power quality, and reliability of the supplier's electric distribution system, an eligible customer-generator whose electrical generating system meets those standards and rules shall bear all reasonable costs of equipment required for the interconnection to the supplier's electric distribution system, including costs, if any, to (a) install additional controls, (b) perform or pay for additional tests, and (c) purchase additional liability insurance. An electric cooperative may publish and use its own forms, including an electronic form, for purposes of implementing the regulations

described herein so long as the information collected on the Commission's form is also collected by the cooperative and submitted to the Commission.

D. The Commission shall establish minimum requirements for contracts to be entered into by the parties to net metering arrangements. Such requirements shall protect the eligible customer-generator against discrimination by virtue of its status as an eligible customer-generator and permit customers that are served on time-of-use tariffs that have electricity supply demand charges contained within the electricity supply portion of the time-of-use tariffs to participate as an eligible customer-generator. Notwithstanding the cost allocation provisions of subsection C, eligible customer-generators served on demand charge-based time-of-use tariffs shall bear the incremental metering costs required to net meter such customers.

E. If electricity generated by an eligible customer-generator over the net metering period exceeds the electricity consumed by the eligible customer-generator, the customer-generator shall be compensated for the excess electricity if the entity contracting to receive such electric energy and the eligible customer-generator enter into a power purchase agreement for such excess electricity. Upon the written request of the eligible customer-generator, the supplier that serves the eligible customer-generator shall enter into a power purchase agreement with the requesting eligible customer-generator that is consistent with the minimum requirements for contracts established by the Commission pursuant to subsection D. The power purchase agreement shall obligate the supplier to purchase such excess electricity at the rate that is provided for such purchases in a net metering standard contract or tariff approved by the Commission, unless the parties agree to a higher rate. The eligible customer-generator owns any renewable energy certificates associated with its electrical generating facility; however, at the time that the eligible customer-generator enters into a power purchase agreement with its supplier, the eligible customer-generator shall have a one-time option to sell the renewable energy certificates associated with such electrical generating facility to its supplier and be compensated at an amount that is established by the Commission to reflect the value of such renewable energy certificates. Nothing in this section shall prevent the eligible customer-generator and the supplier from voluntarily entering into an agreement for the sale and purchase of excess electricity or renewable energy certificates at mutually agreed upon prices if the eligible customer-generator does not exercise its option to sell its renewable energy certificates to its supplier at Commission-approved prices at the time that the eligible customer-generator enters into a power purchase agreement with its supplier. All costs incurred by the supplier to purchase excess electricity and renewable energy certificates from eligible customer-generators shall be recoverable through its fuel adjustment clause. For purposes of this section, "all costs" shall be defined as the rates paid to the eligible customer-generator for the purchase of excess electricity and renewable energy certificates and any administrative costs incurred to manage the eligible customer-generator's power purchase arrangements. The net metering standard contract or tariff shall be available to eligible customer-generators on a first-come, first-served basis, subject to the provisions of subsection F, and shall require the supplier to pay the eligible customer-generator for such excess electricity in a timely manner at a rate to be established by the Commission.

F. Net energy metering shall be open to customers on a first-come, first-served basis until such time as the total capacity of the generation facilities, expressed in alternating current nameplate, reaches two percent of system peak for residential customers, two percent of system peak for not-for-profit and nonjurisdictional customers, and one percent of system peak for other nonresidential customers, which are herein referred to as the electric cooperative's caps. As used in this subsection, "percent of system peak" refers to a percentage of the electric cooperative's highest total system peak, based on the noncoincident peak of the electric cooperative or the coincident peak of all of the electric cooperative's customers, within the past three years as listed in Part O, Line 20 of Form 7 filed with the Rural Utilities Service or its equivalent, less any portion of the cooperative's total load that is served by a competitive service provider or by a market-based rate. Such caps shall not decrease but may increase if the system peak in any year exceeds the previous year's system peak. Nothing in this subsection shall amend or confer new rights upon any existing nonjurisdictional contract or arrangement or work to submit any nonjurisdictional customer, contract, or arrangement to the jurisdiction of the Commission. For purposes of calculating the caps established in this subsection, all net energy metering shall be counted, whenever interconnected, and shall include net energy metering interconnected pursuant to § 56-594, agricultural net energy metering, and any net energy metering entered into with a third-party provider registered pursuant to subsection K. Net energy metering with nonjurisdictional customers entered into prior to July 1, 2019, may be counted toward the caps, in the discretion of the cooperative, as net energy metering if the nonjurisdictional customer takes service pursuant to a cooperative's net energy metering rider. Net energy metering with nonjurisdictional customers entered into on or after July 1, 2019, shall be counted toward the caps by default unless the cooperative has reason to exclude such net energy metering as subject to a separate contract or arrangement. Each electric cooperative governed by this section shall publish information regarding the calculation and status of its caps pursuant to this subsection, or the electric cooperative's systemwide cap established in § 56-585.4 if applicable, on the electric cooperative's website.

G. An electric cooperative may, without Commission approval or the requirement of any filing other than as provided in this subsection, upon the adoption by its board of directors of a resolution so providing, raise the caps established in subsection F up to a cumulative total of seven percent of system peak, calculated according to the methodology described in subsection F, with any increase allocated among residential, not-for-profit and nonjurisdictional, and other nonresidential customers as the board of directors may find to be in the interests of the electric cooperative's membership. The electric cooperative shall promptly file a revised net energy metering compliance filing with the Commission for informational purposes.

H. Any residential eligible customer-generator who owns and operates, or contracts with other persons to own, operate, or both, an electrical generating facility with a capacity that exceeds 10 kilowatts shall pay to its supplier, in addition to any other charges authorized by law, a monthly standby charge. The amount of the standby charge and the terms and conditions under which it is assessed shall be in accordance with a methodology developed by the supplier and approved by the Commission. The Commission shall approve a supplier's proposed standby charge methodology if it finds that the standby charges collected from all such eligible customer-generators allow the supplier to recover only the portion of the supplier's infrastructure costs that are properly associated with serving such eligible customer-generators. Such an eligible customer-generator shall not be liable for a standby charge until the date specified in an order of the Commission approving its supplier's methodology.

I. Any eligible agricultural customer-generator interconnected in an electric cooperative service territory prior to July 1, 2019, shall continue to be governed by § 56-594 and the regulations adopted pursuant thereto throughout the grandfathering period described in subsection A of § 56-594.

J. Any eligible customer-generator served by a competitive service provider pursuant to the provisions of § 56-577 shall engage in net energy metering only with such supplier and pursuant only to tariffs filed by such supplier. Such an eligible customer-generator shall pay the full portion of its distribution charges, without offset or netting, to its electric cooperative.

K. After the conclusion of the Commission's rulemaking proceeding pursuant to subsection L, third-party partial requirements power purchase agreements, the purpose of which is to finance the purchase of renewable generation facilities by eligible customer-generators through the sale of electricity, shall be permitted pursuant to the provisions of this section only for those retail customers and nonjurisdictional customers of the electric cooperative that are exempt from federal income taxation, unless otherwise permitted by § 56-585.4 or subsection M. No person shall offer a third-party partial requirements power purchase agreement in the service territory of an electric cooperative without fulfilling the registration requirements set forth in this section and complying with applicable Commission rules, including those adopted pursuant to subdivision L 2.

L. After August 1, 2019, but before January 1, 2020, the Commission shall initiate a rulemaking proceeding to promulgate the regulations necessary to implement this section as follows:

1. In conducting such a proceeding, the Commission may require notice to be given to current eligible customer-generators and eligible agricultural customer-generators but shall not require general publication of the notice. An opportunity to request a hearing shall be afforded, but a hearing is not required. In the rulemaking proceeding, the electric cooperatives governed by this section shall be required to submit compliance filings, but no other individual proceedings shall be required or conducted.

2. In promulgating regulations to govern third-party power purchase agreement providers as retail sellers, the Commission shall:

- a. Direct the staff to administer a registration system for such providers;
- b. Enumerate in its regulations the jurisdiction of the Commission over providers, generally limited in scope to the behavior of providers, customer complaints, and their compliance with the registration requirements and stating clearly that civil contract disputes and claims for damages against providers shall not be subject to the jurisdiction of the Commission;
- c. ~~Establish~~ ~~enumerate~~ Enumerate in its regulations the maximum extent of its authority over the providers, to be limited to any or all of:
 - (1) Monetary penalties against registered providers not to exceed \$30,000 per provider registration;
 - (2) Orders for providers to cease or desist from a certain practice, act, or omission;
 - (3) Debarment of registered providers;
 - (4) The issuance of orders to show cause; and
 - (5) Authority incident to subdivisions (1) through (4);
- d. Delineate in its regulations two classes of providers, one for residential customers and one for nonresidential customers;
- e. Direct the staff to set up a self-certification system as described in this subdivision;
- f. Establish business practice and consumer protection standards from a national renewable energy association whose business is germane to the businesses of the providers;
- g. Require providers to comply with other applicable Commission regulations governing interconnection and safety, including utility procedures governing the same;
- h. Require minimum capitalization or other bond or surety that, in the judgment of the Commission, is necessary for adequate consumer protection and in the public interest;
- i. Require the payment of a fee of \$250 for residential and nonresidential provider registration; and
- j. Provide that no registered provider, by virtue of that status alone, shall be considered a public utility or competitive service provider for purposes of this title.

3. The self-certification system described in this subdivision shall require a provider to affirm to the staff, under the penalty of revocation of registration, (i) that it is licensed to do business in Virginia; (ii) the names of the responsible officers of the provider entity; (iii) that its named officers have no felony convictions or convictions for crimes of moral turpitude; (iv) that it will abide by all applicable Commission regulations promulgated under this section or for purposes of interconnections and safety; (v) that it will appoint an officer to be a primary liaison to the staff; (vi) that it will appoint an

employee to be a primary contact for customer complaints; (vii) that it will have and disclose to customers a dispute resolution procedure; (viii) that it has specified in its registration materials in which territories it intends to offer power purchase agreements; (ix) that it, and each of its named officers, agree to submit themselves to the jurisdiction of the Commission as described in this subdivision; and (x) that, once registered, the provider shall report any material changes in its registration materials to the staff, as a continuing obligation of registration. The staff shall send a copy of the registration materials to each cooperative in whose territory the provider intends to offer power purchase agreements. The staff, once satisfied that the certifications required pursuant to this subdivision are complete, and not more than 30 days following the initial and complete submittal of the registration materials, shall enter the provider onto the official register of providers. No formal Commission proceeding is required for registration but may be initiated if the staff (a) has reason to doubt the veracity of the certifications of the provider or (b) in any other case, if, in the judgment of the staff, extenuating or extraordinary circumstances exist that warrant a proceeding. The staff shall not investigate the corporate structure, financing, bookkeeping, accounting practices, contracting practices, prices, or terms and conditions in a third-party partial requirements power purchase agreement. Nothing in this section shall abridge the right of any person, including the Office of Attorney General, from proceeding in a cause of action under the Virginia Consumer Protection Act, § 59.1-196 et seq.

4. The Commission shall complete such rulemaking procedure within 12 months of its initiation.

M. An electric cooperative may, without approval of the Commission or the requirement of any filing other than as provided in this subsection, and upon the adoption by its board of directors of a resolution so providing, permit the use of any third-party partial requirements power purchase agreement, the purpose of which agreement is to finance the purchase of renewable generation facilities by eligible customer-generators through the sale of electricity for residential retail customers, nonresidential retail customers, or both. The electric cooperative shall promptly file a revised net energy metering compliance filing with the Commission for informational purposes.

§ 56-594.01:1. Local facilities usage charges; electric cooperatives.

A. For the purpose of this section:

"Electric cooperative" or "cooperative" means a utility formed under or subject to Chapter 9.1 (§ 56-231.15 et seq.) and subject to regulation as to rates and service by the Commission.

"Customer" means a customer interconnected to facilities of an electric cooperative pursuant to 20VAC5-314, generating or interconnected for export, which customer is neither selling power to the cooperative nor interconnected pursuant to § 56-594.01 or 56-594.2.

B. Any customer may enter into an agreement for local facilities usage charges, which may be denominated as an operations and maintenance agreement or facilities agreement or otherwise. Such agreement shall be deemed just and reasonable by operation of law without separate approval by the Commission.

C. In the absence of an agreement between the parties, an electric cooperative may apply at any time to the Commission for a tariff for local facilities usage charges for the use of cooperative system facilities. Local facilities usage charges shall be designed by the cooperative, either on the basis of line-miles of utility facilities used or the capacity of the interconnecting facility, or on the basis of a combination of these factors. The Commission shall approve a just and reasonable rate. In approving such rate, the Commission shall consider (i) the ongoing costs of operating and maintaining all local utility facilities used by interconnecting customers to access a contract path to PJM Interconnection, LLC, market delivery points, including a reasonable margin and all costs of any associated regulatory proceeding, and (ii) standard utility practices. The Commission is not required to conduct a hearing on any application pursuant to this subsection, but the Commission shall order notice to each affected customer and an opportunity to comment. Any party to the proceeding shall have the right to request a hearing on the application. Any proceeding conducted pursuant to this subsection shall be completed within 12 months of its commencement. Once the Commission approves a tariff for charges as described in this subsection, any interconnected customer shall be subject to the tariff thereafter. However, any agreements entered into pursuant to subsection B shall continue to have force and effect according to their terms and shall not be subject to the tariff unless the customer desires to transition to tariffed services.

D. In the absence of an agreement executed pursuant to subsection B or a specific tariff approved for local facilities usage charges pursuant to subsection C, any electric cooperative with a previously approved tariff for excess facilities charges may use such tariff to recover local facilities usage charges without seeking separate approval from the Commission. Any customer impacted by any action of a cooperative pursuant to this subsection shall have the right to petition the Commission for redress and review of the charges as applied to the customer by initiating a petition proceeding pursuant to subsection C of 5VAC5-20-100. The petitioner shall bear the burden of proof in such proceeding. If a cooperative's acts are found to be unjust or unreasonable, such a proceeding shall include the establishment of a tariff pursuant to subsection C. If such a proceeding includes the establishment of a tariff pursuant to subsection C, the cooperative shall bear the burden of proof. The results of any such proceeding shall not, in any case, invalidate an excess facilities tariff or charges as to any person other than the customer initiating the proceeding.

E. The provisions of this section shall be applied notwithstanding any other provision of law.

CHAPTER 365

An Act to amend and reenact § 23.1-409 of the Code of Virginia, relating to baccalaureate public institution of higher education; website; posting of certain comparative data relating to undergraduate students.

[H 355]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 23.1-409 of the Code of Virginia is amended and reenacted as follows:****§ 23.1-409. Transparency in higher education information.**

A. Each baccalaureate public institution of higher education shall maintain and update annually no later than September 30 a tab or link on the home page of its website that shall include the following information:

1. The institution's six-year undergraduate graduation rate for each of the past 10 years;
2. The institution's freshman-to-sophomore retention rate for full-time undergraduate students for each of the past 10 years;
3. The institution's average annual percentage increase in base undergraduate tuition for each of the past 10 years;
4. The institution's average annual percentage increase in mandatory undergraduate comprehensive student fees for each of the past 10 years;
5. A link to the annual report of the use of student fees as required by § 23.1-408;
6. A link to the postsecondary education and employment data referenced in subsection D of § 23.1-204.1; and
7. A summary of the institution's budget, consistent with the institution's annual budgeting process, that includes (i) the major budget units (MBUs) in the institution and standard expenditure categories within each MBU for the current fiscal year and the previous fiscal year or (ii) a link to the annual reports required by subdivision B 11 of § 23.1-1303.

B. *The Council shall maintain on its website a comparison of each baccalaureate public institution of higher education to each other baccalaureate public institution of higher education on the following measures:*

1. *The middle 50 percent test score range of first-time undergraduate students whose ACT or SAT scores were in the twenty-fifth to seventy-fifth percentiles of the scores of enrolled students;*
 2. *The percentage of the students who applied for and were offered first-time undergraduate admission;*
 3. *The average and net annual total tuition and fees and room and board for a full-time undergraduate student living on campus;*
 4. *Average undergraduate student educational debt;*
 5. *The first year to second year retention rates for full-time undergraduate students;*
 6. *The four-year, five-year, and six-year undergraduate graduation rates;*
 7. *The percentage of students eligible to receive a Federal Pell Grant;*
 8. *The average wages of undergraduate alumni within the first five years of graduation; and*
 9. *The average wages of undergraduate alumni within 20 years of graduation.*
- C. *Each baccalaureate public institution of higher education shall maintain a link on its website to the comparison of measures maintained by the Council pursuant to subsection B.*

CHAPTER 366

An Act to amend and reenact §§ 16.1-228, 63.2-100, and 63.2-1508 of the Code of Virginia, relating to child abuse and neglect; valid complaint.

[H 1334]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:**1. That §§ 16.1-228, 63.2-100, and 63.2-1508 of the Code of Virginia are amended and reenacted as follows:****§ 16.1-228. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Abused or neglected child" means any child:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;
2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an

abused or neglected child. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest. Nothing in this subdivision shall be construed to limit the provisions of § 16.1-278.4;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care, *or an intimate partner of such parent or person*, commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian, or other person standing in loco parentis;

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55.1-2000, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a Tier III offender pursuant to § 9.1-902; or

7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the federal Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102 et seq., and in the federal Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

If a civil proceeding under this chapter is based solely on the parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended emergency medical services agency that employs emergency medical services personnel, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means the place of residence of any natural person in which a child resides as a member of the household and in which he has been placed for the purposes of adoption or in which he has been legally adopted by another member of the household.

"Adult" means a person 18 years of age or older.

"Ancillary crime" or "ancillary charge" means any delinquent act committed by a juvenile as a part of the same act or transaction as, or that constitutes a part of a common scheme or plan with, a delinquent act that would be a felony if committed by an adult.

"Boot camp" means a short-term secure or nonsecure juvenile residential facility with highly structured components including, but not limited to, military style drill and ceremony, physical labor, education and rigid discipline, and no less than six months of intensive aftercare.

"Child," "juvenile," or "minor" means a person who is (i) younger than 18 years of age or (ii) for purposes of the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9 of Title 63.2, younger than 21 years of age and meets the eligibility criteria set forth in § 63.2-919.

"Child in need of services" means (i) a child whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of the child or (ii) a child under the age of 14 whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of another person; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be a child in need of services, nor shall any child who habitually remains away from or habitually deserts or abandons his family as a result of what the court or the local child protective services unit determines to be incidents of physical, emotional or sexual abuse in the home be considered a child in need of services for that reason alone.

However, to find that a child falls within these provisions, (i) the conduct complained of must present a clear and substantial danger to the child's life or health or to the life or health of another person, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family.

"Child in need of supervision" means:

1. A child who, while subject to compulsory school attendance, is habitually and without justification absent from school, and (i) the child has been offered an adequate opportunity to receive the benefit of any and all educational services and programs that are required to be provided by law and which meet the child's particular educational needs, (ii) the school system from which the child is absent or other appropriate agency has made a reasonable effort to effect the child's regular attendance without success, and (iii) the school system has provided documentation that it has complied with the provisions of § 22.1-258; or

2. A child who, without reasonable cause and without the consent of his parent, lawful custodian or placement authority, remains away from or deserts or abandons his family or lawful custodian on more than one occasion or escapes or remains away without proper authority from a residential care facility in which he has been placed by the court, and (i) such

conduct presents a clear and substantial danger to the child's life or health, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family.

"Child welfare agency" means a child-placing agency, child-caring institution or independent foster home as defined in § 63.2-100.

"The court" or the "juvenile court" or the "juvenile and domestic relations court" means the juvenile and domestic relations district court of each county or city.

"Delinquent act" means (i) an act designated a crime under the law of the Commonwealth, or an ordinance of any city, county, town, or service district, or under federal law, (ii) a violation of § 18.2-308.7, or (iii) a violation of a court order as provided for in § 16.1-292, but does not include an act other than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a crime only if committed by a child.

"Delinquent child" means a child who has committed a delinquent act or an adult who has committed a delinquent act prior to his 18th birthday, except where the jurisdiction of the juvenile court has been terminated under the provisions of § 16.1-269.6.

"Department" means the Department of Juvenile Justice and "Director" means the administrative head in charge thereof or such of his assistants and subordinates as are designated by him to discharge the duties imposed upon him under this law.

"Driver's license" means any document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, or the comparable law of another jurisdiction, authorizing the operation of a motor vehicle upon the highways.

"Family abuse" means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

"Family or household member" means (i) the person's spouse, whether or not he or she resides in the same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v) any individual who has a child in common with the person, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous 12 months, cohabited with the person, and any children of either of them then residing in the same home with the person.

"Fictive kin" means persons who are not related to a child by blood or adoption but have an established relationship with the child or his family.

"Foster care services" means the provision of a full range of casework, treatment and community services for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 or in need of services as defined in this section and his family when the child (i) has been identified as needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through an agreement between the local board of social services or a public agency designated by the community policy and management team and the parents or guardians where legal custody remains with the parents or guardians, (iii) has been committed or entrusted to a local board of social services or child welfare agency, (iv) has been placed under the supervisory responsibility of the local board pursuant to § 16.1-293, or (v) is living with a relative participating in the Federal-Funded Kinship Guardianship Assistance program set forth in § 63.2-1305 and developed consistent with 42 U.S.C. § 673 or the State-Funded Kinship Guardianship Assistance program set forth in § 63.2-1306.

"Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a living arrangement in which such child or person does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older and who has been committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services; or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement in an independent living arrangement. "Independent living services" includes counseling, education, housing, employment, and money management skills development and access to essential documents and other appropriate services to help children or persons prepare for self-sufficiency.

"Intake officer" means a juvenile probation officer appointed as such pursuant to the authority of this chapter.

"Jail" or "other facility designed for the detention of adults" means a local or regional correctional facility as defined in § 53.1-1, except those facilities utilized on a temporary basis as a court holding cell for a child incident to a court hearing or as a temporary lock-up room or ward incident to the transfer of a child to a juvenile facility.

"The judge" means the judge or the substitute judge of the juvenile and domestic relations district court of each county or city.

"This law" or "the law" means the Juvenile and Domestic Relations District Court Law embraced in this chapter.

"Legal custody" means (i) a legal status created by court order which vests in a custodian the right to have physical custody of the child, to determine and redetermine where and with whom he shall live, the right and duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care, all subject to any residual parental rights and responsibilities or (ii) the legal status created by court order of joint custody as defined in § 20-107.2.

"Permanent foster care placement" means the place of residence in which a child resides and in which he has been placed pursuant to the provisions of §§ 63.2-900 and 63.2-908 with the expectation and agreement between the placing agency and the place of permanent foster care that the child shall remain in the placement until he reaches the age of majority unless modified by court order or unless removed pursuant to § 16.1-251 or 63.2-1517. A permanent foster care placement may be a place of residence of any natural person or persons deemed appropriate to meet a child's needs on a long-term basis.

"Qualified individual" means a trained professional or licensed clinician who is not an employee of the local board of social services or licensed child-placing agency that placed the child in a qualified residential treatment program and is not affiliated with any placement setting in which children are placed by such local board of social services or licensed child-placing agency.

"Qualified residential treatment program" means a program that (i) provides 24-hour residential placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical and other needs of children with serious emotional or behavioral disorders, including any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts outreach with the child's family members, including efforts to maintain connections between the child and his siblings and other family; documents and maintains records of such outreach efforts; and maintains contact information for any known biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child, facilitates participation by family members in the child's treatment program before and after discharge and documents the manner in which such participation is facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and Human Services; and (viii) requires that any child placed in the program receive an assessment within 30 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of Social Services; (b) identifies whether the needs of the child can be met through placement with a family member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified residential treatment program, that would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals established for the child in his foster care or permanency plan; (c) establishes a list of short-term and long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2.

"Residual parental rights and responsibilities" means all rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the person, including but not limited to the right of visitation, consent to adoption, the right to determine religious affiliation and the responsibility for support.

"Secure facility" or "detention home" means a local, regional or state public or private locked residential facility that has construction fixtures designed to prevent escape and to restrict the movement and activities of children held in lawful custody.

"Shelter care" means the temporary care of children in physically unrestricting facilities.

"State Board" means the State Board of Juvenile Justice.

"Status offender" means a child who commits an act prohibited by law which would not be criminal if committed by an adult.

"Status offense" means an act prohibited by law which would not be an offense if committed by an adult.

"Violent juvenile felony" means any of the delinquent acts enumerated in subsection B or C of § 16.1-269.1 when committed by a juvenile 14 years of age or older.

§ 63.2-100. Definitions.

As used in this title, unless the context requires a different meaning:

"Abused or neglected child" means any child less than 18 years of age:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I

or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health. However, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child, who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest. Nothing in this subdivision shall be construed to limit the provisions of § 16.1-278.4;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care, *or an intimate partner of such parent or person*, commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian or other person standing in loco parentis;

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55.1-2000, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a Tier III offender pursuant to § 9.1-902; or

7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

If a civil proceeding under this title is based solely on the parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended emergency medical services agency that employs emergency medical services providers, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means any family home selected and approved by a parent, local board or a licensed child-placing agency for the placement of a child with the intent of adoption.

"Adoptive placement" means arranging for the care of a child who is in the custody of a child-placing agency in an approved home for the purpose of adoption.

"Adult abuse" means the willful infliction of physical pain, injury or mental anguish or unreasonable confinement of an adult as defined in § 63.2-1603.

"Adult day care center" means any facility that is either operated for profit or that desires licensure and that provides supplementary care and protection during only a part of the day to four or more aged, infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more aged, infirm or disabled adults.

"Adult exploitation" means the illegal, unauthorized, improper, or fraudulent use of an adult as defined in § 63.2-1603 or his funds, property, benefits, resources, or other assets for another's profit, benefit, or advantage, including a caregiver or person serving in a fiduciary capacity, or that deprives the adult of his rightful use of or access to such funds, property, benefits, resources, or other assets. "Adult exploitation" includes (i) an intentional breach of a fiduciary obligation to an adult to his detriment or an intentional failure to use the financial resources of an adult in a manner that results in neglect of such adult; (ii) the acquisition, possession, or control of an adult's financial resources or property through the use of undue influence, coercion, or duress; and (iii) forcing or coercing an adult to pay for goods or services or perform services against his will for another's profit, benefit, or advantage if the adult did not agree, or was tricked, misled, or defrauded into agreeing, to pay for such goods or services or to perform such services.

"Adult foster care" means room and board, supervision, and special services to an adult who has a physical or mental condition. Adult foster care may be provided by a single provider for up to three adults. "Adult foster care" does not include services or support provided to individuals through the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9.

"Adult neglect" means that an adult as defined in § 63.2-1603 is living under such circumstances that he is not able to provide for himself or is not being provided services necessary to maintain his physical and mental health and that the failure to receive such necessary services impairs or threatens to impair his well-being. However, no adult shall be

considered neglected solely on the basis that such adult is receiving religious nonmedical treatment or religious nonmedical nursing care in lieu of medical care, provided that such treatment or care is performed in good faith and in accordance with the religious practices of the adult and there is a written or oral expression of consent by that adult.

"Adult protective services" means services provided by the local department that are necessary to protect an adult as defined in § 63.2-1603 from abuse, neglect or exploitation.

"Assisted living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require at least a moderate level of assistance with activities of daily living.

"Assisted living facility" means any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, but including any portion of such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage; (iii) a facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the handicapped pursuant to § 22.1-214, when such facility is licensed by the Department as a children's residential facility under Chapter 17 (§ 63.2-1700 et seq.), but including any portion of the facility not so licensed; and (iv) any housing project for persons 62 years of age or older or the disabled that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled adults. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an aged, infirm or disabled individual.

"Auxiliary grants" means cash payments made to certain aged, blind or disabled individuals who receive benefits under Title XVI of the Social Security Act, as amended, or would be eligible to receive these benefits except for excess income.

"Birth family" or "birth sibling" means the child's biological family or biological sibling.

"Birth parent" means the child's biological parent and, for purposes of adoptive placement, means parent(s) by previous adoption.

"Board" means the State Board of Social Services.

"Child" means any natural person who is (i) under 18 years of age or (ii) for purposes of the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9, under 21 years of age and meets the eligibility criteria set forth in § 63.2-919.

"Child-placing agency" means (i) any person who places children in foster homes, adoptive homes or independent living arrangements pursuant to § 63.2-1819, (ii) a local board that places children in foster homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221, or (iii) an entity that assists parents with the process of delegating parental and legal custodial powers of their children pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20. "Child-placing agency" does not include the persons to whom such parental or legal custodial powers are delegated pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20. Officers, employees, or agents of the Commonwealth, or any locality acting within the scope of their authority as such, who serve as or maintain a child-placing agency, shall not be required to be licensed.

"Child-protective services" means the identification, receipt and immediate response to complaints and reports of alleged child abuse or neglect for children under 18 years of age. It also includes assessment, and arranging for and providing necessary protective and rehabilitative services for a child and his family when the child has been found to have been abused or neglected or is at risk of being abused or neglected.

"Child support services" means any civil, criminal or administrative action taken by the Division of Child Support Enforcement to locate parents; establish paternity; and establish, modify, enforce, or collect child support, or child and spousal support.

"Child-welfare agency" means a child-placing agency, children's residential facility, or independent foster home.

"Children's residential facility" means any facility, child-caring institution, or group home that is maintained for the purpose of receiving children separated from their parents or guardians for full-time care, maintenance, protection and guidance, or for the purpose of providing independent living services to persons between 18 and 21 years of age who are in the process of transitioning out of foster care. Children's residential facility shall not include:

1. A licensed or accredited educational institution whose pupils, in the ordinary course of events, return annually to the homes of their parents or guardians for not less than two months of summer vacation;
2. An establishment required to be licensed as a summer camp by § 35.1-18; and
3. A licensed or accredited hospital legally maintained as such.

"Commissioner" means the Commissioner of the Department, his designee or authorized representative.

"Department" means the State Department of Social Services.

"Department of Health and Human Services" means the Department of Health and Human Services of the United States government or any department or agency thereof that may hereafter be designated as the agency to administer the Social Security Act, as amended.

"Disposable income" means that part of the income due and payable of any individual remaining after the deduction of any amount required by law to be withheld.

"Energy assistance" means benefits to assist low-income households with their home heating and cooling needs, including, but not limited to, purchase of materials or substances used for home heating, repair or replacement of heating equipment, emergency intervention in no-heat situations, purchase or repair of cooling equipment, and payment of electric bills to operate cooling equipment, in accordance with § 63.2-805, or provided under the Virginia Energy Assistance Program established pursuant to the Low-Income Home Energy Assistance Act of 1981 (Title XXVI of Public Law 97-35), as amended.

"Family and permanency team" means the group of individuals assembled by the local department to assist with determining planning and placement options for a child, which shall include, as appropriate, all biological relatives and fictive kin of the child, as well as any professionals who have served as a resource to the child or his family, such as teachers, medical or mental health providers, and clergy members. In the case of a child who is 14 years of age or older, the family and permanency team shall also include any members of the child's case planning team that were selected by the child in accordance with subsection A of § 16.1-281.

"Federal-Funded Kinship Guardianship Assistance program" means a program consistent with 42 U.S.C. § 673 that provides, subject to a kinship guardianship assistance agreement developed in accordance with § 63.2-1305, payments to eligible individuals who have received custody of a child of whom they had been the foster parents.

"Fictive kin" means persons who are not related to a child by blood or adoption but have an established relationship with the child or his family.

"Foster care placement" means placement of a child through (i) an agreement between the parents or guardians and the local board where legal custody remains with the parents or guardians or (ii) an entrustment or commitment of the child to the local board or licensed child-placing agency. "Foster care placement" does not include placement of a child in accordance with a power of attorney pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20.

"Foster home" means a residence approved by a child-placing agency or local board in which any child, other than a child by birth or adoption of such person or a child who is the subject of a power of attorney to delegate parental or legal custodial powers by his parents or legal custodian to the natural person who has been designated the child's legal guardian pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20 and who exercises legal authority over the child on a continuous basis for at least 24 hours without compensation, resides as a member of the household.

"General relief" means money payments and other forms of relief made to those persons mentioned in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with § 63.2-401.

"Independent foster home" means a private family home in which any child, other than a child by birth or adoption of such person, resides as a member of the household and has been placed therein independently of a child-placing agency except (i) a home in which are received only children related by birth or adoption of the person who maintains such home and children of personal friends of such person; (ii) a home in which is received a child or children committed under the provisions of subdivision A 4 of § 16.1-278.2, subdivision 6 of § 16.1-278.4, or subdivision A 13 of § 16.1-278.8; and (iii) a home in which are received only children who are the subject of a properly executed power of attorney pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20.

"Independent living" means a planned program of services designed to assist a child age 16 and over and persons who are former foster care children or were formerly committed to the Department of Juvenile Justice and are between the ages of 18 and 21 in transitioning to self-sufficiency.

"Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a living arrangement in which such child or person does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older who was committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services; or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement in an independent living arrangement. Such services shall include counseling, education, housing, employment, and money management skills development, access to essential documents, and other appropriate services to help children or persons prepare for self-sufficiency.

"Independent physician" means a physician who is chosen by the resident of the assisted living facility and who has no financial interest in the assisted living facility, directly or indirectly, as an owner, officer, or employee or as an independent contractor with the residence.

"Intercountry placement" means the arrangement for the care of a child in an adoptive home or foster care placement into or out of the Commonwealth by a licensed child-placing agency, court, or other entity authorized to make such placements in accordance with the laws of the foreign country under which it operates.

"Interstate placement" means the arrangement for the care of a child in an adoptive home, foster care placement or in the home of the child's parent or with a relative or nonagency guardian, into or out of the Commonwealth, by a child-placing

agency or court when the full legal right of the child's parent or nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the action of any court.

"Kinship care" means the full-time care, nurturing, and protection of children by relatives.

"Kinship guardian" means the adult relative of a child in a kinship guardianship established in accordance with § 63.2-1305 or 63.2-1306 who has been awarded custody of the child by the court after acting as the child's foster parent.

"Kinship guardianship" means a relationship established in accordance with § 63.2-1305 or 63.2-1306 between a child and an adult relative of the child who has formerly acted as the child's foster parent that is intended to be permanent and self-sustaining as evidenced by the transfer by the court to the adult relative of the child of the authority necessary to ensure the protection, education, care and control, and custody of the child and the authority for decision making for the child.

"Local board" means the local board of social services representing one or more counties or cities.

"Local department" means the local department of social services of any county or city in this Commonwealth.

"Local director" means the director or his designated representative of the local department of the city or county.

"Merit system plan" means those regulations adopted by the Board in the development and operation of a system of personnel administration meeting requirements of the federal Office of Personnel Management.

"Parental placement" means locating or effecting the placement of a child or the placing of a child in a family home by the child's parent or legal guardian for the purpose of foster care or adoption.

"Public assistance" means Temporary Assistance for Needy Families (TANF); auxiliary grants to the aged, blind and disabled; medical assistance; energy assistance; food stamps; employment services; child care; and general relief.

"Qualified assessor" means an entity contracting with the Department of Medical Assistance Services to perform nursing facility pre-admission screening or to complete the uniform assessment instrument for a home and community-based waiver program, including an independent physician contracting with the Department of Medical Assistance Services to complete the uniform assessment instrument for residents of assisted living facilities, or any hospital that has contracted with the Department of Medical Assistance Services to perform nursing facility pre-admission screenings.

"Qualified individual" means a trained professional or licensed clinician who is not an employee of the local board of social services or licensed child-placing agency that placed the child in a qualified residential treatment program and is not affiliated with any placement setting in which children are placed by such local board of social services or licensed child-placing agency.

"Qualified residential treatment program" means a program that (i) provides 24-hour residential placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical and other needs of children with serious emotional or behavioral disorders, including any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts outreach with the child's family members, including efforts to maintain connections between the child and his siblings and other family; documents and maintains records of such outreach efforts; and maintains contact information for any known biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child, facilitates participation by family members in the child's treatment program before and after discharge and documents the manner in which such participation is facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and Human Services; and (viii) requires that any child placed in the program receive an assessment within 30 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of Social Services; (b) identifies whether the needs of the child can be met through placement with a family member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified residential treatment program, that would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals established for the child in his foster care or permanency plan; (c) establishes a list of short-term and long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2.

"Residential living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require only minimal assistance with the activities of daily living. The definition of "residential living care" includes the services provided by independent living facilities that voluntarily become licensed.

"Sibling" means each of two or more children having one or more parents in common.

"Social services" means foster care, adoption, adoption assistance, child-protective services, domestic violence services, or any other services program implemented in accordance with regulations adopted by the Board. Social services also includes adult services pursuant to Article 4 (§ 51.5-144 et seq.) of Chapter 14 of Title 51.5 and adult protective services pursuant to Article 5 (§ 51.5-148) of Chapter 14 of Title 51.5 provided by local departments of social services in accordance with regulations and under the supervision of the Commissioner for Aging and Rehabilitative Services.

"Special order" means an order imposing an administrative sanction issued to any party licensed pursuant to this title by the Commissioner that has a stated duration of not more than 12 months. A special order shall be considered a case decision as defined in § 2.2-4001.

"State-Funded Kinship Guardianship Assistance program" means a program that provides payments to eligible individuals who have received custody of a relative child subject to a kinship guardianship assistance agreement developed in accordance with § 63.2-1306.

"Supervised independent living setting" means the residence of a person 18 years of age or older who is participating in the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9 where supervision includes a monthly visit with a service worker or, when appropriate, contracted supervision. "Supervised independent living setting" does not include residential facilities or group homes.

"Temporary Assistance for Needy Families" or "TANF" means the program administered by the Department through which a relative can receive monthly cash assistance for the support of his eligible children.

"Temporary Assistance for Needy Families-Unemployed Parent" or "TANF-UP" means the Temporary Assistance for Needy Families program for families in which both natural or adoptive parents of a child reside in the home and neither parent is exempt from Virginia Initiative for Education and Work (VIEW) participation under § 63.2-609.

"Title IV-E Foster Care" means a federal program authorized under §§ 472 and 473 of the Social Security Act, as amended, and administered by the Department through which foster care is provided on behalf of qualifying children.

§ 63.2-1508. Valid report or complaint.

A. A valid report or complaint means the local department has evaluated the information and allegations of the report or complaint and determined that the local department shall conduct an investigation ~~or~~, family assessment, *or human trafficking assessment* because the following elements are present:

1. The alleged victim child or children are under 18 years of age at the time of the complaint or report;
2. The alleged abuser is the alleged victim child's parent or other caretaker *or, for purposes of abuse or neglect described in subdivision 4 of the definition of "abused or neglected child" in § 63.2-100, an intimate partner of such parent or caretaker;*
3. The local department receiving the complaint or report has jurisdiction; and
4. The circumstances described allege suspected child abuse or neglect.

B. A valid report or complaint regarding a child who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the federal Trafficking Victims Protection Act of 2000 (22 U.S.C § 7102 et seq.) and in the federal Justice for Victims of Trafficking Act of 2015 (P.L. 114-22) may be established ~~if the~~ *regardless of who the* alleged abuser is ~~the alleged victim child's parent, other caretaker, or any other person suspected to have caused such abuse or neglect or whether the alleged abuser has been identified.~~

C. Nothing in this section shall relieve any person specified in § 63.2-1509 from making a report required by that section, regardless of the identity of the person suspected to have caused such abuse or neglect.

D. If the local department receiving the complaint or report does not have jurisdiction, and the local department that has jurisdiction to investigate such complaint or report is located in the Commonwealth, the local department that received the report or complaint shall forward the complaint or report to the appropriate local department.

CHAPTER 367

An Act to amend and reenact § 8, as amended, of Chapter 380 of the Acts of Assembly of 1980, relating to the Capital Region Airport Commission.

[H 137]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 8, as amended, of Chapter 380 of the Acts of Assembly of 1980 is amended and reenacted as follows:

§ 8. Powers.

The Commission is hereby granted, has and may exercise all powers necessary or appropriate to carry out and effectuate the purposes of this act, including, for purposes of illustration, the following:

1. To sue and be sued in its own name;
2. To have perpetual succession;
3. To adopt a corporate seal and alter the same at its pleasure;
4. To maintain offices at such places as it may designate;
5. To acquire, establish, construct, enlarge, improve, maintain, equip, operate and regulate any airports, air landing fields, structures, air navigation facilities and other property incidental thereto within the territorial limits of the participating political subdivisions;
6. To construct, install, maintain and operate facilities for the servicing and storage of aircraft and for the accommodation of cargo, freight, mail, express, etc., and for the accommodation and comfort of air travelers, and for lease or sale to industrial or commercial users, and to purchase and sell equipment and supplies as an incident to the operation of its airport facilities;
7. To grant to others the privilege to operate for profit concessions, leases and franchises, including but not limited to the sale of airplanes, fuel, parts and equipment, the accommodation and comfort of persons using its facilities and the providing of ground transportation and parking facilities for such persons, and such concessions, leases, and franchises shall

be exclusive or limited when it is necessary to further the public safety, improve the quality of service, avoid duplication of service, or conserve airport property and the airport's resources;

8. To determine fees, rates, and charges for the use of its facilities;

9. To apply for and accept gifts, or grants of money or gifts, grants, or loans of other property or other financial assistance from the United States of America and agencies and instrumentalities thereof, this Commonwealth and political subdivisions, agencies and instrumentalities thereof, or any other person or entity, for or in aid of the construction, acquisition, ownership, operation, maintenance or repair of the Commission's facilities or for the payment of principal of any indebtedness of the Commission, interest thereon or other cost incident thereto, and to this end the Commission shall have the power to render such services, comply with such conditions and execute such agreements, and legal instruments, as may be necessary, convenient or desirable or imposed as a condition to such financial aid;

10. To establish, operate and maintain a foreign trade zone and otherwise to expedite and encourage foreign commerce;

11. To appoint, employ or engage such officers, employees, architects, engineers, attorneys, accountants, financial advisors, investment bankers, and other advisors, consultants, and agents as may be necessary or appropriate, and to fix their duties and compensation;

12. To establish personnel rules;

13. To own, purchase, lease, obtain options upon, acquire by gift, grant, or bequest or otherwise acquire any property, real or personal, or any interest therein, and in connection therewith to assume or take subject to any indebtedness secured by such property;

14. Subject to the provisions of the Deed and Agreement among the City of Richmond, the County of Henrico, and the Commission, made as of January one, nineteen hundred seventy-six, as it may be amended, to sell, lease, grant options upon, exchange, transfer, assign, or otherwise dispose of any property, real or personal, or any interest therein, if such disposition is in the public interest and in furtherance of the purposes of this act or if such property is not necessary for the purposes of the Commission;

15. To make and enter into all contracts, leases, and arrangements necessary or incidental to the exercise of its powers, including contracts for the management or operation of all or any part of its facilities;

16. To borrow money, as hereinafter provided and, provided such borrowing shall mature within one year, to borrow money for the purpose of meeting casual deficits in its revenues;

17. To adopt, amend, and repeal rules and regulations for the use, maintenance, and operation of its facilities and governing the conduct of persons and organizations using its facilities and to enforce such rules and regulations and all other rules, regulations, ordinances, and statutes relating to its facilities, all as hereinafter provided;

18. To pay pensions and establish pension plans, pension trusts, and other compensation plans for any of its employees;

19. To purchase and maintain insurance on behalf of *and to indemnify* any person who is or was a Commissioner, officer, employee, or agent of the Commission against any liability asserted against him or incurred by him in any such capacity or arising out of his status as such; ~~and~~

20. *To make charitable donations and provide financial assistance, personnel assistance, and other assistance to educational and charitable entities, organizations, programs, and other endeavors designed to foster an appreciation by the public of the importance of aviation, assist the public in aviation travel, or help develop and educate the next generation of aviation professionals in the Commonwealth. The Commission may form or support one or more independent foundations for such purposes. Some or all of the directors of any such foundation may be appointed by the Commission from among the Commission staff, Commission members, aviation and travel hospitality sector professionals, or members of the public. Any such foundation shall be organized to qualify under § 501(c)(3) of the Internal Revenue Code and shall not be deemed to be a public body or political subdivision of the Commonwealth or subject to any requirements thereof, including the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia) or the Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia); and*

21. To do all things necessary or convenient to the purposes of this act.

CHAPTER 368

An Act to amend and reenact § 8, as amended, of Chapter 380 of the Acts of Assembly of 1980, relating to the Capital Region Airport Commission.

[S 478]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 8, as amended, of Chapter 380 of the Acts of Assembly of 1980 is amended and reenacted as follows:

§ 8. Powers.

The Commission is hereby granted, has and may exercise all powers necessary or appropriate to carry out and effectuate the purposes of this act, including, for purposes of illustration, the following:

1. To sue and be sued in its own name;

2. To have perpetual succession;

3. To adopt a corporate seal and alter the same at its pleasure;

4. To maintain offices at such places as it may designate;
5. To acquire, establish, construct, enlarge, improve, maintain, equip, operate and regulate any airports, air landing fields, structures, air navigation facilities and other property incidental thereto within the territorial limits of the participating political subdivisions;
6. To construct, install, maintain and operate facilities for the servicing and storage of aircraft and for the accommodation of cargo, freight, mail, express, etc., and for the accommodation and comfort of air travelers, and for lease or sale to industrial or commercial users, and to purchase and sell equipment and supplies as an incident to the operation of its airport facilities;
7. To grant to others the privilege to operate for profit concessions, leases and franchises, including but not limited to the sale of airplanes, fuel, parts and equipment, the accommodation and comfort of persons using its facilities and the providing of ground transportation and parking facilities for such persons, and such concessions, leases, and franchises shall be exclusive or limited when it is necessary to further the public safety, improve the quality of service, avoid duplication of service, or conserve airport property and the airport's resources;
8. To determine fees, rates, and charges for the use of its facilities;
9. To apply for and accept gifts, or grants of money or gifts, grants, or loans of other property or other financial assistance from the United States of America and agencies and instrumentalities thereof, this Commonwealth and political subdivisions, agencies and instrumentalities thereof, or any other person or entity, for or in aid of the construction, acquisition, ownership, operation, maintenance or repair of the Commission's facilities or for the payment of principal of any indebtedness of the Commission, interest thereon or other cost incident thereto, and to this end the Commission shall have the power to render such services, comply with such conditions and execute such agreements, and legal instruments, as may be necessary, convenient or desirable or imposed as a condition to such financial aid;
10. To establish, operate and maintain a foreign trade zone and otherwise to expedite and encourage foreign commerce;
11. To appoint, employ or engage such officers, employees, architects, engineers, attorneys, accountants, financial advisors, investment bankers, and other advisors, consultants, and agents as may be necessary or appropriate, and to fix their duties and compensation;
12. To establish personnel rules;
13. To own, purchase, lease, obtain options upon, acquire by gift, grant, or bequest or otherwise acquire any property, real or personal, or any interest therein, and in connection therewith to assume or take subject to any indebtedness secured by such property;
14. Subject to the provisions of the Deed and Agreement among the City of Richmond, the County of Henrico, and the Commission, made as of January one, nineteen hundred seventy-six, as it may be amended, to sell, lease, grant options upon, exchange, transfer, assign, or otherwise dispose of any property, real or personal, or any interest therein, if such disposition is in the public interest and in furtherance of the purposes of this act or if such property is not necessary for the purposes of the Commission;
15. To make and enter into all contracts, leases, and arrangements necessary or incidental to the exercise of its powers, including contracts for the management or operation of all or any part of its facilities;
16. To borrow money, as hereinafter provided and, provided such borrowing shall mature within one year, to borrow money for the purpose of meeting casual deficits in its revenues;
17. To adopt, amend, and repeal rules and regulations for the use, maintenance, and operation of its facilities and governing the conduct of persons and organizations using its facilities and to enforce such rules and regulations and all other rules, regulations, ordinances, and statutes relating to its facilities, all as hereinafter provided;
18. To pay pensions and establish pension plans, pension trusts, and other compensation plans for any of its employees;
19. To purchase and maintain insurance on behalf of *and to indemnify* any person who is or was a Commissioner, officer, employee, or agent of the Commission against any liability asserted against him or incurred by him in any such capacity or arising out of his status as such; ~~and~~
20. *To make charitable donations and provide financial assistance, personnel assistance, and other assistance to educational and charitable entities, organizations, programs, and other endeavors designed to foster an appreciation by the public of the importance of aviation, assist the public in aviation travel, or help develop and educate the next generation of aviation professionals in the Commonwealth. The Commission may form or support one or more independent foundations for such purposes. Some or all of the directors of any such foundation may be appointed by the Commission from among the Commission staff, Commission members, aviation and travel hospitality sector professionals, or members of the public. Any such foundation shall be organized to qualify under § 501(c)(3) of the Internal Revenue Code and shall not be deemed to be a public body or political subdivision of the Commonwealth or subject to any requirements thereof, including the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia) or the Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia); and*
21. To do all things necessary or convenient to the purposes of this act.

CHAPTER 369

An Act to amend and reenact § 15.2-978 of the Code of Virginia, relating to cemeteries; registration; publication prior to sale.

[H 961]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 15.2-978 of the Code of Virginia is amended and reenacted as follows:****§ 15.2-978. Registration by locality of cemeteries, graveyards, or other places of burial on private property.**

Any locality may adopt an ordinance setting forth a register of identified cemeteries, graveyards, or other places of burial located on private property not belonging to any memorial or monumental association. The official local register may include an official map. *Sites on the registry shall not be disclosed to the public in any format if they fall under the exception provided in subdivision 10 of § 2.2-3705.7 for significant historic and archaeological sites that would be jeopardized by public disclosure of their location. The register and official map may be available on the locality's website, if one exists. The locality may provide a phone number and email address on the locality's website, if one exists, that members of the public can use to contact the locality regarding identified or unidentified cemeteries, graveyards, or other places of burial located on private property not belonging to any memorial or monumental association.*

The governing body shall publish a notice in a newspaper having general circulation in the locality at least two weeks prior to the public sale of any publicly owned property that contains a known cemetery, graveyard, or other place of burial, or as soon thereafter as possible, and shall also publish the notice on the locality's website, if one exists. The notice shall specify that a cemetery is present on the property. If the property falls under the exception provided in subdivision 10 of § 2.2-3705.7 for significant historic and archeological sites that would be jeopardized by public disclosure of their location, then no such notice is required.

CHAPTER 370

An Act to amend and reenact § 6.2-2600 of the Code of Virginia, relating to financial institutions; qualified education loan servicers; definitions.

[H 203]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 6.2-2600 of the Code of Virginia is amended and reenacted as follows:****§ 6.2-2600. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Licensee" means a person to whom a license has been issued under this chapter.

"Nationwide Multistate Licensing System and Registry" or "Registry" means the nationwide multistate licensing system and registry created by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators.

"Principal" means any person who, directly or indirectly, owns or controls (i) 10 percent or more of the outstanding stock of a stock corporation or (ii) a 10 percent or greater interest in any other type of entity.

"Qualified education loan" means any loan primarily used to finance a postsecondary education and costs of attendance at a postsecondary public or private educational institution, including tuition, fees, books and supplies, room and board, transportation, and miscellaneous personal expenses. "Qualified education loan" includes a loan made to refinance a qualified education loan. "Qualified education loan" does not include an extension of credit under an open-end credit plan, a reverse mortgage transaction, a residential mortgage transaction, or any other loan that is secured by real property or a dwelling.

"Qualified education loan borrower" or "borrower" means (i) any current resident of the Commonwealth who has received or agreed to pay a qualified education loan or (ii) any person who is contractually obligated with such resident for repaying the qualified education loan.

"Qualified education loan servicer" or "loan servicer" means any person, wherever located, that:

1. (i) Receives any scheduled periodic payments from a qualified education loan borrower or notification of such payments or (ii) applies payments to the qualified education loan borrower's account pursuant to the terms of the qualified education loan or the contract governing the servicing;

2. During a period when no payment is required on a qualified education loan, (i) maintains account records for the qualified education loan and (ii) communicates with the qualified education loan borrower regarding the qualified education loan, on behalf of the qualified education loan's holder; ~~or~~ and

3. Interacts with a qualified education loan borrower, which includes conducting activities to help prevent default on obligations arising from qualified education loans or to facilitate any activity described in clause (i) or (ii) of subdivision 1.

"Servicing" means:

1. (i) Receiving any scheduled periodic payments from a qualified education loan borrower or notification of such payments or (ii) applying the payments of principal and interest and such other payments, with respect to the amounts received from a qualified education loan borrower, as may be required pursuant to the terms of a qualified education loan;
2. During a period when no payment is required on a qualified education loan, (i) maintaining account records for the loan and (ii) communicating with the qualified education loan borrower regarding the qualified education loan, on behalf of the qualified education loan's holder; ~~or~~ *and*
3. Interacting with a qualified education loan borrower, including conducting activities to help prevent default on obligations arising from qualified education loans or to facilitate any activity described in clause (i) or (ii) of subdivision 1.

CHAPTER 371

An Act to amend and reenact § 6.2-2600 of the Code of Virginia, relating to financial institutions; qualified education loan servicers; definitions.

[S 496]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 6.2-2600 of the Code of Virginia is amended and reenacted as follows:

§ 6.2-2600. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Licensee" means a person to whom a license has been issued under this chapter.

"Nationwide Multistate Licensing System and Registry" or "Registry" means the nationwide multistate licensing system and registry created by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators.

"Principal" means any person who, directly or indirectly, owns or controls (i) 10 percent or more of the outstanding stock of a stock corporation or (ii) a 10 percent or greater interest in any other type of entity.

"Qualified education loan" means any loan primarily used to finance a postsecondary education and costs of attendance at a postsecondary public or private educational institution, including tuition, fees, books and supplies, room and board, transportation, and miscellaneous personal expenses. "Qualified education loan" includes a loan made to refinance a qualified education loan. "Qualified education loan" does not include an extension of credit under an open-end credit plan, a reverse mortgage transaction, a residential mortgage transaction, or any other loan that is secured by real property or a dwelling.

"Qualified education loan borrower" or "borrower" means (i) any current resident of the Commonwealth who has received or agreed to pay a qualified education loan or (ii) any person who is contractually obligated with such resident for repaying the qualified education loan.

"Qualified education loan servicer" or "loan servicer" means any person, wherever located, that:

1. (i) Receives any scheduled periodic payments from a qualified education loan borrower or notification of such payments or (ii) applies payments to the qualified education loan borrower's account pursuant to the terms of the qualified education loan or the contract governing the servicing;

2. During a period when no payment is required on a qualified education loan, (i) maintains account records for the qualified education loan and (ii) communicates with the qualified education loan borrower regarding the qualified education loan, on behalf of the qualified education loan's holder; ~~or~~ *and*

3. Interacts with a qualified education loan borrower, which includes conducting activities to help prevent default on obligations arising from qualified education loans or to facilitate any activity described in clause (i) or (ii) of subdivision 1.

"Servicing" means:

1. (i) Receiving any scheduled periodic payments from a qualified education loan borrower or notification of such payments or (ii) applying the payments of principal and interest and such other payments, with respect to the amounts received from a qualified education loan borrower, as may be required pursuant to the terms of a qualified education loan;

2. During a period when no payment is required on a qualified education loan, (i) maintaining account records for the loan and (ii) communicating with the qualified education loan borrower regarding the qualified education loan, on behalf of the qualified education loan's holder; ~~or~~ *and*

3. Interacting with a qualified education loan borrower, including conducting activities to help prevent default on obligations arising from qualified education loans or to facilitate any activity described in clause (i) or (ii) of subdivision 1.

CHAPTER 372

An Act to amend the Code of Virginia by adding a section numbered 44-102.1:1, relating to Department of Military Affairs; health care premium payments for certain service members.

[H 642]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 44-102.1:1 as follows:****§ 44-102.1:1. Benefits upon call to active duty under a state of emergency; health care premiums.***A. As used in this section:**"Department" means the Department of Military Affairs.**"Service member" means a member of the Virginia National Guard or the Virginia Defense Force.**"State of emergency" has the same meaning as provided in § 44-146.16.**B. If the Governor has declared a state of emergency that activated the Virginia National Guard or the Virginia Defense Force, then the Department is authorized to pay, for any service member who has served under such activation for a period of at least 14 consecutive days, the portion of the premium for such service member's health care coverage previously paid by the service member's employer; provided that the service member provides satisfactory evidence to the Department demonstrating that (i) immediately prior to being called to state active duty, the service member was employed and received health care coverage through his employer; (ii) the employer paid a premium to maintain the service member's health care coverage, and (iii) as a result of the service member's state active duty status, the employer is no longer paying such premium.**C. Any payment made by the Department pursuant to this section shall cover only the portion of the premium previously paid by the service member's employer from day 15 of the service member's state active duty until the date the service member is discharged from state active duty. Such payments may also cover dependents of the service member.**D. The Department may use the sum sufficient identified in the relevant state of emergency declaration for any payment authorized by this section.**E. The Department shall establish policies, procedures, and protocols to implement and record any payment authorized by this section.**F. On or before November 1, 2022, and annually thereafter, the Department shall report to the Secretary of Veterans and Defense Affairs all payments made pursuant to this section.**G. Nothing in this section shall create a legal cause of action against the Commonwealth or the Department.***CHAPTER 373***An Act to amend the Code of Virginia by adding a section numbered 44-102.1:1, relating to Department of Military Affairs; health care premium payments for certain service members.*

[S 719]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 44-102.1:1 as follows:****§ 44-102.1:1. Benefits upon call to active duty under a state of emergency; health care premiums.***A. As used in this section:**"Department" means the Department of Military Affairs.**"Service member" means a member of the Virginia National Guard or the Virginia Defense Force.**"State of emergency" has the same meaning as provided in § 44-146.16.**B. If the Governor has declared a state of emergency that activated the Virginia National Guard or the Virginia Defense Force, then the Department is authorized to pay, for any service member who has served under such activation for a period of at least 14 consecutive days, the portion of the premium for such service member's health care coverage previously paid by the service member's employer; provided that the service member provides satisfactory evidence to the Department demonstrating that (i) immediately prior to being called to state active duty, the service member was employed and received health care coverage through his employer; (ii) the employer paid a premium to maintain the service member's health care coverage, and (iii) as a result of the service member's state active duty status, the employer is no longer paying such premium.**C. Any payment made by the Department pursuant to this section shall cover only the portion of the premium previously paid by the service member's employer from day 15 of the service member's state active duty until the date the service member is discharged from state active duty. Such payments may also cover dependents of the service member.**D. The Department may use the sum sufficient identified in the relevant state of emergency declaration for any payment authorized by this section.**E. The Department shall establish policies, procedures, and protocols to implement and record any payment authorized by this section.**F. On or before November 1, 2022, and annually thereafter, the Department shall report to the Secretary of Veterans and Defense Affairs all payments made pursuant to this section.**G. Nothing in this section shall create a legal cause of action against the Commonwealth or the Department.*

CHAPTER 374

An Act to amend the Code of Virginia by adding a section numbered 19.2-152.10:1, relating to permanent protective orders; Hope Card Program created.

[H 671]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 19.2-152.10:1 as follows:****§ 19.2-152.10:1. Hope Card Program for persons protected by protective orders.**

The Office of the Executive Secretary of the Supreme Court of Virginia shall develop and all district courts and circuit courts shall implement the Hope Card Program (the Program) for the issuance of a Hope Card to any person who has been issued a protective order pursuant to § 19.2-152.10 or 16.1-279.1 by any district court or circuit court. A Hope Card issued pursuant to the Program shall be a durable, plastic, wallet-sized card containing, to the extent possible, essential information about the protective order; such as the identifying information and characteristics of the person subject to the protective order; the issuance and expiration date of the protective order; the terms of the protective order; and the names of any other persons protected by the protective order.

CHAPTER 375

An Act to amend and reenact §§ 2.2-5515, 15.2-1721.1, and 52-11.3 of the Code of Virginia, relating to acquisition of military property by law-enforcement agencies.

[H 813]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:**1. That §§ 2.2-5515, 15.2-1721.1, and 52-11.3 of the Code of Virginia are amended and reenacted as follows:****§ 2.2-5515. Acquisition of military property.**

A. No agency of the Commonwealth or director or chief executive of any agency or department employing law-enforcement officers as defined in § 9.1-101 shall acquire or purchase (i) weaponized unmanned aerial vehicles; (ii) aircraft that are configured for combat or are combat-coded and have no established commercial flight application; (iii) grenades or similar explosives or grenade launchers from a surplus program operated by the federal government; (iv) armored multi-wheeled vehicles that are mine-resistant, ambush-protected, and configured for combat, also known as MRAPs, from a surplus program operated by the federal government; (v) bayonets; (vi) ~~firearms~~ rifles of .50 caliber or higher; (vii) rifle ammunition of .50 caliber or higher; or (viii) weaponized tracked armored vehicles.

Nothing in this subsection shall restrict the acquisition or purchase of an armored high mobility multi-purpose wheeled vehicle, also known as HMMWVs, or preclude the seizure of any prohibited item in connection with a criminal investigation or proceeding or subject to a civil forfeiture. Any property obtained by seizure shall be disposed of at the conclusion of any investigation or as otherwise provided by law.

B. Any agency of the Commonwealth or director or chief executive of any agency or department employing law-enforcement officers as defined in § 9.1-101 that has previously acquired any item listed in subsection A is prohibited from using such items unless such agency, director, or chief executive has received a waiver to use such items from the Criminal Justice Services Board. Any waiver request made to the Criminal Justice Services Board, except a waiver request from the Department of State Police, shall be limited to special weapons and tactics unit or other equivalent unit use only. The Department of State Police may seek a waiver for any of its units. The Criminal Justice Services Board may grant a waiver upon a showing of good cause by the requesting agency, director, or chief executive that the continued use of the item that is the subject of the waiver request has a bona fide public safety purpose.

Any agency, director, or chief executive that has filed a waiver request with the Criminal Justice Services Board may continue to use such prohibited items while such waiver request is pending before the Criminal Justice Services Board. If such waiver request is denied, the agency, director, or chief executive that filed such waiver shall no longer use such prohibited item.

C. Nothing in this section shall be construed as prohibiting the acquisition, purchase, or otherwise acceptance of any personal protective equipment, naloxone or other lifesaving medication, or any personal property that is not specifically prohibited pursuant to subsection A from the federal government.

D. The provisions of this section shall not apply to the Virginia National Guard or Virginia Defense Force.

§ 15.2-1721.1. Acquisition of military property by localities.

A. No locality, sheriff, chief of police, or director or chief executive of any agency or department employing deputy sheriffs or law-enforcement officers as defined in § 9.1-101 or any public or private institution of higher education that has established a campus police department pursuant to Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 shall acquire or purchase (i) weaponized unmanned aerial vehicles; (ii) aircraft that are configured for combat or are combat-coded and have no established commercial flight application; (iii) grenades or similar explosives or grenade launchers from a surplus

program operated by the federal government; (iv) armored multi-wheeled vehicles that are mine-resistant, ambush-protected, and configured for combat, also known as MRAPs, from a surplus program operated by the federal government; (v) bayonets; (vi) ~~firearms~~ rifles of .50 caliber or higher; (vii) rifle ammunition of .50 caliber or higher; or (viii) weaponized tracked armored vehicles.

Nothing in this subsection shall restrict the acquisition or purchase of an armored high mobility multi-purpose wheeled vehicle, also known as HMMWVs, or preclude the seizure of any prohibited item in connection with a criminal investigation or proceeding or subject to a civil forfeiture. Any property obtained by seizure shall be disposed of at the conclusion of any investigation or as otherwise provided by law.

B. Any locality, sheriff, chief of police, or director or chief executive of any agency or department employing deputy sheriffs or law-enforcement officers as defined in § 9.1-101 that has previously acquired any item listed in subsection A is prohibited from using such items unless such locality, sheriff, chief of police, or director or chief executive has received a waiver to use such items from the Criminal Justice Services Board. Any waiver request made to the Criminal Justice Services Board shall be limited to special weapons and tactics unit or other equivalent unit use only. The Criminal Justice Services Board may grant a waiver upon a showing of good cause by the requesting locality, sheriff, chief of police, or director or chief executive that the continued use of the item that is the subject of the waiver request has a bona fide public safety purpose.

Any locality, sheriff, chief of police, or director or chief executive that has filed a waiver request with the Criminal Justice Services Board may continue to use such prohibited items while such waiver request is pending before the Criminal Justice Services Board. If such waiver request is denied, the locality, sheriff, chief of police, or director or chief executive that filed such waiver shall no longer use such prohibited item.

C. Nothing in this section shall be construed as prohibiting the acquisition, purchase, or otherwise acceptance of any personal protective equipment, naloxone or other lifesaving medication, or any personal property that is not specifically prohibited pursuant to subsection A from the federal government.

§ 52-11.3. Acquisition of military property.

A. The Superintendent of State Police is authorized to apply for and accept grants or loans of personal property from the U.S. Department of Defense for use in the law-enforcement activities of the Department of State Police or any other law-enforcement agency of the Commonwealth or its political subdivisions. In connection with the receipt of such property, the Department of State Police and any other law-enforcement agency to which the property is transferred may agree to hold the United States government harmless against claims for damages arising out of the use of the property received. Such other law-enforcement agencies may also agree to hold the Commonwealth harmless against such claims.

B. Notwithstanding the provisions of subsection A, the Superintendent shall not acquire or purchase (i) weaponized unmanned aerial vehicles; (ii) aircraft that are configured for combat or are combat-coded and have no established commercial flight application; (iii) grenades or similar explosives or grenade launchers from a surplus program operated by the federal government; (iv) armored multi-wheeled vehicles that are mine-resistant, ambush-protected, and configured for combat, also known as MRAPs, from a surplus program operated by the federal government; (v) bayonets; (vi) ~~firearms~~ rifles of .50 caliber or higher; (vii) rifle ammunition of .50 caliber or higher; or (viii) weaponized tracked armored vehicles.

Nothing in this subsection shall restrict the acquisition or purchase of an armored high mobility multi-purpose wheeled vehicle, also known as HMMWVs, or preclude the seizure of any prohibited item in connection with a criminal investigation or proceeding or subject to a civil forfeiture. Any property obtained by seizure shall be disposed of at the conclusion of any investigation or as otherwise provided by law.

C. Nothing in this section shall be construed as prohibiting the acquisition, purchase, or otherwise acceptance of any personal protective equipment, naloxone or other lifesaving medication, or any personal property that is not specifically prohibited pursuant to subsection B from the federal government.

CHAPTER 376

An Act to amend and reenact §§ 2.2-5515, 15.2-1721.1, and 52-11.3 of the Code of Virginia, relating to acquisition of military property by law-enforcement agencies.

[S 328]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-5515, 15.2-1721.1, and 52-11.3 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-5515. Acquisition of military property.

A. No agency of the Commonwealth or director or chief executive of any agency or department employing law-enforcement officers as defined in § 9.1-101 shall acquire or purchase (i) weaponized unmanned aerial vehicles; (ii) aircraft that are configured for combat or are combat-coded and have no established commercial flight application; (iii) grenades or similar explosives or grenade launchers from a surplus program operated by the federal government; (iv) armored multi-wheeled vehicles that are mine-resistant, ambush-protected, and configured for combat, also known as MRAPs, from a surplus program operated by the federal government; (v) bayonets; (vi) ~~firearms~~ rifles of .50 caliber or higher; (vii) rifle ammunition of .50 caliber or higher; or (viii) weaponized tracked armored vehicles.

Nothing in this subsection shall restrict the acquisition or purchase of an armored high mobility multi-purpose wheeled vehicle, also known as HMMWVs, or preclude the seizure of any prohibited item in connection with a criminal investigation or proceeding or subject to a civil forfeiture. Any property obtained by seizure shall be disposed of at the conclusion of any investigation or as otherwise provided by law.

B. Any agency of the Commonwealth or director or chief executive of any agency or department employing law-enforcement officers as defined in § 9.1-101 that has previously acquired any item listed in subsection A is prohibited from using such items unless such agency, director, or chief executive has received a waiver to use such items from the Criminal Justice Services Board. Any waiver request made to the Criminal Justice Services Board, except a waiver request from the Department of State Police, shall be limited to special weapons and tactics unit or other equivalent unit use only. The Department of State Police may seek a waiver for any of its units. The Criminal Justice Services Board may grant a waiver upon a showing of good cause by the requesting agency, director, or chief executive that the continued use of the item that is the subject of the waiver request has a bona fide public safety purpose.

Any agency, director, or chief executive that has filed a waiver request with the Criminal Justice Services Board may continue to use such prohibited items while such waiver request is pending before the Criminal Justice Services Board. If such waiver request is denied, the agency, director, or chief executive that filed such waiver shall no longer use such prohibited item.

C. Nothing in this section shall be construed as prohibiting the acquisition, purchase, or otherwise acceptance of any personal protective equipment, naloxone or other lifesaving medication, or any personal property that is not specifically prohibited pursuant to subsection A from the federal government.

D. The provisions of this section shall not apply to the Virginia National Guard or Virginia Defense Force.

§ 15.2-1721.1. Acquisition of military property by localities.

A. No locality, sheriff, chief of police, or director or chief executive of any agency or department employing deputy sheriffs or law-enforcement officers as defined in § 9.1-101 or any public or private institution of higher education that has established a campus police department pursuant to Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 shall acquire or purchase (i) weaponized unmanned aerial vehicles; (ii) aircraft that are configured for combat or are combat-coded and have no established commercial flight application; (iii) grenades or similar explosives or grenade launchers from a surplus program operated by the federal government; (iv) armored multi-wheeled vehicles that are mine-resistant, ambush-protected, and configured for combat, also known as MRAPs, from a surplus program operated by the federal government; (v) bayonets; (vi) ~~firearms~~ rifles of .50 caliber or higher; (vii) rifle ammunition of .50 caliber or higher; or (viii) weaponized tracked armored vehicles.

Nothing in this subsection shall restrict the acquisition or purchase of an armored high mobility multi-purpose wheeled vehicle, also known as HMMWVs, or preclude the seizure of any prohibited item in connection with a criminal investigation or proceeding or subject to a civil forfeiture. Any property obtained by seizure shall be disposed of at the conclusion of any investigation or as otherwise provided by law.

B. Any locality, sheriff, chief of police, or director or chief executive of any agency or department employing deputy sheriffs or law-enforcement officers as defined in § 9.1-101 that has previously acquired any item listed in subsection A is prohibited from using such items unless such locality, sheriff, chief of police, or director or chief executive has received a waiver to use such items from the Criminal Justice Services Board. Any waiver request made to the Criminal Justice Services Board shall be limited to special weapons and tactics unit or other equivalent unit use only. The Criminal Justice Services Board may grant a waiver upon a showing of good cause by the requesting locality, sheriff, chief of police, or director or chief executive that the continued use of the item that is the subject of the waiver request has a bona fide public safety purpose.

Any locality, sheriff, chief of police, or director or chief executive that has filed a waiver request with the Criminal Justice Services Board may continue to use such prohibited items while such waiver request is pending before the Criminal Justice Services Board. If such waiver request is denied, the locality, sheriff, chief of police, or director or chief executive that filed such waiver shall no longer use such prohibited item.

C. Nothing in this section shall be construed as prohibiting the acquisition, purchase, or otherwise acceptance of any personal protective equipment, naloxone or other lifesaving medication, or any personal property that is not specifically prohibited pursuant to subsection A from the federal government.

§ 52-11.3. Acquisition of military property.

A. The Superintendent of State Police is authorized to apply for and accept grants or loans of personal property from the U.S. Department of Defense for use in the law-enforcement activities of the Department of State Police or any other law-enforcement agency of the Commonwealth or its political subdivisions. In connection with the receipt of such property, the Department of State Police and any other law-enforcement agency to which the property is transferred may agree to hold the United States government harmless against claims for damages arising out of the use of the property received. Such other law-enforcement agencies may also agree to hold the Commonwealth harmless against such claims.

B. Notwithstanding the provisions of subsection A, the Superintendent shall not acquire or purchase (i) weaponized unmanned aerial vehicles; (ii) aircraft that are configured for combat or are combat-coded and have no established commercial flight application; (iii) grenades or similar explosives or grenade launchers from a surplus program operated by the federal government; (iv) armored multi-wheeled vehicles that are mine-resistant, ambush-protected, and configured for

combat, also known as MRAPs, from a surplus program operated by the federal government; (v) bayonets; (vi) ~~firearms~~ rifles of .50 caliber or higher; (vii) rifle ammunition of .50 caliber or higher; or (viii) weaponized tracked armored vehicles.

Nothing in this subsection shall restrict the acquisition or purchase of an armored high mobility multi-purpose wheeled vehicle, also known as HMMWVs, or preclude the seizure of any prohibited item in connection with a criminal investigation or proceeding or subject to a civil forfeiture. Any property obtained by seizure shall be disposed of at the conclusion of any investigation or as otherwise provided by law.

C. Nothing in this section shall be construed as prohibiting the acquisition, purchase, or otherwise acceptance of any personal protective equipment, naloxone or other lifesaving medication, or any personal property that is not specifically prohibited pursuant to subsection B from the federal government.

CHAPTER 377

An Act to amend and reenact §§ 17.1-275, 63.2-1201, 63.2-1208, 63.2-1210, 63.2-1228, 63.2-1241, and 63.2-1250 of the Code of Virginia, relating to adoption.

[H 869]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 17.1-275, 63.2-1201, 63.2-1208, 63.2-1210, 63.2-1228, 63.2-1241, and 63.2-1250 of the Code of Virginia are amended and reenacted as follows:

§ 17.1-275. Fees collected by clerks of circuit courts; generally.

A. A clerk of a circuit court shall, for services performed by virtue of his office, charge the following fees:

1. [Repealed.]

2. For recording and indexing in the proper book any writing and all matters therewith, or for recording and indexing anything not otherwise provided for, \$18 for an instrument or document consisting of 10 or fewer pages or sheets; \$32 for an instrument or document consisting of 11 to 30 pages or sheets; and \$52 for an instrument or document consisting of 31 or more pages or sheets. Whenever any writing to be recorded includes plat or map sheets no larger than eight and one-half inches by 14 inches, such plat or map sheets shall be counted as ordinary pages for the purpose of computing the recording fee due pursuant to this section. A fee of \$17 per page or sheet shall be charged with respect to plat or map sheets larger than eight and one-half inches by 14 inches. Only a single fee as authorized by this subdivision shall be charged for recording a certificate of satisfaction that releases the original deed of trust and any corrected or revised deeds of trust. Three dollars and fifty cents of the fee collected for recording and indexing shall be designated for use in preserving the permanent records of the circuit courts. The sum collected for this purpose shall be administered by The Library of Virginia in cooperation with the circuit court clerks.

3. For appointing and qualifying any personal representative, committee, trustee, guardian, or other fiduciary, in addition to any fees for recording allowed by this section, \$20 for estates not exceeding \$50,000, \$25 for estates not exceeding \$100,000 and \$30 for estates exceeding \$100,000. No fee shall be charged for estates of \$5,000 or less.

4. For entering and granting and for issuing any license, other than a marriage license or a hunting and fishing license, and administering an oath when necessary, \$10.

5. For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths or affidavits, indexing and recording, \$10. For recording an order to celebrate the rites of marriage pursuant to § 20-25, \$25 to be paid by the petitioner.

6. For making out any bond, other than those under § 17.1-267 or subdivision A 4, administering all necessary oaths and writing proper affidavits, \$3.

7. For all services rendered by the clerk in any garnishment or attachment proceeding, the clerk's fee shall be \$15 in cases not exceeding \$500 and \$25 in all other cases.

8. For making out a copy of any paper, record, or electronic record to go out of the office, which is not otherwise specifically provided for herein, a fee of \$0.50 for each page or, if an electronic record, each image. From such fees, the clerk shall reimburse the locality the costs of making out the copies and pay the remaining fees directly to the Commonwealth. The funds to recoup the cost of making out the copies shall be deposited with the county or city treasurer or Director of Finance, and the governing body shall budget and appropriate such funds to be used to support the cost of copies pursuant to this subdivision. For purposes of this section, the costs of making out the copies authorized under this section shall include costs included in the lease and maintenance agreements for the equipment and the technology needed to operate electronic systems in the clerk's office used to make out the copies, but shall not include salaries or related benefits. The costs of copies shall otherwise be determined in accordance with § 2.2-3704. However, there shall be no charge to the recipient of a final order or decree to send an attested copy to such party.

9. For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying it, the clerk shall charge \$2 and for attaching the certificate of the judge, if the clerk is requested to do so, the clerk shall charge an additional \$0.50.

10. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee of \$150 for each felony

conviction and each felony disposition under § 18.2-251 which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund.

11. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee for each misdemeanor conviction and each misdemeanor disposition under § 18.2-251, which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund as provided in § 17.1-275.8.

12. Upon the defendant's being required to successfully complete traffic school, a mature driver motor vehicle crash prevention course, or a driver improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as if he had been convicted.

13. In all civil actions that include one or more claims for the award of monetary damages the clerk's fee chargeable to the plaintiff shall be \$100 in cases seeking recovery not exceeding \$49,999; \$200 in cases seeking recovery exceeding \$49,999, but not exceeding \$100,000; \$250 in cases seeking recovery exceeding \$100,000, but not exceeding \$500,000; and \$300 in cases seeking recovery exceeding \$500,000. Ten dollars of each such fee shall be apportioned to the Courts Technology Fund established under § 17.1-132. A fee of \$25 shall be paid by the plaintiff at the time of instituting a condemnation case, in lieu of any other fees. There shall be no fee charged for the filing of a cross-claim or setoff in any pending action. However, the fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a third-party defendant. The fees prescribed above shall be collected upon the filing of papers for the commencement of civil actions. This subdivision shall not be applicable to cases filed in the Supreme Court of Virginia.

13a. For the filing of any petition seeking court approval of a settlement where no action has yet been filed, the clerk's fee, chargeable to the petitioner, shall be \$50, to be paid by the petitioner at the time of filing the petition.

14. In addition to the fees chargeable for civil actions, for the costs of proceedings for judgments by confession under §§ 8.01-432 through 8.01-440, the clerk shall tax as costs (i) the cost of registered or certified mail; (ii) the statutory writ tax, in the amount required by law to be paid on a suit for the amount of the confessed judgment; (iii) for the sheriff for serving each copy of the order entering judgment, \$12; and (iv) for docketing the judgment and issuing executions thereon, the same fees as prescribed in subdivision A 17.

15. For qualifying notaries public, including the making out of the bond and any copies thereof, administering the necessary oaths, and entering the order, \$10.

16. For each habeas corpus proceeding, the clerk shall receive \$10 for all services required thereunder. This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.

17. For docketing and indexing a judgment from any other court of the Commonwealth, for docketing and indexing a judgment in the new name of a judgment debtor pursuant to the provisions of § 8.01-451, but not when incident to a divorce, for noting and filing the assignment of a judgment pursuant to § 8.01-452, a fee of \$5; and for issuing an abstract of any recorded judgment, when proper to do so, a fee of \$5; and for filing, docketing, indexing and mailing notice of a foreign judgment, a fee of \$20.

18. For all services rendered by the clerk in any court proceeding for which no specific fee is provided by law, the clerk shall charge \$10, to be paid by the party filing said papers at the time of filing; however, this subdivision shall not be applicable in a divorce cause prior to and including the entry of a decree of divorce from the bond of matrimony.

19, 20. [Repealed.]

21. For making the endorsements on a forthcoming bond and recording the matters relating to such bond pursuant to the provisions of § 8.01-529, \$1.

22. For all services rendered by the clerk in any proceeding pursuant to § 57-8 or 57-15, \$10.

23. For preparation and issuance of a subpoena duces tecum, \$5.

24. For all services rendered by the clerk in matters under § 8.01-217 relating to change of name, \$20; however, this subdivision shall not be applicable in cases where the change of name is incident to a divorce.

25. For providing court records or documents on microfilm, per frame, \$0.50.

26. In all divorce and separate maintenance proceedings, and all civil actions that do not include one or more claims for the award of monetary damages, the clerk's fee chargeable to the plaintiff shall be \$60, \$10 of which shall be apportioned to the Courts Technology Fund established under § 17.1-132 to be paid by the plaintiff at the time of instituting the suit, which shall include the furnishing of a duly certified copy of the final decree. The fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a third-party defendant. However, no fee shall be charged for (i) the filing of a cross-claim or setoff in any pending suit or (ii) the filing of a counterclaim or any other responsive pleading in any annulment, divorce, or separate maintenance proceeding. In divorce cases, when there is a merger of a divorce of separation a mensa et thoro into a decree of divorce a vinculo, the above mentioned fee shall include the furnishing of a duly certified copy of both such decrees.

27. For the acceptance of credit or debit cards in lieu of money to collect and secure all fees, including filing fees, fines, restitution, forfeiture, penalties and costs, the clerk shall collect from the person presenting such credit or debit card a reasonable convenience fee for the processing of such credit or debit card. Such convenience fee shall not exceed four percent of the amount paid for the transaction or a flat fee of \$2 per transaction. The clerk may set a lower convenience fee for electronic filing of civil or criminal proceedings pursuant to § 17.1-258.3. Nothing herein shall be construed to prohibit the clerk from outsourcing the processing of credit and debit card transactions to a third-party private vendor engaged by the clerk. Convenience fees shall be used to cover operational expenses as defined in § 17.1-295.

28. For the return of any check unpaid by the financial institution on which it was drawn or notice is received from the credit or debit card issuer that payment will not be made for any reason, the clerk may collect a fee of \$50 or 10 percent of the amount of the payment, whichever is greater.

29. For all services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, or 17.1-275.4, in an adoption proceeding, a fee of \$20, in addition to the fee imposed under § 63.2-1246, to be paid by the petitioner or petitioners. For each petition for adoption filed pursuant to § 63.2-1201, except those filed pursuant to subdivisions 5 4 and 6 5 of § 63.2-1210, an additional \$50 filing fee as required under § 63.2-1201 shall be deposited in the Virginia Birth Father Registry Fund pursuant to § 63.2-1249.

30. For issuing a duplicate license for one lost or destroyed as provided in § 29.1-334, a fee in the same amount as the fee for the original license.

31. For the filing of any petition as provided in §§ 33.2-1023, 33.2-1024, and 33.2-1027, a fee of \$5 to be paid by the petitioner; and for the recordation of a certificate or copy thereof, as provided for in § 33.2-1021, as well as for any order of the court relating thereto, the clerk shall charge the same fee as for recording a deed as provided for in this section, to be paid by the party upon whose request such certificate is recorded or order is entered.

32. For making up, certifying and transmitting original record pursuant to the Rules of the Supreme Court, including all papers necessary to be copied and other services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, or 17.1-275.9, a fee of \$20.

33. [Repealed.]

34. For filings, etc., under the Uniform Federal Lien Registration Act (§ 55.1-653 et seq.), the fees shall be as prescribed in that Act.

35. [Repealed.]

36. For recordation of certificate and registration of names of nonresident owners in accordance with § 59.1-74, a fee of \$10.

37. For maintaining the information required under the Overhead High Voltage Line Safety Act (§ 59.1-406 et seq.), the fee as prescribed in § 59.1-411.

38. For lodging, indexing, and preserving a will in accordance with § 64.2-409, a fee of \$5.

39. For filing a financing statement in accordance with § 8.9A-505, the fee shall be as prescribed under § 8.9A-525.

40. For filing a termination statement in accordance with § 8.9A-513, the fee shall be as prescribed under § 8.9A-525.

41. For filing assignment of security interest in accordance with § 8.9A-514, the fee shall be as prescribed under § 8.9A-525.

42. For filing a petition as provided in §§ 64.2-2001 and 64.2-2013, the fee shall be \$10.

43. For issuing any execution, and recording the return thereof, a fee of \$1.50.

44. For the preparation and issuance of a summons for interrogation by an execution creditor, a fee of \$5. If there is no outstanding execution, and one is requested herewith, the clerk shall be allowed an additional fee of \$1.50, in accordance with subdivision A 44.

B. In accordance with § 17.1-281, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for courthouse construction, renovation or maintenance.

C. In accordance with § 17.1-278, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for services provided for the poor, without charge, by a nonprofit legal aid program.

D. In accordance with § 42.1-70, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for public law libraries.

E. All fees collected pursuant to subdivision A 27 and § 17.1-276 shall be deposited by the clerk into a special revenue fund held by the clerk, which will restrict the funds to their statutory purpose.

F. The provisions of this section shall control the fees charged by clerks of circuit courts for the services above described.

§ 63.2-1201. Filing of petition for adoption; venue; jurisdiction; and proceedings.

Proceedings for the adoption of a minor child and for a change of name of such child shall be instituted only by petition to a circuit court in the county or city in which the petitioner resides, in the county or city in which the child-placing agency that placed the child is located, or in the county or city in which a birth parent executed a consent pursuant to § 63.2-1233. Such petition may be filed by any natural person who resides in the Commonwealth, or who has custody of a child placed by a child-placing agency of the Commonwealth, or by an adopting parent of a child who was subject to a consent proceeding held pursuant to § 63.2-1233, or by intended parents who are parties to a surrogacy contract. The petition shall ask leave to adopt a minor child not legally the petitioner's by birth and, if it is so desired by the petitioner, also to change the name of such child. In the case of married persons, or persons who were previously married who are permitted to adopt a child under § 63.2-1201.1, the petition shall be the joint petition of the husband and wife or former spouses but, in the event the child to be adopted is legally the child by birth or adoption of one of the petitioners, such petitioner shall unite in the petition for the purpose of indicating consent to the prayer thereof only. If any procedural provision of this chapter applies to only one of the adoptive parents, then the court may waive the application of the procedural provision for the spouse of the adoptive parent to whom the provision applies. The petition shall contain a full disclosure of the circumstances under which the child came to live, and is living, in the home of the petitioner. Each petition for adoption

shall be signed by the petitioner as well as by counsel of record, if any. In any case in which the petition seeks the entry of an adoption order without referral for investigation, the petition shall be under oath.

A single petition for adoption under the provisions of this section shall be sufficient for the concurrent adoption by the same petitioners of two or more children who have the same birth parent or parents, and nothing in this section shall be construed as having heretofore required a separate petition for each of such children.

The petition for adoption, except those filed pursuant to subdivisions 5 and 6 of § 63.2-1210, shall include an additional \$50 filing fee that shall be used to fund the Virginia Birth Father Registry established in Article 7 (§ 63.2-1249 et seq.) of this chapter.

A petition filed while the child is under 18 years of age shall not become invalid because the child reaches 18 years of age prior to the entry of a final order of adoption. Any final order of adoption entered pursuant to § 63.2-1213 after a child reaches 18 years of age, where the petition was filed prior to the child turning 18 years of age, shall have the same effect as if the child was under 18 years of age at the time the order was entered by the circuit court provided the court has obtained the consent of the adoptee.

§ 63.2-1208. Investigations; report to circuit court.

A. Upon consideration of the petition, the circuit court shall, upon being satisfied as to proper jurisdiction and venue, immediately enter *either an interlocutory order referring the case to a child-placing agency to conduct a visitation and prepare a report of visitation or an order of reference referring the case to a child-placing agency to conduct an investigation and prepare a report of investigation*, unless no investigation is required pursuant to this chapter. *In agency adoption cases for which an interlocutory order is entered, the petition shall contain the provisional consent of the child-placing agency.* The court shall enter the *interlocutory order or order of reference* ~~prior to or~~ concurrently with the entering of an order of publication, if such is necessary. Upon entry of the *interlocutory order or order of reference*, the clerk shall forward a copy of the *interlocutory order or order of reference*, the petition, and all exhibits thereto to the Commissioner and the child-placing agency retained to provide investigative, reporting, and supervisory services. If no Virginia agency was retained to provide such services, the *interlocutory order or order of reference*, petition, and all exhibits shall be forwarded to the local director of social services of the locality where the petitioners reside or resided at the time of filing the petition or had legal residence at the time the petition was filed.

B. Upon receiving a petition and *interlocutory order or order of reference* from the circuit court, the applicable agency shall make a thorough investigation of the matter and report thereon in writing, in such form as the Commissioner may prescribe, to the circuit court. *In cases in which an order of reference was received, the agency shall file a report of investigation with the circuit court within 60 days after the copy of the petition and all exhibits thereto are forwarded. In cases in which an interlocutory order was received, the agency shall file a report of visitation within 30 days after the completion of all placement visits required pursuant to § 63.2-1212. In agency adoption cases, as long as the agency continues to recommend the adoption, the agency shall file its final agency consent with the report.* A copy of the *applicable* report to the circuit court shall be served on the Commissioner by delivering or mailing a copy to him on or before the day of filing ~~the~~ *such* report with the circuit court. On the *applicable* report to the circuit court there shall be appended either acceptance of service or certificate of the local director, or the representative of the child-placing agency, that copies were served as this section requires, showing the date of delivery or mailing. The circuit court shall expeditiously consider the merits of the petition upon receipt of the *applicable* report and enter a final order of adoption.

C. If the *applicable* report is not made to the circuit court within the periods specified, the circuit court may proceed to hear and determine the merits of the petition and enter such order or orders as the circuit court may deem appropriate.

D. The *visitation or investigation* requested by the circuit court in an *interlocutory order or order of reference* shall include, in addition to other inquiries that the circuit court may require the child-placing agency or local director to make, inquiries as to (i) whether the petitioner is financially able, except as provided in Chapter 13 (§ 63.2-1300 et seq.) ~~of this title~~, morally suitable, in satisfactory physical and mental health and a proper person to care for and to train the child; (ii) what the physical and mental condition of the child is; (iii) why the parents, if living, desire to be relieved of the responsibility for the custody, care, and maintenance of the child, and what their attitude is toward the proposed adoption; (iv) whether the parents have abandoned the child or are morally unfit to have custody over him; (v) the circumstances under which the child came to live, and is living, in the physical custody of the petitioner; (vi) whether the child is a suitable child for adoption by the petitioner; (vii) what fees have been paid by the petitioners or on their behalf to persons or agencies that have assisted them in obtaining the child; and (viii) whether the requirements of subsections E and F have been met. Any report made to the circuit court shall include a recommendation as to the action to be taken by the circuit court on the petition. A copy of any report made to the circuit court shall be furnished to counsel of record representing the adopting parent or parents. When the investigation reveals that there may have been a violation of § 63.2-1200 or § 63.2-1218, the local director or child-placing agency shall so inform the circuit court and the Commissioner.

E. The *applicable* report shall include the relevant physical and mental history of the birth parents if known to the person making the report. The child-placing agency or local director shall document in the report all efforts they made to encourage birth parents to share information related to their physical and mental history. However, nothing in this subsection shall require that an investigation of the physical and mental history of the birth parents be made.

F. The *applicable* report shall include a statement by the child-placing agency or local director that all reasonably ascertainable background, medical, and psychological records of the child, including whether the child has been the subject

of an investigation as the perpetrator of sexual abuse, have been provided to the prospective adoptive parent(s). The report also shall include a list of such records provided.

G. *The court may enter a final order of adoption under the following circumstances:*

1. *In cases in which an order of reference was entered and the report of investigation has been received, if (i) the child has been placed in the physical custody of the petitioner by a child-placing agency; (ii) the placing or supervising agency certifies to the circuit court that the child has lived in the physical custody of the petitioner continuously for a period of at least six months immediately preceding the filing of the petition and has been visited by a representative of such agency at least three times within a six-month period, provided that there are not less than 90 days between the first and last visit; and (iii) the court is of the opinion that entry of a final order of adoption would otherwise be proper.*

2. *In cases in which an interlocutory order was entered and both the report of visitation and final agency consent have been received, if (i) the child has been placed in the physical custody of the petitioner by a child-placing agency; (ii) the placing or supervising agency certifies to the circuit court that the child has been visited by a representative of such agency at least three times within a six-month period, provided that there are not less than 90 days between the first and last visit; and (iii) the court is of the opinion that entry of a final order of adoption would otherwise be proper.*

In cases in which the court entered either an interlocutory order or order of reference and the child was placed by a child-placing agency, the circuit court may, for good cause shown, omit the requirement that the three visits be made within a six-month period, provided that not less than three visits were made.

H. If the specific provisions set out in §§ 63.2-1228, 63.2-1238, 63.2-1242 and 63.2-1244 do not apply, the petition and all exhibits shall be forwarded to the local director where the petitioners reside or to a licensed child-placing agency.

§ 63.2-1210. Probationary period, interlocutory order and order of reference not required under certain circumstances.

The circuit court may omit the probationary period and the interlocutory order and enter a final order of adoption under the following circumstances:

1. If the child is legally the child by birth or adoption of one of the petitioners and the circuit court is of the opinion that the entry of an interlocutory order would otherwise be proper. *In such cases, the court may also omit the order of reference if the petitioners meet the requirements set forth in § 63.2-1241.*

2. If one of the petitioners is a ~~step-parent~~ stepparent of the child and the circuit court is of the opinion that the entry of an interlocutory order would otherwise be proper. The court may omit the order of reference if the petitioners meet the requirements of § 63.2-1241.

3. ~~After receipt of the report required by § 63.2-1208, if the child has been placed in the physical custody of the petitioner by a child-placing agency and (i) the placing or supervising agency certifies to the circuit court that the child has lived in the physical custody of the petitioner continuously for a period of at least six months immediately preceding the filing of the petition and has been visited by a representative of such agency at least three times within a six-month period, provided there are not less than 90 days between the first visit and the last visit; and (ii) the circuit court is of the opinion that the entry of an interlocutory order would otherwise be proper. The circuit court may, for good cause shown, in cases of placement by a child-placing agency, omit the requirement that the three visits be made within a six-month period.~~

4. ~~After receipt of the report of investigation, if the child has been in physical custody of the petitioner continuously for at least three years immediately prior to the filing of the petition for adoption, and the circuit court is of the opinion that the entry of an interlocutory order would otherwise be proper.~~

5. ~~4. After receipt of the report of investigation, if the child has been legally adopted according to the laws of a foreign country with which the United States has diplomatic relations and if the circuit court is of the opinion that the entry of an interlocutory order would otherwise be proper, and the child (i) has been in the physical custody of the petitioners for at least one year immediately prior to the filing of the petition and a representative of a child-placing agency has visited the petitioner and child at least once in the six months immediately preceding the filing of the petition or during its investigation pursuant to § 63.2-1208 or (ii) has been in the physical custody of the petitioners for at least six months immediately prior to the filing of the petition, has been visited by a representative of a child-placing agency or of the local department three times within such six-month period with no fewer than ninety days between the first and last visits, and the last visit has occurred within six months immediately prior to the filing of the petition.~~

6. ~~5. After receipt of the report of investigation, if the child was placed into Virginia from a foreign country in accordance with § 63.2-1104, the adoption was not finalized pursuant to the laws of that foreign country, and the child has been in the physical custody of the petitioner for at least six months immediately prior to the filing of the petition and has been visited by a representative of a licensed child-placing agency or of the local department three times within the six-month period with no fewer than 90 days between the first and last visits. The circuit court may, for good cause shown, in cases of an international placement, omit the requirement that the three visits be made within a six-month period.~~

§ 63.2-1228. Forwarding of petition.

Upon the filing of the petition, the circuit court shall, upon being satisfied as to proper jurisdiction and venue, immediately enter an *interlocutory order* or an order referring the case to a child-placing agency to conduct an investigation and prepare a report pursuant to § 63.2-1208. Upon entry of the *interlocutory order* or the order of reference, the court shall forward a copy of the petition and all exhibits thereto to the Commissioner and to the agency that placed the child. In cases where the child was placed by an agency in another state, or by an agency, court, or other entity in another country, the petition and all exhibits shall be forwarded to the local director or licensed child-placing agency, whichever agency

completed the home study or provided supervision. If no Virginia agency provided such services, or such agency is no longer licensed or has gone out of business, the petition and all exhibits shall be forwarded to the local director of the locality where the petitioners reside or resided at the time of filing the petition; or had legal residence at the time of the filing of the petition.

§ 63.2-1241. Adoption of child by spouse of birth or adoptive parent or other person with legitimate interest.

A. In cases in which the spouse of a birth parent or parent by adoption or a person with a legitimate interest who is not the birth parent of a child wishes to adopt the child, the birth parent or parent by adoption and such parent's spouse or other person with a legitimate interest may file a petition for adoption in the circuit court of the county or city where the birth parent or parent by adoption and such parent's spouse or other person with a legitimate interest reside or the county or city where the child resides. The petition shall be the joint petition of the birth parent or parent by adoption and such parent's spouse or other person with a legitimate interest, but the birth parent or parent by adoption shall unite in the petition for the purpose of indicating consent to the prayer thereof only. The petition shall also state whether the petitioners seek to change the name of the child.

B. The court may order the proposed adoption and change of name without referring the matter to the local director if (i) the birth parent or parent by adoption, other than the birth parent or parent by adoption joining in the petition for adoption, is deceased; (ii) the birth parent or parent by adoption, other than the birth parent or parent by adoption joining in the petition for adoption, consents to the adoption in writing and under oath; (iii) the acknowledged, adjudicated, presumed, or putative father denies paternity of the child; (iv) the birth mother swears under oath and in writing that the identity of the father is not reasonably ascertainable; (v) the child is the result of surrogacy and the birth parent, other than the birth parent joining in the petition, consents to the adoption in writing; (vi) the parent by adoption joining in the petition was not married at the time the child was adopted; or (vii) the child is 14 years of age or older and has lived in the home of the person desiring to adopt the child for at least five years. However, if the court in its discretion determines that there should be an investigation before a final order of adoption is entered, the court shall refer the matter to the local director for an investigation and report to be completed within such time as the circuit court designates. If an investigation is ordered, the circuit court shall forward a copy of the petition and all exhibits thereto to the local director and the provisions of § 63.2-1208 shall apply.

C. If an acknowledged, adjudicated, presumed, or putative birth parent or parent by adoption of a child refuses to consent to the adoption of a child by the spouse of the other birth parent or parent by adoption of the child or other person with a legitimate interest, the court shall determine whether consent to the adoption is withheld contrary to the best interests of the child. If the court determines that consent to the adoption is withheld contrary to the best interests of the child, the court may order the adoption and change of name without referring the matter to the local director. However, if the court in its discretion determines that there should be an investigation before a final order of adoption is entered, the circuit court shall refer the matter to the local director for an investigation and report to be completed within such time as the circuit court designates. The order of reference may include a requirement that the local director investigate factors relevant to determining whether consent of a birth parent is withheld contrary to the best interests of the child, including factors set forth in § 63.2-1205. If an investigation is ordered, the circuit court shall forward a copy of the petition and all exhibits thereto to the local director and the provisions of § 63.2-1208 shall apply.

D. In any case involving adoption of a child by a stepparent or other person with a legitimate interest pursuant to this section, the court may waive appointment of a guardian ad litem for the child.

E. In cases in which both petitioners are listed as the child's parents on the child's birth certificate, the court shall permit the petitioners to obtain an adoption order under this section in order to secure the child's legal parentage.

F. For the purposes of this section, "person with a legitimate interest" means the same as that term is defined in § 20-124.1.

§ 63.2-1250. Registration; notice; form.

A. Any man who has engaged in sexual intercourse with a woman is deemed to be on legal notice that a child may be conceived and that the man is entitled to all legal rights and obligations resulting therefrom. Lack of knowledge of the pregnancy does not excuse failure to timely register with the Virginia Birth Father Registry.

B. A man who desires to be notified of a placement of a child by a local board pursuant to § 63.2-900, a proceeding for adoption, or a proceeding for termination of parental rights regarding a child that he may have fathered shall register with the Virginia Birth Father Registry.

C. Failure to timely register with the Virginia Birth Father Registry shall waive all rights of a man who is not acknowledged to be, presumed to be, or adjudicated the father to withhold consent to an adoption proceeding unless the man was led to believe through the birth mother's misrepresentation that (i) the pregnancy was terminated or the mother miscarried when in fact the baby was born or (ii) the child died when in fact the child is alive. Upon discovery of the misrepresentation, the man shall register with the Virginia Birth Father Registry within 10 days; *however, registration with the Virginia Birth Father Registry shall be untimely if 180 days have elapsed from the date the circuit court entered the final order of adoption.*

D. A man will not prejudice any rights by failing to register if:

1. A father-child relationship between the man and the child has been established pursuant to § 20-49.1, 20-49.8, or if the man is a presumed father as defined in § 63.2-1202; or

2. The man commences a proceeding to adjudicate his paternity before a petition to accept consent or waive adoption consent is filed in the juvenile and domestic relations district court, or before a petition for adoption or a petition for the termination of his parental rights is filed with the court.

E. Registration is timely if it is received by the Department within ~~(+)~~ 10 days of the child's birth ~~or (ii)~~ *unless* the time specified in subsection C or F *applies*. Registration is complete when the signed registration form is first received by the Department. The signed registration form shall be submitted in the manner prescribed by the Department.

F. In the event that the identity and whereabouts of the birth father are reasonably ascertainable, the child-placing agency or adoptive parents shall give written notice to the birth father of the existence of an adoption plan and the availability of registration with the Virginia Birth Father Registry. Such written notice shall be provided by personal service ~~or by~~, certified mailing *with proof of service*, or *express mailing with proof of delivery* to the birth father's last known address. Registration is timely if the signed registration form is received by the Department within 10 days of personal service of the written notice or within 13 days of the certified *or express* mailing date of the written notice. The personal service or certified *or express* mailing may be completed either prior to or after the birth of the child. *When written notice is provided to a putative father before the birth of the child, the putative father's registration with the Virginia Birth Father Registry shall be untimely if received by the Department more than 10 days after personal service of the written notice or more than 13 days after the certified or express mailing date of the written notice, whichever occurs first.*

G. The child-placing agency or adoptive parent(s) shall give notice to a registrant who has timely registered of a placement of a child by a local board pursuant to § 63.2-900, a proceeding for adoption, or a proceeding for termination of parental rights regarding a child. Notice shall be given pursuant to the requirements of this chapter or § 16.1-277.01 for the appropriate adoption proceeding.

H. 1. The Department shall prepare a form for registering with the agency that shall require (i) the registrant's name, date of birth and social security number; (ii) the registrant's driver's license number and state of issuance; (iii) the registrant's home address, telephone number, and employer; (iv) the name, date of birth, ethnicity, address, and telephone number of the putative mother, if known; (v) the state of conception; (vi) the place and date of birth of the child, if known; (vii) the name and gender of the child, if known; and (viii) the signature of the registrant. No form for registering with the Virginia Birth Father Registry shall be complete unless signed by the registrant and the signed registration form is received by the Department in the manner prescribed by the Department.

2. The form shall also state that (i) timely registration entitles the registrant to notice of a proceeding for adoption of the child or termination of the registrant's parental rights, (ii) registration does not commence a proceeding to establish paternity, (iii) the information disclosed on the form may be used against the registrant to establish paternity, (iv) services to assist in establishing paternity are available to the registrant through the Department, (v) the registrant should also register in another state if conception or birth of the child occurred in another state, (vi) information on registries of other states may be available from the Department, (vii) the form is signed under penalty of perjury, and (viii) procedures exist to rescind the registration of a claim of paternity.

3. A registrant shall promptly notify the Virginia Birth Father Registry of any change in information, including change of address. The Department shall incorporate all updated information received into its records but is not required to request or otherwise pursue current or updated information for incorporation in the registry.

CHAPTER 378

An Act to amend the Code of Virginia by adding a section numbered 58.1-3242.1, relating to land use valuation for real estate devoted to forest use; creation of Forest Sustainability Fund.

[H 180]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 58.1-3242.1 as follows:

§ 58.1-3242.1. Forest Sustainability Fund.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Forest Sustainability Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes set forth in subsection B. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the State Forester.

B. Any locality that has adopted an ordinance to provide for the use value assessment and taxation for real estate devoted for forest use pursuant to this article may apply for an annual allocation of funds from the Fund. A locality shall submit by November 15 of each year (i) a copy of its ordinance and (ii) the total revenue forgone by the locality in the prior fiscal year due to the use value assessment and taxation for real estate devoted for forest use. The State Forester shall allocate funds from the Fund on a proportional basis, based on the amount of revenues forgone by the applicant localities.

Any funds received by a locality shall be used solely for public education generally or for projects related to outdoor recreation or forest conservation.

2. That the State Forester shall develop guidelines for the administration of the Forest Sustainability Fund by October 15, 2022. Such guidelines are not subject to the Administrative Process Act (§ 2.2-4000 of the Code of Virginia).

CHAPTER 379

An Act to amend the Code of Virginia by adding a section numbered 58.1-3242.1, relating to land use valuation for real estate devoted to forest use; creation of Forest Sustainability Fund.

[S 184]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 58.1-3242.1 as follows:

§ 58.1-3242.1. Forest Sustainability Fund.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Forest Sustainability Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes set forth in subsection B. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the State Forester.

B. Any locality that has adopted an ordinance to provide for the use value assessment and taxation for real estate devoted for forest use pursuant to this article may apply for an annual allocation of funds from the Fund. A locality shall submit by November 15 of each year (i) a copy of its ordinance and (ii) the total revenue forgone by the locality in the prior fiscal year due to the use value assessment and taxation for real estate devoted for forest use. The State Forester shall allocate funds from the Fund on a proportional basis, based on the amount of revenues forgone by the applicant localities. Any funds received by a locality shall be used solely for public education generally or for projects related to outdoor recreation or forest conservation.

2. That the State Forester shall develop guidelines for the administration of the Forest Sustainability Fund by October 15, 2022. Such guidelines are not subject to the Administrative Process Act (§ 2.2-4000 of the Code of Virginia).

CHAPTER 380

An Act to amend and reenact § 54.1-2108.2 of the Code of Virginia, relating to the Department of Professional and Occupational Regulation; real estate brokers; protection of real estate escrow funds.

[S 533]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2108.2 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2108.2. Protection of escrow funds, etc., held by a real estate broker in the event of termination of a real estate purchase contract.

Notwithstanding any other provision of law, for purchase transactions:

1. Upon the ratification of a contract, an earnest money deposit received by the principal broker or supervising broker, or an agent of such principal broker or supervising broker, *that is to be held in the firm's escrow account* shall be placed in ~~an~~ *such* escrow account by the end of the fifth business banking day following ratification, unless otherwise agreed to in writing by the principals to the transaction, and shall remain in that account until the transaction has been consummated or terminated.

2. *If a principal broker or supervising broker, or an agent of such principal broker or supervising broker, receives an earnest money deposit that will not be held in the firm's escrow account, the principal broker or supervising broker shall ensure that the earnest money deposit is delivered to the escrow agent named in the contract by the end of the fifth business banking day following receipt of the deposit, unless otherwise agreed to in writing by the principals to the transaction.*

3. In the event that the transaction is not consummated, the principal broker or supervising broker shall hold such funds in escrow until (i) all principals to the transaction have agreed in a written agreement as to their disposition, upon which the funds shall be returned to the agreed-upon principal as provided in such written agreement; (ii) a court of competent jurisdiction orders such disbursement of the funds; (iii) the funds are successfully interpleaded into a court of competent

jurisdiction pursuant to this section; or (iv) the broker releases the funds to the principal to the transaction who is entitled to receive them in accordance with the clear and explicit terms of the contract that established the earnest money deposit.

At the option of a broker, written notice may be sent by the broker that release of such funds shall be made unless a written protest is received from the principal who is not receiving the funds by such broker within 15 calendar days of the date of such notice. Notice of a disbursement shall be given to the parties to the transaction in accordance with the contract, but if the contract does not specify a method of delivery, one of the following methods complies with this section: (a) hand delivery; (b) United States mail, postage prepaid, provided that the sender retains sufficient proof of mailing, which may be either a United States postal certificate of mailing or a certificate of service prepared by the sender confirming such mailing; (c) electronic means, provided that the sender retains sufficient proof of the electronic delivery, which may be an electronic receipt of delivery, a confirmation that the notice was sent by facsimile, or a certificate of service prepared by the sender confirming the electronic delivery; or (d) overnight delivery using a commercial service or the United States Postal Service. Except as provided in the clear and explicit terms of the contract, no broker shall be required to make a determination as to the party entitled to receive the earnest money deposit. A broker who complies with this section shall be immune from liability to any of the parties to the contract.

~~3-~~ 4. A principal broker or supervising broker holding escrow funds for a principal to the transaction may seek to have a court of competent jurisdiction take custody of disputed or unclaimed escrow funds via an interpleader action pursuant to § 16.1-77.

4- 5. If a principal broker or supervising broker is holding escrow funds for the owner of real property and such property is foreclosed upon by a lender, the principal broker or supervising broker shall have the right to file an interpleader action pursuant to § 16.1-77 and otherwise comply with the provisions of § 54.1-2108.1.

CHAPTER 381

An Act to amend and reenact §§ 64.2-2003, 64.2-2004, and 64.2-2020 of the Code of Virginia, relating to guardianship and conservatorship of incapacitated persons.

[S 514]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 64.2-2003, 64.2-2004, and 64.2-2020 of the Code of Virginia are amended and reenacted as follows:

§ 64.2-2003. Appointment of guardian ad litem.

A. On the filing of every petition for guardianship or conservatorship, the court shall appoint a guardian ad litem to represent the interests of the respondent. The guardian ad litem shall be paid a fee that is fixed by the court to be paid by the petitioner or taxed as costs, as the court directs.

B. Duties of the guardian ad litem include (i) personally visiting the respondent; (ii) advising the respondent of rights pursuant to §§ 64.2-2006 and 64.2-2007 and certifying to the court that the respondent has been so advised; (iii) recommending that legal counsel be appointed for the respondent, pursuant to § 64.2-2006, if the guardian ad litem believes that counsel for the respondent is necessary; (iv) *notifying the court as soon as practicable if the respondent requests counsel regardless of whether the guardian ad litem recommends counsel*; (v) investigating the petition and evidence, requesting additional evaluation if necessary, considering whether a less restrictive alternative to guardianship or conservatorship is available, including the use of an advance directive, supported decision-making agreement, or durable power of attorney, and filing a report pursuant to subsection C; and ~~(vi)~~ (vi) personally appearing at all court proceedings and conferences. If the respondent is between 17 and a half and 21 years of age and has an Individualized Education Plan (IEP) and transition plan, the guardian ad litem shall review such IEP and transition plan and include the results of his review in the report required by clause ~~(iv)~~ (v).

C. In the report required by clause ~~(iv)~~ (v) of subsection B, the guardian ad litem shall address the following major areas of concern: (i) whether the court has jurisdiction; (ii) whether a guardian or conservator is needed based on evaluations and reviews conducted pursuant to subsection B; (iii) the extent of the duties and powers of the guardian or conservator; (iv) the propriety and suitability of the person selected as guardian or conservator after consideration of the person's geographic location, familial or other relationship with the respondent, ability to carry out the powers and duties of the office, commitment to promoting the respondent's welfare, any potential conflicts of interests, wishes of the respondent, and recommendations of relatives; (v) a recommendation as to the amount of surety on the conservator's bond, if any; and (vi) consideration of proper residential placement of the respondent. *The report shall also contain an explanation by the guardian ad litem as to any (a) decision not to recommend the appointment of counsel for the respondent, (b) determination that a less restrictive alternative to guardianship or conservatorship is not advisable, and (c) determination that appointment of a limited guardian or conservator is not appropriate.*

D. A health care provider and local school division shall disclose or make available to the guardian ad litem, upon request, any information, records, and reports concerning the respondent that the guardian ad litem determines necessary to perform his duties under this section.

§ 64.2-2004. Notice of hearing; jurisdictional.

A. Upon the filing of the petition, the court shall promptly set a date, time, and location for a hearing. The respondent shall be given reasonable notice of the hearing. The respondent may not waive notice, and a failure to properly notify the respondent shall be jurisdictional.

B. A respondent, whether or not he resides in the Commonwealth, shall be personally served with the notice of the hearing, a copy of the petition, and a copy of the order appointing a guardian ad litem pursuant to § 64.2-2003. A certification, in the guardian ad litem's report required by subsection B of § 64.2-2003, that the guardian ad litem personally served the respondent with the notice, a copy of the petition, and a copy of the order appointing a guardian ad litem shall constitute valid personal service for purposes of this section.

C. A copy of the notice, together with a copy of the petition, shall be mailed by first-class mail by the petitioner at least ~~seven~~ 10 days before the hearing to all adult individuals and to all entities whose names and post office addresses appear in the petition. The court, for good cause shown, may waive the advance notice required by this subsection. If the advance notice is waived, the petitioner shall promptly mail by first-class mail a copy of the petition and any order entered to those individuals and entities.

D. Any adult individual or entity whose name and post office addresses appear in the petition may become a party to the proceeding by filing a pleading in accordance with Rule 1:4 of the Rules of the Supreme Court of Virginia. Such individual or entity shall mail his pleadings via first-class mail to the petitioner, any counsel of record, the guardian ad litem, and all other adult individuals and entities whose names and post office addresses appear in the petition. Such pleading may also be sent via electronic mail or facsimile to all counsel of record and the guardian ad litem, as well as those other adult individuals and entities whose email addresses or facsimile numbers are known to the person filing the pleading. If a cross-petition is filed, the petitioner shall file a response to such cross-petition.

~~D. E.~~ The notice to the respondent shall include a brief statement in at least 14-point type of the purpose of the proceedings and shall inform the respondent of the right to be represented by counsel pursuant to § 64.2-2006 and to a hearing pursuant to § 64.2-2007. Additionally, the notice shall include the following statement in conspicuous, bold print.

WARNING TO THE RESPONDENT

AT THE HEARING YOU MAY LOSE MANY OF YOUR RIGHTS. A GUARDIAN MAY BE APPOINTED TO MAKE PERSONAL DECISIONS FOR YOU. A CONSERVATOR MAY BE APPOINTED TO MAKE DECISIONS CONCERNING YOUR PROPERTY AND FINANCES. THE APPOINTMENT MAY AFFECT CONTROL OF HOW YOU SPEND YOUR MONEY, HOW YOUR PROPERTY IS MANAGED AND CONTROLLED, WHO MAKES YOUR MEDICAL DECISIONS, WHERE YOU LIVE, WHETHER YOU ARE ALLOWED TO VOTE, AND OTHER IMPORTANT RIGHTS.

NOTIFICATION TO OTHERS

ANY ADULT INDIVIDUAL OR ENTITY WHOSE NAME AND POST OFFICE ADDRESSES APPEAR IN THE PETITION FOR APPOINTMENT MAY BECOME A PARTY TO THIS ACTION BY FILING A PLEADING WITH THE CIRCUIT COURT IN WHICH THIS CASE IS PENDING. THAT PLEADING MUST BE MAILED TO THE PETITIONER, ANY COUNSEL OF RECORD, THE GUARDIAN AD LITEM, AND ALL OTHER ADULT INDIVIDUALS AND ENTITIES WHOSE NAMES AND POST OFFICE ADDRESSES APPEAR IN THE PETITION. IN ADDITION, SUCH PLEADING MAY BE SENT BY EMAIL OR FAX TO ANY SUCH OTHER ADULT INDIVIDUAL OR ENTITY FOR WHOM SUCH EMAIL ADDRESS OR FAX NUMBER IS KNOWN.

~~E. F.~~ The petitioner shall file with the clerk of the circuit court a statement of compliance with subsections B, C, and ~~D. E.~~ Certification of personal service made by the guardian ad litem as required by subsection B may satisfy this requirement as to compliance with subsection B.

§ 64.2-2020. Annual reports by guardians.

A. A guardian shall file an annual report in compliance with the filing deadlines in § 64.2-1305 with the local department of social services for the jurisdiction where the incapacitated person then resides. The annual report shall be on a form prepared by the Office of the Executive Secretary of the Supreme Court and shall be accompanied by a filing fee of \$5. *To the extent practicable, the annual report shall be formatted in a manner to encourage standardized and detailed responses from guardians.* The local department shall retain the fee in the jurisdiction where the fee is collected for use in the provision of services to adults in need of protection. Within 60 days of receipt of the annual report, the local department shall file a copy of the annual report with the clerk of the circuit court that appointed the guardian, to be placed with the court papers pertaining to the guardianship case. Twice each year the local department shall file with the clerk of the circuit court a list of all guardians who are more than 90 days delinquent in filing an annual report as required by this section. If the guardian is also a conservator, a settlement of accounts shall also be filed with the commissioner of accounts as provided in § 64.2-1305.

B. The annual report to the local department of social services shall include:

1. A description of the current mental, physical, and social condition of the incapacitated person, *including any change in diagnosis or assessment of any such condition of such incapacitated person by any medical provider since the last report;*

2. A description of the incapacitated person's living arrangements during the reported period, *including a specific assessment of the adequacy of such living arrangement;*

3. The medical, educational, vocational, *social, recreational,* and any other professional services and activities provided to the incapacitated person and the guardian's opinion as to the adequacy of the incapacitated person's care. *The information required by this subdivision shall include (i) the specific names of the medical providers that have treated the*

incapacitated person and a description of the frequency or number of times the incapacitated person was seen by such providers; (ii) the date and location of and reason for any hospitalization of such incapacitated person; and (iii) a description of the educational, vocational, social, and recreational activities in which such incapacitated person participated;

~~4. A statement of the frequency and nature of the guardian's visits with and activities on behalf of the incapacitated person;~~

~~5.~~ 4. A statement of whether the guardian agrees with the current treatment or habilitation plan;

~~6.~~ 5. A statement of whether the incapacitated person has been an alleged victim in a report of abuse, neglect, or exploitation made pursuant to Article 2 (§ 63.2-1603 et seq.) of Chapter 16 of Title 63.2, to the extent known, and whether there are any other indications of abuse, neglect, or exploitation of such incapacitated person;

6. A recommendation as to the need for continued guardianship; and any recommended changes in the scope of the guardianship; ~~and any other information useful in the opinion of the guardian; and~~

7. The name of any persons whose access to communicate, visit, or interact with the incapacitated person has been restricted and the reasons for such restriction;

8. A self-assessment by the guardian as to whether he feels he is able to continue to carry out the powers and duties imposed upon him by § 64.2-2019 and as specified in the court's order of appointment pursuant to § 64.2-2009;

9. Unless the incapacitated person resides with the guardian, a statement of the frequency and nature of any (i) in-person visits from the guardian with the incapacitated person over the course of the previous year and (ii) visits over the course of the previous year from a designee who is directly supervised or contracted by the guardian, including the name of the designee performing such visit. If any visit described in this section is made virtually, the guardian shall include such information in the annual report;

10. If no visit is made within a six-month period, the guardian shall describe any challenges or limitations in completing such visit;

11. A general description of the activities taken on by the guardian for the benefit of the incapacitated person during the past year;

12. Any other information deemed necessary by the Office of the Executive Secretary of the Supreme Court of Virginia or the Department for Aging and Rehabilitative Services to understand the condition, treatment, and well-being of the incapacitated person;

13. Any other information useful in the opinion of the guardian; and

14. The compensation requested and the reasonable and necessary expenses incurred by the guardian.

The guardian shall certify by signing under oath that the information contained in the annual report is true and correct to the best of his knowledge. If a guardian makes a false entry or statement in the annual report, he shall be subject to a civil penalty of not more than \$500. Such penalty shall be collected by the attorney for the Commonwealth or the county or city attorney, and the proceeds shall be deposited into the general fund.

C. If the local department of social services files notice that the annual report has not been timely filed in accordance with subsection A with the clerk of the circuit court, the court may issue a summons or rule to show cause why the guardian has failed to file such annual report.

CHAPTER 382

An Act to amend and reenact §§ 54.1-114 and 54.1-204 of the Code of Virginia, relating to Department of Professional and Occupational Regulation; effect of criminal convictions on licensure; data to be included in biennial report.

[H 282]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-114 and 54.1-204 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-114. Biennial report.

A. The Board of Bar Examiners, the Department of Professional and Occupational Regulation and the Department of Health Professions shall submit biennial reports to the Governor and General Assembly on or before November 1 of each even-numbered year. The biennial report shall contain at a minimum the following information for the Board of Bar Examiners and for each board within the two Departments: (i) a summary of the board's fiscal affairs, (ii) a description of the board's activities, (iii) statistical information regarding the administrative hearings and decisions of the board, (iv) a general summary of all complaints received against licensees and the procedures used to resolve the complaints, and (v) a description of any action taken by the board designed to increase public awareness of board operations and to facilitate public participation. The Department of Health Professions shall include, in those portions of its report relating to the Board of Medicine, a compilation of the data required by § 54.1-2910.1.

B. The Department of Professional and Occupational Regulation's biennial report shall include, with respect to all licenses, certificates, and registrations made:

1. The total number of applicants and, of that number, the number of those granted a license and the number of those denied;

2. The total number of examinations administered and, of that number, the number of applicants who were successful and the number of applicants who were unsuccessful in passing the examination requirements;
3. The number of initial applicants and renewal applicants with a criminal record and, of those numbers, the number of times each board acted to grant the application or to deny, diminish, suspend, revoke, withhold, or refuse to renew or otherwise limit the requested license, certificate, or registration due at least in part to an individual's criminal conviction;
4. The number of each offense category for which each board acted in subdivision 3, whether that offense be property-related, person-related, or drug-related;
5. The number of guidance documents filed by each board under subsection F of § 54.1-204; and
6. Any other data, as determined by the Department to be (i) relevant and helpful to inform the Governor and General Assembly of the impact of criminal convictions on professional or occupational licensure or (ii) necessary to accurately account for all totals requested.

§ 54.1-204. Prior convictions not to abridge rights.

A. A person shall not be refused a license, certificate, or registration to practice, pursue, or engage in any ~~regulated~~ occupation or profession ~~regulated by the Department of Professional and Occupational Regulation solely because of a prior criminal conviction, unless the criminal conviction directly relates to the occupation or profession for which the license, certificate or registration is sought. However, the regulatory board shall have the authority to refuse a license, certificate or registration if, based upon all the information available, including the applicant's record of prior convictions, it finds that the applicant is unfit or unsuited to engage in such occupation or profession until the regulatory board completes an individualized assessment of the individual's criminal record and current circumstances and determines that the criminal conviction directly relates to the occupation or profession for which the license, certificate, or registration is sought, as assessed pursuant to subsection C. However, the regulatory board shall have the authority to refuse a license, certificate, or registration if, based upon all the information available, including the applicant's record of prior convictions, it finds that the applicant is unfit or unsuited to engage in such occupation or profession. The regulatory board must complete the individualized assessment prior to refusing a license, certificate, or registration.~~

B. The regulatory board shall not require an applicant to disclose an excluded record, and an excluded record shall not be the basis for the refusal of a license, certificate, or registration by the board. An excluded record is any conviction that has been sealed, annulled, dismissed, expunged, or pardoned.

A regulatory board or department review of a person's criminal history record shall be limited to any conviction, finding of guilt, or plea of guilty open to disclosure pursuant to § 19.2-389.3, regardless of whether the sentence is imposed, suspended, or executed. Any plea of nolo contendere shall be considered a conviction for the purposes of this section. No regulatory board shall consider information in a criminal history record related solely to an arrest or charge.

~~B.~~ C. In determining whether a non-excluded criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:

1. The nature and ~~seriousness~~ circumstances of the crime;
2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;
3. The extent to which the occupation or profession might ~~offer an opportunity~~ present a substantial risk to engage in further criminal activity of the same type as that in which the person had been involved;
4. The relationship of the crime to the ~~ability, capacity or fitness~~ qualifications required to perform the duties and discharge the responsibilities of practice the occupation or profession in a competent manner;
5. The extent and nature of the person's past criminal ~~activity~~ convictions;
6. The age of the person at the time of the commission of the crime;
7. The amount of time that has elapsed since the person's ~~last involvement in the commission of a crime~~ most recent conviction;
8. The reasonable progress made toward the completion of the sentence, whether the setting of that sentence be probation, parole, or a term of incarceration;
9. The successful completion of treatment for drugs or alcohol abuse if ordered, recommended, or assigned by a court or as a condition of probation or any community supervision program;
10. The successful completion of rehabilitative programming in the context of a term of incarceration or as a condition of probation, drug court, mental health court, diversion opportunity, or any community supervision program;
11. The conduct and work activity of the person prior to and following the criminal activity; and
12. Any other evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release that may mitigate against the relationship of past criminal conduct to the practice of the occupation or profession, including testimony or recommendations from correctional, probation, or parole officers, community or faith leaders, counselors or peer recovery specialists, employers, or other individuals as deemed relevant by the board.

~~C.~~ D. The board shall consider the criminal information contained in the applicant's state or national criminal records in lieu of the applicant providing certified copies of such court records and may request additional information from the applicant in determining whether a criminal conviction directly relates to an occupation or profession. If an applicant is denied a license, certificate, or registration because of the information appearing in his criminal history record, the regulatory board or department shall notify the applicant in writing of the specific offense or offenses that contributed to such denial, how the criminal history directly relates to the occupation, and how the factors provided in subsection C contributed to the board's decision. The information shall not be disseminated except as provided for in this section.

A regulatory board or department may require any applicant for ~~registration, licensure or, certification, or registration~~ to submit to fingerprinting and to provide personal descriptive information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such applicant. Such applicant shall pay the cost of the fingerprinting or a criminal records check or both.

The regulatory board or department may enter into a contract to obtain the fingerprints and descriptive information as required for submission to the Central Criminal Records Exchange in a manner and format approved by the Central Criminal Records Exchange.

The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no record exists, shall make a report to the regulatory board or department or ~~their~~ *its* designee, who must belong to a governmental entity. ~~If an applicant is denied a registration, license or certificate because of the information appearing in his criminal history record, the regulatory board or department shall notify the applicant that information obtained from the Central Criminal Records Exchange contributed to such denial. The information shall not be disseminated except as provided for in this section.~~

~~D. A regulatory board or department shall consider the criminal information as contained in the applicant's state or national criminal history in lieu of the applicant providing certified copies of such court records in determining whether a criminal conviction directly relates to an occupation or profession or if an applicant is unfit or unsuited to engage in an occupation or profession. The regulatory board or department may request additional information from the applicant in making such determination.~~

E. All regulatory boards shall develop and publish on their website guidance documents that inform prospective applicants of the types of criminal offenses that may impede licensure, including specific convictions and application of the factors provided in subsection C.

2. That the provisions of the first enactment of this act amending § 54.1-114 of the Code of Virginia shall become effective on July 1, 2025.

3. That the provisions of this act shall not become effective unless reenacted by the 2023 Session of the General Assembly.

CHAPTER 383

An Act to amend and reenact §§ 54.1-114 and 54.1-204 of the Code of Virginia, relating to Department of Professional and Occupational Regulation; effect of criminal convictions on licensure; data to be included in biennial report.

[S 409]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-114 and 54.1-204 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-114. Biennial report.

A. The Board of Bar Examiners, the Department of Professional and Occupational Regulation and the Department of Health Professions shall submit biennial reports to the Governor and General Assembly on or before November 1 of each even-numbered year. The biennial report shall contain at a minimum the following information for the Board of Bar Examiners and for each board within the two Departments: (i) a summary of the board's fiscal affairs, (ii) a description of the board's activities, (iii) statistical information regarding the administrative hearings and decisions of the board, (iv) a general summary of all complaints received against licensees and the procedures used to resolve the complaints, and (v) a description of any action taken by the board designed to increase public awareness of board operations and to facilitate public participation. The Department of Health Professions shall include, in those portions of its report relating to the Board of Medicine, a compilation of the data required by § 54.1-2910.1.

B. The Department of Professional and Occupational Regulation's biennial report shall include, with respect to all licenses, certificates, and registrations made:

1. The total number of applicants and, of that number, the number of those granted a license and the number of those denied;

2. The total number of examinations administered and, of that number, the number of applicants who were successful and the number of applicants who were unsuccessful in passing the examination requirements;

3. The number of initial applicants and renewal applicants with a criminal record and, of those numbers, the number of times each board acted to grant the application or to deny, diminish, suspend, revoke, withhold, or refuse to renew or otherwise limit the requested license, certificate, or registration due at least in part to an individual's criminal conviction;

4. The number of each offense category for which each board acted in subdivision 3, whether that offense be property-related, person-related, or drug-related;

5. The number of guidance documents filed by each board under subsection F of § 54.1-204; and

6. Any other data, as determined by the Department to be (i) relevant and helpful to inform the Governor and General Assembly of the impact of criminal convictions on professional or occupational licensure or (ii) necessary to accurately account for all totals requested.

§ 54.1-204. Prior convictions not to abridge rights.

A. A person shall not be refused a license, certificate, or registration to practice, pursue, or engage in any regulated occupation or profession regulated by the Department of Professional and Occupational Regulation solely because of a prior criminal conviction; ~~unless the criminal conviction directly relates to the occupation or profession for which the license, certificate or registration is sought. However, the regulatory board shall have the authority to refuse a license, certificate or registration if, based upon all the information available, including the applicant's record of prior convictions, it finds that the applicant is unfit or unsuited to engage in such occupation or profession until the regulatory board completes an individualized assessment of the individual's criminal record and current circumstances and determines that the criminal conviction directly relates to the occupation or profession for which the license, certificate, or registration is sought, as assessed pursuant to subsection C. However, the regulatory board shall have the authority to refuse a license, certificate, or registration if, based upon all the information available, including the applicant's record of prior convictions, it finds that the applicant is unfit or unsuited to engage in such occupation or profession. The regulatory board must complete the individualized assessment prior to refusing a license, certificate, or registration.~~

B. The regulatory board shall not require an applicant to disclose an excluded record, and an excluded record shall not be the basis for the refusal of a license, certificate, or registration by the board. An excluded record is any conviction that has been sealed, annulled, dismissed, expunged, or pardoned.

A regulatory board or department review of a person's criminal history record shall be limited to any conviction, finding of guilt, or plea of guilty open to disclosure pursuant to § 19.2-389.3, regardless of whether the sentence is imposed, suspended, or executed. Any plea of nolo contendere shall be considered a conviction for the purposes of this section. No regulatory board shall consider information in a criminal history record related solely to an arrest or charge.

~~B. C.~~ In determining whether a non-excluded criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:

1. The nature and ~~seriousness~~ circumstances of the crime;
2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;
3. The extent to which the occupation or profession might ~~offer an opportunity~~ present a substantial risk to engage in further criminal activity of the same type as that in which the person had been involved;
4. The relationship of the crime to the ~~ability, capacity or fitness~~ qualifications required to perform the duties and discharge the responsibilities of practice the occupation or profession in a competent manner;
5. The extent and nature of the person's past criminal ~~activity~~ convictions;
6. The age of the person at the time of the commission of the crime;
7. The amount of time that has elapsed since the person's ~~last involvement in the commission of a crime~~ most recent conviction;
8. The reasonable progress made toward the completion of the sentence, whether the setting of that sentence be probation, parole, or a term of incarceration;
9. The successful completion of treatment for drugs or alcohol abuse if ordered, recommended, or assigned by a court or as a condition of probation or any community supervision program;
10. The successful completion of rehabilitative programming in the context of a term of incarceration or as a condition of probation, drug court, mental health court, diversion opportunity, or any community supervision program;
11. The conduct and work activity of the person prior to and following the criminal activity; and
9. ~~Evidence~~ 12. Any other evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release that may mitigate against the relationship of past criminal conduct to the practice of the occupation or profession, including testimony or recommendations from correctional, probation, or parole officers, community or faith leaders, counselors or peer recovery specialists, employers, or other individuals as deemed relevant by the board.

~~C. D.~~ The board shall consider the criminal information contained in the applicant's state or national criminal records in lieu of the applicant providing certified copies of such court records and may request additional information from the applicant in determining whether a criminal conviction directly relates to an occupation or profession. If an applicant is denied a license, certificate, or registration because of the information appearing in his criminal history record, the regulatory board or department shall notify the applicant in writing of the specific offense or offenses that contributed to such denial, how the criminal history directly relates to the occupation, and how the factors provided in subsection C contributed to the board's decision. The information shall not be disseminated except as provided for in this section.

A regulatory board or department may require any applicant for ~~registration~~, licensure or certification, or registration to submit to fingerprinting and to provide personal descriptive information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such applicant. Such applicant shall pay the cost of the fingerprinting or a criminal records check or both.

The regulatory board or department may enter into a contract to obtain the fingerprints and descriptive information as required for submission to the Central Criminal Records Exchange in a manner and format approved by the Central Criminal Records Exchange.

The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no record exists, shall make a report to the regulatory board or department or their its designee, who must belong to a governmental entity. ~~If an applicant is denied a registration, license or certificate because of the information appearing in his criminal history~~

record, the regulatory board or department shall notify the applicant that information obtained from the Central Criminal Records Exchange contributed to such denial. The information shall not be disseminated except as provided for in this section.

~~D. A regulatory board or department shall consider the criminal information as contained in the applicant's state or national criminal history in lieu of the applicant providing certified copies of such court records in determining whether a criminal conviction directly relates to an occupation or profession or if an applicant is unfit or unsuited to engage in an occupation or profession. The regulatory board or department may request additional information from the applicant in making such determination.~~

E. All regulatory boards shall develop and publish on their website guidance documents that inform prospective applicants of the types of criminal offenses that may impede licensure, including specific convictions and application of the factors provided in subsection C.

2. That the provisions of the first enactment of this act amending § 54.1-114 of the Code of Virginia shall become effective on July 1, 2025.

3. That the provisions of this act shall not become effective unless reenacted by the 2023 Session of the General Assembly.

CHAPTER 384

An Act to amend and reenact § 32.1-325 of the Code of Virginia, relating to state plan for medical assistance services; provision for payment of telemedicine services facilitated by emergency medical services.

[S 663]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-325 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-325. Board to submit plan for medical assistance services to U.S. Secretary of Health and Human Services pursuant to federal law; administration of plan; contracts with health care providers.

A. The Board, subject to the approval of the Governor, is authorized to prepare, amend from time to time, and submit to the U.S. Secretary of Health and Human Services a state plan for medical assistance services pursuant to Title XIX of the United States Social Security Act and any amendments thereto. The Board shall include in such plan:

1. A provision for payment of medical assistance on behalf of individuals, up to the age of 21, placed in foster homes or private institutions by private, nonprofit agencies licensed as child-placing agencies by the Department of Social Services or placed through state and local subsidized adoptions to the extent permitted under federal statute;

2. A provision for determining eligibility for benefits for medically needy individuals which disregards from countable resources an amount not in excess of \$3,500 for the individual and an amount not in excess of \$3,500 for his spouse when such resources have been set aside to meet the burial expenses of the individual or his spouse. The amount disregarded shall be reduced by (i) the face value of life insurance on the life of an individual owned by the individual or his spouse if the cash surrender value of such policies has been excluded from countable resources and (ii) the amount of any other revocable or irrevocable trust, contract, or other arrangement specifically designated for the purpose of meeting the individual's or his spouse's burial expenses;

3. A requirement that, in determining eligibility, a home shall be disregarded. For those medically needy persons whose eligibility for medical assistance is required by federal law to be dependent on the budget methodology for Aid to Families with Dependent Children, a home means the house and lot used as the principal residence and all contiguous property. For all other persons, a home shall mean the house and lot used as the principal residence, as well as all contiguous property, as long as the value of the land, exclusive of the lot occupied by the house, does not exceed \$5,000. In any case in which the definition of home as provided here is more restrictive than that provided in the state plan for medical assistance services in Virginia as it was in effect on January 1, 1972, then a home means the house and lot used as the principal residence and all contiguous property essential to the operation of the home regardless of value;

4. A provision for payment of medical assistance on behalf of individuals up to the age of 21, who are Medicaid eligible, for medically necessary stays in acute care facilities in excess of 21 days per admission;

5. A provision for deducting from an institutionalized recipient's income an amount for the maintenance of the individual's spouse at home;

6. A provision for payment of medical assistance on behalf of pregnant women which provides for payment for inpatient postpartum treatment in accordance with the medical criteria outlined in the most current version of or an official update to the "Guidelines for Perinatal Care" prepared by the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists or the "Standards for Obstetric-Gynecologic Services" prepared by the American College of Obstetricians and Gynecologists. Payment shall be made for any postpartum home visit or visits for the mothers and the children which are within the time periods recommended by the attending physicians in accordance with and as indicated by such Guidelines or Standards. For the purposes of this subdivision, such Guidelines or Standards shall include any changes thereto within six months of the publication of such Guidelines or Standards or any official amendment thereto;

7. A provision for the payment for family planning services on behalf of women who were Medicaid-eligible for prenatal care and delivery as provided in this section at the time of delivery. Such family planning services shall begin with delivery and continue for a period of 24 months, if the woman continues to meet the financial eligibility requirements for a pregnant woman under Medicaid. For the purposes of this section, family planning services shall not cover payment for abortion services and no funds shall be used to perform, assist, encourage or make direct referrals for abortions;

8. A provision for payment of medical assistance for high-dose chemotherapy and bone marrow transplants on behalf of individuals over the age of 21 who have been diagnosed with lymphoma, breast cancer, myeloma, or leukemia and have been determined by the treating health care provider to have a performance status sufficient to proceed with such high-dose chemotherapy and bone marrow transplant. Appeals of these cases shall be handled in accordance with the Department's expedited appeals process;

9. A provision identifying entities approved by the Board to receive applications and to determine eligibility for medical assistance, which shall include a requirement that such entities (i) obtain accurate contact information, including the best available address and telephone number, from each applicant for medical assistance, to the extent required by federal law and regulations, and (ii) provide each applicant for medical assistance with information about advance directives pursuant to Article 8 (§ 54.1-2981 et seq.) of Chapter 29 of Title 54.1, including information about the purpose and benefits of advance directives and how the applicant may make an advance directive;

10. A provision for breast reconstructive surgery following the medically necessary removal of a breast for any medical reason. Breast reductions shall be covered, if prior authorization has been obtained, for all medically necessary indications. Such procedures shall be considered noncosmetic;

11. A provision for payment of medical assistance for annual pap smears;

12. A provision for payment of medical assistance services for prostheses following the medically necessary complete or partial removal of a breast for any medical reason;

13. A provision for payment of medical assistance which provides for payment for 48 hours of inpatient treatment for a patient following a radical or modified radical mastectomy and 24 hours of inpatient care following a total mastectomy or a partial mastectomy with lymph node dissection for treatment of disease or trauma of the breast. Nothing in this subdivision shall be construed as requiring the provision of inpatient coverage where the attending physician in consultation with the patient determines that a shorter period of hospital stay is appropriate;

14. A requirement that certificates of medical necessity for durable medical equipment and any supporting verifiable documentation shall be signed, dated, and returned by the physician, physician assistant, or nurse practitioner and in the durable medical equipment provider's possession within 60 days from the time the ordered durable medical equipment and supplies are first furnished by the durable medical equipment provider;

15. A provision for payment of medical assistance to (i) persons age 50 and over and (ii) persons age 40 and over who are at high risk for prostate cancer, according to the most recent published guidelines of the American Cancer Society, for one PSA test in a 12-month period and digital rectal examinations, all in accordance with American Cancer Society guidelines. For the purpose of this subdivision, "PSA testing" means the analysis of a blood sample to determine the level of prostate specific antigen;

16. A provision for payment of medical assistance for low-dose screening mammograms for determining the presence of occult breast cancer. Such coverage shall make available one screening mammogram to persons age 35 through 39, one such mammogram biennially to persons age 40 through 49, and one such mammogram annually to persons age 50 and over. The term "mammogram" means an X-ray examination of the breast using equipment dedicated specifically for mammography, including but not limited to the X-ray tube, filter, compression device, screens, film and cassettes, with an average radiation exposure of less than one rad mid-breast, two views of each breast;

17. A provision, when in compliance with federal law and regulation and approved by the Centers for Medicare & Medicaid Services (CMS), for payment of medical assistance services delivered to Medicaid-eligible students when such services qualify for reimbursement by the Virginia Medicaid program and may be provided by school divisions, regardless of whether the student receiving care has an individualized education program or whether the health care service is included in a student's individualized education program. Such services shall include those covered under the state plan for medical assistance services or by the Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) benefit as specified in § 1905(r) of the federal Social Security Act, and shall include a provision for payment of medical assistance for health care services provided through telemedicine services, as defined in § 38.2-3418.16. No health care provider who provides health care services through telemedicine shall be required to use proprietary technology or applications in order to be reimbursed for providing telemedicine services;

18. A provision for payment of medical assistance services for liver, heart and lung transplantation procedures for individuals over the age of 21 years when (i) there is no effective alternative medical or surgical therapy available with outcomes that are at least comparable; (ii) the transplant procedure and application of the procedure in treatment of the specific condition have been clearly demonstrated to be medically effective and not experimental or investigational; (iii) prior authorization by the Department of Medical Assistance Services has been obtained; (iv) the patient selection criteria of the specific transplant center where the surgery is proposed to be performed have been used by the transplant team or program to determine the appropriateness of the patient for the procedure; (v) current medical therapy has failed and the patient has failed to respond to appropriate therapeutic management; (vi) the patient is not in an irreversible terminal

state; and (vii) the transplant is likely to prolong the patient's life and restore a range of physical and social functioning in the activities of daily living;

19. A provision for payment of medical assistance for colorectal cancer screening, specifically screening with an annual fecal occult blood test, flexible sigmoidoscopy or colonoscopy, or in appropriate circumstances radiologic imaging, in accordance with the most recently published recommendations established by the American College of Gastroenterology, in consultation with the American Cancer Society, for the ages, family histories, and frequencies referenced in such recommendations;

20. A provision for payment of medical assistance for custom ocular prostheses;

21. A provision for payment for medical assistance for infant hearing screenings and all necessary audiological examinations provided pursuant to § 32.1-64.1 using any technology approved by the United States Food and Drug Administration, and as recommended by the national Joint Committee on Infant Hearing in its most current position statement addressing early hearing detection and intervention programs. Such provision shall include payment for medical assistance for follow-up audiological examinations as recommended by a physician, physician assistant, nurse practitioner, or audiologist and performed by a licensed audiologist to confirm the existence or absence of hearing loss;

22. A provision for payment of medical assistance, pursuant to the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (P.L. 106-354), for certain women with breast or cervical cancer when such women (i) have been screened for breast or cervical cancer under the Centers for Disease Control and Prevention (CDC) Breast and Cervical Cancer Early Detection Program established under Title XV of the Public Health Service Act; (ii) need treatment for breast or cervical cancer, including treatment for a precancerous condition of the breast or cervix; (iii) are not otherwise covered under creditable coverage, as defined in § 2701 (c) of the Public Health Service Act; (iv) are not otherwise eligible for medical assistance services under any mandatory categorically needy eligibility group; and (v) have not attained age 65. This provision shall include an expedited eligibility determination for such women;

23. A provision for the coordinated administration, including outreach, enrollment, re-enrollment and services delivery, of medical assistance services provided to medically indigent children pursuant to this chapter, which shall be called Family Access to Medical Insurance Security (FAMIS) Plus and the FAMIS Plan program in § 32.1-351. A single application form shall be used to determine eligibility for both programs;

24. A provision, when authorized by and in compliance with federal law, to establish a public-private long-term care partnership program between the Commonwealth of Virginia and private insurance companies that shall be established through the filing of an amendment to the state plan for medical assistance services by the Department of Medical Assistance Services. The purpose of the program shall be to reduce Medicaid costs for long-term care by delaying or eliminating dependence on Medicaid for such services through encouraging the purchase of private long-term care insurance policies that have been designated as qualified state long-term care insurance partnerships and may be used as the first source of benefits for the participant's long-term care. Components of the program, including the treatment of assets for Medicaid eligibility and estate recovery, shall be structured in accordance with federal law and applicable federal guidelines;

25. A provision for the payment of medical assistance for otherwise eligible pregnant women during the first five years of lawful residence in the United States, pursuant to § 214 of the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111-3);

26. A provision for the payment of medical assistance for medically necessary health care services provided through telemedicine services, as defined in § 38.2-3418.16, regardless of the originating site or whether the patient is accompanied by a health care provider at the time such services are provided. No health care provider who provides health care services through telemedicine services shall be required to use proprietary technology or applications in order to be reimbursed for providing telemedicine services.

For the purposes of this subdivision, "originating site" means any location where the patient is located, including any medical care facility or office of a health care provider, the home of the patient, the patient's place of employment, or any public or private primary or secondary school or postsecondary institution of higher education at which the person to whom telemedicine services are provided is located;

27. A provision for the payment of medical assistance for the dispensing or furnishing of up to a 12-month supply of hormonal contraceptives at one time. Absent clinical contraindications, the Department shall not impose any utilization controls or other forms of medical management limiting the supply of hormonal contraceptives that may be dispensed or furnished to an amount less than a 12-month supply. Nothing in this subdivision shall be construed to (i) require a provider to prescribe, dispense, or furnish a 12-month supply of self-administered hormonal contraceptives at one time or (ii) exclude coverage for hormonal contraceptives as prescribed by a prescriber, acting within his scope of practice, for reasons other than contraceptive purposes. As used in this subdivision, "hormonal contraceptive" means a medication taken to prevent pregnancy by means of ingestion of hormones, including medications containing estrogen or progesterone, that is self-administered, requires a prescription, and is approved by the U.S. Food and Drug Administration for such purpose; ~~and~~

28. A provision for payment of medical assistance for remote patient monitoring services provided via telemedicine, as defined in § 38.2-3418.16, for (i) high-risk pregnant persons; (ii) medically complex infants and children; (iii) transplant patients; (iv) patients who have undergone surgery, for up to three months following the date of such surgery; and (v) patients with a chronic health condition who have had two or more hospitalizations or emergency department visits related to such chronic health condition in the previous 12 months. For the purposes of this subdivision, "remote patient

monitoring services" means the use of digital technologies to collect medical and other forms of health data from patients in one location and electronically transmit that information securely to health care providers in a different location for analysis, interpretation, and recommendations, and management of the patient. "Remote patient monitoring services" includes monitoring of clinical patient data such as weight, blood pressure, pulse, pulse oximetry, blood glucose, and other patient physiological data, treatment adherence monitoring, and interactive videoconferencing with or without digital image upload; and

29. A provision for payment of the originating site fee to emergency medical services agencies for facilitating synchronous telehealth visits with a distant site provider delivered to a Medicaid member. As used in this subdivision, "originating site" means any location where the patient is located, including any medical care facility or office of a health care provider, the home of the patient, the patient's place of employment, or any public or private primary or secondary school or postsecondary institution of higher education at which the person to whom telemedicine services are provided is located.

B. In preparing the plan, the Board shall:

1. Work cooperatively with the State Board of Health to ensure that quality patient care is provided and that the health, safety, security, rights and welfare of patients are ensured.

2. Initiate such cost containment or other measures as are set forth in the appropriation act.

3. Make, adopt, promulgate and enforce such regulations as may be necessary to carry out the provisions of this chapter.

4. Examine, before acting on a regulation to be published in the Virginia Register of Regulations pursuant to § 2.2-4007.05, the potential fiscal impact of such regulation on local boards of social services. For regulations with potential fiscal impact, the Board shall share copies of the fiscal impact analysis with local boards of social services prior to submission to the Registrar. The fiscal impact analysis shall include the projected costs/savings to the local boards of social services to implement or comply with such regulation and, where applicable, sources of potential funds to implement or comply with such regulation.

5. Incorporate sanctions and remedies for certified nursing facilities established by state law, in accordance with 42 C.F.R. § 488.400 et seq. "Enforcement of Compliance for Long-Term Care Facilities With Deficiencies."

6. On and after July 1, 2002, require that a prescription benefit card, health insurance benefit card, or other technology that complies with the requirements set forth in § 38.2-3407.4:2 be issued to each recipient of medical assistance services, and shall upon any changes in the required data elements set forth in subsection A of § 38.2-3407.4:2, either reissue the card or provide recipients such corrective information as may be required to electronically process a prescription claim.

C. In order to enable the Commonwealth to continue to receive federal grants or reimbursement for medical assistance or related services, the Board, subject to the approval of the Governor, may adopt, regardless of any other provision of this chapter, such amendments to the state plan for medical assistance services as may be necessary to conform such plan with amendments to the United States Social Security Act or other relevant federal law and their implementing regulations or constructions of these laws and regulations by courts of competent jurisdiction or the United States Secretary of Health and Human Services.

In the event conforming amendments to the state plan for medical assistance services are adopted, the Board shall not be required to comply with the requirements of Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2. However, the Board shall, pursuant to the requirements of § 2.2-4002, (i) notify the Registrar of Regulations that such amendment is necessary to meet the requirements of federal law or regulations or because of the order of any state or federal court, or (ii) certify to the Governor that the regulations are necessitated by an emergency situation. Any such amendments that are in conflict with the Code of Virginia shall only remain in effect until July 1 following adjournment of the next regular session of the General Assembly unless enacted into law.

D. The Director of Medical Assistance Services is authorized to:

1. Administer such state plan and receive and expend federal funds therefor in accordance with applicable federal and state laws and regulations; and enter into all contracts necessary or incidental to the performance of the Department's duties and the execution of its powers as provided by law.

2. Enter into agreements and contracts with medical care facilities, physicians, dentists and other health care providers where necessary to carry out the provisions of such state plan. Any such agreement or contract shall terminate upon conviction of the provider of a felony. In the event such conviction is reversed upon appeal, the provider may apply to the Director of Medical Assistance Services for a new agreement or contract. Such provider may also apply to the Director for reconsideration of the agreement or contract termination if the conviction is not appealed, or if it is not reversed upon appeal.

3. Refuse to enter into or renew an agreement or contract, or elect to terminate an existing agreement or contract, with any provider who has been convicted of or otherwise pled guilty to a felony, or pursuant to Subparts A, B, and C of 42 C.F.R. Part 1002, and upon notice of such action to the provider as required by 42 C.F.R. § 1002.212.

4. Refuse to enter into or renew an agreement or contract, or elect to terminate an existing agreement or contract, with a provider who is or has been a principal in a professional or other corporation when such corporation has been convicted of or otherwise pled guilty to any violation of § 32.1-314, 32.1-315, 32.1-316, or 32.1-317, or any other felony or has been excluded from participation in any federal program pursuant to 42 C.F.R. Part 1002.

5. Terminate or suspend a provider agreement with a home care organization pursuant to subsection E of § 32.1-162.13.

For the purposes of this subsection, "provider" may refer to an individual or an entity.

E. In any case in which a Medicaid agreement or contract is terminated or denied to a provider pursuant to subsection D, the provider shall be entitled to appeal the decision pursuant to 42 C.F.R. § 1002.213 and to a post-determination or post-denial hearing in accordance with the Administrative Process Act (§ 2.2-4000 et seq.). All such requests shall be in writing and be received within 15 days of the date of receipt of the notice.

The Director may consider aggravating and mitigating factors including the nature and extent of any adverse impact the agreement or contract denial or termination may have on the medical care provided to Virginia Medicaid recipients. In cases in which an agreement or contract is terminated pursuant to subsection D, the Director may determine the period of exclusion and may consider aggravating and mitigating factors to lengthen or shorten the period of exclusion, and may reinstate the provider pursuant to 42 C.F.R. § 1002.215.

F. When the services provided for by such plan are services which a marriage and family therapist, clinical psychologist, clinical social worker, professional counselor, or clinical nurse specialist is licensed to render in Virginia, the Director shall contract with any duly licensed marriage and family therapist, duly licensed clinical psychologist, licensed clinical social worker, licensed professional counselor or licensed clinical nurse specialist who makes application to be a provider of such services, and thereafter shall pay for covered services as provided in the state plan. The Board shall promulgate regulations which reimburse licensed marriage and family therapists, licensed clinical psychologists, licensed clinical social workers, licensed professional counselors and licensed clinical nurse specialists at rates based upon reasonable criteria, including the professional credentials required for licensure.

G. The Board shall prepare and submit to the Secretary of the United States Department of Health and Human Services such amendments to the state plan for medical assistance services as may be permitted by federal law to establish a program of family assistance whereby children over the age of 18 years shall make reasonable contributions, as determined by regulations of the Board, toward the cost of providing medical assistance under the plan to their parents.

H. The Department of Medical Assistance Services shall:

1. Include in its provider networks and all of its health maintenance organization contracts a provision for the payment of medical assistance on behalf of individuals up to the age of 21 who have special needs and who are Medicaid eligible, including individuals who have been victims of child abuse and neglect, for medically necessary assessment and treatment services, when such services are delivered by a provider which specializes solely in the diagnosis and treatment of child abuse and neglect, or a provider with comparable expertise, as determined by the Director.

2. Amend the Medallion II waiver and its implementing regulations to develop and implement an exception, with procedural requirements, to mandatory enrollment for certain children between birth and age three certified by the Department of Behavioral Health and Developmental Services as eligible for services pursuant to Part C of the Individuals with Disabilities Education Act (20 U.S.C. § 1471 et seq.).

3. Utilize, to the extent practicable, electronic funds transfer technology for reimbursement to contractors and enrolled providers for the provision of health care services under Medicaid and the Family Access to Medical Insurance Security Plan established under § 32.1-351.

4. Require any managed care organization with which the Department enters into an agreement for the provision of medical assistance services to include in any contract between the managed care organization and a pharmacy benefits manager provisions prohibiting the pharmacy benefits manager or a representative of the pharmacy benefits manager from conducting spread pricing with regards to the managed care organization's managed care plans. For the purposes of this subdivision:

"Pharmacy benefits management" means the administration or management of prescription drug benefits provided by a managed care organization for the benefit of covered individuals.

"Pharmacy benefits manager" means a person that performs pharmacy benefits management.

"Spread pricing" means the model of prescription drug pricing in which the pharmacy benefits manager charges a managed care plan a contracted price for prescription drugs, and the contracted price for the prescription drugs differs from the amount the pharmacy benefits manager directly or indirectly pays the pharmacist or pharmacy for pharmacist services.

I. The Director is authorized to negotiate and enter into agreements for services rendered to eligible recipients with special needs. The Board shall promulgate regulations regarding these special needs patients, to include persons with AIDS, ventilator-dependent patients, and other recipients with special needs as defined by the Board.

J. Except as provided in subdivision A 1 of § 2.2-4345, the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not apply to the activities of the Director authorized by subsection I of this section. Agreements made pursuant to this subsection shall comply with federal law and regulation.

CHAPTER 385

An Act to amend the Code of Virginia by adding a section numbered 15.2-4115.1, relating to city reversion; disposition of police department or sheriff's department motorcycles.

Approved April 11, 2022

[S 82]

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-4115.1 as follows:

§ 15.2-4115.1. Disposition of police department or sheriff's department motorcycles.

When a city becomes a town under the provisions of this chapter and the police department or sheriff's department of the former city ceases to exist, officers of the former city police department or sheriff's department shall be entitled to purchase motorcycles that previously belonged to the police department or sheriff's department at the same cost as the city's original purchase price. The newly created town or county shall establish the process by which such transfer shall occur.

CHAPTER 386

An Act to amend and reenact § 2.2-3706.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 8.01-622.2, relating to the Virginia Freedom of Information Act; disclosure of certain criminal records.

[H 734]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3706.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 8.01-622.2 as follows:

§ 2.2-3706.1. Disclosure of law-enforcement records; criminal incident information and certain criminal investigative files; limitations.

A. For purposes of this section:

"Criminal investigative files" means any documents and information, including complaints, court orders, memoranda, notes, diagrams, maps, photographs, correspondence, reports, witness statements, and evidence, relating to a criminal investigation or prosecution, other than criminal incident information subject to disclosure in accordance with subsection B.

"Immediate family" "Family representative" means the decedent's personal representative or, if no personal representative as set forth in § 64.2-100 has qualified, the decedent's next of kin in order of intestate succession as set forth in § 64.2-200.

"Immediate family members" means the decedent's family representative, spouse, child, sibling, parent, grandparent, or grandchild. "Immediate family members" include a stepparent, stepchild, stepsibling, and adoptive relationships.

"Ongoing" refers to a case in which the prosecution has not been finally adjudicated, the investigation continues to gather evidence for a possible future criminal case, and such case would be jeopardized by the premature release of evidence.

B. All public bodies engaged in criminal law-enforcement activities shall provide the following records and information when requested in accordance with the provisions of this chapter:

~~1. Criminal~~ *regarding criminal incident information relating to felony offenses contained in any report, notes, electronic communication, or other document, including filings through an incident-based reporting system, which shall include:*

- ~~a. 1. A general description of the criminal activity reported;~~
- ~~b. 2. The date and time the alleged crime was committed;~~
- ~~c. 3. The general location where the alleged crime was committed;~~
- ~~d. 4. The identity of the investigating officer or other point of contact; and~~
- ~~e. 5. A description of any injuries suffered or property damaged or stolen; and~~

~~f. Any diagrams related to the alleged crime or the location where the alleged crime was committed, except that any diagrams described in subdivision 14 of § 2.2-3705.2 and information therein shall be excluded from mandatory disclosure, but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law.~~

~~A verbal response as agreed to by the requester and the public body is sufficient to satisfy the requirements of this subdivision 1; and subsection.~~

~~2. Criminal investigative files, defined as any documents and information, including complaints, court orders, memoranda, notes, initial incident reports, filings through any incident-based reporting system, diagrams, maps, photographs, correspondence, reports, witness statements, or evidence, relating to a criminal investigation or proceeding that is not ongoing.~~

~~C. Criminal investigative files relating to an ongoing criminal investigation or proceeding are excluded from the mandatory disclosure provisions of this chapter, but may be disclosed by the custodian, in his discretion, except as provided in subsection E or where such disclosure is prohibited by law.~~

~~D. Criminal investigative files relating to a criminal investigation or proceeding that is not ongoing are excluded from the mandatory disclosure provisions of this chapter, but may be disclosed by the custodian, in his discretion, except as provided in subsection E; however, such records shall be disclosed, by request, to (i) the victim; (ii) the victim's immediate family members, if the victim is deceased and the immediate family member to which the records are to be disclosed is not a person of interest or a suspect in the criminal investigation or proceeding; (iii) the parent or guardian of the victim, if the victim is a minor and the parent or guardian is not a person of interest or a suspect in the criminal investigation or proceeding; (iv) an attorney representing a petitioner in a petition for a writ of habeas corpus or writ of actual innocence~~

pursuant to Chapter 19.2 (§ 19.2-327.2 et seq.) of Title 19.2 or any other federal or state post-conviction proceeding or pardon; and (v) for the sole purpose of inspection at the location where such records are maintained by the public body that is the custodian of the records, (a) an attorney or his agent when such attorney is considering representing a petitioner in a post-conviction proceeding or pardon, (b) an attorney who provides a sworn declaration that the attorney has been retained by an individual for purposes of pursuing a civil or criminal action and has a good faith basis to believe that the records being requested are material to such action, or (c) a person who is proceeding pro se in a petition for a writ of habeas corpus or writ of actual innocence pursuant to Chapter 19.2 (§ 19.2-327.2 et seq.) of Title 19.2 or any other federal or state post-conviction proceeding or pardon, who provides a sworn affidavit that the records being requested are material to such action. An attorney or his agent who is in receipt of criminal investigative files or has inspected criminal investigative files pursuant to clause (iv) or (v) shall not release such criminal investigative files or any information contained therein except as necessary to provide adequate legal advice or representation to a person whom the attorney either represents or is considering representing in a post-conviction proceeding or pardon or represents in a civil or criminal action.

An attorney who is in receipt of criminal investigative files pursuant to clause (iv) shall return the criminal investigative files to the public body that is the custodian of such records within 90 days of a final determination of any writ of habeas corpus, writ of actual innocence, or other federal or state post-conviction proceeding or pardon or, if no petition for such writ or post-conviction proceeding or pardon was filed, within six months of the attorney's receipt of the records.

No disclosure for the purpose of inspection pursuant to clause (v) (c) of this subsection shall be made unless an appropriate circuit court has reviewed the affidavit provided and determined the records requested are material to the action being pursued. The court shall order the person not to disclose or otherwise release any information contained in a criminal investigative file except as necessary for the pending action and may include other conditions as appropriate.

~~E.~~ The provisions of ~~subsection B~~ subsections C and D shall not apply if the release of such information:

1. Would interfere with a particular ongoing criminal investigation or proceeding in a particularly identifiable manner;
2. Would deprive a person of a right to a fair trial or an impartial adjudication;
3. Would constitute an unwarranted invasion of personal privacy;
4. Would disclose (i) the identity of a confidential source or (ii) in the case of a record compiled by a law-enforcement agency in the course of a criminal investigation, information furnished only by a confidential source;
5. Would disclose law-enforcement investigative techniques and procedures, if such disclosure could reasonably be expected to risk circumvention of the law; or
6. Would endanger the life or physical safety of any individual.

Nothing in this subsection shall be construed to authorize the withholding of those portions of such information that are unlikely to cause any effect listed herein.

~~D.~~ F. Notwithstanding the provisions of subsection C or D, no criminal investigative file or portion thereof, except disclosure of records under clause (iv) of subsection D or clause (v) (a) of subsection D, shall be disclosed to any requester pursuant to this section, unless the public body has made reasonable efforts to notify (i) the victim; (ii) the victim's immediate family members, if the victim is deceased and the immediate family member to be notified is not a person of interest or a suspect in the criminal investigation or proceeding; or (iii) the victim's parent or guardian, if the victim is a minor and the parent or guardian to be notified is not a person of interest or a suspect in the criminal investigation or proceeding.

Upon receipt of notice that a public body has received a request for criminal investigative files pursuant to this section, an individual listed in clause (i), (ii), or (iii) shall have 14 days to file in an appropriate court a petition for an injunction to prevent the disclosure of the records as set forth in § 8.01-622.2. The public body shall not respond to the request until at least 14 days has passed from the time notice was received by an individual listed in clause (i), (ii), or (iii). The period within which the public body shall respond to the underlying request pursuant to § 2.2-3704 shall be tolled pending the notification process and any subsequent disposition by the court.

G. No photographic, audio, video, or other record depicting a victim or allowing for a victim to be readily identified shall be released pursuant to subsection C or D to anyone except (i) the victim; (ii) the victim's family representative, if the victim is deceased and the family representative to which the records are to be disclosed is not a person of interest or a suspect in the criminal investigation or proceeding; or (iii) the victim's parent or guardian, if the victim is a minor and the parent or guardian is not a person of interest or a suspect in the criminal investigation or proceeding.

H. Nothing in this section shall prohibit the disclosure of current anonymized, aggregate location and demographic data collected pursuant to § 52-30.2 or similar data documenting law-enforcement officer encounters with members of the public.

~~No photographic, audio, video, or other record depicting a victim or allowing for a victim to be readily identified, except for transcripts of recorded interviews between a victim and law enforcement, shall be released pursuant to subdivision B 2 to anyone except (i) the victim; (ii) members of the immediate family of the victim, if the victim is deceased; or (iii) the parent or guardian of the victim, if the victim is a minor.~~

~~E.~~ I. In the event of a conflict between this section as it relates to requests made under this section and other provisions of law, the other provisions of law, including court sealing orders, that restrict disclosure of criminal investigative files, as defined in subsection B, shall control.

§ 8.01-622.2. Injunction against disclosure of criminal investigative file materials under the Virginia Freedom of Information Act.

Except with respect to the disclosure of records under clause (iv) of subsection D or clause (v) (a) of subsection D of § 2.2-3706.1, an injunction may be awarded to prevent the disclosure of records related to criminal investigative files requested under § 2.2-3706.1 of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

In making its determination, a court shall consider the following and shall enter its findings on the record:

- 1. Whether disclosure of the public records would constitute an unreasonable invasion of personal privacy;*
- 2. Whether disclosure of the public records would endanger the life or physical safety of any individual;*
- 3. Whether disclosure of the public records would subject (i) the victim; (ii) the victim's immediate family members as set forth in § 2.2-3706.1, if the victim is deceased and the immediate family member is not a person of interest or a suspect in the criminal investigation or proceeding; or (iii) the parent or guardian of the victim, if the victim is a minor and the parent or guardian is not a person of interest or a suspect in the criminal investigation or proceeding, to severe mental or emotional distress; and*
- 4. Any other factor or information deemed by the court to be relevant.*

CHAPTER 387

An Act to amend and reenact §§ 3.2-6546 and 3.2-6549 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 3.2-6585.1, relating to duty to identify submitted animal; microchip.

[H 1330]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-6546 and 3.2-6549 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 3.2-6585.1 as follows:

§ 3.2-6546. County or city public animal shelters; confinement and disposition of animals; affiliation with foster care providers; penalties; injunctive relief.

A. For purposes of this section:

"Animal" shall not include agricultural animals.

"Rightful owner" means a person with a right of property in the animal.

B. The governing body of each county or city shall maintain or cause to be maintained a public animal shelter and shall require dogs running at large without the tag required by § 3.2-6531 or in violation of an ordinance passed pursuant to § 3.2-6538 to be confined therein. Nothing in this section shall be construed to prohibit confinement of other companion animals in such a shelter. The governing body of any county or city need not own the facility required by this section but may contract for its establishment with a private group or in conjunction with one or more other local governing bodies. The governing body shall require that:

1. The public animal shelter shall be accessible to the public at reasonable hours during the week;
 2. The public animal shelter shall obtain a signed statement from each of its directors, operators, staff, or animal caregivers specifying that each individual has never been convicted of animal cruelty, neglect, or abandonment, and each shelter shall update such statement as changes occur;
 3. If a person contacts the public animal shelter inquiring about a lost companion animal, the shelter shall advise the person if the companion animal is confined at the shelter or if a companion animal of similar description is confined at the shelter;
 4. The public animal shelter shall maintain a written record of the information on each companion animal submitted to the shelter by a private animal shelter in accordance with subsection D of § 3.2-6548 for a period of 30 days from the date the information is received by the shelter. If a person contacts the shelter inquiring about a lost companion animal, the shelter shall check its records and make available to such person any information submitted by a private animal shelter or allow such person inquiring about a lost animal to view the written records;
 5. The public animal shelter shall maintain a written record of the information on each companion animal submitted to the shelter by a releasing agency other than a public or private animal shelter in accordance with subdivision F 2 of § 3.2-6549 for a period of 30 days from the date the information is received by the shelter. If a person contacts the shelter inquiring about a lost companion animal, the shelter shall check its records and make available to such person any information submitted by such releasing agency or allow such person inquiring about a lost companion animal to view the written records; and
 6. The public animal shelter shall maintain a written record of the information on each companion animal submitted to the shelter by an individual in accordance with subdivision A 2 of § 3.2-6551 for a period of 30 days from the date the information is received by the shelter. If a person contacts the shelter inquiring about a lost companion animal, the shelter shall check its records and make available to such person any information submitted by the individual or allow such person inquiring about a lost companion animal to view the written records.
- C. An animal confined pursuant to this section shall be kept for a period of not less than five days, such stray hold period to commence on the day immediately following the day the animal is initially confined in the facility, unless sooner claimed by the rightful owner thereof.

The operator or custodian of the public animal shelter shall make a reasonable effort to ascertain whether the animal has a collar, tag, license, tattoo, or other form of identification, *including by complying with the provisions of § 3.2-6585.1*. If such identification is found on the animal, the animal shall be held for an additional five-day stray hold period, unless sooner claimed by the rightful owner. If the rightful owner of the animal can be readily identified, the operator or custodian of the shelter shall make a reasonable effort to notify the owner of the animal's confinement within the next 48 hours following its confinement.

During the stray hold period that an animal is confined pursuant to this subsection, the operator or custodian of the public animal shelter may vaccinate the animal to prevent the risk of communicable diseases, provided that (i) all vaccines are administered in accordance with a protocol approved by a licensed veterinarian and (ii) rabies vaccines are administered by a licensed veterinarian or licensed veterinary technician under the immediate direction and supervision of a licensed veterinarian in accordance with § 3.2-6521. Indoor enclosures used to confine the animal during the applicable stray hold period shall be constructed of materials that are durable, nonporous, impervious to moisture, and able to be thoroughly cleaned and disinfected. During the applicable stray hold period, the operator or custodian shall provide the animal with adequate care, including reasonable access to outdoor areas to ensure that the animal has adequate exercise and adequate space.

If any animal confined pursuant to this section is claimed by its rightful owner, such owner may be charged with the actual expenses incurred in keeping the animal impounded. In addition to this and any other fees that might be levied, the locality may, after a public hearing, adopt an ordinance to charge the owner of an animal a fee for impoundment and increased fees for subsequent impoundments of the same animal.

D. If an animal confined pursuant to this section has not been claimed upon expiration of the applicable stray hold period as provided by subsection C, it shall be deemed abandoned and become the property of the public animal shelter.

For any animal not subject to a stray hold period, including an animal for whom the stray hold period has ended, the operator or custodian of the public animal shelter shall confine the animal in an enclosure that can safely house and allow for adequate separation of animals of different species, sexes, ages, and temperaments. Such enclosure may have both an outdoor area and an indoor area. If the facility has an outdoor area, the facility shall ensure that the outdoor areas do not present conditions that would be detrimental to the health of the animal. Indoor areas shall have a solid floor. Each operator or custodian shall ensure adequate access to water, food, and a resting platform, bedding, or perch as appropriate to the animal's species, age, and condition. Any regulation by the Board that applies to an animal not subject to a stray hold period shall not be so restrictive as to fail to allow for adequate care, adequate exercise, and adequate space, including meaningful indoor and outdoor recreation for the animal.

Such animal may be euthanized in accordance with the methods approved by the State Veterinarian or disposed of by the methods set forth in subdivisions 1 through 5. No shelter shall release more than two animals or a family of animals during any 30-day period to any one person under subdivision 2, 3, or 4.

1. Release to any humane society, public or private animal shelter, or other releasing agency within the Commonwealth, provided that each humane society, animal shelter, or other releasing agency obtains a signed statement from each of its directors, operators, staff, or animal caregivers specifying that each individual has never been convicted of animal cruelty, neglect, or abandonment and updates such statements as changes occur;

2. Adoption by a resident of the county or city where the shelter is operated and who will pay the required license fee, if any, on such animal, provided that such resident has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment;

3. Adoption by a resident of an adjacent political subdivision of the Commonwealth, if the resident has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment;

4. Adoption by any other person, provided that such person has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment and provided that no dog or cat may be adopted by any person who is not a resident of the county or city where the shelter is operated, or of an adjacent political subdivision, unless the dog or cat is first sterilized, and the shelter may require that the sterilization be done at the expense of the person adopting the dog or cat; or

5. Release for the purposes of adoption or euthanasia only, to an animal shelter, or any other releasing agency located in and lawfully operating under the laws of another state, provided that such animal shelter, or other releasing agency: (i) maintains records that would comply with § 3.2-6557; (ii) requires that adopted dogs and cats be sterilized; (iii) obtains a signed statement from each of its directors, operators, staff, and animal caregivers specifying that each individual has never been convicted of animal cruelty, neglect, or abandonment, and updates such statement as changes occur; and (iv) has provided to the public or private animal shelter or other releasing agency within the Commonwealth a statement signed by an authorized representative specifying the entity's compliance with clauses (i) through (iii), and the provisions of adequate care and performance of humane euthanasia, as necessary in accordance with the provisions of this chapter.

For purposes of recordkeeping, release of an animal by a public animal shelter to a public or private animal shelter or other releasing agency shall be considered a transfer and not an adoption. If the animal is not first sterilized, the responsibility for sterilizing the animal transfers to the receiving entity.

Any proceeds deriving from the gift, sale, or delivery of such animals shall be paid directly to the treasurer of the locality. Any proceeds deriving from the gift, sale, or delivery of such animals by a public or private animal shelter or other releasing agency shall be paid directly to the clerk or treasurer of the animal shelter or other releasing agency for the

expenses of the society and expenses incident to any agreement concerning the disposing of such animal. No part of the proceeds shall accrue to any individual except for the aforementioned purposes.

E. Nothing in this section shall prohibit the immediate euthanasia of a critically injured, critically ill, or unweaned animal for humane purposes. Any animal euthanized pursuant to the provisions of this chapter shall be euthanized by one of the methods prescribed or approved by the State Veterinarian.

F. Nothing in this section shall prohibit the immediate euthanasia or disposal by the methods listed in subdivisions D 1 through 5 of an animal that has been released to a public or private animal shelter, other releasing agency, or animal control officer by the animal's rightful owner after the rightful owner has read and signed a statement: (i) surrendering all property rights in such animal; (ii) stating that no other person has a right of property in the animal; and (iii) acknowledging that the animal may be immediately euthanized or disposed of in accordance with subdivisions D 1 through 5.

G. Nothing in this section shall prohibit any feral dog or feral cat not bearing a collar, tag, tattoo, or other form of identification that, based on the written statement of a disinterested person, exhibits behavior that poses a risk of physical injury to any person confining the animal, from being euthanized after being kept for a period of not less than three days, at least one of which shall be a full business day, such period to commence on the day the animal is initially confined in the facility, unless sooner claimed by the rightful owner. The statement of the disinterested person shall be kept with the animal as required by § 3.2-6557. For purposes of this subsection, a disinterested person shall not include a person releasing or reporting the animal.

H. No public animal shelter shall place a companion animal in a foster home with a foster care provider unless the foster care provider has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment, and each shelter shall update such statement as changes occur. The shelter shall maintain the original statement and any updates to such statement in accordance with this chapter and for at least so long as the shelter has an affiliation with the foster care provider.

I. A public animal shelter that places a companion animal in a foster home with a foster care provider shall ensure that the foster care provider complies with § 3.2-6503.

J. If a public animal shelter finds a direct and immediate threat to a companion animal placed with a foster care provider, it shall report its findings to the animal control agency in the locality where the foster care provider is located.

K. The governing body shall require that the public animal shelter be operated in accordance with regulations issued by the Board. If this chapter or such regulations are violated, the locality may be assessed a civil penalty by the Board or its designee in an amount that does not exceed \$1,000 per violation. Each day of the violation is a separate offense. In determining the amount of any civil penalty, the Board or its designee shall consider (i) the history of previous violations at the shelter; (ii) whether the violation has caused injury to, death or suffering of, an animal; and (iii) the demonstrated good faith of the locality to achieve compliance after notification of the violation. All civil penalties assessed under this section shall be recovered in a civil action brought by the Attorney General in the name of the Commonwealth. Such civil penalties shall be paid into a special fund in the state treasury to the credit of the Department to be used in carrying out the purposes of this chapter.

L. If this chapter or any laws governing public animal shelters are violated, the Commissioner may bring an action to enjoin the violation or threatened violation of this chapter or the regulations pursuant thereto regarding public animal shelters, in the circuit court where the shelter is located. The Commissioner may request the Attorney General to bring such an action, when appropriate.

§ 3.2-6549. Releasing agencies other than public or private animal shelters; confinement and disposition of companion animals; recordkeeping; affiliation with foster care providers; penalties.

A. A releasing agency other than a public or private animal shelter:

1. May confine and dispose of companion animals in accordance with subsections B through G of § 3.2-6546 if incorporated and not operated for profit;

2. Shall keep accurate records of each companion animal received for two years from the date of disposition of the companion animal. Records shall (i) include a description of the companion animal, including species, color, breed, sex, approximate weight, age, reason for release, owner's or finder's name, address, and telephone number, and license number or other identifying tags or markings, as well as disposition of the companion animal, and (ii) be made available upon request to the Department, animal control officers, and law-enforcement officers at mutually agreeable times. A releasing agency other than a public or private animal shelter shall annually submit a summary of such records to the State Veterinarian in a format prescribed by him, wherein a post office box may be substituted for a home address; and

3. Shall annually file with the State Veterinarian a copy of its intake policy.

For purposes of recordkeeping, release of a companion animal by a releasing agency to a public or private animal shelter or other releasing agency shall be considered a transfer and not an adoption. If the animal is not first sterilized, the responsibility for sterilizing the animal transfers to the receiving entity.

B. Each releasing agency other than a public or private animal shelter shall obtain a signed statement from each of its directors, operators, staff, or animal caregivers specifying that each individual has never been convicted of animal cruelty, neglect, or abandonment, and each such releasing agency shall update such statement as changes occur.

C. No releasing agency other than a public or private animal shelter shall place a companion animal in a foster home with a foster care provider unless the foster care provider has read and signed a statement specifying that the foster care provider has never been convicted of animal cruelty, neglect, or abandonment, and such releasing agency shall update the

statement as changes occur. A releasing agency other than a public or private animal shelter shall maintain the original statement and any updates to such statement for so long as the releasing agency has an affiliation with the foster care provider.

D. A releasing agency other than a public or private animal shelter that places a companion animal in a foster home with a foster care provider shall ensure that the foster care provider complies with § 3.2-6503.

E. If a releasing agency other than a public or private animal shelter finds a direct and immediate threat to a companion animal placed with a foster care provider, it shall report its findings to the animal control agency in the area where the foster care provider is located.

F. Any releasing agency other than a public or private animal shelter that finds a companion animal or receives a companion animal that has not been released by its owner and (i) provides care or safekeeping or (ii) takes possession of such companion animal shall within 48 hours:

1. ~~Make~~ *In compliance with the provisions of § 3.2-6585.1, make* a reasonable attempt to notify the owner of the companion animal, if the owner can be ascertained from any tag, license, collar, tattoo, or other identification or markings, or if the owner of the companion animal is otherwise known to the releasing agency; and

2. Notify the public animal shelter that serves the locality where the companion animal was found and provide to the shelter contact information including at least a name and a contact telephone number, a description of the companion animal including at least species, breed, sex, size, color, information from any tag, license, collar, tattoo, or other identification or markings, and the location where the companion animal was found.

G. A releasing agency other than a public or private animal shelter shall comply with the provisions of § 3.2-6503.

H. No releasing agency other than a public or private animal shelter shall be operated in violation of any local zoning ordinance.

I. A releasing agency other than a public or private animal shelter that violates any provision of this section, other than subsection G, may be subject to a civil penalty not to exceed \$250.

§ 3.2-6585.1. Duty to identify; scanning for microchip.

Any veterinarian, public or private animal shelter, or releasing agency that releases or receives companion animals for adoption or is authorized to euthanize companion animals shall seek to identify the lawful owner of each unidentified companion animal submitted to it, including, for any weaned companion animal that may be safely handled, making a reasonable attempt to scan the animal for an embedded microchip at the time of intake, at the time of assessment, and prior to disposition. If a chip is detected, the veterinarian, shelter, or agency shall make every reasonable effort to contact the owner by the most expedient method available. Such veterinarian, shelter, or agency shall maintain documentation for at least 30 days from the date of the final disposition of the animal that includes the reason an animal could not be scanned, any scanning that located or failed to locate a microchip, whether a located microchip was registered to an owner, and any attempt to contact any owner. Veterinarians shall notify the local public shelter, in compliance with § 3.2-6551, when taking possession of a stray animal. The requirements of this section shall not apply to the transfer of animals between veterinarians, public or private animal shelters, or releasing agencies.

CHAPTER 388

An Act to amend and reenact § 56-585.1:8 of the Code of Virginia, relating to electric utilities; municipal net energy metering.

[H 396]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 56-585.1:8 of the Code of Virginia is amended and reenacted as follows:

§ 56-585.1:8. Pilot program for municipal net energy metering.

A. As used in this section:

"Host account" means the premises on which a municipal customer-generator's electrical generating facility is located.

"Municipal customer-generator" means a ~~single~~ municipality ~~metered account~~ that owns ~~and~~ or operates, or that contracts with other persons to own or operate, an electrical generating facility that (i) uses as its total source of fuel renewable energy as defined in § 56-576, (ii) has a generating capacity of not more than ~~two~~ three megawatts, (iii) is located on land owned or leased by the ~~municipality's premises~~ municipality within the municipality and is connected to the municipality's wiring on the municipality's side of its interconnection with the utility, (iv) is interconnected and operated in parallel with the utility's transmission and distribution facilities, and (v) is intended primarily to offset all or part of the ~~customer account's~~ municipal customer-generator's own electricity requirements. The capacity of any generating facility installed under this section, other than a generating facility located on airports, landfills, parking lots ~~and~~ garages, wastewater treatment sites, parks, post-mine land, or a reservoir that is owned, operated, or leased by the municipality, shall not exceed the same limitation established with respect to an eligible customer-generator as set forth in the definition of such term in subsection B of § 56-594.

"Municipality" means any county, city, or town in the Commonwealth, other than a municipality that owns and operates its own electric utility, or any authority created pursuant to the *Park Authorities Act* (§ 15.2-5700 et seq.).

"Net energy metering" means measuring the difference, over the net metering period, between (i) electricity supplied to a municipal customer-generator from the electric grid and (ii) the electricity generated and fed back to the electric grid by the municipal customer-generator.

"Net metering period" means the 12-month period following the date of final interconnection of the municipal customer-generator's system with its utility and each 12-month period thereafter.

"Phase I Utility" and "Phase II Utility" have the same meaning as defined in § 56-585.1:3.

"Utility" means a Phase I Utility or Phase II Utility; as such terms are defined in § 56-585.1:3.

B. The Commission shall require each ~~utility~~ *Phase I Utility* to submit a proposal to the Commission to conduct a pilot program for municipal net energy metering in accordance with the following terms, conditions, and restrictions:

1. A pilot program shall be conducted within the service territory of each ~~utility~~ *Phase I Utility*. The pilot program shall allow any municipal customer-generator that generates electricity from a renewable energy generation facility in amounts that exceed the amount of the utility's electricity consumed by the host municipal customer-generator account to credit one or more of the municipality's target metered accounts or, ~~if the pilot program is conducted by a Phase I Utility, also to~~ metered accounts of the public school division of the municipality. In each ~~utility's~~ *Phase I Utility's* pilot program, the target accounts may be at one or more other separately utility-metered public buildings or facilities at contiguous or noncontiguous sites owned by the municipality and used for a public purpose; ~~however, if the pilot program is conducted by a Phase I Utility, target accounts may also be at one or more other separately utility-metered buildings or facilities of the public school division of the municipality.~~ In each ~~utility's~~ *Phase I Utility's* pilot program, excess electricity ~~beyond that used by the host account~~ shall be credited to the metered account of the target municipal customer in the same municipality, such that the generation energy charges on the electric bills of such target's metered accounts shall be reduced by the amount of the excess generation kilowatt-hours apportioned to the metered accounts multiplied by the applicable generation energy rate of the target's accounts. The generation energy rate of the target's accounts includes all applicable kilowatt-hour-based rate adjustment clauses with the exception of any non-fuel-related or non-generation-related kilowatt-hour-based rate adjustment clauses. The netting of the amount of electricity generated and the amount of electricity consumed, and the crediting for the amount of any excess generation determined as a result of such netting, shall occur in the twelfth month following the commencement of the host municipal customer-generator's generation of electricity under a pilot program and annually thereafter, regardless of the municipal customer-generator's regular billing period.

2. The pilot program shall not limit the current authority of any municipality to participate in any other net energy metering program.

3. The amount of generating capacity of the generating facilities that are the subject of a pilot program under this ~~section~~ *subsection* shall not exceed:

a. ~~If the pilot program is conducted by a Phase I Utility, five megawatts, although the Phase I Utility may, in its discretion, increase the generating capacity that is part of the program up to 10 megawatts; or~~

b. ~~If the pilot program is conducted by a Phase II Utility, 25 megawatts.~~

4. The aggregated capacity of all generation facilities that are the subject of each ~~utility's~~ *Phase I Utility's* pilot program under this ~~section~~ *subsection* shall constitute a portion of the existing limit of the utility's adjusted Virginia peak-load forecast of the previous year that is available to (i) municipal customer-generators under this section, (ii) eligible customer-generators and eligible agricultural customer-generators under § 56-594, and (iii) small agricultural generators under § 56-594.2 in the utility's service area. Municipal customer-generators shall be eligible to participate in a ~~utility's~~ *Phase I Utility's* pilot program implemented under this ~~section~~ *subsection* on a first-come, first-served basis in each utility's Virginia service area until the limits set forth in subdivision 3 are met.

C. *The Commission shall require each Phase II Utility to submit a proposal to the Commission to conduct a pilot program for municipal net energy metering in accordance with the following terms, conditions, and restrictions:*

1. *A pilot program shall be conducted within the service territory of each Phase II Utility. The pilot program shall allow any municipal customer-generator that generates electricity from a renewable energy generation facility in amounts that exceed the amount of the utility's electricity consumed by the municipal customer-generator host account to credit one or more of the municipality's target metered accounts (target accounts or beneficial accounts). In each Phase II Utility's pilot program, the target accounts may be at one or more other separately utility-metered public buildings or facilities at contiguous or noncontiguous sites owned or leased by the municipality within the municipality. In each Phase II Utility's pilot program, excess electricity beyond that used by the host account shall be credited to the beneficial accounts selected by the municipal customer in the same municipality. The generation energy charges on the electric bills of such beneficial accounts shall be reduced by the amount of the excess electricity kilowatt-hours apportioned to the net metered accounts multiplied by the applicable generation rate of the selected beneficial accounts. The generation energy rate of each selected beneficial account shall include all applicable rate adjustment clauses and riders, including fuel riders, with the exception of any non-fuel-related or non-generation-related riders. Non-bypassable charges shall be excluded from reductions on beneficial accounts. The netting of the amount of electricity generated and the amount of electricity consumed, and the crediting for the amount of any excess electricity determined as a result of such netting, shall occur in the twelfth month following the commencement of the host municipal customer-generator's generation of electricity under a pilot program and annually thereafter, regardless of the municipal customer-generator's regular billing period.*

2. *The pilot program shall not limit the current authority of any municipality to participate in any other net energy metering program.*

3. *The amount of generating capacity of the generating facilities that are the subject of a pilot program under this subsection shall not exceed 25 megawatts.*

4. *Municipal customer-generators shall be eligible to participate in a Phase II Utility's pilot program implemented under this subsection on a first-come, first-served basis in each utility's Virginia service area until the limits set forth in subdivision 3 are met.*

~~5.~~ D. Any pilot program conducted under this section shall require that:

~~a.~~ 1. If conducted by a Phase I Utility or Phase II Utility, each participating municipality shall be responsible for all *demonstrated* administrative costs associated with implementing the pilot program, including *demonstrated* administrative costs associated with crediting excess ~~generation~~ *electricity* to target accounts; and

~~b.~~ 2. If conducted by a Phase I Utility, the credit for excess ~~energy~~ *electricity*, to the extent possible, shall be prioritized to be directed to accounts at buildings or facilities of the public school division of the municipality before the credit is directed to any of the municipality's target accounts.

~~6.~~ Any pilot program conducted pursuant to this section shall not limit the current authority of any municipality to participate in any other net energy metering program.

~~7.~~ Neither jurisdictional customers nor non-jurisdictional customers, including those that are members of a joint powers association representing member units of a political subdivision of the Commonwealth, that do not participate in a pilot program under this section shall bear any costs associated with participation in such pilot program by a participating host municipal customer-generator and participating target municipal customer.

~~8.~~ E. The duration of any pilot program approved by the Commission pursuant to ~~this section~~ *subsection B* shall be six years. *The duration of any pilot program approved by the Commission pursuant to subsection C shall be until July 1, 2028.* If ~~the~~ *a* pilot program is not extended beyond such initial term, host and target accounts participating at the end of the initial term shall be permitted to continue to participate under the terms of the pilot program that existed during the initial term. The terms of the pilot program shall be included in future contracts for each municipality that elects to continue its program.

~~9.~~ F. The Commission shall review the pilot ~~programs~~ *program* established pursuant to ~~this section~~ *subsection B* in 2021 and every two years thereafter for the duration of the pilot program. *The Commission shall review the pilot program established pursuant to subsection C in 2024 and every two years thereafter for the duration of the pilot program.*

G. *Notwithstanding the provisions of § 56-594.02, the aggregated capacity of all generation facilities that are the subject of a utility's pilot program pursuant to this section shall not constitute any portion of the existing aggregate net metering cap established in § 56-594 and evaluated by the Commission as part of a net energy metering proceeding.*

H. *The aggregated capacity of all generation facilities that are the subject of each utility's pilot program under this section and that are the subject of a third-party power purchase agreement shall constitute a portion of the existing limit of pilot programs pursuant to the provisions of § 56-594.02.*

CHAPTER 389

An Act to amend and reenact §§ 2.2-208, 2.2-2006, and 22.1-346.2 of the Code of Virginia, relating to Virginia School for the Deaf and the Blind; Board of Visitors to report to the Governor.

[S 723]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-208, 2.2-2006, and 22.1-346.2 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-208. Position established; agencies for which responsible; powers and duties.

A. The position of Secretary of Education (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies: Department of Education, State Council of Higher Education, Virginia Museum of Fine Arts, The Science Museum of Virginia, Frontier Culture Museum of Virginia, The Library of Virginia, Jamestown-Yorktown Foundation, Board of Regents of Gunston Hall, *and the Commission for the Arts; and the Board of Visitors of the Virginia School for the Deaf and the Blind.* The Governor may, by executive order, assign any other state executive agency to the Secretary, or reassign any agency listed above to another Secretary.

B. Unless the Governor expressly reserves such a power to himself, the Secretary may (i) resolve administrative, jurisdictional, or policy conflicts between any agencies or officers for which he is responsible and (ii) provide policy direction for programs involving more than a single agency.

C. The Secretary may direct the preparation of alternative policies, plans, and budgets for education for the Governor and, to that end, may require the assistance of the agencies for which he is responsible.

D. The Secretary shall direct the formulation of a comprehensive program budget for cultural affairs encompassing the programs and activities of the agencies involved in cultural affairs.

E. The Secretary shall consult with the agencies for which he is responsible and biennially report to the General Assembly on the coordination efforts among such agencies.

§ 2.2-2006. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Commonwealth information technology project" means any state agency information technology project that is under Commonwealth governance and oversight.

"Commonwealth Project Management Standard" means a document developed and adopted by the Chief Information Officer (CIO) pursuant to § 2.2-2016.1 that describes the methodology for conducting information technology projects, and the governance and oversight used to ensure project success.

"Confidential data" means information made confidential by federal or state law that is maintained in an electronic format.

"Enterprise" means an organization with common or unifying business interests. An enterprise may be defined at the Commonwealth level or secretariat level for program and project integration within the Commonwealth, secretariats, or multiple agencies.

"Executive branch agency" or "agency" means any agency, institution, board, bureau, commission, council, public institution of higher education, or instrumentality of state government in the executive department listed in the appropriation act. However, "executive branch agency" or "agency" does not include the University of Virginia Medical Center, a public institution of higher education to the extent exempt from this chapter pursuant to the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.) or other law, *the Board of Visitors of the Virginia School for the Deaf and the Blind*, or the Virginia Port Authority.

"Information technology" means communications, telecommunications, automated data processing, applications, databases, data networks, the Internet, management information systems, and related information, equipment, goods, and services. The provisions of this chapter shall not be construed to hamper the pursuit of the missions of the institutions in instruction and research.

"ITAC" means the Information Technology Advisory Council created in § 2.2-2699.5.

"Major information technology project" means any Commonwealth information technology project that has a total estimated cost of more than \$1 million or that has been designated a major information technology project by the CIO pursuant to the Commonwealth Project Management Standard developed under § 2.2-2016.1.

"Secretary" means the Secretary of Administration.

"Technology asset" means hardware and communications equipment not classified as traditional mainframe-based items, including personal computers, mobile computers, and other devices capable of storing and manipulating electronic data.

"Telecommunications" means any origination, transmission, emission, or reception of data, signs, signals, writings, images, and sounds or intelligence of any nature, by wire, radio, television, optical, or other electromagnetic systems.

§ 22.1-346.2. Board of Visitors of the Virginia School for the Deaf and the Blind established.

A. There is hereby established the Board of Visitors of the Virginia School for the Deaf and the Blind (*the Board*), as a policy agency in the executive branch of state government under the name of the "Virginia School for the Deaf and the Blind," for the purpose of governing the educational programs and services to deaf, blind, and multi-disabled students enrolled at the Virginia School for the Deaf and the Blind.

B. The Board shall have a total membership of 11 members that shall consist of four legislative members and seven nonlegislative citizen members. Members shall be appointed as follows: two members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; two members of the Senate, to be appointed by the Senate Committee on Rules; and seven nonlegislative citizen members, of whom one shall be a parent of a child who is deaf or blind representing the Eastern region of the Commonwealth, one shall be a parent of a child who is deaf or blind representing the Western region of the Commonwealth, and one shall be a representative of the Virginia School for the Deaf and the Blind Alumni Association, to be appointed by the Governor, subject to confirmation by the General Assembly. Nonlegislative citizen members of the Board shall be citizens of the Commonwealth. Legislative members of the Board shall serve terms coincident with their terms of office. After the initial staggering of terms, nonlegislative members appointed shall serve for four-year terms. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed. However, no House member shall serve more than four consecutive two-year terms, no Senate member shall serve more than two consecutive four-year terms, and no nonlegislative member appointed by the Governor shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

The Board shall elect a chairman and vice-chairman from among its membership. The Board shall elect a secretary, who shall keep an accurate record of the proceedings of the Board and of the executive committee if one is created by the Board, and such other officers as the Board deems appropriate. A majority of the members shall constitute a quorum. The Board shall meet no more than four times each year. The meetings of the Board shall be held at the call of the chairman or whenever the majority of the members so request.

C. Legislative members of the Board shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of expenses of the members shall be provided from such funds

as may be appropriated to the Board of Visitors of the Virginia School for the Deaf and the Blind, in accordance with the appropriations act.

D. The Superintendent of Public Instruction shall designate a member of the staff of the Department of Education to serve as a consultant to the Board of Visitors of the Virginia School for the Deaf and the Blind on matters pertaining to instruction, federal and state special education requirements, and school accreditation, and to provide technical assistance to assist the Board in meeting specific instructional and school accreditation needs.

E. The Board shall have the following powers and duties:

1. Establish such rules, policies, and regulations for the governance of the Virginia School for the Deaf and the Blind.
2. Prescribe the criteria and procedures governing admissions to the school, and the review of student placement, to ensure the appropriateness of the placement and instructional program of each student admitted to the school, pursuant to § 22.1-348 and in accordance with federal and state special education laws and regulations.
3. Establish a policy governing the transportation of students at the school to permit frequent home visits by students, and to provide to each student transportation to and from the school and the place of residence of such student's parent or guardian whenever the school is officially closed.
4. Prescribe and approve the education programs of the Virginia School for the Deaf and the Blind, in consultation with the Department of Education, the Virginia Department for the Deaf and Hard-of-Hearing, and the Virginia Department for the Blind and Visually Impaired.
5. Appoint the superintendent, other officers, and the faculty of the school. The superintendent shall be appointed every two years and the other officers and faculty annually. However, the superintendent, with the approval of the chairman of the Board, shall be authorized to fill vacancies in positions appointed by the Board occurring between meetings of the Board. The Board may remove at any time the superintendent, other officers, faculty and employees for cause, subject to the provisions of Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2.
6. Establish the qualifications, duties, and compensation of the superintendent, other officers, faculty, and employees of the school.

7. Prepare and submit to the Governor and General Assembly, beginning July 1, 2010, an annual report detailing the curricula and other educational programs and services of the school, including receipts and disbursements pertaining to the operation of the school for each fiscal year ending on June 30.

F. The Board shall be subject to the direction and supervision of the Governor. The Board shall be responsible to the Governor for the purpose of governing the educational programs provided pursuant to this chapter.

2. That the Virginia School for the Deaf and the Blind shall consult with the Virginia Information Technologies Agency to develop a plan to independently provide information technology support for the school. Such plan shall address anticipated cost savings, additional costs, equipment replacement, information security, and other appropriate matters. Such plan shall be submitted to the Board of Visitors of the Virginia School for the Deaf and the Blind no later than October 1, 2022.

3. That the provisions of the first enactment of this act shall not become effective unless reenacted by the 2023 Session of the General Assembly.

CHAPTER 390

An Act to amend and reenact § 3 of Chapter 133 of the Acts of Assembly of 1966, as amended by the second enactment of Chapter 541 and the second enactment of Chapter 557 of the Acts of Assembly of 2017, relating to Chesapeake Airport Authority.

[S 54]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 3 of Chapter 133 of the Acts of Assembly of 1966, as amended by the second enactment of Chapter 541 and the second enactment of Chapter 557 of the Acts of Assembly of 2017, is amended and reenacted as follows:

§ 3. "Chesapeake Airport Authority."

There is hereby created and constituted a political subdivision of the Commonwealth to be known as the "Chesapeake Airport Authority". The exercise by the Authority of the powers conferred by this act in the construction, operation and maintenance of the project authorized by this act shall be deemed and held to be the performance of an essential governmental function.

The Authority shall consist of seven members, all of whom shall be appointed by the council of the city of Chesapeake. Four of the members of the Authority first appointed shall continue in office for terms expiring on June thirty, nineteen hundred sixty-nine, and three for terms expiring on June thirty, nineteen hundred sixty-eight the term of each such member to be designated by said council and to continue until his successor shall be duly appointed and qualified. On and after July one, nineteen hundred seventy-five, the membership of the Authority shall increase to nine members and there shall be appointed by the city council two additional members, one of whom shall serve until June thirty, nineteen hundred seventy-nine and the other to serve until June thirty, nineteen hundred seventy-eight. The successor of each such member shall be appointed for a term of five years and until his successor shall be duly appointed and qualified, except that any

person appointed to fill a vacancy shall serve only for the unexpired term. Any member of the Authority shall be eligible for reappointment; however, after July 1, 2017, no member shall serve more than two consecutive terms. Any person who has served more than one and one-half terms as a member of the Authority as of July 1, 2017, shall not be eligible for reappointment for another consecutive term. A member of the Authority shall serve at the pleasure of the city council of the City of Chesapeake. No Authority member shall work for the Authority within one year after serving as a member. ~~Members of the Authority shall be subject to removal from office in like manner as are State, county, town and district officers under the provisions of §§ 15.1-63 to 15.1-66, inclusive, of the Code of Virginia.~~ The Authority shall annually elect one of its members as chairman and another as vice-chairman and shall also elect annually a secretary-treasurer, who may or may not be a member of the Authority.

The secretary-treasurer shall keep a record of the proceedings of the Authority and shall be custodian of all books, documents and papers filed with the Authority and of the minute book or journal of the Authority and of its official seal. He shall have authority to cause copies to be made of all minutes and other records and documents of the Authority and to give certificates under the official seal of the Authority to the effect that such copies are true copies, and all persons dealing with the Authority may rely upon such certificates.

Five members of the Authority shall constitute a quorum and the affirmative vote of five members shall be necessary for any action taken by the Authority. No vacancy in the membership of the Authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority.

Before the issuance of any revenue bonds under the provisions of this act the secretary-treasurer of the Authority shall execute a surety bond in the penal sum of fifty thousand dollars, such surety bond to be conditioned upon the faithful performance of the duties of his office, to be executed by a surety company authorized to transact business in the Commonwealth as surety and to be approved by the Attorney General and filed in the office of the Secretary of the Commonwealth.

The members of the Authority shall be entitled to reimbursement for their expenses incurred in attendance upon the meetings of the Authority or while otherwise engaged in the discharge of their duties. Each member shall also be paid the sum of twenty dollars per day for each day or portion thereof during which he is engaged in the performance of his duties, with the maximum payable to any one member in any one calendar year of fifteen hundred dollars.

CHAPTER 391

An Act to amend and reenact §§ 54.1-3408.3, 54.1-3442.5, 54.1-3442.6, and 54.1-3442.7 of the Code of Virginia, relating to pharmaceutical processors.

[H 933]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3408.3, 54.1-3442.5, 54.1-3442.6, and 54.1-3442.7 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-3408.3. Certification for use of cannabis oil for treatment.

A. As used in this section:

"Botanical cannabis" means cannabis that is composed wholly of usable cannabis from the same parts of the same chemovar of cannabis plant.

"Cannabis oil" means any formulation of processed Cannabis plant extract, which may include ~~oil from~~ industrial hemp ~~extract~~ *extracts, including isolates and distillates*, acquired by a pharmaceutical processor pursuant to § 54.1-3442.6, or a dilution of the resin of the Cannabis plant that contains ~~at least five milligrams of cannabidiol (CBD) or tetrahydrocannabinolic acid (THC-A)~~ and no more than 10 milligrams of delta-9-tetrahydrocannabinol per dose. "Cannabis oil" does not include industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or federal law, unless it has been *grown and processed in the Commonwealth by a registered industrial hemp processor and* acquired and formulated ~~with cannabis plant extract~~ by a pharmaceutical processor.

"Cannabis product" means a product that is (i) produced by a pharmaceutical processor, registered with the Board, and compliant with testing requirements and (ii) composed of cannabis oil or botanical cannabis.

"Designated caregiver facility" means any hospice or hospice facility licensed pursuant to § 32.1-162.3, or home care organization as defined in § 32.1-162.7 that provides pharmaceutical services or home health services, private provider licensed by the Department of Behavioral Health and Developmental Services pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2, assisted living facility licensed pursuant to § 63.2-1701, or adult day care center licensed pursuant to § 63.2-1701.

"Practitioner" means a practitioner of medicine or osteopathy licensed by the Board of Medicine, a physician assistant licensed by the Board of Medicine, or a nurse practitioner jointly licensed by the Board of Medicine and the Board of Nursing.

"Registered agent" means an individual designated by a patient who has been issued a written certification, or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, designated by such patient's parent or legal guardian, and registered with the Board pursuant to subsection G.

"Usable cannabis" means any cannabis plant material, including seeds, but not (i) resin that has been extracted from any part of the cannabis plant, its seeds, or its resin; (ii) the mature stalks, fiber produced from the stalks, or any other compound, manufacture, salt, or derivative, mixture, or preparation of the mature stalks; or (iii) oil or cake made from the seeds of the plant.

B. A practitioner in the course of his professional practice may issue a written certification for the use of cannabis products for treatment or to alleviate the symptoms of any diagnosed condition or disease determined by the practitioner to benefit from such use. The practitioner shall use his professional judgment to determine the manner and frequency of patient care and evaluation and may employ the use of telemedicine, provided that the use of telemedicine includes the delivery of patient care through real-time interactive audio-visual technology. If a practitioner determines it is consistent with the standard of care to dispense botanical cannabis to a minor, the written certification shall specifically authorize such dispensing. If not specifically included on the initial written certification, authorization for botanical cannabis may be communicated verbally or in writing to the pharmacist at the time of dispensing.

C. The written certification shall be on a form provided by the ~~Office of the Executive Secretary of the Supreme Court developed in consultation with the Board of Medicine~~ *Pharmacy*. Such written certification shall contain the name, address, and telephone number of the practitioner; the name and address of the patient issued the written certification; the date on which the written certification was made; and the signature or authentic electronic signature of the practitioner. Such written certification issued pursuant to subsection B shall expire no later than one year after its issuance unless the practitioner provides in such written certification an earlier expiration. *A written certification shall not be issued to a patient by more than one practitioner during any given time period.*

D. No practitioner shall be prosecuted under § 18.2-248 or 18.2-248.1 for the issuance of a certification for the use of cannabis products for the treatment or to alleviate the symptoms of a patient's diagnosed condition or disease pursuant to a written certification issued pursuant to subsection B. Nothing in this section shall preclude the Board of Medicine from sanctioning a practitioner for failing to properly evaluate or treat a patient's medical condition or otherwise violating the applicable standard of care for evaluating or treating medical conditions.

E. A practitioner who issues a written certification to a patient pursuant to this section shall register with the Board and shall hold sufficient education and training to exercise appropriate professional judgment in the certification of patients. The Board shall not limit the number of patients to whom a practitioner may issue a written certification. The Board may report information to the applicable licensing board on unusual patterns of certifications issued by a practitioner.

F. ~~A patient who has been issued a written certification shall register with the Board or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, a patient's parent or legal guardian shall register and shall register such patient with the Board.~~ No patient shall be required to physically present the written certification after the initial dispensing by any pharmaceutical processor or cannabis dispensing facility under each written certification, provided that the pharmaceutical processor or cannabis dispensing facility maintains an electronic copy of the written certification. *Pharmaceutical processors and cannabis dispensing facilities shall electronically transmit, on a monthly basis, all new written certifications received by the pharmaceutical processor or cannabis dispensing facility to the Board.*

G. A patient, or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian, may designate an individual to act as his registered agent for the purposes of receiving cannabis products pursuant to a valid written certification. Such designated individual shall register with the Board. The Board may set a limit on the number of patients for whom any individual is authorized to act as a registered agent.

H. Upon delivery of a cannabis ~~oil~~ *product* by a pharmaceutical processor or cannabis dispensing facility to a designated caregiver facility, any employee or contractor of a designated caregiver facility, who is licensed or registered by a health regulatory board and who is authorized to possess, distribute, or administer medications, may accept delivery of the cannabis ~~oil~~ *product* on behalf of a patient or resident for subsequent delivery to the patient or resident and may assist in the administration of the cannabis ~~oil~~ *product* to the patient or resident as necessary.

I. ~~The Board shall promulgate regulations to implement the registration process. Such regulations shall include (i) a mechanism for sufficiently identifying the practitioner issuing the written certification, the patient being treated by the practitioner, his registered agent, and, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, the patient's parent or legal guardian; (ii) a process for ensuring that any changes in the information are reported in an appropriate timeframe; and (iii) a prohibition for the patient to be issued a written certification by more than one practitioner during any given time period.~~

J. Information obtained under the registration process shall be confidential and shall not be subject to the disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). However, reasonable access to registry information shall be provided to (i) the Chairmen of the House Committee for Courts of Justice and the Senate Committee on the Judiciary, (ii) state and federal agencies or local law enforcement for the purpose of investigating or prosecuting a specific individual for a specific violation of law, (iii) licensed practitioners or pharmacists, or their agents, for the purpose of providing patient care and drug therapy management and monitoring of drugs obtained by a ~~registered patient,~~ (iv) a pharmaceutical processor or cannabis dispensing facility involved in the treatment of a ~~registered patient,~~ or (v) a ~~registered patient, his registered agent, or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, the patient's parent or legal guardian,~~ but only with respect to information related to such ~~registered patient.~~

§ 54.1-3442.5. Definitions.

As used in this article:

"Botanical cannabis," "cannabis oil," "cannabis product," and "usable cannabis" have the same meanings as specified in § 54.1-3408.3.

"Cannabis dispensing facility" means a facility that (i) has obtained a permit from the Board pursuant to § 54.1-3442.6; (ii) is owned, at least in part, by a pharmaceutical processor; and (iii) dispenses cannabis products produced by a pharmaceutical processor to a ~~registered~~ patient, his registered agent, or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian.

"Designated caregiver facility" has the same meaning as defined in § 54.1-3408.3.

"Pharmaceutical processor" means a facility that (i) has obtained a permit from the Board pursuant to § 54.1-3408.3 and (ii) cultivates Cannabis plants intended only for the production of cannabis oil, botanical cannabis, and usable cannabis, produces cannabis products, and dispenses cannabis products to a ~~registered~~ patient *pursuant to a written certification*, his registered agent, or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian.

"Practitioner" has the same meaning as specified in § 54.1-3408.3.

"Registered agent" has the same meaning as specified in § 54.1-3408.3.

§ 54.1-3442.6. Permit to operate pharmaceutical processor or cannabis dispensing facility.

A. No person shall operate a pharmaceutical processor or a cannabis dispensing facility without first obtaining a permit from the Board. The application for such permit shall be made on a form provided by the Board and signed by a pharmacist who will be in full and actual charge of the pharmaceutical processor's dispensing area or cannabis dispensing facility. The Board shall establish an application fee and other general requirements for such application.

B. Each permit shall expire annually on a date determined by the Board in regulation. The number of permits that the Board may issue or renew in any year is limited to one pharmaceutical processor and up to five cannabis dispensing facilities for each health service area established by the Board of Health. Permits shall be displayed in a conspicuous place on the premises of the pharmaceutical processor and cannabis dispensing facility.

C. The Board shall adopt regulations establishing health, safety, and security requirements for pharmaceutical processors and cannabis dispensing facilities. Such regulations shall include requirements for (i) physical standards; (ii) location restrictions; (iii) security systems and controls; (iv) minimum equipment and resources; (v) recordkeeping; (vi) labeling, including the potency of each botanical cannabis product and the amounts recommended by the practitioner or dispensing pharmacist, and packaging; (vii) routine inspections no more frequently than once annually; (viii) processes for safely and securely dispensing and delivering in person cannabis products to a ~~registered~~ patient, his registered agent, or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian; (ix) dosage limitations for cannabis oil that provide that each dispensed dose of cannabis oil not exceed 10 milligrams of delta-9-tetrahydrocannabinol; (x) a process for the wholesale distribution of and the transfer of usable cannabis, botanical cannabis, cannabis oil, and cannabis products between pharmaceutical processors, between a pharmaceutical processor and a cannabis dispensing facility, and between cannabis dispensing facilities; (xi) an allowance for the sale of devices for administration of dispensed cannabis products and hemp-based CBD products that meet the applicable standards set forth in state and federal law, including the laboratory testing standards set forth in subsection M; (xii) an allowance for the use and distribution of inert product samples containing no cannabinoids for patient demonstration exclusively at the pharmaceutical processor or cannabis dispensing facility, and not for further distribution or sale, without the need for a written certification; (xiii) a process for acquiring ~~oil from industrial hemp extract and formulating such oil extract with Cannabis plant extract into allowable dosages of cannabis oil extracts and formulating such extracts into cannabis products;~~ and (xiv) an allowance for the advertising and promotion of the pharmaceutical processor's products and operations, which shall not limit the pharmaceutical processor from the provision of educational material to practitioners who issue written certifications and ~~registered~~ patients. The Board shall also adopt regulations for pharmaceutical processors that include requirements for (a) processes for safely and securely cultivating Cannabis plants intended for producing cannabis products, (b) the secure disposal of agricultural waste, and (c) a process for registering cannabis oil products.

D. The Board shall require that, after processing and before dispensing any cannabis products, a pharmaceutical processor shall make a sample available from each batch of cannabis product for testing by an independent laboratory located in Virginia meeting Board requirements. A valid sample size for testing shall be determined by each laboratory and may vary due to sample matrix, analytical method, and laboratory-specific procedures. A minimum sample size of 0.5 percent of individual units for dispensing or distribution from each homogenized batch of cannabis oil is required to achieve a representative cannabis oil sample for analysis. A minimum sample size, to be determined by the certified testing laboratory, from each batch of botanical cannabis is required to achieve a representative botanical cannabis sample for analysis. Botanical cannabis products shall only be tested for the following: total cannabidiol (CBD); total tetrahydrocannabinol (THC); terpenes; pesticide chemical residue; heavy metals; mycotoxins; moisture; and microbiological contaminants. Testing thresholds shall be consistent with generally accepted cannabis industry thresholds. The pharmaceutical processor may remediate *botanical cannabis or cannabis oil* that fails any quality testing standard *except pesticides*. Following remediation, all remediated *botanical cannabis or cannabis oil* shall be subject to laboratory testing and approved upon satisfaction of *applicable testing standards applied to cannabis oil generally, which shall not be more stringent than initial testing prior to remediation*. ~~If the a batch of botanical cannabis fails retesting after remediation, it shall be considered usable cannabis and may be processed into cannabis oil, unless the failure is related to pesticide requirements, in which case the batch shall not be considered usable cannabis and shall not be processed into cannabis oil.~~

Stability testing shall not be required for any cannabis ~~oil~~ product with an expiration date assigned by the pharmaceutical processor of six months or less from the date of ~~packaging the cannabis product registration approval~~. *Stability testing required for assignment of an expiration date longer than six months shall be limited to microbial testing, on a pass/fail basis, and potency testing, on a 10 percent deviation basis, of active ingredients.*

E. A laboratory testing samples for a pharmaceutical processor shall obtain a controlled substances registration certificate pursuant to § 54.1-3423 and shall comply with quality standards established by the Board in regulation.

F. Every pharmaceutical processor's dispensing area or cannabis dispensing facility shall be under the personal supervision of a licensed pharmacist on the premises of the pharmaceutical processor or cannabis dispensing facility. The pharmaceutical processor shall ensure that security measures are adequate to protect the cannabis from diversion at all times, and the pharmacist-in-charge shall have concurrent responsibility for preventing diversion from the dispensing area.

Every pharmaceutical processor shall designate a person who shall have oversight of the cultivation and production areas of the pharmaceutical processor and shall provide such information to the Board. The Board shall direct all communications related to enforcement of requirements related to cultivation and production of cannabis oil products by the pharmaceutical processor to such designated person.

G. The Board shall require the material owners of an applicant for a pharmaceutical processor or cannabis dispensing facility permit to submit to fingerprinting and provide personal descriptive information to be forwarded along with his fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding the applicant's material owners. The cost of fingerprinting and the criminal history record search shall be paid by the applicant. The Central Criminal Records Exchange shall forward the results of the criminal history background check to the Board or its designee, which shall be a governmental entity. A pharmaceutical processor shall maintain evidence of criminal background checks for all employees and delivery agents of the pharmaceutical processor. Criminal background checks of employees and delivery agents may be conducted by any service sufficient to disclose any federal and state criminal convictions.

H. In addition to other employees authorized by the Board, a pharmaceutical processor may employ individuals who may have less than two years of experience (i) to perform cultivation-related duties under the supervision of an individual who has received a degree in a field related to the cultivation of plants or a certification recognized by the Board or who has at least two years of experience cultivating plants, (ii) to perform extraction-related duties under the supervision of an individual who has a degree in chemistry or pharmacology or at least two years of experience extracting chemicals from plants, and (iii) to perform duties at the pharmaceutical processor and cannabis dispensing facility upon certification as a pharmacy technician.

I. A pharmaceutical processor to whom a permit has been issued by the Board may establish up to five cannabis dispensing facilities for the dispensing of cannabis products that have been cultivated and produced on the premises of a pharmaceutical processor permitted by the Board. Each cannabis dispensing facility shall be located within the same health service area as the pharmaceutical processor.

J. No person who has been convicted of a felony under the laws of the Commonwealth or another jurisdiction within the last five years shall be employed by or act as an agent of a pharmaceutical processor or cannabis dispensing facility.

K. Every pharmaceutical processor or cannabis dispensing facility shall adopt policies for pre-employment drug screening and regular, ongoing, random drug screening of employees.

L. A pharmacist at the pharmaceutical processor's dispensing area and the cannabis dispensing facility shall determine the number of pharmacy interns, pharmacy technicians, and pharmacy technician trainees who can be safely and competently supervised at one time; however, no pharmacist shall supervise more than six persons performing the duties of a pharmacy technician at one time in the pharmaceutical processor's dispensing area or cannabis dispensing facility.

M. A pharmaceutical processor may acquire industrial hemp ~~extract~~ *extracts grown and processed in Virginia*, and in compliance with state or federal law, from a registered industrial hemp dealer or processor. A pharmaceutical processor may process and formulate such ~~extract with cannabis plant extract~~ *extracts* into an allowable dosage of cannabis ~~oil product~~. Industrial hemp ~~extract~~ *extracts* acquired *and formulated* by a pharmaceutical processor ~~is~~ *are* subject to the same third-party testing requirements that may apply to cannabis plant extract. Testing shall be performed by a laboratory located in Virginia and in compliance with state law *governing the testing of cannabis products*. The industrial hemp dealer or processor shall provide such third-party testing results to the pharmaceutical processor before industrial hemp ~~extract~~ *extracts* may be acquired.

N. With the exception of § 2.2-4031, neither the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) nor public participation guidelines adopted pursuant thereto shall apply to the adoption of any regulation pursuant to this section. Prior to adopting any regulation pursuant to this section, the Board of Pharmacy shall publish a notice of opportunity to comment in the Virginia Register of Regulations and post the action on the Virginia Regulatory Town Hall. Such notice of opportunity to comment shall contain (i) a summary of the proposed regulation; (ii) the text of the proposed regulation; and (iii) the name, address, and telephone number of the agency contact person responsible for receiving public comments. Such notice shall be made at least 60 days in advance of the last date prescribed in such notice for submittals of public comment. The legislative review provisions of subsections A and B of § 2.2-4014 shall apply to the promulgation or final adoption process for regulations pursuant to this section. The Board of Pharmacy shall consider and keep on file all public comments received for any regulation adopted pursuant to this section.

O. The Board shall register all cannabis products that meet testing, labeling, and packaging standards.

§ 54.1-3442.7. Dispensing cannabis products; report.

A. A pharmaceutical processor or cannabis dispensing facility shall dispense or deliver cannabis products only in person to (i) a patient who is a Virginia resident or temporarily resides in Virginia ~~as made evident to the Board, and~~ has been issued a valid written certification, ~~and is registered with the Board pursuant to § 54.1-3408.3;~~ (ii) such patient's registered agent; or (iii) if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian who is a Virginia resident or temporarily resides in Virginia ~~as made evident to the Board and is registered with the Board pursuant to § 54.1-3408.3.~~ A companion may accompany a ~~registered~~ patient into a pharmaceutical processor's dispensing area or cannabis dispensing facility. Prior to the initial dispensing of cannabis ~~or products~~ pursuant to each written certification, a pharmacist or pharmacy technician employed by the pharmaceutical processor or cannabis dispensing facility shall make and maintain, on site or remotely by electronic means, for two years a paper or electronic copy of the written certification that provides an exact image of the document that is clearly legible; shall view, in person or by audiovisual means, a current photo identification of the patient, registered agent, parent, or legal guardian; and shall verify current board registration of the practitioner and the corresponding ~~patient, registered agent, parent, or legal guardian if applicable.~~ Thereafter, an initial dispensing may be delivered to the patient, registered agent, parent, legal guardian, or designated caregiver facility. Prior to any subsequent dispensing of cannabis ~~or products~~ pursuant to each written certification, an employee or delivery agent shall view a current photo identification of the patient, registered agent, ~~parent, or legal guardian if applicable.~~ No pharmaceutical processor or cannabis dispensing facility shall dispense more than a 90-day supply of a cannabis product, as determined by the dispensing pharmacist or certifying practitioner, for any patient during any 90-day period; however, a pharmaceutical processor or cannabis dispensing facility may dispense more than one cannabis product to a patient at one time. No more than four ounces of botanical cannabis shall be dispensed for each 30-day period for which botanical cannabis is dispensed. A pharmaceutical processor or cannabis dispensing facility may dispense less than a 90-day supply. In determining the appropriate amount of a cannabis product to be dispensed to a patient, a pharmaceutical processor or cannabis dispensing facility shall consider all cannabis products dispensed to the patient and adjust the amount dispensed accordingly.

B. A pharmaceutical processor or cannabis dispensing facility shall dispense only cannabis products produced on the premises of a pharmaceutical processor permitted by the Board or cannabis ~~or products~~ that ~~has~~ have been formulated with ~~or extracts~~ from industrial hemp acquired by a pharmaceutical processor from a registered industrial hemp dealer or processor pursuant to § 54.1-3442.6. A pharmaceutical processor may begin cultivation upon being issued a permit by the Board.

C. The Board shall report annually by December 1 to the Chairmen of the House Committee for Health, Welfare and Institutions and the Senate Committee on Education and Health on the operation of pharmaceutical processors and cannabis dispensing facilities issued a permit by the Board; ~~including the number of practitioners, patients, registered agents, and parents or legal guardians of patients who have registered with the Board and the number of written certifications issued pursuant to § 54.1-3408.3.~~

D. The concentration of delta-9-tetrahydrocannabinol in any cannabis product on site may be up to 10 percent greater than or less than the level of delta-9-tetrahydrocannabinol measured for labeling. A pharmaceutical processor and cannabis dispensing facility shall ensure that such concentration in any cannabis product on site is within such range. A pharmaceutical processor producing cannabis products shall establish a stability testing schedule of cannabis products.

2. That the Board of Pharmacy shall amend its regulations, including subsection A of 18VAC110-60-280 of the Virginia Administrative Code, to permit the use of hydrocarbon-based solvents, and any other generally accepted technology, in the cultivation, extraction, production, or manufacturing process of cannabis products.

3. That the Board of Pharmacy shall amend its regulations, including subsection B of 18VAC110-60-330 of the Virginia Administrative Code, to (i) require only the presence of a pharmacist or the responsible party to witness destruction and disposal of green waste, extracts, and cannabis oil, as applicable; (ii) allow for disposal of green waste by incineration, inert composting, or any other means of disposal or destruction; and (iii) allow a pharmaceutical processor to sell or otherwise distribute inert composted green waste.

4. That the Board of Pharmacy shall permit pharmaceutical processors to engage in wholesale transactions of bulk cannabis oil, botanical cannabis, and usable cannabis and amend its regulations, including subsection A of 18VAC110-60-251 of the Virginia Administrative Code, to remove the requirements that wholesale transactions of bulk cannabis oil, botanical cannabis, and usable cannabis from any lot or batch (i) must have passed the tests required in subsections G and H of 18VAC110-60-300 of the Virginia Administrative Code and (ii) are packaged and labeled for sale with an appropriate expiration date in accordance with 18VAC110-60-300 of the Virginia Administrative Code. The regulations shall state that wholesale cannabis oil, botanical cannabis, and usable cannabis shall be packaged in a tamper-evident container and labeled with (a) the seller's name and address; (b) the buyer's name and address; (c) the quantity or weight of the cannabis oil, botanical cannabis, or usable cannabis in each container; (d) identification of the contents of the container, including a brief description of the type or form of cannabis oil, botanical cannabis, or usable cannabis and the strain name, as appropriate; (e) a unique serial number that will match a cannabis product with the cultivator and manufacturer and lot or batch number to facilitate any warnings or recalls that the Board of Pharmacy or any successor governmental or quasi-governmental body authorized to regulate cannabis or the original pharmaceutical processor deems appropriate; (f) the date of

laboratory testing and the name and address of the testing laboratory; (g) the dates of harvest and packaging; and (h) an expiration date.

5. That the Board of Pharmacy shall amend the pharmaceutical processor permit application to include designation of a corporate point of contact who shall receive copies of all investigative and disciplinary communications sent to the pharmacist in charge or responsible party.

6. That the Board of Pharmacy shall amend its regulations to allow pharmaceutical processors to engage in marketing activity, inclusive of product, program, company, and related communications other than those marketing activities that (i) include false or misleading statements; (ii) promote excessive consumption; (iii) depict a person younger than 21 years of age consuming cannabis; (iv) include any image designed or likely to appeal to minors, specifically including cartoons, toys, animals, children, or any other likeness to images, characters, or phrases that are popularly used to advertise to children; (v) depict products or product packaging or labeling that bears reasonable resemblance to any product legally available for consumption as a candy or that promotes cannabis consumption; or (vi) contain any seal, flag, crest, coat of arms, or other insignia that is likely to mislead registered patients or the general public to believe that the cannabis product has been endorsed, made, or used by the Commonwealth of Virginia or any of its representatives except where specifically authorized.

7. That the Board of Pharmacy shall amend its regulations, including subsection B of 18VAC110-60-285 of the Virginia Administrative Code, to include the following exceptions: (i) where the total tetrahydrocannabinol (THC) concentration is less than 5 milligrams per dose, the concentration of THC shall be within 0.5 milligrams per dose and (ii) where the total cannabidiol (CBD) concentration is less than 5 milligrams per dose, the concentration of total CBD shall be within 0.5 milligrams per dose.

8. That the Board of Pharmacy shall amend its regulations, including 18VAC110-60-285 and 18VAC110-60-290 of the Virginia Administrative Code, in addition to its product registration form, to permit labeling of cannabis products with an expiration date assigned by the pharmaceutical processor of six months or less from the date of the cannabis product registration approval.

9. That the Board of Pharmacy (the Board) shall maintain an electronic database of certified patients as reported to the Board by pharmaceutical processors and cannabis dispensing facilities. The Board may utilize the information in this database, in conjunction with information reported to the prescription monitoring program, to investigate any fraudulent or aberrant certifications.

10. That the Board of Pharmacy (the Board) shall issue a registration card to any patient who (i) is in possession of an active written certification and (ii) has voluntarily requested such registration card on a form approved by the Board. No registration card shall be required for dispensing of cannabis products to a patient in possession of a written certification by a pharmaceutical processor or cannabis dispensing facility.

11. That the Board of Pharmacy may assess and collect regulatory fees from each pharmaceutical processor in an amount sufficient to implement the provisions of this act.

12. That the Board of Pharmacy's initial adoption of regulations necessary to implement the provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board of Pharmacy shall provide an opportunity for public comment on the regulations prior to adoption of such regulations.

13. That the Board of Pharmacy shall amend and promulgate regulations in accordance with this act by September 15, 2022.

CHAPTER 392

An Act to amend and reenact §§ 54.1-3408.3, 54.1-3442.5, 54.1-3442.6, and 54.1-3442.7 of the Code of Virginia, relating to pharmaceutical processors.

[S 671]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3408.3, 54.1-3442.5, 54.1-3442.6, and 54.1-3442.7 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-3408.3. Certification for use of cannabis oil for treatment.

A. As used in this section:

"Botanical cannabis" means cannabis that is composed wholly of usable cannabis from the same parts of the same chemovar of cannabis plant.

"Cannabis oil" means any formulation of processed Cannabis plant extract, which may include ~~oil from~~ industrial hemp ~~extract~~ *extracts, including isolates and distillates*, acquired by a pharmaceutical processor pursuant to § 54.1-3442.6, or a dilution of the resin of the Cannabis plant that contains ~~at least five milligrams of cannabidiol (CBD) or tetrahydrocannabinolic acid (THC-A) and~~ no more than 10 milligrams of delta-9-tetrahydrocannabinol per dose. "Cannabis oil" does not include industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or

federal law, unless it has been *grown and processed in the Commonwealth by a registered industrial hemp processor and acquired and formulated with cannabis plant extract* by a pharmaceutical processor.

"Cannabis product" means a product that is (i) produced by a pharmaceutical processor, registered with the Board, and compliant with testing requirements and (ii) composed of cannabis oil or botanical cannabis.

"Designated caregiver facility" means any hospice or hospice facility licensed pursuant to § 32.1-162.3, or home care organization as defined in § 32.1-162.7 that provides pharmaceutical services or home health services, private provider licensed by the Department of Behavioral Health and Developmental Services pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2, assisted living facility licensed pursuant to § 63.2-1701, or adult day care center licensed pursuant to § 63.2-1701.

"Practitioner" means a practitioner of medicine or osteopathy licensed by the Board of Medicine, a physician assistant licensed by the Board of Medicine, or a nurse practitioner jointly licensed by the Board of Medicine and the Board of Nursing.

"Registered agent" means an individual designated by a patient who has been issued a written certification, or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, designated by such patient's parent or legal guardian, and registered with the Board pursuant to subsection G.

"Usable cannabis" means any cannabis plant material, including seeds, but not (i) resin that has been extracted from any part of the cannabis plant, its seeds, or its resin; (ii) the mature stalks, fiber produced from the stalks, or any other compound, manufacture, salt, or derivative, mixture, or preparation of the mature stalks; or (iii) oil or cake made from the seeds of the plant.

B. A practitioner in the course of his professional practice may issue a written certification for the use of cannabis products for treatment or to alleviate the symptoms of any diagnosed condition or disease determined by the practitioner to benefit from such use. The practitioner shall use his professional judgment to determine the manner and frequency of patient care and evaluation and may employ the use of telemedicine, provided that the use of telemedicine includes the delivery of patient care through real-time interactive audio-visual technology. If a practitioner determines it is consistent with the standard of care to dispense botanical cannabis to a minor, the written certification shall specifically authorize such dispensing. If not specifically included on the initial written certification, authorization for botanical cannabis may be communicated verbally or in writing to the pharmacist at the time of dispensing.

C. The written certification shall be on a form provided by the ~~Office of the Executive Secretary of the Supreme Court developed in consultation with the~~ Board of ~~Medicine~~ *Pharmacy*. Such written certification shall contain the name, address, and telephone number of the practitioner; the name and address of the patient issued the written certification; the date on which the written certification was made; and the signature or authentic electronic signature of the practitioner. Such written certification issued pursuant to subsection B shall expire no later than one year after its issuance unless the practitioner provides in such written certification an earlier expiration. *A written certification shall not be issued to a patient by more than one practitioner during any given time period.*

D. No practitioner shall be prosecuted under § 18.2-248 or 18.2-248.1 for the issuance of a certification for the use of cannabis products for the treatment or to alleviate the symptoms of a patient's diagnosed condition or disease pursuant to a written certification issued pursuant to subsection B. Nothing in this section shall preclude the Board of Medicine from sanctioning a practitioner for failing to properly evaluate or treat a patient's medical condition or otherwise violating the applicable standard of care for evaluating or treating medical conditions.

E. A practitioner who issues a written certification to a patient pursuant to this section shall register with the Board and shall hold sufficient education and training to exercise appropriate professional judgment in the certification of patients. The Board shall not limit the number of patients to whom a practitioner may issue a written certification. The Board may report information to the applicable licensing board on unusual patterns of certifications issued by a practitioner.

F. ~~A patient who has been issued a written certification shall register with the Board or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, a patient's parent or legal guardian shall register and shall register such patient with the Board.~~ No patient shall be required to physically present the written certification after the initial dispensing by any pharmaceutical processor or cannabis dispensing facility under each written certification, provided that the pharmaceutical processor or cannabis dispensing facility maintains an electronic copy of the written certification. *Pharmaceutical processors and cannabis dispensing facilities shall electronically transmit, on a monthly basis, all new written certifications received by the pharmaceutical processor or cannabis dispensing facility to the Board.*

G. A patient, or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian, may designate an individual to act as his registered agent for the purposes of receiving cannabis products pursuant to a valid written certification. Such designated individual shall register with the Board. The Board may set a limit on the number of patients for whom any individual is authorized to act as a registered agent.

H. Upon delivery of a cannabis ~~or product~~ by a pharmaceutical processor or cannabis dispensing facility to a designated caregiver facility, any employee or contractor of a designated caregiver facility, who is licensed or registered by a health regulatory board and who is authorized to possess, distribute, or administer medications, may accept delivery of the cannabis ~~or product~~ on behalf of a patient or resident for subsequent delivery to the patient or resident and may assist in the administration of the cannabis ~~or product~~ to the patient or resident as necessary.

I. ~~The Board shall promulgate regulations to implement the registration process. Such regulations shall include (i) a mechanism for sufficiently identifying the practitioner issuing the written certification, the patient being treated by the~~

practitioner, his registered agent, and, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, the patient's parent or legal guardian; (ii) a process for ensuring that any changes in the information are reported in an appropriate timeframe; and (iii) a prohibition for the patient to be issued a written certification by more than one practitioner during any given time period.

Information obtained under the registration process shall be confidential and shall not be subject to the disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). However, reasonable access to registry information shall be provided to (i) the Chairmen of the House Committee for Courts of Justice and the Senate Committee on the Judiciary, (ii) state and federal agencies or local law enforcement for the purpose of investigating or prosecuting a specific individual for a specific violation of law, (iii) licensed practitioners or pharmacists, or their agents, for the purpose of providing patient care and drug therapy management and monitoring of drugs obtained by a registered patient, (iv) a pharmaceutical processor or cannabis dispensing facility involved in the treatment of a registered patient, or (v) a registered patient, his registered agent, or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, the patient's parent or legal guardian, but only with respect to information related to such registered patient.

§ 54.1-3442.5. Definitions.

As used in this article:

"Botanical cannabis," "cannabis oil," "cannabis product," and "usable cannabis" have the same meanings as specified in § 54.1-3408.3.

"Cannabis dispensing facility" means a facility that (i) has obtained a permit from the Board pursuant to § 54.1-3442.6; (ii) is owned, at least in part, by a pharmaceutical processor; and (iii) dispenses cannabis products produced by a pharmaceutical processor to a registered patient, his registered agent, or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian.

"Designated caregiver facility" has the same meaning as defined in § 54.1-3408.3.

"Pharmaceutical processor" means a facility that (i) has obtained a permit from the Board pursuant to § 54.1-3408.3 and (ii) cultivates Cannabis plants intended only for the production of cannabis oil, botanical cannabis, and usable cannabis, produces cannabis products, and dispenses cannabis products to a registered patient pursuant to a written certification, his registered agent, or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian.

"Practitioner" has the same meaning as specified in § 54.1-3408.3.

"Registered agent" has the same meaning as specified in § 54.1-3408.3.

§ 54.1-3442.6. Permit to operate pharmaceutical processor or cannabis dispensing facility.

A. No person shall operate a pharmaceutical processor or a cannabis dispensing facility without first obtaining a permit from the Board. The application for such permit shall be made on a form provided by the Board and signed by a pharmacist who will be in full and actual charge of the pharmaceutical processor's dispensing area or cannabis dispensing facility. The Board shall establish an application fee and other general requirements for such application.

B. Each permit shall expire annually on a date determined by the Board in regulation. The number of permits that the Board may issue or renew in any year is limited to one pharmaceutical processor and up to five cannabis dispensing facilities for each health service area established by the Board of Health. Permits shall be displayed in a conspicuous place on the premises of the pharmaceutical processor and cannabis dispensing facility.

C. The Board shall adopt regulations establishing health, safety, and security requirements for pharmaceutical processors and cannabis dispensing facilities. Such regulations shall include requirements for (i) physical standards; (ii) location restrictions; (iii) security systems and controls; (iv) minimum equipment and resources; (v) recordkeeping; (vi) labeling, including the potency of each botanical cannabis product and the amounts recommended by the practitioner or dispensing pharmacist, and packaging; (vii) routine inspections no more frequently than once annually; (viii) processes for safely and securely dispensing and delivering in person cannabis products to a registered patient, his registered agent, or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian; (ix) dosage limitations for cannabis oil that provide that each dispensed dose of cannabis oil not exceed 10 milligrams of delta-9-tetrahydrocannabinol; (x) a process for the wholesale distribution of and the transfer of usable cannabis, botanical cannabis, cannabis oil, and cannabis products between pharmaceutical processors, between a pharmaceutical processor and a cannabis dispensing facility, and between cannabis dispensing facilities; (xi) an allowance for the sale of devices for administration of dispensed cannabis products and hemp-based CBD products that meet the applicable standards set forth in state and federal law, including the laboratory testing standards set forth in subsection M; (xii) an allowance for the use and distribution of inert product samples containing no cannabinoids for patient demonstration exclusively at the pharmaceutical processor or cannabis dispensing facility, and not for further distribution or sale, without the need for a written certification; (xiii) a process for acquiring oil from industrial hemp extract and formulating such oil extract with Cannabis plant extract into allowable dosages of cannabis oil extracts and formulating such extracts into cannabis products; and (xiv) an allowance for the advertising and promotion of the pharmaceutical processor's products and operations, which shall not limit the pharmaceutical processor from the provision of educational material to practitioners who issue written certifications and registered patients. The Board shall also adopt regulations for pharmaceutical processors that include requirements for (a) processes for safely and securely cultivating Cannabis plants intended for producing cannabis products, (b) the secure disposal of agricultural waste, and (c) a process for registering cannabis oil products.

D. The Board shall require that, after processing and before dispensing any cannabis products, a pharmaceutical processor shall make a sample available from each batch of cannabis product for testing by an independent laboratory located in Virginia meeting Board requirements. A valid sample size for testing shall be determined by each laboratory and may vary due to sample matrix, analytical method, and laboratory-specific procedures. A minimum sample size of 0.5 percent of individual units for dispensing or distribution from each homogenized batch of cannabis oil is required to achieve a representative cannabis oil sample for analysis. A minimum sample size, to be determined by the certified testing laboratory, from each batch of botanical cannabis is required to achieve a representative botanical cannabis sample for analysis. Botanical cannabis products shall only be tested for the following: total cannabidiol (CBD); total tetrahydrocannabinol (THC); terpenes; pesticide chemical residue; heavy metals; mycotoxins; moisture; and microbiological contaminants. Testing thresholds shall be consistent with generally accepted cannabis industry thresholds. The pharmaceutical processor may remediate *botanical cannabis* or cannabis oil that fails any quality testing standard *except pesticides*. Following remediation, all remediated *botanical cannabis* or cannabis oil shall be subject to laboratory testing and approved upon satisfaction of *applicable* testing standards ~~applied to cannabis oil generally, which shall not be more stringent than initial testing prior to remediation.~~ If ~~the~~ a batch of *botanical cannabis* fails retesting *after remediation*, it shall be considered usable cannabis and may be processed into cannabis oil; ~~unless the failure is related to pesticide requirements, in which case the batch shall not be considered usable cannabis and shall not be processed into cannabis oil.~~ Stability testing shall not be required for any cannabis oil product with an expiration date assigned by the pharmaceutical processor of six months or less from the date of ~~packaging the cannabis product registration approval.~~ *Stability testing required for assignment of an expiration date longer than six months shall be limited to microbial testing, on a pass/fail basis, and potency testing, on a 10 percent deviation basis, of active ingredients.*

E. A laboratory testing samples for a pharmaceutical processor shall obtain a controlled substances registration certificate pursuant to § 54.1-3423 and shall comply with quality standards established by the Board in regulation.

F. Every pharmaceutical processor's dispensing area or cannabis dispensing facility shall be under the personal supervision of a licensed pharmacist on the premises of the pharmaceutical processor or cannabis dispensing facility. The pharmaceutical processor shall ensure that security measures are adequate to protect the cannabis from diversion at all times, and the pharmacist-in-charge shall have concurrent responsibility for preventing diversion from the dispensing area.

Every pharmaceutical processor shall designate a person who shall have oversight of the cultivation and production areas of the pharmaceutical processor and shall provide such information to the Board. The Board shall direct all communications related to enforcement of requirements related to cultivation and production of cannabis oil products by the pharmaceutical processor to such designated person.

G. The Board shall require the material owners of an applicant for a pharmaceutical processor or cannabis dispensing facility permit to submit to fingerprinting and provide personal descriptive information to be forwarded along with his fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding the applicant's material owners. The cost of fingerprinting and the criminal history record search shall be paid by the applicant. The Central Criminal Records Exchange shall forward the results of the criminal history background check to the Board or its designee, which shall be a governmental entity. A pharmaceutical processor shall maintain evidence of criminal background checks for all employees and delivery agents of the pharmaceutical processor. Criminal background checks of employees and delivery agents may be conducted by any service sufficient to disclose any federal and state criminal convictions.

H. In addition to other employees authorized by the Board, a pharmaceutical processor may employ individuals who may have less than two years of experience (i) to perform cultivation-related duties under the supervision of an individual who has received a degree in a field related to the cultivation of plants or a certification recognized by the Board or who has at least two years of experience cultivating plants, (ii) to perform extraction-related duties under the supervision of an individual who has a degree in chemistry or pharmacology or at least two years of experience extracting chemicals from plants, and (iii) to perform duties at the pharmaceutical processor and cannabis dispensing facility upon certification as a pharmacy technician.

I. A pharmaceutical processor to whom a permit has been issued by the Board may establish up to five cannabis dispensing facilities for the dispensing of cannabis products that have been cultivated and produced on the premises of a pharmaceutical processor permitted by the Board. Each cannabis dispensing facility shall be located within the same health service area as the pharmaceutical processor.

J. No person who has been convicted of a felony under the laws of the Commonwealth or another jurisdiction within the last five years shall be employed by or act as an agent of a pharmaceutical processor or cannabis dispensing facility.

K. Every pharmaceutical processor or cannabis dispensing facility shall adopt policies for pre-employment drug screening and regular, ongoing, random drug screening of employees.

L. A pharmacist at the pharmaceutical processor's dispensing area and the cannabis dispensing facility shall determine the number of pharmacy interns, pharmacy technicians, and pharmacy technician trainees who can be safely and competently supervised at one time; however, no pharmacist shall supervise more than six persons performing the duties of a pharmacy technician at one time in the pharmaceutical processor's dispensing area or cannabis dispensing facility.

M. A pharmaceutical processor may acquire industrial hemp ~~extract~~ *extracts grown and processed in Virginia*, and in compliance with state or federal law, from a registered industrial hemp dealer or processor. A pharmaceutical processor may process and formulate such ~~extract with cannabis plant extract~~ *extracts* into an allowable dosage of cannabis ~~oil~~ *product*.

Industrial hemp ~~extract~~ *extracts* acquired *and formulated* by a pharmaceutical processor ~~is~~ *are* subject to the same third-party testing requirements that may apply to cannabis plant extract. Testing shall be performed by a laboratory located in Virginia and in compliance with state law *governing the testing of cannabis products*. The industrial hemp dealer or processor shall provide such third-party testing results to the pharmaceutical processor before industrial hemp ~~extract~~ *extracts* may be acquired.

N. With the exception of § 2.2-4031, neither the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) nor public participation guidelines adopted pursuant thereto shall apply to the adoption of any regulation pursuant to this section. Prior to adopting any regulation pursuant to this section, the Board of Pharmacy shall publish a notice of opportunity to comment in the Virginia Register of Regulations and post the action on the Virginia Regulatory Town Hall. Such notice of opportunity to comment shall contain (i) a summary of the proposed regulation; (ii) the text of the proposed regulation; and (iii) the name, address, and telephone number of the agency contact person responsible for receiving public comments. Such notice shall be made at least 60 days in advance of the last date prescribed in such notice for submittals of public comment. The legislative review provisions of subsections A and B of § 2.2-4014 shall apply to the promulgation or final adoption process for regulations pursuant to this section. The Board of Pharmacy shall consider and keep on file all public comments received for any regulation adopted pursuant to this section.

O. The Board shall register all cannabis products that meet testing, labeling, and packaging standards.

§ 54.1-3442.7. Dispensing cannabis products; report.

A. A pharmaceutical processor or cannabis dispensing facility shall dispense or deliver cannabis products only in person to (i) a patient who is a Virginia resident or temporarily resides in Virginia ~~as made evident to the Board~~, and has been issued a valid written certification; ~~and is registered with the Board pursuant to § 54.1-3408.3~~; (ii) such patient's registered agent; or (iii) if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian who is a Virginia resident or temporarily resides in Virginia ~~as made evident to the Board and is registered with the Board pursuant to § 54.1-3408.3~~. A companion may accompany a ~~registered~~ patient into a pharmaceutical processor's dispensing area or cannabis dispensing facility. Prior to the initial dispensing of cannabis ~~or products~~ pursuant to each written certification, a pharmacist or pharmacy technician employed by the pharmaceutical processor or cannabis dispensing facility shall make and maintain, on site or remotely by electronic means, for two years a paper or electronic copy of the written certification that provides an exact image of the document that is clearly legible; shall view, in person or by audiovisual means, a current photo identification of the patient, registered agent, parent, or legal guardian; and shall verify current board registration of the practitioner and the corresponding ~~patient, registered agent, parent, or legal guardian if applicable~~. Thereafter, an initial dispensing may be delivered to the patient, registered agent, parent, legal guardian, or designated caregiver facility. Prior to any subsequent dispensing of cannabis ~~or products~~ pursuant to each written certification, an employee or delivery agent shall view a current photo identification of the patient, registered agent, ~~parent, or legal guardian if applicable~~. No pharmaceutical processor or cannabis dispensing facility shall dispense more than a 90-day supply of a cannabis product, as determined by the dispensing pharmacist or certifying practitioner, for any patient during any 90-day period; however, a pharmaceutical processor or cannabis dispensing facility may dispense more than one cannabis product to a patient at one time. No more than four ounces of botanical cannabis shall be dispensed for each 30-day period for which botanical cannabis is dispensed. A pharmaceutical processor or cannabis dispensing facility may dispense less than a 90-day supply. In determining the appropriate amount of a cannabis product to be dispensed to a patient, a pharmaceutical processor or cannabis dispensing facility shall consider all cannabis products dispensed to the patient and adjust the amount dispensed accordingly.

B. A pharmaceutical processor or cannabis dispensing facility shall dispense only cannabis products produced on the premises of a pharmaceutical processor permitted by the Board or cannabis ~~or products~~ that ~~has~~ *have* been formulated with ~~or extracts~~ from industrial hemp acquired by a pharmaceutical processor from a registered industrial hemp dealer or processor pursuant to § 54.1-3442.6. A pharmaceutical processor may begin cultivation upon being issued a permit by the Board.

C. The Board shall report annually by December 1 to the Chairmen of the House Committee for Health, Welfare and Institutions and the Senate Committee on Education and Health on the operation of pharmaceutical processors and cannabis dispensing facilities issued a permit by the Board; ~~including the number of practitioners, patients, registered agents, and parents or legal guardians of patients who have registered with the Board and the number of written certifications issued pursuant to § 54.1-3408.3~~.

D. The concentration of delta-9-tetrahydrocannabinol in any cannabis product on site may be up to 10 percent greater than or less than the level of delta-9-tetrahydrocannabinol measured for labeling. A pharmaceutical processor and cannabis dispensing facility shall ensure that such concentration in any cannabis product on site is within such range. A pharmaceutical processor producing cannabis products shall establish a stability testing schedule of cannabis products.

2. That the Board of Pharmacy shall amend its regulations, including subsection A of 18VAC110-60-280 of the Virginia Administrative Code, to permit the use of hydrocarbon-based solvents, and any other generally accepted technology, in the cultivation, extraction, production, or manufacturing process of cannabis products.

3. That the Board of Pharmacy shall amend its regulations, including subsection B of 18VAC110-60-330 of the Virginia Administrative Code, to (i) require only the presence of a pharmacist or the responsible party to witness destruction and disposal of green waste, extracts, and cannabis oil, as applicable; (ii) allow for disposal of green

waste by incineration, inert composting, or any other means of disposal or destruction; and (iii) allow a pharmaceutical processor to sell or otherwise distribute inert composted green waste.

4. That the Board of Pharmacy shall permit pharmaceutical processors to engage in wholesale transactions of bulk cannabis oil, botanical cannabis, and usable cannabis and amend its regulations, including subsection A of 18VAC110-60-251 of the Virginia Administrative Code, to remove the requirements that wholesale transactions of bulk cannabis oil, botanical cannabis, and usable cannabis from any lot or batch (i) must have passed the tests required in subsections G and H of 18VAC110-60-300 of the Virginia Administrative Code and (ii) are packaged and labeled for sale with an appropriate expiration date in accordance with 18VAC110-60-300 of the Virginia Administrative Code. The regulations shall state that wholesale cannabis oil, botanical cannabis, and usable cannabis shall be packaged in a tamper-evident container and labeled with (a) the seller's name and address; (b) the buyer's name and address; (c) the quantity or weight of the cannabis oil, botanical cannabis, or usable cannabis in each container; (d) identification of the contents of the container, including a brief description of the type or form of cannabis oil, botanical cannabis, or usable cannabis and the strain name, as appropriate; (e) a unique serial number that will match a cannabis product with the cultivator and manufacturer and lot or batch number to facilitate any warnings or recalls that the Board of Pharmacy or any successor governmental or quasi-governmental body authorized to regulate cannabis or the original pharmaceutical processor deems appropriate; (f) the date of laboratory testing and the name and address of the testing laboratory; (g) the dates of harvest and packaging; and (h) an expiration date.

5. That the Board of Pharmacy shall amend the pharmaceutical processor permit application to include designation of a corporate point of contact who shall receive copies of all investigative and disciplinary communications sent to the pharmacist in charge or responsible party.

6. That the Board of Pharmacy shall amend its regulations to allow pharmaceutical processors to engage in marketing activity, inclusive of product, program, company, and related communications other than those marketing activities that (i) include false or misleading statements; (ii) promote excessive consumption; (iii) depict a person younger than 21 years of age consuming cannabis; (iv) include any image designed or likely to appeal to minors, specifically including cartoons, toys, animals, children, or any other likeness to images, characters, or phrases that are popularly used to advertise to children; (v) depict products or product packaging or labeling that bears reasonable resemblance to any product legally available for consumption as a candy or that promotes cannabis consumption; or (vi) contain any seal, flag, crest, coat of arms, or other insignia that is likely to mislead registered patients or the general public to believe that the cannabis product has been endorsed, made, or used by the Commonwealth of Virginia or any of its representatives except where specifically authorized.

7. That the Board of Pharmacy shall amend its regulations, including subsection B of 18VAC110-60-285 of the Virginia Administrative Code, to include the following exceptions: (i) where the total tetrahydrocannabinol (THC) concentration is less than 5 milligrams per dose, the concentration of THC shall be within 0.5 milligrams per dose and (ii) where the total cannabidiol (CBD) concentration is less than 5 milligrams per dose, the concentration of total CBD shall be within 0.5 milligrams per dose.

8. That the Board of Pharmacy shall amend its regulations, including 18VAC110-60-285 and 18VAC110-60-290 of the Virginia Administrative Code, in addition to its product registration form, to permit labeling of cannabis products with an expiration date assigned by the pharmaceutical processor of six months or less from the date of the cannabis product registration approval.

9. That the Board of Pharmacy (the Board) shall maintain an electronic database of certified patients as reported to the Board by pharmaceutical processors and cannabis dispensing facilities. The Board may utilize the information in this database, in conjunction with information reported to the prescription monitoring program, to investigate any fraudulent or aberrant certifications.

10. That the Board of Pharmacy (the Board) shall issue a registration card to any patient who (i) is in possession of an active written certification and (ii) has voluntarily requested such registration card on a form approved by the Board. No registration card shall be required for dispensing of cannabis products to a patient in possession of a written certification by a pharmaceutical processor or cannabis dispensing facility.

11. That the Board of Pharmacy may assess and collect regulatory fees from each pharmaceutical processor in an amount sufficient to implement the provisions of this act.

12. That the Board of Pharmacy's initial adoption of regulations necessary to implement the provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board of Pharmacy shall provide an opportunity for public comment on the regulations prior to adoption of such regulations.

13. That the Board of Pharmacy shall amend and promulgate regulations in accordance with this act by September 15, 2022.

CHAPTER 393

An Act to amend and reenact § 35.1-14 of the Code of Virginia, relating to restaurants; on-site certified food protection managers.

[S 146]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 35.1-14 of the Code of Virginia is amended and reenacted as follows:

§ 35.1-14. Regulations governing restaurants; advisory standards for exempt entities.

A. Regulations of the Board governing restaurants shall include but not be limited to the following subjects: (i) a procedure for obtaining a license; (ii) the safe and sanitary maintenance, storage, operation, and use of equipment; (iii) the sanitary maintenance and use of a restaurant's physical plant; (iv) the safe preparation, handling, protection, and preservation of food, including necessary refrigeration or heating methods; (v) procedures for vector and pest control; (vi) requirements for toilet and cleansing facilities for employees and customers; (vii) requirements for appropriate lighting and ventilation not otherwise provided for in the Uniform Statewide Building Code; (viii) requirements for an approved water supply and sewage disposal system; (ix) personal hygiene standards for employees, particularly those engaged in food handling; (x) the appropriate use of precautions to prevent the transmission of communicable diseases; and (xi) training standards that address food safety and food allergy awareness and safety.

B. In its regulations, the Board may classify restaurants by type and specify different requirements for each classification.

C. The Board may adopt any edition of the Food and Drug Administration's Food Code, or supplement thereto, or any portion thereof, as regulations, with any amendments as it deems appropriate. In addition, the Board may repeal or amend any regulation adopted pursuant to this subsection. No regulations adopted or amended by the Board pursuant to this subsection, however, shall establish requirements for any license, permit, or inspection unless such license, permit, or inspection is otherwise provided for in this title. The provisions of the Food and Drug Administration's Food Code shall not apply to farmers selling their own farm-produced products directly to consumers for their personal use, whether such sales occur on such farmer's farm or at a farmers' market, unless such provisions are adopted in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).

D. The Board may issue advisory standards for the safe preparation, handling, protection, and preservation of food by entities exempt from the provisions of this title pursuant to § 35.1-25 or 35.1-26.

E. The provisions of the Administrative Process Act (§ 2.2-4000 et seq.) shall not apply to the adoption of any regulation pursuant to subsection C if the Board of Agriculture and Consumer Services adopts the same edition of the Food Code, or the same portions thereof, pursuant to subsection B of § 3.2-5121 and the regulations adopted by the Board and the Board of Agriculture and Consumer Services have the same effective date. In the event that the Board of Agriculture and Consumer Services adopts regulations pursuant to § 2.2-4012.1, the effective date of the Board's regulations may be any date on or after the effective date of the regulations adopted by the Board of Agriculture and Consumer Services.

Notwithstanding any exemption to the contrary, a regulation promulgated pursuant to subsection C shall be subject to the requirements set out in §§ 2.2-4007.03, 2.2-4007.04, and 2.2-4007.05, and shall be published in the Virginia Register of Regulations. After the close of the 60-day comment period, the Board may adopt a final regulation, with or without changes. Such regulation shall become effective 15 days after publication in the Virginia Register, unless the Board has withdrawn or suspended the regulation, or a later date has been set by the Board. The Board shall also hold at least one public hearing on the proposed regulation during the 60-day comment period. The notice for such public hearing shall include the date, time and place of the hearing.

F. The Board shall adopt regulations pursuant to subsection C that allow the receipt for sale or service of rabbits that are slaughtered or processed in a facility that complies with regulations adopted by the Board of Agriculture and Consumer Services pursuant to the provisions of subsection H of § 3.2-5121.

G. Regulations adopted by the Board pursuant to this section shall not require an establishment that sells only prepared foods to have a certified food protection manager, as defined in § 35.1-1, on site during all hours of operation.

CHAPTER 394

An Act to amend and reenact §§ 15.2-1718.2 and 52-34.10 of the Code of Virginia, relating to receipt of critically missing adult reports.

[H 1060]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-1718.2 and 52-34.10 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-1718.2. Receipt of critically missing adult reports.

A. No police or sheriff's department shall establish or maintain any policy that requires the observance of any waiting period before accepting a critically missing adult report. Upon receipt of a critically missing adult report by any police or sheriff's department, the department shall immediately, but in all cases within two hours of receiving the report, enter identifying and descriptive data about the critically missing adult into the Virginia Criminal Information Network and the National Crime Information Center Systems, forward the report to the Department of State Police, notify all other law-enforcement agencies in the area, and initiate an investigation of the case.

B. For purposes of this section:

"Critically missing adult" means any missing adult ~~21~~, including an adult who has a developmental disability, intellectual disability, or mental illness as those terms are defined in § 37.2-100, 18 years of age or older whose disappearance indicates a credible threat to the health and safety of the adult; as determined by a law-enforcement agency and under such other circumstances as deemed appropriate after consideration of all known circumstances.

"Critically missing adult report" means a report prepared in a format prescribed by the Superintendent of State Police for use by law-enforcement agencies to report critically missing adult information, including a photograph, to the Department of State Police.

§ 52-34.10. Definitions.

As used in this chapter:

"Critically missing adult" means an adult ~~(i)~~, including an adult who has a developmental disability, intellectual disability, or mental illness as those terms are defined in § 37.2-100, 18 years of age or older whose whereabouts are unknown; ~~(ii) who is believed to have been abducted;~~ and ~~(iii)~~ whose disappearance poses a credible threat as determined by a law-enforcement agency to the health and safety of the adult and under such other circumstances as deemed appropriate by the Virginia State Police.

"Critically missing adult alert" means the notice of a critically missing adult provided to the public by the media or other methods under a Critically Missing Adult Alert Agreement.

"Critically Missing Adult Alert Agreement" means a voluntary agreement between law-enforcement officials and members of the media whereby an adult will be declared missing, and the public will be notified by media outlets, and includes all other incidental conditions of the partnership as found appropriate by the Virginia State Police.

"Critically Missing Adult Alert Program" means the procedures and Critically Missing Adult Alert Agreements to aid in the identification and location of a critically missing adult.

"Media" means print, radio, television, and Internet-based communication systems or other methods of communicating information to the public.

CHAPTER 395

An Act to amend and reenact §§ 15.2-1718.2 and 52-34.10 of the Code of Virginia, relating to receipt of critically missing adult reports.

[S 49]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-1718.2 and 52-34.10 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-1718.2. Receipt of critically missing adult reports.

A. No police or sheriff's department shall establish or maintain any policy that requires the observance of any waiting period before accepting a critically missing adult report. Upon receipt of a critically missing adult report by any police or sheriff's department, the department shall immediately, but in all cases within two hours of receiving the report, enter identifying and descriptive data about the critically missing adult into the Virginia Criminal Information Network and the National Crime Information Center Systems, forward the report to the Department of State Police, notify all other law-enforcement agencies in the area, and initiate an investigation of the case.

B. For purposes of this section:

"Critically missing adult" means any missing adult ~~21~~, including an adult who has a developmental disability, intellectual disability, or mental illness as those terms are defined in § 37.2-100, 18 years of age or older whose disappearance indicates a credible threat to the health and safety of the adult; as determined by a law-enforcement agency and under such other circumstances as deemed appropriate after consideration of all known circumstances.

"Critically missing adult report" means a report prepared in a format prescribed by the Superintendent of State Police for use by law-enforcement agencies to report critically missing adult information, including a photograph, to the Department of State Police.

§ 52-34.10. Definitions.

As used in this chapter:

"Critically missing adult" means an adult ~~(i)~~, including an adult who has a developmental disability, intellectual disability, or mental illness as those terms are defined in § 37.2-100, 18 years of age or older whose whereabouts are unknown; ~~(ii) who is believed to have been abducted;~~ and ~~(iii)~~ whose disappearance poses a credible threat as determined by

a law-enforcement agency to the health and safety of the adult and under such other circumstances as deemed appropriate by the Virginia State Police.

"Critically missing adult alert" means the notice of a critically missing adult provided to the public by the media or other methods under a Critically Missing Adult Alert Agreement.

"Critically Missing Adult Alert Agreement" means a voluntary agreement between law-enforcement officials and members of the media whereby an adult will be declared missing, and the public will be notified by media outlets, and includes all other incidental conditions of the partnership as found appropriate by the Virginia State Police.

"Critically Missing Adult Alert Program" means the procedures and Critically Missing Adult Alert Agreements to aid in the identification and location of a critically missing adult.

"Media" means print, radio, television, and Internet-based communication systems or other methods of communicating information to the public.

CHAPTER 396

An Act to amend the Code of Virginia by adding a section numbered 2.2-3707.2, relating to the Virginia Freedom of Information Act; posting of minutes; local public bodies.

[H 150]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 2.2-3707.2 as follows:

§ 2.2-3707.2. Posting of minutes for local public bodies.

Except as provided in subsection H of § 2.2-3707, any local public body subject to the provisions of this chapter shall post minutes of its meetings on its official public government website, if any, within seven working days of final approval of the minutes.

If a local public body does not own or maintain an official public government website, such public body shall make copies of all meeting minutes available no later than seven working days after final approval of the minutes (i) at a prominent public location in which meeting notices are regularly posted pursuant to subdivision C 2 of § 2.2-3707; (ii) at the office of the clerk of the public body; or (iii) in the case of a public body that has no clerk, at the office of the chief administrator:

CHAPTER 397

An Act to amend and reenact §§ 64.2-1608 and 64.2-1621 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-178.2, relating to misuse of power of attorney; financial exploitation by an agent; penalty.

[H 497]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 64.2-1608 and 64.2-1621 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-178.2 as follows:

§ 18.2-178.2. Financial exploitation by an agent; penalty.

A. As used in this section:

"Agent" means the same as that term is defined in § 64.2-1600.

"Financial exploitation" means the illegal, unauthorized, or fraudulent use, or deprivation of use, of the property of an incapacitated adult with the intention of benefiting someone other than the incapacitated adult.

"Incapacitated adult" means the same as that term is defined in § 18.2-369.

"Power of attorney" means a writing or other record that grants authority to an agent to act in the place of the principal, whether or not the term "power of attorney" is used.

"Principal" means an individual who grants authority to an agent in a power of attorney.

"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

B. An agent under a power of attorney who knowingly or intentionally engages in financial exploitation of an incapacitated adult who is the principal of that agent is guilty of a Class 1 misdemeanor. A violation of this section shall constitute a separate and distinct offense. If the acts or activities violating this section also violate another provision of law, a prosecution under this section shall not prohibit or bar any prosecution or proceeding under such other provision or the imposition of any penalties provided for thereby.

§ 64.2-1608. Termination of power of attorney or agent's authority.

A. A power of attorney terminates when:

1. The principal dies;

2. The principal becomes incapacitated, if the power of attorney is not durable;
3. The principal revokes the power of attorney;
4. The power of attorney provides that it terminates;
5. The purpose of the power of attorney is accomplished; or
6. The principal revokes the agent's authority or the agent dies, becomes incapacitated, or resigns, and the power of attorney does not provide for another agent to act under the power of attorney.

B. An agent's authority terminates when:

1. The principal revokes the authority;
2. The agent dies, becomes incapacitated, or resigns;
3. Unless the power of attorney otherwise provides, an action is filed (i) for the divorce or annulment of the agent's marriage to the principal or their legal separation, (ii) by either the agent or principal for separate maintenance from the other, or (iii) by either the agent or principal for custody or visitation of a child in common with the other; ~~or~~
4. *The agent is convicted of financial exploitation of the principal under § 18.2-178.2; or*
5. The power of attorney terminates.

C. Unless the power of attorney otherwise provides, an agent's authority is exercisable until the authority terminates under subsection B, notwithstanding a lapse of time since the execution of the power of attorney.

D. Termination of an agent's authority or of a power of attorney is not effective as to the agent or another person that, without actual knowledge of the termination, acts in good faith under the power of attorney. An act so performed, unless otherwise invalid or unenforceable, binds the principal and the principal's successors in interest.

E. Incapacity of the principal of a power of attorney that is not durable does not revoke or terminate the power of attorney as to an agent or other person that, without actual knowledge of the incapacity, acts in good faith under the power of attorney. An act so performed, unless otherwise invalid or unenforceable, binds the principal and the principal's successors in interest.

F. The execution of a power of attorney does not revoke a power of attorney previously executed by the principal unless the subsequent power of attorney provides that the previous power of attorney is revoked or that all other powers of attorney are revoked.

§ 64.2-1621. Remedies under other law.

The remedies under this chapter are not exclusive and do not abrogate any right ~~or~~, remedy, *or penalty*, including a court-supervised accounting *or criminal prosecution*, under the laws of the Commonwealth other than this chapter.

CHAPTER 398

An Act to direct the Board for Asbestos, Lead, and Home Inspectors to update its regulations to require that home inspections include a determination of whether the home's smoke detectors are in good working order.

[S 607]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The Board for Asbestos, Lead, and Home Inspectors (the Board) shall update the regulations in 18VAC15-40-130 to require that a home inspection and the report on its findings include a determination of whether the home's smoke detectors are in "good working order," as defined by the Board.*

CHAPTER 399

An Act to amend and reenact § 53.1-187 of the Code of Virginia, relating to credit for time spent in confinement while awaiting trial; separate, dismissed, or nolle prosequi charges.

[H 502]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. **That § 53.1-187 of the Code of Virginia is amended and reenacted as follows:**

§ 53.1-187. Credit for time spent in confinement while awaiting trial.

Any person who is sentenced to a term of confinement in a correctional facility shall have deducted from any such term all time actually spent by the person in a state hospital for examination purposes or treatment prior to trial, in a state or local correctional facility awaiting trial or pending an appeal, or in a juvenile detention facility awaiting trial for an offense for which, upon conviction, such juvenile is sentenced to an adult correctional facility. *Such credit for time shall include any time spent in pretrial confinement or detention on separate, dismissed, or nolle prosequi charges that are from the same act as the violation for which the person is convicted and sentenced to a term of confinement.* When entering the final order in any such case, the court shall provide that the person so convicted be given credit for the time so spent.

In no case shall a person be allowed credit for time not actually spent in confinement or in detention. In no case is a person on bail to be regarded as in confinement for the purposes of this statute. No such credit shall be given to any person who escapes from a state or local correctional facility or is absent without leave from a juvenile detention facility.

Any person sentenced to confinement in a ~~state~~ correctional facility, in whose case the final order entered by the court in which he was convicted fails to provide for the credit authorized by this section, shall nevertheless receive credit for the time so spent in a ~~state~~ correctional facility. Such allowance of credit shall be in addition to the good conduct allowance provided for in §§ 53.1-116 and 53.1-129, Articles 2 (§ 53.1-192 et seq.) and 3 (§ 53.1-198 et seq.) ~~of this chapter~~ or the earned sentence credits provided for in Article 4 (§ 53.1-202.2 et seq.) ~~of this chapter~~.

CHAPTER 400

An Act to amend and reenact §§ 6.2-888, 6.2-1616, and 6.2-1627 of the Code of Virginia, relating to mortgage brokers; dual compensation.

[H 1153]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 6.2-888, 6.2-1616, and 6.2-1627 of the Code of Virginia are amended and reenacted as follows:

§ 6.2-888. Real estate brokerage business of controlled subsidiary.

A. In addition to the types of business authorized in §§ 6.2-885 and 6.2-887, a controlled subsidiary corporation may be formed and licensed to transact business as a real estate brokerage firm in accordance with § 54.1-2106.1, provided such controlled subsidiary corporation transacts the real estate brokerage business and such services only in accordance with the specific provisions of this section. Such controlled subsidiary corporation shall be subject to the provisions of Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1 that are otherwise applicable to real estate brokerage companies transacting a comparable business.

B. A controlled subsidiary corporation of a state bank may own and transact business as a real estate brokerage firm and provide the services of a real estate brokerage firm, only upon the Commission's determination that the state bank making application to do so is in full compliance with applicable law. The investment of any bank in the stock, securities, or other obligations of a controlled subsidiary corporation shall be approved by the Commission only upon a determination by the Commission that (i) the depositors of the bank are adequately protected from the risk of such ownership and (ii) the ownership is a safe and sound investment for the bank in accordance with applicable law. Such determination shall include but not be limited to providing written notice to the Virginia Real Estate Board and receiving written confirmation from the Virginia Real Estate Board that the real estate brokerage firm, to be owned, and its brokers, are in good standing in accordance with the requirements of Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1.

C. A controlled subsidiary corporation of a state bank may own and transact business as a real estate brokerage firm only in compliance with the following:

1. The controlled subsidiary corporation, or a state bank that owns a controlled subsidiary corporation, that engages in real estate brokerage, shall not:

a. Impose a requirement, orally or in writing, that a borrower shall contract for or enter into any other arrangement for real estate services with its affiliated real estate brokerage firm;

b. Impose a requirement, orally or in writing, that as a condition of approving a loan a borrower shall contract or enter into any other arrangement with its affiliated real estate brokerage firm;

c. Impose a requirement, orally or in writing, that a real estate brokerage customer shall make application for a loan or any other service or services of a particular bank or any of its subsidiaries, affiliates, or service entities, except as otherwise permitted under the *federal* Real Estate Settlement Procedures Act of 1974⁷ (12 U.S.C. § 2601 et seq.)⁷ and regulations adopted thereunder;

d. Impose a requirement, orally or in writing, that a condition of providing real estate brokerage services is that the customer shall make application for a loan or any other arrangement for other services of the bank or any of its subsidiaries, affiliates, or service entities, except as otherwise permitted under the *federal* Real Estate Settlement Procedures Act of 1974⁷ (12 U.S.C. § 2601 et seq.)⁷ and regulations adopted thereunder;

e. Offer or provide more favorable consideration, terms, or conditions for any financial products or services to induce or attempt to induce a person to enter into any arrangement for real estate brokerage services with any particular real estate brokerage firm;

f. Offer or provide more favorable terms or conditions for any real estate brokerage services to induce or attempt to induce a person to apply for a loan or obtain any other services of a particular bank or any of its subsidiaries, affiliates, or service entities;

g. Conduct real estate brokerage activities in the same areas of a building where the bank routinely accepts retail deposits from the general public;

h. Conduct real estate brokerage activities in areas of a building that are identified as areas where banking activities occur;

i. Conduct banking activities in areas of the building that are identified as areas where real estate brokerage activities occur;

j. Make payment to its employees for any referrals of real estate brokerage business;

k. Use confidential credit and other financial information available from the bank for solicitation purposes by a real estate brokerage affiliate, without first having obtained the written consent of the customer;

l. Use or transfer from a bank to any affiliated real estate brokerage firm any financial information of or relating to any unaffiliated competing real estate brokerage firm that is an actual or prospective customer; or

m. Use, directly or indirectly, nonpublic customer information that is held or obtained by the bank for the purpose of soliciting real estate business, without first having obtained the written consent of the customer;

2. A state bank that makes a referral to its affiliated real estate brokerage firm shall clearly and conspicuously disclose in writing, in a separate document, to any person who applies for credit related to a real estate transaction or applies for prequalification or preapproval for credit related to a real estate transaction, that the person is not required to consult with, contract for, or enter into an arrangement for real estate brokerage services with its affiliated real estate brokerage firm; and

3. A real estate brokerage firm that is affiliated with a bank shall clearly and conspicuously disclose in writing, in a separate document, before the time an agency agreement for real estate brokerage services is executed, that the person is not required to apply, contract for, or enter into any other arrangement for services of a particular bank or any of its subsidiaries, affiliates, or service entities.

D. The requirements of this section are in addition to the requirements of the *federal* Real Estate Settlement Procedures Act of 1974; (12 U.S.C. § 2601 et seq.); and regulations adopted thereunder.

E. State banks owning and transacting business as real estate brokerage firms under this section are subject to the provisions of Chapter 9 (§ 55.1-900 et seq.) of Title 55.1.

F. A state bank that acts as a mortgage broker, as defined in § 6.2-1600, and that transacts business as a real estate brokerage through a controlled subsidiary corporation, is subject to ~~subdivision B 5 and~~ subsection C of § 6.2-1616; however, a state bank that, pursuant to an executed originating agreement with the Virginia Housing Development Authority, acts or offers to act as an originating agent of the Virginia Housing Development Authority in connection with a mortgage loan shall not be deemed to be acting as a mortgage broker with respect to such mortgage loan but shall be deemed to be acting as a mortgage lender with respect to such mortgage loan, notwithstanding that the Virginia Housing Development Authority is or would be the payee on the note evidencing such mortgage loan and that the Virginia Housing Development Authority provides or would provide the funding of such mortgage loan prior to or at the settlement thereof.

G. In the event of a violation of this section, the Commission may take such action as is authorized in accordance with § 6.2-946, including issuance of an order requiring the state bank to cease and desist the activity that violates this section and imposing penalties.

§ 6.2-1616. Other prohibitions applicable to mortgage brokers.

A. As used in this section; ~~"person affiliated," when used with reference to another person, means (i) any person who is a subsidiary, stockholder, partner, trustee, director, officer or employee of the other person or (ii) any corporation 10 percent or more of the capital stock of which is owned by the other person or by any person who is a subsidiary, stockholder, partner, trustee, director, officer, or employee of the other person.~~

"Real estate broker" has the same meaning provided in § 54.1-2100.

"Real estate salesperson" has the same meaning provided in § 54.1-2101.

B. No mortgage broker required to be licensed under this chapter shall:

1. Except for documented costs of credit reports and appraisals, receive compensation from a borrower until a written commitment to make a mortgage loan is given to the borrower by a mortgage lender;

2. Receive compensation from a mortgage lender of which he is a principal, partner, trustee, director, officer, or employee;

3. Receive compensation from a borrower in connection with any mortgage loan transaction in which he is the lender or a principal, partner, trustee, director, or officer of the lender;

4. Receive compensation from a borrower other than that specified in a written agreement signed by the borrower; *or*

5. ~~Receive compensation for negotiating, placing or finding a mortgage loan where such mortgage broker, or any person affiliated with the mortgage broker, has otherwise acted as a real estate broker, agent or salesman in connection with the sale of the real estate which secures the mortgage loan and such mortgage broker or person affiliated with the mortgage broker has received or will receive any other compensation or thing of value from the lender, borrower, seller or any other person, unless the borrower is given the following notice in writing at the time the mortgage broker services are first offered to the borrower:~~

NOTICE

WE HAVE OFFERED TO ASSIST YOU IN OBTAINING A MORTGAGE LOAN. IF WE ARE SUCCESSFUL IN OBTAINING A LOAN FOR YOU, WE WILL CHARGE AND COLLECT FROM YOU A FEE OF % OF THE LOAN AMOUNT.

WE DO NOT REPRESENT ALL OF THE LENDERS IN THE MARKET AND THE LENDERS WE DO REPRESENT MAY NOT OFFER THE LOWEST INTEREST RATES OR BEST TERMS AVAILABLE TO YOU. YOU ARE FREE TO SEEK A LOAN WITHOUT OUR ASSISTANCE, IN WHICH EVENT YOU WILL NOT BE REQUIRED TO PAY US A FEE FOR THAT SERVICE.

~~IF YOU ARE A MEMBER OF A CREDIT UNION YOU SHOULD COMPARE OUR INTEREST RATES AND TERMS WITH THE MORTGAGE LOANS AVAILABLE THROUGH YOUR CREDIT UNION.~~

~~BORROWER'S SIGNATURE~~

~~BORROWER'S SIGNATURE~~

~~The foregoing notice shall be in at least 10-point type and the prospective borrower shall acknowledge receipt of the written notice; or~~

~~6. Fail to use reasonable skill, care, and diligence in exercising the broker's duty, which duty is hereby created, to make reasonable efforts to secure a mortgage loan that is in the best interests of the applicant, considering the applicant's circumstances and loan characteristics, including but not limited to the product type, rates, charges, and repayment terms of the loan.~~

~~C. Notwithstanding the provisions of subdivision B 5, no person shall act as a If a mortgage broker negotiates, places, or finds a mortgage loan and acts as a real estate broker or real estate salesperson in connection with any the sale of the real estate sales transaction in which such person, or any person affiliated with such person, has acted as a real estate broker, agent, or salesman and has received or will receive compensation in connection with such transaction, unless such person was regularly engaged in acting as a that secures such loan, the mortgage broker in the Commonwealth as of February 25, 1989 shall conspicuously provide to the borrower the following written disclosure at the time the mortgage broker services are first offered to the borrower:~~

~~YOU ARE HEREBY NOTIFIED THAT YOU ARE NOT REQUIRED TO ENTER INTO ANY ARRANGEMENT FOR REAL ESTATE BROKER OR REAL ESTATE SALESPERSON SERVICES WITH A REAL ESTATE BROKER OR REAL ESTATE SALESPERSON TO WHOM WE HAVE REFERRED YOU.~~

~~YOU ARE HEREBY NOTIFIED THAT [NAME OF MORTGAGE BROKER] WILL BE RECEIVING COMPENSATION FOR PROVIDING BOTH MORTGAGE BROKER SERVICES AND REAL ESTATE BROKER OR REAL ESTATE SALESPERSON SERVICES IN CONNECTION WITH THE SALE OF THE REAL ESTATE THAT SECURES THIS MORTGAGE LOAN.~~

~~YOU ARE HEREBY NOTIFIED THAT WE DO NOT REPRESENT ALL OF THE LENDERS IN THE MARKET AND THE LENDERS WE DO REPRESENT MAY NOT OFFER THE LOWEST INTEREST RATES OR BEST TERMS AVAILABLE TO YOU.~~

~~D. The requirements of this section are in addition to the requirements of the federal Real Estate Settlement Procedures Act of 1974 (12 U.S.C. § 2601 et seq.) and regulations adopted thereunder.~~

§ 6.2-1627. Private actions.

A. Nothing in this chapter shall be construed to preclude any person who suffers loss as a result of a violation of Chapter 3 (§ 6.2-300 et seq.) or Chapter 4 (§ 6.2-400 et seq.) from maintaining an action to recover damages or restitution and, as provided by statute, attorney fees. However, in any matter in which the Attorney General has exercised his authority pursuant to § 6.2-1626, an individual action shall not be maintainable if the individual has received damages or restitution pursuant to § 6.2-1626.

B. A borrower who suffers a loss as a result of a mortgage broker's breach of duty as set forth in subdivision B 6 5 of § 6.2-1616 may bring an action against such broker to recover actual damages. In addition to any damages awarded, such borrower also may be awarded attorney fees and court costs.

CHAPTER 401

An Act to amend and reenact §§ 6.2-888, 6.2-1616, and 6.2-1627 of the Code of Virginia, relating to mortgage brokers; dual compensation.

[S 303]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 6.2-888, 6.2-1616, and 6.2-1627 of the Code of Virginia are amended and reenacted as follows:

§ 6.2-888. Real estate brokerage business of controlled subsidiary.

A. In addition to the types of business authorized in §§ 6.2-885 and 6.2-887, a controlled subsidiary corporation may be formed and licensed to transact business as a real estate brokerage firm in accordance with § 54.1-2106.1, provided such controlled subsidiary corporation transacts the real estate brokerage business and such services only in accordance with the specific provisions of this section. Such controlled subsidiary corporation shall be subject to the provisions of Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1 that are otherwise applicable to real estate brokerage companies transacting a comparable business.

B. A controlled subsidiary corporation of a state bank may own and transact business as a real estate brokerage firm and provide the services of a real estate brokerage firm, only upon the Commission's determination that the state bank making application to do so is in full compliance with applicable law. The investment of any bank in the stock, securities, or other obligations of a controlled subsidiary corporation shall be approved by the Commission only upon a determination by the Commission that (i) the depositors of the bank are adequately protected from the risk of such ownership and (ii) the ownership is a safe and sound investment for the bank in accordance with applicable law. Such determination shall include

but not be limited to providing written notice to the Virginia Real Estate Board and receiving written confirmation from the Virginia Real Estate Board that the real estate brokerage firm, to be owned, and its brokers, are in good standing in accordance with the requirements of Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1.

C. A controlled subsidiary corporation of a state bank may own and transact business as a real estate brokerage firm only in compliance with the following:

1. The controlled subsidiary corporation, or a state bank that owns a controlled subsidiary corporation, that engages in real estate brokerage, shall not:

a. Impose a requirement, orally or in writing, that a borrower shall contract for or enter into any other arrangement for real estate services with its affiliated real estate brokerage firm;

b. Impose a requirement, orally or in writing, that as a condition of approving a loan a borrower shall contract or enter into any other arrangement with its affiliated real estate brokerage firm;

c. Impose a requirement, orally or in writing, that a real estate brokerage customer shall make application for a loan or any other service or services of a particular bank or any of its subsidiaries, affiliates, or service entities, except as otherwise permitted under the *federal* Real Estate Settlement Procedures Act of 1974; (12 U.S.C. § 2601 et seq.); and regulations adopted thereunder;

d. Impose a requirement, orally or in writing, that a condition of providing real estate brokerage services is that the customer shall make application for a loan or any other arrangement for other services of the bank or any of its subsidiaries, affiliates, or service entities, except as otherwise permitted under the *federal* Real Estate Settlement Procedures Act of 1974; (12 U.S.C. § 2601 et seq.); and regulations adopted thereunder;

e. Offer or provide more favorable consideration, terms, or conditions for any financial products or services to induce or attempt to induce a person to enter into any arrangement for real estate brokerage services with any particular real estate brokerage firm;

f. Offer or provide more favorable terms or conditions for any real estate brokerage services to induce or attempt to induce a person to apply for a loan or obtain any other services of a particular bank or any of its subsidiaries, affiliates, or service entities;

g. Conduct real estate brokerage activities in the same areas of a building where the bank routinely accepts retail deposits from the general public;

h. Conduct real estate brokerage activities in areas of a building that are identified as areas where banking activities occur;

i. Conduct banking activities in areas of the building that are identified as areas where real estate brokerage activities occur;

j. Make payment to its employees for any referrals of real estate brokerage business;

k. Use confidential credit and other financial information available from the bank for solicitation purposes by a real estate brokerage affiliate, without first having obtained the written consent of the customer;

1. Use or transfer from a bank to any affiliated real estate brokerage firm any financial information of or relating to any unaffiliated competing real estate brokerage firm that is an actual or prospective customer; or

m. Use, directly or indirectly, nonpublic customer information that is held or obtained by the bank for the purpose of soliciting real estate business, without first having obtained the written consent of the customer;

2. A state bank that makes a referral to its affiliated real estate brokerage firm shall clearly and conspicuously disclose in writing, in a separate document, to any person who applies for credit related to a real estate transaction or applies for prequalification or preapproval for credit related to a real estate transaction, that the person is not required to consult with, contract for, or enter into an arrangement for real estate brokerage services with its affiliated real estate brokerage firm; and

3. A real estate brokerage firm that is affiliated with a bank shall clearly and conspicuously disclose in writing, in a separate document, before the time an agency agreement for real estate brokerage services is executed, that the person is not required to apply, contract for, or enter into any other arrangement for services of a particular bank or any of its subsidiaries, affiliates, or service entities.

D. The requirements of this section are in addition to the requirements of the *federal* Real Estate Settlement Procedures Act of 1974; (12 U.S.C. § 2601 et seq.); and regulations adopted thereunder.

E. State banks owning and transacting business as real estate brokerage firms under this section are subject to the provisions of Chapter 9 (§ 55.1-900 et seq.) of Title 55.1.

F. A state bank that acts as a mortgage broker, as defined in § 6.2-1600, and that transacts business as a real estate brokerage through a controlled subsidiary corporation, is subject to ~~subdivision B 5 and~~ subsection C of § 6.2-1616; however, a state bank that, pursuant to an executed originating agreement with the Virginia Housing Development Authority, acts or offers to act as an originating agent of the Virginia Housing Development Authority in connection with a mortgage loan shall not be deemed to be acting as a mortgage broker with respect to such mortgage loan but shall be deemed to be acting as a mortgage lender with respect to such mortgage loan, notwithstanding that the Virginia Housing Development Authority is or would be the payee on the note evidencing such mortgage loan and that the Virginia Housing Development Authority provides or would provide the funding of such mortgage loan prior to or at the settlement thereof.

G. In the event of a violation of this section, the Commission may take such action as is authorized in accordance with § 6.2-946, including issuance of an order requiring the state bank to cease and desist the activity that violates this section and imposing penalties.

§ 6.2-1616. Other prohibitions applicable to mortgage brokers.

A. As used in this section; "person affiliated," when used with reference to another person, means (i) any person who is a subsidiary, stockholder, partner, trustee, director, officer or employee of the other person or (ii) any corporation 10 percent or more of the capital stock of which is owned by the other person or by any person who is a subsidiary, stockholder, partner, trustee, director, officer, or employee of the other person.

"Real estate broker" has the same meaning provided in § 54.1-2100.

"Real estate salesperson" has the same meaning provided in § 54.1-2101.

B. No mortgage broker required to be licensed under this chapter shall:

1. Except for documented costs of credit reports and appraisals, receive compensation from a borrower until a written commitment to make a mortgage loan is given to the borrower by a mortgage lender;
2. Receive compensation from a mortgage lender of which he is a principal, partner, trustee, director, officer, or employee;
3. Receive compensation from a borrower in connection with any mortgage loan transaction in which he is the lender or a principal, partner, trustee, director, or officer of the lender;
4. Receive compensation from a borrower other than that specified in a written agreement signed by the borrower; or
5. Receive compensation for negotiating, placing or finding a mortgage loan where such mortgage broker, or any person affiliated with the mortgage broker, has otherwise acted as a real estate broker, agent or salesman in connection with the sale of the real estate which secures the mortgage loan and such mortgage broker or person affiliated with the mortgage broker has received or will receive any other compensation or thing of value from the lender, borrower, seller or any other person, unless the borrower is given the following notice in writing at the time the mortgage broker services are first offered to the borrower:

NOTICE

~~WE HAVE OFFERED TO ASSIST YOU IN OBTAINING A MORTGAGE LOAN. IF WE ARE SUCCESSFUL IN OBTAINING A LOAN FOR YOU, WE WILL CHARGE AND COLLECT FROM YOU A FEE OF % OF THE LOAN AMOUNT.~~

~~WE DO NOT REPRESENT ALL OF THE LENDERS IN THE MARKET AND THE LENDERS WE DO REPRESENT MAY NOT OFFER THE LOWEST INTEREST RATES OR BEST TERMS AVAILABLE TO YOU. YOU ARE FREE TO SEEK A LOAN WITHOUT OUR ASSISTANCE, IN WHICH EVENT YOU WILL NOT BE REQUIRED TO PAY US A FEE FOR THAT SERVICE.~~

~~IF YOU ARE A MEMBER OF A CREDIT UNION YOU SHOULD COMPARE OUR INTEREST RATES AND TERMS WITH THE MORTGAGE LOANS AVAILABLE THROUGH YOUR CREDIT UNION.~~

~~BORROWER'S SIGNATURE~~

~~BORROWER'S SIGNATURE~~

~~The foregoing notice shall be in at least 10-point type and the prospective borrower shall acknowledge receipt of the written notice; or~~

6. Fail to use reasonable skill, care, and diligence in exercising the broker's duty, which duty is hereby created, to make reasonable efforts to secure a mortgage loan that is in the best interests of the applicant, considering the applicant's circumstances and loan characteristics, including but not limited to the product type, rates, charges, and repayment terms of the loan.

C. ~~Notwithstanding the provisions of subdivision B 5, no person shall act as a~~ *If a mortgage broker negotiates, places, or finds a mortgage loan and acts as a real estate broker or real estate salesperson in connection with any the sale of the real estate sales transaction in which such person, or any person affiliated with such person, has acted as a real estate broker, agent, or salesman and has received or will receive compensation in connection with such transaction, unless such person was regularly engaged in acting as a that secures such loan, the mortgage broker in the Commonwealth as of February 25, 1989 shall conspicuously provide to the borrower the following written disclosure at the time the mortgage broker services are first offered to the borrower:*

YOU ARE HEREBY NOTIFIED THAT YOU ARE NOT REQUIRED TO ENTER INTO ANY ARRANGEMENT FOR REAL ESTATE BROKER OR REAL ESTATE SALESPERSON SERVICES WITH A REAL ESTATE BROKER OR REAL ESTATE SALESPERSON TO WHOM WE HAVE REFERRED YOU.

YOU ARE HEREBY NOTIFIED THAT [NAME OF MORTGAGE BROKER] WILL BE RECEIVING COMPENSATION FOR PROVIDING BOTH MORTGAGE BROKER SERVICES AND REAL ESTATE BROKER OR REAL ESTATE SALESPERSON SERVICES IN CONNECTION WITH THE SALE OF THE REAL ESTATE THAT SECURES THIS MORTGAGE LOAN.

YOU ARE HEREBY NOTIFIED THAT WE DO NOT REPRESENT ALL OF THE LENDERS IN THE MARKET AND THE LENDERS WE DO REPRESENT MAY NOT OFFER THE LOWEST INTEREST RATES OR BEST TERMS AVAILABLE TO YOU.

D. *The requirements of this section are in addition to the requirements of the federal Real Estate Settlement Procedures Act of 1974 (12 U.S.C. § 2601 et seq.) and regulations adopted thereunder.*

§ 6.2-1627. Private actions.

A. Nothing in this chapter shall be construed to preclude any person who suffers loss as a result of a violation of Chapter 3 (§ 6.2-300 et seq.) or Chapter 4 (§ 6.2-400 et seq.) from maintaining an action to recover damages or restitution

and, as provided by statute, attorney fees. However, in any matter in which the Attorney General has exercised his authority pursuant to § 6.2-1626, an individual action shall not be maintainable if the individual has received damages or restitution pursuant to § 6.2-1626.

B. A borrower who suffers a loss as a result of a mortgage broker's breach of duty as set forth in subdivision B 6 5 of § 6.2-1616 may bring an action against such broker to recover actual damages. In addition to any damages awarded, such borrower also may be awarded attorney fees and court costs.

CHAPTER 402

An Act to amend and reenact § 15.2-958.3 of the Code of Virginia, relating to general powers of local governments; additional powers; Commercial Property Assessed Clean Energy (C-PACE) financing programs.

[H 1325]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-958.3 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-958.3. Commercial Property Assessed Clean Energy (C-PACE) financing programs.

A. As used in this section:

"Eligible improvements" means any of the following improvements made to eligible properties:

1. Energy efficiency improvements;
2. Water efficiency and safe drinking water improvements;
3. Renewable energy improvements;
4. Resiliency improvements;
5. Stormwater management improvements;
6. Environmental remediation improvements; and
7. Electric vehicle infrastructure improvements.

A program administrator may include in its C-PACE loan program guide or other administrative documentation definitions, interpretations, and examples of these categories of eligible improvements.

"Eligible properties" means all assessable commercial real estate located within the Commonwealth, with all buildings located or to be located thereon, whether vacant or occupied, whether improved or unimproved, and regardless of whether such real estate is currently subject to taxation by the locality, other than a residential dwelling with fewer than five dwelling units or a condominium as defined in § 55.1-2000 used for residential purposes. Common areas of real estate owned by a cooperative or a property owners' association described in Subtitle IV (§ 55.1-1800 et seq.) of Title 55.1 that have a separate real property tax identification number are eligible properties. Eligible properties shall be eligible to participate in the C-PACE loan program.

"Program administrator" means a third party that is contracted for professional services to administer a C-PACE loan program.

"Resiliency improvement" means an improvement that increases the capacity of a structure or infrastructure to withstand or recover from natural disasters, the effects of climate change, and attacks and accidents, including, but not limited to:

1. Flood mitigation or the mitigation of the impacts of flooding;
2. Inundation adaptation;
3. Natural or nature-based features and living shorelines, as defined in § 28.2-104.1;
4. Enhancement of fire or wind resistance;
5. Microgrids;
6. Energy storage; and
7. Enhancement of the resilience capacity of a natural system, structure, or infrastructure.

B. Any locality may, by ordinance, authorize contracts to provide C-PACE loans (loans) for the initial acquisition and installation, and refinancing of ~~clean energy, resiliency, or stormwater management improvements with eligible improvements located on eligible properties by free and willing property owners of both existing properties and new construction; provided, however, that such loans may not be used to improve a residential dwelling with fewer than five dwelling units or a residential condominium as defined in § 55.1-2000.~~ Such an ordinance shall include such eligible properties. The ordinance may refer to the mode of financing as Commercial Property Assessed Clean Energy (C-PACE) financing and shall include but not be limited to the following:

1. The kinds of ~~renewable energy production and distribution facilities, energy usage efficiency eligible improvements resiliency improvements, water usage efficiency improvements, or stormwater management improvements for which loans may be offered. Resiliency improvements may include mitigation of flooding or the impacts of flooding or stormwater management improvements with a preference for natural or nature-based features and living shorelines as defined in § 28.2-104.1 that qualify for loans;~~

2. The proposed arrangement for such C-PACE loan program (loan program), including (i) a statement concerning the source of funding ~~that will be used to pay for work performed pursuant to the contracts~~ the C-PACE loan; (ii) the time

period during which contracting property owners would repay the *C-PACE* loan; and (iii) the method of apportioning all or any portion of the costs incidental to financing, administration, and collection of the ~~arrangement~~ *C-PACE* loan among the ~~consenting property owners and the locality~~ *the parties to the C-PACE transaction*;

3. (i) A minimum dollar amount that may be financed with respect to ~~a~~ *an eligible* property; (ii) if a locality or other public body is originating the loans, a maximum aggregate dollar amount that may be financed with respect to loans originated by the locality or other public body, and (iii) provisions that the loan program may approve a loan application submitted within two years of the locality's issuance of a certificate of occupancy or other evidence that ~~the clean energy, resiliency, or stormwater management~~ *eligible* improvements comply substantially with the plans and specifications previously approved by the locality and that such loan may refinance or reimburse the property owner for the total costs of such *eligible* improvements;

4. In the case of a loan program described in clause (ii) of subdivision 3, a method for setting requests from ~~property~~ owners of *eligible properties* for financing in priority order in the event that requests appear likely to exceed the authorization amount of the loan program. Priority shall be given to those requests from ~~property~~ owners of *eligible properties* who meet established income or assessed property value eligibility requirements;

5. Identification of a local official authorized to enter into contracts on behalf of the locality. A locality may contract with a ~~third party for professional services~~ *program administrator* to administer such loan program;

6. Identification of any fee that the locality intends to impose on the property owner requesting to participate in the loan program to offset the cost of administering the loan program. The fee may be assessed as a program fee paid by the property owner requesting to participate in the program; and

7. A draft contract specifying the terms and conditions proposed by the locality.

~~B-~~ C. The locality may combine the loan payments required by the contracts with billings for water or sewer charges, real property tax assessments, or other billings; in such cases, the locality may establish the order in which loan payments will be applied to the different charges. The locality may not combine its billings for loan payments required by a contract authorized pursuant to this section with billings of another locality or political subdivision, including an authority operating pursuant to Chapter 51 (§ 15.2-5100 et seq.), unless such locality or political subdivision has given its consent by duly adopted resolution or ordinance. *The locality may, either by ordinance or its program guide, delegate the billing; collection, including enforcement; and remittance of C-PACE loan payments to a third party.*

~~C-~~ D. The locality shall offer private lending institutions the opportunity to participate in local *C-PACE* loan programs established pursuant to this section.

~~D-~~ E. In order to secure the loan authorized pursuant to this section, the locality shall place a voluntary special assessment lien equal in value to the loan against any property where such ~~clean energy systems, resiliency improvements, or stormwater management~~ *eligible* improvements are being installed. The locality may bundle or package said loans for transfer to private lenders in such a manner that would allow the voluntary special assessment liens to remain in full force to secure the loans. The placement of a voluntary special assessment lien shall not require a new assessment on the value of the real property that is being improved under the loan program.

~~E-~~ F. A voluntary special assessment lien *imposed* on real property *under this section*:

1. Shall have the same priority status as a property tax lien against real property, except that such voluntary special assessment lien shall have priority over any previously recorded mortgage or deed of trust lien only if (i) a written subordination agreement, in a form and substance acceptable to each prior lienholder in its sole and exclusive discretion, is executed by the holder of each mortgage or deed of trust lien on the property and recorded with the special assessment lien in the land records where the property is located, and (ii) evidence that the property owner is current on payments on loans secured by a mortgage or deed of trust lien on the property and on property tax payments, that the property owner is not insolvent or in bankruptcy proceedings, and that the title of the benefited property is not in dispute is submitted to the locality prior to recording of the special assessment lien;

2. Shall run with the land, and that portion of the assessment under the assessment contract that has not yet become due is not eliminated by foreclosure of a property tax lien;

3. May be ~~enforceable~~ *enforced* by the local government in the same manner that a property tax lien against real property ~~may be~~ *is* enforced by the local government. A local government shall be entitled to recover costs and expenses, including attorney fees, in a suit to collect a delinquent installment of an assessment in the same manner as in a suit to collect a delinquent property tax; and

4. May incur interest and penalties for delinquent installments of the assessment in the same manner as delinquent property taxes.

~~F-~~ G. Prior to the enactment of an ordinance pursuant to this section, a public hearing shall be held at which interested persons may object to or inquire about the proposed loan program or any of its particulars. The public hearing shall be advertised once a week for two successive weeks in a newspaper of general circulation in the locality.

~~G-~~ H. The Department of Energy shall serve as a statewide sponsor for a ~~clean energy financing~~ *loan* program that meets the requirements of this section. The Department of Energy shall engage a private ~~entity~~ *program administrator* through a competitive selection process to develop ~~and administer~~ the *statewide* loan program. *A locality, in its adoption or amendment of its C-PACE ordinance described in subsection B, may opt into the statewide C-PACE loan program sponsored by the Department of Energy, and such action shall not require the locality to undertake any competitive procurement process.*

CHAPTER 403

An Act to amend and reenact § 19.2-56 of the Code of Virginia, relating to search warrants; copy of search warrant and affidavit given to occupants.

[S 404]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 19.2-56 of the Code of Virginia is amended and reenacted as follows:****§ 19.2-56. To whom search warrant directed; what it shall command; warrant to show date and time of issuance; copy of affidavit to be part of warrant and served therewith; warrants not executed within 15 days.**

A. The judge, magistrate, or other official authorized to issue criminal warrants; shall issue a search warrant only if he finds from the facts or circumstances recited in the affidavit that there is probable cause for the issuance thereof.

Every search warrant shall be directed (i) to the sheriff, sergeant, or any policeman of the county, city, or town in which the place to be searched is located; (ii) to any law-enforcement officer or agent employed by the Commonwealth and vested with the powers of sheriffs and police; or (iii) jointly to any such sheriff, sergeant, policeman, or law-enforcement officer or agent and an agent, special agent, or officer of the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco and Firearms of the United States Treasury, the United States Naval Criminal Investigative Service, the United States Department of Homeland Security, any inspector, law-enforcement official, or police personnel of the United States Postal Service, or the Drug Enforcement Administration. The warrant shall (a) name the affiant, (b) recite the offense or the identity of the person to be arrested for whom a warrant or process for arrest has been issued in relation to which the search is to be made, (c) name or describe the place to be searched, (d) describe the property or person to be searched for, and (e) recite that the magistrate has found probable cause to believe that the property or person constitutes evidence of a crime (identified in the warrant) or tends to show that a person (named or described therein) has committed or is committing a crime or that the person to be arrested for whom a warrant or process for arrest has been issued is located at the place to be searched.

The warrant shall command that the place be forthwith searched and that the objects or persons described in the warrant, if found there, be seized. An inventory shall be produced before a court having jurisdiction of the offense or over the person to be arrested for whom a warrant or process for arrest has been issued in relation to which the warrant was issued as provided in § 19.2-57.

Any such warrant as provided in this section shall be executed by the policeman or other law-enforcement officer or agent into whose hands it shall come or be delivered. If the warrant is directed jointly to a sheriff, sergeant, policeman, or law-enforcement officer or agent of the Commonwealth and a federal agent or officer as otherwise provided in this section, the warrant may be executed jointly or by the policeman, law-enforcement officer, or agent into whose hands it is delivered. No other person may be permitted to be present during or participate in the execution of a warrant to search a place except (1) the owners and occupants of the place to be searched when permitted to be present by the officer in charge of the conduct of the search and (2) persons designated by the officer in charge of the conduct of the search to assist or provide expertise in the conduct of the search.

Any search warrant for records or other information pertaining to a subscriber to, or customer of, an electronic communication service or remote computing service, whether a domestic corporation or foreign corporation, that is transacting or has transacted any business in the Commonwealth, to be executed upon such service provider may be executed within or outside the Commonwealth by hand, United States mail, commercial delivery service, facsimile, or other electronic means upon the service provider. Notwithstanding the provisions of § 19.2-57, the officer executing a warrant pursuant to this paragraph shall endorse the date of execution thereon and shall file the warrant, with the inventory attached (or a notation that no property was seized) and the accompanying affidavit, unless such affidavit was made by voice or videotape recording, within three days after the materials ordered to be produced are received by the officer from the service provider. The return shall be made in the circuit court clerk's office for the jurisdiction wherein the warrant was (A) executed, if executed within the Commonwealth, and a copy of the return shall also be delivered to the clerk of the circuit court of the county or city where the warrant was issued or (B) issued, if executed outside the Commonwealth. Saturdays, Sundays, or any federal or state legal holiday shall not be used in computing the three-day filing period.

Electronic communication service or remote computing service providers, whether a foreign or domestic corporation, shall also provide the contents of electronic communications pursuant to a search warrant issued under this section and § 19.2-70.3 using the same process described in the preceding paragraph.

Notwithstanding the provisions of § 19.2-57, any search warrant for records or other information pertaining to a customer of a financial institution as defined in § 6.2-604, money transmitter as defined in § 6.2-1900, commercial business providing credit history or credit reports, or issuer as defined in § 6.2-424 may be executed within the Commonwealth by hand, United States mail, commercial delivery service, facsimile, or other electronic means upon the financial institution, money transmitter, commercial business providing credit history or credit reports, or issuer. The officer executing such warrant shall endorse the date of execution thereon and shall file the warrant, with the inventory attached (or a notation that no property was seized) and the accompanying affidavit, unless such affidavit was made by voice or videotape recording, within three days after the materials ordered to be produced are received by the officer from the financial institution, money

transmitter, commercial business providing credit history or credit reports, or issuer. The return shall be made in the circuit court clerk's office for the jurisdiction wherein the warrant was executed. Saturdays, Sundays, or any federal or state legal holiday shall not be used in computing the three-day filing period. For the purposes of this section, the warrant will be considered executed in the jurisdiction where the entity on which the warrant is served is located.

Every search warrant shall contain the date and time it was issued. However, the failure of any such search warrant to contain the date and time it was issued shall not render the warrant void, provided that the date and time of issuing of said warrant is established by competent evidence.

The judge, magistrate, or other official authorized to issue criminal warrants shall attach a copy of the affidavit required by § 19.2-54, which shall become a part of the search warrant and served therewith. However, this provision shall not be applicable in any case in which the affidavit is made by means of a voice or videotape recording or where the affidavit has been sealed pursuant to § 19.2-54.

Any search warrant not executed within 15 days after issuance thereof shall be returned to, and voided by, the officer who issued such search warrant.

B. No law-enforcement officer shall seek, execute, or participate in the execution of a no-knock search warrant. A search warrant for any place of abode authorized under this section shall require that a law-enforcement officer be recognizable and identifiable as a uniformed law-enforcement officer and provide audible notice of his authority and purpose reasonably designed to be heard by the occupants of such place to be searched prior to the execution of such search warrant.

After entering and securing the place to be searched and prior to undertaking any search or seizure pursuant to the search warrant, the executing law-enforcement officer shall give a copy of the search warrant and affidavit to the person to be searched or the owner of the place to be searched or, if the owner is not present, to ~~any~~ *at least one adult* occupant of the place to be searched. If the place to be searched is unoccupied *by an adult*, the executing law-enforcement officer shall leave a copy of the search warrant and affidavit in a conspicuous place within or affixed to the place to be searched.

Search warrants authorized under this section for the search of any place of abode shall be executed by initial entry of the abode only in the daytime hours between 8:00 a.m. and 5:00 p.m. unless (i) a judge or a magistrate, if a judge is not available, authorizes the execution of such search warrant at another time for good cause shown by particularized facts in an affidavit or (ii) prior to the issuance of the search warrant, law-enforcement officers lawfully entered and secured the place to be searched and remained at such place continuously.

A law-enforcement officer shall make reasonable efforts to locate a judge before seeking authorization to execute the warrant at another time, unless circumstances require the issuance of the warrant after ~~5:00~~ *5:00* p.m., pursuant to the provisions of this subsection, in which case the law-enforcement officer may seek such authorization from a magistrate without first making reasonable efforts to locate a judge. Such reasonable efforts shall be documented in an affidavit and submitted to a magistrate when seeking such authorization.

Any evidence obtained from a search warrant executed in violation of this subsection shall not be admitted into evidence for the Commonwealth in any prosecution.

C. For the purposes of this section:

"Foreign corporation" means any corporation or other entity, whose primary place of business is located outside of the boundaries of the Commonwealth, that makes a contract or engages in a terms of service agreement with a resident of the Commonwealth to be performed in whole or in part by either party in the Commonwealth, or a corporation that has been issued a certificate of authority pursuant to § 13.1-759 to transact business in the Commonwealth. The making of the contract or terms of service agreement or the issuance of a certificate of authority shall be considered to be the agreement of the foreign corporation or entity that a search warrant or subpoena, which has been properly served on it, has the same legal force and effect as if served personally within the Commonwealth.

"Properly served" means delivery of a search warrant or subpoena by hand, by United States mail, by commercial delivery service, by facsimile or by any other manner to any officer of a corporation or its general manager in the Commonwealth, to any natural person designated by it as agent for the service of process, or if such corporation has designated a corporate agent, to any person named in the latest annual report filed pursuant to § 13.1-775.

CHAPTER 404

An Act to amend and reenact §§ 38.2-3420 and 38.2-3431 of the Code of Virginia and to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 55, consisting of sections numbered 59.1-589 through 59.1-592, relating to group health benefit plans; sponsoring associations; formation of benefits consortium.

[H 884]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-3420 and 38.2-3431 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 55, consisting of sections numbered 59.1-589 through 59.1-592, as follows:

§ 38.2-3420. Authority and jurisdiction of Commission; exception.

A. Except as provided in subsection B C, any person offering or providing coverage in the Commonwealth for health care services, whether the coverage is by direct payment, reimbursement, or otherwise, shall be presumed to be subject to the jurisdiction of the Commission to the extent the person is not regulated by another agency of the Commonwealth, any subdivision of the Commonwealth, or the federal government relating to the offering or providing of coverage for health care services.

B. As used in this subsection:

"Health benefit plan" has the same meaning as described in § 38.2-3431.

"Self-funded multiple employer welfare arrangement" or "self-funded MEWA" means any multiple employer welfare arrangement that is not fully insured by a licensed insurance company. This term includes a benefit consortium established under Chapter 55 (§ 59.1-589 et seq.) of Title 59.1.

1. No self-funded multiple employer welfare arrangement shall issue health benefit plans in the Commonwealth until it has obtained a license pursuant to regulations promulgated by the Commission. No provision of this subsection shall authorize a self-funded MEWA domiciled outside of the Commonwealth to operate in the Commonwealth without obtaining a license pursuant to the regulations promulgated by the Commission.

2. Notwithstanding any other section of this title or Chapter 55 (§ 59.1-589 et seq.) of Title 59.1 to the contrary, all financial and solvency requirements imposed by provisions of this title upon domestic insurers shall apply to domestic self-funded MEWAs unless domestic self-funded MEWAs are otherwise specifically exempted. For the purposes of handling the rehabilitation, liquidation, or conservation of a domestic self-funded MEWA, the provisions of Chapter 15 (§ 38.2-1500 et seq.) shall apply.

3. Notwithstanding any other section of this title or Chapter 55 (§ 59.1-589 et seq.) of Title 59.1 to the contrary, any health benefit plan issued by a self-funded MEWA, including a trust, benefits consortium, or other arrangement, that covers one or more employees of one or more small employers shall (i) provide essential health benefits and cost-sharing requirements as set forth in § 38.2-3451; (ii) offer a minimum level of coverage designed to provide benefits that are actuarially equivalent to 60 percent of the full actuarial value of the benefits provided under the plan; (iii) not limit or exclude coverage for an individual by imposing a preexisting condition exclusion on that individual pursuant to § 38.2-3444; (iv) not establish discriminatory rules based on health status related to eligibility or premium or contribution requirements as imposed on health carriers pursuant to § 38.2-3432.2; (v) meet the renewability standards set forth for health insurance issuers in § 38.2-3432.1; (vi) establish base rates formed on an actuarially sound, modified community rating methodology that considers the pooling of all participant claims; and (vii) utilize each employer member's specific risk profile to determine premiums by actuarially adjusting above or below established base rates, and utilize either pooling or reinsurance of individual large claimants to reduce the adverse impact on any specific employer member's premiums.

4. The Commission shall have authority to adopt regulations applicable to self-funded MEWAs, whether domiciled inside or outside of the Commonwealth, including regulations addressing the self-funded MEWA's financial condition, solvency requirements, and insolvency plan and its exclusion, pursuant to § 59.1-592, from the Virginia Life, Accident and Sickness Insurance Guaranty Association established under Chapter 17 (§ 38.2-1700 et seq.).

C. Neither the provisions of this section nor any other provision of this title shall be construed to affect or apply to a multiple employer welfare arrangement (MEWA) ~~comprised~~ composed only of banks together with their plan-sponsoring organization, and their respective employees, provided the multiple employer welfare arrangement (i) is duly licensed as a MEWA by the insurance regulatory agency of a state contiguous to the Commonwealth, (ii) files with the Commission a copy of its certificate of authority or other proper license from the contiguous state, (iii) has no more than 500 Virginia residents who are employees of its member banks enrolled in or receiving accident and sickness benefits as insureds, members, enrollees, or subscribers of the MEWA, and (iv) is subject to solvency examination authority and reserve adequacy requirements determined by sound actuarial principles by such domiciliary contiguous state. For purposes of this subsection:

"Bank" means an institution that has or is eligible for insurance of deposits by the Federal Deposit Insurance Corporation.

"Plan-sponsoring organization" means an association that (i) sponsors a MEWA ~~comprised~~ composed only of banks; (ii) has been actively in existence for at least five years; (iii) has been formed and maintained in good faith for purposes other than obtaining insurance; (iv) does not condition membership in the association on any health status-related factor relating to an individual, including an employee of an employer or a dependent of an employee; (v) makes health insurance coverage offered through the association available to all members regardless of any health status-related factor relating to such members or individuals eligible for coverage through a member; (vi) does not make health insurance coverage offered through the association available other than in connection with a member of the association; and (vii) meets such additional requirements as may be imposed under the laws of the Commonwealth, and includes any subsidiary of such an association.

§ 38.2-3431. Application of article; definitions.

A. This article applies to group health plans and to health insurance issuers offering group health insurance coverage, and individual policies offered to employees of small employers.

Each insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical or major medical coverage on an expense incurred basis, each corporation providing individual or group accident and sickness subscription contracts, and each health maintenance organization or multiple employer welfare arrangement providing health care plans for health care services that offers individual or group coverage to the small

employer market in ~~this~~ the Commonwealth shall be subject to the provisions of this article. Any issuer of individual coverage to employees of a small employer shall be subject to the provisions of this article if any of the following conditions are met:

1. Any portion of the premiums or benefits is paid by or on behalf of the employer;
2. The eligible employee or dependent is reimbursed, whether through wage adjustments or otherwise, by or on behalf of the employer for any portion of the premium;
3. The employer has permitted payroll deduction for the covered individual and any portion of the premium is paid by the employer, provided that the health insurance issuer providing individual coverage under such circumstances shall be registered as a health insurance issuer in the small group market under this article, and shall have offered small employer group insurance to the employer in the manner required under this article; or
4. The health benefit plan is treated by the employer or any of the covered individuals as part of a plan or program for the purpose of § 106, 125, or 162 of the United States Internal Revenue Code.

B. For the purposes of this article:

"Actuarial certification" means a written statement by a member of the American Academy of Actuaries or other individual acceptable to the Commission that a health insurance issuer is in compliance with the provisions of this article based upon the person's examination, including a review of the appropriate records and of the actuarial assumptions and methods used by the health insurance issuer in establishing premium rates for applicable insurance coverage.

"Affiliation period" means a period which, under the terms of the health insurance coverage offered by a health maintenance organization, must expire before the health insurance coverage becomes effective. The health maintenance organization is not required to provide health care services or benefits during such period and no premium shall be charged to the participant or beneficiary for any coverage during the period.

1. Such period shall begin on the enrollment date.
2. An affiliation period under a plan shall run concurrently with any waiting period under the plan.

"Beneficiary" has the meaning given such term under section 3(8) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1002 (8)).

"Bona fide association" means, with respect to health insurance coverage offered in ~~this~~ the Commonwealth, an association which:

1. Has been actively in existence for at least five years;
2. Has been formed and maintained in good faith for purposes other than obtaining insurance;
3. Does not condition membership in the association on any health status-related factor relating to an individual (including an employee of an employer or a dependent of an employee);
4. Makes health insurance coverage offered through the association available to all members regardless of any health status-related factor relating to such members (or individuals eligible for coverage through a member);
5. Does not make health insurance coverage offered through the association available other than in connection with a member of the association; and
6. Meets such additional requirements as may be imposed under the laws of ~~this~~ the Commonwealth.

"Certification" means a written certification of the period of creditable coverage of an individual under a group health plan and coverage provided by a health insurance issuer offering group health insurance coverage and the coverage if any under such COBRA continuation provision, and the waiting period if any and affiliation period if applicable imposed with respect to the individual for any coverage under such plan.

"Church plan" has the meaning given such term under section 3(33) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1002 (33)).

"COBRA continuation provision" means any of the following:

1. Section 4980B of the Internal Revenue Code of 1986 (26 U.S.C. § 4980B), other than subsection (f)(1) of such section insofar as it relates to pediatric vaccines;
2. Part 6 of subtitle B of Title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1161 et seq.), other than section 609 of such Act; or
3. Title XXII of P.L. 104-191.

"Creditable coverage" means with respect to an individual, coverage of the individual under any of the following:

1. A group health plan;
2. Health insurance coverage;
3. Part A or B of Title XVIII of the Social Security Act (42 U.S.C. § 1395c or § 1395);
4. Title XIX of the Social Security Act (42 U.S.C. § 1396 et seq.), other than coverage consisting solely of benefits under section 1928;
5. Chapter 55 of Title 10, United States Code (10 U.S.C. § 1071 et seq.);
6. A medical care program of the Indian Health Service or of a tribal organization;
7. A state health benefits risk pool;
8. A health plan offered under Chapter 89 of Title 5, United States Code (5 U.S.C. § 8901 et seq.);
9. A public health plan (as defined in federal regulations);
10. A health benefit plan under section 5 (e) of the Peace Corps Act (22 U.S.C. § 2504(e)); or
11. Individual health insurance coverage.

Such term does not include coverage consisting solely of coverage of excepted benefits.

"Dependent" means the spouse or child of an eligible employee, subject to the applicable terms of the policy, contract or plan covering the eligible employee.

"Eligible employee" means an employee who works for a small group employer on a full-time basis, has a normal work week of 30 or more hours, has satisfied applicable waiting period requirements, and is not a part-time, temporary or substitute employee. At the employer's sole discretion, the eligibility criterion may be broadened to include part-time employees.

"Eligible individual" means such an individual in relation to the employer as shall be determined:

1. In accordance with the terms of such plan;
2. As provided by the health insurance issuer under rules of the health insurance issuer which are uniformly applicable to employers in the group market; and
3. In accordance with all applicable law of ~~this~~ the Commonwealth governing such issuer and such market.

"Employee" has the meaning given such term under section 3(6) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1002 (6)).

"Employer" has the meaning given such term under section 3(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1002 (5)), except that such term shall include only employers of two or more employees.

"Enrollment date" means, with respect to an eligible individual covered under a group health plan or health insurance coverage, the date of enrollment of the eligible individual in the plan or coverage or, if earlier, the first day of the waiting period for such enrollment.

"Excepted benefits" means benefits under one or more (or any combination thereof) of the following:

1. Benefits not subject to requirements of this article:
 - a. Coverage only for accident, or disability income insurance, or any combination thereof;
 - b. Coverage issued as a supplement to liability insurance;
 - c. Liability insurance, including general liability insurance and automobile liability insurance;
 - d. Workers' compensation or similar insurance;
 - e. Medical expense and loss of income benefits;
 - f. Credit-only insurance;
 - g. Coverage for on-site medical clinics; and
 - h. Other similar insurance coverage, specified in regulations, under which benefits for medical care are secondary or incidental to other insurance benefits.
2. Benefits not subject to requirements of this article if offered separately:
 - a. Limited scope dental or vision benefits;
 - b. Benefits for long-term care, nursing home care, home health care, community-based care, or any combination thereof; and
 - c. Such other similar, limited benefits as are specified in regulations.
3. Benefits not subject to requirements of this article if offered as independent, noncoordinated benefits:
 - a. Coverage only for a specified disease or illness; and
 - b. Hospital indemnity or other fixed indemnity insurance.
4. Benefits not subject to requirements of this article if offered as separate insurance policy:
 - a. Medicare supplemental health insurance (as defined under section 1882 (g)(1) of the Social Security Act (42 U.S.C. § 1395ss (g)(1)));
 - b. Coverage supplemental to the coverage provided under Chapter 55 of Title 10, United States Code (10 U.S.C. § 1071 et seq.); and
 - c. Similar supplemental coverage provided to coverage under a group health plan.

"Federal governmental plan" means a governmental plan established or maintained for its employees by the government of the United States or by an agency or instrumentality of such government.

"Governmental plan" has the meaning given such term under section 3(32) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1002 (32)) and any federal governmental plan.

"Group health insurance coverage" means in connection with a group health plan, health insurance coverage offered in connection with such plan.

"Group health plan" means an employee welfare benefit plan (as defined in section 3 (1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1002 (1))), to the extent that the plan provides medical care and including items and services paid for as medical care to employees or their dependents (as defined under the terms of the plan) directly or through insurance, reimbursement, or otherwise.

"Health benefit plan" means any accident and health insurance policy or certificate, health services plan contract, health maintenance organization subscriber contract, plan provided by a MEWA or plan provided by another benefit arrangement. "Health benefit plan" does not mean accident only, credit, or disability insurance; coverage of Medicare services or federal employee health plans, pursuant to contracts with the United States government; Medicare supplement or long-term care insurance; Medicaid coverage; dental only or vision only insurance; specified disease insurance; hospital confinement indemnity coverage; limited benefit health coverage; coverage issued as a supplement to liability insurance; insurance arising out of a workers' compensation or similar law; automobile medical payment insurance; medical expense

and loss of income benefits; or insurance under which benefits are payable with or without regard to fault and that is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

"Health insurance coverage" means benefits consisting of medical care (provided directly, through insurance or reimbursement, or otherwise and including items and services paid for as medical care) under any hospital or medical service policy or certificate, hospital or medical service plan contract, or health maintenance organization contract offered by a health insurance issuer.

"Health insurance issuer" means an insurance company, or insurance organization (including a health maintenance organization) which is licensed to engage in the business of insurance in ~~this~~ the Commonwealth and which is subject to the laws of ~~this~~ the Commonwealth which regulate insurance within the meaning of section 514 (b)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1144 (b)(2)). Such term does not include a group health plan.

"Health maintenance organization" means:

1. A federally qualified health maintenance organization;
2. An organization recognized under the laws of ~~this~~ the Commonwealth as a health maintenance organization; or
3. A similar organization regulated under the laws of ~~this~~ the Commonwealth for solvency in the same manner and to the same extent as such a health maintenance organization.

"Health status-related factor" means the following in relation to the individual or a dependent eligible for coverage under a group health plan or health insurance coverage offered by a health insurance issuer:

1. Health status;
2. Medical condition (including both physical and mental illnesses);
3. Claims experience;
4. Receipt of health care;
5. Medical history;
6. Genetic information;
7. Evidence of insurability (including conditions arising out of acts of domestic violence); or
8. Disability.

"Individual health insurance coverage" means health insurance coverage offered to individuals in the individual market, but does not include coverage defined as excepted benefits. Individual health insurance coverage does not include short-term limited duration coverage.

"Individual market" means the market for health insurance coverage offered to individuals other than in connection with a group health plan.

"Large employer" means, in connection with a group health plan or health insurance coverage with respect to a calendar year and a plan year, an employer who employed an average of at least 51 employees on business days during the preceding calendar year and who employs at least one employee on the first day of the plan year.

"Large group market" means the health insurance market under which individuals obtain health insurance coverage (directly or through any arrangement) on behalf of themselves (and their dependents) through a group health plan maintained by a large employer.

"Late enrollee" means, with respect to coverage under a group health plan or health insurance coverage provided by a health insurance issuer, a participant or beneficiary who enrolls under the plan other than during:

1. The first period in which the individual is eligible to enroll under the plan; or
2. A special enrollment period as required pursuant to subsections J through M of § 38.2-3432.3.

"Medical care" means amounts paid for:

1. The diagnosis, cure, mitigation, treatment, or prevention of disease, or amounts paid for the purpose of affecting any structure or function of the body;
2. Transportation primarily for and essential to medical care referred to in subdivision 1; and
3. Insurance covering medical care referred to in subdivisions 1 and 2.

"Network plan" means health insurance coverage of a health insurance issuer under which the financing and delivery of medical care (including items and services paid for as medical care) are provided, in whole or in part, through a defined set of providers under contract with the health insurance issuer.

"Nonfederal governmental plan" means a governmental plan that is not a federal governmental plan.

"Participant" has the meaning given such term under section 3(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1002 (7)).

"Placed for adoption," or "placement" or "being placed" for adoption, in connection with any placement for adoption of a child with any person, means the assumption and retention by such person of a legal obligation for total or partial support of such child in anticipation of adoption of such child. The child's placement with such person terminates upon the termination of such legal obligation.

"Plan sponsor" has the meaning given such term under section 3(16)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1002 (16)(B)).

"Preexisting condition exclusion" means, with respect to coverage, a limitation or exclusion of benefits relating to a condition based on the fact that the condition was present before the date of enrollment for such coverage, whether or not any medical advice, diagnosis, care, or treatment was recommended or received before such date. Genetic information shall not be treated as a preexisting condition in the absence of a diagnosis of the condition related to such information.

"Premium" means all moneys paid by an employer and eligible employees as a condition of coverage from a health insurance issuer, including fees and other contributions associated with the health benefit plan.

"Rating period" means the 12-month period for which premium rates are determined by a health insurance issuer and are assumed to be in effect.

"Self-employed individual" means an individual who derives a substantial portion of his income from a trade or business (i) operated by the individual as a sole proprietor, (ii) through which the individual has attempted to earn taxable income, and (iii) for which he has filed the appropriate Internal Revenue Service Form 1040, Schedule C or F, for the previous taxable year.

"Service area" means a broad geographic area of the Commonwealth in which a health insurance issuer sells or has sold insurance policies on or before January 1994, or upon its subsequent authorization to do business in Virginia.

"Small employer" means in connection with a group health plan or health insurance coverage with respect to a calendar year and a plan year, an employer who employed an average of at least one but not more than 50 employees on business days during the preceding calendar year and who employs at least one employee on the first day of the plan year. In determining whether a corporation or limited liability company employed an average of at least one individual during the preceding calendar year and employed at least one employee on the first day of the plan year, an individual who performed any service for remuneration under a contract of hire, written or oral, express or implied, for a (i) corporation of which the individual is a shareholder or an immediate family member of a shareholder or (ii) a limited liability company of which the individual is a member shall be deemed to be an employee of the corporation or the limited liability company, respectively. However, a health insurance issuer shall not be required to issue more than one group health plan for each employer identification number issued by the Internal Revenue Service for a business entity, without regard to the number of shareholders or members of such business entity. "Small employer" includes a self-employed individual.

"Small group market" means the health insurance market under which individuals obtain health insurance coverage (directly or through any arrangement) on behalf of themselves (and their dependents) through a group health plan maintained by a small employer.

"Sponsoring association" means a nonstock corporation formed under the Virginia Nonstock Corporation Act (§ 13.1-801 et seq.) that:

1. *Has been formed and maintained in good faith for purposes other than obtaining or providing health benefits;*
2. *Does not condition membership in the sponsoring association on any factor relating to the health status of an individual, including an employee of an employer member of the sponsoring association or a dependent of such an employee;*
3. *Makes any health benefit plan available to all members regardless of any factor relating to the health status of such members or individuals eligible for coverage through another member;*
4. *Does not make any health benefit plan available to any person who is not a member of the association;*
5. *Makes available health plans or health benefit plans that meet the requirements for health benefit plans set forth in subdivision B 3 of § 38.2-3420;*
6. *Operates as a nonprofit entity under § 501(c)(5) or 501(c)(6) of the Internal Revenue Code;*
7. *Has been in active existence for at least five years; and*
8. *Meets such additional requirements as may be imposed under the laws of the Commonwealth.*

"Sponsoring association" includes any wholly owned subsidiary of a sponsoring association.

"State" means each of the several states, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

"Waiting period" means, with respect to a group health plan or health insurance coverage provided by a health insurance issuer and an individual who is a potential participant or beneficiary in the plan, the period that must pass with respect to the individual before the individual is eligible to be covered for benefits under the terms of the plan. If an employee or dependent enrolls during a special enrollment period pursuant to subsections J through M of § 38.2-3432.3 or as a late enrollee, any period before such enrollment is not a waiting period.

C. The provisions of this section shall not apply in any instance in which the provisions of this section are inconsistent or in conflict with a provision of Article 6 (§ 38.2-3438 et seq.) of Chapter 34.

CHAPTER 55.

BENEFITS CONSORTIUM.

§ 59.1-589. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Benefits consortium" means a trust that is a self-funded MEWA, as defined in § 38.2-3420, and that complies with the conditions set forth in § 59.1-590.

"ERISA" means the federal Employee Retirement Income Security Act of 1974, P.L. 93-406, 88 Stat. 829, as amended.

"Health benefit plan" has the same meaning as in § 38.2-3431.

"Member" means a person that is part of a sponsoring association, that conducts business operations within the Commonwealth, and that employs individuals who reside in the Commonwealth.

"Sponsoring association" has the same meaning as in § 38.2-3431 and includes any wholly owned subsidiary of a sponsoring association.

"Trust" means a trust that (i) is established to accept and hold assets of a health benefit plan in trust in accordance with the terms of the written trust document for the sole purposes of providing medical, prescription drug, dental, and vision benefits and defraying reasonable administrative costs of providing health benefits under a health benefit plan and (ii) complies with the conditions set forth in § 59.1-590.

§ 59.1-590. Conditions for a benefits consortium.

A. This section does not apply to a multiple employer welfare arrangement (MEWA) that offers or provides health benefit plans that are fully insured by an insurer authorized to transact the business of health insurance in the Commonwealth.

B. A trust shall constitute a benefits consortium and shall be authorized to sell or offer to sell health benefit plans to members of a sponsoring association in accordance with the provisions of this chapter if all of the following conditions are satisfied:

1. The trust shall be subject to (i) ERISA and U.S. Department of Labor regulations applicable to multiple employer welfare arrangements and (ii) the authority of the U.S. Department of Labor to enforce such law and regulations;

2. A Form M-1, Report for Multiple Employer Welfare Arrangements (MEWAs), for the applicable plan year shall be filed with the U.S. Department of Labor identifying the arrangement among the trust, sponsoring association, and health benefit plans offered through the trust as a multiple employer welfare arrangement;

3. The trust's organizational documents shall:

a. Provide that the trust is sponsored by the sponsoring association;

b. State that the purpose of the trust is to provide medical, prescription drug, dental, and vision benefits to participating employees of the sponsoring association or its members, and the dependents of those employees, through health benefit plans;

c. Provide that the funds of the trust are to be used for the benefit of participating employees, and the dependents of those employees, through self-funding of claims, the purchase of reinsurance, or a combination thereof, as determined by the trustee, and for defraying reasonable expenses of administering and operating the trust and any health benefit plan;

d. Limit participation in health benefit plans to participating employees of the sponsoring association and its members;

e. Provide for a board of trustees, composed of no fewer than five trustees, that has complete fiscal control over the arrangement and is responsible for all operations of the arrangement. The trustees selected for the board shall be owners, partners, officers, directors, or employees of one or more employers in the arrangement. A trustee or director may not be an owner, officer, or employee of the administrator or service company of the arrangement. The board shall have the authority to approve applications of association members for participation in the arrangement and to contract with a licensed administrator or service company to administer the day-to-day affairs of the arrangement;

f. Provide for the election of trustees to the board of trustees; and

g. Require the trustees to discharge their duties with respect to the trust in accordance with the fiduciary duties defined in ERISA;

4. Five or more members shall participate in one or more health benefit plans;

5. The trust shall establish and maintain reserves determined in accordance with sound actuarial principles and in compliance with all financial and solvency requirements imposed upon domestic self-funded MEWAs;

6. The trust shall purchase and maintain policies of specific, aggregate, and terminal excess insurance with retention levels determined in accordance with sound actuarial principles from insurers licensed to transact the business of insurance in the Commonwealth;

7. The trust shall secure one or more guarantees or standby letters of credit that:

a. Guarantee the payment of claims under the health benefit plan in an aggregate amount not less than the amount of the trust's annual aggregate excess insurance retention level minus (i) the annual premium assessments for the health benefit plans and (ii) the trust's net assets, which amount shall be the net of the trust's reasonable estimate of incurred but not reported claims; and

b. Have been issued by a qualified United States financial institution, as such term is used in subdivision 2 c of § 38.2-1316.4;

8. The trust shall purchase and maintain commercially reasonable fiduciary liability insurance;

9. The trust shall purchase and maintain a bond that satisfies the requirements of ERISA;

10. The trust is audited annually by an independent certified public accountant; and

11. The trust does not include in its name the words "insurance," "insurer," "underwriter," "mutual," or any other word or term or combination of words or terms that is uniquely descriptive of an insurance company or insurance business unless the context of the remaining words or terms clearly indicates that the entity is not an insurance company and is not transacting the business of insurance.

§ 59.1-591. Additional requirements.

A. The board of trustees established pursuant to subsection B of § 59.1-590 shall (i) operate any health benefit plans in accordance with the fiduciary duties defined in ERISA and (ii) have the power to make and collect special assessments against members and, if any assessment is not timely paid, to enforce collection of such assessment.

B. Each member shall be liable for his allocated share of the liabilities of the sponsoring association under a health benefit plan as determined by the board of trustees.

C. Health benefit plan documents shall have the following statement printed on the first page in size 14-point boldface type:

"This coverage is not insurance and is not offered through an insurance company. This coverage is not required to comply with certain federal market requirements for health insurance, nor is it required to comply with certain state laws for health insurance. Each member shall be liable for his allocated share of the liabilities of the sponsoring association under the health benefit plan as determined by the board of trustees. This means that each member may be responsible for paying an additional sum if the annual premiums present a deficit of funds for the trust. The trust's financial documents shall be available for public inspection at (insert website of where sponsoring association trust documents are posted)."

§ 59.1-592. Exemptions; license tax.

Notwithstanding any other provision of law, a benefits consortium or sponsoring association, by virtue of its sponsorship of a benefits consortium or any health benefit plan, shall not be subject to the following: (i) the provisions of Chapter 17 (§ 38.2-1700 et seq.) of Title 38.2 or any regulations adopted thereunder or (ii) any annual license tax levied pursuant to § 58.1-2501.

CHAPTER 405

An Act to amend and reenact §§ 38.2-3420 and 38.2-3431 of the Code of Virginia and to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 55, consisting of sections numbered 59.1-589 through 59.1-592, relating to group health benefit plans; sponsoring associations; formation of benefits consortium.

[S 195]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-3420 and 38.2-3431 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 55, consisting of sections numbered 59.1-589 through 59.1-592, as follows:

§ 38.2-3420. Authority and jurisdiction of Commission; exception.

A. Except as provided in subsection B C, any person offering or providing coverage in the Commonwealth for health care services, whether the coverage is by direct payment, reimbursement, or otherwise, shall be presumed to be subject to the jurisdiction of the Commission to the extent the person is not regulated by another agency of the Commonwealth, any subdivision of the Commonwealth, or the federal government relating to the offering or providing of coverage for health care services.

B. *As used in this subsection:*

"Health benefit plan" has the same meaning as described in § 38.2-3431.

"Self-funded multiple employer welfare arrangement" or "self-funded MEWA" means any multiple employer welfare arrangement that is not fully insured by a licensed insurance company. This term includes a benefit consortium established under Chapter 55 (§ 59.1-589 et seq.) of Title 59.1.

1. *No self-funded multiple employer welfare arrangement shall issue health benefit plans in the Commonwealth until it has obtained a license pursuant to regulations promulgated by the Commission. No provision of this subsection shall authorize a self-funded MEWA domiciled outside of the Commonwealth to operate in the Commonwealth without obtaining a license pursuant to the regulations promulgated by the Commission.*

2. *Notwithstanding any other section of this title or Chapter 55 (§ 59.1-589 et seq.) of Title 59.1 to the contrary, all financial and solvency requirements imposed by provisions of this title upon domestic insurers shall apply to domestic self-funded MEWAs unless domestic self-funded MEWAs are otherwise specifically exempted. For the purposes of handling the rehabilitation, liquidation, or conservation of a domestic self-funded MEWA, the provisions of Chapter 15 (§ 38.2-1500 et seq.) shall apply.*

3. *Notwithstanding any other section of this title or Chapter 55 (§ 59.1-589 et seq.) of Title 59.1 to the contrary, any health benefit plan issued by a self-funded MEWA, including a trust, benefits consortium, or other arrangement, that covers one or more employees of one or more small employers shall (i) provide essential health benefits and cost-sharing requirements as set forth in § 38.2-3451; (ii) offer a minimum level of coverage designed to provide benefits that are actuarially equivalent to 60 percent of the full actuarial value of the benefits provided under the plan; (iii) not limit or exclude coverage for an individual by imposing a preexisting condition exclusion on that individual pursuant to § 38.2-3444; (iv) not establish discriminatory rules based on health status related to eligibility or premium or contribution requirements as imposed on health carriers pursuant to § 38.2-3432.2; (v) meet the renewability standards set forth for health insurance issuers in § 38.2-3432.1; (vi) establish base rates formed on an actuarially sound, modified community rating methodology that considers the pooling of all participant claims; and (vii) utilize each employer member's specific risk profile to determine premiums by actuarially adjusting above or below established base rates, and utilize either pooling or reinsurance of individual large claimants to reduce the adverse impact on any specific employer member's premiums.*

4. *The Commission shall have authority to adopt regulations applicable to self-funded MEWAs, whether domiciled inside or outside of the Commonwealth, including regulations addressing the self-funded MEWA's financial condition,*

solvency requirements, and insolvency plan and its exclusion, pursuant to § 59.1-592, from the Virginia Life, Accident and Sickness Insurance Guaranty Association established under Chapter 17 (§ 38.2-1700 et seq.).

C. Neither the provisions of this section nor any other provision of this title shall be construed to affect or apply to a multiple employer welfare arrangement (MEWA) ~~comprised~~ *composed* only of banks together with their plan-sponsoring organization, and their respective employees, provided the multiple employer welfare arrangement (i) is duly licensed as a MEWA by the insurance regulatory agency of a state contiguous to the Commonwealth, (ii) files with the Commission a copy of its certificate of authority or other proper license from the contiguous state, (iii) has no more than 500 Virginia residents who are employees of its member banks enrolled in or receiving accident and sickness benefits as insureds, members, enrollees, or subscribers of the MEWA, and (iv) is subject to solvency examination authority and reserve adequacy requirements determined by sound actuarial principles by such domiciliary contiguous state. For purposes of this subsection:

"Bank" means an institution that has or is eligible for insurance of deposits by the Federal Deposit Insurance Corporation.

"Plan-sponsoring organization" means an association that (i) sponsors a MEWA ~~comprised~~ *composed* only of banks; (ii) has been actively in existence for at least five years; (iii) has been formed and maintained in good faith for purposes other than obtaining insurance; (iv) does not condition membership in the association on any health status-related factor relating to an individual, including an employee of an employer or a dependent of an employee; (v) makes health insurance coverage offered through the association available to all members regardless of any health status-related factor relating to such members or individuals eligible for coverage through a member; (vi) does not make health insurance coverage offered through the association available other than in connection with a member of the association; and (vii) meets such additional requirements as may be imposed under the laws of the Commonwealth, and includes any subsidiary of such an association.

§ 38.2-3431. Application of article; definitions.

A. This article applies to group health plans and to health insurance issuers offering group health insurance coverage, and individual policies offered to employees of small employers.

Each insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical or major medical coverage on an expense incurred basis, each corporation providing individual or group accident and sickness subscription contracts, and each health maintenance organization or multiple employer welfare arrangement providing health care plans for health care services that offers individual or group coverage to the small employer market in ~~this~~ *the* Commonwealth shall be subject to the provisions of this article. Any issuer of individual coverage to employees of a small employer shall be subject to the provisions of this article if any of the following conditions are met:

1. Any portion of the premiums or benefits is paid by or on behalf of the employer;
2. The eligible employee or dependent is reimbursed, whether through wage adjustments or otherwise, by or on behalf of the employer for any portion of the premium;
3. The employer has permitted payroll deduction for the covered individual and any portion of the premium is paid by the employer, provided that the health insurance issuer providing individual coverage under such circumstances shall be registered as a health insurance issuer in the small group market under this article, and shall have offered small employer group insurance to the employer in the manner required under this article; or
4. The health benefit plan is treated by the employer or any of the covered individuals as part of a plan or program for the purpose of § 106, 125, or 162 of the United States Internal Revenue Code.

B. For the purposes of this article:

"Actuarial certification" means a written statement by a member of the American Academy of Actuaries or other individual acceptable to the Commission that a health insurance issuer is in compliance with the provisions of this article based upon the person's examination, including a review of the appropriate records and of the actuarial assumptions and methods used by the health insurance issuer in establishing premium rates for applicable insurance coverage.

"Affiliation period" means a period which, under the terms of the health insurance coverage offered by a health maintenance organization, must expire before the health insurance coverage becomes effective. The health maintenance organization is not required to provide health care services or benefits during such period and no premium shall be charged to the participant or beneficiary for any coverage during the period.

1. Such period shall begin on the enrollment date.
2. An affiliation period under a plan shall run concurrently with any waiting period under the plan.

"Beneficiary" has the meaning given such term under section 3(8) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1002 (8)).

"Bona fide association" means, with respect to health insurance coverage offered in ~~this~~ *the* Commonwealth, an association which:

1. Has been actively in existence for at least five years;
2. Has been formed and maintained in good faith for purposes other than obtaining insurance;
3. Does not condition membership in the association on any health status-related factor relating to an individual (including an employee of an employer or a dependent of an employee);
4. Makes health insurance coverage offered through the association available to all members regardless of any health status-related factor relating to such members (or individuals eligible for coverage through a member);

5. Does not make health insurance coverage offered through the association available other than in connection with a member of the association; and

6. Meets such additional requirements as may be imposed under the laws of ~~this~~ *the* Commonwealth.

"Certification" means a written certification of the period of creditable coverage of an individual under a group health plan and coverage provided by a health insurance issuer offering group health insurance coverage and the coverage if any under such COBRA continuation provision, and the waiting period if any and affiliation period if applicable imposed with respect to the individual for any coverage under such plan.

"Church plan" has the meaning given such term under section 3(33) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1002 (33)).

"COBRA continuation provision" means any of the following:

1. Section 4980B of the Internal Revenue Code of 1986 (26 U.S.C. § 4980B), other than subsection (f)(1) of such section insofar as it relates to pediatric vaccines;

2. Part 6 of subtitle B of Title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1161 et seq.), other than section 609 of such Act; or

3. Title XXII of P.L. 104-191.

"Creditable coverage" means with respect to an individual, coverage of the individual under any of the following:

1. A group health plan;

2. Health insurance coverage;

3. Part A or B of Title XVIII of the Social Security Act (42 U.S.C. § 1395c or § 1395);

4. Title XIX of the Social Security Act (42 U.S.C. § 1396 et seq.), other than coverage consisting solely of benefits under section 1928;

5. Chapter 55 of Title 10, United States Code (10 U.S.C. § 1071 et seq.);

6. A medical care program of the Indian Health Service or of a tribal organization;

7. A state health benefits risk pool;

8. A health plan offered under Chapter 89 of Title 5, United States Code (5 U.S.C. § 8901 et seq.);

9. A public health plan (as defined in federal regulations);

10. A health benefit plan under section 5 (e) of the Peace Corps Act (22 U.S.C. § 2504(e)); or

11. Individual health insurance coverage.

Such term does not include coverage consisting solely of coverage of excepted benefits.

"Dependent" means the spouse or child of an eligible employee, subject to the applicable terms of the policy, contract or plan covering the eligible employee.

"Eligible employee" means an employee who works for a small group employer on a full-time basis, has a normal work week of 30 or more hours, has satisfied applicable waiting period requirements, and is not a part-time, temporary or substitute employee. At the employer's sole discretion, the eligibility criterion may be broadened to include part-time employees.

"Eligible individual" means such an individual in relation to the employer as shall be determined:

1. In accordance with the terms of such plan;

2. As provided by the health insurance issuer under rules of the health insurance issuer which are uniformly applicable to employers in the group market; and

3. In accordance with all applicable law of ~~this~~ *the* Commonwealth governing such issuer and such market.

"Employee" has the meaning given such term under section 3(6) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1002 (6)).

"Employer" has the meaning given such term under section 3(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1002 (5)), except that such term shall include only employers of two or more employees.

"Enrollment date" means, with respect to an eligible individual covered under a group health plan or health insurance coverage, the date of enrollment of the eligible individual in the plan or coverage or, if earlier, the first day of the waiting period for such enrollment.

"Excepted benefits" means benefits under one or more (or any combination thereof) of the following:

1. Benefits not subject to requirements of this article:

a. Coverage only for accident, or disability income insurance, or any combination thereof;

b. Coverage issued as a supplement to liability insurance;

c. Liability insurance, including general liability insurance and automobile liability insurance;

d. Workers' compensation or similar insurance;

e. Medical expense and loss of income benefits;

f. Credit-only insurance;

g. Coverage for on-site medical clinics; and

h. Other similar insurance coverage, specified in regulations, under which benefits for medical care are secondary or incidental to other insurance benefits.

2. Benefits not subject to requirements of this article if offered separately:

a. Limited scope dental or vision benefits;

b. Benefits for long-term care, nursing home care, home health care, community-based care, or any combination thereof; and

c. Such other similar, limited benefits as are specified in regulations.

3. Benefits not subject to requirements of this article if offered as independent, noncoordinated benefits:

a. Coverage only for a specified disease or illness; and

b. Hospital indemnity or other fixed indemnity insurance.

4. Benefits not subject to requirements of this article if offered as separate insurance policy:

a. Medicare supplemental health insurance (as defined under section 1882 (g)(1) of the Social Security Act (42 U.S.C. § 1395ss (g)(1));

b. Coverage supplemental to the coverage provided under Chapter 55 of Title 10, United States Code (10 U.S.C. § 1071 et seq.); and

c. Similar supplemental coverage provided to coverage under a group health plan.

"Federal governmental plan" means a governmental plan established or maintained for its employees by the government of the United States or by an agency or instrumentality of such government.

"Governmental plan" has the meaning given such term under section 3(32) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1002 (32)) and any federal governmental plan.

"Group health insurance coverage" means in connection with a group health plan, health insurance coverage offered in connection with such plan.

"Group health plan" means an employee welfare benefit plan (as defined in section 3 (1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1002 (1)), to the extent that the plan provides medical care and including items and services paid for as medical care to employees or their dependents (as defined under the terms of the plan) directly or through insurance, reimbursement, or otherwise.

"Health benefit plan" means any accident and health insurance policy or certificate, health services plan contract, health maintenance organization subscriber contract, plan provided by a MEWA or plan provided by another benefit arrangement. "Health benefit plan" does not mean accident only, credit, or disability insurance; coverage of Medicare services or federal employee health plans, pursuant to contracts with the United States government; Medicare supplement or long-term care insurance; Medicaid coverage; dental only or vision only insurance; specified disease insurance; hospital confinement indemnity coverage; limited benefit health coverage; coverage issued as a supplement to liability insurance; insurance arising out of a workers' compensation or similar law; automobile medical payment insurance; medical expense and loss of income benefits; or insurance under which benefits are payable with or without regard to fault and that is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

"Health insurance coverage" means benefits consisting of medical care (provided directly, through insurance or reimbursement, or otherwise and including items and services paid for as medical care) under any hospital or medical service policy or certificate, hospital or medical service plan contract, or health maintenance organization contract offered by a health insurance issuer.

"Health insurance issuer" means an insurance company, or insurance organization (including a health maintenance organization) which is licensed to engage in the business of insurance in ~~this~~ the Commonwealth and which is subject to the laws of ~~this~~ the Commonwealth which regulate insurance within the meaning of section 514 (b)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1144 (b)(2)). Such term does not include a group health plan.

"Health maintenance organization" means:

1. A federally qualified health maintenance organization;

2. An organization recognized under the laws of ~~this~~ the Commonwealth as a health maintenance organization; or

3. A similar organization regulated under the laws of ~~this~~ the Commonwealth for solvency in the same manner and to the same extent as such a health maintenance organization.

"Health status-related factor" means the following in relation to the individual or a dependent eligible for coverage under a group health plan or health insurance coverage offered by a health insurance issuer:

1. Health status;

2. Medical condition (including both physical and mental illnesses);

3. Claims experience;

4. Receipt of health care;

5. Medical history;

6. Genetic information;

7. Evidence of insurability (including conditions arising out of acts of domestic violence); or

8. Disability.

"Individual health insurance coverage" means health insurance coverage offered to individuals in the individual market, but does not include coverage defined as excepted benefits. Individual health insurance coverage does not include short-term limited duration coverage.

"Individual market" means the market for health insurance coverage offered to individuals other than in connection with a group health plan.

"Large employer" means, in connection with a group health plan or health insurance coverage with respect to a calendar year and a plan year, an employer who employed an average of at least 51 employees on business days during the preceding calendar year and who employs at least one employee on the first day of the plan year.

"Large group market" means the health insurance market under which individuals obtain health insurance coverage (directly or through any arrangement) on behalf of themselves (and their dependents) through a group health plan maintained by a large employer.

"Late enrollee" means, with respect to coverage under a group health plan or health insurance coverage provided by a health insurance issuer, a participant or beneficiary who enrolls under the plan other than during:

1. The first period in which the individual is eligible to enroll under the plan; or
2. A special enrollment period as required pursuant to subsections J through M of § 38.2-3432.3.

"Medical care" means amounts paid for:

1. The diagnosis, cure, mitigation, treatment, or prevention of disease, or amounts paid for the purpose of affecting any structure or function of the body;
2. Transportation primarily for and essential to medical care referred to in subdivision 1; and
3. Insurance covering medical care referred to in subdivisions 1 and 2.

"Network plan" means health insurance coverage of a health insurance issuer under which the financing and delivery of medical care (including items and services paid for as medical care) are provided, in whole or in part, through a defined set of providers under contract with the health insurance issuer.

"Nonfederal governmental plan" means a governmental plan that is not a federal governmental plan.

"Participant" has the meaning given such term under section 3(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1002 (7)).

"Placed for adoption," or "placement" or "being placed" for adoption, in connection with any placement for adoption of a child with any person, means the assumption and retention by such person of a legal obligation for total or partial support of such child in anticipation of adoption of such child. The child's placement with such person terminates upon the termination of such legal obligation.

"Plan sponsor" has the meaning given such term under section 3(16)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1002 (16)(B)).

"Preexisting condition exclusion" means, with respect to coverage, a limitation or exclusion of benefits relating to a condition based on the fact that the condition was present before the date of enrollment for such coverage, whether or not any medical advice, diagnosis, care, or treatment was recommended or received before such date. Genetic information shall not be treated as a preexisting condition in the absence of a diagnosis of the condition related to such information.

"Premium" means all moneys paid by an employer and eligible employees as a condition of coverage from a health insurance issuer, including fees and other contributions associated with the health benefit plan.

"Rating period" means the 12-month period for which premium rates are determined by a health insurance issuer and are assumed to be in effect.

"Self-employed individual" means an individual who derives a substantial portion of his income from a trade or business (i) operated by the individual as a sole proprietor, (ii) through which the individual has attempted to earn taxable income, and (iii) for which he has filed the appropriate Internal Revenue Service Form 1040, Schedule C or F, for the previous taxable year.

"Service area" means a broad geographic area of the Commonwealth in which a health insurance issuer sells or has sold insurance policies on or before January 1994, or upon its subsequent authorization to do business in Virginia.

"Small employer" means in connection with a group health plan or health insurance coverage with respect to a calendar year and a plan year, an employer who employed an average of at least one but not more than 50 employees on business days during the preceding calendar year and who employs at least one employee on the first day of the plan year. In determining whether a corporation or limited liability company employed an average of at least one individual during the preceding calendar year and employed at least one employee on the first day of the plan year, an individual who performed any service for remuneration under a contract of hire, written or oral, express or implied, for a (i) corporation of which the individual is a shareholder or an immediate family member of a shareholder or (ii) a limited liability company of which the individual is a member shall be deemed to be an employee of the corporation or the limited liability company, respectively. However, a health insurance issuer shall not be required to issue more than one group health plan for each employer identification number issued by the Internal Revenue Service for a business entity, without regard to the number of shareholders or members of such business entity. "Small employer" includes a self-employed individual.

"Small group market" means the health insurance market under which individuals obtain health insurance coverage (directly or through any arrangement) on behalf of themselves (and their dependents) through a group health plan maintained by a small employer.

"Sponsoring association" means a nonstock corporation formed under the Virginia Nonstock Corporation Act (§ 13.1-801 et seq.) that:

1. *Has been formed and maintained in good faith for purposes other than obtaining or providing health benefits;*
2. *Does not condition membership in the sponsoring association on any factor relating to the health status of an individual, including an employee of an employer member of the sponsoring association or a dependent of such an employee;*

3. Makes any health benefit plan available to all members regardless of any factor relating to the health status of such members or individuals eligible for coverage through another member;

4. Does not make any health benefit plan available to any person who is not a member of the association;

5. Makes available health plans or health benefit plans that meet the requirements for health benefit plans set forth in subdivision B 3 of § 38.2-3420;

6. Operates as a nonprofit entity under § 501(c)(5) or 501(c)(6) of the Internal Revenue Code;

7. Has been in active existence for at least five years; and

8. Meets such additional requirements as may be imposed under the laws of the Commonwealth.

"Sponsoring association" includes any wholly owned subsidiary of a sponsoring association.

"State" means each of the several states, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

"Waiting period" means, with respect to a group health plan or health insurance coverage provided by a health insurance issuer and an individual who is a potential participant or beneficiary in the plan, the period that must pass with respect to the individual before the individual is eligible to be covered for benefits under the terms of the plan. If an employee or dependent enrolls during a special enrollment period pursuant to subsections J through M of § 38.2-3432.3 or as a late enrollee, any period before such enrollment is not a waiting period.

C. The provisions of this section shall not apply in any instance in which the provisions of this section are inconsistent or in conflict with a provision of Article 6 (§ 38.2-3438 et seq.) of Chapter 34.

CHAPTER 55.

BENEFITS CONSORTIUM.

§ 59.1-589. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Benefits consortium" means a trust that is a self-funded MEWA, as defined in § 38.2-3420, and that complies with the conditions set forth in § 59.1-590.

"ERISA" means the federal Employee Retirement Income Security Act of 1974, P.L. 93-406, 88 Stat. 829, as amended.

"Health benefit plan" has the same meaning as in § 38.2-3431.

"Member" means a person that is part of a sponsoring association, that conducts business operations within the Commonwealth, and that employs individuals who reside in the Commonwealth.

"Sponsoring association" has the same meaning as in § 38.2-3431 and includes any wholly owned subsidiary of a sponsoring association.

"Trust" means a trust that (i) is established to accept and hold assets of a health benefit plan in trust in accordance with the terms of the written trust document for the sole purposes of providing medical, prescription drug, dental, and vision benefits and defraying reasonable administrative costs of providing health benefits under a health benefit plan and (ii) complies with the conditions set forth in § 59.1-590.

§ 59.1-590. Conditions for a benefits consortium.

A. This section does not apply to a multiple employer welfare arrangement (MEWA) that offers or provides health benefit plans that are fully insured by an insurer authorized to transact the business of health insurance in the Commonwealth.

B. A trust shall constitute a benefits consortium and shall be authorized to sell or offer to sell health benefit plans to members of a sponsoring association in accordance with the provisions of this chapter if all of the following conditions are satisfied:

1. The trust shall be subject to (i) ERISA and U.S. Department of Labor regulations applicable to multiple employer welfare arrangements and (ii) the authority of the U.S. Department of Labor to enforce such law and regulations;

2. A Form M-1, Report for Multiple Employer Welfare Arrangements (MEWAs), for the applicable plan year shall be filed with the U.S. Department of Labor identifying the arrangement among the trust, sponsoring association, and health benefit plans offered through the trust as a multiple employer welfare arrangement;

3. The trust's organizational documents shall:

a. Provide that the trust is sponsored by the sponsoring association;

b. State that the purpose of the trust is to provide medical, prescription drug, dental, and vision benefits to participating employees of the sponsoring association or its members, and the dependents of those employees, through health benefit plans;

c. Provide that the funds of the trust are to be used for the benefit of participating employees, and the dependents of those employees, through self-funding of claims, the purchase of reinsurance, or a combination thereof, as determined by the trustee, and for defraying reasonable expenses of administering and operating the trust and any health benefit plan;

d. Limit participation in health benefit plans to participating employees of the sponsoring association and its members;

e. Provide for a board of trustees, composed of no fewer than five trustees, that has complete fiscal control over the arrangement and is responsible for all operations of the arrangement. The trustees selected for the board shall be owners, partners, officers, directors, or employees of one or more employers in the arrangement. A trustee or director may not be an owner, officer, or employee of the administrator or service company of the arrangement. The board shall have the authority

to approve applications of association members for participation in the arrangement and to contract with a licensed administrator or service company to administer the day-to-day affairs of the arrangement;

f. Provide for the election of trustees to the board of trustees; and

g. Require the trustees to discharge their duties with respect to the trust in accordance with the fiduciary duties defined in ERISA;

4. Five or more members shall participate in one or more health benefit plans;

5. The trust shall establish and maintain reserves determined in accordance with sound actuarial principles and in compliance with all financial and solvency requirements imposed upon domestic self-funded MEWAs;

6. The trust shall purchase and maintain policies of specific, aggregate, and terminal excess insurance with retention levels determined in accordance with sound actuarial principles from insurers licensed to transact the business of insurance in the Commonwealth;

7. The trust shall secure one or more guarantees or standby letters of credit that:

a. Guarantee the payment of claims under the health benefit plan in an aggregate amount not less than the amount of the trust's annual aggregate excess insurance retention level minus (i) the annual premium assessments for the health benefit plans and (ii) the trust's net assets, which amount shall be the net of the trust's reasonable estimate of incurred but not reported claims; and

b. Have been issued by a qualified United States financial institution, as such term is used in subdivision 2 c of § 38.2-1316.4;

8. The trust shall purchase and maintain commercially reasonable fiduciary liability insurance;

9. The trust shall purchase and maintain a bond that satisfies the requirements of ERISA;

10. The trust is audited annually by an independent certified public accountant; and

11. The trust does not include in its name the words "insurance," "insurer," "underwriter," "mutual," or any other word or term or combination of words or terms that is uniquely descriptive of an insurance company or insurance business unless the context of the remaining words or terms clearly indicates that the entity is not an insurance company and is not transacting the business of insurance.

§ 59.1-591. Additional requirements.

A. The board of trustees established pursuant to subsection B of § 59.1-590 shall (i) operate any health benefit plans in accordance with the fiduciary duties defined in ERISA and (ii) have the power to make and collect special assessments against members and, if any assessment is not timely paid, to enforce collection of such assessment.

B. Each member shall be liable for his allocated share of the liabilities of the sponsoring association under a health benefit plan as determined by the board of trustees.

C. Health benefit plan documents shall have the following statement printed on the first page in size 14-point boldface type:

"This coverage is not insurance and is not offered through an insurance company. This coverage is not required to comply with certain federal market requirements for health insurance, nor is it required to comply with certain state laws for health insurance. Each member shall be liable for his allocated share of the liabilities of the sponsoring association under the health benefit plan as determined by the board of trustees. This means that each member may be responsible for paying an additional sum if the annual premiums present a deficit of funds for the trust. The trust's financial documents shall be available for public inspection at (insert website of where sponsoring association trust documents are posted)."

§ 59.1-592. Exemptions; license tax.

Notwithstanding any other provision of law, a benefits consortium or sponsoring association, by virtue of its sponsorship of a benefits consortium or any health benefit plan, shall not be subject to the following: (i) the provisions of Chapter 17 (§ 38.2-1700 et seq.) of Title 38.2 or any regulations adopted thereunder or (ii) any annual license tax levied pursuant to § 58.1-2501.

CHAPTER 406

An Act to direct the Governor to designate a liaison to address seafood industry workforce needs.

[S 358]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Governor shall designate the Secretary of Labor or his designee to serve as a liaison to address seafood industry workforce needs. The duties of the liaison shall include (i) promoting and protecting the interests of employees and employers in the seafood industry; (ii) assisting employees and employers in understanding the rights and processes available to them, including rights and processes available pursuant to the laws and regulations governing temporary worker visas; (iii) answering inquiries by telephone and electronic mail; (iv) upon request, providing an employee or employer with referrals to public and private agencies offering assistance in using the procedures and processes available to such employee or employer from the federal government, including all appeal procedures; and (v) reporting annually on the activities of the liaison to the House Committees on Commerce and Energy and Agriculture, Chesapeake and Natural*

Resources and the Senate Committees on Commerce and Labor and Agriculture, Conservation and Natural Resources by December 1.

The liaison shall carry out his duties with impartiality, shall not serve as an advocate for any person, and shall not provide legal advice. All state agencies shall assist and cooperate with the liaison in the performance of his duties under this section.

The liaison shall maintain the confidentiality of any employment or business records he reviews. All memoranda, work product, and other material contained in the case files of the liaison shall be confidential. Any communication between the liaison and a person receiving assistance under this section made during or in connection with the provision of liaison services, including screening, intake, and scheduling, shall be confidential. Confidential materials and records of communications described in this section shall not be subject to disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia).

The liaison shall be immune from civil liability in performance of the duties specified in this section.

2. That neither the Governor nor the Secretary of Labor shall hire an employee to satisfy the conditions of this act but shall instead utilize a person employed in the current executive branch workforce.

CHAPTER 407

An Act to direct the Board of Housing and Community Development to consider, during the next code development cycle, certain revisions to the Uniform Statewide Building Code regarding energy efficiency requirements for certain use and occupancy classifications.

[H 1289]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Board of Housing and Community Development is directed to consider, during the next code development cycle, revising the Uniform Statewide Building Code (§ 36-97 et seq. of the Code of Virginia) to provide an exemption from any requirements in the energy efficiency standards established pursuant to 13VAC5-63-264 of the Virginia Uniform Statewide Building Code and the 2018 Virginia Energy Conservation Code, and any subsequent amendments to the Virginia Uniform Statewide Building Code and the 2018 Virginia Energy Conservation Code, for the following use and occupancy classifications pursuant to Chapter 3 of the 2018 Virginia Construction Code: (i) Section 306, Factory Group F; (ii) Section 311, Storage Group S; and (iii) Section 312, Utility and Miscellaneous Group U.*

CHAPTER 408

An Act to amend and reenact § 19.2-327.19 of the Code of Virginia, relating to writ of vacatur; victims of sex trafficking; payment of fees or costs.

[H 711]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-327.19 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-327.19. Relief under writ of vacatur.

A. Upon granting a writ of vacatur pursuant to subsection C of § 19.2-327.18, the circuit court shall provide the petitioner with a copy of the writ, and such copy shall be sufficient proof that the person named in the writ is no longer under any disability, disqualification, or other adverse consequence resulting from the vacated conviction or adjudication of delinquency.

B. If a writ of vacatur is granted, and no appeal is made to the Supreme Court, or the Supreme Court refuses or denies the Commonwealth's petition for appeal or upholds the decision of the circuit court, an order of expungement for the qualifying offense shall be entered by the circuit court. Upon entry of the order of expungement, the clerk of court shall cause a copy of the writ of vacatur, the order of expungement, and the complete set of petitioner's fingerprints to be forwarded to the Department of State Police, which shall expunge the qualifying offense.

C. The writ to vacate the qualifying offense shall not be expunged pursuant to subsection B and shall be maintained by the circuit court. Access to the writ may be provided only upon court order. Any person seeking access to the writ may file a written motion setting forth why such access is needed. The court shall issue an order to disclose the writ upon the written motion of the petitioner named in the writ. The court may issue an order to disclose the writ if it finds that such disclosure best serves the interests of justice.

D. Costs shall be as provided in § 17.1-275 but shall not be recoverable against the Commonwealth. *A petitioner shall not be required to pay any fees or costs for filing a petition pursuant to this chapter if the petitioner is found to be unable to pay fees or costs pursuant to § 17.1-606.* If the circuit court enters a writ of vacatur, the clerk of the court shall refund to the petitioner such costs paid by the petitioner.

E. If the court enters a writ of vacatur, the petitioner shall be entitled to a refund of all fines, costs, forfeitures, and penalties paid in relation to the qualifying offense that was vacated. If the clerk of the court where the conviction was entered is in possession of any records detailing any fines, costs, forfeitures, and penalties paid by the petitioner for a qualifying offense that was vacated, the petitioner shall be entitled to a refund of such amount. If the clerk of the court where the conviction was entered is no longer in possession of any records detailing any fines, costs, forfeitures, and penalties paid by the petitioner for a qualifying offense that was vacated, a refund shall be provided only upon a showing by the petitioner of the amount of fines, costs, forfeitures, and penalties paid.

CHAPTER 409

An Act to amend and reenact § 10.1-418.10 of the Code of Virginia, relating to scenic river designation; Maury River.

[H 28]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-418.10 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-418.10. Maury State Scenic River.

The Maury River in Rockbridge County from its origination at the confluence of the Calfpasture and Little Calfpasture Rivers to ~~Furrs Mill Road bridge in Beans Bottom on Route 634~~ *the confluence with the James River*, a distance of approximately ~~19.25~~ 42.4 miles, is hereby designated as the Maury State Scenic River, a component of the Virginia Scenic Rivers System.

CHAPTER 410

An Act to amend and reenact § 10.1-418.10 of the Code of Virginia, relating to scenic river designation; Maury River.

[S 292]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-418.10 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-418.10. Maury State Scenic River.

The Maury River in Rockbridge County from its origination at the confluence of the Calfpasture and Little Calfpasture Rivers to ~~Furrs Mill Road bridge in Beans Bottom on Route 634~~ *the confluence with the James River*, a distance of approximately ~~19.25~~ 42.4 miles, is hereby designated as the Maury State Scenic River, a component of the Virginia Scenic Rivers System.

CHAPTER 411

An Act to amend and reenact §§ 59.1-207.11, 59.1-207.13, and 59.1-207.16 of the Code of Virginia, relating to the Virginia Motor Vehicle Warranty Enforcement Act.

[H 1151]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 59.1-207.11, 59.1-207.13, and 59.1-207.16 of the Code of Virginia are amended and reenacted as follows:

§ 59.1-207.11. Definitions.

As used in this chapter, the following terms shall have the following meanings:

"Collateral charges" means any sales-related or lease-related charges including but not limited to sales tax, license fees, registration fees, title fees, finance charges and interest, transportation charges, dealer preparation charges or any other charges for service contracts, undercoating, rust proofing or installed options, not recoverable from a third party. If a refund involves a lease, "collateral charges" means, in addition to any of the above, capitalized cost reductions, credits and allowances for any trade-in vehicles, fees to another to obtain the lease, and insurance or other costs expended by the lessor for the benefit of the lessee.

"Comparable motor vehicle" means a motor vehicle that is identical or reasonably equivalent to the motor vehicle to be replaced, as the motor vehicle to be replaced existed at the time of purchase or lease with an offset from this value for a reasonable allowance for its use.

"Consumer" means the purchaser, other than for purposes of resale, or the lessee, of a motor vehicle used in substantial part for personal, family, or household purposes, and any person to whom such motor vehicle is transferred for the same purposes during the duration of any warranty applicable to such motor vehicle, and any other person entitled by the terms of such warranty to enforce the obligations of the warranty.

"Incidental damages" shall have the same meaning as provided in § 8.2-715.

"Lemon law rights period" means the period ending ~~eighteen~~ 18 months after the date of the original delivery to the consumer of a new motor vehicle. This shall be the period during which the consumer can report any nonconformity to the manufacturer and pursue any rights provided for under this chapter.

"Lien" means a security interest in a motor vehicle.

"Lienholder" means a person, partnership, association, corporation or entity with a security interest in a motor vehicle pursuant to a lien.

"Manufacturer" means a person, partnership, association, corporation or entity engaged in the business of manufacturing or assembling motor vehicles, or of distributing motor vehicles to motor vehicle dealers.

"Manufacturer's express warranty" means the written warranty, so labeled, of the manufacturer of a new automobile, including any terms or conditions precedent to the enforcement of obligations under that warranty.

"Motor vehicle" means only passenger cars, pickup or panel trucks, motorcycles, *autocycles*, self-propelled motorized chassis of motor homes and mopeds as those terms are defined in § 46.2-100 and demonstrators or leased vehicles with which a warranty was issued.

"Motor vehicle dealer" shall have the same meaning as provided in § 46.2-1500.

"Nonconformity" means a failure to conform with a warranty, a defect or a condition, including those that do not affect the driveability of the vehicle, which significantly impairs the use, market value, or safety of a motor vehicle.

"Notify" or "notification" means that the manufacturer shall be deemed to have been notified under this chapter if a written complaint of the defect or defects has been mailed to it or it has responded to the consumer in writing regarding a complaint, or a factory representative has either inspected the vehicle or met with the consumer or an authorized dealer regarding the nonconformity.

"Reasonable allowance for use" shall not exceed one-half of the amount allowed per mile by the Internal Revenue Service, as provided by regulation, revenue procedure, or revenue ruling promulgated pursuant to § 162 of the Internal Revenue Code, for use of a personal vehicle for business purposes, plus an amount to account for any loss to the fair market value of the vehicle resulting from damage beyond normal wear and tear, unless the damage resulted from nonconformity to any warranty.

"Serious safety defect" means a life-threatening malfunction or nonconformity that impedes the consumer's ability to control or operate the new motor vehicle for ordinary use or reasonable intended purposes or creates a risk of fire or explosion.

"Significant impairment" means to render the new motor vehicle unfit, unreliable or unsafe for ordinary use or reasonable intended purposes.

"Warranty" means any implied warranty or any written warranty of the manufacturer, or any affirmations of fact or promise made by the manufacturer in connection with the sale or lease of a motor vehicle that become part of the basis of the bargain. The term "warranty" pertains to the obligations of the manufacturer in relation to materials, workmanship, and fitness of a motor vehicle for ordinary use or reasonable intended purposes throughout the duration of the lemon law rights period as defined under this section.

§ 59.1-207.13. Nonconformity of motor vehicles.

A. If the manufacturer, its agents or authorized dealers do not conform the motor vehicle to any applicable warranty by repairing or correcting any defect or condition, including those that do not affect the driveability of the vehicle, which significantly impairs the use, market value, or safety of the motor vehicle to the consumer after a reasonable number of attempts during the lemon law rights period, the manufacturer shall:

1. Replace the motor vehicle with a comparable motor vehicle acceptable to the consumer, or
2. Accept return of the motor vehicle and refund to the consumer, lessor, and any lienholder as their interest may appear the full contract price, including all collateral charges, incidental damages, less a reasonable allowance for the consumer's use of the vehicle up to the date of the first notice of nonconformity that is given to the manufacturer, its agents or authorized dealer. Refunds or replacements shall be made to the consumer, lessor or lienholder, if any, as their interests may appear. The consumer shall have the unconditional right to choose a refund rather than a replacement vehicle and to drive the motor vehicle until he receives either the replacement vehicle or the refund. The subtraction of a reasonable allowance for use shall apply to either a replacement or refund of the motor vehicle. Mileage, expenses, and reasonable loss of use necessitated by attempts to conform such motor vehicle to the express warranty may be recovered by the consumer.

A1. In the case of a replacement of or refund for a leased vehicle, in addition to any other damages provided in this chapter, the motor vehicle shall be returned to the manufacturer and the consumer's written lease shall be terminated by the lessor without penalty to the consumer. The lessor shall transfer title to the manufacturer as necessary to effectuate the consumer's rights pursuant to this chapter, whether the consumer chooses vehicle replacement or a refund.

B. It shall be presumed that a reasonable number of attempts have been undertaken to conform a motor vehicle to any warranty and that the motor vehicle is significantly impaired if during the ~~period of eighteen months following the date of original delivery of the motor vehicle to the consumer~~ *lemon law rights period* either:

1. The same nonconformity has been subject to repair three or more times by the manufacturer, its agents or its authorized dealers and the same nonconformity continues to exist;
2. The nonconformity is a serious safety defect and has been subject to repair one or more times by the manufacturer, its agent or its authorized dealer and the same nonconformity continues to exist; or

3. The motor vehicle is out of service due to repair for a cumulative total of ~~thirty~~ 30 calendar days, unless such repairs could not be performed because of conditions beyond the control of the manufacturer, its agents or authorized dealers, including war, invasion, strike, fire, flood or other natural disasters.

C. The lemon law rights period shall be extended if the manufacturer has been notified but the nonconformity has not been effectively repaired by the manufacturer, or its agent, by the expiration of the lemon law rights period.

D. The manufacturer shall clearly and conspicuously disclose to the consumer, in the warranty or owner's manual, that written notification of the nonconformity to the manufacturer is required before the consumer may be eligible for a refund or replacement of the vehicle under this chapter. The manufacturer shall include with the warranty or owner's manual the name and address to which the consumer shall send such written notification.

E. It shall be the responsibility of the consumer, or his representative, prior to availing himself of the provisions of this section, to notify the manufacturer of the need for the correction or repair of the nonconformity, unless the manufacturer has been notified as defined in § 59.1-207.11. If the manufacturer or factory representative has not been notified of the conditions set forth in subsection B of this section and any of the conditions set forth in subsection B of this section already exists, the manufacturer shall be given an additional opportunity, not to exceed ~~fifteen~~ 15 days, to correct or repair the nonconformity. If notification shall be mailed to an authorized dealer, the authorized dealer shall upon receipt forward such notification to the manufacturer.

F. Nothing in this chapter shall be construed to limit or impair the rights and remedies of a consumer under any other law.

G. It is an affirmative defense to any claim under this chapter that:

- 1. An alleged nonconformity does not significantly impair the use, market value, or safety of the motor vehicle; or
- 2. A nonconformity is the result of abuse, neglect or unauthorized modification or alteration of a motor vehicle by a consumer.

§ 59.1-207.16. Action to be brought within certain time.

Any action brought under this chapter shall be commenced within ~~eighteen months following the date of original delivery of the motor vehicle to the consumer~~ the lemon law rights period. However, any consumer whose good faith attempts to settle the dispute pursuant to the informal dispute settlement provisions of § 59.1-207.15 have not resulted in the satisfactory resolution of the matter shall have (i) ~~twelve~~ 12 months from the date of the final action taken by the manufacturer in its dispute settlement procedure, if such procedure was resorted to within ~~eighteen months of delivery~~ the lemon law rights period, or (ii) the original ~~eighteen-month period~~ lemon law rights period, whichever is longer, to file an action in the proper court.

CHAPTER 412

An Act to amend and reenact § 38.2-3730 of the Code of Virginia, relating to credit life insurance and credit accident and sickness insurance; adjustment of rates; requirement for hearing.

[S 383]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-3730 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-3730. Experience reports and adjustment of prima facie rates.

A. Each insurer doing insurance business in this Commonwealth shall annually file with the National Association of Insurance Commissioners a report of credit life and credit accident and sickness written on a calendar year basis. Such report shall utilize the Credit Insurance Supplement-Annual Statement Blank as then approved by the National Association of Insurance Commissioners. Such filing shall be made in accordance with and no later than the due date in the Instructions in the Annual Statement.

B. The Commission shall, on a triennial basis, ~~publish notice and conduct a hearing~~ recalculate rates to determine the actual loss ratio for each form of insurance and adjust the prima facie rates, as provided in §§ 38.2-3726 and 38.2-3727, by applying the ratio of the actual loss ratio to the loss ratio standard set forth in § 38.2-3725 to the prima facie rates. The Commission shall, ~~after such hearing,~~ publish notice of the adjusted actual statewide prima facie rates to be used by insurers during the next triennium and provide an opportunity for a hearing. As set forth in this section, the following formula shall be used to adjust the prima facie rates:

$$\text{PFR} \quad \times \quad \frac{\text{Actual Loss Ratio}}{\text{Loss Ratio Standard}}$$

Where PFR is the prima facie rate as provided in §§ 38.2-3726 and 38.2-3727, the Actual Loss Ratio is the ratio of the incurred claims to the earned premiums at prima facie rates for all companies for the preceding three years as reported in the Annual Statement Supplements and the Loss Ratio Standard is the loss ratio provided in § 38.2-3725.

~~C. In the event that three years of experience is not available using prima facie rates published by the Commission, the Commission may adjust prima facie rates using the number of years of experience available at prima facie rates previously published by the Commission.~~

CHAPTER 413

An Act to amend and reenact § 2.2-4336 of the Code of Virginia, relating to Virginia Public Procurement Act; bid bonds; construction contracts.

[S 258]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4336 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4336. Bid bonds; construction contracts.

A. Except in cases of emergency, all bids or proposals for nontransportation-related construction contracts in excess of \$500,000 or transportation-related projects authorized under Article 2 (§ 33.2-208 et seq.) of Chapter 2 of Title 33.2 that are in excess of ~~\$250,000~~ \$350,000 and partially or wholly funded by the Commonwealth shall be accompanied by a bid bond from a surety company selected by the bidder that is authorized to do business in Virginia, as a guarantee that if the contract is awarded to the bidder, he will enter into the contract for the work mentioned in the bid. The amount of the bid bond shall not exceed five percent of the amount bid.

~~B. For nontransportation-related construction contracts in excess of \$100,000 but less than \$500,000, where the bid bond requirements are waived, prospective contractors shall be prequalified for each individual project in accordance with § 2.2-4317.~~

~~C. No forfeiture under a bid bond shall exceed the lesser of (i) the difference between the bid for which the bond was written and the next low bid, or (ii) the face amount of the bid bond.~~

~~D. C. Nothing in this section shall preclude a public body from requiring bid bonds to accompany bids or proposals for construction contracts anticipated to be less than \$500,000 for nontransportation-related projects or ~~\$250,000~~ \$350,000 for transportation-related projects authorized under Article 2 (§ 33.2-208 et seq.) of Chapter 2 of Title 33.2 and partially or wholly funded by the Commonwealth.~~

CHAPTER 414

An Act to amend and reenact §§ 16.1-228, 16.1-278.8, 16.1-290, and 66-13 of the Code of Virginia, relating to juvenile boot camps.

[H 228]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-228, 16.1-278.8, 16.1-290, and 66-13 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-228. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Abused or neglected child" means any child:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest. Nothing in this subdivision shall be construed to limit the provisions of § 16.1-278.4;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian, or other person standing in loco parentis;

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55.1-2000, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a Tier III offender pursuant to § 9.1-902; or

7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the federal Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102 et seq., and in the federal Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

If a civil proceeding under this chapter is based solely on the parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended emergency medical services agency that employs emergency medical services personnel, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means the place of residence of any natural person in which a child resides as a member of the household and in which he has been placed for the purposes of adoption or in which he has been legally adopted by another member of the household.

"Adult" means a person 18 years of age or older.

"Ancillary crime" or "ancillary charge" means any delinquent act committed by a juvenile as a part of the same act or transaction as, or that constitutes a part of a common scheme or plan with, a delinquent act that would be a felony if committed by an adult.

~~"Boot camp" means a short-term secure or nonsecure juvenile residential facility with highly structured components including, but not limited to, military style drill and ceremony, physical labor, education and rigid discipline, and no less than six months of intensive aftercare.~~

"Child," "juvenile," or "minor" means a person who is (i) younger than 18 years of age or (ii) for purposes of the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9 of Title 63.2, younger than 21 years of age and meets the eligibility criteria set forth in § 63.2-919.

"Child in need of services" means (i) a child whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of the child or (ii) a child under the age of 14 whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of another person; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be a child in need of services, nor shall any child who habitually remains away from or habitually deserts or abandons his family as a result of what the court or the local child protective services unit determines to be incidents of physical, emotional or sexual abuse in the home be considered a child in need of services for that reason alone.

However, to find that a child falls within these provisions, (i) the conduct complained of must present a clear and substantial danger to the child's life or health or to the life or health of another person, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family.

"Child in need of supervision" means:

1. A child who, while subject to compulsory school attendance, is habitually and without justification absent from school, and (i) the child has been offered an adequate opportunity to receive the benefit of any and all educational services and programs that are required to be provided by law and which meet the child's particular educational needs, (ii) the school system from which the child is absent or other appropriate agency has made a reasonable effort to effect the child's regular attendance without success, and (iii) the school system has provided documentation that it has complied with the provisions of § 22.1-258; or

2. A child who, without reasonable cause and without the consent of his parent, lawful custodian or placement authority, remains away from or deserts or abandons his family or lawful custodian on more than one occasion or escapes or remains away without proper authority from a residential care facility in which he has been placed by the court, and (i) such conduct presents a clear and substantial danger to the child's life or health, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family.

"Child welfare agency" means a child-placing agency, child-caring institution or independent foster home as defined in § 63.2-100.

"The court" or the "juvenile court" or the "juvenile and domestic relations court" means the juvenile and domestic relations district court of each county or city.

"Delinquent act" means (i) an act designated a crime under the law of the Commonwealth, or an ordinance of any city, county, town, or service district, or under federal law, (ii) a violation of § 18.2-308.7, or (iii) a violation of a court order as

provided for in § 16.1-292, but does not include an act other than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a crime only if committed by a child.

"Delinquent child" means a child who has committed a delinquent act or an adult who has committed a delinquent act prior to his 18th birthday, except where the jurisdiction of the juvenile court has been terminated under the provisions of § 16.1-269.6.

"Department" means the Department of Juvenile Justice and "Director" means the administrative head in charge thereof or such of his assistants and subordinates as are designated by him to discharge the duties imposed upon him under this law.

"Driver's license" means any document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, or the comparable law of another jurisdiction, authorizing the operation of a motor vehicle upon the highways.

"Family abuse" means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

"Family or household member" means (i) the person's spouse, whether or not he or she resides in the same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v) any individual who has a child in common with the person, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous 12 months, cohabited with the person, and any children of either of them then residing in the same home with the person.

"Fictive kin" means persons who are not related to a child by blood or adoption but have an established relationship with the child or his family.

"Foster care services" means the provision of a full range of casework, treatment and community services for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 or in need of services as defined in this section and his family when the child (i) has been identified as needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through an agreement between the local board of social services or a public agency designated by the community policy and management team and the parents or guardians where legal custody remains with the parents or guardians, (iii) has been committed or entrusted to a local board of social services or child welfare agency, (iv) has been placed under the supervisory responsibility of the local board pursuant to § 16.1-293, or (v) is living with a relative participating in the Federal-Funded Kinship Guardianship Assistance program set forth in § 63.2-1305 and developed consistent with 42 U.S.C. § 673 or the State-Funded Kinship Guardianship Assistance program set forth in § 63.2-1306.

"Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a living arrangement in which such child or person does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older and who has been committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services; or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement in an independent living arrangement. "Independent living services" includes counseling, education, housing, employment, and money management skills development and access to essential documents and other appropriate services to help children or persons prepare for self-sufficiency.

"Intake officer" means a juvenile probation officer appointed as such pursuant to the authority of this chapter.

"Jail" or "other facility designed for the detention of adults" means a local or regional correctional facility as defined in § 53.1-1, except those facilities utilized on a temporary basis as a court holding cell for a child incident to a court hearing or as a temporary lock-up room or ward incident to the transfer of a child to a juvenile facility.

"The judge" means the judge or the substitute judge of the juvenile and domestic relations district court of each county or city.

"This law" or "the law" means the Juvenile and Domestic Relations District Court Law embraced in this chapter.

"Legal custody" means (i) a legal status created by court order which vests in a custodian the right to have physical custody of the child, to determine and redetermine where and with whom he shall live, the right and duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care, all subject to any residual parental rights and responsibilities or (ii) the legal status created by court order of joint custody as defined in § 20-107.2.

"Permanent foster care placement" means the place of residence in which a child resides and in which he has been placed pursuant to the provisions of §§ 63.2-900 and 63.2-908 with the expectation and agreement between the placing agency and the place of permanent foster care that the child shall remain in the placement until he reaches the age of majority unless modified by court order or unless removed pursuant to § 16.1-251 or 63.2-1517. A permanent foster care placement may be a place of residence of any natural person or persons deemed appropriate to meet a child's needs on a long-term basis.

"Qualified individual" means a trained professional or licensed clinician who is not an employee of the local board of social services or licensed child-placing agency that placed the child in a qualified residential treatment program and is not affiliated with any placement setting in which children are placed by such local board of social services or licensed child-placing agency.

"Qualified residential treatment program" means a program that (i) provides 24-hour residential placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical and other needs of children with serious emotional or behavioral disorders, including any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts outreach with the child's family members, including efforts to maintain connections between the child and his siblings and other family; documents and maintains records of such outreach efforts; and maintains contact information for any known biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child, facilitates participation by family members in the child's treatment program before and after discharge and documents the manner in which such participation is facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and Human Services; and (viii) requires that any child placed in the program receive an assessment within 30 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of Social Services; (b) identifies whether the needs of the child can be met through placement with a family member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified residential treatment program, that would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals established for the child in his foster care or permanency plan; (c) establishes a list of short-term and long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2.

"Residual parental rights and responsibilities" means all rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the person, including but not limited to the right of visitation, consent to adoption, the right to determine religious affiliation and the responsibility for support.

"Secure facility" or "detention home" means a local, regional or state public or private locked residential facility that has construction fixtures designed to prevent escape and to restrict the movement and activities of children held in lawful custody.

"Shelter care" means the temporary care of children in physically unrestricting facilities.

"State Board" means the State Board of Juvenile Justice.

"Status offender" means a child who commits an act prohibited by law which would not be criminal if committed by an adult.

"Status offense" means an act prohibited by law which would not be an offense if committed by an adult.

"Violent juvenile felony" means any of the delinquent acts enumerated in subsection B or C of § 16.1-269.1 when committed by a juvenile 14 years of age or older.

§ 16.1-278.8. Delinquent juveniles.

A. If a juvenile is found to be delinquent, except where such finding involves a refusal to take a breath test in violation of § 18.2-268.2 or a similar ordinance, the juvenile court or the circuit court may make any of the following orders of disposition for his supervision, care and rehabilitation:

1. Enter an order pursuant to the provisions of § 16.1-278;
2. Permit the juvenile to remain with his parent, subject to such conditions and limitations as the court may order with respect to the juvenile and his parent;
3. Order the parent of a juvenile living with him to participate in such programs, cooperate in such treatment or be subject to such conditions and limitations as the court may order and as are designed for the rehabilitation of the juvenile and his parent;
4. Defer disposition for a specific period of time established by the court with due regard for the gravity of the offense and the juvenile's history, after which time the charge may be dismissed by the judge if the juvenile exhibits good behavior during the period for which disposition is deferred;

~~4a. Defer disposition and place the juvenile in the temporary custody of the Department to attend a boot camp established pursuant to § 66-13 provided bed space is available for confinement and the juvenile (i) has been found delinquent for an offense that would be a Class 1 misdemeanor or felony if committed by an adult, (ii) has not previously been and is not currently being adjudicated delinquent or found guilty of a violent juvenile felony, (iii) has not previously~~

attended a boot camp, (iv) has not previously been committed to and received by the Department, and (v) has had an assessment completed by the Department or its contractor concerning the appropriateness of the candidate for a boot camp. Upon the juvenile's withdrawal, removal or refusal to comply with the terms and conditions of participation in the program, he shall be brought before the court for a hearing at which the court may impose any other disposition as authorized by this section which could have been imposed at the time the juvenile was placed in the custody of the Department;

5. Without entering a judgment of guilty and with the consent of the juvenile and his attorney, defer disposition of the delinquency charge for a specific period of time established by the court with due regard for the gravity of the offense and the juvenile's history, and place the juvenile on probation under such conditions and limitations as the court may prescribe. Upon fulfillment of the terms and conditions, the court shall discharge the juvenile and dismiss the proceedings against him. Discharge and dismissal under these provisions shall be without adjudication of guilt;

6. Order the parent of a juvenile with whom the juvenile does not reside to participate in such programs, cooperate in such treatment or be subject to such conditions and limitations as the court may order and as are designed for the rehabilitation of the juvenile where the court determines this participation to be in the best interest of the juvenile and other parties concerned and where the court determines it reasonable to expect the parent to be able to comply with such order;

7. Place the juvenile on probation under such conditions and limitations as the court may prescribe;

7a. Place the juvenile on probation and order treatment for the abuse or dependence on alcohol or drugs in a program licensed by the Department of Behavioral Health and Developmental Services for the treatment of juveniles for substance abuse provided that (i) the juvenile has received a substance abuse screening and assessment pursuant to § 16.1-273 and that such assessment reasonably indicates that the commission of the offense was motivated by, or closely related to, the habitual use of alcohol or drugs and indicates that the juvenile is in need of treatment for this condition; (ii) the juvenile has not previously been and is not currently being adjudicated for a violent juvenile felony; and (iii) such facility is available. Upon the juvenile's withdrawal, removal, or refusal to comply with the conditions of participation in the program, he shall be brought before the court for a hearing at which the court may impose any other disposition authorized by this section. The court shall review such placements at 30-day intervals;

8. Impose a fine not to exceed \$500 upon such juvenile;

9. Suspend the motor vehicle and driver's license of such juvenile or impose a curfew on the juvenile as to the hours during which he may operate a motor vehicle. Any juvenile whose driver's license is suspended may be referred for an assessment and subsequent referral to appropriate services, upon such terms and conditions as the court may order. The court, in its discretion and upon a demonstration of hardship, may authorize the use of a restricted permit to operate a motor vehicle by any juvenile who enters such program for any of the purposes set forth in subsection E of § 18.2-271.1 or for travel to and from school. The restricted permit shall be issued in accordance with the provisions of such subsection. However, only an abstract of the court order that identifies the juvenile and the conditions under which the restricted license is to be issued shall be sent to the Department of Motor Vehicles.

If a curfew is imposed, the juvenile shall surrender his driver's license, which shall be held in the physical custody of the court during any period of curfew restriction. The court shall send an abstract of any order issued under the provisions of this section to the Department of Motor Vehicles, which shall preserve a record thereof. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of this chapter or the provisions of Title 46.2, this record shall be available only to all law-enforcement officers, attorneys for the Commonwealth and courts. A copy of the court order, upon which shall be noted all curfew restrictions, shall be provided to the juvenile and shall contain such information regarding the juvenile as is reasonably necessary to identify him. The juvenile may operate a motor vehicle under the court order in accordance with its terms.

Any juvenile who operates a motor vehicle in violation of any restrictions imposed pursuant to this section is guilty of a violation of § 46.2-301.

The Department of Motor Vehicles shall refuse to issue a driver's license to any juvenile denied a driver's license until such time as is stipulated in the court order or until notification by the court of withdrawal of the order imposing the curfew;

10. Require the juvenile to make restitution or reparation to the aggrieved party or parties for actual damages or loss caused by the offense for which the juvenile was found to be delinquent;

11. Require the juvenile to participate in a public service project under such conditions as the court prescribes;

12. In case of traffic violations, impose only those penalties that are authorized to be imposed on adults for such violations. However, for those violations punishable by confinement if committed by an adult, confinement shall be imposed only as authorized by this title;

13. Transfer legal custody to any of the following:

a. A relative or other individual who, after study, is found by the court to be qualified to receive and care for the juvenile;

b. A child welfare agency, private organization or facility that is licensed or otherwise authorized by law to receive and provide care for such juvenile. The court shall not transfer legal custody of a delinquent juvenile to an agency, organization or facility outside of the Commonwealth without the approval of the Director; or

c. The local board of social services of the county or city in which the court has jurisdiction or, at the discretion of the court, to the local board of the county or city in which the juvenile has residence if other than the county or city in which the court has jurisdiction. The board shall accept the juvenile for care and custody, provided that it has been given reasonable notice of the pendency of the case and an opportunity to be heard. However, in an emergency in the county or city in which

the court has jurisdiction, such local board may be required to temporarily accept a juvenile for a period not to exceed 14 days without prior notice or an opportunity to be heard if the judge entering the placement order describes the emergency and the need for such temporary placement in the order. Nothing in this subdivision shall prohibit the commitment of a juvenile to any local board of social services in the Commonwealth when such local board consents to the commitment. The board to which the juvenile is committed shall have the final authority to determine the appropriate placement for the juvenile. Any order authorizing removal from the home and transferring legal custody of a juvenile to a local board of social services as provided in this subdivision shall be entered only upon a finding by the court that reasonable efforts have been made to prevent removal and that continued placement in the home would be contrary to the welfare of the juvenile, and the order shall so state;

14. Unless waived by an agreement between the attorney for the Commonwealth and the juvenile and his attorney or other legal representative, upon consideration of the results of an investigation completed pursuant to § 16.1-273, commit the juvenile to the Department of Juvenile Justice, but only if (i) he is 11 years of age or older and has been adjudicated delinquent of an act enumerated in subsection B or C of § 16.1-269.1 or (ii) he is 14 years of age or older and the current offense is (a) an offense that would be a felony if committed by an adult, (b) an offense that would be a Class 1 misdemeanor if committed by an adult and the juvenile has previously been found to be delinquent based on an offense that would be a felony if committed by an adult, or (c) an offense that would be a Class 1 misdemeanor if committed by an adult and the juvenile has previously been adjudicated delinquent of three or more offenses that would be a Class 1 misdemeanor if committed by an adult, and each such offense was not a part of a common act, transaction or scheme;

15. Impose the penalty authorized by § 16.1-284;

16. Impose the penalty authorized by § 16.1-284.1;

17. Unless waived by an agreement between the attorney for the Commonwealth and the juvenile and his attorney or other legal representative, upon consideration of the results of an investigation completed pursuant to § 16.1-273, impose the penalty authorized by § 16.1-285.1;

18. Impose the penalty authorized by § 16.1-278.9; or

19. Require the juvenile to participate in a gang-activity prevention program including, but not limited to, programs funded under the Virginia Juvenile Community Crime Control Act pursuant to § 16.1-309.7, if available, when a juvenile has been found delinquent of any of the following violations: § 18.2-51, 18.2-51.1, 18.2-52, 18.2-53, 18.2-55, 18.2-56, 18.2-57, 18.2-57.2, 18.2-121, 18.2-127, 18.2-128, 18.2-137, 18.2-138, 18.2-146, or 18.2-147, or any violation of a local ordinance adopted pursuant to § 15.2-1812.2.

B. If the court finds a juvenile delinquent of any of the following offenses, the court shall require the juvenile to make at least partial restitution or reparation for any property damage, for loss caused by the offense, or for actual medical expenses incurred by the victim as a result of the offense: § 18.2-51, 18.2-51.1, 18.2-52, 18.2-53, 18.2-55, 18.2-56, 18.2-57, 18.2-57.2, 18.2-121, 18.2-127, 18.2-128, 18.2-137, 18.2-138, 18.2-146, or 18.2-147; or for any violation of a local ordinance adopted pursuant to § 15.2-1812.2. The court shall further require the juvenile to participate in a community service project under such conditions as the court prescribes.

§ 16.1-290. Support of committed juvenile; support from estate of juvenile.

A. Whenever (i) legal custody of a juvenile is vested by the court in someone other than his parents or (ii) a juvenile is placed in temporary shelter care regardless of whether or not legal custody is retained by his parents, after due notice in writing to the parents, the court, pursuant to §§ 20-108.1 and 20-108.2, or the Department of Social Services, pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2, shall order the parents to pay support to the Department of Social Services. If the parents fail or refuse to pay such support, the court may proceed against them for contempt, or the order may be filed and shall have the effect of a civil judgment. The provisions of this subsection shall not apply to a juvenile who is ~~placed in temporary custody of the Department pursuant to subdivision A 4a of § 16.1-278.8~~ or committed to the Department pursuant to subdivision A 14 or A 17 of § 16.1-278.8.

B. If a juvenile has an estate in the hands of a guardian or trustee, the guardian or trustee may be required to pay for his education and maintenance so long as there may be funds for that purpose.

C. Whenever a juvenile is placed in foster care by the court, the court shall order and decree that the parents shall pay the Department of Social Services pursuant to §§ 20-108.1, 20-108.2, 63.2-909, and 63.2-1910.

§ 66-13. Authority of Department as to juveniles committed to it; establishment of facilities; arrangements for temporary care.

A. The Department is authorized and empowered to receive juveniles committed to it by the courts of the Commonwealth. The Department shall establish, staff and maintain facilities for the rehabilitation, education, training and confinement of such juveniles. The Department may make arrangements with satisfactory persons, institutions or agencies, or with cities or counties maintaining places of detention for juveniles, for the temporary care of such juveniles.

B. ~~In accordance with the Juvenile Corrections Private Management Act, Chapter 2-1 (§ 66-25.3 et seq.), the Department may establish, or contract with private entities, political subdivisions or commissions to establish, juvenile boot camps. The Board shall prescribe standards for the development, implementation and operation of the boot camps with highly structured components including, but not limited to, military style drill and ceremony, physical labor, education and rigid discipline and no less than six months of intensive aftercare. The Department of Juvenile Justice's Division of Education shall establish, staff, and maintain educational programs for such juveniles in accordance with § 66-13. A~~

~~contract to expend state funds to establish a facility for a juvenile boot camp shall not be executed by the Department unless an appropriation has been expressly approved as is otherwise provided by law.~~

~~⊖~~ The Department may by mutual agreement with a locality or localities and, pursuant to standards promulgated pursuant to § 16.1-309.9, establish detention homes for use by a locality or localities for pre-trial and post-dispositional detention pursuant to §§ 16.1-248.1 and 16.1-284.1. The Department may collect by mutual agreement with a locality or localities and from any locality of this Commonwealth from which a juvenile is placed in such a detention home, the reasonable cost of maintaining such juvenile in such facility and a portion of the cost of construction of such facility. Such agreements shall be subject to approval by the General Assembly in the general appropriation act.

~~⊖~~ C. The Department shall collect data pertaining to the demographic characteristics of juveniles incarcerated in state juvenile correctional institutions, including, but not limited to, the race or ethnicity, age, and gender of such persons, and the types of and extent to which health-related problems are prevalent among such persons. Beginning July 1, 1997, such data shall be collected, tabulated quarterly, and reported by the Director to the Governor and the General Assembly at each regular session of the General Assembly thereafter.

CHAPTER 415

An Act to amend and reenact §§ 16.1-228, 16.1-278.8, 16.1-290, and 66-13 of the Code of Virginia, relating to juvenile boot camps.

[S 546]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-228, 16.1-278.8, 16.1-290, and 66-13 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-228. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Abused or neglected child" means any child:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest. Nothing in this subdivision shall be construed to limit the provisions of § 16.1-278.4;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian, or other person standing in loco parentis;

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55.1-2000, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a Tier III offender pursuant to § 9.1-902; or

7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the federal Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102 et seq., and in the federal Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

If a civil proceeding under this chapter is based solely on the parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended emergency medical services agency that employs emergency medical services personnel, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to

§ 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means the place of residence of any natural person in which a child resides as a member of the household and in which he has been placed for the purposes of adoption or in which he has been legally adopted by another member of the household.

"Adult" means a person 18 years of age or older.

"Ancillary crime" or "ancillary charge" means any delinquent act committed by a juvenile as a part of the same act or transaction as, or that constitutes a part of a common scheme or plan with, a delinquent act that would be a felony if committed by an adult.

~~"Boot camp" means a short-term secure or nonsecure juvenile residential facility with highly structured components including, but not limited to, military style drill and ceremony, physical labor, education and rigid discipline, and no less than six months of intensive aftercare.~~

"Child," "juvenile," or "minor" means a person who is (i) younger than 18 years of age or (ii) for purposes of the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9 of Title 63.2, younger than 21 years of age and meets the eligibility criteria set forth in § 63.2-919.

"Child in need of services" means (i) a child whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of the child or (ii) a child under the age of 14 whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of another person; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be a child in need of services, nor shall any child who habitually remains away from or habitually deserts or abandons his family as a result of what the court or the local child protective services unit determines to be incidents of physical, emotional or sexual abuse in the home be considered a child in need of services for that reason alone.

However, to find that a child falls within these provisions, (i) the conduct complained of must present a clear and substantial danger to the child's life or health or to the life or health of another person, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family.

"Child in need of supervision" means:

1. A child who, while subject to compulsory school attendance, is habitually and without justification absent from school, and (i) the child has been offered an adequate opportunity to receive the benefit of any and all educational services and programs that are required to be provided by law and which meet the child's particular educational needs, (ii) the school system from which the child is absent or other appropriate agency has made a reasonable effort to effect the child's regular attendance without success, and (iii) the school system has provided documentation that it has complied with the provisions of § 22.1-258; or

2. A child who, without reasonable cause and without the consent of his parent, lawful custodian or placement authority, remains away from or deserts or abandons his family or lawful custodian on more than one occasion or escapes or remains away without proper authority from a residential care facility in which he has been placed by the court, and (i) such conduct presents a clear and substantial danger to the child's life or health, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family.

"Child welfare agency" means a child-placing agency, child-caring institution or independent foster home as defined in § 63.2-100.

"The court" or the "juvenile court" or the "juvenile and domestic relations court" means the juvenile and domestic relations district court of each county or city.

"Delinquent act" means (i) an act designated a crime under the law of the Commonwealth, or an ordinance of any city, county, town, or service district, or under federal law, (ii) a violation of § 18.2-308.7, or (iii) a violation of a court order as provided for in § 16.1-292, but does not include an act other than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a crime only if committed by a child.

"Delinquent child" means a child who has committed a delinquent act or an adult who has committed a delinquent act prior to his 18th birthday, except where the jurisdiction of the juvenile court has been terminated under the provisions of § 16.1-269.6.

"Department" means the Department of Juvenile Justice and "Director" means the administrative head in charge thereof or such of his assistants and subordinates as are designated by him to discharge the duties imposed upon him under this law.

"Driver's license" means any document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, or the comparable law of another jurisdiction, authorizing the operation of a motor vehicle upon the highways.

"Family abuse" means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

"Family or household member" means (i) the person's spouse, whether or not he or she resides in the same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v) any individual who has a child in common with the person, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous 12 months, cohabited with the person, and any children of either of them then residing in the same home with the person.

"Fictive kin" means persons who are not related to a child by blood or adoption but have an established relationship with the child or his family.

"Foster care services" means the provision of a full range of casework, treatment and community services for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 or in need of services as defined in this section and his family when the child (i) has been identified as needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through an agreement between the local board of social services or a public agency designated by the community policy and management team and the parents or guardians where legal custody remains with the parents or guardians, (iii) has been committed or entrusted to a local board of social services or child welfare agency, (iv) has been placed under the supervisory responsibility of the local board pursuant to § 16.1-293, or (v) is living with a relative participating in the Federal-Funded Kinship Guardianship Assistance program set forth in § 63.2-1305 and developed consistent with 42 U.S.C. § 673 or the State-Funded Kinship Guardianship Assistance program set forth in § 63.2-1306.

"Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a living arrangement in which such child or person does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older and who has been committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services; or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement in an independent living arrangement. "Independent living services" includes counseling, education, housing, employment, and money management skills development and access to essential documents and other appropriate services to help children or persons prepare for self-sufficiency.

"Intake officer" means a juvenile probation officer appointed as such pursuant to the authority of this chapter.

"Jail" or "other facility designed for the detention of adults" means a local or regional correctional facility as defined in § 53.1-1, except those facilities utilized on a temporary basis as a court holding cell for a child incident to a court hearing or as a temporary lock-up room or ward incident to the transfer of a child to a juvenile facility.

"The judge" means the judge or the substitute judge of the juvenile and domestic relations district court of each county or city.

"This law" or "the law" means the Juvenile and Domestic Relations District Court Law embraced in this chapter.

"Legal custody" means (i) a legal status created by court order which vests in a custodian the right to have physical custody of the child, to determine and redetermine where and with whom he shall live, the right and duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care, all subject to any residual parental rights and responsibilities or (ii) the legal status created by court order of joint custody as defined in § 20-107.2.

"Permanent foster care placement" means the place of residence in which a child resides and in which he has been placed pursuant to the provisions of §§ 63.2-900 and 63.2-908 with the expectation and agreement between the placing agency and the place of permanent foster care that the child shall remain in the placement until he reaches the age of majority unless modified by court order or unless removed pursuant to § 16.1-251 or 63.2-1517. A permanent foster care placement may be a place of residence of any natural person or persons deemed appropriate to meet a child's needs on a long-term basis.

"Qualified individual" means a trained professional or licensed clinician who is not an employee of the local board of social services or licensed child-placing agency that placed the child in a qualified residential treatment program and is not affiliated with any placement setting in which children are placed by such local board of social services or licensed child-placing agency.

"Qualified residential treatment program" means a program that (i) provides 24-hour residential placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical and other needs of children with serious emotional or behavioral disorders, including any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts outreach with the child's family members, including efforts to maintain connections between the child and his siblings and

other family; documents and maintains records of such outreach efforts; and maintains contact information for any known biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child, facilitates participation by family members in the child's treatment program before and after discharge and documents the manner in which such participation is facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and Human Services; and (viii) requires that any child placed in the program receive an assessment within 30 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of Social Services; (b) identifies whether the needs of the child can be met through placement with a family member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified residential treatment program, that would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals established for the child in his foster care or permanency plan; (c) establishes a list of short-term and long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2.

"Residual parental rights and responsibilities" means all rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the person, including but not limited to the right of visitation, consent to adoption, the right to determine religious affiliation and the responsibility for support.

"Secure facility" or "detention home" means a local, regional or state public or private locked residential facility that has construction fixtures designed to prevent escape and to restrict the movement and activities of children held in lawful custody.

"Shelter care" means the temporary care of children in physically unrestricting facilities.

"State Board" means the State Board of Juvenile Justice.

"Status offender" means a child who commits an act prohibited by law which would not be criminal if committed by an adult.

"Status offense" means an act prohibited by law which would not be an offense if committed by an adult.

"Violent juvenile felony" means any of the delinquent acts enumerated in subsection B or C of § 16.1-269.1 when committed by a juvenile 14 years of age or older.

§ 16.1-278.8. Delinquent juveniles.

A. If a juvenile is found to be delinquent, except where such finding involves a refusal to take a breath test in violation of § 18.2-268.2 or a similar ordinance, the juvenile court or the circuit court may make any of the following orders of disposition for his supervision, care and rehabilitation:

1. Enter an order pursuant to the provisions of § 16.1-278;
2. Permit the juvenile to remain with his parent, subject to such conditions and limitations as the court may order with respect to the juvenile and his parent;
3. Order the parent of a juvenile living with him to participate in such programs, cooperate in such treatment or be subject to such conditions and limitations as the court may order and as are designed for the rehabilitation of the juvenile and his parent;
4. Defer disposition for a specific period of time established by the court with due regard for the gravity of the offense and the juvenile's history, after which time the charge may be dismissed by the judge if the juvenile exhibits good behavior during the period for which disposition is deferred;

~~4a. Defer disposition and place the juvenile in the temporary custody of the Department to attend a boot camp established pursuant to § 66-13 provided bed space is available for confinement and the juvenile (i) has been found delinquent for an offense that would be a Class 1 misdemeanor or felony if committed by an adult, (ii) has not previously been and is not currently being adjudicated delinquent or found guilty of a violent juvenile felony, (iii) has not previously attended a boot camp, (iv) has not previously been committed to and received by the Department, and (v) has had an assessment completed by the Department or its contractor concerning the appropriateness of the candidate for a boot camp. Upon the juvenile's withdrawal, removal or refusal to comply with the terms and conditions of participation in the program, he shall be brought before the court for a hearing at which the court may impose any other disposition as authorized by this section which could have been imposed at the time the juvenile was placed in the custody of the Department;~~

5. Without entering a judgment of guilty and with the consent of the juvenile and his attorney, defer disposition of the delinquency charge for a specific period of time established by the court with due regard for the gravity of the offense and the juvenile's history, and place the juvenile on probation under such conditions and limitations as the court may prescribe. Upon fulfillment of the terms and conditions, the court shall discharge the juvenile and dismiss the proceedings against him. Discharge and dismissal under these provisions shall be without adjudication of guilt;

6. Order the parent of a juvenile with whom the juvenile does not reside to participate in such programs, cooperate in such treatment or be subject to such conditions and limitations as the court may order and as are designed for the rehabilitation of the juvenile where the court determines this participation to be in the best interest of the juvenile and other parties concerned and where the court determines it reasonable to expect the parent to be able to comply with such order;

7. Place the juvenile on probation under such conditions and limitations as the court may prescribe;

7a. Place the juvenile on probation and order treatment for the abuse or dependence on alcohol or drugs in a program licensed by the Department of Behavioral Health and Developmental Services for the treatment of juveniles for substance abuse provided that (i) the juvenile has received a substance abuse screening and assessment pursuant to § 16.1-273 and that such assessment reasonably indicates that the commission of the offense was motivated by, or closely related to, the habitual use of alcohol or drugs and indicates that the juvenile is in need of treatment for this condition; (ii) the juvenile has not previously been and is not currently being adjudicated for a violent juvenile felony; and (iii) such facility is available. Upon the juvenile's withdrawal, removal, or refusal to comply with the conditions of participation in the program, he shall be brought before the court for a hearing at which the court may impose any other disposition authorized by this section. The court shall review such placements at 30-day intervals;

8. Impose a fine not to exceed \$500 upon such juvenile;

9. Suspend the motor vehicle and driver's license of such juvenile or impose a curfew on the juvenile as to the hours during which he may operate a motor vehicle. Any juvenile whose driver's license is suspended may be referred for an assessment and subsequent referral to appropriate services, upon such terms and conditions as the court may order. The court, in its discretion and upon a demonstration of hardship, may authorize the use of a restricted permit to operate a motor vehicle by any juvenile who enters such program for any of the purposes set forth in subsection E of § 18.2-271.1 or for travel to and from school. The restricted permit shall be issued in accordance with the provisions of such subsection. However, only an abstract of the court order that identifies the juvenile and the conditions under which the restricted license is to be issued shall be sent to the Department of Motor Vehicles.

If a curfew is imposed, the juvenile shall surrender his driver's license, which shall be held in the physical custody of the court during any period of curfew restriction. The court shall send an abstract of any order issued under the provisions of this section to the Department of Motor Vehicles, which shall preserve a record thereof. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of this chapter or the provisions of Title 46.2, this record shall be available only to all law-enforcement officers, attorneys for the Commonwealth and courts. A copy of the court order, upon which shall be noted all curfew restrictions, shall be provided to the juvenile and shall contain such information regarding the juvenile as is reasonably necessary to identify him. The juvenile may operate a motor vehicle under the court order in accordance with its terms.

Any juvenile who operates a motor vehicle in violation of any restrictions imposed pursuant to this section is guilty of a violation of § 46.2-301.

The Department of Motor Vehicles shall refuse to issue a driver's license to any juvenile denied a driver's license until such time as is stipulated in the court order or until notification by the court of withdrawal of the order imposing the curfew;

10. Require the juvenile to make restitution or reparation to the aggrieved party or parties for actual damages or loss caused by the offense for which the juvenile was found to be delinquent;

11. Require the juvenile to participate in a public service project under such conditions as the court prescribes;

12. In case of traffic violations, impose only those penalties that are authorized to be imposed on adults for such violations. However, for those violations punishable by confinement if committed by an adult, confinement shall be imposed only as authorized by this title;

13. Transfer legal custody to any of the following:

a. A relative or other individual who, after study, is found by the court to be qualified to receive and care for the juvenile;

b. A child welfare agency, private organization or facility that is licensed or otherwise authorized by law to receive and provide care for such juvenile. The court shall not transfer legal custody of a delinquent juvenile to an agency, organization or facility outside of the Commonwealth without the approval of the Director; or

c. The local board of social services of the county or city in which the court has jurisdiction or, at the discretion of the court, to the local board of the county or city in which the juvenile has residence if other than the county or city in which the court has jurisdiction. The board shall accept the juvenile for care and custody, provided that it has been given reasonable notice of the pendency of the case and an opportunity to be heard. However, in an emergency in the county or city in which the court has jurisdiction, such local board may be required to temporarily accept a juvenile for a period not to exceed 14 days without prior notice or an opportunity to be heard if the judge entering the placement order describes the emergency and the need for such temporary placement in the order. Nothing in this subdivision shall prohibit the commitment of a juvenile to any local board of social services in the Commonwealth when such local board consents to the commitment. The board to which the juvenile is committed shall have the final authority to determine the appropriate placement for the juvenile. Any order authorizing removal from the home and transferring legal custody of a juvenile to a local board of social services as provided in this subdivision shall be entered only upon a finding by the court that reasonable efforts have been made to prevent removal and that continued placement in the home would be contrary to the welfare of the juvenile, and the order shall so state;

14. Unless waived by an agreement between the attorney for the Commonwealth and the juvenile and his attorney or other legal representative, upon consideration of the results of an investigation completed pursuant to § 16.1-273, commit the juvenile to the Department of Juvenile Justice, but only if (i) he is 11 years of age or older and has been adjudicated delinquent of an act enumerated in subsection B or C of § 16.1-269.1 or (ii) he is 14 years of age or older and the current offense is (a) an offense that would be a felony if committed by an adult, (b) an offense that would be a Class 1 misdemeanor if committed by an adult and the juvenile has previously been found to be delinquent based on an offense that

would be a felony if committed by an adult, or (c) an offense that would be a Class 1 misdemeanor if committed by an adult and the juvenile has previously been adjudicated delinquent of three or more offenses that would be a Class 1 misdemeanor if committed by an adult, and each such offense was not a part of a common act, transaction or scheme;

15. Impose the penalty authorized by § 16.1-284;

16. Impose the penalty authorized by § 16.1-284.1;

17. Unless waived by an agreement between the attorney for the Commonwealth and the juvenile and his attorney or other legal representative, upon consideration of the results of an investigation completed pursuant to § 16.1-273, impose the penalty authorized by § 16.1-285.1;

18. Impose the penalty authorized by § 16.1-278.9; or

19. Require the juvenile to participate in a gang-activity prevention program including, but not limited to, programs funded under the Virginia Juvenile Community Crime Control Act pursuant to § 16.1-309.7, if available, when a juvenile has been found delinquent of any of the following violations: § 18.2-51, 18.2-51.1, 18.2-52, 18.2-53, 18.2-55, 18.2-56, 18.2-57, 18.2-57.2, 18.2-121, 18.2-127, 18.2-128, 18.2-137, 18.2-138, 18.2-146, or 18.2-147, or any violation of a local ordinance adopted pursuant to § 15.2-1812.2.

B. If the court finds a juvenile delinquent of any of the following offenses, the court shall require the juvenile to make at least partial restitution or reparation for any property damage, for loss caused by the offense, or for actual medical expenses incurred by the victim as a result of the offense: § 18.2-51, 18.2-51.1, 18.2-52, 18.2-53, 18.2-55, 18.2-56, 18.2-57, 18.2-57.2, 18.2-121, 18.2-127, 18.2-128, 18.2-137, 18.2-138, 18.2-146, or 18.2-147; or for any violation of a local ordinance adopted pursuant to § 15.2-1812.2. The court shall further require the juvenile to participate in a community service project under such conditions as the court prescribes.

§ 16.1-290. Support of committed juvenile; support from estate of juvenile.

A. Whenever (i) legal custody of a juvenile is vested by the court in someone other than his parents or (ii) a juvenile is placed in temporary shelter care regardless of whether or not legal custody is retained by his parents, after due notice in writing to the parents, the court, pursuant to §§ 20-108.1 and 20-108.2, or the Department of Social Services, pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2, shall order the parents to pay support to the Department of Social Services. If the parents fail or refuse to pay such support, the court may proceed against them for contempt, or the order may be filed and shall have the effect of a civil judgment. The provisions of this subsection shall not apply to a juvenile who is placed in temporary custody of the Department pursuant to subdivision A 4a of § 16.1-278.8 or committed to the Department pursuant to subdivision A 14 or A 17 of § 16.1-278.8.

B. If a juvenile has an estate in the hands of a guardian or trustee, the guardian or trustee may be required to pay for his education and maintenance so long as there may be funds for that purpose.

C. Whenever a juvenile is placed in foster care by the court, the court shall order and decree that the parents shall pay the Department of Social Services pursuant to §§ 20-108.1, 20-108.2, 63.2-909, and 63.2-1910.

§ 66-13. Authority of Department as to juveniles committed to it; establishment of facilities; arrangements for temporary care.

A. The Department is authorized and empowered to receive juveniles committed to it by the courts of the Commonwealth. The Department shall establish, staff and maintain facilities for the rehabilitation, education, training and confinement of such juveniles. The Department may make arrangements with satisfactory persons, institutions or agencies, or with cities or counties maintaining places of detention for juveniles, for the temporary care of such juveniles.

~~B. In accordance with the Juvenile Corrections Private Management Act, Chapter 2-1 (§ 66-25.3 et seq.), the Department may establish, or contract with private entities, political subdivisions or commissions to establish, juvenile boot camps. The Board shall prescribe standards for the development, implementation and operation of the boot camps with highly structured components including, but not limited to, military style drill and ceremony, physical labor, education and rigid discipline and no less than six months of intensive aftercare. The Department of Juvenile Justice's Division of Education shall establish, staff, and maintain educational programs for such juveniles in accordance with § 66-13. A contract to expend state funds to establish a facility for a juvenile boot camp shall not be executed by the Department unless an appropriation has been expressly approved as is otherwise provided by law.~~

~~C.~~ The Department may by mutual agreement with a locality or localities and, pursuant to standards promulgated pursuant to § 16.1-309.9, establish detention homes for use by a locality or localities for pre-trial and post-dispositional detention pursuant to §§ 16.1-248.1 and 16.1-284.1. The Department may collect by mutual agreement with a locality or localities and from any locality of this Commonwealth from which a juvenile is placed in such a detention home, the reasonable cost of maintaining such juvenile in such facility and a portion of the cost of construction of such facility. Such agreements shall be subject to approval by the General Assembly in the general appropriation act.

~~D.~~ C. The Department shall collect data pertaining to the demographic characteristics of juveniles incarcerated in state juvenile correctional institutions, including, but not limited to, the race or ethnicity, age, and gender of such persons, and the types of and extent to which health-related problems are prevalent among such persons. Beginning July 1, 1997, such data shall be collected, tabulated quarterly, and reported by the Director to the Governor and the General Assembly at each regular session of the General Assembly thereafter.

CHAPTER 416

An Act to amend and reenact § 58.1-442 of the Code of Virginia, relating to corporate income tax returns of affiliated corporations.

[H 224]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 58.1-442 of the Code of Virginia is amended and reenacted as follows:****§ 58.1-442. Separate, combined, or consolidated returns of affiliated corporations.**

A. Corporations ~~which~~ *that* are affiliated within the meaning of § 58.1-302 may, for any taxable year, file separate returns, file a combined return, or file a consolidated return of net income for the purpose of this chapter, and the taxes thereunder shall be computed and determined upon the basis of the type of return filed. Following an election to file on a separate, consolidated, or combined basis all returns thereafter filed shall be upon the same basis unless permission to change is granted by the Department.

B. For the purpose of subsection A:

1. A consolidated return shall mean a single return for a group of corporations affiliated within the meaning of § 58.1-302, prepared in accordance with the principles of § 1502 of the Internal Revenue Code and regulations promulgated thereunder. Permission to file a consolidated return shall not be denied to a group of affiliated corporations filing a consolidated federal return solely because two or more members of such affiliated group would be required to use different apportionment factors if separate returns were filed. The Tax Commissioner shall promulgate regulations setting forth the manner in which such an affiliated group shall compute its Virginia taxable income.

2. A combined return shall mean a single return for a group of corporations affiliated within the meaning of § 58.1-302, in which income or loss is separately determined in accordance with subdivisions a through d ~~below~~:

a. Virginia taxable income or loss is computed separately for each corporation;

b. Allocable income is allocated to the state of commercial domicile separately for each corporation;

c. Apportionable income or loss is computed, utilizing separate apportionment factors for each corporation;

d. Income or loss computed in accordance with ~~items a through c above~~ *subdivisions a, b, and c* is combined and reported on a single return for the affiliated group.

C. Notwithstanding subsection A, a group of corporations may apply to the Tax Commissioner for permission to change the basis of the type of return filed (i) from consolidated to separate or (ii) from separate or combined to consolidated, if such corporations are affiliated within the meaning of § 58.1-302 and the affiliated group of which they are members, as it has existed from time to time, has filed on the same basis for at least the preceding 20 years. Permission shall be granted if:

1. For the taxable year immediately preceding the taxable year for which the new election would be applicable, there would have been no decrease in tax liability computed under the proposed election as compared to the affiliated group's former filing method; and

2. The affiliated group agrees to file returns computing its Virginia income tax liability under both the new filing method and the former method and will pay the greater of the two amounts for the taxable year in which the new election is effective and for the immediately succeeding taxable year.

D. Notwithstanding subsections A and C, for taxable years beginning on and after January 1, 2023, but before January 1, 2025, a group of corporations may elect to change the basis of the type of return filed from combined to consolidated, if (i) such corporations are affiliated within the meaning of § 58.1-302; (ii) the affiliated group of which they are members, as it has existed from time to time, has filed on the same basis for at least the preceding 20 years; and (iii) on or before January 1, 2022, at least one member of the affiliated group of which they are members is a related entity within the meaning of § 58.1-302 to a state or national bank that is exempt from filing a Virginia corporate income tax return under subdivision 3 of § 58.1-401.

Any eligible affiliated group that elects to change the basis of the type of return pursuant to this subsection shall be required to agree to file returns computing its Virginia income tax liability under both the new filing method and the former method and shall pay the greater of the two amounts for the taxable year in which the new election is effective and for the immediately succeeding taxable year. A taxpayer shall provide notification to the Department of Taxation that an election pursuant to this subsection is being made. Such notification shall be submitted on forms as prescribed by the Department of Taxation.

E. If any provision of subsection D is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, then that provision shall not be deemed severable, and all provisions of subsection D shall expire and be unavailable for any affiliated group that has not made the election as of the date of such decision.

CHAPTER 417

An Act to amend and reenact § 58.1-442 of the Code of Virginia, relating to corporate income tax returns of affiliated corporations.

[S 386]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 58.1-442 of the Code of Virginia is amended and reenacted as follows:****§ 58.1-442. Separate, combined, or consolidated returns of affiliated corporations.**

A. Corporations ~~which~~ *that* are affiliated within the meaning of § 58.1-302 may, for any taxable year, file separate returns, file a combined return, or file a consolidated return of net income for the purpose of this chapter, and the taxes thereunder shall be computed and determined upon the basis of the type of return filed. Following an election to file on a separate, consolidated, or combined basis all returns thereafter filed shall be upon the same basis unless permission to change is granted by the Department.

B. For the purpose of subsection A:

1. A consolidated return shall mean a single return for a group of corporations affiliated within the meaning of § 58.1-302, prepared in accordance with the principles of § 1502 of the Internal Revenue Code and regulations promulgated thereunder. Permission to file a consolidated return shall not be denied to a group of affiliated corporations filing a consolidated federal return solely because two or more members of such affiliated group would be required to use different apportionment factors if separate returns were filed. The Tax Commissioner shall promulgate regulations setting forth the manner in which such an affiliated group shall compute its Virginia taxable income.

2. A combined return shall mean a single return for a group of corporations affiliated within the meaning of § 58.1-302, in which income or loss is separately determined in accordance with subdivisions a through d ~~below~~:

- a. Virginia taxable income or loss is computed separately for each corporation;
- b. Allocable income is allocated to the state of commercial domicile separately for each corporation;
- c. Apportionable income or loss is computed, utilizing separate apportionment factors for each corporation;
- d. Income or loss computed in accordance with ~~items a through c above~~ *subdivisions a, b, and c* is combined and reported on a single return for the affiliated group.

C. Notwithstanding subsection A, a group of corporations may apply to the Tax Commissioner for permission to change the basis of the type of return filed (i) from consolidated to separate or (ii) from separate or combined to consolidated, if such corporations are affiliated within the meaning of § 58.1-302 and the affiliated group of which they are members, as it has existed from time to time, has filed on the same basis for at least the preceding 20 years. Permission shall be granted if:

1. For the taxable year immediately preceding the taxable year for which the new election would be applicable, there would have been no decrease in tax liability computed under the proposed election as compared to the affiliated group's former filing method; and

2. The affiliated group agrees to file returns computing its Virginia income tax liability under both the new filing method and the former method and will pay the greater of the two amounts for the taxable year in which the new election is effective and for the immediately succeeding taxable year.

D. Notwithstanding subsections A and C, for taxable years beginning on and after January 1, 2023, but before January 1, 2025, a group of corporations may elect to change the basis of the type of return filed from combined to consolidated, if (i) such corporations are affiliated within the meaning of § 58.1-302; (ii) the affiliated group of which they are members, as it has existed from time to time, has filed on the same basis for at least the preceding 20 years; and (iii) on or before January 1, 2022, at least one member of the affiliated group of which they are members is a related entity within the meaning of § 58.1-302 to a state or national bank that is exempt from filing a Virginia corporate income tax return under subdivision 3 of § 58.1-401.

Any eligible affiliated group that elects to change the basis of the type of return pursuant to this subsection shall be required to agree to file returns computing its Virginia income tax liability under both the new filing method and the former method and shall pay the greater of the two amounts for the taxable year in which the new election is effective and for the immediately succeeding taxable year. A taxpayer shall provide notification to the Department of Taxation that an election pursuant to this subsection is being made. Such notification shall be submitted on forms as prescribed by the Department of Taxation.

E. If any provision of subsection D is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, then that provision shall not be deemed severable, and all provisions of subsection D shall expire and be unavailable for any affiliated group that has not made the election as of the date of such decision.

CHAPTER 418

An Act to amend and reenact §§ 2.2-5205 and 2.2-5207 of the Code of Virginia, relating to Children's Services Act; parent representatives; community policy and management teams; family assessment and planning team.

[H 427]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:**1. That §§ 2.2-5205 and 2.2-5207 of the Code of Virginia are amended and reenacted as follows:****§ 2.2-5205. Community policy and management teams; membership; immunity from liability.**

The community policy and management team to be appointed by the local governing body shall include, at a minimum, at least one elected official or appointed official or his designee from the governing body of a locality that is a member of the team; and the local agency heads or their designees of the following community agencies: community services board established pursuant to § 37.2-501, juvenile court services unit, department of health, department of social services, and the local school division. The team shall also include a representative of a private organization or association of providers for children's or family services if such organizations or associations are located within the locality; and a parent representative. Parent representatives who are employed by a public or private program that receives funds pursuant to this chapter or agencies represented on a community policy and management team may serve as a parent representative provided that ~~they do not, as a part of their employment, interact directly on a regular and daily basis with children or supervise employees who interact directly on a daily basis with children. Notwithstanding this provision, foster parents may serve as parent representatives who are not employed by a public or private program that receives funds pursuant to this chapter or agencies represented on a community policy and management team are prioritized for participation where practicable.~~ Those persons appointed to represent community agencies shall be authorized to make policy and funding decisions for their agencies.

The local governing body may appoint other members to the team, including, but not limited to, a local government official, a local law-enforcement official, and representatives of other public agencies.

When any combination of counties, cities or counties, and cities establishes a community policy and management team, the membership requirements previously set out shall be adhered to by the team as a whole.

Persons who serve on the team shall be immune from any civil liability for decisions made about the appropriate services for a family or the proper placement or treatment of a child who comes before the team, unless it is proven that such person acted with malicious intent. Any person serving on such team who does not represent a public agency shall file a statement of economic interests as set out in § 2.2-3117 of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.). Persons representing public agencies shall file such statements if required to do so pursuant to the State and Local Government Conflict of Interests Act.

Persons serving on the team who are parent representatives or who represent private organizations or associations of providers for children's or family services shall abstain from decision-making involving individual cases or agencies in which they have either a personal interest, as defined in § 2.2-3101 of the State and Local Government Conflict of Interests Act, or a fiduciary interest.

§ 2.2-5207. Family assessment and planning team; membership; immunity from liability.

Each community policy and management team shall establish and appoint one or more family assessment and planning teams as the needs of the community require. Each family assessment and planning team shall include representatives of the following community agencies who have authority to access services within their respective agencies: community services board established pursuant to § 37.2-501, juvenile court services unit, department of social services, and local school division. Each family and planning team also shall include a parent representative and may include a representative of the department of health at the request of the chair of the local community policy and management team. Parent representatives who are employed by a public or private program that receives funds pursuant to this chapter or agencies represented on a family assessment and planning team may serve as a parent representative provided that ~~they do not, as a part of their employment, interact directly on a regular and daily basis with children or supervise employees who interact directly on a regular basis with children. Notwithstanding this provision, foster parents may serve as parent representatives who are not employed by a public or private program that receives funds pursuant to this chapter or agencies represented on a family assessment and planning team are prioritized for participation where practicable.~~ The family assessment and planning team may include a representative of a private organization or association of providers for children's or family services and of other public agencies.

Persons who serve on a family assessment and planning team shall be immune from any civil liability for decisions made about the appropriate services for a family or the proper placement or treatment of a child who comes before the team, unless it is proven that such person acted with malicious intent. Any person serving on such team who does not represent a public agency shall file a statement of economic interests as set out in § 2.2-3117 of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.). Persons representing public agencies shall file such statements if required to do so pursuant to the State and Local Government Conflict of Interests Act.

Persons serving on the team who are parent representatives or who represent private organizations or associations of providers for children's or family services shall abstain from decision-making involving individual cases or agencies in

which they have either a personal interest, as defined in § 2.2-3101 of the State and Local Government Conflict of Interests Act, or a fiduciary interest.

2. That the State Executive Council for Children's Services (SEC) shall inventory current efforts to recruit and retain parent representatives on local community policy and management teams (CPMTs) and family assessment and planning teams (FAPTs) and compile a list of best practices for including and elevating parent voices within CPMTs and FAPTs, particularly parents and caregivers with lived experience in child welfare, juvenile justice, special education, or behavioral health services, for distribution to local Children's Services Act programs. The SEC shall provide a copy of this report to the Chairmen of the Senate Committee on Rehabilitation and Social Services and the House Committee on Health, Welfare and Institutions no later than November 1, 2022.

CHAPTER 419

An Act to amend and reenact §§ 2.2-5205 and 2.2-5207 of the Code of Virginia, relating to Children's Services Act; parent representatives; community policy and management teams; family assessment and planning team.

[S 435]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-5205 and 2.2-5207 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-5205. Community policy and management teams; membership; immunity from liability.

The community policy and management team to be appointed by the local governing body shall include, at a minimum, at least one elected official or appointed official or his designee from the governing body of a locality that is a member of the team; and the local agency heads or their designees of the following community agencies: community services board established pursuant to § 37.2-501, juvenile court services unit, department of health, department of social services, and the local school division. The team shall also include a representative of a private organization or association of providers for children's or family services if such organizations or associations are located within the locality; and a parent representative. Parent representatives who are employed by a public or private program that receives funds pursuant to this chapter or agencies represented on a community policy and management team may serve as a parent representative provided that ~~they do not, as a part of their employment, interact directly on a regular and daily basis with children or supervise employees who interact directly on a daily basis with children.~~ Notwithstanding this provision, foster parents may serve as parent representatives who are not employed by a public or private program that receives funds pursuant to this chapter or agencies represented on a community policy and management team are prioritized for participation where practicable. Those persons appointed to represent community agencies shall be authorized to make policy and funding decisions for their agencies.

The local governing body may appoint other members to the team, including, but not limited to, a local government official, a local law-enforcement official, and representatives of other public agencies.

When any combination of counties, cities or counties, and cities establishes a community policy and management team, the membership requirements previously set out shall be adhered to by the team as a whole.

Persons who serve on the team shall be immune from any civil liability for decisions made about the appropriate services for a family or the proper placement or treatment of a child who comes before the team, unless it is proven that such person acted with malicious intent. Any person serving on such team who does not represent a public agency shall file a statement of economic interests as set out in § 2.2-3117 of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.). Persons representing public agencies shall file such statements if required to do so pursuant to the State and Local Government Conflict of Interests Act.

Persons serving on the team who are parent representatives or who represent private organizations or associations of providers for children's or family services shall abstain from decision-making involving individual cases or agencies in which they have either a personal interest, as defined in § 2.2-3101 of the State and Local Government Conflict of Interests Act, or a fiduciary interest.

§ 2.2-5207. Family assessment and planning team; membership; immunity from liability.

Each community policy and management team shall establish and appoint one or more family assessment and planning teams as the needs of the community require. Each family assessment and planning team shall include representatives of the following community agencies who have authority to access services within their respective agencies: community services board established pursuant to § 37.2-501, juvenile court services unit, department of social services, and local school division. Each family and planning team also shall include a parent representative and may include a representative of the department of health at the request of the chair of the local community policy and management team. Parent representatives who are employed by a public or private program that receives funds pursuant to this chapter or agencies represented on a family assessment and planning team may serve as a parent representative provided that ~~they do not, as a part of their employment, interact directly on a regular and daily basis with children or supervise employees who interact directly on a regular basis with children.~~ Notwithstanding this provision, foster parents may serve as parent representatives who are not employed by a public or private program that receives funds pursuant to this chapter or agencies represented on a family assessment and planning team are prioritized for participation where practicable. The family assessment and planning

team may include a representative of a private organization or association of providers for children's or family services and of other public agencies.

Persons who serve on a family assessment and planning team shall be immune from any civil liability for decisions made about the appropriate services for a family or the proper placement or treatment of a child who comes before the team, unless it is proven that such person acted with malicious intent. Any person serving on such team who does not represent a public agency shall file a statement of economic interests as set out in § 2.2-3117 of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.). Persons representing public agencies shall file such statements if required to do so pursuant to the State and Local Government Conflict of Interests Act.

Persons serving on the team who are parent representatives or who represent private organizations or associations of providers for children's or family services shall abstain from decision-making involving individual cases or agencies in which they have either a personal interest, as defined in § 2.2-3101 of the State and Local Government Conflict of Interests Act, or a fiduciary interest.

2. That the State Executive Council for Children's Services (SEC) shall inventory current efforts to recruit and retain parent representatives on local community policy and management teams (CPMTs) and family assessment and planning teams (FAPTs) and compile a list of best practices for including and elevating parent voices within CPMTs and FAPTs, particularly parents and caregivers with lived experience in child welfare, juvenile justice, special education, or behavioral health services, for distribution to local Children's Services Act programs. The SEC shall provide a copy of this report to the Chairmen of the Senate Committee on Rehabilitation and Social Services and the House Committee on Health, Welfare and Institutions no later than November 1, 2022.

CHAPTER 420

An Act to amend and reenact § 23.1-903.4 of the Code of Virginia, relating to Innovative Internship Program; Office of Education and Labor Market Alignment.

[S 667]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-903.4 of the Code of Virginia is amended and reenacted as follows:

§ 23.1-903.4. Innovative Internship Fund and Program.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Innovative Internship Fund (the Fund). The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of the Innovative Internship Program established pursuant to subsection B. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director of the Council.

B. There is hereby established the Innovative Internship Program (the Program). The purpose of the Program is to expand paid or credit-bearing student internship and other work-based learning opportunities in collaboration with Virginia employers. The Program comprises institutional grants and a statewide initiative to facilitate the readiness of students, employers, and institutions of higher education to participate in internship and other work-based learning opportunities.

1. In administering the statewide initiative, the Council shall (i) engage stakeholders from business and industry, secondary and higher education, economic development, and state agencies and entities that are successfully engaging employers or successfully operating internship programs; (ii) explore strategies in Virginia and elsewhere on successful institutional, regional, statewide or sector-based internship programs; (iii) gather data on current institutional internship practices, scale, and outcomes; (iv) develop internship readiness educational resources, delivery methods, certification procedures, and outreach and awareness activities for employer partners, students, and institutional career development personnel; (v) pursue shared services or other efficiency initiatives, including technological solutions; and (vi) create a process to track key measures of performance.

2. The Council shall establish eligibility criteria, including requirements for matching funds, for institutional grants. Such grants shall be used to accomplish one or more of the following goals: (i) support state or regional workforce needs; (ii) support initiatives to attract and retain talent in the Commonwealth; (iii) support research and research commercialization in sectors and clusters targeted for development; (iv) support regional economic growth and diversification plans; (v) enhance the job readiness of students; (vi) enhance higher education affordability and timely completion for Virginia students; or (vii) further the objectives of increasing the tech talent pipeline.

3. *The Council shall partner with the Office of Education and Labor Market Alignment to collect and utilize data that includes the gaps that are most significant in hindering the Commonwealth from achieving the goals listed in subdivision 2. The Council and the Office of Education and Labor Market Alignment shall identify, at minimum: (i) state or regional workforce needs for which the lack of work-based learning opportunities is negatively impacting the success of regional economic growth and diversification plans and (ii) degree programs, the graduates of which describe themselves as*

underemployed, that would benefit from incorporating work-based learning into the curriculum. The Council and the Office of Education and Labor Market Alignment shall use the needs and degree programs identified in this subdivision to collaboratively determine priorities for: (a) using the portion of student financial aid authorized by the budget to be awarded as grants to students participating in work-based learning; (b) redesigning of curricula at public institutions of higher education; (c) garnering regional support and services to ensure the readiness of students and employers; (d) awarding grants to institutions of higher education to ensure their readiness to support students through detailed planning and implementation of best practices for scaling work-based learning; (e) providing or raising funds to provide matching funds so that students with limited resources, who have traditionally participated in the Program at lower rates, may intern at small Virginia-based employers; and (f) enhancing data collection and analysis.

CHAPTER 421

An Act to direct the Department of Professional and Occupational Regulation to establish a work group to study the adequacy of current laws addressing standards for structural integrity and for maintaining reserves to repair, replace, or restore capital components in common interest communities; report.

[S 740]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. A. *The Department of Professional and Occupational Regulation shall establish a work group to study the adequacy of current laws addressing standards for structural integrity and for maintaining reserves to repair, replace, or restore capital components in common interest communities. In conducting such study, the work group shall consider the following: (i) the development of common interest communities, including initial budget reserve funding, the filing of "as built" plans and specifications with the locality and delivery of such plans to the association of such common interest community, along with other transition documents, and increasing requirements for the issuance of certificates of occupancy; (ii) governing documents; (iii) reserve study requirements, including requirements for the frequency of such studies, the qualification of persons conducting such studies, and disclosure of such studies to purchasers and existing owners; (iv) budget requirements; (v) the authority of association boards to budget for reserves, expend funds for reserve projects, make special or additional assessments, and borrow funds to pay for projects; (vi) liability of associations and executive boards; (vii) inspections, including the authority of local governments to require inspections, funding for inspections, the scope, nature, and schedule of inspections, and qualifications of building inspectors; (viii) insurance coverage, including the scope of coverage, availability of products, adequacy or need for new or alternate products, feasibility of insurance inspections, and cost; (ix) education of association board members and owners; (x) judicial remedies, including an option to petition a court to authorize an assessment or alternative funding; and (xi) common interest community association management, including manager qualifications and self-management versus professional management.*

B. The work group shall be composed of representatives of (i) the Common Interest Community Board, (ii) local governments, (iii) local and state building officials, (iv) common interest community property owners, (v) developers and builders, (vi) common interest community managers, (vii) community association attorneys, (viii) reserve specialists, (ix) professional engineers, (x) auditors, (xi) representatives of financial institutions, (xii) insurance professionals, (xiii) attorneys with experience representing individuals with property or personal injury claims; (xiv) the Office of the Common Interest Community Ombudsman; and (xv) volunteer community leaders.

C. The Department of Professional and Occupational Regulation shall report the work group's findings and provide recommendations, including any legislative recommendations, to the Chairs of the House Committee on General Laws and the Senate Committee on General Laws and Technology no later than April 1, 2023.

CHAPTER 422

An Act to amend and reenact § 62.1-44.19:20 of the Code of Virginia, relating to nutrient credit stream restoration projects; use of third-party long-term stewards.

[S 188]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 62.1-44.19:20 of the Code of Virginia is amended and reenacted as follows:

§ 62.1-44.19:20. Nutrient credit certification.

A. The Board may adopt regulations for the purpose of establishing procedures for the certification of point source nutrient credits except that no certification shall be required for point source nitrogen and point source phosphorus credits generated by point sources regulated under the Watershed General Virginia Pollutant Discharge Elimination System Permit issued pursuant to § 62.1-44.19:14. The Board shall adopt regulations for the purpose of establishing procedures for the certification of nonpoint source nutrient credits.

B. Regulations adopted pursuant to this section shall:

1. Establish procedures for the certification and registration of credits, including:
 - a. Certifying credits that may be generated from effective nutrient controls or removal practices, including activities associated with the types of facilities or practices historically regulated by the Board, such as water withdrawal and treatment and wastewater collection, treatment, and beneficial reuse;
 - b. Certifying credits that may be generated from agricultural and urban stormwater best management practices, use or management of manures, managed turf, land use conversion, stream or wetlands projects, shellfish aquaculture, algal harvesting, and other established or innovative methods of nutrient control or removal, as appropriate;
 - c. Establishing a process and standards for wetland or stream credits to be converted to nutrient credits. Such process and standards shall only apply to wetland or stream credits that were established after July 1, 2005, and have not been transferred or used. Under no circumstances shall such credits be used for both wetland or stream credit and nutrient credit purposes;
 - d. Certifying credits from multiple practices that are bundled as a package by the applicant;
 - e. Prohibiting the certification of credits generated from activities funded by federal or state water quality grant funds other than controls and practices under subdivision B 1 a; however, baseline levels may be achieved through the use of such grants;
 - f. Establishing a timely and efficient certification process including application requirements, a reasonable application fee schedule not to exceed \$10,000 per application, and review and approval procedures;
 - g. Requiring public notification of a proposed nutrient credit-generating entity; and
 - h. Establishing a timeline for the consideration of certification applications for land conversion projects. The timeline shall provide that within 30 days of receipt of an application the Department shall, if warranted, conduct a site visit and that within 45 days of receipt of an application the Department shall either determine that the application is complete or request additional specific information from the applicant. A determination that an application for a land conversion project is complete shall not require the Department to issue the certification. The Department shall deny, approve, or approve with conditions an application within 15 days of the Department's determination that the application is complete. When the request for credit release is made concurrently with the application for a land conversion project certification, the concurrent release shall be processed on the same timeline. When the request for credit release is from a previously approved land conversion project, the Department shall schedule a site visit, if warranted, within 30 days of the request and shall deny, approve, or approve with conditions the release within 15 days of the site visit or determination that a site visit is not warranted. The timelines set out in this subdivision shall be implemented prior to adoption of regulations. The Department shall release credits from a land conversion project after it is satisfied that the applicant has met the criteria for release in an approved nutrient reduction implementation plan.
2. Establish credit calculation procedures for proposed credit-generating practices, including the determination of:
 - a. Baselines for credits certified under subdivision B 1 a in accordance with any applicable provisions of the Virginia Chesapeake Bay TMDL Watershed Implementation Plan or approved TMDLs;
 - b. Baselines established for agricultural practices, which shall be those actions necessary to achieve a level of reduction assigned in the Virginia Chesapeake Bay TMDL Watershed Implementation Plan or approved TMDLs as implemented on the tract, field, or other land area under consideration;
 - c. Baselines for urban practices from new development and redevelopment, which shall be in compliance with postconstruction nutrient loading requirements of the Virginia Stormwater Management Program regulations. Baselines for all other existing development shall be at a level necessary to achieve the reductions assigned in the urban sector in the Virginia Chesapeake Bay TMDL Watershed Implementation Plan or approved TMDLs;
 - d. Baselines for land use conversion, which shall be based on the pre-conversion land use and the level of reductions assigned in the Virginia Chesapeake Bay TMDL Watershed Implementation Plan or approved TMDLs applicable to that land use;
 - e. Baselines for other nonpoint source credit-generating practices, which shall be based on the Virginia Chesapeake Bay TMDL Watershed Implementation Plan or approved TMDLs using the best available scientific and technical information;
 - f. Unless otherwise established by the Board, for certification within the Chesapeake Bay Watershed a credit-generating practice that involves land use conversion, which shall represent controls beyond those in place as of July 1, 2005. For other waters for which a TMDL has been approved, the practice shall represent controls beyond those in place at the time of TMDL approval;
 - g. Baseline dates for all other credit-generating practices, which shall be based on the Virginia Chesapeake Bay TMDL Watershed Implementation Plan or approved TMDLs; and
 - h. Credit quantities, which shall be established using the best available scientific and technical information at the time of certification;
3. Provide certification of credits on an appropriate temporal basis, such as annual, term of years, or perpetual, depending on the nature of the credit-generating practice. A credit shall be certified for a term of no less than 12 months;
4. Establish requirements to reasonably assure the generation of the credit depending on the nature of the credit-generating activity and use, such as legal instruments for perpetual credits, operation and maintenance requirements, and associated financial assurance requirements. Financial assurance requirements may include letters of credit, escrows, surety bonds, insurance, and where the credits are used or generated by a locality, authority, utility, sanitation district, or

permittee operating an MS4 or a point source permitted under this article, its existing tax or rate authority. *In lieu of long-term management fund financial assurance mechanisms established or required by regulation for projects generating credits from stream restoration, a third-party long-term steward approved by the Department, such as a public agency, nongovernmental organization or private land manager, may hold long-term management funds in a separate interest-bearing account to be used only for the long-term management of the stream restoration project;*

5. Establish appropriate reporting requirements;
 6. Provide for the ability of the Department to inspect or audit for compliance with the requirements of such regulations;
 7. Provide that the option to acquire nutrient credits for compliance purposes shall not eliminate any requirement to comply with local water quality requirements;
 8. Establish a credit retirement requirement whereby five percent of nonpoint source credits in the Chesapeake Bay Watershed other than controls and practices under subdivision B 1 a are permanently retired at the time of certification pursuant to this section for the purposes of offsetting growth in unregulated nutrient loads; and
 9. Establish such other requirements as the Board deems necessary and appropriate.
- C. Prior to the adoption of such regulations, the Board shall certify (i) credits that may be generated from effective nutrient controls or removal practices, including activities associated with the types of facilities or practices historically regulated by the Board, such as water withdrawal and treatment and wastewater collection, treatment, and beneficial reuse, on a case-by-case basis using the best available scientific and technical information and (ii) credits that are located in tributaries outside of the Chesapeake Bay watershed as defined in § 62.1-44.15:35, using an average of the nutrient removal rates for each practice identified in Appendix A of the Department's document "Trading Nutrient Reductions from Nonpoint Source Best Management Practices in the Chesapeake Bay Watershed: Guidance for Agricultural Landowners and Your Potential Trading Partners."

D. The Department shall establish and maintain an online Virginia Nutrient Credit Registry of credits as follows:

1. The registry shall include all nonpoint source credits certified pursuant to this article and may include point source nitrogen and point source phosphorus credits generated from point sources covered by the general permit issued pursuant to § 62.1-44.19:14 or point source nutrient credits certified pursuant to this section at the option of the owner. No other credits shall be valid for compliance purposes.
2. Registration of credits on the registry shall not preclude or restrict the right of the owner of such credits from transferring the credits on such commercial terms as may be established by and between the owner and the regulated or unregulated party acquiring the credits.
3. The Department shall establish procedures for the listing and tracking of credits on the registry, including but not limited to (i) notification of the availability of new nutrient credits to the locality where the credit-generating practice is implemented at least five business days prior to listing on the registry to provide the locality an opportunity to acquire such credits at fair market value for compliance purposes and (ii) notification that the listing of credits on the registry does not constitute a representation by the Board or the owner that the credits will satisfy the specific regulatory requirements applicable to the prospective user's intended use and that the prospective user is encouraged to contact the Board for technical assistance to identify limitations, if any, applicable to the intended use.
4. The registry shall be publicly accessible without charge.
- E. The owner or operator of a nonpoint source nutrient credit-generating entity that fails to comply with the provisions of this section shall be subject to the enforcement and penalty provisions of § 62.1-44.19:22.
- F. Nutrient credits from stormwater nonpoint nutrient credit-generating facilities in receipt of a Nonpoint Nutrient Offset Authorization for Transfer letter from the Department prior to July 1, 2012, shall be considered certified nutrient credits and shall not be subject to further certification requirements or to the credit retirement requirement under subdivision B 8. However, such facilities shall be subject to the other provisions of this article, including registration, inspection, reporting, and enforcement.

CHAPTER 423

An Act to amend and reenact § 59.1-577, as it shall become effective, of the Code of Virginia, relating to Consumer Data Protection Act; data deletion request.

[H 381]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-577, as it shall become effective, of the Code of Virginia is amended and reenacted as follows:
§ 59.1-577. (Effective January 1, 2023) Personal data rights; consumers.

A. A consumer may invoke the consumer rights authorized pursuant to this subsection at any time by submitting a request to a controller specifying the consumer rights the consumer wishes to invoke. A known child's parent or legal guardian may invoke such consumer rights on behalf of the child regarding processing personal data belonging to the known child. A controller shall comply with an authenticated consumer request to exercise the right:

1. To confirm whether or not a controller is processing the consumer's personal data and to access such personal data;

2. To correct inaccuracies in the consumer's personal data, taking into account the nature of the personal data and the purposes of the processing of the consumer's personal data;

3. To delete personal data provided by or obtained about the consumer;

4. To obtain a copy of the consumer's personal data that the consumer previously provided to the controller in a portable and, to the extent technically feasible, readily usable format that allows the consumer to transmit the data to another controller without hindrance, where the processing is carried out by automated means; and

5. To opt out of the processing of the personal data for purposes of (i) targeted advertising, (ii) the sale of personal data, or (iii) profiling in furtherance of decisions that produce legal or similarly significant effects concerning the consumer.

B. Except as otherwise provided in this chapter, a controller shall comply with a request by a consumer to exercise the consumer rights authorized pursuant to subsection A as follows:

1. A controller shall respond to the consumer without undue delay, but in all cases within 45 days of receipt of the request submitted pursuant to the methods described in subsection A. The response period may be extended once by 45 additional days when reasonably necessary, taking into account the complexity and number of the consumer's requests, so long as the controller informs the consumer of any such extension within the initial 45-day response period, together with the reason for the extension.

2. If a controller declines to take action regarding the consumer's request, the controller shall inform the consumer without undue delay, but in all cases and at the latest within 45 days of receipt of the request, of the justification for declining to take action and instructions for how to appeal the decision pursuant to subsection C.

3. Information provided in response to a consumer request shall be provided by a controller free of charge, up to twice annually per consumer. If requests from a consumer are manifestly unfounded, excessive, or repetitive, the controller may charge the consumer a reasonable fee to cover the administrative costs of complying with the request or decline to act on the request. The controller bears the burden of demonstrating the manifestly unfounded, excessive, or repetitive nature of the request.

4. If a controller is unable to authenticate the request using commercially reasonable efforts, the controller shall not be required to comply with a request to initiate an action under subsection A and may request that the consumer provide additional information reasonably necessary to authenticate the consumer and the consumer's request.

5. *A controller that has obtained personal data about a consumer from a source other than the consumer shall be deemed in compliance with a consumer's request to delete such data pursuant to subdivision A 3 by either (i) retaining a record of the deletion request and the minimum data necessary for the purpose of ensuring the consumer's personal data remains deleted from the business's records and not using such retained data for any other purpose pursuant to the provisions of this chapter or (ii) opting the consumer out of the processing of such personal data for any purpose except for those exempted pursuant to the provisions of this chapter.*

C. A controller shall establish a process for a consumer to appeal the controller's refusal to take action on a request within a reasonable period of time after the consumer's receipt of the decision pursuant to subdivision B 2. The appeal process shall be conspicuously available and similar to the process for submitting requests to initiate action pursuant to subsection A. Within 60 days of receipt of an appeal, a controller shall inform the consumer in writing of any action taken or not taken in response to the appeal, including a written explanation of the reasons for the decisions. If the appeal is denied, the controller shall also provide the consumer with an online mechanism, if available, or other method through which the consumer may contact the Attorney General to submit a complaint.

CHAPTER 424

An Act to amend and reenact § 22.1-207.2:2 of the Code of Virginia, relating to the School Breakfast Program and National School Lunch Program; processing of applications.

[H 587]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-207.2:2 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-207.2:2. School Breakfast Program and National School Lunch Program; applications.

A. Each local school board that collects information to determine eligibility for participation in the School Breakfast Program or the National School Lunch Program administered by the U.S. Department of Agriculture shall establish and post prominently on its website a web-based application for student participation in such program and shall continue to provide a paper-based application.

B. Each public elementary or secondary school shall process each web-based or paper-based application for participation in the School Breakfast Program or the National School Lunch Program administered by the U.S. Department of Agriculture within six working days after the date of receipt of the completed application.

2. That school divisions that cannot currently comply with the requirements set forth in the first enactment of this act shall develop a plan for ensuring compliance by August 1, 2023.

3. That the provisions of the first enactment of this act shall become effective on August 1, 2023.

CHAPTER 425

An Act to amend and reenact § 33.2-334 of the Code of Virginia, relating to Commonwealth Transportation Board; regulations; secondary street acceptance.

[H 275]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 33.2-334 of the Code of Virginia is amended and reenacted as follows:****§ 33.2-334. Requirements for taking new streets into secondary state highway system.**

A. The governing body of any county that has not withdrawn from the secondary state highway system or any town within which the Department maintains the streets may, by resolution, request the Board to take any new street or highway into the secondary state highway system for maintenance if such street or highway has been developed and constructed in accordance with the Board's secondary street acceptance requirements. The Board shall adopt regulations establishing such secondary street acceptance requirements, which shall include such provisions as the Board deems necessary or appropriate to achieve the safe and efficient operation of the Commonwealth's transportation network.

B. In addition to such other provisions deemed necessary or appropriate by the Board, the regulations shall include (i) requirements to ensure the connectivity of highway and pedestrian networks with the existing and future transportation network, *provided that such provisions shall include flexibility to limit the number of connections to adjacent property or highway networks as deemed appropriate*; (ii) provisions to minimize stormwater runoff and impervious surface area; and (iii) provisions for performance bonding of new secondary highways and associated cost recovery fees.

C. No initial regulation establishing secondary street acceptance requirements pursuant to this section shall apply to subdivision plats and subdivision construction plans that have been submitted and accepted for review by the Department on or before the effective date of such initial regulations. No locality shall be obligated to approve any subdivision plat or subdivision construction plans that are inconsistent with these regulations.

D. Nothing in this section or in any regulation, policy, or practice adopted pursuant to this section shall prevent the acceptance of any street or segment of a street within a network addition that meets one or more of the public service requirements addressed in the regulations, provided that the network addition satisfies all other requirements adopted pursuant to this section. In cases where a majority of the lots along the street or street segment remain undeveloped and construction traffic is expected to utilize that street or street segment after acceptance, the bonding requirement for such street or street segment may be required by the Department to be extended for up to one year beyond that required in the secondary street acceptance requirements.

2. The Department of Transportation (the Department) shall convene a stakeholder advisory group composed of representatives from the Department, local government, environmental advocacy organizations, and the residential and commercial land development and construction industry for the purpose of developing and providing recommended amendments to the regulations of the Commonwealth Transportation Board (the Board) in accordance with the provisions of this act no later than January 1, 2023. The findings and recommended amendments to the regulations in accordance with the provisions of this act shall be presented to the Board for adoption prior to June 1, 2023.

CHAPTER 426

An Act for the relief of Paul Jonas Crum, Jr., relating to claims; compensation for wrongful incarceration.

[H 1263]

Approved April 11, 2022

Whereas, Paul Jonas Crum, Jr., (Mr. Crum) spent more than five years in prison within the Virginia Department of Corrections for conduct that did not amount to a crime; and

Whereas, on December 16, 2014, Mr. Crum was arrested and charged with obstruction of justice pursuant to subsection C of § 18.2-460 of the Code of Virginia; and

Whereas, Mr. Crum, on the advice of his attorney, pleaded no contest to felony obstruction of justice in Dickenson County Circuit Court; and

Whereas, on December 17, 2015, Mr. Crum was sentenced to 10 years in prison on the charge of obstruction of justice; and

Whereas, on November 27, 2019, by unanimous decision, the Virginia Supreme Court granted Mr. Crum's habeas corpus petition, vacated his conviction, and held that he was denied the effective assistance of counsel because counsel advised Mr. Crum to plead no contest when his conduct did not meet the elements of the offense; and

Whereas, the Commonwealth agreed with Mr. Crum's petition that his actions did not violate the Code of Virginia; and

Whereas, Mr. Crum spent more than five years in prison as a result of his conviction for obstruction of justice; and

Whereas, Mr. Crum, as a result of his wrongful incarceration, lost more than five years of his freedom and countless life experiences and opportunities, including family relations, the opportunity to further his education, and the opportunity to earn potential income from gainful employment during his years of incarceration; and

Whereas, Mr. Crum is 62 years of age and suffering from cancer; and

Whereas, Mr. Crum has no other means to obtain adequate relief except by action of this body; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. *That there is hereby appropriated from the general fund of the state treasury the sum of \$289,068 for the relief of Paul Jonas Crum, Jr., to be paid by check issued by the State Treasurer on warrant of the Comptroller upon execution of a release of all claims Mr. Crum may have against the Commonwealth or any agency, instrumentality, office, employee, or political subdivision in connection with the aforesaid occurrence.*

The compensation, subject to the execution of the release described herein, shall be paid as a single lump sum to Mr. Crum by check issued by the State Treasurer on warrant of the Comptroller within 60 days immediately following the execution of such release.

§ 2. *Mr. Crum shall be entitled to receive reimbursement up to \$10,000 for tuition for career and technical training within the Virginia Community College System contingent upon successful completion of the training. Reimbursement for tuition shall be provided by the comprehensive community college at which the career or technical training was completed. The tuition benefit provided by this section shall expire on January 1, 2027.*

§ 3. *Any amount already paid to Mr. Crum as a transition assistance grant pursuant to subsection C of § 8.01-195.11 of the Code of Virginia shall be deducted from any award received pursuant to § 1 of this act.*

2. That the provisions of § 8.01-195.12 of the Code of Virginia shall apply to any compensation awarded under this act.

CHAPTER 427

An Act to amend and reenact § 20-108.2 of the Code of Virginia, relating to calculation of gross income for determination of child support; rental income.

[S 455]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 20-108.2 of the Code of Virginia is amended and reenacted as follows:

§ 20-108.2. Guideline for determination of child support; quadrennial review by Child Support Guidelines Review Panel; executive summary.

A. There shall be a rebuttable presumption in any judicial or administrative proceeding for child support under this title or Title 16.1 or 63.2, including cases involving split custody, shared custody, or multiple custody arrangements pursuant to subdivisions G 4, 5, and 6, that the amount of the award which would result from the application of the guidelines set forth in this section is the correct amount of child support to be awarded. In order to rebut the presumption, the court shall make written findings in the order as set out in § 20-108.1, which findings may be incorporated by reference, that the application of the guidelines would be unjust or inappropriate in a particular case as determined by relevant evidence pertaining to the factors set out in § 20-108.1. The Department of Social Services shall set child support at the amount resulting from computations using the guidelines set out in this section pursuant to the authority granted to it in Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 and subject to the provisions of § 63.2-1918.

B. For purposes of application of the guideline, a basic child support obligation shall be computed using the schedule set out below. For combined monthly gross income amounts falling between amounts shown in the schedule, basic child support obligation amounts shall be extrapolated. However, unless one of the following exemptions applies where the sole custody child support obligation as computed pursuant to subdivision G 1 is less than the statutory minimum per month, there shall be a presumptive minimum child support obligation of the statutory minimum per month payable by the payor parent. If the gross income of the obligor is equal to or less than 150 percent of the federal poverty level promulgated by the U.S. Department of Health and Human Services from time to time, then the court, upon hearing evidence that there is no ability to pay the presumptive statutory minimum, may set an obligation below the presumptive statutory minimum provided doing so does not create or reduce a support obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal adequate housing and provide other basic necessities for the child. Exemptions from this presumptive minimum monthly child support obligation shall include: parents unable to pay child support because they lack sufficient assets from which to pay child support and who, in addition, are institutionalized in a psychiatric facility; are imprisoned for life with no chance of parole; are medically verified to be totally and permanently disabled with no evidence of potential for paying child support, including recipients of Supplemental Security Income (SSI); or are otherwise involuntarily unable to produce income. "Number of children" means the number of children for whom the parents share joint legal responsibility and for whom support is being sought. The guidelines worksheet relied upon by the court or the Department of Social Services to compute a child support obligation for a support order issued by such court or the Department shall be placed in the court's file or the Department's file, and a copy of such guidelines worksheet shall be provided to the parties.

SCHEDULE OF MONTHLY BASIC CHILD SUPPORT OBLIGATIONS

COMBINED
MONTHLY

GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
0-350	68	104	126	141	155	169
400	78	119	144	161	177	192
450	88	133	162	181	199	216
500	97	148	179	200	220	239
550	107	162	197	220	242	263
600	116	177	215	240	264	287
650	126	191	232	259	285	310
700	135	206	250	279	307	333
750	145	220	267	298	328	357
800	154	234	284	317	349	379
850	163	248	300	336	369	401
900	171	260	316	353	388	422
950	179	273	331	369	406	442
1000	187	285	346	386	425	462
1050	196	298	361	403	443	482
1100	204	310	375	419	461	501
1150	212	323	390	436	480	521
1200	220	335	405	453	498	541
1250	228	347	420	469	516	561
1300	237	360	435	486	535	581
1350	245	372	450	503	553	601
1400	253	385	465	519	571	621
1450	261	397	480	536	589	641
1500	269	410	495	552	608	661
1550	278	422	509	569	626	680
1600	286	434	524	585	644	700
1650	293	446	538	601	661	718
1700	301	457	552	616	678	737
1750	309	469	566	632	695	756
1800	316	481	579	647	712	774
1850	324	492	593	663	729	792
1900	331	504	607	678	746	811
1950	339	515	621	693	763	829
2000	347	527	635	709	780	848
2050	354	538	648	724	797	866
2100	362	550	662	740	814	884
2150	369	561	676	755	830	903
2200	377	573	690	770	847	921
2250	385	584	703	786	864	940
2300	392	596	717	801	881	958
2350	400	607	731	817	898	976

2400	407	619	745	832	915	995
2450	415	630	759	847	932	1013
2500	423	642	772	863	949	1032
2550	430	653	786	878	966	1050
2600	438	665	800	894	983	1068
2650	445	676	814	909	1000	1087
2700	453	688	828	924	1017	1105
2750	460	699	841	940	1034	1124
2800	468	711	855	955	1051	1142
2850	476	722	869	971	1068	1160
2900	483	734	883	986	1084	1179
2950	491	745	896	1001	1101	1197
3000	498	757	910	1017	1118	1216
3050	506	768	924	1032	1135	1234
3100	514	780	938	1047	1152	1252
3150	521	791	952	1063	1169	1271
3200	529	803	965	1078	1186	1289
3250	536	814	979	1094	1203	1308
3300	544	826	993	1109	1220	1326
3350	551	837	1006	1123	1236	1343
3400	559	848	1019	1138	1252	1361
3450	566	859	1032	1152	1268	1378
3500	574	870	1045	1167	1283	1395
3550	581	881	1057	1181	1299	1412
3600	588	892	1070	1196	1315	1430
3650	596	903	1083	1210	1331	1447
3700	603	914	1096	1224	1347	1464
3750	611	925	1109	1239	1363	1481
3800	618	936	1122	1253	1379	1499
3850	626	947	1135	1268	1395	1516
3900	632	956	1146	1280	1408	1531
3950	638	966	1157	1293	1422	1546
4000	645	975	1168	1305	1436	1561
4050	651	985	1180	1318	1449	1575
4100	658	994	1191	1330	1463	1590
4150	664	1004	1202	1342	1477	1605
4200	670	1013	1213	1355	1490	1620
4250	677	1023	1224	1367	1504	1635
4300	682	1030	1233	1377	1515	1647
4350	687	1038	1242	1387	1526	1658
4400	693	1046	1251	1397	1537	1670
4450	698	1054	1260	1407	1548	1682
4500	704	1062	1268	1417	1559	1694
4550	709	1069	1277	1427	1569	1706
4600	714	1077	1286	1437	1580	1718
4650	720	1085	1295	1447	1591	1730
4700	725	1093	1304	1457	1602	1742

4750	731	1100	1313	1466	1613	1753
4800	736	1108	1322	1476	1624	1765
4850	741	1116	1331	1486	1635	1777
4900	747	1124	1339	1496	1646	1789
4950	752	1131	1348	1506	1656	1800
5000	755	1136	1353	1511	1662	1807
5050	759	1141	1358	1516	1668	1813
5100	762	1145	1362	1522	1674	1820
5150	766	1150	1367	1527	1680	1826
5200	769	1155	1372	1533	1686	1833
5250	773	1159	1377	1538	1692	1839
5300	776	1164	1382	1544	1698	1846
5350	780	1169	1387	1549	1704	1852
5400	783	1173	1392	1554	1710	1859
5450	787	1178	1397	1560	1716	1865
5500	790	1183	1401	1565	1722	1872
5550	794	1187	1406	1571	1728	1878
5600	797	1192	1411	1576	1734	1885
5650	800	1196	1416	1582	1740	1891
5700	803	1201	1421	1587	1746	1897
5750	806	1205	1425	1592	1751	1904
5800	809	1209	1430	1598	1757	1910
5850	812	1213	1435	1603	1763	1917
5900	815	1217	1440	1608	1769	1923
5950	818	1221	1444	1613	1775	1929
6000	821	1226	1449	1619	1781	1936
6050	823	1230	1454	1624	1787	1942
6100	826	1234	1459	1629	1792	1948
6150	829	1238	1464	1635	1798	1955
6200	832	1242	1468	1640	1804	1961
6250	835	1246	1473	1645	1810	1967
6300	838	1251	1478	1651	1816	1974
6350	841	1255	1483	1656	1822	1980
6400	844	1259	1487	1661	1827	1986
6450	847	1263	1492	1667	1833	1993
6500	849	1267	1497	1672	1839	1999
6550	852	1271	1502	1677	1845	2005
6600	855	1276	1506	1683	1851	2012
6650	858	1280	1511	1688	1857	2018
6700	861	1285	1517	1694	1864	2026
6750	865	1291	1524	1703	1873	2036
6800	869	1297	1532	1711	1882	2046
6850	873	1303	1539	1719	1891	2056
6900	877	1309	1547	1728	1900	2066
6950	881	1315	1554	1736	1909	2076
7000	885	1321	1561	1744	1919	2085
7050	889	1328	1569	1752	1928	2095

7100	893	1334	1576	1761	1937	2105
7150	897	1340	1584	1769	1946	2115
7200	901	1346	1591	1777	1955	2125
7250	905	1352	1599	1786	1964	2135
7300	909	1358	1606	1794	1973	2145
7350	913	1364	1613	1802	1982	2155
7400	917	1370	1621	1810	1991	2165
7450	921	1376	1628	1819	2001	2175
7500	925	1382	1636	1827	2010	2185
7550	929	1389	1643	1835	2019	2194
7600	933	1395	1650	1844	2028	2204
7650	937	1401	1658	1852	2037	2214
7700	941	1407	1665	1860	2046	2224
7750	944	1411	1670	1865	2051	2230
7800	946	1413	1672	1867	2054	2233
7850	948	1416	1674	1870	2057	2236
7900	950	1419	1676	1873	2060	2239
7950	953	1421	1679	1875	2063	2242
8000	955	1424	1681	1878	2065	2245
8050	957	1426	1683	1880	2068	2248
8100	959	1429	1685	1883	2071	2251
8150	961	1432	1688	1885	2074	2254
8200	963	1434	1690	1888	2076	2257
8250	965	1436	1692	1890	2079	2260
8300	967	1439	1694	1892	2082	2263
8350	969	1441	1696	1895	2084	2266
8400	971	1444	1699	1897	2087	2269
8450	973	1446	1701	1899	2089	2271
8500	974	1447	1702	1901	2091	2273
8550	975	1449	1704	1903	2093	2276
8600	976	1450	1705	1905	2096	2278
8650	977	1452	1707	1907	2098	2280
8700	978	1453	1709	1909	2100	2282
8750	979	1455	1710	1911	2102	2284
8800	980	1456	1712	1912	2104	2287
8850	981	1457	1714	1914	2106	2289
8900	982	1459	1715	1916	2108	2291
8950	983	1460	1717	1918	2110	2293
9000	984	1462	1719	1920	2112	2295
9050	985	1463	1720	1922	2114	2298
9100	986	1465	1722	1923	2116	2300
9150	987	1466	1724	1925	2118	2302
9200	991	1471	1730	1932	2125	2310
9250	994	1477	1737	1940	2134	2319
9300	998	1483	1743	1947	2142	2328
9350	1002	1488	1750	1955	2150	2337
9400	1005	1494	1757	1962	2159	2346

9450	1009	1499	1764	1970	2167	2355
9500	1013	1505	1771	1978	2176	2365
9550	1017	1511	1778	1986	2185	2375
9600	1021	1518	1786	1995	2194	2385
9650	1025	1524	1793	2003	2203	2395
9700	1029	1530	1801	2011	2212	2405
9750	1033	1536	1808	2020	2222	2415
9800	1037	1543	1816	2028	2231	2425
9850	1041	1549	1823	2036	2240	2435
9900	1046	1555	1831	2045	2249	2445
9950	1050	1561	1838	2053	2258	2455
10000	1054	1567	1845	2061	2268	2465
10050	1058	1574	1853	2070	2277	2475
10100	1062	1580	1860	2078	2286	2485
10150	1066	1586	1868	2086	2295	2495
10200	1070	1592	1875	2095	2304	2505
10250	1074	1599	1883	2103	2314	2515
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10350	1083	1611	1898	2121	2333	2536
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10450	1091	1624	1914	2138	2351	2556
10500	1095	1631	1921	2146	2361	2566
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11000	1138	1694	1998	2232	2455	2668
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11100	1146	1707	2013	2249	2474	2689
11150	1150	1714	2021	2257	2483	2699
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11300	1159	1726	2034	2272	2499	2717
11350	1162	1730	2038	2276	2504	2722
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11450	1168	1737	2046	2285	2514	2733
11500	1171	1741	2050	2290	2519	2738
11550	1173	1745	2054	2294	2524	2743
11600	1176	1749	2058	2299	2529	2749
11650	1179	1752	2062	2303	2534	2754
11700	1182	1756	2066	2308	2538	2759
11750	1185	1760	2070	2312	2543	2765

11800	1187	1764	2074	2317	2548	2770
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12000	1199	1779	2090	2335	2568	2791
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12450	1226	1818	2135	2384	2623	2851
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12550	1232	1828	2146	2397	2636	2866
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12950	1257	1865	2189	2446	2690	2924
13000	1261	1870	2195	2452	2697	2931
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14450	1345	2003	2363	2640	2904	3157
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15350	1403	2088	2460	2748	3023	3286
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16000	1449	2150	2525	2821	3103	3373
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16300	1462	2169	2546	2844	3128	3401
16350	1464	2171	2549	2847	3132	3404
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16550	1469	2179	2559	2859	3144	3418
16600	1471	2182	2562	2862	3148	3422
16650	1472	2184	2564	2864	3151	3425
16700	1473	2186	2567	2867	3154	3428
16750	1475	2188	2570	2870	3157	3432
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16850	1477	2192	2575	2876	3164	3439
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17000	1481	2198	2582	2885	3173	3449
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17100	1484	2203	2588	2890	3179	3456
17150	1486	2205	2590	2893	3182	3459
17200	1487	2207	2593	2896	3186	3463
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17300	1490	2211	2598	2902	3192	3470
17350	1491	2213	2600	2905	3195	3473
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17500	1495	2219	2608	2913	3204	3483
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17600	1498	2224	2613	2919	3211	3490
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18200	1514	2249	2644	2953	3249	3531
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18300	1517	2253	2649	2959	3255	3538
18350	1520	2256	2652	2963	3259	3542
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18600	1530	2271	2668	2980	3278	3563
18650	1532	2274	2671	2983	3282	3567
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18950	1545	2291	2689	3004	3304	3592
19000	1547	2294	2692	3007	3308	3596
19050	1550	2297	2695	3011	3312	3600
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19300	1560	2312	2711	3028	3331	3621
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19400	1565	2318	2717	3035	3338	3629
19450	1567	2320	2720	3038	3342	3633
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19800	1582	2341	2742	3062	3369	3662
19850	1584	2344	2745	3066	3372	3666
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20000	1591	2353	2754	3076	3384	3678
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21900	1670	2464	2876	3213	3534	3841
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22000	1674	2470	2884	3221	3543	3852
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22250	1683	2485	2903	3243	3567	3877
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22800	1704	2518	2945	3290	3619	3933
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23000	1711	2530	2960	3307	3637	3954
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23100	1715	2536	2968	3315	3647	3964
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23200	1718	2542	2976	3324	3656	3974
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23300	1722	2548	2983	3332	3666	3984
23350	1724	2551	2987	3337	3670	3990
23400	1726	2554	2991	3341	3675	3995
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23750	1739	2575	3018	3371	3708	4031
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23850	1742	2581	3025	3379	3717	4041
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24000	1748	2590	3037	3392	3731	4056
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24200	1755	2602	3052	3409	3750	4077
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24300	1759	2608	3060	3418	3760	4087
24350	1761	2611	3064	3422	3764	4092
24400	1763	2614	3068	3426	3769	4097
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25200	1792	2662	3129	3495	3844	4179
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25750	1813	2694	3171	3542	3896	4235
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26100	1826	2715	3198	3572	3929	4271
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26300	1833	2727	3213	3589	3948	4291
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27200	1867	2781	3282	3666	4033	4383
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27300	1870	2787	3290	3675	4042	4394
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27650	1883	2808	3316	3704	4075	4429
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27750	1887	2814	3324	3713	4084	4440
27800	1889	2817	3328	3717	4089	4445
27850	1891	2820	3332	3722	4094	4450
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28150	1900	2834	3349	3741	4115	4473
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28400	1903	2838	3351	3743	4117	4476
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28500	1904	2839	3352	3744	4118	4477
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28700	1907	2842	3354	3746	4121	4479
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28800	1908	2843	3354	3747	4122	4480
28850	1909	2844	3355	3747	4122	4481
28900	1909	2844	3355	3748	4123	4481
28950	1910	2845	3356	3748	4123	4482
29000	1911	2846	3356	3749	4124	4483
29050	1911	2846	3357	3749	4124	4483
29100	1912	2847	3357	3750	4125	4484
29150	1913	2848	3358	3750	4125	4484
29200	1913	2848	3358	3751	4126	4485
29250	1914	2849	3358	3751	4126	4485
29300	1915	2850	3359	3752	4127	4486
29350	1915	2850	3359	3752	4128	4487
29400	1916	2851	3360	3753	4128	4487
29450	1917	2852	3360	3753	4129	4488
29500	1917	2852	3361	3754	4129	4488
29550	1918	2853	3361	3754	4130	4489
29600	1919	2854	3361	3755	4130	4490
29650	1919	2855	3362	3755	4131	4490
29700	1920	2855	3362	3756	4131	4491
29750	1921	2856	3363	3756	4132	4491
29800	1921	2857	3363	3757	4132	4492
29850	1922	2857	3364	3757	4133	4492
29900	1923	2858	3364	3758	4133	4493
29950	1923	2859	3365	3758	4134	4494
30000	1924	2859	3365	3759	4135	4494
30050	1925	2860	3365	3759	4135	4495
30100	1925	2861	3366	3760	4136	4495
30150	1926	2861	3366	3760	4136	4496
30200	1926	2862	3367	3761	4137	4497
30250	1927	2863	3367	3761	4137	4497
30300	1928	2863	3368	3762	4138	4498
30350	1928	2864	3368	3762	4138	4498
30400	1929	2865	3368	3763	4139	4499
30450	1930	2865	3369	3763	4139	4499
30500	1930	2866	3369	3764	4140	4500
30550	1931	2867	3370	3764	4140	4501

30600	1932	2867	3370	3765	4141	4501
30650	1932	2868	3371	3765	4141	4502
30700	1933	2869	3371	3765	4142	4502
30750	1934	2869	3371	3766	4143	4503
30800	1934	2870	3372	3766	4143	4504
30850	1935	2871	3372	3767	4144	4504
30900	1936	2871	3373	3767	4144	4505
30950	1936	2872	3373	3768	4145	4505
31000	1937	2873	3374	3768	4145	4506
31050	1938	2874	3374	3769	4146	4506
31100	1938	2874	3375	3769	4146	4507
31150	1939	2875	3375	3770	4147	4508
31200	1940	2876	3375	3770	4147	4508
31250	1940	2876	3376	3771	4148	4509
31300	1941	2877	3376	3771	4148	4509
31350	1942	2878	3377	3772	4149	4510
31400	1942	2878	3377	3772	4150	4511
31450	1943	2879	3378	3773	4150	4511
31500	1943	2880	3378	3773	4151	4512
31550	1944	2880	3378	3774	4151	4512
31600	1945	2881	3379	3774	4152	4513
31650	1945	2882	3379	3775	4152	4513
31700	1946	2882	3380	3775	4153	4514
31750	1947	2883	3380	3776	4153	4515
31800	1947	2884	3381	3776	4154	4515
31850	1948	2884	3381	3777	4154	4516
31900	1949	2885	3382	3777	4155	4516
31950	1949	2886	3382	3778	4155	4517
32000	1950	2886	3382	3778	4156	4518
32050	1951	2887	3383	3779	4156	4518
32100	1951	2888	3383	3779	4157	4519
32150	1952	2888	3384	3780	4158	4519
32200	1953	2889	3384	3780	4158	4520
32250	1953	2890	3385	3781	4159	4520
32300	1954	2890	3385	3781	4159	4521
32350	1955	2891	3385	3782	4160	4522
32400	1955	2892	3386	3782	4160	4522
32450	1956	2893	3386	3783	4161	4523
32500	1957	2893	3387	3783	4161	4523
32550	1957	2894	3387	3784	4162	4524
32600	1958	2895	3388	3784	4162	4525
32650	1959	2895	3388	3784	4163	4525
32700	1959	2896	3389	3785	4163	4526
32750	1960	2897	3389	3785	4164	4526
32800	1960	2897	3389	3786	4165	4527
32850	1961	2898	3390	3786	4165	4527
32900	1962	2899	3390	3787	4166	4528

32950	1962	2899	3391	3787	4166	4529
33000	1963	2900	3391	3788	4167	4529
33050	1964	2901	3392	3788	4167	4530
33100	1964	2901	3392	3789	4168	4530
33150	1965	2902	3392	3789	4168	4531
33200	1966	2903	3393	3790	4169	4532
33250	1966	2903	3393	3790	4169	4532
33300	1967	2904	3394	3791	4170	4533
33350	1968	2905	3394	3791	4170	4533
33400	1968	2905	3395	3792	4171	4534
33450	1969	2906	3395	3792	4172	4534
33500	1970	2907	3395	3793	4172	4535
33550	1970	2907	3396	3793	4173	4536
33600	1971	2908	3396	3794	4173	4536
33650	1972	2909	3397	3794	4174	4537
33700	1972	2909	3397	3795	4174	4537
33750	1973	2910	3398	3795	4175	4538
33800	1974	2911	3398	3796	4175	4539
33850	1974	2912	3399	3796	4176	4539
33900	1975	2912	3399	3797	4176	4540
33950	1976	2913	3399	3797	4177	4540
34000	1976	2914	3400	3798	4177	4541
34050	1977	2914	3400	3798	4178	4541
34100	1977	2915	3401	3799	4178	4542
34150	1978	2916	3401	3799	4179	4543
34200	1979	2916	3402	3800	4179	4543
34250	1979	2917	3402	3800	4180	4544
34300	1980	2917	3402	3800	4181	4544
34350	1981	2918	3403	3801	4181	4545
34400	1981	2919	3403	3801	4182	4545
34450	1982	2919	3404	3802	4182	4546
34500	1983	2920	3404	3802	4183	4546
34550	1983	2921	3405	3803	4183	4547
34600	1984	2921	3405	3803	4184	4548
34650	1984	2922	3405	3804	4184	4548
34700	1985	2923	3406	3804	4185	4549
34750	1986	2923	3406	3805	4185	4549
34800	1986	2924	3407	3805	4186	4550
34850	1987	2925	3407	3806	4186	4550
34900	1988	2925	3407	3806	4187	4551
34950	1988	2926	3408	3807	4187	4552
35000	1989	2927	3408	3807	4188	4552

For gross monthly incomes above \$35,000, add the amount of child support for \$35,000 to the following percentages of gross income above \$35,000.

ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
2.6%	3.4%	3.8%	4.2%	4.6%	5.0%

C. For purposes of this section, "gross income" means all income from all sources, and shall include, but not be limited to, income from salaries, wages, commissions, royalties, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, social security benefits except as listed below, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, veterans' benefits, spousal support, rental income *except as listed below*, gifts, prizes, or awards.

If a parent's gross income includes disability insurance benefits, it shall also include any amounts paid to or for the child who is the subject of the order and derived by the child from the parent's entitlement to disability insurance benefits. To the extent that such derivative benefits are included in a parent's gross income, that parent shall be entitled to a credit against his or her ongoing basic child support obligation for any such amounts, and, if the amount of the credit exceeds the parent's basic child support obligations, the credit may be used to reduce arrearages.

Gross income shall be subject to deduction of reasonable business expenses for persons with income from self-employment, a partnership, or a closely held business. *Gross rental income from any property owned individually, jointly, or by any entity shall be subject to deduction of reasonable expenses; however, the deduction shall not include the cost of acquisition, depreciation, or the principal portion of any mortgage payment. The party claiming any deduction for reasonable business expenses or reasonable expenses for rental property shall have the burden of proof to establish such expenses by a preponderance of the evidence.*

"Gross income" shall not include:

1. Benefits from public assistance and social services programs as defined in § 63.2-100;
2. Federal supplemental security income benefits;
3. Child support received; or

4. Income received by the payor from secondary employment income not previously included in "gross income," where the payor obtained the income to discharge a child support arrearage established by a court or administrative order and the payor is paying the arrearage pursuant to the order. "Secondary employment income" includes but is not limited to income from an additional job, from self-employment, or from overtime employment. The cessation of such secondary income upon the payment of the arrearage shall not be the basis for a material change in circumstances upon which a modification of child support may be based.

For purposes of this subsection: (i) spousal support received shall be included in gross income and spousal support paid shall be deducted from gross income when paid pursuant to an order or written agreement and (ii) one-half of any self-employment tax paid shall be deducted from gross income.

Where there is an existing court or administrative order or written agreement relating to the child or children of a party to the proceeding, who are not the child or children who are the subject of the present proceeding, then there is a presumption that there shall be deducted from the gross income of the party subject to such order or written agreement, the amount that the party is actually paying for the support of a child or children pursuant to such order or agreement.

Where a party to the proceeding has a natural or adopted child or children in the party's household or primary physical custody, and the child or children are not the subject of the present proceeding, there is a presumption that there shall be deducted from the gross income of that party the amount as shown on the Schedule of Monthly Basic Child Support Obligations contained in subsection B that represents that party's support obligation based solely on that party's income as being the total income available for the natural or adopted child or children in the party's household or primary physical custody, who are not the subject of the present proceeding. Provided, however, that the existence of a party's financial responsibility for such a child or children shall not of itself constitute a material change in circumstances for modifying a previous order of child support in any modification proceeding. Any adjustment to gross income under this subsection shall not create or reduce a support obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal adequate housing and provide other basic necessities for the child, as determined by the court.

In cases in which retroactive liability for support is being determined, the court or administrative agency may use the gross monthly income of the parties averaged over the period of retroactivity.

D. Except for good cause shown or the agreement of the parties, in addition to any other child support obligations established pursuant to this section, any child support order shall provide that the parents pay in proportion to their gross incomes, as used for calculating the monthly support obligation, any reasonable and necessary unreimbursed medical or dental expenses. The method of payment of those expenses shall be contained in the support order. Each parent shall pay his respective share of expenses as those expenses are incurred. Any amount paid under this subsection shall not be adjusted by, nor added to, the child support calculated in accordance with subsection G. For the purposes of this section, medical or dental expenses shall include but not be limited to eyeglasses, prescription medication, prosthetics, orthodontics, and mental health or developmental disabilities services, including but not limited to services provided by a social worker, psychologist, psychiatrist, counselor, or therapist.

D1. In any initial child support proceeding commenced within six months of the birth of a child, except for good cause shown or the agreement of the parties, in addition to any other child support obligations established pursuant to this section, the child support order shall provide that the parents pay in proportion to their gross incomes, as used for calculating the monthly support obligation, any reasonable and necessary unpaid expenses of the mother's pregnancy and the delivery of such child. Any amount paid under this subsection shall not be adjusted by, nor added to, the child support calculated in accordance with subsection G.

E. The costs for health care coverage as defined in § 63.2-1900, vision care coverage, and dental care coverage for the child or children who are the subject of the child support order that are being paid by a parent or that parent's spouse shall be added to the basic child support obligation. To determine the cost to be added to the basic child support obligation, the cost per person shall be applied to the child or children who are subject of the child support order. If the per child cost is provided by the insurer, that is the cost per person. Otherwise, to determine the cost per person, the cost of individual coverage for the policy holder shall be subtracted from the total cost of the coverage, and the remaining amount shall be divided by the number of remaining covered persons.

F. Any child-care costs incurred on behalf of the child or children due to employment of the custodial parent shall be added to the basic child support obligation. Child-care costs shall not exceed the amount required to provide quality care from a licensed source. When requested by the noncustodial parent, the court may require the custodial parent to present documentation to verify the costs incurred for child care under this subsection. Where appropriate, the court shall consider the willingness and availability of the noncustodial parent to provide child care personally in determining whether child-care costs are necessary or excessive. Upon the request of either party, and upon a showing of the tax savings a party derives from child-care cost deductions or credits, the court shall factor actual tax consequences into its calculation of the child-care costs to be added to the basic child support obligation.

G. 1. Sole custody support. The sole custody total monthly child support obligation shall be established by adding (i) the monthly basic child support obligation, as determined from the schedule contained in subsection B, (ii) costs for health care coverage to the extent allowable by subsection E, and (iii) work-related child-care costs and taking into consideration all the factors set forth in subsection B of § 20-108.1. The total monthly child support obligation shall be divided between the parents in the same proportion as their monthly gross incomes bear to their monthly combined gross income. The monthly obligation of each parent shall be computed by multiplying each parent's percentage of the parents' monthly combined gross income by the total monthly child support obligation.

However, the monthly obligation of the noncustodial parent shall be reduced by the cost for health care coverage to the extent allowable by subsection E when paid directly by the noncustodial parent or that parent's spouse. Unreimbursed medical and dental expenses shall be calculated and allocated in accordance with subsection D.

2. Split custody support. In cases involving split custody, the amount of child support to be paid shall be the difference between the amounts owed by each parent as a noncustodial parent, computed in accordance with subdivision 1, with the noncustodial parent owing the larger amount paying the difference to the other parent. Unreimbursed medical and dental expenses shall be calculated and allocated in accordance with subsection D.

For the purpose of this section and § 20-108.1, split custody shall be limited to those situations where each parent has physical custody of a child or children born of the parents, born of either parent and adopted by the other parent or adopted by both parents. For the purposes of calculating a child support obligation where split custody exists, a separate family unit exists for each parent, and child support for that family unit shall be calculated upon the number of children in that family unit who are born of the parents, born of either parent and adopted by the other parent or adopted by both parents. Where split custody exists, a parent is a custodial parent to the children in that parent's family unit and is a noncustodial parent to the children in the other parent's family unit.

3. Shared custody support.

(a) Where a party has custody or visitation of a child or children for more than 90 days of the year, as such days are defined in subdivision G 3 (c), a shared custody child support amount based on the ratio in which the parents share the custody and visitation of any child or children shall be calculated in accordance with this subdivision. The presumptive support to be paid shall be the shared custody support amount, unless a party affirmatively shows that the sole custody support amount calculated as provided in subdivision G 1 is less than the shared custody support amount. If so, the lesser amount shall be the support to be paid. For the purposes of this subsection, the following shall apply:

(i) Income share. "Income share" means a parent's percentage of the combined monthly gross income of both parents. The income share of a parent is that parent's gross income divided by the combined gross incomes of the parties.

(ii) Custody share. "Custody share" means the number of days that a parent has physical custody, whether by sole custody, joint legal or joint residential custody, or visitation, of a shared child per year divided by the number of days in the year. The actual or anticipated "custody share" of the parent who has or will have fewer days of physical custody shall be calculated for a one-year period. The "custody share" of the other parent shall be presumed to be the number of days in the year less the number of days calculated as the first parent's "custody share." For purposes of this calculation, the year may begin on such date as is determined in the discretion of the court, and the day may begin at such time as is determined in the discretion of the court. For purposes of this calculation, a day shall be as defined in subdivision G 3 (c).

(iii) Shared support need. "Shared support need" means the presumptive guideline amount of needed support for the shared child or children calculated pursuant to subsection B of this section, for the combined gross income of the parties and the number of shared children, multiplied by 1.4.

(iv) Sole custody support. "Sole custody support" means the support amount determined in accordance with subdivision G 1.

(b) Support to be paid. The shared support need of the shared child or children shall be calculated pursuant to subdivision G 3 (a) (iii). This amount shall then be multiplied by the other parent's custody share. To that sum for each parent shall be added the other parent's or that parent's spouse's cost of health care coverage to the extent allowable by subsection E, plus the other parent's work-related child-care costs to the extent allowable by subsection F. This total for each

parent shall be multiplied by that parent's income share. The support amounts thereby calculated that each parent owes the other shall be subtracted one from the other and the difference shall be the shared custody support one parent owes to the other, with the payor parent being the one whose shared support is the larger. Unreimbursed medical and dental expenses shall be calculated and allocated in accordance with subsection D.

(c) Definition of a day. For the purposes of this section, "day" means a period of 24 hours; however, where the parent who has the fewer number of overnight periods during the year has an overnight period with a child, but has physical custody of the shared child for less than 24 hours during such overnight period, there is a presumption that each parent shall be allocated one-half of a day of custody for that period.

(d) Minimum standards. Any calculation under this subdivision shall not create or reduce a support obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal adequate housing and provide other basic necessities for the child. If the gross income of either party is equal to or less than 150 percent of the federal poverty level promulgated by the U.S. Department of Health and Human Services from time to time, then the shared custody support calculated pursuant to this subsection shall not be the presumptively correct support and the court may consider whether the sole custody support or the shared custody support is more just and appropriate.

(e) Support modification. When there has been an award of child support based on the shared custody formula and one parent consistently fails to exercise custody or visitation in accordance with the parent's custody share upon which the award was based, there shall be a rebuttable presumption that the support award should be modified.

(f) In the event that the shared custody support calculation indicates that the net support is to be paid to the parent who would not be the parent receiving support pursuant to the sole custody calculation, then the shared support shall be deemed to be the lesser support.

4. Multiple shared custody support. In cases with different shared custody arrangements for two or more minor children of the parties, the procedures in subdivision G 3 shall apply, except that one shared guideline shall be used to determine the total amount of child support owed by one parent to the other by:

(a) Calculating each parent's custody share by adding the total number of days, as defined in subdivision G 3 (c), that each parent has with each child and dividing such total number of days by the number of children of the parties to determine the average number of shared custody days; and

(b) Using each parent's custody share as determined in subdivision G 4 (a) for each parent to calculate the child support owed, in accordance with the provisions of subdivision G 3.

5. Sole and shared custody support. In cases where one parent has sole custody of one or more minor children of the parties, and the parties share custody of one or more other minor children of the parties, the procedures in subdivisions G 1 and 3 shall apply, except that one sole custody support guideline calculation and one shared custody support guideline calculation shall be used to determine the total amount of child support owed by one parent to the other by:

(a) Calculating the sole custody support obligation by:

(i) Calculating the per child monthly basic child support obligation by determining, for the number of children of the parties, the scheduled monthly basic child support obligation and dividing that amount by the number of children of the parties;

(ii) Calculating the sole custody pro rata monthly basic child support obligation by multiplying the per child monthly basic child support obligation determined in subdivision G 5 (a) (i) by the number of children subject to the sole custody support obligation; and

(iii) Applying the sole custody pro rata monthly basic child support obligation determined in subdivision G 5 (a) (ii) to the procedures in subdivision G 1.

(b) Calculating the shared custody child support obligation by:

(i) Calculating the per child monthly basic child support obligation by determining, for the number of children of the parties, the scheduled monthly basic child support obligation and dividing that amount by the number of children of the parties;

(ii) Calculating the shared custody pro rata monthly basic child support obligation by multiplying the per child monthly basic child support obligation determined in subdivision G 5 (b) (i) by the number of children subject to the shared custody support obligation; and

(iii) Applying the shared custody pro rata monthly basic child support obligation determined in subdivision G 5 (b) (ii) to the procedures in subdivision G 3.

(c) Determining the total amount of child support owed by one parent to the other. Where one parent owes both the sole custody support obligation and the shared custody support obligation to the other parent, the total of both such obligations calculated pursuant to subdivisions G 5 (a) and G 5 (b) shall be added to determine the total amount of child support owed by one parent to the other. Where one parent owes one such obligation to the other parent, and such other parent owes the other such obligation to the other such parent, the parent owing the greater obligation amount to the other parent shall pay the difference between the obligations to such other parent.

6. Split and shared custody support. In cases where the parents have split custody of two or more children, and there is a shared custody arrangement with one or more other minor children of the parties, the procedures set forth in subdivisions G 2 and G 3 shall apply, except that one split custody child support guideline calculation and one shared custody child support guideline calculation shall be used to calculate the total amount of child support owed by one parent to the other by:

(a) Calculating the split custody child support obligation by:

(i) Calculating the per child monthly basic child custody support obligation by determining, for the number of children of the parties, the scheduled monthly basic child support obligation and dividing that amount by the number of children of the parties;

(ii) Calculating the split custody pro rata monthly basic child support obligation by multiplying the per child monthly basic child support obligation determined in subdivision G 6 (a) (i) by the number of children subject to the split custody support obligation; and

(iii) Applying the split custody pro rata monthly basic child support obligation determined in subdivision G 6 (a) (ii) for each parent to the procedures in subdivision G 2.

(b) Calculating the shared custody child support obligation by:

(i) Calculating the per child monthly basic child custody support obligation by determining, for the number of children of the parties, the scheduled monthly basic child support obligation and dividing that amount by the number of children of the parties;

(ii) Calculating the shared custody pro rata monthly basic child custody support obligation by multiplying the per child monthly basic child support obligation determined in subdivision G 6 (b) (i) by the number of children subject to the shared custody support obligation; and

(iii) Applying the shared custody pro rata monthly basic child support obligation determined in subdivision G 6 (b) (ii) to the procedures in subdivision G 3.

(c) Determining the total amount of child support owed by one parent to the other. Where one parent owes both the split custody support obligation and the shared custody support obligation to the other parent, the total of both such obligations calculated pursuant to subdivisions G 6 (a) and G 6 (b) shall be added to determine the total amount of child support owed by one parent to the other. Where one parent owes one such obligation to the other parent, and such other parent owes the other such obligation to the other such parent, the parent owing the greater obligation amount to the other parent shall pay the difference between the obligations to such other parent.

H. The Secretary of Health and Human Resources shall ensure that the guideline set out in this section is reviewed by October 31, 2001, and every four years thereafter, by the Child Support Guidelines Review Panel, consisting of 15 members comprised of four legislative members and 11 nonlegislative citizen members. Members shall be appointed as follows: three members of the House Committee for Courts of Justice, upon the recommendation of the chairman of such committee, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; one member of the Senate Committee for Courts of Justice, upon the recommendation of the chairman of such committee, to be appointed by the Senate Committee on Rules; and one representative of a juvenile and domestic relations district court, one representative of a circuit court, one representative of the Department of Social Services' Division of Child Support Enforcement, three members of the Virginia State Bar, two custodial parents, two noncustodial parents, and one child advocate, upon the recommendation of the Secretary of Health and Human Resources, to be appointed by the Governor. The Panel shall determine the adequacy of the guideline for the determination of appropriate awards for the support of children by considering current research and data on the cost of and expenditures necessary for rearing children, and any other resources it deems relevant to such review. The Panel shall report its findings to the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports before the General Assembly next convenes following such review.

Legislative members shall serve terms coincident with their terms of office. Nonlegislative citizen members shall serve at the pleasure of the Governor. All members may be reappointed. Appointments to fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

Legislative members shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Department of Social Services.

The Department of Social Services shall provide staff support to the Panel. All agencies of the Commonwealth shall provide assistance to the Panel, upon request.

The chairman of the Panel shall submit to the Governor and the General Assembly a quadrennial executive summary of the interim activity and work of the Panel no later than the first day of 2006 regular session of the General Assembly and every four years thereafter. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

CHAPTER 428

An Act to direct the Department of Education, in conjunction with stakeholders, to develop guidelines on policies to inform and educate coaches and student athletes and their parents or guardians on heat-related illness to be distributed by August 1, 2022.

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Department of Education shall, in conjunction with relevant stakeholders, including the Virginia High School League, the Department of Health, the Virginia Athletic Trainers' Association, representatives of the Children's Hospital of the King's Daughters and the Children's National Medical Center, the Virginia Chapter of the American Academy of Pediatrics, the Virginia College of Emergency Physicians, the Virginia Academy of Family Physicians, the Medical Society of Virginia, and the Virginia Association of School Nurses, develop guidelines on policies to inform and educate coaches and student athletes and their parents or guardians of the nature and risk of heat-related illness, how to recognize the signs of heat-related illness, and how to prevent heat-related illness. The guidelines shall be distributed to local school divisions by August 1, 2022.*

CHAPTER 429

An Act to amend and reenact § 2.2-4304 of the Code of Virginia, relating to the Virginia Public Procurement Act; revision of procurement procedures.

[H 1310]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4304 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4304. Joint and cooperative procurement.

A. Any public body may participate in, sponsor, conduct, or administer a joint procurement agreement on behalf of or in conjunction with one or more other public bodies, or public agencies or institutions or localities of the several states, of the United States or its territories, the District of Columbia, the U.S. General Services Administration, or the Metropolitan Washington Council of Governments, for the purpose of combining requirements to increase efficiency or reduce administrative expenses in any acquisition of goods, services, or construction.

B. In addition, a public body may purchase from another public body's contract or from the contract of the Metropolitan Washington Council of Governments or the Virginia Sheriffs' Association even if it did not participate in the request for proposal or invitation to bid, if the request for proposal or invitation to bid specified that the procurement was a cooperative procurement being conducted on behalf of other public bodies, except for:

1. Contracts for architectural or engineering services; or

2. Construction. This subdivision shall not be construed to prohibit sole source or emergency procurements awarded pursuant to subsections E and F of § 2.2-4303.

Subdivision 2 shall not apply to (i) the installation of artificial turf and track surfaces, (ii) stream restoration, or (iii) stormwater management practices, including all associated and necessary construction and maintenance.

In instances where any authority, department, agency, or institution of the Commonwealth desires to purchase information technology and telecommunications goods and services from another public body's contract and the procurement was conducted on behalf of other public bodies, such purchase shall be permitted if approved by the Chief Information Officer of the Commonwealth. Any public body that enters into a cooperative procurement agreement with a county, city, or town whose governing body has adopted alternative policies and procedures pursuant to subdivisions A 9 and A 10 of § 2.2-4343 shall comply with the alternative policies and procedures adopted by the governing body of such county, city, or town.

C. Subject to the provisions of §§ 2.2-1110, 2.2-1111, 2.2-1120 and 2.2-2012, any authority, department, agency, or institution of the Commonwealth may participate in, sponsor, conduct, or administer a joint procurement arrangement in conjunction with public bodies, private health or educational institutions or with public agencies or institutions of the several states, territories of the United States, or the District of Columbia, for the purpose of combining requirements to effect cost savings or reduce administrative expense in any acquisition of goods and services, other than professional services, and construction.

A public body may purchase from any authority, department, agency or institution of the Commonwealth's contract even if it did not participate in the request for proposal or invitation to bid, if the request for proposal or invitation to bid specified that the procurement was a cooperative procurement being conducted on behalf of other public bodies. In such instances, deviation from the procurement procedures set forth in this chapter and the administrative policies and procedures established to implement this chapter shall be permitted, if approved by the Director of the Division of Purchases and Supply.

Pursuant to § 2.2-2012, such approval is not required if the procurement arrangement is for telecommunications and information technology goods and services of every description. In instances where the procurement arrangement is for telecommunications and information technology goods and services, such arrangement shall be permitted if approved by the Chief Information Officer of the Commonwealth. However, such acquisitions shall be procured competitively.

Nothing herein shall prohibit the payment by direct or indirect means of any administrative fee that will allow for participation in any such arrangement.

D. As authorized by the United States Congress and consistent with applicable federal regulations, and provided the terms of the contract permit such purchases:

1. Any authority, department, agency, or institution of the Commonwealth may purchase goods and nonprofessional services, other than telecommunications and information technology, from a U.S. General Services Administration contract or a contract awarded by any other agency of the U.S. government, upon approval of the director of the Division of Purchases and Supply of the Department of General Services;

2. Any authority, department, agency, or institution of the Commonwealth may purchase telecommunications and information technology goods and nonprofessional services from a U.S. General Services Administration contract or a contract awarded by any other agency of the U.S. government, upon approval of the Chief Information Officer of the Commonwealth; ~~and~~

3. Any county, city, town, or school board may purchase goods and nonprofessional services from a U.S. General Services Administration contract or a contract awarded by any other agency of the U.S. government; *and*

4. *The Department of General Services and the Virginia Information Technologies Agency shall review and revise their procurement procedures to encourage the use of U.S. General Services Administration contracts or contracts awarded by any other agency of the United States government where appropriate.*

CHAPTER 430

An Act to amend and reenact §§ 44-93 and 44-204 of the Code of Virginia, relating to military personnel; leaves of absence.

[H 231]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 44-93 and 44-204 of the Code of Virginia are amended and reenacted as follows:

§ 44-93. Leaves of absence for employees of Commonwealth or political subdivisions.

A. All officers and employees of the Commonwealth or of any political subdivision of the Commonwealth who are former members of the armed services or members of the organized reserve forces of any of the armed services of the United States or National Guard shall be entitled to leaves of absence from their respective duties, without loss of seniority, accrued leave, or efficiency rating, on all days during which they are engaged in federally funded military duty, to include training duty, or when called forth by the Governor pursuant to the provisions of § 44-75.1 or § 44-78.1.

There shall be no loss of regular employer pay during such leaves of absence, except that paid leaves of absence for federally funded military duty, to include training duty, shall not exceed ~~fifteen~~ 21 workdays per federal fiscal year, and except that no officers or employees shall receive paid leave for more than ~~fifteen~~ 21 workdays per federally funded tour of active military duty.

When relieved from such duty, they shall be restored to positions held by them when ordered to duty. If the office or position has been abolished or otherwise has ceased to exist during such leave of absence, they shall be reinstated in a position of like seniority, status and pay, if the position exists, or in a comparable vacant position for which they are qualified, unless to do so would be unreasonable.

For the purposes of this section, with respect to employees of the Commonwealth or its political subdivisions who do not normally work approximately equal workdays on five or more days of each calendar week, the term "workday" shall mean 1/260 of the total working hours such employee would be scheduled to work during an entire federal fiscal year, not taking into account any state holidays, annual leave, military leave, or other absences. Where such employee returns from federally funded military duty and the eight-hour rest period required by the Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. § 4301 et seq.) overlaps such employee's scheduled work shift, the employee shall receive paid military leave to the extent of such overlap.

B. In addition to the provisions of subsection A, any local government may pay such employee when activated for federally funded military duty all or any portion of the difference between his regular pay and the military pay received during all or any part of the term of active federally funded duty.

§ 44-204. Leaves of absence for employees of Commonwealth or political subdivisions.

All officers and employees of the Commonwealth, or of any political subdivision of the Commonwealth who are members of the Virginia State Defense Force or National Defense Executive Reserve shall be entitled to leaves of absence from their respective duties without loss of pay, seniority, accrued leave or efficiency rating on all days during which they shall be engaged in training approved by the Governor or his designee, not to exceed ~~fifteen~~ 21 workdays per federal fiscal year. When relieved from such duty, they shall be restored to positions held by them when ordered to duty.

CHAPTER 431

An Act to amend and reenact § 58.1-439.6:1 of the Code of Virginia, relating to worker training tax credit.

[H 695]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-439.6:1 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-439.6:1. Worker training tax credit.

A. As used in this section, unless the context requires a different meaning:

"Eligible worker training" means the training of a qualified employee or non-highly compensated worker in the form of (i) credit or noncredit courses at any institution recognized on the Eligible Training Provider List *or at any Virginia public institution of higher education, as such term is defined in § 23.1-100, or as described in §§ 23.1-3111, 23.1-3115, 23.1-3120, and 23.1-3125*, that results in the qualified employee or non-highly compensated worker receiving a workforce credential or (ii) instruction or training that is part of an apprenticeship agreement approved by the Commissioner of Labor and Industry.

"Industry-recognized" means demonstrating competency or proficiency in the technical and occupational skills identified as necessary for performing functions of an occupation based on standards developed or endorsed by employers or industry organizations.

"Manufacturing" means processing, manufacturing, refining, mining, or converting products for sale or resale.

"Non-highly compensated worker" means a worker whose income is less than Virginia's median wage, as reported by the Virginia Employment Commission, in the taxable year prior to applying for the credit. "Non-highly compensated worker" does not include an owner or relative.

"Owner" means an individual who owns, directly or indirectly, more than a five percent interest in the business claiming the credit.

"Qualified employee" means an employee of a business eligible for a credit under this section in a full-time position requiring a minimum of 1,680 hours in the entire normal year of the business' operations if the standard fringe benefits are paid by the business for the employee. Employees in seasonal or temporary positions shall not qualify as qualified employees. "Qualified employee" does not include an owner or relative.

"Relative" means a spouse, child, grandchild, parent, or sibling of an owner.

"Workforce credential" means an industry-recognized (i) certification, (ii) certificate, or (iii) degree.

B. 1. For taxable years beginning on and after January 1, 2019, but prior to July 1, ~~2022~~ 2025, a business shall be allowed a credit against the taxes imposed by Articles 2 (§ 58.1-320 et seq.), 6 (§ 58.1-360 et seq.), and 10 (§ 58.1-400 et seq.) of Chapter 3; Chapter 12 (§ 58.1-1200 et seq.); Article 1 (§ 58.1-2500 et seq.) of Chapter 25; or Article 2 (§ 58.1-2620 et seq.) of Chapter 26 in an amount equal to 35 percent of expenses incurred by the business during the taxable year for eligible worker training. If the recipient of the training is a qualified employee, the credit shall not exceed \$500 per qualified employee annually. If the recipient of the training is a non-highly compensated worker, the credit shall not exceed \$1,000 per non-highly compensated worker annually.

2. For taxable years beginning on and after January 1, 2019, but prior to January 1, ~~2022~~ 2025, a business primarily engaged in manufacturing shall be allowed a credit against the taxes imposed by Articles 2 (§ 58.1-320 et seq.) and 10 (§ 58.1-400 et seq.) in an amount equal to 35 percent of its direct costs incurred during the taxable year in conducting orientation, instruction, and training in the Commonwealth relating to the manufacturing activities undertaken by the business. In no event shall the credit allowed to a business under this subdivision exceed \$2,000 for any taxable year. The Department shall allow credit only for programs that (i) provide orientation, instruction, and training solely to students in grades six through 12; (ii) are coordinated with the local school division; and (iii) are conducted either at a plant or facility owned, leased, rented, or otherwise used by the business or at a public middle or high school in the Commonwealth. The taxpayer shall include in its direct costs only the following expenditures: (a) salaries or wages paid to instructors and trainers, prorated for the period of instruction or training; (b) costs for orientation, instruction, and training materials; (c) amounts paid for machinery and equipment used primarily for such instruction and training; and (d) the cost of leased or rented space used primarily for conducting the program.

3. The total amount of tax credits granted under this section for each fiscal year shall not exceed \$1 million.

C. For purposes of this section, the amount of any credit attributable to a partnership, electing small business corporation (S corporation), or limited liability company shall be allocated to the individual partners, shareholders, or members, respectively, in proportion to their ownership or interest in such business entities.

D. 1. A business shall be allowed a credit pursuant to subdivision B 1 only for those programs and providers that have been approved for inclusion in the Commonwealth's Eligible Training Provider List. The Workforce Innovation Opportunity Act Title 1 Administrator shall provide the Tax Commissioner with the approved list annually.

2. A business shall be allowed the credit pursuant to subdivision B 2 only for an orientation, instruction, and training program that has been approved by the local school division and certified as eligible by the Department of Education. A business seeking a tax credit under subdivision B 2 shall include in its application reviewed by the Department of Education an approval from the local school division. The Department of Education shall review requests for certification submitted by businesses and shall advise the Tax Commissioner whether an orientation, instruction, and training program qualifies as relating to the manufacturing activities undertaken by the business and meets other applicable requirements.

3. The Tax Commissioner shall develop guidelines (i) establishing procedures for claiming the credit provided by this section and (ii) providing for the allocation of credits among businesses requesting credits in the event that the amount of credits for which requests are made exceeds the available amount of credits in any year. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

E. Any credit not usable for the taxable year may be carried over for the next three taxable years. The amount of credit allowed pursuant to this section shall not exceed the tax imposed for such taxable year. No credit shall be carried back to a

preceding taxable year. If a business that is subject to the tax limitation imposed pursuant to this subsection is allowed another credit pursuant to any other section of this Code, or has a credit carryover from a preceding taxable year, such business shall be considered to have first utilized any credit allowed that does not have a carryover provision, and then any credit which is carried forward from a preceding taxable year, prior to the utilization of any credit allowed pursuant to this section.

F. No business shall be eligible to claim a credit under this section for eligible worker training or manufacturing orientation, instruction, and training undertaken by any program operated, administered, or paid for by the Commonwealth.

G. The Tax Commissioner shall report annually to the Chairmen of the House Committee on Finance and the Senate Committee on Finance and Appropriations on the status and implementation of the credit established by this section.

CHAPTER 432

An Act to direct the Department of Social Services to develop recommendations related to provisions governing criminal history background checks and barrier crimes for applicants to serve as foster or adoptive homes.

[S 689]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Department of Social Services shall, together with relevant stakeholders, develop recommendations regarding changes to provisions governing criminal history background checks and barrier crimes for applicants to serve as a foster or adoptive home. The Department of Social Services shall report its findings and recommendations to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Rehabilitation and Social Services by October 1, 2022.*

CHAPTER 433

An Act for the relief of Lamar Barnes, relating to claims; compensation for wrongful incarceration.

[H 1255]

Approved April 11, 2022

Whereas, Lamar Barnes (Mr. Barnes) was convicted in the Circuit Court of the City of Portsmouth on August 1, 2003, of first degree murder, malicious wounding, and two counts of use of a firearm in the commission of a felony, crimes that he did not commit; and

Whereas, Mr. Barnes was sentenced to life in prison plus 28 years; and

Whereas, Mr. Barnes served almost 20 years in the custody of the Virginia Department of Corrections; and

Whereas, Mr. Barnes, through the Innocence Project at the University of Virginia School of Law, submitted a petition for clemency seeking an absolute pardon based on the circumstances surrounding his innocence; and

Whereas, on January 4, 2022, Governor Ralph Northam granted Mr. Barnes an absolute pardon, noting that the pardon "reflects Lamar Barnes's innocence"; and

Whereas, Mr. Barnes was convicted largely based on his identification by three eyewitnesses at trial, all of whom have subsequently recanted their testimony and stated that they identified Mr. Barnes as a result of pressure from law enforcement and prosecutors; and

Whereas, Mr. Barnes's conviction was also the result of numerous constitutional violations, including due process violations, the suppression of exculpatory evidence, and the presentation of false evidence; and

Whereas, Mr. Barnes had a corroborated alibi for the time of the crime, which was not presented at trial; and

Whereas, multiple witnesses have identified an alternate suspect as the person who committed the crimes for which Mr. Barnes was convicted; and

Whereas, there was no physical evidence linking Mr. Barnes to the crime; and

Whereas, the Conviction Integrity Unit of the Office of the Attorney General conducted its own, independent investigation into Mr. Barnes's case and agreed that he is innocent of the crimes for which he was convicted; and

Whereas, during the course of Mr. Barnes's wrongful incarceration, he missed close to two decades in the lives of his children, who were infants at the time of his conviction; and

Whereas, Mr. Barnes, as a result of his wrongful incarceration, lost almost 20 years of his freedom and countless life experiences and opportunities, including family relations, the opportunity to further his education, and the opportunity to earn potential income from gainful employment during his years of incarceration; and

Whereas, Mr. Barnes has no other means to obtain adequate relief except by action of this body; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. *That there is hereby appropriated from the general fund of the state treasury the sum of \$1,076,115 for the relief of Lamar Barnes, to be paid by check issued by the State Treasurer on warrant of the Comptroller upon execution of a release of all claims Mr. Barnes may have against the Commonwealth or any agency, instrumentality, office, employee, or political subdivision in connection with the aforesaid occurrence.*

The compensation, subject to the execution of the release described herein, shall be paid in (i) an initial lump sum of \$269,029 by check issued by the State Treasurer on warrant of the Comptroller within 60 days immediately following the execution of such release and (ii) the sum of \$807,086 to purchase an annuity no later than one year after the effective date of the appropriation for compensation, for the primary benefit of Mr. Barnes, the terms of such annuity structured in Mr. Barnes's best interests based on consultation among Mr. Barnes or his representatives, the State Treasurer, and other necessary parties.

The State Treasurer shall purchase the annuity at the lowest cost available from any A+ rated company authorized to sell annuities in the Commonwealth, including any A+ rated company from which the State Lottery Department may purchase an annuity. The annuity shall provide that it shall not be sold, discounted, or used as securitization for loans and mortgages. The annuity shall, however, contain beneficiary provisions providing for the annuity's continued disbursement in the event of Mr. Barnes's death.

§ 2. That Mr. Barnes shall be entitled to receive reimbursement up to \$10,000 for tuition for career and technical training within the Virginia Community College System contingent upon successful completion of the training. Reimbursement for tuition shall be provided by the comprehensive community college at which the career or technical training was completed. The tuition benefit provided by this section shall expire on January 1, 2026.

§ 3. That any amount already paid to Mr. Barnes as a transition assistance grant pursuant to subsection C of § 8.01-195.11 of the Code of Virginia shall be deducted from any award received pursuant to § 1 of this act.

2. That the provisions of § 8.01-195.12 of the Code of Virginia shall apply to any compensation awarded under this act.

CHAPTER 434

An Act to amend and reenact §§ 58.1-602 and 58.1-609.6 of the Code of Virginia, relating to sales and use tax; media-related exemptions.

[H 1155]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-602 and 58.1-609.6 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-602. Definitions.

As used in this chapter, unless the context clearly shows otherwise:

"Accommodations" means any room or rooms, lodgings, or accommodations in any hotel, motel, inn, tourist camp, tourist cabin, camping grounds, club, or any other place in which rooms, lodging, space, or accommodations are regularly furnished to transients for a consideration.

"Accommodations fee" means the room charge less the discount room charge, if any, provided that the accommodations fee shall not be less than \$0.

"Accommodations intermediary" means any person other than an accommodations provider that facilitates the sale of an accommodation, charges a room charge to the customer, and charges an accommodations fee to the customer, which fee it retains as compensation for facilitating the sale. For purposes of this definition, "facilitates the sale" includes brokering, coordinating, or in any other way arranging for the purchase of the right to use accommodations via a transaction directly, including via one or more payment processors, between a customer and an accommodations provider.

"Accommodations intermediary" does not include a person:

1. If the accommodations are provided by an accommodations provider operating under a trademark, trade name, or service mark belonging to such person; or

2. Who facilitates the sale of an accommodation if (i) the price paid by the customer to such person is equal to the price paid by such person to the accommodations provider for the use of the accommodations and (ii) the only compensation received by such person for facilitating the sale of the accommodation is a commission paid from the accommodations provider to such person.

"Accommodations provider" means any person that furnishes accommodations to the general public for compensation. The term "furnishes" includes the sale of use or possession or the sale of the right to use or possess.

"Advertising" means the planning, creating, or placing of advertising in newspapers, magazines, billboards, broadcasting and other media, including, without limitation, the providing of concept, writing, graphic design, mechanical art, photography and production supervision. Any person providing advertising as defined in this section shall be deemed to be the user or consumer of all tangible personal property purchased for use in such advertising.

"Affiliate" means the same as such term is defined in § 58.1-439.18.

"Amplification, transmission, ~~and~~ distribution, *and network equipment*" means, ~~but is not limited to,~~ production, distribution, and other equipment used to provide Internet-access services, such as computer and communications equipment and software used for storing, processing, and retrieving end-user subscribers' requests. *A "network" includes modems, fiber optic cables, coaxial cables, radio equipment, routing equipment, switching equipment, a cable modem termination system, associated software, transmitters, power equipment, storage devices, servers, multiplexers, and antennas, which network is used to provide Internet service, regardless of whether the provider of such service is also a telephone common carrier or whether such network is also used to provide services other than Internet services.*

"Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either directly or indirectly.

"Cost price" means the actual cost of an item or article of tangible personal property computed in the same manner as the sales price as defined in this section without any deductions therefrom on account of the cost of materials used, labor, or service costs, transportation charges, or any expenses whatsoever.

"Custom program" means a computer program that is specifically designed and developed only for one customer. The combining of two or more prewritten programs does not constitute a custom computer program. A prewritten program that is modified to any degree remains a prewritten program and does not become custom.

"Discount room charge" means the full amount charged by the accommodations provider to the accommodations intermediary, or an affiliate thereof, for furnishing the accommodations.

"Distribution" means the transfer or delivery of tangible personal property for use, consumption, or storage by the distributee, and the use, consumption, or storage of tangible personal property by a person that has processed, manufactured, refined, or converted such property, but does not include the transfer or delivery of tangible personal property for resale or any use, consumption, or storage otherwise exempt under this chapter.

"Gross proceeds" means the charges made or voluntary contributions received for the lease or rental of tangible personal property or for furnishing services, computed with the same deductions, where applicable, as for sales price as defined in this section over the term of the lease, rental, service, or use, but not less frequently than monthly. "Gross proceeds" does not include finance charges, carrying charges, service charges, or interest from credit extended on the lease or rental of tangible personal property under conditional lease or rental contracts or other conditional contracts providing for the deferred payments of the lease or rental price.

"Gross sales" means the sum total of all retail sales of tangible personal property or services as defined in this chapter, without any deduction, except as provided in this chapter. "Gross sales" does not include the federal retailers' excise tax or the federal diesel fuel excise tax imposed in § 4091 of the Internal Revenue Code if the excise tax is billed to the purchaser separately from the selling price of the article, or the Virginia retail sales or use tax, or any sales or use tax imposed by any county or city under § 58.1-605 or 58.1-606.

"Import" and "imported" are words applicable to tangible personal property imported into the Commonwealth from other states as well as from foreign countries, and "export" and "exported" are words applicable to tangible personal property exported from the Commonwealth to other states as well as to foreign countries.

"In this Commonwealth" or "in the Commonwealth" means within the limits of the Commonwealth of Virginia and includes all territory within these limits owned by or ceded to the United States of America.

"Integrated process," when used in relation to semiconductor manufacturing, means a process that begins with the research or development of semiconductor products, equipment, or processes, includes the handling and storage of raw materials at a plant site, and continues to the point that the product is packaged for final sale and either shipped or conveyed to a warehouse. Without limiting the foregoing, any semiconductor equipment, fuel, power, energy, supplies, or other tangible personal property shall be deemed used as part of the integrated process if its use contributes, before, during, or after production, to higher product quality, production yields, or process efficiencies. Except as otherwise provided by law, "integrated process" does not mean general maintenance or administration.

"Internet" means, collectively, the myriad of computer and telecommunications facilities, which comprise the interconnected worldwide network of computer networks *that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor to such protocol, to communicate information of all kinds by wire or radio.*

"Internet service" means a service that enables users to access ~~proprietary and other content, information electronic mail, and other services offered over the Internet as part of a package of services sold to end-user subscribers.~~

"Lease or rental" means the leasing or renting of tangible personal property and the possession or use thereof by the lessee or renter for a consideration, without transfer of the title to such property.

"Manufacturing, processing, refining, or conversion" includes the production line of the plant starting with the handling and storage of raw materials at the plant site and continuing through the last step of production where the product is finished or completed for sale and conveyed to a warehouse at the production site, and also includes equipment and supplies used for production line testing and quality control. "Manufacturing" also includes the necessary ancillary activities of newspaper and magazine printing when such activities are performed by the publisher of any newspaper or magazine for sale daily or regularly at average intervals not exceeding three months.

The determination of whether any manufacturing, mining, processing, refining or conversion activity is industrial in nature shall be made without regard to plant size, existence or size of finished product inventory, degree of mechanization, amount of capital investment, number of employees or other factors relating principally to the size of the business. Further, "industrial in nature" includes, but is not limited to, those businesses classified in codes 10 through 14 and 20 through 39 published in the Standard Industrial Classification Manual for 1972 and any supplements issued thereafter.

"Modular building" means, but is not limited to, single and multifamily houses, apartment units, commercial buildings, and permanent additions thereof, comprised of one or more sections that are intended to become real property, primarily constructed at a location other than the permanent site, built to comply with the Virginia Industrialized Building Safety Law (§ 36-70 et seq.) as regulated by the Virginia Department of Housing and Community Development, and shipped with most permanent components in place to the site of final assembly. For purposes of this chapter, "modular building" does not

include a mobile office as defined in § 58.1-2401 or any manufactured building subject to and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.).

"Modular building manufacturer" means a person that owns or operates a manufacturing facility and is engaged in the fabrication, construction and assembling of building supplies and materials into modular buildings, as defined in this section, at a location other than at the site where the modular building will be assembled on the permanent foundation and may or may not be engaged in the process of affixing the modules to the foundation at the permanent site.

"Modular building retailer" means any person that purchases or acquires a modular building from a modular building manufacturer, or from another person, for subsequent sale to a customer residing within or outside of the Commonwealth, with or without installation of the modular building to the foundation at the permanent site.

"Motor vehicle" means a "motor vehicle" as defined in § 58.1-2401, taxable under the provisions of the Virginia Motor Vehicles Sales and Use Tax Act (§ 58.1-2400 et seq.) and upon the sale of which all applicable motor vehicle sales and use taxes have been paid.

"Occasional sale" means a sale of tangible personal property not held or used by a seller in the course of an activity for which it is required to hold a certificate of registration, including the sale or exchange of all or substantially all the assets of any business and the reorganization or liquidation of any business, provided that such sale or exchange is not one of a series of sales and exchanges sufficient in number, scope and character to constitute an activity requiring the holding of a certificate of registration.

"Open video system" means an open video system authorized pursuant to 47 U.S.C. § 573 and, for purposes of this chapter only, also includes Internet service regardless of whether the provider of such service is also a telephone common carrier.

"Person" includes any individual, firm, copartnership, cooperative, nonprofit membership corporation, joint venture, association, corporation, estate, trust, business trust, trustee in bankruptcy, receiver, auctioneer, syndicate, assignee, club, society, or other group or combination acting as a unit, body politic or political subdivision, whether public or private, or quasi-public, and the plural of "person" means the same as the singular.

"Prewritten program" means a computer program that is prepared, held or existing for general or repeated sale or lease, including a computer program developed for in-house use and subsequently sold or leased to unrelated third parties.

"Qualifying locality" means Charlotte County, Gloucester County, Halifax County, Henry County, Mecklenburg County, Northampton County, Patrick County, Pittsylvania County, or the City of Danville.

"Railroad rolling stock" means locomotives, of whatever motive power, autocars, railroad cars of every kind and description, and all other equipment determined by the Tax Commissioner to constitute railroad rolling stock.

"Remote seller" means any dealer deemed to have sufficient activity within the Commonwealth to require registration under § 58.1-613 under the criteria specified in subdivision C 10 or 11 of § 58.1-612 or any software provider acting on behalf of such dealer.

"Retail sale" or a "sale at retail" means a sale to any person for any purpose other than for resale in the form of tangible personal property or services taxable under this chapter, and shall include any such transaction as the Tax Commissioner upon investigation finds to be in lieu of a sale. All sales for resale must be made in strict compliance with regulations applicable to this chapter. Any dealer making a sale for resale which is not in strict compliance with such regulations shall be personally liable for payment of the tax.

The terms "retail sale" and a "sale at retail" specifically include the following: (i) the sale or charges for any accommodations furnished to transients for less than 90 continuous days; (ii) sales of tangible personal property to persons for resale when because of the operation of the business, or its very nature, or the lack of a place of business in which to display a certificate of registration, or the lack of a place of business in which to keep records, or the lack of adequate records, or because such persons are minors or transients, or because such persons are engaged in essentially service businesses, or for any other reason there is likelihood that the Commonwealth will lose tax funds due to the difficulty of policing such business operations; (iii) the separately stated charge made for automotive refinish repair materials that are permanently applied to or affixed to a motor vehicle during its repair; and (iv) the separately stated charge for equipment available for lease or purchase by a provider of satellite television programming to the customer of such programming. Equipment sold to a provider of satellite television programming for subsequent lease or purchase by the customer of such programming shall be deemed a sale for resale. The Tax Commissioner is authorized to promulgate regulations requiring vendors of or sellers to such persons to collect the tax imposed by this chapter on the cost price of such tangible personal property to such persons and may refuse to issue certificates of registration to such persons. The terms "retail sale" and a "sale at retail" also specifically include the separately stated charge made for supplies used during automotive repairs whether or not there is transfer of title or possession of the supplies and whether or not the supplies are attached to the automobile. The purchase of such supplies by an automotive repairer for sale to the customer of such repair services shall be deemed a sale for resale.

The term "transient" does not include a purchaser of camping memberships, time-shares, condominiums, or other similar contracts or interests that permit the use of, or constitute an interest in, real estate, however created or sold and whether registered with the Commonwealth or not. Further, a purchaser of a right or license which entitles the purchaser to use the amenities and facilities of a specific real estate project on an ongoing basis throughout its term shall not be deemed a transient, provided, however, that the term or time period involved is for seven years or more.

The terms "retail sale" and "sale at retail" do not include a transfer of title to tangible personal property after its use as tools, tooling, machinery or equipment, including dies, molds, and patterns, if (i) at the time of purchase, the purchaser is obligated, under the terms of a written contract, to make the transfer and (ii) the transfer is made for the same or a greater consideration to the person for whom the purchaser manufactures goods.

"Retailer" means every person engaged in the business of making sales at retail, or for distribution, use, consumption, or storage to be used or consumed in the Commonwealth.

"Room charge" means the full retail price charged to the customer by the accommodations intermediary for the use of the accommodations, including any accommodations fee, before taxes. The room charge shall be determined in accordance with 23VAC10-210-730 and the related rulings of the Department on the same.

"Sale" means any transfer of title or possession, or both, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property and any rendition of a taxable service for a consideration, and includes the fabrication of tangible personal property for consumers who furnish, either directly or indirectly, the materials used in fabrication, and the furnishing, preparing, or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing, or serving such tangible personal property. A transaction whereby the possession of property is transferred but the seller retains title as security for the payment of the price shall be deemed a sale.

"Sales price" means the total amount for which tangible personal property or services are sold, including any services that are a part of the sale, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser, consumer, or lessee by the dealer, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, losses or any other expenses whatsoever. "Sales price" does not include (i) any cash discount allowed and taken; (ii) finance charges, carrying charges, service charges or interest from credit extended on sales of tangible personal property under conditional sale contracts or other conditional contracts providing for deferred payments of the purchase price; (iii) separately stated local property taxes collected; (iv) that portion of the amount paid by the purchaser as a discretionary gratuity added to the price of a meal; or (v) that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by a restaurant to the price of a meal, but only to the extent that such mandatory gratuity or service charge does not exceed 20 percent of the price of the meal. Where used articles are taken in trade, or in a series of trades as a credit or part payment on the sale of new or used articles, the tax levied by this chapter shall be paid on the net difference between the sales price of the new or used articles and the credit for the used articles.

"Semiconductor cleanrooms" means the integrated systems, fixtures, piping, partitions, flooring, lighting, equipment, and all other property used to reduce contamination or to control airflow, temperature, humidity, vibration, or other environmental conditions required for the integrated process of semiconductor manufacturing.

"Semiconductor equipment" means (i) machinery or tools or repair parts or replacements thereof; (ii) the related accessories, components, pedestals, bases, or foundations used in connection with the operation of the equipment, without regard to the proximity to the equipment, the method of attachment, or whether the equipment or accessories are affixed to the realty; (iii) semiconductor wafers and other property or supplies used to install, test, calibrate or recalibrate, characterize, condition, measure, or maintain the equipment and settings thereof; and (iv) equipment and supplies used for quality control testing of product, materials, equipment, or processes; or the measurement of equipment performance or production parameters regardless of where or when the quality control, testing, or measuring activity takes place, how the activity affects the operation of equipment, or whether the equipment and supplies come into contact with the product.

"Storage" means any keeping or retention of tangible personal property for use, consumption or distribution in the Commonwealth, or for any purpose other than sale at retail in the regular course of business.

"Tangible personal property" means personal property that may be seen, weighed, measured, felt, or touched, or is in any other manner perceptible to the senses. "Tangible personal property" does not include stocks, bonds, notes, insurance or other obligations or securities. "Tangible personal property" includes (i) telephone calling cards upon their initial sale, which shall be exempt from all other state and local utility taxes, and (ii) manufactured signs.

"Use" means the exercise of any right or power over tangible personal property incident to the ownership thereof, except that it does not include the sale at retail of that property in the regular course of business. "Use" does not include the exercise of any right or power, including use, distribution, or storage, over any tangible personal property sold to a nonresident donor for delivery outside of the Commonwealth to a nonresident recipient pursuant to an order placed by the donor from outside the Commonwealth via mail or telephone. "Use" does not include any sale determined to be a gift transaction, subject to tax under § 58.1-604.6.

"Use tax" refers to the tax imposed upon the use, consumption, distribution, and storage as defined in this section.

"Used directly," when used in relation to manufacturing, processing, refining, or conversion, refers to those activities that are an integral part of the production of a product, including all steps of an integrated manufacturing or mining process, but not including ancillary activities such as general maintenance or administration. When used in relation to mining, "used directly" refers to the activities specified in this definition and, in addition, any reclamation activity of the land previously mined by the mining company required by state or federal law.

"Video programmer" means a person that provides video programming to end-user subscribers.

"Video programming" means video and/or information programming provided by or generally considered comparable to programming provided by a cable operator, including, but not limited to, Internet service.

§ 58.1-609.6. Media-related exemptions.

The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606 shall not apply to the following:

1. Leasing, renting or licensing of copyright audio or video tapes, and films for public exhibition at motion picture theaters or by licensed radio and television stations.

2. (i) Broadcasting equipment and parts and accessories thereto and towers used or to be used by commercial radio and television companies, wired or ~~land based~~ *land-based* wireless cable television systems, common carriers or video programmers using an open video system or other video platform provided by telephone common carriers, or concerns ~~which~~ *that* are under the regulation and supervision of the Federal Communications Commission and (ii) amplification, transmission, ~~and~~ distribution, *and network* equipment used or to be used by wired or ~~land based~~ *land-based* wireless (a) cable television systems, ~~or~~ (b) open video systems, or ~~other video systems provided by~~ (c) telephone common carriers.

3. Any publication issued daily, or regularly at average intervals not exceeding three months, and advertising supplements and any other printed matter ultimately distributed with or as part of such publications; however, newsstand sales of the same are taxable. As used in this subdivision, the term "newsstand sales" shall not include sales of back copies of publications by the publisher or his agent.

4. Catalogs, letters, brochures, reports, and similar printed materials, except administrative supplies, the envelopes, containers and labels used for packaging and mailing same, and paper furnished to a printer for fabrication into such printed materials, when stored for 12 months or less in the Commonwealth and distributed for use without the Commonwealth. As used in this subdivision, "administrative supplies" includes, but is not limited to, letterhead, envelopes, and other stationery; and invoices, billing forms, payroll forms, price lists, time cards, computer cards, and similar supplies. Notwithstanding the provisions of subdivision 5 or the definition of "advertising" contained in § 58.1-602, (i) any advertising business located outside the Commonwealth which purchases printing from a printer within the Commonwealth shall not be deemed the user or consumer of the printed materials when such purchases would have been exempt under this subdivision, and (ii) from July 1, 1995, through June 30, 2002, and beginning July 1, 2002, and ending July 1, 2022, any advertising business which purchases printing from a printer within the Commonwealth shall not be deemed the user or consumer of the printed materials when such purchases would have been exempt under subdivision 3 or this subdivision, provided that the advertising agency shall certify to the Tax Commissioner, upon request, that such printed material was distributed outside the Commonwealth and such certification shall be retained as a part of the transaction record and shall be subject to further review by the Tax Commissioner.

5. Advertising as defined in § 58.1-602.

6. Beginning July 1, 1995, and ending July 1, 2027:

a. (i) The lease, rental, license, sale, other transfer, or use of any audio or video tape, film or other audiovisual work where the transferee or user acquires or has acquired the work for the purpose of licensing, distributing, broadcasting, commercially exhibiting or reproducing the work or using or incorporating the work into another such work; (ii) the provision of production services or fabrication in connection with the production of any portion of such audiovisual work, including, but not limited to, scriptwriting, photography, sound, musical composition, special effects, animation, adaptation, dubbing, mixing, editing, cutting and provision of production facilities or equipment; or (iii) the transfer or use of tangible personal property, including, but not limited to, scripts, musical scores, storyboards, artwork, film, tapes and other media, incident to the performance of such services or fabrication; however, audiovisual works and incidental tangible personal property described in clauses (i) and (iii) shall be subject to tax as otherwise provided in this chapter to the extent of the value of their tangible components prior to their use in the production of any audiovisual work and prior to their enhancement by any production service; and

b. Equipment and parts and accessories thereto used or to be used in the production of such audiovisual works.

7. Beginning July 1, 1998, and ending July 1, 2022, textbooks and other educational materials withdrawn from inventory at book-publishing distribution facilities for free distribution to professors and other individuals who have an educational focus.

CHAPTER 435

An Act to amend and reenact §§ 58.1-602 and 58.1-609.6 of the Code of Virginia, relating to sales and use tax; media-related exemptions.

[S 683]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-602 and 58.1-609.6 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-602. Definitions.

As used in this chapter, unless the context clearly shows otherwise:

"Accommodations" means any room or rooms, lodgings, or accommodations in any hotel, motel, inn, tourist camp, tourist cabin, camping grounds, club, or any other place in which rooms, lodging, space, or accommodations are regularly furnished to transients for a consideration.

"Accommodations fee" means the room charge less the discount room charge, if any, provided that the accommodations fee shall not be less than \$0.

"Accommodations intermediary" means any person other than an accommodations provider that facilitates the sale of an accommodation, charges a room charge to the customer, and charges an accommodations fee to the customer, which fee it retains as compensation for facilitating the sale. For purposes of this definition, "facilitates the sale" includes brokering, coordinating, or in any other way arranging for the purchase of the right to use accommodations via a transaction directly, including via one or more payment processors, between a customer and an accommodations provider.

"Accommodations intermediary" does not include a person:

1. If the accommodations are provided by an accommodations provider operating under a trademark, trade name, or service mark belonging to such person; or

2. Who facilitates the sale of an accommodation if (i) the price paid by the customer to such person is equal to the price paid by such person to the accommodations provider for the use of the accommodations and (ii) the only compensation received by such person for facilitating the sale of the accommodation is a commission paid from the accommodations provider to such person.

"Accommodations provider" means any person that furnishes accommodations to the general public for compensation. The term "furnishes" includes the sale of use or possession or the sale of the right to use or possess.

"Advertising" means the planning, creating, or placing of advertising in newspapers, magazines, billboards, broadcasting and other media, including, without limitation, the providing of concept, writing, graphic design, mechanical art, photography and production supervision. Any person providing advertising as defined in this section shall be deemed to be the user or consumer of all tangible personal property purchased for use in such advertising.

"Affiliate" means the same as such term is defined in § 58.1-439.18.

"Amplification, transmission, ~~and~~ distribution, *and network equipment*" means, ~~but is not limited to~~, production, distribution, and other equipment used to provide Internet-access services, such as computer and communications equipment and software used for storing, processing, and retrieving end-user subscribers' requests. *A "network" includes modems, fiber optic cables, coaxial cables, radio equipment, routing equipment, switching equipment, a cable modem termination system, associated software, transmitters, power equipment, storage devices, servers, multiplexers, and antennas, which network is used to provide Internet service, regardless of whether the provider of such service is also a telephone common carrier or whether such network is also used to provide services other than Internet services.*

"Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either directly or indirectly.

"Cost price" means the actual cost of an item or article of tangible personal property computed in the same manner as the sales price as defined in this section without any deductions therefrom on account of the cost of materials used, labor, or service costs, transportation charges, or any expenses whatsoever.

"Custom program" means a computer program that is specifically designed and developed only for one customer. The combining of two or more prewritten programs does not constitute a custom computer program. A prewritten program that is modified to any degree remains a prewritten program and does not become custom.

"Discount room charge" means the full amount charged by the accommodations provider to the accommodations intermediary, or an affiliate thereof, for furnishing the accommodations.

"Distribution" means the transfer or delivery of tangible personal property for use, consumption, or storage by the distributee, and the use, consumption, or storage of tangible personal property by a person that has processed, manufactured, refined, or converted such property, but does not include the transfer or delivery of tangible personal property for resale or any use, consumption, or storage otherwise exempt under this chapter.

"Gross proceeds" means the charges made or voluntary contributions received for the lease or rental of tangible personal property or for furnishing services, computed with the same deductions, where applicable, as for sales price as defined in this section over the term of the lease, rental, service, or use, but not less frequently than monthly. "Gross proceeds" does not include finance charges, carrying charges, service charges, or interest from credit extended on the lease or rental of tangible personal property under conditional lease or rental contracts or other conditional contracts providing for the deferred payments of the lease or rental price.

"Gross sales" means the sum total of all retail sales of tangible personal property or services as defined in this chapter, without any deduction, except as provided in this chapter. "Gross sales" does not include the federal retailers' excise tax or the federal diesel fuel excise tax imposed in § 4091 of the Internal Revenue Code if the excise tax is billed to the purchaser separately from the selling price of the article, or the Virginia retail sales or use tax, or any sales or use tax imposed by any county or city under § 58.1-605 or 58.1-606.

"Import" and "imported" are words applicable to tangible personal property imported into the Commonwealth from other states as well as from foreign countries, and "export" and "exported" are words applicable to tangible personal property exported from the Commonwealth to other states as well as to foreign countries.

"In this Commonwealth" or "in the Commonwealth" means within the limits of the Commonwealth of Virginia and includes all territory within these limits owned by or ceded to the United States of America.

"Integrated process," when used in relation to semiconductor manufacturing, means a process that begins with the research or development of semiconductor products, equipment, or processes, includes the handling and storage of raw materials at a plant site, and continues to the point that the product is packaged for final sale and either shipped or conveyed

to a warehouse. Without limiting the foregoing, any semiconductor equipment, fuel, power, energy, supplies, or other tangible personal property shall be deemed used as part of the integrated process if its use contributes, before, during, or after production, to higher product quality, production yields, or process efficiencies. Except as otherwise provided by law, "integrated process" does not mean general maintenance or administration.

"Internet" means, collectively, the myriad of computer and telecommunications facilities, which comprise the interconnected worldwide network of computer networks *that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor to such protocol, to communicate information of all kinds by wire or radio.*

"Internet service" means a service that enables users to access ~~proprietary and other content, information electronic mail, and other services offered over the Internet as part of a package of services sold to end-user subscribers.~~

"Lease or rental" means the leasing or renting of tangible personal property and the possession or use thereof by the lessee or renter for a consideration, without transfer of the title to such property.

"Manufacturing, processing, refining, or conversion" includes the production line of the plant starting with the handling and storage of raw materials at the plant site and continuing through the last step of production where the product is finished or completed for sale and conveyed to a warehouse at the production site, and also includes equipment and supplies used for production line testing and quality control. "Manufacturing" also includes the necessary ancillary activities of newspaper and magazine printing when such activities are performed by the publisher of any newspaper or magazine for sale daily or regularly at average intervals not exceeding three months.

The determination of whether any manufacturing, mining, processing, refining or conversion activity is industrial in nature shall be made without regard to plant size, existence or size of finished product inventory, degree of mechanization, amount of capital investment, number of employees or other factors relating principally to the size of the business. Further, "industrial in nature" includes, but is not limited to, those businesses classified in codes 10 through 14 and 20 through 39 published in the Standard Industrial Classification Manual for 1972 and any supplements issued thereafter.

"Modular building" means, but is not limited to, single and multifamily houses, apartment units, commercial buildings, and permanent additions thereof, comprised of one or more sections that are intended to become real property, primarily constructed at a location other than the permanent site, built to comply with the Virginia Industrialized Building Safety Law (§ 36-70 et seq.) as regulated by the Virginia Department of Housing and Community Development, and shipped with most permanent components in place to the site of final assembly. For purposes of this chapter, "modular building" does not include a mobile office as defined in § 58.1-2401 or any manufactured building subject to and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.).

"Modular building manufacturer" means a person that owns or operates a manufacturing facility and is engaged in the fabrication, construction and assembling of building supplies and materials into modular buildings, as defined in this section, at a location other than at the site where the modular building will be assembled on the permanent foundation and may or may not be engaged in the process of affixing the modules to the foundation at the permanent site.

"Modular building retailer" means any person that purchases or acquires a modular building from a modular building manufacturer, or from another person, for subsequent sale to a customer residing within or outside of the Commonwealth, with or without installation of the modular building to the foundation at the permanent site.

"Motor vehicle" means a "motor vehicle" as defined in § 58.1-2401, taxable under the provisions of the Virginia Motor Vehicles Sales and Use Tax Act (§ 58.1-2400 et seq.) and upon the sale of which all applicable motor vehicle sales and use taxes have been paid.

"Occasional sale" means a sale of tangible personal property not held or used by a seller in the course of an activity for which it is required to hold a certificate of registration, including the sale or exchange of all or substantially all the assets of any business and the reorganization or liquidation of any business, provided that such sale or exchange is not one of a series of sales and exchanges sufficient in number, scope and character to constitute an activity requiring the holding of a certificate of registration.

"Open video system" means an open video system authorized pursuant to 47 U.S.C. § 573 and, for purposes of this chapter only, also includes Internet service regardless of whether the provider of such service is also a telephone common carrier.

"Person" includes any individual, firm, copartnership, cooperative, nonprofit membership corporation, joint venture, association, corporation, estate, trust, business trust, trustee in bankruptcy, receiver, auctioneer, syndicate, assignee, club, society, or other group or combination acting as a unit, body politic or political subdivision, whether public or private, or quasi-public, and the plural of "person" means the same as the singular.

"Prewritten program" means a computer program that is prepared, held or existing for general or repeated sale or lease, including a computer program developed for in-house use and subsequently sold or leased to unrelated third parties.

"Qualifying locality" means Charlotte County, Gloucester County, Halifax County, Henry County, Mecklenburg County, Northampton County, Patrick County, Pittsylvania County, or the City of Danville.

"Railroad rolling stock" means locomotives, of whatever motive power, autocars, railroad cars of every kind and description, and all other equipment determined by the Tax Commissioner to constitute railroad rolling stock.

"Remote seller" means any dealer deemed to have sufficient activity within the Commonwealth to require registration under § 58.1-613 under the criteria specified in subdivision C 10 or 11 of § 58.1-612 or any software provider acting on behalf of such dealer.

"Retail sale" or a "sale at retail" means a sale to any person for any purpose other than for resale in the form of tangible personal property or services taxable under this chapter, and shall include any such transaction as the Tax Commissioner upon investigation finds to be in lieu of a sale. All sales for resale must be made in strict compliance with regulations applicable to this chapter. Any dealer making a sale for resale which is not in strict compliance with such regulations shall be personally liable for payment of the tax.

The terms "retail sale" and a "sale at retail" specifically include the following: (i) the sale or charges for any accommodations furnished to transients for less than 90 continuous days; (ii) sales of tangible personal property to persons for resale when because of the operation of the business, or its very nature, or the lack of a place of business in which to display a certificate of registration, or the lack of a place of business in which to keep records, or the lack of adequate records, or because such persons are minors or transients, or because such persons are engaged in essentially service businesses, or for any other reason there is likelihood that the Commonwealth will lose tax funds due to the difficulty of policing such business operations; (iii) the separately stated charge made for automotive refinish repair materials that are permanently applied to or affixed to a motor vehicle during its repair; and (iv) the separately stated charge for equipment available for lease or purchase by a provider of satellite television programming to the customer of such programming. Equipment sold to a provider of satellite television programming for subsequent lease or purchase by the customer of such programming shall be deemed a sale for resale. The Tax Commissioner is authorized to promulgate regulations requiring vendors of or sellers to such persons to collect the tax imposed by this chapter on the cost price of such tangible personal property to such persons and may refuse to issue certificates of registration to such persons. The terms "retail sale" and a "sale at retail" also specifically include the separately stated charge made for supplies used during automotive repairs whether or not there is transfer of title or possession of the supplies and whether or not the supplies are attached to the automobile. The purchase of such supplies by an automotive repairer for sale to the customer of such repair services shall be deemed a sale for resale.

The term "transient" does not include a purchaser of camping memberships, time-shares, condominiums, or other similar contracts or interests that permit the use of, or constitute an interest in, real estate, however created or sold and whether registered with the Commonwealth or not. Further, a purchaser of a right or license which entitles the purchaser to use the amenities and facilities of a specific real estate project on an ongoing basis throughout its term shall not be deemed a transient, provided, however, that the term or time period involved is for seven years or more.

The terms "retail sale" and "sale at retail" do not include a transfer of title to tangible personal property after its use as tools, tooling, machinery or equipment, including dies, molds, and patterns, if (i) at the time of purchase, the purchaser is obligated, under the terms of a written contract, to make the transfer and (ii) the transfer is made for the same or a greater consideration to the person for whom the purchaser manufactures goods.

"Retailer" means every person engaged in the business of making sales at retail, or for distribution, use, consumption, or storage to be used or consumed in the Commonwealth.

"Room charge" means the full retail price charged to the customer by the accommodations intermediary for the use of the accommodations, including any accommodations fee, before taxes. The room charge shall be determined in accordance with 23VAC10-210-730 and the related rulings of the Department on the same.

"Sale" means any transfer of title or possession, or both, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property and any rendition of a taxable service for a consideration, and includes the fabrication of tangible personal property for consumers who furnish, either directly or indirectly, the materials used in fabrication, and the furnishing, preparing, or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing, or serving such tangible personal property. A transaction whereby the possession of property is transferred but the seller retains title as security for the payment of the price shall be deemed a sale.

"Sales price" means the total amount for which tangible personal property or services are sold, including any services that are a part of the sale, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser, consumer, or lessee by the dealer, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, losses or any other expenses whatsoever. "Sales price" does not include (i) any cash discount allowed and taken; (ii) finance charges, carrying charges, service charges or interest from credit extended on sales of tangible personal property under conditional sale contracts or other conditional contracts providing for deferred payments of the purchase price; (iii) separately stated local property taxes collected; (iv) that portion of the amount paid by the purchaser as a discretionary gratuity added to the price of a meal; or (v) that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by a restaurant to the price of a meal, but only to the extent that such mandatory gratuity or service charge does not exceed 20 percent of the price of the meal. Where used articles are taken in trade, or in a series of trades as a credit or part payment on the sale of new or used articles, the tax levied by this chapter shall be paid on the net difference between the sales price of the new or used articles and the credit for the used articles.

"Semiconductor cleanrooms" means the integrated systems, fixtures, piping, partitions, flooring, lighting, equipment, and all other property used to reduce contamination or to control airflow, temperature, humidity, vibration, or other environmental conditions required for the integrated process of semiconductor manufacturing.

"Semiconductor equipment" means (i) machinery or tools or repair parts or replacements thereof; (ii) the related accessories, components, pedestals, bases, or foundations used in connection with the operation of the equipment, without

regard to the proximity to the equipment, the method of attachment, or whether the equipment or accessories are affixed to the realty; (iii) semiconductor wafers and other property or supplies used to install, test, calibrate or recalibrate, characterize, condition, measure, or maintain the equipment and settings thereof; and (iv) equipment and supplies used for quality control testing of product, materials, equipment, or processes; or the measurement of equipment performance or production parameters regardless of where or when the quality control, testing, or measuring activity takes place, how the activity affects the operation of equipment, or whether the equipment and supplies come into contact with the product.

"Storage" means any keeping or retention of tangible personal property for use, consumption or distribution in the Commonwealth, or for any purpose other than sale at retail in the regular course of business.

"Tangible personal property" means personal property that may be seen, weighed, measured, felt, or touched, or is in any other manner perceptible to the senses. "Tangible personal property" does not include stocks, bonds, notes, insurance or other obligations or securities. "Tangible personal property" includes (i) telephone calling cards upon their initial sale, which shall be exempt from all other state and local utility taxes, and (ii) manufactured signs.

"Use" means the exercise of any right or power over tangible personal property incident to the ownership thereof, except that it does not include the sale at retail of that property in the regular course of business. "Use" does not include the exercise of any right or power, including use, distribution, or storage, over any tangible personal property sold to a nonresident donor for delivery outside of the Commonwealth to a nonresident recipient pursuant to an order placed by the donor from outside the Commonwealth via mail or telephone. "Use" does not include any sale determined to be a gift transaction, subject to tax under § 58.1-604.6.

"Use tax" refers to the tax imposed upon the use, consumption, distribution, and storage as defined in this section.

"Used directly," when used in relation to manufacturing, processing, refining, or conversion, refers to those activities that are an integral part of the production of a product, including all steps of an integrated manufacturing or mining process, but not including ancillary activities such as general maintenance or administration. When used in relation to mining, "used directly" refers to the activities specified in this definition and, in addition, any reclamation activity of the land previously mined by the mining company required by state or federal law.

"Video programmer" means a person that provides video programming to end-user subscribers.

"Video programming" means video and/or information programming provided by or generally considered comparable to programming provided by a cable operator, including, but not limited to, Internet service.

§ 58.1-609.6. Media-related exemptions.

The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606 shall not apply to the following:

1. Leasing, renting or licensing of copyright audio or video tapes, and films for public exhibition at motion picture theaters or by licensed radio and television stations.

2. (i) Broadcasting equipment and parts and accessories thereto and towers used or to be used by commercial radio and television companies, wired or ~~land based~~ *land-based* wireless cable television systems, common carriers or video programmers using an open video system or other video platform provided by telephone common carriers, or concerns ~~which~~ *that* are under the regulation and supervision of the Federal Communications Commission and (ii) amplification, transmission, ~~and~~ distribution, *and network* equipment used or to be used by wired or ~~land based~~ *land-based* wireless (a) cable television systems, ~~or~~ (b) open video systems, or ~~other video systems provided by~~ (c) telephone common carriers.

3. Any publication issued daily, or regularly at average intervals not exceeding three months, and advertising supplements and any other printed matter ultimately distributed with or as part of such publications; however, newsstand sales of the same are taxable. As used in this subdivision, the term "newsstand sales" shall not include sales of back copies of publications by the publisher or his agent.

4. Catalogs, letters, brochures, reports, and similar printed materials, except administrative supplies, the envelopes, containers and labels used for packaging and mailing same, and paper furnished to a printer for fabrication into such printed materials, when stored for 12 months or less in the Commonwealth and distributed for use without the Commonwealth. As used in this subdivision, "administrative supplies" includes, but is not limited to, letterhead, envelopes, and other stationery; and invoices, billing forms, payroll forms, price lists, time cards, computer cards, and similar supplies. Notwithstanding the provisions of subdivision 5 or the definition of "advertising" contained in § 58.1-602, (i) any advertising business located outside the Commonwealth which purchases printing from a printer within the Commonwealth shall not be deemed the user or consumer of the printed materials when such purchases would have been exempt under this subdivision, and (ii) from July 1, 1995, through June 30, 2002, and beginning July 1, 2002, and ending July 1, 2022, any advertising business which purchases printing from a printer within the Commonwealth shall not be deemed the user or consumer of the printed materials when such purchases would have been exempt under subdivision 3 or this subdivision, provided that the advertising agency shall certify to the Tax Commissioner, upon request, that such printed material was distributed outside the Commonwealth and such certification shall be retained as a part of the transaction record and shall be subject to further review by the Tax Commissioner.

5. Advertising as defined in § 58.1-602.

6. Beginning July 1, 1995, and ending July 1, 2027:

a. (i) The lease, rental, license, sale, other transfer, or use of any audio or video tape, film or other audiovisual work where the transferee or user acquires or has acquired the work for the purpose of licensing, distributing, broadcasting, commercially exhibiting or reproducing the work or using or incorporating the work into another such work; (ii) the

provision of production services or fabrication in connection with the production of any portion of such audiovisual work, including, but not limited to, scriptwriting, photography, sound, musical composition, special effects, animation, adaptation, dubbing, mixing, editing, cutting and provision of production facilities or equipment; or (iii) the transfer or use of tangible personal property, including, but not limited to, scripts, musical scores, storyboards, artwork, film, tapes and other media, incident to the performance of such services or fabrication; however, audiovisual works and incidental tangible personal property described in clauses (i) and (iii) shall be subject to tax as otherwise provided in this chapter to the extent of the value of their tangible components prior to their use in the production of any audiovisual work and prior to their enhancement by any production service; and

b. Equipment and parts and accessories thereto used or to be used in the production of such audiovisual works.

7. Beginning July 1, 1998, and ending July 1, 2022, textbooks and other educational materials withdrawn from inventory at book-publishing distribution facilities for free distribution to professors and other individuals who have an educational focus.

CHAPTER 436

An Act to permit the State Corporation Commission to designate any commercial mobile radio or cellular telephone service provider as an eligible telecommunications carrier for purposes of providing Lifeline service.

[H 112]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The State Corporation Commission may designate any commercial mobile radio or cellular telephone service provider as an eligible telecommunications carrier for purposes of providing Lifeline service, in addition to any commercial mobile radio or cellular telephone service providers designated as such pursuant to 47 U.S.C. §§ 214(e) and (e)(2), without requiring any such provider to obtain a certificate pursuant to the provisions of § 56-265.4:4. The Commission is authorized to promulgate all rules and regulations necessary to implement the provisions of this act.*

CHAPTER 437

An Act to amend and reenact §§ 23.1-3222, 23.1-3223, 23.1-3227, 23.1-3228, 46.2-749.2:2, and 58.1-344.3 of the Code of Virginia and to repeal §§ 23.1-3225 and 23.1-3226 of the Code of Virginia, relating to Virginia Commission for the Arts; Virginia Commission for the Arts Fund.

[S 597]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. **That §§ 23.1-3222, 23.1-3223, 23.1-3227, 23.1-3228, 46.2-749.2:2, and 58.1-344.3 of the Code of Virginia are amended and reenacted as follows:**

Article 7

Virginia Commission for the Arts ~~and Virginia Arts Foundation.~~

§ 23.1-3222. Virginia Commission for the Arts established; purpose; membership.

A. The Virginia Commission for the Arts (the Commission) is established as a supervisory commission within the meaning of § 2.2-2100 in the executive branch of state government.

B. The Commission is designated the official agency of the Commonwealth to receive and disburse any funds made available to the Commonwealth by the National Endowment for the Arts *and the Fund pursuant to § 23.1-3227.*

C. The Commission shall consist of 13 members appointed by the Governor subject to confirmation by the General Assembly. No employee of the Commonwealth or member of the General Assembly is eligible for appointment as a member of the Commission. At least one but no more than two members shall be appointed from each congressional district in the Commonwealth.

D. Members shall be appointed for one term of five years; however, a member appointed to serve an unexpired term is eligible to serve a full five-year term immediately succeeding the unexpired term. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. No member who serves a full five-year term is eligible for reappointment during the five-year period following the expiration of his term.

E. The Commission shall elect a chairman from among its membership.

F. A majority of the members of the Commission shall constitute a quorum.

G. The members of the Commission shall receive no compensation for their services but shall be reimbursed for the reasonable and necessary expenses incurred in the performance of their duties as provided in § 2.2-2825.

H. *Any person designated by the board to handle the funds of the Commission shall give bond, with corporate surety, in a penalty fixed by the Governor, conditioned upon the faithful discharge of his duties. Any premium on the bond shall be paid from funds available to the Commission.*

§ 23.1-3223. Duties of the Commission.

A. The Commission shall:

1. Stimulate and encourage throughout the Commonwealth growth in artistic quality and excellence, public interest and participation in the arts, and access to high-quality and affordable ~~art~~ *literary, visual, and performing arts* for all Virginians;

2. Make recommendations concerning appropriate methods to encourage economic viability, an intellectually stimulating environment for artists, and participation in and appreciation of the arts to meet the legitimate needs and aspirations of persons in all parts of the Commonwealth;

3. Promote the development and implementation of a planned, sequential, and comprehensive program of arts education, taught by licensed teachers endorsed in arts education, in the public elementary and secondary schools of the Commonwealth;

4. Provide supplemental learning opportunities to the public school arts education curriculum;

5. Encourage the development of a network of professional arts organizations, the media, and arts promoters for the production of classical and new works of art and diversity in artistic expressions in media including the literary, visual, and performing arts;

6. Provide funding for and technical assistance to artists, recognized nonprofit arts organizations, and arts organizations and activities that celebrate and preserve the various cultures represented among the citizens of the Commonwealth;

7. Encourage and support the creation of new works of art, arts organizations whose primary objective is to increase public access to the arts, particularly in underserved areas, and performing arts tours to increase the availability of this form of artistic expression throughout the Commonwealth;

8. Establish a program of financial assistance to provide scholarships, grants, and other awards to artists who demonstrate exceptional ability and talent;

9. Establish an advisory panel composed of artists, arts administrators, and citizens to advise the Commission concerning fiscal matters;

10. Encourage arts organizations to dedicate to their endowments at least \$1 of the price of each adult admission to performances or exhibitions or at least one percent of moneys collected in fund campaigns;

11. Encourage arts organizations to develop and implement endowment enlargement plans that yield enough income to underwrite one-third of the organizations' annual operating costs;

12. Apply to and enter into contracts and agreements with the United States or any appropriate agency or officer of the United States for participation in or receipt of ~~aid~~ *funding* from any federal program respecting the arts;

13. Provide incentives to local governing bodies to encourage public support and funding of the arts;

14. Accept, *hold, and administer* gifts, contributions, and bequests of money or any other thing to be used for carrying out the purposes of this article;

15. Develop specific procedures for the administration and implementation of a *grantmaking* program, so long as any such program is for the benefit of a nonprofit organization qualifying as a § 501(c)(3) organization under the Internal Revenue Code; ~~whereby interest earned on endowment funds donated to stimulate and encourage public interest and enjoyment of music and the performing arts may be matched by state funds appropriated for this program; and~~ prepare written guidelines to govern such program; ~~and~~

16. Administer any funds available to the Commission and disburse such funds in accordance with the purposes of this article ~~In allocating funds to be disbursed to arts organizations, the Commission shall give preferential consideration to arts organizations actively implementing an endowment enlargement plan either individually or as members of a regional consortium of arts organizations;~~

17. *Make expenditures from the Fund's interest and income to promote the arts in the Commonwealth in accordance with § 23.1-3228 and assist nonprofit arts and cultural institutions and organizations in the Commonwealth to assess, enhance, and plan for enhancement of their fiscal stability, financial management and control capabilities, and capacity to raise funds for the furtherance of their respective missions from nongovernmental sources;*

18. *Enter into contracts and execute all instruments necessary and appropriate to carry out the Commission's purposes;*

19. *Explore and make recommendations concerning other possible dedicated revenue sources for the Fund; and*

20. *Perform any lawful acts necessary or appropriate to carry out the purposes of the Commission.*

B. Nothing in this article shall be construed to affect the statutory purposes of the Virginia Museum of Fine Arts.

§ 23.1-3227. Virginia Commission for the Arts Fund.

A. There is created in the state treasury a special nonreverting fund to be known as the Virginia ~~Arts Foundation~~ *Commission for the Arts Fund*, referred to in this article as "the Fund." The Fund shall be established on the books of the Comptroller.

B. The Fund shall include such funds as may be appropriated by the General Assembly; revenues transferred to the Fund from the special license plates for Virginians for the Arts program pursuant to § 46.2-749.2:2; voluntary contributions collected through the income tax checkoff for the arts pursuant to subdivision B 8 of § 58.1-344.3; and designated gifts, contributions, and bequests of money, securities, or property of any other character.

C. All money, securities, or other property designated for the Fund shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by persons authorized by the ~~Foundation~~ *Commission*. The Fund's principal is not subject to expenditure by the ~~Foundation~~ *Commission*.

§ 23.1-3228. Gifts and bequests; exemption from taxation.

Gifts and bequests of money, securities, or other property to the Fund, and the interest or income from such gifts and bequests, are gifts to the Commonwealth, and the Fund is exempt from all state and local taxes. Unless otherwise restricted by the terms of the gift or bequest, the ~~Foundation~~ *Commission* may sell, exchange, or otherwise dispose of such gifts and bequests. The proceeds from such transactions shall be deposited to the credit of the Fund. The ~~Foundation~~ *Commission* shall not actively solicit private donations for the Fund; however, this limitation shall not prevent the ~~Foundation~~ *Commission* from actively encouraging financial support for the ~~Foundation~~ *Commission* through the special license plate and income tax checkoff programs. Notwithstanding any other provision of this section, the ~~Foundation~~ *Commission* may accept and solicit public and private contributions for the limited purpose of assisting nonprofit arts and cultural institutions and organizations in the Commonwealth to enhance the fiscal stability, financial management, and fundraising abilities of such organizations.

§ 46.2-749.2:2. Special license plates for Virginians for the Arts; fees.

A. On receipt of an application and payment of the fee prescribed by this section, the Commissioner shall issue special license plates bearing the following legend: VIRGINIANS FOR THE ARTS.

B. The annual fee for plates issued pursuant to this section shall be ~~twenty-five dollars~~ \$25 in addition to the prescribed fee for state license plates. For each such ~~twenty-five dollar~~ \$25 fee collected in excess of 1,000 registrations pursuant to this section, ~~fifteen dollars~~ \$15 shall be paid into the state treasury and credited to the special nonreverting fund known as the Virginia Arts ~~Foundation~~ *Commission for the Arts* Fund established within the Department of Accounts, for use by the Virginia Arts ~~Foundation~~ *Commission for the Arts*.

§ 58.1-344.3. Voluntary contributions of refunds requirements.

A. 1. For taxable years beginning on and after January 1, 2005, all entities entitled to voluntary contributions of tax refunds listed in subsections B and C must have received at least \$10,000 in contributions in each of the three previous taxable years for which there is complete data and in which such entity was listed on the individual income tax return.

2. In the event that an entity listed in subsections B and C does not satisfy the requirement in subdivision 1, such entity shall no longer be listed on the individual income tax return.

3. a. The entities listed in subdivisions B 21 and B 22 as well as any other entities in subsections B and C added subsequent to the 2004 Session of the General Assembly shall not appear on the individual income tax return until their addition to the individual income tax return results in a maximum of 25 contributions listed on the return. Such contributions shall be added in the order that they are listed in subsections B and C.

b. Each entity added to the income tax return shall appear on the return for at least three consecutive taxable years before the requirement in subdivision 1 is applied to such entity.

4. The Department of Taxation shall report annually by the first day of each General Assembly Regular Session to the Chairmen of the House Committee on Finance and Senate Committee on Finance and Appropriations the amounts collected for each entity listed under subsections B and C for the three most recent taxable years for which there is complete data. Such report shall also identify the entities, if any, that will be removed from the individual income tax return because they have failed the requirements in subdivision 1, the entities that will remain on the individual income tax return, and the entities, if any, that will be added to the individual income tax return.

B. Subject to the provisions of subsection A, the following entities entitled to voluntary contributions shall appear on the individual income tax return and are eligible to receive tax refund contributions of not less than \$1:

1. Nongame wildlife voluntary contribution.

a. All moneys contributed shall be used for the conservation and management of endangered species and other nongame wildlife. "Nongame wildlife" includes protected wildlife, endangered and threatened wildlife, aquatic wildlife, specialized habitat wildlife both terrestrial and aquatic, and mollusks, crustaceans, and other invertebrates under the jurisdiction of the Board of Wildlife Resources.

b. All moneys shall be deposited into a special fund known as the Game Protection Fund and which shall be accounted for as a separate part thereof to be designated as the Nongame Cash Fund. All moneys so deposited in the Nongame Cash Fund shall be used by the Board of Wildlife Resources for the purposes set forth herein.

2. Open space recreation and conservation voluntary contribution.

a. All moneys contributed shall be used by the Department of Conservation and Recreation to acquire land for recreational purposes and preserve natural areas; to develop, maintain, and improve state park sites and facilities; and to provide funds to local public bodies pursuant to the Virginia Outdoor Fund Grants Program.

b. All moneys shall be deposited into a special fund known as the Open Space Recreation and Conservation Fund. The moneys in the fund shall be allocated one-half to the Department of Conservation and Recreation for the purposes stated in subdivision 2 a and one-half to local public bodies pursuant to the Virginia Outdoor Fund Grants Program.

3. Voluntary contribution to political party.

All moneys contributed shall be paid to the State Central Committee of any party that meets the definition of a political party under § 24.2-101 as of July 1 of the previous taxable year. The maximum contribution allowable under this subdivision shall be \$25. In the case of a joint return of married individuals, each spouse may designate that the maximum contribution allowable be paid.

4. United States Olympic Committee voluntary contribution.

All moneys contributed shall be paid to the United States Olympic Committee.

5. Housing program voluntary contribution.

a. All moneys contributed shall be used by the Department of Housing and Community Development to provide assistance for emergency, transitional, and permanent housing for the homeless; and to provide assistance to housing for the low-income elderly for the physically or mentally disabled.

b. All moneys shall be deposited into a special fund known as the Virginia Tax Check-off for Housing Fund. All moneys deposited in the fund shall be used by the Department of Housing and Community Development for the purposes set forth in this subdivision. Funds made available to the Virginia Tax Check-off for Housing Fund may supplement but shall not supplant activities of the Virginia Housing Trust Fund established pursuant to Chapter 9 (§ 36-141 et seq.) of Title 36 or those of the Virginia Housing Development Authority.

6. Voluntary contributions to the Department for Aging and Rehabilitative Services.

a. All moneys contributed shall be used by the Department for Aging and Rehabilitative Services for the enhancement of transportation services for the elderly and disabled.

b. All moneys shall be deposited into a special fund known as the Transportation Services for the Elderly and Disabled Fund. All moneys so deposited in the fund shall be used by the Department for Aging and Rehabilitative Services for the enhancement of transportation services for the elderly and disabled. The Department for Aging and Rehabilitative Services shall conduct an annual audit of the moneys received pursuant to this subdivision and shall provide an evaluation of all programs funded pursuant to this subdivision annually to the Secretary of Health and Human Resources.

7. Voluntary contribution to the Community Policing Fund.

a. All moneys contributed shall be used to provide grants to local law-enforcement agencies for the purchase of equipment or the support of services, as approved by the Criminal Justice Services Board, relating to community policing.

b. All moneys shall be deposited into a special fund known as the Community Policing Fund. All moneys deposited in such fund shall be used by the Department of Criminal Justice Services for the purposes set forth herein.

8. Voluntary contribution to promote the arts.

All moneys contributed shall be used by the ~~Virginia Arts Foundation~~ to assist the Virginia Commission for the Arts in its statutory responsibility of promoting the arts in the Commonwealth. All moneys shall be deposited into a special fund known as the ~~Virginia Arts Foundation~~ *Commission for the Arts* Fund.

9. Voluntary contribution to the Historic Resources Fund.

All moneys contributed shall be deposited in the Historic Resources Fund established pursuant to § 10.1-2202.1.

10. Voluntary contribution to the Virginia Foundation for the Humanities and Public Policy.

All moneys contributed shall be paid to the Virginia Foundation for the Humanities and Public Policy. All moneys shall be deposited into a special fund known as the Virginia Humanities Fund.

11. Voluntary contribution to the Center for Governmental Studies.

All moneys contributed shall be paid to the Center for Governmental Studies, a public service and research center of the University of Virginia. All moneys shall be deposited into a special fund known as the Governmental Studies Fund.

12. Voluntary contribution to the Law and Economics Center.

All moneys contributed shall be paid to the Law and Economics Center, a public service and research center of George Mason University. All moneys shall be deposited into a special fund known as the Law and Economics Fund.

13. Voluntary contribution to Children of America Finding Hope.

All moneys contributed shall be used by Children of America Finding Hope (CAFH) in its programs which are designed to reach children with emotional and physical needs.

14. Voluntary contribution to 4-H Educational Centers.

All moneys contributed shall be used by the 4-H Educational Centers throughout the Commonwealth for their (i) educational, leadership, and camping programs and (ii) operational and capital costs. The State Treasurer shall pay the moneys to the Virginia 4-H Foundation in Blacksburg, Virginia.

15. Voluntary contribution to promote organ and tissue donation.

a. All moneys contributed shall be used by the Virginia Transplant Council to assist in its statutory responsibility of promoting and coordinating educational and informational activities as related to the organ, tissue, and eye donation process and transplantation in the Commonwealth of Virginia.

b. All moneys shall be deposited into a special fund known as the Virginia Donor Registry and Public Awareness Fund. All moneys deposited in such fund shall be used by the Virginia Transplant Council for the purposes set forth herein.

16. Voluntary contributions to the Virginia War Memorial division of the Department of Veterans Services and the National D-Day Memorial Foundation.

All moneys contributed shall be used by the Virginia War Memorial division of the Department of Veterans Services and the National D-Day Memorial Foundation in their work through each of their respective memorials. The State Treasurer

shall divide the moneys into two equal portions and pay one portion to the Virginia War Memorial division of the Department of Veterans Services and the other portion to the National D-Day Memorial Foundation.

17. Voluntary contribution to the Virginia Federation of Humane Societies.

All moneys contributed shall be paid to the Virginia Federation of Humane Societies to assist in its mission of saving, caring for, and finding homes for homeless animals.

18. Voluntary contribution to the Tuition Assistance Grant Fund.

a. All moneys contributed shall be paid to the Tuition Assistance Grant Fund for use in providing monetary assistance to residents of the Commonwealth who are enrolled in undergraduate or graduate programs in private Virginia colleges.

b. All moneys shall be deposited into a special fund known as the Tuition Assistance Grant Fund. All moneys so deposited in the Fund shall be administered by the State Council of Higher Education for Virginia in accordance with and for the purposes provided under the Tuition Assistance Grant Act (§ 23.1-628 et seq.).

19. Voluntary contribution to the Spay and Neuter Fund.

All moneys contributed shall be paid to the Spay and Neuter Fund for use by localities in the Commonwealth for providing low-cost spay and neuter surgeries through direct provision or contract or each locality may make the funds available to any private, nonprofit sterilization program for dogs and cats in such locality. The Tax Commissioner shall determine annually the total amounts designated on all returns from each locality in the Commonwealth, based upon the locality that each filer who makes a voluntary contribution to the Fund lists as his permanent address. The State Treasurer shall pay the appropriate amount to each respective locality.

20. Voluntary contribution to the Virginia Commission for the Arts.

All moneys contributed shall be paid to the Virginia Commission for the Arts.

21. Voluntary contribution for the Department of Emergency Management.

All moneys contributed shall be paid to the Department of Emergency Management.

22. Voluntary contribution for the cancer centers in the Commonwealth.

All moneys contributed shall be paid equally to all entities in the Commonwealth that officially have been designated as cancer centers by the National Cancer Institute.

23. Voluntary contribution to the Brown v. Board of Education Scholarship Program Fund.

a. All moneys contributed shall be paid to the Brown v. Board of Education Scholarship Program Fund to support the work of and generate nonstate funds to maintain the Brown v. Board of Education Scholarship Program.

b. All moneys shall be deposited into the Brown v. Board of Education Scholarship Program Fund as established in § 30-231.4.

c. All moneys so deposited in the Fund shall be administered by the State Council of Higher Education in accordance with and for the purposes provided in Chapter 34.1 (§ 30-231.01 et seq.) of Title 30.

24. Voluntary contribution to the Martin Luther King, Jr. Living History and Public Policy Center.

All moneys contributed shall be paid to the Board of Trustees of the Martin Luther King, Jr. Living History and Public Policy Center.

25. Voluntary contribution to the Virginia Caregivers Grant Fund.

All moneys contributed shall be paid to the Virginia Caregivers Grant Fund established pursuant to § 63.2-2202.

26. Voluntary contribution to public library foundations.

All moneys contributed pursuant to this subdivision shall be deposited into the state treasury. The Tax Commissioner shall determine annually the total amounts designated on all returns for each public library foundation and shall report the same to the State Treasurer. The State Treasurer shall pay the appropriate amount to the respective public library foundation.

27. Voluntary contribution to Celebrating Special Children, Inc.

All moneys contributed shall be paid to Celebrating Special Children, Inc. and shall be deposited into a special fund known as the Celebrating Special Children, Inc. Fund.

28. Voluntary contributions to the Department for Aging and Rehabilitative Services.

a. All moneys contributed shall be used by the Department for Aging and Rehabilitative Services for providing Medicare Part D counseling to the elderly and disabled.

b. All moneys shall be deposited into a special fund known as the Medicare Part D Counseling Fund. All moneys so deposited shall be used by the Department for Aging and Rehabilitative Services to provide counseling for the elderly and disabled concerning Medicare Part D. The Department for Aging and Rehabilitative Services shall conduct an annual audit of the moneys received pursuant to this subdivision and shall provide an evaluation of all programs funded pursuant to the subdivision to the Secretary of Health and Human Resources.

29. Voluntary contribution to community foundations.

All moneys contributed pursuant to this subdivision shall be deposited into the state treasury. The Tax Commissioner shall determine annually the total amounts designated on all returns for each community foundation and shall report the same to the State Treasurer. The State Treasurer shall pay the appropriate amount to the respective community foundation. A "community foundation" shall be defined as any institution that meets the membership requirements for a community foundation established by the Council on Foundations.

30. Voluntary contribution to the Virginia Foundation for Community College Education.

a. All moneys contributed shall be paid to the Virginia Foundation for Community College Education for use in providing monetary assistance to Virginia residents who are enrolled in comprehensive community colleges in Virginia.

b. All moneys shall be deposited into a special fund known as the Virginia Foundation for Community College Education Fund. All moneys so deposited in the Fund shall be administered by the Virginia Foundation for Community College Education in accordance with and for the purposes provided under the Community College Incentive Scholarship Program (former § 23-220.2 et seq.).

31. Voluntary contribution to the Middle Peninsula Chesapeake Bay Public Access Authority.

All moneys contributed shall be paid to the Middle Peninsula Chesapeake Bay Public Access Authority to be used for the purposes described in § 15.2-6601.

32. Voluntary contribution to the Breast and Cervical Cancer Prevention and Treatment Fund.

All moneys contributed shall be paid to the Breast and Cervical Cancer Prevention and Treatment Fund established pursuant to § 32.1-368.

33. Voluntary contribution to the Virginia Aquarium and Marine Science Center.

All moneys contributed shall be paid to the Virginia Aquarium and Marine Science Center for use in its mission to increase the public's knowledge and appreciation of Virginia's marine environment and inspire commitment to preserve its existence.

34. Voluntary contribution to the Virginia Capitol Preservation Foundation.

All moneys contributed shall be paid to the Virginia Capitol Preservation Foundation for use in its mission in supporting the ongoing restoration, preservation, and interpretation of the Virginia Capitol and Capitol Square.

35. Voluntary contribution for the Secretary of Veterans and Defense Affairs.

All moneys contributed shall be paid to the Office of the Secretary of Veterans and Defense Affairs for related programs and services.

C. Subject to the provisions of subsection A, the following voluntary contributions shall appear on the individual income tax return and are eligible to receive tax refund contributions or by making payment to the Department if the individual is not eligible to receive a tax refund pursuant to § 58.1-309 or if the amount of such tax refund is less than the amount of the voluntary contribution:

1. Voluntary contribution to the Family and Children's Trust Fund of Virginia.

All moneys contributed shall be paid to the Family and Children's Trust Fund of Virginia.

2. Voluntary Chesapeake Bay restoration contribution.

a. All moneys contributed shall be used to help fund Chesapeake Bay and its tributaries restoration activities in accordance with tributary plans developed pursuant to Article 7 (§ 2.2-215 et seq.) of Chapter 2 of Title 2.2 or the Chesapeake Bay Watershed Implementation Plan submitted by the Commonwealth of Virginia to the U.S. Environmental Protection Agency on November 29, 2010, and any subsequent revisions thereof.

b. The Tax Commissioner shall annually determine the total amount of voluntary contributions and shall report the same to the State Treasurer, who shall credit that amount to a special nonreverting fund to be administered by the Office of the Secretary of Natural and Historic Resources. All moneys so deposited shall be used for the purposes of providing grants for the implementation of tributary plans developed pursuant to Article 7 (§ 2.2-215 et seq.) of Chapter 2 of Title 2.2 or the Chesapeake Bay Watershed Implementation Plan submitted by the Commonwealth of Virginia to the U.S. Environmental Protection Agency on November 29, 2010, and any subsequent revisions thereof.

c. No later than November 1 of each year, the Secretary of Natural and Historic Resources shall submit a report to the House Committee on Agriculture, Chesapeake and Natural Resources; the Senate Committee on Agriculture, Conservation and Natural Resources; the House Committee on Appropriations; the Senate Committee on Finance and Appropriations; and the Virginia delegation to the Chesapeake Bay Commission, describing the grants awarded from moneys deposited in the fund. The report shall include a list of grant recipients, a description of the purpose of each grant, the amount received by each grant recipient, and an assessment of activities or initiatives supported by each grant. The report shall be posted on a website maintained by the Secretary of Natural and Historic Resources, along with a cumulative listing of previous grant awards beginning with awards granted on or after July 1, 2014.

3. Voluntary Jamestown-Yorktown Foundation Contribution.

All moneys contributed shall be used by the Jamestown-Yorktown Foundation for the Jamestown 2007 quadricentennial celebration. All moneys shall be deposited into a special fund known as the Jamestown Quadricentennial Fund. This subdivision shall be effective for taxable years beginning before January 1, 2008.

4. State forests voluntary contribution.

a. All moneys contributed shall be used for the development and implementation of conservation and education initiatives in the state forests system.

b. All moneys shall be deposited into a special fund known as the State Forests System Fund, established pursuant to § 10.1-1119.1. All moneys so deposited in such fund shall be used by the State Forester for the purposes set forth herein.

5. Voluntary contributions to Uninsured Medical Catastrophe Fund.

All moneys contributed shall be paid to the Uninsured Medical Catastrophe Fund established pursuant to § 32.1-324.2, such funds to be used for the treatment of Virginians sustaining uninsured medical catastrophes.

6. Voluntary contribution to local school divisions.

a. All moneys contributed shall be used by a specified local public school foundation as created by and for the purposes stated in § 22.1-212.2:2.

b. All moneys collected pursuant to subdivision 6 a or through voluntary payments by taxpayers designated for a local public school foundation over refundable amounts shall be deposited into the state treasury. The Tax Commissioner shall determine annually the total amounts designated on all returns for each public school foundation and shall report the same to the State Treasurer. The State Treasurer shall pay the appropriate amount to the respective public school foundation.

c. In order for a public school foundation to be eligible to receive contributions under this section, school boards must notify the Department during the taxable year in which they want to participate prior to the deadlines and according to procedures established by the Tax Commissioner.

7. Voluntary contribution to Home Energy Assistance Fund.

All moneys contributed shall be paid to the Home Energy Assistance Fund established pursuant to § 63.2-805, such funds to be used to assist low-income Virginians in meeting seasonal residential energy needs.

8. Voluntary contribution to the Virginia Military Family Relief Fund.

a. All moneys contributed shall be paid to the Virginia Military Family Relief Fund for use in providing assistance to military service personnel on active duty and their families for living expenses including, but not limited to, food, housing, utilities, and medical services.

b. All moneys shall be deposited into a special fund known as the Virginia Military Family Relief Fund, established and administered pursuant to § 44-102.2.

9. Voluntary contribution to the Federation of Virginia Food Banks.

All moneys contributed shall be paid to the Federation of Virginia Food Banks, a Partner State Association of Feeding America. The Federation of Virginia Food Banks shall as soon as practicable make an equitable distribution of all such moneys to the Blue Ridge Area Food Bank, Capital Area Food Bank, Feeding America Southwest Virginia, FeedMore, Inc., Foodbank of Southeastern Virginia and the Eastern Shore, Fredericksburg Area Food Bank, or Virginia Peninsula Foodbank.

The Secretary of Finance may request records or receipts of all distributions by the Federation of Virginia Food Banks of such moneys contributed for purposes of ensuring compliance with the requirements of this subdivision.

D. Unless otherwise specified and subject to the requirements in § 58.1-344.2, all moneys collected for each entity in subsections B and C shall be deposited into the state treasury. The Tax Commissioner shall determine annually the total amount designated for each entity in subsections B and C on all individual income tax returns and shall report the same to the State Treasurer, who shall credit that amount to each entity's respective special fund.

2. That §§ 23.1-3225 and 23.1-3226 of the Code of Virginia are repealed.

CHAPTER 438

An Act to amend and reenact § 20-107.3 of the Code of Virginia, relating to division of marital property; Virginia Retirement System managed defined contribution plan; calculation of gains and losses.

[S 349]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 20-107.3 of the Code of Virginia is amended and reenacted as follows:

§ 20-107.3. Court may decree as to property and debts of the parties.

A. Upon decreeing the dissolution of a marriage, and also upon decreeing a divorce from the bond of matrimony, or upon the filing with the court as provided in subsection J of a certified copy of a final divorce decree obtained without the Commonwealth, the court, upon request of either party, (i) shall determine the legal title as between the parties, and the ownership and value of all property, real or personal, tangible or intangible, of the parties and shall consider which of such property is separate property, which is marital property, and which is part separate and part marital property in accordance with subdivision 3 and (ii) shall determine the nature of all debts of the parties, or either of them, and shall consider which of such debts is separate debt and which is marital debt. The court shall determine the value of any such property as of the date of the evidentiary hearing on the evaluation issue. The court shall determine the amount of any such debt as of the date of the last separation of the parties, if at such time or thereafter at least one of the parties intends that the separation be permanent, and the extent to which such debt has increased or decreased from the date of separation until the date of the evidentiary hearing. Upon motion of either party made no less than 21 days before the evidentiary hearing the court may, for good cause shown, in order to attain the ends of justice, order that a different valuation date be used. The court, on the motion of either party, may retain jurisdiction in the final decree of divorce to adjudicate the remedy provided by this section when the court determines that such action is clearly necessary, and all decrees heretofore entered retaining such jurisdiction are validated.

1. Separate property is (i) all property, real and personal, acquired by either party before the marriage; (ii) all property acquired during the marriage by bequest, devise, descent, survivorship or gift from a source other than the other party; (iii) all property acquired during the marriage in exchange for or from the proceeds of sale of separate property, provided that such property acquired during the marriage is maintained as separate property; and (iv) that part of any property classified as separate pursuant to subdivision 3. Income received from separate property during the marriage is separate property if not attributable to the personal effort of either party. The increase in value of separate property during the

marriage is separate property, unless marital property or the personal efforts of either party have contributed to such increases and then only to the extent of the increases in value attributable to such contributions. The personal efforts of either party must be significant and result in substantial appreciation of the separate property if any increase in value attributable thereto is to be considered marital property.

2. Marital property is (i) all property titled in the names of both parties, whether as joint tenants, tenants by the entirety or otherwise, except as provided by subdivision 3, (ii) that part of any property classified as marital pursuant to subdivision 3, or (iii) all other property acquired by each party during the marriage which is not separate property as defined above. All property including that portion of pensions, profit-sharing or deferred compensation or retirement plans of whatever nature, acquired by either spouse during the marriage, and before the last separation of the parties, if at such time or thereafter at least one of the parties intends that the separation be permanent, is presumed to be marital property in the absence of satisfactory evidence that it is separate property. For purposes of this section marital property is presumed to be jointly owned unless there is a deed, title or other clear indicia that it is not jointly owned.

3. The court shall classify property as part marital property and part separate property as follows:

a. In the case of income received from separate property during the marriage, such income shall be marital property only to the extent it is attributable to the personal efforts of either party. In the case of the increase in value of separate property during the marriage, such increase in value shall be marital property only to the extent that marital property or the personal efforts of either party have contributed to such increases, provided that any such personal efforts must be significant and result in substantial appreciation of the separate property.

For purposes of this subdivision, the nonowning spouse shall bear the burden of proving that (i) contributions of marital property or personal effort were made and (ii) the separate property increased in value. Once this burden of proof is met, the owning spouse shall bear the burden of proving that the increase in value or some portion thereof was not caused by contributions of marital property or personal effort.

"Personal effort" of a party shall be deemed to be labor, effort, inventiveness, physical or intellectual skill, creativity, or managerial, promotional or marketing activity applied directly to the separate property of either party.

b. In the case of any pension, profit-sharing, or deferred compensation plan or retirement benefit, the marital share as defined in subsection G shall be marital property.

c. In the case of any personal injury or workers' compensation recovery of either party, the marital share as defined in subsection H shall be marital property.

d. When marital property and separate property are commingled by contributing one category of property to another, resulting in the loss of identity of the contributed property, the classification of the contributed property shall be transmuted to the category of property receiving the contribution. However, to the extent the contributed property is retraceable by a preponderance of the evidence and was not a gift, such contributed property shall retain its original classification.

e. When marital property and separate property are commingled into newly acquired property resulting in the loss of identity of the contributing properties, the commingled property shall be deemed transmuted to marital property. However, to the extent the contributed property is retraceable by a preponderance of the evidence and was not a gift, the contributed property shall retain its original classification.

f. When separate property is retitled in the joint names of the parties, the retitled property shall be deemed transmuted to marital property. However, to the extent the property is retraceable by a preponderance of the evidence and was not a gift, the retitled property shall retain its original classification.

g. When the separate property of one party is commingled into the separate property of the other party, or the separate property of each party is commingled into newly acquired property, to the extent the contributed property is retraceable by a preponderance of the evidence and was not a gift, each party shall be reimbursed the value of the contributed property in any award made pursuant to this section.

h. Subdivisions 3 d, e and f shall apply to jointly owned property. No presumption of gift shall arise under this section where (i) separate property is commingled with jointly owned property; (ii) newly acquired property is conveyed into joint ownership; or (iii) existing property is conveyed or retitled into joint ownership. For purposes of this subdivision 3, property is jointly owned when it is titled in the name of both parties, whether as joint tenants, tenants by the entireties, or otherwise.

4. Separate debt is (i) all debt incurred by either party before the marriage, (ii) all debt incurred by either party after the date of the last separation of the parties, if at such time or thereafter at least one of the parties intends that the separation be permanent, and (iii) that part of any debt classified as separate pursuant to subdivision 5. However, to the extent that a party can show by a preponderance of the evidence that the debt was incurred for the benefit of the marriage or family, the court may designate the debt as marital.

5. Marital debt is (i) all debt incurred in the joint names of the parties before the date of the last separation of the parties, if at such time or thereafter at least one of the parties intends that the separation be permanent, whether incurred before or after the date of the marriage, and (ii) all debt incurred in either party's name after the date of the marriage and before the date of the last separation of the parties, if at such time or thereafter at least one of the parties intends that the separation be permanent. However, to the extent that a party can show by a preponderance of the evidence that the debt, or a portion thereof, was incurred, or the proceeds secured by incurring the debt were used, in whole or in part, for a nonmarital purpose, the court may designate the entire debt as separate or a portion of the debt as marital and a portion of the debt as separate.

B. For the purposes of this section only, both parties shall be deemed to have rights and interests in the marital property. However, such interests and rights shall not attach to the legal title of such property and are only to be used as a consideration in determining a monetary award, if any, as provided in this section.

C. Except as provided in subsection G, the court shall have no authority to order the division or transfer of separate property or marital property, or separate or marital debt, which is not jointly owned or owed. However, upon a finding that separate property of one party is in the possession or control of the other party, the court may order that the property be transferred to the party whose separate property it is. The court may, based upon the factors listed in subsection E, divide or transfer or order the division or transfer, or both, of jointly owned marital property, jointly owed marital debt, or any part thereof. The court shall also have the authority to apportion and order the payment of the debts of the parties, or either of them, that are incurred prior to the dissolution of the marriage, based upon the factors listed in subsection E.

As a means of dividing or transferring the jointly owned marital property, the court may transfer or order the transfer of real or personal property or any interest therein to one of the parties, permit either party to purchase the interest of the other and direct the allocation of the proceeds, provided the party purchasing the interest of the other agrees to assume any indebtedness secured by the property, or order its sale by private sale by the parties, through such agent as the court shall direct, or by public sale as the court shall direct without the necessity for partition. All decrees entered prior to July 1, 1991, which are final and not subject to further proceedings on appeal as of that date, which divide or transfer or order the division or transfer of property directly between the parties are hereby validated and deemed self-executing. All orders or decrees which divide or transfer or order division or transfer of real property between the parties shall be recorded and indexed in the names of the parties in the appropriate grantor and grantee indexes in the land records in the clerk's office of the circuit court of the county or city in which the property is located.

D. In addition, based upon (i) the equities and the rights and interests of each party in the marital property, and (ii) the factors listed in subsection E, the court has the power to grant a monetary award, payable either in a lump sum or over a period of time in fixed amounts, to either party. The party against whom a monetary award is made may satisfy the award, in whole or in part, by conveyance of property, subject to the approval of the court. An award entered pursuant to this subsection shall constitute a judgment within the meaning of § 8.01-426 and shall not be docketed by the clerk unless the decree so directs. An award entered pursuant to this subsection may be enforceable in the same manner as any other money judgment. The provisions of § 8.01-382, relating to interest on judgments, shall apply unless the court orders otherwise.

Any marital property, which has been considered or ordered transferred in granting the monetary award under this section, shall not thereafter be the subject of a suit between the same parties to transfer title or possession of such property.

E. The amount of any division or transfer of jointly owned marital property, and the amount of any monetary award, the apportionment of marital debts, and the method of payment shall be determined by the court after consideration of the following factors:

1. The contributions, monetary and nonmonetary, of each party to the well-being of the family;
2. The contributions, monetary and nonmonetary, of each party in the acquisition and care and maintenance of such marital property of the parties;
3. The duration of the marriage;
4. The ages and physical and mental condition of the parties;
5. The circumstances and factors which contributed to the dissolution of the marriage, specifically including any ground for divorce under the provisions of subdivision A (1), (3) or (6) of § 20-91 or § 20-95;
6. How and when specific items of such marital property were acquired;
7. The debts and liabilities of each spouse, the basis for such debts and liabilities, and the property which may serve as security for such debts and liabilities;
8. The liquid or nonliquid character of all marital property;
9. The tax consequences to each party;
10. The use or expenditure of marital property by either of the parties for a nonmarital separate purpose or the dissipation of such funds, when such was done in anticipation of divorce or separation or after the last separation of the parties; and

11. Such other factors as the court deems necessary or appropriate to consider in order to arrive at a fair and equitable monetary award.

F. The court shall determine the amount of any such monetary award without regard to maintenance and support awarded for either party or support for the minor children of both parties and shall, after or at the time of such determination and upon motion of either party, consider whether an order for support and maintenance of a spouse or children shall be entered or, if previously entered, whether such order shall be modified or vacated.

G. In addition to the monetary award made pursuant to subsection D, and upon consideration of the factors set forth in subsection E:

1. The court may direct payment of a percentage of the marital share of any pension, profit-sharing or deferred compensation plan, or retirement benefits, whether vested or nonvested, ~~which~~ *that* constitutes marital property and whether payable in a lump sum or over a period of time. The court may order direct payment of such percentage of the marital share by direct assignment to a party from the employer trustee, plan administrator, or other holder of the benefits. However, the court shall only direct that payment be made as such benefits are payable. No such payment shall exceed 50 percent of the marital share of the cash benefits actually received by the party against whom such award is made. "Marital share" means

that portion of the total interest, the right to which was earned during the marriage and before the last separation of the parties, if at such time or thereafter at least one of the parties intended that the separation be permanent. Any determination of military retirement benefits shall be in accordance with the federal Uniformed Services Former Spouses' Protection Act (10 U.S.C. 1408 et seq.). *If the court enters an order to distribute any Virginia Retirement System managed defined contribution plan, the Virginia Retirement System shall, if ordered by the court, calculate and include in such distribution gains and losses from the valuation date specified in the order through the date of distribution of the benefits, but only to the extent possible based on the information available to the Virginia Retirement System.*

2. To the extent permitted by federal or other applicable law, the court may order a party to designate a spouse or former spouse as irrevocable beneficiary during the lifetime of the beneficiary of all or a portion of any survivor benefit or annuity plan of whatsoever nature, but not to include a life insurance policy except to the extent permitted by § 20-107.1:1. The court, in its discretion, shall determine as between the parties, who shall bear the costs of maintaining such plan.

H. In addition to the monetary award made pursuant to subsection D, and upon consideration of the factors set forth in subsection E, the court may direct payment of a percentage of the marital share of any personal injury or workers' compensation recovery of either party, whether such recovery is payable in a lump sum or over a period of time. However, the court shall only direct that payment be made as such recovery is payable, whether by settlement, jury award, court award, or otherwise. "Marital share" means that part of the total personal injury or workers' compensation recovery attributable to lost wages or medical expenses to the extent not covered by health insurance accruing during the marriage and before the last separation of the parties, if at such time or thereafter at least one of the parties intended that the separation be permanent.

I. Nothing in this section shall be construed to prevent the affirmation, ratification and incorporation in a decree of an agreement between the parties pursuant to §§ 20-109 and 20-109.1. Agreements, otherwise valid as contracts, entered into between spouses prior to the marriage shall be recognized and enforceable.

J. A court of proper jurisdiction under § 20-96 may exercise the powers conferred by this section after a court of a foreign jurisdiction has decreed a dissolution of a marriage or a divorce from the bond of matrimony, if (i) one of the parties was domiciled in this Commonwealth when the foreign proceedings were commenced, (ii) the foreign court did not have personal jurisdiction over the party domiciled in the Commonwealth, (iii) the proceeding is initiated within two years of receipt of notice of the foreign decree by the party domiciled in the Commonwealth, and (iv) the court obtains personal jurisdiction over the parties pursuant to subdivision A 9 of § 8.01-328.1, or in any other manner permitted by law.

K. The court shall have the continuing authority and jurisdiction to make any additional orders necessary to effectuate and enforce any order entered pursuant to this section, including the authority to:

1. Order a date certain for transfer or division of any jointly owned property under subsection C or payment of any monetary award under subsection D;

2. Punish as contempt of court any willful failure of a party to comply with the provisions of any order made by the court under this section;

3. Appoint a special commissioner to transfer any property under subsection C where a party refuses to comply with the order of the court to transfer such property; and

4. Modify any order entered in a case filed on or after July 1, 1982, intended to affect or divide any pension, profit-sharing or deferred compensation plan or retirement benefits pursuant to the United States Internal Revenue Code or other applicable federal laws, only for the purpose of establishing or maintaining the order as a qualified domestic relations order or to revise or conform its terms so as to effectuate the expressed intent of the order.

L. If it appears upon or after the entry of a final decree of divorce from the bond of matrimony that neither party resides in the city or county of the circuit court that entered the decree, the court may, on the motion of any party or on its own motion, transfer to the circuit court for the city or county where either party resides the authority to make additional orders pursuant to subsection K or to carry out or enforce any stipulation, contract, or agreement between the parties that has been affirmed, ratified, and incorporated by reference pursuant to § 20-109.1.

2. That the Virginia Retirement System shall poll all localities and school systems and report to the Chairmen of the Senate Committee on the Judiciary and the House Committee for Courts of Justice by October 1, 2022, as to (i) whether the localities have defined benefit, defined contribution, or other pension or retirement plans independent from benefits made available by the Virginia Retirement System, and (ii) whether such plans presently process orders that require the plan administrator to calculate gains and losses on retirement benefits subject to equitable distribution.

CHAPTER 439

An Act to amend and reenact § 15.2-2703 of the Code of Virginia, relating to political subdivisions; group self-insurance pools.

[H 1268]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2703 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2703. Group self-insurance pools authorized.

A. Any political subdivision of this Commonwealth may, by contract with one or more political subdivisions of this Commonwealth or of another state, form a group self-insurance pool to provide for joint or cooperative action relative to their financial and administrative resources for the purpose of providing to the participating political subdivisions risk management services as well as insurance coverage for pool members and employees of pool members, for acts or omissions arising out of the scope of their employment, including any or all of the following:

1. Casualty insurance, including workers' compensation under Title 65.2, employers' liability, general, professional and public officials liability coverage;
2. Property insurance, including marine insurance and inland marine and transportation insurance coverage;
3. Group life, accident and health coverages including hospital, medical, surgical and dental benefits to the employees of member political subdivisions and their dependents;
4. Automobile insurance, including motor vehicle liability insurance coverage and collision and security for motor vehicles owned or operated, as required by Title 46.2, and protection against other liability and loss associated with the ownership and use of motor vehicles;
5. Surety and fidelity insurance coverage; and
6. Umbrella and excess insurance coverages.

B. A group self-insurance pool may also provide all insurance coverages authorized by this section to (i) any separate corporation established by one or more counties, cities, towns, or school boards, as permitted by law, that is supported wholly or principally by local public funds or utilize federal funds for local community housing projects and (ii) other corporations recognized under § 501(c)(3) or 501(c)(4) of the Internal Revenue Code that are supported wholly or principally by local public funds or utilize federal funds for local community housing projects and that are recognized by a political subdivision and authorized by law to perform a government function.

~~B. C.~~ A group self-insurance pool may obtain excess insurance or reinsurance of risks, and may cede and sell the risks for coverages set forth in this section.

~~C. D.~~ Member political subdivisions that join together for the purpose of pooling their workers' compensation liabilities pursuant to Title 65.2 shall execute a written agreement, which has been approved by the State Corporation Commission under which each member agrees to be jointly and severally liable for the other members that are also party to such agreement. In addition to the rights the pool may have under such agreements, in the event of failure of the pool to enforce such rights after reasonable notice to the pool, the State Corporation Commission shall have the right independently to enforce on behalf of the pool the joint and several liability of its members under this title and the liability of members for any unpaid contributions and assessments. The State Corporation Commission shall be entitled to recover its expenses and ~~attorneys' attorney~~ fees. However, no such agreement to be jointly and severally liable, nor membership in a group self-insurance pool as defined in this section, shall relieve an employer of the liabilities imposed under Title 65.2 with respect to its employees. Members of a group self-insurance pool created pursuant to this title and licensed by the State Corporation Commission shall not be jointly and severally liable for unpaid contributions or assessments for any line of business other than workers' compensation offered by the group self-insurance pool.

~~D. E.~~ Subject to the approval of the State Corporation Commission and with such conditions as such Commission may require, a group self-insurance association formed pursuant to § 65.2-802, consisting solely of political subdivisions, may merge with a group self-insurance pool if the group self-insurance pool assumes in full all obligations of such group self-insurance association originally licensed pursuant to § 65.2-802.

CHAPTER 440

An Act to amend and reenact §§ 38.2-3408 and 38.2-4221 of the Code of Virginia, relating to insurance; reimbursement for services provided by a licensed athletic trainer.

[H 45]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-3408 and 38.2-4221 of the Code of Virginia are amended and reenacted as follows:

§ 38.2-3408. Policy providing for reimbursement for services that may be performed by certain practitioners other than physicians.

A. If an accident and sickness insurance policy provides reimbursement for any service that may be legally performed by a person licensed in this Commonwealth as a chiropractor, optometrist, optician, professional counselor, psychologist, clinical social worker, podiatrist, physical therapist, chiropodist, clinical nurse specialist, audiologist, speech pathologist, certified nurse midwife or other nurse practitioner, marriage and family therapist, *athletic trainer*, or licensed acupuncturist, reimbursement under the policy shall not be denied because the service is rendered by the licensed practitioner, *provided that, for services performed by an athletic trainer, such service is performed in an office setting.*

B. If an accident and sickness insurance policy provides reimbursement for a service that may be legally performed by a licensed pharmacist, reimbursement under the policy shall not be denied because the service is rendered by the licensed pharmacist, provided that (i) the service is performed for an insured for a condition under the terms of a collaborative

agreement, as defined in § 54.1-3300, (ii) the service is for the administration of vaccines for immunization, or (iii) the service is provided in accordance with § 54.1-3303.1.

C. This section shall not apply to Medicaid, or any state fund.

§ 38.2-4221. Services of certain practitioners other than physicians to be covered.

A. A nonstock corporation shall not fail or refuse, either directly or indirectly, to allow or to pay to a subscriber for all or any part of the health services rendered by any doctor of podiatry, doctor of chiropraxy, optometrist, optician, chiropractor, professional counselor, psychologist, physical therapist, clinical social worker, clinical nurse specialist, audiologist, speech pathologist, certified nurse midwife or other nurse practitioner, marriage and family therapist, *athletic trainer*, or licensed acupuncturist licensed to practice in Virginia, if the services rendered (i) are services provided for by the subscription contract ~~and~~; (ii) are services which the doctor of podiatry, doctor of chiropraxy, optometrist, optician, chiropractor, professional counselor, psychologist, physical therapist, clinical social worker, clinical nurse specialist, audiologist, speech pathologist, certified nurse midwife or other nurse practitioner, marriage and family therapist, *athletic trainer*, or licensed acupuncturist is licensed to render in this Commonwealth; *and (iii) are, for any services rendered by an athletic trainer, rendered in an office setting.*

B. If a subscription contract provides reimbursement for a service that may be legally performed by a licensed pharmacist, reimbursement under the subscription contract by the nonstock corporation shall not be denied because the service is rendered by the licensed pharmacist provided that (i) the service is performed for a subscriber for a condition under the terms of a collaborative agreement, as defined in § 54.1-3300, between a pharmacist and the physician with whom the subscriber is undergoing a course of treatment or (ii) the service is for the administration of vaccines for immunization. Notwithstanding the provisions of § 38.2-4209, the nonstock corporation may require the pharmacist, any pharmacy or provider that may employ such pharmacist, or the collaborating physician to enter into a written agreement with the nonstock corporation as a condition for reimbursement for such services. In addition, reimbursement to pharmacists acting under the terms of a collaborative agreement under this subsection shall not be subject to the provisions of § 38.2-4209.1.

2. That the provisions of this act shall apply to all insurance policies, subscription contracts, and health care plans delivered, issued for delivery, reissued, or extended on or after January 1, 2023, and to all such policies, contracts, or plans to which a term is changed or any premium adjustment is made on or after such date.

CHAPTER 441

An Act to amend and reenact §§ 38.2-3408 and 38.2-4221 of the Code of Virginia, relating to insurance; reimbursement for services provided by a licensed athletic trainer.

[S 525]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-3408 and 38.2-4221 of the Code of Virginia are amended and reenacted as follows:

§ 38.2-3408. Policy providing for reimbursement for services that may be performed by certain practitioners other than physicians.

A. If an accident and sickness insurance policy provides reimbursement for any service that may be legally performed by a person licensed in this Commonwealth as a chiropractor, optometrist, optician, professional counselor, psychologist, clinical social worker, podiatrist, physical therapist, chiropraxist, clinical nurse specialist, audiologist, speech pathologist, certified nurse midwife or other nurse practitioner, marriage and family therapist, *athletic trainer*, or licensed acupuncturist, reimbursement under the policy shall not be denied because the service is rendered by the licensed practitioner, *provided that, for services performed by an athletic trainer, such service is performed in an office setting.*

B. If an accident and sickness insurance policy provides reimbursement for a service that may be legally performed by a licensed pharmacist, reimbursement under the policy shall not be denied because the service is rendered by the licensed pharmacist, provided that (i) the service is performed for an insured for a condition under the terms of a collaborative agreement, as defined in § 54.1-3300, (ii) the service is for the administration of vaccines for immunization, or (iii) the service is provided in accordance with § 54.1-3303.1.

C. This section shall not apply to Medicaid, or any state fund.

§ 38.2-4221. Services of certain practitioners other than physicians to be covered.

A. A nonstock corporation shall not fail or refuse, either directly or indirectly, to allow or to pay to a subscriber for all or any part of the health services rendered by any doctor of podiatry, doctor of chiropraxy, optometrist, optician, chiropractor, professional counselor, psychologist, physical therapist, clinical social worker, clinical nurse specialist, audiologist, speech pathologist, certified nurse midwife or other nurse practitioner, marriage and family therapist, *athletic trainer*, or licensed acupuncturist licensed to practice in Virginia, if the services rendered (i) are services provided for by the subscription contract ~~and~~; (ii) are services which the doctor of podiatry, doctor of chiropraxy, optometrist, optician, chiropractor, professional counselor, psychologist, physical therapist, clinical social worker, clinical nurse specialist, audiologist, speech pathologist, certified nurse midwife or other nurse practitioner, marriage and family therapist, *athletic trainer*, or licensed acupuncturist is licensed to render in this Commonwealth; *and (iii) are, for any services rendered by an athletic trainer, rendered in an office setting.*

B. If a subscription contract provides reimbursement for a service that may be legally performed by a licensed pharmacist, reimbursement under the subscription contract by the nonstock corporation shall not be denied because the service is rendered by the licensed pharmacist provided that (i) the service is performed for a subscriber for a condition under the terms of a collaborative agreement, as defined in § 54.1-3300, between a pharmacist and the physician with whom the subscriber is undergoing a course of treatment or (ii) the service is for the administration of vaccines for immunization. Notwithstanding the provisions of § 38.2-4209, the nonstock corporation may require the pharmacist, any pharmacy or provider that may employ such pharmacist, or the collaborating physician to enter into a written agreement with the nonstock corporation as a condition for reimbursement for such services. In addition, reimbursement to pharmacists acting under the terms of a collaborative agreement under this subsection shall not be subject to the provisions of § 38.2-4209.1.

2. That the provisions of this act shall apply to all insurance policies, subscription contracts, and health care plans delivered, issued for delivery, reissued, or extended on or after January 1, 2023, and to all such policies, contracts, or plans to which a term is changed or any premium adjustment is made on or after such date.

CHAPTER 442

An Act to amend and reenact § 23.1-608 of the Code of Virginia, relating to Virginia Military Survivors and Dependents Education Program.

[S 768]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-608 of the Code of Virginia is amended and reenacted as follows:

§ 23.1-608. Virginia Military Survivors and Dependents Education Program; tuition and fee waivers.

A. As used in this section, unless the context requires a different meaning:

"Domicile" has the same meaning as provided in § 23.1-500.

"Program" means the Virginia Military Survivors and Dependents Education Program.

"Qualified survivors and dependents" means the spouse or a child between the ages of 16 and 29 (i) of a military service member who, while serving as an active duty member in the Armed Forces of the United States, Reserves of the Armed Forces of the United States, or Virginia National Guard, during military operations against terrorism, on a peacekeeping mission, as a result of a terrorist act, or in any armed conflict, was killed, became missing in action, or became a prisoner of war or (ii) of a veteran who served in the Armed Forces of the United States, Reserves of the Armed Forces of the United States, or Virginia National Guard and, due to such service, has been rated by the U.S. Department of Veterans Affairs as totally and permanently disabled or at least 90 percent permanently disabled and has been discharged or released under conditions other than dishonorable. However, the Commissioner of Veterans Services may certify dependents above the age of 29 in those cases in which extenuating circumstances prevented the dependent child from using his benefits before the age of 30. *For purposes of this section, a child who is a stepchild of a deceased military service member described in this section shall receive all benefits described in this section as a child of such military service member if the military service member claimed the stepchild on his tax return or on his Defense Enrollment Eligibility Reporting System while serving on active duty.*

B. The Virginia Military Survivors and Dependents Education Program is established for the purpose of waiving tuition and mandatory fees at a public institution of higher education or Eastern Virginia Medical School for qualified survivors and dependents who have been admitted to such institution and meet the requirements of subsection C, as certified by the Commissioner of Veterans Services.

C. Admitted qualified survivors and dependents are eligible for a waiver of tuition and mandatory fees pursuant to this section if the military service member who was killed, became missing in action, became a prisoner of war, or is disabled (i) established domicile (a) at the time of entering such active military service or called to active duty as a member of the Reserves of the Armed Forces of the United States or Virginia National Guard; (b) at least five years immediately prior to, or had a physical presence in the Commonwealth for at least five years immediately prior to, the date on which the admission application was submitted by or on behalf of such qualified survivor or dependent for admission to such institution of higher education or Eastern Virginia Medical School; or (c) on the date of his death and for at least five years immediately prior to his death or had a physical presence in the Commonwealth on the date of his death and had a physical presence in the Commonwealth for at least five years immediately prior to his death; (ii) in the case of a qualified child, is deceased and the surviving parent, at some time previous to marrying the deceased parent, established domicile for at least five years, or established domicile or had a physical presence in the Commonwealth for at least five years immediately prior to the date on which the admission application was submitted by or on behalf of such child; or (iii) in the case of a qualified spouse, is deceased and the surviving spouse, at some time previous to marrying the deceased spouse, established domicile for at least five years or had a physical presence in the Commonwealth for at least five years prior to the date on which the admission application was submitted by such qualified spouse. *In any case under this subsection, the Commissioner of the Department of Veterans Services shall have the authority to consider the domicile or physical presence requirements under clause (i) (c) through the surviving spouse or under clause (iii) through the surviving student if the military service member*

or surviving spouse dies after having established physical presence within the Commonwealth but before such requirements can be met.

D. The Department of Veterans Services shall disseminate information about the Program to those spouses and dependents who may qualify. The Department of Veterans Services shall coordinate with the U.S. Department of Veterans Affairs to identify veterans and qualified survivors and dependents. The Commissioner of Veterans Services shall include in the annual report submitted to the Governor and the General Assembly pursuant to § 2.2-2004 an overview of the agency's policies and strategies relating to dissemination of information about the Program and Fund.

E. Each public institution of higher education and Eastern Virginia Medical School shall include in its catalog or equivalent publication a statement describing the benefits available pursuant to this section.

CHAPTER 443

An Act to amend and reenact §§ 24.2-669, 24.2-671, and 24.2-679 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 24.2-671.2; and to repeal § 24.2-671.1 of the Code of Virginia, relating to elections; conduct of election; election results; risk-limiting audits.

[H 895]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-669, 24.2-671, and 24.2-679 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 24.2-671.2 as follows:

§ 24.2-669. Clerk to keep ballots; inspection; destruction.

The clerk to whom the counted and uncounted ballots are delivered shall, without breaking the seal, deposit them in a secure place in his office, where they shall be kept for the time required by this section. He shall not allow the ballots to be inspected except (i) by an authorized representative of the State Board or by the electoral board at the direction of the State Board to ensure the accuracy of the returns or the purity of the election, (ii) by the officers of election, and then only at the direction of the electoral board in accordance with § 24.2-672 when the provisions of § 24.2-662 have not been followed, (iii) on the order of a court before which there is pending a proceeding for a contest or recount under Chapter 8 (§ 24.2-800 et seq.) of this title or before whom there is then pending a proceeding in which the ballots are necessary for use in evidence, or (iv) for the purpose of conducting ~~an a risk-limiting audit as part of a post-election pilot program~~ pursuant to § ~~24.2-671.1~~ 24.2-671.2. In the event that ballots are inspected under clause (i), (ii), or (iv) of this paragraph, each political party and each independent candidate on the ballot, or each primary candidate, shall be entitled to have a representative present during such inspection. The representatives and observers lawfully present shall be prohibited from interfering with the officers of election in any way. The State Board or local electoral board shall provide such parties and candidates reasonable advance notice of the inspection.

After the counted ballots for a federal election have remained in the clerk's office for two years, if no election contest or other proceeding is pending in which such ballots may be needed as evidence, the clerk shall destroy such ballots. After the counted ballots for any other election have remained in the clerk's office for one year, if no election contest or other proceeding is pending in which such ballots may be needed as evidence, the clerk shall destroy such ballots. After the unused ballots have remained in the clerk's office and the time has expired for initiating a recount, contest, or other proceeding in which such ballots may be needed as evidence and no such contest or proceeding is pending, the clerk may then destroy the unused ballots other than punchcard ballots, which shall be returned to the electoral board.

§ 24.2-671. Electoral board to meet and ascertain results; conclusiveness of results.

Each electoral board shall meet at the clerk's or general registrar's office of the county or city for which they are appointed at or before 5:00 p.m. on the day after any election. The board may adjourn to another room of sufficient size in a public building to ascertain the results, and may adjourn as needed, not to exceed seven calendar days from the date of the election *unless an extension has been granted to accommodate a risk-limiting audit conducted pursuant to § 24.2-671.2*. Written directions to the location of any room other than the clerk's or general registrar's office where the board will meet shall be posted at the doors of the clerk's and general registrar's offices prior to the beginning of the meeting.

The board shall open the returns delivered by the officers.

If the electoral board has exercised the option provided by § 24.2-668 for delivery of the election materials to the office of the general registrar on the night of the election, the electoral board shall meet at the office of the general registrar at or before 5:00 p.m. on the day after any election.

The board shall ascertain from the returns the total votes in the county or city, or town in a town election, for each candidate and for and against each question and complete the abstract of votes cast at such election, as provided for in § 24.2-675. For any office in which no person was elected by write-in votes, and for which the total number of write-in votes for that office is less than (i) 10 percent of the total number of votes cast for that office and (ii) the total number of votes cast for the candidate receiving the most votes, the electoral board shall ascertain the total votes for each write-in candidate for the office within one week following the election. For offices for which the electoral board issues the certificate of election, the result so ascertained, signed and attested, shall be conclusive and shall not thereafter be subject to challenge except as specifically provided in Chapter 8 (§ 24.2-800 et seq.).

Once the result is so ascertained, the secretary of the electoral board shall deliver one copy of each statement of results to the general registrar to be available for inspection when his office is open for business. The secretary shall then return all pollbooks, any printed inspection and return sheets, and one copy of each statement of results to the clerk.

Beginning with the general election in November 2007, a report of any changes made by the local electoral board to the unofficial results ascertained by the officers of election or any subsequent change to the official abstract of votes made by the local electoral board shall be forwarded to the State Board of Elections and the explanation of such change shall be posted on the State Board website.

Each political party and each independent candidate on the ballot, or each primary candidate, shall be entitled to have representatives present when the local electoral board meets to ascertain the results of the election. Each such party and candidate shall be entitled to have at least as many representatives present as there are teams of officials working to ascertain the results, and the room in which the local electoral board meets shall be of sufficient size and configuration to allow the representatives reasonable access and proximity to view the ballots as the teams of officials work to ascertain the results. The representatives and observers lawfully present shall be prohibited from interfering with the officials in any way. It is unlawful for any person to knowingly possess any firearm as defined in § 18.2-308.2:2 within 40 feet of any building, or part thereof, used as a meeting place for the local electoral board while the electoral board meets to ascertain the results of an election, unless such person is (a) any law-enforcement officer or any retired law-enforcement officer qualified pursuant to subsection C of § 18.2-308.016; (b) occupying his own private property that falls within 40 feet of a polling place; or (c) an armed security officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, whose employment or performance of his duties occurs within 40 feet of any building, or part thereof, used as a meeting place for the local electoral board while the electoral board meets to ascertain the results of an election.

§ 24.2-671.2. Risk-limiting audits.

A. For the purposes of this section:

"Contested race" means an election for an office where more names appear on the ballot than there are vacancies to be filled or a statewide referendum or proposed constitutional amendment.

"Risk limit" means the largest probability that the risk-limiting audit will fail to correct an election outcome that differs from the outcome that would be found by a full manual tabulation of the votes on all ballots cast in the contested race.

"Risk-limiting audit" means an audit protocol conducted after an election and prior to the certification of the election results with a pre-specified minimum probability of requiring a full hand count of votes cast if the outcome reported by the voting system differs from the outcome that would be found by a full hand count of the votes in a contested race. A "risk-limiting audit" requires a hand count of randomly sampled printed ballots that continues until there is either strong statistical evidence that the reported outcome is correct or, in the absence of such evidence, a full hand count of all ballots cast in the contested race that determines the outcome.

B. Risk-limiting audits conducted pursuant to this section shall be performed by the local electoral boards and general registrars under the supervision of the Department and in accordance with the procedures prescribed by the State Board, including:

- 1. Processes for randomly selecting contested races and determining the risk limit.*
- 2. Procedures for preparing for a risk-limiting audit, including guidelines for organizing ballots, selecting venues, and securing appropriate materials by local electoral boards and general registrars.*
- 3. Procedures for ballot custody, accounting, security, and written record retention that ensure that the collection of cast ballots from which samples are drawn is complete and accurate throughout the audit.*
- 4. Procedures for hand counting of the audited ballots.*
- 5. Processes and methods for conducting the risk-limiting audit.*
- 6. Procedures for ensuring transparency and understanding of the process by participants and the public, including guidelines for direct observation by members of the public, representatives of the candidates involved in the risk-limiting audit, and representatives of the political parties.*

C. The Department shall provide that the following risk-limiting audits be conducted:

- 1. In the year of a general election for members of the United States House of Representatives, a risk-limiting audit of at least one randomly selected contested race for such office;*
- 2. In the year of a general election for members of the General Assembly, a risk-limiting audit of at least one randomly selected contested race for such office;*
- 3. In any year in which there is not a general election for a statewide office, a risk-limiting audit of at least one randomly selected contested race for a local office, including constitutional offices, for which certification by the State Board is required under § 24.2-680; and*
- 4. In any year, any other risk-limiting audit of a contested race that is necessary to ensure that each locality participates in a risk-limiting audit of an office within its jurisdiction at least once every five years or that the State Board finds appropriate. Such audits must be approved by at least a two-thirds majority vote of all members of the Board.*

D. A local electoral board may request that the State Board approve the conduct of a risk-limiting audit for a contested race within the local electoral board's jurisdiction. The state board shall promulgate regulations for submitting such requests. The State Board shall grant an extension of the local electoral board's certification deadline under § 24.2-671 as necessary to accommodate the conduct of a risk-limiting audit conducted pursuant to this subsection. The Department may count a risk-limiting audit conducted pursuant to this subsection toward the requirement in subdivision C 4.

E. Notwithstanding the provisions of subsections C and D, no contested race shall be selected to receive a risk-limiting audit if the tabulation of the unofficial result for the contested race shows a difference of not more than one percent of the total vote cast for the top two candidates.

F. Upon the tabulation of the unofficial results of an election, the State Board shall determine, in accordance with subsection C, all the contested races for that election that will receive a risk-limiting audit and shall set the risk limit to be applied in such audits. As soon as practicable after selection of the contests to be audited, the Department shall publish a notice of the contested races in accordance with the requirements for public meetings in § 2.2-3707. The Department shall provide support to local electoral boards and general registrars in preparing to hold the risk-limiting audits.

G. The local electoral board and general registrar shall conduct a risk-limiting audit within their jurisdiction at the date, time, and location noticed by the Department. At least one member of the local electoral board representing each party shall participate in the risk-limiting audit and be present for the duration of the risk-limiting audit when ballots are being selected and counted and calculations are being made. All risk-limiting audits shall be conducted in a place and manner that is open to the public. At the conclusion of a risk-limiting audit, all audit materials, including ballots and any records generated during the course of the audit, shall be delivered to the clerk of the circuit court and retained as election materials pursuant to § 24.2-668.

H. The local electoral board in coordination with the general registrar shall promptly report the results of a risk-limiting audit of any contested races subject to § 24.2-680 in their jurisdiction to the Department. The results of any risk-limiting audit for a local contested race shall also be retained by the local electoral board. At the conclusion of each risk-limiting audit requiring certification by the State Board, the Department shall submit to the State Board a report, which shall include all data generated by the risk-limiting audit and all information required to confirm that the risk-limiting audit was conducted in accordance with the procedures adopted by the State Board. The Department shall publish the results of all risk-limiting audits pursuant to this section on the Department's website.

I. If a risk-limiting audit of a contested race escalates to a full hand count, the results of the hand count shall be used to certify the election in lieu of the tabulation of the unofficial results obtained prior to the conduct of the risk-limiting audit. A full hand count conducted pursuant to this section shall not be construed as a recount under Chapter 8 (§ 24.2-800 et seq.). Nothing in this section shall be construed to limit the rights of a candidate under Chapter 8.

§ 24.2-679. State Board to meet and make statement as to number of votes.

A. The State Board shall meet ~~on~~ by the ~~third~~ first Monday in ~~November~~ December to ascertain the results of the November election. If a majority of the Board is not present or if, for any other reason, the Board is unable to ascertain the results on that day, the meeting shall stand adjourned from day to day for not more than three days until a quorum is present and the Board has ascertained the results as provided in this section.

The Board shall examine the certified abstracts on file in its office and make statements of the whole number of votes given at any such election for members of the General Assembly, Governor, Lieutenant Governor and Attorney General, members of the United States Congress and electors of President and Vice President of the United States, and any officer shared by more than one county or city, or any combination thereof, or for so many of such officers as have been voted for at the election.

The statement shall show, for each office and each county, city, and election district, the whole number of votes given to each candidate and to any other person elected to office. The Board members shall certify the statements to be correct and sign the statements. The Board shall then determine those persons who received the greatest number of votes and have been duly elected to each office. The Board members shall endorse and subscribe on such statements a certificate of their determination. The Board shall record each certified statement and determination in a suitable book to be kept by it in its office.

B. The State Board shall meet as soon as possible after it receives the returns for any special election held at a time other than the November general election to ascertain the results of the special election in the manner prescribed in subsection A. If the returns have not been received within seven days of the election, the Board shall meet and adjourn from day to day until it receives the returns, ascertains the results, and makes its determination.

2. That the provisions of subdivisions C 2 and 4 of § 24.2-671.2 of the Code of Virginia, as created by this act, shall become effective on July 1, 2023.

3. That the provisions of subdivision C 3 of § 24.2-671.2 of the Code of Virginia, as created by this act, shall become effective on July 1, 2024.

4. That, notwithstanding the provisions of subsection F of § 24.2-671.2 of the Code of Virginia, as created by this act, the risk limit for all risk-limiting audits conducted pursuant to that subsection shall be at least 10 percent.

5. That the Department of Elections shall convene a work group to consider and propose a process and timeline for implementing risk-limiting audits of statewide contests. The work group shall include such persons determined by the Department of Elections as necessary or appropriate. The work group shall organize no later than July 31, 2022, and shall complete its work no later than October 31, 2022. If recommending any specific policies or legislative proposals, the work group, through the Commissioner of Elections, shall communicate such recommendations to the Chairmen of the House and Senate Committees on Privileges and Elections by November 15, 2022.

6. That § 24.2-671.1 of the Code of Virginia is repealed.

CHAPTER 444

An Act to amend and reenact §§ 24.2-669, 24.2-671, and 24.2-679 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 24.2-671.2; and to repeal § 24.2-671.1 of the Code of Virginia, relating to elections; conduct of election; election results; risk-limiting audits.

[S 370]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-669, 24.2-671, and 24.2-679 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 24.2-671.2 as follows:

§ 24.2-669. Clerk to keep ballots; inspection; destruction.

The clerk to whom the counted and uncounted ballots are delivered shall, without breaking the seal, deposit them in a secure place in his office, where they shall be kept for the time required by this section. He shall not allow the ballots to be inspected except (i) by an authorized representative of the State Board or by the electoral board at the direction of the State Board to ensure the accuracy of the returns or the purity of the election, (ii) by the officers of election, and then only at the direction of the electoral board in accordance with § 24.2-672 when the provisions of § 24.2-662 have not been followed, (iii) on the order of a court before which there is pending a proceeding for a contest or recount under Chapter 8 (§ 24.2-800 et seq.) of this title or before whom there is then pending a proceeding in which the ballots are necessary for use in evidence, or (iv) for the purpose of conducting ~~an a risk-limiting audit as part of a post-election pilot program~~ pursuant to § ~~24.2-671.1~~ 24.2-671.2. In the event that ballots are inspected under clause (i), (ii), or (iv) of this paragraph, each political party and each independent candidate on the ballot, or each primary candidate, shall be entitled to have a representative present during such inspection. The representatives and observers lawfully present shall be prohibited from interfering with the officers of election in any way. The State Board or local electoral board shall provide such parties and candidates reasonable advance notice of the inspection.

After the counted ballots for a federal election have remained in the clerk's office for two years, if no election contest or other proceeding is pending in which such ballots may be needed as evidence, the clerk shall destroy such ballots. After the counted ballots for any other election have remained in the clerk's office for one year, if no election contest or other proceeding is pending in which such ballots may be needed as evidence, the clerk shall destroy such ballots. After the unused ballots have remained in the clerk's office and the time has expired for initiating a recount, contest, or other proceeding in which such ballots may be needed as evidence and no such contest or proceeding is pending, the clerk may then destroy the unused ballots other than punchcard ballots, which shall be returned to the electoral board.

§ 24.2-671. Electoral board to meet and ascertain results; conclusiveness of results.

Each electoral board shall meet at the clerk's or general registrar's office of the county or city for which they are appointed at or before 5:00 p.m. on the day after any election. The board may adjourn to another room of sufficient size in a public building to ascertain the results, and may adjourn as needed, not to exceed seven calendar days from the date of the election *unless an extension has been granted to accommodate a risk-limiting audit conducted pursuant to § 24.2-671.2*. Written directions to the location of any room other than the clerk's or general registrar's office where the board will meet shall be posted at the doors of the clerk's and general registrar's offices prior to the beginning of the meeting.

The board shall open the returns delivered by the officers.

If the electoral board has exercised the option provided by § 24.2-668 for delivery of the election materials to the office of the general registrar on the night of the election, the electoral board shall meet at the office of the general registrar at or before 5:00 p.m. on the day after any election.

The board shall ascertain from the returns the total votes in the county or city, or town in a town election, for each candidate and for and against each question and complete the abstract of votes cast at such election, as provided for in § 24.2-675. For any office in which no person was elected by write-in votes, and for which the total number of write-in votes for that office is less than (i) 10 percent of the total number of votes cast for that office and (ii) the total number of votes cast for the candidate receiving the most votes, the electoral board shall ascertain the total votes for each write-in candidate for the office within one week following the election. For offices for which the electoral board issues the certificate of election, the result so ascertained, signed and attested, shall be conclusive and shall not thereafter be subject to challenge except as specifically provided in Chapter 8 (§ 24.2-800 et seq.).

Once the result is so ascertained, the secretary of the electoral board shall deliver one copy of each statement of results to the general registrar to be available for inspection when his office is open for business. The secretary shall then return all pollbooks, any printed inspection and return sheets, and one copy of each statement of results to the clerk.

Beginning with the general election in November 2007, a report of any changes made by the local electoral board to the unofficial results ascertained by the officers of election or any subsequent change to the official abstract of votes made by the local electoral board shall be forwarded to the State Board of Elections and the explanation of such change shall be posted on the State Board website.

Each political party and each independent candidate on the ballot, or each primary candidate, shall be entitled to have representatives present when the local electoral board meets to ascertain the results of the election. Each such party and candidate shall be entitled to have at least as many representatives present as there are teams of officials working to

ascertain the results, and the room in which the local electoral board meets shall be of sufficient size and configuration to allow the representatives reasonable access and proximity to view the ballots as the teams of officials work to ascertain the results. The representatives and observers lawfully present shall be prohibited from interfering with the officials in any way. It is unlawful for any person to knowingly possess any firearm as defined in § 18.2-308.2:2 within 40 feet of any building, or part thereof, used as a meeting place for the local electoral board while the electoral board meets to ascertain the results of an election, unless such person is (a) any law-enforcement officer or any retired law-enforcement officer qualified pursuant to subsection C of § 18.2-308.016; (b) occupying his own private property that falls within 40 feet of a polling place; or (c) an armed security officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, whose employment or performance of his duties occurs within 40 feet of any building, or part thereof, used as a meeting place for the local electoral board while the electoral board meets to ascertain the results of an election.

§ 24.2-671.2. Risk-limiting audits.

A. For the purposes of this section:

"Contested race" means an election for an office where more names appear on the ballot than there are vacancies to be filled or a statewide referendum or proposed constitutional amendment.

"Risk limit" means the largest probability that the risk-limiting audit will fail to correct an election outcome that differs from the outcome that would be found by a full manual tabulation of the votes on all ballots cast in the contested race.

"Risk-limiting audit" means an audit protocol conducted after an election and prior to the certification of the election results with a pre-specified minimum probability of requiring a full hand count of votes cast if the outcome reported by the voting system differs from the outcome that would be found by a full hand count of the votes in a contested race. A "risk-limiting audit" requires a hand count of randomly sampled printed ballots that continues until there is either strong statistical evidence that the reported outcome is correct or, in the absence of such evidence, a full hand count of all ballots cast in the contested race that determines the outcome.

B. Risk-limiting audits conducted pursuant to this section shall be performed by the local electoral boards and general registrars under the supervision of the Department and in accordance with the procedures prescribed by the State Board, including:

- 1. Processes for randomly selecting contested races and determining the risk limit.*
- 2. Procedures for preparing for a risk-limiting audit, including guidelines for organizing ballots, selecting venues, and securing appropriate materials by local electoral boards and general registrars.*
- 3. Procedures for ballot custody, accounting, security, and written record retention that ensure that the collection of cast ballots from which samples are drawn is complete and accurate throughout the audit.*
- 4. Procedures for hand counting of the audited ballots.*
- 5. Processes and methods for conducting the risk-limiting audit.*
- 6. Procedures for ensuring transparency and understanding of the process by participants and the public, including guidelines for direct observation by members of the public, representatives of the candidates involved in the risk-limiting audit, and representatives of the political parties.*

C. The Department shall provide that the following risk-limiting audits be conducted:

- 1. In the year of a general election for members of the United States House of Representatives, a risk-limiting audit of at least one randomly selected contested race for such office;*
- 2. In the year of a general election for members of the General Assembly, a risk-limiting audit of at least one randomly selected contested race for such office;*
- 3. In any year in which there is not a general election for a statewide office, a risk-limiting audit of at least one randomly selected contested race for a local office, including constitutional offices, for which certification by the State Board is required under § 24.2-680; and*

4. In any year, any other risk-limiting audit of a contested race that is necessary to ensure that each locality participates in a risk-limiting audit of an office within its jurisdiction at least once every five years or that the State Board finds appropriate. Such audits must be approved by at least a two-thirds majority vote of all members of the Board.

D. A local electoral board may request that the State Board approve the conduct of a risk-limiting audit for a contested race within the local electoral board's jurisdiction. The state board shall promulgate regulations for submitting such requests. The State Board shall grant an extension of the local electoral board's certification deadline under § 24.2-671 as necessary to accommodate the conduct of a risk-limiting audit conducted pursuant to this subsection. The Department may count a risk-limiting audit conducted pursuant to this subsection toward the requirement in subdivision C 4.

E. Notwithstanding the provisions of subsections C and D, no contested race shall be selected to receive a risk-limiting audit if the tabulation of the unofficial result for the contested race shows a difference of not more than one percent of the total vote cast for the top two candidates.

F. Upon the tabulation of the unofficial results of an election, the State Board shall determine, in accordance with subsection C, all the contested races for that election that will receive a risk-limiting audit and shall set the risk limit to be applied in such audits. As soon as practicable after selection of the contests to be audited, the Department shall publish a notice of the contested races in accordance with the requirements for public meetings in § 2.2-3707. The Department shall provide support to local electoral boards and general registrars in preparing to hold the risk-limiting audits.

G. The local electoral board and general registrar shall conduct a risk-limiting audit within their jurisdiction at the date, time, and location noticed by the Department. At least one member of the local electoral board representing each

party shall participate in the risk-limiting audit and be present for the duration of the risk-limiting audit when ballots are being selected and counted and calculations are being made. All risk-limiting audits shall be conducted in a place and manner that is open to the public. At the conclusion of a risk-limiting audit, all audit materials, including ballots and any records generated during the course of the audit, shall be delivered to the clerk of the circuit court and retained as election materials pursuant to § 24.2-668.

H. The local electoral board in coordination with the general registrar shall promptly report the results of a risk-limiting audit of any contested races subject to § 24.2-680 in their jurisdiction to the Department. The results of any risk-limiting audit for a local contested race shall also be retained by the local electoral board. At the conclusion of each risk-limiting audit requiring certification by the State Board, the Department shall submit to the State Board a report, which shall include all data generated by the risk-limiting audit and all information required to confirm that the risk-limiting audit was conducted in accordance with the procedures adopted by the State Board. The Department shall publish the results of all risk-limiting audits pursuant to this section on the Department's website.

I. If a risk-limiting audit of a contested race escalates to a full hand count, the results of the hand count shall be used to certify the election in lieu of the tabulation of the unofficial results obtained prior to the conduct of the risk-limiting audit. A full hand count conducted pursuant to this section shall not be construed as a recount under Chapter 8 (§ 24.2-800 et seq.). Nothing in this section shall be construed to limit the rights of a candidate under Chapter 8.

§ 24.2-679. State Board to meet and make statement as to number of votes.

A. The State Board shall meet ~~on~~ by the ~~third~~ first Monday in ~~November~~ December to ascertain the results of the November election. If a majority of the Board is not present or if, for any other reason, the Board is unable to ascertain the results on that day, the meeting shall stand adjourned from day to day for not more than three days until a quorum is present and the Board has ascertained the results as provided in this section.

The Board shall examine the certified abstracts on file in its office and make statements of the whole number of votes given at any such election for members of the General Assembly, Governor, Lieutenant Governor and Attorney General, members of the United States Congress and electors of President and Vice President of the United States, and any officer shared by more than one county or city, or any combination thereof, or for so many of such officers as have been voted for at the election.

The statement shall show, for each office and each county, city, and election district, the whole number of votes given to each candidate and to any other person elected to office. The Board members shall certify the statements to be correct and sign the statements. The Board shall then determine those persons who received the greatest number of votes and have been duly elected to each office. The Board members shall endorse and subscribe on such statements a certificate of their determination. The Board shall record each certified statement and determination in a suitable book to be kept by it in its office.

B. The State Board shall meet as soon as possible after it receives the returns for any special election held at a time other than the November general election to ascertain the results of the special election in the manner prescribed in subsection A. If the returns have not been received within seven days of the election, the Board shall meet and adjourn from day to day until it receives the returns, ascertains the results, and makes its determination.

2. That the provisions of subdivisions C 2 and 4 of § 24.2-671.2 of the Code of Virginia, as created by this act, shall become effective on July 1, 2023.

3. That the provisions of subdivision C 3 of § 24.2-671.2 of the Code of Virginia, as created by this act, shall become effective on July 1, 2024.

4. That, notwithstanding the provisions of subsection F of § 24.2-671.2 of the Code of Virginia, as created by this act, the risk limit for all risk-limiting audits conducted pursuant to that subsection shall be at least 10 percent.

5. That the Department of Elections shall convene a work group to consider and propose a process and timeline for implementing risk-limiting audits of statewide contests. The work group shall include such persons determined by the Department of Elections as necessary or appropriate. The work group shall organize no later than July 31, 2022, and shall complete its work no later than October 31, 2022. If recommending any specific policies or legislative proposals, the work group, through the Commissioner of Elections, shall communicate such recommendations to the Chairmen of the House and Senate Committees on Privileges and Elections by November 15, 2022.

6. That § 24.2-671.1 of the Code of Virginia is repealed.

CHAPTER 445

An Act to amend and reenact § 24.2-405 of the Code of Virginia, relating to elections; lists of persons voting at elections; creation of searchable public lists prohibited.

[S 698]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-405 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-405. Lists of registered voters.

A. The Department of Elections shall provide, at a reasonable price, lists of registered voters for their districts to (i) candidates for election or political party nomination to further their candidacy, (ii) political party committees or officials thereof for political purposes only, (iii) political action committees that have filed a current statement of organization with the Department of Elections pursuant to § 24.2-949.2, or with the Federal Elections Commission pursuant to federal law, for political purposes only, (iv) incumbent officeholders to report to their constituents, (v) nonprofit organizations that promote voter participation and registration for that purpose only, and (vi) commissioners of the revenue, as defined in § 58.1-3100, and treasurers, as defined in § 58.1-3123, for tax assessment, collection, and enforcement purposes. The Department shall provide, at no charge, the courts of the Commonwealth and the United States with the lists for their districts for jury selection purposes no more than two times in a 12-month period and shall provide, at a reasonable price, such lists any other time in that same 12-month period. The lists shall be furnished to no one else and used for no other purpose. However, the Department of Elections is authorized to furnish information from the voter registration system to general registrars for their official use and to the Department of Motor Vehicles and other appropriate state agencies for maintenance of the voter registration system, and to the Chief Election Officers of other states for maintenance of voter registration systems.

B. The Department of Elections shall furnish, at a reasonable price, lists of the addresses of registered voters for their localities to local government census liaisons and their staffs for the sole purpose of providing address information to the United States Bureau of the Census. The Department of Elections shall also furnish, at a reasonable price, such lists to the Clerk of the Senate and the Clerk of the House of Delegates for the sole purpose of maintaining a database of constituent addresses for the General Assembly. The information authorized under this subsection shall be furnished to no other person and used for no other purpose. No list furnished under this subsection shall contain the name of any registered voter. For the purpose of this subsection, the term "census liaison" shall have the meaning provided in 13 U.S.C. § 16.

C. In no event shall any list furnished under this section contain the social security number, or any part thereof, of any registered voter except a list furnished to a court of the Commonwealth or of the United States for jury selection purposes, a commissioner of the revenue or a treasurer for tax assessment, collection, and enforcement purposes, or to the Chief Election Officer of another state permitted to use social security numbers, or any parts thereof, that provides for the use of such numbers on applications for voter registration in accordance with federal law, for maintenance of voter registration systems.

D. Any list furnished under subsection A shall contain the post office box address in lieu of the residence street address for any individual who has furnished at the time of registration or subsequently, in addition to his street address, a post office box address pursuant to subsection B of § 24.2-418.

E. No recipient of a list furnished under this section shall publish on the Internet any of the information contained in such list as a list, database, or other similar searchable format or provide information contained in a list furnished under this section to a third party for such purpose.

CHAPTER 446

An Act to amend and reenact §§ 46.2-772 and 46.2-773 of the Code of Virginia, relating to highway use fee, mileage-based user fee program; program clarifications developed by the working group.

[S 612]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-772 and 46.2-773 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-772. Highway use fee.

A. Except as provided in subsection C, there is hereby imposed an annual highway use fee on any motor vehicle registered in the Commonwealth under § 46.2-694 or 46.2-697 that is an alternative fuel vehicle, an electric motor vehicle, or a fuel-efficient vehicle. The fee shall be collected by the Department at the time of vehicle registration. If the vehicle is registered for a period of other than one year as provided in § 46.2-646, the highway use fee shall be multiplied by the number of years or fraction thereof that the vehicle will be registered.

B. For an electric motor vehicle, the highway use fee shall be 85 percent of the amount of taxes paid under subsection A of § 58.1-2217 on fuel used by a vehicle with a combined fuel economy of 23.7 miles per gallon for the average number of miles traveled by a passenger vehicle in the Commonwealth, as determined by the Commissioner. For all other fuel-efficient vehicles, the highway use fee shall be 85 percent of the difference between the tax paid under subsection A of § 58.1-2217 on the fuel used by a vehicle with a combined fuel economy of 23.7 miles per gallon for the average number of miles traveled by a passenger vehicle in the Commonwealth in a year, as determined by the Commissioner, and the tax paid under subsection A of § 58.1-2217 on the fuel used by the vehicle being registered for the average number of miles traveled by a passenger vehicle in the Commonwealth in a year, as determined by the Commissioner.

For purposes of this chapter, the Commissioner shall use combined fuel economy as determined by the manufacturer of the vehicle. If the Commissioner is unable to obtain the manufacturer's fuel economy for a vehicle, then the Commissioner shall use the final estimate of average fuel economy, as determined by the U.S. Environmental Protection Agency, of (i) all trucks having the same model year as the vehicle being registered, if the vehicle has a gross weight between 6,000 pounds and 10,000 pounds, or (ii) all cars having the same model year as the vehicle. If data is not available for the model year of

the vehicle being registered, then the Commissioner shall use available data for the model year that is closest to the model year of the vehicle being registered.

The Commissioner shall update the fees calculated under this section by July 1 of each year.

C. This section shall not apply to:

1. An autocycle, moped, or motorcycle;
2. A vehicle with a gross weight over 10,000 pounds;
3. A vehicle that is owned by a governmental entity as defined in § 58.1-2201; or
4. A vehicle that is registered under the International Registration Plan.

A vehicle shall not be subject to the fee set forth in this section in any year in which such vehicle is registered to participate in the mileage-based user fee program established pursuant to § 46.2-773.

D. In any case where an applicant has requested and is eligible for a refund pursuant to § 46.2-688, the Commissioner shall refund to the applicant the cost of the highway use fee, prorated in six-month increments, if such application is made when six or more months remain in the registration period.

§ 46.2-773. Mileage-based user fee program.

A. There is hereby established a mileage-based user fee program. The program shall be a voluntary program that allows owners of vehicles subject to the highway use fee pursuant to § 46.2-772 to pay a mileage-based fee in lieu of the highway use fee. No owner of a motor vehicle registered in the Commonwealth shall be required to participate in the program established pursuant to this section.

B. In any year that an owner pays the fee set forth in this section, such owner shall not be subject to the fee set forth in § 46.2-772 for the same vehicle. In no case shall the fees paid pursuant to this section during a 12-month period exceed the annual highway use fee that would have otherwise been paid.

C. The fee schedule for the mileage-based user fee program shall be calculated by dividing the amount of the highway use fee as determined pursuant to subsection B of § 46.2-772 by the average number of miles traveled by a passenger vehicle in the Commonwealth to determine a fee per mile driven.

D. The Department shall establish procedures for the collection of the fees set forth in this section. Such procedures may limit the total number of participants during the first four years of the program.

E. The Department shall offer program participants the option to participate without location tracking.

F. Information collected by the Department and any other entity pursuant to this chapter shall be limited exclusively to that information necessary for the administration of the mileage-based user fee and shall be used solely for such purpose. Information collected shall not (i) be open to the public or subject to disclosure pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.); (ii) be sold for sales, solicitation, or marketing purposes; or (iii) be disclosed to any other entity except as may be necessary for the collection of unpaid mileage-based user fees or to the owner of a vehicle as part of the owner's challenge to the imposition of a mileage-based user fee.

2. That the Commissioner of the Department of Motor Vehicles shall establish a process to issue a refund of the highway use fee, without interest, pursuant to subsection D of § 46.2-772 of the Code of Virginia, as amended by this act, if a refund was made for a vehicle pursuant to § 46.2-688 of the Code of Virginia on or after July 1, 2020, and such vehicle would have met the conditions set out in subsection D of § 46.2-772 of the Code of Virginia, as amended by this act.

CHAPTER 447

An Act to amend and reenact § 20-79.3 of the Code of Virginia, relating to support order; income withholding order; employer fees.

[H 808]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 20-79.3 of the Code of Virginia is amended and reenacted as follows:

§ 20-79.3. Information required in income deduction order.

A. For the purposes of this section, the terms "employee," "employer," "income," and "independent contractor" shall have the same meanings ascribed to them in § 63.2-1900.

B. Orders for withholding from the income of an employee or independent contractor shall state and include the following:

1. The name and correct social security number of the obligor and the name and correct address of the payee;
2. That the employer shall withhold and pay out of the disposable income as defined in § 63.2-100, a single monetary amount or the maximum amount permitted under § 34-29, whichever is less, for each regular pay period of the obligor and such payment may be by check. If the employee is an independent contractor, then the order shall state that the employer shall withhold and pay out of the obligor's income a single monetary amount or the maximum amount permitted under § 34-29, whichever is less, for each instance of compensation of the obligor, once the aggregate amount of remuneration reaches \$600 or more in a calendar year, and such payment may be by check;

3. That the income deduction shall begin with the next regular pay period of the obligor following service of the order on the employer, and payment shall be made at regular intervals consistent with the pay periods of the obligor, or, if the obligor is an independent contractor, the order shall begin with the next instance of compensation of the obligor, and payment shall be made at each instance of compensation of the obligor;

4. A statement of the maximum percentage under § 34-29 that may be withheld from the obligor's disposable income;

5. That, to the extent required by the provisions for health care coverage contained in the order, the employer shall (i) enroll the employee, the employee's spouse or former spouse, and the employee's dependent children listed in the order as covered persons in a group health insurance plan or other similar plan providing health care services or coverage offered by the employer, without regard to enrollment season restrictions, if the subject spouse, former spouse, or children are eligible for such coverage under the employer's enrollment provisions and (ii) deduct any required premiums from the employee's income to pay for the insurance. If more than one plan is offered by the employer, the spouse, former spouse, or children shall be enrolled prospectively in the insurance plan in which the employee is enrolled or, if the employee is not enrolled, in the least costly plan otherwise available. The employer shall also enroll the children of an employee in the appropriate health coverage plan upon application by the children's other parent or legal guardian or upon application by the Department of Medical Assistance Services. In each case that is being enforced by the Department of Social Services, the employer shall respond to such orders by advising the Department in which plan the children are enrolled or if the children are ineligible for any plan through the employer. The order to the employer shall specify either support withholdings or insurance premium deductions as having priority for the duration of the order in the event the maximum total deduction permitted at any time by § 34-29 is insufficient to fully cover both; the employer shall consider and direct insurance premium deductions and support withholdings the same for purposes of § 34-29. The employer shall not be held liable for any medical expenses incurred on behalf of the spouse, former spouse, or dependent children because of the employer's failure to enroll the spouse, former spouse, or dependent children in a health care plan after being directed to do so by a court or the Department. The employer shall not be obligated to subsequently make or change such enrollment if the group health insurance plan or other factors change after the spouse's, former spouse's, or child's eligibility or ineligibility for coverage is initially determined in response to the order for withholding. However, the employer shall not disenroll such children unless the employer (i) is provided satisfactory written evidence that such court or administrative order is no longer in effect, (ii) is provided satisfactory written evidence that the children are or will be enrolled in a comparable health coverage plan that will take effect not later than the effective date of such disenrollment, or (iii) has eliminated family health coverage for all of its employees. A one-time fee of no more than \$5 may be charged by the employer to the employee for the administration of this requirement;

6. That a fee of *up to a maximum of* \$5 for each reply or remittance on account of the obligor may be charged by the employer and withheld from the obligor's income in addition to the support amount to be withheld; however, child support withholding amounts collected from unemployment insurance benefits shall not be subject to this fee;

7. That the order is binding upon the employer and obligor and withholding is to continue until further notice by order of the court or the Department is served, or the obligor is no longer employed, whichever occurs first;

8. That the order shall have priority over any other types of liens created by state law against such income, except that if there is more than one court or administrative order for withholding for support against an obligor, the employer shall prorate among the orders based upon the current amounts due pursuant to more than one judicial or administrative order or a combination thereof, with any remaining amounts prorated among the accrued arrearages, if any, to the extent that the amounts withheld, when combined, do not exceed the maximum limits imposed under § 34-29 as specified in the order being honored;

9. That the obligor's rights are protected pursuant to § 63.2-1944 and that no employer shall discharge any employee, take disciplinary action against an employee, or terminate a contract with or refuse to employ a person by reason of the fact that his income has been made subject to a deduction pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 or § 20-79.1 or 20-79.2 and an employer who discharges or takes disciplinary action against an employee or terminates a contract with or refuses to employ any person because of an order for withholding under these sections shall be liable for a civil fine of not more than \$1,000;

10. The address to which the withholding is to be sent at the Department of Social Services and the case number, if available;

11. That the employer shall be liable for payments that he fails to withhold or mail as specified in the order;

12. That employers shall remit payments on each regular pay date of the obligor, or instance of compensation if the obligor is an independent contractor, or, if electronic funds transfer is used, within four days of the pay date, directly to the Division of Child Support Enforcement for disbursement. All employers with at least 100 employees and all payroll processing firms with at least 50 clients shall remit payments by electronic funds transfer;

13. That the employer shall be deemed to have complied with the order by (i) mailing on each regular pay date of the obligor, or instance of compensation if the obligor is an independent contractor, to the Department, by first-class mail, any amount required to be deducted or (ii) submitting such amounts by electronic funds transfer transmitted within four days of the obligor's regular pay date or instance of compensation;

14. That the employer and obligor shall notify the Department promptly when the obligor terminates employment and shall provide the last known address of the obligor and name and address of the new employer, if known;

15. That amounts withheld from multiple employees identified as such by (i) amount, (ii) name, (iii) social security number, (iv) case number if provided in the order, and (v) date payment was withheld from obligor's income may be combined into a single payment when payable to the same payee;

16. No order or directive shall require employers of 10,000 or more employees to make payments other than by combined single payment to the Department's central office in Richmond, without the employer's express written consent, unless the order is from a support enforcement agency outside the Commonwealth;

17. Payment pursuant to an order issued under this section shall serve as full acquittance of the employer under any contract of employment;

18. Notice that any employer who fails to timely withhold payments pursuant to this section shall be liable for any amount not timely withheld;

19. That the employer shall provide to the employee or independent contractor a copy of the withholding order and the notice to the employee sent by the court.

C. If the employer receives an order that (i) does not contain the obligor's correct social security number, (ii) does not specify a single monetary amount to be withheld per regular pay period interval of the obligor, unless the obligor is an independent contractor or the order is for lump sum withholding, (iii) does not state the maximum percentage that may be withheld pursuant to § 34-29, (iv) contains information that is in conflict with the employer's current payroll records, or (v) orders payment to an entity other than to the Department of Social Services or the Department's designee, the employer may deposit in the mail or otherwise file a reply to that effect within five business days from service of such order. The order shall be void from transmission or filing of such reply unless the court or the Department, as applicable, finds that the reply is materially false. In addition, an employer of 10,000 or more persons may also file a reply, with like effect, if payment is ordered other than by combined single payment in the case of withholdings from multiple employees to the Department's central office in Richmond, without the employer's express written consent, unless the order is from a support enforcement agency outside the Commonwealth.

CHAPTER 448

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

[H 557]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Commonwealth, with approval of the Governor pursuant to § 2.2-1150 of the Code of Virginia, is hereby authorized to convey to Smyth County a parcel of land that is a portion of Tax Map Parcel 211-130-1, containing a building at 281 Bagley Circle, Marion, Virginia, known as the Rehabilitation Building, previously used by the Department of Behavioral Health and Developmental Services as the Southwestern Virginia Mental Health Institute. The conveyance shall be made without consideration and in as-is condition.*

§ 2. *Additionally, the Commonwealth, with approval of the Governor pursuant to § 2.2-1150 of the Code of Virginia, is hereby authorized to convey to Smyth County a parcel of land that is also a portion of Tax Map Parcel 211-130-1 and adjacent to the currently constructed parking lot to the north of the Rehabilitation Building. This parcel of land consists of approximately 2.5 acres and shall be accessed from Bagley Circle (State Route 217). The conveyance shall be made without consideration and in as-is condition.*

§ 3. *The conveyance shall be made in a form approved by the Attorney General. The appropriate officials of the Commonwealth are hereby authorized to prepare, execute, and deliver such deed and other documents as may be necessary to accomplish the conveyances.*

CHAPTER 449

An Act to amend and reenact § 46.2-916.2 of the Code of Virginia, relating to golf carts and utility vehicles; Town of Ivor.

[H 88]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. **That § 46.2-916.2 of the Code of Virginia is amended and reenacted as follows:**

§ 46.2-916.2. Designation of public highways for golf cart and utility vehicle operations.

A. No portion of the public highways may be designated for use by golf carts and utility vehicles unless the governing body of the county, city, or town in which that portion of the highway is located has reviewed and approved such highway usage.

B. The governing body of any county, city, or town may by ordinance authorize the operation of golf carts and utility vehicles on designated public highways within its boundaries after (i) considering the speed, volume, and character of motor vehicle traffic using such highways and (ii) determining that golf cart and utility vehicle operation on particular highways is

compatible with state and local transportation plans and consistent with the Commonwealth's Statewide Pedestrian Policy provided for in § 33.2-354.

C. Notwithstanding the other provisions of this section, no town that has not established its own police department, as defined in § 9.1-165, may authorize the operation of golf carts or utility vehicles. The provision of this subsection shall not apply to the Towns of Claremont, Clifton, Dendron, Irvington, *Ivor*; Jarratt, Saxis, Urbanna, or Wachapreague.

D. No public highway shall be designated for use by golf carts and utility vehicles if such golf cart and utility vehicle operations will impede the safe and efficient flow of motor vehicle traffic.

E. The county, city, or town that has authorized the operation of golf carts or utility vehicles shall be responsible for the installation and continuing maintenance of any signs pertaining to the operation of golf carts or utility vehicles. Such county, city, or town may include in its ordinance for designating highways the ability to recover its costs of the signs and maintenance pertaining thereto from organizations, individuals, or entities requesting the designations. The cost of installation and continuing maintenance of any signs pertaining to the operation of golf carts or utility vehicles shall not be paid by the Virginia Department of Transportation.

F. Notwithstanding the other provisions of this section, employees of the Department of Conservation and Recreation may operate golf carts and utility vehicles on those portions of public highways located within Department of Conservation and Recreation property and on Virginia Department of Transportation-maintained highways that are adjacent to Department of Conservation and Recreation property, provided the golf cart or utility vehicle is being operated on highways with speed limits of no more than 35 miles per hour.

CHAPTER 450

An Act to amend and reenact § 10.1-2211.2 of the Code of Virginia, relating to historical African American cemeteries.

[H 140]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-2211.2 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-2211.2. Disbursement of funds appropriated for caring for historical African American cemeteries and graves.

A. For purposes of this section:

"Fund" means the Historical African American Cemeteries and Graves Fund created pursuant to § 10.1-2211.3.

"Historical African American cemetery" means a cemetery that was established prior to January 1, ~~1900~~ 1948, for interments of African Americans.

"Qualified organization" means a charitable corporation, charitable association, or charitable trust that has been granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and whose primary purpose is the preservation of historical cemeteries and graves or any person or locality that owns a historical African American cemetery.

B. At the direction of the Director, the Comptroller of the Commonwealth shall draw an annual warrant upon the State Treasurer from any sum that may be provided to the Department in the general appropriation act for the purpose of maintaining qualifying cemeteries and graves pursuant to this section. Any representative of a qualified organization desiring to receive funding from such appropriation for the maintenance of qualifying cemeteries and graves pursuant to this section shall submit an application to the Department on or before May 30 each year. Such appropriations shall be allocated on the basis of the number of graves, monuments, and markers in a cemetery of African Americans who ~~lived at any time between January 1, 1800, and January 1, 1900~~ were interred in such cemetery prior to January 1, 1948, the dates to be determined by reference to grave markers or, at the discretion of the Director, other historical records. Such number of graves, monuments, and markers, as documented by the qualified organization, shall be multiplied by the rate of \$5 or the average actual cost of routine maintenance of a grave, monument, or marker, whichever is greater, to determine the amount of the allocation. The Department shall determine the average actual cost of routine maintenance of a grave, monument, or marker in a biennial survey of at least four properly maintained cemeteries, each located in a different geographical region of the Commonwealth. The Director shall deposit any appropriated funds that are not disbursed during the same fiscal year into the Fund.

IN THE COUNTY OF:	NUMBER:
Arlington	
Calloway Cemetery	29
Lomax Cemetery	66
Mount Salvation Cemetery	29
Buckingham	
Stanton Family Cemetery	36
Henrico	

East End Cemetery	4,875
Loudoun	
African-American Burial Ground for the Enslaved at Belmont	44
Mt. Zion Old School Baptist Church Cemetery	33
Montgomery	
Wake Forest Cemetery	40
Westview Cemetery	47
Pulaski	
New River Cemetery	33
West Dublin Cemetery	44
IN THE CITY OF:	
Alexandria	
Baptist Cemetery of the African American Heritage Park	28
Contrabands and Freedmen Cemetery	631
Douglass Cemetery	83
Lebanon Union Cemetery	53
Methodist Protestant Cemetery	1,134
Penny Hill Cemetery	14
Charlottesville	
Daughters of Zion Cemetery	192
Chesapeake	
Cuffeytown Cemetery	52
Hampton	
Bassette's Cemetery	212
Elmerton Cemetery	339
Good Samaritan Cemetery	37
Pleasant Shade Cemetery	29
Queen Street Cemetery	14
Tucker Family Cemetery	15
Union Street Cemetery	125
Harrisonburg	
Newtown Cemetery	400
Martinsville	
Matthews Cemetery	8
The People's Cemetery	178
Smith Street Cemetery	9
Portsmouth	
Mt. Calvary Cemetery	266
Radford	
Mountain View Cemetery	91
Richmond	
Evergreen Cemetery	2,100
Suffolk	
Oak Lawn Cemetery	468

C. In addition to any sum provided to a qualified organization as set forth in subsection B, the Director may disburse funds to any qualified organization to fund maintenance and care of additional historical African American graves in the

Commonwealth that have been certified by the Department and documented in the Department's cultural resources database. Funds disbursed under this subsection shall be disbursed at the rate set forth in subsection B.

D. A qualified organization receiving funds shall expend the funds for the routine maintenance of its historical African American cemetery, associated graves, and graves certified by the Department and documented in the Department's cultural resources database and the erection of and caring for markers, memorials, and monuments to the memory of such African Americans.

E. Each qualified organization, through its proper officer, shall after July 1 of each year submit to the Director a certified statement that the funds appropriated to the organization during the preceding fiscal year were or will be expended for the purposes set forth in subsection D. No organization that fails to comply with any of the requirements of this section shall receive moneys allocated under this section for any subsequent fiscal year until the organization fully complies with the requirements.

F. In addition to funds that may be provided pursuant to subsection B or C, any organization that receives funds pursuant to subsection B or C may apply to the Director for a grant to perform extraordinary maintenance, renovation, repair, or reconstruction of any of its historical African American cemeteries and graves. Such a grant shall be made from any appropriation made available by the General Assembly for such purpose or from the Fund.

G. Any locality may receive and hold funds drawn pursuant to subsection B or C on behalf of any qualified organization until such time as the organization is able to receive or utilize such funds. No local matching funds shall be required for any grants made pursuant to this section.

H. The owner of a historical African American cemetery shall reasonably cooperate with a qualified organization that receives funds pursuant to subsection B or C.

CHAPTER 451

An Act to amend and reenact §§ 59.1-575 and 59.1-584, as they shall become effective, of the Code of Virginia and to repeal § 59.1-585 of the Code of Virginia, relating to Consumer Data Protection Act; enforcement; Consumer Privacy Fund.

[H 714]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 59.1-575 and 59.1-584, as they shall become effective, of the Code of Virginia are amended and reenacted as follows:

§ 59.1-575. (Effective January 1, 2023) Definitions.

As used in this chapter, unless the context requires a different meaning:

"Affiliate" means a legal entity that controls, is controlled by, or is under common control with another legal entity or shares common branding with another legal entity. For the purposes of this definition, "control" or "controlled" means (i) ownership of, or the power to vote, more than 50 percent of the outstanding shares of any class of voting security of a company; (ii) control in any manner over the election of a majority of the directors or of individuals exercising similar functions; or (iii) the power to exercise controlling influence over the management of a company.

"Authenticate" means verifying through reasonable means that the consumer, entitled to exercise his consumer rights in § 59.1-577, is the same consumer exercising such consumer rights with respect to the personal data at issue.

"Biometric data" means data generated by automatic measurements of an individual's biological characteristics, such as a fingerprint, voiceprint, eye retinas, irises, or other unique biological patterns or characteristics that is used to identify a specific individual. "Biometric data" does not include a physical or digital photograph, a video or audio recording or data generated therefrom, or information collected, used, or stored for health care treatment, payment, or operations under HIPAA.

"Business associate" means the same meaning as the term established by HIPAA.

"Child" means any natural person younger than 13 years of age.

"Consent" means a clear affirmative act signifying a consumer's freely given, specific, informed, and unambiguous agreement to process personal data relating to the consumer. Consent may include a written statement, including a statement written by electronic means, or any other unambiguous affirmative action.

"Consumer" means a natural person who is a resident of the Commonwealth acting only in an individual or household context. It does not include a natural person acting in a commercial or employment context.

"Controller" means the natural or legal person that, alone or jointly with others, determines the purpose and means of processing personal data.

"Covered entity" means the same as the term is established by HIPAA.

"Decisions that produce legal or similarly significant effects concerning a consumer" means a decision made by the controller that results in the provision or denial by the controller of financial and lending services, housing, insurance, education enrollment, criminal justice, employment opportunities, health care services, or access to basic necessities, such as food and water.

"De-identified data" means data that cannot reasonably be linked to an identified or identifiable natural person, or a device linked to such person. A controller that possesses "de-identified data" shall comply with the requirements of subsection A of § 59.1-581.

~~"Fund" means the Consumer Privacy Fund established pursuant to § 59.1-585.~~

"Health record" means the same as that term is defined in § 32.1-127.1:03.

"Health care provider" means the same as that term is defined in § 32.1-276.3.

"HIPAA" means the federal Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. § 1320d et seq.).

"Identified or identifiable natural person" means a person who can be readily identified, directly or indirectly.

"Institution of higher education" means a public institution and private institution of higher education, as those terms are defined in § 23.1-100.

"Nonprofit organization" means any corporation organized under the Virginia Nonstock Corporation Act (§ 13.1-801 et seq.) or any organization exempt from taxation under § 501(c)(3), 501(c)(6), or 501(c)(12) of the Internal Revenue Code, *any political organization, any organization exempt from taxation under § 501(c)(4) of the Internal Revenue Code that is identified in § 52-41, and any subsidiaries and affiliates subsidiary or affiliate* of entities organized pursuant to Chapter 9.1 (§ 56-231.15 et seq.) of Title 56.

"Personal data" means any information that is linked or reasonably linkable to an identified or identifiable natural person. "Personal data" does not include de-identified data or publicly available information.

"Political organization" means a party, committee, association, fund, or other organization, whether or not incorporated, organized and operated primarily for the purpose of influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any federal, state, or local public office or office in a political organization or the election of a presidential/vice-presidential elector, whether or not such individual or elector is selected, nominated, elected, or appointed.

"Precise geolocation data" means information derived from technology, including but not limited to global positioning system level latitude and longitude coordinates or other mechanisms, that directly identifies the specific location of a natural person with precision and accuracy within a radius of 1,750 feet. "Precise geolocation data" does not include the content of communications or any data generated by or connected to advanced utility metering infrastructure systems or equipment for use by a utility.

"Process" or "processing" means any operation or set of operations performed, whether by manual or automated means, on personal data or on sets of personal data, such as the collection, use, storage, disclosure, analysis, deletion, or modification of personal data.

"Processor" means a natural or legal entity that processes personal data on behalf of a controller.

"Profiling" means any form of automated processing performed on personal data to evaluate, analyze, or predict personal aspects related to an identified or identifiable natural person's economic situation, health, personal preferences, interests, reliability, behavior, location, or movements.

"Protected health information" means the same as the term is established by HIPAA.

"Pseudonymous data" means personal data that cannot be attributed to a specific natural person without the use of additional information, provided that such additional information is kept separately and is subject to appropriate technical and organizational measures to ensure that the personal data is not attributed to an identified or identifiable natural person.

"Publicly available information" means information that is lawfully made available through federal, state, or local government records, or information that a business has a reasonable basis to believe is lawfully made available to the general public through widely distributed media, by the consumer, or by a person to whom the consumer has disclosed the information, unless the consumer has restricted the information to a specific audience.

"Sale of personal data" means the exchange of personal data for monetary consideration by the controller to a third party. "Sale of personal data" does not include:

1. The disclosure of personal data to a processor that processes the personal data on behalf of the controller;
2. The disclosure of personal data to a third party for purposes of providing a product or service requested by the consumer;
3. The disclosure or transfer of personal data to an affiliate of the controller;
4. The disclosure of information that the consumer (i) intentionally made available to the general public via a channel of mass media and (ii) did not restrict to a specific audience; or
5. The disclosure or transfer of personal data to a third party as an asset that is part of a merger, acquisition, bankruptcy, or other transaction in which the third party assumes control of all or part of the controller's assets.

"Sensitive data" means a category of personal data that includes:

1. Personal data revealing racial or ethnic origin, religious beliefs, mental or physical health diagnosis, sexual orientation, or citizenship or immigration status;
2. The processing of genetic or biometric data for the purpose of uniquely identifying a natural person;
3. The personal data collected from a known child; or
4. Precise geolocation data.

"State agency" means the same as that term is defined in § 2.2-307.

"Targeted advertising" means displaying advertisements to a consumer where the advertisement is selected based on personal data obtained from that consumer's activities over time and across nonaffiliated websites or online applications to predict such consumer's preferences or interests. "Targeted advertising" does not include:

1. Advertisements based on activities within a controller's own websites or online applications;
2. Advertisements based on the context of a consumer's current search query, visit to a website, or online application;
3. Advertisements directed to a consumer in response to the consumer's request for information or feedback; or
4. Processing personal data processed solely for measuring or reporting advertising performance, reach, or frequency.

"Third party" means a natural or legal person, public authority, agency, or body other than the consumer, controller, processor, or an affiliate of the processor or the controller.

§ 59.1-584. (Effective January 1, 2023) Enforcement; civil penalty; expenses.

A. The Attorney General shall have exclusive authority to enforce the provisions of this chapter.

B. Prior to initiating any action under this chapter, the Attorney General shall provide a controller or processor 30 days' written notice identifying the specific provisions of this chapter the Attorney General alleges have been or are being violated. If within the 30-day period, the controller or processor cures the noticed violation and provides the Attorney General an express written statement that the alleged violations have been cured and that no further violations shall occur, no action shall be initiated against the controller or processor.

C. If a controller or processor continues to violate this chapter following the cure period in subsection B or breaches an express written statement provided to the Attorney General under that subsection, the Attorney General may initiate an action in the name of the Commonwealth and may seek an injunction to restrain any violations of this chapter and civil penalties of up to \$7,500 for each violation under this chapter. *All civil penalties, expenses, and attorney fees collected pursuant to this chapter shall be paid into the state treasury and credited to the Regulatory, Consumer Advocacy, Litigation, and Enforcement Revolving Trust Fund.*

D. The Attorney General may recover reasonable expenses incurred in investigating and preparing the case, including attorney fees, in any action initiated under this chapter.

E. Nothing in this chapter shall be construed as providing the basis for, or be subject to, a private right of action for violations of this chapter or under any other law.

2. That § 59.1-585 of the Code of Virginia is repealed.

CHAPTER 452

An Act to amend and reenact §§ 59.1-575 and 59.1-584, as they shall become effective, of the Code of Virginia and to repeal § 59.1-585 of the Code of Virginia, relating to Consumer Data Protection Act; enforcement; Consumer Privacy Fund.

[S 534]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 59.1-575 and 59.1-584, as they shall become effective, of the Code of Virginia are amended and reenacted as follows:

§ 59.1-575. (Effective January 1, 2023) Definitions.

As used in this chapter, unless the context requires a different meaning:

"Affiliate" means a legal entity that controls, is controlled by, or is under common control with another legal entity or shares common branding with another legal entity. For the purposes of this definition, "control" or "controlled" means (i) ownership of, or the power to vote, more than 50 percent of the outstanding shares of any class of voting security of a company; (ii) control in any manner over the election of a majority of the directors or of individuals exercising similar functions; or (iii) the power to exercise controlling influence over the management of a company.

"Authenticate" means verifying through reasonable means that the consumer, entitled to exercise his consumer rights in § 59.1-577, is the same consumer exercising such consumer rights with respect to the personal data at issue.

"Biometric data" means data generated by automatic measurements of an individual's biological characteristics, such as a fingerprint, voiceprint, eye retinas, irises, or other unique biological patterns or characteristics that is used to identify a specific individual. "Biometric data" does not include a physical or digital photograph, a video or audio recording or data generated therefrom, or information collected, used, or stored for health care treatment, payment, or operations under HIPAA.

"Business associate" means the same meaning as the term established by HIPAA.

"Child" means any natural person younger than 13 years of age.

"Consent" means a clear affirmative act signifying a consumer's freely given, specific, informed, and unambiguous agreement to process personal data relating to the consumer. Consent may include a written statement, including a statement written by electronic means, or any other unambiguous affirmative action.

"Consumer" means a natural person who is a resident of the Commonwealth acting only in an individual or household context. It does not include a natural person acting in a commercial or employment context.

"Controller" means the natural or legal person that, alone or jointly with others, determines the purpose and means of processing personal data.

"Covered entity" means the same as the term is established by HIPAA.

"Decisions that produce legal or similarly significant effects concerning a consumer" means a decision made by the controller that results in the provision or denial by the controller of financial and lending services, housing, insurance, education enrollment, criminal justice, employment opportunities, health care services, or access to basic necessities, such as food and water.

"De-identified data" means data that cannot reasonably be linked to an identified or identifiable natural person, or a device linked to such person. A controller that possesses "de-identified data" shall comply with the requirements of subsection A of § 59.1-581.

~~"Fund" means the Consumer Privacy Fund established pursuant to § 59.1-585.~~

"Health record" means the same as that term is defined in § 32.1-127.1:03.

"Health care provider" means the same as that term is defined in § 32.1-276.3.

"HIPAA" means the federal Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. § 1320d et seq.).

"Identified or identifiable natural person" means a person who can be readily identified, directly or indirectly.

"Institution of higher education" means a public institution and private institution of higher education, as those terms are defined in § 23.1-100.

"Nonprofit organization" means any corporation organized under the Virginia Nonstock Corporation Act (§ 13.1-801 et seq.) or any organization exempt from taxation under § 501(c)(3), 501(c)(6), or 501(c)(12) of the Internal Revenue Code, *any political organization, any organization exempt from taxation under § 501(c)(4) of the Internal Revenue Code that is identified in § 52-41, and any subsidiaries and affiliates subsidiary or affiliate* of entities organized pursuant to Chapter 9.1 (§ 56-231.15 et seq.) of Title 56.

"Personal data" means any information that is linked or reasonably linkable to an identified or identifiable natural person. "Personal data" does not include de-identified data or publicly available information.

"Political organization" means a party, committee, association, fund, or other organization, whether or not incorporated, organized and operated primarily for the purpose of influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any federal, state, or local public office or office in a political organization or the election of a presidential/vice-presidential elector; whether or not such individual or elector is selected, nominated, elected, or appointed.

"Precise geolocation data" means information derived from technology, including but not limited to global positioning system level latitude and longitude coordinates or other mechanisms, that directly identifies the specific location of a natural person with precision and accuracy within a radius of 1,750 feet. "Precise geolocation data" does not include the content of communications or any data generated by or connected to advanced utility metering infrastructure systems or equipment for use by a utility.

"Process" or "processing" means any operation or set of operations performed, whether by manual or automated means, on personal data or on sets of personal data, such as the collection, use, storage, disclosure, analysis, deletion, or modification of personal data.

"Processor" means a natural or legal entity that processes personal data on behalf of a controller.

"Profiling" means any form of automated processing performed on personal data to evaluate, analyze, or predict personal aspects related to an identified or identifiable natural person's economic situation, health, personal preferences, interests, reliability, behavior, location, or movements.

"Protected health information" means the same as the term is established by HIPAA.

"Pseudonymous data" means personal data that cannot be attributed to a specific natural person without the use of additional information, provided that such additional information is kept separately and is subject to appropriate technical and organizational measures to ensure that the personal data is not attributed to an identified or identifiable natural person.

"Publicly available information" means information that is lawfully made available through federal, state, or local government records, or information that a business has a reasonable basis to believe is lawfully made available to the general public through widely distributed media, by the consumer, or by a person to whom the consumer has disclosed the information, unless the consumer has restricted the information to a specific audience.

"Sale of personal data" means the exchange of personal data for monetary consideration by the controller to a third party. "Sale of personal data" does not include:

1. The disclosure of personal data to a processor that processes the personal data on behalf of the controller;
2. The disclosure of personal data to a third party for purposes of providing a product or service requested by the consumer;
3. The disclosure or transfer of personal data to an affiliate of the controller;
4. The disclosure of information that the consumer (i) intentionally made available to the general public via a channel of mass media and (ii) did not restrict to a specific audience; or
5. The disclosure or transfer of personal data to a third party as an asset that is part of a merger, acquisition, bankruptcy, or other transaction in which the third party assumes control of all or part of the controller's assets.

"Sensitive data" means a category of personal data that includes:

1. Personal data revealing racial or ethnic origin, religious beliefs, mental or physical health diagnosis, sexual orientation, or citizenship or immigration status;
2. The processing of genetic or biometric data for the purpose of uniquely identifying a natural person;

3. The personal data collected from a known child; or
4. Precise geolocation data.

"State agency" means the same as that term is defined in § 2.2-307.

"Targeted advertising" means displaying advertisements to a consumer where the advertisement is selected based on personal data obtained from that consumer's activities over time and across nonaffiliated websites or online applications to predict such consumer's preferences or interests. "Targeted advertising" does not include:

1. Advertisements based on activities within a controller's own websites or online applications;
2. Advertisements based on the context of a consumer's current search query, visit to a website, or online application;
3. Advertisements directed to a consumer in response to the consumer's request for information or feedback; or
4. Processing personal data processed solely for measuring or reporting advertising performance, reach, or frequency.

"Third party" means a natural or legal person, public authority, agency, or body other than the consumer, controller, processor, or an affiliate of the processor or the controller.

§ 59.1-584. (Effective January 1, 2023) Enforcement; civil penalty; expenses.

A. The Attorney General shall have exclusive authority to enforce the provisions of this chapter.

B. Prior to initiating any action under this chapter, the Attorney General shall provide a controller or processor 30 days' written notice identifying the specific provisions of this chapter the Attorney General alleges have been or are being violated. If within the 30-day period; the controller or processor cures the noticed violation and provides the Attorney General an express written statement that the alleged violations have been cured and that no further violations shall occur, no action shall be initiated against the controller or processor.

C. If a controller or processor continues to violate this chapter following the cure period in subsection B or breaches an express written statement provided to the Attorney General under that subsection, the Attorney General may initiate an action in the name of the Commonwealth and may seek an injunction to restrain any violations of this chapter and civil penalties of up to \$7,500 for each violation under this chapter. *All civil penalties, expenses, and attorney fees collected pursuant to this chapter shall be paid into the state treasury and credited to the Regulatory, Consumer Advocacy, Litigation, and Enforcement Revolving Trust Fund.*

D. The Attorney General may recover reasonable expenses incurred in investigating and preparing the case, including attorney fees, in any action initiated under this chapter.

E. Nothing in this chapter shall be construed as providing the basis for, or be subject to, a private right of action for violations of this chapter or under any other law.

2. That § 59.1-585 of the Code of Virginia is repealed.

CHAPTER 453

An Act to amend and reenact §§ 19.2-11.8 and 19.2-11.11 of the Code of Virginia, relating to physical evidence recovery kits; victim's right to notification; storage.

[H 719]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-11.8 and 19.2-11.11 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-11.8. Submission of physical evidence recovery kits to the Department.

A. A law-enforcement agency that receives a physical evidence recovery kit shall submit the physical evidence recovery kit to the Department for analysis within 60 days of receipt, except under the following circumstances: (i) it is an anonymous physical evidence recovery kit that shall be forwarded to the Division for storage; (ii) the physical evidence recovery kit was collected by the Office of the Chief Medical Examiner as part of a routine death investigation, and the medical examiner and the law-enforcement agency agree that analysis is not warranted; (iii) the physical evidence recovery kit is connected to an offense that occurred outside of the Commonwealth; (iv) the physical evidence recovery kit was determined by the law-enforcement agency not to be connected to a criminal offense; or (v) another law-enforcement agency has taken over responsibility for the investigation related to the physical evidence recovery kit. *When a state or local law-enforcement agency located within the Commonwealth has taken over responsibility for the investigation related to the physical evidence recovery kit as provided in clause (v), unless one of the exceptions in clause (i) through (iv) also applies, the physical evidence recovery kit shall be transferred to such law-enforcement agency and such law-enforcement agency shall submit the physical evidence recovery kit to the Department within 60 days of receipt from the original receiving law-enforcement agency.*

B. Upon completion of analysis, the Department shall return the physical evidence recovery kit to the submitting law-enforcement agency. Upon receipt of the physical evidence recovery kit from the Department, the law-enforcement agency shall store the physical evidence recovery kit for a period of 10 years or until 10 years after the victim reaches the age of majority if the victim was a minor at the time of collection, whichever is longer. The law-enforcement agency shall store the physical evidence recovery kit for a period of 10 years following the receipt of a written objection to the destruction of the kit from the victim. After the mandatory retention period or any additional 10-year storage period has lapsed, the law-enforcement agency shall, unless the victim has made a written request not to be contacted for this purpose,

make a reasonable effort to notify the victim of the intended destruction of the physical evidence recovery kit no less than 60 days prior to the intended date of such destruction. In the absence of a response from the victim, or with the consent of the victim, the law-enforcement agency may destroy the physical evidence recovery kit or, in its discretion, may elect to retain the physical evidence recovery kit for a longer period of time.

C. For physical evidence recovery kits that meet the exceptions in clause (ii) or (iv) of subsection A or that meet the exception in clause (iii) and (v) of subsection A that are not transferred to the law-enforcement agency outside of the Commonwealth in which the offense occurred or to the law-enforcement agency that has taken over responsibility for the investigation related to the physical evidence recovery kit, the law-enforcement agency that received the physical evidence recovery kit shall store such kit for a period of 10 years or until 10 years after the victim reaches the age of majority if the victim was a minor at the time of collection, whichever is longer. After the mandatory retention period, the law-enforcement agency may destroy the physical evidence recovery kit or, in its discretion, may elect to retain the physical evidence recovery kit for a longer period of time.

D. The DNA profiles developed from physical evidence recovery kits submitted to the Department for analysis pursuant to this section shall be uploaded into any local, state, or national DNA data bank only if eligible as determined by Department procedures and in accordance with state and federal law.

§ 19.2-11.11. Victim's right to notification of scientific analysis information.

A. In addition to the rights provided under Chapter 1.1 (§ 19.2-11.01 et seq.), a victim of sexual assault, a parent or guardian of a victim of a sexual assault who was a minor at the time of the offense, or the next of kin of a deceased victim of sexual assault shall have the right to request and receive information from the law-enforcement agency regarding (i) the submission of any physical evidence recovery kit for forensic analysis that was collected from the victim during the investigation of the offense; (ii) the status of any analysis being performed on any evidence that was collected during the investigation of the offense; (iii) the results of any analysis; and (iv) the time frame for how long the kit will be held in storage and the victim's rights regarding such storage, unless disclosing this information would interfere with the investigation or prosecution of the offense, in which case the victim, parent, guardian, or next of kin shall be informed of the estimated date on which the information may be disclosed, if known. *The law-enforcement agency shall inform the victim, parent, guardian, or next of kin of the unique identification number assigned to the physical evidence recovery kit utilized by the health care provider and the personal identification number required to view the status of the physical evidence recovery kit and shall provide information regarding the Physical Evidence Recovery Kit Tracking System, unless disclosing this information would interfere with the investigation or prosecution of the offense, in which case the victim, parent, guardian, or next of kin shall be informed of the estimated date on which the information may be disclosed, if known.*

B. In the case of a physical evidence recovery kit that was received by a law-enforcement agency prior to July 1, 2016, and that has subsequently been submitted for analysis, the victim, a parent or guardian of a minor victim, or the next of kin of a deceased victim shall be notified by the law-enforcement agency of the completion of the analysis and shall, upon request, receive information from the law-enforcement agency regarding the results of any analysis, unless disclosing this information would interfere with the investigation or prosecution of the offense, in which case the victim, parent, guardian, or next of kin shall be informed of the estimated date on which the information may be disclosed, if known. A good faith attempt to locate the victim, a parent or guardian of a minor victim, or the next of kin of a deceased victim shall be made if a current address for the victim, a parent or guardian of a minor victim, or the next of kin of a deceased victim is unavailable.

C. The victim, parent, guardian, or next of kin who requests to be notified under subsection A shall provide a current address and telephone number to the attorney for the Commonwealth and to the law-enforcement agency that is investigating the offense and keep such information updated.

The victim, parent, guardian, or next of kin who requests to be notified under subsection B may provide a current address and telephone number to the attorney for the Commonwealth and to the law-enforcement agency that is investigating the offense and keep such information updated.

D. Nothing contained in this section shall require a law-enforcement agency to disclose any information regarding the results of any analysis to a parent or guardian of a minor victim or to the next of kin of a deceased victim if such parent, guardian, or next of kin is the alleged perpetrator of the offense.

CHAPTER 454

An Act to amend and reenact §§ 19.2-11.8 and 19.2-11.11 of the Code of Virginia, relating to physical evidence recovery kits; victim's right to notification; storage.

[S 658]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-11.8 and 19.2-11.11 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-11.8. Submission of physical evidence recovery kits to the Department.

A. A law-enforcement agency that receives a physical evidence recovery kit shall submit the physical evidence recovery kit to the Department for analysis within 60 days of receipt, except under the following circumstances: (i) it is an

anonymous physical evidence recovery kit that shall be forwarded to the Division for storage; (ii) the physical evidence recovery kit was collected by the Office of the Chief Medical Examiner as part of a routine death investigation, and the medical examiner and the law-enforcement agency agree that analysis is not warranted; (iii) the physical evidence recovery kit is connected to an offense that occurred outside of the Commonwealth; (iv) the physical evidence recovery kit was determined by the law-enforcement agency not to be connected to a criminal offense; or (v) another law-enforcement agency has taken over responsibility for the investigation related to the physical evidence recovery kit. *When a state or local law-enforcement agency located within the Commonwealth has taken over responsibility for the investigation related to the physical evidence recovery kit as provided in clause (v), unless one of the exceptions in clause (i) through (iv) also applies, the physical evidence recovery kit shall be transferred to such law-enforcement agency and such law-enforcement agency shall submit the physical evidence recovery kit to the Department within 60 days of receipt from the original receiving law-enforcement agency.*

B. Upon completion of analysis, the Department shall return the physical evidence recovery kit to the submitting law-enforcement agency. Upon receipt of the physical evidence recovery kit from the Department, the law-enforcement agency shall store the physical evidence recovery kit for a period of 10 years or until 10 years after the victim reaches the age of majority if the victim was a minor at the time of collection, whichever is longer. The law-enforcement agency shall store the physical evidence recovery kit for a period of 10 years following the receipt of a written objection to the destruction of the kit from the victim. After the mandatory retention period or any additional 10-year storage period has lapsed, the law-enforcement agency shall, unless the victim has made a written request not to be contacted for this purpose, make a reasonable effort to notify the victim of the intended destruction of the physical evidence recovery kit no less than 60 days prior to the intended date of such destruction. In the absence of a response from the victim, or with the consent of the victim, the law-enforcement agency may destroy the physical evidence recovery kit or, in its discretion, may elect to retain the physical evidence recovery kit for a longer period of time.

C. *For physical evidence recovery kits that meet the exceptions in clause (ii) or (iv) of subsection A or that meet the exception in clause (iii) and (v) of subsection A that are not transferred to the law-enforcement agency outside of the Commonwealth in which the offense occurred or to the law-enforcement agency that has taken over responsibility for the investigation related to the physical evidence recovery kit, the law-enforcement agency that received the physical evidence recovery kit shall store such kit for a period of 10 years or until 10 years after the victim reaches the age of majority if the victim was a minor at the time of collection, whichever is longer. After the mandatory retention period, the law-enforcement agency may destroy the physical evidence recovery kit or, in its discretion, may elect to retain the physical evidence recovery kit for a longer period of time.*

D. The DNA profiles developed from physical evidence recovery kits submitted to the Department for analysis pursuant to this section shall be uploaded into any local, state, or national DNA data bank only if eligible as determined by Department procedures and in accordance with state and federal law.

§ 19.2-11.11. Victim's right to notification of scientific analysis information.

A. In addition to the rights provided under Chapter 1.1 (§ 19.2-11.01 et seq.), a victim of sexual assault, a parent or guardian of a victim of a sexual assault who was a minor at the time of the offense, or the next of kin of a deceased victim of sexual assault shall have the right to request and receive information from the law-enforcement agency regarding (i) the submission of any physical evidence recovery kit for forensic analysis that was collected from the victim during the investigation of the offense; (ii) the status of any analysis being performed on any evidence that was collected during the investigation of the offense; (iii) the results of any analysis; and (iv) the time frame for how long the kit will be held in storage and the victim's rights regarding such storage, unless disclosing this information would interfere with the investigation or prosecution of the offense, in which case the victim, parent, guardian, or next of kin shall be informed of the estimated date on which the information may be disclosed, if known. *The law-enforcement agency shall inform the victim, parent, guardian, or next of kin of the unique identification number assigned to the physical evidence recovery kit utilized by the health care provider and the personal identification number required to view the status of the physical evidence recovery kit and shall provide information regarding the Physical Evidence Recovery Kit Tracking System, unless disclosing this information would interfere with the investigation or prosecution of the offense, in which case the victim, parent, guardian, or next of kin shall be informed of the estimated date on which the information may be disclosed, if known.*

B. In the case of a physical evidence recovery kit that was received by a law-enforcement agency prior to July 1, 2016, and that has subsequently been submitted for analysis, the victim, a parent or guardian of a minor victim, or the next of kin of a deceased victim shall be notified by the law-enforcement agency of the completion of the analysis and shall, upon request, receive information from the law-enforcement agency regarding the results of any analysis, unless disclosing this information would interfere with the investigation or prosecution of the offense, in which case the victim, parent, guardian, or next of kin shall be informed of the estimated date on which the information may be disclosed, if known. A good faith attempt to locate the victim, a parent or guardian of a minor victim, or the next of kin of a deceased victim shall be made if a current address for the victim, a parent or guardian of a minor victim, or the next of kin of a deceased victim is unavailable.

C. The victim, parent, guardian, or next of kin who requests to be notified under subsection A shall provide a current address and telephone number to the attorney for the Commonwealth and to the law-enforcement agency that is investigating the offense and keep such information updated.

The victim, parent, guardian, or next of kin who requests to be notified under subsection B may provide a current address and telephone number to the attorney for the Commonwealth and to the law-enforcement agency that is investigating the offense and keep such information updated.

D. Nothing contained in this section shall require a law-enforcement agency to disclose any information regarding the results of any analysis to a parent or guardian of a minor victim or to the next of kin of a deceased victim if such parent, guardian, or next of kin is the alleged perpetrator of the offense.

CHAPTER 455

An Act to amend and reenact § 16.1-301 of the Code of Virginia, relating to juvenile law-enforcement records; inspection.

[H 731]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-301 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-301. Confidentiality of juvenile law-enforcement records; disclosures to school principal and others.

A. The court shall require all law-enforcement agencies to take special precautions to ensure that law-enforcement records concerning a juvenile are protected against disclosure to any unauthorized person. The police departments of the cities of the Commonwealth, and the police departments or sheriffs of the counties, as the case may be, shall keep separate records as to violations of law other than violations of motor vehicle laws committed by juveniles. Such records with respect to such juvenile shall not be open to public inspection nor their contents disclosed to the public unless a juvenile 14 years of age or older is charged with a violent juvenile felony as specified in subsections B and C of § 16.1-269.1.

B. Notwithstanding any other provision of law, the chief of police or sheriff of a jurisdiction or his designee may disclose, for the protection of the juvenile, his fellow students and school personnel, to the school principal that a juvenile is a suspect in or has been charged with (i) a violent juvenile felony, as specified in subsections B and C of § 16.1-269.1; (ii) a violation of any of the provisions of Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2; or (iii) a violation of law involving any weapon as described in subsection A of § 18.2-308. If a chief of police, sheriff or a designee has disclosed to a school principal pursuant to this section that a juvenile is a suspect in or has been charged with a crime listed above, upon a court disposition of a proceeding regarding such crime in which a juvenile is adjudicated delinquent, convicted, found not guilty or the charges are reduced, the chief of police, sheriff or a designee shall, within 15 days of the expiration of the appeal period, if there is no notice of appeal, provide notice of the disposition ordered by the court to the school principal to whom disclosure was made. If the court defers disposition or if charges are withdrawn, dismissed or nolle prosequi, the chief of police, sheriff or a designee shall, within 15 days of such action provide notice of such action to the school principal to whom disclosure was made. If charges are withdrawn in intake or handled informally without a court disposition or if charges are not filed within 90 days of the initial disclosure, the chief of police, sheriff or a designee shall so notify the school principal to whom disclosure was made. In addition to any other disclosure that is permitted by this subsection, the principal in his discretion may provide such information to a threat assessment team established by the local school division. No member of a threat assessment team shall (a) disclose any juvenile record information obtained pursuant to this section or (b) use such information for any purpose other than evaluating threats to students and school personnel. For the purposes of this subsection, "principal" also refers to the chief administrator of any private primary or secondary school.

C. Inspection of law-enforcement records concerning juveniles shall be permitted only by the following:

1. A court having the juvenile currently before it in any proceeding;
2. The officers of public and nongovernmental institutions or agencies to which the juvenile is currently committed, and those responsible for his supervision after release;
3. Any other person, agency, or institution, by order of the court, having a legitimate interest in the case or in the work of the law-enforcement agency;
4. Law-enforcement officers of other jurisdictions, by order of the court, when necessary for the discharge of their current official duties;
5. The probation and other professional staff of a court in which the juvenile is subsequently convicted of a criminal offense for the purpose of a presentence report or other dispositional proceedings, or by officials of penal institutions and other penal facilities to which he is committed, or by a parole board in considering his parole or discharge or in exercising supervision over him;
6. The juvenile, *the parent, guardian, or other custodian of the juvenile*, and counsel for the juvenile ~~by order of the court only if~~ *(i) no other law or rule of the Supreme Court of Virginia requires or allows withholding of the record; (ii) the parent, guardian, or other custodian requesting the record is not a suspect, offender, or person of interest in the record; and (iii) any identifying information of any other involved juveniles is redacted; and*

7. As provided in §§ 19.2-389.1 and 19.2-390.

D. The police departments of the cities and towns and the police departments or sheriffs of the counties may release, upon request to one another and to state and federal law-enforcement agencies, and to law-enforcement agencies in other states, current information on juvenile arrests. The information exchanged shall be used by the receiving agency for current

investigation purposes only and shall not result in the creation of new files or records on individual juveniles on the part of the receiving agency.

E. Upon request, the police departments of the cities and towns and the police departments or sheriffs of the counties may release current information on juvenile arrests or juvenile victims to the Virginia Workers' Compensation Commission solely for purposes of determining whether to make an award to the victim of a crime, and such information shall not be disseminated or used by the Commission for any other purpose than provided in § 19.2-368.3.

F. Nothing in this section shall prohibit the exchange of other criminal investigative or intelligence information among law-enforcement agencies.

G. Nothing in this section shall prohibit the disclosure of law-enforcement records concerning a juvenile to a court services unit-authorized diversion program in accordance with this chapter, which includes programs authorized by subdivision 1 of § 16.1-227 and § 16.1-260. Such records shall not be further disclosed by the authorized diversion program or any participants therein. Law-enforcement officers may prohibit a disclosure to such a program to protect a criminal investigation or intelligence information.

H. Nothing in this section shall prohibit the disclosure of accident reports and other reports required to be made to the Department of Motor Vehicles pursuant to § 46.2-374 involving a juvenile even if such reports are in the custody of a law-enforcement agency or were created by a law-enforcement officer.

CHAPTER 456

An Act to amend and reenact § 16.1-301 of the Code of Virginia, relating to juvenile law-enforcement records; inspection.

[S 149]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-301 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-301. Confidentiality of juvenile law-enforcement records; disclosures to school principal and others.

A. The court shall require all law-enforcement agencies to take special precautions to ensure that law-enforcement records concerning a juvenile are protected against disclosure to any unauthorized person. The police departments of the cities of the Commonwealth, and the police departments or sheriffs of the counties, as the case may be, shall keep separate records as to violations of law other than violations of motor vehicle laws committed by juveniles. Such records with respect to such juvenile shall not be open to public inspection nor their contents disclosed to the public unless a juvenile 14 years of age or older is charged with a violent juvenile felony as specified in subsections B and C of § 16.1-269.1.

B. Notwithstanding any other provision of law, the chief of police or sheriff of a jurisdiction or his designee may disclose, for the protection of the juvenile, his fellow students and school personnel, to the school principal that a juvenile is a suspect in or has been charged with (i) a violent juvenile felony, as specified in subsections B and C of § 16.1-269.1; (ii) a violation of any of the provisions of Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2; or (iii) a violation of law involving any weapon as described in subsection A of § 18.2-308. If a chief of police, sheriff or a designee has disclosed to a school principal pursuant to this section that a juvenile is a suspect in or has been charged with a crime listed above, upon a court disposition of a proceeding regarding such crime in which a juvenile is adjudicated delinquent, convicted, found not guilty or the charges are reduced, the chief of police, sheriff or a designee shall, within 15 days of the expiration of the appeal period, if there is no notice of appeal, provide notice of the disposition ordered by the court to the school principal to whom disclosure was made. If the court defers disposition or if charges are withdrawn, dismissed or nolle prosequi, the chief of police, sheriff or a designee shall, within 15 days of such action provide notice of such action to the school principal to whom disclosure was made. If charges are withdrawn in intake or handled informally without a court disposition or if charges are not filed within 90 days of the initial disclosure, the chief of police, sheriff or a designee shall so notify the school principal to whom disclosure was made. In addition to any other disclosure that is permitted by this subsection, the principal in his discretion may provide such information to a threat assessment team established by the local school division. No member of a threat assessment team shall (a) disclose any juvenile record information obtained pursuant to this section or (b) use such information for any purpose other than evaluating threats to students and school personnel. For the purposes of this subsection, "principal" also refers to the chief administrator of any private primary or secondary school.

C. Inspection of law-enforcement records concerning juveniles shall be permitted only by the following:

1. A court having the juvenile currently before it in any proceeding;
2. The officers of public and nongovernmental institutions or agencies to which the juvenile is currently committed, and those responsible for his supervision after release;
3. Any other person, agency, or institution, by order of the court, having a legitimate interest in the case or in the work of the law-enforcement agency;
4. Law-enforcement officers of other jurisdictions, by order of the court, when necessary for the discharge of their current official duties;
5. The probation and other professional staff of a court in which the juvenile is subsequently convicted of a criminal offense for the purpose of a presentence report or other dispositional proceedings, or by officials of penal institutions and

other penal facilities to which he is committed, or by a parole board in considering his parole or discharge or in exercising supervision over him;

6. The juvenile, *the parent, guardian, or other custodian of the juvenile*, and counsel for the juvenile ~~by order of the court~~ only if (i) no other law or rule of the Supreme Court of Virginia requires or allows withholding of the record; (ii) the parent, guardian, or other custodian requesting the record is not a suspect, offender, or person of interest in the record; and (iii) any identifying information of any other involved juveniles is redacted; and

7. As provided in §§ 19.2-389.1 and 19.2-390.

D. The police departments of the cities and towns and the police departments or sheriffs of the counties may release, upon request to one another and to state and federal law-enforcement agencies, and to law-enforcement agencies in other states, current information on juvenile arrests. The information exchanged shall be used by the receiving agency for current investigation purposes only and shall not result in the creation of new files or records on individual juveniles on the part of the receiving agency.

E. Upon request, the police departments of the cities and towns and the police departments or sheriffs of the counties may release current information on juvenile arrests or juvenile victims to the Virginia Workers' Compensation Commission solely for purposes of determining whether to make an award to the victim of a crime, and such information shall not be disseminated or used by the Commission for any other purpose than provided in § 19.2-368.3.

F. Nothing in this section shall prohibit the exchange of other criminal investigative or intelligence information among law-enforcement agencies.

G. Nothing in this section shall prohibit the disclosure of law-enforcement records concerning a juvenile to a court services unit-authorized diversion program in accordance with this chapter, which includes programs authorized by subdivision 1 of § 16.1-227 and § 16.1-260. Such records shall not be further disclosed by the authorized diversion program or any participants therein. Law-enforcement officers may prohibit a disclosure to such a program to protect a criminal investigation or intelligence information.

H. *Nothing in this section shall prohibit the disclosure of accident reports and other reports required to be made to the Department of Motor Vehicles pursuant to § 46.2-374 involving a juvenile even if such reports are in the custody of a law-enforcement agency or were created by a law-enforcement officer.*

CHAPTER 457

An Act to amend and reenact §§ 46.2-1029.2 and 46.2-1030 of the Code of Virginia, relating to traffic incident management vehicles.

[H 793]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1029.2 and 46.2-1030 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-1029.2. Certain vehicles may be equipped with secondary warning lights.

A. *For purposes of this section, "traffic incident management vehicle" means any vehicle operating en route to or at the scene of a traffic accident or similar emergency that affects the travel lanes of a highway, provided that such vehicle is a (i) Department of Transportation vehicle operated by an incident management coordinator or (ii) vehicle operated pursuant to the Department of Transportation safety service patrol program or a contract with the Department of Transportation that includes traffic incident management services as defined in § 46.2-920.1. The provisions of § 46.2-920 shall not apply to the operation of such traffic incident management vehicle.*

B. In addition to other lights authorized by this article, any (i) fire apparatus, (ii) government-owned vehicle operated on official business by a local fire chief or other local fire official, ~~and~~ (iii) emergency medical services vehicle, or (iv) *traffic incident management vehicle* may be equipped with alternating, blinking, or flashing red or red and white secondary warning lights mounted inside the vehicle's taillights, *headlights*, or marker lights of a type approved by the Superintendent of State Police.

C. *In order to operate a traffic incident management vehicle with lighted warning lights pursuant to this section, a traffic incident management vehicle operator shall be required to (i) complete an initial emergency vehicle operators course from an approved course list prepared by the Department of Fire Programs, the Office of Emergency Medical Services, or an equivalent agency and (ii) recertify as an emergency vehicle operator every two years.*

§ 46.2-1030. When lights to be lighted; number of lights to be lighted at any time; use of warning lights.

A. Every vehicle in operation on a highway in the Commonwealth shall display lighted headlights and illuminating devices as required by this article (i) from sunset to sunrise; (ii) during any other time when, because of rain, smoke, fog, snow, sleet, insufficient light, or other unfavorable atmospheric conditions, visibility is reduced to a degree whereby persons or vehicles on the highway are not clearly discernible at a distance of 500 feet; and (iii) whenever windshield wipers are in use as a result of fog, rain, sleet, or snow. The provisions of this subsection, however, shall not apply to instances when windshield wipers are used intermittently in misting rain, sleet, or snow.

B. Not more than four lights used to provide general illumination ahead of the vehicle, including at least two headlights and any other combination of fog lights or other auxiliary lights approved by the Superintendent, shall be lighted at any

time. However, motorcycles may be equipped with and use not more than five approved lights in order to provide general illumination ahead of the motorcycle. These limitations shall not preclude the display of warning lights authorized in §§ 46.2-1020 through 46.2-1027, or other lights as may be authorized by the Superintendent.

C. Vehicles equipped with warning lights authorized in §§ 46.2-1020 through 46.2-1027 shall display lighted warning lights as authorized in such sections at all times when responding to emergency calls, *responding to traffic incidents*, towing disabled vehicles, or constructing, repairing, and maintaining public highways or utilities on or along public highways, except that amber lights on vehicles designed with a ramp on wheels and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollbacks," need not be lit while the vehicle is in motion unless it is actually towing a vehicle.

D. The failure to display lighted headlights and illuminating devices under the conditions set forth in clause (iii) of subsection A shall not constitute negligence per se, nor shall violation of clause (iii) of subsection A constitute a defense to any claim for personal injury or recovery of medical expenses for injuries sustained in a motor vehicle accident.

E. No demerit points shall be assessed for failure to display lighted headlights and illuminating devices during periods of fog, rain, sleet, or snow in violation of clause (iii) of subsection A.

F. No citation for a violation of clause (iii) of subsection A shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute. No law-enforcement officer shall stop a motor vehicle for a violation of this section, except that a law-enforcement officer may stop a vehicle if it displays no lighted headlights during the time periods set forth in subsection A. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

CHAPTER 458

An Act to amend and reenact §§ 46.2-1029.2 and 46.2-1030 of the Code of Virginia, relating to traffic incident management vehicles.

[S 450]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1029.2 and 46.2-1030 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-1029.2. Certain vehicles may be equipped with secondary warning lights.

A. For purposes of this section, "traffic incident management vehicle" means any vehicle operating en route to or at the scene of a traffic accident or similar emergency that affects the travel lanes of a highway, provided that such vehicle is a (i) Department of Transportation vehicle operated by an incident management coordinator or (ii) vehicle operated pursuant to the Department of Transportation safety service patrol program or a contract with the Department of Transportation that includes traffic incident management services as defined in § 46.2-920.1. The provisions of § 46.2-920 shall not apply to the operation of such traffic incident management vehicle.

B. In addition to other lights authorized by this article, any (i) fire apparatus, (ii) government-owned vehicle operated on official business by a local fire chief or other local fire official, ~~and~~ (iii) emergency medical services vehicle, or (iv) traffic incident management vehicle may be equipped with alternating, blinking, or flashing red or red and white secondary warning lights mounted inside the vehicle's taillights, headlights, or marker lights of a type approved by the Superintendent of State Police.

C. In order to operate a traffic incident management vehicle with lighted warning lights pursuant to this section, a traffic incident management vehicle operator shall be required to (i) complete an initial emergency vehicle operators course from an approved course list prepared by the Department of Fire Programs, the Office of Emergency Medical Services, or an equivalent agency and (ii) recertify as an emergency vehicle operator every two years.

§ 46.2-1030. When lights to be lighted; number of lights to be lighted at any time; use of warning lights.

A. Every vehicle in operation on a highway in the Commonwealth shall display lighted headlights and illuminating devices as required by this article (i) from sunset to sunrise; (ii) during any other time when, because of rain, smoke, fog, snow, sleet, insufficient light, or other unfavorable atmospheric conditions, visibility is reduced to a degree whereby persons or vehicles on the highway are not clearly discernible at a distance of 500 feet; and (iii) whenever windshield wipers are in use as a result of fog, rain, sleet, or snow. The provisions of this subsection, however, shall not apply to instances when windshield wipers are used intermittently in misting rain, sleet, or snow.

B. Not more than four lights used to provide general illumination ahead of the vehicle, including at least two headlights and any other combination of fog lights or other auxiliary lights approved by the Superintendent, shall be lighted at any time. However, motorcycles may be equipped with and use not more than five approved lights in order to provide general illumination ahead of the motorcycle. These limitations shall not preclude the display of warning lights authorized in §§ 46.2-1020 through 46.2-1027, or other lights as may be authorized by the Superintendent.

*C. Vehicles equipped with warning lights authorized in §§ 46.2-1020 through 46.2-1027 shall display lighted warning lights as authorized in such sections at all times when responding to emergency calls, *responding to traffic incidents*, towing*

disabled vehicles, or constructing, repairing, and maintaining public highways or utilities on or along public highways, except that amber lights on vehicles designed with a ramp on wheels and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollbacks," need not be lit while the vehicle is in motion unless it is actually towing a vehicle.

D. The failure to display lighted headlights and illuminating devices under the conditions set forth in clause (iii) of subsection A shall not constitute negligence per se, nor shall violation of clause (iii) of subsection A constitute a defense to any claim for personal injury or recovery of medical expenses for injuries sustained in a motor vehicle accident.

E. No demerit points shall be assessed for failure to display lighted headlights and illuminating devices during periods of fog, rain, sleet, or snow in violation of clause (iii) of subsection A.

F. No citation for a violation of clause (iii) of subsection A shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute. No law-enforcement officer shall stop a motor vehicle for a violation of this section, except that a law-enforcement officer may stop a vehicle if it displays no lighted headlights during the time periods set forth in subsection A. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

CHAPTER 459

An Act to amend and reenact §§ 22.1-207.1 and 22.1-207.1:1 of the Code of Virginia, relating to high school family life education curricula; optional instruction on human trafficking of children.

[H 1023]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-207.1 and 22.1-207.1:1 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-207.1. Family life education.

A. As used in this section, "abstinence education" means an educational or motivational component that has as its exclusive purpose teaching the social, psychological, and health gains to be realized by teenagers' abstaining from sexual activity before marriage.

B. The Board of Education shall develop Standards of Learning and curriculum guidelines for a comprehensive, sequential family life education curriculum in grades kindergarten through 12. Such curriculum guidelines shall include instruction as appropriate for the age of the student in family living and community relationships; the benefits, challenges, responsibilities, and value of marriage for men, women, children, and communities; the value of family relationships; abstinence education; the value of postponing sexual activity; the benefits of adoption as a positive choice in the event of an unwanted pregnancy; human sexuality; human reproduction; the prevention of human trafficking, *including the human trafficking of children*; dating violence, the characteristics of abusive relationships, steps to take to deter sexual assault, the availability of counseling and legal resources, and, in the event of such sexual assault, the importance of immediate medical attention and advice, as well as the requirements of the law; the etiology, prevention, and effects of sexually transmitted diseases; and mental health education and awareness.

C. All such instruction shall be designed to promote parental involvement, foster positive self-concepts, and provide mechanisms for coping with peer pressure and the stresses of modern living according to the students' developmental stages and abilities. The Board shall also establish requirements for appropriate training for teachers of family life education, which shall include training in instructional elements to support the various curriculum components.

D. Each school board shall conduct a review of its family life education curricula at least once every seven years, shall evaluate whether such curricula reflect contemporary community standards, and shall revise such curricula if necessary.

§ 22.1-207.1:1. Family life education; certain curricula and Standards of Learning.

A. Any family life education curriculum offered by a local school division shall require the Standards of Learning objectives related to dating violence and the characteristics of abusive relationships to be taught at least once in middle school and at least twice in high school, as described in the ~~Board of Education's~~ *Board's* family life education guidelines.

B. Any high school family life education curriculum offered by a local school division shall incorporate age-appropriate elements of effective and evidence-based programs on (i) the prevention of dating violence, domestic abuse, sexual harassment, including sexual harassment using electronic means, sexual violence, and human trafficking and (ii) the law and meaning of consent. Such age-appropriate elements of effective and evidence-based programs on the prevention of sexual violence may include instruction that increases student awareness of the fact that consent is required before sexual activity.

C. Any family life education curriculum offered in any elementary school, middle school, or high school shall incorporate age-appropriate elements of effective and evidence-based programs on the importance of the personal privacy and personal boundaries of other individuals and tools for a student to use to ensure that he respects the personal privacy and personal boundaries of other individuals.

D. Any family life education curriculum offered by a local school division shall incorporate age-appropriate elements of effective and evidence-based programs on the harmful physical and emotional effects of female genital mutilation; associated criminal penalties; and the rights of the victim, including any civil action pursuant to § 8.01-42.5.

E. Any family life education curriculum offered by a local school division may incorporate age-appropriate elements of effective and evidence-based programs on the prevention, recognition, and awareness of child abduction, child abuse, child sexual exploitation, and child sexual abuse, and, in any such curriculum offered in high school, human trafficking of children.

CHAPTER 460

An Act to require the Joint Commission on Health Care to study and provide recommendations related to the payment of medical assistance for obesity prevention and other obesity-related services; report.

[H 1098]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Joint Commission on Health Care (the Commission) shall study and provide recommendations related to the payment of medical assistance for obesity prevention and other obesity-related services, including (i) the types of obesity prevention and other obesity-related services for which federal matching funds are available, (ii) the estimated cost to the Commonwealth of providing medical assistance for such obesity prevention and other obesity-related services for eligible individuals, and (iii) any federal approvals or other actions necessary to allow for the payment of medical assistance for obesity prevention and other obesity-related services. The Commission shall report its findings and recommendations to the Governor and the Chairmen of the House Committees on Appropriations and Health, Welfare and Institutions and the Senate Committees on Finance and Appropriations and Education and Health by November 1, 2023.

CHAPTER 461

An Act to amend and reenact §§ 40.1-29, 40.1-29.1, and 40.1-29.2 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 40.1-29.3, relating to Fair Labor Standards Act; employer liability; overtime required for certain employees.

[H 1173]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 40.1-29, 40.1-29.1, and 40.1-29.2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 40.1-29.3 as follows:

§ 40.1-29. Time and medium of payment; withholding wages; written statement of earnings; agreement for forfeiture of wages; proceedings to enforce compliance; penalties.

A. All employers operating a business or engaging an individual to perform domestic service shall establish regular pay periods and rates of pay for employees except executive personnel. All such employers shall pay salaried employees at least once each month and employees paid on an hourly rate at least once every two weeks or twice in each month, except that (i) a student who is currently enrolled in a work-study program or its equivalent administered by any secondary school, institution of higher education, or trade school, and (ii) employees whose weekly wages total more than 150 percent of the average weekly wage of the Commonwealth as defined in § 65.2-500, upon agreement by each affected employee, may be paid once each month if the institution or employer so chooses. Upon termination of employment an employee shall be paid all wages or salaries due him for work performed prior thereto; such payment shall be made on or before the date on which he would have been paid for such work had his employment not been terminated.

B. Payment of wages or salaries shall be (i) in lawful money of the United States, (ii) by check payable at face value upon demand in lawful money of the United States, (iii) by electronic automated fund transfer in lawful money of the United States into an account in the name of the employee at a financial institution designated by the employee, or (iv) by credit to a prepaid debit card or card account from which the employee is able to withdraw or transfer funds with full written disclosure by the employer of any applicable fees and affirmative consent thereto by the employee. However, an employer that elects not to pay wages or salaries in accordance with clause (i) or (ii) to an employee who is hired after January 1, 2010, shall be permitted to pay wages or salaries by credit to a prepaid debit card or card account in accordance with clause (iv), even though such employee has not affirmatively consented thereto, if the employee fails to designate an account at a financial institution in accordance with clause (iii) and the employer arranges for such card or card account to be issued through a network system through which the employee shall have the ability to make at least one free withdrawal or transfer per pay period, which withdrawal may be for any sum in such card or card account as the employee may elect, using such card or card account at financial institutions participating in such network system.

C. No employer shall withhold any part of the wages or salaries of any employee except for payroll, wage or withholding taxes or in accordance with law, without the written and signed authorization of the employee. On each regular

pay date, each employer, other than an employer engaged in agricultural employment including agribusiness and forestry, shall provide to each employee a written statement, by a paystub or online accounting, that shows the name and address of the employer; the number of hours worked during the pay period if the employee is paid on the basis of (i) the number of hours worked or (ii) a salary that is less than the standard salary level adopted by regulation of the U.S. Department of Labor pursuant to § 13(a)(1) of the federal Fair Labor Standards Act, 29 U.S.C. § 213(a)(1), as amended, establishing an exemption from the Act's overtime premium pay requirements; the rate of pay; the gross wages earned by the employee during the pay period; and the amount and purpose of any deductions therefrom. The paystub or online accounting shall include sufficient information to enable the employee to determine how the gross and net pay were calculated. An employer engaged in agricultural employment including agribusiness and forestry, upon request of its employee, shall furnish the employee a written statement of the gross wages earned by the employee during any pay period and the amount and purpose of any deductions therefrom.

D. No employer shall require any employee, except executive personnel, to sign any contract or agreement which provides for the forfeiture of the employee's wages for time worked as a condition of employment or the continuance therein, except as otherwise provided by law.

E. An employer who willfully and with intent to defraud fails or refuses to pay wages in accordance with this section or § ~~40.1-29.2~~ 40.1-29.3, unless the failure to pay was because of a bona fide dispute between the employer and its employee:

1. To an employee or employees is guilty of a Class 1 misdemeanor if the value of the wages earned and not paid by the employer is less than \$10,000; and

2. To an employee or employees is guilty of a Class 6 felony (i) if the value of the wages earned and not paid is \$10,000 or more or (ii) regardless of the value of the wages earned and not paid, if the conviction is a second or subsequent conviction under this section or § ~~40.1-29.2~~ 40.1-29.3.

For purposes of this section, the determination as to the "value of the wages earned" shall be made by combining all wages the employer failed or refused to pay pursuant to this section and § ~~40.1-29.2~~ 40.1-29.3.

F. The Commissioner may require a written complaint of the violation of this section or § ~~40.1-29.2~~ and, with the written and signed consent of an employee, may institute proceedings on behalf of an employee to enforce compliance with this section or § ~~40.1-29.2~~, and to collect any moneys unlawfully withheld from such employee that shall be paid to the employee entitled thereto. In addition, following the issuance of a final order by the Commissioner or a court, the Commissioner may engage private counsel, approved by the Attorney General, to collect any moneys owed to the employee or the Commonwealth. Upon entry of a final order of the Commissioner, or upon entry of a judgment, against the employer, the Commissioner or the court shall assess attorney fees of one-third of the amount set forth in the final order or judgment.

G. In addition to being subject to any other penalty provided by the provisions of this section, any employer who fails to make payment of wages in accordance with subsection A or § ~~40.1-29.2~~ shall be liable for the payment of all wages due, and an additional equal amount as liquidated damages, plus interest at an annual rate of eight percent accruing from the date the wages were due.

H. Any employer who knowingly fails to make payment of wages in accordance with subsection A or § ~~40.1-29.2~~ 40.1-29.3 shall be subject to a civil penalty not to exceed \$1,000 for each violation. The Commissioner shall notify any employer that the Commissioner alleges has violated any provision of this section or § ~~40.1-29.2~~ 40.1-29.3 by certified mail. Such notice shall contain a description of the alleged violation. Within 15 days of receipt of notice of the alleged violation, the employer may request an informal conference regarding such violation with the Commissioner. In determining the amount of any penalty to be imposed, the Commissioner shall consider the size of the business of the employer charged and the gravity of the violation. The decision of the Commissioner shall be final. Civil penalties owed under this section shall be paid to the Commissioner for deposit into the general fund of the State Treasurer. The Commissioner shall prescribe procedures for the payment of proposed assessments of penalties that are not contested by employers. Such procedures shall include provisions for an employer to consent to abatement of the alleged violation and pay a proposed penalty or a negotiated sum in lieu of such penalty without admission of any civil liability arising from such alleged violation.

I. Final orders of the Commissioner, the general district courts, or the circuit courts may be recorded, enforced, and satisfied as orders or decrees of a circuit court upon certification of such orders by the Commissioner or the court as appropriate.

J. In addition to any civil or criminal penalty provided by this section, and without regard to any exhaustion of alternative administrative remedies provided for in this section, if an employer fails to pay wages to an employee in accordance with this section or § ~~40.1-29.2~~, the employee may bring an action, individually, jointly, with other aggrieved employees, or on behalf of similarly situated employees as a collective action consistent with the collective action procedures of the Fair Labor Standards Act, 29 U.S.C. § 216(b), against the employer in a court of competent jurisdiction to recover payment of the wages, and the court shall award the wages owed, an additional equal amount as liquidated damages, plus prejudgment interest thereon as provided in subsection G, and reasonable attorney fees and costs. If the court finds that the employer knowingly failed to pay wages to an employee in accordance with this section or § ~~40.1-29.2~~, the court shall award the employee an amount equal to triple the amount of wages due and reasonable attorney fees and costs.

K. As used in this section, a person acts "knowingly" if the person, with respect to information, (i) has actual knowledge of the information, (ii) acts in deliberate ignorance of the truth or falsity of the information, or (iii) acts in

reckless disregard of the truth or falsity of the information. Establishing that a person acted knowingly shall not require proof of specific intent to defraud.

L. An action under this section ~~or § 40.1-29.2~~ shall be commenced within three years after the cause of action accrued. The period for filing is tolled upon the filing of an administrative action under subsection F until the employee has been informed that the action has been resolved or until the employee has withdrawn the complaint, whichever is sooner.

§ 40.1-29.1. Investigations of employers for nonpayment of wages.

If in the course of an investigation of a complaint of an employer's failure or refusal to pay wages in accordance with the requirements of § 40.1-29 ~~or 40.1-29.2~~, the Commissioner acquires information creating a reasonable belief that other employees of the same employer may not have been paid wages in accordance with such requirements, the Commissioner shall have the authority to investigate whether the employer has failed or refused to make any required payment of wages to other employees of the employer as required by § 40.1-29 ~~or 40.1-29.2~~. If the Commissioner finds in the course of such investigation that the employer has violated a provision of § 40.1-29 ~~or 40.1-29.2~~, the Commissioner may institute proceedings on behalf of any employee against his employer. Such proceedings shall be undertaken in accordance with the provisions of § 40.1-29, except that the Commissioner shall not require a written complaint of the violation or the written and signed consent of any employee as a condition of instituting such proceedings.

§ 40.1-29.2. Employer liability.

A. As used in this section:

"Employ" includes to permit or suffer to work.

"Employee" means any individual employed by an employer, including employees of derivative carriers within the meaning of the federal Railway Labor Act, 45 U.S.C. § 151 et seq. "Employee" does not include the following: (i) any individual who volunteers solely for humanitarian, religious, or community service purposes for a public body, church, or nonprofit organization that does not otherwise employ such individual; (ii) any person who is exempt from the federal overtime wage pursuant to 29 U.S.C. § 213(a), and (iii) any person who meets the exemptions set forth in 29 U.S.C. § 213(b)(1) ~~or 213(b)(11)~~.

"Employer" means any person acting directly or indirectly in the interest of an employer in relation to an employee. "Employer" does not include any labor organization, other than when acting as an employer; anyone acting in the capacity of officer or agent of such labor organization; or any carrier subject to the federal Railway Labor Act, 45 U.S.C. §§ 151 through 188, except derivative carriers within the meaning of the federal Railway Labor Act.

"Person" means an individual; partnership; association; corporation; business trust; legal representative; any organized group of persons; or the Commonwealth, any of its constitutional officers, agencies, institutions, or political subdivisions; or any public body. This definition constitutes a waiver of sovereign immunity by the Commonwealth.

"Wages" means the same as that term is defined in § 40.1-28.9.

"Workweek" means a fixed and regularly occurring period of 168 hours or seven consecutive 24-hour periods. It need not coincide with the calendar week and may begin on any day and at any hour. The beginning of the workweek may be changed if the change is intended to be permanent and is not designed to evade the overtime requirements of this section.

B. For any hours worked by an employee in excess of 40 hours in any one workweek, an employer shall pay such employee an overtime premium at a rate not less than one and one-half times the employee's regular rate, pursuant to 29 U.S.C. § 207. An employee's regular rate shall be calculated as follows:

1. For employees paid on an hourly basis, the regular rate is the hourly rate of pay plus any other non-overtime wages paid or allocated for that workweek, excluding any amounts that are excluded from the regular rate by the federal Fair Labor Standards Act, 29 U.S.C. § 204 et seq., and its implementing regulations, divided by the total number of hours worked in that workweek.

2. For employees paid on a salary or other regular basis, the regular rate is one-fortieth of all wages paid for that workweek.

C. For fire protection or law enforcement employees of any public sector employer for whom 29 U.S.C. § 207(k) applies, such employer shall pay an overtime premium as set forth in this section for (i) all hours worked in excess of the threshold set forth in 29 U.S.C. § 207(k) and (ii) any additional hours such employee worked or received as paid leave as set forth in subsection A of § 9.1-701.

D. An employer may assert an exemption to the overtime requirement of this section for employees who meet the exemptions set forth in 29 U.S.C. § 213(a)(1) or for employees who meet the exemptions set forth in 29 U.S.C. §§ 213(b)(1) or 213(b)(11).

E. No agency, institution, political subdivision, or public body that complies with the requirements of 29 U.S.C. § 207(k) and § 9.1-701 shall be deemed to have violated subsection B with respect to fire suppression or law enforcement employees covered by such statutes.

F. Any employer that violates the overtime ~~wage pay~~ requirements of ~~this section~~ the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 201 et seq., as amended, and any regulations, guidance, or rules adopted pursuant to the overtime pay provisions of such federal act or any related governing case law shall be liable to the employee for ~~all~~ the applicable remedies, damages, or other relief available under the federal Fair Labor Standards Act in an action brought ~~under~~ pursuant to the process in subsection J of § 40.1-29. For the purposes of this section, "employer" and "employee" shall have the meanings ascribed to them under the federal Fair Labor Standards Act and all applicable exemptions, overtime calculation methods, methods of overtime payment, or other overtime provisions within the federal Fair Labor Standards Act and any

attendant regulations, guidance, or rules shall apply. Any action brought pursuant to this section shall accrue according to the applicable limitations set forth in the federal Fair Labor Standards Act.

~~G. Any action pursuant to this section shall be commenced within three years after the cause of action accrues:~~

§ 40.1-29.3. Overtime for certain employees.

A. *As used in this section:*

"Carrier" means an air carrier that is subject to the provisions of the federal Railway Labor Act, 45 U.S.C. § 181 *et seq.*

"Derivative carrier" means a carrier that meets the two-part test used by the federal National Mediation Board to determine if a carrier is considered a derivative carrier.

"Employee" means an individual employed by a derivative carrier.

B. *An employer shall pay each employee an overtime premium at a rate not less than one and one-half times the employee's regular rate for any hours worked by an employee in excess of 40 hours in any one workweek. An employee's regular rate shall be calculated as the employee's hourly rate of pay plus any other non-overtime wages paid or allocated for that workweek, excluding any amounts that would be excluded from the regular rate by the federal Fair Labor Standards Act, 29 U.S.C. § 201 et seq., and its implementing regulations for an individual covered by such federal act, divided by the total number of hours worked in that workweek.*

C. *If an employer fails to pay overtime wages to an employee in accordance with this section, the employee may bring an action against the employer in a court of competent jurisdiction to recover payment of the overtime wages, and the court shall award the overtime wages owed, an additional equal amount as liquidated damages, and reasonable attorney fees and costs; however, if the employer shows to the satisfaction of the court that the act or omission giving rise to such action was in good faith and that he had reasonable grounds for believing that his act or omission was not a violation of this section, the court may, in its discretion, award no liquidated damages or award any amount thereof not to exceed the amount of the unpaid overtime wages.*

D. *An action under this section shall be commenced within two years after the cause of action accrued, except that a cause of action arising out of a willful violation may be commenced within three years after the cause of action accrued.*

2. That the Secretary of Labor shall convene a work group to review overtime issues pursuant to § 40.1-29.2 of the Code of Virginia, as amended by this act. The work group shall include representatives from the business, labor, and legal sectors and state and local governments. The work group shall also include two members of the Senate appointed by the Senate Committee on Rules and two members of the House of Delegates appointed by the Speaker of the House of Delegates. The work group shall submit a report on its findings and recommendations to the Governor and the Chairmen of the House Committees on Appropriations and Commerce and Energy and the Senate Committees on Finance and Appropriations and Commerce and Labor by November 1, 2022.

CHAPTER 462

An Act to amend and reenact §§ 40.1-29, 40.1-29.1, and 40.1-29.2 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 40.1-29.3, relating to Fair Labor Standards Act; employer liability; overtime required for certain employees.

[S 631]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 40.1-29, 40.1-29.1, and 40.1-29.2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 40.1-29.3 as follows:

§ 40.1-29. Time and medium of payment; withholding wages; written statement of earnings; agreement for forfeiture of wages; proceedings to enforce compliance; penalties.

A. All employers operating a business or engaging an individual to perform domestic service shall establish regular pay periods and rates of pay for employees except executive personnel. All such employers shall pay salaried employees at least once each month and employees paid on an hourly rate at least once every two weeks or twice in each month, except that (i) a student who is currently enrolled in a work-study program or its equivalent administered by any secondary school, institution of higher education, or trade school, and (ii) employees whose weekly wages total more than 150 percent of the average weekly wage of the Commonwealth as defined in § 65.2-500, upon agreement by each affected employee, may be paid once each month if the institution or employer so chooses. Upon termination of employment an employee shall be paid all wages or salaries due him for work performed prior thereto; such payment shall be made on or before the date on which he would have been paid for such work had his employment not been terminated.

B. Payment of wages or salaries shall be (i) in lawful money of the United States, (ii) by check payable at face value upon demand in lawful money of the United States, (iii) by electronic automated fund transfer in lawful money of the United States into an account in the name of the employee at a financial institution designated by the employee, or (iv) by credit to a prepaid debit card or card account from which the employee is able to withdraw or transfer funds with full written disclosure by the employer of any applicable fees and affirmative consent thereto by the employee. However, an employer that elects not to pay wages or salaries in accordance with clause (i) or (ii) to an employee who is hired after

January 1, 2010, shall be permitted to pay wages or salaries by credit to a prepaid debit card or card account in accordance with clause (iv), even though such employee has not affirmatively consented thereto, if the employee fails to designate an account at a financial institution in accordance with clause (iii) and the employer arranges for such card or card account to be issued through a network system through which the employee shall have the ability to make at least one free withdrawal or transfer per pay period, which withdrawal may be for any sum in such card or card account as the employee may elect, using such card or card account at financial institutions participating in such network system.

C. No employer shall withhold any part of the wages or salaries of any employee except for payroll, wage or withholding taxes or in accordance with law, without the written and signed authorization of the employee. On each regular pay date, each employer, other than an employer engaged in agricultural employment including agribusiness and forestry, shall provide to each employee a written statement, by a paystub or online accounting, that shows the name and address of the employer; the number of hours worked during the pay period if the employee is paid on the basis of (i) the number of hours worked or (ii) a salary that is less than the standard salary level adopted by regulation of the U.S. Department of Labor pursuant to § 13(a)(1) of the federal Fair Labor Standards Act, 29 U.S.C. § 213(a)(1), as amended, establishing an exemption from the Act's overtime premium pay requirements; the rate of pay; the gross wages earned by the employee during the pay period; and the amount and purpose of any deductions therefrom. The paystub or online accounting shall include sufficient information to enable the employee to determine how the gross and net pay were calculated. An employer engaged in agricultural employment including agribusiness and forestry, upon request of its employee, shall furnish the employee a written statement of the gross wages earned by the employee during any pay period and the amount and purpose of any deductions therefrom.

D. No employer shall require any employee, except executive personnel, to sign any contract or agreement which provides for the forfeiture of the employee's wages for time worked as a condition of employment or the continuance therein, except as otherwise provided by law.

E. An employer who willfully and with intent to defraud fails or refuses to pay wages in accordance with this section or § ~~40.1-29.2~~ 40.1-29.3, unless the failure to pay was because of a bona fide dispute between the employer and its employee:

1. To an employee or employees is guilty of a Class 1 misdemeanor if the value of the wages earned and not paid by the employer is less than \$10,000; and

2. To an employee or employees is guilty of a Class 6 felony (i) if the value of the wages earned and not paid is \$10,000 or more or (ii) regardless of the value of the wages earned and not paid, if the conviction is a second or subsequent conviction under this section or § ~~40.1-29.2~~ 40.1-29.3.

For purposes of this section, the determination as to the "value of the wages earned" shall be made by combining all wages the employer failed or refused to pay pursuant to this section and § ~~40.1-29.2~~ 40.1-29.3.

F. The Commissioner may require a written complaint of the violation of this section ~~or~~ § ~~40.1-29.2~~ and, with the written and signed consent of an employee, may institute proceedings on behalf of an employee to enforce compliance with this section ~~or~~ § ~~40.1-29.2~~, and to collect any moneys unlawfully withheld from such employee that shall be paid to the employee entitled thereto. In addition, following the issuance of a final order by the Commissioner or a court, the Commissioner may engage private counsel, approved by the Attorney General, to collect any moneys owed to the employee or the Commonwealth. Upon entry of a final order of the Commissioner, or upon entry of a judgment, against the employer, the Commissioner or the court shall assess attorney fees of one-third of the amount set forth in the final order or judgment.

G. In addition to being subject to any other penalty provided by the provisions of this section, any employer who fails to make payment of wages in accordance with subsection A ~~or~~ § ~~40.1-29.2~~ shall be liable for the payment of all wages due, and an additional equal amount as liquidated damages, plus interest at an annual rate of eight percent accruing from the date the wages were due.

H. Any employer who knowingly fails to make payment of wages in accordance with subsection A or § ~~40.1-29.2~~ 40.1-29.3 shall be subject to a civil penalty not to exceed \$1,000 for each violation. The Commissioner shall notify any employer that the Commissioner alleges has violated any provision of this section or § ~~40.1-29.2~~ 40.1-29.3 by certified mail. Such notice shall contain a description of the alleged violation. Within 15 days of receipt of notice of the alleged violation, the employer may request an informal conference regarding such violation with the Commissioner. In determining the amount of any penalty to be imposed, the Commissioner shall consider the size of the business of the employer charged and the gravity of the violation. The decision of the Commissioner shall be final. Civil penalties owed under this section shall be paid to the Commissioner for deposit into the general fund of the State Treasurer. The Commissioner shall prescribe procedures for the payment of proposed assessments of penalties that are not contested by employers. Such procedures shall include provisions for an employer to consent to abatement of the alleged violation and pay a proposed penalty or a negotiated sum in lieu of such penalty without admission of any civil liability arising from such alleged violation.

I. Final orders of the Commissioner, the general district courts, or the circuit courts may be recorded, enforced, and satisfied as orders or decrees of a circuit court upon certification of such orders by the Commissioner or the court as appropriate.

J. In addition to any civil or criminal penalty provided by this section, and without regard to any exhaustion of alternative administrative remedies provided for in this section, if an employer fails to pay wages to an employee in accordance with this section ~~or~~ § ~~40.1-29.2~~, the employee may bring an action, individually, jointly, with other aggrieved employees, or on behalf of similarly situated employees as a collective action consistent with the collective action

procedures of the Fair Labor Standards Act, 29 U.S.C. § 216(b), against the employer in a court of competent jurisdiction to recover payment of the wages, and the court shall award the wages owed, an additional equal amount as liquidated damages, plus prejudgment interest thereon as provided in subsection G, and reasonable attorney fees and costs. If the court finds that the employer knowingly failed to pay wages to an employee in accordance with this section ~~or § 40.1-29.2~~, the court shall award the employee an amount equal to triple the amount of wages due and reasonable attorney fees and costs.

K. As used in this section, a person acts "knowingly" if the person, with respect to information, (i) has actual knowledge of the information, (ii) acts in deliberate ignorance of the truth or falsity of the information, or (iii) acts in reckless disregard of the truth or falsity of the information. Establishing that a person acted knowingly shall not require proof of specific intent to defraud.

L. An action under this section ~~or § 40.1-29.2~~ shall be commenced within three years after the cause of action accrued. The period for filing is tolled upon the filing of an administrative action under subsection F until the employee has been informed that the action has been resolved or until the employee has withdrawn the complaint, whichever is sooner.

§ 40.1-29.1. Investigations of employers for nonpayment of wages.

If in the course of an investigation of a complaint of an employer's failure or refusal to pay wages in accordance with the requirements of § 40.1-29 ~~or 40.1-29.2~~, the Commissioner acquires information creating a reasonable belief that other employees of the same employer may not have been paid wages in accordance with such requirements, the Commissioner shall have the authority to investigate whether the employer has failed or refused to make any required payment of wages to other employees of the employer as required by § 40.1-29 ~~or 40.1-29.2~~. If the Commissioner finds in the course of such investigation that the employer has violated a provision of § 40.1-29 ~~or 40.1-29.2~~, the Commissioner may institute proceedings on behalf of any employee against his employer. Such proceedings shall be undertaken in accordance with the provisions of § 40.1-29, except that the Commissioner shall not require a written complaint of the violation or the written and signed consent of any employee as a condition of instituting such proceedings.

§ 40.1-29.2. Employer liability.

A. As used in this section:

"Employ" includes to permit or suffer to work.

"Employee" means any individual employed by an employer, including employees of derivative carriers within the meaning of the federal Railway Labor Act, 45 U.S.C. § 151 et seq. "Employee" does not include the following: (i) any individual who volunteers solely for humanitarian, religious, or community service purposes for a public body, church, or nonprofit organization that does not otherwise employ such individual; (ii) any person who is exempt from the federal overtime wage pursuant to 29 U.S.C. § 213(a), and (iii) any person who meets the exemptions set forth in 29 U.S.C. § 213(b)(1) ~~or 213(b)(11)~~.

"Employer" means any person acting directly or indirectly in the interest of an employer in relation to an employee. "Employer" does not include any labor organization, other than when acting as an employer; anyone acting in the capacity of officer or agent of such labor organization; or any carrier subject to the federal Railway Labor Act, 45 U.S.C. §§ 151 through 188, except derivative carriers within the meaning of the federal Railway Labor Act.

"Person" means an individual, partnership, association, corporation, business trust, legal representative, any organized group of persons, or the Commonwealth, any of its constitutional officers, agencies, institutions, or political subdivisions, or any public body. This definition constitutes a waiver of sovereign immunity by the Commonwealth.

"Wages" means the same as that term is defined in § 40.1-28.9.

"Workweek" means a fixed and regularly occurring period of 168 hours or seven consecutive 24-hour periods. It need not coincide with the calendar week and may begin on any day and at any hour. The beginning of the workweek may be changed if the change is intended to be permanent and is not designed to evade the overtime requirements of this section.

B. For any hours worked by an employee in excess of 40 hours in any one workweek, an employer shall pay such employee an overtime premium at a rate not less than one and one-half times the employee's regular rate, pursuant to 29 U.S.C. § 207. An employee's regular rate shall be calculated as follows:

1. For employees paid on an hourly basis, the regular rate is the hourly rate of pay plus any other non-overtime wages paid or allocated for that workweek, excluding any amounts that are excluded from the regular rate by the federal Fair Labor Standards Act, 29 U.S.C. § 201 et seq., and its implementing regulations; divided by the total number of hours worked in that workweek.

2. For employees paid on a salary or other regular basis, the regular rate is one-fortieth of all wages paid for that workweek.

C. For fire protection or law-enforcement employees of any public sector employer for whom 29 U.S.C. § 207(k) applies, such employer shall pay an overtime premium as set forth in this section for (i) all hours worked in excess of the threshold set forth in 29 U.S.C. § 207(k) and (ii) any additional hours such employee worked or received as paid leave as set forth in subsection A of § 9.1-701.

D. An employer may assert an exemption to the overtime requirement of this section for employees who meet the exemptions set forth in 29 U.S.C. § 213(a)(1) or for employees who meet the exemptions set forth in 29 U.S.C. §§ 213(b)(1) ~~or 213(b)(11)~~.

E. No agency, institution, political subdivision, or public body that complies with the requirements of 29 U.S.C. § 207(k) and § 9.1-701 shall be deemed to have violated subsection B with respect to fire suppression or law-enforcement employees covered by such statutes.

~~F.~~ Any employer that violates the overtime ~~wage pay~~ requirements of ~~this section~~ the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 201 et seq., as amended, and any regulations, guidance, or rules adopted pursuant to the overtime pay provisions of such federal act or any related governing case law shall be liable to the employee for ~~all~~ the applicable remedies, damages, or other relief available under the federal Fair Labor Standards Act in an action brought ~~under~~ pursuant to the process in subsection J of § 40.1-29. For the purposes of this section, "employer" and "employee" shall have the meanings ascribed to them under the federal Fair Labor Standards Act and all applicable exemptions, overtime calculation methods, methods of overtime payment, or other overtime provisions within the federal Fair Labor Standards Act and any attendant regulations, guidance, or rules shall apply. Any action brought pursuant to this section shall accrue according to the applicable limitations set forth in the federal Fair Labor Standards Act.

~~G.~~ Any action pursuant to this section shall be commenced within three years after the cause of action accrues.

§ 40.1-29.3. Overtime for certain employees.

A. As used in this section:

"Carrier" means an air carrier that is subject to the provisions of the federal Railway Labor Act, 45 U.S.C. § 181 et seq.

"Derivative carrier" means a carrier that meets the two-part test used by the federal National Mediation Board to determine if a carrier is considered a derivative carrier:

"Employee" means an individual employed by a derivative carrier.

B. An employer shall pay each employee an overtime premium at a rate not less than one and one-half times the employee's regular rate for any hours worked by an employee in excess of 40 hours in any one workweek. An employee's regular rate shall be calculated as the employee's hourly rate of pay plus any other non-overtime wages paid or allocated for that workweek, excluding any amounts that would be excluded from the regular rate by the federal Fair Labor Standards Act, 29 U.S.C. § 201 et seq., and its implementing regulations for an individual covered by such federal act, divided by the total number of hours worked in that workweek.

C. If an employer fails to pay overtime wages to an employee in accordance with this section, the employee may bring an action against the employer in a court of competent jurisdiction to recover payment of the overtime wages, and the court shall award the overtime wages owed, an additional equal amount as liquidated damages, and reasonable attorney fees and costs; however, if the employer shows to the satisfaction of the court that the act or omission giving rise to such action was in good faith and that he had reasonable grounds for believing that his act or omission was not a violation of this section, the court may, in its discretion, award no liquidated damages or award any amount thereof not to exceed the amount of the unpaid overtime wages.

D. An action under this section shall be commenced within two years after the cause of action accrued, except that a cause of action arising out of a willful violation may be commenced within three years after the cause of action accrued.

2. That the Secretary of Labor shall convene a work group to review overtime issues pursuant to § 40.1-29.2 of the Code of Virginia, as amended by this act. The work group shall include representatives from the business, labor, and legal sectors and state and local governments. The work group shall also include two members of the Senate appointed by the Senate Committee on Rules and two members of the House of Delegates appointed by the Speaker of the House of Delegates. The work group shall submit a report on its findings and recommendations to the Governor and the Chairmen of the House Committees on Appropriations and Commerce and Energy and the Senate Committees on Finance and Appropriations and Commerce and Labor by November 1, 2022.

CHAPTER 463

An Act to amend the Code of Virginia by adding a section numbered 54.1-2408.4, relating to out-of-state health care practitioners; temporary authorization to practice pending licensure; licensure by reciprocity for physicians; emergency.

[H 1187]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 54.1-2408.4 as follows:

§ 54.1-2408.4. Temporary authorization to practice.

A. A health care practitioner licensed, certified, or registered in another state or the District of Columbia may temporarily practice for one 90-day period, provided that the following conditions are met:

1. The practitioner is contracted by or has received an offer of employment in the Commonwealth from a licensed hospital, a nursing home, a dialysis facility, the Department of Health, or a local health department;

2. The employer or contractor verifies that the out-of-state health care provider possesses an active and unencumbered license, certification, or registration for the profession in which he will be employed or contracted in another state or the District of Columbia;

3. The employer or contractor obtains a report from the National Practitioner Data Bank if the applicant is subject to reporting; and

4. Prior to the out-of-state health care practitioner's practicing, the employer or contractor notifies the appropriate health regulatory board that the out-of-state health care practitioner is employed or under contract and will practice under the temporary authorization. This notice shall include the out-of-state health care practitioner's out-of-state license, certification, or registration number and a statement that such practitioner meets all of the requirements set forth in this section.

B. If the health care practitioner practicing with a temporary authorization has submitted an application for licensure, certification, or registration, the applicable health regulatory board shall expedite such applications for out-of-state health care practitioners practicing pursuant to this section. If licensure, certification, or registration remains pending after the initial 90-day temporary authorization, the authorization may be extended for an additional 60 days, provided that the employer or contractor submits notice to the applicable health regulatory board.

C. Out-of-state health care practitioners practicing pursuant to this section shall be subject to the laws and regulations of the Commonwealth and shall be subject to disciplinary action by the applicable health regulatory board.

2. That the Board of Medicine shall pursue reciprocity agreements with jurisdictions that surround the Commonwealth to streamline the application process in order to facilitate the practice of medicine. Such agreements shall include a provision that, as a requirement for reciprocal licensure, the applicant shall not be the subject of any pending disciplinary actions in the reciprocal jurisdiction. The Board of Medicine shall grant a license by reciprocity to a physician who meets the requirements for licensure by reciprocity within 20 days of receipt of an application that complies with the criteria established in the applicable reciprocity agreement and in an expedited manner consistent with the Commonwealth's reciprocal agreements with each surrounding jurisdiction.

3. That the Department of Health Professions shall, beginning July 1, 2023, annually report to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions the number of out-of-state health care practitioners who have utilized the temporary authorization to practice pending licensure and have not subsequently been issued full licensure.

4. That an emergency exists and this act is in force from its passage.

CHAPTER 464

An Act to amend the Code of Virginia by adding a section numbered 54.1-2408.4, relating to out-of-state health care practitioners; temporary authorization to practice pending licensure; licensure by reciprocity for physicians; emergency.

[S 317]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 54.1-2408.4 as follows:

§ 54.1-2408.4. Temporary authorization to practice.

A. A health care practitioner licensed, certified, or registered in another state or the District of Columbia may temporarily practice for one 90-day period, provided that the following conditions are met:

1. The practitioner is contracted by or has received an offer of employment in the Commonwealth from a licensed hospital, a nursing home, a dialysis facility, the Department of Health, or a local health department;

2. The employer or contractor verifies that the out-of-state health care provider possesses an active and unencumbered license, certification, or registration for the profession in which he will be employed or contracted in another state or the District of Columbia;

3. The employer or contractor obtains a report from the National Practitioner Data Bank if the applicant is subject to reporting; and

4. Prior to the out-of-state health care practitioner's practicing, the employer or contractor notifies the appropriate health regulatory board that the out-of-state health care practitioner is employed or under contract and will practice under the temporary authorization. This notice shall include the out-of-state health care practitioner's out-of-state license, certification, or registration number and a statement that such practitioner meets all of the requirements set forth in this section.

B. If the health care practitioner practicing with a temporary authorization has submitted an application for licensure, certification, or registration, the applicable health regulatory board shall expedite such applications for out-of-state health care practitioners practicing pursuant to this section. If licensure, certification, or registration remains pending after the initial 90-day temporary authorization, the authorization may be extended for an additional 60 days, provided that the employer or contractor submits notice to the applicable health regulatory board.

C. Out-of-state health care practitioners practicing pursuant to this section shall be subject to the laws and regulations of the Commonwealth and shall be subject to disciplinary action by the applicable health regulatory board.

2. That the Board of Medicine shall pursue reciprocity agreements with jurisdictions that surround the Commonwealth to streamline the application process in order to facilitate the practice of medicine. Such agreements shall include a provision that, as a requirement for reciprocal licensure, the applicant shall not be the subject of any pending disciplinary actions in the reciprocal jurisdiction. The Board of Medicine shall grant a license by reciprocity

to a physician who meets the requirements for licensure by reciprocity within 20 days of receipt of an application that complies with the criteria established in the applicable reciprocity agreement and in an expedited manner consistent with the Commonwealth's reciprocal agreements with each surrounding jurisdiction.

3. That the Department of Health Professions shall, beginning July 1, 2023, annually report to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions the number of out-of-state health care practitioners who have utilized the temporary authorization to practice pending licensure and have not subsequently been issued full licensure.

4. That an emergency exists and this act is in force from its passage.

CHAPTER 465

An Act to amend and reenact § 45.2-1703 of the Code of Virginia, relating to energy performance-based contracts; roof replacement.

[H 1225]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 45.2-1703 of the Code of Virginia is amended and reenacted as follows:

§ 45.2-1703. Energy performance-based contract procedures; required contract provisions.

A. Any contracting entity may enter into an energy performance-based contract with an energy performance contractor to significantly reduce (i) energy costs to a level established by the public body or (ii) operating costs of a facility through one or more energy conservation or operational efficiency measures. For the purposes of this article, energy conservation or operational efficiency measures shall not include roof replacement projects, *except as provided in subdivision B 2.*

B. 1. The energy performance contractor shall be selected through competitive sealed bidding or competitive negotiation as set forth in § 2.2-4302.1 or 2.2-4302.2. The evaluation of the request for proposals shall analyze the estimates of all costs of installation, maintenance, repairs, debt service, post-installation project monitoring, and reporting. Notwithstanding any other provision of law, any contracting entity may purchase energy conservation or operational efficiency measures under an energy performance-based contract entered into by another contracting entity pursuant to this article even if it did not participate in the request for proposals if the request for proposals specified that the procurement was being conducted on behalf of other contracting entities.

2. *A contracting entity may procure a roof replacement as part of a larger energy conservation or operational efficiency measure, including solar, where the replacement is necessary for the installation of such measure. Such contracting entity may also procure a roof replacement pursuant to § 2.2-4302.1 when the original contract for the energy conservation or operational efficiency measure, including solar, does not include a roof replacement and the contracting entity determines that the replacement of more than 20 percent of the roof is necessary for the installation of such measure. Such roof replacements procured separately from a larger energy conservation or operational efficiency measure, including solar, shall also be publicly noticed on the Department of General Services' central electronic procurement website. All roof replacement projects procured separately pursuant to this subdivision shall be designed by a licensed architect or professional engineer.*

C. Before entering into a contract for energy conservation measures, the contracting entity shall require the performance contractor to provide a payment and performance bond relating to the installation of energy conservation measures in an amount the contracting entity finds reasonable and necessary to protect its interests.

D. Prior to the design and installation of any energy conservation measures, the contracting entity shall obtain from the energy performance contractor a report disclosing all costs associated with such energy conservation measures and providing an estimate of the amount of the energy cost savings. After reviewing the report, the contracting entity may enter into an energy performance-based contract if it finds (i) the amount the entity would spend on the energy conservation measures recommended in the report will not exceed the amount to be saved in energy and operation costs more than 20 years from the date of installation, based on life-cycle costing calculations, if the recommendations in the report were followed and (ii) the energy performance contractor provides a written guarantee that the energy and operating cost savings will meet or exceed the costs of the system. The contract may provide for payments over a period not to exceed 20 years.

E. The term of any energy performance-based contract shall expire at the end of each fiscal year but may be renewed annually for up to 20 years, subject to the contracting entity making sufficient annual appropriations based upon continued realized cost savings. Such contract shall stipulate that the agreement does not constitute a debt, liability, or obligation of the contracting entity, or a pledge of the faith and credit of the contracting entity. Such contract may also provide capital contributions for the purchase and installation of energy conservation measures that cannot be totally funded by the energy and operational savings.

F. An energy performance-based contract shall include the following provisions:

1. A guarantee by the energy performance contractor that annual energy and operational cost savings will meet or exceed the amortized cost of energy conservation measures. The guaranteed energy savings contract shall include a written guarantee of the qualified provider that either the energy savings or operational cost savings, or both, will meet or exceed

within 20 years the costs of the energy and operational savings measures. The qualified provider shall reimburse the contracting entity for any shortfall of guaranteed energy savings projected in the contract.

2. A requirement that the energy performance contractor to whom the contract is awarded provide a 100 percent performance guarantee bond to the contracting entity for the installation and faithful performance of the installed energy savings measures as outlined in the contract document.

3. A requirement that the energy performance contractor provide to the contracting entity an annual reconciliation of the guaranteed energy cost savings. The energy performance contractor shall be liable for any annual savings shortfall that may occur.

G. The Department shall make a reasonable effort, as long as workload permits, to:

1. Provide general advice, upon request, to local governments considering pursuit of an energy performance-based contract pursuant to this article; and

2. Annually compile a list of performance-based contracts entered into by local governments of which the Department becomes aware.

CHAPTER 466

An Act to amend and reenact § 45.2-1703 of the Code of Virginia, relating to energy performance-based contracts; roof replacement.

[S 13]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 45.2-1703 of the Code of Virginia is amended and reenacted as follows:

§ 45.2-1703. Energy performance-based contract procedures; required contract provisions.

A. Any contracting entity may enter into an energy performance-based contract with an energy performance contractor to significantly reduce (i) energy costs to a level established by the public body or (ii) operating costs of a facility through one or more energy conservation or operational efficiency measures. For the purposes of this article, energy conservation or operational efficiency measures shall not include roof replacement projects, *except as provided in subdivision B 2.*

B. 1. The energy performance contractor shall be selected through competitive sealed bidding or competitive negotiation as set forth in § 2.2-4302.1 or 2.2-4302.2. The evaluation of the request for proposals shall analyze the estimates of all costs of installation, maintenance, repairs, debt service, post-installation project monitoring, and reporting. Notwithstanding any other provision of law, any contracting entity may purchase energy conservation or operational efficiency measures under an energy performance-based contract entered into by another contracting entity pursuant to this article even if it did not participate in the request for proposals if the request for proposals specified that the procurement was being conducted on behalf of other contracting entities.

2. *A contracting entity may procure a roof replacement as part of a larger energy conservation or operational efficiency measure, including solar, where the replacement is necessary for the installation of such measure. Such contracting entity may also procure a roof replacement pursuant to § 2.2-4302.1 when the original contract for the energy conservation or operational efficiency measure, including solar, does not include a roof replacement and the contracting entity determines that the replacement of more than 20 percent of the roof is necessary for the installation of such measure. Such roof replacements procured separately from a larger energy conservation or operational efficiency measure, including solar, shall also be publicly noticed on the Department of General Services' central electronic procurement website. All roof replacement projects procured separately pursuant to this subdivision shall be designed by a licensed architect or professional engineer.*

C. Before entering into a contract for energy conservation measures, the contracting entity shall require the performance contractor to provide a payment and performance bond relating to the installation of energy conservation measures in an amount the contracting entity finds reasonable and necessary to protect its interests.

D. Prior to the design and installation of any energy conservation measures, the contracting entity shall obtain from the energy performance contractor a report disclosing all costs associated with such energy conservation measures and providing an estimate of the amount of the energy cost savings. After reviewing the report, the contracting entity may enter into an energy performance-based contract if it finds (i) the amount the entity would spend on the energy conservation measures recommended in the report will not exceed the amount to be saved in energy and operation costs more than 20 years from the date of installation, based on life-cycle costing calculations, if the recommendations in the report were followed and (ii) the energy performance contractor provides a written guarantee that the energy and operating cost savings will meet or exceed the costs of the system. The contract may provide for payments over a period not to exceed 20 years.

E. The term of any energy performance-based contract shall expire at the end of each fiscal year but may be renewed annually for up to 20 years, subject to the contracting entity making sufficient annual appropriations based upon continued realized cost savings. Such contract shall stipulate that the agreement does not constitute a debt, liability, or obligation of the contracting entity, or a pledge of the faith and credit of the contracting entity. Such contract may also provide capital contributions for the purchase and installation of energy conservation measures that cannot be totally funded by the energy and operational savings.

F. An energy performance-based contract shall include the following provisions:

1. A guarantee by the energy performance contractor that annual energy and operational cost savings will meet or exceed the amortized cost of energy conservation measures. The guaranteed energy savings contract shall include a written guarantee of the qualified provider that either the energy savings or operational cost savings, or both, will meet or exceed within 20 years the costs of the energy and operational savings measures. The qualified provider shall reimburse the contracting entity for any shortfall of guaranteed energy savings projected in the contract.

2. A requirement that the energy performance contractor to whom the contract is awarded provide a 100 percent performance guarantee bond to the contracting entity for the installation and faithful performance of the installed energy savings measures as outlined in the contract document.

3. A requirement that the energy performance contractor provide to the contracting entity an annual reconciliation of the guaranteed energy cost savings. The energy performance contractor shall be liable for any annual savings shortfall that may occur.

G. The Department shall make a reasonable effort, as long as workload permits, to:

1. Provide general advice, upon request, to local governments considering pursuit of an energy performance-based contract pursuant to this article; and

2. Annually compile a list of performance-based contracts entered into by local governments of which the Department becomes aware.

CHAPTER 467

An Act to amend and reenact § 8.01-126 of the Code of Virginia, relating to summons for unlawful detainer; notice; adverse employment actions prohibited.

[H 1236]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-126 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-126. Summons for unlawful detainer issued by magistrate or clerk or judge of a general district court.

A. For the purposes of this section, "termination notice" means a notice given under § 55.1-1245 or other notice of termination of tenancy given by the landlord to the tenant of a dwelling unit, or any notice of termination given by a landlord to a tenant of a nonresidential premises.

B. In any case when possession of any house, land or tenement is unlawfully detained by the person in possession thereof, the landlord, his agent, attorney, or other person, entitled to the possession may present to a magistrate or a clerk or judge of a general district court a statement under oath of the facts which authorize the removal of the tenant or other person in possession, describing such premises; and thereupon such magistrate, clerk or judge shall issue his summons against the person or persons named in such affidavit. The process issued upon any such summons issued by a magistrate, clerk or judge may be served as provided in § 8.01-293, 8.01-296, or 8.01-299. When issued by a magistrate it may be returned to and the case heard and determined by the judge of a general district court. If the summons for unlawful detainer is filed to terminate a tenancy pursuant to the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.), the initial hearing on such summons shall occur as soon as practicable, but not more than 21 days from the date of filing. If the case cannot be heard within 21 days from the date of filing, the initial hearing shall be held as soon as practicable, but in no event later than 30 days after the date of the filing. If the plaintiff requests that the initial hearing be set on a date later than 21 days from the date of filing, the initial hearing shall be set on a date the plaintiff is available that is also available for the court. Such summons shall be served at least 10 days before the return day thereof.

C. Any summons issued pursuant to the provisions of this section shall contain a notice to the tenant that, pursuant to the provisions of § 18.2-465.1, it is unlawful for his employer to discharge him from employment or take any adverse personnel action against him as a result of his absence from employment due to appearing at any initial or subsequent hearing on such summons, provided that he has given reasonable notice of such hearing to his employer.

~~C. D.~~ Notwithstanding any other rule of court or provision of law to the contrary, the plaintiff in an unlawful detainer case may submit into evidence a photocopy of a properly executed paper document or paper printout of an electronically stored document including a copy of the original lease or other documents, provided that the plaintiff provides an affidavit or sworn testimony that the copy of such document is a true and accurate copy of the original lease. An attorney or agent of the landlord or managing agent may present such affidavit into evidence.

~~D. E.~~ E. 1. Notwithstanding any other rule of court or provision of law to the contrary, when the defendant does not make an appearance in court, the plaintiff or the plaintiff's attorney or agent may submit into evidence by an affidavit or sworn testimony a statement of the amount of outstanding rent, late charges, attorney fees, and any other charges or damages due as of the date of the hearing. The plaintiff or the plaintiff's attorney or agent shall advise the court of any payments by the defendant that result in a variance reducing the amount due the plaintiff as of the day of the hearing.

2. a. If the unlawful detainer summons served upon the defendant requests judgment for all amounts due as of the date of the hearing, the court shall permit amendment of the amount requested on the summons for unlawful detainer filed in court in accordance with the evidence and in accordance with the amounts contracted for in the rental agreement and shall

enter a judgment for such amount due as of the date of the hearing in addition to entering an order of possession for the premises. Notwithstanding any rule of court or provision of law to the contrary, no order of possession shall be entered unless the plaintiff or plaintiff's attorney or agent has presented a copy of a proper termination notice that the court admits into evidence.

b. Notwithstanding any rule of court or provision of law to the contrary, a plaintiff may amend the amount alleged to be due and owing in an unlawful detainer to request all amounts due and owing as of the date of the hearing. If additional amounts become due and owing prior to the final disposition of a pending unlawful detainer, the plaintiff may also amend the amount alleged to be due and owing to include such additional amounts. If the plaintiff requests to amend the amount alleged to be due and owing in an unlawful detainer, the judge shall grant such amendment. Upon amendment of the unlawful detainer, such plaintiff shall not subsequently file an additional summons for unlawful detainer against the defendant for such additional amounts if such additional amounts could have been included in such amendment. If another unlawful detainer is filed, the court shall dismiss the subsequent unlawful detainer. Nothing herein shall be construed to preclude a plaintiff from filing an unlawful detainer for a non-rent violation during the pendency of an unlawful detainer for nonpayment of rent.

3. In determining the amount due the plaintiff as of the date of the hearing, if the rental agreement or lease provides that rent is due and payable on the first of the month in advance for the entire month, at the request of the plaintiff or the plaintiff's attorney or agent, the amount due as of the date of the hearing shall include the rent due for the entire month in which the hearing is held, and rent shall not be prorated as of the actual court date. Otherwise, the rent shall be prorated as of the date of the hearing. However, nothing herein shall be construed to permit a landlord to collect rent in excess of the amount stated in such rental agreement or lease. If a money judgment has been granted for the amount due for the month of the hearing pursuant to this section and the landlord re-rents such dwelling unit and receives rent from a new tenant prior to the end of such month, the landlord is required to reflect the applicable portion of the judgment as satisfied pursuant to § 16.1-94.01.

4. If, on the date of a foreclosure sale of a single-family residential dwelling unit, the former owner remains in possession of such dwelling unit, such former owner becomes a tenant at sufferance. Such tenancy may be terminated by a written termination notice from the successor owner given to such tenant at least three days prior to the effective date of termination. Upon the expiration of the three-day period, the successor owner may file an unlawful detainer under this section. Such tenant shall be responsible for payment of fair market rental from the date of such foreclosure until the date the tenant vacates the dwelling unit, as well as damages, and for payment of reasonable attorney fees and court costs.

CHAPTER 468

An Act to amend and reenact §§ 58.1-3851.1 and 58.1-3851.2 of the Code of Virginia and to amend the Code of Virginia by adding in Article 10 of Chapter 38 of Title 58.1 a section numbered 58.1-3851.3, relating to sales and use tax; entitlement to revenues from tourism projects.

[H 1308]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-3851.1 and 58.1-3851.2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 10 of Chapter 38 of Title 58.1 a section numbered 58.1-3851.3 as follows:

§ 58.1-3851.1. Entitlement to tax revenues from tourism project.

A. For purposes of this section, ~~unless the context requires a different meaning:~~

"Economic development authority" means a local industrial development authority or a local or regional political subdivision, the public purpose of which is to assist in economic development.

"Gap financing" means debt financing to compensate for a shortfall in project funding between the expected development costs of an authorized tourism project and the debt and equity capital provided by the developer of the project.

B. 1. If a locality has established a tourism zone pursuant to § 58.1-3851, has adopted an ordinance establishing a tourism plan as determined by guidelines set forth by the Virginia Tourism Authority, and has adopted an ordinance authorizing a tourism project to meet a deficiency identified in the adopted tourism plan approved by the Virginia Tourism Authority, and the tourism project has been certified by the State Comptroller as qualifying for the entitlement to tax revenues authorized by this section, the authorized tourism project shall be entitled to an amount equal to the revenues generated by a one percent state sales and use tax on transactions taking place on the premises of the authorized tourism project. The entitlement shall be contingent on the locality enacting an ordinance designating certain local tax revenues to the tourism project pursuant to subsection C and shall be subject to the conditions set forth in subsection D. The purpose of such entitlement shall be to assist the developer with obtaining gap financing and making payments of principal and interest thereon. The entitlement shall continue until the gap financing is paid in full. Entitled sales *and use* tax revenues shall be applied solely to payments of principal and interest on the qualified gap financing.

2. On a quarterly basis, the Tax Commissioner shall certify the amount of the entitled sales *and use* tax revenues to the Comptroller, who shall remit such revenues to the county or city in which the authorized tourism project is located. The

county or city shall remit the revenues to the economic development authority. No payments herein shall be made until an agreement exists between the developer of the authorized tourism project and the economic development authority.

3. The state sales *and use* tax entitlement established in subdivision 1 shall not include any (i) sales *and use* tax revenues dedicated pursuant to § 58.1-638 or 58.1-638.1 or (ii) revenues generated pursuant to Chapter 766 of the Acts of Assembly of 2013, *the additional state sales and use tax in certain counties and cities assessed pursuant to subsection B of § 58.1-603.1 and subsection B of § 58.1-604.01; or the additional state sales and use tax in certain counties and cities of historic significance imposed under § 58.1-603.2.*

C. If a locality has adopted the ordinances required by subdivision B 1 to entitle an authorized tourism project to an amount equal to the revenues generated by a one percent state sales and use tax on transactions taking place on the premises of the authorized tourism project, the local governing body of the county or city in which the authorized tourism project is located shall also direct by ordinance that an amount equal to the revenues generated by at least a one percent local sales and use tax, or an equivalent amount of other local tax revenues as designated by the ordinance, generated by transactions taking place on the premises of the authorized tourism project shall be applied to the payment of principal and interest on the qualified gap financing. Such revenues shall be remitted in the same manner, for the same time period, and under the same conditions as the remittances paid in accordance with subsection B, *mutatis mutandis.*

D. Prior to any entitlement to tax revenues for an authorized tourism project pursuant to subsections B and C, the owner of such project shall have a minimum of 70 percent of funding for the project in place through debt or equity, enter into a performance agreement with the economic development authority or political subdivision, and enter into an agreement to pay an access fee. The access fee shall be equivalent to the state sales *and use* tax revenue generated by and returned to the project pursuant to subdivision B 1 and shall be collected by the locality and remitted to the economic development authority on a quarterly basis. The access fee and the sales *and use* tax entitlement shall be used solely to make payments of principal and interest on the qualified gap ~~funding~~ *financing.*

E. In the event that the total amount of sales *and use* tax entitlement and the access fee exceeds any annual debt service on the qualified gap financing, such excess shall be paid to the principal of the loan until the qualified gap financing is paid in full.

F. A tourism project that is entitled to and receives revenues pursuant to this section shall not be eligible to receive revenues pursuant to § 58.1-608.3 ~~or~~ 58.1-3851.2, *or 58.1-3851.3.*

§ 58.1-3851.2. Entitlement to tax revenues from tourism project of regional significance.

A. For purposes of this section, ~~unless the context requires a different meaning:~~

"Economic development authority" means a local industrial development authority or a local or regional political subdivision, the public purpose of which is to assist in economic development.

"Gap financing" means debt financing to compensate for a shortfall in project funding between the expected development costs of an authorized tourism project of regional significance and the debt and equity capital provided by the developer of the project.

"Tourism project of regional significance" means a tourism project that meets the requirements set forth in subdivision B 1 and that additionally represents a new capital investment of at least \$100 million in a new tourism facility or in a substantial and significant renovation or expansion of an existing tourism facility by a private entity in the Commonwealth and, as determined by the Virginia Tourism Authority, that supports increased hotel occupancy, new job creation, an increase in the number of out-of-state visitors to the Commonwealth, and other factors of significant fiscal and economic impact. Any property, real, personal, or mixed, that is necessary or complementary, such as arenas, sporting facilities, hotels, and other tourism venues, developed in connection with any such tourism project of regional significance, including facilities for food preparation and serving, parking facilities, and administrative offices, is encompassed within this definition, as is theme-related retail activity by vendors or the private entity owner of the project that occurs on site and directly supports the tourism mission of the project. A tourism project of regional significance does not include, for purposes of this section, general retail outlets, ancillary retail structures not directly related to the tourism purpose of the project or other retail establishments commonly referred to as shopping centers or malls or residential condominiums, townhomes, or other residential units.

B. 1. If a locality has established a tourism zone pursuant to § 58.1-3851, has adopted an ordinance establishing a tourism plan as determined by guidelines set forth by the Virginia Tourism Authority, and has adopted an ordinance authorizing a tourism project of regional significance to meet a deficiency identified in the adopted tourism plan approved by the Virginia Tourism Authority, and if the tourism project of regional significance has been certified by the State Comptroller as qualifying for the entitlement to tax revenues authorized by this section, the authorized tourism project of regional significance shall be entitled to an amount equal to the revenues generated by a 1.5 percent state sales and use tax on transactions taking place on the premises of the authorized tourism project of regional significance. The entitlement shall be contingent on the locality's enacting an ordinance designating certain local revenues to the project pursuant to subsection C and shall be subject to the conditions set forth in subsection D. The purpose of such entitlement shall be to assist the developer with obtaining gap financing and making payments of principal and interest thereon.

2. On a quarterly basis, the Tax Commissioner shall certify the amount of the entitled sales *and use* tax revenues to the Comptroller, who shall remit such revenues to the county or city in which the authorized tourism project of regional significance is located. The county or city shall remit the revenues to the economic development authority. No payments herein shall be made until an agreement exists between the developer of the authorized tourism project of regional

significance and the economic development authority. The entitlement shall continue until the gap financing is paid in full or for the length of time specified in the agreement between the developer and the economic development authority, but in no event shall the entitlement extend beyond 20 years from the date of the initial entitlement. Entitled sales and use tax revenues shall be applied solely to payments of principal and interest on the qualified gap financing.

3. The state sales and use tax entitlement established in subdivision 1 shall not include any (i) sales and use tax revenues dedicated pursuant to § 58.1-638 or 58.1-638.1 or (ii) revenues generated pursuant to Chapter 766 of the Acts of Assembly of 2013, *the additional state sales and use tax in certain counties and cities assessed pursuant to subsection B of § 58.1-603.1 and subsection B of § 58.1-604.01; or the additional state sales and use tax in certain counties and cities of historic significance imposed under § 58.1-603.2.*

C. If a locality has adopted the ordinances required by subdivision B 1 to entitle an authorized tourism project of regional significance to an amount equal to the revenues generated by a 1.5 percent state sales and use tax on transactions taking place on the premises of the authorized tourism project of regional significance, the local governing body of the county or city in which the authorized tourism project of regional significance is located shall also direct by ordinance that an amount of local revenues, from any authorized source of revenues available to the locality, equal to the revenues generated by at least a 1.5 percent state sales and use tax generated by transactions taking place on the premises of the authorized tourism project of regional significance shall be applied to the payment of principal and interest on the qualified gap financing. Such revenues shall be remitted in the same manner, for the same time period, and under the same conditions as the remittances paid in accordance with subsection B, *mutatis mutandis.*

D. Prior to any entitlement to tax revenues for an authorized tourism project of regional significance pursuant to subsections B and C, the owner of such project shall have a minimum of 80 percent of funding for the project in place through debt or equity, enter into a performance agreement with the economic development authority or political subdivision, and enter into an agreement to pay an access fee. The access fee shall be equivalent to the state sales and use tax revenue generated by and returned to the project pursuant to subdivision B 1 and shall be collected by the locality and remitted to the economic development authority on a quarterly basis. The access fee and the state and local contributions pursuant to this section shall be used solely to make payments of principal and interest on the qualified gap ~~funding~~ financing.

E. In the event that the total amount of state and local contributions pursuant to this section and the access fee exceeds any annual debt service on the qualified gap financing, such excess shall be paid to the principal of the loan until the qualified gap financing is paid in full.

F. Neither the Commonwealth nor any political subdivision of the Commonwealth shall incur any debt under this section. Nothing in this section shall be construed as authorizing the pledging of the faith and credit of the Commonwealth, or any of its revenues, or the faith and credit of any other political subdivision of the Commonwealth, or any of its revenues, for the payment of any debt or debt financing, or meeting any contractual obligation incurred by the owner or developer of any authorized tourism project of regional significance.

G. An authorized tourism project of regional significance that is entitled to and receives revenues pursuant to this section shall not be eligible to receive revenues pursuant to § 58.1-608.3 ~~or~~ 58.1-3851.1, or 58.1-3851.3.

§ 58.1-3851.3. Entitlement to tax revenues from a major tourism project.

A. For purposes of this section:

"Economic development authority" means a local industrial development authority or a local or regional political subdivision, the public purpose of which is to assist in economic development.

"Gap financing" means debt financing to compensate for a shortfall in project funding between the expected development costs of a major tourism project and the debt and equity capital provided by the developer of the project and any refinancing of a gap financing. "Gap financing" includes a developer's primary debt financing, as well as any refinancing thereof, if the entitlements to tax revenues provided under this section are pledged as collateral for such primary debt financing.

"Major tourism project" means a tourism project that meets the requirements set forth in subdivision B 1 and that additionally represents a new capital investment of at least \$500 million in a new tourism facility or in a substantial and significant renovation or expansion of an existing tourism facility by a private entity in the Commonwealth, that will result in the creation of at least 500 net new jobs, and, as determined by the Virginia Tourism Authority, that supports increased hotel occupancy, an increase in the number of out-of-state visitors to the Commonwealth, and other factors of significant fiscal and economic impact. Any property, real, personal, or mixed, that is necessary or complementary, such as arenas, sporting facilities, hotels, and other tourism venues, developed in connection with any such major tourism project, including facilities for food preparation and serving, parking facilities, and administrative offices, is encompassed within this definition, as is theme-related retail activity that occurs on site and directly supports the tourism mission of the project. "Major tourism project" does not include, for purposes of this section, (i) general retail outlets, ancillary retail structures not directly related to the tourism purpose of the project, or other retail establishments commonly referred to as shopping centers or malls or (ii) residential condominiums, townhomes, or other residential units.

B. 1. If a locality has established a tourism zone pursuant to § 58.1-3851, has adopted an ordinance establishing a tourism plan as determined by guidelines set forth by the Virginia Tourism Authority, and has adopted an ordinance authorizing a major tourism project to meet a deficiency identified in the adopted tourism plan approved by the Virginia Tourism Authority, and if the major tourism project has been certified by the State Comptroller as qualifying for the

entitlement to tax revenues authorized by this section, the major tourism project shall be entitled to an amount equal to the revenues generated by a two percent state sales and use tax on transactions taking place on the premises of the authorized major tourism project. The entitlement shall be contingent on the locality's enacting an ordinance designating certain local revenues to the project pursuant to subsection C and shall be subject to the conditions set forth in subsection D. The entitlement shall also be subject to review and approval by the MEI Project Approval Commission pursuant to § 30-310. The purpose of such entitlement shall be to assist the developer with obtaining gap financing and making payments of principal and interest thereon.

2. On a quarterly basis, the Tax Commissioner shall certify the amount of the entitled sales and use tax revenues to the Comptroller, who shall remit such revenues to the county or city in which the authorized major tourism project is located. The county or city shall remit the revenues to the economic development authority or such other entity as the economic development authority shall designate. No payments herein shall be made until an agreement exists between the developer of the authorized major tourism project and the economic development authority. The entitlement shall continue until the gap financing is paid in full or for the length of time specified in the agreement between the developer and the economic development authority, but in no event shall the entitlement extend beyond 20 years from the date of the accrual of the initial entitlement. Entitled sales and use tax revenues shall be applied solely to payments of principal and interest on the qualified gap financing.

3. The state sales and use tax entitlement established in subdivision 1 shall not include any (i) sales and use tax revenues dedicated pursuant to § 58.1-638 or 58.1-638.1 or (ii) revenues generated pursuant to Chapter 766 of the Acts of Assembly of 2013, the additional state sales and use tax in certain counties and cities assessed pursuant to subsection B of § 58.1-603.1 and subsection B of § 58.1-604.01; or the additional state sales and use tax in certain counties and cities of historic significance imposed under § 58.1-603.2.

C. If a locality has adopted the ordinances required by subdivision B 1 to entitle an authorized major tourism project to an amount equal to the revenues generated by a two percent state sales and use tax on transactions taking place on the premises of the authorized major tourism project, or subsequently acquired premises for the major tourism project, the local governing body of the county or city in which the authorized major tourism project is located shall also direct by ordinance that an amount of local revenues, from any authorized source of revenues available to the locality, equal to the revenues generated by at least a two percent state sales and use tax generated by transactions taking place on the premises of the authorized major tourism project, or subsequently acquired premises for the authorized major tourism project, shall be applied to the payment of principal and interest on the qualified gap financing. Such revenues shall be remitted in the same manner, for the same time period, and under the same conditions as the remittances paid in accordance with subsection B, *mutatis mutandis*.

D. Prior to any entitlement to tax revenues for a major tourism project pursuant to subsections B and C, the owner of such project shall have a minimum of 70 percent of funding for the project in place through debt or equity, enter into a performance agreement with the economic development authority or political subdivision, and enter into an agreement to pay an access fee. The access fee shall be equivalent to the state sales and use tax revenue generated by and returned to the project pursuant to subdivision B 1 and shall be collected by the locality and remitted to the economic development authority or such other entity as the economic development authority shall designate on a quarterly basis. The access fee and the state and local contributions pursuant to this section shall be used solely to make payments of principal and interest on the qualified gap financing.

E. In the event that the total amount of state and local contributions pursuant to this section and the access fee exceeds any annual debt service on the qualified gap financing, such excess shall be paid to the principal of the loan until the qualified gap financing is paid in full.

F. Neither the Commonwealth nor any political subdivision of the Commonwealth shall incur any debt under this section. Nothing in this section shall be construed as authorizing the pledging of the faith and credit of the Commonwealth, or any of its revenues, or the faith and credit of any other political subdivision of the Commonwealth, or any of its revenues, for the payment of any debt or debt financing, or meeting any contractual obligation incurred by the owner or developer of any authorized major tourism project.

G. A major tourism project that is entitled to and receives revenues pursuant to this section shall not be eligible to receive revenues pursuant to § 58.1-608.3, 58.1-3851.1, or 58.1-3851.2.

CHAPTER 469

An Act to amend and reenact §§ 8.01-413.01 and 16.1-88.2 of the Code of Virginia, relating to civil actions; health care bills and records.

[H 1145]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

- 1. That §§ 8.01-413.01 and 16.1-88.2 of the Code of Virginia are amended and reenacted as follows:
§ 8.01-413.01. Authenticity and reasonableness of medical bills; presumption.**

A. For the purposes of this section, "bill" means any statement of charges, an invoice, or any other form prepared by a health care provider or its agent, or third-party agent, identifying the costs of health care services provided.

B. In any action for personal injuries, wrongful death, or for medical expense benefits payable under a motor vehicle insurance policy issued pursuant to § 38.2-124 or § 38.2-2201, the authenticity of bills for medical services provided and the reasonableness of the charges of the health care provider shall be rebuttably presumed upon identification by the plaintiff of the original bill or a duly authenticated copy and the plaintiff's testimony (i) identifying the health care provider, (ii) ~~explaining the circumstances surrounding his receipt of the bill,~~ (iii) describing the services rendered, and ~~(iv)~~ (iii) that the services were rendered in connection with treatment for the injuries received in the event giving rise to the action. If the court finds the plaintiff is unable to provide such testimony, the plaintiff's guardian, agent under an advance directive, or agent under a power of attorney may identify the bill or an authenticated copy and provide testimony in lieu of the plaintiff. The presumption herein shall not apply unless the opposing party or his attorney has been furnished such medical records at least 30 days prior to the trial.

~~B- C.~~ Where no medical bill is rendered or specific charge made by a health care provider to the insured, an insurer, or any other person, the usual and customary fee charged for the service rendered may be established by the testimony or the affidavit of an expert having knowledge of the usual and customary fees charged for the services rendered. If the fee is to be established by affidavit, the affidavit shall be submitted to the opposing party or his attorney at least 30 days prior to trial. The testimony or the affidavit is subject to rebuttal and may be admitted in the same manner as an original bill or authenticated copy described in subsection A.

§ 16.1-88.2. Evidence of medical reports, statements, or records; testimony of health care provider or custodian of records.

In a civil suit tried in a general district court or appealed to the circuit court to recover damages for personal injuries or to resolve any dispute with an insurance company or health care provider, either party may present evidence as to the extent, nature, and treatment of the injury, the examination of the person so injured, and the costs of such treatment and examination by the following:

1. A report *or statement* from the treating or examining health care provider as defined in § 8.01-581.1 or a health care provider licensed outside of the Commonwealth for his treatment of the plaintiff outside of the Commonwealth. Such ~~medical~~ report *or statement* shall be admitted if the party intending to present ~~such evidence by the use of a report~~ gives the opposing party or parties a copy of ~~the report~~ *such evidence* and written notice of such intention 10 days in advance of trial and if attached to *or contained in* such ~~report~~ *evidence* is a sworn ~~statement~~ *declaration* of (i) the treating or examining health care provider that (a) the person named therein was treated or examined by such health care provider, (b) the information contained in the report *or statement* is true and accurate and fully descriptive as to the nature and extent of the injury, and (c) any statement of costs contained in the report *or statement* is true and accurate or (ii) the custodian of such report *or statement* that the same is a true and accurate copy of the report *or statement*; or

2. The ~~records or bills as defined in subsection A of § 8.01-413.01 or records of a hospital or similar medical facility at which the treatment or examination was performed~~ *treating or examining health care provider as defined in § 8.01-581.1 or a health care provider licensed outside of the Commonwealth for its treatment of the plaintiff outside of the Commonwealth.* Such ~~hospital or other medical facility~~ *provider's* records or bills shall be admitted if (i) the party intending to present evidence by the use of records or bills gives the opposing party or parties a copy of the records or bills and written notice of such intention 10 days in advance of trial and (ii) attached to the records or bills is a sworn ~~statement~~ *declaration* of the custodian thereof that the same is a true and accurate copy of the records or bills of such ~~hospital or other medical facility~~ *provider.*

If, thereafter, the plaintiff or defendant summons the health care provider or custodian making such statement to testify in proper person or by deposition, the court shall determine which party shall pay the fee and costs for such appearance or depositions, or may apportion the same among the parties in such proportions as the ends of justice may require. If such health care provider or custodian is not subject to subpoena for cross-examination in court or by a deposition, then the court shall allow a reasonable opportunity for the party seeking the subpoena for such health care provider or custodian to obtain his testimony as the ends of justice may require. The plaintiff may only present evidence pursuant to this section in circuit court if he has not requested an amount in excess of the ad damnum in the motion for judgment filed in the general district court.

CHAPTER 470

An Act to amend and reenact §§ 8.01-413.01 and 16.1-88.2 of the Code of Virginia, relating to civil actions; health care bills and records.

[S 633]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-413.01 and 16.1-88.2 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-413.01. Authenticity and reasonableness of medical bills; presumption.

A. For the purposes of this section, "bill" means any statement of charges, an invoice, or any other form prepared by a health care provider or its agent, or third-party agent, identifying the costs of health care services provided.

B. In any action for personal injuries, wrongful death, or for medical expense benefits payable under a motor vehicle insurance policy issued pursuant to § 38.2-124 or § 38.2-2201, the authenticity of bills for medical services provided and the reasonableness of the charges of the health care provider shall be rebuttably presumed upon identification by the plaintiff of the original bill or a duly authenticated copy and the plaintiff's testimony (i) identifying the health care provider, (ii) ~~explaining the circumstances surrounding his receipt of the bill,~~ (iii) describing the services rendered, and ~~(iv)~~ (iii) stating that the services were rendered in connection with treatment for the injuries received in the event giving rise to the action. If the court finds the plaintiff is unable to provide such testimony, the plaintiff's guardian, agent under an advance directive, or agent under a power of attorney may identify the bill or an authenticated copy and provide testimony in lieu of the plaintiff. The presumption herein shall not apply unless the opposing party or his attorney has been furnished such medical records at least 30 days prior to the trial.

~~B-~~ C. Where no medical bill is rendered or specific charge made by a health care provider to the insured, an insurer, or any other person, the usual and customary fee charged for the service rendered may be established by the testimony or the affidavit of an expert having knowledge of the usual and customary fees charged for the services rendered. If the fee is to be established by affidavit, the affidavit shall be submitted to the opposing party or his attorney at least 30 days prior to trial. The testimony or the affidavit is subject to rebuttal and may be admitted in the same manner as an original bill or authenticated copy described in subsection A.

§ 16.1-88.2. Evidence of medical reports, statements, or records; testimony of health care provider or custodian of records.

In a civil suit tried in a general district court or appealed to the circuit court to recover damages for personal injuries or to resolve any dispute with an insurance company or health care provider, either party may present evidence as to the extent, nature, and treatment of the injury, the examination of the person so injured, and the costs of such treatment and examination by the following:

1. A report *or statement* from the treating or examining health care provider as defined in § 8.01-581.1 or a health care provider licensed outside of the Commonwealth for his treatment of the plaintiff outside of the Commonwealth. Such ~~medical report or statement~~ shall be admitted if the party intending to present ~~such evidence by the use of a report~~ gives the opposing party or parties a copy of ~~the report~~ *such evidence* and written notice of such intention 10 days in advance of trial and if attached to *or contained in* such ~~report~~ *evidence* is a sworn ~~statement~~ *declaration* of (i) the treating or examining health care provider that (a) the person named therein was treated or examined by such health care provider, (b) the information contained in the report *or statement* is true and accurate and fully descriptive as to the nature and extent of the injury, and (c) any statement of costs contained in the report *or statement* is true and accurate or (ii) the custodian of such report *or statement* that the same is a true and accurate copy of the report *or statement*; or

2. The ~~records or bills as defined in subsection A of § 8.01-413.01 or records of a hospital or similar medical facility at which the treatment or examination was performed~~ *treating or examining health care provider as defined in § 8.01-581.1 or a health care provider licensed outside of the Commonwealth for its treatment of the plaintiff outside of the Commonwealth.* Such ~~hospital or other medical facility provider's~~ records or bills shall be admitted if (i) the party intending to present evidence by the use of records or bills gives the opposing party or parties a copy of the records or bills and written notice of such intention 10 days in advance of trial and (ii) attached to the records or bills is a sworn ~~statement~~ *declaration* of the custodian thereof that the same is a true and accurate copy of the records or bills of such ~~hospital or other medical facility provider.~~

If, thereafter, the plaintiff or defendant summons the health care provider or custodian making such statement to testify in proper person or by deposition, the court shall determine which party shall pay the fee and costs for such appearance or depositions, or may apportion the same among the parties in such proportions as the ends of justice may require. If such health care provider or custodian is not subject to subpoena for cross-examination in court or by a deposition, then the court shall allow a reasonable opportunity for the party seeking the subpoena for such health care provider or custodian to obtain his testimony as the ends of justice may require. The plaintiff may only present evidence pursuant to this section in circuit court if he has not requested an amount in excess of the ad damnum in the motion for judgment filed in the general district court.

CHAPTER 471

An Act to amend and reenact § 38.2-3407.10:1 of the Code of Virginia, relating to health insurance; provider credentialing; receipt of application.

[H 773]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-3407.10:1 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-3407.10:1. Reimbursement for services rendered during pendency of a participating provider's credentialing application.

A. As used in this section:

"Carrier" means an entity subject to the insurance laws and regulations of the Commonwealth and subject to the jurisdiction of the Commission that contracts or offers to contract to provide, deliver, arrange for, pay for, or reimburse any

of the costs of health care services or mental health services, including an insurer licensed to sell accident and sickness insurance, a health maintenance organization, a health services plan, or any other entity providing a plan of health insurance, health benefits, health care services, or mental health services.

"Covered person" means a policyholder, subscriber, enrollee, participant, or other individual covered by a health benefit plan.

"Health benefit plan" means a policy, contract, certificate, or agreement offered by a carrier to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services.

"Mental health professional" has the meaning ascribed thereto in § 54.1-2400.1.

"Mental health services" means benefits with respect to items or services provided by mental health professionals for mental health conditions as defined under the terms of a health benefit plan.

"Network" means a group of participating providers who provide health care services under the carrier's health benefit plan that requires or creates incentives for a covered person to use the participating providers.

"New provider applicant" means a physician, mental health professional, or other provider who has submitted a completed credentialing application to a carrier.

"Other provider" means a person, corporation, facility, or institution licensed by the Commonwealth under Title 32.1 or 54.1 to provide health care or professional health-related services on a fee basis.

"Participating mental health professional" means a mental health professional who is managed, under contract with, or employed by a carrier and who has agreed to provide health care services to covered persons with an expectation of receiving payments, other than coinsurance, copayments, or deductibles, directly or indirectly from the carrier.

"Participating other provider" means an other provider who is managed, under contract with, or employed by a carrier and who has agreed to provide such health care or professional services to covered persons with an expectation of receiving payments, other than coinsurance, copayments, or deductibles, directly or indirectly from the carrier.

"Participating physician" means a physician who is managed, under contract with, or employed by a carrier and who has agreed to provide health care services or mental health services to covered persons with an expectation of receiving payments, other than coinsurance, copayments, or deductibles, directly or indirectly from the carrier.

"Participating provider" means a participating physician, participating mental health professional, or participating other provider.

"Physician" means a doctor of medicine or osteopathic medicine holding an active license from the Board of Medicine.

B. A carrier that credentials the physicians, mental health professionals, or other providers in its network shall establish reasonable protocols and procedures for reimbursing new provider applicants, within 30 days of being credentialed by the carrier, for health care services or mental health services provided to covered persons during the period in which the applicant's completed credentialing application is pending. At a minimum, the protocols and procedures shall:

1. Apply only if the new provider applicant's credentialing application is approved by the carrier;
2. Permit reimbursement to a new provider applicant for services rendered from the date the new provider applicant's completed credentialing application is received for consideration by the carrier;

3. *Notwithstanding the provisions of subdivision 1 or 4, if the carrier accepts applications through an online credentialing system, require the carrier to recognize notification to a new provider applicant through the online credentialing system that the provider has submitted and attested to the application as notice by the carrier that the application is received. If the carrier does not accept applications through an online credentialing system, the carrier shall be required, within 10 days of receiving an application, to provide notification to the new provider applicant either by mail or electronic mail, as selected by the applicant, that the application was received;*

4. Apply only if a contractual relationship exists between the carrier and the new provider applicant or entity for whom the new provider applicant is employed or engaged; and

- 4- 5. Require that any reimbursement be paid at the in-network rate that the new provider applicant would have received had he been, at the time the covered health care services were provided, a credentialed participating provider in the network for the applicable health benefit plan.

C. Nothing in this section shall require reimbursement of the new provider applicant-rendered services that are not benefits or services covered by the carrier's health benefit plan.

D. Nothing in this section requires a carrier to pay reimbursement at the contracted in-network rate for any covered health care services or mental health services provided by the new provider applicant if the new provider applicant's credentialing application is not approved or the carrier is otherwise not willing to contract with the new provider applicant.

E. Payments made or retroactive denials of payments made under this section shall be governed by § 38.2-3407.15.

F. If a payment is made by the carrier to a new provider applicant or any entity that employs or engages such new provider applicant under this section for a covered service, the patient shall only be responsible for any coinsurance, copayments, or deductibles permitted under the insurance contract with the carrier or participating provider agreement with the physician, mental health professional, or other provider. If the new provider applicant is not credentialed by the carrier, the new provider applicant or any entity that employs or engages such physician, mental health professional, or other provider shall not collect any amount from the patient for health care services or mental health services provided from the date the completed credentialing application was submitted to the carrier until the applicant received notification from the carrier that credentialing was denied.

G. New provider applicants, in order to submit claims to the carrier pursuant to this section, shall provide written or electronic notice to covered persons in advance of treatment that they have submitted a credentialing application to the carrier of the covered person, stating that the carrier is in the process of obtaining and verifying the following pursuant to credentialing regulations:

"Notice of Provider credentialing and re-credentialing.

Your health insurance carrier is required to establish and maintain a comprehensive credentialing verification program to ensure that its physicians, mental health professionals, and other providers meet the minimum standards of professional licensure or certification. Written supporting documentation for (i) physicians, (ii) mental health professionals who have completed their residency or fellowship requirements for their specialty area more than 12 months prior to the credentialing decision, or (iii) other providers shall include:

1. Current valid license and history of licensure or certification;
2. Status of hospital privileges, if applicable;
3. Valid U.S. Drug Enforcement Administration certificate, if applicable;
4. Information from the National Practitioner Data Bank, as available;
5. Education and training, including postgraduate training, if applicable;
6. Specialty board certification status, if applicable;
7. Practice or work history covering at least the past five years; and
8. Current, adequate malpractice insurance and malpractice history covering at least the past five years.

Your health insurance carrier is in the process of obtaining and verifying the above information in order to determine if your physician, mental health professional, or other provider will be credentialed or not."

H. The provisions of this section shall not apply to coverages issued by a Medicare Advantage plan, but shall apply to health maintenance organizations that issue coverage pursuant to Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid).

I. The Commission shall have no jurisdiction to adjudicate individual controversies arising out of this section.

CHAPTER 472

An Act to amend and reenact § 38.2-3407.10:1 of the Code of Virginia, relating to health insurance; provider credentialing; receipt of application.

[S 427]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-3407.10:1 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-3407.10:1. Reimbursement for services rendered during pendency of a participating provider's credentialing application.

A. As used in this section:

"Carrier" means an entity subject to the insurance laws and regulations of the Commonwealth and subject to the jurisdiction of the Commission that contracts or offers to contract to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services or mental health services, including an insurer licensed to sell accident and sickness insurance, a health maintenance organization, a health services plan, or any other entity providing a plan of health insurance, health benefits, health care services, or mental health services.

"Covered person" means a policyholder, subscriber, enrollee, participant, or other individual covered by a health benefit plan.

"Health benefit plan" means a policy, contract, certificate, or agreement offered by a carrier to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services.

"Mental health professional" has the meaning ascribed thereto in § 54.1-2400.1.

"Mental health services" means benefits with respect to items or services provided by mental health professionals for mental health conditions as defined under the terms of a health benefit plan.

"Network" means a group of participating providers who provide health care services under the carrier's health benefit plan that requires or creates incentives for a covered person to use the participating providers.

"New provider applicant" means a physician, mental health professional, or other provider who has submitted a completed credentialing application to a carrier.

"Other provider" means a person, corporation, facility, or institution licensed by the Commonwealth under Title 32.1 or 54.1 to provide health care or professional health-related services on a fee basis.

"Participating mental health professional" means a mental health professional who is managed, under contract with, or employed by a carrier and who has agreed to provide health care services to covered persons with an expectation of receiving payments, other than coinsurance, copayments, or deductibles, directly or indirectly from the carrier.

"Participating other provider" means an other provider who is managed, under contract with, or employed by a carrier and who has agreed to provide such health care or professional services to covered persons with an expectation of receiving payments, other than coinsurance, copayments, or deductibles, directly or indirectly from the carrier.

"Participating physician" means a physician who is managed, under contract with, or employed by a carrier and who has agreed to provide health care services or mental health services to covered persons with an expectation of receiving payments, other than coinsurance, copayments, or deductibles, directly or indirectly from the carrier.

"Participating provider" means a participating physician, participating mental health professional, or participating other provider.

"Physician" means a doctor of medicine or osteopathic medicine holding an active license from the Board of Medicine.

B. A carrier that credentials the physicians, mental health professionals, or other providers in its network shall establish reasonable protocols and procedures for reimbursing new provider applicants, within 30 days of being credentialed by the carrier, for health care services or mental health services provided to covered persons during the period in which the applicant's completed credentialing application is pending. At a minimum, the protocols and procedures shall:

1. Apply only if the new provider applicant's credentialing application is approved by the carrier;

2. Permit reimbursement to a new provider applicant for services rendered from the date the new provider applicant's completed credentialing application is received for consideration by the carrier;

3. *Notwithstanding the provisions of subdivision 1 or 4, if the carrier accepts applications through an online credentialing system, require the carrier to recognize notification to a new provider applicant through the online credentialing system that the provider has submitted and attested to the application as notice by the carrier that the application is received. If the carrier does not accept applications through an online credentialing system, the carrier shall be required, within 10 days of receiving an application, to provide notification to the new provider applicant either by mail or electronic mail, as selected by the applicant, that the application was received;*

4. Apply only if a contractual relationship exists between the carrier and the new provider applicant or entity for whom the new provider applicant is employed or engaged; and

4. 5. Require that any reimbursement be paid at the in-network rate that the new provider applicant would have received had he been, at the time the covered health care services were provided, a credentialed participating provider in the network for the applicable health benefit plan.

C. Nothing in this section shall require reimbursement of the new provider applicant-rendered services that are not benefits or services covered by the carrier's health benefit plan.

D. Nothing in this section requires a carrier to pay reimbursement at the contracted in-network rate for any covered health care services or mental health services provided by the new provider applicant if the new provider applicant's credentialing application is not approved or the carrier is otherwise not willing to contract with the new provider applicant.

E. Payments made or retroactive denials of payments made under this section shall be governed by § 38.2-3407.15.

F. If a payment is made by the carrier to a new provider applicant or any entity that employs or engages such new provider applicant under this section for a covered service, the patient shall only be responsible for any coinsurance, copayments, or deductibles permitted under the insurance contract with the carrier or participating provider agreement with the physician, mental health professional, or other provider. If the new provider applicant is not credentialed by the carrier, the new provider applicant or any entity that employs or engages such physician, mental health professional, or other provider shall not collect any amount from the patient for health care services or mental health services provided from the date the completed credentialing application was submitted to the carrier until the applicant received notification from the carrier that credentialing was denied.

G. New provider applicants, in order to submit claims to the carrier pursuant to this section, shall provide written or electronic notice to covered persons in advance of treatment that they have submitted a credentialing application to the carrier of the covered person, stating that the carrier is in the process of obtaining and verifying the following pursuant to credentialing regulations:

"Notice of Provider credentialing and re-credentialing.

Your health insurance carrier is required to establish and maintain a comprehensive credentialing verification program to ensure that its physicians, mental health professionals, and other providers meet the minimum standards of professional licensure or certification. Written supporting documentation for (i) physicians, (ii) mental health professionals who have completed their residency or fellowship requirements for their specialty area more than 12 months prior to the credentialing decision, or (iii) other providers shall include:

1. Current valid license and history of licensure or certification;
2. Status of hospital privileges, if applicable;
3. Valid U.S. Drug Enforcement Administration certificate, if applicable;
4. Information from the National Practitioner Data Bank, as available;
5. Education and training, including postgraduate training, if applicable;
6. Specialty board certification status, if applicable;
7. Practice or work history covering at least the past five years; and
8. Current, adequate malpractice insurance and malpractice history covering at least the past five years.

Your health insurance carrier is in the process of obtaining and verifying the above information in order to determine if your physician, mental health professional, or other provider will be credentialed or not."

H. The provisions of this section shall not apply to coverages issued by a Medicare Advantage plan, but shall apply to health maintenance organizations that issue coverage pursuant to Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid).

I. The Commission shall have no jurisdiction to adjudicate individual controversies arising out of this section.

CHAPTER 473

An Act to amend and reenact § 37.2-809 of the Code of Virginia, relating to involuntary temporary detention; disclosure of health records.

[H 684]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 37.2-809 of the Code of Virginia is amended and reenacted as follows:****§ 37.2-809. Involuntary temporary detention; issuance and execution of order.**

A. For the purposes of this section:

"Designee of the local community services board" means an examiner designated by the local community services board who (i) is skilled in the assessment and treatment of mental illness, (ii) has completed a certification program approved by the Department, (iii) is able to provide an independent examination of the person, (iv) is not related by blood or marriage to the person being evaluated, (v) has no financial interest in the admission or treatment of the person being evaluated, (vi) has no investment interest in the facility detaining or admitting the person under this article, and (vii) except for employees of state hospitals and of the U.S. Department of Veterans Affairs, is not employed by the facility.

"Employee" means an employee of the local community services board who is skilled in the assessment and treatment of mental illness and has completed a certification program approved by the Department.

"Investment interest" means the ownership or holding of an equity or debt security, including shares of stock in a corporation, interests or units of a partnership, bonds, debentures, notes, or other equity or debt instruments.

B. A magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or upon his own motion and only after an evaluation conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 37.2-804.1 by an employee or a designee of the local community services board to determine whether the person meets the criteria for temporary detention, a temporary detention order if it appears from all evidence readily available, including any recommendation from a physician, clinical psychologist, or clinical social worker treating the person, that the person (i) has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs; (ii) is in need of hospitalization or treatment; and (iii) is unwilling to volunteer or incapable of volunteering for hospitalization or treatment. The magistrate shall also consider, if available, (a) information provided by the person who initiated emergency custody and (b) the recommendations of any treating or examining physician licensed in Virginia either verbally or in writing prior to rendering a decision. Any temporary detention order entered pursuant to this section shall provide for the disclosure of medical records pursuant to § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

C. When considering whether there is probable cause to issue a temporary detention order, the magistrate may, in addition to the petition, consider (i) the recommendations of any treating or examining physician, psychologist, or clinical social worker licensed in Virginia, if available, (ii) any past actions of the person, (iii) any past mental health treatment of the person, (iv) any relevant hearsay evidence, (v) any medical records available, (vi) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (vii) any other information available that the magistrate considers relevant to the determination of whether probable cause exists to issue a temporary detention order.

D. A magistrate may issue a temporary detention order without an emergency custody order proceeding. A magistrate may issue a temporary detention order without a prior evaluation pursuant to subsection B if (i) the person has been personally examined within the previous 72 hours by an employee or a designee of the local community services board or (ii) there is a significant physical, psychological, or medical risk to the person or to others associated with conducting such evaluation.

E. An employee or a designee of the local community services board shall determine the facility of temporary detention in accordance with the provisions of § 37.2-809.1 for all individuals detained pursuant to this section. An employee or designee of the local community services board may change the facility of temporary detention and may designate an alternative facility for temporary detention at any point during the period of temporary detention if it is determined that the alternative facility is a more appropriate facility for temporary detention of the individual given the specific security, medical, or behavioral health needs of the person. In cases in which the facility of temporary detention is changed following transfer of custody to an initial facility of temporary custody, transportation of the individual to the alternative facility of temporary detention shall be provided in accordance with the provisions of § 37.2-810. The initial facility of temporary detention shall be identified on the preadmission screening report and indicated on the temporary detention order; however, if an employee or designee of the local community services board designates an alternative facility, that employee or designee shall provide written notice forthwith, on a form developed by the Executive Secretary of the Supreme Court of Virginia, to the clerk of the issuing court of the name and address of the alternative facility. Subject to the provisions of § 37.2-809.1, if a facility of temporary detention cannot be identified by the time of the expiration of the period of emergency custody pursuant to § 37.2-808, the individual shall be detained in a state facility for the treatment of individuals with mental illness and such facility shall be indicated on the temporary detention order. Except as provided in

§ 37.2-811 for inmates requiring hospitalization in accordance with subdivision A 2 of § 19.2-169.6, the person shall not be detained in a jail or other place of confinement for persons charged with criminal offenses and shall remain in the custody of law enforcement until the person is either detained within a secure facility or custody has been accepted by the appropriate personnel designated by either the initial facility of temporary detention identified in the temporary detention order or by the alternative facility of temporary detention designated by the employee or designee of the local community services board pursuant to this subsection. The person detained or in custody pursuant to this section shall be given a written summary of the temporary detention procedures and the statutory protections associated with those procedures.

F. Any facility caring for a person placed with it pursuant to a temporary detention order is authorized to provide emergency medical and psychiatric services within its capabilities when the facility determines that the services are in the best interests of the person within its care. The costs incurred as a result of the hearings and by the facility in providing services during the period of temporary detention shall be paid and recovered pursuant to § 37.2-804. The maximum costs reimbursable by the Commonwealth pursuant to this section shall be established by the State Board of Medical Assistance Services based on reasonable criteria. The State Board of Medical Assistance Services shall, by regulation, establish a reasonable rate per day of inpatient care for temporary detention.

G. The employee or the designee of the local community services board who is conducting the evaluation pursuant to this section shall determine, prior to the issuance of the temporary detention order, the insurance status of the person. Where coverage by a third party payor exists, the facility seeking reimbursement under this section shall first seek reimbursement from the third party payor. The Commonwealth shall reimburse the facility only for the balance of costs remaining after the allowances covered by the third party payor have been received.

H. The duration of temporary detention shall be sufficient to allow for completion of the examination required by § 37.2-815, preparation of the preadmission screening report required by § 37.2-816, and initiation of mental health treatment to stabilize the person's psychiatric condition to avoid involuntary commitment where possible, but shall not exceed 72 hours prior to a hearing. If the 72-hour period herein specified terminates on a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, the person may be detained, as herein provided, until the close of business on the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed. The person may be released, pursuant to § 37.2-813, before the 72-hour period herein specified has run.

I. If a temporary detention order is not executed within 24 hours of its issuance, or within a shorter period as is specified in the order, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if the office is not open, to any magistrate serving the jurisdiction of the issuing court. Subsequent orders may be issued upon the original petition within 96 hours after the petition is filed. However, a magistrate must again obtain the advice of an employee or a designee of the local community services board prior to issuing a subsequent order upon the original petition. Any petition for which no temporary detention order or other process in connection therewith is served on the subject of the petition within 96 hours after the petition is filed shall be void and shall be returned to the office of the clerk of the issuing court.

J. The Executive Secretary of the Supreme Court of Virginia shall establish and require that a magistrate, as provided by this section, be available seven days a week, 24 hours a day, for the purpose of performing the duties established by this section. Each community services board shall provide to each general district court and magistrate's office within its service area a list of its employees and designees who are available to perform the evaluations required herein.

K. For purposes of this section, a health care provider or designee of a local community services board or behavioral health authority shall not be required to encrypt any email containing information or medical records provided to a magistrate unless there is reason to believe that a third party will attempt to intercept the email.

L. If the employee or designee of the community services board who is conducting the evaluation pursuant to this section recommends that the person should not be subject to a temporary detention order, such employee or designee shall (i) inform the petitioner, the person who initiated emergency custody if such person is present, and an onsite treating physician of his recommendation; (ii) promptly inform such person who initiated emergency custody that the community services board will facilitate communication between the person and the magistrate if the person disagrees with recommendations of the employee or designee of the community services board who conducted the evaluation and the person who initiated emergency custody so requests; and (iii) upon prompt request made by the person who initiated emergency custody, arrange for such person who initiated emergency custody to communicate with the magistrate as soon as is practicable and prior to the expiration of the period of emergency custody. The magistrate shall consider any information provided by the person who initiated emergency custody and any recommendations of the treating or examining physician and the employee or designee of the community services board who conducted the evaluation and consider such information and recommendations in accordance with subsection B in making his determination to issue a temporary detention order. The individual who is the subject of emergency custody shall remain in the custody of law enforcement or a designee of law enforcement and shall not be released from emergency custody until communication with the magistrate pursuant to this subsection has concluded and the magistrate has made a determination regarding issuance of a temporary detention order.

M. For purposes of this section, "person who initiated emergency custody" means any person who initiated the issuance of an emergency custody order pursuant to § 37.2-808 or a law-enforcement officer who takes a person into custody pursuant to subsection G of § 37.2-808.

N. In any case in which a person subject to an evaluation pursuant to this section is receiving services in a hospital emergency department, the treating physician or his designee and the employee or designee of the local community services board shall disclose to each other relevant information pertaining to the individual's treatment in the emergency department.

CHAPTER 474

An Act to amend and reenact § 37.2-809 of the Code of Virginia, relating to involuntary temporary detention; disclosure of health records.

[S 119]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 37.2-809 of the Code of Virginia is amended and reenacted as follows:

§ 37.2-809. Involuntary temporary detention; issuance and execution of order.

A. For the purposes of this section:

"Designee of the local community services board" means an examiner designated by the local community services board who (i) is skilled in the assessment and treatment of mental illness, (ii) has completed a certification program approved by the Department, (iii) is able to provide an independent examination of the person, (iv) is not related by blood or marriage to the person being evaluated, (v) has no financial interest in the admission or treatment of the person being evaluated, (vi) has no investment interest in the facility detaining or admitting the person under this article, and (vii) except for employees of state hospitals and of the U.S. Department of Veterans Affairs, is not employed by the facility.

"Employee" means an employee of the local community services board who is skilled in the assessment and treatment of mental illness and has completed a certification program approved by the Department.

"Investment interest" means the ownership or holding of an equity or debt security, including shares of stock in a corporation, interests or units of a partnership, bonds, debentures, notes, or other equity or debt instruments.

B. A magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or upon his own motion and only after an evaluation conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 37.2-804.1 by an employee or a designee of the local community services board to determine whether the person meets the criteria for temporary detention, a temporary detention order if it appears from all evidence readily available, including any recommendation from a physician, clinical psychologist, or clinical social worker treating the person, that the person (i) has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs; (ii) is in need of hospitalization or treatment; and (iii) is unwilling to volunteer or incapable of volunteering for hospitalization or treatment. The magistrate shall also consider, if available, (a) information provided by the person who initiated emergency custody and (b) the recommendations of any treating or examining physician licensed in Virginia either verbally or in writing prior to rendering a decision. Any temporary detention order entered pursuant to this section shall provide for the disclosure of medical records pursuant to § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

C. When considering whether there is probable cause to issue a temporary detention order, the magistrate may, in addition to the petition, consider (i) the recommendations of any treating or examining physician, psychologist, or clinical social worker licensed in Virginia, if available, (ii) any past actions of the person, (iii) any past mental health treatment of the person, (iv) any relevant hearsay evidence, (v) any medical records available, (vi) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (vii) any other information available that the magistrate considers relevant to the determination of whether probable cause exists to issue a temporary detention order.

D. A magistrate may issue a temporary detention order without an emergency custody order proceeding. A magistrate may issue a temporary detention order without a prior evaluation pursuant to subsection B if (i) the person has been personally examined within the previous 72 hours by an employee or a designee of the local community services board or (ii) there is a significant physical, psychological, or medical risk to the person or to others associated with conducting such evaluation.

E. An employee or a designee of the local community services board shall determine the facility of temporary detention in accordance with the provisions of § 37.2-809.1 for all individuals detained pursuant to this section. An employee or designee of the local community services board may change the facility of temporary detention and may designate an alternative facility for temporary detention at any point during the period of temporary detention if it is determined that the alternative facility is a more appropriate facility for temporary detention of the individual given the specific security, medical, or behavioral health needs of the person. In cases in which the facility of temporary detention is changed following transfer of custody to an initial facility of temporary custody, transportation of the individual to the alternative facility of temporary detention shall be provided in accordance with the provisions of § 37.2-810. The initial facility of temporary detention shall be identified on the preadmission screening report and indicated on the temporary detention order; however, if an employee or designee of the local community services board designates an alternative

facility, that employee or designee shall provide written notice forthwith, on a form developed by the Executive Secretary of the Supreme Court of Virginia, to the clerk of the issuing court of the name and address of the alternative facility. Subject to the provisions of § 37.2-809.1, if a facility of temporary detention cannot be identified by the time of the expiration of the period of emergency custody pursuant to § 37.2-808, the individual shall be detained in a state facility for the treatment of individuals with mental illness and such facility shall be indicated on the temporary detention order. Except as provided in § 37.2-811 for inmates requiring hospitalization in accordance with subdivision A 2 of § 19.2-169.6, the person shall not be detained in a jail or other place of confinement for persons charged with criminal offenses and shall remain in the custody of law enforcement until the person is either detained within a secure facility or custody has been accepted by the appropriate personnel designated by either the initial facility of temporary detention identified in the temporary detention order or by the alternative facility of temporary detention designated by the employee or designee of the local community services board pursuant to this subsection. The person detained or in custody pursuant to this section shall be given a written summary of the temporary detention procedures and the statutory protections associated with those procedures.

F. Any facility caring for a person placed with it pursuant to a temporary detention order is authorized to provide emergency medical and psychiatric services within its capabilities when the facility determines that the services are in the best interests of the person within its care. The costs incurred as a result of the hearings and by the facility in providing services during the period of temporary detention shall be paid and recovered pursuant to § 37.2-804. The maximum costs reimbursable by the Commonwealth pursuant to this section shall be established by the State Board of Medical Assistance Services based on reasonable criteria. The State Board of Medical Assistance Services shall, by regulation, establish a reasonable rate per day of inpatient care for temporary detention.

G. The employee or the designee of the local community services board who is conducting the evaluation pursuant to this section shall determine, prior to the issuance of the temporary detention order, the insurance status of the person. Where coverage by a third party payor exists, the facility seeking reimbursement under this section shall first seek reimbursement from the third party payor. The Commonwealth shall reimburse the facility only for the balance of costs remaining after the allowances covered by the third party payor have been received.

H. The duration of temporary detention shall be sufficient to allow for completion of the examination required by § 37.2-815, preparation of the preadmission screening report required by § 37.2-816, and initiation of mental health treatment to stabilize the person's psychiatric condition to avoid involuntary commitment where possible, but shall not exceed 72 hours prior to a hearing. If the 72-hour period herein specified terminates on a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, the person may be detained, as herein provided, until the close of business on the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed. The person may be released, pursuant to § 37.2-813, before the 72-hour period herein specified has run.

I. If a temporary detention order is not executed within 24 hours of its issuance, or within a shorter period as is specified in the order, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if the office is not open, to any magistrate serving the jurisdiction of the issuing court. Subsequent orders may be issued upon the original petition within 96 hours after the petition is filed. However, a magistrate must again obtain the advice of an employee or a designee of the local community services board prior to issuing a subsequent order upon the original petition. Any petition for which no temporary detention order or other process in connection therewith is served on the subject of the petition within 96 hours after the petition is filed shall be void and shall be returned to the office of the clerk of the issuing court.

J. The Executive Secretary of the Supreme Court of Virginia shall establish and require that a magistrate, as provided by this section, be available seven days a week, 24 hours a day, for the purpose of performing the duties established by this section. Each community services board shall provide to each general district court and magistrate's office within its service area a list of its employees and designees who are available to perform the evaluations required herein.

K. For purposes of this section, a health care provider or designee of a local community services board or behavioral health authority shall not be required to encrypt any email containing information or medical records provided to a magistrate unless there is reason to believe that a third party will attempt to intercept the email.

L. If the employee or designee of the community services board who is conducting the evaluation pursuant to this section recommends that the person should not be subject to a temporary detention order, such employee or designee shall (i) inform the petitioner, the person who initiated emergency custody if such person is present, and an onsite treating physician of his recommendation; (ii) promptly inform such person who initiated emergency custody that the community services board will facilitate communication between the person and the magistrate if the person disagrees with recommendations of the employee or designee of the community services board who conducted the evaluation and the person who initiated emergency custody so requests; and (iii) upon prompt request made by the person who initiated emergency custody, arrange for such person who initiated emergency custody to communicate with the magistrate as soon as is practicable and prior to the expiration of the period of emergency custody. The magistrate shall consider any information provided by the person who initiated emergency custody and any recommendations of the treating or examining physician and the employee or designee of the community services board who conducted the evaluation and consider such information and recommendations in accordance with subsection B in making his determination to issue a temporary detention order. The individual who is the subject of emergency custody shall remain in the custody of law enforcement or a designee of law enforcement and shall not be released from emergency custody until communication with

the magistrate pursuant to this subsection has concluded and the magistrate has made a determination regarding issuance of a temporary detention order.

M. For purposes of this section, "person who initiated emergency custody" means any person who initiated the issuance of an emergency custody order pursuant to § 37.2-808 or a law-enforcement officer who takes a person into custody pursuant to subsection G of § 37.2-808.

N. *In any case in which a person subject to an evaluation pursuant to this section is receiving services in a hospital emergency department, the treating physician or his designee and the employee or designee of the local community services board shall disclose to each other relevant information pertaining to the individual's treatment in the emergency department.*

CHAPTER 475

An Act to amend the Code of Virginia by adding a section numbered 58.1-4006.1, relating to gaming; use of the phrase "Virginia is for Bettors"; civil penalty.

[S 96]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 58.1-4006.1 as follows:

§ 58.1-4006.1. Use of the phrase "Virginia is for Bettors" prohibited; civil penalty.

A. *As used in this section, "gaming business" means any person who holds or has applied for a permit or license under the provisions of Article 2 (§ 58.1-4030 et seq.) or Chapter 41 (§ 58.1-4100 et seq.), or any affiliate thereof.*

B. *A gaming business is prohibited from using the phrase "Virginia is for Bettors" in an advertisement in association with its product or service. Any gaming business that violates the provision of this section shall be subject to a civil penalty of not more than \$50,000. The Director shall enforce the provisions of this section.*

C. *All civil penalties collected pursuant to this section shall accrue to the general fund.*

CHAPTER 476

An Act to direct the Department of Medical Assistance Services to convene a work group related to the provision of medical assistance to cover and reimburse complex rehabilitation technology (CRT) manual and power wheelchair bases and related accessories for certain individuals.

[H 241]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Department of Medical Assistance Services shall convene a work group with the Department of Planning and Budget and other relevant stakeholders to study the overall cost of and options for the provision of medical assistance to cover and reimburse complex rehabilitation technology (CRT) manual and power wheelchair bases and related accessories for qualified individuals who reside in nursing facilities. The work group shall report its findings to the Chairmen of the Senate Committees on Finance and Appropriations and Education and Health and the House Committees on Appropriations and Health, Welfare and Institutions by September 15, 2022.

CHAPTER 477

An Act to amend and reenact § 8.01-232 of the Code of Virginia, relating to effect of promises not to plead statute of limitations.

[H 409]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-232 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-232. Effect of promises not to plead statute of limitations.

A. Whenever the failure to enforce a promise, written or unwritten, not to plead the statute of limitations would operate as a fraud on the promisee, the promisor shall be estopped to plead the statute. In all other cases, an unwritten promise not to plead the statute shall be void, and a written promise not to plead such statute shall be valid *and enforceable to prevent assertion of the defense of the statute only* when (i) ~~the written promise~~ is made to avoid or defer litigation pending settlement of any ~~cause~~ *cause of action that has accrued in favor of the promisee against the promisor*, (ii) ~~it is not made contemporaneously with any other contract~~ *the written promise is signed by the promisor or his agent*, and (iii) ~~it is made for an additional term not longer than~~ *the promisee commences an action asserting such cause of action within the earlier of*

(a) the applicable limitations period running from the date the written promise is made or (b) any shorter time as may be provided in the written promise. No provision of this subsection shall operate contrary to subsections B and C.

B. No acknowledgment or promise by any personal representative of a decedent shall charge the estate of the decedent, revive a cause of action otherwise barred, or relieve the personal representative of his duty to defend under § 64.2-1415 in any case in which but for such acknowledgment or promise, the decedent's estate could have been protected under a statute of limitations.

C. No acknowledgment or promise by one of two or more joint contractors shall charge any of such contractors in any case in which but for such acknowledgment another contractor would have been protected under a statute of limitations.

D. Subsections A and C shall not apply to, limit, or prohibit written promises to waive or not to plead the statute of limitations that are made in, or contemporaneously with, subcontracts of any tier that are related to contracts for construction, construction management, design-build, architecture, or engineering under Chapter 43 (§ 2.2-4300 et seq.) or 43.1 (§ 2.2-4378 et seq.) of Title 2.2; under the policies and procedures adopted by any county, city, or town or school board; under Title 23.1; or under authorizing provisions, policies, or procedures for procurement of such contracts by any public body exempted from the foregoing; however, such waiver or promise not to plead applies only to demands, claims, or actions asserted under such contracts by a public body. As used in this subsection, "subcontract" includes any contract or purchase order to supply labor, equipment, materials, or services to an entity awarded a contract with a public body or to any lower-tier entity performing work provided for in such a contract.

2. That the provisions of this act shall apply to any written promise not to plead the statute of limitations made on or after July 1, 2022.

CHAPTER 478

An Act to amend and reenact § 15.2-2204, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to publication of notice by localities.

[H 167]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2204, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2204. (Effective until July 1, 2022) Advertisement of plans, ordinances, etc.; joint public hearings; written notice of certain amendments.

A. Plans or ordinances, or amendments thereof, recommended or adopted under the powers conferred by this chapter need not be advertised in full, but may be advertised by reference. Every such advertisement shall contain a descriptive summary of the proposed action and a reference to the place or places within the locality where copies of the proposed plans, ordinances or amendments may be examined.

The local planning commission shall not recommend nor the governing body adopt any plan, ordinance or amendment thereof until notice of intention to do so has been published once a week for two successive weeks in some newspaper published or having general circulation in the locality; however, the notice for both the local planning commission and the governing body may be published concurrently. The notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than five days nor more than 21 days after the second advertisement appears in such newspaper. The local planning commission and governing body may hold a joint public hearing after public notice as set forth ~~hereinabove~~ *in this subsection*. If a joint hearing is held, then public notice as set forth ~~above~~ *in this subsection* need be given only by the governing body. ~~The term~~ *As used in this subsection, "two successive weeks" as used in this paragraph shall mean* means that such notice shall be published at least twice in such newspaper with not less than six days elapsing between the first and second publication. In any instance in which a locality in Planning District 23 has submitted a timely notice request to such newspaper and the newspaper fails to publish the notice, such locality shall be deemed to have met the notice requirements of this subsection so long as the notice was published in the next available edition of a newspaper having general circulation in the locality. *In any instance in which a locality has submitted a correct and timely notice request to such newspaper and the newspaper fails to publish the notice, or publishes the notice incorrectly, such locality shall be deemed to have met the notice requirements of this subsection so long as the notice was published in the next available edition of a newspaper having general circulation in the locality.* After enactment of any plan, ordinance or amendment, further publication thereof shall not be required.

B. When a proposed amendment of the zoning ordinance involves a change in the zoning map classification of 25 or fewer parcels of land, then, in addition to the advertising as required by subsection A, written notice shall be given by the local planning commission, or its representative, at least five days before the hearing to the owner or owners, their agent or the occupant, of each parcel involved; to the owners, their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected, including those parcels ~~which~~ *that* lie in other localities of the Commonwealth; and, if any portion of the affected property is within a planned unit development, then to such incorporated property owner's associations within the planned unit development that have members owning property located within 2,000 feet of the affected property as may be required by the commission or its agent. However, when a

proposed amendment to the zoning ordinance involves a tract of land not less than 500 acres owned by the Commonwealth or by the federal government, and when the proposed change affects only a portion of the larger tract, notice need be given only to the owners of those properties that are adjacent to the affected area of the larger tract. Notice sent by registered or certified mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement. If the hearing is continued, notice shall be mailed. Costs of any notice required under this chapter shall be taxed to the applicant.

When a proposed amendment of the zoning ordinance involves a change in the zoning map classification of more than 25 parcels of land, or a change to the applicable zoning ordinance text regulations that decreases the allowed dwelling unit density of any parcel of land, then, in addition to the advertising as required by subsection A, written notice shall be given by the local planning commission, or its representative, at least five days before the hearing to the owner, owners, or their agent of each parcel of land involved, provided, however, that written notice of such changes to zoning ordinance text regulations shall not have to be mailed to the owner, owners, or their agent of lots shown on a subdivision plat approved and recorded pursuant to the provisions of Article 6 (§ 15.2-2240 et seq.) where such lots are less than 11,500 square feet. One notice sent by first class mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement, provided that a representative of the local commission shall make affidavit that such mailings have been made and file such affidavit with the papers in the case. Nothing in this subsection shall be construed as to invalidate any subsequently adopted amendment or ordinance because of the inadvertent failure by the representative of the local commission to give written notice to the owner, owners or their agent of any parcel involved.

The governing body may provide that, in the case of a condominium or a cooperative, the written notice may be mailed to the unit owners' association or proprietary lessees' association, respectively, in lieu of each individual unit owner.

Whenever the notices required hereby are sent by an agency, department or division of the local governing body, or their representative, such notices may be sent by first class mail; however, a representative of such agency, department or division shall make affidavit that such mailings have been made and file such affidavit with the papers in the case.

A party's actual notice of, or active participation in, the proceedings for which the written notice provided by this section is required shall waive the right of that party to challenge the validity of the proceeding due to failure of the party to receive the written notice required by this section.

C. When a proposed comprehensive plan or amendment thereto; a proposed change in zoning map classification; or an application for special exception for a change in use or to increase by greater than 50 percent of the bulk or height of an existing or proposed building, but not including renewals of previously approved special exceptions, involves any parcel of land located within one-half mile of a boundary of an adjoining locality of the Commonwealth, then, in addition to the advertising and written notification as required by this section, written notice shall also be given by the local commission, or its representative, at least 10 days before the hearing to the chief administrative officer, or his designee, of such adjoining locality.

D. When (i) a proposed comprehensive plan or amendment thereto, (ii) a proposed change in zoning map classification, or (iii) an application for special exception for a change in use involves any parcel of land located within 3,000 feet of a boundary of a military base, military installation, military airport, excluding armories operated by the Virginia National Guard, or licensed public-use airport then, in addition to the advertising and written notification as required by this section, written notice shall also be given by the local commission, or its representative, at least 30 days before the hearing to the commander of the military base, military installation, military airport, or owner of such public-use airport, and the notice shall advise the military commander or owner of such public-use airport of the opportunity to submit comments or recommendations.

E. The adoption or amendment prior to July 1, 1996, of any plan or ordinance under the authority of prior acts shall not be declared invalid by reason of a failure to advertise or give notice as may be required by such act or by this chapter, provided a public hearing was conducted by the governing body prior to such adoption or amendment. Every action contesting a decision of a locality based on a failure to advertise or give notice as may be required by this chapter shall be filed within 30 days of such decision with the circuit court having jurisdiction of the land affected by the decision. However, any litigation pending prior to July 1, 1996, shall not be affected by the 1996 amendment to this section.

F. Notwithstanding any contrary provision of law, general or special, the City of Richmond may cause such notice to be published in any newspaper of general circulation in the city.

G. When a proposed comprehensive plan or amendment of an existing plan designates or alters previously designated corridors or routes for electric transmission lines of 150 kilovolts or more, written notice shall also be given by the local planning commission, or its representative, at least 10 days before the hearing to each electric utility with a certificated service territory that includes all or any part of such designated electric transmission corridors or routes.

H. When any applicant requesting a written order, requirement, decision, or determination from the zoning administrator, other administrative officer, or a board of zoning appeals that is subject to the appeal provisions contained in § 15.2-2311 or 15.2-2314, is not the owner or the agent of the owner of the real property subject to the written order, requirement, decision or determination, written notice shall be given to the owner of the property within 10 days of the receipt of such request. Such written notice shall be given by the zoning administrator or other administrative officer or, at the direction of the administrator or officer, the requesting applicant shall be required to give the owner such notice and to provide satisfactory evidence to the zoning administrator or other administrative officer that the notice has been given.

Written notice mailed to the owner at the last known address of the owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall satisfy the notice requirements of this subsection.

This subsection shall not apply to inquiries from the governing body, planning commission, or employees of the locality made in the normal course of business.

§ 15.2-2204. (Effective July 1, 2022) Advertisement of plans, ordinances, etc.; joint public hearings; written notice of certain amendments.

A. Plans or ordinances, or amendments thereof, recommended or adopted under the powers conferred by this chapter need not be advertised in full, but may be advertised by reference. Every such advertisement shall contain a descriptive summary of the proposed action and a reference to the place or places within the locality where copies of the proposed plans, ordinances or amendments may be examined.

The local planning commission shall not recommend nor the governing body adopt any plan, ordinance or amendment thereof until notice of intention to do so has been published once a week for two successive weeks in some newspaper published or having general circulation in the locality; however, the notice for both the local planning commission and the governing body may be published concurrently. The notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than five days nor more than 21 days after the second advertisement appears in such newspaper. The local planning commission and governing body may hold a joint public hearing after public notice as set forth ~~hereinabove~~ *in this subsection*. If a joint hearing is held, then public notice as set forth ~~above~~ *in this subsection* need be given only by the governing body. ~~The term~~ *As used in this subsection, "two successive weeks" as used in this paragraph shall mean* means that such notice shall be published at least twice in such newspaper, with not less than six days elapsing between the first and second publication. *In any instance in which a locality has submitted a correct and timely notice request to such newspaper and the newspaper fails to publish the notice, or publishes the notice incorrectly, such locality shall be deemed to have met the notice requirements of this subsection so long as the notice was published in the next available edition of a newspaper having general circulation in the locality.* After enactment of any plan, ordinance or amendment, further publication thereof shall not be required.

B. When a proposed amendment of the zoning ordinance involves a change in the zoning map classification of 25 or fewer parcels of land, then, in addition to the advertising as required by subsection A, written notice shall be given by the local planning commission, or its representative, at least five days before the hearing to the owner or owners, their agent or the occupant, of each parcel involved; to the owners, their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected, including those parcels ~~which~~ *that* lie in other localities of the Commonwealth; and, if any portion of the affected property is within a planned unit development, then to such incorporated property owner's associations within the planned unit development that have members owning property located within 2,000 feet of the affected property as may be required by the commission or its agent. However, when a proposed amendment to the zoning ordinance involves a tract of land not less than 500 acres owned by the Commonwealth or by the federal government, and when the proposed change affects only a portion of the larger tract, notice need be given only to the owners of those properties that are adjacent to the affected area of the larger tract. Notice sent by registered or certified mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement. If the hearing is continued, notice shall be remailed. Costs of any notice required under this chapter shall be taxed to the applicant.

When a proposed amendment of the zoning ordinance involves a change in the zoning map classification of more than 25 parcels of land, or a change to the applicable zoning ordinance text regulations that decreases the allowed dwelling unit density of any parcel of land, then, in addition to the advertising as required by subsection A, written notice shall be given by the local planning commission, or its representative, at least five days before the hearing to the owner, owners, or their agent of each parcel of land involved, provided, however, that written notice of such changes to zoning ordinance text regulations shall not have to be mailed to the owner, owners, or their agent of lots shown on a subdivision plat approved and recorded pursuant to the provisions of Article 6 (§ 15.2-2240 et seq.) where such lots are less than 11,500 square feet. One notice sent by first class mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement, provided that a representative of the local commission shall make affidavit that such mailings have been made and file such affidavit with the papers in the case. Nothing in this subsection shall be construed as to invalidate any subsequently adopted amendment or ordinance because of the inadvertent failure by the representative of the local commission to give written notice to the owner, owners or their agent of any parcel involved.

The governing body may provide that, in the case of a condominium or a cooperative, the written notice may be mailed to the unit owners' association or proprietary lessees' association, respectively, in lieu of each individual unit owner.

Whenever the notices required hereby are sent by an agency, department or division of the local governing body, or their representative, such notices may be sent by first class mail; however, a representative of such agency, department or division shall make affidavit that such mailings have been made and file such affidavit with the papers in the case.

A party's actual notice of, or active participation in, the proceedings for which the written notice provided by this section is required shall waive the right of that party to challenge the validity of the proceeding due to failure of the party to receive the written notice required by this section.

C. When a proposed comprehensive plan or amendment thereto; a proposed change in zoning map classification; or an application for special exception for a change in use or to increase by greater than 50 percent of the bulk or height of an

existing or proposed building, but not including renewals of previously approved special exceptions, involves any parcel of land located within one-half mile of a boundary of an adjoining locality of the Commonwealth, then, in addition to the advertising and written notification as required by this section, written notice shall also be given by the local commission, or its representative, at least 10 days before the hearing to the chief administrative officer, or his designee, of such adjoining locality.

D. When (i) a proposed comprehensive plan or amendment thereto, (ii) a proposed change in zoning map classification, or (iii) an application for special exception for a change in use involves any parcel of land located within 3,000 feet of a boundary of a military base, military installation, military airport, excluding armories operated by the Virginia National Guard, or licensed public-use airport then, in addition to the advertising and written notification as required by this section, written notice shall also be given by the local commission, or its representative, at least 30 days before the hearing to the commander of the military base, military installation, military airport, or owner of such public-use airport, and the notice shall advise the military commander or owner of such public-use airport of the opportunity to submit comments or recommendations.

E. The adoption or amendment prior to July 1, 1996, of any plan or ordinance under the authority of prior acts shall not be declared invalid by reason of a failure to advertise or give notice as may be required by such act or by this chapter, provided a public hearing was conducted by the governing body prior to such adoption or amendment. Every action contesting a decision of a locality based on a failure to advertise or give notice as may be required by this chapter shall be filed within 30 days of such decision with the circuit court having jurisdiction of the land affected by the decision. However, any litigation pending prior to July 1, 1996, shall not be affected by the 1996 amendment to this section.

F. Notwithstanding any contrary provision of law, general or special, the City of Richmond may cause such notice to be published in any newspaper of general circulation in the city.

G. When a proposed comprehensive plan or amendment of an existing plan designates or alters previously designated corridors or routes for electric transmission lines of 150 kilovolts or more, written notice shall also be given by the local planning commission, or its representative, at least 10 days before the hearing to each electric utility with a certificated service territory that includes all or any part of such designated electric transmission corridors or routes.

H. When any applicant requesting a written order, requirement, decision, or determination from the zoning administrator, other administrative officer, or a board of zoning appeals that is subject to the appeal provisions contained in § 15.2-2311 or 15.2-2314, is not the owner or the agent of the owner of the real property subject to the written order, requirement, decision or determination, written notice shall be given to the owner of the property within 10 days of the receipt of such request. Such written notice shall be given by the zoning administrator or other administrative officer or, at the direction of the administrator or officer, the requesting applicant shall be required to give the owner such notice and to provide satisfactory evidence to the zoning administrator or other administrative officer that the notice has been given. Written notice mailed to the owner at the last known address of the owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall satisfy the notice requirements of this subsection.

This subsection shall not apply to inquiries from the governing body, planning commission, or employees of the locality made in the normal course of business.

CHAPTER 479

An Act to amend and reenact §§ 46.2-209.1 and 46.2-216 of the Code of Virginia, relating to certain manufactured homes; release of manufactured home records.

[H 1122]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-209.1 and 46.2-216 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-209.1. Release of vehicle information by Department to prospective vehicle purchasers.

Notwithstanding the provisions of subsection A of § 46.2-208, the Commissioner may furnish vehicle information to a prospective purchaser of that vehicle, if the prospective purchaser completes an application therefor, including the vehicle's make, model, year, and vehicle identification number, and pays the fee prescribed by the Commissioner. Such information furnished by the Commissioner may be provided from the Department's own records, or may be obtained by the Commissioner through the National Motor Vehicle Title Information System or any other nationally recognized system providing similar information.

Notwithstanding the provisions of § 46.2-208, the Commissioner shall furnish vehicle information for a manufactured home to a bona fide prospective purchaser or home owner of such manufactured home, real estate agent, title insurer, settlement agent, attorney, manufactured home dealer, manufactured home broker, or loan officer, provided that any requester completes an application therefor; provides sufficient information to identify the manufactured home and the intent to purchase, and pays the fee prescribed by the Commissioner. Such information furnished by the Commissioner may be provided from the Department's own records or may be obtained by the Commissioner through the National Motor Vehicle Title Information System or any other nationally recognized system providing similar information.

Nothing in this section shall be construed to authorize the release of any personal information, driver information, or special identification card information as defined in § 46.2-208.

§ 46.2-216. Destruction of records.

In accordance with the provisions of Chapter 7 (§ 42.1-76 et seq.) of Title 42.1, the Commissioner may establish standards for the disposal of any paper or record which need not be preserved as a permanent record. *However, the Department shall not dispose of any vehicle information, as defined in § 46.2-208, for any manufactured home.*

CHAPTER 480

An Act to amend and reenact § 15.2-2202 of the Code of Virginia, relating to localities; public meeting; state project planning phase.

[H 437]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2202 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2202. Duties of state agencies; electric utilities.

A. The Department of Environmental Quality shall distribute a copy of the environmental impact report submitted to the Department for every major state project pursuant to regulations promulgated under § 10.1-1191 to the chief administrative officer of every locality in which each project is proposed to be located. The purpose of the distribution is to enable the locality to evaluate the proposed project for environmental impact, consistency with the locality's comprehensive plan, local ordinances adopted pursuant to this chapter, and other applicable law and to provide the locality with an opportunity to comment. The Department shall distribute the reports to localities, solicit their comments, and consider their responses in substantially the same manner as the Department solicits and receives comments from state agencies.

B. In addition to the information supplied under subsection A, every department, board, bureau, commission, or other agency of the Commonwealth which is responsible for the construction, operation, or maintenance of public facilities within any locality shall, upon the request of the local planning commission having authority to prepare a comprehensive plan, furnish reasonable information requested by the local planning commission relative to the master plans of the state agency which may affect the locality's comprehensive plan. Each state agency shall collaborate and cooperate with the local planning commission, when requested, in the preparation of the comprehensive plan to the end that the local comprehensive plan will coordinate the interests and responsibilities of all concerned. The state agency shall notify the chief administrative officer of the locality when updates to its land use plans are completed and available.

C. Every state agency responsible for the construction, operation or maintenance of public facilities within the Commonwealth shall send a notice addressed to the chief administrative officer of every locality in which the agency intends to undertake a capital project involving new construction costing at least \$500,000. The notice shall occur at the initiation of the environmental impact report process. This notice shall include a project description and a point of contact with contact information for the project. A notice shall also be given during the planning phase of the project and prior to preparation of construction and site plans and shall inform localities that preliminary construction and site plans will be available for distribution, upon the request of the locality. Agencies shall not be required to give such notice prior to acquisition of property. The purpose of the notice and distribution is to enable the locality to evaluate the project for consistency with local ordinances other than building codes and to provide the locality with an opportunity to submit comments to the agency during the planning phase of a project. Upon receipt of a request from a locality, the state agency shall transmit a copy of the plans to the locality for comment *or conduct at least one public meeting in the locality to solicit public input during the planning phase of the project.*

D. Every institution of higher education responsible for the construction, operation or maintenance of public facilities within the Commonwealth shall send a notice addressed to the chief administrative officer of every locality in which the institution intends to undertake a capital project involving new construction costing at least \$500,000. The notice shall occur at the initiation of the environmental impact report process. This notice shall include a project description and a point of contact with contact information for the project. A notice shall also be given during the planning phase of the project and prior to preparation of construction and site plans and shall inform the locality that preliminary construction and site plans will be available for distribution, upon request of the locality. Institutions shall not be required to give such notice prior to acquisition of property. The purpose of the notice and distribution is to enable the locality to evaluate the project for consistency with local ordinances other than building codes and to provide the locality with an opportunity to submit comments to the agency during the planning phase of a project. Upon receipt of a request from a locality, the institution shall transmit a copy of the plans to the locality for comment *or conduct at least one public meeting in the locality to solicit public input during the planning phase of the project.*

E. Every electric utility that is responsible for the construction, operation, and maintenance of electric transmission lines of 150 kilovolts or more shall furnish reasonable information requested by the local planning commission having authority to prepare a comprehensive plan within the utility's certificated service area relative to any electric transmission line of 150 kilovolts or more that may affect the locality's comprehensive plan. If the locality seeks to include the designation of corridors or routes for electric transmission lines of 150 kilovolts or more in its comprehensive plan, the local

planning commission shall give the electric utility a reasonable opportunity for consultation about such corridors or routes. The electric utility shall notify the chief administrative officer of every locality in which the electric utility plans to undertake construction of any electric transmission line of 150 kilovolts or more, prior to the filing of any application for approval of such construction with the State Corporation Commission, of its intention to file any such application and shall give the locality a reasonable opportunity for consultation about such line.

F. Nothing in this section shall be construed to require any state agency or electric utility to duplicate any submission required to be made by the agency or the electric utility to a locality under any other provision of law.

G. Nothing herein shall be deemed to abridge the authority of any state agency or the State Corporation Commission regarding the facilities now or hereafter coming under its jurisdiction. However, failure of any state agency to strictly comply with subsection C will justify entry of an injunction on behalf of the locality.

H. The provisions of this section shall not apply to highway, transit or other projects, as provided in subsection B of § 10.1-1188.

I. The provisions of this section shall not apply to the entering of any option by any state agency or electric utility for any projects listed in subsection C, D or E.

CHAPTER 481

An Act to amend and reenact § 58.1-609.6 of the Code of Virginia, relating to retail sales and use tax; media-related exemptions.

[S 101]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-609.6 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-609.6. Media-related exemptions.

The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606 shall not apply to the following:

1. Leasing, renting or licensing of copyright audio or video tapes, and films for public exhibition at motion picture theaters or by licensed radio and television stations.

2. Broadcasting equipment and parts and accessories thereto and towers used or to be used by commercial radio and television companies, wired or land based wireless cable television systems, common carriers or video programmers using an open video system or other video platform provided by telephone common carriers, or concerns which are under the regulation and supervision of the Federal Communications Commission and amplification, transmission and distribution equipment used or to be used by wired or land based wireless cable television systems, or open video systems or other video systems provided by telephone common carriers.

3. Any publication issued daily, or regularly at average intervals not exceeding three months, and advertising supplements and any other printed matter ultimately distributed with or as part of such publications; however, newsstand sales of the same are taxable. As used in this subdivision, the term "newsstand sales" shall not include sales of back copies of publications by the publisher or his agent.

4. Catalogs, letters, brochures, reports, and similar printed materials, except administrative supplies, the envelopes, containers, and labels used for packaging and mailing same, and paper furnished to a printer for fabrication into such printed materials, when stored for 12 months or less in the Commonwealth and distributed for use without the Commonwealth. As used in this subdivision, "administrative supplies" includes, but is not limited to, letterhead, envelopes, and other stationery; and invoices, billing forms, payroll forms, price lists, time cards, computer cards, and similar supplies. Notwithstanding the provisions of subdivision 5 or the definition of "advertising" contained in § 58.1-602, (i) any advertising business located outside the Commonwealth which purchases printing from a printer within the Commonwealth shall not be deemed the user or consumer of the printed materials when such purchases would have been exempt under this subdivision, and (ii) from July 1, 1995, through June 30, 2002, and beginning July 1, 2002, and ending July 1, ~~2022~~ 2025, any advertising business which purchases printing from a printer within the Commonwealth shall not be deemed the user or consumer of the printed materials when such purchases would have been exempt under subdivision 3 or this subdivision, provided that the advertising agency shall certify to the Tax Commissioner, upon request, that such printed material was distributed outside the Commonwealth and such certification shall be retained as a part of the transaction record and shall be subject to further review by the Tax Commissioner.

5. Advertising as defined in § 58.1-602.

6. Beginning July 1, 1995, and ending July 1, 2027:

a. (i) The lease, rental, license, sale, or other transfer, or use of any audio or video tape, film or other audiovisual work where the transferee or user acquires or has acquired the work for the purpose of licensing, distributing, broadcasting, commercially exhibiting or reproducing the work or using or incorporating the work into another such work; (ii) the provision of production services or fabrication in connection with the production of any portion of such audiovisual work, including, but not limited to, scriptwriting, photography, sound, musical composition, special effects, animation, adaptation, dubbing, mixing, editing, cutting and provision of production facilities or equipment; or (iii) the transfer or use of tangible

personal property, including, but not limited to, scripts, musical scores, storyboards, artwork, film, tapes and other media, incident to the performance of such services or fabrication; however, audiovisual works and incidental tangible personal property described in clauses (i) and (iii) shall be subject to tax as otherwise provided in this chapter to the extent of the value of their tangible components prior to their use in the production of any audiovisual work and prior to their enhancement by any production service; and

b. Equipment and parts and accessories thereto used or to be used in the production of such audiovisual works.

7. Beginning July 1, 1998, and ending July 1, 2022, textbooks and other educational materials withdrawn from inventory at book-publishing distribution facilities for free distribution to professors and other individuals who have an educational focus.

CHAPTER 482

An Act to amend and reenact §§ 37.2-809, 37.2-809.1, and 37.2-810 of the Code of Virginia, relating to emergency custody and temporary detention; transportation; transfer of custody; alternative custody.

[S 268]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 37.2-809, 37.2-809.1, and 37.2-810 of the Code of Virginia are amended and reenacted as follows:

§ 37.2-809. Involuntary temporary detention; issuance and execution of order.

A. For the purposes of this section:

"Designee of the local community services board" means an examiner designated by the local community services board who (i) is skilled in the assessment and treatment of mental illness, (ii) has completed a certification program approved by the Department, (iii) is able to provide an independent examination of the person, (iv) is not related by blood or marriage to the person being evaluated, (v) has no financial interest in the admission or treatment of the person being evaluated, (vi) has no investment interest in the facility detaining or admitting the person under this article, and (vii) except for employees of state hospitals and of the U.S. Department of Veterans Affairs, is not employed by the facility.

"Employee" means an employee of the local community services board who is skilled in the assessment and treatment of mental illness and has completed a certification program approved by the Department.

"Investment interest" means the ownership or holding of an equity or debt security, including shares of stock in a corporation, interests or units of a partnership, bonds, debentures, notes, or other equity or debt instruments.

B. A magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or upon his own motion and only after an evaluation conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 37.2-804.1 by an employee or a designee of the local community services board to determine whether the person meets the criteria for temporary detention, a temporary detention order if it appears from all evidence readily available, including any recommendation from a physician, clinical psychologist, or clinical social worker treating the person, that the person (i) has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs; (ii) is in need of hospitalization or treatment; and (iii) is unwilling to volunteer or incapable of volunteering for hospitalization or treatment. The magistrate shall also consider, if available, (a) information provided by the person who initiated emergency custody and (b) the recommendations of any treating or examining physician licensed in Virginia either verbally or in writing prior to rendering a decision. Any temporary detention order entered pursuant to this section shall provide for the disclosure of medical records pursuant to § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

C. When considering whether there is probable cause to issue a temporary detention order, the magistrate may, in addition to the petition, consider (i) the recommendations of any treating or examining physician, psychologist, or clinical social worker licensed in Virginia, if available, (ii) any past actions of the person, (iii) any past mental health treatment of the person, (iv) any relevant hearsay evidence, (v) any medical records available, (vi) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (vii) any other information available that the magistrate considers relevant to the determination of whether probable cause exists to issue a temporary detention order.

D. A magistrate may issue a temporary detention order without an emergency custody order proceeding. A magistrate may issue a temporary detention order without a prior evaluation pursuant to subsection B if (i) the person has been personally examined within the previous 72 hours by an employee or a designee of the local community services board or (ii) there is a significant physical, psychological, or medical risk to the person or to others associated with conducting such evaluation.

E. An employee or a designee of the local community services board shall determine the facility of temporary detention in accordance with the provisions of § 37.2-809.1 for all ~~individuals~~ *persons* detained pursuant to this section. An employee or designee of the local community services board may change the facility of temporary detention and may designate an alternative facility for temporary detention at any point during the period of temporary detention if it is determined that the alternative facility is a more appropriate facility for temporary detention of the ~~individual~~ *person* given

the specific security, medical, or behavioral health needs of the person. In cases in which the facility of temporary detention is changed following transfer of custody to an initial facility of temporary custody, transportation of the ~~individual~~ *person* to the alternative facility of temporary detention shall be provided in accordance with the provisions of § 37.2-810. The initial facility of temporary detention shall be identified on the preadmission screening report and indicated on the temporary detention order; however, if an employee or designee of the local community services board designates an alternative facility, that employee or designee shall provide written notice forthwith, on a form developed by the Executive Secretary of the Supreme Court of Virginia, to the clerk of the issuing court of the name and address of the alternative facility. Subject to the provisions of § 37.2-809.1, if a facility of temporary detention cannot be identified by the time of the expiration of the period of emergency custody pursuant to § 37.2-808, the ~~individual~~ *person* shall be detained in a state facility for the treatment of ~~individuals~~ *persons* with mental illness and such facility shall be indicated on the temporary detention order. Except as provided in § 37.2-811 for inmates requiring hospitalization in accordance with subdivision A 2 of § 19.2-169.6, the person shall not be detained in a jail or other place of confinement for persons charged with criminal offenses ~~and~~. *Except as provided in § 37.2-811 for inmates requiring hospitalization in accordance with subdivision A 2 of § 19.2-169.6, the person shall remain in the custody of law enforcement until (i) the person is either detained within a secure facility or (ii) custody has been accepted by the appropriate personnel designated by either the initial facility of temporary detention identified in the temporary detention order or by the alternative facility of temporary detention designated by the employee or designee of the local community services board pursuant to this subsection. The person detained or in custody pursuant to this section shall be given a written summary of the temporary detention procedures and the statutory protections associated with those procedures.*

F. Any facility caring for a person placed with it pursuant to a temporary detention order is authorized to provide emergency medical and psychiatric services within its capabilities when the facility determines that the services are in the best interests of the person within its care. The costs incurred as a result of the hearings and by the facility in providing services during the period of temporary detention shall be paid and recovered pursuant to § 37.2-804. The maximum costs reimbursable by the Commonwealth pursuant to this section shall be established by the State Board of Medical Assistance Services based on reasonable criteria. The State Board of Medical Assistance Services shall, by regulation, establish a reasonable rate per day of inpatient care for temporary detention.

G. The employee or the designee of the local community services board who is conducting the evaluation pursuant to this section shall determine, prior to the issuance of the temporary detention order, the insurance status of the person. Where coverage by a third party payor exists, the facility seeking reimbursement under this section shall first seek reimbursement from the third party payor. The Commonwealth shall reimburse the facility only for the balance of costs remaining after the allowances covered by the third party payor have been received.

H. The duration of temporary detention shall be sufficient to allow for completion of the examination required by § 37.2-815, preparation of the preadmission screening report required by § 37.2-816, and initiation of mental health treatment to stabilize the person's psychiatric condition to avoid involuntary commitment where possible, but shall not exceed 72 hours prior to a hearing. If the 72-hour period herein specified terminates on a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, the person may be detained, as herein provided, until the close of business on the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed. The person may be released, pursuant to § 37.2-813, before the 72-hour period herein specified has run.

I. If a temporary detention order is not executed within 24 hours of its issuance, or within a shorter period as is specified in the order, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if the office is not open, to any magistrate serving the jurisdiction of the issuing court. Subsequent orders may be issued upon the original petition within 96 hours after the petition is filed. However, a magistrate must again obtain the advice of an employee or a designee of the local community services board prior to issuing a subsequent order upon the original petition. Any petition for which no temporary detention order or other process in connection therewith is served on the subject of the petition within 96 hours after the petition is filed shall be void and shall be returned to the office of the clerk of the issuing court.

J. The Executive Secretary of the Supreme Court of Virginia shall establish and require that a magistrate, as provided by this section, be available seven days a week, 24 hours a day, for the purpose of performing the duties established by this section. Each community services board shall provide to each general district court and magistrate's office within its service area a list of its employees and designees who are available to perform the evaluations required herein.

K. For purposes of this section, a health care provider or designee of a local community services board or behavioral health authority shall not be required to encrypt any email containing information or medical records provided to a magistrate unless there is reason to believe that a third party will attempt to intercept the email.

L. If the employee or designee of the community services board who is conducting the evaluation pursuant to this section recommends that the person should not be subject to a temporary detention order, such employee or designee shall (i) inform the petitioner, the person who initiated emergency custody if such person is present, and an onsite treating physician of his recommendation; (ii) promptly inform such person who initiated emergency custody that the community services board will facilitate communication between the person and the magistrate if the person disagrees with recommendations of the employee or designee of the community services board who conducted the evaluation and the person who initiated emergency custody so requests; and (iii) upon prompt request made by the person who initiated emergency custody, arrange for such person who initiated emergency custody to communicate with the magistrate as soon

as is practicable and prior to the expiration of the period of emergency custody. The magistrate shall consider any information provided by the person who initiated emergency custody and any recommendations of the treating or examining physician and the employee or designee of the community services board who conducted the evaluation and consider such information and recommendations in accordance with subsection B in making his determination to issue a temporary detention order. The ~~individual~~ *person* who is the subject of emergency custody shall remain in the custody of law enforcement or a designee of law enforcement and shall not be released from emergency custody until communication with the magistrate pursuant to this subsection has concluded and the magistrate has made a determination regarding issuance of a temporary detention order.

M. For purposes of this section, "person who initiated emergency custody" means any person who initiated the issuance of an emergency custody order pursuant to § 37.2-808 or a law-enforcement officer who takes a person into custody pursuant to subsection G of § 37.2-808.

§ 37.2-809.1. Facility of temporary detention.

A. In each case in which an employee or designee of the local community services board as defined in § 37.2-809 is required to make an evaluation of an individual pursuant to subsection B, G, or H of § 37.2-808, an employee or designee of the local community services board shall, upon being notified of the need for such evaluation, contact the state facility for the area in which the community services board is located and notify the state facility that the individual will be transported to the facility upon issuance of a temporary detention order if no other facility of temporary detention can be identified by the time of the expiration of the period of emergency custody pursuant to § 37.2-808. Upon completion of the evaluation, the employee or designee of the local community services board shall convey to the state facility information about the individual necessary to allow the state facility to determine the services the individual will require upon admission.

B. A state facility may, following the notice in accordance with subsection A, conduct a search for an alternative facility that is able and willing to provide temporary detention and appropriate care to the individual, which may include another state facility if the state facility notified in accordance with subsection A is unable to provide temporary detention and appropriate care for the individual. Under no circumstances shall a state facility fail or refuse to admit an individual who meets the criteria for temporary detention pursuant to § 37.2-809 unless an alternative facility that is able to provide temporary detention and appropriate care agrees to accept the individual for temporary detention and the individual shall not during the duration of the temporary detention order be released from custody except for purposes of transporting the individual to the state facility or alternative facility in accordance with the provisions of § 37.2-810. If an alternative facility is identified and agrees to accept the individual for temporary detention, the state facility shall notify the community services board, and an employee or designee of the community services board shall designate the alternative facility on the prescreening report.

C. *A state facility may conduct a search for an alternative facility that is able and willing to provide temporary detention and appropriate care to the individual in accordance with subsection B if the individual is in the custody of an alternative transportation provider.*

D. The facility of temporary detention designated in accordance with this section shall be one that has been approved pursuant to regulations of the Board.

§ 37.2-810. Transportation of person in the temporary detention process.

A. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the magistrate shall specify in the temporary detention order the law-enforcement agency of the jurisdiction in which the person resides, or any other willing law-enforcement agency that has agreed to provide transportation, to execute the order and, in cases in which transportation is ordered to be provided by the primary law-enforcement agency, provide transportation. However, if the nearest boundary of the jurisdiction in which the person resides is more than 50 miles from the nearest boundary of the jurisdiction in which the person is located, the law-enforcement agency of the jurisdiction in which the person is located shall execute the order and provide transportation.

B. The magistrate issuing the temporary detention order shall *(i) specify the law-enforcement agency to execute the order and provide (ii) designate a transportation provider. However, In determining the transportation provider, the magistrate shall consider any request to authorize transportation by an alternative transportation provider in accordance with this section, whenever an alternative transportation provider is identified to the magistrate, which may be a person, facility, or agency, including a family member or friend of the person who is the subject of the temporary detention order, a representative of the community services board, an employee of or person providing services pursuant to a contract with the Department, or other transportation provider with personnel trained to provide transportation in a safe manner upon. Upon determining, following consideration of information provided by the petitioner; the community services board or its designee; the local law-enforcement agency, if any; the person's treating physician, if any; or other persons who are available and have knowledge of the person, and, when the magistrate deems appropriate, the proposed alternative transportation provider, either in person or via two-way electronic video and audio or telephone communication system, that the proposed an alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner, the magistrate shall designate such alternative transportation provider to provide transportation of the person. If no alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner, the magistrate shall designate the primary law-enforcement agency and jurisdiction designated to execute the temporary detention order to provide transportation of the person.*

When transportation is ordered to be provided by an alternative transportation provider, the magistrate shall order the specified law-enforcement agency to execute the order, to take the person into custody, and to transfer custody of the person to the alternative transportation provider identified in the order. *The primary law-enforcement agency may transfer custody of the person to the alternative transportation provider immediately upon execution of the temporary detention order based on the availability of alternative transportation providers. The alternative transportation provider shall maintain custody of the person from the time custody is transferred to the alternative transportation provider by the primary law-enforcement agency until such time as custody of the person is transferred to the temporary detention facility, including during any period prior to the initiation of transportation of the person from the facility to which he was transported pursuant to § 37.2-808 and while transportation is being provided pursuant to this section.*

In such cases, a copy of the temporary detention order shall accompany the person being transported pursuant to this section at all times and shall be delivered by the alternative transportation provider to the temporary detention facility. The temporary detention facility shall return a copy of the temporary detention order to the court designated by the magistrate as soon as is practicable. Delivery of an order to a law-enforcement officer or alternative transportation provider and return of an order to the court may be accomplished electronically or by facsimile.

The order may include transportation of the person to such other medical facility as may be necessary to obtain further medical evaluation or treatment prior to placement as required by a physician at the admitting temporary detention facility. Nothing herein shall preclude a law-enforcement officer or alternative transportation provider from obtaining emergency medical treatment or further medical evaluation at any time for a person in his custody as provided in this section. Such medical evaluation or treatment shall be conducted immediately in accordance with state and federal law.

C. If an alternative transportation provider providing transportation *or maintaining custody* of a person who is the subject of a temporary detention order becomes unable to continue providing transportation *or maintaining custody* of the person at any time after taking custody of the person, the primary law-enforcement agency for the jurisdiction in which the alternative transportation provider is located at the time he becomes unable to continue providing transportation *or maintaining custody* shall take custody of the person and shall transport the person to the facility of temporary detention. In such cases, a copy of the temporary detention order shall accompany the person being transported and shall be delivered to and returned by the temporary detention facility in accordance with the provisions of subsection B.

D. In cases in which an alternative facility of temporary detention is identified and the law-enforcement agency or alternative transportation provider identified to provide transportation in accordance with subsection B continues to have custody of the person, the local law-enforcement agency or alternative transportation provider shall transport the person to the alternative facility of temporary detention identified by the employee or designee of the community services board. In cases in which an alternative facility of temporary detention is identified and custody of the person has been transferred from the law-enforcement agency or alternative transportation provider that provided transportation in accordance with subsection B to the initial facility of temporary detention, the employee or designee of the community services board shall request, and a magistrate may enter an order specifying, an alternative transportation provider or, if no alternative transportation provider is available, willing, and able to provide transportation in a safe manner, the local law-enforcement agency for the jurisdiction in which the person resides or, if the nearest boundary of the jurisdiction in which the person resides is more than 50 miles from the nearest boundary of the jurisdiction in which the person is located, the law-enforcement agency of the jurisdiction in which the person is located, to provide transportation.

E. The magistrate may change the transportation provider specified in a temporary detention order at any time prior to the initiation of transportation of a person who is the subject of a temporary detention order pursuant to this section. If the designated transportation provider is changed by the magistrate at any time after the temporary detention order has been executed but prior to the initiation of transportation, the transportation provider having custody of the person shall transfer custody of the person to the transportation provider subsequently specified to provide transportation. For the purposes of this subsection, "transportation provider" includes both a law-enforcement agency and an alternative transportation provider.

F. A law-enforcement officer may lawfully go to or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing any temporary detention order pursuant to this section. Law-enforcement agencies may enter into agreements to facilitate the execution of temporary detention orders and provide transportation.

G. No person who provides alternative transportation pursuant to this section shall be liable to the person being transported for any civil damages for ordinary negligence in acts or omissions that result from providing such alternative transportation.

2. That the Department of Behavioral Health and Developmental Services shall amend an existing contract or enter into a new contract for alternative custody of persons who are subject to temporary detention orders, to the extent funding for such alternative custody is available.

CHAPTER 483

An Act to amend the Code of Virginia by adding a section numbered 23.1-409.1, relating to public institutions of higher education; Supplemental Nutrition Assistance Program; notice to students; SNAP benefits.

[H 582]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 23.1-409.1 as follows:

§ 23.1-409.1. Supplemental Nutrition Assistance Program; notice to students.

Each public institution of higher education shall ensure that all students have access to accurate information about the Supplemental Nutrition Assistance Program (SNAP), including eligibility and how to apply. Each institution shall also advertise the application and process for applying for SNAP prominently on the institution's website and in orientation materials that are distributed to each new student.

CHAPTER 484

An Act to amend and reenact §§ 9.1-404 and 9.1-405 of the Code of Virginia, relating to Virginia Retirement System; Line of Duty Act; medical reviews to be conducted by Virginia practitioners.

[S 468]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-404 and 9.1-405 of the Code of Virginia are amended and reenacted as follows:

§ 9.1-404. Order of the Virginia Retirement System.

A. 1. The Virginia Retirement System shall make an eligibility determination within 45 days of receiving all necessary information for determining eligibility for a claim filed under § 9.1-403. The Virginia Retirement System may use a medical board pursuant to § 51.1-124.23 in determining eligibility. If benefits under this chapter are due, VRS shall notify the nonparticipating employer, which shall provide the benefits within 15 days of such notice, or VRS shall pay the benefits from the Fund on behalf of the participating employer within 15 days of the determination, as applicable. The payments shall be retroactive to the first date that the disabled person was no longer eligible for health insurance coverage subsidized by his employer.

2. Two years after an individual has been determined to be a disabled person, VRS may require the disabled person to renew the determination through a process established by VRS. If a disabled person refuses to submit to the determination renewal process described in this subdivision, then benefits under this chapter shall cease for the individual, any eligible dependents, and an eligible spouse until the individual complies. If such individual does not comply within six months from the date of the initial request for a renewed determination, then benefits under this chapter shall permanently cease for the individual, any eligible dependents, and an eligible spouse. If VRS issues a renewed determination that an individual is no longer a disabled person, then benefits under this chapter shall permanently cease for the individual, any eligible dependents, and an eligible spouse. If VRS issues a renewed determination that an individual remains a disabled person, then VRS may require the disabled person to renew the determination five years after such renewed determination through a process established by VRS. The Virginia Retirement System may require the disabled person to renew the determination at any time if VRS has information indicating that the person may no longer be disabled.

3. *For any medical review conducted for the purpose of making an eligibility determination pursuant to this section, VRS shall require such review to be conducted by a licensed health practitioner. For purposes of this section, "licensed health practitioner" means a person licensed to practice medicine or osteopathic medicine pursuant to the provisions of Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1, a person licensed to practice nursing pursuant to the provisions of Chapter 30 (§ 54.1-3000 et seq.) of Title 54.1, or a person licensed to practice psychology pursuant to the provisions of Chapter 36 (§ 54.1-3600 et seq.) of Title 54.1. "Licensed health practitioner" includes a person issued a comparable license, as determined by VRS, by the District of Columbia or a state that is contiguous to the Commonwealth.*

B. The Virginia Retirement System shall be reimbursed for all reasonable costs incurred and associated, directly and indirectly, in performing the duties pursuant to this chapter (i) from the Line of Duty Death and Health Benefits Trust Fund for costs related to disabled persons, deceased persons, eligible dependents, and eligible spouses on behalf of participating employers and (ii) from a nonparticipating employer for premiums and costs related to disabled persons, deceased persons, eligible dependents, and eligible spouses for which the nonparticipating employer is responsible.

C. The Virginia Retirement System may develop policies and procedures necessary to carry out the provisions of this chapter.

§ 9.1-405. Appeal from decision of Virginia Retirement System.

Any beneficiary, disabled person or eligible spouse or eligible dependent of a deceased or disabled person aggrieved by the decision of VRS may appeal the decision through a process established by VRS. Any such process may utilize a medical board as described in § 51.1-124.23, *provided that for any medical review conducted pursuant to the provisions of this*

chapter, each member of such medical board shall be a licensed health practitioner, as defined in § 9.1-404. An employer may submit information related to the claim and may participate in any informal fact-finding proceeding that is included in such process established by VRS. Upon completion of the appeal process, the final determination issued by VRS shall constitute a case decision as defined in § 2.2-4001. Any beneficiary, disabled person, or eligible spouse or eligible dependent of a deceased or disabled person aggrieved by, and claiming the unlawfulness of, such case decision shall have a right to seek judicial review thereof in accordance with Article 5 (§ 2.2-4025 et seq.) of the Administrative Process Act. The employer shall not have a right to seek such judicial review.

2. That the provisions of this act shall become effective on July 1, 2023.

CHAPTER 485

An Act to amend the Code of Virginia by adding a section numbered 22.1-26.2, relating to academic year Governor's Schools; certain practices prohibited and required.

[H 127]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-26.2 as follows:

§ 22.1-26.2. Academic year Governor's Schools; certain practices prohibited and required.

A. No academic year Governor's School or governing board member, director, administrator, or employee thereof shall discriminate against any individual or group on the basis of race, sex, color, ethnicity, or national origin in the process of admitting students to such school.

B. Each local school board that jointly manages and controls a regional academic year Governor's school pursuant to § 22.1-26 shall collaborate to ensure that each public middle school that is eligible to send students to attend such Governor's school offers coursework, curriculum, and instruction that is comparable in content and in rigor in order to provide each student in each such middle school with the opportunity to gain admission to and excel academically at such Governor's school.

CHAPTER 486

An Act to amend and reenact §§ 32.1-164 and 62.1-44.15:72 of the Code of Virginia, relating to Department of Health; onsite sewage treatment system pump-out oversight; certain localities.

[H 769]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-164 and 62.1-44.15:72 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-164. Powers and duties of Board; regulations; fees; onsite soil evaluators; letters in lieu of permits; inspections; civil penalties.

A. The Board shall have supervision and control over the safe and sanitary collection, conveyance, transportation, treatment, and disposal of sewage by onsite sewage systems and alternative discharging sewage systems, and treatment works as they affect the public health and welfare. The Board shall also have supervision and control over the maintenance, inspection, and reuse of alternative onsite sewage systems as they affect the public health and welfare. In discharging the responsibility to supervise and control the safe and sanitary treatment and disposal of sewage as they affect the public health and welfare, the Board shall exercise due diligence to protect the quality of both surface water and ground water. Upon the final adoption of a general Virginia Pollutant Discharge Elimination permit by the State Water Control Board, the Board of Health shall assume the responsibility for permitting alternative discharging sewage systems as defined in § 32.1-163. All such permits shall comply with the applicable regulations of the State Water Control Board and be registered with the State Water Control Board.

In the exercise of its duty to supervise and control the treatment and disposal of sewage, the Board shall require and the Department shall conduct regular inspections of alternative discharging sewage systems. The Board shall also establish requirements for maintenance contracts for alternative discharging sewage systems. The Board may require, as a condition for issuing a permit to operate an alternative discharging sewage system, that the applicant present an executed maintenance contract. Such contract shall be maintained for the life of any general Virginia Pollutant Discharge Elimination System permit issued by the State Water Control Board.

B. The regulations of the Board shall govern the collection, conveyance, transportation, treatment and disposal of sewage by onsite sewage systems and alternative discharging sewage systems and the maintenance, inspection, and reuse of alternative onsite sewage systems. Such regulations shall be designed to protect the public health and promote the public welfare and may include, without limitation:

1. A requirement that the owner obtain a permit from the Commissioner prior to the construction, installation, modification or operation of a sewerage system or treatment works except in those instances where a permit is required pursuant to Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1.

2. Criteria for the granting or denial of such permits.

3. Standards for the design, construction, installation, modification and operation of sewerage systems and treatment works for permits issued by the Commissioner.

4. Standards governing disposal of sewage on or in soils.

5. Standards specifying the minimum distance between sewerage systems or treatment works and:

a. Public and private wells supplying water for human consumption,

b. Lakes and other impounded waters,

c. Streams and rivers,

d. Shellfish waters,

e. Ground waters,

f. Areas and places of human habitation,

g. Property lines.

6. Standards as to the adequacy of an approved water supply.

7. Standards governing the transportation of sewage.

8. A prohibition against the discharge of untreated sewage onto land or into waters of the Commonwealth.

9. A requirement that such residences, buildings, structures and other places designed for human occupancy as the Board may prescribe be provided with a sewerage system or treatment works.

10. Criteria for determining the demonstrated ability of alternative onsite systems, which are not permitted through the then current sewage handling and disposal regulations, to treat and dispose of sewage as effectively as approved methods.

11. Standards for inspections of and requirements for maintenance contracts for alternative discharging sewage systems.

12. Notwithstanding the provisions of subdivision 1 above and Chapter 3.1 of Title 62.1, a requirement that the owner obtain a permit from the Commissioner prior to the construction, installation, modification, or operation of an alternative discharging sewage system as defined in § 32.1-163.

13. Criteria for granting, denying, and revoking of permits for alternative discharging sewage systems.

14. Procedures for issuing letters recognizing onsite sewage sites in lieu of issuing onsite sewage system permits.

15. Performance requirements for nitrogen discharged from alternative onsite sewage systems that protect public health and ground and surface water quality.

16. Consideration of the impacts of climate change on proposed treatment works based on research and analysis from the Center for Coastal Resources Management at the Virginia Institute of Marine Science at The College of William and Mary in Virginia.

C. A fee of \$75 shall be charged for filing an application for an onsite sewage system or an alternative discharging sewage system permit with the Department. Funds received in payment of such charges shall be transmitted to the Comptroller for deposit. The funds from the fees shall be credited to a special fund to be appropriated by the General Assembly, as it deems necessary, to the Department for the purpose of carrying out the provisions of this title. However, \$10 of each fee shall be credited to the Onsite Sewage Indemnification Fund established pursuant to § 32.1-164.1:01.

The Board, in its regulations, shall establish a procedure for the waiver of fees for persons whose incomes are below the federal poverty guidelines established by the United States Department of Health and Human Services or when the application is for a pit privy or the repair of a failing onsite sewage system. If the Department denies the permit for land on which the applicant seeks to construct his principal place of residence, then such fee shall be refunded to the applicant.

From such funds as are appropriated to the Department from the special fund, the Board shall apportion a share to local or district health departments to be allocated in the same ratios as provided for the operation of such health departments pursuant to § 32.1-31. Such funds shall be transmitted to the local or district health departments on a quarterly basis.

D. In addition to factors related to the Board's responsibilities for the safe and sanitary treatment and disposal of sewage as they affect the public health and welfare, the Board shall, in establishing standards, give due consideration to economic costs of such standards in accordance with the applicable provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

E. Further a fee of \$75 shall be charged for such installation and monitoring inspections of alternative discharging sewage systems as may be required by the Board. The funds received in payment of such fees shall be credited to a special fund to be appropriated by the General Assembly, as it deems necessary, to the Department for the purpose of carrying out the provisions of this section. However, \$10 of each fee shall be credited to the Onsite Sewage Indemnification Fund established pursuant to § 32.1-164.1:01.

The Board, in its regulations, shall establish a procedure for the waiver of fees for persons whose incomes are below the federal poverty guidelines established by the United States Department of Health and Human Services.

F. Any owner who violates any provision of this section or any regulation of the Board of Health or the State Water Control Board relating to alternative discharging sewage systems or who fails to comply with any order of the Board of Health or any special final order of the State Water Control Board shall be subject to the penalties provided in §§ 32.1-27 and 62.1-44.32.

In the event that a county, city, or town, or its agent, is the owner, the county, city, or town, or its agent may initiate a civil action against any user or users of an alternative discharging sewage system to recover that portion of any civil penalty imposed against the owner which directly resulted from violations by the user or users of any applicable federal, state, or local laws, regulations, or ordinances.

G. The Board shall establish and implement procedures for issuance of letters recognizing the appropriateness of onsite sewage site conditions in lieu of issuing onsite sewage system permits. The Board may require that a survey plat be included with an application for such letter. Such letters shall state, in language determined by the Office of the Attorney General and approved by the Board, the appropriateness of the soil for an onsite sewage system; no system design shall be required for issuance of such letter. The letter may be recorded in the land records of the clerk of the circuit court in the jurisdiction where all or part of the site or proposed site of the onsite sewage system is to be located so as to be a binding notice to the public, including subsequent purchases of the land in question. Upon the sale or transfer of the land which is the subject of any letter, the letter shall be transferred with the title to the property. A permit shall be issued on the basis of such letter unless, from the date of the letter's issuance, there has been a substantial, intervening change in the soil or site conditions where the onsite sewage system is to be located. The Board, Commissioner, and the Department shall accept evaluations from licensed onsite soil evaluators for the issuance of such letters, if they are produced in accordance with the Board's established procedures for issuance of letters. The Department shall issue such letters within 20 working days of the application filing date when evaluations produced by licensed onsite soil evaluators are submitted as supporting documentation. The Department shall not be required to do a field check of the evaluation prior to issuing such a letter or a permit based on such letter; however, the Department may conduct such field analyses as deemed necessary to protect the integrity of the Commonwealth's environment. Applicants for such letters in lieu of onsite sewage system permits shall pay the fee established by the Board for the letters' issuance and, upon application for an onsite sewage system permit, shall pay the permit application fee.

H. The Board shall establish a program for the operation and maintenance of alternative onsite systems. The program shall require:

1. The owner of an alternative onsite sewage system, as defined in § 32.1-163, to have that system operated by a licensed operator, as defined in § 32.1-163, and visited by the operator as specified in the operation permit;

2. The licensed operator to provide a report on the results of the site visit utilizing the web-based system required by this subsection. A fee of \$1 shall be paid by the licensed operator at the time the report is filed. Such fees shall be credited to the Onsite Operation and Maintenance Fund established pursuant to § 32.1-164.8;

3. A statewide web-based reporting system to track the operation, monitoring, and maintenance requirements of each system, including its components. The system shall have the capability for pre-notification of operation, maintenance, or monitoring to the operator or owner. Licensed operators shall be required to enter their reports onto the system. The Department of Health shall utilize the system to provide for compliance monitoring of operation and maintenance requirements throughout the state. The Commissioner shall consider readily available commercial systems currently utilized within the Commonwealth; and

4. Any additional requirements deemed necessary by the Board.

I. The Board shall promulgate regulations governing the requirements for maintaining alternative onsite sewage systems.

J. The Board shall establish a uniform schedule of civil penalties for violations of (i) regulations promulgated pursuant to subsection B and (ii) *onsite treatment system pump-out requirements promulgated pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) in localities in which compliance with such onsite treatment system pump-out requirements is managed and enforced by the Department* that are not remedied within 30 days after service of notice from the Department. Civil penalties collected pursuant to this chapter shall be credited to the Environmental Health Education and Training Fund established pursuant to § 32.1-248.3.

This schedule of civil penalties shall be uniform for each type of specified violation, and the penalty for any one violation shall be not more than \$100 for the initial violation and not more than \$150 for each additional violation. Each day during which the violation is found to have existed shall constitute a separate offense. However, specified violations arising from the same operative set of facts shall not be charged more than once in any 10-day period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties exceeding a total of \$3,000. Penalties shall not apply to unoccupied structures which do not contribute to the pollution of public or private water supplies or the contraction or spread of infectious, contagious, or dangerous diseases. The Department may pursue other remedies as provided by law; however, designation of a particular violation for a civil penalty pursuant to this section shall be in lieu of criminal penalties, except for any violation that contributes to or is likely to contribute to the pollution of public or private water supplies or the contraction or spread of infectious, contagious, or dangerous diseases.

The Department may issue a civil summons ticket as provided by law for a scheduled violation. Any person summoned or issued a ticket for a scheduled violation may make an appearance in person or in writing by mail to the Department prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged.

If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court with jurisdiction in the same manner and with the same right of appeal as provided for by law. In any trial for a scheduled violation, the Department shall have the burden of proving by a preponderance of the

evidence the liability of the alleged violator. An admission of liability or finding of liability under this section shall not be deemed an admission at a criminal proceeding.

This section shall not be interpreted to allow the imposition of civil penalties for activities related to land development.

K. The Department shall establish procedures for requiring a survey plat as part of an application for a permit or letter for any onsite sewage or alternative discharging sewage system, and for granting waivers for such requirements. In all cases, it shall be the landowner's responsibility to ensure that the system is properly located as permitted.

L. Effective July 1, 2023, requirements promulgated under the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) directly related to compliance with onsite sewage treatment system pump-outs shall be managed and enforced by the Department in Accomack, Essex, Gloucester, King and Queen, King William, Lancaster, Mathews, Middlesex, Northampton, Northumberland, Richmond, and Westmoreland Counties, and the incorporated towns within those counties. Licensed operators conducting onsite sewage treatment system pump-outs pursuant to requirements promulgated under the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) in localities managed and enforced by the Department shall provide a report on the results of the site visit using a web-based reporting system developed by the Department. Any person who violates the onsite treatment system pump-out requirements promulgated pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) in a locality in which compliance with such onsite treatment system pump-out requirements is managed and enforced by the Department is guilty of a Class 3 misdemeanor.

§ 62.1-44.15:72. Board to develop criteria.

A. In order to implement the provisions of this article and to assist counties, cities, and towns in regulating the use and development of land and in protecting the quality of state waters, the Board shall promulgate regulations that establish criteria for use by local governments to determine the ecological and geographic extent of Chesapeake Bay Preservation Areas. The Board shall also promulgate regulations that establish criteria for use by local governments in granting, denying, or modifying requests to rezone, subdivide, or use and develop land in these areas.

B. In developing and amending the criteria, the Board shall consider all factors relevant to the protection of water quality from significant degradation as a result of the use and development of land. The criteria shall incorporate measures such as performance standards, best management practices, and various planning and zoning concepts to protect the quality of state waters while allowing use and development of land consistent with the provisions of this chapter. The criteria adopted by the Board, operating in conjunction with other state water quality programs, shall encourage and promote (i) protection of existing high quality state waters and restoration of all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, that might reasonably be expected to inhabit them; (ii) safeguarding of the clean waters of the Commonwealth from pollution; (iii) prevention of any increase in pollution; (iv) reduction of existing pollution; (v) preservation of mature trees or planting of trees as a water quality protection tool and as a means of providing other natural resource benefits; (vi) coastal resilience and adaptation to sea-level rise and climate change; and (vii) promotion of water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of the Commonwealth.

C. Prior to the development or amendment of criteria, the Board shall give due consideration to, among other things, the economic and social costs and benefits that can reasonably be expected to obtain as a result of the adoption or amendment of the criteria.

D. In developing such criteria the Board may consult with and obtain the comments of any federal, state, regional, or local agency that has jurisdiction by law or special expertise with respect to the use and development of land or the protection of water. The Board shall give due consideration to the comments submitted by such federal, state, regional, or local agencies.

E. In developing such criteria, the Board shall provide that any locality in a Chesapeake Bay Preservation Area that allows the owner of an ~~on-site~~ onsite sewage treatment system not requiring a Virginia Pollutant Discharge Elimination System permit to submit documentation in lieu of proof of septic tank pump-out shall require such owner to have such documentation certified by an operator or ~~on-site~~ onsite soil evaluator licensed or certified under Chapter 23 (§ 54.1-2300 et seq.) of Title 54.1 as being qualified to operate, maintain, or design ~~on-site~~ onsite sewage systems.

F. In developing such criteria, the Board shall not require the designation of a Resource Protection Area (RPA) as defined according to the criteria developed by the Board, adjacent to a daylighted stream. However, a locality that elects not to designate an RPA adjacent to a daylighted stream shall use a water quality impact assessment to ensure that proposed development on properties adjacent to the daylighted stream does not result in the degradation of the stream. The water quality impact assessment shall (i) be consistent with the Board's criteria for water quality assessments in RPAs, (ii) identify the impacts of the proposed development on water quality, and (iii) determine specific measures for the mitigation of those impacts. The objective of this assessment is to ensure that practices on properties adjacent to daylighted streams are effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution. The specific content for the water quality impact assessment shall be established and implemented by any locality that chooses not to designate an RPA adjacent to a daylighted stream. Nothing in this subsection shall limit a locality's authority to include a daylighted stream within the extent of an RPA.

G. Effective July 1, 2014, requirements promulgated under this article directly related to compliance with the erosion and sediment control and stormwater management provisions of this chapter and regulated under the authority of those provisions shall cease to have effect.

H. Effective July 1, 2023, requirements promulgated under this article directly related to compliance with onsite sewage system pump-outs shall be managed and enforced by the Department of Health in Accomack, Essex, Gloucester, King and Queen, King William, Lancaster, Mathews, Middlesex, Northampton, Northumberland, Richmond, and Westmoreland Counties, and the incorporated towns within those counties.

2. That the Department of Health (the Department) shall provide outreach and education to homeowners to ensure compliance with onsite sewage treatment system pump-out requirements adopted pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq. of the Code of Virginia). The Department shall provide to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health an interim report by December 1, 2024, and a final report by December 1, 2025, on compliance with such onsite sewage treatment system pump-out requirements in the localities specified in subsection L of § 32.1-164 of the Code of Virginia, as amended by this act, and subsection H of § 62.1-44.15:72 of the Code of Virginia, as amended by this act, and the incorporated towns within such localities. Such reports shall also include recommendations to improve compliance with onsite sewage treatment system pump-out requirements adopted pursuant to the Chesapeake Bay Preservation Act.

CHAPTER 487

An Act to amend and reenact § 3.2-300 of the Code of Virginia, relating to definition of agricultural operation.

[S 678]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-300 of the Code of Virginia is amended and reenacted as follows:

§ 3.2-300. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Agricultural operation" means any operation devoted to the bona fide production of crops, or animals, or fowl including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity. *It shall also include the housing of livestock, as defined in § 3.2-6500.*

"Production agriculture and silviculture" means the bona fide production or harvesting of agricultural or silvicultural products but shall not include the processing of agricultural or silvicultural products or the above ground application or storage of sewage sludge.

2. That the provisions of this act are declarative of existing law.

CHAPTER 488

An Act to direct the Department of Energy to study the development of advanced small modular reactors in the Commonwealth and consider minimizing impacts on prime farmland a key priority in completing its Virginia Energy Plan, to direct the Virginia Cooperative Extension to create a map or repository of prime farmland in the Commonwealth, and to direct the State Corporation Commission to develop a program to encourage and expedite infrastructure investments by investor-owned electric utilities in certain industrial sites.

[H 894]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Department of Energy, in cooperation with the Virginia Nuclear Energy Consortium Authority, shall convene a stakeholder work group to identify strategies and any needed public policies, including statutory or regulatory changes, for promoting the development of advanced small modular reactors in the Commonwealth.*

§ 2. *The Department of Energy shall consider the economic development of rural Virginia while minimizing the impact on prime farmland, as defined in § 3.2-205 of the Code of Virginia, a key priority in completing its update to the Virginia Energy Plan scheduled for 2022.*

§ 3. *The Virginia Cooperative Extension shall work to develop a map or repository of prime farmland and in doing so shall consult with relevant and necessary state agencies, including the Department of Agriculture and Consumer Services, the Department of Forestry, the Department of Conservation and Recreation, and the Department of Energy. Such agencies shall provide assistance, including access to relevant data or information for purposes of developing a map or repository of prime farmland, as defined in § 3.2-205 of the Code of Virginia, to the Virginia Cooperative Extension upon request. The Virginia Cooperative Extension may enter into agreements with private nonprofit groups for the purpose of gathering additional data to identify land with conservation easements or agricultural potential and land that would be more suitable for development with solar energy collection devices or energy storage devices. The Virginia Cooperative Extension may work with Phase I and Phase II Utilities to identify relevant distribution and transmission grid information to further assist localities in siting determinations regarding solar energy collection devices or energy storage devices. Such electric*

distribution and transmission grid information shall not be subject to the disclosure requirements of the Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia). The Virginia Cooperative Extension shall submit to the Governor and the General Assembly an initial report on the development of a map or repository for prime farmland, as required by the provisions of this enactment, no later than December 1, 2022. Such report shall include recommendations for the appropriate permanent location for such map or repository, methods by which such map or repository can be made available for public use, and the estimated initial and ongoing costs to be incurred in maintaining such map or repository. The development of the report and recommendations by the Virginia Cooperative Extension shall be funded either privately or through appropriations designated for specified activities required by this enactment.

§ 4. That, in furtherance of economic development in the Commonwealth, the State Corporation Commission (the Commission) shall develop a program to encourage and expedite infrastructure investments by a Phase I Utility or Phase II Utility, as those terms are defined in subdivision A 1 of § 56-585.1 of the Code of Virginia, in industrial sites determined to be relevant and in high demand by the Virginia Economic Development Partnership (VEDP). In developing such program, the Commission may consider best practices in key competitor states, as identified by VEDP. The Commission shall also consider, but is not limited by, the provisions of the existing pilot program established in § 56-585.1:10 of the Code of Virginia. The Commission shall consult with VEDP, local economic development officials, affected utilities, and other stakeholders as it deems appropriate. The Commission shall implement such program no later than December 1, 2022, and shall submit a report by December 15, 2022, to the Governor and the General Assembly of any recommendations identified for legislative changes in furtherance of encouraging and expediting investments in industrial site utility infrastructure. Additionally and separately, VEDP shall review and determine whether barriers currently exist for development of infrastructure and supply chain investments in Southside and Southwest Virginia. VEDP shall also review incentives that the Commonwealth and its localities should utilize or develop to retain economic development and promote new infrastructure and supply chain investments in Southside and Southwest Virginia and in other areas of the Commonwealth. VEDP shall submit a report of its review no later than December 1, 2022, to the Governor and the General Assembly of any findings and recommendations related to promoting infrastructure and supply chain investments within the Commonwealth and supporting economic development generally.

CHAPTER 489

An Act to amend and reenact § 15.2-4901 of the Code of Virginia, relating to Industrial Development and Revenue Bond Act; legislative intent; affordable housing grants.

[H 1194]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-4901 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-4901. Purpose of chapter.

It is the intent of the legislature by the passage of this chapter to authorize the creation of industrial development authorities by the localities in the Commonwealth so that such authorities may acquire, own, lease, and dispose of properties and make loans to the end that such authorities may be able to promote industry and develop trade by inducing manufacturing, industrial, governmental, nonprofit, and commercial enterprises, and institutions of higher education to locate in or remain in the Commonwealth and further the use of its agricultural products and natural resources, and to vest such authorities with all powers that may be necessary to enable them to accomplish such purposes, which powers shall be exercised for the benefit of the inhabitants of the Commonwealth, either through the increase of their commerce, or through the promotion of their safety, health, welfare, convenience, or prosperity. Such authority shall not itself be authorized to operate any such manufacturing, industrial, nonprofit, or commercial enterprise, or any facility of an institution of higher education.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities the powers contained herein with respect to pollution control facilities to the end that such authorities may protect and promote the health of the inhabitants of the Commonwealth and the conservation, protection, and improvement of its natural resources by exercising such powers for the control or abatement of land, sewer, water, air, noise, and general environmental pollution derived from the operation of any industrial or medical facility and to vest such authorities with all powers that may be necessary to enable them to accomplish such purpose, which powers shall be exercised for the benefit of the inhabitants of the Commonwealth, either through the increase of their commerce, or through the promotion of their safety, health, welfare, convenience, or prosperity.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities the powers contained herein with respect to medical facilities and facilities for the residence or care of the aged to the end that such authorities may protect and promote the health and welfare of the inhabitants of the Commonwealth by assisting in the acquisition, construction, equipping, expansion, enlargement, and improvement of medical facilities and facilities for the residence or care of the aged in order to provide modern and efficient medical services to the inhabitants of the Commonwealth and care of the aged of the Commonwealth in accordance with their special needs and also by assisting in the refinancing of medical facilities and facilities for the residence or care of the aged owned and operated by

organizations which are exempt from taxation pursuant to § 501(c)(3) of the Internal Revenue Code of 1954, as amended, in order to reduce the costs to residents of the Commonwealth of utilizing such facilities and to vest such authorities with all powers that may be necessary to enable them to accomplish such purposes, which powers shall be exercised for the benefit of the inhabitants of the Commonwealth and for the promotion of their health and welfare. It is not intended hereby that any such authority shall itself be authorized to operate any such medical facility or facility for the residence or care of the aged.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities the powers contained herein with respect to facilities for use by organizations (other than institutions organized and operated exclusively for religious purposes) which are described in § 501(c)(3) of the Internal Revenue Code of 1954, as amended, and which are exempt from federal income taxation pursuant to § 501(a) of the Internal Revenue Code of 1954, as amended, to the end that such authorities may protect or promote the safety, health, welfare, convenience, and prosperity of the inhabitants of the Commonwealth by assisting in the acquisition, construction, equipping, expansion, enlargement, improvement, financing, and refinancing of such facilities of the aforesaid entities and organizations in order to provide operations, recreational, activity centers, and other facilities for the use of the inhabitants of the Commonwealth and to vest such authorities with all powers that may be necessary to enable them to accomplish such purposes, which powers shall be exercised for the benefit of the inhabitants of the Commonwealth and for the promotion of their safety, health, welfare, convenience, or prosperity. It is not intended hereby that any such authority shall itself be authorized to operate any such facility.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities the powers contained herein with respect to facilities for accredited nonprofit private institutions of higher education in the Commonwealth whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education to the end that such authorities may protect and promote the health and welfare of the inhabitants of the Commonwealth by assisting in the acquisition, construction, equipping, expansion, enlargement, and improvement of facilities of aforesaid institutions in order to provide improved educational facilities for the use of the inhabitants of the Commonwealth and to vest such authorities with all powers that may be necessary to enable them to accomplish such purposes, which powers shall be exercised for the benefit of the inhabitants of the Commonwealth and for the promotion of their health, welfare, convenience, or prosperity. It is not intended hereby that any such authority shall itself be authorized to operate any such educational facility.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant industrial development authorities the powers contained herein with respect to facilities for a locality, the Commonwealth and its agencies, and governmental and nonprofit organizations and to vest such authorities with all powers that may be necessary to enable them to accomplish such purposes, which powers shall be exercised for the benefit of the inhabitants of the Commonwealth and for the promotion of their health, welfare, convenience, or prosperity.

It is further the intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities the powers contained herein with respect to facilities for museums and historical education, demonstration, and interpretation, together with any and all buildings, structures, or other facilities necessary or desirable in connection with the foregoing, for use by nonprofit organizations in order to promote tourism and economic development in the Commonwealth, to promote the knowledge of and appreciation by the citizens of the Commonwealth of the historical and cultural development and heritage of the Commonwealth and the United States and to promote thereby their health, welfare, convenience, and prosperity. It is not intended hereby that any such authority shall itself be authorized to operate any such facility.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities the powers contained herein with respect to facilities devoted to the staging of equine events and activities (other than racing) for use by governmental or nonprofit, nonreligious organizations and operated by such governmental or nonprofit, nonreligious organizations in order to promote the equine industry and equine-related activities (other than racing) which are integral to the Commonwealth's economy and heritage and to promote thereby the safety, health, welfare, convenience, and prosperity of the inhabitants of the Commonwealth.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities the powers contained herein with respect to acquiring, developing, owning, and operating an industrial park and any utilities that are intended primarily to serve the park and to issue bonds for such purposes. The bonds may be secured by revenues generated by the industrial park or the utilities being financed or by any other funds of the authority.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities created by one or more municipalities whose housing authorities have not been activated as provided by §§ 36-4 and 36-4.1, in addition to the powers previously or hereafter granted in this chapter, the powers contained herein with respect to facilities used primarily for single or multi-family residences in order to promote safe and affordable housing in the Commonwealth and to benefit thereby the safety, health, welfare, and prosperity of the inhabitants of the Commonwealth. It is not intended hereby that any such authority shall itself be authorized to operate any such facility or exercise any powers of eminent domain set forth in § 36-27.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities, in addition to the powers previously or hereafter granted herein, the power to make grants associated with the construction of affordable housing in order to promote safe and affordable housing in the Commonwealth and to benefit thereby the safety, health, welfare, and prosperity of the inhabitants of the Commonwealth.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant industrial development authorities the powers contained herein with respect to public school buildings and facilities to promote the safety, health, welfare, convenience, and prosperity of the school children of the Commonwealth by assisting in the acquisition, construction, equipping, expansion, enlargement, improvement, financing, and refinancing of such facilities of school boards in order to provide for the modernization of public school buildings or facilities pursuant to Article 3 (§ 22.1-141.1 et seq.) of Chapter 9 of Title 22.1.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities the powers contained herein with respect to facilitating and supporting landowner access to carbon markets through aggregation of landowners to reach a size that attracts the investment of private capital. Such aggregation provides landowners of various size tracts of land enhanced opportunities to access capital and benefits that support and enhance the agriculture and forest industries for the health, welfare, convenience and prosperity of the inhabitants of the Commonwealth.

In any instance in this chapter where an industrial development authority may issue bonds through its authority to finance, the authority may also refinance such bonds.

This chapter shall be liberally construed in conformity with these intentions.

CHAPTER 490

An Act to amend and reenact §§ 46.2-113, 46.2-1049, and 46.2-1051 of the Code of Virginia and to repeal § 15.2-919 of the Code of Virginia, relating to exhaust systems; excessive noise.

[H 632]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-113, 46.2-1049, and 46.2-1051 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-113. Violations of this title; penalties.

It ~~shall be~~ *is* unlawful for any person to violate any of the provisions of this title, or any regulation adopted pursuant to this title, or local ordinances adopted pursuant to the authority granted in § ~~46.2-1300~~ *this title*. Unless otherwise stated, these violations shall constitute traffic infractions punishable by a fine of not more than that provided for a Class 4 misdemeanor under § 18.2-11.

If it is found by the judge of a court of proper jurisdiction that the violation of any provision of this title ~~(†)~~ was a serious traffic violation as defined in § 46.2-341.20 and ~~(††)~~ that such violation was committed while operating a vehicle or combination of vehicles used to transport property that either: ~~(a)~~ *(i)* has a gross vehicle weight rating of 26,001 or more pounds or ~~(b)~~ *(ii)* has a gross combination weight rating of 26,001 or more pounds inclusive of a towed vehicle with a gross vehicle weight rating of more than 10,000 pounds, the judge may assess, in addition to any other penalty assessed, a further monetary penalty not exceeding \$500.

§ 46.2-1049. Exhaust system in good working order.

~~A.~~ No person shall drive and no owner of a vehicle shall permit or allow the operation of any such vehicle on a highway unless it is equipped with an exhaust system in good working order and in constant operation to prevent excessive or unusual levels of noise, provided, however, that for motor vehicles, such exhaust system shall be of a type installed as standard factory equipment, or comparable to that designed for use on the particular vehicle as standard factory equipment or other equipment that has been submitted to and approved by the Superintendent or meets or exceeds the standards and specifications of the Society of Automotive Engineers, the American National Standards Institute, or the federal Department of Transportation.

As used in this section, "exhaust system" means all the parts of a vehicle through which the exhaust passes after leaving the engine block, including mufflers and other sound dissipative devices.

Chambered pipes are not an effective muffling device to prevent excessive or unusual noise, and any vehicle equipped with chambered pipes shall be deemed in violation of this section.

The provisions of this section shall not apply to (i) any antique motor vehicle licensed pursuant to § 46.2-730, provided that the engine is comparable to that designed as standard factory equipment for use on that particular vehicle, and the exhaust system is in good working order, or (ii) converted electric vehicles.

~~B. No law enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.~~

§ 46.2-1051. Local ordinances; vehicle exhaust.

~~A. The governing body of any county, city, or town which is located within the Northern Virginia Planning District may provide, by ordinance that no person shall operate and no owner shall permit the operation of, either on a highway or on public or private property within 500 feet of any residential district, any motorcycle, moped, all-terrain vehicle as defined in § 46.2-100, not being used for agriculture or silviculture production as defined in § 3.2-300, electric power-assisted bicycle, motorcycle-like device commonly known as a trail bike or mini bike, off-road motorcycle, or motorized cart commonly known as a go-cart unless it is equipped with an exhaust system of a type installed as standard equipment, or comparable to~~

that designed for use on that particular vehicle or device as standard factory equipment, in good working order and in constant operation to prevent excessive noise, regulate noise from a vehicle operated on a highway that is not equipped with a muffler and exhaust system conforming to §§ 46.2-1047 and 46.2-1049.

B. The provisions of subsection E of § 46.2-1300 shall not apply to ordinances adopted pursuant to this section.

2. That § 15.2-919 of the Code of Virginia is repealed.

CHAPTER 491

An Act to amend and reenact §§ 9.1-1000 and 52-9.1:1 of the Code of Virginia, relating to former law-enforcement officers; retention of identification and badge.

[S 743]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-1000 and 52-9.1:1 of the Code of Virginia are amended and reenacted as follows:

§ 9.1-1000. Retired and former law-enforcement officers; photo identification cards.

A. Upon the retirement of a law-enforcement officer, as defined in § 9.1-101, the employing department or agency shall, upon request of the retiree, issue the individual a photo identification card indicating that such individual is a retired law-enforcement officer of that department or agency. Upon request, such a card shall also be issued to any law-enforcement officer who retired before July 1, 2004.

B. Upon request of a former law-enforcement officer with at least 10 years of service who has been diagnosed with post-traumatic stress disorder, as defined in § 65.2-107, by a mental health professional, as defined in § 65.2-107, or who is disabled, the employing department or agency shall issue the individual a photo identification card indicating that such individual is a former law-enforcement officer of that department or agency who honorably served. However, prior to issuing the photo identification card, the employing department or agency shall have it mounted in such a manner that it will be impossible for anyone to carry it on his person. The employing department or agency may deny, for cause, any request made under this subsection, provided that it gives a written explanation to the requester of the grounds for denial. Any individual issued a photo identification card under this subsection shall be ineligible to receive a photo identification card pursuant to subsection A. The provisions of this subsection shall not apply to any individual who was decertified pursuant to § 15.2-1707.

§ 52-9.1:1. Retired and former law-enforcement officers; retention of badge.

A. Notwithstanding any provision of law to the contrary, on and after July 1, 1978, every State police officer shall upon retirement be awarded his badge or other insignia of his office for permanent keeping; provided, however, the Superintendent of State Police, prior to tendering such badge or insignia, shall have the same mounted in such a manner that it will be impossible for anyone to display such badge or insignia upon his person.

B. Upon request of a former law-enforcement officer with at least 10 years of service who has been diagnosed with post-traumatic stress disorder, as defined in § 65.2-107, by a mental health professional, as defined in § 65.2-107, or who is disabled, such individual shall be awarded his badge or other insignia of his office in accordance with the procedures established under subsection A; however, the mounted badge or insignia shall include an indication that the individual honorably served. The Superintendent of State Police may deny, for cause, any request made under this subsection, provided that it gives a written explanation to the requester of the grounds for denial. Any individual awarded a badge or insignia under this subsection shall be ineligible to receive a badge or insignia pursuant to subsection A. The provisions of this subsection shall not apply to any individual who was decertified pursuant to § 15.2-1707.

CHAPTER 492

An Act to amend the Code of Virginia by adding a section numbered 58.1-2606.1, relating to local taxation of machinery and tools used directly in producing or generating renewable energy for certain solar projects; revenue share assessment.

[H 1087]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 58.1-2606.1 as follows:

§ 58.1-2606.1. Local taxation for solar photovoltaic projects five megawatts or less.

A. Notwithstanding clause (iv) of subsection C of § 58.1-3660, generating equipment of solar photovoltaic projects five megawatts or less shall be taxable by a locality, at a rate determined by such locality, but shall not exceed the real estate rate applicable in that locality, and notwithstanding subsection F of § 58.1-3660, the exemption shall be as follows: 80 percent of the assessed value in the first five years in service after commencement of commercial operation, 70 percent of the assessed value in the second five years in service, and 60 percent of the assessed value for all remaining years in service.

B. Notwithstanding clause (iii) of subsection B of § 58.1-2636, solar photovoltaic projects five megawatts or less shall not be exempt from the assessment of a revenue share by ordinance of that locality, as otherwise authorized pursuant to the provisions of § 58.1-2636.

C. Nothing herein shall be construed to authorize local taxation pursuant to this section, § 58.1-2636, or § 58.1-3660 of generating or storage equipment of solar photovoltaic projects that serve the electricity needs of that property upon which such solar facilities are located, as is provided in § 15.2-2288.7.

2. That the provisions of this act shall not apply to any solar photovoltaic projects five megawatts or less that were approved by a locality prior to July 1, 2022.

CHAPTER 493

An Act to amend the Code of Virginia by adding a section numbered 58.1-2606.1, relating to local taxation of machinery and tools used directly in producing or generating renewable energy for certain solar projects; revenue share assessment.

[S 502]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 58.1-2606.1 as follows:

§ 58.1-2606.1. Local taxation for solar photovoltaic projects five megawatts or less.

A. Notwithstanding clause (iv) of subsection C of § 58.1-3660, generating equipment of solar photovoltaic projects five megawatts or less shall be taxable by a locality, at a rate determined by such locality, but shall not exceed the real estate rate applicable in that locality, and notwithstanding subsection F of § 58.1-3660, the exemption shall be as follows: 80 percent of the assessed value in the first five years in service after commencement of commercial operation, 70 percent of the assessed value in the second five years in service, and 60 percent of the assessed value for all remaining years in service.

B. Notwithstanding clause (iii) of subsection B of § 58.1-2636, solar photovoltaic projects five megawatts or less shall not be exempt from the assessment of a revenue share by ordinance of that locality, as otherwise authorized pursuant to the provisions of § 58.1-2636. If a locality assesses a revenue share on solar photovoltaic projects five megawatts or less pursuant to this subsection, the exemption for such projects, as measured in alternating current (AC) generation capacity, shall, in lieu of the amounts specified in subsection A, be 100 percent of the assessed value.

C. Nothing herein shall be construed to authorize local taxation pursuant to this section, § 58.1-2636, or § 58.1-3660 of generating or storage equipment of solar photovoltaic projects that serve the electricity needs of that property upon which such solar facilities are located, as is provided in § 15.2-2288.7.

2. That the provisions of this act shall not apply to any solar photovoltaic projects five megawatts or less that were approved by a locality prior to July 1, 2022.

CHAPTER 494

An Act to amend and reenact §§ 2.2-222.4, 10.1-602, 10.1-658, and 10.1-659 of the Code of Virginia, relating to flood resiliency and protection.

[H 516]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-222.4, 10.1-602, 10.1-658, and 10.1-659 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-222.4. Chief Resilience Officer.

A. The Governor shall designate a Chief Resilience Officer. The Chief Resilience Officer shall serve as the primary coordinator of resilience and adaptation initiatives in Virginia and as the primary point of contact regarding issues related to resilience and recurrent flooding. The Chief Resilience Officer shall be equally responsible for all urban, suburban, and rural areas of the Commonwealth.

B. The Chief Resilience Officer, in consultation with the Special Assistant to the Governor for Coastal Adaptation and Protection, shall:

1. Identify and monitor those areas of the Commonwealth that are at greatest risk from recurrent flooding and increased future flooding and recommend actions that both the private and public sectors should consider in order to increase the resilience of such areas;

2. Upon the request of any locality in the Commonwealth in which is located a substantial flood defense or catchment area, including a levee, reservoir, dam, catch basin, or wetland or lake improved or constructed for the purpose of flood control, review and comment on plans for the construction or substantial reinforcement of such flood defense or catchment area; and

3. Initiate and assist with the pursuit of funding opportunities for resilience initiatives at both the state and local levels and help to oversee and coordinate funding initiatives of all agencies of the Commonwealth.

4. Beginning July 1, 2023, and every two years thereafter, report to the Governor and the General Assembly on the status of flood resilience in the Commonwealth. The report shall serve as an evaluation of flood protection for critical infrastructure, including human and natural infrastructure. The report shall identify risks to critical transportation, energy, communication, water and food supply, waste management, health, and emergency services infrastructure. The report shall also include the status of flood resilience planning. In preparing the report, the Chief Resilience Officer shall also coordinate with the Director of Diversity, Equity, and Inclusion and shall be assisted by all relevant Secretariats and agencies.

§ 10.1-602. Powers and duties of Department.

The Department shall:

1. Develop a ~~flood protection plan~~ *Virginia Flood Protection Master Plan (the Plan)* for the Commonwealth. This ~~plan~~ *Plan* shall be a place-specific plan for mitigating severe and repetitive flooding and shall, at a minimum, (i) base decision making on the best-available science; (ii) identify and address socioeconomic inequities and strive to enhance equity through the adaptation and protection measures by considering all areas of recurrent flooding; (iii) recognize the importance of protecting and enhancing natural infrastructure and nature-based approaches to flood mitigation, when possible; (iv) utilize community and regional scale planning to the maximum extent possible, seeking region-specific approaches tailored to the needs of individual communities; and (v) include an understanding of fiscal realities and focus on cost-effective solutions for the protection and adaptation of communities, businesses, and critical infrastructure. The *Plan* shall include, at a minimum:

- a. An inventory of flood-prone areas;
- b. An inventory of flood protection studies;
- c. A record of flood damages;
- d. Strategies to prevent or mitigate flood damage; and
- e. The collection and distribution of information relating to flooding and flood plain management.

The ~~flood protection plan~~ *Plan* shall be reviewed and updated by the Department on a regular basis, but at least once every five years, and for each of the items listed in provisions a through e, the plan shall state when that provision was last updated and when the next update is planned. The plan shall be maintained in an online format so as to be easily accessed by other government entities and by the public. The online plan shall contain links to the most current information available from other federal, state, and local sources. All agencies of the Commonwealth shall provide assistance to the Department upon request.

2. Serve as the coordinator of all flood protection programs and activities in the Commonwealth, including the coordination of federal flood protection programs administered by the United States Army Corps of Engineers, the United States Department of Agriculture, the Federal Emergency Management Agency, the United States Geological Survey, the Tennessee Valley Authority, other federal agencies and local governments.

3. Make available flood and flood damage reduction data to localities for planning purposes, in order to assure necessary local participation in the planning process and in the selection of desirable alternatives which will fulfill the intent of this article. This shall include the development of a data base to include (i) all flood protection projects implemented by federal agencies and (ii) the estimated value of property damaged by major floods.

4. Assist localities in their management of flood plain activities in cooperation with the Department of Housing and Community Development.

5. Carry out the provisions of this article in a manner which will ensure that the management of flood plains will preserve the capacity of the flood plain to carry and discharge a hundred year flood.

6. Make, in cooperation with localities, periodic inspections to determine the effectiveness of local flood plain management programs, including an evaluation of the enforcement of and compliance with local flood plain management ordinances, rules and regulations.

7. Coordinate with the United States Federal Emergency Management Agency to ensure current knowledge of the identification of flood-prone communities and of the status of applications made by localities to participate in the National Flood Insurance Program.

8. Establish guidelines which will meet minimum requirements of the National Flood Insurance Program in furtherance of the policy of the Commonwealth to assure that all citizens living in flood-prone areas may have the opportunity to indemnify themselves from flood losses through the purchase of flood insurance under the regular flood insurance program of the National Flood Insurance Act of 1968 as amended.

9. Subject to the provisions of the Appropriations Act, provide financial and technical assistance to localities in an amount not to exceed fifty percent of the nonfederal costs of flood protection projects.

10. *Serve as the lead administrator for the Virginia Coastal Resilience Master Plan and the Virginia Flood Protection Master Plan.*

11. *Implement the Virginia Coastal Resilience Master Plan and the Virginia Flood Protection Master Plan.*

12. *Ensure that the Virginia Coastal Resilience Master Plan and the Virginia Flood Protection Master Plan are integrated.*

§ 10.1-658. State interest in resilience and flood control.

A. The General Assembly declares that storm events and rising tidal waters cause recurrent flooding of Virginia's land resources and result in the loss of life, damage to property, unsafe and unsanitary conditions and the disruption of commerce

and government services, placing at risk the health, safety and welfare of those citizens living in flood-prone areas of the Commonwealth. Flood waters disregard jurisdictional boundaries, and the public interest requires the management of flood-prone areas in a manner which prevents injuries to persons, damage to property and pollution of state waters.

B. The General Assembly, ~~therefore~~, supports and encourages those measures which prevent, mitigate, and alleviate the effects of *sea level rise*, stormwater surges, and *all causes of recurrent flooding*; and declares that the expenditure of public funds and any obligations incurred in the development of flood control and other civil works projects, the benefits of which may accrue to any county, municipality, or region in the Commonwealth, are necessary expenses of local and state government. *The General Assembly shall prioritize measures that use community-scale and regional-scale planning, protect and enhance natural and nature-based approaches, address socioeconomic inequities, and enhance equity through flood resilience and preparedness.*

C. *The General Assembly supports and encourages flood resilience through implementation of the Virginia Coastal Resilience Master Plan and implementation of the Virginia Flood Protection Master Plan developed pursuant to § 10.1-602.*

D. *The Department shall be responsible for the implementation of the Virginia Coastal Resilience Master Plan and Virginia Flood Protection Master Plan and shall serve as the lead administrator.*

E. *The Virginia Coastal Resilience Master Plan shall be updated at least every five years; shall, at a minimum, be a place-specific plan for mitigating severe and repetitive flooding; and shall, at a minimum, (i) base decision making on the best-available science; (ii) identify and address socioeconomic inequities and strive to enhance equity through the adaptation and protection measures by considering all areas of recurrent flooding; (iii) recognize the importance of protecting and enhancing natural infrastructure and nature-based approaches to flood mitigation, when possible; (iv) utilize community and regional scale planning to the maximum extent possible, seeking region-specific approaches tailored to the needs of individual communities; and (v) include an understanding of fiscal realities and focus on cost-effective solutions for the protection and adaptation of communities, businesses, and critical infrastructure.*

§ 10.1-659. Flood protection programs; coordination.

A. The provisions of this chapter shall be coordinated with the Virginia Coastal Resilience Master Plan, *the Virginia Flood Protection Master Plan*, and federal, state, and local flood prevention and water quality programs to minimize loss of life, property damage, and negative impacts on the environment. This program coordination shall include but not be limited to the following: flood prevention, flood plain management, small watershed protection, dam safety, shoreline erosion and public beach preservation, and soil conservation programs of the Department of Conservation and Recreation; the construction activities of the Department of Transportation, including projects that result in hydrologic modification of rivers, streams, and flood plains; the nontidal wetlands, water quality, Chesapeake Bay Preservation Area criteria, stormwater management, erosion and sediment control, and other water management programs of the State Water Control Board; the Virginia Coastal Zone Management Program at the Department of Environmental Quality; forested watershed management programs of the Department of Forestry; the agricultural stewardship, farmland preservation, and disaster assistance programs of the Department of Agriculture and Consumer Services; the statewide building code and other land use control programs of the Department of Housing and Community Development; the habitat management programs of the Virginia Marine Resources Commission; the hazard mitigation planning and disaster response programs of the Department of Emergency Management; the fish *and wildlife* habitat protection programs of the Department of Wildlife Resources; the mineral extraction regulatory program of the Department of Energy; the flood plain restrictions of the Virginia Waste Management Board; flooding-related research programs of the state universities; local government assistance programs of the Virginia Soil and Water Conservation Board; the Virginia Antiquities Act program of the Department of Historic Resources; *the public health and preparedness programs of the Virginia Department of Health; the State Council of Higher Education for Virginia; the State Corporation Commission; and any other state agency programs deemed necessary by the Director, the Chief Resilience Officer of the Commonwealth, and the Special Assistant to the Governor for Coastal Adaptation and Protection.* The Department shall also coordinate with soil and water conservation districts, Virginia Cooperative Extension agents, and planning district commissions, and shall coordinate and cooperate with localities in rendering assistance to such localities in their efforts to comply with the planning, subdivision of land, and zoning provisions of Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2.

B. The Director ~~and either~~, *in coordination with the Special Assistant to the Governor for Coastal Adaptation and Protection or the Chief Resilience Officer, shall jointly hold meetings of representatives of these the programs, entities, and localities described in subsection A at least annually* in order to determine, coordinate, and prioritize the Commonwealth's efforts and expenditures to increase flooding resilience *and flood preparedness and to implement the Virginia Coastal Resilience Master Plan and the Virginia Flood Protection Master Plan. The Department shall review any revisions to the Virginia Flood Protection Master Plan and provide an update on the progress of the implementation of the Virginia Coastal Resilience Master Plan at any such meetings.* The Department shall cooperate with other public and private agencies having flood plain management programs and shall coordinate its responsibilities under this article and any other law. These activities shall constitute the Commonwealth's flood *resilience, preparedness, prevention, and protection* program.

C. 1. *The Chief Resilience Officer, in coordination with the Special Assistant to the Governor for Coastal Adaptation and Protection and the Director, shall establish the Virginia Coastal Resilience Technical Advisory Committee (the Committee) to assist with developing, updating, and implementing the Virginia Coastal Resilience Master Plan.*

2. *The Committee shall be comprised of representatives of state agencies, coastal planning district commissions, regional commissions, academic advisors, and any other representatives as needed. Members shall serve at the pleasure of the Governor and shall include the following individuals or their designees: the executive directors of coastal planning district commissions and regional commissions; the Special Assistant to the Governor for Coastal Adaptation and Protection; the Director; the Director of the Virginia Department of Emergency Management; the Director of the Virginia Department of Housing and Community Development; the Executive Director of the Virginia Resources Authority; the Director of the Department of Environmental Quality; the Commissioner of the Virginia Department of Transportation; the Director of the Virginia Transportation Research Council; the Commissioner of the Virginia Marine Resources Commission; the Director of the Institute for Coastal Adaptation and Resilience; the Associate Dean for Research and Advisory Services at the Virginia Institute of Marine Science; the Director of the William and Mary School of Law Coastal Policy Center; the Director of the Virginia Tech Center for Coastal Studies; the Director of the Environmental Resilience Institute at the University of Virginia; the Director of Virginia Sea Grant; the Director of Diversity, Equity, and Inclusion; and the Chief Data Officer of the Commonwealth. The Chief Resilience Officer shall serve as chairman of the Committee.*

3. *The Chief Resilience Officer shall invite participation by the Commander of the U.S. Army Corps of Engineers, Norfolk District; the Commander of the Navy Region Mid-Atlantic; and representatives of the seven federally recognized Tribal Nations indigenous to the Commonwealth of Virginia.*

4. *Appointed members shall serve in an advisory role without compensation.*

5. *The Committee shall meet at least quarterly.*

6. *The Department, the Special Assistant to the Governor for Coastal Adaptation and Protection, and the Coastal Zone Management Program shall provide staff support to the Committee.*

7. *The Committee shall ensure that (i) risk evaluations and project prioritization protocols are regularly updated and are informed by the best applicable scientific and technical data; (ii) statewide and regional needs are addressed using the best applicable science and long-term resilience approaches; and (iii) the Virginia Coastal Resilience Master Planning Framework is adhered to in the development and updating of the Virginia Coastal Resilience Master Plan. The Committee shall also review updates to the Virginia Coastal Resilience Master Plan and receive updates about the progress of the Virginia Flood Protection Master Plan at each meeting. Additionally, the Committee may be called upon to assist the Department with the development and updating of the Virginia Flood Protection Master Plan.*

2. That the Special Assistant to the Governor for Coastal Adaptation and Protection, in coordination with the Director of the Department of Conservation and Recreation, shall update the Virginia Coastal Resilience Master Plan in accordance with § 10.1-658 of the Code of Virginia, as amended by this act, no later than December 31, 2024, to incorporate all major flood hazards, including precipitation-driven flooding; a list of all projects considered and an update of the status of all projects previously implemented; and a comprehensive risk assessment of critical human and natural infrastructure.

3. That the Director of the Department of Conservation and Recreation (the Department), jointly with the Director of Diversity, Equity, and Inclusion, and in coordination with the Chief Resilience Officer and the Special Assistant to the Governor for Coastal Adaptation and Protection, shall prepare a Community Outreach and Engagement Plan for updates to the Virginia Coastal Resilience Master Plan and for development and updates to the Virginia Flood Protection Master Plan (the Plans) no later than December 31, 2022. The outreach and engagement plan shall strive for meaningful involvement by ensuring that (i) affected and vulnerable community residents have access and opportunity to participate in the full cycle of the decision-making process about the development of and updates to the Plans, and (ii) decision-makers shall seek out and consider such participation, allowing the views and perspectives of community residents to shape and influence decisions. The Department shall seek input to the Community Outreach and Engagement Plan from representatives of Virginia Indian tribes, community-based organizations, the public health sector, nongovernmental organizations, civil rights organizations, communities impacted by recurring flooding, and the Emergency Management Equity Working Group established pursuant to subdivision B 19 of § 44-146.18 of the Code of Virginia.

4. That the Director of the Department of Conservation and Recreation is authorized to use funds from the Community Flood Preparedness Fund, established pursuant to § 10.1-603.25 of the Code of Virginia, for studies of statewide or regional significance, including the development of or updates to the Virginia Coastal Resilience Master Plan, the Virginia Flood Protection Master Plan, and the Community Outreach and Engagement Plan described in the third enactment of this act.

5. That the Director of the Department of Conservation and Recreation shall prepare the Virginia Flood Protection Master Plan using a watershed-based approach no later than December 31, 2026.

CHAPTER 495

An Act to amend and reenact §§ 2.2-222.4, 10.1-602, 10.1-658, and 10.1-659 of the Code of Virginia, relating to flood resiliency and protection.

[S 551]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-222.4, 10.1-602, 10.1-658, and 10.1-659 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-222.4. Chief Resilience Officer.

A. The Governor shall designate a Chief Resilience Officer. The Chief Resilience Officer shall serve as the primary coordinator of resilience and adaptation initiatives in Virginia and as the primary point of contact regarding issues related to resilience and recurrent flooding. The Chief Resilience Officer shall be equally responsible for all urban, suburban, and rural areas of the Commonwealth.

B. The Chief Resilience Officer, in consultation with the Special Assistant to the Governor for Coastal Adaptation and Protection, shall:

1. Identify and monitor those areas of the Commonwealth that are at greatest risk from recurrent flooding and increased future flooding and recommend actions that both the private and public sectors should consider in order to increase the resilience of such areas;

2. Upon the request of any locality in the Commonwealth in which is located a substantial flood defense or catchment area, including a levee, reservoir, dam, catch basin, or wetland or lake improved or constructed for the purpose of flood control, review and comment on plans for the construction or substantial reinforcement of such flood defense or catchment area; and

3. Initiate and assist with the pursuit of funding opportunities for resilience initiatives at both the state and local levels and help to oversee and coordinate funding initiatives of all agencies of the Commonwealth.

4. *Beginning July 1, 2023, and every two years thereafter, report to the Governor and the General Assembly on the status of flood resilience in the Commonwealth. The report shall serve as an evaluation of flood protection for critical infrastructure, including human and natural infrastructure. The report shall identify risks to critical transportation, energy, communication, water and food supply, waste management, health, and emergency services infrastructure. The report shall also include the status of flood resilience planning. In preparing the report, the Chief Resilience Officer shall also coordinate with the Director of Diversity, Equity, and Inclusion and shall be assisted by all relevant Secretariats and agencies.*

§ 10.1-602. Powers and duties of Department.

The Department shall:

1. Develop a ~~flood protection plan~~ *Virginia Flood Protection Master Plan (the Plan)* for the Commonwealth. This ~~plan~~ *Plan shall be a place-specific plan for mitigating severe and repetitive flooding and shall, at a minimum, (i) base decision making on the best-available science; (ii) identify and address socioeconomic inequities and strive to enhance equity through the adaptation and protection measures by considering all areas of recurrent flooding; (iii) recognize the importance of protecting and enhancing natural infrastructure and nature-based approaches to flood mitigation, when possible; (iv) utilize community and regional scale planning to the maximum extent possible, seeking region-specific approaches tailored to the needs of individual communities; and (v) include an understanding of fiscal realities and focus on cost-effective solutions for the protection and adaptation of communities, businesses, and critical infrastructure. The Plan shall include, at a minimum:*

- a. An inventory of flood-prone areas;
- b. An inventory of flood protection studies;
- c. A record of flood damages;
- d. Strategies to prevent or mitigate flood damage; and
- e. The collection and distribution of information relating to flooding and flood plain management.

The ~~flood protection plan~~ *Plan* shall be reviewed and updated by the Department on a regular basis, but at least once every five years, and for each of the items listed in provisions a through e, the plan shall state when that provision was last updated and when the next update is planned. The plan shall be maintained in an online format so as to be easily accessed by other government entities and by the public. The online plan shall contain links to the most current information available from other federal, state, and local sources. All agencies of the Commonwealth shall provide assistance to the Department upon request.

2. Serve as the coordinator of all flood protection programs and activities in the Commonwealth, including the coordination of federal flood protection programs administered by the United States Army Corps of Engineers, the United States Department of Agriculture, the Federal Emergency Management Agency, the United States Geological Survey, the Tennessee Valley Authority, other federal agencies and local governments.

3. Make available flood and flood damage reduction data to localities for planning purposes, in order to assure necessary local participation in the planning process and in the selection of desirable alternatives which will fulfill the intent of this article. This shall include the development of a data base to include (i) all flood protection projects implemented by federal agencies and (ii) the estimated value of property damaged by major floods.

4. Assist localities in their management of flood plain activities in cooperation with the Department of Housing and Community Development.

5. Carry out the provisions of this article in a manner which will ensure that the management of flood plains will preserve the capacity of the flood plain to carry and discharge a hundred year flood.

6. Make, in cooperation with localities, periodic inspections to determine the effectiveness of local flood plain management programs, including an evaluation of the enforcement of and compliance with local flood plain management ordinances, rules and regulations.

7. Coordinate with the United States Federal Emergency Management Agency to ensure current knowledge of the identification of flood-prone communities and of the status of applications made by localities to participate in the National Flood Insurance Program.

8. Establish guidelines which will meet minimum requirements of the National Flood Insurance Program in furtherance of the policy of the Commonwealth to assure that all citizens living in flood-prone areas may have the opportunity to indemnify themselves from flood losses through the purchase of flood insurance under the regular flood insurance program of the National Flood Insurance Act of 1968 as amended.

9. Subject to the provisions of the Appropriations Act, provide financial and technical assistance to localities in an amount not to exceed fifty percent of the nonfederal costs of flood protection projects.

10. *Serve as the lead administrator for the Virginia Coastal Resilience Master Plan and the Virginia Flood Protection Master Plan.*

11. *Implement the Virginia Coastal Resilience Master Plan and the Virginia Flood Protection Master Plan.*

12. *Ensure that the Virginia Coastal Resilience Master Plan and the Virginia Flood Protection Master Plan are integrated.*

§ 10.1-658. State interest in resilience and flood control.

A. The General Assembly declares that storm events and rising tidal waters cause recurrent flooding of Virginia's land resources and result in the loss of life, damage to property, unsafe and unsanitary conditions and the disruption of commerce and government services, placing at risk the health, safety and welfare of those citizens living in flood-prone areas of the Commonwealth. Flood waters disregard jurisdictional boundaries, and the public interest requires the management of flood-prone areas in a manner which prevents injuries to persons, damage to property and pollution of state waters.

B. The General Assembly, ~~therefore,~~ supports and encourages those measures which prevent, mitigate, and alleviate the effects of *sea level rise*, stormwater surges, and *all causes of recurrent flooding*; and declares that the expenditure of public funds and any obligations incurred in the development of flood control and other civil works projects, the benefits of which may accrue to any county, municipality, or region in the Commonwealth, are necessary expenses of local and state government. *The General Assembly shall prioritize measures that use community-scale and regional-scale planning, protect and enhance natural and nature-based approaches, address socioeconomic inequities, and enhance equity through flood resilience and preparedness.*

C. *The General Assembly supports and encourages flood resilience through implementation of the Virginia Coastal Resilience Master Plan and implementation of the Virginia Flood Protection Master Plan developed pursuant to § 10.1-602.*

D. *The Department shall be responsible for the implementation of the Virginia Coastal Resilience Master Plan and Virginia Flood Protection Master Plan and shall serve as the lead administrator.*

E. *The Virginia Coastal Resilience Master Plan shall be updated at least every five years; shall, at a minimum, be a place-specific plan for mitigating severe and repetitive flooding; and shall, at a minimum, (i) base decision making on the best-available science; (ii) identify and address socioeconomic inequities and strive to enhance equity through the adaptation and protection measures by considering all areas of recurrent flooding; (iii) recognize the importance of protecting and enhancing natural infrastructure and nature-based approaches to flood mitigation, when possible; (iv) utilize community and regional scale planning to the maximum extent possible, seeking region-specific approaches tailored to the needs of individual communities; and (v) include an understanding of fiscal realities and focus on cost-effective solutions for the protection and adaptation of communities, businesses, and critical infrastructure.*

§ 10.1-659. Flood protection programs; coordination.

A. The provisions of this chapter shall be coordinated with the Virginia Coastal Resilience Master Plan, *the Virginia Flood Protection Master Plan*, and federal, state, and local flood prevention and water quality programs to minimize loss of life, property damage, and negative impacts on the environment. This program coordination shall include but not be limited to the following: flood prevention, flood plain management, small watershed protection, dam safety, shoreline erosion and public beach preservation, and soil conservation programs of the Department of Conservation and Recreation; the construction activities of the Department of Transportation, including projects that result in hydrologic modification of rivers, streams, and flood plains; the nontidal wetlands, water quality, Chesapeake Bay Preservation Area criteria, stormwater management, erosion and sediment control, and other water management programs of the State Water Control Board; the Virginia Coastal Zone Management Program at the Department of Environmental Quality; forested watershed management programs of the Department of Forestry; the agricultural stewardship, farmland preservation, and disaster assistance programs of the Department of Agriculture and Consumer Services; the statewide building code and other land use control programs of the Department of Housing and Community Development; the habitat management programs of the Virginia Marine Resources Commission; the hazard mitigation planning and disaster response programs of the Department of Emergency Management; the fish *and wildlife* habitat protection programs of the Department of Wildlife Resources; the mineral extraction regulatory program of the Department of Energy; the flood plain restrictions of the Virginia Waste Management Board; flooding-related research programs of the state universities; local government assistance programs of the Virginia Soil and Water Conservation Board; the Virginia Antiquities Act program of the Department of Historic

Resources; the public health and preparedness programs of the Virginia Department of Health; the State Council of Higher Education for Virginia; the State Corporation Commission; and any other state agency programs deemed necessary by the Director, the Chief Resilience Officer of the Commonwealth, and the Special Assistant to the Governor for Coastal Adaptation and Protection. The Department shall also coordinate with soil and water conservation districts, Virginia Cooperative Extension agents, and planning district commissions, and shall coordinate and cooperate with localities in rendering assistance to such localities in their efforts to comply with the planning, subdivision of land, and zoning provisions of Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2.

B. The Director ~~and either~~, in coordination with the Special Assistant to the Governor for Coastal Adaptation and Protection ~~or~~ and the Chief Resilience Officer, shall ~~jointly~~ hold meetings of representatives of ~~these~~ the programs, entities, and localities described in subsection A at least annually in order to determine, coordinate, and prioritize the Commonwealth's efforts and expenditures to increase flooding resilience and flood preparedness and to implement the Virginia Coastal Resilience Master Plan and the Virginia Flood Protection Master Plan. The Department shall review any revisions to the Virginia Flood Protection Master Plan and provide an update on the progress of the implementation of the Virginia Coastal Resilience Master Plan at any such meetings. The Department shall cooperate with other public and private agencies having flood plain management programs and shall coordinate its responsibilities under this article and any other law. These activities shall constitute the Commonwealth's flood resilience, preparedness, prevention, and protection program.

C. 1. The Chief Resilience Officer, in coordination with the Special Assistant to the Governor for Coastal Adaptation and Protection and the Director, shall establish the Virginia Coastal Resilience Technical Advisory Committee (the Committee) to assist with developing, updating, and implementing the Virginia Coastal Resilience Master Plan.

2. The Committee shall be comprised of representatives of state agencies, coastal planning district commissions, regional commissions, academic advisors, and any other representatives as needed. Members shall serve at the pleasure of the Governor and shall include the following individuals or their designees: the executive directors of coastal planning district commissions and regional commissions; the Special Assistant to the Governor for Coastal Adaptation and Protection; the Director; the Director of the Virginia Department of Emergency Management; the Director of the Virginia Department of Housing and Community Development; the Executive Director of the Virginia Resources Authority; the Director of the Department of Environmental Quality; the Commissioner of the Virginia Department of Transportation; the Director of the Virginia Transportation Research Council; the Commissioner of the Virginia Marine Resources Commission; the Director of the Institute for Coastal Adaptation and Resilience; the Associate Dean for Research and Advisory Services at the Virginia Institute of Marine Science; the Director of the William and Mary School of Law Coastal Policy Center; the Director of the Virginia Tech Center for Coastal Studies; the Director of the Environmental Resilience Institute at the University of Virginia; the Director of Virginia Sea Grant; the Director of Diversity, Equity, and Inclusion; and the Chief Data Officer of the Commonwealth. The Chief Resilience Officer shall serve as chairman of the Committee.

3. The Chief Resilience Officer shall invite participation by the Commander of the U.S. Army Corps of Engineers, Norfolk District; the Commander of the Navy Region Mid-Atlantic; and representatives of the seven federally recognized Tribal Nations indigenous to the Commonwealth of Virginia.

4. Appointed members shall serve in an advisory role without compensation.

5. The Committee shall meet at least quarterly.

6. The Department, the Special Assistant to the Governor for Coastal Adaptation and Protection, and the Coastal Zone Management Program shall provide staff support to the Committee.

7. The Committee shall ensure that (i) risk evaluations and project prioritization protocols are regularly updated and are informed by the best applicable scientific and technical data; (ii) statewide and regional needs are addressed using the best applicable science and long-term resilience approaches; and (iii) the Virginia Coastal Resilience Master Planning Framework is adhered to in the development and updating of the Virginia Coastal Resilience Master Plan. The Committee shall also review updates to the Virginia Coastal Resilience Master Plan and receive updates about the progress of the Virginia Flood Protection Master Plan at each meeting. Additionally, the Committee may be called upon to assist the Department with the development and updating of the Virginia Flood Protection Master Plan.

2. That the Special Assistant to the Governor for Coastal Adaptation and Protection, in coordination with the Director of the Department of Conservation and Recreation, shall update the Virginia Coastal Resilience Master Plan in accordance with § 10.1-658 of the Code of Virginia, as amended by this act, no later than December 31, 2024, to incorporate all major flood hazards, including precipitation-driven flooding; a list of all projects considered and an update of the status of all projects previously implemented; and a comprehensive risk assessment of critical human and natural infrastructure.

3. That the Director of the Department of Conservation and Recreation (the Department), jointly with the Director of Diversity, Equity, and Inclusion, and in coordination with the Chief Resilience Officer and the Special Assistant to the Governor for Coastal Adaptation and Protection, shall prepare a Community Outreach and Engagement Plan for updates to the Virginia Coastal Resilience Master Plan and for development and updates to the Virginia Flood Protection Master Plan (the Plans) no later than December 31, 2022. The outreach and engagement plan shall strive for meaningful involvement by ensuring that (i) affected and vulnerable community residents have access and opportunity to participate in the full cycle of the decision-making process about the development of and updates to the Plans, and (ii) decision-makers shall seek out and consider such participation, allowing the views and

perspectives of community residents to shape and influence decisions. The Department shall seek input to the Community Outreach and Engagement Plan from representatives of Virginia Indian tribes, community-based organizations, the public health sector, nongovernmental organizations, civil rights organizations, communities impacted by recurring flooding, and the Emergency Management Equity Working Group established pursuant to subdivision B 19 of § 44-146.18 of the Code of Virginia.

4. That the Director of the Department of Conservation and Recreation is authorized to use funds from the Community Flood Preparedness Fund, established pursuant to § 10.1-603.25 of the Code of Virginia, for studies of statewide or regional significance, including the development of or updates to the Virginia Coastal Resilience Master Plan, the Virginia Flood Protection Master Plan, and the Community Outreach and Engagement Plan described in the third enactment of this act.

5. That the Director of the Department of Conservation and Recreation shall prepare the Virginia Flood Protection Master Plan using a watershed-based approach no later than December 31, 2026.

CHAPTER 496

An Act to amend and reenact § 58.1-3661 of the Code of Virginia, relating to local tax; solar facility exemption.

[S 686]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3661 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3661. Certified solar energy equipment, facilities, or devices and certified recycling equipment, facilities, or devices.

A. Any solar facility installed pursuant to subsections A or B of § 15.2-2288.7 with a nameplate rated electrical generating capacity measured in direct current kilowatts of not more than 25 kilowatts is hereby declared to be a separate class of property and shall constitute a classification for local taxation separate from other classifications of real or personal property. Such facilities shall be wholly exempt from state and local taxation pursuant to Article X, Section 6 (d) of the Constitution of Virginia.

B. Certified solar energy equipment, facilities, or devices and certified recycling equipment, facilities, or devices, as defined herein, are hereby declared to be a separate class of property and shall constitute a classification for local taxation separate from other classifications of real or personal property. The governing body of any county, city or town may, by ordinance, exempt or partially exempt such property from local taxation in the manner provided by subsection ~~D~~ E.

~~B- C.~~ As used in this section:

"Certified recycling equipment, facilities, or devices" means machinery and equipment which is certified by the Department of Environmental Quality as integral to the recycling process and for use primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the Commonwealth, and used in manufacturing facilities or plant units which manufacture, process, compound, or produce for sale recyclable items of tangible personal property at fixed locations in the Commonwealth.

"Certified solar energy equipment, facilities, or devices" means any property, including real or personal property, equipment, facilities, or devices, excluding any portion of such property that is exempt under § 58.1-3660, certified by the local certifying authority to be designed and used primarily for the purpose of collecting, generating, transferring, or storing thermal or electric energy.

"Local certifying authority" means the local building departments or the Department of Environmental Quality. The State Board of Housing and Community Development shall promulgate regulations setting forth criteria for certifiable solar energy equipment. The Department of Environmental Quality shall promulgate regulations establishing criteria for recycling equipment, facilities, or devices.

~~C- D.~~ Any person residing in a county, city or town which has adopted an ordinance pursuant to subsection ~~A B~~ may proceed to have solar energy equipment, facilities, or devices certified as exempt, wholly or partially, from taxation by applying to the local building department. If, after examination of such equipment, facility, or device, the local building department determines that the unit primarily performs any of the functions set forth in subsection ~~B C~~ and conforms to the requirements set by regulations of the Board of Housing and Community Development, such department shall approve and certify such application. The local department shall forthwith transmit to the local assessing officer those applications properly approved and certified by the local building department as meeting all requirements qualifying such equipment, facility, or device for exemption from taxation. Any person aggrieved by a decision of the local building department may appeal such decision to the local board of building code appeals, which may affirm or reverse such decision.

~~D- E.~~ Upon receipt of the certificate from the local building department or the Department of Environmental Quality, the local assessing officer shall, if such local ordinance is in effect, proceed to determine the value of such qualifying solar energy equipment, facilities, or devices or certified recycling equipment, facilities, or devices. The exemption provided by this section shall be determined by applying the local tax rate to the value of such equipment, facilities, or devices and subtracting such amount, wholly or partially, either (i) from the total real property tax due on the real property to which such equipment, facilities, or devices are attached or (ii) if such equipment, facilities, or devices are taxable as machinery and

tools under § 58.1-3507, from the total machinery and tools tax due on such equipment, facilities, or devices, at the election of the taxpayer. This exemption shall be effective beginning in the next succeeding tax year and shall be permitted for a term of not less than five years; however, if the taxpayer installs equipment, facilities, or devices and obtains certification for such equipment, facilities, or devices within one year of installation, the locality may provide by ordinance that the exemption shall be effective as of the date of installation, and if the taxpayer has paid any taxes on such equipment, facilities, or devices, the locality shall reimburse the taxpayer for any such taxes paid. In the event the locality assesses real estate pursuant to § 58.1-3292, the exemption shall be first effective when such real estate is first assessed, but not prior to the date of such application for exemption.

~~E. F.~~ It shall be presumed for purposes of the administration of ordinances pursuant to this section, and for no other purposes, that the value of such qualifying solar energy equipment, facilities, and devices is not less than the normal cost of purchasing and installing such equipment, facilities, and devices.

2. That the provisions of this act shall become effective on January 1, 2023.

CHAPTER 497

An Act to amend and reenact § 65.2-406 of the Code of Virginia, relating to workers' compensation; limitation upon filing a claim.

[H 1042]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 65.2-406 of the Code of Virginia is amended and reenacted as follows:

§ 65.2-406. Limitation upon claim; diseases covered by limitation.

A. The right to compensation under this chapter shall be forever barred unless a claim is filed with the Commission within one of the following time periods:

1. For coal miners' pneumoconiosis, three years after a diagnosis of the disease, as category 1/0 or greater as classified under the current International Labour Office Classification of Radiographs of the Pneumoconiosis, is first communicated to the employee or the legal representative of his estate or within five years from the date of the last injurious exposure in employment, whichever first occurs;

2. For byssinosis, two years after a diagnosis of the disease is first communicated to the employee or within seven years from the date of the last injurious exposure in employment, whichever first occurs;

3. For asbestosis, two years after a diagnosis of the disease is first communicated to the employee;

4. For symptomatic or asymptomatic infection with human immunodeficiency virus including acquired immunodeficiency syndrome, two years after a positive test for infection with human immunodeficiency virus;

5. For diseases directly attributable to the rescue and relief efforts at the Pentagon following the terrorist attack of September 11, 2001, two years after a diagnosis of the disease is first communicated to the employee; ~~or~~

6. For cancers listed in subsection C of § 65.2-402, two years after a diagnosis of the disease is first communicated to the employee or within 10 years from the date of the last injurious exposure in employment, whichever first occurs; or

7. For all other occupational diseases, two years after a diagnosis of the disease is first communicated to the employee or within five years from the date of the last injurious exposure in employment, whichever first occurs.

B. If death results from an occupational disease within any of such periods, the right to compensation under this chapter shall be barred, unless a claim therefor is filed with the Commission within three years after such death. The limitations imposed by this section as amended shall be applicable to occupational diseases contracted before and after July 1, 1962, and § 65.2-601 shall not apply to pneumoconiosis. The limitation on time of filing will cover all occupational diseases except:

1. Cataract of the eyes due to exposure to the heat and glare of molten glass or to radiant rays such as infrared;

2. Epitheliomatous cancer or ulceration of the skin or of the corneal surface of the eye due to pitch, tar, soot, bitumen, anthracene, paraffin, mineral oil, or their compounds, products or residues;

3. Radium disability or disability due to exposure to radioactive substances and X-rays;

4. Ulceration due to chrome compound or to caustic chemical acids or alkalies and undulant fever caused by the industrial slaughtering and processing of livestock and handling of hides;

5. Mesothelioma due to exposure to asbestos; and

6. Angiosarcoma of the liver due to vinyl chloride exposure.

C. A claim for benefits pursuant to subdivision A 6 made as a result of the diagnosis of a disease listed in subsection C of § 65.2-402 shall be barred if the employee is 65 years of age or older, regardless of the date of diagnosis, communication, or last injurious exposure in employment.

D. When a claim is made for benefits for a change of condition in an occupational disease, such as advance from one stage or category to another, a claim for change in condition must be filed with the Commission within three years from the date for which compensation was last paid for an earlier stage of the disease, except that a claim for benefits for a change in condition in asbestosis must be filed within two years from the date when diagnosis of the advanced stage is first communicated to the employee and no claim for benefits for an advanced stage of asbestosis shall be denied on the ground

that there has been no subsequent accident. For a first or an advanced stage of asbestosis or mesothelioma, if the employee is still employed in the employment in which he was injuriously exposed, the weekly compensation rate shall be based upon the employee's weekly wage as of the date of communication of the first or advanced stage of the disease, as the case may be. If the employee is unemployed, or employed in another employment, the weekly compensation rate shall be based upon the average weekly wage of a person of the same or similar grade and character in the same class of employment in which the employee was injuriously exposed and preferably in the same locality or community on the date of communication to the employee of the advanced stage of the disease or mesothelioma. The weekly compensation rates herein provided shall be subject to the same maximums and minimums as provided in § 65.2-500.

CHAPTER 498

An Act to amend and reenact § 65.2-406 of the Code of Virginia, relating to workers' compensation; time period for filing claim; certain cancers.

[S 562]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 65.2-406 of the Code of Virginia is amended and reenacted as follows:

§ 65.2-406. Limitation upon claim; diseases covered by limitation.

A. The right to compensation under this chapter shall be forever barred unless a claim is filed with the Commission within one of the following time periods:

1. For coal miners' pneumoconiosis, three years after a diagnosis of the disease, as category 1/0 or greater as classified under the current International Labour Office Classification of Radiographs of the Pneumoconiosis, is first communicated to the employee or the legal representative of his estate or within five years from the date of the last injurious exposure in employment, whichever first occurs;

2. For byssinosis, two years after a diagnosis of the disease is first communicated to the employee or within seven years from the date of the last injurious exposure in employment, whichever first occurs;

3. For asbestosis, two years after a diagnosis of the disease is first communicated to the employee;

4. For symptomatic or asymptomatic infection with human immunodeficiency virus including acquired immunodeficiency syndrome, two years after a positive test for infection with human immunodeficiency virus;

5. For diseases directly attributable to the rescue and relief efforts at the Pentagon following the terrorist attack of September 11, 2001, two years after a diagnosis of the disease is first communicated to the employee; ~~or~~

6. *For cancers listed in subsection C of § 65.2-402, two years after a diagnosis of the disease is first communicated to the employee or within 10 years from the date of the last injurious exposure in employment, whichever first occurs; or*

7. For all other occupational diseases, two years after a diagnosis of the disease is first communicated to the employee or within five years from the date of the last injurious exposure in employment, whichever first occurs.

B. If death results from an occupational disease within any of such periods, the right to compensation under this chapter shall be barred, unless a claim therefor is filed with the Commission within three years after such death. The limitations imposed by this section as amended shall be applicable to occupational diseases contracted before and after July 1, 1962, and § 65.2-601 shall not apply to pneumoconiosis. The limitation on time of filing will cover all occupational diseases except:

1. Cataract of the eyes due to exposure to the heat and glare of molten glass or to radiant rays such as infrared;

2. Epitheliomatous cancer or ulceration of the skin or of the corneal surface of the eye due to pitch, tar, soot, bitumen, anthracene, paraffin, mineral oil, or their compounds, products or residues;

3. Radium disability or disability due to exposure to radioactive substances and X-rays;

4. Ulceration due to chrome compound or to caustic chemical acids or alkalies and undulant fever caused by the industrial slaughtering and processing of livestock and handling of hides;

5. Mesothelioma due to exposure to asbestos; and

6. Angiosarcoma of the liver due to vinyl chloride exposure.

C. *A claim for benefits pursuant to subdivision A 6 made as a result of the diagnosis of a disease listed in subsection C of § 65.2-402 shall be barred if the employee is 65 years of age or older, regardless of the date of diagnosis, communication, or last injurious exposure in employment.*

D. When a claim is made for benefits for a change of condition in an occupational disease, such as advance from one stage or category to another, a claim for change in condition must be filed with the Commission within three years from the date for which compensation was last paid for an earlier stage of the disease, except that a claim for benefits for a change in condition in asbestosis must be filed within two years from the date when diagnosis of the advanced stage is first communicated to the employee and no claim for benefits for an advanced stage of asbestosis shall be denied on the ground that there has been no subsequent accident. For a first or an advanced stage of asbestosis or mesothelioma, if the employee is still employed in the employment in which he was injuriously exposed, the weekly compensation rate shall be based upon the employee's weekly wage as of the date of communication of the first or advanced stage of the disease, as the case may be. If the employee is unemployed, or employed in another employment, the weekly compensation rate shall be based upon

the average weekly wage of a person of the same or similar grade and character in the same class of employment in which the employee was injuriously exposed and preferably in the same locality or community on the date of communication to the employee of the advanced stage of the disease or mesothelioma. The weekly compensation rates herein provided shall be subject to the same maximums and minimums as provided in § 65.2-500.

CHAPTER 499

An Act to amend the Code of Virginia by adding in Title 23.1 a chapter numbered 12.2, consisting of a section numbered 23.1-1244, relating to Advanced Manufacturing Talent Investment Fund.

[H 565]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 23.1 a chapter numbered 12.2, consisting of a section numbered 23.1-1244, as follows:

CHAPTER 12.2.

ADVANCED MANUFACTURING TALENT INVESTMENT FUND.

§ 23.1-1244. *Advanced Manufacturing Talent Investment Fund.*

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Advanced Manufacturing Talent Investment Fund. The Fund shall be established on the books of the Comptroller. All funds appropriated for the Fund shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely as set forth in subsection B. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller.

B. The General Assembly establishes a long-term goal of supporting the efforts to increase the number of new eligible credentials. Moneys in the Fund shall be used to support this effort and to improve the readiness of graduates to be employed in advanced manufacturing fields and fields that align with advanced manufacturing growth opportunities identified by the Virginia Economic Development Partnership. Funds from the Fund may be used as directed by the appropriation act.

CHAPTER 500

An Act to amend the Code of Virginia by adding in Title 23.1 a chapter numbered 12.2, consisting of a section numbered 23.1-1244, relating to Advanced Manufacturing Talent Investment Fund.

[S 685]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 23.1 a chapter numbered 12.2, consisting of a section numbered 23.1-1244, as follows:

CHAPTER 12.2.

ADVANCED MANUFACTURING TALENT INVESTMENT FUND.

§ 23.1-1244. *Advanced Manufacturing Talent Investment Fund.*

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Advanced Manufacturing Talent Investment Fund. The Fund shall be established on the books of the Comptroller. All funds appropriated for the Fund shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely as set forth in subsection B. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller.

B. The General Assembly establishes a long-term goal of supporting the efforts to increase the number of new eligible credentials. Moneys in the Fund shall be used to support this effort and to improve the readiness of graduates to be employed in advanced manufacturing fields and fields that align with advanced manufacturing growth opportunities identified by the Virginia Economic Development Partnership. Funds from the Fund may be used as directed by the appropriation act.

CHAPTER 501

An Act to amend and reenact §§ 58.1-609.3 and 58.1-3660 of the Code of Virginia, relating to certified pollution control equipment; certification by subdivisions.

[S 684]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:**1. That §§ 58.1-609.3 and 58.1-3660 of the Code of Virginia are amended and reenacted as follows:****§ 58.1-609.3. Commercial and industrial exemptions.**

The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606 shall not apply to the following:

1. Personal property purchased by a contractor which is used solely in another state or in a foreign country, which could be purchased by such contractor for such use free from sales tax in such other state or foreign country, and which is stored temporarily in Virginia pending shipment to such state or country.

2. (i) Industrial materials for future processing, manufacturing, refining, or conversion into articles of tangible personal property for resale where such industrial materials either enter into the production of or become a component part of the finished product; (ii) industrial materials that are coated upon or impregnated into the product at any stage of its being processed, manufactured, refined, or converted for resale; (iii) machinery or tools or repair parts therefor or replacements thereof, fuel, power, energy, or supplies, used directly in processing, manufacturing, refining, mining or converting products for sale or resale; (iv) materials, containers, labels, sacks, cans, boxes, drums or bags for future use for packaging tangible personal property for shipment or sale; or (v) equipment, printing or supplies used directly to produce a publication described in subdivision 3 of § 58.1-609.6 whether it is ultimately sold at retail or for resale or distribution at no cost. Machinery, tools and equipment, or repair parts therefor or replacements thereof, shall be exempt if the preponderance of their use is directly in processing, manufacturing, refining, mining or converting products for sale or resale. The provisions of this subsection do not apply to the drilling or extraction of oil, gas, natural gas and coalbed methane gas. In addition, the exemption provided herein shall not be applicable to any machinery, tools, and equipment, or any other tangible personal property used by a public service corporation in the generation of electric power, except for raw materials that are inputs to production of electricity, including fuel, or for machinery, tools, and equipment used to generate energy derived from sunlight or wind. The exemption for machinery, tools, and equipment used to generate energy derived from sunlight or wind shall expire June 30, 2027.

3. Tangible personal property sold or leased to a public service corporation engaged in business as a common carrier of property or passengers by railway, for use or consumption by such common carrier directly in the rendition of its public service.

4. Ships or vessels, or repairs and alterations thereof, used or to be used exclusively or principally in interstate or foreign commerce; fuel and supplies for use or consumption aboard ships or vessels plying the high seas, either in intercoastal trade between ports in the Commonwealth and ports in other states of the United States or its territories or possessions, or in foreign commerce between ports in the Commonwealth and ports in foreign countries, when delivered directly to such ships or vessels; or tangible personal property used directly in the building, conversion or repair of the ships or vessels covered by this subdivision. This exemption shall include dredges, their supporting equipment, attendant vessels, and fuel and supplies for use or consumption aboard such vessels, provided the dredges are used exclusively or principally in interstate or foreign commerce.

5. Tangible personal property purchased for use or consumption directly and exclusively in basic research or research and development in the experimental or laboratory sense.

6. Notwithstanding the provisions of subdivision 20 of § 58.1-609.10, all tangible personal property sold or leased to an airline operating in intrastate, interstate or foreign commerce as a common carrier providing scheduled air service on a continuing basis to one or more Virginia airports at least one day per week, for use or consumption by such airline directly in the rendition of its common carrier service.

7. Meals furnished by restaurants or food service operators to employees as a part of wages.

8. Tangible personal property including machinery and tools, repair parts or replacements thereof, and supplies and materials used directly in maintaining and preparing textile products for rental or leasing by an industrial processor engaged in the commercial leasing or renting of laundered textile products.

9. Certified pollution control equipment and facilities as defined in § 58.1-3660, except for any equipment that has not been certified to the Department of Taxation by a state certifying authority *or subdivision certifying authority* pursuant to such section.

10. Parts, tires, meters and dispatch radios sold or leased to taxicab operators for use or consumption directly in the rendition of their services.

11. High speed electrostatic duplicators or any other duplicators which have a printing capacity of 4,000 impressions or more per hour purchased or leased by persons engaged primarily in the printing or photocopying of products for sale or resale.

12. From July 1, 1994, and ending July 1, 2022, raw materials, fuel, power, energy, supplies, machinery or tools or repair parts therefor or replacements thereof, used directly in the drilling, extraction, or processing of natural gas or oil and

the reclamation of the well area. For the purposes of this section, the term "natural gas" shall mean "gas," "natural gas," and "coalbed methane gas" as defined in § 45.2-1600. For the purposes of this section, "drilling," "extraction," and "processing" shall include production, inspection, testing, dewatering, dehydration, or distillation of raw natural gas into a usable condition consistent with commercial practices, and the gathering and transportation of raw natural gas to a facility wherein the gas is converted into such a usable condition. Machinery, tools and equipment, or repair parts therefor or replacements thereof, shall be exempt if the preponderance of their use is directly in the drilling, extraction, refining, or processing of natural gas or oil for sale or resale, or in well area reclamation activities required by state or federal law.

13. Beginning July 1, 1997, (i) the sale, lease, use, storage, consumption, or distribution of an orbital or suborbital space facility, space propulsion system, space vehicle, satellite, or space station of any kind possessing space flight capability, including the components thereof, irrespective of whether such facility, system, vehicle, satellite, or station is returned to this Commonwealth for subsequent use, storage or consumption in any manner when used to conduct spaceport activities; (ii) the sale, lease, use, storage, consumption or distribution of tangible personal property placed on or used aboard any orbital or suborbital space facility, space propulsion system, space vehicle, satellite or space station of any kind, irrespective of whether such tangible personal property is returned to this Commonwealth for subsequent use, storage or consumption in any manner when used to conduct spaceport activities; (iii) fuels of such quality not adapted for use in ordinary vehicles, being produced for, sold and exclusively used for space flight when used to conduct spaceport activities; (iv) the sale, lease, use, storage, consumption or distribution of machinery and equipment purchased, sold, leased, rented or used exclusively for spaceport activities and the sale of goods and services provided to operate and maintain launch facilities, launch equipment, payload processing facilities and payload processing equipment used to conduct spaceport activities.

For purposes of this subdivision, "spaceport activities" means activities directed or sponsored at a facility owned, leased, or operated by or on behalf of the Virginia Commercial Space Flight Authority.

The exemptions provided by this subdivision shall not be denied by reason of a failure, postponement or cancellation of a launch of any orbital or suborbital space facility, space propulsion system, space vehicle, satellite or space station of any kind or the destruction of any launch vehicle or any components thereof.

14. Semiconductor cleanrooms or equipment, fuel, power, energy, supplies, or other tangible personal property used primarily in the integrated process of designing, developing, manufacturing, or testing a semiconductor product, a semiconductor manufacturing process or subprocess, or semiconductor equipment without regard to whether the property is actually contained in or used in a cleanroom environment, touches the product, is used before or after production, or is affixed to or incorporated into real estate.

15. Semiconductor wafers for use or consumption by a semiconductor manufacturer.

16. Railroad rolling stock when sold or leased by the manufacturer thereof.

17. Computer equipment purchased or leased on or before June 30, 2011, used in data centers located in a Virginia locality having an unemployment rate above 4.9 percent for the calendar quarter ending November 2007, for the processing, storage, retrieval, or communication of data, including but not limited to servers, routers, connections, and other enabling hardware when part of a new investment of at least \$75 million in such exempt property, when such investment results in the creation of at least 100 new jobs paying at least twice the prevailing average wage in that locality, so long as such investment was made in accordance with a memorandum of understanding with the Virginia Economic Development Partnership Authority entered into or amended between January 1, 2008, and December 31, 2008. The exemption shall also apply to any such computer equipment purchased or leased to upgrade, add to, or replace computer equipment purchased or leased in the initial investment. The exemption shall not apply to any computer software sold separately from the computer equipment, nor shall it apply to general building improvements or fixtures.

18. a. Beginning July 1, 2010, and ending June 30, 2035, computer equipment or enabling software purchased or leased for the processing, storage, retrieval, or communication of data, including but not limited to servers, routers, connections, and other enabling hardware, including chillers and backup generators used or to be used in the operation of the equipment exempted in this paragraph, provided that such computer equipment or enabling software is purchased or leased for use in a data center, which includes any data center facilities located in the same locality as the data center that are under common ownership or affiliation of the data center operator, that (i) is located in a Virginia locality; (ii) results in a new capital investment on or after January 1, 2009, of at least \$150 million; and (iii) results in the creation on or after July 1, 2009, of at least 50 new jobs by the data center operator and the tenants of the data center, collectively, associated with the operation or maintenance of the data center provided that such jobs pay at least one and one-half times the prevailing average wage in that locality. The requirement of at least 50 new jobs is reduced to 10 new jobs if the data center is located in a distressed locality at the time of the execution of a memorandum of understanding with the Virginia Economic Development Partnership Authority. Additionally, the requirement of a \$150 million capital investment shall be reduced to \$70 million for data centers that qualify for the reduced jobs requirement.

This exemption applies to the data center operator and the tenants of the data center if they collectively meet the requirements listed in this section. Prior to claiming such exemption, any qualifying person claiming the exemption, including a data center operator on behalf of itself and its tenants, must enter into a memorandum of understanding with the Virginia Economic Development Partnership Authority that at a minimum provides the details for determining the amount of capital investment made and the number of new jobs created, the timeline for achieving the capital investment and new job goals, the repayment obligations should those goals not be achieved, and any conditions under which repayment by the

qualifying data center or data center tenant claiming the exemption may be required. In addition, the exemption shall apply to any such computer equipment or enabling software purchased or leased to upgrade, supplement, or replace computer equipment or enabling software purchased or leased in the initial investment. The exemption shall not apply to any other computer software otherwise taxable under Chapter 6 of Title 58.1 that is sold or leased separately from the computer equipment, nor shall it apply to general building improvements or other fixtures.

b. For purposes of this subdivision 18, "distressed locality" means:

1. From July 1, 2021, until July 1, 2023, any locality that had (i) an annual unemployment rate for calendar year 2019 that was greater than the final statewide average unemployment rate for that calendar year and (ii) a poverty rate for calendar year 2019 that exceeded the statewide average poverty rate for that year; and

2. From and after July 1, 2023, any locality that has (i) an annual unemployment rate for the most recent calendar year for which such data is available that is greater than the final statewide average unemployment rate for that calendar year and (ii) a poverty rate for the most recent calendar year for which such data is available that exceeds the statewide average poverty rate for that year.

c. For so long as a data center operator is claiming an exemption pursuant to this subdivision 18, such operator shall be required to submit an annual report to the Virginia Economic Development Partnership Authority on behalf of itself and, if applicable, its participating tenants that includes their employment levels, capital investments, average annual wages, qualifying expenses, and tax benefit, and such other information as the Virginia Economic Development Partnership Authority determines is relevant, pursuant to procedures developed by the Virginia Economic Development Partnership Authority. The annual report shall be submitted by the data center operator in a format prescribed by the Virginia Economic Development Partnership Authority. The Virginia Economic Development Partnership Authority shall share all information collected with the Department.

The Department, in collaboration with the Virginia Economic Development Partnership Authority, shall publish a biennial report on the exemption that shall include aggregate information on qualifying expenses claimed under this exemption, the total value of the tax benefit, a return on investment analysis that includes direct and indirect jobs created by data center investment, state and local tax revenues generated, and any other information the Department and the Virginia Economic Development Partnership Authority deem appropriate to demonstrate the costs and benefits of the exemption. The report shall not include, and the Department and the Virginia Economic Development Partnership Authority shall not publish or disclose, any such information if it is unaggregated or if such report or publication could be used to identify a business or individual. The Department shall submit the report to the Chairmen of the Senate Committee on Finance and Appropriations and the House Committees on Appropriations and Finance. The Virginia Economic Development Partnership Authority may publish on its website and distribute annual information indicating the job creation and ranges of capital investments made by a data center operator and, if applicable, its participating tenants, in a format to be developed in consultation with data center operators.

19. (Effective until January 1, 2022) If the preponderance of their use is in the manufacture of beer by a brewer licensed pursuant to subdivision 1 or 2 of § 4.1-208, (i) machinery, tools, and equipment, or repair parts therefor or replacements thereof, fuel, power, energy, or supplies; (ii) materials for future processing, manufacturing, or conversion into beer where such materials either enter into the production of or become a component part of the beer; and (iii) materials, including containers, labels, sacks, cans, bottles, kegs, boxes, drums, or bags for future use, for packaging the beer for shipment or sale.

19. (Effective January 1, 2022) If the preponderance of their use is in the manufacture of beer by a brewer licensed pursuant to subdivision 3 or 4 of § 4.1-206.1, (i) machinery, tools, and equipment, or repair parts therefor or replacements thereof, fuel, power, energy, or supplies; (ii) materials for future processing, manufacturing, or conversion into beer where such materials either enter into the production of or become a component part of the beer; and (iii) materials, including containers, labels, sacks, cans, bottles, kegs, boxes, drums, or bags for future use, for packaging the beer for shipment or sale.

20. If the preponderance of their use is in advanced recycling, as defined in § 58.1-439.7, (i) machinery, tools, and equipment, or repair parts therefor or replacements thereof, fuel, power, energy, or supplies; (ii) materials for processing, manufacturing, or conversion for resale where such materials either are recycled or recovered; and (iii) materials, including containers, labels, sacks, cans, boxes, drums, or bags used for packaging recycled or recovered material for shipment or resale.

§ 58.1-3660. Certified pollution control equipment and facilities.

A. Certified pollution control equipment and facilities, as defined herein, are hereby declared to be a separate class of property and shall constitute a classification for local taxation separate from other such classification of real or personal property and such property. Certified pollution control equipment and facilities shall be exempt from state and local taxation pursuant to Article X, Section 6 (d) of the Constitution of Virginia.

B. As used in this section:

"Certified pollution control equipment and facilities" means any property, including real or personal property, equipment, facilities, or devices, used primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the Commonwealth and which the state certifying authority *or subdivision certifying authority* having jurisdiction with respect to such property has certified to the Department of Taxation as having been constructed, reconstructed, erected, or acquired in conformity with the state program or requirements for abatement or control of water or atmospheric pollution

or contamination, except that in the case of equipment, facilities, devices, or other property intended for use by any political subdivision in conjunction with the operation of its water, wastewater, stormwater, or solid waste management facilities or systems, including property that may be financed pursuant to Chapter 22 (§ 62.1-224 et seq.) of Title 62.1, the state certifying authority *or subdivision certifying authority* having jurisdiction with respect to such property shall, upon the request of the political subdivision, make such certification prospectively for property to be constructed, reconstructed, erected, or acquired for such purposes. Such property shall include, but is not limited to, any equipment used to grind, chip, or mulch trees, tree stumps, underbrush, and other vegetative cover for reuse as mulch, compost, landfill gas, synthetic or natural gas recovered from waste or other fuel, and equipment used in collecting, processing, and distributing, or generating electricity from, landfill gas or synthetic or natural gas recovered from waste, whether or not such property has been certified to the Department of Taxation by a state certifying authority *or subdivision certifying authority*. Such property shall include solar energy equipment, facilities, or devices owned or operated by a business that collect, generate, transfer, or store thermal or electric energy whether or not such property has been certified to the Department of Taxation by a state certifying authority *or subdivision certifying authority*. Such property shall also include energy storage systems, whether or not such property has been certified to the Department of Taxation by a state certifying authority *or subdivision certifying authority*. All such property as described in this definition shall not include the land on which such equipment or facilities are located.

"Energy storage system" means equipment, facilities, or devices that are capable of absorbing energy, storing it for a period of time, and redelivering that energy after it has been stored.

"State certifying authority" means the State Water Control Board or the Virginia Department of Health, for water pollution; the State Air Pollution Control Board, for air pollution; the Department of Energy, for solar energy projects, energy storage systems, and for coal, oil, and gas production, including gas, natural gas, and coalbed methane gas; and the Virginia Waste Management Board, for waste disposal facilities, natural gas recovered from waste facilities, and landfill gas production facilities, and shall include any interstate agency authorized to act in place of a certifying authority of the Commonwealth.

"Subdivision certifying authority" means the body of a political subdivision responsible for administering the political subdivision's water, wastewater, stormwater, or solid waste management facilities or systems. A subdivision certifying authority may only certify property pursuant to this section if the property being certified is equipment, facilities, devices, or other property intended for use by the political subdivision in conjunction with the operation of its water, wastewater, stormwater, or solid waste management facilities or systems. If property is certified by a subdivision certifying authority, it shall not be required to be certified by a state certifying authority.

C. For solar photovoltaic (electric energy) systems, this exemption applies only to (i) projects equaling 20 megawatts or less, as measured in alternating current (AC) generation capacity, for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or before December 31, 2018; (ii) projects equaling 20 megawatts or less, as measured in alternating current (AC) generation capacity, that serve any of the public institutions of higher education listed in § 23.1-100 or any private college as defined in § 23.1-105; (iii) 80 percent of the assessed value of projects for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization (a) between January 1, 2015, and June 30, 2018, for projects greater than 20 megawatts or (b) on or after July 1, 2018, for projects greater than 20 megawatts and less than 150 megawatts, as measured in alternating current (AC) generation capacity, and that are first in service on or after January 1, 2017; (iv) projects equaling five megawatts or less, as measured in alternating current (AC) generation capacity, for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or after January 1, 2019; and (v) 80 percent of the assessed value of all other projects equaling more than five megawatts and less than 150 megawatts, as measured in alternating current (AC) generation capacity for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or after January 1, 2019.

D. The exemption for solar photovoltaic (electric energy) projects greater than five megawatts, as measured in alternating current (AC) generation capacity, shall not apply to any such project unless an application has been filed with the locality for the project before July 1, 2030, regardless of whether a locality assesses a revenue share on such project pursuant to the provisions of § 58.1-2636. If a locality adopts an energy revenue share ordinance under § 58.1-2636, the exemption for solar photovoltaic (electric energy) projects greater than five megawatts, as measured in alternating current (AC) generation capacity, shall be 100 percent of the assessed value. If a locality does not adopt an energy revenue share ordinance under § 58.1-2636, the exemption for solar photovoltaic (electric energy) projects greater than five megawatts, as measured in alternating current (AC) generation capacity, for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization, shall be 80 percent of the assessed value when an application has been filed with the locality prior to July 1, 2030. For purposes of this subsection, "application has been filed with the locality" means an applicant has filed an application for a zoning confirmation from the locality for a by-right use or an application for land use approval under the locality's zoning ordinance to include an application for a conditional use permit, special use permit, special exception, or other application as set out in the locality's zoning ordinance.

E. For pollution control equipment and facilities certified by the Virginia Department of Health, this exemption applies only to onsite sewage systems that serve 10 or more households, use nitrogen-reducing processes and technology, and are constructed, wholly or partially, with public funds.

F. Notwithstanding any provision to the contrary, for any solar photovoltaic project described in clauses (iii) and (v) of subsection C for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or after January 1, 2019, the amount of the exemption shall be as follows: 80 percent of the assessed value in the first five years in service after commencement of commercial operation, 70 percent of the assessed value in the second five years in service, and 60 percent of the assessed value for all remaining years in service.

G. Notwithstanding any provision to the contrary, the exemption for energy storage systems provided under this section (i) shall apply only to projects greater than five megawatts and less than 150 megawatts, as measured in alternating current (AC) storage capacity, and (ii) shall be in the following amounts: 80 percent of the assessed value in the first five years of service after commencement of commercial operation, 70 percent of the assessed value in the second five years in service, and 60 percent of the assessed value for all remaining years in service.

H. The exemption for energy storage systems greater than five megawatts, as measured in alternating current (AC) storage capacity, shall not apply to any such project unless an application has been filed with the locality for the project before July 1, 2030, regardless of whether a locality assesses a revenue share on such project pursuant to the provisions of § 58.1-2636. If a locality adopts an energy revenue share ordinance under § 58.1-2636, the exemption for energy storage systems greater than five megawatts, as measured in alternating current (AC) storage capacity, shall be 100 percent of the assessed value. If a locality does not adopt an energy revenue share ordinance under § 58.1-2636, the exemption for energy storage systems greater than five megawatts, as measured in alternating current (AC) storage capacity, shall be as set out in subsection G when an application has been filed with the locality prior to July 1, 2030. For the purposes of this subsection, "application has been filed with the locality" means an applicant has filed an application for a zoning confirmation from the locality for a by-right use or an application for land use approval under the locality's zoning ordinance to include an application for a conditional use permit, special use permit, special exception, or other application as set out in the locality's zoning ordinance.

CHAPTER 502

An Act to amend and reenact § 59.1-403 of the Code of Virginia, relating to historical horse racing; electronic gaming terminals; age requirement; penalty.

[H 571]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-403 of the Code of Virginia is amended and reenacted as follows:

§ 59.1-403. Prohibition on persons under 21 years of age; penalty.

No person shall wager on or conduct any wagering on the outcome of a horse race pursuant to the provisions of this chapter unless such person is ~~eighteen~~ 18 years of age or older. No person shall accept any wager from a minor. No person shall be admitted into a satellite facility if such person is under ~~eighteen~~ 18 years of age unless accompanied by one of his parents or his legal guardian. *No person under 21 years of age shall use any electronic gaming terminal or other electronic device in a satellite facility to wager on or conduct any wagering on historical horse racing.* Violation of this section shall be a Class 1 misdemeanor.

CHAPTER 503

An Act to amend and reenact § 59.1-403 of the Code of Virginia, relating to historical horse racing; electronic gaming terminals; age requirement; penalty.

[S 366]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-403 of the Code of Virginia is amended and reenacted as follows:

§ 59.1-403. Prohibition on persons under 21 years of age; penalty.

No person shall wager on or conduct any wagering on the outcome of a horse race pursuant to the provisions of this chapter unless such person is ~~eighteen~~ 18 years of age or older. No person shall accept any wager from a minor. No person shall be admitted into a satellite facility if such person is under ~~eighteen~~ 18 years of age unless accompanied by one of his parents or his legal guardian. *No person under 21 years of age shall use any electronic gaming terminal or other electronic device in a satellite facility to wager on or conduct any wagering on historical horse racing.* Violation of this section shall be a Class 1 misdemeanor.

CHAPTER 504

An Act to amend and reenact § 2.2-4303.1 of the Code of Virginia, relating to the Virginia Public Procurement Act; architectural and professional engineering term contracting; limitations.

[H 429]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 2.2-4303.1 of the Code of Virginia is amended and reenacted as follows:****§ 2.2-4303.1. Architectural and professional engineering term contracting; limitations.**

A. A contract for architectural or professional engineering services relating to multiple ~~construction~~ projects may be awarded by a public body, provided (i) the projects require similar experience and expertise, (ii) the nature of the projects is clearly identified in the Request for Proposal, and (iii) the contract is limited to a term of one year or when the cumulative total project fees reach the maximum authorized in this section, whichever occurs first.

Such contracts may be renewable for ~~four~~ *three* additional ~~one-year~~ terms at the option of the public body. *Any unused amounts from one contract term shall not be carried forward to any additional term, except as otherwise provided by the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.).* The fair and reasonable prices as negotiated shall be used in determining the cost of each project performed.

~~B. The sum of all projects performed in a one-year contract term shall not exceed \$750,000; except that for \$10 million, and the fee for any single project shall not exceed \$2.5 million.~~

~~1. A state agency, as defined in § 2.2-4347, the sum of all projects performed in a one-year contract term shall not exceed \$1 million;~~

~~2. Any locality with a population in excess of 50,000 or school division within such locality, or any authority, sanitation district, metropolitan planning organization, transportation district commission, or planning district commission, or any city within Planning District 8; the sum of all projects performed in a one-year contract term shall not exceed \$8 million and those awarded for any airport as defined in § 5.1-1 and aviation transportation projects, the sum of all such projects shall not exceed \$1.5 million;~~

~~3. Architectural and engineering services for rail and public transportation projects by the Director of the Department of Rail and Public Transportation; the sum of all projects in a one-year contract term shall not exceed \$5 million. Such contract may be renewable for two additional one-year terms at the option of the Director; and~~

~~4. Environmental location, design, and inspection work regarding highways and bridges by the Commissioner of Highways; the initial contract term shall be limited to two years or when the cumulative total project fees reach \$8 million, whichever occurs first. Such contract may be renewable for two additional one-year terms at the option of the Commissioner, and the sum of all projects in each one-year contract term shall not exceed \$5 million.~~

~~C. B. Competitive negotiations for such architectural or professional engineering services contracts may result in awards to more than one offeror, provided (i) the Request for Proposal so states and (ii) the public body has established procedures for distributing multiple projects among the selected contractors during the contract term. Such procedures shall prohibit requiring the selected contractors to compete for individual projects based on price.~~

~~D. The fee for any single project shall not exceed \$150,000; however, for architectural or engineering services for airports as defined in § 5.1-1 and aviation transportation projects, the project fee of any single project shall not exceed \$500,000; except that for:~~

~~1. A state agency as defined in § 2.2-4347, the project fee shall not exceed \$200,000, as may be determined by the Director of the Department of General Services or as otherwise provided by the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.); and~~

~~2. Any locality with a population in excess of 50,000 or school division within such locality, or any authority, transportation district commission, or sanitation district, or any city within Planning District 8; the project fee shall not exceed \$2.5 million.~~

~~The limitations imposed upon single-project fees pursuant to this subsection shall not apply to environmental, location, design, and inspection work regarding highways and bridges by the Commissioner of Highways or architectural and engineering services for rail and public transportation projects by the Director of the Department of Rail and Public Transportation.~~

~~E. For the purposes of subsection B, any unused amounts from one contract term shall not be carried forward to any additional term, except as otherwise provided by the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.).~~

2. That the provisions of this act shall apply to any contract for which the solicitation was issued on and after July 1, 2022.

CHAPTER 505

An Act to amend and reenact § 2.2-4303.1 of the Code of Virginia, relating to the Virginia Public Procurement Act; architectural and professional engineering term contracting; limitations.

[S 225]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4303.1 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4303.1. Architectural and professional engineering term contracting; limitations.

A. A contract for architectural or professional engineering services relating to multiple ~~construction~~ projects may be awarded by a public body, provided (i) the projects require similar experience and expertise, (ii) the nature of the projects is clearly identified in the Request for Proposal, and (iii) the contract is limited to a term of one year or when the cumulative total project fees reach the maximum authorized in this section, whichever occurs first.

Such contracts may be renewable for ~~four~~ *three* additional ~~one-year~~ terms at the option of the public body. *Any unused amounts from one contract term shall not be carried forward to any additional term, except as otherwise provided by the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.).* The fair and reasonable prices as negotiated shall be used in determining the cost of each project performed.

~~B. The sum of all projects performed in a one-year contract term shall not exceed \$750,000, except that for \$10 million, and the fee for any single project shall not exceed \$2.5 million.~~

~~1. A state agency, as defined in § 2.2-4347, the sum of all projects performed in a one-year contract term shall not exceed \$1 million;~~

~~2. Any locality with a population in excess of 50,000 or school division within such locality, or any authority, sanitation district, metropolitan planning organization, transportation district commission, or planning district commission, or any city within Planning District 8; the sum of all projects performed in a one-year contract term shall not exceed \$8 million and those awarded for any airport as defined in § 5.1-1 and aviation transportation projects, the sum of all such projects shall not exceed \$1.5 million;~~

~~3. Architectural and engineering services for rail and public transportation projects by the Director of the Department of Rail and Public Transportation; the sum of all projects in a one-year contract term shall not exceed \$5 million. Such contract may be renewable for two additional one-year terms at the option of the Director; and~~

~~4. Environmental location, design, and inspection work regarding highways and bridges by the Commissioner of Highways; the initial contract term shall be limited to two years or when the cumulative total project fees reach \$8 million, whichever occurs first. Such contract may be renewable for two additional one-year terms at the option of the Commissioner, and the sum of all projects in each one-year contract term shall not exceed \$5 million.~~

~~C. B. Competitive negotiations for such architectural or professional engineering services contracts may result in awards to more than one offeror, provided (i) the Request for Proposal so states and (ii) the public body has established procedures for distributing multiple projects among the selected contractors during the contract term. Such procedures shall prohibit requiring the selected contractors to compete for individual projects based on price.~~

~~D. The fee for any single project shall not exceed \$150,000; however, for architectural or engineering services for airports as defined in § 5.1-1 and aviation transportation projects, the project fee of any single project shall not exceed \$500,000, except that for:~~

~~1. A state agency as defined in § 2.2-4347, the project fee shall not exceed \$200,000, as may be determined by the Director of the Department of General Services or as otherwise provided by the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.); and~~

~~2. Any locality with a population in excess of 50,000 or school division within such locality, or any authority, transportation district commission, or sanitation district, or any city within Planning District 8; the project fee shall not exceed \$2.5 million.~~

~~The limitations imposed upon single project fees pursuant to this subsection shall not apply to environmental, location, design, and inspection work regarding highways and bridges by the Commissioner of Highways or architectural and engineering services for rail and public transportation projects by the Director of the Department of Rail and Public Transportation.~~

~~E. For the purposes of subsection B, any unused amounts from one contract term shall not be carried forward to any additional term, except as otherwise provided by the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.).~~

2. That the provisions of this act shall apply to any contract for which the solicitation was issued on and after July 1, 2022.

CHAPTER 506

An Act to amend and reenact §§ 46.2-392 and 46.2-816.1 of the Code of Virginia, relating to careless driving; vulnerable road users.

[H 920]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-392 and 46.2-816.1 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-392. Suspension of license or issuance of a restricted license on conviction of certain offenses; probationary conditions required; generally.

In addition to the penalties for *careless driving and infliction of injury or death on vulnerable road users* prescribed in § 46.2-816.1, the penalties for reckless driving prescribed in § 46.2-868, and the penalties for aggressive driving prescribed in § 46.2-868.1, the court may suspend the driver's license issued to a person convicted of *careless driving and infliction of injury or death on vulnerable road users*, reckless driving, or aggressive driving for a period of not less than 10 days nor more than six months and the court shall require the convicted person to surrender his license so suspended to the court where it will be disposed of in accordance with § 46.2-398.

Additionally, any person convicted of a reckless driving offense which the court has reason to believe is alcohol-related or drug-related may be required as a condition of probation or otherwise to enter into and successfully complete an alcohol safety action program. If the court suspends a person's driver's license for reckless driving and requires the person to enter into and successfully complete an alcohol safety action program, the Commissioner shall not reinstate the driver's license of the person until receipt of certification that the person has enrolled in an alcohol safety action program.

If a person so convicted has not obtained the license required by this chapter, or is a nonresident, the court may direct in the judgment of conviction that he shall not, for a period of not less than 10 days or more than six months as may be prescribed in the judgment, drive any motor vehicle in the Commonwealth. The court or the clerk of court shall transmit the license to the Commissioner along with the report of the conviction required to be sent to the Department.

The court may, in its discretion and for good cause shown, provide that such person be issued a restricted permit to operate a motor vehicle during the period of suspension for any of the purposes set forth in subsection E of § 18.2-271.1. The court shall order the surrender of such person's license to operate a motor vehicle to be disposed of in accordance with the provisions of § 46.2-398 and shall forward to the Commissioner a copy of its order entered pursuant to this subsection, which shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a permit is issued as is reasonably necessary to identify such person. The court shall also provide a copy of its order to the person who may operate a motor vehicle on the order until receipt from the Commissioner of a restricted license. A copy of such order and, after receipt thereof, the restricted license shall be carried at all times while operating a motor vehicle. Any person who operates a motor vehicle in violation of any restrictions imposed pursuant to this section shall be punished as provided in subsection C of § 46.2-301. No restricted license issued pursuant to this section shall permit any person to operate a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

§ 46.2-816.1. Careless driving and infliction of injury or death on vulnerable road users; penalty.

A. As used in this section, "vulnerable road user" means a pedestrian; the operator of or passenger on a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, wheel chair or wheel chair conveyance, skateboard, roller skates, motorized skateboard or scooter, or animal-drawn vehicle or any attached device; or any person riding an animal.

B. It is a Class 1 misdemeanor to operate a motor vehicle in a careless or distracted manner such that the careless or distracted operation is the proximate cause of serious bodily injury as defined in § 18.2-51.4 to *or the death of* a vulnerable road user who is lawfully present on the highway at the time of injury *or death*.

C. A prosecution or proceeding under § 46.2-852 is a bar to a prosecution or proceeding under this section for the same act, and a prosecution or proceeding under this section is a bar to a prosecution or proceeding under § 46.2-852 for the same act.

CHAPTER 507

An Act to amend and reenact §§ 46.2-392 and 46.2-816.1 of the Code of Virginia, relating to careless driving; vulnerable road users.

[S 247]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-392 and 46.2-816.1 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-392. Suspension of license or issuance of a restricted license on conviction of certain offenses; probationary conditions required; generally.

In addition to the penalties for *careless driving and infliction of injury or death on vulnerable road users* prescribed in § 46.2-816.1, the penalties for reckless driving prescribed in § 46.2-868, and the penalties for aggressive driving prescribed in § 46.2-868.1, the court may suspend the driver's license issued to a person convicted of *careless driving and infliction of injury or death on vulnerable road users*, reckless driving, or aggressive driving for a period of not less than 10 days nor more than six months and the court shall require the convicted person to surrender his license so suspended to the court where it will be disposed of in accordance with § 46.2-398.

Additionally, any person convicted of a reckless driving offense which the court has reason to believe is alcohol-related or drug-related may be required as a condition of probation or otherwise to enter into and successfully complete an alcohol safety action program. If the court suspends a person's driver's license for reckless driving and requires the person to enter into and successfully complete an alcohol safety action program, the Commissioner shall not reinstate the driver's license of the person until receipt of certification that the person has enrolled in an alcohol safety action program.

If a person so convicted has not obtained the license required by this chapter, or is a nonresident, the court may direct in the judgment of conviction that he shall not, for a period of not less than 10 days or more than six months as may be prescribed in the judgment, drive any motor vehicle in the Commonwealth. The court or the clerk of court shall transmit the license to the Commissioner along with the report of the conviction required to be sent to the Department.

The court may, in its discretion and for good cause shown, provide that such person be issued a restricted permit to operate a motor vehicle during the period of suspension for any of the purposes set forth in subsection E of § 18.2-271.1. The court shall order the surrender of such person's license to operate a motor vehicle to be disposed of in accordance with the provisions of § 46.2-398 and shall forward to the Commissioner a copy of its order entered pursuant to this subsection, which shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a permit is issued as is reasonably necessary to identify such person. The court shall also provide a copy of its order to the person who may operate a motor vehicle on the order until receipt from the Commissioner of a restricted license. A copy of such order and, after receipt thereof, the restricted license shall be carried at all times while operating a motor vehicle. Any person who operates a motor vehicle in violation of any restrictions imposed pursuant to this section shall be punished as provided in subsection C of § 46.2-301. No restricted license issued pursuant to this section shall permit any person to operate a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

§ 46.2-816.1. Careless driving and infliction of injury or death on vulnerable road users; penalty.

A. As used in this section, "vulnerable road user" means a pedestrian; the operator of or passenger on a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, wheel chair or wheel chair conveyance, skateboard, roller skates, motorized skateboard or scooter, or animal-drawn vehicle or any attached device; or any person riding an animal.

B. It is a Class 1 misdemeanor to operate a motor vehicle in a careless or distracted manner such that the careless or distracted operation is the proximate cause of serious bodily injury as defined in § 18.2-51.4 to *or the death of a vulnerable road user* who is lawfully present on the highway at the time of injury *or death*.

C. A prosecution or proceeding under § 46.2-852 is a bar to a prosecution or proceeding under this section for the same act, and a prosecution or proceeding under this section is a bar to a prosecution or proceeding under § 46.2-852 for the same act.

CHAPTER 508

An Act to amend and reenact §§ 19.2-169.1 and 19.2-169.2 of the Code of Virginia, relating to disposition when defendant found incompetent; involuntary admission of the defendant.

[S 198]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-169.1 and 19.2-169.2 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-169.1. Raising question of competency to stand trial or plead; evaluation and determination of competency.

A. Raising competency issue; appointment of evaluators. — If, at any time after the attorney for the defendant has been retained or appointed and before the end of trial, the court finds, upon hearing evidence or representations of counsel for the defendant or the attorney for the Commonwealth, that there is probable cause to believe that the defendant, whether a juvenile transferred pursuant to § 16.1-269.1 or adult, lacks substantial capacity to understand the proceedings against him or to assist his attorney in his own defense, the court shall order that a competency evaluation be performed by at least one psychiatrist or clinical psychologist who (i) has performed forensic evaluations; (ii) has successfully completed forensic evaluation training recognized by the Commissioner of Behavioral Health and Developmental Services; (iii) has demonstrated to the Commissioner competence to perform forensic evaluations; and (iv) is included on a list of approved evaluators maintained by the Commissioner.

B. Location of evaluation. — The evaluation shall be performed on an outpatient basis at a mental health facility or in jail unless an outpatient evaluation has been conducted and the outpatient evaluator opines that a hospital-based evaluation is needed to reliably reach an opinion or unless the defendant is in the custody of the Commissioner of Behavioral Health

and Developmental Services pursuant to § 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, 19.2-182.9, or Article 5 (§ 37.2-814 et seq.) of Chapter 8 of Title 37.2.

C. Provision of information to evaluators. — The court shall require the attorney for the Commonwealth to provide to the evaluators appointed under subsection A any information relevant to the evaluation, including, but not limited to (i) a copy of the warrant or indictment; (ii) the names and addresses of the attorney for the Commonwealth, the attorney for the defendant, and the judge ordering the evaluation; (iii) information about the alleged crime; and (iv) a summary of the reasons for the evaluation request. The court shall require the attorney for the defendant to provide any available psychiatric records and other information that is deemed relevant. The court shall require that information be provided to the evaluator within 96 hours of the issuance of the court order pursuant to this section.

D. The competency report. — Upon completion of the evaluation, the evaluators shall promptly submit a report in writing to the court and the attorneys of record concerning (i) the defendant's capacity to understand the proceedings against him; (ii) his ability to assist his attorney; and (iii) his need for treatment in the event he is found incompetent but restorable, or incompetent for the foreseeable future. If a need for restoration treatment is identified pursuant to clause (iii), the report shall state whether inpatient or outpatient treatment (community-based or jail-based) is recommended. Outpatient treatment may occur in a local correctional facility or at a location determined by the appropriate community services board or behavioral health authority. In cases where a defendant is likely to remain incompetent for the foreseeable future due to an ongoing and irreversible medical condition, and where prior medical or educational records are available to support the diagnosis, or if the defendant was previously determined to be unrestorably incompetent in the past two years, the report may recommend that the court find the defendant unrestorably incompetent to stand trial and the court may proceed with the disposition of the case in accordance with § 19.2-169.3. *In cases where a defendant has been charged with a misdemeanor violation of Article 3 (§ 18.2-95 et seq.) of Chapter 5 of Title 18.2 or a misdemeanor violation of § 18.2-119, 18.2-137, 18.2-388, 18.2-415, or 19.2-128 and is incompetent, the report may recommend that the court direct the community services board or behavioral health authority for the jurisdiction in which the defendant is located to (a) conduct an evaluation of the defendant in accordance with subsection B of § 37.2-808 to determine whether the defendant meets the criteria for temporary detention and (b) upon determining that the defendant does meet the criteria for temporary detention, file a petition for issuance of an order for temporary detention of the defendant in accordance with § 37.2-809.* No statements of the defendant relating to the time period of the alleged offense shall be included in the report. The evaluator shall also send a redacted copy of the report removing references to the defendant's name, date of birth, case number, and court of jurisdiction to the Commissioner of Behavioral Health and Developmental Services for the purpose of peer review to establish and maintain the list of approved evaluators described in subsection A.

E. The competency determination. — After receiving the report described in subsection D, the court shall promptly determine whether the defendant is competent to stand trial. A hearing on the defendant's competency is not required unless one is requested by the attorney for the Commonwealth or the attorney for the defendant, or unless the court has reasonable cause to believe the defendant will be hospitalized under § 19.2-169.2. If a hearing is held, the party alleging that the defendant is incompetent shall bear the burden of proving by a preponderance of the evidence the defendant's incompetency. The defendant shall have the right to notice of the hearing, the right to counsel at the hearing and the right to personally participate in and introduce evidence at the hearing.

The fact that the defendant claims to be unable to remember the time period surrounding the alleged offense shall not, by itself, bar a finding of competency if the defendant otherwise understands the charges against him and can assist in his defense. Nor shall the fact that the defendant is under the influence of medication bar a finding of competency if the defendant is able to understand the charges against him and assist in his defense while medicated.

F. Finding. — *If the court finds the defendant competent to stand trial, the case shall be set for trial or a preliminary hearing. If the court finds the defendant either incompetent but restorable or incompetent for the foreseeable future, the court shall proceed pursuant to § 19.2-169.2.*

§ 19.2-169.2. Disposition when defendant found incompetent.

A. Upon finding pursuant to subsection E or F of § 19.2-169.1 that the defendant, including a juvenile transferred pursuant to § 16.1-269.1, is incompetent, the court shall order that the defendant receive treatment to restore his competency on an outpatient basis or, if the court specifically finds that the defendant requires inpatient hospital treatment, at a hospital designated by the Commissioner of Behavioral Health and Developmental Services as appropriate for treatment of persons under criminal charge. Outpatient treatment may occur in a local correctional facility or at a location determined by the appropriate community services board or behavioral health authority. Notwithstanding the provisions of § 19.2-178, if the court orders inpatient hospital treatment, the defendant shall be transferred to and accepted by the hospital designated by the Commissioner as soon as practicable, but no later than 10 days, from the receipt of the court order requiring treatment to restore the defendant's competency. If the 10-day period expires on a Saturday, Sunday, or other legal holiday, the 10 days shall be extended to the next day that is not a Saturday, Sunday, or legal holiday. Any psychiatric records and other information that have been deemed relevant and submitted by the attorney for the defendant pursuant to subsection C of § 19.2-169.1 and any reports submitted pursuant to subsection D of § 19.2-169.1 shall be made available to the director of the community services board or behavioral health authority or his designee or to the director of the treating inpatient facility or his designee within 96 hours of the issuance of the court order requiring treatment to restore the defendant's competency. If the 96-hour period expires on a Saturday, Sunday, or other legal holiday, the 96 hours shall be extended to the next day that is not a Saturday, Sunday, or legal holiday.

B. If, at any time after the defendant is ordered to undergo treatment under subsection A of this section, the director of the community services board or behavioral health authority or his designee or the director of the treating inpatient facility or his designee believes the defendant's competency is restored, the director or his designee shall immediately send a report to the court as prescribed in subsection D of § 19.2-169.1. The court shall make a ruling on the defendant's competency according to the procedures specified in subsection E of § 19.2-169.1.

C. *Notwithstanding the provisions of subsection A, in cases in which (i) the defendant has been charged with a misdemeanor violation of Article 3 (§ 18.2-95 et seq.) of Chapter 5 of Title 18.2 or a misdemeanor violation of § 18.2-119, 18.2-137, 18.2-388, 18.2-415, or 19.2-128; (ii) the defendant has been found to be incompetent pursuant to subsection E or F of § 19.2-169.1; and (iii) the competency report described in subsection D of § 19.2-169.1 recommends that the defendant be temporarily detained pursuant to § 37.2-809, the court may dismiss the charges without prejudice against the defendant and, in lieu of ordering the defendant receive treatment to restore his competency, order the community services board or behavioral health authority serving the jurisdiction in which the defendant is located to (a) conduct an evaluation of the defendant and (b) if the community services board or behavioral health authority determines that the defendant meets the criteria for temporary detention, file a petition for issuance of an order for temporary detention pursuant to § 37.2-809. However, the court shall not dismiss charges and enter an order pursuant to this subsection if the attorney for the Commonwealth is involved in the prosecution of the case and the attorney for the Commonwealth does not concur in the motion.*

D. The clerk of the court shall certify and forward forthwith to the Central Criminal Records Exchange, on a form provided by the Exchange, a copy of an order for treatment issued pursuant to subsection A.

2. That the provisions of this act shall expire on July 1, 2023.

CHAPTER 509

An Act to amend and reenact §§ 8.01-413, 8.01-581.20, 16.1-340.1, 20-124.6, 32.1-127.1:03, 37.2-809, 38.2-608, 53.1-40.2, and 54.1-2969 of the Code of Virginia, relating to practice of licensed professional counselors.

[H 242]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-413, 8.01-581.20, 16.1-340.1, 20-124.6, 32.1-127.1:03, 37.2-809, 38.2-608, 53.1-40.2, and 54.1-2969 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-413. Certain copies of health care provider's records or papers of patient admissible; right of patient, his attorney and authorized insurer to copies of such records or papers; subpoena; damages, costs and attorney fees.

A. In any case where the health care provider's original records or papers of any patient in a hospital or institution for the treatment of physical or mental illness are admissible or would be admissible as evidence, any typewritten copy, photograph, photostatted copy, or microphotograph or printout or other hard copy generated from computerized or other electronic storage, microfilm, or other photographic, mechanical, electronic, imaging, or chemical storage process thereof shall be admissible as evidence in any court of the Commonwealth in like manner as the original, if the printout or hard copy or microphotograph or photograph is properly authenticated by the employees having authority to release or produce the original records or papers.

Any health care provider whose records or papers relating to any such patient are subpoenaed for production as provided by law may comply with the subpoena by a timely mailing to the clerk issuing the subpoena or in whose court the action is pending properly authenticated copies, photographs or microphotographs in lieu of the originals. The court whose clerk issued the subpoena or, in the case of an attorney-issued subpoena, in which the action is pending, may, after notice to such health care provider, enter an order requiring production of the originals, if available, of any stored records or papers whose copies, photographs or microphotographs are not sufficiently legible.

Except as provided in subsection G, the party requesting the subpoena duces tecum or on whose behalf an attorney-issued subpoena duces tecum was issued shall be liable for the reasonable charges of the health care provider for the service of maintaining, retrieving, reviewing, preparing, copying, and mailing the items produced pursuant to subsections B2, B3, B4, and B6, as applicable.

B. Copies of a health care provider's records or papers shall be furnished within 30 days of receipt of such request to the patient, his attorney, his executor or administrator, or an authorized insurer upon such patient's, attorney's, executor's, administrator's, or authorized insurer's written request, which request shall comply with the requirements of subsection E of § 32.1-127.1:03. If a health care provider is unable to provide such records or papers within 30 days of receipt of such request, such provider shall notify the requester of such records or papers in writing of the reason for the delay and shall have no more than 30 days after the date of such written notice to comply with such request.

However, copies of a patient's records or papers shall not be furnished to such patient when the patient's treating physician, clinical psychologist, ~~or~~ clinical social worker, or licensed professional counselor in the exercise of professional judgment, has made a part of the patient's records or papers a written statement that in his opinion the furnishing to or review by the patient of such records or papers would be reasonably likely to endanger the life or physical safety of the patient or another person, or that such records or papers make reference to a person, other than a health care provider, and

the access requested would be reasonably likely to cause substantial harm to such referenced person. In any such case, if requested by the patient or his attorney or authorized insurer, such records or papers shall be furnished within 30 days of the date of such request to the patient's attorney or authorized insurer, rather than to the patient.

If the records or papers are not provided to the patient in accordance with this section, then, if requested by the patient, the health care provider denying the request shall comply with the patient's request to either (i) provide a copy of the records or papers to a physician, clinical psychologist, ~~or~~ clinical social worker, *or licensed professional counselor* of the patient's choice whose licensure, training, and experience, relative to the patient's condition, are at least equivalent to that of the treating physician, clinical psychologist, ~~or~~ clinical social worker, *or licensed professional counselor* upon whose opinion the denial is based, who shall, at the patient's expense, make a judgment as to whether to make the records or papers available to the patient or (ii) designate a physician, clinical psychologist, ~~or~~ clinical social worker, *or licensed professional counselor* whose licensure, training, and experience, relative to the patient's condition, are at least equivalent to that of the treating physician, clinical psychologist, ~~or~~ clinical social worker, *or licensed professional counselor* upon whose opinion the denial is based and who did not participate in the original decision to deny the patient's request for his records or papers, who shall, at the expense of the provider denying access to the patient, review the records or papers and make a judgment as to whether to make the records or papers available to the patient. In either such event, the health care provider denying the request shall comply with the judgment of the reviewing physician, clinical psychologist, ~~or~~ clinical social worker, *or licensed professional counselor*.

Except as provided in subsection G, a reasonable charge may be made by the health care provider maintaining the records or papers for the cost of the services relating to the maintenance, retrieval, review, and preparation of the copies of the records or papers, pursuant to subsections B2, B3, B4, and B6, as applicable. Any health care provider receiving such a request from a patient's attorney or authorized insurer shall require a writing signed by the patient confirming the attorney's or authorized insurer's authority to make the request, which shall comply with the requirements of subsection G of § 32.1-127.1:03, and shall accept a photocopy, facsimile, or other copy of the original signed by the patient as if it were an original.

B1. A health care provider shall produce the records or papers in either paper, hard copy, or electronic format, as requested by the requester. If the health care provider does not maintain the items being requested in an electronic format and does not have the capability to produce such items in an electronic format, such items shall be produced in paper or other hard copy format.

B2. When the records or papers requested pursuant to subsection B1 are produced in paper or hard copy format from records maintained in (i) paper or other hard copy format or (ii) electronic storage, a health care provider may charge the requester a reasonable fee not to exceed \$0.50 per page for up to 50 pages and \$0.25 per page thereafter for such copies, \$1 per page for hard copies from microfilm or other micrographic process, and a fee for search and handling not to exceed \$20, plus all postage and shipping costs.

B3. When the records or papers requested pursuant to subsection B1 are produced in electronic format from records or papers maintained in electronic storage, a health care provider may charge the requester a reasonable fee not to exceed \$0.37 per page for up to 50 pages and \$0.18 per page thereafter for such copies and a fee for search and handling not to exceed \$20, plus all postage and shipping costs. Except as provided in subsection B4, the total amount charged to the requester for records or papers produced in electronic format pursuant to this subsection, including any postage and shipping costs and any search and handling fee, shall not exceed \$150 for any request made on and after July 1, 2017, but prior to July 1, 2021, or \$160 for any request made on or after July 1, 2021.

B4. When any portion of records or papers requested to be produced in electronic format is stored in paper or other hard copy format at the time of the request and not otherwise maintained in electronic storage, a health care provider may charge a fee pursuant to subsection B2 for the production of such portion, and such production of such portion is not subject to any limitations set forth in subsection B3, whether such portion is produced in paper or other hard copy format or converted to electronic format as requested by the requester. Any other portion otherwise maintained in electronic storage shall be produced electronically. The total search and handling fee shall not exceed \$20 for any production made pursuant to this subsection where the production contains both records or papers in electronic format and records or papers in paper or other hard copy format.

B5. Upon request, a patient's account balance or itemized listing of charges maintained by a health care provider shall be supplied at no cost up to three times every 12 months to either the patient or the patient's attorney.

B6. When the record requested is an X-ray series or study or other imaging study and is requested to be produced electronically, a health care provider may charge the requester a reasonable fee, which shall not exceed \$25 per X-ray series or study or other imaging study, and a fee for search and handling, which shall not exceed \$10, plus all postage and shipping costs. When an X-ray series or study or other imaging study is requested to be produced in hard copy format, or when a health care provider does not maintain such X-ray series or study or other imaging study being requested in an electronic format or does not have the capability to produce such X-ray series or study or other imaging study in an electronic format, a health care provider may charge the requester a reasonable fee, which may include a fee for search and handling not to exceed \$10 and the actual cost of supplies for and labor of copying the requested X-ray series or study or other imaging study, plus all postage and shipping costs.

B7. Upon request by the patient, or his attorney, of records or papers as to the cost to produce such records or papers, a health care provider shall inform the patient, or his attorney, of the most cost-effective method to produce such a request pursuant to subsection B2, B3, B4, or B6, as applicable.

B8. Production of records or papers to the patient, or his attorney, requested pursuant to this section shall not be withheld or delayed solely on the grounds of nonpayment for such records or papers.

C. Upon the failure of any health care provider to comply with any written request made in accordance with subsection B within the period of time specified in that subsection and within the manner specified in subsections E and F of § 32.1-127.1:03, the patient, his attorney, his executor or administrator, or authorized insurer may cause a subpoena duces tecum to be issued. The subpoena may be issued (i) upon filing a request therefor with the clerk of the circuit court wherein any eventual suit would be required to be filed, and upon payment of the fees required by subdivision A 18 of § 17.1-275, and fees for service or (ii) by the patient's attorney in a pending civil case in accordance with § 8.01-407 without payment of the fees established in subdivision A 23 of § 17.1-275.

A sheriff shall not be required to serve an attorney-issued subpoena that is not issued at least five business days prior to the date production of the record is desired.

No subpoena duces tecum for records or papers shall set a return date by which the health care provider must comply with such subpoena earlier than 15 days from the date of the subpoena, except by order of a court or administrative agency for good cause shown. When a court or administrative agency orders that records or papers be disclosed pursuant to a subpoena duces tecum earlier than 15 days from the date of the subpoena, a copy of such order shall accompany such subpoena.

As to a subpoena duces tecum issued with at least a 15-day return date, if no motion to quash is filed within 15 days of the issuance of the subpoena, the party requesting the subpoena duces tecum or the party on whose behalf the subpoena was issued shall certify to the subpoenaed health care provider that (a) the time for filing a motion to quash has elapsed and (b) no such motion was filed. Upon receipt of such certification, the subpoenaed health care provider shall comply with the subpoena duces tecum by returning the specified records or papers by either (1) the return date on the subpoena or (2) five days after receipt of such certification, whichever is later.

The subpoena shall direct the health care provider to produce and furnish copies of the records or papers to the requester or clerk, who shall then make the same available to the patient, his attorney, or his authorized insurer.

If the court finds that a health care provider willfully refused to comply with a written request made in accordance with subsection B, either (A) by failing over the previous six-month period to respond to a second or subsequent written request, properly submitted to the health care provider in writing with complete required information, without good cause or (B) by imposing a charge in excess of the reasonable expense of making the copies and processing the request for records or papers, the court may award damages for all expenses incurred by the patient or authorized insurer to obtain such copies, including a refund of fees if payment has been made for such copies, court costs, and reasonable attorney fees.

If the court further finds that such subpoenaed records or papers, subpoenaed pursuant to this subsection, or requested records or papers, requested pursuant to subsection B, are not produced for a reason other than compliance with § 32.1-127.1:03 or an inability to retrieve or access such records or papers, as communicated in writing to the subpoenaing party or requester within the time period required by subsection B, such subpoenaing party or requester shall be entitled to a rebuttable presumption that expenses and attorney fees related to the failure to produce such records or papers shall be awarded by the court.

D. The provisions of this section shall apply to any health care provider whose office is located within or outside the Commonwealth if the records pertain to any patient who is a party to a cause of action in any court in the Commonwealth, and shall apply only to requests made by the patient, his attorney, his executor or administrator, or any authorized insurer, in anticipation of litigation or in the course of litigation.

E. As used in this section, "health care provider" has the same meaning as provided in § 32.1-127.1:03 and includes an independent medical copy retrieval service contracted to provide the service of retrieving, reviewing, and preparing such copies for distribution.

F. Notwithstanding the authorization to admit as evidence patient records in the form of microphotographs, prescription dispensing records maintained in or on behalf of any pharmacy registered or permitted in the Commonwealth shall only be stored in compliance with §§ 54.1-3410, 54.1-3411 and 54.1-3412.

G. The provisions of this section governing fees that may be charged by a health care provider whose records are subpoenaed or requested pursuant to this section shall not apply in the case of any request by a patient for a copy of his own records, which shall be governed by subsection J of § 32.1-127.1:03. This subsection shall not be construed to affect other provisions of state or federal statute, regulation or any case decision relating to charges by health care providers for copies of records requested by any person other than a patient when requesting his own records pursuant to subsection J of § 32.1-127.1:03.

§ 8.01-581.20. Standard of care in proceeding before medical malpractice review panel; expert testimony; determination of standard in action for damages.

A. In any proceeding before a medical malpractice review panel or in any action against a physician, clinical psychologist, clinical social worker, *licensed professional counselor*, podiatrist, dentist, nurse, hospital, or other health care provider to recover damages alleged to have been caused by medical malpractice where the acts or omissions so complained of are alleged to have occurred in this Commonwealth, the standard of care by which the acts or omissions are to be judged

shall be that degree of skill and diligence practiced by a reasonably prudent practitioner in the field of practice or specialty in this Commonwealth and the testimony of an expert witness, otherwise qualified, as to such standard of care, shall be admitted; provided, however, that the standard of care in the locality or in similar localities in which the alleged act or omission occurred shall be applied if any party shall prove by a preponderance of the evidence that the health care services and health care facilities available in the locality and the customary practices in such locality or similar localities give rise to a standard of care which is more appropriate than a statewide standard. Any health care provider who is licensed to practice in Virginia shall be presumed to know the statewide standard of care in the specialty or field of practice in which he is qualified and certified. This presumption shall also apply to any person who, but for the lack of a Virginia license, would be defined as a health care provider under this chapter, provided that such person is licensed in some other state of the United States and meets the educational and examination requirements for licensure in Virginia. An expert witness who is familiar with the statewide standard of care shall not have his testimony excluded on the ground that he does not practice in this Commonwealth. A witness shall be qualified to testify as an expert on the standard of care if he demonstrates expert knowledge of the standards of the defendant's specialty and of what conduct conforms or fails to conform to those standards and if he has had active clinical practice in either the defendant's specialty or a related field of medicine within one year of the date of the alleged act or omission forming the basis of the action.

The provisions of this section shall apply to expert witnesses testifying on the standard of care as it relates to professional services in nursing homes.

B. In any action for damages resulting from medical malpractice, any issue as to the standard of care to be applied shall be determined by the jury, or the court trying the case without a jury.

C. In any action described in this section, each party may designate, identify, or call to testify at trial no more than two expert witnesses per medical discipline on any issue presented. The court may permit a party, for good cause shown, to designate, identify, or call to testify at trial additional expert witnesses. The number of treating health care providers who may serve as expert witnesses pursuant to § 8.01-399 shall not be limited pursuant to this subsection, except for good cause shown. If the court permits a party to designate, identify, or call additional experts, the court may order that party to pay all costs incurred in the discovery of such additional experts. For good cause shown, pursuant to the Rules of Supreme Court of Virginia, the court may limit the number of expert witnesses other than those identified in this subsection whom a party may designate, identify, or call to testify at trial.

§ 16.1-340.1. Involuntary temporary detention; issuance and execution of order.

A. A magistrate shall issue, upon the sworn petition of a minor's treating physician or parent or, if the parent is not available or is unable or unwilling to file a petition, by any responsible adult, including the person having custody over a minor in detention or shelter care pursuant to an order of a juvenile and domestic relations district court, or upon his own motion and only after an evaluation conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 16.1-345.1 by an employee or designee of the local community services board to determine whether the minor meets the criteria for temporary detention, a temporary detention order if it appears from all evidence readily available, including any recommendation from a physician, clinical psychologist, ~~or~~ clinical social worker, *or licensed professional counselor* treating the person, that (i) because of mental illness, the minor (a) presents a serious danger to himself or others to the extent that severe or irremediable injury is likely to result, as evidenced by recent acts or threats, or (b) is experiencing a serious deterioration of his ability to care for himself in a developmentally age-appropriate manner, as evidenced by delusional thinking or by a significant impairment of functioning in hydration, nutrition, self-protection, or self-control; and (ii) the minor is in need of compulsory treatment for a mental illness and is reasonably likely to benefit from the proposed treatment. The magistrate shall also consider the recommendations of the minor's parents and of any treating or examining physician licensed in Virginia if available either verbally or in writing prior to rendering a decision. To the extent possible, the petition shall contain the information required by § 16.1-339.1. Any temporary detention order entered pursuant to this section shall be effective until such time as the juvenile and domestic relations district court serving the jurisdiction in which the minor is located conducts a hearing pursuant to subsection B of § 16.1-341. Any temporary detention order entered pursuant to this section shall provide for the disclosure of medical records pursuant to subsection B of § 16.1-337. This subsection shall not preclude any other disclosures as required or permitted by law.

B. When considering whether there is probable cause to issue a temporary detention order, the magistrate may, in addition to the petition, consider (i) the recommendations of any treating or examining physician, psychologist, ~~or~~ clinical social worker, *or licensed professional counselor* licensed in Virginia, if available, (ii) any past actions of the minor, (iii) any past mental health treatment of the minor, (iv) any relevant hearsay evidence, (v) any medical records available, (vi) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (vii) any other information available that the magistrate considers relevant to the determination of whether probable cause exists to issue a temporary detention order.

C. A magistrate may issue a temporary detention order without an emergency custody order proceeding. A magistrate may issue a temporary detention order without a prior evaluation pursuant to subsection A if (i) the minor has been personally examined within the previous 72 hours by an employee or designee of the local community services board or (ii) there is a significant physical, psychological, or medical risk to the minor or to others associated with conducting such evaluation.

D. An employee or designee of the local community services board shall determine the facility of temporary detention in accordance with the provisions of § 16.1-340.1:1 for all minors detained pursuant to this section. An employee or designee of the local community services board may change the facility of temporary detention and may designate an alternative facility for temporary detention at any point during the period of temporary detention if it is determined that the alternative facility is a more appropriate facility for temporary detention of the minor given the specific security, medical, or behavioral health needs of the minor. In cases in which the facility of temporary detention is changed following transfer of custody to an initial facility of temporary detention, transportation of the minor to the alternative facility of temporary detention shall be provided in accordance with the provisions of § 16.1-340.2. The initial facility of temporary detention shall be identified on the preadmission screening report and indicated on the temporary detention order; however, if an employee or designee of the local community services board designates an alternative facility, that employee or designee shall provide written notice forthwith, on a form developed by the Executive Secretary of the Supreme Court of Virginia, to the clerk of the issuing court of the name and address of the alternative facility. Subject to the provisions of § 16.1-340.1:1, if a facility of temporary detention cannot be identified by the time of the expiration of the period of emergency custody pursuant to § 16.1-340, the minor shall be detained in a state facility for the treatment of minors with mental illness and such facility shall be indicated on the temporary detention order. Except for minors who are detained for a criminal offense by a juvenile and domestic relations district court and who require hospitalization in accordance with this article, the minor shall not be detained in a jail or other place of confinement for persons charged with criminal offenses and shall remain in the custody of law enforcement until the minor is either detained within a secure facility or custody has been accepted by the appropriate personnel designated by either the initial facility of temporary detention identified in the temporary detention order or by the alternative facility of temporary detention designated by the employee or designee of the local community services board pursuant to this subsection.

E. Any facility caring for a minor placed with it pursuant to a temporary detention order is authorized to provide emergency medical and psychiatric services within its capabilities when the facility determines that the services are in the best interests of the minor within its care. The costs incurred as a result of the hearings and by the facility in providing services during the period of temporary detention shall be paid and recovered pursuant to § 37.2-804. The maximum costs reimbursable by the Commonwealth pursuant to this section shall be established by the State Board of Medical Assistance Services based on reasonable criteria. The State Board of Medical Assistance Services shall, by regulation, establish a reasonable rate per day of inpatient care for temporary detention.

F. The employee or designee of the local community services board who is conducting the evaluation pursuant to this section shall determine, prior to the issuance of the temporary detention order, the insurance status of the minor. Where coverage by a third party payor exists, the facility seeking reimbursement under this section shall first seek reimbursement from the third party payor. The Commonwealth shall reimburse the facility only for the balance of costs remaining after the allowances covered by the third party payor have been received.

G. The duration of temporary detention shall be sufficient to allow for completion of the examination required by § 16.1-342, preparation of the preadmission screening report required by § 16.1-340.4, and initiation of mental health treatment to stabilize the minor's psychiatric condition to avoid involuntary commitment where possible, but shall not exceed 96 hours prior to a hearing. If the 96-hour period herein specified terminates on a Saturday, Sunday, or legal holiday, the minor may be detained, as herein provided, until the close of business on the next day that is not a Saturday, Sunday, or legal holiday. The minor may be released, pursuant to § 16.1-340.3, before the 96-hour period herein specified has run.

H. If a temporary detention order is not executed within 24 hours of its issuance, or within a shorter period as is specified in the order, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if the office is not open, to any magistrate serving the jurisdiction of the issuing court. Subsequent orders may be issued upon the original petition within 96 hours after the petition is filed. However, a magistrate must again obtain the advice of an employee or designee of the local community services board prior to issuing a subsequent order upon the original petition. Any petition for which no temporary detention order or other process in connection therewith is served on the subject of the petition within 96 hours after the petition is filed shall be void and shall be returned to the office of the clerk of the issuing court.

I. For purposes of this section, a ~~healthcare~~ *health care* provider or an employee or designee of the local community services board shall not be required to encrypt any email containing information or medical records provided to a magistrate unless there is reason to believe that a third party will attempt to intercept the email.

J. The employee or designee of the local community services board who is conducting the evaluation pursuant to this section shall, if he recommends that the minor should not be subject to a temporary detention order, inform the petitioner and an on-site treating physician of his recommendation.

K. Each community services board shall provide to each juvenile and domestic relations district court and magistrate's office within its service area a list of employees and designees who are available to perform the evaluations required herein.

§ 20-124.6. Access to minor's records.

A. Notwithstanding any other provision of law, neither parent, regardless of whether such parent has custody, shall be denied access to the academic or health records or records of a child day center or family day home of that parent's minor child unless otherwise ordered by the court for good cause shown or pursuant to subsection B.

B. In the case of health records, access may also be denied if the minor's treating physician, clinical psychologist, ~~or~~ clinical social worker, *or licensed professional counselor* has made a part of the minor's record a written statement that, in

the exercise of his professional judgment, the furnishing to or review by the requesting parent of such health records would be reasonably likely to cause substantial harm to the minor or another person. If a health care entity denies a parental request for access to, or copies of, a minor's health record, the health care entity denying the request shall comply with the provisions of subsection F of § 32.1-127.1:03. The minor or his parent, either or both, shall have the right to have the denial reviewed as specified in subsection F of § 32.1-127.1:03 to determine whether to make the minor's health record available to the requesting parent.

C. For the purposes of this section, the terms "health record" or the plural thereof and "health care entity" mean the same as those terms are defined in subsection B of § 32.1-127.1:03. The terms "child day center" and "family day home" mean the same as those terms are defined in § 63.2-100.

§ 32.1-127.1:03. Health records privacy.

A. There is hereby recognized an individual's right of privacy in the content of his health records. Health records are the property of the health care entity maintaining them, and, except when permitted or required by this section or by other provisions of state law, no health care entity, or other person working in a health care setting, may disclose an individual's health records.

Pursuant to this subsection:

1. Health care entities shall disclose health records to the individual who is the subject of the health record, except as provided in subsections E and F and subsection B of § 8.01-413.

2. Health records shall not be removed from the premises where they are maintained without the approval of the health care entity that maintains such health records, except in accordance with a court order or subpoena consistent with subsection C of § 8.01-413 or with this section or in accordance with the regulations relating to change of ownership of health records promulgated by a health regulatory board established in Title 54.1.

3. No person to whom health records are disclosed shall redisclose or otherwise reveal the health records of an individual, beyond the purpose for which such disclosure was made, without first obtaining the individual's specific authorization to such redisclosure. This redisclosure prohibition shall not, however, prevent (i) any health care entity that receives health records from another health care entity from making subsequent disclosures as permitted under this section and the federal Department of Health and Human Services regulations relating to privacy of the electronic transmission of data and protected health information promulgated by the United States Department of Health and Human Services as required by the Health Insurance Portability and Accountability Act (HIPAA) (42 U.S.C. § 1320d et seq.) or (ii) any health care entity from furnishing health records and aggregate or other data, from which individually identifying prescription information has been removed, encoded or encrypted, to qualified researchers, including, but not limited to, pharmaceutical manufacturers and their agents or contractors, for purposes of clinical, pharmaco-epidemiological, pharmaco-economic, or other health services research.

4. Health care entities shall, upon the request of the individual who is the subject of the health record, disclose health records to other health care entities, in any available format of the requester's choosing, as provided in subsection E.

B. As used in this section:

"Agent" means a person who has been appointed as an individual's agent under a power of attorney for health care or an advance directive under the Health Care Decisions Act (§ 54.1-2981 et seq.).

"Certification" means a written representation that is delivered by hand, by first-class mail, by overnight delivery service, or by facsimile if the sender obtains a facsimile-machine-generated confirmation reflecting that all facsimile pages were successfully transmitted.

"Guardian" means a court-appointed guardian of the person.

"Health care clearinghouse" means, consistent with the definition set out in 45 C.F.R. § 160.103, a public or private entity, such as a billing service, repricing company, community health management information system or community health information system, and "value-added" networks and switches, that performs either of the following functions: (i) processes or facilitates the processing of health information received from another entity in a nonstandard format or containing nonstandard data content into standard data elements or a standard transaction; or (ii) receives a standard transaction from another entity and processes or facilitates the processing of health information into nonstandard format or nonstandard data content for the receiving entity.

"Health care entity" means any health care provider, health plan or health care clearinghouse.

"Health care provider" means those entities listed in the definition of "health care provider" in § 8.01-581.1, except that state-operated facilities shall also be considered health care providers for the purposes of this section. Health care provider shall also include all persons who are licensed, certified, registered or permitted or who hold a multistate licensure privilege issued by any of the health regulatory boards within the Department of Health Professions, except persons regulated by the Board of Funeral Directors and Embalmers or the Board of Veterinary Medicine.

"Health plan" means an individual or group plan that provides, or pays the cost of, medical care. "Health plan" includes any entity included in such definition as set out in 45 C.F.R. § 160.103.

"Health record" means any written, printed or electronically recorded material maintained by a health care entity in the course of providing health services to an individual concerning the individual and the services provided. "Health record" also includes the substance of any communication made by an individual to a health care entity in confidence during or in connection with the provision of health services or information otherwise acquired by the health care entity about an individual in confidence and in connection with the provision of health services to the individual.

"Health services" means, but shall not be limited to, examination, diagnosis, evaluation, treatment, pharmaceuticals, aftercare, habilitation or rehabilitation and mental health therapy of any kind, as well as payment or reimbursement for any such services.

"Individual" means a patient who is receiving or has received health services from a health care entity.

"Individually identifying prescription information" means all prescriptions, drug orders or any other prescription information that specifically identifies an individual.

"Parent" means a biological, adoptive or foster parent.

"Psychotherapy notes" means comments, recorded in any medium by a health care provider who is a mental health professional, documenting or analyzing the contents of conversation during a private counseling session with an individual or a group, joint, or family counseling session that are separated from the rest of the individual's health record. "Psychotherapy notes" does not include annotations relating to medication and prescription monitoring, counseling session start and stop times, treatment modalities and frequencies, clinical test results, or any summary of any symptoms, diagnosis, prognosis, functional status, treatment plan, or the individual's progress to date.

C. The provisions of this section shall not apply to any of the following:

1. The status of and release of information governed by §§ 65.2-604 and 65.2-607 of the Virginia Workers' Compensation Act;
2. Except where specifically provided herein, the health records of minors;
3. The release of juvenile health records to a secure facility or a shelter care facility pursuant to § 16.1-248.3; or
4. The release of health records to a state correctional facility pursuant to § 53.1-40.10 or a local or regional correctional facility pursuant to § 53.1-133.03.

D. Health care entities may, and, when required by other provisions of state law, shall, disclose health records:

1. As set forth in subsection E, pursuant to the written authorization of (i) the individual or (ii) in the case of a minor, (a) his custodial parent, guardian or other person authorized to consent to treatment of minors pursuant to § 54.1-2969 or (b) the minor himself, if he has consented to his own treatment pursuant to § 54.1-2969, or (iii) in emergency cases or situations where it is impractical to obtain an individual's written authorization, pursuant to the individual's oral authorization for a health care provider or health plan to discuss the individual's health records with a third party specified by the individual;

2. In compliance with a subpoena issued in accord with subsection H, pursuant to a search warrant or a grand jury subpoena, pursuant to court order upon good cause shown or in compliance with a subpoena issued pursuant to subsection C of § 8.01-413. Regardless of the manner by which health records relating to an individual are compelled to be disclosed pursuant to this subdivision, nothing in this subdivision shall be construed to prohibit any staff or employee of a health care entity from providing information about such individual to a law-enforcement officer in connection with such subpoena, search warrant, or court order;

3. In accord with subsection F of § 8.01-399 including, but not limited to, situations where disclosure is reasonably necessary to establish or collect a fee or to defend a health care entity or the health care entity's employees or staff against any accusation of wrongful conduct; also as required in the course of an investigation, audit, review or proceedings regarding a health care entity's conduct by a duly authorized law-enforcement, licensure, accreditation, or professional review entity;

4. In testimony in accordance with §§ 8.01-399 and 8.01-400.2;

5. In compliance with the provisions of § 8.01-413;

6. As required or authorized by law relating to public health activities, health oversight activities, serious threats to health or safety, or abuse, neglect or domestic violence, relating to contagious disease, public safety, and suspected child or adult abuse reporting requirements, including, but not limited to, those contained in §§ 16.1-248.3, 32.1-36, 32.1-36.1, 32.1-40, 32.1-41, 32.1-127.1:04, 32.1-276.5, 32.1-283, 32.1-283.1, 32.1-320, 37.2-710, 37.2-839, 53.1-40.10, 53.1-133.03, 54.1-2400.6, 54.1-2400.7, 54.1-2400.9, 54.1-2403.3, 54.1-2506, 54.1-2966, 54.1-2967, 54.1-2968, 54.1-3408.2, 63.2-1509, and 63.2-1606;

7. Where necessary in connection with the care of the individual;

8. In connection with the health care entity's own health care operations or the health care operations of another health care entity, as specified in 45 C.F.R. § 164.501, or in the normal course of business in accordance with accepted standards of practice within the health services setting; however, the maintenance, storage, and disclosure of the mass of prescription dispensing records maintained in a pharmacy registered or permitted in Virginia shall only be accomplished in compliance with §§ 54.1-3410, 54.1-3411, and 54.1-3412;

9. When the individual has waived his right to the privacy of the health records;

10. When examination and evaluation of an individual are undertaken pursuant to judicial or administrative law order, but only to the extent as required by such order;

11. To the guardian ad litem and any attorney representing the respondent in the course of a guardianship proceeding of an adult patient who is the respondent in a proceeding under Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2;

12. To the guardian ad litem and any attorney appointed by the court to represent an individual who is or has been a patient who is the subject of a commitment proceeding under § 19.2-169.6, Article 5 (§ 37.2-814 et seq.) of Chapter 8 of Title 37.2, Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1, or a judicial authorization for treatment proceeding pursuant to Chapter 11 (§ 37.2-1100 et seq.) of Title 37.2;

13. To a magistrate, the court, the evaluator or examiner required under Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1 or § 37.2-815, a community services board or behavioral health authority or a designee of a community services board or behavioral health authority, or a law-enforcement officer participating in any proceeding under Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1, § 19.2-169.6, or Chapter 8 (§ 37.2-800 et seq.) of Title 37.2 regarding the subject of the proceeding, and to any health care provider evaluating or providing services to the person who is the subject of the proceeding or monitoring the person's adherence to a treatment plan ordered under those provisions. Health records disclosed to a law-enforcement officer shall be limited to information necessary to protect the officer, the person, or the public from physical injury or to address the health care needs of the person. Information disclosed to a law-enforcement officer shall not be used for any other purpose, disclosed to others, or retained;

14. To the attorney and/or guardian ad litem of a minor who represents such minor in any judicial or administrative proceeding, if the court or administrative hearing officer has entered an order granting the attorney or guardian ad litem this right and such attorney or guardian ad litem presents evidence to the health care entity of such order;

15. With regard to the Court-Appointed Special Advocate (CASA) program, a minor's health records in accord with § 9.1-156;

16. To an agent appointed under an individual's power of attorney or to an agent or decision maker designated in an individual's advance directive for health care or for decisions on anatomical gifts and organ, tissue or eye donation or to any other person consistent with the provisions of the Health Care Decisions Act (§ 54.1-2981 et seq.);

17. To third-party payors and their agents for purposes of reimbursement;

18. As is necessary to support an application for receipt of health care benefits from a governmental agency or as required by an authorized governmental agency reviewing such application or reviewing benefits already provided or as necessary to the coordination of prevention and control of disease, injury, or disability and delivery of such health care benefits pursuant to § 32.1-127.1:04;

19. Upon the sale of a medical practice as provided in § 54.1-2405; or upon a change of ownership or closing of a pharmacy pursuant to regulations of the Board of Pharmacy;

20. In accord with subsection B of § 54.1-2400.1, to communicate an individual's specific and immediate threat to cause serious bodily injury or death of an identified or readily identifiable person;

21. Where necessary in connection with the implementation of a hospital's routine contact process for organ donation pursuant to subdivision B 4 of § 32.1-127;

22. In the case of substance abuse records, when permitted by and in conformity with requirements of federal law found in 42 U.S.C. § 290dd-2 and 42 C.F.R. Part 2;

23. In connection with the work of any entity established as set forth in § 8.01-581.16 to evaluate the adequacy or quality of professional services or the competency and qualifications for professional staff privileges;

24. If the health records are those of a deceased or mentally incapacitated individual to the personal representative or executor of the deceased individual or the legal guardian or committee of the incompetent or incapacitated individual or if there is no personal representative, executor, legal guardian or committee appointed, to the following persons in the following order of priority: a spouse, an adult son or daughter, either parent, an adult brother or sister, or any other relative of the deceased individual in order of blood relationship;

25. For the purpose of conducting record reviews of inpatient hospital deaths to promote identification of all potential organ, eye, and tissue donors in conformance with the requirements of applicable federal law and regulations, including 42 C.F.R. § 482.45, (i) to the health care provider's designated organ procurement organization certified by the United States Health Care Financing Administration and (ii) to any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks;

26. To the Office of the State Inspector General pursuant to Chapter 3.2 (§ 2.2-307 et seq.) of Title 2.2;

27. To an entity participating in the activities of a local health partnership authority established pursuant to Article 6.1 (§ 32.1-122.10:001 et seq.) of Chapter 4, pursuant to subdivision 1;

28. To law-enforcement officials by each licensed emergency medical services agency, (i) when the individual is the victim of a crime or (ii) when the individual has been arrested and has received emergency medical services or has refused emergency medical services and the health records consist of the prehospital patient care report required by § 32.1-116.1;

29. To law-enforcement officials, in response to their request, for the purpose of identifying or locating a suspect, fugitive, person required to register pursuant to § 9.1-901 of the Sex Offender and Crimes Against Minors Registry Act, material witness, or missing person, provided that only the following information may be disclosed: (i) name and address of the person, (ii) date and place of birth of the person, (iii) social security number of the person, (iv) blood type of the person, (v) date and time of treatment received by the person, (vi) date and time of death of the person, where applicable, (vii) description of distinguishing physical characteristics of the person, and (viii) type of injury sustained by the person;

30. To law-enforcement officials regarding the death of an individual for the purpose of alerting law enforcement of the death if the health care entity has a suspicion that such death may have resulted from criminal conduct;

31. To law-enforcement officials if the health care entity believes in good faith that the information disclosed constitutes evidence of a crime that occurred on its premises;

32. To the State Health Commissioner pursuant to § 32.1-48.015 when such records are those of a person or persons who are subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2;

33. To the Commissioner of the Department of Labor and Industry or his designee by each licensed emergency medical services agency when the records consist of the prehospital patient care report required by § 32.1-116.1 and the patient has suffered an injury or death on a work site while performing duties or tasks that are within the scope of his employment;

34. To notify a family member or personal representative of an individual who is the subject of a proceeding pursuant to Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1 or Chapter 8 (§ 37.2-800 et seq.) of Title 37.2 of information that is directly relevant to such person's involvement with the individual's health care, which may include the individual's location and general condition, when the individual has the capacity to make health care decisions and (i) the individual has agreed to the notification, (ii) the individual has been provided an opportunity to object to the notification and does not express an objection, or (iii) the health care provider can, on the basis of his professional judgment, reasonably infer from the circumstances that the individual does not object to the notification. If the opportunity to agree or object to the notification cannot practicably be provided because of the individual's incapacity or an emergency circumstance, the health care provider may notify a family member or personal representative of the individual of information that is directly relevant to such person's involvement with the individual's health care, which may include the individual's location and general condition if the health care provider, in the exercise of his professional judgment, determines that the notification is in the best interests of the individual. Such notification shall not be made if the provider has actual knowledge the family member or personal representative is currently prohibited by court order from contacting the individual;

35. To a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher education; and

36. To a regional emergency medical services council pursuant to § 32.1-116.1, for purposes limited to monitoring and improving the quality of emergency medical services pursuant to § 32.1-111.3.

Notwithstanding the provisions of subdivisions 1 through 35, a health care entity shall obtain an individual's written authorization for any disclosure of psychotherapy notes, except when disclosure by the health care entity is (i) for its own training programs in which students, trainees, or practitioners in mental health are being taught under supervision to practice or to improve their skills in group, joint, family, or individual counseling; (ii) to defend itself or its employees or staff against any accusation of wrongful conduct; (iii) in the discharge of the duty, in accordance with subsection B of § 54.1-2400.1, to take precautions to protect third parties from violent behavior or other serious harm; (iv) required in the course of an investigation, audit, review, or proceeding regarding a health care entity's conduct by a duly authorized law-enforcement, licensure, accreditation, or professional review entity; or (v) otherwise required by law.

E. Health care records required to be disclosed pursuant to this section shall be made available electronically only to the extent and in the manner authorized by the federal Health Information Technology for Economic and Clinical Health Act (P.L. 111-5) and implementing regulations and the Health Insurance Portability and Accountability Act (42 U.S.C. § 1320d et seq.) and implementing regulations. Notwithstanding any other provision to the contrary, a health care entity shall not be required to provide records in an electronic format requested if (i) the electronic format is not reasonably available without additional cost to the health care entity, (ii) the records would be subject to modification in the format requested, or (iii) the health care entity determines that the integrity of the records could be compromised in the electronic format requested. Requests for copies of or electronic access to health records shall (a) be in writing, dated and signed by the requester; (b) identify the nature of the information requested; and (c) include evidence of the authority of the requester to receive such copies or access such records, and identification of the person to whom the information is to be disclosed; and (d) specify whether the requester would like the records in electronic format, if available, or in paper format. The health care entity shall accept a photocopy, facsimile, or other copy of the original signed by the requester as if it were an original. Within 30 days of receipt of a request for copies of or electronic access to health records, the health care entity shall do one of the following: (1) furnish such copies of or allow electronic access to the requested health records to any requester authorized to receive them in electronic format if so requested; (2) inform the requester if the information does not exist or cannot be found; (3) if the health care entity does not maintain a record of the information, so inform the requester and provide the name and address, if known, of the health care entity who maintains the record; or (4) deny the request (A) under subsection F, (B) on the grounds that the requester has not established his authority to receive such health records or proof of his identity, or (C) as otherwise provided by law. Procedures set forth in this section shall apply only to requests for health records not specifically governed by other provisions of state law.

F. Except as provided in subsection B of § 8.01-413, copies of or electronic access to an individual's health records shall not be furnished to such individual or anyone authorized to act on the individual's behalf when the individual's treating physician, clinical psychologist, ~~or~~ clinical social worker, *or licensed professional counselor* has made a part of the individual's record a written statement that, in the exercise of his professional judgment, the furnishing to or review by the individual of such health records would be reasonably likely to endanger the life or physical safety of the individual or another person, or that such health record makes reference to a person other than a health care provider and the access requested would be reasonably likely to cause substantial harm to such referenced person. If any health care entity denies a request for copies of or electronic access to health records based on such statement, the health care entity shall inform the individual of the individual's right to designate, in writing, at his own expense, another reviewing physician, clinical psychologist, ~~or~~ clinical social worker, *or licensed professional counselor* whose licensure, training and experience relative to the individual's condition are at least equivalent to that of the physician, clinical psychologist, ~~or~~ clinical social worker, *or licensed professional counselor* upon whose opinion the denial is based. The designated reviewing physician, clinical

psychologist, ~~or~~ clinical social worker, *or licensed professional counselor* shall make a judgment as to whether to make the health record available to the individual.

The health care entity denying the request shall also inform the individual of the individual's right to request in writing that such health care entity designate, at its own expense, a physician, clinical psychologist, ~~or~~ clinical social worker, *or licensed professional counselor*, whose licensure, training, and experience relative to the individual's condition are at least equivalent to that of the physician, clinical psychologist, ~~or~~ clinical social worker, *or licensed professional counselor* upon whose professional judgment the denial is based and who did not participate in the original decision to deny the health records, who shall make a judgment as to whether to make the health record available to the individual. The health care entity shall comply with the judgment of the reviewing physician, clinical psychologist, ~~or~~ clinical social worker, *or licensed professional counselor*. The health care entity shall permit copying and examination of the health record by such other physician, clinical psychologist, ~~or~~ clinical social worker, *or licensed professional counselor* designated by either the individual at his own expense or by the health care entity at its expense.

Any health record copied for review by any such designated physician, clinical psychologist, ~~or~~ clinical social worker, *or licensed professional counselor* shall be accompanied by a statement from the custodian of the health record that the individual's treating physician, clinical psychologist, ~~or~~ clinical social worker, *or licensed professional counselor* determined that the individual's review of his health record would be reasonably likely to endanger the life or physical safety of the individual or would be reasonably likely to cause substantial harm to a person referenced in the health record who is not a health care provider.

Further, nothing herein shall be construed as giving, or interpreted to bestow the right to receive copies of, or otherwise obtain access to, psychotherapy notes to any individual or any person authorized to act on his behalf.

G. A written authorization to allow release of an individual's health records shall substantially include the following information:

AUTHORIZATION TO RELEASE CONFIDENTIAL HEALTH RECORDS

Individual's Name _____

Health Care Entity's Name _____

Person, Agency, or Health Care Entity to whom disclosure is to be made _____

Information or Health Records to be disclosed _____

Purpose of Disclosure or at the Request of the Individual _____

As the person signing this authorization, I understand that I am giving my permission to the above-named health care entity for disclosure of confidential health records. I understand that the health care entity may not condition treatment or payment on my willingness to sign this authorization unless the specific circumstances under which such conditioning is permitted by law are applicable and are set forth in this authorization. I also understand that I have the right to revoke this authorization at any time, but that my revocation is not effective until delivered in writing to the person who is in possession of my health records and is not effective as to health records already disclosed under this authorization. A copy of this authorization and a notation concerning the persons or agencies to whom disclosure was made shall be included with my original health records. I understand that health information disclosed under this authorization might be redisclosed by a recipient and may, as a result of such disclosure, no longer be protected to the same extent as such health information was protected by law while solely in the possession of the health care entity.

This authorization expires on (date) or (event) _____

Signature of Individual or Individual's Legal Representative if Individual is Unable to Sign _____

Relationship or Authority of Legal Representative _____

Date of Signature _____

H. Pursuant to this subsection:

1. Unless excepted from these provisions in subdivision 9, no party to a civil, criminal or administrative action or proceeding shall request the issuance of a subpoena duces tecum for another party's health records or cause a subpoena duces tecum to be issued by an attorney unless a copy of the request for the subpoena or a copy of the attorney-issued subpoena is provided to the other party's counsel or to the other party if pro se, simultaneously with filing the request or issuance of the subpoena. No party to an action or proceeding shall request or cause the issuance of a subpoena duces tecum for the health records of a nonparty witness unless a copy of the request for the subpoena or a copy of the attorney-issued subpoena is provided to the nonparty witness simultaneously with filing the request or issuance of the attorney-issued subpoena.

No subpoena duces tecum for health records shall set a return date earlier than 15 days from the date of the subpoena except by order of a court or administrative agency for good cause shown. When a court or administrative agency directs that health records be disclosed pursuant to a subpoena duces tecum earlier than 15 days from the date of the subpoena, a copy of the order shall accompany the subpoena.

Any party requesting a subpoena duces tecum for health records or on whose behalf the subpoena duces tecum is being issued shall have the duty to determine whether the individual whose health records are being sought is pro se or a nonparty.

In instances where health records being subpoenaed are those of a pro se party or nonparty witness, the party requesting or issuing the subpoena shall deliver to the pro se party or nonparty witness together with the copy of the request for subpoena, or a copy of the subpoena in the case of an attorney-issued subpoena, a statement informing them of their rights and remedies. The statement shall include the following language and the heading shall be in boldface capital letters:

NOTICE TO INDIVIDUAL

The attached document means that (insert name of party requesting or causing issuance of the subpoena) has either asked the court or administrative agency to issue a subpoena or a subpoena has been issued by the other party's attorney to your doctor, other health care providers (names of health care providers inserted here) or other health care entity (name of health care entity to be inserted here) requiring them to produce your health records. Your doctor, other health care provider or other health care entity is required to respond by providing a copy of your health records. If you believe your health records should not be disclosed and object to their disclosure, you have the right to file a motion with the clerk of the court or the administrative agency to quash the subpoena. If you elect to file a motion to quash, such motion must be filed within 15 days of the date of the request or of the attorney-issued subpoena. You may contact the clerk's office or the administrative agency to determine the requirements that must be satisfied when filing a motion to quash and you may elect to contact an attorney to represent your interest. If you elect to file a motion to quash, you must notify your doctor, other health care provider(s), or other health care entity, that you are filing the motion so that the health care provider or health care entity knows to send the health records to the clerk of court or administrative agency in a sealed envelope or package for safekeeping while your motion is decided.

2. Any party filing a request for a subpoena duces tecum or causing such a subpoena to be issued for an individual's health records shall include a Notice in the same part of the request in which the recipient of the subpoena duces tecum is directed where and when to return the health records. Such notice shall be in boldface capital letters and shall include the following language:

NOTICE TO HEALTH CARE ENTITIES

A COPY OF THIS SUBPOENA DUCES TECUM HAS BEEN PROVIDED TO THE INDIVIDUAL WHOSE HEALTH RECORDS ARE BEING REQUESTED OR HIS COUNSEL. YOU OR THAT INDIVIDUAL HAS THE RIGHT TO FILE A MOTION TO QUASH (OBJECT TO) THE ATTACHED SUBPOENA. IF YOU ELECT TO FILE A MOTION TO QUASH, YOU MUST FILE THE MOTION WITHIN 15 DAYS OF THE DATE OF THIS SUBPOENA.

YOU MUST NOT RESPOND TO THIS SUBPOENA UNTIL YOU HAVE RECEIVED WRITTEN CERTIFICATION FROM THE PARTY ON WHOSE BEHALF THE SUBPOENA WAS ISSUED THAT THE TIME FOR FILING A MOTION TO QUASH HAS ELAPSED AND THAT:

NO MOTION TO QUASH WAS FILED; OR

ANY MOTION TO QUASH HAS BEEN RESOLVED BY THE COURT OR THE ADMINISTRATIVE AGENCY AND THE DISCLOSURES SOUGHT ARE CONSISTENT WITH SUCH RESOLUTION.

IF YOU RECEIVE NOTICE THAT THE INDIVIDUAL WHOSE HEALTH RECORDS ARE BEING REQUESTED HAS FILED A MOTION TO QUASH THIS SUBPOENA, OR IF YOU FILE A MOTION TO QUASH THIS SUBPOENA, YOU MUST SEND THE HEALTH RECORDS ONLY TO THE CLERK OF THE COURT OR ADMINISTRATIVE AGENCY THAT ISSUED THE SUBPOENA OR IN WHICH THE ACTION IS PENDING AS SHOWN ON THE SUBPOENA USING THE FOLLOWING PROCEDURE:

PLACE THE HEALTH RECORDS IN A SEALED ENVELOPE AND ATTACH TO THE SEALED ENVELOPE A COVER LETTER TO THE CLERK OF COURT OR ADMINISTRATIVE AGENCY WHICH STATES THAT CONFIDENTIAL HEALTH RECORDS ARE ENCLOSED AND ARE TO BE HELD UNDER SEAL PENDING A RULING ON THE MOTION TO QUASH THE SUBPOENA. THE SEALED ENVELOPE AND THE COVER LETTER SHALL BE PLACED IN AN OUTER ENVELOPE OR PACKAGE FOR TRANSMITTAL TO THE COURT OR ADMINISTRATIVE AGENCY.

3. Upon receiving a valid subpoena duces tecum for health records, health care entities shall have the duty to respond to the subpoena in accordance with the provisions of subdivisions 4, 5, 6, 7, and 8.

4. Except to deliver to a clerk of the court or administrative agency subpoenaed health records in a sealed envelope as set forth, health care entities shall not respond to a subpoena duces tecum for such health records until they have received a certification as set forth in subdivision 5 or 8 from the party on whose behalf the subpoena duces tecum was issued.

If the health care entity has actual receipt of notice that a motion to quash the subpoena has been filed or if the health care entity files a motion to quash the subpoena for health records, then the health care entity shall produce the health records, in a securely sealed envelope, to the clerk of the court or administrative agency issuing the subpoena or in whose court or administrative agency the action is pending. The court or administrative agency shall place the health records under seal until a determination is made regarding the motion to quash. The securely sealed envelope shall only be opened on order of the judge or administrative agency. In the event the court or administrative agency grants the motion to quash, the health records shall be returned to the health care entity in the same sealed envelope in which they were delivered to the court or administrative agency. In the event that a judge or administrative agency orders the sealed envelope to be opened to review the health records in camera, a copy of the order shall accompany any health records returned to the health care entity. The health records returned to the health care entity shall be in a securely sealed envelope.

5. If no motion to quash is filed within 15 days of the date of the request or of the attorney-issued subpoena, the party on whose behalf the subpoena was issued shall have the duty to certify to the subpoenaed health care entity that the time for filing a motion to quash has elapsed and that no motion to quash was filed. Any health care entity receiving such certification shall have the duty to comply with the subpoena duces tecum by returning the specified health records by either the return date on the subpoena or five days after receipt of the certification, whichever is later.

6. In the event that the individual whose health records are being sought files a motion to quash the subpoena, the court or administrative agency shall decide whether good cause has been shown by the discovering party to compel disclosure of the individual's health records over the individual's objections. In determining whether good cause has been shown, the court or administrative agency shall consider (i) the particular purpose for which the information was collected; (ii) the degree to which the disclosure of the records would embarrass, injure, or invade the privacy of the individual; (iii) the effect of the disclosure on the individual's future health care; (iv) the importance of the information to the lawsuit or proceeding; and (v) any other relevant factor.

7. Concurrent with the court or administrative agency's resolution of a motion to quash, if subpoenaed health records have been submitted by a health care entity to the court or administrative agency in a sealed envelope, the court or administrative agency shall: (i) upon determining that no submitted health records should be disclosed, return all submitted health records to the health care entity in a sealed envelope; (ii) upon determining that all submitted health records should be disclosed, provide all the submitted health records to the party on whose behalf the subpoena was issued; or (iii) upon determining that only a portion of the submitted health records should be disclosed, provide such portion to the party on whose behalf the subpoena was issued and return the remaining health records to the health care entity in a sealed envelope.

8. Following the court or administrative agency's resolution of a motion to quash, the party on whose behalf the subpoena duces tecum was issued shall have the duty to certify in writing to the subpoenaed health care entity a statement of one of the following:

a. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are consistent with such resolution; and, therefore, the health records previously delivered in a sealed envelope to the clerk of the court or administrative agency will not be returned to the health care entity;

b. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are consistent with such resolution and that, since no health records have previously been delivered to the court or administrative agency by the health care entity, the health care entity shall comply with the subpoena duces tecum by returning the health records designated in the subpoena by the return date on the subpoena or five days after receipt of certification, whichever is later;

c. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are not consistent with such resolution; therefore, no health records shall be disclosed and all health records previously delivered in a sealed envelope to the clerk of the court or administrative agency will be returned to the health care entity;

d. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are not consistent with such resolution and that only limited disclosure has been authorized. The certification shall state that only the portion of the health records as set forth in the certification, consistent with the court or administrative agency's ruling, shall be disclosed. The certification shall also state that health records that were previously delivered to the court or administrative agency for which disclosure has been authorized will not be returned to the health care entity; however, all health records for which disclosure has not been authorized will be returned to the health care entity; or

e. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are not consistent with such resolution and, since no health records have previously been delivered to the court or administrative agency by the health care entity, the health care entity shall return only those health records specified in the certification, consistent with the court or administrative agency's ruling, by the return date on the subpoena or five days after receipt of the certification, whichever is later.

A copy of the court or administrative agency's ruling shall accompany any certification made pursuant to this subdivision.

9. The provisions of this subsection have no application to subpoenas for health records requested under § 8.01-413, or issued by a duly authorized administrative agency conducting an investigation, audit, review or proceedings regarding a health care entity's conduct.

The provisions of this subsection shall apply to subpoenas for the health records of both minors and adults.

Nothing in this subsection shall have any effect on the existing authority of a court or administrative agency to issue a protective order regarding health records, including, but not limited to, ordering the return of health records to a health care entity, after the period for filing a motion to quash has passed.

A subpoena for substance abuse records must conform to the requirements of federal law found in 42 C.F.R. Part 2, Subpart E.

I. Health care entities may testify about the health records of an individual in compliance with §§ 8.01-399 and 8.01-400.2.

J. If an individual requests a copy of his health record from a health care entity, the health care entity may impose a reasonable cost-based fee, which shall include only the cost of supplies for and labor of copying the requested information,

postage when the individual requests that such information be mailed, and preparation of an explanation or summary of such information as agreed to by the individual. For the purposes of this section, "individual" shall subsume a person with authority to act on behalf of the individual who is the subject of the health record in making decisions related to his health care.

K. Nothing in this section shall prohibit a health care provider who prescribes or dispenses a controlled substance required to be reported to the Prescription Monitoring Program established pursuant to Chapter 25.2 (§ 54.1-2519 et seq.) of Title 54.1 to a patient from disclosing information obtained from the Prescription Monitoring Program and contained in a patient's health care record to another health care provider when such disclosure is related to the care or treatment of the patient who is the subject of the record.

§ 37.2-809. Involuntary temporary detention; issuance and execution of order.

A. For the purposes of this section:

"Designee of the local community services board" means an examiner designated by the local community services board who (i) is skilled in the assessment and treatment of mental illness, (ii) has completed a certification program approved by the Department, (iii) is able to provide an independent examination of the person, (iv) is not related by blood or marriage to the person being evaluated, (v) has no financial interest in the admission or treatment of the person being evaluated, (vi) has no investment interest in the facility detaining or admitting the person under this article, and (vii) except for employees of state hospitals and of the U.S. Department of Veterans Affairs, is not employed by the facility.

"Employee" means an employee of the local community services board who is skilled in the assessment and treatment of mental illness and has completed a certification program approved by the Department.

"Investment interest" means the ownership or holding of an equity or debt security, including shares of stock in a corporation, interests or units of a partnership, bonds, debentures, notes, or other equity or debt instruments.

B. A magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or upon his own motion and only after an evaluation conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 37.2-804.1 by an employee or a designee of the local community services board to determine whether the person meets the criteria for temporary detention, a temporary detention order if it appears from all evidence readily available, including any recommendation from a physician, clinical psychologist, ~~or~~ clinical social worker, *or licensed professional counselor* treating the person, that the person (i) has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs; (ii) is in need of hospitalization or treatment; and (iii) is unwilling to volunteer or incapable of volunteering for hospitalization or treatment. The magistrate shall also consider, if available, (a) information provided by the person who initiated emergency custody and (b) the recommendations of any treating or examining physician licensed in Virginia either verbally or in writing prior to rendering a decision. Any temporary detention order entered pursuant to this section shall provide for the disclosure of medical records pursuant to § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

C. When considering whether there is probable cause to issue a temporary detention order, the magistrate may, in addition to the petition, consider (i) the recommendations of any treating or examining physician, psychologist, ~~or~~ clinical social worker, *or licensed professional counselor* licensed in Virginia, if available, (ii) any past actions of the person, (iii) any past mental health treatment of the person, (iv) any relevant hearsay evidence, (v) any medical records available, (vi) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (vii) any other information available that the magistrate considers relevant to the determination of whether probable cause exists to issue a temporary detention order.

D. A magistrate may issue a temporary detention order without an emergency custody order proceeding. A magistrate may issue a temporary detention order without a prior evaluation pursuant to subsection B if (i) the person has been personally examined within the previous 72 hours by an employee or a designee of the local community services board or (ii) there is a significant physical, psychological, or medical risk to the person or to others associated with conducting such evaluation.

E. An employee or a designee of the local community services board shall determine the facility of temporary detention in accordance with the provisions of § 37.2-809.1 for all individuals detained pursuant to this section. An employee or designee of the local community services board may change the facility of temporary detention and may designate an alternative facility for temporary detention at any point during the period of temporary detention if it is determined that the alternative facility is a more appropriate facility for temporary detention of the individual given the specific security, medical, or behavioral health needs of the person. In cases in which the facility of temporary detention is changed following transfer of custody to an initial facility of temporary custody, transportation of the individual to the alternative facility of temporary detention shall be provided in accordance with the provisions of § 37.2-810. The initial facility of temporary detention shall be identified on the preadmission screening report and indicated on the temporary detention order; however, if an employee or designee of the local community services board designates an alternative facility, that employee or designee shall provide written notice forthwith, on a form developed by the Executive Secretary of the Supreme Court of Virginia, to the clerk of the issuing court of the name and address of the alternative facility. Subject to the provisions of § 37.2-809.1, if a facility of temporary detention cannot be identified by the time of the expiration of the

period of emergency custody pursuant to § 37.2-808, the individual shall be detained in a state facility for the treatment of individuals with mental illness and such facility shall be indicated on the temporary detention order. Except as provided in § 37.2-811 for inmates requiring hospitalization in accordance with subdivision A 2 of § 19.2-169.6, the person shall not be detained in a jail or other place of confinement for persons charged with criminal offenses and shall remain in the custody of law enforcement until the person is either detained within a secure facility or custody has been accepted by the appropriate personnel designated by either the initial facility of temporary detention identified in the temporary detention order or by the alternative facility of temporary detention designated by the employee or designee of the local community services board pursuant to this subsection. The person detained or in custody pursuant to this section shall be given a written summary of the temporary detention procedures and the statutory protections associated with those procedures.

F. Any facility caring for a person placed with it pursuant to a temporary detention order is authorized to provide emergency medical and psychiatric services within its capabilities when the facility determines that the services are in the best interests of the person within its care. The costs incurred as a result of the hearings and by the facility in providing services during the period of temporary detention shall be paid and recovered pursuant to § 37.2-804. The maximum costs reimbursable by the Commonwealth pursuant to this section shall be established by the State Board of Medical Assistance Services based on reasonable criteria. The State Board of Medical Assistance Services shall, by regulation, establish a reasonable rate per day of inpatient care for temporary detention.

G. The employee or the designee of the local community services board who is conducting the evaluation pursuant to this section shall determine, prior to the issuance of the temporary detention order, the insurance status of the person. Where coverage by a third party payor exists, the facility seeking reimbursement under this section shall first seek reimbursement from the third party payor. The Commonwealth shall reimburse the facility only for the balance of costs remaining after the allowances covered by the third party payor have been received.

H. The duration of temporary detention shall be sufficient to allow for completion of the examination required by § 37.2-815, preparation of the preadmission screening report required by § 37.2-816, and initiation of mental health treatment to stabilize the person's psychiatric condition to avoid involuntary commitment where possible, but shall not exceed 72 hours prior to a hearing. If the 72-hour period herein specified terminates on a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, the person may be detained, as herein provided, until the close of business on the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed. The person may be released, pursuant to § 37.2-813, before the 72-hour period herein specified has run.

I. If a temporary detention order is not executed within 24 hours of its issuance, or within a shorter period as is specified in the order, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if the office is not open, to any magistrate serving the jurisdiction of the issuing court. Subsequent orders may be issued upon the original petition within 96 hours after the petition is filed. However, a magistrate must again obtain the advice of an employee or a designee of the local community services board prior to issuing a subsequent order upon the original petition. Any petition for which no temporary detention order or other process in connection therewith is served on the subject of the petition within 96 hours after the petition is filed shall be void and shall be returned to the office of the clerk of the issuing court.

J. The Executive Secretary of the Supreme Court of Virginia shall establish and require that a magistrate, as provided by this section, be available seven days a week, 24 hours a day, for the purpose of performing the duties established by this section. Each community services board shall provide to each general district court and magistrate's office within its service area a list of its employees and designees who are available to perform the evaluations required herein.

K. For purposes of this section, a health care provider or designee of a local community services board or behavioral health authority shall not be required to encrypt any email containing information or medical records provided to a magistrate unless there is reason to believe that a third party will attempt to intercept the email.

L. If the employee or designee of the community services board who is conducting the evaluation pursuant to this section recommends that the person should not be subject to a temporary detention order, such employee or designee shall (i) inform the petitioner, the person who initiated emergency custody if such person is present, and an onsite treating physician of his recommendation; (ii) promptly inform such person who initiated emergency custody that the community services board will facilitate communication between the person and the magistrate if the person disagrees with recommendations of the employee or designee of the community services board who conducted the evaluation and the person who initiated emergency custody so requests; and (iii) upon prompt request made by the person who initiated emergency custody, arrange for such person who initiated emergency custody to communicate with the magistrate as soon as is practicable and prior to the expiration of the period of emergency custody. The magistrate shall consider any information provided by the person who initiated emergency custody and any recommendations of the treating or examining physician and the employee or designee of the community services board who conducted the evaluation and consider such information and recommendations in accordance with subsection B in making his determination to issue a temporary detention order. The individual who is the subject of emergency custody shall remain in the custody of law enforcement or a designee of law enforcement and shall not be released from emergency custody until communication with the magistrate pursuant to this subsection has concluded and the magistrate has made a determination regarding issuance of a temporary detention order.

M. For purposes of this section, "person who initiated emergency custody" means any person who initiated the issuance of an emergency custody order pursuant to § 37.2-808 or a law-enforcement officer who takes a person into custody pursuant to subsection G of § 37.2-808.

§ 38.2-608. Access to recorded personal information.

A. If any individual, after proper identification, submits a written request to an insurance institution, agent, or insurance-support organization for access to recorded personal information about the individual that is reasonably described by the individual and reasonably able to be located and retrieved by the insurance institution, agent, or insurance-support organization, the insurance institution, agent, or insurance-support organization shall within 30 business days from the date the request is received:

1. Inform the individual of the nature and substance of the recorded personal information in writing, by telephone, or by other oral communication, whichever the insurance institution, agent, or insurance-support organization prefers;

2. Permit the individual to see and copy, in person, the recorded personal information pertaining to him or to obtain a copy of the recorded personal information by mail, whichever the individual prefers, unless the recorded personal information is in coded form, in which case an accurate translation in plain language shall be provided in writing;

3. Disclose to the individual the identity, if recorded, of those persons to whom the insurance institution, agent, or insurance-support organization has disclosed the personal information within two years prior to such request, and if the identity is not recorded, the names of those insurance institutions, agents, insurance-support organizations or other persons to whom such information is normally disclosed; and

4. Provide the individual with a summary of the procedures by which he may request correction, amendment, or deletion of recorded personal information.

B. Any personal information provided pursuant to subsection A of this section shall identify the source of the information if it is an institutional source.

C. Medical-record information supplied by a medical-care institution or medical professional and requested under subsection A of this section, together with the identity of the medical professional or medical care institution that provided the information, shall be supplied either directly to the individual or to a medical professional designated by the individual and licensed to provide medical care with respect to the condition to which the information relates, whichever the individual prefers. If the individual elects to have the information disclosed to a medical professional designated by him, the insurance institution, agent or insurance-support organization shall notify the individual, at the time of the disclosure, that it has provided the information to the medical professional.

However, disclosure directly to the individual may be denied if a treating physician, clinical psychologist, ~~or~~ clinical social worker, *or licensed professional counselor* has determined, in the exercise of professional judgment, that the disclosure requested would be reasonably likely to endanger the life or physical safety of the individual or another person or that the information requested makes reference to a person other than a health care provider and disclosure of such information would be reasonably likely to cause substantial harm to the referenced person.

If disclosure to the individual is denied, upon the individual's request, the insurance institution, agent or insurance support organization shall either (i) designate a physician, clinical psychologist, ~~or~~ clinical social worker, *or licensed professional counselor* acceptable to the insurance institution, agent or insurance support organization, who was not directly involved in the denial, and whose licensure, training, and experience relative to the individual's condition are at least equivalent to that of the physician, clinical psychologist, ~~or~~ clinical social worker, *or licensed professional counselor* who made the original determination, who shall, at the expense of the insurance institution, agent or insurance support organization, make a judgment as to whether to make the information available to the individual; or (ii) if the individual so requests, make the information available, at the individual's expense to a physician, clinical psychologist, ~~or~~ clinical social worker, *or licensed professional counselor* selected by the individual, whose licensure, training and experience relative to the individual's condition are at least equivalent to that of the physician, clinical psychologist, ~~or~~ clinical social worker, *or licensed professional counselor* who made the original determination, who shall make a judgment as to whether to make the information available to the individual. The insurance institution, agent, or insurance support organization shall comply with the judgment of the reviewing physician, clinical psychologist, ~~or~~ clinical social worker, *or licensed professional counselor* made in accordance with the foregoing procedures.

D. Except for personal information provided under § 38.2-610, an insurance institution, agent, or insurance-support organization may charge a reasonable fee to cover the costs incurred in providing a copy of recorded personal information to individuals.

E. The obligations imposed by this section upon an insurance institution or agent may be satisfied by another insurance institution or agent authorized to act on its behalf. With respect to the copying and disclosure of recorded personal information pursuant to a request under subsection A of this section, an insurance institution, agent, or insurance-support organization may make arrangements with an insurance-support organization or a consumer reporting agency to copy and disclose recorded personal information on its behalf.

F. The rights granted to individuals in this section shall extend to all natural persons to the extent information about them is collected and maintained by an insurance institution, agent or insurance-support organization in connection with an insurance transaction. The rights granted to all natural persons by this subsection shall not extend to information about them that relates to and is collected in connection with or in reasonable anticipation of a claim or civil or criminal proceeding involving them.

G. For purposes of this section, the term "insurance-support organization" does not include "consumer reporting agency."

§ 53.1-40.2. Involuntary admission of prisoners with mental illness.

A. Upon the petition of the Director or his designee, any district court judge or any special justice, as defined by § 37.2-100, of the county or city where the prisoner is located may issue an order authorizing involuntary admission of a prisoner who is sentenced and committed to the Department of Corrections and who is alleged or reliably reported to have a mental illness to a degree that warrants hospitalization.

B. Such prisoner may be involuntarily admitted to a hospital or facility for the care and treatment of persons with mental illness by complying with the following admission procedures:

1. A hearing on the petition shall be scheduled as soon as possible, allowing the prisoner an opportunity to prepare any defenses which he may have, obtain independent evaluation and expert opinion at his own expense, and summons other witnesses.

2. Prior to such hearing, the judge or special justice shall fully inform the prisoner of the allegations of the petition, the standard upon which he may be admitted involuntarily, the right of appeal from such hearing to the circuit court, and the right to jury trial on appeal. The judge or special justice shall ascertain if the prisoner is represented by counsel, and, if he is not represented by counsel, the judge or special justice shall appoint an attorney to represent the prisoner.

3. The judge or special justice shall require an examination of such prisoner by a psychiatrist, clinical psychologist, ~~or~~ clinical social worker, *or licensed professional counselor* who is licensed in Virginia or, if such psychiatrist, clinical psychologist, ~~or~~ clinical social worker, *or licensed professional counselor* is not available, a physician or psychologist who is licensed in Virginia and who is qualified in the diagnosis of mental illness. The judge or special justice shall summons the examiner, who shall certify that he has personally examined the individual and has probable cause to believe that the prisoner does or does not have mental illness, that there does or does not exist a substantial likelihood that, as a result of mental illness, the prisoner will, in the near future, cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, and that the prisoner does or does not require involuntary hospitalization. The judge or special justice may accept written certification of the examiner's findings if the examination has been personally made within the preceding five days and if there is no objection to the acceptance of such written certification by the prisoner or his attorney.

4. If the judge or special justice, after observing the prisoner and obtaining the necessary positive certification and other relevant evidence, finds specifically that (i) the prisoner has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the prisoner will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, and (ii) alternatives to involuntary admission have been investigated and deemed unsuitable and there is no less restrictive alternative to such admission, the judge or special justice shall by written order and specific findings so certify and order that the prisoner be placed in a hospital or other facility designated by the Director for a period not to exceed 180 days from the date of the court order. Such placement shall be in a hospital or other facility for the care and treatment of persons with mental illness that is licensed or operated by the Department of Behavioral Health and Developmental Services.

5. The judge or special justice shall also order that the relevant medical records of such prisoner be released to the hospital, facility, or program in which he is placed upon request of the treating physician or director of the hospital, facility, or program.

6. The Department shall prepare the forms required in procedures for admission as approved by the Attorney General. These forms, which shall be the legal forms used in such admissions, shall be distributed by the Department to the clerks of the general district courts of the various counties and cities of the Commonwealth and to the directors of the respective state hospitals.

§ 54.1-2969. Authority to consent to surgical and medical treatment of certain minors.

A. Whenever any minor who has been separated from the custody of his parent or guardian is in need of surgical or medical treatment, authority commensurate with that of a parent in like cases is conferred, for the purpose of giving consent to such surgical or medical treatment, as follows:

1. Upon judges with respect to minors whose custody is within the control of their respective courts.

2. Upon local directors of social services or their designees with respect to (i) minors who are committed to the care and custody of the local board by courts of competent jurisdiction, (ii) minors who are taken into custody pursuant to § 63.2-1517, and (iii) minors who are entrusted to the local board by the parent, parents or guardian, when the consent of the parent or guardian cannot be obtained immediately and, in the absence of such consent, a court order for such treatment cannot be obtained immediately.

3. Upon the Director of the Department of Corrections or the Director of the Department of Juvenile Justice or his designees with respect to any minor who is sentenced or committed to his custody.

4. Upon the principal executive officers of state institutions with respect to the wards of such institutions.

5. Upon the principal executive officer of any other institution or agency legally qualified to receive minors for care and maintenance separated from their parents or guardians, with respect to any minor whose custody is within the control of such institution or agency.

6. Upon any person standing in loco parentis, or upon a conservator or custodian for his ward or other charge under disability.

B. Whenever the consent of the parent or guardian of any minor who is in need of surgical or medical treatment is unobtainable because such parent or guardian is not a resident of the Commonwealth or his whereabouts is unknown or he cannot be consulted with promptness reasonable under the circumstances, authority commensurate with that of a parent in like cases is conferred, for the purpose of giving consent to such surgical or medical treatment, upon judges of juvenile and domestic relations district courts.

C. Whenever delay in providing medical or surgical treatment to a minor may adversely affect such minor's recovery and no person authorized in this section to consent to such treatment for such minor is available within a reasonable time under the circumstances, no liability shall be imposed upon qualified emergency medical services personnel as defined in § 32.1-111.1 at the scene of an accident, fire or other emergency, a licensed health professional, or a licensed hospital by reason of lack of consent to such medical or surgical treatment. However, in the case of a minor 14 years of age or older who is physically capable of giving consent, such consent shall be obtained first.

D. Whenever delay in providing transportation to a minor from the scene of an accident, fire or other emergency prior to hospital admission may adversely affect such minor's recovery and no person authorized in this section to consent to such transportation for such minor is available within a reasonable time under the circumstances, no liability shall be imposed upon emergency medical services personnel as defined in § 32.1-111.1, by reason of lack of consent to such transportation. However, in the case of a minor 14 years of age or older who is physically capable of giving consent, such consent shall be obtained first.

E. A minor shall be deemed an adult for the purpose of consenting to:

1. Medical or health services needed to determine the presence of or to treat venereal disease or any infectious or contagious disease that the State Board of Health requires to be reported;
2. Medical or health services required in case of birth control, pregnancy or family planning except for the purposes of sexual sterilization;
3. Medical or health services needed in the case of outpatient care, treatment or rehabilitation for substance abuse as defined in § 37.2-100; or
4. Medical or health services needed in the case of outpatient care, treatment or rehabilitation for mental illness or emotional disturbance.

A minor shall also be deemed an adult for the purpose of accessing or authorizing the disclosure of medical records related to subdivisions 1 through 4.

F. Except for the purposes of sexual sterilization, any minor who is or has been married shall be deemed an adult for the purpose of giving consent to surgical and medical treatment.

G. A pregnant minor shall be deemed an adult for the sole purpose of giving consent for herself and her child to surgical and medical treatment relating to the delivery of her child when such surgical or medical treatment is provided during the delivery of the child or the duration of the hospital admission for such delivery; thereafter, the minor mother of such child shall also be deemed an adult for the purpose of giving consent to surgical and medical treatment for her child.

H. Any minor 16 years of age or older may, with the consent of a parent or legal guardian, consent to donate blood and may donate blood if such minor meets donor eligibility requirements. However, parental consent to donate blood by any minor 17 years of age shall not be required if such minor receives no consideration for his blood donation and the procurer of the blood is a nonprofit, voluntary organization.

I. Any judge, local director of social services, Director of the Department of Corrections, Director of the Department of Juvenile Justice, or principal executive officer of any state or other institution or agency who consents to surgical or medical treatment of a minor in accordance with this section shall make a reasonable effort to notify the minor's parent or guardian of such action as soon as practicable.

J. Nothing in subsection G shall be construed to permit a minor to consent to an abortion without complying with § 16.1-241.

K. Nothing in subsection E shall prevent a parent, legal guardian or person standing in loco parentis from obtaining (i) the results of a minor's nondiagnostic drug test when the minor is not receiving care, treatment or rehabilitation for substance abuse as defined in § 37.2-100 or (ii) a minor's other health records, except when the minor's treating physician, clinical psychologist, ~~or~~ clinical social worker, or licensed professional counselor has determined, in the exercise of his professional judgment, that the disclosure of health records to the parent, legal guardian, or person standing in loco parentis would be reasonably likely to cause substantial harm to the minor or another person pursuant to subsection B of § 20-124.6.

CHAPTER 510

An Act to amend and reenact § 54.1-526 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 23.1-408.1, relating to intercollegiate athletics; student-athletes; compensation and representation for name, image, or likeness.

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-526 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 23.1-408.1 as follows:

§ 23.1-408.1. Intercollegiate athletics; student-athletes; compensation and representation for name, image, or likeness.

A. As used in this section:

"Athlete agent" means an individual who holds a valid certificate of registration as an athlete agent issued pursuant to Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1.

"Attorney" means an attorney licensed to practice law in the Commonwealth.

"Compensation" means any type of remuneration or anything of value. "Compensation" does not include any (i) scholarship provided to a student-athlete that covers some or all of the cost of attendance at an institution at which the student-athlete is enrolled or (ii) benefit a student-athlete may receive in accordance with the rules of the relevant athletic association or conference.

"Institution" means a private institution of higher education, associate-degree-granting public institution of higher education, or baccalaureate public institution of higher education.

"Student-athlete" means an individual enrolled at an institution who participates in intercollegiate athletics.

B. No institution or agent thereof, athletic association, athletic conference, or other organization with authority over intercollegiate athletics shall:

1. Prohibit or prevent a student-athlete from earning compensation for the use of his name, image, or likeness, except as otherwise permitted in this section;

2. Prohibit or prevent a student-athlete from obtaining professional representation by an athlete agent or legal representation by an attorney in connection with issues related to name, image, or likeness;

3. Declare a student-athlete ineligible for intercollegiate athletic competition because he earns compensation for the use of his name, image, or likeness or obtains professional representation by an athlete agent or attorney in connection with issues related to name, image, or likeness; or

4. Reduce, cancel, revoke, or not renew an athletic scholarship because a student-athlete earns compensation for the use of his name, image, or likeness or obtains professional representation by an athlete agent or attorney in connection with issues related to name, image, or likeness.

C. No athletic association, athletic conference, or other organization with authority over intercollegiate athletics shall prohibit or prevent an institution from becoming a member of the association, conference, or organization or participating in intercollegiate athletics sponsored by such association, conference, or organization as a consequence of any student-athlete earning compensation for the use of his name, image, or likeness or obtaining representation by an athlete agent or attorney in connection with issues related to name, image, or likeness.

D. No student-athlete shall earn compensation for the use of his name, image, or likeness in connection with any of the following:

1. Alcohol and alcoholic beverages;

2. Adult entertainment;

3. Cannabis, cannabinoids, cannabidiol, or other derivatives, not including hemp or hemp products;

4. Controlled substances, as defined in § 54.1-3401;

5. Performance enhancing drugs or substances such as steroids or human growth hormone;

6. Drug paraphernalia, as defined in § 18.2-265.1;

7. Tobacco, tobacco products, alternative nicotine products, nicotine vapor products, and similar products and devices;

8. Weapons, including firearms and ammunition for firearms; and

9. Casinos or gambling, including sports betting.

E. An institution may prohibit a student-athlete from earning compensation for the use of his name, image, or likeness while the student-athlete is engaged in academic, official team, or athletic department activities, including class, tutoring, competition, practice, travel, academic services, community service, promotional activities, and other athletic department activities.

F. No student-athlete shall use an institution's facilities; apparel; equipment; uniforms; or intellectual property, including logos, indicia, registered and unregistered trademarks, and products protected by copyright, for any opportunity to earn compensation for the use of his name, image, or likeness, unless otherwise permitted by the institution.

G. Prior to executing an agreement concerning the use of his name, image, or likeness, a student-athlete shall disclose such agreement to the institution at which he is enrolled in a manner designated by the institution. If a student-athlete discloses a potential agreement that conflicts with an existing institutional agreement, the institution shall disclose the relevant terms of the conflicting agreement to the student-athlete.

H. An institution may prohibit a student-athlete from using his name, image, or likeness to earn compensation if the proposed use conflicts with an existing institutional agreement.

I. No institution shall, except as otherwise permitted in this section, enter into, renew, or modify any agreement that prohibits a student-athlete from using his name, image, or likeness to earn compensation while the student-athlete is engaged in non-academic, unofficial team, or non-athletic department activities.

J. Nothing in this section shall be construed to impact the employment status of a student-athlete. No student-athlete shall be considered an employee of an institution based on participation in intercollegiate athletics.

K. Any student-athlete who is aggrieved by any action of an institution or agent thereof, athletic association, athletic conference, or other organization with authority over intercollegiate athletics in violation of any provision of this section may bring an action for injunctive relief.

§ 54.1-526. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Agency contract" means an agreement in which a student-athlete authorizes a person to negotiate or solicit on behalf of the student-athlete a professional sports services contract or endorsement contract.

"Athlete agent" means an individual, whether or not registered under this chapter, who (i) directly or indirectly recruits or solicits a student-athlete to enter into an agency contract or, for compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for a student-athlete as a professional athlete or member of a professional sports team or organization; (ii) for compensation or in anticipation of compensation related to a student-athlete's participation in athletics (a) serves the student-athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions, unless the individual is an employee of an educational institution acting exclusively as an employee of the institution for the benefit of the institution, or (b) manages the business affairs of the student-athlete by providing assistance with bills, payments, contracts, or taxes; ~~or~~ (iii) in anticipation of representing a student-athlete for a purpose related to the student-athlete's participation in athletics (a) gives consideration to the student-athlete or another person, (b) serves the student-athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions, or (c) manages the business affairs of the student-athlete by providing assistance with bills, payments, contracts, or taxes; or (iv) represents a student-athlete in connection with issues related to name, image, or likeness, including negotiating, securing, obtaining, arranging, and managing name, image, or likeness opportunities. "Athlete agent" does not include an individual who (a) acts solely on behalf of a professional sports team or organization or (b) is a licensed, registered, or certified professional and offers or provides services to a student-athlete customarily provided by members of the profession, unless the individual (1) also recruits or solicits the student-athlete to enter into an agency contract, (2) also, for compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for the student-athlete as a professional athlete or member of a professional sports team or organization, or (3) receives consideration for providing the services calculated using a different method than for an individual who is not a student-athlete.

"Athletic director" means the individual responsible for administering the overall athletic program of an educational institution or, if an educational institution has separately administered athletic programs for male students and female students, the athletic program for males or the athletic program for females, as appropriate.

"Director" means the Director of the Department of Professional and Occupational Regulation.

"Educational institution" means a public or private (i) elementary school, (ii) secondary school, (iii) technical or vocational school, (iv) community college, or (v) institution of higher education.

"Endorsement contract" means an agreement under which a student-athlete is employed or receives consideration to use on behalf of the other party any value that the student-athlete may have because of publicity, reputation, following, or fame obtained because of athletic ability or performance.

"Enrolled" or "enrolls" means registered for courses and attending athletic practice or class.

"Intercollegiate sport" means a sport played at the collegiate level for which eligibility requirements for participation by a student-athlete are established by a national association that promotes or regulates collegiate athletics.

"Interscholastic sport" means a sport played between educational institutions that are not community colleges or institutions of higher education.

"Licensed, registered, or certified professional" means an individual, other than an athlete agent, who is licensed, registered, or certified as an attorney, dealer in securities, financial planner, insurance agent, real estate broker or sales agent, tax consultant, accountant, or member of a profession by the Commonwealth or a nationally recognized organization that licenses, registers, or certifies members of the profession on the basis of experience, education, or testing.

"Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality or other legal entity.

"Professional sports services contract" means an agreement under which an individual is employed as a professional athlete or agrees to render services as a player on a professional sports team or with a professional sports organization.

"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

"Recruit or solicit" means an attempt to influence the choice of an athlete agent by a student-athlete or, if the student-athlete is a minor, a parent or guardian of the student-athlete. "Recruit or solicit" does not include giving advice on the selection of a particular agent in a family, coaching, or social situation unless the individual giving the advice does so because of the receipt or anticipated receipt of an economic benefit, directly or indirectly, from the agent.

"Registration" means registration as an athlete agent.

"Sign" means, with present intent to authenticate or adopt a record, (i) to execute or adopt a tangible symbol or (ii) to attach to or logically associate with the record an electronic symbol, sound, or process.

"State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

"Student-athlete" means an individual who is eligible to attend an educational institution and engages in, is eligible to engage in, or may be eligible in the future to engage in any interscholastic or intercollegiate sport. "Student-athlete" does not include, for a particular interscholastic or intercollegiate sport, an individual permanently ineligible to participate in that sport.

CHAPTER 511

An Act to amend and reenact § 59.1-392 of the Code of Virginia, relating to horse racing tax.

[H 574]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-392 of the Code of Virginia is amended and reenacted as follows:

§ 59.1-392. Percentage retained; tax.

A. Any person holding an operator's license to operate a horse racetrack or satellite facility in the Commonwealth pursuant to this chapter shall be authorized to conduct pari-mutuel wagering on horse racing subject to the provisions of this chapter and the conditions and regulations of the Commission.

B. On pari-mutuel pools generated by wagering at the racetrack on live horse racing conducted within the Commonwealth, involving win, place and show wagering, the licensee shall retain a percentage amount approved by the Commission as jointly requested by a recognized majority horsemen's group and a licensee and the legitimate breakage, out of which shall be paid one and one-quarter percent to be distributed as follows: one percent to the Commonwealth as a license tax and one-quarter percent to the locality in which the racetrack is located. The remainder of the retainage shall be paid as provided in subsection D, provided, however, that if the percentage amount approved by the Commission is other than 18 percent, the amounts provided in subdivisions D 1, 2 and 3 shall be adjusted by the proportion that the approved percentage amount bears to 18 percent.

C. On pari-mutuel pools generated by wagering at each Virginia satellite facility on live horse racing conducted within the Commonwealth, involving win, place and show wagering, the licensee shall retain a percentage amount approved by the Commission as jointly requested by a recognized majority horsemen's group and a licensee and the legitimate breakage, out of which shall be paid one and one-quarter percent to be distributed as follows: three-quarters percent to the Commonwealth as a license tax, one-quarter percent to the locality in which the satellite facility is located, and one-quarter percent to the locality in which the racetrack is located. The remainder of the retainage shall be paid as provided in subsection D; provided, however, that if the percentage amount approved by the Commission is other than 18 percent, the amounts provided in subdivisions D 1, 2 and 3 shall be adjusted by the proportion that the approved percentage amount bears to 18 percent.

D. On pari-mutuel pools generated by wagering at the racetrack and each Virginia satellite facility on live horse racing conducted within the Commonwealth, involving win, place and show wagering, the licensee shall retain a percentage amount approved by the Commission as jointly requested by a recognized majority horsemen's group and a licensee and the legitimate breakage, out of which shall be paid:

1. Eight percent as purses or prizes to the participants in such race meeting;
2. Seven and one-half percent, and all of the breakage and the proceeds of pari-mutuel tickets unredeemed 180 days from the date on which the race was conducted, to the operator;
3. One percent to the Virginia Breeders Fund;
4. Fifteen one-hundredths percent to the Virginia-Maryland Regional College of Veterinary Medicine;
5. Five one-hundredths percent to the Virginia Horse Center Foundation;
6. Five one-hundredths percent to the Virginia Horse Industry Board; and
7. The remainder of the retainage shall be paid as appropriate under subsection B or C.

E. On pari-mutuel pools generated by wagering at the racetrack on live horse racing conducted within the Commonwealth involving wagering other than win, place and show wagering, the licensee shall retain a percentage amount approved by the Commission as jointly requested by a recognized majority horsemen's group and a licensee and the legitimate breakage, out of which shall be paid two and three-quarters percent to be distributed as follows: two and one-quarter percent to the Commonwealth as a license tax, and one-half percent to the locality in which the racetrack is located. The remainder of the retainage shall be paid as provided in subsection G; provided, however, that if the percentage amount approved by the Commission is other than 22 percent, the amounts provided in subdivisions G 1, 2 and 3 shall be adjusted by the proportion that the approved percentage amount bears to 22 percent.

F. On pari-mutuel pools generated by wagering at each Virginia satellite facility on live horse racing conducted within the Commonwealth involving wagering other than win, place and show wagering, the licensee shall retain a percentage amount approved by the Commission as jointly requested by a recognized majority horsemen's group and a licensee and the legitimate breakage, out of which shall be paid two and three-quarters percent to be distributed as follows: one and three-quarters percent to the Commonwealth as a license tax, one-half percent to the locality in which the satellite facility is located, and one-half percent to the locality in which the racetrack is located. The remainder of the retainage shall be paid as

provided in subsection G; provided, however, that if the percentage amount approved by the Commission is other than 22 percent, the amounts provided in subdivisions G 1, 2 and 3 shall be adjusted by the proportion that the approved percentage amount bears to 22 percent.

G. On pari-mutuel pools generated by wagering at the racetrack and each Virginia satellite facility on live horse racing conducted within the Commonwealth involving wagering other than win, place and show wagering, the licensee shall retain a percentage amount approved by the Commission as jointly requested by a recognized majority horsemen's group and a licensee and the legitimate breakage, out of which shall be paid:

1. Nine percent as purses or prizes to the participants in such race meeting;
2. Nine percent, and the proceeds of the pari-mutuel tickets unredeemed 180 days from the date on which the race was conducted, to the operator;
3. One percent to the Virginia Breeders Fund;
4. Fifteen one-hundredths percent to the Virginia-Maryland Regional College of Veterinary Medicine;
5. Five one-hundredths percent to the Virginia Horse Center Foundation;
6. Five one-hundredths percent to the Virginia Horse Industry Board; and
7. The remainder of the retainage shall be paid as appropriate under subsection E or F.

H. On pari-mutuel wagering generated by simulcast horse racing transmitted from jurisdictions outside the Commonwealth, the licensee may, with the approval of the Commission, commingle pools with the racetrack where the transmission emanates or establish separate pools for wagering within the Commonwealth. All simulcast horse racing in this subsection must comply with the Interstate Horse Racing Act of 1978 (15 U.S.C. § 3001 et seq.).

I. On pari-mutuel pools generated by wagering at the racetrack on simulcast horse racing transmitted from jurisdictions outside the Commonwealth, involving win, place and show wagering, the licensee shall retain one and one-quarter percent of such pool to be distributed as follows: three-quarters percent to the Commonwealth as a license tax, and one-half percent to the Virginia locality in which the racetrack is located.

J. On pari-mutuel pools generated by wagering at each Virginia satellite facility on simulcast horse racing transmitted from jurisdictions outside the Commonwealth, involving win, place and show wagering, the licensee shall retain one and one-quarter percent of such pool to be distributed as follows: three-quarters percent to the Commonwealth as a license tax, one-quarter percent to the locality in which the satellite facility is located, and one-quarter percent to the Virginia locality in which the racetrack is located.

K. On pari-mutuel pools generated by wagering at the racetrack and each Virginia satellite facility on simulcast horse racing transmitted from jurisdictions outside the Commonwealth, involving win, place and show wagering, the licensee shall retain one and thirty one-hundredths percent of such pool to be distributed as follows:

1. One percent of the pool to the Virginia Breeders Fund;
2. Fifteen one-hundredths percent to the Virginia-Maryland Regional College of Veterinary Medicine;
3. Five one-hundredths percent to the Virginia Horse Center Foundation;
4. Five one-hundredths percent to the Virginia Horse Industry Board; and
5. Five one-hundredths percent to the Virginia Thoroughbred Association for the promotion of breeding in the Commonwealth.

L. On pari-mutuel pools generated by wagering at the racetrack on simulcast horse racing transmitted from jurisdictions outside the Commonwealth, involving wagering other than win, place and show wagering, the licensee shall retain two and three-quarters percent of such pool to be distributed as follows: one and three-quarters percent to the Commonwealth as a license tax, and one percent to the Virginia locality in which the racetrack is located.

M. On pari-mutuel pools generated by wagering at each Virginia satellite facility on simulcast horse racing transmitted from jurisdictions outside the Commonwealth, involving wagering other than win, place and show wagering, the licensee shall retain two and three-quarters percent of such pool to be distributed as follows: one and three-quarters percent to the Commonwealth as a license tax, one-half percent to the locality in which the satellite facility is located, and one-half percent to the Virginia locality in which the racetrack is located.

N. On pari-mutuel pools generated by wagering at the racetrack and each Virginia satellite facility on simulcast horse racing transmitted from jurisdictions outside the Commonwealth, involving wagering other than win, place and show wagering, the licensee shall retain one and thirty one-hundredths percent of such pool to be distributed as follows:

1. One percent of the pool to the Virginia Breeders Fund;
2. Fifteen one-hundredths percent to the Virginia-Maryland Regional College of Veterinary Medicine;
3. Five one-hundredths percent to the Virginia Horse Center Foundation;
4. Five one-hundredths percent to the Virginia Horse Industry Board; and
5. Five one-hundredths percent to the Virginia Thoroughbred Association for the promotion of breeding in the Commonwealth.

O. Moneys payable to the Commonwealth shall be deposited in the general fund. Gross receipts for license tax purposes under Chapter 37 (§ 58.1-3700 et seq.) of Title 58.1 shall not include pari-mutuel wagering pools and license taxes authorized by this section.

P. All payments by the licensee to the Commonwealth or any locality shall be made within five days from the date on which such wagers are received by the licensee. All payments by the licensee to the Virginia Breeders Fund shall be made to the Commission within five days from the date on which such wagers are received by the licensee. All payments by the

licensee to the Virginia-Maryland Regional College of Veterinary Medicine, the Virginia Horse Center Foundation, the Virginia Horse Industry Board, and the Virginia Thoroughbred Association shall be made by the first day of each quarter of the calendar year. All payments made under this section shall be used in support of the policy of the Commonwealth to sustain and promote the growth of a native industry.

Q. If a satellite facility is located in more than one locality, any amount a licensee is required to pay under this section to the locality in which the satellite facility is located shall be prorated in equal shares among those localities.

R. Any contractual agreement between a licensee and other entities concerning the distribution of the remaining portion of the retainage under subsections I through N and ~~subsection~~ subsections U and V shall be subject to the approval of the Commission.

S. The recognized majority horsemen's group racing at a licensed race meeting may, subject to the approval of the Commission, withdraw for administrative costs associated with serving the interests of the horsemen an amount not to exceed two percent of the amount in the horsemen's account.

T. The legitimate breakage from each pari-mutuel pool for live, historical, and simulcast horse racing shall be distributed as follows:

1. Seventy percent to be retained by the licensee to be used for capital improvements that are subject to approval of the Commission; and

2. Thirty percent to be deposited in the Racing Benevolence Fund, administered jointly by the licensee and the recognized majority horsemen's group racing at a licensed race meeting, to be disbursed with the approval of the Commission for gambling addiction and substance abuse counseling, recreational, educational or other related programs.

U. On pari-mutuel pools generated by wagering on historical horse racing *on the first 3,000 terminals authorized*, the licensee shall retain ~~one and one-quarter~~ 1.25 percent of such pool to be distributed as follows:

1. ~~Three-quarters~~ *Seventy-four hundredths* percent to the Commonwealth as a license tax and 0.01 percent to the Problem Gambling Treatment and Support Fund established pursuant to § 37.2-314.2; and

2. a. If generated at a racetrack, ~~one-half~~ 0.5 percent to the locality in which the racetrack is located; or

b. If generated at a satellite facility, ~~one-quarter~~ 0.25 percent to the locality in which the satellite facility is located and ~~one-quarter~~ 0.25 percent to the Virginia locality in which the racetrack is located.

V. *On pari-mutuel pools generated by wagering on historical racing on the 2,000 terminals authorized by the seventh enactment of Chapters 1197 and 1248 of the Acts of Assembly of 2020, the licensee shall retain 1.6 percent of such pool to be distributed as follows:*

1. *Ninety-five hundredths percent to the Commonwealth as a license tax and 0.01 percent to the Problem Gambling Treatment and Support Fund established pursuant to § 37.2-314.2; and*

2. a. *If generated at a racetrack, 0.64 percent to the locality in which the racetrack is located; or*

b. *If generated at a satellite facility, 0.32 percent to the locality in which the satellite facility is located and 0.32 percent to the Virginia locality in which the racetrack is located.*

CHAPTER 512

An Act to amend and reenact § 37.2-406 of the Code of Virginia, relating to providers of treatment for opioid addiction; conditions for initial licensure; location.

[H 679]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 37.2-406 of the Code of Virginia is amended and reenacted as follows:

§ 37.2-406. Conditions for initial licensure of certain providers.

~~A. Notwithstanding the Commissioner's discretion to grant licenses pursuant to this article or any Board regulation regarding licensing, no initial license shall be granted by the Commissioner to a provider of treatment for persons with opiate addiction through the use of (i) methadone or (ii) opioid replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration if the provider is to be located within one-half mile of a public or private licensed day care center or a public or private K-12 school, except when such service is provided by a hospital licensed by the Board of Health or the Commissioner or is owned or operated by an agency of the Commonwealth.~~

~~B. No provider shall be required to conduct, maintain, or operate services for the treatment of persons with opiate addiction through the use of (i) methadone or (ii) opioid replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration on Sunday, except when such service is provided by a hospital licensed by the Board of Health or the Commissioner or is owned or operated by an agency of the Commonwealth, subject to regulations or guidelines issued by the Department consistent with the health, safety and welfare of individuals receiving services and the security of take-home doses of (i) (a) methadone or (ii) (b) opioid replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration.~~

~~C. B. Upon receiving notice of a proposal for or an application to obtain an initial license from a provider of treatment for persons with opiate addiction through the use of (i) methadone or (ii) opioid replacements other than opioid~~

replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration, the Commissioner shall, within 15 days of the receipt, notify the local governing body of and the community services board serving the jurisdiction in which the facility is to be located of the proposal or application and the facility's proposed location.

Within 30 days of the date of the notice, the local governing body and community services board shall submit to the Commissioner comments on the proposal or application. The local governing body shall notify the Commissioner within 30 days of the date of the notice concerning the compliance of the applicant with ~~this section~~ and any applicable local ordinances.

~~D. C. No license shall be issued by the Commissioner to the provider until the conditions of this section have been met, i.e., including those related to receipt of comments provided by the local governing body and community services board comments have been received and determination of compliance with local ordinances by the local governing body has determined compliance with the provisions of this section and any relevant local ordinances, have been met.~~

~~E. No applicant for a license to provide treatment for persons with opiate addiction through the use of (i) methadone or (ii) opioid replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration that has obtained a certificate of occupancy in accordance with the law and regulations in effect on January 1, 2004, shall be required to comply with the provisions of this section with respect to the existing facility for which the certificate of occupancy was obtained. No existing licensed provider shall be required to comply with the provisions of this section with respect to an existing facility in which it is currently providing such treatment. License applicants and licensees who fall within this exception shall, however, be required to comply with the provisions of this section for purposes of relocating an existing facility or establishing a new facility.~~

~~F. The provisions of subsections A and E shall not apply to (i) the jurisdictions in Planning District 8, (ii) an applicant for a license for the purpose of relocating within a city located in Planning District 23 a facility to provide treatment for persons with opiate addiction through the use of methadone or other opioid replacements that has been providing such treatment in the same city since 1984 and is operated by and located with a community services board, or (iii) an applicant for a license to operate in its current location as a facility to provide treatment for persons with opiate addiction through the use of methadone or other opioid replacements when the facility is located within one-half mile of a public or private licensed day care center or a public or private K-12 school in Henrico County, the City of Newport News, or the City of Richmond and has been licensed and operated as a facility to provide treatment for persons with opiate addiction through the use of methadone or other opioid replacements by another provider immediately prior to submission of the application for a license.~~

2. That the provisions of this act shall become effective on January 1, 2023.

CHAPTER 513

An Act to amend and reenact § 37.2-406 of the Code of Virginia, relating to providers of treatment for opioid addiction; conditions for initial licensure; location.

[S 300]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 37.2-406 of the Code of Virginia is amended and reenacted as follows:

§ 37.2-406. Conditions for initial licensure of certain providers.

~~A. Notwithstanding the Commissioner's discretion to grant licenses pursuant to this article or any Board regulation regarding licensing, no initial license shall be granted by the Commissioner to a provider of treatment for persons with opiate addiction through the use of (i) methadone or (ii) opioid replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration if the provider is to be located within one-half mile of a public or private licensed day care center or a public or private K-12 school, except when such service is provided by a hospital licensed by the Board of Health or the Commissioner or is owned or operated by an agency of the Commonwealth.~~

~~B. No provider shall be required to conduct, maintain, or operate services for the treatment of persons with opiate addiction through the use of (i) methadone or (ii) opioid replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration on Sunday, except when such service is provided by a hospital licensed by the Board of Health or the Commissioner or is owned or operated by an agency of the Commonwealth, subject to regulations or guidelines issued by the Department consistent with the health, safety and welfare of individuals receiving services and the security of take-home doses of (i) (a) methadone or (ii) (b) opioid replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration.~~

~~C. B. Upon receiving notice of a proposal for or an application to obtain an initial license from a provider of treatment for persons with opiate addiction through the use of (i) methadone or (ii) opioid replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration, the Commissioner shall, within 15 days of the receipt, notify the local governing body of and the community services board serving the jurisdiction in which the facility is to be located of the proposal or application and the facility's proposed location.~~

Within 30 days of the date of the notice, the local governing body and community services board shall submit to the Commissioner comments on the proposal or application. The local governing body shall notify the Commissioner within 30 days of the date of the notice concerning the compliance of the applicant with ~~this section and~~ any applicable local ordinances.

~~D. C. No license shall be issued by the Commissioner to the provider until the conditions of this section have been met, i.e., including those related to receipt of comments provided by the local governing body and community services board comments have been received and determination of compliance with local ordinances by the local governing body has determined compliance with the provisions of this section and any relevant local ordinances, have been met.~~

E. No applicant for a license to provide treatment for persons with opiate addiction through the use of (i) methadone or (ii) opioid replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration that has obtained a certificate of occupancy in accordance with the law and regulations in effect on January 1, 2004, shall be required to comply with the provisions of this section with respect to the existing facility for which the certificate of occupancy was obtained. No existing licensed provider shall be required to comply with the provisions of this section with respect to an existing facility in which it is currently providing such treatment. License applicants and licensees who fall within this exception shall, however, be required to comply with the provisions of this section for purposes of relocating an existing facility or establishing a new facility.

F. The provisions of subsections A and E shall not apply to (i) the jurisdictions in Planning District 8; (ii) an applicant for a license for the purpose of relocating within a city located in Planning District 23 a facility to provide treatment for persons with opiate addiction through the use of methadone or other opioid replacements that has been providing such treatment in the same city since 1984 and is operated by and located with a community services board; or (iii) an applicant for a license to operate in its current location as a facility to provide treatment for persons with opiate addiction through the use of methadone or other opioid replacements when the facility is located within one-half mile of a public or private licensed day care center or a public or private K-12 school in Henrico County, the City of Newport News, or the City of Richmond and has been licensed and operated as a facility to provide treatment for persons with opiate addiction through the use of methadone or other opioid replacements by another provider immediately prior to submission of the application for a license.

2. That the provisions of this act shall become effective on January 1, 2023.

CHAPTER 514

An Act to amend and reenact § 3.1:1, as amended, of Chapter 432 of the Acts of Assembly of 1964, which provided a charter for the Town of Vienna in Fairfax County, relating to election and term dates.

[H 700]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 3.1:1, as amended, of Chapter 432 of the Acts of Assembly of 1964 is amended and reenacted as follows:

§ 3.1:1. Election of mayor and councilmen.

The town of Vienna shall be governed by a town council composed of a mayor and six councilmen who shall be qualified electors of the town and who shall be elected on the first Tuesday *following the first Monday of May* November in the following manner:

(a) ~~In the~~ The town election ~~formerly to be held on the first Tuesday in May; 1971, 2022 shall be held on the first Tuesday following the first Monday in November 2023, and the mayor and three councilmen shall be elected for a term of one year and ten months two years~~, said term to begin on the first day of ~~September, 1971; January 2024~~ and expire on the last day of ~~June, 1973 December 2025~~.

(b) In the town elections to be held the first Tuesday *following the first Monday in May*, ~~1972 November 2023~~, there shall be elected a ~~mayor and~~ three *additional* councilmen, all of whom shall serve for a term or two years, such term to begin on the first day of ~~July, 1972; January 2024~~ and expire on the last day of ~~June, 1974 December 2025~~.

(c) Beginning with the town election held in ~~1972 2025~~, the term of office for both the mayor and all councilmen shall be two years and shall begin on the first day of ~~July January~~ next following ~~his or~~ their elections *in the November general elections*.

CHAPTER 515

An Act to amend and reenact § 3.1:1, as amended, of Chapter 432 of the Acts of Assembly of 1964, which provided a charter for the Town of Vienna in Fairfax County, relating to election and term dates.

[S 377]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 3.1:1, as amended, of Chapter 432 of the Acts of Assembly of 1964 is amended and reenacted as follows:

§ 3.1:1. Election of mayor and councilmen.

The town of Vienna shall be governed by a town council composed of a mayor and six councilmen who shall be qualified electors of the town and who shall be elected on the first Tuesday *following the first Monday of May* November in the following manner:

(a) ~~In the~~ The town election formerly to be held ~~on the first Tuesday~~ in May, 1971, 2022 shall be held on the first Tuesday following the first Monday in November 2023, and the mayor and three councilmen shall be elected for a term of ~~one year and ten months~~ two years, said term to begin on the first day of ~~September, 1971,~~ January 2024 and expire on the last day of ~~June, 1973~~ December 2025.

(b) In the town elections to be held the first Tuesday following the first Monday in ~~May, 1972~~ November 2023, there shall be elected ~~a mayor and~~ three additional councilmen, all of whom shall serve for a term or two years, such term to begin on the first day of ~~July, 1972,~~ January 2024 and expire on the last day of ~~June, 1974~~ December 2025.

(c) Beginning with the town election held in ~~1972~~ 2025, the term of office for both the mayor and all councilmen shall be two years and shall begin on the first day of ~~July~~ January next following ~~his or~~ their elections in the November general elections.

CHAPTER 516

An Act to amend the Code of Virginia by adding in Title 6.2 a chapter numbered 22.1, consisting of sections numbered 6.2-2228 through 6.6-2238, relating to financial institutions; sales-based financing providers.

[H 1027]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 6.2 a chapter numbered 22.1, consisting of sections numbered 6.2-2228 through 6.2-2238, as follows:

CHAPTER 22.1.

SALES-BASED FINANCING PROVIDERS.

§ 6.2-2228. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Recipient" means a person whose principal place of business is in the Commonwealth and that applies for sales-based financing and is made a specific offer of sales-based financing by a provider. A recipient may also be an authorized representative of such person. A person acting as a broker cannot be a recipient.

"Sales-based financing" means a transaction that is repaid by the recipient to the provider, over time, as a percentage of sales or revenue, in which the payment amount may increase or decrease according to the volume of sales made or revenue received by the recipient. Sales-based financing also includes a true-up mechanism where the financing is repaid as a fixed payment but provides for a reconciliation process that adjusts the payment to an amount that is a percentage of sales or revenue.

"Sales-based financing broker" or "broker" means a person that, for compensation or the expectation of compensation, obtains or offers to obtain sales-based financing from a provider for a recipient.

"Sales-based financing provider" or "provider" means a person that extends a specific offer of sales-based financing to a recipient. Unless otherwise exempt, "provider" also includes a person that solicits and presents specific offers of sales-based financing under an exclusive contract or arrangement with a provider.

"Specific offer" means the specific terms of sales-based financing, including price or amount, that are quoted to a recipient, based on information obtained from or about the recipient, which, if accepted by a recipient, shall be binding on the provider, as applicable, subject to any specific requirements stated in such terms.

§ 6.2-2229. Exemptions.

The provisions of this chapter shall not apply to and shall not place any additional requirements or obligations upon any of the following:

1. A financial institution;
2. Any person, provider, or broker that enters into no more than five sales-based financing transactions with a recipient in a 12-month period; or
3. A single sales-based financing transaction in an amount over \$500,000.

§ 6.2-2230. Registration; authority to transact business.

On or before November 1, 2022, every sales-based financing provider and sales-based financing broker (i) shall register with the Commission in accordance with procedures established by the Commission and (ii) unless such provider or broker is organized under the laws of Virginia or otherwise is not required to obtain authority to transact business in the Commonwealth as a foreign entity, shall obtain authority to transact business in the Commonwealth in accordance with the provisions of Title 13.1.

An application for registration shall include disclosure of any judgment, memorandum of understanding, cease and desist order, or conviction, any of which involve a crime or an act of fraud, breach of trust, or money laundering with

respect to that person or any officer, director, manager, operator, or individual who otherwise controls the operations of such provider or broker.

Each sales-based financing provider and sales-based financing broker shall pay an initial registration fee of \$1,000 and an annual registration fee of \$500 by September 15 every year thereafter. If the provider or broker fails to pay the annual registration fee by September 15, its registrations shall automatically expire by operation of law.

§ 6.2-2231. Disclosure requirements.

Each provider shall provide the following disclosures to a recipient at the time of extending a specific offer of sales-based financing, according to formatting prescribed by the Commission:

1. The total amount of the sales-based financing, and the disbursement amount, if different from the financing amount, after any fees deducted or withheld at disbursement.
2. The finance charge.
3. The total repayment amount, which is the disbursement amount plus the finance charge.
4. The estimated number of payments, which is the number of payments expected, based on the projected sales volume, to equal the total repayment amount.
5. The payment amounts, based on the projected sales volume (i) for payment amounts that are fixed, the payment amounts, frequency, and method or (ii) for payment amounts that are variable, a payment schedule or a description of the method used to calculate the amounts and frequency of payments and payment method.
6. A description of all other potential fees and charges not included in the finance charge, including draw fees, late payment fees, returned payment fees, and prepayment fees or penalties.
7. If the recipient elects to pay off or refinance the sales-based financing prior to full repayment, an updated disclosure of:
 - a. The information required by subdivisions 1 through 6 as of the day of prepayment or refinance; and
 - b. A description of prepayment policies including whether the recipient will be required to pay any additional fees, penalties, or other amounts not already included in the finance charge, or if the recipient will receive any discount to the finance charge.
8. A description of collateral requirements or security interests, if any.
9. A statement of whether the provider will pay compensation directly to a broker in connection with the specific offer of sales-based financing and the amount of compensation.

§ 6.2-2232. Recipient place of business; required signature.

A. For the purpose of determining whether a person's principal place of business is in the Commonwealth, a provider or broker may rely upon (i) any written representation by the person as to whether the person's principal place of business is in the Commonwealth, or (ii) the business address provided by the person is in the application for financing.

B. The provider shall obtain the recipient's signature, which may be fulfilled by an electronic signature, on all disclosures required to be presented to the recipient by this chapter at the time the recipient accepts the specific sales-based financing offer.

§ 6.2-2233. Additional information.

Nothing in this chapter shall prevent a provider from providing or disclosing additional information on a sales-based financing being offered to a recipient, provided, however, that such additional information shall not be disclosed as part of the disclosure required by this chapter.

§ 6.2-2234. Place for bringing action under a contract or agreement to provide sales-based financing; certain fees paid by provider; confessions of judgment prohibited.

A. Where a provider enters into a contract or agreement with a recipient to provide sales-based financing, any cause of action arising under such contract or agreement shall be brought in a court in the Commonwealth. Any provision in the contract or agreement mandating that such action be brought outside the Commonwealth shall be unenforceable.

B. Where a contract between a provider or broker and recipient contains an arbitration provision, such contract shall not require face-to-face arbitration proceedings outside the jurisdiction where the recipient's principal place of business is located. If the contract requires face-to-face arbitration proceedings outside such jurisdiction, such provision is unenforceable. The enforceability of the remaining provisions of the arbitration agreement and the method of selecting a forum for the conduct of the arbitration proceedings are as provided in this Code, the United States Arbitration Act (P.L. 68-401), and any applicable rules of arbitration. The provider shall pay any arbitrators' expenses or fees or any other expenses or administrative fees incurred in the conduct of the arbitration proceedings.

C. No sales-based financing contract shall contain any confession by judgment provision or any similar provision. Any such provision in the contract shall be unenforceable.

§ 6.2-2235. Applicability of chapter to internet transactions.

The provisions of this chapter shall apply to providers or brokers offering, obtaining, or making sales-based financing over the internet to or for a recipient, whether or not the provider or broker maintains a physical presence in the Commonwealth.

§ 6.2-2236. Validity of noncompliant sales-based financing.

If any provision of a sales-based financing agreement violates this chapter, such provision shall be unenforceable against the recipient.

§ 6.2-2237. Regulations.

The Commission shall adopt such regulations as it deems appropriate to effect the purposes of this chapter. Before adopting any such regulation, the Commission shall give reasonable notice of its content and shall afford interested parties an opportunity to be heard, in accordance with the rules of the Commission.

§ 6.2-2238. Authority of Attorney General.

A. The Attorney General is authorized to seek to enjoin violations of this chapter. The circuit court having jurisdiction may enjoin such violations notwithstanding the existence of an adequate remedy at law.

B. The Attorney General may also seek, and the circuit court may order or decree, damages and such other relief allowed by law, including restitution to the extent available to borrowers under applicable law. Persons entitled to any relief as authorized by this section shall be identified by order of the court within 180 days from the date of the order permanently enjoining the unlawful act or practice.

C. In any action brought by the Attorney General by virtue of the authority granted in this provision, the Attorney General shall be entitled to seek reasonable attorney fees and costs.

D. If the Attorney General files an action to enjoin violations of this chapter, the Attorney General shall give notice of such action to the Commission.

2. That the provisions of this act shall apply only to contracts or agreements for sales-based financing, as that term is defined in § 6.2-2228 of the Code of Virginia, as created by this act, entered into on or after July 1, 2022.

CHAPTER 517

An Act to designate Brentwall Drive in Fairfax County "Valluvar Way."

[H 1238]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. *§ 1. Brentwall Drive in Fairfax County is hereby designated "Valluvar Way." The Department of Transportation shall place and maintain appropriate markers indicating the designation of this highway. This designation shall not affect any other designation heretofore or hereafter applied to this highway or any portions thereof.*

CHAPTER 518

An Act to direct the Department of Housing and Community Development to develop a plan to address broadband affordability.

[H 1265]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The Department of Housing and Community Development (the Department) shall develop a plan, to be known as the Commonwealth Digital Affordability and Cost Effectiveness Plan (the Plan), to access federal funding under the federal Infrastructure Investment and Jobs Act (P.L. 117-58). In order to achieve this goal, the Department shall apply for funding through a planning grant from the National Telecommunications and Information Administration. The Plan shall include (i) an overview of options for affordable broadband connectivity in the Commonwealth; (ii) recommendations on how best to leverage federal grants addressing broadband affordability; (iii) best practices for establishing a broadband affordability program, taking into account existing federal funds and programs; and (iv) recommendations for public outreach, with consideration of the report submitted by the Department of Social Services as required in Item 359 L of Chapter 552 of the Acts of Assembly of 2021, Special Session I. The Department shall report the Plan to the Governor and the General Assembly by December 1, 2022.*

CHAPTER 519

An Act to direct the Department of Housing and Community Development to develop a plan to address broadband affordability.

[S 716]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The Department of Housing and Community Development (the Department) shall develop a plan, to be known as the Commonwealth Digital Affordability and Cost Effectiveness Plan (the Plan), to access federal funding under the federal Infrastructure Investment and Jobs Act (P.L. 117-58). In order to achieve this goal, the Department shall apply for funding through a planning grant from the National Telecommunications and Information Administration. The Plan shall include (i) an overview of options for affordable broadband connectivity in the Commonwealth; (ii) recommendations on how best to leverage federal grants addressing broadband affordability; (iii) best practices for establishing a broadband affordability*

program, taking into account existing federal funds and programs; and (iv) recommendations for public outreach, with consideration of the report submitted by the Department of Social Services as required in Item 359 L of Chapter 552 of the Acts of Assembly of 2021, Special Session I. The Department shall report the Plan to the Governor and the General Assembly by December 1, 2022.

CHAPTER 520

An Act to amend and reenact §§ 32.1-162.15:2, as it shall become effective, 32.1-162.15:5, and 32.1-162.15:11 of the Code of Virginia, relating to pediatric sexual assault survivors; Task Force on Services for Survivors of Sexual Assault.

[H 1329]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-162.15:2, as it shall become effective, 32.1-162.15:5, and 32.1-162.15:11 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-162.15:2. (Effective July 1, 2023) Definitions.

"Anonymous physical evidence recovery kit" has the same meaning as in § 19.2-11.5.

"Approved pediatric health care facility" means a pediatric health care facility for which a plan for the delivery of services to pediatric survivors of sexual assault has been approved pursuant to § 32.1-162.15:6.

"Board" means the Board of Health.

"Department" means the Department of Health.

"Emergency contraception" means medication approved by the U.S. Food and Drug Administration that can significantly reduce the risk of pregnancy if taken within 72 hours after sexual assault.

"Follow-up health care" means any physical examination, laboratory tests to determine the presence of sexually transmitted infection, or appropriate medications, including HIV-prophylaxis, provided to a survivor of sexual assault by a health care provider within 90 days after the date on which treatment or transfer services pursuant to this article are first provided.

"Forensic medical examination" means health care services provided to a survivor of sexual assault that include medical history, physical examination, laboratory testing, assessment for drug-facilitated or alcohol-facilitated sexual assault, collection of evidence in accordance with the requirements of Chapter 1.2 (§ 19.2-11.5 et seq.) of Title 19.2, and discharge and follow-up health care planning necessary to ensure the health, safety, and welfare of the survivor of sexual assault and the collection and preservation of evidence that may be used in a criminal proceeding.

"Hospital" means any hospital licensed by the Department pursuant to this chapter.

"Pediatric health care facility" means a hospital, clinic, or physician's office that provides health care services to pediatric patients.

"Pediatric survivor of sexual assault" means a survivor of sexual assault who is under ~~18~~ 18 years of age.

"Physical evidence recovery kit" has the same meaning as in § 19.2-11.5.

"Sexual assault forensic examiner" means a sexual assault nurse examiner, physician, physician assistant, nurse practitioner, or registered nurse who has completed training that meets or is substantially similar to the Sexual Assault Nurse Examiner Education Guidelines established by the International Association of Forensic Nurses.

"Sexual assault survivor transfer services" means an appropriate medical examination and such stabilizing treatment as may be necessary prior to the transfer of a sexual assault survivor from a transfer hospital to a treatment hospital in accordance with the provisions of a transfer plan approved by the Department.

"Sexual assault survivor treatment services" means a forensic medical examination and other health care services provided to a sexual assault survivor by a hospital in accordance with § 32.1-162.15:4 or pediatric health care facility in accordance with § 32.1-162.15:6.

"Transfer hospital" means a hospital with a sexual assault survivor transfer plan approved by the Department.

"Transportation service" means transportation provided to a survivor of sexual assault who is transferred from a transfer hospital, treatment hospital, or approved pediatric health care facility to a treatment hospital or approved pediatric care facility pursuant to a transfer plan approved in accordance with this article.

"Treatment hospital" means a hospital with a sexual assault survivor treatment plan approved by the Department to provide sexual assault survivor treatment services to all survivors of sexual assault who present with a complaint of sexual assault within the previous seven days or who have disclosed past sexual assault by a specific individual and were in the care of that individual within the previous seven days.

§ 32.1-162.15:5. Transfer services.

The Board shall adopt regulations to establish standards for review and approval of sexual assault survivor transfer plans and pediatric sexual assault survivor transfer plans, which shall include provisions for the following services, when ordered by a health care provider and with the consent of the survivor of sexual assault:

1. Appropriate medical examination and such stabilizing treatment as may be necessary prior to the transfer of a survivor of sexual assault from the transfer hospital to a treatment hospital *or clinic that provides treatment services for survivors of sexual assault that are comparable to those described in § 32.1-162.15:4;*

2. Medically and factually accurate written and oral information about emergency contraception, the indications and contraindications and potential risks associated with the use of emergency contraception, and the availability of emergency contraception for survivors of sexual assault; and

3. Prompt transfer of the survivor of sexual assault to a treatment hospital ~~or~~, approved pediatric health care facility, *or clinic that provides treatment services for survivors of sexual assault that are comparable to those described in § 32.1-162.15:4*, as may be appropriate, including provisions necessary to ensure that transfer of the survivor of sexual assault or pediatric survivor of sexual assault would not unduly burden the survivor of sexual assault or pediatric survivor of sexual assault.

§ 32.1-162.15:11. Task Force on Services for Survivors of Sexual Assault.

A. There is hereby created the Task Force on Services for Survivors of Sexual Assault (the Task Force), which shall consist of (i) two members of the House of Delegates appointed by the Speaker of the House of Delegates; (ii) one member of the Senate appointed by the Senate Committee on Rules; (iii) the Attorney General, or his designee; (iv) the Commissioners of Health and Social Services, or their designees; (v) the Director of the Department of State Police; (vi) two representatives of hospitals licensed by the Department of Health appointed by the Governor; (vii) three physicians licensed by the Board of Medicine to practice medicine or osteopathy appointed by the Governor, each of whom is a practitioner of emergency medicine and at least one of whom is a pediatrician; (viii) three nurses licensed to practice in the Commonwealth appointed by the Governor, each of whom is a sexual assault nurse examiner; (ix) two representatives of organizations providing advocacy on behalf of survivors of sexual assault appointed by the Governor; ~~and~~ (x) one representative of an organization providing advocacy on behalf of children appointed by the Governor; *and (xi) one representative of a forensic clinic appointed by the Governor.* The Commissioner of Health or his designee shall serve as chairman of the Task Force. Staff support for the Task Force shall be provided by the Department of Health.

B. The Task Force shall:

1. Develop model treatment and transfer plans for use by transfer hospitals, treatment hospitals, and pediatric health care facilities and work with hospitals and pediatric health care facilities to facilitate the development of treatment and transfer plans in accordance with the requirements of this article;

2. Develop model written transfer agreements for use by treatment hospitals, transfer hospitals, and pediatric health care facilities and work with treatment hospitals, transfer hospitals, and pediatric health care facilities to facilitate the development of transfer agreements in accordance with the requirements of this article;

3. Develop model written agreements for use by treatment hospitals and approved pediatric health care facilities required to enter into agreements with rape crisis centers pursuant to subsection D of § 32.1-162.15:4;

4. Work with treatment hospitals and approved pediatric health care facilities to develop plans to employ or contract with sexual assault forensic examiners to ensure the provision of treatment services to survivors of sexual assault by sexual assault forensic examiners, including plans for implementation of on-call systems to ensure availability of sexual assault forensic examiners;

5. Work with treatment hospitals and approved pediatric health care facilities to identify and recommend processes to ensure compliance with the provisions of this article related to creation, storage, and retention of photographic and other documentation and evidence;

6. Develop and distribute educational materials regarding implementation of the provisions of this article to hospitals, health care providers, rape crisis centers, children's advocacy centers, and others;

7. Study and provide recommendations to the Department for the use of telemedicine in meeting the requirements of this article; and

8. Report to the Governor and the General Assembly by December 1 of each year regarding its activities and the status of implementation of the provisions of this article.

CHAPTER 521

An Act for the relief of Jervon Michael Tillman, relating to claims; compensation for wrongful incarceration.

[H 1358]

Approved April 11, 2022

Whereas, Jervon Michael Tillman (Mr. Tillman) was convicted in the Circuit Court of Henrico County on December 9, 2009, of robbery, wearing a mask, and use of a firearm in the commission of a felony; and

Whereas, Mr. Tillman was sentenced to 36 years in custody, with 11 years suspended; and

Whereas, Mr. Tillman served nearly 12 years in the custody of the Virginia Department of Corrections, before being released on January 14, 2022, upon the granting of an absolute pardon; and

Whereas, at least seven years, seven months, and 19 days of Mr. Tillman's time served was for the December 9, 2009, conviction for crimes he did not commit and for which he has received an absolute pardon; and

Whereas, the sole evidence against Mr. Tillman was an identification made by the victim, who only saw his attacker for a few seconds in the dark of night, while the perpetrator was wearing a mask; and

Whereas, the victim identified Mr. Tillman in a highly suggestive way, from a "Crime Stoppers" database on which Mr. Tillman appeared because he was suspected of another crime, for which he has accepted responsibility and has served his sentence; and

Whereas, the victim's identification, which was cross-racial, was not made until many weeks after the crime had taken place; and

Whereas, the victim's initial description of the perpetrator did not match Mr. Tillman; and

Whereas, it does not appear that the prosecutor ever turned over the entirety of the victim's exculpatory, initial description of the perpetrator to defense counsel, including the fact that the victim described his attacker as being between 5'8" and 5'10" with a muscular build, when Mr. Tillman was 6'3" and 165 pounds; and

Whereas, mistaken eyewitness identifications contributed to approximately 69 percent of the more than 375 wrongful convictions in the United States overturned by post-conviction DNA evidence, making them the leading contributing cause of wrongful convictions in those cases; and

Whereas, a post-conviction investigation revealed that prosecutors from various jurisdictions have found the trial proceedings problematic, and one identified "glaring red flags," while another stated that the case was "troubling" and that "no office that reasonably attempts to observe best prosecution practices would take this case to trial"; and

Whereas, on January 13, 2022, Governor Ralph Northam granted Mr. Tillman an absolute pardon. In so doing, Governor Northam noted that the pardon "reflects Jervon Michael Tillman's innocence."; and

Whereas, Mr. Tillman was released from state custody on January 14, 2022; and

Whereas, during the course of Mr. Tillman's wrongful incarceration, he lost years with his two young daughters; and

Whereas, Mr. Tillman, as a result of his wrongful incarceration, lost years of his freedom and countless life experiences and opportunities, including family relations, the opportunity to further his education, and the opportunity to earn potential income from gainful employment during his years of incarceration; and

Whereas, Mr. Tillman has no other means to obtain adequate relief except by action of this body; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That there is hereby appropriated from the general fund of the state treasury the sum of \$408,205 for the relief of Jervon Michael Tillman, to be paid by check issued by the State Treasurer on warrant of the Comptroller upon execution of a release of all claims Mr. Tillman may have against the Commonwealth or any agency, instrumentality, office, employee, or political subdivision in connection with the aforesaid occurrence.*

The compensation, subject to the execution of the release described herein, shall be paid in (i) an initial lump sum of \$102,051 by check issued by the State Treasurer on warrant of the Comptroller within 60 days immediately following the execution of such release and (ii) the sum of \$306,154 to purchase an annuity no later than one year after the effective date of the appropriation for compensation, for the primary benefit of Mr. Tillman, the terms of such annuity structured in Mr. Tillman's best interests based on consultation among Mr. Tillman or his representatives, the State Treasurer, and other necessary parties.

The State Treasurer shall purchase the annuity at the lowest cost available from any A+ rated company authorized to sell annuities in the Commonwealth, including any A+ rated company from which the State Lottery Department may purchase an annuity. The annuity shall provide that it shall not be sold, discounted, or used as securitization for loans and mortgages. The annuity shall, however, contain beneficiary provisions providing for the annuity's continued disbursement in the event of Mr. Tillman's death.

§ 2. That Mr. Tillman shall be entitled to receive reimbursement up to \$10,000 for tuition for career and technical training within the Virginia Community College System contingent upon successful completion of the training. Reimbursement for tuition shall be provided by the comprehensive community college at which the career or technical training was completed. The tuition benefit provided by this section shall expire on January 1, 2026.

§ 3. That any amount already paid to Mr. Tillman as a transition assistance grant pursuant to subsection C of § 8.01-195.11 of the Code of Virginia shall be deducted from any award received pursuant to § 1 of this act.

2. That the provisions of § 8.01-195.12 of the Code of Virginia shall apply to any compensation awarded under this act.

CHAPTER 522

An Act to amend and reenact §§ 66-28, 66-34, and 66-35 of the Code of Virginia, relating to Delinquency Prevention and Youth Development Act; youth services citizen boards; duties; guidelines.

[S 485]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 66-28, 66-34, and 66-35 of the Code of Virginia are amended and reenacted as follows:

§ 66-28. Policies.

The Board shall prescribe policies governing applications for grants pursuant to this chapter and standards for the operation of programs developed and implemented under the grants. The Department shall cooperate with and seek the assistance of representatives of county and city governing bodies, private nonprofit youth service agencies, and private citizens having expertise in the development and any subsequent revisions of the standards required by this section. *The*

Department shall establish and make available to localities a list of best practice program models that are likely to qualify for grants pursuant to this chapter, such as programs offering (i) mentorships, (ii) community service opportunities, (iii) trauma-informed behavioral and mental health services, (iv) career planning and training, (v) employment opportunities, (vi) non-academic supports in a public or private school, or (vii) after-school or summer programs.

§ 66-34. Youth services citizen boards; appointment and qualifications of members.

A. Each county and city participating in a program funded by an approved grant shall be represented on a youth services citizen board (*the board*). The board shall be appointed by the county or city governing body or combination thereof ~~and may include in its membership~~. The board may be composed of (i) representative elected officials, representatives of public and private agencies serving youths, *representatives of local law enforcement, and* citizens not employed by government or service agencies ~~and at least one member who is below the age of eighteen years. A majority of the board shall be citizens who are not employed by government or service agencies and who are not elected governmental officials, including one representative of the faith community and one representative of the business community, or (ii) the community policy and management team established pursuant to § 2.2-5204 or a similar entity, as approved by the Department, provided that such board or entity (a) includes, for the purposes of this section, at least one representative of the faith community who is not employed by a government or service agency, one representative of the business community who is not employed by a government or service agency, and one representative of local law enforcement and (b) complies with any other requirements imposed by the Department. No board member may have an interest in any organization or program that receives grant funds pursuant to this chapter.~~

B. The board shall actively participate with community representatives in the formulation of a comprehensive plan for the development, coordination, and evaluation of the youth services program and shall make formal recommendations to the governing authority or authorities at least annually concerning the comprehensive plan and its implementation during the ensuing year.

C. The board may establish a youth advisory team for the purposes of consultation and advice regarding the youth services program. If the board establishes a youth advisory team, the board (i) shall consult with and consider the recommendations of the youth advisory team prior to making recommendations to the local governing body pursuant to subsection B and (ii) may apply to the Department for additional funding to support the youth advisory team.

§ 66-35. Responsibilities of local programs.

It shall be the responsibility of the local programs to:

1. Prepare and ~~annually~~ update pursuant to Department guidelines a comprehensive plan based on an objective assessment of the community's youth development and delinquency prevention needs and resources;
2. Assist the locality in establishing and modifying programs and services to youth pursuant to § 16.1-309.3 on the basis of an objective assessment of the community's needs and resources;
3. ~~Collaborate with public and private entities to maintain and disseminate an annual inventory of youth and parenting related services and programs available in the locality;~~
4. Collaborate with public and private entities to identify gaps in program services and identify potential funding sources to assist in developing programs to respond to identified gaps; and
- 5- 4. Provide assistance to other community agencies and organizations, including the community policy and management team established pursuant to § 2.2-5204, in establishing and modifying programs and services to youth.

CHAPTER 523

An Act to amend the Code of Virginia by adding a section numbered 8.01-46.2, relating to civil action for the dissemination of sexually explicit visual material to another; penalty.

[S 493]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 8.01-46.2 as follows:

§ 8.01-46.2. Civil action for dissemination of intimate images to another; penalty.

A. As used in this section:

"Electronic communication device" means the same as that term is defined in § 18.2-190.1.

"Intimate image" means a photograph, film, video, recording, digital picture, or other visual reproduction of a person 18 years of age or older who is in a state of undress so as to expose the human male or female genitals.

B. Any person 18 years of age or older who knowingly transmits an intimate image by computer or other electronic means to the computer or electronic communication device of another person 18 years of age or older when such other person has not consented to the use of his computer or electronic communication device for the receipt of such material or has expressly forbidden the receipt of such material shall be considered a trespass and shall be liable to the recipient of the intimate image for actual damages or \$500, whichever is greater, in addition to reasonable attorney fees and costs. The court may also enjoin and restrain the defendant from committing such further acts.

The remedies provided by this section are cumulative and shall not be construed as restricting a remedy that is available under any other law.

C. The provisions of this section shall not apply to (i) any Internet service provider, mobile data provider, or operator of an online or mobile application, to the extent that such entity is transmitting, routing, or providing connections for electronic communications initiated by or at the direction of another; (ii) any service that transmits an intimate image, including an on-demand, subscription, or advertising-supported service; (iii) a health care provider as defined in § 8.01-581.1 that transmits an intimate image for a legitimate medical purpose; or (iv) any transmission of commercial electronic mail as defined in § 18.2-152.2.

D. Venue for an action under this section may lie in the jurisdiction where the intimate image is transmitted from or where the intimate image is received or possessed by the plaintiff.

CHAPTER 524

An Act to amend and reenact § 22.1-289.05 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 14.1 of Title 22.1 a section numbered 22.1-289.08:1, relating to early childhood care and education; regional entities; Child Care Subsidy Program Overpayment Fund established.

[H 389]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-289.05 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 14.1 of Title 22.1 a section numbered 22.1-289.08:1 as follows:

§ 22.1-289.05. Uniform measurement and improvement system; regional entities; establishment.

A. The Board shall establish a uniform ~~quality rating~~ *measurement* and improvement system designed to provide parents and families with information about the quality and availability of publicly funded providers. Such system shall include:

1. Service provision and performance targets for children from birth to age five that align with standards for kindergarten readiness and early elementary grades;
2. Consistent quality standards;
3. Outcome-based measurements; and
4. Incentives to encourage participation and improvement.

B. All publicly funded providers shall be required to participate in the ~~quality rating~~ *uniform measurement* and improvement system established pursuant to subsection A. All other child day programs may participate in such system. Any participation in such system shall comply with all applicable federal laws and regulations, including the federal Head Start Act (42 U.S.C. § 9801 et seq.), as amended, and associated regulations.

C. The Board shall establish consequences for publicly funded providers that fail to participate in the ~~quality rating~~ *uniform measurement* and improvement system established pursuant to subsection A or persistently fail to meet minimal quality standards.

D. The Board shall establish a system of regional entities that will be responsible for coordinating early childhood care and education services, guiding quality improvement of such services and coordinated access to such services for families, and implementing the uniform measurement and improvement system.

§ 22.1-289.08:1. Child Care Subsidy Program Overpayment Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Child Care Subsidy Program Overpayment Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All overpayment moneys collected or recovered by the Department or any state or local agency contracted to administer the Child Care Subsidy Program, net of any refunds due to the federal government, shall be paid into the state treasury and credited to the Fund, except as prohibited by federal law or regulation. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purpose of covering the cost of providing training and supports to early childhood care and education entities. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Superintendent.

CHAPTER 525

An Act to amend and reenact §§ 2.2-3705.1 and 2.2-3808 of the Code of Virginia, relating to public agencies; privacy of personal donor information; penalty.

[H 970]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3705.1 and 2.2-3808 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-3705.1. Exclusions to application of chapter; exclusions of general application to public bodies.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Personnel information concerning identifiable individuals, except that access shall not be denied to the person who is the subject thereof. Any person who is the subject of such information and who is 18 years of age or older may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, such information shall be disclosed. Nothing in this subdivision shall be construed to authorize the withholding of any resumes or applications submitted by persons who are appointed by the Governor pursuant to § 2.2-106 or 2.2-107.

No provision of this chapter or any provision of Chapter 38 (§ 2.2-3800 et seq.) shall be construed as denying public access to (i) contracts between a public body and its officers or employees, other than contracts settling public employee employment disputes held confidential as personnel records under § 2.2-3705.1; (ii) records of the name, position, job classification, official salary, or rate of pay of, and records of the allowances or reimbursements for expenses paid to, any officer, official, or employee of a public body; or (iii) the compensation or benefits paid by any corporation organized by the Virginia Retirement System or its officers or employees. The provisions of this subdivision, however, shall not require public access to records of the official salaries or rates of pay of public employees whose annual rate of pay is \$10,000 or less.

2. Written advice of legal counsel to state, regional or local public bodies or the officers or employees of such public bodies, and any other information protected by the attorney-client privilege.

3. Legal memoranda and other work product compiled specifically for use in litigation or for use in an active administrative investigation concerning a matter that is properly the subject of a closed meeting under § 2.2-3711.

4. Any test or examination used, administered or prepared by any public body for purposes of evaluation of (i) any student or any student's performance, (ii) any employee or employment seeker's qualifications or aptitude for employment, retention, or promotion, or (iii) qualifications for any license or certificate issued by a public body.

As used in this subdivision, "test or examination" shall include (a) any scoring key for any such test or examination and (b) any other document that would jeopardize the security of the test or examination. Nothing contained in this subdivision shall prohibit the release of test scores or results as provided by law, or limit access to individual records as provided by law. However, the subject of such employment tests shall be entitled to review and inspect all records relative to his performance on such employment tests.

When, in the reasonable opinion of such public body, any such test or examination no longer has any potential for future use, and the security of future tests or examinations will not be jeopardized, the test or examination shall be made available to the public. However, minimum competency tests administered to public school children shall be made available to the public contemporaneously with statewide release of the scores of those taking such tests, but in no event shall such tests be made available to the public later than six months after the administration of such tests.

5. Records recorded in or compiled exclusively for use in closed meetings lawfully held pursuant to § 2.2-3711. However, no record that is otherwise open to inspection under this chapter shall be deemed exempt by virtue of the fact that it has been reviewed or discussed in a closed meeting.

6. Vendor proprietary information software that may be in the public records of a public body. For the purpose of this subdivision, "vendor proprietary information software" means computer programs acquired from a vendor for purposes of processing data for agencies or political subdivisions of the Commonwealth.

7. Computer software developed by or for a state agency, public institution of higher education in the Commonwealth, or political subdivision of the Commonwealth.

8. Appraisals and cost estimates of real property subject to a proposed purchase, sale, or lease, prior to the completion of such purchase, sale, or lease.

9. Information concerning reserves established in specific claims administered by the Department of the Treasury through its Division of Risk Management as provided in Article 5 (§ 2.2-1832 et seq.) of Chapter 18, or by any county, city, or town; and investigative notes, correspondence and information furnished in confidence with respect to an investigation of a claim or a potential claim against a public body's insurance policy or self-insurance plan. However, nothing in this subdivision shall prevent the disclosure of information taken from inactive reports upon expiration of the period of limitations for the filing of a civil suit.

10. Personal contact information furnished to a public body or any of its members for the purpose of receiving electronic communications from the public body or any of its members, unless the recipient of such electronic communications indicates his approval for the public body to disclose such information. However, access shall not be denied to the person who is the subject of the record. As used in this subdivision, "personal contact information" means the information provided to the public body or any of its members for the purpose of receiving electronic communications from the public body or any of its members and includes home or business (i) address, (ii) email address, or (iii) telephone number or comparable number assigned to any other electronic communication device.

11. Communications and materials required to be kept confidential pursuant to § 2.2-4119 of the Virginia Administrative Dispute Resolution Act (§ 2.2-4115 et seq.).

12. Information relating to the negotiation and award of a specific contract where competition or bargaining is involved and where the release of such information would adversely affect the bargaining position or negotiating strategy of the public body. Such information shall not be withheld after the public body has made a decision to award or not to award the

contract. In the case of procurement transactions conducted pursuant to the Virginia Public Procurement Act (§ 2.2-4300 et seq.), the provisions of this subdivision shall not apply, and any release of information relating to such transactions shall be governed by the Virginia Public Procurement Act.

13. Account numbers or routing information for any credit card, debit card, or other account with a financial institution of any person or public body. However, access shall not be denied to the person who is the subject of the information. For the purposes of this subdivision, "financial institution" means any organization authorized to do business under state or federal laws relating to financial institutions, including, without limitation, banks and trust companies, savings banks, savings and loan companies or associations, and credit unions.

14. *Names and data of any kind that directly or indirectly identify an individual as a member, supporter, or volunteer of, or donor of financial or nonfinancial support to, any entity exempt from federal income tax pursuant to § 501(c) of the Internal Revenue Code, except for those entities established by or for, or in support of, a public body as authorized by state law.*

§ 2.2-3808. Collection, disclosure, or display of social security number; personal identifying information of donors; penalty.

A. It shall be unlawful for any agency to:

1. Require an individual to disclose or furnish his social security number not previously disclosed or furnished, for any purpose in connection with any activity, or to refuse any service, privilege, or right to an individual wholly or partly because the individual does not disclose or furnish such number, unless the disclosure or furnishing of such number is specifically required by state law in effect prior to January 1, 1975, or is specifically authorized or required by federal law; ~~or~~

2. Collect from an individual his social security number or any portion thereof unless the collection of such number is (i) authorized or required by state or federal law and (ii) essential for the performance of that agency's duties. Nothing in this subdivision shall be construed to prohibit the collection of a social security number for the sole purpose of complying with the Virginia Debt Collection Act (§ 2.2-4800 et seq.) or the Setoff Debt Collection Act (§ 58.1-520 et seq.);

3. *Require any individual or any entity organized under § 501(c) of the Internal Revenue Code to provide the agency with personal donor information;*

4. *Require any bidder, offeror, contractor, or grantee of an agency to provide the agency with personal donor information; or*

5. *Disclose personal donor information without the express, written permission of every individual who is identifiable from the potential release of such personal donor information, including individuals identifiable as members, supporters, or volunteers of, or donors to, the agency.*

B. Agency-issued identification cards, student identification cards, or license certificates issued or replaced on or after July 1, 2003, shall not display an individual's entire social security number except as provided in § 46.2-703.

C. Any agency-issued identification card, student identification card, or license certificate that was issued prior to July 1, 2003, and that displays an individual's entire social security number shall be replaced no later than July 1, 2006, except that voter registration cards issued with a social security number and not previously replaced shall be replaced no later than the December 31st following the completion by the state and all localities of the decennial redistricting following the 2010 census. This subsection shall not apply to (i) driver's licenses and special identification cards issued by the Department of Motor Vehicles pursuant to Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 and (ii) road tax registrations issued pursuant to § 46.2-703.

D. No agency, as defined in § 42.1-77, shall send or deliver or cause to be sent or delivered, any letter, envelope, or package that displays a social security number on the face of the mailing envelope or package or from which a social security number is visible, whether on the outside or inside of the mailing envelope or package.

E. The provisions of subsections A and C shall not be applicable to ~~licenses~~:

1. *Any license issued by the State Corporation Commission's Bureau of Insurance until such time as a national insurance producer identification number has been created and implemented in all states. Commencing with the date of such implementation, the licenses issued by the State Corporation Commission's Bureau of Insurance shall be issued in compliance with subsection A of this section. Further, all licenses issued prior to the date of such implementation shall be replaced no later than 12 months following the date of such implementation;*

2. *Any lawful warrant for personal donor information issued by a court of competent jurisdiction;*

3. *Any lawful request for discovery of personal donor information in litigation if (i) the requester demonstrates a compelling need for the personal donor information by clear and convincing evidence and (ii) the requester obtains a protective order barring disclosure of personal donor information to any person not directly involved in the litigation. As used in this subdivision, "person" means an individual, partnership, corporation, association, governmental entity, or other legal entity;*

4. *Any admission of relevant personal donor information as evidence before a court of competent jurisdiction;*

5. *Any lawful investigation or enforcement action conducted pursuant to subsection C or D of § 57-59; or*

6. *Any form prescribed by the Virginia Conflict of Interest and Ethics Advisory Council.*

F. *A person alleging a violation of this section may bring a civil action for appropriate injunctive relief. A court rendering judgment in favor of a complainant pursuant to this subsection shall award all or a portion of the costs of litigation, including reasonable attorney fees and witness fees, to the complainant.*

G. *A person who knowingly violates this section is guilty of a misdemeanor punishable by imprisonment of up to 90 days, a fine up to \$1,000, or both.*

H. Nothing in this section shall apply to the Campaign Finance Disclosure Act of 2006 (§ 24.2-945 et seq.).

I. As used in this section, "personal donor information" means names and data of any kind collected for the purpose of directly or indirectly identifying an individual as a member, supporter, or volunteer of, or donor of financial or nonfinancial support to, any entity exempt from federal income tax pursuant to § 501(c) of the Internal Revenue Code.

CHAPTER 526

An Act to amend and reenact § 62.1-44.19:20 of the Code of Virginia, relating to accelerated stream nutrient credit release.

[S 187]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 62.1-44.19:20 of the Code of Virginia is amended and reenacted as follows:

§ 62.1-44.19:20. Nutrient credit certification.

A. The Board may adopt regulations for the purpose of establishing procedures for the certification of point source nutrient credits except that no certification shall be required for point source nitrogen and point source phosphorus credits generated by point sources regulated under the Watershed General Virginia Pollutant Discharge Elimination System Permit issued pursuant to § 62.1-44.19:14. The Board shall adopt regulations for the purpose of establishing procedures for the certification of nonpoint source nutrient credits.

B. Regulations adopted pursuant to this section shall:

1. Establish procedures for the certification and registration of credits, including:

a. Certifying credits that may be generated from effective nutrient controls or removal practices, including activities associated with the types of facilities or practices historically regulated by the Board, such as water withdrawal and treatment and wastewater collection, treatment, and beneficial reuse;

b. Certifying credits that may be generated from agricultural and urban stormwater best management practices, use or management of manures, managed turf, land use conversion, stream or wetlands projects, shellfish aquaculture, algal harvesting, and other established or innovative methods of nutrient control or removal, as appropriate;

c. Establishing a process and standards for wetland or stream credits to be converted to nutrient credits. Such process and standards shall only apply to wetland or stream credits that were established after July 1, 2005, and have not been transferred or used. Under no circumstances shall such credits be used for both wetland or stream credit and nutrient credit purposes;

d. Certifying credits from multiple practices that are bundled as a package by the applicant;

e. Prohibiting the certification of credits generated from activities funded by federal or state water quality grant funds other than controls and practices under subdivision B 1 a; however, baseline levels may be achieved through the use of such grants;

f. Establishing a timely and efficient certification process including application requirements, a reasonable application fee schedule not to exceed \$10,000 per application, and review and approval procedures;

g. Requiring public notification of a proposed nutrient credit-generating entity; and

h. Establishing a timeline for the consideration of certification applications for land conversion projects. The timeline shall provide that within 30 days of receipt of an application the Department shall, if warranted, conduct a site visit and that within 45 days of receipt of an application the Department shall either determine that the application is complete or request additional specific information from the applicant. A determination that an application for a land conversion project is complete shall not require the Department to issue the certification. The Department shall deny, approve, or approve with conditions an application within 15 days of the Department's determination that the application is complete. When the request for credit release is made concurrently with the application for a land conversion project certification, the concurrent release shall be processed on the same timeline. When the request for credit release is from a previously approved land conversion project, the Department shall schedule a site visit, if warranted, within 30 days of the request and shall deny, approve, or approve with conditions the release within 15 days of the site visit or determination that a site visit is not warranted. The timelines set out in this subdivision shall be implemented prior to adoption of regulations. The Department shall release credits from a land conversion project after it is satisfied that the applicant has met the criteria for release in an approved nutrient reduction implementation plan.

2. Establish credit calculation procedures for proposed credit-generating practices, including the determination of:

a. Baselines for credits certified under subdivision B 1 a in accordance with any applicable provisions of the Virginia Chesapeake Bay TMDL Watershed Implementation Plan or approved TMDLs;

b. Baselines established for agricultural practices, which shall be those actions necessary to achieve a level of reduction assigned in the Virginia Chesapeake Bay TMDL Watershed Implementation Plan or approved TMDLs as implemented on the tract, field, or other land area under consideration;

c. Baselines for urban practices from new development and redevelopment, which shall be in compliance with postconstruction nutrient loading requirements of the Virginia Stormwater Management Program regulations. Baselines for all other existing development shall be at a level necessary to achieve the reductions assigned in the urban sector in the Virginia Chesapeake Bay TMDL Watershed Implementation Plan or approved TMDLs;

d. Baselines for land use conversion, which shall be based on the pre-conversion land use and the level of reductions assigned in the Virginia Chesapeake Bay TMDL Watershed Implementation Plan or approved TMDLs applicable to that land use;

e. Baselines for other nonpoint source credit-generating practices, which shall be based on the Virginia Chesapeake Bay TMDL Watershed Implementation Plan or approved TMDLs using the best available scientific and technical information;

f. Unless otherwise established by the Board, for certification within the Chesapeake Bay Watershed a credit-generating practice that involves land use conversion, which shall represent controls beyond those in place as of July 1, 2005. For other waters for which a TMDL has been approved, the practice shall represent controls beyond those in place at the time of TMDL approval;

g. Baseline dates for all other credit-generating practices, which shall be based on the Virginia Chesapeake Bay TMDL Watershed Implementation Plan or approved TMDLs; and

h. Credit quantities, which shall be established using the best available scientific and technical information at the time of certification;

3. Provide certification of credits on an appropriate temporal basis, such as annual, term of years, or perpetual, depending on the nature of the credit-generating practice. A credit shall be certified for a term of no less than 12 months;

4. Establish requirements to reasonably assure the generation of the credit depending on the nature of the credit-generating activity and use, such as legal instruments for perpetual credits, operation and maintenance requirements, and associated financial assurance requirements. Financial assurance requirements may include letters of credit, escrows, surety bonds, insurance, and where the credits are used or generated by a locality, authority, utility, sanitation district, or permittee operating an MS4 or a point source permitted under this article, its existing tax or rate authority. *Notwithstanding any release schedule set out in regulations of the Board, the Department may accelerate the release of a maximum of 50 percent of nutrient credits from a stream restoration project based on (i) a determination that the level of risk for restoration failure is low, (ii) the provision of additional financial assurance in an amount adequate to cover the cost of project repair or replacement in the event of failure, and (iii) the experience of the applicant or the applicant's agents who will implement the stream restoration project;*

5. Establish appropriate reporting requirements;

6. Provide for the ability of the Department to inspect or audit for compliance with the requirements of such regulations;

7. Provide that the option to acquire nutrient credits for compliance purposes shall not eliminate any requirement to comply with local water quality requirements;

8. Establish a credit retirement requirement whereby five percent of nonpoint source credits in the Chesapeake Bay Watershed other than controls and practices under subdivision B 1 a are permanently retired at the time of certification pursuant to this section for the purposes of offsetting growth in unregulated nutrient loads; and

9. Establish such other requirements as the Board deems necessary and appropriate.

C. Prior to the adoption of such regulations, the Board shall certify (i) credits that may be generated from effective nutrient controls or removal practices, including activities associated with the types of facilities or practices historically regulated by the Board, such as water withdrawal and treatment and wastewater collection, treatment, and beneficial reuse, on a case-by-case basis using the best available scientific and technical information and (ii) credits that are located in tributaries outside of the Chesapeake Bay watershed as defined in § 62.1-44.15:35, using an average of the nutrient removal rates for each practice identified in Appendix A of the Department's document "Trading Nutrient Reductions from Nonpoint Source Best Management Practices in the Chesapeake Bay Watershed: Guidance for Agricultural Landowners and Your Potential Trading Partners."

D. The Department shall establish and maintain an online Virginia Nutrient Credit Registry of credits as follows:

1. The registry shall include all nonpoint source credits certified pursuant to this article and may include point source nitrogen and point source phosphorus credits generated from point sources covered by the general permit issued pursuant to § 62.1-44.19:14 or point source nutrient credits certified pursuant to this section at the option of the owner. No other credits shall be valid for compliance purposes.

2. Registration of credits on the registry shall not preclude or restrict the right of the owner of such credits from transferring the credits on such commercial terms as may be established by and between the owner and the regulated or unregulated party acquiring the credits.

3. The Department shall establish procedures for the listing and tracking of credits on the registry, including but not limited to (i) notification of the availability of new nutrient credits to the locality where the credit-generating practice is implemented at least five business days prior to listing on the registry to provide the locality an opportunity to acquire such credits at fair market value for compliance purposes and (ii) notification that the listing of credits on the registry does not constitute a representation by the Board or the owner that the credits will satisfy the specific regulatory requirements applicable to the prospective user's intended use and that the prospective user is encouraged to contact the Board for technical assistance to identify limitations, if any, applicable to the intended use.

4. The registry shall be publicly accessible without charge.

E. The owner or operator of a nonpoint source nutrient credit-generating entity that fails to comply with the provisions of this section shall be subject to the enforcement and penalty provisions of § 62.1-44.19:22.

F. Nutrient credits from stormwater nonpoint nutrient credit-generating facilities in receipt of a Nonpoint Nutrient Offset Authorization for Transfer letter from the Department prior to July 1, 2012, shall be considered certified nutrient credits and shall not be subject to further certification requirements or to the credit retirement requirement under subdivision B 8. However, such facilities shall be subject to the other provisions of this article, including registration, inspection, reporting, and enforcement.

2. That the provisions of this act shall become effective 30 days after the Department of Environmental Quality issues guidance regarding the implementation of this act.

CHAPTER 527

An Act to amend and reenact §§ 16.1-244, 20-78.2, 20-103, 20-108.1, and 63.2-1918 of the Code of Virginia, relating to child support and spousal support; retroactivity; child support obligations; party's incarceration not deemed voluntary unemployment or underemployment.

[S 348]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-244, 20-78.2, 20-103, 20-108.1, and 63.2-1918 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-244. Concurrent jurisdiction; exceptions.

A. Nothing contained in this law shall deprive any other court of the concurrent jurisdiction to determine the custody of children upon a writ of habeas corpus under the law, or to determine the custody, guardianship, visitation or support of children when such custody, guardianship, visitation or support is incidental to the determination of causes pending in such courts, nor deprive a circuit court of jurisdiction to determine spousal support in a suit for separate maintenance. However, when a suit for divorce has been filed in a circuit court, in which the custody, guardianship, visitation or support of children of the parties or spousal support is raised by the pleadings and a hearing, including a pendente lite hearing, is set by the circuit court on any such issue for a date certain or on a motions docket to be heard within 21 days of the filing, the juvenile and domestic relations district courts shall be divested of the right to enter any further decrees or orders to determine custody, guardianship, visitation or support when raised for such hearing and such matters shall be determined by the circuit court unless both parties agreed to a referral to the juvenile court. *In any case in which the jurisdiction of the juvenile and domestic relations district court has been divested pursuant to this section and no final support order has been entered, any award for child support or spousal support in the circuit court shall be retroactive to the date on which the proceeding was commenced by the filing of the action in the juvenile and domestic relations district court, provided that the petitioner exercised due diligence in the service of the respondent.* Nothing in this section shall deprive a circuit court of the authority to refer any such case to a commissioner for a hearing or shall deprive the juvenile and domestic relations district courts of the jurisdiction to enforce its valid orders prior to the entry of a conflicting order of any circuit court for any period during which the order was in effect or to temporarily place a child in the custody of any person when that child has been adjudicated abused, neglected, in need of services or delinquent subsequent to the order of any circuit court.

B. Jurisdiction of cases involving violations of federal law by a child shall be concurrent and shall be assumed only if waived by the federal court or the United States attorney.

§ 20-78.2. Attorney fees and interest on support arrearage.

The entry of an order or decree of support for a spouse or for support and maintenance of a child under the provisions of this chapter or §§ 20-107.1 through 20-109 shall constitute a final judgment for any sum or sums in arrears. This order shall also include an amount for interest on the arrearage *including from the date support is established or retroactively modified* at the judgment interest rate as established by § 6.2-302 unless the obligee, in a writing submitted to the court, waives the collection of interest; and may include reasonable ~~attorneys'~~ attorney fees if the total arrearage for support and maintenance, excluding interest, is equal to or greater than three months of support and maintenance.

§ 20-103. Court may make orders pending suit for divorce, custody or visitation, etc.

A. In suits for divorce, annulment and separate maintenance, and in proceedings arising under subdivision A 3 or subsection L of § 16.1-241, the court having jurisdiction of the matter may, at any time pending a suit pursuant to this chapter, in the discretion of such court, make any order that may be proper (i) to compel a spouse to pay any sums necessary for the maintenance and support of the petitioning spouse, including (a) an order that the other spouse provide health care coverage for the petitioning spouse, unless it is shown that such coverage cannot be obtained, or (b) an order that a party pay secured or unsecured debts incurred jointly or by either party, (ii) to enable such spouse to carry on the suit, (iii) to prevent either spouse from imposing any restraint on the personal liberty of the other spouse, (iv) to provide for the custody and maintenance of the minor children of the parties, including an order that either party or both parties provide health care coverage or cash medical support, or both, for the children, (v) to provide support, calculated in accordance with § 20-108.2, for any child of the parties to whom a duty of support is owed and to pay or continue to pay support for any child over the age of 18 who meets the requirements set forth in subsection C of § 20-124.2, (vi) for the exclusive use and possession of the family residence during the pendency of the suit, (vii) to preserve the estate of either spouse, so that it be forthcoming to meet any decree which may be made in the suit, (viii) to compel either spouse to give security to abide such decree, or

(ix) (a) to compel a party to maintain any existing policy owned by that party insuring the life of either party or to require a party to name as a beneficiary of the policy the other party or an appropriate person for the exclusive use and benefit of the minor children of the parties and (b) to allocate the premium cost of such life insurance between the parties, provided that all premiums are billed to the policyholder. Nothing in clause (ix) shall be construed to create an independent cause of action on the part of any beneficiary against the insurer or to require an insurer to provide information relating to such policy to any person other than the policyholder without the written consent of the policyholder. The parties to any petition where a child whose custody, visitation, or support is contested shall show proof that they have attended within the 12 months prior to their court appearance or that they shall attend within 45 days thereafter an educational seminar or other like program conducted by a qualified person or organization approved by the court except that the court may require the parties to attend such seminar or program in uncontested cases only if the court finds good cause. The seminar or other program shall be a minimum of four hours in length and shall address the effects of separation or divorce on children, parenting responsibilities, options for conflict resolution and financial responsibilities. Once a party has completed one educational seminar or other like program, the required completion of additional programs shall be at the court's discretion. Parties under this section shall include natural or adoptive parents of the child, or any person with a legitimate interest as defined in § 20-124.1. The fee charged a party for participation in such program shall be based on the party's ability to pay; however, no fee in excess of \$50 may be charged. Whenever possible, before participating in mediation or alternative dispute resolution to address custody, visitation or support, each party shall have attended the educational seminar or other like program. The court may grant an exemption from attendance of such program for good cause shown or if there is no program reasonably available. Other than statements or admissions by a party admitting criminal activity or child abuse, no statement or admission by a party in such seminar or program shall be admissible into evidence in any subsequent proceeding.

A1. Any award or order made by the court pursuant to subsection A shall be paid from the post-separation income of the obligor unless the court, for good cause shown, orders otherwise. Upon the request of either party, the court may identify and state in such order or award the specific source from which the financial obligation imposed is to be paid.

A2. *In any case in which the jurisdiction of the juvenile and domestic relations district court has been divested pursuant to § 16.1-244 and no final support order has been entered, any award for child support or spousal support in the circuit court pursuant to subsection A shall be retroactive to the date on which the proceeding was commenced by the filing of the action in the juvenile and domestic relations district court, provided that the petitioner exercised due diligence in the service of the respondent.*

B. In addition to the terms provided in subsection A, upon a showing by a party of reasonable apprehension of physical harm to that party by such party's family or household member as that term is defined in § 16.1-228, and consistent with rules of the Supreme Court of Virginia, the court may enter an order excluding that party's family or household member from the jointly owned or jointly rented family dwelling. In any case where an order is entered under this paragraph, pursuant to an ex parte hearing, the order shall not exclude a family or household member from the family dwelling for a period in excess of 15 days from the date the order is served, in person, upon the person so excluded. The order may provide for an extension of time beyond the 15 days, to become effective automatically. The person served may at any time file a written motion in the clerk's office requesting a hearing to dissolve or modify the order. Nothing in this section shall be construed to prohibit the court from extending an order entered under this subsection for such longer period of time as is deemed appropriate, after a hearing on notice to the parties. If the party subject to the order fails to appear at this hearing, the court may extend the order for a period not to exceed six months.

C. In cases other than those for divorce in which a custody or visitation arrangement for a minor child is sought, the court may enter an order providing for custody, visitation or maintenance pending the suit as provided in subsection A. The order shall be directed to either parent or any person with a legitimate interest who is a party to the suit.

D. Orders entered pursuant to this section which provide for custody or visitation arrangements pending the suit shall be made in accordance with the standards set out in Chapter 6.1 (§ 20-124.1 et seq.). Orders entered pursuant to subsection B shall be certified by the clerk and forwarded as soon as possible to the local police department or sheriff's office which shall, on the date of receipt, enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia crime information network system established and maintained by the Department of State Police pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. If the order is later dissolved or modified, a copy of the dissolution or modification shall also be certified, forwarded and entered in the system as described above.

E. There shall be a presumption in any judicial proceeding for pendente lite spousal support and maintenance under this section that the amount of the award that would result from the application of the formula set forth in this section is the correct amount of spousal support to be awarded. The court may deviate from the presumptive amount as provided in subsection H.

F. If the court is determining both an award of pendente lite spousal support and maintenance and an award of child support, the court shall first make a determination of the amount of the award of pendente lite spousal support, if any, owed by one party to the other under this section.

G. If the parties have minor children in common, the presumptive amount of an award of pendente lite spousal support and maintenance shall be the difference between 26 percent of the payor spouse's monthly gross income and 58 percent of the payee spouse's monthly gross income. If the parties have no minor children in common, the presumptive amount of the award shall be the difference between 27 percent of the payor spouse's monthly gross income and 50 percent of the payee

spouse's monthly gross income. For the purposes of this section, monthly gross income shall have the same meaning as it does in section § 20-108.2.

H. The court may deviate from the presumptive amount for good cause shown, including any relevant evidence relating to the parties' current financial circumstances or the impact of any tax exemption and any credits resulting from such exemptions that indicates the presumptive amount is inappropriate.

I. The presumptive formula set forth in this section shall only apply to cases where the parties' combined monthly gross income does not exceed \$10,000.

J. An order entered pursuant to this section shall have no presumptive effect and shall not be determinative when adjudicating the underlying cause.

§ 20-108.1. Determination of child or spousal support.

A. In any proceeding on the issue of determining spousal support, the court shall consider all evidence presented relevant to any issues joined in that proceeding. The court's decision shall be rendered based upon the evidence relevant to each individual case.

B. In any proceeding on the issue of determining child support under this title, Title 16.1, or Title 63.2, the court shall consider all evidence presented relevant to any issues joined in that proceeding. The court's decision in any such proceeding shall be rendered upon the evidence relevant to each individual case. However, there shall be a rebuttable presumption in any judicial or administrative proceeding for child support, including cases involving split custody or shared custody, that the amount of the award that would result from the application of the guidelines set out in § 20-108.2 is the correct amount of child support to be awarded. Liability for support shall be determined retroactively for the period measured from the date that the proceeding was commenced by the filing of an action with any court provided the complainant exercised due diligence in the service of the respondent or, if earlier, the date an order of the Department of Social Services entered pursuant to Title 63.2 and directing payment of support was delivered to the sheriff or process server for service on the obligor.

In any case in which the jurisdiction of the juvenile and domestic relations district court has been divested pursuant to § 16.1-244 and no final child support order has been entered, any award for child support in the circuit court shall be retroactive to the date on which the proceeding was commenced by the filing of the action in the juvenile and domestic relations district court, provided that the petitioner exercised due diligence in the service of the respondent.

In order to rebut the presumption, the court shall make written findings in the order, which findings may be incorporated by reference, that the application of such guidelines would be unjust or inappropriate in a particular case. The finding that rebuts the guidelines shall state the amount of support that would have been required under the guidelines, shall give a justification of why the order varies from the guidelines, and shall be determined by relevant evidence pertaining to the following factors affecting the obligation, the ability of each party to provide child support, and the best interests of the child:

1. Actual monetary support for other family members or former family members;
2. Arrangements regarding custody of the children, including the cost of visitation travel;
3. Imputed income to a party who is voluntarily unemployed or voluntarily ~~under-employed~~; *underemployed*, provided that (i) income may not be imputed to a custodial parent when a child is not in school, child care services are not available, and the cost of such child care services are not included in the computation ~~and provided further, that~~; (ii) any consideration of imputed income based on a change in a party's employment shall be evaluated with consideration of the good faith and reasonableness of employment decisions made by the party, including to attend and complete an educational or vocational program likely to maintain or increase the party's earning potential; *and (iii) a party's current incarceration, as defined in § 8.01-195.10, for 180 or more consecutive days shall not be deemed voluntary unemployment or voluntary underemployment. In addition, notwithstanding subsection F, a party's incarceration for 180 or more consecutive days shall be a material change in circumstances upon which a modification of child support may be based;*
4. Any child care costs incurred on behalf of the child or children due to the attendance of a custodial parent in an educational or vocational program likely to maintain or increase the party's earning potential;
5. Debts of either party arising during the marriage for the benefit of the child;
6. Direct payments ordered by the court for maintaining life insurance coverage pursuant to subsection D, education expenses, or other court-ordered direct payments for the benefit of the child;
7. Extraordinary capital gains such as capital gains resulting from the sale of the marital abode;
8. Any special needs of a child resulting from any physical, emotional, or medical condition;
9. Independent financial resources of the child or children;
10. Standard of living for the child or children established during the marriage;
11. Earning capacity, obligations, financial resources, and special needs of each parent;
12. Provisions made with regard to the marital property under § 20-107.3, where said property earns income or has an income-earning potential;
13. Tax consequences to the parties including claims for exemptions, child tax credit, and child care credit for dependent children;
14. A written agreement, stipulation, consent order, or decree between the parties ~~which~~ *that* includes the amount of child support; and
15. Such other factors as are necessary to consider the equities for the parents and children.

C. In any proceeding under this title, Title 16.1, or Title 63.2 on the issue of determining child support, the court shall have the authority to order either party or both parties to provide health care coverage or cash medical support, as defined in § 63.2-1900, or both, for dependent children if reasonable under all the circumstances and health care coverage for a spouse or former spouse.

D. In any proceeding under this title, Title 16.1, or Title 63.2 on the issue of determining child support, the court shall have the authority to order a party to (i) maintain any existing life insurance policy on the life of either party provided the party so ordered has the right to designate a beneficiary and (ii) designate a child or children of the parties as the beneficiary of all or a portion of such life insurance for so long as the party so ordered has a statutory obligation to pay child support for the child or children.

E. Except when the parties have otherwise agreed, in any proceeding under this title, Title 16.1, or Title 63.2 on the issue of determining child support, the court shall have the authority to and may, in its discretion, order one party to execute all appropriate tax forms or waivers to grant to the other party the right to take the income tax dependency exemption and any credits resulting from such exemption for any tax year or future years, for any child or children of the parties for federal and state income tax purposes.

F. Notwithstanding any other provision of law, any amendments to this section shall not be retroactive to a date before the effective date of the amendment, and shall not be the basis for a material change in circumstances upon which a modification of child support may be based.

G. Child support payments, whether current or arrears, received by a parent for the benefit of and owed to a child in the parent's custody, whether the payments were ordered under this title, Title 16.1, or Title 63.2, shall not be subject to garnishment. A depository wherein child support payments have been deposited on behalf of and traceable to an individual shall not be required to determine the portion of deposits that are subject to garnishment.

H. In any proceeding on the issue of determining child or spousal support or an action for separate maintenance under this title, Title 16.1, or Title 63.2, when the earning capacity, voluntary unemployment, or voluntary ~~under-employment~~ *underemployment* of a party is in controversy, the court in which the action is pending, upon the motion of any party and for good cause shown, may order a party to submit to a vocational evaluation by a vocational expert employed by the moving party, including, but not limited to, any interviews and testing as requested by the expert. The order may permit the attendance of the vocational expert at the deposition of the person to be evaluated. The order shall specify the name and address of the expert; *and* the scope of the evaluation; and shall fix the time for filing the report with the court and furnishing copies to the parties. The court may award costs or fees for the evaluation and the services of the expert at any time during the proceedings. The provisions of this section shall not preclude the applicability of any other rule or law.

§ 63.2-1918. Administrative establishment of obligations.

The Department shall set child support at the amount resulting from computations pursuant to the guideline set out in § 20-108.2 in determining the required monthly support obligation, the amount of support obligation arrearage, if any, and the amount to be paid periodically against such arrearage. There shall be a rebuttable presumption that the amount of the award which would result from the application of the guidelines is the correct amount of child support to be awarded. In order to rebut the presumption, the Department shall make written findings in its order that the application of the guidelines would be unjust or inappropriate in a particular case as determined by relevant evidence pertaining to support for other children in the household or other children for whom any administrative or court order exists, or relevant evidence pertaining to imputed income to a person who is voluntarily unemployed or who fails to provide verification of income upon request of the Department, provided that income may not be imputed to the custodial parent because (i) a child is not regularly attending school, (ii) child care services are not available, or (iii) the cost of such child care services are not added to the basic child support obligation. *In addition, a party's current incarceration, as defined in § 8.01-195.10, for 180 or more consecutive days shall not be deemed voluntary unemployment or voluntary underemployment.* Additional factors that may lead to rebuttal of the presumption shall be determined by Department regulation.

2. That the provisions of this act amending subdivision B 3 of § 20-108.1 and § 63.2-1918 of the Code of Virginia shall apply only to petitions for child support and petitions for modifications of child support orders commenced on or after July 1, 2022, and that the provisions of this act shall not be construed to create a material change in circumstances for the purposes of modifying an existing child support order if a parent was incarcerated prior to July 1, 2022, and the incarcerated party cannot establish a material change in circumstances other than incarceration.

3. That if the Office of Child Support Enforcement of the U.S. Department of Health and Human Services determines in writing that the second enactment of this act is not in compliance with 45 C.F.R. Part 300, the second enactment of this act shall immediately be vacated on such date and the Virginia Division of Child Support Enforcement shall certify the same, notify the Chairmen of the Senate Committee on the Judiciary and House Committee for Courts of Justice, and prominently publish notice of the same on its website for 180 days.

CHAPTER 528

An Act to amend and reenact § 2.2-3101 of the Code of Virginia, relating to State and Local Government Conflict of Interests Act; definition of gift; certain tickets and registration or admission fees.

[H 216]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 2.2-3101 of the Code of Virginia is amended and reenacted as follows:****§ 2.2-3101. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Advisory agency" means any board, commission, committee or post which does not exercise any sovereign power or duty, but is appointed by a governmental agency or officer or is created by law for the purpose of making studies or recommendations, or advising or consulting with a governmental agency.

"Affiliated business entity relationship" means a relationship, other than a parent-subsidary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that may be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person owns or manages the two entities, there are common or commingled funds or assets, the business entities share the use of the same offices or employees, or otherwise share activities, resources or personnel on a regular basis, or there is otherwise a close working relationship between the entities.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Candidate" means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. The candidate shall become subject to the provisions of this chapter upon the filing of a statement of qualification pursuant to § 24.2-501. The State Board of Elections or general registrar shall notify each such candidate of the provisions of this chapter. Notification made by the general registrar shall consist of information developed by the State Board of Elections.

"Contract" means any agreement to which a governmental agency is a party, or any agreement on behalf of a governmental agency that involves the payment of money appropriated by the General Assembly or a political subdivision, whether or not such agreement is executed in the name of the Commonwealth, or some political subdivision thereof. "Contract" includes a subcontract only when the contract of which it is a part is with the officer's or employee's own governmental agency.

"Council" means the Virginia Conflict of Interest and Ethics Advisory Council established in § 30-355.

"Employee" means all persons employed by a governmental or advisory agency, unless otherwise limited by the context of its use.

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, credit union, broker-dealer as defined in subsection A of § 13.1-501, or investment company or advisor registered under the federal Investment Advisors Act or Investment Company Act of 1940.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred.

"Gift" does not include (i) any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used; (ii) honorary degrees; (iii) any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution, or program's financial aid standards and procedures applicable to the general public; (iv) a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; (v) any gift related to the private profession or occupation or volunteer service of an officer or employee or of a member of his immediate family; (vi) food or beverages consumed while attending an event at which the filer is performing official duties related to his public service; (vii) food and beverages received at or registration or attendance fees waived for any event at which the filer is a featured speaker, presenter, or lecturer; (viii) unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall memento, or similar item that is given in recognition of public, civic, charitable, or professional service; (ix) a devise or inheritance; (x) travel disclosed pursuant to the Campaign Finance Disclosure Act (§ 24.2-945 et seq.); (xi) travel paid for or provided by the government of the United States, any of its territories, or any state or any political subdivision of such state; (xii) travel provided to facilitate attendance by a legislator at a regular or special session of the General Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is approved by the House Committee on Rules or its Chairman or the Senate Committee on Rules or its Chairman; (xiii) travel related to an official meeting of, or any meal provided for attendance at such meeting by, the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment; (xiv) gifts with a value of less than \$20; (xv) attendance at a reception or similar

function where food, such as hors d'oeuvres, and beverages that can be conveniently consumed by a person while standing or walking are offered; ~~or~~ (xvi) *tickets or the registration or admission fees to an event that are provided by an agency to its own officers or employees for the purposes of performing official duties related to their public service; or* (xvii) gifts from relatives or personal friends.

For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece, nephew, or first cousin; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, sister, step-parent, step-grandparent, step-grandchild, step-brother, or step-sister; or the donee's brother's or sister's spouse or the donee's son-in-law or daughter-in-law.

For the purpose of this definition, "personal friend" does not include any person that the filer knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; (b) a lobbyist's principal as defined in § 2.2-419; (c) for an officer or employee of a local governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the local agency of which he is an officer or an employee; or (d) for an officer or employee of a state governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth.

For purposes of this definition, "person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

"Governmental agency" means each component part of the legislative, executive or judicial branches of state and local government, including each office, department, authority, post, commission, committee, and each institution or board created by law to exercise some regulatory or sovereign power or duty as distinguished from purely advisory powers or duties. Corporations organized or controlled by the Virginia Retirement System are "governmental agencies" for purposes of this chapter.

"Immediate family" means (i) a spouse and (ii) any other person who resides in the same household as the officer or employee and who is a dependent of the officer or employee.

"Officer" means any person appointed or elected to any governmental or advisory agency including local school boards, whether or not he receives compensation or other emolument of office. Unless the context requires otherwise, "officer" includes members of the judiciary.

"Parent-subsidiary relationship" means a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation.

"Personal interest" means a financial benefit or liability accruing to an officer or employee or to a member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership interest exceeds three percent of the total equity of the business; (ii) annual income that exceeds, or may reasonably be anticipated to exceed, \$5,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be anticipated to exceed, \$5,000 annually; (iv) ownership of real or personal property if the interest exceeds \$5,000 in value and excluding ownership in a business, income, or salary, other compensation, fringe benefits or benefits from the use of property; (v) personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business; or (vi) an option for ownership of a business or real or personal property if the ownership interest will consist of clause (i) or (iv).

"Personal interest in a contract" means a personal interest that an officer or employee has in a contract with a governmental agency, whether due to his being a party to the contract or due to a personal interest in a business that is a party to the contract.

"Personal interest in a transaction" means a personal interest of an officer or employee in any matter considered by his agency. Such personal interest exists when an officer or employee or a member of his immediate family has a personal interest in property or a business or governmental agency, or represents or provides services to any individual or business and such property, business or represented or served individual or business (i) is the subject of the transaction or (ii) may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction. Notwithstanding the above, such personal interest in a transaction shall not be deemed to exist where (a) an elected member of a local governing body serves without remuneration as a member of the board of trustees of a not-for-profit entity and such elected member or member of his immediate family has no personal interest related to the not-for-profit entity or (b) an officer, employee, or elected member of a local governing body is appointed by such local governing body to serve on a governmental agency, or an officer, employee, or elected member of a separate local governmental agency formed by a local governing body is appointed to serve on a governmental agency, and the personal interest in the transaction of the governmental agency is the result of the salary, other compensation, fringe benefits, or benefits provided by the local governing body or the separate governmental agency to the officer, employee, elected member, or member of his immediate family.

"State and local government officers and employees" shall not include members of the General Assembly.

"State filer" means those officers and employees required to file a disclosure statement of their personal interests pursuant to subsection A or B of § 2.2-3114.

"Transaction" means any matter considered by any governmental or advisory agency, whether in a committee, subcommittee, or other entity of that agency or before the agency itself, on which official action is taken or contemplated.

CHAPTER 529

An Act to amend and reenact § 2.2-3101 of the Code of Virginia, relating to State and Local Government Conflict of Interests Act; definition of gift; certain tickets and registration or admission fees.

[S 57]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 2.2-3101 of the Code of Virginia is amended and reenacted as follows:****§ 2.2-3101. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Advisory agency" means any board, commission, committee or post which does not exercise any sovereign power or duty, but is appointed by a governmental agency or officer or is created by law for the purpose of making studies or recommendations, or advising or consulting with a governmental agency.

"Affiliated business entity relationship" means a relationship, other than a parent-subsidary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that may be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person owns or manages the two entities, there are common or commingled funds or assets, the business entities share the use of the same offices or employees, or otherwise share activities, resources or personnel on a regular basis, or there is otherwise a close working relationship between the entities.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Candidate" means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. The candidate shall become subject to the provisions of this chapter upon the filing of a statement of qualification pursuant to § 24.2-501. The State Board of Elections or general registrar shall notify each such candidate of the provisions of this chapter. Notification made by the general registrar shall consist of information developed by the State Board of Elections.

"Contract" means any agreement to which a governmental agency is a party, or any agreement on behalf of a governmental agency that involves the payment of money appropriated by the General Assembly or a political subdivision, whether or not such agreement is executed in the name of the Commonwealth, or some political subdivision thereof. "Contract" includes a subcontract only when the contract of which it is a part is with the officer's or employee's own governmental agency.

"Council" means the Virginia Conflict of Interest and Ethics Advisory Council established in § 30-355.

"Employee" means all persons employed by a governmental or advisory agency, unless otherwise limited by the context of its use.

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, credit union, broker-dealer as defined in subsection A of § 13.1-501, or investment company or advisor registered under the federal Investment Advisors Act or Investment Company Act of 1940.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred.

"Gift" does not include (i) any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used; (ii) honorary degrees; (iii) any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution, or program's financial aid standards and procedures applicable to the general public; (iv) a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; (v) any gift related to the private profession or occupation or volunteer service of an officer or employee or of a member of his immediate family; (vi) food or beverages consumed while attending an event at which the filer is performing official duties related to his public service; (vii) food and beverages received at or registration or attendance fees waived for any event at which the filer is a featured speaker, presenter, or lecturer; (viii) unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall memento, or similar item that is given in recognition of public, civic, charitable, or professional service; (ix) a devise or inheritance; (x) travel disclosed pursuant to the Campaign Finance Disclosure Act (§ 24.2-945 et seq.); (xi) travel paid for or provided by the government of the United States, any of its territories, or any state or any political subdivision of such state; (xii) travel provided to facilitate attendance by a legislator at a regular or special session of the General Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is approved by the House Committee on Rules or its Chairman or the Senate Committee on Rules or its Chairman; (xiii) travel related to an official meeting of, or any meal provided for attendance at such meeting by, the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment; (xiv) gifts with a value of less than \$20; (xv) attendance at a reception or similar

function where food, such as hors d'oeuvres, and beverages that can be conveniently consumed by a person while standing or walking are offered; ~~or~~ (xvi) *tickets or the registration or admission fees to an event that are provided by an agency to its own officers or employees for the purposes of performing official duties related to their public service; or* (xvii) gifts from relatives or personal friends.

For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece, nephew, or first cousin; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, sister, step-parent, step-grandparent, step-grandchild, step-brother, or step-sister; or the donee's brother's or sister's spouse or the donee's son-in-law or daughter-in-law.

For the purpose of this definition, "personal friend" does not include any person that the filer knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; (b) a lobbyist's principal as defined in § 2.2-419; (c) for an officer or employee of a local governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the local agency of which he is an officer or an employee; or (d) for an officer or employee of a state governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth.

For purposes of this definition, "person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

"Governmental agency" means each component part of the legislative, executive or judicial branches of state and local government, including each office, department, authority, post, commission, committee, and each institution or board created by law to exercise some regulatory or sovereign power or duty as distinguished from purely advisory powers or duties. Corporations organized or controlled by the Virginia Retirement System are "governmental agencies" for purposes of this chapter.

"Immediate family" means (i) a spouse and (ii) any other person who resides in the same household as the officer or employee and who is a dependent of the officer or employee.

"Officer" means any person appointed or elected to any governmental or advisory agency including local school boards, whether or not he receives compensation or other emolument of office. Unless the context requires otherwise, "officer" includes members of the judiciary.

"Parent-subsidiary relationship" means a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation.

"Personal interest" means a financial benefit or liability accruing to an officer or employee or to a member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership interest exceeds three percent of the total equity of the business; (ii) annual income that exceeds, or may reasonably be anticipated to exceed, \$5,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be anticipated to exceed, \$5,000 annually; (iv) ownership of real or personal property if the interest exceeds \$5,000 in value and excluding ownership in a business, income, or salary, other compensation, fringe benefits or benefits from the use of property; (v) personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business; or (vi) an option for ownership of a business or real or personal property if the ownership interest will consist of clause (i) or (iv).

"Personal interest in a contract" means a personal interest that an officer or employee has in a contract with a governmental agency, whether due to his being a party to the contract or due to a personal interest in a business that is a party to the contract.

"Personal interest in a transaction" means a personal interest of an officer or employee in any matter considered by his agency. Such personal interest exists when an officer or employee or a member of his immediate family has a personal interest in property or a business or governmental agency, or represents or provides services to any individual or business and such property, business or represented or served individual or business (i) is the subject of the transaction or (ii) may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction. Notwithstanding the above, such personal interest in a transaction shall not be deemed to exist where (a) an elected member of a local governing body serves without remuneration as a member of the board of trustees of a not-for-profit entity and such elected member or member of his immediate family has no personal interest related to the not-for-profit entity or (b) an officer, employee, or elected member of a local governing body is appointed by such local governing body to serve on a governmental agency, or an officer, employee, or elected member of a separate local governmental agency formed by a local governing body is appointed to serve on a governmental agency, and the personal interest in the transaction of the governmental agency is the result of the salary, other compensation, fringe benefits, or benefits provided by the local governing body or the separate governmental agency to the officer, employee, elected member, or member of his immediate family.

"State and local government officers and employees" shall not include members of the General Assembly.

"State filer" means those officers and employees required to file a disclosure statement of their personal interests pursuant to subsection A or B of § 2.2-3114.

"Transaction" means any matter considered by any governmental or advisory agency, whether in a committee, subcommittee, or other entity of that agency or before the agency itself, on which official action is taken or contemplated.

CHAPTER 530

An Act to amend and reenact § 65.2-503 of the Code of Virginia, relating to workers' compensation; compensation for permanent and total incapacity; compensation for compensable consequence of an injury sustained in original accident.

[S 351]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 65.2-503 of the Code of Virginia is amended and reenacted as follows:

§ 65.2-503. Permanent loss.

A. Compensation for permanent partial and permanent total loss and disfigurement shall be awarded as provided in this section.

B. The following losses shall be compensated for the period specified at the rate of 66 2/3 percent of the average weekly wage as defined in § 65.2-101:

Loss	Compensation Period
1. Thumb	60 weeks.
2. First finger (index finger)	35 weeks.
3. Second finger	30 weeks.
4. Third finger	20 weeks.
5. Fourth finger (little finger)	15 weeks.
6. First phalanx of the thumb or any finger	one-half compensation for loss of entire thumb or finger.

The loss of more than one phalanx of a thumb or finger is deemed the loss of the entire thumb or finger. Amounts received for loss of more than one finger shall not exceed compensation provided for the loss of a hand.

7. Great toe	30 weeks.
8. A toe other than a great toe	10 weeks.
9. First phalanx of any toe	one-half compensation for loss of entire toe.

The loss of more than one phalanx of a toe is deemed the loss of the entire toe.

10. Hand	150 weeks.
11. Arm	200 weeks.
12. Foot	125 weeks.
13. Leg	175 weeks.
14. Permanent total loss of the vision of an eye	100 weeks.
15. Permanent total loss of hearing of an ear	50 weeks.
16. Severely marked disfigurement of the body resulting from an injury not otherwise compensated by this section	not exceeding 60 weeks.
17. Pneumoconiosis, including but not limited to silicosis and asbestosis, medically determined to be in the	
a. First stage	50 weeks.
b. Second stage	100 weeks.
c. Third stage	300 weeks.
18. Byssinosis	50 weeks.

C. Compensation shall be awarded pursuant to § 65.2-500 for permanent and total incapacity when there is:

1. Loss of both hands, both arms, both feet, both legs, both eyes, or any two thereof ~~in~~ *either from the same accident or a compensable consequence of an injury sustained in the original accident;*

2. Injury for all practical purposes resulting in total paralysis, as determined by the Commission based on medical evidence; or

3. Injury to the brain which is so severe as to render the employee permanently unemployable in gainful employment.

D. In construing this section, the permanent loss of the use of a member shall be equivalent to the loss of such member, and for the permanent partial loss or loss of use of a member, compensation may be proportionately awarded. Compensation shall also be awarded proportionately for partial loss of vision or hearing.

E. Except as provided in subsection C, the weekly compensation payments referred to in this section shall be subject to the same limitations as to maximum and minimum as set out in § 65.2-500.

1. Compensation awarded pursuant to this section shall be payable after payments for temporary total incapacity pursuant to § 65.2-500.

2. Compensation pursuant to this section may be paid simultaneously with payments for partial incapacity pursuant to § 65.2-502. Where compensation pursuant to this section is paid simultaneously with payments for partial incapacity pursuant to § 65.2-502, each combined payment shall count as two weeks against the total maximum allowable period of 500 weeks.

CHAPTER 531

An Act to amend and reenact §§ 38.2-3516 through 38.2-3519 of the Code of Virginia, relating to accident and sickness insurance; minimum standards.

[S 337]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-3516 through 38.2-3519 of the Code of Virginia are amended and reenacted as follows:

Article 2.

~~Individual~~ Accident and Sickness Insurance Minimum Standards.

§ 38.2-3516. Purpose.

The purpose of this article is to authorize the Commission, pursuant to the authority granted in § 38.2-223, to issue rules and regulations to:

1. ~~Provide reasonable standardization and simplification of terms and coverages of individual accident and sickness insurance policies~~ *Establish the minimum standards for filing of policy forms for individual and small group health benefit plans as defined in § 38.2-3438;*

2. ~~Facilitate public understanding and comparison~~ *Establish the minimum standards, terms, and coverages for individual and group accident and sickness policies known as excepted benefits, as defined in § 38.2-3431; and*

3. ~~Eliminate provisions contained in individual accident and sickness insurance policies which may be misleading or unreasonably confusing in connection either with the purchase of coverages or with the settlement of claims; and~~

4. ~~Provide for full disclosure in the sale of individual accident and sickness policies~~ *Establish the minimum standards for short-term limited-duration insurance.*

The Commission shall ensure that policy standards are simple and understandable and are not misleading or unreasonably confusing and that the sale of such policies provides for full disclosure.

§ 38.2-3517. Definitions.

As used in this article:

"Form" means ~~policies, contracts, riders, endorsements, and applications~~ *a policy, rider, endorsement, amendment, application, enrollment form, certificate of insurance, evidence of coverage, group agreement, supplemental agreement, or any other form required to be filed with or approved by the Commission.*

"Policy" means ~~the entire contract between the insurer and the insured, including the policy riders, endorsements, and the application, if attached an insurance policy, contract, certificate, evidence of coverage, or other agreement of insurance, including any attached rider, endorsement, or application.~~

§ 38.2-3518. Standards for policy provisions.

A. Pursuant to the authority granted in § 38.2-223, the Commission may issue rules and regulations to establish ~~specific standards; including standards of full and fair disclosure,~~ for the sale of individual *and group* accident and sickness insurance policies. These rules and regulations shall be in addition to and in accordance with applicable laws of ~~this the~~ Commonwealth, including Chapter 34 (§ 38.2-3400 et seq.) ~~and Articles, Article 1 (§ 38.2-3500 et seq.) and 2 (§ 38.2-3516 et seq.) of this chapter which may cover but shall not be limited to,~~ *this article, and Article 3 (§ 38.2-3521.1 et seq.)*

1. ~~Terms of renewability;~~

2. ~~Initial and subsequent conditions of eligibility;~~

3. ~~Nonduplication of coverage provisions;~~

4. ~~Coverage of dependents;~~

5. ~~Coverage of persons eligible for Medicare by reason of age;~~

6. ~~Preexisting conditions;~~

7. ~~Termination of insurance;~~

8. ~~Probationary periods;~~

9. ~~Limitations;~~

10. ~~Exceptions;~~

11. Reductions;
 12. Elimination periods;
 13. Requirements for replacement;
 14. Recurrent conditions; and
 15. Definition of terms including but not limited to the following: hospital, accident, sickness, injury, physician, accidental means, total disability, partial disability, nervous disorder, guaranteed renewable, and noncancellable.

For the purposes of this article, "licensed health care practitioners", to the extent required by law, shall be deemed physicians.

B. Pursuant to the authority granted in § 38.2-223, the Commission may issue rules and regulations that specify prohibited policies or policy provisions not otherwise specifically authorized by statute that in the opinion of the Commission are unjust, unfair, or unfairly discriminatory to the policyowner, beneficiary, or any person insured under the policy.

§ 38.2-3519. Minimum standards for excepted benefits.

A. Pursuant to the authority granted in § 38.2-223, the Commission may issue rules and regulations establishing minimum standards for benefits under each any of the following categories of coverage in individual policies of accident and sickness insurance:

1. Basic hospital expense coverage;
2. Basic medical-surgical expense coverage;
3. Hospital confinement indemnity coverage;
4. Major medical expense coverage;
5. Disability income protection coverage;
6. Accident only coverage;
7. Specified disease or specified accident coverage;
8. Medicare supplement coverage; and
9. Limited benefit health coverage.

~~B. Nothing in this section shall preclude the issuance of any policy that combines two or more of the categories of coverage enumerated in subdivisions 1 through 6 of subsection A of this section policies known as excepted benefits.~~

~~C. B. No excepted benefits policy shall be delivered or issued for delivery in this the Commonwealth that does not meet the prescribed minimum standards for the categories of coverage listed in subdivisions 1 through 9 of subsection A of this section established by the Commission or does not meet the requirements set forth in § 38.2-3501.~~

~~D. C. The Commission may prescribe the method of identification of policies based upon coverages provided.~~

CHAPTER 532

An Act to amend and reenact §§ 16.1-69.22:1 and 17.1-106 of the Code of Virginia, relating to retired circuit and district court judges under recall; evaluation; qualification by the Senate Committee on the Judiciary and the House Committee for Courts of Justice.

[S 106]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-69.22:1 and 17.1-106 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-69.22:1. Temporary recall of retired district court judges; evaluation.

A. The Chief Justice of the Supreme Court may call upon and authorize any judge of a district court who is retired under the Judicial Retirement System (§ 51.1-300 et seq.) and who has been found qualified within the preceding three years by the Senate Committee on the Judiciary and the House Committee for Courts of Justice to (i) hear a specific case or cases pursuant to the provisions of § 16.1-69.35 with such designation to continue in effect for the duration of the case or cases or (ii) perform, for a period not to exceed ninety 90 days at any one time, such judicial duties in any district court as the Chief Justice of the Supreme Court shall deem in the public interest for the expeditious disposition of the business of such courts.

B. It shall be the obligation of any retired judge who is recalled to temporary service under this section and who has not attained age seventy 70 to accept the recall and perform the duties assigned. It shall be within the discretion of any judge who has attained age seventy 70 to accept such recall.

C. Any judge recalled to duty under this section shall have all the powers, duties, and privileges attendant on the position he is recalled to serve.

D. Notwithstanding the provisions of subsection A, the Chief Justice may call upon and authorize any judge of a district court whose retirement becomes effective during the interim period between regularly scheduled sessions of the General Assembly to sit in recall either to (i) hear a specific case or cases pursuant to the provisions of § 16.1-69.35, which designation shall continue in effect for the duration of the case or cases, or (ii) perform, for a period of time not to exceed 90 days at any one time, such judicial duties in any district court as the Chief Justice shall deem in the public interest for the expeditious disposition of the business of the courts.

E. All retired district court judges who have requested to sit in recall shall be evaluated during the final year of the three-year period following qualification by the Senate Committee on the Judiciary and the House Committee for Courts of Justice using an evaluation form prepared and distributed by the Office of the Executive Secretary of the Supreme Court of Virginia. An annual report containing the results of such evaluations conducted that year shall be prepared and transmitted to the Senate Committee on the Judiciary and the House Committee for Courts of Justice by the first day of the next regular session of the General Assembly.

§ 17.1-106. Temporary recall of retired judges; evaluation.

A. The Chief Justice of the Supreme Court may call upon any judge of a circuit court who is retired under the Judicial Retirement System (§ 51.1-300 et seq.) and who has been found qualified within the preceding three years by the House Committee for Courts of Justice and the Senate Committee on the Judiciary to sit in recall either to (i) hear a specific case or cases pursuant to the provisions of § 17.1-105, such designation to continue in effect for the duration of the case or cases, or (ii) perform for a period of time not to exceed 90 days at any one time such judicial duties in any circuit court as the Chief Justice shall deem in the public interest for the expeditious disposition of the business of the courts.

B. It shall be the obligation of any retired judge who is recalled to temporary service under this section and who has not attained age 70 to accept the recall and perform the duties assigned. It shall be within the discretion of any judge who has attained age 70 to accept such recall.

C. Any judge recalled to duty under this section shall have all the powers, duties, and privileges attendant on the position he is recalled to serve.

D. Notwithstanding the provisions of subsection A, the Chief Justice may call upon and authorize any judge of a circuit court whose retirement becomes effective during the interim period between regularly scheduled sessions of the General Assembly to sit in recall either to (i) hear a specific case or cases pursuant to the provisions of § 17.1-105, and such designation shall continue in effect for the duration of the case or cases, or (ii) perform, for a period of time not to exceed 90 days at any one time, such judicial duties in any circuit court as the Chief Justice shall deem in the public interest for the expeditious disposition of the business of the courts.

E. All retired circuit court judges who have requested to sit in recall shall be evaluated during the final year of the three-year period following qualification by the Senate Committee on the Judiciary and the House Committee for Courts of Justice using an evaluation form prepared and distributed by the Office of the Executive Secretary of the Supreme Court of Virginia. An annual report containing the results of such evaluations conducted that year shall be prepared and transmitted to the Senate Committee on the Judiciary and the House Committee for Courts of Justice by the first day of the next regular session of the General Assembly.

CHAPTER 533

An Act to amend and reenact § 51.5-128 of the Code of Virginia, relating to Commonwealth Council on Aging; reports.

[S 48]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 51.5-128 of the Code of Virginia is amended and reenacted as follows:

§ 51.5-128. Duties of the Commonwealth Council on Aging.

A. The Commonwealth Council on Aging shall have the following duties:

1. Examine the needs of older Virginians and their caregivers and ways in which state government can most effectively and efficiently assist in meeting those needs;
2. Advise the Governor and General Assembly on aging issues and aging policy for the Commonwealth;
3. Advise the Governor on any proposed regulations deemed by the Director of the Department of Planning and Budget to have a substantial and distinct impact on older Virginians and their caregivers. Such advice shall be provided in addition to other regulatory reviews required by the Administrative Process Act (§ 2.2-4000 et seq.);
4. Advocate for and assist in developing the Commonwealth's planning for meeting the needs of the growing number of older Virginians and their caregivers; and
5. Assist and advise the Department regarding strategies to improve nutritional health, alleviate hunger, and prevent malnutrition among older adults.

B. The Commonwealth Council on Aging may apply for and expend such grants, gifts, or bequests from any source as may become available in connection with its duties under this section, and may comply with such conditions and requirements as may be imposed in connection therewith.

C. *The Commonwealth Council on Aging shall submit to the Governor, General Assembly, and Department by October 1 of each year an electronic report regarding the activities and recommendations of the Commonwealth Council on Aging, which shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website and the Department's website.*

CHAPTER 534

An Act to amend and reenact §§ 8.01-413 and 32.1-127.1:03 of the Code of Virginia, relating to health records; patient's right to disclosure.

[S 350]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:**1. That §§ 8.01-413 and 32.1-127.1:03 of the Code of Virginia are amended and reenacted as follows:****§ 8.01-413. Certain copies of health care provider's health records of patient admissible; right of patient, his attorney and authorized insurer to copies of such health records; subpoena; damages, costs and attorney fees.**

A. In any case where the health care provider's original records or papers of a health care provider for any patient in a hospital or institution for the treatment of physical or mental illness are admissible or would be admissible as evidence, any typewritten copy, photograph, photostatted copy, or microphotograph or printout or other hard copy generated from computerized or other electronic storage, microfilm, or other photographic, mechanical, electronic, imaging, or chemical storage process thereof shall be admissible as evidence in any court of the Commonwealth in like manner as the original, if the printout or hard copy or microphotograph or photograph is properly authenticated by the employees having authority to release or produce the original health records or papers.

Any health care provider whose health records or papers relating to any such patient are subpoenaed for production as provided by law may comply with the subpoena by a timely mailing to the clerk issuing the subpoena or in whose court the action is pending properly authenticated copies, photographs or microphotographs in lieu of the originals. The court whose clerk issued the subpoena or, in the case of an attorney-issued subpoena, in which the action is pending, may, after notice to such health care provider, enter an order requiring production of the originals, if available, of any stored health records or papers whose copies, photographs or microphotographs are not sufficiently legible.

Except as provided in subsection G, the party requesting the subpoena duces tecum or on whose behalf an attorney-issued subpoena duces tecum was issued shall be liable for the reasonable charges of the health care provider for the service of maintaining, retrieving, reviewing, preparing, copying, and mailing the items produced pursuant to subsections B2, B3, B4, and B6, as applicable.

B. Copies of a health care provider's records or papers, including an audit trail of any additions, deletions, or revisions to the health record, if specifically requested, shall be furnished within 30 days of receipt of such request to the patient, his attorney, his executor or administrator, or an authorized insurer upon such patient's, attorney's, executor's, administrator's, or authorized insurer's written request, which request shall comply with the requirements of subsection E of § 32.1-127.1:03. If a health care provider is unable to provide such health records or papers within 30 days of receipt of such request, such provider shall notify the requester of such health records or papers in writing of the reason for the delay and shall have no more than 30 days after the date of such written notice to comply with such request.

However, copies of a patient's health records or papers shall not be furnished to such patient when the patient's treating physician, clinical psychologist, or clinical social worker in the exercise of professional judgment, has made a part of the patient's health records or papers a written statement that in his opinion the furnishing to or review by the patient of such health records or papers would be reasonably likely to endanger the life or physical safety of the patient or another person, or that such health records or papers make reference to a person, other than a health care provider, and the access requested would be reasonably likely to cause substantial harm to such referenced person. In any such case, if requested by the patient or his attorney or authorized insurer, such health records or papers shall be furnished within 30 days of the date of such request to the patient's attorney or authorized insurer, rather than to the patient.

If the health records or papers are not provided to the patient in accordance with this section, then, if requested by the patient, the health care provider denying the request shall comply with the patient's request to either (i) provide a copy of the health records or papers to a physician, clinical psychologist, or clinical social worker of the patient's choice whose licensure, training, and experience, relative to the patient's condition, are at least equivalent to that of the treating physician, clinical psychologist, or clinical social worker upon whose opinion the denial is based, who shall, at the patient's expense, make a judgment as to whether to make the health records or papers available to the patient or (ii) designate a physician, clinical psychologist, or clinical social worker whose licensure, training, and experience, relative to the patient's condition, are at least equivalent to that of the treating physician, clinical psychologist, or clinical social worker upon whose opinion the denial is based and who did not participate in the original decision to deny the patient's request for his health records or papers, who shall, at the expense of the provider denying access to the patient, review the health records or papers and make a judgment as to whether to make the health records or papers available to the patient. In either such event, the health care provider denying the request shall comply with the judgment of the reviewing physician, clinical psychologist, or clinical social worker.

Except as provided in subsection G, a reasonable charge may be made by the health care provider maintaining the health records or papers for the cost of the services relating to the maintenance, retrieval, review, and preparation of the copies of the health records or papers, pursuant to subsections B2, B3, B4, and B6, as applicable. Any health care provider receiving such a request from a patient's attorney or authorized insurer shall require a writing signed by the patient confirming the attorney's or authorized insurer's authority to make the request, which shall comply with the requirements of

subsection G of § 32.1-127.1:03, and shall accept a photocopy, facsimile, or other copy of the original signed by the patient as if it were an original.

B1. A health care provider shall produce the *health records or papers* in either paper, hard copy, or electronic format, as requested by the requester. If the health care provider does not maintain the items being requested in an electronic format and does not have the capability to produce such items in an electronic format, such items shall be produced in paper or other hard copy format.

B2. When the *health records or papers* requested pursuant to subsection B1 are produced in paper or hard copy format from records maintained in (i) paper or other hard copy format or (ii) electronic storage, a health care provider may charge the requester a reasonable fee not to exceed \$0.50 per page for up to 50 pages and \$0.25 per page thereafter for such copies, \$1 per page for hard copies from microfilm or other micrographic process, and a fee for search and handling not to exceed \$20, plus all postage and shipping costs.

B3. When the *health records or papers* requested pursuant to subsection B1 are produced in electronic format from *health records or papers* maintained in electronic storage, a health care provider may charge the requester a reasonable fee not to exceed \$0.37 per page for up to 50 pages and \$0.18 per page thereafter for such copies and a fee for search and handling not to exceed \$20, plus all postage and shipping costs. Except as provided in subsection B4, the total amount charged to the requester for *health records or papers* produced in electronic format pursuant to this subsection, including any postage and shipping costs and any search and handling fee, shall not exceed ~~\$150 for any request made on and after July 1, 2017, but prior to July 1, 2021, or~~ \$160 for any request made on or after July 1, 2021, *plus the reasonable costs to produce an audit trail of the health records, if specifically requested.*

B4. When any portion of *health records or papers* requested to be produced in electronic format is stored in paper or other hard copy format at the time of the request and not otherwise maintained in electronic storage, a health care provider may charge a fee pursuant to subsection B2 for the production of such portion, and such production of such portion is not subject to any limitations set forth in subsection B3, whether such portion is produced in paper or other hard copy format or converted to electronic format as requested by the requester. Any other portion otherwise maintained in electronic storage shall be produced electronically. The total search and handling fee shall not exceed \$20 for any production made pursuant to this subsection where the production contains both *health records or papers* in electronic format and *health records or papers* in paper or other hard copy format.

B5. Upon request, a patient's account balance or itemized listing of charges maintained by a health care provider shall be supplied at no cost up to three times every 12 months to either the patient or the patient's attorney.

B6. When the record requested is an X-ray series or study or other imaging study and is requested to be produced electronically, a health care provider may charge the requester a reasonable fee, which shall not exceed \$25 per X-ray series or study or other imaging study, and a fee for search and handling, which shall not exceed \$10, plus all postage and shipping costs. When an X-ray series or study or other imaging study is requested to be produced in hard copy format, or when a health care provider does not maintain such X-ray series or study or other imaging study being requested in an electronic format or does not have the capability to produce such X-ray series or study or other imaging study in an electronic format, a health care provider may charge the requester a reasonable fee, which may include a fee for search and handling not to exceed \$10 and the actual cost of supplies for and labor of copying the requested X-ray series or study or other imaging study, plus all postage and shipping costs.

B7. Upon request by the patient, or his attorney, of *health records or papers* as to the cost to produce such *health records or papers*, a health care provider shall inform the patient, or his attorney, of the most cost-effective method to produce such a request pursuant to subsection B2, B3, B4, or B6, as applicable.

B8. Production of *health records or papers* to the patient, or his attorney, requested pursuant to this section shall not be withheld or delayed solely on the grounds of nonpayment for such *health records or papers*.

C. Upon the failure of any health care provider to comply with any written request made in accordance with subsection B within the period of time specified in that subsection and within the manner specified in subsections E and F of § 32.1-127.1:03, the patient, his attorney, his executor or administrator, or authorized insurer may cause a subpoena duces tecum to be issued. The subpoena may be issued (i) upon filing a request therefor with the clerk of the circuit court wherein any eventual suit would be required to be filed, and upon payment of the fees required by subdivision A 18 of § 17.1-275, and fees for service or (ii) by the patient's attorney in a pending civil case in accordance with § 8.01-407 without payment of the fees established in subdivision A 23 of § 17.1-275.

A sheriff shall not be required to serve an attorney-issued subpoena that is not issued at least five business days prior to the date production of the record is desired.

No subpoena duces tecum for *health records or papers* shall set a return date by which the health care provider must comply with such subpoena earlier than 15 days from the date of the subpoena, except by order of a court or administrative agency for good cause shown. When a court or administrative agency orders that *health records or papers* be disclosed pursuant to a subpoena duces tecum earlier than 15 days from the date of the subpoena, a copy of such order shall accompany such subpoena.

As to a subpoena duces tecum issued with at least a 15-day return date, if no motion to quash is filed within 15 days of the issuance of the subpoena, the party requesting the subpoena duces tecum or the party on whose behalf the subpoena was issued shall certify to the subpoenaed health care provider that (a) the time for filing a motion to quash has elapsed and (b) no such motion was filed. Upon receipt of such certification, the subpoenaed health care provider shall comply with the

subpoena duces tecum by returning the specified *health records or papers* by either (1) the return date on the subpoena or (2) five days after receipt of such certification, whichever is later.

The subpoena shall direct the health care provider to produce and furnish copies of the *health records or papers* to the requester or clerk, who shall then make the same available to the patient, his attorney, or his authorized insurer.

If the court finds that a health care provider willfully refused to comply with a written request made in accordance with subsection B, either (A) by failing over the previous six-month period to respond to a second or subsequent written request, properly submitted to the health care provider in writing with complete required information, without good cause or (B) by imposing a charge in excess of the reasonable expense of making the copies and processing the request for *health records or papers*, the court may award damages for all expenses incurred by the patient or authorized insurer to obtain such copies, including a refund of fees if payment has been made for such copies, court costs, and reasonable attorney fees.

If the court further finds that such subpoenaed *health records or papers*, subpoenaed pursuant to this subsection, or requested *health records or papers*, requested pursuant to subsection B, are not produced for a reason other than compliance with § 32.1-127.1:03 or an inability to retrieve or access such *health records or papers*, as communicated in writing to the subpoenaing party or requester within the time period required by subsection B, such subpoenaing party or requester shall be entitled to a rebuttable presumption that expenses and attorney fees related to the failure to produce such *health records or papers* shall be awarded by the court.

D. The provisions of this section shall apply to any health care provider whose office is located within or outside the Commonwealth if the records pertain to any patient who is a party to a cause of action in any court in the Commonwealth, and shall apply only to requests made by the patient, his attorney, his executor or administrator, or any authorized insurer, in anticipation of litigation or in the course of litigation.

E. As used in this section, "health care provider" has the same meaning as provided in § 32.1-127.1:03 and includes an independent medical copy retrieval service contracted to provide the service of retrieving, reviewing, and preparing such copies for distribution. *As used in this section, "health record" has the same meaning as provided in § 32.1-127.1:03.*

F. Notwithstanding the authorization to admit as evidence ~~patient~~ *health records* in the form of microphotographs, prescription dispensing records maintained in or on behalf of any pharmacy registered or permitted in the Commonwealth shall only be stored in compliance with §§ 54.1-3410, 54.1-3411 and 54.1-3412.

G. The provisions of this section governing fees that may be charged by a health care provider whose records are subpoenaed or requested pursuant to this section shall not apply in the case of any request by a patient for a copy of his own *health records*, which shall be governed by subsection J of § 32.1-127.1:03. This subsection shall not be construed to affect other provisions of state or federal statute, regulation or any case decision relating to charges by health care providers for copies of *health records* requested by any person other than a patient when requesting his own *health records* pursuant to subsection J of § 32.1-127.1:03.

§ 32.1-127.1:03. Health records privacy.

A. There is hereby recognized an individual's right of privacy in the content of his health records. Health records are the property of the health care entity maintaining them, and, except when permitted or required by this section or by other provisions of state law, no health care entity, or other person working in a health care setting, may disclose an individual's health records.

Pursuant to this subsection:

1. Health care entities shall disclose health records to the individual who is the subject of the health record, *including an audit trail of any additions, deletions, or revisions to the health record, if specifically requested*, except as provided in subsections E and F and subsection B of § 8.01-413.

2. Health records shall not be removed from the premises where they are maintained without the approval of the health care entity that maintains such health records, except in accordance with a court order or subpoena consistent with subsection C of § 8.01-413 or with this section or in accordance with the regulations relating to change of ownership of health records promulgated by a health regulatory board established in Title 54.1.

3. No person to whom health records are disclosed shall redisclose or otherwise reveal the health records of an individual, beyond the purpose for which such disclosure was made, without first obtaining the individual's specific authorization to such redisclosure. This redisclosure prohibition shall not, however, prevent (i) any health care entity that receives health records from another health care entity from making subsequent disclosures as permitted under this section and the federal Department of Health and Human Services regulations relating to privacy of the electronic transmission of data and protected health information promulgated by the United States Department of Health and Human Services as required by the Health Insurance Portability and Accountability Act (HIPAA) (42 U.S.C. § 1320d et seq.) or (ii) any health care entity from furnishing health records and aggregate or other data, from which individually identifying prescription information has been removed, encoded or encrypted, to qualified researchers, including, but not limited to, pharmaceutical manufacturers and their agents or contractors, for purposes of clinical, pharmaco-epidemiological, pharmaco-economic, or other health services research.

4. Health care entities shall, upon the request of the individual who is the subject of the health record, disclose health records to other health care entities, in any available format of the requester's choosing, as provided in subsection E.

B. As used in this section:

"Agent" means a person who has been appointed as an individual's agent under a power of attorney for health care or an advance directive under the Health Care Decisions Act (§ 54.1-2981 et seq.).

"Certification" means a written representation that is delivered by hand, by first-class mail, by overnight delivery service, or by facsimile if the sender obtains a facsimile-machine-generated confirmation reflecting that all facsimile pages were successfully transmitted.

"Guardian" means a court-appointed guardian of the person.

"Health care clearinghouse" means, consistent with the definition set out in 45 C.F.R. § 160.103, a public or private entity, such as a billing service, repricing company, community health management information system or community health information system, and "value-added" networks and switches, that performs either of the following functions: (i) processes or facilitates the processing of health information received from another entity in a nonstandard format or containing nonstandard data content into standard data elements or a standard transaction; or (ii) receives a standard transaction from another entity and processes or facilitates the processing of health information into nonstandard format or nonstandard data content for the receiving entity.

"Health care entity" means any health care provider, health plan or health care clearinghouse.

"Health care provider" means those entities listed in the definition of "health care provider" in § 8.01-581.1, except that state-operated facilities shall also be considered health care providers for the purposes of this section. Health care provider shall also include all persons who are licensed, certified, registered or permitted or who hold a multistate licensure privilege issued by any of the health regulatory boards within the Department of Health Professions, except persons regulated by the Board of Funeral Directors and Embalmers or the Board of Veterinary Medicine.

"Health plan" means an individual or group plan that provides, or pays the cost of, medical care. "Health plan" includes any entity included in such definition as set out in 45 C.F.R. § 160.103.

"Health record" means any written, printed or electronically recorded material maintained by a health care entity in the course of providing health services to an individual concerning the individual and the services provided. "Health record" also includes the substance of any communication made by an individual to a health care entity in confidence during or in connection with the provision of health services or information otherwise acquired by the health care entity about an individual in confidence and in connection with the provision of health services to the individual.

"Health services" means, but shall not be limited to, examination, diagnosis, evaluation, treatment, pharmaceuticals, aftercare, habilitation or rehabilitation and mental health therapy of any kind, as well as payment or reimbursement for any such services.

"Individual" means a patient who is receiving or has received health services from a health care entity.

"Individually identifying prescription information" means all prescriptions, drug orders or any other prescription information that specifically identifies an individual.

"Parent" means a biological, adoptive or foster parent.

"Psychotherapy notes" means comments, recorded in any medium by a health care provider who is a mental health professional, documenting or analyzing the contents of conversation during a private counseling session with an individual or a group, joint, or family counseling session that are separated from the rest of the individual's health record. "Psychotherapy notes" does not include annotations relating to medication and prescription monitoring, counseling session start and stop times, treatment modalities and frequencies, clinical test results, or any summary of any symptoms, diagnosis, prognosis, functional status, treatment plan, or the individual's progress to date.

C. The provisions of this section shall not apply to any of the following:

1. The status of and release of information governed by §§ 65.2-604 and 65.2-607 of the Virginia Workers' Compensation Act;

2. Except where specifically provided herein, the health records of minors;

3. The release of juvenile health records to a secure facility or a shelter care facility pursuant to § 16.1-248.3; or

4. The release of health records to a state correctional facility pursuant to § 53.1-40.10 or a local or regional correctional facility pursuant to § 53.1-133.03.

D. Health care entities may, and, when required by other provisions of state law, shall, disclose health records:

1. As set forth in subsection E, pursuant to the written authorization of (i) the individual or (ii) in the case of a minor, (a) his custodial parent, guardian or other person authorized to consent to treatment of minors pursuant to § 54.1-2969 or (b) the minor himself, if he has consented to his own treatment pursuant to § 54.1-2969, or (iii) in emergency cases or situations where it is impractical to obtain an individual's written authorization, pursuant to the individual's oral authorization for a health care provider or health plan to discuss the individual's health records with a third party specified by the individual;

2. In compliance with a subpoena issued in accord with subsection H, pursuant to a search warrant or a grand jury subpoena, pursuant to court order upon good cause shown or in compliance with a subpoena issued pursuant to subsection C of § 8.01-413. Regardless of the manner by which health records relating to an individual are compelled to be disclosed pursuant to this subdivision, nothing in this subdivision shall be construed to prohibit any staff or employee of a health care entity from providing information about such individual to a law-enforcement officer in connection with such subpoena, search warrant, or court order;

3. In accord with subsection F of § 8.01-399 including, but not limited to, situations where disclosure is reasonably necessary to establish or collect a fee or to defend a health care entity or the health care entity's employees or staff against any accusation of wrongful conduct; also as required in the course of an investigation, audit, review or proceedings

regarding a health care entity's conduct by a duly authorized law-enforcement, licensure, accreditation, or professional review entity;

4. In testimony in accordance with §§ 8.01-399 and 8.01-400.2;

5. In compliance with the provisions of § 8.01-413;

6. As required or authorized by law relating to public health activities, health oversight activities, serious threats to health or safety, or abuse, neglect or domestic violence, relating to contagious disease, public safety, and suspected child or adult abuse reporting requirements, including, but not limited to, those contained in §§ 16.1-248.3, 32.1-36, 32.1-36.1, 32.1-40, 32.1-41, 32.1-127.1:04, 32.1-276.5, 32.1-283, 32.1-283.1, 32.1-320, 37.2-710, 37.2-839, 53.1-40.10, 53.1-133.03, 54.1-2400.6, 54.1-2400.7, 54.1-2400.9, 54.1-2403.3, 54.1-2506, 54.1-2966, 54.1-2967, 54.1-2968, 54.1-3408.2, 63.2-1509, and 63.2-1606;

7. Where necessary in connection with the care of the individual;

8. In connection with the health care entity's own health care operations or the health care operations of another health care entity, as specified in 45 C.F.R. § 164.501, or in the normal course of business in accordance with accepted standards of practice within the health services setting; however, the maintenance, storage, and disclosure of the mass of prescription dispensing records maintained in a pharmacy registered or permitted in Virginia shall only be accomplished in compliance with §§ 54.1-3410, 54.1-3411, and 54.1-3412;

9. When the individual has waived his right to the privacy of the health records;

10. When examination and evaluation of an individual are undertaken pursuant to judicial or administrative law order, but only to the extent as required by such order;

11. To the guardian ad litem and any attorney representing the respondent in the course of a guardianship proceeding of an adult patient who is the respondent in a proceeding under Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2;

12. To the guardian ad litem and any attorney appointed by the court to represent an individual who is or has been a patient who is the subject of a commitment proceeding under § 19.2-169.6, Article 5 (§ 37.2-814 et seq.) of Chapter 8 of Title 37.2, Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1, or a judicial authorization for treatment proceeding pursuant to Chapter 11 (§ 37.2-1100 et seq.) of Title 37.2;

13. To a magistrate, the court, the evaluator or examiner required under Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1 or § 37.2-815, a community services board or behavioral health authority or a designee of a community services board or behavioral health authority, or a law-enforcement officer participating in any proceeding under Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1, § 19.2-169.6, or Chapter 8 (§ 37.2-800 et seq.) of Title 37.2 regarding the subject of the proceeding, and to any health care provider evaluating or providing services to the person who is the subject of the proceeding or monitoring the person's adherence to a treatment plan ordered under those provisions. Health records disclosed to a law-enforcement officer shall be limited to information necessary to protect the officer, the person, or the public from physical injury or to address the health care needs of the person. Information disclosed to a law-enforcement officer shall not be used for any other purpose, disclosed to others, or retained;

14. To the attorney and/or guardian ad litem of a minor who represents such minor in any judicial or administrative proceeding, if the court or administrative hearing officer has entered an order granting the attorney or guardian ad litem this right and such attorney or guardian ad litem presents evidence to the health care entity of such order;

15. With regard to the Court-Appointed Special Advocate (CASA) program, a minor's health records in accord with § 9.1-156;

16. To an agent appointed under an individual's power of attorney or to an agent or decision maker designated in an individual's advance directive for health care or for decisions on anatomical gifts and organ, tissue or eye donation or to any other person consistent with the provisions of the Health Care Decisions Act (§ 54.1-2981 et seq.);

17. To third-party payors and their agents for purposes of reimbursement;

18. As is necessary to support an application for receipt of health care benefits from a governmental agency or as required by an authorized governmental agency reviewing such application or reviewing benefits already provided or as necessary to the coordination of prevention and control of disease, injury, or disability and delivery of such health care benefits pursuant to § 32.1-127.1:04;

19. Upon the sale of a medical practice as provided in § 54.1-2405; or upon a change of ownership or closing of a pharmacy pursuant to regulations of the Board of Pharmacy;

20. In accord with subsection B of § 54.1-2400.1, to communicate an individual's specific and immediate threat to cause serious bodily injury or death of an identified or readily identifiable person;

21. Where necessary in connection with the implementation of a hospital's routine contact process for organ donation pursuant to subdivision B 4 of § 32.1-127;

22. In the case of substance abuse records, when permitted by and in conformity with requirements of federal law found in 42 U.S.C. § 290dd-2 and 42 C.F.R. Part 2;

23. In connection with the work of any entity established as set forth in § 8.01-581.16 to evaluate the adequacy or quality of professional services or the competency and qualifications for professional staff privileges;

24. If the health records are those of a deceased or mentally incapacitated individual to the personal representative or executor of the deceased individual or the legal guardian or committee of the incompetent or incapacitated individual or if there is no personal representative, executor, legal guardian or committee appointed, to the following persons in the

following order of priority: a spouse, an adult son or daughter, either parent, an adult brother or sister, or any other relative of the deceased individual in order of blood relationship;

25. For the purpose of conducting record reviews of inpatient hospital deaths to promote identification of all potential organ, eye, and tissue donors in conformance with the requirements of applicable federal law and regulations, including 42 C.F.R. § 482.45, (i) to the health care provider's designated organ procurement organization certified by the United States Health Care Financing Administration and (ii) to any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks;

26. To the Office of the State Inspector General pursuant to Chapter 3.2 (§ 2.2-307 et seq.) of Title 2.2;

27. To an entity participating in the activities of a local health partnership authority established pursuant to Article 6.1 (§ 32.1-122.10:001 et seq.) of Chapter 4, pursuant to subdivision 1;

28. To law-enforcement officials by each licensed emergency medical services agency, (i) when the individual is the victim of a crime or (ii) when the individual has been arrested and has received emergency medical services or has refused emergency medical services and the health records consist of the prehospital patient care report required by § 32.1-116.1;

29. To law-enforcement officials, in response to their request, for the purpose of identifying or locating a suspect, fugitive, person required to register pursuant to § 9.1-901 of the Sex Offender and Crimes Against Minors Registry Act, material witness, or missing person, provided that only the following information may be disclosed: (i) name and address of the person, (ii) date and place of birth of the person, (iii) social security number of the person, (iv) blood type of the person, (v) date and time of treatment received by the person, (vi) date and time of death of the person, where applicable, (vii) description of distinguishing physical characteristics of the person, and (viii) type of injury sustained by the person;

30. To law-enforcement officials regarding the death of an individual for the purpose of alerting law enforcement of the death if the health care entity has a suspicion that such death may have resulted from criminal conduct;

31. To law-enforcement officials if the health care entity believes in good faith that the information disclosed constitutes evidence of a crime that occurred on its premises;

32. To the State Health Commissioner pursuant to § 32.1-48.015 when such records are those of a person or persons who are subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2;

33. To the Commissioner of the Department of Labor and Industry or his designee by each licensed emergency medical services agency when the records consist of the prehospital patient care report required by § 32.1-116.1 and the patient has suffered an injury or death on a work site while performing duties or tasks that are within the scope of his employment;

34. To notify a family member or personal representative of an individual who is the subject of a proceeding pursuant to Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1 or Chapter 8 (§ 37.2-800 et seq.) of Title 37.2 of information that is directly relevant to such person's involvement with the individual's health care, which may include the individual's location and general condition, when the individual has the capacity to make health care decisions and (i) the individual has agreed to the notification, (ii) the individual has been provided an opportunity to object to the notification and does not express an objection, or (iii) the health care provider can, on the basis of his professional judgment, reasonably infer from the circumstances that the individual does not object to the notification. If the opportunity to agree or object to the notification cannot practicably be provided because of the individual's incapacity or an emergency circumstance, the health care provider may notify a family member or personal representative of the individual of information that is directly relevant to such person's involvement with the individual's health care, which may include the individual's location and general condition if the health care provider, in the exercise of his professional judgment, determines that the notification is in the best interests of the individual. Such notification shall not be made if the provider has actual knowledge the family member or personal representative is currently prohibited by court order from contacting the individual;

35. To a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher education; and

36. To a regional emergency medical services council pursuant to § 32.1-116.1, for purposes limited to monitoring and improving the quality of emergency medical services pursuant to § 32.1-111.3.

Notwithstanding the provisions of subdivisions 1 through 35, a health care entity shall obtain an individual's written authorization for any disclosure of psychotherapy notes, except when disclosure by the health care entity is (i) for its own training programs in which students, trainees, or practitioners in mental health are being taught under supervision to practice or to improve their skills in group, joint, family, or individual counseling; (ii) to defend itself or its employees or staff against any accusation of wrongful conduct; (iii) in the discharge of the duty, in accordance with subsection B of § 54.1-2400.1, to take precautions to protect third parties from violent behavior or other serious harm; (iv) required in the course of an investigation, audit, review, or proceeding regarding a health care entity's conduct by a duly authorized law-enforcement, licensure, accreditation, or professional review entity; or (v) otherwise required by law.

E. Health care records required to be disclosed pursuant to this section shall be made available electronically only to the extent and in the manner authorized by the federal Health Information Technology for Economic and Clinical Health Act (P.L. 111-5) and implementing regulations and the Health Insurance Portability and Accountability Act (42 U.S.C. § 1320d et seq.) and implementing regulations. Notwithstanding any other provision to the contrary, a health care entity shall not be required to provide records in an electronic format requested if (i) the electronic format is not reasonably available without additional cost to the health care entity, (ii) the records would be subject to modification in the format requested, or (iii) the health care entity determines that the integrity of the records could be compromised in the electronic format requested. Requests for copies of or electronic access to health records shall (a) be in writing, dated and signed by

the requester; (b) identify the nature of the information requested; and (c) include evidence of the authority of the requester to receive such copies or access such records, and identification of the person to whom the information is to be disclosed; and (d) specify whether the requester would like the records in electronic format, if available, or in paper format. The health care entity shall accept a photocopy, facsimile, or other copy of the original signed by the requester as if it were an original. Within 30 days of receipt of a request for copies of or electronic access to health records, the health care entity shall do one of the following: (1) furnish such copies of or allow electronic access to the requested health records to any requester authorized to receive them in electronic format if so requested; (2) inform the requester if the information does not exist or cannot be found; (3) if the health care entity does not maintain a record of the information, so inform the requester and provide the name and address, if known, of the health care entity who maintains the record; or (4) deny the request (A) under subsection F, (B) on the grounds that the requester has not established his authority to receive such health records or proof of his identity, or (C) as otherwise provided by law. Procedures set forth in this section shall apply only to requests for health records not specifically governed by other provisions of state law.

F. Except as provided in subsection B of § 8.01-413, copies of or electronic access to an individual's health records shall not be furnished to such individual or anyone authorized to act on the individual's behalf when the individual's treating physician, clinical psychologist, or clinical social worker has made a part of the individual's record a written statement that, in the exercise of his professional judgment, the furnishing to or review by the individual of such health records would be reasonably likely to endanger the life or physical safety of the individual or another person, or that such health record makes reference to a person other than a health care provider and the access requested would be reasonably likely to cause substantial harm to such referenced person. If any health care entity denies a request for copies of or electronic access to health records based on such statement, the health care entity shall inform the individual of the individual's right to designate, in writing, at his own expense, another reviewing physician, clinical psychologist, or clinical social worker whose licensure, training and experience relative to the individual's condition are at least equivalent to that of the physician, clinical psychologist, or clinical social worker upon whose opinion the denial is based. The designated reviewing physician, clinical psychologist, or clinical social worker shall make a judgment as to whether to make the health record available to the individual.

The health care entity denying the request shall also inform the individual of the individual's right to request in writing that such health care entity designate, at its own expense, a physician, clinical psychologist, or clinical social worker, whose licensure, training, and experience relative to the individual's condition are at least equivalent to that of the physician, clinical psychologist, or clinical social worker upon whose professional judgment the denial is based and who did not participate in the original decision to deny the health records, who shall make a judgment as to whether to make the health record available to the individual. The health care entity shall comply with the judgment of the reviewing physician, clinical psychologist, or clinical social worker. The health care entity shall permit copying and examination of the health record by such other physician, clinical psychologist, or clinical social worker designated by either the individual at his own expense or by the health care entity at its expense.

Any health record copied for review by any such designated physician, clinical psychologist, or clinical social worker shall be accompanied by a statement from the custodian of the health record that the individual's treating physician, clinical psychologist, or clinical social worker determined that the individual's review of his health record would be reasonably likely to endanger the life or physical safety of the individual or would be reasonably likely to cause substantial harm to a person referenced in the health record who is not a health care provider.

Further, nothing herein shall be construed as giving, or interpreted to bestow the right to receive copies of, or otherwise obtain access to, psychotherapy notes to any individual or any person authorized to act on his behalf.

G. A written authorization to allow release of an individual's health records shall substantially include the following information:

AUTHORIZATION TO RELEASE CONFIDENTIAL HEALTH RECORDS

Individual's Name _____

Health Care Entity's Name _____

Person, Agency, or Health Care Entity to whom disclosure is to be made

Information or Health Records to be disclosed

Purpose of Disclosure or at the Request of the Individual

As the person signing this authorization, I understand that I am giving my permission to the above-named health care entity for disclosure of confidential health records. I understand that the health care entity may not condition treatment or payment on my willingness to sign this authorization unless the specific circumstances under which such conditioning is permitted by law are applicable and are set forth in this authorization. I also understand that I have the right to revoke this authorization at any time, but that my revocation is not effective until delivered in writing to the person who is in possession of my health records and is not effective as to health records already disclosed under this authorization. A copy of this authorization and a notation concerning the persons or agencies to whom disclosure was made shall be included with my original health records. I understand that health information disclosed under this authorization might be redisclosed by a

recipient and may, as a result of such disclosure, no longer be protected to the same extent as such health information was protected by law while solely in the possession of the health care entity.

This authorization expires on (date) or (event) _____

Signature of Individual or Individual's Legal Representative if Individual is Unable to Sign

Relationship or Authority of Legal Representative

Date of Signature

H. Pursuant to this subsection:

1. Unless excepted from these provisions in subdivision 9, no party to a civil, criminal or administrative action or proceeding shall request the issuance of a subpoena duces tecum for another party's health records or cause a subpoena duces tecum to be issued by an attorney unless a copy of the request for the subpoena or a copy of the attorney-issued subpoena is provided to the other party's counsel or to the other party if pro se, simultaneously with filing the request or issuance of the subpoena. No party to an action or proceeding shall request or cause the issuance of a subpoena duces tecum for the health records of a nonparty witness unless a copy of the request for the subpoena or a copy of the attorney-issued subpoena is provided to the nonparty witness simultaneously with filing the request or issuance of the attorney-issued subpoena.

No subpoena duces tecum for health records shall set a return date earlier than 15 days from the date of the subpoena except by order of a court or administrative agency for good cause shown. When a court or administrative agency directs that health records be disclosed pursuant to a subpoena duces tecum earlier than 15 days from the date of the subpoena, a copy of the order shall accompany the subpoena.

Any party requesting a subpoena duces tecum for health records or on whose behalf the subpoena duces tecum is being issued shall have the duty to determine whether the individual whose health records are being sought is pro se or a nonparty.

In instances where health records being subpoenaed are those of a pro se party or nonparty witness, the party requesting or issuing the subpoena shall deliver to the pro se party or nonparty witness together with the copy of the request for subpoena, or a copy of the subpoena in the case of an attorney-issued subpoena, a statement informing them of their rights and remedies. The statement shall include the following language and the heading shall be in boldface capital letters:

NOTICE TO INDIVIDUAL

The attached document means that (insert name of party requesting or causing issuance of the subpoena) has either asked the court or administrative agency to issue a subpoena or a subpoena has been issued by the other party's attorney to your doctor, other health care providers (names of health care providers inserted here) or other health care entity (name of health care entity to be inserted here) requiring them to produce your health records. Your doctor, other health care provider or other health care entity is required to respond by providing a copy of your health records. If you believe your health records should not be disclosed and object to their disclosure, you have the right to file a motion with the clerk of the court or the administrative agency to quash the subpoena. If you elect to file a motion to quash, such motion must be filed within 15 days of the date of the request or of the attorney-issued subpoena. You may contact the clerk's office or the administrative agency to determine the requirements that must be satisfied when filing a motion to quash and you may elect to contact an attorney to represent your interest. If you elect to file a motion to quash, you must notify your doctor, other health care provider(s), or other health care entity, that you are filing the motion so that the health care provider or health care entity knows to send the health records to the clerk of court or administrative agency in a sealed envelope or package for safekeeping while your motion is decided.

2. Any party filing a request for a subpoena duces tecum or causing such a subpoena to be issued for an individual's health records shall include a Notice in the same part of the request in which the recipient of the subpoena duces tecum is directed where and when to return the health records. Such notice shall be in boldface capital letters and shall include the following language:

NOTICE TO HEALTH CARE ENTITIES

A COPY OF THIS SUBPOENA DUCES TECUM HAS BEEN PROVIDED TO THE INDIVIDUAL WHOSE HEALTH RECORDS ARE BEING REQUESTED OR HIS COUNSEL. YOU OR THAT INDIVIDUAL HAS THE RIGHT TO FILE A MOTION TO QUASH (OBJECT TO) THE ATTACHED SUBPOENA. IF YOU ELECT TO FILE A MOTION TO QUASH, YOU MUST FILE THE MOTION WITHIN 15 DAYS OF THE DATE OF THIS SUBPOENA.

YOU MUST NOT RESPOND TO THIS SUBPOENA UNTIL YOU HAVE RECEIVED WRITTEN CERTIFICATION FROM THE PARTY ON WHOSE BEHALF THE SUBPOENA WAS ISSUED THAT THE TIME FOR FILING A MOTION TO QUASH HAS ELAPSED AND THAT:

NO MOTION TO QUASH WAS FILED; OR

ANY MOTION TO QUASH HAS BEEN RESOLVED BY THE COURT OR THE ADMINISTRATIVE AGENCY AND THE DISCLOSURES SOUGHT ARE CONSISTENT WITH SUCH RESOLUTION.

IF YOU RECEIVE NOTICE THAT THE INDIVIDUAL WHOSE HEALTH RECORDS ARE BEING REQUESTED HAS FILED A MOTION TO QUASH THIS SUBPOENA, OR IF YOU FILE A MOTION TO QUASH THIS SUBPOENA, YOU MUST SEND THE HEALTH RECORDS ONLY TO THE CLERK OF THE COURT OR ADMINISTRATIVE AGENCY THAT ISSUED THE SUBPOENA OR IN WHICH THE ACTION IS PENDING AS SHOWN ON THE SUBPOENA USING THE FOLLOWING PROCEDURE:

PLACE THE HEALTH RECORDS IN A SEALED ENVELOPE AND ATTACH TO THE SEALED ENVELOPE A COVER LETTER TO THE CLERK OF COURT OR ADMINISTRATIVE AGENCY WHICH STATES THAT CONFIDENTIAL HEALTH RECORDS ARE ENCLOSED AND ARE TO BE HELD UNDER SEAL PENDING A RULING ON THE MOTION TO QUASH THE SUBPOENA. THE SEALED ENVELOPE AND THE COVER LETTER SHALL BE PLACED IN AN OUTER ENVELOPE OR PACKAGE FOR TRANSMITTAL TO THE COURT OR ADMINISTRATIVE AGENCY.

3. Upon receiving a valid subpoena duces tecum for health records, health care entities shall have the duty to respond to the subpoena in accordance with the provisions of subdivisions 4, 5, 6, 7, and 8.

4. Except to deliver to a clerk of the court or administrative agency subpoenaed health records in a sealed envelope as set forth, health care entities shall not respond to a subpoena duces tecum for such health records until they have received a certification as set forth in subdivision 5 or 8 from the party on whose behalf the subpoena duces tecum was issued.

If the health care entity has actual receipt of notice that a motion to quash the subpoena has been filed or if the health care entity files a motion to quash the subpoena for health records, then the health care entity shall produce the health records, in a securely sealed envelope, to the clerk of the court or administrative agency issuing the subpoena or in whose court or administrative agency the action is pending. The court or administrative agency shall place the health records under seal until a determination is made regarding the motion to quash. The securely sealed envelope shall only be opened on order of the judge or administrative agency. In the event the court or administrative agency grants the motion to quash, the health records shall be returned to the health care entity in the same sealed envelope in which they were delivered to the court or administrative agency. In the event that a judge or administrative agency orders the sealed envelope to be opened to review the health records in camera, a copy of the order shall accompany any health records returned to the health care entity. The health records returned to the health care entity shall be in a securely sealed envelope.

5. If no motion to quash is filed within 15 days of the date of the request or of the attorney-issued subpoena, the party on whose behalf the subpoena was issued shall have the duty to certify to the subpoenaed health care entity that the time for filing a motion to quash has elapsed and that no motion to quash was filed. Any health care entity receiving such certification shall have the duty to comply with the subpoena duces tecum by returning the specified health records by either the return date on the subpoena or five days after receipt of the certification, whichever is later.

6. In the event that the individual whose health records are being sought files a motion to quash the subpoena, the court or administrative agency shall decide whether good cause has been shown by the discovering party to compel disclosure of the individual's health records over the individual's objections. In determining whether good cause has been shown, the court or administrative agency shall consider (i) the particular purpose for which the information was collected; (ii) the degree to which the disclosure of the records would embarrass, injure, or invade the privacy of the individual; (iii) the effect of the disclosure on the individual's future health care; (iv) the importance of the information to the lawsuit or proceeding; and (v) any other relevant factor.

7. Concurrent with the court or administrative agency's resolution of a motion to quash, if subpoenaed health records have been submitted by a health care entity to the court or administrative agency in a sealed envelope, the court or administrative agency shall: (i) upon determining that no submitted health records should be disclosed, return all submitted health records to the health care entity in a sealed envelope; (ii) upon determining that all submitted health records should be disclosed, provide all the submitted health records to the party on whose behalf the subpoena was issued; or (iii) upon determining that only a portion of the submitted health records should be disclosed, provide such portion to the party on whose behalf the subpoena was issued and return the remaining health records to the health care entity in a sealed envelope.

8. Following the court or administrative agency's resolution of a motion to quash, the party on whose behalf the subpoena duces tecum was issued shall have the duty to certify in writing to the subpoenaed health care entity a statement of one of the following:

a. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are consistent with such resolution; and, therefore, the health records previously delivered in a sealed envelope to the clerk of the court or administrative agency will not be returned to the health care entity;

b. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are consistent with such resolution and that, since no health records have previously been delivered to the court or administrative agency by the health care entity, the health care entity shall comply with the subpoena duces tecum by returning the health records designated in the subpoena by the return date on the subpoena or five days after receipt of certification, whichever is later;

c. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are not consistent with such resolution; therefore, no health records shall be disclosed and all health records previously delivered in a sealed envelope to the clerk of the court or administrative agency will be returned to the health care entity;

d. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are not consistent with such resolution and that only limited disclosure has been authorized. The certification shall state that only the portion of the health records as set forth in the certification, consistent with the court or administrative agency's ruling, shall be disclosed. The certification shall also state that health records that were previously delivered to the court or administrative agency for which disclosure has been authorized will not be returned to the health

care entity; however, all health records for which disclosure has not been authorized will be returned to the health care entity; or

e. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are not consistent with such resolution and, since no health records have previously been delivered to the court or administrative agency by the health care entity, the health care entity shall return only those health records specified in the certification, consistent with the court or administrative agency's ruling, by the return date on the subpoena or five days after receipt of the certification, whichever is later.

A copy of the court or administrative agency's ruling shall accompany any certification made pursuant to this subdivision.

9. The provisions of this subsection have no application to subpoenas for health records requested under § 8.01-413, or issued by a duly authorized administrative agency conducting an investigation, audit, review or proceedings regarding a health care entity's conduct.

The provisions of this subsection shall apply to subpoenas for the health records of both minors and adults.

Nothing in this subsection shall have any effect on the existing authority of a court or administrative agency to issue a protective order regarding health records, including, but not limited to, ordering the return of health records to a health care entity, after the period for filing a motion to quash has passed.

A subpoena for substance abuse records must conform to the requirements of federal law found in 42 C.F.R. Part 2, Subpart E.

I. Health care entities may testify about the health records of an individual in compliance with §§ 8.01-399 and 8.01-400.2.

J. If an individual requests a copy of his health record from a health care entity, the health care entity may impose a reasonable cost-based fee, which shall include only the cost of supplies for and labor of copying the requested information, postage when the individual requests that such information be mailed, and preparation of an explanation or summary of such information as agreed to by the individual. For the purposes of this section, "individual" shall subsume a person with authority to act on behalf of the individual who is the subject of the health record in making decisions related to his health care.

K. Nothing in this section shall prohibit a health care provider who prescribes or dispenses a controlled substance required to be reported to the Prescription Monitoring Program established pursuant to Chapter 25.2 (§ 54.1-2519 et seq.) of Title 54.1 to a patient from disclosing information obtained from the Prescription Monitoring Program and contained in a patient's health care record to another health care provider when such disclosure is related to the care or treatment of the patient who is the subject of the record.

CHAPTER 535

An Act to amend and reenact § 8.01-424 of the Code of Virginia, relating to proceeds of compromise agreements; minors; investment in college savings trust accounts.

[S 64]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-424 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-424. Approval of compromises on behalf of persons under a disability in suits or actions to which they are parties.

A. In any action or suit wherein a person under a disability is a party, the court in which the matter is pending shall have the power to approve and confirm a compromise of the matters in controversy on behalf of such party, including claims under the provisions of any liability insurance policy, if such compromise is deemed to be to the interest of the party. Any order or decree approving and confirming the compromise shall be binding upon such party, except that the same may be set aside for fraud.

B. In case of damage to the person or property of a person under a disability, caused by the wrongful act, neglect, or default of any person, when death did not ensue therefrom, any person or insurer interested in compromise of any claim for such damages, including any claim under the provisions of any liability insurance policy, may, upon motion to the court in which the action is pending for the recovery of damages on account of such injury, or if no such action is pending, then to any circuit court, move the court to approve the compromise. The court shall require the movant to give reasonable notice of such motion to all parties and to any person found by the court to be interested in the compromise.

C. A compromise action involving a claim for wrongful death shall be in accordance with the applicable provisions of § 8.01-55. Nothing in this section shall be construed to affect the provisions of § 8.01-76.

D. In any compromise action, the court shall direct the payment of the proceeds of the compromise agreement, when approved, as follows:

1. Payment of the sum into court as provided by § 8.01-600 or to the general receiver of such court;

2. *In the case of damage to the person or property of a minor, by investment in a college savings trust account for which the minor is the beneficiary pursuant to a college savings trust agreement with the Virginia College Savings Plan as*

set forth in subsection B of § 23.1-707, provided that (i) the investment options pursuant to such agreement are restricted to target enrollment portfolios; (ii) the order or decree approving and confirming the compromise requires the minor beneficiary's parent, as that term is defined in § 22.1-1, to act as the custodian of the account; and (iii) except in the case of a distribution from the account to be applied toward the minor beneficiary's qualified higher education expenses, as that term is defined in § 529 of the Internal Revenue Code of 1986, as amended, or other applicable federal law, the order or decree approving and confirming the compromise prohibits the minor beneficiary's parent from making any transfer; withdrawal, termination, or other account transaction unless the court provides prior approval pursuant to a written order;

3. To a duly qualified fiduciary of the person under a disability, after due inquiry as to the adequacy of the bond of such fiduciary;

~~3-~~ 4. As provided in § 8.01-606; or

~~4-~~ 5. Where the agreement of settlement provides for payments to be made over a period of time in the future, whether such payments are lump sum, periodic, or a combination of both, the court shall approve the settlement only if it finds that all payments which are due to be made are (i) secured by a bond issued by an insurance company authorized to write such bonds in this Commonwealth or (ii) to be made or irrevocably guaranteed by an insurance company or companies authorized to do business in this Commonwealth and rated "A plus" (A+) or better by Best's Insurance Reports. Payments made under this subdivision totaling not more than \$4,000 in any calendar year may be paid in accordance with § 8.01-606. Payments made under this subdivision; totaling more than \$4,000 in any calendar year while the recipient is under a disability; shall be paid to a duly qualified fiduciary after due inquiry as to adequacy of the bond of such fiduciary.

E. Payments made under this section, in the case of damage to the person or property of a minor, may be made payable in the discretion of the court to the parent or guardian of the minor to be held in trust for the benefit of the minor. Any such trust shall be subject to court approval and the court may provide for the termination of such trust at any time following attainment of majority which the court deems to be in the best interest of the minor. In an order authorizing the trust or additions to an existing trust, the court may order that the trustee thereof be subject to the same duty to qualify in the clerk's office and to file an inventory and annual accountings with the commissioner of accounts as would apply to a testamentary trustee.

CHAPTER 536

An Act to provide a new charter for the Town of Occoquan in Prince William County and to repeal Chapter 226, except § 2, as amended, of the Acts of Assembly of 1930, which provided a charter for the Town of Occoquan.

[S 97]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1.

*CHARTER
FOR THE
TOWN OF OCCOQUAN.
Chapter 1.*

Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Occoquan in Prince William County, as such limits are now or may hereafter be altered and established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the Town of Occoquan, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal that it may amend at its pleasure.

§ 1.2. Boundaries.

The boundaries of the town, until altered, shall be as shown in Chapter 680 of the Acts of the General Assembly of 1993 as modified by a boundary line adjustment entered into between the Town of Occoquan and Prince William County, approved by Circuit Court order recorded in the Prince William County land records as Instrument number 201311060109504.

Chapter 2.

Powers.

§ 2.1. General grant of powers.

The Town of Occoquan shall have and may exercise all powers that are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and the town shall have, exercise, and enjoy all the rights, immunities, powers, and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation.

§ 2.2. Adoption of powers granted by Code of Virginia.

The powers granted in § 2.1 of this charter include specifically, but are not limited to, all powers set forth in Chapter 11 (§ 15.2-1100 et seq.) of Title 15.2 of the Code of Virginia (1950), as amended.

§ 2.3. Shows and fairs.

In addition to any powers granted by general law to license and regulate businesses, the town council shall also have the right to license and regulate the holding and location of shows, circuses, public exhibitions, carnivals, and similar shows or fairs and to prohibit the holding of the same, or any of them, within the town.

Chapter 3.

Mayor and Town Council.

§ 3.1. Election, qualification, and term of office for mayor and council.

The Town of Occoquan shall be governed by a town council composed of five councilmembers and a mayor, all of whom shall be qualified voters in the town and shall be elected by the qualified voters of the town in the manner provided by law from the town at large. The councilmembers and mayor in office at the time of adoption of this charter shall continue in office until the expiration of the terms for which they were elected or until their successors are duly elected and qualified. An election for five councilmembers and mayor shall be held on the first Tuesday following the first Monday in November, two-thousand and twenty-two. Elections shall be held on the first Tuesday following the first Monday in November every four years thereafter. The councilmembers and mayor so elected shall take office on the first day of the following January. The councilmembers and mayor shall serve for a term of four years, or until their successors are elected and qualified.

§ 3.2. Council a continuing body.

The council shall be a continuing body, and no measure pending before such body nor any contract or obligation incurred shall abate or be discontinued because of the expiration of the term of office or removal of any councilmember.

§ 3.3. Powers and duties of the council.

The government of the Town of Occoquan shall be vested in the council, which shall have the power to enact and enforce ordinances to carry into effect all powers granted by this charter and by law. The council shall be responsible for the determination of all matters of policy for the Town of Occoquan and for ensuring the implementation thereof by the town administration. All actions requiring a majority of all members of council shall require three affirmative votes of councilmembers.

§ 3.4. Mayor.

The mayor shall see that the duties of the various appointed officers are faithfully performed and shall execute such documents or instruments as the council, this charter, or the laws of the Commonwealth of Virginia shall require. The mayor shall be the head of the town government for all ceremonial purposes and shall perform such other duties consistent with the office as may be imposed by the town council. The mayor shall preside over the meetings of the council but shall not vote except in the case of a tie vote.

§ 3.5. Vice mayor.

The town council shall, by a majority of all of its members, elect a vice mayor from its membership at its first meeting to serve for a term of four years in the absence of or during the disability of the mayor, and the vice mayor shall possess the powers and discharge the duties of the mayor when serving as mayor.

§ 3.6. Meetings of council.

The council shall fix the time of its regular meetings, which shall be at least six times per year, and, except as herein provided, the council shall establish its own rules of procedure and such rules as are necessary for the orderly conduct of its business not inconsistent with the laws of the Commonwealth of Virginia.

Three members of the council in the absence of the mayor, or three members of the council in addition to the mayor, as applicable, shall constitute a quorum for the transaction of business at any meeting.

If any member of the council shall be voluntarily absent from three regular meetings of the council consecutively, his or her seat may be deemed vacant by resolution approved by a majority vote (three) of all members elected to the council, and thereupon his or her unexpired term shall be filled according to the provisions of this charter.

§ 3.7. Salaries.

The salaries of the mayor, councilmembers, members of boards and commissions, and all appointed officers of the town shall be authorized and fixed by the council at a sum not to exceed any limitations placed thereon by the laws of the Commonwealth of Virginia. Increases in the salaries of the mayor and members of the council shall not be effective until the first day of January following the next local election after the council approves such increase.

Chapter 4.

Appointed Officers.

§ 4.1. Town manager.

The council shall appoint a town manager, who shall be the chief administrative officer of the town and have the powers and perform the duties set forth in this charter, general law, and town ordinances and shall be responsible to the council for the proper administration of all affairs of the town.

The town manager shall be chosen by the council solely on the basis of executive and administrative qualifications in the profession of public management. The town manager need not be a resident of the town or the Commonwealth of Virginia.

The town manager shall appoint and when necessary suspend, demote, and remove the town clerk, the chief of police, and any of the other officers and employees of the town except as otherwise provided in this charter or town ordinances. The

town manager may authorize the head of a town office, department, or board to appoint subordinates in such office, department, or board. With regard to any of the officers subject to the town manager's appointment power, the town manager may appoint an acting officer in the case of the absence, incapacity, death, or resignation of the permanent officer.

The action of the council in suspending or removing the town manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for any such suspension or removal in the council.

§ 4.2. Acting town manager.

The town manager may designate an individual who shall serve as the acting town manager in the event of the absence, incapacity, death, or resignation of the town manager until the town manager's return to duty or the appointment by the council of a successor.

§ 4.3. Town attorney.

The council shall appoint a town attorney, who shall be an attorney-at-law licensed to practice in the Commonwealth of Virginia. The town attorney may designate an individual who shall serve as the acting town attorney in the event of the absence, incapacity, death, or resignation of the town attorney until the town attorney's return to duty or the appointment by the council of a successor.

§ 4.4. Term of office.

The council's appointed officers shall serve for an indefinite term at the pleasure of the council.

§ 4.5. Bonds.

Appointees may be required to execute such bonds as the council may deem necessary.

Chapter 5.

Miscellaneous.

§ 5.1. Ordinances continued.

All ordinances now in force in the town and not inconsistent with this charter shall be and remain in force until altered, amended, or repealed by the council.

§ 5.2. Severability.

If any clause, sentence, paragraph, or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of the charter.

2. That Chapter 226, except § 2, as amended, of the Acts of Assembly of 1930 is repealed.

CHAPTER 537

An Act to provide a new charter for the Town of Occoquan in Prince William County and to repeal Chapter 226, except § 2, as amended, of the Acts of Assembly of 1930, which provided a charter for the Town of Occoquan.

[H 822]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1.

CHARTER
FOR THE
TOWN OF OCCOQUAN.
Chapter 1.

Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Occoquan in Prince William County, as such limits are now or may hereafter be altered and established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the Town of Occoquan, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal that it may amend at its pleasure.

§ 1.2. Boundaries.

The boundaries of the town, until altered, shall be as shown in Chapter 680 of the Acts of the General Assembly of 1993 as modified by a boundary line adjustment entered into between the Town of Occoquan and Prince William County, approved by Circuit Court order recorded in the Prince William County land records as Instrument number 201311060109504.

Chapter 2.

Powers.

§ 2.1. General grant of powers.

The Town of Occoquan shall have and may exercise all powers that are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and the town shall have, exercise, and enjoy all the rights, immunities, powers, and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation.

§ 2.2. *Adoption of powers granted by Code of Virginia.*

The powers granted in § 2.1 of this charter include specifically, but are not limited to, all powers set forth in Chapter 11 (§ 15.2-1100 et seq.) of Title 15.2 of the Code of Virginia (1950), as amended.

§ 2.3. *Shows and fairs.*

In addition to any powers granted by general law to license and regulate businesses, the town council shall also have the right to license and regulate the holding and location of shows, circuses, public exhibitions, carnivals, and similar shows or fairs and to prohibit the holding of the same, or any of them, within the town.

Chapter 3.

Mayor and Town Council.

§ 3.1. *Election, qualification, and term of office for mayor and council.*

The Town of Occoquan shall be governed by a town council composed of five councilmembers and a mayor, all of whom shall be qualified voters in the town and shall be elected by the qualified voters of the town in the manner provided by law from the town at large. The councilmembers and mayor in office at the time of adoption of this charter shall continue in office until the expiration of the terms for which they were elected or until their successors are duly elected and qualified. An election for five councilmembers and mayor shall be held on the first Tuesday following the first Monday in November, two-thousand and twenty-two. Elections shall be held on the first Tuesday following the first Monday in November every four years thereafter. The councilmembers and mayor so elected shall take office on the first day of the following January. The councilmembers and mayor shall serve for a term of four years, or until their successors are elected and qualified.

§ 3.2. *Council a continuing body.*

The council shall be a continuing body, and no measure pending before such body nor any contract or obligation incurred shall abate or be discontinued because of the expiration of the term of office or removal of any councilmember.

§ 3.3. *Powers and duties of the council.*

The government of the Town of Occoquan shall be vested in the council, which shall have the power to enact and enforce ordinances to carry into effect all powers granted by this charter and by law. The council shall be responsible for the determination of all matters of policy for the Town of Occoquan and for ensuring the implementation thereof by the town administration. All actions requiring a majority of all members of council shall require three affirmative votes of councilmembers.

§ 3.4. *Mayor.*

The mayor shall see that the duties of the various appointed officers are faithfully performed and shall execute such documents or instruments as the council, this charter, or the laws of the Commonwealth of Virginia shall require. The mayor shall be the head of the town government for all ceremonial purposes and shall perform such other duties consistent with the office as may be imposed by the town council. The mayor shall preside over the meetings of the council but shall not vote except in the case of a tie vote.

§ 3.5. *Vice mayor.*

The town council shall, by a majority of all of its members, elect a vice mayor from its membership at its first meeting to serve for a term of four years in the absence of or during the disability of the mayor; and the vice mayor shall possess the powers and discharge the duties of the mayor when serving as mayor.

§ 3.6. *Meetings of council.*

The council shall fix the time of its regular meetings, which shall be at least six times per year; and, except as herein provided, the council shall establish its own rules of procedure and such rules as are necessary for the orderly conduct of its business not inconsistent with the laws of the Commonwealth of Virginia.

Three members of the council in the absence of the mayor; or three members of the council in addition to the mayor; as applicable, shall constitute a quorum for the transaction of business at any meeting.

If any member of the council shall be voluntarily absent from three regular meetings of the council consecutively, his or her seat may be deemed vacant by resolution approved by a majority vote (three) of all members elected to the council, and thereupon his or her unexpired term shall be filled according to the provisions of this charter.

§ 3.7. *Salaries.*

The salaries of the mayor, councilmembers, members of boards and commissions, and all appointed officers of the town shall be authorized and fixed by the council at a sum not to exceed any limitations placed thereon by the laws of the Commonwealth of Virginia. Increases in the salaries of the mayor and members of the council shall not be effective until the first day of January following the next local election after the council approves such increase.

Chapter 4.

Appointed Officers.

§ 4.1. *Town manager.*

The council shall appoint a town manager, who shall be the chief administrative officer of the town and have the powers and perform the duties set forth in this charter, general law, and town ordinances and shall be responsible to the council for the proper administration of all affairs of the town.

The town manager shall be chosen by the council solely on the basis of executive and administrative qualifications in the profession of public management. The town manager need not be a resident of the town or the Commonwealth of Virginia.

The town manager shall appoint and when necessary suspend, demote, and remove the town clerk, the chief of police, and any of the other officers and employees of the town except as otherwise provided in this charter or town ordinances. The

town manager may authorize the head of a town office, department, or board to appoint subordinates in such office, department, or board. With regard to any of the officers subject to the town manager's appointment power, the town manager may appoint an acting officer in the case of the absence, incapacity, death, or resignation of the permanent officer.

The action of the council in suspending or removing the town manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for any such suspension or removal in the council.

§ 4.2. Acting town manager.

The town manager may designate an individual who shall serve as the acting town manager in the event of the absence, incapacity, death, or resignation of the town manager until the town manager's return to duty or the appointment by the council of a successor.

§ 4.3. Town attorney.

The council shall appoint a town attorney, who shall be an attorney-at-law licensed to practice in the Commonwealth of Virginia. The town attorney may designate an individual who shall serve as the acting town attorney in the event of the absence, incapacity, death, or resignation of the town attorney until the town attorney's return to duty or the appointment by the council of a successor.

§ 4.4. Term of office.

The council's appointed officers shall serve for an indefinite term at the pleasure of the council.

§ 4.5. Bonds.

Appointees may be required to execute such bonds as the council may deem necessary.

Chapter 5.

Miscellaneous.

§ 5.1. Ordinances continued.

All ordinances now in force in the town and not inconsistent with this charter shall be and remain in force until altered, amended, or repealed by the council.

§ 5.2. Severability.

If any clause, sentence, paragraph, or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of the charter.

2. That Chapter 226, except § 2, as amended, of the Acts of Assembly of 1930 is repealed.

CHAPTER 538

An Act to amend and reenact §§ 3.2-3600 and 3.2-3611 of the Code of Virginia, relating to anaerobic digestion; digestate.

[S 248]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-3600 and 3.2-3611 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-3600. Definitions.

As used in this chapter, unless the context requires a different meaning:

"AAPFCO" means the Association of American Plant Food Control Officials.

"Anaerobic digestion" means the controlled anaerobic biological decomposition of organic waste material to produce biogas and digestate.

"AOAC International" means the Association of Analytical Communities, formerly the Association of Official Analytical Chemists.

"Brand" means a term, design, trademark or product name under which a regulated product is distributed.

"Bulk" means in nonpackaged form.

"Bulk fertilizer" means a fertilizer distributed in a nonpackaged form.

"Commercial fertilizer" means a fertilizer distributed for farm use, or for any other use, other than any specialty fertilizer use.

"Compost" means a biologically stable material derived from the composting process.

"Composting" means the biological decomposition of organic matter through a process that inhibits pathogens, viable weed seeds, and odors, accomplished by mixing and piling so as to promote aerobic decay, anaerobic decay, or both aerobic and anaerobic decay.

"Contractor-applicator" means any person required to hold a permit to apply any regulated product pursuant to § 3.2-3608.

"Custom medium" means a horticultural growing medium that is prepared to the exact specifications of the person who will be planting in the medium and delivered to that person without intermediate or further distribution.

"Deficiency" means the amount of nutrient found by analysis to be less than that guaranteed, which may result from a lack of nutrient ingredients, or from lack of uniformity.

"Digestate" means a biologically stable material derived from the process of anaerobic digestion.

"Distribute" means to import, consign, manufacture, produce, compound, mix, blend, or in any way alter, the chemical or physical characteristics of a regulated product, or to offer for sale, sell, barter, warehouse or otherwise supply regulated product in the Commonwealth.

"Distributor" means any person who distributes.

"Fertilizer" means any substance containing one or more recognized plant nutrients, which is used for its plant nutrient content, and which is designed for use, or claimed to have value, in promoting plant growth. Fertilizer does not include unmanipulated animal and vegetable manures, marl, lime, limestone, and other products exempted by regulation.

"Fertilizer material" means a fertilizer that: (i) contains important quantities of no more than one of the primary plant nutrients: nitrogen (N), phosphate (P205) and potash (K20); (ii) has 85 percent or more of its plant nutrient content present in the form of a single chemical compound; or (iii) is derived from a plant or animal residue, a by-product, or a natural material deposit that has been processed or conditioned in such a way that its content of plant nutrients has not been materially changed, except by purification and concentration.

"Grade" means the percentage of total nitrogen (N), available phosphate (P205) and soluble potash (K20), stated in whole numbers in the same terms, order, and percentages as in the guaranteed analysis, except that fertilizer materials, specialty fertilizers, bone meal, manures and similar raw materials may be guaranteed in fractional units.

"Guaranteed analysis" means the minimum percentage of plant nutrients claimed as required by this chapter to be displayed on the label of a regulated product.

"Guarantor" means the person whose name appears on the label of a regulated product.

"Horticultural growing medium" means any substance or mixture of substances that is promoted as or is intended to function as an artificial soil for the managed growth of horticultural crops.

"Industrial co-product" means any industrial waste or byproduct, including exceptional quality biosolids and waste treatment residuals, that can be beneficially recycled for its plant nutrient content or soil amendment characteristics, that meets the definition of fertilizer, soil amendment, or horticultural growing medium.

"Investigational allowance" means an allowance for variations, inherent in the taking, preparation, and analysis of an official sample.

"Label" means the display of all written, printed, or graphic matter, upon the immediate container, or a statement accompanying a regulated product, including an invoice.

"Labeling" means all written, printed, or graphic matter, upon or accompanying any regulated product, including invoices, advertisements, brochures, posters, television and radio announcements, and internet content used in promoting the sale of the regulated product.

"Lawn fertilizer" means any fertilizer intended for nonagricultural use on newly established turf areas from sod or seed during the first growing season, turf areas being repaired or renovated, and turf areas where soil tests performed within the past three years indicate a nutrient deficiency.

"Lawn maintenance fertilizer" means any fertilizer intended for the nonagricultural routine maintenance of turf.

"Licensee" means the person who receives a license to distribute any regulated product under the provisions of this chapter.

"Lot" means an identifiable quantity of produced material that can be sampled officially according to AOAC International procedures, up to and including a freight car load or 50 tons maximum, or that amount contained in a single vehicle, or that amount delivered under a single invoice.

"Manipulated manure" means animal or vegetable manure that is ground, pelletized, mechanically dried, packaged, supplemented with plant nutrients or other substances other than phosphorus, or otherwise treated in a manner to assist with the sale or distribution of the manure as a fertilizer or soil or plant additive.

"Manufacturer" means any person who manufactures, produces, compounds, mixes, blends, or in any way alters the chemical or physical characteristics of any regulated product.

"Mixed fertilizer" means a fertilizer containing any combination or mixture of fertilizer materials.

"Official analysis" means the analysis of an official sample, made by the Commissioner.

"Official sample" means the sample of regulated product taken by the Commissioner.

"Percent" or "percentage" means the percentage by weight.

"Primary nutrient" includes total nitrogen (N), available phosphate (P205), and soluble potash (K20).

"Quantity statement" means the net weight (mass), net volume (liquid or dry), count or other form of measurement of a commodity.

"Registrant" means the person who registers regulated products, under the provisions of this chapter.

"Regulated product" means any product governed by this chapter, including any fertilizer, specialty fertilizer, soil amendment, *digestate*, and horticultural growing medium.

"Soil amendment" means any substance or mixture of substances intended to improve the physical, chemical, biochemical, biological, or other characteristics of the soil. The following are exempt from the definition of "soil amendment": fertilizer, unmanipulated or composted animal and vegetable manures, horticultural growing media, agricultural liming materials, unmixed mulch and unmixed peat.

"Specialty fertilizer" means a fertilizer distributed for nonfarm use, including use on home gardens, lawns, shrubbery, flowers, golf courses, municipal parks, cemeteries, greenhouses and nurseries.

"Stop sale, use, removal, or seizure order" means an order that prohibits the distributor from selling, relocating, using, or disposing of a lot of regulated product, or portion thereof, in any manner, until the Commissioner or the court gives written permission to sell, relocate, use or dispose of the lot of regulated product or portion thereof.

"Ton" means a unit of 2000 pounds avoirdupois weight.

"Turf" means nonagricultural land that is planted as closely mowed, managed grass and includes golf courses, parks, cemeteries, publicly owned lands, and residential, commercial, or industrial property.

"Unmanipulated manure" means substances composed of the excreta of domestic animals, or domestic fowls, that has not been processed or conditioned in any manner including processing or conditioning by drying, grinding, pelleting, shredding, addition of plant food, mixing artificially with any material or materials (other than those that have been used for bedding, sanitary or feeding purposes for such animals or fowls), or by any other means.

§ 3.2-3611. Labeling.

A. The distributor or guarantor of any regulated product distributed in the Commonwealth shall affix a label to the container or provide an invoice at the time of delivery for a bulk regulated product that states in clear, legible and conspicuous form, in the English language, the following information:

1. The quantity statement;
2. The grade under a given brand. The grade shall not be required when no primary nutrients are claimed;
3. The guaranteed analysis, which shall:

a. For fertilizers, conform to the requirements adopted by AAPFCO in its Official Publication in the Rules and Regulations-Fertilizer section of the Officially Adopted Documents, as amended, with the percentage of each plant nutrient stated as follows:

(1) Total Nitrogen (N)	_____ %
Available Phosphate (P205)	_____ %
Soluble Potash (K20)	_____ %

(2) For unacidulated mineral phosphate materials and basic slag, bone, tankage, and other organic phosphate materials, the available phosphate (P205), or the degree of fineness, or both, may also be guaranteed;

(3) Guarantees for plant nutrients other than nitrogen (N), phosphate (P205), and potash (K20) shall be expressed in the form of the element. A statement of the sources of nutrients including oxides, salt, and chelates, may be required on the application for registration of specialty fertilizers, and may be included as a parenthetical statement on the label. Degree of acidity or alkalinity (pH), beneficial substances, or compounds determinable by laboratory methods also may be guaranteed by permission of the Commissioner and with the advice of the Director of the Virginia Agricultural Experiment Station. When any degree of acidity or alkalinity (pH), beneficial substances, or compounds are guaranteed, they shall be subject to inspection and analysis in accord with the methods and regulations prescribed by the Board;

b. For soil amendments, conform to the requirements adopted by AAPFCO in its Official Publication in the Labeling section of the Uniform Soil Amendment Bill of the Officially Adopted Documents, as amended;

c. For horticultural growing media, include a list of ingredients and other guarantees as required by regulation and a statement of added fertilizers, if any;

d. When compost *or digestate* derived from sewage sludge, hazardous materials, unrendered animals or poultry or their parts, or other source material specified in regulations established by the Board is used as an ingredient, identify the source material of the compost *or digestate*;

e. When an industrial co-product is used as an ingredient, identify the source material and percentage or other acceptable unit; and

f. Include a list of such other ingredients and guarantees as may be required by the Board through regulation.

4. The name and address of the registrant or licensee; and

5. Directions for use and warning statements in accordance with the standards adopted by AAPFCO in its Officially Adopted Documents of the Official Publication, as amended.

B. A commercial fertilizer that is formulated according to specifications provided by a consumer prior to mixing shall be labeled to show: (i) the quantity statement; (ii) the guaranteed analysis; and (iii) the name and address of the distributor or the licensee.

C. [Repealed.]

D. Beginning December 31, 2013, lawn fertilizer and lawn maintenance fertilizer shall be labeled as follows:

"DO NOT APPLY NEAR WATER, STORM DRAINS, OR DRAINAGE DITCHES. DO NOT APPLY IF HEAVY RAIN IS EXPECTED. APPLY THIS PRODUCT ONLY TO YOUR LAWN/GARDEN, AND SWEEP ANY PRODUCT THAT LANDS ON THE DRIVEWAY, SIDEWALK, OR STREET, BACK ONTO YOUR LAWN/GARDEN."

CHAPTER 539

An Act to amend and reenact §§ 3.2-3600 and 3.2-3611 of the Code of Virginia, relating to anaerobic digestion; digestate.

[H 831]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:**1. That §§ 3.2-3600 and 3.2-3611 of the Code of Virginia are amended and reenacted as follows:****§ 3.2-3600. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"AAPFCO" means the Association of American Plant Food Control Officials.

"Anaerobic digestion" means the controlled anaerobic biological decomposition of organic waste material to produce biogas and digestate.

"AOAC International" means the Association of Analytical Communities, formerly the Association of Official Analytical Chemists.

"Brand" means a term, design, trademark or product name under which a regulated product is distributed.

"Bulk" means in nonpackaged form.

"Bulk fertilizer" means a fertilizer distributed in a nonpackaged form.

"Commercial fertilizer" means a fertilizer distributed for farm use, or for any other use, other than any specialty fertilizer use.

"Compost" means a biologically stable material derived from the composting process.

"Composting" means the biological decomposition of organic matter through a process that inhibits pathogens, viable weed seeds, and odors, accomplished by mixing and piling so as to promote aerobic decay, anaerobic decay, or both aerobic and anaerobic decay.

"Contractor-applicator" means any person required to hold a permit to apply any regulated product pursuant to § 3.2-3608.

"Custom medium" means a horticultural growing medium that is prepared to the exact specifications of the person who will be planting in the medium and delivered to that person without intermediate or further distribution.

"Deficiency" means the amount of nutrient found by analysis to be less than that guaranteed, which may result from a lack of nutrient ingredients, or from lack of uniformity.

"Digestate" means a biologically stable material derived from the process of anaerobic digestion.

"Distribute" means to import, consign, manufacture, produce, compound, mix, blend, or in any way alter, the chemical or physical characteristics of a regulated product, or to offer for sale, sell, barter, warehouse or otherwise supply regulated product in the Commonwealth.

"Distributor" means any person who distributes.

"Fertilizer" means any substance containing one or more recognized plant nutrients, which is used for its plant nutrient content, and which is designed for use, or claimed to have value, in promoting plant growth. Fertilizer does not include unmanipulated animal and vegetable manures, marl, lime, limestone, and other products exempted by regulation.

"Fertilizer material" means a fertilizer that: (i) contains important quantities of no more than one of the primary plant nutrients: nitrogen (N), phosphate (P205) and potash (K20); (ii) has 85 percent or more of its plant nutrient content present in the form of a single chemical compound; or (iii) is derived from a plant or animal residue, a by-product, or a natural material deposit that has been processed or conditioned in such a way that its content of plant nutrients has not been materially changed, except by purification and concentration.

"Grade" means the percentage of total nitrogen (N), available phosphate (P205) and soluble potash (K20), stated in whole numbers in the same terms, order, and percentages as in the guaranteed analysis, except that fertilizer materials, specialty fertilizers, bone meal, manures and similar raw materials may be guaranteed in fractional units.

"Guaranteed analysis" means the minimum percentage of plant nutrients claimed as required by this chapter to be displayed on the label of a regulated product.

"Guarantor" means the person whose name appears on the label of a regulated product.

"Horticultural growing medium" means any substance or mixture of substances that is promoted as or is intended to function as an artificial soil for the managed growth of horticultural crops.

"Industrial co-product" means any industrial waste or byproduct, including exceptional quality biosolids and waste treatment residuals, that can be beneficially recycled for its plant nutrient content or soil amendment characteristics, that meets the definition of fertilizer, soil amendment, or horticultural growing medium.

"Investigational allowance" means an allowance for variations, inherent in the taking, preparation, and analysis of an official sample.

"Label" means the display of all written, printed, or graphic matter, upon the immediate container, or a statement accompanying a regulated product, including an invoice.

"Labeling" means all written, printed, or graphic matter, upon or accompanying any regulated product, including invoices, advertisements, brochures, posters, television and radio announcements, and internet content used in promoting the sale of the regulated product.

"Lawn fertilizer" means any fertilizer intended for nonagricultural use on newly established turf areas from sod or seed during the first growing season, turf areas being repaired or renovated, and turf areas where soil tests performed within the past three years indicate a nutrient deficiency.

"Lawn maintenance fertilizer" means any fertilizer intended for the nonagricultural routine maintenance of turf.

"Licensee" means the person who receives a license to distribute any regulated product under the provisions of this chapter.

"Lot" means an identifiable quantity of produced material that can be sampled officially according to AOAC International procedures, up to and including a freight car load or 50 tons maximum, or that amount contained in a single vehicle, or that amount delivered under a single invoice.

"Manipulated manure" means animal or vegetable manure that is ground, pelletized, mechanically dried, packaged, supplemented with plant nutrients or other substances other than phosphorus, or otherwise treated in a manner to assist with the sale or distribution of the manure as a fertilizer or soil or plant additive.

"Manufacturer" means any person who manufactures, produces, compounds, mixes, blends, or in any way alters the chemical or physical characteristics of any regulated product.

"Mixed fertilizer" means a fertilizer containing any combination or mixture of fertilizer materials.

"Official analysis" means the analysis of an official sample, made by the Commissioner.

"Official sample" means the sample of regulated product taken by the Commissioner.

"Percent" or "percentage" means the percentage by weight.

"Primary nutrient" includes total nitrogen (N), available phosphate (P205), and soluble potash (K20).

"Quantity statement" means the net weight (mass), net volume (liquid or dry), count or other form of measurement of a commodity.

"Registrant" means the person who registers regulated products, under the provisions of this chapter.

"Regulated product" means any product governed by this chapter, including any fertilizer, specialty fertilizer, soil amendment, *digestate*, and horticultural growing medium.

"Soil amendment" means any substance or mixture of substances intended to improve the physical, chemical, biochemical, biological, or other characteristics of the soil. The following are exempt from the definition of "soil amendment": fertilizer, unmanipulated or composted animal and vegetable manures, horticultural growing media, agricultural liming materials, unmixed mulch and unmixed peat.

"Specialty fertilizer" means a fertilizer distributed for nonfarm use, including use on home gardens, lawns, shrubbery, flowers, golf courses, municipal parks, cemeteries, greenhouses and nurseries.

"Stop sale, use, removal, or seizure order" means an order that prohibits the distributor from selling, relocating, using, or disposing of a lot of regulated product, or portion thereof, in any manner, until the Commissioner or the court gives written permission to sell, relocate, use or dispose of the lot of regulated product or portion thereof.

"Ton" means a unit of 2000 pounds avoirdupois weight.

"Turf" means nonagricultural land that is planted as closely mowed, managed grass and includes golf courses, parks, cemeteries, publicly owned lands, and residential, commercial, or industrial property.

"Unmanipulated manure" means substances composed of the excreta of domestic animals, or domestic fowls, that has not been processed or conditioned in any manner including processing or conditioning by drying, grinding, pelleting, shredding, addition of plant food, mixing artificially with any material or materials (other than those that have been used for bedding, sanitary or feeding purposes for such animals or fowls), or by any other means.

§ 3.2-3611. Labeling.

A. The distributor or guarantor of any regulated product distributed in the Commonwealth shall affix a label to the container or provide an invoice at the time of delivery for a bulk regulated product that states in clear, legible and conspicuous form, in the English language, the following information:

1. The quantity statement;
2. The grade under a given brand. The grade shall not be required when no primary nutrients are claimed;
3. The guaranteed analysis, which shall:

a. For fertilizers, conform to the requirements adopted by AAPFCO in its Official Publication in the Rules and Regulations-Fertilizer section of the Officially Adopted Documents, as amended, with the percentage of each plant nutrient stated as follows:

(1)	Total Nitrogen (N)	_____ %
	Available Phosphate (P205)	_____ %
	Soluble Potash (K20)	_____ %

(2) For unacidulated mineral phosphate materials and basic slag, bone, tankage, and other organic phosphate materials, the available phosphate (P205), or the degree of fineness, or both, may also be guaranteed;

(3) Guarantees for plant nutrients other than nitrogen (N), phosphate (P205), and potash (K20) shall be expressed in the form of the element. A statement of the sources of nutrients including oxides, salt, and chelates, may be required on the application for registration of specialty fertilizers, and may be included as a parenthetical statement on the label. Degree of acidity or alkalinity (pH), beneficial substances, or compounds determinable by laboratory methods also may be guaranteed by permission of the Commissioner and with the advice of the Director of the Virginia Agricultural Experiment Station. When any degree of acidity or alkalinity (pH), beneficial substances, or compounds are guaranteed, they shall be subject to inspection and analysis in accord with the methods and regulations prescribed by the Board;

b. For soil amendments, conform to the requirements adopted by AAPFCO in its Official Publication in the Labeling section of the Uniform Soil Amendment Bill of the Officially Adopted Documents, as amended;

c. For horticultural growing media, include a list of ingredients and other guarantees as required by regulation and a statement of added fertilizers, if any;

d. When compost *or digestate* derived from sewage sludge, hazardous materials, unrendered animals or poultry or their parts, or other source material specified in regulations established by the Board is used as an ingredient, identify the source material of the compost *or digestate*;

e. When an industrial co-product is used as an ingredient, identify the source material and percentage or other acceptable unit; and

f. Include a list of such other ingredients and guarantees as may be required by the Board through regulation.

4. The name and address of the registrant or licensee; and

5. Directions for use and warning statements in accordance with the standards adopted by AAPFCO in its Officially Adopted Documents of the Official Publication, as amended.

B. A commercial fertilizer that is formulated according to specifications provided by a consumer prior to mixing shall be labeled to show: (i) the quantity statement; (ii) the guaranteed analysis; and (iii) the name and address of the distributor or the licensee.

C. [Repealed.]

D. Beginning December 31, 2013, lawn fertilizer and lawn maintenance fertilizer shall be labeled as follows:

"DO NOT APPLY NEAR WATER, STORM DRAINS, OR DRAINAGE DITCHES. DO NOT APPLY IF HEAVY RAIN IS EXPECTED. APPLY THIS PRODUCT ONLY TO YOUR LAWN/GARDEN, AND SWEEP ANY PRODUCT THAT LANDS ON THE DRIVEWAY, SIDEWALK, OR STREET, BACK ONTO YOUR LAWN/GARDEN."

CHAPTER 540

An Act to amend and reenact § 10.1-2211.2 of the Code of Virginia, relating to historical African American cemeteries; disbursement of funds; qualified organization.

[S 23]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-2211.2 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-2211.2. Disbursement of funds appropriated for caring for historical African American cemeteries and graves.

A. For purposes of this section:

"Fund" means the Historical African American Cemeteries and Graves Fund created pursuant to § 10.1-2211.3.

"Historical African American cemetery" means a cemetery that was established prior to January 1, 1900, for interments of African Americans.

"Qualified organization" means a charitable corporation, charitable association, or charitable trust that has been granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and whose primary purpose is the preservation of historical cemeteries and graves ~~or~~, any person or locality that owns a historical African American cemetery, *or any locality whose purpose for applying for funding pursuant to this section is to maintain a neglected historical African American cemetery, or a portion thereof, that is located within its jurisdictional bounds.*

B. At the direction of the Director, the Comptroller of the Commonwealth shall draw an annual warrant upon the State Treasurer from any sum that may be provided to the Department in the general appropriation act for the purpose of maintaining qualifying cemeteries and graves pursuant to this section. Any representative of a qualified organization desiring to receive funding from such appropriation for the maintenance of qualifying cemeteries and graves pursuant to this section shall submit an application to the Department on or before May 30 each year. Such appropriations shall be allocated on the basis of the number of graves, monuments, and markers in a cemetery of African Americans who lived at any time between January 1, 1800, and January 1, 1900, the dates to be determined by reference to grave markers or, at the discretion of the Director, other historical records. Such number of graves, monuments, and markers, as documented by the qualified organization, shall be multiplied by the rate of \$5 or the average actual cost of routine maintenance of a grave, monument, or marker, whichever is greater, to determine the amount of the allocation. The Department shall determine the average actual cost of routine maintenance of a grave, monument, or marker in a biennial survey of at least four properly maintained cemeteries, each located in a different geographical region of the Commonwealth. The Director shall deposit any appropriated funds that are not disbursed during the same fiscal year into the Fund.

IN THE COUNTY OF:

NUMBER:

Arlington

Calloway Cemetery

29

Lomax Cemetery

66

Mount Salvation Cemetery

29

Buckingham	
Stanton Family Cemetery	36
Henrico	
East End Cemetery	4,875
Loudoun	
African-American Burial Ground for the Enslaved at Belmont	44
Mt. Zion Old School Baptist Church Cemetery	33
Montgomery	
Wake Forest Cemetery	40
Westview Cemetery	47
Pulaski	
New River Cemetery	33
West Dublin Cemetery	44
IN THE CITY OF:	
Alexandria	
Baptist Cemetery of the African American Heritage Park	28
Contrabands and Freedmen Cemetery	631
Douglass Cemetery	83
Lebanon Union Cemetery	53
Methodist Protestant Cemetery	1,134
Penny Hill Cemetery	14
Charlottesville	
Daughters of Zion Cemetery	192
Chesapeake	
Cuffeytown Cemetery	52
Hampton	
Bassette's Cemetery	212
Elmerton Cemetery	339
Good Samaritan Cemetery	37
Pleasant Shade Cemetery	29
Queen Street Cemetery	14
Tucker Family Cemetery	15
Union Street Cemetery	125
Harrisonburg	
Newtown Cemetery	400
Martinsville	
Matthews Cemetery	8
The People's Cemetery	178
Smith Street Cemetery	9
Portsmouth	
Mt. Calvary Cemetery	266
Radford	
Mountain View Cemetery	91
Richmond	
Evergreen Cemetery	2,100

Suffolk

Oak Lawn Cemetery

468

C. In addition to any sum provided to a qualified organization as set forth in subsection B, the Director may disburse funds to any qualified organization to fund maintenance and care of additional historical African American graves in the Commonwealth that have been certified by the Department and documented in the Department's cultural resources database. Funds disbursed under this subsection shall be disbursed at the rate set forth in subsection B.

D. A qualified organization receiving funds shall expend the funds for the routine maintenance of its historical African American cemetery, associated graves, and graves certified by the Department and documented in the Department's cultural resources database and the erection of and caring for markers, memorials, and monuments to the memory of such African Americans.

E. Each qualified organization, through its proper officer, shall after July 1 of each year submit to the Director a certified statement that the funds appropriated to the organization during the preceding fiscal year were or will be expended for the purposes set forth in subsection D. No organization that fails to comply with any of the requirements of this section shall receive moneys allocated under this section for any subsequent fiscal year until the organization fully complies with the requirements.

F. In addition to funds that may be provided pursuant to subsection B or C, any organization that receives funds pursuant to subsection B or C may apply to the Director for a grant to perform extraordinary maintenance, renovation, repair, or reconstruction of any of its historical African American cemeteries and graves. *However, a locality that is eligible for funding pursuant to subsection B or C may apply to the Director for such a grant without having received funding pursuant to subsection B or C. A locality's application for the grant shall not preclude another qualified organization from applying for funding pursuant to subsection B or C for the same cemetery or grave. Such a grant made pursuant to this subsection shall be made from any appropriation made available by the General Assembly for such purpose or from the Fund.*

G. Any locality may receive and hold funds drawn pursuant to subsection B or C on behalf of any qualified organization until such time as the organization is able to receive or utilize such funds. No local matching funds shall be required for any grants made pursuant to this section.

H. The owner of a historical African American cemetery shall reasonably cooperate with a qualified organization that receives funds pursuant to subsection B or C.

CHAPTER 541

An Act to amend and reenact § 10.1-2211.2 of the Code of Virginia, relating to historical African American cemeteries; disbursement of funds; qualified organization.

[H 727]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-2211.2 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-2211.2. Disbursement of funds appropriated for caring for historical African American cemeteries and graves.

A. For purposes of this section:

"Fund" means the Historical African American Cemeteries and Graves Fund created pursuant to § 10.1-2211.3.

"Historical African American cemetery" means a cemetery that was established prior to January 1, 1900, for interments of African Americans.

"Qualified organization" means a charitable corporation, charitable association, or charitable trust that has been granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and whose primary purpose is the preservation of historical cemeteries and graves ~~or~~, any person or locality that owns a historical African American cemetery, *or any locality whose purpose for applying for funding pursuant to this section is to maintain a neglected historical African American cemetery, or a portion thereof, that is located within its jurisdictional bounds.*

B. At the direction of the Director, the Comptroller of the Commonwealth shall draw an annual warrant upon the State Treasurer from any sum that may be provided to the Department in the general appropriation act for the purpose of maintaining qualifying cemeteries and graves pursuant to this section. Any representative of a qualified organization desiring to receive funding from such appropriation for the maintenance of qualifying cemeteries and graves pursuant to this section shall submit an application to the Department on or before May 30 each year. Such appropriations shall be allocated on the basis of the number of graves, monuments, and markers in a cemetery of African Americans who lived at any time between January 1, 1800, and January 1, 1900, the dates to be determined by reference to grave markers or, at the discretion of the Director, other historical records. Such number of graves, monuments, and markers, as documented by the qualified organization, shall be multiplied by the rate of \$5 or the average actual cost of routine maintenance of a grave, monument, or marker, whichever is greater, to determine the amount of the allocation. The Department shall determine the average actual cost of routine maintenance of a grave, monument, or marker in a biennial survey of at least four properly maintained

cemeteries, each located in a different geographical region of the Commonwealth. The Director shall deposit any appropriated funds that are not disbursed during the same fiscal year into the Fund.

IN THE COUNTY OF:	NUMBER:
Arlington	
Calloway Cemetery	29
Lomax Cemetery	66
Mount Salvation Cemetery	29
Buckingham	
Stanton Family Cemetery	36
Henrico	
East End Cemetery	4,875
Loudoun	
African-American Burial Ground for the Enslaved at	44
Belmont	
Mt. Zion Old School Baptist Church Cemetery	33
Montgomery	
Wake Forest Cemetery	40
Westview Cemetery	47
Pulaski	
New River Cemetery	33
West Dublin Cemetery	44
IN THE CITY OF:	
Alexandria	
Baptist Cemetery of the African American Heritage Park	28
Contrabands and Freedmen Cemetery	631
Douglass Cemetery	83
Lebanon Union Cemetery	53
Methodist Protestant Cemetery	1,134
Penny Hill Cemetery	14
Charlottesville	
Daughters of Zion Cemetery	192
Chesapeake	
Cuffeytown Cemetery	52
Hampton	
Bassette's Cemetery	212
Elmerton Cemetery	339
Good Samaritan Cemetery	37
Pleasant Shade Cemetery	29
Queen Street Cemetery	14
Tucker Family Cemetery	15
Union Street Cemetery	125
Harrisonburg	
Newtown Cemetery	400
Martinsville	
Matthews Cemetery	8
The People's Cemetery	178
Smith Street Cemetery	9

Portsmouth	
Mt. Calvary Cemetery	266
Radford	
Mountain View Cemetery	91
Richmond	
Evergreen Cemetery	2,100
Suffolk	
Oak Lawn Cemetery	468

C. In addition to any sum provided to a qualified organization as set forth in subsection B, the Director may disburse funds to any qualified organization to fund maintenance and care of additional historical African American graves in the Commonwealth that have been certified by the Department and documented in the Department's cultural resources database. Funds disbursed under this subsection shall be disbursed at the rate set forth in subsection B.

D. A qualified organization receiving funds shall expend the funds for the routine maintenance of its historical African American cemetery, associated graves, and graves certified by the Department and documented in the Department's cultural resources database and the erection of and caring for markers, memorials, and monuments to the memory of such African Americans.

E. Each qualified organization, through its proper officer, shall after July 1 of each year submit to the Director a certified statement that the funds appropriated to the organization during the preceding fiscal year were or will be expended for the purposes set forth in subsection D. No organization that fails to comply with any of the requirements of this section shall receive moneys allocated under this section for any subsequent fiscal year until the organization fully complies with the requirements.

F. In addition to funds that may be provided pursuant to subsection B or C, any organization that receives funds pursuant to subsection B or C may apply to the Director for a grant to perform extraordinary maintenance, renovation, repair, or reconstruction of any of its historical African American cemeteries and graves. *However, a locality that is eligible for funding pursuant to subsection B or C may apply to the Director for such a grant without having received funding pursuant to subsection B or C. A locality's application for the grant shall not preclude another qualified organization from applying for funding pursuant to subsection B or C for the same cemetery or grave.* ~~Such a~~ grant made pursuant to this subsection shall be made from any appropriation made available by the General Assembly for such purpose or from the Fund.

G. Any locality may receive and hold funds drawn pursuant to subsection B or C on behalf of any qualified organization until such time as the organization is able to receive or utilize such funds. No local matching funds shall be required for any grants made pursuant to this section.

H. The owner of a historical African American cemetery shall reasonably cooperate with a qualified organization that receives funds pursuant to subsection B or C.

CHAPTER 542

An Act to amend and reenact § 16.1-301 of the Code of Virginia, relating to juvenile law-enforcement records; disclosures to school principals.

[S 649]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-301 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-301. Confidentiality of juvenile law-enforcement records; disclosures to school principal and others.

A. The court shall require all law-enforcement agencies to take special precautions to ensure that law-enforcement records concerning a juvenile are protected against disclosure to any unauthorized person. The police departments of the cities of the Commonwealth, and the police departments or sheriffs of the counties *of the Commonwealth*, as the case may be, shall keep separate records as to violations of law *committed by juveniles* other than violations of motor vehicle laws ~~committed by juveniles~~. Such records with respect to such juvenile shall not be open to public inspection nor their contents disclosed to the public unless a juvenile 14 years of age or older is charged with a violent juvenile felony as specified in subsections B and C of § 16.1-269.1.

B. Notwithstanding any other provision of law, the chief of police or sheriff of a jurisdiction or his designee ~~may~~ *shall* disclose, for the protection of the juvenile, his fellow students and school personnel, to the school principal that a juvenile ~~is a suspect in or~~ has been charged with *or may disclose when a juvenile is a suspect in* (i) a violent juvenile felony, as specified in subsections B and C of § 16.1-269.1; (ii) a violation of any of the provisions of Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2; ~~or~~ (iii) a violation of law involving any weapon as described in subsection A of § 18.2-308; *or (iv) a violation of law as described in subsection G of § 16.1-260.* If a chief of police; *or* sheriff or a designee has disclosed to a

school principal pursuant to this section that a juvenile is a suspect in or has been charged with a crime ~~listed above as specified in clauses (i) through (iv)~~, upon a court disposition of a proceeding regarding such crime in which a juvenile is adjudicated delinquent, convicted, found not guilty or the charges are reduced, the chief of police; *or* sheriff or a designee shall, within 15 days of the expiration of the appeal period, if there is no notice of appeal, provide notice of the disposition ordered by the court to the school principal to whom disclosure was made. If the court defers disposition or if charges are withdrawn, dismissed or nolle prosequi, the chief of police; *or* sheriff or a designee shall, within 15 days of such action provide notice of such action to the school principal to whom disclosure was made. If charges are withdrawn in intake or handled informally without a court disposition or if charges are not filed within 90 days of the initial disclosure, the chief of police; *or* sheriff or a designee shall so notify the school principal to whom disclosure was made. In addition to any other disclosure that is permitted by this subsection, the principal in his discretion may provide such information to a threat assessment team established by the local school division. No member of a threat assessment team shall (a) disclose any juvenile record information obtained pursuant to this section or (b) use such information for any purpose other than evaluating threats to students and school personnel. For the purposes of this subsection, "principal" also refers to the chief administrator of any private primary or secondary school.

C. Inspection of law-enforcement records concerning juveniles shall be permitted only by the following:

1. A court having the juvenile currently before it in any proceeding;
2. The officers of public and nongovernmental institutions or agencies to which the juvenile is currently committed, and those responsible for his supervision after release;
3. Any other person, agency, or institution, by order of the court, having a legitimate interest in the case or in the work of the law-enforcement agency;
4. Law-enforcement officers of other jurisdictions, by order of the court, when necessary for the discharge of their current official duties;
5. The probation and other professional staff of a court in which the juvenile is subsequently convicted of a criminal offense for the purpose of a presentence report or other dispositional proceedings, or by officials of penal institutions and other penal facilities to which he is committed, or by a parole board in considering his parole or discharge or in exercising supervision over him;
6. The juvenile, parent, guardian or other custodian and counsel for the juvenile by order of the court; and
7. As provided in §§ 19.2-389.1 and 19.2-390.

D. The police departments of the cities and towns and the police departments or sheriffs of the counties may release, upon request to one another and to state and federal law-enforcement agencies, and to law-enforcement agencies in other states, current information on juvenile arrests. The information exchanged shall be used by the receiving agency for current investigation purposes only and shall not result in the creation of new files or records on individual juveniles on the part of the receiving agency.

E. Upon request, the police departments of the cities and towns and the police departments or sheriffs of the counties may release current information on juvenile arrests or juvenile victims to the Virginia Workers' Compensation Commission solely for purposes of determining whether to make an award to the victim of a crime, and such information shall not be disseminated or used by the Commission for any other purpose than provided in § 19.2-368.3.

F. Nothing in this section shall prohibit the exchange of other criminal investigative or intelligence information among law-enforcement agencies.

G. Nothing in this section shall prohibit the disclosure of law-enforcement records concerning a juvenile to a court services unit-authorized diversion program in accordance with this chapter, which includes programs authorized by subdivision 1 of § 16.1-227 and § 16.1-260. Such records shall not be further disclosed by the authorized diversion program or any participants therein. Law-enforcement officers may prohibit a disclosure to such a program to protect a criminal investigation or intelligence information.

CHAPTER 543

An Act to amend and reenact §§ 16.1-274 and 19.2-266.4 of the Code of Virginia, relating to copies of orders to counsel.

[S 392]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-274 and 19.2-266.4 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-274. Time for filing of reports; copies furnished to attorneys; amended reports; fees.

A. Whenever any court directs an investigation pursuant to subdivision A of § 16.1-237 or § 16.1-273 or 9.1-153, or an evaluation pursuant to § 16.1-278.5, the probation officer, court-appointed special advocate, or other agency conducting such investigation shall file such report with the clerk of the court directing the investigation. The clerk shall furnish a copy of such report to all attorneys representing parties in the matter before the court no later than 72 hours, and in cases of child custody, 15 days, prior to the time set by the court for hearing the matter. If such probation officer or other agency discovers additional information or a change in circumstance after the filing of the report, an amended report shall be filed forthwith and a copy sent to each person who received a copy of the original report. Whenever such a report is not filed or an amended

report is filed, the court shall grant such continuance of the proceedings as justice requires. All attorneys receiving such report or amended report shall return such to the clerk upon the conclusion of the hearing and shall not make copies of such report or amended report or any portion thereof. However, the chief judge of each juvenile and domestic relations district court may provide for an alternative means of copying and distributing reports or amended reports ~~filed pursuant to § 9.1-153~~ *referenced above*.

B. Notwithstanding the provisions of §§ 16.1-69.48:2 and 17.1-275, when the court directs the appropriate local department of social services to conduct supervised visitation or directs the appropriate local department of social services or court services unit to conduct an investigation pursuant to § 16.1-273 or to provide mediation services in matters involving a child's custody, visitation, or support, the court shall assess a fee against the petitioner, the respondent, or both, in accordance with fee schedules established by the appropriate local board of social services when the service is provided by a local department of social services or by a court services unit. The fee schedules shall include (i) standards for determining the paying party's or parties' ability to pay and (ii) a scale of fees based on the paying party's or parties' income and family size and the actual cost of the services provided. The fee charged shall not exceed the actual cost of the service. The fee shall be assessed as a cost of the case and shall be paid as prescribed by the court to the local department of social services, locally operated court services unit or Department of Juvenile Justice, whichever performed the service, unless payment is waived. The method and medium for payment for such services shall be determined by the local department of social services, Department of Juvenile Justice, or the locally operated court services unit that provided the services.

C. When a local department of social services or any court services unit is requested by another local department or court services unit in the Commonwealth or by a similar department or entity in another state to conduct an investigation involving a child's custody, visitation or support pursuant to § 16.1-273 or, in the case of a request from another state pursuant to a provision corresponding to § 16.1-273, or to provide mediation services, or for a local department of social services to provide supervised visitation, the local department or the court services unit performing the service may require payment of fees prior to conducting the investigation or providing mediation services or supervised visitation.

D. In any matter in which the court appoints a guardian ad litem to represent a child, such guardian ad litem shall conduct an investigation in accordance with the Standards to Govern the Performance of Guardians Ad Litem for Children established by the Judicial Council of Virginia. Prior to the commencement of the dispositional hearing of any such matter, the guardian ad litem shall file with the court, with a copy to all attorneys representing parties to such matter and all parties proceeding pro se in such matter, a certification of the guardian ad litem's compliance with the Standards to Govern the Performance of Guardians Ad Litem for Children established by the Judicial Council of Virginia, specifically addressing compliance with such standards requiring face-to-face contact with the child in such certification. The guardian ad litem shall document the hours spent satisfying such face-to-face contact requirements in such certification, which shall be compensated at the same rate as that for in-court service.

§ 19.2-266.4. Expert assistance for indigent defendants.

A. In any case in which a defendant is (i) charged with a felony offense or a Class 1 misdemeanor and (ii) determined to be indigent by the court pursuant to § 19.2-159, the defendant or his attorney may, upon notice to the Commonwealth, move the circuit court to designate another judge in the same circuit to hear an ex parte request for appointment of a qualified expert to assist in the preparation of the defendant's defense. No ex parte proceeding, communication, or request may be considered pursuant to this section unless the defendant or his attorney states under oath or in a sworn declaration that a need for confidentiality exists. A risk that trial strategy may be disclosed unless the hearing is ex parte shall be sufficient grounds to establish a need for confidentiality.

B. Upon receiving the defendant's or his attorney's declaration of a need for confidentiality, the designated ex parte judge shall conduct an ex parte hearing on the request for authorization to obtain expert assistance. This hearing shall occur as soon as practicable. After a hearing upon the motion and upon a showing that the provision of the requested expert services would materially assist the defendant in preparing his defense and the denial of such services would result in a fundamentally unfair trial, the court shall order the appointment of a qualified expert. *The clerk of the court shall provide a copy of the appointment order to the defendant or his attorney and to the appointed expert.*

Any expert appointed pursuant to this subsection shall be compensated in accordance with § 19.2-332. The designated judge shall direct requests for scientific investigations to the Department of Forensic Science or Division of Consolidated Laboratory Services whenever practicable.

C. All ex parte hearings conducted under this section shall be initiated by written motion and shall be on the record. Except for the initial declaration of a need for confidentiality and a copy of the appointment order provided to the defendant or his attorney and to the appointed expert in accordance with subsection B, the record of the hearings, together with all papers filed and orders entered in connection with ex parte requests for expert assistance, all payment requests submitted by experts appointed, and the identity of all experts appointed, shall be kept under seal as part of the record of the case and shall not be disclosed. Following a decision on the motion, whether it is granted or denied, the motion, order or orders, and all other papers or information related to the proceedings or expert assistance sought shall remain under seal. On motion of any party, and for good cause shown, the court may unseal the foregoing records after the trial is concluded.

D. All ex parte proceedings, communications, or requests shall be transcribed and made part of the record available for appellate review or any other post-conviction review.

CHAPTER 544

An Act to amend and reenact § 38.2-3412.1 of the Code of Virginia, relating to health insurance; coverage for mental health and substance use disorders; report.

[S 434]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 38.2-3412.1 of the Code of Virginia is amended and reenacted as follows:****§ 38.2-3412.1. Coverage for mental health and substance use disorders.**

A. As used in this section:

"Adult" means any person who is 19 years of age or older.

"Alcohol or drug rehabilitation facility" means a facility in which a state-approved program for the treatment of alcoholism or drug addiction is provided. The facility shall be either (i) licensed by the State Board of Health pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title 32.1 or by the Department of Behavioral Health and Developmental Services pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 or (ii) a state agency or institution.

"Child or adolescent" means any person under the age of 19 years.

"Inpatient treatment" means mental health or substance abuse services delivered on a 24-hour per day basis in a hospital, alcohol or drug rehabilitation facility, an intermediate care facility or an inpatient unit of a mental health treatment center.

"Intermediate care facility" means a licensed, residential public or private facility that is not a hospital and that is operated primarily for the purpose of providing a continuous, structured 24-hour per day, state-approved program of inpatient substance abuse services.

"Medication management visit" means a visit no more than 20 minutes in length with a licensed physician or other licensed health care provider with prescriptive authority for the sole purpose of monitoring and adjusting medications prescribed for mental health or substance abuse treatment.

"Mental health services" or "mental health benefits" means benefits with respect to items or services for mental health conditions as defined under the terms of the health benefit plan. Any condition defined by the health benefit plan as being or as not being a mental health condition shall be defined to be consistent with generally recognized independent standards of current medical practice.

"Mental health treatment center" means a treatment facility organized to provide care and treatment for mental illness through multiple modalities or techniques pursuant to a written plan approved and monitored by a physician, clinical psychologist, or a psychologist licensed to practice in this Commonwealth. The facility shall be (i) licensed by the Commonwealth, (ii) funded or eligible for funding under federal or state law, or (iii) affiliated with a hospital under a contractual agreement with an established system for patient referral.

"Network adequacy" means access to services by measure of distance, time, and average length of referral to scheduled visit.

"Outpatient treatment" means mental health or substance abuse treatment services rendered to a person as an individual or part of a group while not confined as an inpatient. Such treatment shall not include services delivered through a partial hospitalization or intensive outpatient program as defined herein.

"Partial hospitalization" means a licensed or approved day or evening treatment program that includes the major diagnostic, medical, psychiatric and psychosocial rehabilitation treatment modalities designed for patients with mental, emotional, or nervous disorders, and alcohol or other drug dependence who require coordinated, intensive, comprehensive and multi-disciplinary treatment. Such a program shall provide treatment over a period of six or more continuous hours per day to individuals or groups of individuals who are not admitted as inpatients. Such term shall also include intensive outpatient programs for the treatment of alcohol or other drug dependence which provide treatment over a period of three or more continuous hours per day to individuals or groups of individuals who are not admitted as inpatients.

"Substance abuse services" or "substance use disorder benefits" means benefits with respect to items or services for substance use disorders as defined under the terms of the health benefit plan. Any disorder defined by the health benefit plan as being or as not being a substance use disorder shall be defined to be consistent with generally recognized independent standards of current medical practice.

"Treatment" means services including diagnostic evaluation, medical, psychiatric and psychological care, and psychotherapy for mental, emotional or nervous disorders or alcohol or other drug dependence rendered by a hospital, alcohol or drug rehabilitation facility, intermediate care facility, mental health treatment center, a physician, psychologist, clinical psychologist, licensed clinical social worker, licensed professional counselor, licensed substance abuse treatment practitioner, licensed marriage and family therapist or clinical nurse specialist. Treatment for physiological or psychological dependence on alcohol or other drugs shall also include the services of counseling and rehabilitation as well as services rendered by a state certified alcoholism, drug, or substance abuse counselor or substance abuse counseling assistant, limited to the scope of practice set forth in § 54.1-3507.1 or 54.1-3507.2, respectively, employed by a facility or program licensed to provide such treatment.

B. Except as provided in subsections C and D, group and individual health insurance coverage, as defined in § 38.2-3431, shall provide mental health and substance use disorder benefits. Such benefits shall be in parity with the medical and surgical benefits contained in the coverage in accordance with the *federal* Mental Health Parity and Addiction Equity Act of 2008 (*MHPAEA*), P.L. 110-343, even where those requirements would not otherwise apply directly.

C. Any grandfathered plan as defined in § 38.2-3438 in the small group market shall either continue to provide benefits in accordance with subsection B or continue to provide coverage for inpatient and partial hospitalization mental health and substance abuse services as follows:

1. Treatment for an adult as an inpatient at a hospital, inpatient unit of a mental health treatment center, alcohol or drug rehabilitation facility or intermediate care facility for a minimum period of 20 days per policy or contract year.

2. Treatment for a child or adolescent as an inpatient at a hospital, inpatient unit of a mental health treatment center, alcohol or drug rehabilitation facility or intermediate care facility for a minimum period of 25 days per policy or contract year.

3. Up to 10 days of the inpatient benefit set forth in subdivisions 1 and 2 of this subsection may be converted when medically necessary at the option of the person or the parent, as defined in § 16.1-336, of a child or adolescent receiving such treatment to a partial hospitalization benefit applying a formula which shall be no less favorable than an exchange of 1.5 days of partial hospitalization coverage for each inpatient day of coverage. An insurance policy or subscription contract described herein that provides inpatient benefits in excess of 20 days per policy or contract year for adults or 25 days per policy or contract year for a child or adolescent may provide for the conversion of such excess days on the terms set forth in this subdivision.

4. The limits of the benefits set forth in this subsection shall not be more restrictive than for any other illness, except that the benefits may be limited as set out in this subsection.

5. This subsection shall not apply to any excepted benefits policy as defined in § 38.2-3431, nor to policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans.

D. Any grandfathered plan as defined in § 38.2-3438 in the small group market shall also either continue to provide benefits in accordance with subsection B or continue to provide coverage for outpatient mental health and substance abuse services as follows:

1. A minimum of 20 visits for outpatient treatment of an adult, child or adolescent shall be provided in each policy or contract year.

2. The limits of the benefits set forth in this subsection shall be no more restrictive than the limits of benefits applicable to physical illness; however, the coinsurance factor applicable to any outpatient visit beyond the first five of such visits covered in any policy or contract year shall be at least 50 percent.

3. For the purpose of this section, medication management visits shall be covered in the same manner as a medication management visit for the treatment of physical illness and shall not be counted as an outpatient treatment visit in the calculation of the benefit set forth herein.

4. For the purpose of this subsection, if all covered expenses for a visit for outpatient mental health or substance abuse treatment apply toward any deductible required by a policy or contract, such visit shall not count toward the outpatient visit benefit maximum set forth in the policy or contract.

5. This subsection shall not apply to any excepted benefits policy as defined in § 38.2-3431, nor to policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans.

E. The requirements of this section shall apply to all insurance policies and subscription contracts delivered, issued for delivery, reissued, renewed, or extended, or at any time when any term of the policy or contract is changed or any premium adjustment made.

F. The provisions of this section shall not apply in any instance in which the provisions of this section are inconsistent or in conflict with a provision of Article 6 (§ 38.2-3438 et seq.) of Chapter 34.

G. The Bureau of Insurance (~~the Bureau~~), in consultation with health carriers providing coverage for mental health and substance use disorder benefits pursuant to this section, shall develop reporting requirements regarding denied claims, complaints, appeals, and network adequacy involving such coverage set forth in this section. By ~~September~~ November 1 of each year, the Bureau shall ~~(i)~~ compile the information for the preceding year into a report that ensures the confidentiality of individuals whose information has been reported and is written in nontechnical, readily understandable language; ~~(ii)~~ *The Bureau shall include in the report a summary of all comparative analyses prepared by health carriers pursuant to 42 U.S.C. § 300gg-26(a)(8) that the Bureau requested during the reporting period. This summary shall include the Bureau's explanation of whether the analyses were accepted as compliant, rejected as noncompliant, or are in process of review. For analyses that were noncompliant, the report shall include the corrective actions that the Bureau required the health carrier to take to come into compliance. The Bureau shall make the report available to the public by, among such other means as the Bureau finds appropriate, posting the reports on the Bureau's website; and* ~~(iii)~~ submit the report to the House Committee on Labor and Commerce and Energy and the Senate Committee on Commerce and Labor.

CHAPTER 545

An Act to amend and reenact § 22.1-298.1 of the Code of Virginia, relating to applications for teacher licensure by reciprocity; military spouses; timeline for determination.

[S 154]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 22.1-298.1 of the Code of Virginia is amended and reenacted as follows:****§ 22.1-298.1. Regulations governing licensure.**

A. As used in this section:

"Alternate route to licensure" means a nontraditional route to teacher licensure available to individuals who meet the criteria specified in the guidelines developed pursuant to subsection N or regulations issued by the Board of Education.

"Industry certification credential" means an active career and technical education credential that is earned by successfully completing a Board of Education-approved industry certification examination, being issued a professional license in the Commonwealth, or successfully completing an occupational competency examination.

"Licensure by reciprocity" means a process used to issue a license to an individual coming into the Commonwealth from another state when that individual meets certain conditions specified in the Board of Education's regulations.

"Professional teacher's assessment" means those tests mandated for licensure as prescribed by the Board of Education.

"Provisional license" means a nonrenewable license issued by the Board of Education for a specified period of time, not to exceed three years, to an individual who may be employed by a school division in the Commonwealth and who generally meets the requirements specified in the Board of Education's regulations for licensure, but who may need to take additional coursework, pass additional assessments, or meet alternative evaluation standards to be fully licensed with a renewable license.

"Renewable license" means a license issued by the Board of Education for 10 years to an individual who meets the requirements specified in the Board of Education's regulations.

B. The Board of Education shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license. Such regulations shall include procedures for (i) the denial, suspension, cancellation, revocation, and reinstatement of licensure; (ii) written reprimand of license holders on grounds established by the Board, in accordance with law, notice of which shall be made by the Superintendent of Public Instruction to division superintendents or their designated representatives; and (iii) the immediate and thorough investigation by the division superintendent or his designee of any complaint alleging that a license holder has engaged in conduct that may form the basis for the revocation of his license. At a minimum, such procedures for investigations contained in such regulations shall require (a) the division superintendent to petition for the revocation of the license upon completing such investigation and finding that there is reasonable cause to believe that the license holder has engaged in conduct that forms the basis for revocation of a license; (b) the school board to proceed to a hearing on such petition for revocation within 90 days of the mailing of a copy of the petition to the license holder, unless the license holder requests the cancellation of his license in accordance with Board regulations; and (c) the school board to provide a copy of the investigative file and such petition for revocation to the Superintendent of Public Instruction at the time that the hearing is scheduled. The Board of Education shall revoke the license of any person for whom it has received a notice of dismissal or resignation pursuant to subsection F of § 22.1-313 and, in the case of a person who is the subject of a founded complaint of child abuse or neglect, after all rights to any administrative appeal provided by § 63.2-1526 have been exhausted. Regardless of the authority of any other agency of the Commonwealth to approve educational programs, only the Board of Education shall have the authority to license teachers to be regularly employed by school boards, including those teachers employed to provide nursing education.

The Board of Education shall prescribe by regulation the licensure requirements for teachers who teach only online courses, as defined in § 22.1-212.23. Such license shall be valid only for teaching online courses. Teachers who hold a 10-year renewable license issued by the Board of Education may teach online courses for which they are properly endorsed.

C. The Board of Education's regulations shall include requirements that a person seeking initial licensure:

1. Demonstrate proficiency in the relevant content area, communication, literacy, and other core skills for educators by achieving a qualifying score on professional assessments or meeting alternative evaluation standards as prescribed by the Board;

2. Complete study in attention deficit disorder;

3. Complete study in gifted education, including the use of multiple criteria to identify gifted students; and

4. Complete study in methods of improving communication between schools and families and ways of increasing family involvement in student learning at home and at school.

D. In addition, such regulations shall include requirements that:

1. Every person seeking initial licensure and persons seeking licensure renewal as teachers who have not completed such study shall complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board of Education in consultation with the Department of Social Services that are relevant to the specific teacher licensure routes;

2. Every person seeking renewal of a license shall complete all renewal requirements, including professional development in a manner prescribed by the Board, except that no person seeking renewal of a license shall be required to satisfy any such requirement by completing coursework and earning credit at an institution of higher education;

3. Every person seeking initial licensure or renewal of a license shall provide evidence of completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. The certification or training program shall (i) be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross, and (ii) include hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. The Board shall provide a waiver for this requirement for any person with a disability whose disability prohibits such person from completing the certification or training;

4. Every person seeking licensure with an endorsement as a teacher of the blind and visually impaired shall demonstrate proficiency in reading and writing Braille;

5. Every teacher seeking an initial license in the Commonwealth with an endorsement in the area of career and technical education shall have an industry certification credential in the area in which the teacher seeks endorsement. If a teacher seeking an initial license in the Commonwealth has not attained an industry certification credential in the area in which the teacher seeks endorsement, the Board may, upon request of the employing school division or educational agency, issue the teacher a provisional license to allow time for the teacher to attain such credential;

6. Every person seeking initial licensure or renewal of a license shall complete awareness training, provided by the Department of Education, on the indicators of dyslexia, as that term is defined by the Board pursuant to regulations, and the evidence-based interventions and accommodations for dyslexia;

7. Every person seeking initial licensure or renewal of a license with an endorsement as a school counselor shall complete training in the recognition of mental health disorder and behavioral distress, including depression, trauma, violence, youth suicide, and substance abuse;

8. Every person seeking initial licensure as a teacher who has not received the instruction described in subsection D of § 23.1-902 shall receive instruction or training on positive behavior interventions and supports; crisis prevention and de-escalation; the use of physical restraint and seclusion, consistent with regulations of the Board of Education; and appropriate alternative methods to reduce and prevent the need for the use of physical restraint and seclusion;

9. Every person seeking initial licensure or renewal of a license shall complete instruction or training in cultural competency;

10. Every person seeking initial licensure or renewal of a license with an endorsement in history and social sciences shall complete instruction in African American history, as prescribed by the Board; and

11. Every person seeking renewal of a license as a teacher shall complete training in the instruction of students with disabilities that includes (i) differentiating instruction for students depending on their needs; (ii) understanding the role of general education teachers on the individualized education program team; (iii) implementing effective models of collaborative instruction, including co-teaching; and (iv) understanding the goals and benefits of inclusive education for all students.

E. No teacher who seeks a provisional license shall be required to meet any requirement set forth in subdivision D 1, 3, 6, or 8 as a condition of such licensure, but each such teacher shall complete each such requirement during the first year of provisional licensure.

F. The Board shall issue a license to an individual seeking initial licensure who has not completed professional assessments as prescribed by the Board, if such individual (i) holds a provisional license that will expire within three months or, at the discretion of the school board and division superintendent, within six months if the individual has received a satisfactory mid-year performance review in the current school year; (ii) is employed by a school board; (iii) is recommended for licensure by the division superintendent; (iv) has attempted, unsuccessfully, to obtain a qualifying score on the professional assessments as prescribed by the Board; (v) has received an evaluation rating of proficient or above on the performance standards for each year of the provisional license, and such evaluation was conducted in a manner consistent with the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents; and (vi) meets all other requirements for initial licensure.

G. Each local school board or division superintendent may waive for any individual whom it seeks to employ as a career and technical education teacher and who is also seeking initial licensure or renewal of a license with an endorsement in the area of career and technical education any applicable requirement set forth in subsection C or subdivision D 2, 4, or 6.

H. The Board's regulations shall require that initial licensure for principals and assistant principals be contingent upon passage of an assessment as prescribed by the Board.

I. The Board shall establish criteria in its regulations to effectuate the substitution of experiential learning for coursework for those persons seeking initial licensure through an alternate route as defined in Board regulations. Such alternate routes shall include eligibility for any individual to receive, notwithstanding any provision of law to the contrary, a renewable one-year license to teach in public high schools in the Commonwealth if he has:

1. Received a graduate degree from a regionally accredited institution of higher education;

2. Completed at least 30 credit hours of teaching experience as an instructor at a regionally accredited institution of higher education;

3. Received qualifying scores on the professional teacher's assessments prescribed by the Board, including the communication and literacy assessment and the content-area assessment for the endorsement sought; and

4. Met the requirements set forth in subdivisions D 1 and 3.

J. Notwithstanding any provision of law to the contrary, the Board (i) may provide for the issuance of a provisional license, valid for a period not to exceed three years, pursuant to subdivision D 5 or to any person who does not meet the requirements of this section or any other requirement for licensure imposed by law and (ii) shall provide for the issuance of a provisional license, valid for a period not to exceed three years, to any former member of the Armed Forces of the United States or the Virginia National Guard who has received an honorable discharge and has the appropriate level of experience or training but does not meet the requirements for a renewable license.

K. The Board's licensure regulations shall also provide for licensure by reciprocity:

1. With comparable endorsement areas for those individuals holding a valid out-of-state teaching license and national certification from the National Board for Professional Teaching Standards or a nationally recognized certification program approved by the Board of Education. The application for such individuals shall require evidence of such valid licensure and national certification and shall not require official student transcripts;

2. For any spouse of an active duty or reserve member of the Armed Forces of the United States or ~~the Commonwealth~~ *a member of the Virginia National Guard* who has obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. Each such individual shall establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts *and an official copy of the military permanent assignment orders of the individual's spouse*. No service requirements or licensing assessments shall be required for any such individual. *The Department shall determine and communicate such individual's eligibility for licensure by reciprocity within 15 business days of receipt of the complete application packet;* and

3. For individuals who have obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. Each such individual shall establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. No service requirements or licensing assessments shall be required for any such individual.

L. The Board shall include in its regulations an alternate route to licensure for elementary education preK-6 and an alternate route to licensure for special education general curriculum K-12. Each such alternate route to licensure shall require individuals to (i) meet the qualifying scores on the content area assessment prescribed by the Board for the endorsements sought and (ii) complete an alternative certification program that provides training in the pedagogy and methodology of the respective content or special education areas prescribed by the Board. The curriculum of any such alternative certification program shall be approved by the Board. Nothing in this subsection shall preclude the Board from establishing other alternate routes to licensure.

M. The Board, in its regulations providing for licensure by reciprocity established pursuant to subsection K, shall (i) permit applicants to submit third-party employment verification forms and (ii) grant special consideration to individuals who have successfully completed a program offered by a provider that is accredited by the Council for the Accreditation of Educator Preparation.

N. The Board shall develop guidelines that establish a process to permit a school board or any organization sponsored by a school board to petition the Board for approval of an alternate route to licensure that may be used to meet the requirements for a provisional or renewable license or any endorsement. Any such alternate route may include alternatives to the regulatory requirements for teacher preparation, including alternative professional assessments and coursework. The petitioner may proffer or the Board may impose conditions in conjunction with the approval of such petition.

CHAPTER 546

An Act to amend and reenact § 22.1-298.1 of the Code of Virginia, relating to applications for teacher licensure by reciprocity; military spouses; timeline for determination.

[H 230]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-298.1 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-298.1. Regulations governing licensure.

A. As used in this section:

"Alternate route to licensure" means a nontraditional route to teacher licensure available to individuals who meet the criteria specified in the guidelines developed pursuant to subsection N or regulations issued by the Board of Education.

"Industry certification credential" means an active career and technical education credential that is earned by successfully completing a Board of Education-approved industry certification examination, being issued a professional license in the Commonwealth, or successfully completing an occupational competency examination.

"Licensure by reciprocity" means a process used to issue a license to an individual coming into the Commonwealth from another state when that individual meets certain conditions specified in the Board of Education's regulations.

"Professional teacher's assessment" means those tests mandated for licensure as prescribed by the Board of Education.

"Provisional license" means a nonrenewable license issued by the Board of Education for a specified period of time, not to exceed three years, to an individual who may be employed by a school division in the Commonwealth and who generally meets the requirements specified in the Board of Education's regulations for licensure, but who may need to take additional coursework, pass additional assessments, or meet alternative evaluation standards to be fully licensed with a renewable license.

"Renewable license" means a license issued by the Board of Education for 10 years to an individual who meets the requirements specified in the Board of Education's regulations.

B. The Board of Education shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license. Such regulations shall include procedures for (i) the denial, suspension, cancellation, revocation, and reinstatement of licensure; (ii) written reprimand of license holders on grounds established by the Board, in accordance with law, notice of which shall be made by the Superintendent of Public Instruction to division superintendents or their designated representatives; and (iii) the immediate and thorough investigation by the division superintendent or his designee of any complaint alleging that a license holder has engaged in conduct that may form the basis for the revocation of his license. At a minimum, such procedures for investigations contained in such regulations shall require (a) the division superintendent to petition for the revocation of the license upon completing such investigation and finding that there is reasonable cause to believe that the license holder has engaged in conduct that forms the basis for revocation of a license; (b) the school board to proceed to a hearing on such petition for revocation within 90 days of the mailing of a copy of the petition to the license holder, unless the license holder requests the cancellation of his license in accordance with Board regulations; and (c) the school board to provide a copy of the investigative file and such petition for revocation to the Superintendent of Public Instruction at the time that the hearing is scheduled. The Board of Education shall revoke the license of any person for whom it has received a notice of dismissal or resignation pursuant to subsection F of § 22.1-313 and, in the case of a person who is the subject of a founded complaint of child abuse or neglect, after all rights to any administrative appeal provided by § 63.2-1526 have been exhausted. Regardless of the authority of any other agency of the Commonwealth to approve educational programs, only the Board of Education shall have the authority to license teachers to be regularly employed by school boards, including those teachers employed to provide nursing education.

The Board of Education shall prescribe by regulation the licensure requirements for teachers who teach only online courses, as defined in § 22.1-212.23. Such license shall be valid only for teaching online courses. Teachers who hold a 10-year renewable license issued by the Board of Education may teach online courses for which they are properly endorsed.

C. The Board of Education's regulations shall include requirements that a person seeking initial licensure:

1. Demonstrate proficiency in the relevant content area, communication, literacy, and other core skills for educators by achieving a qualifying score on professional assessments or meeting alternative evaluation standards as prescribed by the Board;

2. Complete study in attention deficit disorder;

3. Complete study in gifted education, including the use of multiple criteria to identify gifted students; and

4. Complete study in methods of improving communication between schools and families and ways of increasing family involvement in student learning at home and at school.

D. In addition, such regulations shall include requirements that:

1. Every person seeking initial licensure and persons seeking licensure renewal as teachers who have not completed such study shall complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board of Education in consultation with the Department of Social Services that are relevant to the specific teacher licensure routes;

2. Every person seeking renewal of a license shall complete all renewal requirements, including professional development in a manner prescribed by the Board, except that no person seeking renewal of a license shall be required to satisfy any such requirement by completing coursework and earning credit at an institution of higher education;

3. Every person seeking initial licensure or renewal of a license shall provide evidence of completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. The certification or training program shall (i) be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross, and (ii) include hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. The Board shall provide a waiver for this requirement for any person with a disability whose disability prohibits such person from completing the certification or training;

4. Every person seeking licensure with an endorsement as a teacher of the blind and visually impaired shall demonstrate proficiency in reading and writing Braille;

5. Every teacher seeking an initial license in the Commonwealth with an endorsement in the area of career and technical education shall have an industry certification credential in the area in which the teacher seeks endorsement. If a teacher seeking an initial license in the Commonwealth has not attained an industry certification credential in the area in which the teacher seeks endorsement, the Board may, upon request of the employing school division or educational agency, issue the teacher a provisional license to allow time for the teacher to attain such credential;

6. Every person seeking initial licensure or renewal of a license shall complete awareness training, provided by the Department of Education, on the indicators of dyslexia, as that term is defined by the Board pursuant to regulations, and the evidence-based interventions and accommodations for dyslexia;

7. Every person seeking initial licensure or renewal of a license with an endorsement as a school counselor shall complete training in the recognition of mental health disorder and behavioral distress, including depression, trauma, violence, youth suicide, and substance abuse;

8. Every person seeking initial licensure as a teacher who has not received the instruction described in subsection D of § 23.1-902 shall receive instruction or training on positive behavior interventions and supports; crisis prevention and de-escalation; the use of physical restraint and seclusion, consistent with regulations of the Board of Education; and appropriate alternative methods to reduce and prevent the need for the use of physical restraint and seclusion;

9. Every person seeking initial licensure or renewal of a license shall complete instruction or training in cultural competency;

10. Every person seeking initial licensure or renewal of a license with an endorsement in history and social sciences shall complete instruction in African American history, as prescribed by the Board; and

11. Every person seeking renewal of a license as a teacher shall complete training in the instruction of students with disabilities that includes (i) differentiating instruction for students depending on their needs; (ii) understanding the role of general education teachers on the individualized education program team; (iii) implementing effective models of collaborative instruction, including co-teaching; and (iv) understanding the goals and benefits of inclusive education for all students.

E. No teacher who seeks a provisional license shall be required to meet any requirement set forth in subdivision D 1, 3, 6, or 8 as a condition of such licensure, but each such teacher shall complete each such requirement during the first year of provisional licensure.

F. The Board shall issue a license to an individual seeking initial licensure who has not completed professional assessments as prescribed by the Board, if such individual (i) holds a provisional license that will expire within three months or, at the discretion of the school board and division superintendent, within six months if the individual has received a satisfactory mid-year performance review in the current school year; (ii) is employed by a school board; (iii) is recommended for licensure by the division superintendent; (iv) has attempted, unsuccessfully, to obtain a qualifying score on the professional assessments as prescribed by the Board; (v) has received an evaluation rating of proficient or above on the performance standards for each year of the provisional license, and such evaluation was conducted in a manner consistent with the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents; and (vi) meets all other requirements for initial licensure.

G. Each local school board or division superintendent may waive for any individual whom it seeks to employ as a career and technical education teacher and who is also seeking initial licensure or renewal of a license with an endorsement in the area of career and technical education any applicable requirement set forth in subsection C or subdivision D 2, 4, or 6.

H. The Board's regulations shall require that initial licensure for principals and assistant principals be contingent upon passage of an assessment as prescribed by the Board.

I. The Board shall establish criteria in its regulations to effectuate the substitution of experiential learning for coursework for those persons seeking initial licensure through an alternate route as defined in Board regulations. Such alternate routes shall include eligibility for any individual to receive, notwithstanding any provision of law to the contrary, a renewable one-year license to teach in public high schools in the Commonwealth if he has:

1. Received a graduate degree from a regionally accredited institution of higher education;

2. Completed at least 30 credit hours of teaching experience as an instructor at a regionally accredited institution of higher education;

3. Received qualifying scores on the professional teacher's assessments prescribed by the Board, including the communication and literacy assessment and the content-area assessment for the endorsement sought; and

4. Met the requirements set forth in subdivisions D 1 and 3.

J. Notwithstanding any provision of law to the contrary, the Board (i) may provide for the issuance of a provisional license, valid for a period not to exceed three years, pursuant to subdivision D 5 or to any person who does not meet the requirements of this section or any other requirement for licensure imposed by law and (ii) shall provide for the issuance of a provisional license, valid for a period not to exceed three years, to any former member of the Armed Forces of the United States or the Virginia National Guard who has received an honorable discharge and has the appropriate level of experience or training but does not meet the requirements for a renewable license.

K. The Board's licensure regulations shall also provide for licensure by reciprocity:

1. With comparable endorsement areas for those individuals holding a valid out-of-state teaching license and national certification from the National Board for Professional Teaching Standards or a nationally recognized certification program approved by the Board of Education. The application for such individuals shall require evidence of such valid licensure and national certification and shall not require official student transcripts;

2. For any spouse of an active duty or reserve member of the Armed Forces of the United States or the Commonwealth or a member of the Virginia National Guard who has obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. Each such individual shall establish a file in the Department of Education by submitting a complete application packet,

which shall include official student transcripts *and an official copy of the military permanent assignment orders of the individual's spouse*. No service requirements or licensing assessments shall be required for any such individual. *The Department shall determine and communicate such individual's eligibility for licensure by reciprocity within 15 business days of receipt of the complete application packet; and*

3. For individuals who have obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. Each such individual shall establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. No service requirements or licensing assessments shall be required for any such individual.

L. The Board shall include in its regulations an alternate route to licensure for elementary education preK-6 and an alternate route to licensure for special education general curriculum K-12. Each such alternate route to licensure shall require individuals to (i) meet the qualifying scores on the content area assessment prescribed by the Board for the endorsements sought and (ii) complete an alternative certification program that provides training in the pedagogy and methodology of the respective content or special education areas prescribed by the Board. The curriculum of any such alternative certification program shall be approved by the Board. Nothing in this subsection shall preclude the Board from establishing other alternate routes to licensure.

M. The Board, in its regulations providing for licensure by reciprocity established pursuant to subsection K, shall (i) permit applicants to submit third-party employment verification forms and (ii) grant special consideration to individuals who have successfully completed a program offered by a provider that is accredited by the Council for the Accreditation of Educator Preparation.

N. The Board shall develop guidelines that establish a process to permit a school board or any organization sponsored by a school board to petition the Board for approval of an alternate route to licensure that may be used to meet the requirements for a provisional or renewable license or any endorsement. Any such alternate route may include alternatives to the regulatory requirements for teacher preparation, including alternative professional assessments and coursework. The petitioner may proffer or the Board may impose conditions in conjunction with the approval of such petition.

CHAPTER 547

An Act to amend and reenact §§ 38.2-6600 and 38.2-6602, as they may become effective, of the Code of Virginia, relating to the Commonwealth Health Reinsurance Program; federal risk adjustment program.

[S 338]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-6600 and 38.2-6602, as they may become effective, of the Code of Virginia are amended and reenacted as follows:

§ 38.2-6600. (Contingent effective date) Definitions.

As used in this chapter, unless the context requires a different meaning:

"Affordable Care Act" means the Patient Protection and Affordable Care Act, P.L. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, P.L. 111-152, and as it may be further amended.

"Allowed amount" has the same meaning as provided in § 38.2-3438.

"Attachment point" means the amount set by the Commission for claims costs incurred by an eligible carrier for a covered person's covered benefits in a benefit year, above which the claims costs for benefits are eligible for reinsurance payments under the Program.

"Benefit year" means the calendar year for which an eligible carrier provides coverage through an individual health benefit plan.

"Coinsurance rate" means the rate set by the Commission at which the Program will reimburse an eligible carrier for claims incurred for a covered person's covered benefits in a benefit year, which claims exceed the attachment point but are below the reinsurance cap.

"Covered benefits" has the same meaning as provided in § 38.2-3438.

"Covered person" means an individual covered under individual health insurance coverage that (i) is delivered or issued for delivery in the Commonwealth and (ii) is neither a grandfathered plan, student health insurance coverage, nor transitional coverage that the federal government allows under a nonenforcement policy.

"Eligible carrier" means a carrier that (i) offers individual health insurance coverage other than a grandfathered plan, student health insurance coverage, or transitional coverage that the federal government allows under a nonenforcement policy and (ii) incurs claims costs for a covered person's covered benefits in the applicable benefit year.

"Fund" means the Commonwealth Health Reinsurance Program Special Fund established by the Commission pursuant to § 38.2-6604.

"Grandfathered plan" has the same meaning as provided in § 38.2-3438.

"Group health insurance coverage" has the same meaning as provided in § 38.2-3438.

"Individual health insurance coverage" has the same meaning as provided in § 38.2-3438.

"Net written premiums" means premiums earned on individual and group health insurance coverage, including grandfathered plans, in the Commonwealth, less return premiums and dividends paid or credited to policy or contract holders on the health benefits plan business.

"Payment parameters" means the attachment point, reinsurance cap, and coinsurance rate for the Program.

"Program" means the Commonwealth Health Reinsurance Program established pursuant to this chapter.

"Reinsurance cap" means the amount set by the Commission for claims costs incurred by an eligible carrier for a covered person's covered benefits in a benefit year, above which the claims costs for benefits are no longer eligible for reinsurance payments under the Program.

"Reinsurance payment" means an amount paid to an eligible carrier under the Program.

"State Innovation Waiver" means a waiver of one or more requirements of the Affordable Care Act authorized by § 1332 of the Affordable Care Act, 42 U.S.C. § 18052, and applicable federal regulations.

"Total amount paid by the eligible carrier for any eligible claim" means the amount paid by the eligible carrier based on the allowed amount less any deductible, coinsurance, or copayment, as of the time applicable data is submitted or made accessible under subdivision C 1 of § 38.2-6602.

§ 38.2-6602. (Contingent effective date) Commonwealth Health Reinsurance Program; established.

A. The Commission shall implement a reinsurance program, known as the Commonwealth Health Reinsurance Program. Implementation and operation of the Program is contingent upon approval of the State Innovation Waiver submitted by the Commission in accordance with § 38.2-6606. If the State Innovation Waiver and federal funding request submitted by the Commission pursuant to § 38.2-6606 are approved, the Commission shall implement and operate the Program in accordance with this section.

B. The Commission or its designee shall collect or access data from an eligible carrier as necessary to determine reinsurance payments, according to the data requirements under subdivision C 1.

1. Unless an eligible carrier is notified otherwise by the Commission, on a quarterly basis during the applicable benefit year, each eligible carrier shall report to the Commission its claims costs that exceed the attachment point for that benefit year. For each applicable benefit year, the Commission shall notify eligible carriers of reinsurance payments to be made for the applicable benefit year no later than September 30 of the year following the applicable benefit year. By November 15 of the year following the applicable benefit year, the Commission shall disburse all applicable reinsurance payments to an eligible carrier.

2. For the 2023 benefit year and each benefit year thereafter, the Commission shall establish and publish the payment parameters for the applicable benefit year by May 1 of the year immediately preceding the applicable benefit year. In setting the payment parameters under this subsection, the Commission shall consider the following factors: (i) stabilized or reduced premium rates in the individual markets; (ii) increased participation in the individual markets; (iii) improved access to health care services and their providers for enrolled individuals; (iv) mitigation of the impact high-risk individuals have on premium rates in the individual markets; (v) ~~transfers made under the federal risk adjustment program to eliminate double reimbursement for high-cost cases;~~ (vi) the availability of any federal funding available for the Program; and ~~(vii) (vi)~~ the total amount available to fund the Program.

3. If the Commission determines that all reinsurance payments for a covered person's covered benefits requested under the Program by eligible carriers for a benefit year will not be equal to the amount of funding allocated to the Program, the Commission shall determine a uniform pro rata adjustment to be applied to all such requests for reinsurance payments.

C. A carrier that meets the requirement of this subsection and subsection D shall be eligible to request reinsurance payments from the Program. An eligible carrier shall make requests for reinsurance payments in accordance with the requirements established by the Commission.

1. To receive reinsurance payments through the Program, an eligible carrier shall, by April 30 of the year following the benefit year for which reinsurance payments are requested, (i) provide the Commission with access to the data within the dedicated data environment established by the eligible carrier under the federal risk adjustment program under 42 U.S.C. § 18063 or access to other carrier-specific data if and where necessary and (ii) submit to the Commission an attestation that the carrier has complied with the dedicated data environments, data requirements, establishment and usage of masked enrollee identification numbers, and data submission deadlines.

2. An eligible carrier shall maintain documents and records sufficient to substantiate the requests for reinsurance payments made pursuant to this section for at least five years. An eligible carrier shall also make those documents and records available upon request from the Commission for purposes of verification, investigation, audit, or other review of reinsurance payment requests. The Commission may audit an eligible carrier to assess the carrier's compliance with this section. The eligible carrier shall ensure that its contractors, subcontractors, and agents cooperate with any audit under this section.

D. The Commission or its designee shall calculate each reinsurance payment based on an eligible carrier's incurred claims costs for a covered person's covered benefits in the applicable benefit year ~~net of transfers received for the same enrolled individual under the federal risk adjustment program.~~ If the net claims costs for a covered person's covered benefits in the applicable benefit year do not exceed the attachment point for the applicable benefit year, the carrier shall not be eligible for a reinsurance payment. If the claims costs exceed the attachment point for the applicable benefit year, the Commission shall calculate the reinsurance payment as the product of the coinsurance rate and the eligible carrier's claims costs up to the reinsurance cap. A carrier shall be ineligible for reinsurance payments for claims costs for a covered person's

covered benefits in the applicable benefit year that exceed the reinsurance cap. The Commission shall ensure that reinsurance payments made to eligible carriers do not exceed the total amount paid by the eligible carrier for any eligible claim. An eligible carrier may request that the Commission reconsider a decision on the carrier's request for reinsurance payments within 21 days after notice of the Commission's decision.

E. The Commission shall require each eligible carrier that participates in the Program to file with the Commission, by a date and in a form and manner specified by the Commission by rule, the care management protocols the eligible carrier will use to manage claims within the payment parameters.

CHAPTER 548

An Act to amend and reenact §§ 38.2-6600 and 38.2-6602 of the Code of Virginia, as they may become effective, relating to the Commonwealth Health Reinsurance Program; federal risk adjustment program.

[H 842]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-6600 and 38.2-6602, as they may become effective, of the Code of Virginia are amended and reenacted as follows:

§ 38.2-6600. (Contingent effective date) Definitions.

As used in this chapter, unless the context requires a different meaning:

"Affordable Care Act" means the Patient Protection and Affordable Care Act, P.L. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, P.L. 111-152, and as it may be further amended.

"Allowed amount" has the same meaning as provided in § 38.2-3438.

"Attachment point" means the amount set by the Commission for claims costs incurred by an eligible carrier for a covered person's covered benefits in a benefit year, above which the claims costs for benefits are eligible for reinsurance payments under the Program.

"Benefit year" means the calendar year for which an eligible carrier provides coverage through an individual health benefit plan.

"Coinsurance rate" means the rate set by the Commission at which the Program will reimburse an eligible carrier for claims incurred for a covered person's covered benefits in a benefit year, which claims exceed the attachment point but are below the reinsurance cap.

"Covered benefits" has the same meaning as provided in § 38.2-3438.

"Covered person" means an individual covered under individual health insurance coverage that (i) is delivered or issued for delivery in the Commonwealth and (ii) is neither a grandfathered plan, student health insurance coverage, nor transitional coverage that the federal government allows under a nonenforcement policy.

"Eligible carrier" means a carrier that (i) offers individual health insurance coverage other than a grandfathered plan, student health insurance coverage, or transitional coverage that the federal government allows under a nonenforcement policy and (ii) incurs claims costs for a covered person's covered benefits in the applicable benefit year.

"Fund" means the Commonwealth Health Reinsurance Program Special Fund established by the Commission pursuant to § 38.2-6604.

"Grandfathered plan" has the same meaning as provided in § 38.2-3438.

"Group health insurance coverage" has the same meaning as provided in § 38.2-3438.

"Individual health insurance coverage" has the same meaning as provided in § 38.2-3438.

"Net written premiums" means premiums earned on individual and group health insurance coverage, including grandfathered plans, in the Commonwealth, less return premiums and dividends paid or credited to policy or contract holders on the health benefits plan business.

"Payment parameters" means the attachment point, reinsurance cap, and coinsurance rate for the Program.

"Program" means the Commonwealth Health Reinsurance Program established pursuant to this chapter.

"Reinsurance cap" means the amount set by the Commission for claims costs incurred by an eligible carrier for a covered person's covered benefits in a benefit year, above which the claims costs for benefits are no longer eligible for reinsurance payments under the Program.

"Reinsurance payment" means an amount paid to an eligible carrier under the Program.

"State Innovation Waiver" means a waiver of one or more requirements of the Affordable Care Act authorized by § 1332 of the Affordable Care Act, 42 U.S.C. § 18052, and applicable federal regulations.

"Total amount paid by the eligible carrier for any eligible claim" means the amount paid by the eligible carrier based on the allowed amount less any deductible, coinsurance, or copayment, as of the time applicable data is submitted or made accessible under subdivision C 1 of § 38.2-6602.

§ 38.2-6602. (Contingent effective date) Commonwealth Health Reinsurance Program; established.

A. The Commission shall implement a reinsurance program, known as the Commonwealth Health Reinsurance Program. Implementation and operation of the Program is contingent upon approval of the State Innovation Waiver submitted by the Commission in accordance with § 38.2-6606. If the State Innovation Waiver and federal funding request

submitted by the Commission pursuant to § 38.2-6606 are approved, the Commission shall implement and operate the Program in accordance with this section.

B. The Commission or its designee shall collect or access data from an eligible carrier as necessary to determine reinsurance payments, according to the data requirements under subdivision C 1.

1. Unless an eligible carrier is notified otherwise by the Commission, on a quarterly basis during the applicable benefit year, each eligible carrier shall report to the Commission its claims costs that exceed the attachment point for that benefit year. For each applicable benefit year, the Commission shall notify eligible carriers of reinsurance payments to be made for the applicable benefit year no later than September 30 of the year following the applicable benefit year. By November 15 of the year following the applicable benefit year, the Commission shall disburse all applicable reinsurance payments to an eligible carrier.

2. For the 2023 benefit year and each benefit year thereafter, the Commission shall establish and publish the payment parameters for the applicable benefit year by May 1 of the year immediately preceding the applicable benefit year. In setting the payment parameters under this subsection, the Commission shall consider the following factors: (i) stabilized or reduced premium rates in the individual markets, (ii) increased participation in the individual markets, (iii) improved access to health care services and their providers for enrolled individuals, (iv) mitigation of the impact high-risk individuals have on premium rates in the individual markets, (v) ~~transfers made under the federal risk adjustment program to eliminate double reimbursement for high-cost cases;~~ (vi) the availability of any federal funding available for the Program; and ~~(vii) (vi)~~ the total amount available to fund the Program.

3. If the Commission determines that all reinsurance payments for a covered person's covered benefits requested under the Program by eligible carriers for a benefit year will not be equal to the amount of funding allocated to the Program, the Commission shall determine a uniform pro rata adjustment to be applied to all such requests for reinsurance payments.

C. A carrier that meets the requirement of this subsection and subsection D shall be eligible to request reinsurance payments from the Program. An eligible carrier shall make requests for reinsurance payments in accordance with the requirements established by the Commission.

1. To receive reinsurance payments through the Program, an eligible carrier shall, by April 30 of the year following the benefit year for which reinsurance payments are requested, (i) provide the Commission with access to the data within the dedicated data environment established by the eligible carrier under the federal risk adjustment program under 42 U.S.C. § 18063 or access to other carrier-specific data if and where necessary and (ii) submit to the Commission an attestation that the carrier has complied with the dedicated data environments, data requirements, establishment and usage of masked enrollee identification numbers, and data submission deadlines.

2. An eligible carrier shall maintain documents and records sufficient to substantiate the requests for reinsurance payments made pursuant to this section for at least five years. An eligible carrier shall also make those documents and records available upon request from the Commission for purposes of verification, investigation, audit, or other review of reinsurance payment requests. The Commission may audit an eligible carrier to assess the carrier's compliance with this section. The eligible carrier shall ensure that its contractors, subcontractors, and agents cooperate with any audit under this section.

D. The Commission or its designee shall calculate each reinsurance payment based on an eligible carrier's incurred claims costs for a covered person's covered benefits in the applicable benefit year ~~net of transfers received for the same enrolled individual under the federal risk adjustment program.~~ If the ~~net~~ claims costs for a covered person's covered benefits in the applicable benefit year do not exceed the attachment point for the applicable benefit year, the carrier shall not be eligible for a reinsurance payment. If the claims costs exceed the attachment point for the applicable benefit year, the Commission shall calculate the reinsurance payment as the product of the coinsurance rate and the eligible carrier's claims costs up to the reinsurance cap. A carrier shall be ineligible for reinsurance payments for claims costs for a covered person's covered benefits in the applicable benefit year that exceed the reinsurance cap. The Commission shall ensure that reinsurance payments made to eligible carriers do not exceed the total amount paid by the eligible carrier for any eligible claim. An eligible carrier may request that the Commission reconsider a decision on the carrier's request for reinsurance payments within 21 days after notice of the Commission's decision.

E. The Commission shall require each eligible carrier that participates in the Program to file with the Commission, by a date and in a form and manner specified by the Commission by rule, the care management protocols the eligible carrier will use to manage claims within the payment parameters.

CHAPTER 549

An Act to amend and reenact §§ 22.1-1, 22.1-253.13:1, 22.1-253.13:2, 22.1-253.13:5, 22.1-253.13:6, 22.1-298.1, and 23.1-902.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-299.7:1, relating to early student literacy; evidence-based literacy instruction; science-based reading research.

[S 616]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-1, 22.1-253.13:1, 22.1-253.13:2, 22.1-253.13:5, 22.1-253.13:6, 22.1-298.1, and 23.1-902.1 of the Code of Virginia are amended and reenacted and the Code of Virginia is amended and reenacted by adding a section numbered 22.1-299.7:1 as follows:

§ 22.1-1. Definitions.

As used in this title, unless the context requires a different meaning:

"Board" or "State Board" means the Board of Education.

"Department" means the Department of Education.

"Division superintendent" means the division superintendent of schools of a school division.

"Elementary" includes kindergarten.

"Elementary and secondary" and "elementary or secondary" include elementary, middle, and high school grades.

"Evidence-based literacy instruction" means structured instructional practices, including sequential, systematic, explicit, and cumulative teaching, that (i) are based on reliable, trustworthy, and valid evidence consistent with science-based reading research; (ii) are used in core or general instruction, supplemental instruction, intervention services, and intensive intervention services; (iii) have a demonstrated record of success in adequately increasing students' reading competency, vocabulary, oral language, and comprehension and in building mastery of the foundational reading skills of phonological and phonemic awareness, alphabetic principle, phonics, spelling, and text reading fluency; and (iv) are able to be differentiated in order to meet the individual needs of students.

"Governing body" or "local governing body" means the board of supervisors of a county, council of a city, or council of a town, responsible for appropriating funds for such locality, as the context may require.

"Middle school" means separate schools for early adolescents and the middle school grades that might be housed at elementary or high schools.

"Parent" or "parents" means any parent, guardian, legal custodian, or other person having control or charge of a child.

"Person of school age" means a person who will have reached his fifth birthday on or before September 30 of the school year and who has not reached twenty years of age on or before August 1 of the school year.

"School board" means the school board that governs a school division.

"Science-based reading research" means research that (i) applies rigorous, systematic, and objective observational or experimental procedures to obtain valid knowledge relevant to reading development, reading instruction, and reading and writing difficulties and (ii) explains how proficient reading and writing develop, why some children have difficulties developing key literacy skills, and how schools can best assess and instruct early literacy, including the use of evidence-based literacy instruction practices to promote reading and writing achievement.

"Superintendent" means the Superintendent of Public Instruction.

§ 22.1-253.13:1. Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.

A. The General Assembly and the Board of Education believe that the fundamental goal of the public schools of the Commonwealth must be to enable each student to develop the skills that are necessary for success in school, preparation for life, and reaching their full potential. The General Assembly and the Board of Education find that the quality of education is dependent upon the provision of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of high-quality instructional personnel; (ii) the appropriate learning environment designed to promote student achievement; (iii) quality instruction that enables each student to become a productive and educated citizen of Virginia and the United States of America; and (iv) the adequate commitment of other resources. In keeping with this goal, the General Assembly shall provide for the support of public education as set forth in Article VIII, Section 1 of the Constitution of Virginia.

B. The Board of Education shall establish educational objectives known as the Standards of Learning, which shall form the core of Virginia's educational program, and other educational objectives, which together are designed to ensure the development of the skills that are necessary for success in school and for preparation for life in the years beyond. At a minimum, the Board shall establish Standards of Learning for English, mathematics, science, and history and social science. The Standards of Learning shall not be construed to be regulations as defined in § 2.2-4001.

The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality foundation educational program. The Standards of Learning shall include, but not be limited to, the basic skills of communication (listening, speaking, reading, and writing); computation and critical reasoning, including problem solving and decision making; proficiency in the use of computers and related technology; computer science and computational thinking, including computer coding; and the skills to manage personal finances and to make sound financial decisions.

The English Standards of Learning for reading in kindergarten through grade three shall be based on components of effective reading instruction, to include, at a minimum, phonemic awareness, systematic phonics, fluency, vocabulary development, and text comprehension.

The Standards of Learning in all subject areas shall be subject to regular review and revision to maintain rigor and to reflect a balance between content knowledge and the application of knowledge in preparation for eventual employment and lifelong learning. The Board of Education shall establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of the Standards of Learning in all subject areas. Such review of each subject area

shall occur at least once every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such review and revision on a more frequent basis.

To provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board of Education shall conduct public hearings prior to establishing revised Standards of Learning. Thirty days prior to conducting such hearings, the Board shall give notice of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to revise the Standards of Learning in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any revisions of the Standards of Learning.

In addition, the Department of Education shall make available and maintain a website, either separately or through an existing website utilized by the Department of Education, enabling public elementary, middle, and high school educators to submit recommendations for improvements relating to the Standards of Learning, when under review by the Board according to its established schedule, and related assessments required by the Standards of Quality pursuant to this chapter. Such website shall facilitate the submission of recommendations by educators.

School boards shall implement the Standards of Learning or objectives specifically designed for their school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to achieve the educational objectives established by the school division at appropriate age or grade levels. The curriculum adopted by the local school division shall be aligned to the Standards of Learning.

The Board of Education shall include in the Standards of Learning for history and social science the study of contributions to society of diverse people. For the purposes of this subsection, "diverse" includes consideration of disability, ethnicity, race, and gender.

The Board of Education shall include in the Standards of Learning for health instruction in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Such instruction shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. No teacher who is in compliance with subdivision D 3 of § 22.1-298.1 shall be required to be certified as a trainer of cardiopulmonary resuscitation to provide instruction for non-certification.

With such funds as are made available for this purpose, the Board shall regularly review and revise the competencies for career and technical education programs to require the full integration of English, mathematics, science, and history and social science Standards of Learning. Career and technical education programs shall be aligned with industry and professional standard certifications, where they exist.

The Board shall establish content standards and curriculum guidelines for courses in career investigation in elementary school, middle school, and high school. Each school board shall (i) require each middle school student to take at least one course in career investigation or (ii) select an alternate means of delivering the career investigation course to each middle school student, provided that such alternative is equivalent in content and rigor and provides the foundation for such students to develop their academic and career plans. Any school board may require (a) such courses in career investigation at the high school level as it deems appropriate, subject to Board approval as required in subsection A of § 22.1-253.13:4, and (b) such courses in career investigation at the elementary school level as it deems appropriate. The Board shall develop and disseminate to each school board career investigation resource materials that are designed to ensure that students have the ability to further explore interest in career and technical education opportunities in middle and high school. In developing such resource materials, the Board shall consult with representatives of career and technical education, industry, skilled trade associations, chambers of commerce or similar organizations, and contractor organizations.

C. Local school boards shall develop and implement a program of instruction for grades K through 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board of Education. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts and computations, proficiency in the use of computers and related technology, computer science and computational thinking, including computer coding, and scientific concepts and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and world and United States history, economics, government, foreign languages, international cultures, health and physical education, environmental issues, and geography necessary for responsible participation in American society and in the international community; fine arts, which may include, but need not be limited to, music and art, and practical arts; knowledge and skills needed to qualify for further education, gainful employment, or training in a career or technical field; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

Local school boards shall also develop and implement programs of prevention, intervention, or remediation for students who are educationally at risk including, but not limited to, those who fail to achieve a passing score on any Standards of Learning assessment in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs shall include components that are research-based.

Any student who achieves a passing score on one or more, but not all, of the Standards of Learning assessments for the relevant grade level in grades three through eight may be required to attend a remediation program.

Any student who fails to achieve a passing score on all of the Standards of Learning assessments for the relevant grade level in grades three through eight or who fails an end-of-course test required for the award of a verified unit of credit shall

be required to attend a remediation program or to participate in another form of remediation. Division superintendents shall require such students to take special programs of prevention, intervention, or remediation, which may include attendance in public summer school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

Remediation programs shall include, when applicable, a procedure for early identification of students who are at risk of failing the Standards of Learning assessments in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs may also include summer school for all elementary and middle school grades and for all high school academic courses, as defined by regulations promulgated by the Board of Education, or other forms of remediation. Summer school remediation programs or other forms of remediation shall be chosen by the division superintendent to be appropriate to the academic needs of the student. Students who are required to attend such summer school programs or to participate in another form of remediation shall not be charged tuition by the school division.

The requirement for remediation may, however, be satisfied by the student's attendance in a program of prevention, intervention or remediation that has been selected by his parent, in consultation with the division superintendent or his designee, and is either (i) conducted by an accredited private school or (ii) a special program that has been determined to be comparable to the required public school remediation program by the division superintendent. The costs of such private school remediation program or other special remediation program shall be borne by the student's parent.

The Board of Education shall establish standards for full funding of summer remedial programs that shall include, but not be limited to, the minimum number of instructional hours or the equivalent thereof required for full funding and an assessment system designed to evaluate program effectiveness. Based on the number of students attending and the Commonwealth's share of the per pupil instructional costs, state funds shall be provided for the full cost of summer and other remediation programs as set forth in the appropriation act, provided such programs comply with such standards as shall be established by the Board, pursuant to § 22.1-199.2.

D. Local school boards shall also implement the following:

1. Programs in grades K through three that emphasize developmentally appropriate learning to enhance success.
2. Programs based on prevention, intervention, or remediation designed to increase the number of students who earn a high school diploma and to prevent students from dropping out of school. Such programs shall include components that are research-based.
3. Career and technical education programs incorporated into the K through 12 curricula that include:
 - a. Knowledge of careers and all types of employment opportunities, including, but not limited to, apprenticeships, entrepreneurship and small business ownership, the military, and the teaching profession, and emphasize the advantages of completing school with marketable skills;
 - b. Career exploration opportunities in the middle school grades;
 - c. Competency-based career and technical education programs that integrate academic outcomes, career guidance, and job-seeking skills for all secondary students. Programs shall be based upon labor market needs and student interest. Career guidance shall include counseling about available employment opportunities and placement services for students exiting school. Each school board shall develop and implement a plan to ensure compliance with the provisions of this subdivision. Such plan shall be developed with the input of area business and industry representatives and local comprehensive community colleges and shall be submitted to the Superintendent of Public Instruction in accordance with the timelines established by federal law;
 - d. Annual notice on its website to enrolled high school students and their parents of (i) the availability of the postsecondary education and employment data published by the State Council of Higher Education on its website pursuant to § 23.1-204.1 and (ii) the opportunity for such students to obtain a nationally recognized career readiness certificate at a local public high school, comprehensive community college, or workforce center; and
 - e. As part of each student's academic and career plan, a list of (i) the top 100 professions in the Commonwealth by median pay and the education, training, and skills required for each such profession and (ii) the top 10 degree programs at institutions of higher education in the Commonwealth by median pay of program graduates. The Department of Education shall annually compile such lists and provide them to each local school board.
4. Educational objectives in middle and high school that emphasize economic education and financial literacy pursuant to § 22.1-200.03.
5. Early identification of students with disabilities and enrollment of such students in appropriate instructional programs consistent with state and federal law.
6. Early identification of gifted students and enrollment of such students in appropriately differentiated instructional programs.
7. Educational alternatives for students whose needs are not met in programs prescribed elsewhere in these standards. Such students shall be counted in average daily membership (ADM) in accordance with the regulations of the Board of Education.
8. Adult education programs for individuals functioning below the high school completion level. Such programs may be conducted by the school board as the primary agency or through a collaborative arrangement between the school board and other agencies.
9. A plan to make achievements for students who are educationally at risk a divisionwide priority that shall include procedures for measuring the progress of such students.

10. An agreement for postsecondary degree attainment with a comprehensive community college in the Commonwealth specifying the options for students to complete an associate degree or a one-year Uniform Certificate of General Studies from a comprehensive community college concurrent with a high school diploma. Such agreement shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher.

11. A plan to notify students and their parents of the availability of dual enrollment and advanced placement classes; career and technical education programs, including internships, externships, apprenticeships, credentialing programs, certification programs, licensure programs, and other work-based learning experiences; the International Baccalaureate Program and Academic Year Governor's School Programs; the qualifications for enrolling in such classes, programs, and experiences; and the availability of financial assistance to low-income and needy students to take the advanced placement and International Baccalaureate examinations. This plan shall include notification to students and parents of the agreement with a comprehensive community college in the Commonwealth to enable students to complete an associate degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma.

12. Identification of students with limited English proficiency and enrollment of such students in appropriate instructional programs, which programs may include dual language programs whereby such students receive instruction in English and in a second language.

13. Early identification, diagnosis, and assistance for students with reading and mathematics problems and provision of instructional strategies and reading and mathematics practices that benefit the development of reading and mathematics skills for all students.

~~Local school divisions shall provide reading intervention services to students in kindergarten through grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading test or any reading diagnostic test that meets criteria established by the Department of Education. Local school divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Such reading intervention services shall be evidence-based, including services that are grounded in the science of reading, and include (i) the components of effective reading instruction and (ii) explicit, systematic, sequential, and cumulative instruction; to include phonemic awareness, systematic phonics, fluency, vocabulary development, and text comprehension as appropriate based on the student's demonstrated reading deficiencies. The parent of each student who receives such reading intervention services shall be notified before the services begin in accordance with the provisions of § 22-1-215.2, and the progress of each such student shall be monitored throughout the provision of services. Each student who receives such reading intervention services shall be assessed again at the end of that school year. The local school division, in its discretion, shall provide such reading intervention services prior to promoting a student from grade three to grade four. Such reading intervention services may be administered through the use of reading specialists; trained aides; trained volunteers under the supervision of a certified teacher; computer-based reading tutorial programs; aides to instruct in-class groups while the teacher provides direct instruction to the students who need extra assistance; and extended instructional time in the school day or school year for these students. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or early intervention reading may be used to meet the requirements of this subdivision.~~

Local school divisions shall provide algebra readiness intervention services to students in grades six through nine who are at risk of failing the Algebra I end-of-course test, as demonstrated by their individual performance on any diagnostic test that has been approved by the Department of Education. Local school divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student who receives algebra readiness intervention services will be assessed again at the end of that school year. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or algebra readiness intervention services may be used to meet the requirements of this subdivision.

~~As used in this subdivision:~~

~~"Science of reading" means the study of the relationship between cognitive science and educational outcomes.~~

14. Incorporation of art, music, and physical education as a part of the instructional program at the elementary school level.

15. A program of physical activity available to all students in grades kindergarten through five consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school year and available to all students in grades six through 12 with a goal of at least 150 minutes per week on average during the regular school year. Such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, (iii) recess, or (iv) other programs and physical activities deemed appropriate by the local school board. Each local school board shall implement such program during the regular school year.

16. A program of student services for kindergarten through grade 12 that shall be designed to aid students in their educational, social, and career development.

17. The collection and analysis of data and the use of the results to evaluate and make decisions about the instructional program.

18. A program of instruction in the high school Virginia and U.S. Government course on all information and concepts contained in the civics portion of the U.S. Naturalization Test.

E. From such funds as may be appropriated or otherwise received for such purpose, there shall be established within the Department of Education a unit to (i) conduct evaluative studies; (ii) provide the resources and technical assistance to increase the capacity for school divisions to deliver quality instruction; and (iii) assist school divisions in implementing those programs and practices that will enhance pupil academic performance and improve family and community involvement in the public schools. Such unit shall identify and analyze effective instructional programs and practices and professional development initiatives; evaluate the success of programs encouraging parental and family involvement; assess changes in student outcomes prompted by family involvement; and collect and disseminate among school divisions information regarding effective instructional programs and practices, initiatives promoting family and community involvement, and potential funding and support sources. Such unit may also provide resources supporting professional development for administrators and teachers. In providing such information, resources, and other services to school divisions, the unit shall give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of Learning assessments.

F. Each local school board may enter into agreements for postsecondary course credit, credential, certification, or license attainment, hereinafter referred to as College and Career Access Pathways Partnerships (Partnerships), with comprehensive community colleges or other public institutions of higher education or educational institutions established pursuant to Title 23.1 that offer a career and technical education curriculum. Such Partnerships shall (i) specify the options for students to take courses as part of the career and technical education curriculum that lead to course credit or an industry-recognized credential, certification, or license concurrent with a high school diploma; (ii) specify the credit, credentials, certifications, or licenses available for such courses; and (iii) specify available options for students to participate in pre-apprenticeship and apprenticeship programs at comprehensive community colleges concurrent with the pursuit of a high school diploma and receive college credit and high school credit for successful completion of any such program.

G. *Each local school board shall provide a program of literacy instruction that is aligned with science-based reading research and provides evidenced-based literacy instruction to students in kindergarten through grade three and is consistent with the school board's literacy plan as required by subsection B of § 22.1-253.13:6. Pursuant to such program:*

1. *Each local school board shall provide reading intervention services to students in kindergarten through grade three who demonstrate substantial deficiencies based on their individual performance on the Standards of Learning reading assessment or an early literacy screener provided or approved by the Department. Such reading intervention services shall consist of evidence-based literacy instruction, align with science-based reading research, and be documented for each student in a written student reading plan, consistent with the requirements in subdivision 2 and the list developed by the Department pursuant to subdivision H 2.*

2. *A reading specialist, in collaboration with the teacher of any student who receives reading intervention services pursuant to subdivision 1, shall develop, oversee implementation of, and monitor student progress on a student reading plan. The parent of each student who receives reading intervention services pursuant to subdivision 1 shall receive notice of and have the opportunity to participate in the development of the student reading plan. Each student reading plan (i) shall follow the Department template created pursuant to subdivision H 3; (ii) shall document such reading intervention services; (iii) shall include, at a minimum, (a) the student's specific, diagnosed reading skill deficiencies as determined or identified by diagnostic assessment data or the early literacy screener provided or approved by the Department; (b) the goals and benchmarks for student growth in reading; (c) a description of the specific measures that will be used to evaluate and monitor the student's reading progress; (d) the specific evidence-based literacy instruction that the student will receive; (e) the strategies, resources, and materials that will be provided to the student's parent to support the student to make reading progress; and (f) any additional services the teacher deems available and appropriate to accelerate the student's reading skill development; and (iv) may include the following services for the student: instruction from a reading specialist, trained aide, computer-based reading tutorial program, or classroom teacher with support from an aide or extended instructional time in the school day or school year. In accordance with § 22.1-215.2, the parent of each student shall receive notice before services begin and a copy of the student reading plan.*

3. *Each student who receives such reading intervention services shall be assessed utilizing either the early literacy screener provided or approved by the Department or the grade-level reading Standards of Learning assessment again at the end of that school year.*

4. *The local school board shall provide such reading intervention services prior to promoting a student from grade three to grade four.*

5. *Funds appropriated for prevention, intervention, and remediation, summer school remediation, the at-risk add-on, or early intervention reading may be used to meet the requirements of this subsection.*

H. *In order to assist local school boards to implement the provisions of subsection G:*

1. *The Board shall provide guidance on the content of student reading plans;*

2. *The Department shall develop a list of core literacy curricula, supplemental instruction practices and programs, and intervention programs that consist of evidence-based literacy instruction aligned with science-based reading research. The list shall be approved by the Board;*

3. *The Department shall develop a template for student reading plans that aligns with the requirements of subsection G;*

4. *The Department shall develop and implement a plan for the annual collection and public reporting of division-level and school-level literacy data, at a time to be determined by the Superintendent, to include results on the early literacy screener provided or approved by the Department and the reading Standards of Learning assessments; and*

5. *The Department shall provide free online evidence-based literacy instruction resources that can be accessed by parents and local school boards to support student literacy development at home.*

§ 22.1-253.13:2. Standard 2. Instructional, administrative, and support personnel.

A. The Board shall establish requirements for the licensing of teachers, principals, superintendents, and other professional personnel.

B. School boards shall employ licensed instructional personnel qualified in the relevant subject areas.

C. Each school board shall assign licensed instructional personnel in a manner that produces divisionwide ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, school counselors, and librarians, that are not greater than the following ratios: (i) 24 to one in kindergarten with no class being larger than 29 students; if the average daily membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall be assigned to the class; (ii) 24 to one in grades one, two, and three with no class being larger than 30 students; (iii) 25 to one in grades four through six with no class being larger than 35 students; and (iv) 24 to one in English classes in grades six through 12. After September 30 of any school year, anytime the number of students in a class exceeds the class size limit established by this subsection, the local school division shall notify the parent of each student in such class of such fact no later than 10 days after the date on which the class exceeded the class size limit. Such notification shall state the reason that the class size exceeds the class size limit and describe the measures that the local school division will take to reduce the class size to comply with this subsection.

Within its regulations governing special education programs, the Board shall seek to set pupil/teacher ratios for pupils with intellectual disability that do not exceed the pupil/teacher ratios for self-contained classes for pupils with specific learning disabilities.

Further, school boards shall assign instructional personnel in a manner that produces schoolwide ratios of students in average daily memberships to full-time equivalent teaching positions of 21 to one in middle schools and high schools. School divisions shall provide all middle and high school teachers with one planning period per day or the equivalent, unencumbered of any teaching or supervisory duties.

D. (Effective until July 1, 2022) Each local school board shall employ with state and local basic, special education, gifted, and career and technical education funds a minimum number of licensed, full-time equivalent instructional personnel for each 1,000 students in average daily membership (ADM) as set forth in the appropriation act. Calculations of kindergarten positions shall be based on full-day kindergarten programs. Beginning with the March 31 report of average daily membership, those school divisions offering half-day kindergarten with pupil/teacher ratios that exceed 30 to one shall adjust their average daily membership for kindergarten to reflect 85 percent of the total kindergarten average daily memberships, as provided in the appropriation act.

D. (Effective July 1, 2022) Each local school board shall employ with state and local basic, special education, gifted, and career and technical education funds a minimum number of licensed, full-time equivalent instructional personnel for each 1,000 students in average daily membership (ADM) as set forth in the appropriation act.

E. In addition to the positions supported by basic aid and in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be provided to fund certain full-time equivalent instructional positions for each 1,000 students in grades K through 12 who are identified as needing prevention, intervention, and remediation services. State funding for prevention, intervention, and remediation programs provided pursuant to this subsection and the appropriation act may be used to support programs for educationally at-risk students as identified by the local school boards.

To provide algebra readiness intervention services required by § 22.1-253.13:1, school divisions may employ mathematics teacher specialists to provide the required algebra readiness intervention services. School divisions using the Standards of Learning Algebra Readiness Initiative funding in this manner shall only employ instructional personnel licensed by the Board of Education.

F. In addition to the positions supported by basic aid and those in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the general appropriation act, shall be provided to support (i) 18.5 full-time equivalent instructional positions in the 2020-2021 school year for each 1,000 students identified as having limited English proficiency and (ii) 20 full-time equivalent instructional positions in the 2021-2022 school year and thereafter for each 1,000 students identified as having limited English proficiency, which positions may include dual language teachers who provide instruction in English and in a second language.

To provide flexibility in the instruction of English language learners who have limited English proficiency and who are at risk of not meeting state accountability standards, school divisions may use state and local funds from the Standards of Quality Prevention, Intervention, and Remediation account to employ additional English language learner teachers or dual language teachers to provide instruction to identified limited English proficiency students. Using these funds in this manner is intended to supplement the instructional services provided in this section. School divisions using the SOQ Prevention, Intervention, and Remediation funds in this manner shall employ only instructional personnel licensed by the Board of Education.

G. In addition to the full-time equivalent positions required elsewhere in this section, each local school board shall employ ~~the following one reading specialists in elementary schools, one full-time in each elementary school at the discretion of the local school board. One reading specialist employed by each local school board that employs a specialist for each 550 students in kindergarten through grade three. Each such reading specialist shall have training in science-based~~

reading research and evidence-based literacy instruction practices. In addition, each such reading specialist shall have training in the identification of and the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder and shall serve as an advisor on dyslexia and related disorders. Such reading specialist shall have an understanding of the definition of dyslexia and a working knowledge of (i) techniques to help a student on the continuum of skills with dyslexia; (ii) dyslexia characteristics that may manifest at different ages and grade levels; (iii) the basic foundation of the keys to reading, including multisensory, explicit, systemic, and structured reading instruction; and (iv) appropriate interventions, accommodations, and assistive technology supports for students with dyslexia.

To provide reading intervention services required by § 22.1-253.13:1, school divisions may employ reading specialists to provide the required reading intervention services. School divisions using the Early Reading Intervention Initiative funds in this manner shall employ only instructional personnel licensed by the Board of Education.

H. Each local school board shall employ, at a minimum, the following full-time equivalent positions for any school that reports fall membership, according to the type of school and student enrollment:

1. Principals in elementary schools, one half-time to 299 students, one full-time at 300 students; principals in middle schools, one full-time, to be employed on a 12-month basis; principals in high schools, one full-time, to be employed on a 12-month basis;

2. Assistant principals in elementary schools, one half-time at 600 students, one full-time at 900 students; assistant principals in middle schools, one full-time for each 600 students; assistant principals in high schools, one full-time for each 600 students; and school divisions that employ a sufficient number of assistant principals to meet this staffing requirement may assign assistant principals to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary;

3. Librarians in elementary schools, one part-time to 299 students, one full-time at 300 students; librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time at 1,000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students, two full-time at 1,000 students. Local school divisions that employ a sufficient number of librarians to meet this staffing requirement may assign librarians to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary; and

4. School counselors:

a. Effective with the 2020-2021 school year, in elementary schools, one hour per day per 75 students, one full-time at 375 students, one hour per day additional time per 75 students or major fraction thereof; in middle schools, one period per 65 students, one full-time at 325 students, one additional period per 65 students or major fraction thereof; in high schools, one period per 60 students, one full-time at 300 students, one additional period per 60 students or major fraction thereof.

b. Effective with the 2021-2022 school year, local school boards shall employ one full-time equivalent school counselor position per 325 students in grades kindergarten through 12.

c. Local school divisions that employ a sufficient number of school counselors to meet the school counselor staffing requirements set forth in this subdivision may assign school counselors to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or high schools.

I. Local school boards shall employ five full-time equivalent positions per 1,000 students in grades kindergarten through five to serve as elementary resource teachers in art, music, and physical education.

J. Local school boards shall employ two full-time equivalent positions per 1,000 students in grades kindergarten through 12, one to provide technology support and one to serve as an instructional technology resource teacher.

To provide flexibility, school divisions may use the state and local funds for instructional technology resource teachers to employ a data coordinator position, an instructional technology resource teacher position, or a data coordinator/instructional resource teacher blended position. The data coordinator position is intended to serve as a resource to principals and classroom teachers in the area of data analysis and interpretation for instructional and school improvement purposes, as well as for overall data management and administration of state assessments. School divisions using these funds in this manner shall employ only instructional personnel licensed by the Board of Education.

K. Local school boards may employ additional positions that exceed these minimal staffing requirements. These additional positions may include, but are not limited to, those funded through the state's incentive and categorical programs as set forth in the appropriation act.

L. A combined school, such as kindergarten through 12, shall meet at all grade levels the staffing requirements for the highest grade level in that school; this requirement shall apply to all staff, except for school counselors, and shall be based on the school's total enrollment; school counselor staff requirements shall, however, be based on the enrollment at the various school organization levels, i.e., elementary, middle, or high school. The Board of Education may grant waivers from these staffing levels upon request from local school boards seeking to implement experimental or innovative programs that are not consistent with these staffing levels.

M. School boards shall, however, annually, on or before December 31, report to the public (i) the actual pupil/teacher ratios in elementary school classrooms in the local school division by school for the current school year; and (ii) the actual pupil/teacher ratios in middle school and high school in the local school division by school for the current school year. Actual pupil/teacher ratios shall include only the teachers who teach the grade and class on a full-time basis and shall exclude resource personnel. School boards shall report pupil/teacher ratios that include resource teachers in the same annual report. Any classes funded through the voluntary kindergarten through third grade class size reduction program shall be identified as such classes. Any classes having waivers to exceed the requirements of this subsection shall also be identified.

Schools shall be identified; however, the data shall be compiled in a manner to ensure the confidentiality of all teacher and pupil identities.

N. Students enrolled in a public school on a less than full-time basis shall be counted in ADM in the relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time basis in any mathematics, science, English, history, social science, career and technical education, fine arts, foreign language, or health education or physical education course shall be counted in the ADM in the relevant school division on a pro rata basis as provided in the appropriation act. Each such course enrollment by such students shall be counted as 0.25 in the ADM; however, no such nonpublic or home school student shall be counted as more than one-half a student for purposes of such pro rata calculation. Such calculation shall not include enrollments of such students in any other public school courses.

O. Each school board shall provide at least three specialized student support positions per 1,000 students. For purposes of this subsection, specialized student support positions include school social workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior analysts, and other licensed health and behavioral positions, which may either be employed by the school board or provided through contracted services.

P. Each local school board shall provide those support services that are necessary for the efficient and cost-effective operation and maintenance of its public schools.

For the purposes of this title, unless the context otherwise requires, "support services positions" shall include the following:

1. Executive policy and leadership positions, including school board members, superintendents and assistant superintendents;

2. Fiscal and human resources positions, including fiscal and audit operations;

3. Student support positions, including (i) social work administrative positions not included in subsection O; (ii) school counselor administrative positions not included in subdivision H 4; (iii) homebound administrative positions supporting instruction; (iv) attendance support positions related to truancy and dropout prevention; and (v) health and behavioral administrative positions not included in subsection O;

4. Instructional personnel support, including professional development positions and library and media positions not included in subdivision H 3;

5. Technology professional positions not included in subsection J;

6. Operation and maintenance positions, including facilities; pupil transportation positions; operation and maintenance professional and service positions; and security service, trade, and laborer positions;

7. Technical and clerical positions for fiscal and human resources, student support, instructional personnel support, operation and maintenance, administration, and technology; and

8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time at 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in high schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students. Local school divisions that employ a sufficient number of school-based clerical personnel to meet this staffing requirement may assign the clerical personnel to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary.

Pursuant to the appropriation act, support services shall be funded from basic school aid.

School divisions may use the state and local funds for support services to provide additional instructional services.

Q. Notwithstanding the provisions of this section, when determining the assignment of instructional and other licensed personnel in subsections C through J, a local school board shall not be required to include full-time students of approved virtual school programs.

§ 22.1-253.13:5. Standard 5. Quality of classroom instruction and educational leadership.

A. Each member of the Board of Education shall participate in high-quality professional development programs on personnel, curriculum and current issues in education as part of his service on the Board.

B. Consistent with the finding that leadership is essential for the advancement of public education in the Commonwealth, teacher, principal, and superintendent evaluations shall be consistent with the performance standards included in the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents. Evaluations shall include student academic progress as a significant component and an overall summative rating. Teacher evaluations shall include regular observation and evidence that instruction is aligned with the school's curriculum. Evaluations shall include identification of areas of individual strengths and weaknesses and recommendations for appropriate professional activities. Evaluations shall include an evaluation of cultural competency.

C. The Board of Education shall provide guidance on high-quality professional development for (i) teachers, principals, supervisors, division superintendents, and other school staff; (ii) principals, supervisors, and division superintendents in the evaluation and documentation of teacher and principal performance based on student academic progress and the skills and knowledge of such instructional or administrative personnel; (iii) school board members on personnel, curriculum and current issues in education; ~~and (iv) programs in Braille for teachers of the blind and visually impaired, in cooperation with the Virginia Department for the Blind and Vision Impaired, in Braille; and (v) any individual with an endorsement in early/primary education preschool through grade three, elementary education preschool through~~

grade six, special education general curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through grade 12, or special education blindness/visual impairments preschool through grade 12 or as a reading specialist in science-based reading research and evidence-based literacy instruction.

The Board shall also provide technical assistance on high-quality professional development to local school boards designed to ensure that all instructional personnel are proficient in the use of educational technology consistent with its comprehensive plan for educational technology.

The Department shall provide technical assistance, including literacy coaching, to local school divisions to provide professional development in science-based reading research and evidence-based literacy instruction. The Department shall also create a list of professional development programs aligned with science-based reading research and evidence-based literacy instruction that includes programs that provide training in dyslexia for reading specialists as required by subsection G of § 22.1-253.13:2. The list shall be approved by the Board. The Department shall provide resources to local school divisions to ensure that each division is able to provide professional development to teachers and reading specialists listed in subdivision E 2 of § 22.1-253.13:5 in one of the programs enumerated in the list approved by the Board pursuant to this subdivision and that such professional development is provided at no cost to the teachers and reading specialists.

D. Each local school board shall require (i) its members to participate annually in high-quality professional development activities at the state, local, or national levels on governance, including, but not limited to, personnel policies and practices; the evaluation of personnel, curriculum, and instruction; use of data in planning and decision making; and current issues in education as part of their service on the local board and (ii) the division superintendent to participate annually in high-quality professional development activities at the local, state, or national levels, including the Standards of Quality, Board of Education regulations, and the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents.

E. Each local school board shall provide a program of high-quality professional development (i) in the use and documentation of performance standards and evaluation criteria based on student academic progress and skills for teachers, principals, and superintendents to clarify roles and performance expectations and to facilitate the successful implementation of instructional programs that promote student achievement at the school and classroom levels; (ii) as part of the license renewal process, to assist teachers and principals in acquiring the skills needed to work with gifted students, students with disabilities, and students who have been identified as having limited English proficiency and to increase student achievement and expand the knowledge and skills students require to meet the standards for academic performance set by the Board of Education; (iii) in educational technology for all instructional personnel which is designed to facilitate integration of computer skills and related technology into the curricula; and (iv) for principals and supervisors designed to increase proficiency in instructional leadership and management, including training in the evaluation and documentation of teacher and principal performance based on student academic progress and the skills and knowledge of such instructional or administrative personnel.

In addition, each local school board shall ~~also provide teachers:~~

1. Teachers and principals with high-quality professional development programs each year in (a) instructional content; (b) the preparation of tests and other assessment measures; (c) methods for assessing the progress of individual students, including Standards of Learning assessment materials or other criterion-referenced tests that match locally developed objectives; (d) instruction and remediation techniques in English, mathematics, science, and history and social science; (e) interpreting test data for instructional purposes; (f) technology applications to implement the Standards of Learning; and (g) effective classroom management; and

2. High-quality professional development and training in science-based reading research and evidence-based literacy instruction, from the list developed and the resources provided by the Department pursuant to subsection C of § 22.1-253.13:5 or an alternative program that consists of evidence-based literacy instruction and aligns with science-based reading research approved by the Department, for each elementary school principal and each teacher with an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, special education general curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through grade 12, or special education blindness/visual impairments preschool through grade 12 or as a reading specialist in order to aid in the licensure renewal process for such individuals.

F. Schools and school divisions shall include as an integral component of their comprehensive plans required by § 22.1-253.13:6, high-quality professional development programs that support the recruitment, employment, and retention of qualified teachers and principals. Each school board shall require all instructional personnel to participate each year in these professional development programs.

G. Each local school board shall annually review its professional development program for quality, effectiveness, participation by instructional personnel, and relevancy to the instructional needs of teachers and the academic achievement needs of the students in the school division.

§ 22.1-253.13:6. Standard 6. Planning and public involvement.

A. The Board of Education shall adopt a statewide comprehensive, unified, long-range plan based on data collection, analysis, and evaluation. Such plan shall be developed with statewide participation. The Board shall review the plan biennially and adopt any necessary revisions. The Board shall post the plan on the Department of Education's website if practicable, and, in any case, shall make a hard copy of such plan available for public inspection and copying.

This plan shall include the objectives of public education in Virginia, including strategies for first improving student achievement, particularly the achievement of educationally at-risk students, then maintaining high levels of student achievement; an assessment of the extent to which these objectives are being achieved; a forecast of enrollment changes; and an assessment of the needs of public education in the Commonwealth. In the annual report required by § 22.1-18, the Board shall include an analysis of the extent to which these Standards of Quality have been achieved and the objectives of the statewide comprehensive plan have been met. The Board shall also develop, consistent with, or as a part of, its comprehensive plan, a detailed comprehensive, long-range plan to integrate educational technology into the Standards of Learning and the curricula of the public schools in Virginia, including career and technical education programs. The Board shall review and approve the comprehensive plan for educational technology and may require the revision of such plan as it deems necessary.

B. Each local school board shall adopt a divisionwide comprehensive, unified, long-range plan based on data collection, an analysis of the data, and how the data will be utilized to improve classroom instruction and student achievement. The plan shall be developed with staff and community involvement and shall include, or be consistent with, all other divisionwide plans required by state and federal laws and regulations. Each local school board shall review the plan biennially and adopt any necessary revisions. Prior to the adoption of any divisionwide comprehensive plan or revisions thereto, each local school board shall post such plan or revisions on the division's Internet website if practicable, and, in any case, shall make a hard copy of the plan or revisions available for public inspection and copying and shall conduct at least one public hearing to solicit public comment on the divisionwide plan or revisions.

The divisionwide comprehensive plan shall include, but shall not be limited to, (i) the objectives of the school division, including strategies for first improving student achievement, particularly the achievement of educationally at-risk students, then maintaining high levels of student achievement; (ii) an assessment of the extent to which these objectives are being achieved; (iii) a forecast of enrollment changes; (iv) a plan for projecting and managing enrollment changes including consideration of the consolidation of schools to provide for a more comprehensive and effective delivery of instructional services to students and economies in school operations; (v) an evaluation of the appropriateness of establishing regional programs and services in cooperation with neighboring school divisions; (vi) a plan for implementing such regional programs and services when appropriate; (vii) a technology plan designed to integrate educational technology into the instructional programs of the school division, including the school division's career and technical education programs, consistent with, or as a part of, the comprehensive technology plan for Virginia adopted by the Board of Education; (viii) an assessment of the needs of the school division and evidence of community participation, including parental participation, in the development of the plan; (ix) any corrective action plan required pursuant to § 22.1-253.13:3; and (x) a plan for parent and family involvement to include building successful school and parent partnerships that shall be developed with staff and community involvement, including participation by parents.

The divisionwide comprehensive plan shall also include a divisionwide literacy plan for pre-kindergarten through grade three. The Board shall issue guidance on the contents of such plans. The Department shall develop a template for such plans. Each divisionwide literacy plan shall follow such template and address how the local school board will align (i) literacy professional development, (ii) core reading and literacy curriculum, and (iii) screening, supplemental instruction, and interventions with evidence-based literacy instruction practices aligned with science-based reading research and how the school board will support parents to support the literacy development of their children. When developing such divisionwide literacy plan, each local school board shall use programs from the lists developed by the Department pursuant to subsection C of § 22.1-253.13:5 and subdivision H 2 of § 22.1-253.13:1 or seek approval from the Department for the use of alternative programs that consist of evidence-based literacy instruction and align with science-based reading research.

A report shall be presented by each school board to the public by November 1 of each odd-numbered year on the extent to which the objectives of the divisionwide comprehensive plan have been met during the previous two school years.

C. Each public school shall also prepare a comprehensive, unified, long-range plan, which the relevant school board shall consider in the development of its divisionwide comprehensive plan.

D. The Board of Education shall, in a timely manner, make available to local school boards information about where current Virginia school laws, Board regulations and revisions, and copies of relevant Opinions of the Attorney General of Virginia may be located online.

§ 22.1-298.1. Regulations governing licensure.

A. As used in this section:

"Alternate route to licensure" means a nontraditional route to teacher licensure available to individuals who meet the criteria specified in the guidelines developed pursuant to subsection N or regulations issued by the Board of Education.

"Industry certification credential" means an active career and technical education credential that is earned by successfully completing a Board of Education-approved industry certification examination, being issued a professional license in the Commonwealth, or successfully completing an occupational competency examination.

"Licensure by reciprocity" means a process used to issue a license to an individual coming into the Commonwealth from another state when that individual meets certain conditions specified in the Board of Education's regulations.

"Professional teacher's assessment" means those tests mandated for licensure as prescribed by the Board of Education.

"Provisional license" means a nonrenewable license issued by the Board of Education for a specified period of time, not to exceed three years, to an individual who may be employed by a school division in the Commonwealth and who

generally meets the requirements specified in the Board of Education's regulations for licensure, but who may need to take additional coursework, pass additional assessments, or meet alternative evaluation standards to be fully licensed with a renewable license.

"Renewable license" means a license issued by the Board of Education for 10 years to an individual who meets the requirements specified in the Board of Education's regulations.

B. The Board of Education shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license. Such regulations shall include procedures for (i) the denial, suspension, cancellation, revocation, and reinstatement of licensure; (ii) written reprimand of license holders on grounds established by the Board, in accordance with law, notice of which shall be made by the Superintendent of Public Instruction to division superintendents or their designated representatives; and (iii) the immediate and thorough investigation by the division superintendent or his designee of any complaint alleging that a license holder has engaged in conduct that may form the basis for the revocation of his license. At a minimum, such procedures for investigations contained in such regulations shall require (a) the division superintendent to petition for the revocation of the license upon completing such investigation and finding that there is reasonable cause to believe that the license holder has engaged in conduct that forms the basis for revocation of a license; (b) the school board to proceed to a hearing on such petition for revocation within 90 days of the mailing of a copy of the petition to the license holder, unless the license holder requests the cancellation of his license in accordance with Board regulations; and (c) the school board to provide a copy of the investigative file and such petition for revocation to the Superintendent of Public Instruction at the time that the hearing is scheduled. The Board of Education shall revoke the license of any person for whom it has received a notice of dismissal or resignation pursuant to subsection F of § 22.1-313 and, in the case of a person who is the subject of a founded complaint of child abuse or neglect, after all rights to any administrative appeal provided by § 63.2-1526 have been exhausted. Regardless of the authority of any other agency of the Commonwealth to approve educational programs, only the Board of Education shall have the authority to license teachers to be regularly employed by school boards, including those teachers employed to provide nursing education.

The Board of Education shall prescribe by regulation the licensure requirements for teachers who teach only online courses, as defined in § 22.1-212.23. Such license shall be valid only for teaching online courses. Teachers who hold a 10-year renewable license issued by the Board of Education may teach online courses for which they are properly endorsed.

C. The Board of Education's regulations shall include requirements that a person seeking initial licensure:

1. Demonstrate proficiency in the relevant content area, communication, literacy, and other core skills for educators by achieving a qualifying score on professional assessments or meeting alternative evaluation standards as prescribed by the Board. *The literacy assessment for any individual seeking initial licensure with an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, special education general curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through grade 12, or special education blindness/visual impairments preschool through grade 12 or as a reading specialist shall include a rigorous test of science-based reading research and evidence-based literacy instruction;*

2. Complete study in attention deficit disorder;

3. Complete study in gifted education, including the use of multiple criteria to identify gifted students; and

4. Complete study in methods of improving communication between schools and families and ways of increasing family involvement in student learning at home and at school.

D. In addition, such regulations shall include requirements that:

1. Every person seeking initial licensure and persons seeking licensure renewal as teachers who have not completed such study shall complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board of Education in consultation with the Department of Social Services that are relevant to the specific teacher licensure routes;

2. Every person seeking renewal of a license shall complete all renewal requirements, including professional development in a manner prescribed by the Board, except that no person seeking renewal of a license shall be required to satisfy any such requirement by completing coursework and earning credit at an institution of higher education;

3. Every person seeking initial licensure or renewal of a license shall provide evidence of completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. The certification or training program shall (i) be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross, and (ii) include hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. The Board shall provide a waiver for this requirement for any person with a disability whose disability prohibits such person from completing the certification or training;

4. Every person seeking licensure with an endorsement as a teacher of the blind and visually impaired shall demonstrate proficiency in reading and writing Braille;

5. Every teacher seeking an initial license in the Commonwealth with an endorsement in the area of career and technical education shall have an industry certification credential in the area in which the teacher seeks endorsement. If a teacher seeking an initial license in the Commonwealth has not attained an industry certification credential in the area in which the teacher seeks endorsement, the Board may, upon request of the employing school division or educational agency, issue the teacher a provisional license to allow time for the teacher to attain such credential;

6. Every person seeking initial licensure or renewal of a license shall complete awareness training, provided by the Department of Education, on the indicators of dyslexia, as that term is defined by the Board pursuant to regulations, and the evidence-based interventions and accommodations for dyslexia;

7. Every person seeking initial licensure or renewal of a license with an endorsement as a school counselor shall complete training in the recognition of mental health disorder and behavioral distress, including depression, trauma, violence, youth suicide, and substance abuse;

8. Every person seeking initial licensure as a teacher who has not received the instruction described in subsection D of § 23.1-902 shall receive instruction or training on positive behavior interventions and supports; crisis prevention and de-escalation; the use of physical restraint and seclusion, consistent with regulations of the Board of Education; and appropriate alternative methods to reduce and prevent the need for the use of physical restraint and seclusion;

9. Every person seeking initial licensure or renewal of a license shall complete instruction or training in cultural competency;

10. Every person seeking initial licensure or renewal of a license with an endorsement in history and social sciences shall complete instruction in African American history, as prescribed by the Board; ~~and~~

11. Every person seeking renewal of a license as a teacher shall complete training in the instruction of students with disabilities that includes (i) differentiating instruction for students depending on their needs; (ii) understanding the role of general education teachers on the individualized education program team; (iii) implementing effective models of collaborative instruction, including co-teaching; and (iv) understanding the goals and benefits of inclusive education for all students; *and*

12. *Every person seeking initial licensure with an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, special education general curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through grade 12, or special education blindness/visual impairments preschool through grade 12 or as a reading specialist shall complete study in science-based reading research and evidence-based literacy instruction.*

E. No teacher who seeks a provisional license shall be required to meet any requirement set forth in subdivision D 1, 3, 6, or 8 as a condition of such licensure, but each such teacher shall complete each such requirement during the first year of provisional licensure.

F. The Board shall issue a license to an individual seeking initial licensure who has not completed professional assessments as prescribed by the Board, if such individual (i) holds a provisional license that will expire within three months or, at the discretion of the school board and division superintendent, within six months if the individual has received a satisfactory mid-year performance review in the current school year; (ii) is employed by a school board; (iii) is recommended for licensure by the division superintendent; (iv) has attempted, unsuccessfully, to obtain a qualifying score on the professional assessments as prescribed by the Board; (v) has received an evaluation rating of proficient or above on the performance standards for each year of the provisional license, and such evaluation was conducted in a manner consistent with the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents; and (vi) meets all other requirements for initial licensure.

G. Each local school board or division superintendent may waive for any individual whom it seeks to employ as a career and technical education teacher and who is also seeking initial licensure or renewal of a license with an endorsement in the area of career and technical education any applicable requirement set forth in subsection C or subdivision D 2, 4, or 6.

H. The Board's regulations shall require that initial licensure for principals and assistant principals be contingent upon passage of an assessment as prescribed by the Board.

I. The Board shall establish criteria in its regulations to effectuate the substitution of experiential learning for coursework for those persons seeking initial licensure through an alternate route as defined in Board regulations. Such alternate routes shall include eligibility for any individual to receive, notwithstanding any provision of law to the contrary, a renewable one-year license to teach in public high schools in the Commonwealth if he has:

1. Received a graduate degree from a regionally accredited institution of higher education;

2. Completed at least 30 credit hours of teaching experience as an instructor at a regionally accredited institution of higher education;

3. Received qualifying scores on the professional teacher's assessments prescribed by the Board, including the communication and literacy assessment and the content-area assessment for the endorsement sought. *The literacy assessment for any individual seeking initial licensure through an alternate route with an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, special education general curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through grade 12, or special education blindness/visual impairments preschool through grade 12 or as a reading specialist shall include a rigorous test of science-based reading research and evidence-based literacy instruction; and*

4. Met the requirements set forth in subdivisions D 1 and 3.

J. Notwithstanding any provision of law to the contrary, the Board (i) may provide for the issuance of a provisional license, valid for a period not to exceed three years, pursuant to subdivision D 5 or to any person who does not meet the requirements of this section or any other requirement for licensure imposed by law and (ii) shall provide for the issuance of a provisional license, valid for a period not to exceed three years, to any former member of the Armed Forces of the

United States or the Virginia National Guard who has received an honorable discharge and has the appropriate level of experience or training but does not meet the requirements for a renewable license.

K. The Board's licensure regulations shall also provide for licensure by reciprocity:

1. With comparable endorsement areas for those individuals holding a valid out-of-state teaching license and national certification from the National Board for Professional Teaching Standards or a nationally recognized certification program approved by the Board of Education. The application for such individuals shall require evidence of such valid licensure and national certification and shall not require official student transcripts;

2. For any spouse of an active duty member of the Armed Forces of the United States or the Commonwealth who has obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. Each such individual shall establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. No service requirements or licensing assessments shall be required for any such individual; and

3. For individuals who have obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. Each such individual shall establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. No service requirements or licensing assessments shall be required for any such individual.

L. The Board shall include in its regulations an alternate route to licensure for elementary education ~~pre-K-6 preschool through grade six~~ and an alternate route to licensure for special education general curriculum ~~K-12 kindergarten through grade 12~~. Each such alternate route to licensure shall require individuals to (i) meet the qualifying scores on the content area assessment prescribed by the Board for the endorsements sought and (ii) complete an alternative certification program that provides training in the pedagogy and methodology of the respective content or special education areas prescribed by the Board. The curriculum of any such alternative certification program shall be approved by the Board. Nothing in this subsection shall preclude the Board from establishing other alternate routes to licensure.

M. The Board, in its regulations providing for licensure by reciprocity established pursuant to subsection K, shall (i) permit applicants to submit third-party employment verification forms and (ii) grant special consideration to individuals who have successfully completed a program offered by a provider that is accredited by the Council for the Accreditation of Educator Preparation.

N. The Board shall develop guidelines that establish a process to permit a school board or any organization sponsored by a school board to petition the Board for approval of an alternate route to licensure that may be used to meet the requirements for a provisional or renewable license or any endorsement. Any such alternate route may include alternatives to the regulatory requirements for teacher preparation, including alternative professional assessments and coursework. The petitioner may proffer or the Board may impose conditions in conjunction with the approval of such petition.

§ 22.1-299.7:1. Microcredential program; reading specialists.

A. *The Department shall establish a microcredential program for the purpose of permitting any public elementary or secondary school teacher who holds a renewable or provisional license or any individual who participates in any alternate route to licensure program to earn a series of microcredentials in the reading specialist endorsement area. Such microcredential program shall require candidates to complete a performance-based assessment intended to allow the educator to demonstrate competency in evidence-based literacy instruction and science-based reading research as well as the identification of and the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder.*

B. *The Board shall issue guidance that determines how the series of microcredentials awarded to teachers pursuant to the microcredential program established in accordance with subsection A will be used to award an add-on endorsement as a reading specialist. Any add-on endorsement that results from completion of such microcredential program shall be provisional for a period of five years.*

C. *A local school board may employ a teacher with an add-on endorsement as a reading specialist pursuant to this section to satisfy the requirement set forth in subsection G of § 22.1-253.13:2 if the local school board is unable to employ a teacher with a full endorsement as a reading specialist.*

D. *Teachers who hold a renewable license and who participate, through the microcredential program established in accordance with subsection A, in courses that do not contribute to an endorsement are eligible for professional development points toward renewal of their license for the number of in-person hours of coursework completed upon providing a certificate of such participation from the course provider.*

§ 23.1-902.1. Education preparation programs; reading specialists; dyslexia.

A. *As used in this section, "evidence-based literacy instruction" and "science-based reading research" have the same meanings as provided in § 22.1-1.*

B. *Each education preparation program offered by a public institution of higher education or private institution of higher education or alternative certification program that provides training for any individual seeking (i) initial licensure with an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, special education general curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through grade 12, or special education blindness/visual impairments preschool through grade 12 or (ii) a certificate or microcredential in early literacy or literacy coaching shall provide a program of coursework and require such students to demonstrate mastery in science-based reading research and evidence-based literacy instruction.*

C. Each education preparation program offered by a public institution of higher education or private institution of higher education that leads to a degree, concentration, *endorsement*, or certificate for reading specialists shall include a program of coursework and other training in the identification of and the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder. Such program shall (i) include coursework in the constructs and pedagogy underlying remediation of reading, spelling, and writing and (ii) require reading specialists to demonstrate mastery of an ~~evidence-based, structured literacy instructional approach that includes explicit, systematic, sequential, and cumulative instruction~~ *science-based reading research and evidence-based literacy instruction, including appropriate application of instructional supports and services and reading literacy interventions to ensure reading proficiency.*

2. That the provisions of this act shall become effective beginning with the 2024–2025 school year.

CHAPTER 550

An Act to amend and reenact §§ 22.1-1, 22.1-253.13:1, 22.1-253.13:2, 22.1-253.13:5, 22.1-253.13:6, 22.1-298.1, and 23.1-902.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-299.7:1, relating to early student literacy; evidence-based literacy instruction; science-based reading research.

[H 319]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-1, 22.1-253.13:1, 22.1-253.13:2, 22.1-253.13:5, 22.1-253.13:6, 22.1-298.1, and 23.1-902.1 of the Code of Virginia are amended and reenacted and the Code of Virginia is amended and reenacted by adding a section numbered 22.1-299.7:1 as follows:

§ 22.1-1. Definitions.

As used in this title, unless the context requires a different meaning:

"Board" or "State Board" means the Board of Education.

"Department" means the Department of Education.

"Division superintendent" means the division superintendent of schools of a school division.

"Elementary" includes kindergarten.

"Elementary and secondary" and "elementary or secondary" include elementary, middle, and high school grades.

"Evidence-based literacy instruction" means structured instructional practices, including sequential, systematic, explicit, and cumulative teaching, that (i) are based on reliable, trustworthy, and valid evidence consistent with science-based reading research; (ii) are used in core or general instruction, supplemental instruction, intervention services, and intensive intervention services; (iii) have a demonstrated record of success in adequately increasing students' reading competency, vocabulary, oral language, and comprehension and in building mastery of the foundational reading skills of phonological and phonemic awareness, alphabetic principle, phonics, spelling, and text reading fluency; and (iv) are able to be differentiated in order to meet the individual needs of students.

"Governing body" or "local governing body" means the board of supervisors of a county, council of a city, or council of a town, responsible for appropriating funds for such locality, as the context may require.

"Middle school" means separate schools for early adolescents and the middle school grades that might be housed at elementary or high schools.

"Parent" or "parents" means any parent, guardian, legal custodian, or other person having control or charge of a child.

"Person of school age" means a person who will have reached his fifth birthday on or before September 30 of the school year and who has not reached twenty years of age on or before August 1 of the school year.

"School board" means the school board that governs a school division.

"Science-based reading research" means research that (i) applies rigorous, systematic, and objective observational or experimental procedures to obtain valid knowledge relevant to reading development, reading instruction, and reading and writing difficulties and (ii) explains how proficient reading and writing develop, why some children have difficulties developing key literacy skills, and how schools can best assess and instruct early literacy, including the use of evidence-based literacy instruction practices to promote reading and writing achievement.

"Superintendent" means the Superintendent of Public Instruction.

§ 22.1-253.13:1. Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.

A. The General Assembly and the Board of Education believe that the fundamental goal of the public schools of the Commonwealth must be to enable each student to develop the skills that are necessary for success in school, preparation for life, and reaching their full potential. The General Assembly and the Board of Education find that the quality of education is dependent upon the provision of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of high-quality instructional personnel; (ii) the appropriate learning environment designed to promote student achievement; (iii) quality instruction that enables each student to become a productive and educated citizen of Virginia and the United States of America; and (iv) the adequate commitment of other resources. In keeping with this goal, the General

Assembly shall provide for the support of public education as set forth in Article VIII, Section 1 of the Constitution of Virginia.

B. The Board of Education shall establish educational objectives known as the Standards of Learning, which shall form the core of Virginia's educational program, and other educational objectives, which together are designed to ensure the development of the skills that are necessary for success in school and for preparation for life in the years beyond. At a minimum, the Board shall establish Standards of Learning for English, mathematics, science, and history and social science. The Standards of Learning shall not be construed to be regulations as defined in § 2.2-4001.

The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality foundation educational program. The Standards of Learning shall include, but not be limited to, the basic skills of communication (listening, speaking, reading, and writing); computation and critical reasoning, including problem solving and decision making; proficiency in the use of computers and related technology; computer science and computational thinking, including computer coding; and the skills to manage personal finances and to make sound financial decisions.

The English Standards of Learning for reading in kindergarten through grade three shall be based on components of effective reading instruction, to include, at a minimum, phonemic awareness, systematic phonics, fluency, vocabulary development, and text comprehension.

The Standards of Learning in all subject areas shall be subject to regular review and revision to maintain rigor and to reflect a balance between content knowledge and the application of knowledge in preparation for eventual employment and lifelong learning. The Board of Education shall establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such review and revision on a more frequent basis.

To provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board of Education shall conduct public hearings prior to establishing revised Standards of Learning. Thirty days prior to conducting such hearings, the Board shall give notice of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to revise the Standards of Learning in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any revisions of the Standards of Learning.

In addition, the Department of Education shall make available and maintain a website, either separately or through an existing website utilized by the Department of Education, enabling public elementary, middle, and high school educators to submit recommendations for improvements relating to the Standards of Learning, when under review by the Board according to its established schedule, and related assessments required by the Standards of Quality pursuant to this chapter. Such website shall facilitate the submission of recommendations by educators.

School boards shall implement the Standards of Learning or objectives specifically designed for their school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to achieve the educational objectives established by the school division at appropriate age or grade levels. The curriculum adopted by the local school division shall be aligned to the Standards of Learning.

The Board of Education shall include in the Standards of Learning for history and social science the study of contributions to society of diverse people. For the purposes of this subsection, "diverse" includes consideration of disability, ethnicity, race, and gender.

The Board of Education shall include in the Standards of Learning for health instruction in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Such instruction shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. No teacher who is in compliance with subdivision D 3 of § 22.1-298.1 shall be required to be certified as a trainer of cardiopulmonary resuscitation to provide instruction for non-certification.

With such funds as are made available for this purpose, the Board shall regularly review and revise the competencies for career and technical education programs to require the full integration of English, mathematics, science, and history and social science Standards of Learning. Career and technical education programs shall be aligned with industry and professional standard certifications, where they exist.

The Board shall establish content standards and curriculum guidelines for courses in career investigation in elementary school, middle school, and high school. Each school board shall (i) require each middle school student to take at least one course in career investigation or (ii) select an alternate means of delivering the career investigation course to each middle school student, provided that such alternative is equivalent in content and rigor and provides the foundation for such students to develop their academic and career plans. Any school board may require (a) such courses in career investigation at the high school level as it deems appropriate, subject to Board approval as required in subsection A of § 22.1-253.13:4, and (b) such courses in career investigation at the elementary school level as it deems appropriate. The Board shall develop and disseminate to each school board career investigation resource materials that are designed to ensure that students have the ability to further explore interest in career and technical education opportunities in middle and high school. In developing such resource materials, the Board shall consult with representatives of career and technical education, industry, skilled trade associations, chambers of commerce or similar organizations, and contractor organizations.

C. Local school boards shall develop and implement a program of instruction for grades K through 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board of Education. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts and computations, proficiency in the use of computers and related technology, computer science and computational thinking, including computer coding, and scientific concepts and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and world and United States history, economics, government, foreign languages, international cultures, health and physical education, environmental issues, and geography necessary for responsible participation in American society and in the international community; fine arts, which may include, but need not be limited to, music and art, and practical arts; knowledge and skills needed to qualify for further education, gainful employment, or training in a career or technical field; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

Local school boards shall also develop and implement programs of prevention, intervention, or remediation for students who are educationally at risk including, but not limited to, those who fail to achieve a passing score on any Standards of Learning assessment in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs shall include components that are research-based.

Any student who achieves a passing score on one or more, but not all, of the Standards of Learning assessments for the relevant grade level in grades three through eight may be required to attend a remediation program.

Any student who fails to achieve a passing score on all of the Standards of Learning assessments for the relevant grade level in grades three through eight or who fails an end-of-course test required for the award of a verified unit of credit shall be required to attend a remediation program or to participate in another form of remediation. Division superintendents shall require such students to take special programs of prevention, intervention, or remediation, which may include attendance in public summer school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

Remediation programs shall include, when applicable, a procedure for early identification of students who are at risk of failing the Standards of Learning assessments in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs may also include summer school for all elementary and middle school grades and for all high school academic courses, as defined by regulations promulgated by the Board of Education, or other forms of remediation. Summer school remediation programs or other forms of remediation shall be chosen by the division superintendent to be appropriate to the academic needs of the student. Students who are required to attend such summer school programs or to participate in another form of remediation shall not be charged tuition by the school division.

The requirement for remediation may, however, be satisfied by the student's attendance in a program of prevention, intervention or remediation that has been selected by his parent, in consultation with the division superintendent or his designee, and is either (i) conducted by an accredited private school or (ii) a special program that has been determined to be comparable to the required public school remediation program by the division superintendent. The costs of such private school remediation program or other special remediation program shall be borne by the student's parent.

The Board of Education shall establish standards for full funding of summer remedial programs that shall include, but not be limited to, the minimum number of instructional hours or the equivalent thereof required for full funding and an assessment system designed to evaluate program effectiveness. Based on the number of students attending and the Commonwealth's share of the per pupil instructional costs, state funds shall be provided for the full cost of summer and other remediation programs as set forth in the appropriation act, provided such programs comply with such standards as shall be established by the Board, pursuant to § 22.1-199.2.

D. Local school boards shall also implement the following:

1. Programs in grades K through three that emphasize developmentally appropriate learning to enhance success.

2. Programs based on prevention, intervention, or remediation designed to increase the number of students who earn a high school diploma and to prevent students from dropping out of school. Such programs shall include components that are research-based.

3. Career and technical education programs incorporated into the K through 12 curricula that include:

a. Knowledge of careers and all types of employment opportunities, including, but not limited to, apprenticeships, entrepreneurship and small business ownership, the military, and the teaching profession, and emphasize the advantages of completing school with marketable skills;

b. Career exploration opportunities in the middle school grades;

c. Competency-based career and technical education programs that integrate academic outcomes, career guidance, and job-seeking skills for all secondary students. Programs shall be based upon labor market needs and student interest. Career guidance shall include counseling about available employment opportunities and placement services for students exiting school. Each school board shall develop and implement a plan to ensure compliance with the provisions of this subdivision. Such plan shall be developed with the input of area business and industry representatives and local comprehensive community colleges and shall be submitted to the Superintendent of Public Instruction in accordance with the timelines established by federal law;

d. Annual notice on its website to enrolled high school students and their parents of (i) the availability of the postsecondary education and employment data published by the State Council of Higher Education on its website pursuant to § 23.1-204.1 and (ii) the opportunity for such students to obtain a nationally recognized career readiness certificate at a local public high school, comprehensive community college, or workforce center; and

e. As part of each student's academic and career plan, a list of (i) the top 100 professions in the Commonwealth by median pay and the education, training, and skills required for each such profession and (ii) the top 10 degree programs at institutions of higher education in the Commonwealth by median pay of program graduates. The Department of Education shall annually compile such lists and provide them to each local school board.

4. Educational objectives in middle and high school that emphasize economic education and financial literacy pursuant to § 22.1-200.03.

5. Early identification of students with disabilities and enrollment of such students in appropriate instructional programs consistent with state and federal law.

6. Early identification of gifted students and enrollment of such students in appropriately differentiated instructional programs.

7. Educational alternatives for students whose needs are not met in programs prescribed elsewhere in these standards. Such students shall be counted in average daily membership (ADM) in accordance with the regulations of the Board of Education.

8. Adult education programs for individuals functioning below the high school completion level. Such programs may be conducted by the school board as the primary agency or through a collaborative arrangement between the school board and other agencies.

9. A plan to make achievements for students who are educationally at risk a divisionwide priority that shall include procedures for measuring the progress of such students.

10. An agreement for postsecondary degree attainment with a comprehensive community college in the Commonwealth specifying the options for students to complete an associate degree or a one-year Uniform Certificate of General Studies from a comprehensive community college concurrent with a high school diploma. Such agreement shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher.

11. A plan to notify students and their parents of the availability of dual enrollment and advanced placement classes; career and technical education programs, including internships, externships, apprenticeships, credentialing programs, certification programs, licensure programs, and other work-based learning experiences; the International Baccalaureate Program and Academic Year Governor's School Programs; the qualifications for enrolling in such classes, programs, and experiences; and the availability of financial assistance to low-income and needy students to take the advanced placement and International Baccalaureate examinations. This plan shall include notification to students and parents of the agreement with a comprehensive community college in the Commonwealth to enable students to complete an associate degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma.

12. Identification of students with limited English proficiency and enrollment of such students in appropriate instructional programs, which programs may include dual language programs whereby such students receive instruction in English and in a second language.

13. Early identification, diagnosis, and assistance for students with reading and mathematics problems and provision of instructional strategies and reading and mathematics practices that benefit the development of reading and mathematics skills for all students.

~~Local school divisions shall provide reading intervention services to students in kindergarten through grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading test or any reading diagnostic test that meets criteria established by the Department of Education. Local school divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Such reading intervention services shall be evidence-based, including services that are grounded in the science of reading, and include (i) the components of effective reading instruction and (ii) explicit, systematic, sequential, and cumulative instruction, to include phonemic awareness, systematic phonics, fluency, vocabulary development, and text comprehension as appropriate based on the student's demonstrated reading deficiencies. The parent of each student who receives such reading intervention services shall be notified before the services begin in accordance with the provisions of § 22.1-215.2, and the progress of each such student shall be monitored throughout the provision of services. Each student who receives such reading intervention services shall be assessed again at the end of that school year. The local school division, in its discretion, shall provide such reading intervention services prior to promoting a student from grade three to grade four. Such reading intervention services may be administered through the use of reading specialists; trained aides; trained volunteers under the supervision of a certified teacher; computer-based reading tutorial programs; aides to instruct in-class groups while the teacher provides direct instruction to the students who need extra assistance; and extended instructional time in the school day or school year for these students. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or early intervention reading may be used to meet the requirements of this subdivision.~~

Local school divisions shall provide algebra readiness intervention services to students in grades six through nine who are at risk of failing the Algebra I end-of-course test, as demonstrated by their individual performance on any diagnostic test that has been approved by the Department of Education. Local school divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student who receives algebra readiness intervention services will be assessed again at the end of that school year.

Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or algebra readiness intervention services may be used to meet the requirements of this subdivision.

~~As used in this subdivision:~~

~~"Science of reading" means the study of the relationship between cognitive science and educational outcomes.~~

14. Incorporation of art, music, and physical education as a part of the instructional program at the elementary school level.

15. A program of physical activity available to all students in grades kindergarten through five consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school year and available to all students in grades six through 12 with a goal of at least 150 minutes per week on average during the regular school year. Such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, (iii) recess, or (iv) other programs and physical activities deemed appropriate by the local school board. Each local school board shall implement such program during the regular school year.

16. A program of student services for kindergarten through grade 12 that shall be designed to aid students in their educational, social, and career development.

17. The collection and analysis of data and the use of the results to evaluate and make decisions about the instructional program.

18. A program of instruction in the high school Virginia and U.S. Government course on all information and concepts contained in the civics portion of the U.S. Naturalization Test.

E. From such funds as may be appropriated or otherwise received for such purpose, there shall be established within the Department of Education a unit to (i) conduct evaluative studies; (ii) provide the resources and technical assistance to increase the capacity for school divisions to deliver quality instruction; and (iii) assist school divisions in implementing those programs and practices that will enhance pupil academic performance and improve family and community involvement in the public schools. Such unit shall identify and analyze effective instructional programs and practices and professional development initiatives; evaluate the success of programs encouraging parental and family involvement; assess changes in student outcomes prompted by family involvement; and collect and disseminate among school divisions information regarding effective instructional programs and practices, initiatives promoting family and community involvement, and potential funding and support sources. Such unit may also provide resources supporting professional development for administrators and teachers. In providing such information, resources, and other services to school divisions, the unit shall give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of Learning assessments.

F. Each local school board may enter into agreements for postsecondary course credit, credential, certification, or license attainment, hereinafter referred to as College and Career Access Pathways Partnerships (Partnerships), with comprehensive community colleges or other public institutions of higher education or educational institutions established pursuant to Title 23.1 that offer a career and technical education curriculum. Such Partnerships shall (i) specify the options for students to take courses as part of the career and technical education curriculum that lead to course credit or an industry-recognized credential, certification, or license concurrent with a high school diploma; (ii) specify the credit, credentials, certifications, or licenses available for such courses; and (iii) specify available options for students to participate in pre-apprenticeship and apprenticeship programs at comprehensive community colleges concurrent with the pursuit of a high school diploma and receive college credit and high school credit for successful completion of any such program.

G. Each local school board shall provide a program of literacy instruction that is aligned with science-based reading research and provides evidenced-based literacy instruction to students in kindergarten through grade three and is consistent with the school board's literacy plan as required by subsection B of § 22.1-253.13:6. Pursuant to such program:

1. Each local school board shall provide reading intervention services to students in kindergarten through grade three who demonstrate substantial deficiencies based on their individual performance on the Standards of Learning reading assessment or an early literacy screener provided or approved by the Department. Such reading intervention services shall consist of evidence-based literacy instruction, align with science-based reading research, and be documented for each student in a written student reading plan, consistent with the requirements in subdivision 2 and the list developed by the Department pursuant to subdivision H 2.

2. A reading specialist, in collaboration with the teacher of any student who receives reading intervention services pursuant to subdivision 1, shall develop, oversee implementation of, and monitor student progress on a student reading plan. The parent of each student who receives reading intervention services pursuant to subdivision 1 shall receive notice of and have the opportunity to participate in the development of the student reading plan. Each student reading plan (i) shall follow the Department template created pursuant to subdivision H 3; (ii) shall document such reading intervention services; (iii) shall include, at a minimum, (a) the student's specific, diagnosed reading skill deficiencies as determined or identified by diagnostic assessment data or the early literacy screener provided or approved by the Department; (b) the goals and benchmarks for student growth in reading; (c) a description of the specific measures that will be used to evaluate and monitor the student's reading progress; (d) the specific evidence-based literacy instruction that the student will receive; (e) the strategies, resources, and materials that will be provided to the student's parent to support the student to make reading progress; and (f) any additional services the teacher deems available and appropriate to accelerate the student's reading skill development; and (iv) may include the following services for the student: instruction from a reading specialist, trained aide, computer-based reading tutorial program, or classroom teacher with support from an aide or extended

instructional time in the school day or school year. In accordance with § 22.1-215.2, the parent of each student shall receive notice before services begin and a copy of the student reading plan.

3. Each student who receives such reading intervention services shall be assessed utilizing either the early literacy screener provided or approved by the Department or the grade-level reading Standards of Learning assessment again at the end of that school year.

4. The local school board shall provide such reading intervention services prior to promoting a student from grade three to grade four.

5. Funds appropriated for prevention, intervention, and remediation, summer school remediation, the at-risk add-on, or early intervention reading may be used to meet the requirements of this subsection.

H. In order to assist local school boards to implement the provisions of subsection G:

1. The Board shall provide guidance on the content of student reading plans;

2. The Department shall develop a list of core literacy curricula, supplemental instruction practices and programs, and intervention programs that consist of evidence-based literacy instruction aligned with science-based reading research. The list shall be approved by the Board;

3. The Department shall develop a template for student reading plans that aligns with the requirements of subsection G;

4. The Department shall develop and implement a plan for the annual collection and public reporting of division-level and school-level literacy data, at a time to be determined by the Superintendent, to include results on the early literacy screener provided or approved by the Department and the reading Standards of Learning assessments; and

5. The Department shall provide free online evidence-based literacy instruction resources that can be accessed by parents and local school boards to support student literacy development at home.

§ 22.1-253.13:2. Standard 2. Instructional, administrative, and support personnel.

A. The Board shall establish requirements for the licensing of teachers, principals, superintendents, and other professional personnel.

B. School boards shall employ licensed instructional personnel qualified in the relevant subject areas.

C. Each school board shall assign licensed instructional personnel in a manner that produces divisionwide ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, school counselors, and librarians, that are not greater than the following ratios: (i) 24 to one in kindergarten with no class being larger than 29 students; if the average daily membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall be assigned to the class; (ii) 24 to one in grades one, two, and three with no class being larger than 30 students; (iii) 25 to one in grades four through six with no class being larger than 35 students; and (iv) 24 to one in English classes in grades six through 12. After September 30 of any school year, anytime the number of students in a class exceeds the class size limit established by this subsection, the local school division shall notify the parent of each student in such class of such fact no later than 10 days after the date on which the class exceeded the class size limit. Such notification shall state the reason that the class size exceeds the class size limit and describe the measures that the local school division will take to reduce the class size to comply with this subsection.

Within its regulations governing special education programs, the Board shall seek to set pupil/teacher ratios for pupils with intellectual disability that do not exceed the pupil/teacher ratios for self-contained classes for pupils with specific learning disabilities.

Further, school boards shall assign instructional personnel in a manner that produces schoolwide ratios of students in average daily memberships to full-time equivalent teaching positions of 21 to one in middle schools and high schools. School divisions shall provide all middle and high school teachers with one planning period per day or the equivalent, unencumbered of any teaching or supervisory duties.

D. (Effective until July 1, 2022) Each local school board shall employ with state and local basic, special education, gifted, and career and technical education funds a minimum number of licensed, full-time equivalent instructional personnel for each 1,000 students in average daily membership (ADM) as set forth in the appropriation act. Calculations of kindergarten positions shall be based on full-day kindergarten programs. Beginning with the March 31 report of average daily membership, those school divisions offering half-day kindergarten with pupil/teacher ratios that exceed 30 to one shall adjust their average daily membership for kindergarten to reflect 85 percent of the total kindergarten average daily memberships, as provided in the appropriation act.

D. (Effective July 1, 2022) Each local school board shall employ with state and local basic, special education, gifted, and career and technical education funds a minimum number of licensed, full-time equivalent instructional personnel for each 1,000 students in average daily membership (ADM) as set forth in the appropriation act.

E. In addition to the positions supported by basic aid and in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be provided to fund certain full-time equivalent instructional positions for each 1,000 students in grades K through 12 who are identified as needing prevention, intervention, and remediation services. State funding for prevention, intervention, and remediation programs provided pursuant to this subsection and the appropriation act may be used to support programs for educationally at-risk students as identified by the local school boards.

To provide algebra readiness intervention services required by § 22.1-253.13:1, school divisions may employ mathematics teacher specialists to provide the required algebra readiness intervention services. School divisions using the

Standards of Learning Algebra Readiness Initiative funding in this manner shall only employ instructional personnel licensed by the Board of Education.

F. In addition to the positions supported by basic aid and those in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the general appropriation act, shall be provided to support (i) 18.5 full-time equivalent instructional positions in the 2020-2021 school year for each 1,000 students identified as having limited English proficiency and (ii) 20 full-time equivalent instructional positions in the 2021-2022 school year and thereafter for each 1,000 students identified as having limited English proficiency, which positions may include dual language teachers who provide instruction in English and in a second language.

To provide flexibility in the instruction of English language learners who have limited English proficiency and who are at risk of not meeting state accountability standards, school divisions may use state and local funds from the Standards of Quality Prevention, Intervention, and Remediation account to employ additional English language learner teachers or dual language teachers to provide instruction to identified limited English proficiency students. Using these funds in this manner is intended to supplement the instructional services provided in this section. School divisions using the SOQ Prevention, Intervention, and Remediation funds in this manner shall employ only instructional personnel licensed by the Board of Education.

G. In addition to the full-time equivalent positions required elsewhere in this section, each local school board shall employ ~~the following one reading specialists in elementary schools, one full-time in each elementary school at the discretion of the local school board. One reading specialist employed by each local school board that employs a specialist for each 550 students in kindergarten through grade three.~~ Each such reading specialist shall have training in *science-based reading research and evidence-based literacy instruction practices*. In addition, each such reading specialist shall have training in the identification of and the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder and shall serve as an advisor on dyslexia and related disorders. Such reading specialist shall have an understanding of the definition of dyslexia and a working knowledge of (i) techniques to help a student on the continuum of skills with dyslexia; (ii) dyslexia characteristics that may manifest at different ages and grade levels; (iii) the basic foundation of the keys to reading, including multisensory, explicit, systemic, and structured reading instruction; and (iv) appropriate interventions, accommodations, and assistive technology supports for students with dyslexia.

To provide reading intervention services required by § 22.1-253.13:1, school divisions may employ reading specialists to provide the required reading intervention services. School divisions using the Early Reading Intervention Initiative funds in this manner shall employ only instructional personnel licensed by the Board of Education.

H. Each local school board shall employ, at a minimum, the following full-time equivalent positions for any school that reports fall membership, according to the type of school and student enrollment:

1. Principals in elementary schools, one half-time to 299 students, one full-time at 300 students; principals in middle schools, one full-time, to be employed on a 12-month basis; principals in high schools, one full-time, to be employed on a 12-month basis;

2. Assistant principals in elementary schools, one half-time at 600 students, one full-time at 900 students; assistant principals in middle schools, one full-time for each 600 students; assistant principals in high schools, one full-time for each 600 students; and school divisions that employ a sufficient number of assistant principals to meet this staffing requirement may assign assistant principals to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary;

3. Librarians in elementary schools, one part-time to 299 students, one full-time at 300 students; librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time at 1,000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students, two full-time at 1,000 students. Local school divisions that employ a sufficient number of librarians to meet this staffing requirement may assign librarians to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary; and

4. School counselors:

a. Effective with the 2020-2021 school year, in elementary schools, one hour per day per 75 students, one full-time at 375 students, one hour per day additional time per 75 students or major fraction thereof; in middle schools, one period per 65 students, one full-time at 325 students, one additional period per 65 students or major fraction thereof; in high schools, one period per 60 students, one full-time at 300 students, one additional period per 60 students or major fraction thereof.

b. Effective with the 2021-2022 school year, local school boards shall employ one full-time equivalent school counselor position per 325 students in grades kindergarten through 12.

c. Local school divisions that employ a sufficient number of school counselors to meet the school counselor staffing requirements set forth in this subdivision may assign school counselors to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or high schools.

I. Local school boards shall employ five full-time equivalent positions per 1,000 students in grades kindergarten through five to serve as elementary resource teachers in art, music, and physical education.

J. Local school boards shall employ two full-time equivalent positions per 1,000 students in grades kindergarten through 12, one to provide technology support and one to serve as an instructional technology resource teacher.

To provide flexibility, school divisions may use the state and local funds for instructional technology resource teachers to employ a data coordinator position, an instructional technology resource teacher position, or a data coordinator/instructional resource teacher blended position. The data coordinator position is intended to serve as a resource

to principals and classroom teachers in the area of data analysis and interpretation for instructional and school improvement purposes, as well as for overall data management and administration of state assessments. School divisions using these funds in this manner shall employ only instructional personnel licensed by the Board of Education.

K. Local school boards may employ additional positions that exceed these minimal staffing requirements. These additional positions may include, but are not limited to, those funded through the state's incentive and categorical programs as set forth in the appropriation act.

L. A combined school, such as kindergarten through 12, shall meet at all grade levels the staffing requirements for the highest grade level in that school; this requirement shall apply to all staff, except for school counselors, and shall be based on the school's total enrollment; school counselor staff requirements shall, however, be based on the enrollment at the various school organization levels, i.e., elementary, middle, or high school. The Board of Education may grant waivers from these staffing levels upon request from local school boards seeking to implement experimental or innovative programs that are not consistent with these staffing levels.

M. School boards shall, however, annually, on or before December 31, report to the public (i) the actual pupil/teacher ratios in elementary school classrooms in the local school division by school for the current school year; and (ii) the actual pupil/teacher ratios in middle school and high school in the local school division by school for the current school year. Actual pupil/teacher ratios shall include only the teachers who teach the grade and class on a full-time basis and shall exclude resource personnel. School boards shall report pupil/teacher ratios that include resource teachers in the same annual report. Any classes funded through the voluntary kindergarten through third grade class size reduction program shall be identified as such classes. Any classes having waivers to exceed the requirements of this subsection shall also be identified. Schools shall be identified; however, the data shall be compiled in a manner to ensure the confidentiality of all teacher and pupil identities.

N. Students enrolled in a public school on a less than full-time basis shall be counted in ADM in the relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time basis in any mathematics, science, English, history, social science, career and technical education, fine arts, foreign language, or health education or physical education course shall be counted in the ADM in the relevant school division on a pro rata basis as provided in the appropriation act. Each such course enrollment by such students shall be counted as 0.25 in the ADM; however, no such nonpublic or home school student shall be counted as more than one-half a student for purposes of such pro rata calculation. Such calculation shall not include enrollments of such students in any other public school courses.

O. Each school board shall provide at least three specialized student support positions per 1,000 students. For purposes of this subsection, specialized student support positions include school social workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior analysts, and other licensed health and behavioral positions, which may either be employed by the school board or provided through contracted services.

P. Each local school board shall provide those support services that are necessary for the efficient and cost-effective operation and maintenance of its public schools.

For the purposes of this title, unless the context otherwise requires, "support services positions" shall include the following:

1. Executive policy and leadership positions, including school board members, superintendents and assistant superintendents;

2. Fiscal and human resources positions, including fiscal and audit operations;

3. Student support positions, including (i) social work administrative positions not included in subsection O; (ii) school counselor administrative positions not included in subdivision H 4; (iii) homebound administrative positions supporting instruction; (iv) attendance support positions related to truancy and dropout prevention; and (v) health and behavioral administrative positions not included in subsection O;

4. Instructional personnel support, including professional development positions and library and media positions not included in subdivision H 3;

5. Technology professional positions not included in subsection J;

6. Operation and maintenance positions, including facilities; pupil transportation positions; operation and maintenance professional and service positions; and security service, trade, and laborer positions;

7. Technical and clerical positions for fiscal and human resources, student support, instructional personnel support, operation and maintenance, administration, and technology; and

8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time at 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in high schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students. Local school divisions that employ a sufficient number of school-based clerical personnel to meet this staffing requirement may assign the clerical personnel to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary.

Pursuant to the appropriation act, support services shall be funded from basic school aid.

School divisions may use the state and local funds for support services to provide additional instructional services.

Q. Notwithstanding the provisions of this section, when determining the assignment of instructional and other licensed personnel in subsections C through J, a local school board shall not be required to include full-time students of approved virtual school programs.

§ 22.1-253.13:5. Standard 5. Quality of classroom instruction and educational leadership.

A. Each member of the Board of Education shall participate in high-quality professional development programs on personnel, curriculum and current issues in education as part of his service on the Board.

B. Consistent with the finding that leadership is essential for the advancement of public education in the Commonwealth, teacher, principal, and superintendent evaluations shall be consistent with the performance standards included in the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents. Evaluations shall include student academic progress as a significant component and an overall summative rating. Teacher evaluations shall include regular observation and evidence that instruction is aligned with the school's curriculum. Evaluations shall include identification of areas of individual strengths and weaknesses and recommendations for appropriate professional activities. Evaluations shall include an evaluation of cultural competency.

C. The Board of Education shall provide guidance on high-quality professional development for (i) teachers, principals, supervisors, division superintendents, and other school staff; (ii) principals, supervisors, and division superintendents in the evaluation and documentation of teacher and principal performance based on student academic progress and the skills and knowledge of such instructional or administrative personnel; (iii) school board members on personnel, curriculum and current issues in education; ~~and (iv) programs in Braille for teachers of the blind and visually impaired, in cooperation with the Virginia Department for the Blind and Vision Impaired, in Braille; and (v) any individual with an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, special education general curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through grade 12, or special education blindness/visual impairments preschool through grade 12 or as a reading specialist in science-based reading research and evidence-based literacy instruction.~~

The Board shall also provide technical assistance on high-quality professional development to local school boards designed to ensure that all instructional personnel are proficient in the use of educational technology consistent with its comprehensive plan for educational technology.

The Department shall provide technical assistance, including literacy coaching, to local school divisions to provide professional development in science-based reading research and evidence-based literacy instruction. The Department shall also create a list of professional development programs aligned with science-based reading research and evidence-based literacy instruction that includes programs that provide training in dyslexia for reading specialists as required by subsection G of § 22.1-253.13:2. The list shall be approved by the Board. The Department shall provide resources to local school divisions to ensure that each division is able to provide professional development to teachers and reading specialists listed in subdivision E 2 of § 22.1-253.13:5 in one of the programs enumerated in the list approved by the Board pursuant to this subdivision and that such professional development is provided at no cost to the teachers and reading specialists.

D. Each local school board shall require (i) its members to participate annually in high-quality professional development activities at the state, local, or national levels on governance, including, but not limited to, personnel policies and practices; the evaluation of personnel, curriculum, and instruction; use of data in planning and decision making; and current issues in education as part of their service on the local board and (ii) the division superintendent to participate annually in high-quality professional development activities at the local, state, or national levels, including the Standards of Quality, Board of Education regulations, and the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents.

E. Each local school board shall provide a program of high-quality professional development (i) in the use and documentation of performance standards and evaluation criteria based on student academic progress and skills for teachers, principals, and superintendents to clarify roles and performance expectations and to facilitate the successful implementation of instructional programs that promote student achievement at the school and classroom levels; (ii) as part of the license renewal process, to assist teachers and principals in acquiring the skills needed to work with gifted students, students with disabilities, and students who have been identified as having limited English proficiency and to increase student achievement and expand the knowledge and skills students require to meet the standards for academic performance set by the Board of Education; (iii) in educational technology for all instructional personnel which is designed to facilitate integration of computer skills and related technology into the curricula; and (iv) for principals and supervisors designed to increase proficiency in instructional leadership and management, including training in the evaluation and documentation of teacher and principal performance based on student academic progress and the skills and knowledge of such instructional or administrative personnel.

In addition, each local school board shall ~~also provide teachers:~~

1. Teachers and principals with high-quality professional development programs each year in (a) instructional content; (b) the preparation of tests and other assessment measures; (c) methods for assessing the progress of individual students, including Standards of Learning assessment materials or other criterion-referenced tests that match locally developed objectives; (d) instruction and remediation techniques in English, mathematics, science, and history and social science; (e) interpreting test data for instructional purposes; (f) technology applications to implement the Standards of Learning; and (g) effective classroom management; and

2. *High-quality professional development and training in science-based reading research and evidence-based literacy instruction, from the list developed and the resources provided by the Department pursuant to subsection C of § 22.1-253.13:5 or an alternative program that consists of evidence-based literacy instruction and aligns with science-based reading research approved by the Department, for each elementary school principal and each teacher with an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, special education general curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through grade 12, or special education blindness/visual impairments preschool through grade 12 or as a reading specialist in order to aid in the licensure renewal process for such individuals.*

F. Schools and school divisions shall include as an integral component of their comprehensive plans required by § 22.1-253.13:6, high-quality professional development programs that support the recruitment, employment, and retention of qualified teachers and principals. Each school board shall require all instructional personnel to participate each year in these professional development programs.

G. Each local school board shall annually review its professional development program for quality, effectiveness, participation by instructional personnel, and relevancy to the instructional needs of teachers and the academic achievement needs of the students in the school division.

§ 22.1-253.13:6. Standard 6. Planning and public involvement.

A. The Board of Education shall adopt a statewide comprehensive, unified, long-range plan based on data collection, analysis, and evaluation. Such plan shall be developed with statewide participation. The Board shall review the plan biennially and adopt any necessary revisions. The Board shall post the plan on the Department of Education's website if practicable, and, in any case, shall make a hard copy of such plan available for public inspection and copying.

This plan shall include the objectives of public education in Virginia, including strategies for first improving student achievement, particularly the achievement of educationally at-risk students, then maintaining high levels of student achievement; an assessment of the extent to which these objectives are being achieved; a forecast of enrollment changes; and an assessment of the needs of public education in the Commonwealth. In the annual report required by § 22.1-18, the Board shall include an analysis of the extent to which these Standards of Quality have been achieved and the objectives of the statewide comprehensive plan have been met. The Board shall also develop, consistent with, or as a part of, its comprehensive plan, a detailed comprehensive, long-range plan to integrate educational technology into the Standards of Learning and the curricula of the public schools in Virginia, including career and technical education programs. The Board shall review and approve the comprehensive plan for educational technology and may require the revision of such plan as it deems necessary.

B. Each local school board shall adopt a divisionwide comprehensive, unified, long-range plan based on data collection, an analysis of the data, and how the data will be utilized to improve classroom instruction and student achievement. The plan shall be developed with staff and community involvement and shall include, or be consistent with, all other divisionwide plans required by state and federal laws and regulations. Each local school board shall review the plan biennially and adopt any necessary revisions. Prior to the adoption of any divisionwide comprehensive plan or revisions thereto, each local school board shall post such plan or revisions on the division's Internet website if practicable, and, in any case, shall make a hard copy of the plan or revisions available for public inspection and copying and shall conduct at least one public hearing to solicit public comment on the divisionwide plan or revisions.

The divisionwide comprehensive plan shall include, but shall not be limited to, (i) the objectives of the school division, including strategies for first improving student achievement, particularly the achievement of educationally at-risk students, then maintaining high levels of student achievement; (ii) an assessment of the extent to which these objectives are being achieved; (iii) a forecast of enrollment changes; (iv) a plan for projecting and managing enrollment changes including consideration of the consolidation of schools to provide for a more comprehensive and effective delivery of instructional services to students and economies in school operations; (v) an evaluation of the appropriateness of establishing regional programs and services in cooperation with neighboring school divisions; (vi) a plan for implementing such regional programs and services when appropriate; (vii) a technology plan designed to integrate educational technology into the instructional programs of the school division, including the school division's career and technical education programs, consistent with, or as a part of, the comprehensive technology plan for Virginia adopted by the Board of Education; (viii) an assessment of the needs of the school division and evidence of community participation, including parental participation, in the development of the plan; (ix) any corrective action plan required pursuant to § 22.1-253.13:3; and (x) a plan for parent and family involvement to include building successful school and parent partnerships that shall be developed with staff and community involvement, including participation by parents.

The divisionwide comprehensive plan shall also include a divisionwide literacy plan for pre-kindergarten through grade three. The Board shall issue guidance on the contents of such plans. The Department shall develop a template for such plans. Each divisionwide literacy plan shall follow such template and address how the local school board will align (i) literacy professional development, (ii) core reading and literacy curriculum, and (iii) screening, supplemental instruction, and interventions with evidence-based literacy instruction practices aligned with science-based reading research and how the school board will support parents to support the literacy development of their children. When developing such divisionwide literacy plan, each local school board shall use programs from the lists developed by the Department pursuant to subsection C of § 22.1-253.13:5 and subdivision H 2 of § 22.1-253.13:1 or seek approval from the

Department for the use of alternative programs that consist of evidence-based literacy instruction and align with science-based reading research.

A report shall be presented by each school board to the public by November 1 of each odd-numbered year on the extent to which the objectives of the divisionwide comprehensive plan have been met during the previous two school years.

C. Each public school shall also prepare a comprehensive, unified, long-range plan, which the relevant school board shall consider in the development of its divisionwide comprehensive plan.

D. The Board of Education shall, in a timely manner, make available to local school boards information about where current Virginia school laws, Board regulations and revisions, and copies of relevant Opinions of the Attorney General of Virginia may be located online.

§ 22.1-298.1. Regulations governing licensure.

A. As used in this section:

"Alternate route to licensure" means a nontraditional route to teacher licensure available to individuals who meet the criteria specified in the guidelines developed pursuant to subsection N or regulations issued by the Board of Education.

"Industry certification credential" means an active career and technical education credential that is earned by successfully completing a Board of Education-approved industry certification examination, being issued a professional license in the Commonwealth, or successfully completing an occupational competency examination.

"Licensure by reciprocity" means a process used to issue a license to an individual coming into the Commonwealth from another state when that individual meets certain conditions specified in the Board of Education's regulations.

"Professional teacher's assessment" means those tests mandated for licensure as prescribed by the Board of Education.

"Provisional license" means a nonrenewable license issued by the Board of Education for a specified period of time, not to exceed three years, to an individual who may be employed by a school division in the Commonwealth and who generally meets the requirements specified in the Board of Education's regulations for licensure, but who may need to take additional coursework, pass additional assessments, or meet alternative evaluation standards to be fully licensed with a renewable license.

"Renewable license" means a license issued by the Board of Education for 10 years to an individual who meets the requirements specified in the Board of Education's regulations.

B. The Board of Education shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license. Such regulations shall include procedures for (i) the denial, suspension, cancellation, revocation, and reinstatement of licensure; (ii) written reprimand of license holders on grounds established by the Board, in accordance with law, notice of which shall be made by the Superintendent of Public Instruction to division superintendents or their designated representatives; and (iii) the immediate and thorough investigation by the division superintendent or his designee of any complaint alleging that a license holder has engaged in conduct that may form the basis for the revocation of his license. At a minimum, such procedures for investigations contained in such regulations shall require (a) the division superintendent to petition for the revocation of the license upon completing such investigation and finding that there is reasonable cause to believe that the license holder has engaged in conduct that forms the basis for revocation of a license; (b) the school board to proceed to a hearing on such petition for revocation within 90 days of the mailing of a copy of the petition to the license holder, unless the license holder requests the cancellation of his license in accordance with Board regulations; and (c) the school board to provide a copy of the investigative file and such petition for revocation to the Superintendent of Public Instruction at the time that the hearing is scheduled. The Board of Education shall revoke the license of any person for whom it has received a notice of dismissal or resignation pursuant to subsection F of § 22.1-313 and, in the case of a person who is the subject of a founded complaint of child abuse or neglect, after all rights to any administrative appeal provided by § 63.2-1526 have been exhausted. Regardless of the authority of any other agency of the Commonwealth to approve educational programs, only the Board of Education shall have the authority to license teachers to be regularly employed by school boards, including those teachers employed to provide nursing education.

The Board of Education shall prescribe by regulation the licensure requirements for teachers who teach only online courses, as defined in § 22.1-212.23. Such license shall be valid only for teaching online courses. Teachers who hold a 10-year renewable license issued by the Board of Education may teach online courses for which they are properly endorsed.

C. The Board of Education's regulations shall include requirements that a person seeking initial licensure:

1. Demonstrate proficiency in the relevant content area, communication, literacy, and other core skills for educators by achieving a qualifying score on professional assessments or meeting alternative evaluation standards as prescribed by the Board. *The literacy assessment for any individual seeking initial licensure with an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, special education general curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through grade 12, or special education blindness/visual impairments preschool through grade 12 or as a reading specialist shall include a rigorous test of science-based reading research and evidence-based literacy instruction;*

2. Complete study in attention deficit disorder;

3. Complete study in gifted education, including the use of multiple criteria to identify gifted students; and

4. Complete study in methods of improving communication between schools and families and ways of increasing family involvement in student learning at home and at school.

D. In addition, such regulations shall include requirements that:

1. Every person seeking initial licensure and persons seeking licensure renewal as teachers who have not completed such study shall complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board of Education in consultation with the Department of Social Services that are relevant to the specific teacher licensure routes;

2. Every person seeking renewal of a license shall complete all renewal requirements, including professional development in a manner prescribed by the Board, except that no person seeking renewal of a license shall be required to satisfy any such requirement by completing coursework and earning credit at an institution of higher education;

3. Every person seeking initial licensure or renewal of a license shall provide evidence of completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. The certification or training program shall (i) be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross, and (ii) include hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. The Board shall provide a waiver for this requirement for any person with a disability whose disability prohibits such person from completing the certification or training;

4. Every person seeking licensure with an endorsement as a teacher of the blind and visually impaired shall demonstrate proficiency in reading and writing Braille;

5. Every teacher seeking an initial license in the Commonwealth with an endorsement in the area of career and technical education shall have an industry certification credential in the area in which the teacher seeks endorsement. If a teacher seeking an initial license in the Commonwealth has not attained an industry certification credential in the area in which the teacher seeks endorsement, the Board may, upon request of the employing school division or educational agency, issue the teacher a provisional license to allow time for the teacher to attain such credential;

6. Every person seeking initial licensure or renewal of a license shall complete awareness training, provided by the Department of Education, on the indicators of dyslexia, as that term is defined by the Board pursuant to regulations, and the evidence-based interventions and accommodations for dyslexia;

7. Every person seeking initial licensure or renewal of a license with an endorsement as a school counselor shall complete training in the recognition of mental health disorder and behavioral distress, including depression, trauma, violence, youth suicide, and substance abuse;

8. Every person seeking initial licensure as a teacher who has not received the instruction described in subsection D of § 23.1-902 shall receive instruction or training on positive behavior interventions and supports; crisis prevention and de-escalation; the use of physical restraint and seclusion, consistent with regulations of the Board of Education; and appropriate alternative methods to reduce and prevent the need for the use of physical restraint and seclusion;

9. Every person seeking initial licensure or renewal of a license shall complete instruction or training in cultural competency;

10. Every person seeking initial licensure or renewal of a license with an endorsement in history and social sciences shall complete instruction in African American history, as prescribed by the Board; ~~and~~

11. Every person seeking renewal of a license as a teacher shall complete training in the instruction of students with disabilities that includes (i) differentiating instruction for students depending on their needs; (ii) understanding the role of general education teachers on the individualized education program team; (iii) implementing effective models of collaborative instruction, including co-teaching; and (iv) understanding the goals and benefits of inclusive education for all students; *and*

12. Every person seeking initial licensure with an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, special education general curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through grade 12, or special education blindness/visual impairments preschool through grade 12 or as a reading specialist shall complete study in science-based reading research and evidence-based literacy instruction.

E. No teacher who seeks a provisional license shall be required to meet any requirement set forth in subdivision D 1, 3, 6, or 8 as a condition of such licensure, but each such teacher shall complete each such requirement during the first year of provisional licensure.

F. The Board shall issue a license to an individual seeking initial licensure who has not completed professional assessments as prescribed by the Board, if such individual (i) holds a provisional license that will expire within three months or, at the discretion of the school board and division superintendent, within six months if the individual has received a satisfactory mid-year performance review in the current school year; (ii) is employed by a school board; (iii) is recommended for licensure by the division superintendent; (iv) has attempted, unsuccessfully, to obtain a qualifying score on the professional assessments as prescribed by the Board; (v) has received an evaluation rating of proficient or above on the performance standards for each year of the provisional license, and such evaluation was conducted in a manner consistent with the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents; and (vi) meets all other requirements for initial licensure.

G. Each local school board or division superintendent may waive for any individual whom it seeks to employ as a career and technical education teacher and who is also seeking initial licensure or renewal of a license with an endorsement in the area of career and technical education any applicable requirement set forth in subsection C or subdivision D 2, 4, or 6.

H. The Board's regulations shall require that initial licensure for principals and assistant principals be contingent upon passage of an assessment as prescribed by the Board.

I. The Board shall establish criteria in its regulations to effectuate the substitution of experiential learning for coursework for those persons seeking initial licensure through an alternate route as defined in Board regulations. Such alternate routes shall include eligibility for any individual to receive, notwithstanding any provision of law to the contrary, a renewable one-year license to teach in public high schools in the Commonwealth if he has:

1. Received a graduate degree from a regionally accredited institution of higher education;
2. Completed at least 30 credit hours of teaching experience as an instructor at a regionally accredited institution of higher education;
3. Received qualifying scores on the professional teacher's assessments prescribed by the Board, including the communication and literacy assessment and the content-area assessment for the endorsement sought. *The literacy assessment for any individual seeking initial licensure through an alternate route with an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, special education general curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through grade 12, or special education blindness/visual impairments preschool through grade 12 or as a reading specialist shall include a rigorous test of science-based reading research and evidence-based literacy instruction;* and
4. Met the requirements set forth in subdivisions D 1 and 3.

J. Notwithstanding any provision of law to the contrary, the Board (i) may provide for the issuance of a provisional license, valid for a period not to exceed three years, pursuant to subdivision D 5 or to any person who does not meet the requirements of this section or any other requirement for licensure imposed by law and (ii) shall provide for the issuance of a provisional license, valid for a period not to exceed three years, to any former member of the Armed Forces of the United States or the Virginia National Guard who has received an honorable discharge and has the appropriate level of experience or training but does not meet the requirements for a renewable license.

K. The Board's licensure regulations shall also provide for licensure by reciprocity:

1. With comparable endorsement areas for those individuals holding a valid out-of-state teaching license and national certification from the National Board for Professional Teaching Standards or a nationally recognized certification program approved by the Board of Education. The application for such individuals shall require evidence of such valid licensure and national certification and shall not require official student transcripts;

2. For any spouse of an active duty member of the Armed Forces of the United States or the Commonwealth who has obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. Each such individual shall establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. No service requirements or licensing assessments shall be required for any such individual; and

3. For individuals who have obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. Each such individual shall establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. No service requirements or licensing assessments shall be required for any such individual.

L. The Board shall include in its regulations an alternate route to licensure for elementary education ~~preK-6 preschool through grade six~~ and an alternate route to licensure for special education general curriculum ~~K-12 kindergarten through grade 12~~. Each such alternate route to licensure shall require individuals to (i) meet the qualifying scores on the content area assessment prescribed by the Board for the endorsements sought and (ii) complete an alternative certification program that provides training in the pedagogy and methodology of the respective content or special education areas prescribed by the Board. The curriculum of any such alternative certification program shall be approved by the Board. Nothing in this subsection shall preclude the Board from establishing other alternate routes to licensure.

M. The Board, in its regulations providing for licensure by reciprocity established pursuant to subsection K, shall (i) permit applicants to submit third-party employment verification forms and (ii) grant special consideration to individuals who have successfully completed a program offered by a provider that is accredited by the Council for the Accreditation of Educator Preparation.

N. The Board shall develop guidelines that establish a process to permit a school board or any organization sponsored by a school board to petition the Board for approval of an alternate route to licensure that may be used to meet the requirements for a provisional or renewable license or any endorsement. Any such alternate route may include alternatives to the regulatory requirements for teacher preparation, including alternative professional assessments and coursework. The petitioner may proffer or the Board may impose conditions in conjunction with the approval of such petition.

§ 22.1-299.7:1. Microcredential program; reading specialists.

A. *The Department shall establish a microcredential program for the purpose of permitting any public elementary or secondary school teacher who holds a renewable or provisional license or any individual who participates in any alternate route to licensure program to earn a series of microcredentials in the reading specialist endorsement area. Such microcredential program shall require candidates to complete a performance-based assessment intended to allow the educator to demonstrate competency in evidence-based literacy instruction and science-based reading research as well as the identification of and the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder.*

B. The Board shall issue guidance that determines how the series of microcredentials awarded to teachers pursuant to the microcredential program established in accordance with subsection A will be used to award an add-on endorsement as a reading specialist. Any add-on endorsement that results from completion of such microcredential program shall be provisional for a period of five years.

C. A local school board may employ a teacher with an add-on endorsement as a reading specialist pursuant to this section to satisfy the requirement set forth in subsection G of § 22.1-253.13:2 if the local school board is unable to employ a teacher with a full endorsement as a reading specialist.

D. Teachers who hold a renewable license and who participate, through the microcredential program established in accordance with subsection A, in courses that do not contribute to an endorsement are eligible for professional development points toward renewal of their license for the number of in-person hours of coursework completed upon providing a certificate of such participation from the course provider.

§ 23.1-902.1. Education preparation programs; reading specialists; dyslexia.

A. As used in this section, "evidence-based literacy instruction" and "science-based reading research" have the same meanings as provided in § 22.1-1.

B. Each education preparation program offered by a public institution of higher education or private institution of higher education or alternative certification program that provides training for any individual seeking (i) initial licensure with an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, special education general curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through grade 12, or special education blindness/visual impairments preschool through grade 12 or (ii) a certificate or microcredential in early literacy or literacy coaching shall provide a program of coursework and require such students to demonstrate mastery in science-based reading research and evidence-based literacy instruction.

C. Each education preparation program offered by a public institution of higher education or private institution of higher education that leads to a degree, concentration, endorsement, or certificate for reading specialists shall include a program of coursework and other training in the identification of and the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder. Such program shall (i) include coursework in the constructs and pedagogy underlying remediation of reading, spelling, and writing and (ii) require reading specialists to demonstrate mastery of ~~an evidence-based, structured literacy instructional approach that includes explicit, systematic, sequential, and cumulative instruction~~ science-based reading research and evidence-based literacy instruction, including appropriate application of instructional supports and services and reading literacy interventions to ensure reading proficiency.

2. That the provisions of this act shall become effective beginning with the 2024–2025 school year.

CHAPTER 551

An Act to amend and reenact § 58.1-609.10 of the Code of Virginia, relating to retail sales and use tax; exemption for prescription medicine and drugs purchased by veterinarians.

[H 551]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-609.10 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-609.10. Miscellaneous exemptions.

The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606 shall not apply to the following:

1. Artificial or propane gas, firewood, coal or home heating oil used for domestic consumption. "Domestic consumption" means the use of artificial or propane gas, firewood, coal or home heating oil by an individual purchaser for other than business, commercial or industrial purposes. The Tax Commissioner shall establish by regulation a system for use by dealers in classifying individual purchases for domestic or nondomestic use based on the principal usage of such gas, wood, coal or oil. Any person making a nondomestic purchase and paying the tax pursuant to this chapter who uses any portion of such purchase for domestic use may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for a refund of the tax paid on the domestic use portion.

2. An occasional sale, as defined in § 58.1-602. A nonprofit organization that is eligible to be granted an exemption on its purchases pursuant to § 58.1-609.11, and that is otherwise eligible for the exemption pursuant to this subdivision, shall be exempt pursuant to this subdivision on its sales of (i) food, prepared food and meals and (ii) tickets to events that include the provision of food, prepared food and meals, so long as such sales take place on fewer than 24 occasions in a calendar year.

3. Tangible personal property for future use by a person for taxable lease or rental as an established business or part of an established business, or incidental or germane to such business, including a simultaneous purchase and taxable leaseback.

4. Delivery of tangible personal property outside the Commonwealth for use or consumption outside of the Commonwealth. Delivery of goods destined for foreign export to a factor or export agent shall be deemed to be delivery of goods for use or consumption outside of the Commonwealth.

5. Tangible personal property purchased with food coupons issued by the United States Department of Agriculture under the Food Stamp Program or drafts issued through the Virginia Special Supplemental Food Program for Women, Infants, and Children.

6. Tangible personal property purchased for use or consumption in the performance of maintenance and repair services at Nuclear Regulatory Commission-licensed nuclear power plants located outside the Commonwealth.

7. Beginning July 1, 1997, and ending July 1, 2006, a professional's provision of original, revised, edited, reformatted or copied documents, including but not limited to documents stored on or transmitted by electronic media, to its client or to third parties in the course of the professional's rendition of services to its clientele.

8. School lunches sold and served to pupils and employees of schools and subsidized by government; school textbooks sold by a local board or authorized agency thereof; and school textbooks sold for use by students attending a college or other institution of learning, when sold (i) by such institution of learning or (ii) by any other dealer, when such textbooks have been certified by a department or instructor of such institution of learning as required textbooks for students attending courses at such institution.

9. Medicines, drugs, hypodermic syringes, artificial eyes, contact lenses, eyeglasses, eyeglass cases, and contact lens storage containers when distributed free of charge, all solutions or sterilization kits or other devices applicable to the wearing or maintenance of contact lenses or eyeglasses when distributed free of charge, and hearing aids dispensed by or sold on prescriptions or work orders of licensed physicians, dentists, optometrists, ophthalmologists, opticians, audiologists, hearing aid dealers and fitters, nurse practitioners, physician assistants, and veterinarians; controlled drugs purchased for use by a licensed physician, optometrist, licensed nurse practitioner, or licensed physician assistant in his professional practice, regardless of whether such practice is organized as a sole proprietorship, partnership, or professional corporation, or any other type of corporation in which the shareholders and operators are all licensed physicians, optometrists, licensed nurse practitioners, or licensed physician assistants engaged in the practice of medicine, optometry, or nursing; medicines and drugs purchased for use or consumption by a licensed hospital, nursing home, clinic, or similar corporation not otherwise exempt under this section; and samples of prescription drugs and medicines and their packaging distributed free of charge to authorized recipients in accordance with the federal Food, Drug, and Cosmetic Act (21 U.S.C.A. § 301 et seq., as amended). ~~With the exceptions of those medicines and drugs used for agricultural production animals that are exempt to veterinarians under subdivision 4 of § 58.1-609.2, any veterinarian dispensing or selling medicines or drugs on prescription shall be deemed to be the user or consumer of all such medicines and drugs.~~

10. Wheelchairs and parts therefor, braces, crutches, prosthetic devices, orthopedic appliances, catheters, urinary accessories, other durable medical equipment and devices, and related parts and supplies specifically designed for those products; and insulin and insulin syringes, and equipment, devices or chemical reagents that may be used by a diabetic to test or monitor blood or urine, when such items or parts are purchased by or on behalf of an individual for use by such individual. Durable medical equipment is equipment that (i) can withstand repeated use, (ii) is primarily and customarily used to serve a medical purpose, (iii) generally is not useful to a person in the absence of illness or injury, and (iv) is appropriate for use in the home.

11. Drugs and supplies used in hemodialysis and peritoneal dialysis.

12. Special equipment installed on a motor vehicle when purchased by a handicapped person to enable such person to operate the motor vehicle.

13. Special typewriters and computers and related parts and supplies specifically designed for those products used by handicapped persons to communicate when such equipment is prescribed by a licensed physician.

14. a. (i) Any nonprescription drugs and proprietary medicines purchased for the cure, mitigation, treatment, or prevention of disease in human beings and (ii) any samples of nonprescription drugs and proprietary medicines distributed free of charge by the manufacturer, including packaging materials and constituent elements and ingredients.

b. The terms "nonprescription drugs" and "proprietary medicines" shall be defined pursuant to regulations promulgated by the Department of Taxation. The exemption authorized in this subdivision shall not apply to cosmetics.

15. Tangible personal property withdrawn from inventory and donated to (i) an organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code or (ii) the Commonwealth, any political subdivision of the Commonwealth, or any school, agency, or instrumentality thereof.

16. Tangible personal property purchased by nonprofit churches that are exempt from taxation under § 501(c)(3) of the Internal Revenue Code, or whose real property is exempt from local taxation pursuant to the provisions of § 58.1-3606, for use (i) in religious worship services by a congregation or church membership while meeting together in a single location and (ii) in the libraries, offices, meeting or counseling rooms or other rooms in the public church buildings used in carrying out the work of the church and its related ministries, including kindergarten, elementary and secondary schools. The exemption for such churches shall also include baptistries; bulletins, programs, newspapers and newsletters that do not contain paid advertising and are used in carrying out the work of the church; gifts including food for distribution outside the public church building; food, disposable serving items, cleaning supplies and teaching materials used in the operation of camps or conference centers by the church or an organization composed of churches that are exempt under this subdivision and which are used in carrying out the work of the church or churches; and property used in caring for or maintaining

property owned by the church including, but not limited to, mowing equipment; and building materials installed by the church, and for which the church does not contract with a person or entity to have installed, in the public church buildings used in carrying out the work of the church and its related ministries, including, but not limited to worship services; administrative rooms; and kindergarten, elementary, and secondary schools.

17. Medical products and supplies, which are otherwise taxable, such as bandages, gauze dressings, incontinence products and wound-care products, when purchased by a Medicaid recipient through a Department of Medical Assistance Services provider agreement.

18. Beginning July 1, 2007, and ending July 1, 2012, multifuel heating stoves used for heating an individual purchaser's residence. "Multifuel heating stoves" are stoves that are capable of burning a wide variety of alternative fuels, including, but not limited to, shelled corn, wood pellets, cherry pits, and olive pits.

19. Fabrication of animal meat, grains, vegetables, or other foodstuffs when the purchaser (i) supplies the foodstuffs and they are consumed by the purchaser or his family, (ii) is an organization exempt from taxation under § 501(c)(3) or (c)(4) of the Internal Revenue Code, or (iii) donates the foodstuffs to an organization exempt from taxation under § 501(c)(3) or (c)(4) of the Internal Revenue Code.

20. Beginning July 1, 2018, and ending July 1, 2022, parts, engines, and supplies used for maintaining, repairing, or reconditioning aircraft or any aircraft's avionics system, engine, or component parts. This exemption shall not apply to tools and other equipment not attached to or that does not become a part of the aircraft. For purposes of this subdivision, "aircraft" shall include both manned and unmanned systems.

21. A gun safe with a selling price of \$1,500 or less. For purposes of this subdivision, "gun safe" means a safe or vault that is (i) commercially available, (ii) secured with a digital or dial combination locking mechanism or biometric locking mechanism, and (iii) designed for the storage of a firearm or of ammunition for use in a firearm. "Gun safe" does not include a glass-faced cabinet. Any discount, coupon, or other credit offered by the retailer or a vendor of the retailer to reduce the final price to the customer shall be taken into account in determining the selling price for purposes of this exemption.

22. *Beginning July 1, 2022, and ending July 1, 2025, prescription medicines and drugs purchased by veterinarians and administered or dispensed to patients within a veterinarian-client-patient relationship as defined in § 54.1-3303.*

CHAPTER 552

An Act to amend and reenact § 58.1-609.10 of the Code of Virginia, relating to retail sales and use tax; exemption for prescription medicine and drugs purchased by veterinarians.

[S 517]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-609.10 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-609.10. Miscellaneous exemptions.

The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606 shall not apply to the following:

1. Artificial or propane gas, firewood, coal or home heating oil used for domestic consumption. "Domestic consumption" means the use of artificial or propane gas, firewood, coal or home heating oil by an individual purchaser for other than business, commercial or industrial purposes. The Tax Commissioner shall establish by regulation a system for use by dealers in classifying individual purchases for domestic or nondomestic use based on the principal usage of such gas, wood, coal or oil. Any person making a nondomestic purchase and paying the tax pursuant to this chapter who uses any portion of such purchase for domestic use may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for a refund of the tax paid on the domestic use portion.

2. An occasional sale, as defined in § 58.1-602. A nonprofit organization that is eligible to be granted an exemption on its purchases pursuant to § 58.1-609.11, and that is otherwise eligible for the exemption pursuant to this subdivision, shall be exempt pursuant to this subdivision on its sales of (i) food, prepared food and meals and (ii) tickets to events that include the provision of food, prepared food and meals, so long as such sales take place on fewer than 24 occasions in a calendar year.

3. Tangible personal property for future use by a person for taxable lease or rental as an established business or part of an established business, or incidental or germane to such business, including a simultaneous purchase and taxable leaseback.

4. Delivery of tangible personal property outside the Commonwealth for use or consumption outside of the Commonwealth. Delivery of goods destined for foreign export to a factor or export agent shall be deemed to be delivery of goods for use or consumption outside of the Commonwealth.

5. Tangible personal property purchased with food coupons issued by the United States Department of Agriculture under the Food Stamp Program or drafts issued through the Virginia Special Supplemental Food Program for Women, Infants, and Children.

6. Tangible personal property purchased for use or consumption in the performance of maintenance and repair services at Nuclear Regulatory Commission-licensed nuclear power plants located outside the Commonwealth.

7. Beginning July 1, 1997, and ending July 1, 2006, a professional's provision of original, revised, edited, reformatted or copied documents, including but not limited to documents stored on or transmitted by electronic media, to its client or to third parties in the course of the professional's rendition of services to its clientele.

8. School lunches sold and served to pupils and employees of schools and subsidized by government; school textbooks sold by a local board or authorized agency thereof; and school textbooks sold for use by students attending a college or other institution of learning, when sold (i) by such institution of learning or (ii) by any other dealer, when such textbooks have been certified by a department or instructor of such institution of learning as required textbooks for students attending courses at such institution.

9. Medicines, drugs, hypodermic syringes, artificial eyes, contact lenses, eyeglasses, eyeglass cases, and contact lens storage containers when distributed free of charge, all solutions or sterilization kits or other devices applicable to the wearing or maintenance of contact lenses or eyeglasses when distributed free of charge, and hearing aids dispensed by or sold on prescriptions or work orders of licensed physicians, dentists, optometrists, ophthalmologists, opticians, audiologists, hearing aid dealers and fitters, nurse practitioners, physician assistants, and veterinarians; controlled drugs purchased for use by a licensed physician, optometrist, licensed nurse practitioner, or licensed physician assistant in his professional practice, regardless of whether such practice is organized as a sole proprietorship, partnership, or professional corporation, or any other type of corporation in which the shareholders and operators are all licensed physicians, optometrists, licensed nurse practitioners, or licensed physician assistants engaged in the practice of medicine, optometry, or nursing; medicines and drugs purchased for use or consumption by a licensed hospital, nursing home, clinic, or similar corporation not otherwise exempt under this section; and samples of prescription drugs and medicines and their packaging distributed free of charge to authorized recipients in accordance with the federal Food, Drug, and Cosmetic Act (21 U.S.C.A. § 301 et seq., as amended). ~~With the exceptions of those medicines and drugs used for agricultural production animals that are exempt to veterinarians under subdivision 4 of § 58.1-609.2, any veterinarian dispensing or selling medicines or drugs on prescription shall be deemed to be the user or consumer of all such medicines and drugs.~~

10. Wheelchairs and parts therefor, braces, crutches, prosthetic devices, orthopedic appliances, catheters, urinary accessories, other durable medical equipment and devices, and related parts and supplies specifically designed for those products; and insulin and insulin syringes, and equipment, devices or chemical reagents that may be used by a diabetic to test or monitor blood or urine, when such items or parts are purchased by or on behalf of an individual for use by such individual. Durable medical equipment is equipment that (i) can withstand repeated use, (ii) is primarily and customarily used to serve a medical purpose, (iii) generally is not useful to a person in the absence of illness or injury, and (iv) is appropriate for use in the home.

11. Drugs and supplies used in hemodialysis and peritoneal dialysis.

12. Special equipment installed on a motor vehicle when purchased by a handicapped person to enable such person to operate the motor vehicle.

13. Special typewriters and computers and related parts and supplies specifically designed for those products used by handicapped persons to communicate when such equipment is prescribed by a licensed physician.

14. a. (i) Any nonprescription drugs and proprietary medicines purchased for the cure, mitigation, treatment, or prevention of disease in human beings and (ii) any samples of nonprescription drugs and proprietary medicines distributed free of charge by the manufacturer, including packaging materials and constituent elements and ingredients.

b. The terms "nonprescription drugs" and "proprietary medicines" shall be defined pursuant to regulations promulgated by the Department of Taxation. The exemption authorized in this subdivision shall not apply to cosmetics.

15. Tangible personal property withdrawn from inventory and donated to (i) an organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code or (ii) the Commonwealth, any political subdivision of the Commonwealth, or any school, agency, or instrumentality thereof.

16. Tangible personal property purchased by nonprofit churches that are exempt from taxation under § 501(c)(3) of the Internal Revenue Code, or whose real property is exempt from local taxation pursuant to the provisions of § 58.1-3606, for use (i) in religious worship services by a congregation or church membership while meeting together in a single location and (ii) in the libraries, offices, meeting or counseling rooms or other rooms in the public church buildings used in carrying out the work of the church and its related ministries, including kindergarten, elementary and secondary schools. The exemption for such churches shall also include baptistries; bulletins, programs, newspapers and newsletters that do not contain paid advertising and are used in carrying out the work of the church; gifts including food for distribution outside the public church building; food, disposable serving items, cleaning supplies and teaching materials used in the operation of camps or conference centers by the church or an organization composed of churches that are exempt under this subdivision and which are used in carrying out the work of the church or churches; and property used in caring for or maintaining property owned by the church including, but not limited to, mowing equipment; and building materials installed by the church, and for which the church does not contract with a person or entity to have installed, in the public church buildings used in carrying out the work of the church and its related ministries, including, but not limited to worship services; administrative rooms; and kindergarten, elementary, and secondary schools.

17. Medical products and supplies, which are otherwise taxable, such as bandages, gauze dressings, incontinence products and wound-care products, when purchased by a Medicaid recipient through a Department of Medical Assistance Services provider agreement.

18. Beginning July 1, 2007, and ending July 1, 2012, multifuel heating stoves used for heating an individual purchaser's residence. "Multifuel heating stoves" are stoves that are capable of burning a wide variety of alternative fuels, including, but not limited to, shelled corn, wood pellets, cherry pits, and olive pits.

19. Fabrication of animal meat, grains, vegetables, or other foodstuffs when the purchaser (i) supplies the foodstuffs and they are consumed by the purchaser or his family, (ii) is an organization exempt from taxation under § 501(c)(3) or (c)(4) of the Internal Revenue Code, or (iii) donates the foodstuffs to an organization exempt from taxation under § 501(c)(3) or (c)(4) of the Internal Revenue Code.

20. Beginning July 1, 2018, and ending July 1, 2022, parts, engines, and supplies used for maintaining, repairing, or reconditioning aircraft or any aircraft's avionics system, engine, or component parts. This exemption shall not apply to tools and other equipment not attached to or that does not become a part of the aircraft. For purposes of this subdivision, "aircraft" shall include both manned and unmanned systems.

21. A gun safe with a selling price of \$1,500 or less. For purposes of this subdivision, "gun safe" means a safe or vault that is (i) commercially available, (ii) secured with a digital or dial combination locking mechanism or biometric locking mechanism, and (iii) designed for the storage of a firearm or of ammunition for use in a firearm. "Gun safe" does not include a glass-faced cabinet. Any discount, coupon, or other credit offered by the retailer or a vendor of the retailer to reduce the final price to the customer shall be taken into account in determining the selling price for purposes of this exemption.

22. *Beginning July 1, 2022, and ending July 1, 2025, prescription medicines and drugs purchased by veterinarians and administered or dispensed to patients within a veterinarian-client-patient relationship as defined in § 54.1-3303.*

CHAPTER 553

An Act to amend and reenact §§ 8.01-216.3, 8.01-534, 18.2-331.1, 18.2-340.15, 18.2-340.20, 18.2-340.30, 18.2-340.33, 18.2-340.34, and 18.2-340.35 of the Code of Virginia, relating to illegal gaming devices; Virginia Fraud Against Taxpayers Act; civil penalty.

[S 530]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-216.3, 8.01-534, 18.2-331.1, 18.2-340.15, 18.2-340.20, 18.2-340.30, 18.2-340.33, 18.2-340.34, and 18.2-340.35 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-216.3. False claims; civil penalty.

A. Any person who:

1. Knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval;
2. Knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim;

3. Conspires to commit a violation of subdivision 1, 2, 4, 5, 6, 7, ~~or~~ 8, or 9;

4. Has possession, custody, or control of property or money used, or to be used, by the Commonwealth and knowingly delivers, or causes to be delivered, less than all such money or property;

5. Has possession, custody, or control of an illegal gambling device, as defined in § 18.2-325, ~~and knowing such device is illegal, and~~ knowingly conceals, avoids, or decreases an obligation to pay or transmit money to the Commonwealth that is derived from the operation of such device;

6. *Manufactures for sale, sells, or distributes an illegal gaming device knowing that such device is or is intended to be operated in the Commonwealth in violation of Article 1 (§ 18.2-325 et seq.) or Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;*

7. Is authorized to make or deliver a document certifying receipt of property used, or to be used, by the Commonwealth and, intending to defraud the Commonwealth, makes or delivers the receipt without completely knowing that the information on the receipt is true;

~~7.~~ 8. Knowingly buys or receives as a pledge of an obligation or debt, public property from an officer or employee of the Commonwealth who lawfully may not sell or pledge the property; or

~~8.~~ 9. Knowingly makes, uses, or causes to be made or used, a false record or statement material to an obligation to pay or transmit money or property to the Commonwealth or knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to the Commonwealth;

shall be liable to the Commonwealth for a civil penalty of not less than \$10,957 and not more than \$21,916, except that these lower and upper limits on liability shall automatically be adjusted to equal the amounts allowed under the Federal False Claims Act, 31 U.S.C. § 3729 et seq., as amended, as such penalties in the Federal False Claims Act are adjusted for inflation by the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended (28 U.S.C. § 2461 Note, P.L. 101-410), plus three times the amount of damages sustained by the Commonwealth.

A person violating this section shall be liable to the Commonwealth for reasonable attorney fees and costs of a civil action brought to recover any such penalties or damages. All such fees and costs shall be paid to the Attorney General's Office by the defendant and shall not be included in any damages or civil penalties recovered in a civil action based on a violation of this section.

B. If the court finds that (i) the person committing the violation of this section furnished officials of the Commonwealth responsible for investigating false claims violations with all information known to the person about the violation within 30 days after the date on which the defendant first obtained the information; (ii) such person fully cooperated with any Commonwealth investigation of such violation; (iii) at the time such person furnished the Commonwealth with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced with respect to such violation; and (iv) the person did not have actual knowledge of the existence of an investigation into such violation, the court may assess not less than two times the amount of damages that the Commonwealth sustains because of the act of that person. A person violating this section shall also be liable to the Commonwealth for the costs of a civil action brought to recover any such penalty or damages.

C. For purposes of this section, the terms "knowing" and "knowingly" mean that a person, with respect to information, (i) has actual knowledge of the information; (ii) acts in deliberate ignorance of the truth or falsity of the information; or (iii) acts in reckless disregard of the truth or falsity of the information and require no proof of specific intent to defraud.

D. Except as provided in subdivision A 5, this section shall not apply to claims, records, or statements relating to state or local taxes.

§ 8.01-534. Grounds of action for pretrial levy or seizure of attachment.

A. It shall be sufficient ground for an action for pretrial levy or seizure or an attachment that the principal defendant or one of the principal defendants:

1. Is a foreign corporation, or is not a resident of this Commonwealth, and has estate or has debts owing to such defendant within the county or city in which the attachment is, or that such defendant being a nonresident of this Commonwealth, is entitled to the benefit of any lien, legal or equitable, on property, real or personal, within the county or city in which the attachment is. The word "estate," as herein used, includes all rights or interests of a pecuniary nature which can be protected, enforced, or proceeded against in courts of law or equity;

2. Is removing or is about to remove himself out of this Commonwealth with intent to change his domicile;

3. Intends to remove, or is removing, or has removed the specific property sued for, or his own estate, or the proceeds of the sale of his property, or a material part of such estate or proceeds, out of this Commonwealth so that there will probably not be therein effects of such debtor sufficient to satisfy the claim when judgment is obtained therefor should only the ordinary process of law be used to obtain the judgment;

4. Is converting, is about to convert or has converted his property of whatever kind, or some part thereof, into money, securities or evidences of debt with intent to hinder, delay, or defraud his creditors;

5. Has assigned or disposed of or is about to assign or dispose of his estate, or some part thereof, with intent to hinder, delay or defraud his creditors;

6. Has absconded or is about to abscond or has concealed or is about to conceal himself or his property to the injury of his creditors, or is a fugitive from justice;

7. *Has conducted, financed, managed, supervised, directed, sold, or owned a gambling device that is located in an unregulated location pursuant to § 18.2-331.1;*

8. *Has violated any provision of law related to charitable gaming pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2.*

The intent mentioned in subdivisions 4 and 5 ~~above~~ may be stated either in the alternative or conjunctive.

B. It shall be sufficient ground for an action for pretrial levy or seizure or an attachment if the specific personal property sought to be levied or seized:

1. Will be sold, removed, secreted or otherwise disposed of by the defendant, in violation of an obligation to the plaintiff, so as not to be forthcoming to answer the final judgment of the court respecting the same; or

2. Will be destroyed, or materially damaged or injured if permitted to remain in the possession of the principal defendant or one of the principal defendants or other person or persons claiming under them.

C. In an action for rent, it also shall be a sufficient ground if there is an immediate danger that the property subject to the landlord's lien for rent will be destroyed or concealed.

§ 18.2-331.1. Operation of gambling devices at unregulated locations; civil penalty.

A. In addition to any other penalty provided by law, any person who conducts, finances, manages, supervises, directs, sells, or owns a gambling device that is located in an unregulated location is subject to a civil penalty of up to \$25,000 for each gambling device located in such unregulated location.

B. The Attorney General, an attorney for the Commonwealth, or the attorney for any locality may cause an action in equity to be brought in the name of the Commonwealth or of the locality, as applicable, to *immediately* enjoin the operation of a gambling device in violation of this section and to request an attachment against all such devices and any moneys within such devices pursuant to Chapter 20 (§ 8.01-533 et seq.) of Title 8.01, and to recover the civil penalty of up to \$25,000 per device.

C. In any action brought under this section, the Attorney General, the attorney for the Commonwealth, or the attorney for the locality may recover reasonable expenses incurred by the state or local agency in investigating and preparing the case, and attorney fees.

D. Any civil penalties assessed under this section in an action in equity brought in the name of the Commonwealth shall be paid into the Literary Fund. Any civil penalties assessed under this section in an action in equity brought in the name of a locality shall be paid into the general fund of the locality.

§ 18.2-340.15. State control of charitable gaming.

A. Charitable gaming as authorized herein shall be permitted in the Commonwealth as a means of funding qualified organizations but shall be conducted only in strict compliance with the provisions of this article. The Department of Agriculture and Consumer Services is vested with control of all charitable gaming in the Commonwealth. The Charitable Gaming Board shall have the power to prescribe regulations and conditions under which such gaming shall be conducted to ensure that it is conducted in a manner consistent with the purpose for which it is permitted.

B. The conduct of any charitable gaming is a privilege that may be granted ~~or~~, denied, *or revoked* by the Department of Agriculture and Consumer Services or its duly authorized representatives in its discretion in order to effectuate the purposes set forth in this article.

§ 18.2-340.20. Denial, suspension, or revocation of permit; hearings and appeals.

A. The Department may deny, suspend, or revoke the permit of any organization found not to be in strict compliance with the provisions of this article and the regulations of the Board ~~only after the proposed action by the Department has been reviewed and approved by the Board~~. The action of the Department in denying, suspending, or revoking any permit shall be subject to the Administrative Process Act (§ 2.2-4000 et seq.).

B. Except as provided in §§ 8.01-534, 18.2-340.25, 18.2-340.30, and 18.2-340.36, no permit to conduct charitable gaming shall be denied, suspended, or revoked, *and no charitable games or funds from charitable gaming operations shall be seized*, except upon notice stating the proposed basis for such action and the time and place for the hearing. At the discretion of the Department, hearings may be conducted by hearing officers who shall be selected from the list prepared by the Executive Secretary of the Supreme Court. After a hearing on the issues, the Department may refuse to issue or may suspend or revoke any such permit if it determines that the organization has not complied with the provisions of this article or the regulations of the Board.

C. Any person aggrieved by a refusal of the Department to issue any permit, the suspension or revocation of a permit, or any other action of the Department may seek review of such action in accordance with Article 4 (§ 2.2-4025 et seq.) of the Administrative Process Act.

§ 18.2-340.30. Reports of gross receipts and disbursements required; form of reports; failure to file.

A. Each qualified organization shall keep a complete record of all inventory of charitable gaming supplies purchased, all receipts from its charitable gaming operation, and all disbursements related to such operation. Except as provided in § 18.2-340.23, each qualified organization shall file *under penalty of perjury and* at least annually, on a form prescribed by the Department, a report of all such receipts and disbursements, the amount of money on hand attributable to charitable gaming as of the end of the period covered by the report and any other information related to its charitable gaming operation that the Department may require. In addition, the Board, by regulation, may require any qualified organization whose net receipts exceed a specified amount during any three-month period to file a report of its receipts and disbursements for such period. All reports filed pursuant to this section shall be a matter of public record.

B. All reports required by this section shall be filed on or before the date prescribed by the Department. The Board, by regulation, shall establish a schedule of late fees to be assessed for any organization that fails to submit required reports by the due date.

C. Except as provided in § 18.2-340.23, each qualified organization shall designate or compensate an outside individual or group who shall be responsible for filing an annual, and, if required, quarterly, financial report if the organization goes out of business or otherwise ceases to conduct charitable gaming activities. The Department shall require such reports as it deems necessary until all proceeds of any charitable gaming have been used for the purposes specified in § 18.2-340.19 or have been disbursed in a manner approved by the Department.

D. Each qualified organization shall maintain for three years a complete written record of (i) all charitable gaming sessions using Department prescribed forms or reasonable facsimiles thereof approved by the Department; (ii) the name and address of each individual to whom is awarded any charitable gaming prize or jackpot that meets or exceeds the requirements of Internal Revenue Service Publication 3079, as well as the amount of the award; and (iii) an itemized record of all receipts and disbursements, including operating costs and use of proceeds incurred in operating bingo games.

E. The failure to file reports within 30 days of the time such reports are due shall cause the automatic revocation of the permit, and no organization shall conduct any bingo game or raffle thereafter until the report is properly filed and a new permit is obtained. However, the Department may grant an extension of time for filing such reports for a period not to exceed 45 days if requested by an organization, provided the organization requests an extension within 15 days of the time such reports are due and all projected fees are paid. For the term of any such extension, the organization's permit shall not be automatically revoked, such organization may continue to conduct charitable gaming, and no new permit shall be required.

§ 18.2-340.33. Prohibited practices.

In addition to those other practices prohibited by this article, the following acts or practices are prohibited:

1. No part of the gross receipts derived by a qualified organization may be used for any purpose other than (i) reasonable and proper gaming expenses, (ii) reasonable and proper business expenses, *and* (iii) those lawful religious, charitable, community, or educational purposes for which the organization is specifically chartered or organized; ~~and (iv) expenses relating to the acquisition, construction, maintenance, or repair of any interest in the real property involved in the operation of the organization and used for lawful religious, charitable, community or educational purposes. For the purposes of clause (iv), such expenses may include the expenses of a corporation formed for the purpose of serving as the real estate holding entity of a qualified organization, provided (a) such holding entity is qualified as a tax exempt~~

organization under § 501(c) of the Internal Revenue Code and (b) the membership of the qualified organization is identical to such holding entity.

2. Except as provided in § 18.2-340.34:1, no qualified organization shall enter into a contract with or otherwise employ for compensation any person for the purpose of organizing, managing, or conducting any charitable games. However, organizations composed of or for deaf or blind persons may use a part of their gross receipts for costs associated with providing clerical assistance in the management and operation but not the conduct of charitable gaming.

The provisions of this subdivision shall not prohibit the joint operation of bingo games held in accordance with § 18.2-340.29.

3. No person shall pay or receive for use of any premises *wholly* devoted; ~~in whole or in part~~, to the conduct of any charitable games, any consideration in excess of the current fair market rental value of such property. Fair market rental value consideration shall not be based upon or determined by reference to a percentage of the proceeds derived from the operation of any charitable games or to the number of people in attendance at such charitable games.

4. No person shall participate in the management or operation of any charitable game unless such person is and, for a period of at least 30 days immediately preceding such participation, has been a bona fide member of the organization. For any organization that is not composed of members, a person who is not a bona fide member may volunteer in the conduct of a charitable game as long as that person is directly supervised by a bona fide official member of the organization.

The provisions of this subdivision shall not apply to (i) persons employed as clerical assistants by qualified organizations composed of or for deaf or blind persons; (ii) employees of a corporate sponsor of a qualified organization, provided such employees' participation is limited to the management, operation or conduct of no more than one raffle per year; (iii) the spouse or family member of any such bona fide member of a qualified organization provided at least one bona fide member is present; or (iv) persons employed by a qualified organization authorized to sell pull tabs or seal cards in accordance with § 18.2-340.16, provided (a) such sales are conducted by no more than two on-duty employees; *and* (b) such employees receive no compensation for or based on the sale of the pull tabs or seal cards; ~~and (c) such sales are conducted in the private social quarters of the organization.~~

5. No person shall receive any remuneration for participating in the management, operation, or conduct of any charitable game, except that:

a. Persons employed by organizations composed of or for deaf or blind persons may receive remuneration not to exceed \$30 per event for providing clerical assistance in the management and operation but not the conduct of charitable games only for such organizations;

b. Persons under the age of 19 who sell raffle tickets for a qualified organization to raise funds for youth activities in which they participate may receive nonmonetary incentive awards or prizes from the organization;

c. Remuneration may be paid to off-duty law-enforcement officers from the jurisdiction in which such bingo games are played for providing uniformed security for such bingo games even if such officer is a member of the sponsoring organization, provided the remuneration paid to such member is in accordance with off-duty law-enforcement personnel work policies approved by the local law-enforcement official and further provided that such member is not otherwise engaged in the management, operation or conduct of the bingo games of that organization, or to private security services businesses licensed pursuant to § 9.1-139 providing uniformed security for such bingo games, provided that employees of such businesses shall not otherwise be involved in the management, operation, or conduct of the bingo games of that organization;

d. A member of a qualified organization lawfully participating in the management, operation or conduct of a bingo game may be provided food and nonalcoholic beverages by such organization for on-premises consumption during the bingo game provided the food and beverages are provided in accordance with Board regulations;

e. Remuneration may be paid to bingo managers or callers who have a current registration certificate issued by the Department in accordance with § 18.2-340.34:1, or who are exempt from such registration requirement. Such remuneration shall not exceed \$100 per session; and

f. Volunteers of a qualified organization may be reimbursed for their reasonable and necessary travel expenses, not to exceed \$50 per session.

6. No landlord shall, at bingo games conducted on the landlord's premises, (i) participate in the conduct, management, or operation of any bingo games; (ii) sell, lease, or otherwise provide for consideration any bingo supplies, including, but not limited to, bingo cards, instant bingo cards, or other game pieces; or (iii) require as a condition of the lease or by contract that a particular manufacturer, distributor or supplier of bingo supplies or equipment be used by the organization.

The provisions of this subdivision shall not apply to any qualified organization conducting bingo games on its own behalf at premises owned by it.

7. No qualified organization shall enter into any contract with or otherwise employ or compensate any member of the organization on account of the sale of bingo supplies or equipment.

8. No organization shall award any bingo prize money or any merchandise valued in excess of the following amounts:

a. No bingo door prize shall exceed \$250 for a single door prize or \$500 in cumulative door prizes in any one session;

b. No regular bingo or special bingo game prize shall exceed \$100. However, up to 10 games per bingo session may feature a regular bingo or special bingo game prize of up to \$200;

c. No instant bingo, pull tab, or seal card prize for a single card shall exceed \$2,000;

d. Except as provided in this subdivision 8, no bingo jackpot of any nature whatsoever shall exceed \$1,000, nor shall the total amount of bingo jackpot prizes awarded in any one session exceed \$1,000. Proceeds from the sale of bingo cards and the sheets used for bingo jackpot games shall be accounted for separately from the bingo cards or sheets used for any other bingo games; and

e. No single network bingo prize shall exceed \$25,000. Proceeds from the sale of network bingo cards shall be accounted for separately from bingo cards and sheets used for any other bingo game.

9. The provisions of subdivision 8 shall not apply to:

Any progressive bingo game, in which (i) a regular or special prize, not to exceed \$100, is awarded on the basis of predetermined numbers or patterns selected at random and (ii) a progressive prize, not to exceed \$500 for the initial progressive prize and \$5,000 for the maximum progressive prize, is awarded if the predetermined numbers or patterns are covered when a certain number of numbers is called, provided that (a) there are no more than six such games per session per organization, (b) the amount of increase of the progressive prize per session is no more than \$200, (c) the bingo cards or sheets used in such games are sold separately from the bingo cards or sheets used for any other bingo games, (d) the organization separately accounts for the proceeds from such sale, and (e) such games are otherwise operated in accordance with the Department's rules of play.

10. No organization shall award any raffle prize valued at more than \$100,000.

The provisions of this subdivision shall not apply to a raffle conducted no more than three times per calendar year by a qualified organization qualified as a tax-exempt organization pursuant to § 501(c) of the Internal Revenue Code for a prize consisting of a lot improved by a residential dwelling where 100 percent of the moneys received from such a raffle, less deductions for the fair market value for the cost of acquisition of the land and materials, are donated to lawful religious, charitable, community, or educational organizations specifically chartered or organized under the laws of the Commonwealth and qualified as a § 501(c) tax-exempt organization. No more than one such raffle shall be conducted in any one geographical region of the Commonwealth.

11. No qualified organization composed of or for deaf or blind persons which employs a person not a member to provide clerical assistance in the management and operation but not the conduct of any charitable games shall conduct such games unless it has in force fidelity insurance, as defined in § 38.2-120, written by an insurer licensed to do business in the Commonwealth.

12. No person shall participate in the management or operation of any charitable game if he has ever been convicted of any felony or if he has been convicted of any misdemeanor involving fraud, theft, or financial crimes within the preceding five years. No person shall participate in the conduct of any charitable game if, within the preceding 10 years, he has been convicted of any felony or if, within the preceding five years he has been convicted of any misdemeanor involving fraud, theft, or financial crimes. In addition, no person shall participate in the management, operation or conduct of any charitable game if that person, within the preceding five years, has participated in the management, operation, or conduct of any charitable game which was found by the Department or a court of competent jurisdiction to have been operated in violation of state law, local ordinance or Board regulation.

13. Qualified organizations jointly conducting bingo games pursuant to § 18.2-340.29 shall not circumvent any restrictions and prohibitions which would otherwise apply if a single organization were conducting such games. These restrictions and prohibitions shall include, but not be limited to, the frequency with which bingo games may be held, the value of merchandise or money awarded as prizes, or any other practice prohibited under this section.

14. A qualified organization shall not purchase any charitable gaming supplies for use in the Commonwealth from any person who is not currently registered with the Department as a supplier pursuant to § 18.2-340.34.

15. Unless otherwise permitted in this article, no part of an organization's charitable gaming gross receipts shall be used for an organization's social or recreational activities.

§ 18.2-340.34. Suppliers of charitable gaming supplies; manufacturers of electronic games of chance systems; permit; qualification; suspension, revocation, or refusal to renew certificate; maintenance, production, and release of records.

A. No person shall offer to sell, sell, or otherwise provide charitable gaming supplies to any qualified organization and no manufacturer shall distribute electronic games of chance systems for charitable gaming in the Commonwealth unless and until such person has made application for and has been issued a permit by the Department. An application for permit shall be made on forms prescribed by the Department and shall be accompanied by a fee in the amount of \$1,000. Each permit shall remain valid for a period of one year from the date of issuance. Application for renewal of a permit shall be accompanied by a fee in the amount of \$1,000 and shall be made on forms prescribed by the Department.

B. The Board shall have authority to prescribe by regulation reasonable criteria consistent with the provisions of this article for the registration of suppliers and manufacturers of electronic games of chance systems for charitable gaming. The Department shall refuse to issue a permit to any supplier or manufacturer who has, or which has any officer, director, partner, or owner who has, (i) been convicted of or pleaded nolo contendere to a felony in any state or federal court or has been convicted of any offense that, if committed in the Commonwealth, would be a felony; (ii) been convicted of or pleaded nolo contendere to a crime involving gambling; (iii) violated the gaming laws of any jurisdiction within the last five years, including violations for failure to register; or (iv) had any license, permit, certificate, or other authority related to charitable gaming suspended or revoked in the Commonwealth or in any other jurisdiction within the last five years. The Department may refuse to issue a permit to any supplier or manufacturer who has, or which has any officer, director, partner, or owner

who has, (a) failed to file or has been delinquent in excess of one year in the filing of any tax returns or the payment of any taxes due the Commonwealth or (b) failed to establish a registered office or registered agent in the Commonwealth if so required by § 13.1-634 or 13.1-763.

C. The Department shall suspend, revoke, or refuse to renew the permit of any supplier or manufacturer for any conduct described in clause (i), (ii), (iii), or (iv) of subsection B. The Department ~~may~~ shall suspend, revoke, or refuse to renew the permit of any supplier or manufacturer for any conduct described in clause (a) or (b) of subsection B or for any violation of this article or regulation of the Board. Before taking any such action, the Department shall give the supplier or manufacturer a written statement of the grounds upon which it proposes to take such action and an opportunity to be heard. Every hearing in a contested case shall be conducted in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).

D. Each supplier shall document each sale of charitable gaming supplies, including electronic games of chance systems, and other items incidental to the conduct of charitable gaming, such as markers, wands or tape, to a qualified organization on an invoice which clearly shows (i) the name and address of the qualified organization to which such supplies or items were sold; (ii) the date of the sale; (iii) the name or form and serial number of each deal of instant bingo cards and pull-tab raffle cards, the quantity of deals sold and the price per deal paid by the qualified organization; (iv) the serial number of the top sheet in each packet of bingo paper, the serial number for each series of uncollated bingo paper, and the cut, color and quantity of bingo paper sold; and (v) any other information with respect to charitable gaming supplies, including electronic games of chance systems, or other items incidental to the conduct of charitable gaming as the Board may prescribe by regulation. A legible copy of the invoice shall accompany the charitable gaming supplies when delivered to the qualified organization.

Each manufacturer of electronic games of chance systems shall document each distribution of such systems to a qualified organization or supplier on an invoice which clearly shows (a) the name and address of the qualified organization or supplier to which such systems were distributed; (b) the date of distribution; (c) the serial number of each such system; and (d) any other information with respect to electronic games of chance systems as the Board may prescribe by regulation. A legible copy of the invoice shall accompany the electronic games of chance systems when delivered to the qualified organization or supplier.

E. Each supplier and manufacturer shall maintain a legible copy of each invoice required by subsection D for a period of three years from the date of sale. Each supplier and manufacturer shall make such documents immediately available for inspection and copying to any agent or employee of the Department upon request made during normal business hours. This subsection shall not limit the right of the Department to require the production of any other documents in the possession of the supplier or manufacturer which relate to its transactions with qualified organizations. All documents and other information of a proprietary nature furnished to the Department in accordance with this subsection shall not be a matter of public record and shall be exempt from disclosure under the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

F. Each supplier and manufacturer shall provide to the Department the results of background checks and any other records or documents necessary for the Department to enforce the provisions of subsections B and C.

§ 18.2-340.35. Assistance from Department of State Police.

The Department of ~~the~~ State Police; ~~upon request of the Department,~~ shall assist in the conduct of investigations by the Department.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 554

An Act to amend and reenact §§ 2.2-2455, 2.2-2456, 2.2-3705.6, 2.2-4002, 3.2-102, 18.2-325, 18.2-340.15, 18.2-340.16, 18.2-340.18, 18.2-340.19, 18.2-340.20, 18.2-340.22 through 18.2-340.26, 18.2-340.26:2, 18.2-340.28:2, 18.2-340.30, 18.2-340.31, 18.2-340.33 through 18.2-340.34:2, and 18.2-340.36 of the Code of Virginia, relating to the Virginia Department of Agriculture and Consumer Services; Charitable Gaming Board; powers and duties.

[S 402]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2455, 2.2-2456, 2.2-3705.6, 2.2-4002, 3.2-102, 18.2-325, 18.2-340.15, 18.2-340.16, 18.2-340.18, 18.2-340.19, 18.2-340.20, 18.2-340.22 through 18.2-340.26, 18.2-340.26:2, 18.2-340.28:2, 18.2-340.30, 18.2-340.31, 18.2-340.33 through 18.2-340.34:2, and 18.2-340.36 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2455. Charitable Gaming Board; membership; terms; quorum; compensation; staff.

A. The Charitable Gaming Board (the Board) is hereby established as a ~~policy~~ *an advisory* board within the meaning of § 2.2-2100 in the executive branch of state government. The purpose of the Board ~~shall be~~ *is* to advise the Department of Agriculture and Consumer Services on all aspects of the conduct of charitable gaming in Virginia.

B. The Board shall consist of ~~eleven nine~~ members who shall be appointed in the following manner:

~~1. Six nonlegislative citizen members appointed~~ by the Governor subject to confirmation by the General Assembly as follows: one member who is a member of a charitable organization subject to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in good standing with the Department; one member who is a charitable gaming supplier registered and in good standing with the Department; one member who is an owner, lessor, or lessee of premises where charitable gaming is conducted; *at least* one member who is or has been a law-enforcement officer in Virginia but who (i) is not a charitable gaming supplier registered with the Department, (ii) is not a lessor of premises where charitable gaming is conducted, (iii) is not a member of a charitable organization, or (iv) does not have an interest in or is not affiliated with such supplier or charitable organization or owner, lessor, or lessee of premises where charitable gaming is conducted; and ~~two members~~ *five citizens* who do not have an interest in or are not affiliated with a charitable organization, charitable gaming supplier, or owner, lessor, or lessee of premises where charitable gaming is conducted;

~~2. Three nonlegislative citizen members appointed by the Speaker of the House of Delegates as follows: two members who are members of a charitable organization subject to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in good standing with the Department and one member who does not have an interest in or is not affiliated with a charitable organization, charitable gaming supplier, or owner, lessor, or lessee of premises where charitable gaming is conducted; and~~

~~3. Two nonlegislative citizen members appointed by the Senate Committee on Rules as follows: one member who is a member of a charitable organization subject to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in good standing with the Department and one member who does not have an interest in or is not affiliated with a charitable organization, charitable gaming supplier, or owner, lessor, or lessee of premises where charitable gaming is conducted.~~

To the extent practicable, the Board shall consist of individuals from different geographic regions of the Commonwealth. Each member of the Board shall have been a resident of the Commonwealth for a period of at least three years next preceding his appointment, and his continued residency shall be a condition of his tenure in office. Members shall be appointed for four-year terms. Vacancies shall be filled by the ~~appointing authority~~ *Governor* in the same manner as the original appointment for the unexpired portion of the term. Each Board member shall be eligible for reappointment for a second consecutive term at the discretion of the ~~appointing authority~~ *Governor*. Persons who are first appointed to initial terms of less than four years shall thereafter be eligible for reappointment to two consecutive terms of four years each. No sitting member of the General Assembly shall be eligible for appointment to the Board. The members of the Board shall serve at the pleasure of the ~~appointing authority~~ *Governor*.

C. The Board shall elect from among its members a chairman ~~who is a member of a charitable organization subject to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2. The Board shall elect a~~ and vice-chairman from among its members.

D. A quorum shall consist of five members. The decision of a majority of those members present and voting shall constitute a decision of the Board.

E. For each day or part thereof spent in the performance of his duties, each member of the Board shall receive such compensation and reimbursement for his reasonable expenses as provided in § 2.2-2104.

F. The Board shall adopt rules and procedures for the conduct of its business, including a provision that Board members shall abstain or otherwise recuse themselves from voting on any matter in which they or a member of their immediate family have a personal interest in a transaction as defined in § 2.2-3101. The Board shall meet at least four times a year, and other meetings may be held at any time or place determined by the Board or upon call of the chairman or upon a written request to the chairman by any two members. Except for emergency meetings and meetings governed by § 2.2-3708.2 requiring a longer notice, all members shall be duly notified of the time and place of any regular or other meeting at least 10 days in advance of such meeting.

G. Staff of the Board shall be provided by the Department of Agriculture and Consumer Services.

§ 2.2-2456. Duties of the Charitable Gaming Board.

The Board shall:

~~1. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) not inconsistent with the laws of Virginia necessary to carry out the provisions of this chapter and the provisions of Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2. Such regulations may include penalties for violations;~~

~~2. Advise the Department of Agriculture and Consumer Services on the conduct of charitable gaming in Virginia and recommend changes to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2; and~~

~~2. Advise on other matters related to charitable gaming that the Department of Agriculture and Consumer Services may request or the Board may deem necessary; and~~

~~3. Keep a complete and accurate record of its proceedings. A copy of such record and any other public records not exempt from disclosure under the Freedom of Information Act (§ 2.2-3700 et seq.) shall be available for public inspection and copying during regular office hours at the Department of Agriculture and Consumer Services.~~

§ 2.2-3705.6. Exclusions to application of chapter; proprietary records and trade secrets.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Proprietary information gathered by or for the Virginia Port Authority as provided in § 62.1-132.4 or 62.1-134.1.

2. Financial statements not publicly available filed with applications for industrial development financings in accordance with Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2.

3. Proprietary information, voluntarily provided by private business pursuant to a promise of confidentiality from a public body, used by the public body for business, trade, and tourism development or retention; and memoranda, working papers, or other information related to businesses that are considering locating or expanding in Virginia, prepared by a public body, where competition or bargaining is involved and where disclosure of such information would adversely affect the financial interest of the public body.

4. Information that was filed as confidential under the Toxic Substances Information Act (§ 32.1-239 et seq.), as such Act existed prior to July 1, 1992.

5. Fisheries data that would permit identification of any person or vessel, except when required by court order as specified in § 28.2-204.

6. Confidential financial statements, balance sheets, trade secrets, and revenue and cost projections provided to the Department of Rail and Public Transportation, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration.

7. Proprietary information related to inventory and sales, voluntarily provided by private energy suppliers to the Department of Energy, used by that Department for energy contingency planning purposes or for developing consolidated statistical information on energy supplies.

8. Confidential proprietary information furnished to the Board of Medical Assistance Services or the Medicaid Prior Authorization Advisory Committee pursuant to Article 4 (§ 32.1-331.12 et seq.) of Chapter 10 of Title 32.1.

9. Proprietary, commercial or financial information, balance sheets, trade secrets, and revenue and cost projections provided by a private transportation business to the Virginia Department of Transportation and the Department of Rail and Public Transportation for the purpose of conducting transportation studies needed to obtain grants or other financial assistance under the Transportation Equity Act for the 21st Century (P.L. 105-178) for transportation projects if disclosure of such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration. However, the exclusion provided by this subdivision shall not apply to any wholly owned subsidiary of a public body.

10. Confidential information designated as provided in subsection F of § 2.2-4342 as trade secrets or proprietary information by any person in connection with a procurement transaction or by any person who has submitted to a public body an application for prequalification to bid on public construction projects in accordance with subsection B of § 2.2-4317.

11. a. Memoranda, staff evaluations, or other information prepared by the responsible public entity, its staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals filed under the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) where (i) if such information was made public prior to or after the execution of an interim or a comprehensive agreement, § 33.2-1820 or 56-575.17 notwithstanding, the financial interest or bargaining position of the public entity would be adversely affected and (ii) the basis for the determination required in clause (i) is documented in writing by the responsible public entity; and

b. Information provided by a private entity to a responsible public entity, affected jurisdiction, or affected local jurisdiction pursuant to the provisions of the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) if disclosure of such information would reveal (i) trade secrets of the private entity; (ii) financial information of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (iii) other information submitted by the private entity where if such information was made public prior to the execution of an interim agreement or a comprehensive agreement, the financial interest or bargaining position of the public or private entity would be adversely affected. In order for the information specified in clauses (i), (ii), and (iii) to be excluded from the provisions of this chapter, the private entity shall make a written request to the responsible public entity:

(1) Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The responsible public entity shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. To protect other information submitted by the private entity from disclosure, the responsible public entity shall determine whether public disclosure prior to the execution of an interim agreement or a comprehensive agreement would adversely affect the financial interest or bargaining position of the public or private entity. The responsible public entity shall make a written determination of the nature and scope of the protection to be afforded by the responsible public entity under this subdivision. Once a written determination is made by the responsible public entity, the information afforded protection under this subdivision shall continue to be protected from disclosure when in the possession of any affected jurisdiction or affected local jurisdiction.

Except as specifically provided in subdivision 11 a, nothing in this subdivision shall be construed to authorize the withholding of (a) procurement records as required by § 33.2-1820 or 56-575.17; (b) information concerning the terms and conditions of any interim or comprehensive agreement, service contract, lease, partnership, or any agreement of any kind entered into by the responsible public entity and the private entity; (c) information concerning the terms and conditions of any financing arrangement that involves the use of any public funds; or (d) information concerning the performance of any private entity developing or operating a qualifying transportation facility or a qualifying project.

For the purposes of this subdivision, the terms "affected jurisdiction," "affected local jurisdiction," "comprehensive agreement," "interim agreement," "qualifying project," "qualifying transportation facility," "responsible public entity," and "private entity" shall mean the same as those terms are defined in the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or in the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.).

12. Confidential proprietary information or trade secrets, not publicly available, provided by a private person or entity pursuant to a promise of confidentiality to the Virginia Resources Authority or to a fund administered in connection with financial assistance rendered or to be rendered by the Virginia Resources Authority where, if such information were made public, the financial interest of the private person or entity would be adversely affected.

13. Trade secrets or confidential proprietary information that is not generally available to the public through regulatory disclosure or otherwise, provided by a (i) bidder or applicant for a franchise or (ii) franchisee under Chapter 21 (§ 15.2-2100 et seq.) of Title 15.2 to the applicable franchising authority pursuant to a promise of confidentiality from the franchising authority, to the extent the information relates to the bidder's, applicant's, or franchisee's financial capacity or provision of new services, adoption of new technologies or implementation of improvements, where such new services, technologies, or improvements have not been implemented by the franchisee on a nonexperimental scale in the franchise area, and where, if such information were made public, the competitive advantage or financial interests of the franchisee would be adversely affected.

In order for trade secrets or confidential proprietary information to be excluded from the provisions of this chapter, the bidder, applicant, or franchisee shall (a) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (b) identify the data or other materials for which protection is sought, and (c) state the reason why protection is necessary.

No bidder, applicant, or franchisee may invoke the exclusion provided by this subdivision if the bidder, applicant, or franchisee is owned or controlled by a public body or if any representative of the applicable franchising authority serves on the management board or as an officer of the bidder, applicant, or franchisee.

14. Information of a proprietary or confidential nature furnished by a supplier or manufacturer of charitable gaming supplies to the Department of Agriculture and Consumer Services (i) pursuant to subsection E of § 18.2-340.34 and (ii) pursuant to regulations promulgated by the ~~Charitable Gaming Board~~ *Commissioner of Agriculture and Consumer Services* related to approval of electronic and mechanical equipment.

15. Information related to Virginia apple producer sales provided to the Virginia State Apple Board pursuant to § 3.2-1215.

16. Trade secrets submitted by CMRS providers as defined in § 56-484.12 to the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, relating to the provision of wireless E-911 service.

17. Information relating to a grant or loan application, or accompanying a grant or loan application, to the Commonwealth Health Research Board pursuant to Chapter 5.3 (§ 32.1-162.23 et seq.) of Title 32.1 if disclosure of such information would (i) reveal proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant.

18. Confidential proprietary information and trade secrets developed and held by a local public body (i) providing telecommunication services pursuant to § 56-265.4:4 and (ii) providing cable television services pursuant to Article 1.1 (§ 15.2-2108.2 et seq.) of Chapter 21 of Title 15.2 if disclosure of such information would be harmful to the competitive position of the locality.

In order for confidential proprietary information or trade secrets to be excluded from the provisions of this chapter, the locality in writing shall (a) invoke the protections of this subdivision, (b) identify with specificity the information for which protection is sought, and (c) state the reasons why protection is necessary. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

19. Confidential proprietary information and trade secrets developed by or for a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) to provide qualifying communications services as authorized by Article 5.1 (§ 56-484.7:1 et seq.) of Chapter 15 of Title 56, where disclosure of such information would be harmful to the competitive position of the authority, except that information required to be maintained in accordance with § 15.2-2160 shall be released.

20. Trade secrets or financial information of a business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, provided to the Department of Small Business and Supplier Diversity as part of an application for certification as a small, women-owned, or minority-owned business in accordance with Chapter 16.1 (§ 2.2-1603 et seq.). In order for such trade secrets or financial information to be excluded from the provisions of this chapter, the business shall (i) invoke such exclusion upon submission of the data or other

materials for which protection from disclosure is sought, (ii) identify the data or other materials for which protection is sought, and (iii) state the reasons why protection is necessary.

21. Information of a proprietary or confidential nature disclosed by a carrier to the State Health Commissioner pursuant to §§ 32.1-276.5:1 and 32.1-276.7:1.

22. Trade secrets, including, but not limited to, financial information, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the State Inspector General for the purpose of an audit, special investigation, or any study requested by the Office of the State Inspector General in accordance with law.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the private or nongovernmental entity shall make a written request to the State Inspector General:

a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

b. Identifying with specificity the data or other materials for which protection is sought; and

c. Stating the reasons why protection is necessary.

The State Inspector General shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. The State Inspector General shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

23. Information relating to a grant application, or accompanying a grant application, submitted to the Tobacco Region Revitalization Commission that would (i) reveal (a) trade secrets, (b) financial information of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (c) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant; and memoranda, staff evaluations, or other information prepared by the Commission or its staff exclusively for the evaluation of grant applications. The exclusion provided by this subdivision shall apply to grants that are consistent with the powers of and in furtherance of the performance of the duties of the Commission pursuant to § 3.2-3103.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Commission:

a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

b. Identifying with specificity the data, information or other materials for which protection is sought; and

c. Stating the reasons why protection is necessary.

The Commission shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets, financial information, or research-related information of the applicant. The Commission shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

24. a. Information held by the Commercial Space Flight Authority relating to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority if disclosure of such information would adversely affect the financial interest or bargaining position of the Authority or a private entity providing the information to the Authority; or

b. Information provided by a private entity to the Commercial Space Flight Authority if disclosure of such information would (i) reveal (a) trade secrets of the private entity; (b) financial information of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) other information submitted by the private entity and (ii) adversely affect the financial interest or bargaining position of the Authority or private entity.

In order for the information specified in clauses (a), (b), and (c) of subdivision 24 b to be excluded from the provisions of this chapter, the private entity shall make a written request to the Authority:

(1) Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The Authority shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. To protect other information submitted by the private entity from disclosure, the Authority shall determine whether public disclosure would adversely affect the financial interest or bargaining position of the Authority or private entity. The Authority shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

25. Information of a proprietary nature furnished by an agricultural landowner or operator to the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Agriculture and Consumer Services, or any political subdivision, agency, or board of the Commonwealth pursuant to §§ 10.1-104.7, 10.1-104.8, and 10.1-104.9, other than when required as part of a state or federal regulatory enforcement action.

26. Trade secrets provided to the Department of Environmental Quality pursuant to the provisions of § 10.1-1458. In order for such trade secrets to be excluded from the provisions of this chapter, the submitting party shall (i) invoke this

exclusion upon submission of the data or materials for which protection from disclosure is sought, (ii) identify the data or materials for which protection is sought, and (iii) state the reasons why protection is necessary.

27. Information of a proprietary nature furnished by a licensed public-use airport to the Department of Aviation for funding from programs administered by the Department of Aviation or the Virginia Aviation Board, where if such information was made public, the financial interest of the public-use airport would be adversely affected.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the public-use airport shall make a written request to the Department of Aviation:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

28. Information relating to a grant, loan, or investment application, or accompanying a grant, loan, or investment application, submitted to the Commonwealth of Virginia Innovation Partnership Authority (the Authority) established pursuant to Article 11 (§ 2.2-2351 et seq.) of Chapter 22, an advisory committee of the Authority, or any other entity designated by the Authority to review such applications, to the extent that such records would (i) reveal (a) trade secrets; (b) financial information of a party to a grant, loan, or investment application that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) research-related information produced or collected by a party to the application in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of a party to a grant, loan, or investment application; and memoranda, staff evaluations, or other information prepared by the Authority or its staff, or a reviewing entity designated by the Authority, exclusively for the evaluation of grant, loan, or investment applications, including any scoring or prioritization documents prepared for and forwarded to the Authority.

29. Proprietary information, voluntarily provided by a private business pursuant to a promise of confidentiality from a public body, used by the public body for a solar services or carbon sequestration agreement, where disclosure of such information would (i) reveal (a) trade secrets of the private business; (b) financial information of the private business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) other information submitted by the private business and (ii) adversely affect the financial interest or bargaining position of the public body or private business.

In order for the information specified in clauses (i)(a), (b), and (c) to be excluded from the provisions of this chapter, the private business shall make a written request to the public body:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

30. Information contained in engineering and construction drawings and plans submitted for the sole purpose of complying with the Building Code in obtaining a building permit if disclosure of such information would identify specific trade secrets or other information that would be harmful to the competitive position of the owner or lessee. However, such information shall be exempt only until the building is completed. Information relating to the safety or environmental soundness of any building shall not be exempt from disclosure.

31. Trade secrets, including, but not limited to, financial information, including balance sheets and financial statements that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the Virginia Department of Transportation for the purpose of an audit, special investigation, or any study requested by the Virginia Department of Transportation in accordance with law.

In order for the records specified in this subdivision to be excluded from the provisions of this chapter, the private or nongovernmental entity shall make a written request to the Department:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The Virginia Department of Transportation shall determine whether the requested exclusion from disclosure is necessary to protect trade secrets or financial records of the private entity. The Virginia Department of Transportation shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

32. Information related to a grant application, or accompanying a grant application, submitted to the Department of Housing and Community Development that would (i) reveal (a) trade secrets, (b) financial information of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (c) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant. The exclusion provided by this subdivision shall only apply to grants administered by

the Department, the Director of the Department, or pursuant to § 36-139, Article 26 (§ 2.2-2484 et seq.) of Chapter 24, or the Virginia Telecommunication Initiative as authorized by the appropriations act.

In order for the information submitted by the applicant and specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Department:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data, information, or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The Department shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or confidential proprietary information of the applicant. The Department shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

33. Financial and proprietary records submitted with a loan application to a locality for the preservation or construction of affordable housing that is related to a competitive application to be submitted to either the U.S. Department of Housing and Urban Development (HUD) or the Virginia Housing Development Authority (VHDA), when the release of such records would adversely affect the bargaining or competitive position of the applicant. Such records shall not be withheld after they have been made public by HUD or VHDA.

34. Information of a proprietary or confidential nature disclosed by a health carrier or pharmacy benefits manager pursuant to § 38.2-3407.15:6, a wholesale distributor pursuant to § 54.1-3436.1, or a manufacturer pursuant to § 54.1-3442.02.

§ 2.2-4002. Exemptions from chapter generally.

A. Although required to comply with § 2.2-4103 of the Virginia Register Act (§ 2.2-4100 et seq.), the following agencies shall be exempted from the provisions of this chapter, except to the extent that they are specifically made subject to §§ 2.2-4024, 2.2-4030, and 2.2-4031:

1. The General Assembly.
2. Courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted any of the powers of a court of record.
3. The Department of Wildlife Resources in promulgating regulations regarding the management of wildlife and for all case decisions rendered pursuant to any provisions of Chapters 2 (§ 29.1-200 et seq.), 3 (§ 29.1-300 et seq.), 4 (§ 29.1-400 et seq.), 5 (§ 29.1-500 et seq.), and 7 (§ 29.1-700 et seq.) of Title 29.1.
4. The Virginia Housing Development Authority.
5. Municipal corporations, counties, and all local, regional, or multijurisdictional authorities created under this Code, including those with federal authorities.
6. Educational institutions operated by the Commonwealth, provided that, with respect to § 2.2-4031, such educational institutions shall be exempt from the publication requirements only with respect to regulations that pertain to (i) their academic affairs, (ii) the selection, tenure, promotion, and disciplining of faculty and employees, (iii) the selection of students, and (iv) rules of conduct and disciplining of students.
7. The Milk Commission in promulgating regulations regarding (i) producers' licenses and bases, (ii) classification and allocation of milk, computation of sales, and shrinkage, and (iii) class prices for producers' milk, time and method of payment, butterfat testing, and differential.
8. The Virginia Resources Authority.
9. Agencies expressly exempted by any other provision of this Code.
10. The Department of General Services in promulgating standards for the inspection of buildings for asbestos pursuant to § 2.2-1164.
11. The State Council of Higher Education for Virginia, in developing, issuing, and revising guidelines pursuant to § 23.1-207.
12. The Commissioner of Agriculture and Consumer Services in adopting regulations pursuant to subsection B of § 3.2-6002 and in adopting regulations pursuant to § 3.2-6023.
13. The Commissioner of Agriculture and Consumer Services and the Board of Agriculture and Consumer Services in promulgating regulations pursuant to subsections B and D of § 3.2-3601, subsection B of § 3.2-3701, § 3.2-4002, subsections B and D of § 3.2-4801, §§ 3.2-5121 and 3.2-5206, and subsection A of § 3.2-5406.
14. The Board of Optometry when specifying therapeutic pharmaceutical agents, treatment guidelines, and diseases and abnormal conditions of the human eye and its adnexa for TPA-certification of optometrists pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 of Title 54.1.
15. The Commissioner of the Department of Veterans Services in adopting regulations pursuant to § 2.2-2001.3.
16. The State Board of Education, in developing, issuing, and revising guidelines pursuant to § 22.1-203.2.
17. The Virginia Racing Commission, (i) when acting by and through its duly appointed stewards or in matters related to any specific race meeting or (ii) in promulgating technical rules regulating actual live horse racing at race meetings licensed by the Commission.
18. The Virginia Small Business Financing Authority.
19. The Virginia Economic Development Partnership Authority.

20. The Board of Agriculture and Consumer Services in adopting, amending, or repealing regulations pursuant to subsection A (ii) of § 59.1-156.

21. The Insurance Continuing Education Board pursuant to § 38.2-1867.

22. The Board of Health in promulgating the list of diseases that shall be reported to the Department of Health pursuant to § 32.1-35 and in adopting, amending, or repealing regulations pursuant to subsection C of § 35.1-14 that incorporate the Food and Drug Administration's Food Code pertaining to restaurants or food service.

23. The Board of Pharmacy when specifying special subject requirements for continuing education for pharmacists pursuant to § 54.1-3314.1.

24. The Virginia Department of Veterans Services when promulgating rules and regulations pursuant to § 58.1-3219.7 or 58.1-3219.11.

25. The Virginia Department of Criminal Justice Services when developing, issuing, or revising any training standards established by the Criminal Justice Services Board under § 9.1-102, provided such actions are authorized by the Governor in the interest of public safety.

B. Agency action relating to the following subjects shall be exempted from the provisions of this chapter:

1. Money or damage claims against the Commonwealth or agencies thereof.
2. The award or denial of state contracts, as well as decisions regarding compliance therewith.
3. The location, design, specifications, or construction of public buildings or other facilities.
4. Grants of state or federal funds or property.
5. The chartering of corporations.
6. Customary military, militia, naval, or police functions.
7. The selection, tenure, dismissal, direction, or control of any officer or employee of an agency of the Commonwealth.
8. The conduct of elections or eligibility to vote.
9. Inmates of prisons or other such facilities or parolees therefrom.
10. The custody of persons in, or sought to be placed in, mental health facilities or penal or other state institutions as well as the treatment, supervision, or discharge of such persons.

11. Traffic signs, markers, or control devices.

12. Instructions for application or renewal of a license, certificate, or registration required by law.

13. Content of, or rules for the conduct of, any examination required by law.

14. The administration of pools authorized by Chapter 47 (§ 2.2-4700 et seq.).

15. Any rules for the conduct of specific lottery games, so long as such rules are not inconsistent with duly adopted regulations of the Virginia Lottery Board, and provided that such regulations are published and posted.

16. Orders condemning or closing any shellfish, finfish, or crustacea growing area and the shellfish, finfish, or crustacea located thereon pursuant to Article 2 (§ 28.2-803 et seq.) of Chapter 8 of Title 28.2.

17. Any operating procedures for review of child deaths developed by the State Child Fatality Review Team pursuant to § 32.1-283.1, any operating procedures for review of adult deaths developed by the Adult Fatality Review Team pursuant to § 32.1-283.5, any operating procedures for review of adult deaths developed by the Maternal Mortality Review Team pursuant to § 32.1-283.8, and any operating procedures for review of the deaths of persons with a developmental disability developed by the Developmental Disabilities Mortality Review Committee pursuant to § 37.2-314.1.

18. The regulations for the implementation of the Health Practitioners' Monitoring Program and the activities of the Health Practitioners' Monitoring Program Committee pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

19. The process of reviewing and ranking grant applications submitted to the Commonwealth Neurotrauma Initiative Advisory Board pursuant to Article 12 (§ 51.5-178 et seq.) of Chapter 14 of Title 51.5.

20. Loans from the Small Business Environmental Compliance Assistance Fund pursuant to Article 4 (§ 10.1-1197.1 et seq.) of Chapter 11.1 of Title 10.1.

21. The Virginia Breeders Fund created pursuant to § 59.1-372.

22. The types of pari-mutuel wagering pools available for live or simulcast horse racing.

23. The administration of medication or other substances foreign to the natural horse.

24. Any rules adopted by the ~~Charitable Gaming Board~~ *Department of Agriculture and Consumer Services* for the approval and conduct of game variations for the conduct of raffles, bingo, network bingo, and instant bingo games, provided that such rules are (i) consistent with Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 and (ii) published and posted.

C. Minor changes to regulations published in the Virginia Administrative Code under the Virginia Register Act (§ 2.2-4100 et seq.), made by the Virginia Code Commission pursuant to § 30-150, shall be exempt from the provisions of this chapter.

§ 3.2-102. General powers and duties of the Commissioner.

A. The Commissioner shall be vested with the powers and duties set out in § 2.2-601, the powers and duties herein provided, and such other powers and duties as may be prescribed by law, including those prescribed in Title 59.1. He shall be the executive officer of the Board, and shall see that its orders are carried out. He shall see to the proper execution of laws relating to the Department. Unless the Governor expressly reserves such power to himself, the Commissioner shall promote, protect, and develop the agricultural interests of the Commonwealth. The Commissioner shall develop, implement, and maintain programs within the Department including those that promote the development and marketing of the

Commonwealth's agricultural products in domestic and international markets, including promotions, market development and research, marketing assistance, market information, and product grading and certification; promote the creation of new agribusiness including new crops, biotechnology and new uses of agricultural products, and the expansion of existing agribusiness within the Commonwealth; develop, promote, and maintain consumer protection programs that protect the safety and quality of the Commonwealth's food supply through food and dairy inspection activities, industry and consumer education, and information on food safety; preserve the Commonwealth's agricultural lands; ensure animal health and protect the Commonwealth's livestock industries through disease control and surveillance, maintaining animal health diagnostic laboratories, and encouraging the humane treatment and care of animals; protect public health and the environment through regulation and proper handling of pesticides, agricultural stewardship, and protection of endangered plant and insect species; protect crop and plant health and productivity; ensure consumer protection and fair trade practices in commerce; develop plans and emergency response protocols to protect the agriculture industry from bioterrorism, plant and animal diseases, and agricultural pests; assist as directed by the Governor in the Commonwealth's response to natural disasters; develop and implement programs and inspection activities to ensure that the Commonwealth's agricultural products move freely in trade domestically and internationally; and enter into agreements with federal, state, and local governments, land grant universities, and other organizations that include marketing, plant protection, pest control, pesticides, and meat and poultry inspection.

B. In addition, the Commissioner shall:

1. Establish and maintain a farm-to-school website. The purpose of the website shall be to facilitate and promote the purchase of Virginia farm products by schools, universities, and other educational institutions under the jurisdiction of the State Department of Education. The website shall present such current information as the availability of Virginia farm products, including the types and amount of products, and the names of and contact information for farmers, farm organizations, and businesses marketing such products; ~~and~~

2. Establish and operate a nonprofit, nonstock corporation under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1 as a public instrumentality exercising public and essential governmental functions to promote, develop, and sustain markets for licensed Virginia wineries and farm wineries, as defined in § 4.1-100. Such corporation shall provide wholesale wine distribution services for wineries and farm wineries licensed in accordance with § 4.1-206.1. The board of directors of such corporation shall be composed of the Commissioner and four members appointed by the Board, including one owner or manager of a winery or farm winery licensee that is not served by a wholesaler when the owner or manager is appointed to the board; one owner or manager of a winery or farm winery licensee that produces no more than 10,000 cases per year; and two owners or managers of wine wholesaler licensees. In making appointments to the board of directors, the Board shall consider nominations of winery and farm winery licensees submitted by the Virginia Wineries Association and wine wholesale licensees submitted by the Virginia Wine Wholesalers Association. The Commissioner shall require such corporation to report to him at least annually on its activities, including reporting the quantity of wine distributed for each winery and farm winery during the preceding year. The provisions of the Virginia Public Procurement Act shall not apply to the establishment of such corporation nor to the exercise of any of its powers granted under this section; *and*

3. *Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) not inconsistent with the laws of Virginia necessary to carry out the provisions of Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2. Such regulations may include penalties for violations.*

§ 18.2-325. Definitions.

1. "Illegal gambling" means the making, placing, or receipt of any bet or wager in the Commonwealth of money or other consideration or thing of value, made in exchange for a chance to win a prize, stake, or other consideration or thing of value, dependent upon the result of any game, contest, or any other event the outcome of which is uncertain or a matter of chance, whether such game, contest, or event occurs or is to occur inside or outside the limits of the Commonwealth.

For the purposes of this subdivision and notwithstanding any provision in this section to the contrary, the making, placing, or receipt of any bet or wager of money or other consideration or thing of value shall include the purchase of a product, Internet access, or other thing made in exchange for a chance to win a prize, stake, or other consideration or thing of value by means of the operation of a gambling device as described in subdivision 3 b, regardless of whether the chance to win such prize, stake, or other consideration or thing of value may be offered in the absence of a purchase.

"Illegal gambling" also means the playing or offering for play of any skill game.

2. "Interstate gambling" means the conduct of an enterprise for profit that engages in the purchase or sale within the Commonwealth of any interest in a lottery of another state or country whether or not such interest is an actual lottery ticket, receipt, contingent promise to pay, order to purchase, or other record of such interest.

3. "Gambling device" includes:

a. Any device, machine, paraphernalia, equipment, or other thing, including books, records, and other papers, which are actually used in an illegal gambling operation or activity;

b. Any machine, apparatus, implement, instrument, contrivance, board, or other thing, or electronic or video versions thereof, including but not limited to those dependent upon the insertion of a coin or other object for their operation, which operates, either completely automatically or with the aid of some physical act by the player or operator, in such a manner that, depending upon elements of chance, it may eject something of value or determine the prize or other thing of value to which the player is entitled, provided, however, that the return to the user of nothing more than additional chances or the right to use such machine is not deemed something of value within the meaning of this subsection; and provided further, that

machines that only sell, or entitle the user to, items of merchandise of equivalent value that may differ from each other in composition, size, shape, or color, shall not be deemed gambling devices within the meaning of this subsection; and

c. Skill games.

Such devices are no less gambling devices if they indicate beforehand the definite result of one or more operations but not all the operations. Nor are they any less a gambling device because, apart from their use or adaptability as such, they may also sell or deliver something of value on a basis other than chance.

4. "Operator" includes any person, firm, or association of persons, who conducts, finances, manages, supervises, directs, or owns all or part of an illegal gambling enterprise, activity, or operation.

5. "Skill" means the knowledge, dexterity, or any other ability or expertise of a natural person.

6. "Skill game" means an electronic, computerized, or mechanical contrivance, terminal, machine, or other device that requires the insertion of a coin, currency, ticket, token, or similar object to operate, activate, or play a game, the outcome of which is determined by any element of skill of the player and that may deliver or entitle the person playing or operating the device to receive cash; cash equivalents, gift cards, vouchers, billets, tickets, tokens, or electronic credits to be exchanged for cash; merchandise; or anything of value whether the payoff is made automatically from the device or manually.

7. "Unregulated location" means any location that is not regulated or operated by the Virginia Lottery or Virginia Lottery Board, the Department of Agriculture and Consumer Services ~~or the Charitable Gaming Board~~, the Virginia Alcoholic Beverage Control Authority, or the Virginia Racing Commission.

§ 18.2-340.15. State control of charitable gaming.

A. Charitable gaming as authorized herein shall be permitted in the Commonwealth as a means of funding qualified organizations but shall be conducted only in strict compliance with the provisions of this article. The Department of Agriculture and Consumer Services ~~(the Department)~~ is vested with control of all charitable gaming in the Commonwealth. The ~~Charitable Gaming Board~~ *Commissioner* shall have the power to prescribe regulations and conditions under which such gaming shall be conducted to ensure that it is conducted in a manner consistent with the purpose for which it is permitted.

B. The conduct of any charitable gaming is a privilege that may be granted or denied by the Department of Agriculture and Consumer Services or its duly authorized representatives in its discretion in order to effectuate the purposes set forth in this article.

§ 18.2-340.16. Definitions.

As used in this article, unless the context requires a different meaning:

"Bingo" means a specific game of chance played with (i) individual cards having randomly numbered squares ranging from one to 75, (ii) Department-approved electronic devices that display facsimiles of bingo cards and are used for the purpose of marking and monitoring players' cards as numbers are called, or (iii) Department-approved cards, in which prizes are awarded on the basis of designated numbers on such cards conforming to a predetermined pattern of numbers selected at random.

~~"Board" means the Charitable Gaming Board created pursuant to § 2.2-2455.~~

"Bona fide member" means an individual who participates in activities of a qualified organization other than such organization's charitable gaming activities.

"Charitable gaming" or "charitable games" means those raffles, Texas Hold'em poker tournaments, and games of chance explicitly authorized by this article.

"Charitable gaming supplies" includes bingo cards or sheets, devices for selecting bingo numbers, instant bingo cards, pull-tab cards and seal cards, playing cards for Texas Hold'em poker, poker chips, and any other equipment or product manufactured for or intended to be used in the conduct of charitable games. However, for the purposes of this article, charitable gaming supplies shall not include items incidental to the conduct of charitable gaming such as markers, wands, or tape.

"Commissioner" means the Commissioner of the Department of Agriculture and Consumer Services.

"Conduct" means the actions associated with the provision of a gaming operation during and immediately before or after the permitted activity, which may include, but not be limited to, (i) selling bingo cards or packs, electronic devices, instant bingo or pull-tab cards, or raffle tickets, (ii) calling bingo games, (iii) distributing prizes, and (iv) any other services provided by volunteer workers.

"Department" means the Department of Agriculture and Consumer Services.

"Fair market rental value" means the rent that a rental property will bring when offered for lease by a lessor who desires to lease the property but is not obligated to do so and leased by a lessee under no necessity of leasing.

"Gaming expenses" means prizes, supplies, costs of publicizing gaming activities, audit and administration or permit fees, and a portion of the rent, utilities, accounting and legal fees and such other reasonable and proper expenses as are directly incurred for the conduct of charitable gaming.

"Gross receipts" means the total amount of money generated by an organization from charitable gaming before the deduction of expenses, including prizes.

"Instant bingo," "pull tabs," or "seal cards" means specific games of chance played by the random selection of one or more individually prepacked cards, including Department-approved electronic versions thereof, with winners being determined by the preprinted or predetermined appearance of concealed letters, numbers or symbols that must be exposed by the player to determine wins and losses and may include the use of a seal card which conceals one or more numbers or

symbols that have been designated in advance as prize winners. Such cards may be dispensed by electronic or mechanical equipment.

"Jackpot" means a bingo game that the organization has designated on its game program as a jackpot game in which the prize amount is greater than \$100.

"Landlord" means any person or his agent, firm, association, organization, partnership, or corporation, employee, or immediate family member thereof, which owns and leases, or leases any premises devoted in whole or in part to the conduct of bingo games, and any person residing in the same household as a landlord.

"Management" means the provision of oversight of a gaming operation, which may include, but is not limited to, the responsibilities of applying for and maintaining a permit or authorization, compiling, submitting and maintaining required records and financial reports, and ensuring that all aspects of the operation are in compliance with all applicable statutes and regulations.

"Network bingo" means a specific bingo game in which pari-mutuel play is permitted.

"Network bingo provider" means a person licensed by the Department to operate network bingo.

"Operation" means the activities associated with production of a charitable gaming activity, which may include, but not be limited to (i) the direct on-site supervision of the conduct of charitable gaming; (ii) coordination of volunteers; and (iii) all responsibilities of charitable gaming designated by the organization's management.

"Organization" means any one of the following:

1. A volunteer fire department or volunteer emergency medical services agency or auxiliary unit thereof that has been recognized in accordance with § 15.2-955 by an ordinance or resolution of the political subdivision where the volunteer fire department or volunteer emergency medical services agency is located as being a part of the safety program of such political subdivision;

2. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code, is operated, and has always been operated, exclusively for educational purposes, and awards scholarships to accredited public institutions of higher education or other postsecondary schools licensed or certified by the Board of Education or the State Council of Higher Education for Virginia;

3. An athletic association or booster club or a band booster club established solely to raise funds for school-sponsored athletic or band activities for a public school or private school accredited pursuant to § 22.1-19 or to provide scholarships to students attending such school;

4. An association of war veterans or auxiliary units thereof organized in the United States;

5. A fraternal association or corporation operating under the lodge system;

6. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code and is operated, and has always been operated, exclusively to provide services and other resources to older Virginians, as defined in § 51.5-116;

7. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code and is operated, and has always been operated, exclusively to foster youth amateur sports;

8. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code and is operated, and has always been operated, exclusively to provide health care services or conduct medical research;

9. An accredited public institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education for Virginia that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code;

10. A church or religious organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code;

11. An organization that is exempt from income tax pursuant to § 501(c)(3) or 501(c)(4) of the Internal Revenue Code and is operated, and has always been operated, exclusively to (i) create and foster a spirit of understanding among the people of the world; (ii) promote the principles of good government and citizenship; (iii) take an active interest in the civic, cultural, social, and moral welfare of the community; (iv) provide a forum for the open discussion of matters of public interest; (v) encourage individuals to serve the community without personal financial reward; and (vi) encourage efficiency and promote high ethical standards in commerce, industries, professions, public works, and private endeavors;

12. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code and is operated, and has always been operated, exclusively to (i) raise awareness of law-enforcement officers who died in the line of duty; (ii) raise funds for the National Law Enforcement Officers Memorial and Museum; and (iii) raise funds for the charitable causes of other organizations that are exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code;

13. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code and is operated, and has always been operated, exclusively to (i) promote the conservation of the environment, caves, or other natural resources; (ii) promote or develop opportunities for the use of science and technology to advance the conservation of the environment, caves, or other natural resources; and (iii) raise funds for the conservation of the environment, caves, or other natural resources or provide grant opportunities to other nonprofit organizations that are devoted to such conservation efforts;

14. A local chamber of commerce; or

15. Any other nonprofit organization that is exempt from income tax pursuant to § 501(c) of the Internal Revenue Code and that raises funds by conducting raffles, bingo, instant bingo, pull tabs, or seal cards that generate annual gross receipts of \$40,000 or less, provided that such gross receipts, less expenses and prizes, are used exclusively for charitable, educational, religious, or community purposes. Notwithstanding § 18.2-340.26:1, proceeds from instant bingo, pull tabs, and seal cards shall be included when calculating an organization's annual gross receipts for the purposes of this subdivision.

"Pari-mutuel play" means an integrated network operated by a licensee of the Department comprised of participating charitable organizations for the conduct of network bingo games in which the purchase of a network bingo card by a player automatically includes the player in a pool with all other players in the network, and where the prize to the winning player is awarded based on a percentage of the total amount of network bingo cards sold in a particular network.

"Qualified organization" means any organization to which a valid permit has been issued by the Department to conduct charitable gaming or any organization that is exempt pursuant to § 18.2-340.23.

"Raffle" means a lottery in which the prize is won by (i) a random drawing of the name or prearranged number of one or more persons purchasing chances or (ii) a random contest in which the winning name or preassigned number of one or more persons purchasing chances is determined by a race involving inanimate objects floating on a body of water, commonly referred to as a "duck race."

"Reasonable and proper business expenses" means business expenses actually incurred by a qualified organization in the conduct of charitable gaming and not otherwise allowed under this article or under ~~Board~~ *Department* regulations on real estate and personal property tax payments, travel expenses, payments of utilities and trash collection services, legal and accounting fees, costs of business furniture, fixtures and office equipment and costs of acquisition, maintenance, repair or construction of an organization's real property. For the purpose of this definition, salaries and wages of employees whose primary responsibility is to provide services for the principal benefit of an organization's members shall not qualify as a business expense. However, payments made pursuant to § 51.1-1204 to the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund shall be deemed a reasonable and proper business expense.

"Supplier" means any person who offers to sell, sells, or otherwise provides charitable gaming supplies to any qualified organization.

"Texas Hold'em poker game" means a variation of poker in which (i) players receive two cards facedown that may be used individually, (ii) five cards shown face up are shared among all players in the game, (iii) players combine any number of their individual cards with the shared cards to make the highest five-card hand to win the value wagered during the game, and (iv) the ranking of hands and the rules of the game are governed by the official rules of the Poker Tournament Directors Association.

"Texas Hold'em poker tournament" or "tournament" means an organized competition of players (i) who pay a fixed fee for entry into the competition and for a certain amount of poker chips for use in the competition; (ii) who may be allowed to pay an additional fee, during set preannounced times of the competition, to receive additional poker chips for use in the competition; (iii) who may be seated at one or more tables simultaneously playing Texas Hold'em poker games; (iv) who upon running out of poker chips are eliminated from the competition; and (v) a pre-set number of whom are awarded prizes of value according to how long such players remain in the competition.

§ 18.2-340.18. Powers and duties of the Department.

The Department shall have all powers and duties necessary to carry out the provisions of this article and to exercise the control of charitable gaming as set forth in § 18.2-340.15. Such powers and duties shall include ~~but not be limited to~~ the following:

1. The Department is vested with jurisdiction and supervision over all charitable gaming authorized under the provisions of this article and including all persons that conduct or provide goods, services, or premises used in the conduct of charitable gaming. It may employ such persons as are necessary to ensure that charitable gaming is conducted in conformity with the provisions of this article and ~~the regulations of the Board~~ *Department regulations*. The Department shall designate such agents and employees as it deems necessary and appropriate who shall be sworn to enforce the provisions of this article and the criminal laws of the Commonwealth and who shall be law-enforcement officers as defined in § 9.1-101.

2. The Department, its agents and employees and any law-enforcement officers charged with the enforcement of charitable gaming laws shall have free access to the offices, facilities, or any other place of business of any organization, including any premises devoted in whole or in part to the conduct of charitable gaming. These individuals may enter such places or premises for the purpose of carrying out any duty imposed by this article, securing records required to be maintained by an organization, investigating complaints, or conducting audits.

3. The Department may compel the production of any books, documents, records, or memoranda of any organizations or supplier involved in the conduct of charitable gaming for the purpose of satisfying itself that this article and its regulations are strictly complied with. In addition, the Department may require the production of an annual balance sheet and operating statement of any person granted a permit pursuant to the provisions of this article and may require the production of any contract to which such person is or may be a party.

4. The Department may issue subpoenas for the attendance of witnesses before it, administer oaths, and compel production of records or other documents and testimony of such witnesses whenever, in the judgment of the Department, it is necessary to do so for the effectual discharge of its duties.

5. The Department may compel any person conducting charitable gaming to file with the Department such documents, information, or data as shall appear to the Department to be necessary for the performance of its duties.

6. The Department may enter into arrangements with any governmental agency of this or any other state or any locality in the Commonwealth or any agency of the federal government for the purposes of exchanging information or performing any other act to better ensure the proper conduct of charitable gaming.

7. The Department may issue a charitable gaming permit while the permittee's tax-exempt status is pending approval by the Internal Revenue Service.

8. The Department shall report annually to the Governor and the General Assembly, which report shall include a financial statement of the operation of the Department and any recommendations for legislation applicable to charitable gaming in the Commonwealth.

9. The Department, its agents, and employees may conduct such audits, in addition to those required by § 18.2-340.31, as they deem necessary and desirable.

10. The Department may limit the number of organizations for which a person may manage, operate, or conduct charitable games.

11. The Department may report any alleged criminal violation of this article to the appropriate attorney for the Commonwealth for appropriate action.

12. Beginning July 1, 2024, and at least once every five years thereafter, the Department shall convene a stakeholder work group to review the limitations on prize amounts and provide any recommendations to the General Assembly by November 30 of the year in which the stakeholder work group is convened.

§ 18.2-340.19. Regulations of the Department.

A. The ~~Board~~ Department shall adopt regulations that:

1. Require, as a condition of receiving a permit, that the applicant use a predetermined percentage of its gross receipts for (i) those lawful religious, charitable, community, or educational purposes for which the organization is specifically chartered or organized or (ii) those expenses relating to the acquisition, construction, maintenance, or repair of any interest in real property involved in the operation of the organization and used for lawful religious, charitable, community, or educational purposes.

2. Specify the conditions under which a complete list of the organization's members who participate in the management, operation, or conduct of charitable gaming may be required in order for the ~~Board~~ Department to ascertain the percentage of Virginia residents in accordance with subdivision A 3 of § 18.2-340.24.

Membership lists furnished to the ~~Board~~ or Department in accordance with this subdivision shall not be a matter of public record and shall be exempt from disclosure under the provisions of the Freedom of Information Act (§ 2.2-3700 et seq.).

3. Prescribe fees for processing applications for charitable gaming permits. Such fees may reflect the nature and extent of the charitable gaming activity proposed to be conducted.

4. Establish requirements for the audit of all reports required in accordance with § 18.2-340.30.

5. Define electronic and mechanical equipment used in the conduct of charitable gaming. ~~Board~~ Department regulations shall include capacity for such equipment to provide full automatic daubing as numbers are called. For the purposes of this subdivision, electronic or mechanical equipment for instant bingo, pull tabs, or seal cards shall include such equipment that displays facsimiles of instant bingo, pull tabs, or seal cards and are used solely for the purpose of dispensing or opening such paper or electronic cards, or both; but shall not include (i) devices operated by dropping one or more coins or tokens into a slot and pulling a handle or pushing a button or touchpoint on a touchscreen to activate one to three or more reels marked into horizontal segments by varying symbols, where the predetermined prize amount depends on how and how many of the symbols line up when the rotating reels come to rest, or (ii) other similar devices that display flashing lights or illuminations, or bells, whistles, or other sounds, solely intended to entice players to play. Such regulations shall not prohibit the use of multiple video monitors or touchscreens on an electronic pull tab device.

6. Prescribe the conditions under which a qualified organization may (i) provide food and nonalcoholic beverages to its members who participate in the management, operation, or conduct of bingo; (ii) permit members who participate in the management, operation, or conduct of bingo to play bingo; and (iii) subject to the provisions of subdivision 12 of § 18.2-340.33, permit nonmembers to participate in the conduct of bingo so long as the nonmembers are under the direct supervision of a bona fide member of the organization during the bingo game.

7. Prescribe the conditions under which a qualified organization may sell raffle tickets for a raffle drawing that will be held outside the Commonwealth pursuant to subsection B of § 18.2-340.26.

8. Prescribe the conditions under which persons who are bona fide members of a qualified organization or a child, above the age of 13 years, of a bona fide member of such organization may participate in the conduct or operation of bingo games.

9. Prescribe the conditions under which a person below the age of 18 years may play bingo, provided that such person is accompanied by his parent or legal guardian.

10. Require all qualified organizations that are subject to ~~Board~~ Department regulations to post in a conspicuous place in every place where charitable gaming is conducted a sign which bears a toll-free telephone number for "Gamblers Anonymous" or other organization which provides assistance to compulsive gamblers.

11. Prescribe the conditions under which a qualified organization may sell network bingo cards in accordance with § 18.2-340.28:1 and establish a percentage of proceeds derived from network bingo sales to be allocated to (i) prize pools, (ii) the organization conducting the network bingo, and (iii) the network bingo provider. The regulations shall also establish procedures for the retainage and ultimate distribution of any unclaimed prize.

12. Prescribe the conditions under which a qualified organization may manage, operate, or contract with operators of, or conduct Texas Hold'em poker tournaments.

B. ~~In addition to the powers and duties granted pursuant to § 2.2-2456 and this article, the Board~~ *The Commissioner* may, by regulation, approve variations to the card formats for bingo games, provided that such variations result in bingo games that are conducted in a manner consistent with the provisions of this article. ~~Board-approved~~ *Department-approved* variations may include; ~~but are not limited to;~~ bingo games commonly referred to as player selection games and 90-number bingo.

§ 18.2-340.20. Denial, suspension, or revocation of permit; hearings and appeals.

A. The Department may deny, suspend, or revoke the permit of any organization found not to be in strict compliance with the provisions of this article and ~~the Department regulations of the Board only after the proposed action by the Department has been reviewed and approved by the Board.~~ The action of the Department in denying, suspending, or revoking any permit shall be subject to the Administrative Process Act (§ 2.2-4000 et seq.).

B. Except as provided in §§ 18.2-340.25, 18.2-340.30 and 18.2-340.36, no permit to conduct charitable gaming shall be denied, suspended, or revoked except upon notice stating the proposed basis for such action and the time and place for the hearing. At the discretion of the Department, hearings may be conducted by hearing officers who shall be selected from the list prepared by the Executive Secretary of the Supreme Court. After a hearing on the issues, the Department may refuse to issue or may suspend or revoke any such permit if it determines that the organization has not complied with the provisions of this article or ~~the regulations of the Board~~ *Department regulations*.

C. Any person aggrieved by a refusal of the Department to issue any permit, the suspension or revocation of a permit, or any other action of the Department may seek review of such action in accordance with Article 4 (§ 2.2-4025 et seq.) of the Administrative Process Act.

§ 18.2-340.22. Only raffles, bingo, network bingo, instant bingo games, and Texas Hold'em poker tournaments permitted; prizes not gaming contracts.

A. This article permits qualified organizations to conduct raffles, bingo, network bingo, instant bingo games, and Texas Hold'em poker tournaments. All games not explicitly authorized by this article or ~~Board~~ *Department* regulations adopted in accordance with § 18.2-340.18 are prohibited. Nothing herein shall be construed to authorize the ~~Board~~ *Department* to approve the conduct of any other form of poker in the Commonwealth.

B. The award of any prize money for any charitable game shall not be deemed to be part of any gaming contract within the purview of § 11-14.

C. Nothing in this article shall prohibit an organization from using the Virginia Lottery's Pick-3 number or any number or other designation selected by the Virginia Lottery in connection with any lottery, as the basis for determining the winner of a raffle.

§ 18.2-340.23. Organizations exempt from certain fees and reports.

A. No organization that reasonably expects, based on prior charitable gaming annual results or any other quantifiable method, to realize gross receipts of \$40,000 or less in any 12-month period from raffles conducted in accordance with the provisions of this article shall be required to (i) notify the Department of its intention to conduct raffles or (ii) comply with ~~Board~~ *Department* regulations governing raffles. If any organization's actual gross receipts from raffles for the 12-month period exceed \$40,000, the Department shall require the organization to file by a specified date the report required by § 18.2-340.30.

B. Any (i) organization described in subdivision 15 of the definition of "organization" in § 18.2-340.16 or (ii) volunteer fire department or volunteer emergency medical services agency or auxiliary unit thereof that has been recognized in accordance with § 15.2-955 by an ordinance or resolution of the political subdivision where the volunteer fire department or volunteer emergency medical services agency is located as being part of the safety program of such political subdivision shall be exempt from the payment of application fees required by § 18.2-340.25 and the payment of audit fees required by § 18.2-340.31. Nothing in this subsection shall be construed as exempting any organizations described in subdivision 15 of the definition of "organization" in § 18.2-340.16, volunteer fire departments, or volunteer emergency medical services agencies from any other provisions of this article or other ~~Board~~ *Department* regulations.

C. Nothing in this section shall prevent the Department from conducting any investigation or audit it deems appropriate to ensure an organization's compliance with the provisions of this article and, to the extent applicable, ~~Board~~ *Department* regulations.

§ 18.2-340.24. Eligibility for permit; exceptions; where valid.

A. To be eligible for a permit to conduct charitable gaming, an organization shall:

1. Have been in existence and met on a regular basis in the Commonwealth for a period of at least three years immediately prior to applying for a permit.

The three-year residency requirement shall not apply (i) to any lodge or chapter of a national or international fraternal order or of a national or international civic organization which is exempt under § 501(c) of the United States Internal Revenue Code and which has a lodge or chapter holding a charitable gaming permit issued under the provisions of this

article anywhere within the Commonwealth; (ii) to booster clubs which have been operating for less than three years and which have been established solely to raise funds for school-sponsored activities in public schools or private schools accredited pursuant to § 22.1-19; (iii) to recently established volunteer fire and rescue companies or departments, after county, city, or town approval; or (iv) to an organization which relocates its meeting place on a permanent basis from one jurisdiction to another, complies with the requirements of subdivision 2 of this section, and was the holder of a valid permit at the time of its relocation.

2. Be operating currently and have always been operated as a nonprofit organization.

3. Have at least 50 percent of its membership consist of residents of the Commonwealth; however, if an organization (i) does not consist of bona fide members and (ii) is exempt under § 501(c)(3) of the United States Internal Revenue Code, the ~~Board~~ Department shall exempt such organizations from the requirements of this subdivision.

B. Any organization whose gross receipts from all charitable gaming exceeds or can be expected to exceed \$40,000 in any calendar year shall have been granted tax-exempt status pursuant to § 501(c) of the United States Internal Revenue Code. At the same time tax-exempt status is sought from the Internal Revenue Service, the same documentation may be filed with the Department in conjunction with an application for a charitable gaming permit. If such documentation is filed, the Department may, after reviewing such documentation it deems necessary, issue a charitable gaming permit.

C. A permit shall be valid only for the dates and times designated in the permit.

§ 18.2-340.25. Permit required; application fee; form of application.

A. Except as provided for in § 18.2-340.23, prior to the commencement of any charitable game, an organization shall obtain a permit from the Department.

B. All complete applications for a permit shall be acted upon by the Department within 45 days from the filing thereof. Upon compliance by the applicant with the provisions of this article, and at the discretion of the Department, a permit may be issued. All permits when issued shall be valid for the period specified in the permit unless it is sooner suspended or revoked. No permit shall be valid for longer than two years. The application shall be a matter of public record.

All permits shall be subject to regulation by the Department to ensure the public safety and welfare in the operation of charitable games. The permit shall only be granted after a reasonable investigation has been conducted by the Department. The Department may require any prospective employee, permit holder, or applicant to submit to fingerprinting and to provide personal descriptive information to be forwarded along with employee's, licensee's, or applicant's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purposes of obtaining criminal history record information regarding such prospective employee, permit holder, or applicant. The Central Criminal Records Exchange upon receipt of a prospective employee, licensee, or applicant record or notification that no record exists, shall forward the report to the Commissioner of the Department or his designee, who shall belong to a governmental entity. However, nothing in this subsection shall be construed to require the routine fingerprinting of volunteer bingo workers.

C. In no case shall an organization receive more than one permit allowing it to conduct charitable gaming.

D. Application for a charitable gaming permit shall be made on forms prescribed by the Department and shall be accompanied by payment of the fee for processing the application.

E. Applications for renewal of permits shall be made in accordance with ~~Board Regulations~~ Department regulations. If a complete renewal application is received 45 days or more prior to the expiration of the permit, the permit shall continue to be effective until such time as the Department has taken final action. Otherwise, the permit shall expire at the end of its term.

F. The failure to meet any of the requirements of § 18.2-340.24 shall cause the automatic denial of the permit, and no organization shall conduct any charitable gaming until the requirements are met and a permit is obtained.

§ 18.2-340.26. Sale of raffle tickets; drawings.

A. Except as provided in subsection B, a qualified organization may sell raffle tickets both in and out of the jurisdiction designated in its permit and shall conduct the drawing within the Commonwealth.

B. A qualified organization may sell raffle tickets for a raffle drawing which will be held outside the Commonwealth, provided the raffle is conducted in accordance with (i) ~~the Department regulations of the Board~~ and (ii) the laws and regulations of the jurisdiction in which the raffle drawing will be held.

C. Before a prize drawing, each stub or other detachable section of each ticket sold or won through some other authorized charitable game conducted by the same organization holding the raffle, shall be placed into a receptacle from which the winning tickets are drawn. The receptacle shall be designed so that each ticket placed in it has an equal chance of being drawn.

§ 18.2-340.26:2. Sale of instant bingo, pull tabs, or seal cards by certain booster clubs.

As a part of its annual fund-raising event, any qualified organization that is an athletic association or booster club or a band booster club may sell instant bingo, pull tabs, or seal cards provided that (i) the sale is limited to a single event in a calendar year and (ii) the event is open to the public. The Department may require organizations authorized under this section to make such financial reporting as it deems necessary.

Nothing in this section shall be construed as exempting organizations authorized to sell instant bingo, pull tabs, or seal cards under this section from any other provisions of this article or other ~~Board~~ Department regulations.

§ 18.2-340.28:2. Conduct of Texas Hold'em poker tournaments by qualified organizations; limitation of operator fee; conditions.

A. Any organization qualified to conduct bingo games on or after July 1, 2019, may conduct Texas Hold'em poker tournaments. The ~~Board~~ *Commissioner* shall promulgate regulations establishing circumstances under which organizations qualified to conduct bingo games prior to July 1, 2019, may conduct Texas Hold'em poker tournaments.

B. A qualified organization may contract with an operator to administer Texas Hold'em poker tournaments. Limitations on operator fees shall be established by ~~Board~~ *Department* regulations.

C. A qualified organization shall accept only cash or, at its option, checks in payment of any charges or assessments for players to participate in Texas Hold'em poker tournaments. However, no such organization shall accept postdated checks in payment of any charges or assessments for players to participate in Texas Hold'em poker tournaments.

D. No qualified organization or any person on the premises shall extend lines of credit or accept any credit or debit card or other electronic fund transfer in payment of any charges or assessments for players to participate in Texas Hold'em poker tournaments.

E. No qualified organization shall allow any individual younger than 18 years of age to participate in Texas Hold'em poker tournaments.

§ 18.2-340.30. Reports of gross receipts and disbursements required; form of reports; failure to file.

A. Each qualified organization shall keep a complete record of all inventory of charitable gaming supplies purchased, all receipts from its charitable gaming operation, and all disbursements related to such operation. Except as provided in § 18.2-340.23, each qualified organization shall file at least annually, on a form prescribed by the Department, a report of all such receipts and disbursements, the amount of money on hand attributable to charitable gaming as of the end of the period covered by the report and any other information related to its charitable gaming operation that the Department may require. In addition, the ~~Board~~ *Commissioner*, by regulation, may require any qualified organization whose net receipts exceed a specified amount during any three-month period to file a report of its receipts and disbursements for such period. All reports filed pursuant to this section shall be a matter of public record.

B. All reports required by this section shall be filed on or before the date prescribed by the Department. The ~~Board~~ *Commissioner*, by regulation, shall establish a schedule of late fees to be assessed for any organization that fails to submit required reports by the due date.

C. Except as provided in § 18.2-340.23, each qualified organization shall designate or compensate an outside individual or group who shall be responsible for filing an annual, and, if required, quarterly, financial report if the organization goes out of business or otherwise ceases to conduct charitable gaming activities. The Department shall require such reports as it deems necessary until all proceeds of any charitable gaming have been used for the purposes specified in § 18.2-340.19 or have been disbursed in a manner approved by the Department.

D. Each qualified organization shall maintain for three years a complete written record of (i) all charitable gaming sessions using Department prescribed forms or reasonable facsimiles thereof approved by the Department; (ii) the name and address of each individual to whom is awarded any charitable gaming prize or jackpot that meets or exceeds the requirements of Internal Revenue Service Publication 3079, as well as the amount of the award; and (iii) an itemized record of all receipts and disbursements, including operating costs and use of proceeds incurred in operating bingo games.

E. The failure to file reports within 30 days of the time such reports are due shall cause the automatic revocation of the permit, and no organization shall conduct any bingo game or raffle thereafter until the report is properly filed and a new permit is obtained. However, the Department may grant an extension of time for filing such reports for a period not to exceed 45 days if requested by an organization, provided the organization requests an extension within 15 days of the time such reports are due and all projected fees are paid. For the term of any such extension, the organization's permit shall not be automatically revoked, such organization may continue to conduct charitable gaming, and no new permit shall be required.

§ 18.2-340.31. Audit of reports; exemption; audit and administration fee; additional gross receipts assessment.

A. All reports filed pursuant to § 18.2-340.30 shall be subject to audit by the Department in accordance with ~~Board~~ *Department* regulations. The Department may engage the services of independent certified public accountants to perform any audits deemed necessary to fulfill the Department's responsibilities under this article.

B. The Department shall prescribe a reasonable audit and administration fee to be paid by any organization conducting charitable gaming under a permit issued by the Department unless the organization is exempt from such fee pursuant to § 18.2-340.23. Such fee shall not exceed one and one-quarter percent of the gross receipts which an organization reports pursuant to § 18.2-340.30. The audit and administration fee shall accompany each report for each calendar quarter.

C. The audit and administration fee shall be payable to the Treasurer of Virginia. All such fees received by the Treasurer of Virginia shall be separately accounted for and shall be used only by the Department for the purposes of auditing and regulating charitable gaming.

D. In addition to the fee imposed under subsection B, an additional fee of one-quarter of one percent of the gross receipts that an organization reports pursuant to § 18.2-340.30 shall be paid by the organization to the Treasurer of Virginia. All such amounts shall be collected and deposited in the same manner as prescribed in subsections B and C and shall be used for the same purposes.

§ 18.2-340.33. Prohibited practices.

In addition to those other practices prohibited by this article, the following acts or practices are prohibited:

1. No part of the gross receipts derived by a qualified organization may be used for any purpose other than (i) reasonable and proper gaming expenses, (ii) reasonable and proper business expenses, (iii) those lawful religious, charitable, community, or educational purposes for which the organization is specifically chartered or organized, and

(iv) expenses relating to the acquisition, construction, maintenance, or repair of any interest in the real property involved in the operation of the organization and used for lawful religious, charitable, community, or educational purposes. For the purposes of clause (iv), such expenses may include the expenses of a corporation formed for the purpose of serving as the real estate holding entity of a qualified organization, provided (a) such holding entity is qualified as a tax exempt organization under § 501(c) of the Internal Revenue Code and (b) the membership of the qualified organization is identical to such holding entity.

2. Except as provided in § 18.2-340.34:1, no qualified organization shall enter into a contract with or otherwise employ for compensation any person for the purpose of organizing, managing, or conducting any charitable games. However, organizations composed of or for deaf or blind persons may use a part of their gross receipts for costs associated with providing clerical assistance in the management and operation but not the conduct of charitable gaming.

The provisions of this subdivision shall not prohibit the joint operation of bingo games held in accordance with § 18.2-340.29.

3. No person shall pay or receive for use of any premises devoted, in whole or in part, to the conduct of any charitable games, any consideration in excess of the current fair market rental value of such property. Fair market rental value consideration shall not be based upon or determined by reference to a percentage of the proceeds derived from the operation of any charitable games or to the number of people in attendance at such charitable games.

4. No person shall participate in the management or operation of any charitable game unless such person is and, for a period of at least 30 days immediately preceding such participation, has been a bona fide member of the organization. For any organization that is not composed of members, a person who is not a bona fide member may volunteer in the conduct of a charitable game as long as that person is directly supervised by a bona fide official member of the organization.

The provisions of this subdivision shall not apply to (i) persons employed as clerical assistants by qualified organizations composed of or for deaf or blind persons; (ii) employees of a corporate sponsor of a qualified organization, provided such employees' participation is limited to the management, operation, or conduct of no more than one raffle per year; (iii) the spouse or family member of any such bona fide member of a qualified organization provided at least one bona fide member is present; or (iv) persons employed by a qualified organization authorized to sell pull tabs or seal cards in accordance with § 18.2-340.16, provided (a) such sales are conducted by no more than two on-duty employees, (b) such employees receive no compensation for or based on the sale of the pull tabs or seal cards, and (c) such sales are conducted in the private social quarters of the organization.

5. No person shall receive any remuneration for participating in the management, operation, or conduct of any charitable game, except that:

a. Persons employed by organizations composed of or for deaf or blind persons may receive remuneration not to exceed \$30 per event for providing clerical assistance in the management and operation but not the conduct of charitable games only for such organizations;

b. Persons under the age of 19 who sell raffle tickets for a qualified organization to raise funds for youth activities in which they participate may receive nonmonetary incentive awards or prizes from the organization;

c. Remuneration may be paid to off-duty law-enforcement officers from the jurisdiction in which such bingo games are played for providing uniformed security for such bingo games even if such officer is a member of the sponsoring organization, provided the remuneration paid to such member is in accordance with off-duty law-enforcement personnel work policies approved by the local law-enforcement official and further provided that such member is not otherwise engaged in the management, operation, or conduct of the bingo games of that organization, or to private security services businesses licensed pursuant to § 9.1-139 providing uniformed security for such bingo games, provided that employees of such businesses shall not otherwise be involved in the management, operation, or conduct of the bingo games of that organization;

d. A member of a qualified organization lawfully participating in the management, operation, or conduct of a bingo game may be provided food and nonalcoholic beverages by such organization for on-premises consumption during the bingo game provided the food and beverages are provided in accordance with ~~Board~~ Department regulations;

e. Remuneration may be paid to bingo managers or callers who have a current registration certificate issued by the Department in accordance with § 18.2-340.34:1, or who are exempt from such registration requirement. Such remuneration shall not exceed \$100 per session; and

f. Volunteers of a qualified organization may be reimbursed for their reasonable and necessary travel expenses, not to exceed \$50 per session.

6. No landlord shall, at bingo games conducted on the landlord's premises, (i) participate in the conduct, management, or operation of any bingo games; (ii) sell, lease, or otherwise provide for consideration any bingo supplies, including, but not limited to, bingo cards, instant bingo cards, or other game pieces; or (iii) require as a condition of the lease or by contract that a particular manufacturer, distributor, or supplier of bingo supplies or equipment be used by the organization.

The provisions of this subdivision shall not apply to any qualified organization conducting bingo games on its own behalf at premises owned by it.

7. No qualified organization shall enter into any contract with or otherwise employ or compensate any member of the organization on account of the sale of bingo supplies or equipment.

8. No organization shall award any bingo prize money or any merchandise valued in excess of the following amounts:

a. No bingo door prize shall exceed \$250 for a single door prize or \$500 in cumulative door prizes in any one session;

b. No regular bingo or special bingo game prize shall exceed \$100. However, up to 10 games per bingo session may feature a regular bingo or special bingo game prize of up to \$200;

c. No instant bingo, pull tab, or seal card prize for a single card shall exceed \$2,000;

d. Except as provided in this subdivision 8, no bingo jackpot of any nature whatsoever shall exceed \$1,000, nor shall the total amount of bingo jackpot prizes awarded in any one session exceed \$1,000. Proceeds from the sale of bingo cards and the sheets used for bingo jackpot games shall be accounted for separately from the bingo cards or sheets used for any other bingo games; and

e. No single network bingo prize shall exceed \$25,000. Proceeds from the sale of network bingo cards shall be accounted for separately from bingo cards and sheets used for any other bingo game.

9. The provisions of subdivision 8 shall not apply to:

Any progressive bingo game, in which (i) a regular or special prize, not to exceed \$100, is awarded on the basis of predetermined numbers or patterns selected at random and (ii) a progressive prize, not to exceed \$500 for the initial progressive prize and \$5,000 for the maximum progressive prize, is awarded if the predetermined numbers or patterns are covered when a certain number of numbers is called, provided that (a) there are no more than six such games per session per organization, (b) the amount of increase of the progressive prize per session is no more than \$200, (c) the bingo cards or sheets used in such games are sold separately from the bingo cards or sheets used for any other bingo games, (d) the organization separately accounts for the proceeds from such sale, and (e) such games are otherwise operated in accordance with the Department's rules of play.

10. No organization shall award any raffle prize valued at more than \$100,000.

The provisions of this subdivision shall not apply to a raffle conducted no more than three times per calendar year by a qualified organization qualified as a tax-exempt organization pursuant to § 501(c) of the Internal Revenue Code for a prize consisting of a lot improved by a residential dwelling where 100 percent of the moneys received from such a raffle, less deductions for the fair market value for the cost of acquisition of the land and materials, are donated to lawful religious, charitable, community, or educational organizations specifically chartered or organized under the laws of the Commonwealth and qualified as a § 501(c) tax-exempt organization. No more than one such raffle shall be conducted in any one geographical region of the Commonwealth.

11. No qualified organization composed of or for deaf or blind persons which employs a person not a member to provide clerical assistance in the management and operation but not the conduct of any charitable games shall conduct such games unless it has in force fidelity insurance, as defined in § 38.2-120, written by an insurer licensed to do business in the Commonwealth.

12. No person shall participate in the management or operation of any charitable game if he has ever been convicted of any felony or if he has been convicted of any misdemeanor involving fraud, theft, or financial crimes within the preceding five years. No person shall participate in the conduct of any charitable game if, within the preceding 10 years, he has been convicted of any felony or if, within the preceding five years he has been convicted of any misdemeanor involving fraud, theft, or financial crimes. In addition, no person shall participate in the management, operation, or conduct of any charitable game if that person, within the preceding five years, has participated in the management, operation, or conduct of any charitable game which was found by the Department or a court of competent jurisdiction to have been operated in violation of state law, local ordinance, or ~~Board~~ Department regulation.

13. Qualified organizations jointly conducting bingo games pursuant to § 18.2-340.29 shall not circumvent any restrictions and prohibitions which would otherwise apply if a single organization were conducting such games. These restrictions and prohibitions shall include, but not be limited to, the frequency with which bingo games may be held, the value of merchandise or money awarded as prizes, or any other practice prohibited under this section.

14. A qualified organization shall not purchase any charitable gaming supplies for use in the Commonwealth from any person who is not currently registered with the Department as a supplier pursuant to § 18.2-340.34.

15. Unless otherwise permitted in this article, no part of an organization's charitable gaming gross receipts shall be used for an organization's social or recreational activities.

§ 18.2-340.34. Suppliers of charitable gaming supplies; manufacturers of electronic games of chance systems; permit; qualification; suspension, revocation, or refusal to renew certificate; maintenance, production, and release of records.

A. No person shall offer to sell, sell, or otherwise provide charitable gaming supplies to any qualified organization and no manufacturer shall distribute electronic games of chance systems for charitable gaming in the Commonwealth unless and until such person has made application for and has been issued a permit by the Department. An application for permit shall be made on forms prescribed by the Department and shall be accompanied by a fee in the amount of \$1,000. Each permit shall remain valid for a period of one year from the date of issuance. Application for renewal of a permit shall be accompanied by a fee in the amount of \$1,000 and shall be made on forms prescribed by the Department.

B. The ~~Board~~ Commissioner shall have authority to prescribe by regulation reasonable criteria consistent with the provisions of this article for the registration of suppliers and manufacturers of electronic games of chance systems for charitable gaming. The Department shall refuse to issue a permit to any supplier or manufacturer who has, or which has any officer, director, partner, or owner who has, (i) been convicted of or pleaded nolo contendere to a felony in any state or federal court or has been convicted of any offense that, if committed in the Commonwealth, would be a felony; (ii) been convicted of or pleaded nolo contendere to a crime involving gambling; (iii) violated the gaming laws of any jurisdiction

within the last five years, including violations for failure to register; or (iv) had any license, permit, certificate, or other authority related to charitable gaming suspended or revoked in the Commonwealth or in any other jurisdiction within the last five years. The Department may refuse to issue a permit to any supplier or manufacturer who has, or which has any officer, director, partner, or owner who has, (a) failed to file or has been delinquent in excess of one year in the filing of any tax returns or the payment of any taxes due the Commonwealth or (b) failed to establish a registered office or registered agent in the Commonwealth if so required by § 13.1-634 or 13.1-763.

C. The Department shall suspend, revoke, or refuse to renew the permit of any supplier or manufacturer for any conduct described in clause (i), (ii), (iii), or (iv) of subsection B. The Department may suspend, revoke, or refuse to renew the permit of any supplier or manufacturer for any conduct described in clause (a) or (b) of subsection B or for any violation of this article or regulation of the ~~Board~~ Department. Before taking any such action, the Department shall give the supplier or manufacturer a written statement of the grounds upon which it proposes to take such action and an opportunity to be heard. Every hearing in a contested case shall be conducted in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).

D. Each supplier shall document each sale of charitable gaming supplies, including electronic games of chance systems, and other items incidental to the conduct of charitable gaming, such as markers, wands, or tape, to a qualified organization on an invoice which clearly shows (i) the name and address of the qualified organization to which such supplies or items were sold; (ii) the date of the sale; (iii) the name or form and serial number of each deal of instant bingo cards and pull-tab raffle cards, the quantity of deals sold, and the price per deal paid by the qualified organization; (iv) the serial number of the top sheet in each packet of bingo paper, the serial number for each series of uncollated bingo paper, and the cut, color, and quantity of bingo paper sold; and (v) any other information with respect to charitable gaming supplies, including electronic games of chance systems, or other items incidental to the conduct of charitable gaming as the ~~Board~~ Commissioner may prescribe by regulation. A legible copy of the invoice shall accompany the charitable gaming supplies when delivered to the qualified organization.

Each manufacturer of electronic games of chance systems shall document each distribution of such systems to a qualified organization or supplier on an invoice which clearly shows (a) the name and address of the qualified organization or supplier to which such systems were distributed; (b) the date of distribution; (c) the serial number of each such system; and (d) any other information with respect to electronic games of chance systems as the ~~Board~~ Commissioner may prescribe by regulation. A legible copy of the invoice shall accompany the electronic games of chance systems when delivered to the qualified organization or supplier.

E. Each supplier and manufacturer shall maintain a legible copy of each invoice required by subsection D for a period of three years from the date of sale. Each supplier and manufacturer shall make such documents immediately available for inspection and copying to any agent or employee of the Department upon request made during normal business hours. This subsection shall not limit the right of the Department to require the production of any other documents in the possession of the supplier or manufacturer which relate to its transactions with qualified organizations. All documents and other information of a proprietary nature furnished to the Department in accordance with this subsection shall not be a matter of public record and shall be exempt from disclosure under the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

F. Each supplier and manufacturer shall provide to the Department the results of background checks and any other records or documents necessary for the Department to enforce the provisions of subsections B and C.

§ 18.2-340.34:1. Bingo managers and callers; remuneration; registration; qualification; suspension, revocation, or refusal to renew certificate; exceptions.

A. No person shall receive remuneration as a bingo manager or caller from any qualified organization unless and until such person has made application for and has been issued a registration certificate by the Department. Application for registration shall be made on forms prescribed by the Department and shall be accompanied by a fee in the amount of \$75. Each registration certificate shall remain valid for a period of one year from the date of issuance. Application for renewal of a registration certificate shall be accompanied by a fee in the amount of \$75 and shall be made on forms prescribed by the Department.

B. As a condition of registration as a bingo manager, the applicant shall (i) have been a bona fide member of the qualified organization for at least 12 consecutive months prior to making application for registration and (ii) be required to complete a reasonable training course developed and conducted by the Department.

As a condition of registration as a bingo caller, the applicant shall be required to complete a reasonable training course developed and conducted by the Department.

The Department may refuse to register any bingo manager or caller who has (a) been convicted of or pleaded nolo contendere to a felony in any state or federal court or has been convicted of any offense which, if committed in the Commonwealth, would be a felony; (b) been convicted of or pleaded nolo contendere to a crime involving gambling; (c) had any license, permit, certificate, or other authority related to activities defined as charitable gaming in the Commonwealth suspended or revoked in the Commonwealth or in any other jurisdiction; or (d) failed to file or has been delinquent in excess of one year in the filing of any tax returns or the payment of any taxes due the Commonwealth.

C. The Department may suspend, revoke, or refuse to renew the registration certificate of any bingo manager or caller for any conduct described in subsection B or for any violation of this article or Department regulations of the ~~Board~~. Before taking any such action, the Department shall give the bingo manager or caller a written statement of the grounds upon which

it proposes to take such action and an opportunity to be heard. Every hearing in a contested case shall be conducted in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).

D. The provisions of subsection A requiring registration for bingo callers with the Department shall not apply to a bingo caller for a volunteer fire department or volunteer emergency medical services agency or auxiliary unit thereof that has been recognized in accordance with § 15.2-955 by an ordinance or resolution of the political subdivision where the volunteer fire department or volunteer emergency medical services agency is located as being a part of the safety program of such political subdivision.

§ 18.2-340.34:2. Licensing of network bingo providers; qualification; suspension, revocation, or refusal to renew license; maintenance, production, and release of records.

A. No person shall sell or offer to sell or otherwise provide access to a network bingo network to any qualified organization unless and until such person has made application for and has been issued a license by the Department. An application for license shall be made on forms prescribed by the Department and shall be accompanied by a fee in the amount of \$500. Each license shall remain valid for a period of two years from the date of issuance. Application for renewal of a license shall be accompanied by a fee in the amount of \$500 and shall be made on forms prescribed by the Department.

B. The ~~Board~~ *Commissioner* shall have authority to prescribe by regulation reasonable criteria consistent with the provisions of this article for the licensure of network bingo providers. The Department may refuse to issue a license to any network bingo provider that has any officer, director, partner, or owner who has (i) been convicted of or pleaded nolo contendere to a felony in any state or federal court or has been convicted of any offense that, if committed in the Commonwealth, would be a felony; (ii) been convicted of or pleaded nolo contendere to a crime involving gambling; (iii) had any license, permit, certificate, or other authority related to activities defined as charitable gaming in the Commonwealth suspended or revoked in the Commonwealth or in any other jurisdiction; (iv) failed to file or been delinquent in excess of one year in the filing of any tax returns or the payment of any taxes due the Commonwealth; or (v) failed to establish a registered office or registered agent in the Commonwealth if so required by § 13.1-634 or 13.1-763.

C. The Department may suspend, revoke, or refuse to renew the license of any network bingo provider for any conduct described in subsection B or for any violation of this article or regulation of the ~~Board~~ *Department*. Before taking any such action, the Department shall give the network bingo provider a written statement of the grounds upon which it proposes to take such action and an opportunity to be heard. Every hearing in a contested case shall be conducted in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).

D. The ~~Department~~ *Commissioner* by regulation shall require network bingo providers to have onsite independent supervision of network bingo games as the numbers are called.

E. Each network bingo provider shall document each sale of network bingo supplies and other items incidental to the conduct of network bingo to a qualified organization on an invoice that clearly shows (i) the name and address of the qualified organization to which such supplies or items were sold; (ii) the date of the sale; (iii) the name or form and serial number of each network bingo card, the quantity of cards sold, and the price per card paid by the qualified organization; and (iv) any other information required by the Department. A legible copy of the invoice shall accompany the network bingo supplies when delivered to the qualified organization.

F. Each network bingo provider shall maintain a legible copy of each invoice required by subsection E for a period of three years from the date of sale. Each network bingo provider shall make such documents immediately available for inspection and copying to any agent or employee of the Department upon request made during normal business hours. This subsection shall not limit the right of the Department to require the production of any other documents in the possession of the network bingo provider that relate to its transactions with qualified organizations. All documents and other information of a proprietary nature furnished to the Department in accordance with this subsection shall be exempt from disclosure under the provisions of the Freedom of Information Act (§ 2.2-3700 et seq.).

§ 18.2-340.36. Suspension of permit.

A. When any officer charged with the enforcement of the charitable gaming laws of the Commonwealth has reasonable cause to believe that the conduct of charitable gaming is being conducted by an organization in violation of this article or ~~the Department~~ *regulations of the Board*, he may apply to any judge, magistrate, or other person having authority to issue criminal warrants for the immediate suspension of the permit of the organization conducting the bingo game or raffle. If the judge, magistrate, or person to whom such application is presented is satisfied that probable cause exists to suspend the permit, he shall suspend the permit. Immediately upon such suspension, the officer shall notify the organization in writing of such suspension.

B. Written notice specifying the particular basis for the immediate suspension shall be provided by the officer to the organization within one business day of the suspension and a hearing held thereon by the Department or its designated hearing officer within 10 days of the suspension unless the organization consents to a later date. No charitable gaming shall be conducted by the organization until the suspension has been lifted by the Department or a court of competent jurisdiction.

2. That the regulations of the Charitable Gaming Board shall be administered by the Department of Agriculture and Consumer Services and shall remain in full force and effect until the Commissioner of Agriculture and Consumer Services promulgates regulations pursuant to this act.

3. That notwithstanding the second enactment of this act, the regulations promulgated by the Charitable Gaming Board regarding Texas Hold'em poker games and tournaments, which became effective on March 23, 2021, and were rescinded by the General Assembly pursuant to Item 105 of Chapter 552 of the Acts of Assembly of 2021,

Special Session I, shall not take effect. The Commissioner of Agriculture and Consumer Services (the Commissioner) shall promulgate regulations regarding Texas Hold'em poker tournaments consistent with the provisions of Chapter 982 of the Acts of Assembly of 2020. The Commissioner's initial adoption of regulations necessary to implement the provisions of this enactment shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Commissioner shall provide an opportunity for public comment on the regulations prior to adoption.

4. That this act shall not be construed to affect existing appointments to the Charitable Gaming Board for the terms that have not expired. However, all new appointments made on or after July 1, 2022, shall be made in accordance with the provisions of this act.

CHAPTER 555

An Act to amend the Code of Virginia by adding a section numbered 18.2-340.36:1, relating to charitable gaming; violations; civil penalty.

[S 399]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-340.36:1 as follows:

§ 18.2-340.36:1. Civil penalty.

Any person or organization, whether permitted or qualified pursuant to this article or not, that (i) conducts charitable gaming without first obtaining a permit to do so, (ii) continues to conduct such games after revocation or suspension of such permit, or (iii) otherwise violates any provisions of this article shall, in addition to any other penalties provided, be subject to a civil penalty of not less than \$25,000 and not more than \$50,000 per incident. Any civil penalties collected pursuant to this section shall be payable to the State Treasurer for remittance to the Department of Agriculture and Consumer Services.

CHAPTER 556

An Act to amend and reenact § 38.2-6506 of the Code of Virginia, relating to qualified health plans; essential health benefits; state-mandated health benefits.

[S 449]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-6506 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-6506. Certification of health benefit plans as qualified health plans.

A. The Exchange, in consultation with the Bureau, shall certify a health benefit plan as a qualified health plan, unless the Exchange determines that making the plan available through the Exchange is not in the interest of qualified individuals and qualified employers in the Commonwealth, if:

1. The plan provides *health benefits* in the essential health benefits package; ~~except that (i) the~~ *The plan shall not may* provide any state-mandated health benefit that is not provided in the essential health benefits package ~~and (ii) the~~ *The plan* is not required to provide benefits that duplicate the minimum benefits of qualified dental plans, as set forth in subsection F, if ~~(a)~~ *(i)* the Exchange has determined that at least one qualified dental plan is available to supplement the plan's coverage and ~~(b)~~ *(ii)* the health carrier makes prominent disclosure at the time it offers the plan, in a form approved by the Bureau, that such plan does not provide the full range of pediatric dental benefits included in the essential health benefits package and that qualified dental plans providing those benefits and other dental benefits not covered by such plan are offered through the Exchange;

2. The premium rates and policy forms have been approved by or filed with the Commission, in accordance with §§ 38.2-316 and 38.2-316.1;

3. The plan provides at least a bronze level of coverage unless the plan is certified as a qualified catastrophic plan, meets the requirements of the Federal Act for catastrophic plans, and will only be offered to individuals eligible for catastrophic coverage;

4. The plan's cost-sharing requirements do not exceed the limits established under § 1302(c)(1) of the Federal Act;

5. The health carrier offering the plan:

a. Is licensed and in good standing to offer health insurance coverage in the Commonwealth;

b. Offers (i) at least one qualified health plan in the silver level of coverage and one qualified health plan at a gold level of coverage throughout each service area in which it offers coverage through the Exchange and (ii) a child-only plan at the same level of coverage as any qualified health plan offered through the Exchange to individuals who, as of the beginning of the plan year, are less than 21 years of age;

c. Charges the same premium rate for each qualified health plan without regard to whether the plan is offered through the Exchange or directly by the health carrier or through an agent;

d. Does not charge any cancellation fees or penalties in violation of subsection D of § 38.2-6504; and
 e. Complies with the regulations developed by the Secretary under § 1311(d) of the Federal Act and such other requirements as the Exchange may establish; and

6. The plan meets the requirements of certification as adopted by regulation pursuant to § 38.2-6514 or promulgated by the Secretary under § 1311(c) of the Federal Act, which include minimum standards in the areas of marketing practices, network adequacy, essential community providers in underserved areas, accreditation, quality improvement, uniform enrollment forms, and descriptions of coverage and information on quality measures for health benefit plan performance.

B. The Exchange shall not refuse to certify a health benefit plan as a qualified health plan (i) on the basis that the plan is a fee-for-service plan, (ii) through the imposition of premium price controls by the Exchange, or (iii) on the basis that the health benefit plan provides treatments necessary to prevent patients' deaths in circumstances that the Exchange determines are inappropriate or too costly.

C. In order to foster a competitive marketplace and consumer choice, the Exchange shall certify all health benefit plans recommended by the Bureau meeting the requirements of § 1311(c) of the Federal Act for participation in the Exchange unless it is not in the interest of qualified individuals and qualified employers. The Exchange shall establish and publish a transparent, objective process for decertifying qualified health plans if it is determined that it is not in the public interest to permit such plans to be offered through the Exchange.

D. The Exchange shall require each health carrier seeking certification of a health benefit plan as a qualified health plan to permit individuals to learn, in a timely manner upon the request of the individual, the amount of cost-sharing, including deductibles, copayments, and coinsurance, under the individual's plan or coverage that such individual would be responsible for paying with respect to the furnishing of a specific item or service by a participating provider. At a minimum, this information shall be made available to the individual through the Exchange's website and through other means for individuals without access to the Internet.

E. The Exchange shall apply the criteria of this section in a manner that assures a level playing field between or among health carriers participating in the Exchange.

F. The provisions of this chapter that are applicable to qualified health plans shall also apply to the extent applicable to qualified dental plans, except as modified (i) by regulations adopted by the Commission or (ii) in accordance with the following:

1. A health carrier seeking certification of a dental benefit plan as a qualified dental plan shall be licensed in the Commonwealth to offer dental coverage but need not be licensed to offer other health benefits;

2. Qualified dental plans shall be limited to dental and oral health benefits, without substantial duplication of the benefits typically offered by health benefit plans without dental coverage, and shall include, at a minimum, the pediatric dental benefits prescribed by the Secretary pursuant to § 1302(b)(1)(J) of the Federal Act and such other dental benefits as the Exchange may specify or the Secretary may specify by regulation; and

3. Participants in the Exchange shall have the option to purchase at least the pediatric dental benefit component of the essential health benefits package either through a separate qualified dental plan or as a part of a combined offer by a qualified health plan, provided that, with respect to a combined offer, the health and dental benefits are priced separately and also made available for purchase separately at the same price.

CHAPTER 557

An Act to amend and reenact §§ 59.1-200 and 59.1-207.46 of the Code of Virginia, relating to automatic renewal or continuous service offer to consumer; cancellation and online opt-out.

[H 78]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 59.1-200 and 59.1-207.46 of the Code of Virginia are amended and reenacted as follows:

§ 59.1-200. Prohibited practices.

A. The following fraudulent acts or practices committed by a supplier in connection with a consumer transaction are hereby declared unlawful:

1. Misrepresenting goods or services as those of another;
2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;
3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services, with another;
4. Misrepresenting geographic origin in connection with goods or services;
5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or benefits;
6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;
7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective, blemished, deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class," without clearly and unequivocally indicating in the advertisement or offer for sale that the goods are used, secondhand, repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars, imperfects or "not first class";

8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell at the price or upon the terms advertised.

In any action brought under this subdivision, the refusal by any person, or any employee, agent, or servant thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms advertised or offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall not apply when it is clearly and conspicuously stated in the advertisement or offer by which such goods or services are advertised or offered for sale, that the supplier or offeror has a limited quantity or amount of such goods or services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or reasonably expected to have at least such quantity or amount for sale;

9. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;

10. Misrepresenting that repairs, alterations, modifications, or services have been performed or parts installed;

11. Misrepresenting by the use of any written or documentary material that appears to be an invoice or bill for merchandise or services previously ordered;

12. Notwithstanding any other provision of law, using in any manner the words "wholesale," "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the goods or services advertised or offered for sale;

13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of defense, or attempting to collect any liquidated damages or penalties under any clause, waiver, damages, or penalties that are void or unenforceable under any otherwise applicable laws of the Commonwealth, or under federal statutes or regulations;

13a. Failing to provide to a consumer, or failing to use or include in any written document or material provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure, notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so provide, use, or include the statement, disclosure, notice, or other information in connection with the consumer transaction;

14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection with a consumer transaction;

15. Violating any provision of § 3.2-6509, 3.2-6512, 3.2-6513, 3.2-6513.1, 3.2-6514, 3.2-6515, 3.2-6516, or 3.2-6519 is a violation of this chapter;

16. Failing to disclose all conditions, charges, or fees relating to:

a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor does this subdivision apply to special order purchases where the purchaser has requested the supplier to order merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor vehicles, farm tractors, or motorcycles as defined in § 46.2-100;

b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;

16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of \$5 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving overpayments. If the credit balance information is incorporated into statements of account furnished consumers by suppliers within such 60-day period, no separate or additional notice is required;

17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;

18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.);

19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.);

20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.);

21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17 et seq.);

22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);

23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et seq.);

24. Violating any provision of § 54.1-1505;

25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6 (§ 59.1-207.34 et seq.);

26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;

27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);
28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);
29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);
30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et seq.);
31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);
32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;
33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;
34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;
35. Using the consumer's social security number as the consumer's account number with the supplier, if the consumer has requested in writing that the supplier use an alternate number not associated with the consumer's social security number;
36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;
37. Violating any provision of § 8.01-40.2;
38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;
39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);
40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;
41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525 et seq.);
42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);
43. Violating any provision of § 59.1-443.2;
44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);
45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;
46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;
47. Violating any provision of § 18.2-239;
48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);
49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable presumption that a supplier has reason to know a children's product was recalled if notice of the recall has been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's products that are used, secondhand or "seconds";
50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);
51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;
52. Violating any provision of § 8.2-317.1;
53. Violating subsection A of § 9.1-149.1;
54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This subdivision shall not apply to the sale or offering for sale of any building or structure in which defective drywall has been permanently installed or affixed;
55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1;
56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);
57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;
58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.);
59. Violating any provision of subsection E of § 32.1-126;
60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed under Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1;
61. Violating any provision of § 2.2-2001.5;
62. Violating any provision of Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1;
63. Violating any provision of § 6.2-312;
64. Violating any provision of Chapter 20.1 (§ 6.2-2026 et seq.) of Title 6.2;
65. Violating any provision of Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2; ~~and~~
66. Violating any provision of Chapter 54 (§ 59.1-586 et seq.); *and*
67. *Failing to make available a conspicuous online option to cancel a recurring purchase of a good or service as required by § 59.1-207.46.*

B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

§ 59.1-207.46. Making automatic renewal or continuous service offer to consumer; affirmative consent required; disclosures; prohibited conduct.

A. No supplier making an automatic renewal or continuous service offer to a consumer in the Commonwealth shall do any of the following:

1. Fail to present the automatic renewal offer terms or continuous service offer terms in a clear and conspicuous manner before the consumer becomes obligated on the automatic renewal or continuous service offer and in visual proximity, or in the case of an offer conveyed by voice, in temporal proximity, to the request for consent to the offer.

2. Charge the consumer's credit or debit card or the consumer's account with a third party for an automatic renewal or continuous service without first obtaining the consumer's affirmative consent to the agreement containing the automatic renewal offer terms or continuous service offer terms.

3. Fail to provide an acknowledgment that includes the automatic renewal or continuous service offer terms, cancellation policy, and information regarding how to cancel in a manner that is capable of being retained by the consumer. If the offer includes a free trial, the supplier shall also disclose in the acknowledgment how to cancel ~~and allow the consumer to cancel the free trial~~ before the consumer pays or becomes obligated to pay for the goods or services.

B. A supplier making automatic renewal or continuous service offers shall provide a toll-free telephone number, an electronic mail address, a postal address only when the supplier directly bills the consumer, or another cost-effective, timely, and easy-to-use mechanism for cancellation that shall be described in the acknowledgment specified in subdivision A 3. *Each supplier making automatic renewal or continuous service offers through an online website shall make available a conspicuous online option to cancel a recurring purchase of a good or service.*

C. In the case of a material change in the terms of the automatic renewal or continuous service offer that has been accepted by a consumer in the Commonwealth, the supplier shall provide the consumer with a clear and conspicuous notice of the material change and provide information regarding how to cancel in a manner that is capable of being retained by the consumer.

D. The requirements of this section shall apply only prior to the completion of the initial order for the automatic renewal or continuous service, except:

1. The requirement in subdivision A 3 may be fulfilled after completion of the initial order; and
2. The requirement in subsection C shall be fulfilled prior to implementation of the material change.

CHAPTER 558

An Act to require the Virginia Economic Development Partnership Authority's Office of Education and Labor Market Alignment to review federal occupational categories to determine certain deficiencies and promote better alignment of education and workforce priorities relating to STEM and Computing (STEM+C); report.

[H 217]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Virginia Economic Development Partnership Authority's Office of Education and Labor Market Alignment (the Office) shall review the occupational categories in the U.S. Bureau of Labor Statistics' standard occupational classification system to determine the occupational categories that are not properly captured in the Commonwealth's existing STEM and Computing (STEM+C) workforce profile and the gaps in the Commonwealth's tracking of careers in these occupational categories for the purpose of furthering the Office's efforts to specifically align STEM+C workforce and education and shall share its findings with the Virginia Science, Technology, Engineering, and Mathematics (STEM) Education Advisory Board (the Board) established in Chapter 26 (§ 22.1-364 et seq.) of Title 22.1 of the Code of Virginia for the purpose of better aligning K-16 education priorities and the Board's tracking and coordination of STEM+C. In conducting such review, the Office shall focus on occupational categories that are not currently tracked or categorized by the U.S. Bureau of Labor Statistics as STEM+C career fields. The Office shall also submit its findings and any recommendations to the General Assembly no later than October 1, 2022.*

CHAPTER 559

An Act to direct the Secretary of Health and Human Resources to study the oversight and regulation of nursing homes, assisted living facilities, and other congregate living settings.

[H 234]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Secretary of Health and Human Resources (the Secretary) shall study the current oversight and regulation of nursing homes, assisted living facilities, and other congregate living settings to improve efficiency and effectiveness of regulation and oversight, provide better transparency for members of the public navigating the process of receiving services from such facilities, and better protect the health and safety of the public. The Secretary shall report his findings and recommendations to the Governor and the Chairmen of the Senate Committees on Education and Health and Finance and Appropriations and the House Committees on Appropriations and Health, Welfare and Institutions by October 1, 2022.*

CHAPTER 560

An Act to amend and reenact § 38.2-6506 of the Code of Virginia, relating to qualified health plans; essential health benefits; state-mandated health benefits.

[H 431]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 38.2-6506 of the Code of Virginia is amended and reenacted as follows:****§ 38.2-6506. Certification of health benefit plans as qualified health plans.**

A. The Exchange, in consultation with the Bureau, shall certify a health benefit plan as a qualified health plan, unless the Exchange determines that making the plan available through the Exchange is not in the interest of qualified individuals and qualified employers in the Commonwealth, if:

1. The plan provides *health benefits* in the essential health benefits package; ~~except that (i) the~~ ~~The plan shall not may~~ provide any state-mandated health benefit that is not provided in the essential health benefits package ~~and (ii) the~~ ~~The plan is~~ not required to provide benefits that duplicate the minimum benefits of qualified dental plans, as set forth in subsection F, if ~~(a)~~ ~~(i)~~ the Exchange has determined that at least one qualified dental plan is available to supplement the plan's coverage and ~~(b)~~ ~~(ii)~~ the health carrier makes prominent disclosure at the time it offers the plan, in a form approved by the Bureau, that such plan does not provide the full range of pediatric dental benefits included in the essential health benefits package and that qualified dental plans providing those benefits and other dental benefits not covered by such plan are offered through the Exchange;

2. The premium rates and policy forms have been approved by or filed with the Commission, in accordance with §§ 38.2-316 and 38.2-316.1;

3. The plan provides at least a bronze level of coverage unless the plan is certified as a qualified catastrophic plan, meets the requirements of the Federal Act for catastrophic plans, and will only be offered to individuals eligible for catastrophic coverage;

4. The plan's cost-sharing requirements do not exceed the limits established under § 1302(c)(1) of the Federal Act;

5. The health carrier offering the plan:

a. Is licensed and in good standing to offer health insurance coverage in the Commonwealth;

b. Offers (i) at least one qualified health plan in the silver level of coverage and one qualified health plan at a gold level of coverage throughout each service area in which it offers coverage through the Exchange and (ii) a child-only plan at the same level of coverage as any qualified health plan offered through the Exchange to individuals who, as of the beginning of the plan year, are less than 21 years of age;

c. Charges the same premium rate for each qualified health plan without regard to whether the plan is offered through the Exchange or directly by the health carrier or through an agent;

d. Does not charge any cancellation fees or penalties in violation of subsection D of § 38.2-6504; and

e. Complies with the regulations developed by the Secretary under § 1311(d) of the Federal Act and such other requirements as the Exchange may establish; and

6. The plan meets the requirements of certification as adopted by regulation pursuant to § 38.2-6514 or promulgated by the Secretary under § 1311(c) of the Federal Act, which include minimum standards in the areas of marketing practices, network adequacy, essential community providers in underserved areas, accreditation, quality improvement, uniform enrollment forms, and descriptions of coverage and information on quality measures for health benefit plan performance.

B. The Exchange shall not refuse to certify a health benefit plan as a qualified health plan (i) on the basis that the plan is a fee-for-service plan, (ii) through the imposition of premium price controls by the Exchange, or (iii) on the basis that the health benefit plan provides treatments necessary to prevent patients' deaths in circumstances that the Exchange determines are inappropriate or too costly.

C. In order to foster a competitive marketplace and consumer choice, the Exchange shall certify all health benefit plans recommended by the Bureau meeting the requirements of § 1311(c) of the Federal Act for participation in the Exchange unless it is not in the interest of qualified individuals and qualified employers. The Exchange shall establish and publish a transparent, objective process for decertifying qualified health plans if it is determined that it is not in the public interest to permit such plans to be offered through the Exchange.

D. The Exchange shall require each health carrier seeking certification of a health benefit plan as a qualified health plan to permit individuals to learn, in a timely manner upon the request of the individual, the amount of cost-sharing, including deductibles, copayments, and coinsurance, under the individual's plan or coverage that such individual would be responsible for paying with respect to the furnishing of a specific item or service by a participating provider. At a minimum, this information shall be made available to the individual through the Exchange's website and through other means for individuals without access to the Internet.

E. The Exchange shall apply the criteria of this section in a manner that assures a level playing field between or among health carriers participating in the Exchange.

F. The provisions of this chapter that are applicable to qualified health plans shall also apply to the extent applicable to qualified dental plans, except as modified (i) by regulations adopted by the Commission or (ii) in accordance with the following:

1. A health carrier seeking certification of a dental benefit plan as a qualified dental plan shall be licensed in the Commonwealth to offer dental coverage but need not be licensed to offer other health benefits;

2. Qualified dental plans shall be limited to dental and oral health benefits, without substantial duplication of the benefits typically offered by health benefit plans without dental coverage, and shall include, at a minimum, the pediatric dental benefits prescribed by the Secretary pursuant to § 1302(b)(1)(J) of the Federal Act and such other dental benefits as the Exchange may specify or the Secretary may specify by regulation; and

3. Participants in the Exchange shall have the option to purchase at least the pediatric dental benefit component of the essential health benefits package either through a separate qualified dental plan or as a part of a combined offer by a qualified health plan, provided that, with respect to a combined offer, the health and dental benefits are priced separately and also made available for purchase separately at the same price.

CHAPTER 561

An Act to amend and reenact §§ 63.2-900.1 and 63.2-915 of the Code of Virginia, relating to kinship foster care; notice and appeal.

[H 716]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 63.2-900.1 and 63.2-915 of the Code of Virginia are amended and reenacted as follows:

§ 63.2-900.1. Kinship foster care.

A. The local board shall, in accordance with regulations adopted by the Board, determine whether the child has any relative who may be eligible to become a kinship foster parent. Searches for relatives eligible to serve as kinship foster parents shall be conducted at the time the child enters foster care, at least annually thereafter, and prior to any subsequent changes to the child's placement setting. The local board shall take all reasonable steps to provide notice to such relatives of their potential eligibility to become kinship foster parents and explain any opportunities such relatives may have to participate in the placement and care of the child, including opportunities available through kinship foster care or kinship guardianship.

If a relative requests to become the child's kinship foster parent, the local board shall provide the relative with any forms or materials that must be submitted in order to become a kinship foster parent within no more than 15 days of such request. If the relative's request to become a kinship foster parent is denied, the local board shall provide to the relative (i) a clear and specific explanation of the reasons for such denial, (ii) a statement that such denial is appealable pursuant to § 63.2-915, and (iii) information regarding the procedure for filing such appeal.

B. Kinship foster care placements pursuant to this section shall be subject to all requirements of, and shall be eligible for all services related to, foster care placement contained in this chapter. Subject to approval by the Commissioner, a local board may grant a waiver of the Board's standards for foster home approval, set forth in regulations, that are not related to safety. Training requirements may be waived for purposes of initial approval; however, such training requirements shall be completed within six months of the initial approval. If a local board determines that training requirements are a barrier to placement with a kinship foster parent and that placement with such kinship foster parent is in the child's best interest, the local board shall submit a waiver request to the Commissioner. Waivers granted pursuant to this subsection shall be considered and, if appropriate, granted on a case-by-case basis and shall include consideration of the unique needs of each child to be placed. Upon request by a local board, the Commissioner shall review the local board's decision and reasoning to grant a waiver and shall verify that the foster home approval standard being waived is not related to safety. If the Commissioner grants the waiver and allows approval of the home in accordance with Board regulations, the child may be placed in the home immediately. The approval or disapproval by the Commissioner of the local board's waiver shall not be considered a case decision as defined in § 2.2-4001.

C. The kinship foster parent shall be eligible to receive payment at the full foster care rate for the care of the child.

D. During the process of determining whether a person should be approved as a kinship foster parent, a local board shall not require that the child be removed from the physical custody of the kinship foster parent who is the subject of such approval process, provided the placement remains in the child's best interest.

E. A child placed in kinship foster care pursuant to this section shall not be removed from the physical custody of the kinship foster parent, provided that the child has been living with the kinship foster parent for six consecutive months and the placement continues to meet approval standards for foster care, unless (i) the kinship foster parent consents to the removal; (ii) removal is agreed upon at a family partnership meeting as defined by the Department; (iii) removal is ordered by a court of competent jurisdiction; or (iv) removal is warranted pursuant to § 63.2-1517.

F. For purposes of this section, "relative" means an adult who is (i) related to the child by blood, marriage, or adoption or (ii) fictive kin of the child.

§ 63.2-915. Appeals to Commissioner.

A. ~~Pursuant~~ *The following individuals shall have the right to file an appeal with the Commissioner: (i) pursuant to § 63.2-900.1, any individual whose request to become a kinship foster parent or (ii) pursuant to 42 U.S.C. § ~~671 (a)(12)~~ 671(a)(12), any individual whose claim for benefits available pursuant to 42 U.S.C. § 670 et seq. or whose claim for benefits pursuant to § 63.2-905 is denied or is not acted upon by the local department with reasonable promptness shall have the right to appeal to the Commissioner.*

B. The Commissioner shall provide an opportunity for a hearing, reasonable notice of which shall be given in writing to the applicant or recipient and to the proper local board in such manner and form as the Commissioner may prescribe. The Commissioner may make or cause to be made an investigation of the facts. The Commissioner shall give fair and impartial consideration to testimony of witnesses, or other evidence produced at the hearing, reports by the local board and local director or of investigations made or caused to be made by the Commissioner, or any facts that the Commissioner may deem proper to enable him to decide fairly the appeal or review. The decision of the Commissioner shall be binding and considered a final agency action for purposes of judicial review of such action pursuant to the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

C. The Commissioner may delegate the duty and authority to consider and make determinations on any appeal filed in accordance with this section to duly qualified officers.

D. The Board shall promulgate regulations to implement the provisions of this section. *Such regulations shall require that upon receiving a request for an appeal regarding kinship foster care, (i) a hearing be conducted as soon as practicable and (ii) a decision be rendered within no more than 90 days.*

2. That the Board of Social Services (the Board) shall promulgate regulations to implement the provisions of this act. The Board's initial adoption of regulations necessary to implement the provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board shall provide an opportunity for public comment on such regulations prior to adoption.

CHAPTER 562

An Act to amend and reenact §§ 63.2-900.1 and 63.2-915 of the Code of Virginia, relating to kinship foster care; notice and appeal.

[S 307]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 63.2-900.1 and 63.2-915 of the Code of Virginia are amended and reenacted as follows:

§ 63.2-900.1. Kinship foster care.

A. The local board shall, in accordance with regulations adopted by the Board, determine whether the child has any relative who may be eligible to become a kinship foster parent. Searches for relatives eligible to serve as kinship foster parents shall be conducted at the time the child enters foster care, at least annually thereafter, and prior to any subsequent changes to the child's placement setting. The local board shall take all reasonable steps to provide notice to such relatives of their potential eligibility to become kinship foster parents and explain any opportunities such relatives may have to participate in the placement and care of the child, including opportunities available through kinship foster care or kinship guardianship.

If a relative requests to become the child's kinship foster parent, the local board shall provide the relative with any forms or materials that must be submitted in order to become a kinship foster parent within no more than 15 days of such request. If the relative's request to become a kinship foster parent is denied, the local board shall provide to the relative (i) a clear and specific explanation of the reasons for such denial, (ii) a statement that such denial is appealable pursuant to § 63.2-915, and (iii) information regarding the procedure for filing such appeal.

B. Kinship foster care placements pursuant to this section shall be subject to all requirements of, and shall be eligible for all services related to, foster care placement contained in this chapter. Subject to approval by the Commissioner, a local board may grant a waiver of the Board's standards for foster home approval, set forth in regulations, that are not related to safety. Training requirements may be waived for purposes of initial approval; however, such training requirements shall be completed within six months of the initial approval. If a local board determines that training requirements are a barrier to placement with a kinship foster parent and that placement with such kinship foster parent is in the child's best interest, the local board shall submit a waiver request to the Commissioner. Waivers granted pursuant to this subsection shall be considered and, if appropriate, granted on a case-by-case basis and shall include consideration of the unique needs of each child to be placed. Upon request by a local board, the Commissioner shall review the local board's decision and reasoning to grant a waiver and shall verify that the foster home approval standard being waived is not related to safety. If the Commissioner grants the waiver and allows approval of the home in accordance with Board regulations, the child may be placed in the home immediately. The approval or disapproval by the Commissioner of the local board's waiver shall not be considered a case decision as defined in § 2.2-4001.

C. The kinship foster parent shall be eligible to receive payment at the full foster care rate for the care of the child.

D. During the process of determining whether a person should be approved as a kinship foster parent, a local board shall not require that the child be removed from the physical custody of the kinship foster parent who is the subject of such approval process, provided the placement remains in the child's best interest.

E. A child placed in kinship foster care pursuant to this section shall not be removed from the physical custody of the kinship foster parent, provided that the child has been living with the kinship foster parent for six consecutive months and the placement continues to meet approval standards for foster care, unless (i) the kinship foster parent consents to the removal; (ii) removal is agreed upon at a family partnership meeting as defined by the Department; (iii) removal is ordered by a court of competent jurisdiction; or (iv) removal is warranted pursuant to § 63.2-1517.

F. For purposes of this section, "relative" means an adult who is (i) related to the child by blood, marriage, or adoption or (ii) fictive kin of the child.

§ 63.2-915. Appeals to Commissioner.

A. ~~Pursuant~~ *The following individuals shall have the right to file an appeal with the Commissioner: (i) pursuant to § 63.2-900.1, any individual whose request to become a kinship foster parent or (ii) pursuant to 42 U.S.C. § 671 (a)(12) 671(a)(12), any individual whose claim for benefits available pursuant to 42 U.S.C. § 670 et seq. or whose claim for benefits pursuant to § 63.2-905 is denied or is not acted upon by the local department with reasonable promptness shall have the right to appeal to the Commissioner.*

B. The Commissioner shall provide an opportunity for a hearing, reasonable notice of which shall be given in writing to the applicant or recipient and to the proper local board in such manner and form as the Commissioner may prescribe. The Commissioner may make or cause to be made an investigation of the facts. The Commissioner shall give fair and impartial consideration to testimony of witnesses, or other evidence produced at the hearing, reports by the local board and local director or of investigations made or caused to be made by the Commissioner, or any facts that the Commissioner may deem proper to enable him to decide fairly the appeal or review. The decision of the Commissioner shall be binding and considered a final agency action for purposes of judicial review of such action pursuant to the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

C. The Commissioner may delegate the duty and authority to consider and make determinations on any appeal filed in accordance with this section to duly qualified officers.

D. The Board shall promulgate regulations to implement the provisions of this section. *Such regulations shall require that upon receiving a request for an appeal regarding kinship foster care, (i) a hearing be conducted as soon as practicable and (ii) a decision be rendered within no more than 90 days.*

2. That the Board of Social Services (the Board) shall promulgate regulations to implement the provisions of this act. The Board's initial adoption of regulations necessary to implement the provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board shall provide an opportunity for public comment on such regulations prior to adoption.

CHAPTER 563

An Act to amend and reenact § 54.1-2957, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to nurse practitioners; professional liability insurance.

[H 896]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2957, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2957. (Effective until July 1, 2022) Licensure and practice of nurse practitioners.

A. As used in this section, "clinical experience" means the postgraduate delivery of health care directly to patients pursuant to a practice agreement with a patient care team physician.

B. The Board of Medicine and the Board of Nursing shall jointly prescribe the regulations governing the licensure of nurse practitioners. It is unlawful for a person to practice as a nurse practitioner in the Commonwealth unless he holds such a joint license.

C. Every nurse practitioner other than a certified nurse midwife, certified registered nurse anesthetist, or clinical nurse specialist or a nurse practitioner who meets the requirements of subsection I shall maintain appropriate collaboration and consultation, as evidenced in a written or electronic practice agreement, with at least one patient care team physician. A nurse practitioner who meets the requirements of subsection I may practice without a written or electronic practice agreement. A certified nurse midwife shall practice pursuant to subsection H. A nurse practitioner who is licensed by the Boards of Medicine and Nursing as a clinical nurse specialist shall practice pursuant to subsection J. A certified registered nurse anesthetist shall practice under the supervision of a licensed doctor of medicine, osteopathy, podiatry, or dentistry. A nurse practitioner who is appointed as a medical examiner pursuant to § 32.1-282 shall practice in collaboration with a licensed doctor of medicine or osteopathic medicine who has been appointed to serve as a medical examiner pursuant to § 32.1-282. Collaboration and consultation among nurse practitioners and patient care team physicians may be provided through telemedicine as described in § 38.2-3418.16.

Physicians on patient care teams may require that a nurse practitioner be covered by a professional liability insurance policy with limits equal to the current limitation on damages set forth in § 8.01-581.15.

Service on a patient care team by a patient care team member shall not, by the existence of such service alone, establish or create liability for the actions or inactions of other team members.

D. The Boards of Medicine and Nursing shall jointly promulgate regulations specifying collaboration and consultation among physicians and nurse practitioners working as part of patient care teams that shall include the development of, and periodic review and revision of, a written or electronic practice agreement; guidelines for availability and ongoing communications that define consultation among the collaborating parties and the patient; and periodic joint evaluation of the services delivered. Practice agreements shall include provisions for (i) periodic review of health records, which may include visits to the site where health care is delivered, in the manner and at the frequency determined by the nurse practitioner and the patient care team physician and (ii) input from appropriate health care providers in complex clinical cases and patient emergencies and for referrals. Evidence of a practice agreement shall be maintained by a nurse practitioner and provided to the Boards upon request. For nurse practitioners providing care to patients within a hospital or health care system, the practice agreement may be included as part of documents delineating the nurse practitioner's clinical privileges or the electronic or written delineation of duties and responsibilities in collaboration and consultation with a patient care team physician.

E. The Boards of Medicine and Nursing may issue a license by endorsement to an applicant to practice as a nurse practitioner if the applicant has been licensed as a nurse practitioner under the laws of another state and, pursuant to regulations of the Boards, the applicant meets the qualifications for licensure required of nurse practitioners in the Commonwealth. A nurse practitioner to whom a license is issued by endorsement may practice without a practice agreement with a patient care team physician pursuant to subsection I if such application provides an attestation to the Boards that the applicant has completed the equivalent of at least two years of full-time clinical experience, as determined by the Boards, in accordance with the laws of the state in which the nurse practitioner was licensed.

F. Pending the outcome of the next National Specialty Examination, the Boards may jointly grant temporary licensure to nurse practitioners.

G. In the event a physician who is serving as a patient care team physician dies, becomes disabled, retires from active practice, surrenders his license or has it suspended or revoked by the Board, or relocates his practice such that he is no longer able to serve, and a nurse practitioner is unable to enter into a new practice agreement with another patient care team physician, the nurse practitioner may continue to practice upon notification to the designee or his alternate of the Boards and receipt of such notification. Such nurse practitioner may continue to treat patients without a patient care team physician for an initial period not to exceed 60 days, provided the nurse practitioner continues to prescribe only those drugs previously authorized by the practice agreement with such physician and to have access to appropriate input from appropriate health care providers in complex clinical cases and patient emergencies and for referrals. The designee or his alternate of the Boards shall grant permission for the nurse practitioner to continue practice under this subsection for another 60 days, provided the nurse practitioner provides evidence of efforts made to secure another patient care team physician and of access to physician input.

H. Every certified nurse midwife shall practice in accordance with regulations adopted by the Boards and consistent with the Standards for the Practice of Midwifery set by the American College of Nurse-Midwives governing such practice. A certified nurse midwife who has practiced fewer than 1,000 hours shall practice in consultation with a certified nurse midwife who has practiced for at least two years prior to entering into the practice agreement or a licensed physician, in accordance with a practice agreement. Such practice agreement shall address the availability of the certified nurse midwife who has practiced for at least two years prior to entering into the practice agreement or the licensed physician for routine and urgent consultation on patient care. Evidence of the practice agreement shall be maintained by the certified nurse midwife and provided to the Boards upon request. A certified nurse midwife who has completed 1,000 hours of practice as a certified nurse midwife may practice without a practice agreement upon receipt by the certified nurse midwife of an attestation from the certified nurse midwife who has practiced for at least two years prior to entering into the practice agreement or the licensed physician with whom the certified nurse midwife has entered into a practice agreement stating (i) that such certified nurse midwife or licensed physician has provided consultation to the certified nurse midwife pursuant to a practice agreement meeting the requirements of this section and (ii) the period of time for which such certified nurse midwife or licensed physician practiced in collaboration and consultation with the certified nurse midwife pursuant to the practice agreement. A certified nurse midwife authorized to practice without a practice agreement shall consult and collaborate with and refer patients to such other health care providers as may be appropriate for the care of the patient.

I. A nurse practitioner, other than a nurse practitioner licensed by the Boards of Medicine and Nursing in the category of certified nurse midwife, certified registered nurse anesthetist, or clinical nurse specialist, who has completed the equivalent of at least two years of full-time clinical experience as a licensed nurse practitioner, as determined by the Boards, may practice in the practice category in which he is certified and licensed without a written or electronic practice agreement upon receipt by the nurse practitioner of an attestation from the patient care team physician stating (i) that the patient care team physician has served as a patient care team physician on a patient care team with the nurse practitioner pursuant to a practice agreement meeting the requirements of this section and § 54.1-2957.01; (ii) that while a party to such practice agreement, the patient care team physician routinely practiced with a patient population and in a practice area included within the category for which the nurse practitioner was certified and licensed; and (iii) the period of time for which the

patient care team physician practiced with the nurse practitioner under such a practice agreement. A copy of such attestation shall be submitted to the Boards together with a fee established by the Boards. Upon receipt of such attestation and verification that a nurse practitioner satisfies the requirements of this subsection, the Boards shall issue to the nurse practitioner a new license that includes a designation indicating that the nurse practitioner is authorized to practice without a practice agreement. In the event that a nurse practitioner is unable to obtain the attestation required by this subsection, the Boards may accept other evidence demonstrating that the applicant has met the requirements of this subsection in accordance with regulations adopted by the Boards.

A nurse practitioner authorized to practice without a practice agreement pursuant to this subsection shall (a) only practice within the scope of his clinical and professional training and limits of his knowledge and experience and consistent with the applicable standards of care, (b) consult and collaborate with other health care providers based on the clinical conditions of the patient to whom health care is provided, and (c) establish a plan for referral of complex medical cases and emergencies to physicians or other appropriate health care providers.

~~A nurse practitioner practicing without a practice agreement pursuant to this subsection shall obtain and maintain coverage by or shall be named insured on a professional liability insurance policy with limits equal to the current limitation on damages set forth in § 8.01-581.15.~~

J. Nurse practitioners licensed by the Boards of Medicine and Nursing in the category of clinical nurse specialist shall practice in consultation with a licensed physician in accordance with a practice agreement between the nurse practitioner and the licensed physician. Such practice agreement shall address the availability of the physician for routine and urgent consultation on patient care. Evidence of a practice agreement shall be maintained by a nurse practitioner and provided to the Boards upon request. The practice of clinical nurse specialists shall be consistent with the standards of care for the profession and with applicable laws and regulations.

§ 54.1-2957. (Effective July 1, 2022) Licensure and practice of nurse practitioners.

A. As used in this section, "clinical experience" means the postgraduate delivery of health care directly to patients pursuant to a practice agreement with a patient care team physician.

B. The Board of Medicine and the Board of Nursing shall jointly prescribe the regulations governing the licensure of nurse practitioners. It is unlawful for a person to practice as a nurse practitioner in the Commonwealth unless he holds such a joint license.

C. Every nurse practitioner other than a certified nurse midwife, certified registered nurse anesthetist, or clinical nurse specialist or a nurse practitioner who meets the requirements of subsection I shall maintain appropriate collaboration and consultation, as evidenced in a written or electronic practice agreement, with at least one patient care team physician. A nurse practitioner who meets the requirements of subsection I may practice without a written or electronic practice agreement. A certified nurse midwife shall practice pursuant to subsection H. A nurse practitioner who is licensed by the Boards of Medicine and Nursing as a clinical nurse specialist shall practice pursuant to subsection J. A certified registered nurse anesthetist shall practice under the supervision of a licensed doctor of medicine, osteopathy, podiatry, or dentistry. A nurse practitioner who is appointed as a medical examiner pursuant to § 32.1-282 shall practice in collaboration with a licensed doctor of medicine or osteopathic medicine who has been appointed to serve as a medical examiner pursuant to § 32.1-282. Collaboration and consultation among nurse practitioners and patient care team physicians may be provided through telemedicine as described in § 38.2-3418.16.

Physicians on patient care teams may require that a nurse practitioner be covered by a professional liability insurance policy with limits equal to the current limitation on damages set forth in § 8.01-581.15.

Service on a patient care team by a patient care team member shall not, by the existence of such service alone, establish or create liability for the actions or inactions of other team members.

D. The Boards of Medicine and Nursing shall jointly promulgate regulations specifying collaboration and consultation among physicians and nurse practitioners working as part of patient care teams that shall include the development of, and periodic review and revision of, a written or electronic practice agreement; guidelines for availability and ongoing communications that define consultation among the collaborating parties and the patient; and periodic joint evaluation of the services delivered. Practice agreements shall include provisions for (i) periodic review of health records, which may include visits to the site where health care is delivered, in the manner and at the frequency determined by the nurse practitioner and the patient care team physician and (ii) input from appropriate health care providers in complex clinical cases and patient emergencies and for referrals. Evidence of a practice agreement shall be maintained by a nurse practitioner and provided to the Boards upon request. For nurse practitioners providing care to patients within a hospital or health care system, the practice agreement may be included as part of documents delineating the nurse practitioner's clinical privileges or the electronic or written delineation of duties and responsibilities in collaboration and consultation with a patient care team physician.

E. The Boards of Medicine and Nursing may issue a license by endorsement to an applicant to practice as a nurse practitioner if the applicant has been licensed as a nurse practitioner under the laws of another state and, pursuant to regulations of the Boards, the applicant meets the qualifications for licensure required of nurse practitioners in the Commonwealth. A nurse practitioner to whom a license is issued by endorsement may practice without a practice agreement with a patient care team physician pursuant to subsection I if such application provides an attestation to the Boards that the applicant has completed the equivalent of at least five years of full-time clinical experience, as determined by the Boards, in accordance with the laws of the state in which the nurse practitioner was licensed.

F. Pending the outcome of the next National Specialty Examination, the Boards may jointly grant temporary licensure to nurse practitioners.

G. In the event a physician who is serving as a patient care team physician dies, becomes disabled, retires from active practice, surrenders his license or has it suspended or revoked by the Board, or relocates his practice such that he is no longer able to serve, and a nurse practitioner is unable to enter into a new practice agreement with another patient care team physician, the nurse practitioner may continue to practice upon notification to the designee or his alternate of the Boards and receipt of such notification. Such nurse practitioner may continue to treat patients without a patient care team physician for an initial period not to exceed 60 days, provided the nurse practitioner continues to prescribe only those drugs previously authorized by the practice agreement with such physician and to have access to appropriate input from appropriate health care providers in complex clinical cases and patient emergencies and for referrals. The designee or his alternate of the Boards shall grant permission for the nurse practitioner to continue practice under this subsection for another 60 days, provided the nurse practitioner provides evidence of efforts made to secure another patient care team physician and of access to physician input.

H. Every certified nurse midwife shall practice in accordance with regulations adopted by the Boards and consistent with the Standards for the Practice of Midwifery set by the American College of Nurse-Midwives governing such practice. A certified nurse midwife who has practiced fewer than 1,000 hours shall practice in consultation with a certified nurse midwife who has practiced for at least two years prior to entering into the practice agreement or a licensed physician, in accordance with a practice agreement. Such practice agreement shall address the availability of the certified nurse midwife who has practiced for at least two years prior to entering into the practice agreement or the licensed physician for routine and urgent consultation on patient care. Evidence of the practice agreement shall be maintained by the certified nurse midwife and provided to the Boards upon request. A certified nurse midwife who has completed 1,000 hours of practice as a certified nurse midwife may practice without a practice agreement upon receipt by the certified nurse midwife of an attestation from the certified nurse midwife who has practiced for at least two years prior to entering into the practice agreement or the licensed physician with whom the certified nurse midwife has entered into a practice agreement stating (i) that such certified nurse midwife or licensed physician has provided consultation to the certified nurse midwife pursuant to a practice agreement meeting the requirements of this section and (ii) the period of time for which such certified nurse midwife or licensed physician practiced in collaboration and consultation with the certified nurse midwife pursuant to the practice agreement. A certified nurse midwife authorized to practice without a practice agreement shall consult and collaborate with and refer patients to such other health care providers as may be appropriate for the care of the patient.

I. A nurse practitioner, other than a nurse practitioner licensed by the Boards of Medicine and Nursing in the category of certified nurse midwife, certified registered nurse anesthetist, or clinical nurse specialist, who has completed the equivalent of at least five years of full-time clinical experience as a licensed nurse practitioner, as determined by the Boards, may practice in the practice category in which he is certified and licensed without a written or electronic practice agreement upon receipt by the nurse practitioner of an attestation from the patient care team physician stating (i) that the patient care team physician has served as a patient care team physician on a patient care team with the nurse practitioner pursuant to a practice agreement meeting the requirements of this section and § 54.1-2957.01; (ii) that while a party to such practice agreement, the patient care team physician routinely practiced with a patient population and in a practice area included within the category for which the nurse practitioner was certified and licensed; and (iii) the period of time for which the patient care team physician practiced with the nurse practitioner under such a practice agreement. A copy of such attestation shall be submitted to the Boards together with a fee established by the Boards. Upon receipt of such attestation and verification that a nurse practitioner satisfies the requirements of this subsection, the Boards shall issue to the nurse practitioner a new license that includes a designation indicating that the nurse practitioner is authorized to practice without a practice agreement. In the event that a nurse practitioner is unable to obtain the attestation required by this subsection, the Boards may accept other evidence demonstrating that the applicant has met the requirements of this subsection in accordance with regulations adopted by the Boards.

A nurse practitioner authorized to practice without a practice agreement pursuant to this subsection shall (a) only practice within the scope of his clinical and professional training and limits of his knowledge and experience and consistent with the applicable standards of care, (b) consult and collaborate with other health care providers based on the clinical conditions of the patient to whom health care is provided, and (c) establish a plan for referral of complex medical cases and emergencies to physicians or other appropriate health care providers.

~~A nurse practitioner practicing without a practice agreement pursuant to this subsection shall obtain and maintain coverage by or shall be named insured on a professional liability insurance policy with limits equal to the current limitation on damages set forth in § 8.01-581-15.~~

J. Nurse practitioners licensed by the Boards of Medicine and Nursing in the category of clinical nurse specialist shall practice in consultation with a licensed physician in accordance with a practice agreement between the nurse practitioner and the licensed physician. Such practice agreement shall address the availability of the physician for routine and urgent consultation on patient care. Evidence of a practice agreement shall be maintained by a nurse practitioner and provided to the Boards upon request. The practice of clinical nurse specialists shall be consistent with the standards of care for the profession and with applicable laws and regulations.

CHAPTER 564

An Act to direct the Department of Housing and Community Development to convene a work group for the purpose of developing sample documents related to manufactured home lot rental agreements and park notices.

[H 1065]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The Department of Housing and Community Development shall convene a work group for the purposes of developing (i) a sample manufactured home lot rental agreement in accordance with the requirements of the Virginia Manufactured Home Lot Rental Act (§ 55.1-1300 et seq. of the Code of Virginia) and (ii) sample manufactured home park notices regarding an intent to sell as required by § 55.1-1308.2 of the Code of Virginia. The work group shall consist of representatives from the Virginia Housing Development Authority, manufactured home park nonprofit and for-profit owners, representatives from associations representing the interests of manufactured home park owners, manufactured home park residents, legal aid attorneys representing residents of manufactured home parks, attorneys with knowledge of and expertise in the Virginia Manufactured Home Lot Rental Act and other applicable provisions of the Code of Virginia, and other relevant stakeholders.*

CHAPTER 565

An Act to amend and reenact § 2.2-4337 of the Code of Virginia, relating to the Virginia Public Procurement Act; performance and payment bonds.

[S 259]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4337 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4337. Performance and payment bonds.

~~A. Except as provided in subsection H, upon~~ *Upon* the award of any (i) *nontransportation-related* public construction contract exceeding \$500,000 awarded to any prime contractor; ~~(ii) construction contract exceeding \$500,000 awarded to any prime contractor requiring the performance of labor or the furnishing of materials for buildings, structures or other improvements to real property owned or leased by a public body;~~ (iii) *construction contract exceeding \$500,000 in which the performance of labor or the furnishing of materials will be paid with public funds;* or (iv) (ii) *transportation-related projects project authorized pursuant to Article 2 (§ 33.2-208 et seq.) of Chapter 2 of Title 33.2 exceeding \$350,000 that are* is partially or wholly funded by the Commonwealth, the contractor shall furnish to the public body the following bonds:

1. A performance bond in the sum of the contract amount conditioned upon the faithful performance of the contract in strict conformity with the plans, specifications, and conditions of the contract. ~~For transportation-related projects authorized under Article 2 (§ 33.2-208 et seq.) of Chapter 2 of Title 33.2;~~ such bond shall be in a form and amount satisfactory to the public body.

2. A payment bond in the sum of the contract amount. The bond shall be for the protection of claimants who have and fulfill contracts to supply labor or materials to the prime contractor to whom the contract was awarded, or to any subcontractors, in furtherance of the work provided for in the contract, and shall be conditioned upon the prompt payment for all materials furnished or labor supplied or performed in the furtherance of the work. ~~For transportation-related projects authorized under Article 2 (§ 33.2-208 et seq.) of Chapter 2 of Title 33.2 and partially or wholly funded by the Commonwealth;~~ such bond shall be in a form and amount satisfactory to the public body.

~~"Labor or materials"~~ shall include public utility services and reasonable rentals of equipment; but only for periods when the equipment rented is actually used at the site.

~~B. For nontransportation-related construction contracts in excess of \$100,000 but less than \$500,000; where the bid bond requirements are waived;~~ prospective contractors shall be prequalified for each individual project in accordance with § 2.2-4317.

~~C.~~ Each of the bonds shall be executed by one or more surety companies selected by the contractor that are authorized to do business in Virginia.

~~D. C.~~ If the public body is the Commonwealth, or any agency or institution thereof, the bonds shall be payable to the Commonwealth of Virginia, naming also the agency or institution thereof. Bonds required for the contracts of other public bodies shall be payable to such public body.

~~E. D.~~ Each of the bonds shall be filed with the public body that awarded the contract, or a designated office or official thereof.

~~F. E.~~ Nothing in this section shall preclude a public body from requiring payment or performance bonds for construction contracts below \$500,000 for nontransportation-related projects or \$350,000 for transportation-related projects authorized under Article 2 (§ 33.2-208 et seq.) of Chapter 2 of Title 33.2 and partially or wholly funded by the Commonwealth.

~~G. F.~~ Nothing in this section shall preclude the contractor from requiring each subcontractor to furnish a payment bond with surety thereon in the sum of the full amount of the contract with such subcontractor conditioned upon the payment to all persons who have and fulfill contracts that are directly with the subcontractor for performing labor and furnishing materials in the prosecution of the work provided for in the subcontract.

~~H. The performance and payment bond requirements of subsection A for transportation-related projects that are valued in excess of \$250,000 but less than \$350,000 may only be waived by a public body if the bidder provides evidence, satisfactory to the public body, that a surety company has declined an application from the contractor for a performance or payment bond.~~

CHAPTER 566

An Act to amend and reenact § 15.2-953 of the Code of Virginia, relating to charitable institutions and associations; local appropriations to faith-based organizations.

[H 377]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-953 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-953. Donations to charitable institutions and associations, volunteer and nonprofit organizations, chambers of commerce, etc.

A. Any locality may make appropriations of public funds, of personal property or of any real estate and donations to the Virginia Indigent Health Care Trust Fund and to any charitable institution or association, located within their respective limits or outside their limits if such institution or association provides services to residents of the locality; however, such institution or association shall not be controlled in whole or in part by any church or sectarian society. The words "sectarian society" shall not be construed to mean a nondenominational Young Men's Christian Association, a nondenominational Young Women's Christian Association, Habitat for Humanity, or the Salvation Army. Nothing in this section shall be construed to prohibit any county or city from making contracts with any sectarian institution for the care of indigent, sick or injured persons. *Notwithstanding the foregoing, no organization shall be prohibited from applying for or receiving public funds as part of a neutral grant or funding program from a locality on the basis of the organization's religious status, provided that all government funds received from the locality are used to provide community services for secular purposes without regard to the religious affiliation of the recipients of such services. Nothing in this section shall be construed to absolve or change any existing right or obligation created by the provisions of § 2.2-3904 or 57-2.02.*

B. Any locality may make gifts and donations of property, real or personal, or money to (i) any charitable institution or nonprofit or other organization providing housing for persons 60 years of age or older or operating a hospital or nursing home; (ii) any association or other organization furnishing voluntary firefighting services; (iii) any nonprofit or volunteer emergency medical services agency, within or outside the boundaries of the locality; (iv) any nonprofit recreational association or organization; (v) any nonprofit organization providing recreational or daycare services to persons 65 years of age or older; or (vi) any nonprofit association or organization furnishing services to beautify and maintain communities or to prevent neighborhood deterioration. Gifts or donations of property, real or personal, or money by any locality to any nonprofit association, recreational association, or organization described in provision (iv), (v), or (vi) may be made provided the nonprofit association, recreational association, or organization is not controlled in whole or in part by any church or sectarian society. Donations of property or money to any such charitable, nonprofit or other hospital or nursing home, institution or organization or nonprofit recreational associations or organizations may be made for construction purposes, for operating expenses, or both.

A locality may make like gifts and donations to chambers of commerce which are nonprofit and nonsectarian.

A locality may make like gifts, donations and appropriations of money to industrial development authorities for the purposes of promoting economic development.

A locality may make like gifts and donations to any and all public and private nonprofit organizations and agencies engaged in commemorating historical events.

A locality may make like gifts and donations to any nonprofit organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code that is engaged in providing energy efficiency services or promoting energy efficiency within or without the boundaries of the locality.

A locality may make like gifts and donations to any nonprofit organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code that is engaged in providing emergency relief to residents, including providing the repair or replacement of private property damaged or destroyed by a natural disaster.

A locality may make like gifts and donations to nonprofit foundations established to support the locality's public parks, libraries, and law enforcement. For the purposes of this paragraph, "donations" to any such foundation shall include the lawful provision of in-kind resources.

A locality may make monetary gifts, donations, and appropriations of money to a public institution of higher education in the Commonwealth that provides services to such locality's residents.

Public library materials that are discarded from their collections may be given to nonprofit organizations that support library functions, including, but not limited to, friends of the library, library advisory boards, library foundations, library trusts and library boards of trustees.

C. Any locality may make gifts and donations of personal property and may deliver such gifts and donations to another governmental entity in or outside of the Commonwealth within the United States.

D. Any locality may by ordinance provide for payment to any volunteer emergency medical services agency that meets the required minimum standards for such volunteer emergency medical services agency set forth in the ordinance a sum for each rescue call the volunteer emergency medical services agency makes for an automobile accident in which a person has been injured on any of the highways or streets in the locality. In addition, unless otherwise prohibited by law, any locality may make appropriations of money to volunteer fire companies or any volunteer emergency medical services agency in an amount sufficient to enroll any qualified member of such volunteer fire company or emergency medical services agency in any program available within the locality intended to defray out-of-pocket expenses for transportation by an emergency medical services vehicle.

E. For the purposes of this section, "donations" shall include the lawful provision of in-kind resources for any event sponsored by the donee and, with respect to any association or other organization furnishing voluntary firefighting services or a nonprofit or volunteer emergency medical services agency, the provision of in-kind resources for contract management services for capital projects; assistance in preparing requests for information, bids, or proposals; and budgeting services.

F. Nothing in this section shall be construed to obligate any locality to appropriate funds to any entity. Such charitable contribution shall be voluntary.

CHAPTER 567

An Act to amend the Code of Virginia by adding a section numbered 46.2-1217.1, relating to vehicle towing; civil penalty.

[S 705]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 46.2-1217.1 as follows:

§ 46.2-1217.1. Towing of certain large vehicles; civil penalty.

On any invoice charging \$10,000 or more for towing and recovery services rendered pursuant to a lawful request for towing by a law-enforcement officer or other uniformed employee of a law-enforcement agency who specifically is authorized to make a request for towing by the chief law-enforcement officer or his designee for the towing and recovery of a vehicle with a gross vehicle weight rating of greater than 26,000 pounds, the towing and recovery operator shall include the telephone number and website address for the Division of Consumer Counsel within the Office of the Attorney General.

Any towing and recovery operator in violation of the provisions of this section shall be subject to a civil penalty of \$1,000 per violation.

CHAPTER 568

An Act to direct the Department of Behavioral Health and Developmental Services to establish a work group to study and make recommendations regarding the cases in which the Office of the Chief Medical Examiner shall conduct an investigation of the death of a person who dies while receiving services from a program licensed by the Department of Behavioral Health and Developmental Services.

[H 659]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. The Department of Behavioral Health and Developmental Services (the Department) shall establish a work group, which shall include the Commissioner of Behavioral Health and Developmental Services, the Director of the Department of Criminal Justice Services, the Commissioner of Social Services, the State Registrar of Vital Records, and the Chief Medical Examiner, or their designees, and representatives of the disAbility Law Center of Virginia, the Virginia Hospital and Healthcare Association, the Virginia Association of Community Services Boards, providers of behavioral health services licensed by the Department, law-enforcement agencies, emergency medical services providers, community stakeholders such as social workers, community mental health providers, and case managers, and other appropriate agency staff and other stakeholders, to study and make recommendations regarding appropriate investigations, including recommendations regarding when autopsies may be appropriate, of the deaths of individuals with intellectual or developmental disabilities who are residents of the Commonwealth and who die while receiving services from a program licensed by the Department. The work group shall report its findings and recommendations to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2022.

CHAPTER 569

An Act to amend and reenact §§ 17.1-803 and 19.2-306 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 19.2-306.2, relating to probation violation guidelines; use of sentencing revocation report and discretionary sentencing guidelines in revocation proceedings.

[H 1318]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 17.1-803 and 19.2-306 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 19.2-306.2 as follows:

§ 17.1-803. Powers and duties.

The Commission shall:

1. Develop, maintain and modify as may be deemed necessary, a proposed system of statewide discretionary sentencing guidelines for use in all felony cases which will take into account historical data, when available, concerning time actually served for various felony offenses committed prior to January 1, 1995, and sentences imposed for various felony offenses committed on or after January 1, 1995, and such other factors as may be deemed relevant to sentencing.

2. Prepare, periodically update, and distribute sentencing worksheets for the use of sentencing courts which, when used, will produce a recommended sentencing range for a felony offense in accordance with the discretionary sentencing guidelines established pursuant to subdivision 1.

3. Prepare, periodically update, and distribute a form for the use of sentencing courts which will assist such courts in recording the reason or reasons for any sentence imposed in a felony case which is greater or less than the sentence recommended by the discretionary sentencing guidelines.

4. Prepare guidelines for sentencing courts to use in determining appropriate candidates for alternative sanctions which may include, but not be limited to (i) fines and day fines, (ii) boot camp incarceration, (iii) local correctional facility incarceration, (iv) diversion center incarceration, (v) detention center incarceration, (vi) home incarceration/electronic monitoring, (vii) day or evening reporting, (viii) probation supervision, (ix) intensive probation supervision, and (x) performance of community service.

5. Develop an offender risk assessment instrument for use in all felony cases, based on a study of Virginia felons, that will be predictive of the relative risk that a felon will become a threat to public safety.

6. Apply the risk assessment instrument to offenders convicted of any felony that is not specified in (i) subdivision 1, 2 or 3 of subsection A of § 17.1-805 or (ii) subsection C of § 17.1-805 under the discretionary sentencing guidelines, and shall determine, on the basis of such assessment and with due regard for public safety needs, the feasibility of achieving the goal of placing 25 percent of such offenders in one of the alternative sanctions listed in subdivision 4. If the Commission so determines that achieving the 25 percent or a higher percentage goal is feasible, it shall incorporate such goal into the discretionary sentencing guidelines, to become effective on January 1, 1996. If the Commission so determines that achieving the goal is not feasible, the Commission shall report that determination to the General Assembly, the Governor and the Chief Justice of the Supreme Court of Virginia on or before December 1, 1995, and shall make such recommendations as it deems appropriate.

7. Prepare, periodically update, and distribute a form for recording the reasons for, and outcomes of, revocation hearings conducted in circuit courts pursuant to § 19.2-306.

8. Develop, maintain, and modify as may be deemed necessary a system of statewide discretionary sentencing guidelines for use in hearings conducted in circuit courts pursuant to § 19.2-306 in which the defendant is cited for violation of a condition or conditions of supervised probation imposed as a result of a felony conviction. Such guidelines shall take into account historical data for sentences imposed in such cases and such other factors as may be deemed relevant to sentencing.

9. Monitor sentencing practices in felony cases throughout the Commonwealth, including the use of the discretionary sentencing guidelines, and maintain a database containing the information obtained.

~~8.~~ 10. Monitor felony sentence lengths, crime trends, correctional facility population trends and correctional resources and make recommendations regarding projected correctional facilities capacity requirements and related correctional resource needs.

~~9.~~ 11. Study felony statutes in the context of judge-sentencing and jury-sentencing patterns as they evolve after January 1, 1995, and make recommendations for the revision of general criminal offense statutes to provide more specific offense definitions and more narrowly prescribed ranges of punishment.

~~10.~~ 12. Report upon its work and recommendations annually on or before December 1 to the General Assembly, the Governor and the Chief Justice of the Supreme Court of Virginia. Such report shall include any modifications to the discretionary sentencing guidelines adopted by the Commission pursuant to subdivision 1 and shall be accompanied by a statement of the reasons for those modifications.

~~11.~~ 13. Perform such other functions as may be otherwise required by law or as may be necessary to carry out the provisions of this chapter.

§ 19.2-306. Revocation of suspension of sentence and probation.

A. ~~H~~ Subject to the provisions of § 19.2-306.2, in any case in which the court has suspended the execution or imposition of sentence, the court may revoke the suspension of sentence for any cause the court deems sufficient that occurred at any time within the probation period, or within the period of suspension fixed by the court. If neither a probation period nor a period of suspension was fixed by the court, then the court may revoke the suspension for any cause the court deems sufficient that occurred within the maximum period for which the defendant might originally have been sentenced to be imprisoned.

B. The court may not conduct a hearing to revoke the suspension of sentence unless the court issues process to notify the accused or to compel his appearance before the court within 90 days of receiving notice of the alleged violation or within one year after the expiration of the period of probation or the period of suspension, whichever is sooner, or, in the case of a failure to pay restitution, within three years after such expiration. If neither a probation period nor a period of suspension was fixed by the court, then the court shall issue process within six months after the expiration of the maximum period for which the defendant might originally have been sentenced to be incarcerated. Such notice and service of process may be waived by the defendant, in which case the court may proceed to determine whether the defendant has violated the conditions of suspension.

C. If the court, after hearing, finds good cause to believe that the defendant has violated the terms of suspension, then the court may revoke the suspension and impose a sentence in accordance with the provisions of § 19.2-306.1. The court may again suspend all or any part of this sentence for a period up to the statutory maximum period for which the defendant might originally have been sentenced to be imprisoned, less any time already served, and may place the defendant upon terms and conditions or probation. The court shall measure the period of any suspension of sentence from the date of the entry of the original sentencing order. However, if a court finds that a defendant has absconded from the jurisdiction of the court, the court may extend the period of probation or suspended sentence for a period not to exceed the length of time that such defendant absconded.

D. If any court has, after hearing, found no cause to impose a sentence that might have been originally imposed, or to revoke a suspended sentence or probation, then any further hearing to impose a sentence or revoke a suspended sentence or probation, based solely on the alleged violation for which the hearing was held, shall be barred.

E. Nothing contained herein shall be construed to deprive any person of his right to appeal in the manner provided by law to the circuit court having criminal jurisdiction from a judgment or order revoking any suspended sentence.

§ 19.2-306.2. Use of sentencing revocation report and discretionary sentencing guidelines in cases of revocation of suspension of sentence and probation.

A. In any proceeding conducted pursuant to § 19.2-306 for revocation of suspension of sentence or probation imposed as a result of a felony conviction, the circuit court shall have presented to it a sentencing revocation report prepared on a form designated by the Virginia Criminal Sentencing Commission. Such form shall indicate the nature of the alleged violation or violations and, if the defendant is subject to supervised probation, the condition or conditions of probation that the defendant has allegedly violated. The sentencing revocation report shall be prepared by the supervising probation agency that initiated the request for the revocation hearing. If the defendant is not under active probation supervision or the supervising probation agency did not initiate the request for the revocation hearing, the sentencing revocation report shall be completed by an attorney for the Commonwealth.

B. For every proceeding conducted pursuant to § 19.2-306 in which the defendant is cited for violating a condition or conditions of supervised probation imposed as a result of a felony conviction and such person is under the supervision of a state probation and parole officer, the court shall have presented to it the applicable discretionary probation violation guidelines pursuant to § 17.1-803.

1. The applicable discretionary probation violation guidelines shall be prepared by a state probation and parole officer on a form designated by the Virginia Criminal Sentencing Commission. If a party other than a probation and parole officer initiated the request for the revocation hearing, no probation violation guidelines are prepared and only the sentencing revocation report required by subsection A shall be submitted to the court.

2. The court shall review and consider the suitability of the applicable discretionary probation violation guidelines. Before imposing sentence, the court shall state for the record that such review and consideration have been accomplished and shall make the completed worksheets a part of the record of the case.

3. In any proceeding in which the court imposes a sentence that is either greater than or less than that indicated by the discretionary probation violation guidelines, the court shall provide a written explanation of such departure to be filed with the record of the case.

C. Within 30 days following the entry of a final order in a revocation proceeding, the clerk of the circuit court shall prepare and send to the Virginia Criminal Sentencing Commission a copy or copies of (i) the final order, (ii) the original sentencing revocation report, (iii) any applicable probation violation guideline worksheets prepared for such proceeding, and (iv) any written explanation regarding a departure from the probation violation guidelines pursuant to subsection B.

D. Failure to follow the provisions of this section or failure to follow these provisions in the prescribed manner shall not be reviewable on appeal and shall not be used for the basis of any other post-proceeding relief.

CHAPTER 570

An Act to amend and reenact §§ 17.1-803 and 19.2-306 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 19.2-306.2, relating to probation violation guidelines; use of sentencing revocation report and discretionary sentencing guidelines in revocation proceedings.

[S 424]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 17.1-803 and 19.2-306 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 19.2-306.2 as follows:

§ 17.1-803. Powers and duties.

The Commission shall:

1. Develop, maintain and modify as may be deemed necessary, a proposed system of statewide discretionary sentencing guidelines for use in all felony cases which will take into account historical data, when available, concerning time actually served for various felony offenses committed prior to January 1, 1995, and sentences imposed for various felony offenses committed on or after January 1, 1995, and such other factors as may be deemed relevant to sentencing.

2. Prepare, periodically update, and distribute sentencing worksheets for the use of sentencing courts which, when used, will produce a recommended sentencing range for a felony offense in accordance with the discretionary sentencing guidelines established pursuant to subdivision 1.

3. Prepare, periodically update, and distribute a form for the use of sentencing courts which will assist such courts in recording the reason or reasons for any sentence imposed in a felony case which is greater or less than the sentence recommended by the discretionary sentencing guidelines.

4. Prepare guidelines for sentencing courts to use in determining appropriate candidates for alternative sanctions which may include, but not be limited to (i) fines and day fines, (ii) boot camp incarceration, (iii) local correctional facility incarceration, (iv) diversion center incarceration, (v) detention center incarceration, (vi) home incarceration/electronic monitoring, (vii) day or evening reporting, (viii) probation supervision, (ix) intensive probation supervision, and (x) performance of community service.

5. Develop an offender risk assessment instrument for use in all felony cases, based on a study of Virginia felons, that will be predictive of the relative risk that a felon will become a threat to public safety.

6. Apply the risk assessment instrument to offenders convicted of any felony that is not specified in (i) subdivision 1, 2 or 3 of subsection A of § 17.1-805 or (ii) subsection C of § 17.1-805 under the discretionary sentencing guidelines, and shall determine, on the basis of such assessment and with due regard for public safety needs, the feasibility of achieving the goal of placing 25 percent of such offenders in one of the alternative sanctions listed in subdivision 4. If the Commission so determines that achieving the 25 percent or a higher percentage goal is feasible, it shall incorporate such goal into the discretionary sentencing guidelines, to become effective on January 1, 1996. If the Commission so determines that achieving the goal is not feasible, the Commission shall report that determination to the General Assembly, the Governor and the Chief Justice of the Supreme Court of Virginia on or before December 1, 1995, and shall make such recommendations as it deems appropriate.

7. Prepare, periodically update, and distribute a form for recording the reasons for, and outcomes of, revocation hearings conducted in circuit courts pursuant to § 19.2-306.

8. Develop, maintain, and modify as may be deemed necessary a system of statewide discretionary sentencing guidelines for use in hearings conducted in circuit courts pursuant to § 19.2-306 in which the defendant is cited for violation of a condition or conditions of supervised probation imposed as a result of a felony conviction. Such guidelines shall take into account historical data for sentences imposed in such cases and such other factors as may be deemed relevant to sentencing.

9. Monitor sentencing practices in felony cases throughout the Commonwealth, including the use of the discretionary sentencing guidelines, and maintain a database containing the information obtained.

~~8.~~ 10. Monitor felony sentence lengths, crime trends, correctional facility population trends and correctional resources and make recommendations regarding projected correctional facilities capacity requirements and related correctional resource needs.

~~9.~~ 11. Study felony statutes in the context of judge-sentencing and jury-sentencing patterns as they evolve after January 1, 1995, and make recommendations for the revision of general criminal offense statutes to provide more specific offense definitions and more narrowly prescribed ranges of punishment.

~~10.~~ 12. Report upon its work and recommendations annually on or before December 1 to the General Assembly, the Governor and the Chief Justice of the Supreme Court of Virginia. Such report shall include any modifications to the discretionary sentencing guidelines adopted by the Commission pursuant to subdivision 1 and shall be accompanied by a statement of the reasons for those modifications.

~~11.~~ 13. Perform such other functions as may be otherwise required by law or as may be necessary to carry out the provisions of this chapter.

§ 19.2-306. Revocation of suspension of sentence and probation.

A. ~~H~~ Subject to the provisions of § 19.2-306.2, in any case in which the court has suspended the execution or imposition of sentence, the court may revoke the suspension of sentence for any cause the court deems sufficient that occurred at any time within the probation period, or within the period of suspension fixed by the court. If neither a probation period nor a period of suspension was fixed by the court, then the court may revoke the suspension for any cause the court deems sufficient that occurred within the maximum period for which the defendant might originally have been sentenced to be imprisoned.

B. The court may not conduct a hearing to revoke the suspension of sentence unless the court issues process to notify the accused or to compel his appearance before the court within 90 days of receiving notice of the alleged violation or within one year after the expiration of the period of probation or the period of suspension, whichever is sooner, or, in the case of a failure to pay restitution, within three years after such expiration. If neither a probation period nor a period of suspension was fixed by the court, then the court shall issue process within six months after the expiration of the maximum period for which the defendant might originally have been sentenced to be incarcerated. Such notice and service of process may be waived by the defendant, in which case the court may proceed to determine whether the defendant has violated the conditions of suspension.

C. If the court, after hearing, finds good cause to believe that the defendant has violated the terms of suspension, then the court may revoke the suspension and impose a sentence in accordance with the provisions of § 19.2-306.1. The court may again suspend all or any part of this sentence for a period up to the statutory maximum period for which the defendant might originally have been sentenced to be imprisoned, less any time already served, and may place the defendant upon terms and conditions or probation. The court shall measure the period of any suspension of sentence from the date of the entry of the original sentencing order. However, if a court finds that a defendant has absconded from the jurisdiction of the court, the court may extend the period of probation or suspended sentence for a period not to exceed the length of time that such defendant absconded.

D. If any court has, after hearing, found no cause to impose a sentence that might have been originally imposed, or to revoke a suspended sentence or probation, then any further hearing to impose a sentence or revoke a suspended sentence or probation, based solely on the alleged violation for which the hearing was held, shall be barred.

E. Nothing contained herein shall be construed to deprive any person of his right to appeal in the manner provided by law to the circuit court having criminal jurisdiction from a judgment or order revoking any suspended sentence.

§ 19.2-306.2. Use of sentencing revocation report and discretionary sentencing guidelines in cases of revocation of suspension of sentence and probation.

A. In any proceeding conducted pursuant to § 19.2-306 for revocation of suspension of sentence or probation imposed as a result of a felony conviction, the circuit court shall have presented to it a sentencing revocation report prepared on a form designated by the Virginia Criminal Sentencing Commission. Such form shall indicate the nature of the alleged violation or violations and, if the defendant is subject to supervised probation, the condition or conditions of probation that the defendant has allegedly violated. The sentencing revocation report shall be prepared by the supervising probation agency that initiated the request for the revocation hearing. If the defendant is not under active probation supervision or the supervising probation agency did not initiate the request for the revocation hearing, the sentencing revocation report shall be completed by an attorney for the Commonwealth.

B. For every proceeding conducted pursuant to § 19.2-306 in which the defendant is cited for violating a condition or conditions of supervised probation imposed as a result of a felony conviction and such person is under the supervision of a state probation and parole officer, the court shall have presented to it the applicable discretionary probation violation guidelines pursuant to § 17.1-803.

1. The applicable discretionary probation violation guidelines shall be prepared by a state probation and parole officer on a form designated by the Virginia Criminal Sentencing Commission. If a party other than a probation and parole officer initiated the request for the revocation hearing, no probation violation guidelines are prepared and only the sentencing revocation report required by subsection A shall be submitted to the court.

2. The court shall review and consider the suitability of the applicable discretionary probation violation guidelines. Before imposing sentence, the court shall state for the record that such review and consideration have been accomplished and shall make the completed worksheets a part of the record of the case.

3. In any proceeding in which the court imposes a sentence that is either greater than or less than that indicated by the discretionary probation violation guidelines, the court shall provide a written explanation of such departure to be filed with the record of the case.

C. Within 30 days following the entry of a final order in a revocation proceeding, the clerk of the circuit court shall prepare and send to the Virginia Criminal Sentencing Commission a copy or copies of (i) the final order, (ii) the original sentencing revocation report, (iii) any applicable probation violation guideline worksheets prepared for such proceeding, and (iv) any written explanation regarding a departure from the probation violation guidelines pursuant to subsection B.

D. Failure to follow the provisions of this section or failure to follow these provisions in the prescribed manner shall not be reviewable on appeal and shall not be used for the basis of any other post-proceeding relief.

CHAPTER 571

An Act to amend and reenact §§ 3.2, 3.4, as amended, 4.1, and 6.1 of Chapters 629 and 674 of the Acts of Assembly of 2005, which provided a charter for the City of Waynesboro, relating to elections and appointments; council, city manager, and school board.

[S 699]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2, 3.4, as amended, 4.1, and 6.1 of Chapter 629 and 674 of the Acts of Assembly of 2005 is amended and reenacted as follows:

§ 3.2. Composition and election of council; vacancies.

(a) The council shall consist of five (5) members, ~~who shall be voted at large~~ *one of whom shall be a resident of Ward A, one a resident of Ward B, one a resident of Ward C, one a resident of Ward D, and one a member at large who may be a resident of any ward*, whose term of office each, except as hereinafter fixed, shall be for the term of four (4) years. *The member at large shall be elected by the qualified voters at large, and the four ward members shall be elected only by the qualified voters of their respective wards.* At the municipal election held in ~~2006~~ *2022*, and every four (4) years thereafter, two (2) council members shall be elected, one from each ward having a council member whose term is expiring, who shall serve for a term of four (4) years and thereafter until their successors shall have been elected and qualified. At the municipal election held in ~~2008~~ *2024*, and every four (4) years thereafter, three (3) council members shall be elected, one from each ward having a council member whose term is expiring; and one ~~member at large~~ *member at large*, who shall serve for a period of four (4) years and thereafter until their successors have been elected and qualified. Municipal elections shall be held and conducted at the time and in the manner provided for by general law. The persons elected shall take office ~~July~~ *January 1* ~~of~~ *following* the year in which they are elected.

(b) Vacancies in the council shall be filled within thirty (30) days, for the unexpired terms, by a majority vote of the remaining council members except as otherwise provided by general law.

§ 3.4. Organizational rules; election of mayor.

(a) The city council shall assemble for an organizational meeting at its first regular session in *July 2022, and, effective January 2023, in January* each year for the purposes set forth in § 15.2-1416 of the Code of Virginia, at which time the newly elected council members, after first having taken oaths prescribed by law, shall assume the duties of the office. Thereafter, the council shall meet at such times as may be prescribed by ordinance or resolution, except that they shall regularly meet not less than once each month. The mayor, any member of the council, or the city manager may call special meetings of the council at any time (on at least twelve (12) hours written notice), with the purpose of ~~said~~ *the* meeting stated therein, to each member served personally or left at such member's usual place of business or residence. No business other than that mentioned in the ~~call~~ *written notice* shall be considered at such meeting, except upon the consent of no fewer than four-fifths (4/5) of the members of the council.

(b) All meetings of the council shall be public except, if otherwise authorized by general law. Any citizen may have access to the minutes and records thereof at all reasonable times.

(c) The council shall elect one of its members as ~~chairman~~ *mayor*, who shall be ex officio ~~mayor~~ *chair of all meetings, and one of its members as vice mayor; who shall be ex officio vice chair.*

(d) The mayor shall be elected by the council for a term of two (2) years and shall preside at meetings of the council and perform such other duties consistent with the office as may be imposed by the council. The mayor shall have a vote and voice in the proceedings, but no veto. The mayor shall be the official head of the city but shall have no jurisdiction or authority to hear, determine, or try any civil or criminal matters. In times of public danger or emergency, the mayor, or during the mayor's absence or disability, the city manager, may take command of the police and maintain order and enforce the laws, and for this purpose, may deputize such assistant police officers as may be necessary. During absence or disability, except as above provided, the city manager's duties shall be performed by another member appointed by the council. The mayor shall authenticate by signature such instruments as the council, this Charter, or the laws of the state shall require.

(e) On the day of the first regular meeting in ~~July~~ *January* following the regular municipal election and organization of the council, or as soon thereafter as may be practicable, the council shall elect a city manager, city clerk, city attorney, city assessor, and such other officers as may come within their jurisdiction, each of whom shall serve at the pleasure of the council, provided that the council may elect the city clerk, city manager, city attorney, city assessor, and such other officers for terms of ~~one year~~ *two years* each, beginning ~~July~~ *January 1, 2023*, subject to removal by the council for cause, and in no event shall the council elect any officer for a term extending beyond ~~June 30~~ *December 31* next succeeding each regular biennial municipal election for members of the council.

§ 4.1. Vesting of executive and administrative powers of city; appointment, term and compensation of city manager.

The administrative and executive powers of the city, including the power of appointment of officers and employees, are vested in an official to be known as the city manager, who shall be appointed by the council each year on ~~July~~ *January 1*, or as soon thereafter as practicable, for a term of not exceeding ~~one year~~ *two years* unless sooner removed by the council upon proven charges preferred for malfeasance or misfeasance, neglect of duty, or incompetency. The city manager shall receive such compensation as shall be fixed by the council and shall devote all time to the business of the city.

§ 6.1. School board; generally.

(a) The school board shall be composed of five (5) members, to be elected from the qualified voters of the city at large, one of whom shall be a resident of Ward A, one a resident of Ward B, one a resident of Ward C, one a resident of Ward D, and one member at large who may be a resident of any ward. *The member at large shall be elected by the qualified voters at large, and the four ward members shall be elected only by the qualified voters of their respective wards.* Their terms shall be for four (4) years *or until their successors have been elected and qualified*, except that all elections to fill vacancies shall be for the unexpired term.

(b) At the municipal election held in ~~2006~~ 2022 and every four (4) years thereafter, two (2) school board members shall be elected for terms of four (4) years, one from each ward from which a council member is simultaneously elected to a full term. At the municipal election held in ~~2008~~ 2024 and every four (4) years ~~thereafterward~~ thereafter, three (3) city school board members shall be elected for terms of four (4) years, one from each ward from which a council member is simultaneously elected to a full term *and one member at large*. Municipal elections shall be held and conducted at the time and in the manner provided for by state law. The persons elected shall take office on ~~July~~ January 1 ~~of~~ following the year in which they are elected.

(c) Vacancies on the school board shall be filled within thirty (30) days, for the unexpired term, by a majority vote of the remaining school board members until an election can be held in accordance with general state law.

(d) Any person qualified to vote in the city shall be eligible to be a member of the school board.

(e) Compensation for school board members shall be as prescribed by law.

(f) The organizational meeting of the school board shall take place on each ~~July~~ January 1, or as soon thereafter as may be practicable.

(g) The school board shall be a body corporate under the designation, "Waynesboro School Board," by which name it may sue and be sued, contract and be contracted with, and purchase, take, hold, lease, and convey school property, both real and personal. The title to all public school property within the corporate limits of the city shall be vested in the Waynesboro School Board. By mutual consent of the school board and the council of the city, the title to the school property may vest in the city.

CHAPTER 572

An Act to amend and reenact §§ 8.01-195.10, 8.01-195.11, and 58.1-322.02 of the Code of Virginia, relating to compensation for wrongful incarceration.

[H 397]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-195.10, 8.01-195.11, and 58.1-322.02 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-195.10. Purpose; action by the General Assembly required; definitions.

A. The purpose of this article is to provide directions and guidelines for the compensation of persons who have been wrongfully incarcerated in the Commonwealth. Compensation for wrongful incarceration is governed by Article IV, Section 14 of the Constitution of Virginia, which prohibits the General Assembly from granting relief in cases in which the courts or other tribunals may have jurisdiction and any individual seeking payment of state funds for wrongful incarceration shall be deemed to have waived all other claims. The payment and receipt of any compensation for wrongful incarceration shall be contingent upon the General Assembly appropriating funds for that purpose. This article shall not provide an entitlement to compensation for persons wrongfully incarcerated or require the General Assembly to appropriate funds for the payment of such compensation. No estate of or personal representative for a decedent shall be entitled to seek a claim for compensation for wrongful incarceration.

B. As used in this article:

"Incarceration" or "incarcerated" means confinement in a local or regional correctional facility, juvenile correctional center, state correctional facility, residential detention center, or facility operated pursuant to the Corrections Private Management Act (§ 53.1-261 et seq.).

"Wrongful incarceration" or "wrongfully incarcerated" means incarceration for a felony conviction for which (i) the conviction has been vacated pursuant to Chapter 19.2 (§ 19.2-327.2 et seq.) or 19.3 (§ 19.2-327.10 et seq.) of Title 19.2, or the person incarcerated has been granted an absolute pardon for the commission of a crime that he did not commit; (ii) the person incarcerated shall have entered a final plea of not guilty *or an Alford plea*, or, regardless of the plea, the person incarcerated was convicted of a Class 1 felony, a Class 2 felony, or any felony for which the maximum penalty is imprisonment for life; and (iii) the person incarcerated did not by any act or omission on his part intentionally contribute to his conviction for the felony for which he was incarcerated.

§ 8.01-195.11. Compensation for wrongful incarceration.

A. Any person who is convicted of a felony by a county or city circuit court of the Commonwealth and is wrongfully incarcerated for such felony may be awarded compensation ~~in an amount equal to 90 percent of the inflation adjusted Virginia per capita personal income as reported by the Bureau of Economic Analysis of the U.S. Department of Commerce~~ for each year of incarceration, or portion thereof. *The amount of compensation per year shall be \$55,000, adjusted annually*

by the percentage increase in the Chained Consumer Price Index for All Urban Consumers (C-CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, or any predecessor or successor index, compared with the prior calendar year. Calculations made pursuant to this section shall be made by the State Treasurer.

B. Any compensation computed pursuant to subsection A and approved by the General Assembly shall be paid by the Comptroller by his warrant on the State Treasurer in favor of the person found to have been wrongfully incarcerated. The person wrongfully incarcerated shall be paid an initial lump sum equal to ~~20~~ 25 percent of the compensation award with the remaining ~~80~~ 75 percent of the principal of the compensation award to be used by the State Treasurer to purchase an annuity from any A+ rated company, including any A+ rated company from which the Virginia Lottery may purchase an annuity, to provide equal monthly payments to such person for a period certain of ~~25~~ 10 years commencing no later than one year after the effective date of the appropriation; however, if such person's life expectancy, as calculated pursuant to the provisions of § 8.01-419 based on his age on the effective date of the appropriation, is less than ~~25~~ 10 years, then, upon his election, the annuity period shall be equal to his life expectancy. The annuity shall provide that it shall not be sold, discounted, or used as securitization for loans and mortgages by the person awarded compensation. The annuity shall, however, contain beneficiary provisions providing for the annuity's continued disbursement in the event of the death of the person awarded compensation. All payments or costs of annuities under this section shall be made by check issued by the State Treasurer on warrant of the Comptroller.

Notwithstanding the foregoing, in the event that the person wrongfully incarcerated is 60 years of age or older or is terminally ill, the General Assembly may (i) pay 100 percent of the compensation computed pursuant to subsection A as a lump sum to the person wrongfully incarcerated or (ii) purchase an annuity for a period certain that is less than ~~25~~ 10 years. For the purposes of this section, "terminally ill" means that the individual has a medical prognosis, as certified by a licensed physician, that his life expectancy is five years or less if the illness runs its normal course.

C. In addition to the compensation awarded pursuant to subsection A, the General Assembly may pay to the person wrongfully incarcerated the amount of any unreimbursed fine, fee, court cost, or restitution imposed and paid and reasonable attorney fees and costs incurred to receive an award pursuant to this section.

D. Any person who is convicted of a felony by a county or city circuit court of the Commonwealth and is wrongfully incarcerated for such felony shall receive a transition assistance grant of \$15,000 to be paid from the Criminal Fund, which amount shall be deducted from any award received pursuant to subsection B, within 30 days of receipt of the written request for the disbursement of the transition assistance grant to the Executive Secretary of the Supreme Court of Virginia. Payment of the transition assistance grant from the Criminal Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Executive Secretary of the Supreme Court of Virginia. In addition, such person shall be entitled to receive reimbursement up to \$10,000 for tuition for career and technical training within the Virginia Community College System contingent upon successful completion of the training. Reimbursement for tuition shall be provided by the comprehensive community college at which the career or technical training was completed.

§ 58.1-322.02. Virginia taxable income; subtractions.

In computing Virginia taxable income pursuant to § 58.1-322, to the extent included in federal adjusted gross income, there shall be subtracted:

1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of any authority, commission, or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States, including, but not limited to, stocks, bonds, treasury bills, and treasury notes but not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

2. Income derived from obligations, or on the sale or exchange of obligations, of the Commonwealth or of any political subdivision or instrumentality of the Commonwealth.

3. Benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code.

4. Up to \$20,000 of disability income, as defined in § 22(c)(2)(B)(iii) of the Internal Revenue Code; however, any person who claims a deduction under subdivision 5 of § 58.1-322.03 may not also claim a subtraction under this subdivision.

5. The amount of any refund or credit for overpayment of income taxes imposed by the Commonwealth or any other taxing jurisdiction.

6. The amount of wages or salaries eligible for the federal Work Opportunity Credit which was not deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.

7. Any amount included therein less than \$600 from a prize awarded by the Virginia Lottery.

8. The wages or salaries received by any person for active and inactive service in the National Guard of the Commonwealth of Virginia, not to exceed the amount of income derived from 39 calendar days of such service or \$3,000, whichever amount is less; however, only those persons in the ranks of O3 and below shall be entitled to the deductions specified in this subdivision.

9. Amounts received by an individual, not to exceed \$1,000 for taxable years beginning on or before December 31, 2019, and \$5,000 for taxable years beginning on or after January 1, 2020, as a reward for information provided to a law-enforcement official or agency, or to a nonprofit corporation created exclusively to assist such law-enforcement official or agency, in the apprehension and conviction of perpetrators of crimes. This subdivision shall not

apply to the following: an individual who is an employee of, or under contract with, a law-enforcement agency, a victim or the perpetrator of the crime for which the reward was paid, or any person who is compensated for the investigation of crimes or accidents.

10. The amount of "qualified research expenses" or "basic research expenses" eligible for deduction for federal purposes, but which were not deducted, on account of the provisions of § 280C(c) of the Internal Revenue Code and which shall be available to partners, shareholders of S corporations, and members of limited liability companies to the extent and in the same manner as other deductions may pass through to such partners, shareholders, and members.

11. Any income received during the taxable year derived from a qualified pension, profit-sharing, or stock bonus plan as described by § 401 of the Internal Revenue Code, an individual retirement account or annuity established under § 408 of the Internal Revenue Code, a deferred compensation plan as defined by § 457 of the Internal Revenue Code, or any federal government retirement program, the contributions to which were deductible from the taxpayer's federal adjusted gross income, but only to the extent the contributions to such plan or program were subject to taxation under the income tax in another state.

12. Any income attributable to a distribution of benefits or a refund from a prepaid tuition contract or savings trust account with the Virginia College Savings Plan, created pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1. The subtraction for any income attributable to a refund shall be limited to income attributable to a refund in the event of a beneficiary's death, disability, or receipt of a scholarship.

13. All military pay and allowances, to the extent included in federal adjusted gross income and not otherwise subtracted, deducted, or exempted under this section, earned by military personnel while serving by order of the President of the United States with the consent of Congress in a combat zone or qualified hazardous duty area that is treated as a combat zone for federal tax purposes pursuant to § 112 of the Internal Revenue Code.

14. For taxable years beginning before January 1, 2015, the gain derived from the sale or exchange of real property or the sale or exchange of an easement to real property which results in the real property or the easement thereto being devoted to open-space use, as that term is defined in § 58.1-3230, for a period of time not less than 30 years. To the extent that a subtraction is taken in accordance with this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for three years following the year in which the subtraction is taken.

15. Fifteen thousand dollars of military basic pay for military service personnel on extended active duty for periods in excess of 90 days; however, the subtraction amount shall be reduced dollar-for-dollar by the amount by which the taxpayer's military basic pay exceeds \$15,000 and shall be reduced to zero if such military basic pay amount is equal to or exceeds \$30,000.

16. The first \$15,000 of salary for each federal and state employee whose total annual salary from all employment for the taxable year is \$15,000 or less.

17. Unemployment benefits taxable pursuant to § 85 of the Internal Revenue Code.

18. Any amount received as military retirement income by an individual awarded the Congressional Medal of Honor.

19. Items of income attributable to, derived from, or in any way related to (i) assets stolen from, hidden from, or otherwise lost by an individual who was a victim or target of Nazi persecution or (ii) damages, reparations, or other consideration received by a victim or target of Nazi persecution to compensate such individual for performing labor against his will under the threat of death, during World War II and its prelude and direct aftermath. This subtraction shall not apply to assets acquired with such items of income or with the proceeds from the sale of assets stolen from, hidden from, or otherwise lost to, during World War II and its prelude and direct aftermath, a victim or target of Nazi persecution. The provisions of this subdivision shall only apply to an individual who was the first recipient of such items of income and who was a victim or target of Nazi persecution, or a spouse, surviving spouse, or child or stepchild of such victim.

As used in this subdivision:

"Nazi regime" means the country of Nazi Germany, areas occupied by Nazi Germany, those European countries allied with Nazi Germany, or any other neutral European country or area in Europe under the influence or threat of Nazi invasion.

"Victim or target of Nazi persecution" means any individual persecuted or targeted for persecution by the Nazi regime who had assets stolen from, hidden from, or otherwise lost as a result of any act or omission in any way relating to (i) the Holocaust, (ii) World War II and its prelude and direct aftermath, (iii) transactions with or actions of the Nazi regime, (iv) treatment of refugees fleeing Nazi persecution, or (v) the holding of such assets by entities or persons in the Swiss Confederation during World War II and its prelude and aftermath. A "victim or target of Nazi persecution" also includes any individual forced into labor against his will, under the threat of death, during World War II and its prelude and direct aftermath.

20. The military death gratuity payment made after September 11, 2001, to the survivor of deceased military personnel killed in the line of duty, pursuant to 10 U.S.C. Chapter 75; however, the subtraction amount shall be reduced dollar-for-dollar by the amount that the survivor may exclude from his federal gross income in accordance with § 134 of the Internal Revenue Code.

21. The death benefit payments from an annuity contract that are received by a beneficiary of such contract, provided that (i) the death benefit payment is made pursuant to an annuity contract with an insurance company and (ii) the death benefit payment is paid solely by lump sum. The subtraction under this subdivision shall be allowed only for that portion of the death benefit payment that is included in federal adjusted gross income.

22. Any gain recognized from the sale of launch services to space flight participants, as defined in 49 U.S.C. § 70102, or launch services intended to provide individuals with the training or experience of a launch, without performing an actual launch. To qualify for a deduction under this subdivision, launch services must be performed in Virginia or originate from an airport or spaceport in Virginia.

23. Any gain recognized as a result of resupply services contracts for delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8, and launched from an airport or spaceport in Virginia.

24. Any income taxed as a long-term capital gain for federal income tax purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership carried interest income) for federal income tax purposes. To qualify for a subtraction under this subdivision, such income shall be attributable to an investment in a "qualified business," as defined in § 58.1-339.4, or in any other technology business approved by the Secretary of Administration, provided that the business has its principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the investment shall be made between the dates of April 1, 2010, and June 30, 2020. No taxpayer who has claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4 shall be eligible for the subtraction under this subdivision for an investment in the same business.

25. For taxable years beginning on and after January 1, 2014, any income of an account holder for the taxable year taxed as (i) a capital gain for federal income tax purposes attributable to such person's first-time home buyer savings account established pursuant to Chapter 12 (§ 36-171 et seq.) of Title 36 and (ii) interest income or other income for federal income tax purposes attributable to such person's first-time home buyer savings account.

Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any subtraction taken under this subdivision shall be subject to recapture in the taxable year or years in which moneys or funds withdrawn from the first-time home buyer savings account were used for any purpose other than the payment of eligible costs by or on behalf of a qualified beneficiary, as provided under § 36-174. The amount subject to recapture shall be a portion of the amount withdrawn in the taxable year that was used for other than the payment of eligible costs, computed by multiplying the amount withdrawn and used for other than the payment of eligible costs by the ratio of the aggregate earnings in the account at the time of the withdrawal to the total balance in the account at such time.

However, recapture shall not apply to the extent of moneys or funds withdrawn that were (i) withdrawn by reason of the qualified beneficiary's death or disability; (ii) a disbursement of assets of the account pursuant to a filing for protection under the United States Bankruptcy Code, 11 U.S.C. §§ 101 through 1330; or (iii) transferred from an account established pursuant to Chapter 12 (§ 36-171 et seq.) of Title 36 into another account established pursuant to such chapter for the benefit of another qualified beneficiary.

For purposes of this subdivision, "account holder," "eligible costs," "first-time home buyer savings account," and "qualified beneficiary" mean the same as those terms are defined in § 36-171.

26. For taxable years beginning on and after January 1, 2015, any income for the taxable year attributable to the discharge of a student loan solely by reason of the student's death. For purposes of this subdivision, "student loan" means the same as that term is defined under § 108(f) of the Internal Revenue Code.

27. a. Income, including investment services partnership interest income (otherwise known as investment partnership carried interest income), attributable to an investment in a Virginia venture capital account. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2018, but before December 31, 2023. No subtraction shall be allowed under this subdivision for an investment in a company that is owned or operated by a family member or an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision 24 or a tax credit under § 58.1-339.4 for the same investment.

b. As used in this subdivision 27:

"Qualified portfolio company" means a company that (i) has its principal place of business in the Commonwealth; (ii) has a primary purpose of production, sale, research, or development of a product or service other than the management or investment of capital; and (iii) provides equity in the company to the Virginia venture capital account in exchange for a capital investment. "Qualified portfolio company" does not include a company that is an individual or sole proprietorship.

"Virginia venture capital account" means an investment fund that has been certified by the Department as a Virginia venture capital account. In order to be certified as a Virginia venture capital account, the operator of the investment fund shall register the investment fund with the Department prior to December 31, 2023, (i) indicating that it intends to invest at least 50 percent of the capital committed to its fund in qualified portfolio companies and (ii) providing documentation that it employs at least one investor who has at least four years of professional experience in venture capital investment or substantially equivalent experience. "Substantially equivalent experience" includes, but is not limited to, an undergraduate degree from an accredited college or university in economics, finance, or a similar field of study. The Department may require an investment fund to provide documentation of the investor's training, education, or experience as deemed necessary by the Department to determine substantial equivalency. If the Department determines that the investment fund employs at least one investor with the experience set forth herein, the Department shall certify the investment fund as a Virginia venture capital account at such time as the investment fund actually invests at least 50 percent of the capital committed to its fund in qualified portfolio companies.

28. a. Income attributable to an investment in a Virginia real estate investment trust. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2019, but before December 31, 2024. No subtraction shall be allowed for an investment in a trust that is managed by a family member or an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision 24 or 27 or a tax credit under § 58.1-339.4 for the same investment.

b. As used in this subdivision 28:

"Distressed" means satisfying the criteria applicable to a locality described in subdivision E 2 of § 2.2-115.

"Double distressed" means satisfying the criteria applicable to a locality described in subdivision E 3 of § 2.2-115.

"Virginia real estate investment trust" means a real estate investment trust, as defined in 26 U.S.C. § 856, that has been certified by the Department as a Virginia real estate investment trust. In order to be certified as a Virginia real estate investment trust, the trustee shall register the trust with the Department prior to December 31, 2024, indicating that it intends to invest at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed. If the Department determines that the trust satisfies the preceding criteria, the Department shall certify the trust as a Virginia real estate investment trust at such time as the trust actually invests at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed.

29. For taxable years beginning on and after January 1, 2019, any gain recognized from the taking of real property by condemnation proceedings.

30. For taxable years beginning on and after January 1, 2020, but before January 1, 2021, up to \$100,000 of all grant funds received by the taxpayer under the Rebuild Virginia program established by the Governor and administered by the Department of Small Business and Supplier Diversity.

31. *For taxable years beginning on and after January 1, 2022, any compensation for wrongful incarceration awarded pursuant to the procedures established under Article 18.2 (§ 8.01-195.10 et seq.) of Chapter 3 of Title 8.01.*

CHAPTER 573

An Act to amend and reenact §§ 8.01-195.10, 8.01-195.11, and 58.1-322.02 of the Code of Virginia, relating to compensation for wrongful incarceration.

[S 755]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-195.10, 8.01-195.11, and 58.1-322.02 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-195.10. Purpose; action by the General Assembly required; definitions.

A. The purpose of this article is to provide directions and guidelines for the compensation of persons who have been wrongfully incarcerated in the Commonwealth. Compensation for wrongful incarceration is governed by Article IV, Section 14 of the Constitution of Virginia, which prohibits the General Assembly from granting relief in cases in which the courts or other tribunals may have jurisdiction and any individual seeking payment of state funds for wrongful incarceration shall be deemed to have waived all other claims. The payment and receipt of any compensation for wrongful incarceration shall be contingent upon the General Assembly appropriating funds for that purpose. This article shall not provide an entitlement to compensation for persons wrongfully incarcerated or require the General Assembly to appropriate funds for the payment of such compensation. No estate of or personal representative for a decedent shall be entitled to seek a claim for compensation for wrongful incarceration.

B. As used in this article:

"Incarceration" or "incarcerated" means confinement in a local or regional correctional facility, juvenile correctional center, state correctional facility, residential detention center, or facility operated pursuant to the Corrections Private Management Act (§ 53.1-261 et seq.).

"Wrongful incarceration" or "wrongfully incarcerated" means incarceration for a felony conviction for which (i) the conviction has been vacated pursuant to Chapter 19.2 (§ 19.2-327.2 et seq.) or 19.3 (§ 19.2-327.10 et seq.) of Title 19.2, or the person incarcerated has been granted an absolute pardon for the commission of a crime that he did not commit; (ii) the person incarcerated shall have entered a final plea of not guilty *or an Alford plea*, or, regardless of the plea, the person incarcerated was convicted of a Class 1 felony, a Class 2 felony, or any felony for which the maximum penalty is imprisonment for life; and (iii) the person incarcerated did not by any act or omission on his part intentionally contribute to his conviction for the felony for which he was incarcerated.

§ 8.01-195.11. Compensation for wrongful incarceration.

A. Any person who is convicted of a felony by a county or city circuit court of the Commonwealth and is wrongfully incarcerated for such felony may be awarded compensation ~~in an amount equal to 90 percent of the inflation adjusted Virginia per capita personal income as reported by the Bureau of Economic Analysis of the U.S. Department of Commerce~~ for each year of incarceration, or portion thereof. *The amount of compensation per year shall be \$55,000, adjusted annually by the percentage increase in the Chained Consumer Price Index for All Urban Consumers (C-CPI-U), as published by the*

Bureau of Labor Statistics of the U.S. Department of Labor, or any predecessor or successor index, compared with the prior calendar year. Calculations made pursuant to this section shall be made by the State Treasurer.

B. Any compensation computed pursuant to subsection A and approved by the General Assembly shall be paid by the Comptroller by his warrant on the State Treasurer in favor of the person found to have been wrongfully incarcerated. The person wrongfully incarcerated shall be paid an initial lump sum equal to ~~20~~ 25 percent of the compensation award with the remaining ~~80~~ 75 percent of the principal of the compensation award to be used by the State Treasurer to purchase an annuity from any A+ rated company, including any A+ rated company from which the Virginia Lottery may purchase an annuity, to provide equal monthly payments to such person for a period certain of ~~25~~ 10 years commencing no later than one year after the effective date of the appropriation; however, if such person's life expectancy, as calculated pursuant to the provisions of § 8.01-419 based on his age on the effective date of the appropriation, is less than ~~25~~ 10 years, then, upon his election, the annuity period shall be equal to his life expectancy. The annuity shall provide that it shall not be sold, discounted, or used as securitization for loans and mortgages by the person awarded compensation. The annuity shall, however, contain beneficiary provisions providing for the annuity's continued disbursement in the event of the death of the person awarded compensation. All payments or costs of annuities under this section shall be made by check issued by the State Treasurer on warrant of the Comptroller.

Notwithstanding the foregoing, in the event that the person wrongfully incarcerated is 60 years of age or older or is terminally ill, the General Assembly may (i) pay 100 percent of the compensation computed pursuant to subsection A as a lump sum to the person wrongfully incarcerated or (ii) purchase an annuity for a period certain that is less than ~~25~~ 10 years. For the purposes of this section, "terminally ill" means that the individual has a medical prognosis, as certified by a licensed physician, that his life expectancy is five years or less if the illness runs its normal course.

C. In addition to the compensation awarded pursuant to subsection A, the General Assembly may pay to the person wrongfully incarcerated the amount of any unreimbursed fine, fee, court cost, or restitution imposed and paid and reasonable attorney fees and costs incurred to receive an award pursuant to this section.

D. Any person who is convicted of a felony by a county or city circuit court of the Commonwealth and is wrongfully incarcerated for such felony shall receive a transition assistance grant of \$15,000 to be paid from the Criminal Fund, which amount shall be deducted from any award received pursuant to subsection B, within 30 days of receipt of the written request for the disbursement of the transition assistance grant to the Executive Secretary of the Supreme Court of Virginia. Payment of the transition assistance grant from the Criminal Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Executive Secretary of the Supreme Court of Virginia. In addition, such person shall be entitled to receive reimbursement up to \$10,000 for tuition for career and technical training within the Virginia Community College System contingent upon successful completion of the training. Reimbursement for tuition shall be provided by the comprehensive community college at which the career or technical training was completed.

§ 58.1-322.02. Virginia taxable income; subtractions.

In computing Virginia taxable income pursuant to § 58.1-322, to the extent included in federal adjusted gross income, there shall be subtracted:

1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of any authority, commission, or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States, including, but not limited to, stocks, bonds, treasury bills, and treasury notes but not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

2. Income derived from obligations, or on the sale or exchange of obligations, of the Commonwealth or of any political subdivision or instrumentality of the Commonwealth.

3. Benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code.

4. Up to \$20,000 of disability income, as defined in § 22(c)(2)(B)(iii) of the Internal Revenue Code; however, any person who claims a deduction under subdivision 5 of § 58.1-322.03 may not also claim a subtraction under this subdivision.

5. The amount of any refund or credit for overpayment of income taxes imposed by the Commonwealth or any other taxing jurisdiction.

6. The amount of wages or salaries eligible for the federal Work Opportunity Credit which was not deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.

7. Any amount included therein less than \$600 from a prize awarded by the Virginia Lottery.

8. The wages or salaries received by any person for active and inactive service in the National Guard of the Commonwealth of Virginia, not to exceed the amount of income derived from 39 calendar days of such service or \$3,000, whichever amount is less; however, only those persons in the ranks of O3 and below shall be entitled to the deductions specified in this subdivision.

9. Amounts received by an individual, not to exceed \$1,000 for taxable years beginning on or before December 31, 2019, and \$5,000 for taxable years beginning on or after January 1, 2020, as a reward for information provided to a law-enforcement official or agency, or to a nonprofit corporation created exclusively to assist such law-enforcement official or agency, in the apprehension and conviction of perpetrators of crimes. This subdivision shall not apply to the following: an individual who is an employee of, or under contract with, a law-enforcement agency, a victim or

the perpetrator of the crime for which the reward was paid, or any person who is compensated for the investigation of crimes or accidents.

10. The amount of "qualified research expenses" or "basic research expenses" eligible for deduction for federal purposes, but which were not deducted, on account of the provisions of § 280C(c) of the Internal Revenue Code and which shall be available to partners, shareholders of S corporations, and members of limited liability companies to the extent and in the same manner as other deductions may pass through to such partners, shareholders, and members.

11. Any income received during the taxable year derived from a qualified pension, profit-sharing, or stock bonus plan as described by § 401 of the Internal Revenue Code, an individual retirement account or annuity established under § 408 of the Internal Revenue Code, a deferred compensation plan as defined by § 457 of the Internal Revenue Code, or any federal government retirement program, the contributions to which were deductible from the taxpayer's federal adjusted gross income, but only to the extent the contributions to such plan or program were subject to taxation under the income tax in another state.

12. Any income attributable to a distribution of benefits or a refund from a prepaid tuition contract or savings trust account with the Virginia College Savings Plan, created pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1. The subtraction for any income attributable to a refund shall be limited to income attributable to a refund in the event of a beneficiary's death, disability, or receipt of a scholarship.

13. All military pay and allowances, to the extent included in federal adjusted gross income and not otherwise subtracted, deducted, or exempted under this section, earned by military personnel while serving by order of the President of the United States with the consent of Congress in a combat zone or qualified hazardous duty area that is treated as a combat zone for federal tax purposes pursuant to § 112 of the Internal Revenue Code.

14. For taxable years beginning before January 1, 2015, the gain derived from the sale or exchange of real property or the sale or exchange of an easement to real property which results in the real property or the easement thereto being devoted to open-space use, as that term is defined in § 58.1-3230, for a period of time not less than 30 years. To the extent that a subtraction is taken in accordance with this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for three years following the year in which the subtraction is taken.

15. Fifteen thousand dollars of military basic pay for military service personnel on extended active duty for periods in excess of 90 days; however, the subtraction amount shall be reduced dollar-for-dollar by the amount by which the taxpayer's military basic pay exceeds \$15,000 and shall be reduced to zero if such military basic pay amount is equal to or exceeds \$30,000.

16. The first \$15,000 of salary for each federal and state employee whose total annual salary from all employment for the taxable year is \$15,000 or less.

17. Unemployment benefits taxable pursuant to § 85 of the Internal Revenue Code.

18. Any amount received as military retirement income by an individual awarded the Congressional Medal of Honor.

19. Items of income attributable to, derived from, or in any way related to (i) assets stolen from, hidden from, or otherwise lost by an individual who was a victim or target of Nazi persecution or (ii) damages, reparations, or other consideration received by a victim or target of Nazi persecution to compensate such individual for performing labor against his will under the threat of death, during World War II and its prelude and direct aftermath. This subtraction shall not apply to assets acquired with such items of income or with the proceeds from the sale of assets stolen from, hidden from, or otherwise lost to, during World War II and its prelude and direct aftermath, a victim or target of Nazi persecution. The provisions of this subdivision shall only apply to an individual who was the first recipient of such items of income and who was a victim or target of Nazi persecution, or a spouse, surviving spouse, or child or stepchild of such victim.

As used in this subdivision:

"Nazi regime" means the country of Nazi Germany, areas occupied by Nazi Germany, those European countries allied with Nazi Germany, or any other neutral European country or area in Europe under the influence or threat of Nazi invasion.

"Victim or target of Nazi persecution" means any individual persecuted or targeted for persecution by the Nazi regime who had assets stolen from, hidden from, or otherwise lost as a result of any act or omission in any way relating to (i) the Holocaust, (ii) World War II and its prelude and direct aftermath, (iii) transactions with or actions of the Nazi regime, (iv) treatment of refugees fleeing Nazi persecution, or (v) the holding of such assets by entities or persons in the Swiss Confederation during World War II and its prelude and aftermath. A "victim or target of Nazi persecution" also includes any individual forced into labor against his will, under the threat of death, during World War II and its prelude and direct aftermath.

20. The military death gratuity payment made after September 11, 2001, to the survivor of deceased military personnel killed in the line of duty, pursuant to 10 U.S.C. Chapter 75; however, the subtraction amount shall be reduced dollar-for-dollar by the amount that the survivor may exclude from his federal gross income in accordance with § 134 of the Internal Revenue Code.

21. The death benefit payments from an annuity contract that are received by a beneficiary of such contract, provided that (i) the death benefit payment is made pursuant to an annuity contract with an insurance company and (ii) the death benefit payment is paid solely by lump sum. The subtraction under this subdivision shall be allowed only for that portion of the death benefit payment that is included in federal adjusted gross income.

22. Any gain recognized from the sale of launch services to space flight participants, as defined in 49 U.S.C. § 70102, or launch services intended to provide individuals with the training or experience of a launch, without performing an actual

launch. To qualify for a deduction under this subdivision, launch services must be performed in Virginia or originate from an airport or spaceport in Virginia.

23. Any gain recognized as a result of resupply services contracts for delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8, and launched from an airport or spaceport in Virginia.

24. Any income taxed as a long-term capital gain for federal income tax purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership carried interest income) for federal income tax purposes. To qualify for a subtraction under this subdivision, such income shall be attributable to an investment in a "qualified business," as defined in § 58.1-339.4, or in any other technology business approved by the Secretary of Administration, provided that the business has its principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the investment shall be made between the dates of April 1, 2010, and June 30, 2020. No taxpayer who has claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4 shall be eligible for the subtraction under this subdivision for an investment in the same business.

25. For taxable years beginning on and after January 1, 2014, any income of an account holder for the taxable year taxed as (i) a capital gain for federal income tax purposes attributable to such person's first-time home buyer savings account established pursuant to Chapter 12 (§ 36-171 et seq.) of Title 36 and (ii) interest income or other income for federal income tax purposes attributable to such person's first-time home buyer savings account.

Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any subtraction taken under this subdivision shall be subject to recapture in the taxable year or years in which moneys or funds withdrawn from the first-time home buyer savings account were used for any purpose other than the payment of eligible costs by or on behalf of a qualified beneficiary, as provided under § 36-174. The amount subject to recapture shall be a portion of the amount withdrawn in the taxable year that was used for other than the payment of eligible costs, computed by multiplying the amount withdrawn and used for other than the payment of eligible costs by the ratio of the aggregate earnings in the account at the time of the withdrawal to the total balance in the account at such time.

However, recapture shall not apply to the extent of moneys or funds withdrawn that were (i) withdrawn by reason of the qualified beneficiary's death or disability; (ii) a disbursement of assets of the account pursuant to a filing for protection under the United States Bankruptcy Code, 11 U.S.C. §§ 101 through 1330; or (iii) transferred from an account established pursuant to Chapter 12 (§ 36-171 et seq.) of Title 36 into another account established pursuant to such chapter for the benefit of another qualified beneficiary.

For purposes of this subdivision, "account holder," "eligible costs," "first-time home buyer savings account," and "qualified beneficiary" mean the same as those terms are defined in § 36-171.

26. For taxable years beginning on and after January 1, 2015, any income for the taxable year attributable to the discharge of a student loan solely by reason of the student's death. For purposes of this subdivision, "student loan" means the same as that term is defined under § 108(f) of the Internal Revenue Code.

27. a. Income, including investment services partnership interest income (otherwise known as investment partnership carried interest income), attributable to an investment in a Virginia venture capital account. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2018, but before December 31, 2023. No subtraction shall be allowed under this subdivision for an investment in a company that is owned or operated by a family member or an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision 24 or a tax credit under § 58.1-339.4 for the same investment.

b. As used in this subdivision 27:

"Qualified portfolio company" means a company that (i) has its principal place of business in the Commonwealth; (ii) has a primary purpose of production, sale, research, or development of a product or service other than the management or investment of capital; and (iii) provides equity in the company to the Virginia venture capital account in exchange for a capital investment. "Qualified portfolio company" does not include a company that is an individual or sole proprietorship.

"Virginia venture capital account" means an investment fund that has been certified by the Department as a Virginia venture capital account. In order to be certified as a Virginia venture capital account, the operator of the investment fund shall register the investment fund with the Department prior to December 31, 2023, (i) indicating that it intends to invest at least 50 percent of the capital committed to its fund in qualified portfolio companies and (ii) providing documentation that it employs at least one investor who has at least four years of professional experience in venture capital investment or substantially equivalent experience. "Substantially equivalent experience" includes, but is not limited to, an undergraduate degree from an accredited college or university in economics, finance, or a similar field of study. The Department may require an investment fund to provide documentation of the investor's training, education, or experience as deemed necessary by the Department to determine substantial equivalency. If the Department determines that the investment fund employs at least one investor with the experience set forth herein, the Department shall certify the investment fund as a Virginia venture capital account at such time as the investment fund actually invests at least 50 percent of the capital committed to its fund in qualified portfolio companies.

28. a. Income attributable to an investment in a Virginia real estate investment trust. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2019, but before December 31, 2024. No subtraction shall be allowed for an investment in a trust that is managed by a family member or an affiliate of the taxpayer. No

subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision 24 or 27 or a tax credit under § 58.1-339.4 for the same investment.

b. As used in this subdivision 28:

"Distressed" means satisfying the criteria applicable to a locality described in subdivision E 2 of § 2.2-115.

"Double distressed" means satisfying the criteria applicable to a locality described in subdivision E 3 of § 2.2-115.

"Virginia real estate investment trust" means a real estate investment trust, as defined in 26 U.S.C. § 856, that has been certified by the Department as a Virginia real estate investment trust. In order to be certified as a Virginia real estate investment trust, the trustee shall register the trust with the Department prior to December 31, 2024, indicating that it intends to invest at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed. If the Department determines that the trust satisfies the preceding criteria, the Department shall certify the trust as a Virginia real estate investment trust at such time as the trust actually invests at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed.

29. For taxable years beginning on and after January 1, 2019, any gain recognized from the taking of real property by condemnation proceedings.

30. For taxable years beginning on and after January 1, 2020, but before January 1, 2021, up to \$100,000 of all grant funds received by the taxpayer under the Rebuild Virginia program established by the Governor and administered by the Department of Small Business and Supplier Diversity.

31. For taxable years beginning on and after January 1, 2022, any compensation for wrongful incarceration awarded pursuant to the procedures established under Article 18.2 (§ 8.01-195.10 et seq.) of Chapter 3 of Title 8.01.

CHAPTER 574

An Act to amend the Code of Virginia by adding in Chapter 15 of Title 46.2 an article numbered 10, consisting of sections numbered 46.2-1583 through 46.2-1589, relating to independent dealer-operator recertification.

[H 316]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 15 of Title 46.2 an article numbered 10, consisting of sections numbered 46.2-1583 through 46.2-1589, as follows:

Article 10.

Independent Dealer-Operator Recertification.

§ 46.2-1583. Definitions.

As used in this article, unless the context requires a different meaning:

"Certificate of qualification" means a designation issued by the Board acknowledging that the individual has been certified by the Board as an independent dealer-operator pursuant to § 46.2-1511.

"Course" means a course of study leading to recertification for independent dealer-operators offered by correspondence, electronically, or in person.

"Course provider" or "provider" means any person or entity presenting or offering one or more recertification education courses.

"Exam" or "examination" means a test administered by the Board.

"Executive Director" means the Executive Director of the Board.

"Independent dealer-operator" means the individual who works at the established place of business of an independent motor vehicle dealer and who is responsible for and in charge of day-to-day operations of that place of business.

"Independent motor vehicle dealer" or "independent dealer" means a dealer in used motor vehicles that is not also licensed as a franchised motor vehicle dealer.

"Original application" means an application for an independent dealer-operator certificate of qualification from an applicant who has never been issued an independent dealer-operator certificate of qualification in Virginia or whose Virginia independent dealer-operator certificate of qualification has been expired for more than 60 days.

"Recertification" means completing the requirements of this article to recertify an independent dealer-operator certificate of qualification.

§ 46.2-1584. Recertification Notice.

A. The Board shall transmit a recertification notice to the home address, email address of record, or digitally to an independent dealer-operator at least 90 days prior to the expiration date of his certificate of qualification. Failure to receive a recertification notice does not absolve the independent dealer-operator from the recertification requirements.

B. Independent dealer-operators shall maintain the original copy of the proof of completion of a recertification course or exam for a period of five years.

C. Continuing education or a course required by a disciplinary order may not be used to satisfy recertification requirements.

§ 46.2-1585. Recertification schedule.

A. Independent dealer-operator certificates of qualification are valid for 24 months and shall expire on the last day of the twenty-fourth month. Certificates of qualification shall be deemed not to have expired if the recertification is completed within 60 days of the expiration date.

B. Independent dealer-operators may complete the recertification requirement up to six months prior to the expiration date of their certificate of qualification.

C. The Executive Director may for good cause grant an extension for the completion of the recertification requirements, provided that a written request from the independent dealer-operator is received by the Executive Director at least 15 days prior to the expiration date. Such extension shall not relieve the licensee of the recertification requirement.

D. Any application received from an applicant whose certificate has expired shall be considered an original application.

E. For independent dealer-operators who have served outside of the United States in the United States Armed Services, the certification shall be deemed not to have expired if the recertification requirement has been completed not more than 90 days from the date they are no longer serving outside of the United States in the United States Armed Services.

§ 46.2-1586. Recertification requirements.

A. To become recertified, an independent dealer-operator shall (i) complete one live instructor-led course certified by the Board with at least four hours of instruction and (ii) pass an examination that may be administered in person or virtually. Such course may be attended in person or virtually, provided that any virtual participation shall require the participant to view the instructor and be viewed by the instructor throughout the course. The Board shall ensure that any such course is available at least monthly.

B. The provisions of this section shall not apply to any independent dealer-operator who completes a training program approved by the Executive Director and administered by a dealer that employs at least 50 licensed salespersons in the Commonwealth. Any such training program shall not be subject to the requirements of §§ 46.2-1587 and 46.2-1588.

§ 46.2-1587. Course provider approval.

A. The Board may approve a course provider, provided that:

1. The course provider has submitted an application to the Board prior to offering the course;

2. The submitted application includes at a minimum the following information:

a. Name of provider;

b. Proposed course schedule, including locations (as applicable);

c. Charges to participants;

d. Description of the provider's course curriculum and objectives;

e. Credentials of faculty members;

f. Method of delivery;

g. Evaluation procedure;

h. Mechanism for recordkeeping; and

i. Any such information as the Board deems necessary to assure quality and compliance;

3. The course provider's course curriculum includes the following:

a. Ethical practice;

b. Recordkeeping;

c. Recent state and federal laws and regulations;

d. Review of relevant federal regulations;

e. Tiling and registration requirements, including use of dealer-related license plates;

f. Offsite sales;

g. Financing;

h. Dealer practices;

i. Salespersons licenses; and

j. Advertising; and

4. A course containing content that promotes, sells, or offers goods, products, or services shall not be approved. However, the course provider may promote goods, products, or services at the conclusion of a course, provided that it is made clear to participants that the course has concluded and that attendance at any additional presentations is optional.

B. The Board shall notify the course provider within 60 days following the receipt of a completed application of approval or disapproval of a course.

C. The Board shall periodically review and monitor course providers and courses.

D. Any changes in the information previously provided about an approved course or course provider shall be submitted to the Board. The Board may withdraw its approval of the course provider or course for a failure to do so.

E. The Executive Director has the authority to suspend the approval of any course or course provider and the Board may withdraw approval for good cause.

§ 46.2-1588. Course provider responsibilities.

Approved course providers shall:

1. Provide to each participant who successfully completes the required recertification course a certificate providing, at a minimum, (i) the name of the provider, (ii) name of the participant, and (iii) the date of completion;

2. Maintain all records on courses and participants for a period of five years and make those records available to the Board upon request;

3. Enter the names of participants completing the course into a database as directed by the Board within five days of the participant's completion of the course; and

4. Collect the recertification application fee from applicants and transmit such fee to the Board as directed by the Board within 15 days of receiving the fee from the applicant.

§ 46.2-1589. Fees.

A. The recertification application fee shall be \$50 for taking the course and shall be paid directly to the course provider.

B. The fee for returned checks shall be \$35.

C. In addition to the recertification application fee, course providers may charge applicants a course fee of no more than \$300.

D. The recertification application fee for taking the exam shall be \$50 and shall be paid at the time the exam is administered.

CHAPTER 575

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

[H 358]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Secretary of Veterans and Defense Affairs and the Secretary of Commerce and Trade (the Secretaries), in conjunction with the Department of Small Business and Supplier Diversity, shall examine the waiving of fees associated with permits necessary to establish a small business for veteran-owned small businesses. The Secretaries shall identify the necessary permits and determine the total costs of associated fees for a start-up by type of business and by regulatory agency and shall determine the feasibility of waiving any such fees for veteran-owned small businesses. In conducting their examination, the Secretaries may also identify and make recommendations regarding removing other regulatory barriers for veteran-owned small businesses. The Secretaries shall report their findings and recommendations to the Chairs of the House Committees on Appropriations and Labor and Commerce and the Senate Committees on Finance and Appropriations and Commerce and Labor by December 1, 2022.*

For the purposes of this act:

"Permit" means the whole or part of any state agency permit, license, certificate, approval, registration, charter, or any form or permission required by law to engage in activity associated with or involving the establishment of a small business in the Commonwealth.

"Regulatory" means all permitting and other governmental or statutory requirements establishing a small business or professional activities associated with establishing a small business.

"Regulatory agency" means any state agency, board, commission, or division that regulates one or more professions, occupations, industries, businesses, or activities.

"Small business" means an independently owned and operated business that, together with affiliates, has 250 or fewer employees or average annual gross receipts of \$10 million or less averaged over the previous three years.

"Veteran" means an individual who has served in the active military, naval, or air service and who was discharged or released therefrom under conditions other than dishonorable.

CHAPTER 576

An Act to amend and reenact §§ 3.2-1701, 3.2-1801, 3.2-2101, 3.2-2603, 3.2-2701, 23.1-3102, and 54.1-500.1 of the Code of Virginia, relating to gubernatorial appointments to boards; membership and terms.

[H 1102]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-1701, 3.2-1801, 3.2-2101, 3.2-2603, 3.2-2701, 23.1-3102, and 54.1-500.1 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-1701. Horse Industry Board membership terms.

The terms for appointments to the Horse Industry Board shall be for ~~three~~ four years, with no at-large member serving more than two consecutive terms.

§ 3.2-1801. Potato Board; composition and appointment of members.

The Potato Board, established by the passage of a 1994 referendum held pursuant to Chapter 126 of the Acts of Assembly of 1982, is continued within the Department. The Potato Board shall be composed of seven members appointed by the Governor from nominations by grower organizations, ~~the~~ *to terms of four years. The appointments to shall* be subject to confirmation by the General Assembly. All members of the Potato Board shall be producers of potatoes. Each grower organization shall submit nominations for each available position before the expiration of the member's term for which the nomination is being provided. If said organizations fail to provide nominations, the Governor may appoint other nominees that meet the criteria provided by this section.

§ 3.2-2101. Sheep Industry Board; composition and appointment of members.

The Sheep Industry Board, established by the passage of a referendum held pursuant to Chapter 691 of the 1995 Acts of Assembly, is continued within the Department.

The Sheep Industry Board shall consist of 12 members representing the sheep industry and industry support services. The Governor shall appoint 12 individuals from nominations submitted by the Virginia Sheep Producers Association, Virginia sheep and wool marketing organizations, or other Virginia farm organizations representing sheep producers, *for terms of four years*. One member shall represent the packing/processing/retailing segment of the industry, one shall represent the Virginia Livestock Markets Association, and one shall represent the purebred segment of the industry. The remaining nine members shall be appointed by the Governor as follows in accordance with § 3.2-2110, with no more than one member appointed per locality: three members who reside in the Southwest District; three members who reside in the Valley District; two members who reside in the Northern District; and one member who resides in the South Central District. In addition, the extension sheep specialist from Virginia Polytechnic Institute and State University and the Commissioner shall serve as nonvoting members.

Each association or organization shall submit nominations for each available position before the expiration of the member's term for which the nomination or recommendation is being provided. If the organizations fail to provide the nominations, the Governor may appoint other nominees that meet the foregoing criteria.

§ 3.2-2603. Aquaculture Advisory Board membership terms; compensation.

A. The terms for appointments to the Aquaculture Advisory Board shall be for ~~three~~ *four* years. Appointments to fill vacancies shall be ~~made to fill~~ *for the unexpired terms term*.

B. Members of the Aquaculture Advisory Board shall receive no compensation for their services but shall receive reimbursement for actual expenses.

§ 3.2-2701. Marine Products Board membership terms.

The terms for appointments to the Marine Products Board shall be for ~~three~~ *four* years. No member shall be eligible for appointment to more than two consecutive terms. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms and made in the same manner as the original appointments.

§ 23.1-3102. Board of trustees.

A. The Extension Partnership shall be governed by a 24-member board of trustees (the board) *appointed by the Governor*, consisting of ~~(+) three~~ *presidents of comprehensive community colleges, or their designees*; two presidents of baccalaureate public institutions of higher education, *or their designees*; one president of a baccalaureate private institution of higher education, *or his designee*; and 15 nonlegislative citizen members representing manufacturing industries; ~~to be appointed by the Governor and (ii) the~~ *The director of the Center for Innovative Technology and two Secretaries as defined in § 2.2-200 to be appointed by the Governor, to, the Secretary of Education, and the Secretary of Labor shall also sit on the board of trustees, to serve ex officio with voting privileges.*

B. Appointments shall be for terms of four years. Ex officio members of the board shall serve terms coincident with their terms of office. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed. No member shall serve more than two consecutive four-year terms; however, a member appointed to serve an unexpired term is eligible to serve two consecutive four-year terms immediately succeeding such unexpired term.

C. The board shall elect a chairman and a vice-chairman from among its membership. The board shall elect a secretary and a treasurer who need not be members of the board. The board may elect other subordinate officers who need not be members of the board.

D. Eight members shall constitute a quorum. The meetings of the board shall be held at the call of the chairman or whenever the majority of the members so request.

E. The board may adopt, alter, or repeal its own bylaws that govern the manner in which its business may be transacted and may form committees and advisory councils, which may include representatives who are not board members.

§ 54.1-500.1. Virginia Board for Asbestos, Lead, and Home Inspectors; membership; meetings; offices; quorum.

The Virginia Board for Asbestos, Lead, and Home Inspectors shall be appointed by the Governor and composed of ~~14~~ *13* members as follows: *(i) one shall be a representative of a Virginia-licensed asbestos contractor, (ii) one shall be a representative of a Virginia-licensed lead contractor, (iii) one shall be a representative of a Virginia-licensed renovation contractor, (iv) one shall be either a Virginia-licensed asbestos inspector or project monitor, (v) one shall be a Virginia-licensed lead risk assessor, one shall be a Virginia-licensed renovator, one shall be a Virginia-licensed dust sampling technician, (vi) one shall be a representative of a Virginia-licensed asbestos analytical laboratory, (vii) one shall be a representative of an asbestos, lead, or renovation training program, (viii) one shall be a member of the Board for Contractors, two (ix) three shall be Virginia-licensed home inspectors, and (x) two shall be citizen members. After initial*

~~staggered the initial staggering of terms, the terms of members of the Board shall be four years, except that vacancies may be filled for the remainder of the unexpired term. The two home inspector and renovation contractor members appointed to the Board shall have practiced as home inspectors a home inspector and a renovation contractor, respectively, for at least five consecutive years immediately prior to appointment. The renovation contractor, renovator, and dust sampling technician members appointed to the board shall have practiced respectively as a renovation contractor, renovator, or dust sampling technician for at least five consecutive years prior to appointment.~~

The Board shall meet at least once each year and other such times as it deems necessary. The Board shall elect from its membership a chairman and a vice-chairman to serve for a period of one year. ~~Eight members of the Board shall constitute a quorum.~~ The Board is vested with the powers and duties necessary to execute the purposes of this chapter.

2. That, beginning July 1, 2022, the term of any member appointed to the Horse Industry Board pursuant to § 3.2-1701 of the Code of Virginia, as amended by this act, that is set to expire on June 20 shall be extended to June 30 of that year. Thereafter, all appointments shall be for terms of four years.

3. That, beginning July 1, 2022, the term of any member appointed to the Potato Board pursuant to § 3.2-1801 of the Code of Virginia, as amended by this act, that is set to expire on June 20 shall be extended to June 30 of that year. Thereafter, all appointments shall be for terms of four years.

4. That, beginning July 1, 2022, the term of any member appointed to the Sheep Industry Board pursuant to § 3.2-2101 of the Code of Virginia, as amended by this act, that is set to expire on March 8 shall be extended to June 30 of that year. Thereafter, all appointments shall be for terms of four years.

5. That the terms of three members who are currently serving on the Virginia Commission for the Arts pursuant to § 23.1-3222 of the Code of Virginia for a term set to expire on June 30, 2024, shall be extended for one year, to expire on June 30, 2025. Thereafter, all appointments shall be for terms of five years.

6. That the terms of nine members who are currently serving on the State Emergency Medical Services Advisory Board pursuant to § 32.1-111.4:1 of the Code of Virginia for a term set to expire June 30, 2024, shall be extended for one year, to expire on June 30, 2025, and all appointments thereafter shall be for terms of three years.

7. That, beginning July 1, 2022, the term of any member appointed to the Board of Visitors for Mount Vernon pursuant to § 5 of Chapter 291 of the Acts of Assembly of 1944, as amended by Chapter 330 of the Acts of Assembly of 2000, that is set to expire on April 30 shall be extended to June 30 of that year. Thereafter, all appointments shall be for terms of four years.

CHAPTER 577

An Act to amend and reenact §§ 3.2-1701, 3.2-1801, 3.2-2101, 3.2-2603, 3.2-2701, 23.1-3102, and 54.1-500.1 of the Code of Virginia, relating to gubernatorial appointments to boards; membership and terms.

[S 308]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-1701, 3.2-1801, 3.2-2101, 3.2-2603, 3.2-2701, 23.1-3102, and 54.1-500.1 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-1701. Horse Industry Board membership terms.

The terms for appointments to the Horse Industry Board shall be for ~~three~~ *four* years, with no at-large member serving more than two consecutive terms.

§ 3.2-1801. Potato Board; composition and appointment of members.

The Potato Board, established by the passage of a 1994 referendum held pursuant to Chapter 126 of the Acts of Assembly of 1982, is continued within the Department. The Potato Board shall be composed of seven members appointed by the Governor from nominations by grower organizations, ~~the~~ *to terms of four years.* The appointments ~~to~~ shall be subject to confirmation by the General Assembly. All members of the Potato Board shall be producers of potatoes. Each grower organization shall submit nominations for each available position before the expiration of the member's term for which the nomination is being provided. If said organizations fail to provide nominations, the Governor may appoint other nominees that meet the criteria provided by this section.

§ 3.2-2101. Sheep Industry Board; composition and appointment of members.

The Sheep Industry Board, established by the passage of a referendum held pursuant to Chapter 691 of the 1995 Acts of Assembly, is continued within the Department.

The Sheep Industry Board shall consist of 12 members representing the sheep industry and industry support services. The Governor shall appoint 12 individuals from nominations submitted by the Virginia Sheep Producers Association, Virginia sheep and wool marketing organizations, or other Virginia farm organizations representing sheep producers, *for terms of four years.* One member shall represent the packing/processing/retailing segment of the industry, one shall represent the Virginia Livestock Markets Association, and one shall represent the purebred segment of the industry. The remaining nine members shall be appointed by the Governor as follows in accordance with § 3.2-2110, with no more than one member appointed per locality: three members who reside in the Southwest District; three members who reside in the Valley District; two members who reside in the Northern District; and one member who resides in the South Central

District. In addition, the extension sheep specialist from Virginia Polytechnic Institute and State University and the Commissioner shall serve as nonvoting members.

Each association or organization shall submit nominations for each available position before the expiration of the member's term for which the nomination or recommendation is being provided. If the organizations fail to provide the nominations, the Governor may appoint other nominees that meet the foregoing criteria.

§ 3.2-2603. Aquaculture Advisory Board membership terms; compensation.

A. The terms for appointments to the Aquaculture Advisory Board shall be for ~~three~~ four years. Appointments to fill vacancies shall be ~~made to fill for the unexpired terms term.~~

B. Members of the Aquaculture Advisory Board shall receive no compensation for their services but shall receive reimbursement for actual expenses.

§ 3.2-2701. Marine Products Board membership terms.

The terms for appointments to the Marine Products Board shall be for ~~three~~ four years. No member shall be eligible for appointment to more than two consecutive terms. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms and made in the same manner as the original appointments.

§ 23.1-3102. Board of trustees.

A. The Extension Partnership shall be governed by a 24-member board of trustees (the board) *appointed by the Governor*; consisting of ~~(+) three~~ presidents of comprehensive community colleges, *or their designees*; two presidents of baccalaureate public institutions of higher education, *or their designees*; one president of a baccalaureate private institution of higher education, *or his designee*; and 15 nonlegislative citizen members representing manufacturing industries; ~~to be appointed by the Governor and (ii) the~~ *The* director of the Center for Innovative Technology and ~~two Secretaries as defined in § 2.2-200 to be appointed by the Governor, to, the Secretary of Education, and the Secretary of Labor shall also sit on the board of trustees, to serve ex officio with voting privileges.~~

B. Appointments shall be for terms of four years. Ex officio members of the board shall serve terms coincident with their terms of office. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed. No member shall serve more than two consecutive four-year terms; however, a member appointed to serve an unexpired term is eligible to serve two consecutive four-year terms immediately succeeding such unexpired term.

C. The board shall elect a chairman and a vice-chairman from among its membership. The board shall elect a secretary and a treasurer who need not be members of the board. The board may elect other subordinate officers who need not be members of the board.

D. Eight members shall constitute a quorum. The meetings of the board shall be held at the call of the chairman or whenever the majority of the members so request.

E. The board may adopt, alter, or repeal its own bylaws that govern the manner in which its business may be transacted and may form committees and advisory councils, which may include representatives who are not board members.

§ 54.1-500.1. Virginia Board for Asbestos, Lead, and Home Inspectors; membership; meetings; offices; quorum.

The Virginia Board for Asbestos, Lead, and Home Inspectors shall be appointed by the Governor and composed of ~~14~~ 13 members as follows: *(i)* one shall be a representative of a Virginia-licensed asbestos contractor, *(ii)* one shall be a representative of a Virginia-licensed lead contractor, *(iii)* one shall be a representative of a Virginia-licensed renovation contractor, *(iv)* one shall be either a Virginia-licensed asbestos inspector or project monitor, *(v)* one shall be a Virginia-licensed lead risk assessor; ~~one shall be a Virginia-licensed renovator, one shall be a Virginia-licensed dust sampling technician,~~ *(vi)* one shall be a representative of a Virginia-licensed asbestos analytical laboratory, *(vii)* one shall be a representative of an asbestos, lead, or renovation training program, *(viii)* one shall be a member of the Board for Contractors, ~~two~~ *(ix)* three shall be Virginia-licensed home inspectors, and *(x)* two shall be citizen members. After ~~initial staggered the initial staggering of~~ terms, the terms of members of the Board shall be four years, except that vacancies may be filled for the remainder of the unexpired term. The ~~two~~ home inspector *and renovation contractor* members appointed to the Board shall have practiced as ~~home inspectors~~ *a home inspector and a renovation contractor, respectively*, for at least five consecutive years immediately prior to appointment. ~~The renovation contractor, renovator, and dust sampling technician members appointed to the board shall have practiced respectively as a renovation contractor, renovator, or dust sampling technician for at least five consecutive years prior to appointment.~~

The Board shall meet at least once each year and other such times as it deems necessary. The Board shall elect from its membership a chairman and a vice-chairman to serve for a period of one year. ~~Eight members of the Board shall constitute a quorum.~~ The Board is vested with the powers and duties necessary to execute the purposes of this chapter.

2. That, beginning July 1, 2022, the term of any member appointed to the Horse Industry Board pursuant to § 3.2-1701 of the Code of Virginia, as amended by this act, that is set to expire on June 20 shall be extended to June 30 of that year. Thereafter, all appointments shall be for terms of four years.

3. That, beginning July 1, 2022, the term of any member appointed to the Potato Board pursuant to § 3.2-1801 of the Code of Virginia, as amended by this act, that is set to expire on June 20 shall be extended to June 30 of that year. Thereafter, all appointments shall be for terms of four years.

4. That, beginning July 1, 2022, the term of any member appointed to the Sheep Industry Board pursuant to § 3.2-2101 of the Code of Virginia, as amended by this act, that is set to expire on March 8 shall be extended to June 30 of that year. Thereafter, all appointments shall be for terms of four years.

5. That the terms of three members who are currently serving on the Virginia Commission for the Arts pursuant to § 23.1-3222 of the Code of Virginia for a term set to expire on June 30, 2024, shall be extended for one year, to expire on June 30, 2025. Thereafter, all appointments shall be for terms of five years.

6. That the terms of nine members who are currently serving on the State Emergency Medical Services Advisory Board pursuant to § 32.1-111.4:1 of the Code of Virginia for a term set to expire June 30, 2024, shall be extended for one year, to expire on June 30, 2025, and all appointments thereafter shall be for terms of three years.

7. That, beginning July 1, 2022, the term of any member appointed to the Board of Visitors for Mount Vernon pursuant to § 5 of Chapter 291 of the Acts of Assembly of 1944, as amended by Chapter 330 of the Acts of Assembly of 2000, that is set to expire on April 30 shall be extended to June 30 of that year. Thereafter, all appointments shall be for terms of four years.

CHAPTER 578

An Act to amend and reenact § 58.1-3506 of the Code of Virginia, relating to personal property tax; classification; emergency.

[S 771]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3506 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3506. Other classifications of tangible personal property for taxation.

A. The items of property set forth below are each declared to be a separate class of property and shall constitute a classification for local taxation separate from other classifications of tangible personal property provided in this chapter:

1. a. Boats or watercraft weighing five tons or more, not used solely for business purposes;
- b. Boats or watercraft weighing less than five tons, not used solely for business purposes;
2. Aircraft having a maximum passenger seating capacity of no more than 50 that are owned and operated by scheduled air carriers operating under certificates of public convenience and necessity issued by the State Corporation Commission or the Civil Aeronautics Board;
3. Aircraft having a registered empty gross weight equal to or greater than 20,000 pounds that are not owned or operated by scheduled air carriers recognized under federal law, but not including any aircraft described in subdivision 4;
4. Aircraft that are (i) considered Warbirds, manufactured and intended for military use, excluding those manufactured after 1954, and (ii) used only for (a) exhibit or display to the general public and otherwise used for educational purposes (including such flights as are necessary for testing, maintaining, or preparing such aircraft for safe operation), or (b) airshow and flight demonstrations (including such flights necessary for testing, maintaining, or preparing such aircraft for safe operation), shall constitute a new class of property. Such class of property shall not include any aircraft used for commercial purposes, including transportation and other services for a fee;
5. All other aircraft not included in subdivision 2, 3, or 4 and flight simulators;
6. Antique motor vehicles as defined in § 46.2-100 which may be used for general transportation purposes as provided in subsection C of § 46.2-730;
7. Tangible personal property used in a research and development business;
8. Heavy construction machinery not used for business purposes, including land movers, bulldozers, front-end loaders, graders, packers, power shovels, cranes, pile drivers, forest harvesting and silvicultural activity equipment except as exempted under § 58.1-3505, and ditch and other types of diggers;
9. Generating equipment purchased after December 31, 1974, for the purpose of changing the energy source of a manufacturing plant from oil or natural gas to coal, wood, wood bark, wood residue, or any other alternative energy source for use in manufacturing and any cogeneration equipment purchased to achieve more efficient use of any energy source. Such generating equipment and cogeneration equipment shall include, without limitation, such equipment purchased by firms engaged in the business of generating electricity or steam, or both;
10. Vehicles without motive power, used or designed to be used as manufactured homes as defined in § 36-85.3;
11. Computer hardware used by businesses primarily engaged in providing data processing services to other nonrelated or nonaffiliated businesses;
12. Privately owned pleasure boats and watercraft, 18 feet and over, used for recreational purposes only;
13. Privately owned vans with a seating capacity of not less than seven nor more than 15 persons, including the driver, used exclusively pursuant to a ridesharing arrangement as defined in § 46.2-1400;
14. Motor vehicles specially equipped to provide transportation for physically handicapped individuals;
15. Motor vehicles (i) owned by members of a volunteer emergency medical services agency or a member of a volunteer fire department or (ii) leased by volunteer emergency medical services personnel or a member of a volunteer fire department if the volunteer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is owned by each volunteer member who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or volunteer fire department member, or leased by each volunteer member who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or volunteer fire department member if the volunteer

is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle, may be specially classified under this section, provided the volunteer regularly responds to emergency calls. The volunteer shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief of the volunteer emergency medical services agency or volunteer fire department, that the volunteer is an individual who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or a member of the volunteer fire department who regularly responds to calls or regularly performs other duties for the emergency medical services agency or fire department, and the motor vehicle owned or leased by the volunteer is identified. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the volunteer, to accept a certification after the January 31 deadline. In any county that prorates the assessment of tangible personal property pursuant to § 58.1-3516, a replacement vehicle may be certified and classified pursuant to this subsection when the vehicle certified as of the immediately prior January date is transferred during the tax year;

16. Motor vehicles (i) owned by auxiliary members of a volunteer emergency medical services agency or volunteer fire department or (ii) leased by auxiliary members of a volunteer emergency medical services agency or volunteer fire department if the auxiliary member is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary volunteer fire department or emergency medical services agency member may be specially classified under this section. The auxiliary member shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief of the volunteer emergency medical services agency or volunteer fire department, that the volunteer is an auxiliary member of the volunteer emergency medical services agency or fire department who regularly performs duties for the emergency medical services agency or fire department, and the motor vehicle is identified as regularly used for such purpose; however, if a volunteer meets the definition of "emergency medical services personnel" in § 32.1-111.1 or volunteer fire department member and an auxiliary member are members of the same household, that household shall be allowed no more than two special classifications under this subdivision or subdivision 15. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the auxiliary member, to accept a certification after the January 31 deadline;

17. Motor vehicles owned by a nonprofit organization and used to deliver meals to homebound persons or provide transportation to senior or handicapped citizens in the community to carry out the purposes of the nonprofit organization;

18. Privately owned camping trailers as defined in § 46.2-100, and privately owned travel trailers as defined in § 46.2-1500, which are used for recreational purposes only, and privately owned trailers as defined in § 46.2-100, which are designed and used for the transportation of horses except those trailers described in subdivision A 11 of § 58.1-3505;

19. One motor vehicle owned and regularly used by a veteran who has either lost, or lost the use of, one or both legs, or an arm or a hand, or who is blind or who is permanently and totally disabled as certified by the Department of Veterans Services. In order to qualify, the veteran shall provide a written statement to the commissioner of revenue or other assessing officer from the Department of Veterans Services that the veteran has been so designated or classified by the Department of Veterans Services as to meet the requirements of this section, and that his disability is service-connected. For purposes of this section, a person is blind if he meets the provisions of § 46.2-100;

20. Motor vehicles (i) owned by persons who have been appointed to serve as auxiliary police officers pursuant to Article 3 (§ 15.2-1731 et seq.) of Chapter 17 of Title 15.2 or (ii) leased by persons who have been so appointed to serve as auxiliary police officers if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary police officer to respond to auxiliary police duties may be specially classified under this section. In order to qualify for such classification, any auxiliary police officer who applies for such classification shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of revenue or other assessing officer with a certification from the governing body that has appointed such auxiliary police officer or from the official who has appointed such auxiliary officers. That certification shall state that the applicant is an auxiliary police officer who regularly uses a motor vehicle to respond to auxiliary police duties, and it shall state that the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

21. Until the first to occur of June 30, 2029, or the date that a special improvements tax is no longer levied under § 15.2-4607 on property within a Multicounty Transportation Improvement District created pursuant to Chapter 46 (§ 15.2-4600 et seq.) of Title 15.2, tangible personal property that is used in manufacturing, testing, or operating satellites within a Multicounty Transportation Improvement District, provided that such business personal property is put into service within the District on or after July 1, 1999;

22. Motor vehicles which use clean special fuels as defined in § 46.2-749.3, which shall not include any vehicle described in subdivision 38 or 40;

23. Wild or exotic animals kept for public exhibition in an indoor or outdoor facility that is properly licensed by the federal government, the Commonwealth, or both, and that is properly zoned for such use. "Wild animals" means any animals that are found in the wild, or in a wild state, within the boundaries of the United States, its territories or possessions. "Exotic animals" means any animals that are found in the wild, or in a wild state, and are native to a foreign country;

24. Furniture, office, and maintenance equipment, exclusive of motor vehicles, that are owned and used by an organization whose real property is assessed in accordance with § 58.1-3284.1 and that is used by that organization for the purpose of maintaining or using the open or common space within a residential development;
25. Motor vehicles, trailers, and semitrailers with a gross vehicle weight of 10,000 pounds or more used to transport property or passengers for hire by a motor carrier engaged in interstate commerce;
26. All tangible personal property employed in a trade or business other than that described in subdivisions A 1 through A 20, except for subdivision A 18, of § 58.1-3503;
27. Programmable computer equipment and peripherals employed in a trade or business;
28. Privately owned pleasure boats and watercraft, motorized and under 18 feet, used for recreational purposes only;
29. Privately owned pleasure boats and watercraft, nonmotorized and under 18 feet, used for recreational purposes only;
30. Privately owned motor homes as defined in § 46.2-100 that are used for recreational purposes only;
31. Tangible personal property used in the provision of Internet services. For purposes of this subdivision, "Internet service" means a service, including an Internet Web-hosting service, that enables users to access content, information, electronic mail, and the Internet as part of a package of services sold to customers;
32. Motor vehicles (i) owned by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs or (ii) leased by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. For purposes of this subdivision, the term "auxiliary deputy sheriff" means auxiliary, reserve, volunteer, or special deputy sheriff. One motor vehicle that is regularly used by each auxiliary deputy sheriff to respond to auxiliary deputy sheriff duties may be specially classified under this section. In order to qualify for such classification, any auxiliary deputy sheriff who applies for such classification shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of revenue or other assessing officer with a certification from the governing body that has appointed such auxiliary deputy sheriff or from the official who has appointed such auxiliary deputy sheriff. That certification shall state that the applicant is an auxiliary deputy sheriff who regularly uses a motor vehicle to respond to such auxiliary duties, and it shall state that the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;
33. Forest harvesting and silvicultural activity equipment, except as exempted under § 58.1-3505;
34. Equipment used primarily for research, development, production, or provision of biotechnology for the purpose of developing or providing products or processes for specific commercial or public purposes, including medical, pharmaceutical, nutritional, and other health-related purposes; agricultural purposes; or environmental purposes but not for human cloning purposes as defined in § 32.1-162.21 or for products or purposes related to human embryo stem cells. For purposes of this section, biotechnology equipment means equipment directly used in activities associated with the science of living things;
35. Boats or watercraft weighing less than five tons, used for business purposes only;
36. Boats or watercraft weighing five tons or more, used for business purposes only;
37. Tangible personal property which is owned and operated by a service provider who is not a CMRS provider and is not licensed by the FCC used to provide, for a fee, wireless broadband Internet service. For purposes of this subdivision, "wireless broadband Internet service" means a service that enables customers to access, through a wireless connection at an upload or download bit rate of more than one megabyte per second, Internet service, as defined in § 58.1-602, as part of a package of services sold to customers;
38. Low-speed vehicles as defined in § 46.2-100;
39. Motor vehicles with a seating capacity of not less than 30 persons, including the driver;
40. Motor vehicles powered solely by electricity;
41. Tangible personal property designed and used primarily for the purpose of manufacturing a product from renewable energy as defined in § 56-576;
42. Motor vehicles leased by a county, city, town, or constitutional officer if the locality or constitutional officer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle;
43. Computer equipment and peripherals used in a data center. For purposes of this subdivision, "data center" means a facility whose primary services are the storage, management, and processing of digital data and is used to house (i) computer and network systems, including associated components such as servers, network equipment and appliances, telecommunications, and data storage systems; (ii) systems for monitoring and managing infrastructure performance; (iii) equipment used for the transformation, transmission, distribution, or management of at least one megawatt of capacity of electrical power and cooling, including substations, uninterruptible power supply systems, all electrical plant equipment, and associated air handlers; (iv) Internet-related equipment and services; (v) data communications connections; (vi) environmental controls; (vii) fire protection systems; and (viii) security systems and services;
44. Motor vehicles (i) owned by persons who serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 or (ii) leased by persons who serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 if the person is obligated by the

terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by a uniformed member of the Virginia Defense Force to respond to his official duties may be specially classified under this section. In order to qualify for such classification, any person who applies for such classification shall identify the vehicle for which the classification is sought and shall furnish to the commissioner of the revenue or other assessing officer a certification from the Adjutant General of the Department of Military Affairs under § 44-11. That certification shall state that (a) the applicant is a uniformed member of the Virginia Defense Force who regularly uses a motor vehicle to respond to his official duties, and (b) the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of the revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

45. If a locality has adopted an ordinance pursuant to subsection D of § 58.1-3703, tangible personal property of a business that qualifies under such ordinance for the first two tax years in which the business is subject to tax upon its personal property pursuant to this chapter. If a locality has not adopted such ordinance, this classification shall apply to the tangible personal property for such first two tax years of a business that otherwise meets the requirements of subsection D of § 58.1-3703;

46. Miscellaneous and incidental tangible personal property employed in a trade or business that is not classified as machinery and tools pursuant to Article 2 (§ 58.1-3507 et seq.), merchants' capital pursuant to Article 3 (§ 58.1-3509 et seq.), or short-term rental property pursuant to Article 3.1 (§ 58.1-3510.4 et seq.), and has an original cost of less than \$500. A county, city, or town shall allow a taxpayer to provide an aggregate estimate of the total cost of all such property owned by the taxpayer that qualifies under this subdivision, in lieu of a specific, itemized list; ~~and~~

47. Commercial fishing vessels and property permanently attached to such vessels; *and*

48. *The following classifications of vehicles:*

a. *Automobiles as described in subdivision A 3 of § 58.1-3503;*

b. *Trucks of less than two tons as described in subdivision A 4 of § 58.1-3503;*

c. *Trucks and other vehicles as described in subdivision A 5 of § 58.1-3503;*

d. *Motor vehicles with specially designed equipment for use by the handicapped as described in subdivision A 9 of § 58.1-3503; and*

e. *Motorcycles, mopeds, all-terrain vehicles, off-road motorcycles, campers, and other recreational vehicles as described in subdivision A 10 of § 58.1-3503.*

B. The governing body of any county, city, or town may levy a tax on the property enumerated in subsection A at different rates from the tax levied on other tangible personal property. The rates of tax and the rates of assessment shall (i) for purposes of subdivisions A 1, 2, 3, 4, 5, 6, 8, 11 through 20, 22 through 24, and 26 through 47, not exceed that applicable to the general class of tangible personal property, (ii) for purposes of subdivisions A 7, 9, 21, and 25, not exceed that applicable to machinery and tools, and (iii) for purposes of subdivision A 10, equal that applicable to real property. If an item of personal property is included in multiple classifications under subsection A, then the rate of tax shall be the lowest rate assigned to such classifications.

C. Notwithstanding any other provision of this section, for any qualifying vehicle, as such term is defined in § 58.1-3523, (i) included in any separate class of property in subsection A and (ii) assessed for tangible personal property taxes by a county, city, or town receiving a payment from the Commonwealth under Chapter 35.1 (§ 58.1-3523 et seq.) for providing tangible personal property tax relief, the county, city, or town may levy the tangible personal property tax on such qualifying vehicle at a rate not to exceed the rates of tax and rates of assessment required under such chapter.

2. That the provisions of this act shall apply to taxable years beginning on or after January 1, 2022, but before January 1, 2025.

3. That an emergency exists and this act is in force from its passage.

CHAPTER 579

An Act to amend and reenact § 17.1-507 of the Code of Virginia, relating to the maximum number of judges in each judicial circuit.

[S 6]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 17.1-507 of the Code of Virginia is amended and reenacted as follows:

§ 17.1-507. Maximum number of judges; residence requirement; compensation; powers; etc.

A. For the several judicial circuits there shall be judges, the maximum number as hereinafter set forth, who shall during their service reside within their respective circuits and whose compensation and powers shall be the same as now and hereafter prescribed for circuit judges.

The maximum number of judges of the circuits shall be as follows:

First — 5

Second — 8

Third — 4
 Fourth — 8
 Fifth — 4
 Sixth — 3
 Seventh — 5
 Eighth — 3
 Ninth — 4
 Tenth — 4
 Eleventh — 3
 Twelfth — 6
 Thirteenth — 7
 Fourteenth — 5
 Fifteenth — 11
 Sixteenth — 6
 Seventeenth — 4
 Eighteenth — 3
 Nineteenth — 15
 Twentieth — 5
 Twenty-first — 3
 Twenty-second — 4
 Twenty-third — 5
 Twenty-fourth — 6
 Twenty-fifth — 6
 Twenty-sixth — 8
 Twenty-seventh — 6
 Twenty-eighth — 4
 Twenty-ninth — 5
 Thirtieth — 4
 Thirty-first — 6 7

B. No additional circuit court judge shall be authorized or provided for any judicial circuit until the Judicial Council has made a study of the need for such additional circuit court judge and has reported its findings and recommendations to the House Committee for Courts of Justice and the Senate Committee on the Judiciary. The boundary of any judicial circuit shall not be changed until a study has been made by the Judicial Council and a report of its findings and recommendations made to said Committees.

C. If the Judicial Council finds the need for an additional circuit court judge after a study is made pursuant to subsection B, the study shall be made available to the Compensation Board and the House Committee for Courts of Justice and the Senate Committee on the Judiciary and Council shall publish notice of such finding in a publication of general circulation among attorneys licensed to practice in the Commonwealth. The Compensation Board shall make a study of the need to provide additional courtroom security and deputy court clerk staffing. This study shall be reported to the House Committee for Courts of Justice and the Senate Committee on the Judiciary, and to the Department of Planning and Budget.

CHAPTER 580

An Act to amend and reenact § 17.1-507 of the Code of Virginia, relating to the maximum number of judges in each judicial circuit.

[H 821]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 17.1-507 of the Code of Virginia is amended and reenacted as follows:

§ 17.1-507. Maximum number of judges; residence requirement; compensation; powers; etc.

A. For the several judicial circuits there shall be judges, the maximum number as hereinafter set forth, who shall during their service reside within their respective circuits and whose compensation and powers shall be the same as now and hereafter prescribed for circuit judges.

The maximum number of judges of the circuits shall be as follows:

First — 5
 Second — 8
 Third — 4
 Fourth — 8
 Fifth — 4
 Sixth — 3

Seventh — 5
 Eighth — 3
 Ninth — 4
 Tenth — 4
 Eleventh — 3
 Twelfth — 6
 Thirteenth — 7
 Fourteenth — 5
 Fifteenth — 11
 Sixteenth — 6
 Seventeenth — 4
 Eighteenth — 3
 Nineteenth — 15
 Twentieth — 5
 Twenty-first — 3
 Twenty-second — 4
 Twenty-third — 5
 Twenty-fourth — 6
 Twenty-fifth — 6
 Twenty-sixth — 8
 Twenty-seventh — 6
 Twenty-eighth — 4
 Twenty-ninth — 5
 Thirtieth — 4
 Thirty-first — 6 7

B. No additional circuit court judge shall be authorized or provided for any judicial circuit until the Judicial Council has made a study of the need for such additional circuit court judge and has reported its findings and recommendations to the House Committee for Courts of Justice and the Senate Committee on the Judiciary. The boundary of any judicial circuit shall not be changed until a study has been made by the Judicial Council and a report of its findings and recommendations made to said Committees.

C. If the Judicial Council finds the need for an additional circuit court judge after a study is made pursuant to subsection B, the study shall be made available to the Compensation Board and the House Committee for Courts of Justice and the Senate Committee on the Judiciary and Council shall publish notice of such finding in a publication of general circulation among attorneys licensed to practice in the Commonwealth. The Compensation Board shall make a study of the need to provide additional courtroom security and deputy court clerk staffing. This study shall be reported to the House Committee for Courts of Justice and the Senate Committee on the Judiciary, and to the Department of Planning and Budget.

CHAPTER 581

An Act to amend and reenact § 56-235.2 of the Code of Virginia, relating to investor-owned water and water and sewer utilities; ratemaking proceedings.

[H 182]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 56-235.2 of the Code of Virginia is amended and reenacted as follows:

§ 56-235.2. All rates, tolls, etc., to be just and reasonable to jurisdictional customers; findings and conclusions to be set forth; alternative forms of regulation for electric companies.

A. Any rate, toll, charge or schedule of any public utility operating in this Commonwealth shall be considered to be just and reasonable only if: (1) the public utility has demonstrated that such rates, tolls, charges or schedules in the aggregate provide revenues not in excess of the aggregate actual costs incurred by the public utility in serving customers within the jurisdiction of the Commission, including such normalization for nonrecurring costs and annualized adjustments for future costs as the Commission finds reasonably can be predicted to occur during the rate year, and a fair return on the public utility's rate base used to serve those jurisdictional customers, which return shall be calculated in accordance with § 56-585.1 for utilities subject to such section; (1a) the investor-owned public electric utility has demonstrated that no part of such rates, tolls, charges or schedules includes costs for advertisement, except for advertisements either required by law or rule or regulation, or for advertisements which solely promote the public interest, conservation or more efficient use of energy; and (2) the public utility has demonstrated that such rates, tolls, charges or schedules contain reasonable classifications of customers. Notwithstanding § 56-234, the Commission may approve, either in the context of or apart from a rate proceeding after notice to all affected parties and hearing, special rates, contracts or incentives to individual customers or classes of customers where it finds such measures are in the public interest. Such special charges shall not be limited by

the provisions of § 56-235.4. In determining costs of service, the Commission may use the test year method of estimating revenue needs. In any Commission order establishing a fair and reasonable rate of return for an investor-owned gas, telephone or electric public utility, the Commission shall set forth the findings of fact and conclusions of law upon which such order is based.

For ratemaking purposes, the Commission shall determine the federal and state income tax costs for investor-owned water, gas, or electric utility that is part of a publicly-traded, consolidated group as follows: (i) such utility's apportioned state income tax costs shall be calculated according to the applicable statutory rate, as if the utility had not filed a consolidated return with its affiliates, and (ii) such utility's federal income tax costs shall be calculated according to the applicable federal income tax rate and shall exclude any consolidated tax liability or benefit adjustments originating from any taxable income or loss of its affiliates.

In any ratemaking proceeding for an investor-owned utility authorized to furnish water or water and sewer service initiated after January 1, 2022, the Commission shall evaluate such utility on a stand-alone basis and, for purposes of establishing any revenue requirement and rates, utilize such utility's actual end-of-test period capital structure and cost of capital without regard to the cost of capital, capital structure, or investments of any other entities with which such utility may be affiliated, unless the Commission finds based on evidence in the record that the debt to equity ratio of the actual end-of-test period capital structure of such utility is unreasonable, in which case the Commission may utilize a debt to equity ratio that it finds to be reasonable. In all proceedings initiated after January 1, 2022, in which the Commission reviews the rates and associated earnings of an investor-owned utility authorized to furnish water or water and sewer service, the Commission shall conduct such review utilizing the same cost of capital and capital structure adopted in the utility's most recent rate case in which such rates were set, without regard to any later changes in the cost of capital or capital structure.

B. The Commission shall, before approving special rates, contracts, incentives or other alternative regulatory plans under subsection A, ensure that such action (i) protects the public interest, (ii) will not unreasonably prejudice or disadvantage any customer or class of customers, and (iii) will not jeopardize the continuation of reliable electric service.

C. After notice and public hearing, the Commission shall issue guidelines for special rates adopted pursuant to subsection A that will ensure that other customers are not caused to bear increased rates as a result of such special rates.

CHAPTER 582

An Act to amend and reenact § 56-235.2 of the Code of Virginia, relating to investor-owned water and water and sewer utilities; ratemaking proceedings.

[S 500]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 56-235.2 of the Code of Virginia is amended and reenacted as follows:

§ 56-235.2. All rates, tolls, etc., to be just and reasonable to jurisdictional customers; findings and conclusions to be set forth; alternative forms of regulation for electric companies.

A. Any rate, toll, charge or schedule of any public utility operating in this Commonwealth shall be considered to be just and reasonable only if: (1) the public utility has demonstrated that such rates, tolls, charges or schedules in the aggregate provide revenues not in excess of the aggregate actual costs incurred by the public utility in serving customers within the jurisdiction of the Commission, including such normalization for nonrecurring costs and annualized adjustments for future costs as the Commission finds reasonably can be predicted to occur during the rate year, and a fair return on the public utility's rate base used to serve those jurisdictional customers, which return shall be calculated in accordance with § 56-585.1 for utilities subject to such section; (1a) the investor-owned public electric utility has demonstrated that no part of such rates, tolls, charges or schedules includes costs for advertisement, except for advertisements either required by law or rule or regulation, or for advertisements which solely promote the public interest, conservation or more efficient use of energy; and (2) the public utility has demonstrated that such rates, tolls, charges or schedules contain reasonable classifications of customers. Notwithstanding § 56-234, the Commission may approve, either in the context of or apart from a rate proceeding after notice to all affected parties and hearing, special rates, contracts or incentives to individual customers or classes of customers where it finds such measures are in the public interest. Such special charges shall not be limited by the provisions of § 56-235.4. In determining costs of service, the Commission may use the test year method of estimating revenue needs. In any Commission order establishing a fair and reasonable rate of return for an investor-owned gas, telephone or electric public utility, the Commission shall set forth the findings of fact and conclusions of law upon which such order is based.

For ratemaking purposes, the Commission shall determine the federal and state income tax costs for investor-owned water, gas, or electric utility that is part of a publicly-traded, consolidated group as follows: (i) such utility's apportioned state income tax costs shall be calculated according to the applicable statutory rate, as if the utility had not filed a consolidated return with its affiliates, and (ii) such utility's federal income tax costs shall be calculated according to the applicable federal income tax rate and shall exclude any consolidated tax liability or benefit adjustments originating from any taxable income or loss of its affiliates.

In any ratemaking proceeding for an investor-owned utility authorized to furnish water or water and sewer service initiated after January 1, 2022, the Commission shall evaluate such utility on a stand-alone basis and, for purposes of establishing any revenue requirement and rates, utilize such utility's actual end-of-test period capital structure and cost of capital without regard to the cost of capital, capital structure, or investments of any other entities with which such utility may be affiliated, unless the Commission finds based on evidence in the record that the debt to equity ratio of the actual end-of-test period capital structure of such utility is unreasonable, in which case the Commission may utilize a debt to equity ratio that it finds to be reasonable. In all proceedings initiated after January 1, 2022, in which the Commission reviews the rates and associated earnings of an investor-owned utility authorized to furnish water or water and sewer service, the Commission shall conduct such review utilizing the same cost of capital and capital structure adopted in the utility's most recent rate case in which such rates were set, without regard to any later changes in the cost of capital or capital structure.

B. The Commission shall, before approving special rates, contracts, incentives or other alternative regulatory plans under subsection A, ensure that such action (i) protects the public interest, (ii) will not unreasonably prejudice or disadvantage any customer or class of customers, and (iii) will not jeopardize the continuation of reliable electric service.

C. After notice and public hearing, the Commission shall issue guidelines for special rates adopted pursuant to subsection A that will ensure that other customers are not caused to bear increased rates as a result of such special rates.

CHAPTER 583

An Act to repeal the second enactment of Chapter 155 of the Acts of Assembly of 2017, relating to alcoholic beverage control; neutral grain spirits or alcohol sold at government stores; proof limit.

[S 527]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the second enactment of Chapter 155 of the Acts of Assembly of 2017 is repealed.

CHAPTER 584

An Act to amend and reenact § 3.01:2 of Chapter 167 of the Acts of Assembly of 1979, which provided a charter for the City of Hampton, relating to election of mayor.

[S 253]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 3.01:2 of Chapter 167 of the Acts of Assembly of 1979 is amended and reenacted as follows:

§ 3.01:2. Election of mayor.

No candidate for election to the office of mayor shall simultaneously run for election to any other position on the council.

In the event that a councilmember other than a sitting mayor desires to be a candidate for mayor, the councilmember not elected on the same election cycle as the mayor is eligible to do so but must tender his or her resignation as a councilmember at least ten days prior to the ~~final date for filing petitions and notices of acceptance~~ *filing deadline for all documents necessary to qualify as a candidate for the office of mayor* as specified by general law, with such resignation to be effective on ~~June 30 of the election year~~ *the last day before the commencement of the term of the councilmember's elected successor*. Such resignation shall state the councilmember's intention to be a candidate for mayor, require no formal acceptance by the remaining councilmembers, and be final and irrevocable as of the date it is tendered.

The vacancy resulting from any such resignation shall be filled for the remaining two-year term at the same succeeding general municipal election at which the office for mayor is filled. ~~Such two-year term shall begin on the first day of July next following the date of such election.~~

CHAPTER 585

An Act to amend and reenact § 32.1-169 of the Code of Virginia, relating to Board of Health; regulations; maximum contaminant levels in water supplies and waterworks.

[H 919]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-169 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-169. Supervision by Board.

A. The Board shall have general supervision and control over all water supplies and waterworks in the Commonwealth insofar as the bacteriological, chemical, radiological, and physical quality of waters furnished for human consumption may affect the public health and welfare and may require that all water supplies be pure water. In exercising such supervision and control, the Board shall recognize the relationship between an owner's financial, technical, managerial, and operational capabilities and his capacity to comply with state and federal drinking water standards.

B. The Board shall adopt regulations establishing maximum contaminant levels (MCLs) in all water supplies and waterworks in the Commonwealth for (i) perfluorooctanoic acid and perfluorooctane sulfonate, and for such other perfluoroalkyl and polyfluoroalkyl substances as the Board deems necessary; (ii) chromium-6; and (iii) 1,4-dioxane. Each MCL shall be protective of public health, including of vulnerable subpopulations, including pregnant and nursing mothers, infants, children, and the elderly, and shall not exceed any MCL or health advisory for the same contaminant adopted by the U.S. Environmental Protection Agency. In establishing such MCLs, the Board shall review *the recommendations of any work group convened by the Commissioner after July 1, 2022, to study the occurrence of such contaminants in public drinking water*; MCLs adopted by other states, studies and scientific evidence reviewed by such states, material in the Agency for Toxic Substances and Disease Registry of the U.S. Department of Health, and current peer-reviewed scientific studies produced independently or by government agencies.

2. That the Board of Health shall at all times comply with all regulations adopted by the U.S. Environmental Protection Agency and shall adopt regulations establishing maximum contaminant levels for water supplies and waterworks in the Commonwealth that are consistent with such federal regulations in accordance with deadlines established in such federal regulations to maintain the Commonwealth's primary enforcement authority with regard to implementation of the federal Safe Drinking Water Act (42 U.S.C. § 300f et seq.) in the Commonwealth.

3. That, except for the purpose of adopting regulations establishing maximum contaminant levels for water supplies and waterworks in the Commonwealth promulgated by the U.S. Environmental Protection Agency, the Board of Health may initiate and continue a regulatory action to develop, but shall not adopt, regulations establishing maximum contaminant levels in water supplies and waterworks in the Commonwealth required by subsection B of § 32.1-169 of the Code of Virginia, as amended by the act, (i) until a work group convened at the option of the Commissioner of Health (the Commissioner) has completed a study of the occurrence of the contaminant proposed to be regulated in public drinking water in the Commonwealth and reported its findings and recommendations to the Governor and the Chairmen of the House Committees on Agriculture, Chesapeake and Natural Resources and Health, Welfare and Institutions and the Senate Committees on Agriculture, Conservation and Natural Resources and Education and Health and (ii) unless such action complies with requirements of the U.S. Environmental Protection Agency applicable to the development of regulations establishing maximum contaminant levels pursuant to 42 U.S.C. § 300g-1(b)(3)-(7). Any work group convened by the Commissioner to complete a study of the occurrence of the contaminant proposed to be regulated in public drinking water in the Commonwealth shall include at least one manufacturer with chemistry experience and representatives of publicly and privately owned waterworks, consumers of public drinking water, environmental and public health organizations, and such other stakeholders as the Commissioner shall deem appropriate. Administrative and technical support for such work group shall be provided by the Office of Drinking Water of the Department of Health (the Department) and shall include laboratory analysis, performed by the Division of Consolidated Laboratory Services of the Department of General Services, to determine current levels of contamination in public drinking water and possible sources of such contamination within available funding, including any grants from the U.S. Environmental Protection Agency that the Commissioner chooses to use for such purpose. In conducting its study, the work group shall (a) utilize a hybrid approach that takes into account potential risk or likelihood of finding the contaminant in public drinking water, the location of the waterworks or source of water in relation to potential sources of the contaminant, and other factors for the sample study design rather than random sampling; (b) provide for analysis of public drinking water distributed by waterworks serving fewer than 3,300 customers, waterworks operating in rural areas of the Commonwealth, waterworks in close proximity to active or decommissioned military installations, airports, fire-training facilities, unlined landfills, or industrial facilities that manufactured or used significant quantities of the contaminant, and waterworks previously studied by the Department that reported levels of the contaminant in public drinking water; (c) develop a temporal data set by collecting multiple samples from each location sampled to gather data regarding variations in the prevalence of the contaminant in public drinking water; and (d) focus on entry point sampling and exclude consecutive waterworks from sampling. The work group shall report its findings and recommendation annually by December 1 to the Governor and the Chairmen of the House Committees on Agriculture, Chesapeake and Natural Resources and Health, Welfare and Institutions and the Senate Committees on Agriculture, Conservation and Natural Resources and Education and Health.

CHAPTER 586

An Act to amend and reenact § 2.2-2557 of the Code of Virginia, relating to the Commission to Study Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination Against African Americans; extension of sunset.

[H 139]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2557 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-2557. (Expires July 1, 2022) Sunset.

This article shall expire on July 1, ~~2022~~ 2024.

2. That the nonlegislative citizen members of the Commission to Study Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination Against African Americans (the Commission) appointed pursuant to Chapter 1043 of the Acts of Assembly of 2020 shall continue to serve on the Commission until July 1, 2024.

CHAPTER 587

An Act to amend and reenact § 2.2-2557 of the Code of Virginia, relating to the Commission to Study Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination Against African Americans; extension of sunset.

[S 151]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2557 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-2557. (Expires July 1, 2022) Sunset.

This article shall expire on July 1, ~~2022~~ 2024.

2. That the nonlegislative citizen members of the Commission to Study Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination Against African Americans (the Commission) appointed pursuant to Chapter 1043 of the Acts of Assembly of 2020 shall continue to serve on the Commission until July 1, 2024.

CHAPTER 588

An Act to amend and reenact § 17.1-917 of the Code of Virginia, relating to the Judicial Inquiry and Review Commission; availability of complaint forms.

[H 761]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 17.1-917 of the Code of Virginia is amended and reenacted as follows:

§ 17.1-917. Assistance and information; complaint forms.

A. State and local public bodies and departments, officers and employees thereof, and officials and all personnel of the courts of the Commonwealth shall cooperate with and give reasonable assistance and information to the Commission and any authorized representative thereof; in connection with any investigations or proceedings within the jurisdiction of the Commission.

B. In all state courts within the Commonwealth a sign shall be posted in a location accessible to the public that notes the availability of and provides instructions to obtain a downloadable electronic version of any standardized form developed and utilized by the Judicial Inquiry and Review Commission for the filing of a complaint from the official website of the judicial system of the Commonwealth.

CHAPTER 589

An Act to amend and reenact §§ 2.2-3705.3, 4.1-103, 4.1-111, 4.1-201.1, 4.1-206.3, as it is currently effective and as it shall become effective, 4.1-231.1, 4.1-233.1, 4.1-325, 58.1-4100, 58.1-4120, and 58.1-4122 of the Code of Virginia, relating to casino gaming; sale and consumption of alcoholic beverages in casino gaming establishments; casino employees; wagers, accounting and games.

[H 455]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3705.3, 4.1-103, 4.1-111, 4.1-201.1, 4.1-206.3, as it is currently effective and as it shall become effective, 4.1-231.1, 4.1-233.1, 4.1-325, 58.1-4100, 58.1-4120, and 58.1-4122 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-3705.3. Exclusions to application of chapter; records relating to administrative investigations.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Information relating to investigations of applicants for licenses and permits, and of all licensees and permittees, made by or submitted to the Virginia Alcoholic Beverage Control Authority, the Virginia Lottery *pursuant to Chapter 40 (§ 58.1-4000 et seq.) and Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1*, the Virginia Racing Commission, the Department of Agriculture and Consumer Services relating to investigations and applications pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, or the Private Security Services Unit of the Department of Criminal Justice Services.

2. Records of active investigations being conducted by the Department of Health Professions or by any health regulatory board in the Commonwealth pursuant to § 54.1-108.

3. Investigator notes, and other correspondence and information, furnished in confidence with respect to an active investigation of individual employment discrimination complaints made to the Department of Human Resource Management, to such personnel of any local public body, including local school boards, as are responsible for conducting such investigations in confidence, or to any public institution of higher education. However, nothing in this subdivision shall prevent the disclosure of information taken from inactive reports in a form that does not reveal the identity of charging parties, persons supplying the information, or other individuals involved in the investigation.

4. Records of active investigations being conducted by the Department of Medical Assistance Services pursuant to Chapter 10 (§ 32.1-323 et seq.) of Title 32.1.

5. Investigative notes and other correspondence and information furnished in confidence with respect to an investigation or conciliation process involving an alleged unlawful discriminatory practice under the Virginia Human Rights Act (§ 2.2-3900 et seq.) or under any local ordinance adopted in accordance with the authority specified in § 2.2-524, or adopted pursuant to § 15.2-965, or adopted prior to July 1, 1987, in accordance with applicable law, relating to local human rights or human relations commissions. However, nothing in this subdivision shall prevent the distribution of information taken from inactive reports in a form that does not reveal the identity of the parties involved or other persons supplying information.

6. Information relating to studies and investigations by the Virginia Lottery of (i) lottery agents, (ii) lottery vendors, (iii) lottery crimes under §§ 58.1-4014 through 58.1-4018, (iv) defects in the law or regulations that cause abuses in the administration and operation of the lottery and any evasions of such provisions, or (v) the use of the lottery as a subterfuge for organized crime and illegal gambling where such information has not been publicly released, published or copyrighted. All studies and investigations referred to under clauses (iii), (iv), and (v) shall be open to inspection and copying upon completion of the study or investigation.

7. Investigative notes, correspondence and information furnished in confidence, and records otherwise exempted by this chapter or any Virginia statute, provided to or produced by or for (i) the Auditor of Public Accounts; (ii) the Joint Legislative Audit and Review Commission; (iii) an appropriate authority as defined in § 2.2-3010 with respect to an allegation of wrongdoing or abuse under the Fraud and Abuse Whistle Blower Protection Act (§ 2.2-3009 et seq.); (iv) the Office of the State Inspector General with respect to an investigation initiated through the Fraud, Waste and Abuse Hotline or an investigation initiated pursuant to Chapter 3.2 (§ 2.2-307 et seq.); (v) internal auditors appointed by the head of a state agency or by any public institution of higher education; (vi) the committee or the auditor with respect to an investigation or audit conducted pursuant to § 15.2-825; or (vii) the auditors, appointed by the local governing body of any county, city, or town or a school board, who by charter, ordinance, or statute have responsibility for conducting an investigation of any officer, department, or program of such body. Information contained in completed investigations shall be disclosed in a form that does not reveal the identity of the complainants or persons supplying information to investigators. Unless disclosure is excluded by this subdivision, the information disclosed shall include the agency involved, the identity of the person who is the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation does not lead to corrective action, the identity of the person who is the subject of the complaint may be released only with the consent of the subject person. Local governing bodies shall adopt guidelines to govern the disclosure required by this subdivision.

8. The names, addresses, and telephone numbers of complainants furnished in confidence with respect to an investigation of individual zoning enforcement complaints or complaints relating to the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) made to a local governing body.

9. Records of active investigations being conducted by the Department of Criminal Justice Services pursuant to Article 4 (§ 9.1-138 et seq.), Article 4.1 (§ 9.1-150.1 et seq.), Article 11 (§ 9.1-185 et seq.), and Article 12 (§ 9.1-186 et seq.) of Chapter 1 of Title 9.1.

10. Information furnished to or prepared by the Board of Education pursuant to subsection D of § 22.1-253.13:3 in connection with the review or investigation of any alleged breach in security, unauthorized alteration, or improper

administration of tests by local school board employees responsible for the distribution or administration of the tests. However, this section shall not prohibit the disclosure of such information to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board.

11. Information contained in (i) an application for licensure or renewal of a license for teachers and other school personnel, including transcripts or other documents submitted in support of an application, and (ii) an active investigation conducted by or for the Board of Education related to the denial, suspension, cancellation, revocation, or reinstatement of teacher and other school personnel licenses including investigator notes and other correspondence and information, furnished in confidence with respect to such investigation. However, this subdivision shall not prohibit the disclosure of such (a) application information to the applicant at his own expense or (b) investigation information to a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee. Information contained in completed investigations shall be disclosed in a form that does not reveal the identity of any complainant or person supplying information to investigators. The completed investigation information disclosed shall include information regarding the school or facility involved, the identity of the person who was the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation fails to support a complaint or does not lead to corrective action, the identity of the person who was the subject of the complaint may be released only with the consent of the subject person. No personally identifiable information regarding a current or former student shall be released except as permitted by state or federal law.

12. Information provided in confidence and related to an investigation by the Attorney General under Article 1 (§ 3.2-4200 et seq.) or Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2, Article 10 (§ 18.2-246.6 et seq.) of Chapter 6 or Chapter 13 (§ 18.2-512 et seq.) of Title 18.2, or Article 1 (§ 58.1-1000) of Chapter 10 of Title 58.1. However, information related to an investigation that has been inactive for more than six months shall, upon request, be disclosed provided such disclosure is not otherwise prohibited by law and does not reveal the identity of charging parties, complainants, persons supplying information, witnesses, or other individuals involved in the investigation.

13. Records of active investigations being conducted by the Department of Behavioral Health and Developmental Services pursuant to Chapter 4 (§ 37.2-400 et seq.) of Title 37.2.

§ 4.1-103. General powers of Board.

The Board shall have the power to:

1. Sue and be sued, implead and be impleaded, and complain and defend in all courts;
2. Adopt, use, and alter at will a common seal;
3. Fix, alter, charge, and collect rates, rentals, fees, and other charges for the use of property of, the sale of products of, or services rendered by the Authority at rates to be determined by the Authority for the purpose of providing for the payment of the expenses of the Authority;
4. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties, the furtherance of its purposes, and the execution of its powers under this title, including agreements with any person or federal agency;
5. Employ, at its discretion, consultants, researchers, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers, and such other employees and special agents as may be necessary and fix their compensation to be payable from funds made available to the Authority. Legal services for the Authority shall be provided by the Attorney General in accordance with Chapter 5 (§ 2.2-500 et seq.) of Title 2.2;
6. Receive and accept from any federal or private agency, foundation, corporation, association, or person grants or other aid to be expended in accomplishing the objectives of the Authority, and receive and accept from the Commonwealth or any state and any municipality, county, or other political subdivision thereof or from any other source aid or contributions of either money, property, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions may be made. All federal moneys accepted under this section shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by the United States and as are consistent with state law, and all state moneys accepted under this section shall be expended by the Authority upon such terms and conditions as are prescribed by the Commonwealth;
7. Adopt, alter, and repeal bylaws, rules, and regulations governing the manner in which its business shall be transacted and the manner in which the powers of the Authority shall be exercised and its duties performed. The Board may delegate or assign any duty or task to be performed by the Authority to any officer or employee of the Authority. The Board shall remain responsible for the performance of any such duties or tasks. Any delegation pursuant to this subdivision shall, where appropriate, be accompanied by written guidelines for the exercise of the duties or tasks delegated. Where appropriate, the guidelines shall require that the Board receive summaries of actions taken. Such delegation or assignment shall not relieve the Board of the responsibility to ensure faithful performance of the duties and tasks;
8. Conduct or engage in any lawful business, activity, effort, or project consistent with the Authority's purposes or necessary or convenient to exercise its powers;
9. Develop policies and procedures generally applicable to the procurement of goods, services, and construction, based upon competitive principles;

10. Develop policies and procedures consistent with Article 4 (§ 2.2-4347 et seq.) of Chapter 43 of Title 2.2;
11. Buy, import and sell alcoholic beverages other than beer and wine not produced by farm wineries, and to have alcoholic beverages other than beer and wine not produced by farm wineries in its possession for sale;
12. Buy and sell any mixers;
13. Buy and sell products licensed by the Virginia Tourism Corporation that are within international trademark classes 16 (paper goods and printer matters), 18 (leather goods), 21 (housewares and glass), and 25 (clothing);
14. Control the possession, sale, transportation, and delivery of alcoholic beverages;
15. Determine, subject to § 4.1-121, the localities within which government stores shall be established or operated and the location of such stores;
16. Maintain warehouses for alcoholic beverages and control the storage and delivery of alcoholic beverages to and from such warehouses;
17. Acquire, purchase, hold, use, lease, or otherwise dispose of any property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the Authority; lease as lessee any property, real, personal or mixed, tangible or intangible, or any interest therein, at such annual rental and on such terms and conditions as may be determined by the Board; lease as lessor to any person any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired by the Authority, whether wholly or partially completed, at such annual rental and on such terms and conditions as may be determined by the Board; sell, transfer, or convey any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired or held by the Authority on such terms and conditions as may be determined by the Board; and occupy and improve any land or building required for the purposes of this title;
18. Purchase, lease, or acquire the use of, by any manner, any plant or equipment that may be considered necessary or useful in carrying into effect the purposes of this title, including rectifying, blending, and processing plants. The Board may purchase, build, lease, and operate distilleries and manufacture alcoholic beverages;
19. Determine the nature, form and capacity of all containers used for holding alcoholic beverages to be kept or sold under this title, and prescribe the form and content of all labels and seals to be placed thereon; however, no container sold in or shipped into the Commonwealth shall include powdered or crystalline alcohol;
20. Appoint every agent and employee required for its operations; require any or all of them to give bonds payable to the Commonwealth in such penalty as shall be fixed by the Board; and engage the services of experts and professionals;
21. Hold and conduct hearings; issue subpoenas requiring the attendance of witnesses and the production of records, memoranda, papers and other documents before the Board or any agent of the Board; and administer oaths and take testimony thereunder. The Board may authorize any Board member or agent of the Board to hold and conduct hearings, issue subpoenas, administer oaths and take testimony thereunder, and decide cases, subject to final decision by the Board, on application of any party aggrieved. The Board may enter into consent agreements and may request and accept from any applicant or licensee a consent agreement in lieu of proceedings on (i) objections to the issuance of a license or (ii) disciplinary action. Any such consent agreement shall include findings of fact and may include an admission or a finding of a violation. A consent agreement shall not be considered a case decision of the Board and shall not be subject to judicial review under the provisions of the Administrative Process Act (§ 2.2-4000 et seq.), but may be considered by the Board in future disciplinary proceedings;
22. Make a reasonable charge for preparing and furnishing statistical information and compilations to persons other than (i) officials, including court and police officials, of the Commonwealth and of its subdivisions if the information requested is for official use and (ii) persons who have a personal or legal interest in obtaining the information requested if such information is not to be used for commercial or trade purposes;
23. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and § 4.1-111;
24. Grant, suspend, and revoke licenses for the manufacture, bottling, distribution, importation, and sale of alcoholic beverages;
25. Assess and collect civil penalties and civil charges for violations of this title and Board regulations;
26. Maintain actions to enjoin common nuisances as defined in § 4.1-317;
27. Establish minimum food sale requirements for all retail licensees;
28. Review and approve any proposed legislative or regulatory changes suggested by the Chief Executive Officer as the Board deems appropriate;
29. Report quarterly to the Secretary of Public Safety and Homeland Security on the law-enforcement activities undertaken to enforce the provisions of this title;
30. Establish and collect fees for all permits set forth in this title, including fees associated with applications for such permits;
31. Impose a requirement that a mixed beverage ~~restaurant~~ ~~casino~~ licensee ~~located on the premises of and operated by a casino gaming establishment pursuant to subdivision A 15 of § 4.1-206.3~~ pay for any cost incurred by the Board to enforce such license in excess of the applicable state license fee; and
32. Do all acts necessary or advisable to carry out the purposes of this title.

§ 4.1-111. Regulations of Board.

A. The Board may promulgate reasonable regulations, not inconsistent with this title or the general laws of the Commonwealth, which it deems necessary to carry out the provisions of this title and to prevent the illegal manufacture,

bottling, sale, distribution, and transportation of alcoholic beverages. The Board may amend or repeal such regulations. Such regulations shall be promulgated, amended or repealed in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and shall have the effect of law.

B. The Board shall promulgate regulations that:

1. Prescribe what hours and on what days alcoholic beverages shall not be sold by licensees or consumed on any licensed premises, including a provision that mixed beverages may be sold only at such times as wine and beer may be sold.

2. Require mixed beverage caterer licensees to notify the Board in advance of any event to be served by such licensee.

3. Maintain the reasonable separation of retailer interests from those of the manufacturers, bottlers, brokers, importers and wholesalers in accordance with § 4.1-216 and in consideration of the established trade customs, quantity and value of the articles or services involved; prevent undue competitive domination of any person by any other person engaged in the manufacture, distribution and sale at retail or wholesale of alcoholic beverages in the Commonwealth; and promote reasonable accommodation of arm's length business transactions.

4. Establish requirements for the form, content, and retention of all records and accounts, including the (i) reporting and collection of taxes required by § 4.1-236 and (ii) the sale of alcoholic beverages in kegs, by all licensees.

5. Require retail licensees to file an appeal from any hearing decision rendered by a hearing officer within 30 days of the date the notice of the decision is sent. The notice shall be sent to the licensee at the address on record with the Board by certified mail, return receipt requested, and by regular mail.

6. Prescribe the terms and conditions under which persons who collect or trade designer or vintage spirit bottles may sell such bottles at auction, provided that (i) the auction is conducted in accordance with the provisions of Chapter 6 (§ 54.1-600 et seq.) of Title 54.1 and (ii) the bottles are unopened and the manufacturers' seals, marks, or stamps affixed to the bottles are intact.

7. Prescribe the terms and conditions under which credit or debit cards may be accepted from licensees for purchases at government stores, including provision for the collection, where appropriate, of related fees, penalties, and service charges.

8. Require that banquet licensees in charge of public events as defined by Board regulations report to the Board the income and expenses associated with the public event on a form prescribed by the Board when the banquet licensee engages another person to organize, conduct, or operate the event on behalf of the banquet licensee. Such regulations shall be applicable only to public events where alcoholic beverages are being sold.

9. Provide alternative methods for licensees to maintain and store business records that are subject to Board inspection, including methods for Board-approved electronic and off-site storage.

10. Require off-premises retail licensees to place any premixed alcoholic energy drinks containing one-half of one percent or more of alcohol by volume in the same location where wine and beer are available for sale within the licensed premises.

11. Prescribe the terms and conditions under which mixed beverage licensees may infuse, store, and sell flavored distilled spirits, including a provision that limits infusion containers to a maximum of 20 liters.

12. Prescribe the schedule of proration for refunded license taxes to licensees who qualify pursuant to subsection C of § 4.1-232.

13. Establish reasonable time, place, and manner restrictions on outdoor advertising of alcoholic beverages, not inconsistent with the provisions of this title, so that such advertising does not encourage or otherwise promote the consumption of alcoholic beverages by persons to whom alcoholic beverages may not be lawfully sold. Such regulations shall:

a. Restrict outdoor advertising of alcoholic beverages in publicly visible locations consistent with (i) the general prohibition against tied interests between retail licensees and manufacturers or wholesale licensees as provided in §§ 4.1-215 and 4.1-216; (ii) the prohibition against manufacturer control of wholesale licensees as set forth in § 4.1-223 and Board regulations adopted pursuant thereto; and (iii) the general prohibition against cooperative advertising between manufacturers, wholesalers, or importers and retail licensees as set forth in Board regulation; and

b. Permit (i) any outdoor signage or advertising not otherwise prohibited by this title and (ii) the display of outdoor alcoholic beverage advertising on lawfully erected billboard signs regulated under Chapter 12 (§ 33.2-1200 et seq.) of Title 33.2 where such signs are located on commercial real estate as defined in § 55.1-1100, but only in accordance with this title.

14. Prescribe the terms and conditions under which a licensed brewery may manufacture beer pursuant to an agreement with a brand owner not under common control with the manufacturing brewery and sell and deliver the beer so manufactured to the brand owner. The regulations shall require that (i) the brand owner be an entity appropriately licensed as a brewery or beer wholesaler, (ii) a written agreement be entered into by the parties, and (iii) records as deemed appropriate by the Board are maintained by the parties.

15. Prescribe the terms for any "happy hour" conducted by on-premises licensees. Such regulations shall permit on-premises licensees to advertise any alcoholic beverage products featured during a happy hour and any pricing related to such happy hour. Such regulations shall not prohibit on-premises licensees from using creative marketing techniques in such advertisements, provided that such techniques do not tend to induce overconsumption or consumption by minors.

16. Permit retail on-premises licensees to give a gift of one alcoholic beverage to a patron or one bottle of wine to a group of two or more patrons, provided that (i) such gifts only are made to individuals to whom such products may lawfully

be sold and (ii) only one such gift is given during any 24-hour period and subject to any Board limitations on the frequency of such gifts.

17. Permit the sale of beer and cider for off-premises consumption in resealable growlers made of glass, ceramic, metal, or other materials approved by the Board, or other resealable containers approved by the Board, with a maximum capacity of 128 fluid ounces or, for metric-sized containers, four liters.

18. Permit the sale of wine for off-premises consumption in resealable growlers made of glass, ceramic, metal, or other materials approved by the Board, or other resealable containers approved by the Board, with a maximum capacity of 64 fluid ounces or, for metric-sized containers, two liters. Wine growlers may be used only by persons licensed to sell wine for both on-premises and off-premises consumption or by gourmet shops granted a retail off-premises wine and beer license. Growlers sold by gourmet shops shall be labeled with (i) the manufacturer's name or trade name, (ii) the place of production, (iii) the net contents in fluid ounces, and (iv) the name and address of the retailer.

19. Permit the sale of wine, cider, and beer by retailers licensed to sell beer and wine for both on-premises and off-premises consumption, or by gourmet shops granted a retail off-premises wine and beer license for off-premises consumption in sealed containers made of metal or other materials approved by the Board with a maximum capacity of 32 fluid ounces or, for metric-sized containers, one liter, provided that the alcoholic beverage is placed in the container following an order from the consumer.

20. Permit mixed beverage licensees to premix containers of sangria and other mixed alcoholic beverages and to serve such alcoholic beverages in pitchers, subject to size and quantity limitations established by the Board.

21. Establish and make available to all licensees and permittees for which on-premises consumption of alcoholic beverages is allowed and employees of such licensees and permittees who serve as a bartender or otherwise sell, serve, or dispense alcoholic beverages for on-premises consumption a bar bystander training module, which shall include (i) information that enables licensees, permittees, and their employees to recognize situations that may lead to sexual assault and (ii) intervention strategies to prevent such situations from culminating in sexual assault.

22. Require mixed beverage licensees, *except for mixed beverage casino licensees*, to have food, cooked or prepared on the licensed premises, available for on-premises consumption until at least 30 minutes prior to an establishment's closing. Such food shall be available in all areas of the licensed premises in which spirits are sold or served.

23. Prescribe the terms and conditions under which the Board may suspend the privilege of a mixed beverage licensee to purchase spirits from the Board upon such licensee's failure to submit any records or other documents necessary to verify the licensee's compliance with applicable minimum food sale requirements within 30 days of the date such records or documents are due.

C. The Board may promulgate regulations that:

1. Provide for the waiver of the license tax for an applicant for a banquet license, such waiver to be based on (i) the amount of alcoholic beverages to be provided by the applicant, (ii) the not-for-profit status of the applicant, and (iii) the condition that no profits are to be generated from the event. For the purposes of clause (ii), the applicant shall submit with the application, an affidavit certifying its not-for-profit status. The granting of such waiver shall be limited to two events per year for each applicant.

2. Establish limitations on the quantity and value of any gifts of alcoholic beverages made in the course of any business entertainment pursuant to subdivision A 22 of § 4.1-325 or subsection C of § 4.1-325.2.

3. Provide incentives to licensees with a proven history of compliance with state and federal laws and regulations to encourage licensees to conduct their business and related activities in a manner that is beneficial to the Commonwealth.

D. Board regulations shall be uniform in their application, except those relating to hours of sale for licensees.

E. Courts shall take judicial notice of Board regulations.

F. The Board's power to regulate shall be broadly construed.

§ 4.1-201.1. Conduct not prohibited by this title; tastings conducted by manufacturers, wine or beer wholesalers, and authorized representatives.

A. Manufacturers of alcoholic beverages, whether or not licensed in the Commonwealth, and wine or beer wholesalers may conduct tastings of wine, beer, or spirits within hotels, restaurants, *casinos*, and clubs licensed for on-premises consumption provided:

1. The tastings are conducted only by (i) employees of such manufacturers or wholesalers or (ii) authorized representatives of such manufacturers or wholesalers, which authorized representatives have obtained a permit in accordance with subdivision A 14 of § 4.1-212;

2. Such employees or authorized representatives are present while the tastings are being conducted;

3. No category of alcoholic beverage products is offered to consumers unless the retail licensee on whose premises the tasting is conducted is licensed to sell that category of alcoholic beverage product;

4. All alcoholic beverage products used in the tasting are served to the consumer by employees of the retail licensee;

5. The quantity of wine, beer, or spirits provided to any person during the tasting does not exceed 16 ounces of beer, six ounces of wine, or one and one-half ounces of spirits; however, for any spirits tastings, no single sample shall exceed one-half ounce of spirits, unless served as a mixed beverage, in which case a single sample of spirits may contain up to one and one-half ounces of spirits; and

6. All alcoholic beverage products used in the tasting are purchased from the retail licensee on whose premises the tasting is conducted; except that no more than \$100 may be expended by or on behalf of any such manufacturer or

wholesaler at any retail licensed premises during any 24-hour period. For the purposes of this subdivision, the \$100 limitation shall be exclusive of taxes and gratuities, which gratuities may not exceed 20 percent of the cost of the alcoholic beverages, including taxes, for the alcoholic beverages purchased for the tasting.

B. Manufacturers, wholesalers, and their authorized representatives shall keep complete records of each tasting authorized by this section for a period of not less than two years, which records shall include the date and place of each tasting conducted and the dollar amount expended by the manufacturer, wholesaler, or his agent or representative in the purchase of the alcoholic beverages used in the tasting.

C. Manufacturers and wholesalers shall be held liable for any violation of this section committed by their employees or authorized representative in connection with their employment or representation at any tasting event.

§ 4.1-206.3. (Effective until July 1, 2022) Retail licenses.

A. The Board may grant the following mixed beverages licenses:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in dining areas and other designated areas of such restaurant or off-premises consumption. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

If the restaurant is located on the premises of a hotel or motel with no fewer than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms, and other private rooms of such hotel or motel, such licensee may (a) sell and serve mixed beverages for on-premises consumption in such designated areas, bedrooms, and other private rooms or off-premises consumption and (b) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit, or profit club exclusively for its members and their guests, or members of another private, nonprofit, or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to (1) sell and serve mixed beverages for on-premises or off-premises consumption and (2) sell spirits that are packaged in original closed containers with a maximum capacity of two fluid ounces or 50 milliliters and purchased from the Board for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

If the restaurant is located on the premises of and operated by a municipal golf course, the Board shall recognize the seasonal nature of the business and waive any applicable monthly food sales requirements for those months when weather conditions may reduce patronage of the golf course, provided that prepared food, including meals, is available to patrons during the same months. The gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after the issuance of such license, shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food on an annualized basis.

If the restaurant is located on the premises of and operated by a culinary lodging resort, such license shall authorize the licensee to (A) sell alcoholic beverages, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, for off-premises consumption or for on-premises consumption in areas upon the licensed premises approved by the Board and other designated areas of the resort, including outdoor areas under the control of the licensee, and (B) permit the possession and consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in bedrooms and private guest rooms.

If the restaurant is located on the premises of a mixed beverage casino licensee owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1, such mixed beverage restaurant license shall authorize the licensee to sell alcoholic beverages for on-premises consumption on the licensed premises of the restaurant during all hours of operation of the mixed beverage casino licensee. Any alcoholic beverages purchased from such restaurant may be (I) taken onto the premises of the mixed beverage casino licensee and (II) possessed or consumed in areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, conference rooms, private rooms, hotels, pools, marinas, or green spaces. Alcoholic beverages purchased from a restaurant pursuant to this subdivision shall be contained

in glassware or a paper, plastic, or similar disposable container that clearly displays the name or logo of the restaurant from which the alcoholic beverage was purchased.

The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage carrier licenses to persons operating a common carrier of passengers by train, boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load alcoholic beverages onto the same airplanes and to transport and store alcoholic beverages at or in close proximity to the airport where the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (i) designate for purposes of its license all locations where the inventory of alcoholic beverages may be stored and from which the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier and (ii) maintain records of all alcoholic beverages to be transported, stored, and delivered by its authorized representative. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

5. Annual mixed beverage motor sports facility licenses, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers or in single original metal cans, during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas, or similar facilities, for on-premises consumption. Such license may be granted to persons operating food concessions at an outdoor motor sports facility that (i) is located on 1,200 acres of rural property bordering the Dan River and has a track surface of 3.27 miles in length or (ii) hosts a NASCAR national touring race. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for on-premises consumption in dining areas of the restaurant or off-premises consumption. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic beverages. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee to sell, on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption in all seating areas, concourses, walkways, concession areas, similar facilities, and other areas upon the licensed premises approved by the Board and (ii) automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Such licenses may be granted to the following:

a. Corporations or associations operating a performing arts facility, provided the performing arts facility (i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards;

b. Persons operating food concessions at any performing arts facility located in the City of Norfolk or the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession

agreement, the original term of which was more than five years; (ii) has a capacity in excess of 1,400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants;

c. Persons operating food concessions at any performing arts facility located in the City of Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a total capacity in excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation standards;

d. Persons operating food concessions at any performing arts facility located in the arts and cultural district of the City of Harrisonburg, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has been rehabilitated in accordance with historic preservation standards; (iii) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons;

e. Persons operating food concessions at any multipurpose theater located in the historical district of the Town of Bridgewater, provided that the theater (i) is owned and operated by a governmental entity and (ii) has a total capacity in excess of 100 patrons;

f. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach;

g. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth; or

h. Persons operating food concessions at any corporate and performing arts facility located in Fairfax County, provided that the corporate and performing arts facility (i) is occupied under a bona fide long-term lease, management, or concession agreement, the original term of which was more than one year and (ii) has a total capacity in excess of 1,400 patrons. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business premises designated in the license, with a common alcoholic beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

11. Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.

12. Commercial lifestyle center licenses, which may be issued only to a commercial owners' association governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the commercial lifestyle center designated by the

Board, including (i) plazas, seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be consumed on the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed premises; however, no physical barriers shall be required for this purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the applicable provisions of this title and Board regulations.

13. Mixed beverage port restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons operating a business (i) that is primarily engaged in the sale of meals; (ii) that is located on property owned by the United States government or an agency thereof and used as a port of entry to or egress from the United States; and (iii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

14. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating either a performing arts facility or an art education and exhibition facility; (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and objects significant in American history and culture; (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open-door or closed-door access; or (iv) a locality for special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease, the original term of which was for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

15. *Mixed beverage casino licenses, which shall authorize the licensee to (i) sell and serve mixed beverages for on-premises consumption in areas designated by the Board, after consultation with the mixed beverage casino licensee, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) provide complimentary mixed beverages to patrons for on-premises consumption in private areas or restricted access areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, private rooms, conference rooms, hotels, pools, marinas, or green spaces. The granting of a license pursuant to this subdivision shall authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption in accordance with the provisions of this subdivision governing mixed beverages; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Notwithstanding any law or regulation to the contrary, a mixed beverage casino licensee may exercise the privileges of its license as set forth in this subdivision during all hours of operation of the casino gaming establishment; however, such licensee shall not sell wine or beer for off-premises consumption between the hours of 12 a.m. and 6 a.m.*

A mixed beverage casino licensee may (a) provide patrons gifts of alcoholic beverages in closed containers for personal consumption off the licensed premises or in areas designated by the Board, after consultation with the mixed beverage casino licensee, and (b) enable patrons who participate in a loyalty or reward credit program to redeem credits for the purchase of alcoholic beverages for on-premises consumption. A summary of the operation of such loyalty or reward credit program shall be provided to the Board upon request.

A mixed beverage casino license may only be issued to a casino gaming establishment owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1.

B. The Board may grant an on-and-off-premises wine and beer license to the following:

1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed containers for off-premises consumption or (ii) for on-premises consumption, either with or without meals, in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging

is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

2. Hospitals, which shall authorize the licensee to sell wine and beer (i) in the rooms of patients for their on-premises consumption only in such rooms, provided the consent of the patient's attending physician is first obtained or (ii) in closed containers for off-premises consumption.

3. Rural grocery stores, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption. No license shall be granted unless (i) the grocery store is located in any town or in a rural area outside the corporate limits of any city or town and (ii) it appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this title will be promoted by granting the license.

4. Coliseums, stadiums, and racetracks, which shall authorize the licensee to sell wine and beer during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at coliseums, stadiums, racetracks, or similar facilities.

5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer during the performance of any event to patrons within all seating areas, concourses, walkways, or concession areas, or other areas approved by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that (a) has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach; (b) has seating or capacity for more than 3,500 persons and is located in the County of Albemarle, Alleghany, Augusta, Nelson, Pittsylvania, or Rockingham or the City of Charlottesville, Danville, or Roanoke; or (c) has capacity for more than 9,500 persons and is located in Henrico County.

6. Exhibition halls, which shall authorize the licensee to sell wine and beer during the event to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at exhibition or exposition halls, convention centers, or similar facilities located in any county operating under the urban county executive form of government or any city that is completely surrounded by such county. For purposes of this subdivision, "exhibition or exposition hall" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

7. Concert and dinner-theaters, which shall authorize the licensee to sell wine and beer during events to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, dining areas, and such additional locations designated by the Board in such facilities, for on-premises consumption or in closed containers for off-premises consumption. Persons licensed pursuant to this subdivision shall serve food, prepared on or off premises, whenever wine or beer is served. Such licenses may be granted to persons operating concert or dinner-theater venues on property fronting Natural Bridge School Road in Natural Bridge Station and formerly operated as Natural Bridge High School.

8. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or without meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be lawfully sold, for on-premises consumption or in closed containers for off-premises consumption. The privileges of this license shall be limited to the premises of the historic cinema house regularly occupied and utilized as such.

9. Nonprofit museums, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption in areas approved by the Board. Such licenses may be granted to persons operating a nonprofit museum exempt from taxation under § 501(c)(3) of the Internal Revenue Code, located in the Town of Front Royal, and dedicated to educating the consuming public about historic beer products. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

C. The Board may grant the following off-premises wine and beer licenses:

1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery store, delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina store as defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-308, to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-premises consumption; however, no single sample shall exceed four ounces of beer or two ounces of wine and no more than 12 ounces of beer or five ounces of wine shall be served to any person per day. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. With the consent of the licensee, farm wineries, wineries, breweries, distillers, and wholesale licensees or authorized representatives of such licensees may participate in such tastings, including the pouring of samples. The licensee shall comply with any food inventory and sales volume requirements established by Board regulation.

2. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging, and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for off-premises consumption in accordance with subdivision 6 of § 4.1-200.

3. Confectionery licenses, which shall authorize the licensee to prepare and sell on the licensed premises for off-premises consumption confectionery that contains five percent or less alcohol by volume. Any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold.

D. The Board may grant the following banquet, special event, and tasting licenses:

1. Per-day event licenses.

a. Banquet licenses to persons in charge of *private* banquets, and to duly organized nonprofit corporations or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Licensees who are nonprofit corporations or associations conducting fundraisers (i) shall also be authorized to sell wine, as part of any fundraising activity, in closed containers for off-premises consumption to persons to whom wine may be lawfully sold; (ii) shall be limited to no more than one such fundraiser per year; and (iii) if conducting such fundraiser through an online meeting platform, may ship such wine, in accordance with Board regulations, in closed containers to persons located within the Commonwealth. Except as provided in § 4.1-215, a separate license shall be required for each day of each banquet or special event. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Mixed beverage special events licenses to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

d. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

2. Annual licenses.

a. Annual banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer fire or volunteer emergency medical services agency station, provided such other premises are occupied and under the control of

the volunteer fire department or volunteer emergency medical services agency while the privileges of its license are being exercised.

c. Designated outdoor refreshment area licenses to a locality, business improvement district, or nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within the area designated by the Board for the designated outdoor refreshment area and (ii) any permanent retail on-premises licensee that is located within the area designated by the Board for the designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for consumption in the area designated for the designated outdoor refreshment area, including sidewalks and the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the designated area for the designated outdoor refreshment area, the Board shall consult with the locality. Designated outdoor refreshment area licensees shall be limited to 16 events per year, and the duration of any event shall not exceed three consecutive days. However, the Board may increase the frequency and duration of events after adoption of an ordinance by a locality requesting such increase in frequency and duration. Such ordinance shall include the size and scope of the area within which such events will be held, a public safety plan, and any other considerations deemed necessary by the Board. Such limitations on the number of events that may be held shall not apply during the effective dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively reduces allowable restaurant seating capacity; however, designated outdoor refreshment area licensees shall be subject to all other applicable provisions of this title and Board regulations and shall provide notice to the Board regarding the days and times during which the privileges of the license will be exercised. Only alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area may be consumed at the event, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly display the name or logo of the retail on-premises licensee from which the alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the designated outdoor refreshment area licensee. The designated outdoor refreshment area licensee shall post appropriate signage clearly demarcating for the public the boundaries of the event; however, no physical barriers shall be required for this purpose. The designated outdoor refreshment area licensee shall provide adequate security for the event to ensure compliance with the applicable provisions of this title and Board regulations.

d. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt, and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt, and steeplechase events, and (ii) exercised on no more than four calendar days per year.

f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

E. The Board may grant a marketplace license to persons operating a business enterprise of which the primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. In order to be eligible for and retain a marketplace license, the applicant's business enterprise must (i) provide a single category of goods or services in a manner intended to create a personalized experience for the customer; (ii) employ staff with expertise in such goods or services; (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic beverage control manager on the licensed premises at all times alcohol is served; (v) ensure that all employees satisfy any training requirements imposed by the Board; and (vi) purchase all wine and beer to be served from a licensed wholesaler or the Authority and retain purchase records as prescribed by the Board. In determining whether to grant a marketplace license, the Board shall consider (a) the average amount of time customers spend at the business; (b) the business's hours of operation; (c) the amount of time that the business has been in operation; and (d) any other requirements deemed necessary by the Board to protect the public health, safety, and welfare.

F. The Board may grant the following shipper, bottler, and related licenses:

1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in § 4.1-209.1.

2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside the Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations, in closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for off-premises consumption. Such licensee shall not be required to comply with the monthly food sale requirement established by Board regulations.

3. Bottler licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell, and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

4. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by holders of wine and beer shipper's licenses; (ii) store such wine or beer on behalf of the owner; and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or not, or any person under common control of such licensee, shall acquire or hold any financial interest, direct or indirect, in the business for which any fulfillment warehouse license is issued.

5. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer may be lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine and beer shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

§ 4.1-206.3. (Effective July 1, 2022) Retail licenses.

A. The Board may grant the following mixed beverages licenses:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

If the restaurant is located on the premises of a hotel or motel with no fewer than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms, and other private rooms of such hotel or motel, such licensee may (a) sell and serve mixed beverages for consumption in such designated areas, bedrooms, and other private rooms and (b) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit, or profit club exclusively for its members and their guests, or members of another private, nonprofit, or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to (1) sell and serve mixed beverages for on-premises consumption and (2) sell spirits that are packaged in original closed containers with a maximum capacity of two fluid ounces or 50 milliliters and purchased from the Board for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

If the restaurant is located on the premises of and operated by a municipal golf course, the Board shall recognize the seasonal nature of the business and waive any applicable monthly food sales requirements for those months when weather conditions may reduce patronage of the golf course, provided that prepared food, including meals, is available to patrons during the same months. The gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after the issuance of such license, shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food on an annualized basis.

If the restaurant is located on the premises of and operated by a culinary lodging resort, such license shall authorize the licensee to (A) sell alcoholic beverages for on-premises consumption, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, in areas upon the licensed premises approved by the Board and other designated areas of the resort, including outdoor areas under the control of the licensee, and (B) permit the possession

and consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in bedrooms and private guest rooms.

If the restaurant is located on the premises of a mixed beverage casino licensee owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1, such mixed beverage restaurant license shall authorize the licensee to sell alcoholic beverages for on-premises consumption on the licensed premises of the restaurant during all hours of operation of the mixed beverage casino licensee. Any alcoholic beverages purchased from such restaurant may be (I) taken onto the premises of the mixed beverage casino licensee and (II) possessed or consumed in areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, conference rooms, private rooms, hotels, pools, marinas, or green spaces. Alcoholic beverages purchased from a restaurant pursuant to this subdivision shall be contained in glassware or a paper, plastic, or similar disposable container that clearly displays the name or logo of the restaurant from which the alcoholic beverage was purchased.

The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage carrier licenses to persons operating a common carrier of passengers by train, boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load alcoholic beverages onto the same airplanes and to transport and store alcoholic beverages at or in close proximity to the airport where the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (i) designate for purposes of its license all locations where the inventory of alcoholic beverages may be stored and from which the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier and (ii) maintain records of all alcoholic beverages to be transported, stored, and delivered by its authorized representative. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

5. Annual mixed beverage motor sports facility licenses, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers or in single original metal cans, during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas, or similar facilities, for on-premises consumption. Such license may be granted to persons operating food concessions at an outdoor motor sports facility that (i) is located on 1,200 acres of rural property bordering the Dan River and has a track surface of 3.27 miles in length or (ii) hosts a NASCAR national touring race. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for consumption in dining areas of the restaurant. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic beverages. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee to sell, on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption in all seating areas, concourses, walkways, concession areas, similar facilities, and other

areas upon the licensed premises approved by the Board and (ii) automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Such licenses may be granted to the following:

a. Corporations or associations operating a performing arts facility, provided the performing arts facility (i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards;

b. Persons operating food concessions at any performing arts facility located in the City of Norfolk or the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 1,400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants;

c. Persons operating food concessions at any performing arts facility located in the City of Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a total capacity in excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation standards;

d. Persons operating food concessions at any performing arts facility located in the arts and cultural district of the City of Harrisonburg, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has been rehabilitated in accordance with historic preservation standards; (iii) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons;

e. Persons operating food concessions at any multipurpose theater located in the historical district of the Town of Bridgewater, provided that the theater (i) is owned and operated by a governmental entity and (ii) has a total capacity in excess of 100 patrons;

f. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach;

g. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth; or

h. Persons operating food concessions at any corporate and performing arts facility located in Fairfax County, provided that the corporate and performing arts facility (i) is occupied under a bona fide long-term lease, management, or concession agreement, the original term of which was more than one year and (ii) has a total capacity in excess of 1,400 patrons. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business premises designated in the license, with a common alcoholic beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

11. Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.

12. Commercial lifestyle center licenses, which may be issued only to a commercial owners' association governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas, seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be consumed on the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed premises; however, no physical barriers shall be required for this purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the applicable provisions of this title and Board regulations.

13. Mixed beverage port restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons operating a business (i) that is primarily engaged in the sale of meals; (ii) that is located on property owned by the United States government or an agency thereof and used as a port of entry to or egress from the United States; and (iii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

14. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating either a performing arts facility or an art education and exhibition facility; (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and objects significant in American history and culture; (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open-door or closed-door access; or (iv) a locality for special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease, the original term of which was for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

15. *Mixed beverage casino licenses, which shall authorize the licensee to (i) sell and serve mixed beverages for on-premises consumption in areas designated by the Board, after consultation with the mixed beverage casino licensee, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) provide complimentary mixed beverages to patrons for on-premises consumption in private areas or restricted access areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, private rooms, conference rooms, hotels, pools, marinas, or green spaces. The granting of a license pursuant to this subdivision shall authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption in accordance with the provisions of this subdivision governing mixed beverages; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Notwithstanding any law or regulation to the contrary, a mixed beverage casino licensee may exercise the privileges of its license as set forth in this subdivision during all hours of operation of the casino gaming establishment; however, such licensee shall not sell wine or beer for off-premises consumption between the hours of 12 a.m. and 6 a.m.*

A mixed beverage casino licensee may (a) provide patrons gifts of alcoholic beverages in closed containers for personal consumption off the licensed premises or in areas designated by the Board, after consultation with the mixed beverage casino licensee, and (b) enable patrons who participate in a loyalty or reward credit program to redeem credits for the purchase of alcoholic beverages for on-premises consumption. A summary of the operation of such loyalty or reward credit program shall be provided to the Board upon request.

A mixed beverage casino license may only be issued to a casino gaming establishment owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1.

B. The Board may grant an on-and-off-premises wine and beer license to the following:

1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed containers for off-premises consumption or (ii) for on-premises consumption, either with or without meals, in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

2. Hospitals, which shall authorize the licensee to sell wine and beer (i) in the rooms of patients for their on-premises consumption only in such rooms, provided the consent of the patient's attending physician is first obtained or (ii) in closed containers for off-premises consumption.

3. Rural grocery stores, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption. No license shall be granted unless (i) the grocery store is located in any town or in a rural area outside the corporate limits of any city or town and (ii) it appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this title will be promoted by granting the license.

4. Coliseums, stadiums, and racetracks, which shall authorize the licensee to sell wine and beer during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at coliseums, stadiums, racetracks, or similar facilities.

5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer during the performance of any event to patrons within all seating areas, concourses, walkways, or concession areas, or other areas approved by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that (a) has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach; (b) has seating or capacity for more than 3,500 persons and is located in the County of Albemarle, Alleghany, Augusta, Nelson, Pittsylvania, or Rockingham or the City of Charlottesville, Danville, or Roanoke; or (c) has capacity for more than 9,500 persons and is located in Henrico County.

6. Exhibition halls, which shall authorize the licensee to sell wine and beer during the event to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at exhibition or exposition halls, convention centers, or similar facilities located in any county operating under the urban county executive form of government or any city that is completely surrounded by such county. For purposes of this subdivision, "exhibition or exposition hall" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

7. Concert and dinner-theaters, which shall authorize the licensee to sell wine and beer during events to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, dining areas, and such additional locations designated by the Board in such facilities, for on-premises consumption or in closed containers for off-premises consumption. Persons licensed pursuant to this subdivision shall serve food, prepared on or off premises, whenever wine or beer is served. Such licenses may be granted to persons operating concert or dinner-theater venues on property fronting Natural Bridge School Road in Natural Bridge Station and formerly operated as Natural Bridge High School.

8. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or without meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be lawfully sold, for on-premises consumption or in closed containers for off-premises consumption. The privileges of this license shall be limited to the premises of the historic cinema house regularly occupied and utilized as such.

9. Nonprofit museums, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption in areas approved by the Board. Such licenses may be granted to persons operating a nonprofit museum exempt from taxation under § 501(c)(3) of the Internal Revenue Code, located in the Town of Front Royal, and dedicated to educating the consuming public about historic beer products. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

C. The Board may grant the following off-premises wine and beer licenses:

1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery store, delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina store as defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-308, to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-premises consumption; however, no single sample shall exceed four ounces of beer or two ounces of wine and no more than 12 ounces of beer or five ounces of wine shall be served to any person per day. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. With the consent of the licensee, farm wineries, wineries, breweries, distillers, and wholesale licensees or authorized representatives of such licensees may participate in such tastings, including the pouring of samples. The licensee shall comply with any food inventory and sales volume requirements established by Board regulation.

2. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging, and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for off-premises consumption in accordance with subdivision 6 of § 4.1-200.

3. Confectionery licenses, which shall authorize the licensee to prepare and sell on the licensed premises for off-premises consumption confectionery that contains five percent or less alcohol by volume. Any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold.

D. The Board may grant the following banquet, special event, and tasting licenses:

1. Per-day event licenses.

a. Banquet licenses to persons in charge of *private* banquets, and to duly organized nonprofit corporations or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Licensees who are nonprofit corporations or associations conducting fundraisers (i) shall also be authorized to sell wine, as part of any fundraising activity, in closed containers for off-premises consumption to persons to whom wine may be lawfully sold; (ii) shall be limited to no more than one such fundraiser per year; and (iii) if conducting such fundraiser through an online meeting platform, may ship such wine, in accordance with Board regulations, in closed containers to persons located within the Commonwealth. Except as provided in § 4.1-215, a separate license shall be required for each day of each banquet or special event. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Mixed beverage special events licenses to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

d. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

2. Annual licenses.

a. Annual banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. For the purposes of this subdivision, when the location named in the original application

for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer fire or volunteer emergency medical services agency station, provided such other premises are occupied and under the control of the volunteer fire department or volunteer emergency medical services agency while the privileges of its license are being exercised.

c. Designated outdoor refreshment area licenses to a locality, business improvement district, or nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within the area designated by the Board for the designated outdoor refreshment area and (ii) any permanent retail on-premises licensee that is located within the area designated by the Board for the designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for consumption in the area designated for the designated outdoor refreshment area, including sidewalks and the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the designated area for the designated outdoor refreshment area, the Board shall consult with the locality. Designated outdoor refreshment area licenses shall be limited to 16 events per year, and the duration of any event shall not exceed three consecutive days. However, the Board may increase the frequency and duration of events after adoption of an ordinance by a locality requesting such increase in frequency and duration. Such ordinance shall include the size and scope of the area within which such events will be held, a public safety plan, and any other considerations deemed necessary by the Board. Such limitations on the number of events that may be held shall not apply during the effective dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively reduces allowable restaurant seating capacity; however, designated outdoor refreshment area licensees shall be subject to all other applicable provisions of this title and Board regulations and shall provide notice to the Board regarding the days and times during which the privileges of the license will be exercised. Only alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area may be consumed at the event, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly display the name or logo of the retail on-premises licensee from which the alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the designated outdoor refreshment area licensee. The designated outdoor refreshment area licensee shall post appropriate signage clearly demarcating for the public the boundaries of the event; however, no physical barriers shall be required for this purpose. The designated outdoor refreshment area licensee shall provide adequate security for the event to ensure compliance with the applicable provisions of this title and Board regulations.

d. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt, and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt, and steeplechase events, and (ii) exercised on no more than four calendar days per year.

f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

E. The Board may grant a marketplace license to persons operating a business enterprise of which the primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. In order to be eligible for and retain a marketplace license, the applicant's business enterprise must (i) provide a single category of goods or services in a manner intended to create a personalized experience for the customer; (ii) employ staff with expertise in such goods or services;

(iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic beverage control manager on the licensed premises at all times alcohol is served; (v) ensure that all employees satisfy any training requirements imposed by the Board; and (vi) purchase all wine and beer to be served from a licensed wholesaler or the Authority and retain purchase records as prescribed by the Board. In determining whether to grant a marketplace license, the Board shall consider (a) the average amount of time customers spend at the business; (b) the business's hours of operation; (c) the amount of time that the business has been in operation; and (d) any other requirements deemed necessary by the Board to protect the public health, safety, and welfare.

F. The Board may grant the following shipper, bottler, and related licenses:

1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in § 4.1-209.1.
2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside the Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations, in closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for off-premises consumption. Such licensee shall not be required to comply with the monthly food sale requirement established by Board regulations.
3. Bottler licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell, and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.
4. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by holders of wine and beer shipper's licenses; (ii) store such wine or beer on behalf of the owner; and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or not, or any person under common control of such licensee, shall acquire or hold any financial interest, direct or indirect, in the business for which any fulfillment warehouse license is issued.
5. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer may be lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine and beer shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

§ 4.1-231.1. Fees on state licenses.

A. (Contingent expiration date) The annual fees on state licenses shall be as follows:

1. Manufacturer licenses. For each:
 - a. Distiller's license and limited distiller's license, if not more than 5,000 gallons of alcohol or spirits, or both, manufactured during the year in which the license is granted, \$490; if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, \$2,725; and if more than 36,000 gallons manufactured during such year, \$4,060;
 - b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, \$380; if not more than 10,000 barrels of beer manufactured during the year in which the license is granted, \$2,350; and if more than 10,000 barrels manufactured during such year, \$4,690;
 - c. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the license is granted, \$215, and if more than 5,000 gallons manufactured during such year, \$4,210;
 - d. Farm winery license, \$245 for any Class A license and \$4,730 for any Class B license;
 - e. Wine importer's license, \$460; and
 - f. Beer importer's license, \$460.
2. Wholesale licenses. For each:
 - a. (1) Wholesale beer license, \$1,005 for any wholesaler who sells 300,000 cases of beer a year or less, \$1,545 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a year, and \$2,010 for any wholesaler who sells more than 600,000 cases of beer a year; and
 - (2) Wholesale beer license applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision a (1), multiplied by the number of separate locations covered by the license;
 - b. (1) Wholesale wine license, \$240 for any wholesaler who sells 30,000 gallons of wine or less per year, \$1,200 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000 gallons of wine per year, \$1,845 for any wholesaler who sells more than 150,000 but not more than 300,000 gallons of wine per year, and \$2,400 for any wholesaler who sells more than 300,000 gallons of wine per year; and
 - (2) Wholesale wine license, including that granted pursuant to subdivision 3 of § 4.1-206.2, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision b (1), multiplied by the number of separate locations covered by the license.
3. Retail licenses — mixed beverage. For each:
 - a. Mixed beverage restaurant license, granted to persons operating restaurants, including restaurants located on premises of and operated by *casinos*, hotels or motels, or other persons:
 - (1) With a seating capacity at tables for up to 100 persons, \$1,050;

- (2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$1,495;
- (3) With a seating capacity at tables for more than 150 persons but not more than 500 persons, \$1,980;
- (4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons, \$2,500; and
- (5) With a seating capacity at tables for more than 1,000 persons, \$3,100;

b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs:

- (1) With an average yearly membership of not more than 200 resident members, \$1,250;
- (2) With an average yearly membership of more than 200 but not more than 500 resident members, \$2,440; and
- (3) With an average yearly membership of more than 500 resident members, \$3,410;

c. Mixed beverage ~~restaurant~~ *casino* license ~~for restaurants located on the premises of and operated by a casino gaming establishment~~, \$3,100 plus an additional \$5 for each gaming station located on the premises of the casino gaming establishment. *For the purposes of this subdivision, "gaming station" means each slot machine and each casino gaming table that is in active use, as determined annually on December 31;*

- d. Mixed beverage caterer's license, \$1,990;
- e. Mixed beverage limited caterer's license, \$550;
- f. Mixed beverage carrier license:

(1) \$520 for each of the average number of dining cars, buffet cars, or club cars operated daily in the Commonwealth by a common carrier of passengers by train;

- (2) \$910 for each common carrier of passengers by boat;
- (3) \$520 for each common carrier of passengers by bus; and
- (4) \$2,360 for each license granted to a common carrier of passengers by airplane;

g. Annual mixed beverage motor sports facility license, \$630;

h. Limited mixed beverage restaurant license:

- (1) With a seating capacity at tables for up to 100 persons, \$945;
- (2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$1,385; and
- (3) With a seating capacity at tables for more than 150 persons, \$1,875;

i. Annual mixed beverage performing arts facility license, \$630;

j. Bed and breakfast license, \$100;

k. Museum license, \$260;

l. Motor car sporting event facility license, \$300;

m. Commercial lifestyle center license, \$300;

n. Mixed beverage port restaurant license, \$1,050; and

o. Annual mixed beverage special events license, \$630.

4. Retail licenses — on-and-off-premises wine and beer. For each on-and-off premises wine and beer license, \$450.

5. Retail licenses — off-premises wine and beer. For each:

a. Retail off-premises wine and beer license, \$300;

b. Gourmet brewing shop license, \$320; and

c. Confectionery license, \$170.

6. Retail licenses — banquet, special event, and tasting licenses.

a. Per-day event licenses. For each:

(1) Banquet license, \$40 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215, which shall be \$100 per license;

(2) Mixed beverage special events license, \$45 for each day of each event;

(3) Mixed beverage club events license, \$35 for each day of each event; and

(4) Tasting license, \$40.

b. Annual licenses. For each:

(1) Annual banquet license, \$300;

(2) Banquet facility license, \$260;

(3) Designated outdoor refreshment area license, \$300. However, for any designated outdoor refreshment area license issued pursuant to a local ordinance, the annual fee shall be \$3,000;

(4) Annual mixed beverage banquet license, \$630;

(5) Equine sporting event license, \$300; and

(6) Annual arts venue event license, \$300.

7. Retail licenses — marketplace. For each marketplace license, \$1,000.

8. Retail licenses — shipper, bottler, and related licenses. For each:

a. Wine and beer shipper's license, \$230;

b. Internet wine and beer retailer license, \$240;

c. Bottler license, \$1,500;

d. Fulfillment warehouse license, \$210; and

e. Marketing portal license, \$285.

9. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax imposed by this section on the license for which the applicant applied.

B. The tax on each license granted or reissued for a period other than 12, 24, or 36 months shall be equal to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by the number of months in the license period, and then increased by five percent. Such tax shall not be refundable, except as provided in § 4.1-232.

C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter, shall be liable to state merchants' license taxation and state restaurant license taxation and other state taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license tax on a beer wholesaler, the first \$163,800 of beer purchases shall be disregarded; and in ascertaining the liability of a wholesale wine distributor to merchants' license taxation, and in computing the wholesale merchants' license tax on a wholesale wine distributor, the first \$163,800 of wine purchases shall be disregarded.

D. In addition to the taxes set forth in this section, a fee of \$5 may be imposed on any license purchased in person from the Board if such license is available for purchase online.

§ 4.1-233.1. Fees on local licenses.

A. In addition to the state license taxes, the annual local license taxes that may be collected shall not exceed the following sums:

1. Manufacturer licenses. For each:

a. Distiller's license and limited distiller's license, if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, \$750; if more than 36,000 gallons manufactured during such year, \$1,000; and no local license shall be required for any person who manufactures not more than 5,000 gallons of alcohol or spirits, or both, during such license year;

b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, \$250, and if more than 500 barrels manufactured during such year, \$1,000;

c. Winery license, \$50; and

d. Farm winery license, \$50.

2. Wholesale licenses. For each:

a. Wholesale beer license, in a city, \$250, and in a county or town, \$75; and

b. Wholesale wine license, \$50.

3. Retail licenses — mixed beverage. For each:

a. Mixed beverage restaurant license, granted to persons operating restaurants, including restaurants located on premises of and operated by *casinos*, hotels or motels, or other persons:

(1) With a seating capacity at tables for up to 100 persons, \$200;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$350;

(3) With a seating capacity at tables for more than 150 persons but not more than 500 persons, \$500;

(4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons, \$650; and

(5) With a seating capacity at tables for more than 1,000 persons, \$800;

b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs, \$350;

c. Mixed beverage ~~restaurant~~ *casino* license for ~~restaurants located on the premises of and operated by a casino gaming establishment~~, \$800 plus an additional \$2 for each gaming station located on the premises of the casino gaming establishment. *For the purposes of this subdivision, "gaming station" means each slot machine and each casino gaming table that is in active use, as determined annually on December 31;*

d. Mixed beverage caterer's license, \$500;

e. Mixed beverage limited caterer's license, \$100;

f. Annual mixed beverage motor sports facility license, \$300;

g. Limited mixed beverage restaurant license:

(1) With a seating capacity at tables for up to 100 persons, \$100;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$250; or

(3) With a seating capacity at tables for more than 150 persons, \$400;

h. Annual mixed beverage performing arts facility license, \$300;

i. Bed and breakfast license, \$40;

j. Museum license, \$10;

k. Motor car sporting event facility license, \$10;

l. Commercial lifestyle center license, \$60; and

m. Annual mixed beverage special events license, \$300.

4. Retail licenses — on-and-off-premises wine and beer. For each on-and-off premises wine and beer license issued to:

a. Hotels, restaurants, and clubs, in a city, \$150, and in a county or town, \$37.50;

b. Hospitals, \$10;

c. Rural grocery stores, \$37.50; and

d. Historic cinema houses, \$20.

5. Retail licenses — off-premises wine and beer. For each:

- a. Retail off-premises wine and beer license, in a city, \$150, and in a county or town, \$37.50;
- b. Gourmet brewing shop license, \$150; and
- c. Confectionery license, \$20.

6. Retail licenses — banquet, special event, and tasting licenses. For each:

a. Per-day event licenses. For each:

(1) Banquet license, \$5 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215, which shall be \$20 per license;

(2) Mixed beverage special events license, \$10 for each day of each event;

(3) Mixed beverage club events license, \$10 for each day of each event; and

(4) Tasting license, \$10.

b. Annual licenses. For each:

(1) Annual banquet license, \$15;

(2) Designated outdoor refreshment area license, \$60. However, for any designated outdoor refreshment area license issued pursuant to a local ordinance, the annual fee shall be \$600;

(3) Annual mixed beverage banquet license, \$75;

(4) Equine sporting event license, \$10; and

(5) Annual arts venue event license, \$10.

7. Retail licenses — marketplace. For each marketplace license, \$200.

8. Retail licenses — shipper, bottler, and related licenses. For each:

a. Wine and beer shipper's license, \$10; and

b. Bottler license, \$500.

B. Common carriers. No local license tax shall be either charged or collected for the privilege of selling alcoholic beverages in (i) passenger trains, boats, buses, or airplanes or (ii) rooms designated by the Board of establishments of air carriers of passengers at airports in the Commonwealth for on-premises consumption only.

C. Merchants' and restaurants' license taxes. The governing body of each county, city, or town in the Commonwealth, in imposing local wholesale merchants' license taxes measured by purchases, local retail merchants' license taxes measured by sales, and local restaurant license taxes measured by sales, may include alcoholic beverages in the base for measuring such local license taxes the same as if the alcoholic beverages were nonalcoholic. No local alcoholic beverage license authorized by this chapter shall exempt any licensee from any local merchants' or local restaurant license tax, but such local merchants' and local restaurant license taxes may be in addition to the local alcoholic beverage license taxes authorized by this chapter.

The governing body of any county, city, or town, in adopting an ordinance under this section, shall provide that in ascertaining the liability of (i) a beer wholesaler to local merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license tax on such beer wholesaler, purchases of beer up to a stated amount shall be disregarded, which stated amount shall be the amount of beer purchases which would be necessary to produce a local wholesale merchants' license tax equal to the local wholesale beer license tax paid by such wholesaler and (ii) a wholesale wine licensee to local merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license tax on such wholesale wine licensee, purchases of wine up to a stated amount shall be disregarded, which stated amount shall be the amount of wine purchases which would be necessary to produce a local wholesale merchants' license tax equal to the local wholesale wine licensee license tax paid by such wholesale wine licensee.

D. Delivery. No county, city, or town shall impose any local alcoholic beverage license tax on any wholesaler for the privilege of delivering alcoholic beverages in the county, city, or town when such wholesaler maintains no place of business in such county, city, or town.

E. Application of county tax within town. Any county license tax imposed under this section shall not apply within the limits of any town located in such county, where such town imposes a town license tax on the same privilege.

§ 4.1-325. Prohibited acts by mixed beverage licensees; penalty.

A. In addition to § 4.1-324, no mixed beverage licensee nor any agent or employee of such licensee shall:

1. Sell or serve any alcoholic beverage other than as authorized by law;
2. Sell any authorized alcoholic beverage to any person or at any place except as authorized by law;
3. Allow at the place described in his license the consumption of alcoholic beverages in violation of this title;
4. Keep at the place described in his license any alcoholic beverage other than that which he is licensed to sell;
5. Misrepresent the brand of any alcoholic beverage sold or offered for sale;

6. Keep any alcoholic beverage other than in the bottle or container in which it was purchased by him except (i) for a frozen alcoholic beverage, which may include alcoholic beverages in a frozen drink dispenser of a type approved by the Board; (ii) in the case of wine, in containers of a type approved by the Board pending automatic dispensing and sale of such wine; and (iii) as otherwise provided by Board regulation. Neither this subdivision nor any Board regulation shall prohibit any mixed beverage licensee from premixing containers of sangria, to which spirits may be added, to be served and sold for consumption on the licensed premises;

7. Refill or partly refill any bottle or container of alcoholic beverage or dilute or otherwise tamper with the contents of any bottle or container of alcoholic beverage, except as provided by Board regulation adopted pursuant to subdivision B 11 of § 4.1-111;

8. Sell or serve any brand of alcoholic beverage which is not the same as that ordered by the purchaser without first advising such purchaser of the difference;

9. Remove or obliterate any label, mark, or stamp affixed to any container of alcoholic beverages offered for sale;

10. Deliver or sell the contents of any container if the label, mark, or stamp has been removed or obliterated;

11. Allow any obscene conduct, language, literature, pictures, performance, or materials on the licensed premises;

12. Allow any striptease act on the licensed premises;

13. Allow persons connected with the licensed business to appear nude or partially nude;

14. Consume or allow the consumption by an employee of any alcoholic beverages while on duty and in a position that is involved in the selling or serving of alcoholic beverages to customers.

The provisions of this subdivision shall not prohibit any retail licensee or his designated employee from (i) consuming product samples or sample servings of (a) beer or wine provided by a representative of a licensed beer or wine wholesaler or manufacturer or (b) a distilled spirit provided by a permittee of the Board who represents a distiller, if such samples are provided in accordance with Board regulations and the retail licensee or his designated employee does not violate the provisions of subdivision 1 f of § 4.1-225 or (ii) tasting an alcoholic beverage that has been or will be delivered to a customer for quality control purposes;

15. Deliver to a consumer an original bottle of an alcoholic beverage purchased under such license whether the closure is broken or unbroken except in accordance with § 4.1-206.3.

The provisions of this subdivision shall not apply to the delivery of:

a. "Soju." For the purposes of this subdivision, "soju" means a traditional Korean alcoholic beverage distilled from rice, barley or sweet potatoes; or

b. Spirits, provided (i) the original container is no larger than 375 milliliters, (ii) the alcohol content is no greater than 15 percent by volume, and (iii) the contents of the container are carbonated and perishable;

16. Be intoxicated while on duty or employ an intoxicated person on the licensed premises;

17. Conceal any sale or consumption of any alcoholic beverages;

18. Fail or refuse to make samples of any alcoholic beverages available to the Board upon request or obstruct special agents of the Board in the discharge of their duties;

19. Store alcoholic beverages purchased under the license in any unauthorized place or remove any such alcoholic beverages from the premises;

20. Knowingly employ in the licensed business any person who has the general reputation as a prostitute, panderer, habitual law violator, person of ill repute, user or peddler of narcotics, or person who drinks to excess or engages in illegal gambling;

21. Keep on the licensed premises, *except for the premises of a mixed beverage casino licensee*, a slot machine or any prohibited gambling or gaming device, machine, or apparatus;

22. Make any gift of an alcoholic beverage, other than as a gift made (i) to a personal friend, as a matter of normal social intercourse, so long as the gift is in no way a shift or device to evade the restriction set forth in this subdivision; (ii) to a person responsible for the planning, preparation or conduct on any conference, convention, trade show or event held or to be held on the premises of the licensee, when such gift is made in the course of usual and customary business entertainment and is in no way a shift or device to evade the restriction set forth in this subdivision; (iii) pursuant to subsection B of § 4.1-209; (iv) pursuant to subdivision A 10 of § 4.1-201; ~~or~~ (v) *by a mixed beverage casino licensee to a patron of such licensee in accordance with the provisions of subdivision A 15 of § 4.1-206.3; or* (vi) pursuant to any Board regulation. Any gift permitted by this subdivision shall be subject to the taxes imposed by this title on sales of alcoholic beverages. The licensee shall keep complete and accurate records of gifts given in accordance with this subdivision; or

23. Establish any normal or customary pricing of its alcoholic beverages that is intended as a shift or device to evade any "happy hour" regulations adopted by the Board; however, a licensee may increase the volume of an alcoholic beverage sold to a customer if there is a commensurate increase in the normal or customary price charged for the same alcoholic beverage.

B. Any person convicted of a violation of this section shall be guilty of a Class 1 misdemeanor.

C. The provisions of subdivisions A 12 and A 13 shall not apply to persons operating theaters, concert halls, art centers, museums, or similar establishments that are devoted primarily to the arts or theatrical performances, when the performances that are presented are expressing matters of serious literary, artistic, scientific, or political value.

§ 58.1-4100. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Adjusted gross receipts" means the gross receipts from casino gaming less winnings paid to winners.

"Board" means the Virginia Lottery Board established in the Virginia Lottery Law (§ 58.1-4000 et seq.).

"Casino gaming" or "game" means baccarat, blackjack, twenty-one, poker, craps, dice, slot machines, roulette wheels, Klondike tables, *Mah Jongg*, *electronic table games*, *hybrid table games*, punchboards, faro layouts, numbers tickets, push cards, jar tickets, or pull tabs, *or any variation of the aforementioned games*, and any other activity that is authorized by the

Board as a wagering game or device under this chapter. "Casino gaming" or "game" includes on-premises mobile casino gaming.

"Casino gaming establishment" means the premises, *including the entire property located at the address of the licensed casino*, upon which lawful casino gaming is authorized and licensed as provided in this chapter. "Casino gaming establishment" does not include a riverboat or similar vessel.

"Casino gaming operator" means any person issued a license by the Board to operate a casino gaming establishment.

"Cheat" means to alter the selection criteria that determine the result of a game or the amount or frequency of payment in a game for the purpose of obtaining an advantage for one or more participants in a game over other participants in a game.

"Counter check" means an interest-free negotiable instrument for a specified amount executed by a player and held by the casino that serves as evidence of the casino gaming patron's obligation to pay the casino and that can be exchanged by the casino gaming patron for the specified amount in chips, tokens, credits, electronic credits, electronic cash, or electronic cards.

"Department" means the independent agency responsible for the administration of the Virginia Lottery created in the Virginia Lottery Law (§ 58.1-4000 et seq.).

"Director" means the Director of the Virginia Lottery.

"Eligible host city" means any city described in § 58.1-4107 in which a casino gaming establishment is authorized to be located.

"Entity" means a person that is not a natural person.

"Gaming operation" means the conduct of authorized casino gaming within a casino gaming establishment.

"Gross receipts" means the total amount of money exchanged for the purchase of chips, tokens, *electronic credits, electronic cash, or electronic cards* by casino gaming patrons. *"Gross receipts" shall not include the cash value of promotions or credits provided to and exchanged by casino gaming patrons for chips, tokens, electronic credits, electronic cash, or electronic cards. "Gross receipts" shall also not include uncollectable counter checks.*

"Immediate family" means (i) a spouse and (ii) any other person residing in the same household as an officer or employee and who is a dependent of the officer or employee or of whom the officer or employee is a dependent.

"Individual" means a natural person.

"Licensee" or "license holder" means any person holding an operator's license under § 58.1-4111.

"On-premises mobile casino gaming" means casino gaming offered by a casino gaming operator at a casino gaming establishment using a computer network of both federal and nonfederal interoperable packet-switched data networks through which the casino gaming operator may offer casino gaming to individuals who have established an on-premises mobile casino gaming account with the casino gaming operator and who are physically present on the premises of the casino gaming establishment, as authorized by regulations promulgated by the Board.

"Permit holder" means any person holding a supplier or service permit pursuant to this chapter.

"Person" means an individual, partnership, joint venture, association, limited liability company, stock corporation, or nonstock corporation and includes any person that directly or indirectly controls or is under common control with another person.

"Preferred casino gaming operator" means the proposed casino gaming establishment and operator thereof submitted by an eligible host city to the Board as an applicant for licensure.

"Prepaid access instrument" means a system device that allows a casino gaming patron access to funds that have been paid in advance and can be retrieved or transferred at some point in the future through such a device. In order to transfer funds for gaming purposes, a prepaid access instrument shall be redeemed for tokens, chips, credits, electronic credits, electronic cash, electronic cards, or used in conjunction with an approved cashless wagering system or interactive gaming account.

"Principal" means any individual who solely or together with his immediate family members (i) owns or controls, directly or indirectly, five percent or more of the pecuniary interest in any entity that is a licensee or (ii) has the power to vote or cause the vote of five percent or more of the voting securities or other ownership interests of such entity, and any person who manages a gaming operation on behalf of a licensee.

"Professional sports" means the same as such term is defined in § 58.1-4030.

"Security" has the same meaning as provided in § 13.1-501. If the Board finds that any obligation, stock, or other equity interest creates control of or voice in the management operations of an entity in the manner of a security, then such interest shall be considered a security.

"Sports betting" means the same as such term is defined in § 58.1-4030.

"Sports betting facility" means an area, kiosk, or device located inside a casino gaming establishment licensed pursuant to this chapter that is designated for sports betting.

"Supplier" means any person that sells or leases, or contracts to sell or lease, any casino gaming equipment, devices, or supplies, or provides any management services, to a licensee.

"Voluntary exclusion program" means a program established by the Board pursuant to § 58.1-4103 that allows individuals to voluntarily exclude themselves from engaging in the activities described in subdivision B 1 of § 58.1-4103 by placing their names on a voluntary exclusion list and following the procedures set forth by the Board.

"Youth sports" means the same as such term is defined in § 58.1-4030.

§ 58.1-4120. Consideration of service permit application.

A. The Department shall promptly consider any application for a service permit and issue or deny such service permit on the basis of the information in the application and all other information provided, including any investigation it considers appropriate. If an application for a service permit is approved, the Department shall issue a service permit containing such information as the Department considers appropriate.

B. The Department shall deny the application and refuse to issue the service permit, which denial shall be final unless an appeal is taken under § 58.1-4105, if it finds that the issuance of such service permit to such applicant would not be in the best interests of the Commonwealth or would reflect negatively on the honesty and integrity of casino gaming in the Commonwealth or that the applicant:

1. Has knowingly made a false statement of a material fact in the application or has deliberately failed to disclose any information requested by the Department;
2. Is or has been guilty of any corrupt or fraudulent practice or conduct in connection with gaming operations in the Commonwealth or any other state;
3. Has knowingly failed to comply with the provisions of this chapter or the regulations promulgated hereunder;
4. Has had a service permit to engage in activity related to casino gaming denied for cause, suspended, or revoked in the Commonwealth or any other state, and such denial, suspension, or revocation is still in effect;
5. Is unqualified to perform the duties required for the service permit sought; or
6. Has been convicted of a misdemeanor or felony involving unlawful conduct of wagering, fraudulent use of a gaming credential, unlawful transmission of information, touting, bribery, embezzlement, distribution or possession of drugs, *excluding misdemeanor possession of marijuana*, or any crime considered by the Department to be detrimental to the honesty and integrity of casino gaming in the Commonwealth.

C. The Department may refuse to issue a service permit if for any reason it determines the granting of such service permit is not consistent with the provisions of this chapter or its responsibilities or any regulations promulgated by any other agency of the Commonwealth.

§ 58.1-4122. Conduct of casino gaming.

A. Casino gaming may be conducted by licensed operators, subject to the following:

1. Minimum and maximum wagers on games shall be set by Department regulations.
2. Agents of the Department, the Department of State Police, and the local law-enforcement and fire departments may enter any casino gaming establishment and inspect such facility at any time for the purpose of determining compliance with this chapter and other applicable fire prevention and safety laws.
3. Employees of the Department shall have the right to be present in any facilities under the control of the licensee.
4. Gaming equipment, devices, and supplies customarily used in conducting casino gaming shall be purchased or leased only from suppliers holding permits for such purpose under this chapter.
5. Persons licensed under this chapter shall permit no form of wagering on games except as permitted by this chapter.
6. Wagers may be received only from a person present at the licensed casino gaming establishment. No person present at such facility shall place or attempt to place a wager on behalf of another person who is not present at the facility.
7. No person under age 21 shall be permitted to make a wager under this chapter or be present where casino gaming is being conducted. *A licensee or permit holder may employ persons between the ages of 18 and 21 for positions in nongaming areas and such employees may traverse the gaming floor, while on duty.*
8. No person shall place or accept a wager on youth sports.

9. No licensee or permit holder shall accept postdated checks in payment for participation in any gaming operation. No licensee or permit holder, or any person on the premises of a casino gaming establishment, shall extend lines of credit or accept any credit card or other electronic fund transfer in payment for participation in any gaming operation. *A licensee or permit holder may accept prepaid access instruments. In order to transfer funds for gaming purposes, a prepaid access instrument must be redeemed for tokens, chips, credits, electronic credits, electronic cash, electronic cards, or used in conjunction with an approved cashless wagering system or interactive gaming account. A licensee or permit holder may issue interest-free counter checks to a player provided (i) the player submits an application and (ii) the licensee or permit holder verifies funds sufficient to cover the face value of the counter check. Such counter checks shall be subject to the tax reporting requirements under state and federal law. Nothing shall preclude a player from making a wire transfer to licensees or permit holders.*

B. Casino gaming wagers shall be conducted only with tokens, chips, *electronic credits, electronic cash*, or electronic cards purchased from a licensed casino gaming operator. *The conversion of cash to tokens, chips, credits, electronic credits, electronic cash, or electronic cards at a slot machine or any other casino game is permissible and does not constitute conducting a wager.* Such tokens, chips, *credits, electronic credits, electronic cash*, or electronic cards may be used only for the purpose of (i) making wagers on games ~~or~~, (ii) *redeeming for cash or check*, or (iii) making a donation to a charitable entity granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code, provided that the donated tokens, chips, *credits, electronic credits, electronic cash*, or electronic cards are redeemed by the same charitable entity accepting the donation. The provisions of this subsection shall not apply to sports betting in a sports betting facility, which may be conducted using cash.

2. That any mixed beverage restaurant licensee that is located on the premises of and operated by a casino gaming establishment owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1 of the

Code of Virginia and holds a valid mixed beverage restaurant license granted by the Board of Directors of the Virginia Alcoholic Beverage Control Authority prior to July 1, 2022, shall be allowed to operate with the privileges of a mixed beverage casino license as set forth in § 4.1-206.3 of the Code of Virginia, as amended by this act, and any regulations promulgated pursuant thereto until July 1, 2023, or until the casino gaming establishment at which the restaurant is located is issued a mixed beverage casino license, whichever comes first.

3. That the Board of Directors of the Virginia Alcoholic Beverage Control Authority (the Board) may promulgate regulations to implement the provisions of this act. The Board's initial adoption of regulations to implement the provisions of this act shall be completed by October 1, 2022, and shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board shall provide an opportunity for public comment on the regulations prior to adoption. Prior to promulgating such regulations, the Board shall consult with operators licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1 of the Code of Virginia.

CHAPTER 590

An Act to amend and reenact §§ 2.2-3705.3, 4.1-103, 4.1-111, 4.1-201.1, 4.1-206.3, as it is currently effective and as it shall become effective, 4.1-231.1, 4.1-233.1, 4.1-325, 58.1-4100, 58.1-4120, and 58.1-4122 of the Code of Virginia, relating to casino gaming; sale and consumption of alcoholic beverages in casino gaming establishments; casino employees; wagers, accounting and games.

[S 519]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3705.3, 4.1-103, 4.1-111, 4.1-201.1, 4.1-206.3, as it is currently effective and as it shall become effective, 4.1-231.1, 4.1-233.1, 4.1-325, 58.1-4100, 58.1-4120, and 58.1-4122 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-3705.3. Exclusions to application of chapter; records relating to administrative investigations.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Information relating to investigations of applicants for licenses and permits, and of all licensees and permittees, made by or submitted to the Virginia Alcoholic Beverage Control Authority, the Virginia Lottery *pursuant to Chapter 40 (§ 58.1-4000 et seq.) and Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1*, the Virginia Racing Commission, the Department of Agriculture and Consumer Services relating to investigations and applications pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, or the Private Security Services Unit of the Department of Criminal Justice Services.

2. Records of active investigations being conducted by the Department of Health Professions or by any health regulatory board in the Commonwealth pursuant to § 54.1-108.

3. Investigator notes, and other correspondence and information, furnished in confidence with respect to an active investigation of individual employment discrimination complaints made to the Department of Human Resource Management, to such personnel of any local public body, including local school boards, as are responsible for conducting such investigations in confidence, or to any public institution of higher education. However, nothing in this subdivision shall prevent the disclosure of information taken from inactive reports in a form that does not reveal the identity of charging parties, persons supplying the information, or other individuals involved in the investigation.

4. Records of active investigations being conducted by the Department of Medical Assistance Services pursuant to Chapter 10 (§ 32.1-323 et seq.) of Title 32.1.

5. Investigative notes and other correspondence and information furnished in confidence with respect to an investigation or conciliation process involving an alleged unlawful discriminatory practice under the Virginia Human Rights Act (§ 2.2-3900 et seq.) or under any local ordinance adopted in accordance with the authority specified in § 2.2-524, or adopted pursuant to § 15.2-965, or adopted prior to July 1, 1987, in accordance with applicable law, relating to local human rights or human relations commissions. However, nothing in this subdivision shall prevent the distribution of information taken from inactive reports in a form that does not reveal the identity of the parties involved or other persons supplying information.

6. Information relating to studies and investigations by the Virginia Lottery of (i) lottery agents, (ii) lottery vendors, (iii) lottery crimes under §§ 58.1-4014 through 58.1-4018, (iv) defects in the law or regulations that cause abuses in the administration and operation of the lottery and any evasions of such provisions, or (v) the use of the lottery as a subterfuge for organized crime and illegal gambling where such information has not been publicly released, published or copyrighted. All studies and investigations referred to under clauses (iii), (iv), and (v) shall be open to inspection and copying upon completion of the study or investigation.

7. Investigative notes, correspondence and information furnished in confidence, and records otherwise exempted by this chapter or any Virginia statute, provided to or produced by or for (i) the Auditor of Public Accounts; (ii) the Joint Legislative Audit and Review Commission; (iii) an appropriate authority as defined in § 2.2-3010 with respect to an

allegation of wrongdoing or abuse under the Fraud and Abuse Whistle Blower Protection Act (§ 2.2-3009 et seq.); (iv) the Office of the State Inspector General with respect to an investigation initiated through the Fraud, Waste and Abuse Hotline or an investigation initiated pursuant to Chapter 3.2 (§ 2.2-307 et seq.); (v) internal auditors appointed by the head of a state agency or by any public institution of higher education; (vi) the committee or the auditor with respect to an investigation or audit conducted pursuant to § 15.2-825; or (vii) the auditors, appointed by the local governing body of any county, city, or town or a school board, who by charter, ordinance, or statute have responsibility for conducting an investigation of any officer, department, or program of such body. Information contained in completed investigations shall be disclosed in a form that does not reveal the identity of the complainants or persons supplying information to investigators. Unless disclosure is excluded by this subdivision, the information disclosed shall include the agency involved, the identity of the person who is the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation does not lead to corrective action, the identity of the person who is the subject of the complaint may be released only with the consent of the subject person. Local governing bodies shall adopt guidelines to govern the disclosure required by this subdivision.

8. The names, addresses, and telephone numbers of complainants furnished in confidence with respect to an investigation of individual zoning enforcement complaints or complaints relating to the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) made to a local governing body.

9. Records of active investigations being conducted by the Department of Criminal Justice Services pursuant to Article 4 (§ 9.1-138 et seq.), Article 4.1 (§ 9.1-150.1 et seq.), Article 11 (§ 9.1-185 et seq.), and Article 12 (§ 9.1-186 et seq.) of Chapter 1 of Title 9.1.

10. Information furnished to or prepared by the Board of Education pursuant to subsection D of § 22.1-253.13:3 in connection with the review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests by local school board employees responsible for the distribution or administration of the tests. However, this section shall not prohibit the disclosure of such information to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board.

11. Information contained in (i) an application for licensure or renewal of a license for teachers and other school personnel, including transcripts or other documents submitted in support of an application, and (ii) an active investigation conducted by or for the Board of Education related to the denial, suspension, cancellation, revocation, or reinstatement of teacher and other school personnel licenses including investigator notes and other correspondence and information, furnished in confidence with respect to such investigation. However, this subdivision shall not prohibit the disclosure of such (a) application information to the applicant at his own expense or (b) investigation information to a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee. Information contained in completed investigations shall be disclosed in a form that does not reveal the identity of any complainant or person supplying information to investigators. The completed investigation information disclosed shall include information regarding the school or facility involved, the identity of the person who was the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation fails to support a complaint or does not lead to corrective action, the identity of the person who was the subject of the complaint may be released only with the consent of the subject person. No personally identifiable information regarding a current or former student shall be released except as permitted by state or federal law.

12. Information provided in confidence and related to an investigation by the Attorney General under Article 1 (§ 3.2-4200 et seq.) or Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2, Article 10 (§ 18.2-246.6 et seq.) of Chapter 6 or Chapter 13 (§ 18.2-512 et seq.) of Title 18.2, or Article 1 (§ 58.1-1000) of Chapter 10 of Title 58.1. However, information related to an investigation that has been inactive for more than six months shall, upon request, be disclosed provided such disclosure is not otherwise prohibited by law and does not reveal the identity of charging parties, complainants, persons supplying information, witnesses, or other individuals involved in the investigation.

13. Records of active investigations being conducted by the Department of Behavioral Health and Developmental Services pursuant to Chapter 4 (§ 37.2-400 et seq.) of Title 37.2.

§ 4.1-103. General powers of Board.

The Board shall have the power to:

1. Sue and be sued, implead and be impleaded, and complain and defend in all courts;
2. Adopt, use, and alter at will a common seal;
3. Fix, alter, charge, and collect rates, rentals, fees, and other charges for the use of property of, the sale of products of, or services rendered by the Authority at rates to be determined by the Authority for the purpose of providing for the payment of the expenses of the Authority;
4. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties, the furtherance of its purposes, and the execution of its powers under this title, including agreements with any person or federal agency;
5. Employ, at its discretion, consultants, researchers, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers, and such other employees and special agents as may be necessary and fix their

compensation to be payable from funds made available to the Authority. Legal services for the Authority shall be provided by the Attorney General in accordance with Chapter 5 (§ 2.2-500 et seq.) of Title 2.2;

6. Receive and accept from any federal or private agency, foundation, corporation, association, or person grants or other aid to be expended in accomplishing the objectives of the Authority, and receive and accept from the Commonwealth or any state and any municipality, county, or other political subdivision thereof or from any other source aid or contributions of either money, property, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions may be made. All federal moneys accepted under this section shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by the United States and as are consistent with state law, and all state moneys accepted under this section shall be expended by the Authority upon such terms and conditions as are prescribed by the Commonwealth;

7. Adopt, alter, and repeal bylaws, rules, and regulations governing the manner in which its business shall be transacted and the manner in which the powers of the Authority shall be exercised and its duties performed. The Board may delegate or assign any duty or task to be performed by the Authority to any officer or employee of the Authority. The Board shall remain responsible for the performance of any such duties or tasks. Any delegation pursuant to this subdivision shall, where appropriate, be accompanied by written guidelines for the exercise of the duties or tasks delegated. Where appropriate, the guidelines shall require that the Board receive summaries of actions taken. Such delegation or assignment shall not relieve the Board of the responsibility to ensure faithful performance of the duties and tasks;

8. Conduct or engage in any lawful business, activity, effort, or project consistent with the Authority's purposes or necessary or convenient to exercise its powers;

9. Develop policies and procedures generally applicable to the procurement of goods, services, and construction, based upon competitive principles;

10. Develop policies and procedures consistent with Article 4 (§ 2.2-4347 et seq.) of Chapter 43 of Title 2.2;

11. Buy, import and sell alcoholic beverages other than beer and wine not produced by farm wineries, and to have alcoholic beverages other than beer and wine not produced by farm wineries in its possession for sale;

12. Buy and sell any mixers;

13. Buy and sell products licensed by the Virginia Tourism Corporation that are within international trademark classes 16 (paper goods and printer matters), 18 (leather goods), 21 (housewares and glass), and 25 (clothing);

14. Control the possession, sale, transportation, and delivery of alcoholic beverages;

15. Determine, subject to § 4.1-121, the localities within which government stores shall be established or operated and the location of such stores;

16. Maintain warehouses for alcoholic beverages and control the storage and delivery of alcoholic beverages to and from such warehouses;

17. Acquire, purchase, hold, use, lease, or otherwise dispose of any property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the Authority; lease as lessee any property, real, personal or mixed, tangible or intangible, or any interest therein, at such annual rental and on such terms and conditions as may be determined by the Board; lease as lessor to any person any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired by the Authority, whether wholly or partially completed, at such annual rental and on such terms and conditions as may be determined by the Board; sell, transfer, or convey any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired or held by the Authority on such terms and conditions as may be determined by the Board; and occupy and improve any land or building required for the purposes of this title;

18. Purchase, lease, or acquire the use of, by any manner, any plant or equipment that may be considered necessary or useful in carrying into effect the purposes of this title, including rectifying, blending, and processing plants. The Board may purchase, build, lease, and operate distilleries and manufacture alcoholic beverages;

19. Determine the nature, form and capacity of all containers used for holding alcoholic beverages to be kept or sold under this title, and prescribe the form and content of all labels and seals to be placed thereon; however, no container sold in or shipped into the Commonwealth shall include powdered or crystalline alcohol;

20. Appoint every agent and employee required for its operations; require any or all of them to give bonds payable to the Commonwealth in such penalty as shall be fixed by the Board; and engage the services of experts and professionals;

21. Hold and conduct hearings; issue subpoenas requiring the attendance of witnesses and the production of records, memoranda, papers and other documents before the Board or any agent of the Board; and administer oaths and take testimony thereunder. The Board may authorize any Board member or agent of the Board to hold and conduct hearings, issue subpoenas, administer oaths and take testimony thereunder, and decide cases, subject to final decision by the Board, on application of any party aggrieved. The Board may enter into consent agreements and may request and accept from any applicant or licensee a consent agreement in lieu of proceedings on (i) objections to the issuance of a license or (ii) disciplinary action. Any such consent agreement shall include findings of fact and may include an admission or a finding of a violation. A consent agreement shall not be considered a case decision of the Board and shall not be subject to judicial review under the provisions of the Administrative Process Act (§ 2.2-4000 et seq.), but may be considered by the Board in future disciplinary proceedings;

22. Make a reasonable charge for preparing and furnishing statistical information and compilations to persons other than (i) officials, including court and police officials, of the Commonwealth and of its subdivisions if the information

requested is for official use and (ii) persons who have a personal or legal interest in obtaining the information requested if such information is not to be used for commercial or trade purposes;

23. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and § 4.1-111;

24. Grant, suspend, and revoke licenses for the manufacture, bottling, distribution, importation, and sale of alcoholic beverages;

25. Assess and collect civil penalties and civil charges for violations of this title and Board regulations;

26. Maintain actions to enjoin common nuisances as defined in § 4.1-317;

27. Establish minimum food sale requirements for all retail licensees;

28. Review and approve any proposed legislative or regulatory changes suggested by the Chief Executive Officer as the Board deems appropriate;

29. Report quarterly to the Secretary of Public Safety and Homeland Security on the law-enforcement activities undertaken to enforce the provisions of this title;

30. Establish and collect fees for all permits set forth in this title, including fees associated with applications for such permits;

31. Impose a requirement that a mixed beverage ~~restaurant~~ *casino* licensee ~~located on the premises of and operated by a casino gaming establishment pursuant to subdivision A 15 of § 4.1-206.3~~ pay for any cost incurred by the Board to enforce such license in excess of the applicable state license fee; and

32. Do all acts necessary or advisable to carry out the purposes of this title.

§ 4.1-111. Regulations of Board.

A. The Board may promulgate reasonable regulations, not inconsistent with this title or the general laws of the Commonwealth, which it deems necessary to carry out the provisions of this title and to prevent the illegal manufacture, bottling, sale, distribution, and transportation of alcoholic beverages. The Board may amend or repeal such regulations. Such regulations shall be promulgated, amended or repealed in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and shall have the effect of law.

B. The Board shall promulgate regulations that:

1. Prescribe what hours and on what days alcoholic beverages shall not be sold by licensees or consumed on any licensed premises, including a provision that mixed beverages may be sold only at such times as wine and beer may be sold.

2. Require mixed beverage caterer licensees to notify the Board in advance of any event to be served by such licensee.

3. Maintain the reasonable separation of retailer interests from those of the manufacturers, bottlers, brokers, importers and wholesalers in accordance with § 4.1-216 and in consideration of the established trade customs, quantity and value of the articles or services involved; prevent undue competitive domination of any person by any other person engaged in the manufacture, distribution and sale at retail or wholesale of alcoholic beverages in the Commonwealth; and promote reasonable accommodation of arm's length business transactions.

4. Establish requirements for the form, content, and retention of all records and accounts, including the (i) reporting and collection of taxes required by § 4.1-236 and (ii) the sale of alcoholic beverages in kegs, by all licensees.

5. Require retail licensees to file an appeal from any hearing decision rendered by a hearing officer within 30 days of the date the notice of the decision is sent. The notice shall be sent to the licensee at the address on record with the Board by certified mail, return receipt requested, and by regular mail.

6. Prescribe the terms and conditions under which persons who collect or trade designer or vintage spirit bottles may sell such bottles at auction, provided that (i) the auction is conducted in accordance with the provisions of Chapter 6 (§ 54.1-600 et seq.) of Title 54.1 and (ii) the bottles are unopened and the manufacturers' seals, marks, or stamps affixed to the bottles are intact.

7. Prescribe the terms and conditions under which credit or debit cards may be accepted from licensees for purchases at government stores, including provision for the collection, where appropriate, of related fees, penalties, and service charges.

8. Require that banquet licensees in charge of public events as defined by Board regulations report to the Board the income and expenses associated with the public event on a form prescribed by the Board when the banquet licensee engages another person to organize, conduct, or operate the event on behalf of the banquet licensee. Such regulations shall be applicable only to public events where alcoholic beverages are being sold.

9. Provide alternative methods for licensees to maintain and store business records that are subject to Board inspection, including methods for Board-approved electronic and off-site storage.

10. Require off-premises retail licensees to place any premixed alcoholic energy drinks containing one-half of one percent or more of alcohol by volume in the same location where wine and beer are available for sale within the licensed premises.

11. Prescribe the terms and conditions under which mixed beverage licensees may infuse, store, and sell flavored distilled spirits, including a provision that limits infusion containers to a maximum of 20 liters.

12. Prescribe the schedule of proration for refunded license taxes to licensees who qualify pursuant to subsection C of § 4.1-232.

13. Establish reasonable time, place, and manner restrictions on outdoor advertising of alcoholic beverages, not inconsistent with the provisions of this title, so that such advertising does not encourage or otherwise promote the consumption of alcoholic beverages by persons to whom alcoholic beverages may not be lawfully sold. Such regulations shall:

a. Restrict outdoor advertising of alcoholic beverages in publicly visible locations consistent with (i) the general prohibition against tied interests between retail licensees and manufacturers or wholesale licensees as provided in §§ 4.1-215 and 4.1-216; (ii) the prohibition against manufacturer control of wholesale licensees as set forth in § 4.1-223 and Board regulations adopted pursuant thereto; and (iii) the general prohibition against cooperative advertising between manufacturers, wholesalers, or importers and retail licensees as set forth in Board regulation; and

b. Permit (i) any outdoor signage or advertising not otherwise prohibited by this title and (ii) the display of outdoor alcoholic beverage advertising on lawfully erected billboard signs regulated under Chapter 12 (§ 33.2-1200 et seq.) of Title 33.2 where such signs are located on commercial real estate as defined in § 55.1-1100, but only in accordance with this title.

14. Prescribe the terms and conditions under which a licensed brewery may manufacture beer pursuant to an agreement with a brand owner not under common control with the manufacturing brewery and sell and deliver the beer so manufactured to the brand owner. The regulations shall require that (i) the brand owner be an entity appropriately licensed as a brewery or beer wholesaler, (ii) a written agreement be entered into by the parties, and (iii) records as deemed appropriate by the Board are maintained by the parties.

15. Prescribe the terms for any "happy hour" conducted by on-premises licensees. Such regulations shall permit on-premises licensees to advertise any alcoholic beverage products featured during a happy hour and any pricing related to such happy hour. Such regulations shall not prohibit on-premises licensees from using creative marketing techniques in such advertisements, provided that such techniques do not tend to induce overconsumption or consumption by minors.

16. Permit retail on-premises licensees to give a gift of one alcoholic beverage to a patron or one bottle of wine to a group of two or more patrons, provided that (i) such gifts only are made to individuals to whom such products may lawfully be sold and (ii) only one such gift is given during any 24-hour period and subject to any Board limitations on the frequency of such gifts.

17. Permit the sale of beer and cider for off-premises consumption in resealable growlers made of glass, ceramic, metal, or other materials approved by the Board, or other resealable containers approved by the Board, with a maximum capacity of 128 fluid ounces or, for metric-sized containers, four liters.

18. Permit the sale of wine for off-premises consumption in resealable growlers made of glass, ceramic, metal, or other materials approved by the Board, or other resealable containers approved by the Board, with a maximum capacity of 64 fluid ounces or, for metric-sized containers, two liters. Wine growlers may be used only by persons licensed to sell wine for both on-premises and off-premises consumption or by gourmet shops granted a retail off-premises wine and beer license. Growlers sold by gourmet shops shall be labeled with (i) the manufacturer's name or trade name, (ii) the place of production, (iii) the net contents in fluid ounces, and (iv) the name and address of the retailer.

19. Permit the sale of wine, cider, and beer by retailers licensed to sell beer and wine for both on-premises and off-premises consumption, or by gourmet shops granted a retail off-premises wine and beer license for off-premises consumption in sealed containers made of metal or other materials approved by the Board with a maximum capacity of 32 fluid ounces or, for metric-sized containers, one liter, provided that the alcoholic beverage is placed in the container following an order from the consumer.

20. Permit mixed beverage licensees to premix containers of sangria and other mixed alcoholic beverages and to serve such alcoholic beverages in pitchers, subject to size and quantity limitations established by the Board.

21. Establish and make available to all licensees and permittees for which on-premises consumption of alcoholic beverages is allowed and employees of such licensees and permittees who serve as a bartender or otherwise sell, serve, or dispense alcoholic beverages for on-premises consumption a bar bystander training module, which shall include (i) information that enables licensees, permittees, and their employees to recognize situations that may lead to sexual assault and (ii) intervention strategies to prevent such situations from culminating in sexual assault.

22. Require mixed beverage licensees, *except for mixed beverage casino licensees*, to have food, cooked or prepared on the licensed premises, available for on-premises consumption until at least 30 minutes prior to an establishment's closing. Such food shall be available in all areas of the licensed premises in which spirits are sold or served.

23. Prescribe the terms and conditions under which the Board may suspend the privilege of a mixed beverage licensee to purchase spirits from the Board upon such licensee's failure to submit any records or other documents necessary to verify the licensee's compliance with applicable minimum food sale requirements within 30 days of the date such records or documents are due.

C. The Board may promulgate regulations that:

1. Provide for the waiver of the license tax for an applicant for a banquet license, such waiver to be based on (i) the amount of alcoholic beverages to be provided by the applicant, (ii) the not-for-profit status of the applicant, and (iii) the condition that no profits are to be generated from the event. For the purposes of clause (ii), the applicant shall submit with the application, an affidavit certifying its not-for-profit status. The granting of such waiver shall be limited to two events per year for each applicant.

2. Establish limitations on the quantity and value of any gifts of alcoholic beverages made in the course of any business entertainment pursuant to subdivision A 22 of § 4.1-325 or subsection C of § 4.1-325.2.

3. Provide incentives to licensees with a proven history of compliance with state and federal laws and regulations to encourage licensees to conduct their business and related activities in a manner that is beneficial to the Commonwealth.

D. Board regulations shall be uniform in their application, except those relating to hours of sale for licensees.

E. Courts shall take judicial notice of Board regulations.

F. The Board's power to regulate shall be broadly construed.

§ 4.1-201.1. Conduct not prohibited by this title; tastings conducted by manufacturers, wine or beer wholesalers, and authorized representatives.

A. Manufacturers of alcoholic beverages, whether or not licensed in the Commonwealth, and wine or beer wholesalers may conduct tastings of wine, beer, or spirits within hotels, restaurants, *casinos*, and clubs licensed for on-premises consumption provided:

1. The tastings are conducted only by (i) employees of such manufacturers or wholesalers or (ii) authorized representatives of such manufacturers or wholesalers, which authorized representatives have obtained a permit in accordance with subdivision A 14 of § 4.1-212;

2. Such employees or authorized representatives are present while the tastings are being conducted;

3. No category of alcoholic beverage products is offered to consumers unless the retail licensee on whose premises the tasting is conducted is licensed to sell that category of alcoholic beverage product;

4. All alcoholic beverage products used in the tasting are served to the consumer by employees of the retail licensee;

5. The quantity of wine, beer, or spirits provided to any person during the tasting does not exceed 16 ounces of beer, six ounces of wine, or one and one-half ounces of spirits; however, for any spirits tastings, no single sample shall exceed one-half ounce of spirits, unless served as a mixed beverage, in which case a single sample of spirits may contain up to one and one-half ounces of spirits; and

6. All alcoholic beverage products used in the tasting are purchased from the retail licensee on whose premises the tasting is conducted; except that no more than \$100 may be expended by or on behalf of any such manufacturer or wholesaler at any retail licensed premises during any 24-hour period. For the purposes of this subdivision, the \$100 limitation shall be exclusive of taxes and gratuities, which gratuities may not exceed 20 percent of the cost of the alcoholic beverages, including taxes, for the alcoholic beverages purchased for the tasting.

B. Manufacturers, wholesalers, and their authorized representatives shall keep complete records of each tasting authorized by this section for a period of not less than two years, which records shall include the date and place of each tasting conducted and the dollar amount expended by the manufacturer, wholesaler, or his agent or representative in the purchase of the alcoholic beverages used in the tasting.

C. Manufacturers and wholesalers shall be held liable for any violation of this section committed by their employees or authorized representative in connection with their employment or representation at any tasting event.

§ 4.1-206.3. (Effective until July 1, 2022) Retail licenses.

A. The Board may grant the following mixed beverages licenses:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in dining areas and other designated areas of such restaurant or off-premises consumption. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

If the restaurant is located on the premises of a hotel or motel with no fewer than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms, and other private rooms of such hotel or motel, such licensee may (a) sell and serve mixed beverages for on-premises consumption in such designated areas, bedrooms, and other private rooms or off-premises consumption and (b) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit, or profit club exclusively for its members and their guests, or members of another private, nonprofit, or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to (1) sell and serve mixed beverages for on-premises or off-premises consumption and (2) sell spirits that are packaged in original closed containers with a maximum capacity of two fluid ounces or 50 milliliters and purchased from the Board for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

If the restaurant is located on the premises of and operated by a municipal golf course, the Board shall recognize the seasonal nature of the business and waive any applicable monthly food sales requirements for those months when weather conditions may reduce patronage of the golf course, provided that prepared food, including meals, is available to patrons during the same months. The gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after the issuance of such license, shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food on an annualized basis.

If the restaurant is located on the premises of and operated by a culinary lodging resort, such license shall authorize the licensee to (A) sell alcoholic beverages, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, for off-premises consumption or for on-premises consumption in areas upon the licensed premises approved by the Board and other designated areas of the resort, including outdoor areas under the control of the licensee, and (B) permit the possession and consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in bedrooms and private guest rooms.

If the restaurant is located on the premises of a mixed beverage casino licensee owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1, such mixed beverage restaurant license shall authorize the licensee to sell alcoholic beverages for on-premises consumption on the licensed premises of the restaurant during all hours of operation of the mixed beverage casino licensee. Any alcoholic beverages purchased from such restaurant may be (I) taken onto the premises of the mixed beverage casino licensee and (II) possessed or consumed in areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, conference rooms, private rooms, hotels, pools, marinas, or green spaces. Alcoholic beverages purchased from a restaurant pursuant to this subdivision shall be contained in glassware or a paper, plastic, or similar disposable container that clearly displays the name or logo of the restaurant from which the alcoholic beverage was purchased.

The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage carrier licenses to persons operating a common carrier of passengers by train, boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load alcoholic beverages onto the same airplanes and to transport and store alcoholic beverages at or in close proximity to the airport where the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (i) designate for purposes of its license all locations where the inventory of alcoholic beverages may be stored and from which the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier and (ii) maintain records of all alcoholic beverages to be transported, stored, and delivered by its authorized representative. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

5. Annual mixed beverage motor sports facility licenses, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers or in single original metal cans, during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas, or similar facilities, for on-premises consumption. Such license may be granted to persons operating food concessions at an outdoor motor sports facility that (i) is located on 1,200 acres of rural property bordering the Dan River and has a track surface of 3.27 miles in length or (ii) hosts a NASCAR national touring race. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for on-premises consumption in dining areas of the restaurant or off-premises consumption. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic beverages. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee to sell, on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption in all seating areas, concourses, walkways, concession areas, similar facilities, and other areas upon the licensed premises approved by the Board and (ii) automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Such licenses may be granted to the following:

a. Corporations or associations operating a performing arts facility, provided the performing arts facility (i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards;

b. Persons operating food concessions at any performing arts facility located in the City of Norfolk or the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 1,400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants;

c. Persons operating food concessions at any performing arts facility located in the City of Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a total capacity in excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation standards;

d. Persons operating food concessions at any performing arts facility located in the arts and cultural district of the City of Harrisonburg, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has been rehabilitated in accordance with historic preservation standards; (iii) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons;

e. Persons operating food concessions at any multipurpose theater located in the historical district of the Town of Bridgewater, provided that the theater (i) is owned and operated by a governmental entity and (ii) has a total capacity in excess of 100 patrons;

f. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach;

g. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth; or

h. Persons operating food concessions at any corporate and performing arts facility located in Fairfax County, provided that the corporate and performing arts facility (i) is occupied under a bona fide long-term lease, management, or concession agreement, the original term of which was more than one year and (ii) has a total capacity in excess of 1,400 patrons. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business premises designated in the license, with a common alcoholic beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by

persons to whom overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

11. Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.

12. Commercial lifestyle center licenses, which may be issued only to a commercial owners' association governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas, seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be consumed on the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed premises; however, no physical barriers shall be required for this purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the applicable provisions of this title and Board regulations.

13. Mixed beverage port restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons operating a business (i) that is primarily engaged in the sale of meals; (ii) that is located on property owned by the United States government or an agency thereof and used as a port of entry to or egress from the United States; and (iii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

14. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating either a performing arts facility or an art education and exhibition facility; (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and objects significant in American history and culture; (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open-door or closed-door access; or (iv) a locality for special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease, the original term of which was for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

15. *Mixed beverage casino licenses, which shall authorize the licensee to (i) sell and serve mixed beverages for on-premises consumption in areas designated by the Board, after consultation with the mixed beverage casino licensee, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) provide complimentary mixed beverages to patrons for on-premises consumption in private areas or restricted access areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, private rooms, conference rooms, hotels, pools, marinas, or green spaces. The granting of a license pursuant to this subdivision shall authorize the*

licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption in accordance with the provisions of this subdivision governing mixed beverages; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Notwithstanding any law or regulation to the contrary, a mixed beverage casino licensee may exercise the privileges of its license as set forth in this subdivision during all hours of operation of the casino gaming establishment; however, such licensee shall not sell wine or beer for off-premises consumption between the hours of 12 a.m. and 6 a.m.

A mixed beverage casino licensee may (a) provide patrons gifts of alcoholic beverages in closed containers for personal consumption off the licensed premises or in areas designated by the Board, after consultation with the mixed beverage casino licensee, and (b) enable patrons who participate in a loyalty or reward credit program to redeem credits for the purchase of alcoholic beverages for on-premises consumption. A summary of the operation of such loyalty or reward credit program shall be provided to the Board upon request.

A mixed beverage casino license may only be issued to a casino gaming establishment owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1.

B. The Board may grant an on-and-off-premises wine and beer license to the following:

1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed containers for off-premises consumption or (ii) for on-premises consumption, either with or without meals, in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

2. Hospitals, which shall authorize the licensee to sell wine and beer (i) in the rooms of patients for their on-premises consumption only in such rooms, provided the consent of the patient's attending physician is first obtained or (ii) in closed containers for off-premises consumption.

3. Rural grocery stores, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption. No license shall be granted unless (i) the grocery store is located in any town or in a rural area outside the corporate limits of any city or town and (ii) it appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this title will be promoted by granting the license.

4. Coliseums, stadiums, and racetracks, which shall authorize the licensee to sell wine and beer during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at coliseums, stadiums, racetracks, or similar facilities.

5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer during the performance of any event to patrons within all seating areas, concourses, walkways, or concession areas, or other areas approved by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that (a) has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach; (b) has seating or capacity for more than 3,500 persons and is located in the County of Albemarle, Alleghany, Augusta, Nelson, Pittsylvania, or Rockingham or the City of Charlottesville, Danville, or Roanoke; or (c) has capacity for more than 9,500 persons and is located in Henrico County.

6. Exhibition halls, which shall authorize the licensee to sell wine and beer during the event to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at exhibition or exposition

halls, convention centers, or similar facilities located in any county operating under the urban county executive form of government or any city that is completely surrounded by such county. For purposes of this subdivision, "exhibition or exposition hall" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

7. Concert and dinner-theaters, which shall authorize the licensee to sell wine and beer during events to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, dining areas, and such additional locations designated by the Board in such facilities, for on-premises consumption or in closed containers for off-premises consumption. Persons licensed pursuant to this subdivision shall serve food, prepared on or off premises, whenever wine or beer is served. Such licenses may be granted to persons operating concert or dinner-theater venues on property fronting Natural Bridge School Road in Natural Bridge Station and formerly operated as Natural Bridge High School.

8. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or without meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be lawfully sold, for on-premises consumption or in closed containers for off-premises consumption. The privileges of this license shall be limited to the premises of the historic cinema house regularly occupied and utilized as such.

9. Nonprofit museums, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption in areas approved by the Board. Such licenses may be granted to persons operating a nonprofit museum exempt from taxation under § 501(c)(3) of the Internal Revenue Code, located in the Town of Front Royal, and dedicated to educating the consuming public about historic beer products. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

C. The Board may grant the following off-premises wine and beer licenses:

1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery store, delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina store as defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-308, to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-premises consumption; however, no single sample shall exceed four ounces of beer or two ounces of wine and no more than 12 ounces of beer or five ounces of wine shall be served to any person per day. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. With the consent of the licensee, farm wineries, wineries, breweries, distillers, and wholesale licensees or authorized representatives of such licensees may participate in such tastings, including the pouring of samples. The licensee shall comply with any food inventory and sales volume requirements established by Board regulation.

2. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging, and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for off-premises consumption in accordance with subdivision 6 of § 4.1-200.

3. Confectionery licenses, which shall authorize the licensee to prepare and sell on the licensed premises for off-premises consumption confectionery that contains five percent or less alcohol by volume. Any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold.

D. The Board may grant the following banquet, special event, and tasting licenses:

1. Per-day event licenses.

a. Banquet licenses to persons in charge of *private* banquets, and to duly organized nonprofit corporations or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Licensees who are nonprofit corporations or associations conducting fundraisers (i) shall also be authorized to sell wine, as part of any fundraising activity, in closed containers for off-premises consumption to persons to whom wine may be lawfully sold; (ii) shall be limited to no more than one such fundraiser per year; and (iii) if conducting such fundraiser through an online meeting platform, may ship such wine, in accordance with Board regulations, in closed containers to persons located within the Commonwealth. Except as provided in § 4.1-215, a separate license shall be required for each day of each banquet or special event. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Mixed beverage special events licenses to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year. The granting of a license pursuant to this subdivision

shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

d. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

2. Annual licenses.

a. Annual banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer fire or volunteer emergency medical services agency station, provided such other premises are occupied and under the control of the volunteer fire department or volunteer emergency medical services agency while the privileges of its license are being exercised.

c. Designated outdoor refreshment area licenses to a locality, business improvement district, or nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within the area designated by the Board for the designated outdoor refreshment area and (ii) any permanent retail on-premises licensee that is located within the area designated by the Board for the designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for consumption in the area designated for the designated outdoor refreshment area, including sidewalks and the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the designated area for the designated outdoor refreshment area, the Board shall consult with the locality. Designated outdoor refreshment area licensees shall be limited to 16 events per year, and the duration of any event shall not exceed three consecutive days. However, the Board may increase the frequency and duration of events after adoption of an ordinance by a locality requesting such increase in frequency and duration. Such ordinance shall include the size and scope of the area within which such events will be held, a public safety plan, and any other considerations deemed necessary by the Board. Such limitations on the number of events that may be held shall not apply during the effective dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively reduces allowable restaurant seating capacity; however, designated outdoor refreshment area licensees shall be subject to all other applicable provisions of this title and Board regulations and shall provide notice to the Board regarding the days and times during which the privileges of the license will be exercised. Only alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area may be consumed at the event, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly display the name or logo of the retail on-premises licensee from which the alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the designated outdoor refreshment area licensee. The designated outdoor refreshment area licensee shall post appropriate signage clearly demarcating for the public the boundaries of the event; however, no physical barriers shall be required for this purpose. The designated outdoor refreshment area licensee shall provide adequate security for the event to ensure compliance with the applicable provisions of this title and Board regulations.

d. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt, and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt, and steeplechase events, and (ii) exercised on no more than four calendar days per year.

f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

E. The Board may grant a marketplace license to persons operating a business enterprise of which the primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. In order to be eligible for and retain a marketplace license, the applicant's business enterprise must (i) provide a single category of goods or services in a manner intended to create a personalized experience for the customer; (ii) employ staff with expertise in such goods or services; (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic beverage control manager on the licensed premises at all times alcohol is served; (v) ensure that all employees satisfy any training requirements imposed by the Board; and (vi) purchase all wine and beer to be served from a licensed wholesaler or the Authority and retain purchase records as prescribed by the Board. In determining whether to grant a marketplace license, the Board shall consider (a) the average amount of time customers spend at the business; (b) the business's hours of operation; (c) the amount of time that the business has been in operation; and (d) any other requirements deemed necessary by the Board to protect the public health, safety, and welfare.

F. The Board may grant the following shipper, bottler, and related licenses:

1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in § 4.1-209.1.
2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside the Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations, in closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for off-premises consumption. Such licensee shall not be required to comply with the monthly food sale requirement established by Board regulations.
3. Bottler licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell, and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.
4. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by holders of wine and beer shipper's licenses; (ii) store such wine or beer on behalf of the owner; and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or not, or any person under common control of such licensee, shall acquire or hold any financial interest, direct or indirect, in the business for which any fulfillment warehouse license is issued.
5. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer may be lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine and beer shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

§ 4.1-206.3. (Effective July 1, 2022) Retail licenses.

A. The Board may grant the following mixed beverages licenses:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

If the restaurant is located on the premises of a hotel or motel with no fewer than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms, and other private rooms of such hotel or motel, such licensee may (a) sell and serve mixed beverages for consumption in such designated areas, bedrooms, and other private rooms and (b) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board.

Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit, or profit club exclusively for its members and their guests, or members of another private, nonprofit, or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to (1) sell and serve mixed beverages for on-premises consumption and (2) sell spirits that are packaged in original closed containers with a maximum capacity of two fluid ounces or 50 milliliters and purchased from the Board for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

If the restaurant is located on the premises of and operated by a municipal golf course, the Board shall recognize the seasonal nature of the business and waive any applicable monthly food sales requirements for those months when weather conditions may reduce patronage of the golf course, provided that prepared food, including meals, is available to patrons during the same months. The gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after the issuance of such license, shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food on an annualized basis.

If the restaurant is located on the premises of and operated by a culinary lodging resort, such license shall authorize the licensee to (A) sell alcoholic beverages for on-premises consumption, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, in areas upon the licensed premises approved by the Board and other designated areas of the resort, including outdoor areas under the control of the licensee, and (B) permit the possession and consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in bedrooms and private guest rooms.

If the restaurant is located on the premises of a mixed beverage casino licensee owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1, such mixed beverage restaurant license shall authorize the licensee to sell alcoholic beverages for on-premises consumption on the licensed premises of the restaurant during all hours of operation of the mixed beverage casino licensee. Any alcoholic beverages purchased from such restaurant may be (I) taken onto the premises of the mixed beverage casino licensee and (II) possessed or consumed in areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, conference rooms, private rooms, hotels, pools, marinas, or green spaces. Alcoholic beverages purchased from a restaurant pursuant to this subdivision shall be contained in glassware or a paper, plastic, or similar disposable container that clearly displays the name or logo of the restaurant from which the alcoholic beverage was purchased.

The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage carrier licenses to persons operating a common carrier of passengers by train, boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load alcoholic beverages onto the same airplanes and to transport and store alcoholic beverages at or in close proximity to the airport where the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (i) designate for purposes of its license all locations where the inventory of alcoholic beverages may be stored and from which the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier and (ii) maintain records of all alcoholic beverages to be transported, stored, and delivered by its authorized representative. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and

serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

5. Annual mixed beverage motor sports facility licenses, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers or in single original metal cans, during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas, or similar facilities, for on-premises consumption. Such license may be granted to persons operating food concessions at an outdoor motor sports facility that (i) is located on 1,200 acres of rural property bordering the Dan River and has a track surface of 3.27 miles in length or (ii) hosts a NASCAR national touring race. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for consumption in dining areas of the restaurant. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic beverages. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee to sell, on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption in all seating areas, concourses, walkways, concession areas, similar facilities, and other areas upon the licensed premises approved by the Board and (ii) automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Such licenses may be granted to the following:

a. Corporations or associations operating a performing arts facility, provided the performing arts facility (i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards;

b. Persons operating food concessions at any performing arts facility located in the City of Norfolk or the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 1,400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants;

c. Persons operating food concessions at any performing arts facility located in the City of Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a total capacity in excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation standards;

d. Persons operating food concessions at any performing arts facility located in the arts and cultural district of the City of Harrisonburg, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has been rehabilitated in accordance with historic preservation standards; (iii) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons;

e. Persons operating food concessions at any multipurpose theater located in the historical district of the Town of Bridgewater, provided that the theater (i) is owned and operated by a governmental entity and (ii) has a total capacity in excess of 100 patrons;

f. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach;

g. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth; or

h. Persons operating food concessions at any corporate and performing arts facility located in Fairfax County, provided that the corporate and performing arts facility (i) is occupied under a bona fide long-term lease, management, or concession agreement, the original term of which was more than one year and (ii) has a total capacity in excess of 1,400 patrons. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision 1 and mixed beverage caterer pursuant

to subdivision 2 for the same business location, and which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business premises designated in the license, with a common alcoholic beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

11. Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.

12. Commercial lifestyle center licenses, which may be issued only to a commercial owners' association governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas, seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be consumed on the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed premises; however, no physical barriers shall be required for this purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the applicable provisions of this title and Board regulations.

13. Mixed beverage port restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons operating a business (i) that is primarily engaged in the sale of meals; (ii) that is located on property owned by the United States government or an agency thereof and used as a port of entry to or egress from the United States; and (iii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

14. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating either a performing arts facility or an art education and exhibition facility; (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and objects significant in American history and culture; (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or

other structures equipped with roofs, exterior walls, and open-door or closed-door access; or (iv) a locality for special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease, the original term of which was for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

15. *Mixed beverage casino licenses, which shall authorize the licensee to (i) sell and serve mixed beverages for on-premises consumption in areas designated by the Board, after consultation with the mixed beverage casino licensee, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) provide complimentary mixed beverages to patrons for on-premises consumption in private areas or restricted access areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, private rooms, conference rooms, hotels, pools, marinas, or green spaces. The granting of a license pursuant to this subdivision shall authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption in accordance with the provisions of this subdivision governing mixed beverages; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Notwithstanding any law or regulation to the contrary, a mixed beverage casino licensee may exercise the privileges of its license as set forth in this subdivision during all hours of operation of the casino gaming establishment; however, such licensee shall not sell wine or beer for off-premises consumption between the hours of 12 a.m. and 6 a.m.*

A mixed beverage casino licensee may (a) provide patrons gifts of alcoholic beverages in closed containers for personal consumption off the licensed premises or in areas designated by the Board, after consultation with the mixed beverage casino licensee, and (b) enable patrons who participate in a loyalty or reward credit program to redeem credits for the purchase of alcoholic beverages for on-premises consumption. A summary of the operation of such loyalty or reward credit program shall be provided to the Board upon request.

A mixed beverage casino license may only be issued to a casino gaming establishment owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1.

B. The Board may grant an on-and-off-premises wine and beer license to the following:

1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed containers for off-premises consumption or (ii) for on-premises consumption, either with or without meals, in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

2. Hospitals, which shall authorize the licensee to sell wine and beer (i) in the rooms of patients for their on-premises consumption only in such rooms, provided the consent of the patient's attending physician is first obtained or (ii) in closed containers for off-premises consumption.

3. Rural grocery stores, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption. No license shall be granted unless (i) the grocery store is located in any town or in a rural area outside the corporate limits of any city or town and (ii) it appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this title will be promoted by granting the license.

4. Coliseums, stadiums, and racetracks, which shall authorize the licensee to sell wine and beer during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at coliseums, stadiums, racetracks, or similar facilities.

5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer during the performance of any event to patrons within all seating areas, concourses, walkways, or concession areas, or other areas approved by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may

keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that (a) has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach; (b) has seating or capacity for more than 3,500 persons and is located in the County of Albemarle, Alleghany, Augusta, Nelson, Pittsylvania, or Rockingham or the City of Charlottesville, Danville, or Roanoke; or (c) has capacity for more than 9,500 persons and is located in Henrico County.

6. Exhibition halls, which shall authorize the licensee to sell wine and beer during the event to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at exhibition or exposition halls, convention centers, or similar facilities located in any county operating under the urban county executive form of government or any city that is completely surrounded by such county. For purposes of this subdivision, "exhibition or exposition hall" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

7. Concert and dinner-theaters, which shall authorize the licensee to sell wine and beer during events to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, dining areas, and such additional locations designated by the Board in such facilities, for on-premises consumption or in closed containers for off-premises consumption. Persons licensed pursuant to this subdivision shall serve food, prepared on or off premises, whenever wine or beer is served. Such licenses may be granted to persons operating concert or dinner-theater venues on property fronting Natural Bridge School Road in Natural Bridge Station and formerly operated as Natural Bridge High School.

8. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or without meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be lawfully sold, for on-premises consumption or in closed containers for off-premises consumption. The privileges of this license shall be limited to the premises of the historic cinema house regularly occupied and utilized as such.

9. Nonprofit museums, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption in areas approved by the Board. Such licenses may be granted to persons operating a nonprofit museum exempt from taxation under § 501(c)(3) of the Internal Revenue Code, located in the Town of Front Royal, and dedicated to educating the consuming public about historic beer products. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

C. The Board may grant the following off-premises wine and beer licenses:

1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery store, delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina store as defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-308, to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-premises consumption; however, no single sample shall exceed four ounces of beer or two ounces of wine and no more than 12 ounces of beer or five ounces of wine shall be served to any person per day. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. With the consent of the licensee, farm wineries, wineries, breweries, distillers, and wholesale licensees or authorized representatives of such licensees may participate in such tastings, including the pouring of samples. The licensee shall comply with any food inventory and sales volume requirements established by Board regulation.

2. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging, and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for off-premises consumption in accordance with subdivision 6 of § 4.1-200.

3. Confectionery licenses, which shall authorize the licensee to prepare and sell on the licensed premises for off-premises consumption confectionery that contains five percent or less alcohol by volume. Any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold.

D. The Board may grant the following banquet, special event, and tasting licenses:

1. Per-day event licenses.

a. Banquet licenses to persons in charge of *private* banquets, and to duly organized nonprofit corporations or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Licensees who are nonprofit corporations or associations conducting fundraisers (i) shall also be authorized to sell wine, as part of any fundraising activity, in closed containers for off-premises consumption to persons to whom wine may be lawfully sold; (ii) shall be limited to no more than one such fundraiser per year; and (iii) if conducting such fundraiser through an online meeting platform, may ship such wine, in accordance with Board regulations, in closed containers to persons located within the Commonwealth. Except as provided in § 4.1-215, a separate license shall be required for each day of each banquet or

special event. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Mixed beverage special events licenses to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

d. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

2. Annual licenses.

a. Annual banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer fire or volunteer emergency medical services agency station, provided such other premises are occupied and under the control of the volunteer fire department or volunteer emergency medical services agency while the privileges of its license are being exercised.

c. Designated outdoor refreshment area licenses to a locality, business improvement district, or nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within the area designated by the Board for the designated outdoor refreshment area and (ii) any permanent retail on-premises licensee that is located within the area designated by the Board for the designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for consumption in the area designated for the designated outdoor refreshment area, including sidewalks and the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the designated area for the designated outdoor refreshment area, the Board shall consult with the locality. Designated outdoor refreshment area licensees shall be limited to 16 events per year, and the duration of any event shall not exceed three consecutive days. However, the Board may increase the frequency and duration of events after adoption of an ordinance by a locality requesting such increase in frequency and duration. Such ordinance shall include the size and scope of the area within which such events will be held, a public safety plan, and any other considerations deemed necessary by the Board. Such limitations on the number of events that may be held shall not apply during the effective dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively reduces allowable restaurant seating capacity; however, designated outdoor refreshment area licensees shall be subject to all other applicable provisions of this title and Board regulations and shall provide notice to the Board regarding the days and times during which the privileges of the license will be exercised. Only alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area may be consumed at the event, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly display the name or logo of the retail on-premises licensee from which the alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the designated outdoor refreshment area licensee. The designated outdoor refreshment area licensee shall post appropriate signage clearly demarcating for the public the boundaries of the event; however, no physical barriers shall be required for this purpose. The designated outdoor refreshment area licensee shall provide adequate security for the event to ensure compliance with the applicable provisions of this title and Board regulations.

d. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in

areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt, and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt, and steeplechase events, and (ii) exercised on no more than four calendar days per year.

f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

E. The Board may grant a marketplace license to persons operating a business enterprise of which the primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. In order to be eligible for and retain a marketplace license, the applicant's business enterprise must (i) provide a single category of goods or services in a manner intended to create a personalized experience for the customer; (ii) employ staff with expertise in such goods or services; (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic beverage control manager on the licensed premises at all times alcohol is served; (v) ensure that all employees satisfy any training requirements imposed by the Board; and (vi) purchase all wine and beer to be served from a licensed wholesaler or the Authority and retain purchase records as prescribed by the Board. In determining whether to grant a marketplace license, the Board shall consider (a) the average amount of time customers spend at the business; (b) the business's hours of operation; (c) the amount of time that the business has been in operation; and (d) any other requirements deemed necessary by the Board to protect the public health, safety, and welfare.

F. The Board may grant the following shipper, bottler, and related licenses:

1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in § 4.1-209.1.

2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside the Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations, in closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for off-premises consumption. Such licensee shall not be required to comply with the monthly food sale requirement established by Board regulations.

3. Bottler licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell, and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

4. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by holders of wine and beer shipper's licenses; (ii) store such wine or beer on behalf of the owner; and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or not, or any person under common control of such licensee, shall acquire or hold any financial interest, direct or indirect, in the business for which any fulfillment warehouse license is issued.

5. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer may be lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine and beer shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

§ 4.1-231.1. Fees on state licenses.

A. (Contingent expiration date) The annual fees on state licenses shall be as follows:

1. Manufacturer licenses. For each:

a. Distiller's license and limited distiller's license, if not more than 5,000 gallons of alcohol or spirits, or both, manufactured during the year in which the license is granted, \$490; if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, \$2,725; and if more than 36,000 gallons manufactured during such year, \$4,060;

b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, \$380; if not more than 10,000 barrels of beer manufactured during the year in which the license is granted, \$2,350; and if more than 10,000 barrels manufactured during such year, \$4,690;

c. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the license is granted, \$215, and if more than 5,000 gallons manufactured during such year, \$4,210;

d. Farm winery license, \$245 for any Class A license and \$4,730 for any Class B license;

e. Wine importer's license, \$460; and

f. Beer importer's license, \$460.

2. Wholesale licenses. For each:

a. (1) Wholesale beer license, \$1,005 for any wholesaler who sells 300,000 cases of beer a year or less, \$1,545 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a year, and \$2,010 for any wholesaler who sells more than 600,000 cases of beer a year; and

(2) Wholesale beer license applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision a (1), multiplied by the number of separate locations covered by the license;

b. (1) Wholesale wine license, \$240 for any wholesaler who sells 30,000 gallons of wine or less per year, \$1,200 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000 gallons of wine per year, \$1,845 for any wholesaler who sells more than 150,000 but not more than 300,000 gallons of wine per year, and \$2,400 for any wholesaler who sells more than 300,000 gallons of wine per year; and

(2) Wholesale wine license, including that granted pursuant to subdivision 3 of § 4.1-206.2, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision b (1), multiplied by the number of separate locations covered by the license.

3. Retail licenses — mixed beverage. For each:

a. Mixed beverage restaurant license, granted to persons operating restaurants, including restaurants located on premises of and operated by *casinos*, hotels or motels, or other persons:

(1) With a seating capacity at tables for up to 100 persons, \$1,050;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$1,495;

(3) With a seating capacity at tables for more than 150 persons but not more than 500 persons, \$1,980;

(4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons, \$2,500; and

(5) With a seating capacity at tables for more than 1,000 persons, \$3,100;

b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs:

(1) With an average yearly membership of not more than 200 resident members, \$1,250;

(2) With an average yearly membership of more than 200 but not more than 500 resident members, \$2,440; and

(3) With an average yearly membership of more than 500 resident members, \$3,410;

c. Mixed beverage ~~restaurant~~ *casino* license ~~for restaurants located on the premises of and operated by a casino gaming establishment~~, \$3,100 plus an additional \$5 for each gaming station located on the premises of the casino gaming establishment. *For the purposes of this subdivision, "gaming station" means each slot machine and each casino gaming table that is in active use, as determined annually on December 31;*

d. Mixed beverage caterer's license, \$1,990;

e. Mixed beverage limited caterer's license, \$550;

f. Mixed beverage carrier license:

(1) \$520 for each of the average number of dining cars, buffet cars, or club cars operated daily in the Commonwealth by a common carrier of passengers by train;

(2) \$910 for each common carrier of passengers by boat;

(3) \$520 for each common carrier of passengers by bus; and

(4) \$2,360 for each license granted to a common carrier of passengers by airplane;

g. Annual mixed beverage motor sports facility license, \$630;

h. Limited mixed beverage restaurant license:

(1) With a seating capacity at tables for up to 100 persons, \$945;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$1,385; and

(3) With a seating capacity at tables for more than 150 persons, \$1,875;

i. Annual mixed beverage performing arts facility license, \$630;

j. Bed and breakfast license, \$100;

k. Museum license, \$260;

l. Motor car sporting event facility license, \$300;

m. Commercial lifestyle center license, \$300;

n. Mixed beverage port restaurant license, \$1,050; and

o. Annual mixed beverage special events license, \$630.

4. Retail licenses — on-and-off-premises wine and beer. For each on-and-off premises wine and beer license, \$450.

5. Retail licenses — off-premises wine and beer. For each:

a. Retail off-premises wine and beer license, \$300;

- b. Gourmet brewing shop license, \$320; and
- c. Confectionery license, \$170.
- 6. Retail licenses — banquet, special event, and tasting licenses.
 - a. Per-day event licenses. For each:
 - (1) Banquet license, \$40 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215, which shall be \$100 per license;
 - (2) Mixed beverage special events license, \$45 for each day of each event;
 - (3) Mixed beverage club events license, \$35 for each day of each event; and
 - (4) Tasting license, \$40.
 - b. Annual licenses. For each:
 - (1) Annual banquet license, \$300;
 - (2) Banquet facility license, \$260;
 - (3) Designated outdoor refreshment area license, \$300. However, for any designated outdoor refreshment area license issued pursuant to a local ordinance, the annual fee shall be \$3,000;
 - (4) Annual mixed beverage banquet license, \$630;
 - (5) Equine sporting event license, \$300; and
 - (6) Annual arts venue event license, \$300.
 - 7. Retail licenses — marketplace. For each marketplace license, \$1,000.
 - 8. Retail licenses — shipper, bottler, and related licenses. For each:
 - a. Wine and beer shipper's license, \$230;
 - b. Internet wine and beer retailer license, \$240;
 - c. Bottler license, \$1,500;
 - d. Fulfillment warehouse license, \$210; and
 - e. Marketing portal license, \$285.
 - 9. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax imposed by this section on the license for which the applicant applied.
 - B. The tax on each license granted or reissued for a period other than 12, 24, or 36 months shall be equal to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by the number of months in the license period, and then increased by five percent. Such tax shall not be refundable, except as provided in § 4.1-232.
 - C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter, shall be liable to state merchants' license taxation and state restaurant license taxation and other state taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license tax on a beer wholesaler, the first \$163,800 of beer purchases shall be disregarded; and in ascertaining the liability of a wholesale wine distributor to merchants' license taxation, and in computing the wholesale merchants' license tax on a wholesale wine distributor, the first \$163,800 of wine purchases shall be disregarded.
 - D. In addition to the taxes set forth in this section, a fee of \$5 may be imposed on any license purchased in person from the Board if such license is available for purchase online.

§ 4.1-233.1. Fees on local licenses.

- A. In addition to the state license taxes, the annual local license taxes that may be collected shall not exceed the following sums:
 - 1. Manufacturer licenses. For each:
 - a. Distiller's license and limited distiller's license, if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, \$750; if more than 36,000 gallons manufactured during such year, \$1,000; and no local license shall be required for any person who manufactures not more than 5,000 gallons of alcohol or spirits, or both, during such license year;
 - b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, \$250, and if more than 500 barrels manufactured during such year, \$1,000;
 - c. Winery license, \$50; and
 - d. Farm winery license, \$50.
 - 2. Wholesale licenses. For each:
 - a. Wholesale beer license, in a city, \$250, and in a county or town, \$75; and
 - b. Wholesale wine license, \$50.
 - 3. Retail licenses — mixed beverage. For each:
 - a. Mixed beverage restaurant license, granted to persons operating restaurants, including restaurants located on premises of and operated by *casinos*, hotels or motels, or other persons:
 - (1) With a seating capacity at tables for up to 100 persons, \$200;
 - (2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$350;
 - (3) With a seating capacity at tables for more than 150 persons but not more than 500 persons, \$500;
 - (4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons, \$650; and
 - (5) With a seating capacity at tables for more than 1,000 persons, \$800;

b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs, \$350;

c. Mixed beverage ~~restaurant~~ *casino* license ~~for restaurants located on the premises of and operated by a casino gaming establishment~~, \$800 plus an additional \$2 for each gaming station located on the premises of the casino gaming establishment. *For the purposes of this subdivision, "gaming station" means each slot machine and each casino gaming table that is in active use, as determined annually on December 31;*

d. Mixed beverage caterer's license, \$500;

e. Mixed beverage limited caterer's license, \$100;

f. Annual mixed beverage motor sports facility license, \$300;

g. Limited mixed beverage restaurant license:

(1) With a seating capacity at tables for up to 100 persons, \$100;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$250; or

(3) With a seating capacity at tables for more than 150 persons, \$400;

h. Annual mixed beverage performing arts facility license, \$300;

i. Bed and breakfast license, \$40;

j. Museum license, \$10;

k. Motor car sporting event facility license, \$10;

l. Commercial lifestyle center license, \$60; and

m. Annual mixed beverage special events license, \$300.

4. Retail licenses — on-and-off-premises wine and beer. For each on-and-off premises wine and beer license issued to:

a. Hotels, restaurants, and clubs, in a city, \$150, and in a county or town, \$37.50;

b. Hospitals, \$10;

c. Rural grocery stores, \$37.50; and

d. Historic cinema houses, \$20.

5. Retail licenses — off-premises wine and beer. For each:

a. Retail off-premises wine and beer license, in a city, \$150, and in a county or town, \$37.50;

b. Gourmet brewing shop license, \$150; and

c. Confectionery license, \$20.

6. Retail licenses — banquet, special event, and tasting licenses. For each:

a. Per-day event licenses. For each:

(1) Banquet license, \$5 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215, which shall be \$20 per license;

(2) Mixed beverage special events license, \$10 for each day of each event;

(3) Mixed beverage club events license, \$10 for each day of each event; and

(4) Tasting license, \$10.

b. Annual licenses. For each:

(1) Annual banquet license, \$15;

(2) Designated outdoor refreshment area license, \$60. However, for any designated outdoor refreshment area license issued pursuant to a local ordinance, the annual fee shall be \$600;

(3) Annual mixed beverage banquet license, \$75;

(4) Equine sporting event license, \$10; and

(5) Annual arts venue event license, \$10.

7. Retail licenses — marketplace. For each marketplace license, \$200.

8. Retail licenses — shipper, bottler, and related licenses. For each:

a. Wine and beer shipper's license, \$10; and

b. Bottler license, \$500.

B. Common carriers. No local license tax shall be either charged or collected for the privilege of selling alcoholic beverages in (i) passenger trains, boats, buses, or airplanes or (ii) rooms designated by the Board of establishments of air carriers of passengers at airports in the Commonwealth for on-premises consumption only.

C. Merchants' and restaurants' license taxes. The governing body of each county, city, or town in the Commonwealth, in imposing local wholesale merchants' license taxes measured by purchases, local retail merchants' license taxes measured by sales, and local restaurant license taxes measured by sales, may include alcoholic beverages in the base for measuring such local license taxes the same as if the alcoholic beverages were nonalcoholic. No local alcoholic beverage license authorized by this chapter shall exempt any licensee from any local merchants' or local restaurant license tax, but such local merchants' and local restaurant license taxes may be in addition to the local alcoholic beverage license taxes authorized by this chapter.

The governing body of any county, city, or town, in adopting an ordinance under this section, shall provide that in ascertaining the liability of (i) a beer wholesaler to local merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license tax on such beer wholesaler, purchases of beer up to a stated amount shall be disregarded, which stated amount shall be the amount of beer purchases which would be necessary to produce a local wholesale merchants' license tax equal to the local wholesale beer license tax paid by such wholesaler and (ii) a wholesale

wine licensee to local merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license tax on such wholesale wine licensee, purchases of wine up to a stated amount shall be disregarded, which stated amount shall be the amount of wine purchases which would be necessary to produce a local wholesale merchants' license tax equal to the local wholesale wine licensee license tax paid by such wholesale wine licensee.

D. Delivery. No county, city, or town shall impose any local alcoholic beverage license tax on any wholesaler for the privilege of delivering alcoholic beverages in the county, city, or town when such wholesaler maintains no place of business in such county, city, or town.

E. Application of county tax within town. Any county license tax imposed under this section shall not apply within the limits of any town located in such county, where such town imposes a town license tax on the same privilege.

§ 4.1-325. Prohibited acts by mixed beverage licensees; penalty.

A. In addition to § 4.1-324, no mixed beverage licensee nor any agent or employee of such licensee shall:

1. Sell or serve any alcoholic beverage other than as authorized by law;
2. Sell any authorized alcoholic beverage to any person or at any place except as authorized by law;
3. Allow at the place described in his license the consumption of alcoholic beverages in violation of this title;
4. Keep at the place described in his license any alcoholic beverage other than that which he is licensed to sell;
5. Misrepresent the brand of any alcoholic beverage sold or offered for sale;
6. Keep any alcoholic beverage other than in the bottle or container in which it was purchased by him except (i) for a frozen alcoholic beverage, which may include alcoholic beverages in a frozen drink dispenser of a type approved by the Board; (ii) in the case of wine, in containers of a type approved by the Board pending automatic dispensing and sale of such wine; and (iii) as otherwise provided by Board regulation. Neither this subdivision nor any Board regulation shall prohibit any mixed beverage licensee from premixing containers of sangria, to which spirits may be added, to be served and sold for consumption on the licensed premises;

7. Refill or partly refill any bottle or container of alcoholic beverage or dilute or otherwise tamper with the contents of any bottle or container of alcoholic beverage, except as provided by Board regulation adopted pursuant to subdivision B 11 of § 4.1-111;

8. Sell or serve any brand of alcoholic beverage which is not the same as that ordered by the purchaser without first advising such purchaser of the difference;

9. Remove or obliterate any label, mark, or stamp affixed to any container of alcoholic beverages offered for sale;

10. Deliver or sell the contents of any container if the label, mark, or stamp has been removed or obliterated;

11. Allow any obscene conduct, language, literature, pictures, performance, or materials on the licensed premises;

12. Allow any striptease act on the licensed premises;

13. Allow persons connected with the licensed business to appear nude or partially nude;

14. Consume or allow the consumption by an employee of any alcoholic beverages while on duty and in a position that is involved in the selling or serving of alcoholic beverages to customers.

The provisions of this subdivision shall not prohibit any retail licensee or his designated employee from (i) consuming product samples or sample servings of (a) beer or wine provided by a representative of a licensed beer or wine wholesaler or manufacturer or (b) a distilled spirit provided by a permittee of the Board who represents a distiller, if such samples are provided in accordance with Board regulations and the retail licensee or his designated employee does not violate the provisions of subdivision 1 f of § 4.1-225 or (ii) tasting an alcoholic beverage that has been or will be delivered to a customer for quality control purposes;

15. Deliver to a consumer an original bottle of an alcoholic beverage purchased under such license whether the closure is broken or unbroken except in accordance with § 4.1-206.3.

The provisions of this subdivision shall not apply to the delivery of:

- a. "Soju." For the purposes of this subdivision, "soju" means a traditional Korean alcoholic beverage distilled from rice, barley or sweet potatoes; or

- b. Spirits, provided (i) the original container is no larger than 375 milliliters, (ii) the alcohol content is no greater than 15 percent by volume, and (iii) the contents of the container are carbonated and perishable;

16. Be intoxicated while on duty or employ an intoxicated person on the licensed premises;

17. Conceal any sale or consumption of any alcoholic beverages;

18. Fail or refuse to make samples of any alcoholic beverages available to the Board upon request or obstruct special agents of the Board in the discharge of their duties;

19. Store alcoholic beverages purchased under the license in any unauthorized place or remove any such alcoholic beverages from the premises;

20. Knowingly employ in the licensed business any person who has the general reputation as a prostitute, panderer, habitual law violator, person of ill repute, user or peddler of narcotics, or person who drinks to excess or engages in illegal gambling;

21. Keep on the licensed premises, *except for the premises of a mixed beverage casino licensee*, a slot machine or any prohibited gambling or gaming device, machine, or apparatus;

22. Make any gift of an alcoholic beverage, other than as a gift made (i) to a personal friend, as a matter of normal social intercourse, so long as the gift is in no way a shift or device to evade the restriction set forth in this subdivision; (ii) to a person responsible for the planning, preparation or conduct on any conference, convention, trade show or event held or to

be held on the premises of the licensee, when such gift is made in the course of usual and customary business entertainment and is in no way a shift or device to evade the restriction set forth in this subdivision; (iii) pursuant to subsection B of § 4.1-209; (iv) pursuant to subdivision A 10 of § 4.1-201; ~~or~~ (v) *by a mixed beverage casino licensee to a patron of such licensee in accordance with the provisions of subdivision A 15 of § 4.1-206.3*; or (vi) pursuant to any Board regulation. Any gift permitted by this subdivision shall be subject to the taxes imposed by this title on sales of alcoholic beverages. The licensee shall keep complete and accurate records of gifts given in accordance with this subdivision; or

23. Establish any normal or customary pricing of its alcoholic beverages that is intended as a shift or device to evade any "happy hour" regulations adopted by the Board; however, a licensee may increase the volume of an alcoholic beverage sold to a customer if there is a commensurate increase in the normal or customary price charged for the same alcoholic beverage.

B. Any person convicted of a violation of this section shall be guilty of a Class 1 misdemeanor.

C. The provisions of subdivisions A 12 and A 13 shall not apply to persons operating theaters, concert halls, art centers, museums, or similar establishments that are devoted primarily to the arts or theatrical performances, when the performances that are presented are expressing matters of serious literary, artistic, scientific, or political value.

§ 58.1-4100. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Adjusted gross receipts" means the gross receipts from casino gaming less winnings paid to winners.

"Board" means the Virginia Lottery Board established in the Virginia Lottery Law (§ 58.1-4000 et seq.).

"Casino gaming" or "game" means baccarat, blackjack, twenty-one, poker, craps, dice, slot machines, roulette wheels, Klondike tables, *Mah Jongg*, *electronic table games*, *hybrid table games*, punchboards, faro layouts, numbers tickets, push cards, jar tickets, or pull tabs, *or any variation of the aforementioned games*, and any other activity that is authorized by the Board as a wagering game or device under this chapter. "Casino gaming" or "game" includes on-premises mobile casino gaming.

"Casino gaming establishment" means the premises, *including the entire property located at the address of the licensed casino*, upon which lawful casino gaming is authorized and licensed as provided in this chapter. "Casino gaming establishment" does not include a riverboat or similar vessel.

"Casino gaming operator" means any person issued a license by the Board to operate a casino gaming establishment.

"Cheat" means to alter the selection criteria that determine the result of a game or the amount or frequency of payment in a game for the purpose of obtaining an advantage for one or more participants in a game over other participants in a game.

"*Counter check*" means an interest-free negotiable instrument for a specified amount executed by a player and held by the casino that serves as evidence of the casino gaming patron's obligation to pay the casino and that can be exchanged by the casino gaming patron for the specified amount in chips, tokens, credits, *electronic credits*, *electronic cash*, or *electronic cards*.

"Department" means the independent agency responsible for the administration of the Virginia Lottery created in the Virginia Lottery Law (§ 58.1-4000 et seq.).

"Director" means the Director of the Virginia Lottery.

"Eligible host city" means any city described in § 58.1-4107 in which a casino gaming establishment is authorized to be located.

"Entity" means a person that is not a natural person.

"Gaming operation" means the conduct of authorized casino gaming within a casino gaming establishment.

"Gross receipts" means the total amount of money exchanged for the purchase of chips, tokens, *electronic credits*, *electronic cash*, or electronic cards by casino gaming patrons. "*Gross receipts*" shall not include the cash value of promotions or credits provided to and exchanged by casino gaming patrons for chips, tokens, *electronic credits*, *electronic cash*, or *electronic cards*. "*Gross receipts*" shall also not include uncollectable counter checks.

"Immediate family" means (i) a spouse and (ii) any other person residing in the same household as an officer or employee and who is a dependent of the officer or employee or of whom the officer or employee is a dependent.

"Individual" means a natural person.

"Licensee" or "license holder" means any person holding an operator's license under § 58.1-4111.

"On-premises mobile casino gaming" means casino gaming offered by a casino gaming operator at a casino gaming establishment using a computer network of both federal and nonfederal interoperable packet-switched data networks through which the casino gaming operator may offer casino gaming to individuals who have established an on-premises mobile casino gaming account with the casino gaming operator and who are physically present on the premises of the casino gaming establishment, as authorized by regulations promulgated by the Board.

"Permit holder" means any person holding a supplier or service permit pursuant to this chapter.

"Person" means an individual, partnership, joint venture, association, limited liability company, stock corporation, or nonstock corporation and includes any person that directly or indirectly controls or is under common control with another person.

"Preferred casino gaming operator" means the proposed casino gaming establishment and operator thereof submitted by an eligible host city to the Board as an applicant for licensure.

"*Prepaid access instrument*" means a system device that allows a casino gaming patron access to funds that have been paid in advance and can be retrieved or transferred at some point in the future through such a device. In order to transfer funds for gaming purposes, a prepaid access instrument shall be redeemed for tokens, chips, credits, electronic credits, electronic cash, electronic cards, or used in conjunction with an approved cashless wagering system or interactive gaming account.

"Principal" means any individual who solely or together with his immediate family members (i) owns or controls, directly or indirectly, five percent or more of the pecuniary interest in any entity that is a licensee or (ii) has the power to vote or cause the vote of five percent or more of the voting securities or other ownership interests of such entity, and any person who manages a gaming operation on behalf of a licensee.

"Professional sports" means the same as such term is defined in § 58.1-4030.

"Security" has the same meaning as provided in § 13.1-501. If the Board finds that any obligation, stock, or other equity interest creates control of or voice in the management operations of an entity in the manner of a security, then such interest shall be considered a security.

"Sports betting" means the same as such term is defined in § 58.1-4030.

"Sports betting facility" means an area, kiosk, or device located inside a casino gaming establishment licensed pursuant to this chapter that is designated for sports betting.

"Supplier" means any person that sells or leases, or contracts to sell or lease, any casino gaming equipment, devices, or supplies, or provides any management services, to a licensee.

"Voluntary exclusion program" means a program established by the Board pursuant to § 58.1-4103 that allows individuals to voluntarily exclude themselves from engaging in the activities described in subdivision B 1 of § 58.1-4103 by placing their names on a voluntary exclusion list and following the procedures set forth by the Board.

"Youth sports" means the same as such term is defined in § 58.1-4030.

§ 58.1-4120. Consideration of service permit application.

A. The Department shall promptly consider any application for a service permit and issue or deny such service permit on the basis of the information in the application and all other information provided, including any investigation it considers appropriate. If an application for a service permit is approved, the Department shall issue a service permit containing such information as the Department considers appropriate.

B. The Department shall deny the application and refuse to issue the service permit, which denial shall be final unless an appeal is taken under § 58.1-4105, if it finds that the issuance of such service permit to such applicant would not be in the best interests of the Commonwealth or would reflect negatively on the honesty and integrity of casino gaming in the Commonwealth or that the applicant:

1. Has knowingly made a false statement of a material fact in the application or has deliberately failed to disclose any information requested by the Department;
2. Is or has been guilty of any corrupt or fraudulent practice or conduct in connection with gaming operations in the Commonwealth or any other state;
3. Has knowingly failed to comply with the provisions of this chapter or the regulations promulgated hereunder;
4. Has had a service permit to engage in activity related to casino gaming denied for cause, suspended, or revoked in the Commonwealth or any other state, and such denial, suspension, or revocation is still in effect;
5. Is unqualified to perform the duties required for the service permit sought; or
6. Has been convicted of a misdemeanor or felony involving unlawful conduct of wagering, fraudulent use of a gaming credential, unlawful transmission of information, touting, bribery, embezzlement, distribution or possession of drugs, *excluding misdemeanor possession of marijuana*, or any crime considered by the Department to be detrimental to the honesty and integrity of casino gaming in the Commonwealth.

C. The Department may refuse to issue a service permit if for any reason it determines the granting of such service permit is not consistent with the provisions of this chapter or its responsibilities or any regulations promulgated by any other agency of the Commonwealth.

§ 58.1-4122. Conduct of casino gaming.

A. Casino gaming may be conducted by licensed operators, subject to the following:

1. Minimum and maximum wagers on games shall be set by Department regulations.
2. Agents of the Department, the Department of State Police, and the local law-enforcement and fire departments may enter any casino gaming establishment and inspect such facility at any time for the purpose of determining compliance with this chapter and other applicable fire prevention and safety laws.
3. Employees of the Department shall have the right to be present in any facilities under the control of the licensee.
4. Gaming equipment, devices, and supplies customarily used in conducting casino gaming shall be purchased or leased only from suppliers holding permits for such purpose under this chapter.
5. Persons licensed under this chapter shall permit no form of wagering on games except as permitted by this chapter.
6. Wagers may be received only from a person present at the licensed casino gaming establishment. No person present at such facility shall place or attempt to place a wager on behalf of another person who is not present at the facility.
7. No person under age 21 shall be permitted to make a wager under this chapter or be present where casino gaming is being conducted. *A licensee or permit holder may employ persons between the ages of 18 and 21 for positions in nongaming areas and such employees may traverse the gaming floor, while on duty.*

8. No person shall place or accept a wager on youth sports.

9. No licensee or permit holder shall accept postdated checks in payment for participation in any gaming operation. No licensee or permit holder, or any person on the premises of a casino gaming establishment, shall extend lines of credit or accept any credit card or other electronic fund transfer in payment for participation in any gaming operation. *A licensee or permit holder may accept prepaid access instruments. In order to transfer funds for gaming purposes, a prepaid access instrument must be redeemed for tokens, chips, credits, electronic credits, electronic cash, electronic cards, or used in conjunction with an approved cashless wagering system or interactive gaming account. A licensee or permit holder may issue interest-free counter checks to a player provided (i) the player submits an application and (ii) the licensee or permit holder verifies funds sufficient to cover the face value of the counter check. Such counter checks shall be subject to the tax reporting requirements under state and federal law. Nothing shall preclude a player from making a wire transfer to licensees or permit holders.*

B. Casino gaming wagers shall be conducted only with tokens, chips, *electronic credits, electronic cash, or electronic cards purchased from a licensed casino gaming operator. The conversion of cash to tokens, chips, credits, electronic credits, electronic cash, or electronic cards at a slot machine or any other casino game is permissible and does not constitute conducting a wager.* Such tokens, chips, *credits, electronic credits, electronic cash, or electronic cards* may be used only for the purpose of (i) making wagers on games ~~or~~, (ii) *redeeming for cash or check, or (iii) making a donation to a charitable entity granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code, provided that the donated tokens, chips, credits, electronic credits, electronic cash, or electronic cards are redeemed by the same charitable entity accepting the donation.* The provisions of this subsection shall not apply to sports betting in a sports betting facility, which may be conducted using cash.

2. That any mixed beverage restaurant licensee that is located on the premises of and operated by a casino gaming establishment owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1 of the Code of Virginia and holds a valid mixed beverage restaurant license granted by the Board of Directors of the Virginia Alcoholic Beverage Control Authority prior to July 1, 2022, shall be allowed to operate with the privileges of a mixed beverage casino license as set forth in § 4.1-206.3 of the Code of Virginia, as amended by this act, and any regulations promulgated pursuant thereto until July 1, 2023, or until the casino gaming establishment at which the restaurant is located is issued a mixed beverage casino license, whichever comes first.

3. That the Board of Directors of the Virginia Alcoholic Beverage Control Authority (the Board) may promulgate regulations to implement the provisions of this act. The Board's initial adoption of regulations to implement the provisions of this act shall be completed by October 1, 2022, and shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board shall provide an opportunity for public comment on the regulations prior to adoption. Prior to promulgating such regulations, the Board shall consult with operators licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1 of the Code of Virginia.

CHAPTER 591

An Act to convene stakeholder workgroups to evaluate shared solar programs for Phase I Utilities and electric cooperatives in the Commonwealth.

[S 660]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *The State Corporation Commission shall convene a stakeholder workgroup to evaluate shared solar programs for Phase I Utilities and those utilities subject to the exemption in subsection G of § 56-580 of the Code of Virginia. The stakeholder workgroup shall include representatives from the Coalition for Community Solar Access, Phase I Utilities, the Department of Energy, low-income community solar advocates, consumer protection advocates, solar advocacy organizations, environmental advocacy organizations, the Chesapeake Solar and Storage Association and other solar industry and shared solar stakeholders, and community advocacy groups. The stakeholder workgroup shall permit remote or electronic participation in meetings, which may be held at any location in the Commonwealth. The staff of the State Corporation Commission (the Commission) shall facilitate and document the proceedings of the stakeholder workgroup and submit a written report to the Chairmen of the House Committee on Commerce and Energy and the Senate Committee on Commerce and Labor no later than November 30, 2022, and make copies of the report publicly available on the Commission's website at the same time as submission to the House and Senate Committees.*

Additionally, the Virginia, Maryland, and Delaware Association of Electric Cooperatives and the Coalition for Community Solar Access shall jointly convene a stakeholder process to evaluate shared solar programs for electric cooperatives. This stakeholder process shall include representatives from electric distribution cooperatives, Old Dominion Electric Cooperative, the Department of Energy, low-income community solar advocates, consumer protection advocates, solar advocacy organizations, environmental advocacy organizations, the Chesapeake Solar and Storage Association and other solar industry and shared solar stakeholders, agricultural associations, and staff of the Commission. This stakeholder process shall permit remote or electronic participation in meetings, which may be held at any location in the Commonwealth. The Virginia, Maryland, and Delaware Association of Electric Cooperatives and the Coalition for

Community Solar Access shall facilitate and document the proceedings of the stakeholder workgroup and submit a written report to the Chairmen of the House Committee on Commerce and Energy and the Senate Committee on Commerce and Labor no later than November 30, 2022, and make copies of the report publicly available on the Commission's website at the same time as submission to the House and Senate Committees.

CHAPTER 592

An Act to create a stakeholder advisory group on expanding high-speed broadband service in new residential and commercial development.

[H 445]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Department of Housing and Community Development (the Department) shall convene a stakeholder advisory group for the purpose of evaluating local and state policies, procedures, or ordinances to facilitate the expansion of high-speed broadband service and associated infrastructure in new residential and commercial development.*

With assistance from the Department, the Broadband Advisory Council, and the Commission on Local Government, the stakeholder advisory group shall, to the extent possible, compile information related to existing local ordinances, development standards, and procedures related to the deployment or expansion of high-speed broadband services and associated infrastructure in new residential and commercial development. Furthermore, the stakeholder advisory group shall make a recommendation to the Department regarding any local ordinances, policies, or procedures that have been effective in expanding or deploying high-speed broadband service and associated infrastructure in new residential and commercial development.

The stakeholder advisory group shall also identify any consensus recommendations on changes to existing state law that would facilitate the deployment or expansion of broadband service and associated infrastructure in new residential and commercial development.

The stakeholder advisory group shall be composed of representatives from the commercial and residential land development and construction industry, local government, high-speed broadband providers, and other stakeholders as determined by the Department. The Department shall receive technical assistance from the Broadband Advisory Council and the Commission on Local Government.

The Department shall report its findings and recommendations to the Broadband Advisory Council no later than September 30, 2022.

The stakeholder advisory group established pursuant to this act shall not be a public body as defined in § 2.2-3701 of the Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia), but its meetings shall be open to the public with notice provided by the Department as provided in subsection C of § 2.2-3707 of the Code of Virginia.

CHAPTER 593

An Act to create a stakeholder advisory group on expanding high-speed broadband service in new residential and commercial development.

[S 446]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Department of Housing and Community Development (the Department) shall convene a stakeholder advisory group for the purpose of evaluating local and state policies, procedures, or ordinances to facilitate the expansion of high-speed broadband service and associated infrastructure in new residential and commercial development.*

With assistance from the Department, the Broadband Advisory Council, and the Commission on Local Government, the stakeholder advisory group shall, to the extent possible, compile information related to existing local ordinances, development standards, and procedures related to the deployment or expansion of high-speed broadband services and associated infrastructure in new residential and commercial development. Furthermore, the stakeholder advisory group shall make a recommendation to the Department regarding any local ordinances, policies, or procedures that have been effective in expanding or deploying high-speed broadband service and associated infrastructure in new residential and commercial development.

The stakeholder advisory group shall also identify any consensus recommendations on changes to existing state law that would facilitate the deployment or expansion of broadband service and associated infrastructure in new residential and commercial development.

The stakeholder advisory group shall be composed of representatives from the commercial and residential land development and construction industry, local government, high-speed broadband providers, and other stakeholders as determined by the Department. The Department shall receive technical assistance from the Broadband Advisory Council and the Commission on Local Government.

The Department shall report its findings and recommendations to the Broadband Advisory Council no later than September 30, 2022.

The stakeholder advisory group established pursuant to this act shall not be a public body as defined in § 2.2-3701 of the Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia), but its meetings shall be open to the public with notice provided by the Department as provided in subsection C of § 2.2-3707 of the Code of Virginia.

CHAPTER 594

An Act to amend the Code of Virginia by adding a section numbered 18.2-361.01, relating to sexual abuse of animals; penalty.

[S 249]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-361.01 as follows:

§ 18.2-361.01. Sexual abuse of animals; penalties.

A. As used in this section:

"Animal" means any nonhuman vertebrate species.

"Obscene" means the same as that term is defined in § 18.2-372.

"Obscene item" means the same as that term is defined in § 18.2-373.

"Sexual contact" means any act committed between a person and an animal for the purpose of sexual arousal, sexual gratification, abuse, or financial gain involving (i) contact between the sex organs or anus of one and the mouth, sex organs, or anus of another; (ii) the insertion of any part of the animal's body into the vaginal or anal opening of the person; or (iii) the insertion of any part of the body of a person or any object into the vaginal or anal opening of an animal or touching or fondling by a person of the sex organs or anus of an animal without a bona fide veterinary or animal husbandry purpose.

B. Any person who knowingly (i) engages in sexual contact with an animal; (ii) causes another person by force, threat, or intimidation to engage in sexual contact with an animal; (iii) advertises, solicits, offers, sells, purchases, or possesses an animal with the intent that the animal be subject to sexual contact; (iv) permits sexual contact with an animal to be conducted on any premises under his ownership or control; or (v) produces, distributes, publishes, sells, transmits, finances, possesses, or possesses with the intent to distribute, publish, sell, or transmit an obscene item depicting a person engaged in sexual contact with an animal is guilty of a Class 6 felony.

C. Any person convicted of violating this section shall be prohibited by the court from possessing, owning, or exercising control over any animal. Additionally, the court may order such person to attend an appropriate treatment program or obtain psychiatric or psychological counseling and may impose the costs of such a program or counseling upon the person convicted.

D. Nothing in this section shall apply to an accepted veterinary practice; the artificial insemination of an animal for reproductive purposes; an accepted animal husbandry practice, including grooming, raising, breeding, or assisting with the birthing process of animals; or generally accepted practices related to the judging of breed conformation.

E. For the purpose of enforcing this section, the provisions of §§ 3.2-6502, 3.2-6564, and 3.2-6568 shall apply mutatis mutandis.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 552 of the Acts of Assembly of 2021, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 595

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

[S 572]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. The Secretary of Veterans and Defense Affairs and the Secretary of Commerce and Trade (the Secretaries), in conjunction with the Department of Small Business and Supplier Diversity, shall examine the waiving of fees associated with permits necessary to establish a small business for veteran-owned small businesses. The Secretaries shall identify the necessary permits and determine the total costs of associated fees for a start-up by type of business and by regulatory

agency and shall determine the feasibility of waiving any such fees for veteran-owned small businesses. In conducting their examination, the Secretaries may also identify and make recommendations regarding removing other regulatory barriers for veteran-owned small businesses. The Secretaries shall report their findings and recommendations to the Chairs of the House Committees on Appropriations and Labor and Commerce and the Senate Committees on Finance and Appropriations and Commerce and Labor by December 1, 2022.

For the purposes of this act:

"Permit" means the whole or part of any state agency permit, license, certificate, approval, registration, charter, or any form or permission required by law to engage in activity associated with or involving the establishment of a small business in the Commonwealth.

"Regulatory" means all permitting and other governmental or statutory requirements establishing a small business or professional activities associated with establishing a small business.

"Regulatory agency" means any state agency, board, commission, or division that regulates one or more professions, occupations, industries, businesses, or activities.

"Small business" means an independently owned and operated business that, together with affiliates, has 250 or fewer employees or average annual gross receipts of \$10 million or less averaged over the previous three years.

"Veteran" means an individual who has served in the active military, naval, or air service and who was discharged or released therefrom under conditions other than dishonorable.

CHAPTER 596

An Act to require that one judge of the Second Judicial Circuit be a resident and domiciliary of the County of Accomack or Northampton and preside regularly in the Counties of Accomack and Northampton.

[S 497]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *One judge of the Second Judicial Circuit shall be a resident and domiciliary of the County of Accomack or Northampton and shall preside regularly in the Counties of Accomack and Northampton.*

CHAPTER 597

An Act to amend and reenact §§ 2.2-2455, 2.2-3701, 2.2-3707, 2.2-3707.01, 2.2-3708.2, 2.2-3714, 10.1-1322.01, 15.2-1627.4, 23.1-1301, 23.1-2425, 30-179, and 62.1-44.15:02 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-3708.3, relating to the Virginia Freedom of Information Act; meetings conducted by electronic communication means; situations other than declared states of emergency.

[H 444]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2455, 2.2-3701, 2.2-3707, 2.2-3707.01, 2.2-3708.2, 2.2-3714, 10.1-1322.01, 15.2-1627.4, 23.1-1301, 23.1-2425, 30-179, and 62.1-44.15:02 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-3708.3 as follows:

§ 2.2-2455. **Charitable Gaming Board; membership; terms; quorum; compensation; staff.**

A. The Charitable Gaming Board (the Board) is hereby established as a policy board within the meaning of § 2.2-2100 in the executive branch of state government. The purpose of the Board shall be to advise the Department of Agriculture and Consumer Services on all aspects of the conduct of charitable gaming in Virginia.

B. The Board shall consist of eleven members who shall be appointed in the following manner:

1. Six nonlegislative citizen members appointed by the Governor subject to confirmation by the General Assembly as follows: one member who is a member of a charitable organization subject to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in good standing with the Department; one member who is a charitable gaming supplier registered and in good standing with the Department; one member who is an owner, lessor, or lessee of premises where charitable gaming is conducted; one member who is or has been a law-enforcement officer in Virginia but who (i) is not a charitable gaming supplier registered with the Department, (ii) is not a lessor of premises where charitable gaming is conducted, (iii) is not a member of a charitable organization, or (iv) does not have an interest in or is not affiliated with such supplier or charitable organization or owner, lessor, or lessee of premises where charitable gaming is conducted; and two members who do not have an interest in or are not affiliated with a charitable organization, charitable gaming supplier, or owner, lessor, or lessee of premises where charitable gaming is conducted;

2. Three nonlegislative citizen members appointed by the Speaker of the House of Delegates as follows: two members who are members of a charitable organization subject to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in good standing with the Department and one member who does not have an interest in or is not affiliated with a charitable organization, charitable gaming supplier, or owner, lessor, or lessee of premises where charitable gaming is conducted; and

3. Two nonlegislative citizen members appointed by the Senate Committee on Rules as follows: one member who is a member of a charitable organization subject to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in good standing with the Department and one member who does not have an interest in or is not affiliated with a charitable organization, charitable gaming supplier, or owner, lessor, or lessee of premises where charitable gaming is conducted.

To the extent practicable, the Board shall consist of individuals from different geographic regions of the Commonwealth. Each member of the Board shall have been a resident of the Commonwealth for a period of at least three years next preceding his appointment, and his continued residency shall be a condition of his tenure in office. Members shall be appointed for four-year terms. Vacancies shall be filled by the appointing authority in the same manner as the original appointment for the unexpired portion of the term. Each Board member shall be eligible for reappointment for a second consecutive term at the discretion of the appointing authority. Persons who are first appointed to initial terms of less than four years shall thereafter be eligible for reappointment to two consecutive terms of four years each. No sitting member of the General Assembly shall be eligible for appointment to the Board. The members of the Board shall serve at the pleasure of the appointing authority.

C. The Board shall elect from among its members a chairman who is a member of a charitable organization subject to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2. The Board shall elect a vice-chairman from among its members.

D. A quorum shall consist of five members. The decision of a majority of those members present and voting shall constitute a decision of the Board.

E. For each day or part thereof spent in the performance of his duties, each member of the Board shall receive such compensation and reimbursement for his reasonable expenses as provided in § 2.2-2104.

F. The Board shall adopt rules and procedures for the conduct of its business, including a provision that Board members shall abstain or otherwise recuse themselves from voting on any matter in which they or a member of their immediate family have a personal interest in a transaction as defined in § 2.2-3101. The Board shall meet at least four times a year, and other meetings may be held at any time or place determined by the Board or upon call of the chairman or upon a written request to the chairman by any two members. Except for emergency meetings ~~and meetings governed by § 2.2-3708.2 requiring a longer notice~~, all members shall be duly notified of the time and place of any regular or other meeting at least 10 days in advance of such meeting.

G. Staff to the Board shall be provided by the Department of Agriculture and Consumer Services.

§ 2.2-3701. Definitions.

As used in this chapter, unless the context requires a different meaning:

"All-virtual public meeting" means a public meeting (i) conducted by a public body, other than those excepted pursuant to subsection C of § 2.2-3708.3, using electronic communication means, (ii) during which all members of the public body who participate do so remotely rather than being assembled in one physical location, and (iii) to which public access is provided through electronic communication means.

"Closed meeting" means a meeting from which the public is excluded.

"Electronic communication" means the use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information.

"Emergency" means an unforeseen circumstance rendering the notice required by this chapter impossible or impracticable and which circumstance requires immediate action.

"Information" as used in the exclusions established by §§ 2.2-3705.1 through 2.2-3705.7, means the content within a public record that references a specifically identified subject matter, and shall not be interpreted to require the production of information that is not embodied in a public record.

"Meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through electronic communication means pursuant to § 2.2-3708.2 or 2.2-3708.3, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. Neither the gathering of employees of a public body nor the gathering or attendance of two or more members of a public body (a) at any place or function where no part of the purpose of such gathering or attendance is the discussion or transaction of any public business, and such gathering or attendance was not called or prearranged with any purpose of discussing or transacting any business of the public body, or (b) at a public forum, candidate appearance, or debate, the purpose of which is to inform the electorate and not to transact public business or to hold discussions relating to the transaction of public business, even though the performance of the members individually or collectively in the conduct of public business may be a topic of discussion or debate at such public meeting, shall be deemed a "meeting" subject to the provisions of this chapter.

"Open meeting" or "public meeting" means a meeting at which the public may be present.

"Public body" means any legislative body, authority, board, bureau, commission, district, or agency of the Commonwealth or of any political subdivision of the Commonwealth, including counties, cities, and towns ~~and counties~~, municipal councils, governing bodies of counties, school boards, and planning commissions; governing boards of public institutions of higher education; and other organizations, corporations, or agencies in the Commonwealth supported wholly or principally by public funds. It shall include (i) the Virginia Birth-Related Neurological Injury Compensation Program and its board of directors established pursuant to Chapter 50 (§ 38.2-5000 et seq.) of Title 38.2 and (ii) any committee, subcommittee, or other entity however designated, of the public body created to perform delegated functions of the public

body or to advise the public body. It shall not exclude any such committee, subcommittee, or entity because it has private sector or citizen members. Corporations organized by the Virginia Retirement System are "public bodies" for purposes of this chapter.

For the purposes of the provisions of this chapter applicable to access to public records, constitutional officers and private police departments as defined in § 9.1-101 shall be considered public bodies and, except as otherwise expressly provided by law, shall have the same obligations to disclose public records as other custodians of public records.

"Public records" means all writings and recordings that consist of letters, words, or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording, or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees, or agents in the transaction of public business.

"Regional public body" means a unit of government organized as provided by law within defined boundaries, as determined by the General Assembly, which unit includes two or more localities.

"Remote participation" means participation by an individual member of a public body by electronic communication means in a public meeting where a quorum of the public body is otherwise physically assembled.

"Scholastic records" means those records containing information directly related to a student or an applicant for admission and maintained by a public body that is an educational agency or institution or by a person acting for such agency or institution.

"Trade secret" means the same as that term is defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.).

§ 2.2-3707. Meetings to be public; notice of meetings; recordings; minutes.

A. All meetings of public bodies shall be open, except as provided in §§ 2.2-3707.01 and 2.2-3711.

B. No meeting shall be conducted through telephonic, video, electronic, or other electronic communication means where the members are not physically assembled to discuss or transact public business, except as provided in §§ 2.2-3708.2 ~~or~~ and 2.2-3708.3 or as may be specifically provided in Title 54.1 for the summary suspension of professional licenses.

C. Every public body shall give notice of the date, time, and location of its meetings by:

1. Posting such notice on its official public government website, if any;
2. Placing such notice in a prominent public location at which notices are regularly posted; and
3. Placing such notice at the office of the clerk of the public body or, in the case of a public body that has no clerk, at the office of the chief administrator.

All state public bodies subject to the provisions of this chapter shall also post notice of their meetings on a central, publicly available electronic calendar maintained by the Commonwealth. Publication of meeting notices by electronic means by other public bodies shall be encouraged.

The notice shall be posted at least three working days prior to the meeting.

D. Notice, reasonable under the circumstance, of special, emergency, or continued meetings shall be given contemporaneously with the notice provided to the members of the public body conducting the meeting.

E. Any person may annually file a written request for notification with a public body. The request shall include the requester's name, address, zip code, daytime telephone number, electronic mail address, if available, and organization, if any. The public body receiving such request shall provide notice of all meetings directly to each such person. Without objection by the person, the public body may provide electronic notice of all meetings in response to such requests.

F. At least one copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting shall be made available for public inspection at the same time such documents are furnished to the members of the public body. The proposed agendas for meetings of state public bodies where at least one member has been appointed by the Governor shall state whether or not public comment will be received at the meeting and, if so, the approximate point during the meeting when public comment will be received.

G. Any person may photograph, film, record, or otherwise reproduce any portion of a meeting required to be open. The public body conducting the meeting may adopt rules governing the placement and use of equipment necessary for broadcasting, photographing, filming, or recording a meeting to prevent interference with the proceedings, but shall not prohibit or otherwise prevent any person from photographing, filming, recording, or otherwise reproducing any portion of a meeting required to be open. No public body shall conduct a meeting required to be open in any building or facility where such recording devices are prohibited.

H. Minutes shall be ~~recorded~~ taken at all open meetings. However, minutes shall not be required to be taken at deliberations of (i) standing and other committees of the General Assembly; (ii) legislative interim study commissions and committees, including the Virginia Code Commission; (iii) study committees or commissions appointed by the Governor; or (iv) study commissions or study committees, or any other committees or subcommittees appointed by the governing bodies or school boards of counties, cities, and towns, except where the membership of any such commission, committee, or subcommittee includes a majority of the governing body of the county, city, or town or school board.

Minutes, including draft minutes, and all other records of open meetings, including audio or audio/visual records shall be deemed public records and subject to the provisions of this chapter.

Minutes shall be in writing and shall include (a) the date, time, and location of the meeting; (b) the members of the public body recorded as present and absent; and (c) a summary of the discussion on matters proposed, deliberated, or

decided, and a record of any votes taken. In addition, for electronic communication meetings conducted in accordance with § 2.2-3708.2 or 2.2-3708.3, minutes of state public bodies shall include (1) the identity of the members of the public body at each remote location identified in the notice who participated in the meeting through electronic communication means, (2) the identity of the members of the public body who were physically assembled at the primary or central meeting one physical location, and (3) the identity of the members of the public body who were not present at the locations location identified in clauses (1) and clause (2) but who monitored such meeting through electronic communication means.

§ 2.2-3707.01. Meetings of the General Assembly.

A. Except as provided in subsection B, public access to any meeting of the General Assembly or a portion thereof shall be governed by rules established by the Joint Rules Committee and approved by a majority vote of each house at the next regular session of the General Assembly. At least 60 days before the adoption of such rules, the Joint Rules Committee shall (i) hold regional public hearings on such proposed rules and (ii) provide a copy of such proposed rules to the Virginia Freedom of Information Advisory Council.

B. Floor sessions of either house of the General Assembly; meetings, including work sessions, of any standing or interim study committee of the General Assembly; meetings, including work sessions, of any subcommittee of such standing or interim study committee; and joint committees of conference of the General Assembly; or a quorum of any such committees or subcommittees, shall be open and governed by this chapter.

C. Meetings of the respective political party caucuses of either house of the General Assembly, including meetings conducted by telephonic or other electronic communication means, without regard to (i) whether the General Assembly is in or out of regular or special session or (ii) whether such caucuses invite staff or guests to participate in their deliberations, shall not be deemed meetings for the purposes of this chapter.

D. No regular, special, or reconvened session of the General Assembly held pursuant to Article IV, Section 6 of the Constitution of Virginia shall be conducted using electronic communication means pursuant to § 2.2-3708.2 or 2.2-3708.3.

§ 2.2-3708.2. Meetings held through electronic communication means during declared states of emergency.

~~A. The following provisions apply to all public bodies:~~

~~1. Subject to the requirements of subsection C, all public bodies may conduct any meeting wherein the public business is discussed or transacted through electronic communication means if, on or before the day of a meeting, a member of the public body holding the meeting notifies the chair of the public body that:~~

~~a. Such member is unable to attend the meeting due to (i) a temporary or permanent disability or other medical condition that prevents the member's physical attendance or (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance; or~~

~~b. Such member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. Participation by a member pursuant to this subdivision b is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.~~

~~2. If participation by a member through electronic communication means is approved pursuant to subdivision 1, the public body holding the meeting shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public. If participation is approved pursuant to subdivision 1 a, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to (i) a temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) a family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance. If participation is approved pursuant to subdivision 1 b, the public body shall also include in its minutes the specific nature of the personal matter cited by the member.~~

~~If a member's participation from a remote location pursuant to subdivision 1 b is disapproved because such participation would violate the policy adopted pursuant to subsection C, such disapproval shall be recorded in the minutes with specificity.~~

~~3. Any public body, or any joint meetings thereof, may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17 or the locality in which the public body is located has declared a local state of emergency pursuant to § 44-146.21, provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to provide for the continuity of operations of the public body or the discharge of its lawful purposes, duties, and responsibilities. The public body convening a meeting in accordance with this subdivision section shall:~~

~~a. 1. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body conducting the meeting;~~

~~b. 2. Make arrangements for public access to such meeting through electronic communication means, including videoconferencing if already used by the public body;~~

~~c. 3. Provide the public with the opportunity to comment at those meetings of the public body when public comment is customarily received; and~~

~~d. 4. Otherwise comply with the provisions of this chapter.~~

The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes.

The provisions of this subdivision 3 section shall be applicable only for the duration of the emergency declared pursuant to § 44-146.17 or 44-146.21.

B. The following provisions apply to regional public bodies:

1. Subject to the requirements in subsection C, regional public bodies may also conduct any meeting wherein the public business is discussed or transacted through electronic communication means if, on the day of a meeting, a member of a regional public body notifies the chair of the public body that such member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting.

2. If participation by a member through electronic communication means is approved pursuant to this subsection, the public body holding the meeting shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public.

If a member's participation from a remote location is disapproved because such participation would violate the policy adopted pursuant to subsection C, such disapproval shall be recorded in the minutes with specificity.

C. Participation by a member of a public body in a meeting through electronic communication means pursuant to subdivisions A 1 and 2 and subsection B shall be authorized only if the following conditions are met:

1. The public body has adopted a written policy allowing for and governing participation of its members by electronic communication means, including an approval process for such participation, subject to the express limitations imposed by this section. Once adopted, the policy shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting;

2. A quorum of the public body is physically assembled at one primary or central meeting location; and

3. The public body makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

D. The following provisions apply to state public bodies:

1. Except as provided in subsection D of § 2.2-3707.01, state public bodies may also conduct any meeting wherein the public business is discussed or transacted through electronic communication means, provided that (i) a quorum of the public body is physically assembled at one primary or central meeting location; (ii) notice of the meeting has been given in accordance with subdivision 2; and (iii) members of the public are provided a substantially equivalent electronic communication means through which to witness the meeting. For the purposes of this subsection, "witness" means observe or listen.

If a state public body holds a meeting through electronic communication means pursuant to this subsection, it shall also hold at least one meeting annually where members in attendance at the meeting are physically assembled at one location and where no members participate by electronic communication means.

2. Notice of any regular meeting held pursuant to this subsection shall be provided at least three working days in advance of the date scheduled for the meeting. Notice, reasonable under the circumstance, of special, emergency, or continued meetings held pursuant to this section shall be given contemporaneously with the notice provided to members of the public body conducting the meeting. For the purposes of this subsection, "continued meeting" means a meeting that is continued to address an emergency or to conclude the agenda of a meeting for which proper notice was given.

The notice shall include the date, time, place, and purpose for the meeting; shall identify the primary or central meeting location and any remote locations that are open to the public pursuant to subdivision 4; shall include notice as to the electronic communication means by which members of the public may witness the meeting; and shall include a telephone number that may be used to notify the primary or central meeting location of any interruption in the telephonic or video broadcast of the meeting. Any interruption in the telephonic or video broadcast of the meeting shall result in the suspension of action at the meeting until repairs are made and public access is restored.

3. A copy of the proposed agenda and agenda packets and, unless exempt, all materials that will be distributed to members of a public body for a meeting shall be made available for public inspection at the same time such documents are furnished to the members of the public body conducting the meeting.

4. Public access to the remote locations from which additional members of the public body participate through electronic communication means shall be encouraged but not required. However, if three or more members are gathered at the same remote location, then such remote location shall be open to the public.

5. If access to remote locations is afforded, (i) all persons attending the meeting at any of the remote locations shall be afforded the same opportunity to address the public body as persons attending at the primary or central location and (ii) a copy of the proposed agenda and agenda packets and, unless exempt, all materials that will be distributed to members of the public body for the meeting shall be made available for inspection by members of the public attending the meeting at any of the remote locations at the time of the meeting.

6. The public body shall make available to the public at any meeting conducted in accordance with this subsection a public comment form prepared by the Virginia Freedom of Information Advisory Council in accordance with § 30-179.

7. Minutes of all meetings held by electronic communication means shall be recorded as required by § 2.2-3707. Votes taken during any meeting conducted through electronic communication means shall be recorded by name in roll-call fashion and included in the minutes. For emergency meetings held by electronic communication means, the nature of the emergency shall be stated in the minutes.

8. Any authorized state public body that meets by electronic communication means pursuant to this subsection shall make a written report of the following to the Virginia Freedom of Information Advisory Council by December 15 of each year:

- a. The total number of meetings held that year in which there was participation through electronic communication means;
- b. The dates and purposes of each such meeting;
- c. A copy of the agenda for each such meeting;
- d. The primary or central meeting location of each such meeting;
- e. The types of electronic communication means by which each meeting was held;
- f. If possible, the number of members of the public who witnessed each meeting through electronic communication means;
- g. The identity of the members of the public body recorded as present at each meeting, and whether each member was present at the primary or central meeting location or participated through electronic communication means;
- h. The identity of any members of the public body who were recorded as absent at each meeting and any members who were recorded as absent at a meeting but who monitored the meeting through electronic communication means;
- i. If members of the public were granted access to a remote location from which a member participated in a meeting through electronic communication means, the number of members of the public at each such remote location;
- j. A summary of any public comment received about the process of conducting a meeting through electronic communication means; and
- k. A written summary of the public body's experience conducting meetings through electronic communication means, including its logistical and technical experience.

E. Nothing in this section shall be construed to prohibit the use of interactive audio or video means to expand public participation:

§ 2.2-3708.3. Meetings held through electronic communication means; situations other than declared states of emergency.

A. Public bodies are encouraged to (i) provide public access, both in person and through electronic communication means, to public meetings and (ii) provide avenues for public comment at public meetings when public comment is customarily received, which may include public comments made in person or by electronic communication means or other methods.

B. Individual members of a public body may use remote participation instead of attending a public meeting in person if, in advance of the public meeting, the public body has adopted a policy as described in subsection D and the member notifies the public body chair that:

1. The member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance;
2. A medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance;
3. The member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or
4. The member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. However, the member may not use remote participation due to personal matters more than two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

If participation by a member through electronic communication means is approved pursuant to this subsection, the public body holding the meeting shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public and may be identified in the minutes by a general description. If participation is approved pursuant to subdivision 1 or 2, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to a (i) temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance. If participation is approved pursuant to subdivision 3, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to the distance between the member's principal residence and the meeting location. If participation is approved pursuant to subdivision 4, the public body shall also include in its minutes the specific nature of the personal matter cited by the member.

If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the policy adopted pursuant to subsection D, such disapproval shall be recorded in the minutes with specificity.

C. With the exception of local governing bodies, local school boards, planning commissions, architectural review boards, zoning appeals boards, and boards with the authority to deny, revoke, or suspend a professional or occupational license, any public body may hold all-virtual public meetings, provided that the public body follows the other requirements in this chapter for meetings, the public body has adopted a policy as described in subsection D, and:

1. An indication of whether the meeting will be an in-person or all-virtual public meeting is included in the required meeting notice along with a statement notifying the public that the method by which a public body chooses to meet shall not be changed unless the public body provides a new meeting notice in accordance with the provisions of § 2.2-3707;

2. Public access to the all-virtual public meeting is provided via electronic communication means;

3. The electronic communication means used allows the public to hear all members of the public body participating in the all-virtual public meeting and, when audio-visual technology is available, to see the members of the public body as well;

4. A phone number or other live contact information is provided to alert the public body if the audio or video transmission of the meeting provided by the public body fails, the public body monitors such designated means of communication during the meeting, and the public body takes a recess until public access is restored if the transmission fails for the public;

5. A copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting is made available to the public in electronic format at the same time that such materials are provided to members of the public body;

6. The public is afforded the opportunity to comment through electronic means, including by way of written comments, at those public meetings when public comment is customarily received;

7. No more than two members of the public body are together in any one remote location unless that remote location is open to the public to physically access it;

8. If a closed session is held during an all-virtual public meeting, transmission of the meeting to the public resumes before the public body votes to certify the closed meeting as required by subsection D of § 2.2-3712;

9. The public body does not convene an all-virtual public meeting (i) more than two times per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater, or (ii) with another all-virtual public meeting; and

10. Minutes of all-virtual public meetings held by electronic communication means are taken as required by § 2.2-3707 and include the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held. If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the policy adopted pursuant to subsection D, such disapproval shall be recorded in the minutes with specificity.

D. Before a public body uses all-virtual public meetings as described in subsection C or allows members to use remote participation as described in subsection B, the public body shall first adopt a policy, by recorded vote at a public meeting, that shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. The policy shall:

1. Describe the circumstances under which an all-virtual public meeting and remote participation will be allowed and the process the public body will use for making requests to use remote participation, approving or denying such requests, and creating a record of such requests; and

2. Fix the number of times remote participation for personal matters or all-virtual public meetings can be used per calendar year, not to exceed the limitations set forth in subdivisions B 4 and C 9.

Any public body that creates a committee, subcommittee, or other entity however designated of the public body to perform delegated functions of the public body or to advise the public body may also adopt a policy on behalf of its committee, subcommittee, or other entity that shall apply to the committee, subcommittee, or other entity's use of individual remote participation and all-virtual public meetings.

§ 2.2-3714. Violations and penalties.

A. In a proceeding commenced against any officer, employee, or member of a public body under § 2.2-3713 for a violation of § 2.2-3704, 2.2-3705.1 through 2.2-3705.7, 2.2-3706, 2.2-3706.1, 2.2-3707, 2.2-3708.2, 2.2-3708.3, 2.2-3710, 2.2-3711, or 2.2-3712, the court, if it finds that a violation was willfully and knowingly made, shall impose upon such officer, employee, or member in his individual capacity, whether a writ of mandamus or injunctive relief is awarded or not, a civil penalty of not less than \$500 nor more than \$2,000, which amount shall be paid into the Literary Fund. For a second or subsequent violation, such civil penalty shall be not less than \$2,000 nor more than \$5,000.

B. In addition to any penalties imposed pursuant to subsection A, if the court finds that any officer, employee, or member of a public body failed to provide public records to a requester in accordance with the provisions of this chapter because such officer, employee, or member altered or destroyed the requested public records with the intent to avoid the provisions of this chapter with respect to such request prior to the expiration of the applicable record retention period set by the retention regulations promulgated pursuant to the Virginia Public Records Act (§ 42.1-76 et seq.) by the State Library Board, the court may impose upon such officer, employee, or member in his individual capacity, whether or not a writ of mandamus or injunctive relief is awarded, a civil penalty of up to \$100 per record altered or destroyed, which amount shall be paid into the Literary Fund.

C. In addition to any penalties imposed pursuant to subsections A and B, if the court finds that a public body voted to certify a closed meeting in accordance with subsection D of § 2.2-3712 and such certification was not in accordance with the requirements of clause (i) or (ii) of subsection D of § 2.2-3712, the court may impose on the public body, whether or not a writ of mandamus or injunctive relief is awarded, a civil penalty of up to \$1,000, which amount shall be paid into the Literary Fund. In determining whether a civil penalty is appropriate, the court shall consider mitigating factors, including

reliance of members of the public body on (i) opinions of the Attorney General, (ii) court cases substantially supporting the rationale of the public body, and (iii) published opinions of the *Virginia* Freedom of Information Advisory Council.

§ 10.1-1322.01. Permits; procedures for public hearings and permits before the Board.

A. During the public comment period on a permit action, interested persons may request a public hearing to contest such action or the terms and conditions thereof. Where public hearings are mandatory under state or federal law or regulation, interested persons may request, during the public comment period on the permit action, that the Board consider the permit action pursuant to the requirements of this section.

B. Requests for a public hearing or Board consideration shall contain the following information:

1. The name, mailing address, and telephone number of the requester;
2. The names and addresses of all persons for whom the requester is acting as a representative (for the purposes of this requirement, an unincorporated association is a person);
3. The reason why a public hearing or Board consideration is requested;
4. A brief, informal statement setting forth the factual nature and the extent of the interest of the requester or of the persons for whom the requester is acting as representative in the application or tentative determination, including an explanation of how and to what extent such interest would be directly and adversely affected by the issuance, denial, modification, or revocation of the permit in question; and
5. Where possible, specific references to the terms and conditions of the permit in question, together with suggested revisions and alterations of those terms and conditions that the requester considers are needed to conform the permit to the intent and provisions of the State Air Pollution Control Law (§ 10.1-1300 et seq.).

C. Upon completion of the public comment period on a permit action, the Director shall review all timely requests for public hearing or Board consideration filed during the public comment period on the permit action and within 30 calendar days following the expiration of the time period for the submission of requests shall grant a public hearing or Board consideration after the public hearing required by state or federal law or regulation, unless the permittee or applicant agrees to a later date, if the Director finds the following:

1. That there is a significant public interest in the issuance, denial, modification, or revocation of the permit in question as evidenced by receipt of a minimum of 25 individual requests for a public hearing or Board consideration;
2. That the requesters raise substantial, disputed issues relevant to the issuance, denial, modification, or revocation of the permit in question; and
3. That the action requested by the interested party is not on its face inconsistent with, or in violation of, the State Air Pollution Control Law (§ 10.1-1300 et seq.), federal law or any regulation promulgated thereunder.

D. Either the Director or a majority of the Board members, acting independently, may request a meeting of the Board to be convened within 20 days of the Director's decision pursuant to subsection C in order to review such decision and determine by a majority vote of the Board whether or not to grant a public hearing or Board consideration, or to delegate the permit to the Director for his decision.

For purposes of this subsection, if a Board meeting is held via electronic communication means, the meeting shall be held in compliance with the provisions of § ~~2.2-3708.2~~, ~~except that a quorum of the Board is not required to be physically assembled at one primary or central meeting location~~ 2.2-3708.3. Discussions of the Board held via such electronic communication means shall be specifically limited to a (i) review of the Director's decision pursuant to subsection C, (ii) determination of the Board whether or not to grant a public hearing or Board consideration, or (iii) delegation of the permit to the Director for his decision. No other matter of public business shall be discussed or transacted by the Board during any such meeting held via electronic communication means.

E. The Director shall, forthwith, notify by mail at his last known address (i) each requester and (ii) the applicant or permittee of the decision to grant or deny a public hearing or Board consideration.

F. In addition to subsections C, D, and E, the Director may, in his discretion, convene a public hearing on a permit action or submit a permit action to the Board for its consideration.

G. If a determination is made to hold a public hearing, the Director shall schedule the hearing at a time between 45 and 75 days after mailing of the notice required by subsection E.

H. The Director shall cause, or require the applicant to publish, notice of a public hearing to be published once, in a newspaper of general circulation in the city or county where the facility or operation that is the subject of the permit or permit application is located, at least 30 days before the hearing date.

I. The Director may, on his own motion or at the request of the applicant or permittee, for good cause shown, reschedule the date of the public hearing. In the event the Director reschedules the date for the public hearing after notice has been published, he shall, or require the applicant to, provide reasonable notice of the new date of the public hearing. Such notice shall be published once in the same newspaper where the original notice was published.

J. Public hearings held pursuant to these procedures may be conducted by (i) the Board at a regular or special meeting of the Board or (ii) one or more members of the Board. A member of the Board shall preside over the public hearing.

K. The presiding Board member shall have the authority to maintain order, preserve the impartiality of the decision process, and conclude the hearing process expeditiously. The presiding Board member, in order to carry out his responsibilities under this subsection, is authorized to exercise the following powers, including but not limited to:

1. Prescribing the methods and procedures to be used in the presentation of factual data, arguments, and proof orally and in writing including the imposition of reasonable limitations on the time permitted for oral testimony;

2. Consolidating the presentation of factual data, arguments, and proof to avoid repetitive presentation of them;
 3. Ruling on procedural matters; and
 4. Acting as custodian of the record of the public hearing causing all notices and written submittals to be entered in it.
- L. The public comment period will remain open for 15 days after the close of the public hearing if required by § 10.1-1307.01.

M. When the public hearing is conducted by less than a quorum of the Board, the Department shall, promptly after the close of the public hearing comment period, make a report to the Board.

N. After the close of the public hearing comment period, the Board shall, at a regular or special meeting, take final action on the permit. Such decision shall be issued within 90 days of the close of the public comment period or from a later date, as agreed to by the permittee or applicant and the Board or the Director. The Board shall not take any action on a permit where a public hearing was convened solely to satisfy the requirements of state or federal law or regulation unless the permit was provided to the Board for its consideration pursuant to the provisions of this section.

O. When the public hearing was conducted by less than a quorum of the Board, persons who commented during the public comment period shall be afforded an opportunity at the Board meeting when final action is scheduled to respond to any summaries of the public comments prepared by the Department for the Board's consideration subject to such reasonable limitations on the time permitted for oral testimony or presentation of repetitive material as are determined by the Board.

P. In making its decision, the Board shall consider (i) the verbal and written comments received during the public comment period made part of the record, (ii) any explanation of comments previously received during the public comment period made at the Board meeting, (iii) the comments and recommendation of the Department, and (iv) the agency files. When the decision of the Board is to adopt the recommendation of the Department, the Board shall provide in writing a clear and concise statement of the legal basis and justification for the decision reached. When the decision of the Board varies from the recommendation of the Department, the Board shall, in consultation with legal counsel, provide a clear and concise statement explaining the reason for the variation and how the Board's decision is in compliance with applicable laws and regulations. The written statement shall be provided contemporaneously with the decision of the Board. Copies of the decision, certified by the Director, shall be mailed by certified mail to the permittee or applicant.

§ 15.2-1627.4. Coordination of multidisciplinary response to sexual assault.

A. The attorney for the Commonwealth in each political subdivision in the Commonwealth shall coordinate the establishment of a multidisciplinary response to criminal sexual assault as set forth in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, and hold a meeting, at least annually, to (i) discuss implementation of protocols and policies for sexual assault response teams consistent with those established by the Department of Criminal Justice Services pursuant to subdivision 37 d of § 9.1-102 and (ii) establish and review guidelines for the community's response, including the collection, preservation, and secure storage of evidence from Physical Evidence Recovery Kit examinations consistent with § 19.2-165.1.

B. The following persons or their designees shall be invited to participate in the annual meeting: the attorney for the Commonwealth; the sheriff; the director of the local sexual assault crisis center providing services in the jurisdiction, if any; the chief of each police department and the chief of each campus police department of any institution of higher education in the jurisdiction, if any; a forensic nurse examiner or other health care provider who performs Physical Evidence Recovery Kit examinations in the jurisdiction, if any; the Title IX coordinator of any institution of higher education in the jurisdiction, if any; representatives from the offices of student affairs, human resources, and counseling services of any institution of higher education in the jurisdiction, if any; a representative of campus security of any institution of higher education in the jurisdiction that has not established a campus police department, if any; and the director of the victim/witness program in the jurisdiction, if any. In addition, the attorney for the Commonwealth shall invite other individuals, or their designees, to participate in the annual meeting, including (i) local health department district directors; (ii) the administrator of each licensed hospital within the jurisdiction; (iii) the director of each health safety net clinic within the jurisdiction, including those clinics created by 42 C.F.R. § 491.1 and the free and charitable clinics; and (iv) as determined by the attorney for the Commonwealth, any other local health care providers.

C. Attorneys for the Commonwealth are authorized to conduct the sexual assault response team annual meetings using other methods to encourage attendance, including electronic communication means as provided in § ~~2.2-3708.2~~ 2.2-3708.3.

§ 23.1-1301. Governing boards; powers.

A. The board of visitors of each baccalaureate public institution of higher education or its designee may:

1. Make regulations and policies concerning the institution;
2. Manage the funds of the institution and approve an annual budget;
3. Appoint the chief executive officer of the institution;
4. Appoint professors and fix their salaries; and
5. Fix the rates charged to students for tuition, mandatory fees, and other necessary charges.

B. The governing board of each public institution of higher education or its designee may:

1. In addition to the powers set forth in Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.), lease or sell and convey its interest in any real property that it has acquired by purchase, will, or deed of gift, subject to the prior approval of the Governor and any terms and conditions of the will or deed of gift, if applicable. The proceeds shall be held, used, and administered in the same manner as all other gifts and bequests;

2. Grant easements for roads, streets, sewers, waterlines, electric and other utility lines, or other purposes on any property owned by the institution;

3. Adopt regulations or institution policies for parking and traffic on property owned, leased, maintained, or controlled by the institution;

4. Adopt regulations or institution policies for the employment and dismissal of professors, teachers, instructors, and other employees;

5. Adopt regulations or institution policies for the acceptance and assistance of students in addition to the regulations or institution policies required pursuant to § 23.1-1303;

6. Adopt regulations or institution policies for the conduct of students in attendance and for the rescission or restriction of financial aid, suspension, and dismissal of students who fail or refuse to abide by such regulations or policies;

7. Establish programs, in cooperation with the Council and the Office of the Attorney General, to promote (i) student compliance with state laws on the use of alcoholic beverages and (ii) the awareness and prevention of sexual crimes committed upon students;

8. Establish guidelines for the initiation or induction of students into any social fraternity or sorority in accordance with the prohibition against hazing as defined in § 18.2-56;

9. Assign any interest it possesses in intellectual property or in materials in which the institution claims an interest, provided such assignment is in accordance with the terms of the institution's intellectual property policies adopted pursuant to § 23.1-1303. The Governor's prior written approval is required for transfers of such property (i) developed wholly or predominantly through the use of state general funds, exclusive of capital assets and (ii)(a) developed by an employee of the institution acting within the scope of his assigned duties or (b) for which such transfer is made to an entity other than (1) the Innovation and Entrepreneurship Investment Authority, (2) an entity whose purpose is to manage intellectual properties on behalf of nonprofit organizations, colleges, and universities, or (3) an entity whose purpose is to benefit the respective institutions. The Governor may attach conditions to these transfers as he deems necessary. In the event the Governor does not approve such transfer, the materials shall remain the property of the respective institutions and may be used and developed in any manner permitted by law;

10. Conduct closed meetings pursuant to §§ 2.2-3711 and 2.2-3712 and conduct business as a "state public body" for purposes of subsection D of *through electronic communication means pursuant to § 2.2-3708.2* 2.2-3708.3; and

11. Adopt a resolution to require the governing body of a locality that is contiguous to the institution to enforce state statutes and local ordinances with respect to offenses occurring on the property of the institution. Upon receipt of such resolution, the governing body of such locality shall enforce statutes and local ordinances with respect to offenses occurring on the property of the institution.

§ 23.1-2425. Confidential and public information.

A. The Authority is subject to the provisions of the *Virginia* Freedom of Information Act (§ 2.2-3700 et seq.), including the exclusions set forth in subdivision 14 of § 2.2-3705.7 and subdivision A 23 of § 2.2-3711.

B. For purposes of the *Virginia* Freedom of Information Act (§ 2.2-3700 et seq.), meetings of the board are not considered meetings of the board of visitors of the University. Meetings of the board may be conducted through electronic communication means as provided in § ~~2.2-3708.2~~ 2.2-3708.3.

§ 30-179. Powers and duties of the Council.

The Council shall:

1. Furnish, upon request, advisory opinions or guidelines, and other appropriate information regarding the *Virginia* Freedom of Information Act (§ 2.2-3700 et seq.) to any person or public body, in an expeditious manner;

2. Conduct training seminars and educational programs for the members and staff of public bodies and other interested persons on the requirements of the *Virginia* Freedom of Information Act (§ 2.2-3700 et seq.);

3. Publish such educational materials as it deems appropriate on the provisions of the *Virginia* Freedom of Information Act (§ 2.2-3700 et seq.);

4. Request from any public body such assistance, services, and information as will enable the Council to effectively carry out its responsibilities. Information provided to the Council by a public body shall not be released to any other party unless authorized by such public body;

5. Assist in the development and implementation of the provisions of § 2.2-3704.1;

~~6. Develop the public comment form for use by designated public bodies in accordance with subdivision D 6 of § 2.2-3708.2;~~

~~7. Develop an online public comment form to be posted on the Council's official public government website to enable any requester to comment on the quality of assistance provided to the requester by a public body; and~~

~~8. 7. Report annually on or before December 1 of each year on its activities and findings regarding the *Virginia* Freedom of Information Act (§ 2.2-3700 et seq.), including recommendations for changes in the law, to the General Assembly and the Governor. The annual report shall be published as a state document.~~

§ 62.1-44.15:02. Permits; procedures for public hearings and permits before the Board.

A. During the public comment period on a permit action, interested persons may request a public hearing to contest such action or the terms and conditions thereof. Where public hearings are mandatory under state or federal law or regulation, interested persons may request, during the public comment period on the permit action, that the Board consider the permit action pursuant to the requirements of this section.

B. Requests for a public hearing or Board consideration shall contain the following information:

1. The name, mailing address, and telephone number of the requester;
2. The names and addresses of all persons for whom the requester is acting as a representative (for the purposes of this requirement, an unincorporated association is a person);
3. The reason why a public hearing or Board consideration is requested;
4. A brief, informal statement setting forth the factual nature and the extent of the interest of the requester or of the persons for whom the requester is acting as representative in the application or tentative determination, including an explanation of how and to what extent such interest would be directly and adversely affected by the issuance, denial, modification, or revocation of the permit in question; and
5. Where possible, specific references to the terms and conditions of the permit in question, together with suggested revisions and alterations of those terms and conditions that the requester considers are needed to conform the permit to the intent and provisions of the State Water Control Law (§ 62.1-44.2 et seq.).

C. Upon completion of the public comment period on a permit action, the Director shall review all timely requests for public hearing or Board consideration filed during the public comment period on the permit action and within 30 calendar days following the expiration of the time period for the submission of requests shall grant a public hearing or Board consideration after the public hearing required by state or federal law or regulation, unless the permittee or applicant agrees to a later date, if the Director finds the following:

1. That there is a significant public interest in the issuance, denial, modification, or revocation of the permit in question as evidenced by receipt of a minimum of 25 individual requests for a public hearing or Board consideration;
2. That the requesters raise substantial, disputed issues relevant to the issuance, denial, modification, or revocation of the permit in question; and
3. That the action requested is not on its face inconsistent with, or in violation of, the State Water Control Law (§ 62.1-44.2 et seq.), federal law or any regulation promulgated thereunder.

D. Either the Director or a majority of the Board members, acting independently, may request a meeting of the Board to be convened within 20 days of the Director's decision pursuant to subsection C in order to review such decision and determine by a majority vote of the Board whether or not to grant a public hearing or Board consideration, or to delegate the permit to the Director for his decision.

For purposes of this subsection, if a Board meeting is held via electronic communication means, the meeting shall be held in compliance with the provisions of § ~~2-2-3708.2, except that a quorum of the Board is not required to be physically assembled at one primary or central meeting location~~ 2.2-3708.3. Discussions of the Board held via such electronic communication means shall be specifically limited to a (i) review of the Director's decision pursuant to subsection C, (ii) determination of the Board whether or not to grant a public hearing or Board consideration, or (iii) delegation of the permit to the Director for his decision. No other matter of public business shall be discussed or transacted by the Board during any such meeting held via electronic communication means.

E. The Director shall, forthwith, notify by mail at his last known address (i) each requester and (ii) the applicant or permittee of the decision to grant or deny a public hearing or Board consideration.

F. In addition to subsections C, D, and E, the Director may, in his discretion, convene a public hearing on a permit action or submit a permit action to the Board for its consideration.

G. If a determination is made to hold a public hearing, the Director shall schedule the hearing at a time between 45 and 75 days after mailing of the notice required by subsection E.

H. The Director shall cause, or require the applicant to publish, notice of a public hearing to be published once, in a newspaper of general circulation in the city or county where the facility or operation that is the subject of the permit or permit application is located, at least 30 days before the hearing date.

I. The Director may, on his own motion or at the request of the applicant or permittee, for good cause shown, reschedule the date of the public hearing. In the event the Director reschedules the date for the public hearing after notice has been published, he shall, or require the applicant to, provide reasonable notice of the new date of the public hearing. Such notice shall be published once in the same newspaper where the original notice was published.

J. Public hearings held pursuant to these procedures may be conducted by (i) the Board at a regular or special meeting of the Board or (ii) one or more members of the Board. A member of the Board shall preside over the public hearing.

K. The presiding Board member shall have the authority to maintain order, preserve the impartiality of the decision process, and conclude the hearing process expeditiously. The presiding Board member, in order to carry out his responsibilities under this subsection, is authorized to exercise the following powers, including but not limited to:

1. Prescribing the methods and procedures to be used in the presentation of factual data, arguments, and proof orally and in writing including the imposition of reasonable limitations on the time permitted for oral testimony;
2. Consolidating the presentation of factual data, arguments, and proof to avoid repetitive presentation of them;
3. Ruling on procedural matters; and
4. Acting as custodian of the record of the public hearing causing all notices and written submittals to be entered in it.

L. The public comment period will remain open for 15 days after the close of the public hearing if required by § 62.1-44.15:01.

M. When the public hearing is conducted by less than a quorum of the Board, the Department shall, promptly after the close of the public hearing comment period, make a report to the Board.

N. After the close of the public hearing comment period, the Board shall, at a regular or special meeting, take final action on the permit. Such decision shall be issued within 90 days of the close of the public comment period or from a later date, as agreed to by the permittee or applicant and the Board or the Director. The Board shall not take any action on a permit where a public hearing was convened solely to satisfy the requirements of state or federal law or regulation unless the permit was provided to the Board for its consideration pursuant to the provisions of this section.

O. When the public hearing was conducted by less than a quorum of the Board, persons who commented during the public comment period shall be afforded an opportunity at the Board meeting when final action is scheduled to respond to any summaries of the public comments prepared by the Department for the Board's consideration subject to such reasonable limitations on the time permitted for oral testimony or presentation of repetitive material as are determined by the Board.

P. In making its decision, the Board shall consider (i) the verbal and written comments received during the public comment period made part of the record, (ii) any explanation of comments previously received during the public comment period made at the Board meeting, (iii) the comments and recommendation of the Department, and (iv) the agency files. When the decision of the Board is to adopt the recommendation of the Department, the Board shall provide in writing a clear and concise statement of the legal basis and justification for the decision reached. When the decision of the Board varies from the recommendation of the Department, the Board shall, in consultation with legal counsel, provide a clear and concise statement explaining the reason for the variation and how the Board's decision is in compliance with applicable laws and regulations. The written statement shall be provided contemporaneously with the decision of the Board. Copies of the decision, certified by the Director, shall be mailed by certified mail to the permittee or applicant.

2. That the Virginia Freedom of Information Advisory Council shall convene a work group, no later than May 1, 2022, to develop recommendations for best practices for public bodies holding all-virtual public meetings, including but not limited to how to take public comment virtually and the proper use of video by public body members. Such recommendations must be completed by August 1, 2022. The work group shall include representatives of the Virginia Association of Counties, the Virginia Municipal League, the Virginia Coalition for Open Government, and the Virginia Press Association and such other stakeholders the Council deem appropriate.

3. The law will be effective on September 1, 2022.

CHAPTER 598

An Act to amend the Code of Virginia by adding a section numbered 38.2-3418.15:1, relating to health insurance; coverage for prosthetic devices.

[H 925]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 38.2-3418.15:1 as follows:

§ 38.2-3418.15:1. Coverage for prosthetic devices and components.

A. As used in this section:

"Component" means the materials and equipment needed to ensure the comfort and functioning of a prosthetic device.

"Limb" means an arm, a hand, a leg, a foot, or any portion of an arm, a hand, a leg, or a foot.

"Medically necessary prosthetic device" includes any myoelectric, biomechanical, or microprocessor-controlled prosthetic device that peer-reviewed medical literature has determined to be medically appropriate on the basis of the clinical assessment of the enrollee's rehabilitation potential.

"Prosthetic device" means an artificial device to replace, in whole or in part, a limb.

B. Notwithstanding the provisions of § 38.2-3418.15 or 38.2-3419, each insurer proposing to issue group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis, each corporation providing group accident and sickness subscription contracts, and each health maintenance organization providing a health care plan for health care services shall provide coverage for medically necessary prosthetic devices and their repair, fitting, replacement, and components.

C. The coverage required under subsection B shall be subject to the following:

1. Coverage for medically necessary prosthetic devices does not include:

a. The cost of repair and replacement due to enrollee neglect, misuse, or abuse; or

b. Prosthetic devices designed primarily for an athletic purpose.

2. An insurer shall not impose any annual or lifetime dollar maximum on coverage for prosthetic devices other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the policy. The coverage may be made subject to, and no more restrictive than, the provisions of a health insurance policy that apply to other benefits under the policy.

3. An insurer, corporation, or health maintenance organization shall not apply amounts paid for prosthetic devices to any annual or lifetime dollar maximum applicable to other durable medical equipment covered under the policy other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the policy.

4. An insurer, corporation, or health maintenance organization shall not impose upon any person receiving benefits pursuant to this section any coinsurance in excess of 30 percent of the carrier's allowable charge for such prosthetic device or service when such device or service is provided by an in-network provider.

5. An insurer, corporation, or health maintenance organization may require preauthorization to determine medical necessity and the eligibility of benefits for prosthetic devices and components in the same manner that prior authorization is required for any other covered benefit.

D. The provisions of this section shall apply to any policy, contract, or plan delivered, issued for delivery, or renewed in the Commonwealth on and after January 1, 2023, or at any time thereafter when any term of the policy, contract, or plan is changed or any premium adjustment is made.

E. The provisions of this section shall not apply to (i) short-term travel, accident-only, or limited or specified disease policies; (ii) policies, contracts, or plans issued in the individual market or small group markets; (iii) contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, Title XIX of the Social Security Act, known as Medicaid, Title XXI of the Social Security Act, or any other similar coverage under state or federal governmental plans; or (iv) short-term nonrenewable policies of not more than six months' duration.

CHAPTER 599

An Act to amend the Code of Virginia by adding a section numbered 38.2-3418.15:1, relating to health insurance; coverage for prosthetic devices.

[S 405]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 38.2-3418.15:1 as follows:

§ 38.2-3418.15:1. Coverage for prosthetic devices and components.

A. As used in this section:

"Component" means the materials and equipment needed to ensure the comfort and functioning of a prosthetic device.

"Limb" means an arm, a hand, a leg, a foot, or any portion of an arm, a hand, a leg, or a foot.

"Medically necessary prosthetic device" includes any myoelectric, biomechanical, or microprocessor-controlled prosthetic device that peer-reviewed medical literature has determined to be medically appropriate on the basis of the clinical assessment of the enrollee's rehabilitation potential.

"Prosthetic device" means an artificial device to replace, in whole or in part, a limb.

B. Notwithstanding the provisions of § 38.2-3418.15 or 38.2-3419, each insurer proposing to issue group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis, each corporation providing group accident and sickness subscription contracts, and each health maintenance organization providing a health care plan for health care services shall provide coverage for medically necessary prosthetic devices and their repair, fitting, replacement, and components.

C. The coverage required under subsection B shall be subject to the following:

1. Coverage for medically necessary prosthetic devices does not include:

- a. The cost of repair and replacement due to enrollee neglect, misuse, or abuse; or
- b. Prosthetic devices designed primarily for an athletic purpose.

2. An insurer shall not impose any annual or lifetime dollar maximum on coverage for prosthetic devices other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the policy. The coverage may be made subject to, and no more restrictive than, the provisions of a health insurance policy that apply to other benefits under the policy.

3. An insurer, corporation, or health maintenance organization shall not apply amounts paid for prosthetic devices to any annual or lifetime dollar maximum applicable to other durable medical equipment covered under the policy other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the policy.

4. An insurer, corporation, or health maintenance organization shall not impose upon any person receiving benefits pursuant to this section any coinsurance in excess of 30 percent of the carrier's allowable charge for such prosthetic device or service when such device or service is provided by an in-network provider.

5. An insurer, corporation, or health maintenance organization may require preauthorization to determine medical necessity and the eligibility of benefits for prosthetic devices and components in the same manner that prior authorization is required for any other covered benefit.

D. The provisions of this section shall apply to any policy, contract, or plan delivered, issued for delivery, or renewed in the Commonwealth on and after January 1, 2023, or at any time thereafter when any term of the policy, contract, or plan is changed or any premium adjustment is made.

E. The provisions of this section shall not apply to (i) short-term travel, accident-only, or limited or specified disease policies; (ii) policies, contracts, or plans issued in the individual market or small group markets; (iii) contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, Title XIX of the

Social Security Act, known as Medicaid, Title XXI of the Social Security Act, or any other similar coverage under state or federal governmental plans; or (iv) short-term nonrenewable policies of not more than six months' duration.

CHAPTER 600

An Act to amend the Code of Virginia by adding a section numbered 2.2-310.1, relating to the Office of the State Inspector General; investigations; prohibition on interference or exertion of undue influence by the Governor, etc.

[H 752]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 2.2-310.1 as follows:

§ 2.2-310.1. Investigations; prohibition on interference or exertion of undue influence by Governor, etc.

Neither the Governor nor his chief of staff, counsel, director of policy, or Cabinet Secretaries shall interfere with or exert undue influence upon any investigation by the Office of the State Inspector General of fraud, waste, abuse, or corruption by a state agency or nonstate agency or by any officer or employee of a state agency or nonstate agency.

CHAPTER 601

An Act to amend and reenact § 36-7.2 of the Code of Virginia, relating to Housing Authorities Law; notice of intent to dispose of a housing project.

[H 1286]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 36-7.2 of the Code of Virginia is amended and reenacted as follows:

§ 36-7.2. Notice of intent to demolish, liquidate, or otherwise dispose of housing projects.

A. Any housing authority required to submit an application to the U.S. Department of Housing and Urban Development (HUD) to demolish, liquidate, or otherwise dispose of a housing project shall serve a notice of intent to demolish, liquidate, or otherwise dispose of such housing project containing the requirements listed in subsection C at least ~~12~~ six months prior to any application submission date to (i) the Virginia Department of Housing and Community Development; ~~(ii) any agency that would be responsible for administering tenant-based rental assistance to persons who would otherwise be displaced from the housing project;~~ and (iii) (ii) each tenant residing in the housing project.

B. The authority shall also provide notice containing the requirements listed in subsection C to any prospective tenant who is offered a rental agreement *at the covered housing project* subsequent to the initial notice sent pursuant to subsection A prior to the prospective tenant signing the rental agreement or paying any deposit.

C. Notice of intent to demolish, liquidate, or otherwise dispose of a housing project shall include:

1. The anticipated date upon which an application to demolish, liquidate, or otherwise dispose of the housing project will be submitted to HUD;

2. The name, address, and phone number of ~~any the~~ local legal aid ~~societies~~ society;

3. Instructions for requesting more information pertaining to the application process, timeline, and implications for the tenant; and

4. Instructions for submitting written comment to the housing authority regarding the demolition, liquidation, or disposal of the housing project.

D. Notwithstanding the foregoing, the housing authority shall not require any tenant currently residing in such housing project to surrender possession of his unit until at least 12 months after serving the notice required by subsection A except as otherwise provided by law.

~~D. E.~~ During the 12-month period subsequent to the provision of the notice required by subsection A, the housing authority shall not (i) increase rent for any tenant above the amount authorized by any federal assistance program applicable to the housing project; (ii) change the terms of the rental agreement for any tenant, except as permitted under the existing rental agreement; ~~or~~ (iii) evict a tenant or demand possession of any dwelling unit in the housing project, except for a lease violation, *including the tenant's failure to pay rent or other charges required by the lease*, or violation of law that threatens the health and safety of the building residents; *or (iv) take any action to demolish, liquidate, or otherwise dispose of the public housing project or a portion of the public housing project.*

~~E. F.~~ Any party ~~who~~ that is entitled to receive notice under this section may bring a civil action to enjoin action by the housing authority or recover actual damages for any violation of this section, including any court costs and reasonable attorney fees.

CHAPTER 602

An Act to create a six-year capital outlay plan for projects to be funded entirely or partially from general fund–supported resources and to repeal Chapter 94 of the Acts of Assembly of 2021, Special Session I.

[H 166]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the following capital outlay projects and descriptive information shall constitute the Commonwealth's capital outlay plan, pursuant to § 2.2-1518 of the Code of Virginia, for the capital projects supported entirely or partially from the general fund for the six-year period beginning July 1, 2022. These projects do not include projects that were previously funded and authorized to proceed to construction.*

<i>Agency Code/Agency</i>	<i>Priority</i>	<i>Project Name</i>	<i>Cost Category</i>
<i>127—Department of Emergency Management</i>	<i>1</i>	<i>Construct a new Virginia Emergency Operations Center (VEOC)</i>	<i>\$25,000,001 to \$50,000,000</i>
<i>156—Department of State Police</i>	<i>1</i>	<i>Replace Training Academy at Department Headquarters</i>	<i>\$25,000,001 to \$50,000,000</i>
	<i>2</i>	<i>Construct Division 6 Headquarters</i>	<i>\$0 to \$10,000,000</i>
<i>194—Department of General Services</i>	<i>1</i>	<i>Construct New Supreme Court Building</i>	<i>Above \$100,000,000</i>
	<i>2</i>	<i>Construct New State Office Building and Parking Deck</i>	<i>Above \$100,000,000</i>
	<i>3</i>	<i>Construct new Division of Consolidated Laboratory Services Building</i>	<i>Above \$100,000,000</i>
<i>199—Department of Conservation and Recreation</i>	<i>1</i>	<i>Renovate Cabins</i>	<i>\$10,000,001 to \$25,000,000</i>
	<i>2</i>	<i>Construct Revenue-Generating Facilities</i>	<i>\$10,000,001 to \$25,000,000</i>
	<i>3</i>	<i>Construct New Cabins</i>	<i>\$10,000,001 to \$25,000,000</i>
	<i>4</i>	<i>State Parks Infrastructure</i>	<i>\$10,000,001 to \$25,000,000</i>
<i>203—Wilson Workforce and Rehabilitation Center</i>	<i>1</i>	<i>Renovate Watson Theater and Activities Building, Phase 3</i>	<i>\$10,000,001 to \$25,000,000</i>
	<i>2</i>	<i>Construct facility to replace Mary Switzer Building</i>	<i>\$25,000,001 to \$50,000,000</i>
<i>207—University of Virginia</i>	<i>1</i>	<i>Center for the Arts</i>	<i>Above \$100,000,000</i>
<i>208—Virginia Polytechnic Institute and State University</i>	<i>1</i>	<i>Replace Randolph Hall</i>	<i>Above \$100,000,000</i>
	<i>2</i>	<i>Expand Virginia Tech-Carilion School of Medicine and Fralin Biomedical Research Institute</i>	<i>Above \$100,000,000</i>
<i>211—Virginia Military Institute</i>	<i>1</i>	<i>Construct Center for Leadership and Ethics, Phase 2</i>	<i>\$50,000,001 to \$75,000,000</i>
	<i>2</i>	<i>Renovate and Expand Engineering and Laboratory Facilities</i>	<i>\$50,000,001 to \$75,000,000</i>
<i>212—Virginia State University</i>	<i>1</i>	<i>Construct BOLT Leadership Center for Social Responsibility</i>	<i>\$25,000,001 to \$50,000,000</i>
	<i>2</i>	<i>Renovate Virginia Hall</i>	<i>\$25,000,001 to \$50,000,000</i>
<i>213—Norfolk State University</i>	<i>1</i>	<i>Renovate/Replace Fine Arts Building</i>	<i>\$75,000,001 to \$100,000,000</i>

	2	Construct Wellness, Health and Physical Education Center	\$75,000,001 to \$100,000,000
	3	Construct Pre-School Academy	\$10,000,001 to \$25,000,000
215—University of Mary Washington	1	Construct Fine and Performing Arts Center	Above \$100,000,000
	2	Renovate Simpson Library	\$25,000,001 to \$50,000,000
217—Radford University	1	Renovate McConnell Hall	\$25,000,001 to \$50,000,000
218—Virginia School for the Deaf and the Blind	1	Renovate Main Hall and Repair Chapel	\$25,000,001 to \$50,000,000
221—Old Dominion University	1	Construct New Data Science and Computer Engineering Building	Above \$100,000,000
229—Virginia Cooperative Extension and Agricultural Experiment Station	1	Improve Agriculture and Research Extension Centers	\$10,000,0001 to \$25,000,000
	2	Improve Center Woods Complex	\$10,000,001 to \$25,000,000
234—Cooperative Extension and Agricultural Research Services	1	Renovate Summerseat for Urban Agriculture Center	\$0 to \$10,000,000
236—Virginia Commonwealth University	1	Construct Interdisciplinary Classroom and Laboratory Building	Above \$100,000,000
242—Christopher Newport University	1	Construct New E&G Administration Building	\$10,000,001 to \$25,000,000
246—University of Virginia's College at Wise	1	Renovate Darden Hall	\$25,000,001 to \$50,000,000
	2	Construct Technology Classroom Building	\$50,000,001 to \$75,000,000
247—George Mason University	1	Construct Academic VIII - STEM Prince William Campus	Above \$100,000,000
	2	Renovate Space to Accommodate Virtual Online Campus	\$10,000,001 to \$25,000,000
	3	Construct and Renovate Advanced Computational Infrastructure and Hybrid Learning Labs	\$10,000,001 to \$25,000,000
	4	Construct Interdisciplinary Science & Engineering Building 1	Above \$100,000,000
	5	Student Innovation Factory Building	\$25,000,001 to \$50,000,000
260—Virginia Community College System	1	Renovate Brown Library, Virginia Western	\$10,000,001 to \$25,000,000
	2	Renovate Paul D. Camp Franklin Campus	\$25,000,001 to \$50,000,000
	3	Renovate Stone Hall Building, Patrick and Henry	\$10,000,001 to \$25,000,000
	4	Renovate and Expand Fincastle Hall, Wytheville	\$25,000,001 to \$50,000,000
	5	Construct Workforce Development Building, Mountain Empire Community College	\$10,000,001 to \$25,000,000
268—Virginia Institute of Marine Science	1	Construct New Fisheries Science Building	\$25,000,001 to \$50,000,000

417—Gunston Hall	1	Construct Archaeology and Maintenance Facilities	\$0 to \$10,000,000
720—Department of Behavioral Health and Developmental Services	1	Renovate Food Services Statewide	\$25,000,001 to \$50,000,000
	2	Renovate Eastern State Hospital, Phase IV	\$25,000,001 to \$50,000,000
	3	Replace Northern Virginia Mental Health Institute	\$25,000,001 to \$50,000,000
	4	Renovate Southern Virginia Mental Health Institute	\$10,000,001 to \$25,000,000
799—Department of Corrections	1	Replace Powhatan Infirmary	\$25,000,001 to \$50,000,000
	2	Expand Deerfield Correctional Center	\$25,000,001 to \$50,000,000
	3	Construct Chesterfield Probation and Parole Office	\$0 to \$10,000,000
912—Department of Veterans Services	1	Construct new veterans care center in Roanoke	Above \$100,000,000
942—Virginia Museum of Natural History	1	Construct Satellite Facility in Waynesboro	\$10,000,001 to \$25,000,000
949—Central Capital	1	Workforce Development Projects	\$25,000,001 to \$50,000,000

2. That Chapter 94 of the Acts of Assembly of 2021, Special Session I, is repealed.

CHAPTER 603

An Act to create a six-year capital outlay plan for projects to be funded entirely or partially from general fund-supported resources and to repeal Chapter 94 of the Acts of Assembly of 2021, Special Session I.

[S 115]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the following capital outlay projects and descriptive information shall constitute the Commonwealth's capital outlay plan, pursuant to § 2.2-1518 of the Code of Virginia, for the capital projects supported entirely or partially from the general fund for the six-year period beginning July 1, 2022. These projects do not include projects that were previously funded and authorized to proceed to construction.*

<i>Agency Code/Agency</i>	<i>Priority</i>	<i>Project Name</i>	<i>Cost Category</i>
127—Department of Emergency Management	1	Construct a new Virginia Emergency Operations Center (VEOC)	\$25,000,001 to \$50,000,000
156—Department of State Police	1	Replace Training Academy at Department Headquarters	\$25,000,001 to \$50,000,000
	2	Construct Division 6 Headquarters	\$0 to \$10,000,000
194—Department of General Services	1	Construct New Supreme Court Building	Above \$100,000,000
	2	Construct New State Office Building and Parking Deck	Above \$100,000,000
	3	Construct new Division of Consolidated Laboratory Services Building	Above \$100,000,000
199— Department of Conservation and Recreation	1	Renovate Cabins	\$10,000,001 to \$25,000,000
	2	Construct Revenue-Generating Facilities	\$10,000,001 to \$25,000,000

	3	Construct New Cabins	\$10,000,001 to \$25,000,000
	4	State Parks Infrastructure	\$10,000,001 to \$25,000,000
203—Wilson Workforce and Rehabilitation Center	1	Renovate Watson Theater and Activities Building, Phase 3	\$10,000,001 to \$25,000,000
	2	Construct facility to replace Mary Switzer Building	\$25,000,001 to \$50,000,000
207—University of Virginia	1	Center for the Arts	Above \$100,000,000
208—Virginia Polytechnic Institute and State University	1	Replace Randolph Hall	Above \$100,000,000
	2	Expand Virginia Tech-Carilion School of Medicine and Fralin Biomedical Research Institute	Above \$100,000,000
211—Virginia Military Institute	1	Construct Center for Leadership and Ethics, Phase 2	\$50,000,001 to \$75,000,000
	2	Renovate and Expand Engineering and Laboratory Facilities	\$50,000,001 to \$75,000,000
212—Virginia State University	1	Construct BOLT Leadership Center for Social Responsibility	\$25,000,001 to \$50,000,000
	2	Renovate Virginia Hall	\$25,000,001 to \$50,000,000
213—Norfolk State University	1	Renovate/Replace Fine Arts Building	\$75,000,001 to \$100,000,000
	2	Construct Wellness, Health and Physical Education Center	\$75,000,001 to \$100,000,000
	3	Construct Pre-School Academy	\$10,000,001 to \$25,000,000
215—University of Mary Washington	1	Construct Fine and Performing Arts Center	Above \$100,000,000
	2	Renovate Simpson Library	\$25,000,001 to \$50,000,000
217—Radford University	1	Renovate McConnell Hall	\$25,000,001 to \$50,000,000
218—Virginia School for the Deaf and the Blind	1	Renovate Main Hall and Repair Chapel	\$25,000,001 to \$50,000,000
221—Old Dominion University	1	Construct New Data Science and Computer Engineering Building	Above \$100,000,000
229—Virginia Cooperative Extension and Agricultural Experiment Station	1	Improve Agriculture and Research Extension Centers	\$10,000,0001 to \$25,000,000
	2	Improve Center Woods Complex	\$10,000,001 to \$25,000,000
234—Cooperative Extension and Agricultural Research Services	1	Renovate Summerseat for Urban Agriculture Center	\$0 to \$10,000,000
236—Virginia Commonwealth University	1	Construct Interdisciplinary Classroom and Laboratory Building	Above \$100,000,000
242—Christopher Newport University	1	Construct New E&G Administration Building	\$10,000,001 to \$25,000,000
246—University of Virginia's College at Wise	1	Renovate Darden Hall	\$25,000,001 to \$50,000,000
	2	Construct Technology Classroom Building	\$50,000,001 to \$75,000,000

247—George Mason University	1	Construct Academic VIII - STEM Prince William Campus	Above \$100,000,000
	2	Renovate Space to Accommodate Virtual Online Campus	\$10,000,001 to \$25,000,000
	3	Construct and Renovate Advanced Computational Infrastructure and Hybrid Learning Labs	\$10,000,001 to \$25,000,000
	4	Construct Interdisciplinary Science & Engineering Building 1	Above \$100,000,000
	5	Student Innovation Factory Building	\$25,000,001 to \$50,000,000
260—Virginia Community College System	1	Renovate Brown Library, Virginia Western	\$10,000,001 to \$25,000,000
	2	Renovate Paul D. Camp Franklin Campus	\$25,000,001 to \$50,000,000
	3	Renovate Stone Hall Building, Patrick and Henry	\$10,000,001 to \$25,000,000
	4	Renovate and Expand Fincastle Hall, Wytheville	\$25,000,001 to \$50,000,000
	5	Construct Workforce Development Building, Mountain Empire Community College	\$10,000,001 to \$25,000,000
268—Virginia Institute of Marine Science	1	Construct New Fisheries Science Building	\$25,000,001 to \$50,000,000
417—Gunston Hall	1	Construct Archaeology and Maintenance Facilities	\$0 to \$10,000,000
720—Department of Behavioral Health and Developmental Services	1	Renovate Food Services Statewide	\$25,000,001 to \$50,000,000
	2	Renovate Eastern State Hospital, Phase IV	\$25,000,001 to \$50,000,000
	3	Replace Northern Virginia Mental Health Institute	\$25,000,001 to \$50,000,000
	4	Renovate Southern Virginia Mental Health Institute	\$10,000,001 to \$25,000,000
799—Department of Corrections	1	Replace Powhatan Infirmary	\$25,000,001 to \$50,000,000
	2	Expand Deerfield Correctional Center	\$25,000,001 to \$50,000,000
	3	Construct Chesterfield Probation and Parole Office	\$0 to \$10,000,000
912—Department of Veterans Services	1	Construct new veterans care center in Roanoke	Above \$100,000,000
942—Virginia Museum of Natural History	1	Construct Satellite Facility in Waynesboro	\$10,000,001 to \$25,000,000
949—Central Capital	1	Workforce Development Projects	\$25,000,001 to \$50,000,000

2. That Chapter 94 of the Acts of Assembly of 2021, Special Session I, is repealed.

CHAPTER 604

An Act to amend and reenact § 23.1-610 of the Code of Virginia, relating to Virginia National Guard; institutions of higher education; tuition grants.

[S 71]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 23.1-610 of the Code of Virginia is amended and reenacted as follows:****§ 23.1-610. Members of the National Guard; grants.**

A. Any individual who (i) is a member of the Virginia National Guard and has a minimum remaining obligation of two years, (ii) has satisfactorily completed required initial active duty service, (iii) is satisfactorily performing duty in accordance with regulations of the National Guard, and (iv) is enrolled in any course or program at any public institution of higher education or accredited nonprofit private institution of higher education whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education is eligible for a grant in the amount of the difference between the full cost of tuition and any other educational benefits for which he is eligible as a member of the National Guard. ~~Application for a grant shall be made to the Department of Military Affairs. Grants shall be awarded from funds made available for the purpose by the Department of Military Affairs.~~

~~B. Notwithstanding the requirement in subsection A that a member of the Virginia National Guard have a minimum of two years remaining on his service obligation, if a member is activated or deployed for federal military service, an additional day shall be added to the member's eligibility for the grant for each day of active federal service, up to 365 days. Additional credit or credit for state duty may be given at the discretion of the Adjutant General. Application for a grant shall be made to the Department of Military Affairs (the Department) no later than 30 days prior to the beginning of an academic semester. The Department shall determine whether an applicant is eligible for the grant as described in subsection A and communicate acceptance and any additional requirements determined by the Department in writing no later than 30 days after receipt of an application. Applicants eligible for a grant pursuant to this section shall:~~

~~1. Satisfy all financial obligations with the institution of higher education at the beginning of each semester; and~~

~~2. Provide written proof of acceptable academic performance and good standing with the institution of higher education for the current term to the Department no later than 30 days following the end of a term or semester. Upon the receipt of proof of academic performance and continued good standing to the Department, the Department shall issue grants in a manner and amount that is consistent with regulations promulgated by the Adjutant General. As used in this subdivision, "academic performance" means (i) achieving a passing grade in each course during the semester and (ii) maintaining a cumulative grade point average of at least 2.0 on a scale of 4.0 or its equivalent, and "good standing" means that the individual has fulfilled all obligations to the institution of higher education.~~

~~C. Any member of the Virginia National Guard receiving grants under this section shall incur a single two-year service obligation to the Virginia National Guard. The two-year obligation shall commence on the last day of the last term or semester for which tuition assistance was awarded. Service in the inactive National Guard, the active duty or reserve forces of the United States, or the National Guard of any other state shall not count as applicable service toward fulfilling this incurred service obligation. Federal active duty mobilizations occurring while still a member of the Virginia National Guard and state active duty for the Commonwealth shall count toward the two-year service obligation.~~

CHAPTER 605

An Act to amend and reenact § 23.1-610 of the Code of Virginia, relating to Virginia National Guard; institutions of higher education; tuition grants.

[H 857]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 23.1-610 of the Code of Virginia is amended and reenacted as follows:****§ 23.1-610. Members of the National Guard; grants.**

A. Any individual who (i) is a member of the Virginia National Guard and has a minimum remaining obligation of two years, (ii) has satisfactorily completed required initial active duty service, (iii) is satisfactorily performing duty in accordance with regulations of the National Guard, and (iv) is enrolled in any course or program at any public institution of higher education or accredited nonprofit private institution of higher education whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education is eligible for a grant in the amount of the difference between the full cost of tuition and any other educational benefits for which he is eligible as a member of the National Guard. *Grants provided under this section shall be subject to limitation based on the amount of funds appropriated for such purpose. If applications for grants exceed the amount of funding appropriated, the Department of Military Affairs (the Department) shall issue grants to eligible recipients based on the order in which applications were*

received. Application for a grant shall be made to the Department of Military Affairs. Grants shall be awarded from funds made available for the purpose by the Department of Military Affairs.

B. Notwithstanding the requirement in subsection A that a member of the Virginia National Guard have a minimum of two years remaining on his service obligation, if a member is activated or deployed for federal military service, an additional day shall be added to the member's eligibility for the grant for each day of active federal service, up to 365 days. Additional credit or credit for state duty may be given at the discretion of the Adjutant General. Application for a grant shall be made to the Department no later than 30 days prior to the beginning of an academic semester. The Department shall determine whether an applicant is eligible for the grant as described in subsection A and communicate acceptance and any additional requirements determined by the Department in writing no later than 30 days after receipt of an application. Applicants eligible for a grant pursuant to this section shall:

1. Satisfy all financial obligations with the institution of higher education at the beginning of each semester; and
2. Provide written proof of acceptable academic performance and good standing with the institution of higher education for the current term to the Department no later than 30 days following the end of a term or semester. Upon the receipt of proof of academic performance and continued good standing to the Department, the Department shall issue grants in a manner and amount that is consistent with regulations promulgated by the Adjutant General. As used in this subdivision, "academic performance" means (i) achieving a passing grade in each course during the semester and (ii) maintaining a cumulative grade point average of at least 2.0 on a scale of 4.0 or its equivalent, and "good standing" means that the individual has fulfilled all obligations to the institution of higher education.

C. Any member of the Virginia National Guard receiving grants under this section shall incur a single two-year service obligation to the Virginia National Guard. The two-year obligation shall commence on the last day of the last term or semester for which tuition assistance was awarded. Service in the inactive National Guard, the active duty or reserve forces of the United States, or the National Guard of any other state shall not count as applicable service toward fulfilling this incurred service obligation. Federal active duty mobilizations occurring while still a member of the Virginia National Guard and state active duty for the Commonwealth shall count toward the two-year service obligation.

CHAPTER 606

An Act to amend and reenact § 6.2-1302 of the Code of Virginia, relating to credit unions; activity authorized for a federally chartered credit union.

[H 209]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 6.2-1302 of the Code of Virginia is amended and reenacted as follows:

§ 6.2-1302. Powers.

In addition to the powers specified or implied elsewhere in this chapter or in the laws of the Commonwealth, a credit union shall have the power to:

1. Enter into contracts;
2. Sue and be sued;
3. Adopt, use, and display a corporate seal;
4. Receive savings from and make loans and extend lines of credit to its members;
5. Individually or jointly with other credit unions acquire, lease as lessor or lessee, hold, assign, pledge, exchange, repair, mortgage, hypothecate, sell, discount, or otherwise dispose of property or assets, either in whole or in part, as necessary or incidental to its operations, including any property or assets obtained as a result of defaults under obligations owing to it;
6. Borrow from any source, provided that (i) a credit union shall notify and obtain prior approval of the Commissioner if the total borrowings will exceed 50 percent of the credit union's outstanding shares and (ii) in no event shall the borrowings exceed 90 percent of the credit union's outstanding shares;
7. Sell all or substantially all of its assets or purchase all or substantially all of the assets of another credit union, subject to the approval of the Commission;
8. Offer related financial services, including electronic fund transfers, share draft accounts, safe deposit boxes, leasing of tangible personal property to its members, and correspondent arrangements with other financial institutions;
9. Hold membership in other credit unions organized under this chapter or other applicable law, and in associations and organizations controlled by or fostering the interest of credit unions, including a central liquidity facility organized under state or federal law;
10. Contract with any licensed insurance company or society to insure the lives of its members to the extent of their loans and share accounts, in whole or in part, and to pay all or a portion of the premium therefor;
11. Engage in activities or programs as requested by any governmental authority, subject to the approval of the Commissioner;
12. Invest its funds, operate a business, manage or deal in property when such actions are reasonably necessary to avoid loss on a loan or investment previously made or an obligation previously created in good faith. Such property or

business shall not be held or operated by the credit union for a period longer than is reasonably required to protect the interest of the credit union, unless specifically authorized by the Commissioner;

13. Make contributions to any nonprofit civic, charitable, or service organizations;

14. Make loans to its members and to other credit unions; ~~and~~

15. *Engage in any additional activity, service, or other practice that is authorized for a federally chartered credit union and that has not otherwise been authorized for a state-chartered credit union by the provisions of this chapter or by Commission regulation, including regulations adopted pursuant to subsection B of § 6.2-1303, provided that (i) at least 45 calendar days prior to engaging in any such activity, service, or practice the credit union provides the Commissioner with written notice along with any additional information relating to the activity, service, or practice that the Commissioner may require and (ii) the credit union engages in the activity, service, or practice subject to the same terms, conditions, and limitations that are applicable to a federally chartered credit union. The Commissioner may at any time, based upon supervisory, legal, or safety and soundness considerations, prohibit or further restrict the activity, service, or practice. "Activity, service, or other practice" does not include credit union field of membership or field of membership expansion under §§ 6.2-1327 and 6.2-1328 and any related regulations; and*

16. Undertake such other activities relating to the purposes of the credit union as its charter or bylaws may authorize, provided such activities are not inconsistent with this chapter.

CHAPTER 607

An Act to amend and reenact § 6.2-1302 of the Code of Virginia, relating to credit unions; activity authorized for a federally chartered credit union.

[S 329]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 6.2-1302 of the Code of Virginia is amended and reenacted as follows:

§ 6.2-1302. Powers.

In addition to the powers specified or implied elsewhere in this chapter or in the laws of the Commonwealth, a credit union shall have the power to:

1. Enter into contracts;

2. Sue and be sued;

3. Adopt, use, and display a corporate seal;

4. Receive savings from and make loans and extend lines of credit to its members;

5. Individually or jointly with other credit unions acquire, lease as lessor or lessee, hold, assign, pledge, exchange, repair, mortgage, hypothecate, sell, discount, or otherwise dispose of property or assets, either in whole or in part, as necessary or incidental to its operations, including any property or assets obtained as a result of defaults under obligations owing to it;

6. Borrow from any source, provided that (i) a credit union shall notify and obtain prior approval of the Commissioner if the total borrowings will exceed 50 percent of the credit union's outstanding shares and (ii) in no event shall the borrowings exceed 90 percent of the credit union's outstanding shares;

7. Sell all or substantially all of its assets or purchase all or substantially all of the assets of another credit union, subject to the approval of the Commissioner;

8. Offer related financial services, including electronic fund transfers, share draft accounts, safe deposit boxes, leasing of tangible personal property to its members, and correspondent arrangements with other financial institutions;

9. Hold membership in other credit unions organized under this chapter or other applicable law, and in associations and organizations controlled by or fostering the interest of credit unions, including a central liquidity facility organized under state or federal law;

10. Contract with any licensed insurance company or society to insure the lives of its members to the extent of their loans and share accounts, in whole or in part, and to pay all or a portion of the premium therefor;

11. Engage in activities or programs as requested by any governmental authority, subject to the approval of the Commissioner;

12. Invest its funds, operate a business, manage or deal in property when such actions are reasonably necessary to avoid loss on a loan or investment previously made or an obligation previously created in good faith. Such property or business shall not be held or operated by the credit union for a period longer than is reasonably required to protect the interest of the credit union, unless specifically authorized by the Commissioner;

13. Make contributions to any nonprofit civic, charitable, or service organizations;

14. Make loans to its members and to other credit unions; ~~and~~

15. *Engage in any additional activity, service, or other practice that is authorized for a federally chartered credit union and that has not otherwise been authorized for a state-chartered credit union by the provisions of this chapter or by Commission regulation, including regulations adopted pursuant to subsection B of § 6.2-1303, provided that (i) at least 45 calendar days prior to engaging in any such activity, service, or practice the credit union provides the Commissioner*

with written notice along with any additional information relating to the activity, service, or practice that the Commissioner may require and (ii) the credit union engages in the activity, service, or practice subject to the same terms, conditions, and limitations that are applicable to a federally chartered credit union. The Commissioner may at any time, based upon supervisory, legal, or safety and soundness considerations, prohibit or further restrict the activity, service, or practice. "Activity, service, or other practice" does not include credit union field of membership or field of membership expansion under §§ 6.2-1327 and 6.2-1328 and any related regulations; and

16. Undertake such other activities relating to the purposes of the credit union as its charter or bylaws may authorize, provided such activities are not inconsistent with this chapter.

CHAPTER 608

An Act to amend the Code of Virginia by adding a section numbered 18.2-340.36:1, relating to charitable gaming; violations; civil penalty.

[H 767]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-340.36:1 as follows:

§ 18.2-340.36:1. Civil penalty.

Any person or organization, whether permitted or qualified pursuant to this article or not, that (i) conducts charitable gaming without first obtaining a permit to do so, (ii) continues to conduct such games after revocation or suspension of such permit, or (iii) otherwise violates any provisions of this article shall, in addition to any other penalties provided, be subject to a civil penalty of not less than \$25,000 and not more than \$50,000 per incident. Any civil penalties collected pursuant to this section shall be payable to the State Treasurer for remittance to the Department of Agriculture and Consumer Services.

CHAPTER 609

An Act to amend and reenact §§ 2.2-2455, 2.2-2456, 2.2-3705.6, 2.2-4002, 3.2-102, 18.2-325, 18.2-340.15, 18.2-340.16, 18.2-340.18, 18.2-340.19, 18.2-340.20, 18.2-340.22 through 18.2-340.26, 18.2-340.26:2, 18.2-340.28:2, 18.2-340.30, 18.2-340.31, 18.2-340.33 through 18.2-340.34:2, and 18.2-340.36 of the Code of Virginia, relating to the Virginia Department of Agriculture and Consumer Services; Charitable Gaming Board; powers and duties.

[H 765]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2455, 2.2-2456, 2.2-3705.6, 2.2-4002, 3.2-102, 18.2-325, 18.2-340.15, 18.2-340.16, 18.2-340.18, 18.2-340.19, 18.2-340.20, 18.2-340.22 through 18.2-340.26, 18.2-340.26:2, 18.2-340.28:2, 18.2-340.30, 18.2-340.31, 18.2-340.33 through 18.2-340.34:2, and 18.2-340.36 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2455. Charitable Gaming Board; membership; terms; quorum; compensation; staff.

A. The Charitable Gaming Board (the Board) is hereby established as a ~~policy~~ *an advisory* board within the meaning of § 2.2-2100 in the executive branch of state government. The purpose of the Board ~~shall be~~ *is* to advise the Department of Agriculture and Consumer Services on all aspects of the conduct of charitable gaming in Virginia.

B. The Board shall consist of ~~eleven~~ *nine* members who shall be appointed ~~in the following manner:~~

~~1. Six nonlegislative citizen members~~ appointed by the Governor subject to confirmation by the General Assembly as follows: one member who is a member of a charitable organization subject to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in good standing with the Department; one member who is a charitable gaming supplier registered and in good standing with the Department; one member who is an owner, lessor, or lessee of premises where charitable gaming is conducted; *at least* one member who is or has been a law-enforcement officer in Virginia but who (i) is not a charitable gaming supplier registered with the Department, (ii) is not a lessor of premises where charitable gaming is conducted, (iii) is not a member of a charitable organization, or (iv) does not have an interest in or is not affiliated with such supplier or charitable organization or owner, lessor, or lessee of premises where charitable gaming is conducted; and ~~two members~~ *five citizens* who do not have an interest in or are not affiliated with a charitable organization, charitable gaming supplier, or owner, lessor, or lessee of premises where charitable gaming is conducted;

~~2. Three nonlegislative citizen members appointed by the Speaker of the House of Delegates as follows: two members who are members of a charitable organization subject to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in good standing with the Department and one member who does not have an interest in or is not affiliated with a charitable organization, charitable gaming supplier, or owner, lessor, or lessee of premises where charitable gaming is conducted; and~~

~~3. Two nonlegislative citizen members appointed by the Senate Committee on Rules as follows: one member who is a member of a charitable organization subject to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in good standing with the Department and one member who does not have an interest in or is not affiliated with a charitable organization, charitable gaming supplier, or owner, lessor, or lessee of premises where charitable gaming is conducted.~~

To the extent practicable, the Board shall consist of individuals from different geographic regions of the Commonwealth. Each member of the Board shall have been a resident of the Commonwealth for a period of at least three years next preceding his appointment, and his continued residency shall be a condition of his tenure in office. Members shall be appointed for four-year terms. Vacancies shall be filled by the ~~appointing authority~~ Governor in the same manner as the original appointment for the unexpired portion of the term. Each Board member shall be eligible for reappointment for a second consecutive term at the discretion of the ~~appointing authority~~ Governor. Persons who are first appointed to initial terms of less than four years shall thereafter be eligible for reappointment to two consecutive terms of four years each. No sitting member of the General Assembly shall be eligible for appointment to the Board. The members of the Board shall serve at the pleasure of the ~~appointing authority~~ Governor.

C. The Board shall elect from among its members a chairman ~~who is a member of a charitable organization subject to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2.~~ The Board shall elect a *and* vice-chairman from among its members.

D. A quorum shall consist of five members. The decision of a majority of those members present and voting shall constitute a decision of the Board.

E. For each day or part thereof spent in the performance of his duties, each member of the Board shall receive such compensation and reimbursement for his reasonable expenses as provided in § 2.2-2104.

F. The Board shall adopt rules and procedures for the conduct of its business, including a provision that Board members shall abstain or otherwise recuse themselves from voting on any matter in which they or a member of their immediate family have a personal interest as defined in § 2.2-3101. The Board shall meet at least four times a year, and other meetings may be held at any time or place determined by the Board or upon call of the chairman or upon a written request to the chairman by any two members. Except for emergency meetings and meetings governed by § 2.2-3708.2 requiring a longer notice, all members shall be duly notified of the time and place of any regular or other meeting at least 10 days in advance of such meeting.

G. Staff to the Board shall be provided by the Department of Agriculture and Consumer Services.

§ 2.2-2456. Duties of the Charitable Gaming Board.

The Board shall:

1. ~~Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) not inconsistent with the laws of Virginia necessary to carry out the provisions of this chapter and the provisions of Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2. Such regulations may include penalties for violations;~~

~~2. Advise the Department of Agriculture and Consumer Services on the conduct of charitable gaming in Virginia and recommend changes to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2; and~~

~~2. Advise on other matters related to charitable gaming that the Department of Agriculture and Consumer Services may request or the Board may deem necessary; and~~

3. Keep a complete and accurate record of its proceedings. A copy of such record and any other public records not exempt from disclosure under the Freedom of Information Act (§ 2.2-3700 et seq.) shall be available for public inspection and copying during regular office hours at the Department of Agriculture and Consumer Services.

§ 2.2-3705.6. Exclusions to application of chapter; proprietary records and trade secrets.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Proprietary information gathered by or for the Virginia Port Authority as provided in § 62.1-132.4 or 62.1-134.1.

2. Financial statements not publicly available filed with applications for industrial development financings in accordance with Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2.

3. Proprietary information, voluntarily provided by private business pursuant to a promise of confidentiality from a public body, used by the public body for business, trade, and tourism development or retention; and memoranda, working papers, or other information related to businesses that are considering locating or expanding in Virginia, prepared by a public body, where competition or bargaining is involved and where disclosure of such information would adversely affect the financial interest of the public body.

4. Information that was filed as confidential under the Toxic Substances Information Act (§ 32.1-239 et seq.), as such Act existed prior to July 1, 1992.

5. Fisheries data that would permit identification of any person or vessel, except when required by court order as specified in § 28.2-204.

6. Confidential financial statements, balance sheets, trade secrets, and revenue and cost projections provided to the Department of Rail and Public Transportation, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration.

7. Proprietary information related to inventory and sales, voluntarily provided by private energy suppliers to the Department of Energy, used by that Department for energy contingency planning purposes or for developing consolidated statistical information on energy supplies.

8. Confidential proprietary information furnished to the Board of Medical Assistance Services or the Medicaid Prior Authorization Advisory Committee pursuant to Article 4 (§ 32.1-331.12 et seq.) of Chapter 10 of Title 32.1.

9. Proprietary, commercial or financial information, balance sheets, trade secrets, and revenue and cost projections provided by a private transportation business to the Virginia Department of Transportation and the Department of Rail and Public Transportation for the purpose of conducting transportation studies needed to obtain grants or other financial assistance under the Transportation Equity Act for the 21st Century (P.L. 105-178) for transportation projects if disclosure of such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration. However, the exclusion provided by this subdivision shall not apply to any wholly owned subsidiary of a public body.

10. Confidential information designated as provided in subsection F of § 2.2-4342 as trade secrets or proprietary information by any person in connection with a procurement transaction or by any person who has submitted to a public body an application for prequalification to bid on public construction projects in accordance with subsection B of § 2.2-4317.

11. a. Memoranda, staff evaluations, or other information prepared by the responsible public entity, its staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals filed under the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) where (i) if such information was made public prior to or after the execution of an interim or a comprehensive agreement, § 33.2-1820 or 56-575.17 notwithstanding, the financial interest or bargaining position of the public entity would be adversely affected and (ii) the basis for the determination required in clause (i) is documented in writing by the responsible public entity; and

b. Information provided by a private entity to a responsible public entity, affected jurisdiction, or affected local jurisdiction pursuant to the provisions of the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) if disclosure of such information would reveal (i) trade secrets of the private entity; (ii) financial information of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (iii) other information submitted by the private entity where if such information was made public prior to the execution of an interim agreement or a comprehensive agreement, the financial interest or bargaining position of the public or private entity would be adversely affected. In order for the information specified in clauses (i), (ii), and (iii) to be excluded from the provisions of this chapter, the private entity shall make a written request to the responsible public entity:

(1) Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The responsible public entity shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. To protect other information submitted by the private entity from disclosure, the responsible public entity shall determine whether public disclosure prior to the execution of an interim agreement or a comprehensive agreement would adversely affect the financial interest or bargaining position of the public or private entity. The responsible public entity shall make a written determination of the nature and scope of the protection to be afforded by the responsible public entity under this subdivision. Once a written determination is made by the responsible public entity, the information afforded protection under this subdivision shall continue to be protected from disclosure when in the possession of any affected jurisdiction or affected local jurisdiction.

Except as specifically provided in subdivision 11 a, nothing in this subdivision shall be construed to authorize the withholding of (a) procurement records as required by § 33.2-1820 or 56-575.17; (b) information concerning the terms and conditions of any interim or comprehensive agreement, service contract, lease, partnership, or any agreement of any kind entered into by the responsible public entity and the private entity; (c) information concerning the terms and conditions of any financing arrangement that involves the use of any public funds; or (d) information concerning the performance of any private entity developing or operating a qualifying transportation facility or a qualifying project.

For the purposes of this subdivision, the terms "affected jurisdiction," "affected local jurisdiction," "comprehensive agreement," "interim agreement," "qualifying project," "qualifying transportation facility," "responsible public entity," and "private entity" shall mean the same as those terms are defined in the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or in the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.).

12. Confidential proprietary information or trade secrets, not publicly available, provided by a private person or entity pursuant to a promise of confidentiality to the Virginia Resources Authority or to a fund administered in connection with financial assistance rendered or to be rendered by the Virginia Resources Authority where, if such information were made public, the financial interest of the private person or entity would be adversely affected.

13. Trade secrets or confidential proprietary information that is not generally available to the public through regulatory disclosure or otherwise, provided by a (i) bidder or applicant for a franchise or (ii) franchisee under Chapter 21 (§ 15.2-2100 et seq.) of Title 15.2 to the applicable franchising authority pursuant to a promise of confidentiality from the franchising authority, to the extent the information relates to the bidder's, applicant's, or franchisee's financial capacity or provision of new services, adoption of new technologies or implementation of improvements, where such new services, technologies, or

improvements have not been implemented by the franchisee on a nonexperimental scale in the franchise area, and where, if such information were made public, the competitive advantage or financial interests of the franchisee would be adversely affected.

In order for trade secrets or confidential proprietary information to be excluded from the provisions of this chapter, the bidder, applicant, or franchisee shall (a) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (b) identify the data or other materials for which protection is sought, and (c) state the reason why protection is necessary.

No bidder, applicant, or franchisee may invoke the exclusion provided by this subdivision if the bidder, applicant, or franchisee is owned or controlled by a public body or if any representative of the applicable franchising authority serves on the management board or as an officer of the bidder, applicant, or franchisee.

14. Information of a proprietary or confidential nature furnished by a supplier or manufacturer of charitable gaming supplies to the Department of Agriculture and Consumer Services (i) pursuant to subsection E of § 18.2-340.34 and (ii) pursuant to regulations promulgated by the ~~Charitable Gaming Board~~ *Commissioner of Agriculture and Consumer Services* related to approval of electronic and mechanical equipment.

15. Information related to Virginia apple producer sales provided to the Virginia State Apple Board pursuant to § 3.2-1215.

16. Trade secrets submitted by CMRS providers as defined in § 56-484.12 to the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, relating to the provision of wireless E-911 service.

17. Information relating to a grant or loan application, or accompanying a grant or loan application, to the Commonwealth Health Research Board pursuant to Chapter 5.3 (§ 32.1-162.23 et seq.) of Title 32.1 if disclosure of such information would (i) reveal proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant.

18. Confidential proprietary information and trade secrets developed and held by a local public body (i) providing telecommunication services pursuant to § 56-265.4:4 and (ii) providing cable television services pursuant to Article 1.1 (§ 15.2-2108.2 et seq.) of Chapter 21 of Title 15.2 if disclosure of such information would be harmful to the competitive position of the locality.

In order for confidential proprietary information or trade secrets to be excluded from the provisions of this chapter, the locality in writing shall (a) invoke the protections of this subdivision, (b) identify with specificity the information for which protection is sought, and (c) state the reasons why protection is necessary. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

19. Confidential proprietary information and trade secrets developed by or for a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) to provide qualifying communications services as authorized by Article 5.1 (§ 56-484.7:1 et seq.) of Chapter 15 of Title 56, where disclosure of such information would be harmful to the competitive position of the authority, except that information required to be maintained in accordance with § 15.2-2160 shall be released.

20. Trade secrets or financial information of a business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, provided to the Department of Small Business and Supplier Diversity as part of an application for certification as a small, women-owned, or minority-owned business in accordance with Chapter 16.1 (§ 2.2-1603 et seq.). In order for such trade secrets or financial information to be excluded from the provisions of this chapter, the business shall (i) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (ii) identify the data or other materials for which protection is sought, and (iii) state the reasons why protection is necessary.

21. Information of a proprietary or confidential nature disclosed by a carrier to the State Health Commissioner pursuant to §§ 32.1-276.5:1 and 32.1-276.7:1.

22. Trade secrets, including, but not limited to, financial information, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the State Inspector General for the purpose of an audit, special investigation, or any study requested by the Office of the State Inspector General in accordance with law.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the private or nongovernmental entity shall make a written request to the State Inspector General:

a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

b. Identifying with specificity the data or other materials for which protection is sought; and

c. Stating the reasons why protection is necessary.

The State Inspector General shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. The State Inspector General shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

23. Information relating to a grant application, or accompanying a grant application, submitted to the Tobacco Region Revitalization Commission that would (i) reveal (a) trade secrets, (b) financial information of a grant applicant that is not a

public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (c) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant; and memoranda, staff evaluations, or other information prepared by the Commission or its staff exclusively for the evaluation of grant applications. The exclusion provided by this subdivision shall apply to grants that are consistent with the powers of and in furtherance of the performance of the duties of the Commission pursuant to § 3.2-3103.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Commission:

a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

b. Identifying with specificity the data, information or other materials for which protection is sought; and

c. Stating the reasons why protection is necessary.

The Commission shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets, financial information, or research-related information of the applicant. The Commission shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

24. a. Information held by the Commercial Space Flight Authority relating to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority if disclosure of such information would adversely affect the financial interest or bargaining position of the Authority or a private entity providing the information to the Authority; or

b. Information provided by a private entity to the Commercial Space Flight Authority if disclosure of such information would (i) reveal (a) trade secrets of the private entity; (b) financial information of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) other information submitted by the private entity and (ii) adversely affect the financial interest or bargaining position of the Authority or private entity.

In order for the information specified in clauses (a), (b), and (c) of subdivision 24 b to be excluded from the provisions of this chapter, the private entity shall make a written request to the Authority:

(1) Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The Authority shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. To protect other information submitted by the private entity from disclosure, the Authority shall determine whether public disclosure would adversely affect the financial interest or bargaining position of the Authority or private entity. The Authority shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

25. Information of a proprietary nature furnished by an agricultural landowner or operator to the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Agriculture and Consumer Services, or any political subdivision, agency, or board of the Commonwealth pursuant to §§ 10.1-104.7, 10.1-104.8, and 10.1-104.9, other than when required as part of a state or federal regulatory enforcement action.

26. Trade secrets provided to the Department of Environmental Quality pursuant to the provisions of § 10.1-1458. In order for such trade secrets to be excluded from the provisions of this chapter, the submitting party shall (i) invoke this exclusion upon submission of the data or materials for which protection from disclosure is sought, (ii) identify the data or materials for which protection is sought, and (iii) state the reasons why protection is necessary.

27. Information of a proprietary nature furnished by a licensed public-use airport to the Department of Aviation for funding from programs administered by the Department of Aviation or the Virginia Aviation Board, where if such information was made public, the financial interest of the public-use airport would be adversely affected.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the public-use airport shall make a written request to the Department of Aviation:

a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

b. Identifying with specificity the data or other materials for which protection is sought; and

c. Stating the reasons why protection is necessary.

28. Information relating to a grant, loan, or investment application, or accompanying a grant, loan, or investment application, submitted to the Commonwealth of Virginia Innovation Partnership Authority (the Authority) established pursuant to Article 11 (§ 2.2-2351 et seq.) of Chapter 22, an advisory committee of the Authority, or any other entity designated by the Authority to review such applications, to the extent that such records would (i) reveal (a) trade secrets; (b) financial information of a party to a grant, loan, or investment application that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) research-related information produced or collected by a party to the application in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not

been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of a party to a grant, loan, or investment application; and memoranda, staff evaluations, or other information prepared by the Authority or its staff, or a reviewing entity designated by the Authority, exclusively for the evaluation of grant, loan, or investment applications, including any scoring or prioritization documents prepared for and forwarded to the Authority.

29. Proprietary information, voluntarily provided by a private business pursuant to a promise of confidentiality from a public body, used by the public body for a solar services or carbon sequestration agreement, where disclosure of such information would (i) reveal (a) trade secrets of the private business; (b) financial information of the private business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) other information submitted by the private business and (ii) adversely affect the financial interest or bargaining position of the public body or private business.

In order for the information specified in clauses (i)(a), (b), and (c) to be excluded from the provisions of this chapter, the private business shall make a written request to the public body:

a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

b. Identifying with specificity the data or other materials for which protection is sought; and

c. Stating the reasons why protection is necessary.

30. Information contained in engineering and construction drawings and plans submitted for the sole purpose of complying with the Building Code in obtaining a building permit if disclosure of such information would identify specific trade secrets or other information that would be harmful to the competitive position of the owner or lessee. However, such information shall be exempt only until the building is completed. Information relating to the safety or environmental soundness of any building shall not be exempt from disclosure.

31. Trade secrets, including, but not limited to, financial information, including balance sheets and financial statements that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the Virginia Department of Transportation for the purpose of an audit, special investigation, or any study requested by the Virginia Department of Transportation in accordance with law.

In order for the records specified in this subdivision to be excluded from the provisions of this chapter, the private or nongovernmental entity shall make a written request to the Department:

a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

b. Identifying with specificity the data or other materials for which protection is sought; and

c. Stating the reasons why protection is necessary.

The Virginia Department of Transportation shall determine whether the requested exclusion from disclosure is necessary to protect trade secrets or financial records of the private entity. The Virginia Department of Transportation shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

32. Information related to a grant application, or accompanying a grant application, submitted to the Department of Housing and Community Development that would (i) reveal (a) trade secrets, (b) financial information of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (c) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant. The exclusion provided by this subdivision shall only apply to grants administered by the Department, the Director of the Department, or pursuant to § 36-139, Article 26 (§ 2.2-2484 et seq.) of Chapter 24, or the Virginia Telecommunication Initiative as authorized by the appropriations act.

In order for the information submitted by the applicant and specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Department:

a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

b. Identifying with specificity the data, information, or other materials for which protection is sought; and

c. Stating the reasons why protection is necessary.

The Department shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or confidential proprietary information of the applicant. The Department shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

33. Financial and proprietary records submitted with a loan application to a locality for the preservation or construction of affordable housing that is related to a competitive application to be submitted to either the U.S. Department of Housing and Urban Development (HUD) or the Virginia Housing Development Authority (VHDA), when the release of such records would adversely affect the bargaining or competitive position of the applicant. Such records shall not be withheld after they have been made public by HUD or VHDA.

34. Information of a proprietary or confidential nature disclosed by a health carrier or pharmacy benefits manager pursuant to § 38.2-3407.15:6, a wholesale distributor pursuant to § 54.1-3436.1, or a manufacturer pursuant to § 54.1-3442.02.

§ 2.2-4002. Exemptions from chapter generally.

A. Although required to comply with § 2.2-4103 of the Virginia Register Act (§ 2.2-4100 et seq.), the following agencies shall be exempted from the provisions of this chapter, except to the extent that they are specifically made subject to §§ 2.2-4024, 2.2-4030, and 2.2-4031:

1. The General Assembly.
2. Courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted any of the powers of a court of record.
3. The Department of Wildlife Resources in promulgating regulations regarding the management of wildlife and for all case decisions rendered pursuant to any provisions of Chapters 2 (§ 29.1-200 et seq.), 3 (§ 29.1-300 et seq.), 4 (§ 29.1-400 et seq.), 5 (§ 29.1-500 et seq.), and 7 (§ 29.1-700 et seq.) of Title 29.1.
4. The Virginia Housing Development Authority.
5. Municipal corporations, counties, and all local, regional, or multijurisdictional authorities created under this Code, including those with federal authorities.
6. Educational institutions operated by the Commonwealth, provided that, with respect to § 2.2-4031, such educational institutions shall be exempt from the publication requirements only with respect to regulations that pertain to (i) their academic affairs, (ii) the selection, tenure, promotion, and disciplining of faculty and employees, (iii) the selection of students, and (iv) rules of conduct and disciplining of students.
7. The Milk Commission in promulgating regulations regarding (i) producers' licenses and bases, (ii) classification and allocation of milk, computation of sales, and shrinkage, and (iii) class prices for producers' milk, time and method of payment, butterfat testing, and differential.
8. The Virginia Resources Authority.
9. Agencies expressly exempted by any other provision of this Code.
10. The Department of General Services in promulgating standards for the inspection of buildings for asbestos pursuant to § 2.2-1164.
11. The State Council of Higher Education for Virginia, in developing, issuing, and revising guidelines pursuant to § 23.1-207.
12. The Commissioner of Agriculture and Consumer Services in adopting regulations pursuant to subsection B of § 3.2-6002 and in adopting regulations pursuant to § 3.2-6023.
13. The Commissioner of Agriculture and Consumer Services and the Board of Agriculture and Consumer Services in promulgating regulations pursuant to subsections B and D of § 3.2-3601, subsection B of § 3.2-3701, § 3.2-4002, subsections B and D of § 3.2-4801, §§ 3.2-5121 and 3.2-5206, and subsection A of § 3.2-5406.
14. The Board of Optometry when specifying therapeutic pharmaceutical agents, treatment guidelines, and diseases and abnormal conditions of the human eye and its adnexa for TPA-certification of optometrists pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 of Title 54.1.
15. The Commissioner of the Department of Veterans Services in adopting regulations pursuant to § 2.2-2001.3.
16. The State Board of Education, in developing, issuing, and revising guidelines pursuant to § 22.1-203.2.
17. The Virginia Racing Commission, (i) when acting by and through its duly appointed stewards or in matters related to any specific race meeting or (ii) in promulgating technical rules regulating actual live horse racing at race meetings licensed by the Commission.
18. The Virginia Small Business Financing Authority.
19. The Virginia Economic Development Partnership Authority.
20. The Board of Agriculture and Consumer Services in adopting, amending, or repealing regulations pursuant to subsection A (ii) of § 59.1-156.
21. The Insurance Continuing Education Board pursuant to § 38.2-1867.
22. The Board of Health in promulgating the list of diseases that shall be reported to the Department of Health pursuant to § 32.1-35 and in adopting, amending, or repealing regulations pursuant to subsection C of § 35.1-14 that incorporate the Food and Drug Administration's Food Code pertaining to restaurants or food service.
23. The Board of Pharmacy when specifying special subject requirements for continuing education for pharmacists pursuant to § 54.1-3314.1.
24. The Virginia Department of Veterans Services when promulgating rules and regulations pursuant to § 58.1-3219.7 or 58.1-3219.11.
25. The Virginia Department of Criminal Justice Services when developing, issuing, or revising any training standards established by the Criminal Justice Services Board under § 9.1-102, provided such actions are authorized by the Governor in the interest of public safety.

B. Agency action relating to the following subjects shall be exempted from the provisions of this chapter:

1. Money or damage claims against the Commonwealth or agencies thereof.
2. The award or denial of state contracts, as well as decisions regarding compliance therewith.
3. The location, design, specifications, or construction of public buildings or other facilities.
4. Grants of state or federal funds or property.
5. The chartering of corporations.
6. Customary military, militia, naval, or police functions.
7. The selection, tenure, dismissal, direction, or control of any officer or employee of an agency of the Commonwealth.

8. The conduct of elections or eligibility to vote.
9. Inmates of prisons or other such facilities or parolees therefrom.
10. The custody of persons in, or sought to be placed in, mental health facilities or penal or other state institutions as well as the treatment, supervision, or discharge of such persons.
11. Traffic signs, markers, or control devices.
12. Instructions for application or renewal of a license, certificate, or registration required by law.
13. Content of, or rules for the conduct of, any examination required by law.
14. The administration of pools authorized by Chapter 47 (§ 2.2-4700 et seq.).
15. Any rules for the conduct of specific lottery games, so long as such rules are not inconsistent with duly adopted regulations of the Virginia Lottery Board, and provided that such regulations are published and posted.
16. Orders condemning or closing any shellfish, finfish, or crustacea growing area and the shellfish, finfish, or crustacea located thereon pursuant to Article 2 (§ 28.2-803 et seq.) of Chapter 8 of Title 28.2.
17. Any operating procedures for review of child deaths developed by the State Child Fatality Review Team pursuant to § 32.1-283.1, any operating procedures for review of adult deaths developed by the Adult Fatality Review Team pursuant to § 32.1-283.5, any operating procedures for review of adult deaths developed by the Maternal Mortality Review Team pursuant to § 32.1-283.8, and any operating procedures for review of the deaths of persons with a developmental disability developed by the Developmental Disabilities Mortality Review Committee pursuant to § 37.2-314.1.
18. The regulations for the implementation of the Health Practitioners' Monitoring Program and the activities of the Health Practitioners' Monitoring Program Committee pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.
19. The process of reviewing and ranking grant applications submitted to the Commonwealth Neurotrauma Initiative Advisory Board pursuant to Article 12 (§ 51.5-178 et seq.) of Chapter 14 of Title 51.5.
20. Loans from the Small Business Environmental Compliance Assistance Fund pursuant to Article 4 (§ 10.1-1197.1 et seq.) of Chapter 11.1 of Title 10.1.
21. The Virginia Breeders Fund created pursuant to § 59.1-372.
22. The types of pari-mutuel wagering pools available for live or simulcast horse racing.
23. The administration of medication or other substances foreign to the natural horse.
24. Any rules adopted by the ~~Charitable Gaming Board~~ *Department of Agriculture and Consumer Services* for the approval and conduct of game variations for the conduct of raffles, bingo, network bingo, and instant bingo games, provided that such rules are (i) consistent with Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 and (ii) published and posted.

C. Minor changes to regulations published in the Virginia Administrative Code under the Virginia Register Act (§ 2.2-4100 et seq.), made by the Virginia Code Commission pursuant to § 30-150, shall be exempt from the provisions of this chapter.

§ 3.2-102. General powers and duties of the Commissioner.

A. The Commissioner shall be vested with the powers and duties set out in § 2.2-601, the powers and duties herein provided, and such other powers and duties as may be prescribed by law, including those prescribed in Title 59.1. He shall be the executive officer of the Board, and shall see that its orders are carried out. He shall see to the proper execution of laws relating to the Department. Unless the Governor expressly reserves such power to himself, the Commissioner shall promote, protect, and develop the agricultural interests of the Commonwealth. The Commissioner shall develop, implement, and maintain programs within the Department including those that promote the development and marketing of the Commonwealth's agricultural products in domestic and international markets, including promotions, market development and research, marketing assistance, market information, and product grading and certification; promote the creation of new agribusiness including new crops, biotechnology and new uses of agricultural products, and the expansion of existing agribusiness within the Commonwealth; develop, promote, and maintain consumer protection programs that protect the safety and quality of the Commonwealth's food supply through food and dairy inspection activities, industry and consumer education, and information on food safety; preserve the Commonwealth's agricultural lands; ensure animal health and protect the Commonwealth's livestock industries through disease control and surveillance, maintaining animal health diagnostic laboratories, and encouraging the humane treatment and care of animals; protect public health and the environment through regulation and proper handling of pesticides, agricultural stewardship, and protection of endangered plant and insect species; protect crop and plant health and productivity; ensure consumer protection and fair trade practices in commerce; develop plans and emergency response protocols to protect the agriculture industry from bioterrorism, plant and animal diseases, and agricultural pests; assist as directed by the Governor in the Commonwealth's response to natural disasters; develop and implement programs and inspection activities to ensure that the Commonwealth's agricultural products move freely in trade domestically and internationally; and enter into agreements with federal, state, and local governments, land grant universities, and other organizations that include marketing, plant protection, pest control, pesticides, and meat and poultry inspection.

B. In addition, the Commissioner shall:

1. Establish and maintain a farm-to-school website. The purpose of the website shall be to facilitate and promote the purchase of Virginia farm products by schools, universities, and other educational institutions under the jurisdiction of the State Department of Education. The website shall present such current information as the availability of Virginia farm

products, including the types and amount of products, and the names of and contact information for farmers, farm organizations, and businesses marketing such products; ~~and~~

2. Establish and operate a nonprofit, nonstock corporation under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1 as a public instrumentality exercising public and essential governmental functions to promote, develop, and sustain markets for licensed Virginia wineries and farm wineries, as defined in § 4.1-100. Such corporation shall provide wholesale wine distribution services for wineries and farm wineries licensed in accordance with § 4.1-206.1. The board of directors of such corporation shall be composed of the Commissioner and four members appointed by the Board, including one owner or manager of a winery or farm winery licensee that is not served by a wholesaler when the owner or manager is appointed to the board; one owner or manager of a winery or farm winery licensee that produces no more than 10,000 cases per year; and two owners or managers of wine wholesaler licensees. In making appointments to the board of directors, the Board shall consider nominations of winery and farm winery licensees submitted by the Virginia Wineries Association and wine wholesaler licensees submitted by the Virginia Wine Wholesalers Association. The Commissioner shall require such corporation to report to him at least annually on its activities, including reporting the quantity of wine distributed for each winery and farm winery during the preceding year. The provisions of the Virginia Public Procurement Act shall not apply to the establishment of such corporation nor to the exercise of any of its powers granted under this section; *and*

3. *Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) not inconsistent with the laws of Virginia necessary to carry out the provisions of Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2. Such regulations may include penalties for violations.*

§ 18.2-325. Definitions.

1. "Illegal gambling" means the making, placing, or receipt of any bet or wager in the Commonwealth of money or other consideration or thing of value, made in exchange for a chance to win a prize, stake, or other consideration or thing of value, dependent upon the result of any game, contest, or any other event the outcome of which is uncertain or a matter of chance, whether such game, contest, or event occurs or is to occur inside or outside the limits of the Commonwealth.

For the purposes of this subdivision and notwithstanding any provision in this section to the contrary, the making, placing, or receipt of any bet or wager of money or other consideration or thing of value shall include the purchase of a product, Internet access, or other thing made in exchange for a chance to win a prize, stake, or other consideration or thing of value by means of the operation of a gambling device as described in subdivision 3 b, regardless of whether the chance to win such prize, stake, or other consideration or thing of value may be offered in the absence of a purchase.

"Illegal gambling" also means the playing or offering for play of any skill game.

2. "Interstate gambling" means the conduct of an enterprise for profit that engages in the purchase or sale within the Commonwealth of any interest in a lottery of another state or country whether or not such interest is an actual lottery ticket, receipt, contingent promise to pay, order to purchase, or other record of such interest.

3. "Gambling device" includes:

a. Any device, machine, paraphernalia, equipment, or other thing, including books, records, and other papers, which are actually used in an illegal gambling operation or activity;

b. Any machine, apparatus, implement, instrument, contrivance, board, or other thing, or electronic or video versions thereof, including but not limited to those dependent upon the insertion of a coin or other object for their operation, which operates, either completely automatically or with the aid of some physical act by the player or operator, in such a manner that, depending upon elements of chance, it may eject something of value or determine the prize or other thing of value to which the player is entitled; provided, however, that the return to the user of nothing more than additional chances or the right to use such machine is not deemed something of value within the meaning of this subsection; and provided further, that machines that only sell, or entitle the user to, items of merchandise of equivalent value that may differ from each other in composition, size, shape, or color, shall not be deemed gambling devices within the meaning of this subsection; and

c. Skill games.

Such devices are no less gambling devices if they indicate beforehand the definite result of one or more operations but not all the operations. Nor are they any less a gambling device because, apart from their use or adaptability as such, they may also sell or deliver something of value on a basis other than chance.

4. "Operator" includes any person, firm, or association of persons, who conducts, finances, manages, supervises, directs, or owns all or part of an illegal gambling enterprise, activity, or operation.

5. "Skill" means the knowledge, dexterity, or any other ability or expertise of a natural person.

6. "Skill game" means an electronic, computerized, or mechanical contrivance, terminal, machine, or other device that requires the insertion of a coin, currency, ticket, token, or similar object to operate, activate, or play a game, the outcome of which is determined by any element of skill of the player and that may deliver or entitle the person playing or operating the device to receive cash; cash equivalents, gift cards, vouchers, billets, tickets, tokens, or electronic credits to be exchanged for cash; merchandise; or anything of value whether the payoff is made automatically from the device or manually.

7. "Unregulated location" means any location that is not regulated or operated by the Virginia Lottery or Virginia Lottery Board, the Department of Agriculture and Consumer Services ~~or the Charitable Gaming Board~~, the Virginia Alcoholic Beverage Control Authority, or the Virginia Racing Commission.

§ 18.2-340.15. State control of charitable gaming.

A. Charitable gaming as authorized herein shall be permitted in the Commonwealth as a means of funding qualified organizations but shall be conducted only in strict compliance with the provisions of this article. The Department of

Agriculture and Consumer Services (~~the Department~~) is vested with control of all charitable gaming in the Commonwealth. The ~~Charitable Gaming Board~~ *Commissioner* shall have the power to prescribe regulations and conditions under which such gaming shall be conducted to ensure that it is conducted in a manner consistent with the purpose for which it is permitted.

B. The conduct of any charitable gaming is a privilege that may be granted or denied by the Department of Agriculture and Consumer Services or its duly authorized representatives in its discretion in order to effectuate the purposes set forth in this article.

§ 18.2-340.16. Definitions.

As used in this article, unless the context requires a different meaning:

"Bingo" means a specific game of chance played with (i) individual cards having randomly numbered squares ranging from one to 75, (ii) Department-approved electronic devices that display facsimiles of bingo cards and are used for the purpose of marking and monitoring players' cards as numbers are called, or (iii) Department-approved cards, in which prizes are awarded on the basis of designated numbers on such cards conforming to a predetermined pattern of numbers selected at random.

~~"Board" means the Charitable Gaming Board created pursuant to § 2.2-2455.~~

"Bona fide member" means an individual who participates in activities of a qualified organization other than such organization's charitable gaming activities.

"Charitable gaming" or "charitable games" means those raffles, Texas Hold'em poker tournaments, and games of chance explicitly authorized by this article.

"Charitable gaming supplies" includes bingo cards or sheets, devices for selecting bingo numbers, instant bingo cards, pull-tab cards and seal cards, playing cards for Texas Hold'em poker, poker chips, and any other equipment or product manufactured for or intended to be used in the conduct of charitable games. However, for the purposes of this article, charitable gaming supplies shall not include items incidental to the conduct of charitable gaming such as markers, wands, or tape.

"Commissioner" means the Commissioner of the Department of Agriculture and Consumer Services.

"Conduct" means the actions associated with the provision of a gaming operation during and immediately before or after the permitted activity, which may include, but not be limited to, (i) selling bingo cards or packs, electronic devices, instant bingo or pull-tab cards, or raffle tickets, (ii) calling bingo games, (iii) distributing prizes, and (iv) any other services provided by volunteer workers.

"Department" means the Department of Agriculture and Consumer Services.

"Fair market rental value" means the rent that a rental property will bring when offered for lease by a lessor who desires to lease the property but is not obligated to do so and leased by a lessee under no necessity of leasing.

"Gaming expenses" means prizes, supplies, costs of publicizing gaming activities, audit and administration or permit fees, and a portion of the rent, utilities, accounting and legal fees and such other reasonable and proper expenses as are directly incurred for the conduct of charitable gaming.

"Gross receipts" means the total amount of money generated by an organization from charitable gaming before the deduction of expenses, including prizes.

"Instant bingo," "pull tabs," or "seal cards" means specific games of chance played by the random selection of one or more individually prepacked cards, including Department-approved electronic versions thereof, with winners being determined by the preprinted or predetermined appearance of concealed letters, numbers or symbols that must be exposed by the player to determine wins and losses and may include the use of a seal card which conceals one or more numbers or symbols that have been designated in advance as prize winners. Such cards may be dispensed by electronic or mechanical equipment.

"Jackpot" means a bingo game that the organization has designated on its game program as a jackpot game in which the prize amount is greater than \$100.

"Landlord" means any person or his agent, firm, association, organization, partnership, or corporation, employee, or immediate family member thereof, which owns and leases, or leases any premises devoted in whole or in part to the conduct of bingo games, and any person residing in the same household as a landlord.

"Management" means the provision of oversight of a gaming operation, which may include, but is not limited to, the responsibilities of applying for and maintaining a permit or authorization, compiling, submitting and maintaining required records and financial reports, and ensuring that all aspects of the operation are in compliance with all applicable statutes and regulations.

"Network bingo" means a specific bingo game in which pari-mutuel play is permitted.

"Network bingo provider" means a person licensed by the Department to operate network bingo.

"Operation" means the activities associated with production of a charitable gaming activity, which may include, but not be limited to (i) the direct on-site supervision of the conduct of charitable gaming; (ii) coordination of volunteers; and (iii) all responsibilities of charitable gaming designated by the organization's management.

"Organization" means any one of the following:

1. A volunteer fire department or volunteer emergency medical services agency or auxiliary unit thereof that has been recognized in accordance with § 15.2-955 by an ordinance or resolution of the political subdivision where the volunteer fire department or volunteer emergency medical services agency is located as being a part of the safety program of such political subdivision;

2. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code, is operated, and has always been operated, exclusively for educational purposes, and awards scholarships to accredited public institutions of higher education or other postsecondary schools licensed or certified by the Board of Education or the State Council of Higher Education for Virginia;

3. An athletic association or booster club or a band booster club established solely to raise funds for school-sponsored athletic or band activities for a public school or private school accredited pursuant to § 22.1-19 or to provide scholarships to students attending such school;

4. An association of war veterans or auxiliary units thereof organized in the United States;

5. A fraternal association or corporation operating under the lodge system;

6. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code and is operated, and has always been operated, exclusively to provide services and other resources to older Virginians, as defined in § 51.5-116;

7. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code and is operated, and has always been operated, exclusively to foster youth amateur sports;

8. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code and is operated, and has always been operated, exclusively to provide health care services or conduct medical research;

9. An accredited public institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education for Virginia that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code;

10. A church or religious organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code;

11. An organization that is exempt from income tax pursuant to § 501(c)(3) or 501(c)(4) of the Internal Revenue Code and is operated, and has always been operated, exclusively to (i) create and foster a spirit of understanding among the people of the world; (ii) promote the principles of good government and citizenship; (iii) take an active interest in the civic, cultural, social, and moral welfare of the community; (iv) provide a forum for the open discussion of matters of public interest; (v) encourage individuals to serve the community without personal financial reward; and (vi) encourage efficiency and promote high ethical standards in commerce, industries, professions, public works, and private endeavors;

12. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code and is operated, and has always been operated, exclusively to (i) raise awareness of law-enforcement officers who died in the line of duty; (ii) raise funds for the National Law Enforcement Officers Memorial and Museum; and (iii) raise funds for the charitable causes of other organizations that are exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code;

13. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code and is operated, and has always been operated, exclusively to (i) promote the conservation of the environment, caves, or other natural resources; (ii) promote or develop opportunities for the use of science and technology to advance the conservation of the environment, caves, or other natural resources; and (iii) raise funds for the conservation of the environment, caves, or other natural resources or provide grant opportunities to other nonprofit organizations that are devoted to such conservation efforts;

14. A local chamber of commerce; or

15. Any other nonprofit organization that is exempt from income tax pursuant to § 501(c) of the Internal Revenue Code and that raises funds by conducting raffles, bingo, instant bingo, pull tabs, or seal cards that generate annual gross receipts of \$40,000 or less, provided that such gross receipts, less expenses and prizes, are used exclusively for charitable, educational, religious, or community purposes. Notwithstanding § 18.2-340.26:1, proceeds from instant bingo, pull tabs, and seal cards shall be included when calculating an organization's annual gross receipts for the purposes of this subdivision.

"Pari-mutuel play" means an integrated network operated by a licensee of the Department comprised of participating charitable organizations for the conduct of network bingo games in which the purchase of a network bingo card by a player automatically includes the player in a pool with all other players in the network, and where the prize to the winning player is awarded based on a percentage of the total amount of network bingo cards sold in a particular network.

"Qualified organization" means any organization to which a valid permit has been issued by the Department to conduct charitable gaming or any organization that is exempt pursuant to § 18.2-340.23.

"Raffle" means a lottery in which the prize is won by (i) a random drawing of the name or prearranged number of one or more persons purchasing chances or (ii) a random contest in which the winning name or preassigned number of one or more persons purchasing chances is determined by a race involving inanimate objects floating on a body of water, commonly referred to as a "duck race."

"Reasonable and proper business expenses" means business expenses actually incurred by a qualified organization in the conduct of charitable gaming and not otherwise allowed under this article or under ~~Board~~ *Department* regulations on real estate and personal property tax payments, travel expenses, payments of utilities and trash collection services, legal and accounting fees, costs of business furniture, fixtures and office equipment and costs of acquisition, maintenance, repair or construction of an organization's real property. For the purpose of this definition, salaries and wages of employees whose primary responsibility is to provide services for the principal benefit of an organization's members shall not qualify as a

business expense. However, payments made pursuant to § 51.1-1204 to the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund shall be deemed a reasonable and proper business expense.

"Supplier" means any person who offers to sell, sells, or otherwise provides charitable gaming supplies to any qualified organization.

"Texas Hold'em poker game" means a variation of poker in which (i) players receive two cards facedown that may be used individually, (ii) five cards shown face up are shared among all players in the game, (iii) players combine any number of their individual cards with the shared cards to make the highest five-card hand to win the value wagered during the game, and (iv) the ranking of hands and the rules of the game are governed by the official rules of the Poker Tournament Directors Association.

"Texas Hold'em poker tournament" or "tournament" means an organized competition of players (i) who pay a fixed fee for entry into the competition and for a certain amount of poker chips for use in the competition; (ii) who may be allowed to pay an additional fee, during set preannounced times of the competition, to receive additional poker chips for use in the competition; (iii) who may be seated at one or more tables simultaneously playing Texas Hold'em poker games; (iv) who upon running out of poker chips are eliminated from the competition; and (v) a pre-set number of whom are awarded prizes of value according to how long such players remain in the competition.

§ 18.2-340.18. Powers and duties of the Department.

The Department shall have all powers and duties necessary to carry out the provisions of this article and to exercise the control of charitable gaming as set forth in § 18.2-340.15. Such powers and duties shall include ~~but not be limited to~~ the following:

1. The Department is vested with jurisdiction and supervision over all charitable gaming authorized under the provisions of this article and including all persons that conduct or provide goods, services, or premises used in the conduct of charitable gaming. It may employ such persons as are necessary to ensure that charitable gaming is conducted in conformity with the provisions of this article and ~~the regulations of the Board~~ *Department regulations*. The Department shall designate such agents and employees as it deems necessary and appropriate who shall be sworn to enforce the provisions of this article and the criminal laws of the Commonwealth and who shall be law-enforcement officers as defined in § 9.1-101.

2. The Department, its agents and employees and any law-enforcement officers charged with the enforcement of charitable gaming laws shall have free access to the offices, facilities, or any other place of business of any organization, including any premises devoted in whole or in part to the conduct of charitable gaming. These individuals may enter such places or premises for the purpose of carrying out any duty imposed by this article, securing records required to be maintained by an organization, investigating complaints, or conducting audits.

3. The Department may compel the production of any books, documents, records, or memoranda of any organizations or supplier involved in the conduct of charitable gaming for the purpose of satisfying itself that this article and its regulations are strictly complied with. In addition, the Department may require the production of an annual balance sheet and operating statement of any person granted a permit pursuant to the provisions of this article and may require the production of any contract to which such person is or may be a party.

4. The Department may issue subpoenas for the attendance of witnesses before it, administer oaths, and compel production of records or other documents and testimony of such witnesses whenever, in the judgment of the Department, it is necessary to do so for the effectual discharge of its duties.

5. The Department may compel any person conducting charitable gaming to file with the Department such documents, information, or data as shall appear to the Department to be necessary for the performance of its duties.

6. The Department may enter into arrangements with any governmental agency of this or any other state or any locality in the Commonwealth or any agency of the federal government for the purposes of exchanging information or performing any other act to better ensure the proper conduct of charitable gaming.

7. The Department may issue a charitable gaming permit while the permittee's tax-exempt status is pending approval by the Internal Revenue Service.

8. The Department shall report annually to the Governor and the General Assembly, which report shall include a financial statement of the operation of the Department and any recommendations for legislation applicable to charitable gaming in the Commonwealth.

9. The Department, its agents, and employees may conduct such audits, in addition to those required by § 18.2-340.31, as they deem necessary and desirable.

10. The Department may limit the number of organizations for which a person may manage, operate, or conduct charitable games.

11. The Department may report any alleged criminal violation of this article to the appropriate attorney for the Commonwealth for appropriate action.

12. Beginning July 1, 2024, and at least once every five years thereafter, the Department shall convene a stakeholder work group to review the limitations on prize amounts and provide any recommendations to the General Assembly by November 30 of the year in which the stakeholder work group is convened.

§ 18.2-340.19. Regulations of the Department.

A. The ~~Board~~ *Department* shall adopt regulations that:

1. Require, as a condition of receiving a permit, that the applicant use a predetermined percentage of its gross receipts for (i) those lawful religious, charitable, community, or educational purposes for which the organization is specifically chartered or organized or (ii) those expenses relating to the acquisition, construction, maintenance, or repair of any interest in real property involved in the operation of the organization and used for lawful religious, charitable, community, or educational purposes.

2. Specify the conditions under which a complete list of the organization's members who participate in the management, operation, or conduct of charitable gaming may be required in order for the ~~Board~~ *Department* to ascertain the percentage of Virginia residents in accordance with subdivision A 3 of § 18.2-340.24.

Membership lists furnished to the ~~Board~~ *Department* in accordance with this subdivision shall not be a matter of public record and shall be exempt from disclosure under the provisions of the Freedom of Information Act (§ 2.2-3700 et seq.).

3. Prescribe fees for processing applications for charitable gaming permits. Such fees may reflect the nature and extent of the charitable gaming activity proposed to be conducted.

4. Establish requirements for the audit of all reports required in accordance with § 18.2-340.30.

5. Define electronic and mechanical equipment used in the conduct of charitable gaming. ~~Board~~ *Department* regulations shall include capacity for such equipment to provide full automatic daubing as numbers are called. For the purposes of this subdivision, electronic or mechanical equipment for instant bingo, pull tabs, or seal cards shall include such equipment that displays facsimiles of instant bingo, pull tabs, or seal cards and are used solely for the purpose of dispensing or opening such paper or electronic cards, or both; but shall not include (i) devices operated by dropping one or more coins or tokens into a slot and pulling a handle or pushing a button or touchpoint on a touchscreen to activate one to three or more reels marked into horizontal segments by varying symbols, where the predetermined prize amount depends on how and how many of the symbols line up when the rotating reels come to rest, or (ii) other similar devices that display flashing lights or illuminations, or bells, whistles, or other sounds, solely intended to entice players to play. Such regulations shall not prohibit the use of multiple video monitors or touchscreens on an electronic pull tab device.

6. Prescribe the conditions under which a qualified organization may (i) provide food and nonalcoholic beverages to its members who participate in the management, operation, or conduct of bingo; (ii) permit members who participate in the management, operation, or conduct of bingo to play bingo; and (iii) subject to the provisions of subdivision 12 of § 18.2-340.33, permit nonmembers to participate in the conduct of bingo so long as the nonmembers are under the direct supervision of a bona fide member of the organization during the bingo game.

7. Prescribe the conditions under which a qualified organization may sell raffle tickets for a raffle drawing that will be held outside the Commonwealth pursuant to subsection B of § 18.2-340.26.

8. Prescribe the conditions under which persons who are bona fide members of a qualified organization or a child, above the age of 13 years, of a bona fide member of such organization may participate in the conduct or operation of bingo games.

9. Prescribe the conditions under which a person below the age of 18 years may play bingo, provided that such person is accompanied by his parent or legal guardian.

10. Require all qualified organizations that are subject to ~~Board~~ *Department* regulations to post in a conspicuous place in every place where charitable gaming is conducted a sign which bears a toll-free telephone number for "Gamblers Anonymous" or other organization which provides assistance to compulsive gamblers.

11. Prescribe the conditions under which a qualified organization may sell network bingo cards in accordance with § 18.2-340.28:1 and establish a percentage of proceeds derived from network bingo sales to be allocated to (i) prize pools, (ii) the organization conducting the network bingo, and (iii) the network bingo provider. The regulations shall also establish procedures for the retainage and ultimate distribution of any unclaimed prize.

12. Prescribe the conditions under which a qualified organization may manage, operate, or contract with operators of, or conduct Texas Hold'em poker tournaments.

~~B. In addition to the powers and duties granted pursuant to § 2.2-2456 and this article, the Board~~ *The Commissioner* may, by regulation, approve variations to the card formats for bingo games, provided that such variations result in bingo games that are conducted in a manner consistent with the provisions of this article. ~~Board-approved~~ *Department-approved* variations may include, ~~but are not limited to,~~ bingo games commonly referred to as player selection games and 90-number bingo.

§ 18.2-340.20. Denial, suspension, or revocation of permit; hearings and appeals.

A. The Department may deny, suspend, or revoke the permit of any organization found not to be in strict compliance with the provisions of this article and ~~the Department~~ *Department* regulations ~~of the Board only after the proposed action by the Department has been reviewed and approved by the Board.~~ The action of the Department in denying, suspending, or revoking any permit shall be subject to the Administrative Process Act (§ 2.2-4000 et seq.).

B. Except as provided in §§ 18.2-340.25, 18.2-340.30 and 18.2-340.36, no permit to conduct charitable gaming shall be denied, suspended, or revoked except upon notice stating the proposed basis for such action and the time and place for the hearing. At the discretion of the Department, hearings may be conducted by hearing officers who shall be selected from the list prepared by the Executive Secretary of the Supreme Court. After a hearing on the issues, the Department may refuse to issue or may suspend or revoke any such permit if it determines that the organization has not complied with the provisions of this article or ~~the regulations of the Board~~ *Department regulations*.

C. Any person aggrieved by a refusal of the Department to issue any permit, the suspension or revocation of a permit, or any other action of the Department may seek review of such action in accordance with Article 4 (§ 2.2-4025 et seq.) of the Administrative Process Act.

§ 18.2-340.22. Only raffles, bingo, network bingo, instant bingo games, and Texas Hold'em poker tournaments permitted; prizes not gaming contracts.

A. This article permits qualified organizations to conduct raffles, bingo, network bingo, instant bingo games, and Texas Hold'em poker tournaments. All games not explicitly authorized by this article or ~~Board~~ Department regulations adopted in accordance with § 18.2-340.18 are prohibited. Nothing herein shall be construed to authorize the ~~Board~~ Department to approve the conduct of any other form of poker in the Commonwealth.

B. The award of any prize money for any charitable game shall not be deemed to be part of any gaming contract within the purview of § 11-14.

C. Nothing in this article shall prohibit an organization from using the Virginia Lottery's Pick-3 number or any number or other designation selected by the Virginia Lottery in connection with any lottery, as the basis for determining the winner of a raffle.

§ 18.2-340.23. Organizations exempt from certain fees and reports.

A. No organization that reasonably expects, based on prior charitable gaming annual results or any other quantifiable method, to realize gross receipts of \$40,000 or less in any 12-month period from raffles conducted in accordance with the provisions of this article shall be required to (i) notify the Department of its intention to conduct raffles or (ii) comply with ~~Board~~ Department regulations governing raffles. If any organization's actual gross receipts from raffles for the 12-month period exceed \$40,000, the Department shall require the organization to file by a specified date the report required by § 18.2-340.30.

B. Any (i) organization described in subdivision 15 of the definition of "organization" in § 18.2-340.16 or (ii) volunteer fire department or volunteer emergency medical services agency or auxiliary unit thereof that has been recognized in accordance with § 15.2-955 by an ordinance or resolution of the political subdivision where the volunteer fire department or volunteer emergency medical services agency is located as being part of the safety program of such political subdivision shall be exempt from the payment of application fees required by § 18.2-340.25 and the payment of audit fees required by § 18.2-340.31. Nothing in this subsection shall be construed as exempting any organizations described in subdivision 15 of the definition of "organization" in § 18.2-340.16, volunteer fire departments, or volunteer emergency medical services agencies from any other provisions of this article or other ~~Board~~ Department regulations.

C. Nothing in this section shall prevent the Department from conducting any investigation or audit it deems appropriate to ensure an organization's compliance with the provisions of this article and, to the extent applicable, ~~Board~~ Department regulations.

§ 18.2-340.24. Eligibility for permit; exceptions; where valid.

A. To be eligible for a permit to conduct charitable gaming, an organization shall:

1. Have been in existence and met on a regular basis in the Commonwealth for a period of at least three years immediately prior to applying for a permit.

The three-year residency requirement shall not apply (i) to any lodge or chapter of a national or international fraternal order or of a national or international civic organization which is exempt under § 501(c) of the United States Internal Revenue Code and which has a lodge or chapter holding a charitable gaming permit issued under the provisions of this article anywhere within the Commonwealth; (ii) to booster clubs which have been operating for less than three years and which have been established solely to raise funds for school-sponsored activities in public schools or private schools accredited pursuant to § 22.1-19; (iii) to recently established volunteer fire and rescue companies or departments, after county, city, or town approval; or (iv) to an organization which relocates its meeting place on a permanent basis from one jurisdiction to another, complies with the requirements of subdivision 2 of this section, and was the holder of a valid permit at the time of its relocation.

2. Be operating currently and have always been operated as a nonprofit organization.

3. Have at least 50 percent of its membership consist of residents of the Commonwealth; however, if an organization (i) does not consist of bona fide members and (ii) is exempt under § 501(c)(3) of the United States Internal Revenue Code, the ~~Board~~ Department shall exempt such organizations from the requirements of this subdivision.

B. Any organization whose gross receipts from all charitable gaming exceeds or can be expected to exceed \$40,000 in any calendar year shall have been granted tax-exempt status pursuant to § 501(c) of the United States Internal Revenue Code. At the same time tax-exempt status is sought from the Internal Revenue Service, the same documentation may be filed with the Department in conjunction with an application for a charitable gaming permit. If such documentation is filed, the Department may, after reviewing such documentation it deems necessary, issue a charitable gaming permit.

C. A permit shall be valid only for the dates and times designated in the permit.

§ 18.2-340.25. Permit required; application fee; form of application.

A. Except as provided for in § 18.2-340.23, prior to the commencement of any charitable game, an organization shall obtain a permit from the Department.

B. All complete applications for a permit shall be acted upon by the Department within 45 days from the filing thereof. Upon compliance by the applicant with the provisions of this article, and at the discretion of the Department, a permit may

be issued. All permits when issued shall be valid for the period specified in the permit unless it is sooner suspended or revoked. No permit shall be valid for longer than two years. The application shall be a matter of public record.

All permits shall be subject to regulation by the Department to ensure the public safety and welfare in the operation of charitable games. The permit shall only be granted after a reasonable investigation has been conducted by the Department. The Department may require any prospective employee, permit holder, or applicant to submit to fingerprinting and to provide personal descriptive information to be forwarded along with employee's, licensee's, or applicant's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purposes of obtaining criminal history record information regarding such prospective employee, permit holder, or applicant. The Central Criminal Records Exchange upon receipt of a prospective employee, licensee, or applicant record or notification that no record exists, shall forward the report to the Commissioner of the Department or his designee, who shall belong to a governmental entity. However, nothing in this subsection shall be construed to require the routine fingerprinting of volunteer bingo workers.

C. In no case shall an organization receive more than one permit allowing it to conduct charitable gaming.

D. Application for a charitable gaming permit shall be made on forms prescribed by the Department and shall be accompanied by payment of the fee for processing the application.

E. Applications for renewal of permits shall be made in accordance with ~~Board Regulations~~ *Department regulations*. If a complete renewal application is received 45 days or more prior to the expiration of the permit, the permit shall continue to be effective until such time as the Department has taken final action. Otherwise, the permit shall expire at the end of its term.

F. The failure to meet any of the requirements of § 18.2-340.24 shall cause the automatic denial of the permit, and no organization shall conduct any charitable gaming until the requirements are met and a permit is obtained.

§ 18.2-340.26. Sale of raffle tickets; drawings.

A. Except as provided in subsection B, a qualified organization may sell raffle tickets both in and out of the jurisdiction designated in its permit and shall conduct the drawing within the Commonwealth.

B. A qualified organization may sell raffle tickets for a raffle drawing which will be held outside the Commonwealth, provided the raffle is conducted in accordance with (i) ~~the Department regulations of the Board~~ and (ii) the laws and regulations of the jurisdiction in which the raffle drawing will be held.

C. Before a prize drawing, each stub or other detachable section of each ticket sold or won through some other authorized charitable game conducted by the same organization holding the raffle, shall be placed into a receptacle from which the winning tickets are drawn. The receptacle shall be designed so that each ticket placed in it has an equal chance of being drawn.

§ 18.2-340.26:2. Sale of instant bingo, pull tabs, or seal cards by certain booster clubs.

As a part of its annual fund-raising event, any qualified organization that is an athletic association or booster club or a band booster club may sell instant bingo, pull tabs, or seal cards provided that (i) the sale is limited to a single event in a calendar year and (ii) the event is open to the public. The Department may require organizations authorized under this section to make such financial reporting as it deems necessary.

Nothing in this section shall be construed as exempting organizations authorized to sell instant bingo, pull tabs, or seal cards under this section from any other provisions of this article or other ~~Board~~ *Department* regulations.

§ 18.2-340.28:2. Conduct of Texas Hold'em poker tournaments by qualified organizations; limitation of operator fee; conditions.

A. Any organization qualified to conduct bingo games on or after July 1, 2019, may conduct Texas Hold'em poker tournaments. The ~~Board~~ *Commissioner* shall promulgate regulations establishing circumstances under which organizations qualified to conduct bingo games prior to July 1, 2019, may conduct Texas Hold'em poker tournaments.

B. A qualified organization may contract with an operator to administer Texas Hold'em poker tournaments. Limitations on operator fees shall be established by ~~Board~~ *Department* regulations.

C. A qualified organization shall accept only cash or, at its option, checks in payment of any charges or assessments for players to participate in Texas Hold'em poker tournaments. However, no such organization shall accept postdated checks in payment of any charges or assessments for players to participate in Texas Hold'em poker tournaments.

D. No qualified organization or any person on the premises shall extend lines of credit or accept any credit or debit card or other electronic fund transfer in payment of any charges or assessments for players to participate in Texas Hold'em poker tournaments.

E. No qualified organization shall allow any individual younger than 18 years of age to participate in Texas Hold'em poker tournaments.

§ 18.2-340.30. Reports of gross receipts and disbursements required; form of reports; failure to file.

A. Each qualified organization shall keep a complete record of all inventory of charitable gaming supplies purchased, all receipts from its charitable gaming operation, and all disbursements related to such operation. Except as provided in § 18.2-340.23, each qualified organization shall file at least annually, on a form prescribed by the Department, a report of all such receipts and disbursements, the amount of money on hand attributable to charitable gaming as of the end of the period covered by the report and any other information related to its charitable gaming operation that the Department may require. In addition, the ~~Board~~ *Commissioner*, by regulation, may require any qualified organization whose net receipts exceed a specified amount during any three-month period to file a report of its receipts and disbursements for such period. All reports filed pursuant to this section shall be a matter of public record.

B. All reports required by this section shall be filed on or before the date prescribed by the Department. The ~~Board~~ *Commissioner*, by regulation, shall establish a schedule of late fees to be assessed for any organization that fails to submit required reports by the due date.

C. Except as provided in § 18.2-340.23, each qualified organization shall designate or compensate an outside individual or group who shall be responsible for filing an annual, and, if required, quarterly, financial report if the organization goes out of business or otherwise ceases to conduct charitable gaming activities. The Department shall require such reports as it deems necessary until all proceeds of any charitable gaming have been used for the purposes specified in § 18.2-340.19 or have been disbursed in a manner approved by the Department.

D. Each qualified organization shall maintain for three years a complete written record of (i) all charitable gaming sessions using Department prescribed forms or reasonable facsimiles thereof approved by the Department; (ii) the name and address of each individual to whom is awarded any charitable gaming prize or jackpot that meets or exceeds the requirements of Internal Revenue Service Publication 3079, as well as the amount of the award; and (iii) an itemized record of all receipts and disbursements, including operating costs and use of proceeds incurred in operating bingo games.

E. The failure to file reports within 30 days of the time such reports are due shall cause the automatic revocation of the permit, and no organization shall conduct any bingo game or raffle thereafter until the report is properly filed and a new permit is obtained. However, the Department may grant an extension of time for filing such reports for a period not to exceed 45 days if requested by an organization, provided the organization requests an extension within 15 days of the time such reports are due and all projected fees are paid. For the term of any such extension, the organization's permit shall not be automatically revoked, such organization may continue to conduct charitable gaming, and no new permit shall be required.

§ 18.2-340.31. Audit of reports; exemption; audit and administration fee; additional gross receipts assessment.

A. All reports filed pursuant to § 18.2-340.30 shall be subject to audit by the Department in accordance with ~~Board~~ *Department* regulations. The Department may engage the services of independent certified public accountants to perform any audits deemed necessary to fulfill the Department's responsibilities under this article.

B. The Department shall prescribe a reasonable audit and administration fee to be paid by any organization conducting charitable gaming under a permit issued by the Department unless the organization is exempt from such fee pursuant to § 18.2-340.23. Such fee shall not exceed one and one-quarter percent of the gross receipts which an organization reports pursuant to § 18.2-340.30. The audit and administration fee shall accompany each report for each calendar quarter.

C. The audit and administration fee shall be payable to the Treasurer of Virginia. All such fees received by the Treasurer of Virginia shall be separately accounted for and shall be used only by the Department for the purposes of auditing and regulating charitable gaming.

D. In addition to the fee imposed under subsection B, an additional fee of one-quarter of one percent of the gross receipts that an organization reports pursuant to § 18.2-340.30 shall be paid by the organization to the Treasurer of Virginia. All such amounts shall be collected and deposited in the same manner as prescribed in subsections B and C and shall be used for the same purposes.

§ 18.2-340.33. Prohibited practices.

In addition to those other practices prohibited by this article, the following acts or practices are prohibited:

1. No part of the gross receipts derived by a qualified organization may be used for any purpose other than (i) reasonable and proper gaming expenses, (ii) reasonable and proper business expenses, (iii) those lawful religious, charitable, community, or educational purposes for which the organization is specifically chartered or organized, and (iv) expenses relating to the acquisition, construction, maintenance, or repair of any interest in the real property involved in the operation of the organization and used for lawful religious, charitable, community, or educational purposes. For the purposes of clause (iv), such expenses may include the expenses of a corporation formed for the purpose of serving as the real estate holding entity of a qualified organization, provided (a) such holding entity is qualified as a tax exempt organization under § 501(c) of the Internal Revenue Code and (b) the membership of the qualified organization is identical to such holding entity.

2. Except as provided in § 18.2-340.34:1, no qualified organization shall enter into a contract with or otherwise employ for compensation any person for the purpose of organizing, managing, or conducting any charitable games. However, organizations composed of or for deaf or blind persons may use a part of their gross receipts for costs associated with providing clerical assistance in the management and operation but not the conduct of charitable gaming.

The provisions of this subdivision shall not prohibit the joint operation of bingo games held in accordance with § 18.2-340.29.

3. No person shall pay or receive for use of any premises devoted, in whole or in part, to the conduct of any charitable games, any consideration in excess of the current fair market rental value of such property. Fair market rental value consideration shall not be based upon or determined by reference to a percentage of the proceeds derived from the operation of any charitable games or to the number of people in attendance at such charitable games.

4. No person shall participate in the management or operation of any charitable game unless such person is and, for a period of at least 30 days immediately preceding such participation, has been a bona fide member of the organization. For any organization that is not composed of members, a person who is not a bona fide member may volunteer in the conduct of a charitable game as long as that person is directly supervised by a bona fide official member of the organization.

The provisions of this subdivision shall not apply to (i) persons employed as clerical assistants by qualified organizations composed of or for deaf or blind persons; (ii) employees of a corporate sponsor of a qualified organization,

provided such employees' participation is limited to the management, operation, or conduct of no more than one raffle per year; (iii) the spouse or family member of any such bona fide member of a qualified organization provided at least one bona fide member is present; or (iv) persons employed by a qualified organization authorized to sell pull tabs or seal cards in accordance with § 18.2-340.16, provided (a) such sales are conducted by no more than two on-duty employees, (b) such employees receive no compensation for or based on the sale of the pull tabs or seal cards, and (c) such sales are conducted in the private social quarters of the organization.

5. No person shall receive any remuneration for participating in the management, operation, or conduct of any charitable game, except that:

a. Persons employed by organizations composed of or for deaf or blind persons may receive remuneration not to exceed \$30 per event for providing clerical assistance in the management and operation but not the conduct of charitable games only for such organizations;

b. Persons under the age of 19 who sell raffle tickets for a qualified organization to raise funds for youth activities in which they participate may receive nonmonetary incentive awards or prizes from the organization;

c. Remuneration may be paid to off-duty law-enforcement officers from the jurisdiction in which such bingo games are played for providing uniformed security for such bingo games even if such officer is a member of the sponsoring organization, provided the remuneration paid to such member is in accordance with off-duty law-enforcement personnel work policies approved by the local law-enforcement official and further provided that such member is not otherwise engaged in the management, operation, or conduct of the bingo games of that organization, or to private security services businesses licensed pursuant to § 9.1-139 providing uniformed security for such bingo games, provided that employees of such businesses shall not otherwise be involved in the management, operation, or conduct of the bingo games of that organization;

d. A member of a qualified organization lawfully participating in the management, operation, or conduct of a bingo game may be provided food and nonalcoholic beverages by such organization for on-premises consumption during the bingo game provided the food and beverages are provided in accordance with ~~Board~~ Department regulations;

e. Remuneration may be paid to bingo managers or callers who have a current registration certificate issued by the Department in accordance with § 18.2-340.34:1, or who are exempt from such registration requirement. Such remuneration shall not exceed \$100 per session; and

f. Volunteers of a qualified organization may be reimbursed for their reasonable and necessary travel expenses, not to exceed \$50 per session.

6. No landlord shall, at bingo games conducted on the landlord's premises, (i) participate in the conduct, management, or operation of any bingo games; (ii) sell, lease, or otherwise provide for consideration any bingo supplies, including, but not limited to, bingo cards, instant bingo cards, or other game pieces; or (iii) require as a condition of the lease or by contract that a particular manufacturer, distributor, or supplier of bingo supplies or equipment be used by the organization.

The provisions of this subdivision shall not apply to any qualified organization conducting bingo games on its own behalf at premises owned by it.

7. No qualified organization shall enter into any contract with or otherwise employ or compensate any member of the organization on account of the sale of bingo supplies or equipment.

8. No organization shall award any bingo prize money or any merchandise valued in excess of the following amounts:

a. No bingo door prize shall exceed \$250 for a single door prize or \$500 in cumulative door prizes in any one session;

b. No regular bingo or special bingo game prize shall exceed \$100. However, up to 10 games per bingo session may feature a regular bingo or special bingo game prize of up to \$200;

c. No instant bingo, pull tab, or seal card prize for a single card shall exceed \$2,000;

d. Except as provided in this subdivision 8, no bingo jackpot of any nature whatsoever shall exceed \$1,000, nor shall the total amount of bingo jackpot prizes awarded in any one session exceed \$1,000. Proceeds from the sale of bingo cards and the sheets used for bingo jackpot games shall be accounted for separately from the bingo cards or sheets used for any other bingo games; and

e. No single network bingo prize shall exceed \$25,000. Proceeds from the sale of network bingo cards shall be accounted for separately from bingo cards and sheets used for any other bingo game.

9. The provisions of subdivision 8 shall not apply to:

Any progressive bingo game, in which (i) a regular or special prize, not to exceed \$100, is awarded on the basis of predetermined numbers or patterns selected at random and (ii) a progressive prize, not to exceed \$500 for the initial progressive prize and \$5,000 for the maximum progressive prize, is awarded if the predetermined numbers or patterns are covered when a certain number of numbers is called, provided that (a) there are no more than six such games per session per organization, (b) the amount of increase of the progressive prize per session is no more than \$200, (c) the bingo cards or sheets used in such games are sold separately from the bingo cards or sheets used for any other bingo games, (d) the organization separately accounts for the proceeds from such sale, and (e) such games are otherwise operated in accordance with the Department's rules of play.

10. No organization shall award any raffle prize valued at more than \$100,000.

The provisions of this subdivision shall not apply to a raffle conducted no more than three times per calendar year by a qualified organization qualified as a tax-exempt organization pursuant to § 501(c) of the Internal Revenue Code for a prize consisting of a lot improved by a residential dwelling where 100 percent of the moneys received from such a raffle, less

deductions for the fair market value for the cost of acquisition of the land and materials, are donated to lawful religious, charitable, community, or educational organizations specifically chartered or organized under the laws of the Commonwealth and qualified as a § 501(c) tax-exempt organization. No more than one such raffle shall be conducted in any one geographical region of the Commonwealth.

11. No qualified organization composed of or for deaf or blind persons which employs a person not a member to provide clerical assistance in the management and operation but not the conduct of any charitable games shall conduct such games unless it has in force fidelity insurance, as defined in § 38.2-120, written by an insurer licensed to do business in the Commonwealth.

12. No person shall participate in the management or operation of any charitable game if he has ever been convicted of any felony or if he has been convicted of any misdemeanor involving fraud, theft, or financial crimes within the preceding five years. No person shall participate in the conduct of any charitable game if, within the preceding 10 years, he has been convicted of any felony or if, within the preceding five years he has been convicted of any misdemeanor involving fraud, theft, or financial crimes. In addition, no person shall participate in the management, operation, or conduct of any charitable game if that person, within the preceding five years, has participated in the management, operation, or conduct of any charitable game which was found by the Department or a court of competent jurisdiction to have been operated in violation of state law, local ordinance, or ~~Board~~ Department regulation.

13. Qualified organizations jointly conducting bingo games pursuant to § 18.2-340.29 shall not circumvent any restrictions and prohibitions which would otherwise apply if a single organization were conducting such games. These restrictions and prohibitions shall include, but not be limited to, the frequency with which bingo games may be held, the value of merchandise or money awarded as prizes, or any other practice prohibited under this section.

14. A qualified organization shall not purchase any charitable gaming supplies for use in the Commonwealth from any person who is not currently registered with the Department as a supplier pursuant to § 18.2-340.34.

15. Unless otherwise permitted in this article, no part of an organization's charitable gaming gross receipts shall be used for an organization's social or recreational activities.

§ 18.2-340.34. Suppliers of charitable gaming supplies; manufacturers of electronic games of chance systems; permit; qualification; suspension, revocation, or refusal to renew certificate; maintenance, production, and release of records.

A. No person shall offer to sell, sell, or otherwise provide charitable gaming supplies to any qualified organization and no manufacturer shall distribute electronic games of chance systems for charitable gaming in the Commonwealth unless and until such person has made application for and has been issued a permit by the Department. An application for permit shall be made on forms prescribed by the Department and shall be accompanied by a fee in the amount of \$1,000. Each permit shall remain valid for a period of one year from the date of issuance. Application for renewal of a permit shall be accompanied by a fee in the amount of \$1,000 and shall be made on forms prescribed by the Department.

B. The ~~Board~~ Commissioner shall have authority to prescribe by regulation reasonable criteria consistent with the provisions of this article for the registration of suppliers and manufacturers of electronic games of chance systems for charitable gaming. The Department shall refuse to issue a permit to any supplier or manufacturer who has, or which has any officer, director, partner, or owner who has, (i) been convicted of or pleaded nolo contendere to a felony in any state or federal court or has been convicted of any offense that, if committed in the Commonwealth, would be a felony; (ii) been convicted of or pleaded nolo contendere to a crime involving gambling; (iii) violated the gaming laws of any jurisdiction within the last five years, including violations for failure to register; or (iv) had any license, permit, certificate, or other authority related to charitable gaming suspended or revoked in the Commonwealth or in any other jurisdiction within the last five years. The Department may refuse to issue a permit to any supplier or manufacturer who has, or which has any officer, director, partner, or owner who has, (a) failed to file or has been delinquent in excess of one year in the filing of any tax returns or the payment of any taxes due the Commonwealth or (b) failed to establish a registered office or registered agent in the Commonwealth if so required by § 13.1-634 or 13.1-763.

C. The Department shall suspend, revoke, or refuse to renew the permit of any supplier or manufacturer for any conduct described in clause (i), (ii), (iii), or (iv) of subsection B. The Department may suspend, revoke, or refuse to renew the permit of any supplier or manufacturer for any conduct described in clause (a) or (b) of subsection B or for any violation of this article or regulation of the ~~Board~~ Department. Before taking any such action, the Department shall give the supplier or manufacturer a written statement of the grounds upon which it proposes to take such action and an opportunity to be heard. Every hearing in a contested case shall be conducted in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).

D. Each supplier shall document each sale of charitable gaming supplies, including electronic games of chance systems, and other items incidental to the conduct of charitable gaming, such as markers, wands, or tape, to a qualified organization on an invoice which clearly shows (i) the name and address of the qualified organization to which such supplies or items were sold; (ii) the date of the sale; (iii) the name or form and serial number of each deal of instant bingo cards and pull-tab raffle cards, the quantity of deals sold, and the price per deal paid by the qualified organization; (iv) the serial number of the top sheet in each packet of bingo paper, the serial number for each series of uncollated bingo paper, and the cut, color, and quantity of bingo paper sold; and (v) any other information with respect to charitable gaming supplies, including electronic games of chance systems, or other items incidental to the conduct of charitable gaming as the ~~Board~~

Commissioner may prescribe by regulation. A legible copy of the invoice shall accompany the charitable gaming supplies when delivered to the qualified organization.

Each manufacturer of electronic games of chance systems shall document each distribution of such systems to a qualified organization or supplier on an invoice which clearly shows (a) the name and address of the qualified organization or supplier to which such systems were distributed; (b) the date of distribution; (c) the serial number of each such system; and (d) any other information with respect to electronic games of chance systems as the ~~Board~~ *Commissioner* may prescribe by regulation. A legible copy of the invoice shall accompany the electronic games of chance systems when delivered to the qualified organization or supplier.

E. Each supplier and manufacturer shall maintain a legible copy of each invoice required by subsection D for a period of three years from the date of sale. Each supplier and manufacturer shall make such documents immediately available for inspection and copying to any agent or employee of the Department upon request made during normal business hours. This subsection shall not limit the right of the Department to require the production of any other documents in the possession of the supplier or manufacturer which relate to its transactions with qualified organizations. All documents and other information of a proprietary nature furnished to the Department in accordance with this subsection shall not be a matter of public record and shall be exempt from disclosure under the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

F. Each supplier and manufacturer shall provide to the Department the results of background checks and any other records or documents necessary for the Department to enforce the provisions of subsections B and C.

§ 18.2-340.34:1. Bingo managers and callers; remuneration; registration; qualification; suspension, revocation, or refusal to renew certificate; exceptions.

A. No person shall receive remuneration as a bingo manager or caller from any qualified organization unless and until such person has made application for and has been issued a registration certificate by the Department. Application for registration shall be made on forms prescribed by the Department and shall be accompanied by a fee in the amount of \$75. Each registration certificate shall remain valid for a period of one year from the date of issuance. Application for renewal of a registration certificate shall be accompanied by a fee in the amount of \$75 and shall be made on forms prescribed by the Department.

B. As a condition of registration as a bingo manager, the applicant shall (i) have been a bona fide member of the qualified organization for at least 12 consecutive months prior to making application for registration and (ii) be required to complete a reasonable training course developed and conducted by the Department.

As a condition of registration as a bingo caller, the applicant shall be required to complete a reasonable training course developed and conducted by the Department.

The Department may refuse to register any bingo manager or caller who has (a) been convicted of or pleaded nolo contendere to a felony in any state or federal court or has been convicted of any offense which, if committed in the Commonwealth, would be a felony; (b) been convicted of or pleaded nolo contendere to a crime involving gambling; (c) had any license, permit, certificate, or other authority related to activities defined as charitable gaming in the Commonwealth suspended or revoked in the Commonwealth or in any other jurisdiction; or (d) failed to file or has been delinquent in excess of one year in the filing of any tax returns or the payment of any taxes due the Commonwealth.

C. The Department may suspend, revoke, or refuse to renew the registration certificate of any bingo manager or caller for any conduct described in subsection B or for any violation of this article or *Department* regulations of the ~~Board~~. Before taking any such action, the Department shall give the bingo manager or caller a written statement of the grounds upon which it proposes to take such action and an opportunity to be heard. Every hearing in a contested case shall be conducted in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).

D. The provisions of subsection A requiring registration for bingo callers with the Department shall not apply to a bingo caller for a volunteer fire department or volunteer emergency medical services agency or auxiliary unit thereof that has been recognized in accordance with § 15.2-955 by an ordinance or resolution of the political subdivision where the volunteer fire department or volunteer emergency medical services agency is located as being a part of the safety program of such political subdivision.

§ 18.2-340.34:2. Licensing of network bingo providers; qualification; suspension, revocation, or refusal to renew license; maintenance, production, and release of records.

A. No person shall sell or offer to sell or otherwise provide access to a network bingo network to any qualified organization unless and until such person has made application for and has been issued a license by the Department. An application for license shall be made on forms prescribed by the Department and shall be accompanied by a fee in the amount of \$500. Each license shall remain valid for a period of two years from the date of issuance. Application for renewal of a license shall be accompanied by a fee in the amount of \$500 and shall be made on forms prescribed by the Department.

B. The ~~Board~~ *Commissioner* shall have authority to prescribe by regulation reasonable criteria consistent with the provisions of this article for the licensure of network bingo providers. The Department may refuse to issue a license to any network bingo provider that has any officer, director, partner, or owner who has (i) been convicted of or pleaded nolo contendere to a felony in any state or federal court or has been convicted of any offense that, if committed in the Commonwealth, would be a felony; (ii) been convicted of or pleaded nolo contendere to a crime involving gambling; (iii) had any license, permit, certificate, or other authority related to activities defined as charitable gaming in the Commonwealth suspended or revoked in the Commonwealth or in any other jurisdiction; (iv) failed to file or been

delinquent in excess of one year in the filing of any tax returns or the payment of any taxes due the Commonwealth; or (v) failed to establish a registered office or registered agent in the Commonwealth if so required by § 13.1-634 or 13.1-763.

C. The Department may suspend, revoke, or refuse to renew the license of any network bingo provider for any conduct described in subsection B or for any violation of this article or regulation of the ~~Board~~ Department. Before taking any such action, the Department shall give the network bingo provider a written statement of the grounds upon which it proposes to take such action and an opportunity to be heard. Every hearing in a contested case shall be conducted in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).

D. The ~~Department~~ Commissioner by regulation shall require network bingo providers to have onsite independent supervision of network bingo games as the numbers are called.

E. Each network bingo provider shall document each sale of network bingo supplies and other items incidental to the conduct of network bingo to a qualified organization on an invoice that clearly shows (i) the name and address of the qualified organization to which such supplies or items were sold; (ii) the date of the sale; (iii) the name or form and serial number of each network bingo card, the quantity of cards sold, and the price per card paid by the qualified organization; and (iv) any other information required by the Department. A legible copy of the invoice shall accompany the network bingo supplies when delivered to the qualified organization.

F. Each network bingo provider shall maintain a legible copy of each invoice required by subsection E for a period of three years from the date of sale. Each network bingo provider shall make such documents immediately available for inspection and copying to any agent or employee of the Department upon request made during normal business hours. This subsection shall not limit the right of the Department to require the production of any other documents in the possession of the network bingo provider that relate to its transactions with qualified organizations. All documents and other information of a proprietary nature furnished to the Department in accordance with this subsection shall be exempt from disclosure under the provisions of the Freedom of Information Act (§ 2.2-3700 et seq.).

§ 18.2-340.36. Suspension of permit.

A. When any officer charged with the enforcement of the charitable gaming laws of the Commonwealth has reasonable cause to believe that the conduct of charitable gaming is being conducted by an organization in violation of this article or ~~the~~ Department regulations of ~~the Board~~, he may apply to any judge, magistrate, or other person having authority to issue criminal warrants for the immediate suspension of the permit of the organization conducting the bingo game or raffle. If the judge, magistrate, or person to whom such application is presented is satisfied that probable cause exists to suspend the permit, he shall suspend the permit. Immediately upon such suspension, the officer shall notify the organization in writing of such suspension.

B. Written notice specifying the particular basis for the immediate suspension shall be provided by the officer to the organization within one business day of the suspension and a hearing held thereon by the Department or its designated hearing officer within 10 days of the suspension unless the organization consents to a later date. No charitable gaming shall be conducted by the organization until the suspension has been lifted by the Department or a court of competent jurisdiction.

2. That the regulations of the Charitable Gaming Board shall be administered by the Department of Agriculture and Consumer Services and shall remain in full force and effect until the Commissioner of Agriculture and Consumer Services promulgates regulations pursuant to this act.

3. That notwithstanding the second enactment of this act, the regulations promulgated by the Charitable Gaming Board regarding Texas Hold'em poker games and tournaments, which became effective on March 23, 2021, and were rescinded by the General Assembly pursuant to Item 105 of Chapter 552 of the Acts of Assembly of 2021, Special Session I, shall not take effect. The Commissioner of Agriculture and Consumer Services (the Commissioner) shall promulgate regulations regarding Texas Hold'em poker tournaments consistent with the provisions of Chapter 982 of the Acts of Assembly of 2020. The Commissioner's initial adoption of regulations necessary to implement the provisions of this enactment shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Commissioner shall provide an opportunity for public comment on the regulations prior to adoption.

4. That this act shall not be construed to affect existing appointments to the Charitable Gaming Board for the terms that have not expired. However, all new appointments made on or after July 1, 2022, shall be made in accordance with the provisions of this act.

CHAPTER 610

An Act to amend the Code of Virginia by adding sections numbered 54.1-2138.2 and 55.1-706.1, relating to real property; duty to disclose ownership interest and lis pendens.

[H 281]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding sections numbered 54.1-2138.2 and 55.1-706.1 as follows:
§ 54.1-2138.2. Duty to disclose ownership interest in specific real property.

If a licensee knows or should have known that he, any member of his family, his firm, any member of his firm, or any entity in which he has an ownership interest is acquiring or attempting to acquire or is selling or leasing real property through purchase, sale, or lease and the licensee is a party to the transaction, the licensee must disclose in writing that he is a licensee and that he, any member of his family, his firm, any member of his firm, or any entity in which he has an ownership interest has or will have an ownership interest to the other parties to the transaction. This disclosure shall be made to the purchaser, seller, lessor, or lessee upon having substantive discussions about specific real property.

§ 55.1-706.1. Required disclosures; lis pendens.

Notwithstanding the exemptions in § 55.1-702, if the owner of a residential dwelling unit has actual knowledge of a lis pendens filed against such dwelling unit pursuant to § 8.01-268, such owner shall provide to a prospective purchaser a written disclosure that so states. Such disclosure shall be provided to the purchaser on a form provided by the Real Estate Board on its website and otherwise in accordance with this chapter.

CHAPTER 611

An Act to amend and reenact § 23.1-3117 of the Code of Virginia, relating to Roanoke Higher Education Authority; board of trustees; membership.

[S 395]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-3117 of the Code of Virginia is amended and reenacted as follows:

§ 23.1-3117. Board of trustees.

A. The Authority shall be governed by a ~~20-member~~ 19-member board of trustees (the board) as follows: two members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; one member of the Senate, to be appointed by the Senate Committee on Rules; the Director of the Council or his designee; the Chancellor of the Virginia Community College System or his designee; the presidents of ~~Averett University~~, James Madison University, ~~Mary Baldwin College~~, Old Dominion University, Radford University, the University of Virginia, Virginia Commonwealth University, Virginia Polytechnic Institute and State University, *Virginia State University*, and Virginia Western Community College or their designees; the Director of Total Action for Progress (TAP) This Valley Works; and five nonlegislative citizen members representing business and industry in the Roanoke Valley to be appointed by the Governor. Nonlegislative citizen members of the board shall be citizens of the Commonwealth and residents of the Roanoke region.

B. The legislative members, the Director of the Council, the Chancellor of the Virginia Community College System, the Director of TAP This Valley Works, and the presidents of the named institutions of higher education or their designees shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for terms of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

No nonlegislative citizen member shall serve more than two consecutive four-year terms; however, a member appointed to serve an unexpired term is eligible to serve two consecutive four-year terms immediately succeeding such unexpired term.

C. Nonlegislative citizen members are not entitled to compensation for their services. Legislative members of the board shall receive such compensation as provided in § 30-19.12. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties in the work of the Authority as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Authority.

D. The board shall elect a chairman and a vice-chairman from among its membership and may establish bylaws as necessary.

CHAPTER 612

An Act to amend and reenact §§ 18.2-340.16, 18.2-340.18, 18.2-340.28:2, and 18.2-340.33 of the Code of Virginia, relating to charitable gaming; registration of landlords; Texas Hold'em poker operations.

[S 394]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-340.16, 18.2-340.18, 18.2-340.28:2, and 18.2-340.33 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-340.16. Definitions.

As used in this article, unless the context requires a different meaning:

"Bingo" means a specific game of chance played with (i) individual cards having randomly numbered squares ranging from one to 75, (ii) Department-approved electronic devices that display facsimiles of bingo cards and are used for the

purpose of marking and monitoring players' cards as numbers are called, or (iii) Department-approved cards, in which prizes are awarded on the basis of designated numbers on such cards conforming to a predetermined pattern of numbers selected at random.

"Board" means the Charitable Gaming Board created pursuant to § 2.2-2455.

"Bona fide member" means an individual who participates in activities of a qualified organization other than such organization's charitable gaming activities.

"Charitable gaming" or "charitable games" means those raffles, Texas Hold'em poker tournaments, and games of chance explicitly authorized by this article.

"Charitable gaming supplies" includes bingo cards or sheets, devices for selecting bingo numbers, instant bingo cards, pull-tab cards and seal cards, playing cards for Texas Hold'em poker, poker chips, and any other equipment or product manufactured for or intended to be used in the conduct of charitable games. However, for the purposes of this article, charitable gaming supplies shall not include items incidental to the conduct of charitable gaming such as markers, wands, or tape.

"Commissioner" means the Commissioner of the Department of Agriculture and Consumer Services.

"Conduct" means the actions associated with the provision of a gaming operation during and immediately before or after the permitted activity, which may include, but not be limited to, (i) selling bingo cards or packs, electronic devices, instant bingo or pull-tab cards, or raffle tickets, (ii) calling bingo games, (iii) distributing prizes, and (iv) any other services provided by volunteer workers.

"Department" means the Department of Agriculture and Consumer Services.

"Fair market rental value" means the rent that a rental property will bring when offered for lease by a lessor who desires to lease the property but is not obligated to do so and leased by a lessee under no necessity of leasing.

"Gaming expenses" means prizes, supplies, costs of publicizing gaming activities, audit and administration or permit fees, and a portion of the rent, utilities, accounting and legal fees and such other reasonable and proper expenses as are directly incurred for the conduct of charitable gaming.

"Gross receipts" means the total amount of money generated by an organization from charitable gaming before the deduction of expenses, including prizes.

"Instant bingo," "pull tabs," or "seal cards" means specific games of chance played by the random selection of one or more individually prepacked cards, including Department-approved electronic versions thereof, with winners being determined by the preprinted or predetermined appearance of concealed letters, numbers or symbols that must be exposed by the player to determine wins and losses and may include the use of a seal card which conceals one or more numbers or symbols that have been designated in advance as prize winners. Such cards may be dispensed by electronic or mechanical equipment.

"Jackpot" means a bingo game that the organization has designated on its game program as a jackpot game in which the prize amount is greater than \$100.

"Landlord" means any person or his agent, firm, association, organization, partnership, or corporation, employee, or immediate family member thereof, which owns and leases, or leases any premises devoted in whole or in part to the conduct of bingo games *or other charitable gaming pursuant to this article*, and any person residing in the same household as a landlord.

"Management" means the provision of oversight of a gaming operation, which may include, but is not limited to, the responsibilities of applying for and maintaining a permit or authorization, compiling, submitting and maintaining required records and financial reports, and ensuring that all aspects of the operation are in compliance with all applicable statutes and regulations.

"Network bingo" means a specific bingo game in which pari-mutuel play is permitted.

"Network bingo provider" means a person licensed by the Department to operate network bingo.

"Operation" means the activities associated with production of a charitable gaming activity, which may include, but not be limited to (i) the direct on-site supervision of the conduct of charitable gaming; (ii) coordination of volunteers; and (iii) all responsibilities of charitable gaming designated by the organization's management.

"Organization" means any one of the following:

1. A volunteer fire department or volunteer emergency medical services agency or auxiliary unit thereof that has been recognized in accordance with § 15.2-955 by an ordinance or resolution of the political subdivision where the volunteer fire department or volunteer emergency medical services agency is located as being a part of the safety program of such political subdivision;

2. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code, is operated, and has always been operated, exclusively for educational purposes, and awards scholarships to accredited public institutions of higher education or other postsecondary schools licensed or certified by the Board of Education or the State Council of Higher Education for Virginia;

3. An athletic association or booster club or a band booster club established solely to raise funds for school-sponsored athletic or band activities for a public school or private school accredited pursuant to § 22.1-19 or to provide scholarships to students attending such school;

4. An association of war veterans or auxiliary units thereof organized in the United States;

5. A fraternal association or corporation operating under the lodge system;

6. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code and is operated, and has always been operated, exclusively to provide services and other resources to older Virginians, as defined in § 51.5-116;

7. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code and is operated, and has always been operated, exclusively to foster youth amateur sports;

8. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code and is operated, and has always been operated, exclusively to provide health care services or conduct medical research;

9. An accredited public institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education for Virginia that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code;

10. A church or religious organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code;

11. An organization that is exempt from income tax pursuant to § 501(c)(3) or 501(c)(4) of the Internal Revenue Code and is operated, and has always been operated, exclusively to (i) create and foster a spirit of understanding among the people of the world; (ii) promote the principles of good government and citizenship; (iii) take an active interest in the civic, cultural, social, and moral welfare of the community; (iv) provide a forum for the open discussion of matters of public interest; (v) encourage individuals to serve the community without personal financial reward; and (vi) encourage efficiency and promote high ethical standards in commerce, industries, professions, public works, and private endeavors;

12. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code and is operated, and has always been operated, exclusively to (i) raise awareness of law-enforcement officers who died in the line of duty; (ii) raise funds for the National Law Enforcement Officers Memorial and Museum; and (iii) raise funds for the charitable causes of other organizations that are exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code;

13. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code and is operated, and has always been operated, exclusively to (i) promote the conservation of the environment, caves, or other natural resources; (ii) promote or develop opportunities for the use of science and technology to advance the conservation of the environment, caves, or other natural resources; and (iii) raise funds for the conservation of the environment, caves, or other natural resources or provide grant opportunities to other nonprofit organizations that are devoted to such conservation efforts;

14. A local chamber of commerce; or

15. Any other nonprofit organization that is exempt from income tax pursuant to § 501(c) of the Internal Revenue Code and that raises funds by conducting raffles, bingo, instant bingo, pull tabs, or seal cards that generate annual gross receipts of \$40,000 or less, provided that such gross receipts, less expenses and prizes, are used exclusively for charitable, educational, religious or community purposes. Notwithstanding § 18.2-340.26:1, proceeds from instant bingo, pull tabs, and seal cards shall be included when calculating an organization's annual gross receipts for the purposes of this subdivision.

"Pari-mutuel play" means an integrated network operated by a licensee of the Department comprised of participating charitable organizations for the conduct of network bingo games in which the purchase of a network bingo card by a player automatically includes the player in a pool with all other players in the network, and where the prize to the winning player is awarded based on a percentage of the total amount of network bingo cards sold in a particular network.

"Qualified organization" means any organization to which a valid permit has been issued by the Department to conduct charitable gaming or any organization that is exempt pursuant to § 18.2-340.23.

"Raffle" means a lottery in which the prize is won by (i) a random drawing of the name or prearranged number of one or more persons purchasing chances or (ii) a random contest in which the winning name or preassigned number of one or more persons purchasing chances is determined by a race involving inanimate objects floating on a body of water, commonly referred to as a "duck race."

"Reasonable and proper business expenses" means business expenses actually incurred by a qualified organization in the conduct of charitable gaming and not otherwise allowed under this article or under Board regulations on real estate and personal property tax payments, travel expenses, payments of utilities and trash collection services, legal and accounting fees, costs of business furniture, fixtures and office equipment and costs of acquisition, maintenance, repair or construction of an organization's real property. For the purpose of this definition, salaries and wages of employees whose primary responsibility is to provide services for the principal benefit of an organization's members shall not qualify as a business expense. However, payments made pursuant to § 51.1-1204 to the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund shall be deemed a reasonable and proper business expense.

"Supplier" means any person who offers to sell, sells or otherwise provides charitable gaming supplies to any qualified organization.

"Texas Hold'em poker game" means a variation of poker in which (i) players receive two cards facedown that may be used individually, (ii) five cards shown face up are shared among all players in the game, (iii) players combine any number of their individual cards with the shared cards to make the highest five-card hand to win the value wagered during the game, and (iv) the ranking of hands and the rules of the game are governed by the official rules of the Poker Tournament Directors Association.

"Texas Hold'em poker tournament" or "tournament" means an organized competition of players (i) who pay a fixed fee for entry into the competition and for a certain amount of poker chips for use in the competition; (ii) who may be allowed to pay an additional fee, during set preannounced times of the competition, to receive additional poker chips for use in the competition; (iii) who may be seated at one or more tables simultaneously playing Texas Hold'em poker games; (iv) who upon running out of poker chips are eliminated from the competition; and (v) a pre-set number of whom are awarded prizes of value according to how long such players remain in the competition.

§ 18.2-340.18. Powers and duties of the Department.

The Department shall have all powers and duties necessary to carry out the provisions of this article and to exercise the control of charitable gaming as set forth in § 18.2-340.15. Such powers and duties shall include ~~but not be limited to~~ the following:

1. The Department is vested with jurisdiction and supervision over all charitable gaming authorized under the provisions of this article and including all persons that conduct or provide goods, services, or premises used in the conduct of charitable gaming. It may employ such persons as are necessary to ensure that charitable gaming is conducted in conformity with the provisions of this article and the regulations of the Board. The Department shall designate such agents and employees as it deems necessary and appropriate who shall be sworn to enforce the provisions of this article and the criminal laws of the Commonwealth and who shall be law-enforcement officers as defined in § 9.1-101.

2. The Department, its agents and employees and any law-enforcement officers charged with the enforcement of charitable gaming laws shall have free access to the offices, facilities or any other place of business of any organization, including any premises devoted in whole or in part to the conduct of charitable gaming. These individuals may enter such places or premises for the purpose of carrying out any duty imposed by this article, securing records required to be maintained by an organization, investigating complaints, or conducting audits.

3. The Department may compel the production of any books, documents, records, or memoranda of any organizations or supplier involved in the conduct of charitable gaming for the purpose of satisfying itself that this article and its regulations are strictly complied with. In addition, the Department may require the production of an annual balance sheet and operating statement of any person granted a permit pursuant to the provisions of this article and may require the production of any contract to which such person is or may be a party.

4. The Department may issue subpoenas for the attendance of witnesses before it, administer oaths, and compel production of records or other documents and testimony of such witnesses whenever, in the judgment of the Department, it is necessary to do so for the effectual discharge of its duties.

5. The Department may compel any person conducting charitable gaming to file with the Department such documents, information, or data as shall appear to the Department to be necessary for the performance of its duties.

6. The Department may enter into arrangements with any governmental agency of this or any other state or any locality in the Commonwealth or any agency of the federal government for the purposes of exchanging information or performing any other act to better ensure the proper conduct of charitable gaming.

7. The Department may issue a charitable gaming permit while the permittee's tax-exempt status is pending approval by the Internal Revenue Service.

8. The Department shall report annually to the Governor and the General Assembly, which report shall include a financial statement of the operation of the Department and any recommendations for legislation applicable to charitable gaming in the Commonwealth.

9. The Department, its agents, and employees may conduct such audits, in addition to those required by § 18.2-340.31, as they deem necessary and desirable.

10. The Department may limit the number of organizations for which a person may manage, operate, or conduct charitable games.

11. *The Department may promulgate regulations that require any landlord that leases to a qualified organization any premises devoted in whole or in part to the conduct of bingo games or any other charitable gaming to register with the Department.*

12. The Department may report any alleged criminal violation of this article to the appropriate attorney for the Commonwealth for appropriate action.

~~13.~~ 13. Beginning July 1, 2024, and at least once every five years thereafter, the Department shall convene a stakeholder work group to review the limitations on prize amounts and provide any recommendations to the General Assembly by November 30 of the year in which the stakeholder work group is convened.

§ 18.2-340.28:2. Conduct of Texas Hold'em poker tournaments by qualified organizations; conditions.

A. Any organization qualified to conduct bingo games on or after July 1, 2019, may conduct Texas Hold'em poker tournaments; *however, no such organization may conduct individual Texas Hold'em poker games.* The Board shall promulgate regulations establishing circumstances under which organizations qualified to conduct bingo games prior to July 1, 2019, may conduct Texas Hold'em poker tournaments.

B. A qualified organization may contract with an operator to administer Texas Hold'em poker tournaments. Limitations on operator fees shall be established by Board regulations.

C. A qualified organization shall accept only cash or, at its option, checks in payment of any charges or assessments for players to participate in Texas Hold'em poker tournaments. However, no such organization shall accept postdated checks in payment of any charges or assessments for players to participate in Texas Hold'em poker tournaments.

D. No qualified organization or any person on the premises shall extend lines of credit or accept any credit or debit card or other electronic fund transfer in payment of any charges or assessments for players to participate in Texas Hold'em poker tournaments.

E. No qualified organization shall allow any individual younger than 18 years of age to participate in Texas Hold'em poker tournaments.

§ 18.2-340.33. Prohibited practices.

In addition to those other practices prohibited by this article, the following acts or practices are prohibited:

1. No part of the gross receipts derived by a qualified organization may be used for any purpose other than (i) reasonable and proper gaming expenses, (ii) reasonable and proper business expenses, (iii) those lawful religious, charitable, community or educational purposes for which the organization is specifically chartered or organized, and (iv) expenses relating to the acquisition, construction, maintenance, or repair of any interest in the real property involved in the operation of the organization and used for lawful religious, charitable, community or educational purposes. For the purposes of clause (iv), such expenses may include the expenses of a corporation formed for the purpose of serving as the real estate holding entity of a qualified organization, provided (a) such holding entity is qualified as a tax exempt organization under § 501(c) of the Internal Revenue Code and (b) the membership of the qualified organization is identical to such holding entity.

2. Except as provided in § 18.2-340.34:1, no qualified organization shall enter into a contract with or otherwise employ for compensation any person for the purpose of organizing, managing, or conducting any charitable games. However, organizations composed of or for deaf or blind persons may use a part of their gross receipts for costs associated with providing clerical assistance in the management and operation but not the conduct of charitable gaming.

The provisions of this subdivision shall not prohibit the joint operation of bingo games held in accordance with § 18.2-340.29.

3. No person shall pay or receive for use of any premises devoted, in whole or in part, to the conduct of any charitable games, any consideration in excess of the current fair market rental value of such property. Fair market rental value consideration shall not be based upon or determined by reference to a percentage of the proceeds derived from the operation of any charitable games or to the number of people in attendance at such charitable games.

4. No person shall participate in the management or operation of any charitable game unless such person is and, for a period of at least 30 days immediately preceding such participation, has been a bona fide member of the organization. For any organization that is not composed of members, a person who is not a bona fide member may volunteer in the conduct of a charitable game as long as that person is directly supervised by a bona fide official member of the organization.

The provisions of this subdivision shall not apply to (i) persons employed as clerical assistants by qualified organizations composed of or for deaf or blind persons; (ii) employees of a corporate sponsor of a qualified organization, provided such employees' participation is limited to the management, operation or conduct of no more than one raffle per year; (iii) the spouse or family member of any such bona fide member of a qualified organization provided at least one bona fide member is present; or (iv) persons employed by a qualified organization authorized to sell pull tabs or seal cards in accordance with § 18.2-340.16, provided (a) such sales are conducted by no more than two on-duty employees, (b) such employees receive no compensation for or based on the sale of the pull tabs or seal cards, and (c) such sales are conducted in the private social quarters of the organization.

5. No person shall receive any remuneration for participating in the management, operation or conduct of any charitable game, except that:

a. Persons employed by organizations composed of or for deaf or blind persons may receive remuneration not to exceed \$30 per event for providing clerical assistance in the management and operation but not the conduct of charitable games only for such organizations;

b. Persons under the age of 19 who sell raffle tickets for a qualified organization to raise funds for youth activities in which they participate may receive nonmonetary incentive awards or prizes from the organization;

c. Remuneration may be paid to off-duty law-enforcement officers from the jurisdiction in which such bingo games are played for providing uniformed security for such bingo games even if such officer is a member of the sponsoring organization, provided the remuneration paid to such member is in accordance with off-duty law-enforcement personnel work policies approved by the local law-enforcement official and further provided that such member is not otherwise engaged in the management, operation or conduct of the bingo games of that organization, or to private security services businesses licensed pursuant to § 9.1-139 providing uniformed security for such bingo games, provided that employees of such businesses shall not otherwise be involved in the management, operation, or conduct of the bingo games of that organization;

d. A member of a qualified organization lawfully participating in the management, operation or conduct of a bingo game may be provided food and nonalcoholic beverages by such organization for on-premises consumption during the bingo game provided the food and beverages are provided in accordance with Board regulations;

e. Remuneration may be paid to bingo managers or callers who have a current registration certificate issued by the Department in accordance with § 18.2-340.34:1, or who are exempt from such registration requirement. Such remuneration shall not exceed \$100 per session; and

f. Volunteers of a qualified organization may be reimbursed for their reasonable and necessary travel expenses, not to exceed \$50 per session.

6. No landlord shall, at bingo games conducted on the landlord's premises, (i) participate in the conduct, management, or operation of any bingo games; (ii) sell, lease or otherwise provide for consideration any bingo supplies, including, but not limited to, bingo cards, instant bingo cards, or other game pieces; or (iii) require as a condition of the lease or by contract that a particular manufacturer, distributor or supplier of bingo supplies or equipment be used by the organization.

The provisions of this subdivision shall not apply to any qualified organization conducting bingo games on its own behalf at premises owned by it.

7. No qualified organization shall enter into any contract with or otherwise employ or compensate any member of the organization on account of the sale of bingo supplies or equipment.

8. No organization shall award any bingo prize money or any merchandise valued in excess of the following amounts:

a. No bingo door prize shall exceed \$250 for a single door prize or \$500 in cumulative door prizes in any one session;

b. No regular bingo or special bingo game prize shall exceed \$100. However, up to 10 games per bingo session may feature a regular bingo or special bingo game prize of up to \$200;

c. No instant bingo, pull tab, or seal card prize for a single card shall exceed \$2,000;

d. Except as provided in this subdivision 8, no bingo jackpot of any nature whatsoever shall exceed \$1,000, nor shall the total amount of bingo jackpot prizes awarded in any one session exceed \$1,000. Proceeds from the sale of bingo cards and the sheets used for bingo jackpot games shall be accounted for separately from the bingo cards or sheets used for any other bingo games; and

e. No single network bingo prize shall exceed \$25,000. Proceeds from the sale of network bingo cards shall be accounted for separately from bingo cards and sheets used for any other bingo game.

9. The provisions of subdivision 8 shall not apply to:

Any progressive bingo game, in which (i) a regular or special prize, not to exceed \$100, is awarded on the basis of predetermined numbers or patterns selected at random and (ii) a progressive prize, not to exceed \$500 for the initial progressive prize and \$5,000 for the maximum progressive prize, is awarded if the predetermined numbers or patterns are covered when a certain number of numbers is called, provided that (a) there are no more than six such games per session per organization, (b) the amount of increase of the progressive prize per session is no more than \$200, (c) the bingo cards or sheets used in such games are sold separately from the bingo cards or sheets used for any other bingo games, (d) the organization separately accounts for the proceeds from such sale, and (e) such games are otherwise operated in accordance with the Department's rules of play.

10. No organization shall award any raffle prize valued at more than \$100,000.

The provisions of this subdivision shall not apply to a raffle conducted no more than three times per calendar year by a qualified organization qualified as a tax-exempt organization pursuant to § 501(c) of the Internal Revenue Code for a prize consisting of a lot improved by a residential dwelling where 100 percent of the moneys received from such a raffle, less deductions for the fair market value for the cost of acquisition of the land and materials, are donated to lawful religious, charitable, community, or educational organizations specifically chartered or organized under the laws of the Commonwealth and qualified as a § 501(c) tax-exempt organization. No more than one such raffle shall be conducted in any one geographical region of the Commonwealth.

11. No qualified organization composed of or for deaf or blind persons which employs a person not a member to provide clerical assistance in the management and operation but not the conduct of any charitable games shall conduct such games unless it has in force fidelity insurance, as defined in § 38.2-120, written by an insurer licensed to do business in the Commonwealth.

12. No person shall participate in the management or operation of any charitable game if he has ever been convicted of any felony or if he has been convicted of any misdemeanor involving fraud, theft, or financial crimes within the preceding five years. No person shall participate in the conduct of any charitable game if, within the preceding 10 years, he has been convicted of any felony or if, within the preceding five years he has been convicted of any misdemeanor involving fraud, theft, or financial crimes. In addition, no person shall participate in the management, operation or conduct of any charitable game if that person, within the preceding five years, has participated in the management, operation, or conduct of any charitable game which was found by the Department or a court of competent jurisdiction to have been operated in violation of state law, local ordinance or Board regulation.

13. Qualified organizations jointly conducting bingo games pursuant to § 18.2-340.29 shall not circumvent any restrictions and prohibitions which would otherwise apply if a single organization were conducting such games. These restrictions and prohibitions shall include, but not be limited to, the frequency with which bingo games may be held, the value of merchandise or money awarded as prizes, or any other practice prohibited under this section.

14. A qualified organization shall not purchase any charitable gaming supplies for use in the Commonwealth from any person who is not currently registered with the Department as a supplier pursuant to § 18.2-340.34.

15. Unless otherwise permitted in this article, no part of an organization's charitable gaming gross receipts shall be used for an organization's social or recreational activities.

16. No organization qualified to conduct Texas Hold'em poker tournaments pursuant to § 18.2-340.28:2 shall conduct any Texas Hold'em poker games where the game has no predetermined end time and the players wager actual money or poker chips that have cash value.

CHAPTER 613

An Act to amend and reenact §§ 9.1-193 and 37.2-311.1 of the Code of Virginia, relating to Marcus alert system; optional participation.

[S 361]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:**1. That §§ 9.1-193 and 37.2-311.1 of the Code of Virginia are amended and reenacted as follows:****§ 9.1-193. Mental health awareness response and community understanding services (Marcus) alert system; law-enforcement protocols.**

A. As used in this article, unless the context requires a different meaning:

"Area" means a combination of one or more localities or institutions of higher education contained therein that may have law-enforcement officers as defined in § 9.1-101.

"Body-worn camera system" means the same as that term is defined in § 15.2-1723.1.

"Community care team" means the same as that term is defined in § 37.2-311.1.

"Comprehensive crisis system" means the same as that term is defined in § 37.2-311.1.

"Developmental disability" means the same as that term is defined in § 37.2-100.

"Developmental services" means the same as that term is defined in § 37.2-100.

"Historically economically disadvantaged community" means the same as that term is defined in § 56-576.

"Mental health awareness response and community understanding services alert system" or "Marcus alert system" means the same as that term is defined in § 37.2-311.1.

"Mental health service provider" means the same as that term is defined in § 54.1-2400.1.

"Mobile crisis response" means the same as that term is defined in § 37.2-311.1.

"Mobile crisis team" means the same as that term is defined in § 37.2-311.1.

"Registered peer recovery specialist" means the same as that term is defined in § 54.1-3500.

"Substance abuse" means the same as that term is defined in § 37.2-100.

B. The Department of Behavioral Health and Developmental Services and the Department shall collaborate to ensure that the Department of Behavioral Health and Developmental Services maintains purview over best practices to promote a behavioral health response through the use of a mobile crisis response to behavioral health crises whenever possible, or law-enforcement backup of a mobile crisis response when necessary, and that the Department maintains purview over requirements associated with decreased use of force and body-worn camera system policies and enforcement of such policies in the protocols established pursuant to this article and § 37.2-311.1.

C. By July 1, 2021, the Department shall develop a written plan outlining (i) the Department's and law-enforcement agencies' roles and engagement with the development of the Marcus alert system; (ii) the Department's role in the development of minimum standards, best practices, and the review and approval of the protocols for law-enforcement participation in the Marcus alert system set forth in subsection D; and (iii) plans for the measurement of progress toward the goals for law-enforcement participation in the Marcus alert system set forth in subsection E.

D. All protocols and training for law-enforcement participation in the Marcus alert system shall be developed in coordination with local behavioral health and developmental services stakeholders and approved by the Department of Behavioral Health and Developmental Services according to standards developed pursuant to § 37.2-311.1. Such protocols and training shall provide for a specialized response by law enforcement designed to meet the goals set forth in this article to ensure that individuals experiencing a mental health, substance abuse, or developmental disability-related behavioral health crisis receive a specialized response when diversion to the comprehensive crisis system is not feasible. Specialized response protocols and training by law enforcement shall consider the impact to care that the presence of an officer in uniform or a marked vehicle at a response has and shall mitigate such impact when feasible through the use of plain clothes and unmarked vehicles. The specialized response protocols and training shall also set forth best practices, guidelines, and procedures regarding the role of law enforcement during a mobile crisis response, including the provisions of backup services when requested, in order to achieve the goals set forth in subsection E and to support the effective diversion of mental health crises to the comprehensive crisis system whenever feasible.

E. The goals of law-enforcement participation, including the development of local protocols, in comprehensive crisis services and the Marcus alert system shall be:

1. Ensuring that individuals experiencing behavioral health crises are served by the behavioral health comprehensive crisis service system when considered feasible pursuant to protocols and training and associated clinical guidance provided pursuant to Title 37.2;

2. Ensuring that local law-enforcement departments and institutions of higher education with law-enforcement officers establish standardized agreements for the provision of law-enforcement backup and specialized response when required for a mobile crisis response;

3. Providing immediate response and services when diversion to the comprehensive crisis system continuum is not feasible with a protocol that meets the minimum standards and strives for the best practices developed by the Department of Behavioral Health and Developmental Services and the Department pursuant to § 37.2-311.1;

4. Affording individuals whose behaviors are consistent with mental illness, substance abuse, intellectual or developmental disabilities, brain injury, or any combination thereof a sense of dignity in crisis situations;
5. Reducing the likelihood of physical confrontation;
6. Decrease arrests and use-of-force incidents by law-enforcement officers;
7. Ensuring the use of unobstructed body-worn cameras for the continuous improvement of the response team;
8. Identifying underserved populations in historically economically disadvantaged communities whose behaviors are consistent with mental illness, substance abuse, developmental disabilities, or any combination thereof and ensuring individuals experiencing a mental health crisis, including individuals experiencing a behavioral health crisis secondary to mental illness, substance use problem, developmental or intellectual disabilities, brain injury, or any combination thereof, are directed or referred to and provided with appropriate care, including follow-up and wrap-around services to individuals, family members, and caregivers to reduce the likelihood of future crises;
9. Providing support and assistance for mental health service providers and law-enforcement officers;
10. Decreasing the use of arrest and detention of persons whose behaviors are consistent with mental illness, substance abuse, developmental or intellectual disabilities, brain injury, or any combination thereof by providing better access to timely treatment;
11. Providing a therapeutic location or protocol to bring individuals in crisis for assessment that is not a law-enforcement or jail facility;
12. Increasing public recognition and appreciation for the mental health needs of a community;
13. Decreasing injuries during crisis events;
14. Decreasing the need for mental health treatment in jail;
15. Accelerating access to care for individuals in crisis through improved and streamlined referral mechanisms to mental health and developmental services;
16. Improving the notifications made to the comprehensive crisis system concerning an individual experiencing a mental health crisis if the individual poses an immediate public safety threat or threat to self; and
17. Decreasing the use of psychiatric hospitalizations as a treatment for mental health crises.

F. By July 1, ~~2024~~ 2023, every locality shall establish a voluntary database to be made available to the 9-1-1 alert system and the Marcus alert system to provide relevant mental health information and emergency contact information for appropriate response to an emergency or crisis. Identifying and health information concerning behavioral health illness, mental health illness, developmental or intellectual disability, or brain injury may be voluntarily provided to the database by the individual with the behavioral health illness, mental health illness, developmental or intellectual disability, or brain injury; the parent or legal guardian of such individual if the individual is under the age of 18; or a person appointed the guardian of such person as defined in § 64.2-2000. An individual shall be removed from the database when he reaches the age of 18, unless he or his guardian, as defined in § 64.2-2000, requests that the individual remain in the database. Information provided to the database shall not be used for any other purpose except as set forth in this subsection.

G. ~~By July 1, 2022, every locality shall have established~~ Localities with a population that is less than or equal to 40,000 may and localities with a population that is greater than 40,000 shall establish local protocols that meet the requirements set forth in the Department of Behavioral Health and Developmental Services plan set forth in clauses (vi), (vii), and (viii) of subdivision B 2 of § 37.2-311.1. ~~In addition, by July 1, 2022, every locality shall have established, or be part of an area that has established,~~ Localities with a population that is less than or equal to 40,000 may and localities with a population that is greater than 40,000 shall develop protocols for law-enforcement participation in the Marcus alert system ~~that has been~~, which shall be approved by the Department of Behavioral Health and Developmental Services and the Department prior to such participation. For the purposes of this subsection, the population of a locality shall be the population of that locality as reported by the United States Census Bureau following the 2020 decennial census.

H. Notwithstanding the provisions of subsection G, every locality, regardless of population, shall establish local protocols to divert calls from the 9-1-1 dispatch and response system to a crisis call center for risk assessment and engagement, including assessment for mobile crisis or community care team dispatch if available, in accordance with clause (iv) of subdivision B 2 of § 37.2-311.1.

§ 37.2-311.1. Comprehensive crisis system; Marcus alert system; powers and duties of the Department related to comprehensive mental health, substance abuse, and developmental disability crisis services.

A. As used in this section and §§ 37.2-311.2 through 37.2-311.6, unless the context requires a different meaning:

"Community care team" means a team of mental health service providers, and may include registered peer recovery specialists and law-enforcement officers as a team, with the mental health service providers leading such team, to help stabilize individuals in crisis situations. Law enforcement may provide backup support as needed to a community care team in accordance with the protocols and best practices developed pursuant to § 9.1-193. In addition to serving as a co-response unit, community care teams may, at the discretion of the employing locality, engage in community mental health awareness and services.

"Comprehensive crisis system" means the continuum of care established by the Department of Behavioral Health and Developmental Services pursuant to this section.

"Crisis call center" means a call center that provides crisis intervention that meets NSPL standards for risk assessment and engagement and the requirements of § 37.2-311.2.

"Crisis stabilization center" means a facility providing short-term (under 24 hours) observation and crisis stabilization services to all referrals in a home-like, nonhospital environment.

"Fund" means the Crisis Call Center Fund established under § 37.2-311.4.

"Historically economically disadvantaged community" means the same as that term is defined in § 56-576.

"Mental health awareness response and community understanding services alert system" or "Marcus alert system" means a set of protocols to (i) initiate a behavioral health response to a behavioral health crisis, including for individuals experiencing a behavioral health crisis secondary to mental illness, substance abuse, developmental disabilities, or any combination thereof; (ii) divert such individuals to the behavioral health or developmental services system whenever feasible; and (iii) facilitate a specialized response in accordance with § 9.1-193 when diversion is not feasible.

"Mobile crisis response" means the provision of professional, same-day intervention for children or adults who are experiencing crises and whose behaviors are consistent with mental illness or substance abuse, or both, including individuals experiencing a behavioral health crisis that is secondary to mental illness, substance abuse, developmental or intellectual disability, brain injury, or any combination thereof. "Mobile crisis response" may be provided by a community care team or a mobile crisis team, and a locality may establish either or both types of teams to best meet its needs.

"Mobile crisis team" means a team of one or more qualified or licensed mental health professionals and may include a registered peer recovery specialist or a family support partner. A law-enforcement officer shall not be a member of a mobile crisis team, but law enforcement may provide backup support as needed to a mobile crisis team in accordance with the protocols and best practices developed pursuant to § 9.1-193.

"NSPL" or "National Suicide Prevention Lifeline" means the national suicide prevention and mental health crisis hotline established by the federal government in accordance with 42 U.S.C. § 290bb—36c to provide a national network of crisis centers linked by a toll-free number to route callers in suicidal crisis or emotional distress to the closest certified local crisis center.

"NSPL Administrator" means the entity designated by the federal government to administer the NSPL.

"Registered peer recovery specialist" means the same as such term is defined in § 54.1-3500.

"SAMHSA" or "Substance Abuse and Mental Health Services Administration" means the agency within the U.S. Department of Health and Human Services that leads federal behavioral health efforts.

B. The Department shall have the following duties and responsibilities for the provision of crisis services and support for individuals with mental illness, substance abuse, developmental or intellectual disabilities, or brain injury who are experiencing a crisis related to mental health, substance abuse, or behavioral support needs:

1. The Department shall develop a comprehensive crisis system, with such funds as may be appropriated for such purpose, based on national best practice models and composed of a crisis call center, community care and mobile crisis teams, crisis stabilization centers, and the Marcus alert system. In addition to all requirements under this section, the crisis call center shall meet the requirements of § 37.2-311.2.

2. By July 1, 2021, the Department, in collaboration with the Department of Criminal Justice Services and law-enforcement, mental health, behavioral health, developmental services, emergency management, brain injury, and racial equity stakeholders, shall develop a written plan for the development of a Marcus alert system. Such plan shall (i) inventory past and current crisis intervention teams established pursuant to Article 13 (§ 9.1-187 et seq.) of Chapter 1 of Title 9.1 throughout the Commonwealth that have received state funding; (ii) inventory the existence, status, and experiences of community services board mobile crisis teams and crisis stabilization units; (iii) identify any other existing cooperative relationships between community services boards and law-enforcement agencies; (iv) review the prevalence of crisis situations involving mental illness or substance abuse, or both, including individuals experiencing a behavioral health crisis that is secondary to mental illness, substance abuse, developmental or intellectual disability, brain injury, or any combination thereof; (v) identify state and local funding of emergency and crisis services; (vi) include protocols to divert calls from the 9-1-1 dispatch and response system to a crisis call center for risk assessment and engagement, including assessment for mobile crisis or community care team dispatch; (vii) include protocols for local law-enforcement agencies to enter into memorandums of agreement with mobile crisis response providers regarding requests for law-enforcement backup during a mobile crisis or community care team response; (viii) develop minimum standards, best practices, and a system for the review and approval of protocols for law-enforcement participation in the Marcus alert system set forth in § 9.1-193; (ix) assign specific responsibilities, duties, and authorities among responsible state and local entities; and (x) assess the effectiveness of a locality's or area's plan for community involvement, including engaging with and providing services to historically economically disadvantaged communities, training, and therapeutic response alternatives.

C. 1. No later than December 1, 2021, the Department shall establish five Marcus alert programs and community care or mobile crisis teams, one located in each of the five Department regions.

2. No later than July 1, 2023, the Department shall establish five additional Marcus alert system programs and community care or mobile crisis teams, one located in each of the five Department regions. Community services boards or behavioral health authorities that serve the largest populations in each region, excluding those community services boards or behavioral health authorities already selected under subdivision 1, shall be selected for programs under this subdivision.

3. The Department shall establish additional Marcus alert systems and community care teams in geographical areas served by a community services board or behavioral health authority by July 1, 2024; July 1, 2025; and July 1, 2026. No later than July 1, ~~2026~~ 2028, all community services board and behavioral health authority geographical areas shall have established a Marcus alert system that uses a community care or mobile crisis team.

4. All community care teams and mobile crisis teams established under this section shall meet the standards set forth in § 37.2-311.3.

D. The Department shall ~~assess and report on annually by November 15 to the Governor and the Chairmen of the House Committees for Courts of Justice and on Health, Welfare and Institutions, the Senate Committees on the Judiciary and Education and Health, and the Behavioral Health Commission regarding the impact and effectiveness of the comprehensive crisis system and the effectiveness of such system in meeting its goals set forth in this section.~~ The ~~assessment~~ report shall include, *for the previous calendar year*; (i) a description of approved local Marcus alert programs in the Commonwealth, including the number of such programs operating in the Commonwealth, the number of such programs added in the previous calendar year, and an analysis of how such programs work to connect the Commonwealth's comprehensive crisis system and mobile crisis response programs; (ii) the number of calls ~~to~~ received by the crisis call center, established pursuant to this section; (iii) the number of mobile crisis responses; *undertaken by community care teams and mobile crisis teams in the Commonwealth*; (iv) the number of mobile crisis responses that involved law-enforcement backup; ~~and overall function of the comprehensive crisis system.~~ A portion of the report, focused on the function of the Marcus alert system and local protocols for law-enforcement participation in the Marcus alert system, shall be written in collaboration with the Department of Criminal Justice Services and shall include the number and description of approved local programs and how the programs interface comprehensive crisis system and mobile crisis response; (v) the number of crisis incidents and injuries to any parties involved; a description of successes and problems encountered; and (vi) an analysis of the overall operation of any local protocols *adopted or programs established pursuant to § 9.1-193*, including any disparities in response and outcomes by race and ethnicity of individuals experiencing a behavioral health crisis and recommendations for improvement of the programs; (vii) a description of the overall function of the Marcus alert program and the comprehensive crisis system, including a description of any successes and any challenges encountered; and (viii) recommendations for improvement of the Marcus alert system and approved local Marcus alert programs. The report shall also include a specific plan to phase in (a) a description of barriers to establishment of a local Marcus alert system program and community care or mobile crisis team to provide mobile crisis response in each remaining geographical area served by a community services board or behavioral health authority as required in subdivision C 3 in which such program and team has not been established and (b) a plan for addressing such barriers in order to increase the number of local Marcus alert programs and community care or mobile crisis teams. The Department, ~~in collaboration with the Department of Criminal Justice Services,~~ shall (i) submit a report by November 15, 2021, to the Joint Commission on Health Care outlining progress toward the assessment of these factors and any assessment items that are available for the reporting period and (ii) submit a comprehensive annual report to the Joint Commission on Health Care by November 15 of each subsequent year *assist the Department in the preparation of the report required by this subsection.*

2. The Department of Behavioral Health and Developmental Services and the Department of Criminal Justice Services shall convene a work group with representatives of each locality within the Commonwealth that has a population of less than or equal to 40,000 to identify barriers to establishment and implementation of the protocols outlined in subsection G of § 9.1-193 of the Code of Virginia, as amended by this act. The work group shall report its findings and make recommendations to address such barriers to the Chairmen of the House Committees for Courts of Justice and on Health, Welfare and Institutions, the Senate Committees on the Judiciary and Education and Health, the Behavioral Health Commission, and the Joint Commission on Health Care by December 1, 2022.

CHAPTER 614

An Act to amend and reenact §§ 3.2-6540.1 and 3.2-6569 of the Code of Virginia, relating to vicious dogs.

[S 279]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-6540.1 and 3.2-6569 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-6540.1. Vicious dogs; penalties.

A. As used in this section:

"Serious injury" means an injury having a reasonable potential to cause death or any injury other than a sprain or strain, including serious disfigurement, serious impairment of health, or serious impairment of bodily function and requiring significant medical attention.

"Vicious dog" means a canine or canine crossbreed that has (i) killed a person, (ii) inflicted serious injury to a person, or (iii) continued to exhibit the behavior that resulted in a previous finding by a court or, on or before July 1, 2006, by an animal control officer as authorized by ordinance that it is a dangerous dog, provided that its owner has been given notice of that finding.

B. Any law-enforcement officer or animal control officer who (i) has reason to believe that a canine or canine crossbreed ~~within his jurisdiction~~ is a vicious dog ~~shall~~ and (ii) is located in the jurisdiction where the vicious dog resides or in the jurisdiction where a vicious dog committed an act set forth in the definition shall apply to a magistrate serving the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a

law-enforcement officer successfully makes an application for the issuance of a summons, he shall contact the local animal control officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is vicious. The animal control officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. *Unless good cause is determined by the court, the evidentiary hearing shall be held not more than 30 days from the issuance of the summons.* The court, through its contempt powers, may compel the owner, custodian, or harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of § 3.2-6562. The court, upon finding the animal to be a vicious dog, may order the owner, custodian, or harbinger thereof to pay restitution for actual damages to any person injured by the animal or to the estate of any person killed by the animal. The court, in its discretion, may also order the owner to pay all reasonable expenses incurred in caring and providing for such vicious dog from the time the animal is taken into custody until such time as the animal is disposed of. The procedure for appeal and trial shall be the same as provided by law for misdemeanors, *except that unless good cause is determined by the court, an appeal shall be heard within 30 days.* Trial by jury shall be as provided in Article 4 (§ 19.2-260 et seq.) of Chapter 15 of Title 19.2. The Commonwealth shall be required to prove its case beyond a reasonable doubt.

C. No canine or canine crossbreed shall be found to be a vicious dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited. No animal shall be found to be a vicious dog if the threat, injury, or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian; (ii) committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian; or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a vicious dog. No animal that, at the time of the acts complained of, was responding to pain or injury or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a vicious dog.

D. Any owner or custodian of a canine or canine crossbreed or other animal whose willful act or omission in the care, control, or containment of a canine, canine crossbreed, or other animal is so gross, wanton, and culpable as to show a reckless disregard for human life and is the proximate cause of such dog or other animal attacking and causing serious injury to any person is guilty of a Class 6 felony. The provisions of this subsection shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the attack.

E. The governing body of any locality may enact an ordinance parallel to this statute regulating vicious dogs. No locality may impose a felony penalty for violation of such ordinances.

§ 3.2-6569. Seizure and impoundment of animals; notice and hearing; disposition of animal; disposition of proceeds upon sale.

A. Any humane investigator, law-enforcement officer or animal control officer may lawfully seize and impound any animal that has been abandoned, has been cruelly treated, or is suffering from an apparent violation of this chapter that has rendered the animal in such a condition as to constitute a direct and immediate threat to its life, safety or health. The seizure or impoundment of an equine resulting from a violation of clause (iv) of subsection A or clause (ii) of subsection B of § 3.2-6570 may be undertaken only by the State Veterinarian or State Veterinarian's representative who has received training in the examination and detection of sore horses as required by 9 C.F.R. Part 11.7.

B. Before seizing or impounding any agricultural animal, the humane investigator, law-enforcement officer or animal control officer shall contact the State Veterinarian or State Veterinarian's representative, who shall recommend to the person the most appropriate action for effecting the seizure and impoundment. The humane investigator, law-enforcement officer or animal control officer shall notify the owner of the agricultural animal and the local attorney for the Commonwealth of the recommendation. The humane investigator, law-enforcement officer or animal control officer may impound the agricultural animal on the land where the agricultural animal is located if:

1. The owner or tenant of the land where the agricultural animal is located gives written permission;
2. A general district court so orders; or
3. The owner or tenant of the land where the agricultural animal is located cannot be immediately located, and it is in the best interest of the agricultural animal to be impounded on the land where it is located until the written permission of the owner or tenant of the land can be obtained.

If there is a direct and immediate threat to an agricultural animal, the humane investigator, law-enforcement officer or animal control officer may seize the animal, in which case the humane investigator, law-enforcement officer or animal control officer shall file within five business days on a form approved by the State Veterinarian a report on the condition of the animal at the time of the seizure, the location of impoundment, and any other information required by the State Veterinarian.

C. Upon seizing or impounding an animal, the humane investigator, law-enforcement officer or animal control officer shall petition the general district court in the city or county where the animal is seized for a hearing. The hearing shall be not more than 10 business days from the date of the seizure of the animal. The hearing shall be to determine whether the animal has been abandoned, has been cruelly treated, or has not been provided adequate care.

D. The humane investigator, law-enforcement officer, or animal control officer shall cause to be served upon the person with a right of property in the animal or the custodian of the animal notice of the hearing. If such person or the custodian is known and residing within the jurisdiction wherein the animal is seized, written notice shall be given at least five days prior to the hearing of the time and place of the hearing. If such person or the custodian is known but residing out of the jurisdiction where such animal is seized, written notice by any method or service of process as is provided by the Code of Virginia shall be given. If such person or the custodian is not known, the humane investigator, law-enforcement officer, or animal control officer shall cause to be published in a newspaper of general circulation in the jurisdiction wherein such animal is seized notice of the hearing at least one time prior to the hearing and shall further cause notice of the hearing to be posted at least five days prior to the hearing at the place provided for public notices at the city hall or courthouse wherein such hearing shall be held.

E. The procedure for appeal and trial shall be the same as provided by law for misdemeanors, *except that unless good cause is determined by the court, an appeal shall be heard within 30 days*. Trial by jury shall be as provided in Article 4 (§ 19.2-260 et seq.) of Chapter 15 of Title 19.2. The Commonwealth shall be required to prove its case beyond a reasonable doubt.

F. The humane investigator, law-enforcement officer, or animal control officer shall provide for such animal until the court has concluded the hearing. Any locality may require the owner of any animal held pursuant to this subsection for more than 30 days to post a bond in surety with the locality for the amount of the cost of boarding the animal for a period of time set by ordinance, not to exceed nine months.

In any locality that has not adopted such an ordinance, a court may order the owner of an animal held pursuant to this subsection for more than 30 days to post a bond in surety with the locality for the amount of the cost of boarding the animal for a period of time not to exceed nine months. The bond shall not be forfeited if the owner is found to be not guilty of the violation.

If the court determines that the animal has been neither abandoned, cruelly treated, nor deprived of adequate care, the animal shall be returned to the owner. If the court determines that the animal has been (i) abandoned or cruelly treated, (ii) deprived of adequate care, as that term is defined in § 3.2-6500, or (iii) raised as a dog that has been, is, or is intended to be used in dogfighting in violation of § 3.2-6571, then the court shall order that the animal may be: (a) sold by a local governing body, if not a companion animal; (b) disposed of by a local governing body pursuant to subsection D of § 3.2-6546, whether such animal is a companion animal or an agricultural animal; or (c) delivered to the person with a right of property in the animal as provided in subsection G.

G. In no case shall the owner be allowed to purchase, adopt, or otherwise obtain the animal if the court determines that the animal has been abandoned, cruelly treated, or deprived of adequate care. The court shall direct that the animal be delivered to the person with a right of property in the animal, upon his request, if the court finds that the abandonment, cruel treatment, or deprivation of adequate care is not attributable to the actions or inactions of such person.

H. The court shall order the owner of any animal determined to have been abandoned, cruelly treated, or deprived of adequate care to pay all reasonable expenses incurred in caring and providing for such animal from the time the animal is seized until such time that the animal is disposed of in accordance with the provisions of this section, to the provider of such care.

I. The court may prohibit the possession or ownership of other companion animals by the owner of any companion animal found to have been abandoned, cruelly treated, or deprived of adequate care. In making a determination to prohibit the possession or ownership of companion animals, the court may take into consideration the owner's past record of convictions under this chapter or other laws prohibiting cruelty to animals or pertaining to the care or treatment of animals and the owner's mental and physical condition.

J. If the court finds that an agricultural animal has been abandoned or cruelly treated, the court may prohibit the possession or ownership of any other agricultural animal by the owner of the agricultural animal if the owner has exhibited a pattern of abandoning or cruelly treating agricultural animals as evidenced by previous convictions of violating § 3.2-6504 or 3.2-6570. In making a determination to prohibit the possession or ownership of agricultural animals, the court may take into consideration the owner's mental and physical condition.

K. Any person who is prohibited from owning or possessing animals pursuant to subsection I or J may petition the court to repeal the prohibition after two years have elapsed from the date of entry of the court's order. The court may, in its discretion, repeal the prohibition if the person can prove to the satisfaction of the court that the cause for the prohibition has ceased to exist.

L. When a sale occurs, the proceeds shall first be applied to the costs of the sale then next to the unreimbursed expenses for the care and provision of the animal, and the remaining proceeds, if any, shall be paid over to the owner of the animal. If the owner of the animal cannot be found, the proceeds remaining shall be paid into the Literary Fund.

M. Nothing in this section shall be construed to prohibit the humane destruction of a critically injured or ill animal for humane purposes by the impounding humane investigator, law-enforcement officer, animal control officer, or licensed veterinarian.

CHAPTER 615

An Act to amend and reenact § 22.1-289.030 of the Code of Virginia, relating to child day programs; licensure; accredited private schools.

[S 193]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 22.1-289.030 of the Code of Virginia is amended and reenacted as follows:****§ 22.1-289.030. Exemptions from licensure.**

A. The following programs are not child day programs and shall not be required to be licensed:

1. A program of instructional experience in a single focus, such as, but not limited to, computer science, archaeology, sport clinics, or music, if children under the age of six do not attend at all and if no child is allowed to attend for more than 25 days in any three-month period commencing with enrollment. This exemption does not apply if children merely change their enrollment to a different focus area at a site offering a variety of activities and such children's attendance exceeds 25 days in a three-month period.

2. Programs of instructional or recreational activities wherein no child under age six attends for more than six hours weekly with no class or activity period to exceed one and one-half hours, and no child six years of age or above attends for more than six hours weekly when school is in session or 12 hours weekly when school is not in session. Competition, performances, and exhibitions related to the instructional or recreational activity shall be excluded when determining the hours of program operation.

3. Instructional programs offered by private schools that serve school-age children and that satisfy compulsory attendance laws or provide services under the Individuals with Disabilities Education Act, as amended, and programs of school-sponsored extracurricular activities that are focused on single interests such as, but not limited to, music, sports, drama, civic service, or foreign language.

4. Instructional programs offered by public schools that serve preschool-age children, satisfy compulsory attendance laws, or provide services under the Individuals with Disabilities Education Act, as amended, and programs of school-sponsored extracurricular activities that are focused on single interests such as, but not limited to, music, sports, drama, civic service, or foreign language.

5. Early intervention programs for children eligible under Part C of the Individuals with Disabilities Education Act, as amended, wherein no child attends for more than a total of six hours per week.

6. Practice or competition in organized competitive sports leagues.

7. Programs of religious instruction, such as Sunday schools, vacation Bible schools, Bar Mitzvah or Bat Mitzvah classes, and nurseries offered by religious institutions and provided for the duration of specified religious services or related activities to allow parents or guardians or their designees who are on site to attend such religious services and activities.

8. A program of instructional or athletic experience operated during the summer months by, and as an extension of, an accredited private elementary, middle, or high school program as set forth in § 22.1-19 and administered by the Virginia Council for Private Education.

B. The following child day programs shall not be required to be licensed:

1. A child day center that has obtained an exemption pursuant to § 22.1-289.031.

2. A program where, by written policy given to and signed by a parent or guardian, school-age children are free to and the premises without permission. A program that would qualify for this exemption except that it assumes responsibility for the supervision, protection, and well-being of several children with disabilities who are mainstreamed shall not be subject to licensure.

3. A program that operates no more than a total of 20 program days in the course of a calendar year, provided that programs serving children under age six operate no more than two consecutive weeks without a break of at least a week.

4. Child-minding services that are not available for more than three hours per day for any individual child offered on site in commercial or recreational establishments if the parent or guardian (i) can be contacted and can resume responsibility for the child's supervision within 30 minutes and (ii) is receiving or providing services or participating in activities offered by the establishment.

5. A certified preschool or nursery school program operated by an accredited private school as set forth in § 22.1-19 and administered by the Virginia Council for Private Education that complies with the provisions of § 22.1-289.032.

6. A program of recreational activities offered by local governments, staffed by local government employees, and attended by school-age children. Such programs shall be subject to safety and supervisory standards established by the local government offering the program.

7. A program offered by a local school division, operated for no more than four hours per day, staffed by local school division employees, and attended by children who are at least three years of age and are enrolled in public school or a preschool program within such school division. Such programs shall be subject to safety and supervisory standards established by the local school division offering the program.

8. Child-minding services offered by a business on the premises of the business to no more than four children under the age of 13 at any given time and for no more than eight hours per day, provided that the parent or guardian of every child

receiving care is an employee of the business who is on the premises of the business and can resume responsibility for the child's supervision within 30 minutes upon request.

9. A program offered by a private school accredited by and in good standing with the Virginia Council for Private Education, operated for no more than four hours per day, staffed by the accredited private school's employees, and attended by children who are at least five years of age and are enrolled in the accredited private school. Such programs shall be subject to safety and supervisory standards established by the Virginia Council for Private Education.

C. Child day programs that are exempt from licensure pursuant to subsection B, except for child day programs that are exempt from licensure pursuant to subdivision B 1 or 5, shall:

1. File with the Superintendent annually and prior to beginning operation of a child day program a statement indicating the intent to operate a child day program, identifying the specific provision of this section relied upon for exemption from licensure, and certifying that the child day program has disclosed in writing to the parents or guardians of the children in the program the fact that it is exempt from licensure;

2. Report to the Superintendent all incidents involving serious physical injury to or death of children attending the child day program. Reports of serious physical injuries, which shall include any physical injuries that require an emergency referral to an offsite health care professional or treatment in a hospital, shall be submitted annually. Reports of deaths shall be submitted no later than one business day after the death occurred; and

3. Post in a visible location on the premises notice that the child day program is operating as a program exempt from licensure with basic health and safety requirements but has no direct oversight by the Department.

D. Child day programs that are exempt from licensure pursuant to subsection B, except for child day programs that are exempt from licensure pursuant to subdivision B 1, 5, 6, or 7 shall:

1. Have a person trained and certified in first aid and cardiopulmonary resuscitation present at the child day program whenever children are present or at any other location in which children attending the child day program are present;

2. Maintain daily attendance records that document the arrival and departure of all children;

3. Have an emergency preparedness plan in place;

4. Comply with all applicable laws and regulations governing transportation of children; and

5. Comply with all safe sleep guidelines recommended by the American Academy of Pediatrics.

E. The Superintendent shall inspect child day programs that are exempt from licensure pursuant to subsection B to determine compliance with the provisions of this section only upon receipt of a complaint, except as otherwise provided by law.

F. Family day homes that are members of a licensed family day system shall not be required to obtain a license from the Superintendent.

CHAPTER 616

An Act to amend and reenact § 15.2-1414.2 of the Code of Virginia, relating to county boards of supervisors; salaries.

[S 172]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-1414.2 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-1414.2. Salaries to be fixed by board; limits; reimbursement in addition to salary.

The annual compensation to be allowed each member of the board of supervisors of a county shall be determined by the board of supervisors of such county but such compensation shall not be more than a maximum determined in the following manner. Prior to July 1 of ~~the each year in which members of the board of supervisors are to be elected or, if the board is elected for staggered terms, of any year in which at least forty percent of the members of the board are to be elected,~~ the current board, by a recorded vote of a majority present, shall set a maximum annual compensation, which will become effective as of January 1 of the ~~next~~ year *following the next regularly scheduled elections.*

Until the board is able to set a maximum compensation as provided above, the maximum compensations for the several counties shall be as authorized on July 1, 1981.

Any board of supervisors may fix a higher salary for the chairman, or the vice-chairman, or both, than for the other members of the board without respect to the limits herein set forth.

A member of the board of supervisors of any county may accept in lieu of salary, reimbursement for actual expenses incurred in maintaining an office and secretarial assistance necessary for the proper performance of his duties. Such reimbursement shall be subtracted from the amount of the salary due such official and the remaining sum shall be paid to him at his option; however, such expense shall not exceed the salary. In addition to the salary, members of each governing body may receive the same fringe benefits which are given to county employees generally, and all prior grants of such benefits are validated.

A county may provide a member of its board of supervisors in addition to salary, reimbursement for actual expenses incurred in purchasing, operating, maintaining and using a telephone, including a car telephone or other portable telephone, provided the expenses are attributable directly to the proper performance of the member's official duties.

No increase in the salary of a member of the board of supervisors shall take effect during the incumbent supervisor's term in office; however, this restriction shall not apply to boards of supervisors when the supervisors are elected for staggered terms nor to corrections to the above listed compensation.

CHAPTER 617

An Act to amend and reenact §§ 8.01-225.01 and 8.01-225.02 of the Code of Virginia, relating to public health emergencies; immunity for health care providers.

[S 148]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-225.01 and 8.01-225.02 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-225.01. Certain immunity for health care providers during disasters under specific circumstances.

A. In the absence of gross negligence or willful misconduct, any health care provider who responds to a disaster by delivering health care to persons injured in such disaster *or who commits any act or omission as directed by any order of public health in response to such disaster* shall be immune from civil liability for any injury or wrongful death arising from abandonment by such health care provider of any person to whom such health care provider owes a duty to provide health care when (i) a ~~state or~~ local emergency, *state of emergency, or public health emergency* has been or is subsequently declared; and (ii) the provider was unable to provide the requisite health care to the person to whom he owed such duty of care as a result of the provider's voluntary or mandatory response to the relevant disaster, *order of public health, resource shortage, or other condition arising out of the disaster.*

B. In the absence of gross negligence or willful misconduct, any hospital or other entity credentialing health care providers to deliver health care in response to a disaster shall be immune from civil liability for any cause of action arising out of such credentialing or granting of practice privileges if (i) a state or local emergency has been or is subsequently declared and (ii) the hospital has followed procedures for such credentialing and granting of practice privileges that are consistent with the applicable standards of an approved national accrediting organization for granting emergency practice privileges.

C. For the purposes of this section:

"Approved national accrediting organization" means an organization granted authority by the Centers for Medicare and Medicaid Services to ensure compliance with Medicare conditions of participation pursuant to § 1865 of Title XVIII of the Social Security Act (42 U.S.C. § 1395bb).

"Communicable disease of public health threat" has the same definition as provided in § 44-146.16.

"Disaster" means any "disaster," "emergency," or "major disaster" as those terms are used and defined in § 44-146.16; ~~and.~~

"Health care provider" ~~means those professions defined as such~~ *has the same definition as provided in § 8.01-581.1.*

"Local emergency" has the same definition as provided in § 44-146.16.

"Public health emergency" means the condition declared by the State Commissioner of Health when, in his judgment, the threat or actual occurrence of a disaster due to a communicable disease of public health threat in any part of the Commonwealth is of sufficient severity and magnitude to warrant public health orders and other measures aimed at preventing or alleviating the damage, loss, hardship, or suffering threatened or caused thereby and is so declared by him.

"Resource shortage" has the same definition as provided in § 44-146.16.

"State of emergency" has the same definition as provided in § 44-146.16.

D. The immunity provided by this section shall be in addition to, and shall not be in lieu of, any immunities provided in other state or federal law, including, but not limited to, §§ 8.01-225 and 44-146.23.

§ 8.01-225.02. Certain liability protection for health care providers during disasters.

A. In the absence of gross negligence or willful misconduct, any health care provider who responds to a disaster shall not be liable for any injury or wrongful death of any person arising from the delivery or withholding of health care when (i) a ~~state or~~ local emergency, *state of emergency, or public health emergency* has been or is subsequently declared in response to such disaster, and (ii) the emergency and subsequent conditions caused a lack of resources, attributable to the disaster, rendering the health care provider unable to provide the level or manner of care that otherwise would have been required in the absence of the emergency and which resulted in the injury or wrongful death at issue.

B. For purposes of this section:

"Communicable disease of public health threat" has the same definition as provided in § 44-146.16.

"Disaster" means any "disaster," "emergency," or "major disaster" as those terms are used and defined in § 44-146.16; ~~and.~~

"Health care provider" has the same definition as provided in § 8.01-581.1.

"Local emergency" has the same definition as provided in § 44-146.16.

"Public health emergency" has the same definition as provided in § 8.01-225.01.

"Resource shortage" has the same definition as provided in § 44-146.16.

"State of emergency" has the same definition as provided in § 44-146.16.

CHAPTER 618

An Act to provide a new charter for the Town of Grottoes in Rockingham County and to repeal Chapter 571 of the Acts of Assembly of 1997, as amended, which provided a charter for the Town of Grottoes.

[S 99]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1.

CHARTER
FOR THE
TOWN OF GROTTONES.

Chapter 1.

Incorporation and Boundaries.

§ 1.1. *Incorporation.*

The inhabitants of the territory comprised within the present limits of the Town of Grottoes, as such limits may be altered and established by law, shall constitute and continue to be a body politic and corporate to be known and designated as the Town of Grottoes, and as such, shall have perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with, and have a corporate seal that it may alter, renew, or amend at its pleasure by ordinance.

§ 1.2. *Boundaries.*

The territory embraced within the present limits of the Town of Grottoes is described in a recordation in the Clerk's Office of the court where deeds are filed. It is the purpose of the description to embrace and include within the limits of the Town of Grottoes all land legally within the boundaries of said Town as of the date of the enactment of this Charter.

Chapter 2.

Powers.

§ 2.1. *General Grant of Powers.*

(a) Powers authorized in Code of Virginia. The Town shall have and may exercise all powers that are now or hereafter may be conferred upon or delegated to Towns under the Constitution and the laws of the Commonwealth of Virginia as fully and completely as if such powers were specifically enumerated in this Charter. No enumeration of particular powers in this Charter shall be held to exclude other, unmentioned powers. The Town shall have, exercise, and enjoy all of the rights, immunities, powers, and privileges and be subject to all of the duties and obligations now appertaining to and incumbent upon the Town as a municipal corporation.

(b) Powers exercised by governing body. All powers vested in the Town by this Charter shall be exercised by its governing body unless expressly provided to the contrary. Such powers shall include those not expressly prohibited by the Constitution and general law of the Commonwealth of Virginia and that are necessary or desirable to secure and promote the general welfare of the Town's inhabitants and the safety, health, peace, good order, comfort, convenience, morals, trade, commerce, and industry of the Town and the Town's inhabitants, and the enumeration of specific powers shall not be construed or held to be exclusive or as a limitation upon any general grant of power but shall be construed and held to be in addition to any general grant of power. The exercise of the powers conferred under this section is specifically limited to the area within the corporate limits of the Town, unless otherwise conferred in the applicable sections of the Constitution and general laws, as amended, of the Commonwealth of Virginia.

(c) Repeal of prior inconsistent acts and Charters. All acts and parts of acts in conflict with this Charter are hereby repealed, insofar as they affect the provisions of this Charter, provided, however, that nothing contained in this act shall be construed to invalidate or to in any manner affect the present existing indebtedness and liabilities of the Town, whether evidenced by bonded obligations or otherwise, or to relieve it of any part of its present obligation or liability on account of bond issues, liabilities, or debts of whatsoever nature or kind. Upon the effective date of this Charter, all references to the Town Superintendent in the Town's resolutions, ordinances, code provisions, contracts, and all other official acts and governing documents then in effect shall be deemed as referring to the Town Manager.

§ 2.2. *Financial Powers.*

(a) Generally. In accordance with the Constitution of Virginia and the United States Constitution, the Town may raise through annual taxes and assessments on property, persons, and other subjects of taxation that are not prohibited by law such sums of money as in the judgment of the Town are necessary to pay the debts, defray the expenses, accomplish the purposes, and perform the functions of the Town, in such manner as the Council deems necessary or expedient.

(b) Assessments for local improvements. The Town may impose special or local assessments for local improvements and enforce payment thereof, subject, however, to such limitations prescribed by the Constitution of Virginia as may be in force at the time of the imposition of such special or local assessments.

(c) Water and sewage rates; rates and charges for public utilities or services operated by the Town. The Town may establish, impose, and enforce water, light, and sewage rates and rates and charges for public utilities, or other services, products, or conveniences, operated, rendered, or furnished by the Town and assess, or cause to be assessed, water, light, sewage, and other public utility rates and charges directly against the owner or owners of the buildings, or against the proper tenant or tenants, and in the event that such rates and charges shall be assessed against a tenant, then the Council

may, by an ordinance, require of such tenant a deposit of such reasonable amount as may be by such ordinance prescribed before furnishing such services to such tenant.

§ 2.3. Contractual Powers; Gifts; Grants.

(a) Acquisition of property generally; holding, selling, leasing Town property. The Town may acquire, by purchase, gift, devise, condemnation, or otherwise, property, real and personal, or any estate or interest therein, within or without the Town or the Commonwealth of Virginia and for any of the purposes of the Town.

(b) Debts and evidence of indebtedness. The Town may contract debts, borrow money, and make and issue evidence of indebtedness.

(c) Gifts. The Town may accept or refuse gifts, donations, bequests, or grants of any kind from any source, absolutely or in trust, that are related to the Town's powers, duties, and functions, or for educational, charitable, or other public purposes, and do all the things and acts necessary to carry out the purposes of such gifts, grants, bequests, and devisees, with power to manage maintain, operate, sell, lease, or otherwise handle or dispose of the same, in accordance with terms and conditions of such gifts, grants, bequests, and devisees.

§ 2.4. Operational Powers.

(a) Generally. The Town may provide for the organization, conduct, and operation of all departments, offices, boards, commissions, and agencies of the Town, subject to such limitations as may be imposed by this Charter or otherwise by law, and may establish, consolidate, abolish, or change departments, offices, boards, commissions, and agencies of the municipal corporation and prescribe the powers, duties, and functions thereof, except where such departments, offices, boards, commissions, and agencies or the powers, duties, and functions thereof are specifically established or prescribed by this Charter or otherwise by law.

(b) Records and accounts. The Town shall provide for the control and management of the Town's affairs and shall prescribe and require the adoption and keeping of such books, records, accounts, and systems of accounting by the departments, boards, commissions, or other agencies of the local government consistent with generally accepted accounting standards necessary to give full and true accounts of the affairs, resources, and revenues of the municipal corporation and the handling, use, and disposal thereof.

(c) Expenditure of money. The Town may expend money for all lawful purposes.

(d) Construction and maintenance of improvements, buildings, and property for use and operation of Town departments. The Town may construct, maintain, regulate, and operate public improvements of all kinds, including municipal and other buildings, comfort stations, markets, and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the Town, and may acquire by condemnation or otherwise all land, riparian, and other rights and easements necessary for such improvements, or any of them.

(e) Town events. The Town may conduct festivals, music events, running races, athletic competitions, community festivals, and all such other events and may charge fees for the participation therein.

§ 2.5. Utilities; Public Improvements.

(a) Water works and water supply. The Town may own, operate, and maintain water works and acquire in any lawful manner in any town, county or city of the Commonwealth of Virginia such water, lands, property rights, and riparian rights as the Council may deem necessary for the purpose of providing the Town with an adequate water supply, and of piping or conducting the same; lay all necessary mains and service lines, either within or without the corporate limits of the Town, and charge and collect water rents therefor; erect and maintain all necessary dams, pumping stations, and other works in connection therewith; make reasonable rules and regulations for promoting the purity of the Town water supply and protecting it from pollution and for this purpose exercise full police powers and sanitary patrol over all lands comprised within the limits of the watershed tributary to any such water supply wherever such lands may be located in the Commonwealth of Virginia; impose and enforce adequate penalties for the violation of any such rules and regulations and prevent by injunction any pollution or threatened pollution of such water supply and any and all acts likely to impair the purity thereof; and for the purpose of acquiring lands, interest in lands, property rights, and riparian rights or materials for any such use, exercise all powers of eminent domain provided by the laws of the Commonwealth of Virginia. For any of the purposes aforesaid, said Town may, if the Council shall so determine, acquire by condemnation, purchase, or otherwise any estate or interest in such lands or any of them in fee.

(b) Wastewater collection and treatment. The Town may collect, treat, and dispose of sewage. The Town may own, operate, and maintain wastewater treatment plants and acquire in any lawful manner in any town, county or city of the Commonwealth of Virginia such lands and property rights as the Council may deem necessary for the purpose of providing the Town with an adequate wastewater treatment, and of collecting the same; lay all necessary mains and service lines, either within or without the corporate limits of the Town, and charge and collect fees therefor; erect and maintain all necessary pumping stations and other works in connection therewith; make reasonable rules and regulations for protecting the Town from pollution and for this purpose exercise full police powers and sanitary patrol over all lands comprised within the limits of the watershed tributary to the Town's water supply wherever such lands may be located in the Commonwealth of Virginia; impose and enforce adequate penalties for the violation of any such rules and regulations; and for the purpose of acquiring lands, interest in lands, and property rights for any such use, exercise all powers of eminent domain provided by the laws of the Commonwealth of Virginia. For any of the purposes aforesaid, said Town may, if the Council shall so determine, acquire by condemnation, purchase, or otherwise any estate or interest in such lands or any of them in fee.

(c) *Streets; parks and playgrounds; infrastructure; vehicles.* The Town may establish, maintain, improve, alter, vacate, regulate, and otherwise manage its streets, alleys, parks, playgrounds, and all of its public infrastructure and public works, in such manner as best serves the public interest, safety, and convenience; regulate, limit, restrict, and control the services and routes of and rates charged by vehicles for the carrying of passengers and property in accordance with general law; permit or prohibit poles and wires for electric, telephone, telegraph, television, and other purposes to be erected and gas pipes to be laid in the streets and alleys and prescribe and collect an annual charge for such privileges; and subject to the provisions of franchise agreements, require the owner or lessees of any such poles or wires now in use or hereafter used to place such wires, cables, and accoutrements in conduits underground in accordance with the Town's prescribed requirements.

(d) *Public utilities.* Subject to the provisions of the Constitution of Virginia, this Charter, and general law, the Town may grant franchises for public utilities, reserving rights of transfer, renewal, extension, and amendment thereof.

(e) *Collection and disposition of garbage, ashes, refuse, reduction, and disposal plant.* The Town may collect and dispose of ashes, garbage, carcasses of dead animals, and other refuse; make reasonable charges therefor; acquire and operate reduction or any other plants for the utilization or destruction of such materials, or any of them; contract for and regulate the collection and disposal thereof and require and regulate the collection and disposal thereof.

§ 2.6. Nuisances; Sanitary Conditions.

The Town may compel the abatement and removal of all nuisances within the Town; require all lands, lots, and other premises within the Town to be kept clean; regulate the keeping of animals, poultry, and other fowl therein; regulate the exercise of any dangerous or unwholesome business, trade, or employment therein; regulate the transportation of all articles through the streets of the Town; compel the abatement of smoke, dust, and unnecessary noise; compel the removal of grass and weeds from private and public property and snow from sidewalks; require the covering or removal of offensive, unwholesome, unsanitary, or unhealthy substances allowed to accumulate in or on any place or premises; require the filling in to the street level of the portion of any lot adjacent to a street where the difference in level between the lot and the street constitutes a danger to life and limb; require the raising or draining of the grounds subject to be covered by stagnant water and the razing or repair of all unsafe, dangerous, or unsanitary public or private buildings, walls, or structures; and remedy, repair, and secure any blighted or derelict building or structure within the Town in accordance with applicable law.

§ 2.7. Police Powers.

(a) The Town may exercise full police powers as provided by general law and establish and maintain a department or division of police.

(b) The Town may also do all things whatsoever necessary or expedient for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce, or industries of the Town or its inhabitants; prescribe any penalty for the violation of any Town ordinance, rule, or regulation or of any provisions of this Charter, not exceeding the fine or sentence imposed by the laws of the Commonwealth of Virginia; pass and enforce all bylaws, rules, regulations, and ordinances that it may deem necessary for the good order and government of the Town, the management of its property, the conduct of its affairs, and the peace, comfort, convenience, order, morals, health, and protection of its citizens or their property; and do such other things and pass such other laws as may be necessary or proper to carry into full effect any power, authority, capacity, or jurisdiction that is or shall be granted to or vested in said Town, or in the Council, court, or offices thereof, or which may be necessarily incident to a municipal corporation.

§ 2.8. Miscellaneous Powers.

(a) *Removal or reconstruction of unsafe buildings; protection of public gatherings.* The Town may regulate the size, height, materials, and construction of buildings, fences, walls, retaining walls, and other structures hereafter erected in such manner as the public safety and conveniences may require; remove or require to be removed or reconstructed any building, structure, or addition thereto that by reason of dilapidation, defect of structure, or other causes may have become dangerous to life or property, or that may have been erected contrary to law; and enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments, or amusements.

(b) *Fees for permits.* The Town may charge and collect fees for permits to use public facilities and for public services and privileges.

(c) *Injunctive relief.* The Town may maintain a suit to restrain by injunction the violation of any ordinance, notwithstanding any punishment that may be provided for the violation of such ordinance.

Chapter 3.

Elected Officers.

§ 3.1. Government of Town.

The Town shall be governed by a Town Council composed of six members and a Mayor, all of whom shall be qualified voters in the Town.

§ 3.2. Mayor.

The Mayor shall be the Chief Executive of the Town.

The Mayor shall have and exercise all the privileges and authority conferred by general law not inconsistent with this Charter. The Mayor shall preside over the meetings of the Council and shall have the right to speak therein. The Mayor shall be entitled to vote upon measures pending before the Council only in event that the other members voting are equally divided for and against such measure.

The Mayor shall be the head of Town government for all ceremonial purposes and shall perform such other duties consistent with the office as may be imposed by the Council. The Mayor shall see that the duties of the various Town officers are faithfully performed and shall execute on behalf of the Town such documents or instruments as the Council, this Charter, or the laws of the Commonwealth of Virginia shall require.

§ 3.3. *Vice-Mayor.*

The Council shall elect each year during its organizational meeting a Vice-Mayor, who shall possess the powers and discharge the duties of the Mayor during any absence or disability of the Mayor.

§ 3.4. *Council as a Continuing Body.*

The Council shall be a continuing body, and no measure pending before it nor any contract or obligation incurred shall abate or be discontinued because of the expiration of the term of office or the removal of any Council members.

§ 3.5. *Election of Mayor and Members of Council.*

The Mayor and members of Council shall be elected by the qualified voters of the Town in the manner provided by law from the Town at large. The Council and Mayor in office at the time of the adoption of this Charter shall continue in office until the expiration of the terms for which they were elected or until their successors are elected and qualified. The term of office for members of the Council and Mayor shall be four (4) years or until their successors are elected and qualified. All elections of the Mayor and Council members shall take place on the Tuesday after the first Monday in November. Persons elected under this section shall take office on January 1 following their election.

§ 3.6. *Vacancies.*

Vacancies on the Council shall be filled in accordance with general law.

§ 3.7. *Meetings of the Council.*

(a) *Organizational meeting.* *The Town Council's organizational meeting for the purposes set forth in § 15.2-1416 of the Code of Virginia shall be its first meeting held after January 1 of each year.*

(b) *Regular meetings.* *The Council shall fix the date and time of its regular meetings, which shall be at least once each month.*

(c) *Special meetings.* *A special meeting of the Council shall be held when called by the Mayor or when requested by three or more of the members of the Council. The call or request shall be made to the Clerk and shall specify the matters to be considered at the meeting. Upon receipt of such call or request, the Clerk of the Council, after consultation with the Mayor, shall immediately notify each member of the Council and the Town attorney in writing delivered in person, or to his or her place of residence or business or, if so requested by the member of the governing body, by electronic mail or facsimile, to attend such meeting at the time and place stated in the notice. Such notice shall specify the matters to be considered at the meeting. No matter not specified in the notice shall be considered at such meeting unless the Council by unanimous consent agrees to consider additional matters.*

(d) *Rules of procedure.* *From time to time, the Council may adopt rules of procedure governing its meetings, such rules not being inconsistent with state law.*

§ 3.8. *Committees.*

The Mayor shall establish committees consisting of members of the Council, including a finance committee and such other committees as deemed appropriate. At the organizational meeting each year, and at such other times as appropriate, the Mayor shall assign the Council members to the various committees and shall name the respective chair.

§ 3.9. *Compensation.*

Compensation for the Mayor, Council members, and all appointed officers shall be set by the Council, subject to any limitations placed thereon by the laws of the Commonwealth of Virginia.

Chapter 4.

Appointed Officers.

§ 4.1. *Town Manager.*

The Council may appoint a Town Manager, who shall be the Town's Chief Administrative Officer and the administrative head. The Town Manager shall be responsible to the Council for the proper management of the Town. In addition to any other duties prescribed by the Council or required by law, the Town Manager shall:

(1) *See that all ordinances, resolutions, directives, and orders of the Council and all laws of the Commonwealth of Virginia are faithfully executed;*

(2) *Appoint, supervise, and dismiss all officers and employees of the Town, including but not limited to the police chief and treasurer, if any. The Town Manager may authorize the head of an office or department to appoint, supervise, and discipline subordinates in such office or department subject to review and approval by the Town Manager;*

(3) *Report to the Council from time to time on the affairs of the Town;*

(4) *Receive reports from, and give directions to, all heads of offices and departments of the Town;*

(5) *Submit to the Council a proposed annual budget, in accordance with general law, with recommendations, and execute the budget as finally adopted by the Council; and*

(6) *Advise the Council on the Town's financial condition and future financial needs.*

§ 4.2. *Town Attorney.*

The Council may appoint a Town attorney to represent the Town, who shall be an attorney-at-law licensed to practice under the laws of the Commonwealth of Virginia. The Town attorney shall receive compensation as provided by the Council and shall have such duties as prescribed by the Council.

§ 4.3. Clerk.

The Council may appoint a Clerk, who shall be responsible for maintaining the official legislative record of Council meetings and actions and perform such other duties as may be prescribed by the Council or required by law.

§ 4.4. Other Officers.

The Council may appoint any other officers as it deems necessary and proper.

§ 4.5. Terms of Office.

Appointees under this chapter shall serve at the pleasure of the Council. The Council may fill any vacancy in any appointive office.

Chapter 5.

Financial Provisions.

§ 5.1. Fiscal Year. *The fiscal year of the Town shall begin on July 1 of each year and end on June 30 of the following year.*

Chapter 6.

Miscellaneous.

§ 6.1. Existing Ordinances.

All ordinances now in force in the Town, not inconsistent with this Charter, shall be and remain in force until altered, amended, or repealed by the Council.

§ 6.2. Severability of Provisions of this Charter.

If any clause, sentence, paragraph, or part of this Charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of the Charter but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

2. That Chapter 571 of the Acts of Assembly of 1997, as amended, is repealed.

CHAPTER 619

An Act to amend and reenact §§ 9.1-193 and 37.2-311.1 of the Code of Virginia, relating to Marcus alert system; optional participation.

[H 1191]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-193 and 37.2-311.1 of the Code of Virginia are amended and reenacted as follows:

§ 9.1-193. Mental health awareness response and community understanding services (Marcus) alert system; law-enforcement protocols.

A. As used in this article, unless the context requires a different meaning:

"Area" means a combination of one or more localities or institutions of higher education contained therein that may have law-enforcement officers as defined in § 9.1-101.

"Body-worn camera system" means the same as that term is defined in § 15.2-1723.1.

"Community care team" means the same as that term is defined in § 37.2-311.1.

"Comprehensive crisis system" means the same as that term is defined in § 37.2-311.1.

"Developmental disability" means the same as that term is defined in § 37.2-100.

"Developmental services" means the same as that term is defined in § 37.2-100.

"Historically economically disadvantaged community" means the same as that term is defined in § 56-576.

"Mental health awareness response and community understanding services alert system" or "Marcus alert system" means the same as that term is defined in § 37.2-311.1.

"Mental health service provider" means the same as that term is defined in § 54.1-2400.1.

"Mobile crisis response" means the same as that term is defined in § 37.2-311.1.

"Mobile crisis team" means the same as that term is defined in § 37.2-311.1.

"Registered peer recovery specialist" means the same as that term is defined in § 54.1-3500.

"Substance abuse" means the same as that term is defined in § 37.2-100.

B. The Department of Behavioral Health and Developmental Services and the Department shall collaborate to ensure that the Department of Behavioral Health and Developmental Services maintains purview over best practices to promote a behavioral health response through the use of a mobile crisis response to behavioral health crises whenever possible, or law-enforcement backup of a mobile crisis response when necessary, and that the Department maintains purview over requirements associated with decreased use of force and body-worn camera system policies and enforcement of such policies in the protocols established pursuant to this article and § 37.2-311.1.

C. By July 1, 2021, the Department shall develop a written plan outlining (i) the Department's and law-enforcement agencies' roles and engagement with the development of the Marcus alert system; (ii) the Department's role in the development of minimum standards, best practices, and the review and approval of the protocols for law-enforcement participation in the Marcus alert system set forth in subsection D; and (iii) plans for the measurement of progress toward the goals for law-enforcement participation in the Marcus alert system set forth in subsection E.

D. All protocols and training for law-enforcement participation in the Marcus alert system shall be developed in coordination with local behavioral health and developmental services stakeholders and approved by the Department of Behavioral Health and Developmental Services according to standards developed pursuant to § 37.2-311.1. Such protocols and training shall provide for a specialized response by law enforcement designed to meet the goals set forth in this article to ensure that individuals experiencing a mental health, substance abuse, or developmental disability-related behavioral health crisis receive a specialized response when diversion to the comprehensive crisis system is not feasible. Specialized response protocols and training by law enforcement shall consider the impact to care that the presence of an officer in uniform or a marked vehicle at a response has and shall mitigate such impact when feasible through the use of plain clothes and unmarked vehicles. The specialized response protocols and training shall also set forth best practices, guidelines, and procedures regarding the role of law enforcement during a mobile crisis response, including the provisions of backup services when requested, in order to achieve the goals set forth in subsection E and to support the effective diversion of mental health crises to the comprehensive crisis system whenever feasible.

E. The goals of law-enforcement participation, including the development of local protocols, in comprehensive crisis services and the Marcus alert system shall be:

1. Ensuring that individuals experiencing behavioral health crises are served by the behavioral health comprehensive crisis service system when considered feasible pursuant to protocols and training and associated clinical guidance provided pursuant to Title 37.2;

2. Ensuring that local law-enforcement departments and institutions of higher education with law-enforcement officers establish standardized agreements for the provision of law-enforcement backup and specialized response when required for a mobile crisis response;

3. Providing immediate response and services when diversion to the comprehensive crisis system continuum is not feasible with a protocol that meets the minimum standards and strives for the best practices developed by the Department of Behavioral Health and Developmental Services and the Department pursuant to § 37.2-311.1;

4. Affording individuals whose behaviors are consistent with mental illness, substance abuse, intellectual or developmental disabilities, brain injury, or any combination thereof a sense of dignity in crisis situations;

5. Reducing the likelihood of physical confrontation;

6. Decrease arrests and use-of-force incidents by law-enforcement officers;

7. Ensuring the use of unobstructed body-worn cameras for the continuous improvement of the response team;

8. Identifying underserved populations in historically economically disadvantaged communities whose behaviors are consistent with mental illness, substance abuse, developmental disabilities, or any combination thereof and ensuring individuals experiencing a mental health crisis, including individuals experiencing a behavioral health crisis secondary to mental illness, substance use problem, developmental or intellectual disabilities, brain injury, or any combination thereof, are directed or referred to and provided with appropriate care, including follow-up and wrap-around services to individuals, family members, and caregivers to reduce the likelihood of future crises;

9. Providing support and assistance for mental health service providers and law-enforcement officers;

10. Decreasing the use of arrest and detention of persons whose behaviors are consistent with mental illness, substance abuse, developmental or intellectual disabilities, brain injury, or any combination thereof by providing better access to timely treatment;

11. Providing a therapeutic location or protocol to bring individuals in crisis for assessment that is not a law-enforcement or jail facility;

12. Increasing public recognition and appreciation for the mental health needs of a community;

13. Decreasing injuries during crisis events;

14. Decreasing the need for mental health treatment in jail;

15. Accelerating access to care for individuals in crisis through improved and streamlined referral mechanisms to mental health and developmental services;

16. Improving the notifications made to the comprehensive crisis system concerning an individual experiencing a mental health crisis if the individual poses an immediate public safety threat or threat to self; and

17. Decreasing the use of psychiatric hospitalizations as a treatment for mental health crises.

F. By July 1, 2024, every locality shall establish a voluntary database to be made available to the 9-1-1 alert system and the Marcus alert system to provide relevant mental health information and emergency contact information for appropriate response to an emergency or crisis. Identifying and health information concerning behavioral health illness, mental health illness, developmental or intellectual disability, or brain injury may be voluntarily provided to the database by the individual with the behavioral health illness, mental health illness, developmental or intellectual disability, or brain injury; the parent or legal guardian of such individual if the individual is under the age of 18; or a person appointed the guardian of such person as defined in § 64.2-2000. An individual shall be removed from the database when he reaches the age of 18, unless he or his guardian, as defined in § 64.2-2000, requests that the individual remain in the database. Information provided to the database shall not be used for any other purpose except as set forth in this subsection.

G. ~~By July 1, 2022, every locality shall have established~~ *Localities with a population that is less than or equal to 40,000 may and localities with a population that is greater than 40,000 shall establish* local protocols that meet the requirements set forth in the Department of Behavioral Health and Developmental Services plan set forth in clauses (vi), (vii), and (viii) of subdivision B 2 of § 37.2-311.1. ~~In addition, by July 1, 2022, every locality shall have established, or be~~

~~part of an area that has established;~~ *Localities with a population that is less than or equal to 40,000 may and localities with a population that is greater than 40,000 shall develop* protocols for law-enforcement participation in the Marcus alert system ~~that has been,~~ *which shall be approved by the Department of Behavioral Health and Developmental Services and the Department prior to such participation. For the purposes of this subsection, the population of a locality shall be the population of that locality as reported by the United States Census Bureau following the 2020 decennial census.*

H. Notwithstanding the provisions of subsection G, every locality, regardless of population, shall establish local protocols to divert calls from the 9-1-1 dispatch and response system to a crisis call center for risk assessment and engagement, including assessment for mobile crisis or community care team dispatch if available, in accordance with clause (iv) of subdivision B 2 of § 37.2-311.1.

§ 37.2-311.1. Comprehensive crisis system; Marcus alert system; powers and duties of the Department related to comprehensive mental health, substance abuse, and developmental disability crisis services.

A. As used in this section and §§ 37.2-311.2 through 37.2-311.6, unless the context requires a different meaning:

"Community care team" means a team of mental health service providers, and may include registered peer recovery specialists and law-enforcement officers as a team, with the mental health service providers leading such team, to help stabilize individuals in crisis situations. Law enforcement may provide backup support as needed to a community care team in accordance with the protocols and best practices developed pursuant to § 9.1-193. In addition to serving as a co-response unit, community care teams may, at the discretion of the employing locality, engage in community mental health awareness and services.

"Comprehensive crisis system" means the continuum of care established by the Department of Behavioral Health and Developmental Services pursuant to this section.

"Crisis call center" means a call center that provides crisis intervention that meets NSPL standards for risk assessment and engagement and the requirements of § 37.2-311.2.

"Crisis stabilization center" means a facility providing short-term (under 24 hours) observation and crisis stabilization services to all referrals in a home-like, nonhospital environment.

"Fund" means the Crisis Call Center Fund established under § 37.2-311.4.

"Historically economically disadvantaged community" means the same as that term is defined in § 56-576.

"Mental health awareness response and community understanding services alert system" or "Marcus alert system" means a set of protocols to (i) initiate a behavioral health response to a behavioral health crisis, including for individuals experiencing a behavioral health crisis secondary to mental illness, substance abuse, developmental disabilities, or any combination thereof; (ii) divert such individuals to the behavioral health or developmental services system whenever feasible; and (iii) facilitate a specialized response in accordance with § 9.1-193 when diversion is not feasible.

"Mobile crisis response" means the provision of professional, same-day intervention for children or adults who are experiencing crises and whose behaviors are consistent with mental illness or substance abuse, or both, including individuals experiencing a behavioral health crisis that is secondary to mental illness, substance abuse, developmental or intellectual disability, brain injury, or any combination thereof. "Mobile crisis response" may be provided by a community care team or a mobile crisis team, and a locality may establish either or both types of teams to best meet its needs.

"Mobile crisis team" means a team of one or more qualified or licensed mental health professionals and may include a registered peer recovery specialist or a family support partner. A law-enforcement officer shall not be a member of a mobile crisis team, but law enforcement may provide backup support as needed to a mobile crisis team in accordance with the protocols and best practices developed pursuant to § 9.1-193.

"NSPL" or "National Suicide Prevention Lifeline" means the national suicide prevention and mental health crisis hotline established by the federal government in accordance with 42 U.S.C. § 290bb—36c to provide a national network of crisis centers linked by a toll-free number to route callers in suicidal crisis or emotional distress to the closest certified local crisis center.

"NSPL Administrator" means the entity designated by the federal government to administer the NSPL.

"Registered peer recovery specialist" means the same as such term is defined in § 54.1-3500.

"SAMHSA" or "Substance Abuse and Mental Health Services Administration" means the agency within the U.S. Department of Health and Human Services that leads federal behavioral health efforts.

B. The Department shall have the following duties and responsibilities for the provision of crisis services and support for individuals with mental illness, substance abuse, developmental or intellectual disabilities, or brain injury who are experiencing a crisis related to mental health, substance abuse, or behavioral support needs:

1. The Department shall develop a comprehensive crisis system, with such funds as may be appropriated for such purpose, based on national best practice models and composed of a crisis call center, community care and mobile crisis teams, crisis stabilization centers, and the Marcus alert system. In addition to all requirements under this section, the crisis call center shall meet the requirements of § 37.2-311.2.

2. By July 1, 2021, the Department, in collaboration with the Department of Criminal Justice Services and law-enforcement, mental health, behavioral health, developmental services, emergency management, brain injury, and racial equity stakeholders, shall develop a written plan for the development of a Marcus alert system. Such plan shall (i) inventory past and current crisis intervention teams established pursuant to Article 13 (§ 9.1-187 et seq.) of Chapter 1 of Title 9.1 throughout the Commonwealth that have received state funding; (ii) inventory the existence, status, and experiences of community services board mobile crisis teams and crisis stabilization units; (iii) identify any other existing

cooperative relationships between community services boards and law-enforcement agencies; (iv) review the prevalence of crisis situations involving mental illness or substance abuse, or both, including individuals experiencing a behavioral health crisis that is secondary to mental illness, substance abuse, developmental or intellectual disability, brain injury, or any combination thereof; (v) identify state and local funding of emergency and crisis services; (vi) include protocols to divert calls from the 9-1-1 dispatch and response system to a crisis call center for risk assessment and engagement, including assessment for mobile crisis or community care team dispatch; (vii) include protocols for local law-enforcement agencies to enter into memorandums of agreement with mobile crisis response providers regarding requests for law-enforcement backup during a mobile crisis or community care team response; (viii) develop minimum standards, best practices, and a system for the review and approval of protocols for law-enforcement participation in the Marcus alert system set forth in § 9.1-193; (ix) assign specific responsibilities, duties, and authorities among responsible state and local entities; and (x) assess the effectiveness of a locality's or area's plan for community involvement, including engaging with and providing services to historically economically disadvantaged communities, training, and therapeutic response alternatives.

C. 1. No later than December 1, 2021, the Department shall establish five Marcus alert programs and community care or mobile crisis teams, one located in each of the five Department regions.

2. No later than July 1, 2023, the Department shall establish five additional Marcus alert system programs and community care or mobile crisis teams, one located in each of the five Department regions. Community services boards or behavioral health authorities that serve the largest populations in each region, excluding those community services boards or behavioral health authorities already selected under subdivision 1, shall be selected for programs under this subdivision.

3. The Department shall establish additional Marcus alert systems and community care teams in geographical areas served by a community services board or behavioral health authority by July 1, 2024; July 1, 2025; and July 1, 2026. No later than July 1, 2026 2028, all community services board and behavioral health authority geographical areas shall have established a Marcus alert system that uses a community care or mobile crisis team.

4. All community care teams and mobile crisis teams established under this section shall meet the standards set forth in § 37.2-311.3.

D. The Department shall ~~assess and report on annually by November 15 to the Governor and the Chairmen of the House Committees for Courts of Justice and on Health, Welfare and Institutions, the Senate Committees on the Judiciary and Education and Health, and the Behavioral Health Commission regarding the impact and effectiveness of the comprehensive crisis system and the effectiveness of such system in meeting its the goals set forth in this section. The assessment report shall include, for the previous calendar year, (i) a description of approved local Marcus alert programs in the Commonwealth, including the number of such programs operating in the Commonwealth, the number of such programs added in the previous calendar year, and an analysis of how such programs work to connect the Commonwealth's comprehensive crisis system and mobile crisis response programs; (ii) the number of calls to received by the crisis call center, established pursuant to this section; (iii) the number of mobile crisis responses, undertaken by community care teams and mobile crisis teams in the Commonwealth; (iv) the number of mobile crisis responses that involved law-enforcement backup; and overall function of the comprehensive crisis system. A portion of the report, focused on the function of the Marcus alert system and local protocols for law-enforcement participation in the Marcus alert system, shall be written in collaboration with the Department of Criminal Justice Services and shall include the number and description of approved local programs and how the programs interface comprehensive crisis system and mobile crisis response; (v) the number of crisis incidents and injuries to any parties involved; a description of successes and problems encountered; and (vi) an analysis of the overall operation of any local protocols adopted or programs established pursuant to § 9.1-193, including any disparities in response and outcomes by race and ethnicity of individuals experiencing a behavioral health crisis and recommendations for improvement of the programs; (vii) a description of the overall function of the Marcus alert program and the comprehensive crisis system, including a description of any successes and any challenges encountered; and (viii) recommendations for improvement of the Marcus alert system and approved local Marcus alert programs.~~ The report shall also include ~~a specific plan to phase in (a) a description of barriers to establishment of a local Marcus alert system program and community care or mobile crisis team to provide mobile crisis response in each remaining geographical area served by a community services board or behavioral health authority as required in subdivision 1 in which such program and team has not been established and (b) a plan for addressing such barriers in order to increase the number of local Marcus alert programs and community care or mobile crisis teams.~~ The Department, ~~in collaboration with the Department of Criminal Justice Services; shall (i) submit a report by November 15, 2021, to the Joint Commission on Health Care outlining progress toward the assessment of these factors and any assessment items that are available for the reporting period and (ii) submit a comprehensive annual report to the Joint Commission on Health Care by November 15 of each subsequent year assist the Department in the preparation of the report required by this subsection.~~

2. The Department of Behavioral Health and Developmental Services and the Department of Criminal Justice Services shall convene a work group with representatives of each locality within the Commonwealth that has a population of less than or equal to 40,000 to identify barriers to establishment and implementation of the protocols outlined in subsection G of § 9.1-193 of the Code of Virginia, as amended by this act. The work group shall report its findings and make recommendations to address such barriers to the Chairmen of the House Committees for Courts of Justice and on Health, Welfare and Institutions, the Senate Committees on the Judiciary and Education and Health, the Behavioral Health Commission, and the Joint Commission on Health Care by December 1, 2022.

CHAPTER 620

An Act to amend and reenact §§ 15.2-961 and 15.2-961.1 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 15.2-961.3 and 15.2-961.4, relating to powers of local government; replacement and conservation of trees during development process.

[S 537]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-961 and 15.2-961.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 15.2-961.3 and 15.2-961.4 as follows:

§ 15.2-961. Replacement of trees during development process in certain localities.

A. Any locality with a population density of at least 75 persons per square mile or any locality within the Chesapeake Bay watershed may adopt an ordinance providing for the planting and replacement of trees during the development process pursuant to the provisions of this section. Population density shall be based upon the latest population estimates of the Cooper Center for Public Service of the University of Virginia.

B. The ordinance shall require that the site plan for any subdivision or development include the planting or replacement of trees on the site to the extent that, at 20 years, minimum tree canopies or covers will be provided in areas to be designated in the ordinance, as follows:

1. Ten percent tree canopy for a site zoned business, commercial, or industrial;
2. Ten percent tree canopy for a residential site zoned 20 or more units per acre;
3. Fifteen percent tree canopy for a residential site zoned more than 10 but less than 20 units per acre; and
4. Twenty percent tree canopy for a residential site zoned 10 units or less per acre.

However, the City of Williamsburg may require at 10 years the minimum tree canopies or covers set out above.

C. The ordinance shall require that the site plan for any subdivision or development include, at 20 years, that a minimum 10 percent tree canopy will be provided on the site of any cemetery as defined in § 54.1-2310, notwithstanding any other provision of this section. In no event shall any local tree replacement or planting ordinance adopted pursuant to this section exceed the requirements of this subsection.

D. The ordinance shall provide for reasonable provisions for reducing the tree canopy requirements or granting tree cover credit in consideration of the preservation of existing tree cover or for preservation of trees of outstanding age, size or physical characteristics.

E. The ordinance shall provide for reasonable exceptions to or deviations from these requirements to allow for the reasonable development of farm land or other areas devoid of healthy or suitable woody materials, for the preservation of wetlands, or otherwise when the strict application of the requirements would result in unnecessary or unreasonable hardship to the developer. In such instances, the ordinance may provide for a tree canopy bank whereby a portion of a development's tree canopy requirement may be met from off-site planting or replacement of trees at the direction of the locality. The following shall be exempt from the requirements of any tree replacement or planting ordinance promulgated under this section: dedicated school sites, playing fields and other nonwooded recreation areas, and other facilities and uses of a similar nature.

F. The ordinance may designate tree species that cannot be planted to meet minimum tree canopy requirements due to tendencies of such species to (i) negatively impact native plant communities, (ii) cause damage to nearby structures and infrastructure, or (iii) possess inherent physiological traits that cause such trees to structurally fail. All trees to be planted shall meet the specifications of the AmericanHort. The planting of trees shall be done in accordance with either the standardized landscape specifications jointly adopted by the Virginia Nursery and Landscape Association, the Virginia Society of Landscape Designers and the Virginia Chapter of the American Society of Landscape Architects, or the road and bridge specifications of the Virginia Department of Transportation.

G. Existing trees which are to be preserved may be included to meet all or part of the canopy requirements, and may include wooded preserves, if the site plan identifies such trees and the trees meet standards of desirability and life-year expectancy which the locality may establish.

H. For purposes of this section:

"Tree canopy" or "tree cover" includes all areas of coverage by plant material exceeding five feet in height, and the extent of planted tree canopy at 10 or 20 years maturity. Planted canopy at 10 or 20 years maturity shall be based on published reference texts generally accepted by landscape architects, nurserymen, and arborists in the community, and the texts shall be specified in the ordinance.

I. Penalties for violations of ordinances adopted pursuant to this section shall be the same as those applicable to violations of zoning ordinances of the locality.

J. In no event shall any local tree replacement or planting ordinance adopted pursuant to this section exceed the requirements set forth herein.

K. Nothing in this section shall invalidate any local ordinance adopted pursuant to the provisions of this section prior to July 1, 1990, which imposes standards for tree replacement or planting during the development process.

L. Nothing in this section shall invalidate any local ordinance adopted by the City of Williamsburg that imposes standards for 10-year-minimum tree cover replacement or planting during the development process.

M. Nothing in this section shall invalidate any local ordinance adopted pursuant to the provisions of this section after July 1, 1990, which imposes standards for 20-year-minimum tree cover replacement or planting during the development process.

N. Nothing in this section shall prohibit or unreasonably limit silvicultural practices in accordance with § 10.1-1126.1.

§ 15.2-961.1. Conservation of trees during land development process in localities belonging to a nonattainment area for air quality standards.

A. For purposes of this section, "tree canopy" or "tree cover" includes all areas of canopy coverage by self-supporting and healthy woody plant material exceeding five feet in height, and the extent of planted tree canopy at 20-years maturity.

B. Any locality within Planning District 8 that meets the population density criteria of subsection A of § 15.2-961 and is classified as an eight-hour nonattainment area for ozone under the federal Clean Air Act and Amendments of 1990, in effect as of July 1, 2008, may adopt an ordinance providing for the conservation of trees during the land development process pursuant to the provisions of this section. In no event shall any local tree conservation ordinance adopted pursuant to this section also impose the tree replacement provisions of § 15.2-961.

C. The ordinance shall require that the site plan for any subdivision or development provide for the preservation or replacement of trees on the development site such that the minimum tree canopy or tree cover percentage 20 years after development is projected to be as follows:

1. Ten percent tree canopy for a site zoned business, commercial, or industrial;
2. Ten percent tree canopy for a residential site zoned 20 or more units per acre;
3. Fifteen percent tree canopy for a residential site zoned more than eight but less than 20 units per acre;
4. Twenty percent tree canopy for a residential site zoned more than four but not more than eight units per acre;
5. Twenty-five percent tree canopy for a residential site zoned more than two but not more than four units per acre; and
6. Thirty percent tree canopy for a residential site zoned two or fewer units per acre.

In meeting these percentages, (i) the ordinance shall first emphasize the preservation of existing tree canopy where that canopy meets local standards for health and structural condition, and where it is feasible to do so within the framework of design standards and densities allowed by the local zoning and other development ordinances; and (ii) second, where it is not feasible in whole or in part for any of the justifications listed in subsection E to preserve existing canopy in the required percentages listed above, the ordinance shall provide for the planting of new trees to meet the required percentages.

D. Except as provided in subsection E, the percentage of the site covered by tree canopy at the time of plan submission shall equate to the minimum portion of the requirements identified in subsection C that shall be provided through tree preservation. This portion of the canopy requirements shall be identified as the "tree preservation target" and shall be included in site plan calculations or narratives demonstrating how the overall requirements of subsection C have been met.

E. The ordinance shall provide deviations, in whole or in part, from the tree preservation target defined in subsection D under the following conditions:

1. Meeting the preservation target would prevent the development of uses and densities otherwise allowed by the locality's zoning or development ordinance.
2. The predevelopment condition of vegetation does not meet the locality's standards for health and structural condition.
3. Construction activities could be reasonably expected to impact existing trees to the extent that they would not likely survive in a healthy and structurally sound manner. This includes activities that would cause direct physical damage to the trees, including root systems, or cause environmental changes that could result in or predispose the trees to structural and health problems.

If, in the opinion of the developer, the project cannot meet the tree preservation target due to the conditions described in subdivision 1, 2, or 3, the developer may request a deviation from the preservation requirement in subsection D. In the request for deviation, the developer shall provide a letter to the locality that provides justification for the deviation, describes how the deviation is the minimum necessary to afford relief, and describes how the requirements of subsection C will be met through tree planting or a tree canopy bank or fund established by the locality. Proposed deviations shall be reviewed by the locality's urban forester, arborist, or equivalent in consultation with the locality's land development or licensed professional civil engineering review staff. The locality may propose an alternative site design based upon adopted land development practices and sound vegetation management practices that take into account the relationship between the cost of conservation and the benefits of the trees to be preserved as described in ANSI A300 (Part 5) — 2005 Management: Tree, Shrub, and Other Woody Plant Maintenance — Standard Practices, Management of Trees and Shrubs During Site Planning, Site Development, and Construction, Annex A, A-1.5, Cost Benefits Analysis (or the latest version of this standard). The developer shall consider the alternative and redesign the plan accordingly, or elect to satisfy the unmet portion of the preservation threshold through on-site tree planting or through the off-site planting mechanisms identified in subsection G, so long as the developer provides the locality with an explanation of why the alternative design recommendations were rejected. Letters of explanation from the developer shall be prepared and certified by a licensed professional engineer as defined in § 54.1-400. If arboricultural issues are part of explanation then the letter shall be signed by a Certified Arborist who has taken and passed the certification examination sponsored by the International Society of Arboriculture and who maintains a valid certification status or by a Registered Consulting Arborist as designated by the

American Society of Consulting Arborists. If arboricultural issues are the sole subject of the letter of explanation then certification by a licensed professional engineer shall not be required.

F. The ordinance shall provide for deviations of the overall canopy requirements set forth in subsection C to allow for the preservation of wetlands, the development of farm land or other areas previously devoid of healthy and/or suitable tree canopy, or where the strict application of the requirements would result in unnecessary or unreasonable hardship to the developer.

G. The ordinance shall provide for the establishment of a tree canopy bank or fund whereby any portion of the tree canopy requirement that cannot be met on-site may be met through off-site tree preservation or tree planting efforts. Such provisions may be offered where it can be demonstrated that application of the requirements of subsection C would cause irresolvable conflicts with other local site development requirements, standards, or comprehensive planning goals, where sites or portions of sites lack sufficient space for future tree growth, where planting spaces will not provide adequate space for healthy root development, where trees will cause unavoidable conflicts with underground or overhead utilities, or where it can be demonstrated that trees are likely to cause damage to public infrastructure. The ordinance may utilize any of the following off-site canopy establishment mechanisms:

1. A tree canopy bank may be established in order for the locality to facilitate off-site tree preservation, tree planting, stream bank, and riparian restoration projects. Banking efforts shall provide tree canopy that is preserved in perpetuity through conservation easements, deed restrictions, or similar protective mechanisms acceptable to the locality. Projects used in off-site banking will meet the same ordinance standards established for on-site tree canopy; however, the locality may also require the submission of five-year management plans and funds to ensure the execution of maintenance and management obligations identified in those plans. Any such bank shall occur within the same nonattainment area in which the locality approving the tree banking is situated.

2. A tree canopy fund may be established to act as a fiscal mechanism to collect, manage, and disburse fees collected from developers that cannot provide full canopy requirements on-site. The locality may use this fund directly to plant trees on public property, or the locality may elect to disburse this fund to community-based organizations exempt from taxation under § 501(c)(3) of the Internal Revenue Code with tree planting or community beautification missions for tree planting programs that benefit the community at large. For purposes of establishing consistent and predictable fees, the ordinance shall establish cost units that are based on average costs to establish 20-year canopy areas using two-inch caliper nursery stock trees. Any funds collected by localities for these purposes shall be spent within a five-year period established by the collection date, or the locality shall return such funds to the original contributor, or legal successor.

H. The following uses shall be exempt from the requirements of any ordinance promulgated under this section: bona fide silvicultural activity as defined by § 10.1-1181.1 and the areas of sites included in lakes, ponds, and the normal water elevation area of stormwater retention facilities. The ordinance shall modify the canopy requirements of dedicated school sites, playing fields, and other nonwooded active recreation areas by allowing these and other facilities and uses of a similar nature to provide 10 percent tree canopy 20 years after development.

I. 1. In recognition of the added benefits of tree preservation, the ordinance shall provide for an additional tree canopy credit of up to one and one-quarter times the canopy area at the time of plan submission for individual trees or the coalesced canopy of forested areas preserved from the predevelopment tree canopy.

2. The following additional credits may be provided in the ordinance in connection with tree preservation:

a. The ordinance may provide canopy credits of up to one and one-half times the actual canopy area for the preservation of forest communities that achieve environmental, ecological, and wildlife conservation objectives set by the locality. The ordinance may establish minimal area, dimensional and viability standards as prerequisites for the application of credits. Forest communities shall be identified using the nomenclature of either the federal National Vegetation Classification System (FGDC-STD-005, or latest version) or the Natural Communities of Virginia Classification of Ecological Community Groups, Second Approximation (Version 2.2, or latest version).

b. The ordinance may provide canopy credits of up to three times the actual canopy area of trees that are officially designated for preservation in conjunction with local tree conservation ordinances based on the authority granted by § 10.1-1127.1.

J. The following additional credits shall be provided in the ordinance in connection with tree planting:

1. The ordinance shall provide canopy credits of one and one-half the area normally projected for trees planted to absorb or intercept air pollutants, tree species that produce lower levels of reactive volatile organic compounds, or trees that act to reduce air pollution or greenhouse gas emissions by conserving the energy used to cool and heat buildings.

2. The ordinance shall provide canopy credits of one and one-quarter the area normally projected for trees planted for water quality-related reforestation or afforestation projects, and for trees planted in low-impact development and bioretention water quality facilities. The low-impact development practices and designs shall conform to local standards in order for these supplemental credits to apply.

3. The ordinance shall provide canopy credits of one and one-half the area normally projected for native tree species planted to provide food, nesting, habitat, and migration opportunities for wildlife. These canopy credits may also apply to cultivars of native species if the locality determines that such a cultivar is capable of providing the same type and extent of wildlife benefit as the species it is derived from.

4. The ordinance shall provide canopy credits of one and one-half the area normally projected for use of native tree species that are propagated from seed or tissue collected within the mid-Atlantic region.

5. The ordinance shall provide canopy credits of one and one-quarter the area normally projected for the use of cultivars or varieties that develop desirable growth and structural patterns, resist decay organisms and the development of cavities, show high levels of resistance to disease or insect infestations, or exhibit high survival rates in harsh urban environments.

K. Tree preservation areas and individual trees may not receive more than one application of additional canopy credits provided in subsection I. Individual trees planted to meet these requirements may not receive more than two categories of additional canopy credits provided in subsection J. Canopy credits will only be given to trees with trunks that are fully located on the development site, or in the case of tree banking projects only to trees with trunks located fully within easements or other areas protected by deed restrictions listed in subsection G.

L. All trees planted for tree cover credits shall meet the specifications of the American Association of Nurserymen and shall be planted in accordance with the publication entitled "Tree and Shrub Planting Guidelines," published by the Virginia Cooperative Extension.

M. In order to provide higher levels of biodiversity and to minimize the spread of pests and diseases, or to limit the use of species that cause negative impacts to native plant communities, cause damage to nearby structures, or possess inherent physiological traits that prone trees to structural failure, the ordinance may designate species that cannot be used to meet tree canopy requirements or designate species that will only receive partial 20-year tree canopy credits.

N. The locality may allow the use of tree seedlings for meeting tree canopy requirements in large open spaces, low-density residential settings, or in low-impact development reforestation/afforestation projects. In these cases, the ordinance shall allow the ground surface area of seedling planting areas to equate to a 20-year canopy credit area. Tree seedling plantings will be comprised of native species and will be planted in densities that equate to 400 seedlings per acre, or in densities specified by low-impact development designs approved by the locality. The locality may set standards for seedling mortality rates and replacement procedures if unacceptable rates of mortality occur. The locality may elect to allow native woody shrubs or native woody seed mix to substitute for tree species as long as these treatments do not exceed 33 percent of the overall seedling planting area. The number of a single species may not exceed 10 percent of the overall number of trees or shrubs planted to meet the provisions of this subsection.

O. The following process shall be used to demonstrate achievement of the required percentage of tree canopy listed in subsection C:

1. The site plan shall graphically delineate the edges of predevelopment tree canopy, the proposed limits of disturbance on grading or erosion and sedimentation control plans, and the location of tree protective fencing or other tree protective devices allowed in the Virginia Erosion and Sediment Control Handbook.

2. Site plans proposing modification to tree canopy requirements or claiming supplemental tree canopy credits will require a text narrative.

3. The site plan shall include the 20-year tree canopy calculations on a worksheet provided by the locality.

4. Site plans requiring tree planting shall provide a planting schedule that provides botanical and common names of trees, the number of trees being planted, the total of tree canopy area given to each species, variety or cultivars planted, total of tree canopy area that will be provided by all trees, planting sizes, and associated planting specifications. The site plan will also provide a landscape plan that delineates where the trees shall be planted.

P. The ordinance shall provide a list of commercially available tree species, varieties, and cultivars that are capable of thriving in the locality's climate and ranges of planting environments. The ordinance will also provide a 20-year tree canopy area credit for each tree. The amount of tree canopy area credited to individual tree species, varieties, and cultivars 20 years after they are planted shall be based on references published or endorsed by Virginia academic institutions such as the Virginia Polytechnic Institute and State University and accepted by urban foresters, arborists, and horticulturalists as being accurate for the growing conditions and climate of the locality.

Q. The ordinance shall establish standards of health and structural condition of existing trees and associated plant communities to be preserved. The ordinance may also identify standards for removal of trees or portions of trees that are dead, dying, or hazardous due to construction impacts. Such removal standards may allow for the retention of trunk snags where the locality determines that these may provide habitat or other wildlife benefits and do not represent a hazardous condition. In the event that existing tree canopy proposed to be preserved for tree canopy credits dies or must be removed because it represents a hazard, the locality may require the developer to remove the tree, or a portion of the tree and to replace the missing canopy area by the planting of nursery stock trees, or if a viable alternative, by tree seedlings. Existing trees that have been granted credits will be replaced with canopy area determined using the same supplemental credit multipliers as originally granted for that canopy area.

R. Penalties for violation of ordinances adopted pursuant to this section shall be the same as those applicable to violations of zoning ordinances of the locality.

S. In no event shall any local tree conservation ordinance adopted pursuant to this section exceed the requirements set forth herein; however, any local ordinance adopted pursuant to the provisions of § 15.2-961 prior to July 1, 1990, may adopt the tree conservation provisions of this section based on 10-year minimum tree canopy requirements.

T. Nothing in this section shall invalidate any local ordinance adopted pursuant to § 15.2-961.

U. Nothing in this section shall prohibit or unreasonably limit silvicultural practices in accordance with § 10.1-1126.1.

§ 15.2-961.3. Replacement of trees during development process in localities.

A. Any locality may adopt an ordinance providing for the planting and replacement of trees during the development process pursuant to the provisions of this section.

B. The ordinance shall require that the site plan for any subdivision or development include the planting or replacement of trees on the site to the extent that, at 20 years, minimum tree canopies or covers will be provided in areas to be designated in the ordinance, as follows:

1. Ten percent tree canopy for a site zoned business, commercial, or industrial;
2. Ten percent tree canopy for a residential site zoned 20 or more units per acre;
3. Fifteen percent tree canopy for a residential site zoned more than 10 but less than 20 units per acre;
4. Twenty percent tree canopy for a residential site zoned 10 units or less per acre; and

5. The tree canopy percentage for a mixed-use development shall be the percentage applicable to the predominant use of the development. For purposes of this subdivision, "predominant use" means the use within the development that constitutes the largest percentage of gross land area or, in the case of a building or buildings, the largest percentage of the total floor area.

However, the City of Williamsburg may require at 10 years the minimum tree canopies or covers set out in this subsection.

C. The ordinance shall require that the site plan for any subdivision or development include, at 20 years, that a minimum 10 percent tree canopy will be provided on the site of any cemetery as defined in § 54.1-2310, notwithstanding any other provision of this section. In no event shall any local tree replacement or planting ordinance adopted pursuant to this section exceed the requirements of this subsection.

D. The ordinance shall provide for reasonable provisions for reducing the tree canopy requirements of subsection B or granting tree cover credit in consideration of the preservation of existing tree cover or for preservation of trees of outstanding age, size, or physical characteristics.

E. The ordinance shall provide for reasonable exceptions to or deviations from these requirements to allow for the reasonable development of farm land or other areas devoid of healthy or suitable woody materials, for the preservation of wetlands, or otherwise when the strict application of the requirements would result in unnecessary or unreasonable hardship to the developer. In such instances, the ordinance may provide for a tree canopy bank whereby a portion of a development's tree canopy requirement may be met from off-site planting or replacement of trees at the direction of the locality. Any such bank shall be within the locality and located as closely as feasible to where the development project is situated. If there is no bank within the locality of the development project with sufficient credits to meet the project's off-site needs, and with the approval of the locality where the development project is located, the unmet portion of a development's tree canopy requirement may be met by payment of an amount equal to no less than the development project's avoided costs for the unmet portion to the state treasury and credited to the Natural Resources Commitment Fund, pursuant to subsection A of § 10.1-2128.1. Amounts credited to the Natural Resources Commitment Fund pursuant to this subsection shall be distributed to the Virginia Agricultural Best Management Practices Cost-Share Program and applied to the implementation of riparian forested buffer best management practices. The following shall be exempt from the requirements of any tree replacement or planting ordinance promulgated under this section: dedicated school sites, playing fields and other nonwooded recreation areas, and other facilities and uses of a similar nature.

F. The ordinance may designate tree species that cannot be planted to meet minimum tree canopy requirements due to tendencies of such species to (i) negatively impact native plant communities, (ii) cause damage to nearby structures and infrastructure, or (iii) possess inherent physiological traits that cause such trees to structurally fail. All trees to be planted shall meet the specifications of the AmericanHort. The planting of trees shall be done in accordance with either the standardized landscape specifications adopted by the Virginia Nursery and Landscape Association, the Virginia Society of Landscape Designers, or the Virginia Chapter of the American Society of Landscape Architects or, if applicable, the road and bridge specifications of the Virginia Department of Transportation.

G. Existing trees that are to be preserved may be included to meet all or part of the canopy requirements, and may include wooded preserves, if the site plan identifies such trees and the trees meet standards of desirability and life-year expectancy that the locality may establish.

H. For purposes of this section, "tree canopy" or "tree cover" includes all areas of coverage by plant material exceeding five feet in height, and the extent of planted tree canopy at 10 or 20 years' maturity. Planted canopy at 10 or 20 years' maturity shall be based on published reference texts generally accepted by landscape architects, nurserymen, and arborists in the community or standards adopted by the Virginia State Forester, and the texts shall be specified in the ordinance.

I. Penalties for violations of ordinances adopted pursuant to this section shall be the same as those applicable to violations of zoning ordinances of the locality.

J. In no event shall any local tree replacement or planting ordinance adopted pursuant to this section exceed the requirements set forth herein. Nothing in this section shall prohibit or unreasonably limit silvicultural practices in accordance with § 10.1-1126.1.

K. Nothing in this section shall invalidate any local ordinance adopted by the City of Williamsburg that imposes standards for 10-year-minimum tree cover replacement or planting during the development process.

L. Nothing in this section shall invalidate any local ordinance adopted pursuant to the provisions of § 15.2-961 or 15.2-961.1.

§ 15.2-961.4. Conservation of trees during land development process in localities.

A. For purposes of this section, "tree canopy" or "tree cover" includes all areas of canopy coverage by self-supporting and healthy woody plant material exceeding five feet in height and the extent of planted tree canopy at 20 years' maturity.

B. Any locality may adopt an ordinance providing for the conservation of trees during the land development process pursuant to the provisions of this section. In no event shall any local tree conservation ordinance adopted pursuant to this section also impose the tree replacement provisions of § 15.2-961, 15.2-961.1, or 15.2-961.3.

C. The ordinance shall require that the site plan for any subdivision or development provide for the preservation or replacement of trees on the development site such that the minimum tree canopy or tree cover percentage 20 years after development is projected to be as follows:

1. Ten percent tree canopy for a site zoned business, commercial, or industrial;
2. Ten percent tree canopy for a residential site zoned 20 or more units per acre;
3. Fifteen percent tree canopy for a residential site zoned more than eight but less than 20 units per acre;
4. Twenty percent tree canopy for a residential site zoned more than four but not more than eight units per acre;
5. Twenty-five percent tree canopy for a residential site zoned more than two but not more than four units per acre;
6. Thirty percent tree canopy for a residential site zoned two or fewer units per acre;

7. The tree canopy percentage for a mixed-use development shall be the percentage applicable to the predominant use of the development. For purposes of this subdivision, "predominant use" means the use within the development that constitutes the largest percentage of gross land area or, in the case of a building or buildings, the largest percentage of the total floor area; and

8. A locality may increase any of the tree canopy percentages applicable to a subdivision or development as established in subdivisions 1 through 6 by an amount not to exceed 10 percent of the percentage authorized in each subdivision of this subsection if as provided in its ordinance (i) the locality grants to such subdivision or development either administrative approval of a mutually agreed-upon reduction of lot size requirements, setback requirements, yard requirements, or parking requirements or administrative approval of a mutually agreed-upon increase in density or (ii) 20 percent or more of the land area of the subdivision or development is within an enhanced tree canopy area. However, if a locality increases the required canopies pursuant to clause (i) or (ii), it shall specify in its ordinance the increased percentages applicable to each of the uses enumerated in subdivisions 1 through 6.

In meeting these percentages, (a) the ordinance shall first emphasize the preservation of existing tree canopy where that canopy meets local standards for health and structural condition and where it is feasible to do so within the framework of design standards and densities allowed by the local zoning and other development ordinances and (b) second, where it is not feasible in whole or in part for any of the justifications listed in subsection E to preserve existing canopy in the required percentages listed in this subsection, the ordinance shall provide for the planting of new trees to meet the required percentages. Computation of achievement of the percentage of tree canopy or tree cover percentage required for the applicable use by the ordinance shall be determined by the locality using standards adopted by the Virginia State Forester.

For purposes of this subdivision:

"Enhanced tree canopy area" means any land area that is (i) a Resource Protection Area (RPA) as defined by local ordinance adopted pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.); (ii) a wetland that is not determined by the Department of Environmental Quality to be an isolated wetland of minimal ecological value as defined in subsection B of 9VAC25-210-10; (iii) located in a Federal Emergency Management Agency-designated 100-year floodplain; (iv) identified by the Virginia Natural Heritage Program as a rare or state significant natural community; (v) comprised of, at the time of permit application for the subdivision or development, tree canopy that covers an area equal to 3,000 square feet or more per quarter acre of the property with an understory of vegetation that is not managed turf; or (vi) found as a result of compliance with any applicable existing state or federal permitting requirements to contain listed federal or state threatened or endangered species.

Nothing in this subdivision shall be deemed to alter existing law or regulation governing land disturbance or other construction activity in any enhanced tree canopy area.

D. Except as provided in subsection E, the percentage of the site covered by tree canopy at the time of plan submission shall equate to the minimum portion of the requirements identified in subsection C that shall be provided through tree preservation. This portion of the canopy requirements shall be identified as the "tree preservation target" and shall be included in site plan calculations or narratives demonstrating how the overall requirements of subsection C have been met.

E. The ordinance shall provide deviations, in whole or in part, from the tree preservation target defined in subsection D under the following conditions:

1. Meeting the preservation target would prevent the development of uses and densities otherwise allowed by the locality's zoning or development ordinance.

2. The predevelopment condition of vegetation does not meet the locality's standards for health and structural condition or for trees that should be preserved.

3. An International Society of Arboriculture certified arborist, ASCA Registered Consulting Arborist, or licensed landscape architect determines and demonstrates in writing to the locality why construction activities that cannot reasonably be avoided could be reasonably expected to impact existing trees to the extent that they would not likely survive in a healthy and structurally sound manner. This includes activities that would cause direct physical damage to the trees,

including root systems, or cause environmental changes that could result in or predispose the trees to structural and health problems.

4. The development is a redevelopment project and a certified arborist or licensed landscape architect determines and provides in writing to the locality that the planting of trees on site will better achieve the applicable canopy goal.

The allowable deviations provided in subdivisions 1 through 4 shall be included verbatim in the ordinance and in any guidance or worksheets provided to applicants on meeting the requirements of the ordinance.

If, in the opinion of the developer, the project cannot meet the tree preservation target due to the conditions described in subdivision 1, 2, 3, or 4, the developer may request a deviation from the preservation requirement in subsection D. In the request for deviation for conditions described in subdivision 1, 2, or 3, the developer shall provide a letter to the locality from an International Society of Arboriculture certified arborist, ASCA Registered Consulting Arborist, or licensed landscape architect that provides justification for the deviation, describes how the deviation is the minimum necessary to afford relief, and describes how the requirements of subsection C will be met through tree planting or a tree canopy bank or fund established by the locality. In the request for a deviation for the condition described in subdivision 4, the developer's letter shall describe how the requirements of subsection C will be met through tree planting on site. Proposed deviations shall be reviewed by the locality's employed or retained urban forester, International Society of Arboriculture certified arborist, ASCA Registered Consulting Arborist, licensed landscape architect, or in consultation with the locality's land development or licensed professional civil engineering review staff, who may propose an alternative site design based upon adopted land development practices and sound vegetation management practices that take into account the relationship between the cost of conservation and the benefits of the trees to be preserved as described in ANSI A300 (Part 5) — 2019 Management: Tree, Shrub, and Other Woody Plant Maintenance — Standard Practices, Management of Trees and Shrubs During Site Planning, Site Development, and Construction, Annex A, A-1.5, Cost Benefits Analysis (or the latest version of this standard). The developer shall consider the alternative and redesign the plan accordingly, or elect to satisfy the unmet portion of the tree preservation target through onsite tree planting or through the off-site planting mechanisms identified in subsection G, so long as the developer provides the locality with an explanation of why the alternative design recommendations were rejected. Letters of explanation from the developer for any request to deviate from the alternative site design proposed by the locality shall be prepared and certified by a licensed professional engineer as defined in § 54.1-400, International Society of Arboriculture certified arborist, ASCA Registered Consulting Arborist, licensed landscape architect, or other authorized licensed professional. If arboricultural issues are part of the explanation, then the letter shall be signed by a licensed landscape architect. If arboricultural issues are the sole subject of the letter of requesting a deviation from a locality-proposed alternative site design, then certification by a licensed professional engineer shall not be required.

F. The ordinance shall provide for deviations of the overall canopy requirements set forth in subsection C (i) to allow for the preservation of wetlands, (ii) to allow for the development of farmland or other areas previously devoid of healthy or suitable tree canopy, or (iii) where the strict application of the requirements would result in unreasonable hardship to the developer. Nothing in this subsection shall prevent a locality from adopting the discretionary increase in canopy requirements authorized in subdivision C 8. Nothing in this section shall prohibit or unreasonably limit silvicultural practices in accordance with § 10.1-1126.1.

G. The ordinance shall provide for the establishment or use of a tree canopy bank or fund whereby any portion of the tree canopy requirement that cannot be met on site may be met through off-site tree preservation or tree planting efforts. Such provisions may be offered where it can be demonstrated that application of the tree canopy requirements of subsection C would cause irresolvable conflicts with other local site development requirements or standards, where sites or portions of sites lack sufficient space for future tree growth, where planting spaces will not provide adequate space for healthy root development, where trees will cause unavoidable conflicts with underground or overhead utilities, or where it can be demonstrated that trees are likely to cause damage to public infrastructure. The ordinance may utilize any of the following off-site canopy establishment mechanisms:

1. A tree canopy bank may be established by a locality, a for-profit entity, or an Internal Revenue Service-qualified § 501(c)(3) nonprofit organization that is qualified in tree planting and maintenance in order for the locality to facilitate off-site tree preservation, tree planting, stream bank, and riparian restoration projects. Banking efforts shall provide tree canopy that is preserved in perpetuity through conservation easements, deed restrictions, or similar protective mechanisms acceptable to the locality. Development projects that use off-site banking shall meet the same ordinance standards established for onsite tree canopy; however, the locality may also require the submission of five-year management plans and funds to ensure the execution of maintenance and management obligations identified in those plans. Any such bank shall be within the locality and located as closely as feasible to where the development project is situated. If there is no bank within the locality of the development project with sufficient credits to meet the project's off-site needs, and with the approval of the locality where the development project is located, the unmet portion of a development's tree canopy requirement may be met by payment of an amount equal to no less than the development project's avoided costs for the unmet portion to the state treasury and credited to the Natural Resources Commitment Fund, pursuant to subsection A of § 10.1-2128.1. Amounts credited to the Natural Resources Commitment Fund pursuant to this subsection shall be distributed to the Virginia Agricultural Best Management Practices Cost-Share Program and applied to the implementation of riparian forested buffer best management practices.

2. A tree canopy fund may be established to act as a fiscal mechanism to collect, manage, and disburse fees collected from developers that cannot provide full canopy requirements onsite. The locality may use this fund directly to plant and then maintain trees on public property, or the locality may elect to disburse this fund, for tree planting programs that benefit the community at large, to community-based organizations exempt from taxation under § 501(c)(3) of the Internal Revenue Code that are focused on tree planting or community beautification or on advancing environmental goals, such as pollution reduction, stormwater management, flood mitigation, urban heat reduction, and similar goals. For the purposes of establishing consistent and predictable fees, the ordinance shall establish cost units that are based on average costs to establish 20-year canopy areas using two-inch caliper nursery stock trees. Any funds collected by localities for these purposes shall be spent within a five-year period established by the collection date by the locality or disbursed to a community-based organization for tree planting and subsequent maintenance provided for in this subsection, or the locality shall return such funds to the original contributor or legal successor.

H. The following uses shall be exempt from the requirements of any ordinance promulgated under this section: bona fide silvicultural activity as defined by § 10.1-1181.1 and the areas of sites included in lakes, ponds, and the normal water elevation area of stormwater retention facilities. The ordinance shall modify the canopy requirements of dedicated school sites, playing fields, and other nonwooded active recreation areas by allowing these and other facilities and uses of a similar nature to provide 10 percent tree canopy 20 years after development. The ordinance shall require that the site plan for any subdivision or development include, at 20 years, that a minimum 10 percent tree canopy will be provided on the site of any cemetery as defined in § 54.1-2310, notwithstanding any other provision of this section.

1. In recognition of the added benefits of tree preservation, the ordinance shall provide for an additional tree canopy credit of up to one and one-quarter times the canopy area at the time of plan submission for individual trees or the coalesced canopy of forested areas preserved from the predevelopment tree canopy.

2. The following additional credits may be provided in the ordinance in connection with tree preservation:

a. The ordinance may provide canopy credits of up to one and one-half times the actual canopy area for the preservation of forest communities that achieve environmental, ecological, and wildlife conservation objectives set by the locality.

b. The ordinance may provide canopy credits of up to three times the actual canopy area of trees that are officially designated for preservation in conjunction with local tree conservation ordinances based on the authority granted by § 10.1-1127.1.

J. The following additional credits shall be provided in the ordinance in connection with tree planting of one and one-half the area normally projected for:

1. Trees planted to absorb or intercept air pollutants, tree species that produce lower levels of reactive volatile organic compounds, or trees that act to reduce air pollution or greenhouse gas emissions by conserving the energy used to cool and heat buildings.

2. Trees planted for water quality-related reforestation or afforestation projects, and for trees planted in approved low-impact development and bioretention water quality facilities.

3. Native tree species planted to provide food, nesting, habitat, and migration opportunities for wildlife. These canopy credits may also apply to cultivars of native species if the locality determines that such a cultivar is capable of providing the same type and extent of wildlife benefit as the species it is derived from.

4. Native tree species that are propagated from seed or tissue collected within the mid-Atlantic region.

5. The use of cultivars or varieties that develop desirable growth and structural patterns, resist decay organisms and the development of cavities, show high levels of resistance to disease or insect infestations, or exhibit high survival rates in harsh urban environments.

6. Trees planted as a best management practice (BMP) approved pursuant to the Stormwater Management Act (§ 62.1-44.15:24 et seq.) and Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.).

If the developer and the locality agree upon a canopy for the subdivision or development that exceeds the canopy percentage required by subsection C by more than 10 percent, the ordinance may provide that 50 percent of the amount by which the canopy exceeds the required canopy may be used by the applicant as credits toward meeting a canopy requirement on another project within the locality. Such credits may only be earned if the project receiving the credits is identified in the canopy plan for the project generating the credits or is identified in writing to the locality by the applicant within one year of issuance of the building permit for the project.

K. Tree preservation areas and individual trees may not receive more than one application of additional canopy credits provided in subsection I. Individual trees planted to meet these requirements may not receive more than two categories of additional canopy credits provided in subsection J. Canopy credits will only be given to trees with trunks that are fully located on the development site, or in the case of tree banking projects only to trees with trunks located fully within easements or other areas protected by deed restrictions listed in subsection G.

L. All trees planted for tree cover credits shall meet the specifications of the AmericanHort and shall be planted in accordance with the publication entitled "Tree and Shrub Planting Guidelines," published by the Virginia Cooperative Extension.

M. In order to provide higher levels of biodiversity and to minimize the spread of pests and diseases, or to limit the use of species that cause negative impacts to native plant communities, cause damage to nearby structures, or possess inherent

physiological traits that prone trees to structural failure, the ordinance may designate species that cannot be used to meet tree canopy requirements or designate species that will only receive partial 20-year tree canopy credits.

N. The locality may allow the use of tree seedlings for meeting tree canopy requirements. In these cases, the ordinance shall allow the ground surface area of seedling planting areas to equate to a 20-year canopy credit area. The locality may set standards for seedling mortality rates and replacement procedures if unacceptable rates of mortality occur. The locality may elect to allow native woody shrubs or native woody seed mix to substitute for tree species as long as these treatments do not exceed 33 percent of the overall seedling planting area. The number of a single species may not exceed 10 percent of the overall number of trees or shrubs planted to meet the provisions of this subsection.

O. The following process shall be used to demonstrate achievement of the required percentage of tree canopy listed in subsection C:

1. The site plan shall graphically delineate the edges of predevelopment tree canopy, the proposed limits of disturbance on grading or erosion and sedimentation control plans, and the location of tree protective fencing or other tree protective devices allowed in the Virginia Erosion and Sediment Control Handbook or any successor publication issued by the Department of Environmental Quality.

2. Site plans proposing modification to tree canopy requirements or claiming supplemental tree canopy credits will require a text narrative.

3. The site plan shall include the 20-year tree canopy calculations on a worksheet provided by the locality that adheres to standards established by the Virginia State Forester for computation of achievement of tree canopy percentages.

4. Site plans requiring tree planting shall provide a planting schedule that provides botanical and common names of trees, the number of trees being planted, the total of tree canopy area given to each species, variety or cultivars planted, total of tree canopy area that will be provided by all trees, planting sizes, and associated planting specifications. The site plan will also provide a landscape plan that delineates where the trees shall be planted.

P. The ordinance shall provide a list of commercially available tree species, varieties, and cultivars that are capable of thriving in the locality's climate and ranges of planting environments. The ordinance will also provide a 20-year tree canopy area credit for each tree. The amount of tree canopy area credited to individual tree species, varieties, and cultivars 20 years after they are planted shall be based on references published or endorsed by Virginia academic institutions such as the Virginia Polytechnic Institute and State University and accepted by urban foresters, arborists, landscape architects, and horticulturalists as being accurate for the growing conditions and climate of the locality.

Q. In the event that existing tree canopy proposed to be preserved for tree canopy credits dies or must be removed because it represents a hazard, the locality may require the developer to remove the tree, or a portion of the tree and to replace the missing canopy area by the planting of nursery stock trees, or if a viable alternative, by tree seedlings. Existing trees that have been granted credits will be replaced with canopy area determined using the same supplemental credit multipliers as originally granted for that canopy area.

R. Penalties for violation of ordinances adopted pursuant to this section shall be the same as those applicable to violations of zoning ordinances of the locality.

S. Except as provided in subsection C, no local tree conservation ordinance adopted pursuant to this section shall exceed the requirements set forth herein.

T. Nothing in this section shall invalidate any local ordinance adopted pursuant to the provisions of § 15.2-961 or 15.2-961.1.

2. That stakeholders representing at least one representative of each of the six sectors represented on the Collaborative Decision-Making Group that served during completion of the report required by Chapters 89 and 90 of the Acts of Assembly of 2021, Special Session I, as well as certified arborists, licensed landscape architects, and urban foresters employed by both the public and private sectors and representatives of localities within Planning Districts 17 and 18, the Southwest and Southside regions of Virginia, and the State Forester shall meet at least twice prior to the 2023 Session of the General Assembly to consider (i) the provisions of § 15.2-961.4 of the Code of Virginia, as created by this act; (ii) whether additional allowances should be permitted for tree planting and the use of in-lieu funds outside the locality where the development project occurs; (iii) any changes warranted to address the needs of rural localities; and (iv) how technical assistance could best be provided to all localities implementing the tree canopy ordinances provided by this act. The participants shall make recommendations to the Chairmen of the House Committee on Counties, Cities and Towns and the Senate Committee on Agriculture, Conservation and Natural Resources by December 1, 2022.

3. That the provisions of § 15.2-961.4 of the Code of Virginia, as created by this act, shall not become effective unless reenacted by the 2023 Session of the General Assembly.

CHAPTER 621

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 10 of Title 32.1 a section numbered 32.1-331.05, relating to Department of Medical Assistance Services; coordinated specialty care; work group established.

[H 1193]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 10 of Title 32.1 a section numbered 32.1-331.05 as follows:

§ 32.1-331.05. Coordinated specialty care; work group.

A. The Department shall establish a work group in coordination with the Department of Behavioral Health and Developmental Services to evaluate and make recommendations to improve approaches to early psychosis and mood disorder detection approaches, make program funding recommendations, and recommend a core set of standardized clinical and outcome measures. Early psychosis intervention includes services to youth and young adults who are determined to either be at a clinical high risk for psychosis or are experiencing a first episode of psychosis.

B. The work group shall include (i) a representative from the Bureau of Insurance; (ii) a representative from the Department of Health Professions; (iii) a representative from the Department of Behavioral Health and Developmental Services; (iv) a psychiatrist with working knowledge of first-episode psychosis and coordinated specialty care; (v) a mental health clinician with working knowledge of first-episode psychosis and coordinated specialty care; (vi) a support services specialist with experience in supported education and employment; (vii) a representative of a state, regional, or local mental health advocacy group as recommended by such group; (viii) an individual who has experienced psychosis or a family member of an individual who has experienced psychosis; and (ix) up to three representatives of health insurance issuers or managed care organizations operating in the Commonwealth as recommended by such issuers or organizations.

C. The work group shall develop a five-year strategic plan to accomplish the following objectives:

- 1. Enhance services to existing coordinated specialty care programs;*
- 2. Expand early psychosis intervention in underserved areas of the Commonwealth;*
- 3. Develop a strategy to identify and apply for funds from individual foundations and federal and state sources and disburse those funds; and*
- 4. Develop a strategy to advance the goals and utilization of coordinated specialty care for Medicaid beneficiaries and individuals who are privately insured.*

The strategic plan shall identify current coordinated specialty care programs in the Commonwealth and include information on how they are funded, how many individuals use the current programs, and the insurance status of the programs. As used in this section, "coordinated specialty care" means a team-based service provided to a person for treatment of first-episode psychosis that is composed of case management, family support and education, pharmacotherapy and medication management, individual and group psychotherapy, supported education and employment, coordination with primary care, and outreach and recruitment activities.

D. The work group shall meet to produce an initial five-year plan report to the General Assembly no later than November 1, 2022, and then provide annual updates to the five-year strategic plan beginning November 1, 2023.

CHAPTER 622

An Act to amend and reenact § 15.2-4904 of the Code of Virginia, relating to economic development authority; Town of Louisa.

[H 60]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-4904 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-4904. Directors; qualifications; terms; vacancies; compensation and expenses; quorum; records; certification and distribution of report concerning bond issuance.

A. The authority shall be governed by a board of directors in which all powers of the authority shall be vested and which board shall be composed of seven directors, appointed by the governing body of the locality. The seven directors shall be appointed initially for terms of one, two, three, and four years; two being appointed for one-year terms; two being appointed for two-year terms; two being appointed for three-year terms, and one being appointed for a four-year term. Subsequent appointments shall be for terms of four years, except appointments to fill vacancies, which shall be for the unexpired terms. All terms of office shall be deemed to commence upon the date of the initial appointment to the authority, and thereafter, in accordance with the provisions of the immediately preceding sentence. If at the end of any term of office of any director a successor thereto has not been appointed, then the director whose term of office has expired shall continue to hold office until his successor is appointed and qualified.

*Notwithstanding the provisions of this subsection, the board of supervisors of Wise County may appoint eight members to serve on the board of the authority, with terms staggered as agreed upon by the board of supervisors; the board of supervisors of Henrico County may appoint 10 members to serve on the board of the authority, two from each magisterial district, with terms staggered as agreed upon by the board of supervisors; the board of supervisors of Roanoke County may appoint 10 members to serve on the board of the authority, two from each magisterial district, with terms staggered as agreed upon by the board of supervisors; the board of supervisors of Mathews County may appoint from five to seven members to serve on the board of the authority; *the town council of the Town of Louisa may appoint from five to seven members to serve on the board of the authority, with terms staggered as agreed upon by the town council;* the board of*

supervisors of King William County may appoint nine members to serve on the board of the authority, with terms staggered as agreed upon by the board of supervisors; the town council of the Town of Saint Paul may appoint 10 members to serve on the board of the authority, with terms staggered as agreed upon by the town council; however, the town council of the Town of Saint Paul may at its option return to a seven-member board by removing the last three members appointed; the board of supervisors of Russell County may appoint nine members, two of whom shall come from a town that has used its borrowing capacity to borrow \$2 million or more for industrial development, with terms staggered as agreed upon by the board of supervisors, and the town council of the Town of South Boston shall appoint two at-large members; Page County may appoint nine members, with one member from each incorporated town, one member from each magisterial district, and one member at-large, with terms staggered as agreed upon by the board of supervisors; Halifax County shall appoint five at-large members to serve on the board of the authority jointly created by the Town of South Boston and Halifax County pursuant to § 15.2-4916, with terms staggered as agreed upon by the governing bodies of the Town of South Boston and Halifax County in the concurrent resolutions creating such authority; the board of supervisors of Goochland County may appoint five members to serve on the board of the authority; the board of supervisors of Powhatan County may appoint five members to serve on the board of the authority; the town council of the Town of Coeburn may appoint five members to serve on the board of the authority, with terms staggered as agreed upon by the town council; the town council of the Town of Kenbridge may appoint five members to serve on the board of the authority, with terms staggered as agreed upon by the town council; the town council of the Town of Victoria may appoint five members to serve on the board of the authority, with terms staggered as agreed upon by the town council; the city council of Suffolk may appoint eight members to serve on the board of the authority, with one member from each of the boroughs and one at-large member, with terms staggered as agreed upon by the city council; and the City of Chesapeake may appoint nine members, with terms staggered as agreed upon by the city council; however, in the City of Chesapeake, after July 1, 2017, no member shall serve more than two consecutive terms. Any person who has served more than one and one-half terms as a member of the Chesapeake Economic Development Authority as of July 1, 2017, shall not be eligible for reappointment for another consecutive term. A member of the Chesapeake Economic Development Authority shall serve at the pleasure of the city council of the City of Chesapeake. No Chesapeake Economic Development Authority member shall work for the Authority within one year after serving as a member. The city council of the City of Norfolk may appoint 11 members, with terms staggered as agreed upon by the city council, and the board of supervisors of Louisa County may appoint directors to serve on the board of the authority for terms coincident with members of the board of supervisors.

A member of the board of directors of the authority may be removed from office by the local governing body without limitation in the event that the board member is absent from any three consecutive meetings of the authority or is absent from any four meetings of the authority within any 12-month period or upon unanimous vote of the board of supervisors. In any such event, a successor shall be appointed by the governing body for the unexpired portion of the term of the member who has been removed.

B. Each director shall, upon appointment or reappointment, before entering upon his duties take and subscribe the oath prescribed by § 49-1.

C. No director shall be an officer or employee of the locality except (i) in a town with a population of less than 3,500 where members of the town governing body may serve as directors provided they do not constitute a majority of the board, (ii) in Buchanan County where a constitutional officer who has previously served on the board of directors may serve as a director provided the governing body of such county approves, (iii) in Frederick County where the board of supervisors may appoint one of its members to the Economic Development Authority of the County of Frederick, Virginia, and (iv) in Mathews County where the board of supervisors may appoint one employee of the locality to the Economic Development Authority of the County of Mathews. Every director shall, at the time of his appointment and thereafter, reside in a locality within which the authority operates or in an adjoining locality. When a director ceases to be a resident of such locality, the director's office shall be vacant and a new director may be appointed for the remainder of the term.

D. The directors shall elect from their membership a chairman, a vice-chairman, and from their membership or not, as they desire, a secretary and a treasurer, or a secretary-treasurer, who shall continue to hold such office until their respective successors are elected. The directors shall receive no salary but may be compensated such amount per regular, special, or committee meeting or per each official representation as may be approved by the appointing authority, not to exceed \$200 per meeting or official representation, and shall be reimbursed for necessary traveling and other expenses incurred in the performance of their duties.

E. Except as provided herein, four members of the board of directors shall constitute a quorum of the board for the purposes of conducting its business and exercising its powers and for all other purposes, except that no facilities owned by the authority shall be leased or disposed of in any manner without a majority vote of the members of the board of directors. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and perform all the duties of the board. In the case of the Economic Development Authority of Goochland County, the Economic Development Authority of Powhatan County, the Industrial Development Authority of the Town of Kenbridge, and the Industrial Development Authority of the Town of Victoria, three members of the board of directors shall constitute a quorum of the board for the purposes of conducting its business and exercising its powers and for all other purposes, except that no facilities owned by the authority shall be leased or disposed of in any manner without a majority vote of the members of the board of directors.

F. The board shall keep detailed minutes of its proceedings, which shall be open to public inspection at all times. It shall keep suitable records of its financial transactions and, unless exempted by § 30-140, it shall arrange to have the records audited annually. Copies of each such audit shall be furnished to the governing body of the locality and shall be open to public inspection.

Two copies of the report concerning issuance of bonds required to be filed with the United States Internal Revenue Service shall be certified as true and correct copies by the secretary or assistant secretary of the authority. One copy shall be furnished to the governing body of the locality and the other copy mailed to the Department of Small Business and Supplier Diversity.

CHAPTER 623

An Act to amend the Code of Virginia by adding in Article 2 of Chapter 8 of Title 6.2 a section numbered 6.2-818.1, relating to banks; virtual currency custody services.

[H 263]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 2 of Chapter 8 of Title 6.2 a section numbered 6.2-818.1 as follows:

§ 6.2-818.1. Virtual currency custody services by banks.

A. As used in this section, unless the context requires a different meaning:

"Bank" has the same meaning as provided in § 6.2-800.

"Custody services" means the role of a bank in the safekeeping and custody of various customer assets.

"Self-assessment" has the same meaning as provided in § 6.2-947.

"Virtual currency" means an electronic representation of value intended to be used as a medium of exchange, unit of account, or store of value. "Virtual currency" does not exist in a physical form; it is intangible and exists only on the blockchain or distributed ledger associated with a particular virtual currency. The owner of virtual currency holds cryptographic keys associated with the specific unit of virtual currency in a digital wallet, which allows the rightful owner of the virtual currency to access and utilize it.

B. A bank may provide its customers with virtual currency custody services so long as the bank has adequate protocols in place to effectively manage risks and comply with applicable laws. Prior to a bank offering virtual currency custody services, the bank shall carefully examine the risks involved in offering such services through a methodical self-assessment process. If the bank decides to move forward with offering such services, the bank shall:

1. Implement effective risk management systems and controls to measure, monitor, and control relevant risks associated with custody of digital assets such as virtual currency;

2. Confirm that it has adequate insurance coverage for such services; and

3. Maintain a service provider oversight program, to the extent that the bank engages with a service provider to provide virtual currency custody services, to address risks to service provider relationships as a result of engaging in virtual currency custody services.

C. A bank may provide virtual currency custody services in either a nonfiduciary or fiduciary capacity.

In providing such services in a nonfiduciary capacity, the bank shall act as a bailee, taking possession of the customer's asset for safekeeping while legal title remains with the customer, meaning that the customer retains direct control over the keys associated with their virtual currency.

In providing such services in a fiduciary capacity, a bank is required to possess trust powers as described in § 6.2-819 and have a trust department pursuant to § 6.2-821. Acting in a fiduciary capacity, the bank shall require customers to transfer their virtual currencies to the control of the bank by creating new private keys to be held by the bank. In its fiduciary capacity, a bank shall have authority to manage virtual currency assets as it would any other type of asset held in such capacity.

CHAPTER 624

An Act to amend and reenact § 58.1-3295 of the Code of Virginia, relating to assessment of real property; affordable housing.

[H 400]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3295 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3295. Assessment of real property; affordable housing.

A. Notwithstanding any other provision of law, in determining the fair market value of real property operated in whole or in part as affordable rental housing, in accordance with the provisions of (i) 26 U.S.C. § 42, 26 U.S.C. § 142(d), 24 C.F.R.

§ 983, 24 C.F.R. § 236, 24 C.F.R. § 241(f), 24 C.F.R. § 221(d)(3), *the federal Rental Assistance Demonstration program established under the Consolidated and Further Continuing Appropriations Act, 2012 (P.L. 112-55)*, or any successors thereto; (ii) applicable state law; or (iii) local ordinances adopted by the locality wherein such real property is located, the duly authorized real estate assessor shall consider:

1. The contract rent and the impact of applicable rent restrictions;

2. Restrictions on the transfer of title or other restraints on alienation of the real property; and

3. The actual operating expenses and expenditures and the impact of any such additional expenses or expenditures. If an owner has two or more units of real property that (i) are operated in whole or in part as affordable rental housing and (ii) are controlled by a single restrictive use agreement regulating income and rent restrictions, and the owner has expenses and expenditures common to two or more such units, and such expenses and expenditures cannot practicably be attributed to a particular unit, then the owner has a right to have the assessor make a pro rata apportionment of such expenses and expenditures to each such unit based on each unit's assessed value as a percentage of the total assessed value of all such units. The provisions of this subdivision apply whether or not the units are in one tax parcel or multiple tax parcels.

B. The owner of real property that is operated in whole or in part as affordable rental housing in accordance with the definition of affordable rental housing established by ordinance or resolution of the locality in which the real property is located may make an application to the locality to have the real property assessed pursuant to this section. Notwithstanding the exception in § 58.1-3294 for an owner of four or fewer residential units, upon application by such an owner, the duly authorized real estate assessor may require the owner to furnish to such assessor, board, or department statements of the income and expenses attributable over a specified period of time to each such parcel of real estate in the manner required by § 58.1-3294 and to comply with all provisions of § 58.1-3294 applicable to properties with more than four rental dwelling units. The application shall be granted by the locality if (i) the owner charges rents at levels that meet the locality's definition of affordable housing and (ii) the real property does not have any pending building code violations at the time of the application.

The duly authorized real estate assessor shall also consider evidence presented by the property owner of other restrictions imposed by law that impact the variables set forth in this subsection.

C. Federal or state income tax credits with respect to affordable housing rental property within the purview of subsection A shall not be considered real property or income attributable to real property.

D. For property where only a portion of the units are operated as affordable housing, as defined in § 42 of the Internal Revenue Code or as required by state law or applicable local ordinance, only the portion determined to be affordable housing shall be subject to this section.

E. Notwithstanding any other provision in this section or other law, the real property governed by this section that is generating income as affordable housing shall be assessed using the income approach based on: the property's current use, income restrictions, provisions of any arm's-length contract including but not limited to restrictions on the transfer of title or other restraints on alienation of the real property, the requirements of subsection B, and all other provisions of this section.

CHAPTER 625

An Act to amend and reenact § 19.2-327.11 of the Code of Virginia, relating to writ of actual innocence; previously unknown or unavailable nonbiological evidence; contents and form of petition.

[H 422]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-327.11 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-327.11. Contents and form of the petition based on previously unknown or unavailable evidence of actual innocence.

A. The petitioner shall allege categorically and with specificity, under oath, all of the following: (i) the crime for which the petitioner was convicted or the offense for which the petitioner was adjudicated delinquent; (ii) that the petitioner is actually innocent of the crime for which he was convicted or the offense for which he was adjudicated delinquent; (iii) an exact description of (a) the previously unknown or unavailable evidence supporting the allegation of innocence or (b) the previously untested evidence and the scientific testing supporting the allegation of innocence; (iv)(a) that such evidence was previously unknown or unavailable to the petitioner or his trial attorney of record at the time the conviction or adjudication of delinquency became final in the circuit court or (b) if known, the reason that the evidence was not subject to scientific testing set forth in the petition; (v) the date (a) the previously unknown or unavailable evidence became known or available to the petitioner and the circumstances under which it was discovered or (b) the results of the scientific testing of previously untested evidence became known to the petitioner or any attorney of record; (vi)(a) that the previously unknown or unavailable evidence is such as could not, by the exercise of diligence, have been discovered or obtained before the ~~expiration of 21 days following entry of the final order of~~ *time the conviction or adjudication of delinquency by became final in the circuit court* or (b) that the testing procedure was not available at the time the conviction or adjudication of delinquency became final in the circuit court; (vii) that the previously unknown, unavailable, or untested evidence is material and, when considered with all of the other evidence in the current record, will prove that no rational trier of fact

would have found proof of guilt or delinquency beyond a reasonable doubt; and (viii) that the previously unknown, unavailable, or untested evidence is not merely cumulative, corroborative, or collateral. Nothing in this chapter shall constitute grounds to delay or stay any other appeals following conviction or adjudication of delinquency, or petitions to any court. Human biological evidence may not be used as the sole basis for seeking relief under this writ but may be used in conjunction with other evidence.

B. Such petition shall contain all relevant allegations of facts that are known to the petitioner at the time of filing; shall be accompanied by all relevant documents, affidavits, and test results; and shall enumerate and include all relevant previous records, applications, petitions, and appeals and their dispositions. The petition shall be filed on a form provided by the Supreme Court. If the petitioner fails to submit a completed form, the Court of Appeals may dismiss the petition or return the petition to the petitioner pending the completion of such form. Any false statement in the petition, if such statement is knowingly or willfully made, shall be a ground for prosecution of perjury as provided for in § 18.2-434.

C. In cases brought by counsel for the petitioner, the Court of Appeals shall not accept the petition unless it is accompanied by a duly executed return of service in the form of a verification that a copy of the petition and all attachments have been served on the attorney for the Commonwealth of the jurisdiction where the conviction or adjudication of delinquency occurred and the Attorney General, or an acceptance of service signed by these officials, or any combination thereof. In cases brought by petitioners pro se, the Court of Appeals shall not accept the petition unless it is accompanied by a certificate that a copy of the petition and all attachments have been sent, by certified mail, to the attorney for the Commonwealth of the jurisdiction where the conviction or adjudication of delinquency occurred and the Attorney General. If the Court of Appeals does not summarily dismiss the petition, it shall so notify in writing the Attorney General, the attorney for the Commonwealth, and the petitioner. The Attorney General shall have 60 days after receipt of such notice in which to file a response to the petition that may be extended for good cause shown; however, nothing shall prevent the Attorney General from filing an earlier response. The response may contain a proffer of any evidence pertaining to the guilt or delinquency or innocence of the petitioner that is not included in the record of the case, including evidence that was suppressed at trial.

D. The Court of Appeals may inspect the record of any trial or appellate court action, and the Court may, in any case, award a writ of certiorari to the clerk of the respective court below, and have brought before the Court the whole record or any part of any record. If, in the judgment of the Court, the petition fails to state a claim, or if the assertions of previously unknown, unavailable, or untested evidence, even if true, would fail to qualify for the granting of relief under this chapter, the Court may dismiss the petition summarily, without any hearing or a response from the Attorney General.

E. In any petition filed pursuant to this chapter that is not summarily dismissed, the petitioner is entitled to representation by counsel subject to the provisions of Article 3 (§ 19.2-157 et seq.) and Article 4 (§ 19.2-163.3 et seq.) of Chapter 10. The Court of Appeals may, in its discretion, appoint counsel prior to deciding whether a petition should be summarily dismissed.

CHAPTER 626

An Act to amend and reenact §§ 2.2-603, 2.2-2009, and 2.2-5514 of the Code of Virginia, relating to public bodies; security of government databases and data communications.

[H 1290]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-603, 2.2-2009, and 2.2-5514 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-603. Authority of agency directors.

A. Notwithstanding any provision of law to the contrary, the agency director of each agency in the executive branch of state government shall have the power and duty to (i) supervise and manage the department or agency and (ii) prepare, approve, and submit to the Governor all requests for appropriations and to be responsible for all expenditures pursuant to appropriations.

B. The director of each agency in the executive branch of state government, except those that by law are appointed by their respective boards, shall not proscribe any agency employee from discussing the functions and policies of the agency, without prior approval from his supervisor or superior, with any person unless the information to be discussed is protected from disclosure by the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) or any other provision of state or federal law.

C. Subsection A shall not be construed to restrict any other specific or general powers and duties of executive branch boards granted by law.

D. This section shall not apply to those agency directors that are appointed by their respective boards or by the Board of Education. Directors appointed in this manner shall have the powers and duties assigned by law or by the board.

E. In addition to the requirements of subsection C of § 2.2-619, the director of each agency in any branch of state government shall, at the end of each fiscal year, report to (i) the Secretary of Finance and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations a listing and general description of any federal contract, grant, or money in excess of \$1 million for which the agency was eligible, whether or not the agency applied for, accepted, and received such contract, grant, or money, and, if not, the reasons therefore and the dollar amount

and corresponding percentage of the agency's total annual budget that was supplied by funds from the federal government and (ii) the Chairmen of the House Committees on Appropriations and Finance, and the Senate Committee on Finance and Appropriations any amounts owed to the agency from any source that are more than six months delinquent, the length of such delinquencies, and the total of all such delinquent amounts in each six-month interval. Clause (i) shall not be required of public institutions of higher education.

F. Notwithstanding subsection D, the director of every agency and department in the executive branch of state government, including those appointed by their respective boards or the Board of Education, shall be responsible for securing the electronic data held by his agency or department and shall comply with the requirements of the Commonwealth's information technology security and risk-management program as set forth in § 2.2-2009.

~~G. The director of every department in the executive branch of state government shall report to the Chief Information Officer as described in § 2.2-2005, all known incidents that threaten the security of the Commonwealth's databases and data communications resulting in exposure of data protected by federal or state laws, or other incidents compromising the security of the Commonwealth's information technology systems with the potential to cause major disruption to normal agency activities. Such reports shall be made to the Chief Information Officer within 24 hours from when the department discovered or should have discovered their occurrence.~~

H. The director of every department in the executive branch of state government shall have the power and duty to comply with the provisions of § 2.2-1209.

§ 2.2-2009. Additional duties of the CIO relating to security of government information.

A. To provide for the security of state government electronic information from unauthorized uses, intrusions or other security threats, the CIO shall direct the development of policies, standards, and guidelines for assessing security risks, determining the appropriate security measures and performing security audits of government electronic information. Such policies, standards, and guidelines shall apply to the Commonwealth's executive, legislative, and judicial branches and independent agencies. The CIO shall work with representatives of the Chief Justice of the Supreme Court and Joint Rules Committee of the General Assembly to identify their needs. Such policies, standards, and guidelines shall, at a minimum:

1. Address the scope and frequency of security audits. In developing and updating such policies, standards, and guidelines, the CIO shall designate a government entity to oversee, plan, and coordinate the conduct of periodic security audits of all executive branch agencies and independent agencies. The CIO shall coordinate these audits with the Auditor of Public Accounts and the Joint Legislative Audit and Review Commission. The Chief Justice of the Supreme Court and the Joint Rules Committee of the General Assembly shall determine the most appropriate methods to review the protection of electronic information within their branches;

2. Control unauthorized uses, intrusions, or other security threats;

3. Provide for the protection of confidential data maintained by state agencies against unauthorized access and use in order to ensure the security and privacy of citizens of the Commonwealth in their interaction with state government. Such policies, standards, and guidelines shall include requirements that (i) any state employee or other authorized user of a state technology asset provide passwords or other means of authentication to use a technology asset and access a state-owned or state-operated computer network or database and (ii) a digital rights management system or other means of authenticating and controlling an individual's ability to access electronic records be utilized to limit access to and use of electronic records that contain confidential information to authorized individuals;

4. Address the creation and operation of a risk management program designed to identify information technology security gaps and develop plans to mitigate the gaps. All agencies in the Commonwealth shall cooperate with the CIO, including (i) providing the CIO with information required to create and implement a Commonwealth risk management program, (ii) creating an agency risk management program, and (iii) complying with all other risk management activities; and

5. Require that any contract for information technology entered into by the Commonwealth's executive, legislative, and judicial branches and independent agencies require compliance with applicable federal laws and regulations pertaining to information security and privacy.

B. 1. The CIO shall annually report to the Governor, the Secretary, and General Assembly on the results of security audits, the extent to which security policy, standards, and guidelines have been adopted by executive branch and independent agencies, and a list of those executive branch agencies and independent agencies that have not implemented acceptable security and risk management regulations, policies, standards, and guidelines to control unauthorized uses, intrusions, or other security threats. For any executive branch agency or independent agency whose security audit results and plans for corrective action are unacceptable, the CIO shall report such results to (i) the Secretary, (ii) any other affected cabinet secretary, (iii) the Governor, and (iv) the Auditor of Public Accounts. Upon review of the security audit results in question, the CIO may take action to suspend the executive branch agency's or independent agency's information technology projects pursuant to subsection B of § 2.2-2016.1, limit additional information technology investments pending acceptable corrective actions, and recommend to the Governor and Secretary any other appropriate actions.

2. Executive branch agencies and independent agencies subject to such audits as required by this section shall fully cooperate with the entity designated to perform such audits and bear any associated costs. Public bodies that are not required to but elect to use the entity designated to perform such audits shall also bear any associated costs.

C. In addition to coordinating security audits as provided in subdivision B 1, the CIO shall conduct an annual comprehensive review of cybersecurity policies of every executive branch agency, with a particular focus on any breaches in information technology that occurred in the reviewable year and any steps taken by agencies to strengthen cybersecurity

measures. Upon completion of the annual review, the CIO shall issue a report of his findings to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations. Such report shall not contain technical information deemed by the CIO to be security sensitive or information that would expose security vulnerabilities.

D. The provisions of this section shall not infringe upon responsibilities assigned to the Comptroller, the Auditor of Public Accounts, or the Joint Legislative Audit and Review Commission by other provisions of the Code of Virginia.

E. The CIO shall promptly receive reports from ~~directors of departments in the executive branch of state government public bodies in the Commonwealth~~ made in accordance with ~~§ 2.2-603~~ 2.2-5514 and shall take such actions as are necessary, convenient, or desirable to ensure the security of the Commonwealth's electronic information and confidential data.

F. The CIO shall provide technical guidance to the Department of General Services in the development of policies, standards, and guidelines for the recycling and disposal of computers and other technology assets. Such policies, standards, and guidelines shall include the expunging, in a manner as determined by the CIO, of all confidential data and personal identifying information of citizens of the Commonwealth prior to such sale, disposal, or other transfer of computers or other technology assets.

G. The CIO shall provide all directors of agencies and departments with all such information, guidance, and assistance required to ensure that agencies and departments understand and adhere to the policies, standards, and guidelines developed pursuant to this section.

H. The CIO shall promptly notify all public bodies as defined in § 2.2-5514 of hardware, software, or services that have been prohibited pursuant to Chapter 55.3 (§ 2.2-5514).

I. 1. This subsection applies to the Commonwealth's executive, legislative, and judicial branches and independent agencies.

2. In collaboration with the heads of executive branch and independent agencies and representatives of the Chief Justice of the Supreme Court and the Joint Rules Committee of the General Assembly, the CIO shall develop and annually update a curriculum and materials for training all state employees in information security awareness and in proper procedures for detecting, assessing, reporting, and addressing information security threats. The curriculum shall include activities, case studies, hypothetical situations, and other methods of instruction (i) that focus on forming good information security habits and procedures among state employees and (ii) that teach best practices for detecting, assessing, reporting, and addressing information security threats.

3. Every state agency shall provide annual information security training for each of its employees using the curriculum and materials developed by the CIO pursuant to subdivision 2. Employees shall complete such training within 30 days of initial employment and by January 31 each year thereafter.

State agencies may develop additional training materials that address specific needs of such agency, provided that such materials do not contradict the training curriculum and materials developed by the CIO.

The CIO shall coordinate with and assist state agencies in implementing the annual information security training requirement.

4. Each state agency shall (i) monitor and certify the training activity of its employees to ensure compliance with the annual information security training requirement, (ii) evaluate the efficacy of the information security training program, and (iii) forward to the CIO such certification and evaluation, together with any suggestions for improving the curriculum and materials, or any other aspects of the training program. The CIO shall consider such evaluations when it annually updates its curriculum and materials.

§ 2.2-5514. Prohibited products and services and required incident reporting.

A. For the purposes of this section, "public body" means any legislative body; any court of the Commonwealth; any authority, board, bureau, commission, district, or agency of the Commonwealth; any political subdivision of the Commonwealth, including counties, cities, and towns, city councils, boards of supervisors, school boards, planning commissions, and governing boards of institutions of higher education; and other organizations, corporations, or agencies in the Commonwealth supported wholly or principally by public funds. "Public body" includes any committee, subcommittee, or other entity however designated of the public body or formed to advise the public body, including those with private sector or citizen members and corporations organized by the Virginia Retirement System.

B. No public body may use, whether directly or through work with or on behalf of another public body, any hardware, software, or services that have been prohibited by the U.S. Department of Homeland Security for use on federal systems.

C. *Every public body shall report all (i) known incidents that threaten the security of the Commonwealth's data or communications or result in exposure of data protected by federal or state laws and (ii) other incidents compromising the security of the public body's information technology systems with the potential to cause major disruption to normal activities of the public body or other public bodies. Such reports shall be made to the Virginia Fusion Intelligence Center within 24 hours from when the incident was discovered. The Virginia Fusion Intelligence Center shall share such reports with the Chief Information Officer, as described in § 2.2-2005, or his designee at the Virginia Information Technologies Agency, promptly upon receipt.*

2. That the Chief Information Officer of the Commonwealth shall convene a work group to include representatives from the Virginia Data Advisory Commission, the Office of Data Governance and Analytics, the Virginia State Police, the Virginia Department of Emergency Management, the Virginia Information Technologies Agency, the Virginia Municipal League, the Virginia Association of Counties, and other relevant state or local entities. The work

group shall review current cybersecurity reporting and information sharing practices and make recommendations on best practices for the reporting of cybersecurity incidents, as well as the scope and implementation of the required incident reporting. If further legislative changes are recommended, the work group shall report its findings and such recommendations to the Governor and the Chairmen of the Senate Committee on General Laws and Technology and the House Committee on Communications, Technology and Innovation by November 15, 2022.

CHAPTER 627

An Act to amend and reenact §§ 2.2-603, 2.2-2009, and 2.2-5514 of the Code of Virginia, relating to public bodies; security of government databases and data communications.

[S 764]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-603, 2.2-2009, and 2.2-5514 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-603. Authority of agency directors.

A. Notwithstanding any provision of law to the contrary, the agency director of each agency in the executive branch of state government shall have the power and duty to (i) supervise and manage the department or agency and (ii) prepare, approve, and submit to the Governor all requests for appropriations and to be responsible for all expenditures pursuant to appropriations.

B. The director of each agency in the executive branch of state government, except those that by law are appointed by their respective boards, shall not proscribe any agency employee from discussing the functions and policies of the agency, without prior approval from his supervisor or superior, with any person unless the information to be discussed is protected from disclosure by the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) or any other provision of state or federal law.

C. Subsection A shall not be construed to restrict any other specific or general powers and duties of executive branch boards granted by law.

D. This section shall not apply to those agency directors that are appointed by their respective boards or by the Board of Education. Directors appointed in this manner shall have the powers and duties assigned by law or by the board.

E. In addition to the requirements of subsection C of § 2.2-619, the director of each agency in any branch of state government shall, at the end of each fiscal year, report to (i) the Secretary of Finance and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations a listing and general description of any federal contract, grant, or money in excess of \$1 million for which the agency was eligible, whether or not the agency applied for, accepted, and received such contract, grant, or money, and, if not, the reasons therefore and the dollar amount and corresponding percentage of the agency's total annual budget that was supplied by funds from the federal government and (ii) the Chairmen of the House Committees on Appropriations and Finance, and the Senate Committee on Finance and Appropriations any amounts owed to the agency from any source that are more than six months delinquent, the length of such delinquencies, and the total of all such delinquent amounts in each six-month interval. Clause (i) shall not be required of public institutions of higher education.

F. Notwithstanding subsection D, the director of every agency and department in the executive branch of state government, including those appointed by their respective boards or the Board of Education, shall be responsible for securing the electronic data held by his agency or department and shall comply with the requirements of the Commonwealth's information technology security and risk-management program as set forth in § 2.2-2009.

~~G. The director of every department in the executive branch of state government shall report to the Chief Information Officer as described in § 2.2-2005, all known incidents that threaten the security of the Commonwealth's databases and data communications resulting in exposure of data protected by federal or state laws, or other incidents compromising the security of the Commonwealth's information technology systems with the potential to cause major disruption to normal agency activities. Such reports shall be made to the Chief Information Officer within 24 hours from when the department discovered or should have discovered their occurrence.~~

H. The director of every department in the executive branch of state government shall have the power and duty to comply with the provisions of § 2.2-1209.

§ 2.2-2009. Additional duties of the CIO relating to security of government information.

A. To provide for the security of state government electronic information from unauthorized uses, intrusions or other security threats, the CIO shall direct the development of policies, standards, and guidelines for assessing security risks, determining the appropriate security measures and performing security audits of government electronic information. Such policies, standards, and guidelines shall apply to the Commonwealth's executive, legislative, and judicial branches and independent agencies. The CIO shall work with representatives of the Chief Justice of the Supreme Court and Joint Rules Committee of the General Assembly to identify their needs. Such policies, standards, and guidelines shall, at a minimum:

1. Address the scope and frequency of security audits. In developing and updating such policies, standards, and guidelines, the CIO shall designate a government entity to oversee, plan, and coordinate the conduct of periodic security audits of all executive branch agencies and independent agencies. The CIO shall coordinate these audits with the Auditor of Public Accounts and the Joint Legislative Audit and Review Commission. The Chief Justice of the Supreme Court and the

Joint Rules Committee of the General Assembly shall determine the most appropriate methods to review the protection of electronic information within their branches;

2. Control unauthorized uses, intrusions, or other security threats;

3. Provide for the protection of confidential data maintained by state agencies against unauthorized access and use in order to ensure the security and privacy of citizens of the Commonwealth in their interaction with state government. Such policies, standards, and guidelines shall include requirements that (i) any state employee or other authorized user of a state technology asset provide passwords or other means of authentication to use a technology asset and access a state-owned or state-operated computer network or database and (ii) a digital rights management system or other means of authenticating and controlling an individual's ability to access electronic records be utilized to limit access to and use of electronic records that contain confidential information to authorized individuals;

4. Address the creation and operation of a risk management program designed to identify information technology security gaps and develop plans to mitigate the gaps. All agencies in the Commonwealth shall cooperate with the CIO, including (i) providing the CIO with information required to create and implement a Commonwealth risk management program, (ii) creating an agency risk management program, and (iii) complying with all other risk management activities; and

5. Require that any contract for information technology entered into by the Commonwealth's executive, legislative, and judicial branches and independent agencies require compliance with applicable federal laws and regulations pertaining to information security and privacy.

B. 1. The CIO shall annually report to the Governor, the Secretary, and General Assembly on the results of security audits, the extent to which security policy, standards, and guidelines have been adopted by executive branch and independent agencies, and a list of those executive branch agencies and independent agencies that have not implemented acceptable security and risk management regulations, policies, standards, and guidelines to control unauthorized uses, intrusions, or other security threats. For any executive branch agency or independent agency whose security audit results and plans for corrective action are unacceptable, the CIO shall report such results to (i) the Secretary, (ii) any other affected cabinet secretary, (iii) the Governor, and (iv) the Auditor of Public Accounts. Upon review of the security audit results in question, the CIO may take action to suspend the executive branch agency's or independent agency's information technology projects pursuant to subsection B of § 2.2-2016.1, limit additional information technology investments pending acceptable corrective actions, and recommend to the Governor and Secretary any other appropriate actions.

2. Executive branch agencies and independent agencies subject to such audits as required by this section shall fully cooperate with the entity designated to perform such audits and bear any associated costs. Public bodies that are not required to but elect to use the entity designated to perform such audits shall also bear any associated costs.

C. In addition to coordinating security audits as provided in subdivision B 1, the CIO shall conduct an annual comprehensive review of cybersecurity policies of every executive branch agency, with a particular focus on any breaches in information technology that occurred in the reviewable year and any steps taken by agencies to strengthen cybersecurity measures. Upon completion of the annual review, the CIO shall issue a report of his findings to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations. Such report shall not contain technical information deemed by the CIO to be security sensitive or information that would expose security vulnerabilities.

D. The provisions of this section shall not infringe upon responsibilities assigned to the Comptroller, the Auditor of Public Accounts, or the Joint Legislative Audit and Review Commission by other provisions of the Code of Virginia.

E. The CIO shall promptly receive reports from ~~directors of departments in the executive branch of state government~~ *public bodies in the Commonwealth* made in accordance with § ~~2-2-603~~ 2.2-5514 and shall take such actions as are necessary, convenient, or desirable to ensure the security of the Commonwealth's electronic information and confidential data.

F. The CIO shall provide technical guidance to the Department of General Services in the development of policies, standards, and guidelines for the recycling and disposal of computers and other technology assets. Such policies, standards, and guidelines shall include the expunging, in a manner as determined by the CIO, of all confidential data and personal identifying information of citizens of the Commonwealth prior to such sale, disposal, or other transfer of computers or other technology assets.

G. The CIO shall provide all directors of agencies and departments with all such information, guidance, and assistance required to ensure that agencies and departments understand and adhere to the policies, standards, and guidelines developed pursuant to this section.

H. The CIO shall promptly notify all public bodies as defined in § 2.2-5514 of hardware, software, or services that have been prohibited pursuant to Chapter 55.3 (§ 2.2-5514).

I. 1. This subsection applies to the Commonwealth's executive, legislative, and judicial branches and independent agencies.

2. In collaboration with the heads of executive branch and independent agencies and representatives of the Chief Justice of the Supreme Court and the Joint Rules Committee of the General Assembly, the CIO shall develop and annually update a curriculum and materials for training all state employees in information security awareness and in proper procedures for detecting, assessing, reporting, and addressing information security threats. The curriculum shall include activities, case studies, hypothetical situations, and other methods of instruction (i) that focus on forming good information security habits and procedures among state employees and (ii) that teach best practices for detecting, assessing, reporting, and addressing information security threats.

3. Every state agency shall provide annual information security training for each of its employees using the curriculum and materials developed by the CIO pursuant to subdivision 2. Employees shall complete such training within 30 days of initial employment and by January 31 each year thereafter.

State agencies may develop additional training materials that address specific needs of such agency, provided that such materials do not contradict the training curriculum and materials developed by the CIO.

The CIO shall coordinate with and assist state agencies in implementing the annual information security training requirement.

4. Each state agency shall (i) monitor and certify the training activity of its employees to ensure compliance with the annual information security training requirement, (ii) evaluate the efficacy of the information security training program, and (iii) forward to the CIO such certification and evaluation, together with any suggestions for improving the curriculum and materials, or any other aspects of the training program. The CIO shall consider such evaluations when it annually updates its curriculum and materials.

§ 2.2-5514. Prohibited products and services and required incident reporting.

A. For the purposes of this section, "public body" means any legislative body; any court of the Commonwealth; any authority, board, bureau, commission, district, or agency of the Commonwealth; any political subdivision of the Commonwealth, including counties, cities, and towns, city councils, boards of supervisors, school boards, planning commissions, and governing boards of institutions of higher education; and other organizations, corporations, or agencies in the Commonwealth supported wholly or principally by public funds. "Public body" includes any committee, subcommittee, or other entity however designated of the public body or formed to advise the public body, including those with private sector or citizen members and corporations organized by the Virginia Retirement System.

B. No public body may use, whether directly or through work with or on behalf of another public body, any hardware, software, or services that have been prohibited by the U.S. Department of Homeland Security for use on federal systems.

C. Every public body shall report all (i) known incidents that threaten the security of the Commonwealth's data or communications or result in exposure of data protected by federal or state laws and (ii) other incidents compromising the security of the public body's information technology systems with the potential to cause major disruption to normal activities of the public body or other public bodies. Such reports shall be made to the Virginia Fusion Intelligence Center within 24 hours from when the incident was discovered. The Virginia Fusion Intelligence Center shall share such reports with the Chief Information Officer, as described in § 2.2-2005, or his designee at the Virginia Information Technologies Agency, promptly upon receipt.

2. That the Chief Information Officer of the Commonwealth shall convene a work group to include representatives from the Virginia Data Advisory Commission, the Office of Data Governance and Analytics, the Virginia State Police, the Virginia Department of Emergency Management, the Virginia Information Technologies Agency, the Virginia Municipal League, the Virginia Association of Counties, and other relevant state or local entities. The work group shall review current cybersecurity reporting and information sharing practices and make recommendations on best practices for the reporting of cybersecurity incidents, as well as the scope and implementation of the required incident reporting. If further legislative changes are recommended, the work group shall report its findings and such recommendations to the Governor and the Chairmen of the Senate Committee on General Laws and Technology and the House Committee on Communications, Technology and Innovation by November 15, 2022.

CHAPTER 628

An Act to direct the Board of Pharmacy to adopt regulations related to work environment requirements for pharmacy personnel.

[H 1324]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Board of Pharmacy shall adopt regulations related to work environment requirements for pharmacy personnel that protect the health, safety, and welfare of patients. Such regulations shall include provisions (i) addressing sufficient pharmacy staffing to prevent fatigue, distraction, or other conditions that interfere with a pharmacist's ability to practice with competence and safety; (ii) stating standards for uninterrupted rest periods and meal breaks for pharmacy personnel; (iii) stating standards that ensure adequate time for pharmacists to complete professional duties and responsibilities, including drug utilization reviews, immunization administration, patient counseling, and verification of prescription accuracy; and (iv) limiting external factors such as productivity or production quotas to the extent that such factors interfere with the ability to provide appropriate professional services to the public.*

2. That the Board of Pharmacy shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

CHAPTER 629

An Act to amend and reenact § 15.2-2243 of the Code of Virginia, relating to installation of certain utilities; reimbursement.
[S 52]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2243 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2243. Payment by subdivider of the pro rata share of the cost of certain facilities.

A. A locality may provide in its subdivision ordinance for payment by a subdivider or developer of land of the pro rata share of the cost of providing reasonable and necessary sewerage, water, and drainage facilities, located outside the property limits of the land owned or controlled by the subdivider or developer but necessitated or required, at least in part, by the construction or improvement of the subdivision or development; however, no such payment shall be required until such time as the governing body or a designated department or agency thereof has established a general sewer, water, and drainage improvement program for an area having related and common sewer, water, and drainage conditions and within which the land owned or controlled by the subdivider or developer is located or the governing body has committed itself by ordinance to the establishment of such a program. Such regulations or ordinance shall set forth and establish reasonable standards to determine the proportionate share of total estimated cost of ultimate sewerage, water, and drainage facilities required to adequately serve a related and common area, when and if fully developed in accord with the adopted comprehensive plan, that shall be borne by each subdivider or developer within the area. Such share shall be limited to the amount necessary to protect water quality based upon the pollutant loading caused by the subdivision or development or to the proportion of such total estimated cost which the increased sewage flow, water flow, and/or increased volume and velocity of storm water runoff to be actually caused by the subdivision or development bears to total estimated volume and velocity of such sewage, water, and/or runoff from such area in its fully developed state. In calculating the pollutant loading caused by the subdivision or development or the volume and velocity of storm water runoff, the governing body shall take into account the effect of all on-site storm water facilities or best management practices constructed or required to be constructed by the subdivider or developer and give appropriate credit therefor.

B. A locality that has adopted an ordinance pursuant to subsection A may also provide in its subdivision ordinance that, when adequate water, sewerage, or drainage facilities are not available to serve a proposed subdivision or development, the subdivider or developer of the property may be permitted to install reasonable and necessary water, sewerage, and drainage facilities, located on or outside the property limits of the land owned or controlled by the subdivider or developer but necessitated or required, at least in part, by the utility needs of the development or subdivision, including reasonably anticipated capacity, extensions, or maintenance considerations of a utility service plan for the service area. The ordinance ~~may~~ shall provide that such subdivider or developer ~~may~~ shall be entitled to reimbursement of a portion of its costs by any subsequent subdivider or developer that utilizes the installed water, sewerage or drainage facilities or from connection fees paid for lots within its development, and the ordinance may limit the duration of the reimbursements. The locality is authorized to administer by ordinance and by adopted reasonable policies and procedures standards for installation of such water, sewerage, and drainage facilities and parameters for pro rata reimbursement or connection or capacity fee reimbursement. The provisions of this subsection shall not be deemed to limit the authority of (i) localities that have not adopted an ordinance pursuant to subsection A or (ii) authorities established pursuant to the Virginia Water and Waste Authorities Act (§ 15.2-5100 et seq.) to establish policies for reimbursement or credits from connection fees or to other utility fund sources to subdividers and developers constructing water, sewerage, or drainage facilities.

C. Each payment pursuant to subsection A received shall be expended only for necessary engineering and related studies and the construction of those facilities identified in the established sewer, water, and drainage program; however, in lieu of such payment the governing body may provide for the posting of a personal, corporate or property bond, cash escrow, or other method of performance guarantee satisfactory to it conditioned on payment at commencement of such studies or construction. The payments received shall be kept in a separate account for each of the individual improvement programs until such time as they are expended for the improvement program. All bonds, payments, cash escrows, or other performance guarantees hereunder shall be released and used, with any interest earned, as a tax credit on the real estate taxes on the property if construction of the facilities identified in the established water, sewer, and drainage programs is not commenced within 12 years from the date of the posting of the bond, payment, cash escrow, or other performance guarantee.

D. Any funds collected for pro rata programs under this section prior to July 1, 1990, shall continue to be held in separate, interest bearing accounts for the project or projects for which the funds were collected and any interest from such accounts shall continue to accrue to the benefit of the subdivider or developer until such time as the project or projects are completed or until such time as a general sewer and drainage improvement program is established to replace a prior sewer and drainage improvement program. If such a general improvement program is established, the governing body of any locality may abolish any remaining separate accounts and require the transfer of the assets therein into a separate fund for the support of each of the established sewer, water, and drainage programs. Upon the transfer of such assets, subdividers and developers who had met the terms of any existing agreements made under a previous pro rata program shall receive any outstanding interest which has accrued up to the date of transfer, and such subdividers and developers shall be released from

any further obligation under those existing agreements. All bonds, payments, cash escrows, or other performance guarantees hereunder shall be released and used, with any interest earned, as a tax credit on the real estate taxes on the property if construction of the facilities identified in the established water, sewer, and drainage programs is not commenced within 12 years from the date of the posting of the bond, payment, cash escrow, or other performance guarantee.

CHAPTER 630

An Act to amend and reenact §§ 64.2-2002 and 64.2-2009 of the Code of Virginia, relating to petitions for guardianship; appointment of guardians.

[S 302]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 64.2-2002 and 64.2-2009 of the Code of Virginia are amended and reenacted as follows:

§ 64.2-2002. Who may file petition; contents.

A. Any person, *including a community services board and any other local or state governmental agency*, may file a petition for the appointment of a guardian, a conservator, or both.

B. A petition for the appointment of a guardian, a conservator, or both, shall state the petitioner's name, place of residence, post office address, and relationship, if any, to the respondent and, to the extent known as of the date of filing, shall include the following:

1. The respondent's name, date of birth, place of residence or location, post office address, and the sealed filing of the social security number;

2. The basis for the court's jurisdiction under the provisions of Article 2 (§ 64.2-2105 et seq.) of Chapter 21;

3. The names and post office addresses of the respondent's spouse, adult children, parents, and adult siblings or, if no such relatives are known to the petitioner, at least three other known relatives of the respondent, including stepchildren. If a total of three such persons cannot be identified and located, the petitioner shall certify that fact in the petition, and the court shall set forth such finding in the final order;

4. The name, place of residence or location, and post office address of the individual or facility, if any, that is responsible for or has assumed responsibility for the respondent's care or custody;

5. The name, place of residence or location, and post office address of any agent designated under a durable power of attorney or an advance directive of which the respondent is the principal, and any guardian, committee, or conservator currently acting, whether in this state or elsewhere, and the petitioner shall attach a copy of any such durable power of attorney, advance directive, or order appointing the guardian, committee, or conservator, if available;

6. The type of guardianship or conservatorship requested and a brief description of the nature and extent of the respondent's alleged incapacity;

7. When the petition requests appointment of a guardian, a brief description of the services currently being provided for the respondent's health, care, safety, or rehabilitation and, where appropriate, a recommendation as to living arrangements and treatment plan;

8. If the appointment of a limited guardian is requested, the specific areas of protection and assistance to be included in the order of appointment and, if the appointment of a limited conservator is requested, the specific areas of management and assistance to be included in the order of appointment;

9. The name and post office address of any proposed guardian or conservator or any guardian or conservator nominated by the respondent and that person's relationship to the respondent;

10. The native language of the respondent and any necessary alternative mode of communication;

11. A statement of the financial resources of the respondent that shall, to the extent known, list the approximate value of the respondent's property and the respondent's anticipated annual gross income, other receipts, and debts;

12. A statement of whether the petitioner believes that the respondent's attendance at the hearing would be detrimental to the respondent's health, care, or safety; and

13. A request for appointment of a guardian ad litem.

§ 64.2-2009. Court order of appointment; limited guardianships and conservatorships.

A. The court's order appointing a guardian or conservator shall (i) state the nature and extent of the person's incapacity; (ii) define the powers and duties of the guardian or conservator so as to permit the incapacitated person to care for himself and manage property to the extent he is capable; (iii) specify whether the appointment of a guardian or conservator is limited to a specified length of time, as the court in its discretion may determine; (iv) specify the legal disabilities, if any, of the person in connection with the finding of incapacity, including but not limited to mental competency for purposes of Article II, Section 1 of the Constitution of Virginia or Title 24.2; (v) include any limitations deemed appropriate following consideration of the factors specified in § 64.2-2007; (vi) set the bond of the guardian and the bond and surety, if any, of the conservator; and (vii) where a petition is brought prior to the incapacitated person's eighteenth birthday, pursuant to subsection C of § 64.2-2001, whether the order shall take effect immediately upon entry or on the incapacitated person's eighteenth birthday.

B. The court may appoint a limited guardian for an incapacitated person who is capable of addressing some of the essential requirements for his care for the limited purpose of medical decision making, decisions about place of residency, or other specific decisions regarding his personal affairs. The court may appoint a limited conservator for an incapacitated person who is capable of managing some of his property and financial affairs for limited purposes that are specified in the order.

C. Unless the guardian has a professional relationship with the incapacitated person or is employed by or affiliated with a facility where the person resides, the court's order may authorize the guardian to consent to the admission of the person to a facility pursuant to § 37.2-805.1, upon finding by clear and convincing evidence that (i) the person has severe and persistent mental illness that significantly impairs the person's capacity to exercise judgment or self-control, as confirmed by the evaluation of a licensed psychiatrist; (ii) such condition is unlikely to improve in the foreseeable future; and (iii) the guardian has formulated a plan for providing ongoing treatment of the person's illness in the least restrictive setting suitable for the person's condition.

D. A guardian need not be appointed for a person who has appointed an agent under an advance directive executed in accordance with the provisions of Article 8 (§ 54.1-2981 et seq.) of Chapter 29 of Title 54.1, unless the court determines that the agent is not acting in accordance with the wishes of the principal or there is a need for decision making outside the purview of the advance directive. *A guardian need not be appointed for a person where a health care decision is made pursuant to, and within the scope of, the Health Care Decisions Act (§ 54.1-2981 et seq.).*

A conservator need not be appointed for a person (i) who has appointed an agent under a durable power of attorney, unless the court determines pursuant to the Uniform Power of Attorney Act (§ 64.2-1600 et seq.) that the agent is not acting in the best interests of the principal or there is a need for decision making outside the purview of the durable power of attorney or (ii) whose only or major source of income is from the Social Security Administration or other government program and who has a representative payee.

E. All orders appointing a guardian shall include the following statements in conspicuous bold print in at least 14-point type:

"1. Pursuant to § 64.2-2009 of the Code of Virginia, _____ (name of guardian), is hereby appointed as guardian of _____ (name of respondent) with all duties and powers granted to a guardian pursuant to § 64.2-2019 of the Code of Virginia, including but not limited to: (enter a statement of the rights removed and retained, if any, at the time of appointment; whether the appointment of a guardian is a full guardianship, public guardianship pursuant to § 64.2-2010 of the Code of Virginia, limited guardianship pursuant to § 64.2-2009 of the Code of Virginia, or temporary guardianship; and the duration of the appointment).

2. Pursuant to the provisions of subsection E of § 64.2-2019 of the Code of Virginia, a guardian, to the extent possible, shall encourage the incapacitated person to participate in decisions, shall consider the expressed desires and personal values of the incapacitated person to the extent known, and shall not unreasonably restrict an incapacitated person's ability to communicate with, visit, or interact with other persons with whom the incapacitated person has an established relationship.

3. Pursuant to § 64.2-2020 of the Code of Virginia, an annual report shall be filed by the guardian with the local department of social services for the jurisdiction where the incapacitated person resides.

4. Pursuant to § 64.2-2012 of the Code of Virginia, all guardianship orders are subject to petition for restoration of the incapacitated person to capacity; modification of the type of appointment or areas of protection, management, or assistance granted; or termination of the guardianship."

2. That the Department of Behavioral Health and Developmental Services shall convene a work group to consider issues related to (i) the care of adults with permanent disabilities that render them incapable of making informed decisions about their own care and (ii) potential changes to guardianship requirements to make it easier for parents to care for their adult children with such disabilities. The work group shall include representatives from the Joint Legislative Audit and Review Commission, the Department for Aging and Rehabilitative Services, the Department of Social Services, the Department of Medical Assistance Services, the Office of the Executive Secretary of the Supreme Court of Virginia, the Virginia Poverty Law Center, the Virginia Disability Law Center, the Virginia Academy of Elder Law Attorneys, the Virginia Board for People with Disabilities, and The Arc of Virginia. The work group shall make recommendations for legislative changes to address these issues by November 1, 2022, to the Chairmen of the Senate Committee on the Judiciary and the House Committee for Courts of Justice.

CHAPTER 631

An Act to amend and reenact § 58.1-3213 of the Code of Virginia, relating to real property tax; exemption for the elderly and handicapped.

[S 648]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3213 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3213. Application for exemption.

A. The person claiming such exemption shall file annually with the commissioner of the revenue of the county, city or town assessing officer or such other officer as may be designated by the governing body in which such dwelling lies, on forms to be supplied by the county, city or town concerned, an affidavit or written statement setting forth (i) the names of the related persons occupying such real estate and (ii) that the total combined net worth including equitable interests and the combined income from all sources, of the persons specified in § 58.1-3212, does not exceed the limits, if any, prescribed in the local ordinance.

B. In lieu of the annual affidavit or written statement filing requirement, a county, city or town may prescribe by ordinance for the filing of the affidavit or written statement on a three-year cycle with an annual certification by the taxpayer that no information contained on the last preceding affidavit or written statement filed has changed to violate the limitations and conditions provided herein.

C. Notwithstanding the provisions of subsections A, B, and E, any county, city or town may, by local ordinance, prescribe the content of the affidavit or written statement described in subsection A, subject to the requirements established in §§ 58.1-3210, 58.1-3211.1, and 58.1-3212, and the local ordinance; the frequency with which an affidavit, written statement or certification as described in subsection B of this section must be filed; and a procedure for late filing of affidavits or written statements.

D. If such person is under 65 years of age, such form shall have attached thereto a certification by the Social Security Administration, the Department of Veterans Affairs or the Railroad Retirement Board, or if such person is not eligible for certification by any of these agencies, a sworn affidavit by two medical doctors who are either licensed to practice medicine in the Commonwealth or are military officers on active duty who practice medicine with the United States Armed Forces, to the effect that the person is permanently and totally disabled, as defined in § 58.1-3217; however, a certification pursuant to 42 U.S.C. § 423 (d) by the Social Security Administration so long as the person remains eligible for such social security benefits shall be deemed to satisfy such definition in § 58.1-3217. The affidavit of at least one of the doctors shall be based upon a physical examination of the person by such doctor. The affidavit of one of the doctors may be based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining permanent and total disability as defined in § 58.1-3217.

E. Such affidavit, written statement or certification shall be filed after January 1 of each year, but before April 1, or such later date as may be fixed by ordinance. Such ordinance may include a procedure for late filing by first-time applicants or for hardship cases. *Any locality may provide by ordinance that it shall accept such affidavits, written statements, or certifications on a rolling basis throughout the year.*

F. The commissioner of the revenue or town assessing officer or another officer designated by the governing body of the county, city or town shall also make any other reasonably necessary inquiry of persons seeking such exemption, requiring answers under oath, to determine qualifications as specified herein, including qualification as permanently and totally disabled as defined in § 58.1-3217 and qualification for the exclusion of life insurance benefits paid upon the death of an owner of a dwelling, or as specified by county, city or town ordinance. The local governing body may, in addition, require the production of certified tax returns to establish the income or financial worth of any applicant for tax relief or deferral.

CHAPTER 632

An Act to repeal the second enactment of Chapter 807 of the Acts of Assembly of 2007, as amended by Chapter 512 of the Acts of Assembly of 2014 and Chapter 478 of the Acts of Assembly of 2018, relating to the Virginia State Bar; Clients' Protection Fund.

[H 1285]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the second enactment of Chapter 807 of the Acts of Assembly of 2007, as amended by Chapter 512 of the Acts of Assembly of 2014 and Chapter 478 of the Acts of Assembly of 2018, is repealed.

CHAPTER 633

An Act to amend and reenact §§ 3.2-5144 and 35.1-14.2 of the Code of Virginia, relating to food donations; labeling; liability.

[H 1249]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-5144 and 35.1-14.2 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-5144. Exemption from civil and criminal liability in certain cases.

A. As used in this section:

"Entity" means a farmer; processor; distributor; wholesaler; food service establishment; restaurant; or retailer of food, including a grocery, convenience, or other store selling food or food products.

"Food donor" means an individual or entity.

"Food organization" means a food bank or any Feeding America certified food bank or food bank member charity that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code that maintains a food storage facility certified by the Department and, where required by ordinance, by the State Department of Health.

~~B. Any farmer, processor, distributor, wholesaler, food service establishment, restaurant, or retailer of food, including a grocery, convenience, or other store selling food or food products, who entity that donates food to any food bank or any second harvest certified food bank or food bank member charity that is exempt from taxation under 26 U.S.C. § 501(e) (3), which maintains a food storage facility certified by the Department and, where required by ordinance, by the State Department of Health, food organization~~ for use or distribution by the organization shall be exempt from civil liability arising from any injury or death resulting from the nature, age, condition, or packaging of the donated food. The exemption of this section shall not apply if the injury or death directly results from the gross negligence or intentional act of the donor. If the donor is a food service establishment or a restaurant, such donor shall comply with the regulations of the Board of Health with respect to the safe preparation, handling, protection, and preservation of food, including necessary refrigeration or heating methods, pursuant to the provisions of § 35.1-14.

C. No food donor or food organization shall be criminally or civilly liable for donating or receiving food past the best-by date as long as all parties are informed and the food is labeled as not meeting all labeling and date requirements. The exemption of this section shall not apply if injury or death directly results from the gross negligence or intentional misconduct of the food donor or food organization.

~~B- D.~~ Any farmer who gratuitously allows persons to enter upon his own land for purposes of removing any crops remaining in his fields following the harvesting thereof, shall be exempt from civil liability arising out of any injury or death resulting from the nature or condition of such land or the nature, age, or condition of any such crop. The exemption of this section shall not apply if the injury or death directly results from the gross negligence or intentional act of the farmer.

§ 35.1-14.2. Donations of food to charitable organizations.

A. Any restaurant, licensed by the Department of Health pursuant to this title and any processor, distributor, wholesaler or retailer of food, including, but not limited to, a grocery, convenience, or other store selling food or food products, may donate unserved excess foods to any charity organization that is exempt from taxation under 26 U.S.C. § 501(c) (3) of the Internal Revenue Code, and to political subdivisions for distribution to needy persons. Charitable organizations engaged in food distribution programs for needy persons shall notify the local political subdivision of their programs. Upon the notification of such food distribution programs by such charitable organizations, the local political subdivision shall provide a list of such charitable organizations within its jurisdiction to those restaurants and other food suppliers who request such information. Organizations engaged in such food distribution programs shall be exempt from civil liability as provided in § 3.2-5144 for the donors of the food.

B. Charitable organizations engaged in food distribution programs for needy persons shall be deemed exempt from state and local regulations and local ordinances that govern food service and preparation. In addition to accepting donations of food as provided in subsection A, such organizations may accept food prepared by their employees or volunteers in private homes or in facilities not otherwise licensed as provided in this chapter.

For the purposes of this subsection, "charitable organizations" shall include nonprofit homeless shelters and hunger prevention programs.

C. No food donor or food organization, as defined in § 3.2-5144, shall be criminally or civilly liable for donating or receiving (i) commercially processed food past the best-by or sell-by date as long as the food meets all labeling and date requirements or (ii) date-marked prepared foods not past the marked disposition date, when the marked date does not exceed seven calendar days from the date of preparation, and the day of preparation is counted as day one. The exemption of this section shall not apply if injury or death directly results from the gross negligence or intentional misconduct of the donor or donee.

D. The Board may issue advisory standards for the safe preparation, handling, protection, and preservation of food by the organizations exempted in subsection B.

CHAPTER 634

An Act to amend and reenact § 58.1-609.1 of the Code of Virginia, relating to sales tax exemption; gold, silver, and platinum bullion.

[S 26]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-609.1 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-609.1. Governmental and commodities exemptions.

The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606 shall not apply to the following:

1. Fuels which are subject to the tax imposed by Chapter 22 (§ 58.1-2200 et seq.). Persons who are refunded any such fuel tax shall, however, be subject to the tax imposed by this chapter, unless such taxes would be specifically exempted pursuant to any provision of this section.

2. Motor vehicles, trailers, semitrailers, mobile homes and travel trailers.

3. Gas, electricity, or water when delivered to consumers through mains, lines, or pipes.

4. Tangible personal property for use or consumption by the Commonwealth, any political subdivision of the Commonwealth, or the United States. This exclusion shall not apply to sales and leases to privately owned financial and other privately owned corporations chartered by the United States. Further, this exemption shall not apply to tangible personal property which is acquired by the Commonwealth or any of its political subdivisions and then transferred to private businesses for their use in a facility or real property improvement to be used by a private entity or for nongovernmental purposes other than tangible personal property acquired by the Herbert H. Bateman Advanced Shipbuilding and Carrier Integration Center and transferred to a Qualified Shipbuilder as defined in the third enactment of Chapter 790 of the 1998 Acts of the General Assembly.

5. Aircraft subject to tax under Chapter 15 (§ 58.1-1500 et seq.).

6. a. Motor fuels and alternative fuels for use in a commercial watercraft, as defined in § 58.1-2201, upon which a fuel tax is refunded pursuant to § 58.1-2259.

b. Fuels transactions upon which a fuel tax is refunded pursuant to subdivision A 22 of § 58.1-2259.

7. Sales by a government agency of the official flags of the United States, the Commonwealth of Virginia, or of any county, city or town.

8. Materials furnished by the State Board of Elections pursuant to §§ 24.2-404 through 24.2-407.

9. Watercraft as defined in § 58.1-1401.

10. Tangible personal property used in and about a marine terminal under the supervision of the Virginia Port Authority for handling cargo, merchandise, freight and equipment. This exemption shall apply to agents, lessees, sublessees or users of tangible personal property owned by or leased to the Virginia Port Authority and to property acquired or used by the Authority or by a nonstock, nonprofit corporation that operates a marine terminal or terminals on behalf of the Authority.

11. Sales by prisoners confined in state correctional facilities of artistic products personally made by the prisoners as authorized by § 53.1-46.

12. Tangible personal property for use or consumption by the Virginia Department for the Blind and Vision Impaired or any nominee, as defined in § 51.5-60, of such Department.

13. [Expired.]

14. Tangible personal property sold to residents and patients of the Virginia Veterans Care Center at a canteen operated by the Department of Veterans Services.

15. Tangible personal property for use or consumption by any nonprofit organization whose members include the Commonwealth and other states and which is organized for the purpose of fostering interstate cooperation and excellence in government.

16. Tangible personal property purchased for use or consumption by any soil and conservation district which is organized in accordance with the provisions of Article 3 (§ 10.1-506 et seq.) of Chapter 5 of Title 10.1.

17. Tangible personal property sold or leased to Alexandria Transit Company, Greater Lynchburg Transit Company, GRTC Transit System, or Greater Roanoke Transit Company, or to any other transit company that is owned, operated, or controlled by any county, city, or town, or any combination thereof, that provides public transportation services, and/or tangible personal property sold or leased to any county, city, or town, or any combination thereof, that is transferred to any of the companies set forth in this subdivision owned, operated, or controlled by any county, city, or town, or any combination thereof, that provides public transportation services.

18. (Expires July 1, 2022) Qualified products designated as Energy Star or WaterSense with a sales price of \$2,500 or less per product purchased for noncommercial home or personal use. The exemption provided by this subdivision shall apply only to sales occurring during the three-day period that begins each year on the first Friday in August and ends at 11:59 p.m. on the following Sunday.

For the purposes of this exemption, an Energy Star qualified product is any dishwasher, clothes washer, air conditioner, ceiling fan, light bulb, dehumidifier, programmable thermostat, or refrigerator, the energy efficiency of which has been designated by the United States Environmental Protection Agency and the United States Department of Energy as meeting or exceeding each such agency's requirements under the Energy Star program. For the purposes of this exemption, WaterSense qualified products are those that have been recognized as being water efficient by the WaterSense program sponsored by the U.S. Environmental Protection Agency as indicated by a WaterSense label.

19. ~~Effective through June 30, 2022, gold~~ *Effective through June 30, 2025, gold*, silver, or platinum bullion or legal tender coins whose sales price exceeds \$1,000. Each piece of gold, silver, or platinum or legal tender coin need not exceed \$1,000, provided that the sales price of one entire transaction of such pieces exceeds \$1,000. "Gold, silver, or platinum bullion" means gold, silver, or platinum, and any combination thereof, that has gone through a refining process and is in a state or condition such that its value depends on its mass and purity and not on its form, numismatic value, or other value. Gold, silver, or platinum bullion may contain other metals or substances, provided that the other substances by themselves have minimal value compared with the value of the gold, silver, or platinum. "Legal tender coins" means coins of any metal

content issued by a government as a medium of exchange or payment of debts. "Gold, silver, or platinum bullion" and "legal tender coins" do not include jewelry or works of art.

20. Tangible personal property sold by a sheriff at a correctional facility pursuant to § 53.1-127.1 and sales of prepared food within such correctional facility.

CHAPTER 635

An Act to amend and reenact § 46.2-1239.1 of the Code of Virginia, relating to Potomac River Bridge Towing Compact.

[S 131]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1239.1 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1239.1. Potomac River Bridge Towing Compact.

Article I. Parties and Titles.

The Parties to this Compact are the Commonwealth of Virginia, the State of Maryland and the District of Columbia. This agreement shall be known as the Potomac River Bridge Towing Compact.

Article II. Findings and Purpose.

The Woodrow Wilson Memorial Bridge, Rochambeau Memorial Bridge, George Mason Memorial Bridge, Theodore Roosevelt Memorial Bridge, Francis Scott Key Bridge, Chain Bridge, Harry W. Nice Bridge, Sandy Hook Bridge, Brunswick Bridge, Point of Rocks Bridge, *Arland D. Williams, Jr. Memorial Bridge*, and American Legion Memorial Bridge (*the Potomac River bridges*) all pass through the territorial jurisdiction of two or more of the three Parties. Experience has shown that traffic back-ups often prevent state troopers or police officers of the appropriate jurisdiction from arriving at the scene of a disabled or abandoned vehicle to take corrective action. The purpose of this Compact is to facilitate the prompt and orderly removal of disabled and abandoned vehicles from the *Potomac River* bridges, *as they are currently named or may subsequently be renamed*, by giving all three Parties jurisdiction to exercise appropriate authority anywhere on the bridges.

Article III. Authority to Direct Traffic and Authorize Removal of Vehicles.

The Parties hereby give one another all necessary power and authority to have their respective state troopers or local law-enforcement officers direct traffic and authorize the removal of disabled or abandoned vehicles, trailers, semitrailers or the parts or contents thereof, from any part of the Potomac River bridges, to the same extent and in the same manner that such troopers and local law-enforcement officers may exercise such authority in their own jurisdictions. However, no Party, acting through its troopers or local law-enforcement officers, shall have the authority to direct or authorize the towing or removal of any vehicle or other thing to a destination outside its own jurisdiction, unless the consent of an officer or trooper of the destination jurisdiction has been obtained.

Article IV. Disposition of Towed Vehicles.

All vehicles and their contents towed or removed from the Potomac River bridges pursuant to this Compact shall be subject to the exclusive jurisdiction of the place to which such vehicle and its contents are taken, and the handling and disposition of such vehicle and its contents shall be governed by the laws and procedures of that jurisdiction.

Article V. No Agency.

Each of the Parties shall act solely on its own authority within the jurisdiction granted. This Compact shall not be construed as creating any agency relationship between the Parties.

Article VI. Effective Date.

The provisions of this Compact shall take effect thirty days after the legislative bodies of the Parties having jurisdiction over one or several of the bridges identified in Article II have enacted Compacts substantially identical to this Compact.

Article VII. Termination.

The Governor of the Commonwealth of Virginia or State of Maryland, or the Mayor of the District of Columbia may withdraw from this Compact at any time upon thirty days' written notice to the other Parties.

2. That the provisions of this act shall become effective only upon enactment by the legislative bodies of the State of Maryland and the District of Columbia of legislation substantially similar to this act.

CHAPTER 636

An Act to amend and reenact § 46.2-336 of the Code of Virginia, relating to issuance of original driver's licenses to minors.

[S 139]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-336 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-336. Manner of issuing original driver's licenses to minors.

~~The~~ *A. Except as provided in subsection B, the Department shall forward all original driver's licenses issued to persons under the age of 18 years to the judge of the juvenile and domestic relations court in the city or county in which the licensee resides. The judge or a substitute judge shall issue to each person to be licensed the license so forwarded, and shall, at the time of issuance, conduct a formal, appropriate ceremony, in which he shall illustrate to the licensee the responsibility attendant on the privilege of driving a motor vehicle. The attorney for the Commonwealth who serves the jurisdiction in which the ceremony is to be conducted may request in writing in advance of such ceremony an opportunity to participate in the ceremony. Any judge who presides over such ceremony shall, upon request, afford the attorney for the Commonwealth the opportunity to participate in such ceremony and to address the prospective licensees and the persons enumerated below who may be accompanying the prospective licensees as to matters of enforcement, prosecutions, applicable punishments, and the responsibility of drivers generally. If the licensee is under the age of 18 years at the time his ceremony is held, he shall be accompanied at the ceremony by a parent, his guardian, spouse, or other person in loco parentis. However, the judge, for good cause shown, may mail or otherwise deliver the driver's license to any person who is a student at any educational institution outside of the Commonwealth of Virginia at the time such license is received by the judge as prescribed in this section.*

B. The chief juvenile and domestic relations district court judge may waive the ceremonial requirements of subsection A for each juvenile and domestic relations district court within the district or order that each juvenile and domestic relations district court within the district conduct such ceremony in an alternative manner. In courts where the ceremony has been waived, the Department shall mail or otherwise deliver the driver's licenses directly to licensees.

C. The provisions of this section shall not apply to the issuance of Virginia driver's licenses to persons who hold valid driver's licenses issued by other states.

CHAPTER 637

An Act to amend and reenact §§ 1 and 4 of the charter of the Town of Appomattox in Appomattox County, which was granted by order of the Circuit Court of the County of Appomattox on June 2, 1925, and as amended by Chapter 43 of the Acts of Assembly of 1980, and as further amended by Chapters 134 and 135 of the Acts of Assembly of 2021, Special Session I, relating to election and appointment of officers; time of election.

[S 164]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 1 and 4 of the charter of the Town of Appomattox in Appomattox County, which was granted by order of the Circuit Court of the County of Appomattox on June 2, 1925, and as amended by Chapter 43 of the Acts of Assembly of 1980, and as further amended by Chapters 134 and 135 of the Acts of Assembly of 2021, Special Session I, are amended and reenacted as follows:

§ 1. Election and appointment of officers, etc.

There shall be elected by the qualified voters of said town; ~~every two years on the first Tuesday in May of every even-numbered year,~~ one elector thereof who shall be denominated the mayor; and six electors; who shall be denominated the councilmen of said town. The mayor and six councilmen shall constitute the council of said town. The town council shall have the authority to appoint or employ a town clerk, a treasurer, a commissioner of revenue, a town manager, a health or sanitary officer, and such other officers as it may deem appropriate for the proper conduct of government of the town. The same person may serve in one or more of such capacities. The town council shall have the power to fix the salaries and compensation of said employees and appointees as necessary, but such compensation shall be fixed by said council before the individual chosen shall assume the duties of office. The town council may also appoint committees and boards and prescribe and fix their duties.

§ 4. Terms of office - vacancy and how filled.

The mayor and members of council in office on July 1, 2021, shall continue in office until the expiration of the terms for which they were elected or until their successors are elected and qualified. At the next election of members to the town council held on the ~~first Tuesday following the first Monday in May~~ ~~November 2022,~~ the three council candidates receiving the greatest number of votes shall be elected for ~~three and one-half year~~ ~~four-year~~ terms, and the three council candidates receiving the next greatest number of votes and the mayor shall be elected for ~~one and one-half year~~ ~~two-year~~ terms. Thereafter, the council members shall be elected for terms of four years, and the mayor shall be elected for a term of two years, or until their successors are elected and qualified. An election shall be held on the Tuesday following the first Monday in November ~~2023~~ ~~2024~~ for the three council seats first expiring and for the mayor, and on the Tuesday following the first Monday in November ~~2025~~ ~~2026~~ for the three council seats next expiring ~~and for the mayor~~. Elections thereafter shall be held every two years on the Tuesday following the first Monday in November. The term of each person elected under this section at a November election shall begin on January 1 next following the election. In case of a vacancy in the office of mayor, or councilmen, elected by the electors of said town, caused by death, resignation or otherwise, such vacancy shall be filled by a majority vote of the town council from the electors of the town for the unexpired term.

CHAPTER 638

An Act to amend and reenact § 54.1-526 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 23.1-408.1, relating to intercollegiate athletics; student-athletes; compensation and representation for name, image, or likeness.

[S 223]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-526 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 23.1-408.1 as follows:

§ 23.1-408.1. *Intercollegiate athletics; student-athletes; compensation and representation for name, image, or likeness.*

A. As used in this section:

"Athlete agent" means an individual who holds a valid certificate of registration as an athlete agent issued pursuant to Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1.

"Attorney" means an attorney licensed to practice law in the Commonwealth.

"Compensation" means any type of remuneration or anything of value. "Compensation" does not include any (i) scholarship provided to a student-athlete that covers some or all of the cost of attendance at an institution at which the student-athlete is enrolled or (ii) benefit a student-athlete may receive in accordance with the rules of the relevant athletic association or conference.

"Institution" means a private institution of higher education, associate-degree-granting public institution of higher education, or baccalaureate public institution of higher education.

"Student-athlete" means an individual enrolled at an institution who participates in intercollegiate athletics.

B. No institution or agent thereof, athletic association, athletic conference, or other organization with authority over intercollegiate athletics shall:

1. Prohibit or prevent a student-athlete from earning compensation for the use of his name, image, or likeness, except as otherwise permitted in this section;

2. Prohibit or prevent a student-athlete from obtaining professional representation by an athlete agent or legal representation by an attorney in connection with issues related to name, image, or likeness;

3. Declare a student-athlete ineligible for intercollegiate athletic competition because he earns compensation for the use of his name, image, or likeness or obtains professional representation by an athlete agent or attorney in connection with issues related to name, image, or likeness; or

4. Reduce, cancel, revoke, or not renew an athletic scholarship because a student-athlete earns compensation for the use of his name, image, or likeness or obtains professional representation by an athlete agent or attorney in connection with issues related to name, image, or likeness.

C. No athletic association, athletic conference, or other organization with authority over intercollegiate athletics shall prohibit or prevent an institution from becoming a member of the association, conference, or organization or participating in intercollegiate athletics sponsored by such association, conference, or organization as a consequence of any student-athlete earning compensation for the use of his name, image, or likeness or obtaining representation by an athlete agent or attorney in connection with issues related to name, image, or likeness.

D. No student-athlete shall earn compensation for the use of his name, image, or likeness in connection with any of the following:

1. Alcohol and alcoholic beverages;

2. Adult entertainment;

3. Cannabis, cannabinoids, cannabidiol, or other derivatives, not including hemp or hemp products;

4. Controlled substances, as defined in § 54.1-3401;

5. Performance enhancing drugs or substances such as steroids or human growth hormone;

6. Drug paraphernalia, as defined in § 18.2-265.1;

7. Tobacco, tobacco products, alternative nicotine products, nicotine vapor products, and similar products and devices;

8. Weapons, including firearms and ammunition for firearms; and

9. Casinos or gambling, including sports betting.

E. An institution may prohibit a student-athlete from earning compensation for the use of his name, image, or likeness while the student-athlete is engaged in academic, official team, or athletic department activities, including class, tutoring, competition, practice, travel, academic services, community service, promotional activities, and other athletic department activities.

F. No student-athlete shall use an institution's facilities; apparel; equipment; uniforms; or intellectual property, including logos, indicia, registered and unregistered trademarks, and products protected by copyright, for any opportunity to earn compensation for the use of his name, image, or likeness, unless otherwise permitted by the institution.

G. Prior to executing an agreement concerning the use of his name, image, or likeness, a student-athlete shall disclose such agreement to the institution at which he is enrolled in a manner designated by the institution. If a student-athlete discloses a potential agreement that conflicts with an existing institutional agreement, the institution shall disclose the relevant terms of the conflicting agreement to the student-athlete.

H. An institution may prohibit a student-athlete from using his name, image, or likeness to earn compensation if the proposed use conflicts with an existing institutional agreement.

I. No institution shall, except as otherwise permitted in this section, enter into, renew, or modify any agreement that prohibits a student-athlete from using his name, image, or likeness to earn compensation while the student-athlete is engaged in non-academic, unofficial team, or non-athletic department activities.

J. Nothing in this section shall be construed to impact the employment status of a student-athlete. No student-athlete shall be considered an employee of an institution based on participation in intercollegiate athletics.

K. Any student-athlete who is aggrieved by any action of an institution or agent thereof, athletic association, athletic conference, or other organization with authority over intercollegiate athletics in violation of any provision of this section may bring an action for injunctive relief.

§ 54.1-526. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Agency contract" means an agreement in which a student-athlete authorizes a person to negotiate or solicit on behalf of the student-athlete a professional sports services contract or endorsement contract.

"Athlete agent" means an individual, whether or not registered under this chapter, who (i) directly or indirectly recruits or solicits a student-athlete to enter into an agency contract or, for compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for a student-athlete as a professional athlete or member of a professional sports team or organization; (ii) for compensation or in anticipation of compensation related to a student-athlete's participation in athletics (a) serves the student-athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions, unless the individual is an employee of an educational institution acting exclusively as an employee of the institution for the benefit of the institution, or (b) manages the business affairs of the student-athlete by providing assistance with bills, payments, contracts, or taxes; ~~or~~ (iii) in anticipation of representing a student-athlete for a purpose related to the student-athlete's participation in athletics (a) gives consideration to the student-athlete or another person, (b) serves the student-athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions, or (c) manages the business affairs of the student-athlete by providing assistance with bills, payments, contracts, or taxes; or (iv) represents a student-athlete in connection with issues related to name, image, or likeness, including negotiating, securing, obtaining, arranging, and managing name, image, or likeness opportunities. "Athlete agent" does not include an individual who (a) acts solely on behalf of a professional sports team or organization or (b) is a licensed, registered, or certified professional and offers or provides services to a student-athlete customarily provided by members of the profession, unless the individual (1) also recruits or solicits the student-athlete to enter into an agency contract, (2) also, for compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for the student-athlete as a professional athlete or member of a professional sports team or organization, or (3) receives consideration for providing the services calculated using a different method than for an individual who is not a student-athlete.

"Athletic director" means the individual responsible for administering the overall athletic program of an educational institution or, if an educational institution has separately administered athletic programs for male students and female students, the athletic program for males or the athletic program for females, as appropriate.

"Director" means the Director of the Department of Professional and Occupational Regulation.

"Educational institution" means a public or private (i) elementary school, (ii) secondary school, (iii) technical or vocational school, (iv) community college, or (v) institution of higher education.

"Endorsement contract" means an agreement under which a student-athlete is employed or receives consideration to use on behalf of the other party any value that the student-athlete may have because of publicity, reputation, following, or fame obtained because of athletic ability or performance.

"Enrolled" or "enrolls" means registered for courses and attending athletic practice or class.

"Intercollegiate sport" means a sport played at the collegiate level for which eligibility requirements for participation by a student-athlete are established by a national association that promotes or regulates collegiate athletics.

"Interscholastic sport" means a sport played between educational institutions that are not community colleges or institutions of higher education.

"Licensed, registered, or certified professional" means an individual, other than an athlete agent, who is licensed, registered, or certified as an attorney, dealer in securities, financial planner, insurance agent, real estate broker or sales agent, tax consultant, accountant, or member of a profession by the Commonwealth or a nationally recognized organization that licenses, registers, or certifies members of the profession on the basis of experience, education, or testing.

"Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality or other legal entity.

"Professional sports services contract" means an agreement under which an individual is employed as a professional athlete or agrees to render services as a player on a professional sports team or with a professional sports organization.

"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

"Recruit or solicit" means an attempt to influence the choice of an athlete agent by a student-athlete or, if the student-athlete is a minor, a parent or guardian of the student-athlete. "Recruit or solicit" does not include giving advice on the selection of a particular agent in a family, coaching, or social situation unless the individual giving the advice does so because of the receipt or anticipated receipt of an economic benefit, directly or indirectly, from the agent.

"Registration" means registration as an athlete agent.

"Sign" means, with present intent to authenticate or adopt a record, (i) to execute or adopt a tangible symbol or (ii) to attach to or logically associate with the record an electronic symbol, sound, or process.

"State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

"Student-athlete" means an individual who is eligible to attend an educational institution and engages in, is eligible to engage in, or may be eligible in the future to engage in any interscholastic or intercollegiate sport. "Student-athlete" does not include, for a particular interscholastic or intercollegiate sport, an individual permanently ineligible to participate in that sport.

CHAPTER 639

An Act to amend and reenact § 8.07, as amended, of Chapter 147 of the Acts of Assembly of 1962, which provided a charter for the City of Virginia Beach, relating to board of equalization.

[S 274]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 8.07, as amended, of Chapter 147 of the Acts of Assembly of 1962 is amended and reenacted as follows:

§ 8.07. Annual assessment of real estate.

The council may, in lieu of annual, biennial or triennial assessment, reassessment and equalization of the methods prescribed by general law, provide by ordinance for the assessments of real estate for local taxation and to that end may appoint one or more persons as assessors to assess or reassess for taxation the real estate within the city. Such assessors shall make assessments and reassessments on the same basis as real estate is required to be assessed under the provisions of general law and as of the first day of July of each year in which such assessment, reassessment and equalization of assessments is made, shall have the same authority as the assessors appointed under the provisions of general law and shall be charged with duties similar to those thereby imposed upon such assessors. The judges of the circuit court shall annually appoint a board of equalization of real estate assessments to be composed of ~~three~~ *four* members who shall be freeholders of the city. Such board of equalization shall have and may exercise the powers to revise, correct and amend any assessment of real estate and to that end shall have all powers conferred upon boards of equalization by general law. The provisions of general law notwithstanding, the board of equalization may adopt any regulations providing for the oral presentation, with formal petitions or other pleadings of requests for review, and looking to the further facilitation and simplification of proceeding before the board. This section shall not apply to assessment of any real estate assessable by the State Corporation Commission.

CHAPTER 640

An Act to amend and reenact §§ 58.1-602, 58.1-612.2, and 58.1-3826 of the Code of Virginia, relating to sales and transient occupancy taxes; accommodations intermediaries.

[S 651]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-602, 58.1-612.2, and 58.1-3826 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-602. Definitions.

As used in this chapter, unless the context clearly shows otherwise:

"Accommodations" means any room or rooms, lodgings, or accommodations in any hotel, motel, inn, tourist camp, tourist cabin, camping grounds, club, *short-term rental*, or any other place in which rooms, lodging, space, or accommodations are regularly furnished to transients for a consideration.

"Accommodations fee" means the room charge less the discount room charge, if any, provided that the accommodations fee shall not be less than \$0.

"Accommodations intermediary" means any person other than an accommodations provider that (i) facilitates the sale of an accommodation; and (ii) either (a) charges a room charge to the customer, and charges an accommodations fee to the customer, which fee it retains as compensation for facilitating the sale; (b) *collects a room charge from the customer; or (c) charges a fee, other than an accommodations fee, to the customer, which fee it retains as compensation for facilitating the sale.* For purposes of this definition, "facilitates the sale" includes brokering, coordinating, or in any other way arranging

for the purchase of the right to use accommodations via a transaction directly, including via one or more payment processors, between a customer and an accommodations provider.

"Accommodations intermediary" does not include a person:

1. If the accommodations are provided by an accommodations provider operating under a trademark, trade name, or service mark belonging to such person; ~~or~~

2. Who facilitates the sale of an accommodation if (i) the price paid by the customer to such person is equal to the price paid by such person to the accommodations provider for the use of the accommodations and (ii) the only compensation received by such person for facilitating the sale of the accommodation is a commission paid from the accommodations provider to such person; *or*

3. *Who is licensed as a real estate licensee pursuant to Article 1 (§ 54.1-2100 et seq.) of Chapter 21 of Title 54.1, when acting within the scope of such license.*

"Accommodations provider" means any person that furnishes accommodations to the general public for compensation. The term "furnishes" includes the sale of use or possession or the sale of the right to use or possess.

"Advertising" means the planning, creating, or placing of advertising in newspapers, magazines, billboards, broadcasting and other media, including, without limitation, the providing of concept, writing, graphic design, mechanical art, photography and production supervision. Any person providing advertising as defined in this section shall be deemed to be the user or consumer of all tangible personal property purchased for use in such advertising.

"Affiliate" means the same as such term is defined in § 58.1-439.18.

"Amplification, transmission and distribution equipment" means, but is not limited to, production, distribution, and other equipment used to provide Internet-access services, such as computer and communications equipment and software used for storing, processing and retrieving end-user subscribers' requests.

"Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either directly or indirectly.

"Cost price" means the actual cost of an item or article of tangible personal property computed in the same manner as the sales price as defined in this section without any deductions therefrom on account of the cost of materials used, labor, or service costs, transportation charges, or any expenses whatsoever.

"Custom program" means a computer program that is specifically designed and developed only for one customer. The combining of two or more prewritten programs does not constitute a custom computer program. A prewritten program that is modified to any degree remains a prewritten program and does not become custom.

"Discount room charge" means the full amount charged by the accommodations provider to the accommodations intermediary, or an affiliate thereof, for furnishing the accommodations.

"Distribution" means the transfer or delivery of tangible personal property for use, consumption, or storage by the distributee, and the use, consumption, or storage of tangible personal property by a person that has processed, manufactured, refined, or converted such property, but does not include the transfer or delivery of tangible personal property for resale or any use, consumption, or storage otherwise exempt under this chapter.

"Gross proceeds" means the charges made or voluntary contributions received for the lease or rental of tangible personal property or for furnishing services, computed with the same deductions, where applicable, as for sales price as defined in this section over the term of the lease, rental, service, or use, but not less frequently than monthly. "Gross proceeds" does not include finance charges, carrying charges, service charges, or interest from credit extended on the lease or rental of tangible personal property under conditional lease or rental contracts or other conditional contracts providing for the deferred payments of the lease or rental price.

"Gross sales" means the sum total of all retail sales of tangible personal property or services as defined in this chapter, without any deduction, except as provided in this chapter. "Gross sales" does not include the federal retailers' excise tax or the federal diesel fuel excise tax imposed in § 4091 of the Internal Revenue Code if the excise tax is billed to the purchaser separately from the selling price of the article, or the Virginia retail sales or use tax, or any sales or use tax imposed by any county or city under § 58.1-605 or 58.1-606.

"Import" and "imported" are words applicable to tangible personal property imported into the Commonwealth from other states as well as from foreign countries, and "export" and "exported" are words applicable to tangible personal property exported from the Commonwealth to other states as well as to foreign countries.

"In this Commonwealth" or "in the Commonwealth" means within the limits of the Commonwealth of Virginia and includes all territory within these limits owned by or ceded to the United States of America.

"Integrated process," when used in relation to semiconductor manufacturing, means a process that begins with the research or development of semiconductor products, equipment, or processes, includes the handling and storage of raw materials at a plant site, and continues to the point that the product is packaged for final sale and either shipped or conveyed to a warehouse. Without limiting the foregoing, any semiconductor equipment, fuel, power, energy, supplies, or other tangible personal property shall be deemed used as part of the integrated process if its use contributes, before, during, or after production, to higher product quality, production yields, or process efficiencies. Except as otherwise provided by law, "integrated process" does not mean general maintenance or administration.

"Internet" means collectively, the myriad of computer and telecommunications facilities, which comprise the interconnected worldwide network of computer networks.

"Internet service" means a service that enables users to access proprietary and other content, information electronic mail, and the Internet as part of a package of services sold to end-user subscribers.

"Lease or rental" means the leasing or renting of tangible personal property and the possession or use thereof by the lessee or renter for a consideration, without transfer of the title to such property.

"Manufacturing, processing, refining, or conversion" includes the production line of the plant starting with the handling and storage of raw materials at the plant site and continuing through the last step of production where the product is finished or completed for sale and conveyed to a warehouse at the production site, and also includes equipment and supplies used for production line testing and quality control. "Manufacturing" also includes the necessary ancillary activities of newspaper and magazine printing when such activities are performed by the publisher of any newspaper or magazine for sale daily or regularly at average intervals not exceeding three months.

The determination of whether any manufacturing, mining, processing, refining or conversion activity is industrial in nature shall be made without regard to plant size, existence or size of finished product inventory, degree of mechanization, amount of capital investment, number of employees or other factors relating principally to the size of the business. Further, "industrial in nature" includes, but is not limited to, those businesses classified in codes 10 through 14 and 20 through 39 published in the Standard Industrial Classification Manual for 1972 and any supplements issued thereafter.

"Modular building" means, but is not limited to, single and multifamily houses, apartment units, commercial buildings, and permanent additions thereof, comprised of one or more sections that are intended to become real property, primarily constructed at a location other than the permanent site, built to comply with the Virginia Industrialized Building Safety Law (§ 36-70 et seq.) as regulated by the Virginia Department of Housing and Community Development, and shipped with most permanent components in place to the site of final assembly. For purposes of this chapter, "modular building" does not include a mobile office as defined in § 58.1-2401 or any manufactured building subject to and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.).

"Modular building manufacturer" means a person that owns or operates a manufacturing facility and is engaged in the fabrication, construction and assembling of building supplies and materials into modular buildings, as defined in this section, at a location other than at the site where the modular building will be assembled on the permanent foundation and may or may not be engaged in the process of affixing the modules to the foundation at the permanent site.

"Modular building retailer" means any person that purchases or acquires a modular building from a modular building manufacturer, or from another person, for subsequent sale to a customer residing within or outside of the Commonwealth, with or without installation of the modular building to the foundation at the permanent site.

"Motor vehicle" means a "motor vehicle" as defined in § 58.1-2401, taxable under the provisions of the Virginia Motor Vehicles Sales and Use Tax Act (§ 58.1-2400 et seq.) and upon the sale of which all applicable motor vehicle sales and use taxes have been paid.

"Occasional sale" means a sale of tangible personal property not held or used by a seller in the course of an activity for which it is required to hold a certificate of registration, including the sale or exchange of all or substantially all the assets of any business and the reorganization or liquidation of any business, provided that such sale or exchange is not one of a series of sales and exchanges sufficient in number, scope and character to constitute an activity requiring the holding of a certificate of registration.

"Open video system" means an open video system authorized pursuant to 47 U.S.C. § 573 and, for purposes of this chapter only, also includes Internet service regardless of whether the provider of such service is also a telephone common carrier.

"Person" includes any individual, firm, copartnership, cooperative, nonprofit membership corporation, joint venture, association, corporation, estate, trust, business trust, trustee in bankruptcy, receiver, auctioneer, syndicate, assignee, club, society, or other group or combination acting as a unit, body politic or political subdivision, whether public or private, or quasi-public, and the plural of "person" means the same as the singular.

"Prewritten program" means a computer program that is prepared, held or existing for general or repeated sale or lease, including a computer program developed for in-house use and subsequently sold or leased to unrelated third parties.

"Qualifying locality" means Charlotte County, Gloucester County, Halifax County, Henry County, Mecklenburg County, Northampton County, Patrick County, Pittsylvania County, or the City of Danville.

"Railroad rolling stock" means locomotives, of whatever motive power, autocars, railroad cars of every kind and description, and all other equipment determined by the Tax Commissioner to constitute railroad rolling stock.

"Remote seller" means any dealer deemed to have sufficient activity within the Commonwealth to require registration under § 58.1-613 under the criteria specified in subdivision C 10 or 11 of § 58.1-612 or any software provider acting on behalf of such dealer.

"Retail sale" or a "sale at retail" means a sale to any person for any purpose other than for resale in the form of tangible personal property or services taxable under this chapter, and shall include any such transaction as the Tax Commissioner upon investigation finds to be in lieu of a sale. All sales for resale must be made in strict compliance with regulations applicable to this chapter. Any dealer making a sale for resale which is not in strict compliance with such regulations shall be personally liable for payment of the tax.

The terms "retail sale" and a "sale at retail" specifically include the following: (i) the sale or charges for any accommodations furnished to transients for less than 90 continuous days; (ii) sales of tangible personal property to persons for resale when because of the operation of the business, or its very nature, or the lack of a place of business in which to

display a certificate of registration, or the lack of a place of business in which to keep records, or the lack of adequate records, or because such persons are minors or transients, or because such persons are engaged in essentially service businesses, or for any other reason there is likelihood that the Commonwealth will lose tax funds due to the difficulty of policing such business operations; (iii) the separately stated charge made for automotive refinish repair materials that are permanently applied to or affixed to a motor vehicle during its repair; and (iv) the separately stated charge for equipment available for lease or purchase by a provider of satellite television programming to the customer of such programming. Equipment sold to a provider of satellite television programming for subsequent lease or purchase by the customer of such programming shall be deemed a sale for resale. The Tax Commissioner is authorized to promulgate regulations requiring vendors of or sellers to such persons to collect the tax imposed by this chapter on the cost price of such tangible personal property to such persons and may refuse to issue certificates of registration to such persons. The terms "retail sale" and a "sale at retail" also specifically include the separately stated charge made for supplies used during automotive repairs whether or not there is transfer of title or possession of the supplies and whether or not the supplies are attached to the automobile. The purchase of such supplies by an automotive repairer for sale to the customer of such repair services shall be deemed a sale for resale.

The term "transient" does not include a purchaser of camping memberships, time-shares, condominiums, or other similar contracts or interests that permit the use of, or constitute an interest in, real estate, however created or sold and whether registered with the Commonwealth or not. Further, a purchaser of a right or license which entitles the purchaser to use the amenities and facilities of a specific real estate project on an ongoing basis throughout its term shall not be deemed a transient, provided, however, that the term or time period involved is for seven years or more.

The terms "retail sale" and "sale at retail" do not include a transfer of title to tangible personal property after its use as tools, tooling, machinery or equipment, including dies, molds, and patterns, if (i) at the time of purchase, the purchaser is obligated, under the terms of a written contract, to make the transfer and (ii) the transfer is made for the same or a greater consideration to the person for whom the purchaser manufactures goods.

"Retailer" means every person engaged in the business of making sales at retail, or for distribution, use, consumption, or storage to be used or consumed in the Commonwealth.

"Room charge" means the full retail price charged to the customer by the accommodations intermediary for the use of the accommodations, ~~including any accommodations fee~~, before taxes. *"Room charge" includes any fee charged to the customer and retained as compensation for facilitating the sale, whether described as an accommodations fee, facilitation fee, or any other name.* The room charge shall be determined in accordance with 23VAC10-210-730 and the related rulings of the Department on the same.

"Sale" means any transfer of title or possession, or both, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property and any rendition of a taxable service for a consideration, and includes the fabrication of tangible personal property for consumers who furnish, either directly or indirectly, the materials used in fabrication, and the furnishing, preparing, or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing, or serving such tangible personal property. A transaction whereby the possession of property is transferred but the seller retains title as security for the payment of the price shall be deemed a sale.

"Sales price" means the total amount for which tangible personal property or services are sold, including any services that are a part of the sale, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser, consumer, or lessee by the dealer, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, losses or any other expenses whatsoever. "Sales price" does not include (i) any cash discount allowed and taken; (ii) finance charges, carrying charges, service charges or interest from credit extended on sales of tangible personal property under conditional sale contracts or other conditional contracts providing for deferred payments of the purchase price; (iii) separately stated local property taxes collected; (iv) that portion of the amount paid by the purchaser as a discretionary gratuity added to the price of a meal; or (v) that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by a restaurant to the price of a meal, but only to the extent that such mandatory gratuity or service charge does not exceed 20 percent of the price of the meal. Where used articles are taken in trade, or in a series of trades as a credit or part payment on the sale of new or used articles, the tax levied by this chapter shall be paid on the net difference between the sales price of the new or used articles and the credit for the used articles.

"Semiconductor cleanrooms" means the integrated systems, fixtures, piping, partitions, flooring, lighting, equipment, and all other property used to reduce contamination or to control airflow, temperature, humidity, vibration, or other environmental conditions required for the integrated process of semiconductor manufacturing.

"Semiconductor equipment" means (i) machinery or tools or repair parts or replacements thereof; (ii) the related accessories, components, pedestals, bases, or foundations used in connection with the operation of the equipment, without regard to the proximity to the equipment, the method of attachment, or whether the equipment or accessories are affixed to the realty; (iii) semiconductor wafers and other property or supplies used to install, test, calibrate or recalibrate, characterize, condition, measure, or maintain the equipment and settings thereof; and (iv) equipment and supplies used for quality control testing of product, materials, equipment, or processes; or the measurement of equipment performance or production parameters regardless of where or when the quality control, testing, or measuring activity takes place, how the activity affects the operation of equipment, or whether the equipment and supplies come into contact with the product.

"Short-term rental" means the same as such term is defined in § 15.2-983.

"Storage" means any keeping or retention of tangible personal property for use, consumption or distribution in the Commonwealth, or for any purpose other than sale at retail in the regular course of business.

"Tangible personal property" means personal property that may be seen, weighed, measured, felt, or touched, or is in any other manner perceptible to the senses. "Tangible personal property" does not include stocks, bonds, notes, insurance or other obligations or securities. "Tangible personal property" includes (i) telephone calling cards upon their initial sale, which shall be exempt from all other state and local utility taxes, and (ii) manufactured signs.

"Use" means the exercise of any right or power over tangible personal property incident to the ownership thereof, except that it does not include the sale at retail of that property in the regular course of business. "Use" does not include the exercise of any right or power, including use, distribution, or storage, over any tangible personal property sold to a nonresident donor for delivery outside of the Commonwealth to a nonresident recipient pursuant to an order placed by the donor from outside the Commonwealth via mail or telephone. "Use" does not include any sale determined to be a gift transaction, subject to tax under § 58.1-604.6.

"Use tax" refers to the tax imposed upon the use, consumption, distribution, and storage as defined in this section.

"Used directly," when used in relation to manufacturing, processing, refining, or conversion, refers to those activities that are an integral part of the production of a product, including all steps of an integrated manufacturing or mining process, but not including ancillary activities such as general maintenance or administration. When used in relation to mining, "used directly" refers to the activities specified in this definition and, in addition, any reclamation activity of the land previously mined by the mining company required by state or federal law.

"Video programmer" means a person that provides video programming to end-user subscribers.

"Video programming" means video and/or information programming provided by or generally considered comparable to programming provided by a cable operator, including, but not limited to, Internet service.

§ 58.1-612.2. Tax collectible from accommodations providers and intermediaries.

A. For any retail sale of accommodations not facilitated by an accommodations intermediary, the accommodations provider shall collect the retail sales and use taxes imposed in accordance with this chapter, computed on the total charges for the accommodations, and shall remit the same to the Department and shall be liable for the same.

B. For any retail sale of accommodations facilitated by an accommodations intermediary, the accommodations intermediary shall be deemed under this chapter as a dealer making a retail sale of an accommodation. The accommodations intermediary shall collect the retail sales and use taxes imposed in accordance with this chapter, computed on the room charge. ~~When the accommodations are at a hotel, the accommodations intermediary shall remit the taxes on the accommodations fee to the Department and shall remit any remaining taxes to the hotel, which shall remit such taxes to the Department. When the accommodations are at a short-term rental, as defined in § 15.2-983, or at any other accommodations, the accommodations intermediary shall remit the taxes on the room charge to the Department, and shall remit the same to the Department and shall be liable for the same.~~

C. ~~An accommodations intermediary shall not be liable for retail sales and use taxes remitted to an accommodations provider but that are not then remitted to the Department by the accommodations provider. For any retail sale of accommodations facilitated by an accommodations intermediary, an accommodations provider shall be liable for that portion of retail sales and use taxes that relates to the discount room charge only to the extent that the accommodations intermediary has remitted such taxes to the accommodations provider. For any transaction for the retail sale of accommodations involving two or more parties that meet the definition of accommodations intermediary, nothing in this section shall prohibit such parties from making an agreement regarding which party shall be responsible for collecting and remitting the tax, so long as the party so responsible is registered as a dealer with the Department. In such event, the party agreeing to collect and remit the tax shall be the sole party liable for the tax, and the other parties to such agreement shall not be liable for such tax.~~

D. For any retail sale of accommodations facilitated by an accommodations intermediary, nothing herein shall relieve the accommodations provider from liability for retail sales and use taxes on any amounts charged directly to the customer by the accommodations provider that are not collected by the accommodations intermediary.

E. For any retail sale of accommodations not facilitated by an accommodations intermediary, the accommodations provider shall separately state the amount of the tax on the bill, invoice, or similar documentation and shall add the tax to the total charges charged to the transient by the accommodations provider. For any retail sale of accommodations facilitated by an accommodations intermediary, the accommodations intermediary shall separately state the amount of the tax on the bill, invoice, or similar documentation and shall add the tax to the room charge; thereafter, such tax shall be a debt from the customer to the accommodations intermediary, recoverable at law in the same manner as other debts.

§ 58.1-3826. Scope of transient occupancy tax.

A. The transient occupancy tax imposed pursuant to this article shall be imposed only for the use or possession of any room or space that is suitable or intended for occupancy by transients for dwelling, lodging, or sleeping purposes.

B. For any retail sale of accommodations not facilitated by an accommodations intermediary, the accommodations provider shall collect the tax imposed pursuant to this article, computed on the total price paid for the use or possession of the accommodations, and shall remit the same to the locality and shall be liable for the same.

C. For any retail sale of accommodations facilitated by an accommodations intermediary, the accommodations intermediary shall be deemed under this article as a facility making a retail sale of an accommodation. The accommodations intermediary shall collect the tax imposed pursuant to this article, computed on the room charge. ~~When the accommodations are at a hotel, the accommodations intermediary shall remit the taxes on the accommodations fee to the locality and shall remit any remaining taxes to the hotel, which shall remit such taxes to the locality. When the accommodations are at a short-term rental, as defined in § 15.2-983, or at any other accommodations, the accommodations intermediary shall remit the taxes on the room charge to the locality, and shall remit the same to the locality and shall be liable for the same.~~

~~D. An accommodations intermediary shall not be liable for taxes under this article remitted to an accommodations provider but that are then not remitted to the locality by the accommodations provider. For any retail sale of accommodations facilitated by an accommodations intermediary, an accommodations provider shall be liable for that portion of the taxes under this article that relate to the discount room charge only to the extent that the accommodations intermediary has remitted such taxes to the accommodations provider. For any transaction for the retail sale of accommodations involving two or more parties that meet the definition of accommodations intermediary, nothing in this section shall prohibit such parties from making an agreement regarding which party shall be responsible for collecting and remitting the tax, so long as the party so responsible is registered with the locality for purposes of remitting the tax. In such event, the party that agrees to collect and remit the tax shall be the sole party liable for the tax, and the other parties to such agreement shall not be liable for such tax.~~

E. In any retail sale of any accommodations in which an accommodations intermediary does not facilitate the sale of the accommodations, the accommodations provider shall separately state the amount of the tax in the bill, invoice, or similar documentation and shall add the tax to the total price paid for the use or possession of the accommodations. In any retail sale of any accommodations in which an accommodations intermediary facilitates the sale of the accommodation, the accommodations intermediary shall separately state the amount of the tax on the bill, invoice, or similar documentation and shall add the tax to the room charge; thereafter, such tax shall be a debt from the customer to the accommodations intermediary, recoverable at law in the same manner as other debts.

F. Subject to applicable laws, an accommodations intermediary shall submit to a locality the property addresses and gross receipts for all accommodations facilitated by the accommodations intermediary in such locality. Such information shall be submitted monthly.

2. That the provisions of the first enactment of this act shall become effective on October 1, 2022.

3. That the Department of Taxation shall develop and make publicly available guidelines no later than August 1, 2022, for purposes of developing processes and procedures for implementing the provisions of this act. The development, issuance, and publication of the guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

4. That the Department of Taxation (the Department) shall convene and facilitate a work group to examine the processes currently used to collect local transient occupancy taxes and make recommendations for improving the efficiency and uniformity of those processes. The work group shall include one representative of the Commissioners of the Revenue, one representative of the Treasurers, one representative of counties, one representative of cities and towns, two representatives of the hotel industry, and two representatives of accommodations intermediaries as defined in § 58.1-602 of the Code of Virginia, as amended by this act. The Department shall prepare and submit a report of the work group's findings and recommendations to the Chairmen of the House Committee on Finance and the Senate Committee on Finance and Appropriations no later than October 31, 2022.

CHAPTER 641

An Act to amend and reenact §§ 38.2-3100.3 and 54.1-2820 of the Code of Virginia, relating to preneed funeral contracts.

[S 679]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-3100.3 and 54.1-2820 of the Code of Virginia are amended and reenacted as follows:

§ 38.2-3100.3. Requirements of life insurance or annuity contracts used to fund preneed funeral contracts.

A. For purposes of this section, "preneed funeral contract" means any agreement where payment is made by the insured prior to the receipt of services or supplies contracted for, which evidences arrangements prior to death for (i) the providing of funeral services or (ii) the sale of funeral supplies.

B. Each individual and group life insurance policy issued or issued for delivery in Virginia, each individual and group annuity contract issued or issued for delivery in Virginia, and each certificate issued in connection with a group life insurance policy or group annuity contract issued or issued for delivery in Virginia shall include a provision specifying the means by which face amount adjustments will be made and benefits payable upon death will be adjusted; ~~according to the provisions of subsection C of § 54.1-2820;~~ when such a policy or contract will be used to fund a preneed funeral contract.

C. Each insurer proposing to issue individual or group life insurance policies or individual or group annuity contracts in Virginia for purposes of funding preneed funeral contracts shall clearly disclose the intended purpose and market for such policies and contracts when submitting the forms with the Commission for approval, in accordance with § 38.2-316.

§ 54.1-2820. Requirements of preneed funeral contracts.

A. It shall be unlawful for any person residing or doing business within this Commonwealth, to make, either directly or indirectly by any means, a preneed funeral contract unless the contract:

1. Is made on forms prescribed by the Board and is written in clear, understandable language and printed in easy-to-read type, size and style;
2. Identifies the seller, seller's license number and contract buyer and the person for whom the contract is purchased if other than the contract buyer;
3. Contains a complete description of the supplies or services purchased;
4. Clearly discloses whether the price of the supplies and services purchased is guaranteed;
5. States if funds are required to be trusted pursuant to § 54.1-2822, the amount to be trusted, the name of the trustee, the disposition of the interest, the fees, expenses and taxes which may be deducted from the interest and a statement of the buyer's responsibility for taxes owed on the interest;
6. Contains the name, address and telephone number of the Board and lists the Board as the regulatory agency which handles consumer complaints;
7. Provides that any person who makes payment under the contract may terminate the agreement at any time prior to the furnishing of the services or supplies contracted for except as provided pursuant to subsection B; if the purchaser terminates the contract within 30 days of execution, the purchaser shall be refunded all consideration paid or delivered, together with any interest or income accrued thereon; if the purchaser terminates the contract after 30 days, the purchaser shall be refunded any amounts required to be deposited under § 54.1-2822, together with any interest or income accrued thereon;
8. Provides that if the particular supplies and services specified in the contract are unavailable at the time of delivery, the seller shall be required to furnish supplies and services similar in style and at least equal in quality of material and workmanship and the representative of the deceased shall have the right to choose the supplies or services to be substituted;
9. Discloses any penalties or restrictions, including but not limited to geographic restrictions or the inability of the provider to perform, on the delivery of merchandise, services or prearrangement guarantee; and
10. Complies with all disclosure requirements imposed by the Board.

If the contract seller will not be furnishing the supplies and services to the purchaser, the contract seller must attach to the preneed funeral contract a copy of the seller's agreement with the provider.

B. Subject to the requirements of § 54.1-2822, a preneed funeral contract may provide for an irrevocable trust or an amount in an irrevocable trust that is specifically identified as available exclusively for funeral or burial expenses, where:

1. A person irrevocably contracts for funeral goods and services, such person funds the contract by prepaying for the goods and services, and the funeral provider residing or doing business within the Commonwealth subsequently places the funds in a trust; or
2. A person establishes an irrevocable trust naming the funeral provider as the beneficiary; however, such person shall have the right to change the beneficiary to another funeral provider pursuant to § 54.1-2822.

C. If a life insurance or annuity contract is used to fund the preneed funeral contract, ~~the life insurance or annuity contract shall provide either that the face value thereof shall be adjusted annually by a factor equal to the annualized Consumer Price Index as published by the Bureau of Labor Statistics of the United States Department of Labor, or a benefit payable at death under such contract that will equal or exceed the sum of all premiums paid for such contract plus interest or dividends; which for the first 15 years shall be compounded annually at a rate of at least five percent. In any event, interest or dividends shall continue to be paid after 15 years. In addition, the face amount of any life insurance policy issued to fund a preneed funeral contract shall not be decreased over the life of the life insurance policy except for life insurance policies that have lapsed due to the nonpayment of premiums or have gone to a nonforfeiture option that lowers the face amount as allowed for in the provisions of the policy.~~ The following must also be disclosed as prescribed by the Board:

1. The fact that a life insurance policy or annuity contract is involved or being used to fund the preneed contract;
2. The nature of the relationship among the soliciting agent, the provider of the supplies or services, the prearranger and the insurer;
3. The relationship of the life insurance policy or annuity contract to the funding of the preneed contract and the nature and existence of any guarantees relating to the preneed contract; and
4. The impact on the preneed contract of (i) any changes in the life insurance policy or annuity contract including but not limited to changes in the assignment, beneficiary designation or use of the proceeds, (ii) any penalties to be incurred by the policyholder as a result of failure to make premium payments, (iii) any penalties to be incurred or moneys to be received as a result of cancellation or surrender of the life insurance policy or annuity contract, and (iv) all relevant information concerning what occurs and whether any entitlements or obligations arise if there is a difference between the proceeds of the life insurance policy or annuity contract and the amount actually needed to fund the preneed contract.

D. When the consideration consists in whole or in part of any real estate, the contract shall be recorded as an attachment to the deed whereby such real estate is conveyed, and the deed shall be recorded in the clerk's office of the circuit court of the city or county in which the real estate being conveyed is located.

E. If any funeral supplies are sold and delivered prior to the death of the subject for whom they are provided, and the seller or any legal entity in which he or a member of his family has an interest thereafter stores these supplies, the risk of loss or damage shall be upon the seller during such period of storage.

**ACTS
OF THE
GENERAL ASSEMBLY**



2022 REGULAR SESSION

VOLUME I

VOLUME II

ACTS

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF VIRGINIA

2022 REGULAR SESSION

which met at the State Capitol, Richmond

Convened Wednesday, January 11, 2022

Adjourned sine die Saturday, March 12, 2022

Reconvened Wednesday, April 27, 2022

Adjourned sine die Wednesday, April 27, 2022

VOLUME II

CHAPTERS 642-807

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RICHMOND
2022

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**G. Paul Nardo
Clerk of the House of Delegates
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Keeper of the Rolls of the Commonwealth**

**Jacqueline D. Scott
Indexing and Enrolling Director**

Indexing and Enrolling Assistant Clerks

Sarah A. Armistead

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Indexing and Enrolling Assistants

**Emily M. Hanson
Bruce E. Hoffman
James D. Hutzler
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**Chayton S. Mouzon
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David J. Stephenson
Francesca J. Ruivivar Victoria**

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**Senate of Virginia,
Division of Legislative Services,
and
Division of Legislative Automated Systems**

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CHAPTER 642

An Act to amend and reenact §§ 18.2-60.5, 18.2-178.1, 18.2-369, 46.2-341.20:7, 54.1-3408.3, 54.1-3442.5, 54.1-3442.6, and 54.1-3442.7 of the Code of Virginia, relating to abuse and neglect; financial exploitation; incapacitated adults; penalties.

[S 687]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-60.5, 18.2-178.1, 18.2-369, 46.2-341.20:7, 54.1-3408.3, 54.1-3442.5, 54.1-3442.6, and 54.1-3442.7 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-60.5. Unauthorized use of electronic tracking device; penalty.

A. Any person who installs or places an electronic tracking device through intentionally deceptive means and without consent, or causes an electronic tracking device to be installed or placed through intentionally deceptive means and without consent, and uses such device to track the location of any person is guilty of a Class 1 misdemeanor.

B. The provisions of this section shall not apply to the installation, placement, or use of an electronic tracking device by:

1. A law-enforcement officer, judicial officer, probation or parole officer, or employee of the Department of Corrections when any such person is engaged in the lawful performance of official duties and in accordance with other state or federal law;

2. The parent or legal guardian of a minor when tracking (i) the minor or (ii) any person authorized by the parent or legal guardian as a caretaker of the minor at any time when the minor is under the person's sole care;

3. A legally authorized representative of an ~~incapacitated~~ *vulnerable* adult, as defined in § 18.2-369;

4. The owner of fleet vehicles, when tracking such vehicles;

5. An electronic communications provider to the extent that such installation, placement, or use is disclosed in the provider's terms of use, privacy policy, or similar document made available to the customer; or

6. A registered private investigator, as defined in § 9.1-138, who is regulated in accordance with § 9.1-139 and is acting in the normal course of his business and with the consent of the owner of the property upon which the electronic tracking device is installed and placed. However, such exception shall not apply if the private investigator is working on behalf of a client who is subject to a protective order under § 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-279.1, 19.2-152.8, 19.2-152.9, or 19.2-152.10 or subsection B of § 20-103, or if the private investigator knows or should reasonably know that the client seeks the private investigator's services to aid in the commission of a crime.

C. For the purposes of this section:

"Electronic tracking device" means an electronic or mechanical device that permits a person to remotely determine or track the position and movement of another person.

"Fleet vehicle" means (i) one or more motor vehicles owned by a single entity and operated by employees or agents of the entity for business or government purposes, (ii) motor vehicles held for lease or rental to the general public, or (iii) motor vehicles held for sale by motor vehicle dealers.

§ 18.2-178.1. Financial exploitation of vulnerable adults; penalty.

A. *As used in this section, "vulnerable adult" means the same as that term is defined in § 18.2-369.*

B. It is unlawful for any person who knows or should know that another person ~~suffers from mental incapacity~~ *is a vulnerable adult* to, through the use of that other person's ~~mental incapacity~~ *impairment*, take, obtain, or convert money or other thing of value belonging to that other person with the intent to permanently deprive him thereof. Any person who violates this section shall be deemed guilty of larceny.

~~B- C.~~ C. Venue for the trial of an accused charged with a violation of this section shall be in any county or city in which (i) any act was performed in furtherance of the offense or (ii) the accused resided at the time of the offense.

~~C- D.~~ D. This section shall not apply to a transaction or disposition of money or other thing of value in which the accused acted for the benefit of the ~~person with mental incapacity~~ *vulnerable adult* or made a good faith effort to assist such person with the management of his money or other thing of value.

~~D- As used in this section, "mental incapacity" means that condition of a person existing at the time of the offense described in subsection A that prevents him from understanding the nature or consequences of the transaction or disposition of money or other thing of value involved in such offense.~~

§ 18.2-369. Abuse and neglect of vulnerable adults; penalties.

A. It is unlawful for any responsible person to abuse or neglect any ~~incapacitated~~ *vulnerable* adult ~~as defined in this section~~. Any responsible person who abuses or neglects an ~~incapacitated~~ *vulnerable* adult in violation of this section and the abuse or neglect does not result in serious bodily injury or disease to the ~~incapacitated~~ *vulnerable* adult is guilty of a Class 1 misdemeanor. Any responsible person who is convicted of a second or subsequent offense under this subsection is guilty of a Class 6 felony.

B. Any responsible person who abuses or neglects an ~~incapacitated~~ *vulnerable* adult in violation of this section and the abuse or neglect results in serious bodily injury or disease to the ~~incapacitated~~ *vulnerable* adult is guilty of a Class 4 felony. Any responsible person who abuses or neglects an ~~incapacitated~~ *vulnerable* adult in violation of this section and the abuse or neglect results in the death of the ~~incapacitated~~ *vulnerable* adult is guilty of a Class 3 felony.

C. For purposes of this section:

"Abuse" means (i) knowing and willful conduct that causes physical injury or pain or (ii) knowing and willful use of physical restraint, including confinement, as punishment, for convenience or as a substitute for treatment, except where such conduct or physical restraint, including confinement, is a part of care or treatment and is in furtherance of the health and safety of the ~~incapacitated person~~ *vulnerable adult*.

~~"Incapacitated adult" means any person 18 years of age or older who is impaired by reason of mental illness, intellectual disability, physical illness or disability, advanced age or other causes to the extent the adult lacks sufficient understanding or capacity to make, communicate or carry out reasonable decisions concerning his well-being.~~

"Neglect" means the knowing and willful failure by a responsible person to provide treatment, care, goods, or services which results in injury to the health or endangers the safety of ~~an incapacitated~~ *a vulnerable adult*.

"Responsible person" means a person who has responsibility for the care, custody, or control of ~~an incapacitated person~~ *a vulnerable adult* by operation of law or who has assumed such responsibility voluntarily; by contract or in fact.

"Serious bodily injury or disease" ~~shall include~~ *includes* but *is not* be limited to (i) disfigurement, (ii) a fracture, (iii) a severe burn or laceration, (iv) mutilation, (v) maiming, or (vi) life-threatening internal injuries or conditions, whether or not caused by trauma.

"Vulnerable adult" means any person 18 years of age or older who is impaired by reason of mental illness, intellectual or developmental disability, physical illness or disability, or other causes, including age, to the extent the adult lacks sufficient understanding or capacity to make, communicate, or carry out reasonable decisions concerning his well-being or has one or more limitations that substantially impair the adult's ability to independently provide for his daily needs or safeguard his person, property, or legal interests.

D. No responsible person shall be in violation of this section whose conduct was (i) in accordance with the informed consent of the ~~incapacitated person~~ *vulnerable adult* that was given when he was not ~~incapacitated~~ *vulnerable* or a person authorized to consent on his behalf; (ii) in accordance with a declaration by the ~~incapacitated person~~ *vulnerable adult* under the Health Care Decisions Act (§ 54.1-2981 et seq.) that was given when he was not ~~incapacitated~~ *vulnerable* or with the provisions of a valid medical power of attorney; (iii) in accordance with the wishes of the ~~incapacitated person~~ *vulnerable adult* that were made known when he was not ~~incapacitated~~ *vulnerable* or a person authorized to consent on behalf of the ~~incapacitated person~~ *vulnerable adult* and in accord with the tenets and practices of a church or religious denomination; (iv) incident to necessary movement of, placement of, or protection from harm to the ~~incapacitated person~~ *vulnerable adult*; or (v) a bona fide, recognized, or approved practice to provide medical care.

§ 46.2-341.20:7. Possession of marijuana in commercial motor vehicle unlawful; civil penalty.

A. It is unlawful for any person to knowingly or intentionally possess marijuana in a commercial motor vehicle as defined in § 46.2-341.4. The attorney for the Commonwealth or the county, city, or town attorney may prosecute such a case.

Upon the prosecution of a person for a violation of this section, ownership or occupancy of the vehicle in which marijuana was found shall not create a presumption that such person either knowingly or intentionally possessed such marijuana.

Any person who violates this section is subject to a civil penalty of no more than \$25. A violation of this section is a civil offence. Any civil penalties collected pursuant to this section shall be deposited into the Drug Offender Assessment and Treatment Fund established pursuant to § 18.2-251.02. Violations of this section by an adult shall be prepayable according to the procedures in § 16.1-69.40:2.

B. Any violation of this section shall be charged by summons. A summons for a violation of this section may be executed by a law-enforcement officer when such violation is observed by such officer. The summons used by a law-enforcement officer pursuant to this section shall be in form the same as the uniform summons for motor vehicle law violations as prescribed pursuant to § 46.2-388. No court costs shall be assessed for violations of this section. A person's criminal history record information as defined in § 9.1-101 shall not include records of any charges or judgments for a violation of this section, and records of such charges or judgments shall not be reported to the Central Criminal Records Exchange; however, such violation shall be reported to the Department of Motor Vehicles and shall be included on such individual's driving record.

C. The procedure for appeal and trial of any violation of this section shall be the same as provided by law for misdemeanors; if requested by either party on appeal to the circuit court, trial by jury shall be as provided in Article 4 (§ 19.2-260 et seq.) of Chapter 15 of Title 19.2, and the Commonwealth shall be required to prove its case beyond a reasonable doubt.

D. The provisions of this section shall not apply to members of state, federal, county, city, or town law-enforcement agencies, jail officers, or correctional officers, as defined in § 53.1-1, certified as handlers of dogs trained in the detection of controlled substances when possession of marijuana is necessary for the performance of their duties.

E. The provisions of this section involving marijuana in the form of cannabis products as that term is defined in § 54.1-3408.3 shall not apply to any person who possesses such cannabis product pursuant to a valid written certification issued by a practitioner in the course of his professional practice pursuant to § 54.1-3408.3 for treatment or to alleviate the symptoms of (i) the person's diagnosed condition or disease, (ii) if such person is the parent or guardian of a minor or of ~~an incapacitated~~ *a vulnerable adult* as defined in § 18.2-369, such minor's or ~~incapacitated~~ *vulnerable adult's* diagnosed condition or disease, or (iii) if such person has been designated as a registered agent pursuant to § 54.1-3408.3, the

diagnosed condition or disease of his principal or, if the principal is the parent or legal guardian of a minor or of ~~an incapacitated~~ a *vulnerable* adult as defined in § 18.2-369, such minor's or ~~incapacitated~~ *vulnerable* adult's diagnosed condition or disease.

§ 54.1-3408.3. Certification for use of cannabis oil for treatment.

A. As used in this section:

"Botanical cannabis" means cannabis that is composed wholly of usable cannabis from the same parts of the same chemovar of cannabis plant.

"Cannabis oil" means any formulation of processed Cannabis plant extract, which may include oil from industrial hemp extract acquired by a pharmaceutical processor pursuant to § 54.1-3442.6, or a dilution of the resin of the Cannabis plant that contains at least five milligrams of cannabidiol (CBD) or tetrahydrocannabinolic acid (THC-A) and no more than 10 milligrams of delta-9-tetrahydrocannabinol per dose. "Cannabis oil" does not include industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or federal law, unless it has been acquired and formulated with cannabis plant extract by a pharmaceutical processor.

"Cannabis product" means a product that is (i) produced by a pharmaceutical processor, registered with the Board, and compliant with testing requirements and (ii) composed of cannabis oil or botanical cannabis.

"Designated caregiver facility" means any hospice or hospice facility licensed pursuant to § 32.1-162.3, or home care organization as defined in § 32.1-162.7 that provides pharmaceutical services or home health services, private provider licensed by the Department of Behavioral Health and Developmental Services pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2, assisted living facility licensed pursuant to § 63.2-1701, or adult day care center licensed pursuant to § 63.2-1701.

"Practitioner" means a practitioner of medicine or osteopathy licensed by the Board of Medicine, a physician assistant licensed by the Board of Medicine, or a nurse practitioner jointly licensed by the Board of Medicine and the Board of Nursing.

"Registered agent" means an individual designated by a patient who has been issued a written certification, or, if such patient is a minor or ~~an incapacitated~~ a *vulnerable* adult as defined in § 18.2-369, designated by such patient's parent or legal guardian, and registered with the Board pursuant to subsection G.

"Usable cannabis" means any cannabis plant material, including seeds, but not (i) resin that has been extracted from any part of the cannabis plant, its seeds, or its resin; (ii) the mature stalks, fiber produced from the stalks, or any other compound, manufacture, salt, or derivative, mixture, or preparation of the mature stalks; or (iii) oil or cake made from the seeds of the plant.

B. A practitioner in the course of his professional practice may issue a written certification for the use of cannabis products for treatment or to alleviate the symptoms of any diagnosed condition or disease determined by the practitioner to benefit from such use. The practitioner shall use his professional judgment to determine the manner and frequency of patient care and evaluation and may employ the use of telemedicine, provided that the use of telemedicine includes the delivery of patient care through real-time interactive audio-visual technology. If a practitioner determines it is consistent with the standard of care to dispense botanical cannabis to a minor, the written certification shall specifically authorize such dispensing. If not specifically included on the initial written certification, authorization for botanical cannabis may be communicated verbally or in writing to the pharmacist at the time of dispensing.

C. The written certification shall be on a form provided by the Office of the Executive Secretary of the Supreme Court developed in consultation with the Board of Medicine. Such written certification shall contain the name, address, and telephone number of the practitioner, the name and address of the patient issued the written certification, the date on which the written certification was made, and the signature or authentic electronic signature of the practitioner. Such written certification issued pursuant to subsection B shall expire no later than one year after its issuance unless the practitioner provides in such written certification an earlier expiration.

D. No practitioner shall be prosecuted under § 18.2-248 or 18.2-248.1 for the issuance of a certification for the use of cannabis products for the treatment or to alleviate the symptoms of a patient's diagnosed condition or disease pursuant to a written certification issued pursuant to subsection B. Nothing in this section shall preclude the Board of Medicine from sanctioning a practitioner for failing to properly evaluate or treat a patient's medical condition or otherwise violating the applicable standard of care for evaluating or treating medical conditions.

E. A practitioner who issues a written certification to a patient pursuant to this section shall register with the Board and shall hold sufficient education and training to exercise appropriate professional judgment in the certification of patients. The Board shall not limit the number of patients to whom a practitioner may issue a written certification. The Board may report information to the applicable licensing board on unusual patterns of certifications issued by a practitioner.

F. A patient who has been issued a written certification shall register with the Board or, if such patient is a minor or ~~an incapacitated~~ a *vulnerable* adult as defined in § 18.2-369, a patient's parent or legal guardian shall register and shall register such patient with the Board. No patient shall be required to physically present the written certification after the initial dispensing by any pharmaceutical processor or cannabis dispensing facility under each written certification, provided that the pharmaceutical processor or cannabis dispensing facility maintains an electronic copy of the written certification.

G. A patient, or, if such patient is a minor or ~~an incapacitated~~ a *vulnerable* adult as defined in § 18.2-369, such patient's parent or legal guardian, may designate an individual to act as his registered agent for the purposes of receiving cannabis

products pursuant to a valid written certification. Such designated individual shall register with the Board. The Board may set a limit on the number of patients for whom any individual is authorized to act as a registered agent.

H. Upon delivery of cannabis oil by a pharmaceutical processor or cannabis dispensing facility to a designated caregiver facility, any employee or contractor of a designated caregiver facility, who is licensed or registered by a health regulatory board and who is authorized to possess, distribute, or administer medications, may accept delivery of the cannabis oil on behalf of a patient or resident for subsequent delivery to the patient or resident and may assist in the administration of the cannabis oil to the patient or resident as necessary.

I. The Board shall promulgate regulations to implement the registration process. Such regulations shall include (i) a mechanism for sufficiently identifying the practitioner issuing the written certification, the patient being treated by the practitioner, his registered agent, and, if such patient is a minor or ~~an incapacitated~~ a *vulnerable* adult as defined in § 18.2-369, the patient's parent or legal guardian; (ii) a process for ensuring that any changes in the information are reported in an appropriate timeframe; and (iii) a prohibition for the patient to be issued a written certification by more than one practitioner during any given time period.

J. Information obtained under the registration process shall be confidential and shall not be subject to the disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). However, reasonable access to registry information shall be provided to (i) the Chairmen of the House Committee for Courts of Justice and the Senate Committee on the Judiciary, (ii) state and federal agencies or local law enforcement for the purpose of investigating or prosecuting a specific individual for a specific violation of law, (iii) licensed practitioners or pharmacists, or their agents, for the purpose of providing patient care and drug therapy management and monitoring of drugs obtained by a registered patient, (iv) a pharmaceutical processor or cannabis dispensing facility involved in the treatment of a registered patient, or (v) a registered patient, his registered agent, or, if such patient is a minor or ~~an incapacitated~~ a *vulnerable* adult as defined in § 18.2-369, the patient's parent or legal guardian, but only with respect to information related to such registered patient.

§ 54.1-3442.5. Definitions.

As used in this article:

"Botanical cannabis," "cannabis oil," "cannabis product," and "usable cannabis" have the same meanings as specified in § 54.1-3408.3.

"Cannabis dispensing facility" means a facility that (i) has obtained a permit from the Board pursuant to § 54.1-3442.6; (ii) is owned, at least in part, by a pharmaceutical processor; and (iii) dispenses cannabis products produced by a pharmaceutical processor to a registered patient, his registered agent, or, if such patient is a minor or ~~an incapacitated~~ a *vulnerable* adult as defined in § 18.2-369, such patient's parent or legal guardian.

"Designated caregiver facility" has the same meaning as defined in § 54.1-3408.3.

"Pharmaceutical processor" means a facility that (i) has obtained a permit from the Board pursuant to § 54.1-3408.3 and (ii) cultivates Cannabis plants intended only for the production of cannabis oil, botanical cannabis, and usable cannabis, produces cannabis products, and dispenses cannabis products to a registered patient, his registered agent, or, if such patient is a minor or ~~an incapacitated~~ a *vulnerable* adult as defined in § 18.2-369, such patient's parent or legal guardian.

"Practitioner" has the same meaning as specified in § 54.1-3408.3.

"Registered agent" has the same meaning as specified in § 54.1-3408.3.

§ 54.1-3442.6. Permit to operate pharmaceutical processor or cannabis dispensing facility.

A. No person shall operate a pharmaceutical processor or a cannabis dispensing facility without first obtaining a permit from the Board. The application for such permit shall be made on a form provided by the Board and signed by a pharmacist who will be in full and actual charge of the pharmaceutical processor's dispensing area or cannabis dispensing facility. The Board shall establish an application fee and other general requirements for such application.

B. Each permit shall expire annually on a date determined by the Board in regulation. The number of permits that the Board may issue or renew in any year is limited to one pharmaceutical processor and up to five cannabis dispensing facilities for each health service area established by the Board of Health. Permits shall be displayed in a conspicuous place on the premises of the pharmaceutical processor and cannabis dispensing facility.

C. The Board shall adopt regulations establishing health, safety, and security requirements for pharmaceutical processors and cannabis dispensing facilities. Such regulations shall include requirements for (i) physical standards; (ii) location restrictions; (iii) security systems and controls; (iv) minimum equipment and resources; (v) recordkeeping; (vi) labeling, including the potency of each botanical cannabis product and the amounts recommended by the practitioner or dispensing pharmacist, and packaging; (vii) routine inspections no more frequently than once annually; (viii) processes for safely and securely dispensing and delivering in person cannabis products to a registered patient, his registered agent, or, if such patient is a minor or ~~an incapacitated~~ a *vulnerable* adult as defined in § 18.2-369, such patient's parent or legal guardian; (ix) dosage limitations for cannabis oil that provide that each dispensed dose of cannabis oil not exceed 10 milligrams of delta-9-tetrahydrocannabinol; (x) a process for the wholesale distribution of and the transfer of usable cannabis, botanical cannabis, cannabis oil, and cannabis products between pharmaceutical processors, between a pharmaceutical processors and a cannabis dispensing facility, and between cannabis dispensing facilities; (xi) an allowance for the sale of devices for administration of dispensed cannabis products and hemp-based CBD products that meet the applicable standards set forth in state and federal law, including the laboratory testing standards set forth in subsection M; (xii) an allowance for the use and distribution of inert product samples containing no cannabinoids for patient demonstration exclusively at the pharmaceutical processor or cannabis dispensing facility, and not for further distribution or sale, without

the need for a written certification; (xiii) a process for acquiring oil from industrial hemp extract and formulating such oil extract with Cannabis plant extract into allowable dosages of cannabis oil; and (xiv) an allowance for the advertising and promotion of the pharmaceutical processor's products and operations, which shall not limit the pharmaceutical processor from the provision of educational material to practitioners who issue written certifications and registered patients. The Board shall also adopt regulations for pharmaceutical processors that include requirements for (a) processes for safely and securely cultivating Cannabis plants intended for producing cannabis products, (b) the secure disposal of agricultural waste, and (c) a process for registering cannabis oil products.

D. The Board shall require that, after processing and before dispensing any cannabis products, a pharmaceutical processor shall make a sample available from each batch of cannabis product for testing by an independent laboratory located in Virginia meeting Board requirements. A valid sample size for testing shall be determined by each laboratory and may vary due to sample matrix, analytical method, and laboratory-specific procedures. A minimum sample size of 0.5 percent of individual units for dispensing or distribution from each homogenized batch of cannabis oil is required to achieve a representative cannabis oil sample for analysis. A minimum sample size, to be determined by the certified testing laboratory, from each batch of botanical cannabis is required to achieve a representative botanical cannabis sample for analysis. Botanical cannabis products shall only be tested for the following: total cannabidiol (CBD); total tetrahydrocannabinol (THC); terpenes; pesticide chemical residue; heavy metals; mycotoxins; moisture; and microbiological contaminants. Testing thresholds shall be consistent with generally accepted cannabis industry thresholds. The pharmaceutical processor may remediate cannabis oil that fails any quality testing standard. Following remediation, all remediated cannabis oil shall be subject to laboratory testing and approved upon satisfaction of testing standards applied to cannabis oil generally. If the batch fails retesting, it shall be considered usable cannabis and may be processed into cannabis oil, unless the failure is related to pesticide requirements, in which case the batch shall not be considered usable cannabis and shall not be processed into cannabis oil. Stability testing shall not be required for any cannabis oil product with an expiration date assigned by the pharmaceutical processor of six months or less from the date of packaging.

E. A laboratory testing samples for a pharmaceutical processor shall obtain a controlled substances registration certificate pursuant to § 54.1-3423 and shall comply with quality standards established by the Board in regulation.

F. Every pharmaceutical processor's dispensing area or cannabis dispensing facility shall be under the personal supervision of a licensed pharmacist on the premises of the pharmaceutical processor or cannabis dispensing facility. The pharmaceutical processor shall ensure that security measures are adequate to protect the cannabis from diversion at all times, and the pharmacist-in-charge shall have concurrent responsibility for preventing diversion from the dispensing area.

Every pharmaceutical processor shall designate a person who shall have oversight of the cultivation and production areas of the pharmaceutical processor and shall provide such information to the Board. The Board shall direct all communications related to enforcement of requirements related to cultivation and production of cannabis oil products by the pharmaceutical processor to such designated person.

G. The Board shall require the material owners of an applicant for a pharmaceutical processor or cannabis dispensing facility permit to submit to fingerprinting and provide personal descriptive information to be forwarded along with his fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding the applicant's material owners. The cost of fingerprinting and the criminal history record search shall be paid by the applicant. The Central Criminal Records Exchange shall forward the results of the criminal history background check to the Board or its designee, which shall be a governmental entity. A pharmaceutical processor shall maintain evidence of criminal background checks for all employees and delivery agents of the pharmaceutical processor. Criminal background checks of employees and delivery agents may be conducted by any service sufficient to disclose any federal and state criminal convictions.

H. In addition to other employees authorized by the Board, a pharmaceutical processor may employ individuals who may have less than two years of experience (i) to perform cultivation-related duties under the supervision of an individual who has received a degree in a field related to the cultivation of plants or a certification recognized by the Board or who has at least two years of experience cultivating plants, (ii) to perform extraction-related duties under the supervision of an individual who has a degree in chemistry or pharmacology or at least two years of experience extracting chemicals from plants, and (iii) to perform duties at the pharmaceutical processor and cannabis dispensing facility upon certification as a pharmacy technician.

I. A pharmaceutical processor to whom a permit has been issued by the Board may establish up to five cannabis dispensing facilities for the dispensing of cannabis products that have been cultivated and produced on the premises of a pharmaceutical processor permitted by the Board. Each cannabis dispensing facility shall be located within the same health service area as the pharmaceutical processor.

J. No person who has been convicted of a felony under the laws of the Commonwealth or another jurisdiction within the last five years shall be employed by or act as an agent of a pharmaceutical processor or cannabis dispensing facility.

K. Every pharmaceutical processor or cannabis dispensing facility shall adopt policies for pre-employment drug screening and regular, ongoing, random drug screening of employees.

L. A pharmacist at the pharmaceutical processor's dispensing area and the cannabis dispensing facility shall determine the number of pharmacy interns, pharmacy technicians, and pharmacy technician trainees who can be safely and competently supervised at one time; however, no pharmacist shall supervise more than six persons performing the duties of a pharmacy technician at one time in the pharmaceutical processor's dispensing area or cannabis dispensing facility.

M. A pharmaceutical processor may acquire industrial hemp extract processed in Virginia, and in compliance with state or federal law, from a registered industrial hemp dealer or processor. A pharmaceutical processor may process and formulate such oil extract with cannabis plant extract into an allowable dosage of cannabis oil. Industrial hemp acquired by a pharmaceutical processor is subject to the same third-party testing requirements that may apply to cannabis plant extract. Testing shall be performed by a laboratory located in Virginia and in compliance with state law. The industrial hemp dealer or processor shall provide such third-party testing results to the pharmaceutical processor before industrial hemp may be acquired.

N. With the exception of § 2.2-4031, neither the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) nor public participation guidelines adopted pursuant thereto shall apply to the adoption of any regulation pursuant to this section. Prior to adopting any regulation pursuant to this section, the Board of Pharmacy shall publish a notice of opportunity to comment in the Virginia Register of Regulations and post the action on the Virginia Regulatory Town Hall. Such notice of opportunity to comment shall contain (i) a summary of the proposed regulation; (ii) the text of the proposed regulation; and (iii) the name, address, and telephone number of the agency contact person responsible for receiving public comments. Such notice shall be made at least 60 days in advance of the last date prescribed in such notice for submittals of public comment. The legislative review provisions of subsections A and B of § 2.2-4014 shall apply to the promulgation or final adoption process for regulations pursuant to this section. The Board of Pharmacy shall consider and keep on file all public comments received for any regulation adopted pursuant to this section.

O. The Board shall register all cannabis products that meet testing, labeling, and packaging standards.

§ 54.1-3442.7. Dispensing cannabis products; report.

A. A pharmaceutical processor or cannabis dispensing facility shall dispense or deliver cannabis products only in person to (i) a patient who is a Virginia resident or temporarily resides in Virginia as made evident to the Board, has been issued a valid written certification, and is registered with the Board pursuant to § 54.1-3408.3; (ii) such patient's registered agent; or (iii) if such patient is a minor or an incapacitated or vulnerable adult as defined in § 18.2-369, such patient's parent or legal guardian who is a Virginia resident or temporarily resides in Virginia as made evident to the Board and is registered with the Board pursuant to § 54.1-3408.3. A companion may accompany a registered patient into a pharmaceutical processor's dispensing area or cannabis dispensing facility. Prior to the initial dispensing of cannabis products pursuant to each written certification, a pharmacist or pharmacy technician employed by the pharmaceutical processor or cannabis dispensing facility shall make and maintain, on site or remotely by electronic means, for two years a paper or electronic copy of the written certification that provides an exact image of the document that is clearly legible; shall view, in person or by audiovisual means, a current photo identification of the patient, registered agent, parent, or legal guardian; and shall verify current board registration of the practitioner and the corresponding patient, registered agent, parent, or legal guardian. Thereafter, an initial dispensing may be delivered to the patient, registered agent, parent, legal guardian, or designated caregiver facility. Prior to any subsequent dispensing of cannabis products pursuant to each written certification, an employee or delivery agent shall view a current photo identification of the patient, registered agent, parent, or legal guardian and the current board registration issued to the patient, registered agent, parent, or legal guardian. No pharmaceutical processor or cannabis dispensing facility shall dispense more than a 90-day supply, as determined by the dispensing pharmacist or certifying practitioner, for any patient during any 90-day period. A pharmaceutical processor or cannabis dispensing facility may dispense less than a 90-day supply of a cannabis product for any patient during any 90-day period; however, a pharmaceutical processor or cannabis dispensing facility may dispense more than one cannabis product to a patient at one time. No more than four ounces of botanical cannabis shall be dispensed for each 30-day period for which botanical cannabis is dispensed. The Board shall establish in regulation an amount of cannabis oil that constitutes a 90-day supply to treat or alleviate the symptoms of a patient's diagnosed condition or disease. In determining the appropriate amount of a cannabis product to be dispensed to a patient, a pharmaceutical processor or cannabis dispensing facility shall consider all cannabis products dispensed to the patient and adjust the amount dispensed accordingly.

B. A pharmaceutical processor or cannabis dispensing facility shall dispense only cannabis products produced on the premises of a pharmaceutical processor permitted by the Board or cannabis oil that has been formulated with oil from industrial hemp acquired by a pharmaceutical processor from a registered industrial hemp dealer or processor pursuant to § 54.1-3442.6. A pharmaceutical processor may begin cultivation upon being issued a permit by the Board.

C. The Board shall report annually by December 1 to the Chairmen of the House Committee for Health, Welfare and Institutions and the Senate Committee on Education and Health on the operation of pharmaceutical processors and cannabis dispensing facilities issued a permit by the Board, including the number of practitioners, patients, registered agents, and parents or legal guardians of patients who have registered with the Board and the number of written certifications issued pursuant to § 54.1-3408.3.

D. The concentration of delta-9-tetrahydrocannabinol in any cannabis product on site may be up to 10 percent greater than or less than the level of delta-9-tetrahydrocannabinol measured for labeling. A pharmaceutical processor and cannabis dispensing facility shall ensure that such concentration in any cannabis product on site is within such range. A pharmaceutical processor producing cannabis products shall establish a stability testing schedule of cannabis products.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 552 of the Acts of Assembly of 2021, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of

\$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 643

An Act to amend and reenact § 58.1-609.1 of the Code of Virginia, relating to sales tax exemption; gold, silver, and platinum bullion.

[H 936]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-609.1 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-609.1. Governmental and commodities exemptions.

The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606 shall not apply to the following:

1. Fuels which are subject to the tax imposed by Chapter 22 (§ 58.1-2200 et seq.). Persons who are refunded any such fuel tax shall, however, be subject to the tax imposed by this chapter, unless such taxes would be specifically exempted pursuant to any provision of this section.

2. Motor vehicles, trailers, semitrailers, mobile homes and travel trailers.

3. Gas, electricity, or water when delivered to consumers through mains, lines, or pipes.

4. Tangible personal property for use or consumption by the Commonwealth, any political subdivision of the Commonwealth, or the United States. This exclusion shall not apply to sales and leases to privately owned financial and other privately owned corporations chartered by the United States. Further, this exemption shall not apply to tangible personal property which is acquired by the Commonwealth or any of its political subdivisions and then transferred to private businesses for their use in a facility or real property improvement to be used by a private entity or for nongovernmental purposes other than tangible personal property acquired by the Herbert H. Bateman Advanced Shipbuilding and Carrier Integration Center and transferred to a Qualified Shipbuilder as defined in the third enactment of Chapter 790 of the 1998 Acts of the General Assembly.

5. Aircraft subject to tax under Chapter 15 (§ 58.1-1500 et seq.).

6. a. Motor fuels and alternative fuels for use in a commercial watercraft, as defined in § 58.1-2201, upon which a fuel tax is refunded pursuant to § 58.1-2259.

b. Fuels transactions upon which a fuel tax is refunded pursuant to subdivision A 22 of § 58.1-2259.

7. Sales by a government agency of the official flags of the United States, the Commonwealth of Virginia, or of any county, city or town.

8. Materials furnished by the State Board of Elections pursuant to §§ 24.2-404 through 24.2-407.

9. Watercraft as defined in § 58.1-1401.

10. Tangible personal property used in and about a marine terminal under the supervision of the Virginia Port Authority for handling cargo, merchandise, freight and equipment. This exemption shall apply to agents, lessees, sublessees or users of tangible personal property owned by or leased to the Virginia Port Authority and to property acquired or used by the Authority or by a nonstock, nonprofit corporation that operates a marine terminal or terminals on behalf of the Authority.

11. Sales by prisoners confined in state correctional facilities of artistic products personally made by the prisoners as authorized by § 53.1-46.

12. Tangible personal property for use or consumption by the Virginia Department for the Blind and Vision Impaired or any nominee, as defined in § 51.5-60, of such Department.

13. [Expired.]

14. Tangible personal property sold to residents and patients of the Virginia Veterans Care Center at a canteen operated by the Department of Veterans Services.

15. Tangible personal property for use or consumption by any nonprofit organization whose members include the Commonwealth and other states and which is organized for the purpose of fostering interstate cooperation and excellence in government.

16. Tangible personal property purchased for use or consumption by any soil and conservation district which is organized in accordance with the provisions of Article 3 (§ 10.1-506 et seq.) of Chapter 5 of Title 10.1.

17. Tangible personal property sold or leased to Alexandria Transit Company, Greater Lynchburg Transit Company, GRTC Transit System, or Greater Roanoke Transit Company, or to any other transit company that is owned, operated, or controlled by any county, city, or town, or any combination thereof, that provides public transportation services, and/or tangible personal property sold or leased to any county, city, or town, or any combination thereof, that is transferred to any of the companies set forth in this subdivision owned, operated, or controlled by any county, city, or town, or any combination thereof, that provides public transportation services.

18. (Expires July 1, 2022) Qualified products designated as Energy Star or WaterSense with a sales price of \$2,500 or less per product purchased for noncommercial home or personal use. The exemption provided by this subdivision shall

apply only to sales occurring during the three-day period that begins each year on the first Friday in August and ends at 11:59 p.m. on the following Sunday.

For the purposes of this exemption, an Energy Star qualified product is any dishwasher, clothes washer, air conditioner, ceiling fan, light bulb, dehumidifier, programmable thermostat, or refrigerator, the energy efficiency of which has been designated by the United States Environmental Protection Agency and the United States Department of Energy as meeting or exceeding each such agency's requirements under the Energy Star program. For the purposes of this exemption, WaterSense qualified products are those that have been recognized as being water efficient by the WaterSense program sponsored by the U.S. Environmental Protection Agency as indicated by a WaterSense label.

19. Effective through June 30, ~~2022~~ 2025, gold, silver, or platinum bullion or legal tender coins ~~whose sales price exceeds \$1,000. Each piece of gold, silver, or platinum or legal tender coin need not exceed \$1,000, provided that the sales price of one entire transaction of such pieces exceeds \$1,000.~~ "Gold, silver, or platinum bullion" means gold, silver, or platinum, and any combination thereof, that has gone through a refining process and is in a state or condition such that its value depends on its mass and purity and not on its form, numismatic value, or other value. Gold, silver, or platinum bullion may contain other metals or substances, provided that the other substances by themselves have minimal value compared with the value of the gold, silver, or platinum. "Legal tender coins" means coins of any metal content issued by a government as a medium of exchange or payment of debts. "Gold, silver, or platinum bullion" and "legal tender coins" do not include jewelry or works of art.

20. Tangible personal property sold by a sheriff at a correctional facility pursuant to § 53.1-127.1 and sales of prepared food within such correctional facility.

CHAPTER 644

An Act to amend and reenact § 65.2-402.1 of the Code of Virginia, relating to workers' compensation; COVID-19; health care providers.

[H 932]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 65.2-402.1 of the Code of Virginia is amended and reenacted as follows:

§ 65.2-402.1. Presumption as to death or disability from infectious disease.

A. Hepatitis, meningococcal meningitis, tuberculosis or HIV causing the death of, or any health condition or impairment resulting in total or partial disability of, any (i) salaried or volunteer firefighter, or salaried or volunteer emergency medical services personnel; (ii) member of the State Police Officers' Retirement System; (iii) member of county, city, or town police departments; (iv) sheriff or deputy sheriff; (v) Department of Emergency Management hazardous materials officer; (vi) city sergeant or deputy city sergeant of the City of Richmond; (vii) Virginia Marine Police officer; (viii) conservation police officer who is a full-time sworn member of the enforcement division of the Department of Wildlife Resources; (ix) Capitol Police officer; (x) special agent of the Virginia Alcoholic Beverage Control Authority appointed under the provisions of Chapter 1 (§ 4.1-100 et seq.) of Title 4.1; (xi) for such period that the Metropolitan Washington Airports Authority voluntarily subjects itself to the provisions of this chapter as provided in § 65.2-305, officer of the police force established and maintained by the Metropolitan Washington Airports Authority; (xii) officer of the police force established and maintained by the Norfolk Airport Authority; (xiii) conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; (xiv) sworn officer of the police force established and maintained by the Virginia Port Authority; (xv) campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 and employed by any public institution of higher education; (xvi) correctional officer as defined in § 53.1-1; or (xvii) full-time sworn member of the enforcement division of the Department of Motor Vehicles who has a documented occupational exposure to blood or body fluids shall be presumed to be occupational diseases, suffered in the line of government duty, that are covered by this title unless such presumption is overcome by a preponderance of competent evidence to the contrary. For purposes of this subsection, an occupational exposure occurring on or after July 1, 2002, shall be deemed "documented" if the person covered under this subsection gave notice, written or otherwise, of the occupational exposure to his employer, and an occupational exposure occurring prior to July 1, 2002, shall be deemed "documented" without regard to whether the person gave notice, written or otherwise, of the occupational exposure to his employer. For any correctional officer as defined in § 53.1-1 or full-time sworn member of the enforcement division of the Department of Motor Vehicles, the presumption shall not apply if such individual was diagnosed with hepatitis, meningococcal meningitis, or HIV before July 1, 2020.

B. 1. COVID-19 causing the death of, or any health condition or impairment resulting in total or partial disability of, any health care provider, as defined in § 8.01-581.1, who as part of the provider's employment is directly involved in diagnosing or treating persons known or suspected to have COVID-19, shall be presumed to be an occupational disease that is covered by this title unless such presumptions are overcome by a preponderance of competent evidence to the contrary. For the purposes of this section, the COVID-19 virus shall be established by a positive diagnostic test for COVID-19 and signs and symptoms of COVID-19 that require medical treatment, as described in subdivision F 2.

2. COVID-19 causing the death of, or any health condition or impairment resulting in total or partial disability of, any (i) firefighter, as defined in § 65.2-102; (ii) law-enforcement officer, as defined in § 9.1-101; (iii) correctional officer, as defined in § 53.1-1; or (iv) regional jail officer shall be presumed to be an occupational disease, suffered in the line of duty, as applicable, that is covered by this title unless such presumption is overcome by a preponderance of competent evidence to the contrary. For the purposes of this section, the COVID-19 virus shall be established by a positive diagnostic test for COVID-19, an incubation period consistent with COVID-19, and signs and symptoms of COVID-19 that require medical treatment.

C. As used in this section:

"Blood or body fluids" means blood and body fluids containing visible blood and other body fluids to which universal precautions for prevention of occupational transmission of blood-borne pathogens, as established by the Centers for Disease Control, apply. For purposes of potential transmission of hepatitis, meningococcal meningitis, tuberculosis, or HIV the term "blood or body fluids" includes respiratory, salivary, and sinus fluids, including droplets, sputum, saliva, mucous, and any other fluid through which infectious airborne or blood-borne organisms can be transmitted between persons.

"Hepatitis" means hepatitis A, hepatitis B, hepatitis non-A, hepatitis non-B, hepatitis C, or any other strain of hepatitis generally recognized by the medical community.

"HIV" means the medically recognized retrovirus known as human immunodeficiency virus, type I or type II, causing immunodeficiency syndrome.

"Occupational exposure," in the case of hepatitis, meningococcal meningitis, tuberculosis or HIV, means an exposure that occurs during the performance of job duties that places a covered employee at risk of infection.

D. Persons covered under this section who test positive for exposure to the enumerated occupational diseases, but have not yet incurred the requisite total or partial disability, shall otherwise be entitled to make a claim for medical benefits pursuant to § 65.2-603, including entitlement to an annual medical examination to measure the progress of the condition, if any, and any other medical treatment, prophylactic or otherwise.

E. 1. Whenever any standard, medically-recognized vaccine or other form of immunization or prophylaxis exists for the prevention of a communicable disease for which a presumption is established under this section, if medically indicated by the given circumstances pursuant to immunization policies established by the Advisory Committee on Immunization Practices of the United States Public Health Service, a person subject to the provisions of this section may be required by such person's employer to undergo the immunization or prophylaxis unless the person's physician determines in writing that the immunization or prophylaxis would pose a significant risk to the person's health. Absent such written declaration, failure or refusal by a person subject to the provisions of this section to undergo such immunization or prophylaxis shall disqualify the person from any presumption established by this section.

2. The presumptions described in subdivision B 1 shall not apply to any person offered by such person's employer a vaccine for the prevention of COVID-19 with an Emergency Use Authorization issued by the U.S. Food and Drug Administration, unless the person is immunized or the person's physician determines in writing that the immunization would pose a significant risk to the person's health. Absent such written declaration, failure or refusal by a person subject to the provisions of this section to undergo such immunization shall disqualify the person from the presumptions described in subdivision B 1.

F. 1. The presumptions described in subsection A shall only apply if persons entitled to invoke them have, if requested by the appointing authority or governing body employing them, undergone preemployment physical examinations that (i) were conducted prior to the making of any claims under this title that rely on such presumptions; (ii) were performed by physicians whose qualifications are as prescribed by the appointing authority or governing body employing such persons; (iii) included such appropriate laboratory and other diagnostic studies as the appointing authorities or governing bodies may have prescribed; and (iv) found such persons free of hepatitis, meningococcal meningitis, tuberculosis or HIV at the time of such examinations. The presumptions described in subsection A shall not be effective until six months following such examinations, unless such persons entitled to invoke such presumption can demonstrate a documented exposure during the six-month period.

2. The presumptions described in subdivision B 1 shall apply to any person entitled to invoke them for any death or disability occurring on or after March 12, 2020, caused by infection from the COVID-19 virus, provided that for any such death or disability that occurred on or after March 12, 2020, and prior to December 31, ~~2021~~ 2022, and;

a. Prior to July 1, 2020, the claimant received a positive diagnosis of COVID-19 from a licensed physician, nurse practitioner, or physician assistant after either (i) a presumptive positive test or a laboratory-confirmed test for COVID-19 and presenting with signs and symptoms of COVID-19 that required medical treatment, or (ii) presenting with signs and symptoms of COVID-19 that required medical treatment absent a presumptive positive test or a laboratory-confirmed test for COVID-19; or

b. On or after July 1, 2020, and prior to December 31, ~~2021~~ 2022, the claimant received a positive diagnosis of COVID-19 from a licensed physician, nurse practitioner, or physician assistant after a presumptive positive test or a laboratory-confirmed test for COVID-19 and presented with signs and symptoms of COVID-19 that required medical treatment.

3. The presumptions described in subdivision B 2 shall apply to any person entitled to invoke them for any death or disability occurring on or after July 1, 2020, caused by infection from the COVID-19 virus, provided that for any such death or disability that occurred on or after July 1, 2020, and prior to December 31, 2021, the claimant received a diagnosis of

COVID-19 from a licensed physician, after either a presumptive positive test or a laboratory confirmed test for COVID-19, and presented with signs and symptoms of COVID-19 that required medical treatment.

G. Persons making claims under this title who rely on such presumption shall, upon the request of appointing authorities or governing bodies employing such persons, submit to physical examinations (i) conducted by physicians selected by such appointing authorities or governing bodies or their representatives and (ii) consisting of such tests and studies as may reasonably be required by such physicians. However, a qualified physician, selected and compensated by the claimant, may, at the election of such claimant, be present at such examination.

CHAPTER 645

An Act to amend and reenact § 18.2-67.10 of the Code of Virginia, relating to criminal sexual assault; definition of intimate parts; penalty.

[H 434]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-67.10 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-67.10. General definitions.

As used in this article:

1. "Complaining witness" means the person alleged to have been subjected to rape, forcible sodomy, inanimate or animate object sexual penetration, marital sexual assault, aggravated sexual battery, or sexual battery.

2. "Intimate parts" means the genitalia, anus, groin, breast, or buttocks of any person, *or the chest of a child under the age of 15*.

3. "Mental incapacity" means that condition of the complaining witness existing at the time of an offense under this article which prevents the complaining witness from understanding the nature or consequences of the sexual act involved in such offense and about which the accused knew or should have known.

4. "Physical helplessness" means unconsciousness or any other condition existing at the time of an offense under this article which otherwise rendered the complaining witness physically unable to communicate an unwillingness to act and about which the accused knew or should have known.

5. The complaining witness's "prior sexual conduct" means any sexual conduct on the part of the complaining witness which took place before the conclusion of the trial, excluding the conduct involved in the offense alleged under this article.

6. "Sexual abuse" means an act committed with the intent to sexually molest, arouse, or gratify any person, where:

a. The accused intentionally touches the complaining witness's intimate parts or material directly covering such intimate parts;

b. The accused forces the complaining witness to touch the accused's, the witness's own, or another person's intimate parts or material directly covering such intimate parts;

c. If the complaining witness is under the age of 13, the accused causes or assists the complaining witness to touch the accused's, the witness's own, or another person's intimate parts or material directly covering such intimate parts; or

d. The accused forces another person to touch the complaining witness's intimate parts or material directly covering such intimate parts.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 552 of the Acts of Assembly of 2021, Special Session 1, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 646

An Act to require the Department of Health, through its contract with the nonprofit organization with which it enters agreements for certain data services, to develop and implement a methodology for evaluating the efficiency and productivity of carriers and managed care health insurance plans.

[H 248]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Department of Health (the Department), through its contract with the nonprofit organization described in § 32.1-276.4 of the Code of Virginia and in consultation with the Bureau of Insurance of the State Corporation Commission (the Bureau), shall by July 1, 2023, (i) develop and implement a methodology to review and measure the efficiency and productivity of health care providers and carriers, as defined in § 38.2-3407.10 of the Code of Virginia, other than limited scope dental or vision plans licensed pursuant to Chapter 45 (§ 38.2-4500 et seq.) of Title 38.2, and managed care health

insurance plans, as defined in § 38.2-5800 of the Code of Virginia and certified by the Department pursuant to § 32.1-137.2 of the Code of Virginia, and (ii) make available to the public on a website maintained by the nonprofit organization such data and information and other reports collected or produced as a result of implementation of such methodology. The methodology shall be designed to foster transparency and competition among both carriers and health care providers and to assist consumers in making educated decisions regarding options for health care coverage and access.

§ 2. The methodology described in § 1 shall:

1. Include provisions for comparisons of a specific carrier's or managed care health insurance plan's performance to (i) national and regional performance metrics for carriers or managed care health insurance plans, as appropriate, and (ii) other carriers or managed care health insurance plans, as appropriate;

2. Provide for the collection of data and information necessary to evaluate or compare (i) annual premium rates and changes to such rates over time; (ii) medical loss ratios and changes to such ratios over time; (iii) cost sharing levels and changes to such levels over time; and (iv) expenditures on inpatient hospital services, outpatient hospital services, emergency services, physician services, pharmaceuticals, and other major spending categories, and changes to such expenditures over time; and

3. Utilize data compiled by the Bureau and submitted to the nonprofit organization, data from data sources maintained by the Bureau and the Department, and other publicly available data sources.

Such methodology may include different methodologies for the assessment of various types of carriers and managed care health insurance plans.

§ 3. Any data submitted by the Bureau to the Department or the nonprofit organization in accordance with this act shall be provided in a secure manner to protect the safety and confidentiality of any proprietary information of any carrier or managed care health insurance plan.

§ 4. The Bureau shall convene a stakeholder work group composed of representatives of the Department, the nonprofit organization described in § 32.1-276.4 of the Code of Virginia, the Virginia Association of Health Plans, the Virginia Hospital and Healthcare Association, the Medical Society of Virginia, and other such stakeholders as the Bureau deems appropriate to (i) provide input on the development of the methodology described in § 1; (ii) identify additional measures to increase the transparency of information provided to the Bureau by carriers, managed care health insurance plans, and health care providers; and (iii) determine what additional information should be provided to the nonprofit organization by carriers, managed care health insurance plan providers, and health care providers to foster transparency and competition among both carriers and health care providers and assist consumers in making educated decisions regarding options for health care coverage and access. The work group shall report its findings and recommendations to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2022.

CHAPTER 647

An Act to amend and reenact § 30-19.03:1.3 of the Code of Virginia, relating to occupational regulation; evaluation of legislation; committee chairman to request.

[H 207]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 30-19.03:1.3 of the Code of Virginia is amended and reenacted as follows:

§ 30-19.03:1.3. Evaluations to be prepared for legislation increasing or beginning regulation of an occupation.

A. For the purposes of this section, "regulation" means any statement of general application, having the force of law and affecting the rights or conduct of any person, adopted by an agency in accordance with the authority conferred on it by the Constitution and applicable statutes of the Commonwealth.

B. When any legislative bill requiring the Department of Professional and Occupational Regulation to increase or begin regulation of an occupation is filed during any session of the General Assembly, the *chairman of the committee having jurisdiction over the proposal shall request that the Board for Professional and Occupational Regulation (the Board) shall* prepare an evaluation of the legislation using the criteria outlined in § 54.1-311.

~~C. The Division of Legislative Services shall examine all bills filed during any legislative session for the purpose of identifying and forwarding to the Board those bills requiring an evaluation pursuant to this section.~~

~~As soon thereafter as may be practicable, the Board~~ Upon receipt of such a request, the Board shall prepare the evaluation and shall forward copies of such ~~evaluations~~ evaluation to the Clerk of the House of Delegates for House bills and to the Clerk of the Senate for Senate bills no later than November 1 of the same year for requests received during a regular session of the General Assembly or as soon as practicable for requests received during a special session of the General Assembly for transmittal to each patron of the legislation and to the chairman of each committee of the General Assembly to consider the same.

All departments, agencies of government, and the Division of Legislative Services are directed to make available such information and assistance as the Board may request in preparing the evaluations required by this section.

CHAPTER 648

An Act to amend and reenact §§ 58.1-322.03 and 58.1-402 of the Code of Virginia, relating to Virginia taxable income; corporations; deductions; business interest.

[H 1006]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:**1. That §§ 58.1-322.03 and 58.1-402 of the Code of Virginia are amended and reenacted as follows:****§ 58.1-322.03. Virginia taxable income; deductions.**

In computing Virginia taxable income pursuant to § 58.1-322, there shall be deducted from Virginia adjusted gross income as defined in § 58.1-321:

1. a. The amount allowable for itemized deductions for federal income tax purposes where the taxpayer has elected for the taxable year to itemize deductions on his federal return, but reduced by the amount of income taxes imposed by the Commonwealth or any other taxing jurisdiction and deducted on such federal return and increased by an amount that, when added to the amount deducted under § 170 of the Internal Revenue Code for mileage, results in a mileage deduction at the state level for such purposes at a rate of 18 cents per mile; or

b. Provided that the taxpayer has not itemized deductions for the taxable year on his federal income tax return: (i) for taxable years beginning before January 1, 2019, and on and after January 1, 2026, \$3,000 for single individuals and \$6,000 for married persons (one-half of such amounts in the case of a married individual filing a separate return) and (ii) for taxable years beginning on and after January 1, 2019, but before January 1, 2026, \$4,500 for single individuals and \$9,000 for married persons (one-half of such amounts in the case of a married individual filing a separate return). For purposes of this section, any person who may be claimed as a dependent on another taxpayer's return for the taxable year may compute the deduction only with respect to earned income.

2. a. A deduction in the amount of \$930 for each personal exemption allowable to the taxpayer for federal income tax purposes.

b. Each blind or aged taxpayer as defined under § 63(f) of the Internal Revenue Code shall be entitled to an additional personal exemption in the amount of \$800.

The additional deduction for blind or aged taxpayers allowed under this subdivision shall be allowable regardless of whether the taxpayer itemizes deductions for the taxable year for federal income tax purposes.

3. A deduction equal to the amount of employment-related expenses upon which the federal credit is based under § 21 of the Internal Revenue Code for expenses for household and dependent care services necessary for gainful employment.

4. An additional \$1,000 deduction for each child residing for the entire taxable year in a home under permanent foster care placement as defined in § 63.2-908, provided that the taxpayer can also claim the child as a personal exemption under § 151 of the Internal Revenue Code.

5. a. A deduction in the amount of \$12,000 for individuals born on or before January 1, 1939.

b. A deduction in the amount of \$12,000 for individuals born after January 1, 1939, who have attained the age of 65. This deduction shall be reduced by \$1 for every \$1 that the taxpayer's adjusted federal adjusted gross income exceeds \$50,000 for single taxpayers or \$75,000 for married taxpayers. For married taxpayers filing separately, the deduction shall be reduced by \$1 for every \$1 that the total combined adjusted federal adjusted gross income of both spouses exceeds \$75,000.

For the purposes of this subdivision, "adjusted federal adjusted gross income" means federal adjusted gross income minus any benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code, as amended.

6. The amount an individual pays as a fee for an initial screening to become a possible bone marrow donor, if (i) the individual is not reimbursed for such fee or (ii) the individual has not claimed a deduction for the payment of such fee on his federal income tax return.

7. a. A deduction shall be allowed to the purchaser or contributor for the amount paid or contributed during the taxable year for a prepaid tuition contract or college savings trust account entered into with the Virginia College Savings Plan, pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1. Except as provided in subdivision b, the amount deducted on any individual income tax return in any taxable year shall be limited to \$4,000 per prepaid tuition contract or college savings trust account. No deduction shall be allowed pursuant to this subdivision 7 if such payments or contributions are deducted on the purchaser's or contributor's federal income tax return. If the purchase price or annual contribution to a college savings trust account exceeds \$4,000, the remainder may be carried forward and subtracted in future taxable years until the purchase price or college savings trust contribution has been fully deducted; however, except as provided in subdivision b, in no event shall the amount deducted in any taxable year exceed \$4,000 per contract or college savings trust account. Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any deduction taken hereunder shall be subject to recapture in the taxable year or years in which distributions or refunds are made for any reason other than (i) to pay qualified higher education expenses, as defined in § 529 of the Internal Revenue Code or (ii) the beneficiary's death, disability, or receipt of a scholarship. For the purposes of this subdivision, "purchaser" or "contributor" means the person shown as such on the records of the Virginia College Savings Plan as of December 31 of the taxable year. In the case of a transfer of

ownership of a prepaid tuition contract or college savings trust account, the transferee shall succeed to the transferor's tax attributes associated with a prepaid tuition contract or college savings trust account, including, but not limited to, carryover and recapture of deductions.

b. A purchaser of a prepaid tuition contract or contributor to a college savings trust account who has attained age 70 shall not be subject to the limitation that the amount of the deduction not exceed \$4,000 per prepaid tuition contract or college savings trust account in any taxable year. Such taxpayer shall be allowed a deduction for the full amount paid for the contract or contributed to a college savings trust account, less any amounts previously deducted.

8. The total amount an individual actually contributed in funds to the Virginia Public School Construction Grants Program and Fund, established in Chapter 11.1 (§ 22.1-175.1 et seq.) of Title 22.1, provided that the individual has not claimed a deduction for such amount on his federal income tax return.

9. An amount equal to 20 percent of the tuition costs incurred by an individual employed as a primary or secondary school teacher licensed pursuant to Chapter 15 (§ 22.1-289.1 et seq.) of Title 22.1 to attend continuing teacher education courses that are required as a condition of employment; however, the deduction provided by this subdivision shall be available only if (i) the individual is not reimbursed for such tuition costs and (ii) the individual has not claimed a deduction for the payment of such tuition costs on his federal income tax return.

10. The amount an individual pays annually in premiums for long-term health care insurance, provided that the individual has not claimed a deduction for federal income tax purposes, or, for taxable years beginning before January 1, 2014, a credit under § 58.1-339.11. For taxable years beginning on and after January 1, 2014, no such deduction for long-term health care insurance premiums paid by the individual during the taxable year shall be allowed if the individual has claimed a federal income tax deduction for such taxable year for long-term health care insurance premiums paid by him.

11. Contract payments to a producer of quota tobacco or a tobacco quota holder, or their spouses, as provided under the American Jobs Creation Act of 2004 (P.L. 108-357), but only to the extent that such payments have not been subtracted pursuant to subsection D of § 58.1-402, as follows:

a. If the payment is received in installment payments, then the recognized gain may be subtracted in the taxable year immediately following the year in which the installment payment is received.

b. If the payment is received in a single payment, then 10 percent of the recognized gain may be subtracted in the taxable year immediately following the year in which the single payment is received. The taxpayer may then deduct an equal amount in each of the nine succeeding taxable years.

12. An amount equal to 20 percent of the sum paid by an individual pursuant to Chapter 6 (§ 58.1-600 et seq.), not to exceed \$500 in each taxable year, in purchasing for his own use the following items of tangible personal property: (i) any clothes washers, room air conditioners, dishwashers, and standard size refrigerators that meet or exceed the applicable energy star efficiency requirements developed by the U.S. Environmental Protection Agency and the U.S. Department of Energy; (ii) any fuel cell that (a) generates electricity using an electrochemical process, (b) has an electricity-only generation efficiency greater than 35 percent, and (c) has a generating capacity of at least two kilowatts; (iii) any gas heat pump that has a coefficient of performance of at least 1.25 for heating and at least 0.70 for cooling; (iv) any electric heat pump hot water heater that yields an energy factor of at least 1.7; (v) any electric heat pump that has a heating system performance factor of at least 8.0 and a cooling seasonal energy efficiency ratio of at least 13.0; (vi) any central air conditioner that has a cooling seasonal energy efficiency ratio of at least 13.5; (vii) any advanced gas or oil water heater that has an energy factor of at least 0.65; (viii) any advanced oil-fired boiler with a minimum annual fuel-utilization rating of 85; (ix) any advanced oil-fired furnace with a minimum annual fuel-utilization rating of 85; and (x) programmable thermostats.

13. The lesser of \$5,000 or the amount actually paid by a living donor of an organ or other living tissue for unreimbursed out-of-pocket expenses directly related to the donation that arose within 12 months of such donation, provided that the donor has not taken a medical deduction in accordance with the provisions of § 213 of the Internal Revenue Code for such expenses. The deduction may be taken in the taxable year in which the donation is made or the taxable year in which the 12-month period expires.

14. For taxable years beginning on and after January 1, 2013, the amount an individual age 66 or older with earned income of at least \$20,000 for the year and federal adjusted gross income not in excess of \$30,000 for the year pays annually in premiums for (i) a prepaid funeral insurance policy covering the individual or (ii) medical or dental insurance for any person for whom individual tax filers may claim a deduction for such premiums under federal income tax laws. As used in this subdivision, "earned income" means the same as that term is defined in § 32(c) of the Internal Revenue Code. The deduction shall not be allowed for any portion of such premiums paid for which the individual has (a) been reimbursed, (b) claimed a deduction for federal income tax purposes, (c) claimed a deduction or subtraction under another provision of this section, or (d) claimed a federal income tax credit or any income tax credit pursuant to this chapter.

15. For taxable years beginning on and after January 1, 2018, *but before January 1, 2022*, 20 percent of business interest disallowed as a deduction pursuant to § 163(j) of the Internal Revenue Code. *For taxable years beginning on and after January 1, 2022, 30 percent of business interest disallowed as a deduction pursuant to § 163(j) of the Internal Revenue Code.* For purposes of this subdivision, "business interest" means the same as that term is defined under § 163(j) of the Internal Revenue Code.

16. For taxable years beginning on and after January 1, 2019, the actual amount of real and personal property taxes imposed by the Commonwealth or any other taxing jurisdiction not otherwise deducted solely on account of the dollar limitation imposed on individual deductions by § 164(b)(6)(B) of the Internal Revenue Code.

17. For taxable years beginning on and after January 1, 2020, but before January 1, 2021, up to \$100,000 of the amount that is not deductible when computing federal adjusted gross income solely on account of the portion of subdivision B 10 of § 58.1-301 related to Paycheck Protection Program loans.

§ 58.1-402. Virginia taxable income.

A. For purposes of this article, Virginia taxable income for a taxable year means the federal taxable income and any other income taxable to the corporation under federal law for such year of a corporation adjusted as provided in subsections B, C, D, E, G, and H.

For a regulated investment company and a real estate investment trust, such term means the "investment company taxable income" and "real estate investment trust taxable income," respectively, to which shall be added in each case any amount of capital gains and any other income taxable to the corporation under federal law which shall be further adjusted as provided in subsections B, C, D, E, G, and H.

B. There shall be added to the extent excluded from federal taxable income:

1. Interest, less related expenses to the extent not deducted in determining federal taxable income, on obligations of any state other than Virginia, or of a political subdivision of any such other state unless created by compact or agreement to which the Commonwealth is a party;

2. Interest or dividends, less related expenses to the extent not deducted in determining federal taxable income, on obligations or securities of any authority, commission or instrumentality of the United States, which the laws of the United States exempt from federal income tax but not from state income taxes;

3. [Repealed.]

4. The amount of any net income taxes and other taxes, including franchise and excise taxes, which are based on, measured by, or computed with reference to net income, imposed by the Commonwealth or any other taxing jurisdiction, to the extent deducted in determining federal taxable income;

5. Unrelated business taxable income as defined by § 512 of the Internal Revenue Code;

6. [Repealed.]

7. The amount required to be included in income for the purpose of computing the partial tax on an accumulation distribution pursuant to § 667 of the Internal Revenue Code;

8. a. For taxable years beginning on and after January 1, 2004, the amount of any intangible expenses and costs directly or indirectly paid, accrued, or incurred to, or in connection directly or indirectly with one or more direct or indirect transactions with one or more related members to the extent such expenses and costs were deductible or deducted in computing federal taxable income for Virginia purposes. This addition shall not be required for any portion of the intangible expenses and costs if one of the following applies:

(1) The corresponding item of income received by the related member is subject to a tax based on or measured by net income or capital imposed by Virginia, another state, or a foreign government that has entered into a comprehensive tax treaty with the United States government;

(2) The related member derives at least one-third of its gross revenues from the licensing of intangible property to parties who are not related members, and the transaction giving rise to the expenses and costs between the corporation and the related member was made at rates and terms comparable to the rates and terms of agreements that the related member has entered into with parties who are not related members for the licensing of intangible property; or

(3) The corporation can establish to the satisfaction of the Tax Commissioner that the intangible expenses and costs meet both of the following: (i) the related member during the same taxable year directly or indirectly paid, accrued or incurred such portion to a person who is not a related member, and (ii) the transaction giving rise to the intangible expenses and costs between the corporation and the related member did not have as a principal purpose the avoidance of any portion of the tax due under this chapter.

b. A corporation required to add to its federal taxable income intangible expenses and costs pursuant to subdivision a may petition the Tax Commissioner, after filing the related income tax return for the taxable year and remitting to the Tax Commissioner all taxes, penalties, and interest due under this article for such taxable year including tax upon any amount of intangible expenses and costs required to be added to federal taxable income pursuant to subdivision a, to consider evidence relating to the transaction or transactions between the corporation and a related member or members that resulted in the corporation's taxable income being increased, as required under subdivision a, for such intangible expenses and costs.

If the corporation can demonstrate to the Tax Commissioner's sole satisfaction, by clear and convincing evidence, that the transaction or transactions between the corporation and a related member or members resulting in such increase in taxable income pursuant to subdivision a had a valid business purpose other than the avoidance or reduction of the tax due under this chapter, the Tax Commissioner shall permit the corporation to file an amended return. For purposes of such amended return, the requirements of subdivision a shall not apply to any transaction for which the Tax Commissioner is satisfied (and has identified) that the transaction had a valid business purpose other than the avoidance or reduction of the tax due under this chapter. Such amended return shall be filed by the corporation within one year of the written permission granted by the Tax Commissioner and any refund of the tax imposed under this article shall include interest at a rate equal to the rate of interest established under § 58.1-15 and such interest shall accrue as provided under § 58.1-1833. However, upon

the filing of such amended return, any related member of the corporation that subtracted from taxable income amounts received pursuant to subdivision C 21 shall be subject to the tax imposed under this article on that portion of such amounts for which the corporation has filed an amended return pursuant to this subdivision. In addition, for such transactions identified by the Tax Commissioner herein by which he has been satisfied by clear and convincing evidence, the Tax Commissioner may permit the corporation in filing income tax returns for subsequent taxable years to deduct the related intangible expenses and costs without making the adjustment under subdivision a.

The Tax Commissioner may charge a fee for all direct and indirect costs relating to the review of any petition pursuant to this subdivision, to include costs necessary to secure outside experts in evaluating the petition. The Tax Commissioner may condition the review of any petition pursuant to this subdivision upon payment of such fee.

No suit for the purpose of contesting any action of the Tax Commissioner under this subdivision shall be maintained in any court of this Commonwealth.

c. Nothing in subdivision B 8 shall be construed to limit or negate the Department's authority under § 58.1-446;

9. a. For taxable years beginning on and after January 1, 2004, the amount of any interest expenses and costs directly or indirectly paid, accrued, or incurred to, or in connection directly or indirectly with one or more direct or indirect transactions with one or more related members to the extent such expenses and costs were deductible or deducted in computing federal taxable income for Virginia purposes. This addition shall not be required for any portion of the interest expenses and costs, if:

(1) The related member has substantial business operations relating to interest-generating activities, in which the related member pays expenses for at least five full-time employees who maintain, manage, defend or are otherwise responsible for operations or administration relating to the interest-generating activities; and

(2) The interest expenses and costs are not directly or indirectly for, related to or in connection with the direct or indirect acquisition, maintenance, management, sale, exchange, or disposition of intangible property; and

(3) The transaction giving rise to the expenses and costs between the corporation and the related member has a valid business purpose other than the avoidance or reduction of taxation and payments between the parties are made at arm's length rates and terms; and

(4) One of the following applies:

(i) The corresponding item of income received by the related member is subject to a tax based on or measured by net income or capital imposed by Virginia, another state, or a foreign government that has entered into a comprehensive tax treaty with the United States government;

(ii) Payments arise pursuant to a pre-existing contract entered into when the parties were not related members provided the payments continue to be made at arm's length rates and terms;

(iii) The related member engages in transactions with parties other than related members that generate revenue in excess of \$2 million annually; or

(iv) The transaction giving rise to the interest payments between the corporation and a related member was done at arm's length rates and terms and meets any of the following: (a) the related member uses funds that are borrowed from a party other than a related member or that are paid, incurred or passed-through to a person who is not a related member; (b) the debt is part of a regular and systematic funds management or portfolio investment activity conducted by the related member, whereby the funds of two or more related members are aggregated for the purpose of achieving economies of scale, the internal financing of the active business operations of members, or the benefit of centralized management of funds; (c) financing the expansion of the business operations; or (d) restructuring the debt of related members, or the pass-through of acquisition-related indebtedness to related members.

b. A corporation required to add to its federal taxable income interest expenses and costs pursuant to subdivision a may petition the Tax Commissioner, after filing the related income tax return for the taxable year and remitting to the Tax Commissioner all taxes, penalties, and interest due under this article for such taxable year including tax upon any amount of interest expenses and costs required to be added to federal taxable income pursuant to subdivision a, to consider evidence relating to the transaction or transactions between the corporation and a related member or members that resulted in the corporation's taxable income being increased, as required under subdivision a, for such interest expenses and costs.

If the corporation can demonstrate to the Tax Commissioner's sole satisfaction, by clear and convincing evidence, that the transaction or transactions between the corporation and a related member or members resulting in such increase in taxable income pursuant to subdivision a had a valid business purpose other than the avoidance or reduction of the tax due under this chapter and that the related payments between the parties were made at arm's length rates and terms, the Tax Commissioner shall permit the corporation to file an amended return. For purposes of such amended return, the requirements of subdivision a shall not apply to any transaction for which the Tax Commissioner is satisfied (and has identified) that the transaction had a valid business purpose other than the avoidance or reduction of the tax due under this chapter and that the related payments between the parties were made at arm's length rates and terms. Such amended return shall be filed by the corporation within one year of the written permission granted by the Tax Commissioner and any refund of the tax imposed under this article shall include interest at a rate equal to the rate of interest established under § 58.1-15 and such interest shall accrue as provided under § 58.1-1833. However, upon the filing of such amended return, any related member of the corporation that subtracted from taxable income amounts received pursuant to subdivision C 21 shall be subject to the tax imposed under this article on that portion of such amounts for which the corporation has filed an amended return pursuant to this subdivision. In addition, for such transactions identified by the Tax Commissioner herein by which he

has been satisfied by clear and convincing evidence, the Tax Commissioner may permit the corporation in filing income tax returns for subsequent taxable years to deduct the related interest expenses and costs without making the adjustment under subdivision a.

The Tax Commissioner may charge a fee for all direct and indirect costs relating to the review of any petition pursuant to this subdivision, to include costs necessary to secure outside experts in evaluating the petition. The Tax Commissioner may condition the review of any petition pursuant to this subdivision upon payment of such fee.

No suit for the purpose of contesting any action of the Tax Commissioner under this subdivision shall be maintained in any court of this Commonwealth.

c. Nothing in subdivision B 9 shall be construed to limit or negate the Department's authority under § 58.1-446.

d. For purposes of subdivision B 9:

"Arm's-length rates and terms" means that (i) two or more related members enter into a written agreement for the transaction, (ii) such agreement is of a duration and contains payment terms substantially similar to those that the related member would be able to obtain from an unrelated entity, (iii) the interest is at or below the applicable federal rate compounded annually for debt instruments under § 1274(d) of the Internal Revenue Code that was in effect at the time of the agreement, and (iv) the borrower or payor adheres to the payment terms of the agreement governing the transaction or any amendments thereto.

"Valid business purpose" means one or more business purposes that alone or in combination constitute the motivation for some business activity or transaction, which activity or transaction improves, apart from tax effects, the economic position of the taxpayer, as further defined by regulation.

10. a. For taxable years beginning on and after January 1, 2009, the amount of dividends deductible under §§ 561 and 857 of the Internal Revenue Code by a Captive Real Estate Investment Trust (REIT). For purposes of this subdivision, a REIT is a Captive REIT if:

(1) It is not regularly traded on an established securities market;

(2) More than 50 percent of the voting power or value of beneficial interests or shares of which, at any time during the last half of the taxable year, is owned or controlled, directly or indirectly, by a single entity that is (i) a corporation or an association taxable as a corporation under the Internal Revenue Code; and (ii) not exempt from federal income tax pursuant to § 501(a) of the Internal Revenue Code; and

(3) More than 25 percent of its income consists of rents from real property as defined in § 856(d) of the Internal Revenue Code.

b. For purposes of applying the ownership test of subdivision 10 a (2), the following entities shall not be considered a corporation or an association taxable as a corporation:

(1) Any REIT that is not treated as a Captive REIT;

(2) Any REIT subsidiary under § 856 of the Internal Revenue Code other than a qualified REIT subsidiary of a Captive REIT;

(3) Any Listed Australian Property Trust, or an entity organized as a trust, provided that a Listed Australian Property Trust owns or controls, directly or indirectly, 75 percent or more of the voting or value of the beneficial interests or shares of such trust; and

(4) Any Qualified Foreign Entity.

c. For purposes of subdivision B 10, the constructive ownership rules prescribed under § 318(a) of the Internal Revenue Code, as modified by § 856(d)(5) of the Internal Revenue Code, shall apply in determining the ownership of stock, assets, or net profits of any person.

d. For purposes of subdivision B 10:

"Listed Australian Property Trust" means an Australian unit trust registered as a Management Investment Scheme, pursuant to the Australian Corporations Act, in which the principal class of units is listed on a recognized stock exchange in Australia and is regularly traded on an established securities market.

"Qualified Foreign Entity" means a corporation, trust, association or partnership organized outside the laws of the United States and that satisfies all of the following criteria:

(1) At least 75 percent of the entity's total asset value at the close of its taxable year is represented by real estate assets, as defined in § 856(c)(5)(B) of the Internal Revenue Code, thereby including shares or certificates of beneficial interest in any REIT, cash and cash equivalents, and U.S. Government securities;

(2) The entity is not subject to a tax on amounts distributed to its beneficial owners, or is exempt from entity level tax;

(3) The entity distributes, on an annual basis, at least 85 percent of its taxable income, as computed in the jurisdiction in which it is organized, to the holders of its shares or certificates of beneficial interest;

(4) The shares or certificates of beneficial interest of such entity are regularly traded on an established securities market or, if not so traded, not more than 10 percent of the voting power or value in such entity is held directly, indirectly, or constructively by a single entity or individual; and

(5) The entity is organized in a country that has a tax treaty with the United States.

e. For taxable years beginning on or after January 1, 2016, for purposes of subdivision B 10, any voting power or value of the beneficial interests or shares in a REIT that is held in a segregated asset account of a life insurance corporation as described in § 817 of the Internal Revenue Code shall not be taken into consideration when determining if such REIT is a Captive REIT.

11. For taxable years beginning on or after January 1, 2016, to the extent that tax credit is allowed for the same donation pursuant to § 58.1-439.12:12, any amount claimed as a federal income tax deduction for such donation under § 170 of the Internal Revenue Code, as amended or renumbered.

C. There shall be subtracted to the extent included in and not otherwise subtracted from federal taxable income:

1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of any authority, commission or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States including, but not limited to, stocks, bonds, treasury bills, and treasury notes, but not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

2. Income derived from obligations, or on the sale or exchange of obligations of this Commonwealth or of any political subdivision or instrumentality of this Commonwealth.

3. Dividends upon stock in any domestic international sales corporation, as defined by § 992 of the Internal Revenue Code, 50 percent or more of the income of which was assessable for the preceding year, or the last year in which such corporation has income, under the provisions of the income tax laws of the Commonwealth.

4. The amount of any refund or credit for overpayment of income taxes imposed by this Commonwealth or any other taxing jurisdiction.

5. Any amount included therein by the operation of the provisions of § 78 of the Internal Revenue Code (foreign dividend gross-up).

6. The amount of wages or salaries eligible for the federal Targeted Jobs Credit which was not deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.

7. Any amount included therein by the operation of § 951 of the Internal Revenue Code (subpart F income) or, for taxable years beginning on and after January 1, 2018, § 951A of the Internal Revenue Code (Global Intangible Low-Taxed Income).

8. Any amount included therein which is foreign source income as defined in § 58.1-302.

9. [Repealed.]

10. The amount of any dividends received from corporations in which the taxpaying corporation owns 50 percent or more of the voting stock.

11. [Repealed.]

12, 13. [Expired.]

14. For taxable years beginning on or after January 1, 1995, the amount for "qualified research expenses" or "basic research expenses" eligible for deduction for federal purposes, but which were not deducted, on account of the provisions of § 280C(c) of the Internal Revenue Code.

15. For taxable years beginning on or after January 1, 2000, the total amount actually contributed in funds to the Virginia Public School Construction Grants Program and Fund established in Chapter 11.1 (§ 22.1-175.1 et seq.) of Title 22.1.

16. For taxable years beginning on or after January 1, 2000, but before January 1, 2015, the gain derived from the sale or exchange of real property or the sale or exchange of an easement to real property which results in the real property or the easement thereto being devoted to open-space use, as that term is defined in § 58.1-3230, for a period of time not less than 30 years. To the extent a subtraction is taken in accordance with this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for three years following the year in which the subtraction is taken.

17. For taxable years beginning on and after January 1, 2001, any amount included therein with respect to § 58.1-440.1.

18. For taxable years beginning on and after January 1, 1999, income received as a result of (i) the "Master Settlement Agreement," as defined in § 3.2-3100; and (ii) the National Tobacco Grower Settlement Trust dated July 19, 1999, by (a) tobacco farming businesses; (b) any business holding a tobacco marketing quota, or tobacco farm acreage allotment, under the Agricultural Adjustment Act of 1938; or (c) any business having the right to grow tobacco pursuant to such a quota allotment.

19, 20. [Repealed.]

21. For taxable years beginning on and after January 1, 2004, any amount of intangible expenses and costs or interest expenses and costs added to the federal taxable income of a corporation pursuant to subdivision B 8 or B 9 shall be subtracted from the federal taxable income of the related member that received such amount if such related member is subject to Virginia income tax on the same amount.

22. For taxable years beginning on and after January 1, 2009, any gain recognized from the sale of launch services to space flight participants, as defined in 49 U.S.C. § 70102, or launch services intended to provide individuals the training or experience of a launch, without performing an actual launch. To qualify for a deduction under this subdivision, launch services must be performed in Virginia or originate from an airport or spaceport in Virginia.

23. For taxable years beginning on and after January 1, 2009, any gain recognized as a result of resupply services contracts for delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8, and launched from an airport or spaceport in Virginia.

24. For taxable years beginning on or after January 1, 2011, any income taxed as a long-term capital gain for federal income tax purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership carried interest income) for federal income tax purposes. To qualify for a subtraction under this subdivision, such income must be attributable to an investment in a "qualified business," as defined in § 58.1-339.4, or in any other technology business approved by the Secretary of Administration, provided the business has its principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the investment must be made between the dates of April 1, 2010, and June 30, 2020. No taxpayer who has claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4 shall be eligible for the subtraction under this subdivision for an investment in the same business.

25. a. Income, including investment services partnership interest income (otherwise known as investment partnership carried interest income), attributable to an investment in a Virginia venture capital account. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2018, but before December 31, 2023. No subtraction shall be allowed under this subdivision for an investment in a company that is owned or operated by an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision C 24 for the same investment.

b. As used in this subdivision 25:

"Qualified portfolio company" means a company that (i) has its principal place of business in the Commonwealth; (ii) has a primary purpose of production, sale, research, or development of a product or service other than the management or investment of capital; and (iii) provides equity in the company to the Virginia venture capital account in exchange for a capital investment. "Qualified portfolio company" does not include a company that is an individual or sole proprietorship.

"Virginia venture capital account" means an investment fund that has been certified by the Department as a Virginia venture capital account. In order to be certified as a Virginia venture capital account, the operator of the investment fund shall register the investment fund with the Department prior to December 31, 2023, (i) indicating that it intends to invest at least 50 percent of the capital committed to its fund in qualified portfolio companies and (ii) providing documentation that it employs at least one investor who has at least four years of professional experience in venture capital investment or substantially equivalent experience. "Substantially equivalent experience" includes, but is not limited to, an undergraduate degree from an accredited college or university in economics, finance, or a similar field of study. The Department may require an investment fund to provide documentation of the investor's training, education, or experience as deemed necessary by the Department to determine substantial equivalency. If the Department determines that the investment fund employs at least one investor with the experience set forth herein, the Department shall certify the investment fund as a Virginia venture capital account at such time as the investment fund actually invests at least 50 percent of the capital committed to its fund in qualified portfolio companies.

26. a. Income attributable to an investment in a Virginia real estate investment trust. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2019, but before December 31, 2024. No subtraction shall be allowed for an investment in a trust that is managed by an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision C 24 or 25 for the same investment.

b. As used in this subdivision 26:

"Distressed" means satisfying the criteria applicable to a locality described in subdivision E 2 of § 2.2-115.

"Double distressed" means satisfying the criteria applicable to a locality described in subdivision E 3 of § 2.2-115.

"Virginia real estate investment trust" means a real estate investment trust, as defined in 26 U.S.C. § 856, that has been certified by the Department as a Virginia real estate investment trust. In order to be certified as a Virginia real estate investment trust, the trustee shall register the trust with the Department prior to December 31, 2024, indicating that it intends to invest at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed. If the Department determines that the trust satisfies the preceding criteria, the Department shall certify the trust as a Virginia real estate investment trust at such time as the trust actually invests at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed.

27. For taxable years beginning on and after January 1, 2019, any gain recognized from the taking of real property by condemnation proceedings.

28. For taxable years beginning on and after January 1, 2020, but before January 1, 2021, up to \$100,000 of all grant funds received by the taxpayer under the Rebuild Virginia program established by the Governor and administered by the Department of Small Business and Supplier Diversity.

D. For taxable years beginning on and after January 1, 2006, there shall be subtracted from federal taxable income contract payments to a producer of quota tobacco or a tobacco quota holder as provided under the American Jobs Creation Act of 2004 (P.L. 108-357) as follows:

1. If the payment is received in installment payments, then the recognized gain, including any gain recognized in taxable year 2005, may be subtracted in the taxable year immediately following the year in which the installment payment is received.

2. If the payment is received in a single payment, then 10 percent of the recognized gain may be subtracted in the taxable year immediately following the year in which the single payment is received. The taxpayer may then deduct an equal amount in each of the nine succeeding taxable years.

E. Adjustments to federal taxable income shall be made to reflect the transitional modifications provided in § 58.1-315.

F. Notwithstanding any other provision of law, the income from any disposition of real property which is held by the taxpayer for sale to customers in the ordinary course of the taxpayer's trade or business, as defined in § 453(l)(1)(B) of the Internal Revenue Code, of property made on or after January 1, 2009, may, at the election of the taxpayer, be recognized under the installment method described under § 453 of the Internal Revenue Code, provided that (i) the election relating to the dealer disposition of the property has been made on or before the due date prescribed by law (including extensions) for filing the taxpayer's return of the tax imposed under this chapter for the taxable year in which the disposition occurs, and (ii) the dealer disposition is in accordance with restrictions or conditions established by the Department, which shall be set forth in guidelines developed by the Department. Along with such restrictions or conditions, the guidelines shall also address the recapture of such income under certain circumstances. The development of the guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

G. For taxable years beginning on and after January 1, 2018, *but before January 1, 2022*, there shall be deducted to the extent included in and not otherwise subtracted from federal taxable income 20 percent of business interest disallowed as a deduction pursuant to § 163(j) of the Internal Revenue Code. *For taxable years beginning on and after January 1, 2022, there shall be deducted to the extent included in and not otherwise subtracted from federal taxable income 30 percent of business interest disallowed as a deduction pursuant to § 163(j) of the Internal Revenue Code.* For purposes of this subsection, "business interest" means the same as that term is defined under § 163(j) of the Internal Revenue Code.

H. For taxable years beginning on and after January 1, 2020, but before January 1, 2021, there shall be deducted to the extent not otherwise subtracted from federal taxable income up to \$100,000 of the amount that is not deductible when computing federal taxable income solely on account of the portion of subdivision B 10 of § 58.1-301 related to Paycheck Protection Program loans.

CHAPTER 649

An Act to amend and reenact § 38.2-508 of the Code of Virginia, relating to insurance; discrimination based on status as living organ donor prohibited.

[H 421]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-508 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-508. Unfair discrimination.

No person shall:

1. Unfairly discriminate or permit any unfair discrimination between individuals of the same class and equal expectation of life (i) in the rates charged for any life insurance or annuity contract, or (ii) in the dividends or other benefits payable on the contract, or (iii) in any other of the terms and conditions of the contract;

2. Unfairly discriminate or permit any unfair discrimination between individuals of the same class and of essentially the same hazard (i) in the amount of premium, policy fees, or rates charged for any policy or contract of accident or health insurance, (ii) in the benefits payable under such policy or contract, (iii) in any of the terms or conditions of such policy or contract, or (iv) in any other manner;

3. Refuse to insure, refuse to continue to insure, or limit the amount, extent or kind of insurance coverage available to an individual, or charge an individual a different rate for the same coverage solely because of blindness, or partial blindness, or mental or physical impairments, unless the refusal, limitation or rate differential is based on sound actuarial principles. This paragraph shall not be interpreted to modify any other provision of law relating to the termination, modification, issuance or renewal of any insurance policy or contract;

4. Unfairly discriminate or permit any unfair discrimination between individuals or risks of the same class and of essentially the same hazards by refusing to issue, refusing to renew, cancelling or limiting the amount of insurance coverage solely because of the geographic location of the individual or risk, unless:

- a. The refusal, cancellation or limitation is for a business purpose that is not a mere pretext for unfair discrimination; or
- b. The refusal, cancellation or limitation is required by law or regulatory mandate;

5. Make or permit any unfair discrimination between individuals or risks of the same class and of essentially the same hazards by refusing to issue, refusing to renew, cancelling or limiting the amount of insurance coverage on a residential property risk, or the personal property contained in a residential property risk, solely because of the age of the residential property, unless:

- a. The refusal, cancellation or limitation is for a business purpose that is not a mere pretext for unfair discrimination; or
- b. The refusal, cancellation or limitation is required by law or regulatory mandate;

6. Refuse to issue or renew any individual accident and sickness insurance policy or contract for coverage over and above any lifetime benefit of a group accident and sickness policy or contract solely because an individual is insured under a group accident and sickness insurance policy or contract, provided that medical expenses covered by both individual and group coverage shall be paid first by the group policy or contract to the extent of the group coverage; ~~or~~

7. Consider the status of a victim of domestic violence as a criterion in any decision with regard to insurance underwriting, pricing, renewal, scope of coverage, or payment of claims on any and all insurance defined in § 38.2-100 and further classified in Article 2 (§ 38.2-101 et seq.) of Chapter 1 of this title, other than (i) legal services plans as provided for in Chapter 44 (§ 38.2-4400 et seq.) of this title and (ii) the insurance classified in §§ 38.2-110 through 38.2-133. The term "domestic violence" means the occurrence of one or more of the following acts by a current or former family member, household member as defined in § 16.1-228, person against whom the victim obtained a protective order or caretaker:

- a. Attempting to cause or causing or threatening another person physical harm, severe emotional distress, psychological trauma, rape or sexual assault;
- b. Engaging in a course of conduct or repeatedly committing acts toward another person, including following the person without proper authority, under circumstances that place the person in reasonable fear of bodily injury or physical harm;
- c. Subjecting another person to false imprisonment; or
- d. Attempting to cause or causing damage to property so as to intimidate or attempt to control the behavior of another person.

Nothing in this subsection shall prohibit an insurer or insurance professional from asking about a medical condition or from using medical information to underwrite or to carry out its duties under an insurance policy even if the medical information is related to a medical condition that the insurer or insurance professional knows or has reason to know resulted from domestic violence, to the extent otherwise permitted under this section and other applicable law; or

8. *Refuse to insure, refuse to continue to insure, or limit the amount or extent of life insurance, disability insurance, or long-term care insurance coverage available to an individual or charge an individual a different rate for the same coverage based solely and without any additional actuarial risks upon the status of such individual as a living organ donor. For the purposes of this subdivision, "living organ donor" means a living individual who donates one or more of such individual's human organs, including bone marrow, to be medically transplanted into the body of another individual.*

2. That the provisions of this act shall apply to life insurance, disability insurance, or long-term care insurance plans that are entered into, amended, extended, or renewed on or after January 1, 2023.

CHAPTER 650

An Act to amend the Code of Virginia by adding a section numbered 22.1-138.3, relating to the Department of Education; school division maintenance reserve tool.

[S 238]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-138.3 as follows:

§ 22.1-138.3. Department; school division maintenance reserve tool.

A. The Department, in consultation with the Department of General Services, shall develop or adopt and maintain a data collection tool to assist each school board to determine the relative age of each public school building in the local school division and the amount of maintenance reserve funds that are necessary to restore each such building.

B. Each school board shall provide to the Department in a timely fashion the local data that is necessary to ensure that the tool maintained pursuant to subsection A remains relevant and useful for the determination of maintenance reserve needs.

2. That the Department of Education shall consider using the Department of General Services' Real Estate and Assets Management system for tracking buildings and infrastructure maintenance status to meet the requirements of § 22.1-138.3 of the Code of Virginia, as created by this act.

CHAPTER 651

An Act to amend the Code of Virginia by adding a section numbered 29.1-516.2, relating to hunting with dogs; dogs to wear tags.

[H 1273]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 29.1-516.2 as follows:

§ 29.1-516.2. Hunting with dogs; dogs to wear tags.

Any person engaged in lawful hunting with a dog shall ensure that the dog has a tag identifying the name of the owner or custodian and a current phone number. The tag shall be securely fastened to a substantial collar by the owner or custodian and worn by such dog.

CHAPTER 652

An Act to amend and reenact §§ 58.1-603.2, 58.1-638, and 58.1-3823 of the Code of Virginia, relating to sales tax; Historic Triangle regional tax; dedication of funds.

[S 438]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:**1. That §§ 58.1-603.2, 58.1-638, and 58.1-3823 of the Code of Virginia are amended and reenacted as follows:****§ 58.1-603.2. (For contingent expiration date, see Acts 2018, c. 850) Additional state sales and use tax in certain counties and cities of historic significance; Historic Triangle Marketing Fund.**

A. For purposes of this section,:

"Historic Triangle" means all of the City of Williamsburg and the Counties of James City and York.

"Historic Triangle Recreational Facilities Authority" means a regional government entity created by the City of Williamsburg and the Counties of James City and York for the purpose of developing and managing recreational facilities for the benefit of such localities' residents and visitors.

B. In addition to the sales tax imposed pursuant to §§ 58.1-603 and 58.1-603.1, there is hereby levied and imposed in the Historic Triangle a retail sales tax at the rate of one percent. Such tax shall not be levied upon food purchased for human consumption and essential personal hygiene products, as such terms are defined in § 58.1-611.1. Such tax shall be added to the rate of the state sales tax imposed pursuant to §§ 58.1-603 and 58.1-603.1 in each such county and city and shall be subject to all the provisions of this chapter and the rules and regulations published with respect thereto. No discount under § 58.1-622 shall be allowed for the tax imposed under this section. Such tax shall be administered and collected by the Tax Commissioner in the same manner and subject to the same penalties as provided for the state sales tax under § 58.1-603.

C. In addition to the use tax imposed pursuant to §§ 58.1-604 and 58.1-604.01, there is hereby levied and imposed in the Historic Triangle a retail use tax at the rate of one percent. Such tax shall not be levied upon food purchased for human consumption and essential personal hygiene products, as such terms are defined in § 58.1-611.1. Such tax shall be added to the rate of the state use tax imposed pursuant to §§ 58.1-604 and 58.1-604.01 in each such county and city and shall be subject to all the provisions of this chapter and the rules and regulations published with respect thereto. No discount under § 58.1-622 shall be allowed for the tax imposed under this section. Such tax shall be administered and collected by the Tax Commissioner in the same manner and subject to the same penalties as provided for the state use tax under § 58.1-604.

D. The revenue generated and collected pursuant to the tax authorized under this section, less the applicable portion of any refunds to taxpayers, shall be deposited by the Comptroller as follows:

1. Fifty percent of the revenues shall be deposited into the Historic Triangle Marketing Fund created pursuant to subsection E F and used for the purposes set forth therein; and

2. Fifty percent of the revenues shall be deposited into a special fund hereby created on the books of the Comptroller under the name "Collections of Historic Triangle Sales Tax" and distributed to the locality in which the sales or use tax was collected. The revenues received by a locality pursuant to this subsection shall not be used to reduce the ~~amount of other revenues appropriated by such locality to or for use by the Greater Williamsburg Chamber and Tourism Alliance below the amount provided in fiscal year 2018 funding dedicated by the recipient localities to regional tourism promotion and product development.~~

E. 1. *The revenues received by a locality pursuant to subsection D shall not be used to reduce such locality's funding dedicated to regional tourism promotion and product development. In meeting the requirements of this subsection, each locality shall annually allocate the following minimum amounts, to be distributed as provided in subdivision 2:*

a. *The City of Williamsburg shall allocate at least \$800,000;*

b. *James City County shall allocate at least \$740,000; and*

c. *York County shall allocate at least \$438,600.*

2. *As determined by agreement among the City of Williamsburg and the Counties of James City and York, the amounts allocated under subdivision 1 shall be appropriated so that each of the recipients identified in this subdivision receive the following minimum amounts:*

a. *The Williamsburg Tourism Council shall receive at least \$126,600;*

b. *The Greater Williamsburg Chamber of Commerce shall receive at least \$402,000; and*

c. *The Historic Triangle Recreational Facilities Authority shall receive at least \$1,450,000.*

F. 1. There is hereby created in the state treasury a special nonreverting fund to be known as the Historic Triangle Marketing Fund, referred to in this section as "the Fund," to be managed and administered by the Williamsburg Tourism Council of the ~~Greater Williamsburg Chamber and Tourism Alliance~~. The Fund shall be established on the books of the Comptroller. All revenues generated pursuant to this section shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of marketing, advertising, and promoting the Historic Triangle area as an overnight tourism destination, with the intent to attract visitors from a sufficient distance so as to require an

overnight stay of at least one night, as set forth in this subsection. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Secretary of Finance.

2. The *Williamsburg Tourism Council of the Greater Williamsburg Chamber and Tourism Alliance* (the Council) is established as an advisory board in the legislative branch of state government. The Council shall consist of members as follows: one member of the James City County Board of Supervisors, one member of the York County Board of Supervisors; one member of the Williamsburg City Council, one representative of the Colonial Williamsburg Foundation, one representative of the Jamestown-Yorktown Foundation, one representative of Busch Gardens Williamsburg, one representative of ~~Historic Jamestowne~~ *the Jamestown Rediscovery Foundation*, one representative of the Williamsburg Hotel and Motel Association, and one representative of the Williamsburg Area Restaurant Association. The ~~Chief Executive Officer of the Virginia Tourism Alliance~~ *Chair of the Greater Williamsburg Chamber of Commerce* and the Chief Executive Officer of the Virginia Tourism Corporation shall serve as ex officio, ~~non-voting nonvoting~~ members of the Council.

3. The Council shall establish the Historic Triangle Office of Marketing and Promotion (the Office) to administer a program of marketing, advertising, and promotion to attract visitors to the Historic Triangle area, as required by this subsection. The Council shall use moneys in the Fund to fund the pay for necessary expenses of the Office and to fund the activities of the Office. The Office shall be overseen by a professional with extensive experience in marketing or advertising and in the tourism industry. The Office shall be responsible for (i) developing and implementing, in consultation with the Council, long-term and short-term strategic plans for advertising and promoting the numerous facilities, venues, and attractions devoted to education, historic preservation, amusement, entertainment, and dining in the Historic Triangle as a cohesive and unified travel destination for local, national, and international travelers; (ii) assisting, upon request, with the coordination of cross-advertising and cross-marketing efforts between various tourism venues and destinations in the Historic Triangle region; (iii) identifying strategies for both increasing the number of overnight visitors to the region and increasing the average length of stay of tourists in the region; and (iv) performing any other function related to the promotion of the Historic Triangle region as may be identified by the Council.

4. The Council shall report annually on its long-term and short-term strategic plans and the implementation of such plans; marketing efforts; metrics regarding tourism in the Historic Triangle region; use of the funds in the Fund; and any other details relevant to the work of the Council and the Office. Such report shall be delivered no later than December 1 of each year to the managers or chief executive officers of the City of Williamsburg and the Counties of James City and York, and to the Chairmen of the House Committees on Finance and Appropriations and the Senate Committee on Finance and Appropriations.

§ 58.1-638. Disposition of state sales and use tax revenue.

A. The Comptroller shall designate a specific revenue code number for all the state sales and use tax revenue collected under the preceding sections of this chapter.

The sales and use tax revenue generated by the one-half percent sales and use tax increase enacted by the 1986 Special Session of the General Assembly shall be paid, in the manner hereinafter provided in this section, to the Commonwealth Transportation Fund established pursuant to § 33.2-1524. The Fund's share of such net revenue shall be computed as an estimate of the net revenue to be received into the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the Fund on the last day of each month.

B. The sales and use tax revenue generated by a one percent sales and use tax shall be distributed among the counties and cities of the Commonwealth in the manner provided in subsections C and D.

C. The localities' share of the net revenue distributable under this section among the counties and cities shall be apportioned by the Comptroller and distributed among them by warrants of the Comptroller drawn on the Treasurer of Virginia as soon as practicable after the close of each month during which the net revenue was received into the state treasury. The distribution of the localities' share of such net revenue shall be computed with respect to the net revenue received into the state treasury during each month, and such distribution shall be made as soon as practicable after the close of each such month.

D. The net revenue so distributable among the counties and cities shall be apportioned and distributed upon the basis of the latest yearly estimate of the population of cities and counties ages five to 19, provided by the Weldon Cooper Center for Public Service of the University of Virginia. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for persons who are domiciled in orphanages or charitable institutions or who are dependents living on any federal military or naval reservation or other federal property within the school division in which the institutions or federal military or naval reservation or other federal property is located. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for members of the military services who are under 20 years of age within the school division in which the parents or guardians of such persons legally reside. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for individuals receiving services in state hospitals, state training centers, or mental health facilities, persons who are confined in state or federal correctional institutions, or persons who attend the Virginia School for the Deaf and the Blind within the school division in which the parents or guardians of such persons legally reside. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for persons who attend institutions of higher education within the school division in which the student's parents or guardians legally reside. To such estimate, the Department of Education shall add the population of students with disabilities, ages two

through four and 20 through 21, as provided to the Department of Education by school divisions. The revenue so apportionable and distributable is hereby appropriated to the several counties and cities for maintenance, operation, capital outlays, debt and interest payments, or other expenses incurred in the operation of the public schools, which shall be considered as funds raised from local resources. In any county, however, wherein is situated any incorporated town constituting a school division, the county treasurer shall pay into the town treasury for maintenance, operation, capital outlays, debt and interest payments, or other expenses incurred in the operation of the public schools, the proper proportionate amount received by him in the ratio that the school population of such town bears to the school population of the entire county. If the school population of any city or of any town constituting a school division is increased by the annexation of territory since the last estimate of school population provided by the Weldon Cooper Center for Public Service, such increase shall, for the purposes of this section, be added to the school population of such city or town as shown by the last such estimate and a proper reduction made in the school population of the county or counties from which the annexed territory was acquired.

E. Beginning July 1, 2000, of the remaining sales and use tax revenue, the revenue generated by a two percent sales and use tax, up to an annual amount of \$13 million, collected from the sales of hunting equipment, auxiliary hunting equipment, fishing equipment, auxiliary fishing equipment, wildlife-watching equipment, and auxiliary wildlife-watching equipment in Virginia, as estimated by the most recent U.S. Department of the Interior, Fish and Wildlife Service and U.S. Department of Commerce, Bureau of the Census National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, shall be paid into the Game Protection Fund established under § 29.1-101 and shall be used, in part, to defray the cost of law enforcement. Not later than 30 days after the close of each quarter, the Comptroller shall transfer to the Game Protection Fund the appropriate amount of collections to be dedicated to such Fund. At any time that the balance in the Capital Improvement Fund, established under § 29.1-101.01, is equal to or in excess of \$35 million, any portion of sales and use tax revenues that would have been transferred to the Game Protection Fund, established under § 29.1-101, in excess of the net operating expenses of the Board, after deduction of other amounts which accrue to the Board and are set aside for the Game Protection Fund, shall remain in the general fund until such time as the balance in the Capital Improvement Fund is less than \$35 million.

F. 1. Of the net revenue generated from the one-half percent increase in the rate of the state sales and use tax effective August 1, 2004, pursuant to enactments of the 2004 Special Session I of the General Assembly, the Comptroller shall transfer from the general fund of the state treasury to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund established under § 58.1-638.1 an amount equivalent to one-half of the net revenue generated from such one-half percent increase as provided in this subdivision. The transfers to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund under this subdivision shall be for one-half of the net revenue generated (and collected in the succeeding month) from such one-half percent increase for the month of August 2004 and for each month thereafter.

2. Beginning July 1, 2013, of the remaining sales and use tax revenue, an amount equal to the revenue generated by a 0.125 percent sales and use tax shall be distributed to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund established under § 58.1-638.1, and be used for the state's share of Standards of Quality basic aid payments.

3. For the purposes of the Comptroller making the required transfers under subdivision 1 and 2, the Tax Commissioner shall make a written certification to the Comptroller no later than the twenty-fifth of each month certifying the sales and use tax revenues generated in the preceding month. Within three calendar days of receiving such certification, the Comptroller shall make the required transfers to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund.

G. (Contingent expiration date) Beginning July 1, 2020, of the remaining sales and use tax revenue, an amount equal to 20 percent of the revenue generated by a one-half percent sales and use tax, such as that paid to the Commonwealth Transportation Fund as provided in subsection A, shall be paid to the Commonwealth Transportation Fund established pursuant to § 33.2-1524.

The Commonwealth Transportation Fund's share of the net revenue distributable under this subsection shall be computed as an estimate of the net revenue to be received into the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the Fund on the last day of each month.

H. (Contingent expiration date) 1. The additional revenue generated by increases in the state sales and use tax from Planning District 8 pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited by the Comptroller in the fund established under § 33.2-2509.

2. The additional revenue generated by increases in the state sales and use tax from Planning District 23 pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited by the Comptroller in the fund established under § 33.2-2600.

3. (For contingent expiration date, see Acts 2020, c. 1235) The additional revenue generated by increases in the state sales and use tax from Planning District 15 pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited by the Comptroller in the fund established under § 33.2-3701.

4. The additional revenue generated by increases in the state sales and use tax in any other Planning District pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited into special funds that shall be established by appropriate legislation.

5. The net revenues distributable under this subsection shall be computed as an estimate of the net revenue to be received by the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the appropriate funds on the last day of each month.

I. (For contingent expiration date, see Acts 2018, c. 850) The additional revenue generated by increases in the state sales and use tax from the Historic Triangle pursuant to § 58.1-603.2 shall be deposited by the Comptroller as follows: (i) 50 percent shall be deposited into the Historic Triangle Marketing Fund established pursuant to subsection E F of § 58.1-603.2; and (ii) 50 percent shall be deposited in the special fund created pursuant to subdivision D 2 of § 58.1-603.2 and distributed to the localities in which the revenues were collected. The net revenues distributable under this subsection shall be computed as an estimate of the net revenues to be received by the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the appropriate funds on the last day of each month.

J. Beginning July 1, 2020, the first \$40 million of sales and use taxes remitted by online retailers with a physical nexus established pursuant to subsection D of § 58.1-612 shall be deposited into the Major Headquarters Workforce Grant Fund established pursuant to § 59.1-284.31.

K. If errors are made in any distribution, or adjustments are otherwise necessary, the errors shall be corrected and adjustments made in the distribution for the next quarter or for subsequent quarters.

L. The term "net revenue," as used in this section, means the gross revenue received into the general fund or the Commonwealth Transportation Fund of the state treasury under the preceding sections of this chapter, less refunds to taxpayers.

§ 58.1-3823. Additional transient occupancy tax for certain counties.

A. Hanover County, Chesterfield County and Henrico County may impose:

1. An additional transient occupancy tax not to exceed four percent of the total price paid by the customer for the use or possession of any room or space occupied in a retail sale. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for promoting tourism, travel or business that generates tourism or travel in the Richmond metropolitan area; and

2. An additional transient occupancy tax not to exceed two percent of the total price paid by the customer for the use or possession of any room or space occupied in a retail sale. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for expanding the Richmond Centre, a convention and exhibition facility in the City of Richmond.

3. An additional transient occupancy tax not to exceed one percent of the total price paid by the customer for the use or possession of any room or space occupied in a retail sale. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for the development and improvement of the Virginia Performing Arts Foundation's facilities in Richmond, for promoting the use of the Richmond Centre and for promoting tourism, travel or business that generates tourism and travel in the Richmond metropolitan area.

B. Any county with the county manager plan of government may impose an additional transient occupancy tax not to exceed two percent of the total price paid by the customer for the use or possession of any room or space occupied in a retail sale, provided that the county's governing body approves the construction of a county conference center. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for the design, construction, debt payment, and operation of such conference center.

C. (For expiration date, see Acts 2018, c. 850) The Counties of James City and York may impose an additional transient occupancy tax for the use or possession of any overnight guest room in an amount not to exceed \$2 per room per night. The tax imposed by this subsection shall not apply to travel campground sites or to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. Of the revenues generated by the tax authorized by this subsection, one-half of the revenues generated from each night of occupancy of an overnight guest room shall be deposited into the Historic Triangle Marketing Fund, created pursuant to subdivision E 1 subsection F of § 58.1-603.2, and one-half of the revenues shall be retained by the locality in which the tax is imposed.

C. (For effective date, see Acts 2018, c. 850) 1. The Counties of James City and York may impose an additional transient occupancy tax for the use or possession of any overnight guest room in an amount not to exceed \$2 per room per night. The revenues collected from the additional tax shall be designated and expended solely for advertising the Historic Triangle area, which includes all of the City of Williamsburg and the Counties of James City and York, as an overnight tourism destination by the members of the Williamsburg Area Destination Marketing Committee of the Greater Williamsburg Chamber and Tourism Alliance of Commerce. The tax imposed by this subsection shall not apply to travel campground sites or to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days.

2. The Williamsburg Area Destination Marketing Committee shall consist of the members as provided herein. The governing bodies of the City of Williamsburg, the County of James City, and the County of York shall each designate one of their members to serve as members of the Williamsburg Area Destination Marketing Committee. These three members of

the Committee shall have two votes apiece. In no case shall a person who is a member of the Committee by virtue of the designation of a local governing body be eligible to be selected a member of the Committee pursuant to subdivision a.

a. Further, one member of the Committee shall be selected by the Board of Directors of the Williamsburg Hotel and Motel Association; one member of the Committee shall be from The Colonial Williamsburg Foundation and shall be selected by the Foundation; one member of the Committee shall be an employee of Busch Gardens Europe/Water Country USA and shall be selected by Busch Gardens Europe/Water Country USA; one member of the Committee shall be from the Jamestown-Yorktown Foundation and shall be selected by the Foundation; one member of the Committee shall be selected by the Executive Committee of the Greater Williamsburg Chamber ~~and Tourism Alliance of Commerce~~; and one member of the Committee shall be the President and Chief Executive Officer of the Virginia Tourism Authority who shall serve ex officio. Each of these six members of the Committee shall have one vote apiece. The President of the Greater Williamsburg Chamber ~~and Tourism Alliance of Commerce~~ shall serve ex officio with nonvoting privileges unless chosen by the Executive Committee of the Greater Williamsburg Chamber ~~and Tourism Alliance of Commerce~~ to serve as its voting representative. The Executive Director of the Williamsburg Hotel and Motel Association shall serve ex officio with nonvoting privileges unless chosen by the Board of Directors of the Williamsburg Hotel and Motel Association to serve as its voting representative.

In no case shall more than one person of the same local government, including the governing body of the locality, serve as a member of the Committee at the same time.

If at any time a person who has been selected to the Committee by other than a local governing body becomes or is (a) a member of the local governing body of the City of Williamsburg, the County of James City, or the County of York, or (b) an employee of one of such local governments, the person shall be ineligible to serve as a member of the Committee while a member of the local governing body or an employee of one of such local governments. In such case, the body that selected the person to serve as a member of the Commission shall promptly select another person to serve as a member of the Committee.

3. The Williamsburg Area Destination Marketing Committee shall maintain all authorities granted by this section. The Greater Williamsburg Chamber ~~and Tourism Alliance of Commerce~~ shall serve as the fiscal agent for the Williamsburg Area Destination Marketing Committee with specific responsibilities to be defined in a contract between such two entities. The contract shall include provisions to reimburse the Greater Williamsburg Chamber ~~and Tourism Alliance of Commerce~~ for annual audits and any other agreed-upon expenditures. The Williamsburg Area Destination Marketing Committee shall also contract with the Greater Williamsburg Chamber ~~and Tourism Alliance of Commerce~~ to provide administrative support services as the entities shall mutually agree.

4. The provisions in subdivision 2 relating to the composition and voting powers of the Williamsburg Area Destination Marketing Committee shall be a condition of the authority to impose the tax provided herein.

For purposes of this subsection, "advertising the Historic Triangle area" as an overnight tourism destination means advertising that is intended to attract visitors from a sufficient distance so as to require an overnight stay of at least one night.

D. Bedford County may impose an additional transient occupancy tax not to exceed two percent of the total price paid by the customer for the use or possession of any room or space occupied in a retail sale. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days.

The revenues collected from the additional tax shall be designated and spent solely for tourism and travel; marketing of tourism; or initiatives that, as determined after consultation with local tourism industry organizations, including representatives of lodging properties located in the county, attract travelers to the locality, increase occupancy at lodging properties, and generate tourism revenues in the locality.

E. Botetourt County may impose an additional transient occupancy tax not to exceed two percent of the total price paid by the customer for the use or possession of any room or space occupied in a retail sale. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days.

The revenue generated and collected from the two percent tax rate increase shall be designated and expended solely for advertising the Roanoke metropolitan area as an overnight tourist destination by members of the Roanoke Valley Convention and Visitors Bureau. For purposes of this subsection, "advertising the Roanoke metropolitan area as an overnight tourism destination" means advertising that is intended to attract visitors from a sufficient distance so as to require an overnight stay.

F. The county tax limitations imposed pursuant to § 58.1-3711 shall apply to any tax levied under this section, mutatis mutandis.

G. The authority to impose a tax pursuant to this section shall be in addition to the authority provided by the provisions of § 58.1-3819.

CHAPTER 653

An Act to require certain utilities to provide local reliability data to a locality upon request.

[H 414]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. Upon request of a locality located within the service territory of a Phase II Utility, a Phase II Utility shall provide local reliability data within 30 days of such request. The data provided to the locality shall be limited in scope to the particular locality that made the request. Such data provided by the utility shall include standard reliability metrics used in accordance with industry-recognized electric reliability standards (IEEE 1366), including data from the System Average Interruption Duration Index (SAIDI), the System Average Interruption Frequency Index (SAIFI), the Customer Average Interruption Duration Index (CAIDI), and the Customer Average Interruption Frequency Index (CAIFI). The State Corporation Commission shall include in the report required pursuant to § 56-596.3 of the Code of Virginia such industry standard reliability metrics for each Phase II Utility and a description of any infrastructure investments made by each Phase II Utility to improve electric service reliability over the relevant reporting period. For the purposes of this act, "Phase II Utility" has the same meaning as provided in subdivision A 1 of § 56-585.1 of the Code of Virginia.

CHAPTER 654

An Act to amend and reenact §§ 64.2-1608 and 64.2-1621 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-178.2, relating to misuse of power of attorney; financial exploitation by an agent; penalty.

[S 124]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 64.2-1608 and 64.2-1621 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-178.2 as follows:

§ 18.2-178.2. Financial exploitation by an agent; penalty.

A. As used in this section:

"Agent" means the same as that term is defined in § 64.2-1600.

"Financial exploitation" means the illegal, unauthorized, or fraudulent use, or deprivation of use, of the property of an incapacitated adult with the intention of benefiting someone other than the incapacitated adult.

"Incapacitated adult" means the same as that term is defined in § 18.2-369.

"Power of attorney" means a writing or other record that grants authority to an agent to act in the place of the principal, whether or not the term "power of attorney" is used.

"Principal" means an individual who grants authority to an agent in a power of attorney.

"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

B. An agent under a power of attorney who knowingly or intentionally engages in financial exploitation of an incapacitated adult who is the principal of that agent is guilty of a Class 1 misdemeanor. A violation of this section shall constitute a separate and distinct offense. If the acts or activities violating this section also violate another provision of law, a prosecution under this section shall not prohibit or bar any prosecution or proceeding under such other provision or the imposition of any penalties provided for thereby.

§ 64.2-1608. Termination of power of attorney or agent's authority.

A. A power of attorney terminates when:

1. The principal dies;
2. The principal becomes incapacitated, if the power of attorney is not durable;
3. The principal revokes the power of attorney;
4. The power of attorney provides that it terminates;
5. The purpose of the power of attorney is accomplished; or

6. The principal revokes the agent's authority or the agent dies, becomes incapacitated, or resigns, and the power of attorney does not provide for another agent to act under the power of attorney.

B. An agent's authority terminates when:

1. The principal revokes the authority;
2. The agent dies, becomes incapacitated, or resigns;
3. Unless the power of attorney otherwise provides, an action is filed (i) for the divorce or annulment of the agent's marriage to the principal or their legal separation, (ii) by either the agent or principal for separate maintenance from the other, or (iii) by either the agent or principal for custody or visitation of a child in common with the other; ~~or~~

4. The agent is convicted of financial exploitation of the principal under § 18.2-178.2; or

5. The power of attorney terminates.

C. Unless the power of attorney otherwise provides, an agent's authority is exercisable until the authority terminates under subsection B, notwithstanding a lapse of time since the execution of the power of attorney.

D. Termination of an agent's authority or of a power of attorney is not effective as to the agent or another person that, without actual knowledge of the termination, acts in good faith under the power of attorney. An act so performed, unless otherwise invalid or unenforceable, binds the principal and the principal's successors in interest.

E. Incapacity of the principal of a power of attorney that is not durable does not revoke or terminate the power of attorney as to an agent or other person that, without actual knowledge of the incapacity, acts in good faith under the power of attorney. An act so performed, unless otherwise invalid or unenforceable, binds the principal and the principal's successors in interest.

F. The execution of a power of attorney does not revoke a power of attorney previously executed by the principal unless the subsequent power of attorney provides that the previous power of attorney is revoked or that all other powers of attorney are revoked.

§ 64.2-1621. Remedies under other law.

The remedies under this chapter are not exclusive and do not abrogate any right ~~or~~, remedy, or penalty, including a court-supervised accounting or criminal prosecution, under the laws of the Commonwealth other than this chapter.

CHAPTER 655

An Act to amend and reenact § 58.1-3503 of the Code of Virginia, relating to tangible personal property taxes; valuation of property.

[H 1231]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3503 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3503. General classification of tangible personal property.

A. Tangible personal property is classified for valuation purposes according to the following separate categories which are not to be considered separate classes for rate purposes:

1. Farm animals, except as exempted under § 58.1-3505.
2. Farm machinery, except as exempted under § 58.1-3505.

3. Automobiles, except those described in subdivisions 7, 8, and 9 of this subsection and in subdivision A 8 of § 58.1-3504, which shall be valued by means of a recognized pricing guide or if the model and year of the individual automobile are not listed in the recognized pricing guide, the individual vehicle may be valued on the basis of percentage or percentages of original cost. In using a recognized pricing guide, the commissioner shall use either of the following two methods. The commissioner may use all applicable adjustments in such guide to determine the value of each individual automobile, or alternatively, if the commissioner does not utilize all applicable adjustments in valuing each automobile, he shall use the base value specified in such guide which may be either average retail, wholesale, or loan value, so long as uniformly applied within classifications of property. If the model and year of the individual automobile are not listed in the recognized pricing guide, the taxpayer may present to the commissioner proof of the original cost, and the basis of the tax for purposes of the motor vehicle sales and use tax as described in § 58.1-2405 shall constitute proof of original cost. If such percentage or percentages of original cost do not accurately reflect fair market value, or if the taxpayer does not supply proof of original cost, then the commissioner may select another method which establishes fair market value.

4. Trucks of less than two tons, which may be valued by means of a recognized pricing guide or, if the model and year of the individual truck are not listed in the recognized pricing guide, on the basis of a percentage or percentages of original cost.

5. Trucks and other vehicles, as defined in § 46.2-100, except those described in subdivisions 4, and 6 through 10 of this subsection, which shall be valued by means of either a recognized pricing guide using the lowest value specified in such guide or a percentage or percentages of original cost.

6. Manufactured homes, as defined in § 36-85.3, which may be valued on the basis of square footage of living space.

7. Antique motor vehicles, as defined in § 46.2-100, which may be used for general transportation purposes as provided in subsection C of § 46.2-730.

8. Taxicabs.

9. Motor vehicles with specially designed equipment for use by the handicapped, which shall not be valued in relation to their initial cost, but by determining their actual market value if offered for sale on the open market.

10. Motorcycles, mopeds, all-terrain vehicles, and off-road motorcycles as defined in § 46.2-100, campers and other recreational vehicles, which shall be valued by means of a recognized pricing guide or a percentage or percentages of original cost.

11. Boats weighing under five tons and boat trailers, which shall be valued by means of a recognized pricing guide or a percentage or percentages of original cost.

12. Boats or watercraft weighing five tons or more, which shall be valued by means of a percentage or percentages of original cost.

13. Aircraft, which shall be valued by means of a recognized pricing guide or a percentage or percentages of original cost.

14. Household goods and personal effects, except as exempted under § 58.1-3504.

15. Tangible personal property used in a research and development business, which shall be valued by means of a percentage or percentages of original cost.

16. Programmable computer equipment and peripherals used in business which shall be valued by means of a percentage or percentages of original cost to the taxpayer, or by such other method as may reasonably be expected to determine the actual fair market value.

17. Computer equipment and peripherals used in a data center, as defined in subdivision A 43 of § 58.1-3506, which shall be valued by means of a percentage or percentages of original cost, or by such other method as may reasonably be expected to determine the actual fair market value.

18. All tangible personal property employed in a trade or business other than that described in subdivisions 1 through 17, which shall be valued by means of a percentage or percentages of original cost.

19. Outdoor advertising signs regulated under Article 1 (§ 33.2-1200 et seq.) of Chapter 12 of Title 33.2.

20. All other tangible personal property.

B. Methods of valuing property may differ among the separate categories, so long as each method used is uniform within each category, is consistent with requirements of this section and may reasonably be expected to determine actual fair market value as determined by the commissioner of revenue or other assessing official; however, assessment ratios shall only be used with the concurrence of the local governing body. A commissioner of revenue shall upon request take into account the condition of the property. The term "condition of the property" includes, but is not limited to, technological obsolescence of property where technological obsolescence is an appropriate factor for valuing such property. The commissioner of revenue shall make available to taxpayers on request a reasonable description of his valuation methods. Such commissioner, or other assessing officer, or his authorized agent, when using a recognized pricing guide as provided for in this section, may automatically extend the assessment if the pricing information is stored in a computer. *For any locality in which the commissioner of revenue or other assessing official adjusts the valuation of property described in subdivision A 3 to account for the amount of mileage on such vehicles, such adjustment shall also be provided to motorcycles described in subdivision A 10.*

CHAPTER 656

An Act to amend and reenact § 22.1-298.1 of the Code of Virginia, relating to the Board of Education; provisional teacher licensure; teachers licensed or certified outside of the United States.

[H 979]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-298.1 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-298.1. Regulations governing licensure.

A. As used in this section:

"Alternate route to licensure" means a nontraditional route to teacher licensure available to individuals who meet the criteria specified in the guidelines developed pursuant to subsection N or regulations issued by the Board of Education.

"Industry certification credential" means an active career and technical education credential that is earned by successfully completing a Board of Education-approved industry certification examination, being issued a professional license in the Commonwealth, or successfully completing an occupational competency examination.

"Licensure by reciprocity" means a process used to issue a license to an individual coming into the Commonwealth from another state when that individual meets certain conditions specified in the Board of Education's regulations.

"Professional teacher's assessment" means those tests mandated for licensure as prescribed by the Board of Education.

"Provisional license" means a nonrenewable license issued by the Board of Education for a specified period of time, not to exceed three years, to an individual who may be employed by a school division in the Commonwealth and who generally meets the requirements specified in the Board of Education's regulations for licensure, but who may need to take additional coursework, pass additional assessments, or meet alternative evaluation standards to be fully licensed with a renewable license.

"Renewable license" means a license issued by the Board of Education for 10 years to an individual who meets the requirements specified in the Board of Education's regulations.

B. The Board of Education shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license. Such regulations shall include procedures for (i) the denial, suspension, cancellation, revocation, and reinstatement of licensure; (ii) written reprimand of license holders on grounds established by the Board, in accordance with law, notice of which shall be made by the Superintendent of Public Instruction to division superintendents or their designated representatives; and (iii) the immediate and thorough investigation by the division

superintendent or his designee of any complaint alleging that a license holder has engaged in conduct that may form the basis for the revocation of his license. At a minimum, such procedures for investigations contained in such regulations shall require (a) the division superintendent to petition for the revocation of the license upon completing such investigation and finding that there is reasonable cause to believe that the license holder has engaged in conduct that forms the basis for revocation of a license; (b) the school board to proceed to a hearing on such petition for revocation within 90 days of the mailing of a copy of the petition to the license holder, unless the license holder requests the cancellation of his license in accordance with Board regulations; and (c) the school board to provide a copy of the investigative file and such petition for revocation to the Superintendent of Public Instruction at the time that the hearing is scheduled. The Board of Education shall revoke the license of any person for whom it has received a notice of dismissal or resignation pursuant to subsection F of § 22.1-313 and, in the case of a person who is the subject of a founded complaint of child abuse or neglect, after all rights to any administrative appeal provided by § 63.2-1526 have been exhausted. Regardless of the authority of any other agency of the Commonwealth to approve educational programs, only the Board of Education shall have the authority to license teachers to be regularly employed by school boards, including those teachers employed to provide nursing education.

The Board of Education shall prescribe by regulation the licensure requirements for teachers who teach only online courses, as defined in § 22.1-212.23. Such license shall be valid only for teaching online courses. Teachers who hold a 10-year renewable license issued by the Board of Education may teach online courses for which they are properly endorsed.

C. The Board of Education's regulations shall include requirements that a person seeking initial licensure:

1. Demonstrate proficiency in the relevant content area, communication, literacy, and other core skills for educators by achieving a qualifying score on professional assessments or meeting alternative evaluation standards as prescribed by the Board;

2. Complete study in attention deficit disorder;

3. Complete study in gifted education, including the use of multiple criteria to identify gifted students; and

4. Complete study in methods of improving communication between schools and families and ways of increasing family involvement in student learning at home and at school.

D. In addition, such regulations shall include requirements that:

1. Every person seeking initial licensure and persons seeking licensure renewal as teachers who have not completed such study shall complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board of Education in consultation with the Department of Social Services that are relevant to the specific teacher licensure routes;

2. Every person seeking renewal of a license shall complete all renewal requirements, including professional development in a manner prescribed by the Board, except that no person seeking renewal of a license shall be required to satisfy any such requirement by completing coursework and earning credit at an institution of higher education;

3. Every person seeking initial licensure or renewal of a license shall provide evidence of completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. The certification or training program shall (i) be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross, and (ii) include hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. The Board shall provide a waiver for this requirement for any person with a disability whose disability prohibits such person from completing the certification or training;

4. Every person seeking licensure with an endorsement as a teacher of the blind and visually impaired shall demonstrate proficiency in reading and writing Braille;

5. Every teacher seeking an initial license in the Commonwealth with an endorsement in the area of career and technical education shall have an industry certification credential in the area in which the teacher seeks endorsement. If a teacher seeking an initial license in the Commonwealth has not attained an industry certification credential in the area in which the teacher seeks endorsement, the Board may, upon request of the employing school division or educational agency, issue the teacher a provisional license to allow time for the teacher to attain such credential;

6. Every person seeking initial licensure or renewal of a license shall complete awareness training, provided by the Department of Education, on the indicators of dyslexia, as that term is defined by the Board pursuant to regulations, and the evidence-based interventions and accommodations for dyslexia;

7. Every person seeking initial licensure or renewal of a license with an endorsement as a school counselor shall complete training in the recognition of mental health disorder and behavioral distress, including depression, trauma, violence, youth suicide, and substance abuse;

8. Every person seeking initial licensure as a teacher who has not received the instruction described in subsection D of § 23.1-902 shall receive instruction or training on positive behavior interventions and supports; crisis prevention and de-escalation; the use of physical restraint and seclusion, consistent with regulations of the Board of Education; and appropriate alternative methods to reduce and prevent the need for the use of physical restraint and seclusion;

9. Every person seeking initial licensure or renewal of a license shall complete instruction or training in cultural competency;

10. Every person seeking initial licensure or renewal of a license with an endorsement in history and social sciences shall complete instruction in African American history, as prescribed by the Board; and

11. Every person seeking renewal of a license as a teacher shall complete training in the instruction of students with disabilities that includes (i) differentiating instruction for students depending on their needs; (ii) understanding the role of general education teachers on the individualized education program team; (iii) implementing effective models of collaborative instruction, including co-teaching; and (iv) understanding the goals and benefits of inclusive education for all students.

E. No teacher who seeks a provisional license shall be required to meet any requirement set forth in subdivision D 1, 3, 6, or 8 as a condition of such licensure, but each such teacher shall complete each such requirement during the first year of provisional licensure.

F. The Board shall issue a license to an individual seeking initial licensure who has not completed professional assessments as prescribed by the Board, if such individual (i) holds a provisional license that will expire within three months or, at the discretion of the school board and division superintendent, within six months if the individual has received a satisfactory mid-year performance review in the current school year; (ii) is employed by a school board; (iii) is recommended for licensure by the division superintendent; (iv) has attempted, unsuccessfully, to obtain a qualifying score on the professional assessments as prescribed by the Board; (v) has received an evaluation rating of proficient or above on the performance standards for each year of the provisional license, and such evaluation was conducted in a manner consistent with the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents; and (vi) meets all other requirements for initial licensure.

G. Each local school board or division superintendent may waive for any individual whom it seeks to employ as a career and technical education teacher and who is also seeking initial licensure or renewal of a license with an endorsement in the area of career and technical education any applicable requirement set forth in subsection C or subdivision D 2, 4, or 6.

H. The Board's regulations shall require that initial licensure for principals and assistant principals be contingent upon passage of an assessment as prescribed by the Board.

I. The Board shall establish criteria in its regulations to effectuate the substitution of experiential learning for coursework for those persons seeking initial licensure through an alternate route as defined in Board regulations. Such alternate routes shall include eligibility for any individual to receive, notwithstanding any provision of law to the contrary, a renewable one-year license to teach in public high schools in the Commonwealth if he has:

1. Received a graduate degree from a regionally accredited institution of higher education;

2. Completed at least 30 credit hours of teaching experience as an instructor at a regionally accredited institution of higher education;

3. Received qualifying scores on the professional teacher's assessments prescribed by the Board, including the communication and literacy assessment and the content-area assessment for the endorsement sought; and

4. Met the requirements set forth in subdivisions D 1 and 3.

J. Notwithstanding any provision of law to the contrary, the Board (i) may provide for the issuance of a provisional license, valid for a period not to exceed three years, pursuant to subdivision D 5 or to any person who does not meet the requirements of this section or any other requirement for licensure imposed by law ~~and~~; (ii) shall provide for the issuance of a provisional license, valid for a period not to exceed three years, to any former member of the Armed Forces of the United States or the Virginia National Guard who has received an honorable discharge and has the appropriate level of experience or training but does not meet the requirements for a renewable license; *and (iii) may provide for the issuance of a provisional license, valid for a period not to exceed three years, to any individual who has held within the last five years a valid and officially issued and recognized license or certification to teach issued by an entity outside of the United States but does not meet the requirements for a renewable license if the individual's license or certification to teach has been evaluated and verified by an entity approved by the Department.*

K. The Board's licensure regulations shall also provide for licensure by reciprocity:

1. With comparable endorsement areas for those individuals holding a valid out-of-state teaching license and national certification from the National Board for Professional Teaching Standards or a nationally recognized certification program approved by the Board of Education. The application for such individuals shall require evidence of such valid licensure and national certification and shall not require official student transcripts;

2. For any spouse of an active duty member of the Armed Forces of the United States or the Commonwealth who has obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. Each such individual shall establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. No service requirements or licensing assessments shall be required for any such individual; and

3. For individuals who have obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. Each such individual shall establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. No service requirements or licensing assessments shall be required for any such individual.

L. The Board shall include in its regulations an alternate route to licensure for elementary education preK-6 and an alternate route to licensure for special education general curriculum K-12. Each such alternate route to licensure shall require individuals to (i) meet the qualifying scores on the content area assessment prescribed by the Board for the endorsements sought and (ii) complete an alternative certification program that provides training in the pedagogy and methodology of the respective content or special education areas prescribed by the Board. The curriculum of any such

alternative certification program shall be approved by the Board. Nothing in this subsection shall preclude the Board from establishing other alternate routes to licensure.

M. The Board, in its regulations providing for licensure by reciprocity established pursuant to subsection K, shall (i) permit applicants to submit third-party employment verification forms and (ii) grant special consideration to individuals who have successfully completed a program offered by a provider that is accredited by the Council for the Accreditation of Educator Preparation.

N. The Board shall develop guidelines that establish a process to permit a school board or any organization sponsored by a school board to petition the Board for approval of an alternate route to licensure that may be used to meet the requirements for a provisional or renewable license or any endorsement. Any such alternate route may include alternatives to the regulatory requirements for teacher preparation, including alternative professional assessments and coursework. The petitioner may proffer or the Board may impose conditions in conjunction with the approval of such petition.

CHAPTER 657

An Act to amend and reenact § 22.1-298.1 of the Code of Virginia, relating to the Board of Education; provisional teacher licensure; teachers licensed or certified outside of the United States.

[S 68]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-298.1 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-298.1. Regulations governing licensure.

A. As used in this section:

"Alternate route to licensure" means a nontraditional route to teacher licensure available to individuals who meet the criteria specified in the guidelines developed pursuant to subsection N or regulations issued by the Board of Education.

"Industry certification credential" means an active career and technical education credential that is earned by successfully completing a Board of Education-approved industry certification examination, being issued a professional license in the Commonwealth, or successfully completing an occupational competency examination.

"Licensure by reciprocity" means a process used to issue a license to an individual coming into the Commonwealth from another state when that individual meets certain conditions specified in the Board of Education's regulations.

"Professional teacher's assessment" means those tests mandated for licensure as prescribed by the Board of Education.

"Provisional license" means a nonrenewable license issued by the Board of Education for a specified period of time, not to exceed three years, to an individual who may be employed by a school division in the Commonwealth and who generally meets the requirements specified in the Board of Education's regulations for licensure, but who may need to take additional coursework, pass additional assessments, or meet alternative evaluation standards to be fully licensed with a renewable license.

"Renewable license" means a license issued by the Board of Education for 10 years to an individual who meets the requirements specified in the Board of Education's regulations.

B. The Board of Education shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license. Such regulations shall include procedures for (i) the denial, suspension, cancellation, revocation, and reinstatement of licensure; (ii) written reprimand of license holders on grounds established by the Board, in accordance with law, notice of which shall be made by the Superintendent of Public Instruction to division superintendents or their designated representatives; and (iii) the immediate and thorough investigation by the division superintendent or his designee of any complaint alleging that a license holder has engaged in conduct that may form the basis for the revocation of his license. At a minimum, such procedures for investigations contained in such regulations shall require (a) the division superintendent to petition for the revocation of the license upon completing such investigation and finding that there is reasonable cause to believe that the license holder has engaged in conduct that forms the basis for revocation of a license; (b) the school board to proceed to a hearing on such petition for revocation within 90 days of the mailing of a copy of the petition to the license holder, unless the license holder requests the cancellation of his license in accordance with Board regulations; and (c) the school board to provide a copy of the investigative file and such petition for revocation to the Superintendent of Public Instruction at the time that the hearing is scheduled. The Board of Education shall revoke the license of any person for whom it has received a notice of dismissal or resignation pursuant to subsection F of § 22.1-313 and, in the case of a person who is the subject of a founded complaint of child abuse or neglect, after all rights to any administrative appeal provided by § 63.2-1526 have been exhausted. Regardless of the authority of any other agency of the Commonwealth to approve educational programs, only the Board of Education shall have the authority to license teachers to be regularly employed by school boards, including those teachers employed to provide nursing education.

The Board of Education shall prescribe by regulation the licensure requirements for teachers who teach only online courses, as defined in § 22.1-212.23. Such license shall be valid only for teaching online courses. Teachers who hold a 10-year renewable license issued by the Board of Education may teach online courses for which they are properly endorsed.

C. The Board of Education's regulations shall include requirements that a person seeking initial licensure:

1. Demonstrate proficiency in the relevant content area, communication, literacy, and other core skills for educators by achieving a qualifying score on professional assessments or meeting alternative evaluation standards as prescribed by the Board;

2. Complete study in attention deficit disorder;

3. Complete study in gifted education, including the use of multiple criteria to identify gifted students; and

4. Complete study in methods of improving communication between schools and families and ways of increasing family involvement in student learning at home and at school.

D. In addition, such regulations shall include requirements that:

1. Every person seeking initial licensure and persons seeking licensure renewal as teachers who have not completed such study shall complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board of Education in consultation with the Department of Social Services that are relevant to the specific teacher licensure routes;

2. Every person seeking renewal of a license shall complete all renewal requirements, including professional development in a manner prescribed by the Board, except that no person seeking renewal of a license shall be required to satisfy any such requirement by completing coursework and earning credit at an institution of higher education;

3. Every person seeking initial licensure or renewal of a license shall provide evidence of completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. The certification or training program shall (i) be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross, and (ii) include hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. The Board shall provide a waiver for this requirement for any person with a disability whose disability prohibits such person from completing the certification or training;

4. Every person seeking licensure with an endorsement as a teacher of the blind and visually impaired shall demonstrate proficiency in reading and writing Braille;

5. Every teacher seeking an initial license in the Commonwealth with an endorsement in the area of career and technical education shall have an industry certification credential in the area in which the teacher seeks endorsement. If a teacher seeking an initial license in the Commonwealth has not attained an industry certification credential in the area in which the teacher seeks endorsement, the Board may, upon request of the employing school division or educational agency, issue the teacher a provisional license to allow time for the teacher to attain such credential;

6. Every person seeking initial licensure or renewal of a license shall complete awareness training, provided by the Department of Education, on the indicators of dyslexia, as that term is defined by the Board pursuant to regulations, and the evidence-based interventions and accommodations for dyslexia;

7. Every person seeking initial licensure or renewal of a license with an endorsement as a school counselor shall complete training in the recognition of mental health disorder and behavioral distress, including depression, trauma, violence, youth suicide, and substance abuse;

8. Every person seeking initial licensure as a teacher who has not received the instruction described in subsection D of § 23.1-902 shall receive instruction or training on positive behavior interventions and supports; crisis prevention and de-escalation; the use of physical restraint and seclusion, consistent with regulations of the Board of Education; and appropriate alternative methods to reduce and prevent the need for the use of physical restraint and seclusion;

9. Every person seeking initial licensure or renewal of a license shall complete instruction or training in cultural competency;

10. Every person seeking initial licensure or renewal of a license with an endorsement in history and social sciences shall complete instruction in African American history, as prescribed by the Board; and

11. Every person seeking renewal of a license as a teacher shall complete training in the instruction of students with disabilities that includes (i) differentiating instruction for students depending on their needs; (ii) understanding the role of general education teachers on the individualized education program team; (iii) implementing effective models of collaborative instruction, including co-teaching; and (iv) understanding the goals and benefits of inclusive education for all students.

E. No teacher who seeks a provisional license shall be required to meet any requirement set forth in subdivision D 1, 3, 6, or 8 as a condition of such licensure, but each such teacher shall complete each such requirement during the first year of provisional licensure.

F. The Board shall issue a license to an individual seeking initial licensure who has not completed professional assessments as prescribed by the Board, if such individual (i) holds a provisional license that will expire within three months or, at the discretion of the school board and division superintendent, within six months if the individual has received a satisfactory mid-year performance review in the current school year; (ii) is employed by a school board; (iii) is recommended for licensure by the division superintendent; (iv) has attempted, unsuccessfully, to obtain a qualifying score on the professional assessments as prescribed by the Board; (v) has received an evaluation rating of proficient or above on the performance standards for each year of the provisional license, and such evaluation was conducted in a manner consistent with the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents; and (vi) meets all other requirements for initial licensure.

G. Each local school board or division superintendent may waive for any individual whom it seeks to employ as a career and technical education teacher and who is also seeking initial licensure or renewal of a license with an endorsement in the area of career and technical education any applicable requirement set forth in subsection C or subdivision D 2, 4, or 6.

H. The Board's regulations shall require that initial licensure for principals and assistant principals be contingent upon passage of an assessment as prescribed by the Board.

I. The Board shall establish criteria in its regulations to effectuate the substitution of experiential learning for coursework for those persons seeking initial licensure through an alternate route as defined in Board regulations. Such alternate routes shall include eligibility for any individual to receive, notwithstanding any provision of law to the contrary, a renewable one-year license to teach in public high schools in the Commonwealth if he has:

1. Received a graduate degree from a regionally accredited institution of higher education;
2. Completed at least 30 credit hours of teaching experience as an instructor at a regionally accredited institution of higher education;
3. Received qualifying scores on the professional teacher's assessments prescribed by the Board, including the communication and literacy assessment and the content-area assessment for the endorsement sought; and
4. Met the requirements set forth in subdivisions D 1 and 3.

J. Notwithstanding any provision of law to the contrary, the Board (i) may provide for the issuance of a provisional license, valid for a period not to exceed three years, pursuant to subdivision D 5 or to any person who does not meet the requirements of this section or any other requirement for licensure imposed by law ~~and~~; (ii) shall provide for the issuance of a provisional license, valid for a period not to exceed three years, to any former member of the Armed Forces of the United States or the Virginia National Guard who has received an honorable discharge and has the appropriate level of experience or training but does not meet the requirements for a renewable license; *and (iii) may provide for the issuance of a provisional license, valid for a period not to exceed three years, to any individual who has held within the last five years a valid and officially issued and recognized license or certification to teach issued by an entity outside of the United States but does not meet the requirements for a renewable license if the individual's license or certification to teach has been evaluated and verified by an entity approved by the Department.*

K. The Board's licensure regulations shall also provide for licensure by reciprocity:

1. With comparable endorsement areas for those individuals holding a valid out-of-state teaching license and national certification from the National Board for Professional Teaching Standards or a nationally recognized certification program approved by the Board of Education. The application for such individuals shall require evidence of such valid licensure and national certification and shall not require official student transcripts;

2. For any spouse of an active duty member of the Armed Forces of the United States or the Commonwealth who has obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. Each such individual shall establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. No service requirements or licensing assessments shall be required for any such individual; and

3. For individuals who have obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. Each such individual shall establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. No service requirements or licensing assessments shall be required for any such individual.

L. The Board shall include in its regulations an alternate route to licensure for elementary education preK-6 and an alternate route to licensure for special education general curriculum K-12. Each such alternate route to licensure shall require individuals to (i) meet the qualifying scores on the content area assessment prescribed by the Board for the endorsements sought and (ii) complete an alternative certification program that provides training in the pedagogy and methodology of the respective content or special education areas prescribed by the Board. The curriculum of any such alternative certification program shall be approved by the Board. Nothing in this subsection shall preclude the Board from establishing other alternate routes to licensure.

M. The Board, in its regulations providing for licensure by reciprocity established pursuant to subsection K, shall (i) permit applicants to submit third-party employment verification forms and (ii) grant special consideration to individuals who have successfully completed a program offered by a provider that is accredited by the Council for the Accreditation of Educator Preparation.

N. The Board shall develop guidelines that establish a process to permit a school board or any organization sponsored by a school board to petition the Board for approval of an alternate route to licensure that may be used to meet the requirements for a provisional or renewable license or any endorsement. Any such alternate route may include alternatives to the regulatory requirements for teacher preparation, including alternative professional assessments and coursework. The petitioner may proffer or the Board may impose conditions in conjunction with the approval of such petition.

CHAPTER 658

An Act to amend and reenact § 23.1-3113 of the Code of Virginia, relating to New College Institute; noncredit workforce training.

[S 84]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-3113 of the Code of Virginia is amended and reenacted as follows:

§ 23.1-3113. Powers and duties of the board.

A. The board has, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1, except in those cases where, by the express terms of its provisions, the law is confined to corporations created under that title. The board shall have the power to accept, execute, and administer any trust in which it may have an interest under the terms of the instrument creating the trust.

B. The board shall oversee the educational programs of New College and may enter into and administer agreements with institutions of higher education for such institutions to provide continuing education, instructional programs, and degree programs at New College. The board shall seek opportunities to collaborate with local comprehensive community colleges to meet specialized noncredit workforce training needs identified by industry. However, if local comprehensive community colleges are unable to meet identified industry needs, then the board may seek to collaborate with other education providers or other public and private organizations to provide *or itself may provide* specialized noncredit workforce training independent of local comprehensive community colleges.

C. The board, with the prior approval of the Governor, may lease, sell, and convey any and all real estate to which New College has acquired title by gift, devise, or purchase. The proceeds derived from any such lease, sale, or conveyance shall be held by New College upon the identical trusts, and subject to the same uses, limitations, and conditions, if any, that are expressed in the original deed or will under which its title has derived. If no such trusts, uses, limitations, or conditions are expressed in such original deed or will, then such funds shall be applied by the board to such purposes as it may deem best for New College.

D. The board may, on behalf of New College, apply for, accept, and expend gifts, grants, or donations from public or private sources to enable it to carry out the purposes of this article.

E. The board may request and accept the cooperation of agencies of the Commonwealth or the local governing bodies in Southside Virginia, or the agencies of the Commonwealth or such local governing bodies in the performance of its duties.

F. The board shall direct the development and focus of New College's curriculum to include appropriate degree and nondegree programs offered by other educational institutions.

CHAPTER 659

An Act to amend and reenact § 58.1-3703 of the Code of Virginia, relating to local license taxes; limitation of authority.

[H 1084]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3703 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3703. Counties, cities and towns may impose local license taxes and fees; limitation of authority.

A. The governing body of any county, city or town may charge a fee for issuing a license in an amount not to exceed \$100 for any locality with a population greater than 50,000, \$50 for any locality with a population of 25,000 but no more than 50,000 and \$30 for any locality with a population smaller than 25,000. For purposes of this section, population may be based on the most current final population estimates of the Weldon Cooper Center for Public Service of the University of Virginia. Such governing body may levy and provide for the assessment and collection of county, city or town license taxes on businesses, trades, professions, occupations and callings and upon the persons, firms and corporations engaged therein within the county, city or town subject to the limitations in (i) subsection C and (ii) subsection A of § 58.1-3706, provided such tax shall not be assessed and collected on any amount of gross receipts of each business upon which a license fee is charged. Any county, city or town with a population greater than 50,000 shall reduce the fee to an amount not to exceed \$50 by January 1, 2000. The ordinance imposing such license fees and levying such license taxes shall include the provisions of § 58.1-3703.1.

B. Any county, city or town by ordinance may exempt in whole or in part from the license tax (i) the design, development or other creation of computer software for lease, sale or license and (ii) private businesses and industries entering into agreements for the establishment, installation, renovation, remodeling, or construction of satellite classrooms for grades kindergarten through three on a site owned by the business or industry and leased to the school board at no costs pursuant to § 22.1-26.1.

C. No county, city, or town shall impose a license fee or levy any license tax:

1. On any public service corporation or any motor carrier, common carrier, or other carrier of passengers or property formerly certified by the Interstate Commerce Commission or presently registered for insurance purposes with the Surface Transportation Board of the United States Department of Transportation, Federal Highway Administration, except as provided in § 58.1-3731 or as permitted by other provisions of law;
2. For selling farm or domestic products or nursery products, ornamental or otherwise, or for the planting of nursery products, as an incident to the sale thereof, outside of the regular market houses and sheds of such county, city or town, provided such products are grown or produced by the person offering them for sale;
3. Upon the privilege or right of printing or publishing any newspaper, magazine, newsletter or other publication issued daily or regularly at average intervals not exceeding three months, provided the publication's subscription sales are exempt from state sales tax, or for the privilege or right of operating or conducting any radio or television broadcasting station or service;
4. On a manufacturer for the privilege of manufacturing and selling goods, wares and merchandise at wholesale at the place of manufacture. For purposes of this subdivision, this shall include a manufacturer that is also a defense production business selling manufacturing, rebuilding, repair, and maintenance services at the place of manufacture (i) to the United States or (ii) for which consent of the United States is required;
5. On a person engaged in the business of severing minerals from the earth for the privilege of selling the severed mineral at wholesale at the place of severance, except as provided in §§ 58.1-3712 and 58.1-3713;
6. Upon a wholesaler for the privilege of selling goods, wares and merchandise to other persons for resale unless such wholesaler has a definite place of business or store in such county, city or town. This subdivision shall not be construed as prohibiting any county, city or town from imposing a local license tax on a peddler at wholesale pursuant to § 58.1-3718;
7. Upon any person, firm or corporation for engaging in the business of renting, as the owner of such property, real property other than hotels, motels, motor lodges, auto courts, tourist courts, travel trailer parks, campgrounds, bed and breakfast establishments, lodging houses, rooming houses, and boardinghouses; however, any county, city or town imposing such a license tax on January 1, 1974, shall not be precluded from the levy of such tax by the provisions of this subdivision;
8. [Repealed.]
9. On or measured by receipts for management, accounting, or administrative services provided on a group basis under a nonprofit cost-sharing agreement by a corporation which is an agricultural cooperative association under the provisions of Article 2 (§ 13.1-312 et seq.) of Chapter 3 of Title 13.1, or a member or subsidiary or affiliated association thereof, to other members of the same group. This exemption shall not exempt any such corporation from such license or other tax measured by receipts from outside the group;
10. On or measured by receipts or purchases by an entity which is a member of an affiliated group of entities from other members of the same affiliated group. This exclusion shall not exempt affiliated entities from such license or other tax measured by receipts or purchases from outside the affiliated group. This exclusion also shall not preclude a locality from levying a wholesale merchant's license tax on an affiliated entity on those sales by the affiliated entity to a nonaffiliated entity, notwithstanding the fact that the wholesale merchant's license tax would be based upon purchases from an affiliated entity. Such tax shall be based on the purchase price of the goods sold to the nonaffiliated entity. As used in this subdivision, the term "sales by the affiliated entity to a nonaffiliated entity" means sales by the affiliated entity to a nonaffiliated entity where goods sold by the affiliated entity or its agent are manufactured or stored in the Commonwealth prior to their delivery to the nonaffiliated entity;
11. On any insurance company subject to taxation under Chapter 25 (§ 58.1-2500 et seq.) ~~of this title or on~~ any agent of such company;
12. On any bank or trust company subject to taxation in Chapter 12 (§ 58.1-1200 et seq.) ~~of this title or any director of such company~~;
13. Upon a taxicab driver, if the locality has imposed a license tax upon the taxicab company for which the taxicab driver operates;
14. On any blind person operating a vending stand or other business enterprise under the jurisdiction of the Department for the Blind and Vision Impaired, or a nominee of the Department, as set forth in § 51.5-98;
15. [Expired.]
16. [Repealed.]
17. On an accredited religious practitioner in the practice of the religious tenets of any church or religious denomination. "Accredited religious practitioner" shall be defined as one who is engaged solely in praying for others upon accreditation by such church or religious denomination;
18. a. On or measured by receipts of a nonprofit organization described in Internal Revenue Code § 501(c)(3) or 501(c)(19) except to the extent the organization has receipts from an unrelated trade or business the income of which is taxable under Internal Revenue Code § 511 et seq. For the purpose of this subdivision, "nonprofit organization" means an organization that is described in Internal Revenue Code § 501(c)(3) or 501(c)(19), and to which contributions are deductible by the contributor under Internal Revenue Code § 170, except that educational institutions exempt from federal income tax under Internal Revenue Code § 501(c)(3) shall be limited to schools, colleges, and other similar institutions of learning.
b. On or measured by gifts, contributions, and membership dues of a nonprofit organization. Activities conducted for consideration that are similar to activities conducted for consideration by for-profit businesses shall be presumed to be activities that are part of a business subject to licensure. For the purpose of this subdivision, "nonprofit organization" means

an organization exempt from federal income tax under Internal Revenue Code § 501 other than the nonprofit organizations described in subdivision a;

19. On any venture capital fund or other investment fund, except commissions and fees of such funds. Gross receipts from the sale and rental of real estate and buildings remain taxable by the locality in which the real estate is located provided the locality is otherwise authorized to tax such businesses and rental of real estate;

20. On total assessments paid by condominium unit owners for common expenses. "Common expenses" and "unit owner" have the same meanings as in § 55.1-1900; or

21. On or measured by receipts of a qualifying transportation facility directly or indirectly owned or title to which is held by the Commonwealth or any political subdivision thereof or by the United States as described in § 58.1-3606.1 and developed and/or operated pursuant to a concession under the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or similar federal law.

D. Any county, city or town may establish by ordinance a business license incentive program for "qualifying businesses." For purposes of this subsection, a "qualifying business" is a business that locates for the first time in the locality adopting such ordinance. A business shall not be deemed to locate in such locality for the first time based on merger, acquisition, similar business combination, name change, or a change in business form. Any incentive established pursuant to this subsection may extend for a period not to exceed two years from the date the business locates in such locality. The business license incentive program may include (i) an exemption, in whole or in part, of license taxes for any qualifying business; (ii) a refund or rebate, in whole or in part, of license taxes paid by a qualifying business; or (iii) other relief from license taxes for a qualifying business not prohibited by state or federal law.

E. For taxable years beginning on or after January 1, 2012, any locality may exempt, by ordinance, license fees or license taxes on any business that does not have an after-tax profit for the taxable year and offers the income tax return of the business as proof to the local commissioner of the revenue. Eligibility for this exemption shall be determined annually and it shall be the obligation of the business owner to submit the applicable income tax return to the local commissioner of the revenue.

CHAPTER 660

An Act to amend and reenact § 58.1-3703 of the Code of Virginia, relating to local license taxes; limitation of authority.

[S 385]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3703 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3703. Counties, cities and towns may impose local license taxes and fees; limitation of authority.

A. The governing body of any county, city or town may charge a fee for issuing a license in an amount not to exceed \$100 for any locality with a population greater than 50,000, \$50 for any locality with a population of 25,000 but no more than 50,000 and \$30 for any locality with a population smaller than 25,000. For purposes of this section, population may be based on the most current final population estimates of the Weldon Cooper Center for Public Service of the University of Virginia. Such governing body may levy and provide for the assessment and collection of county, city or town license taxes on businesses, trades, professions, occupations and callings and upon the persons, firms and corporations engaged therein within the county, city or town subject to the limitations in (i) subsection C and (ii) subsection A of § 58.1-3706, provided such tax shall not be assessed and collected on any amount of gross receipts of each business upon which a license fee is charged. Any county, city or town with a population greater than 50,000 shall reduce the fee to an amount not to exceed \$50 by January 1, 2000. The ordinance imposing such license fees and levying such license taxes shall include the provisions of § 58.1-3703.1.

B. Any county, city or town by ordinance may exempt in whole or in part from the license tax (i) the design, development or other creation of computer software for lease, sale or license and (ii) private businesses and industries entering into agreements for the establishment, installation, renovation, remodeling, or construction of satellite classrooms for grades kindergarten through three on a site owned by the business or industry and leased to the school board at no costs pursuant to § 22.1-26.1.

C. No county, city, or town shall impose a license fee or levy any license tax:

1. On any public service corporation or any motor carrier, common carrier, or other carrier of passengers or property formerly certified by the Interstate Commerce Commission or presently registered for insurance purposes with the Surface Transportation Board of the United States Department of Transportation, Federal Highway Administration, except as provided in § 58.1-3731 or as permitted by other provisions of law;

2. For selling farm or domestic products or nursery products, ornamental or otherwise, or for the planting of nursery products, as an incident to the sale thereof, outside of the regular market houses and sheds of such county, city or town, provided such products are grown or produced by the person offering them for sale;

3. Upon the privilege or right of printing or publishing any newspaper, magazine, newsletter or other publication issued daily or regularly at average intervals not exceeding three months, provided the publication's subscription sales are exempt

from state sales tax, or for the privilege or right of operating or conducting any radio or television broadcasting station or service;

4. On a manufacturer for the privilege of manufacturing and selling goods, wares and merchandise at wholesale at the place of manufacture. For purposes of this subdivision, this shall include a manufacturer that is also a defense production business selling manufacturing, rebuilding, repair, and maintenance services at the place of manufacture (i) to the United States or (ii) for which consent of the United States is required;

5. On a person engaged in the business of severing minerals from the earth for the privilege of selling the severed mineral at wholesale at the place of severance, except as provided in §§ 58.1-3712 and 58.1-3713;

6. Upon a wholesaler for the privilege of selling goods, wares and merchandise to other persons for resale unless such wholesaler has a definite place of business or store in such county, city or town. This subdivision shall not be construed as prohibiting any county, city or town from imposing a local license tax on a peddler at wholesale pursuant to § 58.1-3718;

7. Upon any person, firm or corporation for engaging in the business of renting, as the owner of such property, real property other than hotels, motels, motor lodges, auto courts, tourist courts, travel trailer parks, campgrounds, bed and breakfast establishments, lodging houses, rooming houses, and boardinghouses; however, any county, city or town imposing such a license tax on January 1, 1974, shall not be precluded from the levy of such tax by the provisions of this subdivision;

8. [Repealed.]

9. On or measured by receipts for management, accounting, or administrative services provided on a group basis under a nonprofit cost-sharing agreement by a corporation which is an agricultural cooperative association under the provisions of Article 2 (§ 13.1-312 et seq.) of Chapter 3 of Title 13.1, or a member or subsidiary or affiliated association thereof, to other members of the same group. This exemption shall not exempt any such corporation from such license or other tax measured by receipts from outside the group;

10. On or measured by receipts or purchases by an entity which is a member of an affiliated group of entities from other members of the same affiliated group. This exclusion shall not exempt affiliated entities from such license or other tax measured by receipts or purchases from outside the affiliated group. This exclusion also shall not preclude a locality from levying a wholesale merchant's license tax on an affiliated entity on those sales by the affiliated entity to a nonaffiliated entity, notwithstanding the fact that the wholesale merchant's license tax would be based upon purchases from an affiliated entity. Such tax shall be based on the purchase price of the goods sold to the nonaffiliated entity. As used in this subdivision, the term "sales by the affiliated entity to a nonaffiliated entity" means sales by the affiliated entity to a nonaffiliated entity where goods sold by the affiliated entity or its agent are manufactured or stored in the Commonwealth prior to their delivery to the nonaffiliated entity;

11. On any insurance company subject to taxation under Chapter 25 (§ 58.1-2500 et seq.) ~~of this title or on~~ any agent of such company;

12. On any bank or trust company subject to taxation in Chapter 12 (§ 58.1-1200 et seq.) ~~of this title or any director of such company~~;

13. Upon a taxicab driver, if the locality has imposed a license tax upon the taxicab company for which the taxicab driver operates;

14. On any blind person operating a vending stand or other business enterprise under the jurisdiction of the Department for the Blind and Vision Impaired, or a nominee of the Department, as set forth in § 51.5-98;

15. [Expired.]

16. [Repealed.]

17. On an accredited religious practitioner in the practice of the religious tenets of any church or religious denomination. "Accredited religious practitioner" shall be defined as one who is engaged solely in praying for others upon accreditation by such church or religious denomination;

18. a. On or measured by receipts of a nonprofit organization described in Internal Revenue Code § 501(c)(3) or 501(c)(19) except to the extent the organization has receipts from an unrelated trade or business the income of which is taxable under Internal Revenue Code § 511 et seq. For the purpose of this subdivision, "nonprofit organization" means an organization that is described in Internal Revenue Code § 501(c)(3) or 501(c)(19), and to which contributions are deductible by the contributor under Internal Revenue Code § 170, except that educational institutions exempt from federal income tax under Internal Revenue Code § 501(c)(3) shall be limited to schools, colleges, and other similar institutions of learning.

b. On or measured by gifts, contributions, and membership dues of a nonprofit organization. Activities conducted for consideration that are similar to activities conducted for consideration by for-profit businesses shall be presumed to be activities that are part of a business subject to licensure. For the purpose of this subdivision, "nonprofit organization" means an organization exempt from federal income tax under Internal Revenue Code § 501 other than the nonprofit organizations described in subdivision a;

19. On any venture capital fund or other investment fund, except commissions and fees of such funds. Gross receipts from the sale and rental of real estate and buildings remain taxable by the locality in which the real estate is located provided the locality is otherwise authorized to tax such businesses and rental of real estate;

20. On total assessments paid by condominium unit owners for common expenses. "Common expenses" and "unit owner" have the same meanings as in § 55.1-1900; or

21. On or measured by receipts of a qualifying transportation facility directly or indirectly owned or title to which is held by the Commonwealth or any political subdivision thereof or by the United States as described in § 58.1-3606.1 and

developed and/or operated pursuant to a concession under the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or similar federal law.

D. Any county, city or town may establish by ordinance a business license incentive program for "qualifying businesses." For purposes of this subsection, a "qualifying business" is a business that locates for the first time in the locality adopting such ordinance. A business shall not be deemed to locate in such locality for the first time based on merger, acquisition, similar business combination, name change, or a change in business form. Any incentive established pursuant to this subsection may extend for a period not to exceed two years from the date the business locates in such locality. The business license incentive program may include (i) an exemption, in whole or in part, of license taxes for any qualifying business; (ii) a refund or rebate, in whole or in part, of license taxes paid by a qualifying business; or (iii) other relief from license taxes for a qualifying business not prohibited by state or federal law.

E. For taxable years beginning on or after January 1, 2012, any locality may exempt, by ordinance, license fees or license taxes on any business that does not have an after-tax profit for the taxable year and offers the income tax return of the business as proof to the local commissioner of the revenue. Eligibility for this exemption shall be determined annually and it shall be the obligation of the business owner to submit the applicable income tax return to the local commissioner of the revenue.

CHAPTER 661

An Act to amend the Code of Virginia by adding a section numbered 10.1-417.01, relating to scenic river designation; North Fork of the Shenandoah River.

[H 1223]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 10.1-417.01 as follows:

§ 10.1-417.01. North Fork of the Shenandoah State Scenic River.

The North Fork of the Shenandoah River in Shenandoah County, from Chapman Landing boat ramp in Edinburg, Virginia, to the downstream boundary of Seven Bends State Park, a distance of approximately 8.8 miles, is hereby designated as the North Fork of the Shenandoah State Scenic River, a component of the Virginia Scenic Rivers System.

CHAPTER 662

An Act to amend and reenact § 22.1-32 of the Code of Virginia, relating to appointed school board members; salaries.

[H 18]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-32 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-32. Salary of members.

~~A.~~ Any elected *or appointed* school board may pay each of its members an annual salary that is consistent with the salary procedures and no more than the salary limits provided for local governments in Article 1.1 (§ 15.2-1414.1 et seq.) of Chapter 14 of Title 15.2 or as provided by charter, *provided that:*

~~B. The appointed school board of the following counties may pay each of its members an annual salary not to exceed the limits hereinafter set forth:~~

~~Accomack — \$3,000.00;
 Alleghany — \$1,500.00;
 Amherst — \$2,200.00;
 Cumberland — \$3,600.00;
 Essex — \$1,800.00;
 Greensville — \$1,800.00;
 Hanover — \$8,000.00;
 Isle of Wight — \$4,000.00;
 Northampton — \$3,000.00;
 Prince Edward — \$2,400.00;
 Richmond — \$5,000.00;
 Southampton — \$5,300.00.~~

~~C. The appointed school board of the following cities and towns may pay each of its members an annual salary not to exceed the limits hereinafter set forth:~~

~~Charlottesville — \$3,000.00;
 Covington — \$1,500.00;
 Danville — \$600.00;~~

Emporia — \$240.00;
 Fries — \$240.00;
 Hopewell — \$3,600.00;
 Lexington — \$600.00;
 Lynchburg — \$2,400.00;
 Manassas Park — \$3,000.00;
 Martinsville — \$2,400.00;
 Poquoson — \$3,000.00;
 Roanoke — \$4,200.00;
 Salem — \$4,800.00;
 South Boston — \$600.00;
 Winchester — \$4,500.00.

~~D. 1. Any school board may, in its discretion, pay the chairman of the school board an additional salary not exceeding \$2,000 per year upon passage of an appropriate resolution by (i) the school board whose membership is elected in whole or in part or (ii) the governing body of the appropriate county, city, or town whose school board is comprised solely of appointed members.~~

~~E. 2. Any school board may in its discretion pay each of its members mileage for use of a private vehicle in attending meetings of the school board and in conducting other official business of the school board. Its members may be reimbursed for private transportation at a rate not to exceed that which is authorized for persons traveling on state business in accordance with § 2.2-2825. Whatever rate is paid, however, shall be the same for school board members and employees of the board.~~

~~F. No appointed school board shall request the General Assembly's consideration of an increase in its annual salary limit as established in subsections B and C unless such school board has taken an affirmative vote on the requested increase. Further, no elected~~

~~3. No school board shall be awarded a salary increase; unless, upon an affirmative vote by such school board, a specific salary increase shall be is approved. Local school boards shall adopt such increases according to the following procedures:~~

~~1. a. A local school board representing a county may establish a salary increase prior to July 1 of any year in which members are to be elected or appointed, or, if such school board is elected or appointed for staggered terms, prior to July 1 of any year in which at least 40 percent of such members are to be elected or appointed. However, a school board serving a county having the county manager plan of government and whose membership totals five may establish a salary increase prior to July 1 in any year in which two of the five members are to be elected or appointed. Such increase shall become effective on January 1 of the following year.~~

~~2. b. A local school board representing a city or town may establish a salary increase prior to December 31 in any year preceding a year in which members are to be elected or appointed. Such increase shall become effective on July 1 of the year in which the election or appointment occurs if the election or appointment occurs prior to July 1 and shall be become effective January 1 of the following year if the election or appointment occurs after June 30.~~

~~4. No salary increase may become effective during an incumbent member's term of office; however, this restriction shall not apply if the school board members are elected or appointed for staggered terms.~~

~~G. (Effective July 1, 2022) The members of the consolidated school board representing Alleghany County and the City of Covington shall be paid an annual salary not to exceed \$1,500.~~

2. That nothing in this act shall be construed to reduce the maximum salaries for school board members that are in effect prior to the effective date of this act.

CHAPTER 663

An Act to amend and reenact § 58.1-3235 of the Code of Virginia, relating to special assessment for land preservation program.

[H 199]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3235 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3235. Removal of parcels from program if taxes delinquent.

A. If on April 1 of any year the taxes for any prior year on any parcel of real property which that has a special assessment as provided for in this article are delinquent, the appropriate county, city, or town treasurer shall forthwith send notice of that fact and the general provisions of this section to the property owner by first-class mail. If, after the notice has been sent, such delinquent taxes remain unpaid on June 1, the treasurer shall notify the appropriate commissioner of the revenue who shall remove such parcel from the land use program. Such removal shall become effective for the current tax year.

B. Notwithstanding the provisions of subsection A, a locality may, by ordinance, provide that if such delinquent taxes are paid no later than December 31, such parcel shall not be removed from the land use program.

C. No parcel of real property shall be removed from the land use program for delinquent taxes if (i) the taxes become delinquent during a state of emergency declared by the Governor pursuant to subdivision (7) of § 44-146.17; (ii) the treasurer determines that the disaster giving rise to the state of emergency has caused hardship for the taxpayer; and (iii) the delinquent taxes are paid no later than 90 days after the deadline provided in subsection A or B, as applicable.

CHAPTER 664

An Act to amend and reenact §§ 18.2-146 and 59.1-136.3 of the Code of Virginia, relating to catalytic converters; penalty.
[H 740]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-146 and 59.1-136.3 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-146. Breaking, injuring, defacing, destroying, or preventing the operation of vehicle, aircraft, boat, or vessel; penalties.

Any person who shall individually or in association with one or more others willfully break, injure, tamper with, or remove any part or parts of any vehicle, aircraft, boat, or vessel for the purpose of injuring, defacing, or destroying said vehicle, aircraft, boat, or vessel, or temporarily or permanently preventing its useful operation, or for any purpose against the will or without the consent of the owner of such vehicle, aircraft, boat, or vessel, or who shall in any other manner willfully or maliciously interfere with or prevent the running or operation of such vehicle, aircraft, boat, or vessel, ~~shall be~~ *is* guilty of a Class 1 misdemeanor, *unless such violation of this section involves the breaking, injuring, tampering with, or removal of a catalytic converter or the parts thereof, then he is guilty of a Class 6 felony. A prosecution or proceeding for a felony under this section is a bar to a prosecution or proceeding under § 18.2-137 for the same act.*

§ 59.1-136.3. Purchases of nonferrous scrap, metal articles, and proprietary articles.

A. Except as provided in § 59.1-136.4, scrap metal purchasers may purchase nonferrous scrap, metal articles, and proprietary articles from any person who is not an authorized scrap seller or the authorized agent and employee of an authorized scrap seller only in accordance with the following requirements and procedures:

1. At the time of sale, the seller of any nonferrous scrap, metal article, or proprietary article shall provide a driver's license or other government-issued current photographic identification including the seller's full name, current address, date of birth, and social security or other recognized identification number; and

2. The scrap metal purchaser shall record the seller's identification information, as well as the time and date of the transaction, the license number of the seller's vehicle, and a description of the items received from the seller, in a permanent ledger maintained at the scrap metal purchaser's place of business. The ledger shall be made available upon request to any law-enforcement official, conservator of the peace, or special conservator of the peace appointed pursuant to § 19.2-13, in the performance of his duties who presents his credentials at the scrap metal purchaser's normal business location during regular business hours. Records required by this subdivision shall be maintained by the scrap metal dealer at its normal place of business or at another readily accessible and secure location for at least five years.

B. Upon compliance with the other requirements of this section and § 59.1-136.4, a scrap metal purchaser may purchase proprietary articles from a person who is not an authorized scrap seller or the authorized agent and employee of an authorized scrap seller if the scrap metal purchaser complies with one of the following:

1. The scrap metal purchaser receives from the person seeking to sell the proprietary articles documentation, such as a bill of sale, receipt, letter of authorization, or similar evidence, establishing that the person lawfully possesses the proprietary articles to be sold; or

2. The scrap metal purchaser shall document a diligent inquiry into whether the person selling or delivering the same has a legal right to do so, and, after purchasing a proprietary article from a person without obtaining the documentation described in subdivision 1, shall submit a report to the local sheriff's department or the chief of police of the locality, by the close of the following business day, describing the proprietary article and including a copy of the seller's identifying information, and hold the proprietary article for not less than 15 days following purchase.

C. The scrap metal purchaser shall take a photographic or video image of all proprietary articles purchased from anyone other than an authorized scrap seller. Such image shall be of sufficient quality so as to reasonably identify the subject of the image and shall be maintained by the scrap metal purchaser no less than 30 days from the date the image is taken. Any image taken and maintained in accordance with this subdivision shall be made available upon the request of any law-enforcement officer conducting official law-enforcement business.

D. The scrap metal purchaser may purchase nonferrous scrap, metal articles, and proprietary articles directly from an authorized scrap seller and from the authorized agent or employee of an authorized scrap seller.

E. For purchases of a catalytic converter or the parts thereof, a scrap metal purchaser shall adhere to the compliance provisions of subdivisions B 1 and 2. Copies of the documentation required under subdivisions B 1 and 2 shall (i) establish that the person from whom the scrap metal purchaser purchased the catalytic converter or the parts thereof had the lawful possession of such catalytic converter or the parts thereof at the time of sale or delivery and (ii) detail the scrap metal purchaser's diligent inquiry into whether such person selling or delivering the catalytic converter or the parts thereof had a legal right to do so. Such documentation shall be maintained by the scrap metal purchaser at his normal place of business

or at another readily accessible and secure location for at least two years after the purchase. Such copies shall be made available upon request to any law-enforcement officer, conservator of the peace, or special conservator of the peace appointed pursuant to § 19.2-13 in the performance of his duties who presents his credentials at the scrap metal purchaser's normal business location during normal business hours.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 552 of the Acts of Assembly of 2021, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 665

An Act to amend and reenact §§ 18.2-146 and 59.1-136.3 of the Code of Virginia, relating to catalytic converters; penalty.

[S 729]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-146 and 59.1-136.3 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-146. Breaking, injuring, defacing, destroying, or preventing the operation of vehicle, aircraft, boat, or vessel; penalties.

Any person who shall individually or in association with one or more others willfully break, injure, tamper with, or remove any part or parts of any vehicle, aircraft, boat, or vessel for the purpose of injuring, defacing, or destroying said vehicle, aircraft, boat, or vessel, or temporarily or permanently preventing its useful operation, or for any purpose against the will or without the consent of the owner of such vehicle, aircraft, boat, or vessel, or who shall in any other manner willfully or maliciously interfere with or prevent the running or operation of such vehicle, aircraft, boat, or vessel, ~~shall be~~ *is* guilty of a Class 1 misdemeanor, *unless such violation of this section involves the breaking, injuring, tampering with, or removal of a catalytic converter or the parts thereof, then he is guilty of a Class 6 felony. A prosecution or proceeding for a felony under this section is a bar to a prosecution or proceeding under § 18.2-137 for the same act.*

§ 59.1-136.3. Purchases of nonferrous scrap, metal articles, and proprietary articles.

A. Except as provided in § 59.1-136.4, scrap metal purchasers may purchase nonferrous scrap, metal articles, and proprietary articles from any person who is not an authorized scrap seller or the authorized agent and employee of an authorized scrap seller only in accordance with the following requirements and procedures:

1. At the time of sale, the seller of any nonferrous scrap, metal article, or proprietary article shall provide a driver's license or other government-issued current photographic identification including the seller's full name, current address, date of birth, and social security or other recognized identification number; and

2. The scrap metal purchaser shall record the seller's identification information, as well as the time and date of the transaction, the license number of the seller's vehicle, and a description of the items received from the seller, in a permanent ledger maintained at the scrap metal purchaser's place of business. The ledger shall be made available upon request to any law-enforcement official, conservator of the peace, or special conservator of the peace appointed pursuant to § 19.2-13, in the performance of his duties who presents his credentials at the scrap metal purchaser's normal business location during regular business hours. Records required by this subdivision shall be maintained by the scrap metal dealer at its normal place of business or at another readily accessible and secure location for at least five years.

B. Upon compliance with the other requirements of this section and § 59.1-136.4, a scrap metal purchaser may purchase proprietary articles from a person who is not an authorized scrap seller or the authorized agent and employee of an authorized scrap seller if the scrap metal purchaser complies with one of the following:

1. The scrap metal purchaser receives from the person seeking to sell the proprietary articles documentation, such as a bill of sale, receipt, letter of authorization, or similar evidence, establishing that the person lawfully possesses the proprietary articles to be sold; or

2. The scrap metal purchaser shall document a diligent inquiry into whether the person selling or delivering the same has a legal right to do so, and, after purchasing a proprietary article from a person without obtaining the documentation described in subdivision 1, shall submit a report to the local sheriff's department or the chief of police of the locality, by the close of the following business day, describing the proprietary article and including a copy of the seller's identifying information, and hold the proprietary article for not less than 15 days following purchase.

C. The scrap metal purchaser shall take a photographic or video image of all proprietary articles purchased from anyone other than an authorized scrap seller. Such image shall be of sufficient quality so as to reasonably identify the subject of the image and shall be maintained by the scrap metal purchaser no less than 30 days from the date the image is taken. Any image taken and maintained in accordance with this subdivision shall be made available upon the request of any law-enforcement officer conducting official law-enforcement business.

D. The scrap metal purchaser may purchase nonferrous scrap, metal articles, and proprietary articles directly from an authorized scrap seller and from the authorized agent or employee of an authorized scrap seller.

E. For purchases of a catalytic converter or the parts thereof, a scrap metal purchaser shall adhere to the compliance provisions of subdivisions B 1 and 2. Copies of the documentation required under subdivisions B 1 and 2 shall (i) establish that the person from whom the scrap metal purchaser purchased the catalytic converter or the parts thereof had the lawful possession of such catalytic converter or the parts thereof at the time of sale or delivery and (ii) detail the scrap metal purchaser's diligent inquiry into whether such person selling or delivering the catalytic converter or the parts thereof had a legal right to do so. Such documentation shall be maintained by the scrap metal purchaser at his normal place of business or at another readily accessible and secure location for at least two years after the purchase. Such copies shall be made available upon request to any law-enforcement officer, conservator of the peace, or special conservator of the peace appointed pursuant to § 19.2-13 in the performance of his duties who presents his credentials at the scrap metal purchaser's normal business location during normal business hours.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 552 of the Acts of Assembly of 2021, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 666

An Act to amend and reenact § 38.2-2122 of the Code of Virginia, relating to fire insurance; appraisers and umpires; citizenship requirements.

[H 606]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-2122 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-2122. Appraisers and umpires; oath to be taken.

Whenever any appraisal is to be made under the standard provisions of a policy for loss or damage to property, ~~the appraisers and the umpire shall be citizens and actual residents of this Commonwealth unless otherwise agreed to in writing by the insured and the insurer.~~ Each *each* appraiser and umpire shall, before acting as such, take an oath that he is not directly or indirectly in the employment of the insured, the insurer, or any other insurer, that he is not related to the insured or any officer of the insurer, and that he will faithfully discharge the duties imposed upon him.

CHAPTER 667

An Act to amend and reenact § 54.1-2957.01 of the Code of Virginia, relating to nurse practitioners; patient care team physician supervision capacity increased.

[S 414]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2957.01 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2957.01. Prescription of certain controlled substances and devices by licensed nurse practitioners.

A. In accordance with the provisions of this section and pursuant to the requirements of Chapter 33 (§ 54.1-3300 et seq.), a licensed nurse practitioner shall have the authority to prescribe Schedule II through Schedule VI controlled substances and devices as set forth in Chapter 34 (§ 54.1-3400 et seq.).

B. A nurse practitioner who does not meet the requirements for practice without a written or electronic practice agreement set forth in subsection I of § 54.1-2957 shall prescribe controlled substances or devices only if such prescribing is authorized by a written or electronic practice agreement entered into by the nurse practitioner and a patient care team physician. Such nurse practitioner shall provide to the Boards of Medicine and Nursing such evidence as the Boards may jointly require that the nurse practitioner has entered into and is, at the time of writing a prescription, a party to a written or electronic practice agreement with a patient care team physician that clearly states the prescriptive practices of the nurse practitioner. Such written or electronic practice agreements shall include the controlled substances the nurse practitioner is or is not authorized to prescribe and may restrict such prescriptive authority as described in the practice agreement. Evidence of a practice agreement shall be maintained by a nurse practitioner pursuant to § 54.1-2957. Practice agreements authorizing a nurse practitioner to prescribe controlled substances or devices pursuant to this section either shall be signed by the patient care team physician or shall clearly state the name of the patient care team physician who has entered into the practice agreement with the nurse practitioner.

It shall be unlawful for a nurse practitioner to prescribe controlled substances or devices pursuant to this section unless (i) such prescription is authorized by the written or electronic practice agreement or (ii) the nurse practitioner is authorized to practice without a written or electronic practice agreement pursuant to subsection I of § 54.1-2957.

C. The Boards of Medicine and Nursing shall promulgate regulations governing the prescriptive authority of nurse practitioners as are deemed reasonable and necessary to ensure an appropriate standard of care for patients. Such regulations shall include requirements as may be necessary to ensure continued nurse practitioner competency, which may include continuing education, testing, or any other requirement, and shall address the need to promote ethical practice, an appropriate standard of care, patient safety, the use of new pharmaceuticals, and appropriate communication with patients.

D. This section shall not limit the functions and procedures of certified registered nurse anesthetists or of any nurse practitioners which are otherwise authorized by law or regulation.

E. The following restrictions shall apply to any nurse practitioner authorized to prescribe drugs and devices pursuant to this section:

1. The nurse practitioner shall disclose to the patient at the initial encounter that he is a licensed nurse practitioner. Any party to a practice agreement shall disclose, upon request of a patient or his legal representative, the name of the patient care team physician and information regarding how to contact the patient care team physician.

2. Physicians shall not serve as a patient care team physician on a patient care team at any one time to more than six nurse practitioners, *except that a physician may serve as a patient care team physician on a patient care team with up to 10 nurse practitioners licensed in the category of psychiatric-mental health nurse practitioner.*

F. This section shall not prohibit a licensed nurse practitioner from administering controlled substances in compliance with the definition of "administer" in § 54.1-3401 or from receiving and dispensing manufacturers' professional samples of controlled substances in compliance with the provisions of this section.

G. Notwithstanding any provision of law or regulation to the contrary, a nurse practitioner licensed by the Boards of Medicine and Nursing in the category of certified nurse midwife or clinical nurse specialist and holding a license for prescriptive authority may prescribe Schedules II through VI controlled substances. However, if the nurse practitioner licensed by the Boards of Medicine and Nursing in the category of certified nurse midwife or clinical nurse specialist is required, pursuant to subsection H or J of § 54.1-2957, to practice pursuant to a practice agreement, such prescribing shall also be in accordance with any prescriptive authority included in such practice agreement.

H. Notwithstanding any provision of law or regulation to the contrary, a nurse practitioner licensed by the Boards of Medicine and Nursing as a certified registered nurse anesthetist shall have the authority to prescribe Schedule II through Schedule VI controlled substances and devices in accordance with the requirements for practice set forth in subsection C of § 54.1-2957 to a patient requiring anesthesia, as part of the periprocedural care of such patient. As used in this subsection, "periprocedural" means the period beginning prior to a procedure and ending at the time the patient is discharged.

CHAPTER 668

An Act to amend and reenact §§ 60.2-110, 60.2-116, 60.2-612, 60.2-613, 60.2-619, as it is currently effective and as it shall become effective, and 60.2-631 of the Code of Virginia, relating to unemployment compensation; benefit eligibility.

[H 652]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 60.2-110, 60.2-116, 60.2-612, 60.2-613, 60.2-619, as it is currently effective and as it shall become effective, and 60.2-631 of the Code of Virginia are amended and reenacted as follows:

§ 60.2-110. State Job Service and Unemployment Insurance Services Division.

The Commission may establish two coordinate divisions: the Virginia State Job Service, created pursuant to § 60.2-400, and the Unemployment Insurance Services Division. Each division shall be responsible for the discharge of its distinctive functions. Each division shall be a separate administrative unit, with respect to personnel, budget, and duties, except insofar as the Commission may find that such separation is impracticable. In lieu, however, of establishing the two divisions the Commission may cooperate with and utilize the personnel and services of employment offices or services operated by the United States or any of its authorized agencies but only to the extent necessary for the federal employment offices or services to perform the functions imposed upon employment offices by § 60.2-601 and subdivision A 5 of § 60.2-612.

§ 60.2-116. Reciprocal agreements.

A. Subject to the approval of the Governor, the Commission is hereby authorized to enter into arrangements with the appropriate agencies of other states or the federal government whereby individuals performing services in this and other states for a single employing unit under circumstances not specifically provided for in §§ 60.2-212 through 60.2-219, or under similar provisions in the unemployment compensation laws of such other states, shall be deemed to be engaged in employment performed entirely within this Commonwealth or within one of such other states. Such arrangements may set forth terms whereby the potential right to benefits accumulated under the unemployment compensation laws of one or more states or under such a law of the federal government, or both, may constitute the basis for the payment of benefits through a single appropriate agency of any state under terms which the Commission finds will be fair and reasonable as to all affected interests and will not result in any substantial loss to the fund.

B. Subject to the approval of the Governor, the Commission is also authorized to enter into arrangements with the appropriate agencies of other states or of the federal government:

1. a. Whereby wages or services, upon the basis of which an individual may become entitled to benefits under the unemployment compensation law of another state or of the federal government, shall be deemed to be wages for employment by employers for the purposes of §§ 60.2-602, 60.2-606, 60.2-607, 60.2-609, 60.2-610, 60.2-611, subdivision A 1 of § 60.2-612 and §§ 60.2-614 through 60.2-617, provided such other state agency or agency of the federal government has agreed to reimburse the fund for such portion of benefits paid under this title upon the basis of such wages or services as the Commission finds will be fair and reasonable as to all affected interests; and

b. Whereby the Commission will reimburse other state or federal agencies charged with the administration of unemployment compensation laws with such reasonable portion of benefits, paid under the law of any such other states or of the federal government upon the basis of employment or wages for employment by employers, as the Commission finds will be fair and reasonable as to all affected interests.

2. Reimbursements so payable under subdivision 1 b of this subsection shall be deemed to be benefits for the purposes of §§ 60.2-300 through 60.2-304, but no reimbursement so payable shall be charged against any employer's account for the purposes of §§ 60.2-526 through 60.2-531. The Commission is hereby authorized to make to other state or federal agencies and receive from such other state or federal agencies, reimbursements from or to the fund, in accordance with arrangements pursuant to this section.

C. Subject to the approval of the Governor, the Commission is also authorized to enter into arrangements with the appropriate agencies of other states or of the federal government:

1. Whereby the Commission may deduct, in accordance with the provisions of § 60.2-633, from unemployment benefits otherwise payable to an individual an amount equal to any overpayment made to such individual under an unemployment benefit program of the United States or of any other state, and not previously recovered. The amount so deducted shall be paid to the jurisdiction under whose program such overpayment was made and in accordance with the arrangement between the Commission and the jurisdiction.

2. Whereby the United States agrees to allow the Commission to recover from unemployment benefits otherwise payable to an individual under an unemployment benefit program of the United States any overpayments made by the Commission to such individual under this title and not previously recovered, in accordance with the same procedures that apply under subdivision 1 of this subsection.

3. The amendments made by this subsection shall apply to recoveries made on or after July 1, 1987, and shall apply with respect to overpayments made before, on, or after such date.

§ 60.2-612. Benefit eligibility conditions.

A. An unemployed individual shall be eligible to receive benefits for any week only if the Commission finds that:

1. He has, in the highest two quarters of earnings within his base period, been paid wages in employment for employers that are equal to not less than the lowest amount appearing in Column A of the "Benefit Table" appearing in § 60.2-602 on the line which extends through Division C and on which in Column B of the "Benefit Table" appears his weekly benefit amount. Such wages shall be earned in not less than two quarters.

2. a. His total or partial unemployment is not due to a labor dispute in active progress or to shutdown or start-up operations caused by such dispute which exists (i) at the factory, establishment, or other premises, including a vessel, at which he is or was last employed, or (ii) at a factory, establishment or other premises, including a vessel, either within or without this Commonwealth, which (a) is owned or operated by the same employing unit which owns or operates the premises at which he is or was last employed and (b) supplies materials or services necessary to the continued and usual operation of the premises at which he is or was last employed. This subdivision shall not apply if it is shown to the satisfaction of the Commission that:

(1) He is not participating in or financing or directly interested in the labor dispute; and

(2) He does not belong to a grade or class of workers of which, immediately before the commencement of the labor dispute, there were members employed at the premises, including a vessel, at which the labor dispute occurs, any of whom are participating in or financing or directly interested in the dispute.

b. If separate branches of work which are commonly conducted as separate businesses at separate premises are conducted in separate departments of the same premises, each such department shall, for the purposes of this subdivision, be deemed to be a separate factory, establishment or other premises. Membership in a union, or the payment of regular dues to a bona fide labor organization, however, shall not alone constitute financing a labor dispute.

3. He is not receiving, has not received or is not seeking unemployment benefits under an unemployment compensation law of any other state or of the United States; however, if the appropriate agency of such other state or of the United States finally determines that he is not entitled to such unemployment benefits, this subdivision shall not apply.

4. He is not on a bona fide paid vacation. If an individual is paid vacation pay for any week in an amount less than the individual's weekly benefit amount his eligibility for benefits shall be computed under the provisions of § 60.2-603.

5. He has registered for work and thereafter has continued to report at an employment office in accordance with such regulations as the Commission may prescribe. The Commission may, by regulation, waive or alter either or both of the requirements of this subdivision for certain types of cases when it finds that compliance with such requirements would be oppressive, or would be inconsistent with the purposes of this title.

6. He has made a claim for benefits in accordance with regulations the Commission may prescribe.

7. a. He is able to work, is available for work, and is actively seeking and unable to obtain suitable work. Every claimant who is totally unemployed shall report to the Commission the names of employers contacted each week in his

effort to obtain work. This information may be subject to employer verification by the Commission through a program designed for that purpose. The Commission may determine that registration by a claimant with the Virginia State Job Service may constitute a valid employer contact and satisfy the search for work requirement of this subsection in labor market areas where job opportunities are limited. The Commission may determine that an individual, whose usual and customary means of soliciting work in his occupation is through contact with a single hiring hall which makes contacts with multiple employers on behalf of the claimant, meets the requirement that he be actively seeking and unable to obtain suitable work by contacting that hiring hall alone. In areas of high unemployment, as determined by the Commission, the Commission has the authority to adjust the requirement that he be actively seeking and unable to obtain suitable work.

b. An individual who leaves the normal labor market area of the individual for the major portion of any week is presumed to be unavailable for work within the meaning of this section. This presumption may be overcome if the individual establishes to the satisfaction of the Commission that the individual has conducted a bona fide search for work and has been reasonably accessible to suitable work in the labor market area in which the individual spent the major portion of the week to which the presumption applies.

c. An individual whose type of work is such that it is performed by individuals working two or more shifts in a 24-hour period shall not be deemed unavailable for work if the individual is currently enrolled in one or more classes of education related to employment or is continuing in a certificate or degree program at an institution of higher education, provided that the enrollment would only limit the individual's availability for one shift and the individual is otherwise available to work any of the other shifts.

8. He has given notice of resignation to his employer and the employer subsequently made the termination of employment effective prior to the date of termination as given in the notice, but in no case shall unemployment compensation benefits awarded under this subdivision exceed two weeks; provided, that the claimant could not establish good cause for leaving work pursuant to § 60.2-618 and was not discharged for misconduct as provided in § 60.2-618.

9. Beginning January 6, 1991, he has served a waiting period of one week during which he was eligible for benefits under this section in all other respects and has not received benefits, except that only one waiting week shall be required of such individual within any benefit year. For claims filed effective November 28, 1999, and after, this requirement shall be waived for any individual whose unemployment was caused by his employer terminating operations, closing its business or declaring bankruptcy without paying the final wages earned as required by § 40.1-29 of the Code of Virginia. Notwithstanding any other provision of this title, if an employer who terminates operations, closes its business or declares bankruptcy pays an individual his final wages after the period of time prescribed by § 40.1-29 of the Code of Virginia, such payment shall not be offset against the benefits the individual was otherwise entitled to receive and shall not, under any circumstances, cause such individual to be declared overpaid benefits.

10. He is not imprisoned or confined in jail.

11. He participates in reemployment services, such as job search assistance services, if he has been determined to be likely to exhaust regular benefits and need reemployment services pursuant to a profiling system established by the Commission, unless the Commission determines that (i) such claimant has completed such services or (ii) there is good cause for such claimant's failure to participate in such services.

B. Prior to any individual receiving benefits under this chapter, the Commission shall conduct an incarceration check and an employment identification check to verify the status of the unemployed individual seeking a claim for benefits.

§ 60.2-613. Benefits not denied to individuals in training with approval of Commission.

A. No otherwise eligible individual shall be denied benefits for any week because he is in training with the approval of the Commission, including training under Section 134 of the Workforce Investment Act, nor shall such individual be denied benefits for any week in which he is in training with the approval of the Commission, including training under Section 134 of the Workforce Investment Act, by reason of the application of the provisions in subdivision A 7 of § 60.2-612 relating to availability for work, or the provisions of subdivision 3 of § 60.2-618 relating to failure to apply for, or a refusal to accept, suitable work.

B. Notwithstanding any other provisions of this chapter, no otherwise eligible individual shall be denied benefits for any week because he is in training approved under § 2296 of the Trade Act (19 U.S.C. § 2101 et seq.), nor shall such individual be denied benefits by reason of leaving work to enter such training, provided the work left is not suitable employment, or because of the application to any such week in training of provisions in this law (or any applicable federal unemployment compensation law), relating to availability for work, active search for work, or refusal to accept work.

C. For purposes of this section, "suitable employment" means, with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment, as defined for purposes of the Trade Act, and wages for such work at not less than eighty percent of the individual's average weekly wage as determined for the purposes of the Trade Act.

§ 60.2-619. (Effective until July 1, 2022) Determinations and decisions by deputy; appeals therefrom.

A. 1. A representative designated by the Commission as a deputy, shall promptly examine the claim. On the basis of the facts found by him, the deputy shall either:

a. Determine whether or not such claim is valid, and if valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and the maximum duration thereof; or

b. Refer such claim or any question involved therein to any appeal tribunal or to the Commission, which tribunal or Commission shall make its determination in accordance with the procedure described in § 60.2-620.

2. When the payment or denial of benefits will be determined by the provisions of subdivision A 2 of § 60.2-612, the deputy shall promptly transmit his full finding of fact with respect to that subdivision to any appeal tribunal, which shall make its determination in accordance with the procedure described in § 60.2-620.

B. Upon the filing of an initial claim for benefits, the Commission shall cause an informatory notice of such filing to be mailed to the most recent 30-day or 240-hour employing unit of the claimant and all subsequent employing units, and any reimbursable employing units that may be liable for reimbursement to the Commission for any benefits paid. However, the failure to furnish such notice shall not have any effect upon the claim for benefits. If a claimant has had a determination of initial eligibility for benefits under this chapter, as evidenced by the issuance of compensation or waiting-week credit, payments shall continue, subject to a presumption of continued eligibility and in accordance with the terms of this subsection, until a determination is made that provides the claimant notice and an opportunity to be heard. When a question concerning continued eligibility for benefits arises, a determination shall be made as to whether it affects future weeks of benefits or only past weeks. With respect to future weeks, presumptive payment shall not be made until but no later than the end of the week following the week in which such issue arises, regardless of the type of issue. With respect to past weeks, presumptive payment shall be issued immediately, regardless of the type of issue. Notice shall be given to individuals who receive payments under such presumption that pending eligibility may affect their entitlement to the payment and may result in an overpayment that requires repayment.

C. Notice of determination upon a claim shall be promptly given to the claimant by delivering or by mailing such notice to the claimant's last known address. In addition, notice of any determination that involves the application of the provisions of § 60.2-618, together with the reasons therefor, shall be promptly given in the same manner to the most recent 30-day or 240-hour employing unit by whom the claimant was last employed and any subsequent employing unit which is a party. The Commission may dispense with the giving of notice of any determination to any employing unit, and such employing unit shall not be entitled to such notice if it has failed to respond timely or adequately to a written request of the Commission for information, as required by § 60.2-528.1, from which the deputy may have determined that the claimant may be ineligible or disqualified under any provision of this title. The deputy shall promptly notify the claimant of any decision made by him at any time which in any manner denies benefits to the claimant for one or more weeks.

D. Such determination or decision shall be final unless the claimant or any such employing unit files an appeal from such determination or decision (i) within 30 calendar days after the delivery of such notification, (ii) within 30 calendar days after such notification was mailed to his last known address, or (iii) within 30 days after such notification was mailed to the last known address of an interstate claimant. For good cause shown, the 30-day period may be extended.

E. Benefits shall be paid promptly in accordance with a determination or redetermination under this chapter, or decision of an appeal tribunal, the Commission, the Board of Review or a reviewing court under §§ 60.2-625 and 60.2-631 upon the issuance of such determination, redetermination or decision, regardless of the pendency of the period to file an appeal or petition for judicial review that is provided in this chapter, or the pendency of any such appeal or review. Such benefits shall be paid unless or until such determination, redetermination or decision has been modified or reversed by a subsequent redetermination or decision, in which event benefits shall be paid or denied for weeks of unemployment thereafter in accordance with such modifying or reversing redetermination or decision. If a decision of an appeal tribunal allowing benefits is affirmed in any amount by the Commission, benefits shall continue to be paid until such time as a court decision has become final so that no further appeal can be taken. If an appeal is taken from the Commission's decision, benefits paid shall result in a benefit charge to the account of the employer under § 60.2-530 only when, and as of the date on which, as the result of an appeal, the courts finally determine that the Commission should have awarded benefits to the claimant or claimants involved in such appeal.

§ 60.2-619. (Effective July 1, 2022) Determinations and decisions by deputy; appeals therefrom.

A. 1. A representative designated by the Commission as a deputy, shall promptly examine the claim. On the basis of the facts found by him, the deputy shall either:

a. Determine whether or not such claim is valid, and if valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and the maximum duration thereof; or

b. Refer such claim or any question involved therein to any appeal tribunal or to the Commission, which tribunal or Commission shall make its determination in accordance with the procedure described in § 60.2-620.

2. When the payment or denial of benefits will be determined by the provisions of subdivision A 2 of § 60.2-612, the deputy shall promptly transmit his full finding of fact with respect to that subdivision to any appeal tribunal, which shall make its determination in accordance with the procedure described in § 60.2-620.

B. Upon the filing of an initial claim for benefits, the Commission shall cause an informatory notice of such filing to be mailed to the most recent 30-day or 240-hour employing unit of the claimant and all subsequent employing units, and any reimbursable employing units which may be liable for reimbursement to the Commission for any benefits paid. However, the failure to furnish such notice shall not have any effect upon the claim for benefits.

C. Notice of determination upon a claim shall be promptly given to the claimant by delivering or by mailing such notice to the claimant's last known address. In addition, notice of any determination which involves the application of the provisions of § 60.2-618, together with the reasons therefor, shall be promptly given in the same manner to the most recent 30-day or 240-hour employing unit by whom the claimant was last employed and any subsequent employing unit which is a party. The Commission may dispense with the giving of notice of any determination to any employing unit, and such employing unit shall not be entitled to such notice if it has failed to respond timely or adequately to a written request of the

Commission for information, as required by § 60.2-528.1, from which the deputy may have determined that the claimant may be ineligible or disqualified under any provision of this title. The deputy shall promptly notify the claimant of any decision made by him at any time which in any manner denies benefits to the claimant for one or more weeks.

D. Such determination or decision shall be final unless the claimant or any such employing unit files an appeal from such determination or decision (i) within 30 calendar days after the delivery of such notification, (ii) within 30 calendar days after such notification was mailed to his last known address, or (iii) within 30 days after such notification was mailed to the last known address of an interstate claimant. For good cause shown, the 30-day period may be extended.

E. Benefits shall be paid promptly in accordance with a determination or redetermination under this chapter, or decision of an appeal tribunal, the Commission, the Board of Review or a reviewing court under §§ 60.2-625 and 60.2-631 upon the issuance of such determination, redetermination or decision, regardless of the pendency of the period to file an appeal or petition for judicial review that is provided in this chapter, or the pendency of any such appeal or review. Such benefits shall be paid unless or until such determination, redetermination or decision has been modified or reversed by a subsequent redetermination or decision, in which event benefits shall be paid or denied for weeks of unemployment thereafter in accordance with such modifying or reversing redetermination or decision. If a decision of an appeal tribunal allowing benefits is affirmed in any amount by the Commission, benefits shall continue to be paid until such time as a court decision has become final so that no further appeal can be taken. If an appeal is taken from the Commission's decision, benefits paid shall result in a benefit charge to the account of the employer under § 60.2-530 only when, and as of the date on which, as the result of an appeal, the courts finally determine that the Commission should have awarded benefits to the claimant or claimants involved in such appeal.

§ 60.2-631. Board of Review.

A. The Commissioner, in his discretion, is hereby authorized to appoint a Board of Review consisting of three members, one of whom shall be designated chairman for a term of six years. The terms of the members first taking office shall be two, four, and six years, respectively, as designated by the Commissioner at the time of the appointment. Vacancies shall be filled by appointment by the Commissioner for the unexpired term. During his term of membership on the Board no member shall serve as an officer or committee member of any political organization. The members of the Board shall be compensated in a manner determined by the Commission. The Commission shall furnish the Board such stenographic and clerical assistance as the Board may require. All compensation of the members of the Board and all necessary expenses for the operation thereof shall be paid out of the administrative fund provided for in §§ 60.2-306 through 60.2-309 and §§ 60.2-311 through 60.2-313. The Commissioner may at any time, after notice and hearing, remove any member for cause. The Commissioner may, after thirty days' notice to the members of the Board and upon a finding that the Board is no longer needed, abolish the same.

B. 1. The Board shall meet upon the call of the chairman. It shall have the same powers and perform the same functions vested in the Commission in this title for review of decisions by an appeal tribunal, including the power to administer oaths and affirmations, take depositions, certify to official acts, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda and other records deemed necessary as evidence in connection with disputed claims.

2. The Board may hold its hearings in the county or city where the claimant was last employed, except that hearings involving the provisions of subdivision A 2 of § 60.2-612 shall be held in the county or city where the claimant was last employed. When the same or substantially similar evidence is relevant and material to matters in issue in claims by more than one individual or in claims by a single individual with respect to two or more weeks of unemployment, the same time and place for considering each such claim may be fixed, hearings thereon jointly conducted, and a single record of the proceedings made.

C. The Commission may issue such regulations as it deems necessary for the procedure of the Board in the conduct of its hearings. During the time the Board is organized under authority of the Commissioner, the Commission shall have no jurisdiction under § 60.2-622. Any decision of the Board shall become final ten days after the date of notification or mailing and judicial review shall be permitted the claimant, the Commission or any interested party claiming to be aggrieved. In any judicial action involving any such decision the Commission shall be represented by the Office of the Attorney General. Any decision of the Board from which no judicial review is sought within the time prescribed in § 60.2-625 shall be conclusive against any party to the hearing before the Board and the Commission in any subsequent judicial proceedings involving liability for taxes under this title.

D. Within the time specified in § 60.2-625 the Commission, or any party to the proceedings before the Board, may obtain judicial review by filing in the circuit court of the county or city in which the individual who filed the claim was last employed, in the Commonwealth, a petition for review of such decision. In any such proceeding any other party to the proceeding shall be made a party respondent. The Commission shall be deemed to be a party to any such proceeding. The petition need not be verified. A copy of such petition shall be served upon the Commission and each party to the proceeding held before the Board at least thirty days prior to the placing of the petition upon the docket. The mailing of a copy of such petition to each party at his last known address shall be sufficient service. The Commission shall file along with its petition or answer a certified copy of the record of the case, including all documents and papers and a transcript of all testimony taken in the matter, together with the Board's findings, conclusions and decision therein.

E. In any proceeding under this section the Board's findings of facts, if supported by the evidence and in the absence of fraud, shall be conclusive and the jurisdiction of the court shall be confined to questions of law. The court may order

additional evidence to be taken by the Board, which such additional evidence, findings of fact or conclusions, together with the additional transcript of the record, shall be certified by the chairman of the Board and filed by him with the court. Such petition for review shall be heard in a summary manner and shall have preference over all other cases on the docket, except cases in which the Commonwealth is a party.

F. An appeal may be taken from the decision of such court to the Court of Appeals in conformity with Part Five A of the Rules of Supreme Court and other applicable laws. From any such decision involving (i) the provisions of § 60.2-612 or § 60.2-618, (ii) whether an employing unit constitutes an employer or (iii) whether services performed for or in connection with the business of an employing unit constitute employment for such employing unit, the Court of Appeals shall have jurisdiction to review such decision regardless of the amount involved in any claim for benefits. It shall not be necessary, in any proceeding before the Board, to enter exceptions to its ruling, and no bond shall be required upon any appeal to any court. Upon the final determination of such judicial proceeding, the Board shall enter an order in accordance with such determination.

CHAPTER 669

An Act to amend and reenact § 55.1-1006 of the Code of Virginia, relating to real estate settlement agents; emergency.

[H 1364]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-1006 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-1006. Choice of settlement agent.

A purchaser or borrower in a transaction related to real estate in the Commonwealth shall have the right to select the settlement agent to provide escrow, closing, or settlement services in connection with the transaction. The seller in such a transaction may not require the use of a particular settlement agent as a condition of the sale of the property. *Nothing in this chapter shall prohibit a seller from retaining an attorney licensed pursuant to Chapter 39 (§ 54.1-3900 et seq.) of Title 54.1 to represent his interests and provide legal advice pertaining to escrow, closing, or settlement services. Such representation may include deed preparation, fee negotiation, and review of applicable documents and advising the seller on any legal matters related to the settlement or closing process.*

2. That the provisions of this act are declarative of existing law.

3. That an emergency exists and this act is in force from its passage.

CHAPTER 670

An Act to amend and reenact § 55.1-1006 of the Code of Virginia, relating to real estate settlement agents; emergency.

[S 775]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-1006 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-1006. Choice of settlement agent.

A purchaser or borrower in a transaction related to real estate in the Commonwealth shall have the right to select the settlement agent to provide escrow, closing, or settlement services in connection with the transaction. The seller in such a transaction may not require the use of a particular settlement agent as a condition of the sale of the property. *Nothing in this chapter shall prohibit a seller from retaining an attorney licensed pursuant to Chapter 39 (§ 54.1-3900 et seq.) of Title 54.1 to represent his interests and provide legal advice pertaining to escrow, closing, or settlement services. Such representation may include deed preparation, fee negotiation, and review of applicable documents and advising the seller on any legal matters related to the settlement or closing process.*

2. That the provisions of this act are declarative of existing law.

3. That an emergency exists and this act is in force from its passage.

CHAPTER 671

An Act to amend and reenact § 58.1-3500 of the Code of Virginia and to amend the Code of Virginia by adding in Article 7 of Chapter 32 of Title 58.1 a section numbered 58.1-3295.3, relating to property tax; data centers.

[H 791]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3500 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 7 of Chapter 32 of Title 58.1 a section numbered 58.1-3295.3 as follows:

§ 58.1-3295.3. Assessment of real property; data centers.

A. As used in this section:

"Computer equipment and peripherals" means computer equipment and peripherals subject to classification under the provisions of subdivision A 17 of § 58.1-3503 or under the provisions of subdivision A 43 of § 58.1-3506.

"Cost approach" means assessing value by determining the cost to construct a reproduction or suitable replacement of fixtures and deducting physical, functional, and economic depreciation sustained by such fixtures.

"Data center" means the same as such term is defined in subdivision A 43 of § 58.1-3506.

"Fixtures" means all fixtures and equipment used in a data center except computer equipment and peripherals, equipment used for external surveillance and security, and fire and burglar alarm systems. "Fixtures" includes generators, radiators, exhaust fans, and fuel storage tanks; electrical substations, power distribution equipment, cogeneration equipment, and batteries; chillers, computer room air conditioners, and cool towers; heating, ventilating, and air conditioning systems; water storage tanks, water pumps, and piping; monitoring systems; and transmission and distribution equipment.

B. If fixtures are installed at a data center and taxed under the provisions of this chapter, such fixtures shall be assessed using the cost approach.

§ 58.1-3500. Defined and segregated for local taxation.

Tangible personal property shall consist of all personal property not otherwise classified by (i) § 58.1-1100 as intangible personal property, (ii) § 58.1-3510 as merchants' capital, or (iii) § 58.1-3510.4 as short-term rental property. "Tangible personal property" does not include fixtures, as defined in § 58.1-3295.3, if such fixtures are taxed in accordance with § 58.1-3295.3. Such tangible personal property is hereby segregated for and made subject to local taxation only pursuant to Article X, Section 4 of the Constitution of Virginia.

CHAPTER 672

An Act to amend and reenact § 58.1-3500 of the Code of Virginia and to amend the Code of Virginia by adding in Article 7 of Chapter 32 of Title 58.1 a section numbered 58.1-3295.3, relating to property tax; data centers.

[S 513]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3500 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 7 of Chapter 32 of Title 58.1 a section numbered 58.1-3295.3 as follows:

§ 58.1-3295.3. Assessment of real property; data centers.

A. As used in this section:

"Computer equipment and peripherals" means computer equipment and peripherals subject to classification under the provisions of subdivision A 17 of § 58.1-3503 or under the provisions of subdivision A 43 of § 58.1-3506.

"Cost approach" means assessing value by determining the cost to construct a reproduction or suitable replacement of fixtures and deducting physical, functional, and economic depreciation sustained by such fixtures.

"Data center" means the same as such term is defined in subdivision A 43 of § 58.1-3506.

"Fixtures" means all fixtures and equipment used in a data center except computer equipment and peripherals, equipment used for external surveillance and security, and fire and burglar alarm systems. "Fixtures" includes generators, radiators, exhaust fans, and fuel storage tanks; electrical substations, power distribution equipment, cogeneration equipment, and batteries; chillers, computer room air conditioners, and cool towers; heating, ventilating, and air conditioning systems; water storage tanks, water pumps, and piping; monitoring systems; and transmission and distribution equipment.

B. If fixtures are installed at a data center and taxed under the provisions of this chapter, such fixtures shall be assessed using the cost approach.

§ 58.1-3500. Defined and segregated for local taxation.

Tangible personal property shall consist of all personal property not otherwise classified by (i) § 58.1-1100 as intangible personal property, (ii) § 58.1-3510 as merchants' capital, or (iii) § 58.1-3510.4 as short-term rental property. "Tangible personal property" does not include fixtures, as defined in § 58.1-3295.3, if such fixtures are taxed in accordance with § 58.1-3295.3. Such tangible personal property is hereby segregated for and made subject to local taxation only pursuant to Article X, Section 4 of the Constitution of Virginia.

CHAPTER 673

An Act to amend the Code of Virginia by adding a section numbered 18.2-473.2, relating to covering a security camera in a correctional facility; penalty.

[H 1332]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-473.2 as follows:

§ 18.2-473.2. Covering a security camera in a correctional facility; penalty.

A. As used in this section, "security camera" means an analog or digital photographic or video camera or other device capable of recording or transmitting a photograph, motion picture, or other digital image that has been installed in a state or local correctional facility or any juvenile correctional center.

B. Any person who intentionally covers, removes, damages, renders inoperable, or otherwise obscures a security camera without the permission of the sheriff, jail superintendent, warden, or Director of the Department of Corrections or Department of Juvenile Justice is guilty of a Class 1 misdemeanor.

C. Any person who intentionally covers, removes, damages, renders inoperable, or otherwise obscures a security camera with the intent of inhibiting or preventing a security camera from recording or transmitting a photograph, motion picture, or other digital image of the commission of a felony is guilty of a Class 6 felony.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 552 of the Acts of Assembly of 2021, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 674

An Act to amend the Code of Virginia by adding a section numbered 18.2-473.2, relating to covering a security camera in a correctional facility; penalty.

[S 700]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-473.2 as follows:

§ 18.2-473.2. Covering a security camera in a correctional facility; penalty.

A. As used in this section, "security camera" means an analog or digital photographic or video camera or other device capable of recording or transmitting a photograph, motion picture, or other digital image that has been installed in a state or local correctional facility or any juvenile correctional center.

B. Any person who intentionally covers, removes, damages, renders inoperable, or otherwise obscures a security camera without the permission of the sheriff, jail superintendent, warden, or Director of the Department of Corrections or Department of Juvenile Justice is guilty of a Class 1 misdemeanor.

C. Any person who intentionally covers, removes, damages, renders inoperable, or otherwise obscures a security camera with the intent of inhibiting or preventing a security camera from recording or transmitting a photograph, motion picture, or other digital image of the commission of a felony is guilty of a Class 6 felony.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 552 of the Acts of Assembly of 2021, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 675

An Act to amend and reenact § 6.2-1301 of the Code of Virginia, relating to credit unions; priority of shares.

[H 268]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 6.2-1301 of the Code of Virginia is amended and reenacted as follows:

§ 6.2-1301. Effect of ownership of a share account.

~~A.~~ Ownership of a share account confers membership and voting rights as set forth in the credit union bylaws and represents an interest in the capital of the credit union upon dissolution or conversion to another type of institution.

~~B. Shares shall be subordinate to all other obligations of the credit union.~~

CHAPTER 676

An Act to amend and reenact § 6.2-1301 of the Code of Virginia, relating to credit unions; priority of shares.

[S 326]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 6.2-1301 of the Code of Virginia is amended and reenacted as follows:

§ 6.2-1301. Effect of ownership of a share account.

~~A.~~ Ownership of a share account confers membership and voting rights as set forth in the credit union bylaws and represents an interest in the capital of the credit union upon dissolution or conversion to another type of institution.

~~B. Shares shall be subordinate to all other obligations of the credit union.~~

CHAPTER 677

An Act to amend and reenact § 54.1-3005 of the Code of Virginia, relating to Board of Nursing; educational programs; oversight.

[H 604]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3005 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-3005. Specific powers and duties of Board.

In addition to the general powers and duties conferred in this title, the Board shall have the following specific powers and duties:

1. To prescribe minimum standards and approve curricula for educational programs preparing persons for licensure ~~or~~, certification, *or registration* under this chapter;

2. To approve programs that meet the requirements of this chapter and of the Board;

3. To provide consultation service for educational programs as requested;

4. To provide for periodic surveys of educational *or training* programs;

5. To deny or withdraw approval from educational or training programs for failure to meet prescribed standards;

6. To provide consultation regarding nursing practice for institutions and agencies as requested and investigate illegal nursing practices;

7. To keep a record of all its proceedings;

8. To certify and maintain a registry of all certified nurse aides and to promulgate regulations consistent with federal law and regulation. The Board shall require all schools to demonstrate their compliance with § 54.1-3006.2 upon application for approval or reapproval, during an on-site visit, or in response to a complaint or a report of noncompliance. The Board may impose a fee pursuant to § 54.1-2401 for any violation thereof. Such regulations may include standards for the authority of licensed practical nurses to teach nurse aides;

9. To maintain a registry of clinical nurse specialists and to promulgate regulations governing clinical nurse specialists;

10. To license and maintain a registry of all licensed massage therapists and to promulgate regulations governing the criteria for licensure as a massage therapist and the standards of professional conduct for licensed massage therapists;

11. To promulgate regulations for the delegation of certain nursing tasks and procedures not involving assessment, evaluation or nursing judgment to an appropriately trained unlicensed person by and under the supervision of a registered nurse, who retains responsibility and accountability for such delegation;

12. To develop and revise as may be necessary, in coordination with the Boards of Medicine and Education, guidelines for the training of employees of a school board in the administration of insulin and glucagon for the purpose of assisting with routine insulin injections and providing emergency treatment for life-threatening hypoglycemia. The first set of such guidelines shall be finalized by September 1, 1999, and shall be made available to local school boards for a fee not to exceed the costs of publication;

13. To enter into the Nurse Licensure Compact as set forth in this chapter and to promulgate regulations for its implementation;

14. To collect, store and make available nursing workforce information regarding the various categories of nurses certified, licensed or registered pursuant to § 54.1-3012.1;

15. To expedite application processing, to the extent possible, pursuant to § 54.1-119 for an applicant for licensure or certification by the Board upon submission of evidence that the applicant, who is licensed or certified in another state, is relocating to the Commonwealth pursuant to a spouse's official military orders;

16. To register medication aides and promulgate regulations governing the criteria for such registration and standards of conduct for medication aides;

17. To approve training programs for medication aides to include requirements for instructional personnel, curriculum, continuing education, and a competency evaluation;

18. To set guidelines for the collection of data by all approved nursing education programs and to compile this data in an annual report. The data shall include but not be limited to enrollment, graduation rate, attrition rate, and number of qualified applicants who are denied admission;

19. To develop, in consultation with the Board of Pharmacy, guidelines for the training of employees of child day programs as defined in § 22.1-289.02 and regulated by the Board of Education in the administration of prescription drugs as defined in the Drug Control Act (§ 54.1-3400 et seq.). Such training programs shall be taught by a registered nurse, licensed practical nurse, doctor of medicine or osteopathic medicine, or pharmacist;

20. In order to protect the privacy and security of health professionals licensed, registered or certified under this chapter, to promulgate regulations permitting use on identification badges of first name and first letter only of last name and appropriate title when practicing in hospital emergency departments, in psychiatric and mental health units and programs, or in health care facility units offering treatment for patients in custody of state or local law-enforcement agencies;

21. To revise, as may be necessary, guidelines for seizure management, in coordination with the Board of Medicine, including the list of rescue medications for students with epilepsy and other seizure disorders in the public schools. The revised guidelines shall be finalized and made available to the Board of Education by August 1, 2010. The guidelines shall then be posted on the Department of Education's website; and

22. To promulgate, together with the Board of Medicine, regulations governing the licensure of nurse practitioners pursuant to § 54.1-2957 and the licensure of licensed certified midwives pursuant to § 54.1-2957.04.

CHAPTER 678

An Act to amend and reenact §§ 32.1-137.01 and 32.1-276.5 of the Code of Virginia and to amend the Code of Virginia by adding in Article 3 of Chapter 1 of Title 32.1 a section numbered 32.1-23.5 and by adding in Article 1 of Chapter 5 of Title 32.1 a section numbered 32.1-137.09, relating to hospitals; financial assistance; payment plans.

[H 1071]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-137.01 and 32.1-276.5 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 3 of Chapter 1 of Title 32.1 a section numbered 32.1-23.5 and by adding in Article 1 of Chapter 5 of Title 32.1 a section numbered 32.1-137.09 as follows:

§ 32.1-23.5. Reporting of certain data regarding financial assistance.

The Commissioner shall report annually by November 1 to the Chairmen of the House Committees on Appropriations and Health, Welfare and Institutions and the Senate Committees on Finance and Appropriations and Education and Health regarding data collected pursuant to subsection F of § 32.1-276.5, including the value of (i) the amount of charity care, discounted care, or other financial assistance provided by each hospital under its financial assistance policy that is required to be reported in accordance with subsection F of § 32.1-276.5 and (ii) the amount of uncollected bad debt, including any uncollected bad debt from payment plans entered into in accordance with subsection C of § 32.1-137.09.

§ 32.1-137.01. Posting of charity care policies.

All hospitals A. Every hospital shall provide written information about the hospital's charity care policies, including policies related to free and discounted care. Such information shall be posted conspicuously in public areas of the hospital, including admissions or registration areas, emergency departments, and associated waiting rooms. Information regarding specific eligibility criteria and procedures for applying for charity care shall also be (i) provided to a patient at the time of admission or discharge, or at the time services are provided; (ii) included with any billing statements sent to uninsured patients; and (iii) included on any website maintained by the hospital.

B. Every hospital that is subject to the requirements of Title VI of the Civil Rights Act of 1964, as amended, shall make the information required by subsection A available to persons with limited English proficiency in accordance with the most recent U.S. Department of Health and Human Services' Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons.

§ 32.1-137.09. Financial assistance; payment plans.

A. As used in this section:

"Patient" means any adult who receives medical services from a hospital or, in the case of a minor who receives medical services from a hospital, the financially responsible party for such minor.

"Uninsured patient" means a patient who does not have any health insurance, third-party assistance, medical savings account, or claims against third parties covered by insurance, is not covered under workers' compensation, a health benefit plan as defined in § 38.2-3438, or an employee welfare benefit plan as defined in § 3(1) of the Employee Retirement Income Security Act of 1974, or does not receive benefits under Title XVIII or XIX of the Social Security Act or 10 U.S.C. § 1071 et seq. or any other form of coverage from private insurance or federal, state, or local government medical assistance programs.

B. Every hospital shall make reasonable efforts to screen every uninsured patient to determine whether the individual is eligible for medical assistance pursuant to the state plan for medical assistance or for financial assistance under the hospital's financial assistance policy.

C. Every hospital shall inform every uninsured patient who receives services at the hospital and who is determined to be eligible for assistance under the hospital's financial assistance policy of the option to enter into a payment plan with the hospital. A payment plan entered into pursuant to this subsection shall be provided to the patient in writing or electronically and shall provide for repayment of the cumulative amount owed to the hospital. The amount of monthly payments and the term of the payment plan shall be determined based upon the patient's ability to pay. Any interest on amounts owed pursuant to the payment plan shall not exceed the maximum judgment rate of interest pursuant to § 6.2-302. The hospital shall not charge any fees related to the payment plan. The payment plan shall allow prepayment of amounts owed without penalty.

D. Every hospital shall develop a process by which either an uninsured patient who agrees to a payment plan pursuant to subsection C or the hospital may request and shall be granted the opportunity to renegotiate such payment plan. Such renegotiation shall include opportunity for a new screening in accordance with subdivision B. No hospital shall charge any fees for renegotiation of a payment plan pursuant to this subsection.

E. Notwithstanding any other provision of law, no hospital shall engage in any action described in § 501(r)(6) of the Internal Revenue Code as it was in effect on January 1, 2020, to recover a debt for medical services against any patient unless the hospital has made all reasonable efforts to determine whether the patient qualifies for medical assistance pursuant to the state plan for medical assistance or is eligible for financial assistance under the hospital's financial assistance policy.

F. Every hospital shall include in written information required pursuant to § 32.1-137.01 information about the availability of a payment plan for the payment of debt owed to the hospital pursuant to subsection C and the renegotiation process described in subsection D.

G. Nothing in this section shall be construed to:

1. Prohibit a hospital, as part of its financial assistance policy, from requiring a patient to (i) provide necessary information needed to determine eligibility for financial assistance under the hospital's financial assistance policy, medical assistance pursuant to Title XVIII or XIX of the Social Security Act or 10 U.S.C. § 1071 et seq., or other programs of insurance or (ii) undertake good faith efforts to apply for and enroll in such programs of insurance for which the patient may be eligible as a condition of awarding financial assistance;

2. Require a hospital to grant or continue to grant any financial assistance or payment plan pursuant to this section when (i) a patient has provided false, inaccurate, or incomplete information required for determining eligibility for such hospital's financial assistance policy or (ii) a patient has not undertaken good faith efforts to comply with any payment plan pursuant to this section; or

3. Prohibit the coordination of benefits as required by state or federal law.

§ 32.1-276.5. Providers to submit data; civil penalty.

A. Every health care provider shall submit data as required pursuant to regulations of the Board, consistent with the recommendations of the nonprofit organization in its strategic plans submitted and approved pursuant to § 32.1-276.4, and as required by this section. Such data shall include relevant data and information for any parent or subsidiary company of the health care provider that operates in the Commonwealth. Notwithstanding the provisions of Chapter 38 (§ 2.2-3800 et seq.) of Title 2.2, it shall be lawful to provide information in compliance with the provisions of this chapter.

B. In addition, health maintenance organizations shall annually submit to the Commissioner, to make available to consumers who make health benefit enrollment decisions, audited data consistent with the latest version of the Health Employer Data and Information Set (HEDIS), as required by the National Committee for Quality Assurance, or any other quality of care or performance information set as approved by the Board. The Commissioner, at his discretion, may grant a waiver of the HEDIS or other approved quality of care or performance information set upon a determination by the Commissioner that the health maintenance organization has met Board-approved exemption criteria. The Board shall promulgate regulations to implement the provisions of this section.

The Commissioner shall also negotiate and contract with a nonprofit organization authorized under § 32.1-276.4 for compiling, storing, and making available to consumers the data submitted by health maintenance organizations pursuant to this section. The nonprofit organization shall assist the Board in developing a quality of care or performance information set for such health maintenance organizations and shall, at the Commissioner's discretion, periodically review this information set for its effectiveness.

C. Every medical care facility as that term is defined in § 32.1-3 that furnishes, conducts, operates, or offers any reviewable service shall report data on utilization of such service to the Commissioner, who shall contract with the nonprofit organization authorized under this chapter to collect and disseminate such data. For purposes of this section, "reviewable service" shall mean inpatient beds, operating rooms, nursing home services, cardiac catheterization, computed tomographic (CT) scanning, stereotactic radiosurgery, lithotripsy, magnetic resonance imaging (MRI), magnetic source imaging, medical rehabilitation, neonatal special care, obstetrical services, open heart surgery, positron emission tomographic (PET) scanning, psychiatric services, organ and tissue transplant services, radiation therapy, stereotactic radiotherapy, proton beam therapy, nuclear medicine imaging except for the purpose of nuclear cardiac imaging, and substance abuse treatment.

Every medical care facility for which a certificate of public need with conditions imposed pursuant to § 32.1-102.4 is issued shall report to the Commissioner data on charity care, as that term is defined in § 32.1-102.1, provided to satisfy a condition of a certificate of public need, including (i) the total amount of such charity care the facility provided to indigent persons; (ii) the number of patients to whom such charity care was provided; (iii) the specific services delivered to patients that are reported as charity care recipients; and (iv) the portion of the total amount of such charity care provided that each

service represents. The value of charity care reported shall be based on the medical care facility's submission of applicable Diagnosis Related Group codes and Current Procedural Terminology codes aligned with methodology utilized by the Centers for Medicare and Medicaid Services for reimbursement under Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. Notwithstanding the foregoing, every nursing home as defined in § 32.1-123 for which a certificate of public need with conditions imposed pursuant to § 32.1-102.4 is issued shall report data on utilization and other data in accordance with regulations of the Board.

A medical care facility that fails to report data required by this subsection shall be subject to a civil penalty of up to \$100 per day per violation, which shall be collected by the Commissioner and paid into the Literary Fund.

D. Every continuing care retirement community established pursuant to Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 that includes nursing home beds shall report data on utilization of such nursing home beds to the Commissioner, who shall contract with the nonprofit organization authorized under this chapter to collect and disseminate such data.

E. Every hospital that receives a disproportionate share hospital adjustment pursuant to § 1886(d)(5)(F) of the Social Security Act shall report, in accordance with regulations of the Board consistent with recommendations of the nonprofit organization in its strategic plan submitted and provided pursuant to § 32.1-276.4, the number of inpatient days attributed to patients eligible for Medicaid but not Medicare Part A and the total amount of the disproportionate share hospital adjustment received.

F. *Every hospital shall annually report, in accordance with regulations of the Board consistent with recommendations of the nonprofit organization in its strategic plan submitted and provided pursuant to § 32.1-276.4, data and information regarding (i) the amount of charity care, discounted care, or other financial assistance provided by the hospital under its financial assistance policy pursuant to § 32.1-137.09 and (ii) the amount of uncollected bad debt, including any uncollected bad debt from payment plans entered into in accordance with subsection C of § 32.1-137.09.*

G. The Board shall evaluate biennially the impact and effectiveness of such data collection.

CHAPTER 679

An Act to amend and reenact §§ 32.1-137.01 and 32.1-276.5 of the Code of Virginia and to amend the Code of Virginia by adding in Article 3 of Chapter 1 of Title 32.1 a section numbered 32.1-23.5 and by adding in Article 1 of Chapter 5 of Title 32.1 a section numbered 32.1-137.09, relating to hospitals; financial assistance; payment plans.

[S 201]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-137.01 and 32.1-276.5 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 3 of Chapter 1 of Title 32.1 a section numbered 32.1-23.5 and by adding in Article 1 of Chapter 5 of Title 32.1 a section numbered 32.1-137.09 as follows:

§ 32.1-23.5. Reporting of certain data regarding financial assistance.

The Commissioner shall report annually by November 1 to the Chairmen of the House Committees on Appropriations and Health, Welfare and Institutions and the Senate Committees on Finance and Appropriations and Education and Health regarding data collected pursuant to subsection F of § 32.1-276.5, including the value of (i) the amount of charity care, discounted care, or other financial assistance provided by each hospital under its financial assistance policy that is required to be reported in accordance with subsection F of § 32.1-276.5 and (ii) the amount of uncollected bad debt, including any uncollected bad debt from payment plans entered into in accordance with subsection C of § 32.1-137.09.

§ 32.1-137.01. Posting of charity care policies.

~~All hospitals~~ *A. Every hospital shall provide written information about the hospital's charity care policies, including policies related to free and discounted care. Such information shall be posted conspicuously in public areas of the hospital, including admissions or registration areas, emergency departments, and associated waiting rooms. Information regarding specific eligibility criteria and procedures for applying for charity care shall also be (i) provided to a patient at the time of admission or discharge, or at the time services are provided; (ii) included with any billing statements sent to uninsured patients; and (iii) included on any website maintained by the hospital.*

B. Every hospital that is subject to the requirements of Title VI of the Civil Rights Act of 1964, as amended, shall make the information required by subsection A available to persons with limited English proficiency in accordance with the most recent U.S. Department of Health and Human Services' Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons.

§ 32.1-137.09. Financial assistance; payment plans.

A. As used in this section:

"Patient" means any adult who receives medical services from a hospital or, in the case of a minor who receives medical services from a hospital, the financially responsible party for such minor.

"Uninsured patient" means a patient who does not have any health insurance, third-party assistance, medical savings account, or claims against third parties covered by insurance, is not covered under workers' compensation, a health benefit plan as defined in § 38.2-3438, or an employee welfare benefit plan as defined in § 3(1) of the Employee Retirement Income Security Act of 1974, or does not receive benefits under Title XVIII or XIX of the Social Security Act or 10 U.S.C. § 1071

et seq. or any other form of coverage from private insurance or federal, state, or local government medical assistance programs.

B. Every hospital shall make reasonable efforts to screen every uninsured patient to determine whether the individual is eligible for medical assistance pursuant to the state plan for medical assistance or for financial assistance under the hospital's financial assistance policy.

C. Every hospital shall inform every uninsured patient who receives services at the hospital and who is determined to be eligible for assistance under the hospital's financial assistance policy of the option to enter into a payment plan with the hospital. A payment plan entered into pursuant to this subsection shall be provided to the patient in writing or electronically and shall provide for repayment of the cumulative amount owed to the hospital. The amount of monthly payments and the term of the payment plan shall be determined based upon the patient's ability to pay. Any interest on amounts owed pursuant to the payment plan shall not exceed the maximum judgment rate of interest pursuant to § 6.2-302. The hospital shall not charge any fees related to the payment plan. The payment plan shall allow prepayment of amounts owed without penalty.

D. Every hospital shall develop a process by which either an uninsured patient who agrees to a payment plan pursuant to subsection C or the hospital may request and shall be granted the opportunity to renegotiate such payment plan. Such renegotiation shall include opportunity for a new screening in accordance with subdivision B. No hospital shall charge any fees for renegotiation of a payment plan pursuant to this subsection.

E. Notwithstanding any other provision of law, no hospital shall engage in any action described in § 501(r)(6) of the Internal Revenue Code as it was in effect on January 1, 2020, to recover a debt for medical services against any patient unless the hospital has made all reasonable efforts to determine whether the patient qualifies for medical assistance pursuant to the state plan for medical assistance or is eligible for financial assistance under the hospital's financial assistance policy.

F. Every hospital shall include in written information required pursuant to § 32.1-137.01 information about the availability of a payment plan for the payment of debt owed to the hospital pursuant to subsection C and the renegotiation process described in subsection D.

G. Nothing in this section shall be construed to:

1. Prohibit a hospital, as part of its financial assistance policy, from requiring a patient to (i) provide necessary information needed to determine eligibility for financial assistance under the hospital's financial assistance policy, medical assistance pursuant to Title XVIII or XIX of the Social Security Act or 10 U.S.C. § 1071 *et seq.*, or other programs of insurance or (ii) undertake good faith efforts to apply for and enroll in such programs of insurance for which the patient may be eligible as a condition of awarding financial assistance;

2. Require a hospital to grant or continue to grant any financial assistance or payment plan pursuant to this section when (i) a patient has provided false, inaccurate, or incomplete information required for determining eligibility for such hospital's financial assistance policy or (ii) a patient has not undertaken good faith efforts to comply with any payment plan pursuant to this section; or

3. Prohibit the coordination of benefits as required by state or federal law.

§ 32.1-276.5. Providers to submit data; civil penalty.

A. Every health care provider shall submit data as required pursuant to regulations of the Board, consistent with the recommendations of the nonprofit organization in its strategic plans submitted and approved pursuant to § 32.1-276.4, and as required by this section. Such data shall include relevant data and information for any parent or subsidiary company of the health care provider that operates in the Commonwealth. Notwithstanding the provisions of Chapter 38 (§ 2.2-3800 *et seq.*) of Title 2.2, it shall be lawful to provide information in compliance with the provisions of this chapter.

B. In addition, health maintenance organizations shall annually submit to the Commissioner, to make available to consumers who make health benefit enrollment decisions, audited data consistent with the latest version of the Health Employer Data and Information Set (HEDIS), as required by the National Committee for Quality Assurance, or any other quality of care or performance information set as approved by the Board. The Commissioner, at his discretion, may grant a waiver of the HEDIS or other approved quality of care or performance information set upon a determination by the Commissioner that the health maintenance organization has met Board-approved exemption criteria. The Board shall promulgate regulations to implement the provisions of this section.

The Commissioner shall also negotiate and contract with a nonprofit organization authorized under § 32.1-276.4 for compiling, storing, and making available to consumers the data submitted by health maintenance organizations pursuant to this section. The nonprofit organization shall assist the Board in developing a quality of care or performance information set for such health maintenance organizations and shall, at the Commissioner's discretion, periodically review this information set for its effectiveness.

C. Every medical care facility as that term is defined in § 32.1-3 that furnishes, conducts, operates, or offers any reviewable service shall report data on utilization of such service to the Commissioner, who shall contract with the nonprofit organization authorized under this chapter to collect and disseminate such data. For purposes of this section, "reviewable service" shall mean inpatient beds, operating rooms, nursing home services, cardiac catheterization, computed tomographic (CT) scanning, stereotactic radiosurgery, lithotripsy, magnetic resonance imaging (MRI), magnetic source imaging, medical rehabilitation, neonatal special care, obstetrical services, open heart surgery, positron emission tomographic (PET) scanning, psychiatric services, organ and tissue transplant services, radiation therapy, stereotactic radiotherapy, proton beam therapy, nuclear medicine imaging except for the purpose of nuclear cardiac imaging, and substance abuse treatment.

Every medical care facility for which a certificate of public need with conditions imposed pursuant to § 32.1-102.4 is issued shall report to the Commissioner data on charity care, as that term is defined in § 32.1-102.1, provided to satisfy a condition of a certificate of public need, including (i) the total amount of such charity care the facility provided to indigent persons; (ii) the number of patients to whom such charity care was provided; (iii) the specific services delivered to patients that are reported as charity care recipients; and (iv) the portion of the total amount of such charity care provided that each service represents. The value of charity care reported shall be based on the medical care facility's submission of applicable Diagnosis Related Group codes and Current Procedural Terminology codes aligned with methodology utilized by the Centers for Medicare and Medicaid Services for reimbursement under Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. Notwithstanding the foregoing, every nursing home as defined in § 32.1-123 for which a certificate of public need with conditions imposed pursuant to § 32.1-102.4 is issued shall report data on utilization and other data in accordance with regulations of the Board.

A medical care facility that fails to report data required by this subsection shall be subject to a civil penalty of up to \$100 per day per violation, which shall be collected by the Commissioner and paid into the Literary Fund.

D. Every continuing care retirement community established pursuant to Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 that includes nursing home beds shall report data on utilization of such nursing home beds to the Commissioner, who shall contract with the nonprofit organization authorized under this chapter to collect and disseminate such data.

E. Every hospital that receives a disproportionate share hospital adjustment pursuant to § 1886(d)(5)(F) of the Social Security Act shall report, in accordance with regulations of the Board consistent with recommendations of the nonprofit organization in its strategic plan submitted and provided pursuant to § 32.1-276.4, the number of inpatient days attributed to patients eligible for Medicaid but not Medicare Part A and the total amount of the disproportionate share hospital adjustment received.

F. Every hospital shall annually report, in accordance with regulations of the Board consistent with recommendations of the nonprofit organization in its strategic plan submitted and provided pursuant to § 32.1-276.4, data and information regarding (i) the amount of charity care, discounted care, or other financial assistance provided by the hospital under its financial assistance policy pursuant to § 32.1-137.09 and (ii) the amount of uncollected bad debt, including any uncollected bad debt from payment plans entered into in accordance with subsection C of § 32.1-137.09.

G. The Board shall evaluate biennially the impact and effectiveness of such data collection.

CHAPTER 680

An Act to amend and reenact § 33.2-233 of the Code of Virginia, relating to Commonwealth Transportation Board; performance standards for review of certain plans.

[H 482]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-233 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-233. Gathering and reporting of information and statistics.

A. The Commissioner of Highways and the Director of the Department of Rail and Public Transportation shall gather and tabulate information and statistics relating to transportation and disseminate the same throughout the Commonwealth. In addition, the Commissioner of Highways shall provide a report to the Governor, the General Assembly, the Board, and the public concerning the current status of all highway construction projects in the Commonwealth. This report shall be posted at least four times each fiscal year but may be updated more often as circumstances allow. The report shall contain, at a minimum, the following information for every project in the Six-Year Improvement Program: (i) project description; (ii) total cost estimate; (iii) funds expended to date; (iv) project timeline and completion date; (v) statement of whether project is ahead of, on, or behind schedule; (vi) the name of the prime contractor; (vii) total expenditures of federal transportation funds in each county and city; (viii) total expenditures of state transportation funds in each county and city; (ix) statewide totals for federal, state, and local funds expended for highways; (x) statewide totals for federal, state, and local funds expended for transit; (xi) total funds expended on intercity passenger and freight rail line and trains; and (xii) total funds expended in each federal and state programmatic category. Use of one or more websites may be used to satisfy this requirement. Project-specific information posted on the Internet shall be updated daily as information is available.

B. The Department shall develop performance metrics that measure the efficiency and quality of the Department's processes for the review of and approval of subdivision and commercial development plans. The Commissioner of Highways shall gather and tabulate information to support development of the performance metrics. The data collected and reported shall include, at a minimum, (i) the length of time that it takes the Department to review plans from the date the plans are received in the local office of the Department until comments are returned to the local government; (ii) the number of reviews that are required to achieve final approval of plans; and (iii) measures reported at the residency, district, and statewide levels of the Department.

The Department shall adopt performance standards for the review and approval of subdivision and commercial development plans no later than January 1, 2025. Once performance standards are developed, these measures will be reported and made available for public view on the Department's website and shall be updated on a quarterly basis.

2. That the Department of Transportation shall submit a report of the original performance standards developed pursuant to the provisions of this act to the Chairman of the Commonwealth Transportation Board.

CHAPTER 681

An Act to direct the Department of Corrections to make recommendations regarding certain fees in state correctional facilities.

[H 665]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Department of Corrections (the Department) shall convene a work group to review and make recommendations regarding the reduction or elimination of costs and fees charged to inmates in state correctional facilities to use telephone services, purchase items or services from stores or commissaries, obtain pre-release copies of medical records, utilize electronic visitation systems, and maintain personal trust accounts, and any other costs and fees deemed relevant by the Department. The Department shall include all relevant stakeholders on the work group and shall report its findings and recommendations to the Chairmen of the House Committee on Public Safety and the Senate Committee on Rehabilitation and Social Services by October 1, 2022.*

CHAPTER 682

An Act to direct the Department of Corrections to make recommendations regarding certain fees in state correctional facilities.

[S 441]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Department of Corrections (the Department) shall convene a work group to review and make recommendations regarding the reduction or elimination of costs and fees charged to inmates in state correctional facilities to use telephone services, purchase items or services from stores or commissaries, obtain pre-release copies of medical records, utilize electronic visitation systems, and maintain personal trust accounts, and any other costs and fees deemed relevant by the Department. The Department shall include all relevant stakeholders on the work group and shall report its findings and recommendations to the Chairmen of the House Committee on Public Safety and the Senate Committee on Rehabilitation and Social Services by October 1, 2022.*

CHAPTER 683

An Act to amend and reenact § 1-211.1 of the Code of Virginia, relating to posting of notices; electronic posting.

[H 677]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 1-211.1 of the Code of Virginia is amended and reenacted as follows:

§ 1-211.1. Courthouse; posting of notices.

If any notice, summons, order, or other official document of any type is required to be posted on or at the front door of a courthouse or on a public bulletin board at a courthouse, it shall constitute compliance with this requirement if the notice, summons, order, or other official document is (i) posted with other such documents where such notice, summons, order or other official document is posted or at or near the principal public entrance to the courthouse in a location that is conspicuous to the public and approved by the chief judge of the circuit in which the courthouse is situated, or both: ~~The requirement to post any notice, summons, order, or other official document of any type is satisfied if such notice, summons, order, or other official document is,~~ and (ii) posted on the public government website of the locality served by the court or the website of the circuit court clerk.

2. That the provisions of this act shall become effective on July 1, 2024.

CHAPTER 684

An Act to amend and reenact § 8.01-293 of the Code of Virginia, relating to service of process; investigator employed by an attorney for the Commonwealth or Indigent Defense Commission.

[H 682]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 8.01-293 of the Code of Virginia is amended and reenacted as follows:****§ 8.01-293. Authorization to serve process, capias or show cause order; execute writ of possession or eviction and levy upon property.**

A. The following persons are authorized to serve process:

1. The sheriff within such territorial bounds as described in § 8.01-295;

2. Any person of age 18 years of age or older and who is not a party or otherwise interested in the subject matter in controversy. For purposes of this subdivision, an investigator employed by an attorney for the Commonwealth or employed by the Indigent Defense Commission; who within 10 years immediately prior to being employed by the attorney for the Commonwealth or Indigent Defense Commission was an active law enforcement officer as defined in § 9.1-101 in the Commonwealth and retired or resigned from his position as a law enforcement officer in good standing, shall not be considered to be a party or otherwise interested in the subject matter in controversy while engaged in the performance of his official duties when serving witness subpoenas. For purposes of this subdivision, an investigator employed by an attorney for the Commonwealth shall not be considered to be a party or otherwise interested in the subject matter in controversy while engaged in the performance of his official duties, provided that the sheriff in the jurisdiction where process is to be served has agreed that such investigators investigator may serve process. If a sheriff has agreed that such investigators investigator may serve process, then investigators an investigator employed by either an attorney for the Commonwealth or the Indigent Defense Commission may serve process. However, in any case in which custody or visitation of a minor child or children is at issue and a summons is issued for the attendance and testimony of a teacher or other school personnel who is not a party to the proceeding, if such summons is served on school property, it shall be served only by a sheriff or his deputy; or

3. A private process server. For purposes of this section, "private process server" means any person 18 years of age or older and who is not a party or otherwise interested in the subject matter in controversy, and who charges a fee for service of process.

Whenever in this Code the term "officer" or "sheriff" is used to refer to persons authorized to make, return, or do any other act relating to service of process, such term shall be deemed to refer to any person authorized by this section to serve process.

B. Notwithstanding any other provision of law (i) only a sheriff or high constable may execute an order or writ of possession for personal, real, or mixed property, including a writ of eviction arising out of an action in unlawful entry and detainer or ejection; (ii) any sheriff, high constable, or law-enforcement officer as defined in § 9.1-101 of the Code of Virginia may serve any capias or show cause order; and (iii) only a sheriff, the high constable for the City of Norfolk or Virginia Beach, or a treasurer may levy upon property.

CHAPTER 685

An Act to amend and reenact §§ 2.2-2545 and 2.2-2547 of the Code of Virginia, relating to American Revolution 250 Commission; membership.

[S 22]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:**1. That §§ 2.2-2545 and 2.2-2547 of the Code of Virginia are amended and reenacted as follows:****§ 2.2-2545. (Expires July 1, 2027) Membership; terms.**

A. The Commission shall have a total membership of 22 27 members that shall consist of five legislative members, 17 nonlegislative citizen members, and five ex officio members. Members shall be appointed as follows:

1. Two members of the Senate, to be appointed by the Senate Committee on Rules;

2. Three members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates;

3. One representative from each of the lead commemoration partners: the Jamestown-Yorktown Foundation, the primary state agency and fiscal agent; the Virginia Museum of History & Culture, the primary nonstate agency; and Gunston Hall, the primary representative of Virginia's historic homes and related sites;

4. One representative from the American Battlefield Trust, the secretariat of the United States Semiquincentennial Commission, and one representative from the Virginia Bar Association;

5. Six members appointed by the Governor from a list of 10 provided by the Jamestown-Yorktown Foundation; and

4- 6. Six members appointed by the Governor from a list of 10 provided by the Virginia Museum of History & Culture.

The Secretary of Education, the Librarian of Virginia, the Director of the Department of Historic Resources, the Executive Director of Virginia Humanities, and the Chief Executive Officer of the Virginia Tourism Authority, or their designees, shall serve as ex officio members with voting privileges. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth.

B. The Commission shall elect a chairman and vice-chairman from among its membership.

C. *Legislative members of the Commission shall serve terms coincident with their terms of office.* Nonlegislative citizen members shall be appointed for the duration of the Commission's activities. Appointments to fill vacancies shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

§ 2.2-2547. (Expires July 1, 2027) Compensation; expenses.

Legislative members of the Commission shall receive such compensation as provided in § 30-19.12. Nonlegislative citizen members of the Commission shall not receive compensation or reimbursement for travel and other expenses incurred in the performance of their duties.

CHAPTER 686

An Act to amend and reenact § 22.1-79.7 of the Code of Virginia, relating to public elementary and secondary school students; ability to pay for meals and school meal debt; extracurricular school activities.

[H 583]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-79.7 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-79.7. School meal policies; donations.

A. Each local school board shall adopt policies that:

1. Prohibit school board employees from requiring a student who cannot pay for a meal at school or who owes a school meal debt to throw away or discard a meal after it has been served to him, do chores or other work to pay for such meals, or wear a wristband or hand stamp;

2. Require school board employees to direct any communication relating to a school meal debt to the student's parent. Such policy may permit such communication to be made by a letter addressed to the parent to be sent home with the student; ~~and~~

3. Prohibit the school board from filing a lawsuit against a student or the student's parent because the student cannot pay for a meal at school or owes a school meal debt; *and*

4. *Prohibit the school board or any school board employee from denying a student the opportunity to participate in any extracurricular school activity because the student cannot pay for a meal at school or owes a school meal debt.*

B. Any school board may solicit and receive any donation or other funds for the purpose of eliminating or offsetting any school meal debt at any time and shall use any such funds solely for such purpose.

CHAPTER 687

An Act to amend and reenact §§ 2.2-2545 and 2.2-2547 of the Code of Virginia, relating to American Revolution 250 Commission; membership.

[H 6]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2545 and 2.2-2547 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2545. (Expires July 1, 2027) Membership; terms.

A. The Commission shall have a total membership of ~~22~~ 27 members that shall consist of *five legislative members*, 17 nonlegislative citizen members, and five ex officio members. Members shall be appointed as follows:

1. *Two members of the Senate, to be appointed by the Senate Committee on Rules;*

2. *Three members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates;*

3. One representative from each of the lead commemoration partners: the Jamestown-Yorktown Foundation, the primary state agency and fiscal agent; the Virginia Museum of History & Culture, the primary nonstate agency; and Gunston Hall, the primary representative of Virginia's historic homes and related sites;

~~2-~~ 4. One representative from the American Battlefield Trust, the secretariat of the United States Semiquincentennial Commission, and one representative from the Virginia Bar Association;

~~3-~~ 5. Six members appointed by the Governor from a list of 10 provided by the Jamestown-Yorktown Foundation; and

~~4-~~ 6. Six members appointed by the Governor from a list of 10 provided by the Virginia Museum of History & Culture.

The Secretary of Education, the Librarian of Virginia, the Director of the Department of Historic Resources, the Executive Director of Virginia Humanities, and the Chief Executive Officer of the Virginia Tourism Authority, or their designees, shall serve as ex officio members with voting privileges. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth.

B. The Commission shall elect a chairman and vice-chairman from among its membership.

C. *Legislative members of the Commission shall serve terms coincident with their terms of office.* Nonlegislative citizen members shall be appointed for the duration of the Commission's activities. Appointments to fill vacancies shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

§ 2.2-2547. (Expires July 1, 2027) Compensation; expenses.

Legislative members of the Commission shall receive such compensation as provided in § 30-19.12. Nonlegislative citizen members of the Commission shall not receive compensation or reimbursement for travel and other expenses incurred in the performance of their duties.

CHAPTER 688

An Act to amend and reenact § 10.1-1197.6 of the Code of Virginia, relating to small renewable energy projects; impact on natural resources.

[H 206]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-1197.6 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-1197.6. Permit by rule for small renewable energy projects.

A. Notwithstanding the provisions of § 10.1-1186.2:1, the Department shall develop, by regulations to be effective as soon as practicable, but not later than July 1, 2012, a permit by rule or permits by rule if it is determined by the Department that one or more such permits by rule are necessary for the construction and operation of small renewable energy projects, including such conditions and standards necessary to protect the Commonwealth's natural resources. If the Department determines that more than a single permit by rule is necessary, the Department initially shall develop the permit by rule for wind energy, which shall be effective as soon as practicable, but not later than January 1, 2011. Subsequent permits by rule regulations shall be effective as soon as practicable.

B. The conditions for issuance of the permit by rule for small renewable energy projects shall include:

1. A notice of intent provided by the applicant, to be published in the Virginia Register, that a person intends to submit the necessary documentation for a permit by rule for a small renewable energy project;

2. A certification by the governing body of the locality or localities wherein the small renewable energy project will be located that the project complies with all applicable land use ordinances;

3. Copies of all interconnection studies undertaken by the regional transmission organization or transmission owner, or both, on behalf of the small renewable energy project;

4. A copy of the final interconnection agreement between the small renewable energy project and the regional transmission organization or transmission owner indicating that the connection of the small renewable energy project will not cause a reliability problem for the system. If the final agreement is not available, the most recent interconnection study shall be sufficient for the purposes of this section. When a final interconnection agreement is complete, it shall be provided to the Department. The Department shall forward a copy of the agreement or study to the State Corporation Commission;

5. A certification signed by a professional engineer licensed in Virginia that the maximum generation capacity of the small renewable energy project by (i) an electrical generation facility that generates electricity only from sunlight or wind as designed does not exceed 150 megawatts; (ii) an electrical generation facility that generates electricity only from falling water, wave motion, tides, or geothermal power as designed does not exceed 100 megawatts; or (iii) an electrical generation facility that generates electricity only from biomass, energy from waste, or municipal solid waste as designed does not exceed 20 megawatts;

6. An analysis of potential environmental impacts of the small renewable energy project's operations on attainment of national ambient air quality standards;

7. Where relevant, an analysis of the beneficial and adverse impacts of the proposed project on natural resources. For wildlife, that analysis shall be based on information on the presence, activity, and migratory behavior of wildlife to be collected at the site for a period of time dictated by the site conditions and biology of the wildlife being studied, not exceeding 12 months. *For prime agricultural soils and forest land, that analysis shall be required if a proposed project would disturb more than 10 acres of prime agricultural soils or 50 acres of contiguous forest lands, or if it would disturb forest lands enrolled in a program for forestry preservation pursuant to subdivision 2 of § 58.1-3233;*

8. If the Department determines that the information collected pursuant to subdivision ~~B~~ 7 indicates that significant adverse impacts to wildlife ~~or~~, historic resources, *prime agricultural soils, or forest lands* are likely, the submission of a mitigation plan, *if a draft plan was not provided by the applicant as part of the initial application, with a 45-day public comment period* detailing reasonable actions to be taken by the owner or operator to avoid, minimize, or otherwise mitigate such impacts, and to measure the efficacy of those actions. *A project will be deemed to have a significant adverse impact if*

it would disturb more than 10 acres of prime agricultural soils or 50 acres of contiguous forest lands, or if it would disturb forest lands enrolled in a program for forestry preservation pursuant to subdivision 2 of § 58.1-3233;

9. A certification signed by a professional engineer licensed in Virginia that the small renewable energy project is designed in accordance with all of the standards that are established in the regulations applicable to the permit by rule;

10. An operating plan describing how any standards established in the regulations applicable to the permit by rule will be achieved;

11. A detailed site plan with project location maps that show the location of all components of the small renewable energy project, including any towers. Changes to the site plan that occur after the applicant has submitted an application shall be allowed by the Department without restarting the application process, if the changes were the result of optimizing technical, environmental, and cost considerations, do not materially alter the environmental effects caused by the facility, or do not alter any other environmental permits that the Commonwealth requires the applicant to obtain;

12. A certification signed by the applicant that the small renewable energy project has applied for or obtained all necessary environmental permits;

13. A requirement that the applicant hold a public meeting. The public meeting shall be held in the locality or, if the project is located in more than one locality in a place proximate to the location of the proposed project. Following the public meeting, the applicant shall prepare a report summarizing the issues raised at the meeting, including any written comments received. The report shall be provided to the Department; and

14. A 30-day public review and comment period prior to authorization of the project.

C. The Department's regulations shall establish a schedule of fees, to be payable by the owner or operator of the small renewable energy project regulated under this article, which fees shall be assessed for the purpose of funding the costs of administering and enforcing the provisions of this article associated with such operations including, but not limited to, the inspection and monitoring of such projects to ensure compliance with this article.

D. The owner or operator of a small renewable energy project regulated under this article shall be assessed a permit fee in accordance with the criteria set forth in the Department's regulations. Such fees shall include an additional amount to cover the Department's costs of inspecting such projects.

E. The fees collected pursuant to this article shall be used only for the purposes specified in this article and for funding purposes authorized by this article to abate impairments or impacts on the Commonwealth's natural resources directly caused by small renewable energy projects.

F. There is hereby established a special, nonreverting fund in the state treasury to be known as the Small Renewable Energy Project Fee Fund, hereafter referred to as the Fund. Notwithstanding the provisions of § 2.2-1802, all moneys collected pursuant to this § 10.1-1197.6 shall be paid into the state treasury to the credit of the Fund. Any moneys remaining in the Fund shall not revert to the general fund but shall remain in the Fund. Interest earned on such moneys shall remain in the Fund and be credited to it. The Fund shall be exempt from statewide indirect costs charged and collected by the Department of Accounts.

G. After the effective date of regulations adopted pursuant to this section, no person shall erect, construct, materially modify or operate a small renewable energy project except in accordance with this article or Title 56 if the small renewable energy project was approved pursuant to Title 56.

H. Any small renewable energy project shall be eligible for permit by rule under this section if the project is proposed, developed, constructed, or purchased by a person that is not a utility regulated pursuant to Title 56.

I. Any small renewable energy project commencing operations after July 1, 2017, shall be eligible for permits by rule under this section and is exempt from State Corporation Commission environmental review or permitting in accordance with subsection B of § 10.1-1197.8 or other applicable law if the project is proposed, developed, constructed, or purchased by:

1. A public utility if the project's costs are not recovered from Virginia jurisdictional customers under base rates, a fuel factor charge under § 56-249.6, or a rate adjustment clause under subdivision A 6 of § 56-585.1; or

2. A utility aggregation cooperative formed under Article 2 (§ 56-231.38 et seq.) of Chapter 9.1 of Title 56.

J. For purposes of this section, "prime agricultural soils" means soils recognized as prime farmland by the U.S. Department of Agriculture, and "forest land" has the same meaning as provided in § 10.1-1178, except that any parcel shall be considered forest lands if it was forested at least two years prior to the Department's receipt of a permit application.

2. That pursuant to subdivisions B 7 and 8 of § 10.1-1197.6 of the Code of Virginia, as amended by this act, the Department of Environmental Quality (the Department), in consultation with the Department of Forestry, the State Corporation Commission, the Department of Energy, the Virginia Economic Development Partnership Authority, and other relevant stakeholders, shall convene an advisory panel to assist in further developing regulations regarding criteria to determine if a significant adverse impact to prime agricultural soils or forest lands is likely to occur as a result of a proposed solar project that is a small renewable energy project and criteria for an applicant of a solar project to address in a plan to mitigate any significant adverse impacts to soils and lands. In developing regulations regarding plans to mitigate any significant impacts to prime agricultural soils or forest lands, the advisory panel shall consider, but not be limited to, the following factors in determining appropriate mitigation techniques or criteria to be included in an applicant's mitigation plan: (i) the mitigation techniques to avoid, minimize, or otherwise mitigate any such impacts; (ii) the cost of mitigation relative to the project cost, including the costs of proposed mitigation to rate payers; (iii) onsite minimization of impacts; (iv) payment of in-lieu fee funds for mitigation; (v) the impact on the local agricultural or forestry economy when such soils or lands are displaced;

(vi) the loss of ecosystem benefits; (vii) noncompliance with Virginia's Watershed Implementation Plan III goals on the Chesapeake Bay TMDL; and (viii) noncompliance with other water quality criteria and standards. Such criteria shall include reasonable actions to be taken by the applicant to avoid, minimize, or otherwise mitigate any such impacts to prime agricultural soils or forest lands, but in the event that avoidance by the applicant is not reasonable, the applicant for the solar project that is a small renewable energy project shall be afforded the opportunity to minimize or otherwise mitigate any significant adverse impacts to prime agricultural soils or forest lands. The advisory panel shall also consider a process by which an applicant may satisfy its mitigation obligations by agreement with a locality if such mitigation requirements conform to the regulations established by the Department pursuant to this enactment and when such mitigation requirements are included in (a) a siting agreement and approved by a local governing body pursuant to subsection B of § 15.2-2316.7 of the Code of Virginia or (b) zoning use conditions approved by the locality pursuant to § 15.2-2288.8 of the Code of Virginia. The Department shall adopt such final regulations no later than December 31, 2024. Relevant stakeholders shall include but not be limited to representatives from the Virginia Association of Counties, the Virginia Farm Bureau Federation, the Virginia Agribusiness Council, the Virginia Forestry Association, the Piedmont Environmental Council, The Nature Conservancy, the Virginia Forest Products Association, the Chesapeake Solar and Storage Association, the American Clean Power Association, Advanced Energy Economy, AES Corporation, the Data Center Coalition, solar project engineers, electric utilities, and other stakeholders deemed relevant by the Department, the Department of Forestry, the Department of Energy, the State Corporation Commission, or the Virginia Economic Development Partnership Authority. The advisory panel shall submit a report to the Governor and the Chairmen of the House Committees on Agriculture, Chesapeake and Natural Resources and Commerce and Energy and the Senate Committees on Agriculture, Conservation and Natural Resources and Commerce and Labor no later than December 1, 2022.

3. That the provisions of the first enactment of this act shall become effective immediately upon the adoption of regulations pursuant to the second enactment of this act.

4. That any small renewable energy project for which an initial interconnection request application has been received and accepted by the regional transmission organization or electric utility by December 31, 2024, shall not be subject to the provisions of this act.

CHAPTER 689

An Act to amend and reenact §§ 58.1-332, 58.1-390.1, and 58.1-390.2 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 58.1-390.3, relating to income taxation; pass-through entities.

[S 692]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-332, 58.1-390.1, and 58.1-390.2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 58.1-390.3 as follows:

§ 58.1-332. Credits for taxes paid other states.

A. Whenever a Virginia resident has become liable to another state for income tax on any earned or business income or any gain on the sale of a capital asset (within the meaning of § 1221 of the Internal Revenue Code), not including an asset used in a trade or business, to the extent that such gain is included in federal adjusted gross income, for the taxable year, derived from sources outside the Commonwealth and subject to taxation under this chapter, the amount of such tax payable by him shall, upon proof of such payment, be credited on the taxpayer's return with the income tax so paid to the other state.

However, no franchise tax, license tax, excise tax, unincorporated business tax, occupation tax or any tax characterized as such by the taxing jurisdiction, although applied to earned or business income, shall qualify for a credit under this section, nor shall any tax which, if characterized as an income tax or a commuter tax, would be illegal and unauthorized under such other state's controlling or enabling legislation qualify for a credit under this section.

The credit allowable under this section shall not exceed: (i) such proportion of the income tax otherwise payable by him under this chapter as his income upon which the tax imposed by the other state was computed bears to his Virginia taxable income upon which the tax imposed by this Commonwealth was computed or (ii) the income tax otherwise payable under this chapter in the event that the income upon which the tax imposed by the other state is computed is less than the Virginia taxable income upon which the tax imposed by this Commonwealth is computed and all income derived from sources outside the Commonwealth and subject to taxation under this chapter is earned income or business income reported on federal form Schedule C from a single state contiguous to Virginia. The credit provided for by this section shall not be granted to a resident individual when the laws of another state, under which the income in question is subject to tax assessment, provide a credit to such resident individual substantially similar to that granted by subsection B of this section.

B. Whenever a nonresident individual of this Commonwealth has become liable to the state where he resides for income tax upon his Virginia taxable income for the taxable year, derived from Virginia sources and subject to taxation under this chapter, the amount of such tax payable under this chapter shall be credited with such proportion of the tax so payable by him to the state where he resides, upon proof of such payment, as his income subject to taxation under this

chapter bears to his entire income upon which the tax so payable to such other state was imposed. The credit, however, shall be allowed only if the laws of such state: (i) grant a substantially similar credit to residents of Virginia subject to income tax under such laws or (ii) impose a tax upon the income of its residents derived from Virginia sources and exempt from taxation the income of residents of this Commonwealth. No credit shall be allowed against the amount of the tax on any income taxable under this chapter which is exempt from taxation under the laws of such other state.

C. 1. For purposes of this section, the amount of any state income tax paid by an electing small business corporation (S corporation) shall be deemed to have been paid by its individual shareholders in proportion to their ownership of the stock of such corporation.

2. For taxable years beginning on and after January 1, 2021, but before January 1, 2026, for purposes of this section, the amount of any state income tax paid by a pass-through entity under a law of another state substantially similar to § 58.1-390.3 shall be deemed to have been paid by its individual owners in proportion to their ownership.

§ 58.1-390.1. Definitions.

The following words and terms, when used in this article, shall have the following meanings unless the context clearly indicates otherwise:

"Owner" means any individual or entity who is treated as a partner, member, or shareholder of a pass-through entity for federal income tax purposes.

"Pass-through entity" means any entity, including a limited partnership, a limited liability partnership, a general partnership, a limited liability company, a professional limited liability company, a business trust, or a Subchapter S corporation, that is recognized as a separate entity for federal income tax purposes, in which the partners, members, or shareholders report their share of the income, gains, losses, deductions, and credits from the entity on their federal income tax returns or make the election and pay the tax levied pursuant to § 58.1-390.3.

"Qualifying pass-through entity" means a pass-through entity that is 100 percent owned by natural persons or, in the case of a Subchapter S corporation, 100 percent owned by natural persons or other persons eligible to be shareholders in an S corporation.

§ 58.1-390.2. Taxation of pass-through entities.

Except as provided for in this article, owners of pass-through entities shall be liable for tax under this chapter only in their separate or individual capacities on income passed through to the owners of pass-through entities. Any taxes imposed on the pass-through entity itself, ~~such as, but not limited to,~~ including the tax levied pursuant to § 58.1-390.3, sales and use taxes, withholding taxes with respect to employees or nonresident owners, and minimum taxes in lieu of income taxes, shall be paid by the pass-through entity.

§ 58.1-390.3. Elective income tax on pass-through entities.

A. 1. For taxable years beginning on and after January 1, 2021, but before January 1, 2022, a qualifying pass-through entity may make an election, in a format and according to such requirements and procedures to be established by the Department, to pay the tax levied by this section at the entity level for the taxable year. Such election shall be made on or before a date to be determined by the Department, which shall be set no earlier than one year after the extended due date for filing the applicable return. Notwithstanding §§ 58.1-1812 and 58.1-1833, no interest shall accrue on underpayments or overpayments solely attributable to such election.

2. For taxable years beginning on and after January 1, 2022, but before January 1, 2026, a qualifying pass-through entity may make an annual election, on its timely filed return pursuant to § 58.1-392, to pay the tax levied by this section at the entity level for the taxable period covered by such return. Such election shall be made on or before the due date for filing the applicable return, including any extensions that have been granted.

B. A tax at the rate of 5.75 percent is hereby annually imposed on the Virginia taxable income, as calculated pursuant to § 58.1-391, for each taxable year of every qualifying pass-through entity that makes the election provided under subsection A.

C. A qualifying pass-through entity that elects to pay the tax levied by subsection B shall be eligible for all credits, deductions, or other adjustments to taxable income under § 58.1-391, provided that a qualifying pass-through entity's taxable income shall be adjusted to eliminate any federal deduction for state and local income taxes.

D. Any person that is subject to the tax imposed under § 58.1-320 or 58.1-360 and is an owner of a qualifying pass-through entity making the election pursuant to this section shall be entitled to a credit against the tax imposed, provided that taxable income has been adjusted to add back any deduction for state and local income taxes paid by the qualifying pass-through entity. Such credit shall be in an amount equal to such person's pro rata share of the tax paid under this section by any qualifying pass-through entity of which such person is an owner. If the amount of the credit allowed pursuant to this subsection exceeds such person's tax liability for the tax imposed under § 58.1-320 or 58.1-360, as applicable, such excess shall be treated as an overpayment and refundable pursuant to § 58.1-499.

E. If any qualifying pass-through entity makes an election pursuant to this section, the Department shall assess and collect tax, interest, and penalties as if such tax is a corporate income tax imposed pursuant to the provisions of Article 10 (§ 58.1-400 et seq.).

F. The Department shall develop and make publicly available guidelines implementing the provisions of this section and the credit authorized by subdivision C 2 of § 58.1-332.

CHAPTER 690

An Act to amend and reenact §§ 58.1-332, 58.1-390.1, and 58.1-390.2 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 58.1-390.3, relating to income taxation; pass-through entities.

[H 1121]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-332, 58.1-390.1, and 58.1-390.2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 58.1-390.3 as follows:

§ 58.1-332. Credits for taxes paid other states.

A. Whenever a Virginia resident has become liable to another state for income tax on any earned or business income or any gain on the sale of a capital asset (within the meaning of § 1221 of the Internal Revenue Code), not including an asset used in a trade or business, to the extent that such gain is included in federal adjusted gross income, for the taxable year, derived from sources outside the Commonwealth and subject to taxation under this chapter, the amount of such tax payable by him shall, upon proof of such payment, be credited on the taxpayer's return with the income tax so paid to the other state.

However, no franchise tax, license tax, excise tax, unincorporated business tax, occupation tax or any tax characterized as such by the taxing jurisdiction, although applied to earned or business income, shall qualify for a credit under this section, nor shall any tax which, if characterized as an income tax or a commuter tax, would be illegal and unauthorized under such other state's controlling or enabling legislation qualify for a credit under this section.

The credit allowable under this section shall not exceed: (i) such proportion of the income tax otherwise payable by him under this chapter as his income upon which the tax imposed by the other state was computed bears to his Virginia taxable income upon which the tax imposed by this Commonwealth was computed or (ii) the income tax otherwise payable under this chapter in the event that the income upon which the tax imposed by the other state is computed is less than the Virginia taxable income upon which the tax imposed by this Commonwealth is computed and all income derived from sources outside the Commonwealth and subject to taxation under this chapter is earned income or business income reported on federal form Schedule C from a single state contiguous to Virginia. The credit provided for by this section shall not be granted to a resident individual when the laws of another state, under which the income in question is subject to tax assessment, provide a credit to such resident individual substantially similar to that granted by subsection B of this section.

B. Whenever a nonresident individual of this Commonwealth has become liable to the state where he resides for income tax upon his Virginia taxable income for the taxable year, derived from Virginia sources and subject to taxation under this chapter, the amount of such tax payable under this chapter shall be credited with such proportion of the tax so payable by him to the state where he resides, upon proof of such payment, as his income subject to taxation under this chapter bears to his entire income upon which the tax so payable to such other state was imposed. The credit, however, shall be allowed only if the laws of such state: (i) grant a substantially similar credit to residents of Virginia subject to income tax under such laws or (ii) impose a tax upon the income of its residents derived from Virginia sources and exempt from taxation the income of residents of this Commonwealth. No credit shall be allowed against the amount of the tax on any income taxable under this chapter which is exempt from taxation under the laws of such other state.

C. 1. For purposes of this section, the amount of any state income tax paid by an electing small business corporation (S corporation) shall be deemed to have been paid by its individual shareholders in proportion to their ownership of the stock of such corporation.

2. *For taxable years beginning on and after January 1, 2021, but before January 1, 2026, for purposes of this section, the amount of any state income tax paid by a pass-through entity under a law of another state substantially similar to § 58.1-390.3 shall be deemed to have been paid by its individual owners in proportion to their ownership.*

§ 58.1-390.1. Definitions.

The following words and terms, when used in this article, shall have the following meanings unless the context clearly indicates otherwise:

"Owner" means any individual or entity who is treated as a partner, member, or shareholder of a pass-through entity for federal income tax purposes.

"Pass-through entity" means any entity, including a limited partnership, a limited liability partnership, a general partnership, a limited liability company, a professional limited liability company, a business trust, or a Subchapter S corporation, that is recognized as a separate entity for federal income tax purposes, in which the partners, members, or shareholders report their share of the income, gains, losses, deductions, and credits from the entity on their federal income tax returns *or make the election and pay the tax levied pursuant to § 58.1-390.3.*

"Qualifying pass-through entity" means a pass-through entity that is 100 percent owned by natural persons or, in the case of a Subchapter S corporation, 100 percent owned by natural persons or other persons eligible to be shareholders in an S corporation.

§ 58.1-390.2. Taxation of pass-through entities.

Except as provided for in this article, owners of pass-through entities shall be liable for tax under this chapter only in their separate or individual capacities on income passed through to the owners of pass-through entities. Any taxes imposed on the pass-through entity itself, ~~such as, but not limited to,~~ including the tax levied pursuant to § 58.1-390.3, sales and use

taxes, withholding taxes with respect to employees or nonresident owners, and minimum taxes in lieu of income taxes, shall be paid by the pass-through entity.

§ 58.1-390.3. Elective income tax on pass-through entities.

A. 1. For taxable years beginning on and after January 1, 2021, but before January 1, 2022, a qualifying pass-through entity may make an election, in a format and according to such requirements and procedures to be established by the Department, to pay the tax levied by this section at the entity level for the taxable year. Such election shall be made on or before a date to be determined by the Department, which shall be set no earlier than one year after the extended due date for filing the applicable return. Notwithstanding §§ 58.1-1812 and 58.1-1833, no interest shall accrue on underpayments or overpayments solely attributable to such election.

2. For taxable years beginning on and after January 1, 2022, but before January 1, 2026, a qualifying pass-through entity may make an annual election, on its timely filed return pursuant to § 58.1-392, to pay the tax levied by this section at the entity level for the taxable period covered by such return. Such election shall be made on or before the due date for filing the applicable return, including any extensions that have been granted.

B. A tax at the rate of 5.75 percent is hereby annually imposed on the Virginia taxable income, as calculated pursuant to § 58.1-391, for each taxable year of every qualifying pass-through entity that makes the election provided under subsection A.

C. A qualifying pass-through entity that elects to pay the tax levied by subsection B shall be eligible for all credits, deductions, or other adjustments to taxable income under § 58.1-391, provided that a qualifying pass-through entity's taxable income shall be adjusted to eliminate any federal deduction for state and local income taxes.

D. Any person that is subject to the tax imposed under § 58.1-320 or 58.1-360 and is an owner of a qualifying pass-through entity making the election pursuant to this section shall be entitled to a credit against the tax imposed, provided that taxable income has been adjusted to add back any deduction for state and local income taxes paid by the qualifying pass-through entity. Such credit shall be in an amount equal to such person's pro rata share of the tax paid under this section by any qualifying pass-through entity of which such person is an owner. If the amount of the credit allowed pursuant to this subsection exceeds such person's tax liability for the tax imposed under § 58.1-320 or 58.1-360, as applicable, such excess shall be treated as an overpayment and refundable pursuant to § 58.1-499.

E. If any qualifying pass-through entity makes an election pursuant to this section, the Department shall assess and collect tax, interest, and penalties as if such tax is a corporate income tax imposed pursuant to the provisions of Article 10 (§ 58.1-400 et seq.).

F. The Department shall develop and make publicly available guidelines implementing the provisions of this section and the credit authorized by subdivision C 2 of § 58.1-332.

CHAPTER 691

An Act to amend and reenact § 23.1-610 of the Code of Virginia, relating to Department of Military Affairs; institutions of higher education; recruitment.

[S 256]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-610 of the Code of Virginia is amended and reenacted as follows:

§ 23.1-610. Members of the National Guard; grants.

A. Any individual who (i) is a member of the Virginia National Guard and has a minimum remaining obligation of two years, (ii) has satisfactorily completed required initial active duty service, (iii) is satisfactorily performing duty in accordance with regulations of the National Guard, and (iv) is enrolled in any course or program at any public institution of higher education or accredited nonprofit private institution of higher education whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education is eligible for a grant in the amount of the difference between the full cost of tuition and any other educational benefits for which he is eligible as a member of the National Guard. Application for a grant shall be made to the Department of Military Affairs. Grants shall be awarded from funds made available for the purpose by the Department of Military Affairs.

B. Notwithstanding the requirement in subsection A that a member of the Virginia National Guard have a minimum of two years remaining on his service obligation, if a member is activated or deployed for federal military service, an additional day shall be added to the member's eligibility for the grant for each day of active federal service, up to 365 days. Additional credit or credit for state duty may be given at the discretion of the Adjutant General.

C. The Department of Military Affairs may utilize grant funding in order to recruit qualified applicants for service in the Virginia National Guard. The yearly funding amount for such recruitment shall be at the discretion of the Adjutant General and the Department of Military Affairs and not exceed \$50,000 per fiscal year.

CHAPTER 692

An Act to direct the Department of Education to recommend options for isolation and quarantine for students and employees at public schools who contract or are exposed to COVID-19 and develop and recommend guidelines for such schools for use as an alternative to quarantine.

[S 431]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Department of Education, in collaboration with the Department of Health, shall (i) recommend options for isolation and quarantine for students and employees at public schools who contract or are exposed to COVID-19 and (ii) develop guidelines for such schools and recommend such guidelines for use as an alternative to quarantine. All guidelines established pursuant to this act shall be immediately distributed to local school boards and shall reflect the most updated recommendations to limit the amount of time out of the classroom, including options for no quarantine, as recommended for asymptomatic individuals.*

CHAPTER 693

An Act to amend the Code of Virginia by adding in Chapter 8 of Title 23.1 an article numbered 4, consisting of sections numbered 23.1-819 through 23.1-822, relating to institutions of higher education; hazing; policies.

[H 525]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 8 of Title 23.1 an article numbered 4, consisting of sections numbered 23.1-819 through 23.1-822, as follows:

*Article 4.**Campus Safety; Hazing.***§ 23.1-819. Definitions.**

For the purposes of this article, unless the context requires a different meaning:

"Hazing" means the same as that term is defined in § 18.2-56.

"Institution" or "institution of higher education" means any nonprofit private institution of higher education and any public institution of higher education as defined in § 23.1-100.

"Local organization" means a group that is not chartered or recognized by an institution or a national organization but is composed of members who are students at such institution and the institution is aware of the local organization's existence or becomes aware of its existence after a hazing incident is reported to the institution.

"New member" means an individual who has been offered an invitation for membership in a student organization with new members but has not yet been initiated and is not recognized as a full member of the organization.

"New member event" means an official event or gathering hosted by a student organization with new members prior to new members of such organization being initiated into the organization to which all new members and members of the student organization hosting the event are invited or are instructed to attend.

"Potential new member" means an individual who has expressed interest in joining a student organization with new members by signing up to go through a recruitment process for such organization or organizations.

"Student organization recognized by an institution of higher education" means any group or organization on campus, including varsity intercollegiate and club athletic teams, recognized by an institution of higher education.

"Student organization with new members" means a student organization officially recognized by an institution of higher education structured in such a way that upon invitation for membership, individuals do not automatically become members of such organization and have a period of time between invitation for membership and being initiated into membership. "Student organization with new members" does not include any varsity intercollegiate or club athletic team.

§ 23.1-820. Hazing prevention training; current members, new members, potential new members, and advisors.

Each institution shall provide to each current member, new member, and potential new member of each student organization with new members hazing prevention training that includes extensive, current, and in-person education about hazing, the dangers of hazing, including alcohol intoxication, and hazing laws and institution policies and information explaining that the institution's disciplinary process is not to be considered a substitute for the criminal legal process. If a student organization with new members has an advisor, such advisor shall receive such hazing prevention training.

§ 23.1-821. Hazing; disciplinary immunity for certain individuals who make reports; requirement to investigate.

A. The governing board of each institution of higher education shall include as part of its policy, code, rules, or set of standards governing hazing a provision for immunity from disciplinary action based on hazing or personal consumption of drugs or alcohol where such disclosure is made by a bystander not involved in such acts in conjunction with a good faith report of an act of hazing in advance of or during an incident of hazing that causes injury or is likely to cause injury to a person.

B. Upon learning of any alleged act of hazing, each institution shall use its disciplinary process to investigate such acts and the students involved in such acts.

C. Nothing in this section shall be construed to prohibit the governing board of any institution from requiring access to services to support individuals who receive disciplinary immunity in accordance with the provisions of subsection A, including (i) counseling specific to alcohol abuse or drug abuse, or both, or (ii) inpatient or outpatient (a) alcohol counseling or treatment programs, (b) drug counseling or treatment programs, or (c) both alcohol and drug counseling or treatment programs.

§ 23.1-822. Institution reports of hazing violations.

A. Each institution shall maintain and publicly report actual findings of violations of the institution's code of conduct or of federal or state laws pertaining to hazing that are reported to campus authorities or local law enforcement. Investigations that do not result in findings of violations of codes of conduct or convictions in a court of law shall not be included in the report. The report shall include:

1. The name of the student organization recognized by an institution of higher education or local organization, as such name of the local organization is known to the institution;

2. When the student organization recognized by an institution of higher education or local organization was found responsible or convicted of misconduct pertaining to hazing;

3. The date on which such hazing misconduct occurred and the dates that the investigation was initiated and concluded by the institution or local law enforcement; and

4. Subject to the limitations in subsection B, a comprehensive description of the incident, including the findings, charges, and sanctions placed on the organization.

B. Any reports made pursuant to subsection A shall not include any personally identifiable information of any students involved in the hazing misconduct and shall be subject to the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

C. Each institution shall update the report described in subsection A at least 10 calendar days before the start of fall and spring academic semesters.

D. Reports required pursuant to this section shall be available on each institution's homepage and Greek Life homepage, or its equivalent in a prominent location, and a hardcopy notice of the nature and availability of the reports, including the website address where they can be found, shall be provided to all attendees at student orientations.

E. Each institution shall publicly maintain reports for a minimum of 10 years from the date of the initial disclosure of a report.

F. Each institution shall annually update and report actual findings of violations of the institution's code of conduct or of federal or state laws pertaining to hazing made pursuant to this section to the Timothy J. Piazza Center for Fraternity and Sorority Research and Reform at The Pennsylvania State University to update each organization's national card and provide easily accessible documentation of all hazing incidents and provide additional awareness and easily accessible information on hazing.

2. That beginning with the 2022–2023 academic year, each institution shall maintain and publicly report actual findings of violations of the institution's code of conduct or of federal or state laws pertaining to hazing that are reported pursuant to § 23.1-822 of the Code of Virginia, as created by this act, to campus authorities or local law enforcement.

CHAPTER 694

An Act to amend the Code of Virginia by adding in Chapter 8 of Title 23.1 an article numbered 4, consisting of sections numbered 23.1-819 through 23.1-822, relating to institutions of higher education; hazing; policies.

[S 439]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 8 of Title 23.1 an article numbered 4, consisting of sections numbered 23.1-819 through 23.1-822, as follows:

Article 4.

Campus Safety; Hazing.

§ 23.1-819. Definitions.

For the purposes of this article, unless the context requires a different meaning:

"Hazing" means the same as that term is defined in § 18.2-56.

"Institution" or "institution of higher education" means any nonprofit private institution of higher education and any public institution of higher education as defined in § 23.1-100.

"Local organization" means a group that is not chartered or recognized by an institution or a national organization but is composed of members who are students at such institution and the institution is aware of the local organization's existence or becomes aware of its existence after a hazing incident is reported to the institution.

"New member" means an individual who has been offered an invitation for membership in a student organization with new members but has not yet been initiated and is not recognized as a full member of the organization.

"New member event" means an official event or gathering hosted by a student organization with new members prior to new members of such organization being initiated into the organization to which all new members and members of the student organization hosting the event are invited or are instructed to attend.

"Potential new member" means an individual who has expressed interest in joining a student organization with new members by signing up to go through a recruitment process for such organization or organizations.

"Student organization recognized by an institution of higher education" means any group or organization on campus, including varsity intercollegiate and club athletic teams, recognized by an institution of higher education.

"Student organization with new members" means a student organization officially recognized by an institution of higher education structured in such a way that upon invitation for membership, individuals do not automatically become members of such organization and have a period of time between invitation for membership and being initiated into membership. "Student organization with new members" does not include any varsity intercollegiate or club athletic team.

§ 23.1-820. Hazing prevention training; current members, new members, potential new members, and advisors.

Each institution shall provide to each current member, new member, and potential new member of each student organization with new members hazing prevention training that includes extensive, current, and in-person education about hazing, the dangers of hazing, including alcohol intoxication, and hazing laws and institution policies and information explaining that the institution's disciplinary process is not to be considered a substitute for the criminal legal process. If a student organization with new members has an advisor, such advisor shall receive such hazing prevention training.

§ 23.1-821. Hazing; disciplinary immunity for certain individuals who make reports; requirement to investigate.

A. The governing board of each institution of higher education shall include as part of its policy, code, rules, or set of standards governing hazing a provision for immunity from disciplinary action based on hazing or personal consumption of drugs or alcohol where such disclosure is made by a bystander not involved in such acts in conjunction with a good faith report of an act of hazing in advance of or during an incident of hazing that causes injury or is likely to cause injury to a person.

B. Upon learning of any alleged act of hazing, each institution shall use its disciplinary process to investigate such acts and the students involved in such acts.

C. Nothing in this section shall be construed to prohibit the governing board of any institution from requiring access to services to support individuals who receive disciplinary immunity in accordance with the provisions of subsection A, including (i) counseling specific to alcohol abuse or drug abuse, or both, or (ii) inpatient or outpatient (a) alcohol counseling or treatment programs, (b) drug counseling or treatment programs, or (c) both alcohol and drug counseling or treatment programs.

§ 23.1-822. Institution reports of hazing violations.

A. Each institution shall maintain and publicly report actual findings of violations of the institution's code of conduct or of federal or state laws pertaining to hazing that are reported to campus authorities or local law enforcement. Investigations that do not result in findings of violations of codes of conduct or convictions in a court of law shall not be included in the report. The report shall include:

1. The name of the student organization recognized by an institution of higher education or local organization, as such name of the local organization is known to the institution;
2. When the student organization recognized by an institution of higher education or local organization was found responsible or convicted of misconduct pertaining to hazing;
3. The date on which such hazing misconduct occurred and the dates that the investigation was initiated and concluded by the institution or local law enforcement; and
4. Subject to the limitations in subsection B, a comprehensive description of the incident, including the findings, charges, and sanctions placed on the organization.

B. Any reports made pursuant to subsection A shall not include any personally identifiable information of any students involved in the hazing misconduct and shall be subject to the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

C. Each institution shall update the report described in subsection A at least 10 calendar days before the start of fall and spring academic semesters.

D. Reports required pursuant to this section shall be available on each institution's homepage and Greek Life homepage, or its equivalent in a prominent location, and a hardcopy notice of the nature and availability of the reports, including the website address where they can be found, shall be provided to all attendees at student orientations.

E. Each institution shall publicly maintain reports for a minimum of 10 years from the date of the initial disclosure of a report.

F. Each institution shall annually update and report actual findings of violations of the institution's code of conduct or of federal or state laws pertaining to hazing made pursuant to this section to the Timothy J. Piazza Center for Fraternity and Sorority Research and Reform at The Pennsylvania State University to update each organization's national card and provide easily accessible documentation of all hazing incidents and provide additional awareness and easily accessible information on hazing.

2. That beginning with the 2022–2023 academic year, each institution shall maintain and publicly report actual findings of violations of the institution's code of conduct or of federal or state laws pertaining to hazing that are reported pursuant to § 23.1-822 of the Code of Virginia, as created by this act, to campus authorities or local law enforcement.

CHAPTER 695

An Act to amend and reenact §§ 8.01-225, as it is currently effective and as it shall become effective, and 54.1-3408 of the Code of Virginia and to amend the Code of Virginia by adding in Article 8 of Chapter 14.1 of Title 22.1 a section numbered 22.1-289.059, relating to early childhood care and education entities; administration of epinephrine.

[H 1328]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-225, as it is currently effective and as it shall become effective, and 54.1-3408 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 8 of Chapter 14.1 of Title 22.1 a section numbered 22.1-289.059 as follows:

§ 8.01-225. (Effective until July 1, 2022) Persons rendering emergency care, obstetrical services exempt from liability.

A. Any person who:

1. In good faith, renders emergency care or assistance, without compensation, to any ill or injured person (i) at the scene of an accident, fire, or any life-threatening emergency; (ii) at a location for screening or stabilization of an emergency medical condition arising from an accident, fire, or any life-threatening emergency; or (iii) en route to any hospital, medical clinic, or doctor's office, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such care or assistance. For purposes of this subdivision, emergency care or assistance includes the forcible entry of a motor vehicle in order to remove an unattended minor at risk of serious bodily injury or death, provided the person has attempted to contact a law-enforcement officer, as defined in § 9.1-101, a firefighter, as defined in § 65.2-102, emergency medical services personnel, as defined in § 32.1-111.1, or an emergency 911 system, if feasible under the circumstances.

2. In the absence of gross negligence, renders emergency obstetrical care or assistance to a female in active labor who has not previously been cared for in connection with the pregnancy by such person or by another professionally associated with such person and whose medical records are not reasonably available to such person shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care or assistance. The immunity herein granted shall apply only to the emergency medical care provided.

3. In good faith and without compensation, including any emergency medical services provider who holds a valid certificate issued by the Commissioner of Health, administers epinephrine in an emergency to an individual shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if such person has reason to believe that the individual receiving the injection is suffering or is about to suffer a life-threatening anaphylactic reaction.

4. Provides assistance upon request of any police agency, fire department, emergency medical services agency, or governmental agency in the event of an accident or other emergency involving the use, handling, transportation, transmission, or storage of liquefied petroleum gas, liquefied natural gas, hazardous material, or hazardous waste as defined in § 10.1-1400 or regulations of the Virginia Waste Management Board shall not be liable for any civil damages resulting from any act of commission or omission on his part in the course of his rendering such assistance in good faith.

5. Is an emergency medical services provider possessing a valid certificate issued by authority of the State Board of Health who in good faith renders emergency care or assistance, whether in person or by telephone or other means of communication, without compensation, to any injured or ill person, whether at the scene of an accident, fire, or any other place, or while transporting such injured or ill person to, from, or between any hospital, medical facility, medical clinic, doctor's office, or other similar or related medical facility, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but in no way limited to acts or omissions which involve violations of State Department of Health regulations or any other state regulations in the rendering of such emergency care or assistance.

6. In good faith and without compensation, renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures which have been approved by the State Board of Health to any sick or injured person, whether at the scene of a fire, an accident, or any other place, or while transporting such person to or from any hospital, clinic, doctor's office, or other medical facility, shall be deemed qualified to administer such emergency treatments and procedures and shall not be liable for acts or omissions resulting from the rendering of such emergency resuscitative treatments or procedures.

7. Operates an AED at the scene of an emergency, trains individuals to be operators of AEDs, or orders AEDs, shall be immune from civil liability for any personal injury that results from any act or omission in the use of an AED in an emergency where the person performing the defibrillation acts as an ordinary, reasonably prudent person would have acted

under the same or similar circumstances, unless such personal injury results from gross negligence or willful or wanton misconduct of the person rendering such emergency care.

8. Maintains an AED located on real property owned or controlled by such person shall be immune from civil liability for any personal injury that results from any act or omission in the use in an emergency of an AED located on such property unless such personal injury results from gross negligence or willful or wanton misconduct of the person who maintains the AED or his agent or employee.

9. Is an employee of a school board or of a local health department approved by the local governing body to provide health services pursuant to § 22.1-274 who, while on school property or at a school-sponsored event, (i) renders emergency care or assistance to any sick or injured person; (ii) renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures that have been approved by the State Board of Health to any sick or injured person; (iii) operates an AED, trains individuals to be operators of AEDs, or orders AEDs; or (iv) maintains an AED, shall not be liable for civil damages for ordinary negligence in acts or omissions on the part of such employee while engaged in the acts described in this subdivision.

10. Is a volunteer in good standing and certified to render emergency care by the National Ski Patrol System, Inc., who, in good faith and without compensation, renders emergency care or assistance to any injured or ill person, whether at the scene of a ski resort rescue, outdoor emergency rescue, or any other place or while transporting such injured or ill person to a place accessible for transfer to any available emergency medical system unit, or any resort owner voluntarily providing a ski patroller employed by him to engage in rescue or recovery work at a resort not owned or operated by him, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but not limited to acts or omissions which involve violations of any state regulation or any standard of the National Ski Patrol System, Inc., in the rendering of such emergency care or assistance, unless such act or omission was the result of gross negligence or willful misconduct.

11. Is an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education and is authorized by a prescriber and trained in the administration of insulin and glucagon, who, upon the written request of the parents as defined in § 22.1-1, assists with the administration of insulin or, in the case of a school board employee, with the insertion or reinsertion of an insulin pump or any of its parts pursuant to subsection B of § 22.1-274.01:1 or administers glucagon to a student diagnosed as having diabetes who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered according to the child's medication schedule or such employee has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any such employee is covered by the immunity granted herein, the school board or school employing him shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

12. Is an employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of insulin and glucagon, who assists with the administration of insulin or administers glucagon to a student diagnosed as having diabetes who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered according to the student's medication schedule or such employee has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee is covered by the immunity granted in this subdivision, the institution shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

13. Is a school nurse, an employee of a school board, an employee of a local governing body, or an employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine and who provides, administers, or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

14. Is an employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or an employee of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the school shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

15. Is an employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber

of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the institution shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

16. Is an employee of an organization providing outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a participant in the outdoor experience or program for youth believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the organization shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

17. Is an employee of a restaurant licensed pursuant to Chapter 3 (§ 35.1-18 et seq.) of Title 35.1, is authorized by a prescriber and trained in the administration of epinephrine, and provides, administers, or assists in the administration of epinephrine to an individual believed in good faith to be having an anaphylactic reaction on the premises of the restaurant at which the employee is employed, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

18. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of insulin and glucagon and who administers or assists with the administration of insulin or administers glucagon to a person diagnosed as having diabetes who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia in accordance with § 54.1-3408 shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered in accordance with the prescriber's instructions or such person has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person who provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services is covered by the immunity granted herein, the provider shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

19. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a person believed in good faith to be having an anaphylactic reaction in accordance with the prescriber's instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

20. In good faith prescribes, dispenses, or administers naloxone or other opioid antagonist used for overdose reversal in an emergency to an individual who is believed to be experiencing or about to experience a life-threatening opiate overdose shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if acting in accordance with the provisions of subsection X or Y of § 54.1-3408 or in his role as a member of an emergency medical services agency.

21. In good faith administers naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose in accordance with the provisions of subsection Z of § 54.1-3408 shall not be liable for any civil damages for any personal injury that results from any act or omission in the administration of naloxone or other opioid antagonist used for overdose reversal, unless such act or omission was the result of gross negligence or willful and wanton misconduct.

22. Is an employee of a school board, school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency and who administers or assists in the administration of such medications to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis pursuant to a written order or standing protocol issued by a prescriber within the course of his professional practice and in accordance with the prescriber's instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

23. Is a school nurse, an employee of a school board, an employee of a local governing body, or an employee of a local health department who is authorized by the local health director and trained in the administration of albuterol inhalers and valved holding chambers or nebulized albuterol and who provides, administers, or assists in the administration of an albuterol inhaler and a valved holding chamber or nebulized albuterol for a student believed in good faith to be in need of such medication, or is the prescriber of such medication, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

24. Is an employee of a public place, as defined in § 15.2-2820, who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a person present in the public place believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be

liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the organization shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

25. *Is a nurse at an early childhood care and education entity, employee at the entity, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine and who provides, administers, or assists in the administration of epinephrine to a child believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.*

B. Any licensed physician serving without compensation as the operational medical director for an emergency medical services agency that holds a valid license as an emergency medical services agency issued by the Commissioner of Health shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency medical services in good faith by the personnel of such licensed agency unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any person serving without compensation as a dispatcher for any licensed public or nonprofit emergency medical services agency in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency services in good faith by the personnel of such licensed agency unless such act or omission was the result of such dispatcher's gross negligence or willful misconduct.

Any individual, certified by the State Office of Emergency Medical Services as an emergency medical services instructor and pursuant to a written agreement with such office, who, in good faith and in the performance of his duties, provides instruction to persons for certification or recertification as a certified basic life support or advanced life support emergency medical services provider shall not be liable for any civil damages for acts or omissions on his part directly relating to his activities on behalf of such office unless such act or omission was the result of such emergency medical services instructor's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a medical advisor to an E-911 system in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to establish protocols to be used by the personnel of the E-911 service, as defined in § 58.1-1730, when answering emergency calls unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician who directs the provision of emergency medical services, as authorized by the State Board of Health, through a communications device shall not be liable for any civil damages for any act or omission resulting from the rendering of such emergency medical services unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a supervisor of an AED in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to the owner of the AED relating to personnel training, local emergency medical services coordination, protocol approval, AED deployment strategies, and equipment maintenance plans and records unless such act or omission was the result of such physician's gross negligence or willful misconduct.

C. Any communications services provider, as defined in § 58.1-647, including mobile service, and any provider of Voice-over-Internet Protocol service, in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering such service with or without charge related to emergency calls unless such act or omission was the result of such service provider's gross negligence or willful misconduct.

Any volunteer engaging in rescue or recovery work at a mine, or any mine operator voluntarily providing personnel to engage in rescue or recovery work at a mine not owned or operated by such operator, shall not be liable for civil damages for acts or omissions resulting from the rendering of such rescue or recovery work in good faith unless such act or omission was the result of gross negligence or willful misconduct. For purposes of this subsection, "Voice-over-Internet Protocol service" or "VoIP service" means any Internet protocol-enabled services utilizing a broadband connection, actually originating or terminating in Internet Protocol from either or both ends of a channel of communication offering real time, multidirectional voice functionality, including, but not limited to, services similar to traditional telephone service.

D. Nothing contained in this section shall be construed to provide immunity from liability arising out of the operation of a motor vehicle.

E. For the purposes of this section, "compensation" shall not be construed to include (i) the salaries of police, fire, or other public officials or personnel who render such emergency assistance; (ii) the salaries or wages of employees of a coal producer engaging in emergency medical services or first aid services pursuant to the provisions of § 45.2-531, 45.2-579, 45.2-863 or 45.2-910; (iii) complimentary lift tickets, food, lodging, or other gifts provided as a gratuity to volunteer members of the National Ski Patrol System, Inc., by any resort, group, or agency; (iv) the salary of any person who (a) owns an AED for the use at the scene of an emergency, (b) trains individuals, in courses approved by the Board of Health, to operate AEDs at the scene of emergencies, (c) orders AEDs for use at the scene of emergencies, or (d) operates an AED at the scene of an emergency; or (v) expenses reimbursed to any person providing care or assistance pursuant to this section.

For the purposes of this section, "emergency medical services provider" shall include a person licensed or certified as such or its equivalent by any other state when he is performing services that he is licensed or certified to perform by such other state in caring for a patient in transit in the Commonwealth, which care originated in such other state.

Further, the public shall be urged to receive training on how to use CPR and an AED in order to acquire the skills and confidence to respond to emergencies using both CPR and an AED.

§ 8.01-225. (Effective July 1, 2022) Persons rendering emergency care, obstetrical services exempt from liability.

A. Any person who:

1. In good faith, renders emergency care or assistance, without compensation, to any ill or injured person (i) at the scene of an accident, fire, or any life-threatening emergency; (ii) at a location for screening or stabilization of an emergency medical condition arising from an accident, fire, or any life-threatening emergency; or (iii) en route to any hospital, medical clinic, or doctor's office, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such care or assistance. For purposes of this subdivision, emergency care or assistance includes the forcible entry of a motor vehicle in order to remove an unattended minor at risk of serious bodily injury or death, provided the person has attempted to contact a law-enforcement officer, as defined in § 9.1-101, a firefighter, as defined in § 65.2-102, emergency medical services personnel, as defined in § 32.1-111.1, or an emergency 911 system, if feasible under the circumstances.

2. In the absence of gross negligence, renders emergency obstetrical care or assistance to a female in active labor who has not previously been cared for in connection with the pregnancy by such person or by another professionally associated with such person and whose medical records are not reasonably available to such person shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care or assistance. The immunity herein granted shall apply only to the emergency medical care provided.

3. In good faith and without compensation, including any emergency medical services provider who holds a valid certificate issued by the Commissioner of Health, administers epinephrine in an emergency to an individual shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if such person has reason to believe that the individual receiving the injection is suffering or is about to suffer a life-threatening anaphylactic reaction.

4. Provides assistance upon request of any police agency, fire department, emergency medical services agency, or governmental agency in the event of an accident or other emergency involving the use, handling, transportation, transmission, or storage of liquefied petroleum gas, liquefied natural gas, hazardous material, or hazardous waste as defined in § 10.1-1400 or regulations of the Virginia Waste Management Board shall not be liable for any civil damages resulting from any act of commission or omission on his part in the course of his rendering such assistance in good faith.

5. Is an emergency medical services provider possessing a valid certificate issued by authority of the State Board of Health who in good faith renders emergency care or assistance, whether in person or by telephone or other means of communication, without compensation, to any injured or ill person, whether at the scene of an accident, fire, or any other place, or while transporting such injured or ill person to, from, or between any hospital, medical facility, medical clinic, doctor's office, or other similar or related medical facility, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but in no way limited to acts or omissions which involve violations of State Department of Health regulations or any other state regulations in the rendering of such emergency care or assistance.

6. In good faith and without compensation, renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures which have been approved by the State Board of Health to any sick or injured person, whether at the scene of a fire, an accident, or any other place, or while transporting such person to or from any hospital, clinic, doctor's office, or other medical facility, shall be deemed qualified to administer such emergency treatments and procedures and shall not be liable for acts or omissions resulting from the rendering of such emergency resuscitative treatments or procedures.

7. Operates an AED at the scene of an emergency, trains individuals to be operators of AEDs, or orders AEDs, shall be immune from civil liability for any personal injury that results from any act or omission in the use of an AED in an emergency where the person performing the defibrillation acts as an ordinary, reasonably prudent person would have acted under the same or similar circumstances, unless such personal injury results from gross negligence or willful or wanton misconduct of the person rendering such emergency care.

8. Maintains an AED located on real property owned or controlled by such person shall be immune from civil liability for any personal injury that results from any act or omission in the use in an emergency of an AED located on such property unless such personal injury results from gross negligence or willful or wanton misconduct of the person who maintains the AED or his agent or employee.

9. Is an employee of a school board or of a local health department approved by the local governing body to provide health services pursuant to § 22.1-274 who, while on school property or at a school-sponsored event, (i) renders emergency care or assistance to any sick or injured person; (ii) renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures that have been approved by the State Board of Health to any sick or injured person; (iii) operates an AED, trains individuals to be operators of AEDs, or orders AEDs; (iv) maintains an AED; or (v) renders care in accordance with a seizure management and action plan pursuant to § 22.1-274.6, shall not be liable for civil damages for ordinary negligence in acts or omissions on the part of such employee while engaged in the acts described in this subdivision.

10. Is a volunteer in good standing and certified to render emergency care by the National Ski Patrol System, Inc., who, in good faith and without compensation, renders emergency care or assistance to any injured or ill person, whether at the scene of a ski resort rescue, outdoor emergency rescue, or any other place or while transporting such injured or ill person to a place accessible for transfer to any available emergency medical system unit, or any resort owner voluntarily providing a ski patroller employed by him to engage in rescue or recovery work at a resort not owned or operated by him, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but not limited to acts or omissions which involve violations of any state regulation or any standard of the National Ski Patrol System, Inc., in the rendering of such emergency care or assistance, unless such act or omission was the result of gross negligence or willful misconduct.

11. Is an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education and is authorized by a prescriber and trained in the administration of insulin and glucagon, who, upon the written request of the parents as defined in § 22.1-1, assists with the administration of insulin or, in the case of a school board employee, with the insertion or reinsertion of an insulin pump or any of its parts pursuant to subsection B of § 22.1-274.01:1 or administers glucagon to a student diagnosed as having diabetes who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered according to the child's medication schedule or such employee has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any such employee is covered by the immunity granted herein, the school board or school employing him shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

12. Is an employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of insulin and glucagon, who assists with the administration of insulin or administers glucagon to a student diagnosed as having diabetes who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered according to the student's medication schedule or such employee has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee is covered by the immunity granted in this subdivision, the institution shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

13. Is a school nurse, an employee of a school board, an employee of a local governing body, or an employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine and who provides, administers, or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

14. Is an employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or an employee of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the school shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

15. Is an employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the institution shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

16. Is an employee of an organization providing outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a participant in the outdoor experience or program for youth believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the organization shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

17. Is an employee of a restaurant licensed pursuant to Chapter 3 (§ 35.1-18 et seq.) of Title 35.1, is authorized by a prescriber and trained in the administration of epinephrine, and provides, administers, or assists in the administration of epinephrine to an individual believed in good faith to be having an anaphylactic reaction on the premises of the restaurant at

which the employee is employed, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

18. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of insulin and glucagon and who administers or assists with the administration of insulin or administers glucagon to a person diagnosed as having diabetes who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia in accordance with § 54.1-3408 shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered in accordance with the prescriber's instructions or such person has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person who provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services is covered by the immunity granted herein, the provider shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

19. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a person believed in good faith to be having an anaphylactic reaction in accordance with the prescriber's instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

20. In good faith prescribes, dispenses, or administers naloxone or other opioid antagonist used for overdose reversal in an emergency to an individual who is believed to be experiencing or about to experience a life-threatening opiate overdose shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if acting in accordance with the provisions of subsection X or Y of § 54.1-3408 or in his role as a member of an emergency medical services agency.

21. In good faith administers naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose in accordance with the provisions of subsection Z of § 54.1-3408 shall not be liable for any civil damages for any personal injury that results from any act or omission in the administration of naloxone or other opioid antagonist used for overdose reversal, unless such act or omission was the result of gross negligence or willful and wanton misconduct.

22. Is an employee of a school board, school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency and who administers or assists in the administration of such medications to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis pursuant to a written order or standing protocol issued by a prescriber within the course of his professional practice and in accordance with the prescriber's instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

23. Is a school nurse, an employee of a school board, an employee of a local governing body, or an employee of a local health department who is authorized by the local health director and trained in the administration of albuterol inhalers and valved holding chambers or nebulized albuterol and who provides, administers, or assists in the administration of an albuterol inhaler and a valved holding chamber or nebulized albuterol for a student believed in good faith to be in need of such medication, or is the prescriber of such medication, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

24. Is an employee of a public place, as defined in § 15.2-2820, who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a person present in the public place believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the organization shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

25. *Is a nurse at an early childhood care and education entity, employee at the entity, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine and who provides, administers, or assists in the administration of epinephrine to a child believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.*

B. Any licensed physician serving without compensation as the operational medical director for an emergency medical services agency that holds a valid license as an emergency medical services agency issued by the Commissioner of Health shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency medical services in good faith by the personnel of such licensed agency unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any person serving without compensation as a dispatcher for any licensed public or nonprofit emergency medical services agency in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency services in good faith by the personnel of such licensed agency unless such act or omission was the result of such dispatcher's gross negligence or willful misconduct.

Any individual, certified by the State Office of Emergency Medical Services as an emergency medical services instructor and pursuant to a written agreement with such office, who, in good faith and in the performance of his duties, provides instruction to persons for certification or recertification as a certified basic life support or advanced life support emergency medical services provider shall not be liable for any civil damages for acts or omissions on his part directly relating to his activities on behalf of such office unless such act or omission was the result of such emergency medical services instructor's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a medical advisor to an E-911 system in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to establish protocols to be used by the personnel of the E-911 service, as defined in § 58.1-1730, when answering emergency calls unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician who directs the provision of emergency medical services, as authorized by the State Board of Health, through a communications device shall not be liable for any civil damages for any act or omission resulting from the rendering of such emergency medical services unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a supervisor of an AED in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to the owner of the AED relating to personnel training, local emergency medical services coordination, protocol approval, AED deployment strategies, and equipment maintenance plans and records unless such act or omission was the result of such physician's gross negligence or willful misconduct.

C. Any communications services provider, as defined in § 58.1-647, including mobile service, and any provider of Voice-over-Internet Protocol service, in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering such service with or without charge related to emergency calls unless such act or omission was the result of such service provider's gross negligence or willful misconduct.

Any volunteer engaging in rescue or recovery work at a mine, or any mine operator voluntarily providing personnel to engage in rescue or recovery work at a mine not owned or operated by such operator, shall not be liable for civil damages for acts or omissions resulting from the rendering of such rescue or recovery work in good faith unless such act or omission was the result of gross negligence or willful misconduct. For purposes of this subsection, "Voice-over-Internet Protocol service" or "VoIP service" means any Internet protocol-enabled services utilizing a broadband connection, actually originating or terminating in Internet Protocol from either or both ends of a channel of communication offering real time, multidirectional voice functionality, including, but not limited to, services similar to traditional telephone service.

D. Nothing contained in this section shall be construed to provide immunity from liability arising out of the operation of a motor vehicle.

E. For the purposes of this section, "compensation" shall not be construed to include (i) the salaries of police, fire, or other public officials or personnel who render such emergency assistance; (ii) the salaries or wages of employees of a coal producer engaging in emergency medical services or first aid services pursuant to the provisions of § 45.2-531, 45.2-579, 45.2-863 or 45.2-910; (iii) complimentary lift tickets, food, lodging, or other gifts provided as a gratuity to volunteer members of the National Ski Patrol System, Inc., by any resort, group, or agency; (iv) the salary of any person who (a) owns an AED for the use at the scene of an emergency, (b) trains individuals, in courses approved by the Board of Health, to operate AEDs at the scene of emergencies, (c) orders AEDs for use at the scene of emergencies, or (d) operates an AED at the scene of an emergency; or (v) expenses reimbursed to any person providing care or assistance pursuant to this section.

For the purposes of this section, "emergency medical services provider" shall include a person licensed or certified as such or its equivalent by any other state when he is performing services that he is licensed or certified to perform by such other state in caring for a patient in transit in the Commonwealth, which care originated in such other state.

Further, the public shall be urged to receive training on how to use CPR and an AED in order to acquire the skills and confidence to respond to emergencies using both CPR and an AED.

§ 22.1-289.059. Possession and administration of an appropriate weight-based dosage of epinephrine by employees.

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

§ 54.1-3408. Professional use by practitioners.

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine, a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed certified midwife pursuant to § 54.1-2907.04, a licensed physician assistant pursuant

to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause drugs or devices to be administered by:

1. A nurse, physician assistant, or intern under his direction and supervision;
2. Persons trained to administer drugs and devices to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the Department of Behavioral Health and Developmental Services who administer drugs under the control and supervision of the prescriber or a pharmacist;
3. Emergency medical services personnel certified and authorized to administer drugs and devices pursuant to regulations of the Board of Health who act within the scope of such certification and pursuant to an oral or written order or standing protocol; or
4. A licensed respiratory therapist as defined in § 54.1-2954 who administers by inhalation controlled substances used in inhalation or respiratory therapy.

C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine and oxygen for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or standing protocol that shall be issued by the local health director within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by the local health director and trained in the administration of albuterol inhalers and valved holding chambers or nebulized albuterol may possess or administer an albuterol inhaler and a valved holding chamber or nebulized albuterol to a student diagnosed with a condition requiring an albuterol inhaler or nebulized albuterol when the student is believed to be experiencing or about to experience an asthmatic crisis.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or any employee of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of (a) epinephrine may possess and administer epinephrine and (b) albuterol inhalers or nebulized albuterol may possess or administer an albuterol inhaler or nebulized albuterol to a student diagnosed with a condition requiring an albuterol inhaler or nebulized albuterol when the student is believed to be experiencing or about to experience an asthmatic crisis.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any nurse at an early childhood care and education entity, employee at the entity, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of an organization providing outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health, such prescriber may authorize any employee of a restaurant licensed pursuant to Chapter 3 (§ 35.1-18 et seq.) of Title 35.1 to possess and administer epinephrine on the premises of the restaurant at which the employee is employed, provided that such person is trained in the administration of epinephrine.

Pursuant to an order issued by the prescriber within the course of his professional practice, an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services may possess and administer epinephrine, provided such person is authorized and trained in the administration of epinephrine.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any employee of a public place, as defined in § 15.2-2820, who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize pharmacists to possess epinephrine and oxygen for administration in treatment of emergency medical conditions.

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs; oxygen for use in emergency situations; epinephrine for use in emergency cases of anaphylactic shock; and naloxone or other opioid antagonist for overdose reversal.

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a public institution of higher education or a private institution of higher education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administration of glucagon to a student diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services to assist with the administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia, provided such employee or person providing services has been trained in the administration of insulin and glucagon.

I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the supervision of a registered nurse. A prescriber acting on behalf of and in accordance with established protocols of the Department of Health may authorize the administration of vaccines to any person by a pharmacist, nurse, or designated emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health under the direction of an operational medical director when the prescriber is not physically present. The emergency medical services provider shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

J. A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent of the dentist.

Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision, as defined in § 54.1-2722, or his remote supervision, as defined in subsection E or F of § 54.1-2722, to possess and administer topical oral fluorides,

topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, and any other Schedule VI topical drug approved by the Board of Dentistry.

In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia.

K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

L. This section shall not prevent the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be normally self-administered by (i) an individual receiving services in a program licensed by the Department of Behavioral Health and Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of any facility authorized or operated by a state or local government whose primary purpose is not to provide health care services; (vi) a resident of a private children's residential facility, as defined in § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department of Behavioral Health and Developmental Services; or (vii) a student in a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

In addition, this section shall not prevent a person who has successfully completed a training program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of Nursing and been evaluated by a registered nurse as having demonstrated competency in administration of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from a program licensed by the Department of Behavioral Health and Developmental Services to such person via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.) of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any assisted living facility licensed by the Department of Social Services. A registered medication aide shall administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted living facility's Medication Management Plan; and in accordance with such other regulations governing their practice promulgated by the Board of Nursing.

N. In addition, this section shall not prevent the administration of drugs by a person who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security and record keeping, when the drugs administered would be normally self-administered by a student of a Virginia public school. Training for such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in a child day program as defined in § 22.1-289.02 and regulated by the Board of Education or a local government pursuant to § 15.2-914, or (ii) a student of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education, provided such person (a) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, nurse practitioner, physician assistant, doctor of medicine or osteopathic medicine, or pharmacist; (b) has obtained written authorization from a parent or guardian; (c) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared a disaster or a state of emergency or the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the State Health Commissioner.

Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by unlicensed individuals to a person in his private residence.

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, nurse practitioner, or physician assistant and under the immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A physician assistant, nurse, dental hygienist, or authorized agent of a doctor of medicine, osteopathic medicine, or dentistry may possess and administer topical fluoride varnish pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the direction and immediate supervision of a registered nurse, or emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health when the prescriber is not physically present.

X. Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, a pharmacist, a health care provider providing services in a hospital emergency department, and emergency medical services personnel, as that term is defined in § 32.1-111.1, may dispense naloxone or other opioid antagonist used for overdose reversal and a person to whom naloxone or other opioid antagonist has been dispensed pursuant to this subsection may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose. Law-enforcement officers as defined in § 9.1-101, employees of the Department of Forensic Science, employees of the Office of the Chief Medical Examiner, employees of the Department of General Services Division of Consolidated Laboratory Services, employees of the Department of Corrections designated as probation and parole officers or as correctional officers as defined in § 53.1-1, employees of the Department of Juvenile Justice designated as probation and parole officers or as juvenile correctional officers, employees of regional jails, school nurses, local health department employees that are assigned to a public school pursuant to an agreement between the local health department and the school board, other school board employees or individuals contracted by a school board to provide school health services, and firefighters who have completed a training program may also possess and administer naloxone or other opioid antagonist used for overdose reversal and may dispense naloxone or other opioid antagonist used for overdose reversal pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, an employee or other person acting on behalf of a public place who has completed a training program may also possess and administer naloxone or other opioid antagonist used for overdose reversal other than naloxone in an injectable formulation with a hypodermic needle or syringe in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Notwithstanding any other law or regulation to the contrary, an employee or other person acting on behalf of a public place may possess and administer naloxone or other opioid antagonist, other than naloxone in an injectable formulation with a hypodermic needle or syringe, to a person who is believed to be experiencing or about to experience a life-threatening

opioid overdose if he has completed a training program on the administration of such naloxone and administers naloxone in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

For the purposes of this subsection, "public place" means any enclosed area that is used or held out for use by the public, whether owned or operated by a public or private interest.

Y. Notwithstanding any other law or regulation to the contrary, a person who is acting on behalf of an organization that provides services to individuals at risk of experiencing an opioid overdose or training in the administration of naloxone for overdose reversal may dispense naloxone to a person who has received instruction on the administration of naloxone for opioid overdose reversal, provided that such dispensing is (i) pursuant to a standing order issued by a prescriber and (ii) in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. If the person acting on behalf of an organization dispenses naloxone in an injectable formulation with a hypodermic needle or syringe, he shall first obtain authorization from the Department of Behavioral Health and Developmental Services to train individuals on the proper administration of naloxone by and proper disposal of a hypodermic needle or syringe, and he shall obtain a controlled substance registration from the Board of Pharmacy. The Board of Pharmacy shall not charge a fee for the issuance of such controlled substance registration. The dispensing may occur at a site other than that of the controlled substance registration provided the entity possessing the controlled substances registration maintains records in accordance with regulations of the Board of Pharmacy. No person who dispenses naloxone on behalf of an organization pursuant to this subsection shall charge a fee for the dispensing of naloxone that is greater than the cost to the organization of obtaining the naloxone dispensed. A person to whom naloxone has been dispensed pursuant to this subsection may possess naloxone and may administer naloxone to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

Z. A person who is not otherwise authorized to administer naloxone or other opioid antagonist used for overdose reversal may administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

AA. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency to administer such medication to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis. Such authorization shall be effective only when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

CHAPTER 696

An Act to amend and reenact §§ 8.01-225, as it is currently effective and as it shall become effective, and 54.1-3408 of the Code of Virginia and to amend the Code of Virginia by adding in Article 8 of Chapter 14.1 of Title 22.1 a section numbered 22.1-289.059, relating to early childhood care and education entities; administration of epinephrine.

[S 737]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-225, as it is currently effective and as it shall become effective, and 54.1-3408 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 8 of Chapter 14.1 of Title 22.1 a section numbered 22.1-289.059 as follows:

§ 8.01-225. (Effective until July 1, 2022) Persons rendering emergency care, obstetrical services exempt from liability.

A. Any person who:

1. In good faith, renders emergency care or assistance, without compensation, to any ill or injured person (i) at the scene of an accident, fire, or any life-threatening emergency; (ii) at a location for screening or stabilization of an emergency medical condition arising from an accident, fire, or any life-threatening emergency; or (iii) en route to any hospital, medical clinic, or doctor's office, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such care or assistance. For purposes of this subdivision, emergency care or assistance includes the forcible entry of a motor vehicle in order to remove an unattended minor at risk of serious bodily injury or death, provided the person has attempted to contact a law-enforcement officer, as defined in § 9.1-101, a firefighter, as defined in § 65.2-102, emergency medical services personnel, as defined in § 32.1-111.1, or an emergency 911 system, if feasible under the circumstances.

2. In the absence of gross negligence, renders emergency obstetrical care or assistance to a female in active labor who has not previously been cared for in connection with the pregnancy by such person or by another professionally associated with such person and whose medical records are not reasonably available to such person shall not be liable for any civil

damages for acts or omissions resulting from the rendering of such emergency care or assistance. The immunity herein granted shall apply only to the emergency medical care provided.

3. In good faith and without compensation, including any emergency medical services provider who holds a valid certificate issued by the Commissioner of Health, administers epinephrine in an emergency to an individual shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if such person has reason to believe that the individual receiving the injection is suffering or is about to suffer a life-threatening anaphylactic reaction.

4. Provides assistance upon request of any police agency, fire department, emergency medical services agency, or governmental agency in the event of an accident or other emergency involving the use, handling, transportation, transmission, or storage of liquefied petroleum gas, liquefied natural gas, hazardous material, or hazardous waste as defined in § 10.1-1400 or regulations of the Virginia Waste Management Board shall not be liable for any civil damages resulting from any act of commission or omission on his part in the course of his rendering such assistance in good faith.

5. Is an emergency medical services provider possessing a valid certificate issued by authority of the State Board of Health who in good faith renders emergency care or assistance, whether in person or by telephone or other means of communication, without compensation, to any injured or ill person, whether at the scene of an accident, fire, or any other place, or while transporting such injured or ill person to, from, or between any hospital, medical facility, medical clinic, doctor's office, or other similar or related medical facility, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but in no way limited to acts or omissions which involve violations of State Department of Health regulations or any other state regulations in the rendering of such emergency care or assistance.

6. In good faith and without compensation, renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures which have been approved by the State Board of Health to any sick or injured person, whether at the scene of a fire, an accident, or any other place, or while transporting such person to or from any hospital, clinic, doctor's office, or other medical facility, shall be deemed qualified to administer such emergency treatments and procedures and shall not be liable for acts or omissions resulting from the rendering of such emergency resuscitative treatments or procedures.

7. Operates an AED at the scene of an emergency, trains individuals to be operators of AEDs, or orders AEDs, shall be immune from civil liability for any personal injury that results from any act or omission in the use of an AED in an emergency where the person performing the defibrillation acts as an ordinary, reasonably prudent person would have acted under the same or similar circumstances, unless such personal injury results from gross negligence or willful or wanton misconduct of the person rendering such emergency care.

8. Maintains an AED located on real property owned or controlled by such person shall be immune from civil liability for any personal injury that results from any act or omission in the use in an emergency of an AED located on such property unless such personal injury results from gross negligence or willful or wanton misconduct of the person who maintains the AED or his agent or employee.

9. Is an employee of a school board or of a local health department approved by the local governing body to provide health services pursuant to § 22.1-274 who, while on school property or at a school-sponsored event, (i) renders emergency care or assistance to any sick or injured person; (ii) renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures that have been approved by the State Board of Health to any sick or injured person; (iii) operates an AED, trains individuals to be operators of AEDs, or orders AEDs; or (iv) maintains an AED, shall not be liable for civil damages for ordinary negligence in acts or omissions on the part of such employee while engaged in the acts described in this subdivision.

10. Is a volunteer in good standing and certified to render emergency care by the National Ski Patrol System, Inc., who, in good faith and without compensation, renders emergency care or assistance to any injured or ill person, whether at the scene of a ski resort rescue, outdoor emergency rescue, or any other place or while transporting such injured or ill person to a place accessible for transfer to any available emergency medical system unit, or any resort owner voluntarily providing a ski patroller employed by him to engage in rescue or recovery work at a resort not owned or operated by him, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but not limited to acts or omissions which involve violations of any state regulation or any standard of the National Ski Patrol System, Inc., in the rendering of such emergency care or assistance, unless such act or omission was the result of gross negligence or willful misconduct.

11. Is an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education and is authorized by a prescriber and trained in the administration of insulin and glucagon, who, upon the written request of the parents as defined in § 22.1-1, assists with the administration of insulin or, in the case of a school board employee, with the insertion or reinsertion of an insulin pump or any of its parts pursuant to subsection B of § 22.1-274.01:1 or administers glucagon to a student diagnosed as having diabetes who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the

insulin is administered according to the child's medication schedule or such employee has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any such employee is covered by the immunity granted herein, the school board or school employing him shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

12. Is an employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of insulin and glucagon, who assists with the administration of insulin or administers glucagon to a student diagnosed as having diabetes who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered according to the student's medication schedule or such employee has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee is covered by the immunity granted in this subdivision, the institution shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

13. Is a school nurse, an employee of a school board, an employee of a local governing body, or an employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine and who provides, administers, or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

14. Is an employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or an employee of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the school shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

15. Is an employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the institution shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

16. Is an employee of an organization providing outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a participant in the outdoor experience or program for youth believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the organization shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

17. Is an employee of a restaurant licensed pursuant to Chapter 3 (§ 35.1-18 et seq.) of Title 35.1, is authorized by a prescriber and trained in the administration of epinephrine, and provides, administers, or assists in the administration of epinephrine to an individual believed in good faith to be having an anaphylactic reaction on the premises of the restaurant at which the employee is employed, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

18. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of insulin and glucagon and who administers or assists with the administration of insulin or administers glucagon to a person diagnosed as having diabetes who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia in accordance with § 54.1-3408 shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered in accordance with the prescriber's instructions or such person has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person who provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services is covered by the immunity granted herein, the provider shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

19. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of epinephrine and who administers or assists in the

administration of epinephrine to a person believed in good faith to be having an anaphylactic reaction in accordance with the prescriber's instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

20. In good faith prescribes, dispenses, or administers naloxone or other opioid antagonist used for overdose reversal in an emergency to an individual who is believed to be experiencing or about to experience a life-threatening opiate overdose shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if acting in accordance with the provisions of subsection X or Y of § 54.1-3408 or in his role as a member of an emergency medical services agency.

21. In good faith administers naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose in accordance with the provisions of subsection Z of § 54.1-3408 shall not be liable for any civil damages for any personal injury that results from any act or omission in the administration of naloxone or other opioid antagonist used for overdose reversal, unless such act or omission was the result of gross negligence or willful and wanton misconduct.

22. Is an employee of a school board, school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency and who administers or assists in the administration of such medications to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis pursuant to a written order or standing protocol issued by a prescriber within the course of his professional practice and in accordance with the prescriber's instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

23. Is a school nurse, an employee of a school board, an employee of a local governing body, or an employee of a local health department who is authorized by the local health director and trained in the administration of albuterol inhalers and valved holding chambers or nebulized albuterol and who provides, administers, or assists in the administration of an albuterol inhaler and a valved holding chamber or nebulized albuterol for a student believed in good faith to be in need of such medication, or is the prescriber of such medication, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

24. Is an employee of a public place, as defined in § 15.2-2820, who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a person present in the public place believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the organization shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

25. *Is a nurse at an early childhood care and education entity, employee at the entity, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine and who provides, administers, or assists in the administration of epinephrine to a child believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.*

B. Any licensed physician serving without compensation as the operational medical director for an emergency medical services agency that holds a valid license as an emergency medical services agency issued by the Commissioner of Health shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency medical services in good faith by the personnel of such licensed agency unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any person serving without compensation as a dispatcher for any licensed public or nonprofit emergency medical services agency in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency services in good faith by the personnel of such licensed agency unless such act or omission was the result of such dispatcher's gross negligence or willful misconduct.

Any individual, certified by the State Office of Emergency Medical Services as an emergency medical services instructor and pursuant to a written agreement with such office, who, in good faith and in the performance of his duties, provides instruction to persons for certification or recertification as a certified basic life support or advanced life support emergency medical services provider shall not be liable for any civil damages for acts or omissions on his part directly relating to his activities on behalf of such office unless such act or omission was the result of such emergency medical services instructor's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a medical advisor to an E-911 system in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to establish protocols to be used by the personnel of the E-911 service, as defined in § 58.1-1730, when answering emergency calls unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician who directs the provision of emergency medical services, as authorized by the State Board of Health, through a communications device shall not be liable for any civil damages for any act or omission resulting from the rendering of such emergency medical services unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a supervisor of an AED in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to the owner of the AED relating to personnel training, local emergency medical services coordination, protocol approval, AED deployment strategies, and equipment maintenance plans and records unless such act or omission was the result of such physician's gross negligence or willful misconduct.

C. Any communications services provider, as defined in § 58.1-647, including mobile service, and any provider of Voice-over-Internet Protocol service, in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering such service with or without charge related to emergency calls unless such act or omission was the result of such service provider's gross negligence or willful misconduct.

Any volunteer engaging in rescue or recovery work at a mine, or any mine operator voluntarily providing personnel to engage in rescue or recovery work at a mine not owned or operated by such operator, shall not be liable for civil damages for acts or omissions resulting from the rendering of such rescue or recovery work in good faith unless such act or omission was the result of gross negligence or willful misconduct. For purposes of this subsection, "Voice-over-Internet Protocol service" or "VoIP service" means any Internet protocol-enabled services utilizing a broadband connection, actually originating or terminating in Internet Protocol from either or both ends of a channel of communication offering real time, multidirectional voice functionality, including, but not limited to, services similar to traditional telephone service.

D. Nothing contained in this section shall be construed to provide immunity from liability arising out of the operation of a motor vehicle.

E. For the purposes of this section, "compensation" shall not be construed to include (i) the salaries of police, fire, or other public officials or personnel who render such emergency assistance; (ii) the salaries or wages of employees of a coal producer engaging in emergency medical services or first aid services pursuant to the provisions of § 45.2-531, 45.2-579, 45.2-863 or 45.2-910; (iii) complimentary lift tickets, food, lodging, or other gifts provided as a gratuity to volunteer members of the National Ski Patrol System, Inc., by any resort, group, or agency; (iv) the salary of any person who (a) owns an AED for the use at the scene of an emergency, (b) trains individuals, in courses approved by the Board of Health, to operate AEDs at the scene of emergencies, (c) orders AEDs for use at the scene of emergencies, or (d) operates an AED at the scene of an emergency; or (v) expenses reimbursed to any person providing care or assistance pursuant to this section.

For the purposes of this section, "emergency medical services provider" shall include a person licensed or certified as such or its equivalent by any other state when he is performing services that he is licensed or certified to perform by such other state in caring for a patient in transit in the Commonwealth, which care originated in such other state.

Further, the public shall be urged to receive training on how to use CPR and an AED in order to acquire the skills and confidence to respond to emergencies using both CPR and an AED.

§ 8.01-225. (Effective July 1, 2022) Persons rendering emergency care, obstetrical services exempt from liability.

A. Any person who:

1. In good faith, renders emergency care or assistance, without compensation, to any ill or injured person (i) at the scene of an accident, fire, or any life-threatening emergency; (ii) at a location for screening or stabilization of an emergency medical condition arising from an accident, fire, or any life-threatening emergency; or (iii) en route to any hospital, medical clinic, or doctor's office, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such care or assistance. For purposes of this subdivision, emergency care or assistance includes the forcible entry of a motor vehicle in order to remove an unattended minor at risk of serious bodily injury or death, provided the person has attempted to contact a law-enforcement officer, as defined in § 9.1-101, a firefighter, as defined in § 65.2-102, emergency medical services personnel, as defined in § 32.1-111.1, or an emergency 911 system, if feasible under the circumstances.

2. In the absence of gross negligence, renders emergency obstetrical care or assistance to a female in active labor who has not previously been cared for in connection with the pregnancy by such person or by another professionally associated with such person and whose medical records are not reasonably available to such person shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care or assistance. The immunity herein granted shall apply only to the emergency medical care provided.

3. In good faith and without compensation, including any emergency medical services provider who holds a valid certificate issued by the Commissioner of Health, administers epinephrine in an emergency to an individual shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if such person has reason to believe that the individual receiving the injection is suffering or is about to suffer a life-threatening anaphylactic reaction.

4. Provides assistance upon request of any police agency, fire department, emergency medical services agency, or governmental agency in the event of an accident or other emergency involving the use, handling, transportation, transmission, or storage of liquefied petroleum gas, liquefied natural gas, hazardous material, or hazardous waste as defined in § 10.1-1400 or regulations of the Virginia Waste Management Board shall not be liable for any civil damages resulting from any act of commission or omission on his part in the course of his rendering such assistance in good faith.

5. Is an emergency medical services provider possessing a valid certificate issued by authority of the State Board of Health who in good faith renders emergency care or assistance, whether in person or by telephone or other means of communication, without compensation, to any injured or ill person, whether at the scene of an accident, fire, or any other place, or while transporting such injured or ill person to, from, or between any hospital, medical facility, medical clinic, doctor's office, or other similar or related medical facility, shall not be liable for any civil damages for acts or omissions

resulting from the rendering of such emergency care, treatment, or assistance, including but in no way limited to acts or omissions which involve violations of State Department of Health regulations or any other state regulations in the rendering of such emergency care or assistance.

6. In good faith and without compensation, renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures which have been approved by the State Board of Health to any sick or injured person, whether at the scene of a fire, an accident, or any other place, or while transporting such person to or from any hospital, clinic, doctor's office, or other medical facility, shall be deemed qualified to administer such emergency treatments and procedures and shall not be liable for acts or omissions resulting from the rendering of such emergency resuscitative treatments or procedures.

7. Operates an AED at the scene of an emergency, trains individuals to be operators of AEDs, or orders AEDs, shall be immune from civil liability for any personal injury that results from any act or omission in the use of an AED in an emergency where the person performing the defibrillation acts as an ordinary, reasonably prudent person would have acted under the same or similar circumstances, unless such personal injury results from gross negligence or willful or wanton misconduct of the person rendering such emergency care.

8. Maintains an AED located on real property owned or controlled by such person shall be immune from civil liability for any personal injury that results from any act or omission in the use in an emergency of an AED located on such property unless such personal injury results from gross negligence or willful or wanton misconduct of the person who maintains the AED or his agent or employee.

9. Is an employee of a school board or of a local health department approved by the local governing body to provide health services pursuant to § 22.1-274 who, while on school property or at a school-sponsored event, (i) renders emergency care or assistance to any sick or injured person; (ii) renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures that have been approved by the State Board of Health to any sick or injured person; (iii) operates an AED, trains individuals to be operators of AEDs, or orders AEDs; (iv) maintains an AED; or (v) renders care in accordance with a seizure management and action plan pursuant to § 22.1-274.6, shall not be liable for civil damages for ordinary negligence in acts or omissions on the part of such employee while engaged in the acts described in this subdivision.

10. Is a volunteer in good standing and certified to render emergency care by the National Ski Patrol System, Inc., who, in good faith and without compensation, renders emergency care or assistance to any injured or ill person, whether at the scene of a ski resort rescue, outdoor emergency rescue, or any other place or while transporting such injured or ill person to a place accessible for transfer to any available emergency medical system unit, or any resort owner voluntarily providing a ski patroller employed by him to engage in rescue or recovery work at a resort not owned or operated by him, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but not limited to acts or omissions which involve violations of any state regulation or any standard of the National Ski Patrol System, Inc., in the rendering of such emergency care or assistance, unless such act or omission was the result of gross negligence or willful misconduct.

11. Is an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education and is authorized by a prescriber and trained in the administration of insulin and glucagon, who, upon the written request of the parents as defined in § 22.1-1, assists with the administration of insulin or, in the case of a school board employee, with the insertion or reinsertion of an insulin pump or any of its parts pursuant to subsection B of § 22.1-274.01:1 or administers glucagon to a student diagnosed as having diabetes who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered according to the child's medication schedule or such employee has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any such employee is covered by the immunity granted herein, the school board or school employing him shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

12. Is an employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of insulin and glucagon, who assists with the administration of insulin or administers glucagon to a student diagnosed as having diabetes who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered according to the student's medication schedule or such employee has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee is covered by the immunity granted in this subdivision, the institution shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

13. Is a school nurse, an employee of a school board, an employee of a local governing body, or an employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine and who provides,

administers, or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

14. Is an employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or an employee of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the school shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

15. Is an employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the institution shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

16. Is an employee of an organization providing outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a participant in the outdoor experience or program for youth believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the organization shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

17. Is an employee of a restaurant licensed pursuant to Chapter 3 (§ 35.1-18 et seq.) of Title 35.1, is authorized by a prescriber and trained in the administration of epinephrine, and provides, administers, or assists in the administration of epinephrine to an individual believed in good faith to be having an anaphylactic reaction on the premises of the restaurant at which the employee is employed, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

18. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of insulin and glucagon and who administers or assists with the administration of insulin or administers glucagon to a person diagnosed as having diabetes who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia in accordance with § 54.1-3408 shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered in accordance with the prescriber's instructions or such person has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person who provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services is covered by the immunity granted herein, the provider shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

19. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a person believed in good faith to be having an anaphylactic reaction in accordance with the prescriber's instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

20. In good faith prescribes, dispenses, or administers naloxone or other opioid antagonist used for overdose reversal in an emergency to an individual who is believed to be experiencing or about to experience a life-threatening opiate overdose shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if acting in accordance with the provisions of subsection X or Y of § 54.1-3408 or in his role as a member of an emergency medical services agency.

21. In good faith administers naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose in accordance with the provisions of subsection Z of § 54.1-3408 shall not be liable for any civil damages for any personal injury that results from any act or omission in the administration of naloxone or other opioid antagonist used for overdose reversal, unless such act or omission was the result of gross negligence or willful and wanton misconduct.

22. Is an employee of a school board, school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of injected medications for the treatment of adrenal crisis resulting from a

condition causing adrenal insufficiency and who administers or assists in the administration of such medications to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis pursuant to a written order or standing protocol issued by a prescriber within the course of his professional practice and in accordance with the prescriber's instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

23. Is a school nurse, an employee of a school board, an employee of a local governing body, or an employee of a local health department who is authorized by the local health director and trained in the administration of albuterol inhalers and valved holding chambers or nebulized albuterol and who provides, administers, or assists in the administration of an albuterol inhaler and a valved holding chamber or nebulized albuterol for a student believed in good faith to be in need of such medication, or is the prescriber of such medication, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

24. Is an employee of a public place, as defined in § 15.2-2820, who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a person present in the public place believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the organization shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

25. *Is a nurse at an early childhood care and education entity, employee at the entity, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine and who provides, administers, or assists in the administration of epinephrine to a child believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.*

B. Any licensed physician serving without compensation as the operational medical director for an emergency medical services agency that holds a valid license as an emergency medical services agency issued by the Commissioner of Health shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency medical services in good faith by the personnel of such licensed agency unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any person serving without compensation as a dispatcher for any licensed public or nonprofit emergency medical services agency in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency services in good faith by the personnel of such licensed agency unless such act or omission was the result of such dispatcher's gross negligence or willful misconduct.

Any individual, certified by the State Office of Emergency Medical Services as an emergency medical services instructor and pursuant to a written agreement with such office, who, in good faith and in the performance of his duties, provides instruction to persons for certification or recertification as a certified basic life support or advanced life support emergency medical services provider shall not be liable for any civil damages for acts or omissions on his part directly relating to his activities on behalf of such office unless such act or omission was the result of such emergency medical services instructor's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a medical advisor to an E-911 system in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to establish protocols to be used by the personnel of the E-911 service, as defined in § 58.1-1730, when answering emergency calls unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician who directs the provision of emergency medical services, as authorized by the State Board of Health, through a communications device shall not be liable for any civil damages for any act or omission resulting from the rendering of such emergency medical services unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a supervisor of an AED in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to the owner of the AED relating to personnel training, local emergency medical services coordination, protocol approval, AED deployment strategies, and equipment maintenance plans and records unless such act or omission was the result of such physician's gross negligence or willful misconduct.

C. Any communications services provider, as defined in § 58.1-647, including mobile service, and any provider of Voice-over-Internet Protocol service, in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering such service with or without charge related to emergency calls unless such act or omission was the result of such service provider's gross negligence or willful misconduct.

Any volunteer engaging in rescue or recovery work at a mine, or any mine operator voluntarily providing personnel to engage in rescue or recovery work at a mine not owned or operated by such operator, shall not be liable for civil damages for acts or omissions resulting from the rendering of such rescue or recovery work in good faith unless such act or omission was the result of gross negligence or willful misconduct. For purposes of this subsection, "Voice-over-Internet Protocol service" or "VoIP service" means any Internet protocol-enabled services utilizing a broadband connection, actually originating or terminating in Internet Protocol from either or both ends of a channel of communication offering real time, multidirectional voice functionality, including, but not limited to, services similar to traditional telephone service.

D. Nothing contained in this section shall be construed to provide immunity from liability arising out of the operation of a motor vehicle.

E. For the purposes of this section, "compensation" shall not be construed to include (i) the salaries of police, fire, or other public officials or personnel who render such emergency assistance; (ii) the salaries or wages of employees of a coal producer engaging in emergency medical services or first aid services pursuant to the provisions of § 45.2-531, 45.2-579, 45.2-863 or 45.2-910; (iii) complimentary lift tickets, food, lodging, or other gifts provided as a gratuity to volunteer members of the National Ski Patrol System, Inc., by any resort, group, or agency; (iv) the salary of any person who (a) owns an AED for the use at the scene of an emergency, (b) trains individuals, in courses approved by the Board of Health, to operate AEDs at the scene of emergencies, (c) orders AEDs for use at the scene of emergencies, or (d) operates an AED at the scene of an emergency; or (v) expenses reimbursed to any person providing care or assistance pursuant to this section.

For the purposes of this section, "emergency medical services provider" shall include a person licensed or certified as such or its equivalent by any other state when he is performing services that he is licensed or certified to perform by such other state in caring for a patient in transit in the Commonwealth, which care originated in such other state.

Further, the public shall be urged to receive training on how to use CPR and an AED in order to acquire the skills and confidence to respond to emergencies using both CPR and an AED.

§ 22.1-289.059. Possession and administration of an appropriate weight-based dosage of epinephrine by employees.

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

§ 54.1-3408. Professional use by practitioners.

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine, a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed certified midwife pursuant to § 54.1-2907.04, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause drugs or devices to be administered by:

1. A nurse, physician assistant, or intern under his direction and supervision;
2. Persons trained to administer drugs and devices to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the Department of Behavioral Health and Developmental Services who administer drugs under the control and supervision of the prescriber or a pharmacist;
3. Emergency medical services personnel certified and authorized to administer drugs and devices pursuant to regulations of the Board of Health who act within the scope of such certification and pursuant to an oral or written order or standing protocol; or
4. A licensed respiratory therapist as defined in § 54.1-2954 who administers by inhalation controlled substances used in inhalation or respiratory therapy.

C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine and oxygen for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or standing protocol that shall be issued by the local health director within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by the local health director and trained in the administration of albuterol inhalers and valved holding chambers or nebulized albuterol may possess or administer an albuterol inhaler and a valved holding chamber or nebulized albuterol to a student diagnosed with a condition requiring an albuterol inhaler or nebulized albuterol when the student is believed to be experiencing or about to experience an asthmatic crisis.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or any employee of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of (a) epinephrine may possess and administer epinephrine and (b) albuterol inhalers or nebulized albuterol may possess or administer an albuterol inhaler or nebulized albuterol to a student diagnosed with a condition requiring an albuterol inhaler or nebulized albuterol when the student is believed to be experiencing or about to experience an asthmatic crisis.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any nurse at an early childhood care and education entity, employee at the entity, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of an organization providing outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health, such prescriber may authorize any employee of a restaurant licensed pursuant to Chapter 3 (§ 35.1-18 et seq.) of Title 35.1 to possess and administer epinephrine on the premises of the restaurant at which the employee is employed, provided that such person is trained in the administration of epinephrine.

Pursuant to an order issued by the prescriber within the course of his professional practice, an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services may possess and administer epinephrine, provided such person is authorized and trained in the administration of epinephrine.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any employee of a public place, as defined in § 15.2-2820, who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize pharmacists to possess epinephrine and oxygen for administration in treatment of emergency medical conditions.

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs; oxygen for use in emergency situations; epinephrine for use in emergency cases of anaphylactic shock; and naloxone or other opioid antagonist for overdose reversal.

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a public institution of higher education or a private institution of higher education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administration of glucagon to a student diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services to assist with the administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia, provided such employee or person providing services has been trained in the administration of insulin and glucagon.

I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the supervision of a registered nurse. A prescriber acting on behalf of and in accordance with established protocols of the Department of Health may authorize the administration of vaccines to any person by a pharmacist, nurse, or designated emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health under the direction of an operational medical director when the prescriber is not physically present. The emergency medical services provider shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

J. A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent of the dentist.

Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision, as defined in § 54.1-2722, or his remote supervision, as defined in subsection E or F of § 54.1-2722, to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, and any other Schedule VI topical drug approved by the Board of Dentistry.

In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia.

K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

L. This section shall not prevent the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be normally self-administered by (i) an individual receiving services in a program licensed by the Department of Behavioral Health and Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of any facility authorized or operated by a state or local government whose primary purpose is not to provide health care services; (vi) a resident of a private children's residential facility, as defined in § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department of Behavioral Health and Developmental Services; or (vii) a student in a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

In addition, this section shall not prevent a person who has successfully completed a training program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of Nursing and been evaluated by a registered nurse as having demonstrated competency in administration of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from a program licensed by the Department of Behavioral Health and Developmental Services to such person via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.) of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any assisted living facility licensed by the Department of Social Services. A registered medication aide shall administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted living facility's Medication Management Plan; and in accordance with such other regulations governing their practice promulgated by the Board of Nursing.

N. In addition, this section shall not prevent the administration of drugs by a person who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security and record keeping, when the drugs administered would be normally self-administered by a student of a Virginia public school. Training for such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in a child day program as defined in § 22.1-289.02 and regulated by the Board of Education or a local government pursuant to § 15.2-914, or (ii) a student of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education, provided such person (a) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, nurse practitioner, physician assistant, doctor of medicine or osteopathic medicine, or pharmacist; (b) has obtained written authorization from a parent or guardian; (c) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared a disaster or a state of emergency or the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the State Health Commissioner.

Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by unlicensed individuals to a person in his private residence.

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, nurse practitioner, or physician assistant and under the immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A physician assistant, nurse, dental hygienist, or authorized agent of a doctor of medicine, osteopathic medicine, or dentistry may possess and administer topical fluoride varnish pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the direction and immediate supervision of a registered nurse, or emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health when the prescriber is not physically present.

X. Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, a pharmacist, a health care provider providing services in a hospital emergency department, and emergency medical services personnel, as that term is defined in § 32.1-111.1, may dispense naloxone or

other opioid antagonist used for overdose reversal and a person to whom naloxone or other opioid antagonist has been dispensed pursuant to this subsection may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose. Law-enforcement officers as defined in § 9.1-101, employees of the Department of Forensic Science, employees of the Office of the Chief Medical Examiner, employees of the Department of General Services Division of Consolidated Laboratory Services, employees of the Department of Corrections designated as probation and parole officers or as correctional officers as defined in § 53.1-1, employees of the Department of Juvenile Justice designated as probation and parole officers or as juvenile correctional officers, employees of regional jails, school nurses, local health department employees that are assigned to a public school pursuant to an agreement between the local health department and the school board, other school board employees or individuals contracted by a school board to provide school health services, and firefighters who have completed a training program may also possess and administer naloxone or other opioid antagonist used for overdose reversal and may dispense naloxone or other opioid antagonist used for overdose reversal pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, an employee or other person acting on behalf of a public place who has completed a training program may also possess and administer naloxone or other opioid antagonist used for overdose reversal other than naloxone in an injectable formulation with a hypodermic needle or syringe in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Notwithstanding any other law or regulation to the contrary, an employee or other person acting on behalf of a public place may possess and administer naloxone or other opioid antagonist, other than naloxone in an injectable formulation with a hypodermic needle or syringe, to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose if he has completed a training program on the administration of such naloxone and administers naloxone in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

For the purposes of this subsection, "public place" means any enclosed area that is used or held out for use by the public, whether owned or operated by a public or private interest.

Y. Notwithstanding any other law or regulation to the contrary, a person who is acting on behalf of an organization that provides services to individuals at risk of experiencing an opioid overdose or training in the administration of naloxone for overdose reversal may dispense naloxone to a person who has received instruction on the administration of naloxone for opioid overdose reversal, provided that such dispensing is (i) pursuant to a standing order issued by a prescriber and (ii) in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. If the person acting on behalf of an organization dispenses naloxone in an injectable formulation with a hypodermic needle or syringe, he shall first obtain authorization from the Department of Behavioral Health and Developmental Services to train individuals on the proper administration of naloxone by and proper disposal of a hypodermic needle or syringe, and he shall obtain a controlled substance registration from the Board of Pharmacy. The Board of Pharmacy shall not charge a fee for the issuance of such controlled substance registration. The dispensing may occur at a site other than that of the controlled substance registration provided the entity possessing the controlled substances registration maintains records in accordance with regulations of the Board of Pharmacy. No person who dispenses naloxone on behalf of an organization pursuant to this subsection shall charge a fee for the dispensing of naloxone that is greater than the cost to the organization of obtaining the naloxone dispensed. A person to whom naloxone has been dispensed pursuant to this subsection may possess naloxone and may administer naloxone to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

Z. A person who is not otherwise authorized to administer naloxone or other opioid antagonist used for overdose reversal may administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

AA. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency to administer such medication to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis. Such authorization shall be effective only when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

CHAPTER 697

An Act to amend the Code of Virginia by adding in Article 6 of Chapter 1 of Title 24.2 a section numbered 24.2-124.1, relating to state and local elections officials; acceptance of certain gifts and funding prohibited.

[H 205]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 6 of Chapter 1 of Title 24.2 a section numbered 24.2-124.1 as follows:

§ 24.2-124.1. Acceptance of certain gifts and funding prohibited.

The State Board, the Department, each local electoral board, and all offices of the general registrar shall not solicit, accept, use, or dispose of any money, grants, property, or services given by a private individual or nongovernmental entity for the purpose of funding voter education and outreach programs, voter registration programs, or any other expense incurred in the conduct of elections.

This section shall not be construed to prohibit (i) the operation of a polling place or voter satellite office in a facility furnished by a private individual or nongovernmental entity that otherwise meets the requirements for polling places provided in §§ 24.2-310 and 24.2-310.1 or voter satellite offices provided in § 24.2-701.2 or (ii) acceptance of a federal government grant funded in whole or part by donations from private individuals or nongovernmental entities.

CHAPTER 698

An Act to amend the Code of Virginia by adding in Article 6 of Chapter 1 of Title 24.2 a section numbered 24.2-124.1, relating to state and local elections officials; acceptance of certain gifts and funding prohibited.

[S 80]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 6 of Chapter 1 of Title 24.2 a section numbered 24.2-124.1 as follows:

§ 24.2-124.1. Acceptance of certain gifts and funding prohibited.

The State Board, the Department, each local electoral board, and all offices of the general registrar shall not solicit, accept, use, or dispose of any money, grants, property, or services given by a private individual or nongovernmental entity for the purpose of funding voter education and outreach programs, voter registration programs, or any other expense incurred in the conduct of elections.

This section shall not be construed to prohibit (i) the operation of a polling place or voter satellite office in a facility furnished by a private individual or nongovernmental entity that otherwise meets the requirements for polling places provided in §§ 24.2-310 and 24.2-310.1 or voter satellite offices provided in § 24.2-701.2 or (ii) acceptance of a federal government grant funded in whole or part by donations from private individuals or nongovernmental entities.

CHAPTER 699

An Act to direct the Board of Workforce Development to prepare recommendations for creating a primary office for apprenticeship programs.

[H 718]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

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

priority of liens or any obligation to satisfy or release any outstanding liens on the property or the funds. *The failure to pay these sums within 30 days to the property owner, as specified herein, shall result in an award of attorney fees and interest at the judgment rate from the date the funds became due and owing. The provisions of this section and its remedies shall apply to any condemnation action whether such action arises under this title or under Title 33.2.*

CHAPTER 703

An Act to direct the Board of Pharmacy to convene a work group related to increasing participation in the prescription drug donation program.

[S 14]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Board of Pharmacy shall convene a work group of interested stakeholders, including the Virginia Pharmacists Association, the Virginia Society of Health-Systems Pharmacists, the Virginia Hospital and Healthcare Association, the Virginia Association of Free and Charitable Clinics, and the Virginia Department of Health, to evaluate any challenges and barriers to participation in the prescription drug donation program established pursuant to § 54.1-3411.1 of the Code of Virginia and ways to increase program participation, education, and outreach.*

The work group shall report its findings to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by December 1, 2022.

CHAPTER 704

An Act to amend and reenact § 9.1-116 of the Code of Virginia, relating to law-enforcement officers; exemption from certain training requirements.

[S 17]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. **That § 9.1-116 of the Code of Virginia is amended and reenacted as follows:**

§ 9.1-116. Exemptions of certain persons from certain training requirements.

The Director of the Department, with the approval of the Board, may exempt a chief of police or any law-enforcement officer or any courthouse and courtroom security officer, jail officer, dispatcher, process server, or custodial officer or corrections officer of the Commonwealth or any political subdivision who has demonstrated sensitivity to cultural diversity issues and had previous experience and training as a law-enforcement officer, courthouse and courtroom security officer, jail officer, dispatcher, process server or custodial officer or corrections officer with any law-enforcement or custodial agency, from the mandatory attendance of any or all courses which are required for the successful completion of the compulsory minimum training standards established by the Board.

The Director and Board shall exempt a law-enforcement officer who has demonstrated sensitivity to cultural diversity issues, had previous experience and training as a law-enforcement officer, is currently receiving or is eligible to receive a service retirement allowance in accordance with § 51.1-155, and has a break in service of no longer than 60 calendar months between retirement and such new employment as a law-enforcement officer from the mandatory attendance of all courses that are required for the successful completion of the compulsory minimum training standards established by the Board.

The exemption authorized by this section shall be available to all law-enforcement officers, courthouse and courtroom security officers, jail officer, dispatchers, process servers and custodial officers, and corrections officers, regardless of any officer's date of initial employment, and shall entitle the officer when exempted from mandatory attendance to be deemed in compliance with the compulsory minimum training standards and eligible for the minimum salary established pursuant to Article 3 (§ 15.2-1609 et seq.) of Chapter 16 of Title 15.2, provided that the officer is otherwise qualified.

CHAPTER 705

An Act to amend and reenact §§ 10.1-1018, 10.1-1018.1, 10.1-1020, and 10.1-1021 of the Code of Virginia, relating to the Virginia Land Conservation Foundation and Fund.

[S 31]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. **That §§ 10.1-1018, 10.1-1018.1, 10.1-1020, and 10.1-1021 of the Code of Virginia are amended and reenacted as follows:**

§ 10.1-1018. Virginia Land Conservation Board of Trustees; membership; terms; vacancies; compensation and expenses.

A. The Foundation shall be governed and administered by a Board of Trustees. The Board shall have a total membership of 19 members that shall consist of 17 citizen members and two ex officio voting members as follows: four citizen members, who may be members of the House of Delegates, to be appointed by the Speaker of the House of Delegates and, if such members are members of the House of Delegates, in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; two citizen members, who may be members of the Senate, to be appointed by the Senate Committee on Rules; 11 nonlegislative citizen members, one from each congressional district, to be appointed by the Governor; and the Secretary of Natural and Historic Resources, or his designee, and the Secretary of Agriculture and Forestry, or his designee, to serve ex officio with voting privileges. Nonlegislative citizen members shall be appointed for four-year terms, except that initial appointments shall be made for terms of one to four years in a manner whereby no more than six members shall have terms that expire in the same year. Legislative members and the ex officio member shall serve terms coincident with their terms of office. Appointments to fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed. However, no Senate member shall serve more than two consecutive four-year terms, no House member shall serve more than four consecutive two-year terms and no nonlegislative citizen member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Nonlegislative citizen members shall have experience or expertise, professional or personal, in one or more of the following areas: natural resource protection and conservation, construction and real estate development, natural habitat protection, environmental resource inventory and identification, forestry management, farming, farmland preservation, fish and wildlife management, historic preservation, and outdoor recreation. At least one of the nonlegislative citizen members shall be a farmer, *and at least one shall be a member of a state-recognized or federally recognized Virginia Indian Tribe*. Members of the Board shall post bond in the penalty of \$5,000 with the State Comptroller prior to entering upon the functions of office.

B. The Secretary of Natural and Historic Resources shall serve as the chairman of the Board of Trustees. The chairman shall serve until his successor is appointed. The members appointed as provided in subsection A shall elect a vice-chairman annually from among the members of the Board. A majority of the members of the Board serving at any one time shall constitute a quorum for the transaction of business. The board shall meet at the call of the chairman or whenever a majority of the members so request.

C. Trustees of the Foundation shall receive no compensation for their services. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties on behalf of the Foundation as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of expenses of the members shall be provided by the Department of Conservation and Recreation.

D. The chairman of the Board and any other person designated by the Board to handle the funds of the Foundation shall give bond, with corporate surety, in such penalty as is fixed by the Governor, conditioned upon the faithful discharge of his duties. The premium on the bonds shall be paid from funds available to the Foundation for such purpose.

E. The Board shall seek assistance in developing grant criteria and advice on grant priorities and any other appropriate issues from a task force consisting of the following agency heads or their designees: the Director of the Department of Conservation and Recreation, the Commissioner of Agriculture and Consumer Services, the State Forester, the Director of the Department of Historic Resources, the Director of the Department of Wildlife Resources and the Executive Director of the Virginia Outdoors Foundation. The Board may request any other agency head to serve on or appoint a designee to serve on the task force.

§ 10.1-1018.1. Reporting.

The chairman of the Board shall submit to the Governor and the General Assembly, including the Chairmen of the House Committee on Appropriations, the House Committee on Agriculture, Chesapeake and Natural Resources, the Senate Committee on Finance and Appropriations, and the Senate Committee on Agriculture, Conservation and Natural Resources, and to the Director of the Department of Planning and Budget an executive summary and report of the ~~interim~~ activity and work of the Board on or before December 15 of each ~~even-numbered~~ year. The document shall report on the status of the Foundation and its Fund, including (i) land conservation targeting tools developed for the Foundation; (ii) descriptions of projects that received funding; (iii) a description of the geographic distribution of land protected as provided in § 10.1-1021.1; (iv) expenditures from, interest earned by, and financial obligations of the Fund; and (v) progress made toward recognized state and regional land conservation goals, including what percentage of properties conserved were identified by ConserveVirginia, pursuant to § 10.1-104.6:1, and ~~whether a summary of the identified~~ conservation values that were protected. *The report shall also estimate the funds needed to achieve goals established by the Board for (a) natural area protection, (b) open spaces and parks, (c) farmland preservation, (d) forest land preservation, (e) historical and cultural sites, (f) meeting the needs of under-resourced communities, and (g) any other goal determined by the Board.* The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

§ 10.1-1020. Virginia Land Conservation Fund; purposes of Foundation.

A. The Foundation shall establish, administer, manage, including the creation of reserves, and make expenditures and allocations from a special, nonreverting fund in the state treasury to be known as the Virginia Land Conservation Fund, hereinafter referred to as the Fund. The Foundation shall establish and administer the Fund solely for the purposes of:

1. Acquiring fee simple title or other rights, including the purchase of development rights, to interests or privileges in property for the protection or preservation of ecological, cultural or historical resources, lands for recreational purposes, state forest lands, and lands for threatened or endangered species, fish and wildlife habitat, natural areas, agricultural and forestal lands and open space, *and for conservation and restoration of homelands for state-recognized and federally recognized Virginia Indian Tribes*; and

2. Providing grants to state agencies, including the Virginia Outdoors Foundation *and state-recognized and federally recognized Virginia Indian Tribes*, and matching grants to other public bodies and holders for acquiring fee simple title or other rights, including the purchase of development rights, to interests or privileges in real property for the protection or preservation of ecological, cultural or historical resources, lands for recreational purposes, and lands for threatened or endangered species, fish and wildlife habitat, natural areas, agricultural and forestal lands and open space. The Board shall establish criteria for making grants from the Fund, including procedures for determining the amount of each grant and the required match. The criteria shall include provisions for grants to localities for purchase of development rights programs.

Interests in land acquired as provided in subdivision 1 ~~of this subsection~~ may be held by the Foundation ~~or transferred to~~, state agencies ~~or~~, *state-recognized or federally recognized Virginia Indian Tribes*, other *public bodies*, and appropriate holders. Whenever a holder acquires any interest in land other than a fee simple interest as a result of a grant or transfer from the Foundation, such interest shall be held jointly by the holder and a public body. Whenever a holder acquires a fee simple interest in land as a result of a grant or transfer from the Foundation, a public body shall hold an open space easement in such land.

B. The Fund shall consist of general fund moneys and gifts, endowments or grants from the United States government, its agencies and instrumentalities, and funds from any other available sources, public or private. Such moneys, gifts, endowments, grants or funds from other sources may be either restricted or unrestricted. For the purposes of this chapter, "restricted funds" shall mean those funds received by the Board to which specific conditions apply; "restricted funds" shall include, but not be limited to, general obligation bond moneys and conditional gifts. "Unrestricted funds" shall mean those received by the Foundation to which no specific conditions apply; "unrestricted funds" shall include, but not be limited to, moneys appropriated to the Fund by the General Assembly to which no specific conditions are attached and unconditional gifts.

~~Beginning July 1, 2019, the Foundation shall conduct a grant round each year to identify and rank projects for the subsequent fiscal year. Biennially in the odd-numbered years, the Foundation shall assume an amount of funding of the grant program as provided in the general appropriation act. Biennially in the even-numbered years, the Foundation shall assume the most recent amount of funding of the grant program as specified in the most recently enacted general appropriation act. On or before December 15 of each year, the chairman of the Board of Trustees shall provide copies of such project rankings to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations. At the beginning of each fiscal year, the Foundation shall finalize grant awards based on the funded level appropriated for that year, as provided in subsections C and D. Any ranked project that does not receive a proposed grant as a result of an insufficiency in appropriated funds shall be eligible to participate in a subsequent grant round.~~

C. In any fiscal year for which the Fund is appropriated less than \$10 million, and after an allocation for administrative expenses has been made as provided in subsection G, the remaining unrestricted funds in the Fund shall be allocated as follows:

1. Twenty-five percent shall be transferred to the Virginia Outdoors Foundation's Open-Space Lands Preservation Trust Fund to be used as provided in § 10.1-1801.1; and

2. Seventy-five percent shall be divided equally among the following four grant uses: (i) natural area protection; (ii) open spaces and parks, including but not limited to, land for public hunting, fishing or wildlife watching; (iii) farmlands and forest preservation; and (iv) historic area preservation. Of the amount allocated as provided in this subdivision, at least one third shall be used to secure easements to be held or co-held by a public body.

D. In any fiscal year for which the Fund is appropriated \$10 million or more, and after an allocation for administrative expenses has been made as provided in subsection G, the remaining unrestricted funds in the Fund shall be allocated as follows:

1. Twenty-five percent shall be transferred to the Virginia Outdoors Foundation's Open-Space Lands Preservation Trust Fund to be used as provided in § 10.1-1801.1; and

2. The remaining funds shall be divided equally among the following five grant uses: (i) natural area protection; (ii) open spaces and parks, including but not limited to, land for public hunting, fishing, or wildlife watching; (iii) farmland preservation; (iv) forestland conservation; and (v) historic area preservation.

E. Any moneys remaining in the Fund at the end of a biennium shall remain in the Fund, and shall not revert to the general fund. Interest earned on moneys received by the Fund other than bond proceeds shall remain in the Fund and be credited to it. Any funds transferred to the Open-Space Lands Preservation Trust Fund pursuant to this section and not disbursed or committed to a project by the end of the fiscal year in which the funds were transferred shall be returned to the Virginia Land Conservation Fund and shall be redistributed among the authorized grant uses during the next grant cycle.

F. A portion of the Fund, not to exceed ~~twenty~~ 20 percent of the annual balance of unrestricted funds, may be used to develop properties purchased in fee simple, or through the purchase of development rights, with the assets of the Fund for public use including, but not limited to, development of trails, parking areas, infrastructure, and interpretive projects or to conduct environmental assessments or other preliminary evaluations of properties prior to the acquisition of any property interest.

G. Up to \$250,000 per year of the interest generated by the Fund may be used for the Foundation's administrative expenses, including, but not limited to, the expenses of the Board and its members, development of the Foundation's strategic plan, development and maintenance of an inventory of properties as provided in subdivision 1 b of § 10.1-1021, development of a needs assessment for future expenditures as provided in subdivision 1 c of § 10.1-1021, and fulfillment of reporting requirements. All such expenditures shall be subject to approval by the Board of Trustees.

H. The Comptroller shall maintain the restricted funds and the unrestricted funds in separate accounts.

I. For the purposes of this section, "public body" shall have the meaning ascribed to it in § 10.1-1700, and "holder" shall have the meaning ascribed to it in § 10.1-1009.

§ 10.1-1021. Powers of the Foundation.

In order to carry out its purposes, the Foundation shall have the following powers and duties:

1. To prepare a comprehensive plan that recognizes and seeks to implement all of the purposes for which the Foundation is created. In preparing this plan, the Foundation shall:

a. Establish criteria for the expenditure of unrestricted moneys received by the Fund. In making grants for the expenditure of such unrestricted moneys, the Board of Trustees shall consider the following criteria, not all of which need to be met in order for a grant to be awarded:

- (1) The ecological, outdoor recreational, historic, agricultural, and forestal value of the property;
- (2) An assessment of market values;
- (3) Consistency with local comprehensive plans;
- (4) Geographical balance of properties and interests in properties to be purchased;
- (5) Availability of public and private matching funds to assist in the purchase;
- (6) Imminent danger of loss of natural, outdoor, recreational, or historic attributes of a significant portion of the land;
- (7) Economic value to the locality and region attributable to the purchase;
- (8) Advisory opinions from local governments, state agencies, or others; ~~and~~
- (9) Whether the property has been identified by ConserveVirginia and whether the proposal seeks to preserve the conservation values identified by ConserveVirginia; *and*
- (10) *Whether the property is in an area lacking outdoor recreation facilities;*

b. Develop an inventory of those properties in which the Commonwealth holds a legal interest for the purpose set forth in subsection A of § 10.1-1020;

c. Develop a needs assessment for future expenditures from the Fund. In developing the needs assessment, the Board of Trustees shall consider among others the properties identified in the following: (i) ConserveVirginia, (ii) Virginia Outdoors Plan, (iii) Virginia Natural Heritage Plan, (iv) Virginia Institute of Marine Science Inventory, (v) Virginia Joint Venture Board of the North American Waterfowl Management Plan, and (vi) Virginia Board of Historic Resources Inventory. In addition, the Board shall consider any information submitted by the Department of Agriculture and Consumer Services on farmland preservation priorities and any information submitted by the Department of Forestry on forest land initiatives and inventories; and

d. Maintain the inventory and needs assessment on an annual basis.

2. To expend directly or allocate the funds received by the Foundation to the appropriate state agencies for the purpose of acquiring those properties or property interests selected by the Board of Trustees. In the case of restricted funds the Board's powers shall be limited by the provisions of § 10.1-1022.

3. To enter into contracts and agreements, as approved by the Attorney General, to accomplish the purposes of the Foundation.

4. To receive and expend gifts, grants and donations from whatever source to further the purposes set forth in subsection B of § 10.1-1020.

5. To sell, exchange or otherwise dispose of or invest as it deems proper the moneys, securities, or other real or personal property or any interest therein given or bequeathed to it, unless such action is restricted by the terms of a gift or bequest. However, the provisions of § 10.1-1704 shall apply to any diversion from open-space use of any land given or bequeathed to the Foundation.

6. To conduct fund-raising events as deemed appropriate by the Board of Trustees.

7. To do any and all lawful acts necessary or appropriate to carry out the purposes for which the Foundation and Fund are established.

CHAPTER 706

An Act to amend and reenact § 63.2-1805 of the Code of Virginia, relating to assisted living facilities; involuntary discharge.

[S 40]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 63.2-1805 of the Code of Virginia is amended and reenacted as follows:****§ 63.2-1805. Admissions and discharge; mandatory minimum liability insurance.****A. The Board shall adopt regulations:**

1. Governing admissions to assisted living facilities;

2. Requiring that each assisted living facility prepare and provide a statement, in a format prescribed by the Department, to any prospective resident and his legal representative, if any, prior to admission and upon request, that discloses information, fully and accurately in plain language, about the (i) services; (ii) fees, including clear information about what services are included in the base fee and any fees for additional services; (iii) admission, transfer, and discharge criteria, including criteria for transfer to another level of care within the same facility or complex; (iv) general number and qualifications of staff on each shift; (v) range, frequency, and number of activities provided for residents; and (vi) ownership structure of the facility;

3. Establishing a process to ensure that each resident admitted or retained in an assisted living facility receives appropriate services and periodic independent reassessments and reassessments when there is a significant change in the resident's condition in order to determine whether a resident's needs can continue to be met by the facility and whether continued placement in the facility is in the best interests of the resident;

4. Governing appropriate discharge planning for residents whose care needs can no longer be met by the facility;

5. Addressing the involuntary discharge of residents. *Such regulations shall provide that residents may be involuntarily discharged only (i) in accordance with Board regulations, provided that the assisted living facility has met the requirements of subsection B, as applicable, and the assisted living facility has made reasonable efforts to meet the needs of the resident; (ii) for nonpayment of contracted charges, provided that the resident has been given at least 30 days to cure the delinquency after notice was provided to the resident and the resident's legal representative or designated contact person of such nonpayment; (iii) for the resident's failure to substantially comply with the terms and conditions, as allowed by regulation, of the resident agreement between the resident and assisted living facility; (iv) if the assisted living facility closes in accordance with Board regulations; or (v) when the resident develops a condition or care need that is prohibited by subsection D or Board regulations. Unless an emergency discharge is necessary due to an immediate and serious risk to the health, safety, or welfare of the resident or others, the assisted living facility shall, prior to involuntarily discharging a resident, make reasonable efforts, as appropriate, to resolve any issues with the resident upon which the decision to discharge is based and document such efforts in the resident's file.*

In addition to providing the written discharge notice to the resident and the resident's legal representative or designated contact person, the assisted living facility shall provide a copy of the notice to the Department and the State Long-Term Care Ombudsman at least 30 days prior to an involuntary discharge unless an emergency discharge is necessary due to an immediate and serious risk to the health, safety, or welfare of the resident or others. Such notice of discharge shall include the reasons for discharge, the date on which the discharge will occur, and information regarding the resident's right to appeal, within the 30-day notice period, the assisted living facility's decision to discharge the resident.

In cases of an emergency discharge, such notice shall be provided as soon as possible, but no later than five days after the emergency discharge. Within five days after an emergency discharge, the written discharge notice shall be provided to the resident, the resident's legal representative or designated contact person, the Department, and the State Long-Term Care Ombudsman. A resident may appeal any discharge except discharges pursuant to clause (iv).

The Department shall provide the discharge notice form to be used by assisted living facilities to provide notice to a resident of the resident's right to appeal such facility's decision to discharge the resident, which shall also include information regarding the process for initiating an appeal, the number for a toll-free information line, a hearing request form, the facility's obligation to assist the resident in filing an appeal and provide, upon request, a postage prepaid envelope addressed to the Department, and a statement of the resident's right to continue to reside in the facility, free from retaliation, until the appeal has a final Department case decision unless the discharge is an emergency discharge or the resident has developed a condition or care need that is prohibited by subsection D or Board regulations. Where a resident has been removed under an emergency discharge and no longer resides in the facility, the resident retains the right to appeal.

Prior to involuntarily discharging a resident, the assisted living facility shall provide relocation assistance to the resident and the resident's legal representative in accordance with Board regulation. The Board shall adopt regulations that establish a process for appeals filed pursuant to this subdivision;

6. Requiring that residents are informed of their rights pursuant to § 63.2-1808 at the time of admission;

7. Establishing a process to ensure that any resident temporarily detained in a facility pursuant to §§ 37.2-809 through 37.2-813 is accepted back in the assisted living facility if the resident is not involuntarily admitted pursuant to §§ 37.2-814 through 37.2-819;

8. Requiring that each assisted living facility train all employees who are mandated to report adult abuse, neglect, or exploitation pursuant to § 63.2-1606 on such reporting procedures and the consequences for failing to make a required report;

9. Requiring that each assisted living facility prepare and provide a statement, in a format prescribed by the Board, to any resident or prospective resident and his legal representative, if any, and upon request, that discloses whether the assisted living facility maintains liability insurance in force to compensate residents or other individuals for injuries and losses from the negligent acts of the facility, provided that no facility shall state that liability insurance is in place unless such insurance provides a minimum amount of coverage as established by the Board;

10. Establishing the minimum amount of liability insurance coverage to be maintained by an assisted living facility for purposes of disclosure in accordance with subdivision 9; and

11. Requiring that all assisted living facilities disclose to each prospective resident, or his legal representative, in writing in a document provided to the prospective resident or his legal representative and as evidenced by the written acknowledgment of the resident or his legal representative on the same document, whether the facility has an on-site emergency electrical power source for the provision of electricity during an interruption of the normal electric power supply and, if the assisted living facility does have an on-site emergency electrical power source, (i) the items for which such on-site emergency electrical power source will supply power in the event of an interruption of the normal electric power supply and (ii) whether staff of the assisted living facility have been trained to maintain and operate such on-site emergency electrical power source to ensure the provision of electricity during an interruption of the normal electrical power supply. For the purposes of this subdivision, an on-site emergency electrical power supply shall include both permanent emergency electrical power supply sources and portable emergency electrical power sources, provided that such temporary electrical power supply source remains on the premises of the assisted living facility at all times. Written acknowledgement of the disclosure shall be represented by the signature or initials of the resident or his legal representative immediately following the on-site emergency electrical power source disclosure statement.

B. If there are observed behaviors or patterns of behavior indicative of mental illness, intellectual disability, substance abuse, or behavioral disorders, as documented in the uniform assessment instrument completed pursuant to § 63.2-1804, the facility administrator or designated staff member shall ensure that an evaluation of the individual is or has been conducted by a qualified professional as defined in regulations. If the evaluation indicates a need for mental health, developmental, substance abuse, or behavioral disorder services, the facility shall provide (i) a notification of the resident's need for such services to the authorized contact person of record when available and (ii) a notification of the resident's need for such services to the community services board or behavioral health authority established pursuant to Title 37.2 that serves the city or county in which the facility is located, or other appropriate licensed provider. The Department shall not take adverse action against a facility that has demonstrated and documented a continual good faith effort to meet the requirements of this subsection.

C. The Department shall not order the removal of a resident from an assisted living facility if (i) the resident, the resident's family, the resident's physician, and the facility consent to the resident's continued stay in the assisted living facility and (ii) the facility is capable of providing, obtaining, or arranging for the provision of necessary services for the resident, including, but not limited to, home health care or hospice care.

D. Notwithstanding the provisions of subsection C, assisted living facilities shall not admit or retain an individual with any of the following conditions or care needs:

1. Ventilator dependency.
2. Dermal ulcers III and IV, except those stage III ulcers that are determined by an independent physician to be healing.
3. Intravenous therapy or injections directly into the vein except for intermittent intravenous therapy managed by a health care professional licensed in Virginia or as permitted in subsection E.
4. Airborne infectious disease in a communicable state that requires isolation of the individual or requires special precautions by the caretaker to prevent transmission of the disease, including diseases such as tuberculosis and excluding infections such as the common cold.
5. Psychotropic medications without appropriate diagnosis and treatment plans.
6. Nasogastric tubes.
7. Gastric tubes except when the individual is capable of independently feeding himself and caring for the tube or as permitted in subsection E.
8. An imminent physical threat or danger to self or others is presented by the individual.
9. Continuous licensed nursing care (seven-days-a-week, 24-hours-a-day) is required by the individual.
10. Placement is no longer appropriate as certified by the individual's physician.
11. Maximum physical assistance is required by the individual as documented by the uniform assessment instrument and the individual meets Medicaid nursing facility level-of-care criteria as defined in the State Plan for Medical Assistance, unless the individual's independent physician determines otherwise. Maximum physical assistance means that an individual has a rating of total dependence in four or more of the seven activities of daily living as documented on the uniform assessment instrument.
12. The assisted living facility determines that it cannot meet the individual's physical or mental health care needs.
13. Other medical and functional care needs that the Board determines cannot be met properly in an assisted living facility.

E. Except for auxiliary grant recipients, at the request of the resident in an assisted living facility and when his independent physician determines that it is appropriate, (i) care for the conditions or care needs defined in subdivisions D 3 and D 7 may be provided to the resident by a licensed physician, a licensed nurse or a nurse holding a multistate licensure privilege under a physician's treatment plan, or a home care organization licensed in Virginia or (ii) care for the conditions or care needs defined in subdivision D 7 may also be provided to the resident by facility staff if the care is delivered in accordance with the regulations of the Board of Nursing for delegation by a registered nurse Part VIII (18VAC90-20-420 et seq.) of 18VAC90-20.

The Board shall adopt regulations to implement the provisions of this subsection.

F. In adopting regulations pursuant to subsections A, B, C, D, and E, the Board shall consult with the Departments of Health and Behavioral Health and Developmental Services.

CHAPTER 707

An Act to amend the Code of Virginia by adding in Title 30 a chapter numbered 64, consisting of sections numbered 30-409 through 30-413, relating to School Health Services Committee; report.

[S 62]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 30 a chapter numbered 64, consisting of sections numbered 30-409 through 30-413, as follows:

CHAPTER 64.

SCHOOL HEALTH SERVICES COMMITTEE.

§ 30-409. School Health Services Committee; purpose.

The School Health Services Committee (the Committee) is established in the legislative branch of state government. The purpose of the Committee is to review and provide advice to the General Assembly and other policy makers regarding proposals that require local school boards to offer certain health services in a school setting. The Committee shall submit its findings and recommendations to the General Assembly and the Governor by October 1 of each year.

§ 30-410. Membership; terms; quorum; meetings.

A. The Committee shall have a total membership of 15 members that shall consist of 8 legislative members, five nonlegislative citizen members, and two ex officio members. Members shall be appointed as follows: three members of the Senate, each of whom shall be a member of the Senate Committee on Education and Health, to be appointed by the Senate Committee on Rules; five members of the House of Delegates, each of whom shall be a member of either the House Committee on Health, Welfare and Institutions or a member of the House Committee on Education, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; three nonlegislative citizen members, one of whom shall be an educator at a public school in the Commonwealth, one of whom shall be a school nurse at a public school in the Commonwealth, and one of whom shall be a public health expert, to be appointed by the Senate Committee on Rules; and two nonlegislative citizen members, one of whom shall be an educator at a public school in the Commonwealth and one of whom shall be a public health expert, to be appointed by the Speaker of the House of Delegates. The Superintendent of Public Instruction and the State Health Commissioner, or their designees, shall serve ex officio with nonvoting privileges. Nonlegislative citizen members of the Committee shall be citizens of the Commonwealth. Unless otherwise approved in writing by the chairman of the Committee and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth for the purpose of attending meetings.

Legislative members and ex officio members of the Committee shall serve terms coincident with their terms of office.

Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed.

Nonlegislative citizen members shall be appointed for a term of two years.

The Committee shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

B. A majority of the members shall constitute a quorum. The meetings of the Committee shall be held at the call of the chairman or whenever the majority of the members so request.

No recommendation of the Committee shall be adopted if a majority of the Senate members or a majority of the House members appointed to the Committee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Committee.

§ 30-411. Compensation; expenses; annual report.

Legislative members of the Committee shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Compensation to members of the General Assembly for attendance at official meetings of the Committee shall be paid by the offices of the Clerk of the House of Delegates or Clerk of the Senate, as applicable. All other

compensation and expenses shall be paid from existing appropriations to the Committee or, if unfunded, shall be approved by the Joint Rules Committee.

The Committee shall submit to the General Assembly and the Governor an annual report for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports. The chairman of the Committee shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Committee no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

§ 30-412. Staffing.

Administrative staff support shall be provided by the Office of the Clerk of the Senate or the Office of the Clerk of the House of Delegates as may be appropriate for the house in which the chairman of the Committee serves. The Division of Legislative Services shall provide legal, research, policy analysis, and other services as requested by the Committee.

§ 30-413. Sunset.

This chapter shall expire on July 1, 2025.

2. That, for its first year of existence, if the School Health Services Committee (the Committee) is not funded by a separate appropriation in the appropriation act, the Committee may be funded from the operating budgets of the Clerk of the Senate and the Clerk of the House of Delegates upon the approval of the Joint Rules Committee. If the Committee is not funded by a separate appropriation in the appropriation act for any year thereafter, this chapter shall expire on July 1 of the fiscal year in which the Committee fails to receive such funding.

CHAPTER 708

An Act to amend and reenact §§ 22.1-205 and 46.2-1702 of the Code of Virginia, relating to Board of Education; driver education programs; parent/student driver education.

[S 78]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-205 and 46.2-1702 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-205. Driver education programs.

A. The Board of Education shall establish for the public school system a standardized program of driver education in the safe operation of motor vehicles. Such program shall consist of classroom training and behind-the-wheel driver training. However, any student who participates in such a program of driver education shall meet the academic requirements established by the Board, and no student in a course shall be permitted to operate a motor vehicle without a license or other document issued by the Department of Motor Vehicles under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, or the comparable law of another jurisdiction, authorizing the operation of a motor vehicle upon the highways.

1. The driver education program shall include (i) instruction concerning (a) alcohol and drug abuse; (b) aggressive driving; (c) the dangers of distracted driving and speeding; (d) motorcycle awareness; (e) organ and tissue donor awareness; (f) fuel-efficient driving practices; and (g) traffic stops, including law-enforcement procedures for traffic stops, appropriate actions to be taken by drivers during traffic stops, and appropriate interactions with law-enforcement officers who initiate traffic stops, and (ii) ~~in Planning District 8, an additional minimum 90-minute parent/student driver education component. The additional parent/student driver education component may be provided to students outside Planning District 8, at the discretion of each local school board as part of the classroom portion of the driver education curriculum. However, in any school division in which the parent/student driver education component is required,~~ no student who is (1) at least 18 years of age, (2) an emancipated minor, or (3) an unaccompanied minor who is not in the physical custody of his parent or guardian shall be required to participate in ~~such the~~ parent/student driver education component.

2. The parent/student driver education component shall be administered as part of the classroom portion of the driver education curriculum. In Planning District 8, the parent/student driver education component shall be administered in-person. Outside Planning District 8, the parent/student driver education component may be administered either in-person or online by a public school or a driver training ~~schools~~ school that ~~are~~ is licensed as a computer-based driver education ~~providers~~ provider. ~~For students in Planning District 8 and those students in school divisions that offer the parent/student driver education component who are not otherwise exempted from participation in the parent/student driver education component pursuant to the provisions of subdivision 1, the~~ The participation of the student's parent or guardian in the parent/student driver education component shall be required in Planning District 8 unless the student is otherwise exempted from participation in the parent/student driver education component pursuant to the provisions of subdivision 1. Outside Planning District 8, the participation of the student's parent or guardian in the parent/student driver education component shall be encouraged, but shall not be required; ~~and the~~. The program shall emphasize (i) parental responsibilities regarding juvenile driver behavior, (ii) juvenile driving restrictions pursuant to ~~the this~~ Code of Virginia, and, (iii) the dangers of driving while intoxicated and underage consumption of alcohol, and (iv) the dangers of distracted driving. Such instruction shall be developed by the Department in cooperation with the Virginia Alcohol Safety Action Program, the Department of

Health, and the Department of Behavioral Health and Developmental Services, as appropriate. Nothing in this subdivision precludes any school division ~~outside Planning District 8~~ from including a program of parental involvement as part of a driver education program in addition to ~~or as an alternative to~~ the minimum 90-minute parent/student driver education component.

3. Any driver education program shall require a minimum number of miles driven during the behind-the-wheel driver training.

B. The Board shall assist school divisions by preparation, publication and distribution of competent driver education instructional materials to ensure a more complete understanding of the responsibilities and duties of motor vehicle operators.

C. Each school board shall determine whether to offer the program of driver education in the safe operation of motor vehicles and, if offered, whether such program shall be an elective or a required course. In addition to the fee approved by the Board of Education pursuant to the appropriation act that allows local school boards to charge a per pupil fee for behind-the-wheel driver education, the Board of Education may authorize a local school board's request to assess a surcharge in order to further recover program costs that exceed state funds distributed through basic aid to school divisions offering driver education programs. Each school board may waive the fee or the surcharge in total or in part for those students it determines cannot pay the fee or surcharge. Only school divisions complying with the standardized program and regulations established by the Board of Education and the provisions of § 46.2-335 shall be entitled to participate in the distribution of state funds appropriated for driver education.

~~School boards in Planning District 8~~ Each school board shall make the 90-minute parent/student driver education component available to all students and their parents or guardians who are in compliance with § 22.1-254.

D. The actual initial driving instruction shall be conducted, with motor vehicles equipped as may be required by regulation of the Board of Education, on private or public property removed from public highways if practicable; if impracticable, then, at the request of the school board, the Commissioner of Highways shall designate a suitable section of road near the school to be used for such instruction. Such section of road shall be marked with signs, which the Commissioner of Highways shall supply, giving notice of its use for driving instruction. Such signs shall be removed at the close of the instruction period. No vehicle other than those used for driver training shall be operated between such signs at a speed in excess of 25 miles per hour. Violation of this limit shall be a Class 4 misdemeanor.

E. The Board of Education may, in its discretion, promulgate regulations for the use and certification of paraprofessionals as teaching assistants in the driver education programs of school divisions.

F. The Board of Education shall approve correspondence courses for the classroom training component of driver education. These correspondence courses shall be consistent in quality with instructional programs developed by the Board for classroom training in the public schools. Students completing the correspondence courses for classroom training, who are eligible to take behind-the-wheel driver training, may receive behind-the-wheel driver training (i) from a public school, upon payment of the required fee, if the school division offers behind-the-wheel driver training and space is available, (ii) from a driver training school licensed by the Department of Motor Vehicles, or (iii) in the case of a home schooling parent or guardian instructing his own child who meets the requirements for home school instruction under § 22.1-254.1 or subdivision B 1 of § 22.1-254, from a behind-the-wheel training course approved by the Board. Nothing herein shall be construed to require any school division to provide behind-the-wheel driver training to nonpublic school students.

§ 46.2-1702. Certification of driver education courses by Commissioner.

Notwithstanding any other provision of law, the Commissioner shall have the authority to approve as a driver education course satisfying the requirements of § 46.2-334 any course which is offered by any driver training school licensed under the provisions of this chapter if he finds that the course is of comparable content and quality to that offered in the Commonwealth's public schools. In making such finding, the Commissioner shall not require that the instructors of any driver training school meet the certification requirements of teachers in the Commonwealth's public schools.

Any comprehensive community college within the Virginia Community College System shall have the authority to offer the courses required by the Virginia Board of Education to become a certified driver education instructor in Virginia on a not-for-credit basis so long as the courses include the same content and curriculum required by the Department of Education, enabling individuals who complete those courses to then teach driver's education in Virginia driver education training schools upon official certification by the Department of Motor Vehicles. The Virginia Department of Education shall provide the curriculum, content, and other information regarding the courses required to become certified driver education instructors in Virginia to any comprehensive community college within the Virginia Community College System. The content of each course must be accurate and rigorous and must meet the requirements for the Department of Education's Curriculum and Administrative Guide for Driver's Education, which includes the Board of Education's standards of learning.

Except for schools in the Commonwealth's public school system and providers of correspondence courses approved by the Board of Education pursuant to subsection F of § 22.1-205, only those driver training schools that are licensed as computer-based driver education providers shall be authorized to administer computer-based driver education courses, including the parent/student driver education component of the driver education curriculum as established in § 22.1-205. The content and quality of such computer-based driver education courses shall be comparable to that of courses offered in the Commonwealth's public schools. The Commissioner may establish minimum standards for testing students who have enrolled in computer-based driver education courses. Such standards may include (i) requirements for the test site;

(ii) verification that the person taking the test is the person enrolled in the course; (iii) verification of the identity of the student using photo identification approved by the Commissioner; and (iv) maintenance of a log containing the name and title of the licensed instructor monitoring the test, the test date, the name of the student taking the test, and the student's time-in and time-out of the test site. Computer-based driver education providers shall not issue a certificate of completion to a student prior to receiving proof of completion of the additional minimum 90-minute parent/student driver education component pursuant to § 22.1-205.

Any driver training school licensed under the provisions of this chapter shall be authorized to provide the 90-minute parent/student driver education component of the driver education curriculum pursuant to § 22.1-205. Only public schools and those driver training schools that are licensed as computer-based driver education providers shall be authorized to administer the parent/student driver education component of the driver education curriculum through a virtual, computer-based program. Completion of such education component shall satisfy the requirement for the additional 90-minute parent/student driver education component so long as there is participation of the student's parent or guardian and the content provided is comparable to that which is offered in the Commonwealth's public schools and emphasizes (a) parental responsibilities regarding juvenile driver behavior, (b) juvenile driving restrictions pursuant to this Code, ~~and~~ (c) the dangers of driving while intoxicated and underage consumption of alcohol, *and (d) the dangers of distracted driving.*

The Commissioner shall have authority to approve any driver education course offered by any Class A licensee if he finds the course meets the requirements for such courses as set forth in this chapter and as otherwise established by the Department. Class A licensees shall not be permitted to administer behind-the-wheel examinations unless authorized pursuant to § 46.2-326.1. Driver education courses offered by any Class B licensee shall be based on the driver education curriculum currently approved by the Department of Education and the Department.

The Commissioner may accept, in lieu of requirements established by the Department of Education for instructor qualification, (1) 20 years' service with the Virginia Department of State Police by a law-enforcement officer who retired or resigned while in good standing from such Department or (2)(i) 20 years' service as a traffic enforcement officer with patrol experience with any local police department by a law-enforcement officer who has been certified by the Virginia Department of Criminal Justice Services pursuant to § 15.2-1706, (ii) who retired or resigned while in good standing from such department, and (iii) who has been certified to teach driver training by the Virginia Department of Criminal Justice Services.

CHAPTER 709

An Act to amend and reenact § 54.1-2901 of the Code of Virginia, relating to Department of Behavioral Health and Developmental Services licensed programs; cardiopulmonary resuscitation for program participants.

[S 100]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2901 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2901. Exceptions and exemptions generally.

A. The provisions of this chapter shall not prevent or prohibit:

1. Any person entitled to practice his profession under any prior law on June 24, 1944, from continuing such practice within the scope of the definition of his particular school of practice;

2. Any person licensed to practice naturopathy prior to June 30, 1980, from continuing such practice in accordance with regulations promulgated by the Board;

3. Any licensed nurse practitioner from rendering care in accordance with the provisions of §§ 54.1-2957 and 54.1-2957.01, any nurse practitioner licensed by the Boards of Medicine and Nursing in the category of certified nurse midwife practicing pursuant to subsection H of § 54.1-2957, or any nurse practitioner licensed by the Boards of Medicine and Nursing in the category of clinical nurse specialist practicing pursuant to subsection J of § 54.1-2957 when such services are authorized by regulations promulgated jointly by the Boards of Medicine and Nursing;

4. Any registered professional nurse, licensed nurse practitioner, graduate laboratory technician or other technical personnel who have been properly trained from rendering care or services within the scope of their usual professional activities which shall include the taking of blood, the giving of intravenous infusions and intravenous injections, and the insertion of tubes when performed under the orders of a person licensed to practice medicine or osteopathy, a nurse practitioner, or a physician assistant;

5. Any dentist, pharmacist or optometrist from rendering care or services within the scope of his usual professional activities;

6. Any practitioner licensed or certified by the Board from delegating to personnel supervised by him, such activities or functions as are nondiscretionary and do not require the exercise of professional judgment for their performance and which are usually or customarily delegated to such persons by practitioners of the healing arts, if such activities or functions are authorized by and performed for such practitioners of the healing arts and responsibility for such activities or functions is assumed by such practitioners of the healing arts;

7. The rendering of medical advice or information through telecommunications from a physician licensed to practice medicine in Virginia or an adjoining state, or from a licensed nurse practitioner, to emergency medical personnel acting in an emergency situation;
8. The domestic administration of family remedies;
9. The giving or use of massages, steam baths, dry heat rooms, infrared heat or ultraviolet lamps in public or private health clubs and spas;
10. The manufacture or sale of proprietary medicines in this Commonwealth by licensed pharmacists or druggists;
11. The advertising or sale of commercial appliances or remedies;
12. The fitting by nonitinerant persons or manufacturers of artificial eyes, limbs or other apparatus or appliances or the fitting of plaster cast counterparts of deformed portions of the body by a nonitinerant bracemaker or prosthetist for the purpose of having a three-dimensional record of the deformity, when such bracemaker or prosthetist has received a prescription from a licensed physician, licensed nurse practitioner, or licensed physician assistant directing the fitting of such casts and such activities are conducted in conformity with the laws of Virginia;
13. Any person from the rendering of first aid or medical assistance in an emergency in the absence of a person licensed to practice medicine or osteopathy under the provisions of this chapter;
14. The practice of the religious tenets of any church in the ministrations to the sick and suffering by mental or spiritual means without the use of any drug or material remedy, whether gratuitously or for compensation;
15. Any legally qualified out-of-state or foreign practitioner from meeting in consultation with legally licensed practitioners in this Commonwealth;
16. Any practitioner of the healing arts licensed or certified and in good standing with the applicable regulatory agency in another state or Canada when that practitioner of the healing arts is in Virginia temporarily and such practitioner has been issued a temporary authorization by the Board from practicing medicine or the duties of the profession for which he is licensed or certified (i) in a summer camp or in conjunction with patients who are participating in recreational activities, (ii) while participating in continuing educational programs prescribed by the Board, or (iii) by rendering at any site any health care services within the limits of his license, voluntarily and without compensation, to any patient of any clinic which is organized in whole or in part for the delivery of health care services without charge as provided in § 54.1-106;
17. The performance of the duties of any active duty health care provider in active service in the army, navy, coast guard, marine corps, air force, or public health service of the United States at any public or private health care facility while such individual is so commissioned or serving and in accordance with his official military duties;
18. Any masseur, who publicly represents himself as such, from performing services within the scope of his usual professional activities and in conformance with state law;
19. Any person from performing services in the lawful conduct of his particular profession or business under state law;
20. Any person from rendering emergency care pursuant to the provisions of § 8.01-225;
21. Qualified emergency medical services personnel, when acting within the scope of their certification, and licensed health care practitioners, when acting within their scope of practice, from following Durable Do Not Resuscitate Orders issued in accordance with § 54.1-2987.1 and Board of Health regulations, or licensed health care practitioners from following any other written order of a physician not to resuscitate a patient in the event of cardiac or respiratory arrest;
22. Any commissioned or contract medical officer of the army, navy, coast guard or air force rendering services voluntarily and without compensation while deemed to be licensed pursuant to § 54.1-106;
23. Any provider of a chemical dependency treatment program who is certified as an "acupuncture detoxification specialist" by the National Acupuncture Detoxification Association or an equivalent certifying body, from administering auricular acupuncture treatment under the appropriate supervision of a National Acupuncture Detoxification Association certified licensed physician or licensed acupuncturist;
24. Any employee of any assisted living facility who is certified in cardiopulmonary resuscitation (CPR) acting in compliance with the patient's individualized service plan and with the written order of the attending physician not to resuscitate a patient in the event of cardiac or respiratory arrest;
25. Any person working as a health assistant under the direction of a licensed medical or osteopathic doctor within the Department of Corrections, the Department of Juvenile Justice or local correctional facilities;
26. Any employee of a school board, authorized by a prescriber and trained in the administration of insulin and glucagon, when, upon the authorization of a prescriber and the written request of the parents as defined in § 22.1-1, assisting with the administration of insulin or administering glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia;
27. Any practitioner of the healing arts or other profession regulated by the Board from rendering free health care to an underserved population of Virginia who (i) does not regularly practice his profession in Virginia, (ii) holds a current valid license or certificate to practice his profession in another state, territory, district or possession of the United States, (iii) volunteers to provide free health care to an underserved area of the Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization that sponsors the provision of health care to populations of underserved people, (iv) files a copy of the license or certification issued in such other jurisdiction with the Board, (v) notifies the Board at least five business days prior to the voluntary provision of services of the dates and location of such service, and (vi) acknowledges, in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations,

during the limited period that such free health care is made available through the volunteer, nonprofit organization on the dates and at the location filed with the Board. The Board may deny the right to practice in Virginia to any practitioner of the healing arts whose license or certificate has been previously suspended or revoked, who has been convicted of a felony or who is otherwise found to be in violation of applicable laws or regulations. However, the Board shall allow a practitioner of the healing arts who meets the above criteria to provide volunteer services without prior notice for a period of up to three days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state;

28. Any registered nurse, acting as an agent of the Department of Health, from obtaining specimens of sputum or other bodily fluid from persons in whom the diagnosis of active tuberculosis disease, as defined in § 32.1-49.1, is suspected and submitting orders for testing of such specimens to the Division of Consolidated Laboratories or other public health laboratories, designated by the State Health Commissioner, for the purpose of determining the presence or absence of tubercle bacilli as defined in § 32.1-49.1;

29. Any physician of medicine or osteopathy or nurse practitioner from delegating to a registered nurse under his supervision the screening and testing of children for elevated blood-lead levels when such testing is conducted (i) in accordance with a written protocol between the physician or nurse practitioner and the registered nurse and (ii) in compliance with the Board of Health's regulations promulgated pursuant to §§ 32.1-46.1 and 32.1-46.2. Any follow-up testing or treatment shall be conducted at the direction of a physician or nurse practitioner;

30. Any practitioner of one of the professions regulated by the Board of Medicine who is in good standing with the applicable regulatory agency in another state or Canada from engaging in the practice of that profession when the practitioner is in Virginia temporarily with an out-of-state athletic team or athlete for the duration of the athletic tournament, game, or event in which the team or athlete is competing;

31. Any person from performing state or federally funded health care tasks directed by the consumer, which are typically self-performed, for an individual who lives in a private residence and who, by reason of disability, is unable to perform such tasks but who is capable of directing the appropriate performance of such tasks; ~~or~~

32. Any practitioner of one of the professions regulated by the Board of Medicine who is in good standing with the applicable regulatory agency in another state from engaging in the practice of that profession in Virginia with a patient who is being transported to or from a Virginia hospital for care; *and*

33. *Any employee of a program licensed by the Department of Behavioral Health and Developmental Services who is certified in cardiopulmonary resuscitation from acting in compliance with a program participant's valid written order not to resuscitate issued in accordance with § 54.1-2987.1 if such valid written order not to resuscitate is included in the program participant's individualized service plan.*

B. Notwithstanding any provision of law or regulation to the contrary, military medical personnel, as defined in § 2.2-2001.4, while participating in a program established by the Department of Veterans Services pursuant to § 2.2-2001.4, may practice under the supervision of a licensed physician or podiatrist or the chief medical officer of an organization participating in such program, or his designee who is a licensee of the Board and supervising within his scope of practice.

2. That the Department of Behavioral Health and Developmental Services shall develop and distribute to providers guidance regarding compliance with a program participant's valid written order not to resuscitate, in accordance with this act, by program employees certified in cardiopulmonary resuscitation.

CHAPTER 710

An Act to direct the Department of Corrections to convene a work group to study use of restorative housing in correctional facilities; report.

[S 108]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Department of Corrections (the Department) shall convene a work group to study the use of restorative housing within state correctional facilities and juvenile correctional centers, including the length of time each inmate is kept in restorative housing and the purposes for which inmates are placed in restorative housing. As a part of such study, the Department shall facilitate confidential interviews between work group members and at least 25 persons currently incarcerated in a state correctional facility who are currently or who have within the past 12 months been placed in restorative housing units or other units within the state correctional facility under conditions of isolated or restrictive confinement, provided that such persons are not the subject of or involved in pending litigation with the Department, and confidential interviews with existing staff and facility officials as requested by the work group. The work group shall make recommendations of its findings, including how to safely reduce or end the use of restorative housing that lasts longer than 14 days and criteria to be considered when a determination is made that placement in restorative housing should last longer than 14 days. The work group shall be composed of at least one licensed clinical psychologist, at least three formerly incarcerated individuals, each of whom was placed in restorative housing during his term of incarceration, and at least three representatives from each of the following agencies or groups: (i) the Department, (ii) the Department of Juvenile Justice, and (iii) the Virginia Coalition on Solitary Confinement. The work group shall report its findings and recommendations to the Chairmen of the House Committee on Public Safety and the Senate Committee on Rehabilitation and Social Services by December 1, 2022.*

CHAPTER 711

An Act to direct the Department of Energy to identify the volume and number of waste coal piles.

[S 120]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Department of Energy (the Department), in cooperation with the public institutions of higher education serving the coalfield region of the Commonwealth, shall identify the approximate volume and number of waste coal piles present in the coalfield region of the Commonwealth and options for cleaning up such waste coal piles, including the use of waste coal in generation of electricity. The Department shall also collaborate with other states in which waste coal piles are located that are members of the Appalachian Regional Commission to identify best practices for cleaning up waste coal piles. The Department shall report its findings and any recommendations to the Chairmen of the Senate Committee on Commerce and Labor, the Senate Committee on Agriculture, Conservation and Natural Resources, the House Committee on Commerce and Energy, and the House Committee on Agriculture, Chesapeake and Natural Resources by December 1, 2022. For purposes of this act, "waste coal" means usable material that is a by-product of previous coal processing operations.*

§ 2. *The Department of Energy shall convene a working group, including, as appropriate, representatives from the Department of Environmental Quality, the Virginia Department of Transportation's Transportation Research Council, and other stakeholders, to evaluate the opportunities for the development of public infrastructure projects at current or proposed sites for the storage of coal ash in the Commonwealth. The working group shall report its findings and any recommendations to the Chairmen of the Senate Committee on Commerce and Labor, the Senate Committee on Agriculture, Conservation and Natural Resources, the Senate Committee on Transportation, the House Committee on Commerce and Energy, the House Committee on Agriculture, Chesapeake and Natural Resources, and the House Committee on Transportation by December 1, 2022.*

CHAPTER 712

An Act to amend and reenact §§ 32.1-102.2 and 32.1-127 of the Code of Virginia, relating to public health emergency; hospitals and nursing homes; addition of beds.

[S 130]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. **That §§ 32.1-102.2 and 32.1-127 of the Code of Virginia are amended and reenacted as follows:**

§ 32.1-102.2. Regulations.

A. The Board shall promulgate regulations that are consistent with this article and:

1. Shall establish concise procedures for the prompt review of applications for certificates consistent with the provisions of this article which may include a structured batching process which incorporates, but is not limited to, authorization for the Commissioner to request proposals for certain projects. In any structured batching process established by the Board, applications, combined or separate, for computed tomographic (CT) scanning, magnetic resonance imaging (MRI), positron emission tomographic (PET) scanning, radiation therapy, stereotactic radiotherapy other than radiotherapy performed using a linear accelerator or other medical equipment that uses concentrated doses of high-energy X-rays to perform external beam radiation therapy, and proton beam therapy shall be considered in the radiation therapy batch. A single application may be filed for a combination of (i) radiation therapy, stereotactic radiotherapy other than radiotherapy performed using a linear accelerator or other medical equipment that uses concentrated doses of high-energy X-rays to perform external beam radiation therapy, and proton beam therapy and (ii) any or all of the computed tomographic (CT) scanning, magnetic resonance imaging (MRI), and positron emission tomographic (PET) scanning;

2. May classify projects and may eliminate one or more or all of the procedures prescribed in § 32.1-102.6 for different classifications;

3. May provide for exempting from the requirement of a certificate projects determined by the Commissioner, upon application for exemption, to be subject to the economic forces of a competitive market or to have no discernible impact on the cost or quality of health services;

4. May establish a schedule of fees for applications for certificates or registration of a project to be applied to expenses for the administration and operation of the Certificate of Public Need Program;

5. Shall establish an expedited application and review process for any certificate for projects reviewable pursuant to subdivision B 8 of § 32.1-102.1:3. Regulations establishing the expedited application and review procedure shall include provisions for notice and opportunity for public comment on the application for a certificate, and criteria pursuant to which an application that would normally undergo the review process would instead undergo the full certificate of public need review process set forth in § 32.1-102.6;

6. Shall establish an exemption from the requirement for a certificate *for a project involving a temporary increase in the total number of beds in an existing hospital or nursing home, including a temporary increase in the total number of beds*

resulting from the addition of beds at a temporary structure or satellite location operated by the hospital or nursing home, provided that the ability remains to safely staff services across the existing hospital or nursing home, (i) for a period of no more than the duration of the Commissioner's determination plus 30 days; for projects involving a temporary increase in the total number of beds in an existing hospital or nursing home when the Commissioner has determined that a natural or man-made disaster has caused the evacuation of a hospital or nursing home and that a public health emergency exists due to a shortage of hospital or nursing home beds or (ii) for a period of no more than the duration of the emergency order entered pursuant to § 32.1-13 or 32.1-20 plus 30 days when the Board, pursuant to § 32.1-13, or the Commissioner, pursuant to § 32.1-20, has entered an emergency order for the purpose of suppressing a nuisance dangerous to public health or a communicable, contagious, or infectious disease or other danger to the public life and health; and

7. Shall require every medical care facility subject to the requirements of this article, other than a nursing home, that is not a medical care facility for which a certificate with conditions imposed pursuant to subsection B of § 32.1-102.4 has been issued and that provides charity care, as defined in § 32.1-102.1, to annually report the amount of charity care provided.

B. The Board shall promulgate regulations providing for time limitations for schedules for completion and limitations on the exceeding of the maximum capital expenditure amount for all reviewable projects. The Commissioner shall not approve any such extension or excess unless it complies with the Board's regulations. However, the Commissioner may approve a significant change in cost for an approved project that exceeds the authorized capital expenditure by more than 20 percent, provided the applicant has demonstrated that the cost increases are reasonable and necessary under all the circumstances and do not result from any material expansion of the project as approved.

C. The Board shall also promulgate regulations authorizing the Commissioner to condition approval of a certificate on the agreement of the applicant to provide a level of charity care to indigent persons or accept patients requiring specialized care. Such regulations shall include a methodology and formulas for uniform application of, active measuring and monitoring of compliance with, and approval of alternative plans for satisfaction of such conditions. In addition, the Board's licensure regulations shall direct the Commissioner to condition the issuing or renewing of any license for any applicant whose certificate was approved upon such condition on whether such applicant has complied with any agreement to provide a level of charity care to indigent persons or accept patients requiring specialized care. Except in the case of nursing homes, the value of charity care provided to individuals pursuant to this subsection shall be based on the provider reimbursement methodology utilized by the Centers for Medicare and Medicaid Services for reimbursement under Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq.

D. The Board shall also promulgate regulations to require the registration of a project; for introduction into an existing medical care facility of any new lithotripsy, stereotactic radiosurgery, stereotactic radiotherapy performed using a linear accelerator or other medical equipment that uses concentrated doses of high-energy X-rays to perform external beam radiation therapy, obstetrical, or nuclear imaging services that the facility has never provided or has not provided in the previous 12 months; and for the addition by an existing medical care facility of any medical equipment for lithotripsy, stereotactic radiosurgery, stereotactic radiotherapy performed using a linear accelerator or other medical equipment that uses concentrated doses of high-energy X-rays to perform external beam radiation therapy, or nuclear imaging services. Replacement of existing equipment for lithotripsy, stereotactic radiosurgery, stereotactic radiotherapy other than radiotherapy performed using a linear accelerator or other medical equipment that uses concentrated doses of high-energy X-rays to perform external beam radiation therapy, or nuclear imaging services shall not require registration. Such regulations shall include provisions for (i) establishing the agreement of the applicant to provide a level of care in services or funds that matches the average percentage of indigent care provided in the appropriate health planning region and to participate in Medicaid at a reduced rate to indigents, (ii) obtaining accreditation from a nationally recognized accrediting organization approved by the Board for the purpose of quality assurance, and (iii) reporting utilization and other data required by the Board to monitor and evaluate effects on health planning and availability of health care services in the Commonwealth.

§ 32.1-127. Regulations.

A. The regulations promulgated by the Board to carry out the provisions of this article shall be in substantial conformity to the standards of health, hygiene, sanitation, construction and safety as established and recognized by medical and health care professionals and by specialists in matters of public health and safety, including health and safety standards established under provisions of Title XVIII and Title XIX of the Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.).

B. Such regulations:

1. Shall include minimum standards for (i) the construction and maintenance of hospitals, nursing homes and certified nursing facilities to ensure the environmental protection and the life safety of its patients, employees, and the public; (ii) the operation, staffing and equipping of hospitals, nursing homes and certified nursing facilities; (iii) qualifications and training of staff of hospitals, nursing homes and certified nursing facilities, except those professionals licensed or certified by the Department of Health Professions; (iv) conditions under which a hospital or nursing home may provide medical and nursing services to patients in their places of residence; and (v) policies related to infection prevention, disaster preparedness, and facility security of hospitals, nursing homes, and certified nursing facilities;

2. Shall provide that at least one physician who is licensed to practice medicine in this Commonwealth shall be on call at all times, though not necessarily physically present on the premises, at each hospital which operates or holds itself out as operating an emergency service;

3. May classify hospitals and nursing homes by type of specialty or service and may provide for licensing hospitals and nursing homes by bed capacity and by type of specialty or service;

4. Shall also require that each hospital establish a protocol for organ donation, in compliance with federal law and the regulations of the Centers for Medicare and Medicaid Services (CMS), particularly 42 C.F.R. § 482.45. Each hospital shall have an agreement with an organ procurement organization designated in CMS regulations for routine contact, whereby the provider's designated organ procurement organization certified by CMS (i) is notified in a timely manner of all deaths or imminent deaths of patients in the hospital and (ii) is authorized to determine the suitability of the decedent or patient for organ donation and, in the absence of a similar arrangement with any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks, the suitability for tissue and eye donation. The hospital shall also have an agreement with at least one tissue bank and at least one eye bank to cooperate in the retrieval, processing, preservation, storage, and distribution of tissues and eyes to ensure that all usable tissues and eyes are obtained from potential donors and to avoid interference with organ procurement. The protocol shall ensure that the hospital collaborates with the designated organ procurement organization to inform the family of each potential donor of the option to donate organs, tissues, or eyes or to decline to donate. The individual making contact with the family shall have completed a course in the methodology for approaching potential donor families and requesting organ or tissue donation that (a) is offered or approved by the organ procurement organization and designed in conjunction with the tissue and eye bank community and (b) encourages discretion and sensitivity according to the specific circumstances, views, and beliefs of the relevant family. In addition, the hospital shall work cooperatively with the designated organ procurement organization in educating the staff responsible for contacting the organ procurement organization's personnel on donation issues, the proper review of death records to improve identification of potential donors, and the proper procedures for maintaining potential donors while necessary testing and placement of potential donated organs, tissues, and eyes takes place. This process shall be followed, without exception, unless the family of the relevant decedent or patient has expressed opposition to organ donation, the chief administrative officer of the hospital or his designee knows of such opposition, and no donor card or other relevant document, such as an advance directive, can be found;

5. Shall require that each hospital that provides obstetrical services establish a protocol for admission or transfer of any pregnant woman who presents herself while in labor;

6. Shall also require that each licensed hospital develop and implement a protocol requiring written discharge plans for identified, substance-abusing, postpartum women and their infants. The protocol shall require that the discharge plan be discussed with the patient and that appropriate referrals for the mother and the infant be made and documented. Appropriate referrals may include, but need not be limited to, treatment services, comprehensive early intervention services for infants and toddlers with disabilities and their families pursuant to Part H of the Individuals with Disabilities Education Act, 20 U.S.C. § 1471 et seq., and family-oriented prevention services. The discharge planning process shall involve, to the extent possible, the other parent of the infant and any members of the patient's extended family who may participate in the follow-up care for the mother and the infant. Immediately upon identification, pursuant to § 54.1-2403.1, of any substance-abusing, postpartum woman, the hospital shall notify, subject to federal law restrictions, the community services board of the jurisdiction in which the woman resides to appoint a discharge plan manager. The community services board shall implement and manage the discharge plan;

7. Shall require that each nursing home and certified nursing facility fully disclose to the applicant for admission the home's or facility's admissions policies, including any preferences given;

8. Shall require that each licensed hospital establish a protocol relating to the rights and responsibilities of patients which shall include a process reasonably designed to inform patients of such rights and responsibilities. Such rights and responsibilities of patients, a copy of which shall be given to patients on admission, shall be consistent with applicable federal law and regulations of the Centers for Medicare and Medicaid Services;

9. Shall establish standards and maintain a process for designation of levels or categories of care in neonatal services according to an applicable national or state-developed evaluation system. Such standards may be differentiated for various levels or categories of care and may include, but need not be limited to, requirements for staffing credentials, staff/patient ratios, equipment, and medical protocols;

10. Shall require that each nursing home and certified nursing facility train all employees who are mandated to report adult abuse, neglect, or exploitation pursuant to § 63.2-1606 on such reporting procedures and the consequences for failing to make a required report;

11. Shall permit hospital personnel, as designated in medical staff bylaws, rules and regulations, or hospital policies and procedures, to accept emergency telephone and other verbal orders for medication or treatment for hospital patients from physicians, and other persons lawfully authorized by state statute to give patient orders, subject to a requirement that such verbal order be signed, within a reasonable period of time not to exceed 72 hours as specified in the hospital's medical staff bylaws, rules and regulations or hospital policies and procedures, by the person giving the order, or, when such person is not available within the period of time specified, co-signed by another physician or other person authorized to give the order;

12. Shall require, unless the vaccination is medically contraindicated or the resident declines the offer of the vaccination, that each certified nursing facility and nursing home provide or arrange for the administration to its residents of (i) an annual vaccination against influenza and (ii) a pneumococcal vaccination, in accordance with the most recent

recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention;

13. Shall require that each nursing home and certified nursing facility register with the Department of State Police to receive notice of the registration, reregistration, or verification of registration information of any person required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 within the same or a contiguous zip code area in which the home or facility is located, pursuant to § 9.1-914;

14. Shall require that each nursing home and certified nursing facility ascertain, prior to admission, whether a potential patient is required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, if the home or facility anticipates the potential patient will have a length of stay greater than three days or in fact stays longer than three days;

15. Shall require that each licensed hospital include in its visitation policy a provision allowing each adult patient to receive visits from any individual from whom the patient desires to receive visits, subject to other restrictions contained in the visitation policy including, but not limited to, those related to the patient's medical condition and the number of visitors permitted in the patient's room simultaneously;

16. Shall require that each nursing home and certified nursing facility shall, upon the request of the facility's family council, send notices and information about the family council mutually developed by the family council and the administration of the nursing home or certified nursing facility, and provided to the facility for such purpose, to the listed responsible party or a contact person of the resident's choice up to six times per year. Such notices may be included together with a monthly billing statement or other regular communication. Notices and information shall also be posted in a designated location within the nursing home or certified nursing facility. No family member of a resident or other resident representative shall be restricted from participating in meetings in the facility with the families or resident representatives of other residents in the facility;

17. Shall require that each nursing home and certified nursing facility maintain liability insurance coverage in a minimum amount of \$1 million, and professional liability coverage in an amount at least equal to the recovery limit set forth in § 8.01-581.15, to compensate patients or individuals for injuries and losses resulting from the negligent or criminal acts of the facility. Failure to maintain such minimum insurance shall result in revocation of the facility's license;

18. Shall require each hospital that provides obstetrical services to establish policies to follow when a stillbirth, as defined in § 32.1-69.1, occurs that meet the guidelines pertaining to counseling patients and their families and other aspects of managing stillbirths as may be specified by the Board in its regulations;

19. Shall require each nursing home to provide a full refund of any unexpended patient funds on deposit with the facility following the discharge or death of a patient, other than entrance-related fees paid to a continuing care provider as defined in § 38.2-4900, within 30 days of a written request for such funds by the discharged patient or, in the case of the death of a patient, the person administering the person's estate in accordance with the Virginia Small Estates Act (§ 64.2-600 et seq.);

20. Shall require that each hospital that provides inpatient psychiatric services establish a protocol that requires, for any refusal to admit (i) a medically stable patient referred to its psychiatric unit, direct verbal communication between the on-call physician in the psychiatric unit and the referring physician, if requested by such referring physician, and prohibits on-call physicians or other hospital staff from refusing a request for such direct verbal communication by a referring physician and (ii) a patient for whom there is a question regarding the medical stability or medical appropriateness of admission for inpatient psychiatric services due to a situation involving results of a toxicology screening, the on-call physician in the psychiatric unit to which the patient is sought to be transferred to participate in direct verbal communication, either in person or via telephone, with a clinical toxicologist or other person who is a Certified Specialist in Poison Information employed by a poison control center that is accredited by the American Association of Poison Control Centers to review the results of the toxicology screen and determine whether a medical reason for refusing admission to the psychiatric unit related to the results of the toxicology screen exists, if requested by the referring physician;

21. Shall require that each hospital that is equipped to provide life-sustaining treatment shall develop a policy governing determination of the medical and ethical appropriateness of proposed medical care, which shall include (i) a process for obtaining a second opinion regarding the medical and ethical appropriateness of proposed medical care in cases in which a physician has determined proposed care to be medically or ethically inappropriate; (ii) provisions for review of the determination that proposed medical care is medically or ethically inappropriate by an interdisciplinary medical review committee and a determination by the interdisciplinary medical review committee regarding the medical and ethical appropriateness of the proposed health care; and (iii) requirements for a written explanation of the decision reached by the interdisciplinary medical review committee, which shall be included in the patient's medical record. Such policy shall ensure that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 (a) are informed of the patient's right to obtain his medical record and to obtain an independent medical opinion and (b) afforded reasonable opportunity to participate in the medical review committee meeting. Nothing in such policy shall prevent the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 from obtaining legal counsel to represent the patient or from seeking other remedies available at law, including seeking court review, provided that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986, or legal counsel provides written notice to the chief executive officer of the hospital within 14 days of the date on which the physician's determination that proposed medical treatment is medically or ethically inappropriate is documented in the patient's medical record;

22. Shall require every hospital with an emergency department to establish protocols to ensure that security personnel of the emergency department, if any, receive training appropriate to the populations served by the emergency department, which may include training based on a trauma-informed approach in identifying and safely addressing situations involving patients or other persons who pose a risk of harm to themselves or others due to mental illness or substance abuse or who are experiencing a mental health crisis;

23. Shall require that each hospital establish a protocol requiring that, before a health care provider arranges for air medical transportation services for a patient who does not have an emergency medical condition as defined in 42 U.S.C. § 1395dd(e)(1), the hospital shall provide the patient or his authorized representative with written or electronic notice that the patient (i) may have a choice of transportation by an air medical transportation provider or medically appropriate ground transportation by an emergency medical services provider and (ii) will be responsible for charges incurred for such transportation in the event that the provider is not a contracted network provider of the patient's health insurance carrier or such charges are not otherwise covered in full or in part by the patient's health insurance plan;

24. Shall establish an exemption; ~~for a period of no more than 30 days~~, from the requirement to obtain a license to add temporary beds in an existing hospital or nursing home, *including beds located in a temporary structure or satellite location operated by the hospital or nursing home, provided that the ability remains to safely staff services across the existing hospital or nursing home, (i) for a period of no more than the duration of the Commissioner's determination plus 30 days* when the Commissioner has determined that a natural or man-made disaster has caused the evacuation of a hospital or nursing home and that a public health emergency exists due to a shortage of hospital or nursing home beds or (ii) *for a period of no more than the duration of the emergency order entered pursuant to § 32.1-13 or 32.1-20 plus 30 days when the Board, pursuant to § 32.1-13, or the Commissioner, pursuant to § 32.1-20, has entered an emergency order for the purpose of suppressing a nuisance dangerous to public health or a communicable, contagious, or infectious disease or other danger to the public life and health;*

25. Shall establish protocols to ensure that any patient scheduled to receive an elective surgical procedure for which the patient can reasonably be expected to require outpatient physical therapy as a follow-up treatment after discharge is informed that he (i) is expected to require outpatient physical therapy as a follow-up treatment and (ii) will be required to select a physical therapy provider prior to being discharged from the hospital;

26. Shall permit nursing home staff members who are authorized to possess, distribute, or administer medications to residents to store, dispense, or administer cannabis oil to a resident who has been issued a valid written certification for the use of cannabis oil in accordance with subsection B of § 54.1-3408.3 and has registered with the Board of Pharmacy;

27. Shall require each hospital with an emergency department to establish a protocol for the treatment and discharge of individuals experiencing a substance use-related emergency, which shall include provisions for (i) appropriate screening and assessment of individuals experiencing substance use-related emergencies to identify medical interventions necessary for the treatment of the individual in the emergency department and (ii) recommendations for follow-up care following discharge for any patient identified as having a substance use disorder, depression, or mental health disorder, as appropriate, which may include, for patients who have been treated for substance use-related emergencies, including opioid overdose, or other high-risk patients, (a) the dispensing of naloxone or other opioid antagonist used for overdose reversal pursuant to subsection X of § 54.1-3408 at discharge or (b) issuance of a prescription for and information about accessing naloxone or other opioid antagonist used for overdose reversal, including information about accessing naloxone or other opioid antagonist used for overdose reversal at a community pharmacy, including any outpatient pharmacy operated by the hospital, or through a community organization or pharmacy that may dispense naloxone or other opioid antagonist used for overdose reversal without a prescription pursuant to a statewide standing order. Such protocols may also provide for referrals of individuals experiencing a substance use-related emergency to peer recovery specialists and community-based providers of behavioral health services, or to providers of pharmacotherapy for the treatment of drug or alcohol dependence or mental health diagnoses;

28. During a public health emergency related to COVID-19, shall require each nursing home and certified nursing facility to establish a protocol to allow each patient to receive visits, consistent with guidance from the Centers for Disease Control and Prevention and as directed by the Centers for Medicare and Medicaid Services and the Board. Such protocol shall include provisions describing (i) the conditions, including conditions related to the presence of COVID-19 in the nursing home, certified nursing facility, and community, under which in-person visits will be allowed and under which in-person visits will not be allowed and visits will be required to be virtual; (ii) the requirements with which in-person visitors will be required to comply to protect the health and safety of the patients and staff of the nursing home or certified nursing facility; (iii) the types of technology, including interactive audio or video technology, and the staff support necessary to ensure visits are provided as required by this subdivision; and (iv) the steps the nursing home or certified nursing facility will take in the event of a technology failure, service interruption, or documented emergency that prevents visits from occurring as required by this subdivision. Such protocol shall also include (a) a statement of the frequency with which visits, including virtual and in-person, where appropriate, will be allowed, which shall be at least once every 10 calendar days for each patient; (b) a provision authorizing a patient or the patient's personal representative to waive or limit visitation, provided that such waiver or limitation is included in the patient's health record; and (c) a requirement that each nursing home and certified nursing facility publish on its website or communicate to each patient or the patient's authorized representative, in writing or via electronic means, the nursing home's or certified nursing facility's plan for providing visits to patients as required by this subdivision;

29. Shall require each hospital, nursing home, and certified nursing facility to establish and implement policies to ensure the permissible access to and use of an intelligent personal assistant provided by a patient, in accordance with such regulations, while receiving inpatient services. Such policies shall ensure protection of health information in accordance with the requirements of the federal Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. § 1320d et seq., as amended. For the purposes of this subdivision, "intelligent personal assistant" means a combination of an electronic device and a specialized software application designed to assist users with basic tasks using a combination of natural language processing and artificial intelligence, including such combinations known as "digital assistants" or "virtual assistants"; and

30. During a declared public health emergency related to a communicable disease of public health threat, shall require each hospital, nursing home, and certified nursing facility to establish a protocol to allow patients to receive visits from a rabbi, priest, minister, or clergy of any religious denomination or sect consistent with guidance from the Centers for Disease Control and Prevention and the Centers for Medicare and Medicaid Services and subject to compliance with any executive order, order of public health, Department guidance, or any other applicable federal or state guidance having the effect of limiting visitation. Such protocol may restrict the frequency and duration of visits and may require visits to be conducted virtually using interactive audio or video technology. Any such protocol may require the person visiting a patient pursuant to this subdivision to comply with all reasonable requirements of the hospital, nursing home, or certified nursing facility adopted to protect the health and safety of the person, patients, and staff of the hospital, nursing home, or certified nursing facility.

C. Upon obtaining the appropriate license, if applicable, licensed hospitals, nursing homes, and certified nursing facilities may operate adult day care centers.

D. All facilities licensed by the Board pursuant to this article which provide treatment or care for hemophiliacs and, in the course of such treatment, stock clotting factors, shall maintain records of all lot numbers or other unique identifiers for such clotting factors in order that, in the event the lot is found to be contaminated with an infectious agent, those hemophiliacs who have received units of this contaminated clotting factor may be apprised of this contamination. Facilities which have identified a lot that is known to be contaminated shall notify the recipient's attending physician and request that he notify the recipient of the contamination. If the physician is unavailable, the facility shall notify by mail, return receipt requested, each recipient who received treatment from a known contaminated lot at the individual's last known address.

E. Hospitals in the Commonwealth may enter into agreements with the Department of Health for the provision to uninsured patients of naloxone or other opioid antagonists used for overdose reversal.

CHAPTER 713

An Act to amend and reenact § 58.1-3970.1 of the Code of Virginia, relating to delinquent tax lands; disposition.

[S 142]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3970.1 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3970.1. Appointment of special commissioner to execute title to certain real estate with delinquent taxes or liens to localities.

A. 1. Except as provided in subsection B, in any proceedings under this article for the sale of a parcel or parcels of real estate ~~which~~ *that* meet all of the following: (i) each parcel has delinquent real estate taxes or the locality has a lien against the parcel for removal, repair, or securing of a building or structure; removal of trash, garbage, refuse, *or* litter; or the cutting of grass, weeds, or other foreign growth; (ii) each parcel has an assessed value of \$75,000 or less; and (iii) (a) such taxes and liens, together, including penalty and accumulated interest, exceed 50 percent of the assessed value of the parcel ~~or~~, (b) such taxes alone exceed 25 percent of the assessed value of the parcel, *or* (c) *for parcels containing a structure that is a derelict building, as that term is defined in § 15.2-907.1, such taxes and liens, together, including penalty and accumulated interest, exceed 25 percent of the assessed value of the parcel,* the locality may petition the circuit court to appoint a special commissioner to execute the necessary deed or deeds to convey the real estate ~~to the locality in lieu of the sale at public auction,~~ *in lieu of the sale at public auction, to the locality, to the locality's land bank entity, or to an existing nonprofit entity designated by the locality to carry out the functions of a land bank entity pursuant to § 15.2-7512.* After notice as required by this article, service of process, and upon answer filed by the owner or other parties in interest to the bill in equity, the court shall allow the parties to present evidence and arguments, *ore tenus*, prior to the appointment of the special commissioner. Any surplusage accruing to a locality, *land bank entity, or existing nonprofit entity* as a result of the sale of the parcel or parcels after the receipt of the deed shall be payable to the beneficiaries of any liens against the property and to the former owner, his heirs or assigns in accordance with § 58.1-3967. No deficiency shall be charged against the owner after conveyance to the locality, *land bank entity, or existing nonprofit entity.*

2. *A land bank entity or existing nonprofit entity receiving any parcel pursuant to this section shall either (i) sell the property to a third party in an arms-length transaction or, if the land bank entity or existing nonprofit entity develops the property before selling it, make such sale within a reasonable period of time after completing such development or (ii) if the land bank entity or existing nonprofit entity does not intend to sell the property, pay to the beneficiaries of any liens against*

the property and to the former owner, his heirs or assigns any amount of surplusage, if any, that would result if the property were sold and the proceeds distributed in accordance with § 58.1-3967. For purposes of this section, "existing nonprofit entity" and "land bank entity" have the same meaning as those terms are defined in § 15.2-7500.

B. For a parcel or parcels of real estate in a locality with a score of 100 or higher on the fiscal stress index, as published by the Department of Housing and Community Development in July 2020, all of the provisions of subsection A shall apply except (i) that the percentage of taxes and liens, together, including penalty and accumulated interest, and the percentage of taxes alone set forth in ~~clause clauses~~ (iii) (a) and (b) of subsection A shall exceed 35 percent and 15 percent, respectively, of the assessed value of the parcel or parcels or (ii) that the percentage of taxes and liens, together, including penalty and accumulated interest, and the percentage of taxes alone set forth in ~~clause clauses~~ (iii) (a) and (b) of subsection A shall exceed 20 percent and 10 percent, respectively, of the assessed value of the parcel or parcels, and each parcel has an assessed value of \$150,000 or less, provided that under this clause the property is not an occupied dwelling, and the locality enters into an agreement for sale of the parcel to a nonprofit organization to renovate or construct a single-family dwelling on the parcel for sale to a person or persons to reside in the dwelling whose income is below the area median income.

C. For sales by a nonprofit organization pursuant to subsection B, such sales may include either (i) both the land and the structural improvements on a property or (ii) only the structural improvements of a property and not the land the structural improvements are located on. A sale of only the structural improvements is permissible only if (a) the structural improvements are subject to a ground lease with a community land trust, as that term is defined in § 55.1-1200; (b) the structural improvements are subject to a ground lease that has a term of at least 90 years; and (c) the community land trust retains a preemptive option to purchase such structural improvements at a price determined by a formula that is designed to ensure that the improvements remain affordable in perpetuity to low-income and moderate-income families earning less than 120 percent of the area median income, adjusted for family size.

CHAPTER 714

An Act to amend and reenact §§ 8.01-626, 8.01-671, 8.01-675.3, 8.01-675.6, 8.01-676.1, 17.1-403, 17.1-405, 17.1-408, 19.2-321.1, and 19.2-321.2 of the Code of Virginia, relating to the Court of Appeals of Virginia; emergency.

[S 143]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-626, 8.01-671, 8.01-675.3, 8.01-675.6, 8.01-676.1, 17.1-403, 17.1-405, 17.1-408, 19.2-321.1, and 19.2-321.2 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-626. Review of injunction; petitions for review.

~~Wherein~~ When a circuit court (i) grants ~~an~~ a preliminary or permanent injunction ~~or~~, (ii) refuses ~~such~~ an injunction ~~or~~, (iii) having granted ~~such~~ an injunction, dissolves or refuses to enlarge it, ~~or~~ (iv) enters an order reviewable pursuant to subsection B of § 8.01-675.5, an aggrieved party may file a petition for review with the clerk of the Court of Appeals within 15 days of the circuit court's order. The clerk shall assign the petition to a three-judge panel of the Court of Appeals. The aggrieved party shall serve a copy of the petition for review on the counsel for the opposing party, which may file a response within seven days from the date of service unless the court determines a shorter time frame. The petition for review shall be accompanied by a copy of the proceedings, including the original papers and the court's order respecting the injunction. The court may take such action thereon as it considers appropriate under the circumstances of the case.

When the Court of Appeals has initially acted upon a petition for review ~~of an order of a circuit court respecting an injunction~~, a party aggrieved by such action of the Court of Appeals may, within 15 days of the order of the Court of Appeals, present a petition for review of such order to the clerk of the Supreme Court. The clerk shall assign the petition to a three-justice panel of the Supreme Court. The aggrieved party shall serve a copy of the petition for review on the counsel for the opposing party, which may file a response within seven days from the date of service unless the court determines a shorter time frame. The petition for review shall be accompanied by a copy of the proceedings before the circuit court, including the original papers and the circuit court's order respecting the injunction, and a copy of the order of the Court of Appeals from which review is sought. The Supreme Court may take such action thereon as it considers appropriate under the circumstances of the case.

Nothing in this section shall be construed to prevent the Court of Appeals or the Supreme Court from resolving a petition for review by an order joined by more than ~~one judge three judges~~ or ~~justice justices~~. ~~An order issued by a justice of the Supreme Court does not become a judgment of the court except on the concurrence of at least three justices, as provided in § 17.1-308.~~

§ 8.01-671. Time within which petition must be presented.

A. In cases where an appeal is permitted from the trial court to the Supreme Court, no petition shall be presented for an appeal to the Supreme Court from any final judgment, whether the Commonwealth be a party or not, that was rendered more than 90 days before the petition is presented, provided that an extension may be granted, in the discretion of the Supreme Court, ~~in order to attain the ends of justice on motion for good cause shown.~~

B. No appeal to the Supreme Court from a decision of the Court of Appeals shall be granted unless a petition for appeal is filed within 30 days after the date of the decision appealed from. However, an extension may be granted, in the discretion of the court, ~~in order to attain the ends of justice~~ *on motion for good cause shown.*

§ 8.01-675.3. Time within which appeal must be taken; notice.

Except as provided in § 19.2-400 for pretrial appeals by the Commonwealth in criminal cases and in § 19.2-401 for cross appeals by the defendant in such pretrial appeals, a notice of appeal to the Court of Appeals in any case within the jurisdiction of the court shall be filed within 30 days from the date of any final judgment order, decree, or conviction. When an appeal from an interlocutory decree or order is permitted, the notice of appeal shall be filed within 30 days from the date of such decree or order, except for pretrial appeals pursuant to § 19.2-398. However, an extension may be granted, in the discretion of the Court of Appeals, ~~in order to attain the ends of justice~~ *on motion for good cause shown.*

For purposes of this section, § 17.1-408, and an appeal pursuant to § 19.2-398, a petition for appeal in a criminal case or a notice of appeal to the Court of Appeals, shall be deemed to be timely filed if (i) it is mailed postage prepaid by registered or certified mail and (ii) the official postal receipt, showing mailing within the prescribed time limits, is exhibited upon demand of the clerk or any party.

§ 8.01-675.6. Jurisdictional amount.

No ~~petition appeal~~ shall be ~~presented for an appeal~~ *taken* from any judgment of a circuit court except ~~in cases in which~~ *when* the controversy is for a matter of \$500 or more in value or amount, and except in cases in which it is otherwise expressly provided; nor to a judgment of any circuit court *in a civil case* when the controversy is for a matter less in value or amount than \$500, exclusive of costs, unless there be drawn in question a freehold or franchise or the title or bounds of land, or some other matter not merely pecuniary.

§ 8.01-676.1. Security for appeal.

A. Security for costs of appeal of right to Court of Appeals in civil cases. — A party filing a notice of an appeal of right to the Court of Appeals in a civil case shall simultaneously file an appeal bond or irrevocable letter of credit in the penalty of \$500, or such sum as the trial court may require, subject to subsection E, conditioned upon paying all costs and fees incurred in the Court of Appeals and the Supreme Court if it takes cognizance of the claim. If the appellant wishes suspension of execution in a civil appeal, the security shall also be conditioned and shall be in such sum as the trial court may require as provided in subsection C.

A1. Security for costs or suspension in criminal cases. — An appeal bond or letter of credit is not required in criminal appeals as security for costs. A suspension bond is not required in criminal appeals.

B. Security for costs on petition for appeal to Court of Appeals or Supreme Court. — An appellant whose petition for appeal is granted by the Court of Appeals or the Supreme Court shall (if he has not done so) within 15 days from the date of the Certificate of Appeal file an appeal bond or irrevocable letter of credit in the same penalty as provided in subsection A, conditioned on the payment of all damages, costs, and fees incurred in the Court of Appeals and in the Supreme Court.

C. Security for suspension of execution. — An appellant who wishes execution of the judgment or award from which an appeal is sought to be suspended during the appeal shall, subject to the provisions of subsection J, file a suspending bond or irrevocable letter of credit conditioned upon the performance or satisfaction of the judgment and payment of all damages incurred in consequence of such suspension, and except as provided in subsection D, execution shall be suspended upon the filing of such security and the timely prosecution of such appeal. Such security shall be continuing and additional security shall not be necessary except as to any additional amount that may be added or to any additional requirement that may be imposed by the courts.

D. Suspension of execution in decrees for support and custody; injunctions. — The court from which an appeal is sought may refuse to suspend the execution of decrees for support and custody, and may also refuse suspension when a judgment refuses, grants, modifies, or dissolves an injunction.

E. Increase or decrease in penalty or other modification of security.

1. The trial court or commission may, upon the motion of any party (i) for good cause shown, modify the terms of the security for the appeal or of the security for the suspension of execution of a judgment and (ii) resolve any objection to the form or issuer of a bond or letter of credit at any time until the Court of Appeals or the Supreme Court acts upon any similar motion. Any party aggrieved by the decision of the trial court or commission may request a review of such decision by the appellate court before which the case is pending.

2. The Court of Appeals or the Supreme Court may order that the penalty or any other terms or requirements of the security for the appeal or of the security for the suspension of execution of a judgment be modified for good cause shown (i) upon the motion of any party or (ii) if such request is made in the brief of any party filed in the Court of Appeals, or in the Petition for Appeal or the appellee's Brief in Opposition filed in the Supreme Court or the Court of Appeals.

3. Affidavits and counter-affidavits may be filed by the parties containing facts pertinent to such request. Any increase or decrease in the amount of or other modification of the security so ordered shall be effected in the clerk's office of the trial court within 15 days of the order of the trial court, the Court of Appeals, or the Supreme Court.

4. If an increase so ordered is not effected within 15 days, the appeal shall be dismissed, in the case of the security required under subsection A or B, or the suspension of execution of a judgment shall be discontinued, in the case of the security required under subsection C.

F. By whom executed. — Each bond filed shall be executed by a party or another on his behalf, and by surety approved by the clerk of the court from which appeal is sought, or by the clerk of the Supreme Court or the clerk of the Court of

Appeals if the bond is ordered by such Court. Any letter of credit posted as security for an appeal shall be in a form acceptable to the clerk of the court from which appeal is sought, or by the clerk of the Supreme Court or the Court of Appeals if the security is ordered by such court. The letter of credit shall be from a bank incorporated or authorized to conduct banking business under the laws of this Commonwealth or authorized to do business in this Commonwealth under the banking laws of the United States, or a federally insured savings institution located in this Commonwealth.

G. Appeal from State Corporation Commission; security for costs. — When an appeal of right is entered from the State Corporation Commission to the Supreme Court, and no suspension of the order, judgment, or decree appealed from is requested, such appeal bond or letter of credit shall be filed when and in the amount required by the clerk of the Supreme Court, whose action shall be subject to review by the Supreme Court.

H. Appeal from State Corporation Commission; suspension. — Any judgment, order, or decree of the State Corporation Commission subject to appeal to the Supreme Court may be suspended by the Commission or by the Supreme Court pending decision of the appeal if the Commission or the Supreme Court deems such suspension necessary for the proper administration of justice but only upon the written application of an appellant after reasonable notice to all other parties in interest and the filing of a suspending bond or irrevocable letter of credit with such conditions, in such penalty, and with such surety thereon as the Commission or the Supreme Court may deem sufficient. But no surety shall be required if the appellant is any county, city or town of this Commonwealth, or the Commonwealth.

I. Forms of bonds; letters of credit; where filed. — The Clerk of the Supreme Court shall prescribe separate forms for bonds, one for costs alone, one for suspension of execution, and one for both and a form for irrevocable letters of credit, to which the bond or bonds or irrevocable letters of credit given shall substantially conform. The forms for each bond and the letter of credit shall be published in the Rules of Court. It shall be sufficient if the bond or letter of credit, when executed as required, is filed with the trial court, clerk of the Virginia Workers' Compensation Commission, or the clerk of the State Corporation Commission, whichever is applicable, and no personal appearance in the trial court, Virginia Workers' Compensation Commission, or State Corporation Commission by the principal, the surety on the bond or the bank issuing the letter of credit shall be required as a condition precedent to its filing.

J. In any civil litigation under any legal theory, the amount of the suspending bond or irrevocable letter of credit to be furnished during the pendency of all appeals or discretionary reviews of any judgment granting legal, equitable, or any other form of relief in order to stay the execution thereon during the entire course of appellate review by any courts shall be set in accordance with applicable laws or court rules, and the amount of the suspending bond or irrevocable letter of credit shall include an amount equivalent to one year's interest calculated from the date of the notice of appeal in accordance with § 8.01-682. However, the total suspending bond or irrevocable letter of credit that is required of an appellant and all of its affiliates shall not exceed \$25 million, regardless of the value of the judgment.

K. Dissipation of assets. — If the appellee proves by a preponderance of the evidence that a party bringing an appeal, for whom the suspending bond or irrevocable letter of credit requirement has been limited or waived, is purposefully dissipating its assets or diverting assets outside the jurisdiction of the United States courts for the purpose of evading the judgment, the limitation or waiver shall be rescinded and a court may require the appellant to post a suspending bond or irrevocable letter of credit in an amount up to the full amount of the judgment. Dissipation of assets shall not include those ongoing expenditures made from assets of the kind that the appellant made in the regular course of business prior to the judgment being appealed, such as the payment of stock dividends and other financial incentives to the shareholders of publicly owned companies, continued participation in charitable and civic activities, and other expenditures consistent with the exercise of good business judgment.

L. For good cause shown, a court may otherwise waive the filing of a suspending bond or irrevocable letter of credit as to the damages in excess of, or other than, the compensatory damages. Subject to the provisions of subsection K, the parties may agree to waive the requirement of a suspending bond or irrevocable letter of credit or agree to a suspending bond or irrevocable letter of credit in an amount less than the compensatory damages.

M. Exemption. — When an appeal is proper to protect the estate of a decedent or person under disability, or to protect the interest of the Commonwealth or any county, city, or town of this Commonwealth, no security for appeal shall be required.

N. Indigents. — No person who is an indigent shall be required to post security for an appeal bond.

O. Virginia Workers' Compensation Commission. — No claimant who files an appeal from a final decision of the Virginia Workers' Compensation Commission with the Court of Appeals shall be required to post security for costs as provided in subsection A if such claimant has not returned to his employment or by reason of his disability is unemployed. Such claimant shall file an affidavit describing his disability and employment status with the Court of Appeals together with a motion to waive the filing of the security under subsection A.

P. Time for filing security for appeal. — The appeal bond or letter of credit prescribed in subsections A and B is not jurisdictional and the time for filing such security in cases before the Court of Appeals or the Supreme Court may be extended by a judge or justice of the court before which the case is pending on motion for good cause shown ~~and to attain the ends of justice~~. The effect of failing to perfect an appeal bond shall be governed by the Rules of Supreme Court of Virginia.

Q. Consideration of appeal bond, suspending bond, or letter of credit by Court of Appeals or Supreme Court. — A determination on an issue affecting an appeal bond, suspending bond, or letter of credit in a case before the Court of Appeals or the Supreme Court may be considered by an individual judge of such court rather than by a panel of judges.

R. This section applies to injunction bonds required pursuant to § 8.01-631.

S. In accordance with § 1-205, if the party required to post an appeal or suspending bond tenders such bond together with cash in the full amount required by this section to the clerk specified in this section, no surety shall be required.

§ 17.1-403. Rules of practice, procedure, and internal processes; promulgation by Supreme Court; amendments; summary disposition of appeals.

The Supreme Court shall prescribe and publish the initial rules governing practice, procedure, and internal processes for the Court of Appeals designed to achieve the just, speedy, and inexpensive disposition of all litigation in that court consistent with the ends of justice and to maintain uniformity in the law of the Commonwealth. Before amending the rules thereafter, the Supreme Court shall receive and consider recommendations from the Court of Appeals. The rules shall prescribe procedures (i) authorizing the Court of Appeals to prescribe truncated record or appendix preparation and (ii) permitting the Court of Appeals to dispense with oral argument *if the parties agree that oral argument is not necessary or* if the panel has examined the briefs and record and unanimously agrees that oral argument is unnecessary because (a) the appeal is wholly without merit or (b) the dispositive issue or issues have been authoritatively decided, and the appellant has not argued that the case law should be overturned, extended, modified, or reversed.

§ 17.1-405. Appellate jurisdiction — Administrative agency, Virginia Workers' Compensation Commission, and civil matter appeals.

Unless otherwise provided by law, any aggrieved party may appeal to the Court of Appeals from:

1. Any final decision of a circuit court on appeal from (i) a decision of an administrative agency, or (ii) a grievance hearing decision issued pursuant to § 2.2-3005;
2. Any final decision of the Virginia Workers' Compensation Commission;
3. Except as provided in subsection B of § 17.1-406, any final judgment, order, or decree of a circuit court in a civil matter;
4. Any interlocutory decree or order pursuant to § 8.01-267.8, 8.01-626, or 8.01-675.5; ~~or~~
5. *Any interlocutory decree or order involving an equitable claim in which the decree or order (i) requires money to be paid or the possession or title of property to be changed or (ii) adjudicates the principles of a cause; or*
6. Any final judgment, order, or decree of a circuit court (i) involving an application for a concealed weapons permit pursuant to Article 6.1 (§ 18.2-307.1 et seq.) of Chapter 7 of Title 18.2, (ii) involving involuntary treatment of prisoners pursuant to § 53.1-40.1 or 53.1-133.04, or (iii) for declaratory or injunctive relief under § 57-2.02.

§ 17.1-408. Time for filing; notice; opening brief; petition.

The notice of appeal to the Court of Appeals shall be filed in every case within the court's appellate jurisdiction as provided in § 8.01-675.3. The opening brief in a criminal case shall be filed not more than 40 days after the filing of the record with the Court of Appeals. However, an extension may be granted in the discretion of the Court of Appeals ~~in order to attain the ends of justice on motion for good cause shown~~. In an appeal pursuant to subsection B or C of § 19.2-398, the petition for appeal shall be presented within the 40-day time limitation provided in this section.

Upon receiving a notice of appeal in a criminal case or, if notice of the appeal is received by the clerk prior to the entry of final judgment, upon entry of final judgment, the clerk of the circuit court shall cause a transcript to be prepared of the trial and any other circuit court proceedings, as requested by the appellant in the notice of appeal or by order of the circuit court, at the expense of the Commonwealth.

§ 19.2-321.1. Motion in the Court of Appeals for delayed appeal in criminal cases.

A. Filing and content of motion. When, due to the error, neglect, or fault of counsel representing the appellant, or of the court reporter, or of the circuit court or an officer or employee thereof, an appeal, in whole or in part, in a criminal case has (i) never been initiated; (ii) been dismissed for failure to adhere to proper form, procedures, or time limits in the perfection of the appeal; ~~or~~, (iii) *been dismissed in part because at least one assignment of error did not adhere to proper form of procedures, or (iv) the conviction has been affirmed the conviction*, for failure to file or timely file the indispensable transcript or written statement of facts as required by law or by the Rules of Supreme Court; then a motion for leave to pursue a delayed appeal may be filed in the Court of Appeals within six months after the appeal has been dismissed, the conviction has been affirmed, or the circuit court judgment sought to be appealed has become final, whichever is later. Such motion shall identify the circuit court and the style, date, and circuit court record number of the judgment sought to be appealed, and, if one was assigned in a prior attempt to appeal the judgment, shall give the Court of Appeals record number in that proceeding, and shall set forth the specific facts establishing the said error, neglect, or fault. If the error, neglect, or fault is alleged to be that of an attorney representing the appellant, the motion shall be accompanied by the affidavit of the attorney whose error, neglect, or fault is alleged, verifying the specific facts alleged in the motion, and certifying that the appellant is not personally responsible, in whole or in part, for the error, neglect, or fault causing loss of the original opportunity for appeal.

B. Service, response, and disposition. Such motion shall be served on the attorney for the Commonwealth and the Attorney General, in accordance with the Rules of Supreme Court. If the Commonwealth disputes the facts alleged in the motion, or contends that those facts do not entitle the appellant to a delayed appeal under this section, the motion shall be denied without prejudice to the appellant's right to seek a delayed appeal by means of petition for a writ of habeas corpus. Otherwise, the Court of Appeals shall, if the motion meets the requirements of this section, grant appellant leave to initiate or re-initiate pursuit of the appeal.

C. Time limits when motion granted. If the motion is granted, all computations of time under the Rules of Supreme Court shall run from the date of the order of the Court of Appeals granting the motion, or if the appellant has been determined to be indigent, from the date of the order by the circuit court appointing counsel to represent the appellant in the delayed appeal, whichever is later.

D. Applicability. The provisions of this section shall not apply to cases in which the appellant is responsible, in whole or in part, for the error, neglect, or fault causing loss of the original opportunity for appeal, nor shall it apply in cases where the claim of error, neglect, or fault has already been alleged and rejected in a prior judicial proceeding.

§ 19.2-321.2. Motion in the Supreme Court for delayed appeal in criminal cases.

A. Filing and content of motion. When, due to the error, neglect, or fault of counsel representing the appellant, or of the court reporter, or of the Court of Appeals or the circuit court or an officer or employee of either, an appeal from the Court of Appeals to the Supreme Court in a criminal case has (i) never been initiated; (ii) been dismissed for failure to adhere to proper form, procedures, or time limits in the perfection of the appeal; (iii) been dismissed in part because at least one assignment of error contained in the petition for appeal did not adhere to proper form or procedures; or (iv) been denied or the conviction has been affirmed; for failure to file or timely file the indispensable transcript or written statement of facts as required by law or by the Rules of Supreme Court; then a motion for leave to pursue a delayed appeal may be filed in the Supreme Court within six months after the appeal has been dismissed or denied, the conviction has been affirmed, or the Court of Appeals judgment sought to be appealed has become final, whichever is later. Such motion shall identify by the style, date, and Court of Appeals record number of the judgment sought to be appealed, and, if one was assigned in a prior attempt to appeal the judgment to the Supreme Court, shall give the record number assigned in the Supreme Court in that proceeding, and shall set forth the specific facts establishing the said error, neglect, or fault. If the error, neglect, or fault is alleged to be that of an attorney representing the appellant, the motion shall be accompanied by the affidavit of the attorney whose error, neglect, or fault is alleged, verifying the specific facts alleged in the motion, and certifying that the appellant is not personally responsible, in whole or in part, for the error, neglect, or fault causing loss of the original opportunity for appeal.

B. Service, response, and disposition. Such motion shall be served on the attorney for the Commonwealth and the Attorney General, in accordance with Rule 5:4 of the Supreme Court. If the Commonwealth disputes the facts alleged in the motion, or contends that those facts do not entitle the appellant to a delayed appeal under this section, the motion shall be denied without prejudice to the appellant's right to seek a delayed appeal by means of petition for a writ of habeas corpus. Otherwise, the Supreme Court shall, if the motion meets the requirements of this section, grant appellant leave to initiate or re-initiate pursuit of the appeal from the Court of Appeals to the Supreme Court.

C. Time limits when motion granted. If the motion is granted, all computations of time under the Rules of Supreme Court shall run from the date of the order of the Supreme Court granting the motion, or if the appellant has been determined to be indigent, from the date of the order by the circuit court appointing counsel to represent the appellant in the delayed appeal, whichever is later.

D. Applicability. The provisions of this section shall not apply to cases in which the appellant is responsible, in whole or in part, for the error, neglect, or fault causing loss of the original opportunity for appeal, nor shall it apply in cases where the claim of error, neglect, or fault has already been alleged and rejected in a prior judicial proceeding.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 715

An Act to amend and reenact § 46.2-1571 of the Code of Virginia, relating to motor vehicle dealers and manufacturers; compensation for recall, warranty, and maintenance obligations.

[S 216]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1571 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1571. Recall, warranty, maintenance and sales incentive obligations.

A. Each motor vehicle manufacturer, factory branch, distributor, or distributor branch shall (i) specify in writing to each of its motor vehicle dealers licensed in the Commonwealth the dealer's obligations for preparation, delivery, recall, and warranty service on its products and (ii) compensate the dealer for recall or warranty parts, service, and diagnostic work required of the dealer by the manufacturer or distributor as follows:

1. Compensation of a dealer for recall or warranty parts, service, and diagnostic work shall not be less than the amounts charged by the dealer for the manufacturer's or distributor's original parts, service, and diagnostic work to retail customers for nonwarranty service, parts, and diagnostic work installed or performed in the dealer's service department ~~unless the amounts are not reasonable~~, and the determination of compensation in accordance with the provisions of this section shall be deemed reasonable due to the substantial number of repair orders reviewed, unless the manufacturer can show that the amounts are not reasonable. All manufacturer or distributor compensated parts, service, diagnostic work, updates to a vehicle accessory or function, or initialization or repair of a vehicle part, system, accessory, or function performed by the dealer shall be subject to this subsection. Recall or warranty parts compensation shall be stated as a percentage of markup,

which shall be an agreed reasonable approximation of retail markup and which shall be uniformly applied to all of the manufacturer's or distributor's parts unless otherwise provided for in this section. If the dealer and manufacturer or distributor cannot agree on the recall or warranty parts compensation markup to be paid to the dealer, the markup shall be determined by an average of the dealer's retail markup on all of the manufacturer's or distributor's parts as described in subdivisions 2 and 3.

2. For purposes of determining recall or warranty parts and service compensation paid to a dealer by the manufacturer or distributor, *including body-shop repairs, only retail repair orders, or the retail portion of repair orders containing retail and non-retail operations, shall be considered. For the purposes of this section, "retail" does not include menu-priced parts or services, services and parts used in internal repairs paid by the dealer, group discounts, special event discounts, and special event promotions shall not be considered in determining amounts charged by the dealer to retail customers. For purposes of determining labor compensation for recall or warranty body shop repairs paid to a dealer by the manufacturer or distributor, internal and insurance-paid repairs shall not be considered in determining amounts charged by the dealer to retail customers, and insurance-paid repairs.*

3. Increases in dealer recall or warranty parts and service compensation and diagnostic work compensation, pursuant to this section, shall be requested by the dealer in writing, shall be based on 100 consecutive repair orders or all repair orders over a 90-day period, whichever occurs first, ~~and, in the case of parts,~~ *If any portion of a retail repair order includes amounts that are not retail, such portion shall be excluded. Compensation for parts shall be stated as a percentage of markup that shall be uniformly applied to all the manufacturer's or distributor's parts.*

4. In the case of recall or warranty parts compensation, the provisions of this subsection shall be effective only for model year 1992 and succeeding model years.

5. If a manufacturer or distributor furnishes a part to a dealer at no cost for use by the dealer in performing work for which the manufacturer or distributor is required to compensate the dealer under this section, the manufacturer or distributor shall compensate the dealer for the part in the same manner as recall or warranty parts compensation, less the wholesale costs, for such part as listed in the manufacturer's current price schedules. A manufacturer or distributor may pay the dealer a reasonable handling fee instead of the compensation otherwise required by this subsection for special high-performance complete engine assemblies in limited production motor vehicles that constitute less than five percent of model production furnished to the dealer at no cost, if the manufacturer or distributor excludes such special high-performance complete engine assemblies in determining whether the amounts requested by the dealer for recall or warranty compensation are consistent with the amounts that the dealer charges its other retail service customers for parts used by the dealer to perform similar work.

6. In the case of service work, manufacturer original parts or parts otherwise specified by the manufacturer or distributor, and parts provided by a dealer either pursuant to an adjustment program as defined in § 59.1-207.34 or as otherwise requested by the manufacturer or distributor, the dealer shall be compensated in the same manner as for recall or warranty service or parts.

This section does not apply to compensation for parts such as components, systems, fixtures, appliances, furnishings, accessories, and features that are designed, used, and maintained primarily for nonvehicular, residential purposes. Recall, warranty, and sales incentive audits of dealer records may be conducted by the manufacturer, factory branch, distributor, or distributor branch on a reasonable basis, and dealer claims for recall, warranty, or sales incentive compensation shall not be denied except for good cause, such as performance of nonwarranty repairs, lack of material documentation, fraud, or misrepresentation. A dealer's failure to comply with the specific requirements of the manufacturer or distributor for processing the claim shall not constitute grounds for the denial of the claim or reduction of the amount of compensation to the dealer as long as reasonable documentation or other evidence has been presented to substantiate the claim. The manufacturer, factory branch, distributor, or distributor branch shall not deny a claim or reduce the amount of compensation to the dealer for recall or warranty repairs to resolve a condition discovered by the dealer during the course of a separate repair requested by the customer or to resolve a condition on the basis of advice or recommendation by the dealer. Claims for dealer compensation shall be paid within 30 days of dealer submission or within 30 days of the end of an incentive program or rejected in writing for stated reasons. The manufacturer, factory branch, distributor, or distributor branch shall reserve the right to reasonable periodic audits to determine the validity of all such paid claims for dealer compensation. Any chargebacks for recall or warranty parts or service compensation and service incentives shall only be for the six-month period immediately following the date of the claim and, in the case of chargebacks for sales compensation only, for the six-month period immediately following the date of claim. However, such limitations shall not be effective if a manufacturer, factory branch, distributor, or distributor branch has reasonable cause to believe that a claim submitted by a dealer is intentionally false or fraudulent. For purposes of this section, "reasonable cause" means a bona fide belief based upon evidence that the material issues of fact are such that a person of ordinary caution, prudence, and judgment could believe that a claim was intentionally false or fraudulent. A dealer shall not be charged back or otherwise liable for sales incentives or charges related to a motor vehicle sold by the dealer to a purchaser other than a licensed, franchised motor vehicle dealer and subsequently exported or resold, unless the manufacturer, factory branch, distributor, or distributor branch can demonstrate by a preponderance of the evidence that the dealer should have known of and did not exercise due diligence in discovering the purchaser's intention to export or resell the motor vehicle.

B. It shall be unlawful for any motor vehicle manufacturer, factory branch, distributor, or distributor branch to:

1. Fail to perform any of its recall or warranty obligations, including tires, with respect to a motor vehicle;

2. Fail to assume all responsibility for any liability resulting from structural or production defects;
 3. Fail to include in written notices of factory recalls to vehicle owners and dealers the expected date by which necessary parts and equipment will be available to dealers for the correction of defects;
 4. Fail to compensate any of the motor vehicle dealers licensed in the Commonwealth for repairs effected by the dealer of merchandise damaged in manufacture or transit to the dealer where the carrier is designated by the manufacturer, factory branch, distributor, or distributor branch;
 5. Fail to fully compensate its motor vehicle dealers licensed in the Commonwealth for recall or warranty parts, work, and service pursuant to subsection A either by reduction in the amount due to the dealer or by separate charge, surcharge, or other imposition by which the motor vehicle manufacturer, factory branch, distributor, or distributor branch seeks to recover its costs of complying with subsection A, or for legal costs and expenses incurred by such dealers in connection with recall or warranty obligations for which the manufacturer, factory branch, distributor, or distributor branch is legally responsible or which the manufacturer, factory branch, distributor, or distributor branch imposes upon the dealer. *Failure to fully reimburse a dealer for the cost to the dealer of a rental vehicle provided to a customer as required, offered, advertised as available, or agreed to by the manufacturer or distributor shall be considered a violation of this subsection. Failure to provide compensation consistent with this section to a dealer for assistance requested by a customer whose vehicle was subjected to an over the air or remote change, repair, or update to any part, system, accessory, or function by the vehicle manufacturer or distributor and performed at the dealership to satisfy the customer shall be considered a violation of this subsection;*
 6. Misrepresent in any way to purchasers of motor vehicles that warranties with respect to the manufacture, performance, or design of the vehicle are made by the dealer, either as warrantor or co-warrantor;
 7. Require the dealer to make warranties to customers in any manner related to the manufacture, performance, or design of the vehicle;
 8. Shift or attempt to shift to the motor vehicle dealer, directly or indirectly, any liabilities of the manufacturer, factory branch, distributor or distributor branch under the Virginia Motor Vehicle Warranty Enforcement Act (§ 59.1-207.9 et seq.), unless such liability results from the act or omission by the dealer; ~~or~~
 9. Deny any dealer the right to return any part or accessory that the dealer has not sold within 12 months where the part or accessory was not obtained through a specific order initiated by the dealer but instead was specified for, sold to and shipped to the dealer pursuant to an automated ordering system, provided that such part or accessory is in the condition required for return to the manufacturer, factory branch, distributor, or distributor branch, and the dealer returns the part within 30 days of it becoming eligible under this subdivision. For purposes of this subdivision, an "automated ordering system" shall be a computerized system that automatically specifies parts and accessories for sale and shipment to the dealer without specific order thereof initiated by the dealer. The manufacturer, factory branch, distributor, or distributor branch shall not charge a restocking or handling fee for any part or accessory being returned under this subdivision. This subdivision shall not apply if the manufacturer, factory branch, distributor, or distributor branch has available to the dealer an alternate system for ordering parts and accessories that provides for shipment of ordered parts and accessories to the dealer within the same time frame as the dealer would receive them when ordered through the automated ordering system, *or*
 10. *When providing a new motor vehicle to a dealer for offer or sale to the public, fail to provide to such dealer a written disclosure that may be provided to a potential buyer of the new motor vehicle of each accessory or function of the vehicle that may be initiated, updated, changed, or maintained by the manufacturer or distributor through over the air or remote means, and the charge to the customer for such initiation, update, change, or maintenance. A manufacturer or distributor may comply with this subdivision by notifying the dealer that such information is available on a website or by other digital means.*
- C. Notwithstanding the terms of any franchise, it shall be unlawful for any motor vehicle manufacturer, factory branch, distributor, or distributor branch to fail to indemnify and hold harmless its motor vehicle dealers against any losses or damages arising out of complaints, claims, or suits relating to the manufacture, assembly, or design of motor vehicles, parts, or accessories, or other functions by the manufacturer, factory branch, distributor, or distributor branch beyond the control of the dealer, including, without limitation, the selection by the manufacturer, factory branch, distributor, or distributor branch of parts or components for the vehicle or any damages to merchandise occurring in transit to the dealer where the carrier is designated by the manufacturer, factory branch, distributor, or distributor branch. The dealer shall notify the manufacturer of pending suits in which allegations are made that come within this subsection whenever reasonably practicable to do so. Every motor vehicle dealer franchise issued to, amended, or renewed for motor vehicle dealers in Virginia shall be construed to incorporate provisions consistent with the requirements of this subsection.
- D. On any new motor vehicle, any uncorrected damage or any corrected damage exceeding three percent of the manufacturer's or distributor's suggested retail price as defined in 15 U.S.C. §§ 1231 -1233, as measured by retail repair costs, must be disclosed to the dealer in writing prior to delivery. Factory mechanical repair and damage to glass, tires, and bumpers are excluded from the three percent rule when properly replaced by identical manufacturer's or distributor's original equipment or parts. Whenever a new motor vehicle is damaged in transit, when the carrier or means of transportation is determined by the manufacturer or distributor, or whenever a motor vehicle is otherwise damaged prior to delivery to the new motor vehicle dealer, the new motor vehicle dealer shall:
1. Notify the manufacturer or distributor of the damage within three business days from the date of delivery of the new motor vehicle to the new motor vehicle dealership or within the additional time specified in the franchise; and

2. Request from the manufacturer or distributor authorization to replace the components, parts, and accessories damaged or otherwise correct the damage, unless the damage to the vehicle exceeds the three percent rule, in which case the dealer may reject the vehicle within three business days.

E. If the manufacturer or distributor refuses or fails to authorize correction of such damage within 10 days after receipt of notification, or if the dealer rejects the vehicle because damage exceeds the three percent rule, ownership of the new motor vehicle shall revert to the manufacturer or distributor, and the new motor vehicle dealer shall have no obligation, financial or otherwise, with respect to such motor vehicle. Should either the manufacturer, distributor, or the dealer elect to correct the damage or any other damage exceeding the three percent rule, full disclosure shall be made by the dealer in writing to the buyer and an acknowledgement by the buyer is required. If there is less than three percent damage, no disclosure is required, provided the damage has been corrected. Predelivery mechanical work shall not require a disclosure. Failure to disclose any corrected damage within the knowledge of the selling dealer to a new motor vehicle in excess of the three percent rule shall constitute grounds for revocation of the buyer order, provided that, within 30 days of purchase, the motor vehicle is returned to the dealer with an accompanying written notice of the grounds for revocation. In case of revocation pursuant to this section, the dealer shall accept the vehicle and refund any payments made to the dealer in connection with the transaction, less a reasonable allowance for the consumer's use of the vehicle as defined in § 59.1-207.11. Nothing in this section shall be construed to exempt from the provisions of this section damage to a new motor vehicle that occurs following delivery of the vehicle to the dealer.

F. If there is a dispute between the manufacturer, factory branch, distributor, or distributor branch and the dealer with respect to any matter referred to in subsection A, B, or C, either party may petition the Commissioner in writing, within 30 days after either party has given written notice of the dispute to the other, for a hearing. The decision of the Commissioner shall be binding on the parties, subject to rights of judicial review and appeal as provided in Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2. However, nothing contained in this section shall give the Commissioner any authority as to the content or interpretation of any manufacturer's or distributor's warranty. A manufacturer, factory branch, distributor, or distributor branch may not collect chargebacks, fully or in part, either through direct payment or by charge to the dealer's account, for recall or warranty parts or service compensation, including service incentives, sales incentives, other sales compensation, surcharges, fees, penalties, or any financial imposition of any type arising from an alleged failure of the dealer to comply with a policy of, directive from, or agreement with the manufacturer, factory branch, distributor, or distributor branch until 40 days following final notice of the amount charged to the dealer following all internal processes of the manufacturer, factory, factory branch, distributor, or distributor branch. Within 30 days following receipt of such final notice, the dealer may petition the Commissioner, in writing, for a hearing. If a dealer requests such a hearing, the manufacturer, factory branch, distributor, or distributor branch may not collect the chargeback, fully or in part, either through direct payment or by charge to the dealer's account, until the completion of the hearing and a final decision of the Commissioner concerning the validity of the chargeback.

CHAPTER 716

An Act to amend and reenact §§ 30-222, 60.2-111, and 60.2-619, as it is currently effective and as it shall become effective, of the Code of Virginia and to amend the Code of Virginia by adding in Article 2 of Chapter 1 of Title 60.2 sections numbered 60.2-121.2 and 60.2-121.3, relating to Virginia Employment Commission; administrative reforms; reporting requirements; electronic submissions; Unemployment Compensation Ombudsman position established; emergency.

[S 219]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 30-222, 60.2-111, and 60.2-619, as it is currently effective and as it shall become effective, of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 2 of Chapter 1 of Title 60.2 sections numbered 60.2-121.2 and 60.2-121.3 as follows:

§ 30-222. Powers and duties of the Commission; subcommittee established.

A. The Commission shall have the following powers and duties:

1. Evaluate the impact of existing statutes and proposed legislation on unemployment compensation and the Unemployment Trust Fund;

2. Assess the Commonwealth's unemployment compensation programs and examine ways to enhance effectiveness;

3. Monitor the current status and long-term projections for the Unemployment Trust Fund; and

4. Report annually its findings and recommendations to the General Assembly and the Governor.

B. *Within the Commission there shall be established a subcommittee on unemployment insurance (UI) that shall be responsible for monitoring the Virginia Employment Commission's management of the Commonwealth's unemployment insurance system. The subcommittee shall be responsible for monitoring the Virginia Employment Commission's following operations:*

1. *Key performance metrics related to unemployment insurance backlogs;*

2. *Efforts to identify, prevent, and recover incorrect unemployment insurance benefit payments, including fraudulent payments;*

3. Modernization of the unemployment insurance information technology system and subsequent efforts to improve functionality;

4. Expenditures of state funds appropriated for unemployment insurance administration; and

5. Implementation of recommendations from the 2021 Operations and Performance of the Virginia Employment Commission report by the Joint Legislative Audit and Review Commission.

C. The subcommittee established in subsection B shall include (i) at least one employee stakeholder representative, (ii) at least one employer representative, (iii) at least one member of the Commission on Unemployment Compensation, and (iv) at least one member from each of the following committees: the House Committee on Appropriations, the House Committee on Commerce and Energy, the Senate Committee on Commerce and Labor, and the Senate Committee on Finance and Appropriations.

D. The subcommittee established in subsection B shall meet at least once each quarter from July 1, 2022, through June 30, 2025, and shall report at least annually, beginning on December 1, 2022, to the House Committee on Appropriations, the House Committee on Commerce and Energy, the Senate Committee on Commerce and Labor, and the Senate Committee on Finance and Appropriations.

E. The Commission shall periodically convene an advisory committee composed of an employer representative, an employee representative, a labor economist, a finance expert, a labor law expert, and any other stakeholders or subject matter experts deemed appropriate by the Commission for the following purposes: (i) to review UI benefits, replacement ratios, and reciprocity rates; (ii) to identify factors that affect UI benefits and reciprocity, such as design of UI benefit calculations or UI eligibility criteria; (iii) to assess the advantages and disadvantages of potential changes to benefits; and (iv) to recommend to the Commission options to change benefit levels when needed. This advisory committee shall be established by December 1, 2022, and shall be convened at least every five years thereafter.

§ 60.2-111. Duties and powers of Commission; reporting requirements.

A. It shall be the duty of the Commission to administer this title. It shall have power and authority to adopt, amend, or rescind such rules and regulations, to employ such persons, make such expenditures, require such reports, make such investigations, and take such other action, including the appointment of advisory groups, as it deems necessary or suitable to that end. Such rules and regulations shall be subject to the provisions of Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2, except as to the subject matter of subdivisions 2 and 3 of § 60.2-515, which shall become effective in the manner prescribed by § 2.2-4103. The Commission shall determine its own organization and methods of procedure in accordance with provisions of this title, and shall have an official seal which shall be judicially noticed.

B. The Commission shall prepare an annual balance sheet of the moneys in the fund and in the Unemployment Trust Fund to the credit of the Commonwealth in which there shall be provided, if possible, a reserve against the liability in future years to pay benefits in excess of the ~~then current~~ then-current taxes. That reserve shall be set up by the Commission in accordance with accepted actuarial principles on the basis of statistics of employment, business activity, and other relevant factors for the longest possible period. Whenever the Commission believes that a change in tax or benefit rates is necessary to protect the solvency of the Fund, it shall promptly so inform the Governor and the General Assembly and make recommendations with respect thereto.

C. In preparing the annual balance sheet required by subsection B, the Commission shall regularly track metrics related to unemployment insurance benefits, establish a mechanism to help assess the adequacy of benefits, and examine metrics related to reciprocity, average benefit levels, and benefit income replacement ratios. The annual balance sheet shall include the following calculations: (i) the average unemployment insurance benefit levels, (ii) the average income replacement of unemployment insurance benefits, and (iii) the reciprocity rate for unemployment insurance benefits in the Commonwealth.

D. The Commission, as part of its biennial strategic plan submitted to the Department of Planning and Budget, shall develop and maintain a comprehensive unemployment insurance Resiliency Plan that describes specific actions the Commission will take, depending on the level of increase in unemployment insurance (UI) claims, to address staffing, communications, and other relevant aspects of operations to ensure continued efficient and effective administration of the UI program. The Resiliency Plan shall include proposed actions consistent with the following objectives to effectively prepare for periods of high unemployment:

1. Develop specific strategies or steps the Commission will take to modify staffing levels in response to incidents that increase UI program demand. These strategies or steps shall (i) include a staffing plan for varying levels of UI workload volume, (ii) cover several scenarios that may affect UI assistance services, (iii) explain how existing staff would be reallocated to high-priority functions in response to high demand, and (iv) describe how the Commission's hiring process will be streamlined to fill key vacant positions such as adjudication and appeals staff.

2. Develop specific strategies or steps the Commission will take to modify policies, procedures, or processes in response to high demands on its services.

3. Outline a strategy for clearly communicating key UI program changes to customers. This strategy shall indicate which staff will be responsible for different types of communications and include several communications goals, such as clearly conveying UI program and policy changes.

4. Outline a strategy for clearly communicating important UI information to Commission staff, the public, and the General Assembly.

5. Formalize a policy for prioritizing and assigning claims for adjudication during periods of high claims volume. This policy shall detail how prioritization may change in response to claims volume and state that the policy of the Commission is to generally prioritize resolving older claims before newer claims.

6. Identify other tactical actions to be taken to ensure the continuity of UI claims processing and customer service.

§ 60.2-121.2. Electronic submission of information; payments.

A. Each employer subject to the provisions of this title shall submit claim-related forms, including separation information, using an electronic format as prescribed by the Commission, unless the employer has been granted a waiver by the Commission. An employer shall submit any other information related to a claim, as defined in § 60.2-528.1, at any time when requested by the Commission, to the Commission by electronic means, unless the employer has been granted a waiver by the Commission. The Commission may also require, at any time, that an employer submit unemployment insurance tax payments electronically, unless the employer has been granted a waiver by the Commission.

B. The Commission may grant a waiver to an employer from providing information or payments electronically pursuant to this section at any time. The Commission may grant a waiver only if the Commission finds that the electronic submission requirement creates an unreasonable burden on the employer. All requests for a waiver shall be submitted in writing.

§ 60.2-121.3. Unemployment Compensation Ombudsman; established; responsibilities.

A. The Commission shall create the Office of the Unemployment Compensation Ombudsman (the Office) and shall appoint an Unemployment Compensation Ombudsman to head the Office. The Unemployment Compensation Ombudsman shall provide neutral educational information and assistance to, shall protect the interests of, and shall ensure that due process is afforded to all persons seeking assistance in (i) appeals proceedings brought pursuant to Chapter 6 (§ 60.2-600 et seq.) and (ii) any other matter related to unemployment compensation under this title. Subject to annual appropriations, the Unemployment Compensation Ombudsman shall employ sufficient personnel to carry out the duties and powers prescribed by this section. The Unemployment Compensation Ombudsman and personnel of the Office shall carry out their duties with impartiality and shall not serve as an advocate for any person or provide legal advice.

B. The Unemployment Compensation Ombudsman shall maintain data on inquiries received related to the unemployment compensation process, the types of assistance requested, and actions taken and the disposition of each such matter. The Unemployment Compensation Ombudsman shall report information summarizing this data, including outcomes of individual cases, without disclosing individual-level identifying data, to the Commission at least once annually. The Unemployment Compensation Ombudsman shall carry out any additional activities as the Commission determines to be appropriate.

C. All memoranda, work products, and other materials contained in the case files of the Unemployment Compensation Ombudsman and personnel of the Office shall be confidential. Any communication between the Unemployment Compensation Ombudsman and personnel of the Office and a person receiving assistance that is made during or in connection with the provision of services of the Unemployment Compensation Ombudsman and personnel of the Office shall be confidential. Confidential materials and communications shall not be subject to disclosure and shall not be admissible in any judicial or administrative proceeding except where (i) a threat to inflict bodily injury is made; (ii) communications are intentionally used to plan, attempt to commit, or commit a crime or conceal an ongoing crime; (iii) a complaint is made against the Unemployment Compensation Ombudsman or personnel of the Office by a person receiving assistance to the extent necessary for the complainant to prove misconduct or the Unemployment Compensation Ombudsman or personnel of the Office to defend against such complaint; or (iv) communications are sought or offered to prove or disprove a claim or complaint of misconduct or malpractice filed against the legal representative of a person who received assistance from the Unemployment Compensation Ombudsman or personnel of the Office. Confidential materials and communications as described in this section are not subject to mandatory disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

D. The Unemployment Compensation Ombudsman and personnel of the Office shall be immune from civil liability in their performance of the duties specified in this section.

§ 60.2-619. (Effective until July 1, 2022) Determinations and decisions by deputy; appeals therefrom.

A. 1. A representative designated by the Commission as a deputy, shall promptly examine the claim. On the basis of the facts found by him, the deputy shall either:

a. Determine whether or not such claim is valid, and if valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and the maximum duration thereof; or

b. Refer such claim or any question involved therein to any appeal tribunal or to the Commission, which tribunal or Commission shall make its determination in accordance with the procedure described in § 60.2-620.

2. When the payment or denial of benefits will be determined by the provisions of subdivision 2 of § 60.2-612, the deputy shall promptly transmit his full finding of fact with respect to that subdivision to any appeal tribunal, which shall make its determination in accordance with the procedure described in § 60.2-620.

B. Upon the filing of an initial claim for benefits, the Commission shall cause an informatory notice of such filing to be mailed to the most recent 30-day or 240-hour employing unit of the claimant and all subsequent employing units, and any reimbursable employing units that may be liable for reimbursement to the Commission for any benefits paid. However, the failure to furnish such notice shall not have any effect upon the claim for benefits. If a claimant has had a determination of initial eligibility for benefits under this chapter, as evidenced by the issuance of compensation or waiting-week credit,

payments shall continue, subject to a presumption of continued eligibility and in accordance with the terms of this subsection, until a determination is made that provides the claimant notice and an opportunity to be heard. When a question concerning continued eligibility for benefits arises, a determination shall be made as to whether it affects future weeks of benefits or only past weeks. With respect to future weeks, presumptive payment shall not be made until but no later than the end of the week following the week in which such issue arises, regardless of the type of issue. With respect to past weeks, presumptive payment shall be issued immediately, regardless of the type of issue. Notice shall be given to individuals who receive payments under such presumption that pending eligibility may affect their entitlement to the payment and may result in an overpayment that requires repayment.

C. Notice of determination upon a claim shall be promptly given to the claimant by delivering or by mailing such notice to the claimant's last known address. In addition, notice of any determination that involves the application of the provisions of § 60.2-618, together with the reasons therefor, shall be promptly given in the same manner to the most recent 30-day or 240-hour employing unit by whom the claimant was last employed and any subsequent employing unit which is a party. The Commission may dispense with the giving of notice of any determination to any employing unit, and such employing unit shall not be entitled to such notice if it has failed to respond timely or adequately to a written request of the Commission for information, as required by § 60.2-528.1, from which the deputy may have determined that the claimant may be ineligible or disqualified under any provision of this title. The deputy shall promptly notify the claimant of any decision made by him at any time which in any manner denies benefits to the claimant for one or more weeks.

D. Such determination or decision shall be final unless the claimant or any such employing unit files an appeal from such determination or decision (i) within 30 calendar days after the delivery of such notification, (ii) within 30 calendar days after such notification was mailed to his last known address, or (iii) within 30 days after such notification was mailed to the last known address of an interstate claimant. For good cause shown, the 30-day period may be extended. *A claim that the Commission has determined to be invalid because of monetary ineligibility shall first be subject to review only upon a request for redetermination pursuant to § 60.2-629. The Commission shall issue a new monetary determination as a result of such review, and such monetary determination shall become final unless appealed by the claimant within 30 days of the date of mailing. The Commission shall clearly set out the process for requesting a redetermination and the process for filing an appeal on each monetary determination issued. Monetary ineligibility does not include an appeal on the effective date of the claim, unless the claimant has requested and received a redetermination of the monetary determination pursuant to § 60.2-629.*

E. Benefits shall be paid promptly in accordance with a determination or redetermination under this chapter, or decision of an appeal tribunal, the Commission, the Board of Review or a reviewing court under §§ 60.2-625 and 60.2-631 upon the issuance of such determination, redetermination or decision, regardless of the pendency of the period to file an appeal or petition for judicial review that is provided in this chapter, or the pendency of any such appeal or review. Such benefits shall be paid unless or until such determination, redetermination or decision has been modified or reversed by a subsequent redetermination or decision, in which event benefits shall be paid or denied for weeks of unemployment thereafter in accordance with such modifying or reversing redetermination or decision. If a decision of an appeal tribunal allowing benefits is affirmed in any amount by the Commission, benefits shall continue to be paid until such time as a court decision has become final so that no further appeal can be taken. If an appeal is taken from the Commission's decision, benefits paid shall result in a benefit charge to the account of the employer under § 60.2-530 only when, and as of the date on which, as the result of an appeal, the courts finally determine that the Commission should have awarded benefits to the claimant or claimants involved in such appeal.

§ 60.2-619. (Effective July 1, 2022) Determinations and decisions by deputy; appeals therefrom.

A. 1. A representative designated by the Commission as a deputy, shall promptly examine the claim. On the basis of the facts found by him, the deputy shall either:

- a. Determine whether or not such claim is valid, and if valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and the maximum duration thereof; or
- b. Refer such claim or any question involved therein to any appeal tribunal or to the Commission, which tribunal or Commission shall make its determination in accordance with the procedure described in § 60.2-620.

2. When the payment or denial of benefits will be determined by the provisions of subdivision 2 of § 60.2-612, the deputy shall promptly transmit his full finding of fact with respect to that subdivision to any appeal tribunal, which shall make its determination in accordance with the procedure described in § 60.2-620.

B. Upon the filing of an initial claim for benefits, the Commission shall cause an informatory notice of such filing to be mailed to the most recent 30-day or 240-hour employing unit of the claimant and all subsequent employing units, and any reimbursable employing units which may be liable for reimbursement to the Commission for any benefits paid. However, the failure to furnish such notice shall not have any effect upon the claim for benefits.

C. Notice of determination upon a claim shall be promptly given to the claimant by delivering or by mailing such notice to the claimant's last known address. In addition, notice of any determination which involves the application of the provisions of § 60.2-618, together with the reasons therefor, shall be promptly given in the same manner to the most recent 30-day or 240-hour employing unit by whom the claimant was last employed and any subsequent employing unit which is a party. The Commission may dispense with the giving of notice of any determination to any employing unit, and such employing unit shall not be entitled to such notice if it has failed to respond timely or adequately to a written request of the Commission for information, as required by § 60.2-528.1, from which the deputy may have determined that the claimant

may be ineligible or disqualified under any provision of this title. The deputy shall promptly notify the claimant of any decision made by him at any time which in any manner denies benefits to the claimant for one or more weeks.

D. Such determination or decision shall be final unless the claimant or any such employing unit files an appeal from such determination or decision (i) within 30 calendar days after the delivery of such notification, (ii) within 30 calendar days after such notification was mailed to his last known address, or (iii) within 30 days after such notification was mailed to the last known address of an interstate claimant. For good cause shown, the 30-day period may be extended. *A claim that the Commission has determined to be invalid because of monetary ineligibility shall first be subject to review only upon a request for redetermination pursuant to § 60.2-629. The Commission shall issue a new monetary determination as a result of such review, and such monetary determination shall become final unless appealed by the claimant within 30 days of the date of mailing. The Commission shall clearly set out the process for requesting a redetermination and the process for filing an appeal on each monetary determination issued. Monetary ineligibility does not include an appeal on the effective date of the claim, unless the claimant has requested and received a redetermination of the monetary determination pursuant to § 60.2-629.*

E. Benefits shall be paid promptly in accordance with a determination or redetermination under this chapter, or decision of an appeal tribunal, the Commission, the Board of Review or a reviewing court under §§ 60.2-625 and 60.2-631 upon the issuance of such determination, redetermination or decision, regardless of the pendency of the period to file an appeal or petition for judicial review that is provided in this chapter, or the pendency of any such appeal or review. Such benefits shall be paid unless or until such determination, redetermination or decision has been modified or reversed by a subsequent redetermination or decision, in which event benefits shall be paid or denied for weeks of unemployment thereafter in accordance with such modifying or reversing redetermination or decision. If a decision of an appeal tribunal allowing benefits is affirmed in any amount by the Commission, benefits shall continue to be paid until such time as a court decision has become final so that no further appeal can be taken. If an appeal is taken from the Commission's decision, benefits paid shall result in a benefit charge to the account of the employer under § 60.2-530 only when, and as of the date on which, as the result of an appeal, the courts finally determine that the Commission should have awarded benefits to the claimant or claimants involved in such appeal.

2. That the Virginia Department of Human Resource Management shall lead a multiagency work group, composed of agency leaders and human resources staff from state agencies most likely to be in need of staffing assistance during emergencies, to examine the feasibility of, funding for, and policies and procedures necessary for (i) granting agencies exemptions from certain competitive hiring requirements during emergencies; (ii) requiring selected state agency staff to temporarily support other agencies in need of staffing assistance during emergencies through existing or new state initiatives; and (iii) providing necessary funding to cover the associated costs. The work group shall propose criteria to determine under what circumstances these emergency hiring practices may be invoked and a process for invoking this authority as well as terminating it. The work group shall submit its findings to the Secretary of Administration and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations by December 1, 2022.

3. That the Virginia Employment Commission (the Commission) shall, by December 1, 2022, direct staff in its internal audit division to review and revise documents and online resources to clearly describe and explain to claimants and employers requirements for unemployment compensation. In its review and revision, the internal audit division shall describe and explain (i) eligibility criteria for unemployment insurance, (ii) how to navigate the unemployment insurance claims and appeals process, and (iii) how to determine the status or outcome of a claim. The Commission shall consider examples from other states, collect input from Commission staff and unemployment compensation recipients, and competitively procure a third-party contractor with expertise in unemployment insurance and customer communications to help with efforts in reviewing and revising its documents and online resources.

4. That an emergency exists and this act is in force from its passage.

CHAPTER 717

An Act to amend the Code of Virginia by adding in Chapter 2 of Title 32.1 an article numbered 20, consisting of sections numbered 32.1-73.18, 32.1-73.19, and 32.1-73.20, relating to Renal Disease Council; report.

[S 241]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 2 of Title 32.1 an article numbered 20, consisting of sections numbered 32.1-73.18, 32.1-73.19, and 32.1-73.20, as follows:

Article 20.

Renal Disease Council.

§ 32.1-73.18. Renal Disease Council; purpose.

There is hereby created in the executive branch of state government the Renal Disease Council (the Council) for the purpose of (i) advising the Governor and the General Assembly on the needs of individuals with renal disease in the

Commonwealth; (ii) identifying challenges that such individuals face and making recommendations for the improvement of the Commonwealth's kidney care system, particularly related to care coordination and prevention; (iii) funding research related to renal disease; (iv) funding supports for persons with renal disease in the Commonwealth; and (v) developing programs to educate medical professionals and the public about renal disease.

§ 32.1-73.19. Powers and duties of the Council.

The Council shall have the power and duty to:

1. Within the first year, hold public hearings and make inquiries of and solicit comments from the public to assist the Council in understanding the scope of the challenges related to renal disease in the Commonwealth and the impact of renal disease on individuals in the Commonwealth.

2. Conduct research and consult with experts to develop policy recommendations related to:

a. Improving access to health care and other services for individuals with renal disease, including access to health insurance, specialists, health care services, and other necessary services for individuals with renal disease;

b. The impact of health insurance coverage, cost-sharing, tiers, or other utilization management procedures on access to health care and other necessary services; and

c. The impact of providing coverage under the state program for medical assistance services for approved health care services and medications for renal disease.

3. Publish a list of existing publicly accessible resources on research, diagnosis, treatment, and education relating to renal disease on the Council's webpage.

4. Submit annually by October 1 a report to the Governor and the General Assembly for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports. The annual report shall (i) describe the activities and recommendations of the Council and (ii) describe the status of funding available to the Council, including information regarding any grants applied for and received by the Council.

5. Apply for, accept, and expend gifts, grants, and donations from public or private sources to enable the Council to better carry out its objectives.

§ 32.1-73.20. Membership; terms; quorum; meetings; staffing.

A. The Council shall have a total membership of 21 members that shall consist of 18 nonlegislative citizen members and three ex officio members. The Governor shall appoint a chairman and vice-chairman who shall be residents of the Commonwealth and shall not be employed by any federal or state government. Nonlegislative citizen members shall be appointed by the Governor and shall include, in addition to the chairman and the vice-chairman, one representative from an academic research institution in the Commonwealth that receives any grant funding for renal disease research; one registered nurse or advanced practice registered nurse licensed and currently practicing in the Commonwealth with experience in treating renal disease; two physicians with expertise in renal disease who are licensed and currently practicing medicine in the Commonwealth; one hospital administrator, or his designee, from a hospital in the Commonwealth that provides care to persons diagnosed with renal disease; one person who is a dialysis social worker; two persons who are 18 years of age or older who have been diagnosed with a renal disease; two caregivers of persons with renal disease; two representatives of renal disease patient organizations operating in the Commonwealth; one licensed pharmacist with experience with drugs used to treat renal disease; one representative from the biopharmaceutical industry; one representative from health plan companies; and one member from the scientific community who is engaged in renal disease research, which may include a medical researcher with experience conducting research on renal disease. The Commissioner of Health, the Director of the Department of Medical Assistance Services, and the Director of the Department of Health Professions, or their designees, shall serve ex officio with nonvoting privileges.

Nonlegislative citizen members of the Council shall be citizens of the Commonwealth. After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term of four years.

Ex officio members of the Council shall serve terms coincident with their terms of office.

Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

B. The Council shall meet quarterly and the chairman and vice-chairman shall establish a meeting schedule on an annual basis. A majority of the members shall constitute a quorum.

C. Members of the Council shall serve without compensation or reimbursement.

D. The Department of Health shall provide staff support to the Council. All agencies of the Commonwealth shall provide assistance to the Council, upon request.

2. That the first meeting of the Renal Disease Council established pursuant to this act shall occur within 180 days after this act becomes effective.

3. That the initial appointments of nonlegislative citizen members of the Renal Disease Council established pursuant to this act shall be staggered as follows: (i) two persons who are 18 years of age or older who have been diagnosed with renal disease, two caregivers of persons with renal disease, and two representatives of renal disease patient organizations operating in the Commonwealth shall be appointed for a term of one year; (ii) one licensed pharmacist with experience with drugs used to treat renal disease, one registered nurse or advanced practice registered nurse licensed and currently practicing medicine in the Commonwealth with experience in treating renal disease, and the chairman and vice-chairman appointed by the Governor shall be appointed for a term of two years; (iii) one hospital

administrator, or his designee, from a hospital in the Commonwealth that provides care to persons diagnosed with renal disease, one representative from the biopharmaceutical industry, and one representative from health plan companies shall be appointed for a term of three years; and (iv) one representative from an academic research institution in the Commonwealth that receives any grant funding for renal disease research, two physicians with expertise in renal disease who are licensed and currently practicing medicine in the Commonwealth, one person who is a dialysis social worker, and one member from the scientific community who is engaged in renal disease research shall be appointed for a term of four years.

CHAPTER 718

An Act to amend and reenact §§ 46.2-1508, 46.2-1545.2, and 46.2-1557.3 of the Code of Virginia, relating to transit buses.

[S 281]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1508, 46.2-1545.2, and 46.2-1557.3 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-1508. Licenses required; penalty.

A. It shall be unlawful for any person to engage in business in the Commonwealth as a motor vehicle dealer or salesperson without first obtaining a license as provided in this chapter. It shall be unlawful for any person to engage in business in the Commonwealth as a manufacturer, factory branch, distributor, distributor branch, or factory or distributor representative without first obtaining a license from the Department. Every person licensed as a manufactured home dealer under Chapter 4.2 (§ 36-85.16 et seq.) of Title 36 shall obtain a certificate of dealer registration as provided in this chapter. Every person licensed as a watercraft dealer under Chapter 8 (§ 29.1-800 et seq.) of Title 29.1 and who offers for sale watercraft trailers shall obtain a certificate of dealer registration as provided in this chapter but shall not be required to obtain a dealer license unless he also sells other types of trailers. Any nonprofit organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code, after having obtained a nonprofit organization certificate as provided in this chapter, may consign donated motor vehicles to licensed Virginia motor vehicle dealers. Any person licensed in another state as a motor vehicle dealer may sell motor vehicles at wholesale auctions in the Commonwealth after having obtained a certificate of dealer registration as provided in this chapter. The offering or granting of a motor vehicle dealer franchise in the Commonwealth shall constitute engaging in business in the Commonwealth for purposes of this section, and no new motor vehicle may be sold or offered for sale in the Commonwealth unless the franchisor of motor vehicle dealer franchises for that line-make in the Commonwealth, whether such franchisor is a manufacturer, factory branch, distributor, distributor branch, or otherwise, is licensed under this chapter. In the event a license issued to a franchisor of motor vehicle dealer franchises is suspended, revoked, or not renewed, nothing in this section shall prevent the sale of any new motor vehicle of such franchisor's line-make manufactured in or brought into the Commonwealth for sale prior to the suspension, revocation or expiration of the license.

Violation of any provision of this subsection shall constitute a Class 1 misdemeanor, and such violation may also serve as the basis for injunctive relief pursuant to subsection B or C.

B. The Board may file a motion with the circuit court for the county or city in which a person who violated any provision of subsection A is located, or with the circuit court for the City of Richmond, and, upon a hearing and for cause shown, the court may grant an injunction restraining such person from violating any provision of subsection A, regardless of whether an adequate remedy at law exists. A single act in violation of the provisions of subsection A is sufficient basis to authorize the issuance of an injunction. The Board shall not be required to post an injunction bond or other security.

C. Any licensed motor vehicle dealer who sustains injury or damage to his business or property by reason of a violation of subsection A by any person that is not licensed as required by subsection A may file a motion with the circuit court for the county or city in which a person alleged to have committed such violation is located, and, upon a hearing and for cause shown, the court may grant a temporary or permanent injunction prohibiting any further such violation. A single act in violation of the provisions of subsection A shall be sufficient basis to show injury or damage to the business or property of the licensed motor vehicle dealer. A licensed motor vehicle dealer shall not be required to post an injunction bond or other security.

D. If the Board, pursuant to subsection B, or a licensed motor vehicle dealer, pursuant to subsection C, is awarded an injunction, the court may also award reasonable attorney fees and costs.

E. Notwithstanding the provisions of subsection A, a manufacturer, factory branch, distributor, distributor branch, or factory or distributor representative engaged in the manufacture or distribution of all-terrain vehicles or off-road motorcycles that does not also manufacture or distribute in the Commonwealth any motorcycle designed for lawful use on the public highways shall not be required to obtain a license from the Department.

F. Notwithstanding the provisions of subsection A, any manufacturer or distributor of transit buses that sells transit buses to a local government authority or nonprofit provider in the Commonwealth for the purposes of public transportation, as defined in 49 U.S.C. § 5302, shall not be required to obtain a manufacturers license from the Department of Motor Vehicles or a dealers license from the Motor Vehicle Dealer Board for such sales. For purposes of this subsection, "transit

bus" means a rubber-tired automotive vehicle used for the provision of public transportation service by or for a recipient of federal or state funding allocated annually by the Commonwealth Transportation Board.

§ 46.2-1545.2. Exclusion of transit buses, all-terrain vehicles, and off-road motorcycles.

Nothing in this article shall apply to *transit buses as defined in subsection F of § 46.2-1508*, all-terrain vehicles, or off-road motorcycles.

§ 46.2-1557.3. Exclusion of transit buses, all-terrain vehicles, and off-road motorcycles.

Nothing in this article shall apply to *transit buses as defined in subsection F of § 46.2-1508*, all-terrain vehicles, or off-road motorcycles.

CHAPTER 719

An Act to amend and reenact § 33.2-1526.3 of the Code of Virginia, relating to Transit Ridership Incentive Program.

[S 342]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-1526.3 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-1526.3. Transit Ridership Incentive Program.

A. The Board shall establish the Transit Ridership Incentive Program (the Program) to promote improved transit service in urbanized areas of the Commonwealth with a population in excess of 100,000 and to reduce barriers to transit use for low-income individuals.

B. The goal of the Program shall be to encourage the identification and establishment of routes of regional significance, the development and implementation of a regional subsidy allocation model, implementation of integrated fare collection, establishment of bus-only lanes on routes of regional significance, and other actions and service determined by the Board to improve transit service.

C. The Board shall establish guidelines for the implementation of the Program and review such guidelines, at a minimum, every five years. The funds in the Program shall be awarded such that on a five-year rolling average, the amount of funds awarded to each urbanized area shall be equal to a ratio of the population within the Commonwealth of such urbanized area compared to the total population within the Commonwealth of all eligible urbanized areas. The Board may through an affirmative vote of a majority of the members vote to waive this requirement for a period not to exceed two years when they find there is a need that justifies such waiver.

D. Notwithstanding the provisions of this section, the Board shall use ~~an amount not to exceed~~ at least 25 percent of the funds available to support the establishment of programs to reduce the impact of fares on low-income individuals, including reduced-fare programs and elimination of fares. The restrictions in subsection A shall not apply to funds used pursuant to this subsection, *nor shall the funds used pursuant to this subsection be used to calculate the rolling average described in subsection C.*

E. The Board shall report annually to the Governor and the General Assembly on the projects and services funded by the Program. The report shall, at a minimum, include an analysis of the performance of the funded projects, the performance of the identified routes of regional significance, transit ridership, efforts funded pursuant to subsection E, and any other information the Board determines to be appropriate.

2. That the provisions of this act amending the first sentence of subsection D of § 33.2-1526.3 of the Code of Virginia shall expire on July 1, 2024.

CHAPTER 720

An Act to amend and reenact §§ 54.1-2901, 54.1-2904, and 54.1-3011 of the Code of Virginia, relating to public health emergency; out-of-state licenses; deemed licensure; emergency.

[S 369]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2901, 54.1-2904, and 54.1-3011 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2901. Exceptions and exemptions generally.

A. The provisions of this chapter shall not prevent or prohibit:

1. Any person entitled to practice his profession under any prior law on June 24, 1944, from continuing such practice within the scope of the definition of his particular school of practice;

2. Any person licensed to practice naturopathy prior to June 30, 1980, from continuing such practice in accordance with regulations promulgated by the Board;

3. Any licensed nurse practitioner from rendering care in accordance with the provisions of §§ 54.1-2957 and 54.1-2957.01, any nurse practitioner licensed by the Boards of Medicine and Nursing in the category of certified nurse midwife practicing pursuant to subsection H of § 54.1-2957, or any nurse practitioner licensed by the Boards of Medicine

and Nursing in the category of clinical nurse specialist practicing pursuant to subsection J of § 54.1-2957 when such services are authorized by regulations promulgated jointly by the Boards of Medicine and Nursing;

4. Any registered professional nurse, licensed nurse practitioner, graduate laboratory technician or other technical personnel who have been properly trained from rendering care or services within the scope of their usual professional activities which shall include the taking of blood, the giving of intravenous infusions and intravenous injections, and the insertion of tubes when performed under the orders of a person licensed to practice medicine or osteopathy, a nurse practitioner, or a physician assistant;

5. Any dentist, pharmacist or optometrist from rendering care or services within the scope of his usual professional activities;

6. Any practitioner licensed or certified by the Board from delegating to personnel supervised by him, such activities or functions as are nondiscretionary and do not require the exercise of professional judgment for their performance and which are usually or customarily delegated to such persons by practitioners of the healing arts, if such activities or functions are authorized by and performed for such practitioners of the healing arts and responsibility for such activities or functions is assumed by such practitioners of the healing arts;

7. The rendering of medical advice or information through telecommunications from a physician licensed to practice medicine in Virginia or an adjoining state, or from a licensed nurse practitioner, to emergency medical personnel acting in an emergency situation;

8. The domestic administration of family remedies;

9. The giving or use of massages, steam baths, dry heat rooms, infrared heat or ultraviolet lamps in public or private health clubs and spas;

10. The manufacture or sale of proprietary medicines in this Commonwealth by licensed pharmacists or druggists;

11. The advertising or sale of commercial appliances or remedies;

12. The fitting by nonitinerant persons or manufacturers of artificial eyes, limbs or other apparatus or appliances or the fitting of plaster cast counterparts of deformed portions of the body by a nonitinerant bracemaker or prosthetist for the purpose of having a three-dimensional record of the deformity, when such bracemaker or prosthetist has received a prescription from a licensed physician, licensed nurse practitioner, or licensed physician assistant directing the fitting of such casts and such activities are conducted in conformity with the laws of Virginia;

13. Any person from the rendering of first aid or medical assistance in an emergency in the absence of a person licensed to practice medicine or osteopathy under the provisions of this chapter;

14. The practice of the religious tenets of any church in the ministrations to the sick and suffering by mental or spiritual means without the use of any drug or material remedy, whether gratuitously or for compensation;

15. Any legally qualified out-of-state or foreign practitioner from meeting in consultation with legally licensed practitioners in this Commonwealth;

16. Any practitioner of the healing arts licensed or certified and in good standing with the applicable regulatory agency in another state or Canada when that practitioner of the healing arts is in Virginia temporarily and such practitioner has been issued a temporary authorization by the Board from practicing medicine or the duties of the profession for which he is licensed or certified (i) in a summer camp or in conjunction with patients who are participating in recreational activities, (ii) while participating in continuing educational programs prescribed by the Board, or (iii) by rendering at any site any health care services within the limits of his license, voluntarily and without compensation, to any patient of any clinic which is organized in whole or in part for the delivery of health care services without charge as provided in § 54.1-106;

17. The performance of the duties of any active duty health care provider in active service in the army, navy, coast guard, marine corps, air force, or public health service of the United States at any public or private health care facility while such individual is so commissioned or serving and in accordance with his official military duties;

18. Any masseur, who publicly represents himself as such, from performing services within the scope of his usual professional activities and in conformance with state law;

19. Any person from performing services in the lawful conduct of his particular profession or business under state law;

20. Any person from rendering emergency care pursuant to the provisions of § 8.01-225;

21. Qualified emergency medical services personnel, when acting within the scope of their certification, and licensed health care practitioners, when acting within their scope of practice, from following Durable Do Not Resuscitate Orders issued in accordance with § 54.1-2987.1 and Board of Health regulations, or licensed health care practitioners from following any other written order of a physician not to resuscitate a patient in the event of cardiac or respiratory arrest;

22. Any commissioned or contract medical officer of the army, navy, coast guard or air force rendering services voluntarily and without compensation while deemed to be licensed pursuant to § 54.1-106;

23. Any provider of a chemical dependency treatment program who is certified as an "acupuncture detoxification specialist" by the National Acupuncture Detoxification Association or an equivalent certifying body, from administering auricular acupuncture treatment under the appropriate supervision of a National Acupuncture Detoxification Association certified licensed physician or licensed acupuncturist;

24. Any employee of any assisted living facility who is certified in cardiopulmonary resuscitation (CPR) acting in compliance with the patient's individualized service plan and with the written order of the attending physician not to resuscitate a patient in the event of cardiac or respiratory arrest;

25. Any person working as a health assistant under the direction of a licensed medical or osteopathic doctor within the Department of Corrections, the Department of Juvenile Justice or local correctional facilities;

26. Any employee of a school board, authorized by a prescriber and trained in the administration of insulin and glucagon, when, upon the authorization of a prescriber and the written request of the parents as defined in § 22.1-1, assisting with the administration of insulin or administering glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia;

27. Any practitioner of the healing arts or other profession regulated by the Board from rendering free health care to an underserved population of Virginia who (i) does not regularly practice his profession in Virginia, (ii) holds a current valid license or certificate to practice his profession in another state, territory, district or possession of the United States, (iii) volunteers to provide free health care to an underserved area of the Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization that sponsors the provision of health care to populations of underserved people, (iv) files a copy of the license or certification issued in such other jurisdiction with the Board, (v) notifies the Board at least five business days prior to the voluntary provision of services of the dates and location of such service, and (vi) acknowledges, in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the limited period that such free health care is made available through the volunteer, nonprofit organization on the dates and at the location filed with the Board. The Board may deny the right to practice in Virginia to any practitioner of the healing arts whose license or certificate has been previously suspended or revoked, who has been convicted of a felony or who is otherwise found to be in violation of applicable laws or regulations. However, the Board shall allow a practitioner of the healing arts who meets the above criteria to provide volunteer services without prior notice for a period of up to three days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state;

28. Any registered nurse, acting as an agent of the Department of Health, from obtaining specimens of sputum or other bodily fluid from persons in whom the diagnosis of active tuberculosis disease, as defined in § 32.1-49.1, is suspected and submitting orders for testing of such specimens to the Division of Consolidated Laboratories or other public health laboratories, designated by the State Health Commissioner, for the purpose of determining the presence or absence of tubercle bacilli as defined in § 32.1-49.1;

29. Any physician of medicine or osteopathy or nurse practitioner from delegating to a registered nurse under his supervision the screening and testing of children for elevated blood-lead levels when such testing is conducted (i) in accordance with a written protocol between the physician or nurse practitioner and the registered nurse and (ii) in compliance with the Board of Health's regulations promulgated pursuant to §§ 32.1-46.1 and 32.1-46.2. Any follow-up testing or treatment shall be conducted at the direction of a physician or nurse practitioner;

30. Any practitioner of one of the professions regulated by the Board of Medicine who is in good standing with the applicable regulatory agency in another state or Canada from engaging in the practice of that profession when the practitioner is in Virginia temporarily with an out-of-state athletic team or athlete for the duration of the athletic tournament, game, or event in which the team or athlete is competing;

31. Any person from performing state or federally funded health care tasks directed by the consumer, which are typically self-performed, for an individual who lives in a private residence and who, by reason of disability, is unable to perform such tasks but who is capable of directing the appropriate performance of such tasks; ~~or~~

32. Any practitioner of one of the professions regulated by the Board of Medicine who is in good standing with the applicable regulatory agency in another state from engaging in the practice of that profession in Virginia with a patient who is being transported to or from a Virginia hospital for care; *or*

33. *Any practitioner of a profession regulated by the Board of Medicine who is licensed in another state or the District of Columbia and who is in good standing with the applicable regulatory agency in that state or the District of Columbia from engaging in the practice of that profession in the Commonwealth with a patient located in the Commonwealth when (i) such practice is for the purpose of providing continuity of care through the use of telemedicine services as defined in § 38.2-3418.16 and (ii) the patient is a current patient of the practitioner with whom the practitioner has previously established a practitioner-patient relationship and the practitioner has performed an in-person examination of the patient within the previous 12 months. For the purposes of this subdivision, if a patient is (a) an enrollee of a health maintenance organization that contracts with a multispecialty group of practitioners, each of whom is licensed by the Board of Medicine, and (b) a current patient of at least one practitioner who is a member of the multispecialty group with whom such practitioner has previously established a practitioner-patient relationship and of whom such practitioner has performed an in-person examination within the previous 12 months, the patient shall be deemed to be a current patient of each practitioner in the multispecialty group with whom each such practitioner has established a practitioner-patient relationship.*

B. Notwithstanding any provision of law or regulation to the contrary, military medical personnel, as defined in § 2.2-2001.4, while participating in a program established by the Department of Veterans Services pursuant to § 2.2-2001.4, may practice under the supervision of a licensed physician or podiatrist or the chief medical officer of an organization participating in such program, or his designee who is a licensee of the Board and supervising within his scope of practice.

§ 54.1-2904. Biennial renewal of licenses; copies; fee; lapsed licenses; reinstatement; penalties.

A. Every license granted under the provisions of this chapter shall be renewed biennially as prescribed by the Board. The Board shall send by mail or electronically notice for renewal of a license to every licensee. Failure to receive such

notice shall not excuse any licensee from the requirements of renewal. The person receiving such notice shall furnish the information requested and submit the prescribed renewal fee to the Board. Copies of licenses may be obtained as provided in the Board's regulations.

B. Any licensee who allows his license to lapse by failing to renew the license or failing to meet professional activity requirements stipulated in the regulations may be reinstated by the Board upon submission of evidence satisfactory to the Board that he is prepared to resume practice in a competent manner and upon payment of the prescribed fee.

C. Any person practicing during the time his license has lapsed shall be considered an illegal practitioner and shall be subject to the penalties for violation of this chapter.

D. When the Board of Health has issued an emergency order pursuant to § 32.1-13, the Board may waive (i) the requirement for submission of a fee for renewal or reinstatement of a license to practice medicine or osteopathic medicine or as a physician assistant or nurse practitioner and (ii) the requirement for submission of evidence satisfactory to the Board that a practitioner whose license was allowed to lapse for failure to meet professional activity requirements has satisfied such requirements and is prepared to resume practice in a competent manner for any person who held a valid, unrestricted, active license to practice such profession within the four-year period immediately prior to the application for renewal or reinstatement of such license.

§ 54.1-3011. Renewal of licenses; lapsed licenses; reinstatement; penalties.

A. Every license issued under the provisions of this chapter shall be renewed biennially by such time as the Board may prescribe by regulation. The Board shall mail or send electronically a notice for renewal to every licensee, but the failure to receive such notice shall not excuse any licensee from the requirements for renewal. The person receiving such notice shall furnish the requested information and return the form to the Board with the renewal fee.

B. Any licensee who allows his license to lapse by failing to renew the license may be reinstated by the Board upon submission of satisfactory evidence that he is prepared to resume practice in a competent manner and upon payment of the fee.

C. Any person practicing nursing during the time his license has lapsed shall be considered an illegal practitioner and shall be subject to the penalties provided for violations of this chapter.

D. When the Board of Health has issued an emergency order pursuant to § 32.1-13, the Board may waive (i) the requirement for submission of a fee for renewal of a license or (ii) the requirement for submission of evidence satisfactory to the Board that a licensee whose license was allowed to lapse by failing to renew his license is prepared to resume practice in a competent manner for any person who held a valid, unrestricted, active license to practice nursing within the four-year period immediately prior to the application for renewal of such license.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 721

An Act to amend the Code of Virginia by adding in Title 52 a chapter numbered 13, consisting of sections numbered 52-53 and 52-54, relating to enforcement of gaming laws; Gaming Enforcement Coordinator established.

[S 401]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 52 a chapter numbered 13, consisting of sections numbered 52-53 and 52-54, as follows:

*CHAPTER 13.
GAMING ENFORCEMENT.*

§ 52-53. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Coordinator" means the position of the Gaming Enforcement Coordinator established pursuant to § 52-54.

"Department" means the Department of State Police.

"Gaming laws" means the laws regulating gambling under Article 1 (§ 18.2-325 et seq.) of Chapter 8 of Title 18.2, charitable gaming under Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, lottery games under Article 1 (§ 58.1-4000 et seq.) of Chapter 40 of Title 58.1, sports betting under Article 2 (§ 58.1-4030 et seq.) of Chapter 40 of Title 58.1, casino gaming under Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1, fantasy contests under Chapter 51 (§ 59.1-556 et seq.) of Title 59.1, horse racing and pari-mutuel wagering under Chapter 29 (§ 59.1-364 et seq.) of Title 59.1, any regulations promulgated pursuant to such laws, and any other federal, state, or local laws the Gaming Enforcement Coordinator deems relevant.

"Superintendent" means the Superintendent of State Police.

§ 52-54. Office of the Gaming Enforcement Coordinator established; purpose; duties.

A. *The Superintendent shall designate a Department employee to serve as the Gaming Enforcement Coordinator. The purpose of the office of the Coordinator shall be to synchronize the enforcement of gaming laws by state and local law enforcement, and to serve as a liaison between such agencies and federal law enforcement.*

B. *The Coordinator shall have the following duties:*

1. Coordinating enforcement of the Commonwealth's gaming laws by the Department, the Department of Agriculture and Consumer Services, and all other state agencies; attorneys for the Commonwealth; and local law enforcement;
2. Acting as a liaison between the federal government and the agencies identified in subdivision 1 for purposes of any federal investigation into gaming activities;
3. Establishing, advertising, and administering a tip line, which may be accessed by phone and by Internet, for members of the public to report concerns about, or suspected instances of, gaming activities; and
4. Performing any other duties as are necessary to promote and enable the equitable enforcement of gaming laws in the Commonwealth.

CHAPTER 722

An Act to amend and reenact §§ 18.2-340.16, 18.2-340.18, 18.2-340.19, 18.2-340.20, 18.2-340.22, 18.2-340.23, 18.2-340.26:1, 18.2-340.27, 18.2-340.28, 18.2-340.28:1, 18.2-340.30, 18.2-340.31, 18.2-340.33, and 18.2-340.34 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 18.2-340.25:1, 18.2-340.26:3, 18.2-340.30:2, and 18.2-340.36:1, relating to charitable gaming; social organizations and social quarters; electronic gaming.

[S 403]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-340.16, 18.2-340.18, 18.2-340.19, 18.2-340.20, 18.2-340.22, 18.2-340.23, 18.2-340.26:1, 18.2-340.27, 18.2-340.28, 18.2-340.28:1, 18.2-340.30, 18.2-340.31, 18.2-340.33, and 18.2-340.34 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 18.2-340.25:1, 18.2-340.26:3, 18.2-340.30:2, and 18.2-340.36:1 as follows:

§ 18.2-340.16. Definitions.

As used in this article, unless the context requires a different meaning:

"Bingo" means a specific game of chance played with (i) individual cards having randomly numbered squares ranging from one to 75, (ii) Department-approved electronic devices that display facsimiles of bingo cards and are used for the purpose of marking and monitoring players' cards as numbers are called, or (iii) Department-approved cards, in which prizes are awarded on the basis of designated numbers on such cards conforming to a predetermined pattern of numbers selected at random.

"Board" means the Charitable Gaming Board created pursuant to § 2.2-2455.

"Bona fide member" means an individual who participates in activities of a qualified organization other than such organization's charitable gaming activities.

"Charitable gaming" or "charitable games" means those raffles, Texas Hold'em poker tournaments, and games of chance explicitly authorized by this article. *Unless otherwise specified, "charitable gaming" includes electronic gaming authorized by this article.*

"Charitable gaming permit" or "permit" means a permit issued by the Department to an organization that authorizes such organization to conduct charitable gaming, and if such organization is qualified as a social organization, electronic gaming.

"Charitable gaming supplies" includes bingo cards or sheets, devices for selecting bingo numbers, instant bingo cards, pull-tab cards and seal cards, playing cards for Texas Hold'em poker, poker chips, and any other equipment or product manufactured for or intended to be used in the conduct of charitable games. However, for the purposes of this article, charitable gaming supplies shall not include items incidental to the conduct of charitable gaming such as markers, wands, or tape.

"Commissioner" means the Commissioner of the Department of Agriculture and Consumer Services.

"Conduct" means the actions associated with the provision of a gaming operation during and immediately before or after the permitted activity, which may include, ~~but not be limited to,~~ (i) selling bingo cards or packs, electronic devices, instant bingo or pull-tab cards, or raffle tickets, (ii) calling bingo games, (iii) distributing prizes, and (iv) any other services provided by volunteer workers.

"Department" means the Department of Agriculture and Consumer Services.

"Electronic gaming" or "electronic games" means any instant bingo, pull tabs, or seal card gaming that is conducted primarily by use of an electronic device. "Electronic gaming" does not include (i) the game of chance identified in clause (ii) of the definition of "bingo" or (ii) network bingo.

"Electronic gaming adjusted gross receipts" means the gross receipts derived from electronic gaming less the total amount in prize money paid out to players.

"Electronic gaming manufacturer" means a manufacturer of electronic devices used to conduct electronic gaming.

"Fair market rental value" means the rent that a rental property will bring when offered for lease by a lessor who desires to lease the property but is not obligated to do so and leased by a lessee under no necessity of leasing.

"Gaming expenses" means prizes, supplies, costs of publicizing gaming activities, audit and administration or permit fees, and a portion of the rent, utilities, accounting and legal fees, and such other reasonable and proper expenses as are directly incurred for the conduct of charitable gaming.

"Gross receipts" means the total amount of money generated by an organization from charitable gaming before the deduction of expenses, including prizes.

"Instant bingo," "pull tabs," or "seal cards" means specific games of chance played by the random selection of one or more individually prepacked cards; ~~including Department-approved electronic versions thereof~~, with winners being determined by the preprinted or predetermined appearance of concealed letters, numbers, or symbols that must be exposed by the player to determine wins and losses and may include the use of a seal card ~~which~~ *that* conceals one or more numbers or symbols that have been designated in advance as prize winners. Such cards may be dispensed by ~~electronic or~~ mechanical equipment.

"Jackpot" means a bingo game that the organization has designated on its game program as a jackpot game in which the prize amount is greater than \$100.

"Landlord" means any person or his agent, firm, association, organization, partnership, or corporation, employee, or immediate family member thereof, which owns and leases, or leases any premises devoted in whole or in part to the conduct of bingo games, and any person residing in the same household as a landlord.

"Management" means the provision of oversight of a gaming operation, which may include, ~~but is not limited to~~, the responsibilities of applying for and maintaining a permit or authorization, compiling, submitting, and maintaining required records and financial reports, and ensuring that all aspects of the operation are in compliance with all applicable statutes and regulations.

"Network bingo" means a specific bingo game in which pari-mutuel play is permitted.

"Network bingo provider" means a person licensed by the Department to operate network bingo.

"Operation" means the activities associated with production of a charitable gaming *or electronic gaming* activity, which may include, ~~but not be limited to~~ (i) the direct on-site supervision of the conduct of charitable gaming *and electronic gaming*; (ii) coordination of volunteers; and (iii) all responsibilities of charitable gaming *and electronic gaming* designated by the organization's management.

"Organization" means any one of the following:

1. A volunteer fire department or volunteer emergency medical services agency or auxiliary unit thereof that has been recognized in accordance with § 15.2-955 by an ordinance or resolution of the political subdivision where the volunteer fire department or volunteer emergency medical services agency is located as being a part of the safety program of such political subdivision;

2. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code, is operated, and has always been operated, exclusively for educational purposes, and awards scholarships to accredited public institutions of higher education or other postsecondary schools licensed or certified by the Board of Education or the State Council of Higher Education for Virginia;

3. An athletic association or booster club or a band booster club established solely to raise funds for school-sponsored athletic or band activities for a public school or private school accredited pursuant to § 22.1-19 or to provide scholarships to students attending such school;

4. An association of war veterans or auxiliary units thereof organized in the United States;

5. A fraternal association or corporation operating under the lodge system;

6. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code and is operated, and has always been operated, exclusively to provide services and other resources to older Virginians, as defined in § 51.5-116;

7. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code and is operated, and has always been operated, exclusively to foster youth amateur sports;

8. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code and is operated, and has always been operated, exclusively to provide health care services or conduct medical research;

9. An accredited public institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education for Virginia that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code;

10. A church or religious organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code;

11. An organization that is exempt from income tax pursuant to § 501(c)(3) or 501(c)(4) of the Internal Revenue Code and is operated, and has always been operated, exclusively to (i) create and foster a spirit of understanding among the people of the world; (ii) promote the principles of good government and citizenship; (iii) take an active interest in the civic, cultural, social, and moral welfare of the community; (iv) provide a forum for the open discussion of matters of public interest; (v) encourage individuals to serve the community without personal financial reward; and (vi) encourage efficiency and promote high ethical standards in commerce, industries, professions, public works, and private endeavors;

12. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code and is operated, and has always been operated, exclusively to (i) raise awareness of law-enforcement officers who died in the line of duty; (ii) raise funds for the National Law Enforcement Officers Memorial and Museum; and (iii) raise funds for the

charitable causes of other organizations that are exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code;

13. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code and is operated, and has always been operated, exclusively to (i) promote the conservation of the environment, caves, or other natural resources; (ii) promote or develop opportunities for the use of science and technology to advance the conservation of the environment, caves, or other natural resources; and (iii) raise funds for the conservation of the environment, caves, or other natural resources or provide grant opportunities to other nonprofit organizations that are devoted to such conservation efforts;

14. A local chamber of commerce; or

15. Any other nonprofit organization that is exempt from income tax pursuant to § 501(c) of the Internal Revenue Code and that raises funds by conducting raffles, bingo, instant bingo, pull tabs, or seal cards that generate annual gross receipts of \$40,000 or less, provided that such gross receipts, less expenses and prizes, are used exclusively for charitable, educational, religious, or community purposes. Notwithstanding § 18.2-340.26:1, proceeds from instant bingo, pull tabs, and seal cards shall be included when calculating an organization's annual gross receipts for the purposes of this subdivision.

"Pari-mutuel play" means an integrated network operated by a licensee of the Department comprised of participating charitable organizations for the conduct of network bingo games in which the purchase of a network bingo card by a player automatically includes the player in a pool with all other players in the network, and where the prize to the winning player is awarded based on a percentage of the total amount of network bingo cards sold in a particular network.

"Qualified organization" means any organization to which a valid permit has been issued by the Department to conduct charitable gaming or any organization that is exempt pursuant to § 18.2-340.23.

"Raffle" means a lottery in which the prize is won by (i) a random drawing of the name or prearranged number of one or more persons purchasing chances or (ii) a random contest in which the winning name or preassigned number of one or more persons purchasing chances is determined by a race involving inanimate objects floating on a body of water, commonly referred to as a "duck race."

"Reasonable and proper business expenses" means business expenses actually incurred by a qualified organization in the conduct of charitable gaming and not otherwise allowed under this article or under Board regulations on real estate and personal property tax payments, travel expenses, payments of utilities and trash collection services, legal and accounting fees, costs of business furniture, fixtures and office equipment and costs of acquisition, maintenance, repair, or construction of an organization's real property. For the purpose of this definition, salaries and wages of employees whose primary responsibility is to provide services for the principal benefit of an organization's members ~~shall not~~ may qualify as a business expense, *if so determined by the Department*. However, payments made pursuant to § 51.1-1204 to the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund shall be deemed a reasonable and proper business expense.

"Social organization" means any qualified organization that provides certification to the Department that it is:

1. An accredited public institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education for Virginia qualified under § 501(c)(3) of the Internal Revenue Code;

2. A fraternal beneficiary society, order, or association qualified under § 501(c)(8) of the Internal Revenue Code;

3. A domestic fraternal society, order, or association qualified under § 501(c)(10) of the Internal Revenue Code; or

4. A post or organization of past or present members of the Armed Forces of the United States, or an auxiliary unit or society of, or a trust or foundation for, any such post or organization qualified under § 501(c)(19) of the Internal Revenue Code.

"Social quarters" means, in addition to any specifications prescribed by the Department, an area at a social organization's primary location that (i) such organization designates to be used predominantly by its members for social and recreational activities, (ii) is accessible exclusively to members of the social organization and their guests, and (iii) is not advertised or open to the general public. It shall not disqualify the area from being considered social quarters if guests occasionally accompany members into the area, so long as such guests do not spend their own funds to participate in charitable gaming or electronic gaming activities conducted in the area. In determining if an area is social quarters for purposes of § 18.2-340.26:3, the Department may rely on publications of the Internal Revenue Service regarding the allowable participation of guests in an organization's social and recreational activities for purposes of § 501 of the Internal Revenue Code.

"Supplier" means any person who offers to sell, sells, or otherwise provides charitable gaming supplies to any qualified organization.

"Texas Hold'em poker game" means a variation of poker in which (i) players receive two cards facedown that may be used individually, (ii) five cards shown face up are shared among all players in the game, (iii) players combine any number of their individual cards with the shared cards to make the highest five-card hand to win the value wagered during the game, and (iv) the ranking of hands and the rules of the game are governed by the official rules of the Poker Tournament Directors Association.

"Texas Hold'em poker tournament" or "tournament" means an organized competition of players (i) who pay a fixed fee for entry into the competition and for a certain amount of poker chips for use in the competition; (ii) who may be allowed to pay an additional fee, during set preannounced times of the competition, to receive additional poker chips for use in the

competition; (iii) who may be seated at one or more tables simultaneously playing Texas Hold'em poker games; (iv) who upon running out of poker chips are eliminated from the competition; and (v) a pre-set number of whom are awarded prizes of value according to how long such players remain in the competition.

§ 18.2-340.18. Powers and duties of the Department.

The Department shall have all powers and duties necessary to carry out the provisions of this article and to exercise the control of charitable gaming as set forth in § 18.2-340.15. Such powers and duties shall include ~~but not be limited to~~ the following:

1. The Department is vested with jurisdiction and supervision over all charitable gaming authorized under the provisions of this article and including all persons that conduct or provide goods, services, or premises used in the conduct of charitable gaming. It may employ such persons as are necessary to ensure that charitable gaming is conducted in conformity with the provisions of this article and the regulations of the Board. The Department shall designate such agents and employees as it deems necessary and appropriate who shall be sworn to enforce the provisions of this article and the criminal laws of the Commonwealth and who shall be law-enforcement officers as defined in § 9.1-101.

2. The Department, its agents and employees and any law-enforcement officers charged with the enforcement of charitable gaming laws shall have free access to the offices, facilities or any other place of business of any organization, including any premises devoted in whole or in part to the conduct of charitable gaming. These individuals may enter such places or premises for the purpose of carrying out any duty imposed by this article, securing records required to be maintained by an organization, investigating complaints, or conducting audits.

3. The Department may compel the production of any books, documents, records, or memoranda of any ~~organizations~~ *organization, electronic gaming manufacturer*, or supplier involved in the conduct of charitable gaming for the purpose of satisfying itself that this article and its regulations are strictly complied with. In addition, the Department may require the production of an annual balance sheet and operating statement of any person granted a permit pursuant to the provisions of this article and may require the production of any contract to which such person is or may be a party.

4. The Department may issue subpoenas for the attendance of witnesses before it, administer oaths, and compel production of records or other documents and testimony of such witnesses whenever, in the judgment of the Department, it is necessary to do so for the effectual discharge of its duties.

5. The Department may compel any person conducting charitable gaming to file with the Department such documents, information or data as shall appear to the Department to be necessary for the performance of its duties.

6. The Department may enter into arrangements with any governmental agency of this or any other state or any locality in the Commonwealth or any agency of the federal government for the purposes of exchanging information or performing any other act to better ensure the proper conduct of charitable gaming.

7. The Department may issue a charitable gaming permit while the permittee's tax-exempt status is pending approval by the Internal Revenue Service.

8. The Department shall report annually to the Governor and the General Assembly, which report shall include a financial statement of the operation of the Department and any recommendations for legislation applicable to charitable gaming in the Commonwealth.

9. The Department, its agents and employees may conduct such audits, in addition to those required by § 18.2-340.31, as they deem necessary and desirable.

10. The Department may limit the number of organizations for which a person may manage, operate, or conduct charitable games.

11. The Department may report any alleged criminal violation of this article to the appropriate attorney for the Commonwealth for appropriate action.

12. Beginning July 1, 2024, and at least once every five years thereafter, the Department shall convene a stakeholder work group to review the limitations on prize amounts and provide any recommendations to the General Assembly by November 30 of the year in which the stakeholder work group is convened.

§ 18.2-340.19. Regulations of the Board.

A. The Board shall adopt regulations that:

1. Require, as a condition of receiving a *charitable gaming permit or authorization to conduct electronic gaming*, that the applicant use a predetermined percentage of its ~~gross~~ receipts for (i) those lawful religious, charitable, community, or educational purposes for which the organization is specifically chartered or organized or (ii) those expenses relating to the acquisition, construction, maintenance, or repair of any interest in real property involved in the operation of the organization and used for lawful religious, charitable, community, or educational purposes, *as follows*:

a. With respect to charitable gaming, other than electronic gaming, a predetermined percentage of its gross receipts.

b. With respect to electronic gaming, a predetermined percentage of its electronic gaming adjusted gross receipts.

2. Specify the conditions under which a complete list of the organization's members who participate in the management, operation, or conduct of charitable gaming may be required in order for the Board to ascertain the percentage of Virginia residents in accordance with subdivision A 3 of § 18.2-340.24.

Membership lists furnished to the Board or Department in accordance with this subdivision shall not be a matter of public record and shall be exempt from disclosure under the provisions of the Freedom of Information Act (§ 2.2-3700 et seq.).

3. Prescribe fees for processing applications for charitable gaming permits *and authorizing social organizations to conduct electronic gaming*. Such fees may reflect the nature and extent of the charitable gaming activity proposed to be conducted.

4. Establish requirements for the audit of all reports required in accordance with §§ 18.2-340.30 *and 18.2-340.30:2*.

5. Define electronic and mechanical equipment used in the conduct of charitable gaming. Board regulations shall include capacity for such equipment to provide full automatic daubing as numbers are called. For the purposes of this subdivision, electronic or mechanical equipment for instant bingo, pull tabs, or seal cards shall include such equipment that displays facsimiles of instant bingo, pull tabs, or seal cards and are used solely for the purpose of dispensing or opening such paper or electronic cards, or both; but shall not include (i) devices operated by dropping one or more coins or tokens into a slot and pulling a handle or pushing a button or touchpoint on a touchscreen to activate one to three or more reels marked into horizontal segments by varying symbols, where the predetermined prize amount depends on how and how many of the symbols line up when the rotating reels come to rest, or (ii) other similar devices that display flashing lights or illuminations, or bells, whistles, or other sounds, solely intended to entice players to play. Such regulations shall not prohibit the use of multiple video monitors or touchscreens on an electronic ~~pull tab~~ *gaming* device.

6. Prescribe the conditions under which a qualified organization may (i) provide food and nonalcoholic beverages to its members who participate in the management, operation, or conduct of bingo; (ii) permit members who participate in the management, operation, or conduct of bingo to play bingo; and (iii) subject to the provisions of subdivision 12 of § 18.2-340.33, permit nonmembers to participate in the conduct of bingo so long as the nonmembers are under the direct supervision of a bona fide member of the organization during the bingo game.

7. Prescribe the conditions under which a qualified organization may sell raffle tickets for a raffle drawing that will be held outside the Commonwealth pursuant to subsection B of § 18.2-340.26.

8. Prescribe the conditions under which persons who are bona fide members of a qualified organization or a child, above the age of 13 years, of a bona fide member of such organization may participate in the conduct or operation of bingo games.

9. Prescribe the conditions under which a person below the age of 18 years may play bingo, provided that such person is accompanied by his parent or legal guardian.

10. Require all qualified organizations that are subject to Board regulations to post in a conspicuous place in every place where charitable gaming is conducted a sign which bears a toll-free telephone number for "Gamblers Anonymous" or other organization which provides assistance to compulsive gamblers.

11. Prescribe the conditions under which a qualified organization may sell network bingo cards in accordance with § 18.2-340.28:1 and establish a percentage of proceeds derived from network bingo sales to be allocated to (i) prize pools, (ii) the organization conducting the network bingo, and (iii) the network bingo provider. The regulations shall also establish procedures for the retainage and ultimate distribution of any unclaimed prize.

12. Prescribe the conditions under which a qualified organization may manage, operate or contract with operators of, or conduct Texas Hold'em poker tournaments.

13. *Prescribe the conditions under which a qualified organization may lease the premises of a permitted social organization for the purpose of conducting bingo, network bingo, instant bingo, pull tabs, seal cards, and electronic gaming permitted under this article and establish requirements for proper financial reporting of all disbursements, gross receipts, and electronic gaming adjusted gross receipts and payment of all fees required under this article.*

B. In addition to the powers and duties granted pursuant to § 2.2-2456 and this article, the Board may, by regulation, approve variations to the card formats for bingo games, provided that such variations result in bingo games that are conducted in a manner consistent with the provisions of this article. Board-approved variations may include, ~~but are not limited to~~, bingo games commonly referred to as player selection games and 90-number bingo.

§ 18.2-340.20. Denial, suspension, or revocation of permit; hearings and appeals.

A. The Department may deny, suspend, or revoke the permit of any organization found not to be in strict compliance with the provisions of this article and the regulations of the Board only after the proposed action by the Department has been reviewed and approved by the Board. The action of the Department in denying, suspending, or revoking any permit shall be subject to the Administrative Process Act (§ 2.2-4000 et seq.).

B. Except as provided in §§ 18.2-340.25, 18.2-340.30, *18.2-340.30:2*, and 18.2-340.36, no permit to conduct charitable gaming *or authorization to conduct electronic gaming* shall be denied, suspended, or revoked except upon notice stating the proposed basis for such action and the time and place for the hearing. At the discretion of the Department, hearings may be conducted by hearing officers who shall be selected from the list prepared by the Executive Secretary of the Supreme Court. After a hearing on the issues, the Department may refuse to issue or may suspend or revoke any such permit *or authorization* if it determines that the organization has not complied with the provisions of this article or the regulations of the Board.

C. Any person aggrieved by a refusal of the Department to issue any permit, the suspension or revocation of a permit, or any other action of the Department may seek review of such action in accordance with Article 4 (§ 2.2-4025 et seq.) of the Administrative Process Act.

§ 18.2-340.22. Permitted forms of gaming; prizes not gaming contracts.

A. This article permits qualified organizations to conduct (i) raffles, bingo, network bingo, instant bingo games, and Texas Hold'em poker tournaments *and (ii) electronic gaming authorized pursuant to the provisions of § 18.2-340.26:3*. All

games not explicitly authorized by this article or Board regulations adopted in accordance with § ~~18.2-340.18~~ 18.2-340.19 are prohibited. Nothing herein shall be construed to authorize the Board to approve the conduct of any other form of poker in the Commonwealth.

B. The award of any prize money for any charitable game shall not be deemed to be part of any gaming contract within the purview of § 11-14.

C. Nothing in this article shall prohibit an organization from using the Virginia Lottery's Pick-3 number or any number or other designation selected by the Virginia Lottery in connection with any lottery, as the basis for determining the winner of a raffle.

§ 18.2-340.23. Organizations exempt from certain fees and reports.

A. No organization that reasonably expects, based on prior charitable gaming annual results or any other quantifiable method, to realize gross receipts of \$40,000 or less in any 12-month period from raffles conducted in accordance with the provisions of this article shall be required to (i) notify the Department of its intention to conduct raffles or (ii) comply with Board regulations governing raffles. If any organization's actual gross receipts from raffles for the 12-month period exceed \$40,000, the Department shall require the organization to file by a specified date the report required by § 18.2-340.30.

B. Any (i) organization described in subdivision 15 of the definition of "organization" in § 18.2-340.16 or (ii) volunteer fire department or volunteer emergency medical services agency or auxiliary unit thereof that has been recognized in accordance with § 15.2-955 by an ordinance or resolution of the political subdivision where the volunteer fire department or volunteer emergency medical services agency is located as being part of the safety program of such political subdivision shall be exempt from the payment of application fees required by § 18.2-340.25 and the payment of audit fees required by § 18.2-340.31. *Any such organization, department, agency, or unit that conducts electronic gaming shall be subject to such application fees and audit fees for its electronic gaming activities; however, in accordance with the provisions of § 18.2-340.31, any audit fees may be paid by either the organization or the electronic gaming manufacturer whose electronic gaming devices are present on the premises of the organization, department, agency, or unit.* Nothing in this subsection shall be construed as exempting any organizations described in subdivision 15 of the definition of "organization" in § 18.2-340.16, volunteer fire departments, or volunteer emergency medical services agencies from any other provisions of this article or other Board regulations.

C. Nothing in this section shall prevent the Department from conducting any investigation or audit it deems appropriate to ensure an organization's compliance with the provisions of this article and, to the extent applicable, Board regulations.

§ 18.2-340.25:1. Authorization to conduct electronic gaming required; fee.

A. *In addition to a charitable gaming permit, a social organization shall receive authorization from the Department prior to conducting any electronic gaming pursuant to the provisions of § 18.2-340.26:3. A social organization may request such authorization from the Department by providing certain information, as determined by the Department on a form prescribed by the Department.*

B. *All requests for authorization to conduct electronic gaming shall be acted upon by the Department within 45 days from the date of the request. A social organization that meets the necessary requirements pursuant to this article may be, at the discretion of the Department, authorized to conduct electronic gaming pursuant to the provisions of § 18.2-340.26:3. Any such authorization granted by the Department shall be noted on the social organization's charitable gaming permit and shall be valid for the time specified in the permit unless it is sooner suspended or revoked. No authorization to conduct electronic gaming shall be valid for longer than two years. All requests received by the Department shall be a matter of public record.*

All authorizations to conduct electronic gaming shall be subject to regulation by the Department to ensure the public safety and welfare in the operation of electronic games. The authorization shall only be granted after a reasonable investigation has been conducted by the Department.

C. *In no case shall a social organization be authorized to conduct electronic gaming at more than one location.*

D. *Requests for authorization to conduct electronic gaming shall be made on forms prescribed by the Department and shall be accompanied by payment of a fee.*

E. *Requests for renewal of such authorizations shall be made in accordance with Board regulations. If a complete renewal request is received 45 days or more prior to the expiration of the authorization, the authorization shall continue to be effective until such time as the Department has taken final action. Otherwise, the authorization shall expire at the end of its term.*

§ 18.2-340.26:1. Sale of instant bingo, pull tabs, or seal cards.

A. Instant bingo, pull tabs, or seal cards may be sold only (i) by a qualified organization, as defined in § 18.2-340.16, (ii) upon premises that are owned or exclusively and entirely leased by the qualified organization *or leased by the qualified organization pursuant to subsection C*, and (iii) at such times that the premises in which the instant bingo, pull tabs, or seal cards are sold is open only to members and their guests via controlled access. ~~No~~ *Except as provided in subsection C, no organization, except for an association of war veterans or auxiliary units thereof organized in the United States or a fraternal association or corporation operating under the lodge system,* may sell instant bingo, pull tabs, or seal cards (a) at a location outside of the county, city, or town in which the organization's principal office, as registered with the State Corporation Commission, is located or in an adjoining county, city, or town or (b) at an establishment that has been granted a license pursuant to Chapter 2 (§ 4.1-200 et seq.) of Title 4.1 unless such license is held by the organization. Nothing in this article

shall be construed to prohibit the conduct of games of chance involving the sale of pull tabs, or seal cards, commonly known as last sale games, conducted in accordance with this section *or, if such games are electronic games, in accordance with § 18.2-340.26:3.*

B. ~~Except as otherwise provided in subdivision 15 of the definition of "organization" in § 18.2-340.16, the proceeds from instant bingo, pull tabs, or seal cards shall not be included in determining the gross receipts for a qualified organization provided the gaming (i) is limited exclusively to members of the organization and their guests; (ii) is not open to the general public; and (iii) there is no public solicitation or advertisement made regarding such gaming. It is prohibited to use an electronic device to conduct instant bingo, pull tabs, or seal cards except as permitted under § 18.2-340.26:3.~~

C. ~~No more than 18 devices that facilitate the play of electronic versions of instant bingo, pull tabs, or seal cards, commonly referred to as electronic pull tabs, may be used upon the premises owned or exclusively leased by the organization and at such times as the portion of the premises in which the instant bingo, pull tabs, or seal cards are sold is open only to members and their guests. Notwithstanding the provisions of subsection A, a qualified organization may lease the premises of any social organization authorized pursuant to § 18.2-340.26:3 for the purpose of selling instant bingo, pull tabs, or seal cards.~~

§ 18.2-340.26:3. Electronic gaming; penalty.

A. ~~The Department may authorize a social organization to conduct electronic gaming (i) within its social quarters and (ii) elsewhere on the premises of its primary location. Any such authorized social organization may lease its premises to any qualified organization for the purpose of conducting electronic gaming. A qualified organization that leases the premises of a social organization pursuant to this section shall be subject to the rules and regulations prescribed by the Board. No other electronic gaming shall be allowed under this article. Any person who conducts or participates in electronic gaming that is not authorized under this section shall be subject to the penalties specified in § 18.2-340.37.~~

B. ~~A social organization may request authorization from the Department to conduct electronic gaming pursuant to this section in accordance with the procedures established under §§ 18.2-340.20 and 18.2-340.25. Any fee charged by the Department for the purpose of such authorization shall be in addition to any fee charged for a charitable gaming permit. Any charitable gaming permit that also authorizes a social organization to conduct electronic gaming shall identify the expiration date of such authorization and the number of electronic gaming devices authorized at the location.~~

C. ~~A social organization and any qualified organization that leases the premises of a social organization pursuant to this section are prohibited from advertising any electronic gaming activities to the general public.~~

D. ~~The Department may authorize a maximum of 18 electronic gaming devices at a location. Each such device shall bear a mark indicating it has been authorized and approved by the Department.~~

E. ~~An electronic gaming manufacturer that has been issued a permit by the Department in accordance with § 18.2-340.34 shall report all electronic gaming adjusted gross receipts pursuant to the provisions of § 18.2-340.30:2.~~

F. ~~The use of electronic gaming devices utilizing multiple video monitors or touchscreens shall be limited to one player at a time.~~

G. ~~No social organization or qualified organization leasing the premises of a social organization shall allow any individual younger than 21 years of age to participate in electronic gaming. No individual younger than 21 years of age shall participate in electronic gaming or otherwise use an electronic device to play or redeem any instant bingo, pull tabs, or seal cards.~~

H. ~~No social organization or any qualified organization leasing the premises of a social organization shall extend lines of credit or accept any credit or other electronic fund transfer other than debit cards in payment of any charges or assessments for players to participate in electronic gaming.~~

§ 18.2-340.27. Conduct of bingo games.

A. ~~A qualified organization shall accept only cash or, at its option, checks or debit cards in payment of any charges or assessments for players to participate in bingo games. However, no such organization shall accept postdated checks in payment of any charges or assessments for players to participate in bingo games.~~

B. ~~No qualified organization or any person on the premises shall extend lines of credit or accept any credit or other electronic fund transfer other than debit cards in payment of any charges or assessments for players to participate in bingo games.~~

C. ~~Bingo games may be held by qualified organizations on any calendar day.~~

D. ~~Qualified organizations may hold an unlimited number of bingo sessions on any calendar day.~~

E. ~~Any Except as provided in subsection F, no organization may conduct bingo games only in (i) at a location outside of the county, city, or town in which its principal office, as registered with the State Corporation Commission, is located or in an adjoining county, city, or town; An organization shall have only one principal office. An organization may not conduct bingo games or (ii) at an establishment that has been granted a license pursuant to Chapter 2 (§ 4.1-200 et seq.) of Title 4.1 unless such license is held by the organization. This subsection shall not apply to any association of war veterans or auxiliary units thereof organized in the United States or any fraternal association or corporation operating under the lodge system.~~

F. ~~Notwithstanding the provisions of subsection E, a qualified organization may lease the premises of any social organization authorized pursuant to § 18.2-340.26:3 for the purpose of conducting bingo games.~~

§ 18.2-340.28. Conduct of instant bingo, network bingo, pull tabs, and seal cards.

A. Any organization qualified to conduct bingo games pursuant to the provisions of this article may also play instant bingo, network bingo, pull tabs, or seal cards; however, such games shall be played only at such times designated in the permit for regular bingo games and only at locations at which the organization is authorized to conduct regular bingo games pursuant to ~~subsection~~ *subsections E and F* of § 18.2-340.27. *It is prohibited to use an electronic device to conduct instant bingo, pull tabs, or seal cards except as permitted under § 18.2-340.26:3.*

B. Any organization conducting instant bingo, network bingo, pull tabs, or seal cards shall maintain a record of the date, quantity and card value of instant bingo supplies purchased as well as the name and address of the supplier of such supplies. The organization shall also maintain a written invoice or receipt from a nonmember of the organization verifying any information required by this subsection. Such supplies shall be paid for only by check drawn on the gaming account of the organization. A complete inventory of all such gaming supplies shall be maintained by the organization on the premises where the gaming is being conducted.

C. No qualified organization shall sell any instant bingo, network bingo, pull tabs, or seal cards to any individual younger than 18 years of age. No individual younger than 18 years of age shall play or redeem any instant bingo, network bingo, pull tabs, or seal cards.

~~D. The use of electronic pull tab devices utilizing multiple video monitors or touchscreens shall be limited to one player at a time. No qualified organization or any person on the premises shall extend lines of credit or accept any credit or other electronic fund transfer other than debit cards in payment of any charges or assessments for players to participate in instant bingo, network bingo, pull tabs, or seal cards.~~

§ 18.2-340.28:1. Conduct of network bingo.

A. Any organization qualified to conduct bingo games pursuant to the provisions of this article may also sell network bingo cards; however, network bingo shall be sold only at such times designated in the permit for regular bingo games and only at locations at which the organization is authorized to conduct regular bingo games pursuant to ~~subsection~~ *subsections E and F* of § 18.2-340.27.

B. Any organization selling network bingo cards shall maintain a record of the date and quantity of network bingo cards purchased from a licensed network bingo provider. The organization shall also maintain a written invoice or receipt from a licensed supplier verifying any information required by this subsection. Such supplies shall be paid for only by check drawn on the gaming account of the organization or by electronic fund transfer. A complete inventory of all such gaming supplies shall be maintained by the organization on the premises where network bingo cards are sold.

C. No qualified organization shall sell any network bingo cards to any individual younger than 18 years of age. No individual younger than 18 years of age shall play or redeem any network bingo cards.

D. A qualified organization shall accept only cash or, at its option, checks or debit cards in payment of any charges or assessments for players to participate in any network bingo game. However, no such organization shall accept postdated checks in payment of any charges or assessments for players to participate in network bingo games.

E. No qualified organization or any person on the premises shall extend lines of credit or accept any credit or other electronic fund transfer other than debit cards in payment of any charges or assessments for players to participate in network bingo games.

F. No qualified organization shall conduct network bingo more frequently than one day in any calendar week, which shall not be the same day of each week.

~~G. No network bingo games shall be permitted in the social quarters of an organization that are open only to the organization's members and their guests.~~

~~H. No qualified organization shall sell network bingo cards on the Internet or other online service or allow the play of network bingo on the Internet or other online service. However, the location where network bingo games are conducted shall be equipped with a video monitor, television, or video screen, or any other similar means of visually displaying a broadcast or signal, that relays live, real-time video of the numbers as they are called by a live caller. The Internet or other online service may be used to relay information about winning players.~~

~~I. H. Qualified organizations may award network bingo prizes on a graduated scale; however, no single network bingo prize shall exceed \$25,000.~~

~~J. I. Nothing in this section shall be construed to prohibit an organization from participating in more than one network bingo network.~~

§ 18.2-340.30. Reports of gross receipts, electronic gaming adjusted gross receipts, and disbursements required; form of reports; failure to file.

A. 1. Each qualified organization shall keep a complete record of all ~~inventory~~:

a. Inventory of charitable gaming supplies purchased; ~~all receipts.~~

b. Receipts from its charitable gaming operation, ~~and all disbursements including a breakdown of receipts attributable to each type of game offered.~~

c. Electronic gaming adjusted gross receipts.

d. Disbursements related to ~~such operation~~ charitable gaming and electronic gaming operations, including a breakdown of disbursements for each purpose specified in subdivision 1 of § 18.2-340.33.

2. Except as provided in § §§ 18.2-340.23 and 18.2-340.30:2, each qualified organization shall file at least annually, on a form prescribed by the Department, a report of all ~~such~~ receipts and disbursements *specified in subdivision 1*, the amount of money on hand attributable to charitable gaming as of the end of the period covered by the report, and any other

information related to its charitable gaming operation that the Department may require. In addition, the Board, by regulation, may require any qualified organization whose net receipts exceed a specified amount during any three-month period to file a report of its receipts and disbursements for such period. All reports filed pursuant to this section shall be a matter of public record.

B. All reports required by this section shall be filed on or before the date prescribed by the Department. The Board, by regulation, shall establish a schedule of late fees to be assessed for any organization that fails to submit required reports by the due date.

C. Except as provided in § 18.2-340.23, each qualified organization shall designate or compensate an outside individual or group who shall be responsible for filing an annual, and, if required, quarterly, financial report if the organization goes out of business or otherwise ceases to conduct charitable gaming activities. The Department shall require such reports as it deems necessary until all proceeds of any charitable gaming have been used for the purposes specified in § 18.2-340.19 or have been disbursed in a manner approved by the Department.

D. Each qualified organization shall maintain for three years a complete written record of (i) all charitable gaming sessions using Department prescribed forms or reasonable facsimiles thereof approved by the Department; (ii) the name and address of each individual to whom is awarded any charitable gaming prize or jackpot that meets or exceeds the requirements of Internal Revenue Service Publication 3079, as well as the amount of the award; and (iii) an itemized record of all receipts and disbursements, including operating costs and use of proceeds incurred in operating bingo games.

E. The failure to file reports within 30 days of the time such reports are due shall cause the automatic revocation of the permit, and no organization shall conduct any bingo game or raffle thereafter until the report is properly filed and a new permit is obtained. However, the Department may grant an extension of time for filing such reports for a period not to exceed 45 days if requested by an organization, provided the organization requests an extension within 15 days of the time such reports are due and all projected fees are paid. For the term of any such extension, the organization's permit shall not be automatically revoked, such organization may continue to conduct charitable gaming, *or electronic gaming if authorized to do so pursuant to the provisions of this article*, and no new permit shall be required.

F. For purposes of this section, the requirement to file a report shall also include the payment of any applicable fees required to accompany such report.

§ 18.2-340.30:2. Reports of electronic gaming adjusted gross receipts by electronic gaming manufacturer required; form of reports; failure to file.

A. Each electronic gaming manufacturer that holds a permit issued by the Department pursuant to § 18.2-340.34 shall keep a complete record of all electronic gaming adjusted gross receipts and shall file at least annually, on a form prescribed by the Department, a report of all such receipts and any other information related to the manufacture of electronic gaming devices that the Department may require.

B. The report required by this section shall be filed on or before the date prescribed by the Department. The Board, by regulation, shall establish a schedule of late fees to be assessed for any electronic gaming manufacturer that fails to submit required reports by the due date.

C. Each electronic gaming manufacturer shall maintain for three years a complete written record of all electronic gaming adjusted gross receipts.

D. The failure to file the report required by this section within 30 days of the time such report is due shall cause the automatic revocation of the electronic gaming manufacturer's permit, and no such manufacturer shall manufacture any new electronic gaming device until the report is properly filed and a new permit is obtained. However, the Department may grant an extension of time for filing such report for a period not to exceed 45 days if requested by a manufacturer, provided that the manufacturer requests an extension within 15 days of the time such report is due and all projected fees are paid. For the term of any such extension, the manufacturer's permit shall not be automatically revoked, such manufacturer may continue to manufacture electronic gaming devices, and no new permit shall be required.

E. For purposes of this section, the requirement to file a report shall also include the payment of any applicable fees required to accompany such report.

§ 18.2-340.31. Audit of reports; exemption; audit and administration fee; additional assessment of gross receipts and electronic gaming adjusted gross receipts.

A. All reports filed pursuant to § §§ 18.2-340.30 and 18.2-340.30:2 shall be subject to audit by the Department in accordance with Board regulations. The Department may engage the services of independent certified public accountants to perform any audits deemed necessary to fulfill the Department's responsibilities under this article.

B. The Department shall prescribe a reasonable audit and administration fee to be paid by (i) any organization conducting charitable gaming under a permit issued by the Department unless the organization is exempt from such fee pursuant to § 18.2-340.23 or (ii) any electronic gaming manufacturer that holds a permit issued by the Department pursuant to § 18.2-340.34. Such fee shall not exceed ~~one-half of one and one-quarter~~ *one-half of one* percent of the gross receipts ~~which that~~ an organization reports pursuant to § 18.2-340.30 or *one-half of one percent of the electronic gaming adjusted gross receipts that an electronic gaming manufacturer reports pursuant to § 18.2-340.30:2*. The audit and administration fee shall accompany each report for each calendar quarter.

C. The audit and administration fee shall be payable to the Treasurer of Virginia. All such fees received by the Treasurer of Virginia shall be separately accounted for and shall be used only by the Department for the purposes of auditing and regulating charitable gaming.

D. In addition to the fee imposed under subsection B, an additional fee of (i) one-quarter of one percent of the gross receipts that an organization reports pursuant to § 18.2-340.30 shall be paid by the organization or (ii) one-quarter of one percent of the electronic gaming adjusted gross receipts that an electronic gaming manufacturer reports pursuant to § 18.2-340.30:2 shall be paid by the electronic gaming manufacturer to the Treasurer of Virginia. All such amounts shall be collected and deposited in the same manner as prescribed in subsections B and C and shall be used for the same purposes.

§ 18.2-340.33. Prohibited practices.

In addition to those other practices prohibited by this article, the following acts or practices are prohibited:

1. No part of the gross receipts or *electronic gaming adjusted gross receipts* derived by a qualified organization may be used for any purpose other than (i) ~~reasonable and proper~~ gaming expenses; (ii) reasonable and proper business expenses; (iii) those lawful religious, charitable, community, or educational purposes for which the organization is specifically chartered or organized; and (iv) expenses relating to the acquisition, construction, maintenance, or repair of any interest in the real property involved in the operation of the organization and used for lawful religious, charitable, community or educational purposes. For the purposes of clause (iv), such expenses may include the expenses of a corporation formed for the purpose of serving as the real estate holding entity of a qualified organization, provided (a) such holding entity is qualified as a tax exempt organization under § 501(c) of the Internal Revenue Code and (b) the membership of the qualified organization is identical to such holding entity.

2. Except as provided in § 18.2-340.34:1, no qualified organization shall enter into a contract with or otherwise employ for compensation any person for the purpose of organizing, managing, or conducting any charitable games. However, organizations composed of or for deaf or blind persons may use a part of their gross receipts for costs associated with providing clerical assistance in the management and operation but not the conduct of charitable gaming.

The provisions of this subdivision shall not prohibit the joint operation of bingo games held in accordance with § 18.2-340.29.

3. No person shall pay or receive for use of any premises devoted, in whole or in part, to the conduct of any charitable games, any consideration in excess of the current fair market rental value of such property. Fair market rental value consideration shall not be based upon or determined by reference to a percentage of the proceeds derived from the operation of any charitable games or to the number of people in attendance at such charitable games.

4. No person shall participate in the management or operation of any charitable game unless such person is and, for a period of at least 30 days immediately preceding such participation, has been a bona fide member of the organization. For any organization that is not composed of members, a person who is not a bona fide member may volunteer in the conduct of a charitable game as long as that person is directly supervised by a bona fide official member of the organization.

The provisions of this subdivision shall not apply to (i) persons employed as clerical assistants by qualified organizations composed of or for deaf or blind persons; (ii) employees of a corporate sponsor of a qualified organization, provided such employees' participation is limited to the management, operation or conduct of no more than one raffle per year; (iii) the spouse or family member of any such bona fide member of a qualified organization provided at least one bona fide member is present; or (iv) persons employed by a qualified organization authorized to sell pull tabs or seal cards in accordance with § 18.2-340.16, provided (a) such sales are conducted by no more than two on-duty employees, (b) such employees receive no compensation for or based on the sale of the pull tabs or seal cards, and (c) such sales are conducted in the private social quarters of the organization.

5. No person shall receive any remuneration for participating in the management, operation, or conduct of any charitable game, except that:

a. Persons employed by organizations composed of or for deaf or blind persons may receive remuneration not to exceed \$30 per event for providing clerical assistance in the management and operation but not the conduct of charitable games only for such organizations;

b. Persons under the age of 19 who sell raffle tickets for a qualified organization to raise funds for youth activities in which they participate may receive nonmonetary incentive awards or prizes from the organization;

c. Remuneration may be paid to off-duty law-enforcement officers from the jurisdiction in which such bingo games are played for providing uniformed security for such bingo games even if such officer is a member of the sponsoring organization, provided the remuneration paid to such member is in accordance with off-duty law-enforcement personnel work policies approved by the local law-enforcement official and further provided that such member is not otherwise engaged in the management, operation, or conduct of the bingo games of that organization, or to private security services businesses licensed pursuant to § 9.1-139 providing uniformed security for such bingo games, provided that employees of such businesses shall not otherwise be involved in the management, operation, or conduct of the bingo games of that organization;

d. A member of a qualified organization lawfully participating in the management, operation, or conduct of a bingo game may be provided food and nonalcoholic beverages by such organization for on-premises consumption during the bingo game provided the food and beverages are provided in accordance with Board regulations;

e. Remuneration may be paid to bingo managers or callers who have a current registration certificate issued by the Department in accordance with § 18.2-340.34:1, or who are exempt from such registration requirement. Such remuneration shall not exceed \$100 per session; and

f. Volunteers of a qualified organization may be reimbursed for their reasonable and necessary travel expenses, not to exceed \$50 per session.

6. No landlord shall, at bingo games conducted on the landlord's premises, (i) participate in the conduct, management, or operation of any bingo games; (ii) sell, lease, or otherwise provide for consideration any bingo supplies, including, ~~but not limited to,~~ bingo cards, instant bingo cards, or other game pieces; or (iii) require as a condition of the lease or by contract that a particular manufacturer, distributor, or supplier of bingo supplies or equipment be used by the organization.

The provisions of this subdivision shall not apply to any qualified organization conducting bingo games on its own behalf at premises owned by it.

7. No qualified organization shall enter into any contract with or otherwise employ or compensate any member of the organization on account of the sale of bingo supplies or equipment.

8. No organization shall award any bingo prize money or any merchandise valued in excess of the following amounts:

a. No bingo door prize shall exceed \$250 for a single door prize or \$500 in cumulative door prizes in any one session;

b. No regular bingo or special bingo game prize shall exceed \$100. However, up to 10 games per bingo session may feature a regular bingo or special bingo game prize of up to \$200;

c. No instant bingo, pull tab, or seal card prize for a single card shall exceed \$2,000;

d. Except as provided in this subdivision 8, no bingo jackpot of any nature whatsoever shall exceed \$1,000, nor shall the total amount of bingo jackpot prizes awarded in any one session exceed \$1,000. Proceeds from the sale of bingo cards and the sheets used for bingo jackpot games shall be accounted for separately from the bingo cards or sheets used for any other bingo games; and

e. No single network bingo prize shall exceed \$25,000. Proceeds from the sale of network bingo cards shall be accounted for separately from bingo cards and sheets used for any other bingo game.

9. The provisions of subdivision 8 shall not apply to:

Any progressive bingo game, in which (i) a regular or special prize, not to exceed \$100, is awarded on the basis of predetermined numbers or patterns selected at random and (ii) a progressive prize, not to exceed \$500 for the initial progressive prize and \$5,000 for the maximum progressive prize, is awarded if the predetermined numbers or patterns are covered when a certain number of numbers is called, provided that (a) there are no more than six such games per session per organization, (b) the amount of increase of the progressive prize per session is no more than \$200, (c) the bingo cards or sheets used in such games are sold separately from the bingo cards or sheets used for any other bingo games, (d) the organization separately accounts for the proceeds from such sale, and (e) such games are otherwise operated in accordance with the Department's rules of play.

10. No organization shall award any raffle prize valued at more than \$100,000.

The provisions of this subdivision shall not apply to a raffle conducted no more than three times per calendar year by a qualified organization qualified as a tax-exempt organization pursuant to § 501(c) of the Internal Revenue Code for a prize consisting of a lot improved by a residential dwelling where 100 percent of the moneys received from such a raffle, less deductions for the fair market value for the cost of acquisition of the land and materials, are donated to lawful religious, charitable, community, or educational organizations specifically chartered or organized under the laws of the Commonwealth and qualified as a § 501(c) tax-exempt organization. No more than one such raffle shall be conducted in any one geographical region of the Commonwealth.

11. No qualified organization composed of or for deaf or blind persons which employs a person not a member to provide clerical assistance in the management and operation but not the conduct of any charitable games shall conduct such games unless it has in force fidelity insurance, as defined in § 38.2-120, written by an insurer licensed to do business in the Commonwealth.

12. No person shall participate in the management or operation of any charitable game if he has ever been convicted of any felony or if he has been convicted of any misdemeanor involving fraud, theft, or financial crimes within the preceding five years. No person shall participate in the conduct of any charitable game if, within the preceding 10 years, he has been convicted of any felony or if, within the preceding five years he has been convicted of any misdemeanor involving fraud, theft, or financial crimes. In addition, no person shall participate in the management, operation or conduct of any charitable game if that person, within the preceding five years, has participated in the management, operation, or conduct of any charitable game which was found by the Department or a court of competent jurisdiction to have been operated in violation of state law, local ordinance, or Board regulation.

13. Qualified organizations jointly conducting bingo games pursuant to § 18.2-340.29 shall not circumvent any restrictions and prohibitions which would otherwise apply if a single organization were conducting such games. These restrictions and prohibitions shall include; ~~but not be limited to,~~ the frequency with which bingo games may be held, the value of merchandise or money awarded as prizes, or any other practice prohibited under this section.

14. A qualified organization shall not purchase any charitable gaming supplies for use in the Commonwealth from any person who is not currently registered with the Department as a supplier pursuant to § 18.2-340.34.

15. Unless otherwise permitted in this article, no part of an organization's charitable gaming gross receipts shall be used for an organization's social or recreational activities.

§ 18.2-340.34. Suppliers of charitable gaming supplies; manufacturers of electronic gaming devices; permit; qualification; suspension, revocation, or refusal to renew certificate; maintenance, production, and release of records.

A. No person shall offer to sell, sell, or otherwise provide charitable gaming supplies to any qualified organization and no manufacturer shall distribute electronic ~~games of chance systems~~ *gaming devices* for charitable gaming in the

Commonwealth unless and until such person has made application for and has been issued a permit by the Department. An application for permit shall be made on forms prescribed by the Department and shall be accompanied by a fee in the amount of \$1,000. Each permit shall remain valid for a period of one year from the date of issuance. Application for renewal of a permit shall be accompanied by a fee in the amount of \$1,000 and shall be made on forms prescribed by the Department.

B. The Board shall have authority to prescribe by regulation reasonable criteria consistent with the provisions of this article for the registration of suppliers and manufacturers of electronic ~~games of chance systems~~ *gaming devices* for charitable gaming. The Department shall refuse to issue a permit to any supplier or manufacturer who has, or which has any officer, director, partner, or owner who has, (i) been convicted of or pleaded nolo contendere to a felony in any state or federal court or has been convicted of any offense that, if committed in the Commonwealth, would be a felony; (ii) been convicted of or pleaded nolo contendere to a crime involving gambling; (iii) violated the gaming laws of any jurisdiction within the last five years, including violations for failure to register; or (iv) had any license, permit, certificate, or other authority related to charitable gaming suspended or revoked in the Commonwealth or in any other jurisdiction within the last five years. The Department may refuse to issue a permit to any supplier or manufacturer who has, or which has any officer, director, partner, or owner who has, (a) failed to file or has been delinquent in excess of one year in the filing of any tax returns or the payment of any taxes due the Commonwealth or (b) failed to establish a registered office or registered agent in the Commonwealth if so required by § 13.1-634 or 13.1-763.

C. The Department shall suspend, revoke, or refuse to renew the permit of any supplier or manufacturer for any conduct described in clause (i), (ii), (iii), or (iv) of subsection B. The Department may suspend, revoke, or refuse to renew the permit of any supplier or manufacturer for any conduct described in clause (a) or (b) of subsection B or for any violation of this article or regulation of the Board. Before taking any such action, the Department shall give the supplier or manufacturer a written statement of the grounds upon which it proposes to take such action and an opportunity to be heard. Every hearing in a contested case shall be conducted in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).

D. Each supplier shall document each sale of charitable gaming supplies, including electronic ~~games of chance systems~~ *gaming devices*, and other items incidental to the conduct of charitable gaming, such as markers, wands or tape, to a qualified organization on an invoice which clearly shows (i) the name and address of the qualified organization to which such supplies or items were sold; (ii) the date of the sale; (iii) the name or form and serial number of each deal of instant bingo cards and pull-tab raffle cards, the quantity of deals sold, and the price per deal paid by the qualified organization; (iv) the serial number of the top sheet in each packet of bingo paper, the serial number for each series of uncollated bingo paper, and the cut, color, and quantity of bingo paper sold; and (v) any other information with respect to charitable gaming supplies, including electronic ~~games of chance systems~~ *gaming devices*, or other items incidental to the conduct of charitable gaming as the Board may prescribe by regulation. A legible copy of the invoice shall accompany the charitable gaming supplies when delivered to the qualified organization.

Each manufacturer of electronic ~~games of chance systems~~ *gaming devices* shall document each distribution of such ~~systems~~ *devices* to a qualified organization or supplier on an invoice which clearly shows (a) the name and address of the qualified organization or supplier to which such systems were distributed; (b) the date of distribution; (c) the serial number of each such ~~system~~ *device*; and (d) any other information with respect to electronic ~~games of chance systems~~ *gaming devices* as the Board may prescribe by regulation. A legible copy of the invoice shall accompany the electronic ~~games of chance systems~~ *gaming devices* when delivered to the qualified organization or supplier.

E. Each supplier and manufacturer shall maintain a legible copy of each invoice required by subsection D for a period of three years from the date of sale. Each supplier and manufacturer shall make such documents immediately available for inspection and copying to any agent or employee of the Department upon request made during normal business hours. This subsection shall not limit the right of the Department to require the production of any other documents in the possession of the supplier or manufacturer which relate to its transactions with qualified organizations. All documents and other information of a proprietary nature furnished to the Department in accordance with this subsection shall not be a matter of public record and shall be exempt from disclosure under the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

F. Each supplier and manufacturer shall provide to the Department the results of background checks and any other records or documents necessary for the Department to enforce the provisions of subsections B and C.

§ 18.2-340.36:1. Civil penalty.

A. Any person or organization, whether permitted or qualified pursuant to this article or not, that (i) conducts charitable gaming without first obtaining a permit to do so, (ii) continues to conduct such games after revocation or suspension of such permit, or (iii) otherwise violates any provision of this article shall, in addition to any other penalties provided, be subject to a civil penalty of not less than \$25,000 and not more than \$50,000 per incident. Any civil penalties collected pursuant to this section shall be payable to the State Treasurer for remittance to the Department.

B. Any electronic gaming manufacturer, whether permitted pursuant to this article or not, shall, in addition to any other penalties provided, be subject to the penalty identified in subsection A for any violation of any provision of this article.

2. That the Charitable Gaming Board's (the Board) initial adoption of regulations necessary to implement the provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of

Virginia), except that the Board shall provide an opportunity for public comment on the regulations prior to adoption. The Board shall complete work on such regulations no later than September 15, 2022.

3. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 552 of the Acts of Assembly of 2021, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 723

An Act to amend the Code of Virginia by adding a section numbered 17.1-805.1, relating to discretionary sentencing guidelines; midpoint for violent felony offenses.

[S 423]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 17.1-805.1 as follows:

§ 17.1-805.1. Discretionary sentencing guideline midpoints for certain defendants.

The Commission shall adopt discretionary felony sentencing guidelines that may increase the midpoint of the recommended sentencing range based on the defendant's record of convictions for violent felony offenses, as defined in subsection C of § 17.1-805.

For guidelines that become effective on or after July 1, 2022, the Commission may increase the midpoint of the recommended sentencing range for such defendants as set forth in subsection A of § 17.1-805 or the Commission may recommend increases in the midpoint to the degree indicated by historical data for felony offenses sentenced in the Commonwealth. Any recommendations adopted by the Commission to modify the sentencing guidelines midpoints shall be contained in the annual report required under § 17.1-803 and shall become effective in accordance with § 17.1-806.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

3. That the Virginia Criminal Sentencing Commission (the Commission) shall submit a report to the General Assembly, the Governor, and the Chief Justice of the Supreme Court of Virginia by October 1, 2022, documenting the impact on sentencing guideline midpoints for each offense if the Commission were to recommend changes to the midpoints based on analysis of historical sentencing data.

4. That the provisions of the first enactment of this act shall become effective on July 1, 2023.

CHAPTER 724

An Act to amend and reenact § 32.1-122.03:1 of the Code of Virginia, relating to Board of Health; Statewide Telehealth Plan; Virginia Telehealth Network.

[S 436]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-122.03:1 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-122.03:1. Statewide Telehealth Plan.

A. As used in this section:

"Remote patient monitoring services" has the same meaning as in § 38.2-3418.16.

"Telehealth services" means the use of telecommunications and information technology to provide access to health assessments, diagnosis, intervention, consultation, supervision, and information across distance. "Telehealth services" includes the use of such technologies as telephones, facsimile machines, electronic mail systems, store-and-forward technologies, and remote patient monitoring devices that are used to collect and transmit patient data for monitoring and interpretation. Nothing in this definition shall be construed or interpreted to amend the appropriate establishment of a bona fide practitioner-patient relationship, as defined in § 54.1-3303.

"Telemedicine services" has the same meaning as in § 38.2-3418.16.

B. The Board shall develop, by January 1, 2021, amend and maintain, in consultation with the Virginia Telehealth Network, as a component of the State Health Plan a Statewide Telehealth Plan to promote an integrated approach to the introduction and use of telehealth services and telemedicine services. *The Board shall contract with the Virginia Telehealth Network, or another Virginia-based nongovernmental, nonprofit organization focused on telehealth if the Virginia Telehealth Network is no longer in existence, to (i) provide direct consultation to any advisory groups and groups tasked by*

the Board with implementation and data collection as required by this section, (ii) track implementation of the Statewide Telehealth Plan, and (iii) facilitate changes to the Statewide Telehealth Plan as accepted medical practices and technologies evolve.

C. The Statewide Telehealth Plan shall include *but not be limited to* provisions for:

1. The promotion of the inclusion of telehealth services and telemedicine services in the operating procedures of hospitals, primary care facilities, public primary and secondary schools, state-funded post-secondary schools, emergency medical services agencies, and such other state agencies and practices deemed necessary by the Board;

2. The promotion of the use of remote patient monitoring services and store-and-forward technologies, including in cases involving patients with chronic illness;

3. A uniform and integrated set of proposed criteria for the use of telehealth technologies for prehospital and interhospital triage and transportation of patients initiating or in need of emergency medical services developed by the Board in consultation with the Department of Health Professions, the Virginia College of Emergency Physicians, the Virginia Hospital and Healthcare Association, the Virginia Chapter of the American College of Surgeons, the American Stroke Association, the American Telemedicine Association, and prehospital care providers. The Board may revise such criteria from time to time to incorporate accepted changes in medical practice and appropriate use of new and effective innovations in telehealth or telemedicine technologies, or to respond to needs indicated by analysis of data on patient outcomes. Such criteria shall be used as a guide and resource for health care providers and are not intended to establish, in and of themselves, standards of care or to abrogate the requirements of § 8.01-581.20. A decision by a health care provider to deviate from the criteria shall not constitute negligence per se;

4. A strategy for integration of the Statewide Telehealth Plan with the State Health Plan, the Statewide Emergency Medical Services Plan, the Statewide Trauma Triage Plan, and the Stroke Triage Plan to support the purposes of each plan;

5. A strategy for the maintenance of the Statewide Telehealth Plan through (i) the development of an innovative payment model for emergency medical services that covers the transportation of a patient to a destination providing services of appropriate patient acuity and facilitates in-place treatment of a patient at the scene of an emergency response or via telehealth services and telemedicine services, where appropriate; (ii) the development of collaborative and uniform operating procedures for establishing and recording informed patient consent for the use of telehealth services and telemedicine services that are easily accessible by those medical professionals engaging in telehealth services and telemedicine services; and (iii) appropriate liability protection for providers involved in such telehealth and telemedicine consultation and treatment; and

6. A strategy for the collection of data regarding the use of telehealth services and telemedicine services in the delivery of inpatient and outpatient services, treatment of chronic illnesses, remote patient monitoring, and emergency medical services to determine the effect of use of telehealth services and telemedicine services on the medical service system in the Commonwealth, including (i) the potential for reducing unnecessary inpatient hospital stays, particularly among patients with chronic illnesses or conditions; (ii) the impact of the use of telehealth services and telemedicine services on patient morbidity, mortality, and quality of life; (iii) the potential for reducing unnecessary prehospital and interhospital transfers; and (iv) the impact on annual expenditures for health care services for all payers, including expenditures by third-party payers and out-of-pocket expenditures by patients.

CHAPTER 725

An Act to amend and reenact §§ 54.1-2105.1 and 54.1-2109 of the Code of Virginia, relating to the Department of Professional and Occupational Regulation; Real Estate Board; death or disability of a real estate broker.

[S 510]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2105.1 and 54.1-2109 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2105.1. Other powers and duties of the Real Estate Board.

In addition to the provisions of §§ 54.1-2105.01 through 54.1-2105.04, the Board shall:

1. Develop a residential property disclosure statement form for use in accordance with the provisions of the Virginia Residential Property Disclosure Act (§ 55.1-700 et seq.) and maintain such statement on its website. The Board shall also develop and maintain on its website a one-page form to be signed by the parties acknowledging that the purchaser has been advised of the disclosures listed in the residential property disclosure statement located on the Board's website; and

2. Inform licensed brokers, in a manner deemed appropriate by the Board, of the broker's ~~ability requirement~~, pursuant to § 54.1-2109, to designate ~~an agent pursuant to § 54.1-2109~~ another licensed broker to carry on the business for up to 180 days for the sole purpose of concluding the business of such designating broker in the event of the designating broker's death or disability.

§ 54.1-2109. Death or disability of a real estate broker.

~~Upon the death or disability of a licensed real estate broker who was~~ *A. Any licensed broker who is engaged in a sole proprietorship or who ~~was~~ is the only licensed broker in a business entity listed in clause (i) of subsection A of § 54.1-2106.1 shall designate another licensed broker to carry on the business for up to 180 days for the sole purpose of*

concluding the business of such designating broker in the event of the designating broker's death or disability. Such designation shall be made at the time of application for broker licensure.

B. Only in the event that the designated broker named pursuant to subsection A is unable or unwilling to perform the act of concluding the business, the Real Estate Board shall, within 30 days of receiving written notification of a broker's death or disability, grant approval to one of the following individuals to carry on the business of the deceased or disabled broker for up to 180 days following the death or disability of the broker solely for the sole purpose of concluding the business of the deceased or disabled broker in the following order:

1. A personal representative qualified by the court to administer the deceased broker's estate;
2. If there is no personal representative qualified pursuant to subdivision 1, then an An agent designated under a power of attorney of the disabled or deceased or disabled broker, which designation expressly references this section;
3. If there is no agent designated pursuant to subdivision 2, the The executor nominated in the deceased broker's will;
4. If there is no executor nominated pursuant to subdivision 3, then an An adult family member of the disabled or deceased or disabled broker; or
5. If there is no adult family member nominated pursuant to subdivision 4, then an An employee of, or an independent contractor affiliated with, the disabled or deceased or disabled broker.

C. In the event that none of the foregoing is individuals in subdivisions B 1 through 5 is available or suitable, the Board may appoint any other suitable person to terminate licensed broker, with the written consent of such broker, within 30 days of receiving written notification of a broker's death or disability, to allow such appointed broker to carry on the business of the deceased or disabled broker for the sole purpose of concluding the business within 180 days.

2. That the Department of Professional and Occupational Regulation shall amend the broker renewal license application form to require applicants for a renewal real estate broker license to state there has been no change to the licensed broker designated pursuant to subsection A of § 54.1-2109 of the Code of Virginia, as amended by this act.
3. That the provisions of this act shall become effective on January 1, 2023.

CHAPTER 726

An Act to amend and reenact § 11-4.6 of the Code of Virginia, relating to nonpayment of wages; defense of contractor.

[S 538]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 11-4.6 of the Code of Virginia is amended and reenacted as follows:

§ 11-4.6. Liability of contractor for wages of subcontractor's employees.

A. As used in this section, unless the context requires a different meaning:

"Construction contract" means a contract between a general contractor and a subcontractor relating to the construction, alteration, repair, or maintenance of a building, structure, or appurtenance thereto, including moving, demolition, and excavation connected therewith, or any provision contained in any contract relating to the construction of projects other than buildings.

"General contractor" and "subcontractor" have the meanings ascribed thereto in § 43-1, except that those terms shall not include persons solely furnishing materials.

B. Any construction contract between a general contractor and its subcontractor and any lower tier subcontract entered into on or after July 1, 2020, shall be deemed to include a provision under which the general contractor, its subcontractor, and the subcontractor at any lower tier are jointly and severally liable to pay any subcontractor's the employees of any subcontractor at any lower tier the greater of (i) all wages due to a subcontractor's employees or to the lower tier subcontractor's employees at such rate and upon such terms as shall be provided in the employment agreement between the subcontractor and its employees or (ii) the amount of wages that the subcontractor or any lower tier subcontractor is required to pay to its employees under the provisions of applicable law, including the provisions of the Virginia Minimum Wage Act (§ 40.1-28.8 et seq.) and the federal Fair Labor Standards Act (29 U.S.C. § 201 et seq.).

C. A general contractor shall be deemed to be the employer of a subcontractor's employees at any tier for purposes of § 40.1-29. If the wages due to the subcontractor's employees under the terms of the employment agreement between a subcontractor and its employees are not paid, the general contractor shall be subject to all penalties, criminal and civil, to which an employer that fails or refuses to pay wages is subject under § 40.1-29. Any liability of a general contractor pursuant to § 40.1-29 shall be joint and several with the subcontractor that failed or refused to pay the wages to its employees.

D. Except as otherwise provided in a contract between the general contractor and the subcontractor, the subcontractor shall indemnify the general contractor for any wages, damages, interest, penalties, or attorney fees owed as a result of the subcontractor's failure to pay wages to the subcontractor's employees as provided in subsection B, unless the subcontractor's failure to pay the wages was due to the general contractor's failure to pay moneys due to the subcontractor in accordance with the terms of their construction contract.

E. The provisions of this section shall only apply if (i) it can be demonstrated that the general contractor knew or should have known that the subcontractor was not paying his employees all wages due, (ii) the construction contract is

related to a project other than a single family residential project, and (iii) the value of the project, or an aggregate of projects under one construction contract, is greater than \$500,000. As evidence a general contractor *or subcontractor, regardless of tier*, may offer a written certification, under oath, from the subcontractor in direct privity of contract with the general contractor *or subcontractor* stating that (a) the subcontractor and each of his sub-subcontractors has paid all employees all wages due for the period during which the wages are claimed for the work performed on the project and (b) to the subcontractor's knowledge all sub-subcontractors below the subcontractor, regardless of tier, have similarly paid their employees all such wages. Any person who falsely signs such certification shall be personally liable to the general contractor *or subcontractor* for fraud and any damages the general contractor *or subcontractor* may incur.

CHAPTER 727

An Act to amend and reenact §§ 2.2-4354 and 11-4.6 of the Code of Virginia, relating to contracts; payment clauses to be included; right to payment of subcontractors.

[S 550]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-4354 and 11-4.6 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-4354. Payment clauses to be included in contracts.

Any contract awarded by any state agency, or any contract awarded by any agency of local government in accordance with § 2.2-4352, shall include:

1. *A payment clause that obligates a contractor on a construction contract to be liable for the entire amount owed to any subcontractor with which it contracts. Such contractor shall not be liable for amounts otherwise reducible due to the subcontractor's noncompliance with the terms of the contract. However, in the event that the contractor withholds all or a part of the amount promised to the subcontractor under the contract, the contractor shall notify the subcontractor, in writing, of his intention to withhold all or a part of the subcontractor's payment with the reason for nonpayment. Payment by the party contracting with the contractor shall not be a condition precedent to payment to any lower-tier subcontractor, regardless of that contractor receiving payment for amounts owed to that contractor. Any provision in a contract contrary to this section shall be unenforceable.*

2. A payment clause that obligates the contractor to take one of the two following actions within seven days after receipt of amounts paid to the contractor by the state agency or local government for work performed by the subcontractor under that contract:

a. Pay the subcontractor for the proportionate share of the total payment received from the agency attributable to the work performed by the subcontractor under that contract; or

b. Notify the agency and subcontractor, in writing, of his intention to withhold all or a part of the subcontractor's payment with the reason for nonpayment.

~~2-~~ 3. A payment clause that requires (i) individual contractors to provide their social security numbers and (ii) proprietorships, partnerships, and corporations to provide their federal employer identification numbers.

~~3-~~ 4. An interest clause that obligates the contractor to pay interest to the subcontractor on all amounts owed by the contractor that remain unpaid after seven days following receipt by the contractor of payment from the state agency or agency of local government for work performed by the subcontractor under that contract, except for amounts withheld as allowed in subdivision ~~4~~ 2.

~~4-~~ 5. An interest rate clause stating, "Unless otherwise provided under the terms of this contract, interest shall accrue at the rate of one percent per month."

Any such contract awarded shall further require the contractor to include in each of its subcontracts a provision requiring each subcontractor to include or otherwise be subject to the same payment and interest requirements with respect to each lower-tier subcontractor.

A contractor's obligation to pay an interest charge to a subcontractor pursuant to the payment clause in this section shall not be construed to be an obligation of the state agency or agency of local government. A contract modification shall not be made for the purpose of providing reimbursement for the interest charge. A cost reimbursement claim shall not include any amount for reimbursement for the interest charge.

§ 11-4.6. Liability of contractor for wages of subcontractor's employees.

A. As used in this section, unless the context requires a different meaning:

"Construction contract" means a contract between a general contractor and a subcontractor relating to the construction, alteration, repair, or maintenance of a building, structure, or appurtenance thereto, including moving, demolition, and excavation connected therewith, or any provision contained in any contract relating to the construction of projects other than buildings.

"General contractor" and "subcontractor" have the meanings ascribed thereto in § 43-1, except that those terms shall not include persons solely furnishing materials.

"Owner" means a person or entity, other than a public body as defined in § 2.2-4301, responsible for contracting with a general contractor for the procurement of a construction contract.

B. In any construction contract between an owner and a general contractor, the parties shall include a provision that requires the owner to pay such general contractor within 60 days of the receipt of an invoice following satisfactory completion of the portion of the work for which the general contractor has invoiced. An owner shall not be required to pay amounts invoiced that are subject to withholding pursuant to the contract for the general contractor's noncompliance with the terms of the contract. However, in the event that an owner withholds all or a part of the amount invoiced by the general contractor under the terms of the contract, the owner shall notify the general contractor, in writing and with reasonable specificity, of his intention to withhold all or part of the general contractor's payment with the reason for nonpayment. Failure of an owner to make timely payment as provided in this subsection shall result in interest penalties consistent with § 2.2-4355. Nothing in this subsection shall be construed to apply to or prohibit the inclusion of any retainage provisions in a construction contract.

C. Any contract in which there is at least one general contractor and one subcontractor shall be deemed to include a provision under which any higher-tier contractor is liable to any lower-tier subcontractor with whom the higher-tier contractor contracts for satisfactory performance of the subcontractor's duties under the contract. Such contract shall require such higher-tier contractor to pay such lower-tier subcontractor within the earlier of (i) 60 days of the satisfactory completion of the portion of the work for which the subcontractor has invoiced or (ii) seven days after receipt of amounts paid by the owner to the general contractor or by the higher-tier contractor to the lower-tier contractor for work performed by a subcontractor pursuant to the terms of the contract. Such contractors shall not be liable for amounts otherwise reducible pursuant to a breach of contract by the subcontractor. However, in the event that a contractor withholds all or a part of the amount invoiced by any lower-tier subcontractor under the contract, the contractor shall notify the subcontractor, in writing, of his intention to withhold all or a part of the subcontractor's payment with the reason for nonpayment, specifically identifying the contractual noncompliance, the dollar amount being withheld, and the lower-tier subcontractor responsible for the contractual noncompliance. Payment by the party contracting with the contractor shall not be a condition precedent to payment to any lower-tier subcontractor, regardless of that contractor receiving payment for amounts owed to that contractor, unless the party contracting with the contractor is insolvent or a debtor in bankruptcy as defined in § 50-73.79. Any provision in a contract contrary to this section shall be unenforceable. Failure of a contractor to make timely payment as provided in this subsection shall result in interest penalties consistent with § 2.2-4355. Nothing in this subsection shall be construed to apply to or prohibit the inclusion of any retainage provisions in a construction contract.

~~B~~ *D. Any construction contract entered into on or after July 1, 2020, shall be deemed to include a provision under which the general contractor and the subcontractor at any tier are jointly and severally liable to pay any subcontractor's employees at any tier the greater of (i) all wages due to a subcontractor's employees at such rate and upon such terms as shall be provided in the employment agreement between the subcontractor and its employees or (ii) the amount of wages that the subcontractor is required to pay to its employees under the provisions of applicable law, including the provisions of the Virginia Minimum Wage Act (§ 40.1-28.8 et seq.) and the federal Fair Labor Standards Act (29 U.S.C. § 201 et seq.).*

~~C~~ *E. A general contractor shall be deemed to be the employer of a subcontractor's employees at any tier for purposes of § 40.1-29. If the wages due to the subcontractor's employees under the terms of the employment agreement between a subcontractor and its employees are not paid, the general contractor shall be subject to all penalties, criminal and civil, to which an employer that fails or refuses to pay wages is subject under § 40.1-29. Any liability of a general contractor pursuant to § 40.1-29 shall be joint and several with the subcontractor that failed or refused to pay the wages to its employees.*

~~D~~ *F. Except as otherwise provided in a contract between the general contractor and the subcontractor, the subcontractor shall indemnify the general contractor for any wages, damages, interest, penalties, or attorney fees owed as a result of the subcontractor's failure to pay wages to the subcontractor's employees as provided in subsection ~~B~~ D, unless the subcontractor's failure to pay the wages was due to the general contractor's failure to pay moneys due to the subcontractor in accordance with the terms of their construction contract.*

~~E~~ *G. The provisions of this section shall only apply if (i) it can be demonstrated that the general contractor knew or should have known that the subcontractor was not paying his employees all wages due, (ii) the construction contract is related to a project other than a single family residential project, and (iii) the value of the project, or an aggregate of projects under one construction contract, is greater than \$500,000. As evidence a general contractor may offer a written certification, under oath, from the subcontractor in direct privity of contract with the general contractor stating that (a) the subcontractor and each of his sub-subcontractors has paid all employees all wages due for the period during which the wages are claimed for the work performed on the project and (b) to the subcontractor's knowledge all sub-subcontractors below the subcontractor, regardless of tier, have similarly paid their employees all such wages. Any person who falsely signs such certification shall be personally liable to the general contractor for fraud and any damages the general contractor may incur.*

2. That the Department of General Services shall convene the Public Body Procurement Workgroup (the Workgroup) to review whether the issue of nonpayment between general contractors and subcontractors necessitates legislative corrective action. The Workgroup shall report its findings and any legislative recommendations to the General Assembly on or before December 1, 2022.

3. That the provisions of the first enactment of this act shall become effective on January 1, 2023, and shall apply to construction contracts executed on or after January 1, 2023.

CHAPTER 728

An Act to amend and reenact §§ 56-248.1, 56-265.1, and 56-600 through 56-604 of the Code of Virginia and to amend the Code of Virginia by adding in Title 56 a chapter numbered 30, consisting of a section numbered 56-625, relating to natural gas, biogas, and other gas sources of energy; definitions; energy conservation and efficiency; Steps to Advance Virginia's Energy Plan; biogas supply infrastructure projects.

[S 565]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 56-248.1, 56-265.1, and 56-600 through 56-604 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 56 a chapter numbered 30, consisting of a section numbered 56-625, as follows:

§ 56-248.1. Commission to monitor fuel prices and utility fuel purchases; fuel price index.

A. The Commission shall monitor all fuel purchases, transportation costs, and contracts for such purchases of a utility to ascertain that all feasible economies are being utilized. *Subject to the provisions of § 56-234, the Commission shall allow natural gas utilities to include in their fuel portfolios supplemental or substitute forms of gas sources that meet the natural gas utility's pipeline quality gas standards and that reduce the emissions intensity of its fuel portfolio. A natural gas utility shall procure supplemental or substitute forms of gas sources utilizing standard industry practices and shall report to the Commission annually the imputed reduction in carbon dioxide equivalent resulting from such purchasing practices.*

B. As used in this section:

"Biogas" means a mixture of hydrocarbons that is a gas at 60 degrees Fahrenheit and one atmosphere of pressure that is produced through the anaerobic digestion or thermal conversion of organic matter.

"Low-emission natural gas" means natural gas produced from a geologic source that has a methane intensity of 0.20 or less (i) as reported under a protocol approved by the federal Environmental Protection Agency's Gas STAR Methane Challenge, (ii) as certified by the United Nations Environment Programme's Oil and Gas Methane Partnership 2.0, or (iii) as validated under a Qualified Attribute Commodities Platform.

"Methane intensity" means the methane emissions assigned to natural gas on an energy basis divided by the total methane content of produced natural gas.

"Qualified Attribute Commodities Platform" means a trading mechanism for natural gas or natural gas attributes that are nonfinancial intangible commodities that represents, packages, and certifies the qualifying attributes of an amount of low-emission natural gas. A Qualified Attribute Commodities Platform provides validation by an independent third party, provides natural gas or natural gas attributes capable of bilateral or exchange contract trading pursuant to standardized contracts for physical delivery that reasonably eliminate validation risk, and provides transparency for audit and reporting purposes.

"Supplemental or substitute forms of gas sources" means (i) low-emission natural gas, (ii) biogas, or (iii) hydrogen.

C. In addition, the Commission shall establish a fuel price index in order to compare the prices paid for the various types of fuel by Virginia utilities with the average price of the various types of fuel paid by other public utilities at comparable geographic locations in the market.

D. This section shall not apply to telephone companies.

§ 56-265.1. Definitions.

In this chapter, the following terms shall have the following meanings:

(a) "Company" means a corporation, a limited liability company, an individual, a partnership, an association, a joint-stock company, a business trust, a cooperative, or an organized group of persons, whether incorporated or not; or any receiver, trustee or other liquidating agent of any of the foregoing in his capacity as such; but not a municipal corporation or a county, unless such municipal corporation or county has obtained a certificate pursuant to § 56-265.4:4.

(b) "Public utility" means any company that owns or operates facilities within the Commonwealth of Virginia for the generation, transmission, or distribution of electric energy for sale, for the production, storage, transmission, or distribution, otherwise than in enclosed portable containers, of natural or manufactured gas, or, if produced, stored, transmitted, or distributed by a natural gas utility as defined in § 56-265.4:6, supplemental or substitute forms of gas sources as defined in § 56-248.1, or geothermal resources for sale for heat, light or power, or for the furnishing of telephone service, sewerage facilities or water. A "public utility" may own a facility for the storage of electric energy for sale that includes one or more pumped hydroelectricity generation and storage facilities located in the coalfield region of Virginia as described in § 15.2-6002. However, the term "public utility" does not include any of the following:

(1) Except as otherwise provided in § 56-265.3:1, any company furnishing sewerage facilities, geothermal resources or water to less than 50 customers. Any company furnishing water or sewer services to 10 or more customers and excluded by this subdivision from the definition of "public utility" for purposes of this chapter nevertheless shall not abandon the water or sewer services unless and until approval is granted by the Commission or all the customers receiving such services agree to accept ownership of the company.

(2) Any company generating and distributing electric energy exclusively for its own consumption.

(3) Any company (A) which furnishes electric service together with heating and cooling services, generated at a central plant installed on the premises to be served, to the tenants of a building or buildings located on a single tract of land undivided by any publicly maintained highway, street or road at the time of installation of the central plant, and (B) which does not charge separately or by meter for electric energy used by any tenant except as part of a rental charge. Any company excluded by this subdivision from the definition of "public utility" for the purposes of this chapter nevertheless shall, within 30 days following the issuance of a building permit, notify the State Corporation Commission in writing of the ownership, capacity and location of such central plant, and it shall be subject, with regard to the quality of electric service furnished, to the provisions of Chapters 10 (§ 56-232 et seq.) and 17 (§ 56-509 et seq.) and regulations thereunder and be deemed a public utility for such purposes, if such company furnishes such service to 100 or more lessees.

(4) Any company, or affiliate thereof, making a first or direct sale, or ancillary transmission or delivery service, of natural or manufactured gas to fewer than 35 commercial or industrial customers, which are not themselves "public utilities" as defined in this chapter, or to certain public schools as indicated in this subdivision, for use solely by such purchasing customers at facilities which are not located in a territory for which a certificate to provide gas service has been issued by the Commission under this chapter and which, at the time of the Commission's receipt of the notice provided under § 56-265.4:5, are not located within any area, territory, or jurisdiction served by a municipal corporation that provided gas distribution service as of January 1, 1992, provided that such company shall comply with the provisions of § 56-265.4:5. Direct sales or ancillary transmission or delivery services of natural gas to public schools in the following localities may be made without regard to the number of schools involved and shall not count against the "fewer than 35" requirement in this subdivision: the Counties of Dickenson, Wise, Russell, and Buchanan, and the City of Norton.

(5) Any company which is not a public service corporation and which provides compressed natural gas service at retail for the public.

(6) Any company selling landfill gas from a solid waste management facility permitted by the Department of Environmental Quality to a public utility certificated by the Commission to provide gas distribution service to the public in the area in which the solid waste management facility is located. If such company submits to the public utility a written offer for sale of such gas and the public utility does not agree within 60 days to purchase such gas on mutually satisfactory terms, then the company may sell such gas to (i) any facility owned and operated by the Commonwealth which is located within three miles of the solid waste management facility or (ii) any purchaser after such landfill gas has been liquefied. The provisions of this subdivision shall not apply to the City of Lynchburg or Fairfax County.

(7) Any authority created pursuant to the Virginia Water and Waste Authorities Act (§ 15.2-5100 et seq.) making a sale or ancillary transmission or delivery service of landfill gas to a commercial or industrial customer from a solid waste management facility permitted by the Department of Environmental Quality and operated by that same authority, if such an authority limits off-premises sale, transmission or delivery service of landfill gas to no more than one purchaser. The authority may contract with other persons for the construction and operation of facilities necessary or convenient to the sale, transmission or delivery of landfill gas, and no such person shall be deemed a public utility solely by reason of its construction or operation of such facilities. If the purchaser of the landfill gas is located within the certificated service territory of a natural gas public utility, the public utility may file for Commission approval a proposed tariff to reflect any anticipated or known changes in service to the purchaser as a result of the use of landfill gas. No such tariff shall impose on the purchaser of the landfill gas terms less favorable than similarly situated customers with alternative fuel capabilities; provided, however, that such tariff may impose such requirements as are reasonably calculated to recover the cost of such service and to protect and ensure the safety and integrity of the public utility's facilities.

(8) A company selling or delivering only landfill gas, electricity generated from only landfill gas, or both, that is derived from a solid waste management facility permitted by the Department of Environmental Quality and sold or delivered from any such facility to not more than three commercial or industrial purchasers or to a natural gas or electric public utility, municipal corporation or county as authorized by this section. If a purchaser of the landfill gas is located within the certificated service territory of a natural gas public utility or within an area in which a municipal corporation provides gas distribution service and the landfill gas is to be used in facilities constructed after January 1, 2000, such company shall submit to such public utility or municipal corporation a written offer for sale of that gas prior to offering the gas for sale or delivery to a commercial or industrial purchaser. If the public utility or municipal corporation does not agree within 60 days following the date of the offer to purchase such landfill gas on mutually satisfactory terms, then the company shall be authorized to sell such landfill gas, electricity, or both, to the commercial or industrial purchaser, utility, municipal corporation, or county. Such public utility may file for Commission approval a proposed tariff to reflect any anticipated or known changes in service to the purchaser as a result of the purchaser's use of the landfill gas. No such tariff shall impose on such purchaser of the landfill gas terms less favorable than those imposed on similarly situated customers with alternative fuel capabilities; provided, however, that such tariff may impose such requirements as are reasonably calculated to recover any cost of such service and to protect and ensure the safety and integrity of the public utility's facilities.

(9) A company that is not organized as a public service company pursuant to subsection D of § 13.1-620 and that sells and delivers propane air only to one or more public utilities. Any company excluded by this subdivision from the definition of "public utility" for the purposes of this chapter nevertheless shall be subject to the Commission's jurisdiction relating to gas pipeline safety and enforcement.

(10) A farm or aggregation of farms that owns and operates facilities within the Commonwealth for the generation of electric energy from waste-to-energy technology. As used in this subdivision, (i) "farm" means any person that obtains at

least 51 percent of its annual gross income from agricultural operations and produces the agricultural waste used as feedstock for the waste-to-energy technology, (ii) "agricultural waste" means biomass waste materials capable of decomposition that are produced from the raising of plants and animals during agricultural operations, including animal manures, bedding, plant stalks, hulls, and vegetable matter, and (iii) "waste-to-energy technology" means any technology, including a methane digester, that converts agricultural waste into gas, steam, or heat that is used to generate electricity on-site.

(11) A company, other than an entity organized as a public service company, that provides non-utility gas service as provided in § 56-265.4:6.

(12) A company, other than an entity organized as a public service company, that provides storage of electric energy that is not for sale to the public.

(c) "Commission" means the State Corporation Commission.

(d) "Geothermal resources" means those resources as defined in § 45.2-2000.

§ 56-600. Definitions.

As used in this chapter:

"Allowed distribution revenue" means the average annual, weather-normalized, nongas commodity revenue per customer associated with the rates in effect as adopted in the applicable utility's last Commission-approved rate case or performance-based regulation plan, multiplied by the average number of customers served.

"Conservation and ratemaking efficiency plan" means a plan filed by a natural gas utility pursuant to this chapter that includes a decoupling mechanism.

"Cost-effective conservation and energy efficiency program" means a program approved by the Commission that is designed to decrease the average customer's annual, weather-normalized consumption ~~or total gas bill of energy~~, for gas and nongas elements combined, or avoid energy costs or consumption the customer may otherwise have incurred, and is determined by the Commission to be cost-effective if the net present value of the benefits exceeds the net present value of the costs *at the portfolio level* as determined by not less than any three of the following four tests: the Total Resource Cost Test, the Program Administrator Test (also referred to as the Utility Cost Test), the Participant Test, and the Ratepayer Impact Measure Test. Such determination shall include an analysis of all ~~four~~ *five* tests, and a ~~program or~~ portfolio of programs shall be approved if the net present value of the benefits exceeds the net present value of the costs as determined by not less than any three of the four tests. Such determination shall also be made (i) with the assignment of administrative costs associated with the conservation and ratemaking efficiency plan to the portfolio as a whole and (ii) with the assignment of education and outreach costs associated with each program in a portfolio of programs to such program and not to individual measures within a program, when such administrative, education, or outreach costs are not otherwise directly assignable. Without limitation, rate designs or rate mechanisms, customer education, customer incentives, *appliance rebates*, and weatherization programs are examples of conservation and energy efficiency programs that the Commission may consider. Energy efficiency programs that provide measurable and verifiable energy savings to low-income customers or elderly customers may also be deemed cost effective. A cost-effective conservation and energy efficiency program shall not include a program designed to convert propane *or heating oil* customers to natural gas.

"Decoupling mechanism" means a rate, tariff design or mechanism that decouples the recovery of a utility's allowed distribution revenue from the level of consumption of natural gas by its customers, including (i) a mechanism that adjusts actual nongas distribution revenues per customer to allowed distribution revenues per customer, such as a sales adjustment clause, (ii) rate design changes that substantially align the percentage of fixed charge revenue recovery with the percentage of the utility's fixed costs, such as straight fixed variable rates, provided such mechanism includes a substantial demand component based on a customer's peak usage, or (iii) a combination of clauses (i) and (ii) that substantially decreases the relative amount of nongas distribution revenue affected by changes in per customer consumption of gas.

"Fixed costs" means any and all of the utility's nongas costs of service, together with an authorized return thereon, that are not associated with the cost of the natural gas commodity flowing through and measured by the customer's meter.

"Measure" means an individual item, service, offering, or rebate available to a customer of a natural gas utility as part of the utility's conservation and ratemaking efficiency plan.

"Natural gas utility" or "utility" means any investor-owned public service company engaged in the business of furnishing natural gas service to the public.

"Portfolio" means the program or programs included in a natural gas utility's conservation and ratemaking efficiency plan.

"Program" means a group of one or more related measures for a customer class.

"Revenue-neutral" means a change in a rate, tariff design or mechanism as a component of a conservation and ratemaking efficiency plan that does not shift annualized allowed distribution revenue between customer classes, and does not increase or decrease the utility's average, weather-normalized nongas utility revenue per customer for any given rate class by more than 0.25 percent when compared to (i) the rate, tariff design or mechanism in effect at the time a conservation and ratemaking efficiency plan is filed pursuant to this chapter or (ii) the allocation of costs approved by the Commission in a rate case using the cost of service methodology set forth in § 56-235.2 or a performance-based regulation plan authorized by § 56-235.6, where a plan is filed in conjunction with such case.

§ 56-601. Natural gas conservation and ratemaking efficiency.

A. Consistent with the objectives pertaining to the energy issues and policy elements stated in § 45.2-1706.1, it is in the public interest to authorize and encourage the adoption of natural gas conservation and ratemaking efficiency plans that promote the wise use of natural gas and natural gas infrastructure through the development of alternative rate designs and other mechanisms that more closely align the interests of natural gas utilities, their customers, and the Commonwealth generally, and improve the efficiency of ratemaking to more closely reflect the dynamic nature of the natural gas market, the economy, and public policy regarding conservation and energy efficiency. Such alternative rate designs and other mechanisms should, where feasible:

1. Provide utilities with better tools to work with customers to decrease the average customer's annual average weather-normalized consumption of ~~natural gas energy~~;
2. Provide reasonable assurance of a utility's ability to recover costs of serving the public, including its cost-effective investments in conservation and energy efficiency as well as infrastructure needed to provide or maintain reliable service to the public;
3. Reward utilities for meeting or exceeding conservation and energy efficiency goals that may be established pursuant to the Virginia Energy Plan (§ 45.2-1710 et seq.);
4. Provide customers with long-term, meaningful opportunities to more efficiently consume ~~natural gas and mitigate their expenditures for the natural gas commodity energy~~, while ensuring that the rate design methodology used to set a utility's revenue recovery is not inconsistent with such conservation and energy efficiency goals;
5. Recognize the economic and environmental benefits of efficient use of natural gas, *biogas, and lower-carbon gases*; and
6. Preserve or enhance the utility bill savings that customers receive when they reduce their ~~natural gas energy~~ use.

B. Natural gas utilities are authorized pursuant to this chapter to file natural gas conservation and ratemaking efficiency plans that implement alternative natural gas utility rate designs and other mechanisms, in addition to or in conjunction with the cost of service methodology set forth in § 56-235.2 and performance-based regulation plans authorized by § 56-235.6, that:

1. Replace existing utility rate designs or other mechanisms that promote inefficient use of natural gas with rate designs or other mechanisms that ensure a utility's recovery of its authorized revenues is independent of the amount of customers' natural gas consumption;
2. Provide incentives for natural gas utilities to promote conservation and energy efficiency by granting recovery of the costs associated with cost-effective conservation and energy efficiency programs; and
3. Reward utilities that meet or exceed conservation and energy efficiency goals on a weather-normalized, annualized average customer basis through the implementation of cost-effective conservation and energy efficiency programs.

C. This chapter shall be construed liberally to accomplish these purposes.

§ 56-602. Conservation and ratemaking efficiency plans.

A. Notwithstanding any provision of law to the contrary, each natural gas utility shall have the option to file a conservation and ratemaking efficiency plan as provided in this chapter. Such a plan may include one or more residential, small commercial, or small general service classes, but shall not apply to large commercial or large industrial classes of customers. Such plan shall include: (i) a normalization component that removes the effect of weather from the determination of conservation and energy efficiency results; (ii) a decoupling mechanism; (iii) one or more cost-effective conservation and energy efficiency programs; (iv) provisions to address the needs of low-income or low-usage residential customers; and (v) provisions to ensure that the rates and service to non-participating classes of customers are not adversely impacted. Such plan may also include provisions for phased or targeted implementation of rate or tariff design changes, if any, or conservation and energy efficiency programs. The Commission may approve such a plan after such notice and opportunity for hearing as the Commission may prescribe, subject to the provisions of this chapter. Nothing in this subsection shall prevent a natural gas utility from amending a conservation and ratemaking efficiency plan by amending, altering, supplementing, or deleting one or more conservation or energy efficiency programs.

B. The Commission shall approve or deny, within 180 days, a natural gas utility's initial application for any revenue-neutral conservation and ratemaking efficiency plan that allocates annual per-customer fixed costs on an intra-class basis in reliance upon a revenue study or class cost of service study supporting the rates in effect at the time the plan is filed. A plan filed pursuant to this subsection shall not require the filing of rate case schedules. The Commission shall approve or deny, within 120 days, a natural gas utility's application to amend a previously approved plan. The Commission shall approve such a plan or amendment if it finds that the plan's or amendment's proposed decoupling mechanism is revenue-neutral and is otherwise consistent with this chapter. If the Commission denies such a plan or amendment, it shall set forth with specificity the reasons for such denial and the utility shall have the right to refile, without prejudice, an amended plan or amendment within 60 days, and the Commission shall thereafter have 60 days to approve or deny the amended plan or amendment. The time period for Commission review provided for in this subsection shall not apply if the conservation and ratemaking efficiency plan is filed in conjunction with a rate case using the cost of service methodology set forth in § 56-235.2 or a performance-based regulation plan authorized by § 56-235.6.

C. The Commission shall approve or deny, within 270 days, a natural gas utility's initial application for any revenue-neutral conservation and ratemaking efficiency plan that allocates per-customer fixed costs on an intra-class basis according to a class cost of service study filed with the plan, when such plan is filed in conjunction with a rate case using the cost of service methodology set forth in § 56-235.2 or a performance-based regulation plan authorized by § 56-235.6. The

Commission shall approve or deny, within 120 days, a natural gas utility's application to amend a plan previously approved pursuant to this subsection. The Commission shall approve such a plan or amendment if it finds that the plan's or amendment's proposed decoupling mechanism is revenue-neutral, is consistent with this chapter, and is otherwise in the public interest, including any findings required by § 56-235.2 or 56-235.6. If the Commission denies such a plan or amendment, it shall set forth with specificity the reasons for its denial and the utility shall have the right to refile, without prejudice, an amended plan or amendment within 60 days; the Commission shall thereafter have 60 days to approve or deny the amended plan or amendment.

D. The Commission shall allow any natural gas utility that implements a conservation and ratemaking efficiency plan under this chapter to recover, on a timely basis and through its regulated rates charged to its classes of customers participating in the plan, its entire incremental costs associated with cost-effective conservation and energy efficiency programs that are designed to encourage the reduction of annualized, weather-normalized ~~natural gas~~ *energy* consumption per customer. Ratemaking treatment may include placing appropriate capital expenditures for technology and program costs in the respective utility's rate base, deferral of such interim incremental costs (which costs would not be subject to an earnings test), or recovering the utility's technology and program costs through another ratemaking methodology approved by the Commission, such as a tracking mechanism. Such conservation and energy efficiency programs may also be jointly conducted or co-sponsored with other utilities, federal, state or local government agencies, nonprofit organizations, trade associations, homebuilders, and other for-profit vendors. Incremental costs recovered pursuant to this subsection shall be in addition to all other costs that the utility is permitted to recover, shall not be considered an offset to other Commission-approved costs of service or revenue requirements, and shall not be included in any computation relative to a performance-based regulation plan revenue sharing mechanism.

E. The Commission shall require every natural gas utility operating under a conservation and ratemaking efficiency plan approved pursuant to this chapter to file annual reports showing the year over year weather-normalized use of ~~natural gas~~ *energy* on an average customer basis, by customer class, as well as the incremental, independently verified net economic benefits created by the utility's cost-effective conservation and energy-efficiency programs during the previous year.

F. The Commission shall grant recovery, on an annual basis, of a performance-based incentive for delivering conservation and energy efficiency benefits, which shall be included in the utility's respective purchased gas adjustment mechanism. The incentive shall be calculated as a reasonable share of the verified net economic benefits created by the utility's cost-effective conservation and energy efficiency programs, and may be recovered over a period of years equal to the payback period or discounted to net present value and recovered in the first year. In structuring this incentive, the Commission shall create a reasonable opportunity for a utility to earn up to a 15 percent share of such independently verified net economic benefits upon meeting target levels of such benefits set forth in a plan approved by the Commission. The level of net economic benefits to be used as the basis for such calculation shall be the sum of customer savings less utility costs recovered through subsection D, measured over the number of years of the payback period, rounded up to the next highest year. The incentives authorized by this subsection shall be in addition to any other revenue requirements or rates established pursuant to § 56-235.2 or 56-235.6 and independent of any computation of shared revenues under an approved performance-based regulation plan.

G. Unless the context clearly indicates otherwise, nothing in this chapter shall impair the Commission's authority under § 56-234.2, 56-235.2, or 56-235.6; provided, however, that notwithstanding any other provision of law, the Commission shall not reduce an authorized return on common equity or other measure of utility profit as a result of the implementation of a natural gas conservation and ratemaking efficiency plan pursuant to this chapter.

§ 56-603. Definitions.

As used in this chapter:

"Commission" means the State Corporation Commission.

"Eligible infrastructure replacement" means natural gas utility facility replacement projects that: (i) enhance safety or reliability by reducing system integrity risks associated with customer outages, corrosion, equipment failures, material failures, or natural forces; (ii) do not increase revenues by directly connecting the infrastructure replacement to new customers; (iii) reduce or have the potential to reduce greenhouse gas emissions; (iv) are commenced on or after January 1, 2010; and (v) are not included in the natural gas utility's rate base in its most recent rate case using the cost of service methodology set forth in § 56-235.2, or the natural gas utility's rate base included in the rate base schedules filed with a performance-based regulation plan authorized by § 56-235.6, if the plan did not include the rate base. *"Eligible infrastructure replacement" includes natural gas utility facility replacement projects that are identified as a result of an enhanced leak detection and repair program.*

"Eligible infrastructure replacement costs" includes the following:

1. Return on the investment. In calculating the return on the investment, the Commission shall use the natural gas utility's regulatory capital structure as calculated utilizing the weighted average cost of capital, including the cost of debt and the cost of equity used in determining the natural gas utility's base rates in effect during the construction period of the eligible infrastructure replacement project. If the natural gas utility's cost of capital underlying the base rates in effect at the time its proposed SAVE plan is filed has not been changed by order of the Commission within the preceding five years, the Commission may require the natural gas utility to file an updated weighted average cost of capital, and the natural gas utility may propose an updated weighted average cost of capital. The natural gas utility may recover the external costs associated

with establishing its updated weighted average cost of capital through the SAVE rider. Such external costs shall include legal costs and consultant costs;

2. A revenue conversion factor, including income taxes and an allowance for bad debt expense, shall be applied to the required operating income resulting from the eligible infrastructure replacement costs;

3. Depreciation. In calculating depreciation, the Commission shall use the natural gas utility's current depreciation rates;

4. Property taxes; ~~and~~

5. Carrying costs on the over- or under-recovery of the eligible infrastructure replacement costs. In calculating the carrying costs, the Commission shall use the natural gas utility's regulatory capital structure as determined in subdivision 1 of the definition of eligible infrastructure replacement costs; *and*

6. *Enhanced leak detection and repair program costs. Such costs shall include the costs of operating an enhanced leak detection and repair program.*

"Enhanced leak detection and repair program" means a program that is designed to allow a natural gas utility to deploy advanced leak detection technologies to more accurately identify active leaks as part of the natural gas utility's leak management program and to prioritize the repair of leaks that present a risk to safety or the environment. A natural gas utility may amend its SAVE plan to include an enhanced leak detection and repair program by filing an application to amend its previously approved SAVE plan, as set forth in subsection B of § 56-604.

"Investment" means costs incurred on eligible infrastructure replacement projects including planning, development, and construction costs; costs of infrastructure associated therewith; and an allowance for funds used during construction. In calculating the allowance for funds used during construction, the Commission shall use the natural gas utility's actual regulatory capital structure as determined in subdivision 1 of the definition of eligible infrastructure replacement costs.

"Natural gas utility" means any investor-owned public service company engaged in the business of furnishing natural gas service to the public.

"Natural gas utility facility replacement project" means the replacement of storage, peak shaving, transmission or distribution facilities used in the delivery of natural gas, or supplemental or substitute forms of gas sources by a natural gas utility.

"SAVE" means Steps to Advance Virginia's Energy Plan.

"SAVE plan" means a plan filed by a natural gas utility that identifies proposed eligible infrastructure replacement projects and a SAVE rider.

"SAVE rider" means a recovery mechanism that will allow for recovery of the eligible infrastructure replacement costs, through a separate mechanism from the customer rates established in a rate case using the cost of service methodology set forth in § 56-235.2, or a performance-based regulation plan authorized by § 56-235.6.

§ 56-604. Filing of petition with Commission to establish or amend a SAVE plan; recovery of certain costs; procedure.

A. Notwithstanding any provisions of law to the contrary, a natural gas utility may file a SAVE plan as provided in this chapter. Such a plan shall provide for a timeline for completion of the proposed eligible infrastructure replacement projects, the estimated costs of the proposed eligible infrastructure projects, and a schedule for recovery of the related eligible infrastructure replacement costs through the SAVE rider, and demonstrate that the plan is prudent and reasonable. *Such a plan may also include an enhanced leak detection and repair program, which shall include a description and an estimate of the associated enhanced leak detection and repair program costs.* The Commission may approve such a plan after such notice and opportunity for hearing as the Commission may prescribe, subject to the provisions of this chapter.

B. The Commission shall approve or deny, within 180 days, a natural gas utility's initial application for a SAVE plan. A plan filed pursuant to this section shall not require the filing of rate case schedules. The Commission shall approve or deny, within 120 days, a natural gas utility's application to amend a previously approved plan. If the Commission denies such a plan or amendment, it shall set forth with specificity the reasons for such denial, and the utility shall have the right to refile, without prejudice, an amended plan or amendment within 60 days, and the Commission shall thereafter have 60 days to approve or deny the amended plan or amendment. The time period for Commission review provided for in this subsection shall not apply if the SAVE plan is filed in conjunction with a rate case using the cost of service methodology set forth in § 56-235.2, or a performance-based regulation plan authorized by § 56-235.6.

C. Any SAVE plan and any SAVE rider that is submitted to and approved by the Commission shall be allocated and charged in accordance with appropriate cost causation principles in order to avoid any undue cross-subsidization between rate classes.

D. No other revenue requirement or ratemaking issues may be examined in consideration of the application filed pursuant to the provisions of this chapter.

E. At the end of each 12-month period the SAVE rider is in effect, the natural gas utility shall reconcile the difference between the recognized eligible infrastructure replacement costs and the amounts recovered under the SAVE rider, and shall submit the reconciliation and a proposed SAVE rider adjustment to the Commission to recover or refund the difference, as appropriate, through an adjustment to the SAVE rider. The Commission shall approve or deny, within 90 days, a natural gas utility's proposed SAVE rider adjustment.

F. A natural gas utility that has implemented a SAVE rider pursuant to this chapter shall file revised rate schedules to reset the SAVE rider to zero, when new base rates and charges that incorporate eligible infrastructure replacement costs

previously reflected in the currently effective SAVE rider become effective for the natural gas utility, following a Commission order establishing customer rates in a rate case using the cost of service methodology set forth in § 56-235.2, or a performance-based regulation plan authorized by § 56-235.6.

G. Costs recovered pursuant to this chapter shall be in addition to all other costs that the natural gas utility is permitted to recover, shall not be considered an offset to other Commission-approved costs of service or revenue requirements, and shall not be included in any computation relative to a performance-based regulation plan revenue-sharing mechanism. Further, if the Commission approves (i) an updated weighted average cost of capital for use in calculating the return on investment, (ii) the carrying costs on the over- or under-recovery of the eligible infrastructure replacement costs, (iii) the allowance for funds used during construction, or (iv) any combination thereof, such weighted average cost of capital shall be used only for the purpose of the eligible infrastructure replacement costs for the SAVE rider and shall not be used for any purpose in any other proceeding.

CHAPTER 30.

BIOGAS SUPPLY INFRASTRUCTURE PROJECTS.

§ 56-625. Biogas supply infrastructure projects.

A. As used in this section:

"Biogas" has the same meaning as set forth in § 56-248.1.

"Biogas facilities" means biogas reserves; production facilities, including equipment required to prepare the biogas for use; gathering of, transmission of, and, within the natural gas utility's certificated service territory, any distribution pipelines necessary to deliver the reserves; and aboveground and underground storage used in the delivery of gas to existing natural gas transmission pipelines or distribution systems.

"Biogas supply investment plan" or "plan" means a plan filed by a natural gas utility that identifies proposed eligible biogas supply infrastructure projects and its development of those projects with or without a third party.

"Eligible biogas supply infrastructure costs" includes the investment in eligible biogas supply infrastructure projects and the following:

1. Return on the investment. In calculating the return on the investment, the Commission shall use the natural gas utility's regulatory capital structure in effect during the construction period of the eligible biogas supply infrastructure project. The regulatory capital structure shall be calculated utilizing the weighted average cost of capital, including the cost of debt and the cost of equity, plus an additional 100 basis points added to the cost of equity. If the natural gas utility's cost of capital underlying the base rates in effect at the time its proposed eligible biogas supply infrastructure project is filed has not been changed by order of the Commission within the preceding five years, the Commission may require the natural gas utility to file an updated weighted average cost of capital, and the natural gas utility may propose an updated weighted average cost of capital. The natural gas utility may recover the external costs associated with establishing its updated weighted average cost of capital through a biogas supply rider. Such external costs shall include legal costs and consultant costs;

2. A revenue conversion factor. Such factor, including income taxes, shall be applied to the required operating income resulting from the eligible biogas supply infrastructure costs;

3. Operating and maintenance expenses. These expenses include the amount of operating and maintenance expenses utilized in biogas collection; processing the gas produced; and gathering, transmission, and distribution lines delivering the gas to a pipeline or distribution system;

4. Depreciation. In calculating depreciation, the Commission shall use the natural gas utility's current depreciation rates for investments in distribution infrastructure, as set out by the appropriate asset class. The natural gas utility shall propose a basis for recovering for the depreciation or depletion of investments in other asset classes in the biogas supply investment plan, including investments in biogas reserves that will deplete based on their useful life or of associated facilities that may be retired upon depletion of biogas reserves;

5. Property tax and any other taxes or government fees associated with production and transmission of biogas; and

6. Carrying costs on the over-recovery or under-recovery of the eligible biogas supply infrastructure costs. In calculating the carrying costs, the Commission shall use the natural gas utility's regulatory capital structure as determined in subdivision 1.

"Eligible biogas supply infrastructure projects" or "projects" means capital investments in biogas facilities that, alone or in combination with other projects or strategies, offer reasonably anticipated benefits to customers and markets, which benefits mean (i) a reduction in methane or carbon dioxide equivalent emissions from the biogas facility, (ii) an additional source of supply for the natural gas utility, and (iii) a beneficial use for the biogas, and which benefits do not result in the gas delivered to customers failing to meet the natural gas utility's pipeline quality standards.

"Investment" means actual costs incurred on eligible biogas supply infrastructure projects, including planning, development, and construction costs; actual costs of infrastructure associated therewith; and an allowance for funds used during construction. In calculating the allowance for funds used during construction, the Commission shall use the natural gas utility's actual regulatory capital structure as determined in subdivision 1 of the definition of "eligible biogas supply infrastructure costs."

"Natural gas utility" means an investor-owned public service company engaged in the business of furnishing natural gas service to the public.

B. A natural gas utility shall have the right to recover eligible biogas supply infrastructure costs on an ongoing basis through the gas cost component of the natural gas utility's rate structure or other recovery mechanism approved by the Commission, provided that any such mechanism shall properly allocate costs. Natural gas utilities using the cost of service methodology set forth in § 56-235.2 or a performance-based regulation plan authorized by § 56-235.6 shall be eligible to file a plan. The plan shall include a timeline for the investment and completion of the proposed eligible biogas supply infrastructure projects; provide for an estimated schedule for recovery of the related eligible biogas supply infrastructure costs through the gas cost component of the natural gas utility's rate structure or other mechanism, including proposed depreciation rates for investments in non-distribution asset classes and how any revenue gains from the use of the pipelines by third parties will be used to offset eligible biogas supply infrastructure costs; and demonstrate that the plan is in the public interest with due consideration to the reduction in methane or carbon dioxide equivalent emissions and the addition of a supply source for the natural gas utility or a combination thereof. No project shall provide an annual volume of biogas that exceeds three percent of the natural gas utility's annual firm sales demand, and no combination of projects shall provide an annual volume of biogas that exceeds 15 percent of the natural gas utility's annual firm sales demand. The natural gas utility's weather-normalized firm sales demand for the calendar year preceding the application shall be deemed to establish the annual firm sales demand for the purposes of calculating the volume and volumetric limits of projects. The Commission shall approve such a plan upon a finding that it (i) is in the public interest, (ii) will result in a decrease of methane or carbon dioxide equivalent emissions, and (iii) will result in rates that are just and reasonable, after notice and an opportunity for a hearing in accordance with the provisions of this chapter.

C. In addition to the items included in the plan as specified in subsection B, the plan may provide the natural gas utility with an option to receive the biogas or sell the biogas at market prices. A natural gas utility proposing this option as part of its plan shall propose how any revenue gains from the sale of the biogas will be used to reduce the cost of gas to its customers. The Commission shall approve or deny, within 180 days, a natural gas utility's initial application for a biogas supply investment plan. A plan filed pursuant to this section shall not require the filing of rate case schedules. The Commission shall approve or deny, within 120 days, a natural gas utility's application to amend a previously approved plan. If the Commission denies such a plan or amendment, it shall set forth with specificity the reasons for such denial, and the natural gas utility shall have the right to refile, without prejudice, an amended plan or amendment within 60 days, and the Commission shall thereafter have 60 days to approve or deny the amended plan or amendment. If the plan is filed as part of a general rate case using the cost of service methodology set forth in § 56-235.2 or a performance-based regulation plan authorized by § 56-235.6, then the Commission shall approve or deny the plan concurrent with or as part of the general rate case decision.

D. No other revenue requirement or ratemaking issues shall be examined in consideration of a plan filed pursuant to the provisions of this section.

E. A natural gas utility with an approved biogas supply investment plan shall annually file a report of the eligible biogas supply infrastructure investment made, the eligible biogas supply infrastructure costs incurred and the amount of such costs recovered, the volume of biogas delivered to customers or sold to third parties during the 12-month reporting period, and an analysis of the price of biogas delivered to the natural gas utility customers and the market cost of gas during the 12-month period. However, such analysis shall not affect a natural gas utility's right to recover all eligible biogas supply infrastructure costs as set forth in subsection B. The report shall also identify the balance of over-recovery or under-recovery of the eligible biogas supply infrastructure costs at the end of the reporting period and the projected investment to be made, the projected infrastructure costs to be incurred, and the projected costs to be recovered during the next 12-month reporting period.

F. Costs recovered pursuant to this section shall be in addition to all other costs that the natural gas utility is permitted to recover and shall not be considered an offset to other Commission-approved costs of service or revenue requirements.

2. That the State Corporation Commission may exempt customer education components from the required test parameters set forth in § 56-600 of the Code of Virginia, as amended by this act, for a cost-effective conservation and energy efficiency program.

3. That each natural gas utility that has one or more State Corporation Commission-approved (the Commission) eligible biogas supply infrastructure projects, as defined in § 56-625 of the Code of Virginia, as created by this act, shall report annually to the Commission the reduction in methane and carbon dioxide equivalent emissions from each such approved project. The Commission shall issue an annual report describing the number of approved eligible biogas supply infrastructure projects, as defined in § 56-625 of the Code of Virginia, as created by this act, and the methane and carbon dioxide equivalent emissions from such approved projects. The Commission shall make such report available on its website.

4. That the Department of Environmental Quality (the Department) shall convene a work group of stakeholders to determine the feasibility of setting a statewide methane reduction goal and plan to achieve the same. The Department shall report its findings and recommendations to the Chairmen of the Senate Committee on Agriculture, Conservation and Natural Resources, the Senate Committee on Commerce and Labor, the House Committee on Agriculture, Chesapeake and Natural Resources, and the House Committee on Commerce and Energy by July 1, 2023.

CHAPTER 729

An Act to amend and reenact § 37.2-408.1 of the Code of Virginia, relating to criminal history background checks; children's residential facilities.

[S 577]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 37.2-408.1 of the Code of Virginia is amended and reenacted as follows:****§ 37.2-408.1. Background check required; children's residential facilities.**

A. Notwithstanding the provisions of § 37.2-416, as a condition of employment, volunteering or providing services on a regular basis, every children's residential facility that is regulated or operated by the Department shall require any person who (i) accepts a position of employment at such a facility, (ii) is currently employed by such a facility, (iii) volunteers for such a facility, or (iv) provides contractual services directly to a juvenile for such a facility to submit to fingerprinting and to provide personal descriptive information, to be forwarded along with the person's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding the person. The children's residential facility shall inform the person that he is entitled to obtain a copy of any background check report and to challenge the accuracy and completeness of any such report and obtain a prompt resolution before a final determination is made of the person's eligibility to have responsibility for the safety and well-being of children. The person shall provide the children's residential facility with a written statement or affirmation disclosing whether he has ever been convicted of or is the subject of pending charges for any offense within or outside the Commonwealth. ~~The results of the criminal history background check must be received prior to permitting a person to work in the children's residential facility.~~

The Central Criminal Records Exchange, upon receipt of a person's record or notification that no record exists, shall forward it to the state agency that operates or regulates the children's residential facility with which the person is affiliated. The state agency shall, upon receipt of a person's record lacking disposition data, conduct research in whatever state and local recordkeeping systems are available in order to obtain complete data. The state agency shall report to the children's facility whether the person is eligible to have responsibility for the safety and well-being of children. Except as otherwise provided in subsection B, no children's residential facility regulated or operated by the Department shall hire for compensated employment or allow to volunteer or provide contractual services persons who have been convicted of or are the subject of pending charges for (a) any offense set forth in clause (i), (ii), (iii), or (v) of the definition of barrier crime in § 19.2-392.02 or (b) any offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02 (1) in the five years prior to the application date for employment, to be a volunteer, or to provide contractual services or (2) such person continues on probation or parole or has failed to pay required court costs for such offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02. The provisions of this section also shall apply to structured residential programs, excluding secure detention facilities, established pursuant to § 16.1-309.3 for juvenile offenders cited in a complaint for intake or in a petition before the court that alleges the juvenile is delinquent or in need of services or supervision.

B. Notwithstanding the provisions of subsection A, a children's residential facility may hire for compensated employment or for volunteer or contractual service purposes persons who have been convicted of not more than one misdemeanor offense under § 18.2-57 or 18.2-57.2, or any substantially similar offense under the laws of another jurisdiction, if 10 years have elapsed following the conviction, unless the person committed such offense in the scope of his employment, volunteer, or contractual services.

If the person is denied employment, or the opportunity to volunteer or provide services, at a children's residential facility because of information appearing on his criminal history record, and the person disputes the information upon which the denial was based, upon written request of the person the state agency shall furnish the person the procedures for obtaining his criminal history record from the Federal Bureau of Investigation. The information provided to the children's residential facility shall not be disseminated except as provided in this section.

C. Those persons listed in clauses (i) through (iv) of subsection A also shall authorize the children's residential facility to obtain a copy of information from the central registry maintained pursuant to § 63.2-1515 on any investigation of child abuse or neglect undertaken on him. The person shall provide the children's residential facility with a written statement or affirmation disclosing whether he has ever been the subject of a founded case of child abuse or neglect within or outside the Commonwealth. ~~The children's residential facility shall receive the results of the central registry search prior to permitting a person to work.~~ Children's residential facilities regulated or operated by the Department shall not hire for compensated employment, or allow to volunteer or provide contractual services, persons who have a founded case of child abuse or neglect.

D. *No person shall be allowed to work, volunteer, or provide services at a children's residential facility unless (i) all components of the background check required pursuant to this section have been received by the children's residential facility and (ii) the person is eligible to have responsibility for the safety and well-being of children in accordance with subsections A and C.*

E. Notwithstanding any provisions of this section to the contrary, a children's residential facility may employ a person specified in subsection A pending the results of the check of the central registry maintained by the Department pursuant to § 63.2-1515 required by this section, provided that (i) the person has received qualifying results on the fingerprint-based criminal history background check, (ii) the person does not work in the children's residential facility or any other location where children placed in such facility are present, and (iii) such employment is permitted under 42 U.S.C. § 671 and regulations promulgated pursuant thereto.

F. The cost of obtaining the criminal history record and the central registry information shall be borne by the person unless the children's residential facility, at its option, decides to pay the cost.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 730

An Act to amend and reenact §§ 15.2-1731, 15.2-1734, 15.2-1735, 15.2-1736, 37.2-808, and 37.2-810 of the Code of Virginia, relating to custody and transportation of persons subject to emergency custody orders or temporary detention process; alternative custody; auxiliary police officers.

[S 593]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-1731, 15.2-1734, 15.2-1735, 15.2-1736, 37.2-808, and 37.2-810 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-1731. Establishment, etc., authorized; powers, authority and immunities generally.

A. Localities, for the further preservation of the public peace, safety, and good order of the community, may establish, equip, and maintain auxiliary police forces that have all the powers and authority and all the immunities of full-time law-enforcement officers, if all such forces have met the training requirements established by the Department of Criminal Justice Services under § 9.1-102.

B. Notwithstanding any other provision of this section, an auxiliary officer shall be exempted from any initial training requirement established under § 9.1-102 until a date one year subsequent to the approval by the Criminal Justice Services Board of compulsory minimum training standards for auxiliary police officers, except that (i) any such officer shall not be permitted to carry or use a firearm while serving as an auxiliary police officer unless such officer has met the firearms training requirements established in accordance with in-service training standards for law-enforcement officers as prescribed by the Criminal Justice Services Board, and (ii) any such officer shall have one year following the approval by the Board to comply with the compulsory minimum training standards.

C. Auxiliary police forces established pursuant to this section, who have met the training requirements of § 9.1-102, may be called into service by the chief law-enforcement officer as appropriate to provide transportation for such person subject to an emergency custody order pursuant to § 37.2-808 or to provide transportation for a person in the temporary detention process pursuant to § 37.2-810.

§ 15.2-1734. Calling auxiliary police officers into service; police officers performing service to wear uniform; exception.

A. A locality may call into service or provide for calling into service such auxiliary police officers as may be deemed necessary (i) in time of public emergency; (ii) at such times as there are insufficient numbers of regular police officers to preserve the peace, safety, and good order of the community; ~~or;~~ (iii) *to provide transportation for such person subject to an emergency custody order pursuant to § 37.2-808 or to provide transportation for a person in the temporary detention process pursuant to § 37.2-810;* or (iv) at any time for the purpose of training such auxiliary police officers. At all times when performing such service, the members of the auxiliary police force shall wear the uniform prescribed by the governing body.

B. Members of any auxiliary police force who have been trained in accordance with the provisions of § 15.2-1731 may be called into service by the chief of police of any locality to aid and assist regular police officers in the performance of their duties, *including providing transportation for such person subject to an emergency custody order pursuant to § 37.2-808 or providing transportation for a person in the temporary detention process pursuant to § 37.2-810.*

C. When the duties of an auxiliary police officer are such that the wearing of the prescribed uniform would adversely limit the effectiveness of the auxiliary police officer's ability to perform his prescribed duties, then clothing appropriate for the duties to be performed may be required by the chief of police.

§ 15.2-1735. Acting beyond limits of jurisdiction of locality.

The members of any such auxiliary police force shall not be required to act beyond the limits of the jurisdiction of any such locality except when called upon to protect any public property belonging to the locality ~~which~~ *that* may be located beyond its boundaries, or as provided in § 15.2-1736, 37.2-808, or 37.2-810.

§ 15.2-1736. Mutual aid agreements among governing bodies of localities.

The governing bodies of localities, institutions of higher learning having a police force appointed pursuant to subsection B of § 23.1-812, and institutions of higher education having a private police force, as well as sheriffs, and the Director of the Department of Conservation and Recreation with commissioned conservation officers, or any combination

thereof may, by proper resolutions, enter in and become a party to contracts or mutual aid agreements for the use of their joint forces, both regular and auxiliary, their equipment and materials to maintain peace and good order, *including providing transportation for such person subject to an emergency custody order pursuant to § 37.2-808 or providing transportation for a person in the temporary detention process pursuant to § 37.2-810*. However, no such institution of higher learning shall enter into such agreement with another institution of higher education in a noncontiguous locality without the consent of all localities within which such institutions are located. Any police or other law-enforcement officer, regular or auxiliary, while performing his duty under any such contract or agreement, shall have the same authority in such locality as he has within the locality where he was appointed.

In counties where no police department has been established, the sheriff may, in his discretion, enter into mutual aid agreements as provided by this section.

§ 37.2-808. Emergency custody; issuance and execution of order.

A. Any magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or upon his own motion, or a court may issue pursuant to § 19.2-271.6, an emergency custody order when he has probable cause to believe that any person (i) has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, (ii) is in need of hospitalization or treatment, and (iii) is unwilling to volunteer or incapable of volunteering for hospitalization or treatment. Any emergency custody order entered pursuant to this section shall provide for the disclosure of medical records pursuant to § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

When considering whether there is probable cause to issue an emergency custody order, the magistrate may, in addition to the petition, or the court may pursuant to § 19.2-271.6, consider (1) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (2) any past actions of the person, (3) any past mental health treatment of the person, (4) any relevant hearsay evidence, (5) any medical records available, (6) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (7) any other information available that the magistrate or the court considers relevant to the determination of whether probable cause exists to issue an emergency custody order.

B. Any person for whom an emergency custody order is issued shall be taken into custody and transported to a convenient location to be evaluated to determine whether the person meets the criteria for temporary detention pursuant to § 37.2-809 and to assess the need for hospitalization or treatment. The evaluation shall be made by a person designated by the community services board who is skilled in the diagnosis and treatment of mental illness and who has completed a certification program approved by the Department.

C. The magistrate or court issuing an emergency custody order shall specify the primary law-enforcement agency and jurisdiction to execute the emergency custody order and provide transportation. However, the magistrate or court shall consider any request to authorize transportation by an alternative transportation provider in accordance with this section, whenever an alternative transportation provider is identified to the magistrate or court, which may be a person, facility, or agency, including a family member or friend of the person who is the subject of the order, a representative of the community services board, or other transportation provider with personnel trained to provide transportation in a safe manner, upon determining, following consideration of information provided by the petitioner; the community services board or its designee; the local law-enforcement agency, if any; the person's treating physician, if any; or other persons who are available and have knowledge of the person, and, when the magistrate or court deems appropriate, the proposed alternative transportation provider, either in person or via two-way electronic video and audio or telephone communication system, that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner.

When transportation is ordered to be provided by an alternative transportation provider, the magistrate or court shall order the specified primary law-enforcement agency to execute the order, to take the person into custody, and to transfer custody of the person to the alternative transportation provider identified in the order. In such cases, a copy of the emergency custody order shall accompany the person being transported pursuant to this section at all times and shall be delivered by the alternative transportation provider to the community services board or its designee responsible for conducting the evaluation. The community services board or its designee conducting the evaluation shall return a copy of the emergency custody order to the court designated by the magistrate or the court that issued the emergency custody order as soon as is practicable. Delivery of an order to a law-enforcement officer or alternative transportation provider and return of an order to the court may be accomplished electronically or by facsimile.

Transportation under this section shall include transportation to a medical facility as may be necessary to obtain emergency medical evaluation or treatment that shall be conducted immediately in accordance with state and federal law. Transportation under this section shall include transportation to a medical facility for a medical evaluation if a physician at the hospital in which the person subject to the emergency custody order may be detained requires a medical evaluation prior to admission.

D. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the magistrate or court shall order the primary law-enforcement agency from the jurisdiction served by the community services board that designated the person to perform the evaluation required in subsection B to execute the order and, in cases in which transportation is ordered to be provided by the primary law-enforcement agency, provide transportation. If the community

services board serves more than one jurisdiction, the magistrate or court shall designate the primary law-enforcement agency from the particular jurisdiction within the community services board's service area where the person who is the subject of the emergency custody order was taken into custody or, if the person has not yet been taken into custody, the primary law-enforcement agency from the jurisdiction where the person is presently located to execute the order and provide transportation.

E. The law-enforcement agency or alternative transportation provider providing transportation pursuant to this section may transfer custody of the person to the facility or location to which the person is transported for the evaluation required in subsection B, G, or H if the facility or location (i) is licensed to provide the level of security necessary to protect both the person and others from harm, (ii) is actually capable of providing the level of security necessary to protect the person and others from harm, and (iii) in cases in which transportation is provided by a law-enforcement agency, has entered into an agreement or memorandum of understanding with the law-enforcement agency setting forth the terms and conditions under which it will accept a transfer of custody, provided, however, that the facility or location may not require the law-enforcement agency to pay any fees or costs for the transfer of custody.

F. A law-enforcement officer may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing an emergency custody order pursuant to this section.

G. A law-enforcement officer who, based upon his observation or the reliable reports of others, has probable cause to believe that a person meets the criteria for emergency custody as stated in this section may take that person into custody and transport that person to an appropriate location to assess the need for hospitalization or treatment without prior authorization. A law-enforcement officer who takes a person into custody pursuant to this subsection or subsection H may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of obtaining the assessment. Such evaluation shall be conducted immediately. The period of custody shall not exceed eight hours from the time the law-enforcement officer takes the person into custody.

H. A law-enforcement officer who is transporting a person who has voluntarily consented to be transported to a facility for the purpose of assessment or evaluation and who is beyond the territorial limits of the county, city, or town in which he serves may take such person into custody and transport him to an appropriate location to assess the need for hospitalization or treatment without prior authorization when the law-enforcement officer determines (i) that the person has revoked consent to be transported to a facility for the purpose of assessment or evaluation, and (ii) based upon his observations, that probable cause exists to believe that the person meets the criteria for emergency custody as stated in this section. The period of custody shall not exceed eight hours from the time the law-enforcement officer takes the person into custody.

I. Nothing herein shall preclude a law-enforcement officer or alternative transportation provider from obtaining emergency medical treatment or further medical evaluation at any time for a person in his custody as provided in this section.

J. A representative of the primary law-enforcement agency specified to execute an emergency custody order or a representative of the law-enforcement agency employing a law-enforcement officer who takes a person into custody pursuant to subsection G or H shall notify the community services board responsible for conducting the evaluation required in subsection B, G, or H as soon as practicable after execution of the emergency custody order or after the person has been taken into custody pursuant to subsection G or H.

K. The person shall remain in custody until (i) a temporary detention order is issued in accordance with § 37.2-809, (ii) an order for temporary detention for observation, testing, or treatment is entered in accordance with § 37.2-1104, ending law enforcement custody, (iii) the person is released, or (iv) the emergency custody order expires. An emergency custody order shall be valid for a period not to exceed eight hours from the time of execution.

L. Nothing in this section shall preclude the issuance of an order for temporary detention for testing, observation, or treatment pursuant to § 37.2-1104 for a person who is also the subject of an emergency custody order issued pursuant to this section. In any case in which an order for temporary detention for testing, observation, or treatment is issued for a person who is also the subject of an emergency custody order, the person may be detained by a hospital emergency room or other appropriate facility for testing, observation, and treatment for a period not to exceed 24 hours, unless extended by the court as part of an order pursuant to § 37.2-1101, in accordance with subsection C of § 37.2-1104. Upon completion of testing, observation, or treatment pursuant to § 37.2-1104, the hospital emergency room or other appropriate facility in which the person is detained shall notify the nearest community services board, and the designee of the community services board shall, as soon as is practicable and prior to the expiration of the order for temporary detention issued pursuant to § 37.2-1104, conduct an evaluation of the person to determine if he meets the criteria for temporary detention pursuant to § 37.2-809.

M. Any person taken into emergency custody pursuant to this section shall be given a written summary of the emergency custody procedures and the statutory protections associated with those procedures.

N. If an emergency custody order is not executed within eight hours of its issuance, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if such office is not open, to any magistrate serving the jurisdiction of the issuing court.

O. In addition to the eight-hour period of emergency custody set forth in subsection G, H, or K, if the individual is detained in a state facility pursuant to subsection E of § 37.2-809, the state facility and an employee or designee of the

community services board as defined in § 37.2-809 may, for an additional four hours, continue to attempt to identify an alternative facility that is able and willing to provide temporary detention and appropriate care to the individual.

P. Payments shall be made pursuant to § 37.2-804 to licensed health care providers for medical screening and assessment services provided to persons with mental illnesses while in emergency custody.

Q. No person who provides alternative transportation pursuant to this section shall be liable to the person being transported for any civil damages for ordinary negligence in acts or omissions that result from providing such alternative transportation.

R. For purposes of this section:

"Law-enforcement agency" includes an auxiliary police force established pursuant to § 15.2-1731.

"Law-enforcement officer" includes an auxiliary police officer appointed or provided for pursuant to §§ 15.2-1731 and 15.2-1733, except for the purposes of subsection G.

§ 37.2-810. Transportation of person in the temporary detention process.

A. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the magistrate shall specify in the temporary detention order the law-enforcement agency of the jurisdiction in which the person resides, or any other willing law-enforcement agency that has agreed to provide transportation, to execute the order and, in cases in which transportation is ordered to be provided by the primary law-enforcement agency, provide transportation. However, if the nearest boundary of the jurisdiction in which the person resides is more than 50 miles from the nearest boundary of the jurisdiction in which the person is located, the law-enforcement agency of the jurisdiction in which the person is located shall execute the order and provide transportation.

B. The magistrate issuing the temporary detention order shall specify the law-enforcement agency to execute the order and provide transportation. However, the magistrate shall consider any request to authorize transportation by an alternative transportation provider in accordance with this section, whenever an alternative transportation provider is identified to the magistrate, which may be a person, facility, or agency, including a family member or friend of the person who is the subject of the temporary detention order, a representative of the community services board, or other transportation provider with personnel trained to provide transportation in a safe manner upon determining, following consideration of information provided by the petitioner; the community services board or its designee; the local law-enforcement agency, if any; the person's treating physician, if any; or other persons who are available and have knowledge of the person, and, when the magistrate deems appropriate, the proposed alternative transportation provider, either in person or via two-way electronic video and audio or telephone communication system, that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner.

When transportation is ordered to be provided by an alternative transportation provider, the magistrate shall order the specified law-enforcement agency to execute the order, to take the person into custody, and to transfer custody of the person to the alternative transportation provider identified in the order.

In such cases, a copy of the temporary detention order shall accompany the person being transported pursuant to this section at all times and shall be delivered by the alternative transportation provider to the temporary detention facility. The temporary detention facility shall return a copy of the temporary detention order to the court designated by the magistrate as soon as is practicable. Delivery of an order to a law-enforcement officer or alternative transportation provider and return of an order to the court may be accomplished electronically or by facsimile.

The order may include transportation of the person to such other medical facility as may be necessary to obtain further medical evaluation or treatment prior to placement as required by a physician at the admitting temporary detention facility. Nothing herein shall preclude a law-enforcement officer or alternative transportation provider from obtaining emergency medical treatment or further medical evaluation at any time for a person in his custody as provided in this section. Such medical evaluation or treatment shall be conducted immediately in accordance with state and federal law.

C. If an alternative transportation provider providing transportation of a person who is the subject of a temporary detention order becomes unable to continue providing transportation of the person at any time after taking custody of the person, the primary law-enforcement agency for the jurisdiction in which the alternative transportation provider is located at the time he becomes unable to continue providing transportation shall take custody of the person and shall transport the person to the facility of temporary detention. In such cases, a copy of the temporary detention order shall accompany the person being transported and shall be delivered to and returned by the temporary detention facility in accordance with the provisions of subsection B.

D. In cases in which an alternative facility of temporary detention is identified and the law-enforcement agency or alternative transportation provider identified to provide transportation in accordance with subsection B continues to have custody of the person, the local law-enforcement agency or alternative transportation provider shall transport the person to the alternative facility of temporary detention identified by the employee or designee of the community services board. In cases in which an alternative facility of temporary detention is identified and custody of the person has been transferred from the law-enforcement agency or alternative transportation provider that provided transportation in accordance with subsection B to the initial facility of temporary detention, the employee or designee of the community services board shall request, and a magistrate may enter an order specifying, an alternative transportation provider or, if no alternative transportation provider is available, willing, and able to provide transportation in a safe manner, the local law-enforcement agency for the jurisdiction in which the person resides or, if the nearest boundary of the jurisdiction in which the person

resides is more than 50 miles from the nearest boundary of the jurisdiction in which the person is located, the law-enforcement agency of the jurisdiction in which the person is located, to provide transportation.

E. The magistrate may change the transportation provider specified in a temporary detention order at any time prior to the initiation of transportation of a person who is the subject of a temporary detention order pursuant to this section. If the designated transportation provider is changed by the magistrate at any time after the temporary detention order has been executed but prior to the initiation of transportation, the transportation provider having custody of the person shall transfer custody of the person to the transportation provider subsequently specified to provide transportation. For the purposes of this subsection, "transportation provider" includes both a law-enforcement agency and an alternative transportation provider.

F. A law-enforcement officer may lawfully go to or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing any temporary detention order pursuant to this section. Law-enforcement agencies may enter into agreements to facilitate the execution of temporary detention orders and provide transportation.

G. No person who provides alternative transportation pursuant to this section shall be liable to the person being transported for any civil damages for ordinary negligence in acts or omissions that result from providing such alternative transportation.

H. For purposes of this section:

"Law-enforcement agency" includes an auxiliary police force established pursuant to § 15.2-1731.

"Law-enforcement officer" includes an auxiliary police officer appointed or provided for pursuant to §§ 15.2-1731 and 15.2-1733.

2. That, pursuant to subdivision 11 of § 9.1-102 of the Code of Virginia, the Department of Criminal Justice Services, when establishing compulsory minimum training standards for auxiliary police officers who are called into service solely for the purpose of providing transportation for such person subject to an emergency custody order pursuant to § 37.2-808 of the Code of Virginia, as amended by this act, or to provide transportation for a person in the temporary detention process pursuant to § 37.2-810 of the Code of Virginia, as amended by this act, shall be limited to establishing such compulsory minimum training standards to courses related to weapons, defensive tactics, de-escalation techniques, and working with individuals with disabilities, mental health needs, or substance use disorders.

CHAPTER 731

An Act to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 22.19, consisting of a section numbered 59.1-284.40, relating to Nitrile Glove Manufacturing Training Program; established.

[S 595]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 22.19, consisting of a section numbered 59.1-284.40, as follows:

CHAPTER 22.19.

NITRILE GLOVE MANUFACTURING TRAINING PROGRAM.

§ 59.1-284.40. Nitrile Glove Manufacturing Training Program.

A. In order to support the recruiting and training needs of companies with facilities located in the Mount Rogers Planning District that manufacture nitrile gloves for personal protective equipment, or manufacture the inputs used to manufacture such gloves, up to \$4,601,000 shall be made available to the Virginia Economic Development Partnership Authority through the Virginia Talent Accelerator Program to provide services to such companies. Subject to appropriation, funding for such services shall be awarded as follows:

- 1. \$1,427,000 for the Commonwealth's fiscal year beginning July 1, 2021;*
- 2. \$1,987,000 less the total amount of funds previously awarded pursuant to this subsection for the Commonwealth's fiscal year beginning July 1, 2022;*
- 3. \$2,722,000 less the total amount of funds previously awarded pursuant to this subsection for the Commonwealth's fiscal year beginning July 1, 2023;*
- 4. \$3,574,000 less the total amount of funds previously awarded pursuant to this subsection for the Commonwealth's fiscal year beginning July 1, 2024; and*
- 5. \$4,601,000 less the total amount of funds previously awarded pursuant to this subsection for the Commonwealth's fiscal year beginning July 1, 2025.*

B. Companies shall be eligible for services funded under this section only if they enter into a memorandum of understanding with the Virginia Economic Development Partnership Authority to:

- 1. Create at least 2,464 new jobs that are for full-time employees and that pay an annual wage of at least \$37,321;*
- 2. Make a capital investment of at least \$714.1 million in the Commonwealth; and*

3. Agree to meet the performance targets in subdivisions 1 and 2 on or before January 1, 2027, subject to an extension of no more than two years, as provided in the memorandum of understanding, where such extension may also extend the award dates described in subsection A.

C. Any company receiving services pursuant to this section shall annually provide evidence satisfactory to the Virginia Economic Development Partnership Authority of (i) the aggregate number of new jobs created and maintained as of the last month of the calendar year as determined in the memorandum of understanding, the payroll paid by the company during the calendar year, and the average annual wage of the new jobs in the calendar year and (ii) the aggregate amount of the capital investment made during the calendar year, including the extent to which such capital investment was or was not subject to the Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.). The report and evidence shall be filed with the Virginia Economic Development Partnership Authority in person, by mail, or as otherwise agreed upon in the memorandum of understanding by no later than April 1 each year following the end of the prior calendar year upon which the evidence is based.

D. Any memorandum of understanding entered into pursuant to this section shall provide that if any annual report and evidence provided pursuant to subsection C indicates that a company failed to meet the targets specified in subsection B, the company may be required to repay the Commonwealth a portion of the costs for services delivered pursuant to this section in an amount that reflects the value of the shortfall in the applicable target.

E. As a condition of receipt of the services funded under this section, a company receiving services pursuant to this section shall make available to the Virginia Economic Development Partnership Authority for inspection all documents relevant and applicable to determining whether the company has met the requirements for the receipt of the services as set forth in this section and subject to the memorandum of understanding. All such documents appropriately identified by the company shall be considered confidential and proprietary, and shall not be subject to disclosure pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

F. Funding made available pursuant to this section shall be used to provide recruitment and training services for employees of companies that meet the eligibility requirements of this section. Services shall be coordinated by the Virginia Economic Development Partnership Authority through the Virginia Talent Accelerator Program.

CHAPTER 732

An Act to amend and reenact §§ 37.2-431.1 and 55.1-1201 of the Code of Virginia, relating to recovery residences.

[S 622]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 37.2-431.1 and 55.1-1201 of the Code of Virginia are amended and reenacted as follows:

§ 37.2-431.1. Recovery residences.

A. As used in this section:

~~"Certified recovery residence" means a recovery residence that has been certified by the Department.~~

"Credentialing entity" means a nonprofit organization that develops and administers professional certification programs according to nationally recognized recovery housing standards of the National Alliance for Recovery Residences or standards endorsed by Oxford House, Inc.

"Level of support" means the level of support and structure that a recovery residence provides to residents, as specified in the standards of the National Alliance for Recovery Residences.

"Recovery residence" means a housing facility that is certified by the Department in accordance with regulations adopted by the Board and provides alcohol-free and illicit-drug-free housing to individuals with substance abuse disorders and individuals with co-occurring mental illnesses and substance abuse disorders that does not include clinical treatment services.

B. Every recovery residence shall disclose to each prospective resident its credentialing entity. If the credentialing entity is the National Alliance for Recovery Residences, the recovery residence shall disclose the level of support provided by the recovery residence. If the credentialing entity is Oxford House, Inc., the recovery residence shall disclose that the recovery residence is self-governed and unstaffed.

C. No person shall operate a recovery residence or advertise, represent, or otherwise imply to the public that a recovery residence or other housing facility is a certified ~~recovery residence~~ by the Department unless such recovery residence or other housing facility has been certified by the Department in accordance with regulations adopted by the Board. Such regulations (i) may require accreditation by or membership in a credentialing agency as a condition of certification and (ii) shall require the recovery residence, as a condition of certification, to comply with any minimum square footage requirements related to beds and sleeping rooms established by the credentialing entity or the square footage requirements set forth in § 36-105.4, whichever is greater.

~~C.~~ D. The Department shall maintain a list of ~~certified~~ recovery residences on its website and shall provide (i) for each recovery residence included on such list, the credentialing entity; (ii) for recovery residences for which the National Alliance of Recovery Residences is the credentialing entity, the level of support provided by the recovery residence; and

(iii) for recovery residences for which Oxford House, Inc., is the credentialing entity, a disclosure that the recovery residence is self-governed and unstaffed.

~~✗~~ E. The Department may institute civil proceedings in the name of the Commonwealth to enjoin any person from violating the provisions of this section and to recover a civil penalty of at least \$200 but no more than \$1,000 for each violation. Such proceedings shall be brought in the general district or circuit court for the county or city in which the violation occurred or where the defendant resides. Civil penalties assessed under this section shall be paid into the Behavioral Health and Developmental Services Trust Fund established in § 37.2-318.

§ 55.1-1201. Applicability of chapter; local authority.

A. This chapter shall apply to all jurisdictions in the Commonwealth and may not be waived or otherwise modified, in whole or in part, by the governing body of any locality or its boards or commissions or other instrumentalities or by the courts of the Commonwealth. Occupancy in a public housing unit or other housing unit that is a dwelling unit is subject to this chapter; however, if the provisions of this chapter are inconsistent with the regulations of the U.S. Department of Housing and Urban Development, such regulations shall control.

B. The provisions of this chapter shall apply to occupancy in all single-family and multifamily dwelling units and multifamily dwelling units located in the Commonwealth.

C. The following tenancies and occupancies are not residential tenancies under this chapter:

1. Residence at a public or private institution, if incidental to detention or the provision of medical, geriatric, educational, counseling, religious, or similar services;
2. Occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of the organization;
3. Occupancy by an owner of a condominium unit or a holder of a proprietary lease in a cooperative;
4. Occupancy in a campground as defined in § 35.1-1;
5. Occupancy by a tenant who pays no rent pursuant to a rental agreement;
6. Occupancy by an employee of a landlord whose right to occupancy in a multifamily dwelling unit is conditioned upon employment in and about the premises or a former employee whose occupancy continues less than 60 days; ~~✗~~
7. Occupancy under a contract of sale of a dwelling unit or the property of which it is a part, if the occupant is the purchaser or a person who succeeds to his interest; *or*
8. *Occupancy in a recovery residence as defined in § 37.2-431.1.*

D. The following provisions apply to occupancy in a hotel, motel, extended stay facility, etc.:

1. A guest who is an occupant of a hotel, motel, extended stay facility, vacation residential facility, including those governed by the Virginia Real Estate Time-Share Act (§ 55.1-2200 et seq.), boardinghouse, or similar transient lodging shall not be construed to be a tenant living in a dwelling unit if such person does not reside in such lodging as his primary residence. Such guest shall be exempt from this chapter, and the innkeeper or property owner, or his agent, shall have the right to use self-help eviction under Virginia law, without the necessity of the filing of an unlawful detainer action in a court of competent jurisdiction and the execution of a writ of eviction issued pursuant to such action, which would otherwise be required under this chapter.

2. A hotel, motel, extended stay facility, vacation residential facility, including those governed by the Virginia Real Estate Time-Share Act (§ 55.1-2200 et seq.), boardinghouse, or similar transient lodging shall be exempt from the provisions of this chapter if overnight sleeping accommodations are furnished to a person for consideration if such person does not reside in such lodging as his primary residence.

3. If a person resides in a hotel, motel, extended stay facility, vacation residential facility, including those governed by the Virginia Real Estate Time-Share Act (§ 55.1-2200 et seq.), boardinghouse, or similar transient lodging as his primary residence for 90 consecutive days or less, such lodging shall not be subject to the provisions of this chapter. However, the owner of such lodging establishment shall give a five-day written notice of nonpayment to a person residing in such lodging and, upon the expiration of the five-day period specified in the notice, may exercise self-help eviction if payment in full has not been received.

4. If a person resides in a hotel, motel, extended stay facility, vacation residential facility, including those governed by the Virginia Real Estate Time-Share Act (§ 55.1-2200 et seq.), boardinghouse, or similar transient lodging as his primary residence for more than 90 consecutive days or is subject to a written lease for more than 90 days, such lodging shall be subject to the provisions of this chapter.

5. Nothing herein shall be construed to preclude the owner of a lodging establishment that uses self-help eviction pursuant to this section from pursuing any civil or criminal remedies under the laws of the Commonwealth.

E. Nothing in this chapter shall prohibit a locality from establishing a commission, reconciliatory in nature only, or designating an existing agency, which upon mutual agreement of the parties may mediate conflicts that may arise out of the application of this chapter, nor shall anything in this chapter be deemed to prohibit an ordinance designed to effect compliance with local property maintenance codes. This chapter shall supersede all other local ordinances or regulations concerning landlord and tenant relations and the leasing of residential property.

CHAPTER 733

An Act to amend and reenact §§ 32.1-42.1 and 54.1-3408 of the Code of Virginia, relating to Commissioner of Health; administration and dispensing of necessary drugs, devices, and vaccines during public health emergency; emergency.

[S 647]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-42.1 and 54.1-3408 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-42.1. Administration and dispensing of necessary drugs, devices and vaccines during a declared disaster or emergency.

A. The Commissioner, pursuant to § 54.1-3408, may authorize persons who are not authorized by law to administer or dispense drugs or devices to administer or dispense all necessary drugs or devices in accordance with protocols established by the Commissioner when (i) the Governor has declared a disaster or a state of emergency ~~or~~, the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency, *or the Board has made an emergency order pursuant to § 32.1-13 for the purpose of suppressing nuisances dangerous to the public health and communicable, contagious, and infectious diseases and other dangers to the public life and health and for the limited purpose of administering vaccines as an approved countermeasure for such communicable, contagious, and infectious diseases;* (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the Commissioner. For purposes of this section, "administer," "device," "dispense," and "drug" shall have the same meaning as provided in § 54.1-3401. The Commissioner shall develop protocols, in consultation with the Department of Health Professions, that address the required training of such persons and procedures for such persons to use in administering or dispensing drugs or devices.

B. Where the Commissioner, pursuant to subsection A, authorizes persons who are not otherwise authorized by law to administer vaccines, such persons shall include any of the following who, due to their education and training, are qualified to administer drugs: (i) any person licensed by a health regulatory board within the Department of Health Professions whose license is in good standing, or was in good standing within the 20 years immediately prior to lapsing; (ii) any emergency medical services provider licensed or certified by the Department whose license or certification is in good standing, or was in good standing within the 20 years immediately prior to lapsing; and (iii) any health professions student enrolled in an accredited program in the Commonwealth who is in good academic standing with such student's school and provided that the school certifies that the student has been properly trained in the administration of vaccines. A health professions student who administers vaccines pursuant to this section shall be supervised by any eligible health care provider who holds a license issued by a health regulatory board within the Department of Health Professions, and the supervising health care provider shall not be required to be licensed in the same health profession for which the student is studying. A person who is licensed as a nurse practitioner by the Boards of Medicine and Nursing or licensed as a physician assistant by the Board of Medicine who administers vaccines pursuant to this section may administer such vaccine without a written or electronic practice agreement. In the absence of gross negligence or willful misconduct, any such person authorized by the Commissioner or entity overseeing any such person who administers the vaccine pursuant to this section shall not be liable for (a) any actual or alleged injury or wrongful death or (b) any civil cause of action arising from any act or omission arising out of, related to, or alleged to have resulted in the contraction of or exposure to the communicable, contagious, and infectious disease or to have resulted from the administration of the vaccine.

§ 54.1-3408. Professional use by practitioners.

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine, a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed certified midwife pursuant to § 54.1-2907.04, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause drugs or devices to be administered by:

1. A nurse, physician assistant, or intern under his direction and supervision;
2. Persons trained to administer drugs and devices to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the Department of Behavioral Health and Developmental Services who administer drugs under the control and supervision of the prescriber or a pharmacist;
3. Emergency medical services personnel certified and authorized to administer drugs and devices pursuant to regulations of the Board of Health who act within the scope of such certification and pursuant to an oral or written order or standing protocol; or
4. A licensed respiratory therapist as defined in § 54.1-2954 who administers by inhalation controlled substances used in inhalation or respiratory therapy.

C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine and oxygen for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or standing protocol that shall be issued by the local health director within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by the local health director and trained in the administration of albuterol inhalers and valved holding chambers or nebulized albuterol may possess or administer an albuterol inhaler and a valved holding chamber or nebulized albuterol to a student diagnosed with a condition requiring an albuterol inhaler or nebulized albuterol when the student is believed to be experiencing or about to experience an asthmatic crisis.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or any employee of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of (a) epinephrine may possess and administer epinephrine and (b) albuterol inhalers or nebulized albuterol may possess or administer an albuterol inhaler or nebulized albuterol to a student diagnosed with a condition requiring an albuterol inhaler or nebulized albuterol when the student is believed to be experiencing or about to experience an asthmatic crisis.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of an organization providing outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health, such prescriber may authorize any employee of a restaurant licensed pursuant to Chapter 3 (§ 35.1-18 et seq.) of Title 35.1 to possess and administer epinephrine on the premises of the restaurant at which the employee is employed, provided that such person is trained in the administration of epinephrine.

Pursuant to an order issued by the prescriber within the course of his professional practice, an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services may possess and administer epinephrine, provided such person is authorized and trained in the administration of epinephrine.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any employee of a public place, as defined in § 15.2-2820, who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize pharmacists to possess epinephrine and oxygen for administration in treatment of emergency medical conditions.

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs; oxygen for use in emergency situations; epinephrine for use in emergency cases of anaphylactic shock; and naloxone or other opioid antagonist for overdose reversal.

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and

guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a public institution of higher education or a private institution of higher education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administration of glucagon to a student diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services to assist with the administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia, provided such employee or person providing services has been trained in the administration of insulin and glucagon.

I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the supervision of a registered nurse. A prescriber acting on behalf of and in accordance with established protocols of the Department of Health may authorize the administration of vaccines to any person by a pharmacist, nurse, or designated emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health under the direction of an operational medical director when the prescriber is not physically present. The emergency medical services provider shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

J. A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent of the dentist.

Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision, as defined in § 54.1-2722, or his remote supervision, as defined in subsection E or F of § 54.1-2722, to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, and any other Schedule VI topical drug approved by the Board of Dentistry.

In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia.

K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

L. This section shall not prevent the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be normally self-administered by (i) an individual receiving services in a program licensed by the Department of Behavioral Health and Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of any facility authorized or operated by a state or local government whose primary purpose is not to provide health care services; (vi) a resident of a private children's residential facility, as defined in § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department of Behavioral

Health and Developmental Services; or (vii) a student in a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

In addition, this section shall not prevent a person who has successfully completed a training program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of Nursing and been evaluated by a registered nurse as having demonstrated competency in administration of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from a program licensed by the Department of Behavioral Health and Developmental Services to such person via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.) of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any assisted living facility licensed by the Department of Social Services. A registered medication aide shall administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted living facility's Medication Management Plan; and in accordance with such other regulations governing their practice promulgated by the Board of Nursing.

N. In addition, this section shall not prevent the administration of drugs by a person who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security and record keeping, when the drugs administered would be normally self-administered by a student of a Virginia public school. Training for such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in a child day program as defined in § 22.1-289.02 and regulated by the Board of Education or a local government pursuant to § 15.2-914, or (ii) a student of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education, provided such person (a) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, nurse practitioner, physician assistant, doctor of medicine or osteopathic medicine, or pharmacist; (b) has obtained written authorization from a parent or guardian; (c) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared a disaster or a state of emergency ~~or~~, the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency, *or the Board of Health has made an emergency order pursuant to § 32.1-13 for the purpose of suppressing nuisances dangerous to the public health and communicable, contagious, and infectious diseases and other dangers to the public life and health and for the limited purpose of administering vaccines as an approved countermeasure for such communicable, contagious, and infectious diseases*; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the State Health Commissioner.

Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by unlicensed individuals to a person in his private residence.

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, nurse practitioner, or physician assistant and under the immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A physician assistant, nurse, dental hygienist, or authorized agent of a doctor of medicine, osteopathic medicine, or dentistry may possess and administer topical fluoride varnish pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the direction and immediate supervision of a registered nurse, or emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health when the prescriber is not physically present.

X. Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, a pharmacist, a health care provider providing services in a hospital emergency department, and emergency medical services personnel, as that term is defined in § 32.1-111.1, may dispense naloxone or other opioid antagonist used for overdose reversal and a person to whom naloxone or other opioid antagonist has been dispensed pursuant to this subsection may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose. Law-enforcement officers as defined in § 9.1-101, employees of the Department of Forensic Science, employees of the Office of the Chief Medical Examiner, employees of the Department of General Services Division of Consolidated Laboratory Services, employees of the Department of Corrections designated as probation and parole officers or as correctional officers as defined in § 53.1-1, employees of the Department of Juvenile Justice designated as probation and parole officers or as juvenile correctional officers, employees of regional jails, school nurses, local health department employees that are assigned to a public school pursuant to an agreement between the local health department and the school board, other school board employees or individuals contracted by a school board to provide school health services, and firefighters who have completed a training program may also possess and administer naloxone or other opioid antagonist used for overdose reversal and may dispense naloxone or other opioid antagonist used for overdose reversal pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, an employee or other person acting on behalf of a public place who has completed a training program may also possess and administer naloxone or other opioid antagonist used for overdose reversal other than naloxone in an injectable formulation with a hypodermic needle or syringe in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Notwithstanding any other law or regulation to the contrary, an employee or other person acting on behalf of a public place may possess and administer naloxone or other opioid antagonist, other than naloxone in an injectable formulation with a hypodermic needle or syringe, to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose if he has completed a training program on the administration of such naloxone and administers naloxone in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

For the purposes of this subsection, "public place" means any enclosed area that is used or held out for use by the public, whether owned or operated by a public or private interest.

Y. Notwithstanding any other law or regulation to the contrary, a person who is acting on behalf of an organization that provides services to individuals at risk of experiencing an opioid overdose or training in the administration of naloxone for overdose reversal may dispense naloxone to a person who has received instruction on the administration of naloxone for opioid overdose reversal, provided that such dispensing is (i) pursuant to a standing order issued by a prescriber and (ii) in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. If the person acting on behalf of an organization dispenses naloxone in an injectable formulation with a hypodermic needle or syringe, he shall first obtain authorization from the Department of Behavioral Health and Developmental Services to train individuals on the proper administration of naloxone by and proper disposal of a hypodermic needle or syringe, and he shall obtain a controlled substance registration from the Board of Pharmacy. The Board of Pharmacy shall not charge a fee for the issuance of such controlled substance registration. The dispensing may occur at a site other than that of the controlled substance registration provided the entity possessing the controlled

substances registration maintains records in accordance with regulations of the Board of Pharmacy. No person who dispenses naloxone on behalf of an organization pursuant to this subsection shall charge a fee for the dispensing of naloxone that is greater than the cost to the organization of obtaining the naloxone dispensed. A person to whom naloxone has been dispensed pursuant to this subsection may possess naloxone and may administer naloxone to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

Z. A person who is not otherwise authorized to administer naloxone or other opioid antagonist used for overdose reversal may administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

AA. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency to administer such medication to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis. Such authorization shall be effective only when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 734

An Act to amend and reenact §§ 25.1-100 and 25.1-230.1 of the Code of Virginia, relating to eminent domain; lost profits.

[S 666]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 25.1-100 and 25.1-230.1 of the Code of Virginia are amended and reenacted as follows:

§ 25.1-100. Definitions.

As used in this title, unless the context requires a different meaning:

"Appraisal" means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.

"Body determining just compensation" means a panel of commissioners empaneled pursuant to § 25.1-227.2, jury selected pursuant to § 25.1-229, or the court if neither a panel of commissioners nor a jury is appointed or empaneled.

"Court" means the court having jurisdiction as provided in § 25.1-201.

"Date of valuation" means the time of the lawful taking by the petitioner, or the date of the filing of the petition pursuant to § 25.1-205, whichever occurs first.

"Freeholder" means any person owning an interest in land in fee, including a person owning a condominium unit.

"Land" means real estate and all rights and appurtenances thereto, together with the structures and other improvements thereon, and any right, title, interest, estate or claim in or to real estate.

"Locality" or "local government" means a county, city, or town, as the context may require.

"Lost access" means a material impairment of direct access to property, a portion of which has been taken or damaged as set out in subsection B of § 25.1-230.1. This definition of the term "lost access" shall not diminish any existing right or remedy, and shall not create any new right or remedy other than to allow the body determining just compensation to consider a change in access in awarding just compensation.

"Lost profits" means a loss of ~~business profits, as defined in § 25.1-230.1, that is suffered or expected profits suffered by a business or farm operation~~ as a result of a taking or damaging of the property on which ~~a the business or farm operation is located, subject to adjustment using generally accepted accounting principles consistently applied, from a business or farm operation operated~~ for a period not to exceed three years from the later of (i) the date of valuation or (ii) the date the state agency or its contractor prevents the owner from using the land or any of the owner's other property rights are taken. The ~~person business or farm operation~~ claiming lost profits is entitled to compensation whether part of the property or the entire parcel of property is taken. ~~In order to qualify for an award of lost profits, one of the following conditions shall be met: (a) the business is owned by the owner of the property taken, or by a tenant whose leasehold interest grants the tenant exclusive possession of substantially all the property taken, or (b) the farm operation is operated by the owner of the property taken, or by a tenant using for a farm operation the property taken, to the extent that the loss is determined and proven pursuant to or damaged, and bears the burden of proving lost profits in accordance with the requirements of subsection C of § 25.1-230.1. This definition of the term "lost profits" shall not create any new right or remedy or diminish any existing right or remedy other than to allow the body determining just compensation to consider lost profits in awarding just compensation if a person asserts a right to lost profits in a claim for compensation.~~

"Owner" means any person who owns property, provided that the person's ownership of the property is of record in the land records of the clerk's office of the circuit court of the county or city where the property is located. The term "owner"

shall not include trustees or beneficiaries under a deed of trust, any person with a security interest in the property, or any person with a judgment or lien against the property. This definition of the term "owner" shall not affect in any way the valuation of property.

"Person" means any individual; firm; cooperative; association; corporation; limited liability company; trust; business trust; syndicate; partnership; limited liability partnership; joint venture; receiver; trustee in bankruptcy or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise; club, society or other group or combination acting as a unit; the Commonwealth or any department, agency or instrumentality thereof; any city, county, town, or other political subdivision or any department, agency or instrumentality thereof; or any interstate body to which the Commonwealth is a party.

"Petitioner" or "condemnor" means any person who possesses the power to exercise the right of eminent domain and who seeks to exercise such power. The term "petitioner" or "condemnor" includes a state agency.

"Property" means land and personal property, and any right, title, interest, estate or claim in or to such property.

"State agency" means any (i) department, agency or instrumentality of the Commonwealth; (ii) public authority, municipal corporation, local governmental unit or political subdivision of the Commonwealth or any department, agency or instrumentality thereof; (iii) person who has the authority to acquire property by eminent domain under state law; or (iv) two or more of the aforementioned that carry out projects that cause persons to be displaced.

"State institution" means any (i) institution enumerated in § 23.1-1100 or (ii) state hospital or state training center operated by the Department of Behavioral Health and Developmental Services.

§ 25.1-230.1. Lost access and lost profits.

A. For purposes of this section:

"Business" shall have the same meaning as set forth in § 25.1-400.

~~"Business profit" means the average net income for federal income tax purposes for the three years immediately prior to the later of (i) the date of valuation or (ii) the date the state agency or its contractor prevents the owner from using the land or any of the owner's other property rights are taken, for a business or farm operation located on the property taken.~~

"Direct access" means ingress or egress on or off a public road, street, or highway at a location where the property adjoins that road, street, or highway.

"Farm operation" shall have the same meaning as set forth in § 25.1-400.

B. The body determining just compensation shall include in its determination of damage to the residue any loss in market value of the remaining property from lost access caused by the taking or damaging of the property. The body determining just compensation shall ascertain any reduction in value for lost access, if any, that may accrue to the residue as provided in subsection A of § 25.1-230, by reason of the taking and use by the petitioner. If such peculiar benefit or enhancement in value shall exceed the reduction in value, there shall be no recovery against the landowner for such excess. The body determining just compensation may not consider an injury or benefit that the property owner experiences in common with the general community, including off-site circuitry of travel and diversion of traffic, arising from an exercise of the police power. The body determining just compensation shall ensure that any compensation awarded for lost access shall not be duplicated in the compensation otherwise awarded to the owner of the property taken or damaged.

C. The body determining just compensation shall include in its determination of just compensation lost profits to the owner of a business or farm operation conducted on the property taken ~~only~~ or damaged if the owner or the business or farm operation proves with reasonable certainty the amount of the loss and that the loss is directly and proximately caused by the taking or damaging of the property through the exercise of eminent domain and the following conditions are met:

1. The loss cannot be reasonably prevented by a relocation of the business or farm operation, or by taking steps and adopting procedures that a reasonably prudent person would take and adopt;
2. The loss will not be included in relocation assistance provided pursuant to Chapter 4 (§ 25.1-400 et seq.);
3. Compensation for the loss will not be duplicated in the compensation otherwise awarded to the owner of the property taken or damaged; and
4. The loss shall be determined in accordance with generally accepted accounting principles applied on a consistent basis.

D. Any and all liability for lost access shall be established and made a part of the award of just compensation for damage to the residue of the property taken or damaged, and any and all liability for lost profits shall be set forth specifically in the award. In a partial acquisition, in the event that the owner of the property being condemned and the owner of the business or farm operation claiming lost profits are the same, then any enhancement or peculiar benefit shall be offset against both damage to the residue and lost profits.

E. It shall not be a requirement of any bona fide effort to purchase the property pursuant to § 25.1-204 or 33.2-1001 that the petitioner include any liability for lost profits in a written offer to purchase the property.

F. In any proceeding in which the owner of a business or farm operation seeks to recover lost profits, the owner shall provide the condemning authority with all federal income tax returns, if any, relating to the business or farm operation for which the owner seeks lost profits for a period of three years prior to the later of (i) the valuation date or (ii) the date the state agency or its contractor prevents the owner from using the land or any of the owner's other property rights are taken, and for each year thereafter during the pendency of the condemnation proceeding. The condemning authority shall not divulge the information provided pursuant to this subsection except in connection with the condemnation proceeding. Additionally, unless already named in the petition for condemnation, the owner of the business or farm operation may

intervene in the proceeding by filing a motion to intervene accompanied by a petition for intervention setting forth the basis for the lost profits claim under this chapter. Proceedings to adjudicate lost profits may, *upon motion of the owner of the business or farm operation*, be bifurcated from the other proceedings to determine just compensation ~~if the lost profits claim period will not expire until one year or later from the date of the filing of the petition for condemnation~~, but such bifurcation shall not prevent the entry of an order confirming indefeasible title to the land interests acquired by the condemning authority.

G. Nothing in this section is intended to provide for compensation for inverse condemnation claims *for lost profits or lost access* for temporary interference with or interruption of a business or farm operation ~~other than that which is directly and proximately caused by a taking or damaging of property through the exercise of eminent domain where the impact to the property is for a period of fewer than seven days.~~

2. That the provisions of this act shall not apply to condemnation proceedings in which the petitioner filed prior to July 1, 2022, (i) a petition in condemnation pursuant to Chapter 2 (§ 25.1-200 et seq.) of Title 25.1 of the Code of Virginia or (ii) a certificate of take or deposit pursuant to Chapter 3 (§ 25.1-300 et seq.) of Title 25.1 or Title 33.2 of the Code of Virginia. Any condemnation proceedings in which the petitioner filed a petition or certificate described in clause (i) or (ii) shall be governed by the provisions of the Code of Virginia in effect prior to July 1, 2022.

CHAPTER 735

An Act to amend and reenact §§ 15.2-1901, 25.1-100, 25.1-204, 25.1-230.1, 25.1-237, 25.1-245.1, 25.1-307, 25.1-308, 25.1-315, 25.1-318, 33.2-1016, 33.2-1018, 33.2-1019, 33.2-1022, and 33.2-1026 of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 3 of Title 25.1 a section numbered 25.1-319 and by adding a section numbered 33.2-1029.1; and to repeal § 33.2-1029 of the Code of Virginia, relating to eminent domain.

[S 694]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-1901, 25.1-100, 25.1-204, 25.1-230.1, 25.1-237, 25.1-245.1, 25.1-307, 25.1-308, 25.1-315, 25.1-318, 33.2-1016, 33.2-1018, 33.2-1019, 33.2-1022, and 33.2-1026 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 3 of Title 25.1 a section numbered 25.1-319 and by adding a section numbered 33.2-1029.1 as follows:

§ 15.2-1901. Condemnation authority.

A. In addition to the authority granted to localities pursuant to any applicable charter provision or other provision of law, whenever a locality is authorized to acquire real or personal property or property interests for a public use, it may do so by exercise of the power of eminent domain, except as provided in subsection B.

B. A locality may acquire property or property interests outside its boundaries by exercise of the power of eminent domain only if such authority is expressly conferred by general law or special act. However, cities and towns shall have the right to acquire property outside their boundaries for the purposes set forth in § 15.2-2109 by exercise of the power of eminent domain. The exercise of such condemnation authority by a city or town shall not be construed to exempt the municipality from the provisions of subsection F of § 56-580.

C. Notwithstanding any other provision of law, general or special, no locality shall condition or delay the timely consideration, *advancement, or approval* of any application for or grant of any permit or other approval for any real property over which it enjoys jurisdiction for the purpose, expressed or implied, of allowing the ~~locality to condemn~~ *condemnation or otherwise acquire acquisition* of the property or to commence any process to consider whether to undertake condemnation or acquisition of the property.

§ 25.1-100. Definitions.

As used in this title, unless the context requires a different meaning:

"Appraisal" means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.

"Body determining just compensation" means a panel of commissioners empaneled pursuant to § 25.1-227.2, jury selected pursuant to § 25.1-229, or the court if neither a panel of commissioners nor a jury is appointed or empaneled.

"Court" means the court having jurisdiction as provided in § 25.1-201.

"Date of valuation" means the time of the lawful taking by the petitioner, or the date of the filing of the petition pursuant to § 25.1-205, whichever occurs first.

"Freeholder" means any person owning an interest in land in fee, including a person owning a condominium unit.

"Land" means real estate and all rights and appurtenances thereto, together with the structures and other improvements thereon, and any right, title, interest, estate or claim in or to real estate.

"Locality" or "local government" means a county, city, or town, as the context may require.

"Lost access" means a ~~material impairment of direct change of vehicular or pedestrian~~ *access to property; a portion of which has been taken or damaged as set out in subsection B of § 25.1-230.1. This definition of the term "lost access" shall not diminish any existing right or remedy, and shall not create any new right or remedy other than to allow the body*

~~determining just compensation to consider a change in access in awarding just compensation that is caused by a public use project for which the eminent domain power has been exercised against the property and which results in a diminution in the value of the property.~~

"Lost profits" means a loss of business profits, as defined in § 25.1-230.1, that is suffered as a result of a taking of the property on which a business or farm operation is located, subject to adjustment using generally accepted accounting principles consistently applied, from a business or farm operation for a period not to exceed three years from the later of (i) the date of valuation or (ii) the date the state agency or its contractor prevents the owner from using the land or any of the owner's other property rights are taken. The person claiming lost profits is entitled to compensation whether part of the property or the entire parcel of property is taken. In order to qualify for an award of lost profits, one of the following conditions shall be met: (a) the business is owned by the owner of the property taken, or by a tenant whose leasehold interest grants the tenant exclusive possession of substantially all the property taken, or (b) the farm operation is operated by the owner of the property taken, or by a tenant using for a farm operation the property taken, to the extent that the loss is determined and proven pursuant to subsection C of § 25.1-230.1. This definition of the term "lost profits" shall not create any new right or remedy or diminish any existing right or remedy other than to allow the body determining just compensation to consider lost profits in awarding just compensation if a person asserts a right to lost profits in a claim for compensation.

"Owner" means any person who owns property, provided that the person's ownership of the property is of record in the land records of the clerk's office of the circuit court of the county or city where the property is located. The term "owner" shall not include trustees or beneficiaries under a deed of trust, any person with a security interest in the property, or any person with a judgment or lien against the property. This definition of the term "owner" shall not affect in any way the valuation of property.

"Person" means any individual; firm; cooperative; association; corporation; limited liability company; trust; business trust; syndicate; partnership; limited liability partnership; joint venture; receiver; trustee in bankruptcy or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise; club, society or other group or combination acting as a unit; the Commonwealth or any department, agency or instrumentality thereof; any city, county, town, or other political subdivision or any department, agency or instrumentality thereof; or any interstate body to which the Commonwealth is a party.

"Petitioner" or "condemnor" means any person who possesses the power to exercise the right of eminent domain and who seeks to exercise such power. The term "petitioner" or "condemnor" includes a state agency.

"Property" means land and personal property, and any right, title, interest, estate or claim in or to such property.

"State agency" means any (i) department, agency or instrumentality of the Commonwealth; (ii) public authority, municipal corporation, local governmental unit or political subdivision of the Commonwealth or any department, agency or instrumentality thereof; (iii) person who has the authority to acquire property by eminent domain under state law; or (iv) two or more of the aforementioned that carry out projects that cause persons to be displaced.

"State institution" means any (i) institution enumerated in § 23.1-1100 or (ii) state hospital or state training center operated by the Department of Behavioral Health and Developmental Services.

§ 25.1-204. Effort to purchase required; prerequisite to effort to purchase or filing certificate.

A. A condemnor shall not institute proceedings to condemn property until a bona fide but ineffectual effort to purchase from the owner the property sought to be condemned has been made. However, such effort shall not be required if the consent cannot be obtained because one or more of the owners (i) is a person under a disability or is otherwise unable to convey legal title to such property, (ii) is unknown, or (iii) cannot with reasonable diligence be found within this Commonwealth.

B. Such bona fide effort shall include delivery of, or attempt to deliver, a written offer to acquire accompanied by a written statement to the owner that explains the factual basis for the condemnor's offer. The written statement shall include a description of the public use for which it is necessary to acquire the owner's property and shall contain a certification that the acquisition has been reviewed by the condemnor for purposes of complying with § 1-219.1. The written offer shall be made upon the state agency's letterhead and shall be signed by an authorized employee of such state agency.

C. If the condemnor obtains an appraisal of the property pursuant to the provisions of § 25.1-417, such written statement shall include a complete copy of the appraisal of the property upon which such offer is based. If the condemnor obtains more than one appraisal, such written statement shall include a copy of all appraisals obtained prior to making an offer to acquire or initiating negotiations for the real property.

D. Notwithstanding any provision of law to the contrary, a condemnor, prior to making an offer to acquire a fee simple interest in property by purchase or filing a certificate of take or certificate of deposit pursuant to Chapter 3 (§ 25.1-300 et seq.) or § 33.2-1019, shall (i) conduct or cause to be conducted an examination of title to the property in order to ascertain the identity of each owner of such property and to determine the nature and extent of such owner's interests in the property ~~and; which examination of title shall be for at least 60 years;~~ (ii) provide to such owner or owners a copy of the report ~~of status of title showing the examination of title; and (iii) provide to such owner or owners a copy of all recorded instruments within the 60-year title history of such property, including all deeds of trust, releases, liens, deeds, or other instruments identified in the report.~~

E. A state agency's acquisition of real property in connection with any programs or projects pursuant to this title or Title 33.2 shall be conducted in accordance with the following provisions:

1. Before making an offer to acquire or initiating any related negotiations for real property, the state agency shall establish an amount which it believes to be just compensation therefor and shall make a prompt offer to acquire the property for the full amount so established. In no event shall such amount be less than the state agency's approved appraisal of the fair market value of such property, if such an appraisal is required, or the current assessed value of such property for real estate tax purposes, unless the property has physically changed in a material and substantial way since the current assessment date such that the real estate tax assessment no longer represents a fair valuation of the property, when the entire parcel for which the assessment is made is to be acquired, whichever is greater. Any decrease or increase in the fair market value of real property prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner, shall be disregarded in determining the compensation for the property. The state agency concerned shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount it established as just compensation, and, if an appraisal is required or obtained, such written statement and summary shall include a complete copy of all appraisals of the real property to be acquired that the state agency obtained prior to making an offer to acquire or initiating negotiations for the real property. The state agency shall provide its written statement of the amount it established as just compensation on its letterhead, which shall be signed by an authorized employee of such state agency. Where appropriate, the just compensation for the real property acquired and for damages to remaining real property shall be separately stated.

2. No owner shall be required to surrender possession of real property before the state agency pays the agreed purchase price, or deposits with the state court in accordance with applicable law, for the benefit of the owner, (i) an amount not less than the state agency's approved appraisal of the fair market value of such property, if such an appraisal is required, or the current assessed value of such property for real estate tax purposes, unless the property has physically changed in a material and substantial way since the current assessment date such that the real estate tax assessment no longer represents a fair valuation of the property, when the entire parcel for which the assessment is made is to be acquired, whichever is greater, or (ii) the amount of the award of compensation in the condemnation proceeding for such property.

F. Nothing in this section shall make evidence of tax assessments admissible as proof of value in an eminent domain proceeding.

§ 25.1-230.1. Lost access and lost profits.

A. For purposes of this section:

"Business" shall have the same meaning as set forth in § 25.1-400.

"Business profit" means the average net income for federal income tax purposes for the three years immediately prior to the later of (i) the date of valuation or (ii) the date the state agency or its contractor prevents the owner from using the land or any of the owner's other property rights are taken, for a business or farm operation located on the property taken.

~~"Direct access" means ingress or egress on or off a public road, street, or highway at a location where the property adjoins that road, street, or highway.~~

"Farm operation" shall have the same meaning as set forth in § 25.1-400.

B. The body determining just compensation shall include in its determination of damage to the residue any loss in market value of the remaining property from lost access ~~caused by the taking or damaging of the property~~. The body determining just compensation shall ascertain any reduction in value for lost access, if any, that may accrue to the residue as provided in subsection A of § 25.1-230; ~~by reason of the taking and use by the petitioner. If such peculiar benefit or enhancement in value shall exceed the reduction in value, there shall be no recovery against the landowner for such excess. The body determining just compensation may not consider an injury or benefit that the property owner experiences in common with the general community, including off-site circuity of travel and diversion of traffic, arising from an exercise of the police power.~~ The body determining just compensation shall ensure that any compensation awarded for lost access shall not be duplicated in the compensation otherwise awarded to the owner of the property taken or damaged.

C. The body determining just compensation shall include in its determination of just compensation lost profits to the owner of a business or farm operation conducted on the property taken only if the owner proves with reasonable certainty the amount of the loss and that the loss is directly and proximately caused by the taking of the property through the exercise of eminent domain and the following conditions are met:

1. The loss cannot be reasonably prevented by a relocation of the business or farm operation, or by taking steps and adopting procedures that a reasonably prudent person would take and adopt;
2. The loss will not be included in relocation assistance provided pursuant to Chapter 4 (§ 25.1-400 et seq.);
3. Compensation for the loss will not be duplicated in the compensation otherwise awarded to the owner of the property taken or damaged; and
4. The loss shall be determined in accordance with generally accepted accounting principles applied on a consistent basis.

D. Any and all liability for lost access shall be established and made a part of the award of just compensation for damage to the residue of the property taken or damaged, and any and all liability for lost profits shall be set forth specifically in the award. In a partial acquisition, in the event that the owner of the property being condemned and the owner of the business or farm operation claiming lost profits are the same, then any enhancement or peculiar benefit shall be offset against both damage to the residue and lost profits.

E. It shall not be a requirement of any bona fide effort to purchase the property pursuant to § 25.1-204 or 33.2-1001 that the petitioner include any liability for lost profits in a written offer to purchase the property.

F. In any proceeding in which the owner of a business or farm operation seeks to recover lost profits, the owner shall provide the condemning authority with all federal income tax returns, if any, relating to the business or farm operation for which the owner seeks lost profits for a period of three years prior to the later of (i) the valuation date or (ii) the date the state agency or its contractor prevents the owner from using the land or any of the owner's other property rights are taken, and for each year thereafter during the pendency of the condemnation proceeding. The condemning authority shall not divulge the information provided pursuant to this subsection except in connection with the condemnation proceeding. Additionally, unless already named in the petition for condemnation, the owner may intervene in the proceeding by filing a motion to intervene accompanied by a petition for intervention setting forth the basis for the lost profits claim under this chapter. Proceedings to adjudicate lost profits may be bifurcated from the other proceedings to determine just compensation if the lost profits claim period will not expire until one year or later from the date of the filing of the petition for condemnation, but such bifurcation shall not prevent the entry of an order confirming indefeasible title to the land interests acquired by the condemning authority.

G. Nothing in this section is intended to provide for compensation for inverse condemnation claims *for lost profits or lost access* for temporary interference with or interruption of a business or farm operation ~~other than that which is directly and proximately caused by a taking or damaging of property through the exercise of eminent domain where the impact to the property is for a period of fewer than seven days.~~

§ 25.1-237. Payment of compensation and damages into court; vesting of title.

Upon the return of the report of the body determining just compensation, and the confirmation, alteration, or modification thereof in the manner provided in this chapter, the sum so ascertained by the court as compensation and damages, if any, to the property owners may be paid into court. *The clerk shall deposit such funds to the credit of the court in an account of a type that bears interest.* Upon paying such sum into court, title to the property and rights condemned shall vest in the petitioner to the extent prayed for in the petition, unless such title shall have already vested in the petitioner in a manner otherwise provided by law. The petitioner or its agent shall have the right to enter and construct its works or improvements upon or through the property described in its petition.

§ 25.1-245.1. Costs.

A. Except as otherwise provided in this chapter, all costs of the proceeding in the trial court that are fixed by statute shall be taxed against the condemnor.

B. The court ~~may in its discretion tax as a cost a fee, not to exceed \$1,000,~~ shall order the condemnor to pay to the owner reasonable costs and fees, not to exceed \$7,500, unless the court approves a higher amount, for a survey for the ~~landowner~~ owner.

C. If an owner whose property is taken by condemnation under this title or under Title 33.2 is awarded at trial, as compensation for the taking of or damage to his real property, an amount that is 25 percent or more greater than the amount of the condemnor's initial written offer made pursuant to § 25.1-204, the court may order the condemnor to pay to the owner those (i) reasonable costs, other than attorney fees, and (ii) reasonable fees and travel costs, including reasonable appraisal and engineering fees incurred by the owner, for up to three experts or as many experts as are called by the condemnor, whichever is greater, who testified at trial.

D. All costs on appeal shall be assessed and assessable in the manner provided by law and the Rules of Court as in other civil cases.

E. The requirements of this section shall not apply to those condemnation actions initiated by a public service company, public service corporation, railroad pursuant to the delegation of the power of eminent domain granted in Title 56, or government utility corporation, as defined by § 1-219.1, involving easements adjudged at less than \$10,000.

F. This section is to be liberally construed to effect its purpose of ensuring that owners receive the full measure of just compensation to which they are constitutionally entitled, without that amount being reduced by the costs of asserting their constitutional right to just compensation.

§ 25.1-307. Content of certificates; recordation of certificates.

A. A certificate shall set forth the description of the property being taken or damaged, and the owner or owners, if known, of such property. *If a temporary construction easement is being acquired, the certificate shall set forth the calendar date on which it shall expire if that date is known to the condemnor. If the condemnor certifies that such date is not known, at such time the condemnor ascertains the date, the condemnor shall file certification of the information as provided by subsection B and shall simultaneously provide the landowner or the landowner's counsel, if any, a copy of such certification.*

B. The authorized condemnor shall record a certificate of take or a certificate of deposit in the clerk's office of the court where deeds are recorded. The clerk shall record the certificate in the deed book and index it in the names of both (i) the person or persons who owned the land before the recordation of the certificate and (ii) the authorized condemnor.

§ 25.1-308. Effect of recordation of certificate; transfer of title or interest in property.

A. Upon recordation of a certificate:

1. The interest or estate of the owner of the property described therein shall terminate;
2. The title to such property shall be vested in the authorized condemnor;

3. The owner shall have such interest or estate in the funds deposited with the court or represented by the certificate of deposit as the owner had in the property taken or damaged; and

4. All liens by deed of trust, judgment or otherwise upon such property shall be transferred to such funds.

B. The title in the authorized condemnor shall be defeasible until (i) the authorized condemnor and such owner reach an agreement as provided in § 25.1-317, or (ii) the compensation for the taking or damage to the property is determined by condemnation proceedings as provided in § 25.1-313.

C. If funds have been deposited with the court under a certificate of take, the clerk shall deposit the funds so paid to the credit of the court in an account of a type that bears interest.

§ 25.1-315. Awards in greater amounts than deposit; interest.

A. If the amount of an award in a condemnation proceeding is greater than that deposited with the court or represented by a certificate of deposit, the excess amount, together with interest accrued on such excess amount, shall be paid into court for the person or persons entitled thereto. *The clerk shall deposit such funds to the credit of the court in an account of a type that bears interest.*

B. Interest shall accrue on the excess amount at not less than the judgment rate of interest as set forth in § 8.01-382, computed from the date of such deposit to the date of payment into court and be paid into court for the person or persons entitled thereto. However, any interest that accrued before July 1, 1970, shall be paid at the rate of five percent, and interest accruing thereafter and prior to July 1, 1981, shall be paid at the rate of six percent, and any interest accruing thereafter and prior to July 1, 1994, shall be paid at the rate of eight percent.

§ 25.1-318. Petition by owner for determination of just compensation.

A. The owner of property that an authorized condemnor has entered and taken possession of, or taken defeasible title of, pursuant to the provisions of this chapter may petition the circuit court of the locality in which the greater portion of the property lies for the appointment of commissioners or the empanelment of a jury to determine just compensation for the property taken and damages done, if any, to such property, as provided in Chapter 2 (§ 25.1-200 et seq.) if (i) the owner and the authorized condemnor have not reached an agreement as to compensation and damages, if any, and (ii) the authorized condemnor:

1. Has not completed the construction of the contemplated improvements upon the property after a reasonable time for such construction has elapsed; or

2. Has not instituted condemnation proceedings within:

a. Sixty days after completion of the construction of the contemplated improvements upon the property;

b. One hundred eighty days after the authorized condemnor has entered upon and taken possession of the property, regardless of whether the construction of the contemplated improvements has been completed; or

c. One hundred eighty days after the recordation of a certificate.

B. A copy of such petition shall be served upon the authorized condemnor at least 10 days before it is filed in the court. The authorized condemnor shall file an answer thereto within five days after the filing of the petition. If the court finds that the conditions prerequisite for such appointment as provided in subsection A are satisfied, the court shall appoint commissioners or empanel a jury, as requested in the owner's petition, to ascertain the amount of compensation to be paid for the property taken and damages done, if any. The proceedings shall thereafter be governed by the procedure prescribed by Chapter 2 (§ 25.1-200 et seq.) insofar as the same may be applicable, *except that the owner shall have the burden of proceeding with the evidence as to just compensation. The authorized condemnor shall reimburse the owner for his fees and costs charged by a lienholder, including filing fees and attorney fees, incurred in filing the owner's petition.*

§ 25.1-319. Certificates of completion.

Upon completion of construction of any public use project for which a portion of private property was acquired by certificate, the condemnor shall, within 90 days of completion of construction, record a certificate of completion in the clerk's office of the court where deeds are recorded. Such certificate of completion shall state that construction of the public use project for which the property was taken is complete and any temporary acquisitions have terminated. The clerk shall record the certificate of completion in the deed book and index in it the names of both (i) the person or persons who own the land at the time of the recordation of the certificate of completion and (ii) the condemnor.

§ 33.2-1016. Procedure in general; suits in name of Commissioner of Highways; survival; validation of suits; notice of filing.

A. Proceedings for condemnation under this article shall be instituted and conducted in accordance with the procedures provided in Chapter 2 (§ 25.1-200 et seq.) of Title 25.1, except that the provisions of §§ 33.2-1018 through ~~33.2-1029~~ 33.2-1029.1 shall be applicable to such proceedings.

B. All suits shall be instituted and conducted in the name of the Commissioner of Highways as petitioner without naming the individual who may be such Commissioner of Highways or acting Commissioner of Highways. In the event of the death, removal, retirement, or resignation of the Commissioner of Highways or acting Commissioner of Highways, the suit shall automatically survive to a successor Commissioner of Highways or acting Commissioner of Highways. All suits heretofore filed in accordance with the provisions of this section are hereby ratified, validated, and confirmed.

C. In addition to any other notices required to be served pursuant to this section, in any proceeding instituted by the Commissioner of Highways under this title, a copy of the notice of the filing of the petition also shall be served, in the same manner as such notice is served upon owners, upon any person owning structures or improvements for which an outdoor advertising permit has been issued by the Commissioner of Highways pursuant to § 33.2-1208.

§ 33.2-1018. Authority to take possession and title to property before or during condemnation; purpose and intent of provisions.

In addition to the exercise of the power of eminent domain prior to the entry upon land being condemned, as provided in this article, the Commissioner of Highways is authorized to acquire title and to enter upon and take possession of such property and rights-of-way, for the purposes set out in § 33.2-1001, as the Commissioner of Highways may deem necessary, and proceed with the construction of such highway, such taking to be made pursuant to §§ 33.2-1019 through ~~33.2-1029~~ 33.2-1029.1.

It is the intention of this article to provide that such property and rights-of-way may, in the discretion of the Commissioner of Highways, be condemned during or after the construction of the highway, as well as prior thereto, and to direct the fund out of which the judgment of the court in condemnation proceedings shall be paid, and to provide that in all other respects the provisions of this article shall apply, whether the property and rights-of-way are condemned before, during, or after the construction of the highway. However, the authorities constructing such highway under the authority of this article shall use diligence to protect growing crops and pastures and to prevent damage to any property not taken. So far as possible all rights-of-way shall be acquired or contracted for before any condemnation is resorted to.

§ 33.2-1019. Payments into court or filing certificate of deposit before entering upon land.

A. Before entering upon or taking possession of land pursuant to § 33.2-1018, the Commissioner of Highways shall either:

1. Pay into the court wherein condemnation proceedings are pending or are to be instituted such sum as is required by subsection B; or

2. File with the court wherein condemnation proceedings are pending or are to be instituted a certificate of deposit issued by the Commissioner of Highways for such sum as is required by subsection B, which shall be deemed and held for the purpose of this chapter to be payment into the custody of such court.

B. The amount to be paid into the court as provided in subdivision A 1 or represented by a certificate of deposit as provided in subdivision A 2 shall be the amount that the Commissioner of Highways estimates to be the fair value of the land taken, or interest therein sought, and damage done, which estimate shall be based on a bona fide appraisal if required by § 25.1-417; however, such estimate shall not be less than the current assessed value of the land for real estate tax purposes, unless the property has physically changed in a material and substantial way since the current assessment date such that the real estate tax assessment no longer represents a fair valuation of the property, when the entire parcel for which the assessment has been made is to be acquired.

C. If the Commissioner of Highways makes a payment into court as provided in subdivision A 1, the court shall also record a certificate of take pursuant to § 33.2-1021. *The clerk shall deposit such funds to the credit of the court in an account of a type that bears interest.*

D. Payment against a certificate of deposit, when ordered by the court named therein, shall be paid by the Commissioner of Highways.

E. The Commissioner of Highways shall not be permitted to force relocation on improved owner-occupied property until the owner is permitted to withdraw the funds represented by the certificate filed with the court. However, if the owner refuses to withdraw the funds represented by the certificate filed with the court or if the Commissioner of Highways reasonably believes that the owner does not possess clear title to the property being taken, that ownership of the property is disputed, or that certain owners cannot be located, the Commissioner of Highways may petition the court to establish that the owner does not possess clear title, that the ownership of the property is in dispute, that certain owners cannot be located, or that the owner has refused to withdraw the funds represented by the certificate filed with the court, and request that the Commissioner of Highways be given authority to force relocation.

F. Nothing in this section shall make evidence of tax assessments admissible as proof of value in an eminent domain proceeding.

§ 33.2-1022. Certificates to describe land and list owner.

The certificate shall set forth the description of the land or interest therein being taken or damaged and, if known, the owner. *If a temporary construction easement is being acquired, the certificate shall set forth the calendar date on which it shall expire, if such date is known or can be reasonably estimated, or, if certified that such date is not known, at such time the date is ascertained, the Commissioner of Highways shall file certification of the information as provided by subsection B of § 25.1-307 and shall simultaneously provide the landowner or the landowner's counsel, if any, a copy of such certification.*

§ 33.2-1026. Awards in greater or lesser amounts than deposit; interest.

A. If the amount of an award in a condemnation proceeding is greater than that deposited with the court or represented by a certificate of deposit, the excess amount, together with interest accrued on such excess amount, shall be paid into court for the person entitled thereto. *The clerk shall deposit such funds to the credit of the court in an account of a type that bears interest.*

B. Interest shall accrue on the excess amount at not less than the judgment rate of interest as set forth in § 8.01-382, computed from the date of such deposit to the date of payment into court, and shall be paid into court for the person or persons entitled thereto. However, any (i) interest accruing after June 30, 1970, and prior to July 1, 1981, shall be paid at the rate of six percent; (ii) interest accruing after June 30, 1981, and prior to July 1, 1994, shall be paid at the rate of eight

percent; and (iii) interest accruing after June 30, 1994, and prior to July 1, 2003, shall be paid at the general account composite rate, compiled by the Department of the Treasury for the month in which the award is rendered.

C. If the amount of an award in a condemnation proceeding is less than that deposited with the court or represented by a certificate of deposit, and the person or persons entitled thereto have received a distribution of the funds pursuant to § 33.2-1023, the Commissioner of Highways shall recover (i) the amount of such excess and (ii) interest on such excess at the rate of interest established pursuant to § 6621(a)(2) of the Internal Revenue Code of 1954, as amended. If any person has been paid a greater sum than that to which he is entitled as determined by the award, judgment shall be entered for the Commissioner of Highways against such person for the amount of such excess and interest. However, the Commissioner of Highways shall not be entitled to recover the amount of such excess and interest in the event the Commissioner of Highways acquired, by virtue of the certificate, an entire parcel of land containing a dwelling, multiple-family dwelling, or building used for commercial purposes at the time of initiation of negotiations for the acquisition of such property.

§ 33.2-1029.1. Petition by owner for determination of just compensation.

A. The owner of property that the Commissioner of Highways has entered and taken possession of, or taken defeasible title of, pursuant to the provisions of this chapter may petition the circuit court of the locality in which the greater portion of the property lies for the appointment of commissioners or the empanelment of a jury to determine just compensation for the property taken and damage done, if any, to such property, as provided in Chapter 2 (§ 25.1-200 et seq.) of Title 25.1 if (i) the owner and the Commissioner of Highways have not reached an agreement as to compensation and damages, if any, and (ii) the Commissioner of Highways:

1. Has not completed the construction of the contemplated improvements upon the property after a reasonable time for such construction has elapsed; or
2. Has not instituted condemnation proceedings within:
 - a. Sixty days after completion of the construction of the contemplated improvements upon the property;
 - b. One hundred and eighty days after the Commissioner of Highways has entered upon and taken possession of the property, regardless of whether the construction of the contemplated improvements has been completed; or
 - c. One hundred and eighty days after the recordation of a certificate.

B. A copy of such petition shall be served on the Commissioner of Highways at least 10 days before it is filed in the court. The Commissioner of Highways shall file an answer within five days after the filing of the petition. If the courts finds that the conditions prerequisite for such appointment as provided in subsection A are satisfied, the court shall appoint commissioners or empanel a jury, as requested in the owner's petition, to ascertain the amount of compensation to be paid for the property taken and damages done, if any. The proceedings shall thereafter be governed by the procedures prescribed in Chapter 2 (§ 25.1-200 et seq.) of Title 25.1 insofar as they may be applicable, except that the owner shall have the burden of proceeding with the evidence as to just compensation. The Commissioner of Highways shall reimburse the owner for his fees and costs charged by the lienholder, including filing fees and attorney fees, incurred in filing the owner's petition.

2. That § 33.2-1029 of the Code of Virginia is repealed.

3. That the provisions of this act shall apply only to the taking of or damage to property that has occurred on or after July 1, 2022, or a condemnation proceeding that has been filed on or after July 1, 2022, as appropriate.

CHAPTER 736

An Act to amend and reenact § 46.2-684.1 of the Code of Virginia, relating to exempted vehicles; insurance.

[S 733]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-684.1 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-684.1. Insurance coverage and proof of insurance for exempted motor vehicles.

¶ *A. Any motor vehicle, trailer, or semi-trailer that is exempt from motor vehicle registration requirements pursuant to this article is shall be insured under a policy other than a general liability policy that includes personal injury liability insurance as defined in § 38.2-117 and property damage liability insurance as defined in § 38.2-118, under a policy of motor vehicle insurance as defined in § 38.2-124, or under an umbrella or excess insurance policy. Any such umbrella or excess insurance policy shall not be required to comply with the provisions of Chapter 22 (§ 38.2-2200 et seq.) of Title 38.2 of the Code of Virginia that relate to the ownership, maintenance, or use of the exempt motor vehicle, trailer, or semi-trailer.*

B. Any person who owns a motor vehicle, trailer, or semi-trailer that is exempt from motor vehicle registration requirements pursuant to this article may be required by a law-enforcement officer to furnish proof that such motor vehicle, trailer, or semi-trailer is insured as required in subsection A. Failure to furnish proof of insurance when required by a law-enforcement officer as provided in this section within 30 days shall constitute a traffic infraction punishable by a \$600 fine that shall be paid into the Uninsured Motorists Fund created pursuant to § 38.2-3000.

CHAPTER 737

An Act to amend and reenact §§ 15.2-1723.2 and 23.1-815.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 52-4.5, relating to facial recognition technology; Department of State Police and authorized uses; report; penalty.

[S 741]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-1723.2 and 23.1-815.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 52-4.5 as follows:

§ 15.2-1723.2. Facial recognition technology; approval; penalty.

A. For purposes of this section, "~~facial~~":

"Authorized use" means the use of facial recognition technology to (i) help identify an individual when there is a reasonable suspicion the individual has committed a crime; (ii) help identify a crime victim, including a victim of online sexual abuse material; (iii) help identify a person who may be a missing person or witness to criminal activity; (iv) help identify a victim of human trafficking or an individual involved in the trafficking of humans, weapons, drugs, or wildlife; (v) help identify an online recruiter of criminal activity, including but not limited to human, weapon, drug, and wildlife trafficking; (vi) help a person who is suffering from a mental or physical disability impairing his ability to communicate and be understood; (vii) help identify a deceased person; (viii) help identify a person who is incapacitated or otherwise unable to identify himself; (ix) help identify a person who is reasonably believed to be a danger to himself or others; (x) help identify an individual lawfully detained; (xi) help mitigate an imminent threat to public safety, a significant threat to life, or a threat to national security, including acts of terrorism; (xii) ensure officer safety as part of the vetting of undercover law enforcement; (xiii) determine whether an individual may have unlawfully obtained one or more state driver's licenses, financial instruments, or other official forms of identification using information that is fictitious or associated with a victim of identity theft; or (xiv) help identify a person who an officer reasonably believes is concealing his true identity and about whom the officer has a reasonable suspicion has committed a crime other than concealing his identity.

"Facial recognition technology" means an electronic system or service for ~~enrolling, capturing, extracting, comparing, and matching an individual's geometric facial data to identify individuals in photos, videos, or real time~~ conducting an algorithmic comparison of images of a person's facial features for the purpose of identification. "Facial recognition technology" does not include the use of an automated or semi-automated process to redact a recording in order to protect the privacy of a subject depicted in the recording prior to release or disclosure of the recording outside of the law-enforcement agency if the process does not generate or result in the retention of any biometric data or surveillance information.

"Publicly post" means to post on a website that is maintained by the entity or on any other website on which the entity generally posts information and that is available to the public or that clearly describes how the public may access such data.

"State Police Model Facial Recognition Technology Policy" means the model policy developed and published by the Department of State Police pursuant to § 52-4.5.

B. ~~No~~ Pursuant to § 2.2-1112, the Division of Purchases and Supply (the Division) shall determine the appropriate facial recognition technology for use in accordance with this section. The Division shall not approve any facial recognition technology unless it has been evaluated by the National Institute of Standards and Technology (NIST) as part of the Face Recognition Vendor Test. Any facial recognition technology utilized shall utilize algorithms that have demonstrated (i) an accuracy score of at least 98 percent true positives within one or more datasets relevant to the application in a NIST Face Recognition Vendor Test report and (ii) minimal performance variations across demographics associated with race, skin tone, ethnicity, or gender. The Division shall require all approved vendors to annually provide independent assessments and benchmarks offered by NIST to confirm continued compliance with this section.

C. A local law-enforcement agency ~~shall purchase or deploy~~ may use facial recognition technology ~~unless such purchase or deployment of facial recognition technology is expressly authorized by statute for authorized uses. For purposes of this section, a statute that does not refer to facial recognition technology shall not be construed to provide express authorization. Such statute shall require that any facial recognition technology purchased or deployed by the local law-enforcement agency be maintained under the exclusive control of such local law-enforcement agency and that any data contained by such facial recognition technology be kept confidential, not be disseminated or resold, and be accessible only by a search warrant issued pursuant to Chapter 5 (§ 19.2-52 et seq.) of Title 19.2 or an administrative or inspection warrant issued pursuant to law. A match made through facial recognition technology shall not be included in an affidavit to establish probable cause for purposes of issuance of a search warrant or an arrest warrant but shall be admissible as exculpatory evidence. A local law-enforcement agency shall not (i) use facial recognition technology for tracking the movements of an identified individual in a public space in real time; (ii) create a database of images using a live video feed for the purpose of using facial recognition technology; or (iii) enroll a comparison image in a commercial image repository of a facial recognition technology service provider except pursuant to an authorized use. Following such use as provided in clause (iii), no comparison image may be retained or used further by the service provider except as required for auditing that use or as may be otherwise required by law.~~

~~☞~~ D. A local law-enforcement agency shall publicly post and annually update its policy regarding the use of facial recognition technology before employing such facial recognition technology to investigate a specific criminal incident or citizen welfare situation. A local law-enforcement agency that uses facial recognition technology may adopt the State Police Model Facial Recognition Technology Policy. If a local law-enforcement agency uses facial recognition technology but does not adopt such model policy, such agency shall develop its own policy within 90 days of publication of the State Police Model Facial Recognition Technology Policy that meets or exceeds the standards set forth in such model policy. A local law-enforcement agency shall not utilize any facial recognition technology until after the publication of the State Police Model Facial Recognition Technology Policy and after publication of the agency's policy regarding the use of facial recognition technology.

E. Any local law-enforcement agency that uses facial recognition technology shall maintain records sufficient to facilitate discovery in criminal proceedings, post-conviction proceedings, public reporting, and auditing of compliance with such agency's facial recognition technology policies. Such agency shall collect data pertaining to (i) a complete history of each user's queries; (ii) the total number of queries conducted; (iii) the number of queries that resulted in a list of possible candidates; (iv) how many times an examiner offered law enforcement an investigative lead based on his findings; (v) how many cases were closed due to an investigative lead from facial recognition technology; (vi) what types of criminal offenses are being investigated; (vii) the nature of the image repository being compared or queried; (viii) demographic information for the individuals whose images are queried; and (ix) if applicable, any other entities with which the agency shared facial recognition data.

F. Any chief of police whose agency uses facial recognition technology shall publicly post and annually update a report by April 1 each year to provide information to the public regarding the agency's use of facial recognition technology. The report shall include all data required by clauses (ii) through (viii) of subsection E in addition to (i) all instances of unauthorized access of the facial recognition technology, including any unauthorized access by employees of the agency; (ii) vendor information, including the specific algorithms employed; and (iii) if applicable, data or links related to third-party testing of such algorithms, including any reference to variations in demographic performance. If any information or data (a) contains an articulable concern for any person's safety; (b) is otherwise prohibited from public disclosure by federal or state statute; or (c) if disclosed, may compromise sensitive criminal justice information, such information or data may be excluded from public disclosure. Nothing herein shall limit disclosure of data collected pursuant to subsection E when such disclosure is related to a writ of habeas corpus.

For purposes of this subsection, "sensitive criminal justice information" means information related to (1) a particular ongoing criminal investigation or proceeding, (2) the identity of a confidential source, or (3) law-enforcement investigative techniques and procedures.

G. At least 30 days prior to procuring facial recognition technology, a local law-enforcement agency shall notify in writing the governing body of the locality that such agency serves of such intended procurement, but such notice shall not be required if such procurement is directed by the governing body.

H. Nothing in this section shall apply to commercial air service airports.

I. Any facial recognition technology operator employed by a local law-enforcement agency who (i) violates the agency's policy for the use of facial recognition technology or (ii) conducts a search for any reason other than an authorized use is guilty of a Class 3 misdemeanor and shall be required to complete training on the agency's policy on and authorized uses of facial recognition technology before being reinstated to operate such facial recognition technology. The local law-enforcement agency shall terminate from employment any facial recognition technology operator who violates clause (i) or (ii) for a second time. A facial recognition technology operator who commits a second or subsequent violation of this subsection is guilty of a Class 1 misdemeanor.

§ 23.1-815.1. Facial recognition technology; approval; penalty.

A. For purposes of this ~~subsection~~, "facial section":

"Authorized use" means the use of facial recognition technology to (i) help identify an individual when there is a reasonable suspicion the individual has committed a crime; (ii) help identify a crime victim, including a victim of online sexual abuse material; (iii) help identify a person who may be a missing person or witness to criminal activity; (iv) help identify a victim of human trafficking or an individual involved in the trafficking of humans, weapons, drugs, or wildlife; (v) help identify an online recruiter of criminal activity, including but not limited to human, weapon, drug, and wildlife trafficking; (vi) help a person who is suffering from a mental or physical disability impairing his ability to communicate and be understood; (vii) help identify a deceased person; (viii) help identify a person who is incapacitated or otherwise unable to identify himself; (ix) help identify a person who is reasonably believed to be a danger to himself or others; (x) help identify an individual lawfully detained; (xi) help mitigate an imminent threat to public safety, a significant threat to life, or a threat to national security, including acts of terrorism; (xii) ensure officer safety as part of the vetting of undercover law enforcement; (xiii) determine whether an individual may have unlawfully obtained one or more state driver's licenses, financial instruments, or other official forms of identification using information that is fictitious or associated with a victim of identity theft; or (xiv) help identify a person who an officer reasonably believes is concealing his true identity and about whom the officer has a reasonable suspicion has committed a crime other than concealing his identity.

"Facial recognition technology" means an electronic system or service for ~~enrolling, capturing, extracting, comparing, and matching an individual's geometric facial data to identify individuals in photos, videos, or real time~~ conducting an algorithmic comparison of images of a person's facial features for the purpose of identification. "Facial recognition

technology" does not include the use of an automated or semi-automated process to redact a recording in order to protect the privacy of a subject depicted in the recording prior to release or disclosure of the recording outside of the law-enforcement agency if the process does not generate or result in the retention of any biometric data or surveillance information.

"Publicly post" means to post on a website that is maintained by the entity or on any other website on which the entity generally posts information and that is available to the public or that clearly describes how the public may access such data.

"State Police Model Facial Recognition Technology Policy" means the model policy developed and published by the Department of State Police pursuant to § 52-4.5.

B. ~~No~~ Pursuant to § 2.2-1112, the Division of Purchases and Supply (the Division) shall determine the appropriate facial recognition technology for use in accordance with this section. The Division shall not approve any facial recognition technology unless it has been evaluated by the National Institute of Standards and Technology (NIST) as part of the Face Recognition Vendor Test. Any facial recognition technology utilized shall utilize algorithms that have demonstrated (i) an accuracy score of at least 98 percent true positives within one or more datasets relevant to the application in a NIST Face Recognition Vendor Test report and (ii) minimal performance variations across demographics associated with race, skin tone, ethnicity, or gender. The Division shall require all approved vendors to annually provide independent assessments and benchmarks offered by NIST to confirm continued compliance with this section.

C. ~~A campus police department shall purchase or deploy~~ ~~may use facial recognition technology unless such purchase or deployment of facial recognition technology is expressly authorized by statute for authorized uses. For purposes of this section, a statute that does not refer to facial recognition technology shall not be construed to provide express authorization. Such statute shall require that any facial recognition technology purchased or deployed by the campus police department be maintained under the exclusive control of such campus police department and that any data contained by such facial recognition technology be kept confidential, not be disseminated or resold, and be accessible only by a search warrant issued pursuant to Chapter 5 (§ 19-2-52 et seq.) of Title 19-2 or an administrative or inspection warrant issued pursuant to law. A match made through facial recognition technology shall not be included in an affidavit to establish probable cause for purposes of issuance of a search warrant or an arrest warrant but shall be admissible as exculpatory evidence. A campus police department shall not (i) use facial recognition technology for tracking the movements of an identified individual in a public space in real time; (ii) create a database of images using a live video feed for the purpose of using facial recognition technology; or (iii) enroll a comparison image in a commercial image repository of a facial recognition technology service provider except pursuant to an authorized use. Following such use as provided in clause (ii), no comparison image may be retained or used further by the service provider except as required for auditing that use or as may be otherwise required by law.~~

D. A campus police department shall publicly post and annually update its policy on use of facial recognition technology before employing such facial recognition technology to investigate a specific criminal incident or citizen welfare situation. A campus police department that uses facial recognition technology may adopt the State Police Model Facial Recognition Technology Policy. If a campus police department uses facial recognition technology but does not adopt the State Police Model Facial Recognition Technology Policy, such department shall develop its own policy within 90 days of publication of the State Police Model Facial Recognition Technology Policy that meets or exceeds the standards set forth in such model policy. Any policy adopted or developed pursuant to this subsection shall be updated annually. A campus police department shall not utilize any facial recognition technology until after the publication of the State Police Model Facial Recognition Technology Policy and after publication of the department's policy regarding use of facial recognition technology.

E. Any campus police department that uses facial recognition technology shall maintain records sufficient to facilitate discovery in criminal proceedings, post-conviction proceedings, public reporting, and auditing of compliance with such department's facial recognition technology policies. Such department that uses facial recognition technology shall collect data pertaining to (i) a complete history of each user's queries; (ii) the total number of queries conducted; (iii) the number of queries that resulted in a list of possible candidates; (iv) how many times an examiner offered campus police an investigative lead based on his findings; (v) how many cases were closed due to an investigative lead from facial recognition technology; (vi) what types of criminal offenses are being investigated; (vii) the nature of the image repository being compared or queried; (viii) demographic information for the individuals whose images are queried; and (ix) if applicable, any other entities with which the department shared facial recognition data.

F. Any chief of a campus police department whose department uses facial recognition technology shall publicly post and annually update a report by April 1 each year to provide information to the public regarding the department's use of facial recognition technology. The report shall include all data required by clauses (ii) through (viii) of subsection E in addition to (i) all instances of unauthorized access of the facial recognition technology, including any unauthorized access by employees of the campus police department; (ii) vendor information, including the specific algorithms employed; and (iii) if applicable, data or links related to third-party testing of such algorithms, including any reference to variations in demographic performance. If any information or data (a) contains an articulable concern for any person's safety; (b) is otherwise prohibited from public disclosure by federal or state statute; or (c) if disclosed, may compromise sensitive criminal justice information, such information or data may be excluded from public disclosure. Nothing herein shall limit disclosure of data collected pursuant to subsection E when such disclosure is related to a writ of habeas corpus.

For purposes of this subsection, "sensitive criminal justice information" means information related to (1) a particular ongoing criminal investigation or proceeding, (2) the identity of a confidential source, or (3) law-enforcement investigative techniques and procedures.

G. At least 30 days prior to procuring facial recognition technology, a campus police department shall notify in writing the institution of higher education that such department serves of such intended procurement, but such notice shall not be required if such procurement is directed by the institution of higher education.

H. Any facial recognition technology operator employed by a campus police department who (i) violates the department's policy for the use of facial recognition technology or (ii) conducts a search for any reason other than an authorized use is guilty of a Class 3 misdemeanor and shall be required to complete training on the department's policy on and authorized uses of facial recognition technology before being reinstated to operate such facial recognition technology. The campus police department shall terminate from employment any facial recognition technology operator who violates clause (i) or (ii) for a second time. A facial recognition technology operator who commits a second or subsequent violation of this subsection is guilty of a Class 1 misdemeanor.

§ 52-4.5. Facial recognition technology; authorized uses; Department to establish a State Police Model Facial Recognition Technology Policy; penalty.

A. For purposes of this section:

"Authorized use" means the use of facial recognition technology to (i) help identify an individual when there is a reasonable suspicion the individual has committed a crime; (ii) help identify a crime victim, including a victim of online sexual abuse material; (iii) help identify a person who may be a missing person or witness to criminal activity; (iv) help identify a victim of human trafficking or an individual involved in the trafficking of humans, weapons, drugs, or wildlife; (v) help identify an online recruiter of criminal activity, including but not limited to human, weapon, drug, and wildlife trafficking; (vi) help a person who is suffering from a mental or physical disability impairing his ability to communicate and be understood; (vii) help identify a deceased person; (viii) help identify a person who is incapacitated or otherwise unable to identify himself; (ix) help identify a person who is reasonably believed to be a danger to himself or others; (x) help identify an individual lawfully detained; (xi) help mitigate an imminent threat to public safety, a significant threat to life, or a threat to national security, including acts of terrorism; (xii) ensure officer safety as part of the vetting of undercover law enforcement; (xiii) determine whether an individual may have unlawfully obtained one or more state driver's licenses, financial instruments, or other official forms of identification using information that is fictitious or associated with a victim of identity theft; or (xiv) help identify a person who an officer reasonably believes is concealing his true identity and about whom the officer has a reasonable suspicion has committed a crime other than concealing his identity.

"Facial recognition technology" means an electronic system or service for conducting an algorithmic comparison of images of a person's facial features for the purpose of identification. "Facial recognition technology" does not include the use of automated or semi-automated process to redact a recording in order to protect the privacy of a subject depicted in the recording prior to release or disclosure of the recording outside of the law-enforcement agency if the process does not generate or result in the retention of any biometric data or surveillance information.

"Publicly post" means to post on a website that is maintained by the entity or on any other website on which the entity generally posts information and that is available to the public or that clearly describes how the public may access such data.

B. Pursuant to § 2.2-1112, the Division of Purchases and Supply (the Division) shall determine the appropriate facial recognition technology for use in accordance with this section. The Division shall not approve any facial recognition technology unless it has been evaluated by the National Institute of Standards and Technology (NIST) as part of the Face Recognition Vendor Test. Any facial recognition technology utilized shall utilize algorithms that have demonstrated (i) an accuracy score of at least 98 percent true positives within one or more datasets relevant to the application in a NIST Face Recognition Vendor Test report and (ii) minimal performance variations across demographics associated with race, skin tone, ethnicity, or gender. The Division shall require all approved vendors to annually provide independent assessments and benchmarks offered by NIST to confirm continued compliance with this section.

C. The Department shall create a model policy regarding the use of facial recognition technology, which shall be known as the State Police Model Facial Recognition Technology Policy, and shall, as a part of such model policy, administer protocols for handling requests for assistance in the use of facial recognition technology made to the Department by local law-enforcement agencies and campus police departments. The Department shall publicly post such policy no later than January 1, 2023, and such policy shall be updated annually thereafter and shall include:

1. Requirements for training facilitated through the Department, including the nature and frequency of specialized training required for an individual to be authorized by a law-enforcement agency to utilize facial recognition technology as authorized by this section;

2. The extent to which a law-enforcement agency shall document (i) instances when facial recognition technology is used for authorized purposes and (ii) how long such information is retained;

3. Procedures for the confirmation of any initial findings generated by facial recognition technology by a secondary examiner; and

4. Promulgation of standing orders, policies, or public materials by law-enforcement agencies that use facial recognition technology.

D. The Department may use facial recognition technology for authorized uses. A match made through facial recognition technology shall not be included in an affidavit to establish probable cause for purposes of issuance of a search warrant or an arrest warrant but shall be admissible as exculpatory evidence. The Department shall not (i) use facial recognition technology for tracking the movements of an identified individual in a public space in real time; (ii) create a database of images using a live video feed for the purpose of using facial recognition technology; or (iii) enroll a comparison image in a commercial image repository of a facial recognition technology service provider except pursuant to an authorized use. Following such use as provided in clause (iii), no comparison image may be retained or used further by the service provider except as required for auditing that use or as may be otherwise required by law.

E. The Department shall maintain records regarding its use of facial recognition technology. Such records shall be sufficient to facilitate discovery in criminal proceedings, post-conviction proceedings, public reporting, and auditing of compliance with the Department's policy. The Department shall collect data pertaining to (i) a complete history of each user's queries; (ii) the total number of queries conducted; (iii) the number of queries that resulted in a list of possible candidates; (iv) how many times an examiner offered the Department an investigative lead based on his findings; (v) how many cases were closed due to an investigative lead from facial recognition technology; (vi) what types of criminal offenses are being investigated; (vii) the nature of the image repository being compared or queried; (viii) demographic information for the individuals whose images are queried; and (ix) if applicable, any other entities with which the Department shared facial recognition data.

F. The Superintendent shall publicly post and annually update a report by April 1 each year to provide information to the public regarding the Department's use of facial recognition technology. The report shall include all data required by clauses (ii) through (viii) of subsection E in addition to (i) all instances of unauthorized access of the facial recognition technology, including any unauthorized access by employees of the Department; (ii) vendor information, including the specific algorithms employed; and (iii) if applicable, data or links related to third-party testing of such algorithms, including any reference to variations in demographic performance. If any information or data (a) contains an articulable concern for any person's safety; (b) is otherwise prohibited from public disclosure by federal or state statute; or (c) if disclosed, may compromise sensitive criminal justice information, such information or data may be excluded from public disclosure. Nothing herein shall limit disclosure of data collected pursuant to subsection E when such disclosure is related to a writ of habeas corpus.

For purposes of this subsection, "sensitive criminal justice information" means information related to (1) a particular ongoing criminal investigation or proceeding, (2) the identity of a confidential source, or (3) law-enforcement investigative techniques and procedures.

G. Any facial recognition technology operator employed by the Department who (i) violates the Department's policy for the use of facial recognition technology or (ii) conducts a search for any reason other than an authorized use is guilty of a Class 3 misdemeanor and shall be required to complete training on the Department's policy on and authorized uses of facial recognition technology before being reinstated to operate such facial recognition technology. The Department shall terminate from employment any facial recognition technology operator who violates clause (i) or (ii) for a second time. A facial recognition technology operator who commits a second or subsequent violation of this subsection is guilty of a Class 1 misdemeanor.

2. That the Department of Criminal Justice Services (the Department) shall analyze and report on the usage data of facial recognition technology reported and published by local law-enforcement agencies, campus police departments, and the Department of State Police pursuant to the provisions of this act. The Department shall include in its report an analysis of and recommendations for (i) improving the use of facial recognition technology as it relates to demographics associated with race, skin tone, ethnicity, and gender; (ii) specialized training, data storage, data retention, and the use of a second examiner pursuant to the State Police Model Facial Recognition Technology Policy established by § 52-4.5 of the Code of Virginia, as created by this act; and (iii) investigations and investigative outcomes related to the accuracy of identification across different demographic groups. The Department shall submit its report to the Chairmen of the Senate Committee on the Judiciary and the House Committee on Public Safety by November 1, 2025.

3. That the provisions of this act shall expire on July 1, 2026.

CHAPTER 738

An Act to amend and reenact §§ 58.1-1021.01, 58.1-1021.02, 58.1-1021.04, 58.1-1021.04:1, and 58.1-1021.04:2 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 58.1-1021.02:2, relating to tobacco products tax; remote retail sales.

[S 748]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-1021.01, 58.1-1021.02, 58.1-1021.04, 58.1-1021.04:1, and 58.1-1021.04:2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 58.1-1021.02:2 as follows:

§ 58.1-1021.01. Definitions.

As used in this article, unless the context clearly shows otherwise, the term or phrase requires a different meaning:

"Actual cost" means the actual price paid by a remote retail seller for each individual stock keeping unit or SKU.

"Alternative nicotine product" means any noncombustible product containing nicotine that is not made of tobacco and is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. "Alternative nicotine product" does not include any nicotine vapor product or any product regulated as a drug or device by the U.S. Food and Drug Administration (FDA) under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Cigar" means any roll of tobacco wrapped in leaf tobacco or in any substance containing tobacco, other than any roll of tobacco that is a cigarette as such term is defined in § 58.1-1000.

"Consumer" means the person who is the end or final user of tobacco products.

"Distributor" means (i) any person engaged in the business of selling tobacco products in the Commonwealth who brings, or causes to be brought, into the Commonwealth from outside the Commonwealth any tobacco products for sale; (ii) any person who makes, manufactures, fabricates, or stores tobacco products in the Commonwealth for sale in the Commonwealth; (iii) any person engaged in the business of selling tobacco products outside the Commonwealth who ships or transports tobacco products to any person in the business of selling tobacco products in the Commonwealth; or (iv) any retail dealer in possession of untaxed tobacco products in the Commonwealth.

"Heated tobacco product" means a product containing tobacco that produces an inhalable aerosol (i) by heating the tobacco by means of an electronic device without combustion of the tobacco or (ii) by heat generated from a combustion source that only or primarily heats rather than burns the tobacco.

"Liquid nicotine" means a liquid or other substance containing nicotine in any concentration that is sold, marketed, or intended for use in a nicotine vapor product.

"Loose leaf tobacco" means any leaf tobacco that is not intended to be smoked, but shall not include moist snuff. Loose leaf tobacco weight unit categories shall be as follows:

1. "Loose leaf tobacco half pound-unit" means a consumer sized unit, pouch, or package containing at least 4 ounces but not more than 8 ounces of loose leaf tobacco, by net weight, produced by the manufacturer to be sold to consumers as a single unit and not produced to be divided or sold separately and containing one individual package.

2. "Loose leaf tobacco pound-unit" means a consumer sized unit, pouch, or package containing more than 8 ounces of loose leaf tobacco, by net weight, produced by the manufacturer to be sold to consumers as a single unit and not produced to be divided or sold separately and containing one individual package.

3. "Loose leaf tobacco single-unit" means a consumer sized unit, pouch, or package containing less than 4 ounces of loose leaf tobacco, by net weight, produced by the manufacturer to be sold to consumers as a single unit and not produced to be divided or sold separately and containing one individual package.

"Manufacturer" means a person who manufactures or produces tobacco products and sells tobacco products to a distributor.

"Manufacturer's representative" means a person employed by a manufacturer to sell or distribute the manufacturer's tobacco products.

"Manufacturer's sales price" means the actual price for which a manufacturer, manufacturer's representative, or any other person sells tobacco products to an unaffiliated distributor.

"Moist snuff" means a tobacco product consisting of finely cut, ground, or powdered tobacco that is not intended to be smoked but shall not include any finely cut, ground, or powdered tobacco that is intended to be placed in the nasal cavity.

~~*"Person"* means any individual, corporation, partnership, association, company, business, trust, joint venture, or other legal entity.~~

"Nicotine vapor product" means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Nicotine vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Nicotine vapor product" does not include any product regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

~~*"Person"* means any individual, corporation, partnership, association, company, business, trust, joint venture, or other legal entity.~~

"Pipe tobacco" means any tobacco that, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered or purchased by consumers as tobacco to be smoked in a pipe.

"Remote retail sale" means any sale of cigars or pipe tobacco to a consumer in the Commonwealth when (i) the consumer submits the order for the sale by means of a telephone or other method of voice transmission, the mail, or the Internet or other online service, or the seller is otherwise not in the physical presence of the consumer when the request for the purchase or order is made, or (ii) the cigars or pipe tobacco are delivered to the consumer by common carrier, private delivery service, or other method of remote delivery, or the seller is not in the physical presence of the consumer when the buyer obtains possession of the cigars or pipe tobacco.

"Remote retail seller" means a person located within or outside of this state that makes remote retail sales of cigars or pipe tobacco.

"Retail dealer" means every person who sells or offers for sale any tobacco product to consumers *at retail in a transaction other than a remote retail sale.*

"SKU" means an individual stock keeping unit identifier used for tracking inventory.

"Tobacco product" or "tobacco products" means (i) "cigar" as defined in § 5702(a) of the Internal Revenue Code, and as such section may be amended; (ii) "smokeless tobacco" as defined in § 5702(m) of the Internal Revenue Code, and as such section may be amended; or (iii) "pipe tobacco" as defined in § 5702(n) of the Internal Revenue Code, and as such section may be amended. "Tobacco products" shall also include loose leaf tobacco.

§ 58.1-1021.02. Tax on tobacco products.

A. In addition to all other taxes now imposed by law, there is hereby imposed a tax upon the privilege of selling or dealing in tobacco products in the Commonwealth by any person engaged in business as a distributor *or remote retail seller* thereof, at the following rates:

1. Upon each package of moist snuff, at the rate of \$0.18 per ounce with a proportionate tax at the same rate on all fractional parts of an ounce. The tax shall be computed based on the net weight as listed by the manufacturer on the package in accordance with federal law.

2. For purposes of the tax under this article, loose leaf tobacco shall be classified as loose leaf tobacco single-units, loose leaf tobacco half pound-units, and loose leaf tobacco pound-units. Such tax shall be imposed on the distributor for loose leaf tobacco as follows:

- a. \$0.21 for each loose leaf tobacco single-unit;
- b. \$0.40 for each loose leaf tobacco half pound-unit;
- c. \$0.70 for each loose leaf tobacco pound-unit; and
- d. For any other unit, pouch, or package of loose leaf tobacco, the tax shall be by net weight and shall be \$0.21 per unit, pouch, or package plus \$0.21 for each increment of 4 ounces or portion thereof that the loose leaf tobacco exceeds 16 ounces.

The tax for each unit, pouch, or package of loose leaf tobacco shall be in accordance with the provisions of subdivisions a. through d. only and regardless of sales price.

3. Upon tobacco products other than moist snuff or loose leaf tobacco, at the rate of 10 percent of the manufacturer's sales price of such tobacco products.

Upon cigars and pipe tobacco products sold by remote retail sellers, the tax rates delineated in this subdivision shall apply to:

- (a) *The actual cost; or*
- (b) *If the actual cost is not available, the average of the actual cost over the 12 calendar months before January 1 of the year in which the sale occurs.*

Such tax shall be imposed at the time the remote retail seller located within or outside the Commonwealth makes a remote retail sale to a consumer within the Commonwealth. It is the intent and purpose of this subdivision that the remote retail seller be liable for the tax. It is further the intent and purpose of this article to impose the tax once, and only once on all tobacco products, including cigars and pipe tobacco sold in the Commonwealth.

Such tax shall be imposed ~~at the time the distributor (i) brings or causes to be brought into the Commonwealth from outside the Commonwealth tobacco products for sale on tobacco products (i) at the time of retail sale by a retail dealer or distributor; (ii) at the time the distributor makes, manufactures, or fabricates tobacco products in the Commonwealth for sale in the Commonwealth; or (iii) at the time the distributor ships or transports tobacco products to retailers in the Commonwealth to be sold by those retailers.~~ It is the intent and purpose of this article that the distributor who first possesses the tobacco product subject to this tax in the Commonwealth shall be the distributor liable for the tax. It is further the intent and purpose of this article to impose the tax once, and only once on all tobacco products for sale in the Commonwealth.

B. No tax shall be imposed pursuant to this section upon tobacco products not within the taxing power of the Commonwealth under the Commerce Clause of the United States Constitution.

C. A distributor that calculates and pays the tax pursuant to subdivision A 1 or A 2 in good faith reliance on the net weight listed by the manufacturer on the package or on the manufacturer's invoice shall not be liable for additional tax, or for interest or penalties, solely by reason of a subsequent determination that such weight information was incorrect.

§ 58.1-1021.02:2. Records to be kept and reports by remote retail sellers of cigars and pipe tobacco.

Each remote retail seller that makes a remote retail sale of cigars and pipe tobacco products to any consumer located in the Commonwealth shall keep all records of remote retail sales as follows: (i) each remote retail seller that ships tobacco products to any consumer located in the Commonwealth shall file a report with the Department no later than the twentieth of each month identifying the total quantity, date, and dollar value of all such remote retail sale shipments made during the preceding month and (ii) every licensed remote retail seller outside the Commonwealth that is not a licensed distributor shall in a like manner file a return showing the quantity and actual cost of each cigar or pipe tobacco product shipped or transported to consumers in the Commonwealth during the preceding calendar month. The return shall be made on forms furnished or prescribed by the Department and shall contain or be accompanied by such further information as the Department shall require. The remote retail seller, at the time of filing the return, shall pay to the Department the tax imposed under subsection A of § 58.1-1021.02 for each such package sold in remote retail sales into the Commonwealth in the preceding month on which tax is due. The Department may allow such reports to be filed electronically.

§ 58.1-1021.04. Failure to file return; fraudulent return; penalties; interest; overpayment of tax.

A. When any distributor *or remote retail seller* fails to make any return or pay the full amount of the tax required by this article, there shall be imposed a specific penalty to be added to the tax in the amount of five percent if the failure is for not more than one month, with an additional two percent for each additional month, or fraction thereof, during which the failure continues, not to exceed 20 percent in the aggregate. In no case, however, shall the penalty be less than \$10 and such minimum penalty shall apply whether or not any tax is due for the period for which such return was required. If such failure is due to providential or other good cause shown to the satisfaction of the Tax Commissioner, such return with or without remittance may be accepted exclusive of penalties. In the case of a false or fraudulent return where willful intent exists to defraud the Commonwealth of any tax due under this article, or in the case of a willful failure to file a return with the intent to defraud the Commonwealth of any such tax, a specific penalty of 50 percent of the amount of the proper tax shall be assessed. All penalties and interest imposed by this article shall be payable by the distributor *or remote retail seller* and collectible by the Department in the same manner as if they were a part of the tax imposed.

B. It shall be prima facie evidence of intent to defraud the Commonwealth of any tax due under this article when any distributor *or remote retail seller* reports his purchases at 50 percent or less of the actual amount.

C. Interest at a rate determined in accordance with § 58.1-15 shall accrue on the tax until the same is paid.

No deficiency, interest or penalty shall be assessed for any month after the expiration of three years from the date set for the filing of the return for such month, except in cases of fraud, or where no return has been filed for such month.

D. If the Tax Commissioner determines that the amount paid the Commonwealth under this article in regard to any monthly return was greater than the amount of tax due the Commonwealth, the excess may be taken as a credit by the distributor *or remote retail seller* against a subsequent month's tax imposed under this article. However, if such distributor *or remote retail seller* requests a refund, such excess shall be refunded to the distributor *or remote retail seller* within 45 days of the request. The refund shall include interest at the rate provided in § 58.1-15. Interest on such refunds shall accrue from the due date of the return to which such excess is attributable to or the date such excess was paid to the Department, whichever is later, and shall end on a date determined by the Department preceding the date of the refund check by not more than seven days.

§ 58.1-1021.04:1. Distributor's or remote retail seller's license; penalty.

A. No person shall engage in the business of selling or dealing in tobacco products as a distributor in the Commonwealth without first having received a separate license from the Department for each location or place of business. Each application for a distributor's license shall be accompanied by a fee to be prescribed by the Department. Every application for such license shall be made on a form prescribed by the Department and the following information shall be provided on the application:

1. The name and address of the applicant. If the applicant is a firm, partnership or association, the name and address of each of its members shall be provided. If the applicant is a corporation, the name and address of each of its principal officers shall be provided;

2. The address of the applicant's principal place of business;

3. The place or places where the business to be licensed is to be conducted; and

4. Such other information as the Department may require for the purpose of the administration of this article.

B. A person outside the Commonwealth who ships or transports tobacco products to retailers in the Commonwealth, to be sold by those retailers, may make application for license as a distributor, be granted such a license by the Department, and thereafter be subject to all the provisions of this article. Once a license is granted pursuant to this section, such person shall be entitled to act as a licensed distributor and, unless such person maintains a registered agent pursuant to Chapter 9, 10, 12 or 14 of Title 13.1 or Chapter 2.1 or 2.2 of Title 50, shall be deemed to have appointed the Clerk of the State Corporation Commission as the person's agent for the purpose of service of process relating to any matter or issue involving the person and arising under the provisions of this article.

The Department shall conduct a background investigation, to include a Virginia Criminal History Records search, and fingerprints of the applicant, or the responsible principals, managers, and other persons engaged in handling tobacco products at the licensable locations, that shall be submitted to the Federal Bureau of Investigation if the Department deems a National Criminal Records search necessary, on applicants for licensure as tobacco products distributors. The Department may refuse to issue a distributor's license or may suspend, revoke or refuse to renew a distributor's license issued to any person, partnership, corporation, limited liability company or business trust, if it determines that the principals, managers, and other persons engaged in handling tobacco products at the licensable location of the applicant have been (i) found guilty of any fraud or misrepresentation in any connection; (ii) convicted of robbery, extortion, burglary, larceny, embezzlement, fraudulent conversion, gambling, perjury, bribery, treason, or racketeering; or (iii) convicted of a felony. Anyone who knowingly and willfully falsifies, conceals or misrepresents a material fact or knowingly and willfully makes a false, fictitious or fraudulent statement or representation in any application for a distributor's license to the Department, shall be guilty of a Class 1 misdemeanor. The Department may establish an application or renewal fee not to exceed \$750 to be retained by the Department to be applied to the administrative and other costs of processing distributor's license applications, conducting background investigations and issuing distributor's licenses. Any amount collected pursuant to this section in excess of such costs as of June 30 in even numbered years shall be reported to the State Treasurer and deposited into the state treasury.

C. *No person inside or outside the Commonwealth shall make a remote retail sale of cigars or pipe tobacco to consumers in the Commonwealth without (i) completing an application for and being granted a license as a remote retail*

seller; (ii) determining whether economic nexus activity thresholds have been met to register for a dealer's certificate under § 58.1-613; (iii) if economic nexus thresholds are met, collecting and remitting the excise tax pursuant to subsection A of § 58.1-1021.02; (iv) providing for age verification through an independent, third-party age verification service that compares information available from a commercially available database, or aggregate of databases, that is regularly used by government agencies and businesses for the purpose of age and identity verification to the personal information entered by the individual during the ordering process that establishes that the individual is of age; and (v) if economic nexus thresholds are met, and excise tax is being remitted using the actual cost list method to calculate the excise tax, providing the remote retail seller's certified actual cost list to the Department for each SKU to be offered for remote retail sale in the subsequent calendar year. The actual cost list shall be updated quarterly as new SKUs are added to a remote retail seller's inventory. New SKUs will be added using the actual cost first paid for the SKU.

D. Upon receipt of an application in proper form and payment of the required license fee, the Department shall, unless otherwise provided by this article, issue to the applicant a license, which shall permit the licensee to engage in business as a distributor at the place of business shown on the license. Each license, or a copy thereof, shall be prominently displayed on the premises covered by the license. No license shall be transferable to any other person. Distributor's licenses issued pursuant to this section shall be valid for a period of three years from the date of issue unless revoked by the Department in the manner provided herein. The Department may at any time revoke the license issued to any distributor who is found guilty of violating or noncompliance with any of the provisions of this chapter, or any of the rules of the Department adopted and promulgated under authority of this chapter.

~~D.~~ E. The Department shall compile and maintain a current list of licensed distributors *and remote retail sellers*. The list shall be updated on a monthly basis, and published on the Department's official Internet website, available to any interested party.

§ 58.1-1021.04:2. Certain records required of distributor; access to premises.

A. Each distributor *or remote retail seller* shall keep in each licensed place of business complete and accurate records for that place of business, including itemized invoices of: (i) tobacco products held, purchased, manufactured, brought in or caused to be brought in from outside the Commonwealth, or shipped or transported to retailers in the Commonwealth; (ii) all sales of tobacco products made; (iii) all tobacco products, *including cigars and pipe tobacco*, transferred to other retail outlets owned or controlled by that licensed distributor *or remote retail seller*; and (iv) any records required by the Department.

All books, records and other papers and documents required by this subsection to be kept shall be preserved, in a form prescribed by the Department, for a period of at least three years after the date of the documents or the date of the entries thereof appearing in the records, unless the Department authorizes, in writing, their destruction or disposal at an earlier date.

B. At any time during usual business hours, duly authorized agents or employees of the Department may enter any place of business of a distributor and inspect the premises, the records required to be kept under this article and the tobacco products contained therein, to determine whether all the provisions of this article are being complied with fully. Refusal to permit such inspection by a duly authorized agent or employee of the Department shall be grounds for revocation of the license.

C. Each person who sells tobacco products to persons other than an ultimate consumer shall render with each sale itemized invoices showing the seller's name and address, the purchaser's name and address, the date of sale and all prices. Such person shall preserve legible copies of all such invoices for three years after the date of sale.

D. Each distributor *or remote retail seller* shall procure itemized invoices of all tobacco products purchased. The invoices shall show the name and address of the seller and the date of purchase. The distributor *or remote retail seller* shall preserve a legible copy of each invoice for three years after the date of purchase. Invoices shall be available for inspection by authorized agents or employees of the Department at the distributor's *place of business or remote retail seller's* place of business. *If the remote retail seller cannot produce the required invoice information and the excise tax is being remitted using the actual cost list method to calculate the excise tax, the remote retail seller shall provide the remote retail seller's certified actual cost list to the Department for each SKU to be offered for remote retail sale in the subsequent calendar year. The actual cost list shall be updated quarterly as new SKUs are added to a remote retail seller's inventory. New SKUs will be added using the actual cost first paid for the SKU. This method shall not be used unless the actual cost list has been filed with the Department for the previous calendar year.*

E. Any violation of § 58.1-1021.04:1, 58.1-1021.04:2, 58.1-1021.04:3, or 58.1-1021.04:4 of this article shall be grounds for revocation of the license.

CHAPTER 739

An Act to amend and reenact §§ 62.1-199 and 62.1-203 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 6 of Title 10.1 an article numbered 1.4, consisting of sections numbered 10.1-603.28 through 10.1-603.40, relating to Resilient Virginia Revolving Fund.

[S 756]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 62.1-199 and 62.1-203 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 6 of Title 10.1 an article numbered 1.4, consisting of sections numbered 10.1-603.28 through 10.1-603.40, as follows:

Article 1.4.

Resilient Virginia Revolving Fund.

§ 10.1-603.28. Definitions.

As used in this article, unless the context requires a different meaning:

"Authority" means the Virginia Resources Authority created in Chapter 21 (§ 62.1-197 et seq.) of Title 62.1.

"Cost," as applied to any project financed under the provisions of this article, means the total of all costs incurred as reasonable and necessary for carrying out all works and undertakings necessary or incident to the accomplishment of any project. "Cost" includes, without limitation, all necessary developmental, planning, and feasibility studies, surveys, plans and specifications, architectural, engineering, financial, legal, or other special services, the cost of acquisition of land and any buildings and improvements thereon, including the discharge of any obligations of the sellers of such land, buildings, or improvements, site preparation and development, including demolition or removal of existing structures, construction and reconstruction, labor, materials, machinery and equipment, the reasonable costs of financing incurred in the course of the development of the project, carrying charges incurred before placing the project in service, interest on funds borrowed to finance the project to a date subsequent to the estimated date the project is to be placed in service, necessary expenses incurred in connection with placing the project in service, the funding of accounts and reserves that the Authority may require, and the cost of other items that the Authority determines to be reasonable and necessary.

"Department" means the Department of Conservation and Recreation.

"Fund" means the Resilient Virginia Revolving Fund created by this article.

"Local government" means any county, city, town, municipal corporation, authority, district, commission, or political subdivision created by the General Assembly or pursuant to the Constitution or laws of the Commonwealth or any combination of any two or more of the foregoing.

"Person" has the same meaning as set forth in § 1-230.

"Project" means (i) home upgrades for resilience purposes, home buyouts necessary for the construction of mitigation or resilience projects, relocations, and buyout assistance for homes, all including multifamily units; (ii) gap funding related to buyouts in order to move residents out of floodplain hazard areas and restore or enhance the natural flood mitigation capacity of functioning floodplains; (iii) assistance to low-income and moderate-income homeowners to help lower flood risk through structural and nonstructural mitigation projects, or other means; (iv) loans and grants to persons for hazard mitigation and infrastructure improvement projects for resilience purposes; and (v) projects identified in the Virginia Flood Protection Master Plan or the Virginia Coastal Resilience Master Plan.

"Resilience" means the capability to anticipate, prepare for, respond to, and recover from significant multi-hazard threats with minimum damage to social well-being, health, the economy, and the environment.

§ 10.1-603.29. Resilient Virginia Revolving Fund.

There shall be set apart as a permanent and perpetual fund, to be known as the "Resilient Virginia Revolving Fund," sums appropriated to the Fund by the General Assembly, sums allocated to the Commonwealth for resilience purposes through the federal government, all receipts by the Fund from loans made by it to local governments, all income from the investment of moneys held in the Fund, and any other sums designated for deposit to the Fund from any source public or private. The Fund shall be administered and managed by the Authority as prescribed in this article, subject to the right of the Department, following consultation with the Authority, to direct the distribution of loans or grants from the Fund to particular local governments and to establish the interest rates and repayment terms of such loans as provided in this article. A portion of the Fund shall be reserved to hold money that is allocated only for the hazard mitigation of buildings and that shall not be available for other uses. In order to carry out the administration and management of the Fund, the Authority is granted the power to employ officers, employees, agents, advisers, and consultants, including, without limitation, attorneys, financial advisers, engineers, and other technical advisers and public accountants and, the provisions of any other law to the contrary notwithstanding, to determine their duties and compensation without the approval of any other agency or instrumentality. The Authority may disburse from the Fund its reasonable costs and expenses incurred in the administration and management of the Fund and a reasonable fee to be approved by the Department for its management services. The Authority may provide a portion of that fee to the Department to cover the Department's costs and expenses in administering the Fund.

§ 10.1-603.30. Deposit of moneys; expenditures; investments.

All moneys belonging to the Fund shall be deposited in an account or accounts in banks or trust companies organized under the laws of the Commonwealth or in national banking associations located in Virginia or in savings institutions located in Virginia organized under the laws of the Commonwealth or the United States. The money in these accounts shall be paid by electronic transfer or check signed by the Executive Director of the Authority or other officers or employees designated by the Board of Directors of the Authority. All deposits of money shall, if required by the Authority, be secured in a manner determined by the Authority to be prudent, and all banks, trust companies, and savings institutions are authorized to give security for the deposits. Money in the Fund shall not be commingled with other money of the Authority. Money in the Fund not needed for immediate use or disbursement may be invested or reinvested by the Authority in obligations or

securities that are considered lawful investments for public funds under the laws of the Commonwealth. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including any appropriated funds and all principal, interest accrued, and payments at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

§ 10.1-603.31. Annual audit.

The Auditor of Public Accounts, or his legally authorized representatives, shall annually audit the accounts of the Authority, and the cost of such audit services as shall be required shall be borne by the Authority. The audit shall be performed at least each fiscal year, in accordance with generally accepted auditing standards and, accordingly, include such tests of the accounting records and such auditing procedures as considered necessary under the circumstances. The Authority shall furnish copies of such audit to the Governor and to the Department.

§ 10.1-603.32. Collection of money due to Fund.

The Authority is empowered to collect, or to authorize others to collect on its behalf, amounts due to the Fund under any loan to a local government, including, if appropriate, taking the action required by § 15.2-2659 to obtain payment of any amounts in default. Proceedings to recover amounts due to the Fund may be instituted by the Authority in the name of the Fund in the appropriate circuit court.

§ 10.1-603.33. Loans to local governments.

Except as otherwise provided in this article, moneys in the Fund shall be used to make loans to local governments to finance or refinance the cost of any project. The local governments to which loans are to be made, the purposes of the loan, the amount of each such loan, the interest rate thereon, and the repayment terms thereof, which may vary between loan recipients, shall be designated in writing by the Department to the Authority following consultation with the Authority. No loan from the Fund shall exceed the total cost of the project to be financed or the outstanding principal amount of the indebtedness to be refinanced plus reasonable financing expenses.

Except as set forth in this section, the Authority shall determine the terms and conditions of any loan from the Fund, which may vary between loan recipients. Each loan shall be evidenced by appropriate bonds or notes of the local government payable to the Fund. The bonds or notes shall have been duly authorized by the local government and executed by its authorized legal representatives. The Authority is authorized to require in connection with any loan from the Fund such documents, instruments, certificates, legal opinions, and other information as it may deem necessary or convenient. In addition to any other terms or conditions that the Authority may establish, the Authority may require, as a condition to making any loan from the Fund, that the local government receiving the loan covenant to perform any of the following:

1. Establish and collect rents, rates, fees, and charges to produce revenue sufficient to pay all or a specified portion of (i) the costs of operation, maintenance, replacement, renewal, and repairs of the project; (ii) any outstanding indebtedness incurred for the purposes of the project, including the principal of and premium, if any, and interest on the loan from the Fund to the local government; and (iii) any amounts necessary to create and maintain any required reserve, including any rate stabilization fund deemed necessary or appropriate by the Authority to offset the need, in whole or part, for future increases in rents, rates, fees, or charges;

2. With respect to local governments, levy and collect ad valorem taxes on all property within the jurisdiction of the local government subject to local taxation sufficient to pay the principal of and premium, if any, and interest on the loan from the Fund to the local government;

3. Create and maintain a special fund or funds for the payment of the principal of and premium, if any, and interest on the loan from the Fund to the local government and any other amounts becoming due under any agreement entered into in connection with the loan, or for the operation, maintenance, repair, or replacement of the project or any portions thereof or other property of the local government, and deposit into any fund or funds amounts sufficient to make any payments on the loan as they become due and payable;

4. Create and maintain other special funds as required by the Authority; and

5. Perform other acts, including the conveyance of, or the granting of liens on or security interests in, real and personal property, together with all rights, title, and interest therein, to the Fund, or take other actions as may be deemed necessary or desirable by the Authority to secure payment of the principal of and premium, if any, and interest on the loan from the Fund and to provide for the remedies of the Fund in the event of any default in the payment of the loan, including, without limitation, any of the following:

a. The procurement of insurance, guarantees, letters of credit, and other forms of collateral, security, liquidity arrangements, or credit supports for the loan from any source, public or private, and the payment therefor of premiums, fees, or other charges;

b. The combination of one or more projects, or the combination of one or more projects with one or more other undertakings, facilities, utilities, or systems, for the purpose of operations and financing, and the pledging of the revenues from such combined projects, undertakings, facilities, utilities, and systems to secure the loan from the Fund made in connection with such combination or any part or parts thereof;

c. The maintenance, replacement, renewal, and repair of the project; and

d. The procurement of casualty and liability insurance.

All local governments borrowing money from the Fund are authorized to perform any acts, take any action, adopt any proceedings, and make and carry out any contracts that are contemplated by this article. Such contracts need not be

identical among all local governments but may be structured as determined by the Authority according to the needs of the contracting local governments and the Fund.

Subject to the rights, if any, of the registered owners of any of the bonds of the Authority, the Authority may consent to and approve any modification in the terms of any loan subject to guidelines adopted by the Department.

§ 10.1-603.34. Grants to local governments.

Subject to any restrictions that may apply to the use of money in the Fund, the Department may approve the use of money in the Fund to make grants or appropriations to local governments to pay the cost of any project. The Department may establish such terms and conditions on any grant as it deems appropriate. Grants shall be disbursed from the Fund by the Authority in accordance with the written direction of the Department.

§ 10.1-603.35. Loans and grants for regional projects, etc.

In approving loans and grants, the Department shall give preference to loans and grants for projects that will utilize private industry in the operation and maintenance of such projects where a material savings in cost can be shown over public operation and maintenance; will serve two or more local governments to encourage regional cooperation; or both.

§ 10.1-603.36. Loans and grants to a local government for a funding program.

Loans and grants may be made from the Fund, in the Department's discretion, to a local government that has developed a funding program to provide low-interest loans or grants to any persons of the Commonwealth eligible for projects for resilience purposes. In order to secure the loans authorized pursuant to this section, the local government is authorized to place a lien equal in value to the loan against any property where such project is being undertaken. Such liens shall be subordinate to all liens on the property as of the date the loan authorized under this section is made, except that with the prior written consent of the holders of all liens on the property as of such date, the liens securing loans authorized pursuant to this section shall be liens on the property ranking on parity with liens for unpaid local taxes. The local government may bundle or package such loans for transfer to private lenders in such a manner that would allow the liens to remain in full force to secure the loans.

§ 10.1-603.37. Pledge of loans to secure bonds of Authority.

The Authority is empowered at any time and from time to time to transfer from the Fund to banks or trust companies designated by the Authority any or all of the assets of the Fund to be held in trust as security for the payment of the principal of and premium, if any, and interest on any or all of the bonds, as defined in § 62.1-199, of the Authority. The interests of the Fund in any obligations so transferred shall be subordinate to the rights of the trustee under the pledge. To the extent that funds are not available from other sources pledged for such purpose, any payments of principal and interest received on the assets transferred or held in trust may be applied by the trustee thereof to the payment of the principal of and premium, if any, and interest on such bonds of the Authority to which the obligations have been pledged, and if such payments are insufficient for such purpose, the trustee is empowered to sell any or all of such assets and apply the net proceeds from the sale to the payment of the principal of and premium, if any, and interest on such bonds of the Authority. Any assets of the Fund transferred in trust as set forth in this section and any payments of principal, interest, or earnings received thereon shall remain part of the Fund but shall be subject to the pledge to secure the bonds of the Authority and shall be held by the trustee to which they are pledged until no longer required for such purpose by the terms of the pledge. On or before January 10 of each year, the Authority shall transfer, or shall cause the trustee to transfer, to the Fund any assets transferred or held in trust as set forth in this section that are no longer required to be held in trust pursuant to the terms of the pledge.

§ 10.1-603.38. Sale of loans.

The Authority is empowered at any time and from time to time to sell, upon such terms and conditions as the Authority shall deem appropriate, any loan, or interest therein, made pursuant to this article. The net proceeds of sale remaining after the payment of the costs and expenses of the sale shall be designated for deposit to, and become part of, the Fund.

§ 10.1-603.39. Powers of the Authority.

The Authority is authorized to do any act necessary or convenient to the exercise of the powers granted in this article or reasonably implied thereby.

§ 10.1-603.40. Liberal construction of article.

The provisions of this article shall be liberally construed to the end that its beneficial purposes may be effectuated. Insofar as the provisions of this article are inconsistent with the provisions of any other law, general, special, or local, the provisions of this article shall be controlling.

§ 62.1-199. Definitions.

As used in this chapter, unless a different meaning clearly appears from the context:

"Authority" means the Virginia Resources Authority created by this chapter.

"Board of Directors" means the Board of Directors of the Authority.

"Bonds" means any bonds, notes, debentures, interim certificates, bond, grant or revenue anticipation notes, lease and sale-leaseback transactions or any other obligations of the Authority for the payment of money.

"Capital Reserve Fund" means the reserve fund created and established by the Authority in accordance with § 62.1-215.

"Cost," as applied to any project financed under the provisions of this chapter, means the total of all costs incurred by the local government as reasonable and necessary for carrying out all works and undertakings necessary or incident to the accomplishment of any project. It includes, without limitation, all necessary developmental, planning and feasibility studies,

surveys, plans and specifications, architectural, engineering, financial, legal or other special services, the cost of acquisition of land and any buildings and improvements thereon, including the discharge of any obligations of the sellers of such land, buildings or improvements, real estate appraisals, site preparation and development, including demolition or removal of existing structures, construction and reconstruction, labor, materials, machinery and equipment, the reasonable costs of financing incurred by the local government in the course of the development of the project, including the cost of any credit enhancements, carrying charges incurred before placing the project in service, interest on local obligations issued to finance the project to a date subsequent to the estimated date the project is to be placed in service, necessary expenses incurred in connection with placing the project in service, the funding of accounts and reserves which the Authority may require and the cost of other items which the Authority determines to be reasonable and necessary. It also includes the amount of any contribution, grant or aid which a local government may make or give to any adjoining state, the District of Columbia or any department, agency or instrumentality thereof to pay the costs incident and necessary to the accomplishment of any project, including, without limitation, the items set forth above. The term also includes interest and principal payments pursuant to any installment purchase agreement.

"Credit enhancements" means surety bonds, insurance policies, letters of credit, guarantees and other forms of collateral or security.

"Defective drywall" means the same as that term is defined in § 36-156.1.

"Federal facility" means any building or infrastructure used or to be used by the federal government, including any building or infrastructure located on lands owned by the federal government.

"Federal government" means the United States of America, or any department, agency or instrumentality, corporate or otherwise, of the United States of America.

"Former federal facility" means any federal facility formerly used by the federal government or in transition from use by the federal government to a facility all or part of which is to serve any local government.

"Local government" means any county, city, town, municipal corporation, authority, district, commission or political subdivision created by the General Assembly or pursuant to the Constitution and laws of the Commonwealth or any combination of any two or more of the foregoing.

"Local obligations" means any bonds, notes, debentures, interim certificates, bond, grant or revenue anticipation notes, leases, credit enhancements, or any other obligations of a local government for the payment of money.

"Minimum capital reserve fund requirement" means, as of any particular date of computation, the amount of money designated as the minimum capital reserve fund requirement which may be established in the resolution of the Authority authorizing the issuance of, or the trust indenture securing, any outstanding issue of bonds or credit enhancement.

"Project" means (i) any water supply or wastewater treatment facility, including a facility for receiving and stabilizing seepage or a soil drainage management facility, and any solid waste treatment, disposal, or management facility, recycling facility, federal facility or former federal facility, or resource recovery facility located or to be located in the Commonwealth, the District of Columbia, or any adjoining state, all or part of which facility serves or is to serve any local government, and (ii) any federal facility located or to be located in the Commonwealth, provided that both the Board of Directors of the Authority and the governing body of the local government receiving the benefit of the loan, grant, or credit enhancement from the Authority make a determination or finding to be embodied in a resolution or ordinance that the undertaking and financing of such facility is necessary for the location or retention of such facility and the related use by the federal government in the Commonwealth. The term includes, without limitation, water supply and intake facilities; water treatment and filtration facilities; water storage facilities; water distribution facilities; sewage and wastewater (including surface and ground water) collection, treatment, and disposal facilities; drainage facilities and projects; solid waste treatment, disposal, or management facilities; recycling facilities; resource recovery facilities; related office, administrative, storage, maintenance, and laboratory facilities; and interests in land related thereto. The term also includes energy conservation measures and facility technology infrastructure as defined in § 45.2-1702 and other energy objectives as defined in § 45.2-1706.1. The term also means any heavy rail transportation facilities operated by a transportation district created under the Transportation District Act of 1964 (§ 33.2-1900 et seq.) that operates heavy rail freight service, including rolling stock, barge loading facilities, and any related marine or rail equipment. The term also means, without limitation, the design and construction of roads, the construction of local government buildings, including administrative and operations systems and other local government equipment and infrastructure, public parking garages and other public transportation facilities, and facilities for public transportation by commuter rail. In addition, the term means any project as defined in § 5.1-30.1 or 10.1-603.28 and any professional sports facility, including a major league baseball stadium as defined in § 15.2-5800, provided that the specific professional sports facility projects have been designated by the General Assembly as eligible for assistance from the Authority. The term also means any equipment, facilities, and technology infrastructure designed to provide broadband service. The term also means facilities supporting, related to, or otherwise used for public safety, including but not limited to law-enforcement training facilities and emergency response, fire, rescue, and police stations. The term also means the remediation, redevelopment, and rehabilitation of property contaminated by the release of hazardous substances, hazardous wastes, solid wastes, or petroleum, where such remediation has not clearly been mandated by the United States Environmental Protection Agency, the Department of Environmental Quality, or a court pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. § 9601 et seq.), the Resource Conservation and Recovery Act (42 U.S.C. § 6901 et seq.), the Virginia Waste Management Act (§ 10.1-1400 et seq.), the State Water Control Law (§ 62.1-44.2 et seq.), or other applicable statutory or common law or where jurisdiction of those

statutes has been waived. The term also means any program or project for land conservation, parks, park facilities, land for recreational purposes, or land preservation, including but not limited to any program or project involving the acquisition of rights or interests in land for the conservation or preservation of such land. The term also means any dredging program or dredging project undertaken to benefit the economic and community development goals of a local government but does not include any dredging program or dredging project undertaken for or by the Virginia Port Authority. The term also means any oyster restoration project, including planting and replanting with seed oysters, oyster shells, or other material that will catch, support, and grow oysters. The term also means any program or project to perform site acquisition or site development work for the benefit of economic and community development projects for any local government. The term also means any undertaking by a local government to build or facilitate the building of a recovered gas energy facility; and any local government renewable energy project, including solar, wind, biomass, waste-to-energy, and geothermal projects. The term also means any undertaking by a local government to facilitate the remediation of residential properties contaminated by the presence of defective drywall.

"Recovered gas energy facility" means a facility, located at or adjacent to (i) a solid waste management facility permitted by the Department of Environmental Quality or (ii) a sewerage system or sewage treatment work described in § 62.1-44.18 that is constructed and operated for the purpose of treating sewage and wastewater for discharge to state waters, which facility or work is constructed and operated for the purpose of (a) reclaiming or collecting methane or other combustible gas from the biodegradation or decomposition of solid waste, as defined in § 10.1-1400, that has been deposited in the solid waste management facility or sewerage system or sewage treatment work and (b) either using such gas to generate electric energy or upgrading the gas to pipeline quality and transmitting it off premises for sale or delivery to commercial or industrial purchasers or to a public utility or locality.

§ 62.1-203. Powers of Authority.

The Authority is granted all powers necessary or appropriate to carry out and to effectuate its purposes, including the following:

1. To have perpetual succession as a public body corporate and as a political subdivision of the Commonwealth;
2. To adopt, amend and repeal bylaws, and rules and regulations, not inconsistent with this chapter for the administration and regulation of its affairs and to carry into effect the powers and purposes of the Authority and the conduct of its business;
3. To sue and be sued in its own name;
4. To have an official seal and alter it at will although the failure to affix this seal shall not affect the validity of any instrument executed on behalf of the Authority;
5. To maintain an office at any place within the Commonwealth which it designates;
6. To make and execute contracts and all other instruments and agreements necessary or convenient for the performance of its duties and the exercise of its powers and functions under this chapter;
7. To sell, convey, mortgage, pledge, lease, exchange, transfer and otherwise dispose of all or any part of its properties and assets;
8. To employ officers, employees, agents, advisers and consultants, including without limitations, attorneys, financial advisers, engineers and other technical advisers and public accountants and, the provisions of any other law to the contrary notwithstanding, to determine their duties and compensation without the approval of any other agency or instrumentality;
9. To procure insurance, in amounts and from insurers of its choice, or provide self-insurance, against any loss, cost, or expense in connection with its property, assets or activities, including insurance or self-insurance against liability for its acts or the acts of its directors, employees or agents and for the indemnification of the members of its Board of Directors and its employees and agents;
10. To procure credit enhancements from any public or private entities, including any department, agency or instrumentality of the United States of America or the Commonwealth, for the payment of any bonds issued by the Authority, including the power to pay premiums or fees on any such credit enhancements;
11. To receive and accept from any source aid, grants and contributions of money, property, labor or other things of value to be held, used and applied to carry out the purposes of this chapter subject to the conditions upon which the aid, grants or contributions are made;
12. To enter into agreements with any department, agency or instrumentality of the United States of America or, the Commonwealth, the District of Columbia or any adjoining state for the purpose of planning, regulating and providing for the financing of any projects;
13. To collect, or to authorize the trustee under any trust indenture securing any bonds or any other fiduciary to collect, amounts due under any local obligations owned or credit enhanced by the Authority, including taking the action required by § 15.2-2659 or 62.1-216.1 to obtain payment of any unpaid sums;
14. To enter into contracts or agreements for the servicing and processing of local obligations owned by the Authority;
15. To invest or reinvest its funds as provided in this chapter or permitted by applicable law;
16. Unless restricted under any agreement with holders of bonds, to consent to any modification with respect to the rate of interest, time and payment of any installment of principal or interest, or any other term of any local obligations owned by the Authority;
17. To establish and revise, amend and repeal, and to charge and collect, fees and charges in connection with any activities or services of the Authority;

18. To do any act necessary or convenient to the exercise of the powers granted or reasonably implied by this chapter; and
 19. To pledge as security for the payment of any or all bonds of the Authority, all or any part of the Capital Reserve Fund or other reserve fund or account transferred to a trustee for such purpose from the Water Facilities Revolving Fund pursuant to § 62.1-231, from the Water Supply Revolving Fund pursuant to § 62.1-240, from the Virginia Solid Waste or Recycling Revolving Fund pursuant to § 62.1-241.9, from the Virginia Airports Revolving Fund pursuant to § 5.1-30.6, from the Dam Safety, Flood Prevention and Protection Assistance Fund pursuant to § 10.1-603.17, ~~or~~ from the Virginia Tobacco Region Revolving Fund pursuant to § 3.2-3117, *or from the Resilient Virginia Revolving Fund pursuant to § 10.1-603.37.* Notwithstanding the foregoing, any such transfer from the Virginia Tobacco Region Revolving Fund may be pledged to secure only those bonds of the Authority issued to finance or refinance projects located in the tobacco-dependent communities in the Southside and Southwest regions of Virginia.

CHAPTER 740

An Act to amend the Code of Virginia by adding a section numbered 60.2-612.1, relating to unemployment compensation; program integrity.

[S 769]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 60.2-612.1 as follows:

§ 60.2-612.1. Program integrity.

A. In order to verify that an individual is eligible to receive benefits, the Commission shall conduct all mandatory and recommended program integrity activities as identified by the U.S. Department of Labor Employment and Training Administration and the U.S. Department of Labor Office of Inspector General.

B. The Commission shall perform a full eligibility review of suspicious or potentially improper claims. In determining if a claim is suspicious or potentially improper, the Commission shall consider the factors utilized by the Integrity Data Hub and any additional factors that may be appropriate, including commonalities in physical addresses, mailing addresses, internet protocol addresses, email addresses, multi-factor authentication, and bank accounts.

C. The Commission shall recover any improper overpayment of benefits to the fullest extent authorized by this title and federal law.

D. The Department of Social Services, the Department of Medical Assistance Services, and the Department of Housing and Community Development, upon receipt of notification that an individual enrolled in any of such department's public assistance programs has become employed, shall notify the Commission of such fact in order for the Commission to determine the individual's eligibility for benefits.

E. The Commission may enter into a memorandum of understanding with any state agency necessary to implement the provisions of this section.

F. The Commission shall report by December 1 of each year to the Commission on Unemployment Compensation addressing the implementation and enforcement of the provisions of this section. The report shall include:

- 1. The Commission's general program integrity processes, including tools, resources, and databases utilized, to the extent that sharing the information does not jeopardize program integrity measures;*
- 2. A description of efforts to identify, prevent, and recover improper overpayments of benefits and fraudulent payments and measures being taken to improve such efforts;*
- 3. The type and amount of improper payments detected retroactively;*
- 4. The type and amount of improper payments prevented;*
- 5. Moneys saved in preventing improper overpayments and, if any, in recouping improper overpayments; and*
- 6. An explanation for the nonrecovery of overpayments, including the application of any allowable recovery exceptions.*

2. That the provisions of this act shall become effective on January 1, 2023.

CHAPTER 741

An Act to provide for the sale of surplus property from the Pocahontas Building as part of the General Assembly replacement project and the transfer of all proceeds to a special nonreverting fund for the restoration and ongoing preservation of Capitol Square.

[S 776]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *Notwithstanding any other provision of law, the Department of General Services, in cooperation with the Clerks of the Senate of Virginia and the House of Delegates, shall conduct one or more public sales or auctions of the surplus property from the Pocahontas Building as part of the General Assembly replacement project. No provision of law shall be*

construed to restrict the purchase of such surplus property by any person at a public sale or auction held pursuant to this act. Any net proceeds of such public sales or auctions, less actual direct costs incurred by the Department of General Services, the Clerk of the Senate of Virginia, and the Clerk of the House of Delegates, shall be deposited into a special nonreverting fund created on the books of the State Comptroller to be administered by the Capitol Square Preservation Council. The Capitol Square Preservation Council shall transfer all moneys in such fund to the Virginia Capitol Foundation, but only after entering into an agreement with the Virginia Capitol Foundation to use such funds to support the restoration and ongoing preservation of Capitol Square, as defined in § 30-193 of the Code of Virginia. For purposes of this act, "surplus property" means any personal property that is determined jointly by the Clerks of the Senate of Virginia and the House of Delegates to be salvageable surplus property, including all fixtures, furnishings, materials, supplies, equipment, and recyclable items.

CHAPTER 742

An Act to amend and reenact § 32.1-122.03:1 of the Code of Virginia, relating to Board of Health; Statewide Telehealth Plan; Virginia Telehealth Network.

[H 81]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-122.03:1 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-122.03:1. Statewide Telehealth Plan.

A. As used in this section:

"Remote patient monitoring services" has the same meaning as in § 38.2-3418.16.

"Telehealth services" means the use of telecommunications and information technology to provide access to health assessments, diagnosis, intervention, consultation, supervision, and information across distance. "Telehealth services" includes the use of such technologies as telephones, facsimile machines, electronic mail systems, store-and-forward technologies, and remote patient monitoring devices that are used to collect and transmit patient data for monitoring and interpretation. Nothing in this definition shall be construed or interpreted to amend the appropriate establishment of a bona fide practitioner-patient relationship, as defined in § 54.1-3303.

"Telemedicine services" has the same meaning as in § 38.2-3418.16.

B. The Board shall ~~develop, by January 1, 2021,~~ amend and maintain, in consultation with the Virginia Telehealth Network, as a component of the State Health Plan a Statewide Telehealth Plan to promote an integrated approach to the introduction and use of telehealth services and telemedicine services. *The Board shall contract with the Virginia Telehealth Network, or another Virginia-based nongovernmental, nonprofit organization focused on telehealth if the Virginia Telehealth Network is no longer in existence, to (i) provide direct consultation to any advisory groups and groups tasked by the Board with implementation and data collection as required by this section, (ii) track implementation of the Statewide Telehealth Plan, and (iii) facilitate changes to the Statewide Telehealth Plan as accepted medical practices and technologies evolve.*

C. The Statewide Telehealth Plan shall include but not be limited to provisions for:

1. The promotion of the inclusion of telehealth services and telemedicine services in the operating procedures of hospitals, primary care facilities, public primary and secondary schools, state-funded post-secondary schools, emergency medical services agencies, and such other state agencies and practices deemed necessary by the Board;

2. The promotion of the use of remote patient monitoring services and store-and-forward technologies, including in cases involving patients with chronic illness;

3. A uniform and integrated set of proposed criteria for the use of telehealth technologies for prehospital and interhospital triage and transportation of patients initiating or in need of emergency medical services developed by the Board in consultation with the Department of Health Professions, the Virginia College of Emergency Physicians, the Virginia Hospital and Healthcare Association, the Virginia Chapter of the American College of Surgeons, the American Stroke Association, the American Telemedicine Association, and prehospital care providers. The Board may revise such criteria from time to time to incorporate accepted changes in medical practice and appropriate use of new and effective innovations in telehealth or telemedicine technologies, or to respond to needs indicated by analysis of data on patient outcomes. Such criteria shall be used as a guide and resource for health care providers and are not intended to establish, in and of themselves, standards of care or to abrogate the requirements of § 8.01-581.20. A decision by a health care provider to deviate from the criteria shall not constitute negligence per se;

4. A strategy for integration of the Statewide Telehealth Plan with the State Health Plan, the Statewide Emergency Medical Services Plan, the Statewide Trauma Triage Plan, and the Stroke Triage Plan to support the purposes of each plan;

5. A strategy for the maintenance of the Statewide Telehealth Plan through (i) the development of an innovative payment model for emergency medical services that covers the transportation of a patient to a destination providing services of appropriate patient acuity and facilitates in-place treatment of a patient at the scene of an emergency response or via telehealth services and telemedicine services, where appropriate; (ii) the development of collaborative and uniform operating procedures for establishing and recording informed patient consent for the use of telehealth services and

telemedicine services that are easily accessible by those medical professionals engaging in telehealth services and telemedicine services; and (iii) appropriate liability protection for providers involved in such telehealth and telemedicine consultation and treatment; and

6. A strategy for the collection of data regarding the use of telehealth services and telemedicine services in the delivery of inpatient and outpatient services, treatment of chronic illnesses, remote patient monitoring, and emergency medical services to determine the effect of use of telehealth services and telemedicine services on the medical service system in the Commonwealth, including (i) the potential for reducing unnecessary inpatient hospital stays, particularly among patients with chronic illnesses or conditions; (ii) the impact of the use of telehealth services and telemedicine services on patient morbidity, mortality, and quality of life; (iii) the potential for reducing unnecessary prehospital and interhospital transfers; and (iv) the impact on annual expenditures for health care services for all payers, including expenditures by third-party payers and out-of-pocket expenditures by patients.

CHAPTER 743

An Act to amend and reenact § 63.2-1606 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 6.2-103.1, relating to adult protective services investigations; financial institutions; furnishing of records and information.

[H 95]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-1606 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 6.2-103.1 as follows:

§ 6.2-103.1. Financial institutions to furnish certain information as part of adult protective services investigation.

Notwithstanding any other provision of law, any financial institution subject to the provisions of this title shall cooperate in any investigation of alleged adult abuse, neglect, or exploitation conducted by a local department of social services pursuant to Chapter 16 (§ 63.2-1600 et seq.) of Title 63.2 and shall make any financial records or information relevant to such investigation available to the local department upon request to the extent allowed under the Gramm-Leach-Bliley Act (15 U.S.C. § 6801 et seq.) and 12 U.S.C. § 3403.

§ 63.2-1606. Protection of aged or incapacitated adults; mandated and voluntary reporting.

A. Matters giving reason to suspect the abuse, neglect or exploitation of adults shall be reported immediately upon the reporting person's determination that there is such reason to suspect. Medical facilities inspectors of the Department of Health are exempt from reporting suspected abuse immediately while conducting federal inspection surveys in accordance with § 1864 of Title XVIII and Title XIX of the Social Security Act, as amended, of certified nursing facilities as defined in § 32.1-123. Reports shall be made to the local department or the adult protective services hotline in accordance with requirements of this section by the following persons acting in their professional capacity:

1. Any person licensed, certified, or registered by health regulatory boards listed in § 54.1-2503, with the exception of persons licensed by the Board of Veterinary Medicine;
2. Any mental health services provider as defined in § 54.1-2400.1;
3. Any emergency medical services provider certified by the Board of Health pursuant to § 32.1-111.5, unless such provider immediately reports the suspected abuse, neglect or exploitation directly to the attending physician at the hospital to which the adult is transported, who shall make such report forthwith;
4. Any guardian or conservator of an adult;
5. Any person employed by or contracted with a public or private agency or facility and working with adults in an administrative, supportive or direct care capacity;
6. Any person providing full, intermittent or occasional care to an adult for compensation, including, but not limited to, companion, chore, homemaker, and personal care workers; and
7. Any law-enforcement officer.

B. The report shall be made in accordance with subsection A to the local department of the county or city wherein the adult resides or wherein the adult abuse, neglect or exploitation is believed to have occurred or to the adult protective services hotline. Nothing in this section shall be construed to eliminate or supersede any other obligation to report as required by law. If a person required to report under this section receives information regarding abuse, neglect or exploitation while providing professional services in a hospital, nursing facility or similar institution, then he may, in lieu of reporting, notify the person in charge of the institution or his designee, who shall report such information, in accordance with the institution's policies and procedures for reporting such matters, immediately upon his determination that there is reason to suspect abuse, neglect or exploitation. Any person required to make the report or notification required by this subsection shall do so either orally or in writing and shall disclose all information that is the basis for the suspicion of adult abuse, neglect or exploitation. Upon request, any person required to make the report shall make available to the adult protective services worker and the local department investigating the reported case of adult abuse, neglect or exploitation any information, records or reports which document the basis for the report. All persons required to report suspected adult abuse, neglect or exploitation shall cooperate with the investigating adult protective services worker of a local department

and shall make information, records and reports which are relevant to the investigation available to such worker to the extent permitted by state and federal law. Criminal investigative reports received from law-enforcement agencies shall not be further disseminated by the investigating agency nor shall they be subject to public disclosure; such reports may, however, be disclosed to the Adult Fatality Review Team as provided in § 32.1-283.5 or to a local or regional adult fatality review team as provided in § 32.1-283.6 and, if reviewed by the Team or a local or regional adult fatality review team, shall be subject to applicable confidentiality requirements of the Team or a local or regional adult fatality review team.

C. Any financial institution staff who suspects that an adult has been exploited financially may report such suspected financial exploitation and provide supporting information and records to the local department of the county or city wherein the adult resides or wherein the exploitation is believed to have occurred or to the adult protective services hotline.

D. Any person other than those specified in subsection A who suspects that an adult is an abused, neglected or exploited adult may report the matter to the local department of the county or city wherein the adult resides or wherein the abuse, neglect or exploitation is believed to have occurred or to the adult protective services hotline.

E. Any person who makes a report or provides records or information pursuant to subsection A, C, or D, or who testifies in any judicial proceeding arising from such report, records or information, or who takes or causes to be taken with the adult's or the adult's legal representative's informed consent photographs, video recordings, or appropriate medical imaging of the adult who is subject of a report shall be immune from any civil or criminal liability on account of such report, records, information, photographs, video recordings, appropriate medical imaging or testimony, unless such person acted in bad faith or with a malicious purpose.

F. An employer of a mandated reporter shall not prohibit a mandated reporter from reporting directly to the local department or to the adult protective services hotline. Employers whose employees are mandated reporters shall notify employees upon hiring of the requirement to report.

G. Any person 14 years of age or older who makes or causes to be made a report of adult abuse, neglect, or exploitation that he knows to be false is guilty of a Class 4 misdemeanor. Any subsequent conviction of this provision is a Class 2 misdemeanor.

H. Any person who fails to make a required report or notification pursuant to subsection A shall be subject to a civil penalty of not more than \$500 for the first failure and not less than \$100 nor more than \$1,000 for any subsequent failures. Civil penalties under subdivision A 7 shall be determined by a court of competent jurisdiction, in its discretion. All other civil penalties under this section shall be determined by the Commissioner for Aging and Rehabilitative Services or his designee. The Commissioner for Aging and Rehabilitative Services shall establish by regulation a process for imposing and collecting civil penalties, and a process for appeal of the imposition of such penalty pursuant to § 2.2-4026 of the Administrative Process Act.

I. Any mandated reporter who has reasonable cause to suspect that an adult died as a result of abuse or neglect shall immediately report such suspicion to the appropriate medical examiner and to the appropriate law-enforcement agency, notwithstanding the existence of a death certificate signed by a licensed physician. The medical examiner and the law-enforcement agency shall receive the report and determine if an investigation is warranted. The medical examiner may order an autopsy. If an autopsy is conducted, the medical examiner shall report the findings to law enforcement, as appropriate, and to the local department or to the adult protective services hotline.

J. No person or entity shall be obligated to report any matter if the person or entity has actual knowledge that the same matter has already been reported to the local department or to the adult protective services hotline.

K. All law-enforcement departments and other state and local departments, agencies, authorities and institutions shall cooperate with each adult protective services worker of a local department in the detection, investigation and prevention of adult abuse, neglect and exploitation.

L. Financial institution staff may refuse to execute a transaction, may delay a transaction, or may refuse to disburse funds if the financial institution staff (i) believes in good faith that the transaction or disbursement may involve, facilitate, result in, or contribute to the financial exploitation of an adult or (ii) makes, or has actual knowledge that another person has made, a report to the local department or adult protective services hotline stating a good faith belief that the transaction or disbursement may involve, facilitate, result in, or contribute to the financial exploitation of an adult. The financial institution staff may continue to refuse to execute a transaction, delay a transaction, or refuse to disburse funds for a period no longer than 30 business days after the date upon which such transaction or disbursement was initially requested based on a good faith belief that the transaction or disbursement may involve, facilitate, result in, or contribute to the financial exploitation of an adult, unless otherwise ordered by a court of competent jurisdiction. Upon refusing to execute a transaction, delaying a transaction, or refusing to disburse funds, the financial institution shall report such refusal or delay within five business days to the local department or the adult protective services hotline. Upon request, and to the extent permitted by state and federal law, financial institution staff ~~making a report to the local department of social services~~ may report any information or records relevant to ~~the~~ a report or investigation to the local department of social services or to a court-appointed guardian ad litem for the adult who is the subject of the investigation. Absent gross negligence or willful misconduct, the financial institution and its staff shall be immune from civil or criminal liability for (a) providing information or records to the local department of social services or to a court-appointed guardian ad litem or (b) refusing to execute a transaction, delaying a transaction, or refusing to disburse funds pursuant to this subsection. The authority of a financial institution staff to refuse to execute a transaction, to delay a transaction, or to refuse to disburse funds pursuant to

this subsection shall not be contingent upon whether financial institution staff has reported suspected financial exploitation of the adult pursuant to subsection C.

CHAPTER 744

An Act to amend and reenact § 24.2-955.3 of the Code of Virginia, relating to elections; political campaign advertisements; violations; civil penalty.

[H 125]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-955.3 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-955.3. Penalties for violations of this chapter.

A. Any sponsor violating Article 2 (§ 24.2-956 et seq.) ~~of this chapter~~ shall be subject to ~~(i) a civil penalty not to exceed \$1,000; or (ii) in the case of a violation occurring within the 14 days prior to or on the election day of the election to which the advertisement pertains, a civil penalty not to exceed \$2,500~~ *\$25,000*. In the case of a willful violation, he shall be ~~is~~ guilty of a Class 1 misdemeanor.

B. Any sponsor violating Article 3 (§ 24.2-957 et seq.) or 4 (§ 24.2-958 et seq.) ~~of this chapter~~ shall be subject to ~~(i) a civil penalty not to exceed \$1,000 per occurrence; or (ii) in the case of a violation occurring within the 14 days prior to or on the election day of the election to which the advertisement pertains, a civil penalty not to exceed \$2,500 per occurrence~~ *\$25,000*. In the case of a willful violation, he shall be ~~is~~ guilty of a Class 1 misdemeanor. In no event shall the total civil penalties imposed for multiple broadcasts of one particular campaign advertisement exceed ~~\$10,000~~ *\$25,000*.

C. Any person violating Article 5 (§ 24.2-959 et seq.) ~~of this chapter~~ shall be subject to a civil penalty not to exceed ~~\$2,500; \$25,000~~, and in the case of a willful violation, he shall be ~~is~~ guilty of a Class 1 misdemeanor. A violation of the provisions of Article 5 ~~of this chapter~~ shall not void any election.

D. The State Board, in a public hearing, shall determine whether to find a violation of this chapter and to assess a civil penalty. At least 10 days prior to such hearing, the State Board shall send notice by certified mail to persons whose actions will be reviewed at such meeting and may be subject to civil penalty. Notice shall include the time and date of the meeting, an explanation of the violation, and the maximum civil penalty that may be assessed.

E. It shall not be deemed a violation of this chapter if the contents of the disclosure legend or statement convey the required information.

F. Any civil penalties collected pursuant to an action under this section shall be payable to the State Treasurer for deposit to the general fund. The procedure to enforce the civil penalties provided in this section shall be as stated in § 24.2-946.3.

CHAPTER 745

An Act to amend and reenact § 33.2-1526.3 of the Code of Virginia, relating to the Transit Ridership Incentive Program.

[H 142]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-1526.3 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-1526.3. Transit Ridership Incentive Program.

A. The Board shall establish the Transit Ridership Incentive Program (the Program) to promote improved transit service in urbanized areas of the Commonwealth with a population in excess of 100,000 and to reduce barriers to transit use for low-income individuals.

B. The goal of the Program shall be to encourage the identification and establishment of routes of regional significance, the development and implementation of a regional subsidy allocation model, implementation of integrated fare collection, establishment of bus-only lanes on routes of regional significance, and other actions and service determined by the Board to improve transit service.

C. The Board shall establish guidelines for the implementation the Program and review such guidelines, at a minimum, every five years. The funds in the Program shall be awarded such that on a five-year rolling average, the amount of funds awarded to each urbanized area shall be equal to a ratio of the population within the Commonwealth of such urbanized area compared to the total population within the Commonwealth of all eligible urbanized areas. The Board may through an affirmative vote of a majority of the members vote to waive this requirement for a period not to exceed two years when they find there is a need that justifies such waiver.

D. Notwithstanding the provisions of this section, the Board shall use ~~an amount not to exceed~~ *at least 25* percent of the funds available to support the establishment of programs to reduce the impact of fares on low-income individuals, including reduced-fare programs and elimination of fares. The restrictions in subsection A shall not apply to funds used pursuant to this subsection.

E. The Board shall use at least 25 percent of the funds available to support regional transit initiatives. The Board shall use its discretion in allocating the remaining funds available as authorized pursuant to this section and based on the programs and initiatives submitted during the application process.

F. The Board shall report annually to the Governor and the General Assembly on the projects and services funded by the Program. The report shall, at a minimum, include an analysis of the performance of the funded projects, the performance of the identified routes of regional significance, transit ridership, efforts funded pursuant to subsection ~~E~~ D, and any other information the Board determines to be appropriate.

2. That the provisions of this act amending subsection D of § 33.2-1526.3 of the Code of Virginia shall expire on July 1, 2024.

CHAPTER 746

An Act to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 22.19, consisting of a section numbered 59.1-284.40, relating to Nitrile Glove Manufacturing Training Program; established.

[H 186]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 22.19, consisting of a section numbered 59.1-284.40, as follows:

CHAPTER 22.19.

NITRILE GLOVE MANUFACTURING TRAINING PROGRAM.

§ 59.1-284.40. Nitrile Glove Manufacturing Training Program.

A. In order to support the recruiting and training needs of companies with facilities located in the Mount Rogers Planning District that manufacture nitrile gloves for personal protective equipment, or manufacture the inputs used to manufacture such gloves, up to \$4,601,000 shall be made available to the Virginia Economic Development Partnership Authority through the Virginia Talent Accelerator Program to provide services to such companies. Subject to appropriation, funding for such services shall be awarded as follows:

- 1. \$1,427,000 for the Commonwealth's fiscal year beginning July 1, 2021;*
- 2. \$1,987,000 less the total amount of funds previously awarded pursuant to this subsection for the Commonwealth's fiscal year beginning July 1, 2022;*
- 3. \$2,722,000 less the total amount of funds previously awarded pursuant to this subsection for the Commonwealth's fiscal year beginning July 1, 2023;*
- 4. \$3,574,000 less the total amount of funds previously awarded pursuant to this subsection for the Commonwealth's fiscal year beginning July 1, 2024; and*
- 5. \$4,601,000 less the total amount of funds previously awarded pursuant to this subsection for the Commonwealth's fiscal year beginning July 1, 2025.*

B. Companies shall be eligible for services funded under this section only if they enter into a memorandum of understanding with the Virginia Economic Development Partnership Authority to:

- 1. Create at least 2,464 new jobs that are for full-time employees and that pay an annual wage of at least \$37,321;*
- 2. Make a capital investment of at least \$714.1 million in the Commonwealth; and*
- 3. Agree to meet the performance targets in subdivisions 1 and 2 on or before January 1, 2027, subject to an extension of no more than two years, as provided in the memorandum of understanding, where such extension may also extend the award dates described in subsection A.*

C. Any company receiving services pursuant to this section shall annually provide evidence satisfactory to the Virginia Economic Development Partnership Authority of (i) the aggregate number of new jobs created and maintained as of the last month of the calendar year as determined in the memorandum of understanding, the payroll paid by the company during the calendar year, and the average annual wage of the new jobs in the calendar year and (ii) the aggregate amount of the capital investment made during the calendar year, including the extent to which such capital investment was or was not subject to the Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.). The report and evidence shall be filed with the Virginia Economic Development Partnership Authority in person, by mail, or as otherwise agreed upon in the memorandum of understanding by no later than April 1 each year following the end of the prior calendar year upon which the evidence is based.

D. Any memorandum of understanding entered into pursuant to this section shall provide that if any annual report and evidence provided pursuant to subsection C indicates that a company failed to meet the targets specified in subsection B, the company may be required to repay the Commonwealth a portion of the costs for services delivered pursuant to this section in an amount that reflects the value of the shortfall in the applicable target.

E. As a condition of receipt of the services funded under this section, a company receiving services pursuant to this section shall make available to the Virginia Economic Development Partnership Authority for inspection all documents relevant and applicable to determining whether the company has met the requirements for the receipt of the services as set forth in this section and subject to the memorandum of understanding. All such documents appropriately identified by the

company shall be considered confidential and proprietary, and shall not be subject to disclosure pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

F. Funding made available pursuant to this section shall be used to provide recruitment and training services for employees of companies that meet the eligibility requirements of this section. Services shall be coordinated by the Virginia Economic Development Partnership Authority through the Virginia Talent Accelerator Program.

CHAPTER 747

An Act to amend and reenact the second enactment of Chapter 113 and the second enactment of Chapter 406 of the Acts of Assembly of 2016, as amended by the second enactment of Chapter 249 of the Acts of Assembly of 2017, and the third enactment of Chapter 249 of the Acts of Assembly of 2017, relating to Prescription Monitoring Program; prescription of opioids; sunset.

[H 192]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That the second enactment of Chapter 113 and the second enactment of Chapter 406 of the Acts of Assembly of 2016, as amended by the second enactment of Chapter 249 of the Acts of Assembly of 2017, are amended and reenacted as follows:

2. That the provisions of this act shall expire on July 1, ~~2022~~ 2027.

2. That the third enactment of Chapter 249 of the Acts of Assembly of 2017 is amended and reenacted as follows:

3. That the provisions of the first enactment of this act shall expire on July 1, ~~2022~~ 2027.

CHAPTER 748

An Act to amend and reenact § 23.1-610 of the Code of Virginia, relating to Department of Military Affairs; institutions of higher education; recruitment.

[H 210]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-610 of the Code of Virginia is amended and reenacted as follows:

§ 23.1-610. Members of the National Guard; grants.

A. Any individual who (i) is a member of the Virginia National Guard and has a minimum remaining obligation of two years, (ii) has satisfactorily completed required initial active duty service, (iii) is satisfactorily performing duty in accordance with regulations of the National Guard, and (iv) is enrolled in any course or program at any public institution of higher education or accredited nonprofit private institution of higher education whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education is eligible for a grant in the amount of the difference between the full cost of tuition and any other educational benefits for which he is eligible as a member of the National Guard. Application for a grant shall be made to the Department of Military Affairs. Grants shall be awarded from funds made available for the purpose by the Department of Military Affairs.

B. Notwithstanding the requirement in subsection A that a member of the Virginia National Guard have a minimum of two years remaining on his service obligation, if a member is activated or deployed for federal military service, an additional day shall be added to the member's eligibility for the grant for each day of active federal service, up to 365 days. Additional credit or credit for state duty may be given at the discretion of the Adjutant General.

C. *The Department of Military Affairs may utilize grant funding in order to recruit qualified applicants for service in the Virginia National Guard. The yearly funding amount for such recruitment shall be at the discretion of the Adjutant General and the Department of Military Affairs and not exceed \$50,000 per fiscal year.*

CHAPTER 749

An Act to amend the Code of Virginia by adding in Title 30 a chapter numbered 64, consisting of sections numbered 30-409 through 30-413, relating to School Health Services Committee; report.

[H 215]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 30 a chapter numbered 64, consisting of sections numbered 30-409 through 30-413, as follows:

*CHAPTER 64.
SCHOOL HEALTH SERVICES COMMITTEE.*

§ 30-409. School Health Services Committee; purpose.

The School Health Services Committee (the Committee) is established in the legislative branch of state government. The purpose of the Committee is to review and provide advice to the General Assembly and other policy makers regarding proposals that require local school boards to offer certain health services in a school setting. The Committee shall submit its findings and recommendations to the General Assembly and the Governor by October 1 of each year.

§ 30-410. Membership; terms; quorum; meetings.

A. The Committee shall have a total membership of 15 members that shall consist of 8 legislative members, five nonlegislative citizen members, and two ex officio members. Members shall be appointed as follows: three members of the Senate, each of whom shall be a member of the Senate Committee on Education and Health, to be appointed by the Senate Committee on Rules; five members of the House of Delegates, each of whom shall be a member of either the House Committee on Health, Welfare and Institutions or a member of the House Committee on Education, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; three nonlegislative citizen members, one of whom shall be an educator at a public school in the Commonwealth, one of whom shall be a school nurse at a public school in the Commonwealth, and one of whom shall be a public health expert, to be appointed by the Senate Committee on Rules; and two nonlegislative citizen members, one of whom shall be an educator at a public school in the Commonwealth and one of whom shall be a public health expert, to be appointed by the Speaker of the House of Delegates. The Superintendent of Public Instruction and the State Health Commissioner, or their designees, shall serve ex officio with nonvoting privileges. Nonlegislative citizen members of the Committee shall be citizens of the Commonwealth. Unless otherwise approved in writing by the chairman of the Committee and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth for the purpose of attending meetings.

Legislative members and ex officio members of the Committee shall serve terms coincident with their terms of office.

Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed.

Nonlegislative citizen members shall be appointed for a term of two years.

The Committee shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

B. A majority of the members shall constitute a quorum. The meetings of the Committee shall be held at the call of the chairman or whenever the majority of the members so request.

No recommendation of the Committee shall be adopted if a majority of the Senate members or a majority of the House members appointed to the Committee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Committee.

§ 30-411. Compensation; expenses; annual report.

Legislative members of the Committee shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Compensation to members of the General Assembly for attendance at official meetings of the Committee shall be paid by the offices of the Clerk of the House of Delegates or Clerk of the Senate, as applicable. All other compensation and expenses shall be paid from existing appropriations to the Committee or, if unfunded, shall be approved by the Joint Rules Committee.

The Committee shall submit to the General Assembly and the Governor an annual report for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports. The chairman of the Committee shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Committee no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

§ 30-412. Staffing.

Administrative staff support shall be provided by the Office of the Clerk of the Senate or the Office of the Clerk of the House of Delegates as may be appropriate for the house in which the chairman of the Committee serves. The Division of Legislative Services shall provide legal, research, policy analysis, and other services as requested by the Committee.

§ 30-413. Sunset.

This chapter shall expire on July 1, 2025.

2. That, for its first year of existence, if the School Health Services Committee (the Committee) is not funded by a separate appropriation in the appropriation act, the Committee may be funded from the operating budgets of the Clerk of the Senate and the Clerk of the House of Delegates upon the approval of the Joint Rules Committee. If the Committee is not funded by a separate appropriation in the appropriation act for any year thereafter, this chapter shall expire on July 1 of the fiscal year in which the Committee fails to receive such funding.

CHAPTER 750

An Act to amend the Code of Virginia by adding in Article 3 of Chapter 1 of Title 32.1 a section numbered 32.1-23.5, relating to Department of Health; social determinants of health.

[H 229]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 3 of Chapter 1 of Title 32.1 a section numbered 32.1-23.5 as follows:

§ 32.1-23.5. Information and data related to social determinants of health.

A. As used in this section:

"Demographic data" means data and information regarding the race, ethnicity, age, and gender of residents of the Commonwealth.

"Social determinants of health" means conditions that affect health risks and health outcomes, including health care access and quality, education access and quality, social and community context, economic stability, and neighborhood and built environment.

B. The Department shall (i) collect and analyze information regarding demographics and the social determinants of health and their impacts on health and health risks of residents of the Commonwealth and (ii) make such information and analyses available to the public on its website. Nothing in this section shall allow for the release of personal health information or any other confidential information.

CHAPTER 751

An Act to amend and reenact § 9.1-102 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 35.1-15.1, relating to the Department of Criminal Justice Services; hotels; human trafficking training.

[H 258]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-102 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 35.1-15.1 as follows:

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions and (ii) temporary or probationary status and establish the time required for completion of such training. Such compulsory minimum training standards shall include crisis intervention training in accordance with clause (i) of § 9.1-188;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. [Repealed];

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies and correctional officers employed by the Department of Corrections under the provisions of Title 53.1. For correctional officers employed by the Department of Corrections, such standards shall include training on the general care of pregnant women, the impact of restraints on pregnant inmates and fetuses, the impact of being placed in restrictive housing or solitary confinement on pregnant inmates, and the impact of body cavity searches on pregnant inmates;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and institutions of higher education within or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;

14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;

15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training academies approved by the Department;

16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;

17. Make recommendations concerning any matter within its purview pursuant to this chapter;

18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;

19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;

20. Conduct audits as required by § 9.1-131;

21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;

22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;

23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;

24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;

25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;

26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;

27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;

28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;

29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;

30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish and periodically update model policies for law-enforcement personnel in the following subjects:

a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in subsection A of § 9.1-1301;

b. Communication with and facilitation of the safe return of individuals diagnosed with Alzheimer's disease;

c. Sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability;

d. Protocols for local and regional sexual assault response teams;

e. Communication of death notifications;

f. The questioning of individuals suspected of driving while intoxicated concerning the physical location of such individual's last consumption of an alcoholic beverage and the communication of such information to the Virginia Alcoholic Beverage Control Authority;

g. Vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

h. Criminal investigations that embody current best practices for conducting photographic and live lineups;

i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or street patrol duties;

j. Missing children, missing adults, and search and rescue protocol; and

k. The handling and use of tear gas or other gases and kinetic impact munitions, as defined in § 19.2-83.3, that embody current best practices for using such items as a crowd control measure or during an arrest or detention of another person;

38. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure (i) sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability; (ii) training in de-escalation techniques; and (iii) training in the lawful use of force, including the use of deadly force, as defined in § 19.2-83.3, only when necessary to protect the law-enforcement officer or another person;

39. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards that strengthen and improve such programs, including sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability;

40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

41. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

42. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, including school security officers described in clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards shall be specific to the role and responsibility of school security officers and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques such as a physical alternative to restraint; (v) disaster and emergency response; (vi) awareness of systemic and individual racism, cultural diversity, and implicit bias; (vii) working with students with disabilities, mental health needs, substance use disorders, and past traumatic experiences; and (viii) student behavioral dynamics, including child and adolescent development and brain research. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of the standards and certification requirements in this subdivision. The Department shall require any school security officer who carries a firearm in the performance of his duties to provide proof that he has completed a training course provided by a federal, state, or local law-enforcement agency that includes training in active shooter emergency response, emergency evacuation procedure, and threat assessment;

43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);

44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

45. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

47. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117;

50. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional Standards Committee by providing technical assistance and administrative support, including staffing, for the Committee;

51. In accordance with § 9.1-102.1, design and approve the issuance of photo-identification cards to private security services registrants registered pursuant to Article 4 (§ 9.1-138 et seq.);

52. In consultation with the State Council of Higher Education for Virginia and the Virginia Association of Campus Law Enforcement Administrators, develop multidisciplinary curricula on trauma-informed sexual assault investigation;

53. In consultation with the Department of Behavioral Health and Developmental Services, develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers, administrators, or superintendents in any local or regional jail. Such program shall be based on any existing addiction recovery programs that are being

administered by any local or regional jails in the Commonwealth. Participation in the model addiction recovery program shall be voluntary, and such program may address aspects of the recovery process, including medical and clinical recovery, peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of the recovery process;

54. Establish compulsory minimum training standards for certification and recertification of law-enforcement officers serving as school resource officers. Such training shall be specific to the role and responsibility of a law-enforcement officer working with students in a school environment and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques; (v) disaster and emergency response; (vi) awareness of systemic and individual racism, cultural diversity, and implicit bias; (vii) working with students with disabilities, mental health needs, substance use disorders, or past traumatic experiences; and (viii) student behavioral dynamics, including current child and adolescent development and brain research;

55. Establish a model policy for the operation of body-worn camera systems as defined in § 15.2-1723.1 that also addresses the storage and maintenance of body-worn camera system records;

56. Establish compulsory minimum training standards for detector canine handlers employed by the Department of Corrections, standards for the training and retention of detector canines used by the Department of Corrections, and a central database on the performance and effectiveness of such detector canines that requires the Department of Corrections to submit comprehensive information on each canine handler and detector canine, including the number and types of calls and searches, substances searched for and whether or not detected, and the number of false positives, false negatives, true positives, and true negatives;

57. Establish compulsory training standards for basic training of law-enforcement officers for recognizing and managing stress, self-care techniques, and resiliency;

58. Establish guidelines and standards for psychological examinations conducted pursuant to subsection C of § 15.2-1705;

59. Establish compulsory in-service training standards, to include frequency of retraining, for law-enforcement officers in the following subjects: (i) relevant state and federal laws; (ii) awareness of cultural diversity and the potential for bias-based profiling as defined in § 52-30.1; (iii) de-escalation techniques; (iv) working with individuals with disabilities, mental health needs, or substance use disorders; and (v) the lawful use of force, including the use of deadly force, as defined in § 19.2-83.3, only when necessary to protect the law-enforcement officer or another person;

60. Develop a uniform curriculum and lesson plans for the compulsory minimum entry-level, in-service, and advanced training standards to be employed by criminal justice training academies approved by the Department when conducting training;

61. Adopt statewide professional standards of conduct applicable to all certified law-enforcement officers and certified jail officers and appropriate due process procedures for decertification based on serious misconduct in violation of those standards;

62. Establish and administer a waiver process, in accordance with §§ 2.2-5515 and 15.2-1721.1, for law-enforcement agencies to use certain military property. Any waivers granted by the Criminal Justice Services Board shall be published by the Department on the Department's website;

63. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to include crisis intervention training in accordance with clause (ii) of § 9.1-188;

64. Advise and assist the Department of Behavioral Health and Developmental Services, and support local law-enforcement cooperation, with the development and implementation of the Marcus alert system, as defined in § 37.2-311.1, including the establishment of local protocols for law-enforcement participation in the Marcus alert system pursuant to § 9.1-193 and for reporting requirements pursuant to §§ 9.1-193 and 37.2-311.1; ~~and~~

65. *Develop an online course to train hotel proprietors and their employees to recognize and report instances of suspected human trafficking; and*

66. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

§ 35.1-15.1. Required human trafficking training.

A. As used in this section:

"Employee" means any person employed by a hotel that (i) has frequent or regular interactions with guests, such as front desk staff, hotel porters, hotel concierge, restaurant waiting and bartending staff, or room service staff; (ii) is in a management position; or (iii) has access to the guest's room, including housekeeping staff.

"Hotel" does not include a short-term rental property as defined in § 58.1-3510.4.

B. Every hotel proprietor shall require its employees to complete a training course on recognizing and reporting instances of suspected human trafficking. Such training course shall be an online course provided by the Department of Criminal Justice Services at no cost to the hotel proprietor and its employees pursuant to § 9.1-102 or an alternative online or in-person training course approved by the Department of Criminal Justice Services. The Department of Criminal Justice Services shall approve or disapprove of the use of any alternative online or in-person training course within 60 days of the submission of such training course for approval.

C. Each hotel employee shall complete the required training course described in subsection B within six months of being employed by a hotel and thereafter at least once during each consecutive period of two calendar years commencing with the date on which he last completed the required training course, for as long as he is employed by a hotel.

2. That the Department of Criminal Justice Services (the Department) shall approve or disapprove of the use of any alternative online or in-person training course submitted to the Department on or before January 1, 2023, by January 15, 2023.

3. That, notwithstanding subsection C of § 35.1-15.1 of the Code of Virginia, as created by this act, any individual employed by a hotel as of January 1, 2023, shall complete the required training course on recognizing and reporting instances of suspected human trafficking no later than June 30, 2023.

4. That the provisions of this act shall become effective on January 1, 2023.

CHAPTER 752

An Act to amend and reenact § 46.2-1571 of the Code of Virginia, relating to motor vehicle dealers and manufacturers; compensation for recall, warranty, and maintenance obligations.

[H 259]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1571 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1571. Recall, warranty, maintenance and sales incentive obligations.

A. Each motor vehicle manufacturer, factory branch, distributor, or distributor branch shall (i) specify in writing to each of its motor vehicle dealers licensed in the Commonwealth the dealer's obligations for preparation, delivery, recall, and warranty service on its products and (ii) compensate the dealer for recall or warranty parts, service, and diagnostic work required of the dealer by the manufacturer or distributor as follows:

1. Compensation of a dealer for recall or warranty parts, service, and diagnostic work shall not be less than the amounts charged by the dealer for the manufacturer's or distributor's original parts, service, and diagnostic work to retail customers for nonwarranty service, parts, and diagnostic work installed or performed in the dealer's service department ~~unless the amounts are not reasonable~~, and the determination of compensation in accordance with the provisions of this section shall be deemed reasonable due to the substantial number of repair orders reviewed, unless the manufacturer can show that the amounts are not reasonable. All manufacturer or distributor compensated parts, service, diagnostic work, updates to a vehicle accessory or function, or initialization or repair of a vehicle part, system, accessory, or function performed by the dealer shall be subject to this subsection. Recall or warranty parts compensation shall be stated as a percentage of markup, which shall be an agreed reasonable approximation of retail markup and which shall be uniformly applied to all of the manufacturer's or distributor's parts unless otherwise provided for in this section. If the dealer and manufacturer or distributor cannot agree on the recall or warranty parts compensation markup to be paid to the dealer, the markup shall be determined by an average of the dealer's retail markup on all of the manufacturer's or distributor's parts as described in subdivisions 2 and 3.

2. For purposes of determining recall or warranty parts and service compensation paid to a dealer by the manufacturer or distributor, *including body-shop repairs, only retail repair orders, or the retail portion of repair orders containing retail and non-retail operations, shall be considered. For the purposes of this section, "retail" does not include menu-priced parts or services, services and parts used in internal repairs paid by the dealer, group discounts, special event discounts, and special event promotions shall not be considered in determining amounts charged by the dealer to retail customers. For purposes of determining labor compensation for recall or warranty body shop repairs paid to a dealer by the manufacturer or distributor, internal and insurance-paid repairs shall not be considered in determining amounts charged by the dealer to retail customers, and insurance-paid repairs.*

3. Increases in dealer recall or warranty parts and service compensation and diagnostic work compensation, pursuant to this section, shall be requested by the dealer in writing, shall be based on 100 consecutive repair orders or all repair orders over a 90-day period, whichever occurs first, ~~and, in the case of parts,~~ *If any portion of a retail repair order includes amounts that are not retail, such portion shall be excluded. Compensation for parts shall be stated as a percentage of markup that shall be uniformly applied to all the manufacturer's or distributor's parts.*

4. In the case of recall or warranty parts compensation, the provisions of this subsection shall be effective only for model year 1992 and succeeding model years.

5. If a manufacturer or distributor furnishes a part to a dealer at no cost for use by the dealer in performing work for which the manufacturer or distributor is required to compensate the dealer under this section, the manufacturer or distributor shall compensate the dealer for the part in the same manner as recall or warranty parts compensation, less the wholesale costs, for such part as listed in the manufacturer's current price schedules. A manufacturer or distributor may pay the dealer a reasonable handling fee instead of the compensation otherwise required by this subsection for special high-performance complete engine assemblies in limited production motor vehicles that constitute less than five percent of model production furnished to the dealer at no cost, if the manufacturer or distributor excludes such special high-performance complete engine assemblies in determining whether the amounts requested by the dealer for recall or warranty compensation are consistent with the amounts that the dealer charges its other retail service customers for parts used by the dealer to perform similar work.

6. In the case of service work, manufacturer original parts or parts otherwise specified by the manufacturer or distributor, and parts provided by a dealer either pursuant to an adjustment program as defined in § 59.1-207.34 or as

otherwise requested by the manufacturer or distributor, the dealer shall be compensated in the same manner as for recall or warranty service or parts.

This section does not apply to compensation for parts such as components, systems, fixtures, appliances, furnishings, accessories, and features that are designed, used, and maintained primarily for nonvehicular, residential purposes. Recall, warranty, and sales incentive audits of dealer records may be conducted by the manufacturer, factory branch, distributor, or distributor branch on a reasonable basis, and dealer claims for recall, warranty, or sales incentive compensation shall not be denied except for good cause, such as performance of nonwarranty repairs, lack of material documentation, fraud, or misrepresentation. A dealer's failure to comply with the specific requirements of the manufacturer or distributor for processing the claim shall not constitute grounds for the denial of the claim or reduction of the amount of compensation to the dealer as long as reasonable documentation or other evidence has been presented to substantiate the claim. The manufacturer, factory branch, distributor, or distributor branch shall not deny a claim or reduce the amount of compensation to the dealer for recall or warranty repairs to resolve a condition discovered by the dealer during the course of a separate repair requested by the customer or to resolve a condition on the basis of advice or recommendation by the dealer. Claims for dealer compensation shall be paid within 30 days of dealer submission or within 30 days of the end of an incentive program or rejected in writing for stated reasons. The manufacturer, factory branch, distributor, or distributor branch shall reserve the right to reasonable periodic audits to determine the validity of all such paid claims for dealer compensation. Any chargebacks for recall or warranty parts or service compensation and service incentives shall only be for the six-month period immediately following the date of the claim and, in the case of chargebacks for sales compensation only, for the six-month period immediately following the date of claim. However, such limitations shall not be effective if a manufacturer, factory branch, distributor, or distributor branch has reasonable cause to believe that a claim submitted by a dealer is intentionally false or fraudulent. For purposes of this section, "reasonable cause" means a bona fide belief based upon evidence that the material issues of fact are such that a person of ordinary caution, prudence, and judgment could believe that a claim was intentionally false or fraudulent. A dealer shall not be charged back or otherwise liable for sales incentives or charges related to a motor vehicle sold by the dealer to a purchaser other than a licensed, franchised motor vehicle dealer and subsequently exported or resold, unless the manufacturer, factory branch, distributor, or distributor branch can demonstrate by a preponderance of the evidence that the dealer should have known of and did not exercise due diligence in discovering the purchaser's intention to export or resell the motor vehicle.

B. It shall be unlawful for any motor vehicle manufacturer, factory branch, distributor, or distributor branch to:

1. Fail to perform any of its recall or warranty obligations, including tires, with respect to a motor vehicle;
2. Fail to assume all responsibility for any liability resulting from structural or production defects;
3. Fail to include in written notices of factory recalls to vehicle owners and dealers the expected date by which necessary parts and equipment will be available to dealers for the correction of defects;
4. Fail to compensate any of the motor vehicle dealers licensed in the Commonwealth for repairs effected by the dealer of merchandise damaged in manufacture or transit to the dealer where the carrier is designated by the manufacturer, factory branch, distributor, or distributor branch;
5. Fail to fully compensate its motor vehicle dealers licensed in the Commonwealth for recall or warranty parts, work, and service pursuant to subsection A either by reduction in the amount due to the dealer or by separate charge, surcharge, or other imposition by which the motor vehicle manufacturer, factory branch, distributor, or distributor branch seeks to recover its costs of complying with subsection A, or for legal costs and expenses incurred by such dealers in connection with recall or warranty obligations for which the manufacturer, factory branch, distributor, or distributor branch is legally responsible or which the manufacturer, factory branch, distributor, or distributor branch imposes upon the dealer. *Failure to fully reimburse a dealer for the cost to the dealer of a rental vehicle provided to a customer as required, offered, advertised as available, or agreed to by the manufacturer or distributor shall be considered a violation of this subsection. Failure to provide compensation consistent with this section to a dealer for assistance requested by a customer whose vehicle was subjected to an over the air or remote change, repair, or update to any part, system, accessory, or function by the vehicle manufacturer or distributor and performed at the dealership to satisfy the customer shall be considered a violation of this subsection;*
6. Misrepresent in any way to purchasers of motor vehicles that warranties with respect to the manufacture, performance, or design of the vehicle are made by the dealer, either as warrantor or co-warrantor;
7. Require the dealer to make warranties to customers in any manner related to the manufacture, performance, or design of the vehicle;
8. Shift or attempt to shift to the motor vehicle dealer, directly or indirectly, any liabilities of the manufacturer, factory branch, distributor or distributor branch under the Virginia Motor Vehicle Warranty Enforcement Act (§ 59.1-207.9 et seq.), unless such liability results from the act or omission by the dealer; ~~or~~
9. Deny any dealer the right to return any part or accessory that the dealer has not sold within 12 months where the part or accessory was not obtained through a specific order initiated by the dealer but instead was specified for, sold to and shipped to the dealer pursuant to an automated ordering system, provided that such part or accessory is in the condition required for return to the manufacturer, factory branch, distributor, or distributor branch, and the dealer returns the part within 30 days of it becoming eligible under this subdivision. For purposes of this subdivision, an "automated ordering system" shall be a computerized system that automatically specifies parts and accessories for sale and shipment to the dealer without specific order thereof initiated by the dealer. The manufacturer, factory branch, distributor, or distributor branch

shall not charge a restocking or handling fee for any part or accessory being returned under this subdivision. This subdivision shall not apply if the manufacturer, factory branch, distributor, or distributor branch has available to the dealer an alternate system for ordering parts and accessories that provides for shipment of ordered parts and accessories to the dealer within the same time frame as the dealer would receive them when ordered through the automated ordering system; *or*

10. *When providing a new motor vehicle to a dealer for offer or sale to the public, fail to provide to such dealer a written disclosure that may be provided to a potential buyer of the new motor vehicle of each accessory or function of the vehicle that may be initiated, updated, changed, or maintained by the manufacturer or distributor through over the air or remote means, and the charge to the customer for such initiation, update, change, or maintenance. A manufacturer or distributor may comply with this subdivision by notifying the dealer that such information is available on a website or by other digital means.*

C. Notwithstanding the terms of any franchise, it shall be unlawful for any motor vehicle manufacturer, factory branch, distributor, or distributor branch to fail to indemnify and hold harmless its motor vehicle dealers against any losses or damages arising out of complaints, claims, or suits relating to the manufacture, assembly, or design of motor vehicles, parts, or accessories, or other functions by the manufacturer, factory branch, distributor, or distributor branch beyond the control of the dealer, including, without limitation, the selection by the manufacturer, factory branch, distributor, or distributor branch of parts or components for the vehicle or any damages to merchandise occurring in transit to the dealer where the carrier is designated by the manufacturer, factory branch, distributor, or distributor branch. The dealer shall notify the manufacturer of pending suits in which allegations are made that come within this subsection whenever reasonably practicable to do so. Every motor vehicle dealer franchise issued to, amended, or renewed for motor vehicle dealers in Virginia shall be construed to incorporate provisions consistent with the requirements of this subsection.

D. On any new motor vehicle, any uncorrected damage or any corrected damage exceeding three percent of the manufacturer's or distributor's suggested retail price as defined in 15 U.S.C. §§ 1231 -1233, as measured by retail repair costs, must be disclosed to the dealer in writing prior to delivery. Factory mechanical repair and damage to glass, tires, and bumpers are excluded from the three percent rule when properly replaced by identical manufacturer's or distributor's original equipment or parts. Whenever a new motor vehicle is damaged in transit, when the carrier or means of transportation is determined by the manufacturer or distributor, or whenever a motor vehicle is otherwise damaged prior to delivery to the new motor vehicle dealer, the new motor vehicle dealer shall:

1. Notify the manufacturer or distributor of the damage within three business days from the date of delivery of the new motor vehicle to the new motor vehicle dealership or within the additional time specified in the franchise; and

2. Request from the manufacturer or distributor authorization to replace the components, parts, and accessories damaged or otherwise correct the damage, unless the damage to the vehicle exceeds the three percent rule, in which case the dealer may reject the vehicle within three business days.

E. If the manufacturer or distributor refuses or fails to authorize correction of such damage within 10 days after receipt of notification, or if the dealer rejects the vehicle because damage exceeds the three percent rule, ownership of the new motor vehicle shall revert to the manufacturer or distributor, and the new motor vehicle dealer shall have no obligation, financial or otherwise, with respect to such motor vehicle. Should either the manufacturer, distributor, or the dealer elect to correct the damage or any other damage exceeding the three percent rule, full disclosure shall be made by the dealer in writing to the buyer and an acknowledgement by the buyer is required. If there is less than three percent damage, no disclosure is required, provided the damage has been corrected. Predelivery mechanical work shall not require a disclosure. Failure to disclose any corrected damage within the knowledge of the selling dealer to a new motor vehicle in excess of the three percent rule shall constitute grounds for revocation of the buyer order, provided that, within 30 days of purchase, the motor vehicle is returned to the dealer with an accompanying written notice of the grounds for revocation. In case of revocation pursuant to this section, the dealer shall accept the vehicle and refund any payments made to the dealer in connection with the transaction, less a reasonable allowance for the consumer's use of the vehicle as defined in § 59.1-207.11. Nothing in this section shall be construed to exempt from the provisions of this section damage to a new motor vehicle that occurs following delivery of the vehicle to the dealer.

F. If there is a dispute between the manufacturer, factory branch, distributor, or distributor branch and the dealer with respect to any matter referred to in subsection A, B, or C, either party may petition the Commissioner in writing, within 30 days after either party has given written notice of the dispute to the other, for a hearing. The decision of the Commissioner shall be binding on the parties, subject to rights of judicial review and appeal as provided in Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2. However, nothing contained in this section shall give the Commissioner any authority as to the content or interpretation of any manufacturer's or distributor's warranty. A manufacturer, factory branch, distributor, or distributor branch may not collect chargebacks, fully or in part, either through direct payment or by charge to the dealer's account, for recall or warranty parts or service compensation, including service incentives, sales incentives, other sales compensation, surcharges, fees, penalties, or any financial imposition of any type arising from an alleged failure of the dealer to comply with a policy of, directive from, or agreement with the manufacturer, factory branch, distributor, or distributor branch until 40 days following final notice of the amount charged to the dealer following all internal processes of the manufacturer, factory, factory branch, distributor, or distributor branch. Within 30 days following receipt of such final notice, the dealer may petition the Commissioner, in writing, for a hearing. If a dealer requests such a hearing, the manufacturer, factory branch, distributor, or distributor branch may not collect the chargeback, fully or in part, either through direct payment or by charge to the dealer's account, until the completion of the hearing and a final decision of the Commissioner concerning the validity of the chargeback.

CHAPTER 753

An Act to amend and reenact §§ 54.1-2901, 54.1-2904, and 54.1-3011 of the Code of Virginia, relating to public health emergency; out-of-state licenses; deemed licensure; emergency.

[H 264]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:**1. That §§ 54.1-2901, 54.1-2904, and 54.1-3011 of the Code of Virginia are amended and reenacted as follows:****§ 54.1-2901. Exceptions and exemptions generally.**

A. The provisions of this chapter shall not prevent or prohibit:

1. Any person entitled to practice his profession under any prior law on June 24, 1944, from continuing such practice within the scope of the definition of his particular school of practice;
2. Any person licensed to practice naturopathy prior to June 30, 1980, from continuing such practice in accordance with regulations promulgated by the Board;
3. Any licensed nurse practitioner from rendering care in accordance with the provisions of §§ 54.1-2957 and 54.1-2957.01, any nurse practitioner licensed by the Boards of Medicine and Nursing in the category of certified nurse midwife practicing pursuant to subsection H of § 54.1-2957, or any nurse practitioner licensed by the Boards of Medicine and Nursing in the category of clinical nurse specialist practicing pursuant to subsection J of § 54.1-2957 when such services are authorized by regulations promulgated jointly by the Boards of Medicine and Nursing;
4. Any registered professional nurse, licensed nurse practitioner, graduate laboratory technician or other technical personnel who have been properly trained from rendering care or services within the scope of their usual professional activities which shall include the taking of blood, the giving of intravenous infusions and intravenous injections, and the insertion of tubes when performed under the orders of a person licensed to practice medicine or osteopathy, a nurse practitioner, or a physician assistant;
5. Any dentist, pharmacist or optometrist from rendering care or services within the scope of his usual professional activities;
6. Any practitioner licensed or certified by the Board from delegating to personnel supervised by him, such activities or functions as are nondiscretionary and do not require the exercise of professional judgment for their performance and which are usually or customarily delegated to such persons by practitioners of the healing arts, if such activities or functions are authorized by and performed for such practitioners of the healing arts and responsibility for such activities or functions is assumed by such practitioners of the healing arts;
7. The rendering of medical advice or information through telecommunications from a physician licensed to practice medicine in Virginia or an adjoining state, or from a licensed nurse practitioner, to emergency medical personnel acting in an emergency situation;
8. The domestic administration of family remedies;
9. The giving or use of massages, steam baths, dry heat rooms, infrared heat or ultraviolet lamps in public or private health clubs and spas;
10. The manufacture or sale of proprietary medicines in this Commonwealth by licensed pharmacists or druggists;
11. The advertising or sale of commercial appliances or remedies;
12. The fitting by nonitinerant persons or manufacturers of artificial eyes, limbs or other apparatus or appliances or the fitting of plaster cast counterparts of deformed portions of the body by a nonitinerant bracemaker or prosthetist for the purpose of having a three-dimensional record of the deformity, when such bracemaker or prosthetist has received a prescription from a licensed physician, licensed nurse practitioner, or licensed physician assistant directing the fitting of such casts and such activities are conducted in conformity with the laws of Virginia;
13. Any person from the rendering of first aid or medical assistance in an emergency in the absence of a person licensed to practice medicine or osteopathy under the provisions of this chapter;
14. The practice of the religious tenets of any church in the ministrations to the sick and suffering by mental or spiritual means without the use of any drug or material remedy, whether gratuitously or for compensation;
15. Any legally qualified out-of-state or foreign practitioner from meeting in consultation with legally licensed practitioners in this Commonwealth;
16. Any practitioner of the healing arts licensed or certified and in good standing with the applicable regulatory agency in another state or Canada when that practitioner of the healing arts is in Virginia temporarily and such practitioner has been issued a temporary authorization by the Board from practicing medicine or the duties of the profession for which he is licensed or certified (i) in a summer camp or in conjunction with patients who are participating in recreational activities, (ii) while participating in continuing educational programs prescribed by the Board, or (iii) by rendering at any site any health care services within the limits of his license, voluntarily and without compensation, to any patient of any clinic which is organized in whole or in part for the delivery of health care services without charge as provided in § 54.1-106;
17. The performance of the duties of any active duty health care provider in active service in the army, navy, coast guard, marine corps, air force, or public health service of the United States at any public or private health care facility while such individual is so commissioned or serving and in accordance with his official military duties;

18. Any masseur, who publicly represents himself as such, from performing services within the scope of his usual professional activities and in conformance with state law;

19. Any person from performing services in the lawful conduct of his particular profession or business under state law;

20. Any person from rendering emergency care pursuant to the provisions of § 8.01-225;

21. Qualified emergency medical services personnel, when acting within the scope of their certification, and licensed health care practitioners, when acting within their scope of practice, from following Durable Do Not Resuscitate Orders issued in accordance with § 54.1-2987.1 and Board of Health regulations, or licensed health care practitioners from following any other written order of a physician not to resuscitate a patient in the event of cardiac or respiratory arrest;

22. Any commissioned or contract medical officer of the army, navy, coast guard or air force rendering services voluntarily and without compensation while deemed to be licensed pursuant to § 54.1-106;

23. Any provider of a chemical dependency treatment program who is certified as an "acupuncture detoxification specialist" by the National Acupuncture Detoxification Association or an equivalent certifying body, from administering auricular acupuncture treatment under the appropriate supervision of a National Acupuncture Detoxification Association certified licensed physician or licensed acupuncturist;

24. Any employee of any assisted living facility who is certified in cardiopulmonary resuscitation (CPR) acting in compliance with the patient's individualized service plan and with the written order of the attending physician not to resuscitate a patient in the event of cardiac or respiratory arrest;

25. Any person working as a health assistant under the direction of a licensed medical or osteopathic doctor within the Department of Corrections, the Department of Juvenile Justice or local correctional facilities;

26. Any employee of a school board, authorized by a prescriber and trained in the administration of insulin and glucagon, when, upon the authorization of a prescriber and the written request of the parents as defined in § 22.1-1, assisting with the administration of insulin or administering glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia;

27. Any practitioner of the healing arts or other profession regulated by the Board from rendering free health care to an underserved population of Virginia who (i) does not regularly practice his profession in Virginia, (ii) holds a current valid license or certificate to practice his profession in another state, territory, district or possession of the United States, (iii) volunteers to provide free health care to an underserved area of the Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization that sponsors the provision of health care to populations of underserved people, (iv) files a copy of the license or certification issued in such other jurisdiction with the Board, (v) notifies the Board at least five business days prior to the voluntary provision of services of the dates and location of such service, and (vi) acknowledges, in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the limited period that such free health care is made available through the volunteer, nonprofit organization on the dates and at the location filed with the Board. The Board may deny the right to practice in Virginia to any practitioner of the healing arts whose license or certificate has been previously suspended or revoked, who has been convicted of a felony or who is otherwise found to be in violation of applicable laws or regulations. However, the Board shall allow a practitioner of the healing arts who meets the above criteria to provide volunteer services without prior notice for a period of up to three days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state;

28. Any registered nurse, acting as an agent of the Department of Health, from obtaining specimens of sputum or other bodily fluid from persons in whom the diagnosis of active tuberculosis disease, as defined in § 32.1-49.1, is suspected and submitting orders for testing of such specimens to the Division of Consolidated Laboratories or other public health laboratories, designated by the State Health Commissioner, for the purpose of determining the presence or absence of tubercle bacilli as defined in § 32.1-49.1;

29. Any physician of medicine or osteopathy or nurse practitioner from delegating to a registered nurse under his supervision the screening and testing of children for elevated blood-lead levels when such testing is conducted (i) in accordance with a written protocol between the physician or nurse practitioner and the registered nurse and (ii) in compliance with the Board of Health's regulations promulgated pursuant to §§ 32.1-46.1 and 32.1-46.2. Any follow-up testing or treatment shall be conducted at the direction of a physician or nurse practitioner;

30. Any practitioner of one of the professions regulated by the Board of Medicine who is in good standing with the applicable regulatory agency in another state or Canada from engaging in the practice of that profession when the practitioner is in Virginia temporarily with an out-of-state athletic team or athlete for the duration of the athletic tournament, game, or event in which the team or athlete is competing;

31. Any person from performing state or federally funded health care tasks directed by the consumer, which are typically self-performed, for an individual who lives in a private residence and who, by reason of disability, is unable to perform such tasks but who is capable of directing the appropriate performance of such tasks; ~~or~~

32. Any practitioner of one of the professions regulated by the Board of Medicine who is in good standing with the applicable regulatory agency in another state from engaging in the practice of that profession in Virginia with a patient who is being transported to or from a Virginia hospital for care; *or*

33. *Any practitioner of a profession regulated by the Board of Medicine who is licensed in another state or the District of Columbia and who is in good standing with the applicable regulatory agency in that state or the District of Columbia from engaging in the practice of that profession in the Commonwealth with a patient located in the Commonwealth when*

(i) such practice is for the purpose of providing continuity of care through the use of telemedicine services as defined in § 38.2-3418.16 and (ii) the patient is a current patient of the practitioner with whom the practitioner has previously established a practitioner-patient relationship and the practitioner has performed an in-person examination of the patient within the previous 12 months. For the purposes of this subdivision, if a patient is (a) an enrollee of a health maintenance organization that contracts with a multispecialty group of practitioners, each of whom is licensed by the Board of Medicine, and (b) a current patient of at least one practitioner who is a member of the multispecialty group with whom such practitioner has previously established a practitioner-patient relationship and of whom such practitioner has performed an in-person examination within the previous 12 months, the patient shall be deemed to be a current patient of each practitioner in the multispecialty group with whom each such practitioner has established a practitioner-patient relationship.

B. Notwithstanding any provision of law or regulation to the contrary, military medical personnel, as defined in § 2.2-2001.4, while participating in a program established by the Department of Veterans Services pursuant to § 2.2-2001.4, may practice under the supervision of a licensed physician or podiatrist or the chief medical officer of an organization participating in such program, or his designee who is a licensee of the Board and supervising within his scope of practice.

§ 54.1-2904. Biennial renewal of licenses; copies; fee; lapsed licenses; reinstatement; penalties.

A. Every license granted under the provisions of this chapter shall be renewed biennially as prescribed by the Board. The Board shall send by mail or electronically notice for renewal of a license to every licensee. Failure to receive such notice shall not excuse any licensee from the requirements of renewal. The person receiving such notice shall furnish the information requested and submit the prescribed renewal fee to the Board. Copies of licenses may be obtained as provided in the Board's regulations.

B. Any licensee who allows his license to lapse by failing to renew the license or failing to meet professional activity requirements stipulated in the regulations may be reinstated by the Board upon submission of evidence satisfactory to the Board that he is prepared to resume practice in a competent manner and upon payment of the prescribed fee.

C. Any person practicing during the time his license has lapsed shall be considered an illegal practitioner and shall be subject to the penalties for violation of this chapter.

D. *When the Board of Health has issued an emergency order pursuant to § 32.1-13, the Board may waive (i) the requirement for submission of a fee for renewal or reinstatement of a license to practice medicine or osteopathic medicine or as a physician assistant or nurse practitioner and (ii) the requirement for submission of evidence satisfactory to the Board that a practitioner whose license was allowed to lapse for failure to meet professional activity requirements has satisfied such requirements and is prepared to resume practice in a competent manner for any person who held a valid, unrestricted, active license to practice such profession within the four-year period immediately prior to the application for renewal or reinstatement of such license.*

§ 54.1-3011. Renewal of licenses; lapsed licenses; reinstatement; penalties.

A. Every license issued under the provisions of this chapter shall be renewed biennially by such time as the Board may prescribe by regulation. The Board shall mail or send electronically a notice for renewal to every licensee, but the failure to receive such notice shall not excuse any licensee from the requirements for renewal. The person receiving such notice shall furnish the requested information and return the form to the Board with the renewal fee.

B. Any licensee who allows his license to lapse by failing to renew the license may be reinstated by the Board upon submission of satisfactory evidence that he is prepared to resume practice in a competent manner and upon payment of the fee.

C. Any person practicing nursing during the time his license has lapsed shall be considered an illegal practitioner and shall be subject to the penalties provided for violations of this chapter.

D. *When the Board of Health has issued an emergency order pursuant to § 32.1-13, the Board may waive (i) the requirement for submission of a fee for renewal of a license or (ii) the requirement for submission of evidence satisfactory to the Board that a licensee whose license was allowed to lapse by failing to renew his license is prepared to resume practice in a competent manner for any person who held a valid, unrestricted, active license to practice nursing within the four-year period immediately prior to the application for renewal of such license.*

2. That an emergency exists and this act is in force from its passage.

CHAPTER 754

An Act to amend and reenact §§ 30-222, 60.2-111, and 60.2-619, as it is currently effective and as it shall become effective, of the Code of Virginia and to amend the Code of Virginia by adding in Article 2 of Chapter 1 of Title 60.2 sections numbered 60.2-121.2 and 60.2-121.3, relating to Virginia Employment Commission; administrative reforms; reporting requirements; electronic submissions; Unemployment Compensation Ombudsman position established; emergency.

[H 270]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 30-222, 60.2-111, and 60.2-619, as it is currently effective and as it shall become effective, of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 2 of Chapter 1 of Title 60.2 sections numbered 60.2-121.2 and 60.2-121.3 as follows:

§ 30-222. Powers and duties of the Commission; subcommittee established.

A. The Commission shall have the following powers and duties:

1. Evaluate the impact of existing statutes and proposed legislation on unemployment compensation and the Unemployment Trust Fund;

2. Assess the Commonwealth's unemployment compensation programs and examine ways to enhance effectiveness;

3. Monitor the current status and long-term projections for the Unemployment Trust Fund; and

4. Report annually its findings and recommendations to the General Assembly and the Governor.

B. *Within the Commission there shall be established a subcommittee on unemployment insurance (UI) that shall be responsible for monitoring the Virginia Employment Commission's management of the Commonwealth's unemployment insurance system. The subcommittee shall be responsible for monitoring the Virginia Employment Commission's following operations:*

1. *Key performance metrics related to unemployment insurance backlogs;*

2. *Efforts to identify, prevent, and recover incorrect unemployment insurance benefit payments, including fraudulent payments;*

3. *Modernization of the unemployment insurance information technology system and subsequent efforts to improve functionality;*

4. *Expenditures of state funds appropriated for unemployment insurance administration; and*

5. *Implementation of recommendations from the 2021 Operations and Performance of the Virginia Employment Commission report by the Joint Legislative Audit and Review Commission.*

C. *The subcommittee established in subsection B shall include (i) at least one employee stakeholder representative, (ii) at least one employer representative, (iii) at least one member of the Commission on Unemployment Compensation, and (iv) at least one member from each of the following committees: the House Committee on Appropriations, the House Committee on Commerce and Energy, the Senate Committee on Commerce and Labor, and the Senate Committee on Finance and Appropriations.*

D. *The subcommittee established in subsection B shall meet at least once each quarter from July 1, 2022, through June 30, 2025, and shall report at least annually, beginning on December 1, 2022, to the House Committee on Appropriations, the House Committee on Commerce and Energy, the Senate Committee on Commerce and Labor, and the Senate Committee on Finance and Appropriations.*

E. *The Commission shall periodically convene an advisory committee composed of an employer representative, an employee representative, a labor economist, a finance expert, a labor law expert, and any other stakeholders or subject matter experts deemed appropriate by the Commission for the following purposes: (i) to review UI benefits, replacement ratios, and reciprocity rates; (ii) to identify factors that affect UI benefits and reciprocity, such as design of UI benefit calculations or UI eligibility criteria; (iii) to assess the advantages and disadvantages of potential changes to benefits; and (iv) to recommend to the Commission options to change benefit levels when needed. This advisory committee shall be established by December 1, 2022, and shall be convened at least every five years thereafter.*

§ 60.2-111. Duties and powers of Commission; reporting requirements.

A. It shall be the duty of the Commission to administer this title. It shall have power and authority to adopt, amend, or rescind such rules and regulations, to employ such persons, make such expenditures, require such reports, make such investigations, and take such other action, including the appointment of advisory groups, as it deems necessary or suitable to that end. Such rules and regulations shall be subject to the provisions of Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2, except as to the subject matter of subdivisions 2 and 3 of § 60.2-515, which shall become effective in the manner prescribed by § 2.2-4103. The Commission shall determine its own organization and methods of procedure in accordance with provisions of this title, and shall have an official seal which shall be judicially noticed.

B. The Commission shall prepare an annual balance sheet of the moneys in the fund and in the Unemployment Trust Fund to the credit of the Commonwealth in which there shall be provided, if possible, a reserve against the liability in future years to pay benefits in excess of the ~~then current~~ *then-current* taxes. That reserve shall be set up by the Commission in accordance with accepted actuarial principles on the basis of statistics of employment, business activity, and other relevant factors for the longest possible period. Whenever the Commission believes that a change in tax or benefit rates is necessary to protect the solvency of the Fund, it shall promptly so inform the Governor and the General Assembly and make recommendations with respect thereto.

C. *In preparing the annual balance sheet required by subsection B, the Commission shall regularly track metrics related to unemployment insurance benefits, establish a mechanism to help assess the adequacy of benefits, and examine metrics related to reciprocity, average benefit levels, and benefit income replacement ratios. The annual balance sheet shall include the following calculations: (i) the average unemployment insurance benefit levels, (ii) the average income replacement of unemployment insurance benefits, and (iii) the reciprocity rate for unemployment insurance benefits in the Commonwealth.*

D. *The Commission, as part of its biennial strategic plan submitted to the Department of Planning and Budget, shall develop and maintain a comprehensive unemployment insurance Resiliency Plan that describes specific actions the Commission will take, depending on the level of increase in unemployment insurance (UI) claims, to address staffing, communications, and other relevant aspects of operations to ensure continued efficient and effective administration of the*

UI program. The Resiliency Plan shall include proposed actions consistent with the following objectives to effectively prepare for periods of high unemployment:

1. Develop specific strategies or steps the Commission will take to modify staffing levels in response to incidents that increase UI program demand. These strategies or steps shall (i) include a staffing plan for varying levels of UI workload volume, (ii) cover several scenarios that may affect UI assistance services, (iii) explain how existing staff would be reallocated to high-priority functions in response to high demand, and (iv) describe how the Commission's hiring process will be streamlined to fill key vacant positions such as adjudication and appeals staff.

2. Develop specific strategies or steps the Commission will take to modify policies, procedures, or processes in response to high demands on its services.

3. Outline a strategy for clearly communicating key UI program changes to customers. This strategy shall indicate which staff will be responsible for different types of communications and include several communications goals, such as clearly conveying UI program and policy changes.

4. Outline a strategy for clearly communicating important UI information to Commission staff, the public, and the General Assembly.

5. Formalize a policy for prioritizing and assigning claims for adjudication during periods of high claims volume. This policy shall detail how prioritization may change in response to claims volume and state that the policy of the Commission is to generally prioritize resolving older claims before newer claims.

6. Identify other tactical actions to be taken to ensure the continuity of UI claims processing and customer service.

§ 60.2-121.2. Electronic submission of information; payments.

A. Each employer subject to the provisions of this title shall submit claim-related forms, including separation information, using an electronic format as prescribed by the Commission, unless the employer has been granted a waiver by the Commission. An employer shall submit any other information related to a claim, as defined in § 60.2-528.1, at any time when requested by the Commission, to the Commission by electronic means, unless the employer has been granted a waiver by the Commission. The Commission may also require, at any time, that an employer submit unemployment insurance tax payments electronically, unless the employer has been granted a waiver by the Commission.

B. The Commission may grant a waiver to an employer from providing information or payments electronically pursuant to this section at any time. The Commission may grant a waiver only if the Commission finds that the electronic submission requirement creates an unreasonable burden on the employer. All requests for a waiver shall be submitted in writing.

§ 60.2-121.3. Unemployment Compensation Ombudsman; established; responsibilities.

A. The Commission shall create the Office of the Unemployment Compensation Ombudsman (the Office) and shall appoint an Unemployment Compensation Ombudsman to head the Office. The Unemployment Compensation Ombudsman shall provide neutral educational information and assistance to, shall protect the interests of, and shall ensure that due process is afforded to all persons seeking assistance in (i) appeals proceedings brought pursuant to Chapter 6 (§ 60.2-600 et seq.) and (ii) any other matter related to unemployment compensation under this title. Subject to annual appropriations, the Unemployment Compensation Ombudsman shall employ sufficient personnel to carry out the duties and powers prescribed by this section. The Unemployment Compensation Ombudsman and personnel of the Office shall carry out their duties with impartiality and shall not serve as an advocate for any person or provide legal advice.

B. The Unemployment Compensation Ombudsman shall maintain data on inquiries received related to the unemployment compensation process, the types of assistance requested, and actions taken and the disposition of each such matter. The Unemployment Compensation Ombudsman shall report information summarizing this data, including outcomes of individual cases, without disclosing individual-level identifying data, to the Commission at least once annually. The Unemployment Compensation Ombudsman shall carry out any additional activities as the Commission determines to be appropriate.

C. All memoranda, work products, and other materials contained in the case files of the Unemployment Compensation Ombudsman and personnel of the Office shall be confidential. Any communication between the Unemployment Compensation Ombudsman and personnel of the Office and a person receiving assistance that is made during or in connection with the provision of services of the Unemployment Compensation Ombudsman and personnel of the Office shall be confidential. Confidential materials and communications shall not be subject to disclosure and shall not be admissible in any judicial or administrative proceeding except where (i) a threat to inflict bodily injury is made; (ii) communications are intentionally used to plan, attempt to commit, or commit a crime or conceal an ongoing crime; (iii) a complaint is made against the Unemployment Compensation Ombudsman or personnel of the Office by a person receiving assistance to the extent necessary for the complainant to prove misconduct or the Unemployment Compensation Ombudsman or personnel of the Office to defend against such complaint; or (iv) communications are sought or offered to prove or disprove a claim or complaint of misconduct or malpractice filed against the legal representative of a person who received assistance from the Unemployment Compensation Ombudsman or personnel of the Office. Confidential materials and communications as described in this section are not subject to mandatory disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

D. The Unemployment Compensation Ombudsman and personnel of the Office shall be immune from civil liability in their performance of the duties specified in this section.

§ 60.2-619. (Effective until July 1, 2022) Determinations and decisions by deputy; appeals therefrom.

A. 1. A representative designated by the Commission as a deputy, shall promptly examine the claim. On the basis of the facts found by him, the deputy shall either:

- a. Determine whether or not such claim is valid, and if valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and the maximum duration thereof; or
- b. Refer such claim or any question involved therein to any appeal tribunal or to the Commission, which tribunal or Commission shall make its determination in accordance with the procedure described in § 60.2-620.

2. When the payment or denial of benefits will be determined by the provisions of subdivision 2 of § 60.2-612, the deputy shall promptly transmit his full finding of fact with respect to that subdivision to any appeal tribunal, which shall make its determination in accordance with the procedure described in § 60.2-620.

B. Upon the filing of an initial claim for benefits, the Commission shall cause an informatory notice of such filing to be mailed to the most recent 30-day or 240-hour employing unit of the claimant and all subsequent employing units, and any reimbursable employing units that may be liable for reimbursement to the Commission for any benefits paid. However, the failure to furnish such notice shall not have any effect upon the claim for benefits. If a claimant has had a determination of initial eligibility for benefits under this chapter, as evidenced by the issuance of compensation or waiting-week credit, payments shall continue, subject to a presumption of continued eligibility and in accordance with the terms of this subsection, until a determination is made that provides the claimant notice and an opportunity to be heard. When a question concerning continued eligibility for benefits arises, a determination shall be made as to whether it affects future weeks of benefits or only past weeks. With respect to future weeks, presumptive payment shall not be made until but no later than the end of the week following the week in which such issue arises, regardless of the type of issue. With respect to past weeks, presumptive payment shall be issued immediately, regardless of the type of issue. Notice shall be given to individuals who receive payments under such presumption that pending eligibility may affect their entitlement to the payment and may result in an overpayment that requires repayment.

C. Notice of determination upon a claim shall be promptly given to the claimant by delivering or by mailing such notice to the claimant's last known address. In addition, notice of any determination that involves the application of the provisions of § 60.2-618, together with the reasons therefor, shall be promptly given in the same manner to the most recent 30-day or 240-hour employing unit by whom the claimant was last employed and any subsequent employing unit which is a party. The Commission may dispense with the giving of notice of any determination to any employing unit, and such employing unit shall not be entitled to such notice if it has failed to respond timely or adequately to a written request of the Commission for information, as required by § 60.2-528.1, from which the deputy may have determined that the claimant may be ineligible or disqualified under any provision of this title. The deputy shall promptly notify the claimant of any decision made by him at any time which in any manner denies benefits to the claimant for one or more weeks.

D. Such determination or decision shall be final unless the claimant or any such employing unit files an appeal from such determination or decision (i) within 30 calendar days after the delivery of such notification, (ii) within 30 calendar days after such notification was mailed to his last known address, or (iii) within 30 days after such notification was mailed to the last known address of an interstate claimant. For good cause shown, the 30-day period may be extended. *A claim that the Commission has determined to be invalid because of monetary ineligibility shall first be subject to review only upon a request for redetermination pursuant to § 60.2-629. The Commission shall issue a new monetary determination as a result of such review, and such monetary determination shall become final unless appealed by the claimant within 30 days of the date of mailing. The Commission shall clearly set out the process for requesting a redetermination and the process for filing an appeal on each monetary determination issued. Monetary ineligibility does not include an appeal on the effective date of the claim, unless the claimant has requested and received a redetermination of the monetary determination pursuant to § 60.2-629.*

E. Benefits shall be paid promptly in accordance with a determination or redetermination under this chapter, or decision of an appeal tribunal, the Commission, the Board of Review or a reviewing court under §§ 60.2-625 and 60.2-631 upon the issuance of such determination, redetermination or decision, regardless of the pendency of the period to file an appeal or petition for judicial review that is provided in this chapter, or the pendency of any such appeal or review. Such benefits shall be paid unless or until such determination, redetermination or decision has been modified or reversed by a subsequent redetermination or decision, in which event benefits shall be paid or denied for weeks of unemployment thereafter in accordance with such modifying or reversing redetermination or decision. If a decision of an appeal tribunal allowing benefits is affirmed in any amount by the Commission, benefits shall continue to be paid until such time as a court decision has become final so that no further appeal can be taken. If an appeal is taken from the Commission's decision, benefits paid shall result in a benefit charge to the account of the employer under § 60.2-530 only when, and as of the date on which, as the result of an appeal, the courts finally determine that the Commission should have awarded benefits to the claimant or claimants involved in such appeal.

§ 60.2-619. (Effective July 1, 2022) Determinations and decisions by deputy; appeals therefrom.

A. 1. A representative designated by the Commission as a deputy, shall promptly examine the claim. On the basis of the facts found by him, the deputy shall either:

- a. Determine whether or not such claim is valid, and if valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and the maximum duration thereof; or
- b. Refer such claim or any question involved therein to any appeal tribunal or to the Commission, which tribunal or Commission shall make its determination in accordance with the procedure described in § 60.2-620.

2. When the payment or denial of benefits will be determined by the provisions of subdivision 2 of § 60.2-612, the deputy shall promptly transmit his full finding of fact with respect to that subdivision to any appeal tribunal, which shall make its determination in accordance with the procedure described in § 60.2-620.

B. Upon the filing of an initial claim for benefits, the Commission shall cause an informatory notice of such filing to be mailed to the most recent 30-day or 240-hour employing unit of the claimant and all subsequent employing units, and any reimbursable employing units which may be liable for reimbursement to the Commission for any benefits paid. However, the failure to furnish such notice shall not have any effect upon the claim for benefits.

C. Notice of determination upon a claim shall be promptly given to the claimant by delivering or by mailing such notice to the claimant's last known address. In addition, notice of any determination which involves the application of the provisions of § 60.2-618, together with the reasons therefor, shall be promptly given in the same manner to the most recent 30-day or 240-hour employing unit by whom the claimant was last employed and any subsequent employing unit which is a party. The Commission may dispense with the giving of notice of any determination to any employing unit, and such employing unit shall not be entitled to such notice if it has failed to respond timely or adequately to a written request of the Commission for information, as required by § 60.2-528.1, from which the deputy may have determined that the claimant may be ineligible or disqualified under any provision of this title. The deputy shall promptly notify the claimant of any decision made by him at any time which in any manner denies benefits to the claimant for one or more weeks.

D. Such determination or decision shall be final unless the claimant or any such employing unit files an appeal from such determination or decision (i) within 30 calendar days after the delivery of such notification, (ii) within 30 calendar days after such notification was mailed to his last known address, or (iii) within 30 days after such notification was mailed to the last known address of an interstate claimant. For good cause shown, the 30-day period may be extended. *A claim that the Commission has determined to be invalid because of monetary ineligibility shall first be subject to review only upon a request for redetermination pursuant to § 60.2-629. The Commission shall issue a new monetary determination as a result of such review, and such monetary determination shall become final unless appealed by the claimant within 30 days of the date of mailing. The Commission shall clearly set out the process for requesting a redetermination and the process for filing an appeal on each monetary determination issued. Monetary ineligibility does not include an appeal on the effective date of the claim, unless the claimant has requested and received a redetermination of the monetary determination pursuant to § 60.2-629.*

E. Benefits shall be paid promptly in accordance with a determination or redetermination under this chapter, or decision of an appeal tribunal, the Commission, the Board of Review or a reviewing court under §§ 60.2-625 and 60.2-631 upon the issuance of such determination, redetermination or decision, regardless of the pendency of the period to file an appeal or petition for judicial review that is provided in this chapter, or the pendency of any such appeal or review. Such benefits shall be paid unless or until such determination, redetermination or decision has been modified or reversed by a subsequent redetermination or decision, in which event benefits shall be paid or denied for weeks of unemployment thereafter in accordance with such modifying or reversing redetermination or decision. If a decision of an appeal tribunal allowing benefits is affirmed in any amount by the Commission, benefits shall continue to be paid until such time as a court decision has become final so that no further appeal can be taken. If an appeal is taken from the Commission's decision, benefits paid shall result in a benefit charge to the account of the employer under § 60.2-530 only when, and as of the date on which, as the result of an appeal, the courts finally determine that the Commission should have awarded benefits to the claimant or claimants involved in such appeal.

2. That the Virginia Department of Human Resource Management shall lead a multiagency work group, composed of agency leaders and human resources staff from state agencies most likely to be in need of staffing assistance during emergencies, to examine the feasibility of, funding for, and policies and procedures necessary for (i) granting agencies exemptions from certain competitive hiring requirements during emergencies; (ii) requiring selected state agency staff to temporarily support other agencies in need of staffing assistance during emergencies through existing or new state initiatives; and (iii) providing necessary funding to cover the associated costs. The work group shall propose criteria to determine under what circumstances these emergency hiring practices may be invoked and a process for invoking this authority as well as terminating it. The work group shall submit its findings to the Secretary of Administration and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations by December 1, 2022.

3. That the Virginia Employment Commission (the Commission) shall, by December 1, 2022, direct staff in its internal audit division to review and revise documents and online resources to clearly describe and explain to claimants and employers requirements for unemployment compensation. In its review and revision, the internal audit division shall describe and explain (i) eligibility criteria for unemployment insurance, (ii) how to navigate the unemployment insurance claims and appeals process, and (iii) how to determine the status or outcome of a claim. The Commission shall consider examples from other states, collect input from Commission staff and unemployment compensation recipients, and competitively procure a third-party contractor with expertise in unemployment insurance and customer communications to help with efforts in reviewing and revising its documents and online resources.

4. That an emergency exists and this act is in force from its passage.

CHAPTER 755

An Act to amend and reenact §§ 37.2-431.1 and 55.1-1201 of the Code of Virginia, relating to recovery residences.

[H 277]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 37.2-431.1 and 55.1-1201 of the Code of Virginia are amended and reenacted as follows:

§ 37.2-431.1. Recovery residences.

A. As used in this section:

~~"Certified recovery residence" means a recovery residence that has been certified by the Department.~~

"Credentialing entity" means a nonprofit organization that develops and administers professional certification programs according to ~~nationally recognized recovery housing~~ standards of the National Alliance for Recovery Residences or standards endorsed by Oxford House, Inc.

"Level of support" means the level of support and structure that a recovery residence provides to residents, as specified in the standards of the National Alliance for Recovery Residences.

"Recovery residence" means a housing facility that is certified by the Department in accordance with regulations adopted by the Board and provides alcohol-free and illicit-drug-free housing to individuals with substance abuse disorders and individuals with co-occurring mental illnesses and substance abuse disorders that does not include clinical treatment services.

B. Every recovery residence shall disclose to each prospective resident its credentialing entity. If the credentialing entity is the National Alliance for Recovery Residences, the recovery residence shall disclose the level of support provided by the recovery residence. If the credentialing entity is Oxford House, Inc., the recovery residence shall disclose that the recovery residence is self-governed and unstaffed.

C. No person shall operate a recovery residence or advertise, represent, or otherwise imply to the public that a recovery residence or other housing facility is a certified ~~recovery residence~~ by the Department unless such recovery residence or other housing facility has been certified by the Department in accordance with regulations adopted by the Board. Such regulations (i) may require accreditation by or membership in a credentialing agency as a condition of certification and (ii) shall require the recovery residence, as a condition of certification, to comply with any minimum square footage requirements related to beds and sleeping rooms established by the credentialing entity or the square footage requirements set forth in § 36-105.4, whichever is greater.

~~⇧~~ D. The Department shall maintain a list of ~~certified~~ recovery residences on its website and shall provide (i) for each recovery residence included on such list, the credentialing entity; (ii) for recovery residences for which the National Alliance of Recovery Residences is the credentialing entity, the level of support provided by the recovery residence; and (iii) for recovery residences for which Oxford House, Inc., is the credentialing entity, a disclosure that the recovery residence is self-governed and unstaffed.

~~⇧~~ E. The Department may institute civil proceedings in the name of the Commonwealth to enjoin any person from violating the provisions of this section and to recover a civil penalty of at least \$200 but no more than \$1,000 for each violation. Such proceedings shall be brought in the general district or circuit court for the county or city in which the violation occurred or where the defendant resides. Civil penalties assessed under this section shall be paid into the Behavioral Health and Developmental Services Trust Fund established in § 37.2-318.

§ 55.1-1201. Applicability of chapter; local authority.

A. This chapter shall apply to all jurisdictions in the Commonwealth and may not be waived or otherwise modified, in whole or in part, by the governing body of any locality or its boards or commissions or other instrumentalities or by the courts of the Commonwealth. Occupancy in a public housing unit or other housing unit that is a dwelling unit is subject to this chapter; however, if the provisions of this chapter are inconsistent with the regulations of the U.S. Department of Housing and Urban Development, such regulations shall control.

B. The provisions of this chapter shall apply to occupancy in all single-family and multifamily dwelling units and multifamily dwelling units located in the Commonwealth.

C. The following tenancies and occupancies are not residential tenancies under this chapter:

1. Residence at a public or private institution, if incidental to detention or the provision of medical, geriatric, educational, counseling, religious, or similar services;
2. Occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of the organization;
3. Occupancy by an owner of a condominium unit or a holder of a proprietary lease in a cooperative;
4. Occupancy in a campground as defined in § 35.1-1;
5. Occupancy by a tenant who pays no rent pursuant to a rental agreement;
6. Occupancy by an employee of a landlord whose right to occupancy in a multifamily dwelling unit is conditioned upon employment in and about the premises or a former employee whose occupancy continues less than 60 days; ~~or~~
7. Occupancy under a contract of sale of a dwelling unit or the property of which it is a part, if the occupant is the purchaser or a person who succeeds to his interest; or

8. *Occupancy in a recovery residence as defined in § 37.2-431.1.*

D. The following provisions apply to occupancy in a hotel, motel, extended stay facility, etc.:

1. A guest who is an occupant of a hotel, motel, extended stay facility, vacation residential facility, including those governed by the Virginia Real Estate Time-Share Act (§ 55.1-2200 et seq.), boardinghouse, or similar transient lodging shall not be construed to be a tenant living in a dwelling unit if such person does not reside in such lodging as his primary residence. Such guest shall be exempt from this chapter, and the innkeeper or property owner, or his agent, shall have the right to use self-help eviction under Virginia law, without the necessity of the filing of an unlawful detainer action in a court of competent jurisdiction and the execution of a writ of eviction issued pursuant to such action, which would otherwise be required under this chapter.

2. A hotel, motel, extended stay facility, vacation residential facility, including those governed by the Virginia Real Estate Time-Share Act (§ 55.1-2200 et seq.), boardinghouse, or similar transient lodging shall be exempt from the provisions of this chapter if overnight sleeping accommodations are furnished to a person for consideration if such person does not reside in such lodging as his primary residence.

3. If a person resides in a hotel, motel, extended stay facility, vacation residential facility, including those governed by the Virginia Real Estate Time-Share Act (§ 55.1-2200 et seq.), boardinghouse, or similar transient lodging as his primary residence for 90 consecutive days or less, such lodging shall not be subject to the provisions of this chapter. However, the owner of such lodging establishment shall give a five-day written notice of nonpayment to a person residing in such lodging and, upon the expiration of the five-day period specified in the notice, may exercise self-help eviction if payment in full has not been received.

4. If a person resides in a hotel, motel, extended stay facility, vacation residential facility, including those governed by the Virginia Real Estate Time-Share Act (§ 55.1-2200 et seq.), boardinghouse, or similar transient lodging as his primary residence for more than 90 consecutive days or is subject to a written lease for more than 90 days, such lodging shall be subject to the provisions of this chapter.

5. Nothing herein shall be construed to preclude the owner of a lodging establishment that uses self-help eviction pursuant to this section from pursuing any civil or criminal remedies under the laws of the Commonwealth.

E. Nothing in this chapter shall prohibit a locality from establishing a commission, reconciliatory in nature only, or designating an existing agency, which upon mutual agreement of the parties may mediate conflicts that may arise out of the application of this chapter, nor shall anything in this chapter be deemed to prohibit an ordinance designed to effect compliance with local property maintenance codes. This chapter shall supersede all other local ordinances or regulations concerning landlord and tenant relations and the leasing of residential property.

CHAPTER 756

An Act to amend and reenact §§ 2.2-3704 and 2.2-3704.1 of the Code of Virginia, relating to the Virginia Freedom of Information Act; estimated charges.

[H 307]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3704 and 2.2-3704.1 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-3704. Public records to be open to inspection; procedure for requesting records and responding to request; charges; transfer of records for storage, etc.

A. Except as otherwise specifically provided by law, all public records shall be open to citizens of the Commonwealth, representatives of newspapers and magazines with circulation in the Commonwealth, and representatives of radio and television stations broadcasting in or into the Commonwealth during the regular office hours of the custodian of such records. Access to such records shall be provided by the custodian in accordance with this chapter by inspection or by providing copies of the requested records, at the option of the requester. The custodian may require the requester to provide his name and legal address. The custodian of such records shall take all necessary precautions for their preservation and safekeeping.

B. A request for public records shall identify the requested records with reasonable specificity. The request need not make reference to this chapter in order to invoke the provisions of this chapter or to impose the time limits for response by a public body. Any public body that is subject to this chapter and that is the custodian of the requested records shall promptly, but in all cases within five working days of receiving a request, provide the requested records to the requester or make one of the following responses in writing:

1. The requested records are being entirely withheld. Such response shall identify with reasonable particularity the volume and subject matter of withheld records, and cite, as to each category of withheld records, the specific Code section that authorizes the withholding of the records.

2. The requested records are being provided in part and are being withheld in part. Such response shall identify with reasonable particularity the subject matter of withheld portions, and cite, as to each category of withheld records, the specific Code section that authorizes the withholding of the records.

3. The requested records could not be found or do not exist. However, if the public body that received the request knows that another public body has the requested records, the response shall include contact information for the other public body.

4. It is not practically possible to provide the requested records or to determine whether they are available within the five-work-day period. Such response shall specify the conditions that make a response impossible. If the response is made within five working days, the public body shall have an additional seven work days or, in the case of a request for criminal investigative files pursuant to § 2.2-3706.1, 60 work days in which to provide one of the four preceding responses.

C. Any public body may petition the appropriate court for additional time to respond to a request for records when the request is for an extraordinary volume of records or requires an extraordinarily lengthy search, and a response by the public body within the time required by this chapter will prevent the public body from meeting its operational responsibilities. Before proceeding with the petition, however, the public body shall make reasonable efforts to reach an agreement with the requester concerning the production of the records requested.

D. Subject to the provisions of subsection G, no public body shall be required to create a new record if the record does not already exist. However, a public body may abstract or summarize information under such terms and conditions as agreed between the requester and the public body.

E. Failure to respond to a request for records shall be deemed a denial of the request and shall constitute a violation of this chapter.

F. ~~Except with regard to scholastic records requested pursuant to subdivision A 1 of § 2.2-3705.4 that must be made available for inspection pursuant to the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) and such requests for scholastic records by a parent or legal guardian of a minor student or by a student who is 18 years of age or older, a public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records and shall make all reasonable efforts to supply the requested records at the lowest possible cost.~~ No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. The public body may also make a reasonable charge for the cost incurred in supplying records produced from a geographic information system at the request of anyone other than the owner of the land that is the subject of the request. However, such charges shall not exceed the actual cost to the public body in supplying such records, except that the public body may charge, on a pro rata per acre basis, for the cost of creating topographical maps developed by the public body, for such maps or portions thereof, which encompass a contiguous area greater than 50 acres. ~~All charges for the supplying of requested records shall be estimated in advance at the request of the citizen.~~ *Prior to conducting a search for records, the public body shall notify the requester in writing that the public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquire of the requester whether he would like to request a cost estimate in advance of the supplying of the requested records. The public body shall provide the requester with a cost estimate if requested.* The period within which the public body shall respond under this section shall be tolled for the amount of time that elapses between notice of the cost estimate and the response of the requester. If the public body receives no response from the requester within 30 days of sending the cost estimate, the request shall be deemed to be withdrawn. *Any costs incurred by the public body in estimating the cost of supplying the requested records shall be applied toward the overall charges to be paid by the requester for the supplying of such requested records.*

G. Public records maintained by a public body in an electronic data processing system, computer database, or any other structured collection of data shall be made available to a requester at a reasonable cost, not to exceed the actual cost in accordance with subsection F. When electronic or other databases are combined or contain exempt and nonexempt records, the public body may provide access to the exempt records if not otherwise prohibited by law, but shall provide access to the nonexempt records as provided by this chapter.

Public bodies shall produce nonexempt records maintained in an electronic database in any tangible medium identified by the requester, including, where the public body has the capability, the option of posting the records on a website or delivering the records through an electronic mail address provided by the requester, if that medium is used by the public body in the regular course of business. No public body shall be required to produce records from an electronic database in a format not regularly used by the public body. However, the public body shall make reasonable efforts to provide records in any format under such terms and conditions as agreed between the requester and public body, including the payment of reasonable costs. The excision of exempt fields of information from a database or the conversion of data from one available format to another shall not be deemed the creation, preparation, or compilation of a new public record.

H. In any case where a public body determines in advance that charges for producing the requested records are likely to exceed \$200, the public body may, before continuing to process the request, require the requester to pay a deposit not to exceed the amount of the advance determination. The deposit shall be credited toward the final cost of supplying the requested records. The period within which the public body shall respond under this section shall be tolled for the amount of time that elapses between notice of the advance determination and the response of the requester.

I. Before processing a request for records, a public body may require the requester to pay any amounts owed to the public body for previous requests for records that remain unpaid 30 days or more after billing.

J. In the event a public body has transferred possession of public records to any entity, including but not limited to any other public body, for storage, maintenance, or archiving, the public body initiating the transfer of such records shall remain

the custodian of such records for purposes of responding to requests for public records made pursuant to this chapter and shall be responsible for retrieving and supplying such public records to the requester. In the event a public body has transferred public records for storage, maintenance, or archiving and such transferring public body is no longer in existence, any public body that is a successor to the transferring public body shall be deemed the custodian of such records. In the event no successor entity exists, the entity in possession of the public records shall be deemed the custodian of the records for purposes of compliance with this chapter, and shall retrieve and supply such records to the requester. Nothing in this subsection shall be construed to apply to records transferred to the Library of Virginia for permanent archiving pursuant to the duties imposed by the Virginia Public Records Act (§ 42.1-76 et seq.). In accordance with § 42.1-79, the Library of Virginia shall be the custodian of such permanently archived records and shall be responsible for responding to requests for such records made pursuant to this chapter.

§ 2.2-3704.1. Posting of notice of rights and responsibilities by state and local public bodies; assistance by the Freedom of Information Advisory Council.

A. All state public bodies subject to the provisions of this chapter, any county or city, any town with a population of more than 250, and any school board shall make available the following information to the public upon request and shall post a link to such information on the homepage of their respective official public government websites:

1. A plain English explanation of the rights of a requester under this chapter, the procedures to obtain public records from the public body, and the responsibilities of the public body in complying with this chapter. For purposes of this section, "plain English" means written in nontechnical, readily understandable language using words of common everyday usage and avoiding legal terms and phrases or other terms and words of art whose usage or special meaning primarily is limited to a particular field or profession;

2. Contact information for the FOIA officer designated by the public body pursuant to § 2.2-3704.2 to (i) assist a requester in making a request for records or (ii) respond to requests for public records;

3. A general description, summary, list, or index of the types of public records maintained by such public body;

4. A general description, summary, list, or index of any exemptions in law that permit or require such public records to be withheld from release;

5. Any policy the public body has concerning the type of public records it routinely withholds from release as permitted by this chapter or other law; and

6. The following statement: "A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records *and shall make all reasonable efforts to supply the requested records at the lowest possible cost.* No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. ~~All charges for the supplying of requested records shall be estimated in advance at the request of the citizen~~ *Prior to conducting a search for records, the public body shall notify the requester in writing that the public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquire of the requester whether he would like to request a cost estimate in advance of the supplying of the requested records as set forth in subsection F of § 2.2-3704 of the Code of Virginia.*"

B. Any state public body subject to the provisions of this chapter and any county or city, and any town with a population of more than 250, shall post a link on its official public government website to the online public comment form on the Freedom of Information Advisory Council's website to enable any requester to comment on the quality of assistance provided to the requester by the public body.

C. The Freedom of Information Advisory Council, created pursuant to § 30-178, shall assist in the development and implementation of the provisions of subsection A, upon request.

CHAPTER 757

An Act to amend and reenact § 23.1-902.1 of the Code of Virginia, relating to institutions of higher education; education preparation programs; coursework; audit.

[H 419]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-902.1 of the Code of Virginia is amended and reenacted as follows:

§ 23.1-902.1. Education preparation programs; coursework; audit.

A. Each education preparation program offered by a public institution of higher education or private institution of higher education that provides training for any student seeking initial licensure by the Board of Education shall:

1. Include a program of coursework and require all such students to demonstrate mastery in science-based reading research and evidence-based literacy instruction. Each such program of coursework and the student mastery required to be demonstrated therein shall be consistent with definitions and expectations established by the Board of Education and the Department of Education after consultation with a commission consisting of independent literacy experts and stakeholders with knowledge of science-based reading research and evidence-based literacy instruction that has reviewed the

requirements established in subdivision 6 of 8VAC20-23-130, subdivision 6 of 8VAC20-23-190, subdivision 2 a of 8VAC20-23-350, 8VAC20-23-510 through 8VAC20-23-580, and 8VAC20-23-660; and

2. For any such student seeking initial licensure by the Board of Education as a teacher with an endorsement in early childhood, elementary education, or special education or with an endorsement as a reading specialist, ensure that reading coursework and field practice opportunities are a significant focus of the education preparation program.

B. The Department of Education shall audit at least once every seven years each education preparation program, in alignment with each program's accreditation cycle, for compliance with the requirements set forth in subsection A.

C. Each education preparation program offered by a public institution of higher education or private institution of higher education that leads to a degree, concentration, or certificate for reading specialists shall include a program of coursework and other training in the identification of and the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder. Such program shall (i) include coursework in the constructs and pedagogy underlying remediation of reading, spelling, and writing and (ii) require reading specialists to demonstrate mastery of an evidence-based, structured literacy instructional approach that includes explicit, systematic, sequential, and cumulative instruction.

2. That the provisions of this act shall become effective beginning with the 2024-2025 school year.

CHAPTER 758

An Act to amend the Code of Virginia by adding a section numbered 46.2-1219.3, relating to parking of vehicles; electric vehicle charging spots; civil penalties.

[H 450]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 46.2-1219.3 as follows:

§ 46.2-1219.3. Parking of vehicles in parking spaces reserved for charging electric vehicles; civil penalties.

A. It shall constitute a traffic infraction for any person to park a vehicle that (i) is not a plug-in electric motor vehicle, as defined in § 56-1, or (ii) is a plug-in electric motor vehicle, as defined in § 56-1, that is not in the process of charging in a parking space adjacent to an electric vehicle charging station that is clearly marked as reserved for charging plug-in electric motor vehicles. A violation of this subsection is subject to a civil penalty of not more than \$25.

B. No civil penalty shall be imposed pursuant to the provisions of this section or any local ordinance adopted pursuant to this section unless the parking space reserved for charging plug-in electric motor vehicles has a sign that includes the following language: "PENALTY, UP TO \$25." Such language may be placed on a separate sign and attached below any sign indicating that the space is reserved for charging plug-in electric motor vehicles. In the case of a local ordinance adopted pursuant to subsection C, the sign shall indicate the amount of the civil penalty if such ordinance imposes a civil penalty.

C. The governing body of any county, city, or town may adopt an ordinance not inconsistent with the provisions of this section. The civil penalty for violating any such ordinance shall not exceed the civil penalties provided in subsection A.

D. In the prosecution of an offense established under this section, prima facie evidence that the vehicle described in the summons issued pursuant to this section was parked in violation of this section, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. A violation of this section may be charged on the uniform traffic summons form.

CHAPTER 759

An Act to amend and reenact §§ 56-248.1, 56-265.1, and 56-600 through 56-604 of the Code of Virginia and to amend the Code of Virginia by adding in Title 56 a chapter numbered 30, consisting of a section numbered 56-625, relating to natural gas, biogas, and other gas sources of energy; definitions; energy conservation and efficiency; Steps to Advance Virginia's Energy Plan; biogas supply infrastructure projects.

[H 558]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 56-248.1, 56-265.1, and 56-600 through 56-604 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 56 a chapter numbered 30, consisting of a section numbered 56-625, as follows:

§ 56-248.1. Commission to monitor fuel prices and utility fuel purchases; fuel price index.

A. The Commission shall monitor all fuel purchases, transportation costs, and contracts for such purchases of a utility to ascertain that all feasible economies are being utilized. *Subject to the provisions of § 56-234, the Commission shall allow natural gas utilities to include in their fuel portfolios supplemental or substitute forms of gas sources that meet the natural*

gas utility's pipeline quality gas standards and that reduce the emissions intensity of its fuel portfolio. A natural gas utility shall procure supplemental or substitute forms of gas sources utilizing standard industry practices and shall report to the Commission annually the imputed reduction in carbon dioxide equivalent resulting from such purchasing practices.

B. As used in this section:

"Biogas" means a mixture of hydrocarbons that is a gas at 60 degrees Fahrenheit and one atmosphere of pressure that is produced through the anaerobic digestion or thermal conversion of organic matter.

"Low-emission natural gas" means natural gas produced from a geologic source that has a methane intensity of 0.20 or less (i) as reported under a protocol approved by the federal Environmental Protection Agency's Gas STAR Methane Challenge, (ii) as certified by the United Nations Environment Programme's Oil and Gas Methane Partnership 2.0, or (iii) as validated under a Qualified Attribute Commodities Platform.

"Methane intensity" means the methane emissions assigned to natural gas on an energy basis divided by the total methane content of produced natural gas.

"Qualified Attribute Commodities Platform" means a trading mechanism for natural gas or natural gas attributes that are nonfinancial intangible commodities that represents, packages, and certifies the qualifying attributes of an amount of low-emission natural gas. A Qualified Attribute Commodities Platform provides validation by an independent third party, provides natural gas or natural gas attributes capable of bilateral or exchange contract trading pursuant to standardized contracts for physical delivery that reasonably eliminate validation risk, and provides transparency for audit and reporting purposes.

"Supplemental or substitute forms of gas sources" means (i) low-emission natural gas, (ii) biogas, or (iii) hydrogen.

C. In addition, the Commission shall establish a fuel price index in order to compare the prices paid for the various types of fuel by Virginia utilities with the average price of the various types of fuel paid by other public utilities at comparable geographic locations in the market.

D. This section shall not apply to telephone companies.

§ 56-265.1. Definitions.

In this chapter, the following terms shall have the following meanings:

(a) "Company" means a corporation, a limited liability company, an individual, a partnership, an association, a joint-stock company, a business trust, a cooperative, or an organized group of persons, whether incorporated or not; or any receiver, trustee or other liquidating agent of any of the foregoing in his capacity as such; but not a municipal corporation or a county, unless such municipal corporation or county has obtained a certificate pursuant to § 56-265.4:4.

(b) "Public utility" means any company that owns or operates facilities within the Commonwealth of Virginia for the generation, transmission, or distribution of electric energy for sale, for the production, storage, transmission, or distribution, otherwise than in enclosed portable containers, of natural ~~or manufactured~~ gas, *or, if produced, stored, transmitted, or distributed by a natural gas utility as defined in § 56-265.4:6, supplemental or substitute forms of gas sources as defined in § 56-248.1, or geothermal resources for sale for heat, light or power, or for the furnishing of telephone service, sewerage facilities or water.* A "public utility" may own a facility for the storage of electric energy for sale that includes one or more pumped hydroelectricity generation and storage facilities located in the coalfield region of Virginia as described in § 15.2-6002. However, the term "public utility" does not include any of the following:

(1) Except as otherwise provided in § 56-265.3:1, any company furnishing sewerage facilities, geothermal resources or water to less than 50 customers. Any company furnishing water or sewer services to 10 or more customers and excluded by this subdivision from the definition of "public utility" for purposes of this chapter nevertheless shall not abandon the water or sewer services unless and until approval is granted by the Commission or all the customers receiving such services agree to accept ownership of the company.

(2) Any company generating and distributing electric energy exclusively for its own consumption.

(3) Any company (A) which furnishes electric service together with heating and cooling services, generated at a central plant installed on the premises to be served, to the tenants of a building or buildings located on a single tract of land undivided by any publicly maintained highway, street or road at the time of installation of the central plant, and (B) which does not charge separately or by meter for electric energy used by any tenant except as part of a rental charge. Any company excluded by this subdivision from the definition of "public utility" for the purposes of this chapter nevertheless shall, within 30 days following the issuance of a building permit, notify the State Corporation Commission in writing of the ownership, capacity and location of such central plant, and it shall be subject, with regard to the quality of electric service furnished, to the provisions of Chapters 10 (§ 56-232 et seq.) and 17 (§ 56-509 et seq.) and regulations thereunder and be deemed a public utility for such purposes, if such company furnishes such service to 100 or more lessees.

(4) Any company, or affiliate thereof, making a first or direct sale, or ancillary transmission or delivery service, of natural ~~or manufactured~~ gas to fewer than 35 commercial or industrial customers, which are not themselves "public utilities" as defined in this chapter, or to certain public schools as indicated in this subdivision, for use solely by such purchasing customers at facilities which are not located in a territory for which a certificate to provide gas service has been issued by the Commission under this chapter and which, at the time of the Commission's receipt of the notice provided under § 56-265.4:5, are not located within any area, territory, or jurisdiction served by a municipal corporation that provided gas distribution service as of January 1, 1992, provided that such company shall comply with the provisions of § 56-265.4:5. Direct sales or ancillary transmission or delivery services of natural gas to public schools in the following localities may be

made without regard to the number of schools involved and shall not count against the "fewer than 35" requirement in this subdivision: the Counties of Dickenson, Wise, Russell, and Buchanan, and the City of Norton.

(5) Any company which is not a public service corporation and which provides compressed natural gas service at retail for the public.

(6) Any company selling landfill gas from a solid waste management facility permitted by the Department of Environmental Quality to a public utility certificated by the Commission to provide gas distribution service to the public in the area in which the solid waste management facility is located. If such company submits to the public utility a written offer for sale of such gas and the public utility does not agree within 60 days to purchase such gas on mutually satisfactory terms, then the company may sell such gas to (i) any facility owned and operated by the Commonwealth which is located within three miles of the solid waste management facility or (ii) any purchaser after such landfill gas has been liquefied. The provisions of this subdivision shall not apply to the City of Lynchburg or Fairfax County.

(7) Any authority created pursuant to the Virginia Water and Waste Authorities Act (§ 15.2-5100 et seq.) making a sale or ancillary transmission or delivery service of landfill gas to a commercial or industrial customer from a solid waste management facility permitted by the Department of Environmental Quality and operated by that same authority, if such an authority limits off-premises sale, transmission or delivery service of landfill gas to no more than one purchaser. The authority may contract with other persons for the construction and operation of facilities necessary or convenient to the sale, transmission or delivery of landfill gas, and no such person shall be deemed a public utility solely by reason of its construction or operation of such facilities. If the purchaser of the landfill gas is located within the certificated service territory of a natural gas public utility, the public utility may file for Commission approval a proposed tariff to reflect any anticipated or known changes in service to the purchaser as a result of the use of landfill gas. No such tariff shall impose on the purchaser of the landfill gas terms less favorable than similarly situated customers with alternative fuel capabilities; provided, however, that such tariff may impose such requirements as are reasonably calculated to recover the cost of such service and to protect and ensure the safety and integrity of the public utility's facilities.

(8) A company selling or delivering only landfill gas, electricity generated from only landfill gas, or both, that is derived from a solid waste management facility permitted by the Department of Environmental Quality and sold or delivered from any such facility to not more than three commercial or industrial purchasers or to a natural gas or electric public utility, municipal corporation or county as authorized by this section. If a purchaser of the landfill gas is located within the certificated service territory of a natural gas public utility or within an area in which a municipal corporation provides gas distribution service and the landfill gas is to be used in facilities constructed after January 1, 2000, such company shall submit to such public utility or municipal corporation a written offer for sale of that gas prior to offering the gas for sale or delivery to a commercial or industrial purchaser. If the public utility or municipal corporation does not agree within 60 days following the date of the offer to purchase such landfill gas on mutually satisfactory terms, then the company shall be authorized to sell such landfill gas, electricity, or both, to the commercial or industrial purchaser, utility, municipal corporation, or county. Such public utility may file for Commission approval a proposed tariff to reflect any anticipated or known changes in service to the purchaser as a result of the purchaser's use of the landfill gas. No such tariff shall impose on such purchaser of the landfill gas terms less favorable than those imposed on similarly situated customers with alternative fuel capabilities; provided, however, that such tariff may impose such requirements as are reasonably calculated to recover any cost of such service and to protect and ensure the safety and integrity of the public utility's facilities.

(9) A company that is not organized as a public service company pursuant to subsection D of § 13.1-620 and that sells and delivers propane air only to one or more public utilities. Any company excluded by this subdivision from the definition of "public utility" for the purposes of this chapter nevertheless shall be subject to the Commission's jurisdiction relating to gas pipeline safety and enforcement.

(10) A farm or aggregation of farms that owns and operates facilities within the Commonwealth for the generation of electric energy from waste-to-energy technology. As used in this subdivision, (i) "farm" means any person that obtains at least 51 percent of its annual gross income from agricultural operations and produces the agricultural waste used as feedstock for the waste-to-energy technology, (ii) "agricultural waste" means biomass waste materials capable of decomposition that are produced from the raising of plants and animals during agricultural operations, including animal manures, bedding, plant stalks, hulls, and vegetable matter, and (iii) "waste-to-energy technology" means any technology, including a methane digester, that converts agricultural waste into gas, steam, or heat that is used to generate electricity on-site.

(11) A company, other than an entity organized as a public service company, that provides non-utility gas service as provided in § 56-265.4:6.

(12) A company, other than an entity organized as a public service company, that provides storage of electric energy that is not for sale to the public.

(c) "Commission" means the State Corporation Commission.

(d) "Geothermal resources" means those resources as defined in § 45.2-2000.

§ 56-600. Definitions.

As used in this chapter:

"Allowed distribution revenue" means the average annual, weather-normalized, nongas commodity revenue per customer associated with the rates in effect as adopted in the applicable utility's last Commission-approved rate case or performance-based regulation plan, multiplied by the average number of customers served.

"Conservation and ratemaking efficiency plan" means a plan filed by a natural gas utility pursuant to this chapter that includes a decoupling mechanism.

"Cost-effective conservation and energy efficiency program" means a program approved by the Commission that is designed to decrease the average customer's annual, weather-normalized consumption ~~or total gas bill of energy~~, for gas and nongas elements combined, or avoid energy costs or consumption the customer may otherwise have incurred, and is determined by the Commission to be cost-effective if the net present value of the benefits exceeds the net present value of the costs *at the portfolio level* as determined by not less than any three of the following four tests: the Total Resource Cost Test, the Program Administrator Test (also referred to as the Utility Cost Test), the Participant Test, and the Ratepayer Impact Measure Test. Such determination shall include an analysis of all ~~four~~ *five* tests, and a ~~program or~~ portfolio of programs shall be approved if the net present value of the benefits exceeds the net present value of the costs as determined by not less than any three of the four tests. Such determination shall also be made (i) with the assignment of administrative costs associated with the conservation and ratemaking efficiency plan to the portfolio as a whole and (ii) with the assignment of education and outreach costs associated with each program in a portfolio of programs to such program and not to individual measures within a program, when such administrative, education, or outreach costs are not otherwise directly assignable. Without limitation, rate designs or rate mechanisms, customer education, customer incentives, *appliance rebates*, and weatherization programs are examples of conservation and energy efficiency programs that the Commission may consider. Energy efficiency programs that provide measurable and verifiable energy savings to low-income customers or elderly customers may also be deemed cost effective. A cost-effective conservation and energy efficiency program shall not include a program designed to convert propane *or heating oil* customers to natural gas.

"Decoupling mechanism" means a rate, tariff design or mechanism that decouples the recovery of a utility's allowed distribution revenue from the level of consumption of natural gas by its customers, including (i) a mechanism that adjusts actual nongas distribution revenues per customer to allowed distribution revenues per customer, such as a sales adjustment clause, (ii) rate design changes that substantially align the percentage of fixed charge revenue recovery with the percentage of the utility's fixed costs, such as straight fixed variable rates, provided such mechanism includes a substantial demand component based on a customer's peak usage, or (iii) a combination of clauses (i) and (ii) that substantially decreases the relative amount of nongas distribution revenue affected by changes in per customer consumption of gas.

"Fixed costs" means any and all of the utility's nongas costs of service, together with an authorized return thereon, that are not associated with the cost of the natural gas commodity flowing through and measured by the customer's meter.

"Measure" means an individual item, service, offering, or rebate available to a customer of a natural gas utility as part of the utility's conservation and ratemaking efficiency plan.

"Natural gas utility" or "utility" means any investor-owned public service company engaged in the business of furnishing natural gas service to the public.

"Portfolio" means the program or programs included in a natural gas utility's conservation and ratemaking efficiency plan.

"Program" means a group of one or more related measures for a customer class.

"Revenue-neutral" means a change in a rate, tariff design or mechanism as a component of a conservation and ratemaking efficiency plan that does not shift annualized allowed distribution revenue between customer classes, and does not increase or decrease the utility's average, weather-normalized nongas utility revenue per customer for any given rate class by more than 0.25 percent when compared to (i) the rate, tariff design or mechanism in effect at the time a conservation and ratemaking efficiency plan is filed pursuant to this chapter or (ii) the allocation of costs approved by the Commission in a rate case using the cost of service methodology set forth in § 56-235.2 or a performance-based regulation plan authorized by § 56-235.6, where a plan is filed in conjunction with such case.

§ 56-601. Natural gas conservation and ratemaking efficiency.

A. Consistent with the objectives pertaining to the energy issues and policy elements stated in § 45.2-1706.1, it is in the public interest to authorize and encourage the adoption of natural gas conservation and ratemaking efficiency plans that promote the wise use of natural gas and natural gas infrastructure through the development of alternative rate designs and other mechanisms that more closely align the interests of natural gas utilities, their customers, and the Commonwealth generally, and improve the efficiency of ratemaking to more closely reflect the dynamic nature of the natural gas market, the economy, and public policy regarding conservation and energy efficiency. Such alternative rate designs and other mechanisms should, where feasible:

1. Provide utilities with better tools to work with customers to decrease the average customer's annual average weather-normalized consumption of ~~natural gas energy~~;
2. Provide reasonable assurance of a utility's ability to recover costs of serving the public, including its cost-effective investments in conservation and energy efficiency as well as infrastructure needed to provide or maintain reliable service to the public;
3. Reward utilities for meeting or exceeding conservation and energy efficiency goals that may be established pursuant to the Virginia Energy Plan (§ 45.2-1710 et seq.);
4. Provide customers with long-term, meaningful opportunities to more efficiently consume ~~natural gas and mitigate their expenditures for the natural gas commodity energy~~, while ensuring that the rate design methodology used to set a utility's revenue recovery is not inconsistent with such conservation and energy efficiency goals;

5. Recognize the economic and environmental benefits of efficient use of natural gas, *biogas, and lower-carbon gases*; and

6. Preserve or enhance the utility bill savings that customers receive when they reduce their ~~natural gas~~ *energy* use.

B. Natural gas utilities are authorized pursuant to this chapter to file natural gas conservation and ratemaking efficiency plans that implement alternative natural gas utility rate designs and other mechanisms, in addition to or in conjunction with the cost of service methodology set forth in § 56-235.2 and performance-based regulation plans authorized by § 56-235.6, that:

1. Replace existing utility rate designs or other mechanisms that promote inefficient use of natural gas with rate designs or other mechanisms that ensure a utility's recovery of its authorized revenues is independent of the amount of customers' natural gas consumption;

2. Provide incentives for natural gas utilities to promote conservation and energy efficiency by granting recovery of the costs associated with cost-effective conservation and energy efficiency programs; and

3. Reward utilities that meet or exceed conservation and energy efficiency goals on a weather-normalized, annualized average customer basis through the implementation of cost-effective conservation and energy efficiency programs.

C. This chapter shall be construed liberally to accomplish these purposes.

§ 56-602. Conservation and ratemaking efficiency plans.

A. Notwithstanding any provision of law to the contrary, each natural gas utility shall have the option to file a conservation and ratemaking efficiency plan as provided in this chapter. Such a plan may include one or more residential, small commercial, or small general service classes, but shall not apply to large commercial or large industrial classes of customers. Such plan shall include: (i) a normalization component that removes the effect of weather from the determination of conservation and energy efficiency results; (ii) a decoupling mechanism; (iii) one or more cost-effective conservation and energy efficiency programs; (iv) provisions to address the needs of low-income or low-usage residential customers; and (v) provisions to ensure that the rates and service to non-participating classes of customers are not adversely impacted. Such plan may also include provisions for phased or targeted implementation of rate or tariff design changes, if any, or conservation and energy efficiency programs. The Commission may approve such a plan after such notice and opportunity for hearing as the Commission may prescribe, subject to the provisions of this chapter. Nothing in this subsection shall prevent a natural gas utility from amending a conservation and ratemaking efficiency plan by amending, altering, supplementing, or deleting one or more conservation or energy efficiency programs.

B. The Commission shall approve or deny, within 180 days, a natural gas utility's initial application for any revenue-neutral conservation and ratemaking efficiency plan that allocates annual per-customer fixed costs on an intra-class basis in reliance upon a revenue study or class cost of service study supporting the rates in effect at the time the plan is filed. A plan filed pursuant to this subsection shall not require the filing of rate case schedules. The Commission shall approve or deny, within 120 days, a natural gas utility's application to amend a previously approved plan. The Commission shall approve such a plan or amendment if it finds that the plan's or amendment's proposed decoupling mechanism is revenue-neutral and is otherwise consistent with this chapter. If the Commission denies such a plan or amendment, it shall set forth with specificity the reasons for such denial and the utility shall have the right to refile, without prejudice, an amended plan or amendment within 60 days, and the Commission shall thereafter have 60 days to approve or deny the amended plan or amendment. The time period for Commission review provided for in this subsection shall not apply if the conservation and ratemaking efficiency plan is filed in conjunction with a rate case using the cost of service methodology set forth in § 56-235.2 or a performance-based regulation plan authorized by § 56-235.6.

C. The Commission shall approve or deny, within 270 days, a natural gas utility's initial application for any revenue-neutral conservation and ratemaking efficiency plan that allocates per-customer fixed costs on an intra-class basis according to a class cost of service study filed with the plan, when such plan is filed in conjunction with a rate case using the cost of service methodology set forth in § 56-235.2 or a performance-based regulation plan authorized by § 56-235.6. The Commission shall approve or deny, within 120 days, a natural gas utility's application to amend a plan previously approved pursuant to this subsection. The Commission shall approve such a plan or amendment if it finds that the plan's or amendment's proposed decoupling mechanism is revenue-neutral, is consistent with this chapter, and is otherwise in the public interest, including any findings required by § 56-235.2 or 56-235.6. If the Commission denies such a plan or amendment, it shall set forth with specificity the reasons for its denial and the utility shall have the right to refile, without prejudice, an amended plan or amendment within 60 days; the Commission shall thereafter have 60 days to approve or deny the amended plan or amendment.

D. The Commission shall allow any natural gas utility that implements a conservation and ratemaking efficiency plan under this chapter to recover, on a timely basis and through its regulated rates charged to its classes of customers participating in the plan, its entire incremental costs associated with cost-effective conservation and energy efficiency programs that are designed to encourage the reduction of annualized, weather-normalized ~~natural gas~~ *energy* consumption per customer. Ratemaking treatment may include placing appropriate capital expenditures for technology and program costs in the respective utility's rate base, deferral of such interim incremental costs (which costs would not be subject to an earnings test), or recovering the utility's technology and program costs through another ratemaking methodology approved by the Commission, such as a tracking mechanism. Such conservation and energy efficiency programs may also be jointly conducted or co-sponsored with other utilities, federal, state or local government agencies, nonprofit organizations, trade associations, homebuilders, and other for-profit vendors. Incremental costs recovered pursuant to this subsection shall be in

addition to all other costs that the utility is permitted to recover, shall not be considered an offset to other Commission-approved costs of service or revenue requirements, and shall not be included in any computation relative to a performance-based regulation plan revenue sharing mechanism.

E. The Commission shall require every natural gas utility operating under a conservation and ratemaking efficiency plan approved pursuant to this chapter to file annual reports showing the year over year weather-normalized use of ~~natural gas~~ *energy* on an average customer basis, by customer class, as well as the incremental, independently verified net economic benefits created by the utility's cost-effective conservation and energy-efficiency programs during the previous year.

F. The Commission shall grant recovery, on an annual basis, of a performance-based incentive for delivering conservation and energy efficiency benefits, which shall be included in the utility's respective purchased gas adjustment mechanism. The incentive shall be calculated as a reasonable share of the verified net economic benefits created by the utility's cost-effective conservation and energy efficiency programs, and may be recovered over a period of years equal to the payback period or discounted to net present value and recovered in the first year. In structuring this incentive, the Commission shall create a reasonable opportunity for a utility to earn up to a 15 percent share of such independently verified net economic benefits upon meeting target levels of such benefits set forth in a plan approved by the Commission. The level of net economic benefits to be used as the basis for such calculation shall be the sum of customer savings less utility costs recovered through subsection D, measured over the number of years of the payback period, rounded up to the next highest year. The incentives authorized by this subsection shall be in addition to any other revenue requirements or rates established pursuant to § 56-235.2 or 56-235.6 and independent of any computation of shared revenues under an approved performance-based regulation plan.

G. Unless the context clearly indicates otherwise, nothing in this chapter shall impair the Commission's authority under § 56-234.2, 56-235.2, or 56-235.6; provided, however, that notwithstanding any other provision of law, the Commission shall not reduce an authorized return on common equity or other measure of utility profit as a result of the implementation of a natural gas conservation and ratemaking efficiency plan pursuant to this chapter.

§ 56-603. Definitions.

As used in this chapter:

"Commission" means the State Corporation Commission.

"Eligible infrastructure replacement" means natural gas utility facility replacement projects that: (i) enhance safety or reliability by reducing system integrity risks associated with customer outages, corrosion, equipment failures, material failures, or natural forces; (ii) do not increase revenues by directly connecting the infrastructure replacement to new customers; (iii) reduce or have the potential to reduce greenhouse gas emissions; (iv) are commenced on or after January 1, 2010; and (v) are not included in the natural gas utility's rate base in its most recent rate case using the cost of service methodology set forth in § 56-235.2, or the natural gas utility's rate base included in the rate base schedules filed with a performance-based regulation plan authorized by § 56-235.6, if the plan did not include the rate base. *"Eligible infrastructure replacement" includes natural gas utility facility replacement projects that are identified as a result of an enhanced leak detection and repair program.*

"Eligible infrastructure replacement costs" includes the following:

1. Return on the investment. In calculating the return on the investment, the Commission shall use the natural gas utility's regulatory capital structure as calculated utilizing the weighted average cost of capital, including the cost of debt and the cost of equity used in determining the natural gas utility's base rates in effect during the construction period of the eligible infrastructure replacement project. If the natural gas utility's cost of capital underlying the base rates in effect at the time its proposed SAVE plan is filed has not been changed by order of the Commission within the preceding five years, the Commission may require the natural gas utility to file an updated weighted average cost of capital, and the natural gas utility may propose an updated weighted average cost of capital. The natural gas utility may recover the external costs associated with establishing its updated weighted average cost of capital through the SAVE rider. Such external costs shall include legal costs and consultant costs;

2. A revenue conversion factor, including income taxes and an allowance for bad debt expense, shall be applied to the required operating income resulting from the eligible infrastructure replacement costs;

3. Depreciation. In calculating depreciation, the Commission shall use the natural gas utility's current depreciation rates;

4. Property taxes; ~~and~~

5. Carrying costs on the over- or under-recovery of the eligible infrastructure replacement costs. In calculating the carrying costs, the Commission shall use the natural gas utility's regulatory capital structure as determined in subdivision 1 of the definition of eligible infrastructure replacement costs; *and*

6. *Enhanced leak detection and repair program costs. Such costs shall include the costs of operating an enhanced leak detection and repair program.*

"Enhanced leak detection and repair program" means a program that is designed to allow a natural gas utility to deploy advanced leak detection technologies to more accurately identify active leaks as part of the natural gas utility's leak management program and to prioritize the repair of leaks that present a risk to safety or the environment. A natural gas utility may amend its SAVE plan to include an enhanced leak detection and repair program by filing an application to amend its previously approved SAVE plan, as set forth in subsection B of § 56-604.

"Investment" means costs incurred on eligible infrastructure replacement projects including planning, development, and construction costs; costs of infrastructure associated therewith; and an allowance for funds used during construction. In

calculating the allowance for funds used during construction, the Commission shall use the natural gas utility's actual regulatory capital structure as determined in subdivision 1 of the definition of eligible infrastructure replacement costs.

"Natural gas utility" means any investor-owned public service company engaged in the business of furnishing natural gas service to the public.

"Natural gas utility facility replacement project" means the replacement of storage, peak shaving, transmission or distribution facilities used in the delivery of natural gas, or supplemental or substitute forms of gas sources by a natural gas utility.

"SAVE" means Steps to Advance Virginia's Energy Plan.

"SAVE plan" means a plan filed by a natural gas utility that identifies proposed eligible infrastructure replacement projects and a SAVE rider.

"SAVE rider" means a recovery mechanism that will allow for recovery of the eligible infrastructure replacement costs, through a separate mechanism from the customer rates established in a rate case using the cost of service methodology set forth in § 56-235.2, or a performance-based regulation plan authorized by § 56-235.6.

§ 56-604. Filing of petition with Commission to establish or amend a SAVE plan; recovery of certain costs; procedure.

A. Notwithstanding any provisions of law to the contrary, a natural gas utility may file a SAVE plan as provided in this chapter. Such a plan shall provide for a timeline for completion of the proposed eligible infrastructure replacement projects, the estimated costs of the proposed eligible infrastructure projects, and a schedule for recovery of the related eligible infrastructure replacement costs through the SAVE rider, and demonstrate that the plan is prudent and reasonable. *Such a plan may also include an enhanced leak detection and repair program, which shall include a description and an estimate of the associated enhanced leak detection and repair program costs.* The Commission may approve such a plan after such notice and opportunity for hearing as the Commission may prescribe, subject to the provisions of this chapter.

B. The Commission shall approve or deny, within 180 days, a natural gas utility's initial application for a SAVE plan. A plan filed pursuant to this section shall not require the filing of rate case schedules. The Commission shall approve or deny, within 120 days, a natural gas utility's application to amend a previously approved plan. If the Commission denies such a plan or amendment, it shall set forth with specificity the reasons for such denial, and the utility shall have the right to refile, without prejudice, an amended plan or amendment within 60 days, and the Commission shall thereafter have 60 days to approve or deny the amended plan or amendment. The time period for Commission review provided for in this subsection shall not apply if the SAVE plan is filed in conjunction with a rate case using the cost of service methodology set forth in § 56-235.2, or a performance-based regulation plan authorized by § 56-235.6.

C. Any SAVE plan and any SAVE rider that is submitted to and approved by the Commission shall be allocated and charged in accordance with appropriate cost causation principles in order to avoid any undue cross-subsidization between rate classes.

D. No other revenue requirement or ratemaking issues may be examined in consideration of the application filed pursuant to the provisions of this chapter.

E. At the end of each 12-month period the SAVE rider is in effect, the natural gas utility shall reconcile the difference between the recognized eligible infrastructure replacement costs and the amounts recovered under the SAVE rider, and shall submit the reconciliation and a proposed SAVE rider adjustment to the Commission to recover or refund the difference, as appropriate, through an adjustment to the SAVE rider. The Commission shall approve or deny, within 90 days, a natural gas utility's proposed SAVE rider adjustment.

F. A natural gas utility that has implemented a SAVE rider pursuant to this chapter shall file revised rate schedules to reset the SAVE rider to zero, when new base rates and charges that incorporate eligible infrastructure replacement costs previously reflected in the currently effective SAVE rider become effective for the natural gas utility, following a Commission order establishing customer rates in a rate case using the cost of service methodology set forth in § 56-235.2, or a performance-based regulation plan authorized by § 56-235.6.

G. Costs recovered pursuant to this chapter shall be in addition to all other costs that the natural gas utility is permitted to recover, shall not be considered an offset to other Commission-approved costs of service or revenue requirements, and shall not be included in any computation relative to a performance-based regulation plan revenue-sharing mechanism. Further, if the Commission approves (i) an updated weighted average cost of capital for use in calculating the return on investment, (ii) the carrying costs on the over- or under-recovery of the eligible infrastructure replacement costs, (iii) the allowance for funds used during construction, or (iv) any combination thereof, such weighted average cost of capital shall be used only for the purpose of the eligible infrastructure replacement costs for the SAVE rider and shall not be used for any purpose in any other proceeding.

CHAPTER 30.

BIOGAS SUPPLY INFRASTRUCTURE PROJECTS.

§ 56-625. Biogas supply infrastructure projects.

A. As used in this section:

"Biogas" has the same meaning as set forth in § 56-248.1.

"Biogas facilities" means biogas reserves; production facilities, including equipment required to prepare the biogas for use; gathering of, transmission of, and, within the natural gas utility's certificated service territory, any distribution

pipelines necessary to deliver the reserves; and aboveground and underground storage used in the delivery of gas to existing natural gas transmission pipelines or distribution systems.

"Biogas supply investment plan" or "plan" means a plan filed by a natural gas utility that identifies proposed eligible biogas supply infrastructure projects and its development of those projects with or without a third party.

"Eligible biogas supply infrastructure costs" includes the investment in eligible biogas supply infrastructure projects and the following:

1. Return on the investment. In calculating the return on the investment, the Commission shall use the natural gas utility's regulatory capital structure in effect during the construction period of the eligible biogas supply infrastructure project. The regulatory capital structure shall be calculated utilizing the weighted average cost of capital, including the cost of debt and the cost of equity, plus an additional 100 basis points added to the cost of equity. If the natural gas utility's cost of capital underlying the base rates in effect at the time its proposed eligible biogas supply infrastructure project is filed has not been changed by order of the Commission within the preceding five years, the Commission may require the natural gas utility to file an updated weighted average cost of capital, and the natural gas utility may propose an updated weighted average cost of capital. The natural gas utility may recover the external costs associated with establishing its updated weighted average cost of capital through a biogas supply rider. Such external costs shall include legal costs and consultant costs;

2. A revenue conversion factor. Such factor, including income taxes, shall be applied to the required operating income resulting from the eligible biogas supply infrastructure costs;

3. Operating and maintenance expenses. These expenses include the amount of operating and maintenance expenses utilized in biogas collection; processing the gas produced; and gathering, transmission, and distribution lines delivering the gas to a pipeline or distribution system;

4. Depreciation. In calculating depreciation, the Commission shall use the natural gas utility's current depreciation rates for investments in distribution infrastructure, as set out by the appropriate asset class. The natural gas utility shall propose a basis for recovering for the depreciation or depletion of investments in other asset classes in the biogas supply investment plan, including investments in biogas reserves that will deplete based on their useful life or of associated facilities that may be retired upon depletion of biogas reserves;

5. Property tax and any other taxes or government fees associated with production and transmission of biogas; and

6. Carrying costs on the over-recovery or under-recovery of the eligible biogas supply infrastructure costs. In calculating the carrying costs, the Commission shall use the natural gas utility's regulatory capital structure as determined in subdivision 1.

"Eligible biogas supply infrastructure projects" or "projects" means capital investments in biogas facilities that, alone or in combination with other projects or strategies, offer reasonably anticipated benefits to customers and markets, which benefits mean (i) a reduction in methane or carbon dioxide equivalent emissions from the biogas facility, (ii) an additional source of supply for the natural gas utility, and (iii) a beneficial use for the biogas, and which benefits do not result in the gas delivered to customers failing to meet the natural gas utility's pipeline quality standards.

"Investment" means actual costs incurred on eligible biogas supply infrastructure projects, including planning, development, and construction costs; actual costs of infrastructure associated therewith; and an allowance for funds used during construction. In calculating the allowance for funds used during construction, the Commission shall use the natural gas utility's actual regulatory capital structure as determined in subdivision 1 of the definition of "eligible biogas supply infrastructure costs."

"Natural gas utility" means an investor-owned public service company engaged in the business of furnishing natural gas service to the public.

B. A natural gas utility shall have the right to recover eligible biogas supply infrastructure costs on an ongoing basis through the gas cost component of the natural gas utility's rate structure or other recovery mechanism approved by the Commission, provided that any such mechanism shall properly allocate costs. Natural gas utilities using the cost of service methodology set forth in § 56-235.2 or a performance-based regulation plan authorized by § 56-235.6 shall be eligible to file a plan. The plan shall include a timeline for the investment and completion of the proposed eligible biogas supply infrastructure projects; provide for an estimated schedule for recovery of the related eligible biogas supply infrastructure costs through the gas cost component of the natural gas utility's rate structure or other mechanism, including proposed depreciation rates for investments in non-distribution asset classes and how any revenue gains from the use of the pipelines by third parties will be used to offset eligible biogas supply infrastructure costs; and demonstrate that the plan is in the public interest with due consideration to the reduction in methane or carbon dioxide equivalent emissions and the addition of a supply source for the natural gas utility or a combination thereof. No project shall provide an annual volume of biogas that exceeds three percent of the natural gas utility's annual firm sales demand, and no combination of projects shall provide an annual volume of biogas that exceeds 15 percent of the natural gas utility's annual firm sales demand. The natural gas utility's weather-normalized firm sales demand for the calendar year preceding the application shall be deemed to establish the annual firm sales demand for the purposes of calculating the volume and volumetric limits of projects. The Commission shall approve such a plan upon a finding that it (i) is in the public interest, (ii) will result in a decrease of methane or carbon dioxide equivalent emissions, and (iii) will result in rates that are just and reasonable, after notice and an opportunity for a hearing in accordance with the provisions of this chapter.

C. In addition to the items included in the plan as specified in subsection B, the plan may provide the natural gas utility with an option to receive the biogas or sell the biogas at market prices. A natural gas utility proposing this option as part of its plan shall propose how any revenue gains from the sale of the biogas will be used to reduce the cost of gas to its customers. The Commission shall approve or deny, within 180 days, a natural gas utility's initial application for a biogas supply investment plan. A plan filed pursuant to this section shall not require the filing of rate case schedules. The Commission shall approve or deny, within 120 days, a natural gas utility's application to amend a previously approved plan. If the Commission denies such a plan or amendment, it shall set forth with specificity the reasons for such denial, and the natural gas utility shall have the right to refile, without prejudice, an amended plan or amendment within 60 days, and the Commission shall thereafter have 60 days to approve or deny the amended plan or amendment. If the plan is filed as part of a general rate case using the cost of service methodology set forth in § 56-235.2 or a performance-based regulation plan authorized by § 56-235.6, then the Commission shall approve or deny the plan concurrent with or as part of the general rate case decision.

D. No other revenue requirement or ratemaking issues shall be examined in consideration of a plan filed pursuant to the provisions of this section.

E. A natural gas utility with an approved biogas supply investment plan shall annually file a report of the eligible biogas supply infrastructure investment made, the eligible biogas supply infrastructure costs incurred and the amount of such costs recovered, the volume of biogas delivered to customers or sold to third parties during the 12-month reporting period, and an analysis of the price of biogas delivered to the natural gas utility customers and the market cost of gas during the 12-month period. However, such analysis shall not affect a natural gas utility's right to recover all eligible biogas supply infrastructure costs as set forth in subsection B. The report shall also identify the balance of over-recovery or under-recovery of the eligible biogas supply infrastructure costs at the end of the reporting period and the projected investment to be made, the projected infrastructure costs to be incurred, and the projected costs to be recovered during the next 12-month reporting period.

F. Costs recovered pursuant to this section shall be in addition to all other costs that the natural gas utility is permitted to recover and shall not be considered an offset to other Commission-approved costs of service or revenue requirements.

2. That the State Corporation Commission may exempt customer education components from the required test parameters set forth in § 56-600 of the Code of Virginia, as amended by this act, for a cost-effective conservation and energy efficiency program.

3. That each natural gas utility that has one or more State Corporation Commission-approved (the Commission) eligible biogas supply infrastructure projects, as defined in § 56-625 of the Code of Virginia, as created by this act, shall report annually to the Commission the reduction in methane and carbon dioxide equivalent emissions from each such approved project. The Commission shall issue an annual report describing the number of approved eligible biogas supply infrastructure projects, as defined in § 56-625 of the Code of Virginia, as created by this act, and the methane and carbon dioxide equivalent emissions from such approved projects. The Commission shall make such report available on its website.

4. That the Department of Environmental Quality (the Department) shall convene a work group of stakeholders to determine the feasibility of setting a statewide methane reduction goal and plan to achieve the same. The Department shall report its findings and recommendations to the Chairmen of the Senate Committee on Agriculture, Conservation and Natural Resources, the Senate Committee on Commerce and Labor, the House Committee on Agriculture, Chesapeake and Natural Resources, and the House Committee on Commerce and Energy by July 1, 2023.

CHAPTER 760

An Act directing the Secretary of Education and Virginia Superintendent of Public Instruction to convene a work group to revise the Virginia Standards of Learning summative assessments of proficiency and to develop a plan for implementation of such revised assessments.

[H 585]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Secretary of Education and the Virginia Superintendent of Public Instruction shall convene and consult a work group consisting of representatives of the Department of Education and other appropriate stakeholders to revise the Virginia Standards of Learning summative assessments of proficiency that require students to demonstrate that they possess the skills, knowledge, and content necessary for success and to develop a plan for implementation of such revised assessments.

§ 2. In developing such revised assessments and plan, the work group shall consider (i) best practices and innovations in summative assessments of proficiency from across the nation; (ii) alternative approaches to current and new assessment items, including subject areas and methods of grading such items; (iii) assessment items that include open-ended questions, long-form writing, and other tasks, with student responses scored by the Department according to statewide scoring rubrics; (iv) plan for pilot implementation of such assessment items prior to the 2027–2028 school year as necessary to determine the validity of such items; (v) the process for the development of a bank of vetted sample assessment items that

include a comprehensive representation of knowledge and skills being assessed; (vi) the legislative and regulatory changes and funding necessary to implement alternative approaches considered by the work group; and (vii) a proposed timeline for implementation of such new assessments, giving consideration to implementation prior to the 2027–2028 school year. Nothing in this act shall prohibit the work group from looking at all forms of assessment. Such work group shall not be responsible for implementation of such revised assessment items unless there is further action from the General Assembly.

§ 3. That the Department of Education shall submit its initial plan for implementation of revised Virginia Standards of Learning summative assessments of proficiency developed pursuant to § 2 of this act to the Chairmen of the House Committee on Education, the Senate Committee on Education and Health, the House Committee on Appropriations, and the Senate Committee on Finance and Appropriations no later than November 1, 2023, and shall provide updates on the implementation of such plan no later than November 1 of each year thereafter through 2027.

CHAPTER 761

An Act to amend and reenact §§ 2.2-1156, 10.1-1122, and 36-139.1 of the Code of Virginia, relating to Department of General Services; adjustment of boundary lines of surplus property.

[H 644]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-1156, 10.1-1122, and 36-139.1 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-1156. Sale or lease of surplus property and excess building space.

A. The Department shall identify real property assets that are surplus to the current and reasonably anticipated future needs of the Commonwealth and may dispose of surplus assets as provided in this section, except when a department, agency or institution notifies the Department of a need for property that has been declared surplus, and the Department finds that stated need to be valid and best satisfied by the use of the property.

B. After it determines the property to be surplus to the needs of the Commonwealth and that such property should be sold, the Department shall request the written opinion of the Secretary of Natural and Historic Resources as to whether the property is a significant component of the Commonwealth's natural or historic resources, and if so how those resources should be protected in the sale of the property. The Secretary of Natural and Historic Resources shall provide this review within 15 business days of receipt of full information from the Department. ~~Within 120 days of receipt of the Secretary's review, the Department shall, with the prior written approval of the Governor, proceed to sell the property.~~

C. Upon receipt of the Secretary's review under subsection B and prior to offering the surplus property for sale to the public, the Department shall notify the chief administrative officer of the locality within which the property is located as well as any economic development entity for such locality of the pending disposition of such property. The chief administrative officer or local economic development entity shall have up to 180 days from the date of such notification to submit a proposal to the Department for the use by the locality or the local economic development entity of such property in conjunction with a bona fide economic development activity. The Department shall review such proposal, and if the Department determines that such proposal is viable and could benefit the Commonwealth, the Department may negotiate with the chief administrative officer or the local economic development entity for the sale of such property to the locality or economic development entity. If no agreement is reached between the Department and the chief administrative officer or the local economic development entity for the sale of the property, or if no proposal for the use of the property is submitted to the Department by the chief administrative officer or the local economic development entity within 180 days of notification of the pending disposition of the property, the Department, *with the prior, written approval of the Governor*, may proceed to dispose of the property as provided in this section.

D. If the surplus property is not disposed of pursuant to subsection C, the sale shall be by public auction, or sealed bids, or by marketing through one or more real estate brokers licensed by the Commonwealth. Notice of the date, time and place of sale, if by public auction or sealed bids shall be given by advertisement in at least ~~two newspapers~~ *one newspaper* published and having general circulation ~~in the Commonwealth, at least one of which shall have general circulation~~ in the county or city in which the property to be sold is located *and be posted on the Department's website*. At least 30 days shall elapse between publication of the notice and the auction or the date on which sealed bids will be opened.

~~E. In instances where the appraised value of property proposed to be sold is determined to be a nominal amount or an amount insufficient to warrant statewide advertisement, but in no event in excess of \$250,000, the notice of sale may be placed in only one newspaper having general circulation in the county or city in which the property to be sold is located.~~

F. E. The Department may reject any and all bids or offers when, in the opinion of the Department, the price is inadequate in relation to the value of the property, the proposed terms are unacceptable, or if a need has been found for the property.

G. F. In lieu of the sale of any such property, or in the event the Department determines there is space within a building owned by the Commonwealth or any space leased by the Commonwealth in excess of current and reasonably anticipated needs, the Department may, with the approval of the Governor, lease or sublease such property or space to any responsible person, firm or corporation on such terms as shall be approved by the Governor, provided, however, that the authority herein to sublease space leased by the Commonwealth shall be subject to the terms of the original lease. The Department may with

the approval of the Governor permit charitable organizations exempt from taxation under § 501(c)(3) of the Internal Revenue Code that provide addiction recovery services to lease or sublease such property or space at cost and on such terms as shall be approved by the Governor, provided such use is deemed appropriate.

The Department shall post reports from the Commonwealth's statewide electronic procurement system, known as eVA, on the Department's website. The report shall include, at a minimum, current leasing opportunities and sales of surplus real property posted on the eVA's Virginia Business Opportunities website. Such reports shall also be made available by electronic subscription. The provisions of this section requiring disposition of property through the medium of sealed bids, public auction, or marketing through licensed real estate brokers shall not apply to any lease thereof, although such procedures may be followed in the discretion of the Department.

¶ G. The deed, lease, or sublease conveying the property or excess space shall be executed in the name of the Commonwealth and shall be in a form approved by the Attorney General. Notwithstanding any law to the contrary and notwithstanding how title to the property was acquired, the deed or lease may be executed on behalf of the Commonwealth by the Director of the Department or his designee, and such action shall not create a cloud on the title to the property.

In the event that the Department determines that a boundary line of a surplus property requires adjustment, the Department may work with the adjacent landowner to adjust the boundary line and to transfer property to, or acquire property from, such adjacent landowner. In the event the Department determines that granting or accepting an easement over surplus property or the property of the adjacent landowner would facilitate the transfer of the surplus property, the Department may enter into any such easement on behalf of the department, agency, or institution in possession or control of the property, provided, however, that any such easement shall be in a form approved by the Attorney General and subject to the written approval of the Governor. The terms of the sale, lease, or sublease shall be subject to the written approval of the Governor.

¶ H. An exception to sale by sealed bids, public auction, or listing the property with a licensed real estate broker may be granted by the Governor if the property is landlocked and inaccessible from a public road or highway. In such cases, the Department shall notify all adjacent landowners of the Commonwealth's desire to dispose of the property. After the notice has been given, the Department may begin negotiations for the sale of the property with each interested adjacent landowner. The Department, with the approval of the Governor, may accept any offer that it deems to be fair and adequate consideration for the property. In all cases, the offer shall be the best offer made by any adjacent landowner. The terms of all negotiations shall be public information.

¶ I. Subject to any law to the contrary, 50 percent of the proceeds from all sales or leases, or from the conveyance of any interest in property under the provisions of this article, above the costs of the transaction, which costs shall include fees or commissions, if any, negotiated with and paid to auctioneers or real estate brokers, shall be paid into the State Park Acquisition and Development Fund, so long as the sales or leases pertain to general fund agencies or the property involved was originally acquired through the general fund, except as provided in Chapter 180 of the Acts of Assembly of 1966. The remaining 50 percent of proceeds involving general fund sales or leases, less a pro rata share of any costs of the transactions, shall be deposited in the general fund of the state treasury. The Department of Planning and Budget shall develop guidelines that allow, with the approval of the Governor, any portion of the deposit in the general fund to be credited to the agency, department or institution having control of the property at the time it was determined surplus to the Commonwealth's needs. Any amounts so credited to an agency, department or institution may be used, upon appropriation, to supplement maintenance reserve funds or capital project appropriations, or for the acquisition, construction or improvement of real property or facilities. Net proceeds from sales or leases of special fund agency properties or property acquired through a gift for a specific purpose shall be retained by the agency or used in accordance with the original terms of the gift. Notwithstanding the foregoing, income from leases or subleases above the cost of the transaction shall first be applied to rent under the original lease and to the cost of maintenance and operation of the property. The remaining funds shall be distributed as provided herein.

¶ J. When the Department deems it to be in the best interests of the Commonwealth, it may, with the approval of the Governor, authorize the department, institution or agency in possession or control of the property to dispose of surplus property in accordance with the procedures set forth in this section.

§ 10.1-1122. Management, harvesting, sale of timber on state-owned land.

A. The Department in cooperation with the Division of Engineering and Buildings shall develop a forest management plan for state-owned lands with the assistance of affected state agencies, departments and institutions.

B. Prior to the sale of timber from state-owned lands, the proposed sale shall be first approved by the Department and by the Division of Engineering and Buildings. The Department shall make or arrange for all sales so approved and shall deposit all proceeds to the credit of the Fund, except that when sales are made from timber on land held by special fund agencies or the Department of Military Affairs, or from timber on land that is gift property specified in subsection ¶ I of § 2.2-1156, the Department shall deposit in the Fund only so much of the proceeds as are needed to defray the cost of the sale and to implement the forestry management plan on that particular tract of land. The remainder of the proceeds from such a sale shall then be paid over to the special fund agency concerned, the Department of Military Affairs, or the agency or institution holding the gift properties, to be used for the purposes of that agency, department, or institution.

§ 36-139.1. Sale of real property for housing demonstration projects.

The Director is authorized to sell surplus real property belonging to the Commonwealth that is placed under the control of the Department for the purpose of establishing owner-occupied residential housing demonstration projects, with the prior

written approval of the Governor or his designee, who shall first consider the written recommendation of the Director of the Department of General Services. The methods, terms and conditions of sale shall be developed in cooperation with the Department of General Services. Any contract of sale or deed of conveyance shall be approved as to form by the Attorney General or one of his deputies or assistant attorneys general. The proceeds from all such sales shall be handled in the manner prescribed in subsection ~~¶~~ I of § 2.2-1156.

CHAPTER 762

An Act to direct the Department of Energy to identify the volume and number of waste coal piles.

[H 657]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Department of Energy (the Department), in cooperation with the public institutions of higher education serving the coalfield region of the Commonwealth, shall identify the approximate volume and number of waste coal piles present in the coalfield region of the Commonwealth and options for cleaning up such waste coal piles, including the use of waste coal in generation of electricity. The Department shall also collaborate with other states in which waste coal piles are located that are members of the Appalachian Regional Commission to identify best practices for cleaning up waste coal piles. The Department shall report its findings and any recommendations to the Chairmen of the Senate Committee on Commerce and Labor, the Senate Committee on Agriculture, Conservation and Natural Resources, the House Committee on Commerce and Energy, and the House Committee on Agriculture, Chesapeake and Natural Resources by December 1, 2022. For purposes of this act, "waste coal" means usable material that is a by-product of previous coal processing operations.*

§ 2. *The Department of Energy shall convene a working group, including, as appropriate, representatives from the Department of Environmental Quality, the Virginia Department of Transportation's Transportation Research Council, and other stakeholders, to evaluate the opportunities for the development of public infrastructure projects at current or proposed sites for the storage of coal ash in the Commonwealth. The working group shall report its findings and any recommendations to the Chairmen of the Senate Committee on Commerce and Labor, the Senate Committee on Agriculture, Conservation and Natural Resources, the Senate Committee on Transportation, the House Committee on Commerce and Energy, the House Committee on Agriculture, Chesapeake and Natural Resources, and the House Committee on Transportation by December 1, 2022.*

CHAPTER 763

An Act to amend and reenact §§ 19.2-169.3, 19.2-169.6, 37.2-805, 37.2-813, 37.2-815, 37.2-817, as it shall become effective, 37.2-817.1, as it shall become effective, 37.2-817.4, as it shall become effective, and 37.2-821 of the Code of Virginia and the third enactment of Chapter 221 of the Acts of Assembly of 2021, Special Session I; to amend the Code of Virginia by adding a section numbered 37.2-817.01; and to repeal § 37.2-817.2, as it shall become effective, of the Code of Virginia, relating to mandatory outpatient treatment.

[H 663]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-169.3, 19.2-169.6, 37.2-805, 37.2-813, 37.2-815, 37.2-817, as it shall become effective, 37.2-817.1, as it shall become effective, 37.2-817.4, as it shall become effective, and 37.2-821 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 37.2-817.01 as follows:

§ 19.2-169.3. Disposition of the unrestorably incompetent defendant; aggravated murder charge; sexually violent offense charge.

A. If, at any time after the defendant is ordered to undergo treatment pursuant to subsection A of § 19.2-169.2, the director of the community services board or behavioral health authority or his designee or the director of the treating inpatient facility or his designee concludes that the defendant is likely to remain incompetent for the foreseeable future, he shall send a report to the court so stating. The report shall also indicate whether, in the board, authority, or inpatient facility director's or his designee's opinion, the defendant should be released, committed pursuant to Article 5 (§ 37.2-814 et seq.) of Chapter 8 of Title 37.2, committed pursuant to Chapter 9 (§ 37.2-900 et seq.) of Title 37.2, or certified pursuant to § 37.2-806 in the event he is found to be unrestorably incompetent. Upon receipt of the report, the court shall make a competency determination according to the procedures specified in subsection E of § 19.2-169.1. If the court finds that the defendant is incompetent and is likely to remain so for the foreseeable future, it shall order that he be (i) released, (ii) committed pursuant to Article 5 (§ 37.2-814 et seq.) of Chapter 8 of Title 37.2, or (iii) certified pursuant to § 37.2-806. However, if the court finds that the defendant is incompetent and is likely to remain so for the foreseeable future and the defendant has been charged with a sexually violent offense, as defined in § 37.2-900, he shall be screened pursuant to the procedures set forth in §§ 37.2-903 and 37.2-904. If the court finds the defendant incompetent but restorable to competency

in the foreseeable future, it may order treatment continued until six months have elapsed from the date of the defendant's initial admission under subsection A of § 19.2-169.2.

B. At the end of six months from the date of the defendant's initial admission under subsection A of § 19.2-169.2 if the defendant remains incompetent in the opinion of the board, authority, or inpatient facility director or his designee, the director or his designee shall so notify the court and make recommendations concerning disposition of the defendant as described in subsection A. The court shall hold a hearing according to the procedures specified in subsection E of § 19.2-169.1 and, if it finds the defendant unrestorably incompetent, shall order one of the dispositions described in subsection A. If the court finds the defendant incompetent but restorable to competency, it may order continued treatment under subsection A of § 19.2-169.2 for additional six-month periods, provided a hearing pursuant to subsection E of § 19.2-169.1 is held at the completion of each such period and the defendant continues to be incompetent but restorable to competency in the foreseeable future.

C. If any defendant has been charged with a misdemeanor in violation of Article 3 (§ 18.2-95 et seq.) of Chapter 5 of Title 18.2 or Article 5 (§ 18.2-119 et seq.) of Chapter 5 of Title 18.2, other than a misdemeanor charge pursuant to § 18.2-130 or Article 2 (§ 18.2-415 et seq.) of Chapter 9 of Title 18.2, and is being treated pursuant to subsection A of § 19.2-169.2, and after 45 days has not been restored to competency, the director of the community service board, behavioral health authority, or the director of the treating inpatient facility, or any of their designees, shall send a report indicating the defendant's status to the court. The report shall also indicate whether the defendant should be released or committed pursuant to § 37.2-817 or 37.2-817.01 or certified pursuant to § 37.2-806. Upon receipt of the report, if the court determines that the defendant is still incompetent, the court shall order that the defendant be released, committed, or certified, and may dismiss the charges against the defendant.

D. Unless an incompetent defendant is charged with aggravated murder or the charges against an incompetent criminal defendant have been previously dismissed, charges against an unrestorably incompetent defendant shall be dismissed on the date upon which his sentence would have expired had he been convicted and received the maximum sentence for the crime charged, or on the date five years from the date of his arrest for such charges, whichever is sooner.

E. If the court orders an unrestorably incompetent defendant to be screened pursuant to the procedures set forth in §§ 37.2-903 and 37.2-904, it shall order the attorney for the Commonwealth in the jurisdiction wherein the defendant was charged and the Commissioner of Behavioral Health and Developmental Services to provide the Director of the Department of Corrections with any information relevant to the review, including, but not limited to: (i) a copy of the warrant or indictment, (ii) a copy of the defendant's criminal record, (iii) information about the alleged crime, (iv) a copy of the competency report completed pursuant to § 19.2-169.1, and (v) a copy of the report prepared by the director of the defendant's community services board, behavioral health authority, or treating inpatient facility or his designee pursuant to this section. The court shall further order that the defendant be held in the custody of the Department of Behavioral Health and Developmental Services for secure confinement and treatment until the Commitment Review Committee's and Attorney General's review and any subsequent hearing or trial are completed. If the court receives notice that the Attorney General has declined to file a petition for the commitment of an unrestorably incompetent defendant as a sexually violent predator after conducting a review pursuant to § 37.2-905, the court shall order that the defendant be released, committed pursuant to Article 5 (§ 37.2-814 et seq.) of Chapter 8 of Title 37.2, or certified pursuant to § 37.2-806.

F. In any case when an incompetent defendant is charged with aggravated murder and has been determined to be unrestorably incompetent, notwithstanding any other provision of this section, the charge shall not be dismissed and the court having jurisdiction over the aggravated murder case may order that the defendant receive continued treatment under subsection A of § 19.2-169.2 in a secure facility determined by the Commissioner of the Department of Behavioral Health and Developmental Services where the defendant shall remain until further order of the court, provided that (i) a hearing pursuant to subsection E of § 19.2-169.1 is held at yearly intervals for five years and at biennial intervals thereafter, or at any time that the director of the treating facility or his designee submits a competency report to the court in accordance with subsection D of § 19.2-169.1 that the defendant's competency has been restored, (ii) the defendant remains incompetent, (iii) the court finds continued treatment to be medically appropriate, and (iv) the defendant presents a danger to himself or others. No unrestorably incompetent defendant charged with aggravated murder shall be released except pursuant to a court order.

G. The attorney for the Commonwealth may bring charges that have been dismissed against the defendant when he is restored to competency.

§ 19.2-169.6. Inpatient psychiatric hospital admission from local correctional facility.

A. Any inmate of a local correctional facility may be hospitalized for psychiatric treatment at a hospital designated by the Commissioner of Behavioral Health and Developmental Services as appropriate for treatment of persons under criminal charge if:

1. The court with jurisdiction over the inmate's case, if it is still pending, on the petition of the person having custody over an inmate or on its own motion, holds a hearing at which the inmate is represented by counsel and finds by clear and convincing evidence that (i) the inmate has a mental illness; (ii) there exists a substantial likelihood that, as a result of a mental illness, the inmate will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and any other relevant information or (b) suffer serious harm due to his lack of capacity to protect himself from harm as evidenced by recent behavior and any other relevant information; and (iii) the inmate requires treatment in a hospital rather than the local correctional facility. Prior to making this determination, the court shall consider the examination conducted in accordance with § 37.2-815 and the preadmission screening report

prepared in accordance with § 37.2-816 and conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 37.2-804.1 by an employee or designee of the local community services board or behavioral health authority who is skilled in the assessment and treatment of mental illness, who is not providing treatment to the inmate, and who has completed a certification program approved by the Department of Behavioral Health and Developmental Services as provided in § 37.2-809. The examiner appointed pursuant to § 37.2-815, if not physically present at the hearing, shall be available whenever possible for questioning during the hearing through a two-way electronic video and audio or telephonic communication system as authorized in § 37.2-804.1. Any employee or designee of the local community services board or behavioral health authority, as defined in § 37.2-809, representing the board or authority that prepared the preadmission screening report shall attend the hearing in person or, if physical attendance is not practicable, shall participate in the hearing through a two-way electronic video and audio communication system as authorized in § 37.2-804.1. When the hearing is held outside the service area of the community services board or behavioral health authority that prepared the preadmission screening report, and it is not practicable for a representative of the board or authority to attend or participate in the hearing, arrangements shall be made by the board or authority for an employee or designee of the board or authority serving the area in which the hearing is held to attend or participate on behalf of the board or authority that prepared the preadmission screening report; or

2. Upon petition by the person having custody over an inmate, a magistrate finds probable cause to believe that (i) the inmate has a mental illness; (ii) there exists a substantial likelihood that, as a result of a mental illness, the inmate will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and any other relevant information or (b) suffer serious harm due to his lack of capacity to protect himself from harm as evidenced by recent behavior and any other relevant information; and (iii) the inmate requires treatment in a hospital rather than a local correctional facility, and the magistrate issues a temporary detention order for the inmate. Prior to the filing of the petition, the person having custody shall arrange for an evaluation of the inmate conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 37.2-804.1 by an employee or designee of the local community services board or behavioral health authority who is skilled in the assessment and treatment of mental illness and who has completed a certification program approved by the Department as provided in § 37.2-809. After considering the evaluation of the employee or designee of the local community services board or behavioral health authority, and any other information presented, and finding that probable cause exists to meet the criteria, the magistrate may issue a temporary detention order in accordance with the applicable procedures specified in §§ 37.2-809 through 37.2-813. A temporary detention order issued pursuant to this subdivision may be executed by a deputy sheriff or jail officer, as those terms are defined in § 53.1-1, employed at the local correctional facility where the inmate is incarcerated. The person having custody over the inmate shall notify the court having jurisdiction over the inmate's case, if it is still pending, and the inmate's attorney prior to the detention pursuant to a temporary detention order or as soon thereafter as is reasonable.

Upon detention pursuant to this subdivision, a hearing shall be held either before the court having jurisdiction over the inmate's case or before a district court judge or a special justice, as defined in § 37.2-100, in accordance with the provisions of §§ 37.2-815 through 37.2-821, in which case the inmate shall be represented by counsel as specified in § 37.2-814. The hearing shall be held within 72 hours of execution of the temporary detention order issued pursuant to this subdivision. If the 72-hour period terminates on a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, the inmate may be detained until the close of business on the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed. Any employee or designee of the local community services board or behavioral health authority, as defined in § 37.2-809, representing the board or authority that prepared the preadmission screening report shall attend the hearing in person or, if physical attendance is not practicable, shall participate in the hearing through a two-way electronic video and audio communication system as authorized in § 37.2-804.1. When the hearing is held outside the service area of the community services board or behavioral health authority that prepared the preadmission screening report, and it is not practicable for a representative of the board or authority to attend or participate in the hearing, arrangements shall be made by the board or authority for an employee or designee of the board or authority serving the area in which the hearing is held to attend or participate on behalf of the board or authority that prepared the preadmission screening report. The judge or special justice conducting the hearing may order the inmate hospitalized if, after considering the examination conducted in accordance with § 37.2-815, the preadmission screening report prepared in accordance with § 37.2-816, and any other available information as specified in subsection C of § 37.2-817, he finds by clear and convincing evidence that (1) the inmate has a mental illness; (2) there exists a substantial likelihood that, as a result of a mental illness, the inmate will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and any other relevant information or (b) suffer serious harm due to his lack of capacity to protect himself from harm as evidenced by recent behavior and any other relevant information; and (3) the inmate requires treatment in a hospital rather than a local correctional facility. The examiner appointed pursuant to § 37.2-815, if not physically present at the hearing, shall be available whenever possible for questioning during the hearing through a two-way electronic video and audio or telephonic communication system as authorized in § 37.2-804.1. The examination and the preadmission screening report shall be admitted into evidence at the hearing.

B. In no event shall an inmate have the right to make application for voluntary admission as may be otherwise provided in § 37.2-805 or 37.2-814 or be subject to an order for mandatory outpatient treatment as provided in § ~~37.2-817~~ 37.2-817.01.

C. If an inmate is hospitalized pursuant to this section and his criminal case is still pending, the court having jurisdiction over the inmate's case may order that the admitting hospital evaluate the inmate's competency to stand trial and his mental state at the time of the offense pursuant to §§ 19.2-169.1 and 19.2-169.5.

D. An inmate may not be hospitalized longer than 30 days under subsection A unless the court which has criminal jurisdiction over him or a district court judge or a special justice, as defined in § 37.2-100, holds a hearing and orders the inmate's continued hospitalization in accordance with the provisions of subdivision A 2. If the inmate's hospitalization is continued under this subsection by a court other than the court which has jurisdiction over his criminal case, the facility at which the inmate is hospitalized shall notify the court with jurisdiction over his criminal case and the inmate's attorney in the criminal case, if the case is still pending.

E. Hospitalization may be extended in accordance with subsection D for periods of 60 days for inmates awaiting trial, but in no event may such hospitalization be continued beyond trial, nor shall such hospitalization act to delay trial, as long as the inmate remains competent to stand trial. Hospitalization may be extended in accordance with subsection D for periods of 180 days for an inmate who has been convicted and not yet sentenced, or for an inmate who has been convicted of a crime and is in the custody of a local correctional facility after sentencing, but in no event may such hospitalization be continued beyond the date upon which his sentence would have expired had he received the maximum sentence for the crime charged. Any inmate who has not completed service of his sentence upon discharge from the hospital shall serve the remainder of his sentence.

F. For any inmate who has been convicted and not yet sentenced, or who has been convicted of a crime and is in the custody of a local correctional facility after sentencing, the time the inmate is confined in a hospital for psychiatric treatment shall be deducted from any term for which he may be sentenced to any penal institution, reformatory or elsewhere.

G. Any health care provider, as defined in § 32.1-127.1:03, or other provider rendering services to an inmate who is the subject of a proceeding under this section, upon request, shall disclose to a magistrate, the court, the inmate's attorney, the inmate's guardian ad litem, the examiner appointed pursuant to § 37.2-815, the community service board or behavioral health authority preparing the preadmission screening pursuant to § 37.2-816, or the sheriff or administrator of the local correctional facility any and all information that is necessary and appropriate to enable each of them to perform his duties under this section. These health care providers and other service providers shall disclose to one another health records and information where necessary to provide care and treatment to the inmate and to monitor that care and treatment. Health records disclosed to a sheriff or administrator of the local correctional facility shall be limited to information necessary to protect the sheriff or administrator of the local correctional facility and his employees, the inmate, or the public from physical injury or to address the health care needs of the inmate. Information disclosed to a law-enforcement officer shall not be used for any other purpose, disclosed to others, or retained.

Any health care provider disclosing records pursuant to this section shall be immune from civil liability for any harm resulting from the disclosure, including any liability under the federal Health Insurance Portability and Accountability Act (42 U.S.C. § 1320d et seq.), as amended, unless the person or provider disclosing such records intended the harm or acted in bad faith.

H. Any order entered where an inmate is the subject of proceedings under this section shall provide for the disclosure of medical records pursuant to subsection G. This subsection shall not preclude any other disclosures as required or permitted by law.

I. If the person having custody over an inmate files a petition pursuant to this section, such person shall ensure that the appropriate community services board or behavioral health authority is advised of the need for a preadmission screening. If the community services board or behavioral health authority does not respond upon being advised of the need for a preadmission screening or fails to complete the preadmission screening, the person having custody over the inmate shall contact the director or other senior management at the community services board or behavioral health authority.

J. As used in this section, "person having custody over an inmate" means the sheriff or other person in charge of the local correctional facility where the inmate is incarcerated at the time of the filing of a petition for the psychiatric treatment of the inmate.

§ 37.2-805. Voluntary admission.

Any state facility shall admit any person requesting admission who has been (i) screened by the community services board or behavioral health authority that serves the county or city where the person resides or, if impractical, where the person is located, (ii) examined by a physician on the staff of the state facility, and (iii) deemed by the board or authority and the state facility physician to be in need of treatment, training, or habilitation in a state facility. Upon motion of the treating physician, a family member or personal representative of the person, or the community services board serving the county or city where the facility is located, the county or city where the person resides, or the county or city where the person receives treatment, a hearing shall be held prior to the release date of any person who has been the subject of a temporary detention order and voluntarily admitted himself in accordance with subsection B of § 37.2-814 to determine whether such person should be ordered to mandatory outpatient treatment pursuant to subsection D of § ~~37.2-817~~ 37.2-817.01, *except that such 36-month period shall not include any time during which the person was receiving inpatient psychiatric treatment or was incarcerated, as established by evidence admitted at the hearing*, upon his release if such person, on at least two previous occasions within 36 months preceding the date of the hearing, has been (a) the subject of a temporary detention order and voluntarily admitted himself in accordance with subsection B of § 37.2-814 or (b) involuntarily admitted pursuant to

§ 37.2-817. A district court judge or special justice shall hold the hearing within 72 hours after receiving the motion for a mandatory outpatient treatment order; however, if the 72-hour period expires on a Saturday, Sunday, or legal holiday, the hearing shall be held by the close of business on the next day that is not a Saturday, Sunday, or legal holiday.

§ 37.2-813. Release of person prior to commitment hearing for involuntary admission.

Prior to a hearing as authorized in §§ 37.2-814 through 37.2-819, the district court judge or special justice may release the person on his personal recognizance or bond set by the district court judge or special justice if it appears from all evidence readily available that the person does not meet the commitment criteria specified in subsection ~~D~~ C of § 37.2-817. The director of any facility in which the person is detained may release the person prior to a hearing as authorized in §§ 37.2-814 through 37.2-819 if it appears, based on an evaluation conducted by the psychiatrist or clinical psychologist treating the person, that the person would not meet the commitment criteria specified in subsection ~~D~~ C of § 37.2-817 if released.

§ 37.2-815. Commitment hearing for involuntary admission; examination required.

A. Notwithstanding § 37.2-814, the district court judge or special justice shall require an examination of the person who is the subject of the hearing by a psychiatrist or a psychologist who is licensed in Virginia by the Board of Medicine or the Board of Psychology and is qualified in the diagnosis of mental illness or, if such a psychiatrist or psychologist is not available, a mental health professional who (i) is licensed in Virginia through the Department of Health Professions as a clinical social worker, professional counselor, marriage and family therapist, psychiatric nurse practitioner, or clinical nurse specialist, (ii) is qualified in the assessment of mental illness, and (iii) has completed a certification program approved by the Department. The examiner chosen shall be able to provide an independent clinical evaluation of the person and recommendations for his placement, care, and treatment. The examiner shall (a) not be related by blood or marriage to the person, (b) not be responsible for treating the person, (c) have no financial interest in the admission or treatment of the person, (d) have no investment interest in the facility detaining or admitting the person under this chapter, and (e) except for employees of state hospitals, the U.S. Department of Veterans Affairs, and community service boards, not be employed by the facility. For purposes of this section, the term "investment interest" shall be as defined in § 37.2-809.

B. The examination conducted pursuant to this section shall be a comprehensive evaluation of the person conducted in-person or, if that is not practicable, by two-way electronic video and audio communication system as authorized in § 37.2-804.1. Translation or interpreter services shall be provided during the evaluation where necessary. The examination shall consist of (i) a clinical assessment that includes a mental status examination; determination of current use of psychotropic and other medications; a medical and psychiatric history; a substance use, abuse, or dependency determination; and a determination of the likelihood that, as a result of mental illness, the person will, in the near future, suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs; (ii) a substance abuse screening, when indicated; (iii) a risk assessment that includes an evaluation of the likelihood that, as a result of mental illness, the person will, in the near future, cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any; (iv) an assessment of the person's capacity to consent to treatment, including his ability to maintain and communicate choice, understand relevant information, and comprehend the situation and its consequences; (v) a review of the temporary detention facility's records for the person, including the treating physician's evaluation, any collateral information, reports of any laboratory or toxicology tests conducted, and all admission forms and nurses' notes; (vi) a discussion of treatment preferences expressed by the person or contained in a document provided by the person in support of recovery; (vii) an assessment of whether the person meets the criteria for an order authorizing discharge to mandatory outpatient treatment following a period of inpatient treatment pursuant to subsection ~~C~~ C of § ~~37.2-817~~ 37.2-817.01; (viii) an assessment of alternatives to involuntary inpatient treatment; and (ix) recommendations for the placement, care, and treatment of the person.

C. All such examinations shall be conducted in private. The judge or special justice shall summons the examiner who shall certify that he has personally examined the person and state whether he has probable cause to believe that the person (i) has a mental illness and there is a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, and (ii) requires involuntary inpatient treatment. The judge or special justice shall not render any decision on the petition until the examiner has presented his report. The examiner may report orally at the hearing, but he shall provide a written report of his examination prior to the hearing. The examiner's written certification may be accepted into evidence unless objected to by the person or his attorney, in which case the examiner shall attend in person or by electronic communication. When the examiner attends the hearing in person or by electronic communication, the examiner shall not be excluded from the hearing pursuant to an order of sequestration of witnesses.

§ 37.2-817. (Effective July 1, 2022) Involuntary admission.

A. The district court judge or special justice shall render a decision on the petition for involuntary admission after the appointed examiner has presented the report required by § 37.2-815, and after the community services board that serves the county or city where the person resides or, if impractical, where the person is located has presented a preadmission screening report with recommendations for that person's placement, care, and treatment pursuant to § 37.2-816. These reports, if not contested, may constitute sufficient evidence upon which the district court judge or special justice may base his decision. The examiner, if not physically present at the hearing, and the treating physician at the facility of temporary

detention shall be available whenever possible for questioning during the hearing through a two-way electronic video and audio or telephonic communication system as authorized in § 37.2-804.1.

B. Any employee or designee of the local community services board, as defined in § 37.2-809, representing the community services board that prepared the preadmission screening report shall attend the hearing in person or, if physical attendance is not practicable, shall participate in the hearing through a two-way electronic video and audio or telephonic communication system as authorized in § 37.2-804.1. Where a hearing is held outside of the service area of the community services board that prepared the preadmission screening report, and it is not practicable for a representative of the community services board that prepared the preadmission screening report to attend or participate in the hearing, arrangements shall be made by the community services board that prepared the preadmission screening report for an employee or designee of the community services board serving the area in which the hearing is held to attend or participate on behalf of the community services board that prepared the preadmission screening report. The employee or designee of the local community services board, as defined in § 37.2-809, representing the community services board that prepared the preadmission screening report or attending or participating on behalf of the community services board that prepared the preadmission screening report shall not be excluded from the hearing pursuant to an order of sequestration of witnesses. The community services board that prepared the preadmission screening report shall remain responsible for the person subject to the hearing and, prior to the hearing, shall send the preadmission screening report through certified mail, personal delivery, facsimile with return receipt acknowledged, or other electronic means with documented acknowledgment of receipt to the community services board attending the hearing. Where a community services board attends the hearing on behalf of the community services board that prepared the preadmission screening report, the attending community services board shall inform the community services board that prepared the preadmission screening report of the disposition of the matter upon the conclusion of the hearing. In addition, the attending community services board shall transmit the disposition through certified mail, personal delivery, facsimile with return receipt acknowledged, or other electronic means with documented acknowledgment of receipt.

At least 12 hours prior to the hearing, the court shall provide to the community services board that prepared the preadmission screening report the time and location of the hearing. If the representative of the community services board that prepared the preadmission screening report will be present by telephonic means, the court shall provide the telephone number to the community services board. If a representative of a community services board will be attending the hearing on behalf of the community services board that prepared the preadmission screening report, the community services board that prepared the preadmission screening report shall promptly communicate the time and location of the hearing and, if the representative of the community services board attending on behalf of the community services board that prepared the preadmission screening report will be present by telephonic means, the telephone number to the attending community services board.

C. After observing the person and considering (i) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (ii) any past actions of the person, (iii) any past mental health treatment of the person, (iv) any examiner's certification, (v) any health records available, (vi) the preadmission screening report, and (vii) any other relevant evidence that may have been admitted, including whether the person recently has been found unrestorably incompetent to stand trial after a hearing held pursuant to subsection E of § 19.2-169.1, if the judge or special justice finds by clear and convincing evidence that (a) the person has a mental illness and there is a substantial likelihood that, as a result of mental illness, the person will, in the near future, (1) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (2) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, and (b) all available less restrictive treatment alternatives to involuntary inpatient treatment that would offer an opportunity for the improvement of the person's condition have been investigated and determined to be inappropriate, the judge or special justice shall by written order and specific findings so certify and order that the person be admitted involuntarily to a facility for a period of treatment not to exceed 30 days from the date of the court order. Such involuntary admission shall be to a facility designated by the community services board that serves the county or city in which the person was examined as provided in § 37.2-816. If the community services board does not designate a facility at the commitment hearing, the person shall be involuntarily admitted to a facility designated by the Commissioner. Upon the expiration of an order for involuntary admission, the person shall be released unless (A) he is involuntarily admitted by further petition and order of a court, which shall be for a period not to exceed 180 days from the date of the subsequent court order, (B) he makes application for treatment on a voluntary basis as provided for in § 37.2-805, or (C) he is ordered to mandatory outpatient treatment following a period of inpatient treatment pursuant to § 37.2-817.01. ~~At any time prior to the discharge of a person who has been involuntarily admitted pursuant to this subsection, the person, the person's treating physician, a family member or personal representative of the person, or the community services board serving the county or city where the facility is located, the county or city where the person resides, or the county or city where the person will receive treatment following discharge may file a motion with the court for a hearing to determine whether such person should be ordered to mandatory outpatient treatment following a period of inpatient treatment pursuant to subsection C1 or D upon discharge if such person, on at least two previous occasions within 36 months preceding the date of the hearing, has been (I) involuntarily admitted pursuant to this section or (II) the subject of a temporary detention order and voluntarily admitted himself in accordance with subsection B of § 37.2-814, except that such 36-month period shall not include any time during which the person was receiving inpatient psychiatric treatment or was incarcerated, as established by evidence admitted at the hearing. A district~~

court judge or special justice shall hold the hearing within 72 hours after receiving the motion for a hearing to determine whether the person should be ordered to mandatory outpatient treatment following a period of involuntary inpatient treatment; however, if the 72-hour period expires on a Saturday, Sunday, or legal holiday, the hearing shall be held by the close of business on the next day that is not a Saturday, Sunday, or legal holiday. The district court judge or special justice may enter an order for a period of mandatory outpatient treatment following a period of involuntary inpatient treatment upon finding that the person meets the criteria set forth in subsection C1.

C1. In an order for involuntary admission pursuant to subsection C, the judge or special justice may also order that, upon discharge from inpatient treatment, the person adhere to a comprehensive mandatory outpatient treatment plan, if the judge or special justice further finds by clear and convincing evidence that (i) the person has a history of lack of adherence to treatment for mental illness that has, at least twice within the past 36 months, resulted in the person being subject to an order for involuntary admission pursuant to subsection C or being subject to a temporary detention order and then voluntarily admitting himself in accordance with subsection B of § 37.2-814, except that such 36-month period shall not include any time during which the person was receiving inpatient psychiatric treatment or was incarcerated, as established by evidence admitted at the hearing; (ii) in view of the person's treatment history and current behavior, the person is in need of mandatory outpatient treatment following inpatient treatment in order to prevent a relapse or deterioration that would be likely to result in the person meeting the criteria for involuntary inpatient treatment; (iii) the person has the ability to adhere to the comprehensive mandatory outpatient treatment plan; and (iv) the person is likely to benefit from mandatory outpatient treatment. The duration of the period of inpatient treatment shall be determined by the court and the maximum period of inpatient treatment shall not exceed 30 days. The duration of mandatory outpatient treatment shall be determined by the court based on recommendations of the community services board and the maximum period of mandatory outpatient treatment shall not exceed 180 days; in prescribing the terms of the order, including its length, the judge or special justice shall consider the impact on the person's opportunities and obligations, including education and employment. The period of mandatory outpatient treatment shall begin upon discharge of the person from involuntary inpatient treatment, either upon expiration of the 30-day period or pursuant to § 37.2-837 or 37.2-838. The treating physician and facility staff shall develop the comprehensive mandatory outpatient treatment plan in conjunction with the community services board and the person. The comprehensive mandatory outpatient treatment plan shall include all of the components described in, and shall be filed with the court and incorporated into, the order for mandatory outpatient treatment following a period of involuntary inpatient treatment in accordance with subsection G. The community services board where the person resides upon discharge shall monitor the person's progress and adherence to the comprehensive mandatory outpatient treatment plan. Upon expiration of the order for mandatory outpatient treatment following a period of involuntary inpatient treatment, the person shall be released unless the order is continued in accordance with § 37.2-817.4.

D. After observing the person and considering (i) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (ii) any past actions of the person, (iii) any past mental health treatment of the person, (iv) any examiner's certification, (v) any health records available, (vi) the preadmission screening report, and (vii) any other relevant evidence that may have been admitted, if the judge or special justice finds by clear and convincing evidence that (a) the person has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (1) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (2) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs; (b) less restrictive alternatives to involuntary inpatient treatment that would offer an opportunity for improvement of his condition have been investigated and are determined to be appropriate, as reflected in the initial outpatient treatment plan prepared in accordance with subsection F; (c) the person has the ability to adhere to the mandatory outpatient treatment plan; and (d) the ordered treatment will be delivered on an outpatient basis by the community services board or designated provider to the person, the judge or special justice shall by written order and specific findings so certify and order that the person be admitted involuntarily to mandatory outpatient treatment. Less restrictive alternatives shall not be determined to be appropriate unless the services are actually available in the community. The duration of mandatory outpatient treatment shall be determined by the court based on recommendations of the community services board but shall not exceed 180 days; in prescribing the terms of the order, including its length, the judge or special justice shall consider the impact on the person's opportunities and obligations, including education and employment. Upon expiration of an order for mandatory outpatient treatment, the person shall be released from the requirements of the order unless the order is continued in accordance with § 37.2-817.4.

E. Mandatory outpatient treatment may include day treatment in a hospital, night treatment in a hospital, outpatient involuntary treatment with anti-psychotic medication pursuant to Chapter 11 (§ 37.2-1100 et seq.); or other appropriate course of treatment as may be necessary to meet the needs of the person. Mandatory outpatient treatment shall not include the use of restraints or physical force of any kind in the provision of the medication. The community services board that serves the county or city in which the person resides shall recommend a specific course of treatment and programs for the provision of mandatory outpatient treatment.

F. Any order for mandatory outpatient treatment entered pursuant to subsection D shall include an initial mandatory outpatient treatment plan developed by the community services board that completed the preadmission screening report. The plan shall, at a minimum, (i) identify the specific services to be provided; (ii) identify the provider who has agreed to provide each service; (iii) describe the arrangements made for the initial in-person appointment or contact with each service provider; and (iv) include any other relevant information that may be available regarding the mandatory outpatient treatment

ordered. The order shall require the community services board to monitor the implementation of the mandatory outpatient treatment plan and the person's progress and adherence to the initial mandatory outpatient treatment plan.

G. Prior to discharging a person to mandatory outpatient treatment in accordance with an order for mandatory outpatient treatment following a period of involuntary inpatient treatment entered pursuant to subsection C1 or no later than five days, excluding Saturdays, Sundays, or legal holidays, after an order for mandatory outpatient treatment has been entered pursuant to subsection D, the community services board where the person resides that is responsible for monitoring the person's progress and adherence to the comprehensive mandatory outpatient treatment plan shall file a comprehensive mandatory outpatient treatment plan. The comprehensive mandatory outpatient treatment plan shall (i) identify the specific type, amount, duration, and frequency of each service to be provided to the person; (ii) identify the provider that has agreed to provide each service included in the plan; (iii) certify that the services are the most appropriate and least restrictive treatment available for the person; (iv) certify that each provider has complied and continues to comply with applicable provisions of the Department's licensing regulations; (v) be developed with the fullest possible involvement and participation of the person and his family, with the person's consent, and reflect his preferences to the greatest extent possible to support his recovery and self-determination, including incorporating any preexisting crisis plan or advance directive of the person; (vi) specify the particular conditions to which the person shall be required to adhere; and (vii) describe (a) how the community services board shall monitor the person's progress and adherence to the plan and (b) any conditions, including scheduled meetings or continued adherence to medication, necessary for mandatory outpatient treatment to be appropriate for the person. The community services board shall submit the comprehensive mandatory outpatient treatment plan to the court for approval. Upon approval by the court, the comprehensive mandatory outpatient treatment plan shall be filed with the court and incorporated into the order of mandatory outpatient treatment entered pursuant to subsection C1 or D, as appropriate. A copy of the comprehensive mandatory outpatient treatment plan shall be provided to the person by the community services board upon approval of the comprehensive mandatory outpatient treatment plan by the court.

H. If the community services board responsible for developing a comprehensive mandatory outpatient treatment plan pursuant to subsection C1 or D determines that the services necessary for the treatment of the person's mental illness are not available or cannot be provided to the person in accordance with the order for mandatory outpatient treatment, it shall petition the court for rescission of the mandatory outpatient treatment order or order for mandatory outpatient treatment following a period of involuntary inpatient treatment in accordance with the provisions of § 37.2-817.2.

I. Upon entry of any order for mandatory outpatient treatment following a period of involuntary inpatient treatment pursuant to subsection C1 or mandatory outpatient treatment entered pursuant to subsection D, the clerk of the court shall provide a copy of the order to the person who is the subject of the order, to his attorney, and to the community services board required to monitor the person's progress and adherence to the comprehensive mandatory outpatient treatment plan. The community services board shall acknowledge receipt of the order to the clerk of the court on a form established by the Office of the Executive Secretary of the Supreme Court and provided by the court for this purpose within five business days.

J. The court may transfer jurisdiction of the case to the district court where the person resides at any time after the entry of the mandatory outpatient treatment order. The community services board responsible for monitoring the person's progress and adherence to the comprehensive mandatory outpatient treatment plan shall remain responsible for monitoring the person's progress and adherence to the plan until the community services board serving the locality to which jurisdiction of the case has been transferred acknowledges the transfer and receipt of the order to the clerk of the court on a form established by the Office of the Executive Secretary of the Supreme Court and provided by the court for this purpose. The community services board serving the locality to which jurisdiction of the case has been transferred shall acknowledge the transfer and receipt of the order within five business days.

K. Any order entered pursuant to this section shall provide for the disclosure of medical records pursuant to § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

§ 37.2-817.01. Mandatory outpatient treatment.

A. Prior to ordering involuntary admission pursuant to § 37.2-817, a judge or special justice shall investigate and determine whether (i) mandatory outpatient treatment is appropriate as a less restrictive alternative to admission pursuant to subsection B or (ii) mandatory outpatient treatment following a period of inpatient treatment is appropriate pursuant to subsection C.

B. After observing the person and considering (i) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (ii) any past actions of the person, (iii) any past mental health treatment of the person, (iv) any examiner's certification, (v) any health records available, (vi) the preadmission screening report, and (vii) any other relevant evidence that may have been admitted, if the judge or special justice finds by clear and convincing evidence that (a) the person has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (1) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (2) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, (b) less restrictive alternatives to involuntary inpatient treatment that would offer an opportunity for improvement of his condition have been investigated and are determined to be appropriate, as reflected in the initial outpatient treatment plan prepared in accordance with subsection F, (c) the person has the ability to adhere to the mandatory outpatient treatment plan, and (d) the ordered treatment will be delivered on an outpatient basis by the community services board or designated provider to the person, the

judge or special justice shall by written order and specific findings so certify and order that the person be admitted involuntarily to mandatory outpatient treatment. Less restrictive alternatives shall not be determined to be appropriate unless the services are actually available in the community. The duration of mandatory outpatient treatment shall be determined by the court based on recommendations of the community services board but shall not exceed 180 days; in prescribing the terms of the order, including its length, the judge or special justice shall consider the impact on the person's opportunities and obligations, including education and employment. Upon expiration of an order for mandatory outpatient treatment, the person shall be released from the requirements of the order unless the order is continued in accordance with § 37.2-817.4.

C. Upon finding by clear and convincing evidence that, in addition to the findings described in subsection C of § 37.2-817, (i) the person has a history of lack of adherence to treatment for mental illness that has, at least twice within the past 36 months, resulted in the person being subject to an order for involuntary admission pursuant to subsection C of § 37.2-817 or being subject to a temporary detention order and then voluntarily admitting himself in accordance with subsection B of § 37.2-814, except that such 36-month period shall not include any time during which the person was receiving inpatient psychiatric treatment or was incarcerated, as established by evidence admitted at the hearing, (ii) in view of the person's treatment history and current behavior, the person is in need of mandatory outpatient treatment following inpatient treatment in order to prevent a relapse or deterioration that would be likely to result in the person meeting the criteria for involuntary inpatient treatment, (iii) the person has the ability to adhere to the comprehensive mandatory outpatient treatment plan, and (iv) the person is likely to benefit from mandatory outpatient treatment, the judge or special justice may order that, upon discharge from inpatient treatment, the person adhere to a comprehensive mandatory outpatient treatment plan.

The period of mandatory outpatient treatment shall begin upon discharge of the person from involuntary inpatient treatment, either upon expiration of the order for inpatient treatment pursuant to subsection C of § 37.2-817 or pursuant to § 37.2-837 or 37.2-838. The duration of mandatory outpatient treatment shall be determined by the court on the basis of recommendations of the community services board, and the maximum period of mandatory outpatient treatment shall not exceed 180 days; in prescribing the terms of the order, including its length, the judge or special justice shall consider the impact on the person's opportunities and obligations, including education and employment.

The treating physician and facility staff shall develop the comprehensive mandatory outpatient treatment plan in conjunction with the community services board and the person. The comprehensive mandatory outpatient treatment plan shall include all of the components described in, and shall be filed with the court and incorporated into, the order for mandatory outpatient treatment following a period of involuntary inpatient treatment in accordance with subsection G. The community services board where the person resides upon discharge shall monitor the person's progress and adherence to the comprehensive mandatory outpatient treatment plan. Upon expiration of the order for mandatory outpatient treatment following a period of involuntary inpatient treatment, the person shall be released unless the order is continued in accordance with § 37.2-817.4.

D. At any time prior to the discharge of a person who has been involuntarily admitted pursuant to subsection C of § 37.2-817, the person, the person's treating physician, a family member or personal representative of the person, or the community services board serving the county or city where the facility is located, the county or city where the person resides, or the county or city where the person will receive treatment following discharge may file a motion with the court for a hearing to determine whether such person should be ordered to mandatory outpatient treatment following a period of inpatient treatment upon discharge if such person, on at least two previous occasions within 36 months preceding the date of the hearing, has been (i) involuntarily admitted pursuant to subsection C of § 37.2-817 or (ii) the subject of a temporary detention order and voluntarily admitted himself in accordance with subsection B of § 37.2-814, except that such 36-month period shall not include any time during which the person was receiving inpatient psychiatric treatment or was incarcerated, as established by evidence admitted at the hearing. A district court judge or special justice shall hold the hearing within 72 hours after receiving the motion for a hearing to determine whether the person should be ordered to mandatory outpatient treatment following a period of involuntary inpatient treatment; however, if the 72-hour period expires on a Saturday, Sunday, or legal holiday, the hearing shall be held by the close of business on the next day that is not a Saturday, Sunday, or legal holiday. The district court judge or special justice may enter an order for a period of mandatory outpatient treatment following a period of involuntary inpatient treatment upon finding that the person meets the criteria set forth in subsection C.

E. Mandatory outpatient treatment may include day treatment in a hospital, night treatment in a hospital, outpatient involuntary treatment with antipsychotic medication pursuant to Chapter 11 (§ 37.2-1100 et seq.), or other appropriate course of treatment as may be necessary to meet the needs of the person. Mandatory outpatient treatment shall not include the use of restraints or physical force of any kind in the provision of the medication. The community services board that serves the county or city in which the person resides shall recommend a specific course of treatment and programs for the provision of mandatory outpatient treatment.

F. Any order for mandatory outpatient treatment entered pursuant to subsection B shall include an initial mandatory outpatient treatment plan developed by the community services board that completed the preadmission screening report. The plan shall, at a minimum, (i) identify the specific services to be provided, (ii) identify the provider who has agreed to provide each service, (iii) describe the arrangements made for the initial in-person appointment or contact with each service provider, and (iv) include any other relevant information that may be available regarding the mandatory outpatient

treatment ordered. The order shall require the community services board to monitor the implementation of the mandatory outpatient treatment plan and the person's progress and adherence to the initial mandatory outpatient treatment plan.

G. The community services board where the person resides that is responsible for monitoring the person's progress and adherence to the comprehensive mandatory outpatient treatment plan shall file a comprehensive mandatory outpatient treatment plan no later than five days, excluding Saturdays, Sundays, or legal holidays, after an order for mandatory outpatient treatment has been entered pursuant to subsection B. The community services board where the person resides that is responsible for monitoring the person's progress and adherence to the comprehensive mandatory outpatient treatment plan shall file a comprehensive mandatory outpatient treatment plan prior to discharging a person to mandatory outpatient treatment pursuant to subsection C or D. The comprehensive mandatory outpatient treatment plan shall (i) identify the specific type, amount, duration, and frequency of each service to be provided to the person; (ii) identify the provider that has agreed to provide each service included in the plan; (iii) certify that the services are the most appropriate and least restrictive treatment available for the person; (iv) certify that each provider has complied and continues to comply with applicable provisions of the Department's licensing regulations; (v) be developed with the fullest possible involvement and participation of the person and his family, with the person's consent, and reflect his preferences to the greatest extent possible to support his recovery and self-determination, including incorporating any preexisting crisis plan or advance directive of the person; (vi) specify the particular conditions to which the person shall be required to adhere; and (vii) describe (a) how the community services board shall monitor the person's progress and adherence to the plan and (b) any conditions, including scheduled meetings or continued adherence to medication, necessary for mandatory outpatient treatment to be appropriate for the person. The community services board shall submit the comprehensive mandatory outpatient treatment plan to the court for approval. Upon approval by the court, the comprehensive mandatory outpatient treatment plan shall be filed with the court and incorporated into the order of mandatory outpatient treatment entered pursuant to subsection B, C, or D, as appropriate. A copy of the comprehensive mandatory outpatient treatment plan shall be provided to the person by the community services board upon approval of the comprehensive mandatory outpatient treatment plan by the court.

H. If the community services board responsible for developing a comprehensive mandatory outpatient treatment plan pursuant to subsection B, C, or D determines that the services necessary for the treatment of the person's mental illness are not available or cannot be provided to the person in accordance with the order for mandatory outpatient treatment, it shall petition the court for rescission of the mandatory outpatient treatment order or order for mandatory outpatient treatment following a period of involuntary inpatient treatment in accordance with the provisions of subsection D of § 37.2-817.1.

I. Upon entry of any order for mandatory outpatient treatment pursuant to subsection B or mandatory outpatient treatment following a period of involuntary inpatient treatment pursuant to subsection C or D, the clerk of the court shall provide a copy of the order to the person who is the subject of the order, to his attorney, and to the community services board required to monitor the person's progress and adherence to the comprehensive mandatory outpatient treatment plan. The community services board shall acknowledge receipt of the order to the clerk of the court on a form established by the Office of the Executive Secretary of the Supreme Court and provided by the court for this purpose within five business days.

J. The court may transfer jurisdiction of the case to the district court where the person resides at any time after the entry of the mandatory outpatient treatment order. The community services board responsible for monitoring the person's progress and adherence to the comprehensive mandatory outpatient treatment plan shall remain responsible for monitoring the person's progress and adherence to the plan until the community services board serving the locality to which jurisdiction of the case has been transferred acknowledges the transfer and receipt of the order to the clerk of the court on a form established by the Office of the Executive Secretary of the Supreme Court and provided by the court for this purpose. The community services board serving the locality to which jurisdiction of the case has been transferred shall acknowledge the transfer and receipt of the order within five business days.

K. Any order entered pursuant to this section shall provide for the disclosure of medical records pursuant to § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

§ 37.2-817.1. (Effective July 1, 2022) Monitoring and court review of mandatory outpatient treatment.

A. As used in this section, "material nonadherence" means deviation from a comprehensive mandatory outpatient treatment plan by a person who is subject to an order for mandatory outpatient treatment following a period of involuntary inpatient treatment pursuant to subsection ~~C~~ C or D of § ~~37.2-817~~ 37.2-817.01 or an order for mandatory outpatient treatment pursuant to subsection ~~D~~ B of § ~~37.2-817~~ 37.2-817.01 that it is likely to lead to the person's relapse or deterioration and for which the person cannot provide a reasonable explanation.

B. The community services board where the person resides shall monitor the person's progress and adherence to the comprehensive mandatory outpatient treatment plan prepared in accordance with § ~~37.2-817~~ 37.2-817.01. Such monitoring shall include (i) contacting or making documented efforts to contact the person regarding the comprehensive mandatory outpatient treatment plan and any support necessary for the person to adhere to the comprehensive mandatory outpatient treatment plan, (ii) contacting the service providers to determine if the person is adhering to the comprehensive mandatory outpatient treatment plan and, in the event of material nonadherence, if the person fails or refuses to cooperate with efforts of the community services board or providers of services identified in the comprehensive mandatory outpatient treatment plan to address the factors leading to the person's material nonadherence, petitioning for a review hearing pursuant to § ~~37.2-817.2~~ this section. Service providers identified in the comprehensive mandatory outpatient treatment plan shall

report any material nonadherence and any material changes in the person's condition to the community services board. Any finding of material nonadherence shall be based upon a totality of the circumstances.

C. The community services board responsible for monitoring the person's progress and adherence to the comprehensive mandatory outpatient treatment plan shall report monthly, in writing, to the court regarding the person's and the community services board's compliance with the provisions of the comprehensive mandatory outpatient treatment plan. If the community services board determines that the deterioration of the condition or behavior of a person who is subject to an order for mandatory outpatient treatment following a period of involuntary inpatient treatment pursuant to subsection ~~C~~ C or D of § 37.2-817.01 or a mandatory outpatient treatment order pursuant to subsection ~~B~~ B of § ~~37.2-817~~ § 37.2-817.01 is such that there is a substantial likelihood that, as a result of the person's mental illness, the person will, in the near future, (i) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (ii) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, it shall immediately request that the magistrate issue an emergency custody order pursuant to § 37.2-808 or a temporary detention order pursuant to § 37.2-809. Entry of an emergency custody order, temporary detention order, or involuntary inpatient treatment order shall suspend but not rescind an existing order for mandatory outpatient treatment following a period of involuntary inpatient treatment pursuant to subsection ~~C~~ C or D of § ~~37.2-817~~ § 37.2-817.01 or a mandatory outpatient treatment order pursuant to subsection ~~B~~ B of § ~~37.2-817~~ § 37.2-817.01.

D. *The district court judge or special justice shall hold a hearing within five days after receiving the petition for review of the comprehensive mandatory outpatient treatment plan; however, if the fifth day is a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, the hearing shall be held by the close of business on the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed. The clerk shall provide notice of the hearing to the person, the community services board, all treatment providers listed in the comprehensive mandatory outpatient treatment order or discharge plan, and the original petitioner for the person's involuntary treatment. If the person is not represented by counsel, the court shall appoint an attorney to represent the person in this hearing and any subsequent hearing under this section or § 37.2-817.4, giving consideration to appointing the attorney who represented the person at the proceeding that resulted in the issuance of the mandatory outpatient treatment order or order for mandatory outpatient treatment following a period of involuntary inpatient treatment. The same judge or special justice that presided over the hearing resulting in the mandatory outpatient treatment order or order for mandatory outpatient treatment following a period of involuntary inpatient treatment need not preside at the nonadherence hearing or any subsequent hearings. The community services board shall offer to arrange the person's transportation to the hearing if the person is not detained and has no other source of transportation.*

Any of the following may petition the court for a hearing pursuant to this subsection: (i) the person who is subject to the mandatory outpatient treatment order or order for mandatory outpatient treatment following a period of involuntary inpatient treatment; (ii) the community services board responsible for monitoring the person's progress and adherence to the mandatory outpatient treatment order or order for mandatory outpatient treatment following a period of involuntary inpatient treatment; (iii) a treatment provider designated in the comprehensive mandatory outpatient treatment plan; (iv) the person who originally filed the petition that resulted in the entry of the mandatory outpatient treatment order or order for mandatory outpatient treatment following a period of involuntary inpatient treatment; (v) any health care agent designated in the advance directive of the person who is the subject of the mandatory outpatient treatment order or order for mandatory outpatient treatment following a period of involuntary inpatient treatment; or (vi) if the person who is the subject of the mandatory outpatient treatment order or order for mandatory outpatient treatment following a period of involuntary inpatient treatment has been determined to be incapable of making an informed decision, the person's guardian or other person authorized to make health care decisions for the person pursuant to § 54.1-2986.

A petition filed pursuant to this subsection may request that the court do any of the following:

1. Enforce a mandatory outpatient treatment order or order for mandatory outpatient treatment following a period of involuntary inpatient treatment and require the person who is the subject of the order to adhere to the comprehensive mandatory outpatient treatment plan, in the case of material nonadherence;

2. Modify a mandatory outpatient treatment order or order for mandatory outpatient treatment following a period of involuntary inpatient treatment or a comprehensive mandatory outpatient treatment plan due to a change in circumstances, including changes in the condition, behavior, living arrangement, or access to services of the person who is the subject to the order; or

3. Rescind a mandatory outpatient treatment order or order for mandatory outpatient treatment following a period of involuntary inpatient treatment.

At any time after 30 days from entry of the mandatory outpatient treatment order pursuant to subsection B of § 37.2-817.01 or from the discharge of the person from involuntary inpatient treatment pursuant to an order under subsection C or D of § 37.2-817.01, the person may petition the court to rescind the order. The person shall not file a petition to rescind the order more than once during a 90-day period.

E. If requested in a petition filed pursuant to subsection D or on the court's own motion, the court may appoint an examiner in accordance with § 37.2-815 who shall personally examine the person on or before the date of the review, as directed by the court, and certify to the court whether or not he has probable cause to believe that the person meets the criteria for mandatory outpatient treatment as specified in subsection B, C, or D of § 37.2-817.01, as may be applicable.

*The examination shall include all applicable requirements of § 37.2-815. The certification of the examiner may be admitted into evidence without the appearance of the examiner at the hearing if not objected to by the person or his attorney. If the person is not incarcerated or receiving treatment in an inpatient facility, the community services board shall arrange for the person to be examined at a convenient location and time. The community services board shall offer to arrange for the person's transportation to the examination if the person has no other source of transportation and resides within the service area or an adjacent service area of the community services board. If the person refuses or fails to appear, the community services board shall notify the court, or a magistrate if the court is not available, and the court or magistrate shall issue a mandatory examination order and *capias* directing the primary law-enforcement agency in the jurisdiction where the person resides to transport the person to the examination. The person shall remain in custody until a temporary detention order is issued or until the person is released, but in no event shall the period exceed eight hours.*

F. If the person fails to appear for the hearing, the court may, after consideration of any evidence regarding why the person failed to appear at the hearing, (i) dismiss the petition, (ii) issue an emergency custody order pursuant to § 37.2-808, or (iii) reschedule the hearing pursuant to subsection D and issue a subpoena for the person's appearance at the hearing and enter an order for mandatory examination, to be conducted prior to the hearing and in accordance with subsection E.

G. After observing the person and considering (i) the recommendations of any treating or examining physician or psychologist licensed to practice in the Commonwealth, if available, (ii) the person's adherence to the comprehensive mandatory outpatient treatment plan, (iii) any past mental health treatment of the person, (iv) any examiner's certification, (v) any health records available, (vi) any report from the community services board, and (vii) any other relevant evidence that may have been admitted at the hearing, the judge or special justice shall make one of the following dispositions:

1. In a hearing on any petition seeking enforcement of a mandatory outpatient treatment order, upon finding that continuing mandatory outpatient treatment is warranted, the court shall direct the person to fully comply with the mandatory outpatient treatment order or order for mandatory outpatient treatment following a period of involuntary inpatient treatment and may make any modifications to such order or the comprehensive mandatory outpatient treatment plan that are acceptable to the community services board or treatment provider responsible for the person's treatment. In determining the appropriateness of the outpatient treatment specified in such order and the comprehensive mandatory outpatient treatment plan, the court may consider the person's material nonadherence to the existing mandatory treatment order.

2. In a hearing on any petition seeking modification of a mandatory outpatient treatment order or order for mandatory outpatient treatment following a period of involuntary inpatient treatment, upon a finding that (i) one or more modifications of the order would benefit the person and help prevent relapse or deterioration of the person's condition, (ii) the community services board and the treatment provider responsible for the person's treatment are able to provide services consistent with such modification, and (iii) the person is able to adhere to the modified comprehensive mandatory outpatient treatment plan, the court may order such modification of the mandatory outpatient treatment order or order for mandatory outpatient treatment following a period of involuntary inpatient treatment or the comprehensive mandatory outpatient treatment plan as the court finds appropriate.

3. In a hearing on any petition filed to enforce, modify, or rescind a mandatory outpatient treatment order, upon finding that mandatory outpatient treatment is no longer appropriate, the court may rescind the order.

H. The judge or special justice may schedule periodic status hearings for the purpose of obtaining information regarding the person's progress while the mandatory outpatient treatment order or order for mandatory outpatient treatment following a period of involuntary inpatient treatment remains in effect. The clerk shall provide notice of the hearing to the person who is the subject of the order and the community services board responsible for monitoring the person's condition and adherence to the plan. The person shall have the right to be represented by counsel at the hearing, and if the person does not have counsel the court shall appoint an attorney to represent the person. However, status hearings may be held without counsel present by mutual consent of the parties. The community services board shall offer to arrange the person's transportation to the hearing if the person is not detained and has no other source of transportation. During a status hearing, the treatment plan may be amended upon mutual agreement of the parties. Contested matters shall not be decided during a status hearing, nor shall any decision regarding enforcement, rescission, or renewal of the order be entered.

§ 37.2-817.4. (Effective July 1, 2022) Continuation of mandatory outpatient treatment order.

A. At any time within 30 days prior to the expiration of a mandatory outpatient treatment order or order for mandatory outpatient treatment following a period of involuntary inpatient treatment, any person or entity that may file a petition for review of a mandatory outpatient treatment order or order for mandatory outpatient treatment following a period of involuntary inpatient treatment pursuant to subsection ~~A~~ D of § ~~37.2-817.2~~ 37.2-817.1 may petition the court to continue the order for a period not to exceed 180 days.

B. If the person who is the subject of the order and the monitoring community services board, if it did not initiate the petition, join the petition, the court shall grant the petition and enter an appropriate order without further hearing. If either the person or the monitoring community services board does not join the petition, the court shall schedule a hearing and provide notice of the hearing in accordance with subsection ~~A~~ D of § ~~37.2-817.2~~ 37.2-817.1.

C. Upon receipt of a contested petition for continuation, the court shall appoint an examiner who shall personally examine the person pursuant to subsection ~~B~~ E of § ~~37.2-817.2~~ 37.2-817.1. The community services board required to monitor the person's adherence to the mandatory outpatient treatment order or order for mandatory outpatient treatment

following a period of involuntary inpatient treatment shall provide a report addressing whether the person continues to meet the criteria for being subject to a mandatory outpatient treatment order pursuant to subsection ~~D~~ B of § ~~37.2-817~~ 37.2-817.01 or order for mandatory outpatient treatment following a period of involuntary inpatient treatment pursuant to subsection ~~C~~ C or D of § ~~37.2-817~~ 37.2-817.01, as may be appropriate.

D. If, after observing the person, reviewing the report of the community services board provided pursuant to subsection C and considering the appointed examiner's certification and any other relevant evidence submitted at the hearing, the court finds that the person continues to meet the criteria for mandatory outpatient treatment pursuant to subsection ~~C~~ B, C, or D of § ~~37.2-817~~ 37.2-817.01, it may continue the order for a period not to exceed 180 days; in prescribing the terms of the order, including its length, the judge or special justice shall consider the impact on the person's opportunities and obligations, including education and employment. Any order of mandatory outpatient treatment that is in effect at the time a petition for continuation of the order is filed shall remain in effect until the disposition of the hearing.

§ 37.2-821. Appeal of involuntary admission or certification order.

A. Any person involuntarily admitted to an inpatient facility or ordered to mandatory outpatient treatment pursuant to §§ 37.2-814 through 37.2-819 or certified as eligible for admission pursuant to § 37.2-806 shall have the right to appeal the order to the circuit court in the jurisdiction where he was involuntarily admitted or ordered to mandatory outpatient treatment or certified or where the facility to which he was admitted is located. Choice of venue shall rest with such person. The court may transfer the case upon a finding that the other forum is more convenient. The clerk of the court from which an appeal is taken shall immediately transmit the record to the clerk of the appellate court. The clerk of the circuit court shall provide written notification of the appeal to the petitioner in the case in accordance with procedures set forth in § 16.1-112. No appeal bond or writ tax shall be required, and the appeal shall proceed without the payment of costs or other fees. Costs may be recovered as provided for in § 37.2-804.

B. An appeal shall be filed within 10 days from the date of the order and shall be given priority over all other pending matters before the court and heard as soon as possible, notwithstanding § 19.2-241 regarding the time within which the court shall set criminal cases for trial. A petition for or the pendency of an appeal shall not suspend any order unless so ordered by a judge or special justice; however, a person may be released after a petition for or during the pendency of an appeal pursuant to § 37.2-837 or 37.2-838. If the person is released during the pendency of an appeal, the appeal shall be in accordance with the provisions set forth in §§ 37.2-844 and 37.2-846.

C. The appeal shall be heard de novo in accordance with the provisions set forth in §§ 37.2-802, 37.2-804, 37.2-804.1, 37.2-804.2, and 37.2-805 and (i) § 37.2-806 or (ii) §§ 37.2-814 through 37.2-819, except that the court in its discretion may rely upon the evaluation report in the commitment hearing from which the appeal is taken instead of requiring a new evaluation pursuant to § 37.2-815. Any order of the circuit court shall not extend the period of involuntary admission or mandatory outpatient treatment set forth in the order appealed from.

D. An order continuing the involuntary *inpatient* admission shall be entered only if the criteria in § 37.2-817 are met at the time the appeal is heard. *An order continuing mandatory outpatient treatment shall be entered only if the criteria set forth in § 37.2-817.01 are met at the time the appeal is heard.*

E. Upon a finding by the court that the appellant no longer meets the criteria for involuntary admission or mandatory outpatient treatment, the court shall not dismiss the Commonwealth's petition but shall reverse the order of the district court.

F. The person so admitted or certified shall be entitled to trial by jury. Seven persons from a panel of 13 shall constitute a jury.

G. If the person is not represented by counsel, the judge shall appoint an attorney to represent him. Counsel so appointed shall be paid a fee of \$75 and his necessary expenses. The order of the court from which the appeal is taken shall be defended by the attorney for the Commonwealth.

2. That § 37.2-817.2, as it shall become effective, of the Code of Virginia is repealed.

3. That the provisions of the first and second enactments of this act shall become effective on October 1, 2022.

4. That the third enactment of Chapter 221 of the Acts of Assembly of 2021, Special Session I, is amended and reenacted as follows:

3. That the provisions of this act shall become effective on ~~July~~ October 1, 2022.

CHAPTER 764

An Act to amend and reenact § 54.1-2955 of the Code of Virginia, relating to practice of respiratory therapists; practice pending licensure; emergency.

[H 745]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2955 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2955. Restriction of titles.

A. It is unlawful for any person not holding a current and valid license from the ~~Virginia Board of Medicine~~ Virginia Board of Medicine to practice as a respiratory therapist or to assume the title "Respiratory Therapist" or to use, in conjunction with his name, the letters "RT."

B. Notwithstanding the provisions of subsection A, a person who has graduated from an accredited respiratory therapy education program may practice with the title "Respiratory Therapist, License Applicant" or "RT-Applicant" until he has received a failing score on any examination required by the Board for licensure or six months from the date of graduation, whichever occurs sooner. Any person practicing pursuant to this subsection as shall be identified with the title "Respiratory Therapist, License Applicant" or "RT-Applicant" on any identification issued by an employer and in conjunction with any signature in the course of his practice.

2. That an emergency exists and this act in force from its passage.

CHAPTER 765

An Act to amend the Code of Virginia by adding in Chapter 2 of Title 9.1 a section numbered 9.1-208.1, relating to the Volunteer Fire Department Training Fund.

[H 746]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 2 of Title 9.1 a section numbered 9.1-208.1 as follows:

§ 9.1-208.1. Volunteer Fire Department Training Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Volunteer Fire Department Training Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of assisting or reimbursing volunteer fire departments or volunteer fire companies with the costs of training and certifying volunteer firefighters. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Executive Director of the Department of Fire Programs.

2. That the Secretary of Public Safety and Homeland Security shall establish a work group composed of the Executive Director of the Department of Fire Programs; the Chief of Training and Operations of the Department of Fire Programs; a volunteer fire department chief; a volunteer firefighter; and such other stakeholders as the Secretary of Public Safety and Homeland Security shall deem appropriate to study the accessibility and availability of training programs with a specific focus on providing training programs to volunteer fire departments, volunteer fire companies, and volunteer firefighters in a cost-efficient and effective manner.

CHAPTER 766

An Act to amend and reenact §§ 63.2-1509 and 63.2-1606 of the Code of Virginia, relating to mandated reports of suspected abuse.

[H 751]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 63.2-1509 and 63.2-1606 of the Code of Virginia are amended and reenacted as follows:

§ 63.2-1509. Requirement that certain injuries to children be reported by physicians, nurses, teachers, etc.; penalty for failure to report.

A. The following persons who, in their professional or official capacity, have reason to suspect that a child is an abused or neglected child, shall report the matter immediately to the local department of the county or city wherein the child resides or wherein the abuse or neglect is believed to have occurred or to the Department's toll-free child abuse and neglect hotline:

1. Any person licensed to practice medicine or any of the healing arts;
2. Any hospital resident or intern, and any person employed in the nursing profession;
3. Any person employed as a social worker or family-services specialist;
4. Any probation officer;
5. Any teacher or other person employed in a public or private school, kindergarten, or child day program, as that term is defined in § 22.1-289.02;
6. Any person providing full-time or part-time child care for pay on a regularly planned basis;
7. Any mental health professional;
8. Any law-enforcement officer or animal control officer;
9. Any mediator eligible to receive court referrals pursuant to § 8.01-576.8;
10. Any professional staff person, not previously enumerated, employed by a private or state-operated hospital, institution or facility to which children have been committed or where children have been placed for care and treatment;

11. Any person 18 years of age or older associated with or employed by any public or private organization responsible for the care, custody or control of children;

12. Any person who is designated a court-appointed special advocate pursuant to Article 5 (§ 9.1-151 et seq.) of Chapter 1 of Title 9.1;

13. Any person 18 years of age or older who has received training approved by the Department of Social Services for the purposes of recognizing and reporting child abuse and neglect;

14. Any person employed by a local department as defined in § 63.2-100 who determines eligibility for public assistance;

15. Any emergency medical services provider certified by the Board of Health pursuant to § 32.1-111.5, unless such provider immediately reports the matter directly to the attending physician at the hospital to which the child is transported, who shall make such report forthwith;

16. Any athletic coach, director or other person 18 years of age or older employed by or volunteering with a public or private sports organization or team;

17. Administrators or employees 18 years of age or older of public or private day camps, youth centers and youth recreation programs;

18. Any person employed by a public or private institution of higher education other than an attorney who is employed by a public or private institution of higher education as it relates to information gained in the course of providing legal representation to a client; ~~and~~

19. Any minister, priest, rabbi, imam, or duly accredited practitioner of any religious organization or denomination usually referred to as a church, unless the information supporting the suspicion of child abuse or neglect (i) is required by the doctrine of the religious organization or denomination to be kept in a confidential manner or (ii) would be subject to § 8.01-400 or 19.2-271.3 if offered as evidence in court; *and*

20. Any person who engages in the practice of behavior analysis, as defined in § 54.1-2900.

If neither the locality in which the child resides nor where the abuse or neglect is believed to have occurred is known, then such report shall be made to the local department of the county or city where the abuse or neglect was discovered or to the Department's toll-free child abuse and neglect hotline.

If an employee of the local department is suspected of abusing or neglecting a child, the report shall be made to the court of the county or city where the abuse or neglect was discovered. Upon receipt of such a report by the court, the judge shall assign the report to a local department that is not the employer of the suspected employee for investigation or family assessment. The judge may consult with the Department in selecting a local department to respond to the report or the complaint.

If the information is received by a teacher, staff member, resident, intern or nurse in the course of professional services in a hospital, school or similar institution, such person may, in place of said report, immediately notify the person in charge of the institution or department, or his designee, who shall make such report forthwith. If the initial report of suspected abuse or neglect is made to the person in charge of the institution or department, or his designee, pursuant to this subsection, such person shall notify the teacher, staff member, resident, intern or nurse who made the initial report when the report of suspected child abuse or neglect is made to the local department or to the Department's toll-free child abuse and neglect hotline, and of the name of the individual receiving the report, and shall forward any communication resulting from the report, including any information about any actions taken regarding the report, to the person who made the initial report.

The initial report may be an oral report but such report shall be reduced to writing by the child abuse coordinator of the local department on a form prescribed by the Board. Any person required to make the report pursuant to this subsection shall disclose all information that is the basis for his suspicion of abuse or neglect of the child and, upon request, shall make available to the child-protective services coordinator and the local department, which is the agency of jurisdiction, any information, records, or reports that document the basis for the report. All persons required by this subsection to report suspected abuse or neglect who maintain a record of a child who is the subject of such a report shall cooperate with the investigating agency and shall make related information, records and reports available to the investigating agency unless such disclosure violates the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g). Provision of such information, records, and reports by a health care provider shall not be prohibited by § 8.01-399. Criminal investigative reports received from law-enforcement agencies shall not be further disseminated by the investigating agency nor shall they be subject to public disclosure.

B. For purposes of subsection A, "reason to suspect that a child is abused or neglected" shall, due to the special medical needs of infants affected by substance exposure, include (i) a finding made by a health care provider within six weeks of the birth of a child that the child was born affected by substance abuse or experiencing withdrawal symptoms resulting from in utero drug exposure; (ii) a diagnosis made by a health care provider within four years following a child's birth that the child has an illness, disease, or condition that, to a reasonable degree of medical certainty, is attributable to maternal abuse of a controlled substance during pregnancy; or (iii) a diagnosis made by a health care provider within four years following a child's birth that the child has a fetal alcohol spectrum disorder attributable to in utero exposure to alcohol. When "reason to suspect" is based upon this subsection, such fact shall be included in the report along with the facts relied upon by the person making the report. Such reports shall not constitute a per se finding of child abuse or neglect. If a health care provider in a licensed hospital makes any finding or diagnosis set forth in clause (i), (ii), or (iii), the hospital shall require

the development of a written discharge plan under protocols established by the hospital pursuant to subdivision B 6 of § 32.1-127.

C. Any person who makes a report or provides records or information pursuant to subsection A or who testifies in any judicial proceeding arising from such report, records, or information shall be immune from any civil or criminal liability or administrative penalty or sanction on account of such report, records, information, or testimony, unless such person acted in bad faith or with malicious purpose.

D. Any person required to file a report pursuant to this section who fails to do so as soon as possible, but not longer than 24 hours after having reason to suspect a reportable offense of child abuse or neglect, shall be fined not more than \$500 for the first failure and for any subsequent failures not less than \$1,000. In cases evidencing acts of rape, sodomy, or object sexual penetration as defined in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, a person who knowingly and intentionally fails to make the report required pursuant to this section shall be guilty of a Class 1 misdemeanor.

E. No person shall be required to make a report pursuant to this section if the person has actual knowledge that the same matter has already been reported to the local department or the Department's toll-free child abuse and neglect hotline.

§ 63.2-1606. Protection of aged or incapacitated adults; mandated and voluntary reporting.

A. Matters giving reason to suspect the abuse, neglect or exploitation of adults shall be reported immediately upon the reporting person's determination that there is such reason to suspect. Medical facilities inspectors of the Department of Health are exempt from reporting suspected abuse immediately while conducting federal inspection surveys in accordance with § 1864 of Title XVIII and Title XIX of the Social Security Act, as amended, of certified nursing facilities as defined in § 32.1-123. Reports shall be made to the local department or the adult protective services hotline in accordance with requirements of this section by the following persons acting in their professional capacity:

1. Any person licensed, certified, or registered by health regulatory boards listed in § 54.1-2503, with the exception of persons licensed by the Board of Veterinary Medicine;

2. Any mental health services provider as defined in § 54.1-2400.1;

3. Any emergency medical services provider certified by the Board of Health pursuant to § 32.1-111.5, unless such provider immediately reports the suspected abuse, neglect or exploitation directly to the attending physician at the hospital to which the adult is transported, who shall make such report forthwith;

4. Any guardian or conservator of an adult;

5. Any person employed by or contracted with a public or private agency or facility and working with adults in an administrative, supportive or direct care capacity;

6. Any person providing full, intermittent or occasional care to an adult for compensation, including, but not limited to, companion, chore, homemaker, and personal care workers; ~~and~~

7. Any law-enforcement officer; *and*

8. *Any person who engages in the practice of behavior analysis, as defined in § 54.1-2900.*

B. The report shall be made in accordance with subsection A to the local department of the county or city wherein the adult resides or wherein the adult abuse, neglect or exploitation is believed to have occurred or to the adult protective services hotline. Nothing in this section shall be construed to eliminate or supersede any other obligation to report as required by law. If a person required to report under this section receives information regarding abuse, neglect or exploitation while providing professional services in a hospital, nursing facility or similar institution, then he may, in lieu of reporting, notify the person in charge of the institution or his designee, who shall report such information, in accordance with the institution's policies and procedures for reporting such matters, immediately upon his determination that there is reason to suspect abuse, neglect or exploitation. Any person required to make the report or notification required by this subsection shall do so either orally or in writing and shall disclose all information that is the basis for the suspicion of adult abuse, neglect or exploitation. Upon request, any person required to make the report shall make available to the adult protective services worker and the local department investigating the reported case of adult abuse, neglect or exploitation any information, records or reports which document the basis for the report. All persons required to report suspected adult abuse, neglect or exploitation shall cooperate with the investigating adult protective services worker of a local department and shall make information, records and reports which are relevant to the investigation available to such worker to the extent permitted by state and federal law. Criminal investigative reports received from law-enforcement agencies shall not be further disseminated by the investigating agency nor shall they be subject to public disclosure; such reports may, however, be disclosed to the Adult Fatality Review Team as provided in § 32.1-283.5 or to a local or regional adult fatality review team as provided in § 32.1-283.6 and, if reviewed by the Team or a local or regional adult fatality review team, shall be subject to applicable confidentiality requirements of the Team or a local or regional adult fatality review team.

C. Any financial institution staff who suspects that an adult has been exploited financially may report such suspected financial exploitation and provide supporting information and records to the local department of the county or city wherein the adult resides or wherein the exploitation is believed to have occurred or to the adult protective services hotline.

D. Any person other than those specified in subsection A who suspects that an adult is an abused, neglected or exploited adult may report the matter to the local department of the county or city wherein the adult resides or wherein the abuse, neglect or exploitation is believed to have occurred or to the adult protective services hotline.

E. Any person who makes a report or provides records or information pursuant to subsection A, C, or D, or who testifies in any judicial proceeding arising from such report, records or information, or who takes or causes to be taken with the adult's or the adult's legal representative's informed consent photographs, video recordings, or appropriate medical

imaging of the adult who is subject of a report shall be immune from any civil or criminal liability on account of such report, records, information, photographs, video recordings, appropriate medical imaging or testimony, unless such person acted in bad faith or with a malicious purpose.

F. An employer of a mandated reporter shall not prohibit a mandated reporter from reporting directly to the local department or to the adult protective services hotline. Employers whose employees are mandated reporters shall notify employees upon hiring of the requirement to report.

G. Any person 14 years of age or older who makes or causes to be made a report of adult abuse, neglect, or exploitation that he knows to be false is guilty of a Class 4 misdemeanor. Any subsequent conviction of this provision is a Class 2 misdemeanor.

H. Any person who fails to make a required report or notification pursuant to subsection A shall be subject to a civil penalty of not more than \$500 for the first failure and not less than \$100 nor more than \$1,000 for any subsequent failures. Civil penalties under subdivision A 7 shall be determined by a court of competent jurisdiction, in its discretion. All other civil penalties under this section shall be determined by the Commissioner for Aging and Rehabilitative Services or his designee. The Commissioner for Aging and Rehabilitative Services shall establish by regulation a process for imposing and collecting civil penalties, and a process for appeal of the imposition of such penalty pursuant to § 2.2-4026 of the Administrative Process Act.

I. Any mandated reporter who has reasonable cause to suspect that an adult died as a result of abuse or neglect shall immediately report such suspicion to the appropriate medical examiner and to the appropriate law-enforcement agency, notwithstanding the existence of a death certificate signed by a licensed physician. The medical examiner and the law-enforcement agency shall receive the report and determine if an investigation is warranted. The medical examiner may order an autopsy. If an autopsy is conducted, the medical examiner shall report the findings to law enforcement, as appropriate, and to the local department or to the adult protective services hotline.

J. No person or entity shall be obligated to report any matter if the person or entity has actual knowledge that the same matter has already been reported to the local department or to the adult protective services hotline.

K. All law-enforcement departments and other state and local departments, agencies, authorities and institutions shall cooperate with each adult protective services worker of a local department in the detection, investigation and prevention of adult abuse, neglect and exploitation.

L. Financial institution staff may refuse to execute a transaction, may delay a transaction, or may refuse to disburse funds if the financial institution staff (i) believes in good faith that the transaction or disbursement may involve, facilitate, result in, or contribute to the financial exploitation of an adult or (ii) makes, or has actual knowledge that another person has made, a report to the local department or adult protective services hotline stating a good faith belief that the transaction or disbursement may involve, facilitate, result in, or contribute to the financial exploitation of an adult. The financial institution staff may continue to refuse to execute a transaction, delay a transaction, or refuse to disburse funds for a period no longer than 30 business days after the date upon which such transaction or disbursement was initially requested based on a good faith belief that the transaction or disbursement may involve, facilitate, result in, or contribute to the financial exploitation of an adult, unless otherwise ordered by a court of competent jurisdiction. Upon refusing to execute a transaction, delaying a transaction, or refusing to disburse funds, the financial institution shall report such refusal or delay within five business days to the local department or the adult protective services hotline. Upon request, and to the extent permitted by state and federal law, financial institution staff making a report to the local department of social services may report any information or records relevant to the report or investigation. Absent gross negligence or willful misconduct, the financial institution and its staff shall be immune from civil or criminal liability for refusing to execute a transaction, delaying a transaction, or refusing to disburse funds pursuant to this subsection. The authority of a financial institution staff to refuse to execute a transaction, to delay a transaction, or to refuse to disburse funds pursuant to this subsection shall not be contingent upon whether financial institution staff has reported suspected financial exploitation of the adult pursuant to subsection C.

CHAPTER 767

An Act to amend and reenact §§ 18.2-340.16, 18.2-340.18, 18.2-340.19, 18.2-340.20, 18.2-340.22, 18.2-340.23, 18.2-340.26:1, 18.2-340.27, 18.2-340.28, 18.2-340.28:1, 18.2-340.30, 18.2-340.31, 18.2-340.33, and 18.2-340.34 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 18.2-340.25:1, 18.2-340.26:3, 18.2-340.30:2, and 18.2-340.36:1, relating to charitable gaming; social organizations and social quarters; electronic gaming.

[H 763]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-340.16, 18.2-340.18, 18.2-340.19, 18.2-340.20, 18.2-340.22, 18.2-340.23, 18.2-340.26:1, 18.2-340.27, 18.2-340.28, 18.2-340.28:1, 18.2-340.30, 18.2-340.31, 18.2-340.33, and 18.2-340.34 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 18.2-340.25:1, 18.2-340.26:3, 18.2-340.30:2, and 18.2-340.36:1 as follows:

§ 18.2-340.16. Definitions.

As used in this article, unless the context requires a different meaning:

"Bingo" means a specific game of chance played with (i) individual cards having randomly numbered squares ranging from one to 75, (ii) Department-approved electronic devices that display facsimiles of bingo cards and are used for the purpose of marking and monitoring players' cards as numbers are called, or (iii) Department-approved cards, in which prizes are awarded on the basis of designated numbers on such cards conforming to a predetermined pattern of numbers selected at random.

"Board" means the Charitable Gaming Board created pursuant to § 2.2-2455.

"Bona fide member" means an individual who participates in activities of a qualified organization other than such organization's charitable gaming activities.

"Charitable gaming" or "charitable games" means those raffles, Texas Hold'em poker tournaments, and games of chance explicitly authorized by this article. *Unless otherwise specified, "charitable gaming" includes electronic gaming authorized by this article.*

"Charitable gaming permit" or "permit" means a permit issued by the Department to an organization that authorizes such organization to conduct charitable gaming, and if such organization is qualified as a social organization, electronic gaming.

"Charitable gaming supplies" includes bingo cards or sheets, devices for selecting bingo numbers, instant bingo cards, pull-tab cards and seal cards, playing cards for Texas Hold'em poker, poker chips, and any other equipment or product manufactured for or intended to be used in the conduct of charitable games. However, for the purposes of this article, charitable gaming supplies shall not include items incidental to the conduct of charitable gaming such as markers, wands, or tape.

"Commissioner" means the Commissioner of the Department of Agriculture and Consumer Services.

"Conduct" means the actions associated with the provision of a gaming operation during and immediately before or after the permitted activity, which may include, ~~but not be limited to,~~ (i) selling bingo cards or packs, electronic devices, instant bingo or pull-tab cards, or raffle tickets, (ii) calling bingo games, (iii) distributing prizes, and (iv) any other services provided by volunteer workers.

"Department" means the Department of Agriculture and Consumer Services.

"Electronic gaming" or "electronic games" means any instant bingo, pull tabs, or seal card gaming that is conducted primarily by use of an electronic device. "Electronic gaming" does not include (i) the game of chance identified in clause (ii) of the definition of "bingo" or (ii) network bingo.

"Electronic gaming adjusted gross receipts" means the gross receipts derived from electronic gaming less the total amount in prize money paid out to players.

"Electronic gaming manufacturer" means a manufacturer of electronic devices used to conduct electronic gaming.

"Fair market rental value" means the rent that a rental property will bring when offered for lease by a lessor who desires to lease the property but is not obligated to do so and leased by a lessee under no necessity of leasing.

"Gaming expenses" means prizes, supplies, costs of publicizing gaming activities, audit and administration or permit fees, and a portion of the rent, utilities, accounting and legal fees, and such other reasonable and proper expenses as are directly incurred for the conduct of charitable gaming.

"Gross receipts" means the total amount of money generated by an organization from charitable gaming before the deduction of expenses, including prizes.

"Instant bingo," "pull tabs," or "seal cards" means specific games of chance played by the random selection of one or more individually prepacked cards, ~~including Department-approved electronic versions thereof,~~ with winners being determined by the preprinted or predetermined appearance of concealed letters, numbers, or symbols that must be exposed by the player to determine wins and losses and may include the use of a seal card ~~which~~ *that* conceals one or more numbers or symbols that have been designated in advance as prize winners. Such cards may be dispensed by ~~electronic or~~ mechanical equipment.

"Jackpot" means a bingo game that the organization has designated on its game program as a jackpot game in which the prize amount is greater than \$100.

"Landlord" means any person or his agent, firm, association, organization, partnership, or corporation, employee, or immediate family member thereof, which owns and leases, or leases any premises devoted in whole or in part to the conduct of bingo games, and any person residing in the same household as a landlord.

"Management" means the provision of oversight of a gaming operation, which may include, ~~but is not limited to,~~ the responsibilities of applying for and maintaining a permit or authorization, compiling, submitting, and maintaining required records and financial reports, and ensuring that all aspects of the operation are in compliance with all applicable statutes and regulations.

"Network bingo" means a specific bingo game in which pari-mutuel play is permitted.

"Network bingo provider" means a person licensed by the Department to operate network bingo.

"Operation" means the activities associated with production of a charitable gaming *or electronic gaming* activity, which may include, ~~but not be limited to~~ (i) the direct on-site supervision of the conduct of charitable gaming *and electronic gaming*; (ii) coordination of volunteers; and (iii) all responsibilities of charitable gaming *and electronic gaming* designated by the organization's management.

"Organization" means any one of the following:

1. A volunteer fire department or volunteer emergency medical services agency or auxiliary unit thereof that has been recognized in accordance with § 15.2-955 by an ordinance or resolution of the political subdivision where the volunteer fire department or volunteer emergency medical services agency is located as being a part of the safety program of such political subdivision;

2. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code, is operated, and has always been operated, exclusively for educational purposes, and awards scholarships to accredited public institutions of higher education or other postsecondary schools licensed or certified by the Board of Education or the State Council of Higher Education for Virginia;

3. An athletic association or booster club or a band booster club established solely to raise funds for school-sponsored athletic or band activities for a public school or private school accredited pursuant to § 22.1-19 or to provide scholarships to students attending such school;

4. An association of war veterans or auxiliary units thereof organized in the United States;

5. A fraternal association or corporation operating under the lodge system;

6. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code and is operated, and has always been operated, exclusively to provide services and other resources to older Virginians, as defined in § 51.5-116;

7. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code and is operated, and has always been operated, exclusively to foster youth amateur sports;

8. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code and is operated, and has always been operated, exclusively to provide health care services or conduct medical research;

9. An accredited public institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education for Virginia that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code;

10. A church or religious organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code;

11. An organization that is exempt from income tax pursuant to § 501(c)(3) or 501(c)(4) of the Internal Revenue Code and is operated, and has always been operated, exclusively to (i) create and foster a spirit of understanding among the people of the world; (ii) promote the principles of good government and citizenship; (iii) take an active interest in the civic, cultural, social, and moral welfare of the community; (iv) provide a forum for the open discussion of matters of public interest; (v) encourage individuals to serve the community without personal financial reward; and (vi) encourage efficiency and promote high ethical standards in commerce, industries, professions, public works, and private endeavors;

12. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code and is operated, and has always been operated, exclusively to (i) raise awareness of law-enforcement officers who died in the line of duty; (ii) raise funds for the National Law Enforcement Officers Memorial and Museum; and (iii) raise funds for the charitable causes of other organizations that are exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code;

13. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code and is operated, and has always been operated, exclusively to (i) promote the conservation of the environment, caves, or other natural resources; (ii) promote or develop opportunities for the use of science and technology to advance the conservation of the environment, caves, or other natural resources; and (iii) raise funds for the conservation of the environment, caves, or other natural resources or provide grant opportunities to other nonprofit organizations that are devoted to such conservation efforts;

14. A local chamber of commerce; or

15. Any other nonprofit organization that is exempt from income tax pursuant to § 501(c) of the Internal Revenue Code and that raises funds by conducting raffles, bingo, instant bingo, pull tabs, or seal cards that generate annual gross receipts of \$40,000 or less, provided that such gross receipts, less expenses and prizes, are used exclusively for charitable, educational, religious, or community purposes. Notwithstanding § 18.2-340.26:1, proceeds from instant bingo, pull tabs, and seal cards shall be included when calculating an organization's annual gross receipts for the purposes of this subdivision.

"Pari-mutuel play" means an integrated network operated by a licensee of the Department comprised of participating charitable organizations for the conduct of network bingo games in which the purchase of a network bingo card by a player automatically includes the player in a pool with all other players in the network, and where the prize to the winning player is awarded based on a percentage of the total amount of network bingo cards sold in a particular network.

"Qualified organization" means any organization to which a valid permit has been issued by the Department to conduct charitable gaming or any organization that is exempt pursuant to § 18.2-340.23.

"Raffle" means a lottery in which the prize is won by (i) a random drawing of the name or prearranged number of one or more persons purchasing chances or (ii) a random contest in which the winning name or preassigned number of one or more persons purchasing chances is determined by a race involving inanimate objects floating on a body of water, commonly referred to as a "duck race."

"Reasonable and proper business expenses" means business expenses actually incurred by a qualified organization in the conduct of charitable gaming and not otherwise allowed under this article or under Board regulations on real estate and personal property tax payments, travel expenses, payments of utilities and trash collection services, legal and accounting fees, costs of business furniture, fixtures and office equipment and costs of acquisition, maintenance, repair, or construction of an organization's real property. For the purpose of this definition, salaries and wages of employees whose primary responsibility is to provide services for the principal benefit of an organization's members ~~shall not~~ may qualify as a business expense, *if so determined by the Department*. However, payments made pursuant to § 51.1-1204 to the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund shall be deemed a reasonable and proper business expense.

"Social organization" means any qualified organization that provides certification to the Department that it is:

1. *An accredited public institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education for Virginia qualified under § 501(c)(3) of the Internal Revenue Code;*

2. *A fraternal beneficiary society, order, or association qualified under § 501(c)(8) of the Internal Revenue Code;*

3. *A domestic fraternal society, order, or association qualified under § 501(c)(10) of the Internal Revenue Code; or*

4. *A post or organization of past or present members of the Armed Forces of the United States, or an auxiliary unit or society of, or a trust or foundation for, any such post or organization qualified under § 501(c)(19) of the Internal Revenue Code.*

"Social quarters" means, in addition to any specifications prescribed by the Department, an area at a social organization's primary location that (i) such organization designates to be used predominantly by its members for social and recreational activities, (ii) is accessible exclusively to members of the social organization and their guests, and (iii) is not advertised or open to the general public. It shall not disqualify the area from being considered social quarters if guests occasionally accompany members into the area, so long as such guests do not spend their own funds to participate in charitable gaming or electronic gaming activities conducted in the area. In determining if an area is social quarters for purposes of § 18.2-340.26:3, the Department may rely on publications of the Internal Revenue Service regarding the allowable participation of guests in an organization's social and recreational activities for purposes of § 501 of the Internal Revenue Code.

"Supplier" means any person who offers to sell, sells, or otherwise provides charitable gaming supplies to any qualified organization.

"Texas Hold'em poker game" means a variation of poker in which (i) players receive two cards facedown that may be used individually, (ii) five cards shown face up are shared among all players in the game, (iii) players combine any number of their individual cards with the shared cards to make the highest five-card hand to win the value wagered during the game, and (iv) the ranking of hands and the rules of the game are governed by the official rules of the Poker Tournament Directors Association.

"Texas Hold'em poker tournament" or "tournament" means an organized competition of players (i) who pay a fixed fee for entry into the competition and for a certain amount of poker chips for use in the competition; (ii) who may be allowed to pay an additional fee, during set preannounced times of the competition, to receive additional poker chips for use in the competition; (iii) who may be seated at one or more tables simultaneously playing Texas Hold'em poker games; (iv) who upon running out of poker chips are eliminated from the competition; and (v) a pre-set number of whom are awarded prizes of value according to how long such players remain in the competition.

§ 18.2-340.18. Powers and duties of the Department.

The Department shall have all powers and duties necessary to carry out the provisions of this article and to exercise the control of charitable gaming as set forth in § 18.2-340.15. Such powers and duties shall include ~~but not be limited to~~ the following:

1. The Department is vested with jurisdiction and supervision over all charitable gaming authorized under the provisions of this article and including all persons that conduct or provide goods, services, or premises used in the conduct of charitable gaming. It may employ such persons as are necessary to ensure that charitable gaming is conducted in conformity with the provisions of this article and the regulations of the Board. The Department shall designate such agents and employees as it deems necessary and appropriate who shall be sworn to enforce the provisions of this article and the criminal laws of the Commonwealth and who shall be law-enforcement officers as defined in § 9.1-101.

2. The Department, its agents and employees and any law-enforcement officers charged with the enforcement of charitable gaming laws shall have free access to the offices, facilities or any other place of business of any organization, including any premises devoted in whole or in part to the conduct of charitable gaming. These individuals may enter such places or premises for the purpose of carrying out any duty imposed by this article, securing records required to be maintained by an organization, investigating complaints, or conducting audits.

3. The Department may compel the production of any books, documents, records, or memoranda of any ~~organizations~~ organization, *electronic gaming manufacturer*, or supplier involved in the conduct of charitable gaming for the purpose of satisfying itself that this article and its regulations are strictly complied with. In addition, the Department may require the production of an annual balance sheet and operating statement of any person granted a permit pursuant to the provisions of this article and may require the production of any contract to which such person is or may be a party.

4. The Department may issue subpoenas for the attendance of witnesses before it, administer oaths, and compel production of records or other documents and testimony of such witnesses whenever, in the judgment of the Department, it is necessary to do so for the effectual discharge of its duties.

5. The Department may compel any person conducting charitable gaming to file with the Department such documents, information or data as shall appear to the Department to be necessary for the performance of its duties.

6. The Department may enter into arrangements with any governmental agency of this or any other state or any locality in the Commonwealth or any agency of the federal government for the purposes of exchanging information or performing any other act to better ensure the proper conduct of charitable gaming.

7. The Department may issue a charitable gaming permit while the permittee's tax-exempt status is pending approval by the Internal Revenue Service.

8. The Department shall report annually to the Governor and the General Assembly, which report shall include a financial statement of the operation of the Department and any recommendations for legislation applicable to charitable gaming in the Commonwealth.

9. The Department, its agents and employees may conduct such audits, in addition to those required by § 18.2-340.31, as they deem necessary and desirable.

10. The Department may limit the number of organizations for which a person may manage, operate, or conduct charitable games.

11. The Department may report any alleged criminal violation of this article to the appropriate attorney for the Commonwealth for appropriate action.

12. Beginning July 1, 2024, and at least once every five years thereafter, the Department shall convene a stakeholder work group to review the limitations on prize amounts and provide any recommendations to the General Assembly by November 30 of the year in which the stakeholder work group is convened.

§ 18.2-340.19. Regulations of the Board.

A. The Board shall adopt regulations that:

1. Require, as a condition of receiving a *charitable gaming permit or authorization to conduct electronic gaming*, that the applicant use a predetermined percentage of its ~~gross~~ receipts for (i) those lawful religious, charitable, community, or educational purposes for which the organization is specifically chartered or organized or (ii) those expenses relating to the acquisition, construction, maintenance, or repair of any interest in real property involved in the operation of the organization and used for lawful religious, charitable, community, or educational purposes, *as follows*:

a. With respect to charitable gaming, other than electronic gaming, a predetermined percentage of its gross receipts.

b. With respect to electronic gaming, a predetermined percentage of its electronic gaming adjusted gross receipts.

2. Specify the conditions under which a complete list of the organization's members who participate in the management, operation, or conduct of charitable gaming may be required in order for the Board to ascertain the percentage of Virginia residents in accordance with subdivision A 3 of § 18.2-340.24.

Membership lists furnished to the Board or Department in accordance with this subdivision shall not be a matter of public record and shall be exempt from disclosure under the provisions of the Freedom of Information Act (§ 2.2-3700 et seq.).

3. Prescribe fees for processing applications for charitable gaming permits *and authorizing social organizations to conduct electronic gaming*. Such fees may reflect the nature and extent of the charitable gaming activity proposed to be conducted.

4. Establish requirements for the audit of all reports required in accordance with §§ 18.2-340.30 and 18.2-340.30:2.

5. Define electronic and mechanical equipment used in the conduct of charitable gaming. Board regulations shall include capacity for such equipment to provide full automatic daubing as numbers are called. For the purposes of this subdivision, electronic or mechanical equipment for instant bingo, pull tabs, or seal cards shall include such equipment that displays facsimiles of instant bingo, pull tabs, or seal cards and are used solely for the purpose of dispensing or opening such paper or electronic cards, or both; but shall not include (i) devices operated by dropping one or more coins or tokens into a slot and pulling a handle or pushing a button or touchpoint on a touchscreen to activate one to three or more reels marked into horizontal segments by varying symbols, where the predetermined prize amount depends on how and how many of the symbols line up when the rotating reels come to rest, or (ii) other similar devices that display flashing lights or illuminations, or bells, whistles, or other sounds, solely intended to entice players to play. Such regulations shall not prohibit the use of multiple video monitors or touchscreens on an electronic ~~pull tab~~ gaming device.

6. Prescribe the conditions under which a qualified organization may (i) provide food and nonalcoholic beverages to its members who participate in the management, operation, or conduct of bingo; (ii) permit members who participate in the management, operation, or conduct of bingo to play bingo; and (iii) subject to the provisions of subdivision 12 of § 18.2-340.33, permit nonmembers to participate in the conduct of bingo so long as the nonmembers are under the direct supervision of a bona fide member of the organization during the bingo game.

7. Prescribe the conditions under which a qualified organization may sell raffle tickets for a raffle drawing that will be held outside the Commonwealth pursuant to subsection B of § 18.2-340.26.

8. Prescribe the conditions under which persons who are bona fide members of a qualified organization or a child, above the age of 13 years, of a bona fide member of such organization may participate in the conduct or operation of bingo games.

9. Prescribe the conditions under which a person below the age of 18 years may play bingo, provided that such person is accompanied by his parent or legal guardian.

10. Require all qualified organizations that are subject to Board regulations to post in a conspicuous place in every place where charitable gaming is conducted a sign which bears a toll-free telephone number for "Gamblers Anonymous" or other organization which provides assistance to compulsive gamblers.

11. Prescribe the conditions under which a qualified organization may sell network bingo cards in accordance with § 18.2-340.28:1 and establish a percentage of proceeds derived from network bingo sales to be allocated to (i) prize pools, (ii) the organization conducting the network bingo, and (iii) the network bingo provider. The regulations shall also establish procedures for the retainage and ultimate distribution of any unclaimed prize.

12. Prescribe the conditions under which a qualified organization may manage, operate or contract with operators of, or conduct Texas Hold'em poker tournaments.

13. *Prescribe the conditions under which a qualified organization may lease the premises of a permitted social organization for the purpose of conducting bingo, network bingo, instant bingo, pull tabs, seal cards, and electronic gaming permitted under this article and establish requirements for proper financial reporting of all disbursements, gross receipts, and electronic gaming adjusted gross receipts and payment of all fees required under this article.*

B. In addition to the powers and duties granted pursuant to § 2.2-2456 and this article, the Board may, by regulation, approve variations to the card formats for bingo games, provided that such variations result in bingo games that are conducted in a manner consistent with the provisions of this article. Board-approved variations may include, ~~but are not limited to,~~ bingo games commonly referred to as player selection games and 90-number bingo.

§ 18.2-340.20. Denial, suspension, or revocation of permit; hearings and appeals.

A. The Department may deny, suspend, or revoke the permit of any organization found not to be in strict compliance with the provisions of this article and the regulations of the Board only after the proposed action by the Department has been reviewed and approved by the Board. The action of the Department in denying, suspending, or revoking any permit shall be subject to the Administrative Process Act (§ 2.2-4000 et seq.).

B. Except as provided in §§ 18.2-340.25, 18.2-340.30, *18.2-340.30:2*, and 18.2-340.36, no permit to conduct charitable gaming *or authorization to conduct electronic gaming* shall be denied, suspended, or revoked except upon notice stating the proposed basis for such action and the time and place for the hearing. At the discretion of the Department, hearings may be conducted by hearing officers who shall be selected from the list prepared by the Executive Secretary of the Supreme Court. After a hearing on the issues, the Department may refuse to issue or may suspend or revoke any such permit *or authorization* if it determines that the organization has not complied with the provisions of this article or the regulations of the Board.

C. Any person aggrieved by a refusal of the Department to issue any permit, the suspension or revocation of a permit, or any other action of the Department may seek review of such action in accordance with Article 4 (§ 2.2-4025 et seq.) of the Administrative Process Act.

§ 18.2-340.22. Permitted forms of gaming; prizes not gaming contracts.

A. This article permits qualified organizations to conduct (i) raffles, bingo, network bingo, instant bingo games, and Texas Hold'em poker tournaments *and (ii) electronic gaming authorized pursuant to the provisions of § 18.2-340.26:3*. All games not explicitly authorized by this article or Board regulations adopted in accordance with ~~§ 18.2-340.18~~ *18.2-340.19* are prohibited. Nothing herein shall be construed to authorize the Board to approve the conduct of any other form of poker in the Commonwealth.

B. The award of any prize money for any charitable game shall not be deemed to be part of any gaming contract within the purview of § 11-14.

C. Nothing in this article shall prohibit an organization from using the Virginia Lottery's Pick-3 number or any number or other designation selected by the Virginia Lottery in connection with any lottery, as the basis for determining the winner of a raffle.

§ 18.2-340.23. Organizations exempt from certain fees and reports.

A. No organization that reasonably expects, based on prior charitable gaming annual results or any other quantifiable method, to realize gross receipts of \$40,000 or less in any 12-month period from raffles conducted in accordance with the provisions of this article shall be required to (i) notify the Department of its intention to conduct raffles or (ii) comply with Board regulations governing raffles. If any organization's actual gross receipts from raffles for the 12-month period exceed \$40,000, the Department shall require the organization to file by a specified date the report required by § 18.2-340.30.

B. Any (i) organization described in subdivision 15 of the definition of "organization" in § 18.2-340.16 or (ii) volunteer fire department or volunteer emergency medical services agency or auxiliary unit thereof that has been recognized in accordance with § 15.2-955 by an ordinance or resolution of the political subdivision where the volunteer fire department or volunteer emergency medical services agency is located as being part of the safety program of such political subdivision shall be exempt from the payment of application fees required by § 18.2-340.25 and the payment of audit fees required by § 18.2-340.31. *Any such organization, department, agency, or unit that conducts electronic gaming shall be subject to such application fees and audit fees for its electronic gaming activities; however, in accordance with the provisions of § 18.2-340.31, any audit fees may be paid by either the organization or the electronic gaming manufacturer whose electronic gaming devices are present on the premises of the organization, department, agency, or unit.* Nothing in this subsection shall be construed as exempting any organizations described in subdivision 15 of the definition of "organization"

in § 18.2-340.16, volunteer fire departments, or volunteer emergency medical services agencies from any other provisions of this article or other Board regulations.

C. Nothing in this section shall prevent the Department from conducting any investigation or audit it deems appropriate to ensure an organization's compliance with the provisions of this article and, to the extent applicable, Board regulations.

§ 18.2-340.25:1. Authorization to conduct electronic gaming required; fee.

A. In addition to a charitable gaming permit, a social organization shall receive authorization from the Department prior to conducting any electronic gaming pursuant to the provisions of § 18.2-340.26:3. A social organization may request such authorization from the Department by providing certain information, as determined by the Department on a form prescribed by the Department.

B. All requests for authorization to conduct electronic gaming shall be acted upon by the Department within 45 days from the date of the request. A social organization that meets the necessary requirements pursuant to this article may be, at the discretion of the Department, authorized to conduct electronic gaming pursuant to the provisions of § 18.2-340.26:3. Any such authorization granted by the Department shall be noted on the social organization's charitable gaming permit and shall be valid for the time specified in the permit unless it is sooner suspended or revoked. No authorization to conduct electronic gaming shall be valid for longer than two years. All requests received by the Department shall be a matter of public record.

All authorizations to conduct electronic gaming shall be subject to regulation by the Department to ensure the public safety and welfare in the operation of electronic games. The authorization shall only be granted after a reasonable investigation has been conducted by the Department.

C. In no case shall a social organization be authorized to conduct electronic gaming at more than one location.

D. Requests for authorization to conduct electronic gaming shall be made on forms prescribed by the Department and shall be accompanied by payment of a fee.

E. Requests for renewal of such authorizations shall be made in accordance with Board regulations. If a complete renewal request is received 45 days or more prior to the expiration of the authorization, the authorization shall continue to be effective until such time as the Department has taken final action. Otherwise, the authorization shall expire at the end of its term.

§ 18.2-340.26:1. Sale of instant bingo, pull tabs, or seal cards.

A. Instant bingo, pull tabs, or seal cards may be sold only (i) by a qualified organization, as defined in § 18.2-340.16, (ii) upon premises that are owned or exclusively and entirely leased by the qualified organization or leased by the qualified organization pursuant to subsection C, and (iii) at such times that the premises in which the instant bingo, pull tabs, or seal cards are sold is open only to members and their guests via controlled access. ~~No~~ Except as provided in subsection C, no organization, ~~except for an association of war veterans or auxiliary units thereof organized in the United States or a fraternal association or corporation operating under the lodge system,~~ may sell instant bingo, pull tabs, or seal cards (a) at a location outside of the county, city, or town in which the organization's principal office, as registered with the State Corporation Commission, is located or in an adjoining county, city, or town or (b) at an establishment that has been granted a license pursuant to Chapter 2 (§ 4.1-200 et seq.) of Title 4.1 unless such license is held by the organization. Nothing in this article shall be construed to prohibit the conduct of games of chance involving the sale of pull tabs, or seal cards, commonly known as last sale games, conducted in accordance with this section or, if such games are electronic games, in accordance with § 18.2-340.26:3.

B. ~~Except as otherwise provided in subdivision 15 of the definition of "organization" in § 18.2-340.16, the proceeds from instant bingo, pull tabs, or seal cards shall not be included in determining the gross receipts for a qualified organization provided the gaming (i) is limited exclusively to members of the organization and their guests, (ii) is not open to the general public, and (iii) there is no public solicitation or advertisement made regarding such gaming. It is prohibited to use an electronic device to conduct instant bingo, pull tabs, or seal cards except as permitted under § 18.2-340.26:3.~~

C. ~~No more than 18 devices that facilitate the play of electronic versions of instant bingo, pull tabs, or seal cards, commonly referred to as electronic pull tabs, may be used upon the premises owned or exclusively leased by the organization and at such times as the portion of the premises in which the instant bingo, pull tabs, or seal cards are sold is open only to members and their guests. Notwithstanding the provisions of subsection A, a qualified organization may lease the premises of any social organization authorized pursuant to § 18.2-340.26:3 for the purpose of selling instant bingo, pull tabs, or seal cards.~~

§ 18.2-340.26:3. Electronic gaming; penalty.

A. The Department may authorize a social organization to conduct electronic gaming (i) within its social quarters and (ii) elsewhere on the premises of its primary location. Any such authorized social organization may lease its premises to any qualified organization for the purpose of conducting electronic gaming. A qualified organization that leases the premises of a social organization pursuant to this section shall be subject to the rules and regulations prescribed by the Board. No other electronic gaming shall be allowed under this article. Any person who conducts or participates in electronic gaming that is not authorized under this section shall be subject to the penalties specified in § 18.2-340.37.

B. A social organization may request authorization from the Department to conduct electronic gaming pursuant to this section in accordance with the procedures established under §§ 18.2-340.20 and 18.2-340.25. Any fee charged by the Department for the purpose of such authorization shall be in addition to any fee charged for a charitable gaming permit.

Any charitable gaming permit that also authorizes a social organization to conduct electronic gaming shall identify the expiration date of such authorization and the number of electronic gaming devices authorized at the location.

C. A social organization and any qualified organization that leases the premises of a social organization pursuant to this section are prohibited from advertising any electronic gaming activities to the general public.

D. The Department may authorize a maximum of 18 electronic gaming devices at a location. Each such device shall bear a mark indicating it has been authorized and approved by the Department.

E. An electronic gaming manufacturer that has been issued a permit by the Department in accordance with § 18.2-340.34 shall report all electronic gaming adjusted gross receipts pursuant to the provisions of § 18.2-340.30:2.

F. The use of electronic gaming devices utilizing multiple video monitors or touchscreens shall be limited to one player at a time.

G. No social organization or qualified organization leasing the premises of a social organization shall allow any individual younger than 21 years of age to participate in electronic gaming. No individual younger than 21 years of age shall participate in electronic gaming or otherwise use an electronic device to play or redeem any instant bingo, pull tabs, or seal cards.

H. No social organization or any qualified organization leasing the premises of a social organization shall extend lines of credit or accept any credit or other electronic fund transfer other than debit cards in payment of any charges or assessments for players to participate in electronic gaming.

§ 18.2-340.27. Conduct of bingo games.

A. A qualified organization shall accept only cash or, at its option, checks or debit cards in payment of any charges or assessments for players to participate in bingo games. However, no such organization shall accept postdated checks in payment of any charges or assessments for players to participate in bingo games.

B. No qualified organization or any person on the premises shall extend lines of credit or accept any credit or other electronic fund transfer other than debit cards in payment of any charges or assessments for players to participate in bingo games.

C. Bingo games may be held by qualified organizations on any calendar day.

D. Qualified organizations may hold an unlimited number of bingo sessions on any calendar day.

E. ~~Any~~ Except as provided in subsection F, no organization may conduct bingo games ~~only in (i) at a location outside of the county, city, or town in which its principal office, as registered with the State Corporation Commission, is located or in an adjoining county, city, or town: An organization shall have only one principal office. An organization may not conduct bingo games or (ii) at an establishment that has been granted a license pursuant to Chapter 2 (§ 4.1-200 et seq.) of Title 4.1 unless such license is held by the organization. This subsection shall not apply to any association of war veterans or auxiliary units thereof organized in the United States or any fraternal association or corporation operating under the lodge system.~~

F. Notwithstanding the provisions of subsection E, a qualified organization may lease the premises of any social organization authorized pursuant to § 18.2-340.26:3 for the purpose of conducting bingo games.

§ 18.2-340.28. Conduct of instant bingo, network bingo, pull tabs, and seal cards.

A. Any organization qualified to conduct bingo games pursuant to the provisions of this article may also play instant bingo, network bingo, pull tabs, or seal cards; however, such games shall be played only at such times designated in the permit for regular bingo games and only at locations at which the organization is authorized to conduct regular bingo games pursuant to ~~subsection~~ subsections E and F of § 18.2-340.27. It is prohibited to use an electronic device to conduct instant bingo, pull tabs, or seal cards except as permitted under § 18.2-340.26:3.

B. Any organization conducting instant bingo, network bingo, pull tabs, or seal cards shall maintain a record of the date, quantity and card value of instant bingo supplies purchased as well as the name and address of the supplier of such supplies. The organization shall also maintain a written invoice or receipt from a nonmember of the organization verifying any information required by this subsection. Such supplies shall be paid for only by check drawn on the gaming account of the organization. A complete inventory of all such gaming supplies shall be maintained by the organization on the premises where the gaming is being conducted.

C. No qualified organization shall sell any instant bingo, network bingo, pull tabs, or seal cards to any individual younger than 18 years of age. No individual younger than 18 years of age shall play or redeem any instant bingo, network bingo, pull tabs, or seal cards.

D. ~~The use of electronic pull tab devices utilizing multiple video monitors or touchscreens shall be limited to one player at a time.~~ No qualified organization or any person on the premises shall extend lines of credit or accept any credit or other electronic fund transfer other than debit cards in payment of any charges or assessments for players to participate in instant bingo, network bingo, pull tabs, or seal cards.

§ 18.2-340.28:1. Conduct of network bingo.

A. Any organization qualified to conduct bingo games pursuant to the provisions of this article may also sell network bingo cards; however, network bingo shall be sold only at such times designated in the permit for regular bingo games and only at locations at which the organization is authorized to conduct regular bingo games pursuant to ~~subsection~~ subsections E and F of § 18.2-340.27.

B. Any organization selling network bingo cards shall maintain a record of the date and quantity of network bingo cards purchased from a licensed network bingo provider. The organization shall also maintain a written invoice or receipt

from a licensed supplier verifying any information required by this subsection. Such supplies shall be paid for only by check drawn on the gaming account of the organization or by electronic fund transfer. A complete inventory of all such gaming supplies shall be maintained by the organization on the premises where network bingo cards are sold.

C. No qualified organization shall sell any network bingo cards to any individual younger than 18 years of age. No individual younger than 18 years of age shall play or redeem any network bingo cards.

D. A qualified organization shall accept only cash or, at its option, checks or debit cards in payment of any charges or assessments for players to participate in any network bingo game. However, no such organization shall accept postdated checks in payment of any charges or assessments for players to participate in network bingo games.

E. No qualified organization or any person on the premises shall extend lines of credit or accept any credit or other electronic fund transfer other than debit cards in payment of any charges or assessments for players to participate in network bingo games.

F. No qualified organization shall conduct network bingo more frequently than one day in any calendar week, which shall not be the same day of each week.

G. ~~No network bingo games shall be permitted in the social quarters of an organization that are open only to the organization's members and their guests.~~

~~H.~~ No qualified organization shall sell network bingo cards on the Internet or other online service or allow the play of network bingo on the Internet or other online service. However, the location where network bingo games are conducted shall be equipped with a video monitor, television, or video screen, or any other similar means of visually displaying a broadcast or signal, that relays live, real-time video of the numbers as they are called by a live caller. The Internet or other online service may be used to relay information about winning players.

~~H.~~ Qualified organizations may award network bingo prizes on a graduated scale; however, no single network bingo prize shall exceed \$25,000.

~~I.~~ Nothing in this section shall be construed to prohibit an organization from participating in more than one network bingo network.

§ 18.2-340.30. Reports of gross receipts, electronic gaming adjusted gross receipts, and disbursements required; form of reports; failure to file.

A. 1. Each qualified organization shall keep a complete record of all ~~inventory~~:

a. ~~Inventory~~ of charitable gaming supplies purchased; ~~all receipts~~.

b. ~~Receipts~~ from its charitable gaming operation, ~~and all disbursements~~ including a breakdown of receipts attributable to each type of game offered.

c. ~~Electronic gaming adjusted gross receipts~~.

d. ~~Disbursements~~ related to ~~such operation~~ charitable gaming and electronic gaming operations, including a breakdown of disbursements for each purpose specified in subdivision 1 of § 18.2-340.33.

2. Except as provided in §§ 18.2-340.23 and 18.2-340.30:2, each qualified organization shall file at least annually, on a form prescribed by the Department, a report of all ~~such~~ receipts and disbursements *specified in subdivision 1*, the amount of money on hand attributable to charitable gaming as of the end of the period covered by the report, and any other information related to its charitable gaming operation that the Department may require. In addition, the Board, by regulation, may require any qualified organization whose net receipts exceed a specified amount during any three-month period to file a report of its receipts and disbursements for such period. All reports filed pursuant to this section shall be a matter of public record.

B. All reports required by this section shall be filed on or before the date prescribed by the Department. The Board, by regulation, shall establish a schedule of late fees to be assessed for any organization that fails to submit required reports by the due date.

C. Except as provided in § 18.2-340.23, each qualified organization shall designate or compensate an outside individual or group who shall be responsible for filing an annual, and, if required, quarterly, financial report if the organization goes out of business or otherwise ceases to conduct charitable gaming activities. The Department shall require such reports as it deems necessary until all proceeds of any charitable gaming have been used for the purposes specified in § 18.2-340.19 or have been disbursed in a manner approved by the Department.

D. Each qualified organization shall maintain for three years a complete written record of (i) all charitable gaming sessions using Department prescribed forms or reasonable facsimiles thereof approved by the Department; (ii) the name and address of each individual to whom is awarded any charitable gaming prize or jackpot that meets or exceeds the requirements of Internal Revenue Service Publication 3079, as well as the amount of the award; and (iii) an itemized record of all receipts and disbursements, including operating costs and use of proceeds incurred in operating bingo games.

E. The failure to file reports within 30 days of the time such reports are due shall cause the automatic revocation of the permit, and no organization shall conduct any bingo game or raffle thereafter until the report is properly filed and a new permit is obtained. However, the Department may grant an extension of time for filing such reports for a period not to exceed 45 days if requested by an organization, provided the organization requests an extension within 15 days of the time such reports are due and all projected fees are paid. For the term of any such extension, the organization's permit shall not be automatically revoked, such organization may continue to conduct charitable gaming, *or electronic gaming if authorized to do so pursuant to the provisions of this article*, and no new permit shall be required.

F. For purposes of this section, the requirement to file a report shall also include the payment of any applicable fees required to accompany such report.

§ 18.2-340.30:2. Reports of electronic gaming adjusted gross receipts by electronic gaming manufacturer required; form of reports; failure to file.

A. Each electronic gaming manufacturer that holds a permit issued by the Department pursuant to § 18.2-340.34 shall keep a complete record of all electronic gaming adjusted gross receipts and shall file at least annually, on a form prescribed by the Department, a report of all such receipts and any other information related to the manufacture of electronic gaming devices that the Department may require.

B. The report required by this section shall be filed on or before the date prescribed by the Department. The Board, by regulation, shall establish a schedule of late fees to be assessed for any electronic gaming manufacturer that fails to submit required reports by the due date.

C. Each electronic gaming manufacturer shall maintain for three years a complete written record of all electronic gaming adjusted gross receipts.

D. The failure to file the report required by this section within 30 days of the time such report is due shall cause the automatic revocation of the electronic gaming manufacturer's permit, and no such manufacturer shall manufacture any new electronic gaming device until the report is properly filed and a new permit is obtained. However, the Department may grant an extension of time for filing such report for a period not to exceed 45 days if requested by a manufacturer, provided that the manufacturer requests an extension within 15 days of the time such report is due and all projected fees are paid. For the term of any such extension, the manufacturer's permit shall not be automatically revoked, such manufacturer may continue to manufacture electronic gaming devices, and no new permit shall be required.

E. For purposes of this section, the requirement to file a report shall also include the payment of any applicable fees required to accompany such report.

§ 18.2-340.31. Audit of reports; exemption; audit and administration fee; additional assessment of gross receipts and electronic gaming adjusted gross receipts.

A. All reports filed pursuant to §§ 18.2-340.30 and 18.2-340.30:2 shall be subject to audit by the Department in accordance with Board regulations. The Department may engage the services of independent certified public accountants to perform any audits deemed necessary to fulfill the Department's responsibilities under this article.

B. The Department shall prescribe a reasonable audit and administration fee to be paid by (i) any organization conducting charitable gaming under a permit issued by the Department unless the organization is exempt from such fee pursuant to § 18.2-340.23 or (ii) any electronic gaming manufacturer that holds a permit issued by the Department pursuant to § 18.2-340.34. Such fee shall not exceed one-half of one ~~and one-quarter~~ percent of the gross receipts ~~which that~~ an organization reports pursuant to § 18.2-340.30 or one-half of one percent of the electronic gaming adjusted gross receipts that an electronic gaming manufacturer reports pursuant to § 18.2-340.30:2. The audit and administration fee shall accompany each report for each calendar quarter.

C. The audit and administration fee shall be payable to the Treasurer of Virginia. All such fees received by the Treasurer of Virginia shall be separately accounted for and shall be used only by the Department for the purposes of auditing and regulating charitable gaming.

D. In addition to the fee imposed under subsection B, an additional fee of (i) one-quarter of one percent of the gross receipts that an organization reports pursuant to § 18.2-340.30 shall be paid by the organization or (ii) one-quarter of one percent of the electronic gaming adjusted gross receipts that an electronic gaming manufacturer reports pursuant to § 18.2-340.30:2 shall be paid by the electronic gaming manufacturer to the Treasurer of Virginia. All such amounts shall be collected and deposited in the same manner as prescribed in subsections B and C and shall be used for the same purposes.

§ 18.2-340.33. Prohibited practices.

In addition to those other practices prohibited by this article, the following acts or practices are prohibited:

1. No part of the gross receipts *or electronic gaming adjusted gross receipts* derived by a qualified organization may be used for any purpose other than (i) ~~reasonable and proper~~ gaming expenses; (ii) reasonable and proper business expenses; (iii) those lawful religious, charitable, community, or educational purposes for which the organization is specifically chartered or organized; and (iv) expenses relating to the acquisition, construction, maintenance, or repair of any interest in the real property involved in the operation of the organization and used for lawful religious, charitable, community or educational purposes. For the purposes of clause (iv), such expenses may include the expenses of a corporation formed for the purpose of serving as the real estate holding entity of a qualified organization, provided (a) such holding entity is qualified as a tax exempt organization under § 501(c) of the Internal Revenue Code and (b) the membership of the qualified organization is identical to such holding entity.

2. Except as provided in § 18.2-340.34:1, no qualified organization shall enter into a contract with or otherwise employ for compensation any person for the purpose of organizing, managing, or conducting any charitable games. However, organizations composed of or for deaf or blind persons may use a part of their gross receipts for costs associated with providing clerical assistance in the management and operation but not the conduct of charitable gaming.

The provisions of this subdivision shall not prohibit the joint operation of bingo games held in accordance with § 18.2-340.29.

3. No person shall pay or receive for use of any premises devoted, in whole or in part, to the conduct of any charitable games, any consideration in excess of the current fair market rental value of such property. Fair market rental value

consideration shall not be based upon or determined by reference to a percentage of the proceeds derived from the operation of any charitable games or to the number of people in attendance at such charitable games.

4. No person shall participate in the management or operation of any charitable game unless such person is and, for a period of at least 30 days immediately preceding such participation, has been a bona fide member of the organization. For any organization that is not composed of members, a person who is not a bona fide member may volunteer in the conduct of a charitable game as long as that person is directly supervised by a bona fide official member of the organization.

The provisions of this subdivision shall not apply to (i) persons employed as clerical assistants by qualified organizations composed of or for deaf or blind persons; (ii) employees of a corporate sponsor of a qualified organization, provided such employees' participation is limited to the management, operation or conduct of no more than one raffle per year; (iii) the spouse or family member of any such bona fide member of a qualified organization provided at least one bona fide member is present; or (iv) persons employed by a qualified organization authorized to sell pull tabs or seal cards in accordance with § 18.2-340.16, provided (a) such sales are conducted by no more than two on-duty employees, (b) such employees receive no compensation for or based on the sale of the pull tabs or seal cards, and (c) such sales are conducted in the private social quarters of the organization.

5. No person shall receive any remuneration for participating in the management, operation, or conduct of any charitable game, except that:

a. Persons employed by organizations composed of or for deaf or blind persons may receive remuneration not to exceed \$30 per event for providing clerical assistance in the management and operation but not the conduct of charitable games only for such organizations;

b. Persons under the age of 19 who sell raffle tickets for a qualified organization to raise funds for youth activities in which they participate may receive nonmonetary incentive awards or prizes from the organization;

c. Remuneration may be paid to off-duty law-enforcement officers from the jurisdiction in which such bingo games are played for providing uniformed security for such bingo games even if such officer is a member of the sponsoring organization, provided the remuneration paid to such member is in accordance with off-duty law-enforcement personnel work policies approved by the local law-enforcement official and further provided that such member is not otherwise engaged in the management, operation, or conduct of the bingo games of that organization, or to private security services businesses licensed pursuant to § 9.1-139 providing uniformed security for such bingo games, provided that employees of such businesses shall not otherwise be involved in the management, operation, or conduct of the bingo games of that organization;

d. A member of a qualified organization lawfully participating in the management, operation, or conduct of a bingo game may be provided food and nonalcoholic beverages by such organization for on-premises consumption during the bingo game provided the food and beverages are provided in accordance with Board regulations;

e. Remuneration may be paid to bingo managers or callers who have a current registration certificate issued by the Department in accordance with § 18.2-340.34:1, or who are exempt from such registration requirement. Such remuneration shall not exceed \$100 per session; and

f. Volunteers of a qualified organization may be reimbursed for their reasonable and necessary travel expenses, not to exceed \$50 per session.

6. No landlord shall, at bingo games conducted on the landlord's premises, (i) participate in the conduct, management, or operation of any bingo games; (ii) sell, lease, or otherwise provide for consideration any bingo supplies, including, ~~but not limited to,~~ bingo cards, instant bingo cards, or other game pieces; or (iii) require as a condition of the lease or by contract that a particular manufacturer, distributor, or supplier of bingo supplies or equipment be used by the organization.

The provisions of this subdivision shall not apply to any qualified organization conducting bingo games on its own behalf at premises owned by it.

7. No qualified organization shall enter into any contract with or otherwise employ or compensate any member of the organization on account of the sale of bingo supplies or equipment.

8. No organization shall award any bingo prize money or any merchandise valued in excess of the following amounts:

a. No bingo door prize shall exceed \$250 for a single door prize or \$500 in cumulative door prizes in any one session;

b. No regular bingo or special bingo game prize shall exceed \$100. However, up to 10 games per bingo session may feature a regular bingo or special bingo game prize of up to \$200;

c. No instant bingo, pull tab, or seal card prize for a single card shall exceed \$2,000;

d. Except as provided in this subdivision 8, no bingo jackpot of any nature whatsoever shall exceed \$1,000, nor shall the total amount of bingo jackpot prizes awarded in any one session exceed \$1,000. Proceeds from the sale of bingo cards and the sheets used for bingo jackpot games shall be accounted for separately from the bingo cards or sheets used for any other bingo games; and

e. No single network bingo prize shall exceed \$25,000. Proceeds from the sale of network bingo cards shall be accounted for separately from bingo cards and sheets used for any other bingo game.

9. The provisions of subdivision 8 shall not apply to:

Any progressive bingo game, in which (i) a regular or special prize, not to exceed \$100, is awarded on the basis of predetermined numbers or patterns selected at random and (ii) a progressive prize, not to exceed \$500 for the initial progressive prize and \$5,000 for the maximum progressive prize, is awarded if the predetermined numbers or patterns are covered when a certain number of numbers is called, provided that (a) there are no more than six such games per session per

organization, (b) the amount of increase of the progressive prize per session is no more than \$200, (c) the bingo cards or sheets used in such games are sold separately from the bingo cards or sheets used for any other bingo games, (d) the organization separately accounts for the proceeds from such sale, and (e) such games are otherwise operated in accordance with the Department's rules of play.

10. No organization shall award any raffle prize valued at more than \$100,000.

The provisions of this subdivision shall not apply to a raffle conducted no more than three times per calendar year by a qualified organization qualified as a tax-exempt organization pursuant to § 501(c) of the Internal Revenue Code for a prize consisting of a lot improved by a residential dwelling where 100 percent of the moneys received from such a raffle, less deductions for the fair market value for the cost of acquisition of the land and materials, are donated to lawful religious, charitable, community, or educational organizations specifically chartered or organized under the laws of the Commonwealth and qualified as a § 501(c) tax-exempt organization. No more than one such raffle shall be conducted in any one geographical region of the Commonwealth.

11. No qualified organization composed of or for deaf or blind persons which employs a person not a member to provide clerical assistance in the management and operation but not the conduct of any charitable games shall conduct such games unless it has in force fidelity insurance, as defined in § 38.2-120, written by an insurer licensed to do business in the Commonwealth.

12. No person shall participate in the management or operation of any charitable game if he has ever been convicted of any felony or if he has been convicted of any misdemeanor involving fraud, theft, or financial crimes within the preceding five years. No person shall participate in the conduct of any charitable game if, within the preceding 10 years, he has been convicted of any felony or if, within the preceding five years he has been convicted of any misdemeanor involving fraud, theft, or financial crimes. In addition, no person shall participate in the management, operation or conduct of any charitable game if that person, within the preceding five years, has participated in the management, operation, or conduct of any charitable game which was found by the Department or a court of competent jurisdiction to have been operated in violation of state law, local ordinance, or Board regulation.

13. Qualified organizations jointly conducting bingo games pursuant to § 18.2-340.29 shall not circumvent any restrictions and prohibitions which would otherwise apply if a single organization were conducting such games. These restrictions and prohibitions shall include, ~~but not be limited to,~~ the frequency with which bingo games may be held, the value of merchandise or money awarded as prizes, or any other practice prohibited under this section.

14. A qualified organization shall not purchase any charitable gaming supplies for use in the Commonwealth from any person who is not currently registered with the Department as a supplier pursuant to § 18.2-340.34.

15. Unless otherwise permitted in this article, no part of an organization's charitable gaming gross receipts shall be used for an organization's social or recreational activities.

§ 18.2-340.34. Suppliers of charitable gaming supplies; manufacturers of electronic gaming devices; permit; qualification; suspension, revocation, or refusal to renew certificate; maintenance, production, and release of records.

A. No person shall offer to sell, sell, or otherwise provide charitable gaming supplies to any qualified organization and no manufacturer shall distribute electronic ~~games of chance systems~~ *gaming devices* for charitable gaming in the Commonwealth unless and until such person has made application for and has been issued a permit by the Department. An application for permit shall be made on forms prescribed by the Department and shall be accompanied by a fee in the amount of \$1,000. Each permit shall remain valid for a period of one year from the date of issuance. Application for renewal of a permit shall be accompanied by a fee in the amount of \$1,000 and shall be made on forms prescribed by the Department.

B. The Board shall have authority to prescribe by regulation reasonable criteria consistent with the provisions of this article for the registration of suppliers and manufacturers of electronic ~~games of chance systems~~ *gaming devices* for charitable gaming. The Department shall refuse to issue a permit to any supplier or manufacturer who has, or which has any officer, director, partner, or owner who has, (i) been convicted of or pleaded nolo contendere to a felony in any state or federal court or has been convicted of any offense that, if committed in the Commonwealth, would be a felony; (ii) been convicted of or pleaded nolo contendere to a crime involving gambling; (iii) violated the gaming laws of any jurisdiction within the last five years, including violations for failure to register; or (iv) had any license, permit, certificate, or other authority related to charitable gaming suspended or revoked in the Commonwealth or in any other jurisdiction within the last five years. The Department may refuse to issue a permit to any supplier or manufacturer who has, or which has any officer, director, partner, or owner who has, (a) failed to file or has been delinquent in excess of one year in the filing of any tax returns or the payment of any taxes due the Commonwealth or (b) failed to establish a registered office or registered agent in the Commonwealth if so required by § 13.1-634 or 13.1-763.

C. The Department shall suspend, revoke, or refuse to renew the permit of any supplier or manufacturer for any conduct described in clause (i), (ii), (iii), or (iv) of subsection B. The Department may suspend, revoke, or refuse to renew the permit of any supplier or manufacturer for any conduct described in clause (a) or (b) of subsection B or for any violation of this article or regulation of the Board. Before taking any such action, the Department shall give the supplier or manufacturer a written statement of the grounds upon which it proposes to take such action and an opportunity to be heard. Every hearing in a contested case shall be conducted in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).

D. Each supplier shall document each sale of charitable gaming supplies, including electronic ~~games of chance systems~~ *gaming devices*, and other items incidental to the conduct of charitable gaming, such as markers, wands or tape, to a qualified organization on an invoice which clearly shows (i) the name and address of the qualified organization to which such supplies or items were sold; (ii) the date of the sale; (iii) the name or form and serial number of each deal of instant bingo cards and pull-tab raffle cards, the quantity of deals sold, and the price per deal paid by the qualified organization; (iv) the serial number of the top sheet in each packet of bingo paper, the serial number for each series of uncollated bingo paper, and the cut, color, and quantity of bingo paper sold; and (v) any other information with respect to charitable gaming supplies, including electronic ~~games of chance systems~~ *gaming devices*, or other items incidental to the conduct of charitable gaming as the Board may prescribe by regulation. A legible copy of the invoice shall accompany the charitable gaming supplies when delivered to the qualified organization.

Each manufacturer of electronic ~~games of chance systems~~ *gaming devices* shall document each distribution of such ~~systems~~ *devices* to a qualified organization or supplier on an invoice which clearly shows (a) the name and address of the qualified organization or supplier to which such systems were distributed; (b) the date of distribution; (c) the serial number of each such ~~system~~ *device*; and (d) any other information with respect to electronic ~~games of chance systems~~ *gaming devices* as the Board may prescribe by regulation. A legible copy of the invoice shall accompany the electronic ~~games of chance systems~~ *gaming devices* when delivered to the qualified organization or supplier.

E. Each supplier and manufacturer shall maintain a legible copy of each invoice required by subsection D for a period of three years from the date of sale. Each supplier and manufacturer shall make such documents immediately available for inspection and copying to any agent or employee of the Department upon request made during normal business hours. This subsection shall not limit the right of the Department to require the production of any other documents in the possession of the supplier or manufacturer which relate to its transactions with qualified organizations. All documents and other information of a proprietary nature furnished to the Department in accordance with this subsection shall not be a matter of public record and shall be exempt from disclosure under the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

F. Each supplier and manufacturer shall provide to the Department the results of background checks and any other records or documents necessary for the Department to enforce the provisions of subsections B and C.

§ 18.2-340.36:1. Civil penalty.

A. Any person or organization, whether permitted or qualified pursuant to this article or not, that (i) conducts charitable gaming without first obtaining a permit to do so, (ii) continues to conduct such games after revocation or suspension of such permit, or (iii) otherwise violates any provision of this article shall, in addition to any other penalties provided, be subject to a civil penalty of not less than \$25,000 and not more than \$50,000 per incident. Any civil penalties collected pursuant to this section shall be payable to the State Treasurer for remittance to the Department.

B. Any electronic gaming manufacturer, whether permitted pursuant to this article or not, shall, in addition to any other penalties provided, be subject to the penalty identified in subsection A for any violation of any provision of this article.

2. That the Charitable Gaming Board's (the Board) initial adoption of regulations necessary to implement the provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board shall provide an opportunity for public comment on the regulations prior to adoption. The Board shall complete work on such regulations no later than September 15, 2022.

3. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 552 of the Acts of Assembly of 2021, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 768

An Act to amend the Code of Virginia by adding in Title 52 a chapter numbered 13, consisting of sections numbered 52-53 and 52-54, relating to enforcement of gaming laws; Gaming Enforcement Coordinator established.

[H 766]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 52 a chapter numbered 13, consisting of sections numbered 52-53 and 52-54, as follows:

*CHAPTER 13.
GAMING ENFORCEMENT.*

§ 52-53. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Coordinator" means the position of the Gaming Enforcement Coordinator established pursuant to § 52-54.

"Department" means the Department of State Police.

"Gaming laws" means the laws regulating gambling under Article 1 (§ 18.2-325 et seq.) of Chapter 8 of Title 18.2, charitable gaming under Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, lottery games under Article 1 (§ 58.1-4000 et seq.) of Chapter 40 of Title 58.1, sports betting under Article 2 (§ 58.1-4030 et seq.) of Chapter 40 of Title 58.1, casino gaming under Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1, fantasy contests under Chapter 51 (§ 59.1-556 et seq.) of Title 59.1, horse racing and pari-mutuel wagering under Chapter 29 (§ 59.1-364 et seq.) of Title 59.1, any regulations promulgated pursuant to such laws, and any other federal, state, or local laws the Gaming Enforcement Coordinator deems relevant.

"Superintendent" means the Superintendent of State Police.

§ 52-54. Office of the Gaming Enforcement Coordinator established; purpose; duties.

A. The Superintendent shall designate a Department employee to serve as the Gaming Enforcement Coordinator. The purpose of the office of the Coordinator shall be to synchronize the enforcement of gaming laws by state and local law enforcement, and to serve as a liaison between such agencies and federal law enforcement.

B. The Coordinator shall have the following duties:

1. Coordinating enforcement of the Commonwealth's gaming laws by the Department, the Department of Agriculture and Consumer Services, and all other state agencies; attorneys for the Commonwealth; and local law enforcement;
2. Acting as a liaison between the federal government and the agencies identified in subdivision 1 for purposes of any federal investigation into gaming activities;
3. Establishing, advertising, and administering a tip line, which may be accessed by phone and by Internet, for members of the public to report concerns about, or suspected instances of, gaming activities; and
4. Performing any other duties as are necessary to promote and enable the equitable enforcement of gaming laws in the Commonwealth.

CHAPTER 769

An Act to amend and reenact §§ 9.1-184, 22.1-79.4, and 22.1-280.2:3 of the Code of Virginia, relating to public elementary and secondary schools; threat assessment team membership; law-enforcement liaison for certain school administrators.

[H 873]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-184, 22.1-79.4, and 22.1-280.2:3 of the Code of Virginia are amended and reenacted as follows:

§ 9.1-184. Virginia Center for School and Campus Safety created; duties.

A. From such funds as may be appropriated, the Virginia Center for School and Campus Safety (the Center) is hereby established within the Department. The Center shall:

1. Provide training for Virginia public school personnel in school safety, on evidence-based antibullying tactics based on the definition of bullying in § 22.1-276.01, and in the effective identification of students who may be at risk for violent behavior and in need of special services or assistance;
2. Serve as a resource and referral center for Virginia school divisions by conducting research, sponsoring workshops, and providing information regarding current school safety concerns, such as conflict management and peer mediation, bullying as defined in § 22.1-276.01, school facility design and technology, current state and federal statutory and regulatory school safety requirements, and legal and constitutional issues regarding school safety and individual rights;
3. Maintain and disseminate information to local school divisions on effective school safety initiatives in Virginia and across the nation;
4. Develop a case management tool for the collection and reporting of data by threat assessment teams pursuant to § 22.1-79.4;
5. Collect, analyze, and disseminate various Virginia school safety data, including school safety audit information submitted to it pursuant to § 22.1-279.8, collected by the Department and, in conjunction with the Department of Education, information relating to the activities of school resource officers submitted pursuant to § 22.1-279.10;
6. Encourage the development of partnerships between the public and private sectors to promote school safety in Virginia;
7. Provide technical assistance to Virginia school divisions in the development and implementation of initiatives promoting school safety, including threat assessment-based protocols with such funds as may be available for such purpose;
8. Develop a memorandum of understanding between the Director of the Department of Criminal Justice Services and the Superintendent of Public Instruction to ensure collaboration and coordination of roles and responsibilities in areas of mutual concern, such as school safety audits and crime prevention;
9. Provide training for and certification of school security officers, as defined in § 9.1-101 and consistent with § 9.1-110;
10. Develop, in conjunction with the Department of State Police, the Department of Behavioral Health and Developmental Services, and the Department of Education, a model critical incident response training program for public

school personnel and others providing services to schools that shall also be made available to private schools in the Commonwealth;

11. In consultation with the Department of Education, provide schools with a model policy for the establishment of threat assessment teams, including procedures for the assessment of and intervention with students whose behavior poses a threat to the safety of school staff or students; and

12. Develop a model memorandum of understanding setting forth the respective roles and responsibilities of local school boards and local law-enforcement agencies regarding the use of school resource officers. Such model memorandum of understanding may be used by local school boards and local law-enforcement agencies to satisfy the requirements of *subsection A of § 22.1-280.2:3*.

B. All agencies of the Commonwealth shall cooperate with the Center and, upon request, assist the Center in the performance of its duties and responsibilities.

§ 22.1-79.4. Threat assessment teams and oversight committees.

A. Each local school board shall adopt policies for the establishment of threat assessment teams, including the assessment of and intervention with individuals whose behavior may pose a threat to the safety of school staff or students consistent with the model policies developed by the Virginia Center for School and Campus Safety (the Center) in accordance with § 9.1-184. Such policies shall include procedures for referrals to community services boards or health care providers for evaluation or treatment, when appropriate.

B. The superintendent of each school division may establish a committee charged with oversight of the threat assessment teams operating within the division, which may be an existing committee established by the division. The committee shall include individuals with expertise in human resources, education, school administration, mental health, and law enforcement.

C. Each division superintendent shall establish, for each school, a threat assessment team that shall include persons with expertise in counseling, instruction, school administration, and law enforcement *and, in the case of any school in which a school resource officer is employed, at least one such school resource officer*. Threat assessment teams may be established to serve one or more schools as determined by the division superintendent. Each team shall (i) provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school, or self; (ii) identify members of the school community to whom threatening behavior should be reported; and (iii) implement policies adopted by the local school board pursuant to subsection A.

D. Upon a preliminary determination that a student poses a threat of violence or physical harm to self or others, a threat assessment team shall immediately report its determination to the division superintendent or his designee. The division superintendent or his designee shall immediately attempt to notify the student's parent or legal guardian. Nothing in this subsection shall preclude school division personnel from acting immediately to address an imminent threat.

E. Each threat assessment team established pursuant to this section shall collect and report to the Center quantitative data on its activities using the case management tool developed by the Center.

F. Upon a preliminary determination by the threat assessment team that an individual poses a threat of violence to self or others or exhibits significantly disruptive behavior or need for assistance, a threat assessment team may obtain criminal history record information, as provided in §§ 19.2-389 and 19.2-389.1, and health records, as provided in § 32.1-127.1:03. No member of a threat assessment team shall redisclose any criminal history record information or health information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose for which such disclosure was made to the threat assessment team.

§ 22.1-280.2:3. School boards; safety and security personnel.

A. The school board in each school division in which the local law-enforcement agency employs school resource officers, as defined in § 9.1-101, shall enter into a memorandum of understanding with such local law-enforcement agency that sets forth the powers and duties of such school resource officers. The provisions of such memorandum of understanding shall be based on the model memorandum of understanding developed by the Virginia Center for School and Campus Safety pursuant to subdivision A 12 of § 9.1-184, which may be modified by the parties in accordance with their particular needs. Each such school board and local law-enforcement agency shall review and amend or affirm such memorandum at least once every two years or at any time upon the request of either party. Each school board shall ensure the current division memorandum of understanding is conspicuously published on the division website and provide notice and opportunity for public input during each memorandum of understanding review period.

B. *The chief local law-enforcement officer for any local school division in which a public elementary or secondary school does not employ a school resource officer, as defined in § 9.1-101, shall designate a law-enforcement officer to receive, either in-person or online, the training set forth in subsection E of § 22.1-279.8. Such officer shall serve as the law-enforcement liaison for the school administrator described in subsection E of § 22.1-279.8 in each public elementary or secondary school that does not employ a school resource officer.*

CHAPTER 770

An Act to amend and reenact § 22.1-9 of the Code of Virginia, relating to the Board of Education; membership; qualifications.

[H 879]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 22.1-9 of the Code of Virginia is amended and reenacted as follows:****§ 22.1-9. Appointment, terms, and vacancies.**

The Board of Education shall consist of nine members appointed by the Governor, at least two of whom shall represent business and industry in the private sector in the Commonwealth, and of the nine members at least five shall reside in different superintendent's regions in the Commonwealth. *The Governor shall consider appointing one member with expertise or experience in local government leadership or policymaking, one member with expertise or experience in career and technical education, and one member with expertise or experience in early childhood education.* Every appointment to the Board shall be for a term of four years, except that appointments to fill vacancies other than by expiration of term shall be for the unexpired terms. All appointments, including those to fill vacancies, shall be subject to confirmation by the General Assembly, and any appointment made during the recess of the General Assembly shall expire at the end of 30 days after the commencement of the next session of the General Assembly. No member of the Board shall be appointed to more than two consecutive four-year terms.

CHAPTER 771

An Act to amend and reenact § 11-4.6 of the Code of Virginia, relating to nonpayment of wages; defense of contractor.

[H 889]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 11-4.6 of the Code of Virginia is amended and reenacted as follows:****§ 11-4.6. Liability of contractor for wages of subcontractor's employees.**

A. As used in this section, unless the context requires a different meaning:

"Construction contract" means a contract between a general contractor and a subcontractor relating to the construction, alteration, repair, or maintenance of a building, structure, or appurtenance thereto, including moving, demolition, and excavation connected therewith, or any provision contained in any contract relating to the construction of projects other than buildings.

"General contractor" and "subcontractor" have the meanings ascribed thereto in § 43-1, except that those terms shall not include persons solely furnishing materials.

B. Any construction contract *between a general contractor and its subcontractor and any lower tier subcontract* entered into on or after July 1, 2020, shall be deemed to include a provision under which the general contractor, *its subcontractor*, and the subcontractor at any *lower tier* are jointly and severally liable to pay ~~any subcontractor's~~ *the* employees of *any subcontractor* at any *lower tier* the greater of (i) all wages due to a subcontractor's employees *or to the lower tier subcontractor's employees* at such rate and upon such terms as shall be provided in the employment agreement between the subcontractor and its employees or (ii) the amount of wages that the subcontractor *or any lower tier subcontractor* is required to pay to its employees under the provisions of applicable law, including the provisions of the Virginia Minimum Wage Act (§ 40.1-28.8 et seq.) and the federal Fair Labor Standards Act (29 U.S.C. § 201 et seq.).

C. A general contractor shall be deemed to be the employer of a subcontractor's employees at any tier for purposes of § 40.1-29. If the wages due to the subcontractor's employees under the terms of the employment agreement between a subcontractor and its employees are not paid, the general contractor shall be subject to all penalties, criminal and civil, to which an employer that fails or refuses to pay wages is subject under § 40.1-29. Any liability of a general contractor pursuant to § 40.1-29 shall be joint and several with the subcontractor that failed or refused to pay the wages to its employees.

D. Except as otherwise provided in a contract between the general contractor and the subcontractor, the subcontractor shall indemnify the general contractor for any wages, damages, interest, penalties, or attorney fees owed as a result of the subcontractor's failure to pay wages to the subcontractor's employees as provided in subsection B, unless the subcontractor's failure to pay the wages was due to the general contractor's failure to pay moneys due to the subcontractor in accordance with the terms of their construction contract.

E. The provisions of this section shall only apply if (i) it can be demonstrated that the general contractor knew or should have known that the subcontractor was not paying his employees all wages due, (ii) the construction contract is related to a project other than a single family residential project, and (iii) the value of the project, or an aggregate of projects under one construction contract, is greater than \$500,000. As evidence a general contractor *or subcontractor, regardless of tier*, may offer a written certification, under oath, from the subcontractor in direct privity of contract with the general

contractor *or subcontractor* stating that (a) the subcontractor and each of his sub-subcontractors has paid all employees all wages due for the period during which the wages are claimed for the work performed on the project and (b) to the subcontractor's knowledge all sub-subcontractors below the subcontractor, regardless of tier, have similarly paid their employees all such wages. Any person who falsely signs such certification shall be personally liable to the general contractor *or subcontractor* for fraud and any damages the general contractor *or subcontractor* may incur.

CHAPTER 772

An Act to amend and reenact §§ 32.1-102.2 and 32.1-127 of the Code of Virginia, relating to public health emergency; hospitals and nursing homes; addition of beds.

[H 900]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-102.2 and 32.1-127 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-102.2. Regulations.

A. The Board shall promulgate regulations that are consistent with this article and:

1. Shall establish concise procedures for the prompt review of applications for certificates consistent with the provisions of this article which may include a structured batching process which incorporates, but is not limited to, authorization for the Commissioner to request proposals for certain projects. In any structured batching process established by the Board, applications, combined or separate, for computed tomographic (CT) scanning, magnetic resonance imaging (MRI), positron emission tomographic (PET) scanning, radiation therapy, stereotactic radiotherapy other than radiotherapy performed using a linear accelerator or other medical equipment that uses concentrated doses of high-energy X-rays to perform external beam radiation therapy, and proton beam therapy shall be considered in the radiation therapy batch. A single application may be filed for a combination of (i) radiation therapy, stereotactic radiotherapy other than radiotherapy performed using a linear accelerator or other medical equipment that uses concentrated doses of high-energy X-rays to perform external beam radiation therapy, and proton beam therapy and (ii) any or all of the computed tomographic (CT) scanning, magnetic resonance imaging (MRI), and positron emission tomographic (PET) scanning;

2. May classify projects and may eliminate one or more or all of the procedures prescribed in § 32.1-102.6 for different classifications;

3. May provide for exempting from the requirement of a certificate projects determined by the Commissioner, upon application for exemption, to be subject to the economic forces of a competitive market or to have no discernible impact on the cost or quality of health services;

4. May establish a schedule of fees for applications for certificates or registration of a project to be applied to expenses for the administration and operation of the Certificate of Public Need Program;

5. Shall establish an expedited application and review process for any certificate for projects reviewable pursuant to subdivision B 8 of § 32.1-102.1:3. Regulations establishing the expedited application and review procedure shall include provisions for notice and opportunity for public comment on the application for a certificate, and criteria pursuant to which an application that would normally undergo the review process would instead undergo the full certificate of public need review process set forth in § 32.1-102.6;

6. Shall establish an exemption from the requirement for a certificate *for a project involving a temporary increase in the total number of beds in an existing hospital or nursing home, including a temporary increase in the total number of beds resulting from the addition of beds at a temporary structure or satellite location operated by the hospital or nursing home, provided that the ability remains to safely staff services across the existing hospital or nursing home, (i) for a period of no more than the duration of the Commissioner's determination plus 30 days; for projects involving a temporary increase in the total number of beds in an existing hospital or nursing home* when the Commissioner has determined that a natural or man-made disaster has caused the evacuation of a hospital or nursing home and that a public health emergency exists due to a shortage of hospital or nursing home beds *or (ii) for a period of no more than the duration of the emergency order entered pursuant to § 32.1-13 or 32.1-20 plus 30 days when the Board, pursuant to § 32.1-13, or the Commissioner, pursuant to § 32.1-20, has entered an emergency order for the purpose of suppressing a nuisance dangerous to public health or a communicable, contagious, or infectious disease or other danger to the public life and health; and*

7. Shall require every medical care facility subject to the requirements of this article, other than a nursing home, that is not a medical care facility for which a certificate with conditions imposed pursuant to subsection B of § 32.1-102.4 has been issued and that provides charity care, as defined in § 32.1-102.1, to annually report the amount of charity care provided.

B. The Board shall promulgate regulations providing for time limitations for schedules for completion and limitations on the exceeding of the maximum capital expenditure amount for all reviewable projects. The Commissioner shall not approve any such extension or excess unless it complies with the Board's regulations. However, the Commissioner may approve a significant change in cost for an approved project that exceeds the authorized capital expenditure by more than 20 percent, provided the applicant has demonstrated that the cost increases are reasonable and necessary under all the circumstances and do not result from any material expansion of the project as approved.

C. The Board shall also promulgate regulations authorizing the Commissioner to condition approval of a certificate on the agreement of the applicant to provide a level of charity care to indigent persons or accept patients requiring specialized care. Such regulations shall include a methodology and formulas for uniform application of, active measuring and monitoring of compliance with, and approval of alternative plans for satisfaction of such conditions. In addition, the Board's licensure regulations shall direct the Commissioner to condition the issuing or renewing of any license for any applicant whose certificate was approved upon such condition on whether such applicant has complied with any agreement to provide a level of charity care to indigent persons or accept patients requiring specialized care. Except in the case of nursing homes, the value of charity care provided to individuals pursuant to this subsection shall be based on the provider reimbursement methodology utilized by the Centers for Medicare and Medicaid Services for reimbursement under Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq.

D. The Board shall also promulgate regulations to require the registration of a project; for introduction into an existing medical care facility of any new lithotripsy, stereotactic radiosurgery, stereotactic radiotherapy performed using a linear accelerator or other medical equipment that uses concentrated doses of high-energy X-rays to perform external beam radiation therapy, obstetrical, or nuclear imaging services that the facility has never provided or has not provided in the previous 12 months; and for the addition by an existing medical care facility of any medical equipment for lithotripsy, stereotactic radiosurgery, stereotactic radiotherapy performed using a linear accelerator or other medical equipment that uses concentrated doses of high-energy X-rays to perform external beam radiation therapy, or nuclear imaging services. Replacement of existing equipment for lithotripsy, stereotactic radiosurgery, stereotactic radiotherapy other than radiotherapy performed using a linear accelerator or other medical equipment that uses concentrated doses of high-energy X-rays to perform external beam radiation therapy, or nuclear imaging services shall not require registration. Such regulations shall include provisions for (i) establishing the agreement of the applicant to provide a level of care in services or funds that matches the average percentage of indigent care provided in the appropriate health planning region and to participate in Medicaid at a reduced rate to indigents, (ii) obtaining accreditation from a nationally recognized accrediting organization approved by the Board for the purpose of quality assurance, and (iii) reporting utilization and other data required by the Board to monitor and evaluate effects on health planning and availability of health care services in the Commonwealth.

§ 32.1-127. Regulations.

A. The regulations promulgated by the Board to carry out the provisions of this article shall be in substantial conformity to the standards of health, hygiene, sanitation, construction and safety as established and recognized by medical and health care professionals and by specialists in matters of public health and safety, including health and safety standards established under provisions of Title XVIII and Title XIX of the Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.).

B. Such regulations:

1. Shall include minimum standards for (i) the construction and maintenance of hospitals, nursing homes and certified nursing facilities to ensure the environmental protection and the life safety of its patients, employees, and the public; (ii) the operation, staffing and equipping of hospitals, nursing homes and certified nursing facilities; (iii) qualifications and training of staff of hospitals, nursing homes and certified nursing facilities, except those professionals licensed or certified by the Department of Health Professions; (iv) conditions under which a hospital or nursing home may provide medical and nursing services to patients in their places of residence; and (v) policies related to infection prevention, disaster preparedness, and facility security of hospitals, nursing homes, and certified nursing facilities;

2. Shall provide that at least one physician who is licensed to practice medicine in this Commonwealth shall be on call at all times, though not necessarily physically present on the premises, at each hospital which operates or holds itself out as operating an emergency service;

3. May classify hospitals and nursing homes by type of specialty or service and may provide for licensing hospitals and nursing homes by bed capacity and by type of specialty or service;

4. Shall also require that each hospital establish a protocol for organ donation, in compliance with federal law and the regulations of the Centers for Medicare and Medicaid Services (CMS), particularly 42 C.F.R. § 482.45. Each hospital shall have an agreement with an organ procurement organization designated in CMS regulations for routine contact, whereby the provider's designated organ procurement organization certified by CMS (i) is notified in a timely manner of all deaths or imminent deaths of patients in the hospital and (ii) is authorized to determine the suitability of the decedent or patient for organ donation and, in the absence of a similar arrangement with any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks, the suitability for tissue and eye donation. The hospital shall also have an agreement with at least one tissue bank and at least one eye bank to cooperate in the retrieval, processing, preservation, storage, and distribution of tissues and eyes to ensure that all usable tissues and eyes are obtained from potential donors and to avoid interference with organ procurement. The protocol shall ensure that the hospital collaborates with the designated organ procurement organization to inform the family of each potential donor of the option to donate organs, tissues, or eyes or to decline to donate. The individual making contact with the family shall have completed a course in the methodology for approaching potential donor families and requesting organ or tissue donation that (a) is offered or approved by the organ procurement organization and designed in conjunction with the tissue and eye bank community and (b) encourages discretion and sensitivity according to the specific circumstances, views, and beliefs of the relevant family. In addition, the hospital shall work cooperatively with the designated organ procurement organization in

educating the staff responsible for contacting the organ procurement organization's personnel on donation issues, the proper review of death records to improve identification of potential donors, and the proper procedures for maintaining potential donors while necessary testing and placement of potential donated organs, tissues, and eyes takes place. This process shall be followed, without exception, unless the family of the relevant decedent or patient has expressed opposition to organ donation, the chief administrative officer of the hospital or his designee knows of such opposition, and no donor card or other relevant document, such as an advance directive, can be found;

5. Shall require that each hospital that provides obstetrical services establish a protocol for admission or transfer of any pregnant woman who presents herself while in labor;

6. Shall also require that each licensed hospital develop and implement a protocol requiring written discharge plans for identified, substance-abusing, postpartum women and their infants. The protocol shall require that the discharge plan be discussed with the patient and that appropriate referrals for the mother and the infant be made and documented. Appropriate referrals may include, but need not be limited to, treatment services, comprehensive early intervention services for infants and toddlers with disabilities and their families pursuant to Part H of the Individuals with Disabilities Education Act, 20 U.S.C. § 1471 et seq., and family-oriented prevention services. The discharge planning process shall involve, to the extent possible, the other parent of the infant and any members of the patient's extended family who may participate in the follow-up care for the mother and the infant. Immediately upon identification, pursuant to § 54.1-2403.1, of any substance-abusing, postpartum woman, the hospital shall notify, subject to federal law restrictions, the community services board of the jurisdiction in which the woman resides to appoint a discharge plan manager. The community services board shall implement and manage the discharge plan;

7. Shall require that each nursing home and certified nursing facility fully disclose to the applicant for admission the home's or facility's admissions policies, including any preferences given;

8. Shall require that each licensed hospital establish a protocol relating to the rights and responsibilities of patients which shall include a process reasonably designed to inform patients of such rights and responsibilities. Such rights and responsibilities of patients, a copy of which shall be given to patients on admission, shall be consistent with applicable federal law and regulations of the Centers for Medicare and Medicaid Services;

9. Shall establish standards and maintain a process for designation of levels or categories of care in neonatal services according to an applicable national or state-developed evaluation system. Such standards may be differentiated for various levels or categories of care and may include, but need not be limited to, requirements for staffing credentials, staff/patient ratios, equipment, and medical protocols;

10. Shall require that each nursing home and certified nursing facility train all employees who are mandated to report adult abuse, neglect, or exploitation pursuant to § 63.2-1606 on such reporting procedures and the consequences for failing to make a required report;

11. Shall permit hospital personnel, as designated in medical staff bylaws, rules and regulations, or hospital policies and procedures, to accept emergency telephone and other verbal orders for medication or treatment for hospital patients from physicians, and other persons lawfully authorized by state statute to give patient orders, subject to a requirement that such verbal order be signed, within a reasonable period of time not to exceed 72 hours as specified in the hospital's medical staff bylaws, rules and regulations or hospital policies and procedures, by the person giving the order, or, when such person is not available within the period of time specified, co-signed by another physician or other person authorized to give the order;

12. Shall require, unless the vaccination is medically contraindicated or the resident declines the offer of the vaccination, that each certified nursing facility and nursing home provide or arrange for the administration to its residents of (i) an annual vaccination against influenza and (ii) a pneumococcal vaccination, in accordance with the most recent recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention;

13. Shall require that each nursing home and certified nursing facility register with the Department of State Police to receive notice of the registration, reregistration, or verification of registration information of any person required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 within the same or a contiguous zip code area in which the home or facility is located, pursuant to § 9.1-914;

14. Shall require that each nursing home and certified nursing facility ascertain, prior to admission, whether a potential patient is required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, if the home or facility anticipates the potential patient will have a length of stay greater than three days or in fact stays longer than three days;

15. Shall require that each licensed hospital include in its visitation policy a provision allowing each adult patient to receive visits from any individual from whom the patient desires to receive visits, subject to other restrictions contained in the visitation policy including, but not limited to, those related to the patient's medical condition and the number of visitors permitted in the patient's room simultaneously;

16. Shall require that each nursing home and certified nursing facility shall, upon the request of the facility's family council, send notices and information about the family council mutually developed by the family council and the administration of the nursing home or certified nursing facility, and provided to the facility for such purpose, to the listed responsible party or a contact person of the resident's choice up to six times per year. Such notices may be included together with a monthly billing statement or other regular communication. Notices and information shall also be posted in a

designated location within the nursing home or certified nursing facility. No family member of a resident or other resident representative shall be restricted from participating in meetings in the facility with the families or resident representatives of other residents in the facility;

17. Shall require that each nursing home and certified nursing facility maintain liability insurance coverage in a minimum amount of \$1 million, and professional liability coverage in an amount at least equal to the recovery limit set forth in § 8.01-581.15, to compensate patients or individuals for injuries and losses resulting from the negligent or criminal acts of the facility. Failure to maintain such minimum insurance shall result in revocation of the facility's license;

18. Shall require each hospital that provides obstetrical services to establish policies to follow when a stillbirth, as defined in § 32.1-69.1, occurs that meet the guidelines pertaining to counseling patients and their families and other aspects of managing stillbirths as may be specified by the Board in its regulations;

19. Shall require each nursing home to provide a full refund of any unexpended patient funds on deposit with the facility following the discharge or death of a patient, other than entrance-related fees paid to a continuing care provider as defined in § 38.2-4900, within 30 days of a written request for such funds by the discharged patient or, in the case of the death of a patient, the person administering the person's estate in accordance with the Virginia Small Estates Act (§ 64.2-600 et seq.);

20. Shall require that each hospital that provides inpatient psychiatric services establish a protocol that requires, for any refusal to admit (i) a medically stable patient referred to its psychiatric unit, direct verbal communication between the on-call physician in the psychiatric unit and the referring physician, if requested by such referring physician, and prohibits on-call physicians or other hospital staff from refusing a request for such direct verbal communication by a referring physician and (ii) a patient for whom there is a question regarding the medical stability or medical appropriateness of admission for inpatient psychiatric services due to a situation involving results of a toxicology screening, the on-call physician in the psychiatric unit to which the patient is sought to be transferred to participate in direct verbal communication, either in person or via telephone, with a clinical toxicologist or other person who is a Certified Specialist in Poison Information employed by a poison control center that is accredited by the American Association of Poison Control Centers to review the results of the toxicology screen and determine whether a medical reason for refusing admission to the psychiatric unit related to the results of the toxicology screen exists, if requested by the referring physician;

21. Shall require that each hospital that is equipped to provide life-sustaining treatment shall develop a policy governing determination of the medical and ethical appropriateness of proposed medical care, which shall include (i) a process for obtaining a second opinion regarding the medical and ethical appropriateness of proposed medical care in cases in which a physician has determined proposed care to be medically or ethically inappropriate; (ii) provisions for review of the determination that proposed medical care is medically or ethically inappropriate by an interdisciplinary medical review committee and a determination by the interdisciplinary medical review committee regarding the medical and ethical appropriateness of the proposed health care; and (iii) requirements for a written explanation of the decision reached by the interdisciplinary medical review committee, which shall be included in the patient's medical record. Such policy shall ensure that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 (a) are informed of the patient's right to obtain his medical record and to obtain an independent medical opinion and (b) afforded reasonable opportunity to participate in the medical review committee meeting. Nothing in such policy shall prevent the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 from obtaining legal counsel to represent the patient or from seeking other remedies available at law, including seeking court review, provided that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986, or legal counsel provides written notice to the chief executive officer of the hospital within 14 days of the date on which the physician's determination that proposed medical treatment is medically or ethically inappropriate is documented in the patient's medical record;

22. Shall require every hospital with an emergency department to establish protocols to ensure that security personnel of the emergency department, if any, receive training appropriate to the populations served by the emergency department, which may include training based on a trauma-informed approach in identifying and safely addressing situations involving patients or other persons who pose a risk of harm to themselves or others due to mental illness or substance abuse or who are experiencing a mental health crisis;

23. Shall require that each hospital establish a protocol requiring that, before a health care provider arranges for air medical transportation services for a patient who does not have an emergency medical condition as defined in 42 U.S.C. § 1395dd(e)(1), the hospital shall provide the patient or his authorized representative with written or electronic notice that the patient (i) may have a choice of transportation by an air medical transportation provider or medically appropriate ground transportation by an emergency medical services provider and (ii) will be responsible for charges incurred for such transportation in the event that the provider is not a contracted network provider of the patient's health insurance carrier or such charges are not otherwise covered in full or in part by the patient's health insurance plan;

24. Shall establish an exemption, ~~for a period of no more than 30 days,~~ from the requirement to obtain a license to add temporary beds in an existing hospital or nursing home, *including beds located in a temporary structure or satellite location operated by the hospital or nursing home, provided that the ability remains to safely staff services across the existing hospital or nursing home, (i) for a period of no more than the duration of the Commissioner's determination plus 30 days* when the Commissioner has determined that a natural or man-made disaster has caused the evacuation of a hospital or nursing home and that a public health emergency exists due to a shortage of hospital or nursing home beds *or (ii) for a period of no more than the duration of the emergency order entered pursuant to § 32.1-13 or 32.1-20 plus 30 days when the*

Board, pursuant to § 32.1-13, or the Commissioner, pursuant to § 32.1-20, has entered an emergency order for the purpose of suppressing a nuisance dangerous to public health or a communicable, contagious, or infectious disease or other danger to the public life and health;

25. Shall establish protocols to ensure that any patient scheduled to receive an elective surgical procedure for which the patient can reasonably be expected to require outpatient physical therapy as a follow-up treatment after discharge is informed that he (i) is expected to require outpatient physical therapy as a follow-up treatment and (ii) will be required to select a physical therapy provider prior to being discharged from the hospital;

26. Shall permit nursing home staff members who are authorized to possess, distribute, or administer medications to residents to store, dispense, or administer cannabis oil to a resident who has been issued a valid written certification for the use of cannabis oil in accordance with subsection B of § 54.1-3408.3 and has registered with the Board of Pharmacy;

27. Shall require each hospital with an emergency department to establish a protocol for the treatment and discharge of individuals experiencing a substance use-related emergency, which shall include provisions for (i) appropriate screening and assessment of individuals experiencing substance use-related emergencies to identify medical interventions necessary for the treatment of the individual in the emergency department and (ii) recommendations for follow-up care following discharge for any patient identified as having a substance use disorder, depression, or mental health disorder, as appropriate, which may include, for patients who have been treated for substance use-related emergencies, including opioid overdose, or other high-risk patients, (a) the dispensing of naloxone or other opioid antagonist used for overdose reversal pursuant to subsection X of § 54.1-3408 at discharge or (b) issuance of a prescription for and information about accessing naloxone or other opioid antagonist used for overdose reversal, including information about accessing naloxone or other opioid antagonist used for overdose reversal at a community pharmacy, including any outpatient pharmacy operated by the hospital, or through a community organization or pharmacy that may dispense naloxone or other opioid antagonist used for overdose reversal without a prescription pursuant to a statewide standing order. Such protocols may also provide for referrals of individuals experiencing a substance use-related emergency to peer recovery specialists and community-based providers of behavioral health services, or to providers of pharmacotherapy for the treatment of drug or alcohol dependence or mental health diagnoses;

28. During a public health emergency related to COVID-19, shall require each nursing home and certified nursing facility to establish a protocol to allow each patient to receive visits, consistent with guidance from the Centers for Disease Control and Prevention and as directed by the Centers for Medicare and Medicaid Services and the Board. Such protocol shall include provisions describing (i) the conditions, including conditions related to the presence of COVID-19 in the nursing home, certified nursing facility, and community, under which in-person visits will be allowed and under which in-person visits will not be allowed and visits will be required to be virtual; (ii) the requirements with which in-person visitors will be required to comply to protect the health and safety of the patients and staff of the nursing home or certified nursing facility; (iii) the types of technology, including interactive audio or video technology, and the staff support necessary to ensure visits are provided as required by this subdivision; and (iv) the steps the nursing home or certified nursing facility will take in the event of a technology failure, service interruption, or documented emergency that prevents visits from occurring as required by this subdivision. Such protocol shall also include (a) a statement of the frequency with which visits, including virtual and in-person, where appropriate, will be allowed, which shall be at least once every 10 calendar days for each patient; (b) a provision authorizing a patient or the patient's personal representative to waive or limit visitation, provided that such waiver or limitation is included in the patient's health record; and (c) a requirement that each nursing home and certified nursing facility publish on its website or communicate to each patient or the patient's authorized representative, in writing or via electronic means, the nursing home's or certified nursing facility's plan for providing visits to patients as required by this subdivision;

29. Shall require each hospital, nursing home, and certified nursing facility to establish and implement policies to ensure the permissible access to and use of an intelligent personal assistant provided by a patient, in accordance with such regulations, while receiving inpatient services. Such policies shall ensure protection of health information in accordance with the requirements of the federal Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. § 1320d et seq., as amended. For the purposes of this subdivision, "intelligent personal assistant" means a combination of an electronic device and a specialized software application designed to assist users with basic tasks using a combination of natural language processing and artificial intelligence, including such combinations known as "digital assistants" or "virtual assistants"; and

30. During a declared public health emergency related to a communicable disease of public health threat, shall require each hospital, nursing home, and certified nursing facility to establish a protocol to allow patients to receive visits from a rabbi, priest, minister, or clergy of any religious denomination or sect consistent with guidance from the Centers for Disease Control and Prevention and the Centers for Medicare and Medicaid Services and subject to compliance with any executive order, order of public health, Department guidance, or any other applicable federal or state guidance having the effect of limiting visitation. Such protocol may restrict the frequency and duration of visits and may require visits to be conducted virtually using interactive audio or video technology. Any such protocol may require the person visiting a patient pursuant to this subdivision to comply with all reasonable requirements of the hospital, nursing home, or certified nursing facility adopted to protect the health and safety of the person, patients, and staff of the hospital, nursing home, or certified nursing facility.

C. Upon obtaining the appropriate license, if applicable, licensed hospitals, nursing homes, and certified nursing facilities may operate adult day care centers.

D. All facilities licensed by the Board pursuant to this article which provide treatment or care for hemophiliacs and, in the course of such treatment, stock clotting factors, shall maintain records of all lot numbers or other unique identifiers for such clotting factors in order that, in the event the lot is found to be contaminated with an infectious agent, those hemophiliacs who have received units of this contaminated clotting factor may be apprised of this contamination. Facilities which have identified a lot that is known to be contaminated shall notify the recipient's attending physician and request that he notify the recipient of the contamination. If the physician is unavailable, the facility shall notify by mail, return receipt requested, each recipient who received treatment from a known contaminated lot at the individual's last known address.

E. Hospitals in the Commonwealth may enter into agreements with the Department of Health for the provision to uninsured patients of naloxone or other opioid antagonists used for overdose reversal.

CHAPTER 773

An Act to amend the Code of Virginia by adding in Chapter 30 of Title 58.1 a section numbered 58.1-3019, relating to local credits for approved local volunteer activities.

[H 911]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 30 of Title 58.1 a section numbered 58.1-3019 as follows:

§ 58.1-3019. Local tax credits for approved local volunteer activities.

A. For the purposes of this section:

"Approved volunteer services" means volunteer firefighting and fire prevention services, emergency medical and ambulance services, auxiliary police services, and emergency rescue services that operate exclusively for the benefit of the general public on behalf of nonprofit organizations or the locality. "Approved volunteer services" includes all training and training-related activities required by law to perform such approved volunteer services. "Approved volunteer services" includes only services performed by a bona fide volunteer.

"Bona fide volunteer" means an individual who performs approved volunteer services and whose only compensation for such performance is (i) reimbursement, or a reasonable allowance, for reasonable expenses incurred in the performance of such approved volunteer services or (ii) reasonable benefits, including length of service awards, and fees for such approved volunteer services customarily paid by eligible employers in connection with the performance of approved volunteer services by bona fide volunteers.

B. The governing body of any county, city, or town may, by ordinance, provide a credit against taxes and fees imposed by the locality to an individual who provides approved volunteer services in the locality. The locality may allow the credit to be used against the individual's liability for any taxes, fees, or other charges imposed pursuant to Subtitle III (§ 58.1-3000 et seq.), with the exception that the credits shall in no event be applicable to the property taxes, fees, or other charges imposed pursuant to Chapter 32 (§ 58.1-3200 et seq.), 34 (§ 58.1-3400 et seq.), or 35 (§ 58.1-3500 et seq.). The locality may also allow the credit to be applied against any taxes, fees, or other charges imposed pursuant to Title 15.2. The locality, in its discretion, shall determine which taxes, fees, or other charges shall be allowable uses of the credit, and such information shall be stated in the ordinance.

CHAPTER 774

An Act to amend and reenact §§ 32.1-42.1 and 54.1-3408 of the Code of Virginia, relating to Commissioner of Health; administration and dispensing of necessary drugs, devices, and vaccines during public health emergency; emergency.

[H 939]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-42.1 and 54.1-3408 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-42.1. Administration and dispensing of necessary drugs, devices and vaccines during a declared disaster or emergency.

A. The Commissioner, pursuant to § 54.1-3408, may authorize persons who are not authorized by law to administer or dispense drugs or devices to administer or dispense all necessary drugs or devices in accordance with protocols established by the Commissioner when (i) the Governor has declared a disaster or a state of emergency or, the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency, or the Board has made an emergency order pursuant to § 32.1-13 for the purpose of suppressing nuisances dangerous to the public health and communicable, contagious, and infectious diseases and other dangers to the public life and health and for the limited purpose of administering vaccines as an approved countermeasure for such communicable, contagious, and infectious diseases; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or

devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the Commissioner. For purposes of this section, "administer," "device," "dispense," and "drug" shall have the same meaning as provided in § 54.1-3401. The Commissioner shall develop protocols, in consultation with the Department of Health Professions, that address the required training of such persons and procedures for such persons to use in administering or dispensing drugs or devices.

B. Where the Commissioner, pursuant to subsection A, authorizes persons who are not otherwise authorized by law to administer vaccines, such persons shall include any of the following who, due to their education and training, are qualified to administer drugs: (i) any person licensed by a health regulatory board within the Department of Health Professions whose license is in good standing, or was in good standing within the 20 years immediately prior to lapsing; (ii) any emergency medical services provider licensed or certified by the Department whose license or certification is in good standing, or was in good standing within the 20 years immediately prior to lapsing; and (iii) any health professions student enrolled in an accredited program in the Commonwealth who is in good academic standing with such student's school and provided that the school certifies that the student has been properly trained in the administration of vaccines. A health professions student who administers vaccines pursuant to this section shall be supervised by any eligible health care provider who holds a license issued by a health regulatory board within the Department of Health Professions, and the supervising health care provider shall not be required to be licensed in the same health profession for which the student is studying. A person who is licensed as a nurse practitioner by the Boards of Medicine and Nursing or licensed as a physician assistant by the Board of Medicine who administers vaccines pursuant to this section may administer such vaccine without a written or electronic practice agreement. In the absence of gross negligence or willful misconduct, any such person authorized by the Commissioner or entity overseeing any such person who administers the vaccine pursuant to this section shall not be liable for (a) any actual or alleged injury or wrongful death or (b) any civil cause of action arising from any act or omission arising out of, related to, or alleged to have resulted in the contraction of or exposure to the communicable, contagious, and infectious disease or to have resulted from the administration of the vaccine.

§ 54.1-3408. Professional use by practitioners.

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine, a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed certified midwife pursuant to § 54.1-2907.04, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause drugs or devices to be administered by:

1. A nurse, physician assistant, or intern under his direction and supervision;
2. Persons trained to administer drugs and devices to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the Department of Behavioral Health and Developmental Services who administer drugs under the control and supervision of the prescriber or a pharmacist;
3. Emergency medical services personnel certified and authorized to administer drugs and devices pursuant to regulations of the Board of Health who act within the scope of such certification and pursuant to an oral or written order or standing protocol; or
4. A licensed respiratory therapist as defined in § 54.1-2954 who administers by inhalation controlled substances used in inhalation or respiratory therapy.

C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine and oxygen for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or standing protocol that shall be issued by the local health director within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by the local health director and trained in the administration of albuterol inhalers and valved holding chambers or nebulized albuterol may possess or administer an albuterol inhaler and a valved holding chamber or nebulized albuterol to a student diagnosed with a condition requiring an albuterol inhaler or nebulized albuterol when the student is believed to be experiencing or about to experience an asthmatic crisis.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or any

employee of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of (a) epinephrine may possess and administer epinephrine and (b) albuterol inhalers or nebulized albuterol may possess or administer an albuterol inhaler or nebulized albuterol to a student diagnosed with a condition requiring an albuterol inhaler or nebulized albuterol when the student is believed to be experiencing or about to experience an asthmatic crisis.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of an organization providing outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health, such prescriber may authorize any employee of a restaurant licensed pursuant to Chapter 3 (§ 35.1-18 et seq.) of Title 35.1 to possess and administer epinephrine on the premises of the restaurant at which the employee is employed, provided that such person is trained in the administration of epinephrine.

Pursuant to an order issued by the prescriber within the course of his professional practice, an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services may possess and administer epinephrine, provided such person is authorized and trained in the administration of epinephrine.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any employee of a public place, as defined in § 15.2-2820, who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize pharmacists to possess epinephrine and oxygen for administration in treatment of emergency medical conditions.

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs; oxygen for use in emergency situations; epinephrine for use in emergency cases of anaphylactic shock; and naloxone or other opioid antagonist for overdose reversal.

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a public institution of higher education or a private institution of higher education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administration of glucagon to a student diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective

when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services to assist with the administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia, provided such employee or person providing services has been trained in the administration of insulin and glucagon.

I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the supervision of a registered nurse. A prescriber acting on behalf of and in accordance with established protocols of the Department of Health may authorize the administration of vaccines to any person by a pharmacist, nurse, or designated emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health under the direction of an operational medical director when the prescriber is not physically present. The emergency medical services provider shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

J. A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent of the dentist.

Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision, as defined in § 54.1-2722, or his remote supervision, as defined in subsection E or F of § 54.1-2722, to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, and any other Schedule VI topical drug approved by the Board of Dentistry.

In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia.

K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

L. This section shall not prevent the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be normally self-administered by (i) an individual receiving services in a program licensed by the Department of Behavioral Health and Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of any facility authorized or operated by a state or local government whose primary purpose is not to provide health care services; (vi) a resident of a private children's residential facility, as defined in § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department of Behavioral Health and Developmental Services; or (vii) a student in a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

In addition, this section shall not prevent a person who has successfully completed a training program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of Nursing and been evaluated by a registered nurse as having demonstrated competency in administration of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from a program licensed by the Department of Behavioral Health and Developmental Services to such person via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.) of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any assisted living facility licensed by the Department of Social Services. A registered medication aide shall administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted living facility's Medication Management Plan; and in accordance with such other regulations governing their practice promulgated by the Board of Nursing.

N. In addition, this section shall not prevent the administration of drugs by a person who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security and record keeping, when the drugs administered would be normally self-administered by a student of a Virginia public school. Training for

such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in a child day program as defined in § 22.1-289.02 and regulated by the Board of Education or a local government pursuant to § 15.2-914, or (ii) a student of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education, provided such person (a) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, nurse practitioner, physician assistant, doctor of medicine or osteopathic medicine, or pharmacist; (b) has obtained written authorization from a parent or guardian; (c) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared a disaster or a state of emergency ~~or~~, the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency, *or the Board of Health has made an emergency order pursuant to § 32.1-13 for the purpose of suppressing nuisances dangerous to the public health and communicable, contagious, and infectious diseases and other dangers to the public life and health and for the limited purpose of administering vaccines as an approved countermeasure for such communicable, contagious, and infectious diseases*; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the State Health Commissioner.

Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by unlicensed individuals to a person in his private residence.

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, nurse practitioner, or physician assistant and under the immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A physician assistant, nurse, dental hygienist, or authorized agent of a doctor of medicine, osteopathic medicine, or dentistry may possess and administer topical fluoride varnish pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the direction and immediate supervision of a registered nurse, or emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health when the prescriber is not physically present.

X. Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, a pharmacist, a health care provider providing services in a hospital emergency department, and emergency medical services personnel, as that term is defined in § 32.1-111.1, may dispense naloxone or other opioid antagonist used for overdose reversal and a person to whom naloxone or other opioid antagonist has been

dispensed pursuant to this subsection may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose. Law-enforcement officers as defined in § 9.1-101, employees of the Department of Forensic Science, employees of the Office of the Chief Medical Examiner, employees of the Department of General Services Division of Consolidated Laboratory Services, employees of the Department of Corrections designated as probation and parole officers or as correctional officers as defined in § 53.1-1, employees of the Department of Juvenile Justice designated as probation and parole officers or as juvenile correctional officers, employees of regional jails, school nurses, local health department employees that are assigned to a public school pursuant to an agreement between the local health department and the school board, other school board employees or individuals contracted by a school board to provide school health services, and firefighters who have completed a training program may also possess and administer naloxone or other opioid antagonist used for overdose reversal and may dispense naloxone or other opioid antagonist used for overdose reversal pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, an employee or other person acting on behalf of a public place who has completed a training program may also possess and administer naloxone or other opioid antagonist used for overdose reversal other than naloxone in an injectable formulation with a hypodermic needle or syringe in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Notwithstanding any other law or regulation to the contrary, an employee or other person acting on behalf of a public place may possess and administer naloxone or other opioid antagonist, other than naloxone in an injectable formulation with a hypodermic needle or syringe, to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose if he has completed a training program on the administration of such naloxone and administers naloxone in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

For the purposes of this subsection, "public place" means any enclosed area that is used or held out for use by the public, whether owned or operated by a public or private interest.

Y. Notwithstanding any other law or regulation to the contrary, a person who is acting on behalf of an organization that provides services to individuals at risk of experiencing an opioid overdose or training in the administration of naloxone for overdose reversal may dispense naloxone to a person who has received instruction on the administration of naloxone for opioid overdose reversal, provided that such dispensing is (i) pursuant to a standing order issued by a prescriber and (ii) in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. If the person acting on behalf of an organization dispenses naloxone in an injectable formulation with a hypodermic needle or syringe, he shall first obtain authorization from the Department of Behavioral Health and Developmental Services to train individuals on the proper administration of naloxone by and proper disposal of a hypodermic needle or syringe, and he shall obtain a controlled substance registration from the Board of Pharmacy. The Board of Pharmacy shall not charge a fee for the issuance of such controlled substance registration. The dispensing may occur at a site other than that of the controlled substance registration provided the entity possessing the controlled substances registration maintains records in accordance with regulations of the Board of Pharmacy. No person who dispenses naloxone on behalf of an organization pursuant to this subsection shall charge a fee for the dispensing of naloxone that is greater than the cost to the organization of obtaining the naloxone dispensed. A person to whom naloxone has been dispensed pursuant to this subsection may possess naloxone and may administer naloxone to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

Z. A person who is not otherwise authorized to administer naloxone or other opioid antagonist used for overdose reversal may administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

AA. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency to administer such medication to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis. Such authorization shall be effective only when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 775

An Act to amend and reenact § 32.1-330.2 of the Code of Virginia, relating to Medicaid; program information; accessibility.
[H 987]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-330.2 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-330.2. Medicaid managed care programs; program information documents; plain language required.

~~A. Whenever medical assistance services pursuant to this chapter are furnished through managed care programs, the As used in this section, "program information" means all forms of communication that (i) are provided to any person who is an applicant for or a recipient of medical assistance services provided by the Commonwealth pursuant to Titles XIX and XXI of the Social Security Act and (ii) describe eligibility requirements, available medical assistance services, and the rights and responsibilities of recipients of medical assistance services provided by the Commonwealth pursuant to Titles XIX and XXI of the Social Security Act.~~

~~B. The Board of Medical Assistance Services shall require that all program information documents furnished recipients covered thereunder shall be written (i) communicated in nontechnical, readily understandable, plain language, using words of common, everyday usage and (ii) made available in a manner that is timely and accessible to (a) individuals with limited English proficiency through the provision of language access services, including oral interpretation and written translations, and (b) individuals with disabilities through the provision of auxiliary aids services, when doing so is a reasonable step to providing meaningful access to health care coverage. A person that makes program information available may consider resources, including staffing, available to such person and the cost of responding to requests for language access or auxiliary aids services in determining the reasonableness of making program information available pursuant to this subsection.~~

~~C. Language access services and auxiliary aids services provided to ensure program information is accessible to individuals with limited English proficiency and individuals with disabilities shall be provided without charge to such individuals. Information regarding how to receive language access services and auxiliary aids services shall be included with program information documents on a website maintained by the Department and on the website of every state or local government agency or state agency contractor that provides program information.~~

~~B. Each sponsor or administrator of any such managed care program D. Every person that provides program information shall use an objective readability measure approved by the Department to test the readability of its program information documents by use of the Flesch Readability Formula, as set forth in Rudolf Flesch, The Art of Readable Writing (1949, as revised 1974), and no program information document shall be used unless it achieves a Flesch total readability score of forty or more. The requirements of this subsection shall not apply to language which that is mandated by federal or state laws, regulations, or agencies.~~

~~E. All program information documents within the scope of this section, and all amendments thereto, shall be filed with made available for review upon the request of the Department of Medical Assistance Services in advance of their use and distribution, accompanied by certificates setting forth the Flesch scores and certifying compliance with the requirements of this section. Any program information document which that is exempt from the requirements of subsection B shall be accompanied by a documentation of the federal or state law, regulation, or agency mandate that authorizes the exemption.~~

~~D. For the purpose of this section, the term "program information documents" means all forms, brochures, handbooks or other documentation (i) provided recipients covered under Medicaid managed care programs; and (ii) describing the programs' medical care coverages and the rights and responsibilities of recipients covered thereunder. Further, the term "recipient" shall include potential recipients and recipients.~~

CHAPTER 776

An Act to amend the Code of Virginia by adding in Chapter 3 of Title 22.1 a section numbered 22.1-24.1, relating to Superintendent of Public Instruction; establishment of Internet Safety Advisory Council.

[H 1026]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 3 of Title 22.1 a section numbered 22.1-24.1 as follows:
§ 22.1-24.1. Internet Safety Advisory Council.

A. The Superintendent shall establish and appoint members to the Internet Safety Advisory Council (the Council) for the purpose of advancing the goal of safe use of media and technology by students and teachers in public elementary and secondary schools in the Commonwealth.

B. The membership of the Council shall include at least one (i) teacher; (ii) librarian; (iii) representative of a parent-teacher organization who is a parent of a school-age child; (iv) school administrator; (v) student; and (vi) individual

with expertise in Internet safety and such other individuals as the Superintendent deems appropriate, provided that the membership of the Council shall not exceed 12.

C. The Council shall:

1. Develop and recommend to the Board for adoption, after study and consideration of a variety of sources and perspectives, a model policy for local school boards in the Commonwealth that would enable such school boards to better support the Internet safety of all students and teachers in the local school division;

2. Develop and recommend to the Board for adoption model instructional practices for the safe use of media and technology by students and teachers in public elementary and secondary schools in the Commonwealth; and

3. Design and post on the Department's website a page with links to successful instructional practices, curricula, and other teacher resources used in school divisions within and outside of the Commonwealth for the safe use of media and technology by students and teachers.

2. That the provisions of this act shall expire on July 1, 2024.

3. That the Internet Safety Advisory Council established by this act shall submit a report of its findings to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than October 31, 2023.

CHAPTER 777

An Act to amend and reenact § 64.2-508 of the Code of Virginia, relating to notice of probate; exception to notice.

[H 1066]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 64.2-508 of the Code of Virginia is amended and reenacted as follows:

§ 64.2-508. Written notice of probate, qualification, and entitlement to copies of inventories, accounts, and reports to be provided to certain parties.

A. Except as otherwise provided in this section, a personal representative of a decedent's estate, *including an administrator appointed pursuant to § 64.2-454*, or a proponent of a decedent's will when there is no qualification shall provide written notice of qualification or probate, and notice of entitlement to copies of wills, inventories, accounts, and reports, to the following persons:

1. The surviving spouse of the decedent, if any;

2. All heirs at law of the decedent, whether or not there is a will;

3. All living and ascertained beneficiaries under the will of the decedent, including those who may take under § 64.2-418, and beneficiaries of any trust created by the will; and

4. All living and ascertained beneficiaries under any will of the decedent previously probated in the same court.

B. Notice under subsection A need not be provided ~~(i) when the known assets passing under the will or by intestacy do not exceed \$5,000 or (ii)~~ to the following persons:

1. A personal representative or proponent of the will;

2. Any person who has signed a waiver of right to receive notice;

3. Any person to whom a summons has been issued pursuant to § 64.2-446;

4. Any person who is the subject of a conservatorship, guardianship, or committee, if notice is provided to his conservator, guardian, or committee;

5. Any beneficiary of a trust, other than a trust created by the decedent's will, if notice is provided to the trustee of the trust;

6. Any heir or beneficiary who survived the decedent but is deceased at the time of qualification or probate, and such person's successors in interest, if notice is provided to such person's personal representative;

7. Any minor for whom no guardian has been appointed, if notice is provided to his parent or person in loco parentis;

8. Any beneficiary of a pecuniary bequest or of a bequest of tangible personal property, provided in either case the beneficiary is not an heir at law and the value of the bequest is not in excess of \$5,000; and

9. Any unborn or unascertained persons.

C. The notice shall include the following information:

1. The name and date of death of the decedent;

2. The name, address, and telephone number of a personal representative or a proponent of a will;

3. The mailing address of the clerk of the court in which the personal representative qualified or the will was probated;

4. A statement as follows: "This notice does not mean that you will receive any money or property";

5. A statement as follows: "If probate representatives qualified on this estate, *unless otherwise specifically exempted under Virginia law*, they are required by law to file an inventory with the commissioner of accounts within four months after they qualify in the clerk's office, to file an account within 16 months of their qualification, and to file additional accounts within 16 months from the date of their last account period until the estate is settled. If you make written request therefor to the personal representatives, they must mail copies of these documents (not including any supporting vouchers, but including a copy of the decedent's will) to you at the same time the inventory or account is filed with the commissioner of

accounts unless (i) you would take only as an heir at law in a case where all of the decedent's probate estate is disposed of by will or (ii) your gift has been satisfied in full before the time of such filing. Your written request may be made at any time; it may relate to one specific filing or to all filings to be made by the personal representative, but it will not be effective for filings made prior to its receipt by a personal representative. A copy of your request may be sent to the commissioner of accounts with whom the filings will be made. After the commissioner of accounts has completed work on an account filed by a personal representative, the commissioner files it and a report thereon in the clerk's office of the court wherein the personal representative qualified. If you make written request therefor to the commissioner before this filing, the commissioner must mail a copy of this report and any attachments (excluding the account) to you on or before the date that they are filed in the clerk's office"; and

6. The mailing address of the commissioner of accounts with whom the inventory and accounts must be filed by the personal representatives, if they are required.

D. Within 30 days after the date of qualification or admission of the will to probate, a personal representative or proponent of the will shall forward notice by delivery or by first-class mail, postage prepaid, to the persons entitled to notice at their last known address. ~~If the personal representative or proponent does not determine that the assets of the decedent passing under the will or by intestacy exceed \$5,000 until after the date of the qualification or admission of the will to probate, notice shall be forwarded to the persons entitled thereto within 30 days after such determination.~~

E. Failure to give the notice required by this section shall not (i) affect the validity of the probate of a decedent's will or (ii) render any person required to give notice, who has acted in good faith, liable to any person entitled to receive notice. In determining the limitation period for any rights that may commence upon or accrue by reason of such probate or qualification in favor of any entitled person, the time that elapses from the date that notice should have been given to the date that notice is given shall not be counted, unless the person required to give notice could not determine the name and address of the entitled person after the exercise of reasonable diligence.

F. The personal representative or proponent of the will shall record within four months in the clerk's office where the will is recorded an affidavit stating (i) the names and addresses of the persons to whom he has mailed or delivered notice and when the notice was mailed or delivered to each or (ii) that no notice was required to be given to any person. The commissioner of accounts shall not approve any settlement filed by a personal representative until the affidavit described in this subsection has been recorded. If the personal representative of an estate or the proponent of a will is unable to determine the name and address of any person to whom notice is required after the exercise of reasonable diligence, a statement to that effect in the required affidavit shall be sufficient for purposes of this subsection. Notwithstanding the foregoing provisions, any person having an interest in an estate may give the notice required by this section and record the affidavit described in this subsection. If this subsection has not been complied with within four months after qualification, the commissioner of accounts shall issue, through the sheriff or other proper officer, a summons to such fiduciary requiring him to comply, and if the fiduciary does not comply, the commissioner shall enforce the filing of the affidavit in the manner set forth in § 64.2-1215.

G. The form of the notice to be given pursuant to this section, which shall contain appropriate instructions regarding its use, shall be provided to each clerk of the circuit court by the Office of the Executive Secretary of the Supreme Court and each clerk shall provide copies of such form to the proponents of a will or those qualifying on an estate.

CHAPTER 778

An Act to amend the Code of Virginia by adding a section numbered 22.1-9.1, relating to the Board of Education; Student Advisory Board established.

[H 1188]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-9.1 as follows:

§ 22.1-9.1. Student Advisory Board established.

A. There is hereby established the Student Advisory Board (the Advisory Board) for the purpose of providing student perspectives on matters before the Board.

B. The Advisory Board shall consist of eight members appointed by the Governor, each of whom shall be a high school student who will enter senior year during the following school year and each of whom shall reside in a different Superintendent's region. Each member shall serve for a term of one year, and no member is eligible to be reappointed.

C. The Advisory Board shall meet at least semiannually in either an in-person or, notwithstanding any other provision of law, a virtual format and shall designate at least one member to make an annual presentation to the Board that includes analysis of and recommendations on matters before the Board or any other matter that the Advisory Board deems relevant.

CHAPTER 779

An Act to amend and reenact §§ 58.1-1021.01, 58.1-1021.02, 58.1-1021.04, 58.1-1021.04:1, and 58.1-1021.04:2 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 58.1-1021.02:2, relating to tobacco products tax; remote retail sales.

[H 1199]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-1021.01, 58.1-1021.02, 58.1-1021.04, 58.1-1021.04:1, and 58.1-1021.04:2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 58.1-1021.02:2 as follows:

§ 58.1-1021.01. Definitions.

As used in this article, unless the context clearly shows otherwise, the term or phrase requires a different meaning:

"Actual cost" means the actual price paid by a remote retail seller for each individual stock keeping unit or SKU.

"Alternative nicotine product" means any noncombustible product containing nicotine that is not made of tobacco and is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. "Alternative nicotine product" does not include any nicotine vapor product or any product regulated as a drug or device by the U.S. Food and Drug Administration (FDA) under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Cigar" means any roll of tobacco wrapped in leaf tobacco or in any substance containing tobacco, other than any roll of tobacco that is a cigarette as such term is defined in § 58.1-1000.

"Consumer" means the person who is the end or final user of tobacco products.

"Distributor" means (i) any person engaged in the business of selling tobacco products in the Commonwealth who brings, or causes to be brought, into the Commonwealth from outside the Commonwealth any tobacco products for sale; (ii) any person who makes, manufactures, fabricates, or stores tobacco products in the Commonwealth for sale in the Commonwealth; (iii) any person engaged in the business of selling tobacco products outside the Commonwealth who ships or transports tobacco products to any person in the business of selling tobacco products in the Commonwealth; or (iv) any retail dealer in possession of untaxed tobacco products in the Commonwealth.

"Heated tobacco product" means a product containing tobacco that produces an inhalable aerosol (i) by heating the tobacco by means of an electronic device without combustion of the tobacco or (ii) by heat generated from a combustion source that only or primarily heats rather than burns the tobacco.

"Liquid nicotine" means a liquid or other substance containing nicotine in any concentration that is sold, marketed, or intended for use in a nicotine vapor product.

"Loose leaf tobacco" means any leaf tobacco that is not intended to be smoked, but shall not include moist snuff. Loose leaf tobacco weight unit categories shall be as follows:

1. "Loose leaf tobacco half pound-unit" means a consumer sized unit, pouch, or package containing at least 4 ounces but not more than 8 ounces of loose leaf tobacco, by net weight, produced by the manufacturer to be sold to consumers as a single unit and not produced to be divided or sold separately and containing one individual package.

2. "Loose leaf tobacco pound-unit" means a consumer sized unit, pouch, or package containing more than 8 ounces of loose leaf tobacco, by net weight, produced by the manufacturer to be sold to consumers as a single unit and not produced to be divided or sold separately and containing one individual package.

3. "Loose leaf tobacco single-unit" means a consumer sized unit, pouch, or package containing less than 4 ounces of loose leaf tobacco, by net weight, produced by the manufacturer to be sold to consumers as a single unit and not produced to be divided or sold separately and containing one individual package.

"Manufacturer" means a person who manufactures or produces tobacco products and sells tobacco products to a distributor.

"Manufacturer's representative" means a person employed by a manufacturer to sell or distribute the manufacturer's tobacco products.

"Manufacturer's sales price" means the actual price for which a manufacturer, manufacturer's representative, or any other person sells tobacco products to an unaffiliated distributor.

"Moist snuff" means a tobacco product consisting of finely cut, ground, or powdered tobacco that is not intended to be smoked but shall not include any finely cut, ground, or powdered tobacco that is intended to be placed in the nasal cavity.

~~"Person" means any individual, corporation, partnership, association, company, business, trust, joint venture, or other legal entity.~~

"Nicotine vapor product" means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Nicotine vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Nicotine vapor product" does not include any product regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Person" means any individual, corporation, partnership, association, company, business, trust, joint venture, or other legal entity.

"Pipe tobacco" means any tobacco that, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered or purchased by consumers as tobacco to be smoked in a pipe.

"Remote retail sale" means any sale of cigars or pipe tobacco to a consumer in the Commonwealth when (i) the consumer submits the order for the sale by means of a telephone or other method of voice transmission, the mail, or the Internet or other online service, or the seller is otherwise not in the physical presence of the consumer when the request for the purchase or order is made, or (ii) the cigars or pipe tobacco are delivered to the consumer by common carrier, private delivery service, or other method of remote delivery, or the seller is not in the physical presence of the consumer when the buyer obtains possession of the cigars or pipe tobacco.

"Remote retail seller" means a person located within or outside of this state that makes remote retail sales of cigars or pipe tobacco.

"Retail dealer" means every person who sells or offers for sale any tobacco product to consumers at retail in a transaction other than a remote retail sale.

"SKU" means an individual stock keeping unit identifier used for tracking inventory.

"Tobacco product" or "tobacco products" means (i) "cigar" as defined in § 5702(a) of the Internal Revenue Code, and as such section may be amended; (ii) "smokeless tobacco" as defined in § 5702(m) of the Internal Revenue Code, and as such section may be amended; or (iii) "pipe tobacco" as defined in § 5702(n) of the Internal Revenue Code, and as such section may be amended. "Tobacco products" shall also include loose leaf tobacco.

§ 58.1-1021.02. Tax on tobacco products.

A. In addition to all other taxes now imposed by law, there is hereby imposed a tax upon the privilege of selling or dealing in tobacco products in the Commonwealth by any person engaged in business as a distributor or remote retail seller thereof, at the following rates:

1. Upon each package of moist snuff, at the rate of \$0.18 per ounce with a proportionate tax at the same rate on all fractional parts of an ounce. The tax shall be computed based on the net weight as listed by the manufacturer on the package in accordance with federal law.

2. For purposes of the tax under this article, loose leaf tobacco shall be classified as loose leaf tobacco single-units, loose leaf tobacco half pound-units, and loose leaf tobacco pound-units. Such tax shall be imposed on the distributor for loose leaf tobacco as follows:

- a. \$0.21 for each loose leaf tobacco single-unit;
- b. \$0.40 for each loose leaf tobacco half pound-unit;
- c. \$0.70 for each loose leaf tobacco pound-unit; and
- d. For any other unit, pouch, or package of loose leaf tobacco, the tax shall be by net weight and shall be \$0.21 per unit, pouch, or package plus \$0.21 for each increment of 4 ounces or portion thereof that the loose leaf tobacco exceeds 16 ounces.

The tax for each unit, pouch, or package of loose leaf tobacco shall be in accordance with the provisions of subdivisions a. through d. only and regardless of sales price.

3. Upon tobacco products other than moist snuff or loose leaf tobacco, at the rate of 10 percent of the manufacturer's sales price of such tobacco products.

Upon cigars and pipe tobacco products sold by remote retail sellers, the tax rates delineated in this subdivision shall apply to:

- (a) The actual cost; or
- (b) If the actual cost is not available, the average of the actual cost over the 12 calendar months before January 1 of the year in which the sale occurs.

Such tax shall be imposed at the time the remote retail seller located within or outside the Commonwealth makes a remote retail sale to a consumer within the Commonwealth. It is the intent and purpose of this subdivision that the remote retail seller be liable for the tax. It is further the intent and purpose of this article to impose the tax once, and only once on all tobacco products, including cigars and pipe tobacco sold in the Commonwealth.

Such tax shall be imposed at the time the distributor (i) brings or causes to be brought into the Commonwealth from outside the Commonwealth tobacco products for sale on tobacco products (i) at the time of retail sale by a retail dealer or distributor; (ii) at the time the distributor makes, manufactures, or fabricates tobacco products in the Commonwealth for sale in the Commonwealth; or (iii) at the time the distributor ships or transports tobacco products to retailers in the Commonwealth to be sold by those retailers. It is the intent and purpose of this article that the distributor who first possesses the tobacco product subject to this tax in the Commonwealth shall be the distributor liable for the tax. It is further the intent and purpose of this article to impose the tax once, and only once on all tobacco products for sale in the Commonwealth.

B. No tax shall be imposed pursuant to this section upon tobacco products not within the taxing power of the Commonwealth under the Commerce Clause of the United States Constitution.

C. A distributor that calculates and pays the tax pursuant to subdivision A 1 or A 2 in good faith reliance on the net weight listed by the manufacturer on the package or on the manufacturer's invoice shall not be liable for additional tax, or for interest or penalties, solely by reason of a subsequent determination that such weight information was incorrect.

§ 58.1-1021.02:2. Records to be kept and reports by remote retail sellers of cigars and pipe tobacco.

Each remote retail seller that makes a remote retail sale of cigars and pipe tobacco products to any consumer located in the Commonwealth shall keep all records of remote retail sales as follows: (i) each remote retail seller that ships tobacco products to any consumer located in the Commonwealth shall file a report with the Department no later than the twentieth of each month identifying the total quantity, date, and dollar value of all such remote retail sale shipments made during the preceding month and (ii) every licensed remote retail seller outside the Commonwealth that is not a licensed distributor shall in a like manner file a return showing the quantity and actual cost of each cigar or pipe tobacco product shipped or transported to consumers in the Commonwealth during the preceding calendar month. The return shall be made on forms furnished or prescribed by the Department and shall contain or be accompanied by such further information as the Department shall require. The remote retail seller, at the time of filing the return, shall pay to the Department the tax imposed under subsection A of § 58.1-1021.02 for each such package sold in remote retail sales into the Commonwealth in the preceding month on which tax is due. The Department may allow such reports to be filed electronically.

§ 58.1-1021.04. Failure to file return; fraudulent return; penalties; interest; overpayment of tax.

A. When any distributor or remote retail seller fails to make any return or pay the full amount of the tax required by this article, there shall be imposed a specific penalty to be added to the tax in the amount of five percent if the failure is for not more than one month, with an additional two percent for each additional month, or fraction thereof, during which the failure continues, not to exceed 20 percent in the aggregate. In no case, however, shall the penalty be less than \$10 and such minimum penalty shall apply whether or not any tax is due for the period for which such return was required. If such failure is due to providential or other good cause shown to the satisfaction of the Tax Commissioner, such return with or without remittance may be accepted exclusive of penalties. In the case of a false or fraudulent return where willful intent exists to defraud the Commonwealth of any tax due under this article, or in the case of a willful failure to file a return with the intent to defraud the Commonwealth of any such tax, a specific penalty of 50 percent of the amount of the proper tax shall be assessed. All penalties and interest imposed by this article shall be payable by the distributor or remote retail seller and collectible by the Department in the same manner as if they were a part of the tax imposed.

B. It shall be prima facie evidence of intent to defraud the Commonwealth of any tax due under this article when any distributor or remote retail seller reports his purchases at 50 percent or less of the actual amount.

C. Interest at a rate determined in accordance with § 58.1-15 shall accrue on the tax until the same is paid.

No deficiency, interest or penalty shall be assessed for any month after the expiration of three years from the date set for the filing of the return for such month, except in cases of fraud, or where no return has been filed for such month.

D. If the Tax Commissioner determines that the amount paid the Commonwealth under this article in regard to any monthly return was greater than the amount of tax due the Commonwealth, the excess may be taken as a credit by the distributor or remote retail seller against a subsequent month's tax imposed under this article. However, if such distributor or remote retail seller requests a refund, such excess shall be refunded to the distributor or remote retail seller within 45 days of the request. The refund shall include interest at the rate provided in § 58.1-15. Interest on such refunds shall accrue from the due date of the return to which such excess is attributable to or the date such excess was paid to the Department, whichever is later, and shall end on a date determined by the Department preceding the date of the refund check by not more than seven days.

§ 58.1-1021.04:1. Distributor's or remote retail seller's license; penalty.

A. No person shall engage in the business of selling or dealing in tobacco products as a distributor in the Commonwealth without first having received a separate license from the Department for each location or place of business. Each application for a distributor's license shall be accompanied by a fee to be prescribed by the Department. Every application for such license shall be made on a form prescribed by the Department and the following information shall be provided on the application:

1. The name and address of the applicant. If the applicant is a firm, partnership or association, the name and address of each of its members shall be provided. If the applicant is a corporation, the name and address of each of its principal officers shall be provided;

2. The address of the applicant's principal place of business;

3. The place or places where the business to be licensed is to be conducted; and

4. Such other information as the Department may require for the purpose of the administration of this article.

B. A person outside the Commonwealth who ships or transports tobacco products to retailers in the Commonwealth, to be sold by those retailers, may make application for license as a distributor, be granted such a license by the Department, and thereafter be subject to all the provisions of this article. Once a license is granted pursuant to this section, such person shall be entitled to act as a licensed distributor and, unless such person maintains a registered agent pursuant to Chapter 9, 10, 12 or 14 of Title 13.1 or Chapter 2.1 or 2.2 of Title 50, shall be deemed to have appointed the Clerk of the State Corporation Commission as the person's agent for the purpose of service of process relating to any matter or issue involving the person and arising under the provisions of this article.

The Department shall conduct a background investigation, to include a Virginia Criminal History Records search, and fingerprints of the applicant, or the responsible principals, managers, and other persons engaged in handling tobacco products at the licensable locations, that shall be submitted to the Federal Bureau of Investigation if the Department deems a National Criminal Records search necessary, on applicants for licensure as tobacco products distributors. The Department may refuse to issue a distributor's license or may suspend, revoke or refuse to renew a distributor's license issued to any person, partnership, corporation, limited liability company or business trust, if it determines that the principals, managers,

and other persons engaged in handling tobacco products at the licensable location of the applicant have been (i) found guilty of any fraud or misrepresentation in any connection; (ii) convicted of robbery, extortion, burglary, larceny, embezzlement, fraudulent conversion, gambling, perjury, bribery, treason, or racketeering; or (iii) convicted of a felony. Anyone who knowingly and willfully falsifies, conceals or misrepresents a material fact or knowingly and willfully makes a false, fictitious or fraudulent statement or representation in any application for a distributor's license to the Department, shall be guilty of a Class 1 misdemeanor. The Department may establish an application or renewal fee not to exceed \$750 to be retained by the Department to be applied to the administrative and other costs of processing distributor's license applications, conducting background investigations and issuing distributor's licenses. Any amount collected pursuant to this section in excess of such costs as of June 30 in even numbered years shall be reported to the State Treasurer and deposited into the state treasury.

C. *No person inside or outside the Commonwealth shall make a remote retail sale of cigars or pipe tobacco to consumers in the Commonwealth without (i) completing an application for and being granted a license as a remote retail seller; (ii) determining whether economic nexus activity thresholds have been met to register for a dealer's certificate under § 58.1-613; (iii) if economic nexus thresholds are met, collecting and remitting the excise tax pursuant to subsection A of § 58.1-1021.02; (iv) providing for age verification through an independent, third-party age verification service that compares information available from a commercially available database, or aggregate of databases, that is regularly used by government agencies and businesses for the purpose of age and identity verification to the personal information entered by the individual during the ordering process that establishes that the individual is of age; and (v) if economic nexus thresholds are met, and excise tax is being remitted using the actual cost list method to calculate the excise tax, providing the remote retail seller's certified actual cost list to the Department for each SKU to be offered for remote retail sale in the subsequent calendar year. The actual cost list shall be updated quarterly as new SKUs are added to a remote retail seller's inventory. New SKUs will be added using the actual cost first paid for the SKU.*

D. Upon receipt of an application in proper form and payment of the required license fee, the Department shall, unless otherwise provided by this article, issue to the applicant a license, which shall permit the licensee to engage in business as a distributor at the place of business shown on the license. Each license, or a copy thereof, shall be prominently displayed on the premises covered by the license. No license shall be transferable to any other person. Distributor's licenses issued pursuant to this section shall be valid for a period of three years from the date of issue unless revoked by the Department in the manner provided herein. The Department may at any time revoke the license issued to any distributor who is found guilty of violating or noncompliance with any of the provisions of this chapter, or any of the rules of the Department adopted and promulgated under authority of this chapter.

~~D. E.~~ The Department shall compile and maintain a current list of licensed distributors *and remote retail sellers*. The list shall be updated on a monthly basis, and published on the Department's official Internet website, available to any interested party.

§ 58.1-1021.04:2. Certain records required of distributor; access to premises.

A. Each distributor *or remote retail seller* shall keep in each licensed place of business complete and accurate records for that place of business, including itemized invoices of: (i) tobacco products held, purchased, manufactured, brought in or caused to be brought in from outside the Commonwealth, or shipped or transported to retailers in the Commonwealth; (ii) all sales of tobacco products made; (iii) all tobacco products, *including cigars and pipe tobacco*, transferred to other retail outlets owned or controlled by that licensed distributor *or remote retail seller*; and (iv) any records required by the Department.

All books, records and other papers and documents required by this subsection to be kept shall be preserved, in a form prescribed by the Department, for a period of at least three years after the date of the documents or the date of the entries thereof appearing in the records, unless the Department authorizes, in writing, their destruction or disposal at an earlier date.

B. At any time during usual business hours, duly authorized agents or employees of the Department may enter any place of business of a distributor and inspect the premises, the records required to be kept under this article and the tobacco products contained therein, to determine whether all the provisions of this article are being complied with fully. Refusal to permit such inspection by a duly authorized agent or employee of the Department shall be grounds for revocation of the license.

C. Each person who sells tobacco products to persons other than an ultimate consumer shall render with each sale itemized invoices showing the seller's name and address, the purchaser's name and address, the date of sale and all prices. Such person shall preserve legible copies of all such invoices for three years after the date of sale.

D. Each distributor *or remote retail seller* shall procure itemized invoices of all tobacco products purchased. The invoices shall show the name and address of the seller and the date of purchase. The distributor *or remote retail seller* shall preserve a legible copy of each invoice for three years after the date of purchase. Invoices shall be available for inspection by authorized agents or employees of the Department at the distributor's *place of business or remote retail seller's* place of business. *If the remote retail seller cannot produce the required invoice information and the excise tax is being remitted using the actual cost list method to calculate the excise tax, the remote retail seller shall provide the remote retail seller's certified actual cost list to the department for each SKU to be offered for remote retail sale in the subsequent calendar year. The actual cost list shall be updated quarterly as new SKUs are added to a remote retail seller's inventory. New SKUs will be added using the actual cost first paid for the SKU. This method shall not be used unless the actual cost list has been filed with the Department for the previous calendar year.*

E. Any violation of § 58.1-1021.04:1, 58.1-1021.04:2, 58.1-1021.04:3, or 58.1-1021.04:4 of this article shall be grounds for revocation of the license.

CHAPTER 780

An Act to amend the Code of Virginia by adding a section numbered 22.1-2.1, relating to public elementary and secondary schools and public school-based early childhood care and education programs; student instruction.

[H 1272]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-2.1 as follows:

§ 22.1-2.1. Provision of in-person instruction.

A. As used in this section, "in-person instruction" means instructional interaction between teachers and students that occurs in person and in real time. "In-person instruction" does not include the act of proctoring remote online learning in a classroom.

B. Except as otherwise permitted in subdivision C 4 of § 22.1-98 or Article 3 (§ 22.1-276.01 et seq.) of Chapter 14, each school board shall offer in-person instruction to each student enrolled in the local school division in a public elementary and secondary school for at least the minimum number of required annual instructional hours and to each student enrolled in the local school division in a public school-based early childhood care and education program for the entirety of the instructional time provided pursuant to such program.

C. Notwithstanding any other provision of law or any regulation, rule, or policy implemented by a school board, school division, school official, or other state or local authority, the parent of any child enrolled in a public elementary or secondary school, or in any school-based early childhood care and education program, may elect for such child to not wear a mask while on school property. A parent making such an election shall not be required to provide a reason or any certification of the child's health or education status. No student shall suffer any adverse disciplinary or academic consequences as a result of this parental election. Nothing in this section shall be construed to affect the Governor's authority under Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 to accomplish the purposes of such chapter with regard to a communicable disease of public health threat as defined in § 44-146.16.

CHAPTER 781

An Act to direct the Department of General Services to amend its regulations to direct state agencies to identify recycled content amounts in procured plastic materials.

[H 1287]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Department of General Services shall amend its regulations to direct state agencies, when they are procuring plastic materials, to require that bidders identify whether their plastic materials contain recycled materials and, if so, specify the amount of recycled content in such plastic materials. Such information shall be used to determine an award pursuant to subsection C of § 2.2-4324 of the Code of Virginia when applicable.

CHAPTER 782

An Act to amend and reenact §§ 62.1-199 and 62.1-203 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 6 of Title 10.1 an article numbered 1.4, consisting of sections numbered 10.1-603.28 through 10.1-603.40, relating to Resilient Virginia Revolving Fund.

[H 1309]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 62.1-199 and 62.1-203 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 6 of Title 10.1 an article numbered 1.4, consisting of sections numbered 10.1-603.28 through 10.1-603.40, as follows:

Article 1.4.

Resilient Virginia Revolving Fund.

§ 10.1-603.28. Definitions.

As used in this article, unless the context requires a different meaning:

"Authority" means the Virginia Resources Authority created in Chapter 21 (§ 62.1-197 et seq.) of Title 62.1.

"Cost," as applied to any project financed under the provisions of this article, means the total of all costs incurred as reasonable and necessary for carrying out all works and undertakings necessary or incident to the accomplishment of any project. "Cost" includes, without limitation, all necessary developmental, planning, and feasibility studies, surveys, plans and specifications, architectural, engineering, financial, legal, or other special services, the cost of acquisition of land and any buildings and improvements thereon, including the discharge of any obligations of the sellers of such land, buildings, or improvements, site preparation and development, including demolition or removal of existing structures, construction and reconstruction, labor; materials, machinery and equipment, the reasonable costs of financing incurred in the course of the development of the project, carrying charges incurred before placing the project in service, interest on funds borrowed to finance the project to a date subsequent to the estimated date the project is to be placed in service, necessary expenses incurred in connection with placing the project in service, the funding of accounts and reserves that the Authority may require, and the cost of other items that the Authority determines to be reasonable and necessary.

"Department" means the Department of Conservation and Recreation.

"Fund" means the Resilient Virginia Revolving Fund created by this article.

"Local government" means any county, city, town, municipal corporation, authority, district, commission, or political subdivision created by the General Assembly or pursuant to the Constitution or laws of the Commonwealth or any combination of any two or more of the foregoing.

"Person" has the same meaning as set forth in § 1-230.

"Project" means (i) home upgrades for resilience purposes, home buyouts necessary for the construction of mitigation or resilience projects, relocations, and buyout assistance for homes, all including multifamily units; (ii) gap funding related to buyouts in order to move residents out of floodplain hazard areas and restore or enhance the natural flood mitigation capacity of functioning floodplains; (iii) assistance to low-income and moderate-income homeowners to help lower flood risk through structural and nonstructural mitigation projects, or other means; (iv) loans and grants to persons for hazard mitigation and infrastructure improvement projects for resilience purposes; and (v) projects identified in the Virginia Flood Protection Master Plan or the Virginia Coastal Resilience Master Plan.

"Resilience" means the capability to anticipate, prepare for, respond to, and recover from significant multi-hazard threats with minimum damage to social well-being, health, the economy, and the environment.

§ 10.1-603.29. Resilient Virginia Revolving Fund.

There shall be set apart as a permanent and perpetual fund, to be known as the "Resilient Virginia Revolving Fund," sums appropriated to the Fund by the General Assembly, sums allocated to the Commonwealth for resilience purposes through the federal government, all receipts by the Fund from loans made by it to local governments, all income from the investment of moneys held in the Fund, and any other sums designated for deposit to the Fund from any source public or private. The Fund shall be administered and managed by the Authority as prescribed in this article, subject to the right of the Department, following consultation with the Authority, to direct the distribution of loans or grants from the Fund to particular local governments and to establish the interest rates and repayment terms of such loans as provided in this article. A portion of the Fund shall be reserved to hold money that is allocated only for the hazard mitigation of buildings and that shall not be available for other uses. In order to carry out the administration and management of the Fund, the Authority is granted the power to employ officers, employees, agents, advisers, and consultants, including, without limitation, attorneys, financial advisers, engineers, and other technical advisers and public accountants and, the provisions of any other law to the contrary notwithstanding, to determine their duties and compensation without the approval of any other agency or instrumentality. The Authority may disburse from the Fund its reasonable costs and expenses incurred in the administration and management of the Fund and a reasonable fee to be approved by the Department for its management services. The Authority may provide a portion of that fee to the Department to cover the Department's costs and expenses in administering the Fund.

§ 10.1-603.30. Deposit of moneys; expenditures; investments.

All moneys belonging to the Fund shall be deposited in an account or accounts in banks or trust companies organized under the laws of the Commonwealth or in national banking associations located in Virginia or in savings institutions located in Virginia organized under the laws of the Commonwealth or the United States. The money in these accounts shall be paid by electronic transfer or check signed by the Executive Director of the Authority or other officers or employees designated by the Board of Directors of the Authority. All deposits of money shall, if required by the Authority, be secured in a manner determined by the Authority to be prudent, and all banks, trust companies, and savings institutions are authorized to give security for the deposits. Money in the Fund shall not be commingled with other money of the Authority. Money in the Fund not needed for immediate use or disbursement may be invested or reinvested by the Authority in obligations or securities that are considered lawful investments for public funds under the laws of the Commonwealth. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including any appropriated funds and all principal, interest accrued, and payments at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

§ 10.1-603.31. Annual audit.

The Auditor of Public Accounts, or his legally authorized representatives, shall annually audit the accounts of the Authority, and the cost of such audit services as shall be required shall be borne by the Authority. The audit shall be performed at least each fiscal year, in accordance with generally accepted auditing standards and, accordingly, include

such tests of the accounting records and such auditing procedures as considered necessary under the circumstances. The Authority shall furnish copies of such audit to the Governor and to the Department.

§ 10.1-603.32. Collection of money due to Fund.

The Authority is empowered to collect, or to authorize others to collect on its behalf, amounts due to the Fund under any loan to a local government, including, if appropriate, taking the action required by § 15.2-2659 to obtain payment of any amounts in default. Proceedings to recover amounts due to the Fund may be instituted by the Authority in the name of the Fund in the appropriate circuit court.

§ 10.1-603.33. Loans to local governments.

Except as otherwise provided in this article, moneys in the Fund shall be used to make loans to local governments to finance or refinance the cost of any project. The local governments to which loans are to be made, the purposes of the loan, the amount of each such loan, the interest rate thereon, and the repayment terms thereof, which may vary between loan recipients, shall be designated in writing by the Department to the Authority following consultation with the Authority. No loan from the Fund shall exceed the total cost of the project to be financed or the outstanding principal amount of the indebtedness to be refinanced plus reasonable financing expenses.

Except as set forth in this section, the Authority shall determine the terms and conditions of any loan from the Fund, which may vary between loan recipients. Each loan shall be evidenced by appropriate bonds or notes of the local government payable to the Fund. The bonds or notes shall have been duly authorized by the local government and executed by its authorized legal representatives. The Authority is authorized to require in connection with any loan from the Fund such documents, instruments, certificates, legal opinions, and other information as it may deem necessary or convenient. In addition to any other terms or conditions that the Authority may establish, the Authority may require, as a condition to making any loan from the Fund, that the local government receiving the loan covenant to perform any of the following:

1. Establish and collect rents, rates, fees, and charges to produce revenue sufficient to pay all or a specified portion of (i) the costs of operation, maintenance, replacement, renewal, and repairs of the project; (ii) any outstanding indebtedness incurred for the purposes of the project, including the principal of and premium, if any, and interest on the loan from the Fund to the local government; and (iii) any amounts necessary to create and maintain any required reserve, including any rate stabilization fund deemed necessary or appropriate by the Authority to offset the need, in whole or part, for future increases in rents, rates, fees, or charges;

2. With respect to local governments, levy and collect ad valorem taxes on all property within the jurisdiction of the local government subject to local taxation sufficient to pay the principal of and premium, if any, and interest on the loan from the Fund to the local government;

3. Create and maintain a special fund or funds for the payment of the principal of and premium, if any, and interest on the loan from the Fund to the local government and any other amounts becoming due under any agreement entered into in connection with the loan, or for the operation, maintenance, repair, or replacement of the project or any portions thereof or other property of the local government, and deposit into any fund or funds amounts sufficient to make any payments on the loan as they become due and payable;

4. Create and maintain other special funds as required by the Authority; and

5. Perform other acts, including the conveyance of, or the granting of liens on or security interests in, real and personal property, together with all rights, title, and interest therein, to the Fund, or take other actions as may be deemed necessary or desirable by the Authority to secure payment of the principal of and premium, if any, and interest on the loan from the Fund and to provide for the remedies of the Fund in the event of any default in the payment of the loan, including, without limitation, any of the following:

a. The procurement of insurance, guarantees, letters of credit, and other forms of collateral, security, liquidity arrangements, or credit supports for the loan from any source, public or private, and the payment therefor of premiums, fees, or other charges;

b. The combination of one or more projects, or the combination of one or more projects with one or more other undertakings, facilities, utilities, or systems, for the purpose of operations and financing, and the pledging of the revenues from such combined projects, undertakings, facilities, utilities, and systems to secure the loan from the Fund made in connection with such combination or any part or parts thereof;

c. The maintenance, replacement, renewal, and repair of the project; and

d. The procurement of casualty and liability insurance.

All local governments borrowing money from the Fund are authorized to perform any acts, take any action, adopt any proceedings, and make and carry out any contracts that are contemplated by this article. Such contracts need not be identical among all local governments but may be structured as determined by the Authority according to the needs of the contracting local governments and the Fund.

Subject to the rights, if any, of the registered owners of any of the bonds of the Authority, the Authority may consent to and approve any modification in the terms of any loan subject to guidelines adopted by the Department.

§ 10.1-603.34. Grants to local governments.

Subject to any restrictions that may apply to the use of money in the Fund, the Department may approve the use of money in the Fund to make grants or appropriations to local governments to pay the cost of any project. The Department may establish such terms and conditions on any grant as it deems appropriate. Grants shall be disbursed from the Fund by the Authority in accordance with the written direction of the Department.

§ 10.1-603.35. Loans and grants for regional projects, etc.

In approving loans and grants, the Department shall give preference to loans and grants for projects that will utilize private industry in the operation and maintenance of such projects where a material savings in cost can be shown over public operation and maintenance; will serve two or more local governments to encourage regional cooperation; or both.

§ 10.1-603.36. Loans and grants to a local government for a funding program.

Loans and grants may be made from the Fund, in the Department's discretion, to a local government that has developed a funding program to provide low-interest loans or grants to any persons of the Commonwealth eligible for projects for resilience purposes. In order to secure the loans authorized pursuant to this section, the local government is authorized to place a lien equal in value to the loan against any property where such project is being undertaken. Such liens shall be subordinate to all liens on the property as of the date the loan authorized under this section is made, except that with the prior written consent of the holders of all liens on the property as of such date, the liens securing loans authorized pursuant to this section shall be liens on the property ranking on parity with liens for unpaid local taxes. The local government may bundle or package such loans for transfer to private lenders in such a manner that would allow the liens to remain in full force to secure the loans.

§ 10.1-603.37. Pledge of loans to secure bonds of Authority.

The Authority is empowered at any time and from time to time to transfer from the Fund to banks or trust companies designated by the Authority any or all of the assets of the Fund to be held in trust as security for the payment of the principal of and premium, if any, and interest on any or all of the bonds, as defined in § 62.1-199, of the Authority. The interests of the Fund in any obligations so transferred shall be subordinate to the rights of the trustee under the pledge. To the extent that funds are not available from other sources pledged for such purpose, any payments of principal and interest received on the assets transferred or held in trust may be applied by the trustee thereof to the payment of the principal of and premium, if any, and interest on such bonds of the Authority to which the obligations have been pledged, and if such payments are insufficient for such purpose, the trustee is empowered to sell any or all of such assets and apply the net proceeds from the sale to the payment of the principal of and premium, if any, and interest on such bonds of the Authority. Any assets of the Fund transferred in trust as set forth in this section and any payments of principal, interest, or earnings received thereon shall remain part of the Fund but shall be subject to the pledge to secure the bonds of the Authority and shall be held by the trustee to which they are pledged until no longer required for such purpose by the terms of the pledge. On or before January 10 of each year, the Authority shall transfer, or shall cause the trustee to transfer, to the Fund any assets transferred or held in trust as set forth in this section that are no longer required to be held in trust pursuant to the terms of the pledge.

§ 10.1-603.38. Sale of loans.

The Authority is empowered at any time and from time to time to sell, upon such terms and conditions as the Authority shall deem appropriate, any loan, or interest therein, made pursuant to this article. The net proceeds of sale remaining after the payment of the costs and expenses of the sale shall be designated for deposit to, and become part of, the Fund.

§ 10.1-603.39. Powers of the Authority.

The Authority is authorized to do any act necessary or convenient to the exercise of the powers granted in this article or reasonably implied thereby.

§ 10.1-603.40. Liberal construction of article.

The provisions of this article shall be liberally construed to the end that its beneficial purposes may be effectuated. Insofar as the provisions of this article are inconsistent with the provisions of any other law, general, special, or local, the provisions of this article shall be controlling.

§ 62.1-199. Definitions.

As used in this chapter, unless a different meaning clearly appears from the context:

"Authority" means the Virginia Resources Authority created by this chapter.

"Board of Directors" means the Board of Directors of the Authority.

"Bonds" means any bonds, notes, debentures, interim certificates, bond, grant or revenue anticipation notes, lease and sale-leaseback transactions or any other obligations of the Authority for the payment of money.

"Capital Reserve Fund" means the reserve fund created and established by the Authority in accordance with § 62.1-215.

"Cost," as applied to any project financed under the provisions of this chapter, means the total of all costs incurred by the local government as reasonable and necessary for carrying out all works and undertakings necessary or incident to the accomplishment of any project. It includes, without limitation, all necessary developmental, planning and feasibility studies, surveys, plans and specifications, architectural, engineering, financial, legal or other special services, the cost of acquisition of land and any buildings and improvements thereon, including the discharge of any obligations of the sellers of such land, buildings or improvements, real estate appraisals, site preparation and development, including demolition or removal of existing structures, construction and reconstruction, labor, materials, machinery and equipment, the reasonable costs of financing incurred by the local government in the course of the development of the project, including the cost of any credit enhancements, carrying charges incurred before placing the project in service, interest on local obligations issued to finance the project to a date subsequent to the estimated date the project is to be placed in service, necessary expenses incurred in connection with placing the project in service, the funding of accounts and reserves which the Authority may require and the cost of other items which the Authority determines to be reasonable and necessary. It also includes the amount of any

contribution, grant or aid which a local government may make or give to any adjoining state, the District of Columbia or any department, agency or instrumentality thereof to pay the costs incident and necessary to the accomplishment of any project, including, without limitation, the items set forth above. The term also includes interest and principal payments pursuant to any installment purchase agreement.

"Credit enhancements" means surety bonds, insurance policies, letters of credit, guarantees and other forms of collateral or security.

"Defective drywall" means the same as that term is defined in § 36-156.1.

"Federal facility" means any building or infrastructure used or to be used by the federal government, including any building or infrastructure located on lands owned by the federal government.

"Federal government" means the United States of America, or any department, agency or instrumentality, corporate or otherwise, of the United States of America.

"Former federal facility" means any federal facility formerly used by the federal government or in transition from use by the federal government to a facility all or part of which is to serve any local government.

"Local government" means any county, city, town, municipal corporation, authority, district, commission or political subdivision created by the General Assembly or pursuant to the Constitution and laws of the Commonwealth or any combination of any two or more of the foregoing.

"Local obligations" means any bonds, notes, debentures, interim certificates, bond, grant or revenue anticipation notes, leases, credit enhancements, or any other obligations of a local government for the payment of money.

"Minimum capital reserve fund requirement" means, as of any particular date of computation, the amount of money designated as the minimum capital reserve fund requirement which may be established in the resolution of the Authority authorizing the issuance of, or the trust indenture securing, any outstanding issue of bonds or credit enhancement.

"Project" means (i) any water supply or wastewater treatment facility, including a facility for receiving and stabilizing septage or a soil drainage management facility, and any solid waste treatment, disposal, or management facility, recycling facility, federal facility or former federal facility, or resource recovery facility located or to be located in the Commonwealth, the District of Columbia, or any adjoining state, all or part of which facility serves or is to serve any local government, and (ii) any federal facility located or to be located in the Commonwealth, provided that both the Board of Directors of the Authority and the governing body of the local government receiving the benefit of the loan, grant, or credit enhancement from the Authority make a determination or finding to be embodied in a resolution or ordinance that the undertaking and financing of such facility is necessary for the location or retention of such facility and the related use by the federal government in the Commonwealth. The term includes, without limitation, water supply and intake facilities; water treatment and filtration facilities; water storage facilities; water distribution facilities; sewage and wastewater (including surface and ground water) collection, treatment, and disposal facilities; drainage facilities and projects; solid waste treatment, disposal, or management facilities; recycling facilities; resource recovery facilities; related office, administrative, storage, maintenance, and laboratory facilities; and interests in land related thereto. The term also includes energy conservation measures and facility technology infrastructure as defined in § 45.2-1702 and other energy objectives as defined in § 45.2-1706.1. The term also means any heavy rail transportation facilities operated by a transportation district created under the Transportation District Act of 1964 (§ 33.2-1900 et seq.) that operates heavy rail freight service, including rolling stock, barge loading facilities, and any related marine or rail equipment. The term also means, without limitation, the design and construction of roads, the construction of local government buildings, including administrative and operations systems and other local government equipment and infrastructure, public parking garages and other public transportation facilities, and facilities for public transportation by commuter rail. In addition, the term means any project as defined in § 5.1-30.1 or 10.1-603.28 and any professional sports facility, including a major league baseball stadium as defined in § 15.2-5800, provided that the specific professional sports facility projects have been designated by the General Assembly as eligible for assistance from the Authority. The term also means any equipment, facilities, and technology infrastructure designed to provide broadband service. The term also means facilities supporting, related to, or otherwise used for public safety, including but not limited to law-enforcement training facilities and emergency response, fire, rescue, and police stations. The term also means the remediation, redevelopment, and rehabilitation of property contaminated by the release of hazardous substances, hazardous wastes, solid wastes, or petroleum, where such remediation has not clearly been mandated by the United States Environmental Protection Agency, the Department of Environmental Quality, or a court pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. § 9601 et seq.), the Resource Conservation and Recovery Act (42 U.S.C. § 6901 et seq.), the Virginia Waste Management Act (§ 10.1-1400 et seq.), the State Water Control Law (§ 62.1-44.2 et seq.), or other applicable statutory or common law or where jurisdiction of those statutes has been waived. The term also means any program or project for land conservation, parks, park facilities, land for recreational purposes, or land preservation, including but not limited to any program or project involving the acquisition of rights or interests in land for the conservation or preservation of such land. The term also means any dredging program or dredging project undertaken to benefit the economic and community development goals of a local government but does not include any dredging program or dredging project undertaken for or by the Virginia Port Authority. The term also means any oyster restoration project, including planting and replanting with seed oysters, oyster shells, or other material that will catch, support, and grow oysters. The term also means any program or project to perform site acquisition or site development work for the benefit of economic and community development projects for any local government. The term also means any undertaking by a local government to build or facilitate the building of a recovered gas energy facility; and

any local government renewable energy project, including solar, wind, biomass, waste-to-energy, and geothermal projects. The term also means any undertaking by a local government to facilitate the remediation of residential properties contaminated by the presence of defective drywall.

"Recovered gas energy facility" means a facility, located at or adjacent to (i) a solid waste management facility permitted by the Department of Environmental Quality or (ii) a sewerage system or sewage treatment work described in § 62.1-44.18 that is constructed and operated for the purpose of treating sewage and wastewater for discharge to state waters, which facility or work is constructed and operated for the purpose of (a) reclaiming or collecting methane or other combustible gas from the biodegradation or decomposition of solid waste, as defined in § 10.1-1400, that has been deposited in the solid waste management facility or sewerage system or sewage treatment work and (b) either using such gas to generate electric energy or upgrading the gas to pipeline quality and transmitting it off premises for sale or delivery to commercial or industrial purchasers or to a public utility or locality.

§ 62.1-203. Powers of Authority.

The Authority is granted all powers necessary or appropriate to carry out and to effectuate its purposes, including the following:

1. To have perpetual succession as a public body corporate and as a political subdivision of the Commonwealth;
2. To adopt, amend and repeal bylaws, and rules and regulations, not inconsistent with this chapter for the administration and regulation of its affairs and to carry into effect the powers and purposes of the Authority and the conduct of its business;
3. To sue and be sued in its own name;
4. To have an official seal and alter it at will although the failure to affix this seal shall not affect the validity of any instrument executed on behalf of the Authority;
5. To maintain an office at any place within the Commonwealth which it designates;
6. To make and execute contracts and all other instruments and agreements necessary or convenient for the performance of its duties and the exercise of its powers and functions under this chapter;
7. To sell, convey, mortgage, pledge, lease, exchange, transfer and otherwise dispose of all or any part of its properties and assets;
8. To employ officers, employees, agents, advisers and consultants, including without limitations, attorneys, financial advisers, engineers and other technical advisers and public accountants and, the provisions of any other law to the contrary notwithstanding, to determine their duties and compensation without the approval of any other agency or instrumentality;
9. To procure insurance, in amounts and from insurers of its choice, or provide self-insurance, against any loss, cost, or expense in connection with its property, assets or activities, including insurance or self-insurance against liability for its acts or the acts of its directors, employees or agents and for the indemnification of the members of its Board of Directors and its employees and agents;
10. To procure credit enhancements from any public or private entities, including any department, agency or instrumentality of the United States of America or the Commonwealth, for the payment of any bonds issued by the Authority, including the power to pay premiums or fees on any such credit enhancements;
11. To receive and accept from any source aid, grants and contributions of money, property, labor or other things of value to be held, used and applied to carry out the purposes of this chapter subject to the conditions upon which the aid, grants or contributions are made;
12. To enter into agreements with any department, agency or instrumentality of the United States of America or, the Commonwealth, the District of Columbia or any adjoining state for the purpose of planning, regulating and providing for the financing of any projects;
13. To collect, or to authorize the trustee under any trust indenture securing any bonds or any other fiduciary to collect, amounts due under any local obligations owned or credit enhanced by the Authority, including taking the action required by § 15.2-2659 or 62.1-216.1 to obtain payment of any unpaid sums;
14. To enter into contracts or agreements for the servicing and processing of local obligations owned by the Authority;
15. To invest or reinvest its funds as provided in this chapter or permitted by applicable law;
16. Unless restricted under any agreement with holders of bonds, to consent to any modification with respect to the rate of interest, time and payment of any installment of principal or interest, or any other term of any local obligations owned by the Authority;
17. To establish and revise, amend and repeal, and to charge and collect, fees and charges in connection with any activities or services of the Authority;
18. To do any act necessary or convenient to the exercise of the powers granted or reasonably implied by this chapter; and
19. To pledge as security for the payment of any or all bonds of the Authority, all or any part of the Capital Reserve Fund or other reserve fund or account transferred to a trustee for such purpose from the Water Facilities Revolving Fund pursuant to § 62.1-231, from the Water Supply Revolving Fund pursuant to § 62.1-240, from the Virginia Solid Waste or Recycling Revolving Fund pursuant to § 62.1-241.9, from the Virginia Airports Revolving Fund pursuant to § 5.1-30.6, from the Dam Safety, Flood Prevention and Protection Assistance Fund pursuant to § 10.1-603.17, ~~or~~ from the Virginia Tobacco Region Revolving Fund pursuant to § 3.2-3117, *or from the Resilient Virginia Revolving Fund pursuant to § 10.1-603.37*. Notwithstanding the foregoing, any such transfer from the Virginia Tobacco Region Revolving Fund may be pledged to secure only those bonds of the Authority issued to finance or refinance projects located in the tobacco-dependent communities in the Southside and Southwest regions of Virginia.

CHAPTER 783

An Act to amend the Code of Virginia by adding a section numbered 17.1-805.1, relating to discretionary sentencing guidelines; midpoint for violent felony offenses.

[H 1320]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 17.1-805.1 as follows:****§ 17.1-805.1. Discretionary sentencing guideline midpoints for certain defendants.**

The Commission shall adopt discretionary felony sentencing guidelines that may increase the midpoint of the recommended sentencing range based on the defendant's record of convictions for violent felony offenses, as defined in subsection C of § 17.1-805.

For guidelines that become effective on or after July 1, 2022, the Commission may increase the midpoint of the recommended sentencing range for such defendants as set forth in subsection A of § 17.1-805 or the Commission may recommend increases in the midpoint to the degree indicated by historical data for felony offenses sentenced in the Commonwealth. Any recommendations adopted by the Commission to modify the sentencing guideline midpoints shall be contained in the annual report required under § 17.1-803 and shall become effective in accordance with § 17.1-806.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

3. That the Virginia Criminal Sentencing Commission (the Commission) shall submit a report to the General Assembly, the Governor, and the Chief Justice of the Supreme Court of Virginia by October 1, 2022, documenting the impact on sentencing guideline midpoints for each offense if the Commission were to recommend changes to the midpoints based on analysis of historical sentencing data.

4. That the provisions of the first enactment of this act shall become effective on July 1, 2023.

CHAPTER 784

An Act to amend and reenact § 32.1-127.1:03 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 54.1-2404.1, relating to health care; consent to disclosure of records.

[H 1359]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:**1. That § 32.1-127.1:03 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 54.1-2404.1 as follows:****§ 32.1-127.1:03. Health records privacy.**

A. There is hereby recognized an individual's right of privacy in the content of his health records. Health records are the property of the health care entity maintaining them, and, except when permitted or required by this section or by other provisions of state law, no health care entity, or other person working in a health care setting, may disclose an individual's health records.

Pursuant to this subsection:

1. Health care entities shall disclose health records to the individual who is the subject of the health record, except as provided in subsections E and F and subsection B of § 8.01-413.

2. Health records shall not be removed from the premises where they are maintained without the approval of the health care entity that maintains such health records, except in accordance with a court order or subpoena consistent with subsection C of § 8.01-413 or with this section or in accordance with the regulations relating to change of ownership of health records promulgated by a health regulatory board established in Title 54.1.

3. No person to whom health records are disclosed shall redisclose or otherwise reveal the health records of an individual, beyond the purpose for which such disclosure was made, without first obtaining the individual's specific authorization to such redisclosure. This redisclosure prohibition shall not, however, prevent (i) any health care entity that receives health records from another health care entity from making subsequent disclosures as permitted under this section and the federal Department of Health and Human Services regulations relating to privacy of the electronic transmission of data and protected health information promulgated by the United States Department of Health and Human Services as required by the Health Insurance Portability and Accountability Act (HIPAA) (42 U.S.C. § 1320d et seq.) or (ii) any health care entity from furnishing health records and aggregate or other data, from which individually identifying prescription information has been removed, encoded or encrypted, to qualified researchers, including, but not limited to, pharmaceutical manufacturers and their agents or contractors, for purposes of clinical, pharmaco-epidemiological, pharmaco-economic, or other health services research.

4. Health care entities shall, upon the request of the individual who is the subject of the health record, disclose health records to other health care entities, in any available format of the requester's choosing, as provided in subsection E.

B. As used in this section:

"Agent" means a person who has been appointed as an individual's agent under a power of attorney for health care or an advance directive under the Health Care Decisions Act (§ 54.1-2981 et seq.).

"Certification" means a written representation that is delivered by hand, by first-class mail, by overnight delivery service, or by facsimile if the sender obtains a facsimile-machine-generated confirmation reflecting that all facsimile pages were successfully transmitted.

"Guardian" means a court-appointed guardian of the person.

"Health care clearinghouse" means, consistent with the definition set out in 45 C.F.R. § 160.103, a public or private entity, such as a billing service, repricing company, community health management information system or community health information system, and "value-added" networks and switches, that performs either of the following functions: (i) processes or facilitates the processing of health information received from another entity in a nonstandard format or containing nonstandard data content into standard data elements or a standard transaction; or (ii) receives a standard transaction from another entity and processes or facilitates the processing of health information into nonstandard format or nonstandard data content for the receiving entity.

"Health care entity" means any health care provider, health plan or health care clearinghouse.

"Health care provider" means those entities listed in the definition of "health care provider" in § 8.01-581.1, except that state-operated facilities shall also be considered health care providers for the purposes of this section. Health care provider shall also include all persons who are licensed, certified, registered or permitted or who hold a multistate licensure privilege issued by any of the health regulatory boards within the Department of Health Professions, except persons regulated by the Board of Funeral Directors and Embalmers or the Board of Veterinary Medicine.

"Health plan" means an individual or group plan that provides, or pays the cost of, medical care. "Health plan" includes any entity included in such definition as set out in 45 C.F.R. § 160.103.

"Health record" means any written, printed or electronically recorded material maintained by a health care entity in the course of providing health services to an individual concerning the individual and the services provided. "Health record" also includes the substance of any communication made by an individual to a health care entity in confidence during or in connection with the provision of health services or information otherwise acquired by the health care entity about an individual in confidence and in connection with the provision of health services to the individual.

"Health services" means, but shall not be limited to, examination, diagnosis, evaluation, treatment, pharmaceuticals, aftercare, habilitation or rehabilitation and mental health therapy of any kind, as well as payment or reimbursement for any such services.

"Individual" means a patient who is receiving or has received health services from a health care entity.

"Individually identifying prescription information" means all prescriptions, drug orders or any other prescription information that specifically identifies an individual.

"Parent" means a biological, adoptive or foster parent.

"Psychotherapy notes" means comments, recorded in any medium by a health care provider who is a mental health professional, documenting or analyzing the contents of conversation during a private counseling session with an individual or a group, joint, or family counseling session that are separated from the rest of the individual's health record. "Psychotherapy notes" does not include annotations relating to medication and prescription monitoring, counseling session start and stop times, treatment modalities and frequencies, clinical test results, or any summary of any symptoms, diagnosis, prognosis, functional status, treatment plan, or the individual's progress to date.

C. The provisions of this section shall not apply to any of the following:

1. The status of and release of information governed by §§ 65.2-604 and 65.2-607 of the Virginia Workers' Compensation Act;
2. Except where specifically provided herein, the health records of minors;
3. The release of juvenile health records to a secure facility or a shelter care facility pursuant to § 16.1-248.3; or
4. The release of health records to a state correctional facility pursuant to § 53.1-40.10 or a local or regional correctional facility pursuant to § 53.1-133.03.

D. Health care entities may, and, when required by other provisions of state law, shall, disclose health records:

1. As set forth in subsection E, pursuant to the written authorization of (i) the individual or (ii) in the case of a minor, (a) his custodial parent, guardian or other person authorized to consent to treatment of minors pursuant to § 54.1-2969 or (b) the minor himself, if he has consented to his own treatment pursuant to § 54.1-2969, or (iii) in emergency cases or situations where it is impractical to obtain an individual's written authorization, pursuant to the individual's oral authorization for a health care provider or health plan to discuss the individual's health records with a third party specified by the individual;

2. In compliance with a subpoena issued in accord with subsection H, pursuant to a search warrant or a grand jury subpoena, pursuant to court order upon good cause shown or in compliance with a subpoena issued pursuant to subsection C of § 8.01-413. Regardless of the manner by which health records relating to an individual are compelled to be disclosed pursuant to this subdivision, nothing in this subdivision shall be construed to prohibit any staff or employee of a health care

entity from providing information about such individual to a law-enforcement officer in connection with such subpoena, search warrant, or court order;

3. In accord with subsection F of § 8.01-399 including, but not limited to, situations where disclosure is reasonably necessary to establish or collect a fee or to defend a health care entity or the health care entity's employees or staff against any accusation of wrongful conduct; also as required in the course of an investigation, audit, review or proceedings regarding a health care entity's conduct by a duly authorized law-enforcement, licensure, accreditation, or professional review entity;

4. In testimony in accordance with §§ 8.01-399 and 8.01-400.2;

5. In compliance with the provisions of § 8.01-413;

6. As required or authorized by law relating to public health activities, health oversight activities, serious threats to health or safety, or abuse, neglect or domestic violence, relating to contagious disease, public safety, and suspected child or adult abuse reporting requirements, including, but not limited to, those contained in §§ 16.1-248.3, 32.1-36, 32.1-36.1, 32.1-40, 32.1-41, 32.1-127.1:04, 32.1-276.5, 32.1-283, 32.1-283.1, 32.1-320, 37.2-710, 37.2-839, 53.1-40.10, 53.1-133.03, 54.1-2400.6, 54.1-2400.7, 54.1-2400.9, 54.1-2403.3, 54.1-2506, 54.1-2966, 54.1-2967, 54.1-2968, 54.1-3408.2, 63.2-1509, and 63.2-1606;

7. Where necessary in connection with the care of the individual;

8. In connection with the health care entity's own health care operations or the health care operations of another health care entity, as specified in 45 C.F.R. § 164.501, or in the normal course of business in accordance with accepted standards of practice within the health services setting; however, the maintenance, storage, and disclosure of the mass of prescription dispensing records maintained in a pharmacy registered or permitted in Virginia shall only be accomplished in compliance with §§ 54.1-3410, 54.1-3411, and 54.1-3412;

9. When the individual has waived his right to the privacy of the health records;

10. When examination and evaluation of an individual are undertaken pursuant to judicial or administrative law order, but only to the extent as required by such order;

11. To the guardian ad litem and any attorney representing the respondent in the course of a guardianship proceeding of an adult patient who is the respondent in a proceeding under Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2;

12. To the guardian ad litem and any attorney appointed by the court to represent an individual who is or has been a patient who is the subject of a commitment proceeding under § 19.2-169.6, Article 5 (§ 37.2-814 et seq.) of Chapter 8 of Title 37.2, Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1, or a judicial authorization for treatment proceeding pursuant to Chapter 11 (§ 37.2-1100 et seq.) of Title 37.2;

13. To a magistrate, the court, the evaluator or examiner required under Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1 or § 37.2-815, a community services board or behavioral health authority or a designee of a community services board or behavioral health authority, or a law-enforcement officer participating in any proceeding under Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1, § 19.2-169.6, or Chapter 8 (§ 37.2-800 et seq.) of Title 37.2 regarding the subject of the proceeding, and to any health care provider evaluating or providing services to the person who is the subject of the proceeding or monitoring the person's adherence to a treatment plan ordered under those provisions. Health records disclosed to a law-enforcement officer shall be limited to information necessary to protect the officer, the person, or the public from physical injury or to address the health care needs of the person. Information disclosed to a law-enforcement officer shall not be used for any other purpose, disclosed to others, or retained;

14. To the attorney and/or guardian ad litem of a minor who represents such minor in any judicial or administrative proceeding, if the court or administrative hearing officer has entered an order granting the attorney or guardian ad litem this right and such attorney or guardian ad litem presents evidence to the health care entity of such order;

15. With regard to the Court-Appointed Special Advocate (CASA) program, a minor's health records in accord with § 9.1-156;

16. To an agent appointed under an individual's power of attorney or to an agent or decision maker designated in an individual's advance directive for health care or for decisions on anatomical gifts and organ, tissue or eye donation or to any other person consistent with the provisions of the Health Care Decisions Act (§ 54.1-2981 et seq.);

17. To third-party payors and their agents for purposes of reimbursement;

18. As is necessary to support an application for receipt of health care benefits from a governmental agency or as required by an authorized governmental agency reviewing such application or reviewing benefits already provided or as necessary to the coordination of prevention and control of disease, injury, or disability and delivery of such health care benefits pursuant to § 32.1-127.1:04;

19. Upon the sale of a medical practice as provided in § 54.1-2405; or upon a change of ownership or closing of a pharmacy pursuant to regulations of the Board of Pharmacy;

20. In accord with subsection B of § 54.1-2400.1, to communicate an individual's specific and immediate threat to cause serious bodily injury or death of an identified or readily identifiable person;

21. Where necessary in connection with the implementation of a hospital's routine contact process for organ donation pursuant to subdivision B 4 of § 32.1-127;

22. In the case of substance abuse records, when permitted by and in conformity with requirements of federal law found in 42 U.S.C. § 290dd-2 and 42 C.F.R. Part 2;

23. In connection with the work of any entity established as set forth in § 8.01-581.16 to evaluate the adequacy or quality of professional services or the competency and qualifications for professional staff privileges;

24. If the health records are those of a deceased or mentally incapacitated individual to the personal representative or executor of the deceased individual or the legal guardian or committee of the incompetent or incapacitated individual or if there is no personal representative, executor, legal guardian or committee appointed, to the following persons in the following order of priority: a spouse, an adult son or daughter, either parent, an adult brother or sister, or any other relative of the deceased individual in order of blood relationship;

25. For the purpose of conducting record reviews of inpatient hospital deaths to promote identification of all potential organ, eye, and tissue donors in conformance with the requirements of applicable federal law and regulations, including 42 C.F.R. § 482.45, (i) to the health care provider's designated organ procurement organization certified by the United States Health Care Financing Administration and (ii) to any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks;

26. To the Office of the State Inspector General pursuant to Chapter 3.2 (§ 2.2-307 et seq.) of Title 2.2;

27. To an entity participating in the activities of a local health partnership authority established pursuant to Article 6.1 (§ 32.1-122.10:001 et seq.) of Chapter 4, pursuant to subdivision 1;

28. To law-enforcement officials by each licensed emergency medical services agency, (i) when the individual is the victim of a crime or (ii) when the individual has been arrested and has received emergency medical services or has refused emergency medical services and the health records consist of the prehospital patient care report required by § 32.1-116.1;

29. To law-enforcement officials, in response to their request, for the purpose of identifying or locating a suspect, fugitive, person required to register pursuant to § 9.1-901 of the Sex Offender and Crimes Against Minors Registry Act, material witness, or missing person, provided that only the following information may be disclosed: (i) name and address of the person, (ii) date and place of birth of the person, (iii) social security number of the person, (iv) blood type of the person, (v) date and time of treatment received by the person, (vi) date and time of death of the person, where applicable, (vii) description of distinguishing physical characteristics of the person, and (viii) type of injury sustained by the person;

30. To law-enforcement officials regarding the death of an individual for the purpose of alerting law enforcement of the death if the health care entity has a suspicion that such death may have resulted from criminal conduct;

31. To law-enforcement officials if the health care entity believes in good faith that the information disclosed constitutes evidence of a crime that occurred on its premises;

32. To the State Health Commissioner pursuant to § 32.1-48.015 when such records are those of a person or persons who are subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2;

33. To the Commissioner of the Department of Labor and Industry or his designee by each licensed emergency medical services agency when the records consist of the prehospital patient care report required by § 32.1-116.1 and the patient has suffered an injury or death on a work site while performing duties or tasks that are within the scope of his employment;

34. To notify a family member or personal representative of an individual who is the subject of a proceeding pursuant to Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1 or Chapter 8 (§ 37.2-800 et seq.) of Title 37.2 of information that is directly relevant to such person's involvement with the individual's health care, which may include the individual's location and general condition, when the individual has the capacity to make health care decisions and (i) the individual has agreed to the notification, (ii) the individual has been provided an opportunity to object to the notification and does not express an objection, or (iii) the health care provider can, on the basis of his professional judgment, reasonably infer from the circumstances that the individual does not object to the notification. If the opportunity to agree or object to the notification cannot practicably be provided because of the individual's incapacity or an emergency circumstance, the health care provider may notify a family member or personal representative of the individual of information that is directly relevant to such person's involvement with the individual's health care, which may include the individual's location and general condition if the health care provider, in the exercise of his professional judgment, determines that the notification is in the best interests of the individual. Such notification shall not be made if the provider has actual knowledge the family member or personal representative is currently prohibited by court order from contacting the individual;

35. To a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher education; and

36. To a regional emergency medical services council pursuant to § 32.1-116.1, for purposes limited to monitoring and improving the quality of emergency medical services pursuant to § 32.1-111.3.

Notwithstanding the provisions of subdivisions 1 through 35, a health care entity shall obtain an individual's written authorization for any disclosure of psychotherapy notes, except when disclosure by the health care entity is (i) for its own training programs in which students, trainees, or practitioners in mental health are being taught under supervision to practice or to improve their skills in group, joint, family, or individual counseling; (ii) to defend itself or its employees or staff against any accusation of wrongful conduct; (iii) in the discharge of the duty, in accordance with subsection B of § 54.1-2400.1, to take precautions to protect third parties from violent behavior or other serious harm; (iv) required in the course of an investigation, audit, review, or proceeding regarding a health care entity's conduct by a duly authorized law-enforcement, licensure, accreditation, or professional review entity; or (v) otherwise required by law.

E. Health care records required to be disclosed pursuant to this section shall be made available electronically only to the extent and in the manner authorized by the federal Health Information Technology for Economic and Clinical Health Act (P.L. 111-5) and implementing regulations and the Health Insurance Portability and Accountability Act (42 U.S.C.

§ 1320d et seq.) and implementing regulations. Notwithstanding any other provision to the contrary, a health care entity shall not be required to provide records in an electronic format requested if (i) the electronic format is not reasonably available without additional cost to the health care entity, (ii) the records would be subject to modification in the format requested, or (iii) the health care entity determines that the integrity of the records could be compromised in the electronic format requested. Requests for copies of or electronic access to health records shall (a) be in writing, dated and signed by the requester; (b) identify the nature of the information requested; and (c) include evidence of the authority of the requester to receive such copies or access such records, and identification of the person to whom the information is to be disclosed; and (d) specify whether the requester would like the records in electronic format, if available, or in paper format. The health care entity shall accept a photocopy, facsimile, or other copy of the original signed by the requester as if it were an original. Within 30 days of receipt of a request for copies of or electronic access to health records, the health care entity shall do one of the following: (1) furnish such copies of or allow electronic access to the requested health records to any requester authorized to receive them in electronic format if so requested; (2) inform the requester if the information does not exist or cannot be found; (3) if the health care entity does not maintain a record of the information, so inform the requester and provide the name and address, if known, of the health care entity who maintains the record; or (4) deny the request (A) under subsection F, (B) on the grounds that the requester has not established his authority to receive such health records or proof of his identity, or (C) as otherwise provided by law. Procedures set forth in this section shall apply only to requests for health records not specifically governed by other provisions of state law.

F. Except as provided in subsection B of § 8.01-413, copies of or electronic access to an individual's health records shall not be furnished to such individual or anyone authorized to act on the individual's behalf when the individual's treating physician, clinical psychologist, or clinical social worker has made a part of the individual's record a written statement that, in the exercise of his professional judgment, the furnishing to or review by the individual of such health records would be reasonably likely to endanger the life or physical safety of the individual or another person, or that such health record makes reference to a person other than a health care provider and the access requested would be reasonably likely to cause substantial harm to such referenced person. If any health care entity denies a request for copies of or electronic access to health records based on such statement, the health care entity shall inform the individual of the individual's right to designate, in writing, at his own expense, another reviewing physician, clinical psychologist, or clinical social worker whose licensure, training and experience relative to the individual's condition are at least equivalent to that of the physician, clinical psychologist, or clinical social worker upon whose opinion the denial is based. The designated reviewing physician, clinical psychologist, or clinical social worker shall make a judgment as to whether to make the health record available to the individual.

The health care entity denying the request shall also inform the individual of the individual's right to request in writing that such health care entity designate, at its own expense, a physician, clinical psychologist, or clinical social worker, whose licensure, training, and experience relative to the individual's condition are at least equivalent to that of the physician, clinical psychologist, or clinical social worker upon whose professional judgment the denial is based and who did not participate in the original decision to deny the health records, who shall make a judgment as to whether to make the health record available to the individual. The health care entity shall comply with the judgment of the reviewing physician, clinical psychologist, or clinical social worker. The health care entity shall permit copying and examination of the health record by such other physician, clinical psychologist, or clinical social worker designated by either the individual at his own expense or by the health care entity at its expense.

Any health record copied for review by any such designated physician, clinical psychologist, or clinical social worker shall be accompanied by a statement from the custodian of the health record that the individual's treating physician, clinical psychologist, or clinical social worker determined that the individual's review of his health record would be reasonably likely to endanger the life or physical safety of the individual or would be reasonably likely to cause substantial harm to a person referenced in the health record who is not a health care provider.

Further, nothing herein shall be construed as giving, or interpreted to bestow the right to receive copies of, or otherwise obtain access to, psychotherapy notes to any individual or any person authorized to act on his behalf.

G. A written authorization to allow release of an individual's health records shall substantially include the following information:

AUTHORIZATION TO RELEASE CONFIDENTIAL HEALTH RECORDS

Individual's Name _____
 Health Care Entity's Name _____
 Person, Agency, or Health Care Entity to whom disclosure is to be made _____

 Information or Health Records to be disclosed _____

 Purpose of Disclosure or at the Request of the Individual _____

As the person signing this authorization, I understand that I am giving my permission to the above-named health care entity for disclosure of confidential health records. I understand that the health care entity may not condition treatment or payment on my willingness to sign this authorization unless the specific circumstances under which such conditioning is permitted by law are applicable and are set forth in this authorization. I also understand that I have the right to revoke this

authorization at any time, but that my revocation is not effective until delivered in writing to the person who is in possession of my health records and is not effective as to health records already disclosed under this authorization. A copy of this authorization and a notation concerning the persons or agencies to whom disclosure was made shall be included with my original health records. I understand that health information disclosed under this authorization might be redisclosed by a recipient and may, as a result of such disclosure, no longer be protected to the same extent as such health information was protected by law while solely in the possession of the health care entity.

This authorization expires on (date) or (event) _____

Signature of Individual or Individual's Legal Representative if Individual is Unable to Sign

Relationship or Authority of Legal Representative

Date of Signature

H. Pursuant to this subsection:

1. Unless excepted from these provisions in subdivision 9, no party to a civil, criminal or administrative action or proceeding shall request the issuance of a subpoena duces tecum for another party's health records or cause a subpoena duces tecum to be issued by an attorney unless a copy of the request for the subpoena or a copy of the attorney-issued subpoena is provided to the other party's counsel or to the other party if pro se, simultaneously with filing the request or issuance of the subpoena. No party to an action or proceeding shall request or cause the issuance of a subpoena duces tecum for the health records of a nonparty witness unless a copy of the request for the subpoena or a copy of the attorney-issued subpoena is provided to the nonparty witness simultaneously with filing the request or issuance of the attorney-issued subpoena.

No subpoena duces tecum for health records shall set a return date earlier than 15 days from the date of the subpoena except by order of a court or administrative agency for good cause shown. When a court or administrative agency directs that health records be disclosed pursuant to a subpoena duces tecum earlier than 15 days from the date of the subpoena, a copy of the order shall accompany the subpoena.

Any party requesting a subpoena duces tecum for health records or on whose behalf the subpoena duces tecum is being issued shall have the duty to determine whether the individual whose health records are being sought is pro se or a nonparty.

In instances where health records being subpoenaed are those of a pro se party or nonparty witness, the party requesting or issuing the subpoena shall deliver to the pro se party or nonparty witness together with the copy of the request for subpoena, or a copy of the subpoena in the case of an attorney-issued subpoena, a statement informing them of their rights and remedies. The statement shall include the following language and the heading shall be in boldface capital letters:

NOTICE TO INDIVIDUAL

The attached document means that (insert name of party requesting or causing issuance of the subpoena) has either asked the court or administrative agency to issue a subpoena or a subpoena has been issued by the other party's attorney to your doctor, other health care providers (names of health care providers inserted here) or other health care entity (name of health care entity to be inserted here) requiring them to produce your health records. Your doctor, other health care provider or other health care entity is required to respond by providing a copy of your health records. If you believe your health records should not be disclosed and object to their disclosure, you have the right to file a motion with the clerk of the court or the administrative agency to quash the subpoena. If you elect to file a motion to quash, such motion must be filed within 15 days of the date of the request or of the attorney-issued subpoena. You may contact the clerk's office or the administrative agency to determine the requirements that must be satisfied when filing a motion to quash and you may elect to contact an attorney to represent your interest. If you elect to file a motion to quash, you must notify your doctor, other health care provider(s), or other health care entity, that you are filing the motion so that the health care provider or health care entity knows to send the health records to the clerk of court or administrative agency in a sealed envelope or package for safekeeping while your motion is decided.

2. Any party filing a request for a subpoena duces tecum or causing such a subpoena to be issued for an individual's health records shall include a Notice in the same part of the request in which the recipient of the subpoena duces tecum is directed where and when to return the health records. Such notice shall be in boldface capital letters and shall include the following language:

NOTICE TO HEALTH CARE ENTITIES

A COPY OF THIS SUBPOENA DUCES TECUM HAS BEEN PROVIDED TO THE INDIVIDUAL WHOSE HEALTH RECORDS ARE BEING REQUESTED OR HIS COUNSEL. YOU OR THAT INDIVIDUAL HAS THE RIGHT TO FILE A MOTION TO QUASH (OBJECT TO) THE ATTACHED SUBPOENA. IF YOU ELECT TO FILE A MOTION TO QUASH, YOU MUST FILE THE MOTION WITHIN 15 DAYS OF THE DATE OF THIS SUBPOENA.

YOU MUST NOT RESPOND TO THIS SUBPOENA UNTIL YOU HAVE RECEIVED WRITTEN CERTIFICATION FROM THE PARTY ON WHOSE BEHALF THE SUBPOENA WAS ISSUED THAT THE TIME FOR FILING A MOTION TO QUASH HAS ELAPSED AND THAT:

NO MOTION TO QUASH WAS FILED; OR

ANY MOTION TO QUASH HAS BEEN RESOLVED BY THE COURT OR THE ADMINISTRATIVE AGENCY AND THE DISCLOSURES SOUGHT ARE CONSISTENT WITH SUCH RESOLUTION.

IF YOU RECEIVE NOTICE THAT THE INDIVIDUAL WHOSE HEALTH RECORDS ARE BEING REQUESTED HAS FILED A MOTION TO QUASH THIS SUBPOENA, OR IF YOU FILE A MOTION TO QUASH THIS SUBPOENA, YOU MUST SEND THE HEALTH RECORDS ONLY TO THE CLERK OF THE COURT OR ADMINISTRATIVE AGENCY THAT ISSUED THE SUBPOENA OR IN WHICH THE ACTION IS PENDING AS SHOWN ON THE SUBPOENA USING THE FOLLOWING PROCEDURE:

PLACE THE HEALTH RECORDS IN A SEALED ENVELOPE AND ATTACH TO THE SEALED ENVELOPE A COVER LETTER TO THE CLERK OF COURT OR ADMINISTRATIVE AGENCY WHICH STATES THAT CONFIDENTIAL HEALTH RECORDS ARE ENCLOSED AND ARE TO BE HELD UNDER SEAL PENDING A RULING ON THE MOTION TO QUASH THE SUBPOENA. THE SEALED ENVELOPE AND THE COVER LETTER SHALL BE PLACED IN AN OUTER ENVELOPE OR PACKAGE FOR TRANSMITTAL TO THE COURT OR ADMINISTRATIVE AGENCY.

3. Upon receiving a valid subpoena duces tecum for health records, health care entities shall have the duty to respond to the subpoena in accordance with the provisions of subdivisions 4, 5, 6, 7, and 8.

4. Except to deliver to a clerk of the court or administrative agency subpoenaed health records in a sealed envelope as set forth, health care entities shall not respond to a subpoena duces tecum for such health records until they have received a certification as set forth in subdivision 5 or 8 from the party on whose behalf the subpoena duces tecum was issued.

If the health care entity has actual receipt of notice that a motion to quash the subpoena has been filed or if the health care entity files a motion to quash the subpoena for health records, then the health care entity shall produce the health records, in a securely sealed envelope, to the clerk of the court or administrative agency issuing the subpoena or in whose court or administrative agency the action is pending. The court or administrative agency shall place the health records under seal until a determination is made regarding the motion to quash. The securely sealed envelope shall only be opened on order of the judge or administrative agency. In the event the court or administrative agency grants the motion to quash, the health records shall be returned to the health care entity in the same sealed envelope in which they were delivered to the court or administrative agency. In the event that a judge or administrative agency orders the sealed envelope to be opened to review the health records in camera, a copy of the order shall accompany any health records returned to the health care entity. The health records returned to the health care entity shall be in a securely sealed envelope.

5. If no motion to quash is filed within 15 days of the date of the request or of the attorney-issued subpoena, the party on whose behalf the subpoena was issued shall have the duty to certify to the subpoenaed health care entity that the time for filing a motion to quash has elapsed and that no motion to quash was filed. Any health care entity receiving such certification shall have the duty to comply with the subpoena duces tecum by returning the specified health records by either the return date on the subpoena or five days after receipt of the certification, whichever is later.

6. In the event that the individual whose health records are being sought files a motion to quash the subpoena, the court or administrative agency shall decide whether good cause has been shown by the discovering party to compel disclosure of the individual's health records over the individual's objections. In determining whether good cause has been shown, the court or administrative agency shall consider (i) the particular purpose for which the information was collected; (ii) the degree to which the disclosure of the records would embarrass, injure, or invade the privacy of the individual; (iii) the effect of the disclosure on the individual's future health care; (iv) the importance of the information to the lawsuit or proceeding; and (v) any other relevant factor.

7. Concurrent with the court or administrative agency's resolution of a motion to quash, if subpoenaed health records have been submitted by a health care entity to the court or administrative agency in a sealed envelope, the court or administrative agency shall: (i) upon determining that no submitted health records should be disclosed, return all submitted health records to the health care entity in a sealed envelope; (ii) upon determining that all submitted health records should be disclosed, provide all the submitted health records to the party on whose behalf the subpoena was issued; or (iii) upon determining that only a portion of the submitted health records should be disclosed, provide such portion to the party on whose behalf the subpoena was issued and return the remaining health records to the health care entity in a sealed envelope.

8. Following the court or administrative agency's resolution of a motion to quash, the party on whose behalf the subpoena duces tecum was issued shall have the duty to certify in writing to the subpoenaed health care entity a statement of one of the following:

a. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are consistent with such resolution; and, therefore, the health records previously delivered in a sealed envelope to the clerk of the court or administrative agency will not be returned to the health care entity;

b. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are consistent with such resolution and that, since no health records have previously been delivered to the court or administrative agency by the health care entity, the health care entity shall comply with the subpoena duces tecum by returning the health records designated in the subpoena by the return date on the subpoena or five days after receipt of certification, whichever is later;

c. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are not consistent with such resolution; therefore, no health records shall be disclosed and all health records previously delivered in a sealed envelope to the clerk of the court or administrative agency will be returned to the health care entity;

d. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are not consistent with such resolution and that only limited disclosure has been authorized. The certification shall state that only the portion of the health records as set forth in the certification, consistent with the court or administrative agency's ruling, shall be disclosed. The certification shall also state that health records that were previously delivered to the court or administrative agency for which disclosure has been authorized will not be returned to the health care entity; however, all health records for which disclosure has not been authorized will be returned to the health care entity; or

e. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are not consistent with such resolution and, since no health records have previously been delivered to the court or administrative agency by the health care entity, the health care entity shall return only those health records specified in the certification, consistent with the court or administrative agency's ruling, by the return date on the subpoena or five days after receipt of the certification, whichever is later.

A copy of the court or administrative agency's ruling shall accompany any certification made pursuant to this subdivision.

9. The provisions of this subsection have no application to subpoenas for health records requested under § 8.01-413, or issued by a duly authorized administrative agency conducting an investigation, audit, review or proceedings regarding a health care entity's conduct.

The provisions of this subsection shall apply to subpoenas for the health records of both minors and adults.

Nothing in this subsection shall have any effect on the existing authority of a court or administrative agency to issue a protective order regarding health records, including, but not limited to, ordering the return of health records to a health care entity, after the period for filing a motion to quash has passed.

A subpoena for substance abuse records must conform to the requirements of federal law found in 42 C.F.R. Part 2, Subpart E.

I. Health care entities may testify about the health records of an individual in compliance with §§ 8.01-399 and 8.01-400.2.

J. If an individual requests a copy of his health record from a health care entity, the health care entity may impose a reasonable cost-based fee, which shall include only the cost of supplies for and labor of copying the requested information, postage when the individual requests that such information be mailed, and preparation of an explanation or summary of such information as agreed to by the individual. For the purposes of this section, "individual" shall subsume a person with authority to act on behalf of the individual who is the subject of the health record in making decisions related to his health care.

K. Nothing in this section shall prohibit a health care provider who prescribes or dispenses a controlled substance required to be reported to the Prescription Monitoring Program established pursuant to Chapter 25.2 (§ 54.1-2519 et seq.) of Title 54.1 to a patient from disclosing information obtained from the Prescription Monitoring Program and contained in a patient's health care record to another health care provider when such disclosure is related to the care or treatment of the patient who is the subject of the record.

L. An authorization for the disclosure of health records executed pursuant to this section shall remain in effect until (i) the authorization is revoked in writing and delivered to the health care entity maintaining the record that is subject to the authorization by the person who executed the authorization, (ii) any expiration date set forth in the authorization, or (iii) the health care entity maintaining the record becomes aware of any expiration event described in the authorization, whichever occurs first. However, any revocation of an authorization for the disclosure of health records executed pursuant to this section shall not be effective to the extent that the health care entity maintaining the record has disclosed health records prior to delivery of such revocation in reliance upon the authorization or as otherwise provided pursuant to 45 C.F.R. § 164.508. A statement in an authorization for the disclosure of health records pursuant to this section that the information to be used or disclosed is "all health records" is a sufficient description for the disclosure of all health records of the person maintained by the health care provider to whom the authorization was granted. If a health care provider receives a written revocation of an authorization for the disclosure of health records in accordance with this subsection, a copy of such written revocation shall be included in the person's original health record maintained by the health care provider.

An authorization for the disclosure of health records executed pursuant to this section shall, unless otherwise expressly limited in the authorization, be deemed to include authorization for the person named in the authorization to assist the person who is the subject of the health record in accessing health care services, including scheduling appointments for the person who is the subject of the health record and attending appointments together with the person who is the subject of the health record.

§ 54.1-2404.1. Health care providers; disclosure of records; actions for which an authorization is not required.

A. Subject to any limitations set forth in an authorization for the disclosure of health records executed pursuant to § 32.1-127.1:03 and the provisions of subsection F of § 32.1-127.1:03, every health care provider shall make health records, as defined in § 32.1-127.1:03, of a patient available to any person designated by a patient in an authorization to disclose health records pursuant to § 32.1-127.1:03 to the same extent that such health records are required to be made available to the patient had the patient requested such health records.

B. Every health care provider shall allow a spouse, parent, adult child, adult sibling, or other person identified by a patient to make an appointment for medical services on behalf of such patient, regardless of whether such patient has executed an authorization to disclose health records to such person pursuant to § 32.1-127.1:03; however, such health care

provider shall not disclose protected health information to the person making the appointment for medical services on behalf of the patient unless the patient has executed an authorization to disclose health records pursuant to § 32.1-127.1:03 or unless otherwise permitted or required to do so by federal or state law or regulations. Nothing in this subsection shall prevent a health care provider from sharing relevant protected health information related to the patient's health care or payment with a spouse, parent, adult child, adult sibling, or other person involved in the patient's health care or payment in accordance with 45 C.F.R. § 164.510.

CHAPTER 785

An Act to amend the Code of Virginia by adding a section numbered 44-146.17:1.1, relating to certain emergency and quarantine orders; additional procedural requirements.

[S 46]

Approved May 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 44-146.17:1.1 as follows:
§ 44-146.17:1.1. Certain emergency orders; additional requirements.

In any case in which an order declaring a state of emergency relating to a communicable disease of public health threat, or successive related orders, issued by the Governor pursuant to subdivision (1) of § 44-146.17 includes any measure that closes schools or businesses or restricts the movement of healthy persons within the area to which the order applies for more than seven days, all of the rights, protections, and procedures of Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of Title 32.1 shall apply.

CHAPTER 786

An Act to amend and reenact §§ 2.2-215 and 2.2-435.11 of the Code of Virginia, to amend the Code of Virginia by adding in Article 7 of Chapter 2 of Title 2.2 a section numbered 2.2-220.5, and to repeal § 2.2-222.4 of the Code of Virginia, relating to Chief Resilience Officer.

[H 517]

Approved May 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-215 and 2.2-435.11 are amended and reenacted and that the Code of Virginia is amended by adding in Article 7 of Chapter 2 of Title 2.2 a section numbered 2.2-220.5 as follows:

§ 2.2-215. Position established; agencies for which responsible.

The position of Secretary of Natural and Historic Resources (the Secretary) is created. The Secretary shall serve as the Chief Resilience Officer for the purposes of duties required pursuant to § 2.2-222.4, and shall be responsible to the Governor for the following agencies: Department of Conservation and Recreation, Department of Historic Resources, Marine Resources Commission, Department of Wildlife Resources, and the Department of Environmental Quality and for the Chief Resilience Officer pursuant to § 2.2-220.5. The Governor may, by executive order, assign any state executive agency to the Secretary of Natural and Historic Resources; or reassign any agency listed in this section to another Secretary.

§ 2.2-220.5. Chief Resilience Officer.

A. The Governor shall designate a Chief Resilience Officer. The Chief Resilience Officer shall serve as the primary coordinator of resilience and adaptation initiatives in Virginia and as the primary point of contact regarding issues related to resilience, recurrent flooding, all flooding-related pre-disaster hazard mitigation, and adaptation. The Chief Resilience Officer shall be equally responsible for all urban, suburban, and rural areas of the Commonwealth.

B. The Chief Resilience Officer's duties, in consultation with the Special Assistant to the Governor for Coastal Adaptation and Protection, shall include but not be limited to the following:

1. Identify and monitor those areas of the Commonwealth that are at greatest risk from recurrent flooding and increased future flooding and recommend actions that both the private and public sectors should consider in order to increase the resilience of such areas.

2. Upon the request of any locality in the Commonwealth in which is located a substantial flood defense or catchment area, including a levee, reservoir, dam, catch basin, or wetland or lake improved or constructed for the purpose of flood control, review and comment on plans for the construction or substantial reinforcement of such flood defense or catchment area.

3. Serve as the primary point of contact on all issues relating to pre-disaster hazard mitigation and coordinate the planning of resilience initiatives across state government.

4. Create and oversee the implementation of a Virginia Flood Protection Master Plan and a Virginia Coastal Resilience Master Plan in accordance with § 10.1-602 to anticipate, prepare for, respond to, and recover from significant multi-hazard threats with minimum damage to social well-being, health, the economy, and the environment.

5. Initiate and assist with the pursuit of funding opportunities for resilience initiatives at both the state and local levels and help to oversee and coordinate funding initiatives of all agencies of the Commonwealth.

6. Coordinate the dissemination of the best available science, legal guidance, and planning strategies to the public.

7. Beginning July 1, 2023, and every two years thereafter, report to the Governor and the General Assembly on the status of flood resilience in the Commonwealth. The report shall serve as an evaluation of flood protection for critical infrastructure, including human and natural infrastructure. The report shall identify risks to critical transportation, energy, communication, water and food supply, waste management, health, and emergency services infrastructure. The report shall also include the status of flood resilience planning. In preparing the report, the Chief Resilience Officer shall also coordinate with the Director of Diversity, Equity, and Inclusion and shall be assisted by all relevant Secretariats and agencies.

§ 2.2-435.11. Special Assistant to the Governor for Coastal Adaptation and Protection; duties.

A. The position of Special Assistant to the Governor for Coastal Adaptation and Protection (the Special Assistant) is created. The Special Assistant shall be the primary point of contact for the resources to address coastal adaptation and flooding mitigation. The Special Assistant shall be the lead in developing and in providing direction and ensuring accountability for a statewide coastal flooding adaptation strategy and shall initiate and assist with economic development opportunities associated with adaptation, development opportunities for the creation of business incubators, the advancement of the academic expertise at the Commonwealth Center for Recurrent Flooding Resiliency, coordination with the Virginia Growth and Opportunity Board, safeguarding strategic national assets threatened by coastal flooding, and pursuing federal, state, and local funding opportunities for adaptation initiatives.

B. In consultation with the Chief Resilience Officer designated pursuant to ~~§ 2.2-222.4~~ 2.2-220.5, the Special Assistant shall:

1. Identify and monitor those areas of the Commonwealth that are at greatest risk from recurrent flooding and increased future flooding and recommend actions that both the private and public sectors should consider in order to increase the resilience of such areas;

2. Upon the request of any locality in the Commonwealth in which is located a substantial flood defense or catchment area, including a levee, reservoir, dam, catch basin, or wetland or lake improved or constructed for the purpose of flood control, review and comment on plans for the construction or substantial reinforcement of such flood defense or catchment area; and

3. Initiate and assist with the pursuit of funding opportunities for resilience initiatives at both the state and local levels and assist in overseeing and coordinating funding initiatives of all agencies of the Commonwealth.

2. That § 2.2-222.4 of the Code of Virginia is repealed.

CHAPTER 787

An Act for the relief of Bobbie James Morman, Jr., relating to claims; compensation for wrongful incarceration.

[H 385]

Approved May 27, 2022

Whereas, Bobbie James Morman, Jr., was convicted in the Circuit Court of the City of Norfolk on November 30, 1993, of three counts of attempted malicious wounding and four counts of firearm-related charges for a crime where four men drove past three individuals standing outside of a residence and one of them fired shots from the backseat of the car; and

Whereas, no one was injured during the incident; and

Whereas, all four men inside the vehicle on the night of the offense testified at Mr. Morman's trial and swore that Mr. Morman was not in the vehicle when the shooting occurred; and

Whereas, the actual perpetrator testified at trial and confessed on repeated public occasions thereafter that he was in fact the shooter, not Mr. Morman; and

Whereas, Mr. Morman presented evidence that he was at a nearby 7-Eleven convenience store playing video games during the time of the offense; and

Whereas, Mr. Morman was convicted of being the shooter based on the extremely brief and conflicting testimony of three eyewitnesses; the entirety of the Commonwealth's case-in-chief is contained within only 50 pages of court transcript; and

Whereas, Mr. Morman was sentenced to 48 years in prison; and

Whereas, the man who confessed to the crime for which Mr. Morman was convicted was never interviewed by police or prosecutors in the case; and

Whereas, Mr. Morman served 22 years in prison within the Virginia Department of Corrections before being paroled in 2016; and

Whereas, since his release on parole, Mr. Morman has had no new arrests and has maintained steady employment; and

Whereas, Mr. Morman submitted a petition for clemency seeking an absolute pardon based on the compelling evidence of his innocence; and

Whereas, in support of Mr. Morman's absolute pardon request, the four men in the car on the night of the offense reiterated their 1993 testimony and signed sworn affidavits attesting to Mr. Morman's innocence; and

Whereas, seven years after Mr. Morman's initial pardon request was filed, Governor Ralph Northam granted Mr. Morman an absolute pardon on July 14, 2021, finding that "it is just and appropriate to grant this absolute pardon that reflects Mr. Morman's innocence of . . . [all counts] for which he was convicted on November 30, 1993"; and

Whereas, Mr. Morman, as a result of his wrongful incarceration, lost 22 years of his freedom and countless life experiences and opportunities, including family relations, the opportunity to further his education, and the opportunity to earn potential income from gainful employment during his years of incarceration; and

Whereas, Mr. Morman has no other means to obtain adequate relief except by action of this body; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. *That there is hereby appropriated from the general fund of the state treasury the sum of \$1,247,973 for the relief of Bobbie James Morman, Jr., to be paid by check issued by the State Treasurer on warrant of the Comptroller upon execution of a release of all claims Mr. Morman may have against the Commonwealth or any agency, instrumentality, office, employee, or political subdivision in connection with the aforesaid occurrence.*

The compensation, subject to the execution of the release described herein, shall be paid in (i) an initial lump sum of \$311,993 by check issued by the State Treasurer on warrant of the Comptroller within 60 days immediately following the execution of such release and (ii) the sum of \$935,979 to purchase an annuity no later than one year after the effective date of the appropriation for compensation, for the primary benefit of Mr. Morman, the terms of such annuity structured in Mr. Morman's best interests based on consultation among Mr. Morman or his representatives, the State Treasurer, and other necessary parties.

The State Treasurer shall purchase the annuity at the lowest cost available from any A+ rated company authorized to sell annuities in the Commonwealth, including any A+ rated company from which the State Lottery Department may purchase an annuity. The annuity shall provide that it shall not be sold, discounted, or used as securitization for loans and mortgages. The annuity shall, however, contain beneficiary provisions providing for the annuity's continued disbursement in the event of Mr. Morman's death.

§ 2. *That Mr. Morman shall be entitled to receive reimbursement up to \$10,000 for tuition for career and technical training within the Virginia Community College System contingent upon successful completion of the training. Reimbursement for tuition shall be provided by the comprehensive community college at which the career or technical training was completed. The tuition benefit provided by this section shall expire on January 1, 2026.*

§ 3. *That any amount already paid to Mr. Morman as a transition assistance grant pursuant to subsection C of § 8.01-195.11 of the Code of Virginia shall be deducted from any award received pursuant to § 1 of this act.*

2. That the provisions of § 8.01-195.12 of the Code of Virginia shall apply to any compensation awarded under this act.

CHAPTER 788

An Act to amend the Code of Virginia by adding in Title 30 a chapter numbered 64, consisting of sections numbered 30-409 through 30-415, relating to Commission on Updating Virginia Law to Reflect Federal Recognition of Virginia Tribes; established; report.

[H 1136]

Approved May 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 30 a chapter numbered 64, consisting of sections numbered 30-409 through 30-415, as follows:

CHAPTER 64.

COMMISSION ON UPDATING VIRGINIA LAW TO REFLECT FEDERAL RECOGNITION OF VIRGINIA TRIBES.

§ 30-409. *Commission on Updating Virginia Law to Reflect Federal Recognition of Virginia Tribes; purpose.*

The Commission on Updating Virginia Law to Reflect Federal Recognition of Virginia Tribes (the Commission) is established in the legislative branch of state government for the purpose of performing a comprehensive review of Virginia law to assess ways in which it must be revised to reflect the government-to-government relationship the Commonwealth should maintain, by treaty and applicable federal law, with the sovereign, self-governing, federally recognized Tribal Nations located within the present-day external boundaries of the Commonwealth.

§ 30-410. *Membership; terms.*

The Commission shall have a total of 19 members, consisting of 10 legislative members, eight nonlegislative citizen members, and one ex officio member. Members shall be appointed as follows: six members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; four members of the Senate to be appointed by the Senate Committee on Rules; seven nonlegislative citizen members, at least one of whom shall represent each of the seven federally recognized Tribal Nations located in the Commonwealth, to be appointed by the Speaker of the House of Delegates with the advice and consent of each such federally recognized Tribal Nation; and one nonlegislative citizen member, who shall represent the Commonwealth's scholarly community, to be appointed by the Senate Committee on Rules. The Secretary of the Commonwealth, or his designee, shall serve ex officio with voting privileges. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth.

Legislative members and the ex officio member of the Commission shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for a term of two years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Legislative members and nonlegislative citizen members may be reappointed. However, no nonlegislative citizen member shall serve more than four consecutive two-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

The Commission shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

§ 30-411. Quorum; meetings; voting on recommendations.

A majority of the members shall constitute a quorum. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request.

No recommendation of the Commission shall be adopted if a majority of the Senate members or a majority of the House members appointed to the Commission (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.

No recommendation of the Commission shall be adopted if the majority of the members representing Tribal Nations vote against the recommendations.

§ 30-412. Compensation; expenses.

Legislative members of the Commission shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Compensation to members of the General Assembly for attendance at official meetings of the Commission shall be paid by the offices of the Clerk of the House of Delegates or Clerk of the Senate, as applicable. All other compensation and expenses shall be paid from existing appropriations to the Commission or, if unfunded, shall be approved by the Joint Rules Committee.

§ 30-413. Powers and duties of the Commission; report.

The Commission shall have the following powers and duties:

1. Performing a comprehensive review of Virginia law to reflect the government-to-government relationship between the Commonwealth and federally recognized Tribal Nations located in the Commonwealth as distinct governments with the right to exercise general sovereignty and powers of government.

2. Submitting to the General Assembly and the Governor an annual report for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports. The chairman of the Commission shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

§ 30-414. Staffing.

Administrative staff support shall be provided by the Office of the Clerk of the Senate or the Office of the Clerk of the House of Delegates as may be appropriate for the house in which the chairman of the Commission serves. The Division of Legislative Services shall provide legal, research, policy analysis, and other services as requested by the Commission.

§ 30-415. Sunset.

This chapter shall expire on July 1, 2024.

CHAPTER 789

An Act to amend the Code of Virginia by adding a section numbered 2.2-1176.2, relating to Department of General Services; fleet managers to use total cost of ownership calculations; report.

[S 575]

Approved May 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 2.2-1176.2 as follows:

§ 2.2-1176.2. Declaration of policy supporting cost-effective vehicle purchase and lease; total cost of ownership calculator; report.

A. It is the policy of the Commonwealth to encourage and promote the use of cost-effective vehicles by considering the total cost of ownership by agencies of the Commonwealth.

B. By October 1, 2022, the Department shall identify a publicly available total cost of ownership calculator that will be used to assess and compare the total cost to purchase, own, lease, and operate light-duty internal combustion-engine vehicles (ICEVs) versus comparable electric vehicles (EVs). Beginning on January 1, 2023, the Department and all agencies of the Commonwealth shall utilize the calculator prior to purchasing or leasing any light-duty vehicles and shall

purchase or lease an EV unless the calculator clearly indicates that purchasing or leasing an ICEV has a lower cost of ownership.

1. The calculator shall, at a minimum, account for the vehicle's make, model, and age; the average miles traveled per year for similarly used vehicles; the expected life expectancy of the vehicle and average annual depreciation; the upfront and annual costs of purchasing such vehicle and all other costs of vehicle ownership or lease; and all costs the agency must incur to add chargers or other fueling facilities to support such vehicles. The calculator shall be updated at least annually to account for updates in information, including information on the latest light-duty vehicle models available.

2. The Department shall make the calculator available to all state and local public bodies and transit agencies. The Department shall also provide technical assistance to such public bodies utilizing the calculator upon request.

For purposes of this subsection, "light-duty vehicle" means a motor vehicle with a gross vehicle weight of 14,000 pounds or less.

C. Beginning January 1, 2026, and every three years thereafter, the Department shall submit to the Governor and the General Assembly a report summarizing the Department's vehicle procurements and the vehicle procurements of other agencies of the Commonwealth. The report shall, at a minimum, include a compilation of types of vehicles by size, fuel sources, and the total estimated cost savings and avoided emissions attributable to purchasing or leasing of EVs instead of ICEVs.

D. Emergency vehicles, as defined in § 46.2-920, and any vehicles used by an agency of the Commonwealth in law-enforcement, incident response, or other emergency response activities shall be exempt from the requirements of this section. The Department may authorize other exemptions from the requirements of this section upon finding that an EV is not a practicable alternative to an ICEV for a particular use, or for some other compelling reason.

E. The Department shall develop guidance documents regarding the procedure for requesting exemptions from the requirements of this section and the criteria for evaluating such exemption requests. Before adopting or revising such guidance documents, the Department shall publish the document on its website and provide a 30-day period for public review and comment.

F. The Department may issue any directives or guidance documents or promulgate any regulations as may be necessary to implement the requirements of this section.

2. That the initial report required pursuant to subsection C of § 2.2-1176.2 of the Code of Virginia, as created by this act, shall be due January 1, 2026.

3. That the Department of General Services (the Department) Public Body Procurement Workgroup (the Workgroup) shall evaluate the appropriateness of requiring the Department and all agencies of the Commonwealth to use a total cost of ownership (TCO) calculator to, prior to purchasing or leasing any medium-duty or heavy-duty vehicle, assess and compare the total cost to purchase, own, lease, and operate medium-duty or heavy-duty internal combustion-engine vehicles versus comparable electric vehicles. In conducting its evaluation, the Workgroup shall consult with relevant stakeholders, including at least one medium-duty or heavy-duty vehicle technology provider with experience in real-world deployments, to consider (i) the current commercial market for medium-duty and heavy-duty electric vehicles; (ii) the unique characteristics of medium-duty and heavy-duty vehicles, including charging infrastructure and operational duty cycles; (iii) the potential volume of medium-duty and heavy-duty vehicles purchased by the Department and agencies of the Commonwealth; (iv) the availability of public TCO calculators for medium-duty and heavy-duty vehicles and their suitability for use by the Department and agencies of the Commonwealth; and (v) any other information it determines relevant to its evaluation.

The Department shall report the Workgroup's findings and any recommendations to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology on or before December 1, 2022.

For purposes of this enactment, "medium-duty and heavy-duty vehicle" means a motor vehicle with a gross weight greater than 14,000 pounds.

CHAPTER 790

An Act to amend and reenact §§ 32.1-325, 54.1-3303.1, and 54.1-3321 of the Code of Virginia, relating to pharmacists; initiation of treatment with and dispensing and administration of vaccines.

[S 672]

Approved May 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-325, 54.1-3303.1, and 54.1-3321 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-325. Board to submit plan for medical assistance services to U.S. Secretary of Health and Human Services pursuant to federal law; administration of plan; contracts with health care providers.

A. The Board, subject to the approval of the Governor, is authorized to prepare, amend from time to time, and submit to the U.S. Secretary of Health and Human Services a state plan for medical assistance services pursuant to Title XIX of the United States Social Security Act and any amendments thereto. The Board shall include in such plan:

1. A provision for payment of medical assistance on behalf of individuals, up to the age of 21, placed in foster homes or private institutions by private, nonprofit agencies licensed as child-placing agencies by the Department of Social Services or placed through state and local subsidized adoptions to the extent permitted under federal statute;

2. A provision for determining eligibility for benefits for medically needy individuals which disregards from countable resources an amount not in excess of \$3,500 for the individual and an amount not in excess of \$3,500 for his spouse when such resources have been set aside to meet the burial expenses of the individual or his spouse. The amount disregarded shall be reduced by (i) the face value of life insurance on the life of an individual owned by the individual or his spouse if the cash surrender value of such policies has been excluded from countable resources and (ii) the amount of any other revocable or irrevocable trust, contract, or other arrangement specifically designated for the purpose of meeting the individual's or his spouse's burial expenses;

3. A requirement that, in determining eligibility, a home shall be disregarded. For those medically needy persons whose eligibility for medical assistance is required by federal law to be dependent on the budget methodology for Aid to Families with Dependent Children, a home means the house and lot used as the principal residence and all contiguous property. For all other persons, a home shall mean the house and lot used as the principal residence, as well as all contiguous property, as long as the value of the land, exclusive of the lot occupied by the house, does not exceed \$5,000. In any case in which the definition of home as provided here is more restrictive than that provided in the state plan for medical assistance services in Virginia as it was in effect on January 1, 1972, then a home means the house and lot used as the principal residence and all contiguous property essential to the operation of the home regardless of value;

4. A provision for payment of medical assistance on behalf of individuals up to the age of 21, who are Medicaid eligible, for medically necessary stays in acute care facilities in excess of 21 days per admission;

5. A provision for deducting from an institutionalized recipient's income an amount for the maintenance of the individual's spouse at home;

6. A provision for payment of medical assistance on behalf of pregnant women which provides for payment for inpatient postpartum treatment in accordance with the medical criteria outlined in the most current version of or an official update to the "Guidelines for Perinatal Care" prepared by the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists or the "Standards for Obstetric-Gynecologic Services" prepared by the American College of Obstetricians and Gynecologists. Payment shall be made for any postpartum home visit or visits for the mothers and the children which are within the time periods recommended by the attending physicians in accordance with and as indicated by such Guidelines or Standards. For the purposes of this subdivision, such Guidelines or Standards shall include any changes thereto within six months of the publication of such Guidelines or Standards or any official amendment thereto;

7. A provision for the payment for family planning services on behalf of women who were Medicaid-eligible for prenatal care and delivery as provided in this section at the time of delivery. Such family planning services shall begin with delivery and continue for a period of 24 months, if the woman continues to meet the financial eligibility requirements for a pregnant woman under Medicaid. For the purposes of this section, family planning services shall not cover payment for abortion services and no funds shall be used to perform, assist, encourage or make direct referrals for abortions;

8. A provision for payment of medical assistance for high-dose chemotherapy and bone marrow transplants on behalf of individuals over the age of 21 who have been diagnosed with lymphoma, breast cancer, myeloma, or leukemia and have been determined by the treating health care provider to have a performance status sufficient to proceed with such high-dose chemotherapy and bone marrow transplant. Appeals of these cases shall be handled in accordance with the Department's expedited appeals process;

9. A provision identifying entities approved by the Board to receive applications and to determine eligibility for medical assistance, which shall include a requirement that such entities (i) obtain accurate contact information, including the best available address and telephone number, from each applicant for medical assistance, to the extent required by federal law and regulations, and (ii) provide each applicant for medical assistance with information about advance directives pursuant to Article 8 (§ 54.1-2981 et seq.) of Chapter 29 of Title 54.1, including information about the purpose and benefits of advance directives and how the applicant may make an advance directive;

10. A provision for breast reconstructive surgery following the medically necessary removal of a breast for any medical reason. Breast reductions shall be covered, if prior authorization has been obtained, for all medically necessary indications. Such procedures shall be considered noncosmetic;

11. A provision for payment of medical assistance for annual pap smears;

12. A provision for payment of medical assistance services for prostheses following the medically necessary complete or partial removal of a breast for any medical reason;

13. A provision for payment of medical assistance which provides for payment for 48 hours of inpatient treatment for a patient following a radical or modified radical mastectomy and 24 hours of inpatient care following a total mastectomy or a partial mastectomy with lymph node dissection for treatment of disease or trauma of the breast. Nothing in this subdivision shall be construed as requiring the provision of inpatient coverage where the attending physician in consultation with the patient determines that a shorter period of hospital stay is appropriate;

14. A requirement that certificates of medical necessity for durable medical equipment and any supporting verifiable documentation shall be signed, dated, and returned by the physician, physician assistant, or nurse practitioner and in the durable medical equipment provider's possession within 60 days from the time the ordered durable medical equipment and supplies are first furnished by the durable medical equipment provider;

15. A provision for payment of medical assistance to (i) persons age 50 and over and (ii) persons age 40 and over who are at high risk for prostate cancer, according to the most recent published guidelines of the American Cancer Society, for one PSA test in a 12-month period and digital rectal examinations, all in accordance with American Cancer Society guidelines. For the purpose of this subdivision, "PSA testing" means the analysis of a blood sample to determine the level of prostate specific antigen;

16. A provision for payment of medical assistance for low-dose screening mammograms for determining the presence of occult breast cancer. Such coverage shall make available one screening mammogram to persons age 35 through 39, one such mammogram biennially to persons age 40 through 49, and one such mammogram annually to persons age 50 and over. The term "mammogram" means an X-ray examination of the breast using equipment dedicated specifically for mammography, including but not limited to the X-ray tube, filter, compression device, screens, film and cassettes, with an average radiation exposure of less than one rad mid-breast, two views of each breast;

17. A provision, when in compliance with federal law and regulation and approved by the Centers for Medicare & Medicaid Services (CMS), for payment of medical assistance services delivered to Medicaid-eligible students when such services qualify for reimbursement by the Virginia Medicaid program and may be provided by school divisions, regardless of whether the student receiving care has an individualized education program or whether the health care service is included in a student's individualized education program. Such services shall include those covered under the state plan for medical assistance services or by the Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) benefit as specified in § 1905(r) of the federal Social Security Act, and shall include a provision for payment of medical assistance for health care services provided through telemedicine services, as defined in § 38.2-3418.16. No health care provider who provides health care services through telemedicine shall be required to use proprietary technology or applications in order to be reimbursed for providing telemedicine services;

18. A provision for payment of medical assistance services for liver, heart and lung transplantation procedures for individuals over the age of 21 years when (i) there is no effective alternative medical or surgical therapy available with outcomes that are at least comparable; (ii) the transplant procedure and application of the procedure in treatment of the specific condition have been clearly demonstrated to be medically effective and not experimental or investigational; (iii) prior authorization by the Department of Medical Assistance Services has been obtained; (iv) the patient selection criteria of the specific transplant center where the surgery is proposed to be performed have been used by the transplant team or program to determine the appropriateness of the patient for the procedure; (v) current medical therapy has failed and the patient has failed to respond to appropriate therapeutic management; (vi) the patient is not in an irreversible terminal state; and (vii) the transplant is likely to prolong the patient's life and restore a range of physical and social functioning in the activities of daily living;

19. A provision for payment of medical assistance for colorectal cancer screening, specifically screening with an annual fecal occult blood test, flexible sigmoidoscopy or colonoscopy, or in appropriate circumstances radiologic imaging, in accordance with the most recently published recommendations established by the American College of Gastroenterology, in consultation with the American Cancer Society, for the ages, family histories, and frequencies referenced in such recommendations;

20. A provision for payment of medical assistance for custom ocular prostheses;

21. A provision for payment for medical assistance for infant hearing screenings and all necessary audiological examinations provided pursuant to § 32.1-64.1 using any technology approved by the United States Food and Drug Administration, and as recommended by the national Joint Committee on Infant Hearing in its most current position statement addressing early hearing detection and intervention programs. Such provision shall include payment for medical assistance for follow-up audiological examinations as recommended by a physician, physician assistant, nurse practitioner, or audiologist and performed by a licensed audiologist to confirm the existence or absence of hearing loss;

22. A provision for payment of medical assistance, pursuant to the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (P.L. 106-354), for certain women with breast or cervical cancer when such women (i) have been screened for breast or cervical cancer under the Centers for Disease Control and Prevention (CDC) Breast and Cervical Cancer Early Detection Program established under Title XV of the Public Health Service Act; (ii) need treatment for breast or cervical cancer, including treatment for a precancerous condition of the breast or cervix; (iii) are not otherwise covered under creditable coverage, as defined in § 2701 (c) of the Public Health Service Act; (iv) are not otherwise eligible for medical assistance services under any mandatory categorically needy eligibility group; and (v) have not attained age 65. This provision shall include an expedited eligibility determination for such women;

23. A provision for the coordinated administration, including outreach, enrollment, re-enrollment and services delivery, of medical assistance services provided to medically indigent children pursuant to this chapter, which shall be called Family Access to Medical Insurance Security (FAMIS) Plus and the FAMIS Plan program in § 32.1-351. A single application form shall be used to determine eligibility for both programs;

24. A provision, when authorized by and in compliance with federal law, to establish a public-private long-term care partnership program between the Commonwealth of Virginia and private insurance companies that shall be established through the filing of an amendment to the state plan for medical assistance services by the Department of Medical Assistance Services. The purpose of the program shall be to reduce Medicaid costs for long-term care by delaying or eliminating dependence on Medicaid for such services through encouraging the purchase of private long-term care insurance policies that have been designated as qualified state long-term care insurance partnerships and may be used as the

first source of benefits for the participant's long-term care. Components of the program, including the treatment of assets for Medicaid eligibility and estate recovery, shall be structured in accordance with federal law and applicable federal guidelines;

25. A provision for the payment of medical assistance for otherwise eligible pregnant women during the first five years of lawful residence in the United States, pursuant to § 214 of the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111-3);

26. A provision for the payment of medical assistance for medically necessary health care services provided through telemedicine services, as defined in § 38.2-3418.16, regardless of the originating site or whether the patient is accompanied by a health care provider at the time such services are provided. No health care provider who provides health care services through telemedicine services shall be required to use proprietary technology or applications in order to be reimbursed for providing telemedicine services.

For the purposes of this subdivision, "originating site" means any location where the patient is located, including any medical care facility or office of a health care provider, the home of the patient, the patient's place of employment, or any public or private primary or secondary school or postsecondary institution of higher education at which the person to whom telemedicine services are provided is located;

27. A provision for the payment of medical assistance for the dispensing or furnishing of up to a 12-month supply of hormonal contraceptives at one time. Absent clinical contraindications, the Department shall not impose any utilization controls or other forms of medical management limiting the supply of hormonal contraceptives that may be dispensed or furnished to an amount less than a 12-month supply. Nothing in this subdivision shall be construed to (i) require a provider to prescribe, dispense, or furnish a 12-month supply of self-administered hormonal contraceptives at one time or (ii) exclude coverage for hormonal contraceptives as prescribed by a prescriber, acting within his scope of practice, for reasons other than contraceptive purposes. As used in this subdivision, "hormonal contraceptive" means a medication taken to prevent pregnancy by means of ingestion of hormones, including medications containing estrogen or progesterone, that is self-administered, requires a prescription, and is approved by the U.S. Food and Drug Administration for such purpose; and

28. A provision for payment of medical assistance for remote patient monitoring services provided via telemedicine, as defined in § 38.2-3418.16, for (i) high-risk pregnant persons; (ii) medically complex infants and children; (iii) transplant patients; (iv) patients who have undergone surgery, for up to three months following the date of such surgery; and (v) patients with a chronic health condition who have had two or more hospitalizations or emergency department visits related to such chronic health condition in the previous 12 months. For the purposes of this subdivision, "remote patient monitoring services" means the use of digital technologies to collect medical and other forms of health data from patients in one location and electronically transmit that information securely to health care providers in a different location for analysis, interpretation, and recommendations, and management of the patient. "Remote patient monitoring services" includes monitoring of clinical patient data such as weight, blood pressure, pulse, pulse oximetry, blood glucose, and other patient physiological data, treatment adherence monitoring, and interactive videoconferencing with or without digital image upload.

B. In preparing the plan, the Board shall:

1. Work cooperatively with the State Board of Health to ensure that quality patient care is provided and that the health, safety, security, rights and welfare of patients are ensured.

2. Initiate such cost containment or other measures as are set forth in the appropriation act.

3. Make, adopt, promulgate and enforce such regulations as may be necessary to carry out the provisions of this chapter.

4. Examine, before acting on a regulation to be published in the Virginia Register of Regulations pursuant to § 2.2-4007.05, the potential fiscal impact of such regulation on local boards of social services. For regulations with potential fiscal impact, the Board shall share copies of the fiscal impact analysis with local boards of social services prior to submission to the Registrar. The fiscal impact analysis shall include the projected costs/savings to the local boards of social services to implement or comply with such regulation and, where applicable, sources of potential funds to implement or comply with such regulation.

5. Incorporate sanctions and remedies for certified nursing facilities established by state law, in accordance with 42 C.F.R. § 488.400 et seq. "Enforcement of Compliance for Long-Term Care Facilities With Deficiencies."

6. On and after July 1, 2002, require that a prescription benefit card, health insurance benefit card, or other technology that complies with the requirements set forth in § 38.2-3407.4:2 be issued to each recipient of medical assistance services, and shall upon any changes in the required data elements set forth in subsection A of § 38.2-3407.4:2, either reissue the card or provide recipients such corrective information as may be required to electronically process a prescription claim.

C. In order to enable the Commonwealth to continue to receive federal grants or reimbursement for medical assistance or related services, the Board, subject to the approval of the Governor, may adopt, regardless of any other provision of this chapter, such amendments to the state plan for medical assistance services as may be necessary to conform such plan with amendments to the United States Social Security Act or other relevant federal law and their implementing regulations or constructions of these laws and regulations by courts of competent jurisdiction or the United States Secretary of Health and Human Services.

In the event conforming amendments to the state plan for medical assistance services are adopted, the Board shall not be required to comply with the requirements of Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2. However, the Board

shall, pursuant to the requirements of § 2.2-4002, (i) notify the Registrar of Regulations that such amendment is necessary to meet the requirements of federal law or regulations or because of the order of any state or federal court, or (ii) certify to the Governor that the regulations are necessitated by an emergency situation. Any such amendments that are in conflict with the Code of Virginia shall only remain in effect until July 1 following adjournment of the next regular session of the General Assembly unless enacted into law.

D. The Director of Medical Assistance Services is authorized to:

1. Administer such state plan and receive and expend federal funds therefor in accordance with applicable federal and state laws and regulations; and enter into all contracts necessary or incidental to the performance of the Department's duties and the execution of its powers as provided by law.

2. Enter into agreements and contracts with medical care facilities, physicians, dentists and other health care providers where necessary to carry out the provisions of such state plan. Any such agreement or contract shall terminate upon conviction of the provider of a felony. In the event such conviction is reversed upon appeal, the provider may apply to the Director of Medical Assistance Services for a new agreement or contract. Such provider may also apply to the Director for reconsideration of the agreement or contract termination if the conviction is not appealed, or if it is not reversed upon appeal.

3. Refuse to enter into or renew an agreement or contract, or elect to terminate an existing agreement or contract, with any provider who has been convicted of or otherwise pled guilty to a felony, or pursuant to Subparts A, B, and C of 42 C.F.R. Part 1002, and upon notice of such action to the provider as required by 42 C.F.R. § 1002.212.

4. Refuse to enter into or renew an agreement or contract, or elect to terminate an existing agreement or contract, with a provider who is or has been a principal in a professional or other corporation when such corporation has been convicted of or otherwise pled guilty to any violation of § 32.1-314, 32.1-315, 32.1-316, or 32.1-317, or any other felony or has been excluded from participation in any federal program pursuant to 42 C.F.R. Part 1002.

5. Terminate or suspend a provider agreement with a home care organization pursuant to subsection E of § 32.1-162.13.

For the purposes of this subsection, "provider" may refer to an individual or an entity.

E. In any case in which a Medicaid agreement or contract is terminated or denied to a provider pursuant to subsection D, the provider shall be entitled to appeal the decision pursuant to 42 C.F.R. § 1002.213 and to a post-determination or post-denial hearing in accordance with the Administrative Process Act (§ 2.2-4000 et seq.). All such requests shall be in writing and be received within 15 days of the date of receipt of the notice.

The Director may consider aggravating and mitigating factors including the nature and extent of any adverse impact the agreement or contract denial or termination may have on the medical care provided to Virginia Medicaid recipients. In cases in which an agreement or contract is terminated pursuant to subsection D, the Director may determine the period of exclusion and may consider aggravating and mitigating factors to lengthen or shorten the period of exclusion, and may reinstate the provider pursuant to 42 C.F.R. § 1002.215.

F. When the services provided for by such plan are services which a marriage and family therapist, clinical psychologist, clinical social worker, professional counselor, or clinical nurse specialist is licensed to render in Virginia, the Director shall contract with any duly licensed marriage and family therapist, duly licensed clinical psychologist, licensed clinical social worker, licensed professional counselor or licensed clinical nurse specialist who makes application to be a provider of such services, and thereafter shall pay for covered services as provided in the state plan. The Board shall promulgate regulations which reimburse licensed marriage and family therapists, licensed clinical psychologists, licensed clinical social workers, licensed professional counselors and licensed clinical nurse specialists at rates based upon reasonable criteria, including the professional credentials required for licensure.

G. The Board shall prepare and submit to the Secretary of the United States Department of Health and Human Services such amendments to the state plan for medical assistance services as may be permitted by federal law to establish a program of family assistance whereby children over the age of 18 years shall make reasonable contributions, as determined by regulations of the Board, toward the cost of providing medical assistance under the plan to their parents.

H. The Department of Medical Assistance Services shall:

1. Include in its provider networks and all of its health maintenance organization contracts a provision for the payment of medical assistance on behalf of individuals up to the age of 21 who have special needs and who are Medicaid eligible, including individuals who have been victims of child abuse and neglect, for medically necessary assessment and treatment services, when such services are delivered by a provider which specializes solely in the diagnosis and treatment of child abuse and neglect, or a provider with comparable expertise, as determined by the Director.

2. Amend the Medallion II waiver and its implementing regulations to develop and implement an exception, with procedural requirements, to mandatory enrollment for certain children between birth and age three certified by the Department of Behavioral Health and Developmental Services as eligible for services pursuant to Part C of the Individuals with Disabilities Education Act (20 U.S.C. § 1471 et seq.).

3. Utilize, to the extent practicable, electronic funds transfer technology for reimbursement to contractors and enrolled providers for the provision of health care services under Medicaid and the Family Access to Medical Insurance Security Plan established under § 32.1-351.

4. Require any managed care organization with which the Department enters into an agreement for the provision of medical assistance services to include in any contract between the managed care organization and a pharmacy benefits

manager provisions prohibiting the pharmacy benefits manager or a representative of the pharmacy benefits manager from conducting spread pricing with regards to the managed care organization's managed care plans. For the purposes of this subdivision:

"Pharmacy benefits management" means the administration or management of prescription drug benefits provided by a managed care organization for the benefit of covered individuals.

"Pharmacy benefits manager" means a person that performs pharmacy benefits management.

"Spread pricing" means the model of prescription drug pricing in which the pharmacy benefits manager charges a managed care plan a contracted price for prescription drugs, and the contracted price for the prescription drugs differs from the amount the pharmacy benefits manager directly or indirectly pays the pharmacist or pharmacy for pharmacist services.

I. The Director is authorized to negotiate and enter into agreements for services rendered to eligible recipients with special needs. The Board shall promulgate regulations regarding these special needs patients, to include persons with AIDS, ventilator-dependent patients, and other recipients with special needs as defined by the Board.

J. Except as provided in subdivision A 1 of § 2.2-4345, the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not apply to the activities of the Director authorized by subsection I of this section. Agreements made pursuant to this subsection shall comply with federal law and regulation.

K. When the services provided for by such plan are services related to initiation of treatment with or dispensing or administration of a vaccination by a pharmacist, pharmacy technician, or pharmacy intern in accordance with § 54.1-3303.1, the Department shall provide reimbursement for such service.

§ 54.1-3303.1. Initiating of treatment with and dispensing and administering of controlled substances by pharmacists.

A. Notwithstanding the provisions of § 54.1-3303, a pharmacist may initiate treatment with, dispense, or administer the following drugs, devices, controlled paraphernalia, and other supplies and equipment to persons 18 years of age or older *with whom the pharmacist has a bona fide pharmacist-patient relationship and* in accordance with a statewide protocol developed by the Board in collaboration with the Board of Medicine and the Department of Health and set forth in regulations of the Board:

1. Naloxone or other opioid antagonist, including such controlled paraphernalia, as defined in § 54.1-3466, as may be necessary to administer such naloxone or other opioid antagonist;

2. Epinephrine;

3. Injectable or self-administered hormonal contraceptives, provided the patient completes an assessment consistent with the United States Medical Eligibility Criteria for Contraceptive Use;

4. Prenatal vitamins for which a prescription is required;

5. Dietary fluoride supplements, in accordance with recommendations of the American Dental Association for prescribing of such supplements for persons whose drinking water has a fluoride content below the concentration recommended by the U.S. Department of Health and Human Services;

6. Drugs as defined in § 54.1-3401, devices as defined in § 54.1-3401, controlled paraphernalia as defined in § 54.1-3466, and other supplies and equipment available over-the-counter, covered by the patient's health carrier when the patient's out-of-pocket cost is lower than the out-of-pocket cost to purchase an over-the-counter equivalent of the same drug, device, controlled paraphernalia, or other supplies or equipment;

7. Vaccines included on the Immunization Schedule published by the Centers for Disease Control and Prevention ~~or that have a current emergency use authorization from the U.S. Food and Drug Administration~~ and vaccines for COVID-19;

8. Tuberculin purified protein derivative for tuberculosis testing; ~~and~~

9. Controlled substances for the prevention of human immunodeficiency virus, including controlled substances prescribed for pre-exposure and post-exposure prophylaxis pursuant to guidelines and recommendations of the Centers for Disease Control and Prevention;

10. *Nicotine replacement and other tobacco cessation therapies, including controlled substances as defined in the Drug Control Act (§ 54.1-3400 et seq.), together with providing appropriate patient counseling; and*

11. *Tests for COVID-19 and other coronaviruses.*

B. Notwithstanding the provisions of § 54.1-3303, a pharmacist may initiate treatment with, dispense, or administer the following drugs and devices to persons three years of age or older in accordance with a statewide protocol as set forth in regulations of the Board:

1. *Vaccines included on the Immunization Schedule published by the Centers for Disease Control and Prevention and vaccines for COVID-19; and*

2. *Tests for COVID-19 and other coronaviruses.*

C. A pharmacist who initiates treatment with or dispenses or administers a drug or device pursuant to this section shall notify the patient's primary health care provider that the pharmacist has initiated treatment with such drug or device or that such drug or device has been dispensed or administered to the patient, provided that the patient consents to such notification. *No pharmacist shall limit the ability of notification to be sent to the patient's primary care provider by requiring use of electronic mail that is secure or compliant with the federal Health Insurance Portability and Accountability Act (42 U.S.C. § 1320d et seq.).* If the patient does not have a primary health care provider, the pharmacist shall counsel the patient regarding the benefits of establishing a relationship with a primary health care provider and, ~~upon request,~~ provide information regarding primary health care providers, including federally qualified health centers, free clinics, or local health

departments serving the area in which the patient is located. If the pharmacist is initiating treatment with, dispensing, or administering injectable or self-administered hormonal contraceptives, the pharmacist shall counsel the patient regarding seeking preventative care, including (i) routine well-woman visits, (ii) testing for sexually transmitted infections, and (iii) pap smears.

~~C.~~ D. A pharmacist who administers a vaccination pursuant to ~~subdivision~~ subdivisions A 7 and B 1 shall report such administration to the Virginia Immunization Information System in accordance with the requirements of § 32.1-46.01.

E. A pharmacist who initiates treatment with, dispenses, or administers drugs, devices, controlled paraphernalia, and other supplies and equipment pursuant to this section shall obtain a history from the patient, including questioning the patient for any known allergies, adverse reactions, contraindications, or health diagnoses or conditions that would be adverse to the initiation of treatment, dispensing, or administration.

F. A pharmacist may initiate treatment with, dispense, or administer drugs, devices, controlled paraphernalia, and other supplies and equipment pursuant to this section through telemedicine services, as defined in § 38.2-3418.16, in compliance with all requirements of § 54.1-3303 and consistent with the applicable standard of care.

G. A pharmacist who administers a vaccination to a minor pursuant to subdivision B 1 shall provide written notice to the minor's parent or guardian that the minor should visit a pediatrician annually.

§ 54.1-3321. Registration of pharmacy technicians.

A. No person shall perform the duties of a pharmacy technician without first being registered as a pharmacy technician with the Board. Upon being registered with the Board as a pharmacy technician, the following tasks may be performed:

1. The entry of prescription information and drug history into a data system or other record keeping system;
2. The preparation of prescription labels or patient information;
3. The removal of the drug to be dispensed from inventory;
4. The counting, measuring, or compounding of the drug to be dispensed;
5. The packaging and labeling of the drug to be dispensed and the repackaging thereof;
6. The stocking or loading of automated dispensing devices or other devices used in the dispensing process;
7. The acceptance of refill authorization from a prescriber or his authorized agency, so long as there is no change to the original prescription; ~~and~~

8. Under the supervision of a pharmacist, meaning the supervising pharmacist is at the same physical location of the technician or pharmacy intern, and consistent with the requirements of § 54.1-3303.1, administration of the following drugs and devices to persons three years of age or older as set forth in regulations of the Board: vaccines included on the Immunization Schedule published by the Centers for Disease Control and Prevention and vaccines for COVID-19; and

9. The performance of any other task restricted to pharmacy technicians by the Board's regulations.

B. To be registered as a pharmacy technician, a person shall submit:

1. An application and fee specified in regulations of the Board;
2. (Effective July 1, 2022) Evidence that he has successfully completed a training program that is (i) an accredited training program, including an accredited training program operated through the Department of Education's Career and Technical Education program or approved by the Board, or (ii) operated through a federal agency or branch of the military; and
3. Evidence that he has successfully passed a national certification examination administered by the Pharmacy Technician Certification Board or the National Healthcareer Association.

C. The Board shall promulgate regulations establishing requirements for:

1. Issuance of a registration as a pharmacy technician to a person who, prior to the effective date of such regulations, (i) successfully completed or was enrolled in a Board-approved pharmacy technician training program or (ii) passed a national certification examination required by the Board but did not complete a Board-approved pharmacy technician training program;
2. Issuance of a registration as a pharmacy technician to a person who (i) has previously practiced as a pharmacy technician in another U.S. jurisdiction and (ii) has passed a national certification examination required by the Board; and
3. Evidence of continued competency as a condition of renewal of a registration as a pharmacy technician.

D. The Board shall waive the initial registration fee for a pharmacy technician applicant who works as a pharmacy technician exclusively in a free clinic pharmacy. A person registered pursuant to this subsection shall be issued a limited-use registration. A pharmacy technician with a limited-use registration shall not perform pharmacy technician tasks in any setting other than a free clinic pharmacy. The Board shall also waive renewal fees for such limited-use registrations. A pharmacy technician with a limited-use registration may convert to an unlimited registration by paying the current renewal fee.

E. Any person registered as a pharmacy technician prior to the effective date of regulations implementing the provisions of this section shall not be required to comply with the requirements of subsection B in order to maintain or renew registration as a pharmacy technician.

F. A pharmacy technician trainee enrolled in a training program for pharmacy technicians described in subdivision B 2 may engage in the acts set forth in subsection A for the purpose of obtaining practical experience required for completion of the training program, so long as such activities are directly monitored by a supervising pharmacist.

G. To be registered as a pharmacy technician trainee, a person shall submit an application and a fee specified in regulations of the Board. Such registration shall only be valid while the person is enrolled in a pharmacy technician training program described in subsection B and actively progressing toward completion of such program. A registration card issued

pursuant to this section shall be invalid and shall be returned to the Board if such person fails to enroll in a pharmacy technician training program described in subsection B.

H. A pharmacy intern may perform the duties set forth for pharmacy technicians in subsection A when registered with the Board for the purpose of gaining the practical experience required to apply for licensure as a pharmacist.

2. That the Board of Medicine, in collaboration with the Board of Pharmacy and the Department of Health, shall establish a statewide protocol for the initiation of treatment with and dispensing and administering of drugs and devices by pharmacists in accordance with § 54.1-3303.1 of the Code of Virginia, as amended by this act, by November 1, 2022, and the Board of Pharmacy shall promulgate regulations to implement the provisions of the first enactment of this act to be effective within 280 days of its enactment. Such regulations shall include provisions for ensuring that physical settings in which treatment is provided pursuant to this act shall be in compliance with the federal Health Insurance Portability and Accountability Act, 42 U.S.C. § 1320d et seq., as amended.

3. That the provisions of subdivisions B 1 and 2 of § 54.1-3303.1 of the Code of Virginia, as amended by this act, shall become effective upon the expiration of the provisions of the federal Declaration Under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID-19 related to the vaccination and COVID-19 testing of minors.

CHAPTER 791

An Act to amend and reenact §§ 32.1-325, 54.1-3303.1, and 54.1-3321 of the Code of Virginia, relating to pharmacists; initiation of treatment with and dispensing and administration of vaccines.

[H 1323]

Approved May 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-325, 54.1-3303.1, and 54.1-3321 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-325. Board to submit plan for medical assistance services to U.S. Secretary of Health and Human Services pursuant to federal law; administration of plan; contracts with health care providers.

A. The Board, subject to the approval of the Governor, is authorized to prepare, amend from time to time, and submit to the U.S. Secretary of Health and Human Services a state plan for medical assistance services pursuant to Title XIX of the United States Social Security Act and any amendments thereto. The Board shall include in such plan:

1. A provision for payment of medical assistance on behalf of individuals, up to the age of 21, placed in foster homes or private institutions by private, nonprofit agencies licensed as child-placing agencies by the Department of Social Services or placed through state and local subsidized adoptions to the extent permitted under federal statute;

2. A provision for determining eligibility for benefits for medically needy individuals which disregards from countable resources an amount not in excess of \$3,500 for the individual and an amount not in excess of \$3,500 for his spouse when such resources have been set aside to meet the burial expenses of the individual or his spouse. The amount disregarded shall be reduced by (i) the face value of life insurance on the life of an individual owned by the individual or his spouse if the cash surrender value of such policies has been excluded from countable resources and (ii) the amount of any other revocable or irrevocable trust, contract, or other arrangement specifically designated for the purpose of meeting the individual's or his spouse's burial expenses;

3. A requirement that, in determining eligibility, a home shall be disregarded. For those medically needy persons whose eligibility for medical assistance is required by federal law to be dependent on the budget methodology for Aid to Families with Dependent Children, a home means the house and lot used as the principal residence and all contiguous property. For all other persons, a home shall mean the house and lot used as the principal residence, as well as all contiguous property, as long as the value of the land, exclusive of the lot occupied by the house, does not exceed \$5,000. In any case in which the definition of home as provided here is more restrictive than that provided in the state plan for medical assistance services in Virginia as it was in effect on January 1, 1972, then a home means the house and lot used as the principal residence and all contiguous property essential to the operation of the home regardless of value;

4. A provision for payment of medical assistance on behalf of individuals up to the age of 21, who are Medicaid eligible, for medically necessary stays in acute care facilities in excess of 21 days per admission;

5. A provision for deducting from an institutionalized recipient's income an amount for the maintenance of the individual's spouse at home;

6. A provision for payment of medical assistance on behalf of pregnant women which provides for payment for inpatient postpartum treatment in accordance with the medical criteria outlined in the most current version of or an official update to the "Guidelines for Perinatal Care" prepared by the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists or the "Standards for Obstetric-Gynecologic Services" prepared by the American College of Obstetricians and Gynecologists. Payment shall be made for any postpartum home visit or visits for the mothers and the children which are within the time periods recommended by the attending physicians in accordance with and as indicated by such Guidelines or Standards. For the purposes of this subdivision, such Guidelines or Standards shall include any changes thereto within six months of the publication of such Guidelines or Standards or any official amendment thereto;

7. A provision for the payment for family planning services on behalf of women who were Medicaid-eligible for prenatal care and delivery as provided in this section at the time of delivery. Such family planning services shall begin with delivery and continue for a period of 24 months, if the woman continues to meet the financial eligibility requirements for a pregnant woman under Medicaid. For the purposes of this section, family planning services shall not cover payment for abortion services and no funds shall be used to perform, assist, encourage or make direct referrals for abortions;

8. A provision for payment of medical assistance for high-dose chemotherapy and bone marrow transplants on behalf of individuals over the age of 21 who have been diagnosed with lymphoma, breast cancer, myeloma, or leukemia and have been determined by the treating health care provider to have a performance status sufficient to proceed with such high-dose chemotherapy and bone marrow transplant. Appeals of these cases shall be handled in accordance with the Department's expedited appeals process;

9. A provision identifying entities approved by the Board to receive applications and to determine eligibility for medical assistance, which shall include a requirement that such entities (i) obtain accurate contact information, including the best available address and telephone number, from each applicant for medical assistance, to the extent required by federal law and regulations, and (ii) provide each applicant for medical assistance with information about advance directives pursuant to Article 8 (§ 54.1-2981 et seq.) of Chapter 29 of Title 54.1, including information about the purpose and benefits of advance directives and how the applicant may make an advance directive;

10. A provision for breast reconstructive surgery following the medically necessary removal of a breast for any medical reason. Breast reductions shall be covered, if prior authorization has been obtained, for all medically necessary indications. Such procedures shall be considered noncosmetic;

11. A provision for payment of medical assistance for annual pap smears;

12. A provision for payment of medical assistance services for prostheses following the medically necessary complete or partial removal of a breast for any medical reason;

13. A provision for payment of medical assistance which provides for payment for 48 hours of inpatient treatment for a patient following a radical or modified radical mastectomy and 24 hours of inpatient care following a total mastectomy or a partial mastectomy with lymph node dissection for treatment of disease or trauma of the breast. Nothing in this subdivision shall be construed as requiring the provision of inpatient coverage where the attending physician in consultation with the patient determines that a shorter period of hospital stay is appropriate;

14. A requirement that certificates of medical necessity for durable medical equipment and any supporting verifiable documentation shall be signed, dated, and returned by the physician, physician assistant, or nurse practitioner and in the durable medical equipment provider's possession within 60 days from the time the ordered durable medical equipment and supplies are first furnished by the durable medical equipment provider;

15. A provision for payment of medical assistance to (i) persons age 50 and over and (ii) persons age 40 and over who are at high risk for prostate cancer, according to the most recent published guidelines of the American Cancer Society, for one PSA test in a 12-month period and digital rectal examinations, all in accordance with American Cancer Society guidelines. For the purpose of this subdivision, "PSA testing" means the analysis of a blood sample to determine the level of prostate specific antigen;

16. A provision for payment of medical assistance for low-dose screening mammograms for determining the presence of occult breast cancer. Such coverage shall make available one screening mammogram to persons age 35 through 39, one such mammogram biennially to persons age 40 through 49, and one such mammogram annually to persons age 50 and over. The term "mammogram" means an X-ray examination of the breast using equipment dedicated specifically for mammography, including but not limited to the X-ray tube, filter, compression device, screens, film and cassettes, with an average radiation exposure of less than one rad mid-breast, two views of each breast;

17. A provision, when in compliance with federal law and regulation and approved by the Centers for Medicare & Medicaid Services (CMS), for payment of medical assistance services delivered to Medicaid-eligible students when such services qualify for reimbursement by the Virginia Medicaid program and may be provided by school divisions, regardless of whether the student receiving care has an individualized education program or whether the health care service is included in a student's individualized education program. Such services shall include those covered under the state plan for medical assistance services or by the Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) benefit as specified in § 1905(r) of the federal Social Security Act, and shall include a provision for payment of medical assistance for health care services provided through telemedicine services, as defined in § 38.2-3418.16. No health care provider who provides health care services through telemedicine shall be required to use proprietary technology or applications in order to be reimbursed for providing telemedicine services;

18. A provision for payment of medical assistance services for liver, heart and lung transplantation procedures for individuals over the age of 21 years when (i) there is no effective alternative medical or surgical therapy available with outcomes that are at least comparable; (ii) the transplant procedure and application of the procedure in treatment of the specific condition have been clearly demonstrated to be medically effective and not experimental or investigational; (iii) prior authorization by the Department of Medical Assistance Services has been obtained; (iv) the patient selection criteria of the specific transplant center where the surgery is proposed to be performed have been used by the transplant team or program to determine the appropriateness of the patient for the procedure; (v) current medical therapy has failed and the patient has failed to respond to appropriate therapeutic management; (vi) the patient is not in an irreversible terminal

state; and (vii) the transplant is likely to prolong the patient's life and restore a range of physical and social functioning in the activities of daily living;

19. A provision for payment of medical assistance for colorectal cancer screening, specifically screening with an annual fecal occult blood test, flexible sigmoidoscopy or colonoscopy, or in appropriate circumstances radiologic imaging, in accordance with the most recently published recommendations established by the American College of Gastroenterology, in consultation with the American Cancer Society, for the ages, family histories, and frequencies referenced in such recommendations;

20. A provision for payment of medical assistance for custom ocular prostheses;

21. A provision for payment for medical assistance for infant hearing screenings and all necessary audiological examinations provided pursuant to § 32.1-64.1 using any technology approved by the United States Food and Drug Administration, and as recommended by the national Joint Committee on Infant Hearing in its most current position statement addressing early hearing detection and intervention programs. Such provision shall include payment for medical assistance for follow-up audiological examinations as recommended by a physician, physician assistant, nurse practitioner, or audiologist and performed by a licensed audiologist to confirm the existence or absence of hearing loss;

22. A provision for payment of medical assistance, pursuant to the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (P.L. 106-354), for certain women with breast or cervical cancer when such women (i) have been screened for breast or cervical cancer under the Centers for Disease Control and Prevention (CDC) Breast and Cervical Cancer Early Detection Program established under Title XV of the Public Health Service Act; (ii) need treatment for breast or cervical cancer, including treatment for a precancerous condition of the breast or cervix; (iii) are not otherwise covered under creditable coverage, as defined in § 2701 (c) of the Public Health Service Act; (iv) are not otherwise eligible for medical assistance services under any mandatory categorically needy eligibility group; and (v) have not attained age 65. This provision shall include an expedited eligibility determination for such women;

23. A provision for the coordinated administration, including outreach, enrollment, re-enrollment and services delivery, of medical assistance services provided to medically indigent children pursuant to this chapter, which shall be called Family Access to Medical Insurance Security (FAMIS) Plus and the FAMIS Plan program in § 32.1-351. A single application form shall be used to determine eligibility for both programs;

24. A provision, when authorized by and in compliance with federal law, to establish a public-private long-term care partnership program between the Commonwealth of Virginia and private insurance companies that shall be established through the filing of an amendment to the state plan for medical assistance services by the Department of Medical Assistance Services. The purpose of the program shall be to reduce Medicaid costs for long-term care by delaying or eliminating dependence on Medicaid for such services through encouraging the purchase of private long-term care insurance policies that have been designated as qualified state long-term care insurance partnerships and may be used as the first source of benefits for the participant's long-term care. Components of the program, including the treatment of assets for Medicaid eligibility and estate recovery, shall be structured in accordance with federal law and applicable federal guidelines;

25. A provision for the payment of medical assistance for otherwise eligible pregnant women during the first five years of lawful residence in the United States, pursuant to § 214 of the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111-3);

26. A provision for the payment of medical assistance for medically necessary health care services provided through telemedicine services, as defined in § 38.2-3418.16, regardless of the originating site or whether the patient is accompanied by a health care provider at the time such services are provided. No health care provider who provides health care services through telemedicine services shall be required to use proprietary technology or applications in order to be reimbursed for providing telemedicine services.

For the purposes of this subdivision, "originating site" means any location where the patient is located, including any medical care facility or office of a health care provider, the home of the patient, the patient's place of employment, or any public or private primary or secondary school or postsecondary institution of higher education at which the person to whom telemedicine services are provided is located;

27. A provision for the payment of medical assistance for the dispensing or furnishing of up to a 12-month supply of hormonal contraceptives at one time. Absent clinical contraindications, the Department shall not impose any utilization controls or other forms of medical management limiting the supply of hormonal contraceptives that may be dispensed or furnished to an amount less than a 12-month supply. Nothing in this subdivision shall be construed to (i) require a provider to prescribe, dispense, or furnish a 12-month supply of self-administered hormonal contraceptives at one time or (ii) exclude coverage for hormonal contraceptives as prescribed by a prescriber, acting within his scope of practice, for reasons other than contraceptive purposes. As used in this subdivision, "hormonal contraceptive" means a medication taken to prevent pregnancy by means of ingestion of hormones, including medications containing estrogen or progesterone, that is self-administered, requires a prescription, and is approved by the U.S. Food and Drug Administration for such purpose; and

28. A provision for payment of medical assistance for remote patient monitoring services provided via telemedicine, as defined in § 38.2-3418.16, for (i) high-risk pregnant persons; (ii) medically complex infants and children; (iii) transplant patients; (iv) patients who have undergone surgery, for up to three months following the date of such surgery; and (v) patients with a chronic health condition who have had two or more hospitalizations or emergency department visits related to such chronic health condition in the previous 12 months. For the purposes of this subdivision, "remote patient

monitoring services" means the use of digital technologies to collect medical and other forms of health data from patients in one location and electronically transmit that information securely to health care providers in a different location for analysis, interpretation, and recommendations, and management of the patient. "Remote patient monitoring services" includes monitoring of clinical patient data such as weight, blood pressure, pulse, pulse oximetry, blood glucose, and other patient physiological data, treatment adherence monitoring, and interactive videoconferencing with or without digital image upload.

B. In preparing the plan, the Board shall:

1. Work cooperatively with the State Board of Health to ensure that quality patient care is provided and that the health, safety, security, rights and welfare of patients are ensured.
2. Initiate such cost containment or other measures as are set forth in the appropriation act.
3. Make, adopt, promulgate and enforce such regulations as may be necessary to carry out the provisions of this chapter.
4. Examine, before acting on a regulation to be published in the Virginia Register of Regulations pursuant to § 2.2-4007.05, the potential fiscal impact of such regulation on local boards of social services. For regulations with potential fiscal impact, the Board shall share copies of the fiscal impact analysis with local boards of social services prior to submission to the Registrar. The fiscal impact analysis shall include the projected costs/savings to the local boards of social services to implement or comply with such regulation and, where applicable, sources of potential funds to implement or comply with such regulation.

5. Incorporate sanctions and remedies for certified nursing facilities established by state law, in accordance with 42 C.F.R. § 488.400 et seq. "Enforcement of Compliance for Long-Term Care Facilities With Deficiencies."

6. On and after July 1, 2002, require that a prescription benefit card, health insurance benefit card, or other technology that complies with the requirements set forth in § 38.2-3407.4:2 be issued to each recipient of medical assistance services, and shall upon any changes in the required data elements set forth in subsection A of § 38.2-3407.4:2, either reissue the card or provide recipients such corrective information as may be required to electronically process a prescription claim.

C. In order to enable the Commonwealth to continue to receive federal grants or reimbursement for medical assistance or related services, the Board, subject to the approval of the Governor, may adopt, regardless of any other provision of this chapter, such amendments to the state plan for medical assistance services as may be necessary to conform such plan with amendments to the United States Social Security Act or other relevant federal law and their implementing regulations or constructions of these laws and regulations by courts of competent jurisdiction or the United States Secretary of Health and Human Services.

In the event conforming amendments to the state plan for medical assistance services are adopted, the Board shall not be required to comply with the requirements of Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2. However, the Board shall, pursuant to the requirements of § 2.2-4002, (i) notify the Registrar of Regulations that such amendment is necessary to meet the requirements of federal law or regulations or because of the order of any state or federal court, or (ii) certify to the Governor that the regulations are necessitated by an emergency situation. Any such amendments that are in conflict with the Code of Virginia shall only remain in effect until July 1 following adjournment of the next regular session of the General Assembly unless enacted into law.

D. The Director of Medical Assistance Services is authorized to:

1. Administer such state plan and receive and expend federal funds therefor in accordance with applicable federal and state laws and regulations; and enter into all contracts necessary or incidental to the performance of the Department's duties and the execution of its powers as provided by law.

2. Enter into agreements and contracts with medical care facilities, physicians, dentists and other health care providers where necessary to carry out the provisions of such state plan. Any such agreement or contract shall terminate upon conviction of the provider of a felony. In the event such conviction is reversed upon appeal, the provider may apply to the Director of Medical Assistance Services for a new agreement or contract. Such provider may also apply to the Director for reconsideration of the agreement or contract termination if the conviction is not appealed, or if it is not reversed upon appeal.

3. Refuse to enter into or renew an agreement or contract, or elect to terminate an existing agreement or contract, with any provider who has been convicted of or otherwise pled guilty to a felony, or pursuant to Subparts A, B, and C of 42 C.F.R. Part 1002, and upon notice of such action to the provider as required by 42 C.F.R. § 1002.212.

4. Refuse to enter into or renew an agreement or contract, or elect to terminate an existing agreement or contract, with a provider who is or has been a principal in a professional or other corporation when such corporation has been convicted of or otherwise pled guilty to any violation of § 32.1-314, 32.1-315, 32.1-316, or 32.1-317, or any other felony or has been excluded from participation in any federal program pursuant to 42 C.F.R. Part 1002.

5. Terminate or suspend a provider agreement with a home care organization pursuant to subsection E of § 32.1-162.13.

For the purposes of this subsection, "provider" may refer to an individual or an entity.

E. In any case in which a Medicaid agreement or contract is terminated or denied to a provider pursuant to subsection D, the provider shall be entitled to appeal the decision pursuant to 42 C.F.R. § 1002.213 and to a post-determination or post-denial hearing in accordance with the Administrative Process Act (§ 2.2-4000 et seq.). All such requests shall be in writing and be received within 15 days of the date of receipt of the notice.

The Director may consider aggravating and mitigating factors including the nature and extent of any adverse impact the agreement or contract denial or termination may have on the medical care provided to Virginia Medicaid recipients. In cases in which an agreement or contract is terminated pursuant to subsection D, the Director may determine the period of exclusion and may consider aggravating and mitigating factors to lengthen or shorten the period of exclusion, and may reinstate the provider pursuant to 42 C.F.R. § 1002.215.

F. When the services provided for by such plan are services which a marriage and family therapist, clinical psychologist, clinical social worker, professional counselor, or clinical nurse specialist is licensed to render in Virginia, the Director shall contract with any duly licensed marriage and family therapist, duly licensed clinical psychologist, licensed clinical social worker, licensed professional counselor or licensed clinical nurse specialist who makes application to be a provider of such services, and thereafter shall pay for covered services as provided in the state plan. The Board shall promulgate regulations which reimburse licensed marriage and family therapists, licensed clinical psychologists, licensed clinical social workers, licensed professional counselors and licensed clinical nurse specialists at rates based upon reasonable criteria, including the professional credentials required for licensure.

G. The Board shall prepare and submit to the Secretary of the United States Department of Health and Human Services such amendments to the state plan for medical assistance services as may be permitted by federal law to establish a program of family assistance whereby children over the age of 18 years shall make reasonable contributions, as determined by regulations of the Board, toward the cost of providing medical assistance under the plan to their parents.

H. The Department of Medical Assistance Services shall:

1. Include in its provider networks and all of its health maintenance organization contracts a provision for the payment of medical assistance on behalf of individuals up to the age of 21 who have special needs and who are Medicaid eligible, including individuals who have been victims of child abuse and neglect, for medically necessary assessment and treatment services, when such services are delivered by a provider which specializes solely in the diagnosis and treatment of child abuse and neglect, or a provider with comparable expertise, as determined by the Director.

2. Amend the Medallion II waiver and its implementing regulations to develop and implement an exception, with procedural requirements, to mandatory enrollment for certain children between birth and age three certified by the Department of Behavioral Health and Developmental Services as eligible for services pursuant to Part C of the Individuals with Disabilities Education Act (20 U.S.C. § 1471 et seq.).

3. Utilize, to the extent practicable, electronic funds transfer technology for reimbursement to contractors and enrolled providers for the provision of health care services under Medicaid and the Family Access to Medical Insurance Security Plan established under § 32.1-351.

4. Require any managed care organization with which the Department enters into an agreement for the provision of medical assistance services to include in any contract between the managed care organization and a pharmacy benefits manager provisions prohibiting the pharmacy benefits manager or a representative of the pharmacy benefits manager from conducting spread pricing with regards to the managed care organization's managed care plans. For the purposes of this subdivision:

"Pharmacy benefits management" means the administration or management of prescription drug benefits provided by a managed care organization for the benefit of covered individuals.

"Pharmacy benefits manager" means a person that performs pharmacy benefits management.

"Spread pricing" means the model of prescription drug pricing in which the pharmacy benefits manager charges a managed care plan a contracted price for prescription drugs, and the contracted price for the prescription drugs differs from the amount the pharmacy benefits manager directly or indirectly pays the pharmacist or pharmacy for pharmacist services.

I. The Director is authorized to negotiate and enter into agreements for services rendered to eligible recipients with special needs. The Board shall promulgate regulations regarding these special needs patients, to include persons with AIDS, ventilator-dependent patients, and other recipients with special needs as defined by the Board.

J. Except as provided in subdivision A 1 of § 2.2-4345, the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not apply to the activities of the Director authorized by subsection I of this section. Agreements made pursuant to this subsection shall comply with federal law and regulation.

K. When the services provided for by such plan are services related to initiation of treatment with or dispensing or administration of a vaccination by a pharmacist, pharmacy technician, or pharmacy intern in accordance with § 54.1-3303.1, the Department shall provide reimbursement for such service.

§ 54.1-3303.1. Initiating of treatment with and dispensing and administering of controlled substances by pharmacists.

A. Notwithstanding the provisions of § 54.1-3303, a pharmacist may initiate treatment with, dispense, or administer the following drugs, devices, controlled paraphernalia, and other supplies and equipment to persons 18 years of age or older with whom the pharmacist has a bona fide pharmacist-patient relationship and in accordance with a statewide protocol developed by the Board in collaboration with the Board of Medicine and the Department of Health and set forth in regulations of the Board:

1. Naloxone or other opioid antagonist, including such controlled paraphernalia, as defined in § 54.1-3466, as may be necessary to administer such naloxone or other opioid antagonist;

2. Epinephrine;

3. Injectable or self-administered hormonal contraceptives, provided the patient completes an assessment consistent with the United States Medical Eligibility Criteria for Contraceptive Use;

4. Prenatal vitamins for which a prescription is required;

5. Dietary fluoride supplements, in accordance with recommendations of the American Dental Association for prescribing of such supplements for persons whose drinking water has a fluoride content below the concentration recommended by the U.S. Department of Health and Human Services;

6. Drugs as defined in § 54.1-3401, devices as defined in § 54.1-3401, controlled paraphernalia as defined in § 54.1-3466, and other supplies and equipment available over-the-counter, covered by the patient's health carrier when the patient's out-of-pocket cost is lower than the out-of-pocket cost to purchase an over-the-counter equivalent of the same drug, device, controlled paraphernalia, or other supplies or equipment;

7. Vaccines included on the Immunization Schedule published by the Centers for Disease Control and Prevention ~~or that have a current emergency use authorization from the U.S. Food and Drug Administration~~ and vaccines for COVID-19;

8. Tuberculin purified protein derivative for tuberculosis testing; ~~and~~

9. Controlled substances for the prevention of human immunodeficiency virus, including controlled substances prescribed for pre-exposure and post-exposure prophylaxis pursuant to guidelines and recommendations of the Centers for Disease Control and Prevention;

10. Nicotine replacement and other tobacco cessation therapies, including controlled substances as defined in the Drug Control Act (§ 54.1-3400 et seq.), together with providing appropriate patient counseling; and

11. Tests for COVID-19 and other coronaviruses.

B. Notwithstanding the provisions of § 54.1-3303, a pharmacist may initiate treatment with, dispense, or administer the following drugs and devices to persons three years of age or older in accordance with a statewide protocol as set forth in regulations of the Board:

1. Vaccines included on the Immunization Schedule published by the Centers for Disease Control and Prevention and vaccines for COVID-19; and

2. Tests for COVID-19 and other coronaviruses.

C. A pharmacist who initiates treatment with or dispenses or administers a drug or device pursuant to this section shall notify the patient's primary health care provider that the pharmacist has initiated treatment with such drug or device or that such drug or device has been dispensed or administered to the patient, provided that the patient consents to such notification. *No pharmacist shall limit the ability of notification to be sent to the patient's primary care provider by requiring use of electronic mail that is secure or compliant with the federal Health Insurance Portability and Accountability Act (42 U.S.C. § 1320d et seq.).* If the patient does not have a primary health care provider, the pharmacist shall counsel the patient regarding the benefits of establishing a relationship with a primary health care provider and, ~~upon request,~~ provide information regarding primary health care providers, including federally qualified health centers, free clinics, or local health departments serving the area in which the patient is located. If the pharmacist is initiating treatment with, dispensing, or administering injectable or self-administered hormonal contraceptives, the pharmacist shall counsel the patient regarding seeking preventative care, including (i) routine well-woman visits, (ii) testing for sexually transmitted infections, and (iii) pap smears.

D. A pharmacist who administers a vaccination pursuant to ~~subdivision~~ subdivisions A 7 and B 1 shall report such administration to the Virginia Immunization Information System in accordance with the requirements of § 32.1-46.01.

E. A pharmacist who initiates treatment with, dispenses, or administers drugs, devices, controlled paraphernalia, and other supplies and equipment pursuant to this section shall obtain a history from the patient, including questioning the patient for any known allergies, adverse reactions, contraindications, or health diagnoses or conditions that would be adverse to the initiation of treatment, dispensing, or administration.

F. A pharmacist may initiate treatment with, dispense, or administer drugs, devices, controlled paraphernalia, and other supplies and equipment pursuant to this section through telemedicine services, as defined in § 38.2-3418.16, in compliance with all requirements of § 54.1-3303 and consistent with the applicable standard of care.

G. A pharmacist who administers a vaccination to a minor pursuant to subdivision B 1 shall provide written notice to the minor's parent or guardian that the minor should visit a pediatrician annually.

§ 54.1-3321. Registration of pharmacy technicians.

A. No person shall perform the duties of a pharmacy technician without first being registered as a pharmacy technician with the Board. Upon being registered with the Board as a pharmacy technician, the following tasks may be performed:

1. The entry of prescription information and drug history into a data system or other record keeping system;

2. The preparation of prescription labels or patient information;

3. The removal of the drug to be dispensed from inventory;

4. The counting, measuring, or compounding of the drug to be dispensed;

5. The packaging and labeling of the drug to be dispensed and the repackaging thereof;

6. The stocking or loading of automated dispensing devices or other devices used in the dispensing process;

7. The acceptance of refill authorization from a prescriber or his authorized agency, so long as there is no change to the original prescription; ~~and~~

8. Under the supervision of a pharmacist, meaning the supervising pharmacist is at the same physical location of the technician or pharmacy intern, and consistent with the requirements of § 54.1-3303.1, administration of the following drugs

and devices to persons three years of age or older as set forth in regulations of the Board: vaccines included on the Immunization Schedule published by the Centers for Disease Control and Prevention and vaccines for COVID-19; and

9. The performance of any other task restricted to pharmacy technicians by the Board's regulations.

B. To be registered as a pharmacy technician, a person shall submit:

1. An application and fee specified in regulations of the Board;

2. (Effective July 1, 2022) Evidence that he has successfully completed a training program that is (i) an accredited training program, including an accredited training program operated through the Department of Education's Career and Technical Education program or approved by the Board, or (ii) operated through a federal agency or branch of the military; and

3. Evidence that he has successfully passed a national certification examination administered by the Pharmacy Technician Certification Board or the National Healthcareer Association.

C. The Board shall promulgate regulations establishing requirements for:

1. Issuance of a registration as a pharmacy technician to a person who, prior to the effective date of such regulations, (i) successfully completed or was enrolled in a Board-approved pharmacy technician training program or (ii) passed a national certification examination required by the Board but did not complete a Board-approved pharmacy technician training program;

2. Issuance of a registration as a pharmacy technician to a person who (i) has previously practiced as a pharmacy technician in another U.S. jurisdiction and (ii) has passed a national certification examination required by the Board; and

3. Evidence of continued competency as a condition of renewal of a registration as a pharmacy technician.

D. The Board shall waive the initial registration fee for a pharmacy technician applicant who works as a pharmacy technician exclusively in a free clinic pharmacy. A person registered pursuant to this subsection shall be issued a limited-use registration. A pharmacy technician with a limited-use registration shall not perform pharmacy technician tasks in any setting other than a free clinic pharmacy. The Board shall also waive renewal fees for such limited-use registrations. A pharmacy technician with a limited-use registration may convert to an unlimited registration by paying the current renewal fee.

E. Any person registered as a pharmacy technician prior to the effective date of regulations implementing the provisions of this section shall not be required to comply with the requirements of subsection B in order to maintain or renew registration as a pharmacy technician.

F. A pharmacy technician trainee enrolled in a training program for pharmacy technicians described in subdivision B 2 may engage in the acts set forth in subsection A for the purpose of obtaining practical experience required for completion of the training program, so long as such activities are directly monitored by a supervising pharmacist.

G. To be registered as a pharmacy technician trainee, a person shall submit an application and a fee specified in regulations of the Board. Such registration shall only be valid while the person is enrolled in a pharmacy technician training program described in subsection B and actively progressing toward completion of such program. A registration card issued pursuant to this section shall be invalid and shall be returned to the Board if such person fails to enroll in a pharmacy technician training program described in subsection B.

H. A pharmacy intern may perform the duties set forth for pharmacy technicians in subsection A when registered with the Board for the purpose of gaining the practical experience required to apply for licensure as a pharmacist.

2. That the Board of Medicine, in collaboration with the Board of Pharmacy and the Department of Health, shall establish a statewide protocol for the initiation of treatment with and dispensing and administering of drugs and devices by pharmacists in accordance with § 54.1-3303.1 of the Code of Virginia, as amended by this act, by November 1, 2022, and the Board of Pharmacy shall promulgate regulations to implement the provisions of the first enactment of this act to be effective within 280 days of its enactment. Such regulations shall include provisions for ensuring that physical settings in which treatment is provided pursuant to this act shall be in compliance with the federal Health Insurance Portability and Accountability Act, 42 U.S.C. § 1320d et seq., as amended.

3. That the provisions of subdivisions B 1 and 2 of § 54.1-3303.1 of the Code of Virginia, as amended by this act, shall become effective upon the expiration of the provisions of the federal Declaration Under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID-19 related to the vaccination and COVID-19 testing of minors.

CHAPTER 792

An Act to amend and reenact § 55.1-2902 of the Code of Virginia, relating to public auction of personal property to satisfy lien; advertisement requirement; website.

[S 199]

Approved May 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-2902 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-2902. Enforcement of lien.

A. 1. If any occupant is in default under a rental agreement, the owner shall notify the occupant of such default by regular mail at his last known address, or, if expressly provided for in the rental agreement, such notice may be given by

electronic means. If such default is not cured within 10 days after its occurrence, then the owner may proceed to enforce such lien by selling the contents of the occupant's unit at public auction, for cash, and apply the proceeds to satisfaction of the lien, with the surplus, if any, to be disbursed as provided in this section. Before conducting such a public auction, the owner shall notify the occupant as prescribed in subsection C ~~and shall advertise the time, place, and terms of such auction in such manner as to give the public notice.~~ *The rental agreement may provide the occupant with the option to designate an alternative contact to receive the notices required by this section. Failure or refusal of an occupant to designate an alternative contact shall not affect the rights or remedies afforded to an occupant or owner pursuant to the provisions of this section or any other provision of law. No alternative contact shall have any right to access the leased space or any personal property stored within unless expressly stated otherwise in the rental agreement.*

2. In the case of personal property having a fair market value in excess of \$1,000, and against which a creditor has filed a financing statement in the name of the occupant at the State Corporation Commission or in the county or city where the self-service storage facility is located or in the county or city in the Commonwealth shown as the last known address of the occupant, or if such personal property is a watercraft required by the laws of the Commonwealth to be registered and the Department of Wildlife Resources shows a lien on the certificate of title, the owner shall notify the lienholder of record, by certified mail, at the address on the financing statement or certificate of title, at least 10 days prior to the time and place of the proposed public auction.

If the owner of the personal property cannot be ascertained, the name of "John Doe" shall be substituted in the proceedings provided for in this section and no written notice shall be required. Whenever a watercraft is sold pursuant to this subsection, the Department of Wildlife Resources shall issue a certificate of title and registration to the purchaser of such watercraft upon his application containing the serial or motor number of the watercraft purchased, together with an affidavit by the lienholder, or by the person conducting the public auction, evidencing compliance with the provisions of this subsection.

B. Whenever the occupant is in default, the owner shall have the right to deny the occupant access to the leased space.

C. After the occupant has been in default for a period of 10 days, and before the owner can sell the occupant's personal property in accordance with this chapter, the owner shall send a further notice of default, by verified mail, postage prepaid, to the occupant at his last known address, or, if expressly provided for in the rental agreement, such notice may be given by electronic means, provided that the sender retains sufficient proof of the electronic delivery, which may be an electronic receipt of delivery, a confirmation that the notice was sent by facsimile, or a certificate of service prepared by the sender confirming the electronic delivery. Such notice of default shall include:

1. An itemized statement of the owner's claim, indicating the charges due on the date of the notice and the date when the charges became due;

2. A demand for payment of the charges due within a specified time not less than 20 days after the date of the notice;

3. A statement that the contents of the occupant's leased space are subject to the owner's lien;

4. A conspicuous statement that unless the claim is paid within the time stated, the contents of the occupant's space will be sold at public auction at a specified time and place; and

5. The name, street address, and telephone number of the owner or his designated agent whom the occupant may contact to respond to the notice.

D. At any time prior to the public auction pursuant to this section, the occupant may pay the amount necessary to satisfy the lien and thereby redeem the personal property.

E. In the event of a public auction pursuant to this section, the owner may satisfy his lien from the proceeds of the public auction and shall hold the balance, if any, for delivery on demand to the occupant or other lienholder referred to in this chapter. However, the owner shall not be obligated to hold any balance for a lienholder of record notified pursuant to subdivision A 2, or any other lien creditor, that fails to claim an interest in the balance within 30 days of the public auction. So long as the owner complies with the provisions of this chapter, the owner's liability to the occupant under this chapter shall be limited to the net proceeds received from the public auction of any personal property and, as to other lienholders, shall be limited to the net proceeds received from the public auction of any personal property covered by such superior lien.

F. Any public auction of the personal property shall be held (i) at the self-service storage facility, (ii) at the nearest suitable place to where the personal property is held or stored, or (iii) online. ~~An advertisement shall be published in a newspaper of general circulation in the locality in which the public auction is to be held, or in the case of an online public auction, in the county, city, or town in which the self-service storage facility is located, at least once prior to the public auction. The advertisement shall state (a) the fact that it is a public auction; (b) the date, time, and location of the public auction; and (c) the form of payment that will be accepted.~~

G. A purchaser in good faith of any personal property sold or otherwise disposed of pursuant to this chapter takes such property free and clear of any rights of persons against whom the lien was valid.

H. Any notice made pursuant to this section shall be presumed delivered when it is (i) deposited with the United States Postal Service and properly addressed to the occupant's last known address with postage prepaid or (ii) sent by electronic means, provided that the sender retains sufficient proof of the electronic delivery, which may be an electronic receipt of delivery, a confirmation that the notice was sent by facsimile, or a certificate of service prepared by the sender confirming the electronic delivery. In the event of a dispute, the sender shall have the burden to demonstrate delivery of the notice of default.

I. In the case of any motor vehicle, so long as the motor vehicle remains stored within such leased space, the owner shall have a lien on such vehicle in accordance with § 46.2-644.01.

CHAPTER 793

An Act to amend and reenact §§ 8.01-47, 22.1-279.3:1, and 22.1-279.3:3 of the Code of Virginia, relating to school principals; incident reports.

[H 4]

Approved May 27, 2022

Be it enacted by the General Assembly of Virginia:**1. That §§ 8.01-47, 22.1-279.3:1, and 22.1-279.3:3 of the Code of Virginia are amended and reenacted as follows:****§ 8.01-47. Immunity of persons investigating or reporting certain incidents at schools.**

In addition to any other immunity he may have, any person who, in good faith with reasonable cause and without malice, acts to report, investigate, or cause any investigation to be made into the activities of any student or students or any other person or persons as they relate to conduct involving bomb threats, firebombs, explosive materials, or other similar devices as described in ~~clauses (vi) and (vii) of subsection subdivisions A 6 and 7 of § 22.1-279.3:1~~, alcohol or drug use or abuse in or related to the school or institution or in connection with any school or institution activity, or information that an individual poses any credible danger of serious bodily injury or death to one or more students, school personnel, or others on school property shall be immune from all civil liability that might otherwise be incurred or imposed as the result of the making of such a report, investigation, or disclosure.

§ 22.1-279.3:1. Reports of certain acts to school authorities; reports of certain acts by school authorities to parents; reports of certain acts by school authorities to law enforcement.

A. Reports shall be made to the division superintendent and to the principal or his designee on all incidents involving ~~(i) the assault or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity; (ii) the:~~

1. ~~Alcohol, marijuana, a controlled substance, an imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications;~~

2. ~~The assault and battery that results in bodily injury; of any person on a school bus, on school property, or at a school-sponsored activity;~~

3. ~~The sexual assault, death, shooting, stabbing, cutting, or wounding of any person, abduction of any person as described in § 18.2-47 or 18.2-48, or stalking of any person as described in § 18.2-60.3, on a school bus, on school property, or at a school-sponsored activity; (iii) any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications; (iv) any~~

4. ~~Any written threats against school personnel while on a school bus, on school property, or at a school-sponsored activity; (v) the~~

5. ~~The illegal carrying of a firearm, as defined in § 22.1-277.07, onto school property; (vi) any~~

6. ~~Any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in § 18.2-85, or explosive or incendiary devices, as defined in § 18.2-433.1, or chemical bombs, as described in § 18.2-87.1, on a school bus, on school property, or at a school-sponsored activity; (vii) any~~

7. ~~Any threats or false threats to bomb, as described in § 18.2-83, made against school personnel or involving school property or school buses; or (viii) the~~

8. ~~The arrest of any student for an incident occurring on a school bus, on school property, or at a school-sponsored activity, including the charge therefor.~~

B. *Except as may otherwise be required by federal law, regulation, or jurisprudence, each principal:*

1. *Shall immediately report to the local law-enforcement agency any incident described in subdivision A 1 that may constitute a felony offense;*

2. *Shall immediately report to the local law-enforcement agency any incident described in subdivisions A 3 through 7, except that a principal is not required to but may report to the local law-enforcement agency any incident described in subdivision A 4 committed by a student who has a disability;*

3. *May report to the local law-enforcement agency any other incident described in subsection A that is not required to be reported pursuant to subdivision 1 or 2; and*

4. *Shall immediately report any act enumerated in subdivisions A 1 through 5 that may constitute a criminal offense to the parents of any minor student who is the specific object of such act. Further, the principal shall report whether the incident has been reported to local law enforcement pursuant to this subsection and, if the incident has been so reported, that the parents may contact local law enforcement for further information, if they so desire.*

C. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of Chapter 11 of Title 16.1, local law-enforcement authorities shall report, and the principal or his designee and the division superintendent shall receive such reports, on offenses, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act (§ 54.1-3400 et seq.) and occurred on a school bus, on school property, or at a school-sponsored activity, or would be an adult misdemeanor involving any incidents described in ~~clauses (i) through (viii) of subsection A~~, and whether the student is released to the custody of his parent or, if 18 years of age or more, is

released on bond. As part of any report concerning an offense that would be an adult misdemeanor involving an incident described in ~~clauses (i) through (viii)~~ of subsection A, local law-enforcement authorities and attorneys for the Commonwealth shall be authorized to disclose information regarding terms of release from detention, court dates, and terms of any disposition orders entered by the court, to the superintendent of such student's school division, upon request by the superintendent, if, in the determination of the law-enforcement authority or attorney for the Commonwealth, such disclosure would not jeopardize the investigation or prosecution of the case. No disclosures shall be made pursuant to this section in violation of the confidentiality provisions of subsection A of § 16.1-300 or the record retention and redisclosure provisions of § 22.1-288.2. Further, any school superintendent who receives notification that a juvenile has committed an act that would be a crime if committed by an adult pursuant to subsection G of § 16.1-260 shall report such information to the principal of the school in which the juvenile is enrolled.

~~C. D.~~ The principal or his designee shall submit a report of all incidents required to be reported pursuant to this section to the superintendent of the school division. The division superintendent shall annually report all such incidents to the Department of Education for the purpose of recording the frequency of such incidents on forms that shall be provided by the Department and shall make such information available to the public.

In submitting reports of such incidents, principals and division superintendents shall accurately indicate any offenses, arrests, or charges as recorded by law-enforcement authorities and required to be reported by such authorities pursuant to subsection ~~B~~ C.

A division superintendent who knowingly fails to comply or secure compliance with the reporting requirements of this subsection shall be subject to the sanctions authorized in § 22.1-65. A principal who knowingly fails to comply or secure compliance with the reporting requirements of this section shall be subject to sanctions prescribed by the local school board, which may include, but need not be limited to, demotion or dismissal.

The principal or his designee shall also notify the parent of any student involved in an incident required pursuant to this section to be reported, regardless of whether disciplinary action is taken against such student or the nature of the disciplinary action. Such notice shall relate to only the relevant student's involvement and shall not include information concerning other students.

Whenever any student commits any reportable incident as set forth in this section, such student shall be required to participate in such prevention and intervention activities as deemed appropriate by the superintendent or his designee. Prevention and intervention activities shall be identified in the local school division's drug and violence prevention plans developed pursuant to the federal Improving America's Schools Act of 1994 (Title IV — Safe and Drug-Free Schools and Communities Act).

~~D. Except as may otherwise be required by federal law, regulation, or jurisprudence, the principal shall immediately report to the local law-enforcement agency any act enumerated in clauses (ii) through (vii) of subsection A that may constitute a felony offense and may report to the local law-enforcement agency any incident described in subsection A. Nothing in this section shall require delinquency charges to be filed or prevent schools from dealing with school-based offenses through graduated sanctions or educational programming before a delinquency charge is filed with the juvenile court.~~

~~Further, except as may be prohibited by federal law, regulation, or jurisprudence, the principal shall also immediately report any act enumerated in clauses (ii) through (v) of subsection A that may constitute a criminal offense to the parents of any minor student who is the specific object of such act. Further, the principal shall report whether the incident has been reported to local law enforcement pursuant to this subsection and, if the incident is so reported, that the parents may contact local law enforcement for further information, if they so desire.~~

E. A statement providing a procedure and the purpose for the requirements of this section shall be included in school board policies required by § 22.1-253.13:7.

The Board of Education shall promulgate regulations to implement this section, including, but not limited to, establishing reporting dates and report formats.

F. For the purposes of this section, "parent" or "parents" means any parent, guardian or other person having control or charge of a child.

G. This section shall not be construed to diminish the authority of the Board of Education or to diminish the Governor's authority to coordinate and provide policy direction on official communications between the Commonwealth and the United States government.

H. Nothing in this section shall require delinquency charges to be filed or prevent schools from dealing with school-based offenses through graduated sanctions or educational programming before a delinquency charge is filed with the juvenile court.

§ 22.1-279.3:3. Alternative school discipline process for certain incidents.

A. A school board may establish an alternative school discipline process to provide the parties involved in an incident described in ~~clause (i) of subsection A of § 22.1-279.3:1~~ of assault or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity the option to enter into a mutually agreed-upon process between the involved parties. Such process shall be designed to hold the student accountable for a noncriminal offense through a mutually agreed-upon standard.

B. If provided for in the process established by the school board, no principal shall report ~~pursuant to subsection D of § 22.1-279.3:1~~ to the local law-enforcement agency a party who successfully completes the alternative school discipline

process. If the parties fail to agree to participate in the process or fail to successfully complete the alternative school discipline process, then the principal may report the incident to the local law-enforcement agency pursuant to subsection D of § 22.1-279.3-1.

CHAPTER 794

An Act to amend and reenact §§ 8.01-47, 22.1-279.3:1, and 22.1-279.3:3 of the Code of Virginia, relating to school principals; incident reports.

[S 36]

Approved May 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-47, 22.1-279.3:1, and 22.1-279.3:3 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-47. Immunity of persons investigating or reporting certain incidents at schools.

In addition to any other immunity he may have, any person who, in good faith with reasonable cause and without malice, acts to report, investigate, or cause any investigation to be made into the activities of any student or students or any other person or persons as they relate to conduct involving bomb threats, firebombs, explosive materials, or other similar devices as described in ~~clauses (vi) and (vii) of subsection~~ *subdivisions A 6 and 7 of § 22.1-279.3:1*, alcohol or drug use or abuse in or related to the school or institution or in connection with any school or institution activity, or information that an individual poses any credible danger of serious bodily injury or death to one or more students, school personnel, or others on school property shall be immune from all civil liability that might otherwise be incurred or imposed as the result of the making of such a report, investigation, or disclosure.

§ 22.1-279.3:1. Reports of certain acts to school authorities; reports of certain acts by school authorities to parents; reports of certain acts by school authorities to law enforcement.

A. Reports shall be made to the division superintendent and to the principal or his designee on all incidents involving ~~(i) the assault or assault and battery; without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity; (ii) the:~~

1. *Alcohol, marijuana, a controlled substance, an imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications;*

2. *The assault and battery that results in bodily injury; of any person on a school bus, on school property, or at a school-sponsored activity;*

3. *The sexual assault, death, shooting, stabbing, cutting, or wounding of any person, abduction of any person as described in § 18.2-47 or 18.2-48, or stalking of any person as described in § 18.2-60.3, on a school bus, on school property, or at a school-sponsored activity; (iii) any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications; (iv) any*

4. *Any written threats against school personnel while on a school bus, on school property, or at a school-sponsored activity; (v) the*

5. *The illegal carrying of a firearm, as defined in § 22.1-277.07, onto school property; (vi) any*

6. *Any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in § 18.2-85, or explosive or incendiary devices, as defined in § 18.2-433.1, or chemical bombs, as described in § 18.2-87.1, on a school bus, on school property, or at a school-sponsored activity; (vii) any*

7. *Any threats or false threats to bomb, as described in § 18.2-83, made against school personnel or involving school property or school buses; or (viii) the*

8. *The arrest of any student for an incident occurring on a school bus, on school property, or at a school-sponsored activity, including the charge therefor.*

B. *Except as may otherwise be required by federal law, regulation, or jurisprudence, each principal:*

1. *Shall immediately report to the local law-enforcement agency any incident described in subdivision A 1 that may constitute a felony offense;*

2. *Shall immediately report to the local law-enforcement agency any incident described in subdivisions A 3 through 7, except that a principal is not required to but may report to the local law-enforcement agency any incident described in subdivision A 4 committed by a student who has a disability;*

3. *May report to the local law-enforcement agency any other incident described in subsection A that is not required to be reported pursuant to subdivision 1 or 2; and*

4. *Shall immediately report any act enumerated in subdivisions A 1 through 5 that may constitute a criminal offense to the parents of any minor student who is the specific object of such act. Further, the principal shall report whether the incident has been reported to local law enforcement pursuant to this subsection and, if the incident has been so reported, that the parents may contact local law enforcement for further information, if they so desire.*

C. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of Chapter 11 of Title 16.1, local law-enforcement authorities shall report, and the principal or his designee and the division superintendent shall receive such reports, on offenses, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act (§ 54.1-3400 et seq.) and occurred on a school bus, on school property, or at a school-sponsored activity, or would be an adult misdemeanor involving any incidents described in ~~clauses (i) through (viii)~~ of subsection A, and whether the student is released to the custody of his parent or, if 18 years of age or more, is released on bond. As part of any report concerning an offense that would be an adult misdemeanor involving an incident described in ~~clauses (i) through (viii)~~ of subsection A, local law-enforcement authorities and attorneys for the Commonwealth shall be authorized to disclose information regarding terms of release from detention, court dates, and terms of any disposition orders entered by the court, to the superintendent of such student's school division, upon request by the superintendent, if, in the determination of the law-enforcement authority or attorney for the Commonwealth, such disclosure would not jeopardize the investigation or prosecution of the case. No disclosures shall be made pursuant to this section in violation of the confidentiality provisions of subsection A of § 16.1-300 or the record retention and redisclosure provisions of § 22.1-288.2. Further, any school superintendent who receives notification that a juvenile has committed an act that would be a crime if committed by an adult pursuant to subsection G of § 16.1-260 shall report such information to the principal of the school in which the juvenile is enrolled.

~~C. D.~~ The principal or his designee shall submit a report of all incidents required to be reported pursuant to this section to the superintendent of the school division. The division superintendent shall annually report all such incidents to the Department of Education for the purpose of recording the frequency of such incidents on forms that shall be provided by the Department and shall make such information available to the public.

In submitting reports of such incidents, principals and division superintendents shall accurately indicate any offenses, arrests, or charges as recorded by law-enforcement authorities and required to be reported by such authorities pursuant to subsection ~~B~~ C.

A division superintendent who knowingly fails to comply or secure compliance with the reporting requirements of this subsection shall be subject to the sanctions authorized in § 22.1-65. A principal who knowingly fails to comply or secure compliance with the reporting requirements of this section shall be subject to sanctions prescribed by the local school board, which may include, but need not be limited to, demotion or dismissal.

The principal or his designee shall also notify the parent of any student involved in an incident required pursuant to this section to be reported, regardless of whether disciplinary action is taken against such student or the nature of the disciplinary action. Such notice shall relate to only the relevant student's involvement and shall not include information concerning other students.

Whenever any student commits any reportable incident as set forth in this section, such student shall be required to participate in such prevention and intervention activities as deemed appropriate by the superintendent or his designee. Prevention and intervention activities shall be identified in the local school division's drug and violence prevention plans developed pursuant to the federal Improving America's Schools Act of 1994 (Title IV — Safe and Drug-Free Schools and Communities Act).

~~D. Except as may otherwise be required by federal law, regulation, or jurisprudence, the principal shall immediately report to the local law-enforcement agency any act enumerated in clauses (ii) through (vii) of subsection A that may constitute a felony offense and may report to the local law-enforcement agency any incident described in subsection A. Nothing in this section shall require delinquency charges to be filed or prevent schools from dealing with school-based offenses through graduated sanctions or educational programming before a delinquency charge is filed with the juvenile court.~~

~~Further, except as may be prohibited by federal law, regulation, or jurisprudence, the principal shall also immediately report any act enumerated in clauses (ii) through (v) of subsection A that may constitute a criminal offense to the parents of any minor student who is the specific object of such act. Further, the principal shall report whether the incident has been reported to local law enforcement pursuant to this subsection and, if the incident is so reported, that the parents may contact local law enforcement for further information, if they so desire.~~

E. A statement providing a procedure and the purpose for the requirements of this section shall be included in school board policies required by § 22.1-253.13:7.

The Board of Education shall promulgate regulations to implement this section, including, but not limited to, establishing reporting dates and report formats.

F. For the purposes of this section, "parent" or "parents" means any parent, guardian or other person having control or charge of a child.

G. This section shall not be construed to diminish the authority of the Board of Education or to diminish the Governor's authority to coordinate and provide policy direction on official communications between the Commonwealth and the United States government.

H. Nothing in this section shall require delinquency charges to be filed or prevent schools from dealing with school-based offenses through graduated sanctions or educational programming before a delinquency charge is filed with the juvenile court.

§ 22.1-279.3:3. Alternative school discipline process for certain incidents.

A. A school board may establish an alternative school discipline process to provide the parties involved in an incident ~~described in clause (i) of subsection A of § 22.1-279.3-1 of assault or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity~~ the option to enter into a mutually agreed-upon process between the involved parties. Such process shall be designed to hold the student accountable for a noncriminal offense through a mutually agreed-upon standard.

B. If provided for in the process established by the school board, no principal shall report ~~pursuant to subsection D of § 22.1-279.3-1 to the local law-enforcement agency~~ a party who successfully completes the alternative school discipline process. If the parties fail to agree to participate in the process or fail to successfully complete the alternative school discipline process, then the principal may report the incident to the local law-enforcement agency ~~pursuant to subsection D of § 22.1-279.3-1.~~

CHAPTER 795

An Act to amend and reenact § 23.1-506 of the Code of Virginia, as it is currently effective and as it shall become effective, relating to victims of human trafficking; eligibility for in-state tuition.

[H 526]

Approved May 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-506 of the Code of Virginia, as it is currently effective and as it shall become effective, is amended and reenacted as follows:

§ 23.1-506. (Effective until August 1, 2022) Eligibility for in-state tuition; exception; certain out-of-state and high school students.

A. Notwithstanding § 23.1-502 or any other provision of law to the contrary, the following students are eligible for in-state tuition charges regardless of domicile:

1. Any non-Virginia student who resides outside the Commonwealth and has been employed full time in the Commonwealth for at least one year immediately prior to the date of the alleged entitlement if such student has paid Virginia income taxes on all taxable income earned in the Commonwealth for the tax year prior to the date of the alleged entitlement. Such student shall continue to be eligible for in-state tuition charges for so long as the student is employed full time in the Commonwealth and the student pays Virginia income taxes on all taxable income earned in the Commonwealth.

2. Any non-Virginia student who resides outside the Commonwealth and is claimed as a dependent for federal and Virginia income tax purposes if the nonresident parent claiming the student as a dependent has been employed full time in the Commonwealth for at least one year immediately prior to the date of the alleged entitlement and paid Virginia income taxes on all taxable income earned in the Commonwealth for the tax year prior to the date of the alleged entitlement. Such student shall continue to be eligible for in-state tuition charges for so long as his qualifying parent is employed full time in the Commonwealth, pays Virginia income taxes on all taxable income earned in the Commonwealth, and claims the student as a dependent for Virginia and federal income tax purposes.

3. Any active duty member, activated guard or reserve member, or guard or reserve member mobilized or on temporary active orders for 180 days or more who resides in the Commonwealth.

4. Any veteran who resides in the Commonwealth.

5. Any surviving spouse who resides in the Commonwealth.

6. Following completion of active duty service, any non-Virginia student who established domicile before being called to active duty in the National Guard of another state if during such active duty he maintained at least one of the following in the Commonwealth: a driver's license, motor vehicle registration, voter registration, employment, property ownership, or sources of financial support.

7. Any member of the foreign service office who resided in the Commonwealth for at least 90 days immediately prior to receiving a foreign service assignment and who continues to be assigned overseas, and any dependents of such member.

8. Any child of an active duty member or veteran who claims Virginia as his home state and filed Virginia tax returns for at least 10 years during active duty service.

9. Any individual who (i) was admitted to the United States as a refugee under 8 U.S.C. § 1157 within the previous two calendar years or (ii) received a Special Immigrant Visa that has been granted a status under P.L. 110-181 § 1244, P.L. 109-163 § 1059, or P.L. 11-8 § 602 within the previous two calendar years and, upon entering the United States, resided in the Commonwealth and continues to reside in the Commonwealth as a refugee or pursuant to such Special Immigrant Visa.

10. Any student who (i) attended high school for at least two years in the Commonwealth and either (a) graduated on or after July 1, 2008, from a public or private high school or program of home instruction in the Commonwealth or (b) passed on or after July 1, 2008, a high school equivalency examination approved by the Secretary of Education; (ii) has submitted evidence that he or, in the case of a dependent student, at least one parent, guardian, or person standing in loco parentis has filed, unless exempted by state law, Virginia income tax returns for at least two years prior to the date of registration or enrollment; and (iii) registers as an entering student or is enrolled in a public institution of higher education in the Commonwealth. Students who meet these criteria shall be eligible for in-state tuition regardless of their citizenship or immigration status, except that students with currently valid visas issued under 8 U.S.C. § 1101(a)(15)(F),

1101(a)(15)(H)(iii), 1101(a)(15)(J)(including only students or trainees), or 1101(a)(15)(M) are not eligible. Information obtained in the implementation of this subdivision shall only be used or disclosed to individuals other than the student for purposes of determining in-state tuition eligibility.

11. Any non-Virginia student who is currently present in the Commonwealth as a result of being a victim of human trafficking. For the purposes of this subdivision, a person may be a victim of human trafficking regardless of whether any person has been charged with or convicted of any offense. Eligibility under this subdivision may be proved by a certification of such status as a victim of human trafficking by a federal, state, or local agency or not-for-profit agency, one of whose primary missions is to provide services to victims of human trafficking. For the purposes of this subdivision, "victim of human trafficking" means a victim of (i) a violation of clause (iii), (iv), or (v) of § 18.2-48; (ii) a felony violation of § 18.2-346; (iii) a violation of § 18.2-348, 18.2-349, 18.2-355 through 18.2-357.1, or 18.2-368; or (iv) sex trafficking or severe forms of trafficking in persons as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7101 et seq. Public institutions of higher education shall automatically record any student qualifying for in-state tuition pursuant to this subdivision as opting out of making any directory or educational information available to the public unless the student voluntarily and affirmatively chooses to opt in to allowing such directory or educational information to be made available.

Any non-Virginia student granted in-state tuition pursuant to this subsection shall be counted as a Virginia student for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

B. Notwithstanding the provisions of § 23.1-502 or any other provision of law to the contrary, the governing board of any public institution of higher education may charge in-state tuition to the following students regardless of domicile:

1. Any non-Virginia student enrolled in one of the institution's programs designated by the Council who (i) is entitled to reduced tuition charges at the institutions of higher education in any other state that is a party to the Southern Regional Education Compact and that has similar reciprocal provisions for Virginia students and (ii) is domiciled in such other state;

2. Any non-Virginia student from a foreign country who is enrolled in a foreign exchange program approved by the institution of higher education during the same period in which a Virginia student from such institution is attending such foreign institution as an exchange student; and

3. Any high school or magnet school student, not otherwise qualified for in-state tuition, who is enrolled in courses specifically designed as part of the high school or magnet school curriculum in a comprehensive community college for which he may, upon successful completion, receive high school and college credit pursuant to a dual enrollment agreement between the high school or magnet school and the comprehensive community college.

Any non-Virginia student granted in-state tuition pursuant to this subsection shall be counted as a non-Virginia student for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

C. The State Board shall charge in-state tuition to any non-Virginia student enrolled at a comprehensive community college who resides in another state within a 30-mile radius of a public institution of higher education in the Commonwealth, is domiciled in such other state, and is entitled to in-state tuition charges at the institutions of higher education in any state that is contiguous to the Commonwealth and that has similar reciprocal provisions for Virginia students.

Any non-Virginia student granted in-state tuition pursuant to this subsection shall be counted as a Virginia student for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

§ 23.1-506. (Effective August 1, 2022) Eligibility for in-state tuition; exception; certain out-of-state and high school students.

A. Notwithstanding § 23.1-502 or any other provision of law to the contrary, the following students are eligible for in-state tuition charges regardless of domicile:

1. Any non-Virginia student who resides outside the Commonwealth and has been employed full time in the Commonwealth for at least one year immediately prior to the date of the alleged entitlement if such student has paid Virginia income taxes on all taxable income earned in the Commonwealth for the tax year prior to the date of the alleged entitlement. Such student shall continue to be eligible for in-state tuition charges for so long as the student is employed full time in the Commonwealth and the student pays Virginia income taxes on all taxable income earned in the Commonwealth.

2. Any non-Virginia student who resides outside the Commonwealth and is claimed as a dependent for federal and Virginia income tax purposes if the nonresident parent claiming the student as a dependent has been employed full time in the Commonwealth for at least one year immediately prior to the date of the alleged entitlement and paid Virginia income taxes on all taxable income earned in the Commonwealth for the tax year prior to the date of the alleged entitlement. Such student shall continue to be eligible for in-state tuition charges for so long as his qualifying parent is employed full time in the Commonwealth, pays Virginia income taxes on all taxable income earned in the Commonwealth, and claims the student as a dependent for Virginia and federal income tax purposes.

3. Any active duty member, activated guard or reserve member, or guard or reserve member mobilized or on temporary active orders for 180 days or more who resides in the Commonwealth.

4. Any veteran who resides in the Commonwealth.

5. Any surviving spouse who resides in the Commonwealth.

6. Following completion of active duty service, any non-Virginia student who established domicile before being called to active duty in the National Guard of another state if during such active duty he maintained at least one of the following in the Commonwealth: a driver's license, motor vehicle registration, voter registration, employment, property ownership, or sources of financial support.

7. Any member of the foreign service office who resided in the Commonwealth for at least 90 days immediately prior to receiving a foreign service assignment and who continues to be assigned overseas, and any dependents of such member.

8. Any child of an active duty member or veteran who claims Virginia as his home state and filed Virginia tax returns for at least 10 years during active duty service.

9. Any individual who (i) was admitted to the United States as a refugee under 8 U.S.C. § 1157 within the previous two calendar years or (ii) received a Special Immigrant Visa that has been granted a status under P.L. 110-181 § 1244, P.L. 109-163 § 1059, or P.L. 111-8 § 602 within the previous two calendar years and, upon entering the United States, resided in the Commonwealth and continues to reside in the Commonwealth as a refugee or pursuant to such Special Immigrant Visa.

10. *Any non-Virginia student who is currently present in the Commonwealth as a result of being a victim of human trafficking. For the purposes of this subdivision, a person may be a victim of human trafficking regardless of whether any person has been charged with or convicted of any offense. Eligibility under this subdivision may be proved by a certification of such status as a victim of human trafficking by a federal, state, or local agency or not-for-profit agency, one of whose primary missions is to provide services to victims of human trafficking. For the purposes of this subdivision, "victim of human trafficking" means a victim of (i) a violation of clause (iii), (iv), or (v) of § 18.2-48; (ii) a felony violation of § 18.2-346; (iii) a violation of § 18.2-348, 18.2-349, 18.2-355 through 18.2-357.1, or 18.2-368; or (iv) sex trafficking or severe forms of trafficking in persons as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7101 et seq. Public institutions of higher education shall automatically record any student qualifying for in-state tuition pursuant to this subdivision as opting out of making any directory or educational information available to the public unless the student voluntarily and affirmatively chooses to opt in to allowing such directory or educational information to be made available.*

Any non-Virginia student granted in-state tuition pursuant to this subsection shall be counted as a Virginia student for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

B. Notwithstanding the provisions of § 23.1-502 or any other provision of law to the contrary, the governing board of any public institution of higher education may charge in-state tuition to the following students regardless of domicile:

1. Any non-Virginia student enrolled in one of the institution's programs designated by the Council who (i) is entitled to reduced tuition charges at the institutions of higher education in any other state that is a party to the Southern Regional Education Compact and that has similar reciprocal provisions for Virginia students and (ii) is domiciled in such other state;

2. Any non-Virginia student from a foreign country who is enrolled in a foreign exchange program approved by the institution of higher education during the same period in which a Virginia student from such institution is attending such foreign institution as an exchange student; and

3. Any high school or magnet school student, not otherwise qualified for in-state tuition, who is enrolled in courses specifically designed as part of the high school or magnet school curriculum in a comprehensive community college for which he may, upon successful completion, receive high school and college credit pursuant to a dual enrollment agreement between the high school or magnet school and the comprehensive community college.

Any non-Virginia student granted in-state tuition pursuant to this subsection shall be counted as a non-Virginia student for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

C. The State Board shall charge in-state tuition to any non-Virginia student enrolled at a comprehensive community college who resides in another state within a 30-mile radius of a public institution of higher education in the Commonwealth, is domiciled in such other state, and is entitled to in-state tuition charges at the institutions of higher education in any state that is contiguous to the Commonwealth and that has similar reciprocal provisions for Virginia students.

Any non-Virginia student granted in-state tuition pursuant to this subsection shall be counted as a Virginia student for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

CHAPTER 796

An Act to amend and reenact §§ 46.2-342, 46.2-345, 46.2-345.2, and 46.2-345.3 of the Code of Virginia, relating to Department of Motor Vehicles documents; blood type.

[S 345]

Approved May 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-342, 46.2-345, 46.2-345.2, and 46.2-345.3 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-342. What license to contain; organ donor information; Uniform Donor Document.

A. Every license issued under this chapter shall bear:

1. For licenses issued or renewed on or after July 1, 2003, a license number which shall be assigned by the Department to the licensee and shall not be the same as the licensee's social security number;

2. A photograph of the licensee;

3. The licensee's full name, year, month, and date of birth;

4. The licensee's address, subject to the provisions of subsection B;

5. A brief description of the licensee for the purpose of identification;
 6. A space for the signature of the licensee; and
 7. Any other information deemed necessary by the Commissioner for the administration of this title.
- No abbreviated names or nicknames shall be shown on any license.

B. At the option of the licensee, the address shown on the license may be either the post office box, business, or residence address of the licensee, provided such address is located in Virginia. However, regardless of which address is shown on the license, the licensee shall supply the Department with his residence address, which shall be an address in Virginia. This residence address shall be maintained in the Department's records. Whenever the licensee's address shown either on his license or in the Department's records changes, he shall notify the Department of such change as required by § 46.2-324.

C. The Department may contract with the United States Postal Service or an authorized agent to use the National Change of Address System for the purpose of obtaining current address information for a person whose name appears in customer records maintained by the Department. If the Department receives information from the National Change of Address System indicating that a person whose name appears in a Department record has submitted a permanent change of address to the Postal Service, the Department may then update its records with the mailing address obtained from the National Change of Address System.

D. The license shall be made of a material and in a form to be determined by the Commissioner.

E. Licenses issued to persons less than 21 years old shall be immediately and readily distinguishable from those issued to persons 21 years old or older. Distinguishing characteristics shall include unique design elements of the document and descriptors within the photograph area to identify persons who are at least 15 years old but less than 21 years old. These descriptors shall include the month, day, and year when the person will become 21 years old.

F. The Department shall establish a method by which an applicant for a driver's license or an identification card may indicate his consent to make an anatomical gift for transplantation, therapy, research, and education pursuant to § 32.1-291.5, and shall cooperate with the Virginia Transplant Council to ensure that such method is designed to encourage organ, tissue, and eye donation with a minimum of effort on the part of the donor and the Department.

G. If an applicant indicates his consent to be a donor pursuant to subsection F, the Department may make a notation of this designation on his license or card and shall make a notation of this designation in his driver record. The notation shall remain on the individual's license or card until he revokes his consent to make an anatomical gift by requesting removal of the notation from his license or card or otherwise in accordance with § 32.1-291.6. Inclusion of a notation indicating consent to making an organ donation on an applicant's license or card pursuant to this subsection shall be sufficient legal authority for removal, following death, of the subject's organs or tissues without additional authority from the donor or his family or estate, in accordance with the provisions of § 32.1-291.8.

H. A minor may make a donor designation pursuant to subsection F without the consent of a parent or legal guardian as authorized by the Revised Uniform Anatomical Gift Act (§ 32.1-291.1 et seq.).

I. The Department shall provide a method by which an applicant conducting a Department of Motor Vehicles transaction using electronic means may make a voluntary contribution to the Virginia Donor Registry and Public Awareness Fund (Fund) established pursuant to § 32.1-297.1. The Department shall inform the applicant of the existence of the Fund and also that contributing to the Fund is voluntary.

J. The Department shall collect all moneys contributed pursuant to subsection I and transmit the moneys on a regular basis to the Virginia Transplant Council, which shall credit the contributions to the Fund.

K. When requested by the applicant, and upon presentation of a signed statement by a licensed physician confirming the applicant's condition, the Department shall indicate on the applicant's driver's license that the applicant (i) is an insulin-dependent diabetic, (ii) is deaf or hard of hearing or speech impaired, (iii) has a traumatic brain injury, or (iv) has an intellectual disability, as defined in § 37.2-100, or autism spectrum disorder, as defined in § 38.2-3418.17. Any request for a traumatic brain injury indicator on an applicant's driver's license shall be accompanied by a form prescribed by the Commissioner and completed by a licensed physician.

L. In the absence of gross negligence or willful misconduct, the Department and its employees shall be immune from any civil or criminal liability in connection with the making of or failure to make a notation of donor designation on any license or card or in any person's driver record.

M. The Department shall, in coordination with the Virginia Transplant Council, prepare an organ donor information brochure describing the organ donor program and providing instructions for completion of the uniform donor document information describing the bone marrow donation program and instructions for registration in the National Bone Marrow Registry. The Department shall include a copy of such brochure with every driver's license renewal notice or application mailed to licensed drivers in Virginia.

N. The Department shall establish a method by which an applicant for an original, reissued, or renewed driver's license may indicate his blood type. If the applicant chooses to indicate his blood type, the Department shall make a notation of this designation on his license and in his record. Such notation on the driver's license shall only be used by emergency medical services agencies in providing emergency medical support. Upon written request of the license holder or his legal guardian to have the designation removed, the Department shall issue the driver's license without such designation upon the payment of applicable fees.

Notwithstanding any other provision of law, the Department shall not disclose any data collected pursuant to this subsection except to the subject of the information and by designation on the driver's license. Nothing herein shall require the Department to verify any information provided for the designation. No action taken by any person, whether private citizen or public officer or employee, with regard to any blood type designation displayed on a driver's license, shall create a warranty of the reliability or accuracy of the document or electronic image, nor shall it create any liability on the part of the Commonwealth or of any department, office, or agency or of any officer, employee, or agent thereof.

§ 46.2-345. Issuance of special identification cards; fee; confidentiality; penalties.

A. On the application of any person who is a resident of the Commonwealth, the parent of any such person who is under the age of 18, or the legal guardian of any such person, the Department shall issue a special identification card to the person, provided that:

1. Application is made on a form prescribed by the Department and includes the applicant's full legal name; year, month, and date of birth; social security number; sex; and residence address. Applicants shall be permitted to choose between "male," "female," or "non-binary" when designating the applicant's sex on the application form;

2. The applicant presents, when required by the Department, proof of identity, legal presence, residency, and social security number or non-work authorized status;

3. The Department is satisfied that the applicant needs an identification card or the applicant shows he has a bona fide need for such a card; and

4. The applicant does not hold a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card without a photograph.

Persons 70 years of age or older may exchange a valid Virginia driver's license for a special identification card at no fee. Special identification cards subsequently issued to such persons shall be subject to the regular fees for special identification cards.

B. The fee for the issuance of an original, duplicate, reissue, or renewal special identification card is \$2 per year, with a \$10 minimum fee. Persons 21 years old or older may be issued a scenic special identification card for an additional fee of \$5.

C. Every special identification card shall expire on the applicant's birthday at the end of the period of years for which a special identification card has been issued. At no time shall any special identification card be issued for less than three nor more than eight years, except under the provisions of subsection B of § 46.2-328.1 and except that those cards issued to children under the age of 15 shall expire on the child's sixteenth birthday. Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring card if (i) the Department is unable to process an application for renewal due to circumstances beyond its control, (ii) the extension has been authorized under a directive from the Governor, and (iii) the card was not issued as a temporary special identification card under the provisions of subsection B of § 46.2-328.1. However, in no event shall the validity period be extended more than 90 days per occurrence of such conditions. Any special identification card issued to a person required to register pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 shall expire on the applicant's birthday in years which the applicant attains an age equally divisible by five. For each person required to register pursuant to Chapter 9 of Title 9.1, the Department may not waive the requirement that each such person shall appear for each renewal or the requirement to obtain a photograph in accordance with subsection C of § 46.2-323.

D. A special identification card issued under this section may be similar in size, shape, and design to a driver's license, and include a photograph of its holder, but the card shall be readily distinguishable from a driver's license and shall clearly state that it does not authorize the person to whom it is issued to drive a motor vehicle. Every applicant for a special identification card shall appear in person before the Department to apply for a renewal, duplicate or reissue unless specifically permitted by the Department to apply in another manner.

E. Special identification cards, for persons at least 15 years old but less than 21 years old, shall be immediately and readily distinguishable from those issued to persons 21 years old or older. Distinguishing characteristics shall include unique design elements of the document and descriptors within the photograph area to identify persons who are at least 15 years old but less than 21 years old. These descriptors shall include the month, day, and year when the person will become 21 years old.

F. Special identification cards for persons under age 15 shall bear a full face photograph. The special identification card issued to persons under age 15 shall be readily distinguishable from a driver's license and from other special identification cards issued by the Department. Such cards shall clearly indicate that it does not authorize the person to whom it is issued to drive a motor vehicle.

G. Unless otherwise prohibited by law, a valid Virginia driver's license shall be surrendered upon application for a special identification card without the applicant's having to present proof of legal presence as required by § 46.2-328.1 if the Virginia driver's license is unexpired and it has not been revoked, suspended, or cancelled. The special identification card shall be considered a reissue and the expiration date shall be the last day of the month of the surrendered driver's license's month of expiration.

H. Any personal information, as identified in § 2.2-3801, which is retained by the Department from an application for the issuance of a special identification card is confidential and shall not be divulged to any person, association, corporation, or organization, public or private, except to the legal guardian or the attorney of the applicant or to a person, association, corporation, or organization nominated in writing by the applicant, his legal guardian, or his attorney. This subsection shall not prevent the Department from furnishing the application or any information thereon to any law-enforcement agency.

I. Any person who uses a false or fictitious name or gives a false or fictitious address in any application for an identification card or knowingly makes a false statement or conceals a material fact or otherwise commits a fraud in any such application shall be guilty of a Class 2 misdemeanor. However, where the name or address is given, or false statement is made, or fact is concealed, or fraud committed, with the intent to purchase a firearm or where the identification card is obtained for the purpose of committing any offense punishable as a felony, a violation of this section shall constitute a Class 4 felony.

J. The Department shall utilize the various communications media throughout the Commonwealth to inform Virginia residents of the provisions of this section and to promote and encourage the public to take advantage of its provisions.

K. The Department shall electronically transmit application information to the Department of State Police, in a format approved by the State Police, for comparison with information contained in the Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry Files, at the time of issuance of a special identification card. Whenever it appears from the records of the State Police that a person has failed to comply with the duty to register, reregister, or verify his registration information pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person made application for the special identification card.

L. When requested by the applicant, the applicant's parent if the applicant is a minor, or the applicant's guardian, and upon presentation of a signed statement by a licensed physician confirming the applicant's condition, the Department shall indicate on the applicant's special identification card that the applicant has any condition listed in subsection K of § 46.2-342 or that the applicant is blind or vision impaired.

M. The Department shall establish a method by which an applicant for an original, reissued, or renewed special identification card may indicate his blood type. If the applicant chooses to indicate his blood type, the Department shall make a notation of this designation on his special identification card and in his record. Such notation on the special identification card shall only be used by emergency medical services agencies in providing emergency medical support. Upon written request of the license holder or his legal guardian to have the designation removed, the Department shall issue the special identification card without such designation upon the payment of applicable fees.

Notwithstanding any other provision of law, the Department shall not disclose any data collected pursuant to this subsection except to the subject of the information and by designation on the special identification card. Nothing herein shall require the Department to verify any information provided for the designation. No action taken by any person, whether private citizen or public officer or employee, with regard to any blood type designation displayed on a special identification card, shall create a warranty of the reliability or accuracy of the document or electronic image, nor shall it create any liability on the part of the Commonwealth or of any department, office, or agency or of any officer, employee, or agent thereof.

§ 46.2-345.2. Issuance of special identification cards without photographs; fee; confidentiality; penalties.

A. On the application of any person with a sincerely held religious belief prohibiting the taking of a photograph who is a resident of the Commonwealth and who is at least 15 years of age, the Department shall issue a special identification card without a photograph to the person, provided that:

1. Application is made on a form prescribed by the Department and includes the applicant's full legal name; year, month, and date of birth; social security number; sex; and residence address. Applicants shall be permitted to choose between "male," "female," or "non-binary" when designating the applicant's sex on the application form;

2. The applicant presents, when required by the Department, proof of identity, legal presence, residency, and social security number or non-work authorized status;

3. The applicant presents an approved and signed U.S. Department of the Treasury Internal Revenue Service (IRS) Form 4029 or if such applicant is a minor, the applicant's parent or legal guardian presents an approved and signed IRS Form 4029; and

4. The applicant does not hold a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card.

B. The fee for the issuance of an original, duplicate, or reissue special identification card without a photograph is \$10 per year, with a \$20 minimum fee.

C. Every special identification card without a photograph shall expire on the applicant's birthday at the end of the period of years for which a special identification card without a photograph has been issued. At no time shall any special identification card without a photograph be issued for more than eight years. Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring card if (i) the Department is unable to process an application for re-issue due to circumstances beyond its control or (ii) the extension has been authorized under a directive from the Governor. However, in no event shall the validity period be extended more than 90 days per occurrence of such conditions.

D. A special identification card without a photograph issued under this section may be similar in size, shape, and design to a driver's license and shall not include a photograph of its holder. The card shall be readily distinguishable from a driver's license and shall clearly state that federal limits apply, that the card is not valid identification to vote, and that the card does not authorize the person to whom it is issued to drive a motor vehicle. Every applicant for a special identification card without a photograph shall appear in person before the Department to apply for a duplicate or reissue unless specifically permitted by the Department to apply in another manner.

E. Unless otherwise prohibited by law, a valid Virginia driver's license or special identification card shall be surrendered for a special identification card without a photograph without the applicant's having to present proof of legal presence as required by § 46.2-328.1 if the Virginia driver's license or special identification card is unexpired and has not been revoked, suspended, or canceled. The special identification card without a photograph shall be considered a reissue, and the expiration date shall be the last day of the month of the surrendered driver's license's or special identification card's month of expiration.

F. Any personal information, as identified in § 2.2-3801, that is retained by the Department from an application for the issuance of a special identification card without a photograph is confidential and shall not be divulged to any person, association, corporation, or organization, public or private, except to the legal guardian or the attorney of the applicant or to a person, association, corporation, or organization nominated in writing by the applicant, his legal guardian, or his attorney. This subsection shall not prevent the Department from furnishing the application or any information thereon to any law-enforcement agency.

G. Any person who uses a false or fictitious name or gives a false or fictitious address in any application for a special identification card without a photograph or knowingly makes a false statement or conceals a material fact or otherwise commits a fraud in any such application is guilty of a Class 2 misdemeanor. However, where the special identification card without a photograph is obtained for the purpose of committing any offense punishable as a felony, a violation of this section shall constitute a Class 4 felony.

H. When requested by the applicant, the applicant's parent if the applicant is a minor, or the applicant's guardian, and upon presentation of a signed statement by a licensed physician confirming the applicant's condition, the Department shall indicate on the applicant's special identification card without a photograph that the applicant has any condition listed in subsection K of § 46.2-342.

I. The Department shall establish a method by which an applicant for an original, reissued, or renewed special identification card without a photograph may indicate his blood type. If the applicant chooses to indicate his blood type, the Department shall make a notation of this designation on his special identification card without a photograph and in his record. Such notation on the special identification card without a photograph shall only be used by emergency medical services agencies in providing emergency medical support. Upon written request of the license holder or his legal guardian to have the designation removed, the Department shall issue the special identification card without a photograph without such designation upon the payment of applicable fees.

Notwithstanding any other provision of law, the Department shall not disclose any data collected pursuant to this subsection except to the subject of the information and by designation on the special identification card without a photograph. Nothing herein shall require the Department to verify any information provided for the designation. No action taken by any person, whether private citizen or public officer or employee, with regard to any blood type designation displayed on a special identification card without a photograph, shall create a warranty of the reliability or accuracy of the document or electronic image, nor shall it create any liability on the part of the Commonwealth or of any department, office, or agency or of any officer, employee, or agent thereof.

J. Unless the Code specifies that a photograph is required, a special identification card without a photograph shall be treated as a special identification card.

§ 46.2-345.3. Issuance of identification privilege cards; fee; confidentiality; penalties.

A. Upon application of any person who does not hold a status that is eligible for a special identification card under subsections A and B of § 46.2-328.1, the parent of any such person who is under the age of 18, or the legal guardian of any such person, the Department may issue an identification privilege card to any resident of the Commonwealth, provided that:

1. Application is made on a form prescribed by the Department;
2. The applicant presents, when required by the Department, proof of identity, residency, and social security number or individual taxpayer identification number;
3. The Department determines that the applicant has reported income and deductions from Virginia sources, as defined in § 58.1-302, or has been claimed as a dependent, on an individual income tax return filed with the Commonwealth in the preceding 12 months; and
4. The applicant does not hold a credential issued under this chapter.

Persons 70 years of age or older may exchange a valid Virginia driver privilege card for an identification privilege card at no fee. Identification privilege cards subsequently issued to such persons shall be subject to the regular fees for identification privilege cards.

B. The fee for the issuance of an original, duplicate, reissue, or renewal identification privilege card is \$25. The amount paid by an applicant for an identification privilege card shall be considered privileged information for the purposes of § 46.2-208.

C. An original identification privilege card shall expire on the applicant's fourth birthday following the date of issuance. Duplicate, reissue, or renewal identification privilege cards shall be valid for a period of four years from the date of issuance. No applicant shall be required to provide proof of compliance with subdivision A 3 for a duplicate, reissue, or renewal identification privilege card. Those cards issued to children under the age of 15 shall expire on the child's sixteenth birthday.

Notwithstanding the provisions of this subsection, the Commissioner may extend the validity period of an expiring card if (i) the Department is unable to process an application for renewal due to circumstances beyond its control and (ii) the

extension has been authorized under a directive from the Governor. However, in no event shall the validity period be extended more than 90 days per occurrence of such conditions.

D. An identification privilege card issued under this section may be similar in size, shape, and design to a driving credential and include a photograph of its holder, but the card shall be readily distinguishable from a driving credential and shall clearly state that it does not authorize the person to whom it is issued to drive a motor vehicle. Every applicant for an identification privilege card shall appear in person before the Department to apply for a renewal, duplicate, or reissue unless specifically permitted by the Department to apply in another manner. The front of an identification privilege card shall be identical in appearance to a special identification card issued under § 46.2-345, and the back of the card shall be identical in appearance to the restriction on the back of a limited-duration special identification card.

E. Identification privilege cards, for persons at least 15 years old but younger than 21 years old, shall be immediately and readily distinguishable from those issued to persons 21 years old or older. Distinguishing characteristics shall include unique design elements of the credential and descriptors within the photograph area to identify persons who are at least 15 years old but younger than 21 years old. These descriptors shall include the month, day, and year when the person will become 21 years old.

F. Identification privilege cards for persons under age 15 shall bear a full-face photograph. The identification card issued to persons under age 15 shall be readily distinguishable from a driving credential and from other identification cards issued by the Department. Such cards shall clearly indicate that it does not authorize the person to whom it is issued to drive a motor vehicle.

G. Any information collected pursuant to this section that is not otherwise collected by the Department or required for the issuance of any other special identification card issued pursuant to the provisions of this chapter and any information regarding restrictions in the Department's records related to the issuance of a credential issued pursuant to this section shall be considered privileged. Notwithstanding the provisions of § 46.2-208, such information shall not be released except upon request by the subject of the information, the parent of a minor who is the subject of the information, the guardian of the subject of the information, or the authorized representative of the subject of the information or pursuant to a court order.

The Department shall release to any federal, state, or local governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, or court, or the authorized agent of any of the foregoing, information related to the issuance of an identification privilege card, the release of which is not otherwise prohibited by this section, that is required for a requester to carry out the requester's official functions if the requester provides the individual's name and other sufficient identifying information contained on the individual's record. Any such release shall be in accordance with the requirements of § 46.2-208.

H. Any person who uses a false or fictitious name or gives a false or fictitious address in any application for an identification privilege card or knowingly makes a false statement or conceals a material fact or otherwise commits a fraud in any such application is guilty of a Class 2 misdemeanor. However, where the name or address is given, or false statement is made, or fact is concealed, or fraud committed, for the purpose of committing any offense punishable as a felony, a violation of this section shall constitute a Class 4 felony.

I. When requested by the applicant, the applicant's parent if the applicant is a minor, or the applicant's guardian, and upon presentation of a signed statement by a licensed physician confirming the applicant's condition, the Department shall indicate on the applicant's identification privilege card that the applicant has any condition listed in subsection K of § 46.2-342 or that the applicant is blind or vision impaired.

J. The Department shall establish a method by which an applicant for an original, reissued, or renewed identification privilege card may indicate his blood type. If the applicant chooses to indicate his blood type, the Department shall make a notation of this designation on his identification privilege card and in his record. Such notation on the special identification card shall only be used by emergency medical services agencies in providing emergency medical support. Upon written request of the license holder or his legal guardian to have the designation removed, the Department shall issue the identification privilege card without such designation upon the payment of applicable fees.

Notwithstanding any other provision of law, the Department shall not disclose any data collected pursuant to this subsection except to the subject of the information and by designation on the identification privilege card. Nothing herein shall require the Department to verify any information provided for the designation. No action taken by any person, whether private citizen or public officer or employee, with regard to any blood type designation displayed on an identification privilege card, shall create a warranty of the reliability or accuracy of the document or electronic image, nor shall it create any liability on the part of the Commonwealth or of any department, office, or agency or of any officer, employee, or agent thereof.

K. Unless the context of the Code provides otherwise, an identification privilege card shall be treated as a special identification card.

2. That the provisions of this act shall become effective on July 1, 2023.

CHAPTER 797

An Act to amend and reenact the fourth and sixth enactments of Chapter 355 and the fourth and sixth enactments of Chapter 356 of the Acts of Assembly of 2019, relating to Eviction Diversion Pilot Program; expiration; report.

[S 24]

Approved May 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That the fourth and sixth enactments of Chapter 355 and the fourth and sixth enactments of Chapter 356 of the Acts of Assembly of 2019 are amended and reenacted as follows:

4. That the provisions of the first enactment of this act shall expire on July 1, ~~2023~~ 2024.

6. That beginning on July 1, 2022, the Virginia Housing Commission shall evaluate data submitted by the Office of the Executive Secretary of the Virginia Supreme Court relating to the eviction diversion pilot program. The Commission shall submit ~~a~~ *an interim* report on its findings on or before November 30, 2022, and *a final report on its findings on or before November 30, 2023*, to the General Assembly and the Chairmen of the Senate Committees on Finance and Appropriations, General Laws and Technology, and ~~Courts of Justice~~ *the Judiciary* and the Chairmen of the House Committees on Appropriations, Finance, General Laws, and Courts of Justice, including recommendations for legislation for the ~~2023~~ 2024 Session of the General Assembly.

CHAPTER 798

An Act to set a timeframe for the lot drawing to determine the staggering of terms of members of the Loudoun County School Board.

[H 1138]

Approved May 27, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. Notwithstanding any other provision of law to the contrary, the lot drawing conducted pursuant to § 22.1-57.3:1.1 of the Code of Virginia by the Loudoun County Electoral Board to determine the members of four of nine districts who will be elected to the Loudoun County School Board for four-year terms and the members of the remaining five districts who will be elected to the Loudoun County School Board for two-year terms to ensure the staggering of member terms for such school board shall be conducted at the electoral board's first meeting of 2023 but no later than January 31, 2023.

CHAPTER 799

An Act to amend and reenact §§ 2.2-2901.1, 2.2-3004, 2.2-3901, 15.2-853, 15.2-965, 15.2-1500.1, 15.2-1604, 22.1-295.2, 22.1-306, 36-96.1:1, and 55.1-1310 of the Code of Virginia, relating to public accommodations, employment, and housing; prohibited discrimination on the basis of religion; includes outward religious expression.

[H 1063]

Approved May 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2901.1, 2.2-3004, 2.2-3901, 15.2-853, 15.2-965, 15.2-1500.1, 15.2-1604, 22.1-295.2, 22.1-306, 36-96.1:1, and 55.1-1310 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2901.1. Employment discrimination prohibited.

A. As used in this section:

"Age" means being an individual who is at least 40 years of age.

"Military status" means status as (i) a member of the uniformed forces, as defined in 10 U.S.C. § 101(a)(5), of the United States or a reserve component thereof named under 10 U.S.C. § 10101, (ii) a veteran as defined in 38 U.S.C. § 101(2), or (iii) a dependent as defined in 50 U.S.C. § 3911(4) except that the support provided by the service member to the individual shall have been provided 180 days immediately preceding an alleged action that if proven true would constitute unlawful discrimination under this section instead of 180 days immediately preceding an application for relief under 50 U.S.C. Chapter 50.

"Religion" includes any outward expression of religious faith, including adherence to religious dressing and grooming practices and the carrying or display of religious items or symbols.

B. No state agency, institution, board, bureau, commission, council, or instrumentality of the Commonwealth shall discriminate in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation, gender identity, or military status.

C. The provisions of this section shall not prohibit (i) discrimination in employment on the basis of (a) sex or age in those instances when sex or age is a bona fide occupational qualification for employment or (b) disability when using the alternative application process provided for in § 2.2-1213 or (ii) providing preference in employment to veterans.

§ 2.2-3004. Grievances qualifying for a grievance hearing; grievance hearing generally.

A. A grievance qualifying for a hearing shall involve a complaint or dispute by an employee relating to the following adverse employment actions in which the employee is personally involved, including (i) formal disciplinary actions, including suspensions, demotions, transfers and assignments, and dismissals resulting from formal discipline or unsatisfactory job performance; (ii) the application of all written personnel policies, procedures, rules and regulations where it can be shown that policy was misapplied or unfairly applied; (iii) discrimination on the basis of race, color, religion, political affiliation, age, disability, national origin, sex, pregnancy, childbirth or related medical conditions, marital status, sexual orientation, gender identity, or military status; (iv) arbitrary or capricious performance evaluations; (v) acts of retaliation as the result of the use of or participation in the grievance procedure or because the employee has complied with any law of the United States or of the Commonwealth, has reported any violation of such law to a governmental authority, has sought any change in law before the Congress of the United States or the General Assembly, or has reported an incidence of fraud, abuse, or gross mismanagement; and (vi) retaliation for exercising any right otherwise protected by law.

B. Management reserves the exclusive right to manage the affairs and operations of state government. Management shall exercise its powers with the highest degree of trust. In any employment matter that management precludes from proceeding to a grievance hearing, management's response, including any appropriate remedial actions, shall be prompt, complete, and fair.

C. Complaints relating solely to the following issues shall not proceed to a hearing: (i) establishment and revision of wages, salaries, position classifications, or general benefits; (ii) work activity accepted by the employee as a condition of employment or which may reasonably be expected to be a part of the job content; (iii) contents of ordinances, statutes or established personnel policies, procedures, and rules and regulations; (iv) methods, means, and personnel by which work activities are to be carried on; (v) termination, layoff, demotion, or suspension from duties because of lack of work, reduction in work force, or job abolition; (vi) hiring, promotion, transfer, assignment, and retention of employees within the agency; and (vii) relief of employees from duties of the agency in emergencies.

D. Except as provided in subsection A of § 2.2-3003, decisions regarding whether a grievance qualifies for a hearing shall be made in writing by the agency head or his designee within five workdays of the employee's request for a hearing. A copy of the decision shall be sent to the employee. The employee may appeal the denial of a hearing by the agency head to the Director of the Department of Human Resource Management (the Director). Upon receipt of an appeal, the agency shall transmit the entire grievance record to the Department of Human Resource Management within five workdays. The Director shall render a decision on whether the employee is entitled to a hearing upon the grievance record and other probative evidence.

E. The hearing pursuant to § 2.2-3005 shall be held in the locality in which the employee is employed or in any other locality agreed to by the employee, employer, and hearing officer. The employee and the agency may be represented by legal counsel or a lay advocate, the provisions of § 54.1-3904 notwithstanding. The employee and the agency may call witnesses to present testimony and be cross-examined.

F. For the purposes of this section, "religion" includes any outward expression of religious faith, including adherence to religious dressing and grooming practices and the carrying or display of religious items or symbols.

§ 2.2-3901. Definitions.

A. The terms "because of sex or gender" or "on the basis of sex or gender" or terms of similar import when used in reference to discrimination in the Code and acts of the General Assembly include because of or on the basis of pregnancy, childbirth, or related medical conditions, including lactation. Women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all purposes as persons not so affected but similar in their abilities or disabilities.

B. The term "gender identity," when used in reference to discrimination in the Code and acts of the General Assembly, means the gender-related identity, appearance, or other gender-related characteristics of an individual, with or without regard to the individual's designated sex at birth.

C. The term "sexual orientation," when used in reference to discrimination in the Code and acts of the General Assembly, means a person's actual or perceived heterosexuality, bisexuality, or homosexuality.

D. The terms "because of race" or "on the basis of race" or terms of similar import when used in reference to discrimination in the Code and acts of the General Assembly include because of or on the basis of traits historically associated with race, including hair texture, hair type, and protective hairstyles such as braids, locks, and twists.

E. As used in this chapter, unless the context requires a different meaning:

"Lactation" means a condition that may result in the feeding of a child directly from the breast or the expressing of milk from the breast.

"Military status" means status as (i) a member of the uniformed forces, as defined in 10 U.S.C. § 101(a)(5), of the United States or a reserve component thereof named under 10 U.S.C. § 10101, (ii) a veteran as defined in 38 U.S.C. § 101(2), or (iii) a dependent as defined in 50 U.S.C. § 3911(4) except that the support provided by the service member to the individual shall have been provided 180 days immediately preceding an alleged action that if proven true would constitute unlawful discrimination under this section instead of 180 days immediately preceding an application for relief under 50 U.S.C. Chapter 50.

"Religion" includes any outward expression of religious faith, including adherence to religious dressing and grooming practices and the carrying or display of religious items or symbols.

§ 15.2-853. Commission on human rights; human rights ordinance.

A county may enact an ordinance prohibiting discrimination in housing, real estate transactions, employment, public accommodations, credit, and education on the basis of race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, military status, age, marital status, sexual orientation, gender identity, or disability. The board may enact an ordinance establishing a local commission on human rights that shall have the following powers and duties:

1. To promote policies to ensure that all persons be afforded equal opportunity;
2. To serve as an agency for receiving, investigating, holding hearings, processing, and assisting in the voluntary resolution of complaints regarding discriminatory practices occurring within the county;
3. With the approval of the county attorney, to seek, through appropriate enforcement authorities, prevention of or relief from a violation of any ordinance prohibiting discrimination; and
4. To exercise such other powers and duties as provided in this article. However, the commission shall have no power itself to issue subpoenas, award damages, or grant injunctive relief.

For the purposes of this article, unless the context requires otherwise:

"Military status" means status as (i) a member of the uniformed forces, as defined in 10 U.S.C. § 101(a)(5), of the United States or a reserve component thereof named under 10 U.S.C. § 10101, (ii) a veteran as defined in 38 U.S.C. § 101(2), or (iii) a dependent as defined in 50 U.S.C. § 3911(4) except that the support provided by the service member to the individual shall have been provided 180 days immediately preceding an alleged action that if proven true would constitute unlawful discrimination under this section instead of 180 days immediately preceding an application for relief under 50 U.S.C. Chapter 50.

"Person" means one or more individuals, labor unions, partnerships, corporations, associations, legal representatives, mutual companies, joint-stock companies, trusts, or unincorporated organizations.

"Religion" includes any outward expression of religious faith, including adherence to religious dressing and grooming practices and the carrying or display of religious items or symbols.

§ 15.2-965. Human rights ordinances and commissions.

A. Any locality may enact an ordinance, not inconsistent with nor more stringent than any applicable state law, prohibiting discrimination in housing, employment, public accommodations, credit, and education on the basis of race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, military status, age, marital status, sexual orientation, gender identity, or disability.

B. The locality may enact an ordinance establishing a local commission on human rights that shall have the powers and duties granted by the Virginia Human Rights Act (§ 2.2-3900 et seq.).

C. As used in this section:

"Gender identity" means the gender-related identity, appearance, or other gender-related characteristics of an individual, without regard to the individual's designated sex at birth.

"Military status" means status as (i) a member of the uniformed forces, as defined in 10 U.S.C. § 101(a)(5), of the United States or a reserve component thereof named under 10 U.S.C. § 10101, (ii) a veteran as defined in 38 U.S.C. § 101(2), or (iii) a dependent as defined in 50 U.S.C. § 3911(4) except that the support provided by the service member to the individual shall have been provided 180 days immediately preceding an alleged action that if proven true would constitute unlawful discrimination under this section instead of 180 days immediately preceding an application for relief under 50 U.S.C. Chapter 50.

"Religion" includes any outward expression of religious faith, including adherence to religious dressing and grooming practices and the carrying or display of religious items or symbols.

"Sexual orientation" means a person's actual or perceived heterosexuality, bisexuality, or homosexuality.

§ 15.2-1500.1. Employment discrimination prohibited; sexual orientation or gender identity.

A. As used in this article, unless the context requires a different meaning:

"Age" means being an individual who is at least 40 years of age.

"Military status" means status as (i) a member of the uniformed forces, as defined in 10 U.S.C. § 101(a)(5), of the United States or a reserve component thereof named under 10 U.S.C. § 10101, (ii) a veteran as defined in 38 U.S.C. § 101(2), or (iii) a dependent as defined in 50 U.S.C. § 3911(4) except that the support provided by the service member to the individual shall have been provided 180 days immediately preceding an alleged action that if proven true would constitute unlawful discrimination under this section instead of 180 days immediately preceding an application for relief under 50 U.S.C. Chapter 50.

"Religion" includes any outward expression of religious faith, including adherence to religious dressing and grooming practices and the carrying or display of religious items or symbols.

B. No department, office, board, commission, agency, or instrumentality of local government shall discriminate in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation, gender identity, or military status.

C. The provisions of this section shall not prohibit (i) discrimination in employment on the basis of sex or age in those instances when sex or age is a bona fide occupational qualification for employment or (ii) providing preference in employment to veterans.

§ 15.2-1604. Appointment of deputies and employment of employees; discriminatory practices by certain officers; civil penalty.

A. It shall be an unlawful employment practice for a constitutional officer:

1. To fail or refuse to appoint or hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of appointment or employment, because of such individual's race, color, religion, sex, age, marital status, pregnancy, childbirth or related medical conditions, sexual orientation, gender identity, national origin, or military status; or

2. To limit, segregate, or classify his appointees, employees, or applicants for appointment or employment in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of the individual's race, color, religion, sex, age, marital status, pregnancy, childbirth or related medical conditions, sexual orientation, gender identity, national origin, or military status.

B. Nothing in this section shall be construed to make it an unlawful employment practice for a constitutional officer to hire or appoint an individual on the basis of his sex or age in those instances where sex or age is a bona fide occupational qualification reasonably necessary to the normal operation of that particular office. The provisions of this section shall not apply to policy-making positions, confidential or personal staff positions, or undercover positions.

C. With regard to notices and advertisements:

1. Every constitutional officer shall, prior to hiring any employee, advertise such employment position in a newspaper having general circulation or a state or local government job placement service in such constitutional officer's locality except where the vacancy is to be used (i) as a placement opportunity for appointees or employees affected by layoff, (ii) as a transfer opportunity or demotion for an incumbent, (iii) to fill positions that have been advertised within the past 120 days, (iv) to fill positions to be filled by appointees or employees returning from leave with or without pay, (v) to fill temporary positions, temporary employees being those employees hired to work on special projects that have durations of three months or less, or (vi) to fill policy-making positions, confidential or personal staff positions, or special, sensitive law-enforcement positions normally regarded as undercover work.

2. No constitutional officer shall print or publish or cause to be printed or published any notice or advertisement relating to employment by such constitutional officer indicating any preference, limitation, specification, or discrimination, based on sex or national origin, except that such notice or advertisement may indicate a preference, limitation, specification, or discrimination based on sex or age when sex or age is a bona fide occupational qualification for employment.

D. Complaints regarding violations of subsection A may be made to the Office of Civil Rights of the Department of Law. The Office shall have the authority to exercise its powers as provided in Article 4 (§ 2.2-520 et seq.) of Chapter 5 of Title 2.2.

E. Any constitutional officer who willfully violates the provisions of subsection C shall be subject to a civil penalty not to exceed \$2,000.

F. As used in this section:

~~"military~~ *Military status*" means status as (i) a member of the uniformed forces, as defined in 10 U.S.C. § 101(a)(5), of the United States or a reserve component thereof named under 10 U.S.C. § 10101, (ii) a veteran as defined in 38 U.S.C. § 101(2), or (iii) a dependent as defined in 50 U.S.C. § 3911(4) except that the support provided by the service member to the individual shall have been provided 180 days immediately preceding an alleged action that if proven true would constitute unlawful discrimination under this section instead of 180 days immediately preceding an application for relief under 50 U.S.C. Chapter 50.

"Religion" includes any outward expression of religious faith, including adherence to religious dressing and grooming practices and the carrying or display of religious items or symbols.

§ 22.1-295.2. Employment discrimination prohibited.

A. As used in this section:

"Age" means being an individual who is at least 40 years of age.

"Military status" means status as (i) a member of the uniformed forces, as defined in 10 U.S.C. § 101(a)(5), of the United States or a reserve component thereof named under 10 U.S.C. § 10101, (ii) a veteran as defined in 38 U.S.C. § 101(2), or (iii) a dependent as defined in 50 U.S.C. § 3911(4) except that the support provided by the service member to the individual shall have been provided 180 days immediately preceding an alleged action that if proven true would constitute unlawful discrimination under this section instead of 180 days immediately preceding an application for relief under 50 U.S.C. Chapter 50.

"Religion" includes any outward expression of religious faith, including adherence to religious dressing and grooming practices and the carrying or display of religious items or symbols.

B. No school board or any agent or employee thereof shall discriminate in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation, gender identity, or military status.

C. The provisions of this section shall not prohibit (i) discrimination in employment on the basis of sex or age in those instances when sex or age is a bona fide occupational qualification for employment or (ii) providing preference in employment to veterans.

§ 22.1-306. Definitions.

As used in this article, unless the context requires a different meaning:

"Business day" means any day that the relevant school board office is open.

"Day" means calendar days unless a different meaning is clearly expressed in this article. Whenever the last day for performing an act required by this article falls on a Saturday, Sunday, or legal holiday, the act may be performed on the next day that is not a Saturday, Sunday, or legal holiday.

"Dismissal" means the dismissal of any teacher during the term of such teacher's contract.

"Grievance" means a complaint or dispute by a teacher relating to his employment, including (i) disciplinary action including dismissal; (ii) the application or interpretation of (a) personnel policies, (b) procedures, (c) rules and regulations, (d) ordinances, and (e) statutes; (iii) acts of reprisal against a teacher for filing or processing a grievance, participating as a witness in any step, meeting, or hearing relating to a grievance, or serving as a member of a fact-finding panel; and (iv) complaints of discrimination on the basis of race, color, creed, religion, political affiliation, disability, age, national origin, sex, pregnancy, childbirth or related medical conditions, marital status, sexual orientation, gender identity, or military status. Each school board shall have the exclusive right to manage the affairs and operations of the school division. Accordingly, the term "grievance" shall not include a complaint or dispute by a teacher relating to (a) establishment and revision of wages or salaries, position classifications, or general benefits; (b) suspension of a teacher or nonrenewal of the contract of a teacher who has not achieved continuing contract status; (c) the establishment or contents of ordinances, statutes, or personnel policies, procedures, rules, and regulations; (d) failure to promote; (e) discharge, layoff, or suspension from duties because of decrease in enrollment, decrease in enrollment or abolition of a particular subject, or insufficient funding; (f) hiring, transfer, assignment, and retention of teachers within the school division; (g) suspension from duties in emergencies; (h) the methods, means, and personnel by which the school division's operations are to be carried on; or (i) coaching or extracurricular activity sponsorship.

While these management rights are reserved to the school board, failure to apply, where applicable, the rules, regulations, policies, or procedures as written or established by the school board is grievable.

"Military status" means status as (i) a member of the uniformed forces, as defined in 10 U.S.C. § 101(a)(5), of the United States or a reserve component thereof named under 10 U.S.C. § 10101, (ii) a veteran as defined in 38 U.S.C. § 101(2), or (iii) a dependent as defined in 50 U.S.C. § 3911(4) except that the support provided by the service member to the individual shall have been provided 180 days immediately preceding an alleged action that if proven true would constitute unlawful discrimination under this section instead of 180 days immediately preceding an application for relief under 50 U.S.C. Chapter 50.

"Religion" includes any outward expression of religious faith, including adherence to religious dressing and grooming practices and the carrying or display of religious items or symbols.

§ 36-96.1:1. Definitions.

For the purposes of this chapter, unless the context requires a different meaning:

"Aggrieved person" means any person who (i) claims to have been injured by a discriminatory housing practice or (ii) believes that such person will be injured by a discriminatory housing practice that is about to occur.

"Assistance animal" means an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability. Assistance animals perform many disability-related functions, including guiding individuals who are blind or have low vision, alerting individuals who are deaf or hard of hearing to sounds, providing protection or rescue assistance, pulling a wheelchair, fetching items, alerting persons to impending seizures, or providing emotional support to persons with disabilities who have a disability-related need for such support. An assistance animal is not required to be individually trained or certified. While dogs are the most common type of assistance animal, other animals can also be assistance animals. An assistance animal is not a pet.

"Complainant" means a person, including the Fair Housing Board, who files a complaint under § 36-96.9.

"Conciliation" means the attempted resolution of issues raised by a complainant, or by the investigation of such complaint, through informal negotiations involving the aggrieved person, the respondent, their respective authorized representatives and the Fair Housing Board.

"Conciliation agreement" means a written agreement setting forth the resolution of the issues in conciliation.

"Disability" means, with respect to a person, (i) a physical or mental impairment that substantially limits one or more of such person's major life activities; (ii) a record of having such an impairment; or (iii) being regarded as having such an impairment. The term does not include current, illegal use of or addiction to a controlled substance as defined in Virginia or federal law. For the purposes of this chapter, the terms "disability" and "handicap" shall be interchangeable.

"Discriminatory housing practices" means an act that is unlawful under § 36-96.3, 36-96.4, 36-96.5, or 36-96.6.

"Dwelling" means any building, structure, or portion thereof that is occupied as, or designated or intended for occupancy as, a residence by one or more families, and any vacant land that is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

"Elderliness" means an individual who has attained his fifty-fifth birthday.

"Familial status" means one or more individuals who have not attained the age of 18 years being domiciled with (i) a parent or other person having legal custody of such individual or individuals or (ii) the designee of such parent or other person having custody with the written permission of such parent or other person. The term "familial status" also includes any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years. For purposes of this section, "in the process of securing legal custody" means having filed an appropriate petition to obtain legal custody of such minor in a court of competent jurisdiction.

"Family" includes a single individual, whether male or female.

"Lending institution" includes any bank, savings institution, credit union, insurance company or mortgage lender.

"Major life activities" includes any the following functions: caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

"Military status" means status as (i) a member of the uniformed forces, as defined in 10 U.S.C. § 101(a)(5), of the United States or a reserve component thereof named under 10 U.S.C. § 10101, (ii) a veteran as defined in 38 U.S.C. § 101(2), or (iii) a dependent as defined in 50 U.S.C. § 3911(4) except that the support provided by the service member to the individual shall have been provided 180 days immediately preceding an alleged action that if proven true would constitute unlawful discrimination under this section instead of 180 days immediately preceding an application for relief under 50 U.S.C. Chapter 50.

"Person" means one or more individuals, whether male or female, corporations, partnerships, associations, labor organizations, fair housing organizations, civil rights organizations, organizations, governmental entities, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

"Physical or mental impairment" includes any of the following: (i) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; or endocrine or (ii) any mental or psychological disorder, such as an intellectual or developmental disability, organic brain syndrome, emotional or mental illness, or specific learning disability. "Physical or mental impairment" includes such diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral palsy; autism; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; human immunodeficiency virus infection; intellectual and developmental disabilities; emotional illness; drug addiction other than addiction caused by current, illegal use of a controlled substance; and alcoholism.

"Religion" includes any outward expression of religious faith, including adherence to religious dressing and grooming practices and the carrying or display of religious items or symbols.

"Respondent" means any person or other entity alleged to have violated the provisions of this chapter, as stated in a complaint filed under the provisions of this chapter and any other person joined pursuant to the provisions of § 36-96.9.

"Restrictive covenant" means any specification in any instrument affecting title to real property that purports to limit the use, occupancy, transfer, rental, or lease of any dwelling because of race, color, religion, national origin, sex, elderliness, familial status, sexual orientation, gender identity, military status, or disability.

"Source of funds" means any source that lawfully provides funds to or on behalf of a renter or buyer of housing, including any assistance, benefit, or subsidy program, whether such program is administered by a governmental or nongovernmental entity.

"To rent" means to lease, to sublease, to let, or otherwise to grant for consideration the right to occupy premises not owned by the occupant.

§ 55.1-1310. Sale or lease of manufactured home by manufactured home owner.

A. For purposes of this section,:

~~"military~~ *Military status*" means status as (i) a member of the uniformed forces, as defined in 10 U.S.C. § 101(a)(5), of the United States or a reserve component thereof named under 10 U.S.C. § 10101, (ii) a veteran as defined in 38 U.S.C. § 101(2), or (iii) a dependent as defined in 50 U.S.C. § 3911(4) except that the support provided by the service member to the individual shall have been provided 180 days immediately preceding an alleged action that if proven true would constitute unlawful discrimination under this section instead of 180 days immediately preceding an application for relief under 50 U.S.C. Chapter 50.

"Religion" includes any outward expression of religious faith, including adherence to religious dressing and grooming practices and the carrying or display of religious items or symbols.

B. No landlord shall unreasonably refuse or restrict the sale or rental of a manufactured home located in his manufactured home park by a tenant. No landlord shall prohibit the manufactured home owner from placing a "for sale" sign on or in the owner's home except that the size, placement, and character of all signs are subject to the rules and regulations of the manufactured home park. Prior to selling or leasing the manufactured home, the tenant shall give notice to the landlord, including the name of the prospective vendee or lessee if the prospective vendee or lessee intends to occupy the manufactured home in that manufactured home park. The landlord shall have the burden of proving that his refusal or restriction regarding the sale or rental of a manufactured home was reasonable. The refusal or restriction of the sale or rental of a manufactured home exclusively or predominantly based on the age of the home shall be considered unreasonable. Any refusal or restriction based on race, color, religion, national origin, military status, familial status, marital status, elderliness, disability, sexual orientation, gender identity, sex, or pregnancy, childbirth or related medical conditions shall be conclusively presumed to be unreasonable.

CHAPTER 800

An Act to amend and reenact § 20-163 of the Code of Virginia, relating to surrogacy contracts; provisions requiring or prohibiting abortions or selective reductions unenforceable.

[S 163]

Approved May 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 20-163 of the Code of Virginia is amended and reenacted as follows:

§ 20-163. Miscellaneous provisions related to all surrogacy contracts.

A. The surrogate shall be solely responsible for the clinical management of the pregnancy.

B. After the entry of an order under subsection B of § 20-160 or upon the execution of a contract pursuant to § 20-162, the marriage of the surrogate shall not affect the validity of the order or contract, and her spouse shall not be deemed a party to the contract in the absence of his explicit written consent.

C. Following the entry of an order pursuant to subsection D of § 20-160 or upon the relinquishing of the custody of and parental rights to any resulting child and the filing of the surrogate consent and report form as provided in § 20-162, the intended parent shall have the custody of, parental rights to, and full responsibilities for any child resulting from the performance of assisted conception from a surrogacy agreement regardless of the child's health, physical appearance, any mental or physical handicap, and regardless of whether the child is born alive.

D. A child born to a surrogate within 300 days after assisted conception pursuant to an order under subsection B of § 20-160 or a contract under § 20-162 is presumed to result from the assisted conception. This presumption is conclusive as to all persons who fail to file an action to test its validity within two years after the birth of the child. The child and the parties to the contract shall be named as parties in any such action. The action shall be filed in the court that issued or could have issued an order under § 20-160.

E. Health care providers shall not be liable for recognizing the surrogate as the mother of the resulting child before receipt of a copy of an order entered under § 20-160 or a copy of the contract, or for recognizing the intended parent as the parent of the resulting child after receipt of such order or copy of the contract.

F. Any contract provision requiring or prohibiting an abortion or selective reduction is against the public policy of the Commonwealth and is void and unenforceable.

CHAPTER 801

An Act to amend the Code of Virginia by adding in Chapter 8 of Title 63.2 a section numbered 63.2-806, relating to unaccompanied homeless youths; services; consent.

[H 717]

Approved May 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 8 of Title 63.2 a section numbered 63.2-806 as follows:

§ 63.2-806. Unaccompanied homeless youths; services; consent.

A. *As used in this section,*

"Provider" means any person or organization that provides housing, including emergency shelter, or other services to an unaccompanied homeless youth and that receives funding from the Virginia Homeless Solutions Program or any other grant program administered by the Homeless and Special Needs Housing unit of the Department of Housing and Community Development.

"Unaccompanied homeless youth" means a homeless child or youth described in subdivision A 7 of § 22.1-3 who is not in the physical custody of a parent or guardian.

B. A child who is 14 years of age or older and who is an unaccompanied homeless youth as evidenced by a statement so stating and signed by an employee of any local education agency who serves as a liaison for homeless children and youths designated pursuant to 42 U.S.C. § 11432(g)(1)(J)(ii) shall be deemed an adult for the purpose of consenting to housing or other services provided in accordance with this section for himself or his minor child. A child who is 14 years of age or older who is an unaccompanied homeless youth who cannot produce a statement signed by an employee of any local education agency who serves as a liaison for homeless children and youths designated pursuant to 42 U.S.C. § 11432(g)(1)(J)(ii) shall be deemed an adult for the purpose of consenting to housing or other services provided in accordance with this section for himself or his minor child for a period of up to 72 hours.

C. A provider that provides housing services, including emergency shelter, to an unaccompanied homeless youth shall attempt to contact the parents or guardian of such unaccompanied homeless youth to inform them of the whereabouts of such unaccompanied homeless youth. If the provider is unable to contact the parent or guardian of the unaccompanied homeless youth or if the provider determines that contacting the parent or guardian is not in the best interests of the youth, the provider shall (i) document the steps taken to identify and notify the parent or guardian or the reasons for the determination that contact with the parent or guardian is not in the best interests of the unaccompanied homeless youth and

(ii) immediately notify the local department of social services of the whereabouts of the child. The provider shall report the child's presence to local law enforcement and the National Center for Missing and Exploited Children in order to determine whether the child has been reported missing or the National Center for Missing and Exploited Children has a record of the child being reported missing by a legal guardian. The provider shall retain such documentation for a period of not less than five years.

D. Any person who, in good faith, relies upon a written statement described in subsection B shall not be liable in any civil or criminal action for delivering services to an unaccompanied homeless youth pursuant to this section without the consent of his parent or guardian, provided that such provider has complied with the requirements of this section. However, no provider shall be relieved of liability for any negligent or criminal acts on the basis of this section.

E. The Board shall adopt regulations to implement the provisions of this section.

2. That the Department of Social Services (the Department) shall establish a work group composed of at least one local education agency liaison for homeless children and youths designated pursuant to 42 U.S.C. § 11432(g)(1)(J)(ii), one attorney who represents unaccompanied homeless youths, one provider of housing and other services for unaccompanied homeless youths, one provider of medical care for unaccompanied homeless youths, three individuals who are or have been unaccompanied homeless youths, and such other stakeholders as the Department shall deem appropriate to make recommendations to the Board of Social Services regarding regulations adopted pursuant to this act.

3. That the work group established pursuant to the second enactment of this act shall also develop recommendations regarding authorizing unaccompanied homeless youths to consent to medical care. The Department of Social Services shall report such recommendations to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by December 1, 2022.

CHAPTER 802

An Act to amend the Code of Virginia by adding a section numbered 2.2-4328.2, relating to the Virginia Public Procurement Act; purchase of personal protective equipment.

[S 416]

Approved May 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 2.2-4328.2 as follows:

§ 2.2-4328.2. Purchase of personal protective equipment by state agencies.

A. When in the course of procuring personal protective equipment for public use, a state agency shall ensure that such equipment comply with all applicable federal and international certifications and requirements for such equipment, and if a state agency receives three or more bids (i) from a Virginia-based company or a manufacturer that uses materials or product components made in Virginia or the United States or (ii) when personal protective equipment are unavailable from such companies or manufacturers, from a United States-based manufacturer using materials or product components made in the United States, such state agency may only select among those bids.

B. If a state agency is unable to purchase equipment in accordance with subsection A, it may purchase equipment from another company or manufacturer so long as the state agency ensures that the personal protective equipment are tested by an independent laboratory to ensure compliance with all applicable federal and international certifications and requirements for such equipment. A state agency may purchase equipment without the need for additional independent laboratory testing if the manufacturer of such equipment provides verifiable proof of internal and independent testing by an accredited United States laboratory or testing facility at the time of purchase.

C. State agencies shall comply with the provisions of this section unless the requirements stated in subsections A and B cannot be met.

2. That the Secretary of Commerce and Trade (the Secretary) shall establish a work group to make recommendations to the General Assembly regarding products other than personal protective equipment that may be necessary if a state of emergency is declared in Virginia and that state agencies should be required to purchase (i) from a Virginia-based company or a manufacturer that uses materials or product components made in Virginia or the United States or (ii) when the products are unavailable from such companies or manufacturers, from a United States-based manufacturer using materials or product components made in the United States, if available. The Secretary shall report the recommendations of the work group to the Chairs of the House Committee on General Laws and the Senate Committee on General Laws and Technology by September 1, 2022.

CHAPTER 803

An Act to amend and reenact § 44-146.17, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to Emergency Services and Disaster Law; limitation on duration of executive orders.

[S 4]

Approved May 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 44-146.17, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 44-146.17. (Effective until July 1, 2023) Powers and duties of Governor.

The Governor shall be Director of Emergency Management. He shall take such action from time to time as is necessary for the adequate promotion and coordination of state and local emergency services activities relating to the safety and welfare of the Commonwealth in time of disasters.

The Governor shall have, in addition to his powers hereinafter or elsewhere prescribed by law, the following powers and duties:

(1) To proclaim and publish such rules and regulations and to issue such orders as may, in his judgment, be necessary to accomplish the purposes of this chapter including, but not limited to such measures as are in his judgment required to control, restrict, allocate or regulate the use, sale, production and distribution of food, fuel, clothing and other commodities, materials, goods, services and resources under any state or federal emergency services programs.

He may adopt and implement the Commonwealth of Virginia Emergency Operations Plan, which provides for state-level emergency operations in response to any type of disaster or large-scale emergency affecting Virginia and that provides the needed framework within which more detailed emergency plans and procedures can be developed and maintained by state agencies, local governments and other organizations.

He may direct and compel evacuation of all or part of the populace from any stricken or threatened area if this action is deemed necessary for the preservation of life, implement emergency mitigation, preparedness, response or recovery actions; prescribe routes, modes of transportation and destination in connection with evacuation; and control ingress and egress at an emergency area, including the movement of persons within the area and the occupancy of premises therein.

Executive orders, to include those declaring a state of emergency and directing evacuation, shall have the force and effect of law and the violation thereof shall be punishable as a civil penalty of not more than \$500 or as a Class 1 misdemeanor in every case where the executive order declares that its violation shall have such force and effect. Where an executive order declares a violation shall be punishable as a civil penalty, such violation shall be charged by summons and may be executed by a law-enforcement officer when such violation is observed by the officer. The summons used by a law-enforcement officer pursuant to this section shall be, in form, the same as the uniform summons for motor vehicle law violations as prescribed pursuant to § 46.2-388. The proceeds of such civil penalties collected pursuant to this section shall be paid and collected only in lawful money of the United States and paid into the state treasury to the credit of the Literary Fund.

Such executive orders declaring a state of emergency may address exceptional circumstances that exist relating to an order of quarantine or an order of isolation concerning a communicable disease of public health threat that is issued by the State Health Commissioner for an affected area of the Commonwealth pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of Title 32.1.

~~Except as to emergency plans issued to prescribe actions to be taken in the event of disasters and emergencies, no rule, regulation, or order issued under this section shall have any effect beyond June 30 next following the next adjournment of the regular session of the General Assembly but the same or a similar rule, regulation, or order may thereafter be issued again if not contrary to law 45 days after the date of issuance. Unless the General Assembly takes action on the rule, regulation, or order within the 45 days during which the rule, regulation, or order is effective, the Governor shall thereafter be prohibited from issuing the same or a similar rule, regulation, or order relating to the same emergency;~~

(2) To appoint a State Coordinator of Emergency Management and authorize the appointment or employment of other personnel as is necessary to carry out the provisions of this chapter, and to remove, in his discretion, any and all persons serving hereunder;

(3) To procure supplies and equipment, to institute training and public information programs relative to emergency management and to take other preparatory steps including the partial or full mobilization of emergency management organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces in time of need;

(4) To make such studies and surveys of industries, resources, and facilities in the Commonwealth as may be necessary to ascertain the capabilities of the Commonwealth and to plan for the most efficient emergency use thereof;

(5) On behalf of the Commonwealth to enter into mutual aid arrangements with other states and to coordinate mutual aid plans between political subdivisions of the Commonwealth. After a state of emergency is declared in another state and the Governor receives a written request for assistance from the executive authority of that state, the Governor may authorize the use in the other state of personnel, equipment, supplies, and materials of the Commonwealth, or of a political subdivision, with the consent of the chief executive officer or governing body of the political subdivision;

(6) To delegate any administrative authority vested in him under this chapter, and to provide for the further delegation of any such authority, as needed;

(7) Whenever, in the opinion of the Governor, the safety and welfare of the people of the Commonwealth require the exercise of emergency measures due to a threatened or actual disaster, to declare a state of emergency to exist;

(8) To request a major disaster declaration from the President, thereby certifying the need for federal disaster assistance and ensuring the expenditure of a reasonable amount of funds of the Commonwealth, its local governments, or other agencies for alleviating the damage, loss, hardship, or suffering resulting from the disaster;

(9) To provide incident command system guidelines for state agencies and local emergency response organizations;

(10) Whenever, in the opinion of the Governor or his designee, an employee of a state or local public safety agency responding to a disaster has suffered an extreme personal or family hardship in the affected area, such as the destruction of a personal residence or the existence of living conditions that imperil the health and safety of an immediate family member of the employee, to direct the Comptroller of the Commonwealth to issue warrants not to exceed \$2,500 per month, for up to three calendar months, to the employee to assist the employee with the hardship; and

(11) During a disaster caused by a communicable disease of public health threat for which a state of emergency has been declared pursuant to subdivision (7), to establish a program through which the Governor may purchase PPE for private, nongovernmental entities and distribute the PPE to such private, nongovernmental entities. If federal funding is available to establish and fund the program, the Governor, if necessary to comply with any conditions attached to such federal funding, shall be entitled to seek reimbursement for such purchases from the private, nongovernmental entities and may establish and charge fees to recover the cost of administering the program, including the cost of procuring and distributing the PPE. However, if federal funding is not available to establish and fund the program, the Governor shall, prior to making such purchases, receive a contract for payment for purchase from the private nongovernmental entities for the full cost of procuring and distributing the PPE, which shall include any amortized costs of administering the program. Any purchase made by the Governor pursuant to this subdivision shall be exempt from the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.), except the Governor shall be encouraged to comply with the provisions of § 2.2-4310 when possible. The Governor shall also provide for competition where practicable and include a written statement regarding the basis for awarding any contract. Prior to implementing such a program, the Department of Emergency Management shall consult with and survey private, nongovernmental entities in order to assess demand for participation in the program as well as the quantity and types of personal protective equipment such entities would like to procure.

As used in this subdivision, "personal protective equipment" or "PPE" means equipment or supplies worn or employed to minimize exposure to hazards that cause serious workplace injuries and illnesses and may include items such as gloves, safety glasses and shoes, earplugs or muffs, hard hats, respirators, coveralls, vests, full body suits, hand sanitizer, plastic shields, or testing for the communicable disease of public health threat.

§ 44-146.17. (Effective July 1, 2023) Powers and duties of Governor.

The Governor shall be Director of Emergency Management. He shall take such action from time to time as is necessary for the adequate promotion and coordination of state and local emergency services activities relating to the safety and welfare of the Commonwealth in time of disasters.

The Governor shall have, in addition to his powers hereinafter or elsewhere prescribed by law, the following powers and duties:

(1) To proclaim and publish such rules and regulations and to issue such orders as may, in his judgment, be necessary to accomplish the purposes of this chapter including, but not limited to such measures as are in his judgment required to control, restrict, allocate or regulate the use, sale, production and distribution of food, fuel, clothing and other commodities, materials, goods, services and resources under any state or federal emergency services programs.

He may adopt and implement the Commonwealth of Virginia Emergency Operations Plan, which provides for state-level emergency operations in response to any type of disaster or large-scale emergency affecting Virginia and that provides the needed framework within which more detailed emergency plans and procedures can be developed and maintained by state agencies, local governments and other organizations.

He may direct and compel evacuation of all or part of the populace from any stricken or threatened area if this action is deemed necessary for the preservation of life, implement emergency mitigation, preparedness, response or recovery actions; prescribe routes, modes of transportation and destination in connection with evacuation; and control ingress and egress at an emergency area, including the movement of persons within the area and the occupancy of premises therein.

Executive orders, to include those declaring a state of emergency and directing evacuation, shall have the force and effect of law and the violation thereof shall be punishable as a Class 1 misdemeanor in every case where the executive order declares that its violation shall have such force and effect.

Such executive orders declaring a state of emergency may address exceptional circumstances that exist relating to an order of quarantine or an order of isolation concerning a communicable disease of public health threat that is issued by the State Health Commissioner for an affected area of the Commonwealth pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of Title 32.1.

~~Except as to emergency plans issued to prescribe actions to be taken in the event of disasters and emergencies, no~~ No rule, regulation, or order issued under this section shall have any effect beyond ~~June 30 next following the next adjournment of the regular session of the General Assembly but the same or a similar rule, regulation, or order may thereafter be issued again if not contrary to law~~ 45 days after the date of issuance. Unless the General Assembly takes action on the rule,

regulation, or order within the 45 days during which the rule, regulation, or order is effective, the Governor shall thereafter be prohibited from issuing the same or a similar rule, regulation, or order relating to the same emergency;

(2) To appoint a State Coordinator of Emergency Management and authorize the appointment or employment of other personnel as is necessary to carry out the provisions of this chapter, and to remove, in his discretion, any and all persons serving hereunder;

(3) To procure supplies and equipment, to institute training and public information programs relative to emergency management and to take other preparatory steps including the partial or full mobilization of emergency management organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces in time of need;

(4) To make such studies and surveys of industries, resources, and facilities in the Commonwealth as may be necessary to ascertain the capabilities of the Commonwealth and to plan for the most efficient emergency use thereof;

(5) On behalf of the Commonwealth to enter into mutual aid arrangements with other states and to coordinate mutual aid plans between political subdivisions of the Commonwealth. After a state of emergency is declared in another state and the Governor receives a written request for assistance from the executive authority of that state, the Governor may authorize the use in the other state of personnel, equipment, supplies, and materials of the Commonwealth, or of a political subdivision, with the consent of the chief executive officer or governing body of the political subdivision;

(6) To delegate any administrative authority vested in him under this chapter, and to provide for the further delegation of any such authority, as needed;

(7) Whenever, in the opinion of the Governor, the safety and welfare of the people of the Commonwealth require the exercise of emergency measures due to a threatened or actual disaster, to declare a state of emergency to exist;

(8) To request a major disaster declaration from the President, thereby certifying the need for federal disaster assistance and ensuring the expenditure of a reasonable amount of funds of the Commonwealth, its local governments, or other agencies for alleviating the damage, loss, hardship, or suffering resulting from the disaster;

(9) To provide incident command system guidelines for state agencies and local emergency response organizations;

(10) Whenever, in the opinion of the Governor or his designee, an employee of a state or local public safety agency responding to a disaster has suffered an extreme personal or family hardship in the affected area, such as the destruction of a personal residence or the existence of living conditions that imperil the health and safety of an immediate family member of the employee, to direct the Comptroller of the Commonwealth to issue warrants not to exceed \$2,500 per month, for up to three calendar months, to the employee to assist the employee with the hardship; and

(11) During a disaster caused by a communicable disease of public health threat for which a state of emergency has been declared pursuant to subdivision (7), to establish a program through which the Governor may purchase PPE for private, nongovernmental entities and distribute the PPE to such private, nongovernmental entities. If federal funding is available to establish and fund the program, the Governor, if necessary to comply with any conditions attached to such federal funding, shall be entitled to seek reimbursement for such purchases from the private, nongovernmental entities and may establish and charge fees to recover the cost of administering the program, including the cost of procuring and distributing the PPE. However, if federal funding is not available to establish and fund the program, the Governor shall, prior to making such purchases, receive a contract for payment for purchase from the private nongovernmental entities for the full cost of procuring and distributing the PPE, which shall include any amortized costs of administering the program. Any purchase made by the Governor pursuant to this subdivision shall be exempt from the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.), except the Governor shall be encouraged to comply with the provisions of § 2.2-4310 when possible. The Governor shall also provide for competition where practicable and include a written statement regarding the basis for awarding any contract. Prior to implementing such a program, the Department of Emergency Management shall consult with and survey private, nongovernmental entities in order to assess demand for participation in the program as well as the quantity and types of personal protective equipment such entities would like to procure.

As used in this subdivision, "personal protective equipment" or "PPE" means equipment or supplies worn or employed to minimize exposure to hazards that cause serious workplace injuries and illnesses and may include items such as gloves, safety glasses and shoes, earplugs or muffs, hard hats, respirators, coveralls, vests, full body suits, hand sanitizer, plastic shields, or testing for the communicable disease of public health threat.

CHAPTER 804

An Act to amend and reenact § 32.1-30 of the Code of Virginia, relating to local health director; qualifications.

[S 192]

Approved May 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-30 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-30. Local health departments.

Each county and city shall establish and maintain a local department of health ~~which~~ *that* shall be headed by a local health director. Each such local health director shall (i) be a physician licensed to practice medicine in ~~this~~ *the* Commonwealth, (ii) possess a master's or doctoral degree in the area of public health and have at least three years of professional experience in a full-time position in either a public health agency or public health-related position, or (iii) be

otherwise qualified for the position as determined by the Commissioner. If a local health director is not a physician licensed to practice medicine and there is no licensed physician on staff, the local health director shall enter into a consulting agreement with a licensed physician to execute prescribing duties, consult on clinical matters, and perform all other duties as requested.

CHAPTER 805

An Act to amend and reenact § 44-146.17, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to Emergency Services and Disaster Law; limitation on duration of executive orders.

[H 158]

Approved May 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 44-146.17, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 44-146.17. (Effective until July 1, 2023) Powers and duties of Governor.

The Governor shall be Director of Emergency Management. He shall take such action from time to time as is necessary for the adequate promotion and coordination of state and local emergency services activities relating to the safety and welfare of the Commonwealth in time of disasters.

The Governor shall have, in addition to his powers hereinafter or elsewhere prescribed by law, the following powers and duties:

(1) To proclaim and publish such rules and regulations and to issue such orders as may, in his judgment, be necessary to accomplish the purposes of this chapter including, but not limited to such measures as are in his judgment required to control, restrict, allocate or regulate the use, sale, production and distribution of food, fuel, clothing and other commodities, materials, goods, services and resources under any state or federal emergency services programs.

He may adopt and implement the Commonwealth of Virginia Emergency Operations Plan, which provides for state-level emergency operations in response to any type of disaster or large-scale emergency affecting Virginia and that provides the needed framework within which more detailed emergency plans and procedures can be developed and maintained by state agencies, local governments and other organizations.

He may direct and compel evacuation of all or part of the populace from any stricken or threatened area if this action is deemed necessary for the preservation of life, implement emergency mitigation, preparedness, response or recovery actions; prescribe routes, modes of transportation and destination in connection with evacuation; and control ingress and egress at an emergency area, including the movement of persons within the area and the occupancy of premises therein.

Executive orders, to include those declaring a state of emergency and directing evacuation, shall have the force and effect of law and the violation thereof shall be punishable as a civil penalty of not more than \$500 or as a Class 1 misdemeanor in every case where the executive order declares that its violation shall have such force and effect. Where an executive order declares a violation shall be punishable as a civil penalty, such violation shall be charged by summons and may be executed by a law-enforcement officer when such violation is observed by the officer. The summons used by a law-enforcement officer pursuant to this section shall be, in form, the same as the uniform summons for motor vehicle law violations as prescribed pursuant to § 46.2-388. The proceeds of such civil penalties collected pursuant to this section shall be paid and collected only in lawful money of the United States and paid into the state treasury to the credit of the Literary Fund.

Such executive orders declaring a state of emergency may address exceptional circumstances that exist relating to an order of quarantine or an order of isolation concerning a communicable disease of public health threat that is issued by the State Health Commissioner for an affected area of the Commonwealth pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of Title 32.1.

~~Except as to emergency plans issued to prescribe actions to be taken in the event of disasters and emergencies, no~~ No rule, regulation, or order issued under this section shall have any effect beyond ~~June 30 next following the next adjournment of the regular session of the General Assembly but the same or a similar rule, regulation, or order may thereafter be issued again if not contrary to law~~ 45 days after the date of issuance. ~~Unless the General Assembly takes action on the rule, regulation, or order within the 45 days during which the rule, regulation, or order is effective, the Governor shall thereafter be prohibited from issuing the same or a similar rule, regulation, or order relating to the same emergency;~~

(2) To appoint a State Coordinator of Emergency Management and authorize the appointment or employment of other personnel as is necessary to carry out the provisions of this chapter, and to remove, in his discretion, any and all persons serving hereunder;

(3) To procure supplies and equipment, to institute training and public information programs relative to emergency management and to take other preparatory steps including the partial or full mobilization of emergency management organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces in time of need;

(4) To make such studies and surveys of industries, resources, and facilities in the Commonwealth as may be necessary to ascertain the capabilities of the Commonwealth and to plan for the most efficient emergency use thereof;

(5) On behalf of the Commonwealth to enter into mutual aid arrangements with other states and to coordinate mutual aid plans between political subdivisions of the Commonwealth. After a state of emergency is declared in another state and the Governor receives a written request for assistance from the executive authority of that state, the Governor may authorize the use in the other state of personnel, equipment, supplies, and materials of the Commonwealth, or of a political subdivision, with the consent of the chief executive officer or governing body of the political subdivision;

(6) To delegate any administrative authority vested in him under this chapter, and to provide for the further delegation of any such authority, as needed;

(7) Whenever, in the opinion of the Governor, the safety and welfare of the people of the Commonwealth require the exercise of emergency measures due to a threatened or actual disaster, to declare a state of emergency to exist;

(8) To request a major disaster declaration from the President, thereby certifying the need for federal disaster assistance and ensuring the expenditure of a reasonable amount of funds of the Commonwealth, its local governments, or other agencies for alleviating the damage, loss, hardship, or suffering resulting from the disaster;

(9) To provide incident command system guidelines for state agencies and local emergency response organizations;

(10) Whenever, in the opinion of the Governor or his designee, an employee of a state or local public safety agency responding to a disaster has suffered an extreme personal or family hardship in the affected area, such as the destruction of a personal residence or the existence of living conditions that imperil the health and safety of an immediate family member of the employee, to direct the Comptroller of the Commonwealth to issue warrants not to exceed \$2,500 per month, for up to three calendar months, to the employee to assist the employee with the hardship; and

(11) During a disaster caused by a communicable disease of public health threat for which a state of emergency has been declared pursuant to subdivision (7), to establish a program through which the Governor may purchase PPE for private, nongovernmental entities and distribute the PPE to such private, nongovernmental entities. If federal funding is available to establish and fund the program, the Governor, if necessary to comply with any conditions attached to such federal funding, shall be entitled to seek reimbursement for such purchases from the private, nongovernmental entities and may establish and charge fees to recover the cost of administering the program, including the cost of procuring and distributing the PPE. However, if federal funding is not available to establish and fund the program, the Governor shall, prior to making such purchases, receive a contract for payment for purchase from the private nongovernmental entities for the full cost of procuring and distributing the PPE, which shall include any amortized costs of administering the program. Any purchase made by the Governor pursuant to this subdivision shall be exempt from the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.), except the Governor shall be encouraged to comply with the provisions of § 2.2-4310 when possible. The Governor shall also provide for competition where practicable and include a written statement regarding the basis for awarding any contract. Prior to implementing such a program, the Department of Emergency Management shall consult with and survey private, nongovernmental entities in order to assess demand for participation in the program as well as the quantity and types of personal protective equipment such entities would like to procure.

As used in this subdivision, "personal protective equipment" or "PPE" means equipment or supplies worn or employed to minimize exposure to hazards that cause serious workplace injuries and illnesses and may include items such as gloves, safety glasses and shoes, earplugs or muffs, hard hats, respirators, coveralls, vests, full body suits, hand sanitizer, plastic shields, or testing for the communicable disease of public health threat.

§ 44-146.17. (Effective July 1, 2023) Powers and duties of Governor.

The Governor shall be Director of Emergency Management. He shall take such action from time to time as is necessary for the adequate promotion and coordination of state and local emergency services activities relating to the safety and welfare of the Commonwealth in time of disasters.

The Governor shall have, in addition to his powers hereinafter or elsewhere prescribed by law, the following powers and duties:

(1) To proclaim and publish such rules and regulations and to issue such orders as may, in his judgment, be necessary to accomplish the purposes of this chapter including, but not limited to such measures as are in his judgment required to control, restrict, allocate or regulate the use, sale, production and distribution of food, fuel, clothing and other commodities, materials, goods, services and resources under any state or federal emergency services programs.

He may adopt and implement the Commonwealth of Virginia Emergency Operations Plan, which provides for state-level emergency operations in response to any type of disaster or large-scale emergency affecting Virginia and that provides the needed framework within which more detailed emergency plans and procedures can be developed and maintained by state agencies, local governments and other organizations.

He may direct and compel evacuation of all or part of the populace from any stricken or threatened area if this action is deemed necessary for the preservation of life, implement emergency mitigation, preparedness, response or recovery actions; prescribe routes, modes of transportation and destination in connection with evacuation; and control ingress and egress at an emergency area, including the movement of persons within the area and the occupancy of premises therein.

Executive orders, to include those declaring a state of emergency and directing evacuation, shall have the force and effect of law and the violation thereof shall be punishable as a Class 1 misdemeanor in every case where the executive order declares that its violation shall have such force and effect.

Such executive orders declaring a state of emergency may address exceptional circumstances that exist relating to an order of quarantine or an order of isolation concerning a communicable disease of public health threat that is issued by the

State Health Commissioner for an affected area of the Commonwealth pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of Title 32.1.

~~Except as to emergency plans issued to prescribe actions to be taken in the event of disasters and emergencies, no~~ No rule, regulation, or order issued under this section shall have any effect beyond ~~June 30 next following the next adjournment of the regular session of the General Assembly but the same or a similar rule, regulation, or order may thereafter be issued again if not contrary to law~~ 45 days after the date of issuance. *Unless the General Assembly takes action on the rule, regulation, or order within the 45 days during which the rule, regulation, or order is effective, the Governor shall thereafter be prohibited from issuing the same or a similar rule, regulation, or order relating to the same emergency;*

(2) To appoint a State Coordinator of Emergency Management and authorize the appointment or employment of other personnel as is necessary to carry out the provisions of this chapter, and to remove, in his discretion, any and all persons serving hereunder;

(3) To procure supplies and equipment, to institute training and public information programs relative to emergency management and to take other preparatory steps including the partial or full mobilization of emergency management organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces in time of need;

(4) To make such studies and surveys of industries, resources, and facilities in the Commonwealth as may be necessary to ascertain the capabilities of the Commonwealth and to plan for the most efficient emergency use thereof;

(5) On behalf of the Commonwealth to enter into mutual aid arrangements with other states and to coordinate mutual aid plans between political subdivisions of the Commonwealth. After a state of emergency is declared in another state and the Governor receives a written request for assistance from the executive authority of that state, the Governor may authorize the use in the other state of personnel, equipment, supplies, and materials of the Commonwealth, or of a political subdivision, with the consent of the chief executive officer or governing body of the political subdivision;

(6) To delegate any administrative authority vested in him under this chapter, and to provide for the further delegation of any such authority, as needed;

(7) Whenever, in the opinion of the Governor, the safety and welfare of the people of the Commonwealth require the exercise of emergency measures due to a threatened or actual disaster, to declare a state of emergency to exist;

(8) To request a major disaster declaration from the President, thereby certifying the need for federal disaster assistance and ensuring the expenditure of a reasonable amount of funds of the Commonwealth, its local governments, or other agencies for alleviating the damage, loss, hardship, or suffering resulting from the disaster;

(9) To provide incident command system guidelines for state agencies and local emergency response organizations;

(10) Whenever, in the opinion of the Governor or his designee, an employee of a state or local public safety agency responding to a disaster has suffered an extreme personal or family hardship in the affected area, such as the destruction of a personal residence or the existence of living conditions that imperil the health and safety of an immediate family member of the employee, to direct the Comptroller of the Commonwealth to issue warrants not to exceed \$2,500 per month, for up to three calendar months, to the employee to assist the employee with the hardship; and

(11) During a disaster caused by a communicable disease of public health threat for which a state of emergency has been declared pursuant to subdivision (7), to establish a program through which the Governor may purchase PPE for private, nongovernmental entities and distribute the PPE to such private, nongovernmental entities. If federal funding is available to establish and fund the program, the Governor, if necessary to comply with any conditions attached to such federal funding, shall be entitled to seek reimbursement for such purchases from the private, nongovernmental entities and may establish and charge fees to recover the cost of administering the program, including the cost of procuring and distributing the PPE. However, if federal funding is not available to establish and fund the program, the Governor shall, prior to making such purchases, receive a contract for payment for purchase from the private nongovernmental entities for the full cost of procuring and distributing the PPE, which shall include any amortized costs of administering the program. Any purchase made by the Governor pursuant to this subdivision shall be exempt from the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.), except the Governor shall be encouraged to comply with the provisions of § 2.2-4310 when possible. The Governor shall also provide for competition where practicable and include a written statement regarding the basis for awarding any contract. Prior to implementing such a program, the Department of Emergency Management shall consult with and survey private, nongovernmental entities in order to assess demand for participation in the program as well as the quantity and types of personal protective equipment such entities would like to procure.

As used in this subdivision, "personal protective equipment" or "PPE" means equipment or supplies worn or employed to minimize exposure to hazards that cause serious workplace injuries and illnesses and may include items such as gloves, safety glasses and shoes, earplugs or muffs, hard hats, respirators, coveralls, vests, full body suits, hand sanitizer, plastic shields, or testing for the communicable disease of public health threat.

CHAPTER 806

An Act to allow for a referendum to be held in 2022, relating to the removal of the Augusta County courthouse from the City of Staunton to Augusta County.

Approved May 27, 2022

[H 902]

Be it enacted by the General Assembly of Virginia:

1. § 1. A. Notwithstanding the provisions of § 15.2-1655 of the Code of Virginia, Augusta County may hold a referendum in 2022 on the removal of the Augusta County courthouse from the City of Staunton to Augusta County if plans are developed for (i) relocating to a newly constructed courthouse in Augusta County and (ii) either (a) the renovation and expansion of the current courthouse in the City of Staunton or (b) the construction of a new courthouse in the City of Staunton. Both plans shall:

1. Be schematic in nature;
 2. Be prepared by an architect duly licensed to practice architecture in the Commonwealth;
 3. Include a good faith estimate of the costs of construction utilizing the same methodology in arriving at such estimates; and
 4. Be made available to the public at least two months prior to the planned date of the referendum.
- If the proposed plan for renovation and expansion of the current courthouse in the City of Staunton or construction of a new courthouse in the City of Staunton requires acquisition of property, the appraised value of that property shall be included in the computation of the total cost for that option.

B. Upon submission of plans meeting the requirements of subsection A by the governing body to the clerk of the court, the court, by order entered of record in accordance with Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2 of the Code of Virginia, shall require the regular election officials of the county to open the polls and take the sense of the voters on the matter as herein provided.

C. Notwithstanding the provisions of §§ 15.2-1652 and 24.2-684 of the Code of Virginia, the election shall be by ballot that shall be prepared by the electoral board of the county and on which shall be printed the following:

"Under Virginia law, Augusta County must provide an adequate court facility for the Augusta County Courts. To accomplish that purpose:

[] Shall the county courthouse be relocated to Augusta County at a cost of \$ [insert estimated cost]?

or

[] Shall the county courthouse remain in the City of Staunton at a cost of \$ [insert estimated cost]?"

D. The ballots shall be counted, returns made and canvassed as in other elections, and the results certified by the electoral board to the court ordering the election. The court shall enter an order proclaiming the results of the election and a duly certified copy of such order shall be transmitted to the governing body of the county. The governing body shall proceed to implement the plan certified as receiving the most votes in the election.

2. That the duly licensed architect, in preparing both plans pursuant to the provisions of this act, shall consider options that use technology to potentially reduce space requirements for record storage. Such architect shall explore options for the shared use of facilities with the City of Staunton. Such architect shall also develop an appropriate plan for the preservation of the existing courthouse in the City of Staunton, regardless of which plan is ultimately chosen.

CHAPTER 807

An Act to allow for a referendum to be held in 2022, relating to the removal of the Augusta County courthouse from the City of Staunton to Augusta County.

[S 283]

Approved May 27, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. A. Notwithstanding the provisions of § 15.2-1655 of the Code of Virginia, Augusta County may hold a referendum in 2022 on the removal of the Augusta County courthouse from the City of Staunton to Augusta County if plans are developed for (i) relocating to a newly constructed courthouse in Augusta County and (ii) either (a) the renovation and expansion of the current courthouse in the City of Staunton or (b) the construction of a new courthouse in the City of Staunton. Both plans shall:

1. Be schematic in nature;
2. Be prepared by an architect duly licensed to practice architecture in the Commonwealth;
3. Include a good faith estimate of the costs of construction utilizing the same methodology in arriving at such estimates; and
4. Be made available to the public at least two months prior to the planned date of the referendum.

If the proposed plan for renovation and expansion of the current courthouse in the City of Staunton or construction of a new courthouse in the City of Staunton requires acquisition of property, the appraised value of that property shall be included in the computation of the total cost for that option.

B. Upon submission of plans meeting the requirements of subsection A by the governing body to the clerk of the court, the court, by order entered of record in accordance with Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2 of the Code of Virginia, shall require the regular election officials of the county to open the polls and take the sense of the voters on the matter as herein provided.

C. Notwithstanding the provisions of §§ 15.2-1652 and 24.2-684 of the Code of Virginia, the election shall be by ballot that shall be prepared by the electoral board of the county and on which shall be printed the following:

"Under Virginia law, Augusta County must provide an adequate court facility for the Augusta County Courts. To accomplish that purpose:

[] Shall the county courthouse be relocated to Augusta County at a cost of \$ [insert estimated cost]?

or

[] Shall the county courthouse remain in the City of Staunton at a cost of \$ [insert estimated cost]?"

D. The ballots shall be counted, returns made and canvassed as in other elections, and the results certified by the electoral board to the court ordering the election. The court shall enter an order proclaiming the results of the election and a duly certified copy of such order shall be transmitted to the governing body of the county. The governing body shall proceed to implement the plan certified as receiving the most votes in the election.

2. That the duly licensed architect, in preparing both plans pursuant to the provisions of this act, shall consider options that use technology to potentially reduce space requirements for record storage. Such architect shall explore options for the shared use of facilities with the City of Staunton. Such architect shall also develop an appropriate plan for the preservation of the existing courthouse in the City of Staunton, regardless of which plan is ultimately chosen.

CERTIFICATION OF THE ACTS OF ASSEMBLY

2022 REGULAR SESSION

I, G. Paul Nardo, Clerk of the House of Delegates and Keeper of the Rolls of the Commonwealth, do hereby certify that the 2022 Regular Session of the General Assembly of the Commonwealth of Virginia, at which the Acts of Assembly herein printed were enacted, convened on Wednesday, January 12, 2022, and adjourned sine die on Saturday, March 12, 2022, and the Reconvened Session, pursuant to Section 6 of Article IV of the Constitution of Virginia, convened on Wednesday, April 27, 2022, and adjourned sine die on Wednesday, April 27, 2022.

G. PAUL NARDO
Clerk of the House of Delegates
and
Keeper of the Rolls of the Commonwealth

Note: Except as otherwise provided therein, all Acts of the 2022 Regular Session of the General Assembly, including the Reconvened Session, became effective at the first moment of July 1, 2022.

The Act contained in Chapter 2 was signed by the Governor on February 16, 2022, having been returned to the Governor by the Regular Session, pursuant to Section 6 (b) (iii) of Article V of the Constitution of Virginia.

The Act contained in Chapter 15 was signed by the Governor on March 8, 2022, having been returned to the Governor by the Regular Session, pursuant to Section 6 (b) (iii) of Article V of the Constitution of Virginia.

The Acts contained in Chapters 702-784 became law without the signature of the Governor on April 27, 2022, pursuant to Section 6 (c) (iii) of Article V of the Constitution of Virginia.

The Acts contained in Chapters 785-807 were signed by the Governor on May 27, 2022, all having been returned to the Governor by the Reconvened Session, pursuant to Section 6 (c) (iii) of Article V of the Constitution of Virginia.

**RESOLUTIONS OF THE GENERAL ASSEMBLY
2022 REGULAR SESSION**

HOUSE JOINT RESOLUTION NO. 1

Commending James Carmon Stutts.

Agreed to by the House of Delegates, January 17, 2022

Agreed to by the Senate, January 20, 2022

WHEREAS, the Virginia Recreation and Park Society was founded in 1953 and incorporated in 1956, with the purpose of uniting professionals, students, and interested citizens in the field of recreation, parks, and other leisure pursuits within the Commonwealth; and

WHEREAS, the Virginia Recreation and Park Society (the Society) in 1981 employed James "Jim" Carmon Stutts as executive director of the nonprofit organization; and

WHEREAS, Jim Stutts served as a member of the Society until 2021, giving 40 years of dedicated and faithful service to the parks and recreation profession and helping the Society fulfill its mission to provide continuous training programs for members and improved recreation, parks, and leisure services for all Virginians; and

WHEREAS, when hired at the age of 24, Jim Stutts was the youngest chief executive officer of any professional association in the country; and

WHEREAS, Jim Stutts received an undergraduate degree in recreation, parks, and tourism from Radford University and a master's degree in the same discipline from Brigham Young University; and

WHEREAS, Jim Stutts helped the Society's Board of Trustees to grow the organization into a nationally recognized leader and advocate for the profession that provides a wide array of educational and training opportunities for its members; and

WHEREAS, under the leadership of Jim Stutts, the Society in 1983 established a foundation that supports the professional development of members and which has awarded over \$200,000 in scholarships in just the past 10 years; and

WHEREAS, Jim Stutts provided the leadership required to expand professional development opportunities for members of the Society that include an annual conference, a Leadership Training Institute, a Management Conference, a Certified Playground Safety Inspector course, and Athletic Field Maintenance training; and

WHEREAS, Jim Stutts supported and helped grow the Virginia Senior Games into a nationally recognized program that promotes physical and social wellness for senior adults; and

WHEREAS, Jim Stutts has been instrumental in working on behalf of the Society with state officials on parks and recreation policy and budget issues, including support for the Virginia Senior Games; and

WHEREAS, the Society's Board of Trustees recently voted unanimously to honor Jim Stutts by naming its highest award the James C. Stutts Fellows Award; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend James Carmon Stutts for his achievements in guiding the Virginia Recreation and Park Society for four decades; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to James Carmon Stutts as an expression of the General Assembly's gratitude for his services to all Virginians who enjoy the Commonwealth's parks and other manifold opportunities for outdoor recreation and leisure activities.

HOUSE JOINT RESOLUTION NO. 2

Celebrating the life of George Millard Harvey, Sr.

Agreed to by the House of Delegates, January 17, 2022

Agreed to by the Senate, January 20, 2022

WHEREAS, George Millard Harvey, Sr., a respected business owner who made many generous contributions to the Radford community, died on February 24, 2021; and

WHEREAS, born in West Virginia, George Harvey moved to Virginia at a young age and grew up in Montgomery County, where he attended Auburn High School in Riner, walking several miles to school every morning after waking up early to milk the cows on his family's farm; and

WHEREAS, after graduating in 1945, George Harvey joined the United States Army Air Corps and deployed to Fairbanks, Alaska; despite qualifying to apply for the United States Military Academy at West Point, he returned to Southwest Virginia and enrolled at the National Business College in Roanoke; and

WHEREAS, George Harvey began his career as the operator of a service station, then managed a Texaco distributor, and subsequently embarked upon a long and successful enterprise as an automobile dealer; and

WHEREAS, George Harvey became the co-owner of a General Motors Chevrolet dealership in Christiansburg in 1957 and purchased an Oldsmobile dealership the following year; he expanded to Radford by purchasing a Chevrolet-Oldsmobile-Cadillac dealership in 1959 and added a Pontiac-Buick dealership to his franchises in 1989; and

WHEREAS, in addition to providing outstanding customer service to generations of Southwest Virginia residents, George Harvey supported his employees through generous retirement and profit-sharing plans and was a trusted mentor who rewarded excellence and helped others achieve their fullest potential; and

WHEREAS, George Harvey was a member of the Virginia Automobile Dealers Association, the New River Dealers Association, the Radford Chamber of Commerce, and the Retail Merchants Association; he received a 1989 *Time Magazine* Quality Dealer Award for his commitment to excellence in his profession; and

WHEREAS, George Harvey further served his fellow residents as a real estate developer, overseeing the creation of several subdivisions, apartment complexes, and other projects to help the community grow; and

WHEREAS, George Harvey offered his leadership and expertise to Southwest Virginia Health Services, Radford Community Hospital, and First & Merchants National Bank, among many other organizations; he inspired countless young men and women as the chair of the Business and Economics Department at Radford University and was instrumental in the establishment of the institution's business school; and

WHEREAS, George Harvey enjoyed fellowship and worship with the community as a member of the Presbyterian Church of Radford, where he served as an elder; and

WHEREAS, George Harvey will be fondly remembered and greatly missed by his wife of 61 years, Juanita; his children, George, Jr., Pamela, Tracy, Brad, and Ken, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of George Millard Harvey, Sr., a highly admired entrepreneur and community leader in Radford; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of George Millard Harvey, Sr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 4

Designating May 27, in 2022 and in each succeeding year, as Student-Athlete Mental Health Awareness Day in Virginia.

Agreed to by the House of Delegates, February 8, 2022

Agreed to by the Senate, March 1, 2022

WHEREAS, millions of Americans are affected by mental health issues each year, and student-athletes at the high school and college levels face unique challenges both on and off the field; and

WHEREAS, high physical demands, struggles with time management, and academic and social pressures can result in eating disorders, difficulty sleeping, lack of focus, anxiety, depression, and other mental health symptoms among student-athletes; and

WHEREAS, in 2016, researchers at Drexel University and Kean University reported that nearly 25 percent of surveyed collegiate athletes displayed depressive symptoms and a study by *Psychology Today* found that 6.3 percent of collegiate athletes met the criteria for clinically significant depression; and

WHEREAS, the nonprofit organization Morgan's Message was created to honor Morgan D. Rodgers, a former lacrosse player at Duke University who was born on May 27, 1997, and died by suicide in 2019 after her collegiate athletic career ended prematurely due to an injury; and

WHEREAS, Morgan's Message works with current and former student-athletes at the high school and college levels to eliminate the stigma around mental health and help individuals feel safe and comfortable speaking about their own experiences and seeking assistance; and

WHEREAS, Morgan's Message strives to equalize support for diagnosis and treatment of mental health conditions with that of physical injuries and build resources to address mental health concerns among student-athletes in a timely and effective manner; and

WHEREAS, Student-Athlete Mental Health Awareness Day provides an opportunity for all Virginians to learn about mental health issues related to student athletics and support the critical missions of Morgan's Message and other mental health organizations; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby designate May 27, in 2022 and in each succeeding year, as Student-Athlete Mental Health Awareness Day; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to Morgan's Message so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 8

Celebrating the life of James Anthony Sisk.

Agreed to by the House of Delegates, January 17, 2022

Agreed to by the Senate, January 20, 2022

WHEREAS, James Anthony Sisk, a captain with the Culpeper County Sheriff's Office and a 27-year veteran of law enforcement, contracted COVID-19 in the line of duty and died on October 1, 2021; and

WHEREAS, born and raised in Culpeper, James Anthony "Tony" Sisk was a member of the Culpeper County High School Class of 1990 and began his illustrious career in law enforcement in 1994 as a jail deputy under Culpeper County Sheriff Robert Peters; and

WHEREAS, Tony Sisk quickly advanced to serve with both the patrol division and the criminal investigations division of the Culpeper County Sheriff's Office and was a vital member of the agency's first special weapons and tactics team from 1999 to 2004; and

WHEREAS, Tony Sisk continued to protect and serve the residents of Culpeper County as a member of the Culpeper Police Department from 2004 to 2008, including two years with the agency's first special weapons and tactics team; he later served in the Rappahannock County Sheriff's Office's patrol and criminal investigations divisions from 2008 to 2012; and

WHEREAS, Tony Sisk returned to his hometown and his first agency, the Culpeper County Sheriff's Office, in 2012, where, after serving as lieutenant in charge of both the court division and the patrol division, he was named captain, taking command of the agency's patrol division; and

WHEREAS, in recognition of his efforts to support victims of domestic abuse and sexual assault, the Culpeper Domestic Violence and Sexual Assault Task Force honored Tony Sisk with its lifetime achievement award in 2019; and

WHEREAS, Tony Sisk was a generous mentor and an accomplished long-range shooter who took great delight in sharing his knowledge and expertise of firearms and shooting with his fellow officers, family, and friends; and

WHEREAS, beyond his service as a law-enforcement officer, Tony Sisk was an active and engaged member of his community, holding the title of master mason with Fairfax Lodge No. 43 of the Ancient Free and Accepted Masons since 1996; and

WHEREAS, the remains of Tony Sisk were transported from Inova Fair Oaks Hospital in Fairfax to Found & Sons Funeral Chapel in Culpeper, many individuals gathered along the route to pay their respects, a moving tribute to his profound and lasting impact on the community; and

WHEREAS, Tony Sisk will be fondly remembered and dearly missed by his loving wife of 30 years, Eileen; his daughters, Sarah and Hallie, and their families; his parents Kerry and Patsy; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of James Anthony Sisk, captain of the Culpeper County Sheriff's Office, who nobly served the citizens of the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James Anthony Sisk as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 10

Commending Feeding Southwest Virginia.

Agreed to by the House of Delegates, January 17, 2022

Agreed to by the Senate, January 20, 2022

WHEREAS, Feeding Southwest Virginia, a regional food bank serving 26 counties and nine cities of the Commonwealth, commemorated its 40th anniversary in 2021; and

WHEREAS, an affiliate of the national organization Feeding America, the nation's largest domestic hunger-relief organization, Feeding Southwest Virginia has played a major role in reducing hunger in its service region since 1981; and

WHEREAS, the primary function of Feeding Southwest Virginia is to secure large quantities of food for distribution across its network of 380 partner feeding programs, providing an invaluable lifeline to individuals and families in need; the organization annually distributes upwards of \$30 million worth of food throughout its service region, feeding more than 100,000 individuals every month; and

WHEREAS, Feeding Southwest Virginia currently serves individuals and families in the Counties of Alleghany, Bedford, Bland, Botetourt, Buchanan, Carroll, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Henry, Lee, Montgomery, Patrick, Pittsylvania, Pulaski, Roanoke, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe and the Cities of Bristol, Covington, Danville, Galax, Martinsville, Norton, Radford, Roanoke, and Salem; and

WHEREAS, in honor of its 40th anniversary, Feeding Southwest Virginia was featured on an episode of "Buzz" on WBRA-TV, the Blue Ridge Public Broadcast Service, while the Wells Fargo Tower in downtown Roanoke was lit orange and green, the colors of the organization; and

WHEREAS, the millions of meals served annually by Feeding Southwest Virginia have been made possible through the tireless efforts of the volunteers, staff, and board members of the organization, whose resolute dedication to eliminating hunger in Southwest Virginia has profoundly impacted countless lives; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Feeding Southwest Virginia on the occasion of its 40th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Pamela Irvine, president and chief executive officer of Feeding Southwest Virginia, as an expression of the General Assembly's admiration for the organization's contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 11

Requesting the Workers' Compensation Commission to study the practice of charging workers' compensation premiums on bonus pay, vacations, and holidays. Report.

Agreed to by the House of Delegates, March 9, 2022

Agreed to by the Senate, March 8, 2022

WHEREAS, it is the duty of the Workers' Compensation Commission to administer the Virginia Workers' Compensation Act; and

WHEREAS, pursuant to the Virginia Workers' Compensation Act, certain workers' compensation premiums may be assessed toward bonus pay, vacations, and holidays; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Workers' Compensation Commission be requested to study the practice of charging workers' compensation premiums on bonus pay, vacations, and holidays.

In conducting its study, the Workers' Compensation Commission shall consider (i) the actuarial basis of the practice of charging workers' compensation premiums on bonus pay, vacations, and holidays; (ii) the extent to which any other states have imposed limitations on this practice, and the justifications therefor; (iii) the amounts of such premiums assessed toward bonus pay, vacation time, or holiday time; (iv) the effect that any limitations on this practice would have on rate adequacy, other aspects of the workers' compensation insurance marketplace, the general fund of the state treasury, and the administrative fund of the Workers' Compensation Act; and (v) whether the objectives of the Workers' Compensation Act would best be served by imposing any limitations on the practice of charging workers' compensation premiums on bonus pay, vacation time, or holiday time.

All agencies of the Commonwealth shall provide assistance to the Workers' Compensation Commission for this study, upon request.

The Workers' Compensation Commission shall complete its meetings by December 1, 2022, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2023 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 12

Celebrating the life of William Lee Allen, Sr.

Agreed to by the House of Delegates, January 17, 2022

Agreed to by the Senate, January 20, 2022

WHEREAS, William Lee Allen, Sr., a respected member of the Accomack County community, died on October 27, 2021; and

WHEREAS, born in Maryland, William "Bill" Lee Allen, Sr., grew up in Accomack County and graduated from Mary N. Smith High School; and

WHEREAS, Bill Allen worked at Wallops Flight Facility for more than two decades, beginning his career as a security guard and ultimately becoming a radar control technician; and

WHEREAS, in 1977, Bill Allen began a second career with Accomack County Parks & Recreation as a summer program director; he subsequently served as acting director, then director of the department, and served the community in that capacity for 35 years; and

WHEREAS, after his retirement from Accomack County Parks & Recreation, Bill Allen explored several entrepreneurial opportunities, such as owning and operating a barbershop and a janitorial service, as well as becoming a landlord and a professional bail bondsman; and

WHEREAS, Bill Allen played a critical role in the establishment of the Mary N. Smith Center for Cultural Enrichment, a multipurpose community center in the former Mary N. Smith School building; and

WHEREAS, a man of deep faith, Bill Allen joined St. Luke African Methodist Episcopal Church at a young age and was a dedicated member of the congregation for more than 70 years; he served as chair of the trustee and steward boards, was a member of the male and senior choirs, and organized the church's Men's Day for many years; and

WHEREAS, predeceased by his wife of 65 years, Mary Ellen, Bill Allen will be fondly remembered and greatly missed by his children and their families and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of William Lee Allen, Sr., a highly admired community leader who made many contributions to the residents of Accomack County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of William Lee Allen, Sr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 13

Celebrating the life of Peggy Gray Williams.

Agreed to by the House of Delegates, January 17, 2022

Agreed to by the Senate, January 20, 2022

WHEREAS, Peggy Gray Williams, a highly admired member of the Parksley community, died on May 12, 2021; and

WHEREAS, born in Washington, D.C., Peggy Williams grew up in Richmond and attended Thomas Jefferson High School; she subsequently earned a bachelor's degree from what is now Mary Washington University and began a career as a social worker; and

WHEREAS, after marrying her husband, John, Peggy Williams moved to the Eastern Shore and worked as a teacher at Belle Croft Preschool; she became a devoted member of Grace United Methodist Church, where she served as president of United Methodist Women; and

WHEREAS, in 1969, Peggy and John Williams established Williams-Parksley Funeral Home, and in 1973, she became a licensed funeral director to take a more active role in the business; and

WHEREAS, Peggy Williams was a longtime member of the Eastern Shore Yacht and Country Club and helped preserve local history as a member of the Eastern Shore of Virginia Historical Society; and

WHEREAS, Peggy Williams offered her leadership and expertise to the Soroptimist International Club of Accomack County and the Woman's Club of Accomack County, and she was active in University of Mary Washington alumni events as the matriarch of one of the institution's largest legacy families; and

WHEREAS, Peggy Williams will be fondly remembered and greatly missed by her husband of 53 years, John; her children, John, Jr., Margaret, Lori, Mark, and Clark, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Peggy Gray Williams; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Peggy Gray Williams as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 14

Celebrating the life of Madison Taylor Wessells.

Agreed to by the House of Delegates, January 17, 2022

Agreed to by the Senate, January 20, 2022

WHEREAS, Madison Taylor Wessells, a vibrant member of the Accomack County community, died on September 13, 2021; and

WHEREAS, born in Nassawadox, Madison Wessells attended Broadwater Academy in nearby Exmore; she was an active member of the Girl Scouts of the USA and received the Girl Scout Gold Award, the organization's highest honor, for her work to build a K-9 unit training ground for local law-enforcement officers; and

WHEREAS, at the time of her passing, Madison Wessells was a nursing student at Longwood University's Cormier Honors College, where she was vice president of the Eta Iota Chapter of the Phi Sigma Pi honors society; and

WHEREAS, Madison Wessells served as a nurse extern at Chippenham & Johnston-Willis Hospitals, Inc., and supported local residents as an emergency medical technician with the Parksley Volunteer Fire Company; and

WHEREAS, Madison Wessells enjoyed fellowship and worship with the community as a member of Modest Town Baptist Church and relished opportunities to attend Sunday services with her family; and

WHEREAS, Madison Wessells touched countless lives through her generosity and commitment to excellence as a medical professional, a volunteer, and an example for others; and

WHEREAS, Madison Wessells will be fondly remembered and greatly missed by her parents, Virgil and Ann; her sister, Delaney; her fiancé, Kendle; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Madison Taylor Wessells; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Madison Taylor Wessells as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 15

Celebrating the life of Winter Calvert Cullen III.

Agreed to by the House of Delegates, January 17, 2022

Agreed to by the Senate, January 20, 2022

WHEREAS, Winter Calvert Cullen III, a respected member of the Accomack County community and a farmer who made numerous contributions to agriculture in the Commonwealth, died on November 11, 2021; and

WHEREAS, a native of Mappsburg, Winter Cullen graduated from Virginia Polytechnic Institute and State University (Virginia Tech) with a bachelor's degree in agricultural economics, then returned to Accomack County to work on his family's farm; and

WHEREAS, early in his career, Winter Cullen operated Winmar Farms during the day, then officiated high school football games in the evenings; he subsequently became the primary operator of the farm from 1965 until his retirement in 1993; and

WHEREAS, as a former president and board member of the Virginia Soybean Association Market Development Foundation, Winter Cullen traveled to countries around the world to promote the purchase of American soybeans; and

WHEREAS, Winter Cullen further served the Commonwealth and the nation by offering his expertise to the Agricultural Stabilization and Conservation Service, now known as the United States Department of Agriculture Farm Service Agency, for 32 years; and

WHEREAS, Winter Cullen worked part-time at the Virginia Tech Eastern Shore Agricultural Research Extension Center for nearly 20 years; and

WHEREAS, Winter Cullen was a life member of Painter-Garrison's United Methodist Church and volunteered his time with the Loyal Order of the Moose No. 683; he previously served as a member of the Little Pungo Ruritan Club and the Eastern Shore Jaycees; and

WHEREAS, Winter Cullen was a master storyteller who worked to preserve the history and heritage of the Eastern Shore, and he and his boat, *Soybean II*, were well known among the local fishing community; and

WHEREAS, Winter Cullen will be fondly remembered and greatly missed by his wife of 61 years, Mary; his children, Winter IV, Kathy, and William, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Winter Calvert Cullen III, a hardworking member of the Accomack County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Winter Calvert Cullen III as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 16

Continuing the Joint Subcommittee on Coastal Flooding as the Joint Subcommittee on Recurrent Flooding. Report.

Agreed to by the House of Delegates, March 12, 2022

Agreed to by the Senate, March 12, 2022

WHEREAS, House Joint Resolution 50 and Senate Joint Resolution 76 (2012) directed the Virginia Institute of Marine Science (VIMS) to study strategies for adaptation to prevent recurrent flooding in Virginia's Tidewater and Eastern Shore localities; and

WHEREAS, the resulting VIMS report, titled "Recurrent Flooding Study for Tidewater Virginia," published as Senate Document 3 (2013), stated that recurrent flooding impacts all localities in Virginia's coastal zone and is predicted to become worse over reasonable planning horizons (20 to 50 years); and

WHEREAS, VIMS offered several recommendations, including that the Commonwealth, working with its coastal localities, (i) begin comprehensive and coordinated planning efforts; (ii) initiate identification, collection, and analysis of data needed to support effective planning for response efforts; and (iii) take a lead role in addressing recurrent flooding in Virginia for the following reasons: (a) accessing relevant federal resources for planning and mitigation may be enhanced through state mediation, (b) flooding problems are linked to water bodies and therefore often transcend locality boundaries, and (c) prioritizing flood management actions must be based in part on risk, and therefore the Commonwealth must oversee the necessary studies to determine adaptation strategies, as well as implementation of the agreed-upon strategies; and

WHEREAS, the Joint Legislative Audit and Review Commission (JLARC) study mandated by House Joint Resolution 132 (2012) and presented on October 15, 2013, titled "Review of Disaster Preparedness Planning in Virginia," stated: "The

state generally has strong disaster response plans, but deficiencies in evacuation and shelter plans may compromise the safety of the Hampton Roads population during a catastrophic disaster"; and

WHEREAS, the JLARC study further noted that if four key assumptions in the state's current evacuation plan do not hold, "timely hurricane evacuations could be compromised," placing citizens at risk after the storm; and

WHEREAS, House Joint Resolution 16 and Senate Joint Resolution 3 (2014) established the Joint Subcommittee to Formulate Recommendations to Address Recurrent Flooding as recommended by the VIMS report; and

WHEREAS, the Joint Subcommittee to Address Recurrent Flooding met four times during the 2014 interim to collect information from federal and state agencies, localities, and stakeholders and to carry out its work; and

WHEREAS, the Joint Subcommittee to Address Recurrent Flooding filed an executive summary with the General Assembly prior to the 2015 Session, which included five initial recommendations to increase public awareness, improve local and state government agency resiliency coordination, and address floodplain management; and

WHEREAS, recommendations made by the Joint Subcommittee to Address Recurrent Flooding during the 2014 interim resulted in six bills passing the General Assembly with bipartisan support during the 2015 Session; and

WHEREAS, the Joint Subcommittee to Address Recurrent Flooding met four times during the 2015 interim to collect information from federal and state agencies, localities, and stakeholders and to carry out its work; and

WHEREAS, the members of the full Joint Subcommittee to Address Recurrent Flooding concurred that the joint subcommittee be continued for two more years with a name change to the Joint Subcommittee on Coastal Flooding to more accurately reflect its mission and to continue the Commonwealth on the path of advancing Virginia as the coastal states' leader in advancing resiliency strategies and, most importantly, protecting its citizens and business assets; and

WHEREAS, pursuant to House Joint Resolution 84 and Senate Joint Resolution 58 (2016), the Joint Subcommittee on Coastal Flooding continued its work during the 2016 and 2017 interims and brought forth additional recommendations for the 2018 Session; and

WHEREAS, pursuant to House Joint Resolution 26 and Senate Joint Resolution 19 (2018), the Joint Subcommittee on Coastal Flooding continued its work during the 2018 and 2019 interims and brought forth additional recommendations for the 2020 Session; and

WHEREAS, pursuant to House Joint Resolution 102 and Senate Joint Resolution 27 (2020), the Joint Subcommittee on Coastal Flooding continued its work during the 2020 and 2021 interims and will bring forth additional recommendations for the 2022 Session; and

WHEREAS, riverine flooding and flooding from stormwater are also major concerns for the Commonwealth and deserve further study and action from the joint subcommittee; and

WHEREAS, the members of the joint subcommittee concur that the work of the joint subcommittee be continued for two additional years; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Subcommittee on Coastal Flooding be continued as the Joint Subcommittee on Recurrent Flooding. The joint subcommittee shall have a total membership of 11 members that shall consist of five members of the House of Delegates appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; three members of the Senate appointed by the Senate Committee on Rules; and three nonlegislative citizen members, one of whom shall be a business leader and one of whom shall be a representative of the environmental community appointed by the Speaker of the House of Delegates, and one of whom shall be a local official representing Virginia's flood-prone communities appointed by the Senate Committee on Rules. Nonlegislative citizen members of the joint subcommittee shall be citizens of the Commonwealth of Virginia. The current members appointed by the Speaker of the House of Delegates shall be subject to reappointment. The current members appointed by the Senate Committee on Rules shall continue to serve until replaced. Vacancies shall be filled by the original appointing authority. Unless otherwise approved in writing by the chairman of the joint subcommittee and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required. The joint subcommittee shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall recommend short-term and long-term strategies for minimizing the impact of flooding.

Administrative staff support shall continue to be provided by the Office of the Clerk of the Senate. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall continue to be provided by the Division of Legislative Services. Technical assistance shall continue to be provided by faculty at Virginia institutions of higher education who have expertise in the subject matter. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2022 interim and four meetings for the 2023 interim, and the direct costs of this study shall not exceed \$18,640 for each year without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint subcommittee shall be adopted if a majority of the House members or a majority of the Senate members appointed to the joint subcommittee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the joint subcommittee.

The joint subcommittee shall complete its meetings for the first year by November 30, 2022, and for the second year by November 30, 2023, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the joint subcommittee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or delay the period for the conduct of the study, or authorize additional meetings during the 2022 and 2023 interims.

HOUSE JOINT RESOLUTION NO. 18

Designating the third Saturday in September, in 2022 and in each succeeding year, as Usher Syndrome Awareness Day in Virginia.

Agreed to by the House of Delegates, February 8, 2022

Agreed to by the Senate, March 1, 2022

WHEREAS, Usher syndrome, a genetic disorder causing hearing and vision loss, is the leading cause of combined deafness and blindness worldwide and currently has no cure; and

WHEREAS, the degree of severity and onset of symptoms of Usher syndrome vary from person to person; hearing loss may be present from birth or, in rarer cases, may develop in childhood or adolescence, and vision loss due to retinitis pigmentosa often develops gradually in adolescence; balance disorders due to inner ear problems may also develop; and

WHEREAS, three categories of Usher syndrome have been identified: Type 1, Type 2, and Type 3, characterized primarily by age of onset and speed of the progression of symptoms; and

WHEREAS, while Usher syndrome is currently incurable, treatments may help with management of hearing loss, vision loss, and balance problems; educational programs, American Sign Language instruction, Braille instruction, and use of adaptive technologies are some of the ways that difficulties associated with Usher syndrome may be alleviated; and

WHEREAS, it is important to increase awareness and to encourage genetic testing and other methods of early detection of Usher syndrome so that those with the disorder can definitively know their diagnosis and seek resources; and

WHEREAS, greater awareness and further research, including gene therapy research, will serve to increase the medical community's understanding of Usher syndrome and improve the lives of persons living with Usher syndrome; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate the third Saturday in September, in 2022 and in each succeeding year, as Usher Syndrome Awareness Day in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Usher Syndrome Coalition and the Foundation Fighting Blindness so that members of the organizations may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 20

Commending The Arc of Northern Virginia.

Agreed to by the House of Delegates, January 17, 2022

Agreed to by the Senate, January 20, 2022

WHEREAS, The Arc of Northern Virginia, a local nonprofit organization dedicated to supporting individuals with intellectual and developmental disabilities and their families, was named a 2021 Melwood Ability Awards honoree during a virtual ceremony on October 7, 2021; and

WHEREAS, Melwood, a renowned nonprofit organization that has provided jobs and opportunities to individuals with disabilities in the Greater Washington, D.C., area for more than 50 years, presented The Arc of Northern Virginia with its inaugural Resiliency Award in recognition of the organization's extraordinary efforts throughout the COVID-19 pandemic; and

WHEREAS, in bestowing its award, Melwood particularly noted The Arc of Northern Virginia's success in helping individuals with intellectual and developmental disabilities adapt to a more virtual world, navigate the ever-changing

circumstances of the pandemic, acquire vaccinations, and receive economic impact payments, among other accomplishments; and

WHEREAS, The Arc of Northern Virginia is a local chapter of The Arc of the United States, the nation's largest community-based organization supporting and advocating for the rights of individuals with intellectual and developmental disabilities and their families, and it has a service region that includes the Cities of Alexandria, Falls Church, and Fairfax and the Counties of Arlington and Fairfax; and

WHEREAS, The Arc of Northern Virginia primarily serves the community through its Transition POINTS program, a compendium of guidebooks, resource materials, webinars, and workshops designed to advise individuals, families, and caregivers on the disability-related issues they will encounter throughout their lives; and

WHEREAS, through the steadfast dedication of its volunteers and staff and the visionary leadership of its board, The Arc of Northern Virginia has made the Commonwealth a more welcoming and friendly place for all; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend The Arc of Northern Virginia for receiving the 2021 Melwood Ability Award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Elizabeth John, president of The Arc of Northern Virginia, as an expression of the General Assembly's admiration for the organization's contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 21

Providing for certain Joint Assemblies, establishing a schedule for the conduct of business coming before the 2022 Regular Session of the General Assembly of Virginia, and providing for legislative continuity between the 2022 and 2023 Regular Sessions of the General Assembly.

Agreed to by the House of Delegates, January 12, 2022

Agreed to by the Senate, January 12, 2022

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly shall meet in joint session in the Hall of the House of Delegates on Wednesday, January 12, 2022, at such time as specified by the Speaker of the House of Delegates, to receive the Governor of Virginia, and such address as he may desire to make, and that the rules for the government of the House of Delegates and the Senate, when convened in joint session for such purpose, shall be as follows:

Rule I. At the hour fixed for the meeting of the Joint Assembly, the Senators, accompanied by the President and the Clerk of the Senate, shall proceed to the Hall of the House of Delegates and shall be received by the Delegates standing. Appropriate seats shall be assigned to the Senators by the Sergeant at Arms of the House. The Speaker of the House of Delegates shall assign an appropriate seat for the President of the Senate.

Rule II. The Speaker of the House of Delegates shall be President of the Joint Assembly. In case it shall be necessary for the Speaker to vacate the Chair, the President of the Senate shall serve as the presiding officer.

Rule III. The Clerk of the House of Delegates shall be Clerk of the Joint Assembly and shall be assisted by the Clerk of the Senate. The Clerk of the Joint Assembly shall enter the proceedings of the Joint Assembly in the Journal of the House and shall certify a copy of the same to the Clerk of the Senate, who shall enter the same in the Journal of the Senate.

Rule IV. The Sergeant at Arms and Doorkeepers of the House shall act as such for the Joint Assembly.

Rule V. The Rules of the House of Delegates, as far as applicable, shall be the rules of the Joint Assembly.

Rule VI. In calling the roll of the Joint Assembly, the names of the Senators shall be called in alphabetical order, then the names of the Delegates in like order, except that the name of the Speaker of the House of Delegates shall be called last.

Rule VII. If, when the Joint Assembly meets, it shall be ascertained that a majority of each house is not present, the Joint Assembly may take measures to secure the attendance of absentees, or adjourn to a succeeding day, as a majority of those present may determine.

Rule VIII. When the Joint Assembly adjourns, the Senators, accompanied by the President and the Clerk of the Senate, shall return to their chamber, and the business of the House shall be continued in the same order as at the time of the entrance of the Senators; and, be it

RESOLVED FURTHER, That the General Assembly shall meet in joint session in the Hall of the House of Delegates on Saturday, January 15, 2022, at such time as specified by the Speaker of the House of Delegates, to receive distinguished guests, and then proceed to the inaugural platform to witness the administration of the oath of office to the Attorney General-elect and the inauguration of the Lieutenant Governor-elect and the Governor-elect, and that the rules for the government of the House of Delegates and the Senate, when convened in joint session on that day, shall be the same as previously provided for the Joint Assembly; and, be it

RESOLVED FURTHER, That the General Assembly shall meet in joint session in the Hall of the House of Delegates on Monday, January 17, 2022, at such time as specified by the Speaker of the House of Delegates, to receive the Governor of Virginia, and such address as he may desire to make, and that the rules for the government of the House of Delegates and the Senate, when convened in joint session for such purposes, shall be the same as previously provided for the Joint Assembly; and, be it

RESOLVED FURTHER, That notwithstanding any other provision of this resolution and in accordance with the practices of each house, with the exception of commending and memorial joint resolutions, a request to be added as a co-patron shall be received prior to the first vote on the passage of a bill or agreement to a joint resolution or, if the bill or joint resolution is not reported from committee, then prior to the last action on such legislation. A request to be removed as a co-patron shall be received no later than 3:00 p.m., Friday, March 4, 2022; and, be it

RESOLVED FURTHER, That any joint resolution creating or continuing a study shall require a vote of two-thirds of the members voting in each house and any resolution creating or continuing a study shall require a vote of two-thirds of the members voting in the respective house; and, be it

RESOLVED FURTHER, That any member offering for introduction a bill or joint resolution not submitted to the Division of Legislative Services for drafting is encouraged to submit an electronic version no later than 5:00 p.m. on the day the legislation is introduced; and, be it

RESOLVED FURTHER, That for purposes of the procedural deadlines established herein for the 2022 Regular Session of the General Assembly:

"Budget Bill" means the general appropriation bill introduced in each house that authorizes the biennial expenditure of public revenues for the period from July 1, 2020, through June 30, 2022, or July 1, 2022, through June 30, 2024.

"Debt bill" means any bill that authorizes the issuance of debt.

"Legislative day" means the period of time that begins with the call to order by the presiding officer and ends when declared adjourned by the presiding officer. Unless another time is specified, any deadline established in this resolution shall expire at the end of the legislative day.

"Prefiled legislation" means any bill or joint resolution requested from the Division of Legislative Services no later than 5:00 p.m., Monday, November 29, 2021, and prefiled no later than 10:00 a.m., Wednesday, January 12, 2022, or any bill or joint resolution not requested from the Division of Legislative Services and prefiled no later than 10:00 a.m., Wednesday, January 12, 2022. Notwithstanding the deadline established by House Joint Resolution 576 (2021), any drafts of prefiled legislation requested from the Division of Legislative Services and not made available to the requestor for review by midnight, Friday, December 31, 2021, may be made available for review no later than midnight, Wednesday, January 5, 2022.

"Revenue bill" means any bill, except the Budget Bill(s) and debt bills, that increases or decreases the total revenues available for appropriation.

"Unanimous consent" means the affirmation of all the members present in the house of origin. Any legislation intended to be offered for introduction with unanimous consent or with the written request of the Governor shall not require the consent of the house in order for the member to request the Division of Legislative Services to draft such legislation. The Division of Legislative Services shall return such legislation after the original introduction deadline.

"Virginia Retirement System bill" means any bill that amends, adds, repeals, or modifies any provision of any retirement system established in Title 51.1 of the Code of Virginia; and, be it

RESOLVED FINALLY, That the 2022 Regular Session of the General Assembly shall be governed by the following procedural rules, which establish introduction limits and time limitations for elections and for all legislation prefiled and introduced for the 2022 Regular Session except:

(i) House and Senate resolutions, except for the time limitations established in Rules 18 and 20;

(ii) Bills and joint resolutions affecting the rules of procedure or the schedule of business of the General Assembly, either of its houses, or any of its committees;

(iii) Bills and joint resolutions introduced with unanimous consent to exceed the introduction limits in Rule 1 or to exceed the time limitations established in Rules 2, 3, 6, and 16;

(iv) Joint resolutions confirming appointments subject to the confirmation of the General Assembly;

(v) Joint commending and memorial resolutions, except for the time limitations established in Rules 14 and 16;

(vi) Bills, joint resolutions, or resolutions regarding elections held by the General Assembly during the 2022 Regular Session; or

(vii) Bills and joint resolutions requested in writing by the Governor.

Rule 1. After the deadline for filing prefiled legislation established by House Joint Resolution 576 (2021), no member of the House of Delegates shall introduce more than a combined total of five bills and joint resolutions and no member of the Senate shall introduce more than a combined total of eight bills and joint resolutions.

Rule 2. No bill or joint resolution creating or continuing a study shall be offered in either house after adjournment of that house on Wednesday, January 12, 2022.

Rule 3. No Virginia Retirement System bill shall be offered in either house after adjournment of that house on Wednesday, January 12, 2022.

Rule 4. Except for bills and joint resolutions required to be requested earlier, requests for the drafting, redrafting, or correction of any bill or joint resolution shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Friday, January 14, 2022.

Rule 5. No later than Monday, January 17, 2022, each house shall begin its consideration of any election to fill any judicial seat in the courts of the Commonwealth, or to fill a seat on any commission or office elected by the General Assembly. In the event that the houses cannot agree on such election before Tuesday, January 18, 2022, such election shall become the subject of a special and continuing joint order in each house, and such special and continuing joint order shall have precedence over all other business of either house, until such time as both houses reach agreement on such election or

agree to hold it at another specific time. The Rules of each house, as far as applicable, shall be the rules governing such election.

Rule 6. Except for bills required to be filed earlier, no bill or joint resolution shall be offered in either house after 3:00 p.m., Friday, January 21, 2022.

Rule 7. No later than Thursday, January 27, 2022, the Board of Trustees of the Virginia Retirement System shall submit, in accordance with § 30-19.1:7, impact statements for all Virginia Retirement System bills filed by the first day of session. For any Virginia Retirement System bill filed later than the first day of session, the Board of Trustees shall use due diligence in preparing the impact statement in time for review by the standing committees.

Rule 8. Except for the Budget Bill(s), beginning Wednesday, February 16, 2022, the House of Delegates shall consider only Senate bills, Senate joint resolutions, House bills with Senate amendments, and House joint resolutions with Senate amendments; the Senate shall consider only House bills, House joint resolutions, Senate bills with House amendments, and Senate joint resolutions with House amendments; and each house may consider conference reports and other privileged matters relating thereto to the end that the work of each house may be disposed of by the other.

Rule 9. The committees responsible for the consideration of the Budget Bill(s) in the houses of introduction shall complete their work on such bill(s) no later than midnight, Sunday, February 20, 2022, and any amendments proposed by such committees shall be made available to their respective houses no later than noon, Tuesday, February 22, 2022.

Rule 10. The houses of introduction shall complete their consideration of the Budget Bill(s), except for conference reports and other privileged matters relating thereto, no later than Thursday, February 24, 2022.

Rule 11. The committees responsible for consideration of revenue bills of the other house shall complete their consideration of such bills no later than Tuesday, March 1, 2022.

Rule 12. No later than Wednesday, March 2, 2022, each house shall complete consideration of the Budget Bill(s) and all revenue bills of the other house, except for conference reports and other privileged matters relating thereto, and the appointing authority shall appoint the conferees to such bills.

Rule 13. No later than Wednesday, March 2, 2022, each house shall begin its consideration of any election to fill any judicial seat in the courts of the Commonwealth, or to fill a seat on any commission or office elected by the General Assembly. In the event that the houses cannot agree on such election before Thursday, March 3, 2022, such election shall become the subject in each house of a special and continuing joint order, and such special and continuing joint order shall have precedence over all other business of either house, until such time as both houses reach agreement on such election or either house votes to suspend or discharge the order. The Rules of each house, as far as applicable, shall be the rules governing any such election.

Rule 14. Requests for the drafting, redrafting, or correction of any joint commending or memorial resolution shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Thursday, March 3, 2022.

Rule 15. Any conference committee on any revenue bills shall complete its deliberations and make the report of such conference available to the General Assembly as soon as practicable.

Rule 16. No joint commending or memorial resolution shall be offered in either house after 5:00 p.m., Monday, March 7, 2022.

Rule 17. Beginning Tuesday, March 8, 2022, neither house shall receive from any committee any bill or joint resolution acted on by any committee later than midnight, Monday, March 7, 2022.

Rule 18. Requests for the drafting, redrafting, or correction of any single-house commending or memorial resolution shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Tuesday, March 8, 2022.

Rule 19. Any conference committee on the Budget Bill(s) shall complete its deliberations and make the report of such conference available to the General Assembly as soon as practicable. Neither house shall consider such conference report earlier than 48 hours after receipt, unless both houses respectively determine to proceed earlier by a vote of two-thirds of the members voting in each house. No engrossment of the Budget Bill(s) shall be required in either house, and any conference on the Budget Bill(s) shall consider, as the basis of its deliberations, the Budget Bill(s) as recommended by the Governor and introduced in the House and the amendments thereto proposed by each house. A report shall be issued concurrently with the report of the conference committee that identifies the following by item number, narrative description, and dollar amount: (i) any nonstate agency appropriation, (ii) any item in the conference report that was not included in a general appropriation bill as passed by either the House or the Senate, and (iii) any item that represents legislation that failed in either house during the regular or a special session.

Rule 20. No single-house commending or memorial resolution shall be offered in either house after 5:00 p.m., Thursday, March 10, 2022.

Rule 21. Except for joint resolutions affecting the rules of procedure or the schedule of business of the General Assembly, beginning Friday, March 11, 2022, the House shall consider only Senate joint resolutions and House joint resolutions with Senate amendments; the Senate shall consider only House joint resolutions and Senate joint resolutions with House amendments; and each house may consider conference reports or joint resolutions and other privileged matters relating thereto, to the end that the work of each house may be disposed of by the other.

Rule 22. This session of the General Assembly shall adjourn sine die no later than the legislative day of Saturday, March 12, 2022.

Rule 23. Pursuant to Section 6 of Article IV of the Constitution of Virginia, the General Assembly shall reconvene Wednesday, April 27, 2022, for the purpose of considering bills that may have been returned by the Governor with

recommendations for their amendment and bills and items of appropriation bills, including the general appropriation act, that may have been returned by the Governor with his objections.

Rule 24. Pursuant to Section 7 of Article IV of the Constitution of Virginia, legislative continuity is hereby provided for between sessions occurring during the terms for which members of the House of Delegates are elected, in conformity with the Rules of the House of Delegates and the Rules of the Senate.

Rule 25. The conduct of the business of any subcommittee of any House committee, any joint subcommittee of House and Senate committees, and any interim study commission created pursuant to a House measure shall be governed by the Rules of the House of Delegates; the conduct of the business of any subcommittee of any Senate committee, any joint subcommittee of Senate and House committees, and any interim study commission created pursuant to a Senate measure shall be governed by the Rules of the Senate. If a House measure and a Senate measure create the same study, the conduct of business of the study shall be governed by the rules of the house of the chairman of the study, or in the case of co-chairmen, the rules of the house as agreed upon by the co-chairmen.

Rule 26. Interim meetings of any standing committee, joint committee, joint subcommittee, legislative commission, or any other interim study subcommittee or study commission shall be held on Monday, Tuesday, or Wednesday during the first and third full weeks of the month, unless otherwise authorized by the Speaker of the House of Delegates or the Chairman of the Senate Committee on Rules, as may be appropriate for the house in which the chairman serves.

Rule 27. Any staff member assigned to work for, and support the efforts of, any committee of the House or Senate, any subcommittee of any such committee, any joint subcommittee of House and Senate committees, or any interim study commission shall work under the direction of the chairman of such committee, subcommittee, joint subcommittee, or interim study commission.

Rule 28. The standing committees of the General Assembly shall complete their consideration of all legislation continued by them from the 2022 Regular Session no later than midnight, Monday, November 21, 2022.

HOUSE JOINT RESOLUTION NO. 22

Establishing a schedule for the conduct of business for the prefiling period of the 2023 Regular Session of the General Assembly of Virginia.

Agreed to by the House of Delegates, January 12, 2022

Agreed to by the Senate, January 12, 2022

RESOLVED by the House of Delegates, the Senate concurring, That the prefiling period of the 2023 Regular Session of the General Assembly shall be governed by the following rules:

Rule 1. Requests for drafts of any bill or joint resolution to be prefiled shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Thursday, December 1, 2022. The Division shall make such drafts available for review no later than midnight, Friday, December 30, 2022.

Rule 2. Requests for the drafting, redrafting, or correction of any bill or joint resolution creating or continuing a study shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Friday, January 6, 2023, in order to be filed on the first day of the 2023 Regular Session.

Rule 3. Requests for redrafts and corrections of any draft prepared for prefiling shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Friday, January 6, 2023. The Division shall make such drafts available no later than noon, Tuesday, January 10, 2023.

Rule 4. Bills and joint resolutions offered for prefiling shall be prefiled in either house no later than 10:00 a.m., Wednesday, January 11, 2023. Any member offering for prefiling a bill or joint resolution not submitted to the Division of Legislative Services for drafting is encouraged to submit an electronic version no later than 5:00 p.m. on the day the legislation is prefiled.

HOUSE JOINT RESOLUTION NO. 23

Notifying the Governor of organization.

Agreed to by the House of Delegates, January 12, 2022

Agreed to by the Senate, January 12, 2022

RESOLVED by the House of Delegates, the Senate concurring, That a committee be appointed, composed of six on the part of the House of Delegates and five on the part of the Senate, to notify the Governor that the General Assembly is duly organized and is ready to receive any communication he may desire to make.

HOUSE JOINT RESOLUTION NO. 26

Designating October 24, in 2022 and in each succeeding year, as World Polio Day in Virginia.

Agreed to by the House of Delegates, February 8, 2022

Agreed to by the Senate, March 1, 2022

WHEREAS, World Polio Day is held throughout the world on October 24 in celebration of the birth of Jonas Salk, the American researcher who developed the first polio vaccine in 1955; and

WHEREAS, Rotary International and its global partners launched the Global Polio Eradication Initiative (GPEI) more than three decades ago, at a time when polio paralyzed 1,000 children every day; and

WHEREAS, since the launch of the GPEI in 1988, more than 17.4 million people, including many in the developing world, have been immunized against polio; and

WHEREAS, more than 200,000 paralytic cases of polio are now prevented every year through this initiative, which includes Rotary International Foundation, the World Health Organization, the United States Centers for Disease Control and Prevention, UNICEF, the Bill & Melinda Gates Foundation, and Gavi, the Vaccine Alliance, to immunize the children of the world against polio; and

WHEREAS, the worldwide staffing and equipment infrastructure that has been established by Rotary International and its partners to detect and survey the polio virus as well as to deliver and administer the polio vaccine has been remarkably successful; and

WHEREAS, as of October, there were only two confirmed cases of polio in 2021, with one case reported in Afghanistan and another in Pakistan; and

WHEREAS, health authorities in the United States and around the world have also used Rotary International's polio eradication programs as a model to carry out similar functions during the COVID-19 pandemic; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate October 24, in 2022 and in each succeeding year, as World Polio Day in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to Rotary International District 7610 so that members of Rotary Clubs throughout the Commonwealth may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 34

Commending George Mason University.

Agreed to by the House of Delegates, January 25, 2022

Agreed to by the Senate, January 27, 2022

WHEREAS, George Mason University, one of Virginia's finest institutions of public education, will celebrate its 50th anniversary on April 7, 2022; and

WHEREAS, originally known as George Mason College, George Mason University was established in 1957 as the Northern Virginia branch of the University of Virginia; and

WHEREAS, in 1958, John "Jack" Wood, mayor of what was then the Town of Fairfax, worked with other town officials to acquire the original 150 acres of land for the Fairfax campus of George Mason University, and in 1969, Rector John "Til" Hazel, Jr., helped acquire an additional 421 acres of land to expand the campus; and

WHEREAS, on April 7, 1972, a contingent from George Mason College met with Governor A. Linwood Holton, Jr., in Richmond for the signing of House Bill 210, which established George Mason University as a freestanding, baccalaureate public institution of higher education; and

WHEREAS, in 1972, George Mason University enrolled 4,166 students and employed 165 faculty members and 535 staff members; and

WHEREAS, George Mason University has since grown to operate three campuses in the Commonwealth: the original Fairfax campus established in 1964, the Arlington campus established in 1979, and the Prince William campus established in 1997; and

WHEREAS, Til Hazel helped acquire George Mason University's School of Law, located in Arlington, in 1979; and

WHEREAS, in 1985, George Mason University's women's soccer team won the National Collegiate Athletics Association (NCAA) championship, defeating the University of North Carolina to claim the institution's first national title; and

WHEREAS, two George Mason University professors, James Buchanan and Vernon Smith, became the first two winners of the Nobel Memorial Prize in Economic Sciences from Virginia, winning the prize in 1986 and in 2002, respectively; and

WHEREAS, in March 2006, George Mason University's men's basketball team reached the Final Four of the NCAA Tournament by defeating teams from Michigan State University, the University of North Carolina, Wichita State University, and the University of Connecticut; and

WHEREAS, the Smithsonian-Mason School of Conservation was established in Front Royal in 2008 to offer hands-on conservation biology training for students; and

WHEREAS, George Mason University Korea was established in Seoul, South Korea, in 2014 as a part of the Incheon Global Campus; and

WHEREAS, George Mason University achieved R1 "Highest Research Activity" status in 2016, which was reaffirmed in 2018, from the Carnegie Classification of Institutions of Higher Education, recognizing the university as a tier-one top research university and for its 121 percent growth of research funding over the last decade; and

WHEREAS, in 2017, *U.S. News & World Report* named George Mason University as the most diverse university in Virginia; and

WHEREAS, in 2018, George Mason University and Northern Virginia Community College created the ADVANCE program, a partnership that has helped more than 2,020 students transfer from a two-year program to a bachelor's degree track; and

WHEREAS, George Mason University achieved level three management autonomy in 2021, the highest level of management flexibility granted to public institutions of higher education in Virginia; and

WHEREAS, in 2021, *Times Higher Education* magazine ranked George Mason University as the nation's top "young" university, compared with all other institutions less than 50 years old; and

WHEREAS, George Mason University offers a wide range of opportunities to students through the Antonin Scalia Law School, the College of Education and Human Development, the College of Health and Human Services, the College of Humanities and Social Sciences, the College of Science, the College of Visual and Performing Arts, the Jimmy and Rosalynn Carter School for Peace and Conflict Resolution, the Schar School of Policy and Government, the School of Business, and the Volgenau School of Engineering; and

WHEREAS, 61 percent of George Mason University students receive some form of financial aid, including 29 percent of undergraduates, who received Pell Grants; and

WHEREAS, of George Mason University's undergraduate students, 24 percent are first-generation college students; and

WHEREAS, approximately one in 12 George Mason University students are affiliated with the military, including active-duty personnel, reservists, members of the National Guard, veterans, and military dependents; and

WHEREAS, George Mason University is the most diverse, fastest growing, and largest baccalaureate public institution of higher education in Virginia, with more than 39,134 students, 10,895 staff and faculty, and more than 215,900 alumni, including 135,300 currently living in the Commonwealth; and

WHEREAS, the George Mason University Board of Visitors, George Mason University Alumni Association, local governments, advisory committees, and interested citizens have planned numerous celebrations and commemorations of the institution's history and achievements throughout 2022; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend George Mason University on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the president of George Mason University, Gregory Washington, and the rector of the institution, James Hazel, as an expression of the General Assembly's gratitude for their extraordinary efforts to promote educational access and academic excellence in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 35

Commending Davis Grant.

Agreed to by the House of Delegates, January 17, 2022

Agreed to by the Senate, January 20, 2022

WHEREAS, Davis Grant, the longtime general manager of the Lake Barcroft Watershed Improvement District, has made numerous contributions to his fellow residents of the Lake Barcroft area in Falls Church over the course of his 23-year career; and

WHEREAS, Davis Grant joined the Lake Barcroft Watershed Improvement District as a junior technician in 1998 and was promoted several times before becoming general manager in 2004; and

WHEREAS, as general manager of the Lake Barcroft Watershed Improvement District, Davis Grant oversees a staff of seven individuals dedicated to maintaining the Lake Barcroft Dam and preserving the local watershed; and

WHEREAS, under Davis Grant's leadership, the Lake Barcroft Watershed Improvement District has become a model for other community-based watershed agencies and provided technical and financial expertise to other entities throughout the Commonwealth, the United States, and the world; and

WHEREAS, during his tenure as general manager, Davis Grant enacted erosion control programs in the stream valleys that feed into Lake Barcroft and oversaw the design and development of a highly efficient dredging program that has saved the community thousands of dollars by preserving lake depth; and

WHEREAS, Davis Grant led the design and construction phases of two major projects to restore and enhance the Lake Barcroft Dam, including the restoration of the dam's concrete facing and hydraulic cylinders, both of which were completed with a perfect safety record; and

WHEREAS, Davis Grant developed an automated system to monitor the dam's condition and operational functionality at all times and ensure that community members and local first responders have timely and accurate information about the dam during extreme weather events; and

WHEREAS, Davis Grant leads by example and personally monitors the Lake Barcroft Dam's automated systems during flood watches or warnings; his dedication and hard work have helped keep the community safe and ensured that Lake Barcroft remains healthy and accessible to residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Davis Grant for more than two decades of outstanding service to the Lake Barcroft community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Davis Grant as an expression of the General Assembly's admiration for his achievements in community management and environmental conservation.

HOUSE JOINT RESOLUTION NO. 36

Commending Gay Gardner.

Agreed to by the House of Delegates, January 17, 2022

Agreed to by the Senate, January 20, 2022

WHEREAS, in 2021, Gay Gardner received the Suzanne O'Hatnick Award from Interfaith Action for Human Rights for her outstanding accomplishments as an advocate for prison reform; and

WHEREAS, as a member of Interfaith Action for Human Rights, Gay Gardner works with people of different faiths in Virginia, Maryland, and Washington, D.C., to create a better society by ending unnecessarily punitive practices in correctional systems and focusing on initiatives to promote rehabilitation of prisoners; and

WHEREAS, Gay Gardner is a staunch advocate for increased transparency regarding practices and procedures in the Commonwealth's prison system, and she has worked diligently to document instances of abuse and champion humanitarian reforms; and

WHEREAS, Gay Gardner has worked to end the practice of solitary confinement in the Commonwealth's prisons and spoken about the detrimental effects of solitary confinement on prisoners, especially individuals who are pregnant or facing mental or physical health challenges; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Gay Gardner, winner of the Suzanne O'Hatnick Award, for her humanitarian achievements; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Gay Gardner as an expression of the General Assembly's admiration for her dedication to criminal justice system reform.

HOUSE JOINT RESOLUTION NO. 37

Commending the Amherst High School softball team.

Agreed to by the House of Delegates, January 17, 2022

Agreed to by the Senate, January 20, 2022

WHEREAS, the Amherst High School softball team won the Virginia High School League Class 4 state championship on June 26, 2021, at Hanover High School in Mechanicsville; and

WHEREAS, the Amherst High School Lancers defeated the Hanover High School Hawks by a score of 2-0 to finish the season with a 15-2 record and capture the program's first state championship title; and

WHEREAS, with the game scoreless going into the eighth inning, the Amherst Lancers capitalized on a series of defensive miscues to plate two runs and then held the Hanover Hawks in the bottom half of the inning to secure the win; and

WHEREAS, the Amherst Lancers were carried to victory by exceptional defensive plays across the diamond and by a stellar performance from starting pitcher Dylan Mc Nerney, who had 10 strikeouts; and

WHEREAS, with only two graduating seniors on this year's team, the Amherst Lancers are poised to continue their streak of dominance into the next season and beyond; and

WHEREAS, the accomplishments of the Amherst Lancers are the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of the entire Amherst High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Amherst High School softball team for winning the Virginia High School League Class 4 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Samantha Thacker, head coach of the Amherst High School softball team, as an expression of the General Assembly's admiration for the team's achievement.

HOUSE JOINT RESOLUTION NO. 38

Commending the Parry McCluer High School boys' basketball team.

Agreed to by the House of Delegates, January 17, 2022

Agreed to by the Senate, January 20, 2022

WHEREAS, the Parry McCluer High School boys' basketball team of Buena Vista won the Virginia High School League Class 1 state championship at its home court on February 20, 2021; and

WHEREAS, the Parry McCluer High School Fighting Blues defeated the Altavista Combined School Colonels by a score of 56-39 to finish the season 12-1 and bring home the program's first state championship; and

WHEREAS, the Parry McCluer Fighting Blues fell behind by eight points early, but rallied to reclaim the lead by the close of the first half and stayed in control of the game for the remainder of the contest; and

WHEREAS, the Parry McCluer Fighting Blues were led by strong defensive stands and impressive performances from Spencer Hamilton, who had 17 points, including 15 in the second half, and Will Dunlap, who notched 12 points, 13 rebounds, and six assists; and

WHEREAS, despite the challenges created by the COVID-19 pandemic, the Parry McCluer Fighting Blues persevered all season to complete their historic season; and

WHEREAS, the success of the Parry McCluer Fighting Blues is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of the entire Parry McCluer High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Parry McCluer High School boys' basketball team for winning the Virginia High School League Class 1 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mike Cartolaro, head coach of the Parry McCluer High School boys' basketball team, as an expression of the General Assembly's admiration for the team's achievement.

HOUSE JOINT RESOLUTION NO. 39

Commending Keira Carlstrom D'Amato.

Agreed to by the House of Delegates, January 17, 2022

Agreed to by the Senate, January 20, 2022

WHEREAS, Keira Carlstrom D'Amato of Midlothian was named the 2018 USA Track & Field Long Distance Runner of the Year; and

WHEREAS, Keira D'Amato finished in the top five among American women in the 2019 Berlin Marathon; and

WHEREAS, Keira D'Amato earned a place in the field of runners at the Olympic Marathon Trials in Atlanta, Georgia, in February 2020; and

WHEREAS, Keira D'Amato then achieved the Olympic "A" Standard for women marathoners; and

WHEREAS, in the inaugural Up Dawg Ten Miler held in Washington, D.C., in November 2020, Keira D'Amato, at age 36, broke the 10-mile record for women's races in the United States; and

WHEREAS, Keira D'Amato's record was recognized by the Association of Road Racing Statisticians as the world record for women's-only 10-mile road races; and

WHEREAS, as the wife of an often-deployed United States Air Force/Virginia Air National Guard officer, the mother of two young children, and a full-time real estate agent, Keira D'Amato nevertheless has managed to fit a grueling training regimen into her daily schedule; and

WHEREAS, despite suffering a potentially career-ending injury at age 24, Keira D'Amato resumed running after a seven-year hiatus, and during the past four years she has lowered her marathon personal record from 3 hours and 48 minutes to 2 hours and 34 minutes; and

WHEREAS, in 2019, Keira D'Amato was inducted into the Oakton High School Athletics Hall of Fame in Fairfax County and in 2017 into the Athletics Hall of Fame at American University, where she was a four-time Division I All American; and

WHEREAS, as a member of the Richmond Road Runners Club, Keira D'Amato has demonstrated good citizenship by serving during the past two years as a volunteer, speaker at running camps and schools in Metro Richmond; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Keira Carlstrom D'Amato for her accomplishments as an elite runner; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Keira Carlstrom D'Amato as an expression of the General Assembly's admiration for her exceptional athletic achievements.

HOUSE JOINT RESOLUTION NO. 40

Commending the Fauquier Chamber of Commerce.

Agreed to by the House of Delegates, January 17, 2022

Agreed to by the Senate, January 20, 2022

WHEREAS, the Fauquier Chamber of Commerce, a business association dedicated to the economic development and well-being of Fauquier County, celebrates its 100th anniversary in 2021; and

WHEREAS, formed in 1921, the Fauquier Chamber of Commerce has had an outsized impact on the business community of Fauquier County over the past century, becoming a leading advocate for both its members and the county's commercial interests; and

WHEREAS, as part of celebrations for its 100th anniversary, the Fauquier Chamber of Commerce announced its "One Hundred New Engagements Challenge," encouraging members to support one another by liking and following each other's respective social media accounts; and

WHEREAS, the Fauquier Chamber of Commerce honored its centenary through its bimonthly "Chamber Chat" broadcasts on Facebook and by presenting Business Heroes of 2020 awards to recognize members who demonstrated an extraordinary commitment to the association's mission during the COVID-19 pandemic; and

WHEREAS, at its 100th anniversary gala in November 2021, the Fauquier Chamber of Commerce presented its "100 Bits of Gratitude Challenge," a compendium of writing and reflections by members of the association; and

WHEREAS, the numerous community events hosted by the Fauquier Chamber of Commerce, including its "One Hundred Mile Challenge" for walkers, runners, bikers, and swimmers, heralded the association's intention to focus on community engagement in the coming years; and

WHEREAS, through various regional partnerships, informative educational opportunities, and tireless advocacy for resources and support, the Fauquier Chamber of Commerce has helped ensure that the business community of Fauquier County will continue to thrive for another 100 years; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Fauquier Chamber of Commerce on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Marianne Clyde, chairman of the Fauquier Chamber of Commerce, as an expression of the General Assembly's admiration for the association's contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 41

Commending Michael E. Karmis.

Agreed to by the House of Delegates, January 17, 2022

Agreed to by the Senate, January 20, 2022

WHEREAS, after more than 20 years of exceptional service to the Commonwealth, Michael E. Karmis retired as the director of the Virginia Center for Coal and Energy Research on December 31, 2021; and

WHEREAS, the Virginia Center for Coal and Energy Research was created on March 30, 1977, as an interdisciplinary study, research, information, and resource facility of Virginia Polytechnic Institute and State University; since becoming director in 1998, Michael Karmis has helped the center support the university's missions to provide high-quality instruction and opportunities for research and extension; and

WHEREAS, Michael Karmis' indefatigable efforts to identify funding sources and initiatives, to develop partnerships with other universities, to establish relationships with government agencies, and to create consortia that include diverse profit and non-profit organizations and represent broad constituencies, have resulted in unprecedented growth in research funding and sponsored contracts for the Virginia Center for Coal and Energy Research; and

WHEREAS, under the leadership of Michael Karmis, the Virginia Center for Coal and Energy Research has provided support for undergraduate students, graduate students, post-doctoral associates, staff, and administrative, research, and teaching faculty; the center has created mentorship and research opportunities for numerous students and junior faculty, enabling them to become successful professionals in the fields of minerals extraction, health and safety, sustainable development, and carbon management; and

WHEREAS, Michael Karmis has contributed to the environmental and economic well-being of the Commonwealth and the Appalachian region, both personally and through the Virginia Center for Coal and Energy Research, by providing unbiased information to businesses, legislators, federal, state, and local agencies, and the general public; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Michael E. Karmis on the occasion of his retirement as director of the Virginia Center for Coal and Energy Research; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Michael E. Karmis as an expression of the General Assembly's admiration for his outstanding contributions to higher education and the energy profession.

HOUSE JOINT RESOLUTION NO. 42

Commending Families for Safe Streets.

Agreed to by the House of Delegates, January 17, 2022

Agreed to by the Senate, January 20, 2022

WHEREAS, Families for Safe Streets, an organization dedicated to addressing the problem of traffic violence, has worked passionately for many years to make roadways across the nation safer; and

WHEREAS, Families for Safe Streets was founded in New York City in 2014 by families whose loved ones had been killed or injured as a result of traffic violence and who were looking to transform their grief into a means to bring about awareness and positive change; and

WHEREAS, Families for Safe Streets fulfills its mission through advocacy for policy changes that will improve road safety and by supporting individuals and families whose lives have been impacted by a crash; and

WHEREAS, since its founding, Families for Safe Streets has established chapters across the nation, including four in the Commonwealth, which are located in Alexandria, Arlington, Fairfax County, and Richmond; and

WHEREAS, the volunteers and members of Families for Safe Streets are motivated by the understanding that all vehicular accidents are tragedies that could be prevented and continue to work tirelessly to foster a brighter and more secure future for all; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Families for Safe Streets for its years of advocacy and support in pursuit of its mission to end the scourge of traffic violence; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Families for Safe Streets as an expression of the General Assembly's admiration for the organization's contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 43

Commending amateur radio operators in Virginia.

Agreed to by the House of Delegates, January 17, 2022

Agreed to by the Senate, January 20, 2022

WHEREAS, amateur radio operators have been instrumental in serving the United States and the Commonwealth by consistently providing support for emergency response and other critical communication needs; and

WHEREAS, amateur radio operators provide excellent volunteer emergency communications for many agencies during natural disasters or other crisis events, including the National Weather Service, state and local emergency management departments, the Virginia Department of Health, the American Red Cross, and the Central United States Earthquake Consortium; and

WHEREAS, amateur radio operators in Virginia have demonstrated their vital importance to emergency response during floods, hurricanes, and tornadoes in both the Commonwealth and neighboring states; and

WHEREAS, amateur radio operators study and train diligently to learn how to properly interface with the Virginia Emergency Management Department as well as local emergency agencies during crisis events and serve as a backup communications system; and

WHEREAS, some amateur radio operators have trained as weather spotters for severe weather events and have assisted the National Weather Service by contributing to ground activity reports which have saved lives across the Commonwealth; and

WHEREAS, amateur radio operators use their communications skills to assist with shelter alerts and during rescue and relief activities, helping to keep their neighbors and all Virginians safer; and

WHEREAS, amateur radio operators also assist with communications for public events such as bicycle rides, walks, races, airshows, and parades; and

WHEREAS, through continuous learning and experimentation, amateur radio operators have helped to advance the science of electronics and radio communications; and

WHEREAS, through educational courses and hands-on demonstrations, amateur radio operators have inspired young people to pursue hobbies and careers in radio and electronics; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend amateur radio operators in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to amateur radio operators in Virginia as an expression of the General Assembly's admiration for their legacy of contributions to communities throughout the Commonwealth.

HOUSE JOINT RESOLUTION NO. 44

Commending Mary Ann Curtin.

Agreed to by the House of Delegates, January 24, 2022

Agreed to by the Senate, January 27, 2022

WHEREAS, Mary Ann Curtin, longtime intergovernmental relations director of Chesterfield County, retired in the fall of 2021 after many years of distinguished service; and

WHEREAS, throughout her career, Mary Ann Curtin earned the respect of legislators, state agency staff, and her fellow lobbyists for her extensive knowledge of taxation and finance, land use, transportation, and human services, among many other issues of vital importance to local governments; and

WHEREAS, Mary Ann Curtin's institutional knowledge and strong working relationships with members of the Chesterfield County delegation were a tremendous resource to legislators, the staff of the Virginia Association of Counties, and other lobbyists; and

WHEREAS, Mary Ann Curtin was known for her efforts to build camaraderie among local government liaisons and her annual open house to mark the end of the General Assembly session was a highlight of the legislative season; and

WHEREAS, Mary Ann Curtin has always been generous in sharing her expertise with and serving as a mentor to the next generation of local government liaisons; and

WHEREAS, Mary Ann Curtin's 37 years of advocacy on behalf of Chesterfield County leave a legacy that will benefit county residents for years to come; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Mary Ann Curtin, intergovernmental relations director of Chesterfield County, on the occasion of her retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mary Ann Curtin as an expression of the General Assembly's admiration for her contributions to the Commonwealth and best wishes for a happy and fulfilling retirement.

HOUSE JOINT RESOLUTION NO. 45

Celebrating the life of Linwood Harper.

Agreed to by the House of Delegates, January 17, 2022

Agreed to by the Senate, January 20, 2022

WHEREAS, Linwood Harper, a longtime member of the Hampton School Board who created many successful programs to mentor and inspire local youths, died on March 15, 2018; and

WHEREAS, a native of Hampton, Linwood "Butch" Harper graduated from Phenix High School, then served his country as a member of the United States Air Force; he subsequently earned a bachelor's degree from Norfolk State University and worked at the Newport News Shipyard; and

WHEREAS, Butch Harper served as a substitute teacher in Newport News Public Schools and Hampton City Schools; he was first elected to the Hampton School Board in 1994 and served the community as a visionary and deeply dedicated member of the board for the next 24 years; and

WHEREAS, Butch Harper supported youth development initiatives throughout Hampton Roads, including the Boo Williams Amateur Athletic Union basketball program and a support program for children in eighth grade and younger; and

WHEREAS, in 1982, Butch Harper cofounded the Aberdeen Athletic Association, now Deen Ball Sports, Inc., which grew to include 20 basketball, six baseball, five football, and five cheerleading teams, representing more than 100 coaches and 700 athletes; and

WHEREAS, Butch Harper was a trusted friend and mentor to his fellow members of the Hampton School Board, respected for his kindness, generosity, and commitment to building new opportunities for young people in the community; and

WHEREAS, Butch Harper will be fondly remembered and greatly missed by his wife of more than 48 years, Yvonne; his children, Cassandra and Stefani, and their families; and numerous other family, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Linwood Harper, a champion for young people in Hampton Roads; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Linwood Harper as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 46*Celebrating the life of Robert Edward Isaac.*

Agreed to by the House of Delegates, January 17, 2022

Agreed to by the Senate, January 20, 2022

WHEREAS, Robert Edward Isaac, an entrepreneur and community leader in Wise County and the City of Norton, died on August 14, 2021; and

WHEREAS, a native of Wise County, Robert "Bob" Edward Isaac graduated from Appalachia High School and earned a bachelor's degree from Virginia Polytechnic Institute and State University; and

WHEREAS, Bob Isaac served his country as an active duty member of the United States Air Force for two years and later retired from the Air Force Reserve with the rank of captain; and

WHEREAS, beginning in 1959, Bob Isaac owned and operated Dave's Department Store in Norton for 35 years and operated a store in Coeburn from 1979 to 1984; and

WHEREAS, possessed of a servant's heart, Bob Isaac supported the Knights of Columbus, the Norton Kiwanis Club, the Virginia-Kentucky District Fair, and the Wise County YMCA, and he was a member of the boards of St. Mary's Hospital, Mountain View Regional Medical Center, and Lonesome Pine Hospital; and

WHEREAS, Bob Isaac offered his wise leadership to the community as a member of the Norton School Board, Norton Planning Commission, and Wise County Chamber of Commerce, among other civic organizations; and

WHEREAS, after his well-earned retirement, Bob Isaac brought joy to the residents of Southwest Virginia Cancer Center as a dedicated and compassionate volunteer; and

WHEREAS, Bob Isaac will be fondly remembered and greatly missed by his wife, Dorothy; his sons, Robert, Jr., and Michael, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Robert Edward Isaac, a respected community leader in Wise County and the City of Norton; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Robert Edward Isaac as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 47*Celebrating the life of Steven C. Gardner.*

Agreed to by the House of Delegates, January 17, 2022

Agreed to by the Senate, January 20, 2022

WHEREAS, Steven C. Gardner, a highly admired educator and youth athletics coach in Big Stone Gap, died on July 25, 2021; and

WHEREAS, Steven Gardner was a teacher, head wrestling coach, and assistant football coach at Union High School, where he helped countless students achieve their goals; and

WHEREAS, Steven Gardner had previously served young people as a softball, baseball, basketball, and track and field coach throughout Lee County and Wise County; and

WHEREAS, Steven Gardner helped young people travel to and from school safely as a bus driver; and

WHEREAS, Steven Gardner will be fondly remembered and greatly missed by his wife, Tina; his sons, Zachary and Kalen; his parents William and Sue; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Steven C. Gardner; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Steven C. Gardner as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 48*Celebrating the life of Joseph Toney, Jr.*

Agreed to by the House of Delegates, January 17, 2022

Agreed to by the Senate, January 20, 2022

WHEREAS, Joseph Toney, Jr., a highly admired member of the Big Stone Gap community, died on August 18, 2021; and

WHEREAS, a lifelong resident of East Stone Gap and Big Stone Gap, Joseph "Joe" Toney, Jr., served his country as a member of the United States Army during the Vietnam War; and

WHEREAS, after his honorable military service, Joe Toney continued to support his fellow veterans by volunteering his time and leadership with Veterans of Foreign Wars and Disabled American Veterans; and

WHEREAS, Joe Toney pursued a long career as an inspector with the engineering, architecture, and surveying firm Thompson & Litton; and

WHEREAS, Joe Toney was a longtime supporter of local high school football and track and field teams, and he served young people in the community as an official for Virginia High School League track and field events; and

WHEREAS, Joe Toney enjoyed fellowship and worship with the community as a member of Trinity United Methodist Church in Big Stone Gap; and

WHEREAS, predeceased by his wife, Nancy, and daughter, Kelly, Joe Toney will be fondly remembered and greatly missed by his children, Adam and Dawn, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Joseph Toney, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Joseph Toney, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 49

Celebrating the life of Keith Allen Compton.

Agreed to by the House of Delegates, January 17, 2022

Agreed to by the Senate, January 20, 2022

WHEREAS, Keith Allen Compton, an entrepreneur who made many contributions to the Clintwood community, died on September 13, 2021; and

WHEREAS, Allen Compton grew up in Dickenson County and graduated from Clintwood High School; and

WHEREAS, Allen Compton served his fellow Clintwood residents as the longtime owner and operator of 83 Gas & Grocery since 1981; and

WHEREAS, a dedicated civic leader, Allen Compton offered his expertise to many local boards and committees, including the Dickenson County Industrial Development Authority; and

WHEREAS, Allen Compton was a man of faith who supported his church community and volunteered his time with Clintwood Masonic Lodge No. 66 and the local Shrine Club; and

WHEREAS, Allen Compton will be fondly remembered and greatly missed by his wife, Patricia; his children, Greg, Jessica, and Crystal, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Keith Allen Compton, a respected member of the Clintwood community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Keith Allen Compton as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 50

Celebrating the life of Kenneth Gene Fannon.

Agreed to by the House of Delegates, January 17, 2022

Agreed to by the Senate, January 20, 2022

WHEREAS, Kenneth Gene Fannon, a highly admired community leader who dedicated a lifetime of service to his fellow residents of Duffield, died on October 10, 2021; and

WHEREAS, Kenneth "Kenny" Gene Fannon grew up in Scott County, where he attended Rye Cove High School, and after graduating from Whitney Business College, he pursued a career as co-owner and vice president of Robinette Steel and Scrap Metal Co. in Big Stone Gap; and

WHEREAS, Kenny Fannon served his country during the Korean War as a member of the United States Army and proudly supported his fellow veterans as commander of Chapter 250 of the Korean War Veterans Association and the longtime organizer of the Duffield Veterans' Dinner; and

WHEREAS, Kenny Fannon was best known as the founder and longtime chair of the Duffield Daze Festival, a beloved local event featuring fireworks, live music, and family-friendly activities every Labor Day; and

WHEREAS, Kenny Fannon was a founding member of the Duffield Ruritan Club and the Duffield Lions Club and offered his insights and expertise to many other organizations, including the Salvation Army, Boy Scouts of America, and Virginia State Parks; and

WHEREAS, Kenny Fannon further supported the community through his work with the Scott County Chamber of Commerce, Scott County School Board, Scott County Planning Commission, Scott County Industrial Development Authority, Duffield Development Authority, and Duffield Volunteer Fire and Rescue Squad; and

WHEREAS, Kenny Fannon helped preserve the history of Southwest Virginia and eastern Tennessee as a member of the National Railway Historical Society for 51 years and the owner of the Fannon Train Museum, which features refurbished engines, railcars, and other artifacts; and

WHEREAS, Kenny Fannon will be fondly remembered and greatly missed by his wife of 70 years, Jean; his children, Jack and Lori, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Kenneth Gene Fannon, a pillar of the Duffield community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Kenneth Gene Fannon as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 51

Celebrating the life of Officer Michael D. Chandler.

Agreed to by the House of Delegates, January 24, 2022

Agreed to by the Senate, January 27, 2022

WHEREAS, Officer Michael D. Chandler, a dedicated law-enforcement officer and a beloved husband, father, son, and brother in Big Stone Gap was killed in the line of duty on November 13, 2021; and

WHEREAS, Michael Chandler grew up in Wise County and graduated from Powell Valley High School with the Class of 2011; as a member of the football team, he was the last person to score a touchdown for the Powell Valley Vikings before the school was consolidated into Union High School; and

WHEREAS, Michael Chandler followed in the footsteps of several generations of family members when he pursued a career in public safety, joining the Big Stone Gap Fire Department in 2015; and

WHEREAS, desirous to be of further service to the community, Michael Chandler joined the Big Stone Gap Police Department in January 2019; and

WHEREAS, Michael Chandler was an avid outdoorsman who relished every opportunity to spend time hunting, fishing, or enjoying the scenic mountain vistas in the region; and

WHEREAS, Michael Chandler will be fondly remembered and greatly missed by his wife, Natasha; his daughter, Kamryn; his mother, Rebecca; his brother, Chris; and numerous other family members, friends, and fellow public safety officers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Michael D. Chandler; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Officer Michael D. Chandler as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 53

Continuing the Joint Subcommittee to Study Comprehensive Campaign Finance Reform. Report.

Agreed to by the House of Delegates, February 11, 2022

Agreed to by the Senate, March 1, 2022

WHEREAS, House Joint Resolution No. 526 (2021) established the Joint Subcommittee to Study Comprehensive Campaign Finance Reform; and

WHEREAS, the Joint Subcommittee to Study Comprehensive Campaign Finance Reform met four times during the 2021 interim to collect information from citizens, stakeholders, private institutions, the Department of Elections, the State Board of Elections, and members to carry out its work; and

WHEREAS, in recognition of the delay in appointing members due to the COVID-19 pandemic and the limited time authorized by House Joint Resolution No. 526 (2021) within which to conduct meetings, the Joint Subcommittee to Study Comprehensive Campaign Finance Reform decided to focus its efforts on issues concerning transparency and accountability; and

WHEREAS, the Joint Subcommittee to Study Comprehensive Campaign Finance Reform heard testimony on and discussed drafts of legislation prohibiting the personal use of campaign funds using the same "irrespective test" used by the Federal Elections Commission to differentiate legitimate campaign and office holder expenses from personal use; and

WHEREAS, the Joint Subcommittee to Study Comprehensive Campaign Finance Reform heard testimony on and discussed the establishment of record retention requirements and a system for reviewing the accuracy and completeness of campaign finance disclosure reports by the Department of Elections or a contracted third party; and

WHEREAS, the Joint Subcommittee to Study Comprehensive Campaign Finance Reform heard testimony on and discussed requiring electronic filing of independent expenditure reports in the same manner as state-level campaigns; and

WHEREAS, the Joint Subcommittee to Study Comprehensive Campaign Finance Reform heard testimony on and discussed reporting requirements that would make it easier to trace the source of funds passed through multiple entities prior

to being contributed to a candidate campaign committee or other committee regulated under Virginia's campaign finance laws; and

WHEREAS, the Joint Subcommittee to Study Comprehensive Campaign Finance Reform heard testimony on and discussed the need for regulation of electioneering advertisements that mention candidates but that avoid the explicit advocacy required to be regulated under current law; and

WHEREAS, the members of the Joint Subcommittee to Study Comprehensive Campaign Finance Reform were impressed with the complex and delicate nature of the issues discussed and recognize a need for further discussion in order to ensure that proper consideration is given and that a truly comprehensive recommendation can be made; and

WHEREAS, the members of the Joint Subcommittee to Study Comprehensive Campaign Finance Reform concur that the work of the joint subcommittee should be continued one additional year and that the members of the subcommittee appointed pursuant to House Joint Resolution No. 526 (2021) should be allowed to continue serving in their original capacity unless replaced; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Subcommittee to Study Comprehensive Campaign Finance Reform be continued. The joint subcommittee shall have a total membership of 14 members that shall consist of 10 legislative members and four nonlegislative citizen members. Members shall be appointed as follows: six members of the House of Delegates, one of whom shall be the chair of the House Committee on Privileges and Elections and five of whom shall be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; four members of the Senate, one of whom shall be the chair of the Senate Committee on Privileges and Elections and three of whom shall be appointed by the Senate Committee on Rules; two nonlegislative citizen members to be appointed by the Speaker of the House of Delegates; one nonlegislative citizen member to be appointed by the Senate Committee on Rules; and one nonlegislative citizen member to be appointed by the Governor. Nonlegislative citizen members of the joint subcommittee shall be citizens of the Commonwealth. Unless otherwise approved in writing by the chairman of the joint subcommittee and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required. The joint subcommittee shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall examine the costs of campaigning in the Commonwealth, the effectiveness of the Commonwealth's present disclosure laws and their enforcement, the constitutional options available to regulate campaign finances, and the desirability of specific revisions in the Commonwealth's laws, including the implementation of contribution limits, all with the aim of promoting the integrity of, and public confidence in, the Commonwealth's campaign finance system.

Administrative staff support shall be provided by the Office of the Clerk of the House of Delegates. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be provided by the Division of Legislative Services. Technical assistance shall be provided by the Department of Elections. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2022 interim, and the direct costs of this study shall not exceed \$22,400 without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint subcommittee shall be adopted if a majority of the House members or a majority of the Senate members appointed to the joint subcommittee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the joint subcommittee.

The joint subcommittee shall complete its meetings by November 30, 2022, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2023 Regular Session of the General Assembly. The executive summary shall state whether the joint subcommittee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or delay the period for the conduct of the study, or authorize additional meetings during the 2022 interim.

HOUSE JOINT RESOLUTION NO. 61

Continuing the Joint Committee of the House Committee on Health, Welfare and Institutions; the House Committee on Public Safety; the Senate Committee on the Judiciary; and the Senate Committee on Rehabilitation and Social Services Studying Staffing Levels, Employment Conditions, and Compensation at the Virginia Department of Corrections. Report.

Agreed to by the House of Delegates, February 11, 2022

Agreed to by the Senate, March 8, 2022

WHEREAS, House Joint Resolution No. 29 (2020) established the Joint Committee of the House Committee on Health, Welfare and Institutions; the House Committee on Public Safety; the Senate Committee on the Judiciary; and the Senate Committee on Rehabilitation and Social Services Studying Staffing Levels, Employment Conditions, and Compensation at the Virginia Department of Corrections; and

WHEREAS, it is the mission of the Virginia Department of Corrections (the Department) to enhance public safety by providing effective programs and reentry services for the supervision of sentenced offenders in a humane, cost-effective manner, consistent with sound correctional principles and constitutional standards; and

WHEREAS, the cornerstone of the Department is its employees, who embrace a common purpose and a commitment to the highest professional standards and excellence in public service; and

WHEREAS, in order to fulfill its mission and serve as a model correctional agency, it must maintain adequate staffing levels and a responsible commitment to its employees to be a satisfying, rewarding, and safe place to work and grow professionally; and

WHEREAS, the joint committee was continued from the 2020 interim to the 2021 interim by House Joint Resolution No. 522 (2021, Special Session I) as it was unable to meet during the 2020 interim due to complications related to COVID-19 and the 2020 Special Session; and

WHEREAS, continuation of the joint committee's study will help to ensure that the Department has the strategies and resources necessary to ensure that these objectives are met; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Committee of the House Committee on Health, Welfare and Institutions; the House Committee on Public Safety; the Senate Committee on the Judiciary; and the Senate Committee on Rehabilitation and Social Services Studying Staffing Levels, Employment Conditions, and Compensation at the Virginia Department of Corrections be continued. The joint committee shall elect a chairman and vice-chairman from among its membership.

In conducting its study, the joint committee shall study staffing levels, rates of staff turnover, employment conditions, employee health and safety, and employee compensation at the Department.

Administrative staff support shall continue to be provided by the Office of the Clerk of the House of Delegates. Legal, research, policy analysis, and other services as requested by the joint committee shall continue to be provided by the Division of Legislative Services. Technical assistance shall continue to be provided by the Department. All agencies of the Commonwealth shall provide assistance to the joint committee for this study, upon request.

The joint committee shall be limited to four meetings for the 2022 interim, and the direct costs of this study shall not exceed \$14,200 without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint committee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint committee shall be adopted if a majority of the House members or a majority of the Senate members of the joint committee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the joint committee.

The joint committee shall complete its meetings by November 30, 2022, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2023 Regular Session of the General Assembly. The executive summary shall state whether the joint committee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or delay the period for the conduct of the study, or authorize additional meetings during the 2022 interim.

HOUSE JOINT RESOLUTION NO. 64

Designating October, in 2022 and in each succeeding year, as Local History Month in Virginia.

Agreed to by the House of Delegates, February 8, 2022

Agreed to by the Senate, March 1, 2022

WHEREAS, the Commonwealth, home of the first permanent English settlement in North America and birthplace of the United States of America, has been uniquely defined by its rich history and cultural traditions for centuries; and

WHEREAS, the study of local history, in contrast to academic history, emphasizes the importance of place and how the geography that shaped peoples' lives in the past continues to impact individuals today; and

WHEREAS, through a greater awareness and understanding of local history, a locality's resident gains an appreciation for his place in the world and cultivates a more meaningful relationship with his community; and

WHEREAS, a Conference of State and Local Historical Societies was formed within the American Historical Association in 1904, and this body later grew into the American Association for State and Local History in 1940, marking an increased interest in the study of local history throughout the 20th century; and

WHEREAS, hundreds of local historical and genealogical societies throughout the Commonwealth have enthusiastically embraced the task of preserving their communities' histories for the benefit of future generations; and

WHEREAS, local historical and genealogical societies of the Commonwealth further their missions through a variety of endeavors, including establishing and maintaining museums, preserving historic homes, offering workshops and lectures, and developing archives, and often work with local school systems to help bring the study of history to life for students; and

WHEREAS, the accomplishments of local historical and genealogical societies would not be possible without the selfless and indefatigable efforts of countless volunteer local historians; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate October, in 2022 and in each succeeding year, as Local History Month in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Pittsylvania Historical Society, on behalf of historical and genealogical societies throughout the Commonwealth, so that members of these organizations may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this month on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 67

Commending the Patrick Henry High School boys' volleyball team.

Agreed to by the House of Delegates, January 17, 2022

Agreed to by the Senate, January 20, 2022

WHEREAS, the Patrick Henry High School boys' volleyball team of Hanover County won the Virginia High School League Class 4 state championship on November 18, 2021, at the Siegel Center in Richmond; and

WHEREAS, the Patrick Henry High School Patriots defeated the Maggie L. Walker High School Green Dragons of Richmond in three straight sets, 25-10, 25-17, 25-18, to bring home the program's sixth consecutive state championship, extending the state record it set last year with its fifth consecutive title; and

WHEREAS, the Patrick Henry Patriots dropped three matches in the first half of the season, at which point retired head coach Michael Townsend rejoined the team and steered it toward an undefeated second half; and

WHEREAS, the Patrick Henry Patriots were carried in their final match by strong performances from Davis Luck, Class 4 Western Region Player of the Year, who had 13 kills, and Jason Matthews, who had 30 assists; and

WHEREAS, the recurring success of the Patrick Henry Patriots is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of the entire Patrick Henry High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Patrick Henry High School boys' volleyball team for winning the Virginia High School League Class 4 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Michael Townsend, head coach of the Patrick Henry High School boys' volleyball team, as an expression of the General Assembly's admiration for the team's achievement.

HOUSE JOINT RESOLUTION NO. 68

Commending Loren Messick LaPorte.

Agreed to by the House of Delegates, January 17, 2022

Agreed to by the Senate, January 20, 2022

WHEREAS, in 2021, Loren Messick LaPorte led the James Madison University softball team to become the first unseeded team in Women's College World Series history to win its first two games and reach the national semifinals; and

WHEREAS, a four-time First Team All Old Dominion Athletic Conference shortstop, Loren LaPorte helped the Roanoke College Maroons win conference championships in 2005 and 2006; she began her softball coaching career as an assistant coach at her alma mater, then served as an assistant coach at Radford University for three seasons; and

WHEREAS, Loren LaPorte joined James Madison University (JMU) as an assistant coach of the softball team in 2013 and helped oversee significant growth and development in the program, until she was selected as head coach in 2017; and

WHEREAS, during her four seasons as head coach of the JMU Dukes, Loren LaPorte compiled a record of 148-34, including a Colonial Athletic Association (CAA) conference record of 56-4; the team has achieved two CAA championship titles, three National Collegiate Athletic Association (NCAA) regional appearances, and two NCAA super-regional appearances; and

WHEREAS, in 2021, Loren LaPorte and the JMU Dukes advanced to the Women's College World Series and defeated No. 1 Oklahoma by a score of 4-3 in a stunning upset and followed up with a 2-1 victory over No. 5 Oklahoma State, becoming the first unseeded team in tournament history to reach the semifinals; and

WHEREAS, Loren LaPorte was named the CAA Coach of the Year in 2018, 2019, and 2021 and several of her student-athletes have earned individual accolades during her tenure as head coach; she has been a trusted mentor to the members of the JMU softball team, ensuring her student-athletes achieve success both on and off the softball field; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Loren Messick LaPorte for her outstanding accomplishments as head coach of the James Madison University softball team; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Loren Messick LaPorte as an expression of the General Assembly's admiration for her dedication to helping young women at James Madison University achieve their fullest potential.

HOUSE JOINT RESOLUTION NO. 69

Commending Daphne Tamara Fulson.

Agreed to by the House of Delegates, January 17, 2022

Agreed to by the Senate, January 20, 2022

WHEREAS, Daphne Tamara Fulson, a second grade teacher at Portlock Primary School in Chesapeake, was named the 2022 Virginia Teacher of the Year on October 14, 2021, at the Executive Mansion in Richmond; and

WHEREAS, Daphne Fulson earned a bachelor's degree from Old Dominion University (ODU) in 2013, studied Spanish linguistics at Universidad Veritas in San Jose, Costa Rica, and is currently pursuing a master's degree in educational leadership at the ODU Darden College of Education and Professional Studies; and

WHEREAS, while a student at ODU, Daphne Fulson has served as a Spanish translator, as co-chair of the Parents as Education Partners Program, and as a global ambassador for the school; and

WHEREAS, Daphne Fulson has 12 years of teaching experience, four of which have been with Chesapeake Public Schools; prior to her time in the Commonwealth, she studied in Peru and was an English as a Foreign Language instructor; she served with AmeriCorps, during which time she received the Segal AmeriCorps Education Award; and

WHEREAS, Daphne Fulson's accolades as an educator include the Sue Lehmann Teaching and Learning Fellowship for the Rio Grande Valley Texas region in 2016 and the Good to Transformational Teaching Fellowship in 2016; she was named the 2022 Region 2 Teacher of the Year in October 2021 before winning the statewide award; and

WHEREAS, Daphne Fulson was selected as the Region 2 Teacher of the Year by a panel of judges, including teachers, representatives of professional and educational associations, and the business community, who reviewed a portfolio detailing her professional accomplishments, educational philosophy, and community activities; and

WHEREAS, Daphne Fulson was then selected as Virginia Teacher of the Year from among the regional winners representing each of the eight superintendent's regions in the Commonwealth following an interview with the selection panel; and

WHEREAS, as the 2022 Virginia Teacher of the Year, Daphne Fulson is the Commonwealth's nominee for the National Teacher of the Year award, an honor bestowed annually by the Council of Chief State School Officers and other program partners; and

WHEREAS, in addition to her teaching duties at Portlock Primary School, Daphne Fulson is co-chair of the school's Math and STEAM Committee and serves as its math lead and city liaison, supporting the development of new curriculum; and

WHEREAS, many of Daphne Fulson's colleagues and supervisors credit her ability to form strong bonds with her students and to fulfill both their academic and socioemotional needs as the foundation to her success; and

WHEREAS, at the end of each class, Daphne Fulson offers her students words of affirmation, a subtle gesture that makes students feel appreciated and respected, encouraging them to give their best; and

WHEREAS, by supporting her students both academically and emotionally and ensuring they feel valued, Daphne Fulson has prepared many young people for the bright futures ahead of them; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Daphne Tamara Fulson for being named the 2022 Virginia Teacher of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Daphne Tamara Fulson as an expression of the General Assembly's admiration for her contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 70

Celebrating the life of Joseph Carlo Monolo.

Agreed to by the House of Delegates, January 24, 2022

Agreed to by the Senate, January 27, 2022

WHEREAS, Joseph Carlo Monolo, a highly admired community leader in Beaverdam, died on May 11, 2021; and

WHEREAS, Joseph "Joe" Carlo Monolo earned a bachelor's degree in chemical engineering from the University of Notre Dame and a master's degree in applied mechanics from the University of Virginia then began a long and fulfilling career with the United States Naval Surface Warfare Center Dahlgren Division; and

WHEREAS, over the course of more than 38 years with Naval Surface Warfare Center Dahlgren Division, Joe Monolo supported national security and made significant contributions to achievements in science and engineering, earning the John A. Dahlgren Award for his commitment to excellence; and

WHEREAS, Joe Monolo was an active volunteer, offering his leadership and expertise to the Hanover County School Board and serving as treasurer of the Montpelier Center for the Arts; and

WHEREAS, Joe Monolo brought joy to family and friends through his delicious home cooked meals, his masterful woodworking creations, and his sense of humor; and

WHEREAS, Joe Monolo will be fondly remembered and greatly missed by his wife, Sandra; his children Joseph, Michael, and Tracey, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Joseph Carlo Monolo, a respected member of the Hanover County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Joseph Carlo Monolo as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 74

Designating May, in 2022 and in each succeeding year, as Food Allergy Awareness Month in Virginia.

Agreed to by the House of Delegates, February 8, 2022

Agreed to by the Senate, March 1, 2022

WHEREAS, Food Allergy Awareness Month was established as a national occasion to raise awareness about food allergies and support those who are impacted by food allergies and anaphylaxis; and

WHEREAS, food allergies affect as many as 32 million Americans, including six million children or approximately two students in every classroom; and

WHEREAS, according to the Centers for Disease Control and Prevention, between 1997 and 2011, the prevalence of food allergies rose 50 percent; and

WHEREAS, the prevalence of food allergies also appears to be increasing among children younger than the age of 18; and

WHEREAS, a food allergy is an immune system response to a food the body mistakenly believes is harmful; eight foods account for 90 percent of all food allergy reactions: peanuts, tree nuts, milk, eggs, wheat, soy, fish, and shellfish; and

WHEREAS, when a person with food allergy eats the food, his or her immune system releases massive amounts of chemicals, including histamine, that trigger a cascade of symptoms that can affect the respiratory system, the gastrointestinal tract, the skin, and the cardiovascular system; and

WHEREAS, there is no cure for food allergies, and strict avoidance is the only way to prevent an allergic reaction; and

WHEREAS, managing a food allergy on a daily basis involves constant vigilance; even trace amounts of an allergen can trigger an allergic reaction in some individuals; and

WHEREAS, anaphylaxis is a serious allergic reaction that comes on quickly and has the potential to become life-threatening; and

WHEREAS, Food Allergy and Anaphylaxis Connection Team is a national nonprofit organization that strives to provide education about food allergies and to support and advocate for all individuals and families affected by food allergies and life-threatening anaphylaxis; and

WHEREAS, overall health and quality of life for those Virginians affected by food allergies and anaphylaxis will be improved with an increased statewide awareness on food safety and food allergies, innovative prevention and treatment strategies, and support for patients managing food allergies; and

WHEREAS, all Virginians are encouraged to increase their understanding and awareness of this potentially life-threatening medical condition and seek opportunities to improve the quality of life of the 32 million Americans affected by food allergies and anaphylaxis; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate May, in 2022 and in each succeeding year, as Food Allergy Awareness Month in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Food Allergy and Anaphylaxis Connection Team so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this month on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 75

Designating August, in 2022 and in each succeeding year, as Black Business Month in Virginia.

Agreed to by the House of Delegates, February 8, 2022

Agreed to by the Senate, March 1, 2022

WHEREAS, Black Business Month was established in 2004 by Frederick E. Jordan, Sr., and John William Templeton to recognize the impact of Black-owned businesses throughout the United States and to encourage their continued development; and

WHEREAS, as of the latest census data release, there are almost three million Black-owned businesses in the United States, generating \$150 billion in annual revenue and supporting almost four million jobs; and

WHEREAS, there are numerous benefits that can be derived from business ownership, including financial independence, the freedom to establish the business to fit the needs of the owner and customers, benefits from hard work and achievement, learning opportunities, personal growth and satisfaction, control of life direction, and gaining the ability to help others; and

WHEREAS, promoting new and existing Black-owned businesses in the Commonwealth can help reduce the racial wealth gap between white and Black adults, with a study by the Association for Enterprise Opportunity finding that Black business owners significantly reduce the racial wealth gap when compared to their white counterparts; and

WHEREAS, according to the U.S. Small Business Administration, there were more than 104,000 Black-owned small businesses in Virginia as of mid-2021; and

WHEREAS, the COVID-19 pandemic has affected small businesses throughout Virginia and the United States, with many Black-owned businesses in the Commonwealth suffering from significantly reduced revenues, however the overall number of Black-owned businesses in the country has increased 38 percent when compared to pre-pandemic levels; and

WHEREAS, the promotion and support of Black-owned businesses strengthens communities throughout the Commonwealth, and all Virginians are encouraged to visit Black-owned businesses during the month of August and throughout the year and to reflect on the contributions of Black entrepreneurs; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate August, in 2022 and in each succeeding year, as Black Business Month in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit copies of this resolution to Black BRAND, the Regional Black Chamber of Commerce for the Hampton Roads and Dan River Regions; the Central Virginia African American Chamber of Commerce; the Northern Virginia Black Chamber of Commerce; and the Jackson Ward Collective, so that members of the organizations may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this month on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 80

Designating October 4, in 2022 and in each succeeding year, as Inflammatory Breast Cancer Awareness Day in Virginia.

Agreed to by the House of Delegates, February 8, 2022

Agreed to by the Senate, March 1, 2022

WHEREAS, inflammatory breast cancer is an aggressive and rapidly progressing form of breast cancer characterized by very low survival rates; it accounts for one to five percent of all diagnosed breast cancers; and

WHEREAS, inflammatory breast cancer often does not form a lump that can be detected in a self-exam or mammogram; it is frequently initially mistaken for an infection; and

WHEREAS, due to its rapid spread through the body, inflammatory breast cancer has often already reached an advanced stage by the time it is detected, making it difficult to successfully treat; and

WHEREAS, more research into inflammatory breast cancer is needed in order to understand risk factors, advance methods for early detection and treatment, and improve the prognosis for patients with inflammatory breast cancer; and

WHEREAS, to stay healthy, Virginians must know the signs and symptoms, understand treatment options, and recognize the need for increased research into inflammatory breast cancer; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate October 4, in 2022 and in each succeeding year, as Inflammatory Breast Cancer Awareness Day in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the American Cancer Society in Virginia so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 81

Establishing an inaugural committee.

Agreed to by the House of Delegates, January 13, 2022

Agreed to by the Senate, January 13, 2022

RESOLVED by the House of Delegates, the Senate concurring, That an inaugural committee be established. The committee shall be composed of 16 members of the Senate, one of whom shall be the President pro tempore of the Senate, and the remainder of whom shall be appointed by the President pro tempore of the Senate, and 26 members of the House of Delegates, one of whom shall be the Speaker of the House of Delegates, and the remainder of whom shall be appointed by the Speaker of the House of Delegates. The committee shall make suitable plans and arrangements for the reception and induction into their respective offices of the Governor-elect, the Lieutenant Governor-elect, and the Attorney General-elect.

HOUSE JOINT RESOLUTION NO. 82

Designating April, in 2022 and in each succeeding year, as Arab American Heritage Month in Virginia.

Agreed to by the House of Delegates, February 8, 2022

Agreed to by the Senate, March 1, 2022

WHEREAS, Virginia is deeply enriched by the diversity of its residents, and the Commonwealth is proud to be home to one of the largest Arab American populations in the United States; and

WHEREAS, the Arab Americans who reside in Virginia are hardworking members of their communities with strong family values, diligent work ethics, and diversity in faith and creed, who have enriched and strengthened the Commonwealth as a whole; and

WHEREAS, for centuries, Arab American men and women have played an important role in shaping, advancing, and enriching the Commonwealth by making immense contributions to all areas of life, including education, government, business, cuisine, the arts and humanities, sciences and technology, medicine, law, and the military; and

WHEREAS, Arab Americans have made significant contributions through their leadership and hard work in helping to overcome the COVID-19 pandemic as first responders, health care professionals, and scientists contributing to the development of COVID-19 vaccines; and

WHEREAS, it is essential to increase awareness and education about key issues and priorities of the diverse and growing Arab American community, which is seeking greater engagement and representation; and

WHEREAS, it is imperative to combat anti-Arab hate speech and hate crimes, stereotypes, prejudice, and civil rights abuses in the Commonwealth and throughout the United States; and

WHEREAS, Arab American Heritage Month is an opportunity to celebrate the great cultural pride and vibrancy of Virginia's Arab American residents, whose abilities and contributions strengthen and enrich the Commonwealth's education system, economy, governance, culture, and community life; and

WHEREAS, Arab Americans in Virginia have played an important role in civil service, notably those who have been elected to the Virginia General Assembly over the years, and continue to make great strides in public service, while advocating for civil rights and supporting the struggle for equity and justice for all; and

WHEREAS, Arab Americans join all Americans in the desire to see a peaceful and diverse society, where every individual is treated equally and feels safe; and

WHEREAS, during the annual Arab American Heritage Month, Virginians are encouraged to commemorate and celebrate the essential contributions, sacrifices, and accomplishments that Arab Americans, with roots in 22 diverse Arab countries, have made and continue to make in the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate April, in 2022 and in each succeeding year, as Arab American Heritage Month in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates post the designation of this month on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 89

Commending the Mountain Mission School.

Agreed to by the House of Delegates, January 17, 2022

Agreed to by the Senate, January 20, 2022

WHEREAS, the Mountain Mission School of Grundy, which has tended to the physical, educational, and spiritual needs of thousands of children since its founding, celebrated its 100th anniversary in 2021; and

WHEREAS, the Mountain Mission School was established as the Grundy Academy on April 22, 1921, by Sam Hurley, a local businessman and member of Disciples of Christ who envisioned a school that would care for the vulnerable children of Appalachia; and

WHEREAS, in the early days of the Mountain Mission School, children could pay for their education by working on the school's farm, which provided food for the students; and

WHEREAS, while the growth of the local public school system reduced the need for institutions like the Mountain Mission School, the school's reputation and outreach helped draw students from beyond Appalachia; and

WHEREAS, over the past century, Mountain Mission School educators have taught more than 20,000 students from more than 80 different countries; and

WHEREAS, of the 17 mission schools in Appalachia when it was founded, the Mountain Mission School is the only one in the region still operational to this day; and

WHEREAS, through fulfillment of its mission to meet the emotional, physical, educational, and spiritual needs of its students, the Mountain Mission School has enabled thousands of young people to go on to college, trade school, or military service and to achieve success beyond the classroom; and

WHEREAS, the accomplishments of the Mountain Mission School over the years are the result of the wisdom of its founders and the steadfast dedication of its myriad leaders, educators, and staff; and

WHEREAS, by providing a safe haven in which at-risk youth could receive the support they needed to thrive, the Mountain Mission School has exemplified the values and ideals that citizens of the Commonwealth hold most dear; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Mountain Mission School on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Chris Mitchell, president of the Mountain Mission School, as an expression of the General Assembly's admiration for the school's contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 90

Commending Terry Tilley.

Agreed to by the House of Delegates, January 17, 2022

Agreed to by the Senate, January 20, 2022

WHEREAS, Terry Tilley, longtime town manager of the Town of Stuart who has overseen the growth and prosperity of the locality over more than four decades, retired in September 2021; and

WHEREAS, Terry Tilley served as town manager of the Town of Stuart for 42 years and was the longest serving town manager in the Commonwealth at the time of his retirement; and

WHEREAS, Terry Tilley brought a diverse set of skills to the position of town manager, including the ability to administer and manage projects, to communicate effectively with residents and employees, to develop and maintain budgets, to understand and administer town ordinances, and to resolve any number of other complaints and issues that may arise; and

WHEREAS, Terry Tilley led innumerable initiatives during his tenure that enhanced the quality of life for residents of the Town of Stuart, including projects in both the downtown and uptown sectors of town and the development of a farmers market, amphitheater, and new fire department building; and

WHEREAS, one of Terry Tilley's major accomplishments during his career was the upgrade of the Town of Stuart's water treatment plant, which subsequently garnered the town awards for its water quality and waterworks operation; and

WHEREAS, Terry Tilley's imprint on the Town of Stuart may be seen in its beautiful streets and facilities, which are the result of his thorough and conscientious stewardship; and

WHEREAS, Terry Tilley always gave every project the due diligence it deserved and has prepared the Town of Stuart for its next generation of leaders by ensuring the locality has a strong financial footing going forward; and

WHEREAS, while Terry Tilley's legacy is made up of the countless civil works projects he steered over the years, he will be fondly remembered for his attention to the smaller details, like repairing waterlines and sewer lines and rescuing kittens stuck in trees; and

WHEREAS, through steadfast dedication and an unwavering commitment to the residents he served, Terry Tilley helped make the Town of Stuart a wonderful place to live, work, and play; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Terry Tilley, esteemed town manager of the Town of Stuart, on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Terry Tilley as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 91

Commending Cedarfield.

Agreed to by the House of Delegates, January 17, 2022

Agreed to by the Senate, January 20, 2022

WHEREAS, Cedarfield, a life plan community in Henrico County that serves the needs of senior citizens in the Greater Richmond area, celebrates its 25th anniversary in 2021; and

WHEREAS, founded in September 1996 by Virginia United Methodist Homes, now Pinnacle Living, Cedarfield has strove from the beginning to provide exceptional care and hospitality to its residents, fostering a community where individuals are empowered to embrace all of the opportunities life has to offer; and

WHEREAS, in commemoration of its silver jubilee, Cedarfield planned a number of programs and events for residents and staff, creating moments to celebrate the community's past and look toward its future; and

WHEREAS, Cedarfield's festivities began in September 2021 with an outdoor festival, followed shortly thereafter by an honorary breakfast, when 16 residents and 13 team members who had been with the community since its founding were recognized; and

WHEREAS, to show their appreciation for their years of service, residents have donated to a fund that supports the Cedarfield Scholarship Program, providing five scholarships to team members during the anniversary year and continuing as a resource for the professional development of team members for years to come; and

WHEREAS, the year's celebrations at Cedarfield will culminate in August 2022 with the unveiling of a permanent exhibit about the community's history, followed by a final event with organizational partners in September; and

WHEREAS, by providing a safe and nurturing home to its residents for the past 25 years, Cedarfield has helped make the Commonwealth a wonderful place to live; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Cedarfield, a cherished senior living community in Henrico County, on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Cedarfield as an expression of the General Assembly's admiration for the community's contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 92

Commending Linda Toney.

Agreed to by the House of Delegates, January 17, 2022

Agreed to by the Senate, January 20, 2022

WHEREAS, Linda Toney, esteemed lieutenant colonel of the Henrico County Police Division, retired on September 30, 2021, after 29 years of admirable service; and

WHEREAS, after graduating from the Henrico County Police Training Academy, Linda Toney joined the Henrico County Police Division (HCPD) in 1992; and

WHEREAS, over her tenure with the HCPD, Linda Toney supported various operations and departments, including patrol operations, school services, personnel and training, inspections, public information, community services, and criminal investigations; and

WHEREAS, Linda Toney made history in 2019 when she was named assistant to the chief, becoming the first female lieutenant colonel in the history of the HCPD; she had previously held prominent leadership positions as the deputy chief of the Support Services Bureau and as interim chief of police; and

WHEREAS, a highlight of Linda Toney's career was her work with Henrico County Public Schools, where she built many lasting relationships with young people in the community she served; and

WHEREAS, by remaining steadfast to her oath to protect and serve the residents of Henrico County, Linda Toney has embodied the ideals that citizens of the Commonwealth hold most dear; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Linda Toney, lieutenant colonel of the Henrico County Police Division, on the occasion of her retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Linda Toney as an expression of the General Assembly's admiration for her contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 93

Commending the Honorable Marcus H. Long, Jr.

Agreed to by the House of Delegates, January 17, 2022

Agreed to by the Senate, January 20, 2022

WHEREAS, the Honorable Marcus H. Long, Jr., completed his term as a judge of the 27th Judicial Circuit of Virginia in June 2020 after a distinguished 44-year legal career; and

WHEREAS, after graduating from Virginia Polytechnic Institute and State University, Marcus Long practiced law as an attorney with Long and Long in Blacksburg, notably serving as counsel to the Blacksburg-VPI Sanitation Authority and special counsel to the Virginia Department of Transportation; and

WHEREAS, in 2005, Marcus Long was selected as a Juvenile and Domestic Relations Court judge of the 27th Judicial District of Virginia; he presided over the court with great fairness and wisdom during his time on the bench and established the Montgomery County Family Drug Court to support families with children in foster care; and

WHEREAS, Marcus Long became a judge of the 27th Judicial Circuit of Virginia in 2012 and served as chief judge from 2013 to 2015 and 2018 to 2020; he remained a visionary leader in the promotion of drug treatment courts, establishing such courts in the Counties of Floyd, Montgomery, and Pulaski; and

WHEREAS, throughout his career, Marcus Long was a sought-after speaker on a number of topics and a trusted mentor and friend to many fellow legal professionals; and

WHEREAS, Marcus Long has offered his leadership to the boards of the Children's Home of Iredell County, North Carolina, and the Safe Surfing Foundation, and he is a former member of the Christiansburg-Blacksburg Rotary Club, Blacksburg Jaycees, and New River Valley Friends of the Roanoke Symphony, among other civic organizations; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Honorable Marcus H. Long, Jr., for his service as a judge of the 27th Judicial Circuit of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Marcus H. Long, Jr., as an expression of the General Assembly's admiration for his achievements on behalf of the residents of Southwest Virginia.

HOUSE JOINT RESOLUTION NO. 94

Commending Shawn Weneta.

Agreed to by the House of Delegates, January 17, 2022

Agreed to by the Senate, January 20, 2022

WHEREAS, Shawn Weneta, an esteemed advocate for restorative justice, received the Citizens Advocacy Award at the 15th annual Citizens Against Recidivism, Inc., awards ceremony on October 30, 2021; and

WHEREAS, Citizens Against Recidivism, Inc., presents its Citizens Advocacy Award each year to honor formerly incarcerated individuals whose efforts to uplift and empower others have made a difference in their community; and

WHEREAS, Shawn Weneta was pardoned by Governor Ralph S. Northam on April 23, 2020, in recognition of his years of advocacy on behalf of individuals in prison; and

WHEREAS, Shawn Weneta currently serves as the legislative liaison for The Humanization Project, an organization dedicated to changing perceptions of individuals behind bars through creative writing projects, educational outreach, and other endeavors; and

WHEREAS, Shawn Weneta grew up as a member of the Episcopal Diocese of Virginia and credits his faith for inspiring him to look beyond his prison sentence and to recommit his life to serving others; and

WHEREAS, while in prison, Shawn Weneta founded Mending Fences, a six-month rehabilitation program aimed at helping prisoners find peace and reconciliation by encouraging them to make amends with the victims they have harmed; and

WHEREAS, in collaboration with the American Red Cross, Virginians for Judicial Reform, and fellow inmates, Shawn Weneta established a first aid and cardiopulmonary resuscitation certificate program at his correctional institution; the individuals who became Red Cross instructors through this program have subsequently provided valuable, lifesaving training to both the institution's general population and individuals preparing for reentry into society; and

WHEREAS, by compelling others to show compassion and understanding toward those who are incarcerated and by encouraging the support of restorative justice programs and judicial reform organizations throughout the Commonwealth, Shawn Weneta has affected countless lives and inspired many to join him in his cause; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Shawn Weneta, a noteworthy restorative justice advocate, for receiving the Citizens Advocacy Award from Citizens Against Recidivism, Inc.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Shawn Weneta as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 95

Celebrating the life of Paul Allen Duncan.

Agreed to by the House of Delegates, January 17, 2022

Agreed to by the Senate, January 20, 2022

WHEREAS, Paul Allen Duncan, a respected entrepreneur who served the New River Valley community as an automobile dealer for more than 53 years, died on March 12, 2017; and

WHEREAS, Paul Duncan grew up in Montgomery County and learned the value of hard work and responsibility at a young age; he bought, repaired, and sold bicycles in the 1940s and subsequently worked as a door-to-door salesman; and

WHEREAS, in 1956, Paul Duncan began selling used cars from a gas station in Christiansburg; over the next few years, he acquired Studebaker and Mercury franchises, then opened Holiday Ford, named for the refurbished Holiday Inn sign he used as the dealership's marquee; and

WHEREAS, Paul Duncan and his sons established University Motors in 1972, Hokie Honda in 1977, and Franklin Ford Mercury in 1988; and

WHEREAS, Paul Duncan was a highly respected member of his profession and served on the Executive Board of the Virginia Automobile Dealers Association; he earned recognition from Ford for his longevity in the industry and was selected as Blacksburg's 1987 Citizen of the Year for his many contributions to the community; and

WHEREAS, in 2015, New River Community College presented its first honorary degree to Paul Duncan to recognize his business acumen and commitment to service; and

WHEREAS, outside of his career in the automotive industry, Paul Duncan offered his leadership and expertise to the National Bank of Blacksburg as an executive board member; and

WHEREAS, Paul Duncan is fondly remembered and greatly missed by his wife, Dianne; his children, Gary, Gerald, David, and Martha, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Paul Allen Duncan, a highly admired entrepreneur and community leader; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Paul Allen Duncan as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 97

Commending the Monument Terrace "Support Our Troops" rallies.

Agreed to by the House of Delegates, January 17, 2022

Agreed to by the Senate, January 20, 2022

WHEREAS, since November 30, 2001, veterans and patriots in the Lynchburg community have gathered every week for the Monument Terrace "Support Our Troops" rallies in support of members of the United States Armed Forces serving at home and abroad; and

WHEREAS, for more than 1,043 consecutive weeks, Monument Terrace "Support Our Troops" rally supporters have congregated every Friday at Monument Terrace in downtown Lynchburg, holding patriotic flags, displaying military memorabilia, and wearing red, white, and blue; and

WHEREAS, the Monument Terrace "Support Our Troops" rallies have brought people together, no matter their race, religion, political beliefs, or national origin to recognize that freedom is worth fighting for and justice should be the same for everyone; and

WHEREAS, over 4,000 unique challenge coins depicting a World War I "doughboy" on one side and "Honk if You Support Our Troops" on the other side have been presented to veterans and patriots who have attended the Monument Terrace "Support Our Troops" rallies; and

WHEREAS, out-of-town visitors from 44 states, Puerto Rico, Washington D.C., and 23 countries have received such a challenge coin at the Monument Terrace "Support Our Troops" rallies; and

WHEREAS, Monument Terrace "Support Our Troops" rally-goers line Church Street in a display of pride and patriotism to honor the faithful and dutiful service of members of all branches of the military; and

WHEREAS, with attendance averaging between 40 and 100 people each week, the Monument Terrace "Support Our Troops" rallies have included participants who served as members of the military in World War II, the Korean War, the Vietnam War, the Cold War, the Gulf War, and, more recently, conflicts in Afghanistan and Iraq; and

WHEREAS, many attendees of the Monument Terrace "Support Our Troops" rallies come to honor loved ones who are serving abroad, and all participants acknowledge the dangers faced and the sacrifices made by members of the United States Armed Forces; and

WHEREAS, during the Monument Terrace "Support Our Troops" rallies, a sign is displayed with the photos and names of the local soldiers who have died in the line of duty while serving in Afghanistan and Iraq to honor native sons and

daughters of Lynchburg and the surrounding counties, and a "Honk if You Support Our Troops" sign is displayed on Church Street for drivers to show their support; and

WHEREAS, as a result of the Monument Terrace "Support Our Troops" rallies, members of several veterans organizations, including Military Order of the Purple Heart, Military Order of World Wars, Vietnam Veterans of America, Marine Corps League, American Legion, Veterans of Foreign Wars, and motorcycle groups have united to offer help to less fortunate veterans and their families in the Lynchburg area and ultimately formed the Lynchburg Area Veterans Council, Inc., in 2015; and

WHEREAS, the Monument Terrace "Support Our Troops" rallies have gained widespread support in the Lynchburg community and serve as a reminder of the commitment and bravery of the veterans and active duty service members; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Monument Terrace "Support Our Troops" rallies hereby be commended on the occasion of the event's 20th anniversary on November 26, 2021; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Steve Bozeman, founder of the Monument Terrace "Support Our Troops" rallies, as an expression of the General Assembly's admiration for the event organizers' work to honor the service and sacrifices of members of the United States Armed Forces for more than 1,043 consecutive weeks.

HOUSE JOINT RESOLUTION NO. 98

Commending Antioch Baptist Church.

Agreed to by the House of Delegates, January 17, 2022

Agreed to by the Senate, January 20, 2022

WHEREAS, for 250 years, Antioch Baptist Church has provided spiritual leadership, generous outreach programs, and opportunities for joyful worship to the members of the Yale, Sussex County, and Southampton County communities; and

WHEREAS, Antioch Baptist Church was the first church of its denomination in Sussex County and one of the earliest in Virginia; it was formed on June 13, 1772, with 87 members and was the result of effective preaching by the Reverend John Meglamre of Kehukee Baptist Church in Halifax, North Carolina; and

WHEREAS, on the same day Reverend Meglamre was chosen as the pastor of Antioch Baptist Church, James Bell and Thomas Bailey were ordained as deacons and William Bishop was chosen as clerk; and

WHEREAS, in 1777, the reformed Kehukee Association of 19 Baptist churches in Virginia and North Carolina held its organizational meeting at Antioch Baptist Church, which was known then as the Raccoon Swamp Meeting House and was the mother church of six congregations in four counties; and

WHEREAS, Reverend Meglamre served as pastor of Antioch Baptist Church from 1772 to 1794 and was succeeded by his assistant, William Browne, who served as pastor from 1794 to 1810, after which time there was no permanent pastor for several years; and

WHEREAS, between 1813 and 1909, Antioch Baptist Church benefited from the leadership of 28 different pastors, along with several seminary students; in 1883, the church began a significant renovation project under the leadership of the Reverend J.D. Brown; and

WHEREAS, between 1910 and 1972, 14 pastors served Antioch Baptist Church; during this time the Sunday school building was added in 1949 under the leadership of the Reverend M.K. Roberson, and the parsonage was built in 1957 along with the addition of the vestibule in 1960, both under the leadership of the Reverend R.S. Carlton; and

WHEREAS, between 1972 and 2019, an additional 13 pastors served the Antioch Baptist Church community; and

WHEREAS, in May 2020, the Reverend Thomas E. Guess became the 58th pastor of Antioch Baptist Church; his compassion and leadership have led to increases in attendance and membership, and he has worked to keep God at the center of the church's mission, inspiring the congregation to do good works and support all residents of the region; and

WHEREAS, throughout its history, Antioch Baptist Church has welcomed people from diverse backgrounds and built an enduring sense of community in the Yale, Sussex County, and Southampton County areas, and large numbers of friends and former members regularly return to the church for homecomings and revival services; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Antioch Baptist Church on the occasion of its 250th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Thomas E. Guess, pastor of Antioch Baptist Church, as an expression of the General Assembly's admiration for the church's legacy of contributions to the Yale, Sussex County, and Southampton County communities.

HOUSE JOINT RESOLUTION NO. 99

Celebrating the life of Thomas Michael Simcoe.

Agreed to by the House of Delegates, January 24, 2022

Agreed to by the Senate, January 27, 2022

WHEREAS, Thomas Michael Simcoe, an honorable veteran, longtime firefighter, accomplished legislative advocate, and beloved member of the Lanexa community, died on October 3, 2020; and

WHEREAS, Thomas "Tom" Michael Simcoe enlisted with the United States Navy at the age of 17 and courageously served his country as a signalman on the USS *Steinaker* during the Vietnam War; and

WHEREAS, following his service, Tom Simcoe returned to Northern Virginia and initially spent time studying at George Washington University and Northern Virginia Community College and working as a customer representative for Western Electric; and

WHEREAS, Tom Simcoe joined Fairfax County Fire and Rescue Services as a firefighter in 1974 and bravely dedicated himself to the safety and well-being of county residents for the next 25 years, ultimately retiring at the position of hazardous materials technician; and

WHEREAS, in his later years, Tom Simcoe would become an effective advocate for active and retired firefighters and first responders, serving as president of the Fairfax County Fire & Rescue Retirement Association and as a member of both the executive board of Fairfax County Professional Fire Fighters & Paramedics - International Association of Fire Fighters Local 2068 and the Fairfax County Uniformed Retirement System Board of Trustees; and

WHEREAS, a hardworking lobbyist who was a regular presence at the General Assembly over the years, Tom Simcoe utilized his exceptional subject matter expertise and understanding of the legislative process to secure the passage of various bills that would benefit first responders and their families; and

WHEREAS, Tom Simcoe will be fondly remembered and dearly missed by his loving wife of 47 years, Barbara; his daughter, Shannon, and her family; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Thomas Michael Simcoe, whose extraordinary efforts as a veteran, firefighter, and legislative advocate affected countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Thomas Michael Simcoe as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 101

Celebrating the life of Jameel Jalal Abed.

Agreed to by the House of Delegates, January 31, 2022

Agreed to by the Senate, February 3, 2022

WHEREAS, Jameel Jalal Abed, owner of the Mediterranean Bakery & Deli on Quioccasin Road in Henrico County and a founding member of the Islamic Center of Virginia in Chesterfield County, died on August 10, 2021; and

WHEREAS, born on August 16, 1950, in Palestine, Jameel Abed came to Richmond with his father in the late 1960s to help him with his importing and exporting business; and

WHEREAS, Jameel Abed met his wife, Saba, when he was visiting Palestine in the 1970s, and the couple were married soon after, at which point Saba joined Jameel in Richmond; and

WHEREAS, Jameel and Saba Abed opened Royal Bakery in the mid-1980s, producing pita bread and other baked goods for sale at Ukrop's Super Markets in the Greater Richmond area; and

WHEREAS, Jameel Abed sold Royal Bakery to purchase the Mediterranean Bakery & Deli and subsequently transformed the restaurant into a community space for individuals from all walks of life to gather and take refuge; and

WHEREAS, Jameel Abed was known for his generosity and supported many refugees new to the Richmond area by helping them navigate American culture, secure employment, shop in grocery stores, and obtain driver's licenses; and

WHEREAS, Jameel Abed faced racism and prejudice as an Arab American in the Commonwealth and was inspired by these experiences to become politically active and find ways to fight discrimination; and

WHEREAS, Jameel Abed's work to promote equality included collaborating with the Virginia Interfaith Center for Public Policy, founding the Commonwealth's first Arab political action committee, and participating in anti-discrimination rallies in Richmond and Washington, D.C.; and

WHEREAS, Jameel Abed was a man led by his Muslim faith, who stood tall on his convictions and lived with an open heart toward all humans; and

WHEREAS, Jameel Abed's faith manifested itself in part through his efforts to raise funds to build the Islamic Center of Virginia, a masjid serving Muslims in the Greater Richmond area; and

WHEREAS, as a community leader and business owner, Jameel Abed consistently strived to make Richmond a more welcoming and compassionate city for all; and

WHEREAS, Jameel Abed will be fondly remembered and deeply missed by his wife of 51 years, Saba; his three sons, Niddal, Osama, and Bassam; his four grandchildren; two brothers; two sisters; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Jameel Jalal Abed; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Jameel Jalal Abed as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 102

Celebrating the life of Donald Lee Lambert, Jr.

Agreed to by the House of Delegates, January 24, 2022

Agreed to by the Senate, January 27, 2022

WHEREAS, Donald Lee Lambert, Jr., a captain in the Henrico County Police Division and a beloved husband and father, died on February 27, 2021; and

WHEREAS, Donald "Don" Lee Lambert, Jr., grew up in Henrico County, where he graduated from Hermitage High School; he subsequently earned a bachelor's degree from James Madison University, then joined the Henrico County Police Division in 1987; and

WHEREAS, Don Lambert rose through the ranks to become captain of the Henrico County Police Division's Special Operations Group; and

WHEREAS, Don Lambert relished every opportunity to serve and protect members of the community and earned many awards and accolades over the course of his nearly 34-year career in law enforcement; and

WHEREAS, Don Lambert served his fellow law-enforcement officers as vice president of Henrico Fraternal Order of Police Lodge 4 and as treasurer of the state and national chapters of the Southern Police Institute Alumni Association; and

WHEREAS, Don Lambert enjoyed fellowship and worship with the Glen Allen community at Mount Vernon Baptist Church, where he shared his musical talents with the congregation by playing his fiddle during services; he volunteered his time and leadership as a deacon, a Sunday school teacher, and a member of the safety and security team; and

WHEREAS, Don Lambert will be fondly remembered by his wife, Becky; his children, Joshua, Caleb, Emma, and Paige, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Donald Lee Lambert, Jr., a respected law-enforcement officer in Henrico County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Donald Lee Lambert, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 103

Celebrating the life of Julia Ann Greenwood.

Agreed to by the House of Delegates, January 24, 2022

Agreed to by the Senate, January 27, 2022

WHEREAS, Julia Ann Greenwood, a pioneer of education for dyslexic Virginians and beloved member of the Richmond community, died on February 25, 2021; and

WHEREAS, a native of Greenville, South Carolina, Julia Ann Greenwood was the president of her senior class at John Marshall High School and subsequently earned a bachelor's degree in psychology from The College of William & Mary and a master's degree in psychology from Marshall University; and

WHEREAS, from 1978 to 2012, Julia Ann Greenwood served as the head of the New Community School, an independent school founded in 1974 to support and educate adolescents with dyslexia in Richmond; and

WHEREAS, committed to academic excellence and educational equality, Julia Ann Greenwood led the New Community School to achieve full accreditation from the Virginia Association of Independent Schools; and

WHEREAS, Julia Ann Greenwood offered her leadership and expertise to the Virginia Association of Independent Schools, serving as chair of the Accreditation Committee and two terms as president; and

WHEREAS, Julia Ann Greenwood served on the board of the Virginia Branch of the International Dyslexia Society and received the organization's highest honor, the Rebecca Brock Richardson Award in recognition of her dedication and service to individuals with dyslexia in Virginia; and

WHEREAS, in 2013, the YWCA of Richmond presented Julia Ann Greenwood with the Outstanding Woman Award in the Education category; and

WHEREAS, Julia Ann Greenwood will be fondly remembered and dearly missed by her husband of 53 years, Michael Greenwood; her daughter and son-in-law, Ann Louise and Bert Whitby; her grandson, Michael Lee Whitby; her brother, Enders Dickinson IV; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Julia Ann Greenwood, a pioneer of education for dyslexic Virginians and beloved member of the Richmond community whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Julia Ann Greenwood as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 104

Commending Lynchburg Daily Bread, Inc.

Agreed to by the House of Delegates, January 24, 2022

Agreed to by the Senate, January 27, 2022

WHEREAS, Lynchburg Daily Bread, Inc., a nonprofit organization nobly serving the Greater Lynchburg community by providing those in need with hot and nutritious meals, free of charge, 365 days of the year, celebrates its 40th anniversary in 2022; and

WHEREAS, founded in 1982 by the First Presbyterian Church of Lynchburg, Lynchburg Daily Bread has since become an independent 501(c)(3) organization to carry out its mission; and

WHEREAS, located initially at the historic Nichol's Tavern in downtown Lynchburg, Lynchburg Daily Bread moved in 1983 to a building on Park Avenue owned by the Salvation Army and six years later took up permanent residence at the former Knights of Columbus building at Eighth and Clay Streets; and

WHEREAS, Lynchburg Daily Bread continues to operate out of its commercial kitchen in downtown Lynchburg and since 2013 has regularly distributed food at several outreach sites throughout the community; and

WHEREAS, Lynchburg Daily Bread served 115,478 meals in 2020 and 133,259 meals in 2021, the most for a given year in the organization's history, and is currently serving more than 12,000 meals per month; and

WHEREAS, Lynchburg Daily Bread is supported by the tireless and compassionate efforts of its volunteers, who collectively donate approximately 10,000 hours to the organization every year; and

WHEREAS, the accomplishments of Lynchburg Daily Bread are made possible through the generous donations it receives from local grocery stores, colleges, and restaurants, which account for nearly the entirety of the approximately 800 pounds of food the organization serves each day; and

WHEREAS, Lynchburg Daily Bread has benefited from major renovations over the years that were funded by its community partners, including Columbia Gas of Virginia, Southern Air, the Lynchburg Rotary Club, and St. John's Episcopal Church of Lynchburg; and

WHEREAS, Lynchburg Daily Bread has remained open throughout the COVID-19 pandemic, adapting to the unprecedented challenges by serving "to-go" meals to minimize contact and keep its servers and patrons safe; and

WHEREAS, by providing a reliable lifeline to vulnerable members of the Greater Lynchburg community, Lynchburg Daily Bread has embodied the values and ideals that citizens of the Commonwealth hold most dear; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Lynchburg Daily Bread, Inc., on the occasion of its 40th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lynchburg Daily Bread, Inc., as an expression of the General Assembly's admiration for the organization's contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 105

Celebrating the life of Barry K. Jett.

Agreed to by the House of Delegates, January 24, 2022

Agreed to by the Senate, January 27, 2022

WHEREAS, Barry K. Jett, a dedicated law-enforcement officer and member of the Board of Supervisors in Spotsylvania County, died on October 29, 2021; and

WHEREAS, born in Fredericksburg, Barry Jett worked at a department store warehouse after graduating from high school, then began a long and fulfilling career in public service when he joined the Spotsylvania County Sheriff's Office in 1992; and

WHEREAS, Barry Jett served and protected the community as a law-enforcement officer for more than 20 years and retired with the rank of lieutenant on January 1, 2019; and

WHEREAS, desirous to be of further service to the community, Barry Jett ran for and was elected to the Spotsylvania County Board of Supervisors that same year; and

WHEREAS, Barry Jett took office in January 2020 and served a one-year term as vice chair of the Spotsylvania County Board of Supervisors, working diligently to enhance the quality of life of all his fellow residents; and

WHEREAS, Barry Jett will be fondly remembered and greatly missed by his children, Dylan, MaKenzie, and Dalton, numerous other family members and friends, and the citizens of Spotsylvania County, to whom he devoted his life; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Barry K. Jett; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Barry K. Jett as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 106

Commending the Riverheads High School football team.

Agreed to by the House of Delegates, January 24, 2022

Agreed to by the Senate, January 27, 2022

WHEREAS, the Riverheads High School football team of Greenville of Augusta County won the Virginia High School League Class 1 state championship at Salem Stadium on December 11, 2021; and

WHEREAS, the Riverheads High School Gladiators defeated the Galax High School Maroon Tide by a score of 45-14 to bring home the program's sixth consecutive state title and its ninth in program history; and

WHEREAS, the Riverheads High School Gladiators' streak of six straight victories in the title game extends a Virginia High School League state record for most consecutive state championships; and

WHEREAS, the Riverheads Gladiators' victory completes its undefeated season and furthers its winning streak to 50 games, the longest active winning streak among high school football programs in the nation and two games shy of the Virginia High School League record for most consecutive wins; and

WHEREAS, the Riverheads Gladiators were led by strong performances from Cayden Cook-Cash, who had four touchdowns and 216 yards on 18 carries, and Luke Bryant, who rushed for 174 yards, including a magnificent 77-yard touchdown run in the third quarter; and

WHEREAS, as a result of schedule changes caused by the COVID-19 pandemic, the Riverheads Gladiators won a Virginia High School League state championship in May 2021, giving the team the unique distinction of winning two state titles in the same year; and

WHEREAS, the accomplishments of the Riverheads Gladiators are the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of the entire Riverheads High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Riverheads High School football team for winning the Virginia High School League Class 1 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert Casto, head coach of the Riverheads High School football team, as an expression of the General Assembly's admiration for the team's achievement.

HOUSE JOINT RESOLUTION NO. 107

Commending Mike Williams.

Agreed to by the House of Delegates, January 24, 2022

Agreed to by the Senate, January 27, 2022

WHEREAS, Mike Williams, an esteemed newsman and owner and publisher of *The Patriot* newspaper, a weekly newspaper serving the Pulaski County and Radford communities, celebrates his 45th anniversary in the news industry in 2022; and

WHEREAS, Mike Williams began his illustrious career as an apprentice pressman with *The Southwest Times* in Pulaski, serving the paper in nearly every capacity during his 31-year tenure, including 10 years as publisher; and

WHEREAS, Mike Williams founded *The Patriot* and its companion website in May 2009 and has since provided an invaluable service to the residents of Pulaski County and Radford by keeping them well-informed of events affecting their community; and

WHEREAS, Mike Williams has given generously of his time in service to others as a member of various organizations, including Pulaski Encouraging Progress and the Pulaski County United Way Board of Directors, and supported his industry as a member of the Virginia Press Association Board of Directors from 1993 to 1997; and

WHEREAS, Mike Williams has received numerous honors over the years from the Virginia Press Association and the Pulaski County Chamber of Commerce for his professional accomplishments and service to the community, including recognition as the chamber's 2005 Business Executive of the Year; and

WHEREAS, Mike Williams was presented the 2013 Elks Distinguished Citizenship Award by Pulaski Elks Lodge 1067 and was a unanimous selection for induction into the Pulaski County High School Hall of Fame in 2017; and

WHEREAS, through his tireless efforts as a newsman and civic leader, Mike Williams has helped make Pulaski County a more wonderful place to live, work, and play; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Mike Williams, celebrated newsman and entrepreneur, for his many years of service to the Pulaski County and Radford communities; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mike Williams as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 108

Commending David L. Hagan.

Agreed to by the House of Delegates, January 24, 2022

Agreed to by the Senate, January 27, 2022

WHEREAS, David L. Hagan, vice president of Shelor Motor Mile in Christiansburg, has served the residents of the Blacksburg-Christiansburg Metropolitan Area for nearly four decades; and

WHEREAS, a native of Wytheville, David Hagan attended Thomas Nelson Community College and served his country as a member of the United States Air Force before beginning his career as an automobile dealer with Elliot Buick and Statum Chevrolet in Salem; and

WHEREAS, David Hagan joined Shelor Motor Mile in 1982 and has worked with president Larry J. Shelor to help the business become the leading multi-franchise dealership in the region with more than \$400 million in annual revenue; and

WHEREAS, under David Hagan and Larry Shelor's leadership, Shelor Motor Mile grew from 125 employees to more than 500 across multiple locations and has earned national accolades for outstanding business performance, customer satisfaction, and innovation in training and development; and

WHEREAS, outside of the automotive industry, David Hagan and Larry Shelor have served the community as the owners of a real estate development firm that completed several townhome neighborhoods, a subdivision of single-family dwellings, and other individual residential properties; and

WHEREAS, David Hagan and Larry Shelor have been champions for Minor League Baseball and conducted a \$10 million renovation of Historic Calfee in Pulaski, which is now home to the Pulaski River Turtles of the Appalachian League; and

WHEREAS, David Hagan has led efforts to revitalize downtown Pulaski, and in 2021, Shelor Motor Mile became the primary sponsor of Calfee Community and Cultural Center, which preserves the legacy of the historic Calfee Training School; and

WHEREAS, David Hagan and Larry Shelor have sponsored countless programs through trade associations, educational institutions, and community groups; they established Growing the Future, which has awarded millions of dollars to local schools in six counties, supporting scholarships, extracurricular activities, field trips, and competitions; and

WHEREAS, in 2017, David Hagan created a scholarship fund at New River Community College in honor of his late son, Kyle; and

WHEREAS, David Hagan has served his community with the utmost dedication and enhanced the quality of life for residents of Pulaski, Christiansburg, and the entire region; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend David L. Hagan for his contributions to the residents of the Blacksburg-Christiansburg Metropolitan Area as a business owner and a pillar of the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to David L. Hagan as an expression of the General Assembly's admiration for his personal and professional achievements.

HOUSE JOINT RESOLUTION NO. 109

Commending Larry J. Shelor.

Agreed to by the House of Delegates, January 24, 2022

Agreed to by the Senate, January 27, 2022

WHEREAS, Larry J. Shelor, president of Shelor Motor Mile in Christiansburg, has served the residents of the Blacksburg-Christiansburg Metropolitan Area for five decades; and

WHEREAS, a native of Floyd, Larry Shelor earned a bachelor's degree in economics from Duke University before beginning his career as an automobile dealer; and

WHEREAS, Larry Shelor established Shelor Motor Mile in 1974 and has worked with vice president David L. Hagan, who joined in the 1980s, to help the business become the leading multi-franchise dealership in the region with more than \$400 million in annual revenue; and

WHEREAS, under Larry Shelor and David Hagan's leadership, Shelor Motor Mile grew from 125 employees to more than 500 across multiple locations and has earned national accolades for outstanding business performance, customer satisfaction, and innovation in training and development; and

WHEREAS, Larry Shelor serves as a member of the Virginia Motor Vehicle Dealer Board and the Montgomery County Chamber of Commerce and a former chair of the Virginia Automobile Dealers Association; and

WHEREAS, outside of the automotive industry, Larry Shelor and David Hagan have served the community as the owners of a real estate development firm that completed several townhome neighborhoods, a subdivision of single-family dwellings, and other individual residential properties; and

WHEREAS, Larry Shelor and David Hagan have been champions for Minor League Baseball and conducted a \$10 million renovation of Historic Calfee Park in Pulaski, which is now home to the Pulaski River Turtles of the Appalachian League; and

WHEREAS, under Larry Shelor's leadership, Shelor Motor Mile became the primary sponsor of Calfee Community and Cultural Center, which preserves the legacy of the historic Calfee Training School; and

WHEREAS, Larry Shelor and David Hagan have sponsored countless programs through trade associations, educational institutions, and community groups; they established Growing the Future, which has awarded millions of dollars to local schools in six counties, supporting scholarships, extracurricular activities, field trips, and competitions; and

WHEREAS, Larry Shelor has served his community with the utmost dedication and enhanced the quality of life for residents of Pulaski, Christiansburg, and the entire region; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Larry J. Shelor for his contributions to the residents of the Blacksburg-Christiansburg Metropolitan Area as a business owner and a pillar of the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Larry J. Shelor as an expression of the General Assembly's admiration for his personal and professional achievements.

HOUSE JOINT RESOLUTION NO. 110

Commending Penny Halpern.

Agreed to by the House of Delegates, January 24, 2022

Agreed to by the Senate, January 27, 2022

WHEREAS, Penny Halpern has greatly served the elderly community of Herndon as president of the Herndon Village Network, an organization that provides special programming and transportation services to its network of senior citizen members; and

WHEREAS, Penny Halpern and the Herndon Village Network's transportation services enable senior citizens who wish to age in their homes to maintain their routines and connections to the community; and

WHEREAS, guided by the principle of neighbors helping neighbors, Penny Halpern and the Herndon Village Network have enhanced the quality of life of hundreds of senior citizens by providing thousands of rides for doctor appointments, grocery store runs, social outings, and more; and

WHEREAS, despite the challenges of the COVID-19 pandemic, Penny Halpern and the Herndon Village Network have continued to provide essential transportation services to their network of senior citizens to ensure they have access to the goods and services they need; and

WHEREAS, in recognition of her efforts, Penny Halpern was named one of the 2017 Community Champions by the Fairfax County Board of Supervisors, while her accomplishments were memorialized in the United States Congressional Record by United States Representative Gerald Connolly that same year; and

WHEREAS, through her steadfast dedication and visionary leadership of the Herndon Village Network, Penny Halpern has helped hundreds of senior citizens in the Herndon community to thrive; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Penny Halpern, president of the Herndon Village Network, for her years of service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Penny Halpern as an expression of the General Assembly's admiration for her contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 111

Celebrating the life of Aubrey Mae Stanley, Jr.

Agreed to by the House of Delegates, January 24, 2022

Agreed to by the Senate, January 27, 2022

WHEREAS, Aubrey Mae Stanley, Jr., accomplished business executive, esteemed public servant, and beloved member of the Beaverdam community, died on December 31, 2021; and

WHEREAS, affectionately known by family and friends as "Bucky," Aubrey Stanley was a native of Hanover County and graduated from Patrick Henry High School in Ashland in 1962 before attending North Carolina State University; and

WHEREAS, Aubrey Stanley enjoyed an illustrious career in the timber and lumber industry, first with the family business AM Stanley Lumber and later as owner of AMS Timber, LLC; and

WHEREAS, Aubrey Stanley was elected to the Hanover County Board of Supervisors in 1983 and proudly represented the residents of Beaverdam for the next 38 years, including six terms as board chairman; and

WHEREAS, Aubrey Stanley's 10 consecutive election victories make him the longest serving member in the history of the Hanover County Board of Supervisors and one of the longest serving members of any board of supervisors in the history of the Commonwealth; and

WHEREAS, during his tenure on the Hanover County Board of Supervisors, Aubrey Stanley was highly regarded for his dedication to his constituents and his ability to foster consensus among the members of the board; and

WHEREAS, Aubrey Stanley was a member of the Capital Region Airport Commission since 1986 and chairman of that board four times, overseeing the operation and management of Richmond International Airport for the benefit of the community; and

WHEREAS, in his spare time, Aubrey Stanley cultivated his passion for men's softball by managing and sponsoring several elite teams that traveled throughout the nation to compete at the highest echelons of the sport; and

WHEREAS, in recognition of his success in men's softball, Aubrey Stanley's sporting legacy is enshrined today in the halls of fame of various athletic organizations; and

WHEREAS, preceded in death by his loving wife, Ellen, Aubrey Stanley will be fondly remembered and dearly missed by his son, Darrell, and his family, and by numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Aubrey Mae Stanley, Jr., an admired public servant whose honesty and dedication inspired countless citizens of Hanover County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Aubrey Mae Stanley, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 113

Celebrating the life of Ferdinand C. Dugan III.

Agreed to by the House of Delegates, January 24, 2022

Agreed to by the Senate, February 3, 2022

WHEREAS, Ferdinand C. Dugan III, a proud veteran of the United States Navy and respected member of the Hague community, died on August 15, 2021; and

WHEREAS, Ferdinand "Doc" C. Dugan III graduated from the United States Naval Academy in 1957 and earned his wings as a naval aviator in 1959; he subsequently served on destroyers and was the chief staff officer for the naval gunfire support command during the Tet Offensive in the Vietnam War; and

WHEREAS, Doc Dugan was the commanding officer aboard the USS *Johnston* and commanded the naval communications station in Puerto Rico from 1976 to 1979; and

WHEREAS, after his well-earned retirement from the United States Navy in 1984, Doc Dugan joined System Planning Corporation in Arlington and provided contract support for the Department of Defense and the Federal Emergency Management Agency; and

WHEREAS, in 1996, Doc Dugan purchased Left Bank Gallery in Hague, where he pursued his passion for painting and served the community as an art dealer and custom framing specialist; and

WHEREAS, Doc Dugan continued to support his fellow veterans as president of the Military Officers Association of America and offered his leadership and expertise to the Westmoreland County Social Services Department, Westmoreland County Chamber of Commerce, and Westmoreland County Lion's Club, among many other civic organizations; and

WHEREAS, predeceased by his first wife, Jane, Doc Dugan will be fondly remembered and greatly missed by his wife, Bobbie; his children, Ferdinand IV, Jane, Mary, Jennifer, Patrick, and Philip, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Doc Dugan; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ferdinand C. Dugan III as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 114

Celebrating the life of the Honorable Arthur R. Giesen, Jr.

Agreed to by the House of Delegates, January 24, 2022

Agreed to by the Senate, January 27, 2022

WHEREAS, the Honorable Arthur R. Giesen, Jr., a former member of the Virginia House of Delegates who ably represented communities in the Blue Ridge Mountains for more than 30 years, died on April 2, 2021; and

WHEREAS, a native of Radford, Arthur "Pete" R. Giesen, Jr., excelled in both academics and athletics in his youth; he graduated from Radford High School and earned a bachelor's degree from Yale University and a master's degree from Harvard University; and

WHEREAS, after completing his education, Pete Giesen relocated to Staunton, where he worked for Westinghouse Electric Corporation, then subsequently founded and served as president of Augusta Steel Corporation; and

WHEREAS, Pete Giesen followed in the footsteps of his father and grandfather, both former mayors of Radford, and his mother, the first woman elected to the Virginia House of Delegates as a Republican, and pursued a life of public service, running for a seat in the Virginia House of Delegates in 1963; and

WHEREAS, Pete Giesen represented the residents of the 10th District from 1964 to 1972, the 15th District from 1972 to 1982, the 10th District from 1982 to 1983, and the 25th District from 1983 to 1996; and

WHEREAS, during his tenure as a state lawmaker, Pete Giesen introduced and supported numerous important pieces of legislation to benefit all Virginians, taking a particular interest in racial equality and mental health; he earned the nickname "the Mediator of Virginia Politics" for his commitment to building bipartisan consensus and understanding; and

WHEREAS, Pete Giesen later served as a legislative liaison for several nonprofit organizations and local governments, as well as James Madison University; from 2007 to 2020, he shared his wise insights on local and state politics as a political science professor at the university; and

WHEREAS, Pete Giesen enjoyed fellowship and worship with the congregation of Christ Evangelical Lutheran Church in Staunton and volunteered his time and leadership with many civic and service organizations; he established the Pete Giesen Mental Health Golf Tournament, which supported scholarships for students majoring in mental health fields at Blue Ridge Community College; and

WHEREAS, predeceased by his daughter, Beth Sauer-Holmes, Pete Giesen will be fondly remembered and greatly missed by his wife, Pat; his children, Ann Smith, Beth Esterling, Mary Tucker, Jay Giesen, Jon Giesen, Robert Giesen, Kim Elliot, and Amy Elliot, and their families; and numerous other family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Arthur R. Giesen, Jr., a dedicated public servant, community leader, and educator; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Arthur R. Giesen, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 115

Celebrating the life of Dr. Henry Irving Willett, Jr.

Agreed to by the House of Delegates, January 24, 2022

Agreed to by the Senate, January 27, 2022

WHEREAS, Dr. Henry Irving Willett, Jr., a teacher of teachers, former president of Longwood University, and lifelong learner and educator, died on November 11, 2021; and

WHEREAS, a native of Portsmouth, Henry Willett was born on June 19, 1931, to Betty and Henry Willett; he grew up with a family of teachers and followed in the footsteps of his father, who served as superintendent of Richmond Public Schools and president of Virginia Commonwealth University; and

WHEREAS, Henry Willett graduated from Thomas Jefferson High School in Richmond, earned a bachelor's degree in history from Washington and Lee University, then served his country as a member of the United States Army, stationed in Europe; and

WHEREAS, Henry Willett's legacy of service to education spanned every level and role across teaching and administration; he began his career as a sixth-grade teacher in Martinsville in 1952 and later served as the principal of several schools and the superintendent for instruction for Chesapeake Public Schools; and

WHEREAS, Henry Willett was named president of Longwood University in Farmville in 1967 and served the institution for 15 years, guiding its transformation from a teachers' college to a leading coeducational liberal arts institution; and

WHEREAS, during his tenure, Henry Willett laid the foundations for numerous achievements in academics, athletics, and the arts at Longwood University; he led racial integration efforts and oversaw the admittance of the first male students in the 1970s; and

WHEREAS, Longwood University honored Henry Willett's contributions in 2004 by dedicating Willett Hall, the site of home basketball games for the Longwood Lancers, and the location for the 2016 Vice Presidential Debate; and

WHEREAS, Henry Willett earned his master's and doctoral degrees in education from the Curry School of Education at the University of Virginia, which recognized him with its Distinguished Alumni Award in 1995; and

WHEREAS, following his presidency at Longwood University, Henry Willett served as director of George Washington University's graduate education program in Hampton Roads from 1985 to 2002, when he was named professor emeritus; and

WHEREAS, Henry Willett's legacy as an educator will live on through the hundreds of teachers, school administrators, and students that he inspired throughout his career, many of whom are currently employed in school systems across the Commonwealth; and

WHEREAS, Henry Willett will be fondly remembered and dearly missed by his loving wife of 60 years, Mary Turner Willett; his sons, the Honorable Rodney Willett, Scott Willett, Todd Willett, and Henry Willett, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Dr. Henry Irving Willett, Jr., a champion for education in the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Dr. Henry Irving Willett, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 116

Commending the Glen Allen High School boys' volleyball team.

Agreed to by the House of Delegates, January 24, 2022

Agreed to by the Senate, January 27, 2022

WHEREAS, in November 2021, the Glen Allen High School boys' volleyball team secured the first state title in program history with a victory in the Virginia High School League Class 6 state championship at the conclusion of an undefeated season; and

WHEREAS, earlier in the season, the Glen Allen High School Jaguars defeated their longtime rivals from Deep Run High School in the regional final and again in the Class 6 semifinal; and

WHEREAS, the Glen Allen Jaguars advanced to the state final against the Frank W. Cox High School Falcons and won in four sets to finish the season with an impressive 23-0 record; and

WHEREAS, the Glen Allen Jaguars stymied the Frank Cox Falcons with a comprehensive defense led by libero Riley Irmen and controlled the flow of the game with exceptional passing; and

WHEREAS, setter Andrew Onusconich directed the team's well-rounded offense with 30 assists, while Brooks Cowart led the Glen Allen Jaguars with 11 kills, followed by Wyatt Hampton and Trevor Foy with eight kills each; and

WHEREAS, the victorious season is a tribute to the hard work and dedication of all the student-athletes, the inspirational leadership of coaches and staff, and the passionate support of the entire Glen Allen High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Glen Allen High School boys' volleyball team on winning the Virginia High School League Class 6 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kevin Hoy, head coach of the Glen Allen High School boys' volleyball team, as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 117

Commending Richard D. Holcomb.

Agreed to by the House of Delegates, January 24, 2022

Agreed to by the Senate, January 27, 2022

WHEREAS, Richard D. Holcomb, a dedicated and forward-thinking civil servant, retired as Commissioner of the Virginia Department of Motor Vehicles after a total of 19 years of distinguished service to the residents of the Commonwealth; and

WHEREAS, Richard "Rick" D. Holcomb was first appointed as Commissioner of the Virginia Department of Motor Vehicles (DMV) by Governor George Allen in 1994 and was reappointed by Governor James S. Gilmore in 1998; and

WHEREAS, during Rick Holcomb's original seven-year tenure as Commissioner, Virginia DMV became the first such department in the nation to add waiting areas with seats for customers and allow certain transactions to be completed online; he further enhanced customer service by increasing operating hours and opening several new locations; and

WHEREAS, Rick Holcomb subsequently served as the senior vice president and general counsel for a national association for the trucking industry until he was again appointed as DMV Commissioner by Governor Robert F. McDonnell in 2010, then reappointed by Governor Terence R. McAuliffe in 2014 and Governor Ralph S. Northam in 2018; and

WHEREAS, in his second stint as DMV Commissioner, Rick Holcomb continued to focus on customer service and technology by adding over 50 transactions to DMV's online portal, allowing students to take driving tests remotely, and creating the mobile DMV Connect program to travel to underserved areas; and

WHEREAS, under Rick Holcomb's leadership, DMV began offering convenient access to other government services, including voter registration, hunting and fishing licenses, and requests for birth certificates, death certificates, and marriage and divorce records; and

WHEREAS, Rick Holcomb advocated for the elimination of policies related to the suspension of driver's licenses due to unpaid court fees; and

WHEREAS, throughout his career, Rick Holcomb worked with members of both political parties and stakeholders throughout the Commonwealth to build consensus on critical transportation issues and devise innovative solutions to best serve all Virginians; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Richard D. Holcomb on the occasion of his retirement as Commissioner of the Virginia Department of Motor Vehicles; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Richard D. Holcomb as an expression of the General Assembly's admiration for his legacy of achievements in service to Virginians.

HOUSE JOINT RESOLUTION NO. 118

Confirming various appointments by the Joint Committee on Rules and the Speaker of the House of Delegates.

Agreed to by the House of Delegates, February 11, 2022

Agreed to by the Senate, March 1, 2022

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly confirm the following appointment made by the Joint Committee on Rules:

An appointment to the Commonwealth Health Research Board pursuant to § 32.1-162.23 of the Code of Virginia:

Francis Xavier Farrell, PhD, of Roanoke, Virginia 24016, Member, to serve an unexpired term ending March 31, 2026.

RESOLVED FURTHER, That the General Assembly confirm the following appointments made by the Speaker of the House of Delegates:

Appointments to the Virginia Commonwealth University Health System Authority Board of Directors pursuant to § 23.1-2402 of the Code of Virginia:

Hem Bhardwaj, MD, of Chesterfield, Virginia 23831, Member, for a term of three years beginning July 1, 2021, and ending June 30, 2024.

Lisa Ellis, MD, MS, MACP, of Goochland, Virginia 23103, Member, for a term of three years beginning July 1, 2020, and ending June 30, 2023.

Fay Manolios, of Richmond, Virginia 23220, Member, for a term of three years beginning July 1, 2021, and ending June 30, 2024.

HOUSE JOINT RESOLUTION NO. 119

Commending Derek Wray.

Agreed to by the House of Delegates, January 24, 2022

Agreed to by the Senate, January 27, 2022

WHEREAS, in October 2021, Derek Wray, an automotive and diesel technology teacher at Salem High School, was selected as a winner of the Harbor Freight Tools for Schools Prize for Teaching Excellence; and

WHEREAS, the Harbor Freight Tools for Schools program strives to increase understanding and support for skilled trades education in public high schools around the country by recognizing exceptional educators like Derek Wray; and

WHEREAS, Derek Wray works diligently to ensure that his students receive the highest quality educational training and benefit from hands-on instruction in the most up-to-date techniques in automotive repair; and

WHEREAS, Derek Wray's teaching methods and commitment to excellence have directly contributed to his students' success both in the classroom and in their careers; and

WHEREAS, Derek Wray was selected by a panel of experts from a pool of 700 worthy applicants in 49 states, and as the grand prize winner, he received an award of \$30,000 for himself and \$70,000 in program funding; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Derek Wray on receiving the Harbor Freight Tools for Schools Prize for Teaching Excellence in 2021; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Derek Wray as an expression of the General Assembly's admiration for his outstanding service to students in Salem.

HOUSE JOINT RESOLUTION NO. 120

Commending civil servants in Virginia's court system.

Agreed to by the House of Delegates, January 24, 2022

Agreed to by the Senate, January 27, 2022

WHEREAS, access to justice is a fundamental and essential right in a democratic society, and such access is entirely dependent on a well-functioning court system and the dedicated professionals thereof; and

WHEREAS, Virginia's court system depends on the presence, dedication, and expertise of a multitude of civil servants, including clerks, deputy clerks, judges, judicial assistants, guardians ad litem, speech and language interpreters, magistrates, sheriffs, sheriff's deputies, court reporters, and other staff members; and

WHEREAS, among their many duties, these civil servants provide security for Virginia's courthouses, conduct hearings, trials, and other judicial proceedings, or provide critical support for such proceedings; and

WHEREAS, throughout the COVID-19 pandemic, civil servants in Virginia's court system have interacted with lawyers, litigants, witnesses, members of the public, incarcerated individuals, and other people involved in the justice system, exposing these civil servants to a greater risk of contracting the virus; and

WHEREAS, notwithstanding that increased risk to their health and the health of their families, civil servants in Virginia's court system have continued to make the personal sacrifices necessary to ensure that the Commonwealth's courts remain open and operate efficiently, ensuring access to justice for all Virginians; and

WHEREAS, thanks to the hard work of civil servants in Virginia's court system, access to justice has been preserved and maintained in the Commonwealth throughout the COVID-19 pandemic; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend civil servants in Virginia's court system for their work during the COVID-19 pandemic; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Access to Justice Commission, on behalf of all civil servants in Virginia's court system, as an expression of the General Assembly's admiration for their personal sacrifices and commitment to professionalism.

HOUSE JOINT RESOLUTION NO. 121

Commending Old Dominion.

Agreed to by the House of Delegates, January 24, 2022

Agreed to by the Senate, January 27, 2022

WHEREAS, Old Dominion, a contemporary country music band with roots in the Commonwealth, has delighted audiences across the nation for 15 years; and

WHEREAS, Old Dominion was established in 2007 by lead vocalist Matthew Ramsey, guitar and keyboard player Trevor Rosen, drummer Whit Sellers, bassist Geoff Sprung, and guitarist Brad Tursi; the band's name as an homage to four of the five members' connections to Virginia; and

WHEREAS, Matthew Ramsey grew up in Botetourt County and attended James River High School and Virginia Commonwealth University, while Whit Sellers attended James River's cross-county rival, Lord Botetourt High School, and James Madison University, where he met Geoff Sprung and Brad Tursi; and

WHEREAS, the members of Old Dominion coalesced in Nashville where they met Trevor Rosen, a transplant from Michigan, and began recording songs they had each written individually; several members of the band have writing credits on hit songs by Luke Bryan, Kenny Chesney, The Band Perry, Kelsea Ballerini, Blake Shelton, and other country artists; and

WHEREAS, Old Dominion gained attention with their early songs "Dirt on a Road" and "Shut Me Up," and released their first extended play record in 2014; the band subsequently toured as an opener for Kenny Chesney and released their debut studio album *Meat and Candy* the following year; and

WHEREAS, Old Dominion released a second studio album, *Happy Endings*, in 2017, and launched the Make It Sweet Tour, the band's first tour as a headliner, in 2018; "Make It Sweet" appeared on the band's self-titled third album in 2019, along with "One Man Band," which became their highest-peaking single on the Billboard Hot 100 chart at number 20; and

WHEREAS, on October 8, 2021, Old Dominion released their most recent album, *Time, Tequila & Therapy*, which featured Motown legend Gladys Knight on the song "Lonely Side of Town"; and

WHEREAS, over the course of their career, the members of Old Dominion have earned numerous awards and accolades, including the New Vocal Duo or Group of the Year award from the Academy of Country Music and the Breakthrough Group/Duo of the Year award from American Country Countdown in 2016; and

WHEREAS, in 2018 and 2019, Old Dominion won back-to-back Vocal Group of the Year awards from both the Academy of Country Music and the Country Music Association, and in 2020, the band added another Vocal Group of the Year award from the Country Music Association and a Song of the Year award for "One Man Band" from the Academy of Country Music; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Old Dominion for the band's contributions to country music over the past 15 years; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the members of Old Dominion as an expression of the General Assembly's admiration for their musical achievements.

HOUSE JOINT RESOLUTION NO. 122

Commending the Norfolk State University baseball team.

Agreed to by the House of Delegates, January 24, 2022

Agreed to by the Senate, January 27, 2022

WHEREAS, the Norfolk State University baseball team won the Mid-Eastern Athletic Conference championship on May 22, 2021, at Marty L. Miller Field in Norfolk; and

WHEREAS, the Norfolk State University Spartans defeated the North Carolina Central University Eagles by a score of 7-6 to bring home the program's first Mid-Eastern Athletic Conference (MEAC) championship title; and

WHEREAS, after coming from behind to force extra innings and staving off a two-run deficit in the 10th inning, the Norfolk State Spartans closed out the contest on second baseman Alsander Womack's walk-off RBI single in the 11th inning; and

WHEREAS, the Norfolk State Spartans were carried by standout performances from Ty Hanchey, who had four hits and two RBIs; Adam Collins, who scored three runs; Jacob Council, whose RBI groundout tied the game in the 9th inning; Alex Wright, who came out of the bullpen to throw a season-high 6.1 innings; and Michael Portela, who threw 1.2 scoreless innings for the win; and

WHEREAS, Alsander Womack, Ty Hanchey, Danny Hosley, and James Deloatch were all named to the MEAC all-tournament team, while head coach Keith Shumate was named the tournament's Most Outstanding Coach; and

WHEREAS, after disappointment in nine previous MEAC championship appearances, the Norfolk State Spartans' victory was a redemptive and cathartic moment for players and fans; their championship win was notably the first for a MEAC North division team since 1998; and

WHEREAS, the accomplishments of the Norfolk State Spartans are the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and professors, and the unwavering support of the entire Norfolk State University community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Norfolk State University baseball team for winning the 2021 Mid-Eastern Athletic Conference championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Keith Shumate, head coach of the Norfolk State University baseball team, as an expression of the General Assembly's admiration for the team's achievement.

HOUSE JOINT RESOLUTION NO. 123

Commending Robert L. Dandridge, Jr.

Agreed to by the House of Delegates, January 24, 2022

Agreed to by the Senate, January 27, 2022

WHEREAS, Robert L. Dandridge, Jr., the Norfolk State University legend who played 13 seasons in the National Basketball Association with the Milwaukee Bucks and the Washington Bullets, was inducted into the Naismith Memorial Basketball Hall of Fame in Springfield, Massachusetts, on September 11, 2021; and

WHEREAS, born and raised in Richmond, Robert "Bob" L. Dandridge, Jr., learned the game of basketball on the courts of the former West End School and was a member of the Maggie L. Walker High School Class of 1965; and

WHEREAS, Bob Dandridge enjoyed one of the most storied basketball careers in Norfolk State University history, leading his team to a Central Intercollegiate Athletic Association championship title in 1968; his 32.3 points per game scoring average during the 1968-1969 season remains a school record; and

WHEREAS, selected by the Milwaukee Bucks in the 1969 National Basketball Association (NBA) draft, Bob Dandridge immediately made an impact on the team on both sides of the court, earning all-rookie first team honors; and

WHEREAS, Bob Dandridge was an integral part of the Milwaukee Bucks' championship run in the 1970-1971 season, averaging 18.4 points per game as the team notched a 66-16 record and went on to sweep the Baltimore Bullets in the NBA Finals; and

WHEREAS, Bob Dandridge joined the Washington Bullets in the 1977-1978 season and helped the team overcome years of playoff disappointment to win its first and only championship title in franchise history that same year; and

WHEREAS, beyond his two championship titles, Bob Dandridge's accomplishments after 13 years in the NBA included four All-Star Game appearances, eight playoff appearances, and an impressive career average of 18.5 points per game; and

WHEREAS, following his career in the NBA, Bob Dandridge admirably dedicated himself to helping young people grow and thrive; he was an assistant coach at Hampton University for several years and, after earning a degree in counseling, formed the Dandridge Group, a nonprofit organization with a mission to pass on life skills to at-risk youth in Norfolk; and

WHEREAS, drawing from his experience as a player and a counselor, Bob Dandridge extended his legacy in the NBA in the 1990s by working to establish player development programs, such as the rookie transition program and the Top 100 High School Basketball Camp, which have since guided hundreds of young players through the early years of their careers; and

WHEREAS, by embodying the ideals of competitiveness, compassion, heroism, and humility throughout his life, Bob Dandridge has been an inspiration to countless citizens of the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Robert L. Dandridge, Jr., Virginia native and superstar of the National Basketball Association, on the occasion of his induction into the Naismith Memorial Basketball Hall of Fame; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert L. Dandridge, Jr., as an expression of the General Assembly's admiration for his accomplishments and contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 124

Commending Grant Holloway.

Agreed to by the House of Delegates, January 24, 2022

Agreed to by the Senate, January 27, 2022

WHEREAS, Grant Holloway, a native of Chesapeake, proudly represented the Commonwealth and the United States at the Games of the XXXII Olympiad in Tokyo, Japan, winning a silver medal in the men's 110-meter hurdles event; and

WHEREAS, Grant Holloway began his athletic career at Grassfield High School in Chesapeake, then attended the University of Florida, where he was a valued member of both the indoor and outdoor track and field teams; and

WHEREAS, while at the University of Florida, Grant Holloway earned six national titles in hurdling and broke a 40-year-old National Collegiate Athletic Association record with a time of 12.98 in the 110-meter hurdles event; and

WHEREAS, competing in only his fourth event as a professional, Grant Holloway won his first world championship title with a time of 13.10 in the 110-meter hurdles event at the 2019 International Association of Athletics Federations World Athletics Championships in Doha, Qatar; and

WHEREAS, in recognition of his unprecedented success during the 2019 indoor and outdoor track and field seasons, Grant Holloway received The Bowerman, the highest honor presented to American collegiate track and field athletes; and

WHEREAS, in February 2021, Grant Holloway set the world record for the indoor 60-meter hurdles at the indoor track and field World Championships in Madrid, Spain, running the race in 7.29 seconds; and

WHEREAS, in all his international competitions, including the 2020 Summer Olympics, Grant Holloway has been an outstanding ambassador for the Chesapeake community, the Commonwealth, and the United States; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Grant Holloway on winning a silver medal at the Games of the XXXII Olympiad; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Grant Holloway as an expression of the General Assembly's admiration for his athletic achievements and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 125

Commending Michael Cherry.

Agreed to by the House of Delegates, January 24, 2022

Agreed to by the Senate, January 27, 2022

WHEREAS, Michael Cherry, a native of Chesapeake, proudly represented the Commonwealth and the United States at the Games of the XXXII Olympiad in Tokyo, Japan, winning a gold medal in the men's 4x400-meter relay event; and

WHEREAS, a former state champion track and field athlete at Oscar Smith High School in Chesapeake, Michael Cherry attended Florida State University and Louisiana State University and was an eight-time All American and two-time national champion during his college career; and

WHEREAS, at the 2019 IAAF World Athletics Championships in Doha, Qatar, Michael Cherry earned gold medals in the men's 4x400-meter relay and the mixed 4x400-meter relay events; he subsequently qualified for Team USA with a second-place finish in the 400-meter race at the 2020 United States Olympic Team Trials; and

WHEREAS, in the 2020 Summer Olympics, Michael Cherry competed in the 400-meter race and achieved a fourth-place finish in the final with a personal-best time of 44.21 seconds; and

WHEREAS, Michael Cherry returned to the track in the 4x400-meter relay event, where he ran in the leadoff position and built an insurmountable lead for his teammates, Michael Norman, Bryce Deadmon, and Rai Benjamin; and

WHEREAS, Michael Cherry and the rest of the 4x400-meter relay team finished with an impressive time of two minutes and 55.7 seconds to claim the gold medal; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Michael Cherry on winning a gold medal at the Games of the XXXII Olympiad; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Michael Cherry as an expression of the General Assembly's admiration for his outstanding athletic achievements and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 126

Commending the Norfolk State University men's basketball team.

Agreed to by the House of Delegates, January 24, 2022

Agreed to by the Senate, January 27, 2022

WHEREAS, the Norfolk State University men's basketball team won the Mid-Eastern Athletic Conference Championship on March 13, 2021, at the Norfolk Scope Arena; and

WHEREAS, the Norfolk State University Spartans defeated the Morgan State University Bears by a score of 71-63 to capture the program's second Mid-Eastern Athletic Conference (MEAC) championship title and its first since 2012; and

WHEREAS, the game was back and forth until 10:44 in the first half, when a dunk from Nyzaiah Chambers put the Norfolk State Spartans ahead for good; the team was up seven points at the end of the half and would hold a commanding double-digit lead for most of the remainder of the contest; and

WHEREAS, the Norfolk State Spartans were led by Joe Bryant, who had 17 points and was named MEAC Tournament Most Valuable Player; Kashaun Hicks, who had 14 points and seven rebounds; and Devante Carter, who had 12 points, seven rebounds, and five assists; head coach Robert Jones was named the MEAC Tournament Most Outstanding Coach; and

WHEREAS, staunch defense played a major role in the Norfolk State Spartans' win, as the team held the Morgan State Bears to 39 percent shooting, forced 18 turnovers, and allowed only three of 17 attempts from beyond the arc; and

WHEREAS, the accomplishments of the Norfolk State Spartans are the result of the dedication and hard work of the student-athletes, the leadership and guidance of their coaches and professors, and the unwavering support of the entire Norfolk State University community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Norfolk State University men's basketball team for winning the 2021 Mid-Eastern Athletic Conference Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert Jones, head coach of the Norfolk State University men's basketball team, as an expression of the General Assembly's admiration for the team's achievement.

HOUSE JOINT RESOLUTION NO. 127

Celebrating the life of Claire Robinson Askew.

Agreed to by the House of Delegates, January 24, 2022

Agreed to by the Senate, January 27, 2022

WHEREAS, Claire Robinson Askew, an esteemed educator and community leader who contributed greatly to the development of the City of Chesapeake while overseeing its Parks and Recreation Department and Building Maintenance Department, died on September 10, 2021; and

WHEREAS, affectionately known by friends and family by her middle name "Dedidra," Claire Askew was a standout athlete at Clearview High School in Easley, South Carolina, and later earned a bachelor's degree in health and physical education from Shaw University in 1966; and

WHEREAS, Claire Askew embarked upon her career as a teacher and coach at Bentley High School in Chester, South Carolina, fostering the educational ambitions of many young people while leading the girls' basketball team to a championship title; and

WHEREAS, Claire Askew relocated shortly thereafter to the Commonwealth and worked briefly with the Portsmouth Parks & Recreation Department before joining the Chesapeake Parks & Recreation Department as a recreation specialist in 1976; and

WHEREAS, Claire Askew's early responsibilities with the Chesapeake Parks & Recreation Department included managing the Indian River Community Center, where she was beloved by children and parents alike for creating a safe and enjoyable environment that was welcoming to all; and

WHEREAS, Claire Askew's accomplishments as a recreation specialist led her to be promoted to district supervisor and then to division director in 1985, as she was tasked with overseeing a new division formed from the Chesapeake Parks & Recreation Department and Building Maintenance Department; and

WHEREAS, Claire Askew was the first African American woman to head a municipal department in Chesapeake's history and was an exemplary leader during her tenure, guiding the city's development of several parks and community centers, while spearheading various committees and programs that brought the residents of Chesapeake closer; and

WHEREAS, Claire Askew was a mentor to many of her employees and colleagues and was actively involved in promoting minority leaders in local government through her work with the Conference of Minority Public Administrators and other organizations; and

WHEREAS, inspired throughout her life by her faith, Claire Askew enjoyed worship and fellowship with her community at The Mount at Chesapeake for many years, where she served with both the women's and seniors' ministries; and

WHEREAS, Claire Askew will be fondly remembered and dearly missed by her loving husband of 28 years, Irvin, and by numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Claire Robinson Askew, revered community leader of Chesapeake whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Claire Robinson Askew as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 128

Expressing the sense of the General Assembly in supporting the Jones Act.

Agreed to by the House of Delegates, February 11, 2022

Agreed to by the Senate, March 1, 2022

WHEREAS, Virginia's rich history of shipbuilding and maritime trade makes the Commonwealth a critical hub in the nation's transportation system and essential in the growth of offshore renewable energy development; and

WHEREAS, the COVID-19 pandemic has demonstrated the critical importance of maintaining resilient domestic industries and transportation services for Virginia's citizens and workforce; and

WHEREAS, the Merchant Marine Act of 1920, known as the Jones Act and codified in Title 46 of the United States Code, requires that vessels carrying cargo between locations in the United States be owned by American companies, crewed by American mariners, and built in American shipyards; and

WHEREAS, America's ability to project and deploy forces globally and to supply and maintain military installations domestically depends on the civilian fleet of Jones Act vessels and mariners; and

WHEREAS, mariners aboard Jones Act vessels strengthen America's homeland security as additional eyes and ears to monitor the nation's 95,000 miles of shoreline and 25,000 miles of navigable inland waterways; and

WHEREAS, Virginia is home to over 19,280 maritime jobs supported by the Jones Act that generate \$1.3 billion in labor income; and

WHEREAS, maritime industry jobs create ladders of opportunity through high-paying, family-wage careers that offer significant career advancement without generally necessitating advanced formal education and extensive student loans; and

WHEREAS, the Jones Act fleet, more than 40,000 vessels strong, supports nearly 650,000 family-wage jobs and over \$154 billion in economic output nationally, including more than \$4 billion in the Virginia economy; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby express its support for the Jones Act. In affirming its resolute support for the Jones Act, the General Assembly also celebrates the centennial of the Jones Act as it continues to foster a strong domestic maritime industry that is critical to Virginia's and the nation's economic prosperity and national security; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

HOUSE JOINT RESOLUTION NO. 129

Commending Robert Casto.

Agreed to by the House of Delegates, January 24, 2022

Agreed to by the Senate, January 27, 2022

WHEREAS, Robert Casto, longtime head coach of the Riverheads High School football team of Greenville of Augusta County, whose nine state championships over 26 seasons made him a legend of Virginia high school football, retired in 2022; and

WHEREAS, Robert Casto began his storied coaching career as an assistant coach at Buffalo Gap High School in Swoope and later served as head coach at Chincoteague High School before becoming an assistant coach at Riverheads High School; and

WHEREAS, Robert Casto took command of the Riverheads High School Gladiators in 1996 and within four years had led the team to an undefeated season and a state championship title; and

WHEREAS, in addition to their title from 2000, Robert Casto's Gladiators claimed state championship victories in 2006 and 2010 before mounting an astounding six-championship streak from 2016 to 2021; and

WHEREAS, at the time of Robert Casto's retirement, the Riverheads Gladiators' run of 50 consecutive wins stands as the longest active winning streak in the nation for a high school football program and is only two games shy of the Virginia High School League record; and

WHEREAS, following his team's 45-14 victory over Galax High School in the 2021 Virginia High School League Class 1 state championship, Robert Casto's lifetime record at Riverheads High School stands at 261-59; and

WHEREAS, Robert Casto's achievements are the result of his steadfast commitment to his players and their growth and maturation as both athletes and citizens, as he has cultivated a team culture that is an inspiration to programs throughout the region; and

WHEREAS, Robert Casto retires from a distinguished career as a physical education teacher, in which he worked tirelessly to promote the health and well-being of his students and to ensure their success beyond the classroom; and

WHEREAS, Robert Casto's legacy at Riverheads High School includes the community there that he has helped build, which will fondly remember and ardently celebrate his accomplishments on the gridiron for years to come; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Robert Casto, beloved coach of the Riverheads High School football team, on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert Casto as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 130

Commending Dan Banister.

Agreed to by the House of Delegates, January 24, 2022

Agreed to by the Senate, January 27, 2022

WHEREAS, Dan Banister, a successful automobile dealer and community leader in Hampton Roads, represented Virginia as a nominee for the 2021 *Time* Dealer of the Year award; and

WHEREAS, a native of Minnesota, Dan Banister attended the University of North Carolina, where he was a standout member of the basketball team; he began working at Independence Nissan in Charlotte in 1992 and was promoted to general manager of the dealership five years later; and

WHEREAS, Dan Banister was recruited by Victory Nissan in Chesapeake and became general manager there in 2001; he subsequently purchased the Chesapeake location as well as another dealership in Norfolk, then became the sole owner of both in 2017; and

WHEREAS, Dan Banister most recently expanded to the Washington, D.C., area with the acquisition of a Ford dealership in Prince George's County, Maryland; and

WHEREAS, Dan Banister strives to cultivate long-term relationships based on fairness and trust with his customers and build a positive environment for his employees by placing a high emphasis on the importance of a good work-life balance; and

WHEREAS, as one of the few African American owners of Nissan and Ford dealerships in the country, Dan Banister has been an inspiration to African American youths in Hampton Roads and hopes to continue his legacy of community engagement as his businesses expand; and

WHEREAS, highly admired in the automotive community, Dan Banister is the immediate past president of the Hampton Roads Automobile Dealers Association and a member of Nissan's National Dealer Advisory Board and the Virginia Automobile Dealers Association board; he has served as a member of the Virginia Motor Vehicle Dealer Board; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Dan Banister on his selection as the Virginia nominee for the 2021 *Time* Dealer of the Year award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dan Banister as an expression of the General Assembly's admiration for his personal and professional achievements.

HOUSE JOINT RESOLUTION NO. 131

Celebrating the life of Margaret Ann Poe.

Agreed to by the House of Delegates, January 24, 2022

Agreed to by the Senate, January 27, 2022

WHEREAS, Margaret Ann Poe, a vibrant member of the Fauquier County community, died on January 18, 2021; and

WHEREAS, born in Nazareth, Pennsylvania, Margaret "Peggy" Ann Poe was a talented horsewoman who enjoyed equestrian sports and was active in the foxhunting community, helping to recover hounds that had strayed from the pack as the longtime whipper-in for the Orange County Hounds; and

WHEREAS, after her husband, Melvin, joined the Bath County Hounds in 1991, Peggy Poe became well known for her delicious southern cuisine as the head chef for hunting events at Fassifern Farm; and

WHEREAS, Peggy Poe later raised miniature horses and pot-bellied pigs as the owner of Poe's Petites; and

WHEREAS, Peggy Poe's greatest joy in life was her beloved family, and she relished every opportunity to cheer for her children at a wide range of sporting events, from softball games to jousting tournaments; and

WHEREAS, predeceased by her beloved husband of 51 years, Melvin, and one daughter, Kathryn, Peggy Poe will be fondly remembered and greatly missed by her daughters, Christine, Bridgett, and Patricia, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Margaret Ann Poe; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Margaret Ann Poe as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 132

Celebrating the life of Joanne Suschinski Smoot.

Agreed to by the House of Delegates, January 24, 2022

Agreed to by the Senate, January 27, 2022

WHEREAS, Joanne Suschinski Smoot, a patriotic veteran and vibrant member of the Morrisville community, died on December 14, 2021; and

WHEREAS, Joanne Smoot grew up in Sackets Harbor, New York, and enlisted in the United States Air Force after graduating from high school; she served the nation in uniform for 12 years, including a tour in Italy and a posting at the Pentagon; and

WHEREAS, after her military service, Joanne Smoot worked in several career fields and ultimately settled in Fauquier County, where she worked at Our Saviour Lutheran Church; and

WHEREAS, Joanne Smoot served her fellow veterans as commander of American Legion Harold J. Davis Post 247 in Remington and was a longtime member of the local American Legion Auxiliary; and

WHEREAS, Joanne Smoot had volunteered her time and wise leadership to the community as president of the Fauquier County Veterans Memorial Committee and precinct captain for the Fauquier County Republican Committee; and

WHEREAS, predeceased by her husband, Charlie, Joanne Smoot will be fondly remembered and greatly missed by her siblings, Laura, Lee, Terry, Michael, and David; her stepdaughter, Tobi; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Joanne Suschinski Smoot; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Joanne Suschinski Smoot as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 133

Designating September, in 2022 and in each succeeding year, as African Diaspora Heritage Month in Virginia.

Agreed to by the House of Delegates, February 8, 2022

Agreed to by the Senate, March 1, 2022

WHEREAS, the Commonwealth is proud to be home to more than 115,000 Virginian members of the African Diaspora population; and

WHEREAS, the African Diaspora is the fastest-growing population of immigrants in the United States, with the number of African immigrants growing at a rate of almost 50 percent from 2010 to 2018; and

WHEREAS, thousands of African Diaspora Virginians are small and medium business owners, who have helped the Commonwealth become the best state in the country for business by making significant contributions to economic growth and job creation, as well as generating more than \$205 million in international trade; and

WHEREAS, the African Diaspora has a long and difficult past in Virginia, beginning in Jamestown in 1619 with "twenty and odd" Africans from Angola, but the African Diaspora has proved resilient and is essential to Virginia's growth and economic well-being; and

WHEREAS, African Diaspora Virginians have made significant contributions through their leadership and work in government, service in the military, and work to feed communities through agriculture; they have inspired children as educators, cared for individuals as health care professionals, and advanced society through achievements in science and technology; and

WHEREAS, African Diaspora immigrants from the Sub-Saharan and other regions of Africa have brought high levels of knowledge and education to the Commonwealth; and

WHEREAS, African Diaspora households contribute billions of dollars to the economy of the United States, with an estimated \$10.1 billion in federal taxes, \$4.7 billion in state and local taxes, and a spending power of more than \$40.3 billion in 2015; and

WHEREAS, in the fight for equality, there have been monumental strides in education equity, with the expansion of in-state tuition and access to state financial aid for many African Diaspora students, who had previously not had the opportunity to afford a quality education; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate September, in 2022 and in each succeeding year, as African Diaspora Heritage Month in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Virginia African Diaspora Committee so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this month on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 134

Celebrating the life of Deborah Lyvonne Hunt Johnson.

Agreed to by the House of Delegates, January 24, 2022

Agreed to by the Senate, January 27, 2022

WHEREAS, Deborah Lyvonne Hunt Johnson, an esteemed educator and real estate agent and an active and beloved member of the Richmond and Hampton Roads communities, died on December 19, 2021; and

WHEREAS, Deborah Johnson was a member of one of the first racially integrated classes at Norlina High School in Norlina, North Carolina, and graduated with its Class of 1969; and

WHEREAS, Deborah Johnson went on to attend Virginia Commonwealth University, earning a bachelor's degree in art education in 1973 and a master's degree in education four years later; and

WHEREAS, Deborah Johnson served many years as an elementary school educator in Durham, North Carolina, and Richmond, contributing greatly to many young people's success both in and out of the classroom; and

WHEREAS, later in her career, Deborah Johnson acquired her real estate broker's license and established Hunt Homes of Virginia, admirably representing buyers and sellers in both Richmond and Virginia Beach while growing her thriving business; and

WHEREAS, committed to ensuring social justice for all, Deborah Johnson supported various Urban League initiatives over the years and was president of the organization's Guild of Hampton Roads since 2017; and

WHEREAS, Deborah Johnson fostered greater awareness of breast cancer and support for women and families impacted by the disease as a founding member of the Southeastern Virginia chapter of the Sisters Network, Inc.; and

WHEREAS, Deborah Johnson was an avid dancer who traveled widely and performed in many styles, including choreographed line dancing, bop, salsa, swing, and Chicago-style stepping; and

WHEREAS, guided throughout her life by her faith, Deborah Johnson enjoyed worship and fellowship with her community at Basilica of Saint Mary of the Immaculate Conception Church in Norfolk for more than 20 years; and

WHEREAS, preceded in death by her loving husband, Bradford, Deborah Johnson will be fondly remembered and dearly missed by her children, Sydney, Bradley, Carlla, and Aaronne, and their families; her mother, Mary; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Deborah Lyvonne Hunt Johnson, a cherished member of the Richmond community whose boundless kindness and positivity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Deborah Lyvonne Hunt Johnson as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 135

Designating April 11, in 2022 and in each succeeding year, as World Parkinson's Day in Virginia.

Agreed to by the House of Delegates, February 8, 2022

Agreed to by the Senate, March 1, 2022

WHEREAS, Parkinson's disease, a degenerative nervous system disorder that progressively impairs movement and physical functions, affects an estimated 10 million people worldwide and an estimated one million people in the United States, with approximately 60,000 Americans diagnosed with the disease each year; and

WHEREAS, the risk of developing Parkinson's disease increases with age, and it is estimated that as many as one percent of adults over 60 are affected by the disease; a small percentage of people with Parkinson's disease may develop it earlier in life; and

WHEREAS, slowness of movement, tremor, and rigidity of the body are among the primary symptoms observed in patients with Parkinson's disease; other symptoms may include difficulty speaking, loss of smell, sleep problems, cognitive difficulties, loss of balance, and depression, among others; and

WHEREAS, the causes of Parkinson's disease are unknown, but it is believed to be linked to environmental factors and in some cases genetic factors; traumatic brain injury and exposure to toxins have been identified as potential risk factors for Parkinson's disease; and

WHEREAS, there is no known cure for Parkinson's disease, but medications and physical and occupational therapy may ease symptoms, and research has shown that exercise may slow the decline in quality of life for some patients; and

WHEREAS, raising awareness will help to create support for further research into Parkinson's disease, which will increase the medical community's understanding of the causes of Parkinson's disease, help doctors to diagnose the disease, help to develop treatments that will ease symptoms and increase quality of life for people with the disease, and potentially lead to a cure for Parkinson's disease; and

WHEREAS, as Virginians recognize Parkinson's Disease Awareness Month in April, as designated in 2008 by Senate Joint Resolution 49, they should also join the worldwide community in recognizing World Parkinson's Day; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate April 11, in 2022 and in each succeeding year, as World Parkinson's Day in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Virginia chapter of the American Parkinson Disease Association so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 136

Designating the week of March 12, in 2022 and in each succeeding year, as Girl Scout Week in Virginia.

Agreed to by the House of Delegates, February 8, 2022

Agreed to by the Senate, March 1, 2022

WHEREAS, the Girl Scouts of the USA traces its roots to 1912, when Juliette Gordon Low of Savannah, Georgia, established a Girl Guide troop after she met the founder of the Scout Movement, Robert Baden-Powell, in the United Kingdom; and

WHEREAS, the Girl Guides of America changed its name to the Girl Scouts of the United States in 1913 and adopted its current name in 1947; from its humble beginning with just 18 members, the Girl Scouts of the USA has expanded to become the largest Scouting organization for girls in the country with nearly two million members; and

WHEREAS, since 1912, the Girl Scouts of the USA has empowered more than 50 million alumnae to develop life skills, hone their personal strengths, pursue opportunities to serve their communities, and build lifelong friendships; and

WHEREAS, the Girl Scouts of the USA has increased girls' awareness of opportunities in math, science, sports, and technology, and encouraged them to explore these and many other fields of interest to expand their horizons; and

WHEREAS, the first Girl Scouts of the USA troop in Virginia was established in Highland Springs in 1913, and the first all-Black Girl Scout troop in the southern United States was formed at Virginia Union University in Richmond in 1932; and

WHEREAS, the Girl Scouts of the USA has fulfilled its mission through the generosity and dedication of adult volunteers, mentors, and community partners who have worked together to promote compassion, courage, confidence, character, leadership, entrepreneurship, and active citizenship among young girls across the Commonwealth and the nation; and

WHEREAS, 2022 marks the 110th anniversary of the establishment of the Girl Scouts of the USA and offers a unique opportunity to recognize the achievements of Girl Scouts throughout the organization's history and inspire new generations of leaders in Scouting; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate the week of March 12, in 2022 and in each succeeding year, as Girl Scout Week in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Girl Scouts of the USA so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this week on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 137

Designating September, in 2022 and in each succeeding year, as Peripheral Artery Disease Awareness Month in Virginia.

Agreed to by the House of Delegates, February 8, 2022

Agreed to by the Senate, March 1, 2022

WHEREAS, peripheral artery disease, a chronic circulatory condition in which the peripheral arteries are narrowed, limiting their ability to carry blood and oxygen to the extremities of the body, affects nearly 20 million Americans; and

WHEREAS, peripheral artery disease (PAD) is the result of atherosclerosis, or the hardening and narrowing of the arteries from plaque buildup, and its risk factors include smoking, diabetes, high blood pressure, high cholesterol, coronary artery disease, a family history of serious vascular problems, and limb ischemia; and

WHEREAS, PAD restricts the flow of blood, causing less oxygen to reach the body's extremities; in early forms of the disease, this can lead to pain and cramping, while in more advanced stages it can result in limb loss; and

WHEREAS, PAD most often affects individuals in their lower extremities, and all individuals with risk factors should notify their physician if they experience pain in their legs or feet after walking or exercising, the most common symptom of the disease; and

WHEREAS, while many individuals with PAD never experience symptoms, other warning signs include pain in the ball of the foot or toes; nighttime foot pain that improves when hanging the foot over the side of the bed; ulcers or sores on the foot, ankle, or toes that do not heal; and blue or black discoloration of the toes; and

WHEREAS, it is estimated that approximately 200,000 individuals, including a disproportionate number of individuals from minority communities, will need amputations as a result of PAD that could have been avoided with proper diagnosis and treatment; and

WHEREAS, in addition to the risk of amputation, individuals with PAD are at higher risk of suffering other major medical conditions, including critical limb ischemia, heart attack, or stroke; and

WHEREAS, PAD affects approximately 12 to 20 percent of Americans ages 60 and older and is more commonly found in men than in women; and

WHEREAS, all individuals who think they may have PAD should consult their physician, who will be able to easily diagnose the disease through blood pressure measurements, Doppler ultrasounds, arteriograms, and other imaging tests; and

WHEREAS, studies have shown that treatment, including reopening blocked or narrowed arteries through a process known as revascularization, can significantly improve circulation and reduce the effects of PAD in a vast majority of patients; and

WHEREAS, individuals can work to diminish their chances of developing PAD or to slow the progression of the disease by following a healthy lifestyle centered around regular exercise and a balanced diet; and

WHEREAS, despite the prevalence of PAD, it often goes unrecognized by individuals and undiagnosed or misdiagnosed by health care professionals, resulting in negative health outcomes and other risks that could be avoided; and

WHEREAS, the Cardiovascular Coalition, an organization dedicated to advancing patient access to care for PAD, has declared September to be PAD Awareness Month in hopes that increased awareness will improve access to screening and treatments, reduce care costs, prevent limb loss, and enhance the overall well-being of countless individuals; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate September, in 2022 and in each succeeding year, as Peripheral Artery Disease Awareness Month in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to Vascular Cures so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this month on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 139

Commending Disco Sports.

Agreed to by the House of Delegates, January 24, 2022

Agreed to by the Senate, January 27, 2022

WHEREAS, Disco Sports, a family-owned and operated sports retailer serving the Greater Richmond area, celebrated its 50th anniversary in 2020; and

WHEREAS, Gail and Lew Held founded Lew's Sporting Goods in the Ridge Shopping Center in Henrico County in 1970 and three years later renamed the business Disco Sports when relocating to nearby Parham Plaza; and

WHEREAS, Disco Sports has called several locations in the Tuckahoe neighborhood of Henrico County home over the years, including Regency Square Mall and the Westbury Shopping Center, and has been at its current location on Starling Drive since 2006; and

WHEREAS, in addition to its flagship in the Tuckahoe neighborhood of Henrico County, Disco Sports operated a store in Chesterfield County from 1978 to 1988; and

WHEREAS, in the mid-1990s, Disco Sports refocused its efforts toward supplying uniforms and other equipment to local sports teams, and today, the business annually serves hundreds of teams across the Greater Richmond area, accounting for a major part of the store's operations and revenue; and

WHEREAS, Gail and Lew Held were inducted in 1997 to the Central Virginia American Softball Association Hall of Fame because of their exceptional sponsorship of local teams; and

WHEREAS, through its various iterations, Disco Sports has consistently provided quality sporting goods and exceptional service to the countless young athletes and their families that have passed through its doors, building a loyal and adoring customer base and becoming a venerated local institution in Henrico County; and

WHEREAS, Disco Sports has often embraced its role in the community by engaging in numerous charitable endeavors, from donating uniforms to teams in need to spearheading a "Hokie Nation" fundraising campaign following the tragedy at Virginia Polytechnic Institute and State University in 2007; and

WHEREAS, despite the unprecedented challenges imposed by the COVID-19 pandemic, Disco Sports remains committed to serving the sports equipment and apparel needs of teams and families in the Greater Richmond area for many years to come; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Disco Sports, a celebrated sports retailer in Henrico County, on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Gail and Lew Held, owners of Disco Sports, as an expression of the General Assembly's admiration for the store's contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 140

Commending the Rotary Club of Harrisonburg.

Agreed to by the House of Delegates, January 31, 2022

Agreed to by the Senate, February 3, 2022

WHEREAS, the Rotary Club of Harrisonburg, a chapter of Rotary International serving the Harrisonburg and Rockingham County communities, celebrated its 100th anniversary in 2021; and

WHEREAS, the Rotary Club of Harrisonburg was organized by the Rotary Club of Staunton at the Kavanaugh Hotel in Harrisonburg on March 12, 1921; the organization received its charter on April 1, 1921, and held its first official meeting eight days later, electing attorney Ed Martz to serve as president; and

WHEREAS, over its history, the Rotary Club of Harrisonburg has initiated numerous endeavors to serve area youth, including the Boy Scouts of America's Camp Shenandoah, a student college tuition loan program that later developed into a scholarship fund, the First Tee of Harrisonburg—Rotary Learning Center, and Project Read; and

WHEREAS, the Rotary Club of Harrisonburg was instrumental to the development of Harrisonburg's Westover Park and its Price Rotary Senior Center, and through Shenandoah Valley, Inc., helped to spearhead the establishment of Shenandoah National Park; and

WHEREAS, through its signature Code of Ethics award program, the Rotary Club of Harrisonburg annually recognizes a young boy and girl from each school in Harrisonburg and Rockingham County for demonstrating extraordinary ethical behavior; and

WHEREAS, the Rotary Club of Harrisonburg has sponsored both a dental clinic and orthopedic clinic in the region, which have each served more than 1,000 patients since opening; and

WHEREAS, the Rotary Club of Harrisonburg has supported numerous international humanitarian aid endeavors over the years, including the construction of a health services and vocational training center in Haiti, a leprosy program where a laundry facility and shelter over the water supply was built for a resettlement village in Korea, and the Well of Hope program through which communities, homes, and wells have been built for widows in Kenya; and

WHEREAS, the Rotary Club of Harrisonburg has supported its operations through various fundraisers over the years, including its antiques show and sale, local charities golf tournament, and most recently, its annual strawberry festival; and

WHEREAS, the Rotary Club of Harrisonburg has proudly sponsored several other Rotary International chapters in the region, including clubs in Bridgewater, Broadway-Timberville, Harrisonburg-Massanutten, Luray, Rockingham, Rocktown, Winchester, and Woodstock; and

WHEREAS, today, the Rotary Club of Harrisonburg boasts nearly 200 members, making it one of the largest chapters in Rotary International District 7570, an administrative unit that runs from Winchester to Johnson City, Tennessee, along the Interstate Highway 81 corridor; and

WHEREAS, four members of the Rotary Club of Harrisonburg have had the honor and privilege to serve as governor of Rotary International District 7570, including Lynn C. Dickerson, who served in 1944-1945, Percy H. Warren, who served in 1955-1956, Abe Clymer, who served in 1999-2000, and Chris Runion, who served in 2016-2017; and

WHEREAS, the accomplishments of the Rotary Club of Harrisonburg are made possible by its volunteer members who work tirelessly and give generously on behalf of the organization, fulfilling Rotary International's creed of "Service Above Self"; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Rotary Club of Harrisonburg on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Rotary Club of Harrisonburg as an expression of the General Assembly's admiration for the organization's contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 141

Designating October, in 2022 and in each succeeding year, as Hindu Heritage Month in Virginia.

Agreed to by the House of Delegates, February 8, 2022

Agreed to by the Senate, March 1, 2022

WHEREAS, Virginia has greatly benefited from the extraordinary cultural, ethnic, linguistic, and religious diversity of its residents; and

WHEREAS, there are an estimated one billion Hindus worldwide and approximately 2.23 million Hindu Americans in the United States; and

WHEREAS, Virginia is home to a significant Hindu American population, representing diverse ethnic backgrounds, including individuals of Indian, Pakistani, Bangladeshi, Malaysian, Indonesian, Afghani, Nepali, Bhutanese, Sri Lankan, Fijian, Caribbean, and European descent; and

WHEREAS, Hindu Americans have contributed to life in the Commonwealth through the application of the Vedanta philosophy, Ayurvedic medicine, classical Indian art, dance, music, meditation, yoga, literature, and community service; and

WHEREAS, 2021 marks the 128th anniversary of when Hinduism was officially introduced to the United States by Swami Vivekananda at the 1893 World's Parliament of Religions in Chicago and the 121st anniversary of when he founded the Vedanta Society in San Francisco in 1900; and

WHEREAS, Hindus are primarily an immigrant community and first started immigrating to the United States in the early 1900s, and arrived in increasing numbers after the lifting of the Asian Exclusion Act of 1924 in 1943 and the abolishment of quotas for immigrants based on national origin in 1965; and

WHEREAS, most Hindu immigrants have come to the United States as students, in search of better economic opportunities, or to unite with family members, while others have arrived in this country after facing religious persecution in their countries of origin; and

WHEREAS, Hindu Americans and the Vedanta philosophy have significantly influenced notable intellectuals such as President John Adams, Henry David Thoreau, Ralph Waldo Emerson, Walt Whitman, J.D. Salinger, Christopher Isherwood, Aldous Huxley, Huston Smith, and Joseph Campbell; and

WHEREAS, the first Hindu temple in the United States was built in San Francisco, and at the dedication of the temple on January 7, 1906, it was proclaimed to be the "First Hindu Temple in the Whole Western World"; and

WHEREAS, there are now Hindu temples, religious centers, and cultural centers throughout the Commonwealth and the United States; and

WHEREAS, Hindu Americans have greatly enriched the Commonwealth's higher education system by teaching numerous students, especially in the academic fields of astrophysics, computer science, engineering, law, planetary science, psychology, and neuroscience, and a majority of Hindu Americans are in high-skill occupations; and

WHEREAS, 77 percent of Hindu American adults have a college degree and nearly 50 percent of Hindu American adults have a postgraduate degree, according to the Pew Research Center; and

WHEREAS, Hindu Americans share the entrepreneurial spirit of America and contribute to the Commonwealth's economic vitality, growth, and wellbeing; and

WHEREAS, Hindu Americans have also contributed to many of the Commonwealth's economic sectors and have particularly excelled in the areas of business, law, politics, information technology, medicine, and science; and

WHEREAS, Hindu Americans now serve in various levels of government across the Commonwealth and nation, including three members of the United States House of Representatives; and

WHEREAS, Hindu temples, organizations, and individuals in the Commonwealth actively engage in seva, a Sanskrit word for selfless service, toward their fellow human beings through charity, public service, and the provision of free medical and legal services; and

WHEREAS, Ahimsa, which is the Sanskrit word for nonharm or nonviolence, is a central principle for Hindu Americans, and it provides the ethical foundation for vegetarianism, environmentalism, and harmonious living; and

WHEREAS, Hindu Americans throughout the Commonwealth celebrate numerous holidays and festivals, such as Diwali, which commemorates the victory of good over evil and knowledge over ignorance; and

WHEREAS, despite their positive contributions to the Commonwealth and the nation, Hindu Americans face stereotypes and misconceptions about their heritage and have been the targets of bullying, discrimination, hate speech, and bias-motivated crimes; and

WHEREAS, according to the Federal Bureau of Investigation's Hate Crimes Statistics Report, crimes targeting Hindu Americans are on the rise, as evidenced by eight anti-Hindu hate crime incidents reported in 2019 and the 11 anti-Hindu hate crime incidents reported in 2020; and

WHEREAS, one out of three Hindu American students reported that they have been bullied in school for their religious beliefs according to the Hindu American Foundation's 2015 study on bullying and bias against Hindu students; and

WHEREAS, Hinduphobia, defined as a set of antagonistic, destructive, and derogatory attitudes and behaviors toward Sanatana Dharma (Hinduism) and Hindus that may manifest as prejudice, fear, or hatred, is also increasing in the United States, especially on college campuses, in parallel with the rise of anti-Hindu hate crimes; and

WHEREAS, many Hindus and their families in the Commonwealth and the United States face an uncertain future due to inequitable immigration policies and decades-long backlogs for green cards; and

WHEREAS, Hindu Americans promote the ideals of pluralism, religious freedom, and mutual respect, which are inherent to their teachings, and the Vedas, the ancient sacred texts of Hinduism, provide the basis for these core principles: "Truth is one, the wise call it by many names" (Ekam sat viprah bahudha vadanti); and

WHEREAS, during the month of October, all Virginians are encouraged to increase awareness, understanding, and appreciation of Hindu American history and traditions and seek opportunities to support and engage with the Hindu American community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate October, in 2022 and in each succeeding year, as Hindu Heritage Month in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Hindu American Foundation so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this month on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 142

Celebrating the life of James T. Moore, Sr.

Agreed to by the House of Delegates, January 31, 2022

Agreed to by the Senate, February 3, 2022

WHEREAS, James T. Moore, Sr., an entrepreneur and a highly admired community leader in the Hall's Hill neighborhood of Arlington, died on November 7, 2021; and

WHEREAS, a native of North Carolina, James Moore served his country as a military police officer with the United States Army during the Korean War and attended barber college after his honorable discharge; and

WHEREAS, in 1960, James Moore and his business partner, Rudolf Becton, established a barber shop on Lee Highway; at the time Moore's Barbershop was the only such establishment in Arlington County that served both White and Black customers, and it became a cherished local meeting place for Hall's Hill residents; and

WHEREAS, James Moore treated all his customers with equal respect and offered free haircuts to people who were sick or homebound, to individuals who were unemployed, and to children at the beginning of the school year; he believed that every interaction had meaning and even small gestures could change someone's life for the better; and

WHEREAS, James Moore was a trusted mentor to countless local young people, and his son, James Moore, Jr., followed in his footsteps as owner of Moore's Barbershop, guided by his father's principles of excellent customer service, strong personal relationships with clients, and generosity to the community; and

WHEREAS, James Moore served the Arlington community as a volunteer firefighter with Arlington Fire Station Eight, a historic volunteer fire station founded by African Americans in Hall's Hill; and

WHEREAS, James Moore will be fondly remembered and greatly missed by his wife, Gwendolyn; his children, James, Jr., Sharon, and Christopher, and their families; and by numerous other family members, friends, and former clients; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of James T. Moore, Sr., a pillar of the Hall's Hill community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James T. Moore, Sr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 143*Celebrating the life of David R. Carlson.*

Agreed to by the House of Delegates, January 31, 2022

Agreed to by the Senate, February 3, 2022

WHEREAS, David R. Carlson, an esteemed financial securities broker, a former president of the Kiwanis Club of Arlington, and a beloved member of the Arlington County community, died on July 10, 2021; and

WHEREAS, a graduate of Jamestown High School in Jamestown, New York, David Carlson earned a bachelor's degree from Murray State University in 1969; and

WHEREAS, as an insurance broker in the first half of his career, David Carlson dedicated himself to helping others manage risk and protect their well-being, serving as vice president of both Johnson & Higgins and Marsh & McLennan from 1973 to 1986 and from 1986 to 1992, respectively; and

WHEREAS, in the latter half of his career, David Carlson worked nearly three decades as a financial securities broker, guiding individuals and families as they developed their assets and invested for the future; and

WHEREAS, a 33-year resident of Arlington County and an active and engaged member of his community, David Carlson notably served as president of the Kiwanis Club of Arlington from 2001 to 2002 and received a George F. Hixson Fellowship from the organization in 2004; and

WHEREAS, an enthusiastic drum corps aficionado, David Carlson was fond of reading, horse racing, golf, and cheering on the Washington Football Team, the Washington Nationals, and the Washington Capitals; and

WHEREAS, guided throughout his life by his faith, David Carlson enjoyed worship and fellowship with his community at Trinity Presbyterian Church in Arlington for many years; and

WHEREAS, David Carlson will be fondly remembered and dearly missed by his loving wife, Carolyn; his daughters, Megan and Rachel; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of David R. Carlson, a cherished member of the Arlington County community whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of David R. Carlson as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 144*Celebrating the life of Eugene Thomas Rilee, Jr.*

Agreed to by the House of Delegates, January 31, 2022

Agreed to by the Senate, February 3, 2022

WHEREAS, Eugene Thomas Rilee, Jr., accomplished business executive and real estate broker, esteemed public servant, and beloved member of the Henrico County community, died on December 25, 2021; and

WHEREAS, a graduate of Hampden-Sydney College, Eugene Rilee enjoyed a distinguished career as executive vice president of the Southern Adhesives Corporation and later as an associate commercial real estate broker with Pollard & Bagby, Inc.; and

WHEREAS, deeply committed to the growth and well-being of his community, Eugene Rilee represented the Tuckahoe District on the Henrico County Board of Supervisors for two terms from 1972 to 1979, including two years as the board's chairman; and

WHEREAS, Eugene Rilee was a passionate sports fan who never missed an opportunity to cheer on his cherished New York Yankees or University of Virginia Cavaliers; and

WHEREAS, a devoted family man, Eugene Rilee took immense pride in his large and ever-growing family; and

WHEREAS, preceded in death by his loving wife of 67 years, Robb, Eugene Rilee will be fondly remembered and dearly missed by his children, Robb, Tom, Ellen, and Bruce, and their families and by numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Eugene Thomas Rilee, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Eugene Thomas Rilee, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 145

Endorsing the framework of the statewide strategic plan for higher education developed by the State Council of Higher Education for Virginia as the Commonwealth's vision and plan for higher education. Report.

Agreed to by the House of Delegates, February 14, 2022

Agreed to by the Senate, February 21, 2022

WHEREAS, pursuant to § 23.1-203 of the Code of Virginia, the State Council of Higher Education for Virginia (Council or SCHEV) is charged with the development of a statewide strategic plan for higher education that (i) reflects codified goals and objectives set out in §§ 23.1-309 and 23.1-1002 of the Code of Virginia; (ii) identifies a coordinated approach to state and regional goals; and (iii) emphasizes the future needs for higher education in the Commonwealth; and

WHEREAS, as the Commonwealth's coordinating agency, SCHEV is required to (i) advocate for and promote the operation of an educationally and economically sound, vigorous, progressive, and coordinated system of higher education; (ii) lead state-level postsecondary strategic planning, policy development, and implementation based on research and analysis; (iii) facilitate collaboration among institutions of higher education to enhance quality and create operational efficiencies; and (iv) work with institutions and governing boards on board development; and

WHEREAS, in executing its charge, SCHEV has collaborated successfully with its constituents and stakeholders to revise and update the statewide strategic plan, "Pathways to Opportunity: The Virginia Plan for Higher Education"; and

WHEREAS, in fulfillment of its duty, the Council has approved a framework of mission, vision, goals, and strategies for the statewide strategic plan for higher education in the Commonwealth that is grounded in the Commonwealth's changing economy and demographics, its regional differences, and the current and future needs of its citizens for postsecondary education and training; and

WHEREAS, within this planning framework, SCHEV has articulated a mission for higher education in the Commonwealth as follows: "Virginia will advance equitable, affordable and transformative higher education and seeks to be the Best State for Education by 2030"; expressed a vision for higher education in the Commonwealth to be the "Best State for Education"; set three overarching goals for higher education in the Commonwealth: (i) equitable higher education – close access and completion gaps; (ii) affordable higher education – lower cost to students; and (iii) transformative higher education – expand prosperity"; and offered multiple tactical strategies for achieving each goal; and

WHEREAS, when uncertain state revenues and economic and technological disruption challenge the diversity, quality, and value of higher education in the Commonwealth, the Commonwealth must make strategic decisions guided by a shared vision and common goals; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the framework of the statewide strategic plan for higher education developed by the State Council of Higher Education for Virginia as the Commonwealth's vision and plan for higher education be endorsed; and, be it

RESOLVED FURTHER, That the mission, vision, goals, and strategies for the statewide strategic plan for higher education be developed and approved by the State Council of Higher Education for Virginia as the Commonwealth's vision and plan for higher education; and, be it

RESOLVED FURTHER, That such framework shall serve to guide the planning and resource allocation decisions of the General Assembly as the Commonwealth seeks to provide quality education and in-demand skills for a changing populace, as well as opportunities for economic development and job growth; and, be it

RESOLVED FURTHER, That the mission, vision, goals, and strategies expressed in the statewide strategic plan framework also guide the development of the strategic plan and six-year plan at each public institution of higher education, as well as the agency plan for SCHEV, and that SCHEV report annually on the Commonwealth's progress toward achieving these goals and targets to the Governor, the General Assembly, institutions of higher education, and the public; and, be it

RESOLVED FINALLY, That the State Council of Higher Education for Virginia submit annually to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of each regular session of the General Assembly for six years, beginning with the 2022 Regular Session, and shall be posted on the Virginia General Assembly's website.

HOUSE JOINT RESOLUTION NO. 146

Designating January, in 2022 and in each succeeding year, as Tamil Heritage Month in Virginia.

Agreed to by the House of Delegates, February 8, 2022

Agreed to by the Senate, March 1, 2022

WHEREAS, January is an important month for the Tamil community in Virginia, with Tamil Harvest Festival, Thai Pongal, and other Tamil artistic and cultural events taking place throughout the month; and

WHEREAS, Tamil is one of the longest surviving classical languages in the world, with a traceable history exceeding 2,500 years; and

WHEREAS, the Tamil community is widespread, with about 90 million native speakers across the globe; Tamil is an official language in India, Sri Lanka, and Singapore and a minority language in Malaysia, South Africa, Mauritius, and Canada; and

WHEREAS, members of the Tamil American community have established deep roots and flourished in communities throughout Virginia, enriching the Commonwealth's social, cultural, economic, and political fabric; and

WHEREAS, the members of the Tamil American community in the Commonwealth are committed to sharing its vibrant traditions and rich, inclusive heritage with their fellow Virginians; and

WHEREAS, Tamil Heritage Month is an opportunity to remember, celebrate, and educate future generations about the inspirational role that Tamil Virginians have played and continue to play in communities across the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate January, in 2022 and in each succeeding year, as Tamil Heritage Month in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to representatives of the Tamil American community in Virginia so that they may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this month on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 147

Designating November 22, in 2022 and in each succeeding year, as Kimchi Day in Virginia.

Agreed to by the House of Delegates, February 9, 2022

Agreed to by the Senate, March 1, 2022

WHEREAS, kimchi, a traditional dish consisting of salted and fermented vegetables, has been a staple of Korean cuisine and culture for thousands of years; and

WHEREAS, there are nearly two million Korean Americans in the United States, and the Washington, D.C., Metropolitan Area is home to the third-largest Korean American population in the country; and

WHEREAS, across the United States and the Commonwealth, there is an increasing demand for kimchi and Korean food, and major retailers now carry kimchi; and

WHEREAS, searches for Korean cuisine online have increased by more than 34 percent since 2012, and nearly half of users report interest in trying it; and

WHEREAS, since 2014, there has also been a significant increase in launches of retail food products with Korea or Korean in the product name; and

WHEREAS, Korean cuisine has increasingly appeared on many restaurant menus, with kimchi used as an alternative to slaws, pickles, or sauerkraut in American and Mexican cuisine; and

WHEREAS, kimchi is a healthy food and an excellent source of nutrients, including probiotics, folate, beta-carotene, choline, potassium, calcium, and vitamins A, C, and K, many of which are associated with lower rates of stroke, cancer, diabetes, and heart disease; and

WHEREAS, kimchi originated in Korea during the early years of the Three Kingdoms period, between the 1st century B.C. and the 7th century A.D., and has had a rich history, growing from a beloved household comfort food to a commercial product with worldwide appeal; and

WHEREAS, in 2013, the United Nations Educational, Scientific and Cultural Organization officially recognized Korea's traditional process of preparation and preservation of kimchi, known as kimjang, as a National Intangible Cultural Heritage Item; and

WHEREAS, the Korean American community has enriched the cultural, social, and economic landscape of Virginia by increasing the awareness of K-Pop, K-Beauty, K-Food, and K-Dramas, and with the rise of Korean American celebrity chefs, the influence of kimchi and K-food in general is rising and becoming an international staple; and

WHEREAS, every year, the Republic of Korea celebrates November 22 as Kimchi Day; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate November 22, in 2022 and in each succeeding year, as Kimchi Day in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit copies of this resolution to the Korean Food Globalization Committee of North America and the Council of Korean Americans so that members of these organizations may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 148

Celebrating the life of the Honorable Frank DuVal Hargrove, Sr.

Agreed to by the House of Delegates, January 31, 2022

Agreed to by the Senate, February 3, 2022

WHEREAS, the Honorable Frank DuVal Hargrove, Sr., a former member of the Virginia House of Delegates who made many contributions to life in the Commonwealth and had a transformative impact on Hanover County, died on October 6, 2021; and

WHEREAS, Frank Hargrove developed a love of travel at a young age and began learning to fly airplanes as a teenager; he was a standout football player at Thomas Jefferson High School in Richmond, then joined the United States Army after graduation in 1945 and served as part of the Allied occupation of Japan; and

WHEREAS, after completing his military service, Frank Hargrove attended Virginia Polytechnic Institute and State University on a football scholarship and earned a bachelor's degree in business administration; he was best known in his college years for his daring exploits in his private plane, including once landing in the middle of campus; and

WHEREAS, Frank Hargrove pursued a career in the insurance business and established what became one of the largest independent insurance agencies in the Commonwealth, A.W. Hargrove Insurance Agency; and

WHEREAS, Frank Hargrove continued flying, and even spotted his beloved family home, Cool Water, from the air; in the late 1960s, he worked with a group of friends to promote the establishment of Hanover County Municipal Airport, the airfield at which is now named in his honor; and

WHEREAS, desirous to be of further service to the Commonwealth, Frank Hargrove ran for and was elected to the Virginia House of Delegates and represented the residents of the 55th District from 1982 to 2010; and

WHEREAS, during his tenure as a state lawmaker, Frank Hargrove introduced and supported many important pieces of legislation to benefit all Virginians and was a staunch advocate for the abolition of the death penalty; he served on the Commerce and Labor Committee, the Privileges and Elections Committee, and the Rules Committee; and

WHEREAS, Frank Hargrove was a longtime champion for the Virginia War Memorial and played an instrumental role in the restoration of the Shrine of Memory and other facilities; he led fundraising efforts to support the construction of the Paul and Phyllis Galanti Education Center; and

WHEREAS, Frank Hargrove proudly volunteered his leadership and expertise to many other organizations, including the governing bodies of Ferrum College and Randolph-Macon College; and

WHEREAS, in addition to his passion for flying, Frank Hargrove was a self-taught sailor who served as commodore of the Fishing Bay Yacht Club and competed in regattas throughout the United States; never one to shy away from a challenge, he took up long-distance running and cycling in later life; and

WHEREAS, predeceased by his wife of 57 years, Oriana, Frank Hargrove will be fondly remembered and greatly missed by his children, Dale, Frank, Jr., Stewart, and Wellesley, and their families, and numerous other family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Frank DuVal Hargrove, Sr., a pillar of the Hanover County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Frank DuVal Hargrove, Sr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 149

Commending Michael E. Karmis.

Agreed to by the House of Delegates, January 31, 2022

Agreed to by the Senate, February 3, 2022

WHEREAS, after more than 20 years of exceptional service to the Commonwealth, Michael E. Karmis retired as the director of the Virginia Center for Coal and Energy Research on December 31, 2021; and

WHEREAS, the Virginia Center for Coal and Energy Research was created on March 30, 1977, as an interdisciplinary study, research, information, and resource facility of Virginia Polytechnic Institute and State University; since becoming director in 1998, Michael Karmis has helped the center support the university's missions to provide high-quality instruction and opportunities for research and extension; and

WHEREAS, Michael Karmis' indefatigable efforts to identify funding sources and initiatives, to develop partnerships with other universities, to establish relationships with government agencies, and to create consortia that include diverse profit and non-profit organizations and represent broad constituencies, have resulted in unprecedented growth in research funding and sponsored contracts for the Virginia Center for Coal and Energy Research; and

WHEREAS, under the leadership of Michael Karmis, the Virginia Center for Coal and Energy Research has provided support for undergraduate students, graduate students, post-doctoral associates, staff, and administrative, research, and teaching faculty; the center has created mentorship and research opportunities for numerous students and junior faculty,

enabling them to become successful professionals in the fields of minerals extraction, health and safety, sustainable development, and carbon management; and

WHEREAS, Michael Karmis has contributed to the environmental and economic well-being of the Commonwealth and the Appalachian region, both personally and through the Virginia Center for Coal and Energy Research, by providing unbiased information to businesses, legislators, federal, state, and local agencies, and the general public; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Michael E. Karmis on the occasion of his retirement as director of the Virginia Center for Coal and Energy Research; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Michael E. Karmis as an expression of the General Assembly's admiration for his outstanding contributions to higher education and the energy profession.

HOUSE JOINT RESOLUTION NO. 150

Designating the last Wednesday of April, in 2022 and in each succeeding year, as Barbara Johns Walk to School Day in Virginia.

Agreed to by the House of Delegates, February 8, 2022

Agreed to by the Senate, March 1, 2022

WHEREAS, Barbara Johns played a unique role in the early years of the Civil Rights movement by leading the only student protest associated with the landmark ruling in *Brown v. Board of Education*; and

WHEREAS, Barbara Johns was educated in segregated public schools in Prince Edward County and attended R. R. Moton High School in Farmville, which was designed to hold 180 students but enrolled 477 in 1951; and

WHEREAS, Barbara Johns and other students at R. R. Moton High School struggled with the overcrowded conditions, and the parents of black students appealed to the all-white school board, which constructed tar paper shacks to handle the overflow of students; and

WHEREAS, these inadequate structures were leaky when it rained and cold in the winter and did little to alleviate students' conditions; students were also forced to use textbooks, school supplies, and school busses that had been handed down from all-white schools; and

WHEREAS, in March 1951, a bus transporting R. R. Moton High School students stalled on railroad tracks and was struck by a train, resulting in the deaths of five students, including Barbara Johns's best friend and three children from the same family; and

WHEREAS, frustrated by the school board's lack of action regarding the unequal facilities, Barbara Johns, then a 16-year-old junior at R. R. Moton High School, met with several classmates and planned a student strike to protest the difficult conditions; and

WHEREAS, on April 23, 1951, Barbara Johns delivered a memorandum to teachers announcing a special assembly for students only, then stood at the podium and revealed her plan to strike; and

WHEREAS, the students of R. R. Moton High School agreed to participate in the protest, and Barbara Johns and her fellow strike leaders met with the school superintendent to inform him of the protest and demand a new school; and

WHEREAS, Barbara Johns also sought legal counsel from the NAACP, which agreed to provide assistance as long as a lawsuit would challenge the segregated school system, and the ensuing case of *Davis v. County School Board of Prince Edward County* reached the Supreme Court of the United States along with four other similar cases that formed the bases of the landmark *Brown v. Board of Education* ruling; and

WHEREAS, *Davis v. County School Board of Prince Edward County* was the only school integration case initiated by a student strike, making Barbara Johns a pioneer in the peaceful protests that were a hallmark of the Civil Rights movement; and

WHEREAS, April 23 is Barbara Johns Day in Virginia, however a separate day during the school week will provide students an opportunity to honor Barbara Johns for bravely speaking up in support of her fellow students and to reflect on what it means to be a citizen who makes their voice heard and strives to build a stronger community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate the last Wednesday of April, in 2022 and in each succeeding year, as Barbara Johns Walk to School Day in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the family of Barbara Johns so that they may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 151

Designating the week of March 20, in 2022 and in each succeeding year, as Behavior Analysis Week in Virginia.

Agreed to by the House of Delegates, February 8, 2022

Agreed to by the Senate, March 1, 2022

WHEREAS, the profession of behavior analysis is a natural science of behavior that was first developed in the 1930s; and
 WHEREAS, behavior analytic researchers use basic scientific methods, including the experimental analysis of behavior, to address questions about how behavior works and how it changes; and

WHEREAS, starting in the 1940s and 1950s, some behavioral scientists demonstrated that the principles and procedures discovered by early researchers could be used to build useful skills in people with developmental and psychiatric disorders; and

WHEREAS, early applied behavior analysts implemented interventions in schools, homes, and other everyday settings, emphasizing the use of positive reinforcement to help individuals improve behaviors that were important to them and to those with whom they interacted; and

WHEREAS, the discipline has grown substantially over the years, and behavior analysis is now a robust field with theoretical, experimental, and applied branches, as well as distinct research methods, scientific journals, textbooks, scholarly and professional organizations, and university training programs; and

WHEREAS, thousands of studies published in scientific journals have shown the efficacy of many applied behavior analysis procedures, both singly and in various combinations, for building useful skills and reducing behaviors that impede healthy, successful functioning in many clinical and non-clinical populations; and

WHEREAS, the practice of applied behavior analysis is a distinct profession with well-established, widely recognized professional and paraprofessional practitioner standards and credentials; and

WHEREAS, the Commonwealth first recognized and licensed the profession of behavior analysis in 2012, and many Virginians have benefited from applied behavior analysis therapy; and

WHEREAS, on March 20, 2021, behavior analysis professionals around the globe celebrated the first World Behavior Analysis Day; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate the week of March 20, in 2022 and in each succeeding year, as Behavior Analysis Week in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the World Behavior Analysis Day Alliance so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this week on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 152

Election of Court of Appeals of Virginia Judges, Circuit Court Judges, General District Court Judges, Juvenile and Domestic Relations District Court Judges, and a member of the Virginia Workers' Compensation Commission.

Agreed to by the House of Delegates, January 24, 2022

Agreed to by the Senate, January 24, 2022

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly shall proceed today. To the election of Court of Appeals of Virginia judges for terms of eight years commencing as follows:
 One judge, term commencing April 16, 2022.

One judge, term commencing February 1, 2022.

To the election of Circuit Court judges for terms of eight years commencing as follows:

One judge for the Second Judicial Circuit, term commencing February 1, 2022.

One judge for the Second Judicial Circuit, term commencing January 1, 2023.

One judge for the Second Judicial Circuit, term commencing March 1, 2022.

One judge for the Fourth Judicial Circuit, term commencing December 1, 2022.

One judge for the Fifth Judicial Circuit, term commencing December 1, 2022.

One judge for the Fifth Judicial Circuit, term commencing February 1, 2022.

One judge for the Seventh Judicial Circuit, term commencing December 1, 2022.

One judge for the Ninth Judicial Circuit, term commencing January 1, 2023.

One judge for the Ninth Judicial Circuit, term commencing December 1, 2022.

One judge for the Tenth Judicial Circuit, term commencing December 1, 2022.

One judge for the Eleventh Judicial Circuit, term commencing January 1, 2023.

One judge for the Twelfth Judicial Circuit, term commencing December 1, 2022.

One judge for the Twelfth Judicial Circuit, term commencing December 1, 2022.

One judge for the Thirteenth Judicial Circuit, term commencing October 1, 2022.

One judge for the Thirteenth Judicial Circuit, term commencing January 1, 2023.

One judge for the Fourteenth Judicial Circuit, term commencing August 1, 2022.

One judge for the Fifteenth Judicial Circuit, term commencing December 1, 2022.

One judge for the Fifteenth Judicial Circuit, term commencing December 1, 2022.

One judge for the Nineteenth Judicial Circuit, term commencing December 1, 2022.

One judge for the Nineteenth Judicial Circuit, term commencing March 1, 2022.

One judge for the Twentieth Judicial Circuit, term commencing December 1, 2022.

One judge for the Twentieth Judicial Circuit, term commencing February 1, 2022.

One judge for the Twenty-fourth Judicial Circuit, term commencing April 1, 2022.

One judge for the Twenty-sixth Judicial Circuit, term commencing December 1, 2022.

One judge for the Twenty-seventh Judicial Circuit, term commencing December 1, 2022.

One judge for the Twenty-seventh Judicial Circuit, term commencing April 1, 2022.

One judge for the Twenty-ninth Judicial Circuit, term commencing December 1, 2022.

To the election of General District Court judges for terms of six years commencing as follows:

One judge for Judicial District 2-A, term commencing February 1, 2022.

One judge for the Third Judicial District, term commencing February 1, 2022.

One judge for the Fourth Judicial District, term commencing February 1, 2022.

One judge for the Fifteenth Judicial District, term commencing July 1, 2022.

One judge for the Fifteenth Judicial District, term commencing July 1, 2022.

One judge for the Fifteenth Judicial District, term commencing July 1, 2022.

One judge for the Sixteenth Judicial District, term commencing July 1, 2022.

One judge for the Nineteenth Judicial District, term commencing April 1, 2022.

One judge for the Twenty-third Judicial District, term commencing July 1, 2022.

One judge for the Twenty-fourth Judicial District, term commencing July 1, 2022.

One judge for the Twenty-sixth Judicial District, term commencing February 16, 2022.

One judge for the Twenty-seventh Judicial District, term commencing May 1, 2022.

To the election of Juvenile and Domestic Relations District Court judges for terms of six years commencing as follows:

One judge for the Fifth Judicial District, term commencing July 1, 2022.

One judge for the Tenth Judicial District, term commencing April 1, 2022.

One judge for the Tenth Judicial District, term commencing July 1, 2022.

One judge for the Twelfth Judicial District, term commencing February 1, 2022.

One judge for the Thirteenth Judicial District, term commencing August 1, 2022.

One judge for the Fifteenth Judicial District, term commencing July 1, 2022.

One judge for the Seventeenth Judicial District, term commencing July 1, 2022.

One judge for the Nineteenth Judicial District, term commencing July 1, 2022.

One judge for the Twenty-second Judicial District, term commencing July 1, 2022.

One judge for the Twenty-fourth Judicial District, term commencing February 1, 2022.

One judge for the Twenty-fifth Judicial District, term commencing July 1, 2022.

One judge for the Twenty-sixth Judicial District, term commencing May 1, 2022.

One judge for the Twenty-ninth Judicial District, term commencing July 1, 2022.

One judge for the Thirty-first Judicial District, term commencing February 1, 2022.

To the election of a member of the Virginia Workers' Compensation Commission for a term of six years commencing February 1, 2022.

And that in the execution of the joint order nominations shall be made in the order herein named, and that each house shall be notified of said nominations, and when the rolls shall be called for the whole number, the presiding officers of each house shall appoint a committee of three, which together shall constitute the joint committee to count the vote of each house in each case and report the results to their respective houses. The joint order may be suspended by the presiding officer of either house at any time but for no longer than twenty-four hours to receive the report of the joint committee.

HOUSE JOINT RESOLUTION NO. 153

Commending the Richmond Free Press.

Agreed to by the House of Delegates, February 7, 2022

Agreed to by the Senate, February 10, 2022

WHEREAS, for three decades, the *Richmond Free Press*, a mission-driven independent newspaper, has worked to inform, educate, and empower readers in the Richmond area; and

WHEREAS, the *Richmond Free Press* was established in 1992 by Raymond H. Boone, Sr., a Suffolk native who was inspired to become a journalist in his youth, and previously worked at the *Suffolk News-Herald*, *Baltimore Afro-American*, and the *Richmond Afro-American* newspapers; and

WHEREAS, throughout its history, the *Richmond Free Press* has provided timely, accurate information to readers, elevated local voices on important issues, and advocated for transparency and accountability in local and state government; and

WHEREAS, the *Richmond Free Press* has covered a wide range of local issues, including economic inequality, workplace discrimination, criminal justice reform, and quality of life issues in the Richmond area, such as housing, employment, and the conditions of roads and public schools; and

WHEREAS, the *Richmond Free Press* has achieved numerous accolades thanks to the hard work and dedication of its loyal staff members and the newspaper has earned the respect of its competitors for its impactful articles, thoughtful editorials, and engaging photography; and

WHEREAS, the *Richmond Free Press* has inspired generations of Richmond residents to expand their horizons, engage more fully in civic life, and seek opportunities to serve the community through volunteer leadership; and

WHEREAS, after Raymond Boone's death in 2014, his wife, Jean, the former advertising manager, became the publisher of the *Richmond Free Press* and has guided the newspaper through new challenges while maintaining a strong commitment to free expression and high quality investigative journalism; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the *Richmond Free Press* on the occasion of its 30th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the *Richmond Free Press* as an expression of the General Assembly's admiration for the newspaper's legacy of contributions to the Black community in Richmond.

HOUSE JOINT RESOLUTION NO. 154

Commending Robert L. Dandridge, Jr.

Agreed to by the House of Delegates, January 31, 2022

Agreed to by the Senate, February 3, 2022

WHEREAS, Robert L. Dandridge, Jr., the Norfolk State University legend who played 13 seasons in the National Basketball Association with the Milwaukee Bucks and the Washington Bullets, was inducted into the Naismith Memorial Basketball Hall of Fame in Springfield, Massachusetts, on September 11, 2021; and

WHEREAS, born and raised in Richmond, Robert "Bob" L. Dandridge, Jr., learned the game of basketball on the courts of the former West End School and was a member of the Maggie L. Walker High School Class of 1965; and

WHEREAS, Bob Dandridge enjoyed one of the most storied basketball careers in Norfolk State University history, leading his team to a Central Intercollegiate Athletic Association championship title in 1968; his 32.3 points per game scoring average during the 1968-1969 season remains a school record; and

WHEREAS, selected by the Milwaukee Bucks in the 1969 National Basketball Association (NBA) draft, Bob Dandridge immediately made an impact on the team on both sides of the court, earning all-rookie first team honors; and

WHEREAS, Bob Dandridge was an integral part of the Milwaukee Bucks' championship run in the 1970-1971 season, averaging 18.4 points per game as the team notched a 66-16 record and went on to sweep the Baltimore Bullets in the NBA Finals; and

WHEREAS, Bob Dandridge joined the Washington Bullets in the 1977-1978 season and helped the team overcome years of playoff disappointment to win its first and only championship title in franchise history that same year; and

WHEREAS, beyond his two championship titles, Bob Dandridge's accomplishments after 13 years in the NBA included four All-Star Game appearances, eight playoff appearances, and an impressive career average of 18.5 points per game; and

WHEREAS, following his career in the NBA, Bob Dandridge admirably dedicated himself to helping young people grow and thrive; he was an assistant coach at Hampton University for several years and, after earning a degree in counseling, formed the Dandridge Group, a nonprofit organization with a mission to pass on life skills to at-risk youth in Norfolk; and

WHEREAS, drawing from his experience as a player and a counselor, Bob Dandridge extended his legacy in the NBA in the 1990s by working to establish player development programs, such as the rookie transition program and the Top 100 High School Basketball Camp, which have since guided hundreds of young players through the early years of their careers; and

WHEREAS, by embodying the ideals of competitiveness, compassion, heroism, and humility throughout his life, Bob Dandridge has been an inspiration to countless citizens of the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Robert L. Dandridge, Jr., Virginia native and superstar of the National Basketball Association, on the occasion of his induction into the Naismith Memorial Basketball Hall of Fame; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert L. Dandridge, Jr., as an expression of the General Assembly's admiration for his accomplishments and contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 155

Commending Thomas Geary, Ph.D.

Agreed to by the House of Delegates, January 31, 2022

Agreed to by the Senate, February 3, 2022

WHEREAS, Thomas Geary, Ph.D., esteemed professor of English at Tidewater Community College, will receive the Outstanding Faculty Award from the State Council of Higher Education and Dominion Energy at a ceremony on March 1, 2022; and

WHEREAS, Thomas Geary is one of 12 recipients in the Commonwealth to be selected from a pool of 85 nominations for the State Council of Higher Education's distinguished prize, which annually recognizes professors who embody the highest ideals and standards of teaching, scholarship, and service; and

WHEREAS, a professor of English at the Virginia Beach campus of Tidewater Community College, Thomas Geary's classes on composition, rhetoric, technical writing, developmental writing, and the humanities have illuminated countless young minds and primed his students to lead successful and fulfilling lives; and

WHEREAS, Thomas Geary serves as the editor of *Inquiry*, a peer-reviewed journal for faculty, staff, and administrators of the Commonwealth's community colleges, fostering a lively and informative discourse for the benefit of the journal's readers; and

WHEREAS, dedicated to the pursuit of excellence in the field of English education, Thomas Geary serves as an elected representative on the Delegate Assembly of the Modern Language Association and as an executive committee member of the Two-Year College English Association; and

WHEREAS, through his steadfast commitment to the students and faculty at Tidewater Community College, Thomas Geary has demonstrated the profound impact one can have when they answer the call to teach; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Thomas Geary, Ph.D., for receiving the 2022 Outstanding Faculty Award from the State Council of Higher Education and Dominion Energy; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Thomas Geary, Ph.D., as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 156

Celebrating the life of the Honorable Harry Russell Potts, Jr.

Agreed to by the House of Delegates, January 31, 2022

Agreed to by the Senate, February 3, 2022

WHEREAS, the Honorable Harry Russell Potts, Jr., a former member of the Senate of Virginia who produced a number of classic athletic events throughout his career in college sports marketing, died on December 19, 2021; and

WHEREAS, the Honorable Harry Russell "Russ" Potts, Jr., developed a love of sports at a young age and played halfback on the John Handley High School football team; during that time, he began to cultivate his deep faith while attending services with teammates; and

WHEREAS, Russ Potts graduated from the University of Maryland with a bachelor's degree in journalism and subsequently became the sports editor of the *Winchester Star* and *Loudoun Time Mirror*; in the 1960s, he hosted a radio sports program called "Calling the Shots with Russ Potts"; and

WHEREAS, in 1970, Russ Potts returned to the University of Maryland as sports marketing director, the first such position in college athletics; he later served as assistant athletic director and oversaw the installation of the institution's first commercial scoreboard package, the first national television coverage of a women's basketball game, and high attendance records at football games; and

WHEREAS, Russ Potts became the athletic director of Southern Methodist University in Texas in 1978 and earned the Big D Award from the Dallas Sports Association for his achievements on behalf of the institution and the local sports community; and

WHEREAS, after a stint as vice president of the Chicago White Sox, Russ Potts established Russ Potts Productions, which promoted some of the largest and most successful independent sporting events in North America; and

WHEREAS, desirous to be of further service, Russ Potts ran for and was elected to the Senate of Virginia in 1991 and represented the residents of the 27th District until 2008; he earned multiple Senator of the Year awards from a wide range of organizations, including the Virginia Education Association and the Virginia Medical Society; and

WHEREAS, during his tenure as a state lawmaker, Russ Potts offered his expertise to several standing committees and introduced and supported many important pieces of legislation to benefit all Virginians, including the creation of the Christopher Reeve Stem Cell Research Fund and support for the Shenandoah River State Park; and

WHEREAS, in later life, Russ Potts served as executive director of the Winchester Education Foundation, which raised more than \$15 million for the renovation of John Handley High School and \$4 million for the Emil and Grace Shihadeh Innovation Center under his exceptional leadership; and

WHEREAS, among many awards and accolades, Russ Potts was inducted into the Virginia Sports Hall of Fame in 2004 and the National Association of Collegiate Marketing Administrators Hall of Fame in 2012; and

WHEREAS, Russ Potts will be fondly remembered and greatly missed by his wife, Emily; his daughters, Katie and Kelly, and their families; and numerous other family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Harry Russell Potts, Jr., a distinguished public servant who made countless contributions to collegiate sports; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Harry Russell Potts, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 157

Commending the Osher Lifelong Learning Institute at George Mason University.

Agreed to by the House of Delegates, January 31, 2022

Agreed to by the Senate, February 3, 2022

WHEREAS, the Osher Lifelong Learning Institute at George Mason University in Fairfax County, one of the premier lifelong learning institutes in the United States, celebrated its 30th anniversary in 2021; and

WHEREAS, originally known as the Learning in Retirement Institute, the Osher Lifelong Learning Institute at George Mason University (OLLI-Mason) was founded in 1991 and was the brainchild of the Fairfax Commission on Aging and visionary leader Kathryn Brooks, who wanted to establish educational and social opportunities for a growing base of active seniors in Northern Virginia; and

WHEREAS, the Learning in Retirement Institute soon became affiliated with George Mason University as part of the university's strategic vision to extend its learning mission into the community, including to seniors interested in maintaining an active intellectual life; and

WHEREAS, the Learning in Retirement Institute was generously endowed by the Bernard Osher Foundation of California, a nonprofit organization that has dedicated millions to enhancing the quality of life in the United States through education and the arts; and

WHEREAS, OLLI-Mason's mission is "to offer to its members learning opportunities in a stimulating environment in which adults can share their talents, experiences and skills, explore new interests, discover and develop latent abilities, engage in intellectual and cultural pursuits, and socialize with others of similar interests"; and

WHEREAS, by all measures, OLLI-Mason has fulfilled its goals, and what started as a member-run program with 100 members operating and teaching out of one room in George Mason's Commerce II Building, has burgeoned into a robust, first-rate educational and social institute with 1,100 members; and

WHEREAS, OLLI-Mason currently offers retirees in Northern Virginia more than 600 courses, special events, and excursions, with opportunities to enroll in four terms each year at three campuses in Fairfax, Reston, and Loudoun; from arts to zoology and religion to science, there is a topic to satisfy any interest without the pressures of homework, exams, or grades; and

WHEREAS, the over-50 population in Northern Virginia is thriving and living longer, healthier lives; these trends are expected to continue long into the 21st century, and policymakers at all levels are working vigorously to develop programs and services to help these individuals continue to participate more fully in their communities; and

WHEREAS, since March 2020, an unprecedented number of older Americans are shuttered at home to avoid the serious health risks associated with the COVID-19 pandemic; in response, OLLI-Mason adopted an online programming model to offer an intellectual and social lifeline to those students who have been isolated for an extended period of time; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Osher Lifelong Learning Institute at George Mason University for its resounding success in serving the educational and social needs of retirees in Northern Virginia on the occasion of the institute's 30th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Osher Lifelong Learning Institute at George Mason University as an expression of the General Assembly's admiration for the institute's foresight of the critical need for programs that expand opportunities for and enhance the quality of life of retirees in Northern Virginia.

HOUSE JOINT RESOLUTION NO. 158*Commending Zachary Hyman.*

Agreed to by the House of Delegates, January 31, 2022

Agreed to by the Senate, February 3, 2022

WHEREAS, Zachary Hyman, an esteemed officer with the Suffolk Police Department, was honored as "Top Cop" at the 21st Annual Greater Hampton Roads Regional Crime Lines, Inc., Top Cop Awards on November 20, 2021; and

WHEREAS, an officer with the Suffolk Police Department for nearly six years, Zachary Hyman was recognized for the prestigious award following the bravery he demonstrated on February 25, 2021; and

WHEREAS, on that evening, Zachary Hyman responded to an urgent call that a car had crashed on Portsmouth Boulevard in Suffolk and was partially submerged in water alongside the road; and

WHEREAS, when Zachary Hyman arrived at the scene, he discovered that the car was sinking into the water and that a young child and woman remained inside; and

WHEREAS, Zachary Hyman quickly jumped into action and, with the help of his punch tool and two bystanders, managed to rescue the occupants just moments before their vehicle went completely underwater; and

WHEREAS, Zachary Hyman sustained several cuts and lacerations from the car's broken glass and needed to be treated for hypothermia as a result of his heroic efforts to save two lives; and

WHEREAS, by responding to a dire emergency resolutely and without concern for himself, Zachary Hyman embodied the highest ideals of an officer's oath to protect and serve the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Zachary Hyman for being named Top Cop of the Greater Hampton Roads region; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Zachary Hyman as an expression of the General Assembly's admiration for his extraordinary service and courage in the face of danger.

HOUSE JOINT RESOLUTION NO. 159*Commending Carol L. Summers.*

Agreed to by the House of Delegates, January 31, 2022

Agreed to by the Senate, February 3, 2022

WHEREAS, in 2021, Carol L. Summers of Fredericksburg retired from the National Oceanic and Atmospheric Association, an agency of the United States Department of Commerce, after four decades of service as a federal government employee; and

WHEREAS, as a federal equal employment opportunity (EEO) specialist, Carol Summers was responsible for EEO complaint processing, affirmative employment goals, and the implementation of diversity, equality, inclusion, and accessibility initiatives at the National Oceanic and Atmospheric Association (NOAA); and

WHEREAS, Carol Summers ensured that policy and procedures related to civil rights and EEO compliance were followed properly and carried out decisions and directives from the United States Equal Employment Opportunity Commission at the agency level; and

WHEREAS, Carol Summers served as the special emphasis program manager for NOAA's Persons with Disabilities Employment Program and Federal Women Employment Program; she sponsored the NOAA Employee Resource Group and served as the co-lead of a NOAA's EEO Complaint Alternate Dispute Resolution Program; and

WHEREAS, as the EEO complaint intake and scheduling manager, Carol Summers maintained NOAA's 95 percent compliance rate for decades, including a 100 percent compliance rate for fiscal year 2021; and

WHEREAS, Carol Summers served with the utmost integrity and dedication and touched countless lives through her diligent work; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Carol L. Summers on the occasion of her retirement from the National Oceanic and Atmospheric Administration in December 2021; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Carol L. Summers as an expression of the General Assembly's admiration for achievements on behalf of federal employees and best wishes on her well-earned retirement.

HOUSE JOINT RESOLUTION NO. 160

Commending the Reverend Dr. Geoffrey Van Guns.

Agreed to by the House of Delegates, January 31, 2022

Agreed to by the Senate, February 3, 2022

WHEREAS, the Reverend Dr. Geoffrey Van Guns, senior pastor of Second Calvary Baptist Church in Norfolk and a leader in the faith community both locally and globally, has greatly served the community of Norfolk throughout the COVID-19 pandemic; and

WHEREAS, since January 2021, Geoffrey Guns has been actively involved in Norfolk's COVID-19 vaccination campaign, working tirelessly to ensure the health and safety of the city's residents; and

WHEREAS, Geoffrey Guns spearheaded the initiative Trusted Partners, establishing vaccine clinics at community churches in partnership with local pastors, the Norfolk Department of Health, Sentara Healthcare, Peoples Pharmacy, Hague Pharmacy at CHKD, Groomed for Greatness Vaccine Clinic, and Helping Hands Mobile Medical Service; and

WHEREAS, Geoffrey Guns helped bring together the City of Norfolk and local churches on February 5, 2021, to host a vaccine clinic at Booker T. Washington High School in Norfolk; and

WHEREAS, Geoffrey Guns and Second Calvary Baptist Church have set up vaccine clinics both at the church and throughout the community, including along Hampton Roads Transit and at Metropolitan Funeral Service establishments; and

WHEREAS, Geoffrey Guns and Second Calvary Baptist Church have formed a community engagement team as part of their vaccination campaign, canvassing neighborhoods of Norfolk to raise awareness and assisting thousands of people in their efforts to get the vaccine; and

WHEREAS, as part of his outreach work, Geoffrey Guns attended numerous community town halls and local events throughout 2021 to speak to attendees about the importance of receiving the vaccine, providing valuable information and access to those who would not have otherwise received it; and

WHEREAS, it is estimated that more than 6,000 individuals have been vaccinated and protected from the threat of COVID-19 through events and programs organized by Geoffrey Guns and his team; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Reverend Dr. Geoffrey Van Guns, senior pastor of Second Calvary Baptist Church, for his noteworthy endeavors in the interest of public health and safety; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Dr. Geoffrey Van Guns as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 161

Commending the Reverend Bobby Raye Huntley.

Agreed to by the House of Delegates, January 31, 2022

Agreed to by the Senate, February 3, 2022

WHEREAS, the Reverend Bobby Raye Huntley, the founder and pastor of Test of Faith Ministries in Virginia Beach, who has been a valued mentor to hundreds of students over his nearly two decade career with Virginia Beach City Public Schools, retired on October 1, 2021; and

WHEREAS, prior to his career in education, Bobby Huntley served his country with courage and valor as a member of the United States Marine Corps for more than 13 years, until he was honorably discharged in June 1992; and

WHEREAS, Bobby Huntley's educational pursuits included bachelor's degrees in religion and sociology from Saint Leo University, which have greatly informed his work as a pastor, mentor, and educator; and

WHEREAS, Bobby Huntley's legacy as an educator includes his character development mentoring program, The Gentlemen's Club, which he founded and implemented at several schools within the Virginia Beach City Public Schools (VBCPS) division to encourage students to have a greater sense of pride and respect for themselves and others; and

WHEREAS, Bobby Huntley mentored more than 600 students through The Gentlemen's Club over his distinguished 19-year career with VBCPS, guiding each toward a more successful and fulfilling future; and

WHEREAS, Bobby Huntley is an accomplished author of five books whose recent titles include *Mothers Please...*, a self-help book for single mothers raising sons without the support of positive male role models, and *The Gentlemen's Club*, a tutorial for starting a mentor program; and

WHEREAS, Bobby Huntley founded Test of Faith Ministries in Virginia Beach and has served as its pastor for many years, providing his parishioners with sage and inspiring spiritual guidance; and

WHEREAS, Bobby Huntley's remarkable efforts have been recognized through numerous awards over the years, including the People Taking Action Humanitarian Award from the broadcaster WTKR News 3 in 2018; he was named VBCPS Assistant of the Year in 2013 and his school's Teacher Assistant of the Year three times; and

WHEREAS, through his steadfast dedication to the well-being of his students and the community, Bobby Huntley has had a positive and lasting impact on countless lives; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Reverend Bobby Raye Huntley, cherished mentor and educator with Virginia Beach City Public Schools, on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Bobby Raye Huntley as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 162

Commending Christine Emily Ross.

Agreed to by the House of Delegates, January 31, 2022

Agreed to by the Senate, February 3, 2022

WHEREAS, Christine Emily Ross, founder and chief executive officer of Aid Another, a nonprofit organization dedicated to supporting individuals and families with special needs, was named to the *Inside Business* "Top 40 Under 40" list in 2021; and

WHEREAS, *Inside Business*, a Hampton Roads business journal that is a division of *The Virginian-Pilot*, recognized Christine Ross for her accomplishments in her career and her impact in the community; and

WHEREAS, Christine Ross founded Aid Another to support individuals with special needs and their families through events and programs promoting awareness and advocacy and fostering integration and inclusion in the community; and

WHEREAS, Christine Ross is an active and engaged member of her community who serves with various outreach programs, such as toy and canned food drives, and who is co-director of the Champions Baseball division of the Great Neck Baseball League in Virginia Beach, an organization providing opportunities for children with special needs to get on the diamond and live out their dreams; and

WHEREAS, Christine Ross intends to extend Aid Another's programs and events throughout the Commonwealth in the coming years and is developing a children's book and podcast to further her goals; and

WHEREAS, in addition to her advocacy work, Christine Ross and her husband, Ryan, are owners of the Sandbar Surf Bar along the Virginia Beach Oceanfront, where they create a fun and lively atmosphere for the enjoyment of their guests; and

WHEREAS, through her unwavering commitment to people with special needs, Christine Ross has helped make Virginia Beach a more friendly and welcoming place for all; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Christine Emily Ross, founder and chief executive officer of Aid Another, for her admirable service on behalf of the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Christine Emily Ross as an expression of the General Assembly's admiration for her contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 163

Celebrating the life of April Pulley Sayre.

Agreed to by the House of Delegates, January 31, 2022

Agreed to by the Senate, February 3, 2022

WHEREAS, April Pulley Sayre, acclaimed children's book author and photo-illustrator, known for her many books spotlighting the wonders of science and nature, died on November 6, 2021, of metastatic breast cancer; and

WHEREAS, April Pulley Sayre was born on April 11, 1966, in Greenville, South Carolina, to David and Elizabeth Pulley; as a child, she developed an appreciation for nature through spending time in her mother's garden and grandparents' nearby farm; and

WHEREAS, April Pulley Sayre graduated salutatorian of her high school in just three years, and later studied primatology and anthropology at Duke University, earning her bachelor's degree in biology in 1987; and

WHEREAS, after graduating from Duke University, April Pulley Sayre moved to Washington, D.C., to complete internships at the National Wildlife Federation (NWF) and the National Geographic Society, eventually accepting a full-time position at the NWF producing educational materials for teachers; and

WHEREAS, while living in Washington, D.C., April Pulley Sayre met her husband, Jeffrey Sayre, an author, naturalist, and conservationist who was employed at the NWF, and the couple married in 1989; and

WHEREAS, April Pulley Sayre began her career as an author in 1994 and would go on to create many school and library publications; her first trade picture book, *If You Should Hear a Honey Guide*, was published in 1995 and won the John Burroughs Award for excellence in the genre of natural history books for young readers, among other accolades; and

WHEREAS, after her initial success as an author, April Pulley Sayre attended Vermont College to hone her craft and earned a master's degree in fine arts in creative writing in 2000; and

WHEREAS, April Pulley Sayre could make even the less exciting parts of nature interesting and her title *Vulture View* received a 2008 Theodor Seuss Geisel Honor; and

WHEREAS, April Pulley Sayre visited with more than 17,000 students across the country each year, working to spread her love of nature and science to young learners; and

WHEREAS, April Pulley Sayre created over 80 books for young readers throughout her life and was praised for her rhythm, clever wordplay, and infectious love of nature; and

WHEREAS, April Pulley Sayre will be fondly remembered and dearly missed by her loving husband of 32 years, Jeffrey Sayre; her sisters, Lydia Pulley and Cathy Ballard; and many more family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of April Pulley Sayre; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of April Pulley Sayre as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 164

Celebrating the life of John Joseph Ferguson.

Agreed to by the House of Delegates, January 31, 2022

Agreed to by the Senate, February 3, 2022

WHEREAS, John Joseph Ferguson, an honorable veteran and active and beloved member of the Scott County community, died on January 16, 2022; and

WHEREAS, a graduate of the former Shoemaker High School in Gate City, John Ferguson served his country with courage and valor as a member of the United States Army during the Korean War; and

WHEREAS, John Ferguson was a tireless worker, farming all of his life and ultimately retiring from the glass manufacturer AFG Industries in Kingsport, Tennessee; and

WHEREAS, John Ferguson gave generously of his time to the Big Moccasin community, serving many years as the secretary of the Scott County Telephone Cooperative's Board of Directors as well as with the Scott County Farm Bureau and several other local civic organizations; and

WHEREAS, guided throughout his life by his faith, John Ferguson enjoyed worship and fellowship with his community at First Baptist Church in Gate City, where he served as deacon; and

WHEREAS, in honor of his service, John Ferguson received military rites conducted by The American Legion Hammond Post #3 of Kingsport, Tennessee, and Post #265 of Gate City, with assistance from members of the Virginia Army National Guard Funeral Honors Program team; and

WHEREAS, preceded in death by his loving wife of 55 years, Iva, John Ferguson will be fondly remembered and dearly missed by his children, John and Arthur, and their families and by numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of John Joseph Ferguson, a cherished member of the Scott County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of John Joseph Ferguson as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 165

Commending the Richmond Ambulance Authority.

Agreed to by the House of Delegates, January 31, 2022

Agreed to by the Senate, February 3, 2022

WHEREAS, on September 23, 2021, the Richmond Ambulance Authority celebrated its 30th anniversary of providing equitable, state-of-the-art ambulance services for emergency and non-emergency medical incidents to the Richmond community; and

WHEREAS, in 1990, the Richmond community faced a dire crisis in the delivery of emergency and non-emergency medical services because ambulance companies operating in the city at the time often put profits ahead of people, delivering poor-quality care and refusing to serve some city neighborhoods; and

WHEREAS, in 1991, the Virginia General Assembly authorized the creation of the Richmond Ambulance Authority to provide emergency and non-emergency medical services within the city; and

WHEREAS, the City of Richmond established the Richmond Ambulance Authority as a political subdivision and authorized it to deliver high-quality patient care throughout the city in an efficient, cost-effective manner; and

WHEREAS, the Richmond Ambulance Authority has earned a high reputation for excellence at the national and international levels, and it has been called upon to train and mentor other service providers around the globe; and

WHEREAS, the Richmond Ambulance Authority responds to more than 70,000 calls for service each year and transports nearly 50,000 patients; and

WHEREAS, the Richmond Ambulance Authority's average response time to a life-threatening emergency is under six minutes, and the organization consistently benchmarks its performance against national and international EMS agencies; and

WHEREAS, the Richmond Ambulance Authority is one of an elite few EMS agencies in the United States accredited by both the Commission on Accreditation of Ambulance Services and the International Academies of Emergency Dispatch; and

WHEREAS, the Richmond Ambulance Authority continues to participate in cutting-edge studies and clinical research to help advance protocols and standards for the overall improvement of patient outcomes; and

WHEREAS, over the course of the organization's 30-year history, the men and women of the Richmond Ambulance Authority have dedicated their time and talents and made numerous personal sacrifices to provide the highest quality service to Richmond residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Richmond Ambulance Authority on the occasion of its 30th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Richmond Ambulance Authority as an expression of the General Assembly's admiration for its decades of service to the Richmond community.

HOUSE JOINT RESOLUTION NO. 166

Celebrating the life of the Honorable John Howson Rust, Jr.

Agreed to by the House of Delegates, February 24, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, the Honorable John Howson Rust, Jr., of the City of Fairfax, who served the Commonwealth as a member of the Virginia House of Delegates, died on December 30, 2021; and

WHEREAS, a native of Fairfax, Virginia, the Honorable John "Jack" Howson Rust, Jr., earned his undergraduate and law degrees from the University of Virginia, where he served on the board of editors of the *Virginia Law Review* and was elected to the Order of the Coif; and

WHEREAS, after serving his country as a member of the United States Army during the Vietnam War, Jack Rust returned to Fairfax where he pursued a career as an attorney with the family law firm, Rust & Rust; and

WHEREAS, Jack Rust was admitted to practice before the United States District Court for the Eastern District of Virginia, the United States Court of Appeals for the Fourth Circuit, and the Supreme Court of the United States; he followed in his father's footsteps when he served as the Fairfax city attorney; and

WHEREAS, desirous to be of further service to the Commonwealth, Jack Rust ran for and was elected to the Virginia House of Delegates in 1979; he served from 1980 to 1982, then later won a special election and represented the 37th District from 1997 to 2002; and

WHEREAS, during his time in the Virginia House of Delegates, Jack Rust became one of Virginia's most influential lawmakers; he was named Legislator of the Year by the Virginia Treasurers' Association and received Tech Ten Legislator, Business Leader of the Year, and Fairfax County Chamber of Commerce Chamber Champion awards; and

WHEREAS, Jack Rust introduced many important pieces of legislation to benefit his constituents and all Virginians, and he offered his expertise to his colleagues during the biennial redistricting process after the 2000 United States Census; and

WHEREAS, in addition to his service with the Virginia House of Delegates, Jack Rust served terms on the Virginia State Board of Elections and the Virginia Resource Authority and was the commissioner of accounts for the 19th Judicial Circuit of Virginia; and

WHEREAS, Jack Rust worked diligently to build bipartisan consensus and mutual respect, and throughout his career, he was a trusted mentor to countless young lawyers, advocates, and state officials, all of whom admired his deep knowledge of the law, tireless work ethic, and dazzling creativity; and

WHEREAS, Jack Rust had a keen business mind and helped establish numerous thriving enterprises, including two community banks and many other small businesses and joint ventures; and

WHEREAS, Jack Rust's long and distinguished service to friends and family, his community, and the Commonwealth was characterized by honesty, integrity, wit, and grace; and

WHEREAS, Jack Rust will be fondly remembered and greatly missed by his beloved wife of more than 51 years, Sue; his children, J.W., Tom, and Bob, and their families; and numerous other family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable John Howson Rust, Jr., an accomplished public servant and a distinguished Virginian; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable John Howson Rust, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 167

Celebrating the life of Richard Markeloff.

Agreed to by the House of Delegates, February 7, 2022

Agreed to by the Senate, February 10, 2022

WHEREAS, Richard Markeloff, a respected scientist and researcher who was an active and beloved member of the Herndon community, died on September 28, 2021; and

WHEREAS, an Eagle Scout with the Boy Scouts of America and member of the Cornell University Class of 1982, Richard Markeloff earned a doctoral degree in high energy physics from the University of Wisconsin after completing applied research at the European Organization for Nuclear Research in Switzerland and the Fermi National Accelerator Laboratory in Illinois; and

WHEREAS, following his postdoctoral studies at Northern Illinois University, Richard Markeloff honed his software skills and was hired by Lucent Technologies as an engineer; and

WHEREAS, seeking better opportunities for himself and his family, Richard and his wife, Jeannine, relocated to Herndon, where they often explored the local, state, and national parks with their daughter, Mia, and son, Nicholas; and

WHEREAS, a born scientist driven by his innate curiosity, Richard Markeloff loved the Commonwealth's natural flora and fauna and greatly enjoyed cultivating its native plants, which he always could identify by their scientific name; and

WHEREAS, a firm believer in environmental preservation, Richard Markeloff preferred his bicycle to his car and was a longtime supporter of both the National Resources Defense Council and The Nature Conservancy; and

WHEREAS, Richard Markeloff used his expertise as a scientist in service to the country's defense, working on various project teams as a research scientist at the MITRE Corporation and later as a senior scientist at Raytheon BBN; and

WHEREAS, Richard Markeloff loved to share his knowledge with others and generously mentored innumerable young people as a volunteer teacher at the Unitarian Universalist Church in Reston, a math tutor at Herndon High School, and a leader with the Boy Scouts of America; and

WHEREAS, a proud lifelong Democrat, Richard Markeloff was an active member of both the Dranesville District Democratic Committee and the Fairfax Democratic Committee; and

WHEREAS, Richard Markeloff will be fondly remembered and dearly missed by his loving wife of 33 years, Jeannine; his children, Mia and Nicholas; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Richard Markeloff, an accomplished research scientist and cherished member of the Herndon community whose passion for life inspired all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Richard Markeloff as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 168

Celebrating the life of Sharon Jones.

Agreed to by the House of Delegates, February 7, 2022

Agreed to by the Senate, February 10, 2022

WHEREAS, Sharon Jones, a highly admired leader in the field of criminal justice who touched countless lives over the course of her 30-year career, died on November 25, 2021; and

WHEREAS, Sharon Jones held a bachelor's degree in social work from Virginia Commonwealth University and a master's degree in business administration from Strayer University; and

WHEREAS, after first serving as a state probation and parole officer, Sharon Jones was promoted to the deputy director of Prince William County Criminal Justice Services; and

WHEREAS, since 2005, Sharon Jones had served as the administrator of Virginia Beach Community Corrections and Pretrial, bringing exciting energy, innovative problem solving skills, and service-oriented leadership to her team; and

WHEREAS, respected by her peers for her professional engagement, Sharon Jones was an active member of the Virginia Beach Re-Entry Council and a longtime member of the Virginia Community Criminal Justice Association, where she held several positions including a member of the executive board; and

WHEREAS, Sharon Jones enjoyed traveling and experiencing other cultures and especially loved visiting the beach to collect shells and playing Bunco with friends; she brought joy to everyone she met through her bright smile and unflinching kindness; and

WHEREAS, Sharon Jones will be fondly remembered and greatly missed by her loving husband, Van; her daughters, Allison and April; and by numerous other family members, friends, and the many people whose lives were touched by her commitment to the study of human behavior and service to the Virginia Beach community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Sharon Jones; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Sharon Jones as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 169

Commending the Glen Allen High School boys' cross country team.

Agreed to by the House of Delegates, February 7, 2022

Agreed to by the Senate, February 10, 2022

WHEREAS, the Glen Allen High School boys' cross country team won the Virginia High School League Class 5 state championship in November 2021; and

WHEREAS, earlier in the season, the Glen Allen High School Jaguars won the Pole Green, Fork Union Military Academy, and Albemarle Invitational races, as well as the MileStat XC Invitational and the Virginia High School League Region 5B championship meet; and

WHEREAS, in the state final, the Glen Allen Jaguars scored 38 points and dominated the competition, with the top six Glen Allen runners finishing before any other school's top three finishers; and

WHEREAS, Ben Hagerich led the Glen Allen Jaguars with a third-place finish, followed by Carson Rackley in eighth place and Eric Fagan in 10th place; Dorian Frick, Jason Latina, Trevor Lawson, and Gunnar Mancuso rounded out the team's outstanding performance; and

WHEREAS, the victorious season is a testament to the skill and hard work of the student-athletes, the leadership and guidance of coaches and staff, and the enthusiastic support of the entire Glen Allen High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Glen Allen High School boys' cross country team on winning the Virginia High School League Class 5 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jenn Strojny, head coach of the Glen Allen High School boys' cross country team, as an expression of the General Assembly's admiration for the team's achievements.

HOUSE JOINT RESOLUTION NO. 170

Commending Costella B. Williams.

Agreed to by the House of Delegates, February 7, 2022

Agreed to by the Senate, February 10, 2022

WHEREAS, Costella B. Williams greatly served the community of Portsmouth for many years as a member of the Portsmouth School Board and as a supervisor with the Portsmouth Department of Behavioral Healthcare Services; and

WHEREAS, prior to her career, Costella Williams graduated from Prince George County High School and earned a bachelor's degree in business administration from Virginia State University in 1973; and

WHEREAS, Costella Williams assisted countless residents of Portsmouth with mental health, intellectual disability, and substance abuse needs and other issues throughout her illustrious 31-year career with the Portsmouth Department of Behavioral Healthcare Services, retiring on June 30, 2015, as a supervisor; and

WHEREAS, Costella Williams supported the growth and development of the children of Portsmouth as a member of the Portsmouth School Board from 2008 to 2021, working tirelessly to ensure their success both in and out the classroom; and

WHEREAS, Costella Williams' outsized impact on the community is the result of her involvement with numerous educational, humanitarian, and civic organizations, including the Portsmouth Schools Foundation, H.E.R. Shelter, Optimist International, and the Portsmouth chapter of Jack and Jill of America, Inc., which she served as president; and

WHEREAS, Costella Williams' commitment to serving others has extended to many aspects of her life and she is an active member of The Moles, Inc., The Portsmouth Links, Inc., Alpha Kappa Alpha Sorority, Inc., and Grove Baptist Church in Portsmouth; and

WHEREAS, Costella Williams has received a plethora of accolades over the years in recognition of her extraordinary efforts on behalf of the community, including being named Distinguished Mother for the Mid-Atlantic region of Jack and Jill of America, Inc., and receiving the Dr. Hugo A. Owens, Sr. Humanitarian Award from Alpha Phi Alpha Fraternity, Inc.; and

WHEREAS, as Costella Williams has retired from her roles with the Portsmouth Department of Behavioral Health Services and the Portsmouth School Board, she has found more opportunities to spend quality time with her husband, Junius; her daughters, Tiffani and Angela; and her granddaughters, Gabrielle and Alisia; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Costella B. Williams for her years of meritorious service with the Portsmouth Department of Behavioral Health Services and the Portsmouth School Board; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Costella B. Williams as an expression of the General Assembly's admiration for her contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 171

Celebrating the life of Firefighter Christopher George Griffin.

Agreed to by the House of Delegates, February 7, 2022

Agreed to by the Senate, February 10, 2022

WHEREAS, Firefighter Christopher George Griffin, a member of Norfolk Fire-Rescue, died October 1, 2021, after battling occupational brain cancer; and

WHEREAS, Firefighter Griffin was born in Scranton, Pennsylvania, and resided in Suffolk at the time of his passing; and

WHEREAS, Firefighter Griffin joined the Chinchilla Hose Company of South Abington Township when he was just 14 years old; he enjoyed a 24-year career with the department and rose through the ranks to become fire chief; and

WHEREAS, after relocating to Virginia in 2012, Firefighter Griffin joined Norfolk Fire-Rescue and bravely served the community as a member of Stations 2, 7, 10, 12, and 13; and

WHEREAS, Firefighter Griffin was a genuine friend and a trusted mentor to many of his fellow public safety officers, and his passion and dedication for the profession were unmistakable; and

WHEREAS, Firefighter Griffin was a member of Waverly Masonic Lodge No. 301 and the Lackawanna Royal Arch Chapter No. 185 in Pennsylvania; and

WHEREAS, defined by his selflessness and compassion, Firefighter Griffin dedicated his life to service and always put the needs of others above his own; and

WHEREAS, Firefighter Griffin brought joy to others through his jovial sense of humor and loved to make people laugh; and

WHEREAS, Firefighter Griffin will be fondly remembered and greatly missed by his loving wife of 13 years, Aimee Jenkins-Griffin; son, David Hunter Griffin; mother, Sandra Sterling Griffin; sister, Shannon Sacchetti, father-in-law and mother-in-law, David and Linda Jenkins; and numerous other family members, friends, and fellow firefighters; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Firefighter Christopher George Griffin, a tireless hero who dedicated nearly 10 years of his life to serving and safeguarding Norfolk residents; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Firefighter Christopher George Griffin as an expression of the General Assembly's gratitude for his service to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 172

Commending Chief Justice Donald W. Lemons.

Agreed to by the House of Delegates, February 7, 2022

Agreed to by the Senate, February 10, 2022

WHEREAS, Chief Justice Donald W. Lemons has served in every level of the Virginia judiciary, as a Substitute Judge on the General District Court and Juvenile and Domestic Relations Court for the City of Richmond; a Judge on the Circuit Court for the City of Richmond in the 13th Judicial Circuit; a Judge on the Court of Appeals of Virginia; a Justice on the Supreme Court of Virginia; and since 2015, the Chief Justice of the Supreme Court of Virginia; and

WHEREAS, Chief Justice Donald W. Lemons prized the advancement of legal knowledge. After graduating from the University of Virginia School of Law in 1976, Chief Justice Lemons joined his alma mater as an Assistant Dean and Assistant Professor of Law. During his later service on the bench, he was chosen as the A.L. Philpott Distinguished Adjunct Professor of Law and the John Marshall Professor of Judicial Studies at the University of Richmond School of Law and as a Distinguished Professor of Judicial Studies at the Washington and Lee University School of Law. He was named a Jessine Monaghan Fellow at the Washington and Lee University School of Law in recognition of his excellence in teaching law; and

WHEREAS, Chief Justice Donald W. Lemons' love of legal history and devotion to professionalism was recognized and honored by being selected as Master of the Bench for the John Marshall Inn of Court and the Lewis F. Powell, Jr. Inn of

Court; President of the John Marshall Inn of Court in 2002; Honorary Bencher for the Middle Temple Inns of Court in London; and President of the American Inns of Court from 2010-2014; and

WHEREAS, Chief Justice Donald W. Lemons received countless awards for his service to the ideals of the law in our Commonwealth. Among them are the Virginia State Bar's Rakes Leadership in Education Award; the Dean's Medal for Judicial Excellence by the George Mason University Antonin Scalia Law School; the Rule of Law Day, Civility in the Law Award by the Virginia Law Foundation and Virginia Holocaust Museum; the Virginia Bar Association's Gerald L. Baliles Distinguished Service Award; and the American Inns of Court Lewis F. Powell Jr. Award for Professionalism and Ethics; and

WHEREAS, Chief Justice Donald W. Lemons contributed to many legislative reforms that improved the Virginia judiciary. Included among these efforts was his service as a member of a House and Senate Joint Subcommittee to study the domestic relations laws of Virginia, resulting in the adoption of the Equitable Distribution statute; his advocacy for the legislative approval of drug treatment courts that judicially monitor and supervise addicts in drug-related cases; his support for the legislative merger of law and equity procedures in Virginia courts; and his studied recommendation in favor of the recent legislative expansion of the jurisdiction of the Court of Appeals of Virginia; and

WHEREAS, in his role as Chief Justice Donald W. Lemons of the Supreme Court of Virginia, Lemons sagaciously balanced the competing demands of constancy and change. His leadership style respected the traditions of the past while embracing the never-ending task of initiating reforms for a better future. His emphasis on calm professionalism, both among judges and lawyers, was a wholesome force during challenging times. All of these characteristics showed their worth in recent memory when the Supreme Court of Virginia faced the challenge of providing access to Virginia courts during a pandemic and when the Supreme Court of Virginia performed its constitutional task of presiding over the judicial creation of the first nonpartisan legislative and congressional voting districts in the history of our Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Chief Justice Donald W. Lemons, for his dedicated service and inspired leadership as Chief Justice of the Supreme Court of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation in honor of Chief Justice Donald W. Lemons, as an expression of the General Assembly's gratitude and appreciation.

HOUSE JOINT RESOLUTION NO. 173

Commending Ernest Cash.

Agreed to by the House of Delegates, February 7, 2022

Agreed to by the Senate, February 10, 2022

WHEREAS, Ernest Cash has greatly served the residents of Amherst County for 50 years through his involvement with the Monelison Volunteer Fire Department in Madison Heights; and

WHEREAS, Ernest "Ernie" Cash was inspired by a former employer to join the Monelison Volunteer Fire Department; he enlisted with the unit in 1971 and quickly became enamored with the work, constantly thinking of ways to improve his abilities as a firefighter; and

WHEREAS, as a result of his enthusiasm, commitment to service, and leadership abilities, Ernie Cash was named chief of the Monelison Volunteer Fire Department, a position he carried out with a great sense of honor and duty until he retired from active service in 2017; and

WHEREAS, to honor his extraordinary career, the Monelison Volunteer Fire Department retired Ernie Cash's service number upon his retirement, encouraging future members of the department to reflect upon his remarkable legacy; and

WHEREAS, dedicated to the well-being of his fellow firefighters and the institution he has served, Ernie Cash regularly attends meetings of the Central Virginia Firefighters' Association and assists Monelison Volunteer Fire Department fund drives; and

WHEREAS, Ernie Cash continues to teach courses at the Amherst County fire academy, preparing the next generation of firefighters for any challenge or circumstance they might face; and

WHEREAS, Ernie Cash's accomplishments with the Monelison Volunteer Fire Department over the years were made possible through the love and support of his wife, Tina, and his children; and

WHEREAS, through his tireless commitment to the safety and well-being of others, Ernie Cash has made a profound and lasting impact on the Amherst County community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Ernest Cash for his 50 years of service in support of the Monelison Volunteer Fire Department; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ernest Cash as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 174

Celebrating the life of Victor J. Kimm.

Agreed to by the House of Delegates, February 7, 2022

Agreed to by the Senate, February 10, 2022

WHEREAS, Victor J. Kimm, an esteemed government executive, environmental management and public policy expert, and active and beloved member of the McLean community, died on November 19, 2021; and

WHEREAS, born and raised in Brooklyn, New York, Victor Kimm graduated from Brooklyn Technical High School before earning bachelor's and master's degrees in civil engineering from Manhattan College and New York University; he later studied economics and public administration at Princeton University through a national public affairs fellowship; and

WHEREAS, early in his career, Victor Kimm was a volunteer community developer in rural Mexico and later an engineering consultant for entities in Latin America; following a stint at the United States Economic Development Administration and his academic fellowship at Princeton University, he took a senior position at the newly established United States Environmental Protection Agency (EPA), where he remained for more than 30 years; and

WHEREAS, Victor Kimm held several prominent positions throughout his tenure with the EPA, including director of the Office of Drinking Water, where he helped implement the Safe Drinking Water Act of 1974, and deputy assistant administrator of the former Office of Pesticides and Toxic Substances, where he oversaw the agency's resources for licensing new pesticides and industrial chemicals and controlling hazardous substances; and

WHEREAS, in recognition of his extraordinary efforts as a leader in implementing environmental policy that enhanced the well-being of millions of Americans, Victor Kimm was recipient of the Presidential Rank Award for Meritorious Senior Executive in 1989; and

WHEREAS, beyond his work with the EPA, Victor Kimm advised the World Health Organization and United Nations on environmental management and regional development issues and taught environmental management and public policy at the University of Southern California; and

WHEREAS, for nearly three decades, Victor Kimm gave generously of his time to Share of McLean, a volunteer-run nonprofit organization that provides emergency assistance to individuals and families in Northern Virginia; and

WHEREAS, Victor Kimm served as president and held various positions on the board of Share of McLean during his time with the organization and in 2010 was honored with the Outstanding Community Citizen award by the Greater McLean Chamber of Commerce for his tireless efforts to help those in need; and

WHEREAS, Victor Kimm will be fondly remembered and dearly missed by his loving wife of 63 years, Patricia; his children, Kevin, Terence, Victoria, Stephen, and Kathleen, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Victor J. Kimm, a cherished member of the McLean community whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Victor J. Kimm as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 175

Commending Weldon Edwards.

Agreed to by the House of Delegates, February 7, 2022

Agreed to by the Senate, February 10, 2022

WHEREAS, Weldon Edwards, a respected member of the Richmond community, broke down racial barriers as the first African American student-athlete at the University of Richmond in 1970; and

WHEREAS, Weldon Edwards grew up in Richmond and attended Maggie L. Walker High School, where he was a star member of the track and football teams; and

WHEREAS, in 1969, Weldon Edwards participated in the Amateur Athletic Union Junior Olympic Games in San Diego and gained the attention of college football recruiters from Dartmouth College, the University of Pennsylvania, the University of Nebraska, Temple University, and the University of Hawaii; and

WHEREAS, Weldon Edwards ultimately accepted an offer from the University of Richmond, taking the advice of his mother, Amanda, who knew several individuals from the university through her job at the Rotunda Club at the Jefferson Hotel; and

WHEREAS, wearing the number 22 jersey, Weldon Edwards took the field for the University of Richmond as a member of the freshmen football team in 1970; he encountered instances of discrimination on campus but forged many strong bonds with his fellow teammates and paved the way for other African American athletes and students at the institution; and

WHEREAS, Weldon Edwards joined the varsity football team in his sophomore year and scored two long touchdowns in the University of Richmond's season opener against the University of North Carolina, but unfortunately suffered a major knee injury in the following game; and

WHEREAS, after his recovery, Weldon Edwards played as a defensive back and presented a significant challenge for opposing offenses through his strength and speed; in 1972, he won the 60-yard dash at the Southern Conference Indoor Track and Field meet and earned a berth in the National Collegiate Athletic Association Division I Indoor Track and Field Championships; and

WHEREAS, Weldon Edwards graduated from the University of Richmond with a bachelor's degree in sociology; he attended tryouts for the World Football League and the National Football League and had signed a contract with what was then the Washington Redskins before sustaining another knee injury; and

WHEREAS, Weldon Edwards remained committed to honing his athletic abilities and was active in the Richmond community as a member of local flag football and softball teams; and

WHEREAS, Weldon Edwards served as an assistant football coach at the University of Richmond and worked for Loveland Distributing and Phillip Morris, then began a long and successful career with The Auto Connection as a car salesman; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Weldon Edwards for his trailblazing accomplishments as the first African American student-athlete at the University of Richmond; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Weldon Edwards as an expression of the General Assembly's admiration for his personal and professional achievements.

HOUSE JOINT RESOLUTION NO. 176

Commending Keswick Hunt Club.

Agreed to by the House of Delegates, February 11, 2022

Agreed to by the Senate, February 24, 2022

WHEREAS, for 125 years, Keswick Hunt Club has promoted responsible hunting as a family-friendly outdoor activity, while supporting conservation efforts and building a strong sense of community in the Virginia Piedmont; and

WHEREAS, founded in 1896, Keswick Hunt Club draws upon and preserves the long-established traditions of foxhunting in the Commonwealth that date back to early colonial settlements; and

WHEREAS, the members of Keswick Hunt Club conduct hunts on designated land in the Counties of Albemarle, Louisa, Madison, and Orange, and generations of club members and visitors have benefited from the club's activities; and

WHEREAS, the hunting hounds at Keswick Hunt Club are well cared for by professional staff members, and they are highly trained to ensure their own safety; and

WHEREAS, Keswick Hunt Club engages with young people through local 4-H clubs and other organizations, and in 2021, 20 of the club's junior members received the Fairly Hunted Award, a youth achievement award from the Masters of Foxhounds Association; and

WHEREAS, Keswick Hunt Club has become a cherished community center in the region and hosted countless parties, picnics, horse shows, and other gatherings throughout its history; and

WHEREAS, Keswick Hunt Club has thrived over the years thanks to the hard work of the club's volunteers and professional staff members, as well as the generosity of partners, donors, and local landowners; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Keswick Hunt Club on the occasion of its 125th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Keswick Hunt Club as an expression of the General Assembly's appreciation for the club's legacy of contributions to the hunting community and the residents of the Virginia Piedmont.

HOUSE JOINT RESOLUTION NO. 177

Celebrating the life of Jon Kevin Griffin.

Agreed to by the House of Delegates, February 7, 2022

Agreed to by the Senate, February 10, 2022

WHEREAS, Jon Kevin Griffin of Saltville, a generational athlete who excelled in multiple sports at Northwood High School and Concord University, died on January 8, 2022; and

WHEREAS, born to a military family, Jon Griffin grew up on United States Air Force bases in several states and in other countries around the world; he was a talented soccer player in his youth and impressed coaches and teammates alike for his unrivaled touch on the ball and natural scoring ability; and

WHEREAS, after settling in the Commonwealth in 1990, Jon Griffin continued to hone his abilities as a multisport athlete at Northwood High School in Saltville; and

WHEREAS, as a member of the basketball team, Jon Griffin was well known for his ability to control the flow of a game and score almost at will; he recorded 1,264 career points, including 51 points in a single game, and 385 assists; and

WHEREAS, Jon Griffin excelled in football, scoring five touchdowns as the quarterback in a game that helped the Northwood High School Panthers break a 16-game losing streak; and

WHEREAS, the following season, Jon Griffin played primarily at wingback and kicked extra points and field goals; he led the Hogoheegee District in scoring with 105 points and was named the Southwest Virginia Offensive Back of the Year by the *Bristol Herald Courier*; and

WHEREAS, Jon Griffin's athletic prowess and versatility were on full display on the baseball team, where he was the leadoff batter and played pitcher, shortstop, third baseman, and outfielder; and

WHEREAS, Jon Griffin earned all-state selections in all three sports; he was a paragon of sportsmanship, helping his teammates achieve greater heights and developing strong relationships based on mutual respect with his opponents; and

WHEREAS, Jon Griffin earned a basketball scholarship to Concord University in West Virginia and scored 1,458 points over the course of four seasons on the university's basketball team; and

WHEREAS, Jon Griffin subsequently served as an assistant basketball coach at Columbus State University, from which he earned a master's degree, then pursued a career in special education; and

WHEREAS, Jon Griffin was a trusted mentor and a passionate advocate for his students, who always put the needs of others before his own; and

WHEREAS, Jon Griffin will be fondly remembered and greatly missed by his wife, Stacy; his daughter, Aubrey; his stepchildren, A.J. and Aiyira; his parents, Jay and Marti; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Jon Kevin Griffin, an outstanding athlete and highly admired member of the Saltville community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Jon Kevin Griffin as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 178

Celebrating the life of Nicole DeMasters Bendily.

Agreed to by the House of Delegates, February 7, 2022

Agreed to by the Senate, February 10, 2022

WHEREAS, Nicole DeMasters Bendily, an esteemed law-enforcement officer who admirably served the citizens of Virginia Beach as a lieutenant with the Virginia Beach Sheriff's Office, died on October 18, 2021; and

WHEREAS, a native of Norfolk, Nicole Bendily graduated from First Colonial High School in Virginia Beach before earning a bachelor's degree in business administration from Columbia Southern University; and

WHEREAS, Nicole Bendily joined the Virginia Beach Sheriff's Office on July 1, 2002, and rose to the rank of lieutenant over her distinguished, 19-year career with the agency; and

WHEREAS, Nicole Bendily masterfully supported the operations of several divisions within the Virginia Beach Sheriff's Office during her career, including correctional operations, intake and release, the professional standards office, and ultimately the medical division; and

WHEREAS, dedicated to fostering the development of young officers, Nicole Bendily was an instructor certified by the Virginia Department of Criminal Justice Services who taught ethics and other topics to recruits at academies in the Commonwealth; and

WHEREAS, Nicole Bendily played an instrumental role in the formation of the Virginia Beach Sheriff's Office's criminal intelligence unit and helped to investigate and prosecute the first Racketeer Influenced and Corrupt Organizations Act case in Virginia Beach; and

WHEREAS, committed to the well-being of the community she served, Nicole Bendily was a driving force behind the Virginia Beach Sheriff's Office's involvement with Special Olympics Virginia and other noteworthy causes; and

WHEREAS, a devoted wife and mother, Nicole's daughters MacKenzie and Samantha were the center of her world and her daily inspiration for serving and protecting others to the utmost of her ability; and

WHEREAS, Nicole Bendily will be fondly remembered and dearly missed by her loving husband of 27 years, Jesse; her children, MacKenzie and Samantha; her father, Gene; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Nicole DeMasters Bendily, a respected law-enforcement officer and beloved member of the Virginia Beach community whose unbounded kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Nicole DeMasters Bendily as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 179

Commending the Honorable Paul S. Tribble, Jr.

Agreed to by the House of Delegates, February 2, 2022

Agreed to by the Senate, February 3, 2022

WHEREAS, for almost 50 years the Honorable Paul S. Tribble, Jr., has served the citizens of Virginia with integrity and excellence as an Assistant United States Attorney for the Eastern District of Virginia, Commonwealth's Attorney of Essex County, United States Congressman, United States Senator, and President of Christopher Newport University; and

WHEREAS, on January 1, 1996, Paul Tribble became the fifth president of Christopher Newport University, and his vision and leadership have led to the growth of one of America's preeminent public liberal arts universities; and

WHEREAS, Paul Tribble envisioned the creation of a great university for America that cared about minds and hearts and that would inspire students to choose to live lives of meaning, consequence, and purpose—a life of significance—as it is now called at Christopher Newport University; and

WHEREAS, during Paul Tribble's tenure, applications to Christopher Newport University have increased by 700 percent; the average GPA of entering students has soared from 2.6 to 3.8; the number of full-time students has increased to 5,000; and the institution's four-year graduation rate is now one of the highest among all public colleges and universities in the United States; and

WHEREAS, with the strong support of the General Assembly, Christopher Newport University offers a beautiful campus, great teaching, a rich and rigorous academic curriculum in the liberal arts and sciences, and a marvelous sense of community where people speak, smile, support, and encourage each other; and

WHEREAS, Paul Tribble has emphasized the values of leadership, honor, and service in the life of Christopher Newport University through the President's Leadership Program, the Center for Community Engagement, and the Wason Center for Civic Leadership and through superb academic programs in Leadership and American Studies; and

WHEREAS, Paul Tribble has profoundly contributed to the economic and cultural life of the Virginia Peninsula, Hampton Roads, and the Commonwealth through the creation of the Ferguson Center for the Performing Arts, the Mary M. Torggler Fine Arts Center, and the Christopher Newport University Center for Community Engagement, which enables students to perform over 100,000 hours of community service each year; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Honorable Paul S. Tribble, Jr., for his outstanding service to all citizens of the Commonwealth, to the more than 25,000 graduates of Christopher Newport University during his long and distinguished tenure, and to the Virginians who will attend the institution in the future; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Paul S. Tribble, Jr., as an expression of the General Assembly's admiration for his achievements on behalf of the Commonwealth and the Christopher Newport University community.

HOUSE JOINT RESOLUTION NO. 180

Commending Todd Foreman.

Agreed to by the House of Delegates, February 7, 2022

Agreed to by the Senate, February 10, 2022

WHEREAS, Todd Foreman, a dedicated law-enforcement officer with decades of experience, retired as chief of the Bedford Police Department in 2022; and

WHEREAS, Todd Foreman served his country as a member of the United States Army National Guard from 1983 to 2001; and

WHEREAS, Todd Foreman worked at Dillwyn Correctional Center from 1993 to 1996, when he joined the Bedford Police Department; and

WHEREAS, Todd Foreman offered his expertise to the Bedford Police Department's community policing team and was promoted to patrol sergeant in 2002 and lieutenant in 2009; and

WHEREAS, after becoming chief of police in 2014, Todd Foreman studied best practices and other local, state, and federal law-enforcement initiatives to keep the Bedford community safe and ensure that officers had the best possible tools and training to serve and protect local residents; and

WHEREAS, as chief of the Bedford Police Department, Todd Foreman worked diligently to stay engaged with the public and oversaw numerous successful investigations in the region; and

WHEREAS, highly admired by his peers in law enforcement, Todd Foreman graduated from FBI National Academy Session 237 in 2009 and served as a member of International Association of Chiefs of Police, including terms as chair of the Crime Prevention Committee from 2008 to 2020; and

WHEREAS, among many awards and accolades, Todd Foreman was selected as Officer of the Year by the Bedford Area Chamber of Commerce in 1998; and

WHEREAS, Todd Foreman's legacy will live on through the outstanding officers he mentored and inspired, and he leaves the Bedford Police Department well prepared to continue safeguarding the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Todd Foreman on the occasion of his retirement as chief of the Bedford Police Department; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Todd Foreman as an expression of the General Assembly's admiration for his achievements in service to the residents of Bedford County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 181

Commending Erin Rettig.

Agreed to by the House of Delegates, February 7, 2022

Agreed to by the Senate, February 10, 2022

WHEREAS, Erin Rettig, a school counselor at Ridge Elementary School in Henrico County, was named the Elementary School Counselor of the Year by the Virginia School Counselor Association on April 30, 2021; and

WHEREAS, the Virginia School Counselor Association presented the award to Erin Rettig during an event at Ridge Elementary School on April 30, 2021, and subsequently honored her as part of its annual conference in October 2021; and

WHEREAS, the award recognizes Erin Rettig's ability to implement a comprehensive school counseling program based on the American School Counselor Association's guidelines and her accomplishments in promoting the value of her profession in the community; and

WHEREAS, Erin Rettig is a Virginia Beach native who earned a bachelor's degree in psychology from James Madison University and a master's degree in school counseling from Virginia Commonwealth University before joining the staff of Ridge Elementary School in 2004; and

WHEREAS, Erin Rettig was certified in school counseling in 2020 by the National Board for Professional Teaching Standards, one of the highest distinctions of her profession and an indication of her unwavering commitment to her work; and

WHEREAS, Erin Rettig brings exceptional enthusiasm every day to her role at Ridge Elementary School, fostering an inclusive and supportive environment in which both students and faculty can thrive; and

WHEREAS, through her steadfast dedication to her students and fellow educators, Erin Rettig has helped countless young people succeed both in and out of the classroom; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Erin Rettig for being named the Virginia School Counselor Association's 2021 Elementary School Counselor of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Erin Rettig as an expression of the General Assembly's admiration for her contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 182

Commending Kellean K. Gale.

Agreed to by the House of Delegates, February 7, 2022

Agreed to by the Senate, February 10, 2022

WHEREAS, Kellean K. Gale, a dedicated local journalist, works to inform and educate the residents of Floyd County as owner, editor, and publisher of a community newspaper, the *Floyd Beacon*; and

WHEREAS, Kellean Gale grew up near Detroit, Michigan, and spent summers in her youth at her grandmother's farm in Paducah, Kentucky, gaining an appreciation for both urban and rural ways of life from a young age; and

WHEREAS, Kellean Gale cultivated a passion for exploring new cultures, languages, and traditions, which spurred an interest in history and anthropology; and

WHEREAS, after serving in the United States Navy, Kellean Gale began attending classes at St. Louis Community College-Florissant Valley, then transferred to the University of Missouri-St. Louis and graduated summa cum laude from the Pierre Laclède Honors College; and

WHEREAS, Kellean Gale worked as a professional tutor for a government program supporting middle and high schools in high-poverty areas and later served as a docent at the National Museum of Transportation in St. Louis; and

WHEREAS, in 1986, Kellean Gale returned to Paducah, Kentucky, to support a family member's campaign for county sheriff and was subsequently recognized as a Kentucky Colonel for her contributions to local government; and

WHEREAS, after settling in Virginia in 2011, Kellean Gale became an active member of the Floyd County community and sought opportunities to enhance the quality of life throughout the region; and

WHEREAS, Kellean Gale was inspired to create a local newsletter to help elevate voices in the community and published the first 12-page edition of the *Floyd Beacon* on September 1, 2020, with technical support from her husband, Michael; and

WHEREAS, since then, Kellean Gale has partnered with local contributors to provide comprehensive articles on current events, local government policies and decisions, and other stories of interest in Southwest Virginia through bimonthly editions of the *Floyd Beacon*; and

WHEREAS, in addition to fostering a strong sense of community in Floyd County, Kellean Gale has supported organizations, small businesses, and church congregations through the *Floyd Beacon*; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Kellean K. Gale for her achievements on behalf of Floyd County residents as owner, editor, and publisher of the *Floyd Beacon*; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kellean K. Gale as an expression of the General Assembly's admiration for her contributions to local journalism in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 183

Commending Michael D. Gale.

Agreed to by the House of Delegates, February 7, 2022

Agreed to by the Senate, February 10, 2022

WHEREAS, Michael D. Gale strives to inform and educate the residents of Floyd County through his work on the community newspaper, the *Floyd Beacon*; and

WHEREAS, Michael Gale grew up on the Eastern Shore of Maryland and achieved the rank of Eagle Scout in the Boy Scouts of America in his youth; and

WHEREAS, Michael Gale served his country as an electronics technician in the United States Air Force and later studied engineering and computer science; and

WHEREAS, throughout the 1980s and 1990s, Michael Gale was employed by or was a consultant for AT&T Information Systems, AT&T Bell Laboratories, AT&T Communications, and Lucent Technologies, among others; and

WHEREAS, in 2003, Michael Gale began consulting for the United States Department of Defense on logistics projects for the deployment and maintenance of complex computer systems; and

WHEREAS, after settling in Virginia in 2011, Michael Gale became an active member of the Floyd County community and sought opportunities to enhance the quality of life throughout the region; and

WHEREAS, Michael Gale provided technical support when his wife, Kellean, was inspired to create a local newsletter to help elevate voices in the community, and the first 12-page edition of the *Floyd Beacon* was published on September 1, 2020; and

WHEREAS, Michael Gale has helped the *Floyd Beacon* thrive by writing articles, maintaining financial records, and overseeing distribution, as well as continuing to provide technical support for the newspaper's website and electronic editions; and

WHEREAS, since then, Michael and Kellean Gale have partnered with local contributors to provide comprehensive articles on current events, local government policies and decisions, and other stories of interest in Southwest Virginia through bimonthly editions of the *Floyd Beacon*; and

WHEREAS, in addition to fostering a strong sense of community in Floyd County, Michael Gale has supported organizations, small businesses, and church congregations through the *Floyd Beacon*; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Michael D. Gale for his achievements on behalf of Floyd County residents through his work on the *Floyd Beacon*; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Michael D. Gale as an expression of the General Assembly's admiration for his contributions to local journalism in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 184

Commending Liberty University.

Agreed to by the House of Delegates, February 7, 2022

Agreed to by the Senate, February 10, 2022

WHEREAS, Liberty University, an institution of higher education in Lynchburg that has provided academic and spiritual guidance to thousands of young people, celebrated its 50th anniversary starting in fall 2021; and

WHEREAS, Liberty University's founder, Jerry Falwell, Sr., shared his plans for Lynchburg Baptist College, which would become Liberty University, with his congregation at Thomas Road Baptist Church in Lynchburg in 1971; and

WHEREAS, a year later, a Bible institute was established at Lynchburg Baptist College under the direction of Dr. Harold Willmington, while a parcel of Liberty Mountain in Lynchburg was purchased to be used as the future site of Liberty University; and

WHEREAS, Liberty University held its first commencement on May 22, 1974, and its enrollment exceeded 1,000 students for the first time the same year; by 2020, the school had more than 100,000 students enrolled both residentially and online; and

WHEREAS, Lynchburg Baptist College was renamed Liberty Baptist College in 1975 and later Liberty University in 1985, reflecting the institution's transformation into a diverse and global academic community; and

WHEREAS, Liberty University's campus on Liberty Mountain opened in 1978 and the school received full accreditation as a liberal arts college from the Southern Association of Colleges and Schools Commission on Colleges two years later; and

WHEREAS, Liberty University has expanded its academic offerings over the years by incorporating various new disciplines and programs of study while establishing schools for law, business, osteopathic medicine, divinity, education, engineering, and more; and

WHEREAS, the Liberty University Flames' athletics program began with a men's basketball team in 1972 and has grown substantially over the years to now include 18 different sports teams competing at the National Collegiate Athletic Association Division I level; and

WHEREAS, the year-long anniversary celebration that began in fall 2021 offers the Liberty University community an opportunity to reflect on the school's legacy and to envision its future; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Liberty University on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jerry Prevo, president of Liberty University, as an expression of the General Assembly's admiration for the institution's contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 185

Celebrating the life of Mildred Fayette Odom Graves.

Agreed to by the House of Delegates, February 7, 2022

Agreed to by the Senate, February 10, 2022

WHEREAS, Mildred Fayette Odom Graves, an esteemed educator and businesswoman and a beloved member of the Norfolk community, died on January 13, 2022; and

WHEREAS, a native of Norfolk, Mildred Graves graduated with honors from Booker T. Washington High School before earning a bachelor's degree in education from the former Virginia State College, where she was a member of the dance and drama clubs; and

WHEREAS, for more than 25 years, Mildred Graves enjoyed a distinguished career as an educator with Norfolk Public Schools, contributing greatly to the success and well-being of her many students; and

WHEREAS, in 1953, Mildred Graves and her husband, Thomas, founded Graves Funeral Home in Norfolk to provide the African American community in Hampton Roads with a first-class establishment for its funeral needs; and

WHEREAS, Mildred Graves' legacy will endure through Graves Funeral Home, which continues to be owned and operated by her son and grandsons and which will remain a pillar of the community for many years to come; and

WHEREAS, a devoted wife and mother, Mildred Graves had the wonderful pleasure of watching her children reach remarkable heights in their careers, with a son who played for the world-champion Pittsburgh Steelers of the National Football League and a daughter who was a principal dancer for the prestigious Dance Theatre of Harlem; and

WHEREAS, preceded in death by her loving husband, Thomas Graves, Jr., Mildred Graves will be fondly remembered and dearly missed by her children, Thomas Graves III and Lorraine Graves; her daughter-in-law Delegate Angelia Williams Graves; her grandsons, Thomas Graves IV and Jason Graves; and her great-grandsons, Thomas V and Aston; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Mildred Fayette Odom Graves, accomplished wife, mother, educator, and businesswoman whose dignity, humility, and grace were an inspiration to all who knew her; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Mildred Fayette Odom Graves as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 186

Commending the Williamsburg Farmers Market.

Agreed to by the House of Delegates, February 17, 2022

Agreed to by the Senate, February 24, 2022

WHEREAS, the Williamsburg Farmers Market, which was established in 2002 by its founding sponsors: the City of Williamsburg, the Colonial Williamsburg Foundation, the Williamsburg Land Conservancy, and the Merchants Square Association, celebrates its 20th anniversary in 2022; and

WHEREAS, the Williamsburg Farmers Market has provided healthy, regionally produced food to individuals from all economic levels of the community, featuring more than 60 Virginia-based producer-vendors of vegetables, fruits, meats, seafood, mushrooms, nuts, honey, dairy products, wines, cider, baked goods, soups, jams, and pasta, as well as producer-vendors of flowers and plants, natural decorations, and soaps; and

WHEREAS, part of the Virginia Department of Agriculture and Consumer Service's Virginia Grown initiative, the Williamsburg Farmers Market has promoted sustainable agricultural and business practices in the region, stimulating the local farm economy and helping preserve farmland in the Commonwealth; and

WHEREAS, operating weekly at a premier location on Duke of Gloucester Street, the Williamsburg Farmers Market attracts more than 50,000 annual customers and produces in excess of \$1,000,000 in annual revenue among its vendors; and

WHEREAS, by offering scholarships for agricultural and market courses of study, the Williamsburg Farmers Market has fostered the growth and development of numerous vendors and aspiring farmers; and

WHEREAS, the Williamsburg Farmers Market has created a fun, educational venue that enhances the historic role of the Williamsburg town center through various activities, including local entertainment, a chef's tent featuring fresh, seasonal ingredients, and a "Power of Produce Club" to introduce young people to healthy eating; and

WHEREAS, by giving customers the opportunity to interact directly with those who grow, raise, catch, harvest, gather, cure, ferment, bake, and prepare the foods we eat, the Williamsburg Farmers Market has helped make the Commonwealth a wonderful place to live, work, and play; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Williamsburg Farmers Market on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mike Westfall, chair of the Williamsburg Farmers Market, as an expression of the General Assembly's admiration for the organization's contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 187

Commending the Lafayette High School football team.

Agreed to by the House of Delegates, February 14, 2022

Agreed to by the Senate, February 17, 2022

WHEREAS, the Lafayette High School football team of James City County won the Virginia High School League Class 3 State Championship at Sanford B. Wanner Stadium in Williamsburg on May 1, 2021; and

WHEREAS, the Lafayette High School Rams defeated the Lord Botetourt High School Cavaliers of Daleville by a score of 27-13 to finish the season undefeated and bring home the team's first state title since 2001; and

WHEREAS, despite losing the lead in the third quarter, the Lafayette Rams marched steadfastly to victory, sealing the game in dramatic fashion in the final minutes when Mike Green converted a botched punt snap into a 40-yard touchdown run; and

WHEREAS, the Lafayette Rams were carried by the dominating performance of its defense, which forced several clutch turnovers, and standout play from the offense, which capitalized on scoring opportunities throughout the day; and

WHEREAS, the success of the Lafayette Rams is the result of the hard work and dedication of the student athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of the entire Lafayette High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Lafayette High School football team for winning the Virginia High School League Class 3 State Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Andy Linn, head coach of the Lafayette High School football team, as an expression of the General Assembly's admiration for the team's achievement.

HOUSE JOINT RESOLUTION NO. 188

Celebrating the life of John Richard Gonzales.

Agreed to by the House of Delegates, February 14, 2022

Agreed to by the Senate, February 24, 2022

WHEREAS, John Richard Gonzales, a renowned chef, accomplished author, and beloved member of the Williamsburg community, died on October 31, 2021; and

WHEREAS, a graduate of Christchurch School, John Gonzales briefly played soccer at Hope College before discovering his passion to be a chef; he then went on to apprentice with the five-star Williamsburg Inn and graduated from the Culinary Institute of America; and

WHEREAS, John Gonzales embarked upon his illustrious culinary career as an executive chef at some of the premier dining destinations in the Washington, D.C., metropolitan area, including the Jockey Club at the Ritz Carlton in Fairfax, the Watergate Hotel in Washington, D.C., and the Deer Park Inn in Maryland; and

WHEREAS, John Gonzales would go on to oversee major food operations in the Commonwealth, serving as a consultant and executive chef for the Colonial Williamsburg Foundation, as well as corporate executive chef for the large-scale food suppliers Virginia Foodservice Group and Performance Foodservice Group; and

WHEREAS, in addition to his work in the kitchen, John Gonzales authored two celebrated cookbooks on behalf of the Colonial Williamsburg Foundation, *The Colonial Williamsburg Tavern Cookbook* (2001) and *Holiday Fare – Favorite Williamsburg Recipes* (2004); and

WHEREAS, in his latest venture as co-owner and executive chef of A Chef's Kitchen in Colonial Williamsburg's Merchants Square, John Gonzales enlivened his guests' dining experiences through his captivating and informative cooking demonstrations; and

WHEREAS, a prominent and active member of the Williamsburg community, John Gonzales participated in the annual Dancing With the Williamsburg Stars in 2019 to benefit Big Brothers Big Sisters of the Greater Virginia Peninsula and Literacy for Life at the Rita Welsh Adult Learning Center; and

WHEREAS, John Gonzales will be fondly remembered and dearly missed by his loving wife, Wanda; his children, Isaac, William, and Annabelle, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of John Richard Gonzales, an esteemed chef whose contributions to the Williamsburg community touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of John Richard Gonzales as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 189

Celebrating the life of Bertram Donald Aaron.

Agreed to by the House of Delegates, February 14, 2022

Agreed to by the Senate, February 21, 2022

WHEREAS, Bertram Donald Aaron, an esteemed entrepreneur, honorable veteran, lauded philanthropist, and beloved member of the Williamsburg community, died on December 31, 2021; and

WHEREAS, born in Newport News, Bertram "Bert" Donald Aaron earned a degree from what is now known as Virginia Polytechnic Institute and State University (Virginia Tech) in 1943, where he established the first signal unit for the school's Corps of Cadets; and

WHEREAS, following graduation, Bert' Aaron served his country with courage and valor as a member of the United States Army Signal Corps, attaining the rank of captain while serving in the Pacific Theater during World War II; and

WHEREAS, Bert' Aaron's experience and expertise with electronics technology led to positions as an aeronautical research scientist with the National Advisory Committee for Aeronautics, the predecessor to the National Aeronautics and Space Administration, and as an engineer with the United States Army Signal Corps, where he received commendations for his contributions to national defense; and

WHEREAS, Bert' Aaron founded the electronics firm BDAaron and Company in 1953 and would successfully develop and sell various devices over the years to enhance operations in the fields of electronics, medicine, computing, and optics; and

WHEREAS, dedicated to advancing the industry of electronic engineering, Bert' Aaron was one of the organizers of the first International Symposium on Electronics in 1967 and held senior membership with the Institute of Electrical and Electronics Engineers, serving on the board of its Microwave Theory and Techniques Society and chairing its chapters in Los Angeles and Long Island, New York; and

WHEREAS, Bert' Aaron was a well-known champion of the arts in the Tidewater Region, serving formerly as the chair of the Williamsburg Area Arts Commission and contributing mightily to the Virginia Symphony Orchestra's longevity in Williamsburg by helping to found the Virginia Symphony Society of Greater Williamsburg, now the Virginia Symphony Society, which he served as a board member for 25 years; and

WHEREAS, Bert' Aaron was active in the community through his involvement with the Kiwanis Club of Williamsburg and was also a passionate proponent for greater breast cancer awareness and research, organizing and chairing the first Virginia Breast Cancer Foundation symposium in Williamsburg to share the latest innovations in diagnosis and treatments with primary care practitioners in the region; and

WHEREAS, Bert' Aaron's legacy will endure in part through the endowed programs and positions that bear his name at several prominent institutions and organizations, including Christopher Newport University, the Cleveland Clinic, the Virginia Symphony Orchestra, and Hillel at Virginia Tech; additionally, he was recognized as the *Daily Press* Citizen of the Year in 2018 for his years of service to the community; and

WHEREAS, guided throughout his life by his faith, Bert' Aaron enjoyed worship and fellowship with his community at both Redef Sholom Congregation in Newport News and Temple Beth El of Williamsburg; and

WHEREAS, preceded in death by his first wife, Marcia, and his second wife, Judith, Bert' Aaron will be fondly remembered and dearly missed by his loving wife, Gladys; his children, Cynthia, Jill, and Harry, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Bertram Donald Aaron, a renowned entrepreneur and philanthropist whose unwavering commitment to the Williamsburg community touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Bertram Donald Aaron as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 190

Celebrating the life of Steven L. Ward.

Agreed to by the House of Delegates, February 14, 2022

Agreed to by the Senate, February 17, 2022

WHEREAS, Steven L. Ward, an esteemed businessman and beloved member of the Williamsburg and York County communities, died on November 27, 2021; and

WHEREAS, born in New Orleans, Steven "Steve" L. Ward and his family eventually settled in the Virginia Peninsula in 1968, and he went on to graduate from Denbigh High School in Newport News five years later; and

WHEREAS, as founder and owner of Eastern Floor Covering in Newport News and Yorktown, Steve Ward masterfully served the flooring needs of customers in the Virginia Peninsula and surrounding areas for more than 44 years; and

WHEREAS, known for his business acumen, Steve Ward supported the growth and development of York County as past president of the York County Chamber of Commerce; and

WHEREAS, an active and engaged citizen who gave amply of his time on behalf of his community, Steve Ward was a firefighter and rescue diver with the Newport News Fire Department for eight years; and

WHEREAS, unafraid to get loud, Steve Ward was a founding member of the rock band Joshua in the late 1960s and early 1970s and in more recent years loved to ride his custom-made Boss Hoss Cycles motorcycle; and

WHEREAS, preceded in death by his mother, Joyce, Steve Ward will be fondly remembered and dearly missed by his loving wife of 47 years, Mary; his children, Kristi and Daniel, and their families; his father, Claude; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Steven L. Ward, an accomplished businessman whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Steven L. Ward as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 191

Celebrating the life of Warren Ballinger French, Jr.

Agreed to by the House of Delegates, February 14, 2022

Agreed to by the Senate, February 17, 2022

WHEREAS, Warren Ballinger French, Jr., an active leader of the Shenandoah County community whose outsized life touched many corners of the Commonwealth, died on November 4, 2021; and

WHEREAS, the oldest of 10 children, Warren French was a graduate of Woodstock High School, Massanutten Military Academy, and the University of Virginia, where he earned a degree in electrical engineering; and

WHEREAS, already a student with the V-12 Navy College Training Program when the United States entered World War II, Warren French received accelerated training, left college, and went on to serve in the United States Navy's Pacific campaign as the executive officer of two Landing Craft Infantry assault ships and as captain of another; and

WHEREAS, following his service and the completion of his degree at the University of Virginia in 1947, Warren French worked as an engineer with AT&T Long Lines, first in Washington, D.C., and later in New York City; and

WHEREAS, feeling the pull of his beloved Shenandoah Valley, Warren French left AT&T in 1954 to become the general manager of the Farmers Mutual Telephone System of Shenandoah County; and

WHEREAS, from 1973 to his retirement in 1988, Warren French served as president of the Farmers Mutual Telephone System and its successors, the Shenandoah Telephone Company and later the Shenandoah Telecommunications Company, growing the company five-fold during his tenure; and

WHEREAS, Warren French was dedicated to fostering the independent phone industry and was highly involved with several industry associations on both the state and national level; in recognition of his efforts, he received the Organization for the Protection and Advancement of Small Telephone Companies' President's Award in 1988 and was inducted into the Independent Telecommunications Pioneer Association Hall of Fame in 1993; and

WHEREAS, Warren French was active in politics throughout his life, serving as chairman of the Republican Party of Virginia from 1970 to 1972 and supporting various politicians and campaigns over the years; and

WHEREAS, in recognition of his capable leadership, Warren French received two gubernatorial appointments to the University of Virginia Board of Visitors, and he served on the boards of Shenandoah Memorial Hospital and Blue Cross & Blue Shield of Virginia; and

WHEREAS, Warren French gave generously of his time with the Woodstock Rotary Club, where he served as president and was a Paul Harris fellow, and as president of the Shenandoah Area Council of the Boy Scouts of America; he was instrumental to the founding of the Shenandoah County Library and the Shenandoah Community Foundation; and

WHEREAS, guided throughout his life by his faith, Warren French enjoyed worship and fellowship with his community at Woodstock United Methodist Church, where he was a trustee and chairman of the administrative board; and

WHEREAS, preceded in death by his loving wife, Patricia, and his son Warren III, Warren French will be fondly remembered and dearly missed by his children, Anne, Cynthia, and Christopher, and their families and by numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Warren Ballinger French, Jr., whose many contributions to the Shenandoah Valley community and the Commonwealth touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Warren Ballinger French, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 192

Commending John Shaffer.

Agreed to by the House of Delegates, February 14, 2022

Agreed to by the Senate, February 17, 2022

WHEREAS, John Shaffer, director of marketing and public relations of the Luray Caverns Corporation, who has greatly supported the growth and development of the Page County tourist destination over the past half-century, retired in 2021; and

WHEREAS, John Shaffer initially served as a parking attendant at Luray Caverns in the 1960s before earning a bachelor's degree in business management from the Virginia Polytechnic Institute and State University in 1974; and

WHEREAS, John Shaffer returned to the Luray Caverns Corporation following graduation and has been an integral member of the organization ever since, assisting in nearly every aspect of its operations over his career; and

WHEREAS, in addition to roles in the sales office and as a tour guide and coordinator, John Shaffer notably assisted Leland Sprinkle in his efforts to build and tweak the world-famous "Great Stalacpipe Organ" within Luray Caverns; and

WHEREAS, an active and engaged member of his community, John Shaffer has served on the Luray Planning Commission and with the Luray-Page County Chamber of Commerce as both chairman of the Tourism Council and Marketing Committee and as a member of the board of directors; he is a longstanding member of the Luray Rotary Club; and

WHEREAS, although stepping away from day-to-day operations, John Shaffer will continue to serve as an emissary for the Luray Caverns Corporation in his retirement, representing the organization before various national associations and legislative bodies; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend John Shaffer, a pillar of the Luray Caverns Corporation over the past half-century, on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John Shaffer as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 193

Commending Angels of Assisi.

Agreed to by the House of Delegates, February 14, 2022

Agreed to by the Senate, February 17, 2022

WHEREAS, Angels of Assisi, a nonprofit animal welfare organization serving Southwest Virginia and West Virginia, celebrated its 20th anniversary in 2021; and

WHEREAS, Angels of Assisi goes beyond the role of a traditional animal shelter and adoption center by offering a multitude of services, including a community pet hospital, rural veterinary care, investigations into animal cruelty, disaster response, and a safety net program for pet owners dealing with domestic violence or emergency situations; and

WHEREAS, Angels of Assisi established its Harmony Farm Sanctuary in 2003 to shelter and protect farm animals who had been victims of cruelty or abuse; today, more than 200 animals call the farm home; and

WHEREAS, Angels of Assisi's impact in the community since it was founded in 2001 includes more than 80,000 wellness and sick exams, 7,500 cat sterilizations, 25,000 rehabilitations and adoptions, 125,000 spay and neuter surgeries, and 1,750 rescued animals; and

WHEREAS, in recognition of the extraordinary service it provides to the residents and animals of Roanoke, Angels of Assisi received Best of 2021 awards from *The Roanoker* in the categories of "Most Worthy Group to Donate To" and "Best Veterinarian Services"; and

WHEREAS, the accomplishments of Angels of Assisi are the result of the hard work and dedication of its staff and the unwavering generosity of its volunteers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Angels of Assisi on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lisa O'Neill, executive director of Angels of Assisi, as an expression of the General Assembly's admiration for the organization's contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 194

Commending Cheryl Hartman, Ph.D.

Agreed to by the House of Delegates, February 14, 2022

Agreed to by the Senate, February 17, 2022

WHEREAS, Cheryl Hartman, Ph.D., who has dedicated her career to the health and well-being of young people in the Roanoke Valley, was named the Roanoke Citizen of the Year by the Roanoke City Council on December 20, 2021; and

WHEREAS, the Roanoke City Council recognized Cheryl Hartman for her steadfast, data-driven efforts throughout her career to reduce the instances of school dropout, teenage pregnancy, obesity, and substance misuse among Roanoke's youth; and

WHEREAS, as a volunteer with the Junior League of Roanoke Valley, Cheryl Hartman established a teenage pregnancy prevention program to help young girls avoid the difficulties that may emerge when beginning a family at too early an age; and

WHEREAS, for 15 years, Cheryl Hartman was director of youth development at Family Service of the Roanoke Valley, an organization providing counseling and therapy services and life skills education to children and families; and

WHEREAS, Cheryl Hartman subsequently joined the Carilion Clinic in Roanoke, where she established an addiction treatment program for adolescents called "Back to Track," aiding many young people in their attempts to overcome substance abuse issues and lead successful, fulfilling lives; and

WHEREAS, Cheryl Hartman has mentored numerous future physicians and health care practitioners as a faculty member in the Department of Psychiatry and Behavioral Medicine at the Virginia Tech Carilion School of Medicine; and

WHEREAS, as grants project director at the Virginia Tech Carilion School of Medicine, Cheryl Hartman has developed a multitude of programs and initiatives that have improved public health in the region; and

WHEREAS, an active and engaged member of her community, Cheryl Hartman served as president of the Kiwanis Club of Roanoke from 2019-2020 and has given generously of her time to several local charities, including the community youth program at St. John's Episcopal Church in Roanoke; and

WHEREAS, Cheryl Hartman's various endeavors in the interest of public health have made the Roanoke Valley a more wonderful place for young people to grow and thrive; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Cheryl Hartman, Ph.D., for being named the Roanoke City Council's 2021 Roanoke Citizen of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Cheryl Hartman, Ph.D., as an expression of the General Assembly's admiration for her contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 195

Commending the Roanoke 100 Miler.

Agreed to by the House of Delegates, February 14, 2022

Agreed to by the Senate, February 17, 2022

WHEREAS, the Roanoke 100 Miler, an exercise program that has inspired countless residents of the Roanoke Valley to get out and get active, celebrates its 10th anniversary in 2022; and

WHEREAS, each January, the City of Roanoke's Department of Parks and Recreation organizes the Roanoke 100 Miler to challenge participants to walk, run, or hike 100 miles, or an equivalent number of 30-minute intervals of human-powered activity, in 100 days; and

WHEREAS, every year, hundreds of residents in the Roanoke Valley track their exercise through the Roanoke 100 Miler program, fostering a culture of health and wellness in the community; and

WHEREAS, during the 100 days, the Roanoke 100 Miler organizers hold special events and giveaways to encourage participants to stay focused and finish the program; and

WHEREAS, for its 10th anniversary, the Roanoke 100 Miler has moved to a digital platform, enabling participants to utilize their preferred tracking devices to log their activities while facilitating communication between both the program organizers and fellow participants; and

WHEREAS, the Roanoke 100 Miler was made possible through the visionary leadership of the City of Roanoke's Department of Parks and Recreation and the generous support of its sponsors, including Fleet Feet, Walkabout Outfitter, and Gold's Gym, which serves as the program's base camp in 2022; and

WHEREAS, by motivating individuals to remain active during the coldest months of the year, the Roanoke 100 Miler has greatly supported many residents of the Roanoke Valley in the pursuit of their fitness goals; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Roanoke 100 Miler on the occasion of its 10th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to organizers of the Roanoke 100 Miler as an expression of the General Assembly's admiration for the program's contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 196

Commending Shenandoah County.

Agreed to by the House of Delegates, February 14, 2022

Agreed to by the Senate, February 17, 2022

WHEREAS, Shenandoah County will celebrate the 250th anniversary of its founding in 2022; and

WHEREAS, since its first indigenous inhabitants, almost 500 generations have called the Shenandoah County area home; and

WHEREAS, Shenandoah County, originally known as Dunmore, was established by the General Assembly on March 24, 1772; and

WHEREAS, Dunmore was renamed Shenandoah County in 1778 to reflect the occupants' dedication to the patriot cause during the American Revolution; and

WHEREAS, the fertile lands of Shenandoah County have shaped the history of the area and allowed the region to become a leading agricultural producer; and

WHEREAS, Shenandoah County has a strong history of local businesses, farms, healthcare, tourism, and manufacturing; and

WHEREAS, Shenandoah County continues to grow by capitalizing on its distinct character, diverse population, and natural beauty; and

WHEREAS, Shenandoah County provides its citizens an award-winning education system, bountiful job opportunities, and a rich quality of life; and

WHEREAS, Shenandoah County citizens value the county's history, treasured landmarks, neighborly spirit, and vibrant communities; and

WHEREAS, the first 250 years of Shenandoah County have been fruitful in experiences and forward-looking ventures; and

WHEREAS, the residents of Shenandoah County will gather to commemorate their storied history and bright future throughout 2022; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Shenandoah County on the occasion of its historic 250th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the chair of the Shenandoah County Board of Supervisors as an expression of the General Assembly's congratulations, admiration for the county's history and contributions to the Commonwealth, and best wishes in all its future endeavors.

HOUSE JOINT RESOLUTION NO. 197

Commending Larry Parpart.

Agreed to by the House of Delegates, February 14, 2022

Agreed to by the Senate, February 17, 2022

WHEREAS, Larry Parpart, the distinguished former head coach of the boys' basketball team and current head coach of the girls' tennis team at Douglas Freeman High School, was inducted into the Virginia High School Hall of Fame with the Class of 2021; and

WHEREAS, a graduate of Hermitage High School in Henrico County, Larry Parpart returned to his alma mater to begin his career as an educator and an athletics coach, leading the boys' cross country team to a state championship victory in 1971; and

WHEREAS, Larry Parpart joined Douglas Freeman High School as an assistant basketball coach in 1978 and was elevated to head coach in 1985; over the next 33 years, he led the boys' basketball team to 536 career wins, 25 winning seasons, and back-to-back regional championship titles in 1995 and 1996; and

WHEREAS, Larry Parpart coached the Douglas Freeman High School girls' tennis team to 20 district titles, 11 regional titles, and two state titles in 1983 and 2021; he is the only coach in Virginia High School League history with more than 500 wins in both boys' basketball and girls' tennis; and

WHEREAS, in 2015, Douglas Freeman High School renamed its basketball court Parpart Pavilion to honor Larry Parpart's incredible contributions to generations of student-athletes; and

WHEREAS, admired for his keen insights, graciousness, and humility, Larry Parpart worked diligently to ensure that the members of his teams knew the value of sportsmanship and respect and had the tools to achieve success both on and off the court; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Larry Parpart on the occasion of his induction into the Virginia High School Hall of Fame; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Larry Parpart as an expression of the General Assembly's admiration for his outstanding achievements and legacy of service to young people in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 198

Celebrating the life of Harry Graves Johnson, Jr.

Agreed to by the House of Delegates, February 14, 2022

Agreed to by the Senate, February 17, 2022

WHEREAS, Harry Graves Johnson, Jr., esteemed business executive, honorable veteran, and an active and beloved member of the Roanoke community, died on December 6, 2021; and

WHEREAS, after he graduated from what is now the Virginia Polytechnic Institute and State University in 1941, Harry Johnson served his country with courage and valor as a member of the Eighth Air Force of the United States Army Air Forces during World War II, attaining the rank of lieutenant colonel; and

WHEREAS, Harry Johnson then settled in Roanoke and embarked upon a distinguished career in the automotive and real estate industries, serving as the president and chief executive officer of the Magic City Motor Corporation for 31 years and as chief executive officer of Big Lick Realty; and

WHEREAS, committed to the growth and prosperity of the Roanoke region, Harry Johnson held leadership positions with various local trade and business organizations over the years, including the Roanoke Automobile Dealers Association, the Roanoke Valley Safety Council, the Roanoke Regional Chamber of Commerce, and the Roanoke Merchants Association; and

WHEREAS, Harry Johnson was steadfastly dedicated to the well-being of others, giving generously of his time to the Kiwanis Club of Roanoke and the Roanoke YMCA; and

WHEREAS, guided throughout his life by his faith, Harry Johnson enjoyed worship and fellowship with his community at St. John's Episcopal Church in Roanoke, where he served as a vestryman; and

WHEREAS, preceded in death by his loving wife of 66 years, Nancy, Harry Johnson will be fondly remembered and dearly missed by his children, William, Ellen, and Ann, and their families, and by numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Harry Graves Johnson, Jr., a cherished member of the Roanoke community who contributed greatly to the city throughout his long and accomplished life; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Harry Graves Johnson, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 199

Commending the Dulles Area Association of REALTORS®.

Agreed to by the House of Delegates, February 14, 2022

Agreed to by the Senate, February 17, 2022

WHEREAS, in 2022, the Dulles Area Association of REALTORS® celebrates 60 years of providing the highest level of assistance to current and future property owners; and

WHEREAS, since it was established on July 1, 1962, as the Loudoun County Board of REALTORS®, the Dulles Area Association of REALTORS® has grown tremendously, expanding its jurisdiction to include more than 1,300 real estate professionals in Loudoun, Clarke, Fairfax, and Prince William counties; and

WHEREAS, the members of the Dulles Area Association of REALTORS® study extensively to develop their professional skills and knowledge in an increasingly complex field, and the members all agree to follow the National Association of REALTORS® code of ethics; and

WHEREAS, in offering advice and guidance to people who are considering a real estate purchase, the Dulles Area Association of REALTORS® has encouraged the highest standards of practice for those who work in the real estate community; and

WHEREAS, during its long and successful history, the growth of the Dulles Area Association of REALTORS® has mirrored the population growth and economic development in Loudoun County and the surrounding Northern Virginia Region; and

WHEREAS, the Dulles Area Association of REALTORS® diligently promotes affordable housing and the expansion of home ownership and works to end the scourge of housing discrimination wherever it exists; and

WHEREAS, during the challenging times of the COVID-19 pandemic, the members of the Dulles Area Association of REALTORS® have continued to proudly serve residents of one of the Commonwealth's best places to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Dulles Area Association of REALTORS® on the occasion of its 60th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Dulles Area Association of REALTORS® as an expression of the General Assembly's congratulations and respect for its many years of working on behalf of property owners in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 200

Celebrating the life of Mary Sherwood Holt.

Agreed to by the House of Delegates, February 14, 2022

Agreed to by the Senate, February 17, 2022

WHEREAS, Mary Sherwood Holt, an esteemed public servant and active and beloved member of the Newport News community, died on September 27, 2021; and

WHEREAS, Mary Holt had a passion for learning, attending Mount Holyoke College in her youth and continuing her education later into her life with the Lifelong Learning Society at Christopher Newport University; and

WHEREAS, Mary Holt was a proud, self-proclaimed feminist and a trailblazer who made a name for herself in the Newport News community by being a woman in leadership at a time when there were few, paving the way for others who would follow; and

WHEREAS, Mary Holt was elected to the Newport News City Council in 1972 and served three terms, becoming only the second woman to sit on the board in its history, while she was notably the first woman to chair the Newport News Democratic City Committee; and

WHEREAS, Mary Holt served on more than 20 local boards over her lifetime, including as chairperson of the Centennial Commission and the Peninsula Planning District Commission and as a member of the Board of Directors for the Peninsula Economic Development Council; and

WHEREAS, deeply committed to the health and well-being of young people, Mary Holt helped to create the Newport News Youth Services Commission and was a member and president of Alternatives, a substance abuse treatment and prevention program; and

WHEREAS, Mary Holt was a passionate and effective advocate for the arts who served on many local boards and advisory councils that supported arts organizations and was a co-founder of the Virginia Living Museum, serving on the organization's board of advisors for many years and as its president in 1970; and

WHEREAS, Mary Holt gave generously of her time as a volunteer all her life; she joined her local chapter of the Junior League in high school and served the organization in various capacities, including as chairperson of several committees and as president in 1964; and

WHEREAS, Mary Holt loved to travel the world, visiting many countries including Thailand, Singapore, Russia, Greece, France, China, Italy, Colombia, and many more, and was an avid and accomplished gardener; and

WHEREAS, guided throughout her life by her faith, Mary Holt enjoyed worship and fellowship with her communities at First Presbyterian Church in Newport News and later at Hidenwood Presbyterian Church in Newport News; and

WHEREAS, preceded in death by her loving husband of nearly 60 years, Quincy, Mary Holt will be fondly remembered and dearly missed by her children, Elizabeth, Maria, Frankie, Saxon, and Michael, and their families and by numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Mary Sherwood Holt, a pioneering leader of the Newport News community whose ebullient spirit and dedication to serving others were an inspiration to all who knew her; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Mary Sherwood Holt as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 201

Commending the Reverend Anthony Curtis Paige.

Agreed to by the House of Delegates, February 14, 2022

Agreed to by the Senate, February 17, 2022

WHEREAS, the Reverend Anthony Curtis Paige, Senior Pastor of First Baptist Church Lambert's Point in Norfolk, celebrated his 30th anniversary as pastor of the church in 2021; and

WHEREAS, dedicated to the pursuit of knowledge, Reverend Paige earned bachelor's degrees in sociology and psychology from Stillman College and a Master of Divinity Degree from the Samuel DeWitt Proctor School of Theology of Virginia Union University; and

WHEREAS, Reverend Paige formerly served as Pastor of Mt. Nebo Baptist Church in West Point before he joined First Baptist Church Lambert's Point in 1991, where he has worked tirelessly ever since to develop the church's ministries and foster new opportunities for community outreach; and

WHEREAS, the congregation at First Baptist Church Lambert's Point has benefited greatly from Reverend Paige's sagacious spiritual leadership and capable management of the church's affairs over the years; and

WHEREAS, Reverend Paige has strengthened faith and fellowship in the community through his efforts as a member of the Baptist General Convention of Virginia and his role in the ordination and licensure of several new ministers; and

WHEREAS, Reverend Paige has generously shared his time, talents, and treasure with various community organizations, including the former Virginia State Board of Corrections, the Old Dominion University Board of Visitors, and the Norfolk City Planning Commission, supporting initiatives in Norfolk such as the establishment of the Village Pointe Apartments senior living community and the preservation of the Lambert's Point neighborhood; and

WHEREAS, in recognition of his more than 40 years of exceptional service, Reverend Paige was presented with a Governor's Volunteerism and Community Service Award by Governor Ralph S. Northam in 2020; and

WHEREAS, by providing compassionate and inspired guidance to his congregation and the community at large, Reverend Paige has played an integral role in making Norfolk a wonderful place to grow and thrive for decades; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Reverend Anthony Curtis Paige on the occasion of his 30th anniversary as pastor of First Baptist Church Lambert's Point; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Anthony Curtis Paige as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 202

Commending the Virginia Manufacturers Association.

Agreed to by the House of Delegates, February 14, 2022

Agreed to by the Senate, February 17, 2022

WHEREAS, the Virginia Manufacturers Association, an esteemed trade association that admirably represents the interests of various manufacturing businesses of the Commonwealth, celebrates its 100th anniversary in 2022; and

WHEREAS, the origins of the Virginia Manufacturers Association date to December 13, 1921, when a committee of Virginia industrialists, the National Association of Manufacturers, and the National Industrial Council convened at the Jefferson Hotel in Richmond to consider forming a general organization of Virginia industries; and

WHEREAS, by June 22, 1922, 23 manufacturers had formed the Virginia Manufacturers Association to encourage and support the industries of the Commonwealth and to create a medium for cooperation among the industries to develop and advocate for constructive policies; and

WHEREAS, the Virginia Manufacturers Association's first secretary, Mr. Frank G. Louthan, reported in the first annual meeting report that, "it is believed that the association will have to be supported for a time by those who believe in its future and are willing to support it during its infancy without the expectation of a great financial return and that in due time the association will prove itself"; and

WHEREAS, throughout 2022, the Virginia Manufacturers Association and all its members will celebrate the 100th anniversary of the organization and the many visionary industrialists that made it possible; and

WHEREAS, the Virginia Manufacturers Association is committed to serving the Commonwealth's 6,750 factories, 230,000 workers, and thousands of suppliers through advocacy, professional development, member benefits programs, and workforce solutions; and

WHEREAS, since 1922, the Virginia Manufacturers Association has worked to ensure the competitiveness, productivity, and profitability of manufacturers and their suppliers; and

WHEREAS, the Virginia Manufacturers Association is the leading voice for manufacturers in the Commonwealth and regularly consults with state and federal policymakers wishing to preserve and expand the manufacturing sector in order to fully derive the economic and societal rewards it has to offer; and

WHEREAS, since its inception, the Virginia Manufacturers Association has been instrumental in shaping the Commonwealth's business climate, especially in areas of regulation, energy, taxation, and career and technical education, which has had a positive impact on Virginia's development; and

WHEREAS, the Virginia Manufacturers Association has recommitted itself to expanding diverse employment opportunities, increasing capital investments, investing in industry skills development, balancing economic and regulatory needs, expanding the international trade of manufactured goods, and ensuring the manufacturing sector's competitiveness in global and domestic markets; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Manufacturers Association on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Manufacturers Association as an expression of the General Assembly's admiration for its 100 years of vital service to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 203

Commending Melicia Brown.

Agreed to by the House of Delegates, February 14, 2022

Agreed to by the Senate, February 17, 2022

WHEREAS, Melicia Brown, a first grade dual-language educator at Haydon Elementary School, was nominated for the 2022 *Washington Post* Teacher of the Year Award; and

WHEREAS, Melicia Brown has a bachelor's degree in elementary education and a master's degree in curriculum and instruction from Radford University; and

WHEREAS, Melicia Brown has taught at Haydon Elementary School for five years, where she has greatly fostered the academic and personal development of her students and primed them to lead successful and fulfilling lives; and

WHEREAS, Melicia Brown was nominated for this award to recognize the exemplary efforts she puts forth every day to brighten her students' days and to make a positive and lasting impact on their futures; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Melicia Brown, first grade teacher at Haydon Elementary School, for her 2022 *Washington Post* Teacher of the Year Award nomination; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Melicia Brown as an expression of the General Assembly's admiration for her contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 204

Celebrating the life of Master-at-Arms Chief Petty Officer Victor Wayne Stewart, USN, Ret.

Agreed to by the House of Delegates, February 14, 2022

Agreed to by the Senate, February 24, 2022

WHEREAS, Master-at-Arms Chief Petty Officer Victor Wayne Stewart, USN, Ret., an honorable veteran and beloved member of the Chesapeake community, died on January 13, 2022; and

WHEREAS, Victor "Vic" Wayne Stewart served his country with honor and distinction as a member of the United States Navy from 1989 to 2007, retiring at the rank of Master-at-Arms Chief Petty Officer; and

WHEREAS, Vic Stewart's educational pursuits included earning a master's degree in homeland security from Arizona State University; and

WHEREAS, a native of Reno, Nevada, Vic Stewart made his home in Chesapeake, where he worked for many years as a physical security specialist; and

WHEREAS, Vic Stewart was a devoted family man who took particular joy in traveling and camping with family and friends; and

WHEREAS, Vic Stewart will be fondly remembered and dearly missed by his loving wife of 22 years, Norma; his son, Andrew; his parents, Paul and Clara; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Master-at-Arms Chief Petty Officer Victor Wayne Stewart, USN, Ret., whose integrity and service to his country were an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Master-at-Arms Chief Petty Officer Victor Wayne Stewart, USN, Ret., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 205*Celebrating the life of Richard L. Barr.*

Agreed to by the House of Delegates, February 14, 2022

Agreed to by the Senate, February 17, 2022

WHEREAS, Richard L. Barr, longtime member of the Bureau of Naval Personnel, honorable veteran, and a beloved member of the Arlington community, died on September 22, 2021; and

WHEREAS, Richard "Dick" L. Barr attended a one-room schoolhouse in his youth, graduated from Fremont Ross High School in Fremont, Ohio, in 1952, and earned a degree in aeronautics from Miami University in Ohio four years later; and

WHEREAS, immediately following his graduation, Dick Barr enlisted with the United States Air Force, admirably serving his country as an instructor at Sheppard Air Force Base in Texas until he was discharged in 1958; and

WHEREAS, after leaving the military, Dick Barr began his career with the Navy Finance Center in Cleveland before moving to Arlington in 1962 to work for the Bureau of Naval Personnel, where he remained for more than three decades until his retirement in 1994; and

WHEREAS, an active and engaged member of his community, Dick Barr was highly involved with the Kiwanis Club of Arlington, serving as the organization's secretary for more than 16 years and regularly attending Capital District of Kiwanis International conventions; and

WHEREAS, Dick Barr appreciated the opportunity to travel with his wife, Amy, throughout his lifetime, including trips to Calgary, Taiwan, Hong Kong, Alaska, and the Celtic lands, as well as frequent excursions to Ohio to see family and friends; and

WHEREAS, guided throughout his life by his faith, Dick Barr enjoyed worship and fellowship with his family at Clarendon United Methodist Church in Arlington, where he served on several committees, sang in the adult choir, rang handbells, and served as head usher; and

WHEREAS, Dick Barr will be fondly remembered and dearly missed by his loving wife of 31 years, Amy; his brother, James; his sister, Patricia; his goddaughter, Christyna; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Richard L. Barr, a cherished member of the Arlington County community whose generosity and kindness touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Richard L. Barr as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 206*Commending Nina Janopaul.*

Agreed to by the House of Delegates, February 14, 2022

Agreed to by the Senate, February 17, 2022

WHEREAS, in June 2021, Nina Janopaul retired as president and chief executive officer of the Arlington Partnership for Affordable Housing, one of the top nonprofit affordable housing developers in the nation; and

WHEREAS, a graduate of Harvard University, Nina Janopaul was a principal at Capital Strategies Consulting, Inc., and provided comprehensive consulting services to a wide range of clients prior to joining the Arlington Partnership for Affordable Housing (APAH); and

WHEREAS, Nina Janopaul was selected as president and chief executive officer of APAH in 2007 and has helped the organization grow from only three staff members managing around 500 housing units to a staff of nearly 40 people managing 1,800 housing units with an additional 1,000 units in active development; and

WHEREAS, Nina Janopaul has helped APAH fulfill its mission to build stability throughout Northern Virginia by developing and maintaining high-quality, affordable places to live, as well as creating opportunities and advocating for the people it serves; and

WHEREAS, during her tenure as president and chief executive officer, Nina Janopaul has helped APAH overcome financial challenges, including the Great Recession in 2008 and the impact of the COVID-19 pandemic, and maintained a strong commitment to the use of best practices and innovative housing strategies; and

WHEREAS, under Nina Janopaul's leadership APAH has been a leader in energy conservation and green building practices, with one of its apartment buildings becoming the first multifamily, mixed-income property to receive a Silver LEED certification from the U.S. Green Building Council; and

WHEREAS, Nina Janopaul built strong partnerships with faith and nonprofit organizations and civic institutions to create opportunities for residents and promoted diversity, inclusion, and equity in resident communities through engaging programs; and

WHEREAS, Nina Janopaul has offered her insights and leadership expertise to the National Advisory Board for the ULI Terwilliger Center for Housing, the Northern Virginia Advisory Committee of the Virginia Housing Development

Authority, the Housing Association of Nonprofit Developers, the Leadership Council and Board of Directors of the Northern Virginia Affordable Housing Alliance, and Virginia Diocesan Homes; and

WHEREAS, among many awards and accolades for her work to provide safe, affordable housing to people in need, Nina Janopaul received the 2013 Innovations in Leadership Award from the Virginia Housing Coalition, and APAH has been ranked as one of the top 50 affordable housing developers in the United States; and

WHEREAS, Nina Janopaul has been a trusted mentor to numerous colleagues throughout her career and nurtured many young leaders, ensuring that APAH is well-poised to continue serving the community after her well-earned retirement; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Nina Janopaul on the occasion of her retirement as president and chief executive officer of the Arlington Partnership for Affordable Housing; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Nina Janopaul as an expression of the General Assembly's admiration for her professional achievements and legacy of leadership in the field of affordable housing.

HOUSE JOINT RESOLUTION NO. 207

Commending the Honorable George D. Varoutsos.

Agreed to by the House of Delegates, February 14, 2022

Agreed to by the Senate, February 17, 2022

WHEREAS, the Honorable George D. Varoutsos retired as a judge of the Arlington Juvenile and Domestic Relations District Court on December 31, 2021; and

WHEREAS, a proud native of Arlington, George Varoutsos graduated from Yorktown High School and subsequently earned a bachelor's degree and a law degree from the University of Richmond; and

WHEREAS, George Varoutsos served as a clerk for the United States District Court for the Eastern District of Virginia, then practiced law in Arlington for more than two decades; and

WHEREAS, George Varoutsos was first appointed as a substitute judge in 1986 and was selected as a judge of the Arlington Juvenile and Domestic Relations District Court in 1998; and

WHEREAS, George Varoutsos touched countless lives in the Arlington community through his commitment to service and visionary leadership; he played a critical role in the establishment of Project Peace, the Arlington Court Appointed Special Advocate program, the Safe Havens Visitation and Exchange Program, and the National Center for Family Law; and

WHEREAS, George Varoutsos served as an executive committee member of the Judicial Conference of Virginia for District Courts from March 2001 to 2005 and a member of the Commission on Virginia Alcohol Safety Action Program from 2002 to 2022; and

WHEREAS, among his many awards and accolades, George Varoutsos received the Alumni Award for Distinguished Service from the University of Richmond, the Distinguished Service Award from the Arlington Bar Association, the Spirit of Community Award from the Arlington Community Foundation, and the William L. Winston Award from the Arlington Bar Foundation; and

WHEREAS, outside of his career, George Varoutsos was a passionate football fan and had proudly attended 32 Super Bowls; and

WHEREAS, after his well-earned retirement, George Varoutsos looks forward to traveling and spending more time with his beloved family as well as finding new opportunities to serve the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Honorable George D. Varoutsos on the occasion of his retirement as a judge of the 17th Judicial District of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable George D. Varoutsos as an expression of the General Assembly's admiration for his outstanding service to the residents of Arlington County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 208

Commending Elizabeth Joanne Shupe.

Agreed to by the House of Delegates, February 14, 2022

Agreed to by the Senate, February 17, 2022

WHEREAS, Elizabeth Joanne Shupe, a highly admired native of Virginia, celebrated her 90th birthday in 2022; and

WHEREAS, born in Russell County on February 11, 1932, Elizabeth Shupe was the first child of William and Fanny Cross; and

WHEREAS, during World War II, Elizabeth Shupe lived in Tennessee while her father worked in a United States Army ammunition plant; after the war, she attended Russell County's Lebanon High School, where she was a member of the basketball team and participated in school plays; and

WHEREAS, Elizabeth Shupe subsequently returned to Tennessee to raise her family and worked as a certified nursing assistant at a residential care facility until her well-earned retirement at the age of 75; and

WHEREAS, Elizabeth Shupe enjoyed many hobbies, including painting, writing, and traveling; while living in Falls Church, she relished opportunities to spend time with her children and their families and visit the nation's capital, where she often attended shows at the Kennedy Center, rode boats on the Potomac River, and worshipped at the Washington National Cathedral; and

WHEREAS, during the COVID-19 pandemic, Elizabeth Shupe moved to a farm where she enjoys the peace and tranquility of the great outdoors; and

WHEREAS, throughout her life, Elizabeth Shupe has inspired others through her kindness, wisdom, and grace; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Elizabeth Joanne Shupe on the occasion of her 90th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Elizabeth Joanne Shupe as an expression of the General Assembly's admiration for her lifetime of personal and professional achievements.

HOUSE JOINT RESOLUTION NO. 209

Commending the Henrico Citizen.

Agreed to by the House of Delegates, February 14, 2022

Agreed to by the Senate, February 24, 2022

WHEREAS, the *Henrico Citizen*, a cherished hometown news source for residents of Henrico County, celebrates its 20th anniversary in 2021; and

WHEREAS, since its founding in 2001, the *Henrico Citizen* has been owned and operated by publisher Tom Lappas, who embarked upon his career as a newspaper owner shortly after graduating with a degree in journalism from the University of Richmond; and

WHEREAS, the inaugural print edition of the *Henrico Citizen* ran on September 20, 2001, carrying the headline "New North Park Library Dedicated," an indication of the local coverage that would serve as the outlet's prime focus; and

WHEREAS, the *Henrico Citizen* features stories that highlight the people, places, and events that define Henrico County, while covering the various local issues that are pertinent to its residents; and

WHEREAS, the *Henrico Citizen* is a member of the Virginia Press Association, and its staff have earned more than 230 awards over the past 20 years for excellence in journalism and advertising; and

WHEREAS, the accomplishments of the *Henrico Citizen* have been made possible through the newspaper's sterling leadership, including longtime managing editor Patty Kruszewski and online and events editor Sarah Story, as well as the tireless efforts of more than 100 writers, salespeople, contributors, and interns who have served the paper over the years; and

WHEREAS, despite ending its print edition in response to the COVID-19 pandemic in March 2020, the *Henrico Citizen* continues to reach its audience through various digital platforms, including a website, email newsletter, regular podcasts, and social media; and

WHEREAS, the *Henrico Citizen* has seen its readership increase to more than 70,000 unique readers per month since shifting completely online, and its writers have responded by producing more than 2,300 articles, briefs, event notices, and other coverage over the past year; and

WHEREAS, the *Henrico Citizen* was one of three Virginia news organizations to receive funding through the Facebook Journalism Project's COVID-19 Local News Relief Fund Grant Program in 2020 and was one of only two newsrooms in the Commonwealth to be selected to host a Report for America corps member in 2021; and

WHEREAS, respecting the importance of an educated citizenry to the health of our democracy, the *Henrico Citizen* may be regarded as playing an indispensable role in our society's pursuit of liberty and justice for all; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the *Henrico Citizen* on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Tom Lappas, publisher of the *Henrico Citizen*, as an expression of the General Assembly's admiration for the newspaper's contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 210

Commending the Innsbrook Foundation.

Agreed to by the House of Delegates, February 14, 2022

Agreed to by the Senate, February 17, 2022

WHEREAS, for more than three decades, the Innsbrook Foundation enhanced cultural life in the Richmond region by hosting concerts and events at Innsbrook Corporate Center in Henrico County; and

WHEREAS, the Innsbrook Foundation was established in the mid-1980s by Sidney J. Gunst, Jr., who in 1979 began developing Innsbrook Corporate Center, one of the region's largest office parks with numerous corporate tenants representing more than 23,000 employees; and

WHEREAS, the Innsbrook Foundation hosted many unique events such as St. Paddy's Palooza, Taste of Virginia, and Innsbrook After Hours, a midweek concert series appealing primarily to workers in Innsbrook Corporate Center, and to music patrons throughout the Richmond area; and

WHEREAS, at its height, the Innsbrook Foundation's flagship Innsbrook After Hours concert series welcomed approximately 100,000 patrons over the course of a year, with more than two dozen concerts highlighting local and national artists; and

WHEREAS, through Innsbrook After Hours and other events, the Innsbrook Foundation built a strong sense of community in western Henrico County while fostering business development and good corporate citizenship; and

WHEREAS, the Innsbrook Foundation worked diligently to promote and support local charitable organizations and raised \$2.1 million benefiting worthy causes in 2019 alone; and

WHEREAS, the Innsbrook Foundation hosted the final Innsbrook After Hours concert on September 29, 2021, featuring the 1980s-rock tribute band Tëaze, and the organization officially closed on November 15, 2021; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Innsbrook Foundation for its 36 years of service to the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Innsbrook Foundation as an expression of the General Assembly's admiration for the organization's decades of contributions to cultural life in the Richmond area.

HOUSE JOINT RESOLUTION NO. 211

Celebrating the life of Sidney J. Gunst, Jr.

Agreed to by the House of Delegates, February 14, 2022

Agreed to by the Senate, February 17, 2022

WHEREAS, Sidney J. Gunst, Jr., a visionary real estate developer who helped reshape western Henrico County through the creation of Innsbrook Corporate Center, died on October 22, 2021; and

WHEREAS, a native of Richmond, Sidney Gunst began working in real estate soon after graduating from what is now High Point University; and

WHEREAS, in 1979, at the age of 28, Sidney Gunst was the driving force behind the creation of Innsbrook Corporate Center in what was then a largely rural area of Henrico County to provide a convenient location for local businesses and events; and

WHEREAS, Sidney Gunst supported initiatives to reduce the ecological footprint of Innsbrook Corporate Center through forward-thinking programs on energy and water usage and waste treatment; in addition to more than 100 buildings, Innsbrook features trails, lakes, and other beautiful green spaces; and

WHEREAS, by 1999, Sidney Gunst's Innsbrook had become a premier business center in the region, with numerous corporate tenants representing more than 23,000 people, heralding the success of other major developments in the area like Short Pump Town Center and West Broad Village; and

WHEREAS, Sidney Gunst had more recently advocated for an urban mixed-use zoning designation in Innsbrook to allow for more mixed-use developments with retail spaces and apartments to better serve the needs of the community; and

WHEREAS, Sidney Gunst had a wide range of hobbies, including karate, cycling, kayaking, and flying; he crossed the United States from coast to coast on a bicycle, had visited many destinations in his single-engine plane, participated in several triathlons, and had even trekked on Mount Everest; and

WHEREAS, Sidney Gunst will be fondly remembered and greatly missed by his wife Sheila; his children, Kelly, Kimberly, and Sidney III, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Sidney J. Gunst, Jr., a respected real estate developer who made numerous contributions to the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Sidney J. Gunst, Jr., an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 212

Celebrating the life of Rufus Colfax Phillips III.

Agreed to by the House of Delegates, February 14, 2022

Agreed to by the Senate, February 17, 2022

WHEREAS, Rufus Colfax Phillips III, an honorable veteran, accomplished author and businessman, esteemed public servant, and a beloved member of the Arlington County community, died on December 29, 2021; and

WHEREAS, Rufus Phillips graduated from Woodberry Forest School, earned a degree from Yale University, and was a member of the United States Army's Officer Candidate School Class of 1953; and

WHEREAS, Rufus Phillips briefly served in Korea in the early 1950s before joining the Military Assistance Advisory Group in Vietnam, serving as an adviser to the newly formed army of South Vietnam and later leading a counterinsurgency program in the country in the early 1960s; and

WHEREAS, following his service, Rufus Phillips was president of a successful engineering consultancy that managed projects both in the United States and abroad, including the development of several airports in countries throughout the Middle East, Africa, Asia, and Latin America; and

WHEREAS, dedicated to the well-being of his community, Rufus Phillips was elected in 1971 to represent the Dranesville District on the Fairfax County Board of Supervisors, which he served until 1976; and

WHEREAS, Rufus Phillips chaired the Northern Virginia Transportation Commission and in 1975 was named a "Washingtonian of the Year" by *Washingtonian Magazine* for his efforts to oversee planning in both Fairfax County and throughout the region; and

WHEREAS, Rufus Phillips was a celebrated author whose 2008 memoir, *Why Vietnam Matters: An Eyewitness Account of Lessons Not Learned* is regarded as an important contribution to the history of foreign policy and the Vietnam War; his forthcoming book, *Stabilizing Fragile States: Why It Matters and What to Do About It*, is due to be published in April of this year; and

WHEREAS, on the eve of his 80th birthday, Rufus Phillips traveled to Kabul and generously volunteered his time to help observe the Afghanistan 2009 presidential election with the Free and Fair Elections Foundation of Afghanistan; and

WHEREAS, preceded in death by his loving wife of 59 years, Barbara, Rufus Phillips will be fondly remembered and dearly missed by his children, Rufus IV, Anne, Edward, and Patricia, and their families and by numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Rufus Colfax Phillips III, whose kindness and decency were an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Rufus Colfax Phillips III as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 213

Celebrating the life of Valerie Ann DeLisio Burns.

Agreed to by the House of Delegates, February 14, 2022

Agreed to by the Senate, February 17, 2022

WHEREAS, Valerie Ann DeLisio Burns, a passionate educator and beloved wife, mother, and friend in Richmond, died on August 1, 2021; and

WHEREAS, born on February 9, 1960, Valerie Burns was named for Valentine's Day and strove to lead a life of grace, kindness, and unconditional love; she lived in Ohio and North Carolina before settling in the Richmond area, where she was a guiding light for both her family and her fellow community members; and

WHEREAS, Valerie Burns studied at Pennsylvania State University, Miami University of Ohio, and East Carolina University and ultimately received a master's degree in teaching from Virginia Commonwealth University; and

WHEREAS, Valerie Burns pursued a career as a teacher and provided second grade students at Skipwith Elementary School with a strong foundation for lifelong learning; she cherished every opportunity to help her students achieve their fullest potential and was a trusted friend to her fellow educators; and

WHEREAS, Valerie Burns brought joy to others through her beautiful singing voice and her talents as a seamstress, making countless hand-sewn Halloween costumes and other gifts over the years; and

WHEREAS, Valerie Burns will be fondly remembered and greatly missed by her husband, Danny; her children, Daniel, Nathan, and Katie; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Valerie Ann DeLisio Burns; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Valerie Ann DeLisio Burns as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 214

Celebrating the life of Estelle Hunter McCadden.

Agreed to by the House of Delegates, February 14, 2022

Agreed to by the Senate, February 17, 2022

WHEREAS, Estelle Hunter McCadden, an esteemed educator and an accomplished advocate and community leader of the Melrose-Rugby neighborhood in Roanoke, died on January 31, 2022; and

WHEREAS, Estelle McCadden was born in Rocky Mount and moved to Roanoke when she was 10 years of age, graduating from Lucy Addison High School before attending Bennett College and ultimately earning her degree from Morgan State College in 1947; and

WHEREAS, Estelle McCadden began her career as a home economics educator with Roanoke City Public Schools in 1956, teaching first at elementary and middle schools before working at William Fleming High School until her retirement in 1988; and

WHEREAS, Estelle McCadden dedicated herself in her retirement to advocating on behalf of the residents of northwest Roanoke and specifically those of the Melrose-Rugby neighborhood, which had been home to a predominately African American community since the 1960s; and

WHEREAS, Estelle McCadden was a regular presence at Roanoke City Council meetings, where she was admired for her willingness to address problems straight on and for her ability to bring council members to her side; and

WHEREAS, in response to the rising rates of crime and student dropouts in her community in the 1980s, Estelle McCadden co-founded the Melrose-Rugby Neighborhood Forum in 1989, uniting her fellow neighbors to confront these societal ills; the organization would be incorporated six years later and Estelle McCadden would serve as its president until 2021; and

WHEREAS, Estelle McCadden pursued ways to improve housing, food availability, and medical services through her work with the Melrose-Rugby Neighborhood Forum and ultimately expanded her mission by founding the Virginia Statewide Neighborhood Conference in 2001 and serving as its president until 2021; and

WHEREAS, Estelle McCadden's involvement in the community extended to her service on the board of directors of Neighborhoods USA for more than 15 years and as former director of the Ms. Virginia Senior America Pageant; and

WHEREAS, in recognition of her tremendous accomplishments, Estelle McCadden was named the Roanoke Valley Mother of the Year for Civic Affairs in 1994 and the Roanoke Citizen of the Year in 2008; and

WHEREAS, Estelle McCadden was honored with the Girl Scouts of Virginia Skyline Council's Women of Achievement Award in 2019, the Friendship Foundation's Vision and Values Award for Teamwork in 2021, and the Roanoke Chapter of the Southern Christian Leadership Conference's Martin Luther King, Jr., Drum Major for Justice Award; and

WHEREAS, guided throughout her life by her faith, Estelle McCadden joined Jerusalem Baptist Church in Roanoke in 1936 when her father became the church's pastor and enjoyed worshipping with her community there ever since; and

WHEREAS, preceded in death by her loving husband, Eugene, Estelle McCadden will be fondly remembered and dearly missed by her children, Mac, Beryl, Kelvin, and Wanda, and their families, and by numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Estelle Hunter McCadden, a queen of neighborhoods of the Commonwealth whose passion and dedication left an outsized impact on the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Estelle Hunter McCadden as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 215

Celebrating the life of Carl Ray Snodgrass.

Agreed to by the House of Delegates, February 21, 2022

Agreed to by the Senate, February 24, 2022

WHEREAS, Carl Ray Snodgrass, a dedicated public servant and a champion for responsible economic growth and development in Wise County, died on February 3, 2022; and

WHEREAS, Carl Snodgrass graduated from J.J. Kelly High School in Wise and earned two degrees from what is now the University of Virginia's College at Wise; he served his country as a member of the United States Army and the United States Army Reserve; and

WHEREAS, Carl Snodgrass began his professional career with Wise County National Bank and later cofounded and served as president of First State Bank; and

WHEREAS, desirous to be of further service, Carl Snodgrass ran for and was elected to the Wise Town Council and offered his leadership to his fellow residents as mayor; and

WHEREAS, Carl Snodgrass provided expertise to Wise County government as its economic development chief for more than 30 years and later served as executive director of the Wise County Industrial Development Authority; and

WHEREAS, Carl Snodgrass' visionary leadership resulted in significant job growth through the creation of many beneficial projects such as the Lonesome Pine Business and Technology Park, Wise Inn, and Dominion Hybrid Energy Center; and

WHEREAS, Carl Snodgrass was highly admired as an attentive listener who worked to understand the concerns of others, and he was a trusted mentor to countless colleagues in Wise County government; and

WHEREAS, Carl Snodgrass enjoyed fellowship and worship with the community as a member of the First Church of God in Wise; and

WHEREAS, Carl Snodgrass will be fondly remembered and greatly missed by his wife of 58 years, Louise; his son, Scott, and his family; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Carl Ray Snodgrass, a civic leader who made many contributions to life in Wise County and Southwest Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Carl Ray Snodgrass as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 216

Commending William C. Baker.

Agreed to by the House of Delegates, February 21, 2022

Agreed to by the Senate, February 24, 2022

WHEREAS, for 40 years, beginning in 1982, William C. Baker served as president of the Chesapeake Bay Foundation, the largest nonprofit conservation organization dedicated solely to preserving, protecting, and restoring the Chesapeake Bay; and

WHEREAS, under William Baker's leadership, the Chesapeake Bay Foundation's work to "Save the Bay" has benefited the Chesapeake Bay and all of its tributary rivers and streams by helping to restore them through education, advocacy, restoration, and litigation; and

WHEREAS, under William Baker's leadership, the Chesapeake Bay Foundation's efforts to reduce pollution to waterways in Virginia has led to measurable improvements in water quality and benefited the economy and quality of life for residents throughout our Commonwealth and region; and

WHEREAS, over the course of his four decades of leadership, William Baker worked closely with state and federal elected officials, partner organizations, and residents throughout the Chesapeake Bay watershed to bring about scientifically sound programs and ensure adequate investments in a vibrant bay and clean environment for future generations; and

WHEREAS, under William Baker's leadership the Chesapeake Bay Foundation helped lay the foundation for federal and regional state partners to make progressively stronger commitments to restore and protect the Chesapeake Bay in the Chesapeake Bay Agreement of 1983, the 1987 Chesapeake Bay Agreement, and the Chesapeake 2000 Agreement; and

WHEREAS, under William Baker's leadership, the Chesapeake Bay Foundation was instrumental in the development and adoption by federal and state partners of the 2010 Chesapeake Bay Total Maximum Daily Load and the state watershed implementation plans (collectively known as the Chesapeake Clean Water Blueprint) by which all partners agreed to implement by 2025 the practices necessary to achieve restoration; and

WHEREAS, during William Baker's tenure, the Chesapeake Bay Foundation worked to support the Chesapeake Bay's myriad marine species, including oysters, menhaden, and striped bass, as well as other essential species like underwater grasses; and

WHEREAS, William Baker oversaw the Chesapeake Bay Foundation's efforts to advance environmental justice by working to protect members of local communities from disproportionate harm from pollution; and

WHEREAS, William Baker guided the Chesapeake Bay Foundation to work toward addressing the causes and deleterious effects of climate change on the Chesapeake Bay; and

WHEREAS, under William Baker's leadership the Chesapeake Bay Foundation educated and inspired the next generation of leaders by providing more than one million meaningful watershed environmental education experiences to students, teachers, and adults in Virginia and across the Chesapeake Bay region; and

WHEREAS, under the leadership of William Baker the Chesapeake Bay Foundation and state and local partners began an effort to add 10 billion oysters to the Chesapeake Bay's waters and 10 million new trees within the watershed region by 2025; and

WHEREAS, William Baker is rightly known throughout the Commonwealth and the Chesapeake Bay watershed region as a strong, dedicated, and visionary leader who has recognized the urgency of restoring the Chesapeake Bay and whose leadership has been instrumental in inspiring Virginia and federal and regional partner states to keep on the path to saving this national treasure; and

WHEREAS, William Baker retired from his outstanding career with the Chesapeake Bay Foundation at the end of 2021, and he left the organization and his successor, Hilary Harp Falk, well-prepared to lead the effort to ensure a legacy of cleaner water in the Chesapeake Bay and the Commonwealth's rivers and streams for future generations; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend William C. Baker for his immense contributions to the Chesapeake Bay and to the Commonwealth and its residents; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to William C. Baker as an expression of the General Assembly's admiration for his personal and professional achievements.

HOUSE JOINT RESOLUTION NO. 217

Celebrating the life of Joyce Evelyn Drumgoole Bland.

Agreed to by the House of Delegates, February 21, 2022

Agreed to by the Senate, February 24, 2022

WHEREAS, Joyce Evelyn Drumgoole Bland, an esteemed public servant and beloved member of the Lawrenceville community, died on January 15, 2022; and

WHEREAS, Joyce Bland graduated from James Solomon Russell High School in Lawrenceville, where she met her husband and soulmate Charles; and

WHEREAS, Joyce Bland lived for several years in Brooklyn before returning to the Commonwealth to take a position with the Brunswick County Sheriff's Office, where she ultimately retired after years of exemplary service as a dispatcher; and

WHEREAS, an active and engaged member of the community, Joyce Bland served on the Lawrenceville Town Council from September 1992 until January 2022, regularly participated in events with her local branch of the NAACP, and often worked the polls during elections; and

WHEREAS, admired by others for her ability as a stylist and chef, Joyce Bland was always impeccably dressed and prepared meals for her loved ones with great care and affection; and

WHEREAS, guided throughout her life by her faith, Joyce Bland enjoyed worship and fellowship with her community at Mason Grove Baptist Church in Valentines, where she attended church in her youth and later served as an usher, deacon, trustee, and pastor's aide, as well as in the hospitality ministry; and

WHEREAS, preceded in death by her son Charles, Jr., Joyce Bland will be fondly remembered and dearly missed by her loving husband, Charles, Sr.; her children, Christy and Helen, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Joyce Evelyn Drumgoole Bland, whose kind and generous nature touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Joyce Evelyn Drumgoole Bland as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 218

Commending the Grace Christian School cross country team.

Agreed to by the House of Delegates, February 21, 2022

Agreed to by the Senate, February 24, 2022

WHEREAS, the Grace Christian School cross country team of Mechanicsville won the Virginia Metro Athletic Conference championship on October 25, 2021, at the Williamsburg Christian Retreat Center; and

WHEREAS, the Grace Christian School cross country team's victory was made possible through podium finishes at the varsity level from Austin Barker, who placed first in the boys' division, and Colleen Gallaher, Caitlin Morris, and Madi Moore, who placed first, second, and third, respectively, in the girls' division; and

WHEREAS, the Grace Christian School cross country team benefited from standout performances at the middle school level, with Luke Hudson, Xander Coppage, and Taylor Brann placing first, second, and third, respectively, in the boys' division and Stella Cary and Destiny Tanner placing second and third, respectively, in the girls' division; and

WHEREAS, with their win, the Grace Christian School Kings marked their second consecutive year earning top honors in the Virginia Metro Athletic Conference; and

WHEREAS, the Grace Christian Kings were motivated all season by coach Heather Ferguson, who inspired in her runners a desire to persevere through challenges and adversity and to cultivate the skills and stamina they would need to achieve greatness; and

WHEREAS, the success of the Grace Christian Kings is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of the entire Grace Christian School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Grace Christian School cross country team for winning the 2021 Virginia Metro Athletic Conference championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Heather Ferguson, coach of the Grace Christian School cross country team, as an expression of the General Assembly's admiration for the team's achievement.

HOUSE JOINT RESOLUTION NO. 219

Celebrating the life of Senior Master Sergeant James Thomas Reynolds, Sr., USAF, Ret.

Agreed to by the House of Delegates, February 21, 2022

Agreed to by the Senate, February 24, 2022

WHEREAS, Senior Master Sergeant James Thomas Reynolds, Sr., USAF, Ret., an honorable veteran and beloved member of the Newport News community, died on February 2, 2021; and

WHEREAS, James Reynolds grew up in Norfolk and enlisted with the United States Air Force in 1955, beginning an illustrious 27-year career in service to his country; and

WHEREAS, James Reynolds developed his abilities in the areas of administration and intelligence at several institutions, graduating from the Air Force Senior Non-Commissioned Officer Academy at Air University and attending the European Division of the University of Maryland at San Vito dei Normanni Air Station in Italy and Saint Leo University at Fort Eustis; and

WHEREAS, James Reynolds served twice with the North Atlantic Treaty Organization on assignments to the Allied Air Command headquarters in France and as the Fourth Allied Tactical Air Force liaison in Italy and fulfilled assignments in England and Colorado Springs, Colorado, among other postings; and

WHEREAS, James Reynolds' years of distinguished service included special staff assignments with the Military Assistance Command in Saigon, Vietnam; the United States Security Command in San Vito dei Normanni, Italy; and the Royal Saudi Naval Forces in Jubail, Saudi Arabia, which he helped train; and

WHEREAS, in recognition of his exemplary service, James Reynolds was presented with several military honors, including the Defense Meritorious Service Medal, the Air Force Meritorious Service Medal, the Bronze Star, the Joint Service Commendation Medal with an Oak Leaf Cluster, and the Air Force Commendation Medal, while he was named Senior Non-Commissioned Officer of the Year; and

WHEREAS, James Reynolds concluded his service first with the Ninth Tactical Intelligence Squadron at Langley Air Force Base and later with the Defense Intelligence Agency at the Pentagon, retiring as Senior Master Sergeant; and

WHEREAS, guided throughout his life by his faith, James Reynolds enjoyed worship and fellowship with his community at New Beech Grove Baptist Church in Newport News, where he served as chairman of the board of trustees and in various other leadership capacities; and

WHEREAS, James Reynolds' commitments to his faith led him to serve as a member of the Virginia Baptist State Convention, which he supported as a trustee of the Children's Home of Virginia Baptist, while he was a member of Baptist laymen's organizations at the local, state, and national level; and

WHEREAS, James Reynolds' engagement with his community included a lifetime membership with his local branch of the NAACP, which he served as chair of its Veterans' Affairs Committee; and

WHEREAS, preceded in death by his sons, Quinton, Marcus, and James, Jr., James Reynolds will be fondly remembered and dearly missed by his loving wife of 62 years, Ruby; his daughters, Gwen, Sylvia, and Danielle, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Senior Master Sergeant James Thomas Reynolds, Sr., USAF, Ret., an distinguished veteran whose great integrity and steadfast willingness to help others were an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Senior Master Sergeant James Thomas Reynolds, Sr., USAF, Ret., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 220

Celebrating the life of Lorraine Paula Austin.

Agreed to by the House of Delegates, February 21, 2022

Agreed to by the Senate, February 24, 2022

WHEREAS, Lorraine Paula Austin, co-founder of Habitat for Humanity Peninsula and Greater Williamsburg and a pillar of the Newport News community, died on July 29, 2021; and

WHEREAS, Lorraine Austin grew up in Wilkes-Barre, Pennsylvania, and would go on to graduate from Bucknell University and earn a master's degree from the University of Pennsylvania; and

WHEREAS, upon arriving in Newport News, Lorraine Austin began what ultimately became a lifetime of service to her community, working first as a teacher before the birth of her children, Larry and Dan; and

WHEREAS, in 1985, Lorraine Austin and her husband, Ed, along with others, founded Habitat for Humanity Peninsula and Greater Williamsburg, and she served as the organization's first executive director and its inspirational leader; and

WHEREAS, running Habitat for Humanity Peninsula and Greater Williamsburg from her home, Lorraine Austin did everything from fundraising to construction; the organization built its first home in 1986 and to date has built more than 200 new homes and helped repair over 300 homes; and

WHEREAS, Lorraine Austin acquired a number of awards and accolades during her time with Habitat for Humanity; she was recognized by the former Virginia Peninsula Community Housing Resource Board for outstanding contributions in fair housing, awarded the J.C. Penney Golden Rule Award in 1990, named *The Daily Press* Citizen of the Year in 1992, and inducted into the honorary Omicron Delta Kappa Society in 1996; and

WHEREAS, Lorraine Austin volunteered for the Democratic Party of Virginia, specifically with the goal to increase voter turnout, and she dedicated innumerable hours to ensuring voters in her community had their voices heard; and

WHEREAS, committed to the growth and development of her community, Lorraine Austin was appointed to the Newport News Planning Commission in 2010 and served two consecutive terms, advancing various initiatives to guide Newport News toward a brighter and more prosperous future; and

WHEREAS, Lorraine Austin earned the designation of Virginia Master Naturalist and was an active member of her chapter, volunteering over 100 hours in 2020 as she served on the basic training committee and oversaw responsibilities such as water quality testing, migratory bird counts, stewardship of the Mariner's Museum and Park and Noland Trail in Newport News, and leadership of the Community Collaborative Rain, Hail and Snow Network project; and

WHEREAS, Lorraine Austin was a lifelong learner who constantly sought new opportunities to help others; following her mother's experience in hospice care, she was inspired to help her mother's caregiver establish her own business, I AM Companion Home Care, LLC, and served on the company's board; and

WHEREAS, in addition to her volunteerism and activism, Lorraine Austin was a Stephen Minister and served as a deacon and elder at Hiddenwood Presbyterian Church in Newport News, while pursuing interests such as studying Hebrew and Greek, playing the guitar and piano, and singing in multiple choirs; and

WHEREAS, joined in death by her husband, Ed, Lorraine Austin will be fondly remembered and dearly missed by her sons, Larry and Dan, and their families, and by numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Lorraine Austin, a pillar of the Newport News community whose free, yet unfaltering, spirit left an impact that can be felt in countless ways; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Lorraine Austin as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 221

Commending the Frank W. Cox High School baseball team.

Agreed to by the House of Delegates, February 21, 2022

Agreed to by the Senate, February 24, 2022

WHEREAS, the Frank W. Cox High School baseball team of Virginia Beach won the Virginia High School League Class 5 state championship on June 26, 2021, at Woodgrove High School in Purcellville; and

WHEREAS, the Frank W. Cox High School Falcons defeated the Woodgrove High School Wolverines by the score of 11-2 to finish the season with a 16-1 record and to capture the program's first state championship title since 1996; and

WHEREAS, tied 1-1 after three innings, the Frank W. Cox Falcons capitalized on Woodgrove fielding errors in the fourth to take the lead and never looked back, posting runs in each of the final four innings; and

WHEREAS, the Frank W. Cox Falcons' win was a total team effort, with a standout performance from pitcher Nate Hawley, who had six strikeouts and allowed only one run on two hits through the first six innings of play; and

WHEREAS, the Frank W. Cox Falcons were driven all season by the team's rallying cry, "bring it home," and their victory provided the perfect end to the high school baseball careers of the team's nine seniors, Ethan Anderson, Joseph Barreiro, John Bastiaans, Jackson Delashmutt, Kyle Edwards, Nate Hawley, Fenwick Trimble, Sam Slevin, and Gavin Spencer; and

WHEREAS, the success of the Frank W. Cox Falcons is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of the entire Frank W. Cox High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Frank W. Cox High School baseball team for winning the 2021 Virginia High School League Class 5 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Matt Ittner, head coach of the Frank W. Cox High School baseball team, as an expression of the General Assembly's admiration for the team's achievement.

HOUSE JOINT RESOLUTION NO. 222

Commending the Frank W. Cox High School field hockey team.

Agreed to by the House of Delegates, February 21, 2022

Agreed to by the Senate, February 24, 2022

WHEREAS, the Frank W. Cox High School field hockey team of Virginia Beach won the Virginia High School League Class 5 state championship on April 24, 2021, at Kellam High School in Virginia Beach; and

WHEREAS, the Frank W. Cox High School Falcons defeated the Stafford High School Indians by a score of 1-0 to finish the season undefeated and bring home the program's third consecutive state title and 22nd overall; and

WHEREAS, after a hard-fought contest that went to overtime with both teams scoreless, the Frank W. Cox Falcons pulled out the win on a clutch penalty shot by junior Zella Bailey; and

WHEREAS, the Frank W. Cox Falcons' victory was a total team effort, with exceptional play from goaltender Abby Spear, who made a crucial stop in overtime to keep her team in the game; and

WHEREAS, the accomplishments of the Frank W. Cox Falcons are the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of the entire Frank W. Cox High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Frank W. Cox High School field hockey team for winning the 2021 Virginia High School League Class 5 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Taylor Rountree, coach of the Frank W. Cox High School field hockey team, as an expression of the General Assembly's admiration for the team's achievement.

HOUSE JOINT RESOLUTION NO. 223

Celebrating the life of the Reverend LaVerne McCain Gill.

Agreed to by the House of Delegates, February 21, 2022

Agreed to by the Senate, February 24, 2022

WHEREAS, the Reverend LaVerne McCain Gill, an esteemed spiritual leader and a beloved member of the Reston community, died on October 30, 2021; and

WHEREAS, LaVerne Gill attended Anna Burdick Vocational High School in Washington, D.C., before earning a bachelor's degree in business administration from Howard University, which she accomplished in four years while working two jobs; and

WHEREAS, LaVerne Gill's subsequent educational pursuits included master's degrees from both Rutgers University and American University in business administration and political speech and rhetoric, respectively; and

WHEREAS, LaVerne Gill cultivated an untold number of young minds as a lecturer at Howard University, the University of California, Berkeley, and the Ecumenical Theological Seminary and as an associate professor at the University of the District of Columbia; and

WHEREAS, in other career ventures, LaVerne Gill published a weekly newspaper, produced radio and television programs, served as a legislative aide for a United States Senator, and worked as a budget analyst for the Federal Reserve Board of Governors; and

WHEREAS, dedicated to honing her abilities as a spiritual guide and leader, LaVerne Gill later attended Princeton Theological Seminary, where she earned a master's degree in divinity in 1997 and a master's degree in theology the following year; and

WHEREAS, during her years at Princeton Theological Seminary, LaVerne Gill interned at the United Christian Parish and developed its "Works Sunday" program, a community service event that grew to include more than 20 Protestant, Roman Catholic, Jewish, Muslim, and Buddhist congregations and that ran for 25 years until it was paused by the COVID-19 pandemic; and

WHEREAS, following her graduation from Princeton Theological Seminary, LaVerne Gill became both the first woman and first African American to serve as minister of the Webster United Church of Christ (UCC) in Webster Township, Michigan, where she served for nine years; and

WHEREAS, LaVerne Gill's community outreach extended globally, as she started and led an annual church mission trip to Ghana to assist in one of the country's refugee camps, headed up a fundraiser that raised \$100,000 to build 11 water wells in Ghana, taught high school teachers in Ethiopia, and traveled to Cuba as part of an international delegation in support of Cuban women; and

WHEREAS, following her retirement from full-time ministerial duties, LaVerne Gill served as a UCC chaplain at the Chautauqua Institution in New York for five years and published seven books, including *African American Women in Congress: Forming and Transforming History*, *Daughters of Dignity: African Biblical Women and the Virtues of*

Womanhood, Vashti's Victory and Other Biblical Women Resisting Injustice, and My Mother Prayed for Me: Faith Journaling for African American Women; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Reverend LaVerne McCain Gill, a cherished faith leader whose unwavering commitments to justice, liberation, and education made a profound and lasting impact on countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Reverend LaVerne McCain Gill as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 224

Commending the First Colonial High School girls' soccer team.

Agreed to by the House of Delegates, February 21, 2022

Agreed to by the Senate, February 24, 2022

WHEREAS, the First Colonial High School girls' soccer team of Virginia Beach won the Virginia High School League Class 5 state championship on June 23, 2021, at their home field; and

WHEREAS, the First Colonial High School Patriots defeated the Briar Woods High School Falcons of Ashburn in an overtime penalty shootout by the score of 3-2, bringing home the program's second state title since 2018; and

WHEREAS, despite facing a 3-1 deficit, the First Colonial Patriots rallied from behind and pushed the match to overtime when Karleigh Minson scored the equalizer in the final two minutes of play; and

WHEREAS, after both teams went scoreless through the periods of extra time, the First Colonial Patriots won the match on penalty kicks, with Sydney Miller providing the game-winning goal in dramatic, heart-stopping fashion; and

WHEREAS, the First Colonial Patriots' victory was a total team effort, led by Karleigh Minson, who had two goals in regulation; Sydney Miller, who had one goal in regulation; and Allison Karpovich, whose stellar play in goal kept her team in the game; and

WHEREAS, the success of the First Colonial Patriots is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of the entire First Colonial High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the First Colonial High School girls' soccer team for winning the 2021 Virginia High School League Class 5 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Joe Tucei, head coach of the First Colonial High School girls' soccer team, as an expression of the General Assembly's admiration for the team's achievement.

HOUSE JOINT RESOLUTION NO. 225

Commending the First Colonial High School boys' soccer team.

Agreed to by the House of Delegates, February 21, 2022

Agreed to by the Senate, February 24, 2022

WHEREAS, the First Colonial High School boys' soccer team of Virginia Beach won the Virginia High School League Class 5 state championship on June 23, 2021, at their home field; and

WHEREAS, the First Colonial High School Patriots defeated the John R. Lewis High School Lancers of Springfield by a score of 5-0 to bring home the program's first state championship title; and

WHEREAS, the First Colonial Patriots scored within the first two minutes of the match and never looked back, securing a dominant win that was a fitting end to a season in which they tallied an impressive 14-0-1 record; and

WHEREAS, the First Colonial Patriots' victory was a total team effort, led by Owen Ruddy, who had two goals, as well as Zach Wagner, Paul Battaglia, and Caleb Jones, who each scored one goal; and

WHEREAS, the First Colonial Patriots became the first high school boys' soccer team from South Hampton Roads to win a state championship title since 2010; and

WHEREAS, the evening provided a moment of redemption for the First Colonial Patriots, as the program had put forth strong teams in the past that finished just short in the regional and state tournaments; and

WHEREAS, the success of the First Colonial Patriots is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of the entire First Colonial Patriots community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the First Colonial High School boys' soccer team for winning the 2021 Virginia High School League Class 5 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Juice Pantophlet, coach of the First Colonial High School boys' soccer team, as an expression of the General Assembly's admiration for the team's achievement.

HOUSE JOINT RESOLUTION NO. 226

Commending the Langley High School golf team.

Agreed to by the House of Delegates, February 21, 2022

Agreed to by the Senate, February 24, 2022

WHEREAS, the Langley High School golf team of McLean won the Virginia High School League Class 6 state championship on October 12, 2021, at the Williamsburg National Golf Club; and

WHEREAS, the Langley High School Saxons had a team score of 287, finishing the day 12 strokes ahead of the runner-up to bring home the program's sixth straight state championship, a Virginia High School League record; and

WHEREAS, the Langley Saxons were led by Chase Nevins, who had seven birdies and the team's lowest score of the match with 67, finishing second overall, as well as Suncil Peruvemba, who finished fifth with a score of 70, and Alina Ho, who finished 10th with a score of 72; and

WHEREAS, since the 2016 season, the Langley Saxons have notched 18 straight district, region, and state championships, adding significantly to the program's total tally of 10 state titles during its historic reign of dominance; and

WHEREAS, the success of the Langley High School Saxons is a testament to the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of the entire Langley High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Langley High School golf team for winning the Virginia High School League Class 6 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Al Berg, coach of the Langley High School golf team, as an expression of the General Assembly's admiration for the team's achievement.

HOUSE JOINT RESOLUTION NO. 227

Celebrating the life of Mario Wells.

Agreed to by the House of Delegates, February 21, 2022

Agreed to by the Senate, February 24, 2022

WHEREAS, Mario Wells, a respected member of the Richmond community who touched countless lives through his commitment to service, died on July 26, 2020; and

WHEREAS, Mario Wells grew up in Richmond, where he attended Richmond Public Schools, including John Marshall High School; he subsequently earned a GED degree and trained in counseling; and

WHEREAS, Mario Wells inspired many young people as a trusted mentor and helped make people in need feel welcome and safe through his affectionate smile and unfailing kindness; and

WHEREAS, Mario Wells brought joy to others through his generosity and wisdom, delicious home-cooked meals, and his passion for music; and

WHEREAS, Mario Wells cofounded the band F.O.E. (Family Over Everything) and produced several songs with his bandmates; and

WHEREAS, a devoted father, Mario Wells will be fondly remembered and greatly missed by his children, Chinyere, Chineira, Alexis, Veronica, Nasir, and Mekhi, and their families, as well as his mother, Priscilla Reynolds; his sister, Marquita Reynolds; his two brothers, Billy Reynolds and Maurice Wells, Jr., and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Mario Wells; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Mario Wells as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 228

Commending Michael C. Maxey.

Agreed to by the House of Delegates, February 17, 2022

Agreed to by the Senate, February 24, 2022

WHEREAS, Michael C. Maxey, the 11th president of Roanoke College, has ably served the college community in leadership roles for more than four decades; and

WHEREAS, Michael Maxey is a native of Bassett and earned degrees at Wake Forest University, the University of New Hampshire, and the Institute of Education Management at Harvard University; and

WHEREAS, Michael Maxey joined Roanoke College in 1985 and has become the longest-serving member of the institution's leadership team; he was selected as president of the college in 2007; and

WHEREAS, during his tenure, Michael Maxey oversaw the establishment of Roanoke College's Intellectual Inquiry curricula to help students develop real-world life skills, with a focus on ethical reasoning and oral and written presentation; he maintained and improved rigorous academic standards at the institution while adding crucial learning opportunities for all students; and

WHEREAS, under Michael Maxey's leadership, Roanoke College has earned recognition as a top producer of academic scholars, including Fulbright, Gilman, Goldwater, and Truman awardees; the institution added new degree tracks in actuarial science, public health, engineering science, data science, education, creative writing, and communications; and

WHEREAS, Michael Maxey created a new position at Roanoke College, the Vice President for Community, Diversity and Inclusion, and implemented new ways to elevate diversity and inclusion, such as creating the Diversity and Inclusion Steering Committee, recognizing contributions of enslaved laborers on campus with a historic plaque, and establishing the Center for Studying Structures of Race; and

WHEREAS, Michael Maxey maintained great care of the Roanoke College's grounds and buildings, and he led new construction projects, renovations and, improvements to the institution's award-winning campus, including an initiative to plant a tree in honor of every former Roanoke College president; and

WHEREAS, Michael Maxey spearheaded the Roanoke Rising Campaign, which raised more than \$200 million, the largest such campaign in Roanoke College history; and

WHEREAS, Michael Maxey helped develop new athletics teams and clubs to attract a wide-array of students and oversaw completion of the flagship Cregger Center, a state-of-the-art athletics and events facility; and

WHEREAS, Michael Maxey has contributed his time and expertise to numerous professional and community organizations, including the Council of Independent Colleges in Virginia, the Old Dominion Athletic Conference, the Roanoke Regional Chamber, Symphony, and Valley Business Council Boards, the Salem YMCA, College Lutheran Church, and the Lewis Gale Medical Foundation; and

WHEREAS, Michael Maxey's wife, Terri, a former financial aid administrator, has been engaged with Roanoke College and community-at-large and is beloved by students and community members alike; and

WHEREAS, Michael Maxey is well known for his ability to build connections with students, and he strives to learn each new student's name, every year; he is known for his passion for bow ties and has held instructional sessions for interested students prior to the annual President's Ball, once teaching more than 40 students to tie bow ties in a single session; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Michael C. Maxey on the occasion of his retirement as president of Roanoke College; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Michael C. Maxey as an expression of the General Assembly's admiration for his legacy of achievements in service to the Roanoke College community and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 229

Commending the Cape Henry Collegiate boys' basketball team.

Agreed to by the House of Delegates, February 21, 2022

Agreed to by the Senate, February 24, 2022

WHEREAS, the Cape Henry Collegiate boys' basketball team of Virginia Beach won the Virginia Independent Schools Athletic Association Division I state invitational tournament on February 26, 2021, at Benedictine College Preparatory in Richmond; and

WHEREAS, the Cape Henry Collegiate Dolphins defeated the Catholic High School Crusaders of Virginia Beach by a score of 58-48, pulling ahead late on the strength of its fourth-quarter rally; and

WHEREAS, the Cape Henry Dolphins gave up a seven-point run to start the game, but bounced back to go into halftime leading 22-21; they then trailed by as much as 38-31 before finding their momentum and sealing the victory; and

WHEREAS, the Cape Henry Dolphins' win was a triumphant end to a season in which the team went undefeated and won the Tidewater Conference of Independent Schools invitational tournament; and

WHEREAS, the Cape Henry Dolphins' remarkable season was a total team effort, driven by the exceptional play and leadership of co-captains Christian Moore and Bryson Spell; and

WHEREAS, despite the challenges of the COVID-19 pandemic, the Cape Henry Dolphins persevered throughout the season to train and compete at a high caliber while maintaining proper health protocols; and

WHEREAS, the success of the Cape Henry Dolphins is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of the entire Cape Henry Collegiate community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Cape Henry Collegiate boys' basketball team for winning the Virginia Independent Schools Athletic Association Division I state invitational tournament; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mark Hall, coach of the Cape Henry Collegiate boys' basketball team, as an expression of the General Assembly's admiration for the team's achievement.

HOUSE JOINT RESOLUTION NO. 230

Commending Karen F. Stuber.

Agreed to by the House of Delegates, February 21, 2022

Agreed to by the Senate, February 24, 2022

WHEREAS, Karen F. Stuber retired as a legislative aide in the Virginia House of Delegates in 2022 after decades of service to the public and her community; and

WHEREAS, Karen Stuber grew up in Kentucky, the daughter of United States Marine Corps veteran Charles "Jake" Foshag and Patricia Foshag; she attended Western Kentucky University and graduated from the University of Louisville, where she met her husband, Robert Stuber; and

WHEREAS, Karen Stuber began her public service in 1981 on the staff of the Honorable Addison Mitchell "Mitch" McConnell, who was then the judge/executive of Jefferson County, Kentucky; and

WHEREAS, Karen Stuber relocated to Northern Virginia and worked in Washington, D.C., as a congressional staffer; and

WHEREAS, Karen Stuber raised two children, Evan and Katherine, homeschooling them for several years, then moved to the Fredericksburg area, where she was active in local government and her church community; and

WHEREAS, in 2002, Karen Stuber began serving the residents of the 88th Virginia House of Delegates District as the legislative aide and chief of staff for the Honorable Mark L. Cole, a position she held for nearly 20 years; and

WHEREAS, Karen Stuber provided outstanding constituent services to the residents of the 88th District, helping thousands of residents deal with government agencies or obtain critical services, as well as training and mentoring other legislative aides and staff; and

WHEREAS, during this time, Karen Stuber was active in community outreach efforts through her church and obtained her master gardener certification, volunteering to teach gardening skills to underprivileged children; and

WHEREAS, during her tenure as a legislative aide, Karen Stuber was highly admired for her unfailing commitment to the finest constituent service; she served the Commonwealth and the residents of the 88th District with the utmost humility and dedication; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commended Karen F. Stuber for her decades of service to the Commonwealth and its citizens on the occasion of her retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Karen F. Stuber as an expression of the General Assembly's admiration for her achievements and best wishes on her well-earned retirement.

HOUSE JOINT RESOLUTION NO. 231

Commending Doug Goodman.

Agreed to by the House of Delegates, February 21, 2022

Agreed to by the Senate, February 24, 2022

WHEREAS, Doug Goodman, an esteemed law-enforcement officer who has greatly served the Town of Ashland for the past 14 years as chief of the Ashland Police Department, will retire on April 1, 2022; and

WHEREAS, Doug Goodman began his illustrious career in law enforcement in 1993 with the Hanover County Sheriff's Office, supporting several of the department's operations over the years, including its hostage negotiation team, general investigations, professional standards and risk management, budget development, and records management; and

WHEREAS, demonstrating exceptional leadership and professionalism, Doug Goodman achieved the rank of sergeant in 2001 and of lieutenant a year after, while earning multiple service awards and a total of 108 commendations; and

WHEREAS, Doug Goodman joined the Ashland Police Department in 2007 and was appointed its chief of police on July 1, 2008, taking the lead on various initiatives to reduce crime and improve public safety; and

WHEREAS, during his tenure with the Ashland Police Department, the town's crime rate decreased by more than half, reaching its lowest levels in the locality's history in 2019 and 2020, while traffic collisions were significantly reduced; and

WHEREAS, Doug Goodman encouraged the implementation of data and technology to strengthen his department's ability to respond to crime and traffic incidents, securing over \$1 million in grant funding to incorporate mobile computing, body cameras, and other innovations; and

WHEREAS, Doug Goodman helped spearhead the Ashland Police Foundation to provide his officers with greater resources and amenities and to better protect them in the event of a crisis; and

WHEREAS, Doug Goodman developed several productive collaborations to advance his department's objectives, including working with community leaders to address issues of blight at area motels, partnering with local institutions of higher education to enhance his department's recruitment efforts, and partnering with Randolph-Macon College to improve public safety on campus; and

WHEREAS, Doug Goodman's commitment to law enforcement extended to his role as an accreditation team leader and commissioner with the Commission on Accreditation for Law Enforcement Agencies, as a board member with the Virginia Center for Policing Innovation, as past president of the Virginia Association of Chiefs of Police, and as past chair of the Central Virginia Law Enforcement Chief Executive Association; and

WHEREAS, in recognition of his accomplishments in improving the quality of life for residents in the corridors of South Taylor, Arlington, and Randolph Streets in Ashland, Doug Goodman was presented with a Virginia Municipal League Award; and

WHEREAS, Doug Goodman has made Ashland safer during his 14 years as chief of the Ashland Police Department, and his legacy of service will be an inspiration to fellow officers and residents for years to come; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Doug Goodman, chief of the Ashland Police Department, on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Doug Goodman as an expression of the General Assembly's admiration for his honorable service and many contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 232

Commending Dr. James Wade Gilley.

Agreed to by the House of Delegates, February 21, 2022

Agreed to by the Senate, February 24, 2022

WHEREAS, Dr. James Wade Gilley, a former Virginia Secretary of Education, touched countless lives through his outstanding achievements as a higher education administrator; and

WHEREAS, a native of Grayson County, James Gilley graduated from Fries High School, where he received 11 letters in football, basketball, and baseball; and

WHEREAS, James Gilley earned bachelor's, master's, and doctoral degrees in civil engineering from Virginia Polytechnic Institute and State University (Virginia Tech) and was a founding member of the institution's Indian American College Fund; and

WHEREAS, James Gilley served as an associate professor of engineering at his alma mater, and subsequently served as president of Wytheville Community College, Reynolds Community College, and Bluefield State College; and

WHEREAS, in the 1970s, James Gilley was a Kellogg Fellow at the Institute for Higher Education at the University of Florida and earned a postdoctoral certificate at the Institute for Educational Management at Harvard University; and

WHEREAS, after serving the Commonwealth as acting state superintendent of schools, James Gilley was appointed as the Secretary of Education under Governor John N. Dalton from 1978 to 1982; in that capacity, he played a major role in the Commonwealth's higher education desegregation plan and supported historically Black colleges and universities; and

WHEREAS, James Gilley maintained his focus on increasing diversity in higher education and became a senior vice president of George Mason University from 1982 until 1991, when he was selected as the 15th president of Marshall University; and

WHEREAS, during James Gilley's tenure as president, Marshall University awarded its first doctoral degree, merged with West Virginia Graduate School to create the Marshall University Graduate College, completed a \$250 million campus renewal project, was honored by the United States Department of Labor for its commitment to excellence in affirmative action, and experienced unprecedented success in athletics, with the football team winning its first bowl game in 1998; and

WHEREAS, James Gilley proudly oversaw the dedication of the John D. Drinko Library and a statue of John Marshall, the most prominent landmark on campus; and

WHEREAS, James Gilley next served as the 20th president of the University of Tennessee at Knoxville from 1999 to 2001; and

WHEREAS, James Gilley earned national recognition for his unwavering commitment to diversity and equity on college campuses and was selected as one of the most influential college presidents of the 20th century by *Black Issues in Higher Education*; and

WHEREAS, after retiring from higher education, James Gilley served as a senior partner of Strategic Initiatives in Herndon, and co-owner of Reston-Dulles Properties in Reston, where he resides with his beloved wife Nan; and

WHEREAS, highly respected for his expertise, James Gilley has authored 16 books, including fiction and nonfiction works, and numerous articles in professional journals, newspapers, and publications around the world; and

WHEREAS, James Gilley worked to advance the field of higher education with the utmost dedication, integrity, and distinction, and he touched countless lives throughout the Commonwealth and surrounding states; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Dr. James Wade Gilley for his lifetime of leadership in higher education; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dr. James Wade Gilley as an expression of the General Assembly's admiration for his personal and professional achievements.

HOUSE JOINT RESOLUTION NO. 233

Commending John M. Thomas.

Agreed to by the House of Delegates, February 21, 2022

Agreed to by the Senate, February 24, 2022

WHEREAS, John M. Thomas, the esteemed headmaster of Flint Hill School in Oakton who has greatly served the Northern Virginia community by contributing to the growth and development of its youth for many years, will retire on June 30, 2022; and

WHEREAS, as headmaster at Flint Hill School, John M. Thomas oversees the academic home to almost 1,000 students from junior kindergarten through 12th grade and a faculty and staff of 250 educators across two campuses in Oakton; and

WHEREAS, with unparalleled dedication, vision, and leadership, John M. Thomas has led the nationally recognized Flint Hill School, guiding the education and maturation of more than 6,400 alumni over 17 years as headmaster and teacher; and

WHEREAS, John M. Thomas is an innovator whose exceptional north star is rooted in the belief that education is a child-centric vocation, carrying on the tradition of John Tilghman "Til" Hazel, whose efforts rebuilt Flint Hill School as an independent school in 1990; and

WHEREAS, John M. Thomas steadfastly models the core values of Flint Hill School, expecting himself and others to lead by example, and has always maintained empathy, compassion, and concern for the children and families who have been the focus of his life's work; and

WHEREAS, John M. Thomas knows, understands, and values the obligation to mentor others, always seeing the possibilities for his colleagues to excel, advance, and grow and challenging them, both at Flint Hill School and in the independent school community of the Commonwealth, to do and be their best, whether in the classroom or the laboratory or on the performance stage, studio, or athletic field; and

WHEREAS, John M. Thomas has confidently led Flint Hill School through a time of both transition and tremendous challenges, building on the school's strong, historic foundation and the entrepreneurial underpinnings that are an essential element of what drives the school; and

WHEREAS, the legacy of John M. Thomas includes a host of traditions, both new and old, that inspire, create wonder, engender spirit, and foster connection between students, faculty, and the wider Flint Hill School community; and

WHEREAS, under the leadership of John M. Thomas, Flint Hill School has demonstrated a strong commitment to diversity, equity, and inclusion through the creation of a new director position; adoption of a diversity, equity, and inclusion statement; and designation of a standing committee of the Flint Hill School Board of Trustees; and

WHEREAS, John M. Thomas is the supporter-in-chief of Flint Hill School's academics, athletics, arts, and robotics programs through his visible presence at concerts, competitions, and athletic events, where he shares in the joys and disappointments of his students, families, faculty, and coaches, always with an encouraging word expressing pride and recognition of their hard work and commitment; and

WHEREAS, John M. Thomas is dedicated not only to Flint Hill School, but to the profession of teaching and the value proposition that quality education is a shared endeavor and responsibility; and

WHEREAS, upon his retirement, John M. Thomas is leaving Flint Hill School in good standing, with a strong academic program recognized for fostering learning and preparing students for a changing world and competitive athletic teams that reflect the importance of sportsmanship; and

WHEREAS, more than 2,000 graduates of Flint Hill School currently live in the Commonwealth and continue to follow John M. Thomas and the school's vision by making a difference in their local communities; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend John M. Thomas, headmaster of Flint Hill School, on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John M. Thomas as an expression of the General Assembly's high regard for his service to Flint Hill School and its students and families and of its best wishes for the future.

HOUSE JOINT RESOLUTION NO. 234

Commending FoodaTude.

Agreed to by the House of Delegates, February 21, 2022

Agreed to by the Senate, February 24, 2022

WHEREAS, FoodaTude, an award-winning food truck and catering business, has been a standout of the Hampton Roads culinary scene for several years; and

WHEREAS, FoodaTude was started in 2016 by chef James Kennedy, who has been working in kitchens since 1977 and who developed some of the region's most cherished eateries, including Dudley's Farmhouse Grille and Dudley's Bistro; and

WHEREAS, FoodaTude, under the banner "Food with Attitude," is regularly found at the Williamsburg Farmers Market and local breweries and is a highly sought option for weddings, graduations, barbecues, and other special events; and

WHEREAS, FoodaTude uses the finest and freshest local ingredients to cultivate a dining experience that has earned its team numerous awards, including recognition from *Coastal Virginia Magazine* as "Best Food Truck" in 2017, 2018, and 2019; and

WHEREAS, by working tirelessly to create food that will impress their patrons, the team at FoodaTude has helped make Hampton Roads a more wonderful place to live, work, and eat; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend FoodaTude for its years of service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to James Kennedy, head chef of FoodaTude, as an expression of the General Assembly's admiration for the business' contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 235

Commending Virginia Polytechnic Institute and State University.

Agreed to by the House of Delegates, February 14, 2022

Agreed to by the Senate, February 18, 2022

WHEREAS, for 150 years, Virginia Polytechnic Institute and State University, one of the Commonwealth's premier institutions of higher learning, has provided outstanding educational and research opportunities to young men and women, while serving the community and the Commonwealth as a whole; and

WHEREAS, Virginia Polytechnic Institute and State University opened its doors on October 1, 1872, as the Commonwealth's first land-grant institution, originally known as the Virginia Agricultural and Mechanical College, with the bill signed by Governor Gilbert C. Walker in 1872 and funds provided through the Morrill Land-Grant Act; and

WHEREAS, 150 years and many name changes later, Virginia Polytechnic Institute and State University (Virginia Tech) is distinguished as the Commonwealth's most comprehensive university and leading research institution with nearly 300 undergraduate and graduate degree programs across nine colleges and an enrollment of more than 37,000 undergraduate, graduate, and professional students; and

WHEREAS, over the course of its 150-year history, Virginia Tech has benefited from the leadership of 16 presidents, whose consequential actions have enabled the institution to emerge as a forerunner in higher education locally, nationally, and globally, inspiring and empowering students, faculty, and partners to learn, innovate, and serve their communities in transformational ways; and

WHEREAS, Virginia Tech is guided by a founding vision based on the core tenets of research and discovery, teaching and learning, and outreach and engagement, and the institution promotes the importance of diverse and inclusive communities, the pursuit of knowledge and innovation, opportunity and affordability, and excellence and integrity; and

WHEREAS, Virginia Tech has 11 Agricultural Research and Extension Center locations delivering research and extension programs to support producers, K-12 programs, and citizens throughout the Commonwealth; and

WHEREAS, the mission of Virginia Tech is inspired by its land-grant identity and driven by its motto *Ut Prosim* (That I May Serve) to be an inclusive community of knowledge, discovery, and creativity dedicated to improving the quality of life and the human condition within the Commonwealth and throughout the world; and

WHEREAS, Virginia Tech is steeped in rich traditions and the sacred ideals of Brotherhood, Honor, Leadership, Sacrifice, Service, Loyalty, Duty, and *Ut Prosim* inscribed on the pylons that oblige all who enter the gateway of the main campus to consider and live out the primary principles upon which the institution was founded; and

WHEREAS, Virginia Tech maintains an active presence at its 2,600-acre main campus in Blacksburg, as well as a significant presence in other parts of the Commonwealth, including the Innovation Campus in Northern Virginia, the Health Sciences and Technology Campus in Roanoke, and Centers in Newport News and Richmond, along with an international study-abroad site in Switzerland; and

WHEREAS, Virginia Tech is one of the great national and global universities of the 21st century, recognized for its research strengths, world-class faculty, exceptional facilities, and ability to integrate and adapt its learning, discovery, and engagement missions; and

WHEREAS, alumni of Virginia Tech can be found around the globe and have changed the nation and the world for the better by becoming pioneers and leaders in a wealth of fields and industries, all while proudly representing what it means to be a Hokie; and

WHEREAS, the members of the General Assembly join with the students, faculty, staff, and more than 270,000 alumni of Virginia Tech in commemorating this important milestone in the university's long and storied history; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Virginia Polytechnic Institute and State University on the occasion of its 150th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Rector Letitia A. Long and President Timothy D. Sands of Virginia Polytechnic Institute and State University, as an expression of the General Assembly's admiration for the institution's extraordinary history, unparalleled legacy of excellence, and invaluable contributions to the Commonwealth, the nation, and the world.

HOUSE JOINT RESOLUTION NO. 236

Commending Lauren Shifflett.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Lauren Shifflett, a fourth grade teacher at South River Elementary School in Rockingham County, was presented with a John Morton Excellence in the Teaching of Economics Award by the Council for Economic Education in 2021; and

WHEREAS, Lauren Shifflett was honored by the Council for Economic Education for her innovative approach to teaching financial literacy and money management to her students; and

WHEREAS, recognizing that her students did not adequately understand the concept of cash flow, Lauren Shifflett developed a lesson plan wherein her students would interact with one another in an imagined economy, with each student getting a job and an income and being responsible for supplies, rent, and other costs; and

WHEREAS, Lauren Shifflett's first iteration of this lesson plan, "Superville Shifflett: Soaring Together," involved her first grade students at Elkton Elementary School working collectively to develop a self-sufficient and thriving economic society; and

WHEREAS, in 2019, Lauren Shifflett's "Superville Shifflett" lesson plan was recognized with an award for outstanding economics or personal finance lesson from the Virginia Council on Economic Education; and

WHEREAS, Lauren Shifflett was subsequently nominated for the John Morton Award by John Kruggel, associate director of the Center for Economic Education at James Madison University and coordinator for Your Economic Success, a nonprofit dedicated to promoting economic and financial literacy in the Shenandoah Valley; and

WHEREAS, Lauren Shifflett continues to develop her techniques and has since created similar lesson plans in which her classroom was transformed into a fish market, a flower shop, and a zoo, building immersive worlds in which her students can engage with real-world concepts in fun and memorable ways; and

WHEREAS, Lauren Shifflett has demonstrated a deep commitment to the success of her fellow educators, assuming a leadership role at James Madison University's Center for Economic Education, where she provides workshops to share best practices for teaching economics to young people; and

WHEREAS, Lauren Shifflett's thorough understanding of her students and how they learn has enabled her to connect with them in a way that fosters their ability to think critically and creatively, priming them to achieve greatness both in the classroom and throughout their lives; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Lauren Shifflett, a fourth grade teacher at South River Elementary School, for receiving a 2021 John Morton Excellence in the Teaching of Economics Award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lauren Shifflett as an expression of the General Assembly's admiration for her contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 237

Commending the New River Resource Authority.

Agreed to by the House of Delegates, February 21, 2022

Agreed to by the Senate, February 24, 2022

WHEREAS, the New River Resource Authority was formed in 1986 and incorporated in 1987 with the purpose of providing dedicated, responsible, and economical solid waste management services to the New River Valley; and

WHEREAS, the New River Resource Authority's founding members, Robert P. Asbury, Jr., and Thomas Starnes, have served impeccably on the organization's board of directors while representing the City of Radford since 1986; and

WHEREAS, Robert P. Asbury, Jr., and Thomas Starnes have each served the New River Resource Authority in a number of capacities, including as chairman, vice chairman, secretary, treasurer, and budget committee member, while serving as the city manager and the mayor of the City of Radford, respectively, for more than 30 years; and

WHEREAS, Peggy Hemings represented the Town of Dublin on the New River Resource Authority Board of Directors for over 20 years, serving as chairman, vice chairman, secretary, treasurer, and budget committee member at various times, while serving on the Dublin Town Council for 24 years; and

WHEREAS, the New River Resource Authority's executive director since 2003, Joseph R. Levine, P.E., has tirelessly and seamlessly administered the mission and vision of the organization's board of directors; and

WHEREAS, the foresight and commitment of the New River Resource Authority Board of Directors and the leadership of the organization's executive director have admirably served the New River Valley, providing sustained economic stability and demonstrating exceptional environmental compliance while maintaining the lowest regional tip fees, debt-free operations, and an established reserve fund to address future environmental requirements without additional tax burdens being placed on the region's citizens; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the New River Resource Authority for contributing to environmental stewardship and economic stability, for attracting new and prosperous businesses, and for consistently serving the best interests of the citizens of the New River Valley; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Joseph R. Levine, executive director of the New River Resource Authority, and the New River Resource Authority Board of Directors as an expression of the General Assembly's gratitude for the organization's achievements on behalf of all Virginians.

HOUSE JOINT RESOLUTION NO. 238

Commending Loaves & Fishes Chilhowie Area Food Pantry.

Agreed to by the House of Delegates, February 21, 2022

Agreed to by the Senate, February 24, 2022

WHEREAS, for 20 years, Loaves & Fishes Chilhowie Area Food Pantry has worked diligently to reduce hunger and support members of the Smyth County community in need; and

WHEREAS, established in 2002, Loaves & Fishes has fulfilled its vital mission with the hard work of community volunteers and generous contributions from donors and partner agencies; and

WHEREAS, each month, Loaves & Fishes delivers or distributes approximately 800 boxes of food to individuals and families in the region; and

WHEREAS, Loaves & Fishes coordinates with other local organizations, including the Chilhowie Farmer's Market and the Chilhowie Public Library to build a stronger, healthier Smyth County; and

WHEREAS, over the course of its long history, Loaves & Fishes has helped generations of Smyth County residents facing food insecurity to remain productive, engaged members of the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Loaves & Fishes Chilhowie Area Food Pantry; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Loaves & Fishes Chilhowie Area Food Pantry as an expression of the General Assembly's admiration for the organization's contributions to members of the Smyth County community in need.

HOUSE JOINT RESOLUTION NO. 239

Commending the Christopher Newport University women's soccer team.

Agreed to by the House of Delegates, February 21, 2022

Agreed to by the Senate, February 24, 2022

WHEREAS, the Christopher Newport University women's soccer team won the National Collegiate Athletic Association Division III national championship at the UNC-Greensboro Soccer Stadium on December 4, 2021; and

WHEREAS, the Christopher Newport University (CNU) Captains defeated The College of New Jersey (TCNJ) Lions 2-0, earning the program's first-ever National Collegiate Athletic Association (NCAA) tournament title; and

WHEREAS, the CNU Captains finished their season undefeated with their win over the top-ranked TCNJ Lions, who had entered the match undefeated; and

WHEREAS, the CNU Captains' fifth-year senior Riley Cook brought her career to a close with one of the most impressive NCAA tournament performances ever as she scored seven of her team's nine goals in the postseason, including one in the championship match; and

WHEREAS, another standout performance for the CNU Captains came from junior center back, Jill McDonald, who was honored as the Most Outstanding Defensive Player of the NCAA tournament; and

WHEREAS, the CNU Captains' championship run was supported by stellar defense across the board, with the unit allowing only one goal the entire NCAA tournament; and

WHEREAS, the CNU Captains were proudly represented by Riley Cook, Ellie Cox, Haley Eiser, Jill McDonald, and Emily Talotta on the NCAA tournament's 2021 All-Championship Team; and

WHEREAS, the CNU Captains' championship title was a holistic effort, with every member of the team working hard to contribute to this accomplishment; and

WHEREAS, the achievements of the CNU Captains would not have been possible without the dedication of the student-athletes, the leadership and guidance of head coach Jamie Gunderson and assistant coach Sean Killion, and the unwavering support of the entire CNU community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Christopher Newport University women's soccer team for winning the 2021 National Collegiate Athletic Association Division III national championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jamie Gunderson, head coach of the Christopher Newport University women's soccer team, as an expression of the General Assembly's admiration for the team's historic victory.

HOUSE JOINT RESOLUTION NO. 240

Commending the Dar Al Noor Islamic Community Center.

Agreed to by the House of Delegates, February 21, 2022

Agreed to by the Senate, February 24, 2022

WHEREAS, the Dar Al Noor Islamic Community Center, part of the Muslim Association of Virginia, has made countless contributions to the residents of Manassas, Manassas Park, and Prince William County and enhanced the quality of life in the region through a wide variety of programs; and

WHEREAS, the Dar Al Noor Islamic Community Center strives to increase civic engagement among local residents while supporting the religious, social, and educational advancement of the Muslim community; and

WHEREAS, the Dar Al Noor Islamic Community Center is a founding member of Northern Virginia Food Rescue and conducts a biweekly food distribution that serves 200 local families every other Sunday; the center served 30,000 hot meals to Prince William County residents during Ramadan; and

WHEREAS, the Dar Al Noor Islamic Community Center has advocated for social justice initiatives, created an antiracism task force, and hosts an annual diversity block party; the center conducted professional development for Prince William County teachers on culturally responsive education; and

WHEREAS, the Dar Al Noor Islamic Community Center has supported young people through boys and girls Scouting programs, completed a service project at a senior living facility, and provided hygiene products to people experiencing homelessness; and

WHEREAS, during the COVID-19 pandemic, the Dar Al Noor Islamic Community Center created and delivered masks to first responders and worked with local health officials to host vaccination clinics; and

WHEREAS, the Dar Al Noor Islamic Community Center supported initiatives by the Muslim Association of Virginia to host seminars and town halls on COVID-19 vaccines to answer questions and alleviate concerns about vaccinations; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Dar Al Noor Islamic Community Center for its legacy of exceptional service to the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Dar Al Noor Islamic Community Center as an expression of the General Assembly's admiration for the center's contributions to local residents in need.

HOUSE JOINT RESOLUTION NO. 241

Commending Dr. Laura Goldzung.

Agreed to by the House of Delegates, March 1, 2022

Agreed to by the Senate, March 10, 2022

WHEREAS, Dr. Laura Goldzung of Bristow, the former principal of Baldwin Elementary School in Manassas, received the 2021-2022 National Administrator of the Year award from Project Lead the Way for her commitment to excellence in education; and

WHEREAS, Project Lead the Way, a national nonprofit organization that strives to transform the education system through innovative programs, selected Dr. Laura Goldzung from a pool of talented school administrators around the country in recognition of her work to deliver an inspiring and empowering student experience; and

WHEREAS, before joining Baldwin Elementary School in 2016, Dr. Laura Goldzung worked in Northern Virginia as an instructional assistant, a literacy tutor, a special education teacher, and a school-based administrator; and

WHEREAS, as principal, Dr. Laura Goldzung supported interdisciplinary instruction and unique assessment methods; she implemented Project Lead the Way Launch modules to help students stay better engaged in the learning process and build the skills and knowledge to meet the challenges of the future; and

WHEREAS, in 2021, Dr. Laura Goldzung accepted a position with Manassas City Public Schools as director for accountability and assessment and will continue to provide her leadership and expertise to the school district as a whole; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Dr. Laura Goldzung on her selection as Project Lead the Way's 2021–2022 National Administrator of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dr. Laura Goldzung as an expression of the General Assembly's admiration for her achievements in service to young people in Manassas.

HOUSE JOINT RESOLUTION NO. 242

Commending Austin Riddell.

Agreed to by the House of Delegates, February 21, 2022

Agreed to by the Senate, February 24, 2022

WHEREAS, Austin Riddell, a fourth grade student at Redbud Run Elementary School in Winchester, has inspired the community through his dedication to honoring veterans of the United States Armed Forces; and

WHEREAS, with family members in the United States Armed Forces going back four generations, Austin Riddell has long understood the courage and commitment required of our veterans; and

WHEREAS, Austin Riddell created a tribute to veterans that he presented at his school, which has helped many of his classmates gain a deeper understanding of veterans and their service; and

WHEREAS, Austin Riddell has appeared before the Frederick County School Board to advocate in favor of making Veterans Day an official school holiday; and

WHEREAS, to bring greater awareness to his admirable cause, Austin Riddell held a ceremony outside Millbrook High School in Winchester on Veterans Day in 2021, and

WHEREAS, what was initially envisioned as a small gathering blossomed into a major event attended by various prominent individuals in the community; and

WHEREAS, those in attendance at Austin Riddell's tribute included members of the local chapters of The American Legion and Veterans of Foreign Wars, then Lieutenant Governor-elect Winsome Sears, members of the Frederick County Board of Supervisors, and representatives of Frederick County Public Schools; and

WHEREAS, by compelling others to reflect on the bravery and selflessness of America's veterans, Austin Riddell has prompted greater recognition of and appreciation for their heroic service; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Austin Riddell for his meritorious efforts to honor the service and sacrifice of our nation's veterans; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Austin Riddell as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 243

Celebrating the life of Judith Ann McKiernan.

Agreed to by the House of Delegates, February 21, 2022

Agreed to by the Senate, February 24, 2022

WHEREAS, Judith Ann McKiernan, an accomplished social worker, esteemed public servant, and beloved member of the Winchester community, died on November 30, 2021; and

WHEREAS, born in Shreveport, Louisiana, and raised in Houston, Texas, Judith "Judy" Ann McKiernan settled in Winchester in the late 1980s and began working with Winchester Public Schools in 1990; and

WHEREAS, Judy McKiernan served Winchester Public Schools in various capacities over the years and most recently was the division's director of student support services, contributing greatly to the success of countless students; and

WHEREAS, Judy McKiernan had represented the 4th Ward on the Winchester City Council since 2018, demonstrating an extraordinary commitment to inclusion and to improving the quality of life in Winchester for all residents; and

WHEREAS, Judy McKiernan's energy and generous spirit benefited various organizations in the community, including Bright Futures, the Winchester Area Temporary Thermal Shelter, the local branch of the NAACP, and the Winchester City Tourism Board; and

WHEREAS, guided throughout her life by her faith, Judy McKiernan enjoyed worship and fellowship with her community at Bethel Lutheran Church in Winchester; and

WHEREAS, Judy McKiernan will be fondly remembered and dearly missed by her loving husband of 29 years, Michael; her children, Hannah and Adam, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Judith Ann McKiernan, an admired social worker and public servant who touched countless lives in the Winchester community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Judith Ann McKiernan as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 244

Commending the Varina High School football team.

Agreed to by the House of Delegates, March 9, 2022

Agreed to by the Senate, March 11, 2022

WHEREAS, the Varina High School football team brought home the program's first-ever state title with a victory in the Virginia High School League Class 4 state championship in December 2021; and

WHEREAS, in their first trip to the state final since 1999, the Varina High School Blue Devils defeated the Broad Run High School Spartans by a score of 28-21; and

WHEREAS, the Varina Blue Devils took an early lead after a one-yard touchdown run by Anthony Fisher, who spearheaded the team's dynamic offense along with quarterback Myles Derricott; and

WHEREAS, the Varina Blue Devils withstood a determined counterattack by the Broad Run Spartans in the fourth quarter, but maintained the lead to secure the historic win; and

WHEREAS, the historic season is a tribute to the skill and hard work of all the student-athletes, the leadership and guidance of the coaches and staff, and the passionate support of friends, family members, and the entire Varina High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Varina High School football team on winning the Virginia High School League Class 4 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Marcus Lewis, head coach of the Varina High School football team, as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 245

Celebrating the life of Naval Air Crewman 2nd Class James P. Buriak, USN.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, Naval Air Crewman 2nd Class James P. Buriak, USN, of Salem died in the line of duty on August 31, 2021; and

WHEREAS, James "Jimmy" P. Buriak graduated from Salem High School and earned a bachelor's degree in sports management from Roanoke College; and

WHEREAS, desirous to be of service to the nation, Jimmy Buriak joined the United States Navy and was assigned to Helicopter Sea Combat Squadron 8 based at Naval Air Station North Island in San Diego; and

WHEREAS, while on Gun Beach in Guam in 2020, Jimmy Buriak, a trained rescue swimmer, was alerted that a surfer had been caught in a rip current and heroically dove into the water to help pull the individual to shore; and

WHEREAS, on August 31, 2021, Jimmy Buriak was conducting routine flight operations from the USS *Abraham Lincoln* when his Sikorsky MH-60S helicopter crashed off the coast of California; and

WHEREAS, Jimmy Buriak served the nation with integrity and dedication, and his tragic loss is a reminder of the dangers faced by men and women in uniform at home and abroad; and

WHEREAS, Jimmy Buriak will be fondly remembered and greatly missed by his wife, Megan; his son, Caulder; his parents, Jim and Carol; his sister, Laura, and her family; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Naval Air Crewman 2nd Class James P. Buriak, USN; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Naval Air Crewman 2nd Class James P. Buriak, USN, as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 246

Celebrating the life of Pastor Kim William Bondes.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, Pastor Kim William Bondes, esteemed spiritual leader of Zion Baptist Church in Cardinal, Virginia, and a beloved member of the Hampton Roads community, died on January 19, 2022; and

WHEREAS, Kim Bondes was a member of the Hampton High School Class of 1975 and became a member of New Hope Baptist Church in Hampton, Virginia, serving from 1973 to 1985; he supported his congregation in various roles, including as Baptist Training Union Director, Sunday School Teacher, and Recreation Coordinator, and was ordained as a Deacon in 1982; and

WHEREAS, Kim Bondes would hear the call to preach a year later, becoming ordained to the Gospel Ministry on January 10, 1985, while receiving his Diploma in Christian Education from United Christian College in Portsmouth, Virginia; in May of that same year, he assumed the Pastorship of Zion Baptist Church in Cardinal, Virginia; and

WHEREAS, Kim Bondes was the 18th Pastor of Zion Baptist Church and led his congregation for 25 years with great vision and a sense of tradition; he provided his parishioners with enlightening and edifying wisdom and innumerable opportunities for community outreach; and

WHEREAS, Kim Bondes was a guide and mentor to many other spiritual leaders, including fellow Pastors, Preachers, and Evangelists, enabling his sage and inspired counsel to radiate far beyond his immediate circle; and

WHEREAS, with an eye toward changing lives and uplifting his community, Kim Bondes founded the House of Jacob Church in Hampton, Virginia, in 2014; and

WHEREAS, Kim Bondes will be fondly remembered and dearly missed by his loving wife, Luetishia; his children, Kimberly, Keshia, Kristal, and Kristopher, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Pastor Kim William Bondes, Pastor of Zion Baptist Church in Cardinal, Virginia, whose sage spiritual leadership and compassion inspired all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Pastor Kim William Bondes as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 247

Commending Louis Rodman Whitaker, Jr.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, Louis Rodman Whitaker, Jr., an elite second baseman hailing from Martinsville who played 19 seasons with the Detroit Tigers of Major League Baseball, will have his number officially retired by his former club in 2022; and

WHEREAS, Louis "Lou" Rodman Whitaker, known affectionately among fans as "Sweet Lou," grew up in Martinsville and was a member of the Martinsville High School Class of 1975; and

WHEREAS, Lou Whitaker was selected by the Detroit Tigers as the 99th overall selection in the 1975 Major League Baseball (MLB) draft and was called up by the team two years later, winning the American League Rookie of the Year Award in 1978 after recording a .285 batting average and 71 runs; and

WHEREAS, a five-time MLB All-Star who won four Silver Slugger Awards and three Gold Glove Awards, Lou Whitaker is fondly remembered as one of the best defensive second basemen of his generation, posting an impressive career fielding percentage of .984; and

WHEREAS, over 19 seasons and 2,390 games, Lou Whitaker amassed a .276 career batting average and a .363 career on-base percentage, including 244 home runs, 1,084 runs-batted-in, 2,369 hits, 420 doubles, 65 triples, and 143 stolen bases; and

WHEREAS, Lou Whitaker's commitment to the Detroit Tigers extended beyond his career on the diamond as he spent several years in retirement serving as a hitting instructor during the team's spring training sessions in Florida; and

WHEREAS, to honor his nearly two decades of stellar play on behalf of the organization, the Detroit Tigers have announced plans to retire Lou Whitaker's number in 2022, allowing countless future fans to reflect upon his legacy; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Louis Rodman Whitaker, Jr., All-Star second baseman of the Detroit Tigers and beloved member of the Martinsville community, on the occasion of his number being retired by the Detroit Tigers; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Louis Rodman Whitaker, Jr., as an expression of the General Assembly's admiration for his achievements.

HOUSE JOINT RESOLUTION NO. 248

Celebrating the life of the Reverend Dr. Clifton Whitaker, Jr.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, the Reverend Dr. Clifton Whitaker, Jr., esteemed pastor emeritus of Grayland Baptist Church in Richmond and a beloved member of the Richmond community, died on September 10, 2021; and

WHEREAS, after graduating from Armstrong High School in Richmond, Clifton Whitaker studied at Virginia Union University before joining the Richmond Police Department (RPD), where he became the first African American officer to be promoted to the detective division; and

WHEREAS, after 17 years and several awards for his exceptional service, Clifton Whitaker left the RPD and returned to Virginia Union University to complete a bachelor's degree in English; and

WHEREAS, Clifton Whitaker subsequently earned a master of divinity degree and a doctor of divinity degree from the Samuel DeWitt Proctor School of Theology at Virginia Union University and later received a doctor of humane letters degree from Richmond Virginia Seminary; and

WHEREAS, Clifton Whitaker became the pastor at Grayland Baptist Church in 1982 and led the congregation through a period of exceptional growth and outreach in the community before retiring in 2015 and assuming the title of pastor emeritus; and

WHEREAS, Clifton Whitaker's dedication and leadership guided Grayland Baptist Church through various ventures, including the construction of a new sanctuary and fellowship hall and the establishment of a community outreach program that helped feed individuals and families in need; and

WHEREAS, Clifton Whitaker gave generously of his time to myriad religious and civic organizations over the years, including serving as president of both the National Christian Education Convention and the Division of Clergy of the Baptist General Convention of Virginia and as dean of academics at Richmond Virginia Seminary; and

WHEREAS, in recognition of his admirable service to the community, Clifton Whitaker received a plethora of awards in his lifetime, including multiple Minister of the Year honors from the Ushers Union of Richmond and Vicinity and a "Living Legend" distinction from Grayland Baptist Church; and

WHEREAS, Clifton Whitaker will be fondly remembered and dearly missed by his loving wife of 58 years, Dolores; his children, Gina, Jacquelin, Joy, and Terry, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Reverend Dr. Clifton Whitaker, Jr., pastor emeritus of Grayland Baptist Church, whose inspired spiritual guidance and commitment to helping others shaped countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Reverend Dr. Clifton Whitaker, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 249

Celebrating the life of the Reverend E. Walter Anderson, Jr.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, the Reverend E. Walter Anderson, Jr., longtime pastor of Parrish Hill Baptist Church in Charles City and a beloved member of the Richmond community, died on October 11, 2021; and

WHEREAS, a native of Richmond, Walter Anderson's educational pursuits led to a bachelor's degree in religious education and a master's degree in theology from the former Fredericksburg Bible Institute and a bachelor's degree in sacred theology from Luther Rice College and Seminary; and

WHEREAS, Walter Anderson received his credentials for the gospel ministry under the leadership of the Reverend J.B. Gordon of Bethlehem Baptist Church in Richmond before being called to serve as pastor of Parrish Hill Baptist Church in December 1966; and

WHEREAS, Walter Anderson greatly supported the spiritual growth of the congregation at Parrish Hill Baptist Church, while contributing to the church's longevity through the careful oversight of structural improvements and the training of future ministers; and

WHEREAS, in addition to his tenure at Parrish Hill Baptist Church, Walter Anderson served for a time as pastor at Mt. Oni Baptist Church in Caroline County; and

WHEREAS, in recognition of his years of exceptional spiritual leadership and service, Walter Anderson was presented an honorary doctor of divinity degree from Richmond Virginia Seminary and an honorary doctorate of humanities from Infinity Bible Seminary in Richmond; and

WHEREAS, Walter Anderson will be fondly remembered and dearly missed by his loving wife, Lois, and by numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Reverend E. Walter Anderson, Jr., cherished former pastor of Parrish Hill Baptist Church whose wise and compassionate counsel guided countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Reverend E. Walter Anderson, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 250

Celebrating the life of Paul Reddick Hedges.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, Paul Reddick Hedges, an esteemed attorney and beloved member of the Chesapeake community, died on December 22, 2021; and

WHEREAS, born in La Grange Park, Illinois, Paul Hedges was a member of the first graduating class of the Regent University School of Law and had lived and worked in Chesapeake since 1986; and

WHEREAS, for more than 30 years, Paul Hedges devoted his legal practice to ensuring that low-income and underserved members of the community received equitable treatment before the law; and

WHEREAS, as a testament to his expertise and commitment to social justice, Paul Hedges was a trusted confidant and adviser to many clients and public leaders; and

WHEREAS, guided throughout his life by his faith, Paul Hedges actively pursued mission work in Africa and was steadfastly dedicated to the cause of racial reconciliation in the Commonwealth; and

WHEREAS, Paul Hedges will be fondly remembered and dearly missed by his children, Laura and Matthew, and their families and by numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Paul Reddick Hedges, an accomplished attorney whose service in the Chesapeake community benefited countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Paul Reddick Hedges as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 251

Celebrating the life of Tony Darnell Cosby.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, Tony Darnell Cosby of Richmond, a playwright who honored the legacy of the Reverend Dr. Martin Luther King, Jr., as a historical reenactor, died on August 23, 2021; and

WHEREAS, a native of Richmond, Tony Cosby studied acting at Bowie State University in Maryland; and

WHEREAS, in 1983, Tony Cosby was invited to read the "I Have a Dream" speech at a local church to mark the 20th anniversary of the March on Washington for Jobs and Freedom; and

WHEREAS, Tony Cosby prepared by listening to tapes of Dr. King's speeches and impressed the audience with his ability to evoke the sound, cadence, and inflection of Dr. King's voice; and

WHEREAS, Tony Cosby parlayed the performance into a year-round occupation, making appearances at churches, theaters, and other venues; he was particularly active during Black History Month and was a key speaker for the annual Community Learning Week in Richmond; and

WHEREAS, Tony Cosby's sincerity and commitment to his craft helped new generations of Richmond residents engage with Dr. King's message in a unique and personal way; and

WHEREAS, Tony Cosby will be fondly remembered and greatly missed by his daughter, Kristin, and her family; his mother, Shirley; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Tony Darnell Cosby; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Tony Darnell Cosby as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 252

Celebrating the life of Elizabeth Lindsay Graham Halsey.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, Elizabeth Lindsay Graham Halsey, a beloved wife, mother, grandmother, friend, and member of the Richmond community, died on December 8, 2021; and

WHEREAS, Lindsay Halsey graduated from St. Catherine's School in Richmond, where she played on the all-city field hockey team, and later attended Erskine College; and

WHEREAS, Lindsay Halsey bettered the community through her service as a member of the Junior League of Richmond and on the board of the Richmond Ballet and often charmed readers in her columns for the *Richmond Times-Dispatch*; and

WHEREAS, a devoted mother, Lindsay Halsey's chief mission was to teach her children, grandchildren, and great-grandchildren to appreciate life and be compassionate and open-minded toward all; and

WHEREAS, guided by her faith, Lindsay Halsey enjoyed worship and fellowship with her community at St. Stephen's Episcopal Church in Richmond for many years; and

WHEREAS, preceded in death by her son, Brenton, Jr., Lindsay Halsey will be fondly remembered and dearly missed by her devoted husband, Brenton, Sr.; her children, Liza, Kate, and Melanie, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Elizabeth Lindsay Graham Halsey, a cherished member of the Richmond community whose kind and gentle nature was a light in many lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Elizabeth Lindsay Graham Halsey as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 253

Celebrating the life of the Reverend Canon John Fletcher Lowe, Jr.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, the Reverend Canon John Fletcher Lowe, Jr., esteemed spiritual leader, accomplished social justice advocate, and beloved member of the Richmond community, died on August 25, 2021; and

WHEREAS, born in Greenville, South Carolina, Fletcher Lowe graduated from the Gilman School in Baltimore before earning degrees from Washington and Lee University and the General Theological Seminary; and

WHEREAS, Fletcher Lowe was ordained to the priesthood in 1960 and served parishes in the Episcopal Dioceses of South Carolina and Southwestern Virginia before assuming the role of Executive Secretary of the Department of Christian Social Relations with the Episcopal Diocese of Virginia in 1967; and

WHEREAS, Fletcher Lowe subsequently led the parish of Church of the Holy Comforter in Richmond as rector from 1970 to 1985 while holding positions on various leadership bodies with the Episcopal Diocese of Virginia, including its Liturgical Commission, Executive Board, and Standing Committee, which he served as president; and

WHEREAS, Fletcher Lowe devoted his last decade of full-time ministry to parishes under the Diocese of Delaware before retiring in 1994; he then held several interim positions around the world, first at St. John's Episcopal Church in Richmond and later with churches in Germany, Italy, Switzerland, and France; and

WHEREAS, in recognition of his efforts in 1971 to protect Christian clergy who had faced persecution under the administration of Ugandan president Idi Amin, Fletcher Lowe was made a canon of St. Paul's Cathedral Namirembe in Kampala, Uganda; and

WHEREAS, Fletcher Lowe was a tireless advocate for economic, racial, and social justice throughout his life and was integral to the founding of the Virginia Interfaith Center for Public Policy, the largest statewide advocacy organization for the faith community, which he served as Executive Director in 1997 through 2004; and

WHEREAS, Fletcher Lowe was particularly concerned for the religious rights of incarcerated individuals, serving many years as a visiting chaplain at state penitentiaries, and spoke often and ardently in favor of criminal justice reform; and

WHEREAS, Fletcher Lowe will be fondly remembered and dearly missed by his loving wife of 62 years, Mary Frances; his children, John, Elizabeth, and Suzanne, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Reverend Canon John Fletcher Lowe, Jr., whose sagacious spiritual counsel and unwavering commitment to the less fortunate members of society were an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Reverend Canon John Fletcher Lowe, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 254

Celebrating the life of William Harvey McWilliams, Jr.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, William Harvey McWilliams, Jr., an honorable veteran; accomplished printmaker, curator, and designer; and a beloved member of the Richmond community, died on December 30, 2021; and

WHEREAS, Harvey McWilliams attended the former East Carolina College for two years before courageously serving his country as a codebreaker with the United States Army during the Korean War; and

WHEREAS, following his service, Harvey McWilliams earned a bachelor's degree in interior design from the Richmond Professional Institute, now Virginia Commonwealth University; and

WHEREAS, following a brief foray in Washington, D.C., Harvey McWilliams began his career in the commercial design department of the former Virginia-based department store chain Miller & Rhoads, where his accomplishments included designing the original interior of St. Mary's Hospital in Richmond; and

WHEREAS, Harvey McWilliams subsequently returned to Virginia Commonwealth University, where in 1960 he became the first person to receive a master's degree in printmaking from the school; and

WHEREAS, Harvey McWilliams was then employed by the Virginia Museum of Fine Arts, curating exhibits for the museum's art-mobile and supporting its operations around the Commonwealth; and

WHEREAS, Harvey McWilliams' artistic ventures included work as a graphic designer for the Library of Virginia and as an artist-in-residence at the Virginia Center for the Humanities; and

WHEREAS, Harvey McWilliams was equally a master of the culinary arts and founded Mainly Pasta, one of Richmond's first gourmet take-out eateries, in the early 1980s, remaining a chef there for more than 15 years; and

WHEREAS, a prolific printmaker in his life who began exploring furniture design in his later years, Harvey McWilliams' works have been accessioned by the Virginia Museum of Fine Arts, as well as featured in the museum's gift shop; and

WHEREAS, Harvey McWilliams fostered the Richmond arts community through his involvement with the Firehouse Theatre, serving on the organization's board and providing catering services at many of its events; and

WHEREAS, preceded in death by his loving husband and companion of 20 years, Ken, Harvey McWilliams will be fondly remembered and dearly missed by his sisters, Carrie and Lynda, and their families and by numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of William Harvey McWilliams, Jr., a multi-talented artist whose passion, creativity, and generosity left a profound and lasting impact on the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of William Harvey McWilliams, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 255

Celebrating the life of Ole Christian Bredrup, Jr.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, Ole Christian Bredrup, Jr., an esteemed radiologist and a beloved member of the Richmond community, died on October 19, 2021; and

WHEREAS, born during the Great Depression, Christian Bredrup studied at both Hampden-Sydney College and the Medical College of Virginia before training as a radiologist at the former Columbia-Presbyterian Medical Center in New York City; and

WHEREAS, Christian Bredrup had a distinguished career in the growing field of radiology, helping an untold number of patients better address their health care needs; and

WHEREAS, Christian Bredrup showed a gift for the piano at a young age, which he studied in his early years and enjoyed passionately for the remainder of his life, and appreciated the arts of the world alongside his wife, Elizabeth; and

WHEREAS, Christian Bredrup will be fondly remembered and dearly missed by his loving wife, Elizabeth; his son, Turner, and his family; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Ole Christian Bredrup, Jr., a cherished member of the Richmond community whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ole Christian Bredrup, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 256

Celebrating the life of Linda Holt Armstrong.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, Linda Holt Armstrong, a beloved mother, friend, and member of the Richmond community, died on August 8, 2021; and

WHEREAS, an active and engaged member of the community, Linda Armstrong served as president of the Westover Hills Neighborhood Association and was involved with the Chesterfield-Colonial Heights Christmas Mother program; and

WHEREAS, affectionately known by family and friends as "Minnow," Linda Armstrong helped many to slow down and savor life, never missing an opportunity to dance, laugh, garden, or play with her grandchildren; and

WHEREAS, Linda Armstrong was a true friend to many, always sending cards on birthdays and arriving first to help out whenever another was in need; and

WHEREAS, guided by her faith, Linda Armstrong was a devoted member of St. Paul's Episcopal Church in Richmond, where she served on the Vestry and as chair of the church's History and Reconciliation Initiative; and

WHEREAS, preceded in death by her loving partner, Bill, Linda Armstrong will be fondly remembered and dearly missed by her children, Erin and Ann, and their families and by numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Linda Holt Armstrong, a cherished member of the Richmond community whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Linda Holt Armstrong as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 257

Celebrating the life of Perry Lee Briggs, Sr.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, Perry Lee Briggs, Sr., a former star football player at Maggie L. Walker High School and Virginia Union University and a highly admired community leader of Richmond, died on August 19, 2021; and

WHEREAS, a Richmond native, Perry Briggs graduated from what was then Maggie L. Walker High School and was a standout quarterback for the football team; and

WHEREAS, Perry Briggs led the Maggie L. Walker High School Green Dragons to victory over their archrivals from Armstrong High School in the Armstrong-Walker Classic in the 1940s and was inducted into the school's athletic hall of fame; and

WHEREAS, Perry Briggs continued his education at Virginia Union University and was the starting quarterback on the football team for much of his college career; and

WHEREAS, Perry Briggs worked in a tobacco factory and subsequently served as a supervisor at a Wonder Bread bakery until his well-earned retirement; and

WHEREAS, Perry Briggs enjoyed fellowship and worship with the community as a lifelong member of St. Paul's Baptist Church, where he served as an usher, a deacon, and a trustee and was a founding member of the male chorus; and

WHEREAS, predeceased by his wife, Dahlia, Perry Briggs will be fondly remembered and greatly missed by his children, Diane, Perry, Jr., and Robert, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Perry Lee Briggs, Sr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Perry Lee Briggs, Sr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 258

Celebrating the life of John Gregory Blankenship.

Agreed to by the House of Delegates, February 25, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, John Gregory Blankenship, a dedicated law-enforcement officer who served numerous communities throughout the Commonwealth, died on August 7, 2021; and

WHEREAS, after graduating high school in 1979, John Gregory "Greg" Blankenship dutifully served his country for four years in the United States Navy; and

WHEREAS, after serving in the United States Navy, Greg Blankenship served in the Virginia Army National Guard and received the Army Service Ribbon; and

WHEREAS, Greg Blankenship graduated from the Cardinal Criminal Justice Academy and served first as a police officer with the Pulaski Police Department, then as a deputy sheriff with the Pulaski County Sheriff's Office; and

WHEREAS, Greg Blankenship joined the Virginia State Police in November 1993 and graduated from the Academy in May 1994 as a member of the 90th Basic Session; and

WHEREAS, as a state trooper, Greg Blankenship served in Fairfax County, Bedford County, and Franklin County before being promoted to special agent with the Bureau of Criminal Investigation's Criminal Intelligence Division; and

WHEREAS, Greg Blankenship was promoted to sergeant while assigned to the Richmond Division Area 8 Office and served with the Training Division and the Richmond Division Motors Unit; and

WHEREAS, a promotion to first sergeant earned Greg Blankenship an assignment in both the Bureau of Criminal Investigation's Richmond Field Office General Investigation Section and the Salem Field Office Drug Enforcement Section; and

WHEREAS, Greg Blankenship was promoted to the rank of lieutenant and returned to the Bureau of Field Operations as the field lieutenant for the Culpeper Division, then transferred to the Bureau of Criminal Investigation's Fairfax Field Office General Investigation Section; and

WHEREAS, in 2018, Greg Blankenship achieved the rank of captain and served as the division commander of the Bureau of Criminal Investigation's Salem Field Office until the time of his passing; and

WHEREAS, Greg Blankenship served for many years as the coordinator of defensive tactics throughout the Commonwealth and was a master defensive tactics instructor with the Virginia Association of Law Enforcement Defensive Tactics Instructors; and

WHEREAS, Greg Blankenship was a shihan, or master martial arts instructor, of Karate and Goshin-Do with Chikubu-Kai Karate-Do, and a longtime personal student of Soke W.H. Price; and

WHEREAS, Greg Blankenship served as an honorary wrestling coach at Jefferson Forest High School in Bedford County; and

WHEREAS, Greg Blankenship was a man of powerful and passionate faith, who loved the Lord as much as he loved his family, for whom he prayed daily; he proudly served as a deacon at Norwood Baptist Church in Goode; and

WHEREAS, Greg Blankenship will be fondly remembered and greatly missed by his wife of 33 years, Leigh; his children, Jessi, Rachel, and Jacob, and their families; his siblings, Linda, Kelly, Jeff, Judy, and Joe; and numerous other family members and friends; and

WHEREAS, Greg Blankenship will forever be appreciated by his fellow members of the Virginia State Police and law-enforcement officers across the Commonwealth and beyond for his dedication to duty, integrity, loyalty, stoic and humble nature, genuine character, and admirable leadership; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of John Gregory Blankenship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of John Gregory Blankenship as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 259

Celebrating the life of Ulysses Kirksey.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, Ulysses Kirksey, an accomplished musician and longtime music director and conductor of the Petersburg Symphony Orchestra, died on August 13, 2021; and

WHEREAS, Ulysses Kirksey initially studied the alto saxophone, but, after developing an interest in classical music in his teenage years, opted to switch to cello to improve his chances of joining a symphony orchestra; and

WHEREAS, a self-motivated learner who was soon practicing suites by Johann Sebastian Bach, Ulysses Kirksey would earn a place with the Richmond Symphony Youth Orchestra shortly after picking up the cello; and

WHEREAS, after graduating from John Marshall High School in Richmond, Ulysses Kirksey attended the renowned Manhattan School of Music, where he not only developed his abilities as a cellist, but discovered he had a talent for conducting; and

WHEREAS, Ulysses Kirksey was a member of various ensembles early in his career, playing world-famous stages such as Radio City Music Hall, the Apollo Theater, and Carnegie Hall, while touring extensively throughout Europe; and

WHEREAS, returning to the Commonwealth in the late 1970s, Ulysses Kirksey was briefly a member of the Richmond Chamber Players before a call from Dr. F. Nathaniel Gatlin, founder and conductor of the Petersburg Symphony Orchestra, led him to join the newly formed orchestra in 1980; and

WHEREAS, Ulysses Kirksey became assistant director of the Petersburg Symphony Orchestra in 1986 and was named director and conductor three years later, a position he would carry out with grace and distinction for the next 33 years; and

WHEREAS, among his many accomplishments with the Petersburg Symphony Orchestra, Ulysses Kirksey is credited with improving the orchestra's string section and broadening the range and difficulty of the compositions it performed, all while developing the group into the cherished cultural institution that it is today; and

WHEREAS, a treasured member of both the Richmond and Petersburg communities, Ulysses Kirksey will be fondly remembered and dearly missed by numerous family members, colleagues, and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Ulysses Kirksey, beloved conductor and music director of the Petersburg Symphony Orchestra whose kind and generous nature inspired countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ulysses Kirksey as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 260

Celebrating the life of Thelma Bland Watson, Ph.D.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Thelma Bland Watson, Ph.D., esteemed executive director of Senior Connections, The Capital Area Agency on Aging in Richmond and a leading advocate for older adults in the Commonwealth, died on June 25, 2021; and

WHEREAS, Thelma Watson's educational pursuits included a bachelor's degree in sociology from Virginia State University with a concentration in social work and a graduate degree in gerontology and doctoral degree in public policy and administration from Virginia Commonwealth University; and

WHEREAS, since 2002, Thelma Watson served as the executive director of Senior Connections, The Capital Area Agency on Aging, a nonprofit organization with a mission to enhance the quality of life of seniors and families in the Greater Richmond area; and

WHEREAS, Senior Connections thrived under Thelma Watson's leadership and today serves approximately 25,000 older Virginians and individuals with disabilities, primarily through a variety of educational programs, counseling, and health care services; and

WHEREAS, prior to her work with Senior Connections, Thelma Watson was the Commissioner of Aging in the Virginia Department for the Aging, now part of the Virginia Department for Aging and Rehabilitative Services, under three governors, helping to ensure the effective implementation of public policy for the benefit of older Virginians in the Commonwealth; and

WHEREAS, from 1997 to 2002, Thelma Watson served as the executive director of field services for the National Committee to Preserve Social Security and Medicare in Washington, D.C., advocating tirelessly for federal policies that would support the care and well-being of older adults; and

WHEREAS, Thelma Watson previously served as assistant executive director of the Crater District Area Agency on Aging in Petersburg as well as in various capacities with the Crater Planning District Commission; and

WHEREAS, Thelma Watson demonstrated an extraordinary commitment to her community through her service on various boards and committees, including those of the Alzheimer's Association of Greater Richmond, the Virginia Health Quality Center, project:HOMES, and Covenant Woods retirement community; and

WHEREAS, in recognition of her longstanding support of the community, Thelma Watson received numerous honors and accolades in her lifetime, including the 2015 Humanitarian Award from the Virginia Center for Inclusive Communities and 2019 Person of the Year honors from the *Richmond Times-Dispatch*; and

WHEREAS, guided throughout her life by her faith, Thelma Watson enjoyed worship and fellowship with her community at Union Branch Baptist Church in Chesterfield and supported its ministries in several capacities over the years; and

WHEREAS, Thelma Watson will be fondly remembered and dearly missed by her loving husband, Walter; her children, Chrystal, Damali, and Daniel, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Thelma Bland Watson, Ph.D., executive director of Senior Connections, The Capital Area Agency on

Aging, whose tireless efforts and dedication to serving others helped countless seniors lead healthier, happier, and more meaningful lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Thelma Bland Watson, Ph.D., as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 261

Commending the Reverend Daniel Webster Edwards.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, the Reverend Daniel Webster Edwards, a respected spiritual leader and a lifelong resident of Dinwiddie County who has made numerous contributions to his community, celebrated his 100th birthday in 2021; and

WHEREAS, born on May 1, 1921, Daniel Edwards was the youngest child of Algienon and Delia Edwards; he learned the value of hard work and responsibility at a young age while working on the family's farm and attended Dinwiddie Normal and Industrial, then the only high school for Black students in the county; and

WHEREAS, Daniel Edwards continued his education at Virginia State University, from which he earned a barber's license, and Virginia Union University School of Theology; and

WHEREAS, Daniel Edwards retired from Central State Hospital after 26 years, earning a certificate of appreciation for his outstanding service; and

WHEREAS, Daniel Edwards raised tobacco, corn, and soybeans on his farm for three decades, and he served the community as a barber for 70 years, owning his own barber shop for most of that time; and

WHEREAS, a man of deep and abiding faith, Daniel Edwards joined Little Zion Baptist Church in Carson as a child and held numerous leadership positions over the course of his life, including chair of the deacon board, superintendent of the Sunday school, member of the senior choir, and founder of the congregation's first vacation Bible school, and he currently serves as an associate pastor; and

WHEREAS, Daniel Edwards was ordained as a minister at Little Zion Baptist Church in 1994 and subsequently became an assistant pastor at Bethany Baptist Church in Kenbridge; in 2000, he was selected as pastor of Starlight Baptist Church in Kenbridge and drove the 120-mile round trip from Dinwiddie to serve the community until his retirement in 2009; and

WHEREAS, Daniel Edwards was a member of the Dinwiddie Branch of the NAACP for 40 years and served as a two-term president of the Dinwiddie Civic League, and for many years, he has generously volunteered to drive seniors in the community to grocery stores or doctor appointments; and

WHEREAS, Daniel Edwards and his late wife, Marion, raised two children, Joan Smith and Ronald Edwards, and worked diligently to impart to them a strong commitment to service and care for the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Reverend Daniel Webster Edwards on the occasion of his 100th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Daniel Webster Edwards as an expression of the General Assembly's best wishes and admiration for his personal and professional achievements.

HOUSE JOINT RESOLUTION NO. 262

Commending Crestwood Elementary School.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, Crestwood Elementary School in Bon Air was selected as a National ESEA Distinguished School for its commitment to excellence in serving and supporting English language learners; and

WHEREAS, Crestwood Elementary School qualified for the National ESEA Distinguished School award by recording a poverty rate of 35 percent or more among its student body for two consecutive years, while meeting full accreditation standards and demonstrating exceptional academic achievement during that period; and

WHEREAS, Crestwood Elementary School was nominated for the award in the category that recognizes schools for serving special populations of students, specifically English language learners; and

WHEREAS, thanks to the hard work and dedication of teachers and support staff, students at Crestwood Elementary School showed significant improvements on ACCESS assessments, which measure abilities in listening, speaking, reading, and writing in English; and

WHEREAS, since 2012, Crestwood Elementary School has worked diligently to redesign approaches to planning, staff development, and instruction as part of a comprehensive plan to meet the unique needs of its student body; and

WHEREAS, the faculty and staff members of Crestwood Elementary School have consistently gone above and beyond to ensure that their students receive the tools to build a strong foundation for lifelong learning; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Crestwood Elementary School on its selection as a National ESEA Distinguished School; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Crestwood Elementary School as an expression of the General Assembly's admiration for its achievements in service to young people in Chesterfield County.

HOUSE JOINT RESOLUTION NO. 263

Commending Mark Crabtree, DDS.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, Mark Crabtree, DDS, an esteemed dentist and public servant and the president of the Piedmont Virginia Dental Health Foundation, has greatly served the communities of Martinsville and Henry County for many years; and

WHEREAS, a native of Collinsville and a graduate of Wake Forest University and the Virginia Commonwealth University School of Dentistry, Mark Crabtree opened his dental practice, Martinsville Smiles, in 1985; and

WHEREAS, following the economic downturn that resulted from a loss of jobs in the Martinsville and Henry County communities, Mark Crabtree worked with the West Piedmont Health District, the Harvest Foundation, and the Martinsville/Henry County Dental Advisory Committee to develop a dental clinic that would serve the needs of low-income residents; and

WHEREAS, Mark Crabtree founded the Piedmont Virginia Dental Health Foundation alongside Edward Snyder of Snyder Orthodontics and Ann Huffman of Martinsville Smiles, and its Community Dental Clinic opened in Martinsville in 2006; and

WHEREAS, with support from government agencies, grants from private foundations, and donations from businesses and individuals, the Piedmont Virginia Dental Health Foundation has raised approximately \$4 million to date, allowing Mark Crabtree to hire staff, recruit volunteer dentists, and support other operations to serve the patients of the Community Dental Clinic; and

WHEREAS, Mark Crabtree arranged with the Virginia Commonwealth University School of Dentistry to have fourth-year students come to Martinsville to provide care to the Community Dental Clinic's patients, broadening the organization's ability to serve the community while facilitating the training of approximately 1,400 dental students since the clinic's founding; and

WHEREAS, over the past 16 years, the Community Dental Clinic has administered more than 57,000 patient visits, providing more than \$12.6 million in dental services to low-income and uninsured adults and children; and

WHEREAS, effective October 31, 2021, Mark Crabtree and the Piedmont Virginia Dental Health Foundation transitioned management of the Community Dental Clinic to the Martinsville Henry County Coalition for Health and Wellness, enabling the clinic to offer wider access to care and expanded services to Medicaid patients, while ensuring its long-term financial stability; and

WHEREAS, in addition to his service with the Piedmont Virginia Dental Health Foundation, Mark Crabtree is a past president of the Virginia Dental Association and the Virginia Board of Dentistry and serves as a delegate to the American Dental Association House of Delegates; and

WHEREAS, an active and engaged citizen committed to the well-being of others, Mark Crabtree has served as mayor of Martinsville, chair of the Martinsville Henry County Chamber of Commerce, rector of the Board of Visitors of Longwood University, and trustee of both the Institute for Advanced Learning and Research in Danville and the Virginia Museum of Natural History; and

WHEREAS, in recognition of his tireless efforts to improve access to dental care in Martinsville and Henry County, Mark Crabtree was presented the Emanuel W. Michaels Distinguished Dentist Award from the Virginia Dental Association in 2015; and

WHEREAS, through visionary leadership and steadfast dedication, Mark Crabtree and the Board of Directors of the Piedmont Virginia Dental Health Foundation have exemplified the compassionate and generous nature of the Martinsville and Henry County communities and demonstrated why the area is a wonderful place to call home; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Mark Crabtree, DDS, an accomplished dentist and president and founder of the Piedmont Virginia Dental Health Foundation, for his legacy of service in Martinsville and Henry County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mark Crabtree, DDS, as an expression of the General Assembly's admiration for his passion for patient care and for his many contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 264*Commending Virginia Housing.*

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Virginia Housing, a nonprofit housing finance agency chartered by the General Assembly, will proudly celebrate 50 years of helping Virginians attain quality affordable housing in 2022; and

WHEREAS, as a result of the findings and recommendations of the Virginia Housing Study Commission, the Virginia Housing Development Authority, now known as Virginia Housing, was created in 1972 by the General Assembly; and

WHEREAS, as an independent, self-supporting housing finance agency, Virginia Housing is a national model of what public-private partnerships can achieve in programmatic and service excellence; and

WHEREAS, Virginia Housing's activities generate more than \$3 billion in economic output, including almost 23,000 jobs supported per year, which has helped more than 234,000 Virginians become first-time homeowners while financing approximately 138,000 new or revitalized rental units; and

WHEREAS, in 2005, Virginia Housing created REACH Virginia, a multifaceted housing program that has made over \$728 million of the organization's net revenues available to invest in critical housing needs in communities across the Commonwealth; and

WHEREAS, Virginia Housing effectively and accountably serves as the steward of critical federal housing programs and commitments, including COVID-19 rental and mortgage assistance, the Housing Choice Voucher Program, and the Low-Income Housing Tax Credit program, which are essential to providing stable housing for the most vulnerable individuals and families; and

WHEREAS, Virginia Housing continues to be a leader among state housing finance authorities, which reflects its deep commitment to its mission, the people and communities of Virginia, and maintaining superior financial and programmatic performance; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Virginia Housing on its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Virginia Housing as an expression of the General Assembly's congratulations and admiration for the authority's dedication to serving the residents of the Commonwealth.

HOUSE JOINT RESOLUTION NO. 265*Celebrating the life of Lieutenant Colonel Thomas Taylor, USAF, Ret.*

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, Lieutenant Colonel Thomas Taylor, USAF, Ret., who served his country with honor and distinction for many years and was a beloved member of the Middlesex County community, died on January 17, 2022; and

WHEREAS, Thomas "Thom" Taylor graduated from Stranahan High School in Fort Lauderdale, Florida, earned degrees from Florida State University and The George Washington University, and received a commission in the United States Air Force in 1967; and

WHEREAS, Thom Taylor continued his military training throughout his years of active-duty service by attending Squadron Officer School and an Air Intelligence Officer course in 1967, Air Command and Staff College and the former Industrial College of Armed Forces in 1976, and the Air War College in 1988; and

WHEREAS, Thom Taylor served his country with courage and valor during the Vietnam War, earning several medals and ribbons for his tours of duty during the conflict, including the Republic of Vietnam Gallantry Cross with device and campaign medal; and

WHEREAS, after 23 years of continuous active-duty military service, Thom Taylor received a distinguished discharge from the United States Air Force in 1990 and then took a position with the Nuclear Proliferation Branch within the Foreign Nuclear Programs Division of the United States Department of Energy from 1991 to 2011; and

WHEREAS, for his efforts with the United States Department of Energy, Thom Taylor was recognized with the Distinguished Career Service Award from the department's Office of Intelligence and Counterintelligence in July 2011; and

WHEREAS, Thom Taylor then served briefly as a national intelligence consultant for the firm Booz Allen Hamilton before retiring in 2013; and

WHEREAS, Thom Taylor was active in politics and was a valued strategist, advisor, and fundraiser for many local conservative candidates in Middlesex County; and

WHEREAS, Thom Taylor was guided throughout his life by his faith and maintained affiliations with both Episcopalian and Anglican churches; and

WHEREAS, Thom Taylor will be fondly remembered and dearly missed by his loving wife of 14 years, Patti; his daughter, Amber, and her family; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Lieutenant Colonel Thomas Taylor, USAF, Ret., whose honor and integrity were an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Lieutenant Colonel Thomas Taylor, USAF, Ret., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 266

Celebrating the life of James Martin Alexander, Jr.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, James Martin Alexander, Jr., an esteemed member of the Hanover Fire-Emergency Medical Services Department and a beloved member of the Aylett community, died on February 9, 2022; and

WHEREAS, James "Jimmy" Martin Alexander began volunteering with the Hanover Fire-Emergency Medical Services (EMS) Department in 1980 at the age of 18 and would go on to serve the citizens of Hanover County for more than four decades with the department; and

WHEREAS, after volunteering with both the East Hanover and Black Creek fire companies in various leadership roles, Jimmy Alexander joined the Hanover Fire-EMS Department as a career member in July 2007; and

WHEREAS, Jimmy Alexander demonstrated professionalism and a sense of purpose while supporting the operations section of the Hanover Fire-EMS Department in several capacities, earning a promotion to the rank of lieutenant in May 2012; and

WHEREAS, three years later, Jimmy Alexander was assigned to the logistics section of the Hanover Fire-EMS Department, where he would help oversee the management of the department's many stations and facilities; and

WHEREAS, prior to beginning full-time service with the Hanover Fire-EMS Department, Jimmy Alexander served the Commonwealth as member of the Virginia Air National Guard Fire and Rescue, protecting F-16 fighter jets stationed at Richmond International Airport; and

WHEREAS, Jimmy Alexander was a realtor and an accomplished heating, ventilation, and air conditioning technician, fulfilling the home and building maintenance needs of the community with his company JMA Mechanical; and

WHEREAS, the truest joys in Jimmy Alexander's life were spending time with his family, cheering on the Dallas Cowboys of the National Football League, and working on his Kubota tractor; and

WHEREAS, Jimmy Alexander will be fondly remembered and dearly missed by his loving wife, Cathi; his children, Ryan, Savannah, Grant, and Jessica, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of James Martin Alexander, Jr., a cherished member of the Hanover Fire-Emergency Medical Services Department whose generosity and willingness to help others made an impact on countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James Martin Alexander, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 267

Commending Conner Cummings.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, Conner Cummings, a dedicated advocate for disabled individuals and their families, was presented the Martha Glennan Disability Inclusion and Equality Award by the Fairfax Area - Disability Services Board at a virtual event held on December 13, 2021; and

WHEREAS, Conner Cummings was recognized by the Fairfax Area - Disability Services Board for his exceptional commitment to promoting equal rights and community inclusion and his advocacy on behalf of people with disabilities; and

WHEREAS, diagnosed with autism spectrum disorder at a young age and told by doctors he may never speak, read, or write, Conner Cummings has continually defied expectations as he has become a leading voice for the disabled community in the Commonwealth; and

WHEREAS, as a result of Conner Cummings' tireless advocacy, "Conner's Law" was passed by the General Assembly in 2015, ensuring many disabled young adults greater financial security by enabling judge's to require child support from noncustodial parents after their child with a disability turns 18 years of age; and

WHEREAS, the educational forums Conner Cummings hosted in partnership with the Arc of Northern Virginia and the Autism Society have given the disabled community a platform before candidates seeking public office and everyone an opportunity to better understand how public policy affects the lives of people with disabilities today; and

WHEREAS, Conner Cummings was appointed by the Speaker of the House of Delegates to the Virginia Disability Commission in 2020 to bring a valuable perspective to the body's deliberations on legislative priorities for the Commonwealth; and

WHEREAS, through his courage in the face of adversity and unwavering resolve to promote equality and inclusion for the disabled community, Conner Cummings has served as an inspiration to many; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Conner Cummings, noted advocate for people with disabilities, for receiving the Fairfax Area - Disability Services Board's Martha Glennan Disability Inclusion and Equality Award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Conner Cummings as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 268

Commending the 29th Infantry Division.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, the 29th Infantry Division of the United States Army National Guard has served the Commonwealth and the nation since World War I, developing a distinguished heritage and rich esprit de corps through its outstanding performance in combat and legacy of achievements; and

WHEREAS, the 29th Infantry Division was constituted as a unit of the United States Army National Guard in July 1917, shortly after the United States entered World War I; and

WHEREAS, with original members drawn from multiple states that had fought on opposing sides of the Civil War, including Delaware, Maryland, New Jersey, Virginia, and Washington, D.C., the 29th Infantry Division was nicknamed the "Blue and Gray Division," to reflect the reunification of the United States after the war; and

WHEREAS, Major General James A. Ulio, then the adjutant of the 29th Infantry Division, designed a division insignia based on the yin yang symbol, representing balance, unity, and strength; the Blue and Gray became the first such insignia officially registered with the Adjutant General of the United States Army; and

WHEREAS, the 29th Infantry Division joined the American Expeditionary Force in France in 1918, and during the Meuse-Argonne Offensive, the final Allied advance of World War I, the Division captured more than 2,000 prisoners and knocked out more than 250 machine guns or artillery pieces over the course of 21 days in intense combat; and

WHEREAS, in the interwar period, the 29th Infantry Division was reconstituted in the Army National Guard with units from Virginia, Maryland, Washington, D.C., and Pennsylvania; the Division was called back into active service in 1941 and subsequently deployed to England, where members of the unit immediately began training for a cross-channel invasion of occupied Europe; and

WHEREAS, on June 6, 1944, the 116th Infantry Regiment of the 29th Infantry Division was part of the initial wave of troops landing on Omaha Beach as part of Operation Overlord; Company A, which consisted primarily of men from the Bedford area, suffered massive casualties in the assault, resulting in Bedford later being selected as the site of the National D-Day Memorial; and

WHEREAS, after intense fighting, units of the 29th Infantry Division captured the village of Saint-Lô and continued the advance through Brittany and into Germany; the division sustained more than 20,000 casualties, including 3,887 killed in action, in 242 days of combat; and

WHEREAS, the members of the 29th Infantry Division were highly decorated for their gallantry and valor during that period, earning five Congressional Medals of Honor, hundreds of Silver Star Medals, thousands of Bronze Star Medals, and four distinguished unit citations, among many other awards; and

WHEREAS, the 29th Infantry Division insignia became one of the most recognizable unit patches of World War II, and the Blue and Gray became an omnipresent symbol of liberation and victory over tyranny, appearing prominently on monuments throughout the United States and France; and

WHEREAS, after World War II, the 29th Infantry Division resumed its status as a National Guard unit in Norfolk and was drawn down or reorganized multiple times over the course of the Cold War; and

WHEREAS, the 29th Infantry Division was reactivated in 1984 as a light infantry division with units from the Virginia Army National Guard and the Maryland Army National Guard with its headquarters at Fort Belvoir in Fairfax County; units from several other states in the southeast and throughout the country have been listed among the Blue and Gray's order of battle since that time; and

WHEREAS, in the 1990s and 2000s, the 29th Infantry Division demonstrated a high degree of professionalism while conducting peacekeeping missions in Bosnia and Herzegovina and Kosovo, and members of the division developed strong relationships with allied military forces through numerous training missions; and

WHEREAS, units from the 29th Infantry Division deployed to Kuwait, Iraq, and Afghanistan in support of the Global War on Terrorism and more recently deployed to the Middle East as part of Task Force Spartan, a multi-component organization of National Guard units maintaining American presence in the region and building defense capacity with partner nations; and

WHEREAS, members of the 29th Infantry Division have participated in the statewide response to the COVID-19 pandemic by supporting testing sites, vaccination clinics, and other critical efforts; and

WHEREAS, after the events of January 6, 2021, units of the 29th Infantry Division were among the first to arrive in Washington, D.C., to help civilian law-enforcement agencies restore order and maintain security at the United States Capitol and were among more than 26,000 National Guard members from 50 states and three territories who were activated to support the inauguration by augmenting the Capitol Police, United States Secret Service, United States Park Police and D.C. Metro Police Department; and

WHEREAS, during that time, the 29th Infantry Division Headquarters Company provided mission command for a task force of more than 9,000 personnel from 24 states that was responsible for securing property at the United States Capitol, protecting government employees, providing logistical support, staffing traffic control points, and providing crowd management; and

WHEREAS, to the men and women who have served and sacrificed as members of the 29th Infantry Division, the Blue and Gray represents what can be achieved when people of different backgrounds put aside their differences for the good of the nation and the defense of American ideals at home and abroad; now, therefore, be it

RESOLVED by the House of Delegates, That the 29th Infantry Division hereby be commended for more than 100 years of service to the Commonwealth, the United States, and free people throughout the world; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Major General John M. Rhodes, commanding officer of the 29th Infantry Division, as an expression of the House of Delegates' admiration for the division's rich history of accomplishments and appreciation for the importance of the Blue and Gray as a symbol of liberty, solidarity, and commitment to service.

HOUSE JOINT RESOLUTION NO. 269

Commending Hamlar-Curtis Funeral Home and Crematory.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, Hamlar-Curtis Funeral Home and Crematory, a third-generation family owned and operated establishment in Roanoke serving the communities of the Roanoke Valley and New River Valley regions, celebrates its 70th anniversary in 2022; and

WHEREAS, Hamlar-Curtis Funeral Home and Crematory was founded by the partnership of Lawrence Harrison Hamlar and Harry C. Curtis, Jr., on February 3, 1952, and the business was incorporated several years later as Harry Curtis' wife, Marilyn Curtis, joined the operation; and

WHEREAS, after a fire almost destroyed Hamlar-Curtis Funeral Home in 1959, the company rebuilt and expanded, and continued to grow steadily during the 1960s; and

WHEREAS, to enable the highest quality of care for the families it serves, Hamlar-Curtis Funeral Home and Crematory expanded its facilities in 1972, adding a chapel, three family rooms, and an administrative suite, while renovating the interior working spaces and other facilities in 2019; and

WHEREAS, when Hamlar-Curtis Funeral Home expanded in 1972, L. Douglas Wilder, a friend of both families and a future Governor of the Commonwealth, gave the keynote address at the dedication ceremony; and

WHEREAS, following the passing of both founder Lawrence Hamlar and second-generation owner Michael Lee Hamlar in 2003, Hamlar-Curtis Funeral Home and Crematory remained in the family as second-generation owner H. Clarke Curtis and third-generation owner Michael Lawrence Hamlar became owners; and

WHEREAS, members of the Hamlar and Curtis families are very civic minded and they have served on various boards and organizations that have made a positive difference in the lives of many residents of the Roanoke Valley; and

WHEREAS, the Hamlar-Curtis Funeral Home staff of licensed funeral directors are members of the Western District Funeral Directors Association, Virginia Morticians Association, Virginia Funeral Directors Association, and National Funeral Directors & Embalmers Association; and

WHEREAS, H. Clarke Curtis served as the president of Hamlar-Curtis Funeral Home and Crematory while remaining highly supportive of his community and industry as a board member with various local civic and business organizations and as president of the Virginia Morticians Association; the recipient of a Roanoke NAACP Lifetime Achievement Award, he retired in 2019 after an illustrious 37-year career; and

WHEREAS, today, Michael Hamlar remains the owner of Hamlar-Curtis Funeral Home and Crematory and serves as its president, ensuring the same quality of care and service that families have come to expect over the past 70 years; and

WHEREAS, Hamlar-Curtis Funeral Home has not only survived but thrived for six decades because of its faithful and dedicated employees, who consistently ensure the company maintains its reputation of quality, professional service; and

WHEREAS, two members of the Hamlar-Curtis Funeral Home staff have served the company for more than 40 years: Funeral Service Licensee Fred Galloway and Funeral Attendant Richard Broady; and

WHEREAS, Hamlar-Curtis Funeral Home and Crematory plans to open a new location in Rocky Mount soon, extending its first-class care and service for the benefit of other communities in the Commonwealth; and

WHEREAS, Hamlar-Curtis Funeral Home consistently provides the best possible service, treating all families with dignity, respect, and compassion; for six decades the company has adhered to the motto "Your interest is the heart of our business"; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Hamlar-Curtis Funeral Home and Crematory on the occasion of its 70th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Hamlar-Curtis Funeral Home and Crematory as an expression of the General Assembly's admiration for the business's contributions to Commonwealth.

HOUSE JOINT RESOLUTION NO. 270

Commending St. Andrew's Catholic Church.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, for 120 years, St. Andrew's Catholic Church has provided spiritual leadership, generous community outreach, and opportunities for worship in the Roman Catholic tradition to members of the Roanoke community; and

WHEREAS, St. Andrew's Catholic Church traces its roots to the early 1880s, when the Reverend John W. Lynch arrived in Roanoke to serve the growing Catholic community there; and

WHEREAS, a local land developer donated the two original plots where St. Andrew's Catholic Church was located and the congregation thrived, establishing a Sunday school program and the St. Vincent's Home orphanage for boys; and

WHEREAS, under Father Lynch's leadership, St. Andrew's Catholic Church dedicated its current church building in 1902; perched atop one of the highest points in Roanoke, the twin-spired design has been compared to notable French cathedrals and features 15 imported stained glass windows depicting Catholic saints; and

WHEREAS, in its early days, the St. Andrew's Catholic Church congregation was active in the community through the St. Andrew's Benevolent and Literary Society, Knights of Columbus, Ancient Order of Hibernians, Catholic Benevolent League, Guild of Our Lady of Ransom, and the Ladies' Aid Society; and

WHEREAS, though Father Lynch later relocated to a pastorate in North Carolina, his remains were returned to St. Andrew's Catholic Church after his death and he was ultimately interred in the church's mausoleum in recognition of his strong ties with the parish; and

WHEREAS, over the years, St. Andrew's Catholic Church benefited from the wise guidance of several other pastors, including the Reverend James E. Collins, the Reverend Joseph Frioli, the Reverend John A. Kelliher, the Reverend Thomas B. Martin, the Reverend John S. Igoe, Monsignor J. Louis Flaherty, the Reverend George J. Gormley, the Reverend William S. O'Brien, and the Reverend Carl J. Naro; and

WHEREAS, in 1990, the Reverend Steven J. Rule became pastor and led the church through a period of growth and transformation, overseeing a fundraising campaign that led to the construction of a social hall, a chapel, a music room, classrooms, and the mausoleum; and

WHEREAS, Father Rule was succeeded by Monsignor Thomas G. Miller, the Reverend Mark White, and the current pastor, the Reverend Kevin Segerblom, who joined the church in 2017; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend St. Andrew's Catholic Church on the occasion of its 120th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to St. Andrew's Catholic Church as an expression of the General Assembly's admiration for the church's long history and contributions to the Roanoke community.

HOUSE JOINT RESOLUTION NO. 271

Commending the Hotel Roanoke and Conference Center.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, the Hotel Roanoke and Conference Center, a historic hotel in the Gainsboro neighborhood of Roanoke, has served the community and hosted numerous illustrious guests for 140 years; and

WHEREAS, originally designed to accommodate workers from Norfolk and Western Railway Company, the Hotel Roanoke was designed in a Tudor Revival style by the architect George T. Pearson and opened on Christmas Day in 1882; and

WHEREAS, the Hotel Roanoke underwent several renovations in the 1890s, and in 1916, the last remaining original section of the hotel was moved to the rear so that a new wing designed by the Roanoke firm of Frye and Chesterman could be added in its place; and

WHEREAS, in 1931, the original wing was demolished, and the replacement structure is the oldest remaining section of the hotel; the current central wing with its distinctive tower was designed by the firm George B. Post and Sons and built in 1938; and

WHEREAS, additional wings of the Hotel Roanoke were completed by the firm Small, Smith and Reeb in 1946 and 1954; the hotel served the community for many years until it was gifted to the Virginia Tech Real Estate Foundation in 1989 and closed shortly thereafter; and

WHEREAS, in 1992, Virginia Tech launched the Renew Roanoke campaign to raise money for the restoration and remodeling of the Hotel Roanoke; the project included the construction of a conference center and a pedestrian bridge over the nearby railroad tracks, creating a direct link with downtown Roanoke; and

WHEREAS, the Hotel Roanoke and Conference Center reopened in 1995 as part of the DoubleTree chain and currently operates as a member of the Hilton Curio Collection; the hotel was added to the Virginia Landmarks Register in 1995 and the National Register of Historic Places in 1996; and

WHEREAS, over the course of its long history, the Hotel Roanoke and Conference Center has hosted a number of high-profile guests, including United States presidents and other dignitaries, as well as actors, athletes, and recording artists; and

WHEREAS, the Hotel Roanoke and Conference Center has had a significant economic impact on the Roanoke community, generating thousands of jobs and stimulating tourism throughout the region; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Hotel Roanoke and Conference Center on the occasion of its 140th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Hotel Roanoke and Conference Center as an expression of the General Assembly's admiration for the hotel's history and contributions to the Roanoke community.

HOUSE JOINT RESOLUTION NO. 272

Commending the Sentara Healthcare Nightingale Regional Air Ambulance.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, the Sentara Healthcare Nightingale Regional Air Ambulance at Sentara Norfolk General Hospital celebrates its 40th anniversary in 2022; and

WHEREAS, Norfolk-based Sentara Healthcare voluntarily launched the Nightingale Regional Air Ambulance program on February 25, 1982, when it was only the 38th hospital-based program in the United States; and

WHEREAS, the Nightingale program is an airborne intensive care unit serving a 125-mile radius and beyond from its base at Sentara Norfolk General Hospital, the region's Level I adult trauma and tertiary referral center, saving precious time for critically ill and injured patients; and

WHEREAS, Nightingale's flight nurses, flight paramedics, and pilots have transported more than 24,770 patients from trauma scenes and community hospitals since the program's inception; and

WHEREAS, the Nightingale program operates as part of Sentara Healthcare's nonprofit mission despite annual financial deficits and transports all critically ill and injured patients regardless of their ability to pay; and

WHEREAS, the Nightingale team maintains strong partnerships and joint training programs with emergency medical services and fire departments in the communities it serves; and

WHEREAS, the Nightingale program invests in continuous training and new technologies to enhance clinical and flight capabilities, including using night vision goggles and setting nine instrument flight paths to designated sites to allow for safe operation in poor visibility; and

WHEREAS, businesses, foundations, local governments, and individuals in Hampton Roads and northeast North Carolina contributed to the 'Saving Minutes, Saving Lives' campaign in 2011 to help purchase a state-of-the-art aircraft for the Nightingale program; and

WHEREAS, the Nightingale program is a community asset which improves survivability and the quality of life for all citizens in Hampton Roads, who could at any time need to fly on the ambulance due to accident, injury, or a medical event; and

WHEREAS, certain residents of southeast Virginia and northeast North Carolina are alive today due to the rapid transport and advanced medical care provided by the Nightingale program and its staff; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Sentara Healthcare Nightingale Regional Air Ambulance on the occasion of its 40th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Sentara Healthcare Nightingale Regional Air Ambulance as an expression of the General Assembly's appreciation for the program's lifesaving services in support of Sentara Healthcare's mission to improve health every day.

HOUSE JOINT RESOLUTION NO. 273

Celebrating the life of Hubert Clayton Davis.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, Hubert Clayton Davis, the distinguished former mayor of the Town of Narrows in Giles County, died on January 2, 2022; and

WHEREAS, Clayton Davis was born on January 23, 1930, and was the second of William Toy and Tiny Carlotta Davis' three sons; and

WHEREAS, during his youth, Clayton Davis enjoyed driving on the region's curvy, country roads, riding motorcycles, and playing cards with friends and family; from Rook to Pinochle to Spades to Bridge, card-playing became a lifelong source of enjoyment and passion; and

WHEREAS, after high school, Clayton Davis attended Emory & Henry College and went on to graduate from National Business College in Roanoke; and

WHEREAS, Clayton Davis captured the heart and hand of his high school sweetheart, Patsy Sue Sutherland, and in 1954, they moved to Pearisburg to raise their family; and

WHEREAS, with no extended family and very little money, Clayton and Patsy Davis pursued their American Dream and opened a small business of their own, The Fashion Shop, which soon became a successful ladies' and children's clothing store; and

WHEREAS, Clayton Davis lived in Southwest Virginia his entire life, first in the Town of Haysi in Dickenson County, then in the Towns of Pearisburg and Narrows in Giles County; wherever he went, he strove to be a dedicated community leader, while always putting his family first; and

WHEREAS, Clayton Davis followed several career paths throughout his life; after serving as postmaster of Pearisburg, he joined the New York Life Insurance Company and eventually owned and operated several small businesses, including gas stations from one end of Giles County in Pembroke to the other in Narrows; and

WHEREAS, among his proudest achievements, Clayton Davis was elected and served as the mayor of Narrows for 14 years from 2002 to 2017; and

WHEREAS, during the Obama administration, Clayton Davis secured stimulus money that led to the construction of the Randall W. Fletcher Memorial Bridge, a bridge across the New River that united, both literally and figuratively, the two sides of town and its townspeople; and

WHEREAS, a devout Baptist, Clayton Davis enjoyed fellowship and worship with the community as a member of First Baptist Church of Narrows, where he served as a deacon; and

WHEREAS, Clayton Davis touched countless lives in Narrows and throughout Giles County, leaving a lasting legacy of excellence that will be felt for many years to come; and

WHEREAS, Clayton Davis passed away on his favorite day of the week, Sunday, just three weeks shy of his 92nd birthday, having lived a life committed to servant leadership; and

WHEREAS, Clayton Davis was predeceased by his parents, William Toy and Tiny Carlotta Davis; his beloved wife, Patsy Sutherland Davis; his first-born son, Roger Clayton Davis; two wonderful grandsons, Jeremy Barna and Travis Davis; and two beloved brothers, William Toy Davis, Jr., and Stacy Edgar Davis; and

WHEREAS, Clayton Davis will be fondly remembered and greatly missed by his children, Becky Barna Smith, Steve Davis, Beth Ellis, and John Davis, and their families, including 18 grandchildren and 44 great-grandchildren; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Hubert Clayton Davis, a highly admired public servant and loyal friend to the residents of Giles County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Hubert Clayton Davis as an expression of the General Assembly's admiration for his commitment to the Giles County community and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 274

Celebrating the life of Larry Benton Day, Sr.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, Larry Benton Day, Sr., a highly admired resident of Narrows, died on February 10, 2022; and

WHEREAS, Larry Day was born on April 18, 1947, to the late Perry Allen Day, Sr., and Pauline Robertson Day; he was a 1965 graduate of Narrows High School; and

WHEREAS, as a volunteer fire fighter for 54 years, Larry Benton was the longest-serving member in the history of the Narrows Fire Department; and

WHEREAS, Larry Day's view of his time in the Narrows Fire Department was simple: "you treat the department as you would your own mother—you do what it takes to take care of it and serve"; and

WHEREAS, Larry Day led the Narrows Fire Department as president and a member of the Board of Directors, and eventually rose to the rank of engineer, in which capacity he safely transported firefighters to and from emergency calls; and

WHEREAS, fully committed to the Narrows Fire Department brotherhood, Larry Day proudly mentored young firefighters, readily providing advice and instruction; and

WHEREAS, Larry Day worked for the Virginia Department of Transportation for 38 years, beginning his career as a draftsman and retiring as a contract administrator, overseeing roadwork in Giles, Montgomery, and Pulaski Counties; and

WHEREAS, Larry Day advocated for responsible growth and development in the community as a member of the Giles County Industrial Development Authority Board of Directors; and

WHEREAS, Larry Day enjoyed playing the piano from a young age and had received his first lessons from his grandmother, Mary; he shared his musical talents with others by playing the piano at First Baptist Church of Rich Creek and First Baptist Church of Narrows; and

WHEREAS, Larry Day was married to his beloved wife, Bobbie, for 55 years, and the couple raised three extraordinary children, April Mount of Dublin; Christian Day of Pulaski; and Larry "LB" Day, Jr., of Christiansburg, along with two grandchildren Clark and Jarod Mount; and

WHEREAS, Larry Day will be fondly remembered and greatly missed by numerous family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Larry Benton Day, Sr., a wonderful public servant and highly admired member of the Narrows community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Larry Benton Day, Sr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 275

Celebrating the life of Sergeant Major Harry Deloian, USA, Ret.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, Sergeant Major Harry Deloian, USA, Ret., a patriotic veteran and a beloved brother, uncle, and friend in Richmond, died on January 6, 2022; and

WHEREAS, Harry Deloian joined many of the other men of his generation in service to the nation during World War II and served as a platoon leader during the Battle of the Bulge; and

WHEREAS, Harry Deloian continued to serve in uniform during the Korean War, and in 1966, he graduated from the United States Army Noncommissioned Officer Academy as a drill sergeant; and

WHEREAS, a member of the "Greatest Generation," Harry Deloian returned to the Commonwealth and worked diligently to serve and enhance the quality of life in his community, and he brought joy to others through his kindness, generosity, and sense of humor; and

WHEREAS, predeceased by his wife of 55 years, Lizzie, Harry Deloian will be fondly remembered and greatly missed by his siblings and their families and the many people whose lives he touched in the Richmond community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Sergeant Major Harry Deloian, USA, Ret.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Sergeant Major Harry Deloian, USA, Ret., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 276

Celebrating the life of Eunice M. Wilder.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 10, 2022

WHEREAS, Eunice M. Wilder, the former longtime treasurer of the City of Richmond and a respected member of the community, died on January 23, 2022; and

WHEREAS, Eunice M. Wilder grew up in Philadelphia and attended the Philadelphia High School for Girls; she subsequently earned a bachelor's degree from Howard University, where she met her former husband, former Virginia Governor L. Douglas Wilder; and

WHEREAS, Eunice Wilder began her professional career at Consolidated Bank and Trust Company and later became a cost accountant at Reynolds Metals Company; and

WHEREAS, Eunice Wilder earned a real estate broker's license and a certification in public accounting and worked at several firms until 1992, when she was appointed treasurer of the City of Richmond; she subsequently won six elections for the office and served Richmond residents in that capacity for 25 years; and

WHEREAS, Eunice Wilder was a member of the American Institute of Certified Public Accountants, the Virginia Association of Realtors, the Treasurers' Association of Virginia, and Leadership Metro Richmond; she volunteered her leadership to the Richmond Chapter of The Links, Incorporated, the National Epicureans, Incorporated, and The Girl Friends, Inc.; and

WHEREAS, Eunice Wilder inspired others through her generosity, kindness, and strength of character, and she strove to always maintain her grace and sense of humor in the face of any challenge; and

WHEREAS, Eunice Wilder will be fondly remembered and greatly missed by her children, Lynn, Larry, and Loren, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Eunice M. Wilder; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Eunice M. Wilder as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 277

Celebrating the life of Mary Francis Andrews Melton.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, Mary Francis Andrews Melton, a highly admired artist and vibrant member of the Richmond community, died on January 17, 2022; and

WHEREAS, Mary Melton attended Virginia Commonwealth University and studied art through programs and workshops in the Richmond area and across the nation; and

WHEREAS, Mary Melton created beautiful works in various mediums, including oil on canvas, watercolor, encaustic, and printmaking; her pieces have been shown in prominent galleries throughout the Commonwealth and many are included in private collections; and

WHEREAS, Mary Melton worked with the Richmond Metropolitan Artists Association and taught private lessons at the Westminster Canterbury retirement community in Richmond; she offered her expertise to the Ginter Park Garden Club, developing floral arrangements for monthly meetings; and

WHEREAS, Mary Melton celebrated her Armenian heritage throughout her life and used her artistic talents to raise awareness of the Armenian Genocide in 1915; and

WHEREAS, Mary Melton will be fondly remembered and greatly missed by her husband of 66 years, Nelson; her children, David, Billy, Timothy, Jennifer, and Stephen, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Mary Francis Andrews Melton; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Mary Francis Andrews Melton as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 278

Celebrating the life of Maybell Ann Smith Fountain.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, Maybell Ann Smith Fountain, an active and beloved member of the Richmond community, died on May 6, 2021; and

WHEREAS, born in Hampton, South Carolina, Maybell Fountain was affectionately known by family as "Maddie" and in the community as "Mrs. Carnation"; and

WHEREAS, Maybell Fountain and her husband, Joseph, settled in the Richmond area in 1950 and shortly thereafter bought a plot of land off what is now the Midlothian Turnpike, at the time only a long dirt road that went through Chesterfield County; and

WHEREAS, Maybell Fountain and her husband first lived on the property in a shack made from reclaimed wood and later built the house of their dreams with their own hands, where she would reside for the remainder of her life; and

WHEREAS, Maybell Fountain was instrumental to the naming of the street she lived on as her suggestion was ultimately selected for what would become Carnation Street; she was recently recognized by the Richmond City Council for this notable achievement; and

WHEREAS, Maybell Fountain admirably served the clinic of family physician Dr. William Cary Hancock as a nursing aid for some time, contributing to the health and well-being of her patients; and

WHEREAS, Maybell Fountain was a longtime supporter of the Democratic Party and often canvassed on behalf of the party's candidates; and

WHEREAS, Maybell Fountain was highly involved in the community through her volunteer work with many organizations; and

WHEREAS, guided throughout her life by her faith, Maybell Fountain was a dedicated member of First Baptist Church in South Richmond for many years; and

WHEREAS, preceded in death by her husband, Joseph, Sr., and her daughter, Rose Marie, Maybell Fountain will be fondly remembered and dearly missed by her children, Cynthia, Sylvia, Peggy, and Marvin, and their families, and by numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Maybell Ann Smith Fountain; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Maybell Ann Smith Fountain as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 279

Commending Second Baptist Church of South Richmond.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, Second Baptist Church of South Richmond has greatly promoted the health and well-being of others by serving as a Virginia Department of Health community hub during the COVID-19 pandemic; and

WHEREAS, as part of the COVID-19 vaccination campaign of the Richmond and Henrico County Health Districts of the Virginia Department of Health (VDH), community hubs were established to improve understanding of and access to the vaccine; and

WHEREAS, with a history dating back to the late 1800s, Second Baptist Church on Broad Rock Boulevard in South Richmond is a trusted and venerated institution that has been an integral part of many people's lives; and

WHEREAS, Second Baptist Church served as the first VDH community hub in Richmond and facilitated the administration of the COVID-19 vaccine to more than 1,400 residents in early 2021; and

WHEREAS, by serving as a community hub, Second Baptist Church helped address many of the barriers, such as lack of transportation or lack of trust in healthcare providers, that often undermine the success of public health campaigns in underserved neighborhoods; and

WHEREAS, Second Baptist Church staff offered the church's premises for mass vaccination events, and supported outreach efforts in the community to convey the importance of registering for the COVID-19 vaccine by disseminating information through the church's network and going door to door to speak with residents; and

WHEREAS, the community hub at Second Baptist Church was particularly successful in encouraging older residents who are more vulnerable to the effects of COVID-19 to get vaccinated; and

WHEREAS, Second Baptist Church and its congregants have played a vital role in advancing the VDH's COVID-19 vaccination campaign and in improving equitable access to health care for all; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Second Baptist Church of South Richmond for its extraordinary work in the interest of public health and safety during the COVID-19 pandemic; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Ralph S. Hodge, pastor of Second Baptist Church of Richmond, as an expression of the General Assembly's admiration for the church's contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 280

Commending the Reverend Dr. Stephen L. Hewlett.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, the Reverend Dr. Stephen L. Hewlett, esteemed pastor of Riverview Baptist Church in Richmond, who has provided enlightened and edifying spiritual leadership to his congregation for nearly 20 years, will retire in March 2022; and

WHEREAS, a product of Chesterfield County Public Schools, Stephen Hewlett enlisted with the United States Marine Corps before attending college, serving his country with valor and distinction; and

WHEREAS, following his honorable discharge, Stephen Hewlett graduated with honors from Virginia State University with a bachelor's degree in political science and subsequently earned a master's degree in divinity from the Samuel Dewitt Proctor School of Theology at Virginia Union University and a doctorate of jurisprudence from the Thurgood Marshall School of Law at Texas Southern University; and

WHEREAS, Stephen Hewlett pursued his educational opportunities with great energy and a sense of purpose, managing his course loads while working other jobs and raising a young family; and

WHEREAS, prior to joining Riverview Baptist Church, Stephen Hewlett imparted his studied and inspired spiritual guidance to various congregations as an associate minister at Union Grove Baptist Church in Petersburg, Mt. Sinai Baptist Church in Houston, and Second Baptist Church in Chester and as pastor of Gravel Hill Baptist Church in Varina; and

WHEREAS, Stephen Hewlett was installed as the eighth pastor of Riverview Baptist Church on April 13, 2003, and has contributed mightily to the congregation's ministries, community outreach, and other spiritual endeavors ever since; and

WHEREAS, in addition to his service as a pastor, Stephen Hewlett previously served as a moderator of the Shiloh Baptist Association and has worked since 1991 as a criminal defense attorney, ensuring his clients receive fair and equitable treatment before the law; and

WHEREAS, in retirement, Stephen Hewlett will enjoy more time to spend with his loving wife, Linda, as well as his four children, ten grandchildren, and three great-grandchildren; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Reverend Dr. Stephen L. Hewlett, a respected pastor and attorney, on the occasion of his retirement from full-time ministerial duties at Riverview Baptist Church; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Dr. Stephen L. Hewlett as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 281

Celebrating the life of Thomas Francis Farrell II.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, Thomas Francis Farrell II, the former chief executive officer of Dominion Energy who had a transformative impact on the Commonwealth through his support for economic growth, education, cultural institutions, and the arts, died on April 2, 2021; and

WHEREAS, Thomas "Tom" Francis Farrell II was born to a military family in Okinawa, Japan, and spent much of his early life traveling throughout the United States; he ultimately graduated from Bishop Ireton High School in Alexandria, then earned a bachelor's degree and a law degree from the University of Virginia; and

WHEREAS, after completing his education, Tom Farrell pursued a 15-year career as a litigator with firms in Alexandria and Richmond; in 1995, he accepted a leave of absence from the firm McGuireWoods to temporarily work on a project at Dominion Energy, but ultimately stayed with the energy company for the next 25 years; and

WHEREAS, Tom Farrell served as Dominion Energy's general counsel, then became chief executive officer in 2006; he retired in 2021 as chair of the executive board, having guided the company through periods of significant growth and transformation, as well as changes and challenges in the utilities industry; and

WHEREAS, with his proactive leadership, business acumen, keen insights, and commitment to employee safety, Tom Farrell earned a reputation for excellence and was a trusted mentor and friend to countless individuals throughout the Commonwealth; and

WHEREAS, Tom Farrell directed Dominion Energy to become an industry leader in renewable sources of energy, investing in electricity production from offshore wind farms and launching initiatives to reduce the company's emission of carbon dioxide and greenhouse gases in electricity generation to zero by 2045; and

WHEREAS, during Tom Farrell's tenure as the head of Dominion Energy, the company donated more than \$400 million to philanthropic causes and placed a high emphasis on community and volunteer service; he focused on supporting the nation's veterans, with one in five new hires at Dominion Energy now having served in the United States Armed Forces; and

WHEREAS, Tom Farrell chaired the Edison Electric Institute, a national organization representing investor-owned electric groups, and was a longtime member and former chair of both the Institute for Nuclear Power Operations and the Altria Group; outside of his professional career, he supported art and cultural institutions as chair of the Richmond Performing Arts Alliance, board chair of the Colonial Williamsburg Foundation, and a member of the Virginia Museum of Fine Arts Board of Trustees; and

WHEREAS, Tom Farrell worked diligently to restore and enhance two performing arts venues in Richmond, the Altria Theater and Dominion Energy Center, and played a critical role in Richmond's selection as host of the 2015 UCI Road World Championship cycling race; and

WHEREAS, Tom Farrell offered his leadership and expertise to the Virginia Business Council, the Virginia Business Higher Education Council, the State Council of Higher Education for Virginia, and the GO Virginia board; and

WHEREAS, Tom Farrell remained a proud alumnus of the University of Virginia throughout his life; he participated in strategic planning and searches for university presidents, served on the Board of Visitors, and was elected as the 41st rector of the institution; and

WHEREAS, Tom Farrell was an avid golfer who relished every opportunity to enjoy the sport, particularly at his annual family golf tournament, the Lang Cup; he helped bring the PGA Tour Champions series back to Richmond through the annual Dominion Energy Charity Classic, which has raised millions of dollars to support military families; and

WHEREAS, Tom Farrell will be fondly remembered and greatly missed by his beloved wife, Anne; his sons, Peter and Stuart, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Thomas Francis Farrell II, a former executive of Dominion Energy who touched countless lives through his philanthropic and civic leadership; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Thomas Francis Farrell II as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 282

Celebrating the life of Virginia Ann Taylor.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, Virginia Ann Taylor, an accomplished medical professional and beloved member of the Newport News community, died on July 31, 2021; and

WHEREAS, after attending Walland High School in Walland, Tennessee, Virginia Taylor pursued medical training at Maryville College and Blount Memorial Hospital in Maryville, Tennessee; and

WHEREAS, Virginia Taylor enjoyed a successful career in the field of medical administration and took positions around the world as she followed her husband, James, who was often posted abroad with the United States Army; and

WHEREAS, Virginia Taylor spent several years at Fort Buchanan in Puerto Rico before residing in Germany, where she joined the civil service, working with the United States Army in the Office of the Command Surgeon; and

WHEREAS, after some time in Military Ocean Terminal at Bayonne in New Jersey, Virginia Taylor returned to Newport News, where she worked at Naval Station Norfolk, retiring in 2000; and

WHEREAS, Virginia Taylor continued to travel broadly in her retirement, visiting many countries with her husband, while taking many trips to Honduras with the United Methodist Friends of Barnabas; and

WHEREAS, after her retirement, Virginia Taylor continued to give generously of her time and talents in support of her fellow medical professionals in Newport News by volunteering at Mary Immaculate Hospital and in the neonatal intensive care unit at Riverside Hospital; and

WHEREAS, Virginia Taylor was highly involved with the Sister Cities of Newport News, allowing her to travel as a delegate to Japan, Germany, and China, and was a member of the Knollwood Garden Club and the Woman's Club of Newport; and

WHEREAS, guided throughout her life by her faith, Virginia Taylor enjoyed worship and fellowship with her community at Warwick Memorial United Methodist Church in Newport News, where she participated in the Wesleyan Sunday school class and the Barbara Liddick Circle; and

WHEREAS, Virginia Taylor will be fondly remembered and dearly missed by her husband, James; her children, Jerry, Robert, and Lora, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Virginia Ann Taylor, a cherished member of the Newport News community whose kind and giving nature touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Virginia Ann Taylor as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 283

Commending Elijah Lee.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, Elijah Lee, a 14-year-old activist, public speaker, and ordained minister from Chesterfield County, has touched countless lives through his commitment to community leadership; and

WHEREAS, Elijah Lee has been a leading voice for child abuse since he learned of abuse against one of his peers; and

WHEREAS, Elijah Lee organized his first child abuse awareness march at the age of 10 in rural North Carolina with more than 450 people in attendance; and

WHEREAS, Elijah Lee has raised money to develop two pediatric safe rooms at a hospital for children who have experienced trauma and abuse; and

WHEREAS, Halifax County and the City of Roanoke Rapids in North Carolina have named the first Saturday in March as Child Abuse Awareness Day in honor of Elijah Lee's work; and

WHEREAS, an ordained minister, Elijah Lee gave his first sermon at the age of five and continues to preach at the Church of the Holy City in Emporia; and

WHEREAS, Elijah Lee has been a keynote speaker on issues of child abuse awareness, racism, resilience, and youth empowerment for guardian ad litem programs, foster care events, youth organizations, KIPP Public Schools, and the NAACP; and

WHEREAS, Elijah Lee has been featured on the Kelly Clarkson Show, in *People* and *The Week Junior* magazines, and in Marvel Comics' *Black Panther* volume 7, issue 24; he was honored with the designation of Marvel Hero on the Marvel Hero Project, streaming on Disney+; and

WHEREAS, among many awards and accolades, Elijah Lee has received the Governor's Student Excellence Award, the Youth Impact Award from Halifax Community College, the Youth Civic Services Award from the Northampton County Branch of the NAACP, and Rising Star Award from the Chamber of Commerce; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Elijah Lee for his achievements as a community activist; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Elijah Lee as an expression of the General Assembly's admiration for his exceptional advocacy on behalf of young people facing abuse.

HOUSE JOINT RESOLUTION NO. 284

Commending Christopher E. Piper.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Christopher E. Piper, Commissioner of the Virginia Department of Elections, has provided an invaluable service to Virginians by ensuring free, fair, and secure elections in the Commonwealth; and

WHEREAS, Christopher "Chris" E. Piper was appointed Commissioner of the Virginia Department of Elections in January 2018 by Governor Ralph S. Northam after having served previously in various capacities with the Virginia State Board of Elections; and

WHEREAS, prior to becoming Commissioner of the Virginia Department of Elections, Chris Piper gained beneficial leadership experience as deputy director of the Virginia Tobacco Region Revitalization Commission, inaugural executive director of the Virginia Conflict of Interests and Ethics Advisory Council, and manager of election services with the Virginia State Board of Elections; and

WHEREAS, Chris Piper has maintained several professional affiliations in furtherance of the duties of his post, including service as board member of the National Association of State Election Directors, vice chair of the Electronic Registration Information Center, executive committee member of the U.S. Election Assistance Commission's Standards Board, and member of the Bipartisan Policy Center's Task Force on Elections; and

WHEREAS, as the chief election official in the Commonwealth, Chris Piper oversaw the successful administration of seven statewide elections and numerous local primaries, while fostering the growth and development of the Virginia Department of Elections and managing a budget exceeding \$20 million; and

WHEREAS, in the interest of the security and uniformity of the Commonwealth's elections, Chris Piper spearheaded various initiatives designed to enhance registrar training, advance the utilization of technology, and improve operations and promote inclusivity at the agency, among other objectives; and

WHEREAS, other notable accomplishments of Chris Piper's tenure included the implementation of the Commonwealth's first risk-limiting audits and the acquisition of federal grants to improve the agency's information security structure, which led to the development of the nation's first minimum security standards for locality access to statewide voter registration databases; and

WHEREAS, Chris Piper guided the Virginia Department of Elections through the challenges of the COVID-19 pandemic, taking steps to expand voter accessibility without impinging upon the sanctity of our elections; and

WHEREAS, as Commissioner of the Virginia Department of Elections, Chris Piper worked tirelessly to uphold the integrity of the Commonwealth's elections for the health of our democracy and the benefit of all citizens; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Christopher E. Piper for his noteworthy tenure as the Commissioner of the Virginia Department of Elections; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Christopher E. Piper as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 285

Commending The Korea Times.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, *The Korea Times*, a daily newspaper serving the Washington, D.C., metropolitan area, will celebrate its 53rd anniversary in 2022; and

WHEREAS, *The Korea Times* is one of the oldest and most widely circulated non-English media outlets in the region and an exemplar of minority community print media; and

WHEREAS, *The Korea Times* provides an invaluable service to the Korean American community in Washington, D.C., Maryland, and Virginia, keeping its readers up-to-date on current events six days a week, Monday through Saturday; and

WHEREAS, *The Korea Times* acts as a liaison for major United States based newspapers, including *The Washington Post* and *The Baltimore Sun*, sharing with its readers the major stories of the day; and

WHEREAS, *The Korea Times* covers an array of subjects, including local community news, national news, Korean news, the weather, and entertainment and sports news, while featuring weekly special issues under the banners of business and economy, education, health, real estate, travel and entertainment, and life; and

WHEREAS, *The Korea Times* provides a space for local businesses and organizations to advertise, helping them to increase their customer base and to better reach the communities they serve; and

WHEREAS, as a leader of the Korean American community in the Greater Washington, D.C., metropolitan area, *The Korea Times* regularly sponsors events that bring people together to celebrate Korean culture; and

WHEREAS, *The Korea Times* has established a digital platform to facilitate its readers' ability to access the newspaper's content and the articles that matter to them; and

WHEREAS, recognizing that an informed citizenry is the foundation of our democracy, *The Korea Times* has played a vital role in the community for the past 53 years; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend *The Korea Times* on the occasion of its 53rd anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to *The Korea Times* as an expression of the General Assembly's admiration for the newspaper's history and its contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 286

Celebrating the life of Thomas Patrick Burke, Jr.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, Thomas Patrick Burke, Jr., an honorable veteran, esteemed educator, and beloved member of the Richmond and Amelia County communities, died on February 3, 2022; and

WHEREAS, Thomas Patrick "Pat" Burke, Jr., graduated from John Marshall High School in Richmond in 1943 and briefly attended The College of William & Mary before he was drafted into the United States Navy in 1944; and

WHEREAS, Pat Burke served his country with courage and valor in the Pacific Theater during World War II as quartermaster of the U.S.S. *Ascella*; and

WHEREAS, following his service, Pat Burke resumed his studies, earning a bachelor's degree from The College of William & Mary and a master's degree from the University of Virginia; and

WHEREAS, in the 1950s, Pat Burke embarked upon a noble career as an educator at Dinwiddie High School, where he contributed greatly to the success of his students both in and out of the classroom; and

WHEREAS, Pat Burke was subsequently recruited to serve as the supervisor of history, government, and geography for the Virginia Department of Education, but his preference for the classroom soon led him back to teaching as he assumed a professorship in the history department at what was then Longwood College; and

WHEREAS, after 11 years at Longwood College, Pat Burke took a position at the newly founded Richmond Community High School in Richmond, where he proudly helped to develop the institution into one of the leading alternative high schools in the country; and

WHEREAS, Pat Burke was the consummate educator whose dedication to his students and love for teaching inspired many and built relationships that would last for many years; and

WHEREAS, an equally devoted scholar, Pat Burke took a research sabbatical at Trinity College Dublin in the mid-1970s, at which time he built a house in County Kerry that his family would happily descend upon time and time again; and

WHEREAS, Pat Burke's interest in Irish history led him to become a founding member of the Irish American Society of Greater Richmond, while he was highly involved with various local civic organizations to promote the well-being of others; and

WHEREAS, Pat Burke's favored pastimes included traveling with his wife, Helen, a predilection he cultivated during his years with the United States Navy, and gardening, a hobby that would lead to awards at regional flower shows and leave a verdant legacy for many future generations to enjoy; and

WHEREAS, Pat Burke will be fondly remembered and dearly missed by his loving wife, Helen; his son, Patrick, and his family; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Thomas Patrick Burke, Jr., an accomplished educator whose pursuit of the good life for himself and others affected countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Thomas Patrick Burke, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 287

Celebrating the life of the Reverend Jeanne Marie Pupke.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, the Reverend Jeanne Marie Pupke, esteemed senior minister of the First Unitarian Universalist Church of Richmond and a beloved member of the Richmond community, died on February 9, 2022; and

WHEREAS, after college, Jeanne Pupke joined The Sisters of the Immaculate Heart of Mary, but left after four years and diverged from her Catholic faith soon thereafter; and

WHEREAS, while attending graduate school at the University of Missouri, Jeanne Pupke joined Diemakers, Inc., a small tool die company, as a consultant, ultimately rising to the rank of vice president of administration; later, she worked as chief operating officer at Batdorf & Bronson Coffee Roasters in Olympia, Washington; and

WHEREAS, Jeanne Pupke was called to the ministry, graduating from Meadville Lombard Theological School before assuming a part-time pastorship with the Unitarian Universalist (UU) Fellowship of Central Oregon in Bend, Oregon, and serving as a growth minister for the church's Pacific Northwest District; and

WHEREAS, Jeanne Pupke became pastor of First Unitarian Universalist Church of Richmond in 2006, and since that time the congregation has grown into one of the largest in the denomination; and

WHEREAS, emphasizing the recognition of members' religious diversity, Jeanne Pupke became a leader of the denomination nationwide, serving a four-year term on the UU Association Board of Trustees, where she chaired the finance committee; and

WHEREAS, Jeanne Pupke has counseled many aspiring ministers as a ministerial internship supervisor and a member of the Meadville Lombard Theological School Board of Trustees, allowing her spiritual guidance to radiate beyond her community; and

WHEREAS, as a founding member and a director of the UU Legislative Ministry in the Commonwealth, Jeanne Pupke advocated tirelessly in support of racial justice and women's, LGBTQ+, and youth rights; and

WHEREAS, Jeanne Pupke often delivered the morning prayer at the General Assembly, providing its members with a moment for reflection and contemplation at the outset of their day; and

WHEREAS, Jeanne Pupke will be fondly remembered and dearly missed by her spouse of 28 years, Regina; her mother, Ruth; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Reverend Jeanne Marie Pupke, senior pastor of First Unitarian Universalist Church of Richmond, whose loving compassion, integrity, and commitment to her faith have touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Reverend Jeanne Marie Pupke as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 288

Commending Henricus Colledge (1619)®.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS on December 4, 1619, along the historic James River, America's first Thanksgiving Day was inaugurated by the prayer of English voyagers as they arrived at Berkeley Hundred Plantation; and

WHEREAS, in 1620, at Berkeley Plantation, America's second official Thanksgiving was celebrated; and

WHEREAS, Berkeley Plantation celebrated a third Thanksgiving in 1621, the same year Plimouth Plantation had its first Thanksgiving feast; and

WHEREAS, the new riverfront plantation in Virginia was named in honor of the ancient, fortified, Berkeley Castle, sited to protect the inlets on the west coast of England from Welsh raiding; and

WHEREAS, the Berkeley voyagers knew each other from long association with the Castle and its historicity, e.g. being the third castle built right after the 1066 Norman Conquest, its notable Thorpe's Tower, the gruesome revenge killing of the deposed King Edward II imprisoned there, the blasting of a fort wall from point blank range and a law that the damage may never be repaired, in prospering as the center of England's wool trade, Queen Elizabeth I's lawn bowling afternoon, having the first fully endowed school in England, and the Berkeley family's five centuries of ownership; and

WHEREAS, the leader of the voyagers was an experienced sea captain John Woodliffe, who had been to the James River several times and recruited the types of craftsmen and supplies needed there, and whose direct-line descendant, Graham Woodlief, leads Berkeley's modern-day Thanksgivings; and

WHEREAS, one of Captain Woodliffe's advisors, Fernando Yates, had been "wished by Mr. Thorpe [the cleric, who oversaw work on the upriver campus of the new Henricus Colledge requested by Pocahontas] to take a note of everie daies travail upon the seas...that seamen endure with mercies of allmightie God to support them in all distresses" (notes included in the historic Smythe of Nibley Papers); and

WHEREAS, upon landing at the site, in awed silence, the men walked to a nearby knoll, and, at signal, dropped to their knees as the prayer, composed in England under the Virginia Company, was read aloud: "We ordaine that this day of our shippis arrival, at the place assigned for plantacon, in the land of Virginia, shall be yearly and perpetually kept holy as a day of Thanksgiving to Allmightie God"; and

WHEREAS, on Sunday, November 7, 2021, Henricus Colledge (1619)®, America's First Colledge Revived, made a round-trip History Cruise along the James River from City Point in Hopewell to share in Berkeley Plantation's 402nd Anniversary of America's First, Official, Annual Thanksgiving; and

WHEREAS, the History Cruise utilized the James River Association's pontoon boat and crew and Westover Plantation's dock and was dedicated to the memory of Shirley Little Dove Custalow McGowan, Mattaponi; and

WHEREAS, the voyage was itself a Maritime Experience Cruising Classroom which taught boating safety, river navigation, the return of the Atlantic Sturgeon to the James River, and nautical companionship, and while ashore, participants enjoyed smoked turkey legs and watched the renowned Chickahominy Tribal Dancers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Henricus Colledge (1619)® on the occasion of its special City Point History Cruise on November 7, 2021, which highlighted America's First, Official, Annual Thanksgiving Day, at Berkeley Hundred Plantation, which was originally held on December 4, 1619, but now, for weather concerns, is celebrated in November; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Chancellor Steven C. Smith and Henricus Colledge (1619)® as an expression of the General Assembly's appreciation for the unique contributions of James River History Cruises in teaching about the Virginia Company (1606-1624) and America's first Thanksgiving.

HOUSE JOINT RESOLUTION NO. 289

Celebrating the life of Dorothy Doretha Bayford.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, Dorothy Doretha Bayford, a passionate advocate for her country, for freedom, and for the children of the Gloucester community, the Commonwealth, and the nation, died on November 8, 2021; and

WHEREAS, Dorothy Bayford knew tremendous adversity at different times early in her life, but was never deterred in her willingness to overcome whatever challenge she may face; and

WHEREAS, Dorothy Bayford became an accomplished entrepreneur with her husband, Brian, owning and operating several successful businesses over the years; and

WHEREAS, with an unflagging desire to help others, Dorothy Bayford devoted herself to many causes and spearheaded several grassroots initiatives to serve her community and the Commonwealth; and

WHEREAS, Dorothy Bayford worked actively in local politics, serving as chair of the Virginia Peninsula chapter of the Tea Party movement and as chair of the Gloucester Republican Committee, while also volunteering at the polls and with several campaigns; and

WHEREAS, collaborating with many organizations throughout the Commonwealth, Dorothy Bayford advocated tirelessly in support of action plans that would serve Virginians both before her local school board and board of supervisors and at the General Assembly; and

WHEREAS, Dorothy Bayford was a mentor whose dedication inspired an untold number of individuals to get more involved and to make a difference in their community; and

WHEREAS, Dorothy Bayford will be fondly remembered and dearly missed by her loving husband, Brian; her children, Jacqueline, Chris, Christina, Justin, Janae, Jazzmine, Ciara, and Cirrenety, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Dorothy Doretha Bayford, a beloved member of the Gloucester community whose drive and determination made an impact on countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Dorothy Doretha Bayford as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 290

Commending Carroll Ashburn and Demetrius Means.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, Carroll Ashburn and Demetrius Means, one of the most successful teams of radio sportscasters in the Commonwealth, have served the Northern Neck community for more than 25 years as the voices of local high school basketball; and

WHEREAS, the dynamic duo got their start when New York-native Demetrius Means was watching a basketball game at Lancaster High School, where his wife was serving as assistant principal, and impressed WKWI 101.7 FM owner Tom Davis with his knowledge of the game; and

WHEREAS, Tom Davis was inspired to pair Demetrius Means, who provided comprehensive basketball analysis, with Kilmarnock-native Carroll Ashburn, a play-by-play specialist, resulting in one of the most prolific partnerships in Virginia sportscasting history; and

WHEREAS, over the course of their career together, Carroll Ashburn and Demetrius Means covered five state championship finals involving three local schools, and many other notable games, including a defensive struggle between Northumberland High School and Washington and Lee High School with a rare score of 3-0 at halftime; and

WHEREAS, Carroll Ashburn and Demetrius Means' duties occasionally turned to hard news journalism, such as when they were swept up in a riot and continued to broadcast throughout the event; and

WHEREAS, Carroll Ashburn and Demetrius Means traveled from Southwest Virginia to the Eastern Shore and cultivated an unparalleled love of the game that was evident in the broadcasts; and

WHEREAS, Carroll Ashburn and Demetrius Means have been recognized multiple times by the Virginia Association of Broadcasters, and they helped generations of Northern Neck basketball fans develop and better understanding and a greater appreciation for the sport; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Carroll Ashburn and Demetrius Means for their contributions to high school sports in the Northern Neck; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Carroll Ashburn and Demetrius Means as an expression of the General Assembly's admiration for their achievements and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 291

Commending Radford University Carilion.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, for more than 40 years, Radford University Carilion, formerly Jefferson College of Health Sciences, has served the Southwest Virginia community by providing an exceptional education to aspiring medical professionals; and

WHEREAS, Radford University Carilion traces its roots to the early 20th century with the establishment of the Jefferson Hospital School of Nursing, which later merged with the Lewis-Gale School of Nursing to form the Community Hospital of Roanoke Valley School of Nursing; and

WHEREAS, in 1982, the Community Hospital of Roanoke Valley College of Health Sciences was established as the first hospital-based college in Virginia; it was one of the first health sciences colleges to earn accreditation from the Commission for Higher Education and later achieved accreditation from the Southern Association of Colleges and Schools Commission on Colleges; and

WHEREAS, the Community Hospital of Roanoke Valley College of Health Sciences was renamed as Jefferson College of Health Sciences in 2003, in recognition of its historical connection to Jefferson Hospital and the Jefferson Hospital School of Nursing; and

WHEREAS, in 2019, Jefferson College of Health Sciences finalized a merger with Carilion Clinic and Radford University, forming Radford University Carilion to better serve students and ensure that the institution is poised to meet future challenges; and

WHEREAS, Radford University Carilion enrolls more than 1,100 students and provides a rigorous real-world learning experience to students pursuing undergraduate and graduate degrees in the health sciences; and

WHEREAS, Radford University Carilion boasts a faculty of practicing clinicians who, in a clinical setting on the campus of Carilion Medical Center, teach students to care for patients, conduct research, and explore how to manage organizations; and

WHEREAS, Radford University Carilion maintains excellent licensure pass rates in professional programs and high student satisfaction ratings for its affordability and commitment to academic excellence; and

WHEREAS, Radford University Carilion has made many contributions to the economic vitality of the region, drawing students from around the country, who have in turn received the skills and knowledge to enhance health and wellness in their own communities; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Radford University Carilion on the occasion of its 40th anniversary as a degree-granting institution; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Radford University Carilion as an expression of the General Assembly's admiration for its contributions to medical education.

HOUSE JOINT RESOLUTION NO. 292

Commending the Fairfields Volunteer Fire Department.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, the Fairfields Volunteer Fire Department, an organization that bravely and proudly serves the citizens of Northumberland County, celebrates its 75th anniversary in 2022; and

WHEREAS, the formation of the Fairfields Volunteer Fire Department was spearheaded in 1947 by members of The American Legion Post 117, who led a successful fundraising campaign to establish a fire fighting organization in the Fairfields District of Northumberland County; and

WHEREAS, the first meeting of the Fairfields Volunteer Fire Department was held in the Pythian Hall of Reedville on January 30, 1947, when R. L. Haynie was elected chairman and the Reverend Joe M. Dameron was elected fire commissioner; and

WHEREAS, after briefly storing its firefighting equipment at Reedville High School, the Fairfields Volunteer Fire Department purchased a lot along Route 360 to serve as the location for its new fire house; and

WHEREAS, in 1959, the Fairfields Volunteer Fire Department established a branch station at Glebe Point, greatly expanding and enhancing its ability to serve residents in all corners of Northumberland County; and

WHEREAS, since its founding, the Fairfields Volunteer Fire Department has been run entirely by a dedicated crew of volunteers who give generously of their time to protect life and property in Northumberland County; and

WHEREAS, as a result of the efforts of its Support Team and regular fundraising events, the Fairfields Volunteer Fire Department has been able to enhance its ability to outfit its members and serve the community over the years; and

WHEREAS, the Fairfields Volunteer Fire Department is continually upgrading its equipment and methods and training its members to ensure that the department responds to emergencies as promptly and effectively as possible; and

WHEREAS, the Fairfields Volunteer Fire Department has been integral to local civic affairs throughout its existence, sponsoring first aid classes and scout troops, procuring doctors for the region, and arranging for the community's annual Christmas tree presentation; and

WHEREAS, with the support of approximately 35 current members, the Fairfields Volunteer Fire Department responds to hundreds of calls annually, including field and brush fires, house fires, and various other incidences; and

WHEREAS, through their tireless commitment to helping others, the members of the Fairfields Volunteer Fire Department have kept their community safe and made Northumberland County a more wonderful place to call home; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Fairfields Volunteer Fire Department on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Johnny Beauchamp, president of the Fairfields Volunteer Fire Department, as an expression of the General Assembly's admiration for the organization's rich history and many contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 293

Commending the Reverend Dr. Robert G. Murray.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, the Reverend Dr. Robert G. Murray, a dedicated spiritual leader in Norfolk, retired as Senior Pastor of First Baptist Church after decades of service to the community; and

WHEREAS, Dr. Robert Murray holds degrees from Hampton University and the Boston University School of Theology and had served as a pastor for nearly five decades; and

WHEREAS, Dr. Robert Murray joined the historic First Baptist Church in Norfolk in 1983 and upheld the church's legacy of excellence that spans more than 220 years through his visionary leadership and high emphasis on modern relevance in his sermons; and

WHEREAS, Dr. Robert Murray guided the First Baptist Church congregation to become a force for change in the community and oversaw the renovation of a local assisted living facility and the construction of the Murray Center, a multipurpose community center that houses the READY Academy Christian School, of which he served as superintendent for 18 years; and

WHEREAS, Dr. Robert Murray has served as an adjunct professor of African American studies and religious studies at Virginia Commonwealth University (VCU), and he taught courses on social ethics and homiletics at the Samuel DeWitt Proctor School of Theology at Virginia Union University; and

WHEREAS, Dr. Robert Murray previously offered his leadership and expertise to the Lott Carey Baptist Foreign Missionary Convention and the Baptist General Convention of Virginia and has served on the VCU Board of Trustees and the William A. Hunton YMCA Board of Directors; and

WHEREAS, Dr. Robert Murray touched countless lives over the course of his 38 years as Senior Pastor of First Baptist Church; and

WHEREAS, Dr. Robert Murray could not have done any of this work without his wife, Amanda, by his side, and they leave the church well prepared to meet the challenges of the future and continue serving the residents of Norfolk; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Reverend Dr. Robert G. Murray on the occasion of his retirement as Senior Pastor of First Baptist Church; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Dr. Robert G. Murray as an expression of the General Assembly's admiration for his legacy of contributions to the Norfolk community.

HOUSE JOINT RESOLUTION NO. 294

Commending Curtis Turner.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Curtis Turner, an esteemed salesman at Apple Ford of Danville, celebrated his 50th anniversary with the car dealership on August 16, 2021; and

WHEREAS, Curtis Turner embarked upon his career in automobile sales at what was then Barkhouser Ford on August 16, 1971, and sold his first vehicle, a 1971 Ford F-150, shortly thereafter; and

WHEREAS, Curtis Turner commemorated his golden jubilee alongside nearly 400 colleagues, friends, and loyal customers whom he has gotten to know over his half-century selling automobiles to the Danville community; and

WHEREAS, Curtis Turner has found success through hard work and long hours, taking the time to get to know his customers and staying in touch with them over the years; and

WHEREAS, Curtis Turner recognizes that purchasing a car is a major investment for most individuals and families and makes every effort to ensure that his customers leave his showroom with a vehicle that will serve them well for many years; and

WHEREAS, despite reaching an extraordinary milestone in his career, Curtis Turner plans to continue selling cars at Apple Ford of Danville for the foreseeable future, providing the same quality service and care that his community has enjoyed over the past half-century; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Curtis Turner, accomplished salesman at Apple Ford of Danville, on the occasion of his 50th anniversary with the dealership; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Curtis Turner as an expression of the General Assembly's admiration for his noteworthy career.

HOUSE JOINT RESOLUTION NO. 295

Commending David Willis.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, David Willis, an esteemed member of God's Pit Crew, a disaster relief organization based in Danville, was presented the Eternal Service Award by God's Pit Crew in 2021; and

WHEREAS, over the previous 12 years with God's Pit Crew, David Willis remarkably volunteered nearly 35,000 hours, putting him on pace to break a Guinness World Record for most hours volunteered by an individual; and

WHEREAS, David Willis' total number of hours served is actually far greater, as he was an active volunteer with God's Pit Crew for 10 years before the organization began officially tabulating service hours; and

WHEREAS, a member of God's Pit Crew since 1992, David Willis has accumulated his many service hours by volunteering approximately 12 hours per day on most days of the year; and

WHEREAS, on behalf of God's Pit Crew, David Willis has traveled across the country to help rebuild homes and churches devastated by hurricanes, tornadoes, and other natural disasters, providing innumerable individuals and families with great solace and comfort in their time of need; and

WHEREAS, in addition to these service trips, David Willis supports God's Pit Crew's ability to effectively carry out its mission in his capacity as the volunteer manager of receiving and distribution at the organization's warehouse; and

WHEREAS, motivated by a steadfast dedication to caring for and serving others above all else, David Willis exemplifies the ideals that the citizens of the Commonwealth hold most dear; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend David Willis for being honored with the 2021 God's Pit Crew Eternal Service Award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to David Willis as an expression of the General Assembly's admiration for his extraordinary contributions to the Commonwealth and other communities across the nation.

HOUSE JOINT RESOLUTION NO. 296

Commending Albert Payne, D.D.S.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Albert Payne, D.D.S., an esteemed dentist residing in Pittsylvania County, was named Citizen of the Year by the Kiwanis Club of Danville in 2021; and

WHEREAS, Albert Payne was selected for what is recognized as one of the most prestigious honors in the region on the basis of his professional accomplishments; demonstration of religious and family values; participation in cultural, educational, and civic growth; public service; and leadership positions and citizenship recognitions in the community; and

WHEREAS, a native of Danville who graduated from George Washington High School, Albert Payne earned both a bachelor's degree in biology from The College of William & Mary in 1972 and a doctor of dental surgery degree from Virginia Commonwealth University School of Dentistry in 1976; and

WHEREAS, after completing his education, Albert Payne returned to his hometown to open a private practice, Danville Dental Associates, which he grew through hard work and visionary leadership into a beloved institution in the community; and

WHEREAS, Albert Payne and Danville Dental Associates now operate six offices in the region and regularly receive "Best Dentist" recognitions from the readers of local newspapers and other publications; and

WHEREAS, Albert Payne is committed to the advancement of the dentistry profession, serving as a member of the American Dental Association, the Virginia Dental Association, and the Danville Regional Dental Society, while being named a fellow to the Piedmont Dental Society, the American College of Dentists, and the International College of Dentists; he was on the board of directors of Delta Dental of Virginia from 1988 through 2016; and

WHEREAS, Albert Payne has served as a volunteer with the Virginia Dental Association's Mission of Mercy projects in Southwest Virginia and Danville, providing free dental care to low-income individuals, and has participated in the Give Thanks for Smiles program sponsored by Danville Dental Associates in November of each year; and

WHEREAS, dedicated to the health and well-being of young people, Albert Payne has sat on the board of the Boys and Girls Clubs of Danville and coached basketball and softball in Pittsylvania County youth leagues, while serving on the Pittsylvania County School Board from 1988 to 2000 and as president of the Tunstall High School Academic Booster Club and St. John's United Methodist Church Fishermen's Club; and

WHEREAS, Albert Payne enjoys worship and fellowship with his community at Trinity United Methodist Church in Danville and with United Methodist Men, with whom he spearheaded a project to plant and harvest potatoes for God's Storehouse in Danville; and

WHEREAS, through unwavering concern for others and an indefatigable commitment to service, Albert Payne has helped make both Danville and Pittsylvania County more wonderful places for residents to call home; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Albert L. Payne, D.D.S., for being named the 2021 Citizen of the Year by the Kiwanis Club of Danville; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Albert L. Payne, D.D.S., as an expression of the General Assembly's admiration for his many contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 297

Commending the Kiwanis Club of Danville.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, the Kiwanis Club of Danville celebrated its 100th anniversary during an honorary banquet at the Danville Golf Club on September 2, 2021; and

WHEREAS, the Kiwanis Club of Danville was founded on June 21, 1921, a mere six years after the parent organization Kiwanis International was founded in Detroit; and

WHEREAS, through boom and bust, the Kiwanis Club of Danville has served as a steady and unshakeable foundation for fostering community and a greater sense of togetherness in the region; and

WHEREAS, the accomplishments of the Kiwanis Club of Danville are due in part to the extraordinary dedication of its members, including E. Budge Kent, Jr., Dr. Harry Kolendrianos, and Dr. Bert Osborne, who have each recorded more than 50 years of perfect attendance; and

WHEREAS, the contributions of three club secretaries, James T. Catlin, Jr., Everett L. Motley, and Dr. Jack Irby Hayes, Jr., have made an outsized impact on the Kiwanis Club of Danville, as the group is collectively responsible for 86 of the club's 100 years in that position; and

WHEREAS, although the Kiwanis Club of Danville did not admit women until 1987, the organization has enthusiastically embraced equality and inclusion in recent years, electing nine female presidents since 1995; and

WHEREAS, the Kiwanis Club of Danville makes a difference in the community it serves through various activities, including its Camp Kiwanis for disadvantaged youth, celebrations for veterans, fundraising for local scout troops, sponsorship of the George Washington High School Key Club, and myriad programs and scholarships at local schools and universities; and

WHEREAS, the noble aspirations of its founders and leaders and the tireless efforts and generosity of its members have made the Kiwanis Club of Danville a pillar of the Danville community over the past 100 years; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Kiwanis Club of Danville on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lee Vogler, president of the Kiwanis Club of Danville, as an expression of the General Assembly's admiration for the organization's impressive history of contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 298

Celebrating the life of Steven Lamarr Hixon.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Steven Lamarr Hixon, esteemed social worker and a beloved member of the Henrico County community, died on January 4, 2022; and

WHEREAS, Steven "Steve" Lamarr Hixon graduated from Camp LeJeune High School in Jacksonville, North Carolina, before earning a bachelor's degree in social work from East Carolina University and a master's degree in business administration from Averett University; and

WHEREAS, Steve Hixon dedicated more than 33 years to Henrico County Prevention Services, where he furthered many local and statewide initiatives in the interest of the health and well-being of the community; and

WHEREAS, Steve Hixon worked actively in the Newbridge community for more than 27 years, advocating tirelessly to ensure children and their families had the resources and support they needed to succeed; and

WHEREAS, Steve Hixon was highly involved with the Henrico Police Athletic League Board as a founding member who facilitated the training for the organization's staff; and

WHEREAS, Steve Hixon was a member of the Too Smart 2 Start Coalition Board in Henrico County, contributing to efforts to promote public health by reducing youth substance abuse; and

WHEREAS, Steve Hixon played basketball in high school and college and loved the game throughout his life, while his other favorite pastimes included watching westerns and eating seafood; and

WHEREAS, Steve Hixon will be fondly remembered and dearly missed by numerous family members, friends, and young people whose lives he positively impacted; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Steven Lamarr Hixon; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Steven Lamarr Hixon as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 299

Celebrating the life of Landon Russell Wyatt, Jr.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Landon Russell Wyatt, Jr., an honorable veteran, accomplished businessman, and beloved member of the Danville community, died on December 22, 2021; and

WHEREAS, a member of the Class of 1944 at George Washington High School in Danville, Landon Wyatt finished his coursework early so that he could enlist with the United States Army Air Corps in 1943 and contribute to the Allied effort during World War II; and

WHEREAS, following his service, Landon Wyatt earned a bachelor's degree in commerce from the University of Virginia in 1949 before returning to Danville to work in his father's automobile business, Wyatt Buick Sales Company, where he would ultimately retire as president in 2008; and

WHEREAS, in addition to the automobile industry, Landon Wyatt was involved in several other business ventures, including serving as president of Community Enterprises, Inc., and Wyatt Realty Corporation and as manager of Harrison-Wyatt, LLC; and

WHEREAS, Landon Wyatt was an active and engaged member of the community who made a major impact as director of the American National Bank for 35 years and of the Piedmont Broadcasting Corporation for a half-century; and

WHEREAS, Landon Wyatt promoted the health and well-being of others while serving on the board of the former Danville Regional Health System, including as its chairman from 1980 to 2003, and on the boards of Stratford College, Averett University, and the Danville Community College Educational Foundation; and

WHEREAS, with an eye toward future growth and prosperity in the Danville region, Landon Wyatt served as a director for Smith Seeds, Inc., the Danville Industrial Development Corporation, and the Danville Pittsylvania County Chamber of Commerce, while dutifully carrying out appointments to commissions on both the local and state level; and

WHEREAS, Landon Wyatt was highly involved with the Kiwanis Club of Danville for many years, serving as its president in 1963 and receiving the organization's annual citizenship award in 1984; and

WHEREAS, guided throughout his life by his faith, Landon Wyatt was a lifelong member of First Baptist Church in Danville, where he fostered the spiritual maturation of many young people as a Sunday school teacher for more than 70 years and supported the congregation over several terms on its board of deacons; and

WHEREAS, preceded in death by his loving wife of nearly 69 years, Kathryn, Landon Wyatt will be fondly remembered and dearly missed by his children, Margaret, Landon III, and Elizabeth, and their families and by numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Landon Russell Wyatt, Jr., a respected member of the Danville community whose commitment to serving others touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Landon Russell Wyatt, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 300

Commending the University of Virginia Comprehensive Cancer Center.

Agreed to by the House of Delegates, February 28, 2022

Agreed to by the Senate, March 3, 2022

WHEREAS, the University of Virginia Cancer Center was awarded Comprehensive Cancer Center status by the National Cancer Institute effective February 1, 2022; and

WHEREAS, the mission of the University of Virginia Comprehensive Cancer Center (UVA Cancer Center) is to reduce the burden of cancer for the patients of today through skilled, integrated, and compassionate care and to eliminate the threat of cancer for the patients of tomorrow through research and education in an environment that promotes diversity, equity, and inclusion; and

WHEREAS, UVA Cancer Center comprises 162 members from 25 departments amongst four UVA schools: Medicine, Nursing, Engineering, and the College of Arts and Sciences; and

WHEREAS, UVA Cancer Center serves 3.2 million residents from a large catchment area that includes 87 counties throughout Northern, Central, Southside, and Southwest Virginia, as well as eastern West Virginia; and

WHEREAS, UVA Cancer Center's history of conducting nationally and internationally recognized research, as well as providing highly specialized patient care that spans the Commonwealth and beyond has led to recognition as a designated cancer center by the National Cancer Institute (NCI) for the past 34 years; and

WHEREAS, throughout its 34 years of existence, UVA Cancer Center has continued to grow in excellence, providing clinical care, education, research, and community engagement relating to cancer; and

WHEREAS, UVA Cancer Center has excelled nationally in basic cancer biology research, innovated in cancer nanomedicine, pioneered immunotherapy treatments, and translated novel ideas from the laboratory to the patient; and

WHEREAS, after demonstrating its achievements across the full spectrum of research, training, and outreach, the UVA Cancer Center was recently awarded NCI's highest designation, Comprehensive Cancer Center, becoming one of only 52 such centers in the country and the first in Virginia; and

WHEREAS, Comprehensive Cancer Center status will grant patients of UVA Cancer Center better access to innovative clinical research and the latest treatment options, and will enable UVA Cancer Center to achieve its goal that no Virginia resident should ever have to leave the Commonwealth to receive the highest-quality cancer care and the treatment options they need; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the University of Virginia Comprehensive Cancer Center for receiving Comprehensive Cancer Center status; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the University of Virginia Comprehensive Cancer Center as an expression of the General Assembly's admiration for the Center's contributions to cancer research and treatment of cancer patients within the Commonwealth.

HOUSE JOINT RESOLUTION NO. 301

Commending Pamela Northam.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Pamela Northam served as the First Lady of Virginia along with her husband, the 73rd Governor of Virginia, Ralph S. Northam from 2018 to 2022; and

WHEREAS, Pamela Northam brought her perspective as a former teacher, occupational therapist, environmentalist, and mother to help shape the Executive Mansion and the Commonwealth of Virginia; and

WHEREAS, Pamela Northam used her position as First Lady to advocate for expanded access to quality early childhood education, so that all students in the Commonwealth could succeed in school and beyond; and

WHEREAS, through her time as First Lady, Pamela Northam expanded and unified Virginia's early childhood system to reach more than 50,000 students and worked with legislators to effectively invest historic funding for Virginia's youngest learners; and

WHEREAS, First Lady Northam was a persistent advocate for education at all levels, traveling over 12,000 miles throughout her time as First Lady to visit over 200 schools and programs in all corners of Virginia; she relished every opportunity to listen and learn from those doing the work and give them a voice in Richmond; and

WHEREAS, Pamela Northam served as chair of Virginia's Children's Cabinet alongside the Lieutenant Governor and the Secretaries of Agriculture and Forestry, Education, Health and Human Resources, and Public Safety and Homeland Security; and

WHEREAS, in that capacity, Pamela Northam brought stakeholders together in an effort to cooperatively address the needs of Virginia's children; this was an especially crucial role as the Commonwealth addressed the COVID-19 pandemic; and

WHEREAS, Pamela Northam always encouraged bipartisanship throughout her work; she built consensus with legislators on both sides of the aisle with the goal of leaving the Commonwealth a better place; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Pamela Northam for her service to the Commonwealth as First Lady; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Pamela Northam as an expression of the General Assembly's admiration for her support of Virginia's children.

HOUSE JOINT RESOLUTION NO. 302

Celebrating the life of David Jonathon Nieves.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, David Jonathon Nieves, an honorable veteran, respected law-enforcement officer, and beloved member of the Virginia Beach community, died on February 1, 2022; and

WHEREAS, a native of Bridgeport, Connecticut, David Nieves admirably served his country as a member of the United States Navy; and

WHEREAS, David Nieves was an exemplary member of the Virginia Beach Police Department (VBPD), attaining the rank of master police officer while demonstrating an equal commitment to both public safety and community engagement; and

WHEREAS, from the Lake Edward summer nights basketball league, to National Night Out, to various outreach programs supporting the Latino residents of Virginia Beach, David Nieves rallied others around initiatives that brought the community together and kept individuals and families safe; and

WHEREAS, David Nieves spearheaded innovative programs, such as the Toy Ride Along program and Hispanic Fall Fest, to foster positive relations between VBPD and the community it serves, making innumerable friends and connections along the way; and

WHEREAS, David Nieves developed the VBPD Hispanic Citizens Police Academy; the VBPD Hispanic Empowerment and Resources Team, or H.E.A.R.T.; an active threat citizen defense course; and many other endeavors in the interest of the well-being of the community he served; and

WHEREAS, David Nieves efforts merited more than 30 letters of appreciation and several honors from the VBPD, including nine Class Act Awards, a Public Service Medal, a Humanitarian Ribbon, a Special Commendation Award, and a Medal of Merit; and

WHEREAS, David Nieves will be fondly remembered and dearly missed by his loving wife, Monica; his sons, Matthew and Emmaus, and their families; his parents, Paul and Daisy; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of David Jonathon Nieves, master police officer with the Virginia Beach Police Department whose unflagging dedication to serving others impacted countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of David Nieves as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 303

Celebrating the life of Teresa Makenzie Sperry.

Agreed to by the House of Delegates, March 2, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Teresa Makenzie Sperry, a fifth grade student at Hillpoint Elementary School in Suffolk and a beloved member of the Suffolk community, died on September 27, 2021; and

WHEREAS, Teresa Sperry had attended Hillpoint Elementary School since pre-kindergarten, where she participated in several Little Miss Hillpoint pageants to help raise money for the March of Dimes; and

WHEREAS, Teresa Sperry was a proud member of Troop 313 of the Girl Scouts of the United States of America and enjoyed spending time with her fellow sister scouts at meetings, cookie booths, or other outings; and

WHEREAS, Teresa Sperry had an appreciation for the arts and loved to draw, dance around her home, and sing whenever she could; and

WHEREAS, Teresa Sperry's kind and generous spirit drew people to her and she formed strong and nearly inseparable bonds with several close friends; and

WHEREAS, Teresa Sperry was a curious and inquiring child who loved reading and was always developing new interests and hobbies, recently learning how to sew; and

WHEREAS, Teresa Sperry was at home in the outdoors, whether riding her bike, roller skating, or playing at the park, and would often take the time to savor a sunset or look up at the moon and stars; and

WHEREAS, Teresa Sperry was happiest when spending time with her family, who cared for her deeply and showered her with love and affection every opportunity they had; and

WHEREAS, Teresa Sperry will be fondly remembered and dearly missed by her loving parents, Nicole and Jeff; her brothers, Jonathan, Sean, and Michael; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Teresa Makenzie Sperry, a cherished member of the Suffolk community whose passion and enthusiasm for life inspired all who knew her; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Teresa Makenzie Sperry as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 304

Celebrating the life of Franklin Esby Vehorn.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 10, 2022

WHEREAS, Franklin Esby Vehorn, an honorable veteran and accomplished sportswriter whose columns in the *Norfolk Ledger-Star* and the *Virginian-Pilot* informed and delighted readers for many years, died on June 29, 2021; and

WHEREAS, Franklin "Frank" Esby Vehorn served his country with courage and valor as a member of the United States Navy during the Vietnam War; and

WHEREAS, Frank Vehorn worked many years for the *Norfolk Ledger-Star* and later the *Virginian-Pilot*, covering area sports such as the American Basketball Association's Virginia Squires, Atlantic Coast Conference teams, and the National Association for Stock Car Auto Racing; and

WHEREAS, Frank Vehorn's long and illustrious career in sports journalism included posts as reporter and editor at various papers in the Carolinas, and he was the author of *The Intimidator: The Dale Earnhardt Story: An Unauthorized Biography*; and

WHEREAS, Frank Vehorn was admired by readers and colleagues alike for the depth of his reporting and the quality of his writing; and

WHEREAS, dedicated to the advancement of his industry, Frank Vehorn founded what would become the National Motorsports Press Association, serving as the organization's president for many years, and was a trusted and valued mentor to scores of younger reporters; and

WHEREAS, Frank Vehorn will be fondly remembered and dearly missed by his loving wife, Esther; his children, Andrew, Steven, and Bill; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Franklin Esby Vehorn, famed chronicler of Norfolk-area sports whose incisive reporting brightened countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Franklin Esby Vehorn as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 305

Commending Roanoke College.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 10, 2022

WHEREAS, Roanoke College, a private liberal arts college in Salem, has provided outstanding educational opportunities to students from throughout the Commonwealth and the world for 180 years; and

WHEREAS, founded in 1842 in Mt. Tabor, Roanoke College was originally a small preparatory school for boys known as the Virginia Collegiate Institute; it was established by two Lutheran pastors, David F. Bittle and Christopher C. Baughman, and is the second oldest Lutheran college in the country; and

WHEREAS, the Virginia Collegiate Institute subsequently relocated to Salem and was reorganized as Roanoke College with David F. Bittle as its first president in 1853; throughout its history, the college has remained true to its Lutheran roots and has partnered with the Evangelical Lutheran Church and other faith communities to nurture dialogue between faith and reason; and

WHEREAS, Roanoke College gives students the tools to develop intellectually, physically, socially, and morally through unique curricula and programs that blend diverse perspectives and to apply knowledge to current events in a practical way, helping students to build lives with meaning and purpose; and

WHEREAS, Roanoke College offers its students a wide array of cocurricular activities and athletics programs with the Roanoke College Maroons representing the institution in the Old Dominion Athletic Conference; the Maroons have won two team national championships in men's basketball and lacrosse and two individual national championships in women's track and field; and

WHEREAS, several buildings on the Roanoke College campus are listed on the National Register of Historic Places and the Virginia Landmarks Registry, five of which date back to the 1800s; and

WHEREAS, among many awards and accolades for its engaging curriculum and contributions to the field of higher education, Roanoke College has earned national recognition from *U.S. News & World Report* as one of the top liberal arts colleges in the United States; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Roanoke College on the occasion of its 180th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Roanoke College as an expression of the General Assembly's admiration for the college's long history and legacy of accomplishments on behalf of its students.

HOUSE JOINT RESOLUTION NO. 306

Commending Monroe E. Harris, Jr., DMD.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Monroe E. Harris, Jr., DMD, the first Black president of the Virginia Museum of Fine Arts Board of Trustees, has worked diligently to support local artists and expand collections featuring contemporary Black artists; and

WHEREAS, Monroe Harris has served the Richmond community as an oral and maxillofacial surgeon for many years and has long been a collector of African and African American art; and

WHEREAS, Monroe Harris had previously offered his visionary leadership to the board of the Virginia Museum of Fine Arts (VMFA) Foundation and had served on the museum's Board of Trustees for five years before he was elected as board president in 2018; and

WHEREAS, Monroe Harris was not only the first Black president in the VMFA's 82-year history, but the first Black board chair of a major comprehensive art museum in the United States; and

WHEREAS, during his tenure as president, Monroe Harris worked to achieve diversity among the museum's staff and leadership positions and added numerous pieces by Black artists to the museum's permanent collections; and

WHEREAS, Monroe Harris has provided his wise insights to the boards of the Black History Museum and the Cultural Center of Virginia in Jackson Ward, the American Civil War Museum, and Virginia Repertory Theatre; and

WHEREAS, in addition, Monroe Harris and his wife, Jill, established The Monroe E. Harris, Jr. & Dr. Jill Bussey-Harris Endowed Scholarship to support African American students at the University of Louisville School of Dentistry; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Monroe E. Harris, Jr., DMD, for his service as president of the Virginia Museum of Fine Arts Board of Trustees; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Monroe E. Harris, Jr., DMD, as an expression of the General Assembly's admiration for his contributions to cultural life in Virginia.

HOUSE JOINT RESOLUTION NO. 307

Celebrating the life of Eugene L. Krizek.

Agreed to by the House of Delegates, March 2, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Eugene L. Krizek, a distinguished former federal employee who devoted his life to philanthropic and humanitarian causes and touched countless lives around the world through his leadership and generosity, died on October 5, 2021; and

WHEREAS, Eugene "Gene" L. Krizek grew up in Ohio and was the child of Czechoslovakian immigrants; after his father's untimely death, he began helping to support his family receive a special dispensation for a driver's license at the age of 14 so that he could better care for his mother and siblings; and

WHEREAS, Gene Krizek joined many of the other young men of his generation in service to the nation during World War II; he subsequently served as a member of the United States Air Force during the Korean War and was a longtime member of the Air Force Reserve; and

WHEREAS, after his military service, Gene Krizek graduated from what is now Case Western Reserve University, then worked as a congressional staffer on Capitol Hill, where he met his wife, Adeline; and

WHEREAS, Gene Krizek served as a state campaign manager for President John F. Kennedy and was subsequently appointed as the director of the White House Liaison office at the United States Department of State; and

WHEREAS, under President Lyndon B. Johnson, Gene Krizek continued his distinguished career at the State Department, working in congressional relations to advocate for humanitarian aid bills and legislation to assist refugees; and

WHEREAS, in the 1980s, Gene Krizek founded Christian Relief Services, which grew under his determined leadership to become a thriving international philanthropic organization responsible for providing millions of dollars in food, medical supplies, shelter, tools, training, and educational programs to people in need around the world; and

WHEREAS, in addition, Gene Krizek founded Bread and Water for Africa, which supports grassroots initiatives to promote literacy and education, provide medical care and job training, and encourage self-sufficiency in underdeveloped areas; and

WHEREAS, closer to home, Gene Krizek worked with a group of concerned volunteers to establish Americans Helping Americans, which provides food and other necessities, rehabilitates homes, and provides funds for youth summer camps in Appalachia; and

WHEREAS, profoundly impacted by an article about the high rate of suicide among American Indian teenagers, Gene Krizek developed Running Strong for American Indian Youth, which supports critical services for thousands of individuals on Indian reservations; and

WHEREAS, Gene Krizek's visionary leadership and unparalleled commitment to philanthropy empowered communities throughout the world and built a legacy of kindness that has endured across generations; and

WHEREAS, predeceased by his beloved wife of 66 years, Adeline, Gene Krizek will be fondly remembered and greatly missed by his sons, Paul, Bryan, and Neil, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Eugene L. Krizek, a longtime federal employee and esteemed leader in humanitarian services; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Eugene L. Krizek as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 308

Celebrating the life of Adeline Rose Krizek.

Agreed to by the House of Delegates, March 2, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Adeline Rose Krizek, a highly admired community leader in Alexandria who offered her wisdom and expertise to a range of philanthropic and humanitarian organizations, died on September 5, 2021; and

WHEREAS, born in London, Adeline "Addy" Rose Krizek lived in the Notting Hill neighborhood until World War II, when she and her sisters were evacuated to the countryside to live with a series of host families; and

WHEREAS, at age 20, Addy Krizek immigrated to the United States, and in 1955, she met her future husband, Eugene "Gene" Krizek, while they were both working as congressional staffers; the couple settled in the Hollin Hills area of Alexandria and became active leaders in the community; and

WHEREAS, Addy Krizek worked for a member of the Fairfax County Board of Supervisors, was a past president of the local chapter of what is now the Junior Diabetes Research Foundation, and served as a board member of Burgundy Farm Country Day School of Alexandria and the Friendship House of Washington, D.C.; and

WHEREAS, Addy Krizek worked for the Council for a Livable World, which promoted the elimination of nuclear weapons, and served on the board of Bread and Water for Africa UK; in 1984, she became the first volunteer at Christian Relief Services, a nonprofit organization established by her husband; and

WHEREAS, Addy Krizek was a longtime board member of United Community Ministries, which strives to meet both the emergency and long-term needs of Alexandria residents, and served terms as director of volunteer services and director of development; and

WHEREAS, in addition to her commitment to community service, Addy Krizek shared her passion for the arts with young people as an art teacher for a Sunday school and an artist aide at Hollin Meadows Elementary School; and

WHEREAS, Addy Krizek was active in local government through the Mount Vernon Democratic Committee, and she proudly volunteered for her son, the Honorable Paul Krizek, during his campaign for a seat in the House of Delegates; and

WHEREAS, among many awards and accolades, Addy and Gene Krizek were selected as Lord and Lady Fairfax by the Fairfax County Board of Supervisors in 1995, and she received the 2019 Gerald W. Hyland Humanitarian Award for her legacy of contributions to United Community Ministries and other service organizations; and

WHEREAS, Addy Krizek's beloved husband of 66 years, Gene, died on October 5, 2021; she will be fondly remembered and greatly missed by her sons, Paul, Bryan, and Neil, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Adeline Rose Krizek; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Adeline Rose Krizek as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 309

Celebrating the life of Nikia Yvonne Shaw.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Nikia Yvonne Shaw, an information technology professional who supported state lawmakers as a web developer with the Virginia House of Delegates, died on October 13, 2021; and

WHEREAS, Nikia Shaw held bachelor's degrees from Virginia Commonwealth University and Stratford University; she began her professional career as a freelance web designer, then worked for Metis Companies in Chester as a web designer on the marketing team; and

WHEREAS, in July 2014, Nikia Shaw began working as a front-end web developer for the Virginia House of Delegates and contributed to the good and efficient functioning of state government by producing user-friendly software programs; and

WHEREAS, Nikia Shaw played an integral role in the development and maintenance of the Virginia General Assembly website, committee voting systems, iHOD, HODSpeak, and an application for the Journal and Records team in the House Clerk's Office; and

WHEREAS, working in what is traditionally a male-dominated career path, Nikia Shaw defied the status quo and distinguished herself through her expertise and innovative ideas; she was a member of the professional organization Women Who Code, which promotes more diverse and inclusive workplaces; and

WHEREAS, Nikia Shaw earned the admiration of her colleagues for her intelligence and attention to detail, and she brought joy to others through her compassion, kindness, and unfailing positivity; and

WHEREAS, Nikia Shaw was a passionate explorer, who loved to spend time researching not only solutions for her work, but creative ways to foster a spirit of community among her fellow House of Delegates staff members; and

WHEREAS, Nikia Shaw will be fondly remembered and greatly missed by her partner, Bennie Jackson III; her parents, Edwin and Ellen; her grandmother, Thelma; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Nikia Yvonne Shaw; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Nikia Yvonne Shaw as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 310

Commending Kevin W. Hall.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Kevin W. Hall, an esteemed law-enforcement officer who has served as sheriff of Alleghany County and the City of Covington since 2008, was elected president of the Virginia Sheriffs' Association in 2021; and

WHEREAS, after graduating from Alleghany County High School in 1982, Kevin Hall earned both a law-enforcement certificate and an associate degree from Dabney S. Lancaster Community College in 1988 and 1989, respectively, before completing training at the Central Shenandoah Criminal Justice Training Academy, where he was elected class president and recognized as the top driver in his class; and

WHEREAS, Kevin Hall embarked upon his noble career in law enforcement as a patrolman with the Covington Police Department and over 22 years would serve as a D.A.R.E. officer, member of the Alleghany Highlands Drug Task Force, patrol sergeant, school resource officer, and detective sergeant; and

WHEREAS, Kevin Hall's accomplishments as the sheriff of Alleghany County and the City of Covington since assuming the role in 2008 include establishing a mutual aid agreement among jurisdictions in the Alleghany Highlands, enhancing radio communications between area law enforcement, expanding the student resource officer program at Alleghany County Public Schools, developing partnerships in the community to foster positive relationships and promote public safety, and more; and

WHEREAS, as a general instructor at Central Shenandoah Criminal Justice Training Academy and the Cardinal Criminal Justice Academy in Salem, Kevin Hall has mentored numerous young recruits on their paths toward meaningful and successful law-enforcement careers; and

WHEREAS, Kevin Hall has served the Commonwealth as a member and chairman of the E-911 Services Board following an appointment by Governor Terence R. McAuliffe in 2015 and through his work with Governor Ralph S. Northam's Advisory Commission on Opioids and Addiction; and

WHEREAS, Kevin Hall has strove to address mental health issues in Alleghany County by partnering with the local Community Services Board to provide mental health and substance abuse counseling to inmates since 2016 and by establishing a local crisis intervention site to assist individuals in their time of need; and

WHEREAS, Kevin Hall has received several accolades and awards for his service to the community, including "Police Officer of the Year" honors from the Veterans of Foreign Wars Post 1033 in Covington in 1997; and

WHEREAS, Kevin Hall was elected to the board of directors of the Virginia Sheriffs' Association in 2011, and on September 15, 2021, was unanimously elected to serve a one-year term as president of the organization; and

WHEREAS, as president of the Virginia Sheriffs' Association, Kevin Hall has carried out the responsibility of representing the organization's nearly 10,000 members, including sheriffs, deputy sheriffs, and sheriff's office personnel from throughout the Commonwealth, with a great sense of honor and purpose; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Kevin W. Hall, sheriff of Alleghany County and the City of Covington, for being elected president of the Virginia Sheriffs' Association in 2021; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kevin W. Hall as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 311

Celebrating the life of Wallace Jay Nelson, Jr.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Wallace Jay Nelson, Jr., beloved husband, father, papa, brother, uncle, and dear friend, passed on January 28, 2022, to be with his Lord and Savior; and

WHEREAS, Wallace "Wally" Jay Nelson, Jr., was born on May 29, 1958, in Arlington to Wallace, Sr., and Helen Nelson; shortly thereafter, the family moved to the Fox Hill area of Hampton, where he and his loving sister Jane grew up; and

WHEREAS, under the athletic coaching and guidance of his father, Wallace, Sr., Wally Nelson developed a love of sports that continued with him throughout his lifetime; and

WHEREAS, after graduating from Kecoughtan High School, Wally Nelson proudly went on to earn a bachelor's degree in economics from Emory & Henry College, a Methodist college which nurtured his faith, fellowship, and friendships; and

WHEREAS, Wally Nelson thrived on bringing people together, whether for a meal, a celebration, or a Virginia Tech tailgate; and

WHEREAS, Wally Nelson loved cooking and considered it an opportunity to serve and share with others, most especially through his refurbished ambulances and "Wally Nelson's Tech Tailgate Triage," a popular gathering spot before, during, and after Hokie football games; and

WHEREAS, Wally Nelson's professional life began at Burlington Industries, where he became the youngest plant supervisor in company history; while at Burlington, he sharpened his professional tools, laying the foundation for an esteemed career in the commercial insurance industry that spanned more than three decades, most recently as Vice President of SIA Group; and

WHEREAS, Wally Nelson committed himself to the betterment of his Southwest Virginia community, demonstrating leadership skills with the Blacksburg Partnership, Junior Achievement, and the Roanoke Valley Regional Chamber of Commerce, of which he served as president of the Backbone Club, the group's recruitment arm; and

WHEREAS, of exceptional note, Wally Nelson served as New River Valley Rail 2020 Co-Chair, helping spearhead the grand effort of bringing passenger rail service to the New River Valley; and

WHEREAS, community outreach intersected with Wally Nelson's personal passion for golf, where he served as a board member and former president of the Blacksburg Country Club, being known to routinely say, "I've never had a long-term relationship with a golf ball"; and

WHEREAS, as much as Wally Nelson enjoyed his work, community partnerships, and golf, there was no greater joy in his life than his family; and

WHEREAS, Wally Nelson captured the heart and hand of Heather Green Nelson and together they shared 27 years of marriage and blessings; and

WHEREAS, as a father, Wally Nelson was the faith-leader of his family, raising his children in the Methodist Church with love, appreciation, and gratitude; and

WHEREAS, always with a joke, a word of wisdom, or a pun to share that would match any situation, Wally Nelson greeted every day with a joyful spirit that brought great happiness to those around him; and

WHEREAS, Wally Nelson will be deeply missed by his loving wife, Heather; his children, Crandall, Wallace III, Krystine, and Katherine, and their families; his sister, Jane; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Wallace Jay Nelson, Jr., a highly admired and respected husband, father, grandfather, and friend; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to his loving wife, Heather, and his children, Crandall, Wallace III, Krystine, and Katherine, as an expression of the General Assembly's respect for his memory and his many contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 312

Celebrating the life of Charles St. Clair Brown.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Charles St. Clair Brown, an esteemed attorney and disability rights advocate and a beloved member of the Arlington and Winchester communities, died on August 1, 2021; and

WHEREAS, legally blind from birth, Charles "Charlie" St. Clair Brown was the first blind graduate of Wellesley High School in Wellesley, Massachusetts, and later earned a bachelor's degree from Harvard University and a juris doctor degree from Northwestern University; and

WHEREAS, passing the Illinois and Connecticut bars in 1970, Charlie Brown took a position with the Legislation and Legal Counsel Division of the Office of the Solicitor of the United States Department of Labor (DOL), rising through the ranks to ultimately become the division's counsel for special legal services; and

WHEREAS, during his tenure with DOL, Charlie Brown oversaw and drafted proposed legislation, prepared Congressional testimony and internal directives for the department, served as counsel to the Bureau of Labor Statistics, managed the department's ethics and financial disclosure program, and facilitated the United States Senate confirmation of numerous officials; for his efforts, he was awarded DOL's Distinguished Career Service award in 1982; and

WHEREAS, Charlie Brown was appointed the designated agency ethics official at the National Science Foundation (NSF) in 1991, taking on the responsibility of writing and implementing NSF regulations related to conflicts of interest and financial disclosure requirements; in recognition of his work to safeguard the integrity of NSF's peer-review process, he earned NSF's Gold Medal award in 2006; and

WHEREAS, following his retirement from the United States Government in 2007, Charlie Brown opened a private practice in Washington, D.C., and later in Winchester, where he applied his extensive legal experience in the areas of disability rights, voting rights, and nonprofit administration; and

WHEREAS, dedicated to the legal profession and promoting access for disabled individuals, Charlie Brown served on the American Bar Association's Commission on Disability Rights and its Standing Committee on Election Law and was a founding board member of the Disability Rights Bar Association, while holding various offices in the National Association of Blind Lawyers; and

WHEREAS, Charlie Brown's advocacy for the disabled included a longstanding role with the National Federation of the Blind (NFB), as he served as the Virginia chapter president for 26 years and was both a member of the national organization's board of directors and its treasurer; in recognition of his extraordinary efforts, he was presented with NFB's most prestigious honor, the Jacobus tenBroek Award; and

WHEREAS, an active and engaged member of the community, Charlie Brown was involved with the Kiwanis Club of Arlington, which he served as president, sat on the Virginia Community Integration Advisory Commission, and was president of the Virginia Business Opportunities for the Blind, Inc.; and

WHEREAS, guided throughout his life by his faith, Charlie Brown enjoyed worship and fellowship with his community at Rock Spring Congregational Church in Arlington for many years, serving in various leadership positions both with the church and the United Church Board for Homeland Ministries; and

WHEREAS, Charlie Brown will be fondly remembered and dearly missed by his loving wife, Jacki; his children, Richard and Stephen, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Charles St. Clair Brown, an accomplished attorney whose years of advocacy and support affected countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Charles St. Clair Brown as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 313

Celebrating the life of Keith Melville Andrus.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Keith Melville Andrus, an esteemed advertising executive and beloved member of the Hampton Roads community, died on January 4, 2022; and

WHEREAS, Keith Andrus was born and raised in Ontario and later in his childhood moved to Mooresville, North Carolina, where he graduated from high school; and

WHEREAS, Keith Andrus earned a degree in marketing from Central Piedmont Community College before embarking upon a distinguished career in advertising and marketing that would span more than five decades; and

WHEREAS, Keith Andrus first took positions in the advertising departments of Harris Teeter and the *Charlotte Observer* newspaper in Charlotte before relocating to Portsmouth, where he gained valuable experience at the Christian Broadcasting Network, working as creative director of its in-house agency, Victor King; and

WHEREAS, Keith Andrus served the marketing needs of local, regional, and national clients, first at the Hampton Roads advertising agency, Redmond, Admundson, and Rice, and later with his own agency, Ethicom Associates Advertising, a thriving business he and his wife, Linda, grew for more than 30 years; and

WHEREAS, in recognition of his professional accomplishments, Keith Andrus was the recipient of dozens of local, regional, and national awards, including Clio Awards, ADDY awards, Telly Awards, and many more; and

WHEREAS, Keith Andrus gave generously of his time and advertising expertise to further the missions of underserved nonprofit and religious organizations, giving them the same service and attention he gave to national brands; and

WHEREAS, on March 11, 2019, Keith Andrus fulfilled a longtime dream of becoming a United States citizen, embracing the rights and responsibilities of citizenship with great pride and enthusiasm; and

WHEREAS, guided throughout both his professional and personal lives by his faith, Keith Andrus was a man of prayer who loved to immerse himself in the Bible and its teachings; and

WHEREAS, Keith Andrus will be fondly remembered and dearly missed by his loving wife of more than 50 years, Linda; his sons, Benjamin, Timothy, and Joel, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Keith Melville Andrus, an accomplished advertising executive whose kindness and compassion touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Keith Melville Andrus as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 314

Celebrating the life of Janie Lawson Dockery.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Janie Lawson Dockery, an esteemed family services professional and beloved member of the Wise County community, died on January 31, 2022; and

WHEREAS, Janie Dockery dedicated the early years of her career to the organization Family Crisis Support Services, helping individuals and families in the City of Norton and Buchanan, Dickenson, Lee, Russell, Scott, and Wise Counties in their time of need; and

WHEREAS, Janie Dockery most recently served as director of the Southwest Virginia Children's Advocacy Center at Mountain Empire Older Citizens, Inc., overseeing a facility that provides safety and comprehensive care to children who are victims of abuse; and

WHEREAS, Janie Dockery has been the consummate caretaker all of her life, transitioning naturally from raising her family, to caring for her parents, to indulging her grandchildren; and

WHEREAS, beyond spending time with her family, Janie Dockery's favorite pastimes in life included gardening and preparing flowers and being on the water, be it a pool, lake, or beach; and

WHEREAS, guided throughout her life by her faith, Janie Dockery enjoyed worship and fellowship with her community at Mary's Chapel Church in Coeburn for many years, where she proudly served in the church choir; and

WHEREAS, Janie Dockery will be fondly remembered and dearly missed by her loving husband, Eddie, Sr.; her children, Heather, Laura Lee, and Anita, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Janie Lawson Dockery, a cherished member of the Wise County community whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Janie Lawson Dockery as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 315

Commending Sonja O. Stills.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Sonja O. Stills, who has long served the interests of student-athletes in the Commonwealth, became Commissioner of the Mid-Eastern Athletic Conference on January 1, 2022; and

WHEREAS, Sonja Stills' promotion makes her the first female commissioner in Mid-Eastern Athletic Conference (MEAC) history, as well as the first female commissioner of a Division I conference among historically black colleges and universities; and

WHEREAS, Sonja Stills joined MEAC in October 2002 and over the past 19 years has risen through the ranks while demonstrating extraordinary professionalism and passion for her work; and

WHEREAS, throughout her tenure with MEAC, Sonja Stills has fostered the growth and development of countless student-athletes while helping the conference achieve its objectives; and

WHEREAS, in her former positions with MEAC, including Senior Associate Commissioner for administration and compliance, Sonja Stills was instrumental to securing corporate partnerships for the conference and improving the visibility of its brand; and

WHEREAS, in January 2021, Sonja Stills was elevated to the roles of Chief of Staff and Chief Operating Officer of MEAC, responsible for overseeing various aspects of the conference's operations, including hiring, strategic planning, branding, budget and finances, and more; and

WHEREAS, Sonja Stills continues to maintain her role as MEAC's Director of Esports, guiding this innovative addition to the conference's portfolio of programs and initiatives; and

WHEREAS, Sonja Stills maintains membership in several professional organizations to hone her leadership abilities and support the success of others, including the National Association for Athletics Compliance, Minority Opportunities Athletic Association, and Women Leaders in College Sports; and

WHEREAS, prior to joining MEAC, Sonja Stills acquired experience as Hampton University's coordinator of athletic academic support, while she graduated from Old Dominion University with a Bachelor's Degree in Human Services Counseling in 1993, from Hampton University with a Master's Degree in Counseling in 1996, and from the Sports Management Institute in 2002; and

WHEREAS, the exemplary commitment and inspired vision that Sonja Stills brings to her new position will undoubtedly burnish the love and respect the community has for MEAC and its traditions; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Sonja O. Stills for being named the Commissioner of the Mid-Eastern Athletic Conference; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sonja O. Stills as an expression of the General Assembly's admiration for her contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 316

Commending Charlie King.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Charlie King, who greatly served James Madison University as its senior vice president of administration and finance for the past 25 years, retired in December 2021; and

WHEREAS, Charlie King's educational pursuits included bachelor's and master's degrees from Appalachian State University; and

WHEREAS, Charlie King began his career at the University of North Carolina at Wilmington, where he held various titles, including assistant dean of students, director of housing and food services, director of business services, and assistant vice chancellor, between 1975 and 1991; and

WHEREAS, Charlie King then served as vice president for business affairs at Radford University from 1991 to 1996 before joining the staff at James Madison University; and

WHEREAS, Charlie King has played a major role in James Madison University's growth and development over the years and has helped the university chart a path to continued success; and

WHEREAS, Charlie King advanced dozens of major capital projects in support of the university's mission during his tenure, including The Forbes Center for the Performing Arts, much of the East Campus, Veterans Memorial Park, the Atlantic Union Bank Center, and many others; and

WHEREAS, Charlie King was integral to James Madison University's government relations efforts, working with legislators across the Commonwealth to further the interests of the university; and

WHEREAS, Charlie King oversaw numerous departments at James Madison University, including Budget Management, Business Services, Finance, Human Resources, Information Technology, Intercollegiate Athletics, and University Police; and

WHEREAS, as a testament to Charlie King's exemplary leadership abilities, James Madison University earned level three autonomy, the highest level of management autonomy for public institutions of higher education in the Commonwealth, during his tenure; and

WHEREAS, through his steadfast dedication to James Madison University, Charlie King has fostered the well-being of countless young people and prepared the institution to be a paragon of excellence in higher education for many years to come; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Charlie King, senior vice president of administration and finance at James Madison University, on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Charlie King as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 317

Commending the Boys & Girls Clubs of Harrisonburg & Rockingham County.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, the Boys & Girls Clubs of Harrisonburg & Rockingham County, which provide comprehensive and effective services to young people in the Harrisonburg and Rockingham County communities, celebrated their 25th anniversary on December 21, 2021; and

WHEREAS, the Boys & Girls Clubs of Harrisonburg & Rockingham County are focused on enabling young people to reach their full potential as productive, caring, responsible citizens through programs dedicated to academic success, healthy lifestyles, good character, and citizenship; and

WHEREAS, recognizing that the young people of Harrisonburg and Rockingham County are tomorrow's leaders, the Boys & Girls Clubs of Harrisonburg & Rockingham County have provided youth development services annually to more than 900 young people ages five through 18; and

WHEREAS, the Boys & Girls Clubs of Harrisonburg & Rockingham County help to ensure young people have a safe, inclusive, and supportive environment to go to where they can find mentorship and assistance from caring adult advisors; and

WHEREAS, the Boys & Girls Clubs of Harrisonburg & Rockingham County provide vital academic support to the community's schools and have fostered the well-being of our youth and families throughout the COVID-19 pandemic; and

WHEREAS, the Boys & Girls Clubs of Harrisonburg & Rockingham County are celebrating 25 years of providing essential after-school programs and services to thousands of young people and their families during its quarter-century of service; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Boys & Girls Clubs of Harrisonburg & Rockingham County on the occasion of their 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Boys & Girls Clubs of Harrisonburg & Rockingham County as an expression of the General Assembly's admiration for the organization's contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 318

Celebrating the life of Fred Ellsworth Eberly.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Fred Ellsworth Eberly, an accomplished business executive, esteemed public servant, and beloved member of the Harrisonburg community, died on July 8, 2021; and

WHEREAS, a native of Rockingham County, Fred Eberly graduated from Turner Ashby High School in Bridgewater in 1963 and earned a degree from what is now Eastern Mennonite University in 1969; and

WHEREAS, after graduation, Fred Eberly fulfilled his alternative service requirement in Boston working as director of the pulmonary research laboratory at Harvard University's Peter Bent Brigham Hospital and at Tufts New England Medical Center; he completed graduate studies at Northeastern University at this time; and

WHEREAS, Fred Eberly later returned to his home in the Shenandoah Valley when he took a position as director of the respiratory and pulmonary department at the former Rockbridge Memorial Hospital; and

WHEREAS, Fred Eberly subsequently joined Excel Steel Works, Inc., in Harrisonburg as a partner and general manager, guiding the company's work in heating, ventilation, and air conditioning for 31 years; and

WHEREAS, deeply committed to the well-being of his community, Fred Eberly was a member of local chapters of both Rotary International and Ruritan National and served on the boards of various organizations, including the Rockingham County School Board, the Virginia School Boards Association, and WVPT public radio; and

WHEREAS, Fred Eberly wholeheartedly embraced the opportunity to represent his community when he was elected to the Rockingham County Board of Supervisors in 2007, serving his constituents with great honor and integrity until he stepped down in 2018; and

WHEREAS, guided throughout his life by his faith, Fred Eberly enjoyed worship and fellowship with his community at Lindale Mennonite Church in Linville, serving the church in various capacities over the years; and

WHEREAS, Fred Eberly will be fondly remembered and dearly missed by his loving wife, Karen; his daughter, Melissa; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Fred Ellsworth Eberly, a cherished member of the Harrisonburg community whose kind and good-natured disposition was a comfort and inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Fred Ellsworth Eberly as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 319*Celebrating the life of John T. Lanier, Sr.*

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, John T. Lanier, Sr., a passionate advocate for his fellow members of Kappa Alpha Psi Fraternity, died on January 18, 2021; and

WHEREAS, John Lanier grew up in Danville and attended Virginia Commonwealth University (VCU), earning a bachelor's degree in accounting; he enjoyed a long and successful career at Reynolds Metals Company in Richmond; and

WHEREAS, while at VCU, John Lanier was initiated into the Alpha Gamma Chapter of Kappa Alpha Psi in 1974, and he subsequently became a charter member of the Eta Xi Chapter of Kappa Alpha Psi, the "Nine Midnight Wanderers," later that year; and

WHEREAS, John Lanier was a Grand Chapter Life Member of Kappa Alpha Psi, and for nearly five decades he was a devoted worker for the Richmond (VA) Alumni Chapter, serving with distinction as polemarch from 1990 to 1993; and

WHEREAS, John Lanier offered his wisdom to Kappa Alpha Psi as a member of the Board of Directors, chair of the Fundraising Committee, and member of the Council of Past Polemarshs; and

WHEREAS, John Lanier advocated for the creation of the Kappa Alpha Psi license plate in Virginia and initiated the organization's Virginia Legislative Day; he was responsible for the Richmond (VA) Alumni Chapter being the first Black organization to have a float in the Richmond Christmas Parade in 1990; and

WHEREAS, in 1992, John Lanier helped the Richmond (VA) Alumni Chapter become one of the first organizations in the Richmond area to participate in the Adopt-A-Highway Program; and

WHEREAS, John Lanier was elected to the Eastern Province Board of Directors, Region III; he was named an Eastern Province Life Member and was the recipient at the 2000 Eastern Province Council of the Pillar of the Province, the highest award bestowed by the Eastern Province, recognizing honorable service and achievement; and

WHEREAS, John Lanier further served the Eastern Province as the operating assistant to the polemarch, keeper of exchequer, and senior province polemarch; and

WHEREAS, John Lanier was appointed as Eastern Province polemarch and served with dignity and pleasure from 2007 until 2010, when he became the deputy director of organizational effectiveness for the Grand Chapter of Kappa Alpha Psi Fraternity; and

WHEREAS, among many awards and accolades, John Lanier received the Eastern Province Distinguished Legend Citation in 2011; and

WHEREAS, John Lanier will be fondly remembered and greatly missed by his wife, Joyce; his son, John, Jr.; and numerous other family members, friends, and fellow Kappa Alpha Psi Fraternity members; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of John T. Lanier, Sr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of John T. Lanier, Sr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 320*Commending Dr. William R. Harvey.*

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, for more than four decades, Dr. William R. Harvey has made numerous contributions to Hampton Roads, the Commonwealth, and the field of higher education as president of Hampton University; and

WHEREAS, a native of Alabama, William Harvey holds degrees from Talladega College, Virginia State University, and Harvard University and is currently the owner of Pepsi Cola Bottling Company of Houghton, Michigan; and

WHEREAS, William Harvey joined Hampton University, then known as Hampton Institute, in 1978 and helped the institution grow to become one of the top-ranked high research activity universities in the nation; and

WHEREAS, under William Harvey's leadership, Hampton University expanded its campus with 29 new buildings and created 92 new academic degrees, including 12 doctoral programs; he has overseen a significant increase in the university's endowment from \$29 million to more than \$400 million and consistent high levels of enrollment; and

WHEREAS, as the longest-serving president of Hampton University, William Harvey focused the institution's mission on scientific programs, including a state-of-the-art weather antenna that can detect severe storms, the largest freestanding proton beam cancer treatment center in the world, and an aerospace program, making Hampton University the only historically Black college or university with a satellite orbiting in space; and

WHEREAS, during his 43-year tenure as president of Hampton University, William Harvey has received 11 honorary doctorates and countless accolades, including the Citizen of the Year Award from the *Daily Press*; and

WHEREAS, William Harvey has authored books, articles, and other publications, and he is a sought-after speaker at major universities and businesses across the country; and

WHEREAS, William Harvey has helped thousands of young people achieve success in academics and develop a strong character based on the values of honesty, integrity, respect, trustworthiness, good personal behavior, a strong work ethic, and commitment to service that serve them well in all future endeavors; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Dr. William R. Harvey for his service as president of Hampton University; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dr. William R. Harvey as an expression of the General Assembly's admiration for his personal and professional achievements.

HOUSE JOINT RESOLUTION NO. 321

Celebrating the life of Dean Rhea.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Dean Rhea, a highly admired high school athletics coach who touched countless lives in and around Rural Retreat, died on February 12, 2022; and

WHEREAS, Dean Rhea grew up in Rich Valley and graduated from Rich Valley High School; he attended Emory & Henry College, then earned a bachelor's degree from Bluefield State College, where he played football; and

WHEREAS, Dean Rhea began his career as an educator at Rich Valley High School, then joined Rural Retreat High School in 1986; and

WHEREAS, Dean Rhea led the Rural Retreat High School football team to unprecedented success; in his first season, he led the team to an 8-3 finish and its first Virginia High School League playoff appearance in school history; and

WHEREAS, over the course of 18 years as head coach, Dean Rhea secured a 135-66 overall record, four Region C Division I titles, and 11 trips to the postseason; and

WHEREAS, after his retirement as head coach, Dean Rhea worked as Rural Retreat High School's athletic director and interim wrestling coach, and despite moving to Tennessee in later life, he still drove more than an hour to serve as an assistant football coach; and

WHEREAS, Dean Rhea helped lead the Rural Retreat Middle School football team to an undefeated season in 2021; and

WHEREAS, well known as a player's coach and a trusted mentor, Dean Rhea helped the members of his teams achieve their fullest potential on and off the field; and

WHEREAS, Dean Rhea will be fondly remembered and greatly missed by his wife of 44 years, Reva; his sons, Dustin and Rusty, and their families; his mother, Opal; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Dean Rhea; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Dean Rhea as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 322

Celebrating the life of James Ira Spurrier, Jr.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, James Ira Spurrier, Jr., known as Junior Spurrier, a decorated veteran who served our nation during World War II and a distinguished Virginian who was born and raised in Castlewood in Russell County, died on February 25, 1984; and

WHEREAS, Junior Spurrier helped support his siblings and moved often while his family sought job opportunities during the Great Depression; and

WHEREAS, Junior Spurrier joined many of the other young men of his generation in service to our nation during World War II and deployed to the Pacific Theater in 1942; after sustaining injuries in New Guinea, he returned to the United States for medical treatment, then redeployed to Europe in 1944; and

WHEREAS, Junior Spurrier was assigned to Company G, 134th Infantry Regiment, 35th Infantry Division and became a messenger and scout after his promotion to staff sergeant; and

WHEREAS, in September 1944, Junior Spurrier earned the Distinguished Service Cross and a Purple Heart for his heroic leadership during a one-man assault on a heavily fortified enemy position near Lay-Saint-Christophe, France; and

WHEREAS, the following November, Junior Spurrier earned the Congressional Medal of Honor and similar medals from France and Belgium for his gallantry during Company G's advance on the village of Achain, France, when he circled around to the rear of the village by himself; and

WHEREAS, Junior Spurrier singlehandedly assaulted numerous enemy positions during an intense hours-long battle by using American and captured German weapons and ammunition; and

WHEREAS, Junior Spurrier forced the enemy to retreat into a barn filled with hay and barrels of fuel, then set the barn on fire, and killed or captured several Nazi soldiers and one officer; and

WHEREAS, over the course of these two battles, Junior Spurrier accounted for 36 enemy casualties and 32 captured prisoners, earning the nickname "Task Force Spurrier"; and

WHEREAS, Junior Spurrier has been referred to as the "unofficial Sergeant York," a reference to another Appalachian warrior from the coalfields of Tennessee, Alvin C. York, who was one of the most decorated United States Army soldiers of World War I; and

WHEREAS, Junior Spurrier was awarded almost the same number of prestigious United States Army medals as another distinguished hero of World War II, Audie Murphy, receiving only one Purple Heart less; and

WHEREAS, Junior Spurrier returned to the Commonwealth and briefly played as pitcher of the Galax Leafs baseball team, then reenlisted in the military and served during the Korean War; and

WHEREAS, in later life, Junior Spurrier operated a radio and television repair business and subsequently retired to eastern Tennessee; and

WHEREAS, Junior Spurrier was laid to rest in Mountain Home National Cemetery in Tennessee; and

WHEREAS, Junior Spurrier is fondly remembered and greatly missed by numerous family members and friends; and

WHEREAS, unlike Sergeant York and Audie Murphy, Junior Spurrier has never been recognized by the Commonwealth of Virginia, his home; and

WHEREAS, a fundraising effort is underway to create a memorial site for Junior Spurrier in Castlewood, with plans to display this resolution in bronze; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of James Ira Spurrier, Jr., a brave Virginian who served our nation during World War II; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the family of James Ira Spurrier, Jr., as an expression of the General Assembly's respect for his memory and to be placed at his memorial site in Castlewood on behalf of all Virginians and veterans.

HOUSE JOINT RESOLUTION NO. 323

Celebrating the life of Willie James Moffett.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Willie James Moffett, a respected public servant and highly admired community leader in Hampton, died on February 1, 2022; and

WHEREAS, Willie "Will" James Moffett grew up in Detroit, Michigan, where he attended Kettering High School; he continued his education at the University of South Carolina, St. Leo University, and the North Carolina College of Theology; and

WHEREAS, Will Moffett served his country for six years as a member of the United States Air Force, then pursued a 30-year career with the Department of the Army as a visual information manager and director of plans, mobilization, training, and security; and

WHEREAS, after his retirement from the Department of the Army, Will Moffett established Moffett Consultants; he was a dedicated volunteer, offering his leadership and expertise to the Hampton Neighborhood Commission, Hampton Redevelopment and Housing Authority, Hampton 400th Anniversary Committee, and many other nonprofit organizations; and

WHEREAS, Will Moffett represented Hampton before the International City/County Management Association and played a pivotal role in the creation of the Y.H. Thomas Community Center, and helped the city win two All-America City Awards from the National Civic League; and

WHEREAS, desirous to be of further service to the community, Will Moffett ran for and was elected to the Hampton City Council in 2010 and was reelected in 2014; during his tenure, he represented the city before several regional boards and commissions, including the Transportation District of Hampton Roads and the Hampton Roads Planning District Commission; and

WHEREAS, Will Moffett served as a delegate to the National League of Cities, Cities United, and the Virginia Municipal League, and he was selected to participate in the 2011 Reinhard Mohn Prize Symposium on civic engagement in Germany; and

WHEREAS, among many awards and accolades, Will Moffett received the prestigious Hampton Distinguished Citizen Award, the Omega Psi Phi Citizen of the Year Award, and the Kappa Alpha Psi Community Service Award; and

WHEREAS, Will Moffett will be fondly remembered and greatly missed by his wife of 49 years, Theresa; his children, Tetaun, Telon, and Tamara, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Willie James Moffett, a community leader and public servant who touched countless lives in Hampton; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Willie James Moffett as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 324

Commending William C. Wood.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, William C. Wood, esteemed professor in the Department of Economics at James Madison University and director of the university's Center for Economic Education, will retire in 2022; and

WHEREAS, after graduating with honors and earning a bachelor's degree in journalism from Auburn University in 1974, William "Bill" C. Wood held positions as a staff writer with *The Associated Press* and an assistant program analyst with the United States Nuclear Regulatory Commission; and

WHEREAS, Bill Wood earned a doctoral degree in economics from the University of Virginia in 1980, completing and defending his dissertation, "Nuclear Liability, Nuclear Safety, and Economic Efficiency"; and

WHEREAS, Bill Wood joined the faculty of James Madison University (JMU) in 1989 after serving as associate professor and chair of the Department of Economics and Business Administration at Bridgewater College between 1986 and 1989, as an assistant professor of economics at the University of Virginia between 1979 and 1986, and as an assistant professor of management at the Vanderbilt University Owen Graduate School of Management from 1980 to 1981; and

WHEREAS, both as a professor and as the director of the Center for Economic Education at JMU, Bill Wood has contributed greatly to the success of an untold number of students both in and out of the classroom; and

WHEREAS, Bill Wood has published prolifically in many notable academic journals throughout his career, including the *Social Science Quarterly*, *Journal of Education for Business*, and *Social Education*, while writing several books on topics such as the economic history of the United States, economics pedagogy, money management, and more; and

WHEREAS, Bill Wood's professional accomplishments and service in the community have been recognized through numerous accolades and awards, including the Henry H. Villard Research Award from the National Association of Economic Educators in 2016, the Distinguished Service Award from the JMU College of Business in 2010 and 2011, and the Kenneth R. Bartee Award for Teaching Innovation from JMU in 2007; and

WHEREAS, Bill Wood has fostered the advancement of the study of economics through his membership with the American Economic Association, the National Association of Economic Educators, the Southern Economic Association, the Association of Christian Economists, the Association of Private Enterprise Education, and the Omicron Delta Epsilon economics honor society; and

WHEREAS, as he concludes his professorial duties, Bill Wood looks forward to having more time to spend with his loving wife, Jane, as well as his children, Douglas and Stuart; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend William C. Wood, distinguished professor of economics at James Madison University, on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to William C. Wood as an expression of the General Assembly's admiration for his many contributions to the Commonwealth throughout his career and best wishes for a happy and fulfilling retirement.

HOUSE JOINT RESOLUTION NO. 325

Commending St. John's Episcopal Church.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 10, 2022

WHEREAS, St. John's Episcopal Church, a historic church in Roanoke, has served the community by providing spiritual leadership, generous outreach programs, and opportunities for joyful worship for more than 130 years; and

WHEREAS, St. John's Episcopal Church traces its roots as far back as the 1830s to church communities that served what was the Big Lick; and

WHEREAS, after the establishment of Roanoke and the arrival of new railway lines, the area experienced a significant population growth and members of St. John's Episcopal Church erected a new six-hundred-seat church at the corner of Jefferson Street and Elm Avenue; and

WHEREAS, St. John's Episcopal Church flourished over the years and was listed on the National Register of Historic Places in 1991; and

WHEREAS, in 2009, St. John's Episcopal Church underwent an extensive restoration to better serve the current congregation and ensure that future members have the same opportunities to grow in faith; and

WHEREAS, with more than 1,600 members and an average Sunday attendance of 500 people, St. John's Episcopal Church in the largest parish in the Episcopal Diocese of Southwestern Virginia; and

WHEREAS, St. John's Episcopal Church offers renowned music programs, education, and other ministries to benefit the congregation and conducts outreach work in the local community, as well as missionary work in places as far away as Ghana; and

WHEREAS, St. John's Episcopal Church has been guided by numerous wise leaders over the course of its history, with the current rector, the Reverend Eric C. Long, joining the parish in 2014; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend St. John's Episcopal Church on the occasion of the 130th anniversary of the construction of its current building; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to St. John's Episcopal Church as an expression of the General Assembly's admiration for the church's long history and legacy of contributions to the Roanoke community.

HOUSE JOINT RESOLUTION NO. 326

Commending Massanutten Technical Center:

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Massanutten Technical Center, an institution providing career and technical training to high school students and other residents of the City of Harrisonburg and Rockingham County, celebrates its 50th anniversary in 2022; and

WHEREAS, Massanutten Technical Center opened as the Massanutten Vocational Technical Center in 1972 and in its first year served 261 students through 12 different programs; and

WHEREAS, Massanutten Technical Center continued to grow over the years, expanding its campus with the additions of its east building and continuing education building in 1979 and 1984, respectively, while broadening the populations it served with the introduction of adult education programs in 1982; and

WHEREAS, Massanutten Technical Center has undertaken subsequent additions and renovations to its facilities in recent years to provide its students with a first-class learning environment; and

WHEREAS, Massanutten Technical Center opened its health and safety building in 2010 to serve as the home for its nursing, criminal justice, and fire and rescue programs; and

WHEREAS, to enhance training opportunities for individuals studying the culinary arts, Massanutten Technical Center opened the Bistro@MTC, a student-run public restaurant for the community, in 2018; and

WHEREAS, that same year, Massanutten Technical Center initiated its MTC Community Day and Concert Series, which has since brought renowned artists such as Aaron Tippin, Craig Morgan, and Girl Named Tom to perform for the enjoyment of students, staff, and others, while beginning the enrollment of high school students in its youth apprenticeship program; and

WHEREAS, in 2019, Massanutten Technical Center continued to bolster its ability to prepare young people for successful careers, opening its Educational Security Operations Center for cybersecurity training, the first program of its kind for high school students in the country; and

WHEREAS, as a testament to the quality and rigor of its courses, Massanutten Technical Center saw its students bring home 21 gold medals, six silver medals, and 16 bronze medals at the SkillsUSA Virginia competition in 2019; and

WHEREAS, Massanutten Technical Center established its latest high school technical program, aviation maintenance technology, in 2022 and currently has approximately 1,000 high school students enrolled across 21 programs; and

WHEREAS, with 55 continuing education classes for adults supported by 65 apprenticeship sponsors, Massanutten Technical Center has helped train more than 45,000 individuals in the community, giving them the tools they need to achieve their dreams; and

WHEREAS, Massanutten Technical Center offers English as a Second Language and General Education Development classes, reflecting its commitment to meeting the specific needs of the community it serves; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Massanutten Technical Center on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Massanutten Technical Center as an expression of the General Assembly's admiration for its history and its contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 327

Celebrating the life of George Andrew Kegley.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, George Andrew Kegley, a former editor of the *Roanoke Times* who touched countless lives through his commitment to volunteer service, died on February 16, 2022; and

WHEREAS, George Kegley was born in Wytheville and lived most of his life in Southwest Virginia; and

WHEREAS, George Kegley served his country as a member of the United States Army, stationed at Fort Knox in Kentucky, then returned to the Commonwealth and earned a bachelor's degree from Roanoke College; and

WHEREAS, George Kegley began his career in journalism shortly after graduation, writing for the *Roanoke Times* and the *Roanoke World-News* as a general assignment reporter; and

WHEREAS, George Kegley subsequently became a business writer for the *Roanoke Times* and was a trusted source of information to generations of readers until his retirement as business editor of the newspaper in 1993; and

WHEREAS, during his tenure at the *Roanoke Times*, George Kegley became an active supporter of the American Red Cross after writing an article about the local chapter of the organization, and ultimately donated more than 60 gallons of blood in his lifetime; and

WHEREAS, in later life, George Kegley devoted himself fully to volunteer service and community outreach, offering his time and wise leadership to Meals on Wheels, the Rescue Mission of Roanoke, and the Pastoral Counseling Center of Roanoke; and

WHEREAS, George Kegley organized camping trips and summer programs for local youths and was involved in numerous activities through St. Mark's Lutheran Church, including as a Sunday school teacher and editor of the *Virginia Lutheran* publication; and

WHEREAS, George Kegley served as president of the Historical Society of Western Virginia and on the boards of the Blue Ridge Parkway Foundation and the Roanoke Valley Preservation Foundation; he helped protect the region's valuable natural resources by securing a conservation easement for his 116-acre farm, the first within the Roanoke city limits; and

WHEREAS, predeceased by his wife of 60 years, Louise, George Kegley will be fondly remembered and greatly missed by his children, Andy, Mary, Robert, and Richard, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of George Andrew Kegley; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of George Andrew Kegley as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 328

Celebrating the life of George Phillip Alber.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, George Phillip Alber, a respected community leader in Centreville, died on August 28, 2021; and

WHEREAS, George Alber grew up in Troy, New York, and attended Lansingburgh High School; he continued his education at Canisius College and graduated cum laude with the Class of 1968; and

WHEREAS, George Alber pursued a career in the technology industry and worked for General Electric for more than 27 years; he subsequently became the executive vice president of customer service and information technology software at the Internet service provider UUNET; and

WHEREAS, George Alber supported individuals seeking academic degrees or professional certifications by establishing the Foundation for Eleanor R. Spratt Scholarships; and

WHEREAS, George Alber served the community as a member of the Fairfax County Human Rights Committee and was selected for the Confederate Names Task Force, which worked to rename local schools, monuments, street names, and places; and

WHEREAS, George Alber enjoyed fellowship and worship with the community at Grace Covenant Church, where he was a member of the men's group; and

WHEREAS, George Alber was a passionate lifelong learner and an avid reader, taking a particular interest in the history of the American West; and

WHEREAS, George Alber will be fondly remembered and greatly missed by his wife, Evelyn; his children, Laura, George, and Mia, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of George Phillip Alber; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of George Phillip Alber as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 329

Commending Veterans of Foreign Wars Post 8469.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, for 75 years, Veterans of Foreign Wars Post 8469 has worked diligently to support veterans, active-duty service members, and military families, while promoting a sense of patriotism and community spirit in Fairfax; and

WHEREAS, in early 1946, Karl O. Spiess, a Fairfax native and veteran of World War I, began working with recently returned veterans of World War II to form a local Veterans of Foreign Wars (VFW) post, hosting a meeting at his home on North Street in Fairfax; and

WHEREAS, in October of that year, the national VFW organization chartered VFW Post 8469 with Karl Spiess as its first commander, along with charter members Bill Sheads and Vince Sutphin; and

WHEREAS, VFW Post 8469 was nicknamed "the Blue and Gray Post" after the 29th Infantry Division, which is headquartered at nearby Fort Belvoir and is renowned for its valorous performance on D-Day during World War II; and

WHEREAS, by 1947, under the leadership of its second commander, Everett Long, VFW Post 8469's membership had increased to 118; at the time Howard Stull served as senior vice commander, Vince Sutphin served as junior vice commander, J. Frank Swart was a three-year trustee, and Amos Chilcott was a two-year trustee; and

WHEREAS, since its founding, VFW Post 8469 has provided a welcoming atmosphere to veterans from all branches of the United States Armed Forces, who support each other in the often challenging circumstances of returning to civilian life after service in combat; and

WHEREAS, VFW Post 8469 continues to assist its members and their families by ensuring that they received the benefits and services to which they are entitled, and the members of the post have served the community through numerous charitable events and activities over the course of its long history; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Veterans of Foreign Wars Post 8469 on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Veterans of Foreign Wars Post 8469 as an expression of the General Assembly's admiration for the organization's service to veterans and the Fairfax community.

HOUSE JOINT RESOLUTION NO. 330

Commending The Waltons.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, *The Waltons*, a historical drama television program that depicted the wholesome mountain lifestyle of a rural Virginia community and has endured as a cherished example of Americana, premiered 50 years ago in 1972; and

WHEREAS, *The Waltons* was developed by Earl Hamner, Jr., who based the show on his 1961 book *Spencer's Mountain* about his childhood in Nelson County; the show aired on CBS and took place in the fictional Jefferson County, Virginia, with Hamner's real-life experiences forming the basis of many episodes; and

WHEREAS, following John Walton, Jr., better known as John-Boy, as well as his parents, grandparents and siblings on Walton's Mountain, *The Waltons* depicted the family's daily life over a 37-year period, which included the Great Depression, World War II, the Kennedy assassination, and the moon landing; and

WHEREAS, CBS executives at the time believed *The Waltons* would fail due to the family-oriented nature of the program, however it quickly rose in viewership and became the second-most popular show in the country; and

WHEREAS, *The Waltons* built a loyal following and ultimately produced 221 episodes over nine seasons and six movie specials; with Earl Hamner, himself, as the wise, reassuring narrator, providing an introduction and postscript to each episode, the long-running show inspired audiences through its sentimentality and hopefulness; and

WHEREAS, in what became an iconic ending to each episode, the Walton family members bid each other good night, and the phrase "Good night, John-Boy" is now remembered as a beloved expression of the strong family values evoked by *The Waltons*; and

WHEREAS, through *The Waltons*, Earl Hamner helped preserve traditional stories from the Blue Ridge Mountains and affirmed the innate goodness of the human spirit, the benefits of learning from the past, the power of childhood imagination, and the importance of strong family and community values; and

WHEREAS, as acclaimed by critics as it was beloved by audiences, *The Waltons* received 37 Emmy nominations and 13 Emmy awards and 14 Golden Globes nominations and three Golden Globes awards; and

WHEREAS, in 1992, the Walton's Mountain Museum opened in Schuyler to help preserve the show's history and legacy and has welcomed tens of thousands of guests from all over the country and the world, many of whom have stayed at John and Olivia's Bed and Breakfast, a nearby lodging that evokes the show's period decor; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend *The Waltons* on the occasion of the 50th anniversary of the program's premiere; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the Walton's Mountain Museum and to John and Olivia's Bed and Breakfast as an expression of the General Assembly's appreciation for the cultural relevance of *The Waltons* and admiration for the program's legacy in the Commonwealth and throughout the world.

HOUSE JOINT RESOLUTION NO. 331

Commending Thomas Hanula.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Thomas Hanula, a detective with the Arlington County Police Department who solved numerous high profile cases to help keep the community safe, retired on February 2, 2022, after 34 years of service; and

WHEREAS, Thomas Hanula grew up in Pennsylvania and graduated from The Pennsylvania State University in 1987; he subsequently attended the Northern Virginia Criminal Justice Academy and began his career in law enforcement with the Arlington County Police Department in 1988; and

WHEREAS, over the course of his 34-year career, Thomas Hanula served as a detective, narco-financial investigator, and master police officer; he was a trusted source of institutional knowledge on the investigation and prosecution of complex state and federal cases, particularly those involving narcotics; and

WHEREAS, in the 1990s, Thomas Hanula was a member of Arlington's Community Based Problem-Oriented Policing program, the first federally funded community policing program, which recorded more than 400 felony arrests during its first year of operation at the height of the crack epidemic; and

WHEREAS, as a member of the Arlington County Police Department's Organized Crime Section and Drug Enforcement Unit, Thomas Hanula led investigations related to drug trafficking, money laundering, and other forms of organized crime; and

WHEREAS, Thomas Hanula served his colleagues as a certified expert witness for narcotics offenses in local, state, and federal courts, and he was a trusted mentor to younger officers, training at least seven other narcotics detectives; and

WHEREAS, Thomas Hanula was deputized in the Drug Enforcement Agency and served as a backup supervisor for Group 12 in the agency's Washington Division; he produced numerous comprehensive reports for dissemination for prosecutorial teams and drafted many critical federal affidavits and search warrants; and

WHEREAS, Thomas Hanula earned the admiration of his fellow law-enforcement officers for his integrity, expertise, and professionalism; he went above and beyond the call of duty many times, including when he and his partner raced into a burning apartment building and rescued multiple occupants in 1995 and when he responded to the attack on the Pentagon on September 11, 2001; and

WHEREAS, among many awards and accolades, Thomas Hanula received the Arlington County Police Department's Principles of Government Service Award six times and the Arlington County Chamber of Commerce's Meritorious Service Award twice; and

WHEREAS, outside of his career, Thomas Hanula was a devoted and supportive husband to his late wife, Sheila, and is a caring father to his daughter, Mary; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Thomas Hanula on the occasion of his retirement as a detective with the Arlington County Police Department; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Thomas Hanula as an expression of the General Assembly's admiration for his contributions to the law-enforcement profession and legacy of service to the Arlington County community.

HOUSE JOINT RESOLUTION NO. 333

Commending Caroline and Corinne Sieber.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Caroline and Corinne Sieber, sisters and students at Centreville High School, have helped to increase glass recycling in Fairfax County by establishing the NOVA Glass Recycling Network; and

WHEREAS, during the COVID-19 pandemic, Caroline and Corinne Sieber sought opportunities to serve their community and noticed that many of their neighbors were disposing of glass bottles rather than taking them to recycling bins; and

WHEREAS, in March 2021, Caroline and Corinne Sieber began picking up glass from households in their neighborhood, and the project has since expanded to six area neighborhoods, as well as Centreville High School and Fairfax High School; and

WHEREAS, Caroline and Corinne Sieber organized the NOVA Recycling Network to coordinate the work of volunteers from throughout the community; they have sought input from Fairfax County Public Schools on ways to expand the program countywide, such as setting up a recycling competition; and

WHEREAS, through the NOVA Glass Recycling Network, Caroline and Corinne Sieber and other volunteers have collected 25,000 glass bottles in less than one year of operation; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Caroline and Corinne Sieber for their work to establish the NOVA Glass Recycling Network; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Caroline and Corinne Sieber as an expression of the General Assembly's admiration for their commitment to protecting the environment and increasing the quality of life in Fairfax County.

HOUSE JOINT RESOLUTION NO. 334

Commending the Battlefield High School girls' swim and dive team.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, the Battlefield High School girls' swim and dive team of Haymarket won the Virginia High School League Class 6 state championship on February 18, 2022, at the Jeff Rouse Swim and Sport Center in Stafford; and

WHEREAS, the Battlefield High School Bobcats tallied 233 points to edge out the runner-up Yorktown High School Patriots of Arlington by a mere two points, a tie for the closest finish in Virginia High School League (VHSL) Class 6 state meet history; and

WHEREAS, the Battlefield Bobcats' win was a total team effort, with standout performances from Camille Spink, who broke her own VHSL Class 6 state meet record in the 100-yard freestyle event, and the 200-medley relay team, which set a VHSL Class 6 state meet record; and

WHEREAS, the Battlefield Bobcats' championship victory was a redemptive and cathartic moment for a program that finished in second place at last year's state meet and persevered all season through the challenges of the COVID-19 pandemic; and

WHEREAS, the success of the Battlefield Bobcats is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of their parents and the entire Battlefield High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Battlefield High School girls' swim and dive team for winning the 2022 Virginia High School League Class 6 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jay Thorpe, coach of the Battlefield High School girls' swim and dive team, as an expression of the General Assembly's admiration for the team's achievement.

HOUSE JOINT RESOLUTION NO. 335

Commending Samuel Gordon Bickford, Jr.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Samuel Gordon Bickford, Jr., a longtime and beloved member of the Roanoke community, celebrated his 90th birthday on February 19, 2022; and

WHEREAS, born in Roanoke and living for a time in Suffolk, Samuel Bickford attended the Virginia Polytechnic Institute and State University (Virginia Tech) and later served his country honorably in the United States Marine Corps Reserve; and

WHEREAS, Samuel Bickford got married and started a family in Roanoke, raising three children while working for General Electric in Salem, attending Salem Presbyterian Church, and leading Boy Scouts of America Troop 54; and

WHEREAS, Samuel Bickford's career would take him to Winston-Salem, Chicago, Cincinnati, and ultimately Philadelphia, where he worked for Westmoreland Coal; and

WHEREAS, after retirement, Samuel Bickford and his wife, Faith, returned to Roanoke and rejoined their extensive community of friends and neighbors from before they left; and

WHEREAS, Samuel Bickford gave generously of his time by volunteering at Carilion Hospital, brightening many people's days with his positive and friendly demeanor; and

WHEREAS, a proud Virginia Tech alum, Samuel Bickford frequented Hokie sporting events for many years, while giving amply to the university's Corps of Cadets; and

WHEREAS, four years after Samuel Bickford's loving wife Faith passed away in 1991, he married Mary Kistler, with whom he shared many fond years; and

WHEREAS, Samuel Bickford has recently moved to the senior living community at Pheasant Ridge in Roanoke, where he has been able to maintain both his health and an active social life; and

WHEREAS, at 90 years of age, Samuel Bickford has the great privilege of living near his children and seeing them regularly, which provides a source of immense joy and fulfillment; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Samuel Gordon Bickford, Jr., cherished member of the Roanoke community, in celebration of his 90th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Samuel Gordon Bickford, Jr., as an expression of the General Assembly's admiration for his contributions to the Commonwealth and best wishes on this momentous occasion.

HOUSE JOINT RESOLUTION NO. 336

Celebrating the life of James Arthur Mann.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, James Arthur Mann, an esteemed newspaperman who served the Fredericksburg community for decades as a longtime employee of the *Free Lance-Star*, died on January 16, 2022; and

WHEREAS, James "Jim" Arthur Mann grew up in Fredericksburg and began his lifetime association with the *Free Lance-Star* at the age of 10, when he began delivering editions throughout his neighborhood, including to the doorstep of the owner of the newspaper at the time, Josiah Rowe; and

WHEREAS, Jim Mann graduated from James Monroe High School, where he was elected class president and advocated on behalf of his fellow students as the operator of an unofficial school newspaper; and

WHEREAS, Jim Mann subsequently earned a bachelor's degree from the University of Iowa and was a member of the institution's Reserve Officer Training Corps program; after graduation, he was commissioned as a second lieutenant in the United States Army; and

WHEREAS, Jim Mann served his country on active duty for three years, including a deployment to Vietnam as a member of the 128th Assault Helicopter Company, and earned two Distinguished Flying Cross medals for his heroism in combat; and

WHEREAS, while in Vietnam, Jim Mann regularly compiled a humorous unit newspaper and served as a war correspondent for the *Free Lance-Star*, and after the war, he continued flying helicopters as a member of the Virginia Army National Guard; and

WHEREAS, in 1974, Jim Mann and his brother, Tom, established Billingsley Printing, which has since served generations of Fredericksburg and Spotsylvania County residents; and

WHEREAS, Jim Mann's heart remained in the newspaper business, however, and he soon returned to the *Free Lance-Star*; over the course of his long and fulfilling career, he served as a reporter, photographer, designer, and assistant managing editor; and

WHEREAS, Jim Mann inspired others through his reassuring leadership style and even temperament; he was a trusted mentor to countless fellow employees of the *Free Lance-Star* and continued to offer his kudos and sage advice to staff members of the newspaper even after his well-earned retirement in 2004; and

WHEREAS, among many accolades for his commitment to excellence in journalism, Jim Mann received the Virginia Press Association's highest honor, the George Mason Award, in 2005; and

WHEREAS, Jim Mann enjoyed fellowship and worship with the community at Fredericksburg United Methodist Church, where he helped maintain the bell tower, and he volunteered his time to support young people as a Scoutmaster; and

WHEREAS, Jim Mann will be fondly remembered and greatly missed by his wife, Mary; his children, Geoff, Emily, and Jonathan, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of James Arthur Mann; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James Arthur Mann as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 337

Commending John Hugo, D.M.A.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, John Hugo, D.M.A., chair of the Department of Music Theory and History at Liberty University and chorus master for the Roanoke Symphony Orchestra, masterfully crafted a special duet arrangement of "The Star-Spangled Banner," our National Anthem, that was performed at the inauguration of Governor Glenn A. Youngkin on January 15, 2022; and

WHEREAS, after attending the New England Conservatory of Music, where he studied under the legendary Lorna Cooke deVaron, John Hugo earned a doctor of musical arts degree from Arizona State University; and

WHEREAS, director of the Liberty University concert choir since 1988, John Hugo teaches private voice, music history, and choral conducting and has directed five musicals at the university: *The Most Happy Fella*, *The Mikado*, *Brigadoon*, *H. M. S. Pinafore*, and *Anything Goes*; and

WHEREAS, John Hugo became the chorus master of the Roanoke Symphony Orchestra in 1999 and has prepared performances of significant choral and orchestral works there ever since; and

WHEREAS, John Hugo is an accomplished singer whose performances have included solo roles at Opera Roanoke, the Lynchburg Fine Arts Center, and the Liberty University theatre, as well as appearances as a concert soloist with the Roanoke, Lynchburg, and Liberty University Symphony Orchestras; and

WHEREAS, committed to enhancing musical education in the Commonwealth, John Hugo has served as the secretary, vice president, president, and governor of the Virginia Chapter of the National Association of Teachers of Singing; and

WHEREAS, John Hugo proudly holds membership with the American Choral Directors Association (ACDA), the National Association of Teachers of Singing, the National Association for Music Education, and the Phi Kappa Phi honor society; and

WHEREAS, John Hugo has supported his craft as an adjudicator for choral auditions of the Virginia chapter of ACDA and the Virginia Music Educators Association; and

WHEREAS, John Hugo has given generously of his talents by conducting school festival choirs in Central Virginia and by leading congregational singing at Thomas Road Baptist Church in Lynchburg during its weekly services; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend John Hugo, D.M.A., an esteemed member of the Commonwealth's music community, for composing a special arrangement of the National Anthem in honor of the inauguration of Governor Glenn A. Youngkin; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John Hugo, D.M.A., as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 338

Commending Douglas R. Tarring.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Douglas R. Tarring, a legendary coach who spent 31 seasons at St. Anne's-Belfield School in Charlottesville, will be inducted into the National Interscholastic Lacrosse Coaches Association Hall of Fame in Plandome, New York, on March 12, 2022; and

WHEREAS, born and raised in Baltimore, Maryland, Douglas Tarring, affectionately known by his players and fans as "Coach T," learned the game of lacrosse on the fields of St. Paul's School; and

WHEREAS, Douglas Tarring played lacrosse as an attackman at the University of Virginia from 1969 to 1972, helping his team win two national titles; and

WHEREAS, following graduation, Douglas Tarring began coaching the junior varsity team at St. Anne's-Belfield School in 1973 and went on to play a major role in establishing lacrosse at the school, in Charlottesville, and throughout Central Virginia over his next three decades as a coach; and

WHEREAS, Douglas Tarring became the head coach of St. Anne's-Belfield School's varsity lacrosse program in 1979 and held the position until 2009; and

WHEREAS, Douglas Tarring was the winningest boys' high school lacrosse coach in the Commonwealth during his tenure as head coach, winning 407 games against only 132 losses while leading the school to seven state titles; and

WHEREAS, in addition to these achievements, Douglas Tarring's legacy includes coaching countless high school All-Americans as well as more than 100 players who went on to play in either college or beyond; and

WHEREAS, Douglas Tarring served for many years as president of the National Interscholastic Lacrosse Coaches Association and was a coaching member of the Team USA U19 world championship team in 1988; and

WHEREAS, Douglas Tarring has shared his knowledge and love of the game his entire career and every lacrosse player in the Commonwealth owes him a debt of gratitude for the vibrant lacrosse culture that exists in the Commonwealth today; and

WHEREAS, by embodying the ideals of competitiveness, compassion, heroism, and humility throughout his life, Douglas Tarring has been an inspiration to countless players, coaches, and others in the Commonwealth and beyond; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Douglas R. Tarring on the occasion of his induction into the National Interscholastic Lacrosse Coaches Association Hall of Fame; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Douglas R. Tarring as an expression of the General Assembly's admiration for his accomplishments and contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 339

Commending the Thomas Jefferson Planning District Commission.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, in 1966, the General Assembly created the Metropolitan Areas Study Commission, known as the Hahn Commission, which found that a holistic approach to solving local and regional problems needed to be taken, and recommended a new concept, the creation of Planning District Commissions and Service District Commissions; and

WHEREAS, the Virginia Area Development Act (VADA), passed in 1968, created the Planning District Commission framework "to encourage and facilitate local government cooperation and state-local cooperation in addressing on a regional basis, problems of greater than local significance"; and

WHEREAS, the Thomas Jefferson Planning District Commission (TJPDC) was established in 1972 to foster intergovernmental cooperation by bringing together elected and appointed officials and citizens to discuss common needs and develop solutions to regional issues; and

WHEREAS, the TJPDC, the member governments of which are the Counties of Albemarle, Fluvanna, Greene, Louisa, and Nelson and the City of Charlottesville, provides regional vision, collaborative leadership, and professional service to develop effective solutions; it serves as a liaison between local and state governments, partnering with the Commonwealth to carry out state initiatives at the local and regional level; and

WHEREAS, the TJPDC and its partners have worked on numerous projects such as developing regional water supply plans, solid waste and recycling reporting, watershed improvement planning, transportation plans, Community Development Block Grants, and the region's Emergency Rent and Mortgage Relief Program; and

WHEREAS, the TJPDC established a number of important entities that have worked to enhance the quality of life in the region, including the establishment of JAUNT (on-demand transportation) and the Jefferson Area Board for Aging in the mid-1970s; the Charlottesville-Albemarle Metropolitan Planning Organization in 1982; the Virginia Economic Development Corporation in 1983, which today is known as the Central Virginia Partnership for Economic Development; the Thomas Jefferson Housing Improvement Corporation in 1989, which later became the Piedmont Housing Alliance; the Thomas Jefferson HOME Consortium in 1992; the Thomas Jefferson Area Coalition for the Homeless in 2001; the Jefferson Area Regional Transit Partnership in 2017; and the Central Virginia Regional Housing Partnership in 2019; and

WHEREAS, the TJPDC has supported its member governments by conducting studies and identifying solutions in the areas of transportation, infrastructure, broadband Internet, the environment, and community development; and

WHEREAS, in 2022, the TJPDC is celebrating 50 years of promoting regional collaboration and expanding the types of services it provides to its member governments; and

WHEREAS, the TJPDC takes great pride in its 50 years of accomplishments, while recognizing the importance of looking ahead to the challenges of the future; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Thomas Jefferson Planning District Commission on the occasion of its 50th anniversary for the many important programs and services it has provided to the region; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Thomas Jefferson Planning District Commission as an expression of the General Assembly's admiration for the vital support provided by the Commission to its local governments, citizens and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 340

Commending Michael B. Bresko.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Michael B. Bresko, a sergeant with the Virginia Division of Capitol Police who has worked tirelessly to ensure the safety and security of the Commonwealth's seat of government for many years, retired on February 1, 2022; and

WHEREAS, Michael Bresko received an associate degree in political science from John Tyler Community College in 1993 and 10 years later joined the Virginia Division of Capitol Police; and

WHEREAS, Michael Bresko formerly served as a field training officer, general instructor, driving instructor, cardiopulmonary resuscitation and automated external defibrillator instructor, and chemical agent instructor for the Virginia Division of Capitol Police, training numerous law-enforcement personnel throughout his tenure; and

WHEREAS, in recognition of his professionalism and commitment to excellence, Michael Bresko was nominated by his peers and selected as Employee of the Month three times during his tenure with the Virginia Division of Capitol Police; and

WHEREAS, promoted to sergeant on November 25, 2020, Michael Bresko applied himself in the Virginia Division of Capitol Police's career development program, rising to the rank of master officer, the most senior status in the program, on March 10, 2021; and

WHEREAS, with unwavering dedication to his duties and responsibilities as a member of the Virginia Division of Capitol Police, Michael Bresko has ensured the safety and well-being of countless individuals and public officials; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Michael B. Bresko, a sergeant with the Virginia Division of Capitol Police, on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Michael B. Bresko as an expression of the General Assembly's admiration for his service to the Commonwealth and best wishes for a happy and fulfilling retirement.

HOUSE JOINT RESOLUTION NO. 341

Commending the Oscar F. Smith High School football team.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 10, 2022

WHEREAS, the Oscar F. Smith High School football team of Chesapeake made history by winning two Virginia High School League Class 6 state championship titles in the same calendar year in 2021; and

WHEREAS, in May 2021, the Oscar F. Smith High School Tigers defeated the South County High School Stallions of Lorton by a score of 62-21, capping off a perfect 9-0 record in a season that was delayed due to the COVID-19 pandemic; and

WHEREAS, the Oscar Smith Tigers' decisive victory was the program's first state championship since 2011 and a redemptive finish after the team was narrowly defeated by the South County Stallions in the 2019 state final; and

WHEREAS, despite giving up a touchdown during the South County Stallions' first possession of the game, the Oscar Smith Tigers quickly rallied and put up 28 points in the first eight minutes of competition; and

WHEREAS, the Oscar Smith Tigers were carried by an outstanding defense, which tallied five interceptions, and a standout performance by quarterback Ethan Vasko, who rushed for three touchdowns and passed for two; and

WHEREAS, the Oscar Smith Tigers resumed their winning ways in the fall of 2021 and finished a 13-1 campaign as the first team from South Hampton Roads to win back-to-back state championships since 1946 and the first team ever to do so in the same year; and

WHEREAS, in December 2021, the Oscar Smith Tigers defeated a talented team from Madison High School by a score of 42-17; and

WHEREAS, although the Madison Warhawks scored early in the game, the Oscar Smith Tigers reclaimed the lead in the second quarter with two touchdowns from Ethan Vasko to wide receiver Amonte Jones; and

WHEREAS, senior running back Kevon King finished the game with 290 yards on the ground and added three more touchdowns for the Oscar Smith Tigers, who never relinquished the lead in the second half; and

WHEREAS, the two successful seasons are a tribute to the hard work and determination of all the student-athletes, the leadership and guidance of the coaches and staff, and the passionate support of the entire Oscar Smith High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Oscar F. Smith High School football team on winning two consecutive Virginia High School League Class 6 state championships in the same year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Chris Scott, head coach of the Oscar F. Smith High School football team, as an expression of the General Assembly's admiration for the team's historic achievements.

HOUSE JOINT RESOLUTION NO. 342

Commending Andolyn T. Medina.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 11, 2022

WHEREAS, Andolyn T. Medina of Chesapeake, an officer in the United States Navy and Miss District of Columbia winner, finished as a top 10 semifinalist in the Miss America pageant on December 16, 2021; and

WHEREAS, as a Miss America semifinalist, Andolyn Medina won a \$12,500 scholarship and was awarded \$1,000 for being one of the top five fundraisers across the nation, having raised \$12,109 to support another young woman who was pursuing her academic dreams; and

WHEREAS, Andolyn Medina was the first Miss America candidate to be awarded the Jean Bartel Military Awareness Scholarship while competing for Miss America; this scholarship is awarded to a qualified applicant who has demonstrated exemplary service to men and women in the military; and

WHEREAS, the daughter of two United States Navy officers, Andolyn Medina was herself commissioned as an ensign in the United States Navy in 2019; and

WHEREAS, Andolyn is an honor graduate of Hickory High School and earned an advanced degree from the Governor School for the Arts; she subsequently earned a bachelor's degree from Hollins University, graduating in three years, and two master's degrees, including a master's in forensic psychology and a second master's in clinical psychology from George Washington University; and

WHEREAS, Andolyn Medina is certified in Virginia and the District of Columbia as a mental health professional and a licensed psychology associate, and she is pursuing a doctoral degree in clinical psychology from George Washington University; and

WHEREAS, a prolific volunteer, Andolyn Medina has selflessly given nearly 8,000 hours of service throughout Hampton Roads and the world as a classical vocalist, pianist, mentor, and motivational speaker; for 15 years, she has volunteered at Naval Medical Center Portsmouth to bring Christmas cheer to military dependents who were unable to celebrate the holidays at home; and

WHEREAS, Andolyn Medina has touched countless lives through her social impact initiative, Demand An End: Stop Human Trafficking and Child Exploitation, and she is the founder and coordinator of Operation PEACE (Peer Empowerment and Community Engagement); now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Andolyn T. Medina for finishing in the top 10 of the Miss America pageant in 2021; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Andolyn T. Medina as an expression of the General Assembly's admiration for her personal and professional achievements and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 343

Celebrating the life of Maury B. Brickhouse.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Maury B. Brickhouse, a respected resident of Chesapeake, died on February 8, 2022; and

WHEREAS, Maury Brickhouse grew up in the Portlock area of Chesapeake and attended Oscar F. Smith High School; and

WHEREAS, Maury Brickhouse continued his education at Old Dominion University (ODU), then began working as a juvenile probation officer; he ultimately became the director of court services for Chesapeake and served in that capacity for 44 years; and

WHEREAS, Maury Brickhouse further offered his leadership and expertise to the community as chair of the Chesapeake School Board and a member of the Chesapeake Industrial Authority; and

WHEREAS, Maury Brickhouse volunteered his time with South Norfolk Masonic Lodge No. 339 of the Ancient Free and Accepted Masons, the Norfolk Scottish Rite, the Rotary Club of Chesapeake, and Paint Your Heart Out; and

WHEREAS, Maury Brickhouse was a devout member of St. Thomas Episcopal Church, where he served as senior warden; and

WHEREAS, Maury Brickhouse enjoyed traveling, driving his vintage Triumph TR6, and supporting the ODU football team, but his greatest joy in life was his beloved family, and he relished every opportunity to spend time with his children and grandchildren; and

WHEREAS, Maury Brickhouse was a man of his word and a loyal friend and confidant to many; and

WHEREAS, Maury Brickhouse will be fondly remembered and greatly missed by his wife of 45 years, Martha; his children, Brad, Meredith, and Lauren, and their families; his mother, Ruth; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Maury B. Brickhouse; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Maury B. Brickhouse as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 344

Celebrating the life of Anna Jane Leider.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Anna Jane Leider, esteemed former voter registrar of the City of Alexandria and a beloved member of the Alexandria community, died on February 12, 2022; and

WHEREAS, while a student at T.C. Williams High School in Alexandria, Anna Leider won a national essay contest sponsored by the National Football League with her submission "Why is Football so American?," in which she cleverly drew parallels between the ideals of the nation and the objectives of football; and

WHEREAS, Anna Leider later earned a bachelor's degree from Amherst College and a master's degree in business administration from New York University before taking a job on Capitol Hill in the office of United States Senator John Warner; and

WHEREAS, Anna Leider subsequently supported President William Jefferson Clinton's bid for the White House as his Alexandria campaign manager, an experience that led her to chair the Alexandria Democratic Committee from 1993 to 1997; and

WHEREAS, Anna Leider joined the City of Alexandria's Office of Voter Registration and Elections in 1998 and thereafter rose from election official to the position of general registrar and director of elections as appointed by the electoral board of the City of Alexandria; and

WHEREAS, over her 22-year tenure at the Office of Voter Registration and Elections, Anna Leider helped manage more than 40 elections, while the numbers of registered voters and polling places increased significantly under her watch; and

WHEREAS, Anna Leider was a valued mentor to many colleagues and local officials, inspiring others to pursue excellence in the administration of their public duties; and

WHEREAS, Anna Leider was a devoted sports fan who enjoyed few activities more than cheering on her favorite teams, the Washington Nationals and the Kansas University Jayhawks; and

WHEREAS, preceded in death by her father, Robert, Anna Leider will be fondly remembered and dearly missed by her mother, Kit, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Anna Jane Leider, admired former voter registrar of the City of Alexandria who demonstrated exceptional kindness, generosity, and integrity throughout her life; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Anna Jane Leider as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 345

Commending Walter Zadan.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Walter Zadan was distinguished by the Chesapeake Bay Foundation as the organization's longest-serving Virginia oyster shell recycling volunteer in 2021; and

WHEREAS, while living in Pittsburgh in the 1960s, Walter Zadan advocated for environmental regulations to improve air quality as a leader of the Group Against Smog and Pollution; and

WHEREAS, Walter Zadan moved to Norfolk in the 1980s, where he first became aware of the diminishing oyster and striped bass populations in the area and how this affected the health of the Chesapeake Bay's ecosystem and the availability of local seafood; and

WHEREAS, Walter Zadan moved to Williamsburg in 1998 and began speaking publicly on behalf of the Chesapeake Bay Foundation shortly thereafter, promoting the organization's Save the Bay campaign at events across the Commonwealth and through regular newspaper editorials; and

WHEREAS, since 2008, Walter Zadan has regularly gathered oyster shells from local restaurants to support the Chesapeake Bay Foundation's oyster restoration initiatives, showing no signs of slowing at 95 years of age; and

WHEREAS, Walter Zadan has collected more than 2.78 million oyster shells over the past 13 years, providing homes to approximately 27 million oysters in that time and making a great impact in the region's efforts to replenish the local oyster population; and

WHEREAS, through his tireless efforts, Walter Zadan has helped to preserve the oyster population of the Chesapeake Bay, saving it for the enjoyment of many future generations to come; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Walter Zadan for the distinction of being named the longest serving volunteer of the Chesapeake Bay Foundation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Walter Zadan as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 346

Commending Williamsburg Area Meals on Wheels.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 10, 2022

WHEREAS, for nearly 50 years, Williamsburg Area Meals on Wheels has prepared and delivered hot, nutritious meals to individuals and families in need; and

WHEREAS, established in 1974, Williamsburg Area Meals on Wheels has grown to deliver more than 35,000 meals per year and help more than 200 food-insecure families every day; and

WHEREAS, Williamsburg Area Meals on Wheels volunteers provide much needed companionship for clients and coordinate with other local agencies and nonprofit organizations to arrange for additional support services as needed; and

WHEREAS, Williamsburg Area Meals on Wheels provides shelf stable meal kits, breakfast foods, and nutritional supplements in certain cases; the organization offers a meal program for students during summer breaks and holidays; and

WHEREAS, Williamsburg Area Meals on Wheels has fulfilled its mission through the hard work and leadership of its staff members, the generosity of countless volunteers, and support from community partners; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Williamsburg Area Meals on Wheels for its decades of service to the residents of Williamsburg and the Virginia Peninsula; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Williamsburg Area Meals on Wheels as an expression of the General Assembly's admiration for the organization's work to alleviate hunger throughout the community.

HOUSE JOINT RESOLUTION NO. 347

Commending the Reverend Robert A. Whitehead, Sr.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, the Reverend Robert A. Whitehead, Sr., a highly admired community leader in Williamsburg, has served as pastor of New Zion Baptist Church for more than 30 years; and

WHEREAS, a native of Portsmouth, Robert Whitehead holds degrees from Virginia Commonwealth University, the Samuel DeWitt Proctor School of Theology at Virginia Union University, and Regent University; and

WHEREAS, as pastor of New Zion Baptist Church, Robert Whitehead has helped the congregation grow in faith and numbers and placed a high emphasis on spiritual enlightenment, volunteer service, education, health, and community stewardship; and

WHEREAS, Robert Whitehead helped New Zion Baptist Church grow from 40 members to nearly 700 and has overseen the creation of outreach programs and ministries to alleviate hunger, increase civic engagement, and build community spirit; and

WHEREAS, during the COVID-19 pandemic Robert Whitehead coordinated with other organizations to facilitate and arrange transportation to vaccination clinics; and

WHEREAS, highly admired by his fellow pastors, Robert Whitehead serves as a member of the Williamsburg Tri-County Pastor's Council and the African American Fellowship of Virginia; and

WHEREAS, Robert Whitehead previously served as a board member of A Hope 4 Tomorrow, Faith in Action, Housing Partnerships of Williamsburg, and the Pastoral Advisory Council at Sentara Regional Medical Center, where he served as a volunteer chaplain; and

WHEREAS, Robert Whitehead has further enhanced community life as a member of the York-James City-Williamsburg Branch of the NAACP and he works with local schools to provide leadership development opportunities to young people; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Reverend Robert A. Whitehead, Sr., for his legacy of service as pastor of New Zion Baptist Church; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Robert A. Whitehead, Sr., as an expression of the General Assembly's admiration for his achievements on behalf of the Williamsburg community.

HOUSE JOINT RESOLUTION NO. 348

Commending Jason Pryor.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Jason Pryor, a youth athletics coach and basketball shooting trainer, matched a Guinness World Record for the most three-point shots in a minute with a single ball in 2021; and

WHEREAS, Jason Pryor grew up in a military family and began playing basketball while living in Germany, where his father was stationed at the time; and

WHEREAS, Jason Pryor graduated from Longwood University, where he became one of the top three-point shooters in school history after his standout 2001-2002 season; and

WHEREAS, Jason Pryor played professional basketball in Europe, then returned to the Commonwealth and became a youth coach and trainer; he currently serves as the junior varsity basketball coach at Tabb High School in Yorktown and is the founder of the Mr. Basketball Skills Training program; and

WHEREAS, in January 2021, Jason Pryor accomplished his world record at the Yorktown YMCA, scoring 12 three-point shots in one minute using the same ball; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Jason Pryor for matching a world record for most basketball three-pointers in one minute with one ball in the Guinness World Records; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jason Pryor as an expression of the General Assembly's admiration for his exceptional achievements and service to young people in Yorktown.

HOUSE JOINT RESOLUTION NO. 349

Commending Fanchon Glover.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Fanchon Glover, chief diversity officer at The College of William & Mary, was presented the Peninsula Humanitarian Award by the Virginia Center for Inclusive Communities in 2021; and

WHEREAS, Fanchon "Chon" Glover earned a bachelor's degree from Presbyterian College, where she served as coordinator of volunteer services and director of minority affairs from 1990 to 1996; and

WHEREAS, Chon Glover joined The College of William & Mary (W&M) in 1996 as assistant director of multicultural affairs, earning promotions to director of multicultural affairs in 1999, interim assistant vice president of student affairs in 2007, assistant to the president for diversity and community initiatives in 2008, and chief diversity officer in 2012; and

WHEREAS, over more than 25 years with W&M, Chon Glover has made an indelible impact on the university's values and culture through various programs, helping to promote greater diversity and inclusion in the community; and

WHEREAS, Chon Glover has supported the Lemon Project, a long-term investigation into W&M's involvement in slavery, segregation, and discrimination, facilitating an important step in the process toward reconciliation; and

WHEREAS, Chon Glover has fostered discussion of diversity, equity, and inclusion in W&M's classrooms, encouraging students to reflect upon the experiences of those from different backgrounds; and

WHEREAS, Chon Glover has given a voice to marginalized communities of W&M by advancing endeavors like the Memorial to the Enslaved and by serving as co-leader of a task force to develop and approve a new values statement for the university; and

WHEREAS, during Chon Glover's tenure, W&M has seen increased diversity in its student body, more emphasis on inclusion in the curriculum, and greater recognition for communities of W&M that have been too long overlooked; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Fanchon Glover, chief diversity officer of The College of William & Mary, for receiving the 2021 Peninsula Humanitarian Award from the Virginia Center for Inclusive Communities; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Fanchon Glover as an expression of the General Assembly's admiration for her contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 350

Commending BikeWalk Williamsburg.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, BikeWalk Williamsburg, a 501(c)(3) nonprofit organization dedicated to making the Greater Williamsburg area more friendly to bicyclists and pedestrians, has brought citizens together in support of a worthy cause for many years; and

WHEREAS, through classes, symposia, newsletters, social media, and other events and mediums, BikeWalk Williamsburg promotes its vision for a community where it is safe for everyone to bike or walk wherever they go; and

WHEREAS, BikeWalk Williamsburg manages the Bicycle Co-Op of Williamsburg, salvaging used bicycles and parts while providing customers with a safe and affordable means of transportation; and

WHEREAS, in April 2021, BikeWalk Williamsburg organized its 24th annual Pedal the Parkway event, giving riders the unique opportunity to travel peacefully along the Colonial Parkway from Jamestown to Williamsburg without the intrusion of cars; and

WHEREAS, in partnership with Williamsburg Area Bicyclists, BikeWalk Williamsburg has established a Cycling Without Age program in Williamsburg, offering elderly or disabled citizens an opportunity to share in the joys of cycling; and

WHEREAS, BikeWalk Williamsburg is involved in education and advocacy efforts to promote bicycle safety in Williamsburg, including consulting with local officials and sponsoring clubs with Williamsburg-James City County Public Schools; and

WHEREAS, in 2018, BikeWalk Williamsburg fitted and gifted 238 helmets at after-school programs, bike education rodeos, and other events, encouraging many young people to bicycle responsibly; and

WHEREAS, the accomplishments of BikeWalk Williamsburg are the result of the unwavering generosity and support of its many devoted volunteers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend BikeWalk Williamsburg for its steadfast efforts to make the Greater Williamsburg area more accommodating to pedestrians and cyclists; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to BikeWalk Williamsburg as an expression of the General Assembly's admiration for its mission and contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 351

Commending Edgar Martin Wright, Jr.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Edgar Martin Wright, Jr., was originally appointed as Commonwealth's Attorney for Buckingham County in 1976; and

WHEREAS, Edgar Martin "E. M." Wright, Jr., was elected as Commonwealth's Attorney for Buckingham County on November 8, 1977; he was reelected in every subsequent election over the next 45 years, having run unopposed in every election; and

WHEREAS, E. M. Wright has served and continues to serve on numerous committees of the Virginia State Bar, including as a member of the Virginia State Bar Council and chair of the Lawyer Discipline Committee and Fifth District Committee; and

WHEREAS, E. M. Wright has served on the Virginia Commonwealth's Attorneys' Services Council Board for more than two decades; and

WHEREAS, E. M. Wright served as president of the Virginia Commonwealth's Attorneys' Services Council from 2000 to 2001; and

WHEREAS, E. M. Wright serves as County Attorney for Buckingham County as well as counsel for the Buckingham County and Cumberland County Departments of Social Services; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Edgar Martin Wright, Jr., for his outstanding service as Commonwealth's Attorney of Buckingham County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Edgar Martin Wright, Jr., as an expression of the General Assembly's admiration for his contributions to the residents of Buckingham County.

HOUSE JOINT RESOLUTION NO. 352

Commending the Reverend Dr. Carl B. Hutcherson, Jr.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, the Reverend Dr. Carl B. Hutcherson, Jr., senior pastor of First Baptist Church of South Lynchburg, who has provided uplifting spiritual counsel to his congregation for many years, retired on March 6, 2022; and

WHEREAS, graduating from the historic Paul Laurence Dunbar High School in Lynchburg in 1962, Carl Hutcherson's subsequent educational pursuits led to a bachelor's degree from the former Hampton Institute, an associate degree in mortuary science from John Tyler Community College, a master of divinity degree from Duke University, and a doctor of ministry degree from Virginia University of Lynchburg; and

WHEREAS, Carl Hutcherson has greatly served others for many years as owner and operator of Carl B. Hutcherson Funeral Home, Inc., providing impeccable care and service while attending to the needs of countless families; and

WHEREAS, dedicated to the development and success of young people, Carl Hutcherson served as an educator in the school systems of Campbell County and the City of Lynchburg and as an adjunct professor at the Virginia University of Lynchburg; and

WHEREAS, Carl Hutcherson made an outsized impact on his community through his service on the Lynchburg City Council, including as mayor from 2000 to 2006, and as president of the Lynchburg Branch of the NAACP; and

WHEREAS, Carl Hutcherson's active engagement with his community has included membership with Omega Psi Phi Fraternity, Inc.; the Most Worshipful Prince Hall Grand Lodge of Virginia Free and Accepted Masons, Inc.; Old Dominion Lodge #181 of the Elks; and the Revelers Club; and

WHEREAS, Carl Hutcherson has mentored fellow faith leaders as director of the doctoral program at Eastern Theological Seminary and as the author of *Intentional Evangelism*, published in 2013, as well as through several magazine features and lectures held across the country; and

WHEREAS, Carl Hutcherson cultivated his faith at Jackson Street United Methodist Church and Immanuel Christian Church, both of Lynchburg, and has guided several congregations, serving as pastor of the Bedford County Circuit of the United Methodist Church, as founding pastor of Trinity United Methodist Church in Lynchburg, as pastor of Christian education at Immanuel Christian Church, and ultimately as senior pastor of First Baptist Church of South Lynchburg; and

WHEREAS, in his 44 years as a pastor, Carl Hutcherson provided his congregations with edifying and enlightening spiritual guidance and innumerable opportunities for community outreach, contributing immensely to their joy and well-being; and

WHEREAS, Carl Hutcherson will have more time to spend with his loving family in his retirement, including his children, Carla, Sherri, Delia, and Carl III, and his grandchildren, Imani, Mya, Hannah, Ryan, Ayanna, and Delaney; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Reverend Dr. Carl B. Hutcherson, Jr., senior pastor of First Baptist Church of South Lynchburg, on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Dr. Carl B. Hutcherson, Jr., as an expression of the General Assembly's admiration for his impressive career and best wishes for a happy and fulfilling retirement.

HOUSE JOINT RESOLUTION NO. 353

Celebrating the life of Samuel J. Scott, Sr.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Samuel J. Scott, Sr., of Hampton Roads, one of the first African American engineers at the National Aeronautics and Space Administration who served during the height of the space race in the 1960s, died on March 5, 2021; and

WHEREAS, the child of immigrants from the British West Indies, Samuel Scott was born in Mobile, Alabama, and grew up in Pittsburgh, Pennsylvania, where he became a lifelong fan of the Pittsburgh Steelers; and

WHEREAS, Samuel Scott graduated from the aeronautical engineering program at the University of Pittsburgh with a bachelor's degree in mechanical engineering and later continued his education at the Georgia Institute of Technology; and

WHEREAS, Samuel Scott pursued a long and successful career as a civilian research engineer with the United States Navy and the National Aeronautics and Space Administration (NASA) and in the private sector; and

WHEREAS, in 1962, Samuel Scott joined NASA Langley Research Center and broke down barriers as one of the agency's first four African American engineers; working alongside other prominent scientists and mathematicians, he played a vital role in the achievement of the Moon Landing and the success of the American space program; and

WHEREAS, Samuel Scott served as assistant director for structures at Langley, as chief engineer at the Newport News Redeployment and Housing Authority, and as a senior manager at Newport News Shipbuilding; and

WHEREAS, in later life, Samuel Scott focused on giving back to his community as a volunteer and a trusted mentor for people in need; he was an advocate for residents of public housing and became a volunteer with the AmeriCorps VISTA program, teaching in fatherhood and inmate recidivism programs; and

WHEREAS, Samuel Scott was a former president of the National Technical Association, the oldest organization for African American technical professionals in the United States, and he worked diligently to support STEM education in schools and create opportunities for African Americans in high-technology fields; and

WHEREAS, Samuel Scott will be fondly remembered and greatly missed by his beloved wife of 54 years, Ann Carol; his children, Marcia, Joey, David, and Sean, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Samuel J. Scott, Sr., a trailblazing researcher who made many contributions to the American space program; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Samuel J. Scott, Sr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 354

Commending the River Basin Grand Winners of the Clean Water Farm Award.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, the Department of Conservation and Recreation and the Soil and Water Conservation Districts provide farmers throughout the Commonwealth with education, technical assistance, and incentive programs to encourage nutrient reduction and water quality improvement; and

WHEREAS, the General Assembly passed legislation in 1998 to establish the Clean Water Farm Award Program, which is administered by the Department of Conservation and Recreation; and

WHEREAS, the Clean Water Farm Award Program furthers the Commonwealth's water quality goals by recognizing farmers actively engaged in implementing important conservation practices that control nutrients, sediment, and other agricultural nonpoint source pollutants; and

WHEREAS, the Soil and Water Conservation Districts selected local farms across the Commonwealth for recognition in 2021 as winners of the Clean Water Farm Award; and

WHEREAS, farms have been selected to represent the Commonwealth's major river basins and to recognize the exemplary efforts of such farms in implementing best management practices; and

WHEREAS, those winners are:

Alan Purcell, Purcell Farm, Russell County, for the Big Sandy-Upper Tennessee River Basin;

Jared Webb, Oak Level Farms, Sussex County, for the Chowan River Basin;

Rob Harrison, Harrison Cattle Company, Fluvanna County, for the James River Basin;

The Scott-May Farm, Bland County, for the New River Basin;

Ann Backer, Smitten-Salem Farm, Fauquier County, for the Potomac River Basin;

The McDaniel Family, Heavenly Acres Farm, Greene County, for the Rappahannock River Basin;

Alex Hunt, Franklin County, for the Roanoke River Basin;

Garber Farms Inc., Augusta County, for the Shenandoah River Basin; and

Keenbell Farm, Hanover County, for the York River Basin; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend and congratulate the River Basin Grand Winners of the Clean Water Farm Award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the River Basin Grand Winners of the Clean Water Farm Award as an expression of the General Assembly's admiration for their commitment to conserving the Commonwealth's natural resources and their outstanding conservation achievements.

HOUSE JOINT RESOLUTION NO. 355

Commending the Marion Police Department.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, the Marion Police Department, the law-enforcement agency charged with protecting and serving the residents of the Town of Marion, celebrates its 80th anniversary in 2022; and

WHEREAS, established by an act of the General Assembly in 1835, the Town of Marion depended upon the Office of Sergeant and Collector for its law-enforcement needs for more than a century before the establishment of the Marion Police Department; and

WHEREAS, after hiring three sworn officers and a desk sergeant between 1936 and 1942, Marion town sergeant H.H. Groseclose was referred to as chief of police for the first time on September 4, 1942, marking what the Marion Police Department now recognizes as the date of its founding; and

WHEREAS, the Marion Police Department developed an internal rank structure under the leadership of Ralph S. Wolfe, who was chief of police between 1946 and 1954, and completed its transition into a modern law-enforcement agency under Walter J. Boone, who was chief of police between 1954 and 1975 and the last appointee to the Office of Sergeant and Collector after an act of the General Assembly eliminated the office in 1960; and

WHEREAS, since it has been formally established, the Marion Police Department has benefited from the sage and steady leadership of seven chiefs of police, including Elmer Blevins, John Grub, Charles Overbay, Fred Catron, Mike Roberts, Rex Anders, and John P. Clair, who has held the post since 2018; and

WHEREAS, the Marion Police Department has emphasized engagement with the community from the beginning, fostering mutual esteem and trust between officers and residents while improving public safety; and

WHEREAS, the Marion Police Department is honoring its 80 years of service with commemorative badges and at several events scheduled throughout the year, including a large celebration in September; and

WHEREAS, the accomplishments of the Marion Police Department are the result of the wisdom and integrity of its leadership, the dedication and dutifulness of its officers, and the unwavering support of the community it serves; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Marion Police Department on the occasion of its 80th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Marion Police Department as an expression of the General Assembly's admiration for the agency's contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 356

Commending the Food City 300 NASCAR Xfinity Series Race at Bristol Motor Speedway.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, 2022 marks the 30th anniversary of the Food City 300 NASCAR Xfinity Series race at Bristol Motor Speedway; and

WHEREAS, the Food City 300 NASCAR Xfinity Series race takes place under the lights at Bristol Motor Speedway, and it is considered the toughest Friday night fight on the NASCAR Xfinity Series race schedule; and

WHEREAS, then known as the Pet Dairy 150, the first NASCAR Xfinity Series race at Bristol Motor Speedway was held in 1982; the race has increased in length several times over its 30-year history, first to 200 laps, then to 250 laps, and, since 2014, it has been 300 laps; and

WHEREAS, since 1992, the NASCAR Xfinity Series race at Bristol Motor Speedway has been sponsored by Food City, a chain of supermarkets in Virginia, Kentucky, Tennessee, Alabama, and Georgia operated by K-VA-T Food Stores, Inc.; and

WHEREAS, the Food City name has become synonymous with NASCAR racing in the region due to its sponsorship of two of the sport's most popular races, the Food City 500 and Food City 300 at Bristol Motor Speedway; and

WHEREAS, for 30 years, Food City and Bristol Motor Speedway have been effective partners that have prided themselves on bringing the best possible experience to race fans in the region; and

WHEREAS, the Food City 300 NASCAR Xfinity Series race has showcased the talents of many of NASCAR's future stars over its history, and given fans a thrilling, up-close view of some of the best short track racing in the sport; and

WHEREAS, the 2022 Food City 300 NASCAR Xfinity Series race will take place on September 16, the night before the NASCAR Cup Series Bass Pro Shops NRA Night Race at Bristol Motor Speedway; and

WHEREAS, Food City and Bristol Motor Speedway are respected pillars of the community and the Food City 300 NASCAR Xfinity Series race weekend is a hometown gathering and a highly anticipated highlight for the region each year; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Food City 300 NASCAR Xfinity Series race on the occasion of the 30th anniversary of Food City's partnership with Bristol Motor Speedway and NASCAR; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jerry Caldwell, president of Bristol Motor Speedway, and Steven C. Smith, president and CEO of Food City, as an expression of the General Assembly's admiration for their efforts to make the Bristol area a leading destination for NASCAR fans.

HOUSE JOINT RESOLUTION NO. 357

Commending the NASCAR Cup Series Food City Dirt Race at Bristol Motor Speedway.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, 2022 marks the 30th anniversary of Food City's corporate sponsorship of an annual NASCAR Cup Series race held at Bristol Motor Speedway, now known as the Food City Dirt Race; and

WHEREAS, Food City, a division of K-VA-T Food Stores, Inc., operates a chain of supermarkets in Virginia, Kentucky, Tennessee, Alabama, and Georgia, and since 1992, Food City and Bristol Motor Speedway have been successful partners that have prided themselves on bringing the best possible experience to race fans in the region; and

WHEREAS, the Food City name has become synonymous with NASCAR racing in the region, and the Food City Dirt Race, previously known as the Food City 500, is considered one of the sport's best races and is annually one of the most popular events on the NASCAR Cup Series schedule; and

WHEREAS, Food City and Bristol Motor Speedway are strong pillars of the community, and the Food City Dirt Race weekend is very much a hometown gathering and a highly anticipated highlight for the region; and

WHEREAS, Food City is the second-longest running race sponsor in NASCAR, and the company has contributed over one-half million dollars to local organizations through its annual Family Race Night events; and

WHEREAS, the 2022 Food City Dirt Race, which takes its name from the dirt racing surface evocative of the sport's early history, will take place on Easter Sunday, April 17; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Food City on celebrating 30 years of sponsorship of the NASCAR Cup Series Food City Dirt Race at Bristol Motor Speedway; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Steven C. Smith, president and CEO of Food City, and Jerry Caldwell, president of Bristol Motor Speedway, as an expression of the General Assembly's admiration for their exceptional partnership and dedication to making the Bristol area a top destination for NASCAR fans.

HOUSE JOINT RESOLUTION NO. 358

Commending James T. Carroll III.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, for 25 years, James T. Carroll III served small business owners throughout the 18 cities and counties of Hampton Roads as vice president for small business for the Hampton Roads Chamber of Commerce and executive director of the Small Business Development Center of Hampton Roads, Inc.; and

WHEREAS, small businesses account for 93 percent of all employers in the four Congressional Districts that represent Hampton Roads, with more than 514,000 employees representing \$20.92 billion in annual payroll, and James Carroll led the Small Business Development Center in providing services to 8,780 prospective and existing small business owners; and

WHEREAS, James Carroll's leadership helped those businesses create or save over 8,448 jobs and generate \$162,657,912 in debt and equity financing, and he enabled 220 new business start-ups; and

WHEREAS, James Carroll received recognition from the United States Small Business Administration for his efforts in coordinating small business recovery efforts in the City of Franklin in the aftermath of Hurricane Floyd; and

WHEREAS, during that time, James Carroll developed and implemented a \$1 million loan pool, the first public-private initiative in the country for local small business lending, which was used to jumpstart recovery efforts in the City of Franklin and in Isle of Wight and Southampton Counties; and

WHEREAS, James Carroll served on a variety of boards, including for the Business School at Christopher Newport University, the Old Dominion University College of Business, the Regent University School of Business Leadership and Management, and the Entrepreneurship and Business Academy at Kempsville High School in Virginia Beach; and

WHEREAS, James Carroll served on the Norfolk Convention and Visitors Bureau Board of Directors as secretary, treasurer, and member of the Executive Committee, as well as on the Board of Directors for 504 Capital Corporation; and

WHEREAS, James Carroll was twice recognized by the Virginia Small Business Development Center Network as that organization's "State Star" and recognized by the United States Small Business Administration's Center Excellence Award; and

WHEREAS, James Carroll helped found the CrimDell Small Business Network, an innovative partnership between the Small Business Development Center and the Mason School of Business at The College of William & Mary, which brings high-level assistance to business owners in the Greater Williamsburg area and real-world exposure to MBA and senior undergraduate students; and

WHEREAS, James Carroll helped coordinate and led efforts to help Hampton Roads recover from the effects of the COVID-19 pandemic and assist small business owners in obtaining over \$3.5 billion in federal relief funds; and

WHEREAS, James Carroll successfully completed a 21-year career as a commissioned officer in the United States Navy, including service in the first Gulf War and four years seconded to the Royal Navy teaching at the Royal Naval Staff College in Greenwich; and

WHEREAS, James and Barbara Carroll are the proud parents of two sons who employ the values of service and leadership they learned from their parents in their respective fields; the couple are the devoted grandparents of four amazing grandchildren who are the lights of their lives; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend James T. Carroll III for his service to the Hampton Roads small business community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to James T. Carroll III as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 359

Commending Ryan Acey.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 11, 2022

WHEREAS, Ryan Acey, a sergeant with the Isle of Wight County Sheriff's Office, received the Top Cop Award from Greater Hampton Roads Regional Crime Lines, Inc., for his lifesaving actions in 2020; and

WHEREAS, the annual Top Cop Award is presented to exceptional local law-enforcement officers like Ryan Acey for their consistent performance of their duties, leadership skills, personal achievements, and contributions to the community; and

WHEREAS, on September 27, 2020, Ryan Acey responded to a call regarding an individual who had walked into a swamp, telling witnesses he was depressed and wanted to die; and

WHEREAS, after the man moved deeper into the swamp, Ryan Acey waded into thigh-high water to engage with him from a safe distance and was able to establish a rapport; and

WHEREAS, Ryan Acey convinced the man to leave the water and seek further assistance from a mental health worker; and

WHEREAS, thanks to Ryan Acey's professionalism, compassion, and dedication, the individual was unharmed and ultimately received the care he needed; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Ryan Acey on receiving the Top Cop Award for his outstanding performance in the line of duty; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ryan Acey as an expression of the General Assembly's admiration for his achievements in service to the residents of Isle of Wight County.

HOUSE JOINT RESOLUTION NO. 360

Commending Don Zientara.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Don Zientara, the owner of Inner Ear Studio, served local punk rock bands and other independent musicians from the studio's iconic location on Oakland Street in South Arlington for more than 30 years; and

WHEREAS, in the 1970s, Don Zientara created a studio in his basement to provide space for his band to record a demo tape; he later decided to use his equipment to help other local artists, either by hosting them in his basement or traveling to their homes to make recordings; and

WHEREAS, Don Zientara officially established Inner Ear Studio in 1979 and ran the business as a part-time venture until 1985, when it became successful enough to run as his full-time career; the studio moved to Oakland Street in 1989; and

WHEREAS, the first album produced by the Arlington-based Dischord Records, "Minor Disturbance" by Teen Idles, was recorded at Inner Ear Studio, and Don Zientara has organized recording sessions for the Washington, D.C., metropolitan area's leading punk rock bands, including Bad Brains, Minor Threat, Fugazi, and Rites of Spring; and

WHEREAS, Don Zientara previously worked with Springfield native Dave Grohl, a former member of Nirvana and founder of the Foo Fighters, and in 2014, Inner Ear Studio was featured in the HBO documentary miniseries *Foo Fighters: Sonic Highways*; and

WHEREAS, with his calming presence, professionalism, and humility, Don Zientara created a casual, comfortable space for people to record music, and his strong commitment to the artistic aspects of recording helped Inner Ear Studio become known as one of the most creative studios on the East Coast; and

WHEREAS, Don Zientara closed Inner Ear Studio's Oakland Street studio in October 2021 with plans to reopen in new location to continue serving the local music community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Don Zientara for his decades of contributions to punk rock and independent recording artists in the Washington, D.C., metropolitan area; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Don Zientara as an expression of the General Assembly's admiration for his achievements and legacy of service to generations of local musicians.

HOUSE JOINT RESOLUTION NO. 361

Commending the Washington-Liberty High School International Baccalaureate diploma program.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, the Washington-Liberty High School International Baccalaureate diploma program, which has provided world-class curriculum and instruction to thousands of students from Arlington since its founding, celebrated its 25th anniversary in 2021; and

WHEREAS, Washington-Liberty High School was authorized by International Baccalaureate (IB) to administer its program in 1996, offering students an alternative to standard coursework that would enable them to study advanced subjects and develop greater intercultural understanding and respect; and

WHEREAS, students at Washington-Liberty High School opt to participate in the IB program in the 11th or 12th grade, either as IB diploma candidates or as IB course candidates; and

WHEREAS, Washington-Liberty High School is a school of more than 2,000 students from diverse backgrounds and currently more than half of its 11th and 12th graders are enrolled in the IB program; and

WHEREAS, the Washington-Liberty IB program excelled among its peers around the world in 2021, earning higher marks in the areas of diploma pass rate, average score pass rate, and average points by diploma candidates; and

WHEREAS, the Washington-Liberty IB program achieved an overall pass rate of 92.6 percent in 2021, the highest overall pass rate in its 25-year history, exemplifying the program's steadfast commitment to excellence; and

WHEREAS, Washington-Liberty IB educators have shown extraordinary perseverance and devotion to their work during the COVID-19 pandemic, adapting instructional methods as needed to ensure their students were learning and engaged, while students have equally stepped up to the challenge, performing superbly despite all the difficulties of this historic crisis; and

WHEREAS, the success of the Washington-Liberty IB program is the result of the hard work and dedication of its students, the tireless efforts of its educators and staff, and the culture of excellence at Washington-Liberty High School that the program has fostered for many years; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Washington-Liberty High School International Baccalaureate diploma program on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Washington-Liberty High School International Baccalaureate diploma program as an expression of the General Assembly's admiration for the program's accomplishments and contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 362

Commending Manoukian Brothers Oriental Rugs.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Manoukian Brothers Oriental Rugs, a family owned and operated business that is one of the oldest purveyors of fine, hand-woven carpets in the Washington, D.C., metropolitan area, celebrates its 100th anniversary in 2022; and

WHEREAS, fleeing the Ottoman Empire during the Armenian genocide, the Manoukian brothers settled in Washington, D.C., and initially entered into the grocery business; and

WHEREAS, in 1922, one of the brothers, Manouk, opened a rug shop on Washington Circle and ultimately his brothers, Noury, Moses, and Mishel, banded their own rug and antique shops together to establish Manoukian Brothers Oriental Rugs; and

WHEREAS, for the past 100 years, the Manoukian brothers have specialized in the sale and service of traditional hand-knotted rugs from Asia and the Middle East, developing relationships with some of the industry's leading wholesalers; and

WHEREAS, Manoukian Brothers Oriental Rugs has professionally served the home and office furnishing needs of innumerable customers while providing rugs and service to some of the most notable institutions in the area, including the

United States Capitol, the United States Supreme Court, the National Archives and Records Administration, the National Cathedral, Blair House, and the Smithsonian Institution; and

WHEREAS, Paul Manoukian, son of the youngest Manoukian brother, Moses, took over Manoukian Brother Oriental Rugs after retiring from the Washington Metropolitan Area Transit Authority and ran the business with his wife, Dona, for 25 years; and

WHEREAS, Manoukian Brothers Oriental Rugs continues the family tradition of ownership and management by Paul's wife Dona and Mikael, their son, and the business is now located on Columbia Pike in Arlington where customers continue to enjoy the same quality of service they have experienced for the past century; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Manoukian Brothers Oriental Rugs on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Manoukian Brothers Oriental Rugs as an expression of the General Assembly's admiration for the business' contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 363

Commending the Arlington Babe Ruth 9YO Storm Black baseball team.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, the Arlington Babe Ruth 9YO Storm Black baseball team made history as the program's first-ever Cal Ripken World Series team; and

WHEREAS, the Cal Ripken Division of Babe Ruth Baseball is a nonprofit organization serving more than one million young people between the ages of four and 12 that works with local organizations to create unique programs tailored to the community; and

WHEREAS, Arlington Babe Ruth coordinates with the Arlington County Department of Parks and Recreation to create athletics programs that promote camaraderie, good sportsmanship, and enjoyment of the game; and

WHEREAS, the Arlington Babe Ruth 9YO Storm Black baseball team won district, state, and regional championships and represented the Commonwealth at the Cal Ripken World Series in Treasure Coast, Florida, finishing the tournament as runners-up; and

WHEREAS, the Arlington Babe Ruth 9YO Storm Black baseball team is the most successful team in the Arlington Babe Ruth's 36-year history; and

WHEREAS, each member of the Arlington Babe Ruth 9YO Storm Black baseball team—John Anderson, William Bruce, Nathan Donahue, Michael Groharing, Theodore Henson, Cole Howard, Henry Juza, Samuel Lillis, Cole Nindorf, Samuel Pyser, Miles Quinn, Nathaniel Sadosky, and Gavin Vaughn—contributed to the exceptional season; and

WHEREAS, the Arlington Babe Ruth 9YO Storm Black baseball team benefited from the outstanding leadership of Jeff Groharing, Matt Bruce, Evan Howard, Manny Quinn, and Jen Sadosky, as well as the support of friends and family members; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Arlington Babe Ruth 9YO Storm Black baseball team on advancing to the Cal Ripken World Series; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Arlington Babe Ruth 9YO Storm Black baseball team as an expression of the General Assembly's admiration for the team's achievements.

HOUSE JOINT RESOLUTION NO. 364

Commending Maria Durgan.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, for six years, Maria Durgan served and advocated for the Penrose community as president of the Penrose Neighborhood Association; and

WHEREAS, Maria Durgan, known better by her childhood nickname "Pete," grew up in Arlington and has a proud, mixed heritage with ancestors from Mexico, Italy, and the British Isles, some of whom can be traced to the settlements at Jamestown and Yorktown; and

WHEREAS, after attending school in Richmond, Pete Durgan worked in health care, first for what is now the Virginia Commonwealth University School of Medicine, then the George Washington University Hospital, and finally MMG in Rockville, Maryland; and

WHEREAS, Pete Durgan returned to Arlington, witnessing firsthand the significant demographic changes that had taken place in the region, and became active in the community through the Penrose Neighborhood Association; and

WHEREAS, as president of the Penrose Neighborhood Association, Pete Durgan monitored local government actions and strove to keep members informed on relevant issues, and she has overseen the construction of a bike path and has worked to establish a new location for the community's career center, among other projects; and

WHEREAS, outside of her career and community service, Pete Durgan is a talented musician, who was inspired by her father and grandfather to become a bass player, and she is a member of two local bands, the Curbfeelers and NovaZanz; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Maria Durgan for her service as president of the Penrose Neighborhood Association; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Maria Durgan as an expression of the General Assembly's admiration for her personal and professional achievements.

HOUSE JOINT RESOLUTION NO. 365

Commending Susan Thompson-Gaines.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Susan Thompson-Gaines, an active and involved member of the Penrose neighborhood along the Columbia Pike corridor in Arlington, has greatly served her community by demonstrating and promoting various acts of kindness; and

WHEREAS, Susan Thompson-Gaines began her "Kindness Activist" blog to highlight acts of compassion and generosity in the neighborhood and to inspire people to look for ways to brighten the lives of others; and

WHEREAS, Susan Thompson-Gaines subsequently initiated her "Kindness Yard Sale" events, a recurring fundraiser in which people give what they wish to pay for items while the funds are used to pay for Christmas gifts, winter coats, medical bills, rent, and more for individuals and families in need; and

WHEREAS, to ensure that none of her neighbors would go hungry, Susan Thompson-Gaines established a free pantry, which she keeps stocked daily with food and other staples; and

WHEREAS, in an extraordinary display of love and hospitality, Susan Thompson-Gaines recently hosted a family of refugees from Afghanistan and assisted them with their transition into a new home; and

WHEREAS, Susan Thompson-Gaines' outsized impact on the community has multiplied through the countless people she has motivated to engage in acts of kindness for the benefit of others; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Susan Thompson-Gaines for her continued efforts to cultivate kindness in the Arlington community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Susan Thompson-Gaines as an expression of the General Assembly's admiration for her mission and many contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 366

Commending Glenn DuBois, Ph.D.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Glenn DuBois, Ph.D., esteemed chancellor of the Virginia Community College System who has greatly supported the dreams and aspirations of thousands of young people throughout his distinguished career, will retire on June 30, 2022; and

WHEREAS, Glenn DuBois learned first-hand as a student that community colleges help people earn the right skills and knowledge so that lives and communities are strengthened, and he dedicated his entire professional career to advancing that mission, becoming the longest-serving chancellor in the history of the Virginia Community College System (VCCS) after assuming the role on July 1, 2001; and

WHEREAS, throughout Glenn DuBois' tenure, more than half a million Virginians have earned an associate degree, certificate, or postsecondary credential at a Virginia community college, while the number of African American students who have graduated annually from the Commonwealth's community colleges has doubled, the number of Asian graduates has tripled, and the number of Latino graduates has increased by a factor of eight; and

WHEREAS, under Glenn DuBois' leadership, no fewer than 250,000 students have transferred from a Virginia community college to a public or private university in the Commonwealth, with more than two-thirds of them completing a baccalaureate degree; and

WHEREAS, many of those successful college transfers were made possible through two significant innovations created during the tenure of Glenn DuBois, the guaranteed articulation agreements created and held with more than three dozen senior universities and the Commonwealth's Two-Year College Transfer Grant Program; and

WHEREAS, Glenn DuBois, mindful of the financial challenges his own community college pursuit posed to his family, championed affordability throughout his tenure, maintaining a community college tuition and fees rate at one-third of the comparable charges at senior public institutions, and managed to avoid tuition increases no fewer than four times in his tenure; and

WHEREAS, Glenn DuBois worked with the General Assembly and seven different gubernatorial administrations to make Virginia's community colleges the Commonwealth's leading provider of workforce development services through innovations like the New Virginia Economy Workforce Credential Grant Program (FastForward) and the G3 initiative; and

WHEREAS, Glenn DuBois' tenure as chancellor involved unprecedented innovations and efficiency-focused changes such as career coaches and the Virginia Education Wizard to facilitate career and college planning for middle and high school students, the Great Expectations program to serve students who have experienced foster care, an updated evaluation system co-created with faculty leaders focused on instructor development and growth, and a VCCS Shared Services Center to modernize business operations and enhance procedural compliance; and

WHEREAS, Glenn DuBois is a founding member of Rebuilding America's Middle Class, a coalition of state and individual community college systems from across the country whose advocacy is informed by the belief that community colleges are one of America's primary solutions to building a strong, more competitive workforce and therefore, a strong middle class; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Glenn DuBois, Ph.D., for his many accomplishments and well-earned honors on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Glenn DuBois, Ph.D., as an expression of the General Assembly's congratulations and best wishes.

HOUSE JOINT RESOLUTION NO. 367

Commending Ryan Zimmerman.

Agreed to by the House of Delegates, March 7, 2022

Agreed to by the Senate, March 8, 2022

WHEREAS, Ryan Zimmerman, an outstanding ambassador for the Commonwealth and a champion for people with multiple sclerosis, announced his retirement from Major League Baseball in 2022; and

WHEREAS, Ryan Zimmerman played baseball as a youth for the Tidewater Drillers, and he attended Floyd E. Kellam High School in Virginia Beach, where he played shortstop on the school's baseball team; and

WHEREAS, Ryan Zimmerman attended the University of Virginia (UVA) and played at third base for the UVA Cavaliers; and

WHEREAS, Ryan Zimmerman started in each of the 174 games he played for the UVA Cavaliers; and

WHEREAS, Ryan Zimmerman started as a third baseman for the United States National Team in 2004 and won a gold medal at the International University Sports Federation World University Baseball Championship; and

WHEREAS, Ryan Zimmerman was awarded the 2004 Richard W. "Dick" Case Player of the Year Award by USA Baseball; and

WHEREAS, Ryan Zimmerman was drafted as the first pick for the Washington Nationals and the fourth overall pick in the 2005 Major League Baseball Draft; and

WHEREAS, Ryan Zimmerman played at third base or first base with the Washington Nationals for his entire major league baseball career, a total of 16 seasons; and

WHEREAS, Ryan Zimmerman played 1,799 games for the Washington Nationals with a record 284 home runs, 963 runs, and 1,846 hits, along with a .277 career batting average; and

WHEREAS, Ryan Zimmerman helped lead the Washington Nationals to a victory in the 2019 World Series by hitting the first World Series home run in Washington Nationals franchise history; and

WHEREAS, among many awards and accolades over the course of his career, Ryan Zimmerman received the Rawlings National League Gold Glove award in 2009, the National League Silver Slugger Award in 2009 and 2010, and the distinguished Lou Gehrig Award in 2011; and

WHEREAS, Ryan Zimmerman was selected for the National League All Star team in 2009 and again in 2017; and

WHEREAS, on February 15, 2022, Ryan Zimmerman announced his retirement from Major League Baseball; and

WHEREAS, as founder and president of the ziMS Foundation, Ryan Zimmerman has raised over \$3.5 million for multiple sclerosis research and advanced the foundation's mission of "bringing home a cure"; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Ryan Zimmerman for his 16-season Major League Baseball career, representing Virginia on the Washington Nationals, and for his extensive work with the ziMS Foundation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ryan Zimmerman as an expression of the General Assembly's congratulations on his outstanding baseball career and representation of Virginia, and best wishes for continued success in his future endeavors.

HOUSE JOINT RESOLUTION NO. 368

Commending Habitat for Humanity Peninsula and Greater Williamsburg.

Agreed to by the House of Delegates, March 9, 2022

Agreed to by the Senate, March 11, 2022

WHEREAS, Habitat for Humanity Peninsula and Greater Williamsburg, which has served the communities of Hampton, Newport News, Poquoson, Williamsburg, Charles City County, James City County, New Kent County, and York County since 1985, built the first 3-D printed "Habitat house" in the United States in 2021; and

WHEREAS, Habitat for Humanity Peninsula and Greater Williamsburg serves Virginia families with low to moderate incomes in need of affordable housing and has been instrumental in bringing people together to build homes, communities, and hope; and

WHEREAS, Habitat for Humanity Peninsula and Greater Williamsburg completed construction of the first 3-D printed "Habitat house" in the United States, a home located in the Forest Heights subdivision of James City County; and

WHEREAS, Habitat for Humanity Peninsula and Greater Williamsburg followed sustainable practices in building the 3-D printed "Habitat house" and achieved certification from EarthCraft; and

WHEREAS, Habitat for Humanity Peninsula and Greater Williamsburg dedicated the 3-D printed "Habitat house" to a family on December 21, 2021; and

WHEREAS, Habitat for Humanity Peninsula and Greater Williamsburg constructed 211 homes for families in Hampton, Newport News, James City County, and Yorktown since 1987, with seven more expected to be completed in 2022; and

WHEREAS, Habitat for Humanity Peninsula and Greater Williamsburg served 264 adults and 411 children for a total of 675 individuals through 2022; and

WHEREAS, Habitat for Humanity Peninsula and Greater Williamsburg completed 357 home repairs for families since 2010, with 25 more anticipated in 2022; and

WHEREAS, Habitat for Humanity Peninsula and Greater Williamsburg has received the support of 6,038 volunteers who completed 48,255 service hours in building homes for the community since 2010; and

WHEREAS, Habitat for Humanity Peninsula and Greater Williamsburg is an affiliate of Habitat for Humanity International, a nonprofit organization that helps families build strength, stability, and self-reliance through home ownership; and

WHEREAS, a trusted and valuable community asset, Habitat for Humanity Peninsula and Greater Williamsburg advocates to change policies and systems to eliminate barriers and enable families to achieve adequate, affordable housing; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Habitat for Humanity Peninsula and Greater Williamsburg for the completion of the first 3-D printed "Habitat house" in the nation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Janet V. Green, chief executive officer of Habitat for Humanity Peninsula and Greater Williamsburg, as an expression of the General Assembly's deep appreciation for the organization's exemplary service to the community and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 369

Commending Hampton Roads Urban Agriculture.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, the nonprofit organization Hampton Roads Urban Agriculture strives to empower the members of food insecure communities by providing accessible, equitable, and affordable healthy food; and

WHEREAS, Hampton Roads Urban Agriculture was established by Mallenia Renee Foster, a United States Navy veteran, information technology professional, and avid gardener who attended the Sustainable Urban Agriculture Certificate Program at Virginia State University in pursuit of a creative way to enhance the quality of life in her community; and

WHEREAS, with years of experience in project management, recruiting, and motivating volunteers, Mallenia Foster has led countless volunteers, many of whom are fellow veterans, to address a wide variety of challenges in underserved communities throughout Hampton Roads, and Hampton Roads Urban Agriculture is just one of her many successes; and

WHEREAS, in 2020, Hampton Roads Urban Agriculture grew more than 2,200 pounds of produce on a small lot in Newport News; the following year, the organization produced another bountiful harvest, including 835 pounds of sweet potatoes, and opened an onsite farmers' market that accepts Supplemental Nutrition Assistance Program (SNAP) and Electronic Benefits Transfer (EBT) payments; and

WHEREAS, in addition to its urban gardening plots, Hampton Roads Urban Agriculture seeks to develop a sustainable community food system through educational programming, including information on healthy eating and lifestyle choices; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Hampton Roads Urban Agriculture for its work to create self-sufficient, resilient communities by addressing hunger through the creation of urban gardens; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mallenia Renee Foster, founder and president of Hampton Roads Urban Agriculture, as an expression of the General Assembly's admiration for the organization's achievements.

HOUSE JOINT RESOLUTION NO. 370

Commending the Delta Omega Chapter of Alpha Kappa Alpha Sorority, Inc.

Agreed to by the House of Delegates, March 9, 2022

Agreed to by the Senate, March 11, 2022

WHEREAS, the Delta Omega Chapter of Alpha Kappa Alpha Sorority, Inc., a prominent and respected organization serving the communities of Virginia State University and the Greater Petersburg area, celebrated its 100th anniversary in 2021; and

WHEREAS, Alpha Kappa Alpha was established on January 15, 1908, on the campus of Howard University, becoming the first African American sorority in the United States; and

WHEREAS, the Delta Omega Chapter of Alpha Kappa Alpha was chartered on February 26, 1921, on the campus of what was then the Virginia Normal and Industrial Institute, now Virginia State University; and

WHEREAS, the Delta Omega Chapter of Alpha Kappa Alpha is the oldest chapter in the organization's Mid-Atlantic Region, which includes the Commonwealth and North Carolina, and the first graduate chapter chartered on the East Coast; and

WHEREAS, charter member and first president of the Delta Omega Chapter of Alpha Kappa Alpha, Pauline Sims Puryear, became the fourth president of the sorority's national organization in 1925, setting an example of excellence for subsequent generations; and

WHEREAS, over the past 100 years, members of the Delta Omega Chapter of Alpha Kappa Alpha have become leaders in all sectors of society, including education, the arts, business, the military, health care, the law, and government; and

WHEREAS, guided by Alpha Kappa Alpha's founding principles of sisterhood, scholarship, and service to all mankind, members of the Delta Omega Chapter have excelled in all aspects of community life and service; and

WHEREAS, the Delta Omega Chapter of Alpha Kappa Alpha's local, regional, and international programs and initiatives include partnerships with Yeshua's House, a shelter in Petersburg for women and children; Central State Hospital; Soles4Souls; Lions Clubs International; the American Heart Association; and the Refugees in America Assistance Program; and

WHEREAS, the Delta Omega Chapter of Alpha Kappa Alpha incorporated the Ivy Community Foundation on May 7, 2001, to serve as its Building Property and Investment Committee and to conduct the organization's business and fundraising efforts; and

WHEREAS, the Delta Omega Chapter of Alpha Kappa Alpha supports various endeavors in the community to foster economic security, youth leadership, and health and personal fitness and to end homelessness and hunger; and

WHEREAS, as a testament to the accomplishments of the Delta Omega Chapter of Alpha Kappa Alpha, many buildings at Virginia State University bear the names of its members, including the Lindsay-Montague Building, Branch Hall, Whiting Hall, Howard Hall, the Anderson Turner Auditorium, Louise Barrett Hall, the Colson Auditorium, Harris Hall, and the Elizabeth Anderson Cooper Library; and

WHEREAS, the Delta Omega Chapter of Alpha Kappa Alpha celebrated its centennial in 2021 with a series of commemorative events, culminating in the installation of a historic highway marker by the Virginia Department of Historic Resources along River Road in Ettrick-Matoaca; and

WHEREAS, in carrying out its mission to provide care and support to the global community, the Delta Omega Chapter of Alpha Kappa Alpha has helped to make the Greater Petersburg area a wonderful place to live, work, and play; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Delta Omega Chapter of Alpha Kappa Alpha Sorority, Inc., on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Delta Omega Chapter of Alpha Kappa Alpha Sorority, Inc., as an expression of the General Assembly's admiration for the organization's history, mission, and many contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 371

Commending Healthy Families Newport News.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Healthy Families Newport News, an initiative administered by the Newport News Department of Human Services to proactively address factors contributing to child neglect and abuse, commemorates its 25th anniversary in 2022; and

WHEREAS, the origins of Healthy Families Newport News (HFNN) date to 1996, when the Newport News City Council created a work group to implement a chapter of Health Families America in Newport News; and

WHEREAS, initially known as the Newport News Healthy Families Initiative, HFNN began providing voluntary, intensive, evidence-based home visiting services to first-time parents in 1997; and

WHEREAS, the Newport News Department of Human Services has been responsible for the implementation of HFNN for the past 25 years, ensuring the initiative's accreditation by the national Healthy Families America organization while achieving its program goals; and

WHEREAS, the HFNN model has been effective in reducing the incidence of child abuse and neglect while improving maternal and child health and fostering better parenting practices; and

WHEREAS, after a systematic risk assessment and evaluation, HFNN extends its home visit services to families, connecting with them either prenatally or within the first two weeks after birth and following up weekly for at least six months; and

WHEREAS, HFNN assists families during its home visits by providing educational resources and curriculum, modeling supportive parent-child interactions, helping families conduct home safety assessments, screening parents' health and wellness, connecting families to community services, and more; and

WHEREAS, in the past 25 years, HFNN has provided its services to more than 1,800 families, yielding positive outcomes that will reverberate in the community for generations to come; and

WHEREAS, the accomplishments of HFNN are the result of the hard work and dedication of its staff and the unwavering support of the members of its advisory board; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Healthy Families Newport News on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Healthy Families Newport News as an expression of the General Assembly's admiration for the organization's contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 372

Commending Heritage High School.

Agreed to by the House of Delegates, March 9, 2022

Agreed to by the Senate, March 11, 2022

WHEREAS, Heritage High School of Newport News Public Schools, an institution that has cultivated the intellect and imagination of thousands of young minds while supporting families and the community it serves, celebrated its 25th anniversary in 2021; and

WHEREAS, established in August 1996, Heritage High School has for the past 25 years fulfilled its mission to educate all students in a safe and orderly environment where parents, students, and staff can work together to prepare young people for success and fulfillment in whatever life path they may choose; and

WHEREAS, as a Governor's Science, Technology, Engineering, and Mathematics Academy since 2012, Heritage High School encourages its students to explore subjects that interest them and to reach their full potential; and

WHEREAS, through its dual enrollment program with Thomas Nelson Community College and its Community Captains Program with Christopher Newport University, students at Heritage High School have the opportunity to earn college credits while still in high school, facilitating their subsequent educational pursuits after graduation; and

WHEREAS, Heritage High School offers students first-rate career and technical education programs to prepare them for a variety of careers, garnering the school Virginia Department of Education Creating Excellence Program Awards at both the regional and state level; and

WHEREAS, the chorus and marching band at Heritage High School has proudly represented the school at several high-profile events, including visits to the White House in 1998, 2004, 2005, and 2014 and a Washington Wizards game in 2019; and

WHEREAS, the Navy Junior Reserve Officers Training Corps at Heritage High School has won several unit awards over the past 25 years, reflecting the school's commitment to honor and integrity; and

WHEREAS, Heritage High School motivates its students to aspire to greatness, offering them the chance to be a part of prestigious academic programs such as the National Honor Society, the National Technical Honor Society, and more; and

WHEREAS, home to the Heritage Hurricanes, Heritage High School has seen many of its sports teams and athletes bring home state championship titles over the years, including in track and field, football, and basketball; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Heritage High School on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Heritage High School as an expression of the General Assembly's admiration for the many accomplishments of the school and its students over the past 25 years.

HOUSE JOINT RESOLUTION NO. 373

Celebrating the life of Hattie Ann Thomas Lucas.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Hattie Ann Thomas Lucas, an esteemed educator and beloved member of the Newport News community, died on August 23, 2021; and

WHEREAS, affectionately known by family and friends as "Cousin Hattie," Hattie Thomas Lucas was born and raised in Newport News, graduating as valedictorian of the Collis P. Huntington High School Class of 1942; and

WHEREAS, Hattie Thomas Lucas accepted a four-year scholarship to attend the Hampton Institute, now Hampton University, where she graduated magna cum laude with a degree in home economics at the age of 19; later, she earned a master's degree in fiber science and apparel design from Cornell University; and

WHEREAS, Hattie Thomas Lucas returned to Huntington High School in 1946 and embarked upon an accomplished career as an educator; over her four decades with the school, she would serve in various leadership positions while helping countless young people fulfill their potential and succeed; and

WHEREAS, to commemorate the history of Huntington High School, the first high school for African American students in Newport News, Hattie Thomas Lucas authored *Huntington High School, Symbol of Community Hope and Unity*, a pictorial history of the school published in 1999; and

WHEREAS, Hattie Thomas Lucas was an active and engaged member of her community who supported innumerable charities and organizations in her lifetime, earning a plethora of recognitions, certificates, and awards for her efforts; and

WHEREAS, guided throughout her life by her faith, Hattie Thomas Lucas enjoyed worship and fellowship with her community at St. Augustine's Episcopal Church in Newport News for many years, serving with the church's vestry, altar guild, church bazaar committee, and lay ministry and in various other leadership capacities; and

WHEREAS, preceded in death by her loving husband of more than 59 years, Andrew, and two daughters, Hattie Thomas Lucas will be fondly remembered and dearly missed by her special cousin, Sabrina Hardy-Newby, and her family and by numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Hattie Ann Thomas Lucas, a revered educator whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Hattie Ann Thomas Lucas as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 374

Celebrating the life of the Reverend Woodrow M. Brown, Jr.

Agreed to by the House of Delegates, March 9, 2022

Agreed to by the Senate, March 11, 2022

WHEREAS, the Reverend Woodrow M. Brown, Jr., a highly respected religious leader and trailblazing public servant, died on December 2, 2021; and

WHEREAS, the Reverend Woodrow "Woody" M. Brown, Jr., was born in Lynchburg and moved with his family to Newport News, where he graduated from Huntington High School; and

WHEREAS, Woody Brown continued his education at the Hampton Institute and the Virginia Theological Seminary, and he served his country as a member of the United States Army, earning a Purple Heart during his deployment to Vietnam; and

WHEREAS, after his honorable military service, Woody Brown answered the call to the ministry and served as assistant pastor of First Baptist Church East End in Newport News under the leadership of his father, the Reverend Woodrow M. Brown, Sr.; and

WHEREAS, desirous to be of further service to the community, Woody Brown ran for the Newport News City Council and became the first African American man elected to the council in 1984; he earned admiration as an approachable and compassionate leader who worked diligently to support his constituents; and

WHEREAS, Woody Brown became senior pastor of First Baptist Church East End from 1985 to 2000 and helped the congregation grow in faith and better serve the community; he established The Family Life Center, founded The Way, Inc., and represented the region as a member of American Baptist Churches USA; and

WHEREAS, Woody Brown will be fondly remembered and greatly missed by his wife, Elaine; his sons, Woodrow and Robert, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Reverend Woodrow M. Brown, Jr., a religious leader and former member of the Newport News City Council; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Reverend Woodrow M. Brown, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 375

Celebrating the life of Ross M. Hines.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Ross M. Hines, an esteemed educator and public servant and a beloved member of the Gloucester County and Newport News communities; died on August 4, 2020; and

WHEREAS, after graduation from Mary Potter-Redstone-Albion Academy in Oxford, North Carolina, Ross Hines received a full football athletic scholarship to North Carolina Central University, where he was captain of the football team and inducted into the school's Athletic Hall of Fame; and

WHEREAS, Ross Hines earned a bachelor's degree from North Carolina Central University in 1956 and then a master's degree from Michigan State University in 1959; and

WHEREAS, Ross Hines joined Newport News Public Schools as an educator and coach, preparing many young people for bright and successful futures as supervisor of a marketing education program at Huntington High School; and

WHEREAS, Ross Hines demonstrated an ability to lead and inspire others, resulting in promotions to elementary school principal in 1966, then high school principal in 1969, and ultimately to assistant superintendent in 1975, when he became the first African American assistant superintendent in the school division's history; and

WHEREAS, Ross Hines moved to Gloucester in retirement and later served the community as a member of the Gloucester County Board of Supervisors, becoming the first African American to hold the position of chairman in the locality's history in 1998; and

WHEREAS, Ross Hines was an active and engaged member of the community who gave generously of his time to many local civic organizations and commissions, including the Boys Club of Hampton Roads, the Middle Peninsula Planning District Commission, and more; and

WHEREAS, Ross Hines was co-founder of the Virginia Peninsula Chapter of 100 Black Men of America, Inc., helping area youth pursue successful and fulfilling lives through various programs and services; The Ross M. Hines Memorial Scholarship Fund was established by the family with the Virginia Peninsula Chapter of 100 Black Men of America, Inc., in August 2020; and

WHEREAS, Ross Hines supported myriad youth programs through his involvement with Kappa Alpha Psi, Inc., which he served as local chapter president and as regional senior vice president; and

WHEREAS, guided throughout his life by his faith, Ross Hines enjoyed worship and fellowship with his community as a longtime and devoted member of the First United Baptist Church in Gloucester; and

WHEREAS, Ross Hines is fondly remembered and dearly missed by his loving wife, Clara; his children, Stephen, Shevawn, Zachary, and Rosilyn; his nine grandchildren and 10 great grandchildren; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Ross M. Hines, a trailblazer and cherished member of the Gloucester County and Newport News communities whose dedication to serving others impacted countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ross M. Hines as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 376

Celebrating the life of William Alexander Franklin, Jr., M.D.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, William Alexander Franklin, Jr., M.D., an esteemed physician and beloved member of the Hampton Roads community, died on February 27, 2021; and

WHEREAS, a native of West Point, William "Butch" Alexander Franklin, Jr., M.D., graduated from the former George Washington Carver High School in Newport News and attended Michigan State University on a football scholarship before transferring to the former Hampton Institute and earning bachelor's degrees in chemistry and math in 1967; and

WHEREAS, Butch Franklin subsequently earned a degree in mortuary science in 1968 and a doctor of medicine degree from Meharry Medical College in 1972, following in his father's and grandfather's footsteps by pursuing a career in medicine; and

WHEREAS, after interning and serving as chief resident with Eastern Virginia Medical School, Butch Franklin opened his own internal medicine private practice with his friend and colleague, Dr. Melvin Green in 1975, where he attended to the health and well-being of residents of Hampton and Newport News for the next two decades; and

WHEREAS, in addition to his private practice, Butch Franklin was on the staff of the former Hampton General Hospital for 35 years, serving for a time as chief of staff and endearing himself to many through his concerned and compassionate approach to caring for his patients; and

WHEREAS, Butch Franklin's dedication to his community was reflected in his willingness to treat patients pro bono or for whatever goods or services they could provide, allowing many to access care who would not be able to otherwise; and

WHEREAS, Butch Franklin later opened a separate practice in Hampton, where he finished out the remainder of his illustrious 45-year career in medicine, keeping his patients healthy well into the twilight years of their lives; and

WHEREAS, Butch Franklin was an accomplished athlete throughout his life who played basketball, football, and baseball in high school and college, was drafted by the Detroit Lions of the National Football League before opting to pursue a career as a medical doctor, and was a Peninsula Golf Association club champion in golf in his later years; and

WHEREAS, preceded in death by his first wife, Patsy, Butch Franklin will be fondly remembered and dearly missed by his loving wife, Adrienne; his children, Barrett, Brian, Beau, and Brandon, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of William Alexander Franklin, Jr., M.D., a cherished member of the Hampton Roads community whose tireless efforts as a physician touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of William Alexander Franklin, Jr., M.D., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 377

Celebrating the life of John Stephen Karinshak.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, John Stephen Karinshak, a highly admired member of the Arlington community, died on February 2, 2022; and

WHEREAS, a native of Uniontown, Pennsylvania, John Karinshak moved to the Washington, D.C., area after graduating from Fairchance-Georges High School; and

WHEREAS, John Karinshak began a long and distinguished career in law enforcement as a member of the Federal Bureau of Investigation, then joined the Arlington Police Department in 1966; and

WHEREAS, over the course of his 33-year career, John Karinshak served as a detective and became the captain of the Arlington Police Department's Narcotics Unit; he earned a bachelor's degree from American University during that period; and

WHEREAS, during his time as a police officer, John Karinshak encountered many young people in need of mentorship and positive influences, and he strove to make a difference in the community by volunteering with youth organizations and serving as a coach for youth athletics teams; and

WHEREAS, John Karinshak offered his leadership to the Arlington Host Lions, Eyeglass Recycling Center of Northern Virginia, Better Sports Club of Arlington, Arlington Sports Hall of Fame, and Arlington County Babe Ruth Baseball; he was active with the local Optimist Club and enjoyed working at the club's annual Christmas Tree Lot; and

WHEREAS, John Karinshak enjoyed fellowship and worship with the community as a devout member of St. Ann Catholic Church, where he served as an usher for many years; and

WHEREAS, John Karinshak will be fondly remembered and greatly missed by his wife of 52 years, Judith; his son, George, and his family; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of John Stephen Karinshak; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of John Stephen Karinshak as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 378

Commending John Wayne Hite.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, John Wayne Hite has served as a youth athletics official for Virginia High School League, private school, and local sports association matches for six decades; and

WHEREAS, John "Slim" Wayne Hite joined the Virginia High School League in 1962 and has officiated football, baseball, softball, volleyball, and basketball games over the course of his distinguished career; and

WHEREAS, Slim Hite served as commissioner of boys' and girls' basketball for the Valley Basketball Officials Association from 1978 to 1980, the commissioner of baseball for the Valley Officials Association from 1984 to 2002, and the commissioner of softball for the Valley Officials Association from 1984 to 2013; and

WHEREAS, since 2013, Slim Hite has been an active member of the Shenandoah Basketball Officials Association; and

WHEREAS, Slim Hite served as athletics director of the Virginia School for the Deaf and Blind and organized the Mason-Dixon Girls Volleyball Tournament when it was held at the school; and

WHEREAS, well known and highly admired for his incomparable work ethic, Slim Hite often officiated multiple games at different schools in the same day and was a reliable substitute when other officials were unavailable; and

WHEREAS, Slim Hite set an excellent example for young people in the community through his selfless dedication and exceptional commitment to service; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend John Wayne Hite for his achievements as a youth athletics official; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John Wayne Hite as an expression of the General Assembly's admiration for his legacy of contributions to young people in the Shenandoah Valley.

HOUSE JOINT RESOLUTION NO. 379

Commemorating the life and legacy of Norvel LaFayette Ray Lee.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Norvel LaFayette Ray Lee was a native of Botetourt County who made history both as an Olympic boxer and as a civil rights activist in the 1940s and 1950s; and

WHEREAS, born in Eagle Rock in 1924, Norvel Lee graduated from the Academy Hill School in Fincastle before enlisting with the United States Army Air Forces during World War II; and

WHEREAS, after undergoing flight training at the Tuskegee Army Air Field, Norvel Lee served his country with great courage and valor in the Pacific Theater in the later years of World War II; he then remained a member of the Air Force Reserve Command until the 1980s, retiring as a lieutenant colonel; and

WHEREAS, after World War II, Norvel Lee attended Howard University, acquiring a degree in engineering, and later the former Federal City College, where he earned a master's degree in adult education; and

WHEREAS, while a student at Howard University, Norvel Lee took up the sport of boxing; although he had no previous experience, he quickly excelled and was given a spot on the United States alternate boxing team for the 1948 Olympics; and

WHEREAS, Norvel Lee then won national Golden Gloves titles in 1950, 1951 and 1952, and was a member of the United States team at the 1951 Pan-American Games before winning the gold medal in the light-heavyweight class at the 1952 Olympics in Helsinki; and

WHEREAS, although originally slated as a heavyweight alternate, Norvel Lee lost 15 pounds in two weeks to compete in the light-heavyweight division, going on to become the first African American from the Commonwealth to win Olympic gold; and

WHEREAS, during his boxing career, Norvel Lee notably received the Val Barker Trophy, which is bestowed every four years to the best Olympic boxer across all weight classes, holding the distinction of being the first African American to receive this prestigious honor; and

WHEREAS, in addition to his accomplishments as a boxer, Norvel Lee achieved acclaim as a civil rights activist for his role in challenging the unjust laws and regulations of the Jim Crow era; and

WHEREAS, travelling home by train to Eagle Rock following the 1948 Olympics, Norvel Lee was arrested in Alleghany County for refusing to give up his seat in a whites-only section; he challenged the arrest, and his complaint was ultimately brought before the Supreme Court of Virginia, which ruled in his favor; and

WHEREAS, *Lee v. Commonwealth* was a landmark ruling that would inform the efforts of attorneys working to bring about the end of Jim Crow and its segregationist policies during the civil rights movement of the mid-20th century; and

WHEREAS, despite his success in the ring, Norvel Lee chose not to box professionally, opting instead to embark upon a noble career as an educator and counselor; serving with various prominent institutions over the years, including the former Federal City College, where he established the school's graduate program in the early 1970s; and

WHEREAS, an active and beloved member of the Washington, D.C., community who served many years as president of the National Child Day Care Association, the Diplomat Cab Association, and the Lamond-Riggs Citizens Association, Norvel Lee died on August 19, 1992; and

WHEREAS, preceded in death by his loving wife of 36 years, Leslie, Norvel Lee was survived at the time of his death by his daughters, Deborah and Denise, and their families and by numerous other family members and friends; and

WHEREAS, to honor his contributions to both the Commonwealth and the nation, a historical marker commemorating Norvel Lee's life was established by the Virginia Department of Historic Resources in Botetourt County near his childhood home, while the General Assembly recently named a nearby portion of United States 220 as the Norvel LaFayette Ray Lee Memorial Highway; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commemorate the life and legacy of Norvel LaFayette Ray Lee on the occasion of the establishment of the Norvel LaFayette Ray Lee Memorial Highway in Botetourt County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Norvel LaFayette Ray Lee as an expression of the General Assembly's admiration for his achievements as a boxer, civil rights activist, and educator.

HOUSE JOINT RESOLUTION NO. 380

Commending Goshen Baptist Church.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, for 150 years, Goshen Baptist Church has provided spiritual leadership, generous community outreach, and opportunities for joyful worship in the Baptist tradition to the residents of Spotsylvania; and

WHEREAS, Goshen Baptist Church was established on April 27, 1872, and was an offshoot of the former Piney Branch Baptist Church; the church took its name from the Land of Goshen, a region of Egypt mentioned in the Bible; and

WHEREAS, led by the Reverend Melzi Chancellor, Goshen Baptist Church held its first services in local homes and later at a blacksmith shop near the church's current location; and

WHEREAS, using materials generously provided by members of the congregation, Goshen Baptist Church erected its first church building on land donated by Parmenis and Ann E. Pritchett in 1875; and

WHEREAS, in 1915, Goshen Baptist Church built a second structure on the site of the current sanctuary, and over the following years, the church added a cemetery and a parsonage and completed many other enhancements and renovations; and

WHEREAS, Goshen Baptist Church hired its first full-time pastor, the Reverend K. Alvin Pitt in 1951 and the church joined the Fredericksburg Baptist Association in 1957; and

WHEREAS, in October 1990, Goshen Baptist Church completed a fellowship hall equipped with a kitchen and nursery rooms to better serve the congregation; and

WHEREAS, over the course of its history, Goshen Baptist Church has grown from 30 members to more than 100 and currently offers weekly services, along with youth groups, a Bible study group, and other ministries to help the congregation grow in faith and support the community; and

WHEREAS, Goshen Baptist Church will commemorate its 150th anniversary with a concert featuring the bluegrass band Chosen Road on April 23, 2022, and a special Sunday morning service the following day; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Goshen Baptist Church on the occasion of its 150th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Adam Blosser, senior pastor of Goshen Baptist Church, as an expression of the General Assembly's admiration for the church's storied history and legacy of contributions to the community.

HOUSE JOINT RESOLUTION NO. 381

Celebrating the life of Ayanna F. McKenzie.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Ayanna F. McKenzie, a beloved daughter and sister in Midlothian, died on August 29, 2021; and
WHEREAS, Ayanna McKenzie was an active and vibrant member of the Midlothian community who made many contributions to local life; and

WHEREAS, Ayanna McKenzie inspired others through her kindness and generosity and put the needs and well-being of family and friends before her own; and

WHEREAS, Ayanna McKenzie will be fondly remembered and greatly missed by her mother, Raynele; her father, Derrick; her brothers, Malachi and Elijah; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Ayanna F. McKenzie; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ayanna F. McKenzie as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 382

Celebrating the life of Peter H. Bailey, Jr.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Peter H. Bailey, Jr., a beloved father and cherished resident of Richmond, died on August 27, 2021; and

WHEREAS, Peter Bailey was affectionately known as "P Jay" to family and friends and touched many lives through his personal and professional achievements; and

WHEREAS, Peter Bailey was an active and admired member of the Richmond community and made many contributions to local life; and

WHEREAS, Peter Bailey brought joy to others through his kindness and generosity and was a loving father to his children; and

WHEREAS, Peter Bailey will be fondly remembered and greatly missed by his children, Daija, Shayla, Braxton, and Princeton; his father, Peter; his mother, Valerie; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Peter H. Bailey, Jr., of Richmond; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Peter H. Bailey, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 383

Celebrating the life of Gayles Parker Moore.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Gayles Parker Moore, a beloved mother, grandmother, sister, and member of the Richmond community, died on November 16, 2021; and

WHEREAS, Gayles Moore loved unconditionally and lived life unapologetically, with a passion for her community that was evident in the many meaningful and lasting relationships she had with family, friends, neighbors, and those she served; and

WHEREAS, Gayles Moore will be fondly remembered and dearly missed by her son, Antuane; her mother, Ethel; her granddaughters, Breonna, Jakya, and Darlisha; her sisters, Holly, Elizabeth, Annette, Barbara, and Catherine; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Gayles Parker Moore, a cherished member of the Richmond community whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Gayles Parker Moore as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 384

Commending O. Renee Hughes.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, O. Renee Hughes, a health care professional and community leader, retired from the Danville School Board in 2021 after 18 years of exceptional service to young people in Danville; and

WHEREAS, a graduate of Danville Community College and what is now the Virginia Commonwealth University School of Medicine, Renee Hughes worked as a pharmacist at Sovah Health in Danville for more than three decades; and

WHEREAS, Renee Hughes is a past member of the Danville Mental Health Association board and the Community Health Coalition and currently serves on the Danville-Pittsylvania Cancer Association board; and

WHEREAS, Renee Hughes joined the Danville School Board in 2003 and earned the admiration of her colleagues for her commitment to the best interests of students, faculty, and staff members; and

WHEREAS, during her tenure on the Danville School Board, Renee Hughes attended numerous conferences to expand her knowledge on education issues and advocated for the Danville community and public education at the state level; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend O. Renee Hughes on the occasion of her retirement from the Danville School Board; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to O. Renee Hughes as an expression of the General Assembly's admiration for her achievements in service to the Danville community.

HOUSE JOINT RESOLUTION NO. 385

Celebrating the life of Connor Garstka.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Connor Garstka, a senior attorney with the Division of Legislative Services in the Finance and Government Section and a beloved son, brother, and friend, died on February 13, 2022; and

WHEREAS, a native of New Hampshire, Connor Garstka graduated magna cum laude from Boston College in 2011 and subsequently earned a law degree from The College of William & Mary, where he received the CALI Excellence for the Future Award for his academic achievements; and

WHEREAS, while a student at The William & Mary Law School, Connor Garstka interned with the Department of Environmental Quality, the Office of the Attorney General, the Chesapeake Bay Foundation, and the Environmental Protection Agency, gaining a wealth of knowledge on state and federal laws and regulations; and

WHEREAS, in 2015, Connor Garstka assisted the Department of Conservation and Recreation with the development of a Flood Protection Plan and Manual through the Virginia Coastal Policy Center; and

WHEREAS, Connor Garstka joined the Division of Legislative Services on October 25, 2016, and, as a member of the Finance and Government Section, he provided staff support to the House Appropriations, House Finance, and Senate Finance and Appropriations committees, building strong working relationships with members of the General Assembly; and

WHEREAS, admired for his attention to detail, legal acumen, and insightful drafting skills, Connor Garstka contributed to the research, preparation, and revision of hundreds of pieces of complex legislation during regular and special sessions of the General Assembly; and

WHEREAS, Connor Garstka's personal integrity, commitment to public service, and humble professionalism helped ensure the good and efficient functioning of state government and enabled the members of the General Assembly to better serve the Commonwealth; and

WHEREAS, a true Renaissance man, Connor Garstka was driven by intellectual curiosity and a pursuit of excellence; he was an avid reader, writer, and poet, as well as a talented musician who played with the band Carmen Ann and the Low Down Gamblers; and

WHEREAS, Connor Garstka was an elegant conversationalist who put others at ease through his genuine warmth, wit, and kindness; his friends and colleagues at the Division of Legislative Services are richer for having had the privilege to know him and work by his side; and

WHEREAS, Connor Garstka will be fondly remembered and greatly missed by his parents, Ellen and Alan; his brother, Colin; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Connor Garstka; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Connor Garstka as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 386

Celebrating the life of Daniel Winn Boatwright.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Daniel Winn Boatwright, who served the Henrico County community for more than three decades as a firefighter, died on February 24, 2022; and

WHEREAS, a native of Henrico County, Daniel "Danny" Winn Boatwright graduated from Douglas Freeman High School and pursued a life of service to the community; and

WHEREAS, Danny Boatwright joined the Henrico County Division of Fire and rose through the ranks to become battalion chief; he was one of the original members of the division's Hazardous Incident Team and played an important role in the planning and construction of Station 17 on River Road, serving as its first captain; and

WHEREAS, Danny Boatwright served on a committee that oversaw the publication of a history of the Henrico County Division of Fire, and he earned the Fire Chiefs Medal of Honor in 2000 for his outstanding contributions to the division and the residents of Henrico County; and

WHEREAS, Danny Boatwright served as an active member of the Henrico Professional Firefighters Association, serving as vice president and president, and after his well-earned retirement from the Henrico County Division of Fire, he offered his leadership to the Goochland Volunteer Fire Rescue Association Board of Directors; and

WHEREAS, Danny Boatwright relished every opportunity to spend time with his beloved family, and he was an accomplished traveler who had visited all 50 states; and

WHEREAS, Danny Boatwright will be fondly remembered and greatly missed by his wife of 54 years, Brenda; his children, Troy, John, and Danielle, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Daniel Winn Boatwright, a dedicated longtime firefighter in Henrico County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Daniel Winn Boatwright as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 387

Commending Encore Learning.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Encore Learning, Arlington County's premier organization offering educational and social opportunities to residents both in Arlington and throughout the region, will celebrate its 20th anniversary on September 12, 2022; and

WHEREAS, originally known as the Arlington Learning in Retirement Institute, Encore Learning was first established in the autumn of 2002 to meet the educational and social needs of seniors; and

WHEREAS, Encore Learning is a prime example of how to combat social isolation and encourage healthy, active, and engaged lives as promoted by Virginia's Office for Aging Services; and

WHEREAS, Encore Learning is a nonprofit, equal opportunity organization integrated into Arlington's community that strives to meet the continuing education and social needs of any interested persons over 50 years of age; and

WHEREAS, Encore Learning provides college-level, noncredit daytime courses, lectures, and special events for members, as well as lectures, panel discussions, and film screenings open to the public cosponsored by Arlington Public Library; and

WHEREAS, Encore Learning offers its members social opportunities in and outside of the classroom through its 10 clubs and by attendance at a variety of other occasions; and

WHEREAS, Encore Learning's instructors, board members, club participants, class aides, and committee members are all generous volunteers; and

WHEREAS, Encore Learning provides scholarships to graduating Arlington County high school students and to graduate students attending George Mason University and contributes funding to the Arlington County Public Schools Division of Career, Technical and Adult Education and to the Alliance for Arlington Senior Programs; and

WHEREAS, Encore Learning has planned a number of celebrations in 2022 to commemorate the organization's 20 years of achievements; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Encore Learning on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the president of Encore Learning as an expression of the General Assembly's best wishes for continued success.

HOUSE JOINT RESOLUTION NO. 388

Commending the Robinson Secondary School wrestling team.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, the Robinson Secondary School wrestling team of Fairfax County won the Virginia High School League Class 6 state championship on February 21, 2021, at the Virginia Beach Sports Center; and

WHEREAS, the Robinson Secondary School Rams tallied 141 points over the weekend's events, outpacing the runner-up Riverbend High School of Spotsylvania by 65 points to bring home the state title; and

WHEREAS, the Robinson Rams were led to victory by Tristan Corbin, Sammy Gerard, Joshua Pence, Liam Gordon, and Cooper Rudolph, who all earned individual Virginia High School League state championship titles in their weight classes; and

WHEREAS, the Robinson Rams trained under the slogan "Relentless Athletes Manufacturing Success," all season, putting in countless hours on the mat and in the weight room to prepare themselves to achieve their goals; and

WHEREAS, the success of the Robinson High School wrestling team is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of the entire Robinson Secondary School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Robinson Secondary School wrestling team for winning the 2021 Virginia High School League Class 6 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bryan Hazard, head coach of the Robinson Secondary School wrestling team, as an expression of the General Assembly's admiration for the team's achievement.

HOUSE JOINT RESOLUTION NO. 389

Commending Silver Hand Meadery.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, in 2021, Silver Hand Meadery in Williamsburg earned six Governor's Cup Gold Medal awards for its outstanding products; and

WHEREAS, established in 2015 by Glenn and Sherri Lavender, Silver Hand Meadery preserves the region's long history of mead making and highlights varietal honey flavors along with other indulgent ingredients, like fruit, herbs, and spices; and

WHEREAS, the Governor's Cup, one of the most stringent wine-tasting competitions in the United States, is hosted by the Virginia Wineries Association, the Virginia Wine Board, and the Virginia Vineyards Association to recognize outstanding local businesses like Silver Hand Meadery; and

WHEREAS, Silver Hand Meadery won Governor's Cup Gold Medals for six of its meads, Soak up the Sun, All Blues, Strawberry Swing, Raspberry Passion, Dream by the Fire, and Black Velvet; and

WHEREAS, Silver Hand Meadery was the first meadery to win to a Governor's Cup Gold Medal, and only one other winery won more total Gold Medals in the 2021 competition; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Silver Hand Meadery on winning six Gold Medal awards at the 2021 Governor's Cup; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Silver Hand Meadery as an expression of the General Assembly's admiration for its outstanding achievements.

HOUSE JOINT RESOLUTION NO. 390

Commending the Avalon Center.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, the Avalon Center, a nonprofit organization dedicated to ending domestic violence and abuse that has served the Greater Williamsburg and Middle Peninsula communities for many years, recently established its Next Step program for the benefit of individuals in need of transitional housing; and

WHEREAS, the Avalon Center attends to more than 1,500 men, women, and children annually who are survivors of domestic violence or abuse, offering shelter, education, and other tools to empower them to achieve independence and lead healthy, fulfilling lives; and

WHEREAS, the Avalon Center develops its programs and services with consideration for the fact that the circumstances surrounding domestic violence and abuse are different in each instance, taking steps to ensure that each individual or family they serve is cared for according to their needs; and

WHEREAS, the Avalon Center recently received a three-year grant totaling \$475,000 from the Office of Violence Against Women in the United States Department of Justice to expand its transitional housing services program Next Step, which is designed to provide individuals and families with places of refuge and opportunities to reset their lives; and

WHEREAS, the Avalon Center's Next Step program grant will support survivors in Williamsburg, James City County, York County, Poquoson, New Kent, West Point, Charles City, and throughout the Middle Peninsula; and

WHEREAS, in partnership with Virginia Career Works, the Avalon Center coordinates job training, legal advocacy, counseling, and transportation to help survivors develop greater self-sufficiency and break the cycle of violence and abuse; and

WHEREAS, the Avalon Center maintains a confidential hotline 24 hours a day so that individuals can reach out if they are in danger or otherwise in need of resources or assistance; and

WHEREAS, the accomplishments of the Avalon Center are the result of the unflagging commitments of its leaders and staff and the generous support of various public and private entities; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Avalon Center for its efforts to end domestic violence and abuse in the Greater Williamsburg area and the Middle Peninsula on the occasion of the expansion of its Next Step transitional housing program; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Avalon Center as an expression of the General Assembly's admiration for the organization's mission and its contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 391

Commending Anheuser-Busch in Williamsburg.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 10, 2022

WHEREAS, Anheuser-Busch in Williamsburg, a flagship brewery of one of the nation's oldest and most prominent brewing companies, celebrates its 50th anniversary in 2022; and

WHEREAS, Anheuser-Busch established its Williamsburg brewery in 1972 to facilitate its ability to produce and distribute its high-quality products along the East Coast of the United States; and

WHEREAS, the team at Anheuser-Busch in Williamsburg has supported the company's innovation pipeline by serving as the first brewery to make Natural Light Naturdays, Bud Light Orange, and Michelob ULTRA Infusions; and

WHEREAS, Anheuser-Busch in Williamsburg produces nearly 400 different beer packages, including Budweiser, Budweiser Black Crown, Bud Light, Bud Light Lime, Bud Select, Select 55, Shock Top, Landshark Lager, Bud Ice, Michelob, Michelob Light, Amberbock, Michelob ULTRA, Michelob ULTRA Amber, Natural Light, Natural Ice, Busch, Busch Light, Busch Ice, King Cobra, Hurricane Malt Liquor, and Hurricane High Gravity; and

WHEREAS, brewery tours at Anheuser-Busch in Williamsburg have long served as a way for the community to learn more about the brewery's operations, giving many a greater understanding of the craft behind producing Anheuser-Busch's delicious, quality beer; and

WHEREAS, Anheuser-Busch in Williamsburg has provided gainful employment to thousands over the years while serving as a leading driver of the local economy, making an outsized impact on the prosperity of the region; and

WHEREAS, the accomplishments of Anheuser-Busch in Williamsburg are the result of the dedication of its hard-working employees, who have fostered a culture of excellence at the brewery over the past 50 years; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Anheuser-Busch in Williamsburg on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Anheuser-Busch in Williamsburg as an expression of the General Assembly's admiration for the brewery's contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 392

Commending the Local Office on Aging.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, the Local Office on Aging, an Area Agency on Aging headquartered in Roanoke with a mission to enable older residents to remain independent while meeting their needs, celebrates its 50th anniversary in 2022; and

WHEREAS, the origins of what is now the Local Office on Aging date back to 1965, when Cabell Brand established Total Action Against Poverty in response to President Lyndon B. Johnson's declaration of a war on poverty and the landmark Economic Opportunity Act of 1964; and

WHEREAS, founded in 1972 as the League of Older Americans, what is now the Local Office on Aging worked with local governments in the Fifth Planning District, including Alleghany, Botetourt, Craig, and Roanoke Counties, to develop programs in accordance with the Older Americans Act of 1965; and

WHEREAS, with the foresight and vision of its founders, what is now the Local Office on Aging became the second Area Agency on Aging in the Commonwealth; today, the organization is a proud member of the Virginia Association of Area Agencies on Aging, which was established in 1976 to improve the Commonwealth's ability to serve its elderly population; and

WHEREAS, the first services developed by what is now the Local Office on Aging were the senior citizen identification card initiative, a LOA news service, the Foster Grandparent Program, and other community outreach programs, while nutrition programs such as Diners Clubs and Meals on Wheels began in the 1970s; and

WHEREAS, the Local Office on Aging currently administers more than 30 community services for the benefit of senior residents, providing opportunities for nutrition, education, advocacy, and socialization that improve the well-being of many; and

WHEREAS, the Local Office on Aging continually strives to enhance the quality of life in the home, help individuals stay in their homes and avoid early institutionalization, provide support to caregivers of the elderly, and advocate for quality services, medical care, and housing for senior residents in need; and

WHEREAS, the Local Office on Aging has been guided over the past 50 years by the exemplary leadership of its successive agency heads, Ed Wood, Richard Young, Glenn McKibbin, Susan B. Williams, and Ron Boyd, who has served as the organization's president and chief executive officer since 2016; and

WHEREAS, the accomplishments of the Local Office on Aging have been made possible through funding from federal, state, and local governments; corporate and private foundations; the United Way; Foundation for Roanoke Valley; and other forms of donations and fundraising; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Local Office on Aging, an Area Agency on Aging serving the Fifth Planning District of Virginia, on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Local Office on Aging as an expression of the General Assembly's admiration for the organization's mission and its contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 393

Commending Jeff Edwards.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Jeff Edwards, the president and chief executive officer of the Southside Electric Cooperative, has served communities throughout Virginia and North Carolina over the course of his distinguished 37-year career; and

WHEREAS, Jeff Edwards began his career with the Union Electric Membership Corporation in 1985 as an engineering aide, following in the footsteps of his father who retired from the industry as a line worker; and

WHEREAS, Jeff Edwards subsequently served on the board of the North Carolina Electric Membership Corporation and worked for the Albemarle Electric Membership Corporation before joining the Southside Electric Cooperative in 2007; and

WHEREAS, during his tenure as president and chief executive officer, Jeff Edwards was a staunch advocate for both the employees and members of the Southside Electric Cooperative and emphasized a commitment to safety and affordability while maintaining sound finances; and

WHEREAS, Jeff Edwards oversaw enhancements to increase reliability and efficiency for Southside Electric Cooperative's more than 47,500 members across 18 counties; and

WHEREAS, Jeff Edwards established the Power Line Worker Training School and the Day in the Life of a Lineman program to increase engagement with prospective employees and help train future generations of line workers; and

WHEREAS, Jeff Edwards has offered his expertise and leadership to many professional organizations, as well as the Old Dominion Electric Cooperative, of which he serves as secretary and treasurer of the board and chair of the rates design committee; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Jeff Edwards on the occasion of his retirement as president and chief executive officer of Southside Electric Cooperative; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jeff Edwards as an expression of the General Assembly's admiration for his contributions to the utilities industry in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 394

Celebrating the life of Geraldine Doris White.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Geraldine Doris White, a beloved wife, mother, grandmother, great-grandmother, sister, and member of the Callao community, died on February 19, 2022; and

WHEREAS, after graduating from Morris High School in the Bronx, New York, Geraldine "Gerry" Doris White embarked upon an accomplished career in banking and finance that would span many years; and

WHEREAS, Gerry White's professionalism and hard work led her to achieve notable milestones in her career and promotions with Diners Club International and NaBanco; and

WHEREAS, Gerry White raised her family in Deer Park, New York, where she provided a nurturing and caring home in which her sons and their friends could grow and thrive; and

WHEREAS, upon retiring to Callao, Gerry White became a dedicated and devoted member of the Lively Hope Baptist Church, where she applied her exceptional business acumen as the church's finance secretary for many years; and

WHEREAS, preceded in death by her sons Michael and Elwyn, Geraldine White will be fondly remembered and dearly missed by her loving husband of 47 years, William; her son and daughter-in-law, Ronald and Kathleen; her grandchildren, Ashley, Matthew, and Tara; great-grandchildren, Adalynn, Kainoa, Makaio, and Aidan; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Geraldine Doris White, a cherished member of the Callao community whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Geraldine Doris White as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 395

Celebrating the life of Florence King.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Florence King, an esteemed financial educator, accomplished civic activist, and prominent and beloved member of the Alexandria community, died on December 9, 2021; and

WHEREAS, Florence King excelled in school despite the segregationist policies prevailing throughout her childhood, graduating from Luther Jackson High School in Tysons before earning a bachelor's degree in sociology with a minor in business administration from George Mason University; and

WHEREAS, Florence King worked the first 17 years of her career with the United States Government, serving first at the Army National Guard Personnel Center at the Pentagon, where she was recognized with the agency's Meritorious Services award and promoted to chief of the Military Personnel Records Branch, and later at the Federal Emergency Management Agency; and

WHEREAS, Florence King went on to found FMK Credit Services in 1991, providing thousands of clients with valuable financial advice to enable them to improve their credit ratings and realize opportunities for success; and

WHEREAS, Florence King later founded the FMK Credit Education Center in 2005 and the nonprofit FMK Financial Literacy Center in 2016, advancing her mission to help disadvantaged families and seniors achieve greater independence and economic stability; and

WHEREAS, Florence King demonstrated her deep commitment to Alexandria through her service with various local civic organizations, including as chair of the United Way Regional Council of Alexandria and the Alexandria Commission on Employment, as vice chair of Agenda: Alexandria, as vice president of the Northern Virginia Urban League Guild, and as a board member of the Alexandria Symphony Orchestra and Living Legends of Alexandria; and

WHEREAS, Florence King felt a personal connection to the Northern Virginia region and its history as a descendent of Thornton and Thomasine Gray, who had both been enslaved at President George Washington's Mount Vernon plantation in their lifetimes; and

WHEREAS, Florence King was a driving force in organizations such as the Historic Alexandria Resources Commission, the Freedmen Cemetery Memorial steering committee, and the Laurel Grove School Association, which maintains the only remaining African American schoolhouse in Northern Virginia; and

WHEREAS, in recognition of her tireless efforts to teach financial literacy and serve her community, Florence King was held in high regard by public leaders across Alexandria and named an Alexandria Living Legend in 2018; and

WHEREAS, guided throughout her life by her faith, Florence King enjoyed worship and fellowship with her community at McLean Bible Church, where she was a vital member of the financial counseling team ministry for nearly 20 years; and

WHEREAS, Florence King will be fondly remembered and dearly missed by her children, siblings, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Florence King, an influential and cherished member of the Alexandria community whose dedication to serving others touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Florence King as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 396

Celebrating the life of Adam Jeffrey Oakes.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 10, 2022

WHEREAS, Adam Jeffrey Oakes, a beloved son, brother, cousin, friend, and member of the Potomac Falls community, died on February 27, 2021; and

WHEREAS, growing up, Adam played Little League baseball, basketball, and football while attending Countryside Elementary School, River Bend Middle School, and Potomac Falls High School, where he played freshman football and graduated in the spring of 2020; and

WHEREAS, Adam loved sports, regularly playing basketball and watching and debating games with his father and friends while cheering on his favorite teams, the Washington Wizards, Oklahoma Thunder, and San Francisco 49ers; and

WHEREAS, Adam was happiest when spending time with his family and particularly enjoyed playing with his little cousins in the ocean and the pool during summer vacations to Sunset Beach, North Carolina; and

WHEREAS, Adam welcomed others unconditionally and was part of a tight-knit group of friends who not only shared interests but supported one another in their times of need; and

WHEREAS, Adam Oakes will be fondly remembered and dearly missed by his loving parents, Eric and Linda, and numerous other family members and friends who he forever made an impact on; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Adam Jeffrey Oakes, a cherished member of the Potomac Falls community whose kind and generous nature was a comfort to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Adam Jeffrey Oakes as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 397

Celebrating the life of Robert Lane Saget.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Robert Lane Saget, a former resident of Norfolk and an American icon who made significant contributions to culture and media as a comedian, actor, and director, died on January 9, 2022; and

WHEREAS, a native of Philadelphia, Pennsylvania, Robert "Bob" Lane Saget relocated with his family to Norfolk, where he spent many of his formative years and attended Lake Taylor High School; it was in Norfolk that he began to cultivate his passion for the performing arts by making home movies with friends on an 8mm camera; and

WHEREAS, Bob Saget attended Temple University's School of Film, Theater and Media Arts, where he earned accolades for a short film about a boy who received reconstructive facial surgery; during that time, he began performing at comedy clubs in New York City; and

WHEREAS, after receiving his bachelor's degree, Bob Saget moved to Los Angeles and studied at the University of Southern California, but ultimately pursued a career in stand-up comedy and acting; after several small roles and a stint on *The Morning Show* on CBS, he landed his first major role on the classic situation comedy *Full House*; and

WHEREAS, Bob Saget portrayed a paragon of wholesome, supportive parenthood as the widower and single father Danny Tanner on *Full House*; while some critics disliked the show's over-the-top, glossy portrait of family life, audiences took comfort in the show's hopeful, heartfelt tone; and

WHEREAS, *Full House* consistently ranked highly in the ratings and ultimately ran for eight seasons on ABC, becoming a cultural mainstay in the late 1980s and early 1990s; and

WHEREAS, as Danny Tanner, Bob Saget was beloved as "America's dad" for his wise and reassuring nature, care for his family, and cheesy sense of humor, and he later reprised the role in the spin-off series *Fuller House* from 2016 to 2020; and

WHEREAS, audiences welcomed Bob Saget into their homes as the longtime host of the video clip television show *America's Funniest Home Videos*, and he served as the iconic narrator voice for the CBS series *How I Met Your Mother* from 2005 to 2014; and

WHEREAS, Bob Saget was known for pushing boundaries in riotous stand-up comedy routines and notorious cameo appearances, such as those in the cult film *Half Baked* and the HBO series *Entourage*, that occasionally shocked audiences who knew him better from his television roles, but more often demonstrated his incredible comedic flair; and

WHEREAS, Bob Saget directed several films, including *For Hope*, which was based on his late sister's battle with the disease scleroderma; he advocated for increased federal funding for research into treatments and prevention of the disease and was a board member of the Scleroderma Research Foundation; and

WHEREAS, during the COVID-19 pandemic, Bob Saget hosted a podcast, "Bob Saget's Here For You" to stay connected with fans, and he was in the process of touring the nation for his "I Don't Do Negative" comedy show at the time of his passing; and

WHEREAS, Bob Saget brought joy to others through his unfailing compassion, kindness, and generosity, and he was an influential mentor who inspired generations of fellow comedians and actors to achieve their fullest potential; and

WHEREAS, Bob Saget will be fondly remembered and greatly missed by his wife, Kelly Rizzo; his daughters, Aubrey, Lara, and Jennifer, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Robert Lane Saget; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Robert Lane Saget as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 398

Commending Glenn Larson.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Glenn Larson, a retired planner who served for more than 38 years in both the Commonwealth and South Carolina, was inducted into the American Institute of Certified Planners' College of Fellows in 2022; and

WHEREAS, the American Institute of Certified Planners (AICP) is the professional institute of the American Planning Association (APA), and induction into its College of Fellows is the highest honor the organization bestows upon its members; and

WHEREAS, with a bachelor's degree from Miami University and a master's degree in city and regional planning from The Ohio State University, Glenn Larson began his illustrious career as a public sector planner in 1977 with the Catawba Regional Planning Council in Rock Hill, South Carolina; and

WHEREAS, Glenn Larson subsequently served as a planner with the Charlottesville Department of Community Development from 1979 to 1991 and as assistant director of the Chesterfield County Planning Department from 1991 to 2015; and

WHEREAS, a leader and mentor in his profession, Glenn Larson was a charter member of AICP and served on the APA Virginia Chapter Board of Directors for 23 years, including as president, vice president, treasurer, and professional development officer; and

WHEREAS, Glenn Larson previously served AICP as Region II commissioner from 2012 to 2015 and as president from 2017 through 2018, championing several initiatives that enhanced the APA's core competencies and redoubled the organization's commitment to diversity, equity, and volunteerism; and

WHEREAS, through his tireless commitment to responsible planning, Glenn Larson has ensured that the Commonwealth's growth and development remains mindful of citizens and relevant to the ever-changing needs of their communities; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That Glenn Larson hereby be commended on the occasion of his induction into the American Institute of Certified Planners' College of Fellows; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Glenn Larson as an expression of the House of Delegates' admiration for his contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 399

Commending Tim Hall.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Tim Hall has ably served the residents of Henry County for nearly a decade as county administrator and general manager of the Henry County Public Service Authority; and

WHEREAS, a graduate of James Madison University and Averett University, Tim Hall began his career as a journalist in the Lynchburg area and subsequently served as a public information officer, teacher, and coach in Henry County Public Schools; and

WHEREAS, Tim Hall joined the Henry County staff as a public information officer in 1998; he was promoted to deputy county administrator and assistant general manager of the Henry County Public Service Authority in 2002 and promoted to county administrator and general manager in 2012; and

WHEREAS, during Tim Hall's tenure, Henry County announced more than \$500 million in capital investments representing more than 3,600 new jobs in the region; and

WHEREAS, in addition to his work with Henry County government, Tim Hall has volunteered his time and wise leadership to support the United Way of Henry County and Martinsville, the Martinsville Speedway 500 Committee, the Martinsville Henry County Economic Development Corporation, and the Southern Virginia Recreation Facilities Authority; and

WHEREAS, Tim Hall enjoys fellowship and worship with the community as a member of Chatham Heights Baptist Church, where he has served as a member of the board of trustees, a deacon, a Sunday school teacher, and an active leader in several ministries; and

WHEREAS, Tim Hall has served the Henry County community with the utmost dedication, integrity, and distinction; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Tim Hall for his outstanding service as county administrator and general manager of the Henry County Public Service Authority; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Tim Hall as an expression of the General Assembly's admiration for his leadership and legacy of contributions to the residents of Henry County.

HOUSE JOINT RESOLUTION NO. 400

Commending Dana Lawhorne.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Dana Lawhorne, Sheriff of the City of Alexandria and an esteemed law-enforcement officer who served for many years in the Alexandria Police Department's uniformed patrol and criminal investigations divisions, retired in 2021; and

WHEREAS, a native of Alexandria, Dana Lawhorne graduated from the former T.C. Williams High School before earning an associate degree in administration of justice from Northern Virginia Community College and completing the Executive Leadership Institute program offered by the FBI-Law Enforcement Executive Development Association; and

WHEREAS, for over 27 years with the Alexandria Police Department, Dana Lawhorne supported the community's welfare by assisting youth and families as a detective and by serving on numerous public safety task forces and committees, as chair of the board of the Firefighters and Police Officers Pension Plan, as team leader for the city's hostage negotiation team, as a field training officer for new police recruits, and as a member of the Alexandria Police Department's honor guard; and

WHEREAS, Dana Lawhorne's efforts were instrumental to the development of policies and procedures governing the Alexandria Police Department's protocols for hostage and barricade operations, the treatment of juvenile offenders, and violence prevention and response; and

WHEREAS, Dana Lawhorne became Sheriff of the City of Alexandria in 2006 and remained in the post for four terms, providing 16 years of exceptional leadership and service to the locality and its residents; and

WHEREAS, during Dana Lawhorne's tenure, the Alexandria Sheriff's Office expanded educational opportunities for inmates, enhanced public safety initiatives, increased law-enforcement training and professional development opportunities for staff, spearheaded various community outreach efforts, and more; and

WHEREAS, with a deep understanding of what can be accomplished through a strong partnership with the community, Dana Lawhorne continually honored his commitment to fostering connections between the Alexandria Sheriff's Office and the residents in its jurisdiction; and

WHEREAS, Dana Lawhorne's legacy in Alexandria includes service on the city's Community Criminal Justice Board, the Northern Virginia Police Chiefs and Sheriffs Committee, and the board of Ivy Hill Cemetery; and

WHEREAS, beyond his duties as a law-enforcement officer, Dana Lawhorne has given generously of his time through his involvement with local civic associations and Alexandria City Public Schools; and

WHEREAS, Dana Lawhorne has earned countless honors, awards, and expressions of appreciation throughout his career as a result of his dedication to excellence, including the Lifetime Valor Award from the Alexandria Chamber of Commerce in 2021; and

WHEREAS, as he concludes his duties as a law-enforcement officer, Dana Lawhorne plans to remain active in the community and to spend more quality time with his loving wife, Linda, as well as his children and grandchildren; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Dana Lawhorne, a respected law-enforcement officer and Sheriff of the City of Alexandria, on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dana Lawhorne as an expression of the General Assembly's admiration for his contributions to the Commonwealth and best wishes for a happy and fulfilling retirement.

HOUSE JOINT RESOLUTION NO. 401

Commending the Islamic Center of Henrico.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, for many years, the Islamic Center of Henrico has provided opportunities for worship and spiritual growth to Muslims in Henrico County while offering generous outreach programs to the wider community; and

WHEREAS, the Islamic Center of Henrico opened during Ramadan in 2015 and was the first mosque constructed in Henrico County; and

WHEREAS, the Islamic Center of Henrico has built strong partnerships with other organizations to provide food assistance to the homeless during Ramadan and around the year; and

WHEREAS, the Islamic Center of Henrico has organized events to help immigrants settle into their new homes in Henrico County and worked with resettlement agencies to provide support to refugees; and

WHEREAS, the Islamic Center of Henrico has organized and supported efforts to develop strong interfaith relations with other religious communities; and

WHEREAS, the Islamic Center of Henrico strives to bring people of all different cultural backgrounds together to promote social equality in the region and works with local and state officials to identify and meet the needs of the wider community; and

WHEREAS, during the COVID-19 pandemic, the Islamic Center of Henrico coordinated with other organizations to distribute food and other necessities to people in need; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Islamic Center of Henrico for its work to support the Muslim community in Henrico County and its generous outreach to local residents; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Islamic Center of Henrico as an expression of the General Assembly's admiration for its achievements on behalf of the community.

HOUSE JOINT RESOLUTION NO. 402

Commending Les Garrison.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Les Garrison, coordinator of the Arlington Community Emergency Response Team, was selected by the Arlington County Human Rights Commission to receive the James B. Hunter Human Rights Award in 2021; and

WHEREAS, after the terrorist attacks of September 11, 2001, Les Garrison helped found the Arlington Community Emergency Response Team (CERT) to coordinate and train citizens on how they can help when disaster strikes; and

WHEREAS, Les Garrison served as a team leader with CERT for 14 years before he was nominated to become the organization's coordinator; and

WHEREAS, during his tenure as coordinator of CERT, Les Garrison fostered the growth and development of the organization by encouraging and empowering its members to take on new projects and leadership roles while increasing the number of active volunteers by 83 percent and their number of hours volunteered by more than 500 percent; and

WHEREAS, through Les Garrison's expert leadership, CERT has become a critical program of Arlington County Emergency Management, supporting the locality by preparing staff and community members for emergencies and active violence incidents through the "Until Help Arrives" program and other outreach and engagement activities; and

WHEREAS, Les Garrison was instrumental to Arlington County's response to and recovery from recent flash floods, rapidly coordinating volunteers to conduct damage assessments and facilitating the response of the local recovery center; and

WHEREAS, Les Garrison has developed relationships with local and regional partners by serving on the regional CERT Consortium, helping to plan the annual CERTCON volunteer conference, and serving on local planning exercise committees; and

WHEREAS, in recognition of his tireless efforts to promote public safety in the community, Les Garrison previously received a Civic Hero Award from the Arlington County Civic Federation in 2002 and the Volunteer of the Year Award from the Virginia Emergency Management Association in 2020; and

WHEREAS, Les Garrison has demonstrated great selflessness and optimism throughout the COVID-19 pandemic while coordinating volunteers and ensuring all residents of Arlington County have access to the resources they need; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Les Garrison, coordinator of the Arlington Community Emergency Response Team, for receiving the 2021 James B. Hunter Human Rights Award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Les Garrison as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 403

Commending Cora Reed.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Cora Reed, a beloved crossing guard at Lyles-Crouch Traditional Academy in Alexandria, was honored as one of the Commonwealth's Most Outstanding Crossing Guards by the Virginia Department of Transportation's Safe Routes to School program on February 9, 2022; and

WHEREAS, the award was presented to Cora Reed at a Crossing Guard Appreciation Day ceremony attended by school officials, parent-teacher association leadership, and representatives from the Alexandria City Police Department, the Alexandria City Public Schools chapter of Safe Routes to School, Alexandria Families for Safe Streets, and the Alexandria Bicycle and Pedestrian Advisory Committee; and

WHEREAS, Cora Reed has been a crossing guard with Alexandria City Public Schools for nearly 50 years, becoming an integral part of the Lyles-Crouch Traditional Academy community by ensuring its students arrive to and depart from school safely each and every day; and

WHEREAS, Cora Reed has reliably carried out her post through rain or shine over the years, exuding a positive and encouraging attitude that has been a bright spot in the lives of countless students and parents; and

WHEREAS, Cora Reed has promoted public safety at Lyles-Crouch Traditional Academy by instructing students on proper pedestrian behavior and by advocating for the use of speed bumps and traffic cones to foster a more protective environment around the school; and

WHEREAS, through her unflagging commitment to the safety and well-being of the students under her care, Cora Reed has helped to make Alexandria a more wonderful place to live, work, and learn; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Cora Reed, a crossing guard at Lyles-Crouch Traditional Academy in Alexandria, for being named one of the Commonwealth's Most Outstanding Crossing Guards by the Virginia Department of Transportation's Safe Routes to School program; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Cora Reed as an expression of the General Assembly's admiration for her dedicated service in support of students and families of the Commonwealth.

HOUSE JOINT RESOLUTION NO. 404

Commending Mark Jinks.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Mark Jinks, who made a positive and lasting impact on the City of Alexandria and the Commonwealth during his term as city manager of the City of Alexandria and throughout his 45 years of public service in state and local government, retired in 2021; and

WHEREAS, Mark Jinks joined the City of Alexandria in 1999 as its chief financial officer and was appointed City Manager by the Alexandria City Council in 2015; and

WHEREAS, during his tenure as city manager, Mark Jinks played a significant role in many of Alexandria's major accomplishments, including the creation and preservation of affordable housing, the expansion of capital investments, and upgrades to the city's information technology systems and capabilities; and

WHEREAS, Mark Jinks has guided several notable endeavors as city manager that will impact Alexandria in the coming years, including the opening of the Potomac Yard Metrorail station, the establishment of the new Inova Hospital at the site of the former Landmark Mall, and the development of land acquisitions along the waterfront; and

WHEREAS, Mark Jinks has been credited with improving customer service, organizational effectiveness, project management, accountability, and interdepartmental collaboration in the offices of the City of Alexandria, enabling the locality to better serve its residents and businesses; and

WHEREAS, with a passion for justice and a great vision for the future of Alexandria, Mark Jinks hired forward-looking police leadership and the city's first race and social equity officer, while generally increasing diversity among the city's senior leadership positions; and

WHEREAS, as a result of Mark Jinks' capable management of the city's finances, the City of Alexandria has retained its AAA bond rating, providing a strong fiscal foundation upon which the city can continue to grow and thrive; and

WHEREAS, under Mark Jinks' leadership, Alexandria has bolstered its influence in the region, while the city has ably navigated the historic challenges of the COVID-19 pandemic; and

WHEREAS, in addition to pursuing personal and travel interests that he did not have time for during his career and spending more time with his wife, Eileen, Mark Jinks intends to mentor the next generation of public administrators in his retirement, ensuring his commitment to excellence will be carried forward by future generations; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Mark Jinks, city manager of the City of Alexandria, on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mark Jinks as an expression of the General Assembly's admiration for his extraordinary career in public service and best wishes for a happy and fulfilling retirement.

HOUSE JOINT RESOLUTION NO. 405

Commending Bill Reagan.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Bill Reagan, founder and former executive director of the Alexandria Small Business Development Center, was inducted into the Living Legends of Alexandria Class of 2020 and retired in 2022; and

WHEREAS, Bill Reagan attended the University of Texas, where he studied natural resource economics and regional planning before joining the United States Army, serving his country in West Germany, Thailand, and West Berlin; and

WHEREAS, settling in Alexandria following his service, Bill Reagan worked in sales for the federal government for some time before recognizing the need for greater small business consulting services in Alexandria; and

WHEREAS, with help from members of the Alexandria City Council, Bill Reagan established the Alexandria Small Business Development Center in 1996 as part of the Virginia Small Business Development Center network; and

WHEREAS, under Bill Reagan's leadership, the Alexandria Small Business Development Center has become a leading proponent of small business in the area, providing counseling, training, forums, and other resources in the areas of legal, accounting, marketing, and more to enable owners to focus on the success of their businesses; and

WHEREAS, Bill Reagan has worked with business education teachers at Alexandria City High School and a professor of operations in the Virginia Polytechnic Institute and State University Pamplin College of Business to foster the growth and development of future business leaders; and

WHEREAS, after 25 years of championing small businesses in Alexandria, Bill Reagan retired from his position as executive director of the Alexandria Small Business Development Center on January 31, 2022, leaving a legacy of service that will inspire members of the organization and the community for years to come; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Bill Reagan for his extraordinary career and for being named a 2020 Living Legend of Alexandria; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bill Reagan as an expression of the General Assembly's admiration for his contributions to the Commonwealth and best wishes for his future endeavors.

HOUSE JOINT RESOLUTION NO. 406

Commending Frank Fannon IV.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Frank Fannon IV, an active and engaged member of the Alexandria community, was inducted into the Living Legends of Alexandria Class of 2020 and will be honored with the award at an event in 2022; and

WHEREAS, after graduating with a degree in corporate communications from Elon College, Frank Fannon took a job at SunTrust Mortgage in the early 1990s, where he has helped an untold number of individuals and families achieve their homebuying dreams over the past 25 years; and

WHEREAS, Frank Fannon served many years on the board of Agenda: Alexandria, an organization that provides a nonpartisan forum for citizens to discuss an array of issues affecting the local community; and

WHEREAS, through his involvement on the board of the Friendship Firehouse, Frank Fannon facilitated the efforts of the Friendship Veterans Fire Engine Association to preserve the historic firehouse on Alfred Street, while supporting the Alexandria Fire Department and the provision of scholarships and other philanthropic services to the community; and

WHEREAS, as a member of the City of Alexandria's Affordable Housing Advisory Committee, Frank Fannon has brought his years of experience as both a resident of and volunteer in Alexandria to bear in making the city a more accommodating place for individuals and families at all income levels; and

WHEREAS, Frank Fannon's deep ties to the Alexandria community are evidenced by his continuing involvement with the Alexandria Sportsman's Club, the Old Dominion Boat Club, the local chapter of the Fraternal Order of Eagles, Volunteer Alexandria, the Alexandria Library board, and the United Way of the National Capital Area board; and

WHEREAS, Frank Fannon was elected to the Alexandria City Council in 2009 and served until 2012, working tirelessly to represent the citizens of Alexandria and to advocate on their behalf; and

WHEREAS, a former chairman of the annual fundraising drive and dinner for the Boys and Girls Club of Alexandria, Frank Fannon established "Alexandrians Have Heart" in 2009, an annual food and clothing drive that collects donations for Christ House, ALIVE! Food Program, and Carpenter's Shelter; and

WHEREAS, Frank Fannon has fostered a greater sense of community in Alexandria as the majority owner of the Alexandria Aces collegiate summer baseball team, an affiliate of Major League Baseball and a member of the Cal Ripken Collegiate Baseball League, whose games provide the perfect place for individuals and families to gather in the summer months; and

WHEREAS, Frank Fannon's many accomplishments are the result of his hard work and dedication and his unwavering commitment to Alexandria and its residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Frank Fannon IV for being named a 2020 Living Legend of Alexandria; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Frank Fannon IV as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 407

Commending Rosa Landeros.

Agreed to by the House of Delegates, March 8, 2022
Agreed to by the Senate, March 9, 2022

WHEREAS, Rosa Landeros, a parent liaison at Mount Vernon Community School, was inducted into the Living Legends of Alexandria Class of 2020 and will be honored with the award at an event in 2022; and

WHEREAS, as a parent liaison at Mount Vernon Community School since 2000, Rosa Landeros builds relationships and understanding between students, teachers, parents, and the community; and

WHEREAS, Rosa Landeros' tireless efforts have forged a network of support to ensure the best opportunities and outcomes for the students of Mount Vernon Community School and their families; and

WHEREAS, for six years, Rosa Landeros has partnered with the First Assembly of God in Alexandria to provide backpacks and supplies to hundreds of students; and

WHEREAS, with the support of a fundraiser held by a local chain store, Rosa Landeros facilitates the delivery of dozens of pairs of shoes to children who have been referred to her by teachers and the school nurse; and

WHEREAS, working with the parent-teacher association and parent volunteers, Rosa Landeros helps maintain a closet with spare school uniforms for students in need; and

WHEREAS, for the past five years, Rosa Landeros has ensured the well-being of many students by providing nonperishable food for the weekend through her Blessings in a Backpack program; and

WHEREAS, Rosa Landeros' proudest accomplishment is the realization of her Neighbors to Friends program, creating a space in which English and Spanish speaking parents can meet to learn more about each other's language and culture; and

WHEREAS, originally from Mexico, where she worked as a social worker, Rosa Landeros' personal experience of coming to the United States with her family many years ago has inspired her unwavering commitment to the families she serves; and

WHEREAS, today, Rosa Landeros' children, Saray and Ignacio, are thriving in their careers as a forensic scientist and a mechanical engineer, respectively, and she strives to generate the same success for her students and the families under her care; and

WHEREAS, by fostering a loving and supportive community at her school, Rosa Landeros has contributed greatly to the success of the students and staff at Mount Vernon Community School; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Rosa Landeros for being named a 2020 Living Legend of Alexandria; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Rosa Landeros as an expression of the General Assembly's admiration for her contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 408

Commending Lindsey Swanson and Katey Halasz.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Lindsey Swanson and Katey Halasz, leading members of the Kelley Cares Foundation, were inducted into the Living Legends of Alexandria Class of 2020 and will be honored with the award at an event in 2022; and

WHEREAS, Lindsey Swanson and Katey Halasz are the faces of the Kelley Cares Foundation, an organization established in the memory of their sister, Kelley, who passed away shortly after graduating from the former T.C. Williams High School in 2005 and who had a passion for helping people in the local special needs community; and

WHEREAS, through the Kelley Cares Foundation, Lindsey Swanson and Katey Halasz have supported the creation of numerous facilities and programs serving members of the community with special needs; and

WHEREAS, an early accomplishment of Lindsey Swanson and Katey Halasz and the Kelley Cares Foundation was the creation of the Kelley Cares Miracle Field at the Nannie J. Lee Memorial Recreation Center in Alexandria, which offers a place for individuals with special needs to enjoy the thrill of baseball, softball, tee ball, and other sports in an inclusive and safe environment; and

WHEREAS, Lindsey Swanson and Katey Halasz, with the Kelley Cares Foundation, have enhanced the Nannie J. Lee Memorial Recreation Center through other additions to the facility, including a multi-sensory room, a pre-kindergarten tot lot, and the Ruthanne Lodato Memorial Playground; and

WHEREAS, following the vision of their mother, Mimi, Lindsey Swanson and Katey Halasz helped establish a chapter of Project Lifesaver in Alexandria in 2016, an organization committed to quickly locating missing persons who have wandered as the result of an intellectual or developmental disability; and

WHEREAS, the accomplishments of Lindsey Swanson and Katey Halasz are the result of their tireless efforts and their unwavering dedication to serving the most vulnerable members of the community in memory of their sister; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Lindsey Swanson and Katey Halasz for being named 2020 Living Legends of Alexandria; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lindsey Swanson and Katey Halasz as an expression of the General Assembly's admiration for their contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 409

Commending Carol and Ryan Bailey.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Carol and Ryan Bailey, a mother and son duo who have made extraordinary contributions to the Alexandria community through their support of individuals with special needs and their families, were inducted into the Living Legends of Alexandria Class of 2020 and will be honored with the award at an event in 2022; and

WHEREAS, Carol Bailey advocated for her son Ryan from when he was a toddler, ensuring that his needs were met throughout his educational journey, which culminated in his graduation from the former T.C. Williams High School in Alexandria in 2011; and

WHEREAS, Carol Bailey chaired the advisory council to the City of Alexandria's Therapeutic Recreation Center, facilitating the creation of the Kelley Cares Miracle Field at the Nannie J. Lee Memorial Recreation Center in Alexandria, which offers a place for individuals with special needs to enjoy the thrill of baseball, softball, tee ball, and other sports in an inclusive and safe environment; and

WHEREAS, Ryan Bailey has participated in various fundraisers with the Kelley Cares Foundation, including the Kelley Cares 5K runs, and has been an inspiration to countless members of the community through his positive attitude and indefatigable spirit; and

WHEREAS, Carol Bailey assisted with the creation of the mobile sensory unit at the Nannie J. Lee Memorial Recreation Center during her tenure with the Therapeutic Recreation Center, providing sensory items to soothe and comfort individuals with autism; and

WHEREAS, inspired by an experience in which Ryan was lost during a school trip, Carol Bailey collaborated with the Alexandria Sheriff's Office and the Kelley Cares Foundation to establish a chapter of Project Lifesaver in Alexandria; and

WHEREAS, Carol and Ryan Bailey have made great efforts to promote Special Olympics Virginia, with Carol organizing events as a Special Olympics coordinator and Ryan competing in basketball and track and field events between 2004 and 2015; and

WHEREAS, Carol and Ryan Bailey are active and engaged members of the Del Ray community, giving generously of their time to the Del Ray Business Association and its many events and festivities; and

WHEREAS, in recognition of their impact on the community, Ryan Bailey was presented a service award by the Optimist Club of Alexandria in 2008, and Carol Bailey received a lifetime award from the Del Ray Business Association for her 25 years of support as a volunteer; and

WHEREAS, the accomplishments of Carol and Ryan Bailey are the result of their hard work and their unwavering dedication to serving individuals and families in Alexandria; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Carol and Ryan Bailey for being named 2020 Living Legends of Alexandria; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Carol and Ryan Bailey as an expression of the General Assembly's admiration for their contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 410

Commending McArthur Myers.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, McArthur Myers, an esteemed advocate for historic preservation and the commemoration of African American contributions to the history of Alexandria, was inducted into the Living Legends of Alexandria Class of 2020 and will be honored with the award at an event in 2022; and

WHEREAS, McArthur Myers was among the first African American students to attend the former Prince Street Elementary School in Alexandria and helped to integrate the Alexandria Boys Club and a local Boy Scouts of America troop; and

WHEREAS, after graduating from the former T.C. Williams High School and earning a degree in administration of justice from American University, McArthur Myers devoted more than 40 years to the District of Columbia Department of Mental Health; and

WHEREAS, in 2012, McArthur Myers joined Universal Lodge No. 1, the Most Worshipful Prince Hall Grand Lodge of Virginia of the Free and Accepted Masons and the oldest Prince Hall lodge in the Commonwealth, and successfully petitioned the Virginia Department of Historic Resources to officially recognize the group with a historical marker in 2018; and

WHEREAS, McArthur Myers, who currently serves as the grand historian for Universal Lodge No. 1, became the first African American member of the George Washington Masonic National Memorial Association in 2016 and two years later arranged the first Prince Hall meeting to be held at the memorial in its history; and

WHEREAS, McArthur Myers has advocated tirelessly for historical markers to commemorate buildings that have been central to the African American community in Alexandria and to the history of the city, including Roberts Memorial United Methodist Church, Beulah Baptist Church, Third Baptist Church, and the Universal Lodge No. 1; and

WHEREAS, McArthur Myers' historic preservation work has included involvement in the initiative to integrate the Freedom House Museum into the City of Alexandria's museum system and to develop Alexandria's African American Heritage Trail project; and

WHEREAS, in recognition of his dedication to the preservation and interpretation of Alexandria's African American heritage, McArthur Myers received the Alexandria Archaeological Commission's Ben Brenman Award for Archeology in 2019; and

WHEREAS, McArthur Myers has pursued his mission as a board member of the Alexandria Black History Museum and as a member of the Alexandria Society for the Preservation of Black Heritage, the Historic Alexandria Resources Commission, and the Equal Justice Initiative's Community Remembrance Project; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend McArthur Myers for being named a 2020 Living Legend of Alexandria; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to McArthur Myers as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 411

Commending Virginia and Richard Obranovich.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Virginia and Richard Obranovich, executive co-directors of the Alexandria Police Foundation, were inducted into the Living Legends of Alexandria Class of 2020 and will be honored with the award at an event in 2022; and

WHEREAS, since 2012, Virginia and Richard Obranovich have led the Alexandria Police Foundation, an organization providing various programs and services to support law-enforcement officers and foster their relationship with the community; and

WHEREAS, Virginia and Richard Obranovich spearheaded efforts to establish the Fallen Officers Memorial in front of Alexandria Police Headquarters on Wheeler Avenue, creating a moving tribute to the officers who made the ultimate sacrifice in service to the city; and

WHEREAS, through the Alexandria Police Foundation's Cops, Kids and K-9s initiative and Alexandria Police Youth Camp, Virginia and Richard Obranovich helped to build meaningful relationships between law-enforcement officers and the youth they serve; and

WHEREAS, Virginia and Richard Obranovich have expanded Alexandria Police Foundation's mission to include recognizing the hard work of officers and their families, including through Law Enforcement Appreciation Day events, tuition assistance, and other displays of support; and

WHEREAS, Virginia and Richard Obranovich have held many fun and successful fundraisers over the years to advance the Alexandria Police Foundation's cause, including its Karaoke for Cops, Doggy Yappy Hours, and Chicks for Cops events and an annual show at Little Theatre of Alexandria; and

WHEREAS, in addition to her role as executive co-director of the Alexandria Police Foundation, Virginia Obranovich serves as the volunteer coordinator for the Alexandria Police Department, leading approximately 30 volunteers who assist the agency in myriad ways; and

WHEREAS, through their tireless efforts to promote officer morale and foster the Alexandria Police Department's relationship with the community, Virginia and Richard Obranovich have made a profound and lasting impact on countless lives; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Virginia and Richard Obranovich for being named 2020 Living Legends of Alexandria; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Virginia and Richard Obranovich as an expression of the General Assembly's admiration for their contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 412

Commending the Islamic Center of Richmond.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, for many years, the Islamic Center of Richmond has provided opportunities for worship and spiritual growth to Muslims in Henrico County while offering generous outreach programs to the wider community; and

WHEREAS, the Islamic Center of Richmond opened during Ramadan in 2019 and was the second mosque constructed in Henrico County; and

WHEREAS, the Islamic Center of Richmond has built strong partnerships with other organizations to provide food assistance to the homeless during Ramadan and around the year; and

WHEREAS, the Islamic Center of Richmond has organized events to help immigrants settle into their new homes in Henrico County and worked with resettlement agencies to provide support to refugees; and

WHEREAS, the Islamic Center of Richmond has organized and supported efforts to develop strong interfaith relations with other religious communities; and

WHEREAS, the Islamic Center of Richmond strives to bring people of all different cultural backgrounds together to promote social equality in the region and works with local and state officials to identify and meet the needs of the wider community; and

WHEREAS, during the COVID-19 pandemic, the Islamic Center of Richmond coordinated with other organizations to distribute food and other necessities to people in need and hosted vaccination clinics; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Islamic Center of Richmond for its work to support the Muslim community in Henrico County and its generous outreach to local residents; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Islamic Center of Richmond as an expression of the General Assembly's admiration for its achievements on behalf of the community.

HOUSE JOINT RESOLUTION NO. 413

Commending David Cohen.

Agreed to by the House of Delegates, March 8, 2022
Agreed to by the Senate, March 9, 2022

WHEREAS, David Cohen has greatly served the residents of Greater Richmond in his role as director of Jewish community relations at the Jewish Community Federation of Richmond; and

WHEREAS, David Cohen's extensive educational pursuits in training for his career include a bachelor's degree in history from Brandeis University, a master's degree in Jewish education and organizational leadership from Hebrew Union College - Jewish Institute of Religion, and a master's degree in international political history from Boston University, as well as master's certificates in the area of Jewish education; and

WHEREAS, in a career that includes nearly 20 years with Jewish community organizations, David Cohen has become an expert in the areas of Jewish community relations, education, advocacy, and nonprofit management with extensive experience in strategic planning, systems management, professional development, and curriculum design; and

WHEREAS, prior to joining the Jewish Community Federation of Richmond, David Cohen served in numerous educational leadership roles with esteemed Jewish organizations around the country, including The Shlenker School of Congregation Beth Israel in Houston, Temple Sinai Congregation of Toronto, and Temple Beth Sholom in Orange County, California; and

WHEREAS, David Cohen has proudly served as an associate regional director for the New England chapter of the Anti-Defamation League and as regional youth director for the Jewish Community Center of Greater Boston, while working with Jewish federations in both the Greater Boston area and Philadelphia to develop education and advocacy programs about Israel; and

WHEREAS, during his tenure with the Jewish Community Federation of Richmond, David Cohen advocated tirelessly against antisemitism and displays of hate toward members of all faiths, while building strong and meaningful relationships with public officials and leaders of different faith organizations in an effort to foster a safer and more inclusive community for all; and

WHEREAS, David Cohen responded to the challenges of the COVID-19 pandemic by guiding his organization and other nonprofit institutions through the process of acquiring Paycheck Protection Program loans, mitigating the impact of the crisis on the lives of their employees; and

WHEREAS, on behalf of the Jewish Community Federation of Richmond, David Cohen gracefully represented the concerns of Israel and its citizens, while notably hosting the Ambassador of Israel to the United States and organizing a "Stand Against Antisemitism" rally; and

WHEREAS, after several years with the Jewish Community Federation of Richmond, David Cohen returns home to Boston to serve in a similar capacity with the Jewish Community Relations Council of Greater Boston, leaving a legacy of service in the Commonwealth that will continue to inspire Virginians for years to come; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend David Cohen as he concludes his post as director of Jewish community relations at the Jewish Community Federation of Richmond; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to David Cohen as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 414

Commending Stan C. Feuerberg.

Agreed to by the House of Delegates, March 9, 2022
Agreed to by the Senate, March 11, 2022

WHEREAS, Stan C. Feuerberg, president and chief executive officer of the Board of Directors of the Northern Virginia Electric Cooperative, which serves more than 177,000 metered customers in the Counties of Fairfax, Fauquier, Prince William, Stafford, and Clarke; the City of Manassas Park; and the Town of Clifton, will retire on April 1, 2022; and

WHEREAS, after earning a bachelor's degree in electrical engineering and a juris doctor degree from the University of Nebraska-Lincoln, Stan Feuerberg served as general counsel of the Western Area Power Administration in the United States Department of Energy and as chief operating officer of the Vermont Electric Power Company; and

WHEREAS, Stan Feuerberg joined the Northern Virginia Electric Cooperative (NOVEC) in January 1992 as president and chief executive officer of its board and over the past 30 years has built the organization into one of the largest and most prominent electric cooperatives in the country; and

WHEREAS, during Stan Feuerberg's tenure, NOVEC more than doubled its customer base, more than quadrupled the number of kilowatt hours it sold, nearly quadrupled its peak system load, more than quintupled its operating revenues, and quadrupled the value of its assets; and

WHEREAS, despite growth that elevated NOVEC into the top echelon of its industry, NOVEC did not raise base electric rates for its customers under Stan Feuerberg's watch, but rather reduced its rates for residential residents by four and half percent in 2011; and

WHEREAS, Stan Feuerberg guided NOVEC through various initiatives that enhanced its ability to serve its customers, including the establishment of a proprietary fiber-optic network; the founding of for-profit subsidiaries NOVEC Solutions and NOVEC Energy Solutions; and the creation of the power supply division, enabling the cooperative to purchase power on the open market; and

WHEREAS, Stan Feuerberg has encouraged innovation at NOVEC, leading to a patent for more efficient fiber optic communication and a biomass electric generating facility in Halifax County, and deserves credit for the many accolades the cooperative has received over the years; and

WHEREAS, in addition to his work with NOVEC, Stan Feuerberg has given generously of his time and talents through service with many community organizations, particularly Easter Seals UCP Virginia; and

WHEREAS, in his retirement, Stan Feuerberg will have more time to spend with his loving wife, Robyn, as well as his children, Danielle and Amy, and their families; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Stan C. Feuerberg, president and chief executive officer of the Board of Directors of the Northern Virginia Electric Cooperative, on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Stan C. Feuerberg as an expression of the General Assembly's admiration for his contributions to the Commonwealth and best wishes for a happy and fulfilling retirement.

HOUSE JOINT RESOLUTION NO. 415

Commending Sol Glasner.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Sol Glasner, the president and chief executive officer of the Tysons Partnership, an association of public and private stakeholders dedicated to guiding the urban transformation of Tysons in Fairfax County, retired in 2021; and

WHEREAS, prior to joining the Tysons Partnership, Sol Glasner served as general counsel at the Mitre Corporation from 1992 to 2014, assisting as the organization's chief legal officer, board secretary, and chief ethics and compliance officer, and as a member of its executive management team; and

WHEREAS, Sol Glasner was a founding member of the Tysons Partnership and served on its board from 2012 to 2014 before assuming the position of president and chief executive officer in 2017; and

WHEREAS, during Sol Glasner's tenure, the Tysons Partnership has advanced Fairfax County's Comprehensive Plan for the region, which envisions Tysons as a modern city with a robust urban core that is supported by ample residential, commercial, and recreational properties; and

WHEREAS, as head of the Tysons Partnership, Sol Glasner was instrumental to coordinating efforts between businesses, citizens, and local government officials to realize the full potential for Tysons and its future; and

WHEREAS, major achievements of the Tysons Partnership under Sol Glasner's watch included the launch of new marketing efforts, the publication of a comprehensive market study, and the creation of a new mural at a prospective community space along Leesburg Pike; and

WHEREAS, recognizing walkability as an essential characteristic of an urban center, Sol Glasner and the Tysons Partnership have worked to connect the region's many new real estate developments, while encouraging the creation of gathering spaces to attract new residents and foster a sense of community; and

WHEREAS, Sol Glasner has effectively united local government officials, business and land owners, residents, and other stakeholders in support of the mission to transition Tysons from its suburban past to its urban future and has prepared this coalition for the next stage in the region's development; and

WHEREAS, by guiding the Tysons Partnership through what was a critical phase for both the organization and Tysons, Sol Glasner has helped to make the region a wonderful place to live, work, and play; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Sol Glasner, president and chief executive officer of the Tysons Partnership, on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sol Glasner as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 416

Commending Robert S. Bowen.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Robert S. Bowen, who has greatly served the Commonwealth as executive director of the Norfolk Airport Authority since 2016, will retire on March 1, 2022; and

WHEREAS, Robert Bowen's illustrious 45-year career at Norfolk International Airport began with a summer job at the fixed base operation of Piedmont Aviation in 1974; and

WHEREAS, after graduating from Old Dominion University in 1975, Robert Bowen joined Piedmont Aviation as an aircraft line serviceman, earning a series of promotions with the company over several years due to his hard work and professionalism; and

WHEREAS, Robert Bowen joined the Norfolk Airport Authority in January 1988, serving first as director of operations, then as deputy executive director, and ultimately as executive director beginning March 1, 2016; and

WHEREAS, certified by the American Association of Airport Executives since 1995, Robert Bowen is the third executive director in the Norfolk Airport Authority's history and is an executive member and former president of the Virginia Airport Operators Council, which represents the Commonwealth's 66 public-use commercial and general aviation airports; and

WHEREAS, during Robert Bowen's tenure as executive director, the Norfolk Airport Authority has advanced 120 capital improvement projects at a combined cost of \$170 million to modernize and improve Norfolk International Airport's infrastructure, facilities, and operations for the benefit of its clientele; and

WHEREAS, Robert Bowen guided the expansion of air service at Norfolk International Airport by ushering in affordable flights with the carriers Allegiant, Frontier, and Breeze and by introducing the airport's first nonstop service to the West Coast with a flight to San Diego that was initiated in 2018; and

WHEREAS, Robert Bowen has remained a poised and effective leader while steering the Norfolk Airport Authority through the challenges it has faced as a result of the COVID-19 pandemic, preparing the organization and Norfolk International Airport to resume their successful trajectories at the outset of this historic public health crisis; and

WHEREAS, Robert Bowen's tireless efforts and steadfast dedication over the past four decades have made a profound and lasting impact on the Norfolk Airport Authority and the Norfolk International Airport, as well as the community it serves; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Robert S. Bowen, executive director of the Norfolk Airport Authority, on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert S. Bowen as an expression of the General Assembly's admiration for his contributions to the Commonwealth and its best wishes for a happy and fulfilling retirement.

HOUSE JOINT RESOLUTION NO. 417

Celebrating the life of Donna Helen Macdonald-Scarborough.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Donna Helen Macdonald-Scarborough, an esteemed accountant and a prominent and beloved member of the Vienna community, died on August 15, 2021; and

WHEREAS, born in Norman, Ohio, Donna Helen "DH" Macdonald-Scarborough moved to Oahu, Hawaii, where she finished elementary and junior high school before attending Salinas High School in Salinas, California; and

WHEREAS, DH Macdonald-Scarborough showed a gift for music from a young age and was a standout pianist, earning a scholarship to Stanford University; and

WHEREAS, DH Macdonald-Scarborough went on to become a certified public accountant and enjoyed a successful career as a partner in several notable accounting firms, including Georgen Scarborough Associates, which she founded in 2008; and

WHEREAS, a familiar and reliable presence at local events and gatherings, DH Macdonald-Scarborough helped to foster a sense of community while serving as president of the Historical Association of Vienna and the Town of Vienna Halloween Parade Committee; and

WHEREAS, DH Macdonald-Scarborough contributed immensely to the growth and prosperity of Vienna as president of the Vienna Chamber of Commerce and as the first board chair of the Vienna Business Association, which she helped found; and

WHEREAS, DH Macdonald-Scarborough received a plethora of accolades in recognition of her extraordinary impact, including the Lady Fairfax Award from the Fairfax County Board of Supervisors and Business Owner of the Year and Business Person of the Year honors; and

WHEREAS, DH Macdonald-Scarborough will be fondly remembered and dearly missed by her sons, Robert, Mark, David, and Eric, and their families; her sisters, Marti and Elaine; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Donna Helen Macdonald-Scarborough, a cherished member of the Vienna community whose dedication to serving others was an inspiration to all who knew her; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Donna Helen Macdonald-Scarborough as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 418

Celebrating the life of Dean Michael Little, Sr.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Dean Michael Little, Sr., an esteemed businessman and beloved member of the Hampton and Bena communities, died on February 6, 2022; and

WHEREAS, Dean Michael "Mike" Little, Sr., attended Frederick Military Academy in Portsmouth, where he was captain of Company C and recognized as Cadet of the Year, graduating with zero demerits; and

WHEREAS, Mike Little enrolled first at the former Carson-Newman College and later at the former Christopher Newport College before ultimately devoting his career to his family's tire business, Tire City, Inc., in Newport News; and

WHEREAS, as president and owner of Tire City, Inc., Mike Little worked tirelessly each and every day to ensure his customers received quality and dependable service and products they could trust; and

WHEREAS, Mike Little was active and engaged in his community throughout his life, maintaining a 44-year membership with Monitor Lodge No. 197 of the Ancient Free and Accepted Masons in Hampton and serving as a volunteer at the Wythe District station of Hampton Fire and Rescue for many years; and

WHEREAS, Mike Little was a proud and caring father and grandfather, giving generously of his time to coach various youth baseball teams while taking every effort to build close and meaningful relationships with his son and grandsons; and

WHEREAS, Mike Little will be fondly remembered and dearly missed by his loving wife of nearly 48 years, Joanne; his son, Dean, Jr., and his family; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Dean Michael Little, Sr., a cherished member of the Hampton and Bena communities whose dedication to serving others touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Dean Michael Little, Sr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 419

Celebrating the life of Brian Daniel Stein.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Brian Daniel Stein, an active and beloved member of the Northern Virginia community, died on July 24, 2021; and

WHEREAS, born in Stillwater, Oklahoma, Brian Stein moved around the world as a child as a result of his father's career in the United States Air Force and ultimately settled at the Wright-Patterson Air Force Base in Ohio; and

WHEREAS, a graduate of Wright State University, Brian Stein moved to the Commonwealth in 2001, where he married his wife, Nancy, and helped raise her three daughters, loving and adoring them as if they were his own; and

WHEREAS, a hard worker all his life, Brian Stein was an important and valued member of his company who made various contributions to its success over the years; and

WHEREAS, after seeing two brothers lose their lives to muscular dystrophy, Brian Stein became a tireless advocate for muscular dystrophy research for the remainder of his life; and

WHEREAS, Brian Stein was an avid and well-informed sports fan who could often be found enthusiastically cheering on Ohio State University, the New York Mets, the New York Rangers, and the Dallas Cowboys; and

WHEREAS, a music aficionado with eclectic taste, Brian Stein amassed a collection of more than 1,800 albums in his lifetime and impressed many with his extensive knowledge of bands and artists; and

WHEREAS, Brian Stein, who never met a stranger, brightened many people's lives with his legendary sense of humor and outgoing and personable demeanor; and

WHEREAS, Brian Stein devoted innumerable hours to his granddaughter, Hayleigh, who affectionately called him "Grumpy," happily joining her in any number of her favorite activities and games; and

WHEREAS, Brian Stein's passion for travel took him to many beautiful and exotic locales with his wife, Nancy, including the Caribbean islands, Hawaii, and Mexico; and

WHEREAS, Brian Stein will be fondly remembered and dearly missed by his loving wife, Nancy, and by numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Brian Daniel Stein, a cherished member of the Northern Virginia community whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Brian Daniel Stein as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 420

Celebrating the life of A. Paul Lanzillotta.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, A. Paul Lanzillotta, a respected member of the Arlington community, died on January 30, 2022; and

WHEREAS, a native of Revere, Massachusetts, Paul Lanzillotta earned a bachelor's degree from Boston College, then served the nation as a member of the United States Army and the United States Army Reserve; and

WHEREAS, Paul Lanzillotta began his career with the United States General Accounting Office and traveled the country auditing various government facilities; and

WHEREAS, in 1961, Paul Lanzillotta graduated from the Georgetown University Law Center, and he and his wife, Ann, settled in Arlington the following year; and

WHEREAS, Paul Lanzillotta worked for more than 35 years as the head of the Trust Department at First Virginia Banks, Inc., where he was admired for his leadership style and served as a trusted mentor to many fellow employees; and

WHEREAS, Paul Lanzillotta subsequently worked for the law firm Manning & Murray from 1996 until his retirement in 2020; he provided his expertise to the trust and estate sections of local, state, and national bar associations and served as an expert witness for estate and trust administration litigation; and

WHEREAS, Paul Lanzillotta inspired future generations of professionals as an adjunct professor at George Mason University's Antonin Scalia Law School and Marymount University, and he often lectured at the Georgetown University Law Center; and

WHEREAS, Paul Lanzillotta offered his leadership to the boards of Virginia Hospital Center, the Community Foundation for Northern Virginia, Capital Caring, and the Vicky Collins Charitable Foundation; he was a past president of the Northern Virginia Estate Planning Council and a member of the Arlington County Supplemental Retirement System Board; and

WHEREAS, Paul Lanzillotta volunteered his time with the Arlington Kiwanis Club and Potomac Kiwanis Club, where he served as president, and he served as president of the Arlington Kiwanis Foundation; and

WHEREAS, predeceased by his wife of 63 years, Ann, Paul Lanzillotta will be fondly remembered and greatly missed by his children, Mary Katherine, Susan, and John, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of A. Paul Lanzillotta; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of A. Paul Lanzillotta as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 421

Celebrating the life of Wilson L. Kirby.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Wilson L. Kirby, a highly admired public servant who strengthened the Berryville community, died on December 27, 2021; and

WHEREAS, a native of Leesburg, Wilson Kirby graduated from George Washington High School in Alexandria and earned a bachelor's degree from the University of Tennessee; and

WHEREAS, Wilson Kirby achieved success as a businessman and a civil engineer, living in Loudoun County until 2000, when he relocated to Berryville; and

WHEREAS, desirous to be of service to the community, Wilson Kirby campaigned for a seat on the Berryville Town Council by riding his bicycle door to door to engage with voters; he ultimately won his election and represented the residents of Ward Four from 2002 to 2008; and

WHEREAS, in 2008, Wilson Kirby was elected as the 27th mayor of Berryville in a landslide victory; he won an additional term in 2012 and worked diligently to enhance critical town infrastructure and build a strong sense of civic pride and community spirit among residents; and

WHEREAS, with his expertise in engineering, Wilson Kirby made lasting contributions to the community through the Berryville Town Council's Streets and Utilities Committee, and he oversaw important enhancements to the town's wastewater treatment plant; and

WHEREAS, Wilson Kirby was a man of deep and abiding faith and had organized and led National Day of Prayer services at Rose Hill Park in Berryville every May for many years; and

WHEREAS, Wilson Kirby will be fondly remembered and greatly missed by his wife, Catherine; his children, Matthew and Kimberly, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Wilson L. Kirby, a pillar of the Berryville community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Wilson L. Kirby as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 422

Celebrating the life of Vivian Yvette Jones-King.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Vivian Yvette Jones-King, an inspirational and highly admired public servant who diligently served the City of Suffolk as a social worker for more than 39 years, died on October 7, 2020; and

WHEREAS, a native of Suffolk, Vivian Yvette Jones-King graduated with honors from John F. Kennedy High School, received a bachelor's degree from Norfolk State University, and a master's degree from Old Dominion University; and

WHEREAS, Vivian Yvette Jones-King joined the Suffolk Department of Social Services in 1979 and subsequently joined the Virginia Department of Social Services as a family services trainer, finishing her career with a combined 41 years of exceptional public service to the Commonwealth; and

WHEREAS, Vivian Yvette Jones-King enjoyed fellowship and worship with her community in Suffolk by serving in various ministries of Tabernacle Christian Church and as a member of the choir and the praise team of Covenant Community Church; and

WHEREAS, Vivian Yvette Jones-King worked tirelessly with foster children and advocated for children's safety when she worked in the Ongoing Child Protective Services Unit; she was admired by her coworkers and always stepped up to take on challenging cases; and

WHEREAS, Vivian Yvette Jones-King fostered education, motivation, and independence for the children in her care and worked tirelessly to help them achieve success in and out of the classroom; she inspired young adults to not be a statistic and to graduate from high school and college; and

WHEREAS, Vivian Yvette Jones-King will be fondly remembered and greatly missed by her husband, Karl King; her children, Rodney Jones and Monique, Delbert, and Derrick King, and their families, including her grandchildren, Narsi'er and Londyn Jones; her mother, Vivian Vines Turner; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Vivian Yvette Jones-King, a respected public servant; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Vivian Yvette Jones-King as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 423

Celebrating the life of Constance Pendleton Stuntz.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Constance Pendleton Stuntz of Vienna, a respected local historian and vibrant member of the community, died on February 9, 2022; and

WHEREAS, Constance Stuntz grew up in Falls Church and graduated from Averett College and Duke University; and

WHEREAS, Constance Stuntz served the nation during World War II as a cryptographer with the United States Army Signal Corps and was tasked with cracking enemy codes from a makeshift base at Arlington Hall; and

WHEREAS, after marrying her husband, Mayo, Constance Stuntz spent most of the next several years in Vienna; the family lived in Japan for a two-year period, during which time she attended the Sogetsu School of Ikebana and honed her skills in floral arrangement; and

WHEREAS, Constance Stuntz subsequently worked as a real estate professional and operated an antique shop from her home, but she was best known in the community as a researcher and author who documented local history; and

WHEREAS, Constance and Mayo Stuntz published three books together: *This Was Vienna, Virginia: Facts and Photos* in 1987, *This Was Tysons Corner, Virginia: Facts and Photos* in 1990, and *This Was Virginia 1900-1927 as Shown by the Glass Negatives of J. Harry Shannon, the Rambler* in 1998; and

WHEREAS, Constance Stuntz published a fourth book, *A View of Falls Church, Virginia: Including Its Western Neighbors, Thru the 1881-1889 Diaries of Edmund Flagg, Esq.*, in 2005, and an additional book about the history of Falls Church will be published posthumously; and

WHEREAS, Constance Stuntz offered her leadership and wise insights to Historic Vienna, Inc., the Historical Society of Fairfax County, and the Northern Virginia Association for History; she was a longtime member and past president of the Ayr Hill Garden Club, a member of the Windover Heights Review Board, and a former chair of the Falls Church Reunion Committee; and

WHEREAS, among many awards and accolades, Constance Stuntz was named Lady Fairfax in 1992 and received Vienna's Heritage Preservation Award and the Jean Tibbetts History Award from the Great Falls Historical Society; and

WHEREAS, predeceased by her husband of 66 years, Mayo, Constance Stuntz will be fondly remembered and greatly missed by her children, Anne, Reid, and Mayo, Jr., and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Constance Pendleton Stuntz, a highly admired author and historian in Vienna; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Constance Pendleton Stuntz as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 424

Commending Joseph T. DiPiro, Pharm.D.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Joseph T. DiPiro, Pharm.D., the current associate vice president for health sciences, faculty affairs, in the office of the senior vice president for health sciences, will step down as dean of the Virginia Commonwealth University School of Pharmacy after eight years of exemplary service as dean and almost 40 years as an accomplished pharmacist and professor of pharmacy; and

WHEREAS, Dr. DiPiro received his undergraduate degree from the University of Connecticut, doctor of pharmacy degree from the University of Kentucky, and completed his fellowship in clinical immunology from Johns Hopkins University; and

WHEREAS, Dr. DiPiro is a licensed pharmacist and leader in pharmacy faculty and university administration; and

WHEREAS, Dr. DiPiro has been recognized as a national and international expert, lecturer, presenter, and speaker in pharmacy, pharmacotherapy, pharmaceutical education, and pharmacokinetics; and

WHEREAS, Dr. DiPiro has published over 250 journal papers, books, book chapters, and editorials in academic and professional journals; and

WHEREAS, Dr. DiPiro has advised national and state organizations and agencies, including the National Institutes of Health (NIH), Centers for Disease Control and Prevention, Joint Commission on Accreditation of Health Care Institutions, American Society of Health-System Pharmacists, and American Association of Colleges of Pharmacy; and

WHEREAS, Dr. DiPiro has served as president of the American Association of Colleges of Pharmacy, chair of the Council of Deans, and president of the American College of Clinical Pharmacy, where he is a fellow; he served on the Research Institute Board of Trustees and was elected a fellow in the American Association for the Advancement of Science; and

WHEREAS, Dr. DiPiro has received multiple national and state awards and honors in recognition of his leadership in and contribution to the pharmacy profession; and

WHEREAS, Dr. DiPiro steadily progressed in his career in pharmacy faculty leadership and in 2014 was appointed dean, professor, and Archie O. McCalley chair at the Virginia Commonwealth University (VCU) School of Pharmacy, which has consistently been ranked among the top pharmacy schools in the nation under his leadership; and

WHEREAS, during Dr. DiPiro's tenure, the VCU School of Pharmacy's accomplishments include tallying record highs for NIH funding and private giving, winning the American Association of Colleges of Pharmacy's Lawrence C. Weaver Transformative Community Service Award, and launching a doctoral program in pharmaceutical engineering with the VCU College of Engineering, the first such program in the United States; and

WHEREAS, under Dr. DiPiro's leadership, the VCU School of Pharmacy exceeded its \$12 million fundraising goal for the university's Make It Real campaign, doubled the percentage of underrepresented minority students in Pharm.D. courses, and was twice named VCU's top academic division for diversity and inclusive culture; and

WHEREAS, in 2021, Dr. DiPiro was appointed VCU associate vice president for health sciences, faculty affairs, and in that capacity is responsible for review and oversight of faculty matters in the five health sciences schools reporting to the senior vice president; and

WHEREAS, an active leader, extraordinary expert, and respected teacher, Dr. DiPiro has supported the evolution of undergraduate and graduate health professional education and positioned the VCU Medical Center as a preeminent academic health center ensuring care for the underserved and serving the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Joseph T. DiPiro, Pharm.D., on his eight years of outstanding leadership as the dean of the School of Pharmacy of Virginia Commonwealth University and on his service as associate vice president for health sciences, faculty affairs; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Joseph T. DiPiro, Pharm.D., as an expression of the General Assembly's admiration for his many achievements and best wishes in all his future endeavors.

HOUSE JOINT RESOLUTION NO. 425

Commending Carlos Del Toro.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Carlos Del Toro of Alexandria, a distinguished veteran and successful entrepreneur, was sworn in as Secretary of the Navy under President Joseph R. Biden in August 2021; and

WHEREAS, born in Havana, Cuba, Carlos Del Toro immigrated to the United States with his family as refugees and grew up in New York City; he earned an appointment to the United States Naval Academy and was commissioned as a surface warfare officer after his graduation in 1983; and

WHEREAS, over the course of his 22-year career in the United States Navy, Carlos Del Toro served as commanding officer of the USS *Bulkeley* and was appointed to serve in the Office of the Secretary of Defense and the Office of Management and Budget, gaining critical experience in a wide range of governmental functions; and

WHEREAS, after retiring from the United States Navy in 2004, Carlos Del Toro founded SBG Technology Solutions, which has become one of the premier small government contractors in the country, providing advanced, innovative, cost-effective technology solutions to a wide array of clients in both the public and private sectors; and

WHEREAS in 2018, Carlos Del Toro was elected as president of the White House Fellows Foundation and Association, a prestigious leadership development program that gives outstanding young men and women opportunities to work at the highest levels of government; and

WHEREAS, Carlos Del Toro's business acumen served him well as president of the White House Fellows Foundation and Association, where he was responsible for recruiting talented candidates and maintaining the program's legacy of leadership and contributions to the public good; and

WHEREAS, Carlos Del Toro served on the President's Commission on White House Fellows and work to foster strong relationships between current fellows, alumni, commissioners, and other stakeholders; and

WHEREAS, Carlos Del Toro has served as a member of the United States Chamber of Commerce Council on Small Business and the Board of Visitors of the University of Mary Washington, and he has earned many awards and accolades for his achievements; and

WHEREAS, Carlos Del Toro's nomination for Secretary of the Navy was approved by the Senate Armed Services Committee on July 27, 2021, and approved by the United States Senate on August 7, 2021; he took office shortly thereafter and was ceremonially sworn in on August 24, 2021, becoming only the second Hispanic American to hold the position; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Carlos Del Toro on his appointment as Secretary of the Navy in 2021; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Carlos Del Toro as an expression of the General Assembly's admiration for his ongoing service to the Commonwealth and the nation.

HOUSE JOINT RESOLUTION NO. 426

Commending Sangster Elementary School.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Sangster Elementary School, an outstanding public primary school in Springfield, received a 2021 National Blue Ribbon School award from the United States Department of Education; and

WHEREAS, the National Blue Ribbon Schools Program selects winning schools based on multiple criteria, with Sangster Elementary School earning the award for its high achievement in reading and mathematics during the 2018-2019 academic year; and

WHEREAS, Sangster Elementary School was recognized for its work to close the achievement gap in mathematics for students who receive special education services by 15 percent; and

WHEREAS, Sangster Elementary School has served young people in Fairfax County since 1958 and was one of seven schools in the Commonwealth to receive the prestigious National Blue Ribbon School award; and

WHEREAS, Sangster Elementary School is committed to helping students build a foundation for lifelong learning and grow academically, socially, and emotionally; it has fulfilled its critical mission through the hard work of its faculty and staff members and with the support of parents, families, and community partners; and

WHEREAS, the United States Department of Education honored Sangster Elementary School and the other National Blue Ribbon Schools at a special award ceremony in November 2021; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Sangster Elementary School on its selection as a National Blue Ribbon School by the United States Department of Education; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sangster Elementary School as an expression of the General Assembly's admiration for the school's achievements in service to young people in Fairfax County.

HOUSE JOINT RESOLUTION NO. 427

Commending Emmanuel Tackie.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Emmanuel Tackie, esteemed building supervisor at Newington Forest Elementary School in Springfield, retired in 2021; and

WHEREAS, Emmanuel Tackie has maintained the building and facilities of Newington Forest Elementary for nearly the entirety of the institution's existence, serving 30 years at the school in the 38 years it has been open; and

WHEREAS, Emmanuel Tackie began his tenure with Newington Forest Elementary School as an assistant supervisor and managed the custodial crew while working as a custodian on the night shift; and

WHEREAS, Emmanuel Tackie has been integral to Newington Forest Elementary School's efforts to fulfill its mission to deliver exceptional instruction and to ensure that all students learn and achieve their goals regardless of their background; and

WHEREAS, as building supervisor of Newington Forest Elementary School, Emmanuel Tackie has helped an untold number of students develop an awareness of the resources around them and an appreciation for how they can make a difference in their community; and

WHEREAS, Emmanuel Tackie's accomplishments throughout his career are the result of his steadfast dedication to the students, staff, and families that are part of the Newington Forest Elementary School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Emmanuel Tackie, cherished building supervisor at Newington Forest Elementary School, on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Emmanuel Tackie as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 428

Commending Harold Simmons.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Harold Simmons, the esteemed building supervisor of South County Middle School in Lorton who has greatly served Fairfax County Public Schools for many years, retired in 2021; and

WHEREAS, Harold Simmons devoted 40 years to supporting students in their educational pursuits, first at a secondary school in Prince George County and later in Fairfax County; and

WHEREAS, Harold Simmons was a charter member of South County Middle School and the first building supervisor in the school's history, playing a vital role in preparing the institution to serve its students and the community; and

WHEREAS, as building supervisor at South County Middle School, Harold Simmons led the school's custodial team and organized and trained team members, spearheading efforts to create a safe and inviting learning environment for the benefit of students and staff; and

WHEREAS, Harold Simmons' kind and friendly demeanor brought joy to students and staff at South County Middle School as he became a well-known and comforting presence on grounds; and

WHEREAS, Harold Simmons' legacy at South County Middle School includes the meaningful relationships he developed with his team and the school's students and staff, as he provided an example of servant leadership that was an inspiration to many; and

WHEREAS, Harold Simmons' commitment to maintaining the upkeep and beauty of South County Middle School did not diminish during the COVID-19 pandemic, keeping the school in pristine condition for students and staff upon their return; and

WHEREAS, through his steadfast dedication to his responsibilities as building supervisor, Harold Simmons made a profound and lasting impact on South County Middle School and its community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Harold Simmons, cherished building supervisor of South County Middle School, on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Harold Simmons as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 429

Commending the South County High School girls' soccer team.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, the South County High School girls' soccer team of Lorton capped off an undefeated season with a victory in the Virginia High School League Class 6 state championship on June 23, 2021; and

WHEREAS, the South County High School Stallions defeated the Patriot High School Pioneers by a score of 2-1 to finish the season with a perfect 17-0 record and secure the program's first state title; and

WHEREAS, forward Jaidyn Curry scored first for the South County Stallions with a strike in the third minute, but the Patriot Pioneers equalized less than 15 minutes later; and

WHEREAS, despite a persistent attack, the South County Stallions were unable to breach the Patriot Pioneers' defense, until with less than eight minutes to play and the game still level at 1-1, South County defender Danielle Shahin arced a ball into the top right corner of the goal; and

WHEREAS, Danielle Shahin had previously been selected as the player of the year for both the Patriot District and Occoquan Region; and

WHEREAS, the victorious season was a testament to the skill and hard work of all the student-athletes, the leadership and guidance of coaches and staff, and the passionate support of the entire South County High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the South County High School girls' soccer team on winning the Virginia High School League Class 6 state championship after an undefeated season; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Nina Pannoni, head coach of the South County High School girls' soccer team, as an expression of the General Assembly's admiration for the team's achievements.

HOUSE JOINT RESOLUTION NO. 430

Commending the Virginia School Breakfast Program during National School Breakfast Week.

Agreed to by the House of Delegates, March 10, 2022

Agreed to by the Senate, March 11, 2022

WHEREAS, the Virginia School Breakfast Program, administered by the Virginia Department of Education, provides nutritious breakfast meals to students in school districts throughout the Commonwealth; and

WHEREAS, 11 percent of children were food insecure in Virginia in 2019, and more families have experienced food insecurity as a result of the COVID-19 pandemic; and

WHEREAS, school-aged children who experience hunger are more likely to be absent from school, visit the school nurse, and experience more challenges than children with a nutritious diet; and

WHEREAS, a school breakfast, often the only morning meal available to many children, helps improve children's overall diet, builds healthy eating habits, and enhances their ability to learn and perform academically; and

WHEREAS, the School Breakfast Program, administered by the Food and Nutrition Service of the United States Department of Agriculture, provides nutritious breakfast options in accordance with the Dietary Guidelines for Americans to nearly 15 million children across 91,000 schools and institutions in the United States each day, based on pre-pandemic data; and

WHEREAS, the Virginia Department of Education, recognizing the value of adequate and proper nutrition for each child, administers the School Breakfast Program in the Commonwealth with the help of dedicated administrators at local school districts; and

WHEREAS, local school food authorities operating the Virginia School Breakfast Program served more than 58 million breakfast meals in 2019, reaching approximately 360,000 students; and

WHEREAS, organizations like No Kid Hungry and the School Nutrition Association offer information, tools, resources and grants to support schools in implementing and expanding school breakfast programs; and

WHEREAS, National School Breakfast Week is observed annually to promote the importance of a nutritious breakfast to student health and learning, and to recognize the critical role of the School Breakfast Program in meeting the nutritional needs of children across the United States; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia School Breakfast Program during National School Breakfast Week for its outstanding contributions to students across the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to members of the Bristol Public Schools Nutrition Department on behalf of school nutrition professionals throughout the Commonwealth as an expression of the General Assembly's appreciation for the critical importance of the Virginia School Breakfast Program.

HOUSE JOINT RESOLUTION NO. 431

Commending the William King Museum of Art.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, for 30 years, the William King Museum of Art in Abingdon has served the residents of and visitors to Southwest Virginia by providing fine art exhibits, arts education, and historical interpretation; and

WHEREAS, the William King Museum of Art takes its name from Irish immigrant William King, who first came to the United States when he arrived in Philadelphia, Pennsylvania, in 1784 and worked as an apprentice to a local merchant; and

WHEREAS, after briefly returning to Ireland, William King settled in Washington County and became a successful merchant of his own, often supplying travelers heading into the hills of Appalachia; he established a lucrative salt producing operation and was one of the wealthiest and most well-known residents of the region at the time; and

WHEREAS, upon his death in 1808, William King bequeathed \$10,000 to the Abingdon Male Academy, which used the gift to construct a new school building; the academy closed in 1905 and was replaced by William King High School, which served students until 1973; and

WHEREAS, the William King Foundation was established to preserve the former William King High School building, which reopened in 1992 as the William King Regional Arts Center; and

WHEREAS, the William King Regional Arts Center was subsequently renamed as the William King Museum of Art and was accredited by the American Alliance of Museums in 2004; today, the museum provides exhibits of fine art from around the world, along with contemporary pieces by local artists, and artifacts from the region's history; and

WHEREAS, the William King Museum of Art promotes the arts as an essential aspect of early childhood education and helps enrich the lives of adults through continuing education courses, lectures, and forums for social and cultural engagement; and

WHEREAS, the William King Museum of Art provides studio space for local artists and is a leading facilitator of creative workforce development; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the William King Museum of Art on the occasion of its 30th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the William King Museum of Art as an expression of the General Assembly's admiration for the museum's contributions to cultural life in Southwest Virginia.

HOUSE JOINT RESOLUTION NO. 432

Commending Seema Nanda.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, in July 2021, Seema Nanda was confirmed by the United States Senate as the solicitor of the United States Department of Labor; and

WHEREAS, a graduate of Brown University and Boston College Law School, Seema Nanda has worked in various roles and as a labor and employment attorney for more than 15 years; and

WHEREAS, in addition to her work in private practice, Seema Nanda served on the National Labor Relations Board and led what is now the Office of Immigrant and Employee Rights Section of the United States Justice Department's Civil Rights Division; and

WHEREAS, Seema Nanda is an important source of institutional knowledge at the United States Department of Labor, having served as chief of staff, deputy solicitor, deputy chief of staff and senior advisor to the Secretary of Labor; and

WHEREAS, Seema Nanda previously worked as chief executive officer of the Democratic National Committee and the chief operating officer and executive vice president of the Leadership Conference on Civil and Human Rights; and

WHEREAS, as solicitor of labor, Seema Nanda will serve as the principal legal advisor on regulations, policies, and litigation to enforce labor and employment laws, as well as provide counsel to the Secretary of Labor in support of the administration's policies; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Seema Nanda on her confirmation as solicitor of the United States Department of Labor; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Seema Nanda as an expression of the General Assembly's admiration for her contributions to labor rights throughout the nation.

HOUSE JOINT RESOLUTION NO. 433

Commending the First Colonial High School girls' swim and dive team.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 10, 2022

WHEREAS, the First Colonial High School girls' swim and dive team of Virginia Beach won the Virginia High School League Class 5 state championship on February 24, 2021, at the Jeff Rouse Swim and Sport Center in Stafford; and

WHEREAS, the First Colonial High School Patriots tallied 338 points to outpace the runner-up by 83.5 points, securing the program's second consecutive state title; and

WHEREAS, with only nine swimmers on the roster, the First Colonial Patriots capped their impressive performance with first-place finishes in both the 200-yard and 400-yard relay events; and

WHEREAS, the First Colonial Patriots' victory was a total team effort, with standout performances from Sophia Knapp, who won the individual 200-yard freestyle event, and Samantha Tadder, who won the individual 500-yard freestyle and 100-yard breaststroke events, setting a Virginia High School League Class 5 record in the latter; and

WHEREAS, the accomplishments of the First Colonial Patriots are the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of the entire First Colonial High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the First Colonial High School girls' swim and dive team for winning the 2020 Virginia High School League Class 5 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Cassondre Wilburn and Kate Hudson, coaches of the First Colonial High School girls' swim and dive team, as an expression of the General Assembly's admiration for the team's achievement.

HOUSE JOINT RESOLUTION NO. 434

Commending Donald Simpson, Jr.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Donald Simpson, Jr., president of the construction firm Simpson Development based in Alexandria, was inducted into the Living Legends of Alexandria Class of 2020 and will be honored with the award at an event in 2022; and

WHEREAS, before he graduated from the former T.C. Williams High School in Alexandria in 1978, Donald Simpson had already begun working with his father and grandfather at Eugene Simpson and Brother Construction, a family firm that has built or renovated hundreds of buildings and residences in the Greater Washington Area since its founding; and

WHEREAS, after earning a degree in engineering from Virginia Polytechnic Institute and State University, Donald Simpson returned full-time to Eugene Simpson and Brother Construction, now Simpson Development, helping the business to grow and transform the region over many years; and

WHEREAS, a standout athlete in high school and college, Donald Simpson has carried on his family's commitment to the Alexandria community through his support of various youth educational and athletic programs and by serving on the local youth sports commission for several years; and

WHEREAS, in recent years, Donald Simpson partnered with the Miracle League Association to build the Miracle Field at the Nannie J. Lee Memorial Recreation Center in Alexandria, which is specially designed to accommodate children and adults with special needs, ensuring all can enjoy the thrill of playing sports and being on a team; and

WHEREAS, a member of one of the founding families of the Scholarship Fund of Alexandria, Donald Simpson has given generously of his time and talents to numerous organizations, including Alexandria Little League, Alexandria City High School, Colonial District of the Boy Scouts of America, Senior Services of Alexandria, the Center for Alexandria's Children, and Inova Alexandria Hospital Foundation, on which he has served as both board member and chair; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Donald Simpson, Jr., for being named a 2020 Living Legend of Alexandria; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Donald Simpson, Jr., as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 435

Commending Thomson Hirst and Magaly Galdo-Hirst.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Thomson Hirst and Magaly Galdo-Hirst, philanthropic supporters of Alexandria and its many nonprofit organizations, were inducted into the Living Legends of Alexandria Class of 2020 and will be honored with the award at an event in 2022; and

WHEREAS, Thomson "Tom" Hirst grew up on a family farm in Fairfax County, graduated from St. Stephen's School in Alexandria, and studied urban planning at Princeton University and Harvard University before ultimately founding his real estate business, the Mason Hirst Company, in 1972; and

WHEREAS, Magaly Galdo-Hirst was born in Bolivia and moved to the Mount Vernon area after attending American University and Catholic University of America, pursuing a rewarding career promoting health care equity with the Pan American Health Organization, the American regional office of the World Health Organization; and

WHEREAS, in 2007, Tom Hirst started the Mason Hirst Foundation and began to dedicate his time and efforts to helping as many nonprofit organizations as possible in Alexandria and beyond; and

WHEREAS, in 2010, Magaly Galdo-Hirst joined the board of ACT for Alexandria, a community foundation that strives to increase charitable investment and community engagement in Alexandria; and

WHEREAS, Tom Hirst and Magaly Galdo-Hirst first engaged with many local nonprofit organizations through their work with ACT, learning about their objectives, their efficacy, and the communities they serve; and

WHEREAS, Tom Hirst and Magaly Galdo-Hirst supported many organizations that matched their philanthropic mission through the Mason Hirst Foundation, particularly groups addressing disadvantaged, abused, or at-risk youth, such as the Campagna Center, Casa Chirilagua, the Center for Alexandria's Children, the Child and Family Network Center, and many more; and

WHEREAS, during ACT for Alexandria's Spring2ACTion event in 2011, a 24-hour fundraiser held annually for the benefit of Alexandria nonprofits, Tom Hirst and Magaly Galdo-Hirst offered to match donations made to certain nonprofits through grants from the Mason Hirst Foundation, inspiring others to set up matching grants and leading to an even greater impact throughout the city; and

WHEREAS, with the support of Tom Hirst and Magaly Galdo-Hirst, as well as other individuals and organizations inspired by their generosity, the Spring2ACTion event had raised more than \$2 million for Alexandria's charitable organizations by 2019; and

WHEREAS, Tom Hirst and Magaly Galdo-Hirst are recent recipients of the Champion of Children Award from the Center for Alexandria's Children, a testament to the positive difference they have made in countless young people's lives; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Thomson Hirst and Magaly Galdo-Hirst for being named 2020 Living Legends of Alexandria; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Thomson Hirst and Magaly Galdo-Hirst as an expression of the General Assembly's admiration for their contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 436

Commending David Stewart Wiley.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, David Stewart Wiley has enriched cultural life in Roanoke as the music director and conductor of the Roanoke Symphony Orchestra for 25 years; and

WHEREAS, David Wiley began his musical career at a young age; he holds degrees from Indiana University, the New England Conservatory of Music, and Tufts University; and

WHEREAS, over the course of his distinguished career, David Wiley has worked as a conductor, composer, solo pianist, orchestra builder, music arranger, and educator; he has inspired fellow performers and audiences throughout the United States and dozens of countries in Europe, Asia, and Africa; and

WHEREAS, the Roanoke Symphony Orchestra has blossomed under David Wiley's leadership, earning high praise for its outstanding performances, diverse and impressive list of guest artists and composers, and innovative commissions of new music; and

WHEREAS, since David Wiley joined the Roanoke Symphony Orchestra in 1996, the organization has expanded its programs, increased its financial stability, and helped its members grow personally and artistically; and

WHEREAS, David Wiley is an active leader in the Roanoke community and was part of the team that helped Roanoke earn its 7th All-America City Award from the National Civic League; and

WHEREAS, David Wiley has composed and recorded several original works, including three piano concerti and a symphonic soundtrack for the movie *Lake Effects*; he has collaborated with many well-known musical artists, including Billy Joel, Jennifer Holiday, Bernadette Peters, John Williams, Bruce Hornsby, Lou Rawls, and Marvin Hamlisch; and

WHEREAS, among many accolades, David Wiley has earned the Roanoke Citizen of the Year Award and the prestigious Perry F. Kendig Award for his service to the performing arts, and he was named a Paul Harris Fellow by Rotary International; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend David Stewart Wiley on the occasion of his 25th anniversary with the Roanoke Symphony Orchestra; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to David Stewart Wiley as an expression of the General Assembly's admiration for his incredible talents and contributions to cultural life in Roanoke.

HOUSE JOINT RESOLUTION NO. 437

Commending Kris C. Tierney.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Kris C. Tierney, esteemed county administrator of Frederick County, has announced his retirement effective July 1, 2021, on the 35th anniversary of the commencement of his career in local government; and

WHEREAS, Kris Tierney began his career having earned his bachelor's degree from the State University of New York at Brockport and his master's degree from Virginia Polytechnic Institute and State University; and

WHEREAS, Kris Tierney has served in multiple key positions in Frederick County's administration as he continued to take on roles with increasing responsibility including zoning administrator, deputy director of planning, director of planning, assistant county administrator, deputy county administrator, and finally county administrator; and

WHEREAS, during his tenure, Kris Tierney participated in numerous preservation initiatives, including the drafting of Frederick County's Rural Preservation subdivision regulations, the creation of the Conservation Easement Authority and program, public engagement efforts and preparation of Frederick County's battlefield protection plans, and the acquisition of numerous American Battlefield Protection Program and United States Land and Water Conservation Fund grants to assist with the purchase of portions of the Cedar Creek, Kernstown, and Third Winchester battlefields; and

WHEREAS, Kris Tierney received an appointment to serve as a founding member of the Shenandoah Valley Battlefield National Historic District Commission, where he chaired the planning committee that developed the management plan for the historic district; and

WHEREAS, Kris Tierney later received a second appointment from the United States Secretary of the Interior to serve on the Cedar Creek and Belle Grove National Historic Park Advisory Commission; and

WHEREAS, Kris Tierney coordinated the creation of the Lake Holiday Sanitary District, including bond financing through the Virginia Resources Authority to fund reconstruction of the Lake Holiday dam spillway, as well as the purchase of Sunnyside Plaza for future use by Frederick County; and

WHEREAS, Kris Tierney has exercised extraordinary leadership and stewardship during his employment and has contributed unselfishly to the wellbeing of the community by serving on countless boards and committees, such as the Northern Shenandoah Valley Regional Commission, the Virginia Chapter of American Planning Association Board of Directors, the Virginia Association of Counties, and the Virginia Local Government Managers Association (VLGMA), where he served on the Executive Committee from 2007-09 and 2016-18; and

WHEREAS, Kris Tierney was awarded VLGMA's Marcia Mashaw Outstanding Assistant Award in 2008, illustrating that his knowledge and guidance over the years have greatly benefitted the citizens and employees of Frederick County; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Kris C. Tierney for his years of outstanding service on behalf of the citizens of Frederick County on the occasion of his retirement as county administrator of Frederick County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kris C. Tierney, as an expression of the General Assembly's admiration for his years of outstanding service and best wishes to him in all his future endeavors.

HOUSE JOINT RESOLUTION NO. 438

Commending East End Baptist Church of Suffolk.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, for 134 years, East End Baptist Church of Suffolk has provided spiritual leadership, generous community outreach programs, and opportunities for joyful worship in the Baptist tradition; and

WHEREAS, East End Baptist Church traces its roots to July 1888, when 26 members of First Colored Baptist Church left to organize their own church community; and

WHEREAS, Fourth Colored Baptist Church was established the following October with the Reverend L. W. Melton as its first pastor; the church subsequently changed its name to the Pine Street Baptist Church, then East End Baptist Church; and

WHEREAS, East End Baptist Church has benefited from the outstanding leadership of 12 pastors over the years, including the Reverend Dr. Wayne D. Faison, who joined the church in 2014 and has helped the congregation continue to grow in faith and numbers; and

WHEREAS, throughout its history, East End Baptist Church has been committed to providing resources and support to members of the Suffolk community in need; and

WHEREAS, during the COVID-19 pandemic, East End Baptist Church helped keep members of the congregation and the community healthy by hosting five vaccination clinics and plans to continue holding more as necessary; and

WHEREAS, East End Baptist Church has extended its humanitarian outreach around the world, by supporting children in impoverished communities in Central America and South America, as well as organizing supplies to send to refugees fleeing the Russian invasion of Ukraine, which began in February 2022; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend East End Baptist Church of Suffolk for its generations of service to the residents of Suffolk; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the East End Baptist Church of Suffolk as an expression of the General Assembly's admiration for the church's long history and legacy of contributions to the Suffolk community.

HOUSE JOINT RESOLUTION NO. 439

Commending the King's Fork High School boys' basketball team.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, the King's Fork High School boys' basketball team of Suffolk won the Virginia High School League Region 4A championship on February 26, 2022; and

WHEREAS, after finishing the regular season undefeated, the King's Fork High School Bulldogs claimed the regional crown over the Jamestown High School Eagles by a score of 65-49; and

WHEREAS, after the regional tournament, King's Fork High School's George Beale was named the Region 4A Player of the Year and head coach Rick Hite was named the Region 4A Coach of the Year; and

WHEREAS, on March 4, 2022, the King's Fork Bulldogs defeated the team from Henrico High School 84-52 in the quarterfinal of the state tournament, extending their record to 24-0 and continuing their playoff campaign; and

WHEREAS, the team's success is a tribute to the skill and hard work of all the student-athletes, the leadership and guidance of coaches and staff, and the passionate support of the entire King's Fork High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the King's Fork High School boys' basketball team for winning the Virginia High School League Region 4A championship in 2022; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the King's Fork High School boys' basketball team as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 440

Commending the Lakeland High School girls' basketball team.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, the Lakeland High School girls' basketball team of Suffolk won the Virginia High School League Region 3A championship on March 2, 2022; and

WHEREAS, the Lakeland High School Cavaliers bested the New Kent High School Trojans by a score of 51-41 in the regional final; and

WHEREAS, after the regional tournament, the Lakeland Cavaliers advanced to the quarterfinal of the state tournament on March 4, 2022, and defeated the team from Brentsville District High School 69-64 to continue their playoff campaign; and

WHEREAS, the team's success is a tribute to the skill and hard work of the student-athletes, the leadership and guidance of the coaches and staff, and the passionate support of the entire Lakeland High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Lakeland High School girls' basketball team on winning the Virginia High School League Region 3A championship in 2022; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Lakeland High School girls' basketball team as an expression of the General Assembly's admiration for the team's achievements.

HOUSE JOINT RESOLUTION NO. 441

Commending the King's Fork High School girls' basketball team.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, the King's Fork High School girls' basketball team of Suffolk won the Virginia High School League Class 4 championship on March 10, 2022; and

WHEREAS, the King's Fork High School Lady Bulldogs defeated the Millbrook High School Pioneers by a score of 71-67; and

WHEREAS, after the VHSL State tournament, King's Fork High School's Yasmine Brown was named the Region 4A Player of the Year and VHSL Class 4 State Player of the Year and Head Coach Maurice Fofana was named the Region 4A Coach of the Year and VHSL Class 4 State Coach of the Year; and

WHEREAS, the King's Fork High School Lady Bulldogs victory was a tribute to the skill and hard work of all the student-athletes, the leadership and guidance of coaches and staff and the passionate support of the entire King's Fork High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the King's Fork High School Lady Bulldogs basketball team on winning the Virginia High School League Class 4 State championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Maurice Fofana, the head coach of the King's Fork High School Lady Bulldogs basketball team, as an expression of the General Assembly's admiration for the team's achievements.

HOUSE JOINT RESOLUTION NO. 442

Commending Opportunities, Alternatives & Resources.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Opportunities, Alternatives & Resources, a nonprofit dedicated to rebuilding lives and fostering safer communities in the Commonwealth of Virginia through various restorative justice initiatives, celebrated its 50th anniversary in 2021; and

WHEREAS, the origins of Opportunities, Alternatives & Resources (OAR) date to 1968, when a prison strike at the Virginia State Penitentiary in Richmond inspired local faith leaders to convene a conference on churches and the correctional system; and

WHEREAS, the OAR movement was subsequently founded by Jay Worrall, Jr., who envisioned people coming together to care for and support their fellow community members who were incarcerated and in the process of reforming and improving themselves; and

WHEREAS, officially incorporated as Offender Aid and Restoration in 1970, OAR opened its first office in 1971 and began developing services for the benefit of individuals and families navigating the criminal justice systems of Fairfax, Loudoun, and Prince Williams Counties; and

WHEREAS, at its height, the national OAR movement grew to 22 affiliates across 10 states, playing an instrumental role in the broader restorative justice movement and its accomplishments during this time; and

WHEREAS, in the 1980s, OAR began providing alternative sentencing programs to allow certain justice-involved community members to avoid convictions or incarceration by performing community service or attending educational classes; around this time, the organization began to hire staff to complement the efforts of its devoted volunteers; and

WHEREAS, OAR changed its name to Opportunities, Alternatives & Resources in 1998 to better reflect the scope of the organization's mission and goals and began a partnership with George Mason University in the late 1990s to enhance its program assessments; and

WHEREAS, OAR continued to develop and expand its evidenced-based programs and services throughout the 2000s, including the Virginia Serious and Violent Offender Reentry Program, and today continues to maintain six OAR affiliates throughout the country, including four in the Commonwealth; and

WHEREAS, through the visionary leadership of its founder and the unwavering dedication of its volunteers and staff, OAR has helped more than 150,000 justice-involved community members have access to equitable opportunities for success, making a positive impact on countless lives; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Opportunities, Alternatives & Resources on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Opportunities, Alternatives & Resources as an expression of the General Assembly's admiration for the organization's history and its many contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 443

Commending the Oakton High School boys' cross country team.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, the Oakton High School boys' cross country team of Vienna won the Virginia High School League Class 6 state championship on November 13, 2021, at the Great Meadow course in The Plains; and

WHEREAS, the Oakton High School Cougars tallied 83 points, outpacing the runner-up Yorktown High School Patriots by five points to defend last season's title and bring home the sixth state championship in program history; and

WHEREAS, the Oakton Cougars' victory was a total team effort led by strong and consistent performances from a mostly new pack of runners, including Iyasu Yemane, Tyler Coleman, Elham Huq, Landon Newell, Connor Eklund, Quin Schon, and Derek Lewis, who placed 18th, 24th, 27th, 32nd, 36th, 37th, and 52nd, respectively; and

WHEREAS, on its path to a state championship title, the Oakton Cougars won the Virginia High School League (VHSL) Region 6D meet and finished second in the VHSL Concorde District championship; and

WHEREAS, with only one senior on the team graduating this year, the Oakton Cougars look poised to continue their reign of dominance into the next season and beyond; and

WHEREAS, the success of the Oakton Cougars is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of their parents and the entire Oakton High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Oakton High School boys' cross country team for winning the 2021 Virginia High School League Class 6 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Matt Kroetch, head coach of the Oakton High School boys' cross country team, as an expression of the General Assembly's admiration for the team's achievement.

HOUSE JOINT RESOLUTION NO. 444

Commending the Cuppett Performing Arts Center.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, the Cuppett Performing Arts Center, a dance studio and company that has supported the growth and development of an untold number of dancers in the Vienna community, celebrates its 60th anniversary in 2022; and

WHEREAS, the origins of the Cuppett Performing Arts Center date to 1962, when Mother Catherine Loyola of Our Lady of Good Counsel Catholic School in Vienna inspired Alzine Cuppett, who had trained with Gene Kelly and danced with the Radio City Rockettes, to provide dance lessons to the school's students; and

WHEREAS, shortly thereafter, Alzine Cuppett moved to a house on Old Courthouse Road in Vienna, where she built a custom-designed dance studio in the basement and founded the Cuppett School of Dance; and

WHEREAS, as the business continued to thrive, Alzine Cuppett moved into a commercial space in Vienna's Park Plaza Center and incorporated her company as the Cuppett Performing Arts Center; and

WHEREAS, the Cuppett Performing Arts Center has been family-run for three generations, with Alzine Cuppett's daughter Amy joining in 1996 and taking over as manager and director, while today her daughter Joyce helps with bookkeeping and Amy's niece Ashley runs marketing; and

WHEREAS, under Amy Cuppett's leadership, the Cuppett Performing Arts Center continued to expand its studio space and increase its enrollment, reaching approximately 750 students across five studios by the end of 2019; and

WHEREAS, today, the Cuppett Performing Arts Center teaches various dance styles, including Vaganova and Cecchetti ballet, jazz, modern, character, contemporary, hip-hop, and more to students at all levels from age three and up; and

WHEREAS, to share the talents of its students with the community, the Cuppett Performing Arts Center hosts both a full-length ballet and several recitals every year, while organizing a dance company that appears regularly at events such as Vienna Halloween Parade, Oktoberfest, and ViVa! Vienna; and

WHEREAS, by promoting health and wellness, offering opportunities for creative expression, and fostering meaningful relationships, the Cuppett Performing Arts Center has made a positive difference in the lives of countless Vienna residents; and

WHEREAS, the accomplishments of the Cuppett Performing Arts Center are the result of the tireless dedication of its teachers, students, and staff, who will celebrate the organization's 60th anniversary throughout the year; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Cuppett Performing Arts Center on the occasion of its 60th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Cuppett Performing Arts Center as an expression of the General Assembly's admiration for the organization's contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 445

Commending Mercury Payton.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Mercury Payton, esteemed manager of the Town of Vienna, received a Top Local Government Influencers award from Engaging Local Government Leaders in 2021; and

WHEREAS, Mercury Payton was recognized by Engaging Local Government Leaders for his extensive influence both in his community and beyond through his professional associations, writing, and mentoring efforts; and

WHEREAS, as manager of the Town of Vienna, Mercury Payton is responsible for administering the operations of the local government on behalf the Vienna Town Council, overseeing more than 189 employees and an operating budget of more than \$40 million; and

WHEREAS, in 2021, Mercury Payton spearheaded the Town of Vienna's Liberty Amendments Month celebrations to commemorate the passage of the Thirteenth, Fourteenth, Fifteenth, and Nineteenth Amendments to the United States Constitution, which ensured full rights to all citizens of the United States; and

WHEREAS, from Juneteenth to Liberty Amendments Day, a Town of Vienna holiday observed for the first time on July 19, 2021, more than 21,000 people attended dozens of educational and commemorative events organized by Mercury Payton; and

WHEREAS, by bringing attention to the seminal events that guaranteed equality and the protection of civil liberties for all citizens of the United States, Mercury Payton has fostered greater mutual respect and understanding in the community and helped to make the Town of Vienna a more wonderful place to call home; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Mercury Payton for his extraordinary service to the Town of Vienna and for receiving a 2021 Top Local Government Influencers award from Engaging Local Government Leaders; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mercury Payton as an expression of the General Assembly's admiration for his contributions to the Commonwealth and best wishes for his continued success.

HOUSE JOINT RESOLUTION NO. 446

Commending Patrick & Henry Community College.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, Patrick & Henry Community College, a public community college in Martinsville, has provided young men and women with outstanding educational opportunities for 60 years; and

WHEREAS, Patrick & Henry Community College was founded in 1962 as part of the University of Virginia's School of General Studies and became an independent two-year college in 1964; and

WHEREAS, Patrick & Henry Community College has expanded and grown significantly over the years, adding new facilities for the education and training of a competent workforce and adding degree programs ranging from the fine arts to manufacturing and engineering technology; and

WHEREAS, Patrick & Henry Community College joined the Virginia Community College System in 1971 and is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools; and

WHEREAS, Patrick & Henry Community College offers accredited programs for nursing and has worked to build a pipeline for qualified and capable nurses to serve local health care institutions after graduation; and

WHEREAS, Patrick & Henry Community College has created an accredited emergency medical services and paramedic program to further enhance public safety in the community; and

WHEREAS, the faculty of Patrick & Henry Community College have worked tirelessly to instill in their students the institution's core values and foster an ability to contribute to society by teaching and learning, demonstrating integrity and respect, and supporting communication and collaboration; and

WHEREAS, Patrick & Henry Community College has faithfully served and educated thousands of students in its history and has enriched local life in Martinsville and Henry County through its commitment to excellence; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Patrick & Henry Community College on the occasion of its 60th anniversary of educating young men and women and serving the communities of Southwest and Southside Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Patrick & Henry Community College as an expression of the General Assembly's admiration for the institution's contributions to the Martinsville community and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 447

Celebrating the life of James Douglas Hall.

Agreed to by the House of Delegates, March 8, 2022

Agreed to by the Senate, March 9, 2022

WHEREAS, James Douglas Hall, a respected and beloved member of the Patrick County community, died on February 15, 2022; and

WHEREAS, James "Jimmy" Douglas Hall brought joy to family and friends with his wit and charm; and

WHEREAS, Jimmy Hall bought a farm tractor, taught himself to drive it, and used it to plow gardens for neighbors and family; he cleared snow from their driveways and the local church parking lot in the winter; and

WHEREAS, Jimmy Hall was passionate about horseback riding, and he worked with farriers to learn their craft and then shod family members' horses, so they all could continue to ride; and

WHEREAS, Jimmy Hall worked for Stanley Furniture company for 35 years as a group leader, making samples with pride for each furniture market; and

WHEREAS, after retirement, Jimmy Hall was a caretaker for his parents, and his help allowed them to live semi-independently for a time; and

WHEREAS, Jimmy Hall loved classic cars and Harley-Davidson motorcycles and was in the process of restoring his 1969 Chevelle at the time of his passing; and

WHEREAS, Jimmy Hall was a loving, wonderful husband to his wife, Carol, and a great dad to Brian Hall, Dana Worley, and Chris Harris; and

WHEREAS, Jimmy Hall has left a legacy of love, support, caring, and laughter, and is greatly missed by the numerous family members and friends who loved him; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of James Douglas Hall; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James Douglas Hall as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 448

Celebrating the life of the Honorable Flora Lonette Davis Crittenden.

Agreed to by the House of Delegates, March 11, 2022

Agreed to by the Senate, March 12, 2022

WHEREAS, the Honorable Flora Lonette Davis Crittenden, a passionate educator and respected public servant, died on November 2, 2021; and

WHEREAS, a native of New York, Flora Crittenden moved to Newport News at a young age and graduated from Huntington High School; and

WHEREAS, after receiving her bachelor's degree from Virginia State University, Flora Crittenden taught at Carver High School in Newport News; she earned a master's degree from Indiana University over the course of four summers while still employed at Carver High School; and

WHEREAS, following retirement from Newport News Public Schools, where Flora Crittenden inspired young people as an educator for more than 30 years, she received a Fellowship to continue her education at the University of Louisville; and

WHEREAS, desirous to be of further service to her community, Flora Crittenden served on the Newport News City Council, then ran for and was elected to the Virginia House of Delegates, where she represented the residents of the 95th District from 1993 to 2004; and

WHEREAS, during her tenure as a state lawmaker, Flora Crittenden introduced and supported many important pieces of legislation to benefit her constituents and all Virginians; she offered her wisdom to several standing committees and used her expertise as an educator to advocate for the Commonwealth's young people; and

WHEREAS, Flora Crittenden served two four-year terms on the Board of Visitors of Christopher Newport University, serving as a committee chair for part of her service; and

WHEREAS, Flora Crittenden enjoyed fellowship and worship with the congregation of Trinity Baptist Church, and she volunteered her time with many civic organizations, including as a life member and former president of the local NAACP chapter and a member of Alpha Kappa Alpha Sorority, Inc.; and

WHEREAS, in 1995, the former George Washington Carver High School, where Flora Crittenden served for more than 30 years, was renamed the Flora D. Crittenden Middle School and was dedicated in 1996 as a magnet school for mathematics and science; and

WHEREAS, predeceased by her beloved husband of 65 years, Raymond, and a grandson, Alonzo II, Flora Crittenden will be fondly remembered and greatly missed by her children, Raymond III, Thursa, and Alonzo, and their families, and numerous other family members and friends and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Flora Lonette Davis Crittenden, a former member of the House of Delegates and an admired educator who touched countless lives in Hampton Roads; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Flora Lonette Davis Crittenden as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 449

Commending Bob Brown.

Agreed to by the House of Delegates, March 12, 2022

Agreed to by the Senate, March 12, 2022

WHEREAS, Bob Brown, a senior photographer with the *Richmond Times-Dispatch* will retire in March 2022 after a distinguished 54-year career in photojournalism; and

WHEREAS, growing up in the Shenandoah Valley, Bob Brown developed a passion for exploration and the beauty of the natural world from a young age; he was a talented vocalist in his youth, singing in his church choir, as a member of the all-state chorus, and later in a barbershop chorus, The Virginians; and

WHEREAS, Bob Brown attended art school at what is now Virginia Commonwealth University, but changed majors in his second year after discovering his passion and talent for photography; and

WHEREAS, after graduation, Bob Brown was hired by WRVA-TV as a film editor, and during his 10 years in television, he made occasional appearances on "The Sailor Bob Show" and further honed his musical talents by writing and recording jingles for commercials; and

WHEREAS, Bob Brown began his career in photography by shooting promotional still photos for local businesses as a freelancer, and his exceptional work caught the attention of local newspaper editors who invited him to apply for a job; and

WHEREAS, in 1968, Bob Brown joined the *Richmond Times-Dispatch* and covered a wide range of local, state, and national stories, from high school sports and extreme weather events to 11 national political conventions and nine presidential inaugurations, from Jimmy Carter in 1977 to Barack Obama in 2009; and

WHEREAS, Bob Brown was first assigned to cover a session of the General Assembly in 1970 and has since become an institution on Capitol Square, working and building strong relationships with 13 Governors and generations of state lawmakers on both sides of the aisle; and

WHEREAS, throughout his tenure at the Virginia State Capitol, Bob Brown produced meaningful and engaging photos that have given *Richmond Times-Dispatch* readers a window into the everyday interactions and operations of the General Assembly; and

WHEREAS, Bob Brown has earned the admiration of his colleagues for his commitment to treating every assignment with the utmost care and professionalism, as well as his keen creative eye and his ability to portray the fascinating nuance of even the most mundane scenes; and

WHEREAS, Bob Brown has been a trusted mentor to countless other photographers and members of the *Richmond Times-Dispatch* staff, and his presence during sessions of the General Assembly will be deeply felt and sorely missed; and

WHEREAS, among many honors and accolades, Bob Brown was named the Virginia News Photographer of the Year three times and received the Miley Award from the Virginia News Photographers Association in 1985 and the George Mason Award from the Society of Professional Journalists Virginia Pro Chapter in 2014; he was inducted into the Virginia Communications Hall of Fame in 2005 and the Virginia Capital Correspondents Association Hall of Fame in 2018; and

WHEREAS, Bob Brown has published several collections of his photography, including a set of humorous outtakes from his time at the General Assembly, and the Back Roads series of books that document the interesting people and places he has encountered in his travels throughout the Commonwealth; and

WHEREAS, after his retirement, Bob Brown looks forward to spending more time with his beloved family, including his wife, Evelyn, and their five children, two step-daughters, and 12 grandchildren; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Bob Brown, an esteemed senior photographer for the *Richmond Times-Dispatch*, on the occasion of his well-earned retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bob Brown as an expression of the General Assembly's admiration for his prolific body of work and achievements as a photojournalist and gratitude for his outstanding service to the residents of the Commonwealth.

HOUSE JOINT RESOLUTION NO. 450

Election of Circuit Court Judges, General District Court Judges, and Juvenile and Domestic Relations District Court Judges.

Agreed to by the House of Delegates, March 9, 2022

Agreed to by the Senate, March 9, 2022

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly shall proceed today To the election of Circuit Court judges for terms of eight years commencing as follows:

One judge for the Fourth Judicial Circuit, term commencing May 1, 2022.

One judge for the Seventh Judicial Circuit, term commencing June 1, 2022.

One judge for the Twelfth Judicial Circuit, term commencing May 1, 2022.

One judge for the Twelfth Judicial Circuit, term commencing December 1, 2022.

One judge for the Thirteenth Judicial Circuit, term commencing October 1, 2022.

One judge for the Sixteenth Judicial Circuit, term commencing December 1, 2022.

One judge for the Twenty-first Judicial Circuit, term commencing May 1, 2022.

One judge for the Twenty-sixth Judicial Circuit, term commencing June 1, 2022.

One judge for the Twenty-sixth Judicial Circuit, term commencing July 1, 2022.

One judge for the Thirtieth Judicial Circuit, term commencing June 1, 2022.

One judge for the Thirty-first Judicial Circuit, term commencing July 1, 2022.

To the election of General District Court judges for terms of six years commencing as follows:

One judge for the Fourth Judicial District, term commencing May 1, 2022.

One judge for the Fourth Judicial District, term commencing March 16, 2022.

One judge for the Seventh Judicial District, term commencing June 1, 2022.

One judge for the Thirteenth Judicial District, term commencing April 16, 2022.

One judge for the Nineteenth Judicial District, term commencing July 1, 2022.

One judge for the Twenty-first Judicial District, term commencing May 1, 2022.

One judge for the Twenty-second Judicial District, term commencing May 1, 2022.

One judge for the Twenty-sixth Judicial District, term commencing June 1, 2022.

One judge for the Thirty-first Judicial District, term commencing July 1, 2022.

To the election of Juvenile and Domestic Relations District Court judges for terms of six years commencing as follows:

One judge for the Second Judicial District, term commencing March 16, 2022.

One judge for the Second Judicial District, term commencing May 1, 2022.

One judge for the Twelfth Judicial District, term commencing May 1, 2022.
 One judge for the Thirteenth Judicial District, term commencing October 1, 2022.
 One judge for the Fourteenth Judicial District, term commencing May 1, 2022.
 One judge for the Sixteenth Judicial District, term commencing December 1, 2022.
 One judge for the Seventeenth Judicial District, term commencing April 16, 2022.
 One judge for the Twenty-second Judicial District, term commencing May 1, 2022.
 One judge for the Twenty-sixth Judicial District, term commencing May 1, 2022.
 One judge for the Twenty-sixth Judicial District, term commencing July 1, 2022.
 One judge for the Thirty-first Judicial District, term commencing June 1, 2022.

And that in the execution of the joint order nominations shall be made in the order herein named, and that each house shall be notified of said nominations, and when the rolls shall be called for the whole number, the presiding officers of each house shall appoint a committee of three, which together shall constitute the joint committee to count the vote of each house in each case and report the results to their respective houses. The joint order may be suspended by the presiding officer of either house at any time but for no longer than twenty-four hours to receive the report of the joint committee.

HOUSE JOINT RESOLUTION NO. 451

Commending the Virginia Chapter of 4-H All Stars.

Agreed to by the House of Delegates, March 10, 2022

Agreed to by the Senate, March 11, 2022

WHEREAS, for 100 years the Virginia Chapter of 4-H All Stars has recognized outstanding 4-H members, 4-H faculty, 4-H staff, and 4-H volunteers who have demonstrated excellence in "learning by doing," leadership, and service in all corners of the Commonwealth and globe; and

WHEREAS, the Virginia Chapter of 4-H All Stars was organized at the State 4-H Short Course at Virginia Polytechnic Institute and State University (Virginia Tech) by three representatives of West Virginia, the first 4-H All Star Chapter, on August 4, 1922; and

WHEREAS, over the course of its 100-year history, over 10,000 Virginia youth and adults have been recognized as Virginia 4-H All Stars, people who serve Virginia as parents, educators, owners, and workers in a diverse array of businesses ranging from agriculture to information technology, members of the General Assembly, judges, other elected and appointed leadership positions at local, state, national, and international levels, and numerous other roles; and

WHEREAS, for 100 years Virginia 4-H All Stars across the Commonwealth have lived up to the motto "Service" in countless ways, especially through supporting local 4-H programs as Extension faculty or staff, and as volunteers who lead, mentor, and teach 4-Hers research based information, helping them to "Make the Best Better" in their lives and communities as they explore and seek their future roles in society; and

WHEREAS, since 1964 Virginia 4-H All Stars have sponsored local and state 4-H Public Speaking programs, helping generations of 4-Hers gain and practice speaking and presentation skills through competitions ranging from school and local levels to State 4-H Congress and National 4-H Congress; and

WHEREAS, Virginia 4-H All Stars support the six Virginia 4-H Centers where generations of 4-Hers camp, gain knowledge and skills, learn to be leaders, and serve their communities and others; and

WHEREAS, Virginia 4-H All Stars established in 1959 scholarships, now permanently funded through the Virginia 4-H Foundation, to support those who seek post-secondary vocational and technical certificates and college and advanced degrees; and

WHEREAS, the Virginia 4-H All Star Chapter has developed recognitions to encourage and celebrate member contributions and accomplishments through the Hall of Fame Award, Bradshaw Service Award, C. Dean Allen Award for international service, Dottie Nelson International Award, and Chapter Charter Award; and

WHEREAS, Virginia 4-H All Stars have held Midwinters Conference annually since 1961, at Natural Bridge between 1961 and 1971, and in many communities across the Commonwealth and at Virginia State University since then, and Summer Conferences on the campus of Virginia Tech, at 4-H Centers and numerous locations across the Commonwealth; and

WHEREAS, Virginia 4-H All Stars support the Virginia Association of Volunteer 4-H Leaders to enhance the knowledge and skills of 4-H volunteers, and the IFYE Program and other international exchange opportunities for youth and adults to further global relationships and understanding; and

WHEREAS, Virginia, West Virginia, Maryland, Rhode Island, and Massachusetts 4-H All Stars held the first Interstate Conference in Washington, D.C., in 1941, later joined by Mississippi and Tennessee, and since then Virginia has hosted thirteen Interstate Conferences in locations stretching from Virginia Beach to Abingdon; and

WHEREAS, in 2022, 4-H All Stars, 4-H staff, 4-Hers past and present, and citizens across the Commonwealth will commemorate this important milestone in the organization's long and storied history; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Chapter of 4-H All Stars on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Big Chief Nancy M. Moga as an expression of the General Assembly's admiration for the organization's extraordinary history, unparalleled legacy of excellence, and invaluable contributions to the Commonwealth, the nation, and the world.

HOUSE JOINT RESOLUTION NO. 452

Celebrating the life of Richard Van Evera Doud, Jr.

Agreed to by the House of Delegates, March 10, 2022

Agreed to by the Senate, March 12, 2022

WHEREAS, Richard Van Evera Doud, Jr., a highly admired business leader in Arlington who made many contributions to the community, died on December 9, 2021; and

WHEREAS, a native of Texas, Richard Doud moved to the Commonwealth with his family at a young age and graduated from what was then Washington-Lee High School in Arlington; he continued his education at Davidson College then began working for National Cash Register Corporation; and

WHEREAS, Richard Doud subsequently opened three ComputerLand franchise stores in the Washington, D.C., Metropolitan Area, with the Bethesda location becoming the largest such store in the world at one point; and

WHEREAS, after selling his interest in ComputerLand, Richard Doud launched several other entrepreneurial ventures and joined the Arlington Chamber of Commerce in 1990; and

WHEREAS, during his 23 years with the organization, Richard Doud established the Arlington Business Hall of Fame, the Community Action Committee, and Leadership Arlington, now known as the Leadership Center for Excellence; and

WHEREAS, Richard Doud assisted with the publication of the books *Where Valor Rests* and *Children of Valor*, which are presented to families of soldiers interred at Arlington National Cemetery; and

WHEREAS, Richard Doud was well known as a prominent community leader in Arlington, including as a founding member of the Board of Regents of Leadership Arlington, founding member of the Overlee Community Pool Association, member of the Arlington County Economic Development Commission, chair of the Black Heritage Museum, and a volunteer with such organizations as Rebuilding Together and So Others Might Eat; and

WHEREAS, among many awards and accolades, Richard Doud received the Chamber Executive of the Year award from the Virginia Association of Chamber of Commerce Executives, Outstanding Civilian Service Medal from the United States Army, Legacy Award from Leadership Arlington, and Spirit of Community Award from Arlington Community Foundation; and

WHEREAS, Richard Doud enjoyed fellowship and worship with the community at St. Peter's Episcopal Church, where he served as a member of the vestry, an usher, and leader of the children's chapel; he and his wife, Frances, helped organize the annual parish family retreat at Claggett Diocesan Center; and

WHEREAS, Richard Doud will be fondly remembered and greatly missed by his wife, Frances; his children, Sarah, Laura, and Christian, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Richard Van Evera Doud, Jr., a pillar of the Arlington community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Richard Van Evera Doud, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 453

Commending The Cadet and The Cadet Foundation.

Agreed to by the House of Delegates, March 11, 2022

Agreed to by the Senate, March 12, 2022

WHEREAS, *The Cadet* newspaper at Virginia Military Institute, one of Virginia's oldest independent college newspapers, is celebrating its the 115th Anniversary in 2022; and

WHEREAS, *The Cadet* was created by cadets and alumni as a magazine in 1871 with the founding principle of "Let *The Cadet* be the printed reflex of the men who support it. Let it subserve the living interests of the corps of cadets"; and

WHEREAS, according to Henry A. Wise's definitive history of Virginia Military Institute (VMI), *Drawing Out the Man: The VMI Story*, *The Cadet* began and thrived as a monthly magazine from 1871 to 1873, after which it paused and was revived briefly in 1890-1891, then restarted fully in 1892; and

WHEREAS, the cadets who, with alumni support, re-established *The Cadet* in 1892 continued to base it on a founding principle of independence, and wrote "We believe the cadets and alumni should support alone a magazine published ostensibly in their interests"; and

WHEREAS, *The Cadet* in its 1892 restart also reaffirmed that "...we enjoy the unique distinction of being the only college journal in the United States, so far as we know, which is not wholly or in part supported by the college itself...we wish to remain entirely free in this matter"; and

WHEREAS, *The Cadet* transitioned to newspaper format in 1907, making it one of the oldest independent student newspapers in the Commonwealth and the United States, with its founders setting the laudable goal to "rank among the first in college weeklies"; and

WHEREAS, *The Cadet* was known by several variations of its name such as The Keydet (a southern pronunciation of cadet) and the VMI Cadet, but all retained the original *The Cadet* name, and so the newspaper in its form today has an unbroken chain to its origins in 1871; and

WHEREAS, *The Cadet* and its alumni have made great contributions to journalism in the Commonwealth and the United States, including those by Jesse Frank Frosch of the Class of 1964, who was captured and murdered by insurgents while covering hostilities in Cambodia and was honored in the Newseum's Journalist Memorial; and

WHEREAS, James Hanney of the Class of 1956 wrote the first opinion piece in *The Cadet* condemning segregation and calling for VMI to integrate, which it ultimately did in 1968; and

WHEREAS, Jere Real of the Class of 1956, a journalist and teacher with the *Jackson Daily News*, taught at Lynchburg College from 1969 through 1999 and is renowned for his teaching and coverage of human rights issues; and

WHEREAS, *The Cadet* ceased publication in 2016 due to market and other pressures until cadets, again with support from alumni and others in the VMI family, restarted *The Cadet* in May 2021 and reaffirmed its commitment to independent, objective, balanced journalism in its editio princeps: "It is the foundational and unwavering principle of *The Cadet* that the corps and alumni must be trusted as the tellers of their own stories, the conscience of their institution and guardians of VMI's ethos in relating why the experience is both different and of great value to those who open themselves and embrace it"; and

WHEREAS, cadets today continue to maintain total editorial control of *The Cadet's* contents, independent of administration or other influences as they strive to publish "The Voice of the Corps"; alumni and other mentors advise, assist, and enable cadets to continue publishing their independent student newspaper; and

WHEREAS, *The Cadet* today remains the student-produced and alumni-supported medium of news and information published by cadets and alumni under The Cadet Foundation, a nonprofit corporation; and

WHEREAS, *The Cadet* and The Cadet Foundation continue to support journalistic pursuits in publishing the student-produced and alumni-supported medium of news and information by cadets and safeguarding the newspaper's positive and proud traditions to enhance the bonds between cadets and alumni; and

WHEREAS, the Commonwealth has a long and proud history of leading the nation in protecting the rights of free speech, especially for independent student newspapers in public schools and institutions of higher education; and

WHEREAS, independent student publications where students have complete editorial control of content separate from influence or control are essential voices of independent free speech; and

WHEREAS, the year 2022 marks the 115th anniversary of *The Cadet* in its current newspaper format, as well as its record of developing and enhancing open mindedness, ethics, persistence, research skills, technical skills, and storytelling among the cadets who participate in its operation; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend *The Cadet* and The Cadet Foundation for preserving the newspaper's legacy as one of the oldest independent college newspapers in Virginia and for their service and commitment to the development and support of independent student journalism, exercise of student free speech, and defense of the independence of student free press under the First Amendment; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the cadet staff of *The Cadet* as an expression of the General Assembly's admiration for the newspaper's service to students and the Virginia Military Institute community.

HOUSE JOINT RESOLUTION NO. 454

Election of a Circuit Court Judge.

Agreed to by the House of Delegates, March 10, 2022

Agreed to by the Senate, March 12, 2022

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly shall proceed to the election of a Circuit Court judge for the Twelfth Judicial Circuit for a term of eight years commencing December 1, 2022.

And that in the execution of the joint order nominations shall be made in the order herein named, and that each house shall be notified of said nominations, and when the rolls shall be called for the whole number, the presiding officers of each house shall appoint a committee of three, which together shall constitute the joint committee to count the vote of each house in each case and report the results to their respective houses. The joint order may be suspended by the presiding officer of either house at any time but for no longer than twenty-four hours to receive the report of the joint committee.

HOUSE JOINT RESOLUTION NO. 455

Providing for legislation to be carried over from the 2022 Regular Session to a 2022 Special Session of the General Assembly.

Agreed to by the House of Delegates, March 12, 2022

Agreed to by the Senate, March 12, 2022

RESOLVED by the House of Delegates, the Senate concurring, That, notwithstanding the rules of either house of the General Assembly or the provisions of Rule 24 of House Joint Resolution No. 21 (2022), the General Assembly does hereby provide, that pursuant to Section 7 of Article IV of the Constitution of Virginia, House Bill No. 29 and House Bill No. 30 introduced during the 2022 Regular Session, may, by motion, be continued to a 2022 Special Session of the General Assembly for action by any committee or subcommittee of the General Assembly, either house of the General Assembly, or any conference committee.

RESOLVED FURTHER by the House of Delegates, the Senate concurring, That, notwithstanding the rules of either house of the General Assembly or the provisions of Rule 24 of House Joint Resolution No. 21 (2022), the General Assembly does hereby provide, that pursuant to Section 7 of Article IV of the Constitution of Virginia, any House or Senate bills pending in conference committees at the time of adjournment sine die of the 2022 Regular Session, may, by motion, be continued to a 2022 Special Session of the General Assembly for action by either House of the General Assembly or any conference committee.

HOUSE JOINT RESOLUTION NO. 456

Adjournment Sine Die.

Agreed to by the House of Delegates, March 12, 2022

Agreed to by the Senate, March 12, 2022

WHEREAS, the House of Delegates and the Senate are ready to adjourn sine die; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a committee of six on the part of the House of Delegates and five on the part of the Senate, be appointed to inform the Governor that the Regular Session of the 2022 General Assembly is ready to adjourn sine die and to inquire if he has any communication to make.

HOUSE RESOLUTION NO. 1

Celebrating the life of Sally Lamb.

Agreed to by the House of Delegates, January 31, 2022

WHEREAS, Sally Lamb of Gordonsville, a respected leader in the horseback riding community in the Commonwealth, died on December 22, 2020; and

WHEREAS, Sally Lamb grew up in Culpeper County, where she attended Culpeper County High School, and she subsequently graduated from Virginia Polytechnic Institute and State University; and

WHEREAS, in 1979, Sally Lamb and her husband, David, established Oakland Heights Farm in Gordonsville to preserve the history and heritage of the art of horseback riding and provide professional instruction to riding enthusiasts of all ages; and

WHEREAS, Sally and David Lamb have been involved with countless equine activities and endeavors, participating in horse shows, county fairs, local parades, and other events, and they have offered their expertise to the community on training, boarding, breeding, sales, hay production, and other aspects of the industry; and

WHEREAS, over the course of their career, Sally and David Lamb were trusted mentors to countless young people in the Gordonsville community; their son, Matt, followed in their footsteps as a horseman and runs the BLM Bull and Rodeo Company at Oakland Heights Farm; and

WHEREAS, Sally Lamb was a longtime regional representative and former president of the Virginia Horse Council and received the organization's Horsewoman of the Year Award for her outstanding contributions to horseback riders throughout the Commonwealth; and

WHEREAS, Sally Lamb was an avid foxhunter and had served as a member of the Board of Directors at Bull Run Hunt Club and the Board of Governors at Keswick Hunt Club; and

WHEREAS, through Oakland Heights Farm, Sally Lamb has supported several charitable organizations, including the Wounded Warrior Project, St. Jude Children's Research Hospital, and the Juvenile Diabetes Research Foundation; in addition, she established the Four Horseshoes Youth Foundation to support underprivileged youths interested in horseback riding; and

WHEREAS, Sally Lamb will be fondly remembered and greatly missed by her husband, David; her son, Matt; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Sally Lamb; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Sally Lamb as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 2

Commending the Honorable M. Kirkland Cox.

Agreed to by the House of Delegates, January 12, 2022

WHEREAS, the Honorable M. Kirkland Cox, a respected educator who inspired countless young people in the Tri-City area, served the Commonwealth for more than three decades as a member of the Virginia House of Delegates, including two sessions as Speaker of the House; and

WHEREAS, the Honorable M. Kirkland "Kirk" Cox grew up in Colonial Heights and holds degrees from James Madison University and the Richard Bland College of William & Mary; he followed in his mother's footsteps as an educator, teaching middle school and high school special education and civics and government courses for many years until his retirement in 2012; and

WHEREAS, desirous to be of further service to his community and the Commonwealth, Kirk Cox ran for and was elected to the Virginia House of Delegates in 1989 and represented the residents of Colonial Heights and part of Chesterfield County in the 66th District for more than 30 years; and

WHEREAS, as a state lawmaker, Kirk Cox was one of the foremost supporters of veterans and their families in the Commonwealth, introducing more than 120 pieces of relevant legislation; and

WHEREAS, Kirk Cox was one of the first legislators in the nation to introduce legislation granting tax relief for soldiers serving in Bosnia and introduced successful legislation to expand the Sitter & Barfoot Veterans Care Center in Richmond and construct the Jones & Cabacoy Veterans Care Center in Virginia Beach and the Puller Veterans Care Center in Fauquier County; and

WHEREAS, Kirk Cox helped create the Virginia Growth and Opportunity Board, a business-driven initiative that facilitates greater collaboration between the business community, higher education, and local governments, and the Online Virginia Network, a consortium of state universities offering a one-stop shop for scheduling, registering for, and attending online classes; and

WHEREAS, Kirk Cox sought to increase funding for community-based services for people with intellectual and developmental disabilities and helped create a statewide pilot program for addiction recovery programs; and

WHEREAS, Kirk Cox offered his leadership and expertise to the House Committees on the Chesapeake and Its Tributaries, on Conservation and Natural Resources, on Agriculture, Chesapeake and Natural Resources, and on Rules, as well as the Joint Committee on Rules and the Select Committee on School Safety; and

WHEREAS, Kirk Cox served as chair of the Joint Legislative Audit and Review Commission, War of 1812 Commission, the WWI and WWII Commemoration Commission, the Virginia Council on the Interstate Compact on Education Opportunities for Military Children, the Jamestown-Yorktown Foundation, and the American Evolution 2019 Commemoration Commission; and

WHEREAS, Kirk Cox ably served as House Majority Whip from 2004 to 2010 and House Majority Leader from 2010 to 2018, then was unanimously elected as the 55th Speaker of the House of Delegates from 2018 to 2020; and

WHEREAS, Kirk Cox was the first resident of Colonial Heights, the first graduate of James Madison University, and the first public school teacher to become Speaker of the House of Delegates; and

WHEREAS, during his tenure as Speaker, Kirk Cox implemented paid parental leave for all House of Delegates employees, increased transparency by ensuring that committee meetings were live-streamed, and presided over the 400th anniversary of the founding of the House of Burgesses; and

WHEREAS, Kirk Cox has served the Commonwealth with the utmost professionalism, integrity, and dedication and looks forward to seeking new opportunities to serve his community; and

WHEREAS, in all his endeavors, Kirk Cox enjoys the love and support of his wife, Julia Kirkendall Cox, and their four sons, Lane, Carter, Blake, and Cameron; now, therefore, be it

RESOLVED by the House of Delegates, That the Honorable M. Kirkland Cox hereby be commended for his outstanding contributions to the residents of the 66th District and the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable M. Kirkland Cox as an expression of the House of Delegates' admiration for his achievements on behalf of his fellow Virginians.

HOUSE RESOLUTION NO. 3

Establishing the Rules of the House of Delegates for the 2022 - 2023 Sessions of the General Assembly of Virginia.

Agreed to by the House of Delegates, January 12, 2022

RESOLVED by the House of Delegates, That the House of Delegates shall be governed by the following Rules:

I. Organization.

Elections.

Rule 1. Voting at elections in the House will be by use of the electronic voting system or, if it is inoperable, viva voce by response to the call of names, and the vote will be recorded in the Journal. Except in the case of block voting, only one person will be chosen at a time. If, on the first voting, no one receives a majority, the person having the smallest number of votes will not be voted for on the next voting and so on until someone receives a majority of the whole vote. If the election is by joint vote of the two houses, messages will be exchanged for each voting announcing the names of persons in nomination. A committee of three from each house will compare the votes and ascertain and report the result.

At the election for any judgeship to the Supreme Court of Virginia, the Court of Appeals of Virginia, Circuit Courts, and Courts Not of Record, no nominee will be offered to the House unless that nominee has been interviewed by the House Courts of Justice Committee and subsequently certified as qualified for election. If more than one nominee is offered for any judgeship, a member may cast a vote for only one nominee.

The Speaker.

Rule 2. The House of Delegates will choose its own Speaker from among the members of the House. The Speaker will be elected in evennumbered years for a term of two years. The nominations for Speaker will be viva voce without debate and no second will be required to place a name in nomination. Once nominations are closed, the election of the Speaker will be a matter of privilege and will be conducted immediately and will not be debated. The voting for Speaker will be by use of the electronic voting system or, if it is inoperable, viva voce by response to the call of names, and the vote will be recorded in the Journal. Each member will vote for only one nominee for Speaker in each round of voting. If, on the first voting, no one receives a majority, the person having the smallest number of votes will not be voted for on the next voting and so on until someone will receive a majority of the whole vote. Once elected, the Speaker will not be removed from office during the term except with the concurrence of twothirds of the elected membership of the House.

The Speaker may appoint to the Chair any member who will exercise its functions for the time. However, no member, by virtue of such appointment, will preside for a longer time than three consecutive days. During such appointment the Speaker may participate in the debates.

If the Speaker is absent and has named no one to act as temporary Speaker, the duties will be performed by the Leader of the Majority Caucus. If the Majority Leader is unable or unwilling to assume the duties of the Speaker, or until the Majority Leader is available, the duties will be performed by the chairman of one of the standing committees taking precedence in the order in which the committees are named in Rule 16. In the event of a vacancy that occurs during a Regular or Special Session, the House shall elect a successor within seven days of notice of the vacancy. The person receiving a majority of the votes of the members present and voting will be deemed to be elected Speaker.

In the event of a vacancy that occurs during the Interim, the Privileges and Elections Committee will convene at a meeting to be called by the chairman or, in the chairman's absence, the vice chairman or a majority of the membership of the committee to elect a Speaker to serve during the vacancy and until a successor is elected by the House at its next session. At least three working days' notice of the time, place, and purpose of the meeting will be given to all members of the committee. The person receiving a majority of the votes of the members of the committee present and voting will be deemed to be elected Speaker. Pursuant to the provisions of this Rule, the Speaker will serve and perform all the duties of the position until a successor is elected by the House at its next session.

Rule 3. The Speaker will take the Chair every day precisely at the hour to which the House shall have adjourned on the preceding legislative day and will immediately call the House to order. After divine services are performed, the Pledge of Allegiance to the Flag of the United States of America shall be recited, and the roll of members be taken, pursuant to Rule 32, with the names of those members present entered upon the Journal. A quorum being present, the Speaker will proceed with the business of the day. The Speaker will have the power to supervise and correct the Journal. The Speaker, having examined the Journal of the proceedings of the last day's sitting and approved the same, will announce to the House the approval of the Journal. The Speaker's approval of the Journal will be deemed to be agreed to subject to a vote on agreeing to the Speaker's approval on the demand of any member, which vote, if decided in the affirmative, will not be subject to a motion to reconsider. It will be in order to offer one motion that the Journal be read only if the Speaker's approval of the Journal is not agreed to, and such motion will be determined without debate and will not be subject to a motion to reconsider. Upon the last day of the session, the Journal for that day being examined and found correct will be signed by the Speaker and the Clerk. The said Journals, when so signed, will be the authentic record of the proceedings of the House.

Rule 4. The Speaker will have a general direction of the House Chamber with power, in case of disturbance or disorderly conduct in such part thereof as may be appropriated to spectators, to have the same cleared. Representatives of news media,

wishing to report the proceedings of the House, may be admitted by the Speaker, who will assign them to such places in the House Chamber as shall not interfere with the convenience of the members.

It is the policy of the House of Delegates, under the direction of the Speaker, to take all reasonable precautions to ensure the safety of every member, full- and part-time employee, page, intern, visitor, and guest of the House of Delegates. In accordance with policy, the Speaker may grant approval for a member to participate via electronic communication means. A member participating in a session of the House via electronic communication means shall be deemed to be in attendance for purposes of the quorum requirements under Article IV, Section 8 of the Constitution of Virginia, or any other provision of the Constitution, regardless of where the member is physically located. A member participating via electronic communication means shall not be required to open their physical location to the public or the media.

In the event of a disaster, natural or otherwise, or other emergency circumstance, the Speaker may convene the House in a location other than the House Chamber. In addition, if a motion to reconvene to a session date and time to be conducted by electronic communication means is adopted by the House by a 2/3 majority, such session of the House shall be conducted by electronic communication means. "Electronic communication means" means the use of technology having electrical, digital, magnetic, wireless, optical, telephonic, electromagnetic, or similar capabilities to transmit or receive information.

During the pendency of such disaster or other emergency circumstance, a session of the House may be conducted by electronic communication means without any requirement that a quorum be physically assembled in a single location.

A member participating in a session of the House conducted via electronic communication means shall be deemed to be in attendance for purposes of the quorum requirements under Article IV, Section 8 of the Constitution of Virginia, or any other provision of the Constitution, regardless of where the member is physically located. A member participating in a session of the House conducted via electronic communication means shall be deemed to be present for any voting requirement under the Constitution of Virginia and may vote on any matter taken up by the House, regardless of where the member is physically located. A member participating via electronic communication means shall not be required to open their physical location to the public or the media.

The Clerk, at the direction of the Speaker, shall determine the methods of electronic communication for any session of the House conducted by electronic communication means, provided that such methods are designed to enable each member participating by electronic communication means to participate as the proceedings are occurring.

Sessions of the House conducted by electronic communication means shall be made digitally available to the public.

To protect the public health and safety during such disaster or other emergency circumstance, the Speaker and Clerk may limit access to the physical location from which the Speaker is presiding to members of the General Assembly and such other persons they deem essential for the proceedings.

Notwithstanding Rule 18(e) or any other Rule, during the pendency of such disaster or other emergency circumstance, the chairman of any standing committee, subcommittee, joint subcommittee, interim study committee, or other legislative branch public body may conduct a meeting by electronic communication means under the same conditions and requirements and with the same powers enumerated above, and without any requirement that a quorum be physically assembled in a single location. Any member of such standing committee, subcommittee, joint subcommittee, interim study committee, or other legislative branch public body participating in the meeting by electronic communication means shall be deemed to be in attendance for purposes of any quorum requirement and may vote on any matter taken up at the meeting.

Whenever a session of the House or any meeting of a standing committee, subcommittee, joint subcommittee, interim study committee, or other legislative branch public body is conducted by electronic communication means, voting viva voce by response to the call of names shall not be required.

Rule 5. All enrolled bills and joint resolutions proposing amendments to the Constitution will be signed by the Speaker and all writs and warrants issued by order of the House will be under the Speaker's hand and seal, attested by the Clerk.

The Clerk.

Rule 6. A Clerk will be elected by the House in evennumbered years and will be deemed to continue in office until another is chosen. In the event of a vacancy, the Speaker may appoint an acting Clerk until a successor is elected by the House or, if the House is not in session, by the Committee on Rules at a meeting to be called by the chairman or, in the chairman's absence, the vice chairman, or a majority of the membership of the committee. At least three working days notice of the time, place, and purpose of the meeting will be given to all members of said committee, and the person receiving a majority of the votes of the members of said committee present and voting will be deemed to be elected to fill said vacancy.

Rule 6(a). The Clerk has the authority, with the approval of the Speaker, to employ personnel necessary to accomplish the work of the House subject to such terms and conditions as deemed appropriate by the Speaker; such personnel may be removed by the Clerk with the approval of the Speaker. The Clerk will be charged with the clerical business of the House and its committees.

Pages will be appointed annually by the Speaker and should be thirteen or fourteen years old at the time of their initial appointment. They will be ineligible for reappointment after serving for two years. The Clerk is responsible for the administration of the Page program.

Rule 6(b). The Clerk will be charged with the duty of assigning each member to a seat in the House Chamber and office space. No seat or office space assigned to and occupied by a member who is reelected will be changed without such member's consent, except that members will be moved to the left or right by the Clerk to maintain contiguity in dividing the Chamber along major party caucuses.

Rule 7. The Clerk will perform all the duties of the office under the direction of the Speaker. The Clerk will keep a journal of the proceedings of the House, have the same in proper form to be signed as provided by Rule 3, and submit it daily to the Speaker in time to be examined before the next assembling of the House. The Clerk will keep at the Clerk's table, during the sittings of the House, a calendar or docket so arranged as to show the condition and progress of the business of the House and will provide to each member before the assembling of the House each day, a printed calendar of pending bills and a list of all bills offered on the preceding day, under Rule 37, with the names of the patrons, titles of the bills, and the committees to which the same have been referred. After amendments have been agreed to by the House, the Clerk will see that they are handled only by the clerks of the standing committees, if referred or rereferred; clerks at the desk; or the clerks charged with the duty of engrossing bills until such amendments have been duly engrossed and verified.

Rule 8. The Clerk will keep accounts of the compensation of the members, officials and employees of the House, and will from time to time certify the same to the Comptroller. The Clerk will provide the stationery required for the business of the House and for the official use of the members and also will provide postage for the official use of the members within the limitations established by the Rules Committee.

Rule 9. The Clerk will provide to the members, when required, vouchers for mileage and expenses; certify such for payment as provided by law; and pay over to those entitled the money due upon such vouchers and will keep detailed accounts of all transactions pursuant to Rules 8 and 9, which will be open to inspection at all times.

Sergeant at Arms.

Rule 10. A Sergeant at Arms and doorkeepers will be appointed by the Speaker. The Clerk will be responsible for the administration and duties of these positions.

Rule 11. The Sergeant at Arms will, with the doorkeepers, attend upon the House during its sitting, and execute its commands, together with all such process, issued by its authority, as directed by the Speaker and the Clerk.

Rule 12. The Sergeant at Arms will, under the direction of the Speaker and the Clerk, have charge of the supervision of the Chamber and prevent any interruption of the business of the House by disorder within or without. The Sergeant at Arms will distribute among the members all papers printed for their use and give such attendance upon them during the sittings of the House as will promote their comfort and facilitate the business of the House.

Immediately prior to the convening of every session, the Sergeant at Arms will clear the floor of the House of all persons other than those specified under Rule 83 who are authorized to be there during each session.

Rule 13. The Sergeant at Arms will attend to receiving and dispatching all messages in the House Chamber intended for or sent by members and make such arrangement as to promote the convenience of the members and will attend to the display of the Mace during sessions of the House and direct all persons not entitled to privileges on the floor of the House to the gallery.

Oaths of Office.

Rule 14. The oaths which the officers of the House are required by law to take will be administered and certified by a person authorized to administer oaths and will be filed with the Clerk of the House.

Committees.

Rule 15. The Speaker will appoint all committee members and will designate the chairman and vice chairman of each committee provided that no member will be chairman of more than one committee, unless a chairman of a standing committee is serving as Speaker pursuant to Rule 2, and no member will be vice chairman of more than one committee, as designated in Rule 16. If the chairman and vice chairman are absent or excused by the House, one of the members will act as the chairman, taking precedence in the order named by the Speaker. The Speaker will serve as chairman of the Committee on Rules.

Rule 16. There will be appointed standing committees, to be named and to consist of up to the number of members indicated below:

1.	Privileges and Elections	22 members
2.	Courts of Justice	22 members
3.	Education	22 members
4.	General Laws	22 members
5.	Transportation	22 members
6.	Finance	22 members
7.	Appropriations	22 members
8.	Counties, Cities and Towns	22 members
9.	Commerce and Energy	22 members
10.	Health, Welfare and Institutions	22 members
11.	Agriculture, Chesapeake and Natural Resources	22 members
12.	Public Safety	22 members
13.	Communications, Technology and Innovation	22 members
14.	Rules	17 members and the Speaker

The Speaker will designate eight members of the House Rules Committee to meet with members of the Senate to constitute the Joint Rules Committee.

Rule 16(a). Except for the Committee on Rules, membership on all standing committees and subcommittees will be contingent upon membership or nonmembership in the majority party caucus. The apportionment of members will be according to the same ratio of members in the House of Delegates who are members or nonmembers of the majority party caucus. If such ratio would represent a fractional number of the committee or subcommittee membership assigned to the majority party caucus, then the number of majority party caucus members will be the next highest whole number of committee or subcommittee members. For the purposes of this rule only, members who do not caucus with the majority party caucus or the largest minority party caucus will be deemed part of the majority party caucus.

Notwithstanding any other provision of law, the Speaker of the House may appoint two more House members to any legislative commission, joint subcommittee of House and Senate committees, or any interim study committee than are appointed by the Senate.

Rule 16(b). The Speaker shall strive to appoint from each congressional district at least one member who represents that congressional district on all standing committees with the exception of Rules.

Rule 17. A majority will constitute a quorum for committees. Each committee will meet pursuant to a regular meeting schedule as approved by the Speaker. In addition to a committee's regular scheduled meeting(s), a committee chairman may call additional meetings. It will be the duty of a committee to meet on call of a majority of the committee's members if the chairman is absent or declines to call a meeting. However, additional committee meetings may not be scheduled that are in conflict with another committee's regularly scheduled meeting time. No committee will meet while the House is in session without special leave granted by the Speaker.

Rule 17(a). The chairman of any standing committee may appoint subcommittees provided any such subcommittee will consist of no fewer than five members, a majority of whom will constitute a quorum for the conduct of business. The chairman of any standing committee may serve as an ex-officio member of any such subcommittee, however the chairman may vote on questions before the subcommittee only if a member of the majority caucus is absent from the meeting at the time the question is before the subcommittee.

Rule 17(b). The chairman of any standing committee may appoint ad hoc subcommittees of less than five members to consider no more than one bill or resolution, a majority of whom will constitute a quorum to conduct business.

Rule 17(c). With the exception of Fridays, on days when the House is in session between the hours of 8:30 a.m. and 4:00 p.m., no subcommittee of a standing committee except for the Appropriations or Rules Committees, will meet opposite a standing committee unless the parent committee foregoes meeting at its designated time to allow its subcommittees to meet, or as authorized by the Speaker. Subcommittees of standing committees may meet after the House has adjourned for the day on Fridays and weekends upon call of the chairman to consider any such matter as may have been referred to them.

Rule 18. The several standing committees will consider matters specially referred to them and, whenever practicable, suggest such legislation as may be germane to the duties of the committee. The chairman will have discretion to determine when, and if, legislation will be heard before the committee and may refer legislation for consideration to a subcommittee. If referred to a subcommittee, the legislation will be considered by the subcommittee. If the subcommittee does not recommend such legislation by a majority vote, the chairman need not consider the legislation in the full committee. It will be the duty of each committee to inquire into the condition and administration of the laws relating to the subjects which it has in its charge; to investigate the conduct and look to the responsibility of all public officers and agents concerned; and to suggest such measures as will correct abuses, protect the public interests, and promote the public welfare.

Any committee of the House may, at its discretion, confer with a committee of the Senate having under consideration the same subject.

Rule 18(a). When a question is before the committee, no motion will be received unless specially provided for, except to adjourn, lay upon the table, pass by indefinitely, postpone for a specified time or purpose, refer or rerefer, amend or incorporate, strike from the docket, or report; which several motions will have precedence in the order in which they are arranged and each such motion will be required to be seconded.

The Committee on Rules may, on a vote of a majority of the members appointed plus one, send a bill, joint resolution, or resolution to the floor on a motion that "the bill, joint resolution, or resolution be reported to the floor by the committee without specific recommendation." This motion is a special motion and can only be made in the Committee on Rules.

When a question has been decided, it may be reconsidered on the motion of any member who voted with the prevailing side provided it be made on the same day or if such motion has not been communicated to the House, such motion may be made no later than the adjournment of the next regularly scheduled meeting of the full committee, except for those measures continued pursuant to Rule 22.

Rule 18(b). Committees will in all cases report by bill or resolution, with or without amendment or amendments, in such form that, if passed or agreed to, it will carry into effect their recommendations; but no papers returned therewith will be printed unless the committee will so recommend. Every bill will be printed, as provided in Rule 37. Bills may be considered in executive session, but final vote thereon will be in open session.

Rule 18(c). A recorded vote of members of a committee or subcommittee will be taken and the name and number of those voting for, against, or abstaining will be taken upon each measure using an electronic voting system, unless inoperable, in which case the Clerk will record the vote by response to the call of names arranged and called in the order named except that the Chair will be called last. Such recorded vote will be reported with the bill or resolution and ordered printed on the Calendar on any matter reported from committee and sent to the floor, including those measures reported and referred.

A recorded vote of members will not be required on a motion to adjourn, a motion to refer or rerefer administratively, or a motion to pass by for the day or postpone for a specified time or purpose, except upon the call of the chairman or the desire of one-fifth of the members present.

Rule 18(d). Reports of the committees may be handed to the Clerk at any time and may be disposed of in the morning hour. If, in the judgment of the Speaker, any report of a committee requires immediate action it may be brought to the attention of the House at any time.

Rule 18(e). No member will be excluded from any meeting of a committee, subcommittee, joint subcommittee, or interim study committee except as hereinafter provided for the maintenance of order. If an electronic meeting is authorized by the chairman, no member will be excluded from participating by electronic communication means, and members participating by electronic communication means will not be counted in attendance for purposes of a quorum. The chairman of the committee will maintain order and decorum, and the business of the committee will be conducted at all times in accordance with the Rules of the House.

Rule 19. The chairman or, in the chairman's absence, the vice chairman, or the majority of the membership of the committee, may call meetings of the committee to study, call hearings, and consider any bill or resolution, or to consider such other matters as may be germane to the duties of the committee.

Rule 20. The chairman of any standing committee is authorized, with the prior approval of the Speaker, to hire, employ, engage or retain such additional clerks, counsel and other staff personnel, whose function will be to participate with such committees or subcommittees thereof in reviewing legislation, rules, House policy, or in performing any referred study or study initiated by the committee or its chairman.

For this purpose and for such other expenses as may be occasioned by the conduct of any committee study, payments will be made from the general appropriations to the House of Delegates.

Persons who are asked by a committee chairman to appear before a committee or subcommittee to offer expert testimony may receive reimbursement for their actual and reasonable expenses if approved by the chairman and the Speaker.

Rule 21. The conduct of the business of any subcommittee of any House committee, any joint subcommittee of House and Senate committees, and any interim study committee created by a House measure will be governed in accordance with the Rules of the House. If a House measure and a Senate measure create the same study, the conduct of business of the study will be governed by the rules of the house of the chairman of the study, or in the case of co-chairmen, the rules of the house as agreed upon by the co-chairmen.

Rule 22. Any bill or resolution introduced in an evennumbered year and not reported to the House of Delegates by the committee to which it has been referred, may be continued on the agenda of the committee for hearings and committee action during the interim between regular sessions and not otherwise. The committee will report, prior to the adjournment sine die of the House of Delegates, such bills or resolutions as will be continued and the Clerk of the House of Delegates will enter upon the Journal the fact that such bill or resolution has been continued. Any bill or resolution that has been continued and subsequently reported from a committee will be placed upon the Calendar of the House of Delegates.

The House of Delegates, upon consideration of any bill or resolution on the Calendar, may rerefer the bill to the committee reporting the same and direct the committee to continue the bill or resolution until the following oddnumbered year regular session and hold such hearings and render such further consideration of the bill or resolution as the committee may deem proper.

(The provisions of any rule relating to legislative continuity between sessions will be subject to the provisions of Article IV, Section 7 of the Constitution of Virginia.)

Standards of Conduct.

Rule 23. There will be a subcommittee on Standards of Conduct of the Rules Committee consisting of four members, two of whom will be members of the majority caucus and two of whom will be nonmembers of the majority caucus, appointed by the chairman, which may review annually members' statements of economic interests and consider any request by a member for an advisory opinion with respect to the general propriety of any current or proposed conduct of such member.

Rule 23(a). The House Committee on Rules will establish, by majority vote, a formal policy for the training, reporting, investigating, and resolving of issues of harassment. The Committee may amend the policy from time to time as appropriate. Copies of the approved policy and any changes or amendments thereof will be provided to every member, full and part-time employee, page, and intern of the Virginia House of Delegates.

Rule 24. The Privileges and Elections Committee will receive and investigate any charges or complaints brought against any member of the House of Delegates in the performance of their duties or the discharge of their responsibilities and recommend to the House such action as it may deem appropriate to establish and enforce standards of conduct for members.

Committee of the Whole.

Rule 25. When the House will go into the Committee of the Whole, the Speaker may vacate the Chair and appoint a member to preside in Committee; the other officers will attend, and the Rules of the House will be observed and enforced in Committee, as far as applicable, except that the previous question will not be ordered.

Rule 26. If the Committee of the Whole arise before the consideration of the subject referred is concluded, the same will be reported back and have its place in order as unfinished business of the House. When it will be again reached in order, unless it be otherwise disposed of, the House, after making such orders as it may deem proper in relation to the business before the Committee, will stand again resolved into the Committee of the Whole, and so on until the business therein be disposed of.

Rule 27. Nothing will be in order in the Committee of the Whole except such matters as may be specially referred to it by the House.

Rule 28. Whenever the Committee of the Whole will find itself without a quorum, the chairman will cause the roll to be called and thereupon the Committee will rise, and the chairman will report the fact and the names of the absentees, which will be entered upon the Journal of the House.

Rule 29. The motion to go into Committee of the Whole, and the motion to discharge the Committee, will not be debated.

II. Attendance and Adjournment.

Attendance.

Rule 30. No member will be absent from the service of the House unless granted leave by the Speaker or if the member is sick or otherwise unable to attend. Such leave will be entered upon the Journal.

Rule 31. Any ten members or more including the Speaker, if there is one, and the Speaker is present, will be authorized to compel the attendance of absent members by a call of the House.

Rule 32. The roll of the House will be taken by the use of the electronic voting system or, if it is inoperable, by viva voce by response to the call of names arranged and called in alphabetical order except that the Speaker will be called last.

Rule 33. The electronic voting system may be used for a call of the House; however, if it is inoperable, the call of the House will be by viva voce, the names of the members will be first called over by the Clerk, and the absentees noted; after which the names of the absentees will be again called over. The doors will then be shut and those for whom no excuse or insufficient excuses are made may, by order of those present, if ten in number, be taken into custody as they appear or may be sent for and taken into custody, wherever to be found, by the Sergeant at Arms or the doorkeepers, or by special messengers to be appointed for that purpose.

Rule 34. When a member is discharged from custody and admitted to their seat the House will determine whether such discharge will be with or without payment of fees and expenses.

Adjournment.

Rule 35. Any member or members may adjourn from day to day. A motion to adjourn and a motion to fix the time for which the House will adjourn will always be in order and be decided without debate.

III. Introduction of Business.

Messages, Reports, and Communications.

Rule 36. Messages from the Governor and reports and communications from any other public officer or agent may be received at any time. If, in the judgment of the Speaker, they require immediate action, they may be brought at once to the attention of the House. Otherwise, they will lie upon the Speaker's table and be disposed of in the morning hour. The same rule will be observed with regard to messages from the Senate.

Introducing Legislation.

Rule 37. Members having bills or resolutions to present may, at any time pursuant to agreed upon deadlines, electronically file (e-file) such legislation via the Bill Drafting System or manually file such legislation with the Clerk, endorsed by one or more members with their names. Any bill or joint resolution introduced in the House may show as "Senate Patrons" the signatures or electronic signatures of members of the Senate. Any bill, joint resolution, or resolution manually filed prior to the commencement of the session in which it is to be considered may have the names of copatrons signed to the measure by the chief patron, provided that each such copatron expressly authorized the chief patron to sign for such copatron and the chief patron plainly marks such signatures on the original copy of the measure as being signed by the chief patron. Any bill, joint resolution, or resolution e-filed prior to the commencement of the session in which it is to be considered may have the names of co-patrons added electronically via the Bill Drafting System.

In an even-numbered year, members are limited to introduction of five bills after the period for pre-filing ends. In an odd-numbered year, members are limited to a total of 15 bills during the Regular Session, whether pre-filed or not.

No bill expressly amending an existing law will be offered by any member unless or until the e-filed or manually filed copy has been prepared so as to indicate deletions and additions. The form for deletions and additions will set forth the material deleted with lines through such material and by underscoring the words added, before they are received in the Senate or House of Delegates. The stricken material and underscorings or italics in the printed bills, enrolled bills, and printed Acts will not be considered evidence of all amendments to any bill or existing statute but merely as an aid for quick reference to amended portions. Nothing herein contained will be construed as requiring the use of stricken material or underscoring where new words are substituted for existing words and the new words or the omission of words do not change the sense or meaning of the act.

The Clerk will, under the direction of the Speaker, refer all such legislation to the proper committee and enter the fact, with the names of the members presenting them, upon the Journal. Such bills will be printed, unless otherwise ordered by the House, and numbered in the order in which they are filed with the Clerk.

The Speaker will review all legislation introduced in the House or communicated to the House for its action to determine if such legislation is in conflict with Article IV, Section 12 of the Constitution of Virginia. If such legislation is determined to be in conflict, the Speaker may withhold committee referral of the legislation.

The designation of "House Bill," "House Joint Resolution," or "House Resolution" will not be changed after a bill or resolution is introduced in the House. Nor will the designation of "Senate Bill" or "Senate Joint Resolution" be changed or amended after the bill or resolution is received by the House. In addition, no bill or resolution introduced for a purpose other

than to direct or request a study shall be amended for the purpose of directing or requesting a study unless authorized by unanimous consent of the members of the House.

Rule 38. No bill, joint resolution, or resolution calling for information from the Governor or other public officer or agent will be introduced, considered, or acted upon otherwise than is provided by Rule 37 and will not be acted upon until it will have been examined and reported upon by a committee.

Rule 39. Any other resolution or motion upon which a member may desire the judgment of the House, or any action other than a reference to a standing committee, may be presented to the House in the morning hour after the business on the Speaker's table is disposed of. A recorded vote is required on a resolution authorizing a study or an expenditure of funds. To obtain immediate consideration of any resolution other than a procedural or a memorial or commending resolution, without reference to a standing committee, the vote of two-thirds of the members elected, as required by Rule 81, will be a recorded vote.

Rule 39(a). All memorial or commending joint resolutions or resolutions will conform to the procedure set forth by the Clerk of the House and will not be referred under Rule 37, unless so ordered by the Speaker or by majority vote of the House on motion of a member, but will be placed on the Calendar.

Rule 39(b). No resolution shall be considered that would have the effect of bypassing the process by which the Rules of the House of Delegates may be changed.

IV. Order of Business.

The Morning Hour.

Rule 40. After the approval and signing of the Journal, a time, to be called the morning hour, will be devoted to the dispatch of business upon the Speaker's table and to motions and resolutions presented under Rule 39. The business on the Speaker's table will be disposed of in such order as the Speaker deems best, except as may be herein otherwise provided, or as the House may at any time order by a majority vote of the members elected. The morning hour will be limited to no more than 60 minutes unless otherwise ordered by the Speaker or a majority vote of the members elected.

The order of business for the morning hour as pronounced by the Speaker will be as follows, unless otherwise directed by the Speaker:

- announcements and communications by the Clerk; announcements by members; introduction of guests by members; motions to adjourn in the honor of and/or honor and memory of; motions to take up out of order certain memorial or commending resolutions; motions to dispense with constitutional readings of certain legislation; motions for reconsideration; and announcements by the Speaker of leaves of absence per House practice;

- announcement by the Clerk of member requests to move legislation from any Uncontested Calendar to Regular Calendar per House practice [any relevant legislation not announced may still be moved when considered under the regular order of business pursuant to Rule 49];

- announcement by the Clerk relating to a list of legislation to go By for the Day subsequent to agreement of the motion by the Majority Leader for such legislation to go By for the Day and any additional motions from members for legislation to go By for the Day [any relevant legislation may still be subject to a motion to go By for the Day or any other applicable motion when considered under the regular order of business pursuant to Rule 49];

- recognition of members for points of personal privilege; however, the Speaker may order a time limitation on members' points of personal privilege or the House may order a time limit on members' points of personal privilege by a vote of a majority of the members elected; and

- the Speaker may proceed with or return to any Morning Hour sub category if requested by a member or will return if ordered by a majority vote of the members elected.

Pursuant to Rule 49, the Calendar will be called at the expiration of the Morning Hour unless otherwise directed by a previously agreed to special order or joint order, or when ordered by the House by a majority vote of the members elected and such motion will be in order at any time during the Morning Hour.

Rule 41. The annual message of the Governor will be laid before the House as soon as it is received. It will be printed for the use of the House and be considered by the several standing committees without any special order therefor.

Rule 42. All other messages from the Governor may be referred by the Speaker to the proper committees. The same rule will be observed as to reports and communications from other public officers.

Rule 43. Bills and resolutions originating in the Senate and not requiring immediate action will be read or printed on the Calendar by title the first time when received and referred to their appropriate committees, unless the House directs otherwise.

Rule 44. All bills reported from committee, pursuant to Rule 18(c), will be transferred to the Calendar and the reading or printing on the Calendar of the titles as reported will constitute the first reading or printing of the House bills and the second reading or printing of the Senate bills as required by the Constitution.

Rule 45. All other reports from committees will be considered and disposed of in the order in which the Speaker presents them, unless the House directs otherwise.

Rule 46. A member presenting a resolution under Rule 39 will be allowed five minutes in which to explain their wishes in relation to it, after which the question on referring to a standing committee will be taken without debate.

Rule 47. Printing recommended by committees under Rule 18(b) will be ordered by the Speaker, unless the House directs otherwise.

Rule 48. Once the morning hour expires, the House will proceed to the business of the House as defined in Rule 49; however, the Speaker will be permitted, without objection, to return to the morning hour for the purpose of recognizing any distinguished visitor or other individual defined in Rule 83 that may be present and seated on the floor or in the gallery.

The Calendar.

Rule 49. At the expiration of the morning hour, the House will proceed to consider bills, joint resolutions, and resolutions on the Calendar or any Supplemental Calendar which will be arranged in the following order:

1. Senate bills on third reading.
2. House bills on third reading.
3. House bills on second reading.
4. House bills and joint resolutions returned from Senate with amendments.
5. Resolutions.
6. Memorial and commending resolutions.
7. House bills returned by Governor without approval.
8. House bills returned by Governor with recommendations.
9. Senate bills returned by Governor without approval.
10. Senate bills returned by Governor with recommendations.
11. House bills and resolutions in conference.
12. Senate bills and resolutions in conference.
13. Unfinished business – House and Senate bills and joint resolutions.
14. Senate bills on second reading.
15. House bills on first reading.
16. Resolutions reported.
17. Senate bills and joint resolutions referred.
18. Bills referred.
19. Resolutions referred.
20. Resolutions presented.

The House may direct that bills and resolutions of either house be divided between the designations "Uncontested Calendar" and "Regular Calendar" and be considered in such order. When such a division is directed for bills and resolutions on the Calendar, the Uncontested Calendar will not include any bill or resolution (i) which received a dissenting vote or an abstention in committee, (ii) to which objection is made by any member, or (iii) if any nontechnical floor amendment or any floor amendment in the nature of a substitute is offered. Any bill or resolution will be removed from the Uncontested Calendar and placed on the Regular Calendar at the request of any member rising from their seat for that purpose and stating the request for such legislation to be moved. Once legislation is moved to the Regular Calendar there it will remain.

A Pro Forma Calendar prepared for a pro forma session of the House can contain only new legislation reported from committee and Senate Bills on 1st Reading and Referred.

Supplemental Calendars may be prepared for consideration while the House remains in Session for the day and will be considered when called by the Speaker. Any Supplemental Calendar and the measures contained therein will be considered in the same manner as measures on the Calendar.

Rule 50. It will be the duty of the Clerk to see that the printing and engrossing, when ordered, will be done in such time that the bills and resolutions may be acted on according to their priorities on the Calendar.

Rule 51. If any bill or resolution is not ready for consideration when it is reached on the Calendar category it will be passed by temporarily and be allowed to retain its position on the Calendar. When the Calendar category has been called through, it may be called again in order to dispose of any business that may then be ready; otherwise it will be passed by for the day. Upon completion of the business on the Calendar, the business of the morning hour will be resumed.

Rule 52. The regular order of business herein established will not be changed, nor will any special order be made, except by vote of two-thirds of the members present. However, a majority may postpone the Calendar not exceeding one day at a time, or postpone for a specified time or purpose any subject coming up in order without changing its place, or agree to a joint order with the Senate, or postpone or discharge any special order.

V. Conduct of Business.

Order and Decorum.

Rule 53. The Speaker will preserve order and decorum, may speak to points of order in preference to other members, rising from their seat for that purpose, and will decide questions of order without debate, subject to an appeal to the House. If the decision relates to a question of decorum or propriety of conduct, it will not be debatable; if it relates to the priority of business or the relevancy or applicability of propositions, the appeal may be debated, but no member will speak on it more than once except by leave of the House.

Rule 54. When a member rises to speak the member will respectfully address, "Mister or Madam Speaker," standing in their place, and will confine their remarks strictly to the question before the House, and when finished, will be seated.

Rule 54(a). The title "Delegate" will be used to address another member during any floor session.

Rule 55. When two or more members request to speak or rise at the same time the Speaker will name the person to speak.

Rule 56. Every motion or proposition will be reduced to writing, if desired by the Speaker or any member, and will be delivered at the Clerk's table to be there read; and the question will be stated by the Chair before the same will be debated. When the reading of any paper in possession of the House, not being the precise matter upon which the House is acting, is called for, and objection is made by any member, the question will be determined by a vote of the House without debate. Any motion or proposition may be withdrawn by the mover at any time before a decision, amendment, or other action of the body upon it, except a motion to reconsider which will not be withdrawn without leave of the House.

Rule 57. No member will in debate use any language or gesture calculated to wound, offend, or insult another member.

Rule 58. If any member, in speaking, transgress the Rules of the House, the Speaker will, or any member may, call the member to order; in which case the member called to order will immediately be seated unless permitted to explain. If there be no appeal, the decision of the Chair will be final. If the decision be in favor of the member called to order, the member will be at liberty to proceed; otherwise, they will not proceed, except by leave of the House. For frequent or repeated violations of order, especially if persisted in after the admonition of the Speaker, a member will be liable to the censure of the House.

Rule 59. If any member be called to order by another member for words spoken, the words excepted to will be immediately taken down in writing in order that the Speaker and House may be better able to judge the matter.

Rule 60. No member will, while the House is sitting, interrupt or hinder its business by standing up, leaving their place, moving about the Chamber, engaging in conversation, expressing approval or disapproval of any of the proceedings, or by any other conduct tending to disorder and confusion.

Rule 61. No member will speak more than once on any question until all others have spoken who desire to do so, nor more than twice, without the consent of a majority of the members present.

Ascertaining the Question.

Rule 62. If the question for decision includes several distinct propositions any member may have the same divided, but a motion to strike out and insert will not be so divided; nor will a motion to strike out, being lost, preclude either amendment or a motion to strike out and insert. In filling blanks, the question will be put first upon the largest sum and the longest time or the broadest question.

Rule 62(a). No motion or proposition, or subject different from that under consideration, will be admitted under color of amendment.

Rule 62(b). The Speaker will determine all questions of germaneness relevant to any legislation under consideration by the House including House legislation and any amendments thereto communicated by the Senate or the Governor to the House for its action.

Rule 63. When a question is before the House, no motion will be received unless specially provided for, except to adjourn, lay upon the table, pass by indefinitely, postpone for a specified time or purpose, refer or rerefer, amend, or strike from the Calendar, which several motions will have precedence in the order in which they are arranged.

Rule 64. Upon the motion to pass by indefinitely, the mover will be allowed two minutes to state the reason for their motion, and one member opposed to the motion will be allowed a like time to object. The motion to lay upon the table, for the previous question, and for the pending question will not be debated; nor will debate be allowed on a motion to take up a subject from the table or to reconsider any question which was not debated. When a question not debatable is before the House all incidental questions arising after it is stated to the House will be decided and settled, whether on appeal or otherwise, without debate; and the same rule will apply to incidental questions rising after any question is put to the House.

Pending and Previous Questions.

Rule 65. Pending a debate, any member who obtains the floor for the purpose only, and submits no other motion or remark, may move for the "previous question" or the "pending question," and in either case the motion will be forthwith put to the House. Twothirds of the members present will be required to order the main question; however, a majority may require an immediate vote upon the pending question, whatever it may be.

Rule 66. The previous question will be in this form: "Will the main question now be put?" If carried, its effect will be to put an end to all debate and bring the House to a direct vote upon a motion to refer or rerefer, if pending; then upon amendments reported by a committee, if any; then upon pending amendments; and then upon the main question. If upon the motion for the previous question, the main question be not ordered, debate may continue as if the motion had not been made.

Taking the Vote.

Rule 67. The Speaker will rise to put a question, but may state it sitting. Questions will be distinctly put in substantially the following forms, viz.: "As many as agree that, etc. (as the question may be), say 'Aye,' " and "Those opposed say 'No.' " If the Speaker doubts or a division is called for, the House will divide with those in the affirmative of the question rising first from their seats and afterwards those in the negative, or by a show of hands in the affirmative and then in the negative. If required, the Speaker will cause the result to be ascertained by a count.

Rule 68. The yeas and nays on any question may be called for at any time before proceeding to another question or proposition but, being refused, they will not be again demanded on the same question. Any member will have a right to vote at any time before the decision is announced by the Chair.

Rule 69. Upon a division of the House on any question, a member who is present and fails to vote will on the demand of any member be counted on the negative of the question and when the yeas and nays are taken will, in addition, be entered on

the Journal as present and not voting. However, no member who has an immediate and personal interest in the result of the question will either vote or be counted upon it.

Reconsideration.

Rule 70. When a question has been decided, it may be reconsidered on the motion of any member who voted with the prevailing side, provided it be made on the same day or within the next two days of actual session, as long as such action has not been communicated to the Senate or the Governor. The motion may be entered as a matter of privilege and will take precedence of everything except special orders and other questions of privilege and be disposed of in the morning hour or with the Calendar, as the case may be. All motions to reconsider will be decided by a majority of the votes of the members present.

Bills and Amendments.

Rule 71. Every bill will be read or printed on the Calendar by title on three different calendar days in the House previous to its being passed, and it will be distinctly announced or set out at each reading or printing on the Calendar, whether it is the first, second, or third time. A bill may be referred or rereferred at any time before its passage.

Rule 72. The first reading or printing on the Calendar of the House bill will be for information merely and, notwithstanding a motion to refer or rerefer to a committee or a motion to strike, it will go to second reading or printing on the Calendar without a question. The second reading or printing on the Calendar of a Senate bill will be for information merely and, notwithstanding a motion to refer or rerefer to a committee or a motion to strike, it will go to third reading or printing on the Calendar without a question.

Rule 73. Upon the second reading or printing on the Calendar of a House bill it will be open to amendment or to referral or rereferral or to any of the motions provided for in Rule 63, and the final question will be "Whether it will be engrossed and read or printed on the Calendar a third time?" Upon the third reading or printing on the Calendar of a Senate bill it will be open to amendment or to referral or rereferral or to any of the motions provided in Rule 63.

The Speaker may direct by notice to the House, or the House may determine by a majority vote, that there will be a deadline for the submission of any proposed floor amendment or floor amendment in the nature of a substitute (floor substitute) to the House version of the Budget Bill(s). The deadline for submission of any floor amendment or floor substitute will be 24 hours prior to the commencement of the Special Order set for the consideration of the Budget Bill(s). Any floor amendment or floor substitute offered after the deadline for submission may be considered if (i) it is an amendment that has been approved by the Committee on Appropriations or (ii) it is offered as a technical amendment or clarifying amendment to a previously submitted floor amendment or floor substitute and is germane to the purpose of the original floor amendment or floor substitute.

Rule 74. A House bill ordered to be engrossed will not have its third reading or printing on the Calendar until the engrossment is actually and properly done. However, in the case of a Senate bill, the engrossment will only apply to such amendments as may have been made in the House.

Rule 75. A House bill on its third reading will not be open for debate; however, any member may be recognized to speak to the legislation or offer motions. No amendment to a House bill will be received upon its third reading or printing on the Calendar by way of rider or otherwise, and no amendment involving an additional appropriation will be added to the general appropriation bill, and no amendment to increase any tax will be added to any tax measure, unless either such amendment be to carry into effect an existing law or unless it received the vote required to pass the bill itself. A Senate amendment to a House bill to be concurred in, or a conference report to be adopted, must receive the same recorded vote as required to pass the bill itself. A Senate amendment to a House bill that is ruled not germane shall be communicated to the Senate with the same effect as if the House rejected the amendment.

Rule 75(a). If the Senate refuses to concur in the amendments of the House and so communicates such action to the House, the House may vote to recede from its amendments and subsequently pass the legislation in the form originally passed by the Senate or insist on its amendments and request a committee of conference with the Senate. Conversely, the House in considering Senate amendments to House legislation will wait for communication by the Senate that they have voted to insist on their amendments and request a committee of conference whereby the House may agree to the request for a committee of conference.

Rule 75(b). Upon an affirmative vote to form a committee of conference, the Speaker will appoint the House membership to the committee. A majority of the members of each house on the committee of conference will agree to the committee of conference report prior to its submission and consideration by the House. If a committee of conference is unable to reach agreement and reports such action to the House, the Speaker may appoint new conferees or, upon the motion of a member and an affirmative vote of the House, a new set of conferees will be appointed. In addition, if a committee of conference report is considered and rejected, the House may agree by a majority vote of the members present to request an additional committee of conference.

Rule 75(c). Any conference committee on the Budget Bill will complete its deliberations and make the report of such conference available to the House as soon as practicable. The House will consider such conference report no earlier than 48 hours after receipt, unless the House determines to proceed earlier by a vote of two-thirds of the members voting. The conference report will clearly state the funding of any nonstate agencies, any item that was not included in the Budget Bill as passed by either house, and any provisions from legislation that failed during that session.

Rule 76. On the third reading or printing on the Calendar of a bill, the question will be, "Shall the bill pass?"

Rule 77. The title of a bill and all amendments offered will be entered upon the Journal, except that amendments in the nature of substitutes may be printed separately and only the titles thereof entered upon the Journal.

Withdrawals of Exhibits.

Rule 78. Original papers, filed as exhibits with any bill or resolution, may be withdrawn by the patron or attested copies may be left, for which the patron will pay the Clerk at the rate provided by law for other copies made.

Messages.

Rule 79. It will be the duty of the Clerk, without any special order therefor, to communicate to the Senate any action of the House upon business coming from the Senate or upon matters requiring the concurrence of that body; however, no such communication will be made in relation to any action of the House while it remains open for consideration.

Manual and Rules.

Rule 80. The rules of parliamentary practice comprised in Jefferson's Manual will govern the House in all cases to which they are applicable and in which they are not inconsistent with the Rules of the House and such joint rules as are or may from time to time be established by the two houses of the General Assembly.

Rule 81. The Rules of the House will be adopted in even-numbered years by a majority vote of members elected and will remain in effect upon adoption and coinciding with the terms of members. The Rules may be suspended by a vote of twothirds of the members elected to be ascertained by an actual division of the House except as prohibited by the Constitution; provided that a motion to discharge a committee from the consideration of a bill will require a majority of those voting, which will include twofifths of the members elected to the House, the vote thereon to be taken by yeas and nays and recorded in the Journal; and provided further, that a motion to dispense with the printing and reading of a bill, or its printing on the Calendar, or either, will not be entertained, except as provided by the Constitution.

A proposition to change a rule of the House will be submitted in writing and forthwith printed. In its printed form it will lie upon the Speaker's table for five days and be read by the House during the morning hour of each day during that time. At the expiration of five days it will be ready for consideration and may be adopted or rejected by a majority vote of the members elected; provided that as to all resolutions or bills which involve an appropriation or expenditure of money by the Commonwealth, or which may create a charge upon the treasury, the rule of the House will not be changed or suspended save by a vote of twothirds of the members present to be ascertained by an actual division of the House.

Upon a motion to suspend a rule of the House the mover will be allowed two minutes to state the reasons for their motion, and one member opposed to the motion will be allowed a like time to object.

Chamber of the House of Delegates.

Rule 82. The Chamber of the House of Delegates will be used for no other purpose than the sessions of the House and for meetings of the committees and members of the legislature on public affairs except by vote of the House or the Rules Committee or with the approval of the Speaker during the interim or when the House is not convened at any time during a session of the General Assembly.

Rule 83. Only members of the General Assembly, former members, members of the Congress of the United States, State officers, judges, officers and employees of the General Assembly, and such other persons as the Speaker may designate will be permitted on the floor of the House during the session; however, the privileges granted hereunder will not be exercised by any person having business for compensation before the House or any committee thereof and the officers of this body will enforce this rule under the direction of the Speaker.

Capitol and Pocahontas Building.

Rule 84. The areas of the Capitol and the Pocahontas Building ("General Assembly Building") assigned to the House of Delegates, members of the House of Delegates, their legislative support staff, the clerical staff of the House of Delegates, the Office of the Clerk of the House of Delegates, the facilities and space for those charged with the maintenance, repair, and security of such building, and such space designated for the news media will not be utilized or occupied as office space by any other person or persons, except by vote of the House or the Rules Committee.

HOUSE RESOLUTION NO. 4

Salaries, contingent and incidental expenses.

Agreed to by the House of Delegates, January 12, 2022

RESOLVED by the House of Delegates, That the Comptroller is directed to issue warrants on the Treasurer, payable from the contingent fund of the House to accomplish the work of the House of Delegates during the 2022 Regular Session of the General Assembly. Necessary payments to cover salaries of temporary employees, as well as contingent and incidental expenses, will be certified by the Clerk or the Clerk's designee.

HOUSE RESOLUTION NO. 5

Celebrating the life of Frank Clifford Doczi.

Agreed to by the House of Delegates, January 17, 2022

WHEREAS, Frank Clifford Doczi, esteemed businessman and beloved member of the Virginia Beach community, died on October 5, 2021; and

WHEREAS, arriving by way of Wallington, New Jersey, and Roanoke, Frank Doczi followed his career to the Virginia Beach area, where he would reside for many years among a close community of family and friends; and

WHEREAS, Frank Doczi supported the growth and development of real property in the Commonwealth as co-founder, president, and chief executive officer of Home Quarters Warehouse and through leadership positions with several notable home improvement companies, including Hechinger Company, Moore's Lumber and Building Supplies, and Builders Emporium; and

WHEREAS, as owner, president, and chief executive officer of Dive Quarters, Inc., Frank Doczi helped many aspiring divers in the Virginia Beach area learn the fundamentals of dive safety and earn their scuba certifications; and

WHEREAS, Frank Doczi wove himself into the fabric of his community through his involvement with various boards and organizations, including the Hampton Roads Chamber of Commerce Board of Directors, the Sentara Healthcare Board of Directors, the Duke Comprehensive Cancer Center Board of Overseers, the Navy League of the United States Board of Directors, the Dollar Tree Stores, Inc., Board of Directors, and the Norfolk Tides Baseball Club at Harbor Park Board of Directors; and

WHEREAS, Frank Doczi was committed to fostering the well-being of youth in his community, giving abundantly of his time to the State Board of Community Colleges, the Catholic High School Board of Trustees, the Cape Henry Collegiate Board of Trustees, and the board of the Achievement Center at Saint Vincent's Home in Roanoke; and

WHEREAS, Frank Doczi's influence extended in myriad ways; along with serving on a committee that was a precursor to the Supreme Court of Virginia's Judicial Performance Evaluation Program, he encouraged corporate support of charitable organizations such as the American Heart Association, the Children's Hospital of the King's Daughters, and the United Way of South Hampton Roads; and

WHEREAS, Frank Doczi will be fondly remembered and dearly missed by his loving wife of 59 years, Felicia; his children, Alanna, Lisa, Kim, and Jill, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Frank Clifford Doczi, respected businessman of Virginia Beach whose wisdom, compassion, and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Frank Clifford Doczi as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 6

Authorizing the painting of a portrait of former Speaker of the House of Delegates Eileen Filler-Corn and allocating funding therefor.

Agreed to by the House of Delegates, February 8, 2022

RESOLVED by the House of Delegates, That the painting of a portrait of former Speaker of the House of Delegates Eileen Filler-Corn, such portrait to hang in the Chamber of the House of Delegates in the Capitol of Virginia, hereby be authorized; and, be it

RESOLVED FURTHER, That there hereby be allocated from the general appropriation to the House of Delegates a sum sufficient to cover the cost of such portrait; and, be it

RESOLVED FINALLY, That the Speaker of the House of Delegates appoint a committee composed of three members of the House of Delegates and the Clerk of the House of Delegates to select an artist who shall render the portrait and to exercise general supervision of the project until the portrait has been hung in the Chamber of the House of Delegates in the Capitol of Virginia.

HOUSE RESOLUTION NO. 8

Commending the King William High School football team.

Agreed to by the House of Delegates, January 24, 2022

WHEREAS, the King William High School football team won the Virginia High School League Class 2 state championship on December 11, 2021, at Salem City Stadium; and

WHEREAS, the King William High School Cavaliers defeated the Graham High School G-Men of Bluefield by a score of 48-21, earning the program's second state title and capping the season with an impressive 13-1 record; and

WHEREAS, the King William Cavaliers were carried to victory by running back Demond Claiborne and quarterback Jayveon Robinson, who each contributed to four of the team's scores, and a dominant defensive squad that held its opponent scoreless in the second half; and

WHEREAS, the success of the King William Cavaliers is a testament to the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of the entire King William High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the King William High School football team hereby be commended for winning the 2021 Virginia High School League Class 2 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Scott Moore, head coach of the King William High School football team, as an expression of the House of Delegates' admiration for the team's achievement.

HOUSE RESOLUTION NO. 9

Condemning the persecution of Falun Gong practitioners by the Chinese Communist Party.

Agreed to by the House of Delegates, February 11, 2022

WHEREAS, Falun Gong, a spiritual practice involving meditative "qigong" exercises and centered on the values of truthfulness, compassion, and forbearance, became immensely popular in China in the late 1990s, with multiple estimates placing the number of practitioners at upwards of 70 million; and

WHEREAS, in July 1999, the Chinese Communist Party (CCP) sought to eradicate Falun Gong through an intensive, nationwide persecution, and since then, hundreds of thousands of practitioners have been detained extralegally in Chinese slave labor camps, detention centers, and prisons, where physical and mental torture is common; and

WHEREAS, international media and human rights organizations have documented extensive usage of forced labor by inmates, including large numbers of Falun Gong practitioners, in prisons and labor camps throughout China, and the products of those camps are often exported to overseas markets, including the United States; and

WHEREAS, in June 2016, the U.S. House of Representatives unanimously passed House Resolution 343, condemning systematic, state-sanctioned organ harvesting from practitioners of Falun Gong and other prisoners of conscience in China; and

WHEREAS, in 1996, Falun Gong was introduced in Virginia, where there are now many volunteer-run practice sites offering free meditation and exercises classes, and where dozens of Falun Gong survivors have come to reside after experiencing imprisonment, torture, forced labor, and medical tests that can be used to determine organ compatibility in China; and

WHEREAS, state-controlled Chinese media inside and outside of China use vilification and slander to dehumanize Falun Gong practitioners to justify these brutal forms of persecution and to instigate discrimination against them even on American soil, leading to the passage of House Resolution 304, which condemned harassment, threats, and discrimination directed against Falun Gong practitioners in the United States; and

WHEREAS, Chinese labor camps and prisons generate huge amounts of revenue for the Chinese government through an extensive system of slave labor in which Falun Gong practitioners, members of religious and ethnic minorities, and other prisoners of conscience are routinely forced, under inhumane working conditions, to manufacture goods for export to Western countries, including the United States, in flagrant violation of international agreements against such practices; and

WHEREAS, despite little media coverage of the CCP's persecution of Falun Gong, more than 5,000 Virginia residents have signed petitions to their local governments, and more than 20 Virginia localities have adopted related resolutions condemning the CCP's atrocities against Falun Gong practitioners in China, including the use of forced organ harvesting and slave labor; and

WHEREAS, Falun Gong practitioners have made contributions to communities throughout the Commonwealth, and all Virginians stand in solidarity with Falun Gong practitioners in their pursuit of freedom of belief; and

WHEREAS, Virginia residents must be fully informed of the possibility that merchandise available in local stores are the products of the slave labor system in China; and

WHEREAS, Virginia residents and the medical community in the Commonwealth must also be fully informed about the risks of travel to China for organ transplants to help prevent citizens from unwittingly becoming accomplices to the state-sponsored forced organ harvesting from Falun Gong practitioners and other prisoners of conscience; now, therefore, be it

RESOLVED, That the House of Delegates condemn the persecution of Falun Gong practitioners by the Chinese Communist Party; and, be it

RESOLVED FURTHER, That the House of Delegates strongly condemns the imprisonment, torture, slave labor, and state-sponsored forced organ harvesting used against Falun Gong practitioners in China and demands an immediate end to the persecution of Falun Gong by the Chinese Communist Party; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates transmit copies of this resolution to the Governor of Virginia, the members of the Virginia Congressional Delegation, and the Virginia Department of Health, requesting that

they further disseminate copies of this resolution to their respective constituents so that they may be apprised of the sense of the House of Delegates in this matter.

HOUSE RESOLUTION NO. 10

Nominating persons to be elected to the Court of Appeals of Virginia.

Agreed to by the House of Delegates, January 24, 2022

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the Court of Appeals of Virginia as follows:

The Honorable Randolph A. Beales, of Henrico and Mecklenburg, as a judge of the Court of Appeals of Virginia for a term of eight years commencing April 16, 2022.

The Honorable Marla Graff Decker, of Henrico, as a judge of the Court of Appeals of Virginia for a term of eight years commencing February 1, 2022.

HOUSE RESOLUTION NO. 11

Nominating persons to be elected to circuit court judgeships.

Agreed to by the House of Delegates, January 24, 2022

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective circuit court judgeships as follows:

The Honorable Steven C. Frucci, of Virginia Beach, as a judge of the Second Judicial Circuit for a term of eight years commencing February 1, 2022.

The Honorable James C. Lewis, of Virginia Beach, as a judge of the Second Judicial Circuit for a term of eight years commencing January 1, 2023.

The Honorable Tanya Bullock, of Virginia Beach, as a judge of the Second Judicial Circuit for a term of eight years commencing March 1, 2022.

The Honorable David W. Lannetti, of Norfolk, as a judge of the Fourth Judicial Circuit for a term of eight years commencing December 1, 2022.

The Honorable L. Wayne Farmer, of Isle of Wight, as a judge of the Fifth Judicial Circuit for a term of eight years commencing December 1, 2022.

The Honorable Robert H. Sandwich, Jr., of Suffolk, as a judge of the Fifth Judicial Circuit for a term of eight years commencing February 1, 2022.

The Honorable Bryant L. Sugg, of Newport News, as a judge of the Seventh Judicial Circuit for a term of eight years commencing December 1, 2022.

The Honorable B. Elliott Bondurant, of King William, as a judge of the Ninth Judicial Circuit for a term of eight years commencing January 1, 2023.

The Honorable Jeffrey W. Shaw, of Middlesex, as a judge of the Ninth Judicial Circuit for a term of eight years commencing December 1, 2022.

The Honorable Donald C. Blessing, of Prince Edward, as a judge of the Tenth Judicial Circuit for a term of eight years commencing December 1, 2022.

The Honorable Joseph M. Teefey, Jr., of Amelia, as a judge of the Eleventh Judicial Circuit for a term of eight years commencing January 1, 2023.

The Honorable Lynn S. Brice, of Chesterfield, as a judge of the Twelfth Judicial Circuit for a term of eight years commencing December 1, 2022.

The Honorable David E. Johnson, of Chesterfield, as a judge of the Twelfth Judicial Circuit for a term of eight years commencing December 1, 2022.

The Honorable Edward A. Robbins, Jr., of Chesterfield, as a judge of the Twelfth Judicial Circuit for a term of eight years commencing December 1, 2022.

The Honorable Clarence N. Jenkins, Jr., of Richmond, as a judge of the Thirteenth Judicial Circuit for a term of eight years commencing October 1, 2022.

The Honorable W. Reilly Marchant, of Richmond, as a judge of the Thirteenth Judicial Circuit for a term of eight years commencing January 1, 2023.

The Honorable Lee A. Harris, Jr., of Henrico, as a judge of the Fourteenth Judicial Circuit for a term of eight years commencing August 1, 2022.

The Honorable Herbert M. Hewitt, of King George, as a judge of the Fifteenth Judicial Circuit for a term of eight years commencing December 1, 2022.

The Honorable Victoria A. B. Willis, of Fredericksburg, as a judge of the Fifteenth Judicial Circuit for a term of eight years commencing December 1, 2022.

The Honorable Grace Burke Carroll, of Fairfax, as a judge of the Nineteenth Judicial Circuit for a term of eight years commencing December 1, 2022.

Christie A. Leary, Esquire, of Fairfax, as a judge of the Nineteenth Judicial Circuit for a term of eight years commencing March 1, 2022.

The Honorable Jeanette A. Irby, of Loudoun, as a judge of the Twentieth Judicial Circuit for a term of eight years commencing December 1, 2022.

The Honorable Stephen E. Sincavage, of Loudoun, as a judge of the Twentieth Judicial Circuit for a term of eight years commencing February 1, 2022.

The Honorable James W. Updike, Jr., of Bedford, as a judge of the Twenty-fourth Judicial Circuit for a term of eight years commencing April 1, 2022.

The Honorable Clark A. Ritchie, of Rockingham, as a judge of the Twenty-sixth Judicial Circuit for a term of eight years commencing December 1, 2022.

The Honorable Bradley W. Finch, of Montgomery, as a judge of the Twenty-seventh Judicial Circuit for a term of eight years commencing December 1, 2022.

The Honorable Josiah T. Showalter, Jr., of Montgomery, as a judge of the Twenty-seventh Judicial Circuit for a term of eight years commencing April 1, 2022.

The Honorable Richard C. Patterson, of Tazewell, as a judge of the Twenty-ninth Judicial Circuit for a term of eight years commencing December 1, 2022.

HOUSE RESOLUTION NO. 12

Nominating persons to be elected to general district court judgeships.

Agreed to by the House of Delegates, January 24, 2022

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective general district court judgeships as follows:

Patrick A. Robbins, Esquire, of Accomack, as a judge of the Judicial District 2-A for a term of six years commencing February 1, 2022.

The Honorable Douglas B. Ottinger, of Portsmouth, as a judge of the Third Judicial District for a term of six years commencing February 1, 2022.

Joseph C. Lindsey, Esquire, of Norfolk, as a judge of the Fourth Judicial District for a term of six years commencing February 1, 2022.

The Honorable David B. Caddell, Jr., of Hanover, as a judge of the Fifteenth Judicial District for a term of six years commencing July 1, 2022.

The Honorable John S. Martin, of Lancaster, as a judge of the Fifteenth Judicial District for a term of six years commencing July 1, 2022.

The Honorable Richard T. McGrath, of Hanover, as a judge of the Fifteenth Judicial District for a term of six years commencing July 1, 2022.

The Honorable Claiborne H. Stokes, Jr., of Goochland, as a judge of the Sixteenth Judicial District for a term of six years commencing July 1, 2022.

Vanessa R. Jordan, Esquire, of Fairfax, as a judge of the Nineteenth Judicial District for a term of six years commencing April 1, 2022.

The Honorable Thomas W. Roe, Jr., of Roanoke, as a judge of the Twenty-third Judicial District for a term of six years commencing July 1, 2022.

The Honorable Randy C. Krantz, of Bedford, as a judge of the Twenty-fourth Judicial District for a term of six years commencing July 1, 2022.

Christopher E. Collins, Esquire, of Winchester, as a judge of the Twenty-sixth Judicial District for a term of six years commencing February 16, 2022.

The Honorable Randal J. Duncan, of Radford, as a judge of the Twenty-seventh Judicial District for a term of six years commencing May 1, 2022.

HOUSE RESOLUTION NO. 13

Nominating persons to be elected to juvenile and domestic relations district court judgeships.

Agreed to by the House of Delegates, January 24, 2022

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective juvenile and domestic relations district court judgeships as follows:

The Honorable James E. Wiser, of Suffolk, as a judge of the Fifth Judicial District for a term of six years commencing July 1, 2022.

The Honorable Marvin H. Dunkum, Jr., of Buckingham, as a judge of the Tenth Judicial District for a term of six years commencing April 1, 2022.

The Honorable Nora J. Miller, of Mecklenburg, as a judge of the Tenth Judicial District for a term of six years commencing July 1, 2022.

The Honorable D. Gregory Carr, of Chesterfield, as a judge of the Twelfth Judicial District for a term of six years commencing February 1, 2022.

The Honorable Mary E. Langer, of Richmond, as a judge of the Thirteenth Judicial District for a term of six years commencing August 1, 2022.

The Honorable William L. Lewis, of Essex, as a judge of the Fifteenth Judicial District for a term of six years commencing July 1, 2022.

The Honorable Robin Robb Kendrick, of Arlington, as a judge of the Seventeenth Judicial District for a term of six years commencing July 1, 2022.

The Honorable Todd G. Petit, of Fairfax, as a judge of the Nineteenth Judicial District for a term of six years commencing July 1, 2022.

The Honorable Dale M. Wiley, of Danville, as a judge of the Twenty-second Judicial District for a term of six years commencing July 1, 2022.

The Honorable Robert Louis Harrison, Jr., of Bedford, as a judge of the Twenty-fourth Judicial District for a term of six years commencing February 1, 2022.

The Honorable Correy R. Smith, of Augusta, as a judge of the Twenty-fifth Judicial District for a term of six years commencing July 1, 2022.

The Honorable Elizabeth Kellas Burton, of Winchester, as a judge of the Twenty-sixth Judicial District for a term of six years commencing May 1, 2022.

The Honorable Laura F. Robinson, of Dickenson, as a judge of the Twenty-ninth Judicial District for a term of six years commencing July 1, 2022.

The Honorable D. Scott Bailey, of Manassas, as a judge of the Thirty-first Judicial District for a term of six years commencing February 1, 2022.

HOUSE RESOLUTION NO. 14

Nominating a person to be elected to the Virginia Workers' Compensation Commission.

Agreed to by the House of Delegates, January 24, 2022

RESOLVED by the House of Delegates, That the following person is hereby nominated to be elected to the Virginia Workers' Compensation Commission as follows:

The Honorable Robert Ferrell Newman, of Henrico, as a member of the Virginia Workers' Compensation Commission for a term of six years commencing February 1, 2022.

HOUSE RESOLUTION NO. 15

Commending the Honorable Mark Cole.

Agreed to by the House of Delegates, January 31, 2022

WHEREAS, the Honorable Mark Cole ably represented the residents of the 88th District for more than two decades as a member of the Virginia House of Delegates; and

WHEREAS, Mark Cole grew up in Kentucky and graduated from Western Kentucky University, where he joined the university's Naval Reserve Officer Training Corps program; after graduation, he was commissioned as an officer in the United States Navy and served aboard the USS *Mississippi*; and

WHEREAS, Mark Cole continued to serve the nation as a member of the United States Naval Reserve for more than two decades, retiring with the rank of commander; and

WHEREAS, in addition to his bachelor's degree in civil technology engineering from Western Kentucky University, Mark Cole holds degrees in computer information systems from Germanna Community College and computer science from the University of Mary Washington; he pursued a career as a systems analyst and worked for various military contractors supporting the United States Navy; and

WHEREAS, desirous to be of further service to his community, Mark Cole ran for and was elected to the Spotsylvania County Board of Supervisors in 1999 and served in that capacity until 2002 when he took office as the state delegate for the 88th District, representing the residents of parts of Fredericksburg and the Counties of Fauquier, Spotsylvania, and Stafford; and

WHEREAS, Mark Cole introduced and supported numerous pieces of legislation to benefit all Virginians and was a champion for privacy and individual liberty, low tax rates, and limited government intervention; and

WHEREAS, Mark Cole offered his leadership and expertise to his colleagues as chair of the Privileges and Elections Committee and a member of the committees on Education, Finance, and General Laws; he served on the Small Business Commission, Rappahannock River Basin Commission, Veterans Services Board, Virginia Commission on Youth, Southern Regional Education Board, and the House Science and Technology Committee; and

WHEREAS, in 2012, Mark Cole was hired as the deputy county administrator of Spotsylvania County and has helped ensure efficient and effective implementation of county operations for nearly a decade; and

WHEREAS, during his tenure as a state lawmaker, Mark Cole was highly admired for his unfailing commitment to the finest constituent service; he served the Commonwealth and the residents of the 88th District with the utmost humility and dedication; now, therefore, be it

RESOLVED by the House of Delegates, That the Honorable Mark Cole hereby be commended for his 20 years of service as a state legislator; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Mark Cole as an expression of the House of Delegates' admiration for his legacy of contributions to the Commonwealth.

HOUSE RESOLUTION NO. 16

Celebrating the life of the Honorable Robert Tata.

Agreed to by the House of Delegates, January 27, 2022

WHEREAS, the Honorable Robert Tata of Virginia Beach and Greene County, a devoted educator and coach, highly admired former member of the Virginia House of Delegates, and a beloved father, grandfather, husband, and friend, died on June 11, 2021; and

WHEREAS, a native of Detroit, Michigan, Robert "Bob" Tata learned the value of hard work and responsibility at a young age, working at his father's concrete block business after school and athletic practice; and

WHEREAS, Bob Tata graduated from University of Detroit Jesuit High School and Academy and chose to attend the University of Virginia, where he played football and baseball, earned bachelor's and master's degrees in education, and became a member of the honorary IMP Society; and

WHEREAS, Bob Tata had a successful athletic career at the University of Virginia as a running back for the football team and first baseman for the baseball team, earning All Big Six honors in both sports; he was a collegiate batting champion and played in the North-South Shrine All-Star Football Game; and

WHEREAS, Bob Tata was drafted by the Detroit Lions in the National Football League but was released after sustaining an injury; he returned to the University of Virginia as a graduate student and began working with the football team at Albemarle High School; and

WHEREAS, Bob Tata met his future wife, Jeraldine, at Albemarle High School, where she worked as a business teacher; after they married, the couple traveled to Fort Dugway Proving Grounds, where Bob served his country as a member of the United States Army; and

WHEREAS, Bob and Jeraldine Tata settled in Virginia Beach, where they both worked in local high schools and raised their sons, Robert, Anthony, and Kendall; and

WHEREAS, Bob Tata was voted as the Coach of the Decade for the Tidewater area by the *Virginian-Pilot*, the *Ledger Star*, and the Norfolk and Virginia Beach Sports Clubs for his outstanding mentorship of young men and his stellar record as a football coach; and

WHEREAS, Bob Tata was the inventor of the Tata Track Trainer, a patented method to train athletes to run faster; and

WHEREAS, after teaching and coaching for 32 years, Bob Tata was asked to run for the Virginia House of Delegates by Congressman G. William Whitehurst as a Republican; he defeated the incumbent and embarked on a 30-year career in public service, representing the 85th District from 1984 to 2014; and

WHEREAS, Bob Tata introduced and supported numerous important pieces of legislation to benefit his constituents and all Virginians and offered his leadership and expertise to his colleagues as chair of the House Education Committee; and

WHEREAS, during his tenure as a state lawmaker, Bob Tata was affectionately referred to as "Coach" by his colleagues because of his successful coaching career, natural leadership abilities, and ability to connect with people on a personal level; and

WHEREAS, Bob Tata inspired countless individuals to make a difference in their communities, and before his death, he proudly witnessed his daughter-in-law, the Honorable Anne Ferrell Tata, win the Republican nomination for the 82nd District Virginia House of Delegates seat; and

WHEREAS, after his well-earned retirement, Bob Tata moved to the family Morris-Tata Farm to spend his golden years with his wife, Jeraldine, who preceded him in death; he passed away on what would have been their 66th wedding anniversary; and

WHEREAS, Bob Tata will be fondly remembered and missed by his children, Robert, Anthony, and Kendall, and their families, and numerous other family members, friends, former students and players, and colleagues on both sides of the aisle in the General Assembly; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of the Honorable Robert Tata, a passionate educator and coach, respected public servant, and dedicated community leader; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Robert Tata as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 17

Celebrating the life of Bishop Carver E. Poindexter.

Agreed to by the House of Delegates, January 31, 2022

WHEREAS, Bishop Carver E. Poindexter of Alexandria, an inspirational faith leader who touched countless lives through his passion for ministry and dedication to community outreach, died on January 16, 2022; and

WHEREAS, Carver Poindexter was born in Washington, D.C., and began to develop his passion for music at a young age as a member of a local band, The Embraceables; he was active in the civil rights movement, serving as a frontline advocate at the March on Washington for Jobs and Freedom in 1963; and

WHEREAS, Carver Poindexter pursued a career with the United States Department of Defense and was an active member of Mount Nebo Pentecostal Church in Alexandria, where he served as an usher, deacon, and elder; and

WHEREAS, in 1980, Carver Poindexter answered the call to ministry by founding Love of Christ Church in Alexandria with his wife, Lorene, and for more than four decades, they worked together to provide opportunities for joyful worship and Bible study to the community; and

WHEREAS, Carver Poindexter continued to share his musical gifts with others as a member of Love of Christ Church's men's chorus and pastor's quartet, and he established critical outreach programs for youths, incarcerated people, the homeless, and other local residents in need; and

WHEREAS, in 1987, Carver Poindexter was selected as a district elder for International Bible Way and organized leadership training sessions and fellowship events for other church leaders in Northern Virginia; and

WHEREAS, Carver Poindexter was subsequently elevated to the office of bishop and ultimately became International Bible Way's assistant diocesan and vice presiding bishop for Virginia; and

WHEREAS, shortly after opening Love of Christ Church, Carver Poindexter wrote the song "Power in the Word" and later used the title for a radio broadcast on WUST-AM; and

WHEREAS, the "Power in the Word" show thrived over the years, and during the COVID-19 pandemic, Carver Poindexter expanded the program's presence on social media to bring hope and comfort to new audiences around the country and the world through live streaming; and

WHEREAS, in 2020, Carver Poindexter was appointed as Chief of Apostolic Biblical Studies for Churches United; his wise insights empowered other church leaders in the United States, Europe, and Africa to achieve new heights in religious scholarship; and

WHEREAS, Carver Poindexter's greatest joy in life was his beloved family, and he relished every opportunity to spend time with them watching football, traveling, enjoying a meal, singing and listening to music, or growing together in prayer; and

WHEREAS, Carver Poindexter will be fondly remembered and greatly missed by his wife, Lorene; his children, Deborah, Robin, Ronnie, Oreale, Nora, and Marlin, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Bishop Carver E. Poindexter, a highly admired pastor and community leader in Alexandria; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Bishop Carver E. Poindexter as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 18

Celebrating the life of Patricia Goode Satterfield.

Agreed to by the House of Delegates, February 4, 2022

WHEREAS, Patricia Goode Satterfield, an inspirational presence in public life both in Richmond and across the Commonwealth, died on August 8, 2021; and

WHEREAS, Patricia "Pat" Goode Satterfield grew up in Bedford County, where she lived until the early 1980s; and

WHEREAS, Pat Satterfield graduated from the University of Mary Washington and studied history and political science in a graduate program at the University of Richmond; and

WHEREAS, Pat Satterfield served the Commonwealth and the citizens of her native county as chief legislative aide to Delegate Lacey E. Putney from 1980 through 1982; and

WHEREAS, Pat Satterfield subsequently served the Virginia State Corporation Commission as assistant to the commissioner from 1982 to 1985; and

WHEREAS, Pat Satterfield then served community bankers of the Commonwealth with great distinction as chief staff officer of the Virginia Association of Community Banks from 1985 through 2012; and

WHEREAS, Pat Satterfield, the epitome of the exceptional nonprofit trade association executive, was always professional, bright, engaging, articulate, persistent, humorous, and a joy to be around; and

WHEREAS, Pat Satterfield was a tenacious advocate for community banking who guided the Virginia Association of Community Banks out of financial hardship and onto healthy financial footing; and

WHEREAS, Pat Satterfield continued to champion community banking in the last phase of her career as a community bank relationship manager for the law firm Williams Mullen; and

WHEREAS, Pat Satterfield was a member of Trinity United Methodist Church in Richmond, where she served as president of the church's chapter of United Methodist Women and as a trustee and where she volunteered with the CARITAS and Trinity Stitchers community outreach programs; and

WHEREAS, Pat Satterfield was active in the Forest Ridge Civic association and supported the McShin Foundation, a Richmond-area recovery community organization; and

WHEREAS, Pat Satterfield leaves behind a large family, as well as innumerable adoring friends and admiring business associates throughout the Commonwealth and across the nation; and

WHEREAS, Pat Satterfield particularly enjoyed spending her summers in Cape May, New Jersey, with her family and her many Chalfonte friends; and

WHEREAS, preceded in death by her son, Wade and her parents, W.D. and Virginia, Pat Satterfield will be fondly remembered and greatly missed by her husband, Jim; her daughters Melinda, Jennifer, and Lee; her grandchildren, Tripp, Walker, Lola, Violet, Hadden, and Henry; her brother, William; her "Steel Magnolia" girlfriends; and every other member of their wonderful family; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Patricia Goode Satterfield, who believed in people and helped so many become better versions of themselves; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Patricia Goode Satterfield as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 19

Commending the Central High School football team.

Agreed to by the House of Delegates, February 14, 2022

WHEREAS, the Central High School football team of Woodstock won the Virginia High School League Region 2B championship on November 26, 2021, at their home field; and

WHEREAS, the Central High School Falcons defeated the Stuarts Draft High School Cougars by a score of 21-6 to capture the first regional title in the program's history; and

WHEREAS, despite giving up the first score, the Central Falcons reclaimed a 7-6 lead by the end of the first half and never looked back, sealing the victory after a clutch interception by Jacob Walters set up the team's third touchdown late in the game; and

WHEREAS, the Central Falcons were carried by Isaiah Dyer, who had one rushing touchdown, and Tyler Forbes, who had two, as the team benefited greatly from stellar defensive play, with the Stuarts Draft Cougars held scoreless in the second half; and

WHEREAS, the accomplishments of the Central Falcons are the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of the entire Central High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Central High School football team hereby be commended for winning the 2021 Virginia High School League Region 2B championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mike Yew, head coach of the Central High School football team, as an expression of the House of Delegates' admiration for the team's achievement.

HOUSE RESOLUTION NO. 20

Commending Bluefield University.

Agreed to by the House of Delegates, February 14, 2022

WHEREAS, Bluefield University, a private higher education institution in Tazewell County, has provided outstanding opportunities for academic and personal growth to students for 100 years; and

WHEREAS, in 1915, during the annual session of the Baptist General Association of Virginia a resolution was approved to appoint an advising committee on the establishment of a school for young men in Southwest Virginia of the same quality as Virginia Inter mont College located in Bristol; and

WHEREAS, on September 20, 1922, Bluefield College opened its doors to 100 students as a coeducational junior college; and

WHEREAS, in 1974, Bluefield College became a four-year baccalaureate institution with expanded degree programs centered in the liberal arts tradition; and

WHEREAS, in 2019, Bluefield College joined a network of schools, including the Edward Via College of Osteopathic Medicine and the Appalachian College of Pharmacy, to meet healthcare needs in Appalachia and the southeast United States by preparing graduates to serve rural communities and communities of high need; and

WHEREAS, in 2021, the Bluefield College Board of Trustees voted to change the name of the institution to Bluefield University as its centennial year began, reflecting the achievements of its first century of service and anticipation of its expanded opportunities in years to come; and

WHEREAS, Bluefield University offers over 71 programs from certificates and associate's degree level to graduate-level degrees for both in-person and online students; and

WHEREAS, Bluefield University is a Christ-centered learning community developing servant leaders to transform the world that has remained true to its mission and character for 100 years; now, therefore, be it

RESOLVED by the House of Delegates, That Bluefield University hereby be commended on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to David W. Olive, president of Bluefield University, as an expression of the House of Delegates' admiration for the institution's commitment to excellence in higher education.

HOUSE RESOLUTION NO. 21

Commending Mike Benzel.

Agreed to by the House of Delegates, February 14, 2022

WHEREAS, Mike Benzel, the head coach of the Kellam High School wrestling team in Virginia Beach, will be inducted into the Virginia Chapter of the National Wrestling Hall of Fame in 2022; and

WHEREAS, as part of the induction honors, Mike Benzel will be presented the Lifetime Service to Wrestling award by the Virginia Chapter of the National Wrestling Hall of Fame at an event on April 9, 2022; and

WHEREAS, Mike Benzel began wrestling in 1971 and four years later, after training under one of the most successful coaches in Hampton Roads, became a Virginia High School League (VHSL) state champion while wrestling at Norview High School in Norfolk; and

WHEREAS, Mike Benzel continued his wrestling career at the University of North Carolina at Chapel Hill, where he became an Atlantic Coast Conference champion and earned a bachelor's degree in biology in 1979; and

WHEREAS, Mike Benzel started his involvement with Kellam High School that same year as an assistant wrestling coach; four years later, he left to coach football and wrestling at Princess Anne High School in Virginia Beach, then he returned nine years later to Kellam High School as a chemistry teacher and head wrestling coach; and

WHEREAS, Mike Benzel began the Kellam Mat Rats Wrestling Club in 1996 with the goal to train young athletes in the techniques and philosophies of successful wrestling, producing many of the top elementary, middle, and high school wrestlers in the area; and

WHEREAS, Mike Benzel's Kellam Mat Rats Wrestling Club has won a number of citywide honors while putting forth many individual champions, several of whom have gone on to wrestle in college; and

WHEREAS, Mike Benzel has coached more than 100 district, regional, and state individual champions and has led his teams to district and regional titles; his wrestlers consistently place high in VHSL state tournaments as he has become one of the most admired and respected coaches in the Commonwealth; and

WHEREAS, recognized as the 2003 Virginia Beach Public Schools Coach of the Year, Mike Benzel has coached many youth league sports, including youth football, and has always gone the extra mile to support his players and their families, even carrying some of his players home when their parents forgot to pick them up; and

WHEREAS, Mike Benzel's ties to Virginia Beach Public Schools and its sporting community run deep as his wife is a gymnastics coach at Kellam High School and his four sons, Ryan, Reid, Ross, and Reese, are all presently students and wrestlers at schools in the division; now, therefore, be it

RESOLVED by the House of Delegates, That Mike Benzel hereby be commended for his induction to the Virginia Chapter of the National Wrestling Hall of Fame; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mike Benzel as an expression of the House of Delegates' admiration for his contributions to the Commonwealth.

HOUSE RESOLUTION NO. 22

Celebrating the life of Winston Lineweaver.

Agreed to by the House of Delegates, February 14, 2022

WHEREAS, Winston Lineweaver, esteemed harness racing driver and trainer and beloved member of the Shenandoah community, died on September 23, 2021; and

WHEREAS, a second-generation horseman and a member of the United States Trotting Association since 1962, Winston Lineweaver tallied 1,628 victories and 18 seasons with a universal driver rating above .300 over his illustrious career; and

WHEREAS, Winston Lineweaver's first races were primarily at pari-mutuel tracks in the Mid-Atlantic and fairs in Pennsylvania; after harness racing returned to the Commonwealth in the 1990s, he frequented the tracks at Colonial Downs in New Kent and later at Shenandoah Downs in Woodstock, while regularly appearing at Shenandoah County Fair meets over several decades; and

WHEREAS, Winston Lineweaver's legacy as a harness racing driver and trainer will live on in part through his family, who have long been active in the sport, including daughter Joyce, who is an accomplished trainer, and daughter Doris, who is director of racing at Shenandoah Downs; and

WHEREAS, Winston Lineweaver will be fondly remembered and dearly missed by his loving wife, Eileen; his children, Joyce and Doris, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Winston Lineweaver, renowned harness racing driver and trainer, whose tireless dedication inspired legions of fans; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Winston Lineweaver as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 23

Celebrating the life of Patricia Ann Barresi.

Agreed to by the House of Delegates, February 14, 2022

WHEREAS, Patricia Ann Barresi, a lifelong educator and school administrator and a beloved member of the Newport News community, died on July 20, 2021; and

WHEREAS, born in Bay Shore, New York, Patricia "Trish" Ann Barresi came to Newport News in 1978 upon graduating from Oswego State University; and

WHEREAS, Trish Barresi began her teaching career in the classroom, instructing students at Windsor, Lee Hall, and B.C. Charles Elementary Schools before becoming the assistant principal at Briarfield, Jenkins, and Epes Elementary Schools; and

WHEREAS, Trish Barresi then became one of the greatest principals that Hilton Elementary School has ever known; during her tenure, she brought the school to magnet status and notably reinstated its original school bell; and

WHEREAS, after five years, Trish Barresi went on to serve as principal of B.C. Charles Elementary School, returning to one of the schools she taught at earlier in her career; and

WHEREAS, in addition to bettering students' physical environments, Trish Barresi nurtured thousands of students, parents, and educators across Newport News and Hampton Roads; and

WHEREAS, Trish Barresi had an unmatched passion for education and provided guidance and mentorship as a principal coach for principals across Newport News and as a consultant assisting principals at vulnerable schools across the country, all while battling symptoms of amyotrophic lateral sclerosis; and

WHEREAS, Trish Barresi was a staple of the community and a regular volunteer for organizations across Newport News; her compassion, boundless energy, and kindness were contagious and her impact on the city can be felt in countless ways; and

WHEREAS, Trish Barresi will be fondly remembered and greatly missed by her husband of more than 39 years, Stephen; her sons, Tony and Joey, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Patricia Ann Barresi, a cherished member of the Newport News community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Patricia Ann Barresi as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 25

Commending Kevin Hall.

Agreed to by the House of Delegates, February 21, 2022

WHEREAS, Kevin Hall was appointed executive director of the Virginia Lottery by Governor Ralph S. Northam on January 15, 2018, and served in that capacity for four years until January 15, 2022; and

WHEREAS, Kevin Hall has greatly served citizens of the Commonwealth in a variety of roles throughout his career, first as a professional journalist and later as a chief spokesman and policy advisor for two Governors and a United States Senator; and

WHEREAS, Kevin Hall led the Virginia Lottery to achieve historic growth and assume expanded responsibilities by applying his proven leadership skills as a manager, communicator, and legislative and policy advisor; and

WHEREAS, Kevin Hall led the Virginia Lottery to record-breaking success, nearly doubling its annual sales from \$2.1 billion in fiscal year 2018 to an estimated \$3.8 billion in fiscal year 2022; and

WHEREAS, Kevin Hall's efforts resulted in a 40 percent increase in the Virginia Lottery's annual financial support for the Commonwealth's K-12 public schools, with profit transfers into the Lottery Proceeds Fund growing from \$606 million in fiscal year 2018 to an estimated \$844 million in fiscal year 2022; and

WHEREAS, Kevin Hall enhanced the Virginia Lottery's core business through the utilization of new technology, including the successful launch of online lottery sales in 2020; the introduction of innovative new gaming products; and strengthened partnerships with the lottery's 5,200 licensed retailers, among other business strategies; and

WHEREAS, Kevin Hall supported and strengthened responsible gaming programs, maintaining the Virginia Lottery's leadership on these issues by promoting greater public awareness of resources available to address problem gambling and gambling addiction; and

WHEREAS, Kevin Hall's experience and expertise qualified him to serve as a reliable and trusted resource for members of the General Assembly in discussions on a wide range of policy issues related to the recent and potential future expansion of regulated gaming in the Commonwealth; and

WHEREAS, Kevin Hall played a key role in the passage of bipartisan legislation that assigned significant new responsibilities to the Virginia Lottery to oversee legal sports wagering and commercial casino gaming; and

WHEREAS, Kevin Hall directed the creation of this new regulatory program at the Virginia Lottery without any missteps or delay despite disruptions from the COVID-19 pandemic, recruiting experienced regulatory staff, launching a secure online licensing portal, and overseeing the creation and implementation of responsible regulations to protect the citizens and the reputation of the Commonwealth; and

WHEREAS, Kevin Hall successfully managed the launch of licensed, regulated mobile sports wagering in the Commonwealth in January 2021 and has placed the agency on a path to issue the first casino operators license by the summer of 2022; now, therefore, be it

RESOLVED by the House of Delegates, That Kevin Hall hereby be commended for his outstanding service as executive director of the Virginia Lottery, for his leadership in implementing responsible statutory and regulatory oversight of expanded gaming, and for serving as a knowledgeable and trusted resource for all members of the General Assembly in setting policy on gaming issues in the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kevin Hall as an expression of the House of Delegates' appreciation and admiration for his contributions to the Commonwealth.

HOUSE RESOLUTION NO. 26

Commending Hope House Foundation.

Agreed to by the House of Delegates, February 21, 2022

WHEREAS, Hope House Foundation, a nonprofit organization with a mission to support individuals with disabilities by enabling them to develop essential skills and live in their own homes, has greatly served the Norfolk community; and

WHEREAS, Hope House Foundation was founded in 1964 by a group of parents in Hampton Roads seeking an alternative to institutionalizing their adult children with developmental disabilities; and

WHEREAS, in the 1980s, when Hope House Foundation already supported 13 group homes throughout the Hampton Roads area, the organization pivoted its approach to emphasize privacy, choice, and the opportunity to be part of a community for the individuals it served; and

WHEREAS, today, Hope House Foundation offers adults with a range of intellectual and developmental disabilities the opportunity to live in their own homes or apartments and to be active and involved members of their communities; and

WHEREAS, Hope House Foundation modifies its approach, from intensive support to occasional assistance, to best address the unique circumstances of each individual it serves and facilitates their ability to live fulfilling, independent lives by teaching a variety of life skills, including cooking, cleaning, managing money, dressing, and more; and

WHEREAS, Hope House Foundation creates equal opportunity for people with intellectual and developmental disabilities by providing a safe and welcoming environment where they can get both the support and independence they need to thrive; and

WHEREAS, in recognition of the accomplishments of Hope House Foundation, the organization received the American Association on Intellectual and Developmental Disabilities' national award for full community inclusion in 2008 and the American Network of Community Options and Resources' Community Builder Award in 2012; and

WHEREAS, as a result of the inspired vision of its leaders and the tireless efforts of its staff, Hope House Foundation has helped an untold number of adults with intellectual and developmental disabilities lead happy, dignified, and meaningful lives; now, therefore, be it

RESOLVED by the House of Delegates, That Hope House Foundation, a nonprofit organization serving adults with intellectual and developmental disabilities in Norfolk, hereby be commended for its years of meritorious service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lynne Seagle, executive director of Hope House Foundation, as an expression of the House of Delegates' admiration for the organization's contributions to the Commonwealth.

HOUSE RESOLUTION NO. 27

Commending Big H.O.M.I.E.S.

Agreed to by the House of Delegates, February 21, 2022

WHEREAS, Big H.O.M.I.E.S., a nonprofit community outreach program dedicated to reducing gun violence in Portsmouth and Hampton Roads, has greatly served the community through various initiatives; and

WHEREAS, Big H.O.M.I.E.S., which stands for "Heroes of Minority in Every Society," was founded in 2019 in response to the alarming prevalence of gun violence in the Portsmouth and Hampton Roads communities; and

WHEREAS, Big H.O.M.I.E.S. administers programs, extracurricular and sports activities, a safe house, and other community services to break down barriers, build positive relationships, and steer young people away from a life of crime; and

WHEREAS, in August 2021, Big H.O.M.I.E.S. partnered with the City of Portsmouth for a back-to-school event at Portsmouth City Park that brought local organizations and businesses together to help young people start the school year off on the right foot; and

WHEREAS, Big H.O.M.I.E.S. has organized events at Norfolk State University football games to offer young people from different neighborhoods the opportunity to cultivate new perspectives and friendships; and

WHEREAS, Big H.O.M.I.E.S. recently launched its Portsmouth Safe Streets Initiative to provide mentoring, job training, mediation, group therapy, sports training, counseling, tutoring, mental health and substance abuse referrals, and other services for the benefit of many individuals and families; and

WHEREAS, by serving as a reliable source of motivation and support to area youth, Big H.O.M.I.E.S. has helped address the issue of gun violence in the community and enabled countless young people in Portsmouth and Hampton Roads to lead safer and more fulfilling lives; now, therefore, be it

RESOLVED by the House of Delegates, That Big H.O.M.I.E.S., a nonprofit community outreach program operating in Portsmouth and Hampton Roads, hereby be commended for its efforts to reduce gun violence; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Eugene Swinson, president of Big H.O.M.I.E.S., as an expression of the House of Delegates' admiration for the organization's mission and its contributions to the Commonwealth.

HOUSE RESOLUTION NO. 28

Commending the Endependence Center, Inc.

Agreed to by the House of Delegates, February 21, 2022

WHEREAS, the Endependence Center, Inc., a nonprofit organization in Norfolk dedicated to providing disability advocacy and services to individuals and families in South Hampton Roads, has greatly served the community for many years; and

WHEREAS, the mission of the Endependence Center is to support individuals with disabilities by furnishing direct services that enable them to enjoy greater independence and integration into the community and by advocating on their behalf to foster greater awareness in the community of the issues they face and the programs and services that can help; and

WHEREAS, the Endependence Center offers a variety of independent living services, including professional training, housing, transportation, benefits counseling, peer mentoring, and more, which are catered to the unique needs of each individual the organization serves; and

WHEREAS, since it was founded, the Endependence Center has allowed thousands of individuals with disabilities to have better access to opportunities and experiences in the community and to achieve their personal goals; and

WHEREAS, by both preparing individuals with disabilities to live in the community and encouraging the community to support them, the Endependence Center has made South Hampton Roads a more welcoming and nurturing home for all; now, therefore, be it

RESOLVED by the House of Delegates, That the Endependence Center, Inc., a nonprofit Center for Independent Living in Norfolk, hereby be commended for its years of meritorious service in the interest of integrating individuals with disabilities into the South Hampton Roads community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Michael Wang, president of the Endependence Center, Inc., as an expression of the House of Delegates' admiration for the organization's mission and its contributions to the Commonwealth.

HOUSE RESOLUTION NO. 30

Commending Aravely Avila-Jimenez.

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Aravely Avila-Jimenez, a student and wrestler at Hopewell High School, won first place in the 225-pound weight class at the Virginia Girls Wrestling Championship on January 29, 2022, at Hayfield High School in Alexandria; and

WHEREAS, Aravely Avila-Jimenez won her title at the Virginia High School League-sanctioned event after defeating the reigning champion in her class in a 7-5 decision, pinning her semifinal opponent in 19 seconds, and claiming the final match following her opponent's disqualification; and

WHEREAS, Aravely Avila-Jimenez notably placed first out of eight wrestlers in her weight class despite being the second lightest competitor in her bracket; and

WHEREAS, Aravely Avila-Jimenez is the captain of the Hopewell High School (HHS) wrestling team and is an inspiration to many young aspiring wrestlers; and

WHEREAS, Aravely Avila-Jimenez's success was the result of her hard work and dedication and the unwavering support of Hopewell City Public Schools superintendent Melody Hackney, HHS principal Stephanie Poe, HHS athletic director Kerry Gray, HHS wrestling coach Rich Halas, and the entire HHS community; now, therefore, be it

RESOLVED by the House of Delegates, That Aravely Avila-Jimenez of Hopewell High School hereby be commended for placing first in the 225-pound weight class at the 2022 Virginia Girls Wrestling Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Aravely Avila-Jimenez as an expression of the House of Delegates' admiration for her achievement.

HOUSE RESOLUTION NO. 31

Celebrating the life of Jennifer Gayle Rios Mansfield.

Agreed to by the House of Delegates, February 21, 2022

WHEREAS, Jennifer Gayle Rios Mansfield, beloved teacher and mother, died on May 31, 2021; and

WHEREAS, Jennifer "Jenny" Gayle Rios Mansfield was a product of Newport News Public Schools, graduating from Menchville High School in 2000, and she earned a bachelor's degree from Old Dominion University in 2006; and

WHEREAS, Jenny Mansfield began her teaching career as an English teacher at Gildersleeve Middle School in 2007, the school at which she would spend her entire teaching career; and

WHEREAS, with her love of teaching and her passion for helping students and others, Jenny Mansfield brightened the lives of hundreds of students during her time at Gildersleeve Middle School; and

WHEREAS, outside of teaching, Jenny Mansfield loved music, reading, swimming, and spending time both at the beach and with her family; and

WHEREAS, a person who cared so much about her community that she dedicated her life to serving and teaching those around her, Jenny Mansfield will be deeply missed by her students and colleagues at Gildersleeve Middle School; and

WHEREAS, Jenny Mansfield will be fondly remembered and greatly missed by her husband, Kevin; her children, Zachary and Zoey; and numerous family members and friends throughout Hampton Roads; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Jennifer Gayle Rios Mansfield; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Jennifer Gayle Rios Mansfield as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 32

Commending the 2020 and 2022 inductees into the Virginia Sports Hall of Fame.

Agreed to by the House of Delegates, February 18, 2022

WHEREAS, in 1996, the Virginia Sports Hall of Fame was designated the official Sports Hall of Fame of the Commonwealth; and

WHEREAS, the Virginia Sports Hall of Fame, located in Virginia Beach, has honored many of Virginia's exceptional athletes, coaches, and media personalities since its inception; and

WHEREAS, the Virginia Sports Hall of Fame celebrates athletic excellence in the Commonwealth, highlights philanthropy through sports, and inspires sports fans through engaging and entertaining programs; and

WHEREAS, as part of its 49th Induction Weekend, the Virginia Sports Hall of Fame will honor the Class of 2020, the 2020 Steve Guback Distinguished Virginia Award honoree, and the Class of 2022; and

WHEREAS, the Virginia Sports Hall of Fame is honored to present the Class of 2020 inductees as follows:

The Class of 2020

Dennis Carter

A native of Danville, Dennis Carter began his career in sports media working for two outlets in his hometown, the *Danville Register*, and WBTM/WAKG Radio. He moved to WSET-TV in Lynchburg in 1983 and worked there for 37 years, 35 as sports director. He has been honored numerous times by both the Virginia Associated Press Broadcasters and Virginia Association of Broadcasters. He has previously been inducted into the Lynchburg Area, Amherst County, and Danville Community College Sports Halls of Fame.

Michael "Mike" Cabbage

A Charlottesville native and University of Virginia graduate, Mike Cabbage was drafted by the Washington Senators in the Major League Baseball (MLB) Draft in 1971. He played eight seasons in the MLB, then served as manager for the Tidewater Tides and Lynchburg Mets. He held coaching roles for the New York Mets, Houston Astros, and Boston Red Sox, including one stint as interim manager for the New York Mets. Beginning in 2004, he focused on scouting and player development and served as a special assistant to the general manager of the 2019 World Series Champion, Washington Nationals.

Lawrence Johnson

A native of Chesapeake and a graduate of Great Bridge High School, Lawrence Johnson placed first in the pole vault high school division at the 1992 Penn Relays and continued that success at the University of Tennessee. He was a seven-time Southeastern Conference champion and four-time National Collegiate Athletic Association (NCAA) champion and was named the 1996 NCAA Athlete of the Year. He competed in two Summer Olympics and won a silver medal in Sydney in 2000, becoming the first African American pole vaulter to medal in an Olympic Games.

Bruce Rader

Bruce Rader took on the role of Sports Director at WAVY-TV in Portsmouth in 1979 and has held that position for 43 years. Serving the Hampton Roads market, he changed the landscape of television sports media by focusing on underserved segments such as high school sports and the area's historically Black colleges and universities. He has previously been honored by the National Academy of Television Arts and Sciences, the Virginia Association of Broadcasters, and the Norfolk Sports Club. He has been inducted into the Central Intercollegiate Athletic Association Hall of Fame, the Hampton Roads Sports Hall of Fame, and the Hampton Roads Sports Media Hall of Fame.

Tracy Saunders

A native of Suffolk, Tracy Saunders enjoyed a legendary career with the Norfolk State University women's basketball team. While playing for the Lady Spartans, she was named three-time All-Conference, two-time All-American, the 1991 NCAA Division II Player of the Year, as well as the 1991 Honda Award recipient, recognizing the top female athlete in all Division II sports. She finished her career with 2,084 points and 978 rebounds. Her number 10 jersey is retired by Norfolk State University, and she has previously been honored by the Norfolk State Athletics Hall of Fame, the Hampton Roads Sports Hall of Fame, and the Hampton Roads African American Sports Hall of Fame.

Albert "Al" Toon, Jr.

Al Toon from Menchville High School in Newport News was a record-setting athlete at the University of Wisconsin-Madison in both football and track and field (triple jump). Drafted 10th overall by the New York Jets in the 1985 National Football League Draft, he caught 517 passes for 6,605 yards, and 31 touchdowns over an eight-year career with the Jets. He was a three-time Pro-Bowl and three-time All-Pro Selection and was named the AFC Player of the Year in 1986. He was named to the Jets All-Time Four Decade Team in 2003 and the team's Ring of Honor in 2011.

David Wright

David Wright is a native of Virginia Beach and a graduate of Hickory High School in Chesapeake. He made his MLB debut in 2004 and enjoyed a 14-year baseball career, which saw him set numerous team records for the New York Mets. He is the all-time leader in hits, runs scored, runs batted in, doubles, extra base hits, and all-star selections for the Mets. He was a seven-time All-Star selection and two-time Gold Glove and Silver Slugger Awards winner, and he was named team

captain from 2013 until his retirement in 2018. He ended his career with a .296 career average, 1,777 hits, 242 home runs, 970 runs batted in, and 949 runs scored; and

WHEREAS, the Virginia Sports Hall of Fame is honored to present the winner of the 2020 Steve Guback Distinguished Virginian Award:

Dennis Ellmer

Dennis Ellmer is a Norfolk native and the founder and chief executive officer of Priority Automotive Group. Since 2011, through his involvement with the Priority Toyota Charity Bowl, he has helped raise over \$3.8 million to support children's charities in the Hampton Roads region. Over 400,000 children have benefited from the money raised by the Charity Bowl. He is the fifth Distinguished Virginian honoree in the Hall of Fame's history. The award recognizes an individual that uses sports as a philanthropic platform, and is named in honor of 2005 Virginia Sports Hall of Fame inductee, Steve Guback; and

WHEREAS, the Virginia Sports Hall of Fame is honored to present the Class of 2022 inductees as follows:

The Class of 2022

William "Sonny" Allen

Sonny Allen came to Old Dominion University as the head coach of the men's basketball team in 1965 and built the Monarchs into one of the most entertaining teams in the country over the course of 10 seasons. Culminating with a 1975 NCAA Division II national championship victory, his teams won 181 games during his tenure. His impact was felt off the court as well as, he became the first coach at a predominantly white school in Virginia to offer an athletic scholarship to an African American athlete.

Jon Lugbill

A graduate of Oakton High School in Fairfax County and the University of Virginia, Jon Lugbill is considered the best paddler to ever compete in the sport of whitewater canoeing. He is a five-time world champion in C1 Slalom, a seven-time team world champion, and a three-time World Cup overall gold medalist. He was recognized as USA Canoe Kayak's Male Athlete of the Year in 1989 and is the only paddler ever to appear on the Wheaties Box. He was a 2005 inductee into the International Whitewater Hall of Fame.

Anthony Poindexter

A native of Lynchburg, Anthony Poindexter was a two-sport star at Jefferson Forest High School in Forest and earned 1993 Group AA State Football Player of the Year honors. At the University of Virginia, he became one of the most decorated defensive players in Cavaliers history. He was the 1998 Consensus 1st-Team All-American and the Atlantic Coast Conference Defensive Player of the Year and one of just three players in UVA history to receive All-Atlantic Coast Conference recognition three times. His number three jersey was retired by the University of Virginia, and he was a 2020 inductee into the College Football Hall of Fame.

Chris Warren

Chris Warren grew up in Northern Virginia and graduated from Robinson Secondary School in Fairfax. He helped lead Ferrum College to back-to-back NCAA Division III South Region Championships in 1988 and 1989. He was named Eastern College Athletic Conference Division III South Player of the Year in 1989 and Virginia Sports Information Directors State College Division Player of the Year in 1988 and 1989. He was selected by the Seattle Seahawks in the NFL Draft in 1990 and played 11 seasons in the NFL with the Seattle Seahawks, Dallas Cowboys, and Philadelphia Eagles. The three-time Pro-Bowl and two-time All-Pro selection finished his career with 7,696 rushing yards, 1,935 receiving yards, and 58 total touchdowns; now, therefore, be it

RESOLVED by the House of Delegates, That Dennis Carter, Michael Cubbage, Lawrence Johnson, Bruce Rader, Tracy Saunders, Albert Toon, Jr., David Wright, Dennis Ellmer, William Allen, Jon Lugbill, Anthony Poindexter, and Chris Warren hereby be commended for their outstanding achievements in athletics and philanthropy; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the Virginia Sports Hall of Fame and its 2020 and 2022 inductees and award winners as an expression of the House of Delegates' congratulations and admiration for their many contributions to the world of sports.

HOUSE RESOLUTION NO. 33

Commending Megan Richards.

Agreed to by the House of Delegates, February 21, 2022

WHEREAS, Megan Richards, a student at Thomas Dale High School in Chester, has demonstrated an exemplary commitment to theater and community service; and

WHEREAS, a member of the International Thespian Society, Megan Richards' gift for the stage has been displayed through her involvement with the Chesterfield Dance Center and Cadence Theater Company and her participation in 11 school plays; and

WHEREAS, Megan Richards is active in several clubs at Thomas Dale High School and has been recognized for her academic achievement with induction into the National Honor Society; and

WHEREAS, in addition to school and her extracurricular activities, Megan Richards has found time to volunteer as a camp counselor, at vacation Bible school, and with the Democratic Party, while working part-time at Panera and Mission BBQ; and

WHEREAS, guided by her faith, Megan Richards has been a member of the Woodlake United Methodist Church youth group since 2018; and

WHEREAS, Megan Richards is a sterling example of what young people in the Commonwealth can achieve through hard work and dedication; now, therefore, be it

RESOLVED by the House of Delegates, That Megan Richards, a student at Thomas Dale High School, hereby be commended for her many noteworthy achievements and acts of service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Megan Richards as an expression of the House of Delegates' admiration for her contributions to the Commonwealth.

HOUSE RESOLUTION NO. 34

Commending Madison McConico.

Agreed to by the House of Delegates, February 21, 2022

WHEREAS, Madison McConico, a member of the Class of 2022 at Thomas Dale High School in Chester and a standout on the school's track and field team, has achieved many great accomplishments during her high school career; and

WHEREAS, captain of the Thomas Dale High School track and field team in 2021 and 2022, Madison McConico was integral to the team's Virginia High School League Class 6 indoor track state championship title in 2021; and

WHEREAS, a Virginia High School League Class 6 state champion in her own right in the outdoor triple jump, Madison McConico is currently ranked first in the Commonwealth and ninth nationally in the event; and

WHEREAS, Madison McConico's dominance has continued into the 2022 indoor season, as she is now ranked first in the Commonwealth and seventh nationally in the indoor triple jump event; and

WHEREAS, Madison McConico has been recognized for her outstanding academic achievement with induction into the National Honor Society; and

WHEREAS, Madison McConico will attend a National Collegiate Athletic Association Division I university on a track scholarship next year, where she will continue to shine both at meets and in the classroom; and

WHEREAS, Madison McConico is a sterling example of what young people in the Commonwealth can achieve through hard work and dedication; now, therefore, be it

RESOLVED by the House of Delegates, That Madison McConico, a member of the Thomas Dale High School Class of 2022, hereby be commended for her many noteworthy achievements as both a student and an athlete; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Madison McConico as an expression of the House of Delegates' admiration for her achievements.

HOUSE RESOLUTION NO. 35

Commending Kyairra Washington.

Agreed to by the House of Delegates, February 21, 2022

WHEREAS, Kyairra Washington, a student at Thomas Dale High School in Chester, has demonstrated an exemplary commitment to her studies, extracurricular activities, and community service; and

WHEREAS, a member of the National Thespian Honor Society, Kyairra Washington's accomplishments on the stage include performing as the lead actor in school productions over the past four years, as well as serving as a lead costume designer; and

WHEREAS, Kyairra Washington has pursued her interests through her involvement in several clubs at Thomas Dale High School, including the Science Club, Beta Club, Key Club, and Model United Nations, while she has been recognized for her academic achievement with induction into the National Honor Society, National Spanish Honor Society, and National English Honor Society; and

WHEREAS, in addition to school and her extracurricular activities, Kyairra Washington has found time to volunteer with her local Society for the Prevention of Cruelty to Animals, while working at establishments of Five Guys and Hollister; and

WHEREAS, Kyairra Washington is a sterling example of what young people in the Commonwealth can achieve through hard work and dedication; now, therefore, be it

RESOLVED by the House of Delegates, That Kyairra Washington, a student at Thomas Dale High School, hereby be commended for her many noteworthy achievements and acts of service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kyairra Washington as an expression of the House of Delegates' admiration for her contributions to the Commonwealth.

HOUSE RESOLUTION NO. 36

Commending the Blacksburg High School boys' swim and dive team.

Agreed to by the House of Delegates, February 21, 2022

WHEREAS, the Blacksburg High School boys' swim and dive team won the Virginia High School League Class 4 state championship on February 23, 2021, at the Christiansburg Aquatic Center; and

WHEREAS, the Blacksburg High School Bruins tallied 375 points during the meet to outpace the runner-up by 153 points and bring home a state title; and

WHEREAS, the Blacksburg Bruins' victory was a total team effort, led by an extraordinary performance from the dive team, in which Eli Babcock, David Roethlisberger, Bradley Semtner, and Theo Villanueva placed first through fourth, respectively, at the dive competition held on February 9, 2021; and

WHEREAS, the Blacksburg Bruins were carried by Patrick Reilly, Nick Fillo, Zac Sudweeks, and Lewis Rockwell, whose first place finish in the 200-yard medley relay event early in the meet helped to cement the team's lead; and

WHEREAS, the success of the Blacksburg High School Bruins is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of the entire Blacksburg High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Blacksburg High School boys' swim and dive team hereby be commended for winning the 2021 Virginia High School League Class 4 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Chris Reilly, head coach of the Blacksburg High School boys' swim and dive team, as an expression of the House of Delegates' admiration for the team's achievement.

HOUSE RESOLUTION NO. 37

Commending the Blacksburg High School girls' swim and dive team.

Agreed to by the House of Delegates, February 21, 2022

WHEREAS, the Blacksburg High School girls' swim and dive team won the Virginia High School League Class 4 state championship on February 23, 2021, at the Christiansburg Aquatic Center; and

WHEREAS, the Blacksburg High School Bruins amassed an impressive 450.50 points to surpass the runner-up by 213.50 points and easily secured the program's first state title; and

WHEREAS, the Blacksburg Bruins opened the meet in commanding fashion with a win from the 200-yard medley relay team of Norah Guillot, Lexi Nussbaum, Julie Anderson, and Andrea Leng, whose time of 1:47.22 set a Virginia High School League Class 4 state record; and

WHEREAS, the Blacksburg Bruins bookended their historic day with a win in the 400-yard freestyle event, as Julie Anderson, Andrea Leng, Norah Guillot, and Madeline Coombs posted an impressive time of 3:38; and

WHEREAS, despite the challenges imposed by the COVID-19 pandemic, the Blacksburg Bruins persevered all season to train and compete at a high caliber; and

WHEREAS, the success of the Blacksburg High School Bruins is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of the entire Blacksburg High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Blacksburg High School girls' swim and dive team hereby be commended for winning the 2021 Virginia High School League Class 4 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Chris Reilly, head coach of the Blacksburg High School girls' swim and dive team, as an expression of the House of Delegates' admiration for the team's achievement.

HOUSE RESOLUTION NO. 38

Commending the Giles High School girls' volleyball team.

Agreed to by the House of Delegates, February 21, 2022

WHEREAS, the Giles High School girls' volleyball team won the Virginia High School League Class 2 state championship on April 24, 2021, at its home gymnasium; and

WHEREAS, the Giles High School Spartans defeated the Luray High School Bulldogs in three straight sets by the scores of 25-12, 25-10, and 25-13, bringing home not only the program's first state title but the first state title for any girls' program at the school; and

WHEREAS, after close contests in both the regional semifinal and the state semifinal, the Giles Spartans dominated in their final match of the season, establishing significant leads early in each set that allowed them to cruise to victory; and

WHEREAS, the Giles Spartans' win was a total team effort, led by strong performances from Hannah Steele, who had 20 kills; Emma Claytor, who had 14 kills; Alyssa Pennington, who had 40 assists; and Jillian Midkiff, who had 26 digs; and

WHEREAS, the championship season was a triumphant end to the high school careers of the Giles Spartan seniors, including Emma Claytor, Ruby Estes, Hayley Howell, Jillian Midkiff, Alyssa Pennington, Kait Rice, Hannah Steele, and Madison Wright; and

WHEREAS, the Giles Spartans' stellar 15-3 season electrified the community; in observance of crowd restrictions due to the COVID-19 pandemic, a large group of Giles County residents and Giles High School alumni gathered in the auditorium and on the football field during the championship match to show their support; and

WHEREAS, the Giles Spartans received national media attention during their championship run as they were featured on the radio show of ESPN analyst and Giles High School alumnus Marty Smith; and

WHEREAS, the success of the Giles Spartans is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of the entire Giles High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Giles High School girls' volleyball team hereby be commended for winning the 2021 Virginia High School League Class 2 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mandy Havens, coach of the Giles High School girls' volleyball team, as an expression of the House of Delegates' admiration for the team's achievement.

HOUSE RESOLUTION NO. 39

Celebrating the life of Ronald Bowen Watson.

Agreed to by the House of Delegates, February 21, 2022

WHEREAS, Ronald Bowen Watson, an accomplished craftsman and businessman and a beloved member of the Hopewell community, died on January 25, 2022; and

WHEREAS, Ronald Watson worked admirably for more than 30 years as a millwright with the former Allied Chemical Corporation, contributing greatly to the company's success; and

WHEREAS, Ronald Watson was licensed by the United States Coast Guard to operate as a tug boat captain and served the local marine industry as the owner of James River Towing Company; and

WHEREAS, dedicated to the well-being of his community, Ronald Watson was a member of the Hopewell Optimist Club for 60 years, during which time he held nearly every leadership position, including president, and was a regular presence at the organization's various fundraisers; and

WHEREAS, Ronald Watson was at home in the outdoors and relished every opportunity to hunt, camp, and fish, especially at his cherished Cape Hatteras; and

WHEREAS, a devoted husband and father, Ronald Watson was happiest when spending time with his large and ever-growing family; and

WHEREAS, guided throughout his life by his faith, Ronald Watson enjoyed worship and fellowship with his community at First United Methodist Church in Hopewell for 76 years; and

WHEREAS, Ronald Watson will be fondly remembered and dearly missed by his loving wife, Viola; his children, Rhonda, Vicki, Michael, and Wendy, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Ronald Bowen Watson, whose hard-working and caring nature was an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ronald Bowen Watson as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 40

Commending the Literacy Council of Northern Virginia.

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, the Literacy Council of Northern Virginia, which has helped thousands of Northern Virginia residents improve their comprehension of the English language so they can be active and involved members of the community, celebrates its 60th anniversary in 2022; and

WHEREAS, founded in 1962, the Literacy Council of Northern Virginia has become a national leader in English language and literacy instruction over the years by evolving its mission and services to best meet the needs of its students; and

WHEREAS, the Literacy Council of Northern Virginia primarily assists low-income immigrants with limited English-language abilities as they develop literacy and acquire life skills that will facilitate their efforts to gain employment, access information, manage their health, and support their children's learning; and

WHEREAS, the Literacy Council of Northern Virginia's mission has become more imperative during the COVID-19 pandemic as the confluence of ways in which the health crisis has impacted people's lives is felt more acutely by those who have difficulty understanding and communicating in English; and

WHEREAS, the Literacy Council of Northern Virginia typically instructs 1,500 students annually at class sites throughout the region and yet was able to quickly adjust its operations to continue serving up to three quarters of its students through virtual instruction only weeks into the pandemic; and

WHEREAS, due to its success, the Literacy Council of Northern Virginia has been heralded as a leader in distance learning both locally and nationally, with staff presenting at educational conferences and webinars for the benefit of its counterpart organizations; and

WHEREAS, the Literacy Council of Northern Virginia has collaborated with COVID-19 task forces in Fairfax County and the City of Alexandria to ensure that all residents have access to information about the pandemic; and

WHEREAS, in 2021, the Literacy Council of Northern Virginia developed and piloted a computer literacy component, including a laptop loaner program, to foster students' digital literacy skills and to promote equitable access to virtual opportunities in the community; and

WHEREAS, in response to the major influx of refugees from Afghanistan in recent months and requests from Dar Al-Hijrah Islamic Center in Fairfax County, Ethiopian Community Development Council, Global Shout, Lutheran Social Services, and other resettlement organizations, the Literacy Council of Northern Virginia has added English language courses to its calendar to ease the transition of countless new residents; and

WHEREAS, the Literacy Council of Northern Virginia's achievements during the COVID-19 pandemic have been recognized by Leadership Fairfax, which presented the organization with its 2021 Nonprofit Leadership Award; and

WHEREAS, the accomplishments of the Literacy Council of Northern Virginia are the result of the exemplary efforts and expertise of its staff members and the extraordinary compassion and generosity demonstrated by its volunteer service providers; now, therefore, be it

RESOLVED by the House of Delegates, That the Literacy Council of Northern Virginia hereby be commended on the occasion of its 60th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Literacy Council of Northern Virginia as an expression of the General Assembly's admiration for its mission and contributions to the Commonwealth.

HOUSE RESOLUTION NO. 41

Commending Zachary Brown.

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, Zachary Brown, an accomplished swimmer from Hopewell, will represent Team Virginia at the 2022 Special Olympics USA Games in Orlando this June; and

WHEREAS, Zachary Brown graduated from Hopewell High School in 2011, where he was a member of the school's National Honor Society, Junior Reserve Officers' Training Corps, Fellowship of Christian Athletes, and indoor and spring track teams and was a delegate on the student council association; and

WHEREAS, Zachary Brown has won several gold medals at the Special Olympics Virginia Summer Games over the past 20 years, including in the 50-meter freestyle, 50-meter backstroke, and 50-meter butterfly events, and has competed as a member of the Special Olympics Virginia bowling team; and

WHEREAS, Zachary Brown has mentored many athletes both as a swim coach at the Petersburg Family YMCA and with the Wood Dale Swim Club in Hopewell and as a football manager at Hopewell High School for 13 years; and

WHEREAS, Zachary Brown has been a role model to countless others in his capacities as team leader for the Virginia Department of Education's I'm Determined project and as a leader of Virginia Commonwealth University's Partnership for People with Disabilities; and

WHEREAS, Zachary Brown has competed with Special Olympics Virginia for nearly 20 years as a member of the Area 16 delegation and brings great honor to the Commonwealth as a member of Team Virginia in this year's national Special Olympics competition; now, therefore, be it

RESOLVED by the House of Delegates, That Zachary Brown hereby be commended for being selected to represent Team Virginia at the 2022 Special Olympics USA Games; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Zachary Brown as an expression of the House of Delegates' admiration for his remarkable achievements.

HOUSE RESOLUTION NO. 42

Celebrating the life of Mark E. Skiles.

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Mark E. Skiles, a retired coal industry executive and avid outdoorsman, died on December 25, 2021; and

WHEREAS, Mark Skiles, a graduate of Carmichaels High School in Carmichaels, Pennsylvania, earned a degree from Pennsylvania State University; and

WHEREAS, a third-generation coal miner from southwest Pennsylvania, Mark Skiles finished his career as a senior executive at the Mine Safety and Health Administration in the United States Department of Labor; and

WHEREAS, Mark Skiles was instrumental to advancements in mine safety and operations, writing several safety training manuals, producing safety training videos, and consulting on critical safety and ventilation issues in the mining industry both within the United States and overseas; and

WHEREAS, Mark Skiles was the recipient of several awards for various safety innovations throughout the years, including being named the National Safety and Training Innovator of the Year in 1997 and the Holmes Safety Association Coal Safety Leader in 1998; and

WHEREAS, during his career in mining safety and operations, Mark Skiles led many daring mine rescue operations, including the Quecreek Mine rescue in Somerset, Pennsylvania, in July 2002; and

WHEREAS, in his later life, Mark Skiles retired to the mountains of West Virginia to pursue his passion for hunting and fishing; and

WHEREAS, as an avid historian, Mark Skiles was fond of reading and researching various periods of American history, including the Civil War and World War II; and

WHEREAS, Mark Skiles will be fondly remembered by colleagues, friends, and neighbors and dearly missed by his family; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Mark E. Skiles, a cherished member of the community whose professional achievements profoundly impacted the lives of many in the coal industry; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mark E. Skiles' wife, Kim B. Skiles, and son, David A. Skiles, as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 43

Celebrating the life of the Reverend Gary Michael Roberts.

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, the Reverend Gary Michael Roberts, a dedicated religious leader and highly admired member of the Richlands and Cedar Bluff communities, died on May 13, 2021; and

WHEREAS, a lifelong resident of Tazewell County, Gary Michael "Mike" Roberts graduated from Richlands High School and was one of the first students to major in business administration at Southwest Virginia Community College; and

WHEREAS, Mike Roberts worked for Deskins Supermarket, the *Richlands News-Press*, and WR Boyd Construction; he was a Class A contractor as well as a master electrician and plumber; and

WHEREAS, Mike Roberts began to cultivate his deep and abiding faith at a young age and became a lay preacher and evangelist at Richlands Tabernacle; he subsequently became the pastor of Westside Holiness Church in Raven; and

WHEREAS, over the course of his long career as a minister, Mike Roberts served and supported young people as a founding member of the Southwest Virginia Holiness Youth Camp, known as Camp Golan; and

WHEREAS, Mike Roberts was an avid reader and a passionate historian and scholar, who spent much of his life building a library of Christian works that was second to none in the area; and

WHEREAS, predeceased by his first wife, Debra, Mike Roberts will be fondly remembered and greatly missed by his loving wife, Connie; his sons, Aaron, Jonathan, and Benjamin, and their families; his stepchildren, Marthanna and Jonathan, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of the Reverend Gary Michael Roberts; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Reverend Gary Michael Roberts as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 44

Commending Better Together Falls Church.

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, Better Together Falls Church, a nonprofit organization that has greatly supported small businesses and residents of Falls Church during the COVID-19 pandemic, was named a Falls Church City Public Schools Partner at a meeting of the Falls Church City School Board on April 20, 2021; and

WHEREAS, Adena Williams and Suzanne Hladky, founders of Better Together Falls Church, started the organization at the beginning of the COVID-19 pandemic as they sought ways to relieve the burden created by the historic public health crisis; and

WHEREAS, inspired by a similar initiative in Texas, Better Together Falls Church sold t-shirts and other apparel featuring the organization's logo and the slogan "We are better together. We are the Little City," donating 100 percent of the proceeds to support local businesses and families; and

WHEREAS, Better Together Falls Church's donation strategy included purchasing gift cards from local restaurants and businesses financially impacted by the pandemic and distributing them to individuals and families in need; and

WHEREAS, Better Together Falls Church has raised more than \$50,000 to date and has maximized its impact in the community by collaborating with entities such as the Falls Church Education Foundation, Operation Pathways, Food for Others, and the City of Falls Church's department of housing and human services; and

WHEREAS, through extraordinary ingenuity and hard work, Better Together Falls Church has brought its community closer and reminded all of why Falls Church is a wonderful place to call home; now, therefore, be it

RESOLVED by the House of Delegates, That Better Together Falls Church hereby be commended for being named a 2021 Falls Church City Public Schools Partner; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Adena Williams and Suzanne Hladky, founders of Better Together Falls Church, as an expression of the House of Delegates' admiration for their contributions to the Commonwealth.

HOUSE RESOLUTION NO. 45

Commending Karen Ready.

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, Karen Ready, an esteemed former educator and resident of Falls Church, was named a Falls Church City Public Schools Partner during a meeting of the Falls Church City School Board on April 20, 2021; and

WHEREAS, in response to the shortage of face coverings at the onset of the COVID-19 pandemic, Karen Ready began making fabric masks by hand; and

WHEREAS, Karen Ready has since produced more than 27,000 masks, which she has generously donated to schools in Falls Church and Arlington County, as well as other groups in need; and

WHEREAS, Karen Ready's tireless efforts have greatly supported the health and well-being of students, teachers, and other members of the Northern Virginia community; now, therefore, be it

RESOLVED by the House of Delegates, That Karen Ready hereby be commend for being named a 2021 Falls Church City School Board Partner; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Karen Ready as an expression of the House of Delegates' admiration for her contributions to the Commonwealth.

HOUSE RESOLUTION NO. 46

Commending Didlake.

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, Didlake, an internationally accredited nonprofit organization headquartered in Manassas, has supported and advocated on behalf of adults and children with disabilities in the Washington, D.C., metropolitan area for more than 55 years; and

WHEREAS, established in 1965, Didlake's tenured history began as a specialized school to help children with disabilities learn at their own pace and achieve their fullest potential; and

WHEREAS, after special education programs became available in public schools in the 1970s, the Didlake School reorganized as the Didlake Occupational Center, which provided jobs for former students over the age of 16 and offered occupational placement programs; and

WHEREAS, Didlake continued to expand the scope of its programs and services and has become one of the largest employers of people with disabilities in the Commonwealth; and

WHEREAS, over the course of its history, Didlake has enriched the lives of thousands of people with disabilities through job placement services, training, education, and transportation programs through work with numerous government agencies and commercial business clients; and

WHEREAS, with multiple community-based support programs in the Commonwealth, Didlake has helped hundreds of Virginians become active members of their communities; and

WHEREAS, Didlake is accredited by the Commission on Accreditation of Rehabilitation Facilities and approved by the United States Department of Labor, the Committee for Purchase from People Who Are Blind or Severely Disabled, and several Virginia agencies; and

WHEREAS, Didlake has fulfilled its mission to create opportunities for personal and professional growth for all members of the community through the hard work and dedication of its staff members and volunteers and the generosity of local partners; now, therefore, be it

RESOLVED by the House of Delegates, That Didlake be commended for more than 55 years of exceptional service to children and adults with disabilities; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Didlake as an expression of the House of Delegates' admiration for the organization's mission to support and empower Virginians.

HOUSE RESOLUTION NO. 47

Commending Loren White.

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, Loren White, head coach of the Brentsville High School football team in Nokesville, turned in a stellar first season as a head coach in 2021; and

WHEREAS, Loren White graduated in 2002 from Gar-Field High School in Woodbridge and later served on the football coaching staffs at Gar-Field High School, Osborn Park High School, Patriot High School, and Gainesville High School of the Prince William County Public Schools system and Osbourn High School, the sole high school of the Manassas City Public Schools system; and

WHEREAS, on June 10, 2021, Brentsville High School announced Loren White as the new head coach of its football team, which would go on to post its best record in program history under White's leadership and guidance; and

WHEREAS, Loren White and the Brentsville High School football team exceeded expectations as the team reached the district semifinal for the first time, and went on to win the Virginia High School League Region 3B championship; and

WHEREAS, in recognition of his transformative impact upon the Brentsville High School football team, Loren White was named Virginia High School League Region 3B Coach of the Year in 2021; and

WHEREAS, in addition to displaying a gift for strategy on the gridiron, Loren White demonstrated exceptional compassion and maturity as he helped his team through the adversity of losing a team member to cancer during the season; and

WHEREAS, Loren White's accomplishments thus far are the result of his hard work and dedication and a promise of the legacy he will build as both a coach and a member of the Brentsville High School community; now, therefore, be it

RESOLVED by the House of Delegates, That Loren White hereby be commended for his achievements in his first year as head coach of the Brentsville High School football team; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Loren White as an expression of the House of Delegates' admiration for his contributions to the Commonwealth.

HOUSE RESOLUTION NO. 48

Commending the Republic of Sierra Leone.

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, the Republic of Sierra Leone, a country in West Africa with a vibrant history, celebrated the 60th anniversary of its independence in 2021; and

WHEREAS, archaeological findings indicate that Sierra Leone has been continuously inhabited for thousands of years and has been home to many diverse African cultures; and

WHEREAS, Sierra Leone traces the origins of its name to the 15th century, when Portuguese explorer Pedro de Sintra, the first European to sight and map the area around what is now the capital city Freetown, referred to the range of hills around the harbor as "serra lyoa" or "lion mountains"; and

WHEREAS, the nation of Sierra Leone grew around the port of Freetown, where European traders exchanged manufactured goods for ivory and enslaved people; and

WHEREAS, in 1787, a group of freed slaves traveled from England to Sierra Leone hoping to form settlements; other settlers arrived from Nova Scotia and Jamaica, and the groups were governed by the Sierra Leone Company until 1808, when the country became a British colony after the abolition of the British slave trade; and

WHEREAS, throughout the colonial era, the residents of Sierra Leone sought increased political rights and justice from both the British and local chiefs, and in the 1950s, a coalition of local leaders joined together to negotiate a new constitution; and

WHEREAS, Sierra Leone gained independence from the United Kingdom on April 27, 1961, and became a member of the Commonwealth of Nations, an association of former British territories; and

WHEREAS, Sierra Leone supported self-determination in several other African nations and has played a significant leadership role in modern African geopolitics and cultural advancement; now, therefore, be it

RESOLVED by the House of Delegates, That the Republic of Sierra Leone hereby be commended on the occasion of the 60th anniversary of its independence; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the representatives of the Republic of Sierra Leone as an expression of the House of Delegates' admiration for the country's rich history and contributions to other African nations.

HOUSE RESOLUTION NO. 49

Commemorating the 200th anniversary of the arrival of American settlers at Providence Island, Liberia.

Agreed to by the House of Delegates, February 24, 2022

WHEREAS, on January 7, 1822, freed slaves from the United States arrived in West Africa to establish a settlement and landed at what is now Providence Island; and

WHEREAS, the Black American settlers went ashore at Cape Mesurado and founded Christopolis, which was subsequently renamed Monrovia after United States President James Monroe; and

WHEREAS, the settlers joined with the local Kpelle, Bassa, Mano, Kru, Grebo, Krahn, Vai, Gola, Mandinka, Mende, Kissi, Gbandi, Loma, Dei, and Belleh peoples, along with other immigrants from Barbados, to form a dynamic culture and begin to build a rich heritage in the region; and

WHEREAS, in 1847, the Republic of Liberia was established with Monrovia as its capital; the Liberian Constitution of 1847 was modeled on the same principles as the Constitution of the United States, and Liberia remains one of the oldest continuous republics in the world; and

WHEREAS, the Black Americans who traveled to Providence Island in search of a new home continue to inspire communities around the world through their story of bravery and the pursuit of liberty; now, therefore, be it

RESOLVED by the House of Delegates, That the 200th anniversary of the arrival of American settlers at Providence Island, Liberia, hereby be commemorated in 2022; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to representatives of the Americo-Liberian community as an expression of the House of Delegates' admiration for the deep historical ties between the United States and the Republic of Liberia.

HOUSE RESOLUTION NO. 50

Commending Chris V. Rey.

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, Chris V. Rey, a respected public servant and entrepreneur, was elected as the international president of Phi Beta Sigma Fraternity, Inc., on August 5, 2021; and

WHEREAS, Chris V. Rey holds degrees from Walden University and the William & Mary Law School, as well as a certificate from the Sorensen Institute for Political Leadership at the University of Virginia, and he has achieved success in both the public and private sectors; and

WHEREAS, Chris V. Rey served the nation as an officer in the United States Army and recently retired at the rank of Major in the United States Army National Guard, where he specialized in cybersecurity; and

WHEREAS, in addition, Chris V. Rey was elected as mayor of Spring Lake, North Carolina, and served in that capacity from 2011 to 2017; and

WHEREAS, Chris V. Rey is the current chair and chief executive officer of Rey Industries, a multinational corporation based in Arizona; and

WHEREAS, Chris V. Rey is the first international president of Phi Beta Sigma Fraternity, Inc., produced by Prince William County's Omicron Zeta Sigma Chapter; and

WHEREAS, through his campaign motto, BELIEVE, Chris V. Rey inspired his fellow members of Phi Beta Sigma Fraternity, Inc., to believe in their own abilities and work together toward a common good; and

WHEREAS, as international president, Chris V. Rey has enhanced the civic engagement programs of Phi Beta Sigma Fraternity, Inc., and focused on addressing poverty, voting rights, the wealth gap, and health disparities in minority communities; now, therefore, be it

RESOLVED by the House of Delegates, That Chris V. Rey hereby be commended on the occasion of his election as the international president of Phi Beta Sigma Fraternity, Inc., in 2021; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Chris V. Rey as an expression of the House of Delegates' admiration for his personal and professional achievements.

HOUSE RESOLUTION NO. 51

Celebrating the life of Donald Burns Baker.

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, Donald Burns Baker, a public servant who worked diligently to enhance the quality of life in Clintwood for more than four decades, died on October 7, 2021; and

WHEREAS, Donald Baker made his career in the coal mining industry and worked in the family coal company for many years; he provided leadership to several local banks and had served the nation as a member of the United States Army Reserve; and

WHEREAS, desirous to be of further service to the community, Donald Baker ran for and was elected to the Clintwood Town Council; he was subsequently elected as mayor and served in that capacity from 1988 until the time of his passing; and

WHEREAS, over the course of his long and distinguished career, Donald Baker helped bring jobs to the region, secured a reliable source of public water for Clintwood residents and surrounding communities, and built strong coalitions to obtain funding for community enhancement projects, including the Ralph Stanley Museum, the Jettie Baker Center, Kids Korner Park, and many others; and

WHEREAS, Donald Baker was committed to fiscal stability, and his expertise allowed Clintwood to maintain a steady real estate tax rate and reduce other tax rates while offering low fees for water, sewer, and garbage services; and

WHEREAS, at the state level, Donald Baker was appointed to the Virginia Coalfield Development Authority by five governors from both political parties, and he was the only member of the authority to serve multiple terms as chair; and

WHEREAS, Donald Baker was a champion for youth athletics who strove to ensure that Clintwood High School teams had the support they needed to achieve success; he volunteered with Little League baseball and softball for more than 60 years, including terms as a district administrator and state officer; and

WHEREAS, Donald Baker enjoyed fellowship and worship with the community as a member of Clintwood Baptist Church; and

WHEREAS, predeceased by his wife, Martha, Donald Baker will be fondly remembered and greatly missed by his sons, Greg and Mike, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Donald Burns Baker, the esteemed longtime mayor of Clintwood; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Donald Burns Baker as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 52

Commending Pranamya Jindal.

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, Pranamya Jindal, a fifth grader at Cardinal Ridge Elementary School in Loudoun County, won first place in the elementary school division of the KidWind Challenge in 2021; and

WHEREAS, Pranamya Jindal won the national renewable energy contest by building a wind energy turbine that generates electricity; and

WHEREAS, Pranamya Jindal mastered the calculation of gear ratio, blade pitch control, and other aspects of wind energy development as a result of her participation in the KidWind Challenge; and

WHEREAS, Pranamya Jindal has shown an exceptional interest and talent for science and project-based learning and great promise for continued success; now, therefore, be it

RESOLVED by the House of Delegates, That Pranamya Jindal, a fifth grader at Cardinal Ridge Elementary School in Loudoun County, hereby be commended for winning the 2021 KidWind Challenge; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Pranamya Jindal as an expression of the House of Delegates' admiration for her accomplishments and best wishes for her future endeavors.

HOUSE RESOLUTION NO. 54

Commending Prince Michel Winery.

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Prince Michel Winery, one of the Commonwealth's oldest and most prominent wineries, celebrates its 40th anniversary in 2022; and

WHEREAS, Jean Leducq and his wife, Sylviane, founded Prince Michel Winery in 1982 as a way to fuse their passion for French food and wine and their love for the Commonwealth; and

WHEREAS, in 2005, Prince Michel Winery was purchased by Michigan native and Charlottesville resident Kristin Easter, becoming one of the only exclusively woman-owned wineries in the country; and

WHEREAS, Prince Michel Winery produces various wines under the Prince Michel and Rapidan River brands, including Viognier, Syrah, and Symbius varieties and unconventional blends like its semi-dry Riesling, peach, and chocolate wines; and

WHEREAS, Prince Michel Winery is a family and pet friendly establishment that has been a beloved stop for residents and visitors of Central Virginia for many years, while its bottles are sold widely at wine shops, grocery stores, and restaurants in several states; and

WHEREAS, Prince Michel Winery has grown into one of the more notable wineries along the East Coast, with a reputation for quality that has endeared it to wine enthusiasts in the Commonwealth and beyond; and

WHEREAS, with the establishment of its Tap 29 Brew Pub, Prince Michel Winery now serves up some of the finest local craft brews and pub-style food every day of the week; and

WHEREAS, Prince Michel Winery is hosting monthly events throughout the year to commemorate its historic milestone, including '80s Nights, wine releases, and a large celebration in May; and

WHEREAS, with hospitality and the experience of fine wine at the core of its business philosophy, Prince Michel Winery has encouraged countless Virginians to take a fresh approach to how we enjoy wine; now, therefore, be it

RESOLVED by the House of Delegates, That Prince Michel Winery hereby be commended on the occasion of its 40th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Prince Michel Winery as an expression of the House of Delegates' admiration for the winery's history and its contributions to the Commonwealth.

HOUSE RESOLUTION NO. 55

Celebrating the life of Helen Marie Taylor.

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Helen Marie Taylor, an accomplished theater professional, noteworthy historic preservationist and advocate, and beloved member of the Orange County community, died on January 25, 2022; and

WHEREAS, a native of Waco, Texas, Helen Marie Taylor attended Baylor University and the Royal Academy of Dramatic Art in London before serving her country admirably as entertainment director of the Seventh United States Army during and after World War II; and

WHEREAS, following her service, Helen Marie Taylor pursued an acting career in New York, earning a Best Young Actress Award for her exceptional portrayal of Ophelia in Hamlet, and later taught Shakespearean drama at the American Academy of Dramatic Arts; and

WHEREAS, Helen Taylor married her sixth cousin, Jaquelin E. Taylor, in 1964, and devoted herself to restoring Bloomsbury, the ancestral home of the Taylor family, which had served as residence to the maternal grandparents of two presidents, James Madison and Zachary Taylor; and

WHEREAS, Helen Taylor lived on Monument Avenue in Richmond for more than 40 years and in 1968 was single-handedly responsible for saving the historic street's original asphalt blocks as she stood down pavers with the city that were preparing to resurface the road; and

WHEREAS, Helen Marie Taylor was appointed by President Ronald W. Reagan to serve as the United States delegate to the United Nations Educational, Scientific, and Cultural Organization meeting in Paris in 1983 and as a United States representative to the United Nations in 1986; and

WHEREAS, Helen Marie Taylor was a passionate patron of the arts who founded and supported several notable theater companies, including the American Shakespeare Theatre in Stratford, Connecticut, Theatre Louisville, the Dallas Theatre Center, and the Association of Producing Artists in New York; and

WHEREAS, Helen Marie Taylor's leadership in the arts community included service on the board of governors of the Royal Academy of Dramatic Art in London for more than a half-century and as chair of the American Auditions Committee; and

WHEREAS, Helen Marie Taylor has given generously of her time and expertise to many local civic organizations, serving as a council member for the National Endowment for the Humanities, as president of the James Monroe Memorial Foundation for nearly 25 years, as founder and president of the James Madison Museum, and as a member of the Dolley Madison Garden Club; and

WHEREAS, a recognized leader and advocate of historic preservation and restoration efforts in the Commonwealth, Helen Taylor opened The Helen Marie Taylor Museum of Waco, Texas, to educate visitors on the history of her hometown; and

WHEREAS, Helen Marie Taylor has received many awards and accolades as a testament to her contributions to the community, including the 1993 Gold Medal for Good Citizenship by the Sons of the American Revolution and the inaugural Friends of Montpelier Lifetime Membership award from the Montpelier Foundation; and

WHEREAS, preceded in death by her first husband, George; second husband, Jaquelin; and her sons, Jaquelin and Ralph, Helen Marie Taylor will be fondly remembered and dearly missed by her sons, Howell and George; her grandson, Zachary; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Helen Marie Taylor, a cherished member of the Orange County community whose dedication to the arts, local history, and the founding principles of our country touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Helen Marie Taylor as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 56

Celebrating the life of Francis Madison Graves, Jr., D.V.M.

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Francis Madison Graves, Jr., D.V.M., an honorable veteran, esteemed veterinarian, and beloved member of the Madison community, died on January 22, 2022; and

WHEREAS, Francis Madison "Matt" Graves, Jr., D.V.M., grew up on a farm in Syria, where he tended to his family's livestock and developed a passion for caring for animals; and

WHEREAS, following his graduation from high school, Matt Graves served his country as a member of the United States Air Force, with whom he trained to become a B-17 ball turret gunner; and

WHEREAS, after concluding his service in 1946, Matt Graves attended Virginia Polytechnic Institute and State University before earning a doctor of veterinary medicine degree from Texas A&M University; and

WHEREAS, Matt Graves began his veterinary career in 1955 and ultimately established his practice in Madison, where he treated large and small animals with great care and attention until his retirement in 2013; and

WHEREAS, one of the only practicing veterinarians in the region for many years, Matt Graves went to great lengths to attend to the needs of his clientele and their animals, answering calls at all hours of the day and night and accepting payment in the form of produce or other goods as necessary; and

WHEREAS, dedicated to the advancement of his industry, Matt Graves was a member of both the Virginia Veterinary Medical Association and the American Veterinary Medical Association; and

WHEREAS, Matt Graves' love for horses extended beyond his profession as he enjoyed raising and riding them with friends throughout his life; and

WHEREAS, preceded in death by his loving wife, Katie, Matt Graves will be fondly remembered and dearly missed by his sons, Thomas, John, Carl, and Michael; his companion, Ann Browning; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Francis Madison Graves, Jr., D.V.M., a respected veterinarian and cherished member of the Madison community whose kindness and generosity were an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Francis Madison Graves, Jr., D.V.M., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 57

Commending Bright Center.

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Bright Center, a nonprofit organization based in Northern Virginia, has served as a lifeline to families with children who have special needs through its various programs and services; and

WHEREAS, Bright Center opened its doors in Manassas in 2016 with a mission to provide person-centered care to individuals with intellectual and developmental disabilities, encouraging them to become more engaged with their communities and to achieve greater levels of independence throughout their lives; and

WHEREAS, Bright Center aids families by enabling parents to maintain employment while navigating them through a complex medical system where even basic services like daycare can be difficult to access or afford; and

WHEREAS, by improving the availability of quality care, Bright Center produces better health outcomes for individuals with intellectual and developmental disabilities and enhances the quality of life of the families it serves; and

WHEREAS, Bright Center acts as a resource for the whole family unit, as its positive and productive programs allow family members to have peace of mind that their children are safe while they are busy working, aiding other family members, or caring for themselves; and

WHEREAS, Bright Center's two main programs include its Community Day Program, which facilitates the transition of special education students ages 22 and older to life beyond school, and its Skilled Childcare Center, an afterschool program serving special education students ages five through 17, while its summer camps support special needs youth during the months when school is not in session; and

WHEREAS, Bright Center's programs are specially designed to increase socialization, facilitate behavior management, provide health care monitoring and medication management, and cultivate wellness through music therapy, therapeutic exercise, care management, and other activities; and

WHEREAS, in the absence of programs like those offered by Bright Center, family members would be required to make the difficult choice of either hiring a private, in-home caregiver at great expense or quitting their jobs to care for their medically complex child; and

WHEREAS, by filing a gap in care for some of the community's most vulnerable residents, Bright Center has played an invaluable role in the lives of the families it serves and made Northern Virginia a more welcoming and inclusive place for all; now, therefore, be it

RESOLVED by the House of Delegates, That Bright Center hereby be commended for its efforts to help individuals with intellectual and developmental disabilities and their families lead more successful and satisfying lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bright Center as an expression of the House of Delegates' admiration for the organization's contributions to the Commonwealth.

HOUSE RESOLUTION NO. 58

Commending Carlos A. Castro.

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Carlos A. Castro is a respected Hispanic businessman who exemplifies the American Dream and has made countless contributions to his fellow Virginians; and

WHEREAS, Carlos Castro immigrated to the United States from El Salvador at the age of 25 in March 1980, having lived a life in poverty while the country was involved in a bloody 12-year civil war; and

WHEREAS, Carlos Castro worked in blue-collar occupations in California before coming to Virginia, where he worked as a cook and dishwasher; and

WHEREAS, Carlos Castro made every effort to assimilate and live the American Dream by taking English classes, learning the mechanics of business, and saving to provide for his family still in El Salvador; he ultimately brought his wife, Gladis, and their children to the United States in 1982; and

WHEREAS, Carlos and Gladis Castro opened the first Todos Supermarket in Woodbridge to fulfill the needs of a growing Hispanic community in 1990; they expanded the supermarket's offerings beyond groceries to include money transfers and notary and income tax preparation services; and

WHEREAS, Carlos Castro created an inclusive company culture that helps retain employees by providing advancement opportunities, mentoring, education, and training; he cultivated a strong focus on community involvement, and his outreach efforts have attracted a diverse array of talent in the youth community; and

WHEREAS, beyond the Woodbridge area, Carlos Castro is involved in an international outreach program promoting economic opportunities for the people of El Salvador; and

WHEREAS, for more than five years, Carlos Castro has supported young people in El Salvador by providing funding and advice to promote entrepreneurship in the town of Berlin, Usulután, El Salvador, teaching tourism, encouraging self-sufficiency, and developing independent minded individuals; and

WHEREAS, Carlos Castro is developing a program that promotes economic development through eco-tourism and continues to develop an ecological nature park featuring extreme sports and adventure programs; and

WHEREAS, Carlos Castro is one of the founders of the Hispanic Organization for Leadership and Action and served on boards of the Prince William Chamber of Commerce, Virginia Chamber of Commerce, Youth for Tomorrow, Potomac Health Foundation, and Northern Virginia Community College, among many others; and

WHEREAS, as one of the top businesses in the Commonwealth, Carlos Castro's company has received three consecutive Fantastic 50 awards from the Virginia Chamber of Commerce, and he has demonstrated the ideals of the American Dream and the reality of prosperity and advancement through hard work by opening his second store in Woodbridge; and

WHEREAS, Carlos Castro and his wife, Gladis, along with their entire family, have been role models for the Hispanic community and all immigrants in Virginia, and they have worked diligently to enhance the overall quality of life in the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That Carlos A. Castro hereby be commended for his success as an entrepreneur and his leadership as a humanitarian; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Carlos A. Castro as an expression of the House of Delegates' admiration for his personal and professional achievements.

HOUSE RESOLUTION NO. 59

Commending Bernadine Futrell, Ph.D.

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Bernadine Futrell, Ph.D., esteemed director of the Office of Head Start in the United States Department of Health and Human Services, has made a difference in many lives through her exemplary achievements in the field of early education; and

WHEREAS, Bernadine Futrell's educational pursuits include a bachelor's degree in psychology from Virginia Commonwealth University, both a master's degree in educational psychology and a doctoral degree in education policy from George Mason University, and post-graduate certificates from both Complutense University of Madrid and Harvard University; and

WHEREAS, Bernadine Futrell began her illustrious career in education as an assistant Head Start teacher in Richmond, contributing greatly to her students' preparation for a lifetime of learning; and

WHEREAS, prior to assuming her position as director of the Office of Head Start, Bernadine Futrell led superintendent certification programs on behalf of the former American Association of School Administrators and later served as senior director for effective practice at the National Head Start Association; and

WHEREAS, as director of the Office of Head Start within the United States Department of Health and Human Services' Administration for Children and Families, Bernadine Futrell oversees the operations of 1,600 public and private nonprofit and for-profit agencies that provide Head Start services to more than a million children every year in local communities across the country; and

WHEREAS, a co-author of the book *ConnectED Leaders: Network and Amplify Your Superintendency* and a regular contributor in research studies, Bernadine Futrell is a respected leader in her field whose insights have guided many fellow educators and school administrators; and

WHEREAS, with a deep commitment to the well-being of students at all stages in their educational journeys, Bernadine Futrell also serves as a member of advisory committees at George Mason University and Howard University; and

WHEREAS, through her steadfast dedication and visionary leadership, Bernadine Futrell has provided countless young people with the tools and resources they need to achieve their dreams; now, therefore, be it

RESOLVED by the House of Delegates, That Bernadine Futrell, Ph.D., hereby be commended for her years of service in support of the success of future generations; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bernadine Futrell, Ph.D., as an expression of the House of Delegates' admiration for her contributions to the Commonwealth and the nation.

HOUSE RESOLUTION NO. 60

Commending Friends of Dumfries Slave Cemetery.

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Friends of Dumfries Slave Cemetery, a recently incorporated 501(c)(3) nonprofit organization, has made great strides to advance its mission to preserve, maintain, and restore the slave cemetery in the Town of Dumfries; and

WHEREAS, the origins of Friends of Dumfries Slave Cemetery date to 2009, when Prince William County Public Schools commissioned Thunderbird Archeology, Inc., to conduct a delineation of the cemetery property and an inventory of its burial sites, which led the school division to commit to preserving the area; and

WHEREAS, the group that would become Friends of Dumfries Slave Cemetery received support in the beginning from Betty Covington, then Potomac District representative on the Prince William County School Board; Ralph Smith, president of the Prince William County branch of the NAACP, and others who enthusiastically supported their mission to care for the site; and

WHEREAS, the Prince William County branch of the NAACP gained entry rights to the cemetery in 2011 and a core group of members, along with those of other community organizations, volunteered to clean up the site, which had become overgrown after years of neglect, bringing respect and dignity to the formerly enslaved individuals interred there; and

WHEREAS, for years, members of Friends of Dumfries Slave Cemetery have worked to make the cemetery elegant and pristine, memorializing African American men, women, and children whose contributions to Dumfries were not acknowledged in their lifetimes; and

WHEREAS, after years of progress, the group of concerned citizens formally incorporated as Friends of Dumfries Slave Cemetery and established its status as a 501(c)(3) organization, cementing its efforts to honor those buried in the Dumfries slave cemetery and facilitating its ability to fundraise in support of future endeavors; and

WHEREAS, by reclaiming the slave cemetery in Dumfries from the effects of nature, time, and neglect, Friends of Dumfries Slave Cemetery has brought greater awareness to the life stories of the cemetery's inhabitants and understanding of the role they played in the history of Dumfries; now, therefore, be it

RESOLVED by the House of Delegates, That Friends of Dumfries Slave Cemetery hereby be commended for its dedication to preserving the lives and memories of valued members of the Dumfries community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Friends of Dumfries Slave Cemetery as an expression of the House of Delegates' admiration for the organization's mission and contributions to the Commonwealth.

HOUSE RESOLUTION NO. 61

Commending the George M. Hampton Foundation.

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, the George M. Hampton Foundation, a nonprofit tax-exempt affiliate of the Pi Lambda Lambda Chapter of Omega Psi Phi Fraternity, Inc., was incorporated in the Commonwealth on April 19, 2005, and granted 501(c)(3) status less than two years later; and

WHEREAS, the George M. Hampton Foundation was named in honor of Dr. George M. Hampton, a prominent civic leader in Prince William County whose steadfast dedication to the growth and development of local youth and commitment to improving the quality of life for all inspired the foundation's core philosophy; and

WHEREAS, the George M. Hampton Foundation was established to broadly help those in need, with a focus on addressing the scholastic challenges that affect area youth and priming them to lead successful and fulfilling lives; and

WHEREAS, since its inception, the George M. Hampton Foundation has donated thousands of dollars in support of local youth scholarships and other programs, such as mentoring sessions, essay contests, high school talent hunts, school supply drives, and more; and

WHEREAS, the George M. Hampton Foundation makes a meaningful impact in the community through various service activities, including health fairs, blood drives, diabetes and cancer health initiatives, and food and clothing drives; and

WHEREAS, from 2020 through 2021, the George M. Hampton Foundation distributed grants and donations totaling over \$90,000 to organizations and individuals in Prince William County and surrounding areas, awarded \$47,000 in scholarships and essay contest prizes, and gave thousands of dollars more through many other programs; and

WHEREAS, the George M. Hampton Foundation has liberally supported, often in partnership with the Pi Lambda Lambda Chapter of Omega Psi Phi Fraternity, Inc., several community and national charitable organizations whose activities further the foundation's mission; and

WHEREAS, the accomplishments of the George M. Hampton Foundation have been made possible through the optimism and ambitions of its founders and the exceptional generosity of its members; now, therefore, be it

RESOLVED by the House of Delegates, That the George M. Hampton Foundation hereby be commended for its meritorious efforts to foster youth advancement in the Prince William County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the George M. Hampton Foundation as an expression of the House of Delegates' admiration for the organization's objectives and its contributions to the Commonwealth.

HOUSE RESOLUTION NO. 62

Celebrating the life of Marie Frankie Muse Freeman.

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Marie Frankie Muse Freeman, an esteemed attorney who made history as the first woman to be appointed to the United States Commission on Civil Rights, died on January 12, 2018; and

WHEREAS, born and raised in Danville, Frankie Muse Freeman enrolled at the Hampton Institute at the age of 16 and attended from 1933 to 1936, then later earned a law degree in 1947 from the Howard University School of Law, where she was a member of the Epsilon Sigma Iota Sorority; and

WHEREAS, Frankie Muse Freeman established her own private practice in 1948, specializing in pro bono, divorce, and criminal cases, and after two years ventured into the field of civil rights law when she became legal counsel to the NAACP legal team that filed suit against the St. Louis Board of Education in 1949; and

WHEREAS, Frankie Muse Freeman was the lead attorney in 1954 for the landmark NAACP case *Davis et al. v. the St. Louis Housing Authority*, which ended legal racial discrimination in public housing within the city; and

WHEREAS, Frankie Muse Freeman was nominated by President Lyndon B. Johnson in 1964 to serve as a member of the United States Commission on Civil Rights and was approved by the United States Senate the same year, making history as the first woman to serve on the commission; and

WHEREAS, Frankie Muse Freeman would be subsequently reappointed to the United States Commission on Civil Right by Presidents Richard M. Nixon, Gerald R. Ford, and James "Jimmy" E. Carter, Jr., holding the position until 1979; that same year, she was appointed as inspector general for the Community Services Administration, a position she carried out for the remainder of President Jimmy Carter's term; and

WHEREAS, following her service in the federal government, Frankie Muse Freeman returned to St. Louis to practice law and at the age of 90 was still practicing with Montgomery Hollie & Associates, L.L.C.; and

WHEREAS, in 1982, Frankie Muse Freeman joined 15 other former federal officials to form a bipartisan Citizens' Commission on Civil Rights, a group committed to ending racial discrimination and proffering remedies to counteract its effects; and

WHEREAS, in recognition of her leadership role in the civil rights movement, Frankie Muse Freeman was inducted into the International Civil Rights Walk of Fame at the Martin Luther King Jr. National Historic Site in Atlanta in 2007; and

WHEREAS, Frankie Muse Freeman's expertise was valued by many, including President Barack H. Obama II, who appointed her to serve as a member of the Commission on Presidential Scholars in 2015; and

WHEREAS, an engaged member of the community, Frankie Muse Freeman's many volunteer activities included adult Sunday school classes at Washington Tabernacle Missionary Baptist Church in St. Louis and service on the board of the World Affairs Council of St. Louis, furthering the organization's mission to promote understanding, engagement, relationships, and leadership in world affairs; and

WHEREAS, the 14th national president of Delta Sigma Theta Sorority, Inc., Frankie Muse Freeman published her memoir, *A Song of Faith and Hope*, in 2003; and

WHEREAS, preceded in death by her husband and son, Frankie Muse Freeman is fondly remembered and dearly missed by her daughter, grandchildren, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Marie Frankie Muse Freeman, a prominent civil rights attorney whose professional accomplishments made an impact on countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Marie Frankie Muse Freeman as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 63

Commending Union Belle Baptist Church.

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Union Belle Baptist Church, which has provided spiritual guidance and opportunities for fellowship to members of the Falmouth community for generations, celebrates its 100th anniversary in 2022; and

WHEREAS, Union Belle Baptist Church was formally organized on October 28, 1922, in a lodge hall located on what is now the driveway of the church; its initial members were Lucy Carter, Angie Ray, Mary White, Easter Washington, Grace Greer, Nannie Barnett, Maggie Griffin, Silas Ray, John Taylor, and Joseph Boxley; and

WHEREAS, the church structure and building of Union Belle Baptist Church was first erected by the Reverend George Ray, then pastored by the Reverend William T. Tyler from 1922 to 1927; and

WHEREAS, the Reverend Peter Carter succeeded the Reverend Tyler in 1927 and went on to lead his faithful congregation for the next 27 years, contributing greatly to the development of Union Belle Baptist Church at an early stage in its history; and

WHEREAS, following the Reverend Carter, Union Belle Baptist Church has been led by 11 different ministers, each of whom have taken great care in the execution of their duties to inspire and edify their congregation and attend to the maintenance of the church's facilities; and

WHEREAS, on October 20, 2001, Union Belle Baptist Church elected its present pastor, the Reverend Clarence E. Mays, who has guided his congregation through a period of sustained growth and prosperity ever since; and

WHEREAS, the accomplishments of the Union Belle Baptist Church over the past 100 years are the result of the sagacity and dedication of its leaders, the faithfulness and support of its members, and the entire community's commitment to the church's vision and principles; now, therefore, be it

RESOLVED by the House of Delegates, That Union Belle Baptist Church of Falmouth hereby be commended on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Union Belle Baptist Church as an expression of the House of Delegates' admiration for the congregation's rich history and its many contributions to the Commonwealth.

HOUSE RESOLUTION NO. 64

Commemorating the life and legacy of Robert Walter Johnson, M.D.

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, Robert Walter Johnson, M.D., a respected physician, tennis coach, mentor, and founder of the American Tennis Association's Junior Development Program, was a trailblazing leader who played a pivotal role in the racial integration of American tennis and trained multiple prominent tennis champions; and

WHEREAS, a native of Norfolk, Dr. Robert Johnson attended Lincoln University, a historically Black institution in Pennsylvania, and helped lead the football team to a national championship title; he continued his education at Meharry Medical College in Nashville, Tennessee; and

WHEREAS, Dr. Robert Johnson operated a medical practice in Lynchburg for most of his career and was one of the first Black physicians authorized to practice at Lynchburg General Hospital; and

WHEREAS, beginning in the 1940s, Dr. Robert Johnson formed an all-expenses-paid tennis camp for Black youths that was funded with his own money and held in his backyard; and

WHEREAS, Dr. Robert Johnson's Junior Development Program produced the first two Black American Grand Slam tennis champions, Althea Gibson and Arthur Ashe, as well as three other Grand Slam champions, Bobby Riggs, Pauline Betz-Addie, and Manuel Santana; and

WHEREAS, known as "Dr. J" or "Whirlwind," Dr. Robert Johnson was a visionary leader who inspired others to achieve greatness; he was respected for his exceptional ability as a talent scout and admired for his commitment to teaching the values of perseverance, sportsmanship, patience, etiquette, humility, and hard work; and

WHEREAS, in recognition of his outstanding accomplishments, Dr. Robert Johnson was inducted into the International Tennis Hall of Fame in Newport, Rhode Island, in July 2009; and

WHEREAS, Dr. Robert Johnson died in Lynchburg on June 28, 1971, but his impact on the sport of tennis in the United States has endured for generations and will continue to serve as a foundation for other trainers, coaches, and athletes; now, therefore, be it

RESOLVED by the House of Delegates, That the life and legacy of Robert Walter Johnson, M.D., hereby be commemorated on the 50th anniversary of his death in 2021; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Robert Walter Johnson, M.D., as an expression of the House of Delegates' admiration for his achievements.

HOUSE RESOLUTION NO. 65

Commending Lucy Greenman.

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Lucy Greenman, a student at The College of William & Mary, was a participant on the gameshow *Jeopardy!* in an episode that aired on February 15, 2022; and

WHEREAS, Lucy Greenman, a native of Sterling, is a senior at The College of William & Mary, where she is pursuing a self-designed major in health analytics and a minor in gender, sexuality and women's studies; and

WHEREAS, during her college search and as she committed to a major, Lucy Greenman sought an opportunity to study maternal and child health from the perspectives of both hard science and the liberal arts; and

WHEREAS, a follower of Judaism, Lucy Greenman appeared on NBC's *Today* show during her freshman year as part of a series that featured people learning from and teaching their faith and exploring how their faith shapes who they are; and

WHEREAS, Lucy Greenman has been a strong advocate in her community, supporting Voices for Planned Parenthood and Health Outreach Peer Educators, while serving as a lead teacher at Temple Beth El of Williamsburg and contributing to an integrated research team at the Roy R. Charles Center at The College of William & Mary; now, therefore, be it

RESOLVED by the House of Delegates, That Lucy Greenman hereby be commended for her participation on *Jeopardy!* and for her philanthropic efforts in her community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lucy Greenman as an expression of the House of Delegates' admiration for her leadership and accomplishments on behalf of her fellow classmates at The College of William & Mary.

HOUSE RESOLUTION NO. 66

Commending Mobile Hope of Loudoun.

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Mobile Hope of Loudoun, a nonprofit organization dedicated to supporting and empowering homeless and at-risk youth in Loudoun County, has greatly served the community for the past 10 years; and

WHEREAS, in response to the concerning number of homeless or at-risk youth residing in Loudoun County, the precursor to Mobile Hope of Loudoun was established in 2011 as a special project at Inova Loudoun Hospital, creating a lifeline for this imperiled group; and

WHEREAS, Mobile Hope of Loudoun became an independent 501(c)(3) organization in 2012 and redoubled its efforts to provide housing services and other assistance to homeless or at-risk individuals in Loudoun County who are up to 24 years old; and

WHEREAS, Mobile Hope of Loudoun lends its support services to incarcerated youth who are at risk of homelessness upon their release by providing them with resources needed to find employment; and

WHEREAS, while schools were closed during the COVID-19 pandemic, Mobile Hope of Loudoun made frequent deliveries of food, diapers, and clothing to the neighborhoods most adversely affected, reaching more than 135,000 people; and

WHEREAS, Mobile Hope of Loudoun's recent "Christmas Village" toy drive brightened the holidays for more than 2,000 children and their families; and

WHEREAS, in 2022, Mobile Hope of Loudoun launched "Trade Up," a trade school program currently housed on Parker Court in Leesburg that is funded in part by a \$75,000 grant from Google; and

WHEREAS, the "Trade Up" school will offer educational opportunities for an estimated 25 homeless or at-risk youth at a time, enabling them to acquire the skills necessary for gainful employment in the fields of carpentry, construction, information technology, and welding; now, therefore, be it

RESOLVED by the House of Delegates, That Mobile Hope of Loudoun hereby be commended for its 10 years of service to vulnerable members of the Loudoun County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Donna Fortier, founder and executive director of Mobile Hope of Loudoun, as an expression of the House of Delegates' admiration for the organization's vital work in support of young people currently or at risk of experiencing homelessness.

HOUSE RESOLUTION NO. 68

Commending Mobile Hope of Loudoun.

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Mobile Hope of Loudoun, a nonprofit organization dedicated to supporting and empowering homeless and at-risk youth in Loudoun County, has greatly served the community for the past 10 years; and

WHEREAS, in response to the concerning number of homeless or at-risk youth residing in Loudoun County, the precursor to Mobile Hope of Loudoun was established in 2011 as a special project at Inova Loudoun Hospital, creating a lifeline for this imperiled group; and

WHEREAS, Mobile Hope of Loudoun became an independent 501(c)(3) organization in 2012 and redoubled its efforts to provide housing services and other assistance to homeless or at-risk individuals in Loudoun County who are up to 24 years old; and

WHEREAS, Mobile Hope of Loudoun lends its support services to incarcerated youth who are at risk of homelessness upon their release by providing them with resources needed to find employment; and

WHEREAS, while schools were closed during the COVID-19 pandemic, Mobile Hope of Loudoun made frequent deliveries of food, diapers, and clothing to the neighborhoods most adversely affected, reaching more than 135,000 people; and

WHEREAS, Mobile Hope of Loudoun's recent "Christmas Village" toy drive brightened the holidays for more than 2,000 children and their families; and

WHEREAS, in 2022, Mobile Hope of Loudoun launched "Trade Up," a trade school program currently housed on Parker Court in Leesburg that is funded in part by a \$75,000 grant from Google; and

WHEREAS, the "Trade Up" school will offer educational opportunities for an estimated 25 homeless or at-risk youth at a time, enabling them to acquire the skills necessary for gainful employment in the fields of carpentry, construction, information technology, and welding; now, therefore, be it

RESOLVED by the House of Delegates, That Mobile Hope of Loudoun hereby be commended for its 10 years of service to vulnerable members of the Loudoun County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Donna Fortier, founder and executive director of Mobile Hope of Loudoun, as an expression of the House of Delegates' admiration for the organization's vital work in support of young people currently or at risk of experiencing homelessness.

HOUSE RESOLUTION NO. 69

Commending Bob Sasser.

Agreed to by the House of Delegates, March 2, 2022

WHEREAS, for more than 20 years, Bob Sasser has held numerous executive leadership positions in the discount retail chain Dollar Tree, Inc., which is headquartered in Chesapeake; and

WHEREAS, Bob Sasser grew up in Florida and graduated from Florida State University; he has remained a loyal alumnus of the institution, serving on the Board of Trustees since 2015 and often sharing his wisdom with students and faculty; and

WHEREAS, Bob Sasser began his career in retail in 1975 with Roses Discount Stores, where he became vice president of merchandising and later served as senior vice president of merchandise and marketing; he worked for Michaels Stores, Inc., as vice president and general merchandising manager; and

WHEREAS, Bob Sasser joined Dollar Tree in 1999 and served as chief operating officer, president, chief executive officer, and executive chairman over the course of his distinguished tenure with the company; and

WHEREAS, Bob Sasser oversaw numerous transformational changes to Dollar Tree, driving growth and improving practices at all levels of the business to help withstand the pressures of market downturns and industry changes; and

WHEREAS, under Bob Sasser's leadership, Dollar Tree grew from a regional company with fewer than 1,200 stores, 18,000 employees, and \$1 billion in annual sales to an international Fortune 111 company with 16,000 stores, 200,000 employees, and more than \$26 billion in annual sales; and

WHEREAS, Bob Sasser oversaw the growth of the Dollar Tree brand through six acquisitions, including the purchase of Family Dollar Stores, Inc., which turned the business into the largest discount retailer by store count in the United States; and

WHEREAS, outside of his career, Bob Sasser has been an active community leader in the Commonwealth as a past trustee of the Virginia Foundation for Independent Colleges and a current trustee of the Chrysler Museum of Art in Norfolk; and

WHEREAS, after his retirement, Bob Sasser looks forward to spending more time with his wife, Pam, their two children, Robert and Jennifer, and their grandchildren, as well as seek new opportunities for community leadership; now, therefore, be it

RESOLVED by the House of Delegates, That Bob Sasser hereby be commended on the occasion of his retirement as executive chairman of Dollar Tree in 2022; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bob Sasser as an expression of the House of Delegates' admiration for his contributions to the economic vitality of the Commonwealth and best wishes on his well-earned retirement.

HOUSE RESOLUTION NO. 70

Commending the Honorable Roslyn C. Tyler.

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, the Honorable Roslyn C. Tyler ably represented the residents of the 75th District in the Virginia House of Delegates for more than 14 years; and

WHEREAS, a native of Emporia, Roslyn Tyler served on the Sussex County Board of Supervisors from 1984 to 1995 and was the first African American woman to become chair, earning admiration for her effective leadership and commitment to the community; and

WHEREAS, desirous to be of further service to the Commonwealth, Roslyn Tyler ran for and was elected to the Virginia House of Delegates in 2005 and was the first person of color to represent the 75th District since 1880; and

WHEREAS, during her distinguished tenure as a state lawmaker, Roslyn Tyler introduced and supported numerous important pieces of legislation to benefit her constituents and all Virginians, taking a special interest in education and public safety; and

WHEREAS, as one of her first bills, Roslyn Tyler supported salary increases for teachers in the Commonwealth, and she subsequently championed funding for early childhood education, expansion of broadband Internet, support for Medicaid, increasing Virginia's minimum wage, and the protection of hunting rights; and

WHEREAS, Roslyn Tyler offered her leadership and expertise to the Appropriations, General Laws, Labor and Commerce, Public Safety, and Agriculture, Chesapeake and Natural Resources Committees; she was the first African American woman to serve as chair of the Education Committee and chair of the Appropriations Subcommittee on Compensation and General Government; and

WHEREAS, Roslyn Tyler was the first African American woman to serve as chair of the Virginia Rural Center and vice chair of the Legislative Sportsman's Caucus, and she was a valued member of several other state and regional commissions and organizations; and

WHEREAS, Roslyn Tyler served the Commonwealth with the utmost integrity, dedication, and distinction; now, therefore, be it

RESOLVED by the House of Delegates, That the Honorable Roslyn C. Tyler hereby be commended for her achievements as a member of the House of Delegates; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Roslyn C. Tyler as an expression of the House of Delegates' admiration for her service to the Commonwealth.

HOUSE RESOLUTION NO. 71

Encouraging all residents of the Commonwealth of Virginia to boycott all goods and services originating in Russia.

Agreed to by the House of Delegates, March 3, 2022

WHEREAS, on February 24, 2022, Russia launched an invasion of Ukraine, a sovereign nation, without provocation or justification; and

WHEREAS, the President of the United States has condemned this attack, imposed economic sanctions on Russia, and authorized the provision of additional military aid to Ukraine; and

WHEREAS, the Governor of Virginia has directed an immediate review of the Commonwealth's procurement of any and all goods and services involving Russian companies, called for Virginia mayors to terminate sister city partnerships with Russian cities, and urged the Virginia Retirement System and university endowments to divest any Russian holdings immediately; and

WHEREAS, legislative leaders of both major political parties in the Commonwealth have condemned Russia's unprovoked attack on Ukraine and support measures to discourage further aggression; and

WHEREAS, the members of the Virginia House of Delegates and individuals throughout the Commonwealth have watched as the Ukrainian people have fought courageously against Russian military might; and

WHEREAS, Virginians from all walks of life throughout the Commonwealth stand in solidarity with the people of Ukraine; now, therefore, be it

RESOLVED by the House of Delegates, That all residents of the Commonwealth of Virginia be encouraged to boycott all goods and services originating in Russia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Secretary of Commerce and Trade as an expression of the House of Delegates' hope that the Secretary will make available to the public a full list of goods and services that might be voluntarily boycotted as a show of the Commonwealth's solidarity with the Ukrainian people.

HOUSE RESOLUTION NO. 73

Celebrating the life of Robert Louis Williams.

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Robert Louis Williams, a highly admired community leader who touched countless lives in Hampton Roads, died on February 15, 2022; and

WHEREAS, Robert Williams, affectionately known as "Bob Z," grew up in Norfolk, where he graduated from Granby High School; he earned bachelor's and master's degrees from Norfolk State University and continued his education at Troy State University; and

WHEREAS, a passionate lifelong learner and dedicated educator, Robert Williams worked as an education and training specialist for Ford Motor Company, an admissions counselor at Norfolk State University, and a career coach and adjunct professor at Tidewater Community College over the course of his distinguished career; and

WHEREAS, Robert Williams inspired young people as a longtime volunteer with Norfolk Public Schools, and he was a proud member of many civic and service organizations, including Kappa Alpha Psi Fraternity, Inc.; and

WHEREAS, Robert Williams enhanced the quality of life in Hampton Roads by providing his leadership to the board of directors of the H.E.R. Shelter in Portsmouth, joining the Chesapeake Mayor's Task Force on Gang Activity, and serving as community services director for United Auto Workers; and

WHEREAS, Robert Williams was an employment specialist with the Garden of Hope Community Development Corporation and founded the Coastal Virginia Community Development Corporation; and

WHEREAS, in April 2021, Robert Williams launched Bob Z UNKUT Community Views, a podcast addressing socioeconomic issues in the region and perspectives on current events; and

WHEREAS, Robert Williams will be fondly remembered and greatly missed by his children, Brandon, Riah, and Robert III, and their families; his mother, Carol; and numerous other family members and friends; now, therefore, be it
RESOLVED, That the House of Delegates hereby note with great sadness the loss of Robert Louis Williams; and, be it
RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Robert Louis Williams as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 74

Commending the Clifton Community Woman's Club.

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, the Clifton Community Woman's Club, an organization dedicated to improving the quality of life for all Fairfax County residents, celebrated its 50th anniversary in 2021; and

WHEREAS, the Clifton Community Woman's Club (CCWC) held its first fundraiser during Clifton Day in 1971, spinning cotton candy to raise money for its first scholarship of \$200; and

WHEREAS, the CCWC has organized its Clifton Home Tours each spring for the past 48 years, significantly bolstering the organization's fund for scholarships and other services; and

WHEREAS, in its first half-century, the CCWC provided more than \$550,000 to support scholarships, food banks, the homeless, women in crisis, veterans, medical research, cultural organizations, and other worthwhile causes and charities; and

WHEREAS, the CCWC has enhanced the educational resources available to residents of Fairfax County by aiding in the establishment of the Fairfax Station Railroad Museum, the Legato School historical site, and the Burke Centre Library; and

WHEREAS, in addition to offering its members opportunities for service and community outreach, the CCWC fosters lifelong friendships through its active calendar of events and activities, including a book club, a bridge club, garden tours, concerts and performances, speaker presentations, arts and crafts contests, and more; and

WHEREAS, despite the challenges of the COVID-19 pandemic, the CCWC's members met virtually and worked together with great ingenuity, skill, and determination to achieve the organization's service goals; and

WHEREAS, in its golden jubilee year, the CCWC managed to raise nearly \$14,000 through various events and endeavors, funding several academic scholarships as well as donations to local food banks; and

WHEREAS, the accomplishments of the CCWC were made possible through the generosity of its sponsors in the professional and business community and the unwavering devotion of its members; now, therefore, be it

RESOLVED by the House of Delegates, That the Clifton Community Woman's Club hereby be commended on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Clifton Community Woman's Club as an expression of the House of Delegates' admiration for the organization's history and its many contributions to the Commonwealth.

HOUSE RESOLUTION NO. 75

Commending Rosa Bakes.

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Rosa Bakes, the brainchild of Rosa LePelch, a baker committed to enhancing the vegan options available to residents of her hometown of Centreville, opened its first store front in 2022 and is now operating out of a commercial kitchen in Chantilly; and

WHEREAS, Rosa LePelch began Rosa Bakes in 2017, running the operation out of her home before relocating to a commercial site in Chantilly in February 2022; and

WHEREAS, Rosa LePelch got the idea for Rosa Bakes after her family and she, who have been vegan for more than six years, grew tired of traveling to Washington, D.C., to satisfy their cravings for baked goods; and

WHEREAS, in preparation for this endeavor, Rosa LePelch gained significant culinary experience working alongside her father at the restaurant Trummer's on Main in Clifton and in 2020 received a bachelor's degree in Human Nutrition, Foods, and Exercise with a concentration in dietetics from the Virginia Polytechnic Institute and State University; and

WHEREAS, by giving customers a fresh perspective on what is available to individuals following a vegan diet, Rosa Bakes has greatly supported the health and well-being of the Northern Virginia community; now, therefore, be it

RESOLVED by the House of Delegates, That Rosa Bakes hereby be commended on its recent expansion into a new commercial kitchen; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Rosa LePelch, owner of Rosa Bakes, as an expression of the House of Delegates' admiration for the bakery's contributions to the Commonwealth.

HOUSE RESOLUTION NO. 76

Commending Rohini Das.

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Rohini Das, a senior at the Academies of Loudoun in Leesburg, has inspired girls and boys to pursue their interests in the fields of science, technology, engineering, and mathematics through various endeavors; and

WHEREAS, dedicated to empowering young women to explore science, technology, engineering, and mathematics (STEM) careers, Rohini Das created a video series and online platform, called "STEMinist Stories," to share success stories of women working in these fields; and

WHEREAS, in the early stage of the COVID-19 pandemic, Rohini Das wrote a gender neutral book on the programming language Java to help to ensure that other students interested in learning the language would not get discouraged by an implicit gender bias towards males in existing educational materials; and

WHEREAS, Rohini Das sets an example of community leadership through her devotion to the success of her peers and demonstrates a commitment to advancing gender inclusion in STEM fields by generously creating multimodal educational resources for current and future students; now, therefore, be it

RESOLVED by the House of Delegates, That Rohini Das hereby be commended for her efforts to make science, technology, engineering, and mathematics careers more accessible to countless young girls and boys; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Rohini Das as an expression of the House of Delegates' admiration for her contributions to the Commonwealth.

HOUSE RESOLUTION NO. 77

Commending Alison Teetor.

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Alison Teetor, an esteemed natural resource planner who dedicated 31 years to the stewardship of Clarke County's natural resources for the benefit of its residents and the environment, retired in December 2021; and

WHEREAS, originally from Washington, D.C., Alison Teetor earned a bachelor's degree in wildlife biology from Colorado State University and was briefly with the Colorado Division of Wildlife before moving to Clarke County to work at Shenandoah National Park as a Geographic Information System specialist; and

WHEREAS, Alison Teetor became Clarke County's natural resource planner in 1991, serving as the locality's expert on nature, land conservation, and water quality planning issues in the area, working tirelessly to ensure the preservation and sustainability of her community's resources and its ecosystems; and

WHEREAS, Alison Teetor played a crucial role in the establishment of Clarke County's Conservation Easement Authority, an initiative that has since protected over 8,700 acres of land and the plants and animals that live there; and

WHEREAS, Alison Teetor's accomplishments as natural resource planner include leading projects in stream and watershed restoration, extending public sewer service to homes in Millwood, continually updating Clarke County's Water Resources Plan, developing recycling initiatives, and administering Clarke County's septic and well ordinances; and

WHEREAS, Alison Teetor has successfully raised hundreds of thousands of dollars in grant funds to support conservation easement purchases, preservation work, and other projects; and

WHEREAS, by carrying out her duties as natural resource planner with a great sense of purpose and commitment to the well-being of the community, Alison Teetor has helped to make Clarke County a wonderful place to live, work, and play for many future generations to come; now, therefore, be it

RESOLVED by the House of Delegates, That Alison Teetor hereby be commended on the occasion of her retirement as natural resource planner of Clarke County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Alison Teetor as an expression of the House of Delegates' admiration for her contributions to the Commonwealth and best wishes for a happy and fulfilling retirement.

HOUSE RESOLUTION NO. 78

Commending the Loudoun County Master Gardeners of Virginia Cooperative Extension.

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, the Loudoun County Master Gardeners of Virginia Cooperative Extension, a group of volunteer horticulturists dedicated to improving land and resource management in Loudoun County, earned an Achievement Award from the Virginia Association of Counties in 2021; and

WHEREAS, Virginia Cooperative Extension is a partnership between the Virginia Polytechnic Institute and State University, Virginia State University, the United States Department of Agriculture, and local governments that was developed to provide agricultural and natural resources education and other outreach services to residents of the Commonwealth; and

WHEREAS, the Loudoun County Master Gardeners of Virginia Cooperative Extension are trained volunteer educators whose mission is to encourage and promote environmentally sound horticulture practices through sustainable landscape management education and training; and

WHEREAS, the Loudoun County Master Gardeners of Virginia Cooperative Extension earned the Virginia Association of Counties award in recognition of the success of its site assessment program, in which the group provides free land health assessments to property owners in Loudoun County, including suggestions for improved erosion control; and

WHEREAS, as a result of its site assessment program, the Loudoun County Master Gardeners of Virginia Cooperative Extension facilitated the discovery of the invasive aquatic plant *Trapa bipinosa* in Loudoun County, enabling the locality to address the issue and better protect the vitality of its ecosystems; and

WHEREAS, the tireless efforts of the Loudoun County Master Gardeners of Virginia Cooperative Extension have directly impacted the Chesapeake Bay watershed while greatly serving the residents of Loudoun County; now, therefore, be it

RESOLVED by the House of Delegates, That the Loudoun County Master Gardeners of Virginia Cooperative Extension hereby be commended for receiving a 2021 Achievement Award from the Virginia Association of Counties; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Loudoun County Master Gardeners of Virginia Cooperative Extension as an expression of the House of Delegates' admiration for the group's contributions to the Commonwealth.

HOUSE RESOLUTION NO. 79

Commending Charles Johnston.

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Charles Johnston, an esteemed public administrator who formerly served as the planning director of Clarke County for many years, was awarded the Wingate Mackay-Smith Clarke County Land Conservation Award by the Clarke County Conservation Easement Authority in 2021; and

WHEREAS, Charles Johnston was presented this prestigious award for his role in establishing Clarke County's Conservation Easement Purchase Program two decades ago, which has since that time helped to preserve the environment and the rural character of the region by protecting land with significant agricultural, natural, scenic, and historic resources from future development; and

WHEREAS, after 22 years as Clarke County's planning director, Charles Johnston took a similar position in Calvert County, Maryland, in 2011 and later became the director of the Community Planning and Building Department of the City of Fredericksburg; and

WHEREAS, shortly after Charles Johnston's departure from Clarke County, Governor Robert F. McDonnell honored the Clarke County Conservation Easement Authority with an Environmental Excellence Award, recognizing the care and consideration taken in the creation of its Conservation Easement Purchase Program and the valuable opportunities this program offered to local landowners; and

WHEREAS, in addition to spearheading the Conservation Easement Purchase Program in Clarke County, Charles Johnston supported various other worthwhile initiatives to enhance residents' quality of life, including an early attempt to establish a Salvation Army retreat along the Shenandoah River, the construction of a golf course along the Shenandoah River, and the development of commercial properties in Waterloo and Double Tollgate; and

WHEREAS, Charles Johnston's visionary leadership during his tenure with Clarke County made a profound and lasting impact on the community that has been appreciated by residents for decades since; now, therefore, be it

RESOLVED by the House of Delegates, That Charles Johnston, former planning director of Clarke County, hereby be commended for receiving the Clarke County Conservation Easement Authority's 2021 Wingate Mackay-Smith Clarke County Land Conservation Award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Charles Johnston as an expression of the House of Delegates' admiration for his contributions to the Commonwealth.

HOUSE RESOLUTION NO. 80

Commending the Sherando High School girls' swim team.

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, the Sherando High School girls' swim team won the first regional title in the program history at the Virginia High School League Class 4 Region C swim meet in February 2022; and

WHEREAS, with nearly every member of the team scoring in their events, the Sherando High School Warriors continued their season-long unbeaten streak to win the regional meet with a score of 338 points; and

WHEREAS, the Sherando High School Warriors swept all three relay events and won two individual events to surpass the runner-up, Kettle Run High School, by an impressive margin of 119 points; and

WHEREAS, Taylor Smith claimed first place and advanced to the state championship in the 200-yard individual medley, improving on a school-record time with 2:09.76, and the 100-yard butterfly, finishing a time of 58.83; and

WHEREAS, sophomore Madelyn Twigg, junior Chelsey Jones, and senior Natalee Tusing finished in the top five of multiple individual events, qualifying for state championship appearances; and

WHEREAS, Twigg, Smith, Jones, and sophomore Madison Reed won the 200-yard medley relay by a 3.02-second margin and set a school record with a final time of 1:50.58; and

WHEREAS, in addition, Reed, Jones, Tusing, and junior Lexee Schellhammer won the 200-yard freestyle relay with a time of 1:42.71, and Tusing, Schellhammer, Twigg, and Smith won the 400-yard freestyle relay with a time of 3:42.42; and

WHEREAS, the victory is a tribute to the skill and dedication of all the student-athletes, the leadership and guidance of coaches and staff, and the enthusiastic support of the entire Sherando High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Sherando High School girls' swim team hereby be commended on winning the Virginia High School League Class 4 Region C swim meet in 2022; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Joe Knight, head coach of the Sherando High School girls' swim team, as an expression of the House of Delegates' admiration for the team's achievements.

HOUSE RESOLUTION NO. 81

Celebrating the life of Leslee King.

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Leslee King, a dedicated member of the Loudoun County School Board who proudly served the students and families of Loudoun County, died on August 31, 2021; and

WHEREAS, Leslee King grew up in Richmond and around Washington, D.C., and later was a middle school educator at several different schools in the area before moving west for some time and returning to the Commonwealth in 1986; and

WHEREAS, Leslee King spent most of her professional career as an advanced systems engineer and software architect, performing site assessments and teaching courses for the benefit of various government agencies; and

WHEREAS, Leslee King took a seat on the Loudoun County School Board in 2020, representing the Broad Run District, chairing the finance and operations and student services committees, and serving as a member of the equity and communication and outreach committees; and

WHEREAS, Leslee King was a known advocate for LGBTQ+ students at Loudoun County Public Schools and made a difference through her strong commitment to defending the safety of all students; and

WHEREAS, Leslee King was admired by her colleagues for her ability to speak kindly and unapologetically in support of her beliefs, and she was known to be a passionate storyteller who especially loved sharing stories about her family; and

WHEREAS, Leslee King will be fondly remembered and dearly missed by her loving husband, her children and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Leslee King, a cherished member of the Loudoun County community whose compassion and public service touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Leslee King as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 82

Commending Markus Bristol.

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Markus Bristol, a captain in the Falls Church Police Department, has served and protected members of the community for 25 years; and

WHEREAS, Markus Bristol graduated second in his class from the Northern Virginia Criminal Justice Academy in December 1996 and joined the Falls Church Police Department shortly thereafter; and

WHEREAS, Markus Bristol has spent most of his career in the Operations Division as a uniformed police officer; he has interfaced with members of the community in a number of roles, including patrol officer and school resources officer; and

WHEREAS, Markus Bristol worked as a K9 handler for more than six years and ultimately became the K9 supervisor for the Falls Church Police Department; he and his K9 partner, Ronnie, consistently achieved recognition from the United States Canine Association for their outstanding performance; and

WHEREAS, Markus Bristol has been a trusted friend and a dedicated mentor to countless fellow members of the Falls Church Police Department, and he has imparted his wisdom and expertise to younger officers as a field training officer; and

WHEREAS, Markus Bristol has been a source of institutional knowledge and is well-known for his skills in research and project management; he played a vital role in police reform initiatives and the promotion of community policing as a member of the Use of Force Review Committee; and

WHEREAS, in 2021, Markus Bristol was promoted to commander of the Operations Division; and

WHEREAS, Markus Bristol served the nation as a member of the United States Army and the United States Army Reserve from 2005 to 2016, including a deployment to Iraq in 2008; now, therefore, be it

RESOLVED by the House of Delegates, That Markus Bristol hereby be commended for his 25 years of service to the residents of Falls Church as a law-enforcement officer; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Markus Bristol as an expression of the General Assembly's admiration for his contributions to the Falls Church community.

HOUSE RESOLUTION NO. 83

Commending Joe Dowling.

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Joe Dowling, a senior crew leader with the Falls Church Department of Public Works, has served the community for more than 40 years; and

WHEREAS, Joe Dowling began working for Falls Church Department of Public Works in April 1981 as a maintenance worker and was soon promoted to equipment operator; he was responsible for the replacement and repair of sidewalks, curbs, gutters, retaining walls, catch basin tops, and asphalt on city property; and

WHEREAS, Joe Dowling was promoted to senior equipment operator and was placed in charge of excavation for repairs to water mains, sanitary sewers, and storm sewers, using his skill and expertise to navigate around many utilities during excavations; and

WHEREAS, as a senior crew leader, Joe Dowling directs a five-person team in the Operations Divisions of the Falls Church Department of Public Works that is responsible for road and sidewalk maintenance, sanitary and storm sewer systems, sign replacement, leaf collection, snow removal, and storm damage clean-up; and

WHEREAS, Joe Dowling leads by example and often goes above and beyond in the performance of his duties, such as in 2000, when he helped a family in Falls Church that had been blocked in their driveway by a fallen tree after a severe storm; and

WHEREAS, Joe Dowling is the only member of the Operations Division other than the superintendent who is cross-trained in all functions of the division, meaning his expertise and skill with equipment are often in high demand; and

WHEREAS, during Winter Storm Jonas in 2016, Joe Dowling worked for 68 consecutive hours and logged a total of 142 hours over 10 days to support snow removal efforts, for which he received the 2016 Falls Church Employee of the Year award; now, therefore, be it

RESOLVED by the House of Delegates, That Joe Dowling hereby be commended for more than 40 years of service to the residents of Falls Church; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Joe Dowling as an expression of the House of Delegates' admiration for his contributions to the Falls Church community.

HOUSE RESOLUTION NO. 84

Commending Robert Goff.

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Robert Goff, the superintendent of the Operations Division of the Falls Church Department of Public Works, retired on July 1, 2021, after four decades of service to the community; and

WHEREAS, a lifelong resident of Falls Church, Robert Goff graduated from George Mason High School at the age of 17 and began working for the city shortly thereafter in 1981; and

WHEREAS, Robert Goff initially worked in the maintenance and inspection of city water and sewer systems, and was subsequently promoted to senior utilities inspector; and

WHEREAS, in 1997, Robert Goff earned the Falls Church Employee of the Year award for his exceptional work and responsiveness in the operation of the city water system; the following year, he was promoted to water and sewer supervisor and ably managed a team of 28 employees; and

WHEREAS, in 2000, Robert Goff became the superintendent of the Operations Division of the Falls Church Department of Public Works; he served as director of operations from 2005 to 2011 before returning to the superintendent position after a reorganization of the department; and

WHEREAS, during that time, Robert Goff oversaw street maintenance, snow removal, leaf collection, operation of sanitary and storm sewers, and implementation of urban forestry programs, as well as managed the machine shop and other facilities; and

WHEREAS, Robert Goff provided a calming presence and outstanding leadership during the response to multiple significant weather events over the course of his career, including hurricanes, tropical storms, wind storms, floods, and winter storms; and

WHEREAS, Robert Goff volunteered his time and expertise to support countless holiday celebrations, neighborhood block parties, and other events throughout the city; and

WHEREAS, in recognition of Robert Goff's legacy of achievements on behalf of the city, the Falls Church Property Yard was renamed in his honor in November 2021; now, therefore, be it

RESOLVED by the House of Delegates, That Robert Goff hereby be commended for his 40 years of service to the residents of Falls Church on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert Goff as an expression of the House of Delegates' admiration for his service to the Falls Church community.

HOUSE RESOLUTION NO. 85

Commending Audrey Luthman.

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Audrey Luthman, a school crossing guard who served the Falls Church community for 50 years, retired on August 31, 2021; and

WHEREAS, Audrey Luthman began work for Falls Church in August 1971 and became one of the city's longest serving employees; and

WHEREAS, Audrey Luthman brightened students' days with her friendly demeanor and confident performance of her duties; she safeguarded generations of Falls Church Public Schools students over the course of her distinguished career; and

WHEREAS, Audrey Luthman rarely missed a day of work in her five decades of service, and she served children in all types of weather on some of the busiest streets in the city; she often arrived early and left late to ensure that preparations were made properly at her crossings; and

WHEREAS, Audrey Luthman went above and beyond in her service to the city and volunteered for extra projects with the Falls Church Police Department; and

WHEREAS, Audrey Luthman worked tirelessly to always keep the children in her care safe, and in 2007, she was recognized by AAA for her courteousness, efficiency, and commitment to excellence; and

WHEREAS, Audrey Luthman was a devoted friend and a trusted mentor to her colleagues; she advocated for updated equipment and equitable working conditions and was admired for her leadership and integrity; now, therefore, be it

RESOLVED by the House of Delegates, That Audrey Luthman hereby be commended for her 50 years of service as a school crossing guard in Falls Church on the occasion of her retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Audrey Luthman as an expression of the House of Delegates' admiration for her contributions to the Falls Church community.

HOUSE RESOLUTION NO. 86

Commending Victoria Kidd.

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Victoria Kidd, an activist, speaker, writer, and entrepreneur, who has made many contributions to the Northern Virginia community, received the inaugural LGBTQ-owned Business Achievement Award from the United States Chamber of Commerce in 2021; and

WHEREAS, the owner of Hideaway Cafe in Winchester, Victoria Kidd received the LGBTQ-owned Business Achievement Award part of the Dream Big Awards program, which honors businesses in multiple categories for their commitment to excellence and community leadership; and

WHEREAS, under Victoria Kidd's leadership, Hideaway Cafe has been a safe and welcoming gathering place for countless members of the LGBTQ community, particularly young people, and the award recognized her commitment to operating the establishment safely during the COVID-19 pandemic; and

WHEREAS, Victoria Kidd and Hideaway Cafe were selected from a pool of more than 1,000 qualified applicants from around the country; and

WHEREAS, Victoria Kidd previously served as the plaintiff in a marriage equality case, representing more than 18,000 couples in the Commonwealth, and she has served on the boards of numerous organizations focusing on LGBTQ rights; and

WHEREAS, Victoria Kidd has supported her community by raising more than \$40,000 in cash and in-kind donations to support worthy charitable organizations; now, therefore, be it

RESOLVED by the House of Delegates, That Victoria Kidd, winner of the 2021 LGBTQ-owned Business Achievement Award from the United States Chamber of Commerce, hereby be commended for her accomplishments as a business owner and an advocate for the LGBTQ community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Victoria Kidd as an expression of the House of Delegates' admiration for her personal and professional achievements.

HOUSE RESOLUTION NO. 87

Commending the Clarke County High School girls' soccer team.

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, the Clarke County High School girls' soccer team finished an undefeated season with a victory in the Virginia High School League Class 2 state championship in 2021; and

WHEREAS, with a team made up of five seniors, seven juniors, and two sophomores, and five freshmen, the Clarke County High School Eagles defeated the Radford High School Bobcats by a score of 4-0 to earn the third state title in program history; and

WHEREAS, junior Maya Marasco struck first for the Clarke County Eagles, scoring in the 11th minute; Alison Sipe followed up with another goal in the 14th minute to give the team a 2-0 edge by halftime; and

WHEREAS, the Clarke County Eagles dominated possession and allowed only two shots on goal in the second half; sophomore Ella O'Donnell added two exclamation points 45 seconds apart near the end of game to cap off the win; and

WHEREAS, freshman Madison Toone led the Clarke County Eagles with 35 goals throughout the season, achieving district and regional Player of the Year honors; and

WHEREAS, the victory was a tribute to the skill and determination of all the student-athletes, the leadership and guidance of coaches and staff, and the enthusiastic support of the entire Clarke County High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Clarke County High School girls' soccer team hereby be commended on winning the Virginia High School League Class 2 state championship in 2021; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jon Cousins, head coach of the Clarke County High School girls' soccer team, as an expression of the House of Delegates' admiration for the team's achievements.

HOUSE RESOLUTION NO. 88

Commending Mark Werblood.

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Mark Werblood, an esteemed attorney based in Falls Church, has greatly served his community's legal needs for nearly 45 years; and

WHEREAS, Mark Werblood earned a bachelor's degree from The City College of New York and his juris doctor and master of laws degrees from New York University before entering private practice in 1978; and

WHEREAS, in 1985, Mark Werblood established his firm, Tesler & Werblood, with attorney Roy Tesler, at a location in Falls Church between Tysons Corner and Seven Corners, where they have maintained their office ever since; and

WHEREAS, a member of the bars of Virginia, Maryland, New York, and the District of Columbia, Mark Werblood is licensed to practice law in various state and federal courts, where he specializes in cases involving civil litigation, with an emphasis on commercial litigation, debt collection, personal injury, insurance subrogation, estate planning, and tax representation; and

WHEREAS, as board member, secretary, and vice president of the Greater Falls Church Chamber of Commerce, Mark Werblood supported the growth and prosperity of the region for the benefit of its residents for many years and was later recognized with the organization's Pillar of the Community Award; and

WHEREAS, Mark Werblood is presently a board member of the nonprofit PRC, Inc., advising the organization's endeavors to train and support individuals with severe mental illness to facilitate their efforts to obtain and maintain employment; and

WHEREAS, with great integrity and respect for the law and a steadfast commitment to his clients, Mark Werblood has protected the legal interests of an untold number of individuals, families, businesses, and other entities over more than four decades; now, therefore, be it

RESOLVED by the House of Delegates, That Mark Werblood, an accomplished attorney in Falls Church, hereby be commended for his nearly 45 years of service to the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mark Werblood as an expression of the House of Delegates' admiration for his contributions to the Commonwealth.

HOUSE RESOLUTION NO. 89

Commending Dan Kain Trophies.

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Dan Kain Trophies, a respected purveyor of trophies, awards, and other personalized memorabilia, has greatly served the community of Greater Merrifield in Fairfax County for more than 60 years; and

WHEREAS, Dan Kain Trophies supports youth organizations, nonprofits, youth sports leagues, churches, parks and recreation departments, schools, local police and fire departments, and more by providing celebratory trophies and symbols of recognition for commemorative events and activities; and

WHEREAS, Dan Kain Trophies has given generously to the community over the years, both by making donations through discounts on final invoices and by actively advertising in the programs and directories of local schools, sports leagues, and other entities; and

WHEREAS, despite the supply chain issues challenging industries the world over, Dan Kain Trophies continues to tirelessly seek out exceptional products to ensure the satisfaction of its clients and their members; and

WHEREAS, Dan Kain Trophies consistently employs state-of-the-art engraving methods in the production of its awards and trophies, creating meaningful keepsakes that will be featured prominently in countless homes for years to come; and

WHEREAS, through its unwavering commitment to quality and service, Dan Kain Trophies has masterfully fulfilled its important role in the community for more than 60 years; now, therefore, be it

RESOLVED by the House of Delegates, That Dan Kain Trophies hereby be commended for achieving excellence over its more than six decades in business; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dan Kain Trophies as an expression of the House of Delegates' admiration for its contributions to the Commonwealth.

HOUSE RESOLUTION NO. 90

Commending Monarc Construction, Inc.

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Monarc Construction, Inc., a full-service commercial general contractor, has greatly served clients in the Northern Virginia and Washington, D.C., metropolitan area for more than 30 years; and

WHEREAS, Monarc Construction was founded in 1987 by John Bellingham as a part of the Trammell Crow Company's residential division; the business then became an independent entity in the 1990s as Monarc, Inc., and after purchasing Boulder Construction Corporation in 1999 was renamed Monarc Construction, Inc.; and

WHEREAS, since its founding, Monarc Construction has completed more than 3,000 renovation and new construction projects in the Washington, D.C., metropolitan area and the surrounding suburbs; and

WHEREAS, Monarc Construction provides its clients with a wide variety of services, undertaking the construction or renovation of commercial buildings, multi-family residential buildings, government buildings, places of worship, medical facilities, educational facilities, and more; and

WHEREAS, as a specialist in the renovation and restoration of historic buildings, Monarc Construction has played a vital role in the preservation of the region's history for the benefit of future generations; and

WHEREAS, John Bellingham's children, Mark and Tanya, have joined the firm in recent years, ensuring that the traditions of excellence that built Monarc Construction's sterling reputation will be carried on for years to come; and

WHEREAS, in recognition of its accomplishments, Monarc Construction has received numerous honors and accolades over the years, including awards from Associated Builders and Contractors, the Washington Building Congress, and the American Institute of Architects; and

WHEREAS, with a commitment to quality, honesty, integrity, reliability, and innovation, Monarc Construction has ably fulfilled the community's construction and renovation needs for many years; now, therefore, be it

RESOLVED by the House of Delegates, That Monarc Construction, Inc., hereby be commended for its exemplary service on behalf of its clients in Northern Virginia and the Greater Washington, D.C., area; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John Bellingham, founder of Monarc Construction, Inc., as an expression of the House of Delegates' admiration for the contributions of the business to the Commonwealth.

HOUSE RESOLUTION NO. 91

Commending Uniwest Construction, Inc.

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Uniwest Construction, Inc., the construction affiliate of Uniwest Companies, has greatly served the communities of Northern Virginia for more than 35 years; and

WHEREAS, as a developer of mixed-use projects in Northern Virginia and beyond for more than three decades, Uniwest Construction brings ample experience to bear in the creation of residential and commercial spaces that enhance the quality of life of residents, workers, and patrons; and

WHEREAS, Uniwest Construction built the Vantage Apartments on Strawberry Lane in Merrifield between 2005 and 2008, marking the first phase in what would become Mosaic, an upscale shopping and dining center that is a popular destination for residents of Fairfax County; and

WHEREAS, Uniwest Construction's president, Michael Collier, served as a member of the Merrifield revitalization committee that oversaw the Mosaic project over many years; and

WHEREAS, with its headquarters at the Vantage Mosaic Apartments, Uniwest Construction has been a longtime member of the Greater Merrifield Business Association, supporting the growth and development of the area for the benefit of many; and

WHEREAS, with the interests of its residents in mind, Uniwest Construction sought out first-rate retailers to occupy Mosaic's space, including Four Sisters restaurant, Chipotle, Citibank, X-Sport Fitness, Cold Stone Creamery, Merrifield Tailor, and Federal Express; and

WHEREAS, the high number of original tenants in the Vantage Mosaic Apartments is a testament to Uniwest Construction's ability to envision the needs of its residents and to execute its plans impeccably; and

WHEREAS, through its role in creating Mosaic and other highly-rated mixed-use properties in the region, Uniwest Construction has helped to make Northern Virginia a wonderful place to live, work, and play; now, therefore, be it

RESOLVED by the House of Delegates, That Uniwest Construction, Inc., hereby be commended for its service to the communities of Northern Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Michael Collier, president of Uniwest Construction, Inc., as an expression of the House of Delegates' admiration for the company's contributions to the Commonwealth.

HOUSE RESOLUTION NO. 92

Celebrating the life of the Honorable Neil Randolph Bryant.

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, the Honorable Neil Randolph Bryant, a former judge of the 26th Judicial Circuit of Virginia, died on August 21, 2021; and

WHEREAS, a native of Winchester, the Honorable Neil Randolph "Randy" Bryant graduated from John Handley High School, then earned a bachelor's degree and a law degree from the University of Richmond; and

WHEREAS, Randy Bryant served the residents of Winchester as an attorney in private practice for more than 30 years, then was appointed as a judge of the 26th Judicial Circuit of Virginia in 2015; and

WHEREAS, in that capacity, Randy Bryant was one of the first judges to preside over the Northwest Regional Adult Drug Court, which offered an alternative to incarceration to many defendants; he was admired for treating everyone who came before the court with equal respect, and he presided with fairness, wisdom, and compassion until his retirement in 2019; and

WHEREAS, Randy Bryant made numerous contributions as a community leader, including as a champion for education with the Winchester School Board and the Winchester Education Foundation; and

WHEREAS, Randy Bryant inspired young people as a volunteer at John Kerr Elementary School and a track coach at John Handley High School; and

WHEREAS, Randy Bryant enjoyed fellowship and worship with his fellow members of the community at First Presbyterian Church; and

WHEREAS, Randy Bryant will be fondly remembered and greatly missed by his children, Anne and John, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of the Honorable Neil Randolph Bryant; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Neil Randolph Bryant as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 93

Celebrating the life of William Morgan Miller, Jr.

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, William Morgan Miller, Jr., a business owner and a highly admired member of the South Boston community, died on February 20, 2022; and

WHEREAS, a native of Halifax County, Morgan Miller graduated from Virginia Polytechnic Institute and State University; he was defined by his entrepreneurial spirit and had owned and operated several businesses over the course of his life; and

WHEREAS, Morgan Miller was well known for his kindness and generosity and always put the needs of others before his own; and

WHEREAS, Morgan Miller volunteered his time and wise leadership with many civic organizations, including the Jaycees and the Sons of the American Legion; he inspired young people as an athletic coach for several teams; and

WHEREAS, Morgan Miller enjoyed fellowship and worship with the congregation of St. Paschal Baylon Catholic Church, where he was a member of the Parish Council and helped maintain the church building and grounds for many years; and

WHEREAS, Morgan Miller's greatest joy in life was his beloved family; he relished every opportunity to spend time with them and often cared for his aging parents by helping with meals and daily living activities; and

WHEREAS, Morgan Miller will be fondly remembered and greatly missed by his loving wife, Heidi; his children, Jordan and Will; his parents, Bill and Helen; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of William Morgan Miller, Jr., an entrepreneur and active member of the South Boston community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of William Morgan Miller, Jr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 94

Commending the Appomattox County High School softball team.

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, the Appomattox County High School softball team won the Virginia High School League Class 2 state championship on June 26, 2021, in Charlotte Court House; and

WHEREAS, the Appomattox County High School Raiders defeated the Randolph-Henry High School Statesmen of Charlotte Court House by the score of 2-0 to bring home the program's first state championship title since 1987; and

WHEREAS, the Appomattox Raiders were set up for victory by pitcher Courtney Layne, who threw her fourth perfect game of the season, and took the lead in the sixth inning when Macee Hargis's RBI triple scored Kelsey Hackett; and

WHEREAS, the Appomattox Raiders finished their season with a perfect 16-0 record following a commanding performance in the Virginia High School League Region 2C tournament, where the team outscored its opponents 27-2; and

WHEREAS, the success of the Appomattox Raiders is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of their parents and the entire Appomattox County High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Appomattox County High School softball team hereby be commended for winning the 2021 Virginia High School League Class 2 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Janet Rawes, head coach of the Appomattox County High School softball team, as an expression of the House of Delegates' admiration for the team's achievement.

HOUSE RESOLUTION NO. 95

Commending the Toga Volunteer Fire Department, Inc.

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, the Toga Volunteer Fire Department, Inc., has served and safeguarded the residents of Dillwyn and the surrounding area for 50 years; and

WHEREAS, the Toga Volunteer Fire Department was chartered on November 14, 1972, by a group of concerned citizens hoping to protect and safeguard their fellow residents; of the 22 original members, two are still living, Roger Moore and Bill Talbert, who is still active with the department; and

WHEREAS, the fourth volunteer fire department established in Buckingham County, Toga Volunteer Fire Department primarily serves a 200-square-mile area in the western part of the county; and

WHEREAS, throughout its history, Toga Volunteer Fire Department has responded to many high profile incidents, including the fire at Longwood University in 2001 and the search and recovery operation of a crashed United States Army Blackhawk helicopter in 2004; and

WHEREAS, in 2021, Toga Volunteer Fire Department completed construction of an emergency shelter, which was put into use during a winter storm in January 2022 and provided 94 individuals with warmth and safety in extreme conditions; and

WHEREAS, the Toga Volunteer Fire Department is equipped with the latest equipment to handle a wide range of emergency situations, including structure fires, brush fires, motor vehicle accidents, machinery extrication, search and rescue operations, and other services; and

WHEREAS, members of the Toga Volunteer Fire Department are highly trained and committed to community service, enhancing life in the region not only through their courage and determination in the face of crisis situations, but through outreach programs like smoke detector giveaways and school visits; and

WHEREAS, the Toga Volunteer Fire Department strives to create a welcoming and supportive atmosphere for its members; it was the first fire company in Buckingham County to count female members among its ranks and the first to be led by an African American chief; and

WHEREAS, the current 36 members of the Toga Volunteer Fire Department have a combined 400 years of experience in fire service for an average of 11.6 years per member, and the department is well poised to continue serving the community and meet the challenges of the future; now, therefore, be it

RESOLVED by the House of Delegates, That the Toga Volunteer Fire Department, Inc., hereby be commended on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Toga Volunteer Fire Department, Inc., as an expression of the House of Delegates' admiration for the department's contributions to the Buckingham County community.

HOUSE RESOLUTION NO. 96

Commending the Rustburg High School girls' volleyball team.

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, the Rustburg High School girls' volleyball team won the Virginia High School League Class 3 state championship on November 20, 2021, at the Salem Civic Center; and

WHEREAS, the Rustburg High School Red Devils defeated the Tabb High School Tigers in four sets, 25-15, 25-17, 23-25, and 25-16, to bring home the program's second consecutive state title; and

WHEREAS, after winning the first two sets of the match in commanding fashion, the Rustburg Red Devils conceded a close set before rallying to victory; and

WHEREAS, the Rustburg Red Devils saw stellar play from their veteran leaders, including Eden Bigham, Meah Coles, Delaney Scharnus, Kate Hardie, and Ari Hudson, and their many rising stars, who will look to carry the team's momentum into the future; and

WHEREAS, many of the Rustburg Red Devils have played together since middle school, and their back-to-back championship seasons are a testament to the trust and confidence they have instilled in one another over the years; and

WHEREAS, the success of the Rustburg Red Devils is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of the entire Rustburg High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Rustburg High School girls' volleyball team hereby be commended for winning the 2021 Virginia High School League Class 3 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kristen Hardie, coach of the Rustburg High School girls' volleyball team, as an expression of the House of Delegates' admiration for the team's achievements.

HOUSE RESOLUTION NO. 97

Commending the Rustburg High School softball team.

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, the Rustburg High School softball team won the Virginia High School League Class 3 state championship on June 26, 2021, at New Kent High School; and

WHEREAS, the Rustburg High School softball team completed its 2021 regular season on May 8, 2021, defeating Liberty Christian Academy by a score of 7-0 and earning the Seminole District championship title and a berth into the Virginia High School League (VHSL) Regional 3C tournament; and

WHEREAS, in the first round of the VHSL Region 3C tournament on June 14, 2021, the Rustburg High School softball team defeated Fluvanna High School by a score of 10-0; the team was later victorious in the semifinals against Spotswood High School, winning by a score of 12-0; and

WHEREAS, the Rustburg High School softball team met Fort Defiance High School in the VHSL Region 3C tournament final on June 18, 2021, and defeated Fort Defiance by a score of 1-0, giving the team an entry into the 2021 VHSL Class 3 state championship tournament; and

WHEREAS, on June 22, 2021, the Rustburg High School softball team defeated Lord Botetourt High School at its home field by a score of 4-0, elevating the Red Devils into the tournament finals; and

WHEREAS, the Rustburg High School softball team defeated New Kent High School by a score of 1-0 to earn the VHSL Class 3 state championship title and to complete its season with a perfect record of 17-0; and

WHEREAS, the success of the Rustburg High School softball team is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of the entire Rustburg High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Rustburg High School softball team hereby be commended for winning the 2021 Virginia High School League Class 3 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Katie Bigham, coach of the Rustburg High School softball team, as an expression of the House of Delegates' admiration for the team's achievements.

HOUSE RESOLUTION NO. 98

Commending the Honorable Edward T. Scott.

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, the Honorable Edward T. Scott, a small business owner in Orange County, ably served the residents of the Virginia Piedmont as a member of the Virginia House of Delegates for more than a decade; and

WHEREAS, the Honorable Edward "Ed" T. Scott is a founding partner of EcoSeptix Alliance, a septic system installation and maintenance company based in Locust Grove; and

WHEREAS, Ed Scott ran for and was elected to the Virginia House of Delegates in 2003 and represented the residents of Madison and Orange Counties and part of Culpeper County in the 30th District until January 2016; and

WHEREAS, during his tenure as a state lawmaker, Ed Scott introduced and supported numerous important pieces of legislation to benefit all Virginians and offered his expertise to the House Committees on Agriculture, Chesapeake and Natural Resources, Appropriations, Science and Technology, and Transportation; and

WHEREAS, Ed Scott epitomized the ideals of a citizen-legislator, demonstrating a strong commitment to constituent service and using his practical leadership style to build bipartisan consensus on critical issues; and

WHEREAS, Ed Scott served his district and the Commonwealth as a whole with the utmost dedication, integrity, and distinction; now, therefore, be it

RESOLVED by the House of Delegates, That the Honorable Edward T. Scott hereby be commended for his legacy of contributions to the Virginia Piedmont and the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Edward T. Scott as an expression of the House of Delegates' admiration for his personal and professional achievements on behalf of Virginians.

HOUSE RESOLUTION NO. 99

Commending the Arthritis Foundation Virginia Chapter.

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, the Arthritis Foundation Virginia Chapter strives to raise awareness of the challenges of living with arthritis, supports research into treatments and a cure, and works to increase access to care for affected Virginians; and

WHEREAS, arthritis includes more than 100 rheumatic diseases and conditions that affect joints, tissues that surround joints, and other connective tissue; and

WHEREAS, arthritis is a chronic health problem that is the nation's leading cause of physical disability among Americans and is most common among people with multiple chronic conditions; and

WHEREAS, arthritis causes pain and loss of movement, can limit everyday activities such as walking and dressing, and can even lead to death; and

WHEREAS, arthritis affects an estimated 54 million American adults living with some form of doctor-diagnosed arthritis, representing 24.1 percent of adults in the United States; and

WHEREAS, an estimated 300,000 children under 18 years of age have a form of arthritis or rheumatic condition, representing approximately 1 in every 250 children in the United States; and

WHEREAS, arthritis costs the United States economy more than \$304 billion each year, including \$140 billion in direct medical care costs and \$164 billion in lost wages; and

WHEREAS, there are more than 1.5 million people living with arthritis in Virginia; and

WHEREAS, in Virginia, 44 percent of adults with cardiovascular disease have arthritis, 35.6 percent of adults with diabetes have arthritis, and 30.8 percent of adults who are obese have arthritis; and

WHEREAS, among working age adults with arthritis in Virginia, 38.7 percent have some work limitations due to their arthritis; and

WHEREAS, one out of every three veterans in United States or approximately 17.3 percent of people in Virginia are living with arthritis, and it is the top cause of disability among veterans; and

WHEREAS, Arthritis Foundation Virginia Chapter supports better prevention strategies, interventions, and treatments that are crucial to reducing the number of individuals suffering from arthritis; now, therefore, be it

RESOLVED by the House of Delegates, That the Arthritis Foundation Virginia Chapter hereby be commended for its work to support education and research into arthritis and increase access to care for Virginians living with arthritis; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Arthritis Foundation Virginia Chapter as an expression of the House of Delegates' appreciation for the foundation's vital mission.

HOUSE RESOLUTION NO. 100

Commending Tracey Curcio.

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, Tracey Curcio, a mathematics instructional designer at Elizabeth Scott Elementary School in Chesterfield County, received the Presidential Award for Excellence in Mathematics and Science Teaching in 2021; and

WHEREAS, Tracey Curcio was one of two educators in the Commonwealth and one of 117 educators nationwide to be recognized with what is considered the nation's top honor for mathematics and science teachers; and

WHEREAS, the National Science Foundation bestows this prestigious award on behalf of the White House Office of Science and Technology Policy to celebrate teachers who have demonstrated deep content knowledge, improved student learning through the development and implementation of high-quality instructional programs, and worked tirelessly to meet the learning needs of their students; and

WHEREAS, Tracey Curcio's training as an elementary school educator included a bachelor's degree in psychology from the University of Louisville, a bachelor's degree in elementary education from Kansas State University, and a master's degree in elementary reading and mathematics from Walden University; and

WHEREAS, Tracey Curcio has dedicated 11 of her 15 years as an educator to Elizabeth Scott Elementary School, where she is now the school's instructional designer, including nine years teaching mathematics and two years teaching fifth grade; and

WHEREAS, as a Title I mathematics specialist, Tracey Curcio mentors and supports her colleagues in myriad ways, providing guidance that enhances their instructional practices, while leading small group interventions for students in need of extra assistance; and

WHEREAS, Tracey Curcio has transformed the curriculum at Elizabeth Scott Elementary School by encouraging her students to have greater interaction with their coursework and by offering her colleagues professional development sessions that inform their instructional methods and strategies; and

WHEREAS, Tracey Curcio has served as a member of the Virginia Department of Education's Standards of Learning review committee and is currently the secretary for the Greater Richmond Council of Teachers of Mathematics, sharing her expertise for the benefit of schools throughout the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That Tracey Curcio, an instructional designer at Elizabeth Scott Elementary School, hereby be commended for receiving a 2021 Presidential Award for Excellence in Mathematics and Science Teaching; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Tracey Curcio as an expression of the House of Delegates' admiration for her contributions to the Commonwealth.

HOUSE RESOLUTION NO. 101

Commending Malcolm Rupert Cutler.

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, Malcolm Rupert Cutler is an acclaimed scholar, leader, author, and practitioner of environmental science, wildlife management, and natural resources conservation, among other professional fields; and

WHEREAS, Rupert Cutler has served in an array of professional positions, including assistant professor at Michigan State University, senior vice president of National Audubon Society, managing editor of *National Wildlife* magazine;

assistant secretary of the United States Department of Agriculture, and president and chief executive of Defenders of Wildlife; and

WHEREAS, Rupert Cutler's expertise led to his appointment as executive director of Virginia's Explore Park, a habitat conservation park, living history museum, and education center; and

WHEREAS, Rupert Cutler has previously served as a member of the Roanoke City Council, and he offered his leadership and expertise to the Western Virginia Land Trust, Sons of the American Revolution, and countless other civic and benevolent organizations; and

WHEREAS, Rupert Cutler has proudly served the community as a longtime member of the Kiwanis Club of Roanoke and served as president of the organization from 2002 to 2003; and

WHEREAS, Rupert Cutler's dedication to the history and heritage of western Virginia led to his role in the creation of the Colonel William C. Preston Memorial at Greenfield in Botetourt County; and

WHEREAS, Rupert Cutler expanded his service to Botetourt County as an active participant in Friends of Greenfield Preston Plantation and the Historic Greenfield Preservation Advisory Council; and

WHEREAS, through personal contacts and energetic promotion, Rupert Cutler helped raise critical funds to support Historic Greenfield, and he elevated the visibility and image of the community through his professional renown; and

WHEREAS, admired for his optimism, leadership style, good humor, and forthcoming manner, Rupert Cutler was a reassuring and inspirational participant in Historic Greenfield's activities, helping create the collaborative atmosphere and productive ethos that is the hallmark of the Historic Greenfield Preservation Advisory Council; and

WHEREAS, after more than a decade of volunteer service to Botetourt County, Rupert Cutler chose to reduce his activities and relinquish his membership in the Historic Greenfield Preservation Advisory Council; now, therefore, be it

RESOLVED by the House of Delegates, That Malcolm Rupert Cutler hereby be commended for his service to the Historic Greenfield community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Malcolm Rupert Cutler as an expression of the House of Delegates' admiration for his civic leadership and contributions to the residents of Botetourt County.

HOUSE RESOLUTION NO. 102

Commending the Rotary Club of Winchester.

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, the Rotary Club of Winchester, a noble and distinguished institution dedicated to serving communities both locally and abroad, celebrated its 100th anniversary in 2021; and

WHEREAS, the Rotary Club of Winchester was founded in 1921 and has since been attended by many Virginia leaders in a wide range of fields, including impactful politicians, local business owners, historians, writers, and religious personnel; and

WHEREAS, the Rotary Club of Winchester has remained focused on community service, continuing to donate school supplies and clothing to local families while running a scholarship program for college-bound students and participating heavily in local events and tradition, such as the annual Shenandoah Valley Apple Harvest Festival; and

WHEREAS, in only the last two decades, the Rotary Club of Winchester has raised more than \$1 million for the Rotary Foundation, a national, solely volunteer-run nonprofit organization; now, therefore, be it

RESOLVED by the House of Delegates, That the Rotary Club of Winchester hereby be commended on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Rotary Club of Winchester as an expression of the House of Delegates' admiration for its legacy of service and many contributions to the Commonwealth.

HOUSE RESOLUTION NO. 103

Commending the Top of Virginia Regional Chamber.

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, the Top of Virginia Regional Chamber, a noble and distinguished organization that has greatly facilitated the growth and development of the northern Shenandoah Valley region, celebrates its 105th anniversary in 2022; and

WHEREAS, the Top of Virginia Regional Chamber was founded in 1917 to provide a network that would allow advocates and business owners in the northern Shenandoah Valley to work together and share their strengths; and

WHEREAS, the Top of Virginia Regional Chamber currently represents over 820 businesses and their employees in Clarke County, Frederick County, and the City of Winchester; and

WHEREAS, the Top of Virginia Regional Chamber connects businesses with community resources to encourage mutual success and foster a culture of excellence; and

WHEREAS, the Top of Virginia Regional Chamber has expanded its mission to work on projects related to advocacy, workforce development, and business marketing; and

WHEREAS, the accomplishments of the Top of Virginia Regional Chamber are the result of the visionary leadership of its founders and the unwavering commitment of its members; now, therefore, be it

RESOLVED by the House of Delegates, That the Top of Virginia Regional Chamber hereby be commended on the occasion of its 105th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Top of Virginia Regional Chamber as an expression of the House of Delegates' admiration for the organization's history and many contributions to the Commonwealth.

HOUSE RESOLUTION NO. 104

Commending Veterans of Foreign Wars of the United States Post 2123.

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, Veterans of Foreign Wars of the United States Post 2123, an honorable and distinguished organization serving the veterans of Winchester, celebrates its 90th anniversary in 2022; and

WHEREAS, Veterans of Foreign Wars (VFW) Post 2123 has over 200 local members and welcomes all qualified veterans to attend monthly meetings and special events; and

WHEREAS, VFW Post 2123's Honor Guard performs numerous veteran burials and remembrances, at no cost to veterans and their families; and

WHEREAS, VFW Post 2123 is active and visible in the Winchester community, collaborating with schools and local employers, including through its essay contests for local middle and high school students; and

WHEREAS, VFW Post 2123 is a member of the Top of Virginia Chamber and the Northern Shenandoah Valley Community Veterans Engagement Board, both of which connect it to neighboring businesses; and

WHEREAS, VFW Post 2123 itself provides employment support services, such as job fairs for veterans, creating opportunities for many in the community; now, therefore, be it

RESOLVED by the House of Delegates, That Veterans of Foreign Wars of the United States Post 2123 of Winchester hereby be commended on the occasion of its 90th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Veterans of Foreign Wars of the United States Post 2123 as an expression of the House of Delegates' admiration for the organization's contributions to the Commonwealth.

HOUSE RESOLUTION NO. 105

Commending Blue Ridge Habitat for Humanity.

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, Blue Ridge Habitat for Humanity, a noble and distinguished organization making quality affordable housing more accessible to low-income families in the region, celebrated its 25th anniversary in 2021; and

WHEREAS, Blue Ridge Habitat for Humanity has served numerous families in Frederick, Clarke, and Shenandoah Counties and the City of Winchester over the past 25 years, building more than 84 homes since its founding; and

WHEREAS, Blue Ridge Habitat for Humanity volunteers and staff work together to build homes that families can be proud of, providing a foundation for their stability and future success; and

WHEREAS, while there is an extremely high demand for affordable housing in Northern Virginia, Blue Ridge Habitat for Humanity is working to meet this demand by making homes readily available to potential residents; and

WHEREAS, Blue Ridge Habitat for Humanity recently created a secondary program in which affordable homes are constructed before their prospective residents are selected, deviating from the organization's traditional methods to increase the efficiency with which the organization is able to meet the housing needs of the community; and

WHEREAS, the accomplishments of Blue Ridge Habitat for Humanity are the result of the tireless efforts of its volunteers and staff, who have worked hand in hand to fulfill the housing dreams of hundreds of individuals in the Blue Ridge region; now, therefore, be it

RESOLVED by the House of Delegates, That Blue Ridge Habitat for Humanity hereby be commended on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kim Herbstritt, executive director of Blue Ridge Habitat for Humanity, as an expression of the House of Delegates' admiration for the organization's contributions to the Commonwealth.

HOUSE RESOLUTION NO. 106*Commending Winchester Rescue Mission.*

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, the Winchester Rescue Mission is a noble and distinguished organization that has cared for vulnerable members of the Winchester community for nearly 50 years; and

WHEREAS, the Winchester Rescue Mission was founded in July 1973 by Morris Whitaker to serve as a shelter for homeless men in Winchester and has since grown to provide case management, residential shelter, hygiene resources, and food distribution throughout the local area; and

WHEREAS, the Winchester Rescue Mission expanded its service population in 2018 by opening the shelter's doors to homeless women in the area for the first time in the organization's history; and

WHEREAS, the Winchester Rescue Mission fights hunger by serving a free community dinner that is always open to both shelter residents and families every day of the year; and

WHEREAS, the Winchester Rescue Mission partners with a food bank and local grocers to continuously offer packaged food and produce to any local resident in need; and

WHEREAS, the Winchester Rescue Mission provides restrooms, hot showers, and laundry facilities to support the health and hygiene of both its shelter residents and members of the community; and

WHEREAS, even amidst widespread financial hardship during the COVID-19 pandemic, the Winchester Rescue Mission saw a record number of clients successfully move out of its shelter; and

WHEREAS, the accomplishments of the Winchester Rescue Mission are the result of the visionary leadership of its founder and the resolute dedication of its staff and volunteers; now, therefore, be it

RESOLVED by the House of Delegates, That the Winchester Rescue Mission hereby be commended for its nearly half-century of service to the Winchester community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Brandon Thomas, executive director of the Winchester Rescue Mission, as an expression of the House of Delegates' admiration for the organization's contributions to the Commonwealth.

HOUSE RESOLUTION NO. 107*Commending Medha Pappula.*

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, Medha Pappula, an eighth grade student at Brambleton Middle School in Loudoun County, received the Together Against Bullying Award from PACER's National Bullying Prevention Center in 2021 for her efforts to mitigate bullying through software development and animation projects; and

WHEREAS, after Medha Pappula discovered a fellow student was experiencing cyberbullying, she employed her coding skills to develop a software program that would combat bullying and other offensive behavior online; and

WHEREAS, Medha Pappula was honored by the National Bully Prevention Center for this program as well as for a three-minute animated video she made for Unity Day, a holiday to raise awareness of bullying, which has been viewed thousands of times since it was posted to YouTube in October 2020; and

WHEREAS, Medha Pappula runs an after-school coding club at Brambleton Middle School with the ambition to close the gender gap in the fields of science, technology, engineering, and mathematics; and

WHEREAS, Medha Pappula's achievements are the result of her exceptional talents for coding and video animation, deep compassion and concern for others, and tireless dedication to her cause; now, therefore, be it

RESOLVED by the House of Delegates, That Medha Pappula hereby be commended for receiving a 2021 Together Against Bullying Award from PACER's National Bullying Prevention Center; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Medha Pappula as an expression of the House of Delegates' admiration for her contributions to the Commonwealth.

HOUSE RESOLUTION NO. 108*Commending Marissa Incatasciato.*

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, Marissa Incatasciato, a member of the Girl Scouts of the USA and student at Heritage High School in Leesburg, won the opportunity to send a science experiment to the International Space Station in 2021; and

WHEREAS, Marissa Incatasciato was one of only nine entrants selected out of 700 in the Making Space for Girls Challenge, which is sponsored by SpaceKids Global in conjunction with the Citrus Council of the Girl Scouts of the USA, to win the opportunity to send her science experiment into space aboard a SpaceX spaceship; and

WHEREAS, the vision behind Marissa Incatasciato's experiment is that one day astronauts may stay alive on deep-space missions by using living microorganisms to process carbon dioxide and waste more efficiently; and

WHEREAS, in addition to the Making Space for Girls Challenge, Marissa Incatasciato pursued her passion for science and outer space by attending and graduating from the Space Academy at the United States Space and Rocket Center in Huntsville, Alabama, as part of a Girls Scout Destinations program in 2018; and

WHEREAS, a year later, Marissa Incatasciato earned a Silver Award, the highest award available at the time to a Girl Scout at her level, for teaching biology, chemistry, geology, and astronomy concepts to elementary school students at a summer day camp; and

WHEREAS, Marissa Incatasciato's accomplishments are the result of her boundless imagination and creativity and her hard work and dedication, showing great promise for a bright and successful future; now, therefore, be it

RESOLVED by the House of Delegates, That Marissa Incatasciato hereby be commended for winning the Making Space for Girls Challenge and earning the privilege to send her science experiment to space; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Marissa Incatasciato as an expression of the House of Delegates' admiration for her achievements and best wishes in her future endeavors.

HOUSE RESOLUTION NO. 109

Commending the Loudoun Free Clinic.

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, the Loudoun Free Clinic, a noble and distinguished organization that provides quality and compassionate health care to at-need residents in Loudoun County, has greatly served the community for many years; and

WHEREAS, the Loudoun Free Clinic was founded by the Catocin Foundation in 1998 to provide free medical care to low-income, uninsured adults in Loudoun County, initially operating one night a week in a space provided by the Loudoun County Health Department; and

WHEREAS, with the support of Inova Loudoun Hospital, the Loudoun Free Clinic moved into its own facility in 2002, where it has expanded and developed its capacity to serve the community ever since; and

WHEREAS, during the COVID-19 pandemic, the Loudoun Free Clinic operated a free vaccination clinic to combat the spread of the virus, while continuing to assist residents with various medical conditions by providing doctor visits, medications, tests, and surgeries; and

WHEREAS, in recognition of its impact in the community, the Loudoun Free Clinic was honored as Nonprofit Organization of the Year in 2019 by the Loudoun County Chamber of Commerce; and

WHEREAS, the Loudoun Free Clinic cares for more than 1,500 patients annually with the help of eight full-time and five part-time staff members and a group of 160 volunteers, who collectively give thousands of hours of their time each year; and

WHEREAS, the accomplishments of the Loudoun Free Clinic have been made possible through generous grants and donations, the support of its network of community organizations, and the tireless efforts of its volunteers; now, therefore, be it

RESOLVED by the House of Delegates, That the Loudoun Free Clinic hereby be commended for promoting the health and wellness of vulnerable members of the Loudoun County community over its many years of service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Loudoun Free Clinic as an expression of the House of Delegates' admiration for the organization's mission and its contributions to the Commonwealth.

HOUSE RESOLUTION NO. 110

Commending Flat Iron Crossroads.

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, Flat Iron Crossroads, a nonprofit organization that revitalized a historic meeting site into a modern performing arts center, has greatly enhanced the cultural offerings available to residents and visitors of Gloucester County; and

WHEREAS, with the intention to recreate the convivial spirit of crossroads from the days of yore, Flat Iron Crossroads founder Ray Friend and several volunteers transformed a century-old gas station at Flat Iron Road and Daffodil Lane in Gloucester County into a venue for the performing arts in 2018, establishing the organization as a 501(c)(3) nonprofit later that year; and

WHEREAS, Flat Iron Crossroads opened its performing arts center in October 2019, but was quickly confronted with the challenges of the COVID-19 pandemic, which have proven particularly devastating to music venues and other sites where large groups of people typically gather; and

WHEREAS, in response to this unprecedented crisis, Flat Iron Crossroads mobilized a platform of innovative programming to enable it to fulfill its mission of bringing culture to Eastern Virginia through the performing arts; and

WHEREAS, Flat Iron Crossroads took performances to people's homes by archiving its past concerts on YouTube, airing the Flat Iron Crossroads Radio Hour online and on WXGM/Xtra 99.1 FM every Saturday in the summer of 2020, and live streaming its shows since March 2020; and

WHEREAS, with an eye toward restarting performances while ensuring public safety, Flat Iron Crossroads partnered with other local venues to host two outdoor events in the fall of 2020, while obtaining a conditional use permit and expanding its performance facilities to stage outdoor events on its property; and

WHEREAS, in a show of the community's support, volunteers organized two successful events in November 2020 on behalf of Flat Iron Crossroads, reinvigorating the board's desire to carry out its mission; and

WHEREAS, Flat Iron Crossroads opened its doors under strict protocols in the spring of 2021 and has since hosted more than 80 performances, including two large festivals, a two-day Juneteenth celebration, a drum and dance workshop for children, fundraisers for nonprofits, music performance competitions and recitals, and concerts by various local and international bands and artists; and

WHEREAS, through its diverse programming and commitment to excellence, Flat Iron Crossroads is quickly becoming a cultural hub that will provide immeasurable enjoyment to music lovers from all over the Commonwealth, while stimulating the local economy for the benefit of the residents and businesses of Gloucester County; now, therefore, be it

RESOLVED by the House of Delegates, That Flat Iron Crossroads hereby be commended for persevering through the COVID-19 pandemic to create quality cultural experiences that will enchant residents and visitors of Gloucester County for years to come; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ray Friend, founder of Flat Iron Crossroads, as an expression of the House of Delegates' admiration for the organization's contributions to the Commonwealth.

HOUSE RESOLUTION NO. 111

Commending the Dumfries-Triangle Volunteer Fire Department.

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, the Dumfries-Triangle Volunteer Fire Department has safeguarded the lives and property of Prince William County residents for nearly 80 years; and

WHEREAS, established in 1944, the Dumfries-Triangle Volunteer Fire Department originally served the communities of Dumfries, Triangle, and Quantico; and

WHEREAS, the Dumfries-Triangle Volunteer Fire Department has grown from a small two-bay station built by its members to a fully equipped seven-bay primary station in Dumfries and a satellite station in Montclair; and

WHEREAS, today, the Dumfries-Triangle Volunteer Fire Department has more than 140 dedicated members and covers a service area that includes Interstate 95 from the Stafford County line to Dale City; the department coordinates with the Prince William County Department of Fire and Rescue to assist with countywide emergencies and further extend its ability to serve local residents; and

WHEREAS, the Dumfries-Triangle Volunteer Fire Department uses state-of-the-art equipment and techniques to respond to a wide range of fires, vehicle crashes, natural disasters, rescue operations, medical emergencies, and other functions; and

WHEREAS, the members of the Dumfries-Triangle Volunteer Fire Department participate in numerous community activities, including fundraisers, charity events, and other service initiatives; now, therefore, be it

RESOLVED by the House of Delegates, That the Dumfries-Triangle Volunteer Fire Department hereby be commended for providing decades of fire rescue and emergency medical services to members of the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Dumfries-Triangle Volunteer Fire Department as an expression of the House of Delegates' admiration for its legacy of contributions to the residents of Prince William County.

HOUSE RESOLUTION NO. 112

Commending the Pi Lambda Lambda Chapter of Omega Psi Phi Fraternity.

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, for 18 years, Pi Lambda Lambda Chapter of Omega Psi Phi Fraternity has helped develop leadership opportunities for men and promote service and outreach in Prince William County; and

WHEREAS, the Pi Lambda Lambda Chapter was chartered by the Supreme Council of Omega Psi Phi Fraternity on January 24, 2004; and

WHEREAS, the Pi Lambda Lambda Chapter stays engaged with the community through social action, mentoring, and fundraising and by promoting the accomplishments of local students and providing scholarships to high school seniors; and

WHEREAS, among many awards and accolades, the Pi Lambda Lambda Chapter has received the 2010-2011 International Large Chapter of the Year and Social Action Chapter of the Year awards, the 2014-2015 International Achievement Award Large Chapter of the Year award, and the 2020-2021 International Top Chapter Fundraiser of the Year award; and

WHEREAS, the Pi Lambda Lambda Chapter continues to provide exceptional community outreach programs to the residents of Prince William County and empower men to transform the lives of others; now, therefore, be it

RESOLVED by the House of Delegates, That the Pi Lambda Lambda Chapter of Omega Psi Phi Fraternity hereby be commended on the occasion of its 18th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Pi Lambda Lambda Chapter of Omega Psi Phi Fraternity as an expression of the House of Delegates' admiration for the organization's contributions to the Prince William County community.

HOUSE RESOLUTION NO. 113

Commending the Hilda M. Barg Homeless Prevention Center.

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, for more than three decades, the Hilda M. Barg Homeless Prevention Center has provided emergency housing and support services to families in Prince William County, Manassas, and Manassas Park; and

WHEREAS, the Hilda M. Barg Homeless Prevention Center opened in 1990 and is named for Hilda M. Barg, a Prince William County native and former member of the Prince William County Board of Supervisors who touched countless lives in the community through her wise leadership and commitment to service; and

WHEREAS, the Hilda M. Barg Homeless Prevention Center is a 30-bed family shelter operated by the Prince William County Department of Social Services that offers emergency short-term housing to families with at least one child under the age of 18; and

WHEREAS, the shelter offers mental health evaluations and counseling, drug and alcohol abuse prevention services, children's services, budget training, adult education, and employment services to ensure that clients have the tools and support they need to obtain and sustain permanent housing; now, therefore, be it

RESOLVED by the House of Delegates, That the Hilda M. Barg Homeless Prevention Center hereby be commended for its decades of work to provide safe, short-term housing for families with children in Prince William County, Manassas, and Manassas Park; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Hilda M. Barg Homeless Prevention Center as an expression of the House of Delegates' admiration for the shelter's work to serve and empower families in need.

HOUSE RESOLUTION NO. 114

Commending The Arc of Greater Prince William.

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, The Arc of Greater Prince William, a nonprofit organization dedicated to supporting individuals with intellectual and developmental disabilities and their families, has served the Prince William County community for nearly six decades; and

WHEREAS, The Arc of Greater Prince William traces its roots to 1963, when a Manassas resident placed an ad in a local newspaper seeking other families of children with developmental disabilities who were struggling to find educational support; and

WHEREAS, over the next several years, a range of adult training centers and child day care programs opened throughout the region to help people with intellectual and developmental disabilities pursue an education and achieve personal growth and independence; and

WHEREAS, The Arc of Greater Prince William currently serves nearly 100 individuals through 17 group homes and 11 supported living sites that offer a wide range of engaging activities and opportunities; and

WHEREAS, during the COVID-19 pandemic, The Arc of Greater Prince William began offering virtual events for residents and virtual support programs for families, including workshops, informational programming, and support groups, that have reached thousands of individuals; and

WHEREAS, The Arc of Greater Prince William has touched countless lives and has fulfilled its mission through the hard work of staff members and volunteers and generous contributions from community partners; now, therefore, be it

RESOLVED by the House of Delegates, That The Arc of Greater Prince William hereby be commended for decades of service to the Prince William County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to The Arc of Greater Prince William for its work to help people with intellectual and developmental disabilities achieve their fullest potential.

HOUSE RESOLUTION NO. 115

Commending Carol Wood Jamerson.

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, Carol Wood Jamerson, RN, BSN, CIC, recently retired from decades of critically needed nursing service to the Commonwealth of Virginia; and

WHEREAS, Carol Wood Jamerson graduated from the Virginia Baptist School of Nursing and remained in Central Virginia to provide nursing care throughout her career; and

WHEREAS, Carol Wood Jamerson graduated from the University of Virginia's School of Nursing as a member of Beta Kappa Chapter of the Sigma Theta Tau International Honor Society of Nursing; and

WHEREAS, Carol Wood Jamerson achieved Distinguished Major standing at the University of Virginia's School of Nursing presenting her scholarly research into historical nursing to the University of Virginia's conference on Rural Health Care; and

WHEREAS, Carol Wood Jamerson long served with distinction on the Virginia Board of Directors of the Association for Infection Control Practitioners (APIC); and

WHEREAS, Carol Wood Jamerson maintained certification in infection control and maintained infection control standards for Centra Health at the Lynchburg General Hospital and the Virginia Baptist Hospital among other facilities; and

WHEREAS, Carol Wood Jamerson completed her nursing career in public service at the Virginia Department of Health (VDH), both on behalf of the Centers for Disease Control and Prevention (CDC) and the Commonwealth of Virginia; and

WHEREAS, Carol Wood Jamerson's work as a Nurse Epidemiologist on the VDH's Hospital Acquired Infections (HAI) team enhanced surveillance and provided education, while preventing infections across the continuum of care; and

WHEREAS, Carol Wood Jamerson selflessly served the Commonwealth of Virginia during the COVID-19 global pandemic leveraging her scholarly historical nursing research into the 1918 influenza pandemic; now, therefore, be it

RESOLVED by the House of Delegates, That the House of Delegates hereby commends Carol Jamerson, for her many accomplishments, contributions to the Commonwealth of Virginia, and well-earned honors on the occasion of her retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Carol Jamerson, as an expression of the House of Delegates' appreciation, congratulations, and best wishes.

HOUSE RESOLUTION NO. 116

Commending Capital Caring.

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, Capital Caring, a hospice care provider based in Merrifield and the oldest such facility in the United States, has served residents of the Washington, D.C., Metropolitan Area for 45 years; and

WHEREAS, Capital Caring was established in 1977 by Dr. Josefina Magno, a highly admired pioneer in the field of hospice care, who saw a critical need to provide care for people living with serious, terminal illnesses; and

WHEREAS, Capital Caring has grown to become one of the 10 largest hospice care providers in the region and has provided care for more than 120,000 patients and their families over the course of its distinguished history; and

WHEREAS, with regional offices throughout Virginia, Maryland, and Washington, D.C., Capital Caring currently provides long-term hospice care, advanced illness care, primary care in the home, stay-at-home supports, advanced cardiac care, health services for veterans, palliative care for children, or grief counseling to approximately 2,000 clients each day; and

WHEREAS, Capital Caring has fulfilled its mission through the hard work of more than 1,000 staff members, the dedication of thousands of volunteers, and generous contributions from individuals and community partners; now, therefore, be it

RESOLVED by the House of Delegates, That Capital Caring hereby be commended on the occasion of its 45th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Capital Caring as an expression of House of Delegates' admiration for the organization's contributions to senior residents of the Washington, D.C., Metropolitan Area.

HOUSE RESOLUTION NO. 117*Commending Creative Cauldron.*

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, for 20 years, Creative Cauldron in Falls Church has empowered local artists and provided affordable, diverse, and culturally enriching performances to audiences in Northern Virginia and throughout the Washington, D.C., metropolitan area; and

WHEREAS, established in 2002 by Laura Connors Hull, who serves as producing artistic director, Creative Cauldron has offered theatrical productions, concerts, cabarets, and other programs that entertain thousands of people every year; and

WHEREAS, through its Bold New Works for Intimate Stages initiative, Creative Cauldron has produced seven original musicals and plays, and now places a high emphasis on producing works by women and women of color; and

WHEREAS, Creative Cauldron strives to break down barriers that prevent patrons from enjoying or participating in the performing arts and works diligently to promote diverse voices, stories, and art forms; and

WHEREAS, Creative Cauldron welcomes people of all ages, incomes, and backgrounds and has built a safe and nurturing environment for artists to innovate and hone their craft; and

WHEREAS, Creative Cauldron offers unique, inclusive, and transformational educational programs in Falls Church and Fairfax County, including summer camps, after-school workshops, and online workshops for adults; and

WHEREAS, Creative Cauldron has earned numerous awards and accolades, including five prestigious Helen Hayes Awards and recognition from the Catalogue for Philanthropy, Dominion Energy, and the Greater Falls Church Chamber of Commerce; now, therefore, be it

RESOLVED by the House of Delegates, That Creative Cauldron hereby be commended on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Creative Cauldron as an expression of the House of Delegates' admiration for its contributions to cultural life in Northern Virginia.

HOUSE RESOLUTION NO. 118*Commending C.J. Coakley Company, Inc.*

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, C.J. Coakley Company, Inc., an award-winning commercial construction firm serving the Washington, D.C., metropolitan area, celebrates its 60th anniversary in 2022; and

WHEREAS, founded in 1962 by Cornelius "Connie" Coakley and his wife, Ellen, C.J. Coakley has grown into a company employing several hundred individuals while developing hundreds of projects throughout the region, including corporate offices, government and military buildings, educational and religious institutions, hotels, homes, museums, and more; and

WHEREAS, C.J. Coakley has provided its construction and renovation services at some of the nation's most distinguished buildings and institutions, including the Pentagon, the United States Capitol, and the National Gallery of Art; and

WHEREAS, committed to the growth and development of its community, C.J. Coakley was especially instrumental to the formation of the Greater Merrifield Business Association, with founder Connie Coakley serving as one of the organization's founders and original members more than 30 years ago; and

WHEREAS, without the inspiration of C.J. Coakley and other stakeholders in Merrifield, the Mosaic District, a popular shopping and dining destination that has transformed the area, would not be a reality today; and

WHEREAS, despite their spectacular growth, C.J. Coakley remains a family-run business, with many of Connie and Ellen Coakley's children, grandchildren, and other family members still serving with the company and working hard to preserve the company's traditions of excellence; and

WHEREAS, through steadfast dedication and an unwavering commitment to quality craftsmanship and service, C.J. Coakley has established itself as one of the leading construction firms in the Commonwealth and beyond; now, therefore, be it

RESOLVED by the House of Delegates, That C.J. Coakley Company, Inc., an elite construction firm based in Falls Church, hereby be commended on the occasion of its 60th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Cornelius and Ellen Coakley, founders of C.J. Coakley Company, Inc., as an expression of the House of Delegates' admiration for the organization's illustrious history and its many contributions to the Commonwealth.

HOUSE RESOLUTION NO. 119*Commending Data Business Systems.*

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, Data Business Systems, a company offering point of sale technology and other services for the benefit of businesses and organizations, celebrates its 45th anniversary in 2022; and

WHEREAS, Data Business Systems was founded in 1977 with a goal to automate payment processes, offering value and convenience to various types of businesses and organizations; and

WHEREAS, today, with more than 20,000 installations across the United States, Data Business Systems has become one of the most successful point of sale solution providers in the country; and

WHEREAS, Data Business Systems is guided by its core principles of focusing on its customers, valuing its employees, and delivering point of sale and information technology that is both state-of-the-art and affordable; and

WHEREAS, Data Business Systems adjusts its services in order to best meet its clients' needs, supporting businesses and organizations with products that are both first-class and within their budgets; and

WHEREAS, Data Business Systems has developed many longtime customers over the past 45 years in a diverse array of industries, helping hotels, schools, bars, nightclubs, restaurants, and more manage their payment processes easily and efficiently; and

WHEREAS, through its unwavering commitment to quality and service, Data Business Systems has enabled an untold number of organizations and businesses to fulfill their missions and increase their bottom lines; and

WHEREAS, with its headquarters in Virginia Beach and an office in Fairfax County, Data Business Systems has become a preferred point of sale technology provider for many businesses and organizations both in the Commonwealth and beyond; now, therefore, be it

RESOLVED by the House of Delegates, That Data Business Systems hereby be commended on the occasion of its 45th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Data Business Systems as an expression of the House of Delegates' admiration for the company's contributions to the Commonwealth.

HOUSE RESOLUTION NO. 120*Celebrating the life of the Reverend Dr. Coolidge Elmo Rhodes, Sr.*

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, the Reverend Dr. Coolidge Elmo Rhodes, Sr., a pastor, civic leader, and beloved member of the Evington community, died on May 12, 2020; and

WHEREAS, a native of Lynchburg, Coolidge Rhodes was one of six children born to Robert and Gladys Rhodes; he attended Campbell County High School until 1963, when he enlisted in the United States Marine Corps; and

WHEREAS, Coolidge Rhodes rose to the rank of sergeant and earned a Purple Heart during his tour in Vietnam; he obtained a GED degree while in the military, then continued his education at Central Virginia Community College; and

WHEREAS, Coolidge Rhodes pursued a career with the United States Postal Service and retired in 2007 after 30 years of service; and

WHEREAS, Coolidge Rhodes was an active member of Mount Evergreen Baptist Church in Evington, where he served as a Sunday school teacher and deacon; he was ordained as a minister there in 1983 and went on to serve as pastor of Grace Baptist Church in Altavista and Mount Plain Baptist Church in Evington; and

WHEREAS, Coolidge Rhodes served as chair of the New London Academy Board of Managers and offered his leadership to American Legion Post 16 in Lynchburg; and

WHEREAS, Coolidge Rhodes will be fondly remembered and greatly missed by his wife of 45 years, Janice; his children, Coolidge, Jr., Christopher Dewayne, Brittany, and Colby, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of the Reverend Dr. Coolidge Elmo Rhodes, Sr., a spiritual leader and pillar of the Evington community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Reverend Dr. Coolidge Elmo Rhodes, Sr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 121

Commending The Birthplace of America, LLC.

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, conceptualized in 2006 by General XO of York County, The Birthplace of America, LLC, has worked diligently to educate, inform, and enlighten residents of and visitors to Virginia about the Commonwealth's unique place in United States history; and

WHEREAS, in 2011, after years of study and discussions with historians and local experts, General XO presented a marketing concept called CITY #1, "The Birthplace of America," to bring attention to the Historic Triangle by recognizing and highlighting Virginia's role in the foundation of America; and

WHEREAS, General XO was commended by the Mayor and Williamsburg City Council for his knowledge and unique perspective; and

WHEREAS, The Birthplace of America, LLC, has sponsored many nonprofit organizations, such as the Youth Aeronautical Education Foundation, Project Discovery, the annual Chickahominy Day, James City County Community Action Agency, and The Howard Baugh Chapter of The Tuskegee Airmen; and

WHEREAS, General XO has engaged with the public at every opportunity, bringing awareness to the beginning history of our great nation with the motto: "Virginia is the Birthplace of America" and continuously promoting the Historic Triangle; and

WHEREAS, General XO and his wife, Aurora XO, established The Birthplace of America, LLC, on December 21, 2020, as a shop in Williamsburg, selling souvenirs and gifts commemorating the founding of the nation in 1607 and increasing awareness of the Historic Triangle and Virginia; and

WHEREAS, in 2020, an official Trademark for The Birthplace of America was granted by the United States Patent and Trademark Office; and

WHEREAS, in 2021, The Birthplace of America, LLC, continued to enlighten and educate people all over the world on the undeniable significance Virginia holds in United States history; now, therefore, be it

RESOLVED by the House of Delegates, That The Birthplace of America, LLC, hereby be commended for its continued efforts to promote Virginia on the occasion of its 15th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to General XO, founder of The Birthplace of America, LLC, as an expression of the House of Delegates' admiration for the organization's commitment to advocating for and promoting Virginia.

HOUSE RESOLUTION NO. 122

Celebrating the life of Alyson Sudow Bailey.

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, Alyson Sudow Bailey, a beloved wife, mother, daughter, sister, and friend who was a passionate advocate for individuals with Cystic Fibrosis, an inherited disorder that causes severe damage to the lungs and digestive system and to other organs like the pancreas, died in August 2021; and

WHEREAS, Alyson "Aly" Sudow Bailey was born with Cystic Fibrosis and overcame many challenges to lead a productive and fulfilling life, inspiring others through her tenacity, determination, courage, and compassion; and

WHEREAS, despite an intensive regimen of medication and specialized treatments to manage her condition, Aly Bailey achieved success as an athlete, excelling at track, soccer, tennis, softball, and skiing; and

WHEREAS, Aly Bailey graduated from Yale University, where she served as photo editor of the *Yale Daily News* and was a member of the Skull and Bones secret society; and

WHEREAS, after graduation, Aly Bailey became a photo editor for *The New York Times* and subsequently worked for Google and Salesforce; she was a champion for education and offered her expertise to Teach for America and other education-focused startup companies; and

WHEREAS, Aly Bailey worked diligently to raise awareness and support research for Cystic Fibrosis; she held or spoke at fundraising events throughout the country and played a pivotal role in the creation of a Cystic Fibrosis center for adults at the Inova Fairfax Hospital; and

WHEREAS, Aly Bailey's greatest joy in life was her beloved family; she relished every opportunity to spend time with them and particularly loved making biscuits with the help of her sons; and

WHEREAS, Aly Bailey will be fondly remembered with pride and greatly missed by her husband, Zack; their two sons, Elliot and Owen; her parents, the Honorable Kathleen Murphy and Bill Sudow; her mother, Ellyn Sudow; her sister and stepsisters, Elyse, Emily, Elizabeth, Amanda; and her stepbrother, Mark; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Alyson Sudow Bailey, who touched countless lives through her kindness, tenacity, and unflinching positivity; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Alyson Sudow Bailey as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 123

Commending the Thomas Dale High School girls' indoor track and field team.

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, the Thomas Dale High School girls' indoor track and field team of Chester won the Virginia High School League Class 6 state championship on February 26, 2022, at the Virginia Beach Sports Center; and

WHEREAS, the Thomas Dale High School Knights tallied 53 points, narrowly defeating the runner-up South County High School Stallions of Lorton by six points to secure the program's second straight state title; and

WHEREAS, the Thomas Dale Knights' victory was a total team effort with contributions from Shakira Conway, Aaleyah Foster, Shantell McAfee, Madison McConico, Daria Parham, Devyn Parham, Jaida White-Diaz, Faith Wood, and Taylor Young; and

WHEREAS, the Thomas Dale Knights' Devyn Parham had standout performances in the 55 meter hurdles, in which she placed first and recorded the best time in the Commonwealth; the high jump, in which she placed first; and the triple jump, in which she placed second; and

WHEREAS, the Thomas Dale Knights' triple jumper Madison McConico shined at the state championship meet, recording the top distance in the event both at the meet and for the entire Commonwealth; and

WHEREAS, the Thomas Dale Knights were carried by Daria Parham's strong showing in the shot put and by the 4x200 meter relay team of Devyn Parham, Shantell McAfee, Madison McConico, and Shakira Conway, which placed sixth at the state meet; and

WHEREAS, the success of the Thomas Dale Knights is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of their parents and the entire Thomas Dale High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Thomas Dale High School girls' indoor track and field team hereby be commended for winning the 2022 Virginia High School League Class 6 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jamari Price, coach of the Thomas Dale High School girls' indoor track and field team, as an expression of the House of Delegates' admiration for the team's achievements.

HOUSE RESOLUTION NO. 124

Commending Johnny J. Cecil.

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, Johnny J. Cecil of Bristol is retiring as an executive vice president for store operations of K-VA-T Food Stores, Inc., after more than 40 years of service to customers in Kentucky, Virginia, and Tennessee; and

WHEREAS, after graduating from James Madison University, Johnny Cecil began working for K-VA-T Food Stores in 1980 and initially served as a store manager of a Sav-U Discount Foods; and

WHEREAS, Johnny Cecil subsequently joined K-VA-T Food Stores' flagship supermarket chain Food City and quickly worked his way up the ranks, from store manager, administrative assistant to the president, and district manager, to executive vice president of store operations for the Tri-City Division; and

WHEREAS, as an executive vice president of store operations, Johnny Cecil has been responsible for the operation of 57 retail locations in Kentucky, Virginia, and Tennessee; and

WHEREAS, Johnny Cecil has offered his leadership to numerous civic and service organizations and supported the creation of educational scholarships for young people; and

WHEREAS, among many awards and accolades, Johnny Cecil earned the 2010 Kentucky Grocer of the Year Award from the Kentucky Grocers and Convenience Store Association and the Spirit of America Award from the National Grocers Association; now, therefore, be it

RESOLVED by the House of Delegates, That Johnny J. Cecil hereby be commended on the occasion of his retirement from K-VA-T Food Stores, Inc.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Johnny J. Cecil as an expression of the House of Delegates' admiration for his service to the residents of the Commonwealth and surrounding states.

HOUSE RESOLUTION NO. 125

Commending the Honorable Christopher Kilian Peace.

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, the Honorable Christopher Kilian Peace is a faithful public servant who dedicated himself to serving the best interests of the people of the Commonwealth; and

WHEREAS, the Honorable Christopher "Chris" Kilian Peace worked to enhance Virginia's Capital Region from his native Hanover County where he was raised by his pioneering mother, the late Honorable Nina K. Peace; and

WHEREAS, fulfilling his call to public service to his beloved Commonwealth, Chris Peace ran for and was elected to the Virginia House of Delegates and represented the residents of Caroline, Spotsylvania, Hanover, King & Queen, King William, Henrico, and New Kent counties in the 97th District from January 2006 until January 2020; and

WHEREAS, throughout his time in office, Chris Peace worked to enact numerous important pieces of legislation and amendments to the state budget, including legislation to promote the best interests of children in foster care and protect vulnerable adults from financial exploitation in the Commonwealth; fortify the state's response to incidents of domestic violence; enhance penalties for failing to "Move-Over" for first responders in service on state roadways; reopen Colonial Downs as the preeminent state racetrack; establish the Virginia Battlefield Preservation Fund and other related heritage tourism trails; and to expand access to affordable health care to over 400,000 Virginians; and

WHEREAS, Chris Peace strengthened the bonds of friendship between the Commonwealth and Virginia Indians, and he was most proud of his effort to install a permanent tribute to Virginia Indians at the State Capitol; and

WHEREAS, Chris Peace played a crucial role in the financial stewardship of the Commonwealth on the Committee on Appropriations, where he chaired the sub-committees on Transportation and Elementary and Secondary Education and served as a budget conferee in 2018 and 2019; he was adept at achieving consensus and brought several significant non-legislative successes to his district such as bringing King William County's first natural gas line or a stand-alone emergency department in New Kent in the rural most parts of his district; and

WHEREAS, in addition to chairing the Committee on General Laws, which is the oldest standing committee in the House of Delegates, Chris Peace became the House's 22nd most-senior member and provided his leadership and problem-solving ability to the Committee on Health, Welfare and Institutions; during his tenure, he served on the Committee on Science and Technology, the Committee on Courts of Justice, and the Committee on Finance; and

WHEREAS Chris Peace's extensive, bipartisan legislative work continued on the 2018 Select Special Committee on School Safety, the Virginia Criminal Justice Services Board, the Joint Commission on Health Care, Virginia Commission on Youth (former chairman), the Virginia Housing Commission, the Jamestown-Yorktown Foundation Board of Trustees, the Capital Region Caucus (former co-chair), the Virginia Bicentennial of the American War of 1812 Commission, the Virginia Health Information Board of Directors, Virginia Council on Aging, several Gubernatorial transition teams, and the Virginia Indian Commemorative Commission among others; and

WHEREAS, as a policy thought leader, Chris Peace has written extensively in the *Richmond Times-Dispatch* often offering editorial counterpoints to his colleague Senator Jennifer L. McClellan, while earning numerous awards such as the Virginia Chamber of Commerce Champion of Free Enterprise Award along with awards from the State Police Association, Virginia Sheriff's Association, Virginia Assisted Living Association, Virginia Council for Private Education, Virginia Optometric Association, Virginia Commissioner of the Revenue Association, Virginia Nurses Association, Virginia Society of Eye Physicians and Surgeons, Virginia Housing Coalition, Virginia Retail Merchants Association, Virginia Sexual and Domestic Violence Action Alliance, Alzheimer's Association, Career and Technical Education Association, the Brain Injury Association, and the Boy Scouts of America; and

WHEREAS, Chris Peace has volunteered his time in his community on several statewide and local boards, including the LEAD VA Statewide Board, Leadership Metro Richmond, Library of Virginia Foundation Statewide Board, Metro Richmond Habitat for Humanity Board, Sorensen Institute for Political Leadership Statewide Board, Trustee of the St. John's Church Foundation; Board Member of the Menokin Foundation, Heritage and History of Hanover County, Inc., Board, Hanover County Historical Society Board, Hanover Association of Businesses and Chamber of Commerce Board, and Hanover Safe Place Board; and

WHEREAS, Chris Peace remains a proud alumnus of St. Christopher's School, Hampden-Sydney College, and the University of Richmond School of Law, as well as an active member of the Virginia State Bar and a member of the Sons of the American Revolution, Sons of the Revolution, Washington and Henry Fraternal Lodge, the Scottish Rite, the Commonwealth Club, the Country Club of Virginia, and St. Christopher's School Alumni Board; and

WHEREAS, having served the citizens of Virginia with integrity for nearly a decade and a half as an elected public servant, Chris Peace continues to seek new opportunities to serve the Commonwealth and his community as an attorney in private practice; now, therefore, be it

RESOLVED by the House of Delegates, That the Honorable Christopher Kilian Peace hereby be commended for his faithful public service to the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Christopher Kilian Peace as an expression of the House of Delegates' admiration for his civility, conscience, and leadership.

HOUSE RESOLUTION NO. 126

Commending the Petersburg High School boys' basketball team.

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, the Petersburg High School boys' basketball team won the Virginia High School League Region 3A championship on March 1, 2022, at the Scope Arena in Norfolk; and

WHEREAS, the Petersburg High School Crimson Wave defeated the Hopewell High School Blue Devils by a score of 41-40 to bring home their first regional championship title since 2012; and

WHEREAS, the Petersburg Crimson Wave took an early 17-6 lead at the end of the first quarter, which was spearheaded by the team's defense; and

WHEREAS, the Petersburg Crimson Wave withstood a determined comeback by the Hopewell Blue Devils in the fourth quarter to tie the game with 16 seconds left in the game; and

WHEREAS, with a fantastic play drawn up by coach Ryan Massenburg, Clarence Claiborne, Jr., ended up open for a layup with three seconds left and was fouled with six-tenths of a second remaining; he then made one of two free throws to win the game; and

WHEREAS, the Petersburg Crimson Wave's historic season is a testament to the skill and hard work of all the student-athletes, the leadership and guidance of the coaches and staff, and the passionate support of friends, family members, and the entire Petersburg High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Petersburg High School boys' basketball team hereby be commended for winning the Virginia High School League Region 3A championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ryan Massenburg, head coach of the Petersburg High School boys' basketball team, as an expression of the House of Delegates' admiration for the team's achievements and best wishes for the future.

HOUSE RESOLUTION NO. 127

Commending Deborah Tyson.

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, Deborah Tyson, athletic director at Albemarle High School, who has fostered the accomplishments of thousands of student-athletes over her career, will retire in 2022; and

WHEREAS, Deborah Tyson embarked upon her coaching career in 1979 as a graduate assistant coach at East Carolina University and later ran the volleyball programs at Central Community College-Columbus, James Madison University, and the University of Virginia over the period of a decade; and

WHEREAS, Deborah Tyson joined the faculty of Albemarle High School 32 years ago as a physical education teacher and served briefly as assistant athletic director before assuming the role of athletic director in 1991; and

WHEREAS, Deborah Tyson fostered the growth and maturation of her student-athletes by emphasizing the importance of teamwork and inclusion, working hard to ensure that every family and child had a positive experience through their involvement with a school sport; and

WHEREAS, Deborah Tyson's commitment to excellence is reflected in the 18 Virginia High School League state championships Albemarle High School won during her tenure, including three in boys' soccer and forensics; two in boys' cross country, girls' soccer, girls' swimming, and scholastic bowl; and one in boys' lacrosse, girls' cross country, boys' indoor track and field, and volleyball; and

WHEREAS, in recognition of her extraordinary efforts and accomplishments and dedication to her students and staff, Deborah Tyson was inducted into the Virginia High School League Hall of Fame in 2017; and

WHEREAS, by encouraging her student-athletes to build lasting relationships and by motivating them to reach their full potential, Deborah Tyson has contributed greatly to the success of countless young people in Albemarle County over her distinguished career; now, therefore, be it

RESOLVED by the House of Delegates, That Deborah Tyson, athletic director at Albemarle High School, hereby be commended on the occasion of her retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Deborah Tyson as an expression of the House of Delegates' admiration for her noteworthy career and many contributions to the Commonwealth.

HOUSE RESOLUTION NO. 128

Commending George M. Hampton, Ph.D.

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, George M. Hampton, Ph.D., an honorable veteran and esteemed civic leader of the Prince William County community, has greatly served the Commonwealth in various capacities over many years; and

WHEREAS, born in New Jersey and raised in North Carolina, George Hampton graduated from North Carolina Agricultural and Technical State University and in 1951 was commissioned as a second lieutenant in the United States Army; and

WHEREAS, George Hampton served his country with courage and valor for 20 years with the United States Army, including tours of duty in Korea, and retired in 1971 as a lieutenant colonel; and

WHEREAS, following his military career, George Hampton earned a master's degree from Virginia State University and later a doctoral degree in education from the University of Central Arizona; and

WHEREAS, George Hampton enjoyed a successful career with the American Institutes for Research as a research scientist, project director, and human relations specialist, overseeing research and development projects that examined race relations and conflict resolution between Americans and host nationals in Asia and Africa; and

WHEREAS, George Hampton was an active and engaged member of his community, serving as a political advisor to the Prince William County branch of the NAACP; and

WHEREAS, George Hampton has long been admired for his experience and expertise, leading to gubernatorial appointments to the Virginia Parole Board and the Virginia Alcoholic Beverage Control Board, which he served as chairman; and

WHEREAS, George Hampton furthered his service to the Commonwealth as he accepted appointments to a Juvenile and Domestic Relations Court citizens advisory council and the State Board of Elections in the 1990s and to the Northern Virginia Community College Board of Directors and the Virginia State University Board of Visitors in the early 2000s; and

WHEREAS, George Hampton's legacy continues to grow through the George M. Hampton Foundation, which energetically pursues its mission to identify, obtain, and direct resources in support of programs and activities that will enhance the lives of youth in the Prince William County community; now, therefore, be it

RESOLVED by the House of Delegates, That George M. Hampton hereby be commended for his servant leadership and his unwavering commitment to improving the lives of others; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to George M. Hampton, Ph.D., as an expression of the House of Delegates' admiration for his contributions to the Commonwealth.

HOUSE RESOLUTION NO. 129

Commending M. Siddique Sheikh.

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, M. Siddique Sheikh, a respected entrepreneur and business leader, has worked diligently to increase ties between the United States and Pakistan as founder of the United States Pakistan International Chamber of Commerce; and

WHEREAS, Siddique Sheikh grew up in Pakistan and immigrated to the United States in 1969; he has since become an engaged member of the Northern Virginia community, currently serving on the Northern Virginia Community College Board of Visitors, the Advisory Board of BB&T Bank, the National Diversity Board through BB&T Bank, the Fairfax County Economic Advisory Commission, and the local Advisory Board; and

WHEREAS, in 1986, Siddique Sheikh founded the Pakistan American Business Association, now known as the United States Pakistan International Chamber of Commerce (USPICC) as of 2020, and has promoted business cooperation between both countries as chairman, president, and executive director of the organization; and

WHEREAS, under Siddique Sheikh's leadership, the USPICC became the only organization to perform bell ceremonies at the Nasdaq stock exchange twice; and

WHEREAS, Siddique Sheikh maintains a wide range of business interests and has hosted multiple career fairs and trade shows throughout Northern Virginia; he serves as a local advisory board member and a member of the National Diversity Council; and

WHEREAS, as a member of the George Mason University Board of Visitors, Siddique Sheikh promoted ties with higher education institutions in Pakistan, including the National University of Sciences and Technology and the University of Karachi, creating myriad new opportunities for students; and

WHEREAS, Siddique Sheikh was appointed by Governor Timothy M. Kaine to serve on the Transportation Accountability Commission and by Governor James S. Gilmore to serve on the Virginia Lottery Commission; and

WHEREAS, Siddique Sheikh has volunteered his wise leadership to support the Muslim community in the Washington, D.C., Metropolitan Area and has promoted a strong sense of community spirit among Pakistani Americans in the region; now, therefore, be it

RESOLVED by the House of Delegates, That M. Siddique Sheikh hereby be commended for his service to the Commonwealth as a businessman and philanthropist; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to M. Siddique Sheikh as an expression of the House of Delegates' admiration for his achievements in service to the Pakistani American community in Virginia.

HOUSE RESOLUTION NO. 130

Commending the Brentsville District High School turf management program.

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, the Brentsville District High School turf management program in Nokesville received the highest honor in the sporting surface maintenance industry, the Field of the Year award from the Sports Turf Managers Association for its work on the school's Donald Lambert Field; and

WHEREAS, the Field of the Year award recognizes programs in professional, collegiate, and school and park categories; the Brentsville District High School turf management program is led by agriculture teacher Andrew Miller with the help of students; and

WHEREAS, the Brentsville District High School turf management program was developed to provide students with a hands-on learning experience and gain practical experience in the care and maintenance of different types of sporting surfaces; and

WHEREAS, the Brentsville District High School turf management program is the only such program in Northern Virginia and includes classroom components along with mowing, aerating, painting, and other intensive maintenance duties; and

WHEREAS, the student members of the Brentsville District High School turf management program helping bring national recognition to their school while cultivating leadership skills, teamwork, and self-discipline; now, therefore, be it

RESOLVED by the House of Delegates, That Brentsville District High School turf management program hereby be commended for winning the Field of the Year award from the Sports Turf Managers Association; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Brentsville District High School turf management program as an expression of the House of Delegates' admiration for the program's mission to help students develop unique career skills.

HOUSE RESOLUTION NO. 131

Commending the Patriot High School boys' swim and dive team.

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, the Patriot High School boys' swim and dive team of Prince William County won the Virginia High School League Class 6 state championship on February 18, 2021, at the Jeff Rouse Swim and Sport Center in Stafford; and

WHEREAS, the Patriot High School Pioneers accumulated 209 points in competition to outpace the runner-up by 45 points and brought home the program's first state title since 2017; and

WHEREAS, the Patriot Pioneers were strong from start to finish, carrying the first event of the day with a win in the 200-yard medley relay as well as the last event with a win in the 400-yard freestyle relay, in which the team set a Virginia High School League (VHSL) Class 6 state meet record; and

WHEREAS, the Patriot Pioneers' victory was a total team effort supported by Ryan Chmielenski, Brandon Gardner, Landon Gentry, Peter Gilbert, Joshua Hochard, Alex Martins, Vincent Nguyen, Boden Pearson, and Chris Shankle; and

WHEREAS, the Patriot Pioneers benefited from a standout performance from Landon Gentry, who contributed to the team's relay wins while placing first in the 200-yard individual medley event and setting a VHSL Class 6 state meet record in the 100-yard individual butterfly event; and

WHEREAS, despite setbacks resulting from the COVID-19 pandemic, the Patriot Pioneers persevered all season long to remain fit and ready for a run at the championship; and

WHEREAS, the success of the Patriot Pioneers is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of their parents and the entire Patriot High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Patriot High School boys' swim and dive team hereby be commended for winning the 2022 Virginia High School League Class 6 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Elizabeth Bussian, head coach of the Patriot High School boys' swim and dive team, as an expression of the General Assembly's admiration for the team's achievement.

HOUSE RESOLUTION NO. 132

Celebrating the life of Lieutenant Colonel Daniel L. Benka, USA, Ret.

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, Lieutenant Colonel Daniel L. Benka, USA, Ret., a respected resident of the Tri-City area, died on January 26, 2021; and

WHEREAS, a native of Wisconsin, Daniel Benka graduated from Cudahy High School in Milwaukee County and continued his education at Ripon College, where he earned a bachelor's degree in economics, played football, and was a member of the Reserve Officer Training Corps program; and

WHEREAS, Daniel Benka was commissioned as a second lieutenant in the United States Army and served the nation in uniform from 1961 to 1987; he completed two tours of duty in Vietnam, was stationed in France and Korea, and served at the Defense General Supply Center in Richmond; and

WHEREAS, over the course of his distinguished military career, Daniel Benka received the Bronze Star, the Defense Meritorious Service Medal, and the Meritorious Service Medal; and

WHEREAS, Daniel Benka earned a master's degree in economics from the Florida Institute of Technology in 1978, and after his retirement from the military, he worked for the United States Department of Defense and Dominion Energy; and

WHEREAS, Daniel Benka offered his leadership and wisdom to many civic and service organizations, including American Legion Post 146, local Veterans of Foreign Wars and Lion's Club posts, and the Loyal Order of the Moose; and

WHEREAS, Daniel Benka was a life member of the Virginia Junior Chamber, known as the Jaycees, and served the organization as a Junior Chamber International (JCI) senator, the Virginia JCI Senate president, District of Columbia JCI Senate president, and national vice president; he was a platinum-level member of the US JCI Senate Foundation; and

WHEREAS, Daniel Benka enjoyed fellowship and worship with the community as a longtime member of Saint James Catholic Church, where he was a third degree member of the Knights of Columbus; and

WHEREAS, Daniel Benka's beloved wife, Elizabeth, died shortly after him in February 2021; he is fondly remembered and greatly missed by his children, Matthew and Joanna, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Lieutenant Colonel Daniel L. Benka, USA, Ret.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Lieutenant Colonel Daniel L. Benka, USA, Ret., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 133

Celebrating the life of Elizabeth Joan Thompson Benka.

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, Elizabeth Joan Thompson Benka, a vibrant and beloved member of her community, died on February 24, 2021; and

WHEREAS, the child of a military family, Elizabeth Benka lived in cities throughout the United States, Europe, and Asia in her youth, gaining a lifelong appreciation of different cultures and the ability to build strong connections with people from different walks of life; and

WHEREAS, Elizabeth Benka graduated from the Punahou School in Hawaii, then earned a bachelor's degree from Radford University; and

WHEREAS, after marrying her husband, Daniel, Elizabeth Benka continued to travel the world as a military spouse, living in France, Korea, and many areas of the United States; she was a finalist for a Military Wife of the Year Award in 1974; and

WHEREAS, Elizabeth Benka was a dedicated member of the United States Junior Chamber, known as the Jaycees; she was a charter member and vice president of United States Jaycee Women and president of Virginia Jaycee Women; and

WHEREAS, Elizabeth Benka served as vice president of the US JCI Senate and president of the Virginia JCI Senate, and she was the representative for the US JCI Senate Region III Foundation at the time of her passing; and

WHEREAS, Elizabeth Benka held leadership roles in the Bellwood Women's Club, the local chapters of the Republican Women's Club and the Women of the Moose auxiliary group, and many other civic and service organizations; and

WHEREAS, Elizabeth Benka brought joy to others through her keen wit, generosity, and unfailing positivity; and

WHEREAS, predeceased by her husband, Daniel, Elizabeth Benka will be fondly remembered and greatly missed by her children, Matthew and Joanna, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Elizabeth Joan Thompson Benka; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Elizabeth Joan Thompson Benka as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 134

Celebrating the life of Bruce Malkin.

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, Bruce Malkin, an esteemed officer with the United States Department of State and an active and beloved member of the Alexandria community, died on February 13, 2022; and

WHEREAS, after graduating from the magnet program at Central High School in Philadelphia, Bruce Malkin earned a bachelor's degree in economics with honors from the University of Pennsylvania and a master's degree in economics from the London School of Economics and completed doctoral coursework at the Graduate Institute of International Studies at the University of Geneva; and

WHEREAS, Bruce Malkin traveled extensively throughout Europe during his studies before returning to Washington, D.C., to embark upon a distinguished career in the foreign service with the United States Department of State; and

WHEREAS, Bruce Malkin advanced the United States' interests abroad while posted in Kingston, Jamaica, where he served as a consular officer, and in Guadalajara, Mexico, and Singapore, where he served as a commercial attaché; and

WHEREAS, Bruce Malkin devoted the last 13 years of his 34-year career with the United States Department of State at the agency's headquarters in Washington, D.C., serving in the Bureau of East Asian and Pacific Affairs as a specialist on human rights, worker rights, and the United Nations; and

WHEREAS, in retirement, Bruce Malkin gave generously of his time in support of his community, teaching English as a Second Language classes to students throughout Northern Virginia while serving with the Mount Vernon Kiwanis Club, including two terms as president; and

WHEREAS, Bruce Malkin's admirable contributions were recognized by the Mount Vernon Kiwanis Club with its Hixon Award and Tablet of Honor, while the United Community Ministries of Mount Vernon presented Bruce Malkin and his wife, Joanne, with its Gerald W. Hyland Humanitarian Award in 2018; and

WHEREAS, despite gradually losing mobility and dexterity in his later years, Bruce Malkin continued to find immeasurable joy in traveling and spending time with his family and friends; and

WHEREAS, Bruce Malkin will be fondly remembered and dearly missed by his loving wife, Joanne; his daughters, Deborah and Jennifer, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Bruce Malkin, a cherished member of the Alexandria community whose warm and good-humored nature was a comfort to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Bruce Malkin as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 136

Commending Veterans Moving Forward.

Agreed to by the House of Delegates, March 9, 2022

WHEREAS, Veterans Moving Forward, a nonprofit organization headquartered in Dulles, has greatly served the community by providing service dogs and canine therapy services for free to veterans with physical or mental health challenges; and

WHEREAS, the vision of Veterans Moving Forward is to become a leading national nonprofit organization that improves the lives of veterans in need of service, emotional support, therapy, or skilled companion dogs; and

WHEREAS, the staff and volunteers of Veterans Moving Forward are intentional in their efforts to match veterans and service dogs based on personality and temperament, the needs of the veteran, and the skill set of the service dog; and

WHEREAS, since its founding on July 10, 2010, Veterans Moving Forward has been able to provide 30 trained service dogs to veterans across the nation; and

WHEREAS, the accomplishments of Veterans Moving Forward have been made possible through the leadership of chief operating officer Lori Sittner and head trainer Katie Poulson; now, therefore, be it

RESOLVED by the House of Delegates, That Veterans Moving Forward hereby be commended for its dedication to supporting veterans; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Veterans Moving Forward as an expression of the House of Delegates' admiration for its contributions to the community of veterans in the Commonwealth and across the nation.

HOUSE RESOLUTION NO. 137

Commending Peter J. Knop and Beata K. Knop.

Agreed to by the House of Delegates, March 9, 2022

WHEREAS, Peter J. Knop and Beata K. Knop have greatly served communities of the Commonwealth through the preservation of farmland in Loudoun County and the establishment of the National Botanic Garden in Chantilly; and

WHEREAS, Peter and Beata Knop had a love of nature instilled in them as they were growing up and were determined to meet a need of the community with the establishment of a botanic garden; and

WHEREAS Peter and Beata Knop began adding to Peter's parents' farm in 1954 by purchasing additional pieces of real estate that they hoped to preserve; and

WHEREAS, over the years, Peter and Beata Knop added 17 farms to their original property, bringing their total land holdings to more than 1,000 acres; and

WHEREAS, Peter and Beata Knop have been strong supporters of sustainable land use policies, lobbying for changes to preserve farmland, placing their properties in agricultural districts, and encouraging preservation efforts by others; and

WHEREAS, with a desire to develop a great American garden that could be used for the education and enjoyment of Americans and to demonstrate unique and modern agricultural practices to other countries, Peter and Beata Knop greatly expanded the gardens begun by Peter's family; and

WHEREAS, Peter and Beata Knop founded the National Botanic Garden Foundation for the preservation of the gardens they had created and to pursue the research and development of new economically and environmentally beneficial crops; and

WHEREAS, the National Botanic Garden that Peter and Beata Knop created offers many distinctive natural resources and amenities, including a sculpture park, botanic gardens, commercial bamboo gardens, a horticultural center, park system, and wildlife refuge, providing visitors with a unique experience of nature and art and demonstrating how the new circular economy can benefit all those associated with it; now, therefore, be it

RESOLVED by the House of Delegates, That Peter J. Knop and Beata K. Knop hereby be commended for their dedication to the preservation of Loudoun County farmland and the establishment of the National Botanic Garden in Chantilly; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Peter J. Knop and Beata K. Knop as an expression of the House of Delegates' admiration for their contributions to the Commonwealth.

HOUSE RESOLUTION NO. 138

Commending Jackson Hunt.

Agreed to by the House of Delegates, March 9, 2022

WHEREAS, Jackson Hunt, a first-grade student at Newton-Lee Elementary School in Loudoun County, has been honored by the Loudoun County Combined Fire and Rescue System as its safety champion of the year in 2022; and

WHEREAS, Jackson Hunt was a participant in the "Fired Up For Safety" program designed by Loudoun County Combined Fire and Rescue System to promote lifelong safe behaviors by ensuring every child receives fire safety information at an early age; and

WHEREAS, each year, during October Fire Prevention Month, Loudoun County firefighters, emergency medical technicians, and the Loudoun County Fire Marshal's staff deliver critical safety messages to first graders like Jackson Hunt across Loudoun County; and

WHEREAS, on October 20, 2021, Jackson Hunt heard his neighbor's smoke alarm and alerted his mother that she needed to call 9-1-1 immediately; and

WHEREAS, as the result of Jackson Hunt's quick thinking, firefighters arrived in enough time to stop the fire's spread and to ensure the safety of his neighbors; now, therefore, be it

RESOLVED by the House of Delegates, That Jackson Hunt hereby be commended for his heroic actions and for being acknowledged as the Loudoun County Combined Fire and Rescue System's 2022 safety champion of the year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jackson Hunt as an expression of the House of Delegates' admiration for his service to the Commonwealth.

HOUSE RESOLUTION NO. 139

Commending the Community Roots Project, Manassas Park Seed Exchange.

Agreed to by the House of Delegates, March 9, 2022

WHEREAS, the Community Roots Project, Manassas Park Seed Exchange, founded by Manassas Park High School student Cassandra Hummeldorf, has increased access to affordable, healthy food throughout the community by helping residents plant their own gardens; and

WHEREAS, inspired by the avid gardeners in her family, Cassandra Hummeldorf developed the idea for the Manassas Park Seed Exchange as a way to address food insecurity during the COVID-19 pandemic; and

WHEREAS, Cassandra Hummeldorf launched the program as part of her Girl Scout Gold Award Project in October 2020; since that time, she has cultivated partnerships with the Manassas Park City Library and the Virginia Cooperative Extension Master Gardeners of Prince William to open a physical location and offer online classes and workshops; and

WHEREAS, the Manassas Park Seed Exchange program is free and open to the entire community, providing vegetable, fruit, and herb seeds and encouraging gardeners to bring their own diverse selection of seeds to the exchange for their neighbors; and

WHEREAS, Cassandra Hummeldorf and the Manassas Park Seed Exchange have increased the quality of life of food-insecure people in Manassas Park and helped develop a strong sense of community in the city; now, therefore, be it

RESOLVED by the House of Delegates, That the Community Roots Project, Manassas Park Seed Exchange hereby be commended for its work to increase access to nutritious food in Manassas Park by helping residents plant home gardens; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Cassandra Hummeldorf, founder of the Community Roots Project, Manassas Park Seed Exchange, as an expression of the House of Delegates' admiration for the organization's contributions to the community.

HOUSE RESOLUTION NO. 140

Commending Shincheonji New Heaven New Earth Church.

Agreed to by the House of Delegates, March 9, 2022

WHEREAS, Shincheonji New Heaven New Earth Church in Burke has greatly served its community throughout the COVID-19 pandemic; and

WHEREAS, Shincheonji New Heaven New Earth Church sponsored a blood drive to help address the ongoing blood shortage affecting public health in the Commonwealth and the country; and

WHEREAS, Shincheonji New Heaven New Earth Church donated 1,000 masks to the City of Fairfax at an early stage of the pandemic when effective face coverings to slow the spread of COVID-19 were not easily available; and

WHEREAS, Shincheonji New Heaven New Earth Church has made an outsized impact in the community through its Food for Life Drive, raising funds and collecting thousands of pounds of food to support organizations such as Food For Others, The Closet of the Greater Herndon Area, Inc., and Resettling Afghan Families Together; and

WHEREAS, Shincheonji New Heaven New Earth Church has demonstrated extraordinary generosity toward the Northern Virginia community in response to this historic public health crisis; now, therefore, be it

RESOLVED by the House of Delegates, That Shincheonji New Heaven New Earth Church hereby be commended for its invaluable service during the COVID-19 pandemic; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Shincheonji New Heaven New Earth Church as an expression of the House of Delegates' admiration for the church's contributions to the Commonwealth.

HOUSE RESOLUTION NO. 141

Commending the Fairfax County School Board.

Agreed to by the House of Delegates, March 9, 2022

WHEREAS, with more than 185,000 students, Fairfax County Public Schools is the largest school district in both the Commonwealth and the Washington, D.C., Metropolitan Area, and the Fairfax County School Board works to help students learn, grow, and achieve their fullest potential; and

WHEREAS, the Fairfax County School Board comprises 13 elected members, including one student member, who advocate for the welfare of the young people in Fairfax County Public Schools and give faculty and staff the tools and support they need to help students build a strong academic foundation; and

WHEREAS, the Fairfax County School Board ensures that students are equipped to become self-sufficient, lifelong learners who are prepared to meet the challenges of a rapidly evolving global economy; and

WHEREAS, generations of members of the Fairfax County School Board have worked to maintain high academic standards in Fairfax County Public Schools and provide an outstanding educational experience to students; now, therefore, be it

RESOLVED by the House of Delegates, That the Fairfax County School Board hereby be commended for its service to young people in Fairfax County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Fairfax County School Board as an expression of the House of Delegates' admiration for its achievements on behalf of students in Fairfax County.

HOUSE RESOLUTION NO. 142

Celebrating the life of Philip Tahey.

Agreed to by the House of Delegates, March 9, 2022

WHEREAS, Philip Tahey, an esteemed higher education financial consultant and a beloved member of the Williamsburg community, died on February 9, 2022; and

WHEREAS, Philip Tahey provided valuable expertise to institutions of higher education in the Commonwealth and across the nation for more than 35 years; and

WHEREAS, Philip Tahey served for many years as controller at Johns Hopkins University, ensuring the institution remained financially sound while continuing to develop resources and amenities for the benefit of its students and faculty; and

WHEREAS, as a partner with KPMG International Limited, Philip Tahey served more than 100 institutions of higher education in the role of auditor and consultant, while supporting various public and private clients in the areas of real estate, finance, technology, and manufacturing; and

WHEREAS, Philip Tahey specialized in guiding boards and finance committees as they honed their financial strategy, planning, and reporting processes, while advising in the areas of business processes, information technology systems, grants and debt management, and accounting; and

WHEREAS, a leader of his industry, Philip Tahey often spoke and mentored colleagues at meetings organized by the National Association of College and University Business Officers (NACUBO), the National Council of University Research Administrators, and other associations; and

WHEREAS, Philip Tahey shared his insights as co-author of several editions of *Strategic Financial Analysis for Higher Education: Identifying, Measuring & Reporting Financial Risks*, source publication for NACUBO's Composite Financial Index, as well as co-author of *Bridging the Strategic Gap: Toward Effective Finance Committees*, published in 2018; and

WHEREAS, Philip Tahey was an active and engaged member of his community who gave generously of his time on the boards of the Williamsburg Montessori School and the Ford's Colony Strategic Planning Committee; and

WHEREAS, guided throughout his life by his faith, Philip Tahey enjoyed worship and fellowship with his community at Saint Bede Catholic Church in Williamsburg for many years; and

WHEREAS, Philip Tahey will be fondly remembered and dearly missed by his loving wife, Kim; his sons, Matthew and Patrick; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Philip Tahey, a cherished member of the Williamsburg community who helped many institutions of higher education along their path toward prosperity; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Philip Tahey as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 143

Commending the Town of Windsor.

Agreed to by the House of Delegates, March 9, 2022

WHEREAS, the Town of Windsor in Isle of Wight County celebrates the 120th anniversary of its founding on March 12, 2022, at the Windsor Town Center; and

WHEREAS, affectionately known by its residents as "the heart of Isle of Wight County," the Town of Windsor exists in an area of Southeast Virginia originally known as Corrovaugh by indigenous Americans; and

WHEREAS, early settlements in the Town of Windsor area included a post office that was established in 1852 and renamed Windsor Station seven years later when the Norfolk & Petersburg Railway, now Norfolk Southern Railway, took over the route; and

WHEREAS, Windsor Station supported the Norfolk lumber industry in the second half of the 19th century, and in 1902, the Town of Windsor was incorporated by an Act of the General Assembly, with Charles T. King appointed as mayor and sworn in at the first town council meeting on April 11, 1902; and

WHEREAS, in 1962, the Town of Windsor's municipal building was constructed, serving as both the locality's administrative center and its fire station; the building was then renovated 33 years later when a new firehouse was built and the former firetruck bays were converted into the town council's chamber; and

WHEREAS, the Town of Windsor established the Windsor Volunteer Rescue Squad in 1971 and its police department in 1990, greatly fostering the safety and well-being of its residents and visitors; and

WHEREAS, to guide the growth and development of the area over the years, the Town of Windsor formed the Windsor Planning Commission and a Board of Zoning Appeals and implemented a Zoning and Subdivision Ordinance beginning in the 1970s; and

WHEREAS, in 2001, the Commonwealth approved the Town of Windsor's request to annex 2.82 square miles of Isle of Wight County, increasing the locality's size by nearly three square miles and its population by more than 1,300 people; and

WHEREAS, the Town of Windsor held a celebratory event to commemorate its 120th anniversary that featured author Elizabeth Cooper, who discussed her book, *Norfolk Southern in Hampton Roads*, which explores the rail company that profoundly shaped history of the town and region; and

WHEREAS, for the past 120 years, countless Virginians have resided in the Town of Windsor and experienced what makes the Commonwealth such a wonderful place to call home; now, therefore, be it

RESOLVED by the House of Delegates, That the Town of Windsor hereby be commended on the occasion of its 120th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Town of Windsor as an expression of the House of Delegates' admiration for the locality's history and its many contributions to the Commonwealth.

HOUSE RESOLUTION NO. 144

Commending the Virginia Polytechnic Institute and State University women's track and field team.

Agreed to by the House of Delegates, March 9, 2022

WHEREAS, the Virginia Polytechnic Institute and State University women's track and field team won the Atlantic Coast Conference Championship on February 26, 2022, at the Virginia Tech Rector Field House in Blacksburg; and

WHEREAS, the Virginia Polytechnic Institute and State University (Virginia Tech) women's track and field team tied Duke University with 86 points for first place in the team standings, marking the seventh time that a single university has won both the men's and women's championships in the same year; and

WHEREAS, Virginia Tech women's track and field team freshman Victoria Gorlova was named Most Valuable Performer in the women's field category after winning a gold medal in the women's triple jump event; and

WHEREAS, Rachel Baxter, a graduate student with the Virginia Tech women's track and field team, set the Atlantic Coast Conference (ACC) all-time women's indoor pole-vaulting record, clearing 15 feet and 1.5 inches; and

WHEREAS, Virginia Tech women's track and field team junior Lindsey Butler won a second straight ACC title in the women's 800 meter event, completing the fastest collegiate time in the nation of 2:01.23, a time that ranks 17th in the world, breaking an ACC championship record, a Rector Field House record, and a Virginia Tech record; and

WHEREAS, Dave Cianelli, head coach of the Virginia Tech women's track and field team, led the Hokies to the ACC Women's Indoor Track and Field Championship for the second time in three years and fourth time overall; and

WHEREAS, the ACC championship win marked a triumphant end to a historic season for the Virginia Tech Hokies, with Hannah Ballowe, Rachel Baxter, Lindsey Butler, Julia Fixsen, Victoria Gorlova, Sara Killinen, Barbora Mal'ková, Rebecca Mammel, Star Price, and Leigha Torino earning First Team All-ACC honors; and

WHEREAS, the success of the Virginia Tech women's track and field team is the result of the challenging work and dedication of the student-athletes, the leadership and guidance of their coaches and professors, and the unwavering support of the entire Virginia Tech community; now, therefore, be it

RESOLVED by the House of Delegates, That the Virginia Polytechnic Institute and State University women's track and field team hereby be commended for winning the 2022 Atlantic Coast Conference Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Dave Cianelli, head coach of the Virginia Polytechnic Institute and State University women's track and field team, and Whit Babcock, Virginia Tech Athletic Director, as an expression of the House of Delegates' admiration for the team's representation of Virginia Tech and the Commonwealth during the 2021-2022 track and field season.

HOUSE RESOLUTION NO. 145

Commending the Virginia Polytechnic Institute and State University men's track and field team.

Agreed to by the House of Delegates, March 9, 2022

WHEREAS, the Virginia Polytechnic Institute and State University men's track and field team won the Atlantic Coast Conference Championship on February 26, 2022, at the Virginia Tech Rector Field House in Blacksburg; and

WHEREAS, the Virginia Polytechnic Institute and State University (Virginia Tech) men's track and field team finished first in team standings with 105 points, marking the seventh time that a single university has won both men's and women's Atlantic Coast Conference (ACC) championships in the same year; and

WHEREAS, Virginia Tech men's track and field senior Coleton Beck was named Most Valuable Performer in the men's track category after placing first in the men's 200 meter category with a time of 20.95 seconds, winning his second ACC track title of his career, and placing third in the men's 60 meter dash; and

WHEREAS, Dave Cianelli, head coach of the Virginia Tech men's track and field team, has earned seven men's indoor track and field ACC Championships, all of which have come since 2011; and

WHEREAS, the championship marked a triumphant end to a historic season for the Virginia Tech Hokies, with Cole Beck, Chauncey Chambers, Ben Fleming, Patrick Forrest, Christian Jackson, Antonio Lopez Segura, Conner McClure, Alexios Prodanas, and Jake Spotswood earning First Team All-ACC honors; and

WHEREAS, the success of the Virginia Tech men's track and field team is the result of the challenging work and dedication of the student-athletes, the leadership and guidance of their coaches and professors, and the unwavering support of the entire Virginia Tech community; now, therefore, be it

RESOLVED by the House of Delegates, That the Virginia Polytechnic Institute and State University men's track and field team hereby be commended for winning the 2022 Atlantic Coast Conference Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Dave Cianelli, head coach of the Virginia Polytechnic Institute and State University men's track and field team, and Whit Babcock, Virginia Tech athletic director, as an expression of the House of Delegates' admiration for the team's representation of Virginia Tech and the Commonwealth during the 2021-2022 track and field season.

HOUSE RESOLUTION NO. 146

Commending Anthony S. Wilson.

Agreed to by the House of Delegates, March 9, 2022

WHEREAS, Anthony S. Wilson, an honorable veteran, esteemed law-enforcement officer, and chief of police of the Blacksburg Police Department, will retire in 2022 after 25 years of service; and

WHEREAS, Anthony Wilson grew up in Blacksburg and, following graduation from high school, enlisted in the United States Marine Corps; and

WHEREAS, after his service, Anthony Wilson attended and graduated from Virginia Polytechnic Institute and State University (Virginia Tech) with a degree in agriculture; and

WHEREAS, throughout Anthony Wilson's tenure with the Blacksburg Police Department, he served as a patrol field training officer, criminal investigator, investigative unit supervisor, tactical team operator and commander, patrol unit commander, and division commander; and

WHEREAS, Anthony Wilson and his department launched numerous safety programs, including "No Hokie Left Behind" and "Be Safe Blacksburg," which helped to provide free phone charging stations in downtown restaurants and bars, while implementing "Free Ride Fridays," providing transport from downtown Blacksburg to anywhere in town; and

WHEREAS, Anthony Wilson prioritized interactions with the youth of the community, creating "Fifth Grade Field Day," a program that introduced all fifth-grade classes to one another as they readied for middle school transition; and

WHEREAS, Anthony Wilson remained a fierce advocate for positive relations with students at Virginia Tech, implementing the "Adopt A Cop Academy," which paired Virginia Tech Police Officers with members of Virginia Tech fraternities for mentorship, along with presenting a week-long class with the Division of Student Affairs on maintaining safe social environments; and

WHEREAS, Anthony Wilson served the Town of Blacksburg as a volunteer firefighter for more than 30 years and worked with New River Community College to create the "Books to Badges" program, offering two-year scholarships to individuals interested in law-enforcement careers; and

WHEREAS, Anthony Wilson helped to create and served as volunteer service coordinator with the "ACCE" Program at New River Community College, which provided an opportunity for students to attend community college at no cost if they engaged in area community service projects; and

WHEREAS, Anthony Wilson was not only a proponent of student and community safety, but officer safety as well, creating the "Training Triangle" program, providing increased training in tactical ability, advanced communications, and de-escalation skills training; and

WHEREAS, Anthony Wilson's passion for the Blacksburg community was exemplified in 2020, when he stepped up to help create the New River Valley Public Health Task Force, a program that was vital for the region's response to COVID-19; and

WHEREAS, throughout his tenure as chief of police of the Blacksburg Police Department, Anthony Wilson has been a committed advocate for the Town of Blacksburg whose tireless and selfless work has left a defined and lasting impact on the community; now, therefore, be it

RESOLVED by the House of Delegates, That Anthony S. Wilson, chief of police of the Blacksburg Police Department, hereby be commended for his extensive career and service to the Town of Blacksburg; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Anthony S. Wilson as an expression of the House of Delegates' admiration and respect for his devoted service to the Blacksburg community and citizens of the Commonwealth.

HOUSE RESOLUTION NO. 147

Commending the Hayfield Secondary School boys' basketball team.

Agreed to by the House of Delegates, March 9, 2022

WHEREAS, the Hayfield Secondary School boys' basketball team won the Virginia High School League Class 6 State Championship in 2022; and

WHEREAS, the Hayfield Hawks defeated the Fairfax High School Lions by a score of 82-45 to secure their second consecutive Occoquan regional title; and

WHEREAS, the Hayfield Hawks advanced to the Class 6 semifinal of the state tournament on March 7, 2022, as the number five seed and pounded the No. 11 South Lakes Seahawks by a score of 67-48 to earn a spot in the championship game in Richmond; and

WHEREAS, the Hayfield Hawks balanced offense had four players finish in double figures in the championship game; and

WHEREAS, the Hayfield Hawks defeated the Battlefield High School Bobcats by a score of 67-47 to remain undefeated and finish the season 32-0; and

WHEREAS, each member of the Hayfield Hawks—Javon Brown, Sean Burton, Braelen Cage, Juan Henriquez, Daryl Holloway, Greg Jones, David King, Mark Mckenzie, Ryan Payne, Ashton Pratt, Andy Ramirez, Markus Rouse, Colin Souther, Nate Tesfaye, Sky Thompson, and Braylon Wheeler—has contributed and exemplified outstanding teamwork with particularly strong defensive pressure throughout the season; and

WHEREAS, the victory is a tribute to the hard work and dedication of all the student-athletes, the leadership and guidance of Coach Carlos Poindexter and his outstanding staff, and the enthusiastic support of the entire Hayfield Secondary School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Hayfield Secondary School boys' basketball team hereby be commended on winning the Virginia High School League Class 6 State Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Carlos Poindexter, head coach of the Hayfield Secondary School boys' basketball team, as an expression of the House of Delegates' admiration for the team's achievements.

HOUSE RESOLUTION NO. 148

Celebrating the life of Magalen Ohrstrom Bryant.

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, Magalen Ohrstrom Bryant, a prominent leader in thoroughbred horse racing who touched countless lives throughout the Commonwealth and the world through her commitment to philanthropy, died on June 28, 2021; and

WHEREAS, born in New York, Magalen "Maggie" Ohrstrom Bryant lived in Connecticut before relocating to Virginia, where she graduated from Chatham Hall preparatory school; she earned a bachelor's degree from Radcliffe College in Massachusetts, then returned to Virginia and settled in Middleburg; and

WHEREAS, having taken up equestrian sports at a young age, Maggie Bryant developed a stable of winning horses at her 1,037-acre farm and was inducted into the Virginia Steeplechase Association Hall of Fame in 2014; and

WHEREAS, Maggie Bryant became the first American female owner to win the Grand Steeple-Chase de Paris with her horse Milord Thomas in 2015, and she followed up with wins in 2016 and 2017 with her horse So French; and

WHEREAS, a passionate conservationist, Maggie Bryant established and donated more than 12,000 acres of land in Mississippi to the Tara Wildlife Foundation; she served as chair of the National Fish and Wildlife Foundation; and

WHEREAS, Maggie Bryant supported young people around the world through the establishment of summer camps in the United States, Montessori schools in Paraguay, and teacher training programs in South Africa; and

WHEREAS, closer to home, Maggie Bryant was a leading investor in the privately owned Dulles Greenway toll road that connects Washington Dulles International Airport to Leesburg; and

WHEREAS, Maggie Bryant will be fondly remembered and greatly missed by her children, Magalen C. Werbert, W. Carey Crane III, Michael R. Crane, Kristiane C. Graham, and John C. O. Bryant, and their families; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Magalen Ohrstrom Bryant; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Magalen Ohrstrom Bryant as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 149

Commending South Norfolk.

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, South Norfolk, a former city of the Commonwealth that is now a community in the City of Chesapeake, celebrated its 100th anniversary in 2021; and

WHEREAS, the community of what would become South Norfolk served multiple rail lines in the late 19th century, leading to the establishment of waterworks, public schools, and a post office by 1900; and

WHEREAS, by 1919, when there were approximately 8,000 people living in the area, South Norfolk was chartered as a town in Norfolk County, though continued population growth led it to be declared a city by the General Assembly within three years; and

WHEREAS, South Norfolk continued its rapid development for many years, as the corridors along Liberty, St. James, and Poindexter Streets, Chesapeake Avenue, and Bainbridge Boulevard became thriving centers for commerce; and

WHEREAS, South Norfolk changed to a city manager form of government in 1947, bringing the administration of police, fire, recreation, public works, welfare, planning, and health services under the purview of a city manager and an elected city council; and

WHEREAS, the City of South Norfolk and Norfolk County were merged in 1963 to form the City of Chesapeake, though the history and legacy of South Norfolk continues to be cherished by the many individuals and families that called it home; and

WHEREAS, today, a local historic and national historic district in South Norfolk celebrates the area's noteworthy architecture, while the Chesapeake Land Bank Authority was recently created to administer a grant program for the rehabilitation of South Norfolk; and

WHEREAS, the Chesapeake Annual Fourth of July Parade, held in South Norfolk and organized by the South Norfolk Civic League in partnership with the Chesapeake Parks, Recreation and Tourism Department, is an annual tradition for Chesapeake families that the residents of South Norfolk take great pride in hosting; and

WHEREAS, due to the COVID-19 pandemic, South Norfolk has delayed its 100th anniversary events to 2022, offering residents the opportunity to safely gather in celebration of the community's history; now, therefore, be it

RESOLVED by the House of Delegates, That South Norfolk hereby be commended on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the community of South Norfolk as an expression of the House of Delegates' admiration for South Norfolk's contributions to the Commonwealth.

HOUSE RESOLUTION NO. 150

Nominating persons to be elected to circuit court judgeships.

Agreed to by the House of Delegates, March 9, 2022

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective circuit court judgeships as follows:

The Honorable Robert B. Rigney, of Norfolk, as a judge of the Fourth Judicial Circuit for a term of eight years commencing May 1, 2022.

The Honorable Matthew W. Hoffman, of Newport News, as a judge of the Seventh Judicial Circuit for a term of eight years commencing June 1, 2022.

The Honorable M. Duncan Minton, Jr., of Chesterfield, as a judge of the Twelfth Judicial Circuit for a term of eight years commencing May 1, 2022.

Steven B. Novey, Esquire, of Chesterfield, as a judge of the Twelfth Judicial Circuit for a term of eight years commencing December 1, 2022.

The Honorable Richard B. Campbell, of Richmond, as a judge of the Thirteenth Judicial Circuit for a term of eight years commencing October 1, 2022.

The Honorable David M. Barredo, of Albemarle, as a judge of the Sixteenth Judicial Circuit for a term of eight years commencing December 1, 2022.

The Honorable James R. McGarry, of Martinsville, as a judge of the Twenty-first Judicial Circuit for a term of eight years commencing May 1, 2022.

Andrew S. Baugher, Esquire, of Rockingham, as a judge of the Twenty-sixth Judicial Circuit for a term of eight years commencing June 1, 2022.

The Honorable Daryl L. Funk, of Warren, as a judge of the Twenty-sixth Judicial Circuit for a term of eight years commencing July 1, 2022.

Thomas W. Baker, Esquire, of Lee, as a judge of the Thirtieth Judicial Circuit for a term of eight years commencing June 1, 2022.

The Honorable Robert P. Coleman, of Prince William, as a judge of the Thirty-first Judicial Circuit for a term of eight years commencing July 1, 2022.

HOUSE RESOLUTION NO. 151

Nominating persons to be elected to general district court judgeships.

Agreed to by the House of Delegates, March 9, 2022

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective general district court judgeships as follows:

Jamilah D. Le Cruise, Esquire, of Norfolk, as a judge of the Fourth Judicial District for a term of six years commencing May 1, 2022.

Leondras J Webster, Esquire, of Norfolk, as a judge of the Fourth Judicial District for a term of six years commencing March 16, 2022.

Rian E. Lewis, Esquire, of Newport News, as a judge of the Seventh Judicial District for a term of six years commencing June 1, 2022.

Matthew T. Paulk, Esquire, of Richmond, as a judge of the Thirteenth Judicial District for a term of six years commencing April 16, 2022.

Todd M. Zinicola, Esquire, of Fairfax, as a judge of the Nineteenth Judicial District for a term of six years commencing July 1, 2022.

Stephanie B. Vipperman, Esquire, of Patrick, as a judge of the Twenty-first Judicial District for a term of six years commencing May 1, 2022.

Allen W. Dudley, Jr., Esquire, of Franklin, as a judge of the Twenty-second Judicial District for a term of six years commencing May 1, 2022.

Kenneth L. Alger, II, Esquire, of Page, as a judge of the Twenty-sixth Judicial District for a term of six years commencing June 1, 2022.

Abigail A. Miller, Esquire, of Prince William, as a judge of the Thirty-first Judicial District for a term of six years commencing July 1, 2022.

HOUSE RESOLUTION NO. 152

Nominating persons to be elected to juvenile and domestic relations district court judgeships.

Agreed to by the House of Delegates, March 9, 2022

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective juvenile and domestic relations district court judgeships as follows:

James P. Normile, IV, Esquire, of Virginia Beach, as a judge of the Second Judicial District for a term of six years commencing March 16, 2022.

Jennifer B. Shupert, Esquire, of Virginia Beach, as a judge of the Second Judicial District for a term of six years commencing May 1, 2022.

Tara Dowdy Hatcher, Esquire, of Chesterfield, as a judge of the Twelfth Judicial District for a term of six years commencing May 1, 2022.

J. Alexis Fisher-Rizk, Esquire, of Richmond, as a judge of the Thirteenth Judicial District for a term of six years commencing October 1, 2022.

Marissa D. Mitchell, Esquire, of Henrico, as a judge of the Fourteenth Judicial District for a term of six years commencing May 1, 2022.

Areshini Pather, Esquire, of Goochland, as a judge of the Sixteenth Judicial District for a term of six years commencing December 1, 2022.

W. Michael Chick, Jr., Esquire, of Arlington, as a judge of the Seventeenth Judicial District for a term of six years commencing April 16, 2022.

David A. Furrow, Esquire, of Franklin, as a judge of the Twenty-second Judicial District for a term of six years commencing May 1, 2022.

James A. Drown, Esquire, of Winchester, as a judge of the Twenty-sixth Judicial District for a term of six years commencing May 1, 2022.

Nancie S. Williams, Esquire, of Warren, as a judge of the Twenty-sixth Judicial District for a term of six years commencing July 1, 2022.

Katherine C. McCollam, Esquire, of Prince William, as a judge of the Thirty-first Judicial District for a term of six years commencing June 1, 2022.

HOUSE RESOLUTION NO. 153

Commending Dr. Marie V. McDemmond.

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, Dr. Marie V. McDemmond was the first African American woman to lead a four-year public institution of higher learning in the Commonwealth and the first woman president of Norfolk State University; and

WHEREAS, Dr. McDemmond earned a bachelor's degree from Xavier University in Louisiana, a master's degree from the University of New Orleans, and a doctoral degree from the University of Massachusetts at Amherst; and

WHEREAS, before coming to Norfolk State University, Dr. McDemmond served as vice president for budget and finance at Atlanta University, associate vice chancellor for administration at the University of Massachusetts at Amherst, and assistant vice president for finance at Emory University; and

WHEREAS, Dr. McDemmond became president of Norfolk State University in 1997 and supported numerous initiatives to help students achieve success in and out of the classroom; she increased the university's endowment by 65 percent and mentored countless other women who went on to become leaders in higher education; and

WHEREAS, as president of Norfolk State University, Dr. McDemmond led the most successful annual fund campaign in university history, raising \$1.4 million to support scholarships in all academic majors, as well as to support the Research and Innovations to Support Empowerment (RISE) Center; and

WHEREAS, during her tenure, Dr. McDemmond was instrumental in bringing advanced technology to the university in the form of the university website and Internet information access and exchange, as well as acquiring 25 acres of land and facilities, including the former Norfolk Community Hospital and the land for the RISE Center; and

WHEREAS, Dr. McDemmond held key leadership positions in major education associations throughout her career; she has served on numerous professional and civic organizations as a member and board member, including the American Association of State Colleges and Universities, the National Coalition of 100 Black Women, Inc., the Lumina Foundation for Education, the Student Loan Marketing Association, the National Association for Equal Opportunity in Higher Education, the Thurgood Marshall Scholarship Fund, the United Way of Greater Hampton Roads, and the Urban League of Hampton Roads; and

WHEREAS, Dr. McDemmond has been honored with numerous awards for her outstanding accomplishments, including the Pioneer Award by the Outstanding Professional Women of Hampton Roads for 2000 and the Administrator of the Year by the Virginia Association of Educational Office Professionals, and was appointed Virginia's Civilian Aide to the United States Secretary of the Army and chosen by President George W. Bush to serve on the President's Board of Advisors on Historically Black Colleges and Universities; and

WHEREAS, Dr. McDemmond was committed to the pursuit of excellence in education for all of the citizens of the Commonwealth and was a devoted and superb leader for Norfolk State University for eight years until her retirement in 2005; and

WHEREAS, Dr. McDemmond's legacy lives on in the many students she inspired, and Norfolk State University's Marie McDemmond Center for Applied Research was named in her honor; now, therefore, be it

RESOLVED by the House of Delegates, That Dr. Marie V. McDemmond hereby be commended for her trailblazing achievements in higher education; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dr. Marie V. McDemmond as an expression of the House of Delegates' admiration for her achievements on behalf of students in the Commonwealth.

HOUSE RESOLUTION NO. 154

Commending the Haymarket Regional Food Pantry.

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, the Haymarket Regional Food Pantry has worked diligently to raise awareness of food insecurity in the Prince William County community and provide food and other resources to families in need; and

WHEREAS, the Haymarket Regional Food Pantry is a nonprofit organization staffed entirely by volunteers that provides food assistance to the residents of Haymarket, Gainesville, and surrounding communities; and

WHEREAS, originally established in 2005 as a food closet in St. Paul's Episcopal Church, the Haymarket Regional Food Pantry has grown to serve thousands of individuals through the support of St. Katherine Drexel Catholic Mission, Park Valley Church, and Gainesville United Methodist Church, as well as the Town of Haymarket; and

WHEREAS, Haymarket Regional Food Pantry strives to ensure that all local residents have access to a sufficient amount of nutritious food and offers food assistance to anyone in need, regardless of financial status; and

WHEREAS, in 2021, Haymarket Regional Food Pantry served nearly 1,700 clients each month and distributed a total of 220,000 pounds of food; in addition to distributing boxed and canned food items, the organization has developed partnerships with local farmers to offer fresh produce; and

WHEREAS, Haymarket Regional Food Pantry has fulfilled its critical mission through the hard work of its volunteer staff members and impactful donations from individuals, businesses, and other service organizations; now, therefore, be it

RESOLVED by the House of Delegates, That the Haymarket Regional Food Pantry hereby be commended for its work to address food insecurity in Prince William County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Haymarket Regional Food Pantry as an expression of the House of Delegates' admiration for its community leadership and generosity to those in need.

HOUSE RESOLUTION NO. 155

Commending the Virginia Coalition for Beagle Protection.

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, the Virginia Coalition for Beagle Protection, a consortium of organizations that have coalesced to advocate for policies that will ensure the safety of beagles and other canines, has ably represented the interests and concerns of many Virginians; and

WHEREAS, after violations of the Animal Welfare Act were discovered at Envigo, a commercial dog breeding facility in Cumberland that supports laboratory research in the Commonwealth and abroad, politicians and advocacy organizations associated with the Virginia Coalition for Beagle Protection responded by calling for reform; and

WHEREAS, the Virginia Coalition for Beagle Protection represents the collaborative efforts of 38 animal rescue groups and humane societies to advocate to public leaders to pass legislation that will safeguard dogs at the Envigo facility and elsewhere; and

WHEREAS, by encouraging greater protection, oversight, and accountability in the care of dogs bred for research purposes and otherwise, the Virginia Coalition for Beagle Protection has helped the Commonwealth fulfill its commitment to the well-being of all creatures; now, therefore, be it

RESOLVED by the House of Delegates, That the Virginia Coalition for Beagle Protection hereby be commended for its advocacy and service in support of the health and welfare of canines; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Coalition for Beagle Protection as an expression of the House of Delegates' admiration for the organization's mission and its contributions to the Commonwealth.

HOUSE RESOLUTION NO. 156

Commending Hongyang Tang.

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, Hongyang Tang, a member of the Asian Community Service Center, has greatly served individuals and families in the Commonwealth, Washington, D.C., and Maryland for many years; and

WHEREAS, in support of the Asian Community Service Center's mission, Hongyang "Tiny" Tang has worked to preserve and promote traditional Asian cultures and values and to encourage cultural exchange and mutual understanding between the East and the West; and

WHEREAS, Tiny Tang helps fulfill the Asian Community Service Center's objectives by supporting a variety of events, including cultural, educational, and mass media programs; social services; and other activities; and

WHEREAS, embracing diversity and the universal ideals of freedom, integrity, compassion, tolerance, and justice, Tiny Tang's efforts have enhanced the health and well-being of Virginians while fostering opportunities for reconciliation in the community; and

WHEREAS, Tiny Tang has brought awareness to reports of alleged forced organ harvesting in China; and

WHEREAS, by mediating the relationship between communities of Asian descent and other communities in the Greater Washington, D.C., area, Tiny Tang has helped to make the Commonwealth a more inclusive and welcoming place for all; now, therefore, be it

RESOLVED by the House of Delegates, That Hongyang Tang hereby be commended for her service to the community as a member of the Asian Community Service Center; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Hongyang Tang as an expression of the House of Delegates' admiration for her contributions to the Commonwealth.

HOUSE RESOLUTION NO. 157

Commending the Newport News (VA) Chapter of The Links, Incorporated.

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, the Newport News (VA) Chapter of The Links, Incorporated, a noble and distinguished organization serving the community of Newport News, celebrates its 70th anniversary in 2022; and

WHEREAS, exemplifying friendship and sisterhood, Hazel Reid of the Portsmouth Chapter of The Links, Inc., supported the establishment of the Newport News Chapter of The Links, Inc., with the organization's area director, Lottie Dinks, presiding over the installation service on February 15, 1952; and

WHEREAS, the charter members of the Newport News Chapter were ladies with varying careers and ambitions, including Alice Collins, Anne Cross, Vivian Dabney, Mildred Downing, Margaret Epps, Marion Erwin, Kay Frazier, Mattie Reid, Wray Robinson, Mae Scott, Mabel Smith, Inez Tucker, Rebecca Ward, Eva Winstead, and Sadie Yancey; and

WHEREAS, the Newport News Chapter's first activities focused on the arts, as the organization sponsored arts shows, exhibitions, musical performances, book fairs, and poetry contests for local students; and

WHEREAS, over the years, the Newport News Chapter has aided the youth of the community through various initiatives, providing Christmas stockings at local hospitals, assisting students with scholarships and other financial aid, conducting tutorials at local churches, and furnishing transportation for children to attend performances at the Newport News Children's Theater and Hampton University; and

WHEREAS, the Newport News Chapter has donated more than \$13,000 to local civic agencies and scholarship winners while sponsoring Broadway productions such as "Raisin" at Chrysler Hall in Norfolk and "Dreamgirls" and "Motown Review" at the Ferguson Center for the Arts in Newport News; and

WHEREAS, time and again, the Newport News Chapter's "Diamonds and Denim" community fundraisers have brought the community together for good fun in support of a great cause; and

WHEREAS, inspired by former National Aeronautics and Space Administration employee and organization alumnae member Dr. Christine Mann Darden, the Newport News Chapter recently chartered a National Science of Black Engineering Jr. chapter; and

WHEREAS, the accomplishments of the Newport News Chapter over the past 70 years are the result of the vision of its founders and the resolute dedication of its members, who will maintain the organization's traditions of excellence for many more years to come; now, therefore, be it

RESOLVED by the House of Delegates, That the Newport News (VA) Chapter of The Links, Incorporated, hereby be commended on the occasion of its 70th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Newport News (VA) Chapter of The Links, Incorporated, as an expression of the House of Delegates' admiration for the organization's history and its many contributions to the Commonwealth.

HOUSE RESOLUTION NO. 158

Commending Dr. William R. Harvey.

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, Dr. William R. Harvey over the past 44 years has made numerous contributions to Hampton Roads, the Commonwealth, and the field of higher education as the longest-serving president of Hampton University; and

WHEREAS, William Harvey grew up in Alabama and holds degrees from Talladega College, Virginia State University, and Harvard University and is currently the owner of Pepsi Cola Bottling Company of Houghton, Michigan, and has used his astute business sense to help Hampton University achieve new heights; and

WHEREAS, William Harvey joined Hampton University, then known as Hampton Institute, in 1978, turning down numerous offers from other institutions in the hope that he could make the greatest difference in Hampton; and

WHEREAS, under William Harvey's leadership, Hampton University expanded its campus with 29 new buildings and created 92 new academic degrees, including 12 doctoral programs; he has overseen a significant increase in the university's endowment from \$29 million to more than \$400 million and consistent high levels of enrollment; and

WHEREAS, William Harvey helped Hampton University grow to become one of the top-ranked universities in the nation and become certified by the Carnegie Commission as a High Research Activity institution, where faculty and students conduct cutting-edge research in various fields; and

WHEREAS, William Harvey focused Hampton University's mission on scientific programs, including a state-of-the-art weather antenna that can detect severe storms up to 2,000 miles away and a successful aerospace program that has launched four satellites, a unique achievement among historically Black college or universities; and

WHEREAS, William Harvey oversaw a \$225 million development of the largest freestanding proton beam cancer treatment center in the world at Hampton University, which has enhanced the lives of countless patients; and

WHEREAS, during his 44-year tenure as president of Hampton University, William Harvey has received 11 honorary doctorates and countless accolades, including the Citizen of the Year Award from the *Daily Press*, the American Council on Education John Hope Franklin Award, the City of Hampton Distinguished Citizen's Medal, and the Chief Executive Officer of the Year Leadership Award; and

WHEREAS, highly admired for his visionary leadership and vast expertise, William Harvey has authored books, articles, and other publications, and he is a sought-after speaker at major universities and businesses across the country; and

WHEREAS, William Harvey has supported a number of community and nonprofit organizations, including National Geographic Society, National Merit Scholarship Corporation, Fund for the Improvement of Postsecondary Education, USO World Board of Governors, National Association for Equal Opportunity in Education, Fort Monroe Authority, the University of Virginia Board of Visitors, Southeastern Universities Research Association, Peninsula Chamber of Commerce, Virginia Historical Society, and the Virginia Museum of Fine Arts; and

WHEREAS, William Harvey has provided his leadership to many corporate boards, including Fannie Mae, Signet Bank, First Union National Bank, Newport News Savings and Loan, Newport News Shipbuilding Corporation, Trigon Blue Cross Blue Shield, and United Virginia Bank; and

WHEREAS, William Harvey has helped thousands of young people achieve success in academics, with more than 38,000 graduates, and develop a strong character based on the values of honesty, integrity, respect, trustworthiness, good personal behavior, a strong work ethic, and commitment to service that serve them well in all future endeavors; and

WHEREAS, throughout his career, William Harvey has enjoyed the support of his beloved family, including his wife of 55 years, Norma B. Harvey, and his children and grandchildren; now, therefore, be it

RESOLVED by the House of Delegates, That Dr. William R. Harvey hereby be commended for more than four decades of service as president of Hampton University; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dr. William R. Harvey as an expression of the House of Delegates' admiration for his personal and professional achievements.

HOUSE RESOLUTION NO. 159

Commending the Republic of Ghana.

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, in 2022, the Republic of Ghana, one of the leading countries in West Africa, celebrates the 65th anniversary of its independence; and

WHEREAS, throughout its history, what is now Ghana has been a diverse, multinational community of different ethnic, linguistic, and religious groups; and

WHEREAS, a former British colony, Ghana became the first Black African country south of the Sahara Desert to achieve independence from European colonial rule with the passage of the Ghana Independence Act of 1957; and

WHEREAS, under the leadership of its founding President Kwame Nkrumah, Ghana flourished economically and forged a strong cultural and national identity; and

WHEREAS, Ghana has maintained one of the most stable and freest governments in modern Africa and consistently performs well in metrics related to health care, economic growth, and human development; and

WHEREAS, as a member of the African Union, the Economic Community of West African States, the Group of 24, the Non-Aligned Movement, and the Commonwealth of Nations, Ghana is an active leader in West Africa and the international community; and

WHEREAS, the citizens of Ghana celebrated the country's 65th Independence Day on March 6, 2022, with a national parade in the capital city, Accra; now, therefore, be it

RESOLVED by the House of Delegates, That the Republic of Ghana hereby be commended on the occasion of the 65th anniversary of its independence; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to representatives of the Republic of Ghana as an expression of the House of Delegates' admiration for the nation's history and contributions to other African nations and the world.

HOUSE RESOLUTION NO. 160

Commending the Binford Middle School boys' basketball team.

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, the Binford Middle School boys' basketball team of Richmond won an intra-city tournament in 2022; and

WHEREAS, the Binford Middle School Lions defeated a talented team from River City Middle School by a score of 44-42 in a tense final to finish the season with a 10-1 record; and

WHEREAS, every member of the Binford Middle School Lions—Anthony Bastardi, Caleb Bradley, Justin Calloway, Leroy Cosby, Kristopher Gilliam, Monrell Harris-Blowe, Phoenix Johnson, Maverick Rizk, Anthony Rosser, River Schoenman, Tiyon Thomas, Iziah Thompson, Loudoun Trask, and Jason Valentine—contributed to the victory; and

WHEREAS, the Binford Middle School Lions succeeded with the support of coaches Phillip Ricks, Jeff Burns, and Redd Thompson; and

WHEREAS, the victorious season is a tribute to the hard work and dedication of all the student-athletes, the leadership and guidance of coaches, trainers, and staff, and the enthusiastic support of parents, teachers, and the entire Binford Middle School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Binford Middle School boys' basketball team hereby be commended on winning a Richmond intra-city tournament in 2022; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Phillip Ricks, the head coach of the Binford Middle School boys' basketball team, as an expression of the House of Delegates' admiration for the team's achievements and best wishes for the future.

HOUSE RESOLUTION NO. 161

Commending the Binford Middle School girls' basketball team.

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, the Binford Middle School girls' basketball team of Richmond won an intra-city tournament in 2021; and

WHEREAS, the Binford Middle School Lions defeated a talented team from River City High School by a score of 38-37 in the tournament final to extend their unbeaten streak to 43 games; the team has previously won city championships in 2017, 2018, and 2019; and

WHEREAS, every member of the Binford Middle School Lions—Nevaeh Alexander, Ke'Maria Banks, Aleah Batchelor, Kelsea Bennett, Sierra Bell, Jordan Calloway, Ninqi Campbell, and Aniya Ford—contributed to the victory; and

WHEREAS, the Binford Middle School Lions succeeded with the support of coaches Jeffrey Gunther and Phillip Ricks; and

WHEREAS, the victorious season is a tribute to the hard work and dedication of all the student-athletes, the leadership and guidance of coaches, trainers, and staff, and the enthusiastic support of parents, teachers, and the entire Binford Middle School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Binford Middle School girls' basketball team hereby be commended on winning a Richmond intra-city tournament in 2021; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jeffrey Gunther, the head coach of the Binford Middle School girls' basketball team, as an expression of the House of Delegates' admiration for the team's achievements and best wishes for the future.

HOUSE RESOLUTION NO. 162

Commending The Elizabeth Kates Foundation.

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, Elizabeth M. Kates was the first female warden in the history of the system of prisons operated by the Commonwealth; and

WHEREAS, Elizabeth Kates in 1934 commenced her tenure as warden of the Virginia Correctional Center for Women (VCCW), located in Goochland County, with an inmate population of 13; and

WHEREAS, well in advance of many in her profession, Elizabeth Kates believed that "inmates in prison could benefit from personal growth, and by learning the necessary job skills to become productive members of the community after paying their debt to society"; and

WHEREAS, when the inmate population grew and inmates' needs changed, Elizabeth Kates called upon members of the Richmond Alumnae Club of Pi Beta Phi Fraternity for Women to assist her in meeting inmates' needs for vocational training and general education; and

WHEREAS, Pi Beta Phi members responded enthusiastically and sacrificially, resulting in creation of the Elizabeth Kates Foundation in 1942; and

WHEREAS, The Elizabeth Kates Foundation enables VCCW inmates to enroll in on-site community college courses in several subjects; and

WHEREAS, The Elizabeth Kates Foundation enables VCCW inmates to earn an associate's degree through the "Campus within Walls" program of Southside Virginia Community College; and

WHEREAS, The Elizabeth Kates Foundation offers scholarships that provide inmates with the expenses for tuition, books, and supplies; and

WHEREAS, The Elizabeth Kates Foundation provides scholarships enabling inmates to enroll in correspondence courses through several national universities; and

WHEREAS, The Elizabeth Kates Foundation further supports the VCCW's highly successful program in horticulture, offering inmates a certificate in Career and Technical Education, thus enabling inmates after release to secure employment in horticulture, landscape, and nursery firms; and

WHEREAS, The Elizabeth Kates Foundation conducts two separate Book Club programs for inmates, one to assist women in earning the General Education Diploma (GED) and one to assist women who have earned the GED to further their education; and

WHEREAS, Elizabeth Kates served as warden of VCCW for 30 years, retiring in 1964; she passed away the following year and bequeathed to The Elizabeth Kates Foundation funds sufficient to help support her life's work well into the future; and

WHEREAS, members of Pi Beta Phi Fraternity for Women and all who support the vision of Elizabeth Kates are commemorating in 2022 the 80th anniversary of the establishment of The Elizabeth Kates Foundation; and

WHEREAS, because the population of the Virginia Correctional Center for Women now numbers some 550 inmates, the work of The Elizabeth Kates Foundation is as important as ever; now, therefore, be it

RESOLVED by the House of Delegates, That The Elizabeth Kates Foundation hereby be commended for 80 years of devoted service to the inmates of the Virginia Correctional Center for Women; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to The Elizabeth Kates Foundation, whose members and supporters this year are celebrating the life and legacy of Elizabeth Kates and the foundation she inspired.

HOUSE RESOLUTION NO. 163

Commending the Dulles South Soup Kitchen.

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, the Dulles South Soup Kitchen was created to assist individuals in need by providing hot and freshly made meals in Loudoun County; and

WHEREAS, the goal of the Dulles South Soup Kitchen is to supplement the work being done by the network of other local food pantries in the Loudoun County area; and

WHEREAS, the Dulles South Soup Kitchen strives to build strong communities driven by empathy and service; and

WHEREAS, the Dulles South Soup Kitchen is a role model in the community by continuing to cultivate communities of compassion and striving to serve meals with dignity to all its clients; now, therefore, be it

RESOLVED by the House of Delegates, That the Dulles South Soup Kitchen hereby be commended for its philanthropic efforts to serve the Loudoun County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepares a copy of this resolution for presentation to the Dulles South Soup Kitchen as an expression of the House of Delegates' admiration for its vital work to support those in need.

HOUSE RESOLUTION NO. 164

Commending Abhinav and Cheluvi Potineni.

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, Abhinav Potineni, a 16-year-old student at Rockbridge High School, and his sister, Cheluvi Potineni, a 13-year-old student at Stone Hill Middle School, created SOS280, a mobile application to help people at risk of substance abuse; and

WHEREAS, SOS280 utilizes Twitter and Instagram to flag posts that may indicate substance abuse before sending a message to a trusted contact of the app user to indicate that they may be in a potential substance abuse situation; and

WHEREAS, Abhinav and Cheluvi Potineni's goal for the program to prevent substance abuse situations by utilizing machine learning to monitor social media history before notifying family members of potential risk; and

WHEREAS, Abhinav and Cheluvi Potineni were awarded third place in the Congressional App Challenge in Virginia District 10 for their innovative use of technology to make a difference in the lives of others; and

WHEREAS, SOS280 has since been adopted by the national nonprofit Faces and Voices of Recovery; now, therefore, be it

RESOLVED by the House of Delegates, That Abhinav and Cheluvi Potineni hereby be commended for their innovative leadership and work to reduce substance abuse by creating the app SOS280; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Abhinav and Cheluvi Potineni as an expression of the House of Delegates' admiration for their mission and best wishes for their continued success.

HOUSE RESOLUTION NO. 165

Commending M.E. Marty Hall, Jr.

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, M.E. Marty Hall, Jr., who has served the Commonwealth in various capacities for many years and most recently as chief of staff for Delegate James Will Morefield, will retire in 2022; and

WHEREAS, formerly a deputy with the Pulaski County Sheriff's Office, Marty Hall served as southwest regional director for United States Senator George Allen from 2001 to 2006 before taking a position as director of special projects for R.J. Kirk at Third Security, LLC, from 2006 to 2008; and

WHEREAS, Marty Hall joined the office of Delegate Will Morefield as chief of staff in November 2009, where he has worked tirelessly in the interest of the Commonwealth and its citizens; and

WHEREAS, dedicated to the growth and prosperity of Southwest Virginia, Marty Hall served as president of the Twin County Chamber of Commerce from 1998 to 2000 and in 2014 was chairman of Poonman's Dinner at the Galax Fiddlers Convention, a major regional event, from 1996 to 2016; and

WHEREAS, Marty Hall's commitment to the betterment of his community included service as a member of the Wytheville Community College Board and as a board member of the National Bank of Blacksburg; and

WHEREAS, Marty Hall has been a board member of the Blue Ridge Public Broadcasting Service station in Roanoke for more than 20 years and was named chairman in 2022, where his leadership will be invaluable to the fulfillment of the organization's mission; and

WHEREAS, Marty Hall has carried out his responsibilities throughout his career with integrity and a great sense of purpose and his legacy of service is an inspiration to all Virginians; now, therefore, be it

RESOLVED by the House of Delegates, That M.E. Marty Hall, Jr., hereby be commended for his service on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to M.E. Marty Hall, Jr., as an expression of the House of Delegates' admiration for his contributions to the Commonwealth and best wishes for a happy and fulfilling retirement.

HOUSE RESOLUTION NO. 166

Commending Green and Beyond.

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, Green and Beyond was founded in June 2020 with a mission to help grow and promote medicinal and exotic plants; and

WHEREAS, starting out as a plant drive, Green and Beyond grew into a movement of art competitions, gardening classes, and plant-growing competitions in multiple schools; and

WHEREAS, Green and Beyond conducts regular food drives, distributing fresh, homemade Indian vegetarian food to economically disadvantaged communities; and

WHEREAS, in the first two years since the organization's conception, Green and Beyond raised \$35,470 with the sale of its plants; and

WHEREAS, the funds raised by Green and Beyond were used to support organizations such as the India Development and Relief Fund, Sewa International, and Mobile Hope of Loudoun during the COVID-19 crisis; and

WHEREAS, apart from several other food donations and give-back programs that are ongoing, Green and Beyond is a self-funded organization that is completely volunteer driven; now, therefore, be it

RESOLVED by the House of Delegates, That Green and Beyond hereby be commended for its support to economically disadvantaged communities; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Green and Beyond as an expression of the House of Delegates' admiration for the organization's mission and best wishes for its continued success.

HOUSE RESOLUTION NO. 167

Commending Maura Keaney.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Maura Keaney, an educator and librarian at Island Creek Elementary School and former educator and technology specialist at Kings Glen Elementary School in Springfield, has contributed greatly to her students' engagement with the history of both the Commonwealth and the nation; and

WHEREAS, before teaching at Kings Glen Elementary School, Maura Keaney was an educator at Laurel Ridge Elementary School in Fairfax County, where in 2020 she incorporated Governor Ralph S. Northam's Black History Month Historical Marker Contest into her classroom's curriculum; and

WHEREAS, under Maura Keaney's guidance, students of Laurel Ridge Elementary School nominated Barbara Johns, Ona Judge, William H. Carney, Katherine Johnson, and "Angela," all African American Virginians who played an important role in our history, to be commemorated with historical highway markers; and

WHEREAS, as part of the nomination process, Maura Keaney's students wrote letters supporting their recommendations for the new historical highway markers to be commissioned by the Virginia Department of Historic Resources; and

WHEREAS, several of the individuals nominated by Maura Keaney's class received historical highway markers as a result of their efforts, including Ona Judge and Barbara Johns; and

WHEREAS, in Mount Vernon on June 19, 2021, Maura Keaney and her students were in attendance and presented at the unveiling of a historical highway marker for Ona Judge, an individual enslaved by President George Washington who escaped to freedom and whose historical highway marker represented the first in Fairfax County to commemorate the life on an African American; and

WHEREAS, in collaboration with fellow teachers, Maura Keaney developed a learning scavenger hunt called "History Hunters," in which students examined historical highway markers throughout the Commonwealth and reflected upon their significance; and

WHEREAS, Maura Keaney has subsequently organized the "History Hunters" program and a History Makers Club for students at Kings Glen Elementary School, encouraging current and future students to have a voice in the Commonwealth's endeavors to acknowledge and commemorate its history; now, therefore, be it

RESOLVED by the House of Delegates, That Maura Keaney hereby be commended for her efforts to inspire her students to think more deeply about the history of the Commonwealth and the nation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Maura Keaney as an expression of the House of Delegates' admiration for her service to the Commonwealth.

HOUSE RESOLUTION NO. 168

Commending Linda Peace.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Linda Peace, principal at Keene Mill Elementary School in Springfield, was named Fairfax County Public Schools' Region 4 Outstanding New Principal in 2022; and

WHEREAS, Linda Peace joined Fairfax County Public Schools as a classroom teacher in 1991 and held positions as a school counselor, college partnership high school specialist, and a LEAD Fairfax program intern before becoming the assistant principal of Shrevewood Elementary School in Falls Church in 2008; and

WHEREAS, in addition to Shrevewood Elementary School, Linda Peace was assistant principal at Fort Belvoir Elementary School from November 2013 to October 2017 and Clermont Elementary School in Alexandria from July 2018 to July 2021, and previously served as a human resources special project manager from October 2017 to July 2018; and

WHEREAS, as the principal of Keene Mill Elementary School since 2021, Linda Peace has established meaningful relationships with her students and supported her teachers by being a regular presence in their classrooms and throughout the school; and

WHEREAS, Linda Peace encourages model behavior from her students at Keene Mill Elementary School, spending time with them individually as necessary, while supporting them with positive reinforcement whenever she can; and

WHEREAS, Linda Peace has proven herself capable of responding in a calm and collected manner to the challenges and problems that may arise each day, an attribute that has been instrumental to her success as an elementary school principal; and

WHEREAS, Linda Peace stresses safety and wellness at Keene Mill Elementary School and has been a stabilizing force throughout the COVID-19 pandemic, helping her students and teachers navigate the many difficult and unprecedented challenges they face; and

WHEREAS, Linda Peace advocates tirelessly on behalf of both her students and educators and their academic and emotional needs, ensuring that everyone in the Keene Mill Elementary School community feels welcomed, accepted, and prepared to learn and teach; and

WHEREAS, Linda Peace often finds ways to bring levity to the school day, either by challenging a neighboring school's faculty to a dance contest, singing karaoke with her fifth graders in the morning, or otherwise; and

WHEREAS, Linda Peace's recent recognition is a testament to her unwavering commitment to the students, staff, and families of Keene Mill Elementary School and to advancing the school's vision that "Keene Mill Elementary School empowers today's learners to become tomorrow's leaders"; now, therefore, be it

RESOLVED by the House of Delegates, That Linda Peace hereby be commended for being named the Fairfax County Public Schools 2022 Region 4 Outstanding New Principal; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Linda Peace as an expression of the House of Delegates' admiration for her contributions to the Commonwealth.

HOUSE RESOLUTION NO. 169

Celebrating the life of Carol Scott Henderson.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Carol Scott Henderson, a beloved wife, mother, grandmother, great-grandmother, and member of the Glen Allen community, died on March 3, 2022; and

WHEREAS, born in Union, South Carolina, Carol Henderson later moved to Richmond, where she served the Commonwealth in various capacities with the Virginia House of Delegates, retiring as the administrative assistant to the Speaker of the House; and

WHEREAS, Carol Henderson's greatest joys in life were spending time with her family, tending to her home, bowling, and playing bridge; and

WHEREAS, guided by her faith, Carol Henderson was a member of Saint Andrews United Methodist Church in Richmond, where she enjoyed worship and fellowship with her community; and

WHEREAS, preceded in death by her son, Kin, Carol Henderson will be fondly remembered and dearly missed by her loving husband James; her children, Beth and Carla, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Carol Scott Henderson, a cherished member of the Glen Allen community whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Carol Scott Henderson as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 170

Celebrating the life of Ubert Lee McConnell.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Ubert Lee McConnell, an honorable veteran and beloved husband, father, grandfather, great-grandfather, and member of the Scott County and Church Hill, Tennessee, communities, died on January 8, 2022; and

WHEREAS, born in Scott County, Ubert McConnell served his country with courage and valor in the United States Army during World War II, fighting with the Allied forces on D-Day at Omaha Beach in Normandy, France, the largest seaborne invasion in history; and

WHEREAS, Ubert McConnell was decorated with a Silver Star, American Service Medal, Purple Heart, and a Good Conduct Medal for his bravery in action and achieved the rank of staff sergeant before concluding his service in 1945; and

WHEREAS, as a member of RADA, which is now known as the Appalachian Community Action & Development Agency, Inc., Ubert McConnell helped to serve the needs of individuals and families with low to moderate incomes in Lee, Scott, and Wise Counties and the City of Norton; and

WHEREAS, Ubert McConnell was guided throughout his life by his Methodist faith and enjoyed convening with fellow veterans at the Veterans of Foreign Wars Post #9754 in Church Hill, Tennessee; and

WHEREAS, in recognition of his meritorious service on behalf of the nation, Ubert McConnell received a special proclamation from the Tennessee General Assembly in 2021; and

WHEREAS, preceded in death by his wife, Hazel, Ubert McConnell will be fondly remembered and dearly missed by his daughter, Lee, and her family and by numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Ubert Lee McConnell, a cherished member of the Scott County and Church Hill, Tennessee, communities whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ubert Lee McConnell as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 171

Celebrating the life of the Reverend Franklin D. Harvey, Sr.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, the Reverend Franklin D. Harvey, Sr., an honorable veteran, esteemed barber and businessman, and beloved member of the Richmond community, died on December 17, 2021; and

WHEREAS, after graduating from Central High School in King and Queen County, Franklin Harvey enlisted with the United States Air Force in 1953 and served his country proudly, receiving an honorable discharge in 1957; and

WHEREAS, Franklin Harvey subsequently attended barber school and then opened Harvey's Progressive Barbershop in Richmond, which he operated for more than a half-century, growing the business considerably during that time; and

WHEREAS, in 1971, Franklin Harvey invented the "Afro-Master Comb," greatly influencing the style of the era and in 1986 received patents for 48 other comb designs; and

WHEREAS, in recognition of his contributions to the community as the owner of a popular Black-owned barbershop in the business district of Richmond, Franklin Harvey was the recipient of several business and barber awards over his career, while inspiring many of his employees to become entrepreneurs in their own right; and

WHEREAS, guided throughout his life by his faith, Franklin Harvey enrolled in Richmond Virginia Seminary in the 1990s and served as minister at St. John Baptist Church in Richmond, as well as in various other leadership capacities; and

WHEREAS, preceded in death by his wife, Christine, Franklin Harvey will be fondly remembered and dearly missed by his children, Franklin, Jr., Steven, and Katrina, and their families; and by numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of the Reverend Franklin D. Harvey, Sr., a cherished member of the Richmond community whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Reverend Franklin D. Harvey, Sr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 172

Commending Love Harper.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Love Harper, a nonprofit organization in Southwest Virginia, has created and donated hundreds of backpacks filled with comfort items for children that have experienced abuse or neglect; and

WHEREAS, Love Harper was created by Ronald and Shelly Poston in honor of their two-year-old granddaughter, Harper, who was killed in 2020; and

WHEREAS, Love Harper fills backpacks with toys, stuffed animals, coloring books, crayons, and other items and donates them to law-enforcement agencies and other organizations that work with children; and

WHEREAS, Love Harper "comfort bags" are tailored to different age groups and can be used by police officers or social workers to build a rapport with a child in need; and

WHEREAS, Love Harper has fulfilled its mission through generous donations from local individuals and families as well as other community organizations; now, therefore, be it

RESOLVED by the House of Delegates, That Love Harper hereby be commended for its work to provide hope and support to young people that have experienced abuse; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ronald and Shelly Poston, founders of Love Harper, as an expression of the House of Delegates' admiration for the organization's achievements.

HOUSE RESOLUTION NO. 173

Commending Winners Church of Dumfries.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Winners Church of Dumfries, which provides spiritual leadership, generous outreach programs, and opportunities for joyful worship to members of Prince William and Stafford Counties, received the Religious Institution of the Year Award at the Town of Dumfries' Annual Mayor's Ball in 2021; and

WHEREAS, founded on December 11, 2010, by Pastor Henry Godwin and his wife, Flora, Winners Church has grown from a small congregation to a devoted community of 400 to 500 members over the past decade; and

WHEREAS, the congregants of Winners Church have spearheaded many ministries and organizations to advance the church's mission, including the Women's Ministry, Ladies of Virtue and Excellence; the Men's Ministry, Men of Valor and Excellence; the Evangelism Ministry; the Outreach Ministry; the nonprofit organization Hope Alive Foundation; the Males and Females Development Ministry for teenagers; and the Business and Career Development Ministry; and

WHEREAS, Winners Church and its members have demonstrated an extraordinary commitment to the well-being of others through their service in the community, including an annual turkey giveaway, homeless shelter visits, and other volunteer efforts; and

WHEREAS, Winners Church and its members have risen to the challenges of the COVID-19 pandemic by providing groceries, toiletries, and financial assistance to those in need and laptops to students to facilitate their virtual learning, while convening a panel of doctors to educate others about the pandemic and the importance of vaccination; and

WHEREAS, Winners Church has extended its outreach internationally, building a well to provide clean water to a community abroad, providing hot meals to a community in the Dominican Republic every week for the past seven years,

and offering financial assistance to Haiti following earthquakes in 2010 and 2012 and to Sierra Leone following mudslides in 2017; and

WHEREAS, the accomplishments of Winners Church are the result of the values and vision of its founders and the unwavering devotion of its members; now, therefore, be it

RESOLVED by the House of Delegates, That Winners Church hereby be commended for being honored as the 2021 Religious Institution of the Year at the Town of Dumfries' Annual Mayor's Ball; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Winners Church as an expression of the House of Delegates' admiration for the church's service to the community.

HOUSE RESOLUTION NO. 174

Commending the Hampton University Mobile Vaccination Clinic.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, the Hampton University Mobile Vaccination Clinic, a state-of-the-art COVID-19 testing and vaccination station, was unveiled at the historic Emancipation Oak on the campus of Hampton University on February 25, 2021; and

WHEREAS, the Hampton University Mobile Vaccination Clinic is an upgraded recreational vehicle equipped with pharmacy-grade freezers capable of preserving the COVID-19 vaccine that distributes vaccinations to underserved communities in Hampton Roads; and

WHEREAS, the Hampton University Mobile Vaccination Clinic is an extension of Hampton University's commitment to the local community and has been focused particularly on serving areas where the virus is disproportionately affecting people of color; and

WHEREAS, the Hampton University Mobile Vaccination Clinic benefits from the expertise at Hampton University's Schools of Nursing, Pharmacy, and Science, Scripps Howard School of Journalism and Communications, and Proton Therapy Institute, which enhances its ability to provide lifesaving services to underserved communities; and

WHEREAS, the Hampton University Mobile Vaccination Clinic can hold up to 500 shots and has provided its services throughout the Hampton Roads region since its unveiling; and

WHEREAS, the accomplishments of the Hampton University Mobile Vaccination Clinic are the result of the generous support of donors and the tireless efforts of Hampton University's leadership and the clinic's staff; now, therefore, be it

RESOLVED by the House of Delegates, That the Hampton University Mobile Vaccination Clinic hereby be commended for promoting public health and wellness in the Hampton Roads community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Hampton University Mobile Vaccination Clinic as an expression of the House of Delegates' admiration for the clinic's contributions to the Commonwealth.

HOUSE RESOLUTION NO. 175

Commending Wilroy Baptist Church.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, for more than six decades, Wilroy Baptist Church has served the Suffolk community by providing spiritual leadership, opportunities for joyful worship in the Baptist tradition, and generous outreach programs; and

WHEREAS, Wilroy Baptist Church was established on September 11, 1960, and has enriched the lives of generations of Suffolk residents; and

WHEREAS, over the years, the congregation of Wilroy Baptist Church has grown in faith and number and has benefited from the outstanding leadership of numerous pastors; the church is currently under the leadership of the Reverend Timothy Rawls as interim pastor; and

WHEREAS, during the COVID-19 pandemic, Wilroy Baptist Church adjusted its ministries to continue meeting the needs of the community; the church offered outdoor worship services to allow for social distancing, established a food bank to support local families, and hosted vaccination clinics; and

WHEREAS, in 2022, the Wilroy Baptist Church congregation continues to thrive and serve people in need in Suffolk and throughout the Commonwealth, the nation, and the world; now, therefore, be it

RESOLVED by the House of Delegates, That Wilroy Baptist Church hereby be commended for its legacy of service to the Suffolk community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Wilroy Baptist Church as an expression House of Delegates' admiration for the church's contributions to spiritual life and community engagement in Suffolk.

HOUSE RESOLUTION NO. 176

Commending First Baptist Church Mahan.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, for more than 155 years, First Baptist Church Mahan has helped the residents of Suffolk grow in faith by providing opportunities for joyful worship in the Baptist tradition and generous community outreach programs; and

WHEREAS, First Baptist Church Mahan traces its roots to 1866 when a group of Suffolk residents banded together to form their own church community and held meetings at a house in the Cedar Hill Cemetery; and

WHEREAS, in 1868, the circuit rider minister who led the group, Reverend Corpew, moved the church to a two-room brick house on what is now the corner of North Main Street and Mahan Street, that had notably served as an impromptu headquarters for George Washington during the Revolutionary War; and

WHEREAS, First Baptist Church Mahan built its first church building in 1870 on land donated by Alfred Adkins on Back Street, now known as Church Street; and

WHEREAS, over the years, First Baptist Church Mahan has benefited from the leadership and guidance of 12 full-time pastors and its original circuit rider pastor; and

WHEREAS, in addition to holding regular worship services, First Baptist Church Mahan has served the community through partnerships with the American Red Cross, the Coalition Against Poverty in Suffolk, Suffolk Public Schools, the Virginia Department of Health, the Baptist General Convention of Virginia, and various agencies of the City of Suffolk; and

WHEREAS, during the COVID-19 pandemic, First Baptist Church Mahan further served the community by hosting vaccination clinics and other community service events to help those in need; now, therefore, be it

RESOLVED by the House of Delegates, That First Baptist Church Mahan hereby be commended on the occasion of its 155th anniversary in 2021; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to First Baptist Church Mahan as an expression of the House of Delegates' admiration for the church's history and legacy of contributions to the Suffolk community.

HOUSE RESOLUTION NO. 177

Commending Abhishek Krishnan and Jeet Metu.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Abhishek Krishnan and Jeet Metu, students at Rockridge High School, founded Immunize4Immunity, a nonprofit organization to bolster the welfare of the general public through informational events and service projects on vaccinations; and

WHEREAS, Abhishek Krishnan and Jeet Metu held educational events in local communities to educate the public on vaccinations; and

WHEREAS, Abhishek Krishnan and Jeet Metu's organization held a community mask-making event in which approximately 80 volunteers created and donated more than 5,400 masks for a variety of healthcare facilities; and

WHEREAS, Abhishek Krishnan and Jeet Metu's non-profit, in partnership with UNICEF, helped to raise over \$70,000 for families in India impacted by the COVID-19 pandemic; and

WHEREAS, Abhishek Krishnan and Jeet Metu worked with 73 volunteers across 13 chapters to donate 5,360 books to a variety of charities, libraries, and donation centers in disadvantaged communities across the nation; and

WHEREAS, Abhishek Krishnan and Jeet Metu's donations have helped combat educational asymmetry in disadvantaged communities across the United States where learning was disproportionately impacted by the pandemic; now, therefore, be it

RESOLVED by the House of Delegates, That Abhishek Krishnan and Jeet Metu hereby be commended for founding Immunize4Immunity to educate the general public on vaccinations and for their dedication to improving education; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Abhishek Krishnan and Jeet Metu as an expression of the House of Delegates' admiration for their mission and best wishes for their continued success.

HOUSE RESOLUTION NO. 178

Commending the Colgan High School girls' volleyball team.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, the Colgan High School girls' volleyball team of Prince William County won the Virginia High School League Class 6 state championship on November 19, 2021, at the Stuart C. Siegel Center in Richmond; and

WHEREAS, the Colgan High School Sharks defeated the Herndon High School Hornets in four sets to finish the season with an impressive 27-4 record and to bring home the school's first team state championship; and

WHEREAS, after winning the first two sets of the match by scores of 25-17 and 26-24, the Colgan Sharks gave up the third set before mounting a 9-0 run in the fourth set and finishing it out by a score of 25-21; and

WHEREAS, the Colgan Sharks' victory was a total team effort, with standout performances from Aubrey Hatch, who had 11 kills; Makayla Bowman, who had eight kills and nine digs; Brielle Kemavor, who had seven kills and six blocks; Alexis Scipione, who had 33 assists; and Alana Connor, who had nine digs; and

WHEREAS, the Colgan Sharks were in top form in the final run of the season, dropping only one set out of 24 on their march to a state championship, and will lose only four seniors to graduation in 2022, remaining poised to defend their title in the coming season; and

WHEREAS, the success of the Colgan Sharks is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of the entire Colgan High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Colgan High School girls' volleyball team hereby be commended for winning the 2021 Virginia High School League Class 6 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Keith Mesa, head coach of the Colgan High School girls' volleyball team, as an expression of the House of Delegates' admiration for the team's achievement.

HOUSE RESOLUTION NO. 179

Commending Kyung Mi Kay Choi.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Kyung Mi Kay Choi, a French and Korean language educator at C.D. Hylton High School in Prince William County, received the Ailee Moon Award from the Foundation for Korean Language and Culture in 2022; and

WHEREAS, the Foundation for Korean Language and Culture presented Kay Choi with this distinguished honor to recognize her efforts to promote the study of Korean language and culture as well as her pursuit of excellence in her profession; and

WHEREAS, Kay Choi is on the faculty of Prince William County Public Schools' Center for International Students and Languages at C.D. Hylton High School, preparing students to excel as members of an increasingly global society; and

WHEREAS, Kay Choi, who has taught French for 16 years, including at the advanced placement level, initiated the Korean language course at C.D. Hylton High School in 2015, making the school the first in its division to offer such a program; and

WHEREAS, since teaching her first class of 30 students in 2015, Kay Choi has developed Korean language curriculum for levels one through four, allowing those interested to continue progressing toward fluency in Korean while gaining a deeper understanding of Korean history and culture; and

WHEREAS, Kay Choi's Korean language courses continue to grow in popularity, and today, the program as a whole has 90 non-heritage students on its roster who have elected to study Korean; and

WHEREAS, Kay Choi has developed collaborative and interactive educational experiences for her students by arranging for liaisons of the Korean Embassy in Washington, D.C., to make annual visits to her classes; and

WHEREAS, in addition to leading the Korean Cultural Club at C.D. Hylton High School, Kay Choi has supported her students' extracurricular ambitions by sponsoring many of their study abroad pursuits, including with the United States Department of State's National Security Language Initiative for Youth and the Korean Government's Global Korea Scholarship Invitation Program for International Students; and

WHEREAS, through steadfast dedication to her students and the program she built, Kay Choi has made a profound and lasting impact on both the C.D. Hylton High School community and the Prince William County community at large; now, therefore, be it

RESOLVED by the House of Delegates, That Kyung Mi Kay Choi, a French and Korean language educator at C.D. Hylton High School, hereby be commended for receiving the 2022 Ailee Moon Award from the Foundation for Korean Language and Culture; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kyung Mi Kay Choi as an expression of the House of Delegates' admiration for her contributions to the Commonwealth.

HOUSE RESOLUTION NO. 180*Commending Turner's Market.*

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Turner's Market, a grocery store operating in the Olde Huntersville neighborhood of Norfolk, opened its doors in August of 2021; and

WHEREAS, Turner's Market provides fresh produce, meat, dairy, and other food essentials in an area that had previously been subject to food apartheid; and

WHEREAS, Turner's Market endeavors to set a positive example for the youth in its neighborhood by consciously not selling alcohol or tobacco products, promoting the health and well-being of the community; and

WHEREAS, Turner's Market plans to host programs to educate area youth about personal finance and other life skills, helping an untold number of young people prepare for successful and fulfilling lives; now, therefore, be it

RESOLVED by the House of Delegates, That Turner's Market hereby be commended for its efforts to serve the City of Norfolk and the Olde Huntersville community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jeffrey and Sonya Turner, owners of Turner's Market, as an expression of the House of Delegates' admiration for the organization's contributions to the Commonwealth.

HOUSE RESOLUTION NO. 181*Commending Tru Comeback.*

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Tru Comeback is an interagency initiative to equip students, parents, and families across Norfolk with the resources, skills, and the support they need in school, at home, and in the community to attend school on time and regularly; and

WHEREAS, recognizing that there is a clear connection between school attendance and academic achievement, Tru Comeback aims to promote school attendance and academic achievement by providing free access to community resources for Norfolk's students and their families; and

WHEREAS, Tru Comeback has provided 500 students with a "Tru Comeback Pack," a bag containing snacks, books, learning resources, hygiene items, a directory of resources, and an electronic gift card; and

WHEREAS, the success of Tru Comeback has been made possible through partnerships with Norfolk Public Schools, Glasgow Health Services, Milestone, Boys & Girls Clubs of Southeast Virginia, and REACH; now, therefore, be it

RESOLVED by the House of Delegates, That Tru Comeback hereby be commended for its efforts to improve school attendance and academic achievement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Tru Comeback as an expression of the House of Delegates' admiration for the organization's contributions to the Commonwealth.

HOUSE RESOLUTION NO. 182*Commending Mount Olive Cemetery.*

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Mount Olive Cemetery is a historically African American cemetery located in the Berkley neighborhood of the City of Norfolk; and

WHEREAS, Mount Olive Cemetery is at least 196 years old according to burial records and has served as the final resting place for more than 100 veterans of the American Civil War, the Spanish-American War, World War I, World War II, and the Korean War; and

WHEREAS, for more than two decades, the Berkley Historical Society has maintained the grounds of the Mount Olive Cemetery with assistance from families of the interred, the American Legion Attucks Post 5, the Norfolk Sheriff's Office, and the City of Norfolk's Parks and Urban Forestry unit; and

WHEREAS, the Mount Olive Cemetery is the final resting place for notable Norfolk and Berkley citizens, such as the Reverend Miles Lassiter, Dr. William Mapp, A.J.J. Sykes, and J.A. Blount, who was murdered for assisting African American citizens exercising their right to vote; now, therefore, be it

RESOLVED by the House of Delegates, That the Mount Olive Cemetery in Norfolk hereby be commended for its historical and cultural significance to the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the stewards of Mount Olive Cemetery as an expression of the House of Delegates' respect for its significance to the Commonwealth.

HOUSE RESOLUTION NO. 183

Commending the Brentsville Courthouse Historic Centre.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, for 200 years, the Brentsville Courthouse, now operated as the Brentsville Courthouse Historic Centre, has been a staple of community life in central Prince William County; and

WHEREAS, from 1822 to 1893, Brentsville served as the county seat of Prince William County and was a bustling community center, where people from throughout the region met to conduct business and trade or socialize with their fellow county residents; and

WHEREAS, the Brentsville Courthouse played an essential role in local life during that period, and people from throughout Prince William County would travel to Brentsville on monthly court days to vote or address legal matters; and

WHEREAS, today, the Brentsville Courthouse Historic Centre strives to preserve the legacy of this important period in local history and includes five historic buildings, the 1822 courthouse, 1822 jail, 1880 church, 1850 farmhouse, and a one-room schoolhouse that served the young children of Brentsville from 1929 to 1944; and

WHEREAS, the Brentsville Historic Courthouse Centre and Prince William Office of Historic Preservation will commemorate the 200th anniversary of the courthouse's construction with special events and activities on April 30, 2022; now, therefore, be it

RESOLVED by the House of Delegates, That the Brentsville Courthouse Historic Centre hereby be commended on the occasion of the 200th anniversary of the courthouse's construction; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Prince William Office of Historic Preservation as an expression of the House of Delegates' admiration for the long history of the Brentsville Courthouse and contributions of the Brentsville community to the Commonwealth.

HOUSE RESOLUTION NO. 184

Commending the Pernell "Sweet Pea" Whitaker Boxing and Fitness Center.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, the Pernell "Sweet Pea" Whitaker Boxing and Fitness Center was originally the Norfolk Boxing and Fitness Center, which began operations at Norfolk's Harbor Park stadium in November 2016; and

WHEREAS, coach Gloria Peek, the first and only woman to coach on the U.S. Olympic boxing team, was instrumental in designing the 13,000 square feet facility at Harbor Park that would ultimately house the Pernell "Sweet Pea" Whitaker Boxing and Fitness Center; and

WHEREAS, the Norfolk Boxing and Fitness Center was renamed the Pernell "Sweet Pea" Whitaker Boxing and Fitness Center in 2019 in honor of the Norfolk native and U.S. Olympic gold medalist; and

WHEREAS, another Norfolk native, Keyshawn Davis, trained at the Pernell "Sweet Pea" Whitaker Boxing and Fitness Center and went on to win a silver medal at the Tokyo Olympics in 2021; and

WHEREAS, the Pernell "Sweet Pea" Whitaker Boxing and Fitness Center contributes greatly to Norfolk's prestigious boxing legacy, which includes the Barraud Park Boxing Center that was once led by former U.S. Olympic boxing coach Dan Campbell; and

WHEREAS, though the Pernell "Sweet Pea" Whitaker Boxing and Fitness Center remains closed due to the COVID-19 pandemic, it remains a valued and integral part of the Norfolk community at its current location; now, therefore, be it

RESOLVED by the House of Delegates, That the Pernell "Sweet Pea" Whitaker Boxing and Fitness Center hereby be commended for its efforts to promote the sport of boxing and better the Norfolk community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Pernell "Sweet Pea" Whitaker Boxing and Fitness Center as an expression of the House of Delegates' admiration for the organization's contributions to the Commonwealth.

HOUSE RESOLUTION NO. 185

Commending Blair Durham.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Blair Durham, a Hampton Roads native and alumna of Virginia Polytechnic Institute and State University, has greatly served the community for several years; and

WHEREAS, in June 2016, Blair Durham co-founded Black BRAND, a regional African American Chamber of Commerce, now with divisions in Hampton Roads and the Dan River region, with her husband, Bashiri Durham; and

WHEREAS, in 2018, Blair Durham established the "Black Wall Street Today" radio show on WHOV-88.1FM, iHeart Radio, and podcast media platforms, where she has interviewed nearly 400 business and community leaders as a development resource for the community; and

WHEREAS, Blair Durham was recently awarded the prestigious 2021 Workforce Champion of The Year award by the Hampton Roads Workforce Council and is a member of the CIVIC Leadership Institute Class of 2022; and

WHEREAS, Blair Durham established Start Simple, a youth entrepreneurship initiative for low- and moderate-income middle and high school students with an emphasis on business education for job creation that has impacted more than 2,000 Norfolk and Portsmouth high school students; and

WHEREAS, Blair Durham and her team have worked to develop other innovative programs to help African American businesses strengthen and scale their operations, including the B-Force Accelerator, the WeCare 757 Rebuild Grant program, Wealth Machine, and notably Black BRAND's "150 Year Plan: A Shared Vision for a Thriving Community"; now, therefore, be it

RESOLVED by the House of Delegates, That Blair Durham hereby be commended for her academic, cultural, and civic accomplishments; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Blair Durham as an expression of the House of Delegates' admiration for her contributions to the Commonwealth.

HOUSE RESOLUTION NO. 186

Commending Berkley Supermarket.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Berkley Supermarket, a grocery store that began operating in the Berkley neighborhood of Norfolk in September 2021, has greatly served the community; and

WHEREAS, prior to the opening of the Berkley Supermarket, the Berkley neighborhood had gone three years without a nearby source of fresh produce; and

WHEREAS, Berkley Supermarket provides fresh produce, meat, dairy, and other food essentials in an area that had previously been subject to food apartheid; and

WHEREAS, Berkley Supermarket is a veteran, minority, and locally owned and operated business run by the Palmer family; now, therefore, be it

RESOLVED by the House of Delegates, That Berkley Supermarket hereby be commended for its efforts to better the City of Norfolk and the Berkley community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Berkley Supermarket as an expression of the House of Delegates' admiration for the organization's contributions to the Commonwealth.

HOUSE RESOLUTION NO. 187

Commending the McLean Project for the Arts.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, since its founding in 1962, the McLean Project for the Arts has presented works by more than 2,500 emerging and established artists, offered thousands of studio art classes and workshops, and promoted art education through lectures, talks, and gallery tours, benefiting tens of thousands of residents annually and contributing to Virginia's creative economy; and

WHEREAS, the McLean Project for the Arts showcases its visual arts program in the galleries and studio at the McLean Community Center through the first public-private partnership in the arts with Fairfax County; and

WHEREAS, the McLean Project for the Arts has invested \$1 million in private capital to the public-private partnership to build out the spacious, purpose-built Susan B. DuVal Art Studio and three galleries, including the Emerson Gallery, a unique, light-filled exhibit space that appeals to artists and visitors alike; and

WHEREAS, the McLean Project for the Arts offers its signature outreach program, MPA ArtReach, free to students from Fairfax County Public Schools; MPA ArtReach's exhibition-based curricula increases participants' understanding of science, technology, engineering, and mathematics (STEM) principles based on Virginia's Standards of Learning while building a sense of community through the shared art experience; and

WHEREAS, MPA ArtReach serves at-risk pupils, students in self-contained classes, and individuals in the community with intellectual and physical disabilities, helping them to gain an appreciation for art and fostering creativity; for some participants, the trip to the McLean Project for the Arts is their first visit to an art gallery or art museum; and

WHEREAS, MPA ArtReach conducts free art workshops for senior citizens at area senior centers as well as family art programs; in total, MPA ArtReach serves more than 3,000 residents each year at no cost to the participants, always responding to the times, and providing an especially cherished personal connection during the COVID-19 pandemic; and

WHEREAS, each October, the McLean Project for the Arts hosts MPAartfest, a free one-day visual and performing arts festival attended by thousands of area residents since its founding in 2007; the community event features the work of scores of visual artists, along with children's programs and a day-long music festival, including diverse performances by some of the region's most celebrated musicians; and

WHEREAS, for 60 years, the McLean Project for the Arts has successfully fulfilled its mission to exhibit the work of artists from the Mid-Atlantic region, to promote awareness and understanding of contemporary art, and to offer instruction and education in the visual arts; now, therefore, be it

RESOLVED by the House of Delegates, That the McLean Project for the Arts hereby be commended on the occasion of its 60th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the McLean Project for the Arts as an expression of the General Assembly's congratulations and admiration for the organization's commitment to the visual arts and art education.

HOUSE RESOLUTION NO. 188

Commending the staff of Centre Ridge Elementary School.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, the staff of Centre Ridge Elementary School in Centreville have gone above and beyond the call of duty during the last school year, providing a high-quality education to students while ensuring they feel welcomed and appreciated; and

WHEREAS, the staff of Centre Ridge Elementary School have masterfully navigated the challenges of online learning and other restrictions and changes in instructional expectations during the COVID-19 pandemic; and

WHEREAS, the staff of Centre Ridge Elementary School, which serves a diverse student population representing more than 30 countries, have been able to welcome all students back into the school building and to celebrate student choice with an open and caring culture; and

WHEREAS, the staff of Centre Ridge Elementary School are dedicated to the school's mission of "creating a collaborative culture that is committed to building positive relationships that ensure equity, promote autonomy, and foster 21st century learners"; and

WHEREAS, the staff of Centre Ridge Elementary School foster a warm and safe learning environment that instills in their students a lifelong love for learning and the ability to communicate, work in teams, and collaborate with fellow students; and

WHEREAS, the staff of Centre Ridge Elementary School demonstrate great concern for the social and emotional well-being of their students through the school's social emotional curriculum and other classroom techniques; and

WHEREAS, the accomplishments of the staff at Centre Ridge Elementary School are the result of their exceptional talents and their unwavering devotion to their students and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, That the staff of Centre Ridge Elementary School hereby be commended for their extraordinary efforts over the past school year in service to the students and families of Centre Ridge Elementary School; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Charles "Chip" Delice, principal of Centre Ridge Elementary School, as an expression of the House of Delegates' admiration for his staff's contributions to the Commonwealth.

HOUSE RESOLUTION NO. 189

Commending the Lake Braddock Secondary School girls' gymnastics team.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, the Lake Braddock Secondary School girls' gymnastics team of Burke won the Virginia High School League Class 6 state championship on February 18, 2022, at Heritage High School in Leesburg; and

WHEREAS, the Lake Braddock Secondary School Bruins defeated Freedom High School of South Riding, South Lakes High School of Reston, and Ocean Lakes High School of Virginia Beach to bring home the program's first state title since 1999; and

WHEREAS, the Lake Braddock Bruins tallied 148.100 points to narrowly edge out runner-up Freedom High School – South Riding by six-tenths of a point in the team competition; and

WHEREAS, the Lake Braddock Bruins' victory was a total team effort, with strong performances from Julia Arnold, Madison Bell, Ayden Gidick, Lindsay Kwamae, Rianna Nagle, Katee Suson, and Maggie Suson; and

WHEREAS, in addition to placing first in the team competition, the Lake Braddock Bruins saw Madison Bell, Ayden Gidick, and Rianna Nagle claim individual medals for their performances; and

WHEREAS, the Lake Braddock Bruins were masterfully led throughout the season by coaches Erin Fillare, Michael Cooper, and Shelby Landy; and

WHEREAS, the success of the Lake Braddock Bruins is the result of the tireless dedication of the student-athletes, the encouragement and guidance of their coaches and teachers, and the unwavering support of the entire Lake Braddock Secondary School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Lake Braddock Secondary School girls' gymnastics team hereby be commended for winning the 2022 Virginia High School League Class 6 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Lake Braddock Secondary School girls' gymnastics team as an expression of the House of Delegates' admiration for the team's achievement.

HOUSE RESOLUTION NO. 190

Commending Keep Loudoun Beautiful.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Keep Loudoun Beautiful is a nonprofit organization celebrating its 50th year of service keeping Loudoun County's environment clean through education and clean-ups around the county; and

WHEREAS, the vision of Keep Loudoun Beautiful is to engage and educate citizens to keep Loudoun beautiful, including encouraging residents and businesses to reduce waste, reuse items, and recycle; and

WHEREAS, Keep Loudoun Beautiful promotes public awareness of environmental challenges and their common-sense solutions; and

WHEREAS, Keep Loudoun Beautiful organized a clean-up event of more than 108 volunteers in Sterling, collecting a total of 642 pounds of trash and 87.86 pounds of recycling; now, therefore, be it

RESOLVED by the House of Delegates, That Keep Loudoun Beautiful hereby be commended for its dedication to environmental preservation in Loudoun County on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Keep Loudoun Beautiful as an expression of the House of Delegates' admiration for the organization's contributions to the environmental safety of the Loudoun County community for the last 50 years.

HOUSE RESOLUTION NO. 191

Commending INMED Partnerships for Children.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, since 1986, INMED Partnerships for Children has been transforming the lives of children through their work building pathways for vulnerable children and families to achieve well-being and self-reliance in more than 100 countries, including here in Virginia; and

WHEREAS, INMED Partnerships for Children, through its partnerships and affiliates, has built sustainable systems that deliver innovative approaches to break complex cycles of poverty for current and future generations; and

WHEREAS, as a global leader, INMED Partnerships for Children operates international programs in such critical areas as agriculture, nutrition, maternal health, and youth development to promote healthy lives for children all over the world; and

WHEREAS, INMED Partnerships for Children provides excellent services in Loudoun County, including youth programming, long-term case management and family support, and training and support groups for parents; now, therefore, be it

RESOLVED by the House of Delegates, That INMED Partnerships for Children hereby be commended for more than three decades of service to children; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to INMED Partnerships for Children as an expression of the House of Delegates' admiration for its contributions to young people in the Commonwealth and around the world.

HOUSE RESOLUTION NO. 192

Commending Ayana A. Askew.

Agreed to by the House of Delegates, March 12, 2022

WHEREAS, Ayana A. Askew, a senior at Booker T. Washington High School in Norfolk, has achieved great success as a scholar, artist, and civic leader; and

WHEREAS, Ayana A. Askew advocates on behalf of her classmates as senior class president at Booker T. Washington High School and as a member of advisory committees to the School Board of the City of Norfolk and the Office of the Superintendent of Norfolk Public Schools; and

WHEREAS, an accomplished poet and filmmaker, Ayana A. Askew is a two-time national winner of both the NAACP ACT-SO performance poetry competition and the C-SPAN StudentCam documentary competition; and

WHEREAS, Ayana A. Askew is an active and engaged member of her community who serves others by both raising awareness of gun violence and acting as a mentor to younger children; now, therefore, be it

RESOLVED by the House of Delegates, That Ayana A. Askew, a student at Booker T. Washington High School in Norfolk, hereby be commended for her academic, cultural, and civic accomplishments; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ayana A. Askew as an expression of the House of Delegates' admiration for her contributions to the Commonwealth.

HOUSE RESOLUTION NO. 193

Celebrating the life of Alma Lee Schaffer.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Alma Lee Schaffer, a beloved wife, mother, grandmother, and member of the Richmond community, died on February 11, 2021; and

WHEREAS, born in North Carolina as an only child, Lee Schaffer grew up in Durham and attended Duke University, earning a degree in English in 1958; and

WHEREAS, after graduation, Lee Schaffer moved with her husband, Richard, to Essex, England, following his deployment with the United States Air Force, returning to the United States three years later and settling in Richmond; and

WHEREAS, Lee Schaffer was known to have an insatiable curiosity for other cultures and became involved in Friendship Force International, which provided her the opportunity to visit other countries and to share in their customs and traditions; and

WHEREAS, Lee Schaffer was a founding member of the Dunlora Women's Club of Richmond, serving the community through philanthropic giving and various other forms of engagement; and

WHEREAS, Lee Schaffer was a voracious reader, co-founding the First Edition Book Club in 1967, and was a gourmet cook, regularly hosting internationally themed dinners for groups in Richmond; and

WHEREAS, with great interest in and affection for her hometown, Lee Schaffer served as a tour guide for Richmond historic trolley tours for several years; and

WHEREAS, guided by her faith, Lee Schaffer was an active member of River Road Baptist Church in Richmond, where she was in charge of the Sunday school program; and

WHEREAS, Lee Schaffer will be fondly remembered and greatly missed by her loving husband of 62 years, Richard; her children, Rebecca, Rick, Reed, and Kate, and their families; and numerous family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Alma Lee Schaffer, an unabashed anglophile, a dedicated mother, and a respected member of the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Alma Lee Schaffer as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 194

Celebrating the life of Isaac Lee Green.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Isaac Lee Green, an honorable veteran, esteemed entrepreneur, historian, mentor, community leader, and prison reform advocate, and a beloved member of the Norfolk community, died on February 6, 2022; and

WHEREAS, Isaac Lee Green served his country with honor and distinction as a member of the United States Navy and after completing his military service settled in Norfolk; and

WHEREAS, Isaac Lee Green founded the Community Involvement Group in 1973, inspiring many others to pursue entrepreneurship and to become productive members of the community; and

WHEREAS, known by patrons as "Copper Man" and "Hat Man," Isaac Lee Green was a no-nonsense man of wisdom whose entrepreneurial endeavors included work as a tailor, wood carver, hat maker, and jewelry designer, as well as a vendor at festivals throughout the United States; and

WHEREAS, Isaac Lee Green served as an ambassador for the Berkley Historical Society, encouraging others to have a greater understanding and appreciation for their culture and their community's past; and

WHEREAS, Isaac Lee Green will be fondly remembered and dearly missed by his loving wife, Alfreda; his children, Isaac, Jr., Cortez, Joshua, Amber, Sonia, Derick, April, King, Brian, Raquel, Vivian, and Robert; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Isaac Lee Green, a valued and beloved member of the Norfolk community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Isaac Lee Green as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 195

Celebrating the life of Rhonda Michelle Harmon.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Rhonda Michelle Harmon, an esteemed attorney and beloved member of the Manakin-Sabot community, died on January 19, 2022; and

WHEREAS, in 1981, Rhonda Harmon graduated from the former Richfield High School in Waco, Texas, where she was drum major for the state championship-winning school band and soloist in the choir, while serving as regional president of Jack and Jill of America, Inc.; and

WHEREAS, Rhonda Harmon subsequently attended the United States Military Academy at West Point as a member of the fifth class to allow women, graduating in 1985 and earning a commission in the United States Army as a military intelligence officer; and

WHEREAS, after serving her first year in Seoul, Rhonda Harmon was stationed at Fort Hood in Texas before retiring from the service in 1990, attending Baylor Law School and graduating first in her class in 1993; and

WHEREAS, Rhonda Harmon clerked with the Honorable Samuel D. Johnson of the Fifth Circuit Court of Appeals in Austin, Texas, before moving to Richmond to take a position as an associate with the law firm Mezzullo & McCandlish; and

WHEREAS, in 1998, Rhonda Harmon was part of the legal team that won a \$100 million verdict against Nationwide Insurance Company, which was at the time the largest verdict in the history of the Commonwealth and which led several insurance companies to review and alter their coverage policies for the benefit of many; and

WHEREAS, guided throughout her life by her faith, Rhonda Harmon enjoyed worship and fellowship with her community at Faith Landmarks Ministries in Henrico County for many years; and

WHEREAS, Rhonda Harmon readily shared her good fortune with others, opening her house every Thanksgiving and Christmas to dozens of individuals who would otherwise spend the holidays alone; and

WHEREAS, Rhonda Harmon will be fondly remembered and dearly missed by her loving husband of 32 years, Jonathan; her children, Timothy, Krista, Jeremy, and Jana; her mother, Doris; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Rhonda Michelle Harmon, an accomplished attorney and cherished member of the Manakin-Sabot community whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Rhonda Michelle Harmon as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 196

Commending the Fincastle Volunteer Fire Department.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, the Fincastle Volunteer Fire Department, a public agency that protects and serves the residents of the Town of Fincastle and Botetourt County, celebrates its 75th anniversary in 2022; and

WHEREAS, founded in 1947, the Fincastle Volunteer Fire Department continues to be entirely operated by volunteers who run calls, perform administrative functions, raise funds, and assist with other station projects; and

WHEREAS, the Fincastle Volunteer Fire Department has responded to thousands of calls over the years in service to the community, including 237 incidents in 2021 alone; and

WHEREAS, the Fincastle Volunteer Fire Department has continually upgraded its facilities, firefighting equipment, and operational strategies to enhance its ability to serve the community, including the construction of a new fire house in 1985; and

WHEREAS, the Fincastle Volunteer Fire Department has received tremendous support from its Ladies Auxiliary since its founding, which helps organize fundraisers and other activities to further the agency's mission; and

WHEREAS, the accomplishments of the Fincastle Volunteer Fire Department are the result of the bravery, professionalism, and dedication of its members, whose service over the past 75 years is an inspiration to all Virginians; now, therefore, be it

RESOLVED by the House of Delegates, That the Fincastle Volunteer Fire Department hereby be commended on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dustin Ware, chief of the Fincastle Volunteer Fire Department, as an expression of the House of Delegates' admiration for the agency's contributions to the Commonwealth.

HOUSE RESOLUTION NO. 197

Commending the Manassas Park Fire and Rescue Department.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, the Manassas Park Fire and Rescue Department has greatly served the residents of Manassas Park by protecting the community, responding to a variety of emergencies, and providing education and community outreach; and

WHEREAS, established in 1965 when Manassas Park was still a town in Prince William County, the Manassas Park Fire and Rescue Department became its own agency when the town was incorporated as the City of Manassas Park 10 years later; and

WHEREAS, in 1992, the City of Manassas dissolved the Department of Public Safety Director position and established the position of fire chief, installing Captain Rick Grove as the first in a series of accomplished firemen to fulfill the role; and

WHEREAS, over the years, the Manassas Park Fire and Rescue Department has continually upgraded its facilities, equipment, and operational strategies to enhance its ability to protect the community; and

WHEREAS, the Manassas Park Fire and Rescue Department is a visible presence in the community, with various outreach events offering opportunities for members to interact with residents and to teach them more about fire safety and the work of the department; and

WHEREAS, to teach young people about fire prevention and safety, the Manassas Park Fire and Rescue Department visits many schools and day care centers in the community during Fire Prevention Month every October, while providing station tours to youth groups throughout the year; and

WHEREAS, the Manassas Park Fire and Rescue Department helps homeowners prepare for emergencies by providing courtesy home safety surveys, while offering pre-plan and walk-thru services to businesses and high-occupancy residential buildings to ensure that they are ready for whatever danger; now, therefore, be it

RESOLVED by the House of Delegates, That the Manassas Park Fire and Rescue Department hereby be commended for its service and outreach in the Manassas Park community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Manassas Park Fire and Rescue Department as an expression of the House of Delegates' admiration for the agency's contributions to the Commonwealth.

HOUSE RESOLUTION NO. 198

Commending Myles Lanier.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Myles Lanier, a student at Manassas Park High School, won the Dr. Martin Luther King, Jr., Oratorical Competition and Program presented by the Prince William County Alumnae Chapter of Delta Sigma Theta Sorority in 2021; and

WHEREAS, Myles Lanier was selected as the winner of the Dr. Martin Luther King, Jr., Oratorical Competition and Program by more than 1,000 audience members who tuned into the event via YouTube; and

WHEREAS, speaking to the competition's theme of "Beyond the Dream – Young Voices with Something to Say," Myles Lanier recalled a 23-year-old John Lewis' speech before more than 250,000 demonstrators at the March on Washington for Jobs and Freedom in Washington, D.C., in 1963, emphasizing the importance of youth activism; and

WHEREAS, Myles Lanier touched on pressing issues of the day affecting young people, including the disproportionate number of deaths of minorities due to COVID-19, declaring that it was time for the nation's leaders to start listening to the country's youth; and

WHEREAS, beyond the competition, Myles Lanier is an accomplished scholar and athlete who has been on the honor roll at Manassas Park High School and has been a member of the school's junior varsity basketball team; and

WHEREAS, Myles Lanier's success is the result of his exceptional oratorical skills and his deep passion and concern for the future of the Commonwealth and the nation; now, therefore, be it

RESOLVED by the House of Delegates, That Myles Lanier hereby be commended for winning the 2021 Dr. Martin Luther King, Jr., Oratorical Competition and Program presented by the Prince William County Alumnae Chapter of Delta Sigma Theta Sorority; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Myles Lanier as an expression of the House of Delegates' admiration for his achievement and best wishes for his future endeavors.

HOUSE RESOLUTION NO. 199

Commending Joshua King.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Joshua King, a student at the United States Merchant Marine Academy, received the Wooden Citizenship Cup from Athletes for a Better World in 2022; and

WHEREAS, Joshua "Josh" King was the male collegiate recipient of the Wooden Citizenship Cup, which recognizes six athletes each year for demonstrating exceptional character, teamwork, and citizenship; and

WHEREAS, Josh King is a native of the Commonwealth who spent most of his life growing up in Haymarket, where he attended Battlefield High School, and his congressional nomination to attend the United States Merchant Marine Academy was received by United States Senator Timothy M. Kaine; and

WHEREAS, Josh King has achieved academic excellence at the United States Merchant Marine Academy, earning a 3.73 grade point average while serving as regimental commander, the institution's highest student position; and

WHEREAS, Josh King has pursued his aspirations to be an officer in the United States Coast Guard by participating in internships at sea around the world; and

WHEREAS, an all-conference linebacker and captain of the United States Merchant Marine Academy football team, Josh King was a 2022 finalist for the National Football Foundation's William V. Campbell Trophy for his combined success in both the classroom and on the gridiron; and

WHEREAS, Josh King is a proven leader who has served his community as president of the Student-Athlete Advisory Committee and vice president of the Cultural Diversity Club at the United States Merchant Marine Academy; and

WHEREAS, Josh King has fostered community dialogue and mutual understanding by organizing peaceful Black Lives Matter marches attended by activists, law-enforcement officers, and religious leaders, while participating as a guest speaker at anti-racism events; and

WHEREAS, upon graduation, Josh King will be serving his country as a direct commission engineer in the United States Coast Guard and pursuing a spot as a member of the United States Coast Guard special forces; he will be commissioned this summer and will report to the Direct Commission Officer program in New London, Connecticut, in August; now, therefore, be it

RESOLVED by the House of Delegates, That Joshua King hereby be commended for receiving the 2022 Wooden Citizenship Cup from Athletes for a Better World; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Joshua King as an expression of the House of Delegates' admiration for his noteworthy achievement and many contributions to the Commonwealth.

HOUSE RESOLUTION NO. 200

Commending Lena M. Gooden.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Lena M. Gooden, a junior at Osbourn Park High School, was named the Virginia Gatorade High School Girls Track and Field Player of the Year for the 2020-2021 school year; and

WHEREAS, Lena Gooden was recognized with the award for her outstanding athletic excellence, high-caliber academic achievements, and exemplary character demonstrated both on and off the field; and

WHEREAS, at the 2021-2022 Virginia High School League (VHSL) Class 6 state championship, Lena Gooden placed first in the girls' long jump with a distance of 19-03.50, fourth in the girls' 55-meter dash, and seventh in the girls' 300-meter dash; and

WHEREAS, Lena Gooden placed first in the girl's long jump events at the 2021-2022 VHSL Cedar Run District and VHSL Region 6B meets, securing a VHSL Region 6B meet record with a jump of 18-02.50; and

WHEREAS, in 2021, Lena Gooden was the VHSL Class 6 state outdoor champion in the girls' long jump event with a jump of 20-03.75, achieving a VHSL Class 6 state meet record; and

WHEREAS, that same year, Lena Gooden won the 100-, 200-, and 400-meter dashes and the long jump at the VHSL Region 6B championship, setting meet records in each event; and

WHEREAS, Lena Gooden is an accomplished scholar who has maintained a 4.2 grade point average, served as a member of the Osbourn Park High School Black Student Union and the school's Counseling Advisory Council, and given generously of her time to various community service initiatives; and

WHEREAS, Lena Gooden's success is the result of her hard work and dedication, the guidance of her coaches and teachers, and the unwavering support of the entire Osbourn Park High School community; now, therefore, be it

RESOLVED by the House of Delegates, That Lena M. Gooden hereby be commended for being named the 2020-2021 Virginia Gatorade High School Girls Track and Field Player of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lena M. Gooden as an expression of the House of Delegates' admiration for her achievements and best wishes for her future endeavors.

HOUSE RESOLUTION NO. 201

Commending the Manassas Park Latino Festival.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, the Manassas Park Latino Festival is an annual event of music, dance performances, food vendors, and other activities that brings families together in celebration of the Latino community's cultural heritage and its contributions to the City of Manassas Park; and

WHEREAS, alongside vendors selling pupusas, quesadillas, boiled cassava, ceviche, empanadas, and other popular Latin fare, the Manassas Park Latino Festival features booths offering clothing, life insurance products, legal services, and more; and

WHEREAS, the objectives of the Manassas Park Latino Festival include inspiring civic participation and community engagement, increasing access to services and opportunities, protecting and advancing the rights of immigrants and the Latino community, and promoting cultural awareness and a sense of community; and

WHEREAS, the Manassas Park Latino Festival was organized through a collaboration between the City of Manassas Park and the community organization Consejo Salvadore-o Americano for the first time in October 2021; and

WHEREAS, the recent Manassas Park Latino Festival featured approximately 16 businesses and organizations and was attended by approximately 2,500 people; and

WHEREAS, by promoting the cultural diversity of the Manassas Park Latino community, supporting Hispanic businesses and artists, and providing a space where individuals and families can gather to enjoy the food and music of their countries, the Manassas Park Latino Festival has helped to make Manassas Park a more wonderful place to live, work, and play; now, therefore, be it

RESOLVED by the House of Delegates, That the Manassas Park Latino Festival hereby be commended for its accomplishments in honoring and celebrating the contributions of the Latino community to the City of Manassas Park; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the organizers of the Manassas Park Latino Festival as an expression of the House of Delegates' admiration for the event's success.

HOUSE RESOLUTION NO. 202

Commending Viviana Rodriguez.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Viviana Rodriguez of Prince William County won an individual state title for pole vault at the Virginia High School League Class 6 state indoor track and field championship in 2022; and

WHEREAS, Viviana Rodriguez is a sophomore at Osbourn Park High School and a standout member of the school's track and field team; and

WHEREAS, after winning the pole vault title in the Cedar Run District tournament, Viviana Rodriguez won the Virginia High School League Region 6B championship with a height of 11-00; and

WHEREAS, in the state final, Viviana Rodriguez earned her individual title with a height of 11-06.00; and

WHEREAS, throughout the season, Viviana Rodriguez has enjoyed the support of her teammates, coaches, friends, family members, and the entire Osbourn Park High School community; now, therefore, be it

RESOLVED by the House of Delegates, That Viviana Rodriguez hereby be commended on winning an individual state title at the Virginia High School League Class 6 state indoor track and field championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Viviana Rodriguez as an expression of the House of Delegates' admiration for her athletic achievements and best wishes for the future.

HOUSE RESOLUTION NO. 203

Commending the Virginia Commonwealth University women's basketball team.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, the Virginia Commonwealth University women's basketball team won its first Atlantic 10 Conference Championship during the 2020-2021 season; and

WHEREAS, the Virginia Commonwealth University (VCU) Rams defeated the University of Massachusetts Minutewomen by a score of 81-69 in the conference final; and

WHEREAS, VCU's Taya Robinson led the team with 19 points, matched a career-high with five three-pointers, and was named Most Outstanding Player; the team finished the game with a season-high 10 three-pointers overall; and

WHEREAS, with the historic victory, the VCU Rams earned a berth in the National Collegiate Athletic Association Tournament for the first time since 2009, finishing the season with a 16-11 overall record; and

WHEREAS, the VCU Rams subsequently finished the 2021-2022 regular season 14-10 overall with a 9-5 record against conference opponents and advanced to the Atlantic 10 Conference Championship for the second consecutive year; and

WHEREAS, after earning a double bye, the number four seed VCU Rams defeated the number 12 seed George Washington University Colonials in the quarterfinals by a score of 55-47; and

WHEREAS, the success of the VCU Rams is a tribute to the skill and hard work of all the student-athletes, the leadership and guidance of coaches and staff, and the passionate support of the entire VCU community; now, therefore, be it

RESOLVED by the House of Delegates, That the Virginia Commonwealth University women's basketball team hereby be commended for its performance in the 2020-2021 and 2021-2022 seasons; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Beth O'Boyle, head coach of the Virginia Commonwealth University women's basketball team, as an expression of the House of Delegates' admiration for the team's achievements.

HOUSE RESOLUTION NO. 204

Commending Jackson H. Shelton.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Jackson H. Shelton of Norfolk was selected as a finalist for the National Merit Scholarship for his commitment to academic excellence; and

WHEREAS, Jackson Shelton is a senior at Norview High School in Norfolk and is a member of the school's Leadership Center for Science and Engineering, a program for gifted students pursuing advanced studies in science, technology, engineering, or mathematics; and

WHEREAS, the National Merit Scholarship, provided by the nonprofit National Merit Scholarship Corporation, has recognized and honored academically talented students like Jackson Shelton across the United States since 1955; and

WHEREAS, as a finalist for the National Merit Scholarship, Jackson Shelton joins an elite group representing less than one percent of graduating high school seniors in the United States; now, therefore, be it

RESOLVED by the House of Delegates, That Jackson H. Shelton hereby be commended for his academic accomplishments; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jackson H. Shelton as an expression of the House of Delegates' admiration for his contributions to the Commonwealth.

HOUSE RESOLUTION NO. 205

Commending Colonel Eugene Y. Kim, USA.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Colonel Eugene Y. Kim, USA, has honorably served the nation for many years and is retiring from his position as chief of the Contract Litigation and Intellectual Property Division of the United States Army Legal Services Agency in 2022; and

WHEREAS, in preparation for his career, Eugene Kim earned degrees from New York University's Leonard Stern School of Business, the Catholic University of America's Columbus School of Law, The Judge Advocate General's Legal Center and School, and the National Defense University's Dwight D. Eisenhower School for National Security and Resource Strategy; and

WHEREAS, licensed to practice law in Maryland and the District of Columbia and a member of the bar of the United States Court of Federal Claims and the United States Supreme Court, Eugene Kim received his commission as a

United States Army judge advocate via direct appointment and spent approximately half of his career overseas, including service in Korea, Japan, Germany, and Iraq; and

WHEREAS, as chief of the Contract Litigation and Intellectual Property Division of the United States Army Legal Services Agency, Eugene Kim oversaw the division's efforts to represent the United States Army's interests in bid protests and contract disputes before various federal entities and provided legal support to the United States Army on patent, copyright, and trademark matters; and

WHEREAS, Eugene Kim previously served as the legal function lead for the United States Army Judge Advocate General (JAG) Corps' contract and fiscal law legal function, facilitating talent management to ensure the JAG Corps has a deep pool of talented judge advocates; and

WHEREAS, Eugene Kim was appointed by the Judge Advocate General to serve as a member of the United States Army JAG Corps Council on Diversity, Equity, and Inclusion, developing strategies to make the JAG Corps more inclusive and diverse for the benefit of service members and the nation; and

WHEREAS, Eugene Kim has served in a variety of capacities beyond contract and fiscal law, including service as an administrative law attorney, trial counsel, operational law attorney, claims attorney, and recruiting officer, and fulfilled leadership assignments as deputy staff judge advocate for the 21st Theater Sustainment Command and staff judge advocate for the former 7th Army Joint Multinational Training Command; and

WHEREAS, in his retirement, Eugene Kim will have the opportunity to spend more quality time with his wife, Jeannie, and their daughter, Deborah; now, therefore, be it

RESOLVED by the House of Delegates, That Colonel Eugene Y. Kim, USA, hereby be commended on the occasion of his retirement as chief of the Contract Litigation and Intellectual Property Division of the United States Army Legal Services Agency; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Colonel Eugene Y. Kim, USA, as an expression of the House of Delegates' admiration for his service to the nation.

HOUSE RESOLUTION NO. 206

Commending Scott O. Konopasek.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Scott O. Konopasek, general registrar of Fairfax County, worked diligently to reallocate absentee ballots from the 2020 United States Presidential Election into their proper precincts; and

WHEREAS, in 2020, due to unprecedented levels of early voting and absentee voting as a result of the COVID-19 pandemic, nearly 60 percent of votes in the Commonwealth were sorted into central absentee precincts unrelated to their geographic precincts; and

WHEREAS, Scott Konopasek and the Fairfax County elections team created a system to properly assign geographic precincts to absentee and early voting ballots in Fairfax County, ensuring that all votes are reflected in a given precinct's final results; now, therefore, be it

RESOLVED by the House of Delegates, That Scott O. Konopasek hereby be commended for his work to streamline the absentee and early voting system in Fairfax County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Scott O. Konopasek as an expression of the House of Delegates' admiration for his work with the entire Fairfax County elections team to ensure that every vote is properly counted.

HOUSE RESOLUTION NO. 207

Celebrating the life of Jeffrey Lee Gardy.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Jeffrey Lee Gardy, a highly admired public servant, attorney, and member of the Suffolk community, died on February 1, 2022; and

WHEREAS, a native of Callao, Jeffrey "Jeff" Lee Gardy relocated to Suffolk where he practiced law for more than 50 years; and

WHEREAS, desirous to be of further service, Jeff Gardy ran for and was elected to the Suffolk City Council and represented the Holy Neck Borough for two terms from 2006 to 2015, becoming the first person ever to win consecutive elections to the seat; and

WHEREAS, among his proudest accomplishments on the Suffolk City Council, Jeff Gardy oversaw the construction of what is now Southwestern Elementary School and programs to add lights to local baseball fields and enhance clean water infrastructure; and

WHEREAS, Jeff Gardy will be fondly remembered and greatly missed by his wife of 57 years, Toni; his children, Beth and David, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Jeffrey Lee Gardy, a respected public servant and community leader in Suffolk; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Jeffrey Lee Gardy as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 208

Celebrating the life of Curtis Robert Milteer, Sr.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Curtis Robert Milteer, Sr., a trailblazing public servant and community leader in Suffolk, died on January 31, 2022; and

WHEREAS, Curtis Milteer grew up in Suffolk and graduated from East Suffolk High School in 1950; he continued his education at P.D. Pruden Vocational Technical Center, Tidewater Community College, and Norfolk State University, then earned a doctorate from Norfolk Theological Seminary College; and

WHEREAS, Curtis Milteer served his country during the Korean War, earning a Purple Heart, then worked at the Naval Air Rework Facility in North Carolina; and

WHEREAS, desirous to be of further service, Curtis Milteer ran for and was elected to the Suffolk City Council and served 10 terms from 1980 to 2020, representing the Whaleysville Borough; he was admired for his attention to detail and unwavering dedication to constituent service; and

WHEREAS, Curtis Milteer became the first African American vice mayor in Suffolk history in 1992; he subsequently served as mayor from 2000 to 2002 and again as vice mayor from 2006 to 2010; and

WHEREAS, Curtis Milteer enhanced the quality of life in Suffolk through his work with the Suffolk Planning Commission, the Transportation District Commission of Hampton Roads, and many other local and regional bodies; and

WHEREAS, among many awards and accolades, Curtis Milteer received the 1984 Jessie Rattlely Political Action Award and the 2005 First Citizen of Suffolk Award; and

WHEREAS, predeceased by his son, Curtis, Jr., Curtis Milteer will be fondly remembered and greatly missed by his wife of 68 years, Sarah; his children, Anthony, Albert, and Elizabeth, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Curtis Robert Milteer, Sr., a pillar of the Suffolk community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Curtis Robert Milteer, Sr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 209

Celebrating the life of Thomas Gunn Underwood.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Thomas Gunn Underwood, a public servant who helped enhance the quality of life of his fellow Suffolk residents, died on February 19, 2022; and

WHEREAS, Thomas Underwood was a 13th-generation Virginian and grew up in Suffolk; he served his country as a member of the United States Navy during the Korean War as a boiler technician aboard the USS *Block Island*, rising to the rank of petty officer third class; and

WHEREAS, after his honorable discharge, Thomas Underwood worked for the Hercules Powder Company in Franklin, then settled in Holland when it was still part of the former Nansemond County; and

WHEREAS, Thomas Underwood enjoyed a long career with Nansemond County, City of Nansemond, and City of Suffolk government, serving as zoning administrator, assistant city manager, and acting city manager; and

WHEREAS, desirous to be of further service, Thomas Underwood ran for and was elected to the Suffolk City Council and represented the residents of the Holy Neck Borough from 1994 to 1998, during which time he served a two-year term as mayor; and

WHEREAS, Thomas Underwood was a passionate lifelong learner who enjoyed studying and debating history, politics, and philosophy, and he imparted his love of reading and the pursuit of knowledge to his children; and

WHEREAS, predeceased by his wife of 60 years, Shirley, Thomas Underwood will be fondly remembered and greatly missed by his children, Pamela, Peter, and William, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Thomas Gunn Underwood, a respected member of the Suffolk community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Thomas Gunn Underwood as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 210

Celebrating the life of Ruby Holland Walden.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Ruby Holland Walden, a highly admired community leader and passionate advocate for people in need, died on December 22, 2020; and

WHEREAS, Ruby Walden was born in the Holland community when it was still part of the former Nansemond County, and she was a lifelong resident of Nansemond County and Suffolk; and

WHEREAS, Ruby Walden attended a two-room school house for her primary education and graduated from the Nansemond County Training School; and

WHEREAS, Ruby Walden and her husband, Frank, established their own contracting business that specialized in brick masonry and operated for 39 years, while working on their family-owned 100-acre farm; and

WHEREAS, Ruby Walden was a champion for education and played a vital role in the racial integration of public schools in Nansemond County; and

WHEREAS, in the 1960s, Ruby Walden helped organize the Southeastern Tidewater Opportunity Project, which administered federal funding for educational, housing, health, employment, and human service projects throughout the region, and she became the coordinator of the first Head Start program in the county; and

WHEREAS, Ruby Walden was a member of more than 30 boards, commissions, organizations, study groups, and task forces at the local, regional, state, and national level; she inspired others to become more knowledgeable about civics and take a more active role in community leadership; and

WHEREAS, among many awards and honors throughout her life, Ruby Walden received the Athena Award from the Suffolk Division of the Hampton Roads Chamber of Commerce and the Senior Health Hero Award from Bon Secours Health Services and Senior Services of Southeastern Virginia; and

WHEREAS, Ruby Walden began to cultivate her deep and abiding faith at a young age and enjoyed fellowship and worship with the community as a lifelong member of Mount Sinai Baptist Church, where she had held many leadership positions over the years and had many contributions to almost every church ministry; and

WHEREAS, predeceased by her husband, Frank, Ruby Walden will be fondly remembered and greatly missed by her children, Janice, Olin, Sandra, and Pearl, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Ruby Holland Walden, a vibrant member of the Suffolk community who touched countless lives through her advocacy; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ruby Holland Walden as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 211

Celebrating the life of Sue Birdsong.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Sue Birdsong, a vibrant member of the Suffolk community who touched countless lives through her commitment to servant-leadership, died on March 25, 2020; and

WHEREAS, a native of Suffolk, Sue Birdsong graduated from Suffolk High School, attended Longwood College, and earned a business certificate from Smithdeal-Massey Business College; and

WHEREAS, Sue Birdsong met the love of her life, George Birdsong, in second grade, and the couple married in 1961; their three children all attended Nansemond-Suffolk Academy, where she was an active volunteer and served on the board of trustees; and

WHEREAS, in the 1960s and 1970s, Sue Birdsong worked for former Governor Mills E. Godwin, both in Suffolk and in Richmond, and she later worked in the Suffolk office of Birdsong Peanuts for many years; and

WHEREAS, Sue Birdsong began a long affiliation with the Westminster-Canterbury community while her mother was a resident there and served on the Westminster-Canterbury Foundation Board for 20 years; and

WHEREAS, Sue Birdsong helped establish the Birdsong Health Clinic, an in-house medical clinic for Westminster-Canterbury residents, and developed the Birdsong Tablet, an easy-to-navigate computer tablet for older adults that has been adopted by retirement communities in 24 states; and

WHEREAS, Sue Birdsong was a woman of deep and abiding faith, and she enjoyed fellowship and worship with the congregations of Main Street United Methodist Church in Suffolk and Virginia Beach United Methodist Church; and

WHEREAS, Sue Birdsong will be fondly remembered and greatly missed by her husband of 59 years, George; her children Anne, David, and Charles, and their families; and numerous other family members and friends; now, therefore, be it
RESOLVED, That the House of Delegates hereby note with great sadness the loss of Sue Birdsong, a highly admired member of the Suffolk community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Sue Birdsong as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 212

Celebrating the life of Robert Emerson Stephens.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Robert Emerson Stephens, an influential member of the Suffolk community who made many contributions to his fellow residents, died on December 21, 2021; and

WHEREAS, a native of Marianna, Arkansas, Robert Stephens served his country as a member of the United States Coast Guard, was an education and training consultant to the United States Department of Labor, and served as an advisor to a former United States president; and

WHEREAS, Robert Stephens worked as the president and chief executive officer of Genesis Development and Consulting Services and later established the Saint Paul's Community Development Corporation; and

WHEREAS, Robert Stephens served the Suffolk community as a member of the Suffolk Cultural Arts Center, Western Tidewater Free Clinic, and the Suffolk Humane Society, and Suffolk Rotary Club, the Virginia Military Institute Board of Visitors, and the College Orientation Workshop Board of Directors; and

WHEREAS, among many awards and accolades, Robert Stephens received the 2012 FBI Director's Community Leadership Award and the 2014 Community Hero Award from the Suffolk Democratic Party; and

WHEREAS, Robert Stephens enjoyed fellowship and worship with the congregations of Mount Sinai Baptist Church in Suffolk and Main Street Baptist Church in Smithfield; and

WHEREAS, Robert Stephens will be fondly remembered and greatly missed by his wife of 27 years, Karen; his sons, Fletcher and Frank, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Robert Emerson Stephens, a highly admired community leader in Suffolk; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Robert Emerson Stephens as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 213

Celebrating the life of Benigno D. Federici, M.D.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Benigno D. Federici, M.D., a respected health care professional in Suffolk, died on January 24, 2022; and

WHEREAS, Benigno Federici grew up in Philadelphia, Pennsylvania, and earned bachelor's and master's degrees from Villanova University; he subsequently earned a medical degree from Jefferson Medical College and completed his residency at Eastern Virginia Medical School in Norfolk; and

WHEREAS, Benigno Federici joined Specialists for Women in Suffolk in 1997 and became president of the organization in 2003; he was a well-known leader in the advancement of women's health care throughout Hampton Roads and served as a fellow of the American College of Obstetrics and Gynecology; and

WHEREAS, Benigno Federici was a mentor to countless other health care professionals as an instructor at Eastern Virginia Medical School and a community faculty member at what is now the Virginia Commonwealth University School of Medicine; and

WHEREAS, Benigno Federici had served as a clinical adjunct faculty member at Old Dominion University and a faculty member of Liberty University's College of Osteopathic Medicine from 2019 until the time of his passing; and

WHEREAS, Benigno Federici will be fondly remembered and greatly missed by his wife, Jana; his children, Valerio, Gabriella, Carter, Marco, and Carmella; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Benigno D. Federici, M.D., a trusted physician in Suffolk; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Benigno D. Federici, M.D., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 214

Celebrating the life of Willis H. Burton, Jr.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Willis H. Burton, Jr., former fire administrator and the first chief fire marshal of what is now the Fairfax County Fire and Rescue Department and a beloved member of the Kilmarnock community, died on January 9, 2022; and

WHEREAS, Willis "Bill" H. Burton, Jr., began his career as a firefighter with the Herndon Volunteer Fire Department and was hired by Fairfax County on July 1, 1953, as the first fire chief for the newly established Office of the Fire Marshal; and

WHEREAS, Bill Burton served as fire chief for 10 years before being appointed fire administrator, a position that is similar in responsibilities to that of the present-day fire chief, and retired from the department in 1971; and

WHEREAS, under Bill Burton's leadership, Fairfax County purchased its first county-owned firefighting apparatus, constructed the fire training center, graduated its first class of recruits, and established a bond referendum to build seven more fire stations; and

WHEREAS, Bill Burton will be fondly remembered and dearly missed by numerous family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Willis H. Burton, Jr., whose service with Fairfax County impacted countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Willis H. Burton, Jr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 215

Commending Northern Virginia Resettling Afghan Families Together.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Northern Virginia Resettling Afghan Families Together, a grassroots coalition of community-focused volunteers, has helped families from Afghanistan build a new home in the United States; and

WHEREAS, tens of thousands of Afghan allies have arrived in the United States after the Taliban resumed control of Afghanistan in the summer of 2021, and many individuals and their families have settled in the Commonwealth; and

WHEREAS, Northern Virginia Resettling Afghan Families Together (NOVA RAFT) is composed of hundreds of volunteers, representatives from community groups and faith-based organizations, and Afghan Americans who raise awareness, liaise with refugee resettlement agencies, and provide direct donations and support services to newly arrived Afghan families; and

WHEREAS, NOVA RAFT was established by Springfield residents Dan Altman and Natalie Perdue with a goal to provide clothing and other necessities, help furnish homes, and offer assistance with tasks like registering children for school and finding medical care; and

WHEREAS, since August 2021, the NOVA RAFT team helped at least 200 families settle in new homes in throughout the region, and groups supported by NOVA RAFT adopted more than a dozen families to provide ongoing support, such as assistance with job searches and connections to social services; and

WHEREAS, the members of the NOVA RAFT team have touched many lives through their kindness and generosity and have contributed to a strong sense of community spirit in Northern Virginia and throughout the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That Northern Virginia Resettling Afghan Families Together hereby be commended for its work to help families from Afghanistan acclimate to new homes in the United States; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Northern Virginia Resettling Afghan Families Together as an expression of the House of Delegates' admiration for the organization's achievements in service to people in need.

HOUSE RESOLUTION NO. 216

Commending Kelly Sheers.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Kelly Sheers, principal of West Springfield Elementary School, was selected as the Outstanding Principal for Region 4 by Fairfax County Public Schools for her exceptional leadership and contributions to students; and

WHEREAS, before joining West Springfield Elementary School, Kelly Sheers served as principal of Haycock Elementary School in McLean; and

WHEREAS, Kelly Sheers is committed to ensuring that students have a safe and supportive classroom environment in which to grow academically, socially, and emotionally, and she seeks out professional development opportunities for teachers and fellow administrators; and

WHEREAS, Kelly Sheers has fostered strong collaborative partnerships with community organizations and local families while setting an outstanding example as a lifelong learner and empowering her teachers to become community leaders themselves; and

WHEREAS, Kelly Sheers has helped West Springfield Elementary School fulfill its mission to "support the whole child by inspiring all students to achieve high academic and social standards while becoming responsible and innovative citizens in the community"; and

WHEREAS, West Springfield Elementary School celebrates different cultures, values diversity, and promotes knowledgeable and respectful interactions among a variety of cultural groups to support student learning and the school's core values; Kelly Sheers supports open dialogue about race, diversity, and inclusion in the school community and has hosted discussions between subject experts and students and families; and

WHEREAS, Kelly Sheers fosters a strong sense of community at West Springfield Elementary School and has worked to ensure that students and their families know her door is always open; and

WHEREAS, during the COVID-19 pandemic, Kelly Sheers maintained good communication with faculty members, students, and parents through virtual office hours and building school spirit by hosting virtual events like a monthly birthday bingo game; and

WHEREAS, prior to a return to full in-person learning at West Springfield Elementary School, Kelly Sheers took the time to visit students still attending classes virtually, including kindergarten students that had not yet attended in-person classes at West Springfield Elementary School; the home visits gave parents and children the opportunity to ask questions and helped them feel comfortable with the return to in-person learning; and

WHEREAS, Kelly Sheers has been called the heartbeat of the school for her kindness, compassion, and commitment to ensuring that every child has a positive experience; now, therefore, be it

RESOLVED by the House of Delegates, That Kelly Sheers hereby be commended on her selection as the Region 4 Outstanding Principal by Fairfax County Public Schools; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kelly Sheers as an expression of the House of Delegates' admiration for her achievements on behalf of young people.

HOUSE RESOLUTION NO. 217

Commending Kelly Daugherty.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Kelly Daugherty, an esteemed educator at Gunston Elementary School in Lorton, was named Fairfax County Public Schools' Region 3 Outstanding Elementary Teacher in 2022; and

WHEREAS, Kelly Daugherty has devoted 18 of her 21 years as an educator to the students and staff of Gunston Elementary School, greatly supporting the success of an untold number of young people both in and out of the classroom; and

WHEREAS, Kelly Daugherty has facilitated Gunston Elementary School's mission to give its students, staff, and the community the resources and support they need to achieve excellence in math, science, the arts, literacy, technology, and other subjects; and

WHEREAS, through her tireless efforts, Kelly Daugherty inspires her students to apply themselves to their studies each and every day and prepares them for the next stage in their educational journeys; and

WHEREAS, Kelly Daugherty's calm and collected approach to teaching and her thorough attention to her students and their interests have enabled her accomplishments as an elementary school educator; and

WHEREAS, Kelly Daugherty's recognition is a testament to the difference she has made in the lives of her students, colleagues, and the entire Gunston Elementary School community; now, therefore, be it

RESOLVED by the House of Delegates, That Kelly Daugherty, a beloved educator at Gunston Elementary School, hereby be commended for being named Fairfax County Public Schools' 2022 Region 3 Outstanding Elementary Teacher; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kelly Daugherty as an expression of the House of Delegates' admiration for her contributions to the Commonwealth.

HOUSE RESOLUTION NO. 218

Commending Reinhardt Gray.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Reinhardt Gray, esteemed park manager of Mason Neck State Park in Fairfax County and a valued member of Virginia State Parks, retired on January 9, 2022; and

WHEREAS, raised in Newport News, Reinhardt Gray began his career in law enforcement with the Virginia State Police, serving for some time as a trooper and with the Bureau of Criminal Investigations; he served as a United States postal inspector and as a supervisor of the Federal Air Marshal Service; and

WHEREAS, Reinhardt Gray began his tenure with Virginia State Parks in 2011 as a park ranger at Belle Isle State Park in Lancaster County and was quickly promoted to assistant manager at Leesylvania State Park in Prince William County the following year; and

WHEREAS, in his one-and-a-half years in that position, Reinhardt Gray established a strong relationship with the Boys and Girls Clubs of Greater Washington, giving underserved children in the community the opportunity to participate in the Great American Campout, as they were hosted at the park for a weekend of camping and outdoor activities; and

WHEREAS, in recognition of his professionalism and leadership abilities, Reinhardt Gray was elevated to park manager of High Bridge Trail State Park, a rails to trails park that consists of a 26-mile long trail that passes through five different communities; in addition to establishing new roads and parking lots, an essential part of Reinhardt Gray's work was focused on working with the various communities surrounding the park; and

WHEREAS, Reinhardt Gray finished his career with Virginia State Parks as park manager of Mason Neck State Park from 2014 until his retirement, where he was instrumental in forming a coalition that became a support structure for sharing resources and ideas, leading to better experiences for the many thousands of people who visit Mason Neck each year; and

WHEREAS, Reinhardt Gray built an exceptional partnership with the Friends of Mason Neck State Park, Inc., a nonprofit organization that supports the park's mission; and

WHEREAS, working with the Friends of Mason Neck State Park and local garden clubs, Reinhardt Gray was able to open the Junior Rangers program to children of low-income families who otherwise would not have access to these activities; and

WHEREAS, Mason Neck State Park's signature event is the annual Eagle Festival, a day of free, family-friendly activities focused on environmental awareness; Reinhardt Gray, with support from the Friends of Mason Neck State Park and sponsors, was able to broaden the reach and content of this event, welcoming and educating as many as 5,000 guests; and

WHEREAS, while park manager of Mason Neck State Park, Reinhardt Gray oversaw a park beloved by residents of Northern Virginia for the plethora of outdoor activities and programs it has to offer, including hiking, canoeing, and bird-watching; and

WHEREAS, Reinhardt Gray's responsibilities as park manager of Mason Neck State Park included stewardship of the park's wetlands, forest, open water, ponds, and open fields, enabling future environmental studies and wildlife observation; and

WHEREAS, Reinhardt Gray has led law-enforcement training for Virginia State Parks and has worked with groups around the country and the world to help them with issues involving evidence control, presenting best practices and teaching others how to implement them; and

WHEREAS, when asked what motivates him to work hard, Reinhardt Gray responded that he wanted to do the right thing all the time and make sure everyone has a fair shot; and

WHEREAS, in his retirement, Reinhardt Gray plans to continue helping the Commonwealth part-time by assisting the Virginia Department of Criminal Justice Services with its accreditation program, while spending much deserved quality time with his four children and two grandchildren and training for and running ultramarathons; now, therefore, be it

RESOLVED by the House of Delegates, That Reinhardt Gray hereby be commended upon his retirement as park manager of Mason Neck State Park; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Reinhardt Gray as an expression of the House of Delegates' admiration for his contributions to the Commonwealth and best wishes for his future endeavors.

HOUSE RESOLUTION NO. 219

Commending Dale Rumberger.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Dale Rumberger, an esteemed leader in southeastern Fairfax County for many years, recently concluded his tenure as president of the South County Federation; and

WHEREAS, Dale Rumberger served a distinguished career as an educator and administrator in Fairfax County Public Schools, earning him recognition with *The Washington Post* Distinguished Leader award for the 2006-07 school year and the Fairfax County Public Schools Principal of the Year award in 2006; and

WHEREAS, today, the Dale S. Rumberger Performing Arts Center at South County High School bears his name, a fitting tribute to a man that devoted his life to the ambitions and dreams of Fairfax County's youth; and

WHEREAS, the South County Federation is a nonprofit organization formerly known as the Federation of Lorton Communities, that is dedicated to representing the interests of the residents living in southeastern Fairfax County, an area bounded on the south by the Occoquan River, on the north by Fort Belvoir, the Fairfax County and Franconia-Springfield Parkways, on the east by the Potomac River, and on the west by Lee Chapel Road; and

WHEREAS, the South County Federation represents 38 homeowners, civic, and citizens associations, with thousands of residents with diverse interests and desires; and

WHEREAS, Dale Rumberger gave generously and tirelessly of his time the last six years to his community as president of the South County Federation; and

WHEREAS, Dale Rumberger guided the South County Federation's efforts to facilitate the regular exchange of views and information on various matters of interest to its members, to cooperate with and promote activities relating to the common interests of other citizens' associations, and to review land use applications and provide recommendations to the Fairfax County Planning Commission and Board of Supervisors; and

WHEREAS, Dale Rumberger ensured input from the South County Federation was incorporated into consequential projects affecting the community, such as the Lorton Community Center and Lorton Library, the new fire stations on Armistead Road and Gunston Road, a new police station and animal shelter, and the new Laurel Green Park, while serving on the Lorton Visioning Taskforce and monitoring and guiding the closure of a commercial landfill to become a public park; and

WHEREAS, Dale Rumberger served on the Lorton Visioning Taskforce, which worked with Fairfax County staff to guide the vision of Lorton's future, including engaging with citizens to understand their interests and needs to develop recommended strategies to bring about their vision; and

WHEREAS, Dale Rumberger is the best advocate for South County, receiving the Lord Fairfax Award on June 6, 2017, for his efforts; and

WHEREAS, Dale Rumberger is renowned for his fearlessness, attention to detail, empathy, organization, and thoughtfulness; and

WHEREAS, the concept of retirement is lost on Dale Rumberger; although he cherishes time with his wonderful wife, Claudia, and their children and grandchildren, he continues to give back to the residents of southeast Fairfax County as the acting executive principal for Region 3, while providing expert advice on design and capacity projects; now, therefore, be it

RESOLVED by the House of Delegates, That Dale Rumberger, an active and beloved member of the Fairfax County community, hereby be commended as he concludes his term as president of the South County Federation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dale Rumberger as an expression of the House of Delegates' admiration for his contributions to the Commonwealth.

HOUSE RESOLUTION NO. 220

Commending Auxiliadora Briones.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Auxiliadora Briones, the esteemed assistant building supervisor at Cardinal Forest Elementary School in West Springfield, was named Fairfax County Public Schools Outstanding Operational Employee for the West Springfield Pyramid in 2022; and

WHEREAS, Auxiliadora "Dora" Briones has maintained the building and facilities of Cardinal Forest Elementary School for nine years; and

WHEREAS, Dora Briones began her tenure with Cardinal Forest Elementary School as a custodian on the night shift and was promoted to assistant building supervisor one year later; and

WHEREAS, Dora Briones has maintained Cardinal Forest Elementary School with love and care; and

WHEREAS, Dora Briones has been integral to Cardinal Forest Elementary School's efforts to fulfill its mission to strive for excellence in academics, in citizenship, and in life; and

WHEREAS, Dora Briones stands out by helping her fellow custodians, including by training them how to clean and secure the school building and by making sure that they understand how to use special equipment; and

WHEREAS, Dora Briones takes care of the people at Cardinal Forest Elementary School, starting with the students in the cafeteria by noticing when they are sad or hungry, and in her quiet way, takes time to talk to students who might need to be noticed or help stressed teachers in need when they come to pick up their students; and

WHEREAS, Dora Briones has been recognized with pride by students and staff for working hard to become a United States citizen; and

WHEREAS, Dora Briones always helps without hesitation, making sure that everything is done right and in a timely manner; and

WHEREAS, Dora Briones leads by example and inspires the students of Cardinal Forest Elementary School by living the school's motto, "Respectful, Responsible and Ready to Learn each day"; and

WHEREAS, Dora Briones is more than an employee; she is indeed a member of the Cardinal Forest family; now, therefore, be it

RESOLVED by the House of Delegates, That Auxiliadora Briones hereby be commended for being named the Fairfax County Public Schools Outstanding Operational Employee for West Springfield Pyramid in 2022; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dora Briones as an expression of the House of Delegates' admiration for her contributions to the Commonwealth.

HOUSE RESOLUTION NO. 221

Commending the Sentimental Journey Singers.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, the Sentimental Journey Singers, a music therapy program for individuals with early- to mid-stage dementia and Alzheimer's disease, established a new chapter in Loudoun County in 2021; and

WHEREAS, the Sentimental Journey Singers started in 2019 as a program organized by Encore Creativity for Older Adults in partnership with Insight Memory Care Center in Fairfax; and

WHEREAS, responding to a need in the community, Dr. Mary Ann East, a performer, teacher, and founder of Capital Harmonia, teamed up with Rachel Thompson, a certified music therapist, to create what would become the Sentimental Journey Singers program; and

WHEREAS, with a group of 25 performers, the Sentimental Journey Singers performed their first concert in December 2019 before the COVID-19 pandemic required the program to shift its activities online; and

WHEREAS, with the opening of an Insight Memory Care Center facility in Sterling, the Sentimental Journey Singers has started a new chapter in Loudoun County; and

WHEREAS, the Sentimental Journey Singers program allows individuals suffering memory loss to engage in therapeutic music activities in a safe and accommodating setting, contributing greatly to their well-being; and

WHEREAS, by allowing individuals with dementia and Alzheimer's disease the opportunity to enjoy the social, emotional, and mental benefits of singing, the Sentimental Journey Singers has provided an invaluable service to many individuals and families in Loudoun County; now, therefore, be it

RESOLVED by the House of Delegates, That the Sentimental Journey Singers hereby be commended for enhancing the quality of life for those individuals in Loudoun County coping with the difficulties of memory loss; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Sentimental Journey Singers as an expression of the House of Delegates' admiration for the organization's contributions to the Commonwealth.

HOUSE RESOLUTION NO. 222

Commending the American Irish State Legislators Caucus.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, on March 17, during the annual celebration of the Feast of Saint Patrick, the Patron Saint of Ireland. Irish Americans join with men, women, and children of all other ethnic origins who, for one day, become Irish and celebrate Saint Patrick and a love of Ireland; and

WHEREAS, on Saint Patrick's Day, people throughout the Commonwealth and around the world wear green and live for a day in the spirit of Saint Patrick, Saint Bridget, and Saint Colmcille; and

WHEREAS, Irish immigrants in the United States helped form the cultural foundation of the nation and people of Irish lineage today proudly sing support for Ireland; and

WHEREAS, the songs of Ireland are the tragic songs of love and the joyous songs of battle, the nostalgic reveries of the sorrows and the glories that are the Emerald Isle, and the lamentations of life's myriad travails and the odes to joy and the life eternal; and

WHEREAS, the American Irish State Legislators Caucus was established in 2021 to foster and strengthen the longstanding relationship that exists between the United States and Ireland to the mutual benefit of both countries with members in all 50 states; now, therefore, be it

RESOLVED by the House of Delegates, That the American Irish State Legislators Caucus hereby be commended on the occasion of Saint Patrick's Day in 2022, which marks the 100th anniversary of the establishment of the Senate of Ireland; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Senator Mark Daly, chair of the Senate of Ireland, and the national co-chairs of the American Irish State Legislators Caucus, Speaker Robin J. Vos of Wisconsin, Assemblywoman Carol A. Murphy of New Jersey, Representative Killian Timoney of Kentucky, Representative Fran A. Hurley of Illinois, Senator Shannon O'Brien of Montana, and Senator Mia C. Costello of Alaska, as an expression of the House of Delegates' appreciation for rich history of Irish immigrants in the Commonwealth.

HOUSE RESOLUTION NO. 223

Commending Iona Spikes.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Iona Spikes greatly serves students and families in Fairfax County as director of equity and family engagement for Fairfax County Public Schools; and

WHEREAS, as a member of the leadership development team of Fairfax County Public Schools' Office of Professional Learning and Family Engagement, Iona Spikes has managed administrators' induction programs, coached school leaders, and collaborated with various teams to facilitate professional learning; and

WHEREAS, formerly a diversity, equity, and inclusion consultant and organizational development specialist for corporations and nonprofit organizations, Iona Spikes has advanced equity and diversity in Fairfax County Public Schools through her service on various committees; and

WHEREAS, prior to Fairfax County Public Schools, Iona Spikes worked with Baltimore Gas & Electric, the District of Columbia Metro Police, and Hope Baltimore to develop racially inclusive and safe workspaces, actions to promote gender equity, and strategies to foster community care; and

WHEREAS, Iona Spikes' educational leadership includes service as an executive principal for the Abu Dhabi Educational Council and as a principal in Baltimore City Public Schools; and

WHEREAS, in recognition of her success in the classroom, Iona Spikes and the schools where she has served have been the recipients of several accolades and awards; and

WHEREAS, Iona Spikes earned her doctoral degree in educational leadership from Nova Southeastern University, a master's degree in instructional design and technology from Walden University, a master's degree in educational leadership and secondary social studies education at Widener University, and a bachelor's degree in political science at Temple University; and

WHEREAS, Iona Spikes has been an ambassador for equity and an advocate for children and families throughout her career and promises to make a positive and lasting impact on the Fairfax County community through her work with Fairfax County Public Schools; now, therefore, be it

RESOLVED by the House of Delegates, That Iona Spikes hereby be commended for her service as director of equity and family engagement for Fairfax County Public Schools; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Iona Spikes as an expression of the House of Delegates' admiration for her contributions to the Commonwealth.

HOUSE RESOLUTION NO. 224

Commending Nick Scott.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Nick Scott, a graduate of Fairfax High School and strong safety with the Los Angeles Rams of the National Football League, made his Super Bowl debut in 2022 when the team won Super Bowl LVI; and

WHEREAS, a standout athlete at Fairfax High School, where he was an All-Met selection by *The Washington Post*, Nick Scott went on to play football for Penn State University, earning the Big Ten's Sportsmanship Award, the team's Captain Award, and the Bob Mitinger Memorial Award in his senior season; and

WHEREAS, drafted 243rd overall in the seventh round of the 2019 National Football League Draft by the Los Angeles Rams, Nick Scott made a difference for the team all season on special teams and secured clutch interceptions against the Seattle Seahawks on October 8, 2021, and the Detroit Lions on October 24, 2021; and

WHEREAS, Nick Scott took over the strong safety position for the Los Angeles Rams after Jordan Fuller suffered an ankle injury in the final game of the regular season and helped carry the team to its second Super Bowl appearance in three years; and

WHEREAS, Nick Scott recorded 12 tackles in the 2021-2022 postseason, including a crucial hit against San Francisco 49ers wide receiver Deebo Samuel in the National Football Conference championship, and intercepted Tampa Bay Buccaneers quarterback Tom Brady in the National Football Conference divisional round; and

WHEREAS, Nick Scott's exceptional talent and dedication on the field have twice earned him the NFL Way to Play Award, which recognizes players for applying proper techniques on the gridiron; and

WHEREAS, Nick Scott's accomplishments are the result of his hard work and dedication and his commitment to maximizing every opportunity to help his team; now, therefore, be it

RESOLVED by the House of Delegates, That Nick Scott, a graduate of Fairfax High School and strong safety with the Los Angeles Rams of the National Football League, hereby be commended for his Super Bowl debut and championship win; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Nick Scott as an expression of the House of Delegates' admiration for his achievements and best wishes for his future success.

HOUSE RESOLUTION NO. 225

Commending Adonis Lattimore.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Adonis Lattimore, a member of the Landstown High School wrestling team and an inspirational member of the Virginia Beach community, won an individual state title in the Virginia High School League Class 6 state championship in 2022; and

WHEREAS, born with no right leg, a partial left leg, and only one finger on his right hand, Adonis Lattimore is a determined competitor who has demonstrated that no challenge is too great to overcome; and

WHEREAS, Adonis Lattimore began wrestling in second grade and subsequently joined the Landstown High School wrestling team as a freshman; he has helped foster a strong sense of camaraderie among the Landstown Eagles throughout his high school career; and

WHEREAS, Adonis Lattimore entered the postseason ranked as the number two wrestler in Hampton Roads and finished his senior season with a 32-7 record after a 5-1 victory in the 106-pound division of the state final; and

WHEREAS, Adonis Lattimore fulfilled his dreams with the help and support of his family, friends, coaches, and teammates; now, therefore, be it

RESOLVED by the House of Delegates, That Adonis Lattimore hereby be commended on winning an individual title in the Virginia High School League Class 6 state wrestling championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Adonis Lattimore as an expression of the House of Delegates' admiration for his exceptional achievements and best wishes for the future.

HOUSE RESOLUTION NO. 226

Commending the Heritage High School girls' indoor track and field team.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, the Heritage High School girls' indoor track and field team of Newport News won the Virginia High School League Class 4 state championship in the 2021–2022 school year; and

WHEREAS, the Heritage High School Hurricanes claimed the team title with a final score of 59 points, a one-point victory over the runner-up team from Atlee High School; and

WHEREAS, Heritage High School's Madison Whyte claimed individual state titles in the 55-meter dash and the 300-meter dash, while Sabria Wooden, Sanaa Wooden, Myzhane' Solomon, and Kara Ashley won the 4x200-meter relay with a meet record; and

WHEREAS, the Heritage Hurricanes were in fourth place in the team standings heading into the final event, the 4x400-meter relay, and an explosive performance by Sabria Wooden, Sanaa Wooden, Kara Ashley, and Madison Whyte catapulted the team into the top spot for a dramatic finish; and

WHEREAS, every member of the team—Kara Ashley, Ahnasti Brown, Tyla Clarke, Marquette Fitzgerald, Julaisy Gomez-Cherry, Abeni Jackson, Destiny Kelley, Ken'naja Neal, Nicole Lee-Simmons, Myzhane' Solomon, De'iah Tatum, Madison Whyte, Sabria Wooden, Sanaa Wooden, and Amiya Valentine—contributed to the state championship victory; and

WHEREAS, the Heritage Hurricanes succeeded with the guidance and leadership of their coaches and staff members and the passionate support of the entire Heritage High School community in Newport News; now, therefore, be it

RESOLVED by the House of Delegates, That the Heritage High School girls' indoor track and field team of Newport News hereby be commended on winning the Virginia High School League Class 4 state championship in the 2021-2022 school year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jacqueline Bateman and Ray Pollard, coaches of the Heritage High School girls' indoor track and field team as an expression of the House of Delegates' admiration for the team's achievements and best wishes for the future.

HOUSE RESOLUTION NO. 227

Commending Tommy Reamon, Sr.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Tommy Reamon, Sr., a former football player who touched the lives of countless young people as an educator and football coach in Hampton Roads, retired after 35 years of service; and

WHEREAS, Tommy Reamon, Sr., grew up in Newport News and was a standout member of the George W. Carver High School football team, rushing for more than 1,000 yards and scoring 20 touchdowns to help the team finish with a 9-0-1 record in his senior season; and

WHEREAS, Tommy Reamon, Sr., was a multisport athlete who had success on the basketball, baseball, and track teams in high school; and

WHEREAS, Tommy Reamon, Sr., focused on football for his collegiate career and helped lead the Fort Scott Community College football team to a Junior College Athletic Association national championship in 1971; he rushed for 5,200 yards and scored 46 touchdowns in two years; and

WHEREAS, Tommy Reamon, Sr., continued playing football at the University of Missouri, adding another 2,765 rushing yards and 13 touchdowns, as well as earning several national accolades; and

WHEREAS, in 1974, Tommy Reamon, Sr., joined the Florida Blazers in the World Football League and led the league with 1,875 rushing yards and 18 touchdowns; he was voted the most valuable player in the league and the most valuable player in the 1974 championship game; and

WHEREAS, Tommy Reamon, Sr., subsequently played for the Pittsburgh Steelers, the Kansas City Chiefs, and what is now the Washington Commanders in the National Football League (NFL) and the Saskatchewan Roughriders in the Canadian Football League; and

WHEREAS, Tommy Reamon, Sr., later moved to Los Angeles, California, and pursued a career as an actor and producer, appearing in several movies and television shows until he returned to Hampton Roads in 1988; and

WHEREAS, that year, Tommy Reamon, Sr., became the head football coach at Manor High School in Portsmouth; he served as a head coach at Homer L. Ferguson High School, Warwick High School, Gloucester High School, and Landstown High School; and

WHEREAS, Tommy Reamon, Sr., was a trusted mentor to generations of student-athletes and helped them achieve success on and off the football field; he coached two future NFL quarterbacks and helped more than 2,000 young people earn scholarships or financial aid packages for college; and

WHEREAS, after his well-earned retirement, Tommy Reamon, Sr., worked with his son, Tommy, Jr., to establish the City on My Chest Academy, which will help local youths connect with college recruiters and make informed decisions about continuing their athletic careers; now, therefore, be it

RESOLVED by the House of Delegates, That Tommy Reamon, Sr., hereby be commended on the occasion of his retirement as a high school football coach in Hampton Roads; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Tommy Reamon, Sr., as an expression of the House of Delegates' admiration for his legacy of contributions to young people as an educator and coach.

HOUSE RESOLUTION NO. 228

Commending Paul Marik, M.D.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Paul Marik, M.D., a licensed physician in the Commonwealth specializing in the field of critical care medicine, has served as a bedside physician caring for gravely ill patients for more than 35 years; and

WHEREAS, Paul Marik is board-certified in both internal medicine and critical care medicine by the American Board of Internal Medicine and is a fellow of the American College of Physicians, the American College of Chest Physicians, and the Society of Critical Care Medicine; and

WHEREAS, Paul Marik has received numerous teaching awards, including the national Award for Outstanding Educator of Residents and Fellows from the American College of Physicians in 2017; and

WHEREAS, over his esteemed career, Paul Marik has authored or co-authored four books, 80 book chapters, and more than 520 peer-reviewed journal articles on diverse topics relevant to the critical care setting; and

WHEREAS, in the face of the COVID-19 pandemic, Paul Marik was profoundly affected by the plight and suffering of many intensive care unit patients and pursued treatments using alternative therapeutic medicines and supplements; and

WHEREAS, Paul Marik co-founded the nonprofit organization Front Line COVID-19 Critical Care Alliance (FLCCC) with other clinical experts whose sole mission was to develop and share the most effective COVID-19 treatment protocols; and

WHEREAS, Paul Marik and the FLCCC devised the MATH+ Protocol, which has been used and adopted by many clinicians and hospitals worldwide to lower rates of mechanical ventilation and save lives; and

WHEREAS, Paul Marik has published 15 peer-reviewed publications on COVID-19 and has lectured at multiple national and international conferences, bravely presenting his knowledge of COVID-19 treatments and the MATH+ Protocol to thousands of physicians worldwide in the face of massive institutional opposition; and

WHEREAS, one of the most experienced physicians in treating critically ill COVID-19 patients, Paul Marik has provided guidance to other expert physicians across the globe to help them treat their own COVID-19 patients; now, therefore, be it

RESOLVED by the House of Delegates, That Paul Marik, M.D., hereby be commended for his courageous treatment of critically ill COVID-19 patients and his philanthropic efforts to share his effective treatment protocols with physicians around the world; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Paul Marik, M.D., as an expression of the House of Delegates' admiration for his dedication to saving lives during the COVID-19 pandemic.

HOUSE RESOLUTION NO. 229

Celebrating the life of Harvey D. Bullock, Sr.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Harvey D. Bullock, Sr., an esteemed education professional and beloved member of the Chesapeake community, died on March 2, 2022; and

WHEREAS, a member of the East Suffolk High School Class of 1964, Harvey Bullock earned a bachelor's degree from Norfolk State University and master's degrees from Norfolk State University and Virginia Wesleyan College; and

WHEREAS, Harvey Bullock served as an educator at John F. Kennedy High School in Suffolk, where he contributed to and transformed the lives of many students; and

WHEREAS, after working as a teacher for a few years, Harvey Bullock started a thriving janitorial cleaning business, Tidewater Commercial Cleaning Services, which grew so fast that he left teaching to run his business full-time; and

WHEREAS, Harvey Bullock's commitment to the education of young people led him to return to Suffolk Public Schools, devoting more than 30 years to the division as an administrator before retiring in 2009; and

WHEREAS, Harvey Bullock helped in the formation and development of Angelos Bible College, serving as the institution's senior administrative consultant and as a professor and board member; and

WHEREAS, an active member of his community, Harvey Bullock engaged in countless civic activities both locally and around the Commonwealth, including serving faithfully for many years as a member of the Suffolk Branch of the NAACP; and

WHEREAS, guided throughout his life by his faith, Harvey Bullock enjoyed worship and fellowship with his community at Calvary Evangelical Baptist Church in Portsmouth since 2001, where he was a member of the choir and the men's ministry; and

WHEREAS, Harvey Bullock will be fondly remembered and dearly missed by numerous family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Harvey D. Bullock, Sr., a cherished member of the Chesapeake community whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Harvey D. Bullock, Sr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 230

Celebrating the life of Candace Lee Strother.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Candace Lee Strother, an esteemed social worker with Prince William County and beloved member of the Gainesville community, died on September 18, 2021; and

WHEREAS, after graduating from Clawson High School in Clawson, Michigan, in 1973, Candace Strother earned a bachelor's degree from Hillsdale College and later a master's degree in social work from Virginia Commonwealth University; and

WHEREAS, a licensed clinical social worker, Candace Strother had a rich and varied career that included various positions in radio and television broadcasting and the federal government; and

WHEREAS, in 1983, Candace Strother served in President Ronald W. Reagan's administration in the Office of Public Liaison as a special assistant to the president for education; and

WHEREAS, for the last 17 years, Candace Strother served as an emergency services social worker for Prince William County, providing emergency mental health and substance abuse assessments and crisis intervention to support the well-being of many; and

WHEREAS, Candace Strother maintained a private counseling practice, guiding individuals and families in need as they worked through their problems; and

WHEREAS, Candace Strother was passionate about improving her community through the political process, serving as president of the Loudoun County Republican Women's Club and finance chair of the Loudoun County Republican Committee and volunteering for many campaigns over the years; and

WHEREAS, guided throughout her life by her faith, Candace Strother was involved in the Church of Christ, founding a prison ministry program for women, teaching classes in her local congregation, and speaking at various ladies day events; and

WHEREAS, Candace Strother will be fondly remembered and dearly missed by her siblings Eric and Cortney and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Candace Lee Strother, a cherished member of the Gainesville community whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Candace Lee Strother as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 231

Commending the Greenwood Volunteer Fire and Rescue Company, Inc.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, the Greenwood Volunteer Fire and Rescue Company, Inc., was chartered on March 13, 1970, with Charles Dunn, Sr., William Franklin, Edward Bolton, Eugene Oldt, Dennis Cole, Dr. Fred Sprecher, Willard Slonaker, Clinton Ebersole, Dr. Ralph Braunschwig, Leon Pope, Stephen Culbert, Robert Pifer, James Wilkins, Jr., Charles Vance, James Killough, Werner Schwachall, Leonard Williamson, Herbert White, John Haggerty, Kenneth Clark, and Ray Hulver as members; and

WHEREAS, the original building of the Greenwood Volunteer Fire and Rescue Company was constructed on land donated by the Shawnee Ruritan Club; construction began in 1970 and was completed in 1972 with a loan obtained from Commercial and Savings Bank, which was paid off in 1988; and

WHEREAS, the Greenwood Volunteer Fire and Rescue Company acquired two used fire trucks, a 1944 Ford and 1948 Dodge, which were purchased prior to the completion of the building and initially housed at the Rouss Fire Company in Winchester; the company purchased a 1970 Chevrolet chassis and had E. W. Stinebaugh & Son build a pumper on the chassis, which was delivered on August 14, 1971; and

WHEREAS, during construction of its fire house, the Greenwood Volunteer Fire and Rescue Company had arrangements with the volunteers of Rouss for their volunteers to respond in Greenwood's equipment and the Greenwood volunteers would meet them on the scene; in 1970, the company responded to 83 fire calls; and

WHEREAS, in 1983, the Greenwood Volunteer Fire and Rescue Company responded to 283 calls for service and became one of the first fire departments in the Northern Shenandoah Valley to participate in the Emergency Medical Service (EMS) First Responder program, which has evolved into the Advanced Life Support EMS service that is currently being provided by the company; and

WHEREAS, in 2002, the Greenwood Volunteer Fire and Rescue Company expanded its original two-story building by adding a banquet hall to the rear of the building and a truck bay to accommodate a new ladder truck; the company became the first county fire company to purchase their own aerial unit, which was designated Quint 18 because of its ability to provide five components: hose, water tank, pump, ground ladders, and aerial ladder; and

WHEREAS, today, the Greenwood Volunteer Fire and Rescue Company still responds to fire and EMS calls for assistance from its original location at 809 Greenwood Road, responding to 3,015 incidents in 2021 alone, while maintaining Quint 18, the 105 foot aerial truck; Engine 18, the pumper; three advanced life support ambulances; and Brush 18, the off-road brush truck; now, therefore, be it

RESOLVED by the House of Delegates, That the Greenwood Volunteer Fire and Rescue Company, Inc., hereby be commended for their more than 50 years of outstanding service to the citizens of Frederick County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Greenwood Volunteer Fire and Rescue Company, Inc., as an expression of the House of Delegates' admiration for their dedication to the citizens of Frederick County.

HOUSE RESOLUTION NO. 232

Commending Samuel Buckley.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Samuel Buckley officially joined the Boyce Volunteer Fire Company on February 8, 1960, and has contributed thousands of hours of his time to the company; and

WHEREAS, Samuel "Sammy" Buckley was among the many who volunteered their time to build the Boyce Fire Station in 1960 and has maintained his status as an active volunteer to this day; and

WHEREAS, Sammy Buckley has been elected to the Boyce Volunteer Fire Company Board of Directors every year since 1975 and held the office of president from 2007 to 2013 and the office of vice president from 2002 to 2007 and 2013 to 2021; and

WHEREAS, Sammy Buckley has been instrumental to both the operational and administrative sides of the Boyce Volunteer Fire Company by quietly and efficiently doing anything that needs to be done; and

WHEREAS, Sammy Buckley is currently the chair of the Building and Grounds Committee, overseeing all the buildings, repairs, upgrades, and general maintenance of the buildings at the fire station, often by simply doing the work himself; and

WHEREAS, Sammy Buckley has been previously recognized for his exemplary service as the recipient of the Chief's Award in 1993, the President's Award in 2003, and both Member of the Year and Firefighter of the Year honors in 2006; and

WHEREAS, Sammy Buckley is not a man who craves recognition, but instead, he humbly and habitually supports Boyce Volunteer Fire Company in any way necessary; and

WHEREAS, the Boyce Volunteer Fire Company leadership relies on Sammy Buckley's many years of experience to provide valuable mentorship, guidance, and advice; now, therefore, be it

RESOLVED by the House of Delegates, That Samuel Buckley hereby be commended for his service and dedication to all citizens of Clarke County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Samuel Buckley as an expression of the House of Delegates' admiration for his dedication to the Boyce Volunteer Fire Company and to all citizens of Clarke County.

HOUSE RESOLUTION NO. 233

Commending the Charlottesville Band.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, The Charlottesville Band Mission Statement reads: "We are The Charlottesville Band; local musicians enriching community life through excellence in musical performance and education since 1922 and through our free concerts, varied repertoire, and partnerships, we provide our members and audiences with experiences that entertain, uplift, and inspire"; and

WHEREAS, the Municipal Band of Charlottesville, Inc., was established on August 17, 1922, and, under the direction of Harry Lowe, gave its first concert at a park in downtown Charlottesville on August 29, 1922; and

WHEREAS, since its founding in 1922, the Band has played hundreds of free concerts at Civic Functions, Patriotic Occasions and Celebrations including events to honor several Presidents of the United States as well as the Queen of England in Charlottesville and throughout Virginia and the southern United States; and

WHEREAS, since admitting women to the Band in 1957, over 600 women have played with the Band, and Peggy Madison, one of the first eighteen women to join in 1957, continues to play with the Band to this day; and

WHEREAS, in 2020 and 2021, the Band upheld its commitment to a century of free uninterrupted music, playing through the pandemic with its ensembles performing at safely distanced outdoor concerts in the summer and with the full Band performing a December holiday concert in downtown Charlottesville; and

WHEREAS, in 2021, the Municipal Band of Charlottesville changed its name to "The Charlottesville Band" to reflect its standing as an independent band, and created a commensurate new logo; and

WHEREAS, the Band has played for thousands of Virginia residents and beyond, always without an admission charge, and has had more than 1,700 musician members perform with it over its lifetime; and

WHEREAS, The Charlottesville Band continues to be one of the oldest continually operating community bands in the United States; now, therefore, be it

RESOLVED by the House of Delegates, That The Charlottesville Band hereby be commended for its service to the community on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Stephen R. Layman, Music Director of The Charlottesville Band, as an expression of the House of Delegates' admiration for the band's achievements and best wishes for the future.

HOUSE RESOLUTION NO. 234

Commending Lauren Holthaus, Ph.D.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, Lauren Holthaus, Ph.D., assistant principal at the Cora Kelly School for Math, Science and Technology in Alexandria, received the National Outstanding Assistant Principal Award from the Virginia Association of Elementary School Principals; and

WHEREAS, Lauren Holthaus was recognized with this honor for demonstrating exceptional leadership, earning respect from students, colleagues, parents, and the community at large, and setting high expectations for her staff and students; and

WHEREAS, in preparation for her career as an educator, Lauren Holthaus earned a bachelor's degree from St. Mary's College of Maryland, a master's degree from Stanford University, and doctorate of education at Vanderbilt University; and

WHEREAS, Lauren Holthaus has had a distinguished career in education as a former classroom teacher, reading teacher, and school improvement specialist, serving students at the elementary, middle, and high school levels, and was previously a member of the Alexandria City Public Schools' Department of Accountability; and

WHEREAS, Lauren Holthaus joined the Cora Kelly School for Math, Science and Technology as assistant principal at the beginning of the 2018-19 school year and has contributed greatly to the success of students and staff ever since; and

WHEREAS, Lauren Holthaus is motivated in her work by the opportunity to collaboratively solve problems that will lead her students and staff to achieve their dreams and enjoy bright and fulfilling lives; now, therefore, be it

RESOLVED by the House of Delegates, That Lauren Holthaus, Ph.D., hereby be commended for receiving the National Outstanding Assistant Principal Award from the Virginia Association of Elementary School Principals; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lauren Holthaus, Ph.D., as an expression of the House of Delegates' admiration for her achievement and service to the Commonwealth.

HOUSE RESOLUTION NO. 235

Commending Lieutenant Andrew Zysk.

Agreed to by the House of Delegates, March 11, 2022

WHEREAS, the Newport News City firefighter Lieutenant Andrew Zysk was recognized as 2021 Virginia Firefighter of the Year by Governor Glenn A. Youngkin, as a part of the Governor's Fire Service Awards; and

WHEREAS, the award is meant to recognize and honor excellence within Virginia's fire services; and

WHEREAS, Lieutenant Andrew Zysk has served the Newport News City Fire Department since 2011; and

WHEREAS, his roles in the department include being a training officer and volunteering at a camp for children burn victims; and

WHEREAS, Lieutenant Andrew Zysk is known by his colleagues for his passion for physical fitness and inspires them to be stronger; and

WHEREAS, he is known for being a tremendous leader and having the highest character; and

WHEREAS, the Newport News Fire Chief Jeff Johnson said Lieutenant Andrew Zysk, "is a true leader and we are fortunate to have him as part of the team that trains our newest firefighters."; and

WHEREAS, when it comes to his students Lieutenant Andrew Zysk is approachable and always willing to give his advice and help; and

WHEREAS, Lieutenant Andrew Zysk holds himself to the same standard that he holds his students and would never ask them to complete a task that he could not do himself; and

WHEREAS, Lieutenant Andrew Zysk's care for his trainees cannot go unnoticed and is proof of his character; now, therefore, be it

RESOLVED by the House of Delegates, That Lieutenant Andrew Zysk hereby be commended for being recognized as the 2021 Virginia Firefighter of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Andrew Zysk, Newport News City firefighter, as an expression of the House of Delegates' admiration for the team's historic victory.

HOUSE RESOLUTION NO. 236

Nominating a person to be elected to a circuit court judgeship.

Agreed to by the House of Delegates, March 12, 2022

RESOLVED by the House of Delegates, That the following person is hereby nominated to be elected to the respective circuit court judgeship as follows:

Steven B. Novey, Esquire, of Chesterfield, as a judge of the Twelfth Judicial Circuit for a term of eight years commencing December 1, 2022.

HOUSE RESOLUTION NO. 237

Commending the Justice High School football team.

Agreed to by the House of Delegates, March 12, 2022

WHEREAS, the Justice High School football team of Fairfax County won the Virginia High School League National District Championship in 2021, bringing home the school's first district championship since 1994; and

WHEREAS, the Justice Wolves' victory was powered by state and national star Neftali Reyes, a member of the Justice High School Class of 2022 who was named First Team All-National Linebacker, National District Player of the Year, and Defensive First Team All-District Linebacker and who scored 20 touchdowns this season, all while maintaining a 3.6 grade point average; and

WHEREAS, the Justice Wolves were carried by Abdullah Mohamed, a member of the Justice High School Class of 2022, who was named National District Offensive Player of the Year, First Team All-District Running Back, and First Team All-District Linebacker, while earning a 4.2 grade point average; and

WHEREAS, the success of the Justice Wolves is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of their parents and the entire Justice High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Justice High School football team hereby be commended for winning the 2021 Virginia High School League National District Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Greg Weisbecker, coach of the Justice High School football team, as an expression of the House of Delegates' admiration for the team's achievement.

HOUSE RESOLUTION NO. 238

Commending the Justice High School Scholarship Fund.

Agreed to by the House of Delegates, March 12, 2022

WHEREAS, for the past 17 years, the Justice High School Scholarship Fund has provided scholarships to academically high-achieving students who need financial assistance in order to realize their dreams of higher education; and

WHEREAS, the Justice High School Scholarship Fund, a 501(c)(3) nonprofit organization operated and managed by an all-volunteer board with the assistance of additional community volunteers, was originally incorporated in 2004 as the J.E.B. Stuart Educational Foundation to support students at J.E.B. Stuart High School in Falls Church; and

WHEREAS, the organization changed its name to the Justice High School Scholarship Fund in 2018 to mirror the school's name change from J.E.B. Stuart High School to Justice High School and to better reflect the organization's mission as a scholarship granting organization; and

WHEREAS, since its founding, the Justice High School Scholarship Fund has awarded more than \$1.7 million to help more than 775 graduates of the former J.E.B. Stuart High School and Justice High School continue their educational journeys; and

WHEREAS, in the 2021-2022 academic year alone, the Justice High School Scholarship Fund has raised more than \$200,000, enabling more than 70 Justice High School students to attend institutions of higher education; and

WHEREAS, in selecting recipients for its financial assistance, the Justice High School Scholarship Fund requires students to demonstrate not only high academic achievement and serious financial need, but leadership and a desire to give back to the Justice High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Justice High School Scholarship Fund hereby be commended for helping hundreds of young people on their pathways to success; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Justice High School Scholarship Fund as an expression of the House of Delegates' admiration for the organization's contributions to the Commonwealth.

HOUSE RESOLUTION NO. 239*Commending Reynaldo Martinez.*

Agreed to by the House of Delegates, March 12, 2022

WHEREAS, Reynaldo Martinez, a resident of Falls Church and Nevada, devoted his life to his community and his country as a public servant; and

WHEREAS, in high school, Reynaldo Martinez served as campaign manager for his friend, the future United States Senator Harry Reid, helping him to win election as class president; and

WHEREAS, Reynaldo Martinez dedicated his career to working with Senator Reid, becoming the first Hispanic individual to serve as chief of staff to a United States Senator and rising to the position of chief of staff of the United States Senate majority leader; and

WHEREAS, Reynaldo Martinez was twice named Hispanic of the Year by different national organizations and was chosen for the Community Hero Award by the former National Conference of Christians and Jews; and

WHEREAS, Reynaldo Martinez served as an advisor to the National Education Association, supporting educators throughout the country and contributing to the success of their students; and

WHEREAS, Reynaldo Martinez has an elementary school named for him in Nevada that stands as a testament to his legacy of service to minority and economically disadvantaged students; and

WHEREAS, rising to prominent leadership positions in whatever field he entered while achieving many goals on the national level, Reynaldo Martinez has served as a model and inspiration for all people; now, therefore, be it

RESOLVED by the House of Delegates, That Reynaldo Martinez hereby be commended for his lifelong service to his community and the nation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Reynaldo Martinez as an expression of the General Assembly's admiration for his achievements in the local, state, and national realm.

SENATE JOINT RESOLUTION NO. 2*Celebrating the life of George Millard Harvey, Sr.*

Agreed to by the Senate, January 13, 2022

Agreed to by the House of Delegates, January 17, 2022

WHEREAS, George Millard Harvey, Sr., a respected business owner who made many generous contributions to the Radford community, died on February 24, 2021; and

WHEREAS, born in West Virginia, George Harvey moved to Virginia at a young age and grew up in Montgomery County, where he attended Auburn High School in Riner, walking several miles to school every morning after waking up early to milk the cows on his family's farm; and

WHEREAS, after graduating in 1945, George Harvey joined the United States Army Air Corps and deployed to Fairbanks, Alaska; despite qualifying to apply for the United States Military Academy at West Point, he returned to Southwest Virginia and enrolled at the National Business College in Roanoke; and

WHEREAS, George Harvey began his career as the operator of a service station, then managed a Texaco distributor, and subsequently embarked upon a long and successful enterprise as an automobile dealer; and

WHEREAS, George Harvey became the co-owner of a General Motors Chevrolet dealership in Christiansburg in 1957 and purchased an Oldsmobile dealership the following year; he expanded to Radford by purchasing a Chevrolet-Oldsmobile-Cadillac dealership in 1959 and added a Pontiac-Buick dealership to his franchises in 1989; and

WHEREAS, in addition to providing outstanding customer service to generations of Southwest Virginia residents, George Harvey supported his employees through generous retirement and profit-sharing plans and was a trusted mentor who rewarded excellence and helped others achieve their fullest potential; and

WHEREAS, George Harvey was a member of the Virginia Automobile Dealers Association, the New River Dealers Association, the Radford Chamber of Commerce, and the Retail Merchants Association; he received a 1989 *Time* Magazine Quality Dealer Award for his commitment to excellence in his profession; and

WHEREAS, George Harvey further served his fellow residents as a real estate developer, overseeing the creation of several subdivisions, apartment complexes, and other projects to help the community grow; and

WHEREAS, George Harvey also offered his leadership and expertise to Southwest Virginia Health Services, Radford Community Hospital, and First & Merchants National Bank, among many other organizations; he inspired countless young men and women as the chair of the Business and Economics Department at Radford University and was instrumental in the establishment of the institution's business school; and

WHEREAS, George Harvey enjoyed fellowship and worship with the community as a member of the Presbyterian Church of Radford, where he served as an elder; and

WHEREAS, George Harvey will be fondly remembered and greatly missed by his wife of 61 years, Juanita; his children, George, Jr., Pamela, Tracy, Brad, and Ken, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of George Millard Harvey, Sr., a highly admired entrepreneur and community leader in Radford; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of George Millard Harvey, Sr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 4

Celebrating the life of Thomas S. Hardy.

Agreed to by the Senate, January 13, 2022

Agreed to by the House of Delegates, January 17, 2022

WHEREAS, Thomas S. Hardy, an active community leader in Surry County, died on July 23, 2021; and

WHEREAS, Thomas Hardy grew up in Surry County and graduated from the Isle of Wight Training School and the Norfolk Naval Shipyard Apprentice School; and

WHEREAS, after serving his country as a member of the United States Armed Forces during the Korean War, Thomas Hardy returned to the Commonwealth and pursued a long career with Norfolk Naval Shipyard, retiring in 1985 after 35 years of service; and

WHEREAS, Thomas Hardy was a champion for civil rights in Surry County as a member of the Surry Assembly, and he worked to enhance the quality of life for all of his fellow residents with service on the Surry County Planning Commission, the Crater District Planning Commission, and the Surry County Electoral Board; and

WHEREAS, Thomas Hardy offered his leadership to many other local bodies related to transportation safety, health care, and infrastructure; and

WHEREAS, Thomas Hardy was also a longtime member of the Surry County Democratic Committee, the Distinguished Men's Club of Surry County, and the local branch of the NAACP; and

WHEREAS, Thomas Hardy enjoyed fellowship and worship with the community as a longtime member of First Gravel Hill Baptist Church in Smithfield; and

WHEREAS, Thomas Hardy will be fondly remembered and greatly missed by his loving wife of 65 years, Gladys; his daughters, Debra, Faye, and Tonya, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Thomas S. Hardy, a respected member of the Surry County community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Thomas S. Hardy as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 6

Commending the Honorable Michael J. Cassidy.

Agreed to by the Senate, January 20, 2022

Agreed to by the House of Delegates, January 24, 2022

WHEREAS, the Honorable Michael J. Cassidy has served the residents of Fairfax County and the Commonwealth for more than two decades as a judge of the Fairfax County General District Court; and

WHEREAS, Michael Cassidy grew up in Washington, D.C., and graduated from Archbishop Carroll High School; he subsequently earned a bachelor's degree from Mount Saint Mary's University, then served his country as a member of the United States Army; and

WHEREAS, Michael Cassidy deployed to Vietnam as a member of the 23rd Infantry Division and the 196th Infantry Brigade, earning the Purple Heart and the Army Commendation Award; he also worked in public affairs and authored several articles for his unit publication, *Army Times*, and *Stars and Stripes*; and

WHEREAS, Michael Cassidy worked as a law-enforcement officer in Virginia Beach while attending The College of William and Mary Law School, then began his legal career as an assistant Commonwealth's attorney in Fairfax County; and

WHEREAS, Michael Cassidy subsequently worked as a criminal defense attorney and a general practitioner with appearances in state and federal trial and appellate courts; he also served as a substitute judge in courts throughout Northern Virginia; and

WHEREAS, Michael Cassidy was selected as a judge of the Fairfax County General District Court of the 19th Judicial District of Virginia in 1998; he presided over the court with great fairness and wisdom and was appointed as chief judge in 2015; and

WHEREAS, Michael Cassidy represented the Fairfax County General District Court before numerous local and state boards and commissions, participated in outreach programs in local schools, and was a trusted mentor to other district court judges in the region; and

WHEREAS, Michael Cassidy has served the Fairfax County community and the Commonwealth with the utmost dedication and distinction; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Honorable Michael J. Cassidy on the occasion of his retirement as a judge; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Honorable Michael J. Cassidy as an expression of the General Assembly's admiration for his achievements and service to the Commonwealth.

SENATE JOINT RESOLUTION NO. 8

Celebrating the life of the Honorable Arthur R. Giesen, Jr.

Agreed to by the Senate, January 13, 2022

Agreed to by the House of Delegates, January 17, 2022

WHEREAS, the Honorable Arthur R. Giesen, Jr., a former member of the House of Delegates who ably represented communities in the Blue Ridge Mountains for more than 30 years, died on April 2, 2021; and

WHEREAS, a native of Radford, Arthur "Pete" Giesen excelled in both academics and athletics in his youth; he graduated from Radford High School and earned a bachelor's degree from Yale University and a master's degree from Harvard University; and

WHEREAS, after completing his education, Pete Giesen relocated to Staunton, where he worked for Westinghouse Electric Corporation, then subsequently founded and served as president of Augusta Steel Corporation; and

WHEREAS, Pete Giesen followed in the footsteps of his father and grandfather, both former mayors of Radford, and his mother, the first woman elected to the House of Delegates as a Republican, and pursued a life of public service, running for a seat in the House of Delegates in 1963; and

WHEREAS, Pete Giesen represented the residents of the 10th District from 1964 to 1972, the 15th District from 1972 to 1982, the 10th District from 1982 to 1983, and the 25th District from 1983 to 1996; and

WHEREAS, during his tenure as a state lawmaker, Pete Giesen introduced and supported numerous important pieces of legislation to benefit all Virginians, taking a particular interest in racial equality and mental health; he earned the nickname "the Mediator of Virginia Politics" for his commitment to building bipartisan consensus and understanding; and

WHEREAS, Pete Giesen later served as a legislative liaison for several nonprofit organizations and local governments, as well as James Madison University; from 2007 to 2020, he shared his wise insights on local and state politics as a political science professor at the university; and

WHEREAS, Pete Giesen enjoyed fellowship and worship with the congregation of Christ Evangelical Lutheran Church in Staunton and volunteered his time and leadership with many civic and service organizations; he also established the Pete Giesen Mental Health Golf Tournament, which supported scholarships for students majoring in mental health fields at Blue Ridge Community College; and

WHEREAS, predeceased by his daughter, Beth Sauer-Holmes, Pete Giesen will be fondly remembered and greatly missed by his wife, Pat; his children, Ann Smith, Beth Esterling, Mary Tucker, Jay Giesen, Jon Giesen, Robert Giesen, Kim Elliot, and Amy Elliot, and their families; and numerous other family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Arthur R. Giesen, Jr., a dedicated public servant, community leader, and educator; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Arthur R. Giesen, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 9

Commending George Mason University.

Agreed to by the Senate, January 20, 2022

Agreed to by the House of Delegates, January 24, 2022

WHEREAS, George Mason University, one of Virginia's finest institutions of public education, will celebrate its 50th anniversary on April 7, 2022; and

WHEREAS, originally known as George Mason College, George Mason University was established in 1957 as the Northern Virginia branch of the University of Virginia; and

WHEREAS, in 1958, John "Jack" Wood, mayor of what was then the Town of Fairfax, worked with other town officials to acquire the original 150 acres of land for the Fairfax campus of George Mason University, and in 1969, Rector John "Til" Hazel, Jr., helped acquire an additional 421 acres of land to expand the campus; and

WHEREAS, on April 7, 1972, a contingent from George Mason College met with Governor A. Linwood Holton in Richmond for the signing of House Bill 210, which established George Mason University as a freestanding, baccalaureate public institution of higher education; and

WHEREAS, in 1972, George Mason University enrolled 4,166 students and employed 165 faculty members and 535 staff members; and

WHEREAS, George Mason University has since grown to operate three campuses in the Commonwealth: the original Fairfax campus established in 1964, the Arlington campus established in 1979, and the Prince William campus established in 1997; and

WHEREAS, Til Hazel also helped acquire George Mason University's School of Law, located in Arlington, in 1979; and

WHEREAS, in 1985, George Mason University's women's soccer team won the National Collegiate Athletics Association (NCAA) championship, defeating the University of North Carolina to claim the institution's first national title; and

WHEREAS, two George Mason University professors, James Buchanan and Vernon Smith, became the first two winners of the Nobel Memorial Prize in Economic Sciences from Virginia, winning the prize in 1986 and in 2002, respectively; and

WHEREAS, in March 2006, George Mason University's men's basketball team reached the Final Four of the NCAA Tournament by defeating teams from Michigan State University, the University of North Carolina, Wichita State University, and the University of Connecticut; and

WHEREAS, the Smithsonian-Mason School of Conservation was established in Front Royal in 2008 to offer hands-on conservation biology training for students; and

WHEREAS, George Mason University Korea was established in Seoul, South Korea, in 2014 as a part of the Incheon Global Campus; and

WHEREAS, George Mason University achieved R1 "Highest Research Activity" status in 2016, which was reaffirmed in 2018, from the Carnegie Classification of Institutions of Higher Education, recognizing the university as a tier-one top research university and for its 121 percent growth of research funding over the last decade; and

WHEREAS, in 2017, *U.S. News & World Report* named George Mason University as the most diverse university in Virginia; and

WHEREAS, in 2018, George Mason University and Northern Virginia Community College created the ADVANCE program, a partnership that has helped more than 2,020 students transfer from a two-year program to a bachelor's degree track; and

WHEREAS, George Mason University achieved level three management autonomy in 2021, the highest level of management flexibility granted to public institutions of higher education in Virginia; and

WHEREAS, in 2021, *Times Higher Education* magazine ranked George Mason University as the nation's top "young" university, compared with all other institutions less than 50 years old; and

WHEREAS, George Mason University offers a wide range of opportunities to students through the Antonin Scalia Law School, the College of Education and Human Development, the College of Health and Human Services, the College of Humanities and Social Sciences, the College of Science, the College of Visual and Performing Arts, the Jimmy and Rosalynn Carter School for Peace and Conflict Resolution, the Schar School of Policy and Government, the School of Business, and the Volgenau School of Engineering; and

WHEREAS, 61 percent of George Mason University students receive some form of financial aid, including 29 percent of undergraduates, who received Pell Grants; and

WHEREAS, of George Mason University's undergraduate students, 24 percent are first-generation college students; and

WHEREAS, approximately one in 12 George Mason University students are affiliated with the military, including active-duty personnel, reservists, members of the National Guard, veterans, and military dependents; and

WHEREAS, George Mason University is the most diverse, fastest growing, and largest baccalaureate public institution of higher education in Virginia, with more than 39,134 students, 10,895 staff and faculty, and more than 215,900 alumni, including 135,300 currently living in the Commonwealth; and

WHEREAS, the George Mason University Board of Visitors, George Mason University Alumni Association, local governments, advisory committees, and interested citizens have planned numerous celebrations and commemorations of the institution's history and achievements throughout 2022; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend George Mason University on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the president of George Mason University, Gregory Washington, and the rector of the institution, James Hazel, as an expression of the General Assembly's gratitude for their extraordinary efforts to promote educational access and academic excellence in the Commonwealth.

SENATE JOINT RESOLUTION NO. 10

Establishing a joint subcommittee to study pandemic response and preparedness in the Commonwealth. Report.

Agreed to by the Senate, March 12, 2022

Agreed to by the House of Delegates, March 12, 2022

WHEREAS, outbreaks of infectious disease have recurred throughout Virginia's recorded history since the time of the first European settlements, beginning with outbreaks in Jamestown that contributed to the deaths of 80 percent of its earliest settlers and spread rapidly among Native American communities, devastating entire populations; and

WHEREAS, the General Assembly was forced to adjourn its 1696 session in Jamestown due to a smallpox epidemic, and an outbreak beginning in 1747 again brought the legislature and economy to a halt; other periodic smallpox outbreaks killed countless Virginians and left survivors permanently scarred or blind until inoculation became widespread; and

WHEREAS, after the first cases of cholera appeared in the United States in the early 1800s, three outbreaks of the disease struck Virginia between 1832 and 1866, and cholera continued to pose a threat until sanitary reform curbed its spread; and

WHEREAS, an outbreak of yellow fever struck Norfolk and Portsmouth in 1855, forcing the closure of businesses and ports, shutting down both cities' governments, and claiming an estimated 4,000 lives between the two cities; and

WHEREAS, a new and highly contagious strain of influenza spread throughout the world in 1918 and 1919, exacerbated by the conditions of World War I; the pandemic forced school closures and prohibitions on public gatherings, and it claimed the lives of at least 16,000 Virginians and an estimated 50 million people worldwide; and

WHEREAS, the World Health Organization declared COVID-19 a pandemic on March 11, 2020, and the first known cases of the virus in Virginia were reported soon thereafter; in the year that followed, schools and businesses were forced to close, health care providers were overburdened, and the normal functioning of government was interrupted; hundreds of thousands of Virginians became infected with the virus and thousands died, and its final toll is still unknown; and

WHEREAS, the COVID-19 pandemic is the Commonwealth's most recent public health crisis but will not be its last, and it is essential in its aftermath to examine the effectiveness of the laws of the Commonwealth during the pandemic, the response of all levels of government, and the preparedness of various levels of government and, in particular, state institutions in Virginia to deal with future emergencies; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That a joint subcommittee be established to study pandemic response and preparedness in the Commonwealth. The joint subcommittee shall have a total membership of 24 members that shall consist of 10 legislative members, eight nonlegislative citizen members, and six ex officio members. Members shall be appointed as follows: four members of the Senate, to be appointed by the Senate Committee on Rules; six members of the House of Delegates, to be appointed by the Speaker of the House of Delegates; four nonlegislative citizen members, to include a representative from the K-12 public education system, a representative from a public hospital or health care system, a local elected official representing an urban locality, and an individual who owns a local pharmacy, each to be appointed by the Senate Committee on Rules; four nonlegislative citizen members, to include a local elected official representing a rural locality, a representative from a private hospital or health care system, a representative from a four-year institution of higher education, and a representative from a private business, each to be appointed by the Speaker of the House of Delegates; and the Secretaries of Commerce and Trade, Education, Finance, Health and Human Resources, and Public Safety and Homeland Security, or their designees, and the Executive Secretary of the Supreme Court of Virginia, or his designee, all of whom shall serve ex officio with nonvoting privileges. Nonlegislative citizen members of the joint subcommittee shall be citizens of the Commonwealth of Virginia. Unless otherwise approved in writing by the chairman of the joint subcommittee and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required. The joint subcommittee shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall examine the performance of existing laws in the Commonwealth in relation to the Commonwealth's pandemic response and develop recommendations regarding: (i) the scope of the Governor's powers in long-term states of emergency and the feasibility of legislative oversight of such powers; (ii) the adequacy, resilience, and performance of the General Assembly and local governments; (iii) the adequacy, resilience, and performance of public and private health care systems, pharmacies, hospitals, independent providers, health system providers, federally qualified health centers, urgent care centers, long-term care agencies and organizations, and congregate care facilities, including (a) an assessment of the readiness of all such facilities and providers to implement infection prevention and control measures in order to prevent and stop the spread of infectious diseases and (b) an assessment of the adequacy of regulations relating to vulnerable Virginians, including the elderly, the infirm, and children; (iv) the adequacy, resilience, and performance of the emergency management and public health care systems, including (a) the need for stockpiling and planning for distribution of pandemic response supplies and materials, (b) the performance of local health districts and the feasibility of allowing for local decision-making during pandemics, in contrast to delivery of routine services, and (c) the existing system's ability to detect and prevent future outbreaks and deploy health care solutions; (v) the adequacy, resilience, and performance of the judicial system and the need to develop future emergency plans to facilitate

better responsiveness; (vi) the adequacy, resilience, and performance of Virginia Freedom of Information Act, homeowners' association, and corporate meeting rules and the need to develop future emergency plans to facilitate better responsiveness; (vii) the adequacy, resilience, and performance of the K-12 and higher education systems and the need to develop future emergency plans to facilitate better responsiveness; and (viii) the adequacy, resilience, and performance of the business regulatory system and the need to develop future emergency plans to facilitate better responsiveness.

Administrative staff support shall be provided by the Office of the Clerk of the Senate. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be provided by the Division of Legislative Services. Technical assistance shall be provided by the Department of Health, the Department of Emergency Management, the Department of Medical Assistance Services, the Department of Behavioral Health and Developmental Services, the Department for Aging and Rehabilitative Services, the Department of Social Services, the Department of Labor and Industry, the Department of Education, the Board of Pharmacy, and the Office of the Executive Secretary of the Supreme Court of Virginia, upon request. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2022 interim and four meetings for the 2023 interim, and the direct costs of this study shall not exceed \$178,400 for each year without approval as set out in this resolution. Of this amount, an estimated \$150,000 is allocated for consulting services. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint subcommittee shall be adopted if a majority of the Senate members or a majority of the House members appointed to the joint subcommittee (1) vote against the recommendation and (2) vote for the recommendation to fail notwithstanding the majority vote of the joint subcommittee.

The joint subcommittee shall submit to the General Assembly an interim report containing an executive summary of its activity and work no later than December 1, 2022, and a final report containing an executive summary of its activities and recommendations no later than September 1, 2023. Each executive summary shall state whether the joint subcommittee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or delay the period for the conduct of the study, or authorize additional meetings during the 2022 or 2023 interims.

SENATE JOINT RESOLUTION NO. 12

Confirming appointments by the Governor of certain persons communicated to the General Assembly June 1, 2021.

Agreed to by the Senate, January 24, 2022

Agreed to by the House of Delegates, February 11, 2022

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Ralph Northam and communicated to the General Assembly June 1, 2021.

AGENCY HEAD

Bradley Copenhaver of **Richmond**, Virginia, Commissioner, Virginia Department of Agriculture and Consumer Services, to serve at the pleasure of the Governor beginning May 20, 2021, to succeed Jewel Bronaugh.

ADMINISTRATION

Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion

Dorothy French Boone of **Virginia Beach**, Virginia, Member, appointed March 26, 2021, for a term of five years beginning April 1, 2021, and ending March 31, 2026, to succeed Justin Reid.

Leah Brown of **Farmville**, Virginia, Member, appointed April 30, 2021, for a term of five years beginning April 1, 2021, and ending March 31, 2026, to succeed Tasha Chambers.

Andrew Davenport of **Arlington**, Virginia, Member, appointed March 12, 2021, to serve an unexpired term beginning April 1, 2018, and ending March 31, 2023, to succeed Steven Wood.

Frank Dellinger of **Richmond**, Virginia, Member, appointed March 26, 2021, for a term of five years beginning April 1, 2021, and ending March 31, 2026, to succeed Bryan Clark.

Claus Ihlemann of **Norfolk**, Virginia, Member, appointed March 12, 2021, to serve an unexpired term beginning April 1, 2018, and ending March 31, 2023, to succeed Daphne Maxwell Reid.

Julia-Anna Marsden of **Burke**, Virginia, Member, appointed March 12, 2021, to serve an unexpired term beginning April 1, 2018, and ending March 31, 2023, to succeed Sarah Scarbrough.

AGRICULTURE AND FORESTRY

Cotton Board

Clayton Lowe of **Wakefield**, Virginia, Member, appointed March 12, 2021, to serve an unexpired term beginning September 26, 2019, and ending September 25, 2022, to succeed Paul W. Rogers, III.

Horse Industry Board

Jeff Oakley of **Prince George**, Virginia, Member, appointed October 9, 2020, to serve an unexpired term beginning January 22, 2020, and ending June 19, 2021, to succeed Susan L. Fanelli.

Potato Board

Bruce Richardson of **Capeville**, Virginia, Member, appointed April 23, 2021, for a term of four years beginning June 20, 2018, and ending June 19, 2022, to succeed himself.

Sheep Industry Board

Clinton Bell of **Tazewell**, Virginia, Member, appointed March 12, 2021, for a term of four years beginning March 9, 2020, and ending March 8, 2024, to succeed himself.

Amanda Fletcher of **Abingdon**, Virginia, Member, appointed February 19, 2021, for a term of four years beginning March 9, 2020, and ending March 8, 2024, to succeed herself.

Jim Hilleary of **Marshall**, Virginia, Member, appointed April 9, 2021, for a term of four years beginning March 9, 2020, and ending March 8, 2024, to succeed himself.

Timothy Mize of **Warrenton**, Virginia, Member, appointed April 9, 2021, for a term of four years beginning March 9, 2020, and ending March 8, 2024, to succeed Sue Platts.

James A. Mumaw of **Linville**, Virginia, Member, appointed February 19, 2021, for a term of four years beginning March 9, 2020, and ending March 8, 2024, to succeed himself.

Jason Shiflett of **Grottoes**, Virginia, Member, appointed April 9, 2021, for a term of four years beginning March 9, 2020, and ending March 8, 2024, to succeed Peter Frederick Martens.

Carroll McCheyne Swartzel of **Greenville**, Virginia, Member, appointed February 19, 2021, for a term of four years beginning March 9, 2020, and ending March 8, 2024, to succeed himself.

James Alvin Thomas of **Dillwyn**, Virginia, Member, appointed February 19, 2021, for a term of four years beginning March 9, 2020, and ending March 8, 2024, to succeed himself.

Small Grains Board

Floyd S. Childress, III, of **Christiansburg**, Virginia, Member, appointed May 21, 2021, for a term of three years beginning September 1, 2020, and ending August 31, 2023, to succeed himself.

Ray Keating of **Norfolk**, Virginia, Member, appointed May 21, 2021, for a term of three years beginning September 1, 2020, and ending August 31, 2023, to succeed himself.

Soybean Board

Harrison Moody of **Dinwiddie**, Virginia, Member, appointed March 12, 2021, for a term of three years beginning October 1, 2020, and ending September 30, 2023, to succeed himself.

Susan Watkins of **Sutherland**, Virginia, Member, appointed April 2, 2021, for a term of three years beginning October 1, 2020, and ending September 30, 2023, to succeed herself.

Robert W. White, Jr., of **Virginia Beach**, Virginia, Member, appointed March 12, 2021, for a term of three years beginning October 1, 2020, and ending September 30, 2023, to succeed himself.

John Colin Whittington of **Amelia**, Virginia, Member, appointed April 2, 2021, for a term of three years beginning October 1, 2020, and ending September 30, 2023, to succeed himself.

Tobacco Board

John Bledsoe of **Blackstone**, Virginia, Member, appointed March 5, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed himself.

D. Scott Crowder of **Halifax**, Virginia, Member, appointed March 5, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed himself.

Richard T. Hite, Jr., of **Kenbridge**, Virginia, Member, appointed March 5, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed himself.

Glenn Price Hudson of **South Hill**, Virginia, Member, appointed March 12, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed himself.

Darrell Jackson of **Axton**, Virginia, Member, appointed March 5, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed himself.

Robert Mills, Jr., of **Callands**, Virginia, Member, appointed March 12, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed Joanne J. Jones.

Donald Lee Moore of **Chatham**, Virginia, Member, appointed March 5, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed himself.

Hugh Rogers of **McKenney**, Virginia, Member, appointed March 5, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed himself.

Cecil Shell of **Kenbridge**, Virginia, Member, appointed March 5, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed himself.

AUTHORITIES

Southeastern Public Service Authority

Thomas M. Leahy, III, of **Virginia Beach**, Virginia, Member, appointed March 12, 2021, to serve an unexpired term beginning January 2, 2021, and ending December 31, 2021, to succeed William A. Sorrentino.

Virginia Alcoholic Beverage Control Authority Board of Directors

Gregory F. Holland of **Midlothian**, Virginia, Member, appointed May 21, 2021, for a term of five years beginning July 1, 2021, and ending June 30, 2026, to succeed himself.

Virginia Biotechnology Research Partnership Authority Board of Directors

Ken Ampy of **Richmond**, Virginia, Member, appointed February 12, 2021, for a term of three years beginning July 1, 2020, and ending June 30, 2023, to succeed himself.

Eric S. Edwards of **Richmond**, Virginia, Member, appointed February 12, 2021, for a term of three years beginning July 1, 2020, and ending June 30, 2023, to succeed himself.

Virginia Tourism Authority Board of Directors

Damian Dajcz of **Ashburn**, Virginia, Member, appointed May 14, 2021, for a term of six years beginning July 1, 2020, and ending June 30, 2026, to succeed himself.

Alethea Robinson of **Bluefield**, Virginia, Member, appointed May 14, 2021, for a term of six years beginning July 1, 2020, and ending June 30, 2026, to succeed Catherine Donaldson Brillhart.

Terry L. Stroud of **Midlothian**, Virginia, Member, appointed May 14, 2021, for a term of six years beginning July 1, 2020, and ending June 30, 2026, to succeed himself.

COMMERCE AND TRADE

Board for Contractors

Doug Lowe of **Crozet**, Virginia, Member, appointed March 5, 2021, to serve an unexpired term beginning July 1, 2017, and ending June 30, 2021, to succeed Herbert Dyer.

Board for Hearing Aid Specialists and Opticians

Darla All of **Waynesboro**, Virginia, Member, appointed February 26, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed Edward De Gennaro.

Pamela Chavis of **Goochland**, Virginia, Member, appointed February 26, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed herself.

Kristina F. Green of **Midlothian**, Virginia, Member, appointed February 26, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed Theresa Leeper.

Erik S. Meland of **Gloucester**, Virginia, Member, appointed February 26, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed David Lambert.

Bonnie Predd of **Williamsburg**, Virginia, Member, appointed February 26, 2021, to serve an unexpired term beginning May 29, 2020, and ending June 30, 2021, to succeed ReBecca Bennett.

Pamela S. Smith of **Virginia Beach**, Virginia, Member, appointed February 26, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed Mark Grohler.

Laura Lee Thompson of **Chesterfield**, Virginia, Member, appointed February 26, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed herself.

Bruce Wagner of **Crozet**, Virginia, Member, appointed February 26, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed himself.

Kaytlyn Young of **Yorktown**, Virginia, Member, appointed February 26, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed Judith Canty.

Board for Professional Soil Scientists, Wetlands Professionals, and Geologists

Robin Bedenbaugh of **Midlothian**, Virginia, Member, appointed February 12, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed himself.

Bennette D. Burks of **Richmond**, Virginia, Member, appointed February 12, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed himself.

David Hall of **Floyd**, Virginia, Member, appointed February 12, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed himself.

Alexis E. Jones of **Jarratt**, Virginia, Member, appointed February 12, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed herself.

R. Drew Thomas of **Gainesville**, Virginia, Member, appointed February 12, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed himself.

Common Interest Community Board

Eileen M. Greenberg of **Alexandria**, Virginia, Member, appointed May 7, 2021, to serve an unexpired term beginning April 2, 2021, and ending June 30, 2022, to succeed Thomas F. Burrell.

Virginia Gas and Oil Board

David Spears of **Dillwyn**, Virginia, Member, appointed May 21, 2021, to serve an unexpired term beginning January 1, 2021, and ending June 30, 2022, to succeed Bradley Lambert.

Virginia Housing Development Authority Commissioners

William C. Shelton of **Chesterfield**, Virginia, Member, appointed April 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Virginia Offshore Wind Development Authority

Chris Gullickson of **Chesapeake**, Virginia, Member, appointed March 5, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed Brian Lewis Redmond.

James D. McArthur, Jr., of **Suffolk**, Virginia, Member, appointed March 5, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed himself.

Laura McKay of **Richmond**, Virginia, Member, appointed March 5, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed herself.

COMMONWEALTH

Virginia African American Advisory Board

Eldon Burton of **Richmond**, Virginia, Member, appointed February 5, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed Teri Helenese.

COMPACTS

Breaks Interstate Park Commission

Curtis R. Mullins, Jr., of **Grundy**, Virginia, Member, appointed April 16, 2021, for a term of four years beginning February 24, 2021, and ending February 23, 2025, to succeed himself.

EDUCATION

Board of Education

Anne Holton of **Richmond**, Virginia, Member, appointed May 21, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Stewart D. Roberson of **Richmond**, Virginia, Member, appointed February 5, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed Kim Adkins. [Not Confirmed by the House of Delegates]

Anthony Swann of **Vinton**, Virginia, Member, appointed February 5, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed Diane T. Atkinson. [Not Confirmed by the House of Delegates]

Jamelle Smith Wilson of **Hanover**, Virginia, Member, appointed May 21, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself. [Not Confirmed by the House of Delegates]

Board of Regents for Gunston Hall

Anne Mason Montague Bavin of **Alexandria**, Virginia, Member, appointed March 12, 2021, for a term of five years beginning October 26, 2020, and ending October 25, 2025, to succeed Hannah Cox.

Miriam May Hundley of **Little Rock, Arkansas**, Member, appointed March 12, 2021, for a term of five years beginning October 26, 2020, and ending October 25, 2025, to succeed Martha Rimmer.

Jackie Highley Kelly of **Greenville, South Carolina**, Member, appointed March 12, 2021, to serve an unexpired term beginning March 12, 2021, and ending October 25, 2023, to succeed Sara Lynn Postma.

Cynthia Lafferty of **Newport, Rhode Island**, Member, appointed March 12, 2021, for a term of five years beginning October 26, 2019, and ending October 25, 2024, to succeed Mary Cook Millard.

Christy Love of **Sheridan, Wyoming**, Member, appointed March 12, 2021, for a term of five years beginning October 26, 2020, and ending October 25, 2025, to succeed herself.

Dorothy McLeod of **Nashville, Tennessee**, Member, appointed March 12, 2021, for a term of five years beginning October 26, 2020, and ending October 25, 2025, to succeed herself.

Charlotte Louise Perry of **Corinth, Mississippi**, Member, appointed March 12, 2021, for a term of five years beginning October 26, 2020, and ending October 25, 2025, to succeed herself.

Carol Solomon of **Oklahoma City, Oklahoma**, Member, appointed March 12, 2021, for a term of five years beginning October 26, 2020, and ending October 25, 2025, to succeed herself.

Carol Stephenson of **St. Clair Shores, Michigan**, Member, appointed March 12, 2021, for a term of five years beginning October 26, 2020, and ending October 25, 2025, to succeed Salome Walton.

Catherine McCreary Strauch of **Charlottesville**, Virginia, Member, appointed March 12, 2021, for a term of five years beginning October 26, 2020, and ending October 25, 2025, to succeed Jean Grainger.

Paige Trace of **Portsmouth, New Hampshire**, Member, appointed March 12, 2021, for a term of five years beginning October 26, 2020, and ending October 25, 2025, to succeed herself.

Board of Trustees for the Frontier Culture Museum of Virginia

Iris Park of **Roanoke**, Virginia, Member, appointed February 5, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed Erik D. Curren.

**Board of Trustees of the A.L. Philpott Manufacturing Extension Partnership
(Genedge Alliance)**

Makola M. Abdullah of **Petersburg**, Virginia, Member, appointed March 26, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed himself.

Marc M. Foglia of **Vienna**, Virginia, Member, appointed April 23, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed himself.

Board of Trustees of the Science Museum of Virginia

Rodney L. Berry of **Glen Allen**, Virginia, Member, appointed February 12, 2021, to serve an unexpired term beginning November 16, 2020, and ending June 30, 2024, to succeed Tiffany Jana.

Commission on School Construction and Modernization

Keith Perrigan of **Bristol**, Virginia, Member, appointed April 30, 2021, for a term of two years beginning July 1, 2020, and ending June 30, 2022, to fill a new seat.

Commission to Study Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination

Jody Lynn Allen of **Ashland**, Virginia, Member, appointed February 12, 2021, for a term of two years beginning July 1, 2020, and ending June 30, 2022, to fill a new seat.

Edward L. Ayers of **Richmond**, Virginia, Member, appointed February 12, 2021, for a term of two years beginning July 1, 2020, and ending June 30, 2022, to fill a new seat.

Andrea Douglas of **Charlottesville**, Virginia, Member, appointed February 12, 2021, for a term of two years beginning July 1, 2020, and ending June 30, 2022, to fill a new seat.

John W. Kinney of **Ashland**, Virginia, Member, appointed February 12, 2021, for a term of two years beginning July 1, 2020, and ending June 30, 2022, to fill a new seat.

Cassandra L. Newby-Alexander of **Chesapeake**, Virginia, Member, appointed February 12, 2021, for a term of two years beginning July 1, 2020, and ending June 30, 2022, to fill a new seat.

Xavier Richardson of **Fredericksburg**, Virginia, Member, appointed February 12, 2021, for a term of two years beginning July 1, 2020, and ending June 30, 2022, to fill a new seat.

Karen Sherry of **Richmond**, Virginia, Member, appointed February 12, 2021, for a term of two years beginning July 1, 2020, and ending June 30, 2022, to fill a new seat.

Daniel P. Watkins of **Alexandria**, Virginia, Member, appointed February 12, 2021, for a term of two years beginning July 1, 2020, and ending June 30, 2022, to fill a new seat.

Institute for Advanced Learning and Research

Ben J. Davenport, Jr., of **Chatham**, Virginia, Member, appointed March 12, 2021, for a term of three years beginning July 1, 2020, and ending June 30, 2023, to succeed John Mead.

Jamestown-Yorktown Foundation Board of Trustees

Stephen Adkins of **Charles City**, Virginia, Member, appointed May 21, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

A. E. Dick Howard of **Charlottesville**, Virginia, Member, appointed May 21, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Cassandra L. Newby-Alexander of **Chesapeake**, Virginia, Member, appointed May 21, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

The Library Board

Robert L. Canida, II, of **Lynchburg**, Virginia, Member, appointed May 14, 2021, for a term of five years beginning July 1, 2020, and ending June 30, 2025, to succeed Mark Emblidge.

Barbara Vines Little of **Orange**, Virginia, Member, appointed May 14, 2021, for a term of five years beginning July 1, 2020, and ending June 30, 2025, to succeed herself.

Lana Real of **King William**, Virginia, Member, appointed May 14, 2021, for a term of five years beginning July 1, 2020, and ending June 30, 2025, to succeed Kathy Bowles.

New College Institute Board of Directors

Catherine Tanner Brown of **Concord**, Virginia, Member, appointed April 9, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed Robert Burger.

Ellen Dyke of **Reston**, Virginia, Member, appointed April 9, 2021, for a term of two years beginning July 1, 2020, and ending June 30, 2022, to fill a new seat.

Eric Jones of **Annapolis, Maryland**, Member, appointed April 9, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed Wilbert Hill.

Cameron Patterson of **Farmville**, Virginia, Member, appointed April 9, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed Tanya Foreman.

Maria Pia Tamburri of **Midlothian**, Virginia, Member, appointed April 9, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed Janice Wilkins.

Norfolk State University Board of Visitors

Terri L. Best of **Newport News**, Virginia, Member, appointed February 5, 2021, to serve an unexpired term beginning October 21, 2020, and ending June 30, 2022, to succeed Jean W. Cunningham.

State Historical Records Advisory Board

Bernadette Battle of **Emporia**, Virginia, Member, appointed February 5, 2021, for a term of three years beginning November 1, 2020, and ending October 31, 2023, to succeed herself.

Heather Bollinger of **Aldie**, Virginia, Member, appointed February 5, 2021, for a term of three years beginning November 1, 2020, and ending October 31, 2023, to succeed Gerald Gaidmore.

Kim Curtis of **Charlottesville**, Virginia, Member, appointed February 5, 2021, for a term of three years beginning November 1, 2020, and ending October 31, 2023, to succeed Adam Goers.

Katherine Egner Gruber of **Williamsburg**, Virginia, Member, appointed February 5, 2021, for a term of three years beginning November 1, 2020, and ending October 31, 2023, to succeed herself.

Zachary Hottel of **Woodstock**, Virginia, Member, appointed February 5, 2021, for a term of three years beginning November 1, 2020, and ending October 31, 2023, to succeed Eric Steigleder.

Josh Howard of **Staunton**, Virginia, Member, appointed February 5, 2021, for a term of three years beginning November 1, 2020, and ending October 31, 2023, to succeed Megan Rhyne.

Sara Townsend of **Fredericksburg**, Virginia, Member, appointed February 5, 2021, for a term of three years beginning November 1, 2020, and ending October 31, 2023, to succeed Cydney Neville.

Southern Virginia Higher Education Center Board of Trustees

John C. Lee, Jr., of **Clarksville**, Virginia, Member, appointed January 29, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed himself.

Hubert W. Pannell of **Halifax**, Virginia, Member, appointed January 29, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed Gerald Burnett.

University of Mary Washington Board of Visitors

Princess R. Moss of **Alexandria**, Virginia, Member, appointed February 5, 2021, to serve an unexpired term beginning November 21, 2020, and ending June 30, 2024, to succeed Sharon Bulova.

Virginia Water Resources Research Center Statewide Advisory Board

Patrick Calvert of **Charlottesville**, Virginia, Member, appointed February 19, 2021, to serve at the pleasure of the Governor, to succeed Martin Farber.

Lazaro E. Gonzalez of **Bristow**, Virginia, Member, appointed February 26, 2021, to serve at the pleasure of the Governor, to succeed John Michael Foreman.

Edwin Martinez Martinez of **Henrico**, Virginia, Member, appointed February 19, 2021, to serve at the pleasure of the Governor, to succeed Joseph Tannery.

Mitchell Smiley of **Henrico**, Virginia, Member, appointed February 19, 2021, to serve at the pleasure of the Governor, to succeed Timothy M. Morse.

HEALTH AND HUMAN RESOURCES

Advisory Board on Service and Volunteerism

Jamie Seagraves of **Richmond**, Virginia, Member, appointed March 26, 2021, to serve an unexpired term beginning January 29, 2021, and ending June 30, 2021, to succeed Gina Lewis.

Behavioral Health and Developmental Services Board

Moira Mazzi of **Alexandria**, Virginia, Member, appointed May 21, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Sandra Price-Stroble of **Harrisonburg**, Virginia, Member, appointed May 21, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Board of Dentistry

Dagoberto Zapatero of **Virginia Beach**, Virginia, Member, appointed February 5, 2021, to serve an unexpired term beginning January 22, 2021, and ending June 30, 2023, to succeed Mike Nguyen.

Board of Medical Assistance Services

Patricia Cook of **Ashland**, Virginia, Member, appointed April 23, 2021, for a term of four years beginning March 8, 2021, and ending March 7, 2025, to succeed herself.

Elizabeth Coulter of **Woodbridge**, Virginia, Member, appointed April 23, 2021, for a term of four years beginning March 8, 2021, and ending March 7, 2025, to succeed herself.

Elizabeth Noriega of **Loudoun**, Virginia, Member, appointed April 23, 2021, to serve an unexpired term beginning January 20, 2021, and ending March 7, 2023, to succeed Cameron Webb.

Kannan Srinivasan of **Potomac Falls**, Virginia, Member, appointed April 23, 2021, for a term of four years beginning March 8, 2021, and ending March 7, 2025, to succeed himself.

Board of Medicine

Madge E. Ellis of **Salem**, Virginia, Member, appointed April 9, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed Kenneth Walker.

Board of Social Services

Megan Miloser of **Warrenton**, Virginia, Member, appointed February 5, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed Joan Brennan.

Commonwealth Council on Aging

Deborah Taylor of **Stafford**, Virginia, Member, appointed March 26, 2021, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2021, to succeed Veronica Williams.

State Executive Council for Children's Services

Margaret Angela Franklin of **Woodbridge**, Virginia, Member, appointed May 7, 2021, to serve an unexpired term beginning January 8, 2020, and ending June 30, 2021, to succeed Catherine Hudgins.

Ronald K. Spears of **Powhatan**, Virginia, Member, appointed February 26, 2021, to serve an unexpired term beginning February 1, 2021, and ending June 30, 2021, to succeed Courtney Gaskins.

State Rehabilitation Council

Karen Michalski-Karney of **Glade Hill**, Virginia, Member, appointed April 23, 2021, to serve an unexpired term beginning April 23, 2021, and ending December 31, 2022, to succeed Shawn Utt.

Task Force on Services for Survivors of Sexual Assault

Lindsey Caley of **Roanoke**, Virginia, Member, appointed April 16, 2021, for a term of one year beginning July 1, 2020, and ending June 30, 2021, to fill a new seat.

Robin Foster of **Richmond**, Virginia, Member, appointed April 16, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to fill a new seat.

Patricia McComas Hall of **Christiansburg**, Virginia, Member, appointed April 16, 2021, for a term of three years beginning July 1, 2020, and ending June 30, 2023, to fill a new seat.

Melissa Ratcliff Harper of **Roanoke**, Virginia, Member, appointed April 16, 2021, for a term of three years beginning July 1, 2020, and ending June 30, 2023, to fill a new seat.

Sara B. Jennings of **Beaverdam**, Virginia, Member, appointed April 16, 2021, for a term of two years beginning July 1, 2020, and ending June 30, 2022, to fill a new seat.

Jeanne Parrish of **Afton**, Virginia, Member, appointed April 16, 2021, for a term of three years beginning July 1, 2020, and ending June 30, 2023, to fill a new seat.

Bonnie Price of **Richmond**, Virginia, Member, appointed April 16, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to fill a new seat.

Dawn Scaff of **Virginia Beach**, Virginia, Member, appointed April 16, 2021, for a term of two years beginning July 1, 2020, and ending June 30, 2022, to fill a new seat.

Scott Sparks of **Newport News**, Virginia, Member, appointed April 16, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2022, to fill a new seat.

Brooke Thomas of **Smithfield**, Virginia, Member, appointed April 16, 2021, for a term of one year beginning July 1, 2020, and ending June 30, 2021, to fill a new seat.

Chatonia Zollicoffer of **Fort Belvoir**, Virginia, Member, appointed April 16, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to fill a new seat.

INDEPENDENT**Chesapeake Bay Bridge and Tunnel Commission**

Reeves W. Mahoney of **Norfolk**, Virginia, Member, appointed February 12, 2021, for a term of four years beginning May 15, 2020, and ending May 14, 2024, to succeed himself.

Chris Snead of **Hampton**, Virginia, Member, appointed February 12, 2021, for a term of four years beginning May 15, 2020, and ending May 14, 2024, to succeed herself.

Commission to Investigate the May 31, 2019, Virginia Beach Mass Shooting

Robert Gray Bracknell of **Norfolk**, Virginia, Member, appointed April 16, 2021, to serve at the pleasure of the Governor, to fill a new seat.

David Cariens of **Kilmarnock**, Virginia, Member, appointed April 16, 2021, to serve at the pleasure of the Governor, to fill a new seat.

Kristofer J.W. Chester of **Virginia Beach**, Virginia, Member, appointed April 16, 2021, to serve at the pleasure of the Governor, to fill a new seat.

Rebecca G. Cowan of **Chesapeake**, Virginia, Member, appointed April 16, 2021, to serve at the pleasure of the Governor, to fill a new seat.

Richard Diviney of **Virginia Beach**, Virginia, Member, appointed April 16, 2021, to serve at the pleasure of the Governor, to fill a new seat.

Bob Geis of **Virginia Beach**, Virginia, Member, appointed April 16, 2021, to serve at the pleasure of the Governor, to fill a new seat.

Jason A. Harris of **Occoquan**, Virginia, Member, appointed April 16, 2021, to serve at the pleasure of the Governor, to fill a new seat.

Jim Redick of **Norfolk**, Virginia, Member, appointed April 16, 2021, to serve at the pleasure of the Governor, to fill a new seat.

Ryant Washington of **Fluvanna**, Virginia, Member, appointed April 16, 2021, to serve at the pleasure of the Governor, to fill a new seat.

David J. Whitted of **Chesapeake**, Virginia, Member, appointed April 16, 2021, to serve at the pleasure of the Governor, to fill a new seat.

Task Force for the Identification of the History of Formerly Enslaved African Americans in Virginia

Makola M. Abdullah of **Petersburg**, Virginia, Member, appointed February 5, 2021, for a term of two years beginning July 1, 2020, and ending June 30, 2022, to fill a new seat.

Nelson Harris of **Roanoke**, Virginia, Member, appointed February 5, 2021, for a term of two years beginning July 1, 2020, and ending June 30, 2022, to fill a new seat.

Khadijah O. Miller of **Chesapeake**, Virginia, Member, appointed February 5, 2021, for a term of two years beginning July 1, 2020, and ending June 30, 2022, to fill a new seat.

Jalane Schmidt of **Charlottesville**, Virginia, Member, appointed February 5, 2021, to serve an unexpired term beginning July 1, 2019, and ending June 30, 2021, to succeed Paula Gentius.

Cainan D. Townsend of **Farmville**, Virginia, Member, appointed February 5, 2021, for a term of two years beginning July 1, 2019, and ending June 30, 2021, to succeed himself.

Virginia Lottery Board

Scott Price of **Alexandria**, Virginia, Member, appointed February 5, 2021, for a term of five years beginning January 15, 2021, and ending January 14, 2026, to succeed himself.

Virginia Retirement System Board of Trustees

J. Brandon Bell of **Roanoke**, Virginia, Member, appointed April 2, 2021, for a term of five years beginning March 1, 2021, and ending February 28, 2026, to succeed himself.

JUDICIAL

Virginia Criminal Sentencing Commission

Linda W. Brown of **Chesapeake**, Virginia, Member, appointed April 23, 2021, to serve an unexpired term beginning April 23, 2021, and ending December 31, 2022, to succeed Kemba Smith Pradia.

Timothy S. Coyne of **Winchester**, Virginia, Member, appointed April 23, 2021, for a term of four years beginning January 1, 2021, and ending December 31, 2024, to succeed himself.

LEGISLATIVE

Virginia Conflict of Interest and Ethics Advisory Council

John C. Blair of **Charlottesville**, Virginia, Member, appointed March 26, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed Walter Erwin.

NATURAL RESOURCES

Board of Wildlife Resources

Michael Leon Boyd of **Vansant**, Virginia, Member, appointed February 12, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed himself.

Rovelle Corniel Brown of **Palmyra**, Virginia, Member, appointed February 12, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed Douglas Martin Dear.

Tammy Jo Franklin Grimes of **Big Stone Gap**, Virginia, Member, appointed February 12, 2021, to serve an unexpired term beginning July 1, 2019, and ending June 30, 2023, to succeed Henry Shawver Caudill.

Tom Sadler of **Verona**, Virginia, Member, appointed February 12, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed himself.

Plastic Waste Prevention Advisory Council

Rob Alexander of **Harrisonburg**, Virginia, Member, appointed April 23, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to fill a new seat.

Jennifer E. Cole of **Manassas**, Virginia, Member, appointed April 23, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to fill a new seat.

Anne Johnson of **Charlottesville**, Virginia, Member, appointed April 23, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to fill a new seat.

Jennifer Russell of **Blacksburg**, Virginia, Member, appointed April 23, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to fill a new seat.

Virginia Museum of Natural History Board of Trustees

Anne Axton Burnett of **Richmond**, Virginia, Member, appointed April 4, 2021, for a term of five years beginning July 1, 2020, and ending June 30, 2025, to succeed Barry M. Dorsey.

Jennifer H. Burnett of **South Boston**, Virginia, Member, appointed April 4, 2021, for a term of five years beginning July 1, 2020, and ending June 30, 2025, to succeed herself.

Mark J. Buss of **Henrico**, Virginia, Member, appointed April 4, 2021, for a term of five years beginning July 1, 2020, and ending June 30, 2025, to succeed Janet Scheid.

Cord Cothren of **Danville**, Virginia, Member, appointed April 4, 2021, for a term of five years beginning July 1, 2020, and ending June 30, 2025, to succeed himself.

Melany Stowe of **Ridgeway**, Virginia, Member, appointed April 4, 2021, for a term of five years beginning July 1, 2020, and ending June 30, 2025, to succeed herself.

PUBLIC SAFETY AND HOMELAND SECURITY

Advisory Committee on Juvenile Justice and Prevention

Jeffrey D. Charity of **Chesapeake**, Virginia, Member, appointed February 12, 2021, to serve an unexpired term beginning September 4, 2020, and ending June 30, 2023, to succeed Paul Taylor.

Board of Juvenile Justice

Anita James Price of **Roanoke**, Virginia, Member, appointed February 5, 2021, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2023, to succeed Jennifer Woolard.

Secure and Resilient Commonwealth Panel

Karl C. Colder of **Ashburn**, Virginia, Member, appointed February 12, 2021, to serve an unexpired term beginning July 1, 2019, and ending June 30, 2023, to succeed Corey Jackson.

Walter English, III, of **Arlington**, Virginia, Member, appointed February 12, 2021, to serve an unexpired term beginning July 1, 2018, and ending June 30, 2022, to succeed Anna McRay.

Elizabeth Leffel of Eagle Rock, Virginia, Member, appointed February 12, 2021, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Paula J. Loomis of **Norfolk**, Virginia, Member, appointed February 12, 2021, to serve an unexpired term beginning July 1, 2019, and ending June 30, 2023, to succeed Dario Marques.

Virginia Fire Services Board

Dennis Linaburg of **Winchester**, Virginia, Member, appointed February 26, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed himself.

Ben Reedy of **Marion**, Virginia, Member, appointed February 26, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed James Stokely.

Steven Sites of **Midland**, Virginia, Member, appointed February 26, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed David Hankley.

Ryant Washington of **Palmyra**, Virginia, Member, appointed February 26, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed Jim Calvert.

Virginia Parole Board

Lethia C. Hammond of **Iron Gate**, Virginia, Member, appointed May 17, 2021, to serve at the pleasure of the Governor, to succeed Linda Bryant.

TRANSPORTATION

Aerospace Advisory Council

David Bowles of **Exmore**, Virginia, Member, appointed March 12, 2021, for a term of two years beginning July 1, 2020, and ending June 30, 2022, to succeed himself.

Kurt Eberly of **Arlington**, Virginia, Member, appointed March 12, 2021, for a term of two years beginning July 1, 2020, and ending June 30, 2022, to succeed himself.

Christopher Goyne of **Charlottesville**, Virginia, Member, appointed March 12, 2021, for a term of two years beginning July 1, 2020, and ending June 30, 2022, to succeed himself.

Jon Greene of **Blacksburg**, Virginia, Member, appointed March 12, 2021, for a term of two years beginning July 1, 2020, and ending June 30, 2022, to succeed himself.

Tom Michels of **Washington, District of Columbia**, Member, appointed March 12, 2021, for a term of two years beginning July 1, 2020, and ending June 30, 2022, to succeed himself.

Dale K. Nash of **Virginia Beach**, Virginia, Member, appointed March 12, 2021, for a term of two years beginning July 1, 2020, and ending June 30, 2022, to succeed himself.

David Pierce of **Salisbury, Maryland**, Member, appointed March 12, 2021, for a term of two years beginning July 1, 2020, and ending June 30, 2022, to succeed himself.

Michael Stoltzfus of **Bridgewater**, Virginia, Member, appointed March 12, 2021, for a term of two years beginning July 1, 2020, and ending June 30, 2022, to succeed himself.

Todd Yeatts of **Arlington**, Virginia, Member, appointed March 12, 2021, for a term of two years beginning July 1, 2020, and ending June 30, 2022, to succeed himself.

Medical Advisory Board for the Department of Motor Vehicles

Surbhi Bansal of **Glen Allen**, Virginia, Member, appointed April 30, 2021, for a term of four years beginning October 1, 2020, and ending September 30, 2024, to succeed Ahmed Nasrullah.

Firas Beitinjaneh of **Virginia Beach**, Virginia, Member, appointed April 30, 2021, for a term of four years beginning October 1, 2020, and ending September 30, 2024, to succeed himself.

Jawad Wazir Bhatti of **Midlothian**, Virginia, Member, appointed April 30, 2021, for a term of four years beginning October 1, 2020, and ending September 30, 2024, to succeed Trevor Talbert.

Lisa Jenkins Haynie of **Reedville**, Virginia, Member, appointed April 30, 2021, for a term of four years beginning October 1, 2020, and ending September 30, 2024, to succeed Hertzal Hartley.

Saji V. Slavin of **Richmond**, Virginia, Member, appointed April 30, 2021, for a term of four years beginning October 1, 2020, and ending September 30, 2024, to succeed herself.

Virginia Aviation Board

Alan Abbott of **Ashland**, Virginia, Member, appointed February 12, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed himself.

Victoria Cox of **Falls Church**, Virginia, Member, appointed February 12, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed herself.

Virginia Commercial Spaceflight Authority Board of Directors

Jeff Bingham of **Round Hill**, Virginia, Member, appointed February 26, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed himself.

Linda Thomas-Glover of **McLeansville, North Carolina**, Member, appointed February 26, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed herself.

Kathryn C. Thornton of **Charlottesville**, Virginia, Member, appointed February 26, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed herself.

VETERANS AND DEFENSE AFFAIRS**Joint Leadership Council of Veterans Service Organizations**

Michelle Ramos Domingue of **Arlington**, Virginia, Member, appointed January 29, 2021, for a term of three years beginning July 1, 2020, and ending June 30, 2023, to succeed Craig D. Cressman.

Veterans Services Foundation Board of Trustees

Lettie J. Bien of **Charlottesville**, Virginia, Member, appointed February 5, 2021, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2022, to succeed Matice J. Wright.

Paula Buckley of **Richmond**, Virginia, Member, appointed February 5, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed Anthony T. Gitalado.

Phillip Jones of **Newport News**, Virginia, Member, appointed February 5, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed Stephen Bradford Antle.

Laura Schmiegel of **Arlington**, Virginia, Member, appointed February 26, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed Francis A. Finelli.

Virginia Military Advisory Council

Jennifer Jacobs of **Williamsburg**, Virginia, Member, appointed January 29, 2021, to serve at the pleasure of the Governor, to succeed Julie A. Gifford.

Charles M. Quillin of **Abingdon**, Virginia, Member, appointed January 29, 2021, to serve at the pleasure of the Governor, to succeed Vivian Greentree.

SENATE JOINT RESOLUTION NO. 13

Confirming appointments by the Governor of certain persons communicated to the General Assembly August 1, 2021.

Agreed to by the Senate, January 24, 2022

Agreed to by the House of Delegates, February 11, 2022

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Ralph Northam and communicated to the General Assembly August 1, 2021.

AGENCY HEADS

Joe Flores of **Richmond**, Virginia, Secretary of Finance, to serve at the pleasure of the Governor beginning July 1, 2021, to succeed Aubrey Layne.

ADMINISTRATION**Cannabis Equity Reinvestment Board**

Jorge Figueredo of **Falls Church**, Virginia, Member, appointed July 19, 2021, for a term of five years beginning July 1, 2021, and ending June 30, 2026, to fill a new seat.

Amari Harris of **Richmond**, Virginia, Member, appointed July 19, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to fill a new seat.

William Anthony West of **Roanoke**, Virginia, Member, appointed July 19, 2021, for a term of six years beginning July 1, 2021, and ending June 30, 2027, to fill a new seat.

Sheba Williams of **Richmond**, Virginia, Member, appointed July 19, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to fill a new seat.

Vickie R. Williams-Cullins of **Hampton**, Virginia, Member, appointed July 19, 2021, for a term of five years beginning July 1, 2021, and ending June 30, 2026, to fill a new seat.

State Board of Elections

Angela Chiang of **Chesterfield**, Virginia, Member, appointed July 2, 2021, for a term of four years beginning February 1, 2021, and ending January 31, 2025, to fill a new seat.

Donald W. Merricks of **Danville**, Virginia, Member, appointed July 2, 2021, for a term of four years beginning February 1, 2021, and ending January 31, 2025, to fill a new seat.

AGRICULTURE AND FORESTRY**Aquaculture Advisory Board**

Martin Gardner of **Martinsville**, Virginia, Member, appointed June 25, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed Bryan P. Plemmons.

Michael J. Oesterling of **Gloucester**, Virginia, Member, appointed June 25, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed himself.

Wine Board

George Hodson of **Afton**, Virginia, Member, appointed July 16, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Doug Fabboli.

Aubrey Rose of **South Hill**, Virginia, Member, appointed July 16, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Mitzi Batterson.

Nate Walsh of **Round Hill**, Virginia, Member, appointed July 16, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Leonard Thompson.

AUTHORITIES

Board of Directors of the Virginia Cannabis Control Authority

Neil Amin of **Henrico**, Virginia, Member, appointed July 19, 2021, for a term of five years beginning July 1, 2021, and ending June 30, 2026, to fill a new seat.

Bette Brand of **Roanoke**, Virginia, Member, appointed July 19, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to fill a new seat.

Rasheeda N. Creighton of **Richmond**, Virginia, Member, appointed July 19, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to fill a new seat.

Shane Emmett of **Midlothian**, Virginia, Member, appointed July 19, 2021, for a term of one year beginning July 1, 2021, and ending June 30, 2022, to fill a new seat.

Michael Jerome Massie of **Portsmouth**, Virginia, Member, appointed July 19, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to fill a new seat.

Board of the Virginia Coalfield Economic Development Authority

Kathy L. Still of **Norton**, Virginia, Member, appointed July 23, 2021, to serve an unexpired term beginning June 12, 2021, and ending June 30, 2024, to succeed Mark T. Leonard.

Southwest Virginia Energy Research and Development Authority

Lydia Sinemus of **Bristol**, Virginia, Member, appointed June 25, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Virginia Port Authority Board of Commissioners

Eva Teig Hardy of **Richmond**, Virginia, Member, appointed July 2, 2021, for a term of five years beginning July 1, 2021, and ending June 30, 2026, to succeed herself.

Maurice A. Jones of **Norfolk**, Virginia, Member, appointed July 2, 2021, for a term of five years beginning July 1, 2021, and ending June 30, 2026, to succeed Jennifer Aument.

Aubrey L. Layne, Jr., of **Chesapeake**, Virginia, Member, appointed July 2, 2021, for a term of five years beginning July 1, 2021, and ending June 30, 2026, to succeed Fred Wimbush.

Edward F. O'Callaghan of **Virginia Beach**, Virginia, Member, appointed July 2, 2021, to serve an unexpired term beginning May 1, 2021, and ending June 30, 2026, to succeed James William Cofer.

Faith B. Power of **Winchester**, Virginia, Member, appointed July 2, 2021, for a term of five years beginning July 1, 2021, and ending June 30, 2026, to succeed herself.

COMMERCE AND TRADE

Auctioneers Board

Angela Smith-Mackey of **Fredericksburg**, Virginia, Member, appointed July 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Linda W. Terry of **Richmond**, Virginia, Member, appointed July 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Board for Contractors

Vernell A. Woods, Jr., of **Suffolk**, Virginia, Member, appointed June 4, 2021, to serve an unexpired term beginning March 1, 2021, and ending June 30, 2022, to succeed Michael Redifer.

Board for Professional Soil Scientists, Wetlands Professionals, and Geologists

Doug DeBerry of **Williamsburg**, Virginia, Member, appointed July 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Larry James Giannasi of **Hanover**, Virginia, Member, appointed July 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Michael D. Lawless of **Blacksburg**, Virginia, Member, appointed July 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Board of Housing and Community Development

Abby Johnson of **Williamsburg**, Virginia, Member, appointed July 9, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Paykon H. Sarmadi of **Fishersville**, Virginia, Member, appointed July 9, 2021, to serve an unexpired term beginning November 25, 2020, and ending June 30, 2022, to succeed Mimi Milner Elrod.

Broadband Advisory Council

Jimmy Carr of **Leesburg**, Virginia, Member, appointed July 16, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to succeed himself.

Mike Culp of **Albemarle**, Virginia, Member, appointed July 16, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to succeed himself.

Michael Keyser of **Lexington**, Virginia, Member, appointed July 16, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to succeed himself.

Steven Sandy of **Vinton**, Virginia, Member, appointed July 16, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to succeed himself.

Richard Schollmann of **Henrico**, Virginia, Member, appointed July 16, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to succeed himself.

Commission on Local Government

Ceasor T. Johnson, Sr., of **Lynchburg**, Virginia, Member, appointed July 16, 2021, for a term of five years beginning January 1, 2021, and ending December 31, 2025, to succeed Kimble Reynolds.

State Building Code Technical Review Board

Beth Carter White of **Galax**, Virginia, Member, appointed July 9, 2021, to serve at the pleasure of the Governor, to succeed Patricia O'Bannon.

Virginia Resources Authority Board of Directors

Barbara M. Donnellan of **Clifton**, Virginia, Member, appointed June 4, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Virginia Small Business Financing Authority Board of Directors

John G. Dane of **Midlothian**, Virginia, Member, appointed July 16, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2024, to succeed Neil Amin.

EDUCATION

Board of Trustees of the Roanoke Higher Education Authority

Elda Stanco Downey of **Roanoke**, Virginia, Member, appointed June 11, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Katherin A. Elam of **Salem**, Virginia, Member, appointed June 11, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Lorraine Lange.

Christopher Newport University Board of Visitors

Sean Miller of **Henrico**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed Junius H. Williams.

Lee Vreeland of **Newport News**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed W. Bruce Jennings.

Judy Wason of **Williamsburg**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

The College of William and Mary Board of Visitors

Barbara Johnson of **Alexandria**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

John P. Rathbone of **Norfolk**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed Mirza Baig.

J.E. Lincoln Saunders of **Richmond**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Ardine Williams of **Washington, D.C.**, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed H. Thomas Watkins.

Eastern Virginia Medical School Board of Visitors

Guy R. "Rusty" Friddell, III, of **Norfolk**, Virginia, Member, appointed June 25, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed Alan Wagner.

George Mason University Board of Visitors

Horace L. Blackman of **Falls Church**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Anjan Chimaladinne of **Chantilly**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Dolly Oberoi of **Vienna**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed Thomas M. Davis.

Nancy Prowitt of **Arlington**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Institute for Advanced Learning and Research

Lott Rogers of **Halifax**, Virginia, Member, appointed July 9, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed himself.

Longwood University Board of Visitors

Elia Fabiola Carter of **Richmond**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed Colleen Margiloff.

Nadine Marsh-Carter of **Richmond**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Ricshawn Roane of **Great Falls**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Shawn L. Smith of **Richmond**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed Eric Hansen.

Norfolk State University Board of Visitors

Heidi Abbott of **Richmond**, Virginia, Member, appointed June 11, 2021, to serve an unexpired term, beginning April 9, 2021, and ending June 30, 2023, to succeed Michael Helpinstill.

James Dyke of **Reston**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Delbert Parks of **Herndon**, Virginia, Member, appointed June 11, 2021, to serve an unexpired term, beginning April 11, 2021, and ending June 30, 2022, to succeed Tamara Jones.

Harold Watkins of **Richmond**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Joan G. Wilmer of **Hanover, Maryland**, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Old Dominion University Board of Visitors

Robert Corn of **Springfield**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Jerri Fuller Dickeski of **Hampton**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Ross A. Mugler of **Hampton**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Maurice D. Slaughter of **Chesapeake**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Radford University Board of Visitors

Charlene Curtis of **Kernersville, North Carolina**, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed James Kibler.

Lisa Pompa of **Virginia Beach**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed Gregory Burton.

Marquett Smith of **Ashburn**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed Karyn Moran.

Southern Virginia Higher Education Center Board of Trustees

Paul Nichols of **Clarksville**, Virginia, Member, appointed June 11, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

State Board for Community Colleges

Edward C. Dalrymple, Jr., of **Mineral**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Maurice A. Jones of **Norfolk**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed Darren Conner.

Peggy Layne of **Chesapeake**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Terrie Thompson of **Chesapeake**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

State Council of Higher Education for Virginia

Mirza Baig of **Great Falls**, Virginia, Member, appointed June 11, 2021, to serve an unexpired term, beginning May 19, 2021, and ending June 30, 2024, to succeed Tom Slater.

John Broderick of **Norfolk**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed Berkley Carlyle Ramsey.

Victoria Harker of **McLean**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Jennie O'Holleran of **Richmond**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed William Fralin.

Alvin J. Schexnider of **Chesapeake**, Virginia, Member, appointed June 11, 2021, to serve an unexpired term, beginning August 1, 2021, and ending June 30, 2023, to succeed Marianne Radcliff.

Jeffery O. Smith of **Hampton**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed Rosa Atkins.

University of Mary Washington Board of Visitors

Allida Black of **Arlington**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Devon Cushman of **Richmond**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Patricia McGinnis of **Washington, D.C.**, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Robert Strassheim of **Keswick**, Virginia, Member, appointed June 11, 2021, to serve an unexpired term, beginning July 1, 2021, and ending June 30, 2024, to succeed Edward Hontz.

University of Virginia and Affiliated Schools Board of Visitors

Robert M. Blue of **Richmond**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Carlos M. Brown of **Henrico**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed John Griffin.

Robert Hardie of **Charlottesville**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

L.F. Payne of **Charlottesville**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed Maurice Jones.

Virginia Commonwealth University Board of Visitors

Andrew Florance of **Inlet Beach, Florida**, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed G. Richard Wagoner.

Todd Haymore of **Henrico**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Edward McCoy of **Richmond**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Tyrone Nelson of **Henrico**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Virginia Military Institute Board of Visitors

Hugh M. Fain, III, of **Richmond**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

J. Conrad Garcia of **Richmond**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed Frances C. Wilson.

Gussie Lord of **Lakewood, Colorado**, Member, appointed June 11, 2021, to serve an unexpired term, beginning October 30, 2020, and ending June 30, 2024, to succeed Grover Outland.

Thomas R. Watjen of **Key Largo, Florida**, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

A. Damon Williams of **Roanoke**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed John William Boland.

Virginia Polytechnic Institute and State University Board of Visitors

Anna Healy James of **Virginia Beach**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Letitia A. Long of **Alexandria**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Virginia State University Board of Visitors

Jon Moore of **Midlothian**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed Gregory Whirley.

Edward Owens of **South Boston**, Virginia, Member, appointed June 11, 2021, for a term of four years, beginning July 1, 2021, and ending June 30, 2025, to succeed Huron Winstead.

Virginia STEM Education Advisory Board

Damodar Ambur of **Yorktown**, Virginia, Member, appointed July 30, 2021, for a term of one year beginning July 1, 2021, and ending June 30, 2022, to fill a new seat.

Gary R. Artybridge, Jr., of **Smithfield**, Virginia, Member, appointed July 30, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to fill a new seat.

Chris Dovi of **Richmond**, Virginia, Member, appointed July 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to fill a new seat.

Casey M. Roberts of **Chesapeake**, Virginia, Member, appointed July 30, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to fill a new seat.

Amy E. Sabarre of **Dayton**, Virginia, Member, appointed July 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to fill a new seat.

Padmanabhan Seshaiyer of **Loudoun**, Virginia, Member, appointed July 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to fill a new seat.

Susheela Shanta of **Roanoke**, Virginia, Member, appointed July 30, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to fill a new seat.

Zaina Tarafder of **Sterling**, Virginia, Member, appointed July 30, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to fill a new seat.

Amy Stinnett White of **Buchanan**, Virginia, Member, appointed July 30, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to fill a new seat.

FINANCE**Advisory Council on Revenue Estimates**

Robert M. Blue of **Richmond**, Virginia, Member, appointed July 2, 2021, to serve at the pleasure of the Governor, to succeed Thomas Farrell.

HEALTH AND HUMAN RESOURCES**Advisory Board of Occupational Therapy**

Raziuddin Ali of **Midlothian**, Virginia, Member, appointed June 25, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Advisory Board on Art Therapy

Anne Mills of **Alexandria**, Virginia, Member, appointed June 4, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Advisory Board on Behavior Analysis

Christina Bock Giuliano of **Salem**, Virginia, Member, appointed June 11, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Advisory Board on Music Therapy

Gary L. Verhagen of **Annandale**, Virginia, Member, appointed June 11, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Advisory Board on Surgical Assisting

Nicole M. Meredith of **Prince George**, Virginia, Member, appointed July 2, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Advisory Council on PANDAS/PANS (Pediatric Autoimmune Neuropsychiatric Disorders Associated with Streptococcal Infections and Pediatric Acute-onset Neuropsychiatric Syndrome)

Megan Bonfili of **Midlothian**, Virginia, Member, appointed July 23, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to succeed Stacey Link.

Teresa L. Champion of **Springfield**, Virginia, Member, appointed July 23, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to succeed herself.

David Jaffe of **Henrico**, Virginia, Member, appointed July 23, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to succeed himself.

Stefanie Levensalor of **Norfolk**, Virginia, Member, appointed July 23, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to succeed herself.

Melissa B. Nelson of **Richmond**, Virginia, Member, appointed July 23, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to succeed herself.

Aradhana Bela Sood of **Richmond**, Virginia, Member, appointed July 23, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to succeed herself.

Susan Swedo of **McLean**, Virginia, Member, appointed July 23, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to succeed herself.

Christina Teague of **Charlottesville**, Virginia, Member, appointed July 23, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to succeed Jessica Gavin.

Wei Zhao of **Chesterfield**, Virginia, Member, appointed July 23, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to succeed himself.

Alzheimer's Disease and Related Disorders Commission

Destiny LeVere Bolling of **Henrico**, Virginia, Member, appointed July 16, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Khurram Khan.

Vanessa R. Crawford of **Petersburg**, Virginia, Member, appointed July 16, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Lory Phillippo.

Board for the Blind and Vision Impaired

Mazen M. Basrawi of **Arlington**, Virginia, Member, appointed July 23, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Leo Kim of **Alexandria**, Virginia, Member, appointed July 23, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Board of Counseling

Barry J. Alvarez of **Falls Church**, Virginia, Member, appointed July 9, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Maria S. Stransky Baggot of **Richmond**, Virginia, Member, appointed July 9, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Angela L. Charlton of **Ashburn**, Virginia, Member, appointed July 9, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to succeed Kevin Doyle.

Natalie Franklin Harris of **Newport News**, Virginia, Member, appointed July 9, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed herself.

Gerard Lawson of **Roanoke**, Virginia, Member, appointed July 9, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed Jane Nevins.

Tiffinee Yancey of **Suffolk**, Virginia, Member, appointed July 9, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Board of Directors of the Assistive Technology Loan Fund Authority

Christopher O. Grandle of **Stuarts Draft**, Virginia, Member, appointed June 11, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Michael Costanzo.

Michael VanDyke of **Lebanon**, Virginia, Member, appointed June 11, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Joyce Viscomi.

Board of Optometry

Evan J. Kaufman of **Charlottesville**, Virginia, Member, appointed July 23, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Steven Linas.

Board of Pharmacy

Cheri Garvin of **Leesburg**, Virginia, Member, appointed July 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Ryan Logan.

Board of Physical Therapy

Elizabeth Locke of **Newport News**, Virginia, Member, appointed July 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Mira Mariano of **Norfolk**, Virginia, Member, appointed July 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Susan "Suzy" Szasz Palmer of **Richmond**, Virginia, Member, appointed July 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Board of Veterinary Medicine

Thomas B. Massie, Jr., of **Washington**, Virginia, Member, appointed July 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Bayard Rucker.

Cannabis Public Health Advisory Council

Ngiste Abebe of **Richmond**, Virginia, Member, appointed July 19, 2021, for a term of six years beginning July 1, 2021, and ending June 30, 2027, to fill a new seat.

Larry Keen, II, of **Petersburg**, Virginia, Member, appointed July 19, 2021, for a term of five years beginning July 1, 2021, and ending June 30, 2026, to fill a new seat.

Cynthia Morrow of **Roanoke**, Virginia, Member, appointed July 19, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to fill a new seat.

Marcus Treiber of **Leesburg**, Virginia, Member, appointed July 19, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to fill a new seat.

Commonwealth Council on Aging

Amy Duncan of **Bristol**, Virginia, Member, appointed July 16, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

John Countryman of **Richmond**, Virginia, Member, appointed July 16, 2021, to serve an unexpired term beginning July 1, 2021, and ending June 30, 2022, to succeed John White.

William Gorman of **Roanoke**, Virginia, Member, appointed July 16, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Joni Goldwasser.

Tresserlyn Lawson Kelly of **Newport News**, Virginia, Member, appointed July 16, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

John T. "Jay" White of **Lynchburg**, Virginia, Member, appointed July 16, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Katherine Reid.

Henrietta Lacks Commission

Nettie L. Simon-Owens of **South Boston**, Virginia, Member, appointed July 9, 2021, to serve an unexpired term beginning May 5, 2021, and ending June 30, 2022, to succeed Mattie Cowan.

Office of the Children's Ombudsman

Eric Reynolds of **Richmond**, Virginia, Children's Ombudsman, appointed June 25, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to fill a new seat.

State Executive Council for Children's Services

Eric D. Campbell of **Harrisonburg**, Virginia, Member, appointed July 16, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed himself.

Margaret Angela Franklin of **Woodbridge**, Virginia, Member, appointed July 16, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed herself.

Willie T. Greene, Sr., of **Galax**, Virginia, Member, appointed July 16, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed himself.

Michelle Johnson of **Providence Forge**, Virginia, Member, appointed July 16, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed herself.

Ronald K. Spears of **Powhatan**, Virginia, Member, appointed July 16, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed himself.

Amanda Noell Stanley of **Bedford**, Virginia, Member, appointed July 16, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed herself.

Task Force on Services for Survivors of Sexual Assault

Lindsey Caley of **Roanoke**, Virginia, Member, appointed June 11, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Brooke Thomas of **Smithfield**, Virginia, Member, appointed June 11, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

INDEPENDENT

Virginia College Savings Plan Board

Dante Jackson of **North Chesterfield**, Virginia, Member, appointed June 25, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

LEGISLATIVE

Manufacturing Development Commission

Dawit Haile of **Chester**, Virginia, Member, appointed July 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Lorraine Amesbury Holder of **Virginia Beach**, Virginia, Member, appointed July 30, 2021, to serve an unexpired term beginning July 1, 2018, and ending June 30, 2022, to succeed Brian Scott Tilley.

Jill B. Loope of **Blue Ridge**, Virginia, Member, appointed July 30, 2021, to serve an unexpired term beginning July 1, 2018, and ending June 30, 2022, to succeed Amanda Noel Huffman Glover.

Brett A. Vassey of **Richmond**, Virginia, Member, appointed July 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Small Business Commission

Quan M. Boatman of **Spotsylvania**, Virginia, Member, appointed July 16, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to succeed herself.

Jayanth Challa of **Vienna**, Virginia, Member, appointed July 16, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to succeed himself.

Jorge Yinat of **Williamsburg**, Virginia, Member, appointed July 16, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to succeed himself.

NATURAL AND HISTORIC RESOURCES

Board of Historic Resources

Trip Pollard of **Midlothian**, Virginia, Member, appointed June 25, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Board of Wildlife Resources

John W. Daniel of **Richmond**, Virginia, Member, appointed June 4, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Mamie Parker of **Sterling**, Virginia, Member, appointed June 4, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Brian Vincent of **Farmville**, Virginia, Member, appointed June 4, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Mount Vernon Board of Visitors

Jamie O. Bosket of **Richmond**, Virginia, Member, appointed July 2, 2021, to serve an unexpired term beginning May 1, 2020, and ending April 30, 2024, to succeed Conover Hunt.

Lisette P. Carbajal of **Richmond**, Virginia, Member, appointed July 2, 2021, to serve an unexpired term beginning May 1, 2020, and ending June 30, 2024, to succeed Andrew M. Smith.

Potomac Aquifer Recharge Oversight Committee

William J. Mann of **Williamsburg**, Virginia, Member, appointed July 16, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Doug Powell of **Williamsburg**, Virginia, Member, appointed July 16, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

State Air Pollution Control Board

Joshua G. Behr of **Norfolk**, Virginia, Member, appointed June 25, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Roy A. Hoagland. [Not Confirmed by the House of Delegates]

Richard D. Langford of **Christiansburg**, Virginia, Member, appointed June 25, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself. [Not Confirmed by the House of Delegates]

State Water Control Board

Tim Hayes of **Bruington**, Virginia, Member, appointed June 25, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself. [Not Confirmed by the House of Delegates]

Lou Ann Jessee-Wallace of **St. Paul**, Virginia, Member, appointed June 25, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

PUBLIC SAFETY AND HOMELAND SECURITY

9-1-1 Services Board

Terry Ellis of **Sutherland**, Virginia, Member, appointed June 11, 2021, for a term of five years beginning July 1, 2021, and ending June 30, 2026, to succeed herself.

Kevin W. Hall of **Covington**, Virginia, Member, appointed June 11, 2021, for a term of five years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Tamara Perez of **Winchester**, Virginia, Member, appointed June 11, 2021, for a term of five years beginning July 1, 2021, and ending June 30, 2026, to succeed Danny Garrison.

Eddie L. Reyes of **Stafford**, Virginia, Member, appointed June 11, 2021, to serve an unexpired term beginning July 1, 2019, and ending June 30, 2023, to succeed Robert Edwards.

Kelvin L. Wright of **Chesapeake**, Virginia, Member, appointed June 11, 2021, for a term of five years beginning July 1, 2020, and ending June 30, 2025, to succeed himself.

Forensic Science Board

Megan L. Clark of **Farmville**, Virginia, Member, appointed July 9, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Colette McEachin.

Maggie A. DeBoard of **Fairfax Station**, Virginia, Member, appointed July 9, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Michael HuYoung of **Richmond**, Virginia, Member, appointed July 9, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed David R. Lett.

Scientific Advisory Committee

Kathleen Corrado of **Jamesville, New York**, Member, appointed July 23, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

William E. Demuth, II, of **Springfield, Illinois**, Member, appointed July 23, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Travis Spinder.

Peter M. Vallone of **Potomac, Maryland**, Member, appointed July 23, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Robin Cotton.

Virginia Fire Services Board

James Alan Calvert of **Lynchburg**, Virginia, Member, appointed July 16, 2021, to serve an unexpired term beginning July 15, 2021, and ending June 30, 2024, to succeed Ryant Washington.

Donald L. Hart, Jr., of **Accomac**, Virginia, Member, appointed July 16, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Stephanie Koren.

Abbey G. Johnston of **Forest**, Virginia, Member, appointed July 16, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Walter Bailey.

Ernest Little of **Prince William**, Virginia, Member, appointed July 16, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Bettie Reeves-Nobles of **Fredericksburg**, Virginia, Member, appointed July 16, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

SENATE JOINT RESOLUTION NO. 15

Celebrating the life of Kenneth Richard Lane.

Agreed to by the Senate, January 13, 2022

Agreed to by the House of Delegates, January 17, 2022

WHEREAS, Kenneth Richard Lane, a dedicated, longtime law-enforcement officer in Covington, died on March 21, 2021; and

WHEREAS, Kenneth "Kenny" Lane grew up in West Virginia, where he graduated from Richwood High School; he subsequently joined the West Virginia National Guard and worked several jobs before relocating to Virginia; and

WHEREAS, Kenny Lane joined the Covington Police Department as a patrol officer in 1972 and was quickly promoted to detective sergeant, then lead investigator; he achieved several certifications from law-enforcement training organizations and programs; and

WHEREAS, after more than 33 years of service to the Covington community, Kenny Lane retired as a police officer but continued to work as a part-time fraud investigator for the Alleghany County Department of Social Services; and

WHEREAS, outside of his professional career, Kenny Lane was a longtime freemason and a past president of the Clifton Forge Shrine Club; he was a devoted supporter of youth athletics, serving on the Alleghany County Recreational Board and as a youth baseball and football coach for more than a decade; and

WHEREAS, Kenny Lane was an avid bowler who was passionate about promoting the sport throughout the region; he participated in many bowling leagues and tournaments and was inducted into the Alleghany-Bath Bowling Hall of Fame and the Virginia State Bowling Hall of Fame; and

WHEREAS, Kenny Lane will be fondly remembered and greatly missed by his wife of 54 years, Sue; his son, Rob, and his family; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Kenneth Richard Lane, a respected law-enforcement officer in Covington; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Kenneth Richard Lane as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 16

Celebrating the life of Steven Clarke Crandall.

Agreed to by the Senate, January 13, 2022

Agreed to by the House of Delegates, January 17, 2022

WHEREAS, Steven Clarke Crandall, a trailblazing leader in the Commonwealth's craft beer brewing industry and a beloved husband, father, friend, and community leader in Roseland, died on May 2, 2021; and

WHEREAS, Steven "Steve" Crandall was born in Stuttgart, Germany, to the late Chauncey and Ruth Crandall; and

WHEREAS, Steve Crandall was a hardworking entrepreneur who managed the family business, Tectonics II Custom Homes, for many years; he was a natural leader who put people at ease with his warm personality and inspired others through his generosity of spirit; and

WHEREAS, in 2008, Steve Crandall and his wife, Heidi, cofounded Devils Backbone Brewing Company in Nelson County, and the couple went on to play a vital role in the early days of Virginia's craft beer brewing movement; and

WHEREAS, under Steve and Heidi Crandall's leadership, Devils Backbone Brewing Company earned state and national accolades for its outstanding products and inspired countless other individuals throughout the Commonwealth to pursue careers as brewers; and

WHEREAS, Steve Crandall relished every opportunity to spend time on his family farm, Hat Creek Farm, where he enjoyed tending to the land and searching for Civil War and Native American artifacts; he was an avid outdoorsman and traveled throughout the United States and the world for hunting trips; and

WHEREAS, Steve Crandall imparted his passion for the great outdoors to young people as a leader in his local Boy Scouts of America troop; and

WHEREAS, Steve Crandall will be fondly remembered and greatly missed by his wife of 36 years, Heidi; his children, Brittany, Justin, and Mallory, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Steven Clarke Crandall, an entrepreneur and highly admired member of the Roseland community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Steven Clarke Crandall as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 17

Celebrating the life of Jack Moore Horn.

Agreed to by the Senate, January 13, 2022

Agreed to by the House of Delegates, January 17, 2022

WHEREAS, Jack Moore Horn, an esteemed builder, honorable veteran, and beloved member of the Charlottesville community, died on August 24, 2021; and

WHEREAS, a standout athlete in high school, Jack Horn went on to earn a degree in civil engineering from the University of Virginia, where he was a member of the freshman football team and the United States Air Force Reserve Officer Training Corps; and

WHEREAS, Jack Horn served his country with honor and valor as a member of the United States Air Force, fulfilling his active duty service between 1959 and 1962 and retiring as a captain in 1970; stationed for a time at Kadena Air Base in Okinawa, he oversaw construction of the base's infrastructure and was later distinguished with the 313th Air Division Commander's Trophy; and

WHEREAS, following his deployment to Okinawa, Jack Horn returned to Charlottesville and his former employer, the building firm R.E. Lee & Son, with whom he served as an estimator, a project manager, and ultimately as vice president; and

WHEREAS, in collaboration with Warren Martin, Jack Horn founded the general contracting firm Martin Horn in 1979, growing the business tremendously over the years while earning accolades such as the 1995 Small Businessman of the Year award from the Charlottesville Regional Chamber of Commerce; and

WHEREAS, Jack Horn played a major role in Charlottesville politics throughout his life, serving as chair of both the Charlottesville Democratic Committee and the Seventh Congressional District Democratic Committee, while managing upwards of 30 electoral campaigns, including that of Charles H. Barbour, the first African American mayor of Charlottesville; and

WHEREAS, with an unflagging commitment to his community, Jack Horn dutifully served as chairman of the Charlottesville City Planning Commission, guiding the city's development for the benefit of all; and

WHEREAS, guided throughout his life by his faith, Jack Horn enjoyed worship and fellowship with his community at Wesley Memorial United Methodist Church in Charlottesville, where he served as a trustee; and

WHEREAS, Jack Horn will be fondly remembered and dearly missed by his loving wife, Nancy; his children, Doug, Jack, Joan, Ted, and Joe, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Jack Moore Horn, a respected builder and community leader whose dedication and service left a profound impact on countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Jack Moore Horn as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 18

Commemorating the 400th anniversary of the arrival of the European honey bee to North America.

Agreed to by the Senate, January 13, 2022

Agreed to by the House of Delegates, January 17, 2022

WHEREAS, 2022 marks the 400th anniversary of the arrival of the first European honey bees to North America, a momentous event that has had far-reaching effects on agricultural and daily life in the Commonwealth and the United States; and

WHEREAS, while prehistoric evidence of honey bees has been discovered in North America, the western or European honey bee, *Apis mellifera*, was not known on the continent prior to the arrival of explorers and colonists from Europe in the 16th and 17th centuries; and

WHEREAS, honey bees were first introduced to North America by the Virginia Company of London; several beehives departed from England in 1621 and arrived at the settlement in Jamestown in March 1622; and

WHEREAS, honey bees subsequently became an essential part of farm communities and hives were found outside the homes of many early colonists; honey bees also spread to nearby woods and began to thrive in the region; and

WHEREAS, early colonists used honey from beehives as a sweetener and flavoring for food and for the fermentation of mead; colonists also used beeswax to make candles and cosmetics and as a sealant, both for use domestically and for export; and

WHEREAS, honey bees from the Commonwealth were transported to other English colonies and eventually spread throughout North America; and

WHEREAS, honey bees are now used to pollinate more than 80 crops and orchard trees in the Commonwealth, increasing their value by more than \$135 million annually; and

WHEREAS, honey bee pollination improves the health and diversity of flora and fauna in forests, meadows, and wetlands throughout the Commonwealth; and

WHEREAS, apiaries play a vital role in Virginia's economy, and residents, businesses, schools, and organizations throughout the Commonwealth participate in beekeeping activities for personal enjoyment, agricultural production, scientific research, and environmental sustainability; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commemorate the 400th anniversary of the arrival of the European honey bee to North America; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Virginia State Beekeepers Association as an expression of the General Assembly's appreciation for the role the European honey bee has played in the development of agriculture in Virginia.

SENATE JOINT RESOLUTION NO. 21

Celebrating the life of the Honorable William Tayloe Murphy, Jr.

Agreed to by the Senate, January 20, 2022

Agreed to by the House of Delegates, January 24, 2022

WHEREAS, the Honorable William Tayloe Murphy, Jr., a champion for environmental conservation who served as a member of the House of Delegates and as Virginia Secretary of Natural Resources, died on September 15, 2021; and

WHEREAS, a native of Emmerton, Tayloe Murphy attended Warsaw High School and graduated from Virginia Episcopal School in Lynchburg; he earned a bachelor's degree from Hampden-Sydney College and continued his education at the United States Navy Officer Candidate School; and

WHEREAS, during his time with the United States Navy, Tayloe Murphy was stationed aboard the USS *Newport News* and served on the staff of the Supreme Allied Commander Atlantic for the North Atlantic Treaty Organization; and

WHEREAS, after his honorable discharge, Tayloe Murphy pursued a law degree from the University of Virginia, then joined the firm Hunton & Williams in Richmond; he subsequently returned home to the Northern Neck, where he settled at King Copsico Farm in Westmoreland County and focused his legal practice on real estate, tax law, and trust and estate planning; and

WHEREAS, desirous to be of further service to the community, Tayloe Murphy ran for and was elected to the House of Delegates and represented the residents of the Northern Neck in the 99th District from 1982 to 2000; and

WHEREAS, Tayloe Murphy introduced and supported many important pieces of legislation to benefit all Virginians; a devoted conservationist, he was instrumental in the passage of the Chesapeake Bay Preservation Act and the Virginia Water Quality Improvement Fund, which has provided millions of dollars to state agencies, local governments, and farmers in support of efforts to reduce water pollution; and

WHEREAS, Tayloe Murphy served as chair of the Committee on Commerce and Labor and as a member of the Committee for Courts of Justice, the Committee on Corporations, Insurance and Banking, and the Committee on Chesapeake and Its Tributaries; and

WHEREAS, in recognition of Tayloe Murphy's experience and considerable expertise, he was also appointed to serve as a member of the Chesapeake Bay Commission and the Virginia Code Commission, as well as the chair of the Joint Legislative Audit and Review Commission during its two-year review of the Virginia Department of Environmental Quality; and

WHEREAS, in 2002, Tayloe Murphy was appointed by Governor Mark Warner as Secretary of Natural Resources and proudly served the Commonwealth in that capacity until 2006; and

WHEREAS, throughout his career, Tayloe Murphy served on numerous other local and state civic and professional organizations, including as chair of the Westmoreland County Planning Commission and Westmoreland County Board of Zoning Appeals, president of the Westmoreland Ruritan Club, a director of the Northern Neck State Bank, and a member of the Southern Growth Policies Board, the Northern Neck Historical Society, the Menokin Foundation, the Chesapeake Bay Foundation, the Northern Neck Bar Association, the Council of the Virginia State Bar, and the American Bar Association; and

WHEREAS, in all his endeavors, Tayloe Murphy served the Commonwealth with the utmost integrity and dedication; among many awards and accolades, he received the Gerald L. Baliles Distinguished Service Award from the Virginia Bar Association and the 2019 Outstanding Virginian Award from the General Assembly; and

WHEREAS, predeceased by his wife of 63 years, Helen, Tayloe Murphy will be fondly remembered and greatly missed by his daughter, Anne, and her family; and numerous other family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable William Tayloe Murphy, Jr., a passionate advocate for the preservation of the Commonwealth's natural resources and a true Virginian gentleman; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable William Tayloe Murphy, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 22

Celebrating the life of Carl Fletcher Flemer, Jr.

Agreed to by the Senate, January 13, 2022

Agreed to by the House of Delegates, January 17, 2022

WHEREAS, Carl Fletcher Flemer, Jr., an entrepreneur, historian, and community leader in the Northern Neck, died on April 25, 2021; and

WHEREAS, Carl Flemer attended Cornell University and studied horticulture at the University of Maryland; and

WHEREAS, after working as a dairy farmer for several years, Carl Flemer founded Ingleside Plantation Nursery, which became one of the largest wholesale nurseries in the eastern United States; he was an active leader in the horticulture industry in the Commonwealth and was a founding member of the Mid-Atlantic Nursery Trade Show; and

WHEREAS, in 1980, Carl Flemer became a pioneer in the Commonwealth's wine industry when he opened the award-winning Ingleside Winery, which is now one of the oldest and most successful wineries in the region; and

WHEREAS, Carl Flemer worked to enhance the quality of life in the community as a member of the Westmoreland County Public Schools School Board and the Westmoreland County Planning Commission; he also played a key role in the expansion of the Peoples Community Bank of Montross during his tenure as board chair of the bank; and

WHEREAS, Carl Flemer authored two books about the history of the Northern Neck and relished every opportunity to explore the Commonwealth's abundant natural and historical resources by spending time outdoors or visiting historical sites; and

WHEREAS, Carl Flemer enjoyed fellowship and worship with the community at St. Peter's Episcopal Church in Oak Grove, where he served on the vestry; and

WHEREAS, Carl Flemer will be fondly remembered and greatly missed by his wife, Shirley; his children, Fletcher, Douglas, Christopher, Sherri, and Sara, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Carl Fletcher Flemer, Jr., a highly admired member of the Westmoreland County community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Carl Fletcher Flemer, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 23

Celebrating the life of Barbara Pratt Willis.

Agreed to by the Senate, January 13, 2022

Agreed to by the House of Delegates, January 17, 2022

WHEREAS, Barbara Pratt Willis of Fredericksburg, a preservationist who worked diligently to protect the Commonwealth's historical, cultural, and natural resources, died on May 17, 2021; and

WHEREAS, Barbara Willis grew up on Camden Farm in Caroline County, where she began to cultivate her love of the outdoors at a young age while exploring nearby historical sites and archaeological digs; and

WHEREAS, Barbara Willis subsequently earned a bachelor's degree in history from Westhampton College, where she was a member of the varsity field hockey and basketball teams; she maintained her competitive spirit throughout her life and relished opportunities to spend time with family members and friends over a game of bridge or a tennis match; and

WHEREAS, an avid gardener, Barbara Willis worked to beautify the region and protect the Commonwealth's natural resources as president of the Rappahannock Valley Garden Club, director of the Garden Club of Virginia, and a member of the Rappahannock River Basin Committee; and

WHEREAS, in addition, Barbara Willis worked with the Girl Scouts of the Commonwealth of Virginia, the Historic Fredericksburg Foundation, and the James Monroe Museum and Memorial Library, receiving many awards and accolades for her professional achievements; she also proudly served as chair of Fredericksburg's commemoration of George Washington's life and achievements; and

WHEREAS, Barbara Willis enjoyed fellowship and worship with the Fredericksburg community at St. George's Episcopal Church; she served on the vestry and volunteered her time and leadership to several church committees; and

WHEREAS, Barbara Willis's former home, Camden Farm, was designated as a National Historic Landmark in 1971, and she played a vital role in the inclusion of St. George's Episcopal Church on the National Register of Historic Places; and

WHEREAS, Barbara Willis will be fondly remembered and greatly missed by her husband, Jere; her four sons, Jere III, Richard, Gordon, and Charles, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Barbara Pratt Willis; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Barbara Pratt Willis as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 26

Designating May 4 through 10, in 2022 and in each succeeding year, as Late Onset Hearing Loss Awareness Week in Virginia.

Agreed to by the Senate, January 27, 2022

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, late onset hearing loss, defined as hearing loss occurring after birth and before kindergarten, often goes undiagnosed and untreated in childhood due to lack of awareness and infrequency of early childhood hearing screenings; and

WHEREAS, late onset hearing loss may develop in infants, toddlers, and young children who have already passed a newborn hearing screening test; a hearing screening at birth may fail to detect mild hearing loss or the onset of hearing loss may not occur until after infancy; and

WHEREAS, the factors causing late onset hearing loss are varied and include genetic causes, childhood syndromes, congenital illness, infections, exposure to ototoxic medications, head trauma, and exposure to excessive noise; however, the cause of late onset hearing loss is not always known; and

WHEREAS, hearing plays a vital role in childhood development, and undetected late onset hearing loss leads to developmental delays, speech and language difficulties, and social and emotional problems that can only be addressed once hearing loss is known to be a cause; and

WHEREAS, the COVID-19 pandemic and the associated decrease in in-person education, medical treatment, and other social interactions have increased the likelihood that late onset hearing loss will go undetected for longer in many children; and

WHEREAS, it is important to quickly diagnose late onset hearing loss so that appropriate developmental management can be provided, hearing loss progression can be monitored, and amplification and communication options can be reviewed by a child's family, caretakers, and professionals who support the child; and

WHEREAS, awareness of late onset hearing loss will help parents, families, guardians, teachers, child-care providers, and pediatricians to discuss and assess a child's developmental milestones, regularly monitor hearing health and seek hearing evaluations, and learn about resources, treatment, and intervention services to address the needs and improve the lives of children with late onset hearing loss; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly designate May 4 through 10, in 2022 and in each succeeding year, as Late Onset Hearing Loss Awareness Week in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to agencies and organizations that support families of children who are D/deaf and hard of hearing, including the Virginia Early Hearing Detection and Intervention Program, the Infant and Toddler Connection of Virginia, the Virginia Department of Education, the Virginia Association of the Deaf, the Virginia Academy of Pediatrics, the Speech-Language-Hearing Association of Virginia, the Center for Family Involvement at Virginia Commonwealth University, Virginia Hands and Voices, and the Virginia Chapter of the Alexander Graham Bell Association for the Deaf and Hard of Hearing, so that these agencies and members of these organizations may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the Senate post the designation of this week on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 28

Celebrating the life of Hattie Ann Thomas Lucas.

Agreed to by the Senate, January 20, 2022

Agreed to by the House of Delegates, January 24, 2022

WHEREAS, Hattie Ann Thomas Lucas, an esteemed educator and beloved member of the Newport News community, died on August 23, 2021; and

WHEREAS, affectionately known by family and friends as "Cousin Hattie," Hattie Thomas Lucas was born and raised in Newport News, graduating as valedictorian of the Collis P. Huntington High School Class of 1942; and

WHEREAS, Hattie Thomas Lucas accepted a four-year scholarship to attend the Hampton Institute, now Hampton University, where she graduated magna cum laude with a degree in home economics at the age of 19; later, she also earned a master's degree in fiber science and apparel design from Cornell University; and

WHEREAS, Hattie Thomas Lucas returned to Huntington High School in 1946 and embarked upon an accomplished career as an educator; over her four decades with the school, she would serve in various leadership positions while helping countless young people fulfill their potential and succeed; and

WHEREAS, to commemorate the history of Huntington High School, the first high school for African American students in Newport News, Hattie Thomas Lucas authored *Huntington High School, Symbol of Community Hope and Unity*, a pictorial history of the school published in 1999; and

WHEREAS, Hattie Thomas Lucas was an active and engaged member of her community who supported innumerable charities and organizations in her lifetime, earning a plethora of recognitions, certificates, and awards for her efforts; and

WHEREAS, guided throughout her life by her faith, Hattie Thomas Lucas enjoyed worship and fellowship with her community at St. Augustine's Episcopal Church in Newport News for many years, serving with the church's vestry, altar guild, church bazaar committee, and lay ministry and in various other leadership capacities; and

WHEREAS, preceded in death by her loving husband of more than 59 years, Andrew, and two daughters, Hattie Thomas Lucas will be fondly remembered and dearly missed by her special cousin, Sabrina Hardy-Newby, and her family; and by numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Hattie Ann Thomas Lucas, a revered educator whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Hattie Ann Thomas Lucas as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 29

Celebrating the life of Ruth Anna Jensen.

Agreed to by the Senate, January 20, 2022

Agreed to by the House of Delegates, January 24, 2022

WHEREAS, Ruth Anna Jensen, an active and beloved member of the Hampton community, died on August 20, 2021; and

WHEREAS, born in Fairport, New York, Ruth Jensen earned a bachelor's degree in human ecology from Cornell University in 1949 before continuing on to graduate studies at the University of Iowa; and

WHEREAS, following her studies and travels through Europe, Ruth Jensen took a position as a dietician at the Johns Hopkins Hospital in Baltimore; and

WHEREAS, Ruth Jensen met and married her husband, Ronald, in 1959, and the two lived and worked in various locations throughout the United States before settling in the Commonwealth to raise their family; and

WHEREAS, Ruth Jensen's commitment to different political, social, and environmental causes compelled her to work extensively with several local community organizations; a vocal advocate for the importance of voting, she regularly volunteered to canvass neighborhoods and work at the polls; and

WHEREAS, Ruth Jensen's involvement in the community ultimately led to her appointment to the Hampton City School Board, with whom she served for six years, rising to the position of vice chair; her dedication to the health and well-being of young people also included years volunteering with the Hampton Roads Civic Ballet Company; and

WHEREAS, preceded in death by her loving husband of 61 years, Ruth Jensen will be fondly remembered and dearly missed by her children, Rebecca and Peter, and their families; and by numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Ruth Anna Jensen, a cherished member of the Hampton community whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Ruth Anna Jensen as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 30

Celebrating the life of Robert Saunders Williams.

Agreed to by the Senate, January 20, 2022

Agreed to by the House of Delegates, January 24, 2022

WHEREAS, Robert Saunders Williams, an honorable veteran, longtime member of the Hampton Police Department, and former treasurer of the City of Hampton, died on August 24, 2021; and

WHEREAS, born in Roanoke, Robert "Bob" Williams was an enlistee with both the United States Air Force and the United States Army Reserve, serving his country with courage and valor during the Vietnam War; and

WHEREAS, following his service, Bob Williams joined the Hampton Police Department, retiring after 32 years at the rank of major, commander of police administration; and

WHEREAS, Bob Williams was dedicated to developing his skills as a law-enforcement officer throughout his career, earning a bachelor's degree in criminal justice from Saint Leo University and a master's degree in public administration from Troy State University; and

WHEREAS, Bob Williams redoubled his commitment to his community in 2008 when he was elected treasurer of the City of Hampton, a responsibility he carried out with integrity for nine years before his second and final retirement; and

WHEREAS, after a long and fulfilling career of public service, Bob Williams savored his retirement by enjoying his favorite activities, including golf, landscaping, spending time with his grandchildren, and watching youth basketball; and

WHEREAS, Bob Williams will be fondly remembered and dearly missed by his loving wife of more than 50 years, Pamela; his children, Greg, Elizabeth, and Brian, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Robert Saunders Williams; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Robert Saunders Williams as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 31

Celebrating the life of Terry W. Glass.

Agreed to by the Senate, January 20, 2022

Agreed to by the House of Delegates, January 24, 2022

WHEREAS, Terry W. Glass, esteemed information technology specialist, accomplished musician, and beloved member of the Hampton community, died on August 26, 2021; and

WHEREAS, a lifelong resident of Hampton, Terry Glass was a passionate drummer who found success over the years with several local and regional bands, including Mirror Image, Prophitt, Noise R Us, Disguise the Limit, and The Individuals; and

WHEREAS, Terry Glass dedicated his entire career to the City of Hampton, supporting informational technology and marketing efforts in the Hampton Parks Department and at the Hampton Coliseum; and

WHEREAS, Terry Glass notably designed a website for the Hampton Coliseum in the early days of the Internet and subsequently transferred to Hampton City Hall, where he served as the city's first web designer and was often affectionately referred to as the "Web Czar"; and

WHEREAS, Terry Glass's carefree and easygoing attitude endeared him to friends and colleagues and inspired many to embrace a more joyful and positive outlook on life; and

WHEREAS, Terry Glass will be fondly remembered and dearly missed by his loving wife, Katherine; his daughter, Kayleigh, and her family; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Terry W. Glass, a cherished member of the Hampton community whose kind and good-natured spirit brightened countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Terry W. Glass as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 34

Designating September, in 2022 and in each succeeding year, as African Diaspora Heritage Month in Virginia.

Agreed to by the Senate, January 27, 2022

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, the Commonwealth is proud to be home to more than 115,000 Virginian members of the African Diaspora population; and

WHEREAS, the African Diaspora is the fastest-growing population of immigrants in the United States, with the number of African immigrants growing at a rate of almost 50 percent from 2010 to 2018; and

WHEREAS, thousands of African Diaspora Virginians are small and medium business owners, who have helped the Commonwealth become the best state in the country for business by making significant contributions to economic growth and job creation, as well as generating more than \$205 million in international trade; and

WHEREAS, the African Diaspora has a long and difficult past in Virginia, beginning in Jamestown in 1619 with "twenty and odd" Africans from Angola, but the African Diaspora has proved resilient and is essential to Virginia's growth and economic well-being; and

WHEREAS, African Diaspora Virginians have made significant contributions through their leadership and work in government, service in the military, and work to feed communities through agriculture; they have inspired children as educators, cared for individuals as health care professionals, and advanced society through achievements in science and technology; and

WHEREAS, African Diaspora immigrants from the Sub-Saharan and other regions of Africa have brought high levels of knowledge and education to the Commonwealth; and

WHEREAS, African Diaspora households contribute billions of dollars to the economy of the United States, with an estimated \$10.1 billion in federal taxes, \$4.7 billion in state and local taxes, and a spending power of more than \$40.3 billion in 2015; and

WHEREAS, in the fight for equality, there have been monumental strides in education equity, with the expansion of in-state tuition and access to state financial aid for many African Diaspora students, who had previously not had the opportunity to afford a quality education; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly designate September, in 2022 and in each succeeding year, as African Diaspora Heritage Month in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to the Virginia African Diaspora Committee so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the Senate post the designation of this month on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 35

Continuing the Joint Subcommittee on Coastal Flooding as the Joint Subcommittee on Recurrent Flooding. Report.

Agreed to by the Senate, March 12, 2022

Agreed to by the House of Delegates, March 12, 2022

WHEREAS, House Joint Resolution 50 and Senate Joint Resolution 76 (2012) directed the Virginia Institute of Marine Science (VIMS) to study strategies for adaptation to prevent recurrent flooding in Virginia's Tidewater and Eastern Shore localities; and

WHEREAS, the resulting VIMS report, titled "Recurrent Flooding Study for Tidewater Virginia," published as Senate Document 3 (2013), stated that recurrent flooding impacts all localities in Virginia's coastal zone and is predicted to become worse over reasonable planning horizons (20 to 50 years); and

WHEREAS, VIMS offered several recommendations, including that the Commonwealth, working with its coastal localities, (i) begin comprehensive and coordinated planning efforts; (ii) initiate identification, collection, and analysis of data needed to support effective planning for response efforts; and (iii) take a lead role in addressing recurrent flooding in Virginia for the following reasons: (a) accessing relevant federal resources for planning and mitigation may be enhanced through state mediation, (b) flooding problems are linked to water bodies and therefore often transcend locality boundaries, and (c) prioritizing flood management actions must be based in part on risk, and therefore the Commonwealth must oversee the necessary studies to determine adaptation strategies, as well as implementation of the agreed-upon strategies; and

WHEREAS, the Joint Legislative Audit and Review Commission (JLARC) study mandated by House Joint Resolution 132 (2012) and presented on October 15, 2013, titled "Review of Disaster Preparedness Planning in Virginia," stated: "The state generally has strong disaster response plans, but deficiencies in evacuation and shelter plans may compromise the safety of the Hampton Roads population during a catastrophic disaster"; and

WHEREAS, the JLARC study further noted that if four key assumptions in the state's current evacuation plan do not hold, "timely hurricane evacuations could be compromised," placing citizens at risk after the storm; and

WHEREAS, House Joint Resolution 16 and Senate Joint Resolution 3 (2014) established the Joint Subcommittee to Formulate Recommendations to Address Recurrent Flooding as recommended by the VIMS report; and

WHEREAS, the Joint Subcommittee to Address Recurrent Flooding met four times during the 2014 interim to collect information from federal and state agencies, localities, and stakeholders and to carry out its work; and

WHEREAS, the Joint Subcommittee to Address Recurrent Flooding filed an executive summary with the General Assembly prior to the 2015 Session, which included five initial recommendations to increase public awareness, improve local and state government agency resiliency coordination, and address floodplain management; and

WHEREAS, recommendations made by the Joint Subcommittee to Address Recurrent Flooding during the 2014 interim resulted in six bills passing the General Assembly with bipartisan support during the 2015 Session; and

WHEREAS, the Joint Subcommittee to Address Recurrent Flooding met four times during the 2015 interim to collect information from federal and state agencies, localities, and stakeholders and to carry out its work; and

WHEREAS, the members of the full Joint Subcommittee to Address Recurrent Flooding concurred that the joint subcommittee be continued for two more years with a name change to the Joint Subcommittee on Coastal Flooding to more accurately reflect its mission and to continue the Commonwealth on the path of advancing Virginia as the coastal states' leader in advancing resiliency strategies and, most importantly, protecting its citizens and business assets; and

WHEREAS, pursuant to House Joint Resolution 84 and Senate Joint Resolution 58 (2016), the Joint Subcommittee on Coastal Flooding continued its work during the 2016 and 2017 interims and brought forth additional recommendations for the 2018 Session; and

WHEREAS, pursuant to House Joint Resolution 26 and Senate Joint Resolution 19 (2018), the Joint Subcommittee on Coastal Flooding continued its work during the 2018 and 2019 interims and brought forth additional recommendations for the 2020 Session; and

WHEREAS, pursuant to House Joint Resolution 102 and Senate Joint Resolution 27 (2020), the Joint Subcommittee on Coastal Flooding continued its work during the 2020 and 2021 interims and will bring forth additional recommendations for the 2022 Session; and

WHEREAS, riverine flooding and flooding from stormwater are also major concerns for the Commonwealth and deserve further study and action from the joint subcommittee; and

WHEREAS, the members of the joint subcommittee concur that the work of the joint subcommittee be continued for two additional years; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Joint Subcommittee on Coastal Flooding be continued as the Joint Subcommittee on Recurrent Flooding. The joint subcommittee shall have a total membership of 11 members that shall consist of five members of the House of Delegates appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; three members of the Senate appointed by the Senate Committee on Rules; and three nonlegislative citizen members, one of whom shall be a business leader and one of whom shall be a representative of the environmental community appointed by the Speaker of the House of Delegates, and one of whom shall be a local official representing Virginia's flood-prone communities appointed by the Senate Committee on Rules. Nonlegislative citizen members of the joint subcommittee shall be citizens of the Commonwealth of Virginia. The current members appointed by the Speaker of the House of Delegates shall be subject to reappointment. The current members appointed by the Senate Committee on Rules shall continue to serve until replaced. Vacancies shall be filled by the original appointing authority. Unless otherwise approved in writing by the chairman of the joint subcommittee and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required. The joint subcommittee shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall recommend short-term and long-term strategies for minimizing the impact of flooding.

Administrative staff support shall continue to be provided by the Office of the Clerk of the Senate. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall continue to be provided by the Division of

Legislative Services. Technical assistance shall continue to be provided by faculty at Virginia institutions of higher education who have expertise in the subject matter. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2022 interim and four meetings for the 2023 interim, and the direct costs of this study shall not exceed \$18,640 for each year without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint subcommittee shall be adopted if a majority of the House members or a majority of the Senate members appointed to the joint subcommittee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the joint subcommittee.

The joint subcommittee shall complete its meetings for the first year by November 30, 2022, and for the second year by November 30, 2023, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the joint subcommittee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or delay the period for the conduct of the study, or authorize additional meetings during the 2022 and 2023 interims.

SENATE JOINT RESOLUTION NO. 38

Commending the Honorable William C. Mims.

Agreed to by the Senate, January 20, 2022

Agreed to by the House of Delegates, January 24, 2022

WHEREAS, the Honorable William C. Mims has served the residents of the Commonwealth for 12 years as a member of the Virginia Supreme Court; and

WHEREAS, a native of Harrisonburg, William Mims holds a bachelor's degree from The College of William & Mary and law degrees from The George Washington University and Georgetown University; and

WHEREAS, a highly experienced public servant, William Mims previously served in the House of Delegates and the Senate of Virginia, representing Loudoun County, and was elected by the General Assembly as the 45th Attorney General of Virginia to fill an unexpired term in 2009; and

WHEREAS, in 2010, William Mims was sworn in as the 100th justice of the Virginia Supreme Court, becoming only the second justice to have previously served as both a member of the General Assembly and as an Attorney General; and

WHEREAS, William Mims has earned the respect of his colleagues in the legal profession for his meticulous attention to detail and commitment to fully understanding the unique facets of each case; and

WHEREAS, throughout his career, William Mims has worked diligently to improve access to mental health services and improve the foster care system in the Commonwealth, offering his expertise to the boards of Voices for Virginia's Children, the Richmond Behavioral Health Authority, and the Virginia Health Care Foundation, and on the Commission on Mental Health Law Reform; and

WHEREAS, William Mims has also served as an adjunct professor at George Mason University's Antonin Scalia Law School as well as the Appalachian School of Law and plans to seek other opportunities as an educator; and

WHEREAS, a model public servant, William Mims has enhanced the quality of life throughout the Commonwealth and demonstrated the utmost professionalism, dedication, and integrity; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Honorable William C. Mims for his outstanding service as a justice of the Virginia Supreme Court; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Honorable William C. Mims as an expression of the General Assembly's admiration for his achievements on behalf of the residents of the Commonwealth.

SENATE JOINT RESOLUTION NO. 39

Confirming appointments by the Governor of certain persons communicated to the General Assembly December 1, 2021.

Agreed to by the Senate, January 24, 2022

Agreed to by the House of Delegates, February 11, 2022

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Ralph Northam and communicated to the General Assembly December 1, 2021.

AGENCY HEADS

Frances Bradford of Richmond, Virginia, Secretary of Education, to serve at the pleasure of the Governor beginning November 30, 2021, to succeed Atif Qarni.

Vanessa Walker Harris of Richmond, Virginia, Secretary of Health and Human Resources, to serve at the pleasure of the Governor beginning November 1, 2021, to succeed Daniel Carey.

AGRICULTURE AND FORESTRY

Board of Agriculture and Consumer Services

Clifton A. Slade of Surry, Virginia, Member, November 12, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Corn Board

Charles D. McGhee of Mechanicsville, Virginia, Member, appointed November 19, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed himself.

Milk Commission

James D. Kerr of Amelia, Virginia, Member, appointed October 22, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

AUTHORITIES

Fort Monroe Authority Board of Trustees

Keith Anderson of Portsmouth, Virginia, Member, appointed October 29, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Maureen Elgersman Lee.

John J. Reynolds of Crozet, Virginia, Member, appointed October 29, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Hampton Roads Regional Arena Authority

Tony Brothers of Norfolk, Virginia, Member, appointed October 8, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to fill a new seat.

Joe Dillard, Jr., of Norfolk, Virginia, Member, appointed October 8, 2021, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2023, to fill a new seat.

Robert W. Mathieson of Virginia Beach, Virginia, Member, appointed October 8, 2021, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to fill a new seat.

Online Virginia Network Authority Board of Trustees

Susan Acevedo-Moyer of Powhatan, Virginia, Member, appointed October 15, 2021, to serve an unexpired beginning July 1, 2020, and ending June 30, 2024, to succeed Dave Leichtman.

Karen R. Jackson of Poquoson, Virginia, Member, appointed October 15, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Virginia College Building Authority

Barry Green of Ashland, Virginia, Member, appointed November 19, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Charles Mann.

Virginia Nuclear Energy Consortium Authority Board of Directors

Richard L. Diddams of Bedford, Virginia, Member, appointed November 5, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Eugene S. Grecheck of Midlothian, Virginia, Member, appointed November 5, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Andrew Hutton of Yorktown, Virginia, Member, appointed November 5, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Scott Kopple of Alexandria, Virginia, Member, appointed November 5, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Daniel G. Stoddard of Henrico, Virginia, Member, appointed November 5, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Colleen Deegan.

Virginia Public Building Authority

John A. Mahone of Glen Allen, Virginia, Member, appointed October 22, 2021, for a term of five years beginning July 1, 2021, and ending June 30, 2026, to succeed himself.

Virginia Tourism Authority Board of Directors

Sunny Shah of Roanoke, Virginia, Member, appointed November 5, 2021, to serve an unexpired term beginning May 18, 2021, and ending June 30, 2024, to succeed Anette M. Johnson.

COMMERCE AND TRADE

Apprenticeship Council

Christopher M. Cash of Manassas, Virginia, Member, appointed October 22, 2021, for a term of three years beginning June 21, 2021, and ending June 20, 2024, to succeed himself.

Dudley Harris of **Newport News**, Virginia, Member, appointed October 22, 2021, for a term of three years beginning June 21, 2021, and ending June 20, 2024, to succeed himself.

Board for Barbers and Cosmetology

Emmanuel Gayot of **Richmond**, Virginia, Member, appointed November 19, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Darrin L. Hill.

Margaret LaPierre of **Richmond**, Virginia, Member, appointed November 19, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Board of Housing and Community Development

Larry B. Murphy of **Chester**, Virginia, Member, appointed November 19, 2021, to serve an unexpired term beginning November 2, 2021, and ending June 30, 2024, to succeed Monique S. Johnson.

Cemetery Board

Judy S. Lyttle of **Surry**, Virginia, Member, October 29, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Susan Mini of **Salem**, Virginia, Member, October 29, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Michael H. Doherty.

James A. Young of **Norfolk**, Virginia, Member, October 29, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Marx Eisenman.

Common Interest Community Board

Matt Durham of **Potomac Falls**, Virginia, Member, November 19, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Eugenia L. Reese.

Anne Sheehan of **Broadlands**, Virginia, Member, November 19, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Real Estate Appraiser Board

H. Glenn James of **Norfolk**, Virginia, Member, appointed October 29, 2021, for a term of four years beginning April 3, 2021, and ending April 2, 2025, to succeed himself.

Virginia Economic Development Partnership Committee on International Trade

John G. Milliken of **Arlington**, Virginia, Member, appointed November 19, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

COMPACTS

Ohio River Valley Water Sanitation Commission

Lou Ann Jessee-Wallace of **St. Paul**, Virginia, Member, October 22, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Virginia Council for the Interstate Compact for Juveniles

Cindy Capriles of **Henrico**, Virginia, Member, appointed October 8, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Laurel S. Marks of **Henrico**, Virginia, Member, appointed October 8, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

EDUCATION

Board of Trustees of the Virginia Museum of Fine Arts

Lynette Allston of **Drewryville**, Virginia, Member, appointed October 15, 2021, for a term of five years beginning July 1, 2021, and ending June 30, 2026, to succeed herself.

Anne N. Edwards of **Alexandria**, Virginia, Member, appointed October 15, 2021, for a term of five years beginning July 1, 2021, and ending June 30, 2026, to succeed herself.

Jil Womack Harris of **Richmond**, Virginia, Member, appointed October 15, 2021, for a term of five years beginning July 1, 2021, and ending June 30, 2026, to succeed herself.

Aubrey L. Layne, Jr., of **Chesapeake**, Virginia, Member, appointed October 15, 2021, for a term of five years beginning July 1, 2021, and ending June 30, 2026, to succeed Steven Markel.

Thomas W. Papa of **Richmond**, Virginia, Member, appointed October 15, 2021, for a term of five years beginning July 1, 2021, and ending June 30, 2026, to succeed himself.

Rupa Tak of **Richmond**, Virginia, Member, appointed October 15, 2021, for a term of five years beginning July 1, 2021, and ending June 30, 2026, to succeed herself.

Board of Visitors for Gunston Hall

Edmund Graber of **Fairfax**, Virginia, Member, appointed October 22, 2021, for a term of one year beginning October 1, 2021, and ending September 30, 2022, to succeed himself.

Eileen Rivera of **Alexandria**, Virginia, Member, appointed October 22, 2021, for a term of one year beginning October 1, 2021, and ending September 30, 2022, to succeed herself.

Tim Sargeant of **Fairfax**, Virginia, Member, appointed October 22, 2021, for a term of one year beginning October 1, 2021, and ending September 30, 2022, to succeed himself.

Board of Visitors of Longwood College

Rhodes B. Ritenour of **Henrico**, Virginia, Member, appointed October 8, 2021, to serve an unexpired term beginning July 24, 2021 and ending June 30, 2023, to succeed David Hallock.

New College Institute Board of Directors

Michael L. Edwards of **Hanover**, Virginia, Member, appointed October 8, 2021, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2023, to fill a new seat.

Mary Yolanda Trigiani of **Abingdon**, Virginia, Member, appointed October 8, 2021, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2023, to fill a new seat.

State Historical Records Advisory Board

Audrey P. Davis of **Washington, D.C.**, Member, appointed November 12, 2021, for a term of three years beginning November 1, 2021, and ending October 31, 2024, to succeed herself.

Brittany L. Jones of **Richmond**, Virginia, Member, appointed November 12, 2021, for a term of three years beginning November 1, 2021, and ending October 31, 2024, to succeed Aaron Purcell.

Lori Ann Terjesen of **Aldie**, Virginia, Member, appointed November 12, 2021, for a term of three years beginning November 1, 2021, and ending October 31, 2024, to succeed Michael Edwards.

Virginia STEM Education Advisory Board

Venicia Ferrell of **Norfolk**, Virginia, Member, appointed October 8, 2021, for a term of one year beginning July 1, 2021, and ending June 30, 2022, to fill a new seat.

HEALTH AND HUMAN RESOURCES**Advisory Board on Midwifery**

Ildiko Baugus of **Chesapeake**, Virginia, Member, appointed October 15, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Kim Pekin.

Advisory Board on Service and Volunteerism

Naila Alam of **Herndon**, Virginia, Member, appointed November 19, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed Omari Faulkner.

Elizabeth Burneson Childress of **Richmond**, Virginia, Member, appointed November 19, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed herself.

Lorna Campbell Clarke of **Loudoun**, Virginia, Member, appointed November 19, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed Leslie Van Horn.

Vanessa Diamond of **Richmond**, Virginia, Member, appointed November 19, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed herself.

Cynthia M. Downs Taylor of **Chester**, Virginia, Member, appointed November 19, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed Ashley Hall.

Mark Fero of **Ruther Glen**, Virginia, Member, appointed November 19, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed himself.

Peppy Linden of **Charlottesville**, Virginia, Member, appointed November 19, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed Tyee Mallory.

NaQuetta N. Mitchell of **Prince George**, Virginia, Member, appointed November 19, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed Lisette Carbajal.

Enid Mpumwire-Machayo of **Loudoun**, Virginia, Member, appointed November 19, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed Seema Sethi.

James Seagraves of **Richmond**, Virginia, Member, appointed November 19, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed himself.

Julie M. Strandlie of **Alexandria**, Virginia, Member, appointed November 19, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed herself.

Sheila Williamson-Branch of **Danville**, Virginia, Member, appointed November 19, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed herself.

Board of Health Professions

Barry J. Alvarez of **Falls Church**, Virginia, Member, appointed November 5, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Kevin Doyle.

Sheila E. Battle of **Chesterfield**, Virginia, Member, appointed November 5, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Mitchell Davis of **Salem**, Virginia, Member, appointed November 5, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to succeed Derrick Kendall.

Ann Tucker Gleason of **Zion Crossroads**, Virginia, Member, appointed November 5, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed Louise Hershkowitz.

Michael Hayter of **Abingdon**, Virginia, Member, appointed November 5, 2021, for a term of one year beginning July 1, 2021, and ending June 30, 2022, to succeed John Salay.

Scott Hickey of **Maidens**, Virginia, Member, appointed November 5, 2021, for a term of one year beginning July 1, 2021, and ending June 30, 2022, to succeed Louis Jones.

Steve Karras of **Roanoke**, Virginia, Member, appointed November 5, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed himself.

Margaret "Meg" Lemaster of **Chesapeake**, Virginia, Member, appointed November 12, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed Sandra Catchings.

Sarah T. Melton of **Bristol**, Virginia, Member, appointed November 5, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed Ryan Logan.

Susan Brown Wallace of **Williamsburg**, Virginia, Member, appointed November 5, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to succeed Herbert Stewart.

Board of Medical Assistance Services

Basim Khan of **Arlington**, Virginia, Member, appointed October 8, 2021, to serve an unexpired term beginning October 8, 2021, and ending March 7, 2023, to succeed Alexis Edwards.

Board of Psychology

Kathryn L. Zeanah of **Earlsville**, Virginia, Member, appointed October 15, 2021, to serve an unexpired term beginning September 1, 2021, and ending June 30, 2023, to succeed Sally Brodsky.

Commonwealth Neurotrauma Initiative Advisory Board

Richard Bagby of **Manakin-Sabot**, Virginia, Member, appointed October 29, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Scott Dickens.

David Reid of **Charlottesville**, Virginia, Member, appointed October 29, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Josh Sloan of **Richmond**, Virginia, Member, appointed October 29, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Patrik Sandas.

Office of New Americans Advisory Board

Rammy G. Barbari of **Falls Church**, Virginia, Member, appointed October 15, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Jennifer A. Crewalk of **Reston**, Virginia, Member, appointed October 15, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Michael Hoefler of **Alexandria**, Virginia, Member, appointed October 15, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Bo Machayo of **Loudoun**, Virginia, Member, appointed October 15, 2021, to serve an unexpired term beginning May 28, 2021, and ending June 30, 2023, to succeed Amar Bhattarai.

Milton Vickerman of **Albemarle**, Virginia, Member, appointed October 15, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Public Guardian and Conservator Advisory Board

Donna Smith of **Painter**, Virginia, Member, appointed November 19, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed Angela Phelon.

State Board of Health

Gary P. Critzer of **Waynesboro**, Virginia, Member, appointed October 15, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Melissa L. Green of **Hot Springs**, Virginia, Member, appointed October 15, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Thomas East.

Lisa Ruffin Harrison of **Prince George**, Virginia, Member, appointed October 15, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Anna Jeng of **Norfolk**, Virginia, Member, appointed October 15, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Patricia Kinser of **Richmond**, Virginia, Member, appointed October 15, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Maribel Ramos of **Alexandria**, Virginia, Member, appointed October 15, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Katherine Waddell.

State Emergency Medical Services Advisory Board

Beth Adams of **Haymarket**, Virginia, Member, appointed October 29, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed herself.

John C. Bolling of **Bristol**, Virginia, Member, appointed October 29, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed himself.

Kim W. Craig of **Augusta**, Virginia, Member, appointed October 29, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed Valeta Daniels.

Kevin Dillard of **Spotsylvania**, Virginia, Member, appointed October 29, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed himself.

Angela Pier Ferguson of **Lawrenceville**, Virginia, Member, appointed October 29, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed herself.

Dillard E. Ferguson, Jr., of **Manakin Sabot**, Virginia, Member, appointed October 29, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed himself.

Paula Ferrada of **Richmond**, Virginia, Member, appointed October 29, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed Michel Aboutanos.

Matt Lawler of **Staunton**, Virginia, Member, appointed October 29, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed himself.

Benjamin Nicholson of **Richmond**, Virginia, Member, appointed October 29, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed himself.

Daniel Norville of **Virginia Beach**, Virginia, Member, appointed October 29, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed William Ferguson.

E. Bryan Rush of **Chincoteague**, Virginia, Member, appointed October 29, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed Richard Orndorff.

Gary W. Samuels of **Heathsville**, Virginia, Member, appointed October 29, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed himself.

Larry "Sonny" Saxton, Jr., of **Crozet**, Virginia, Member, appointed October 29, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed John Korman.

Thomas Schwalenberg of **Norfolk**, Virginia, Member, appointed October 29, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed himself.

Bill Streett of **New Market**, Virginia, Member, appointed October 29, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed Jonathan Henschel.

Gary Tanner of **Appomattox**, Virginia, Member, appointed October 29, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed himself.

Sadie Thurman of **Yorktown**, Virginia, Member, appointed October 29, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed herself.

Joseph Williams of **Beaeton**, Virginia, Member, appointed October 29, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed Lori Knowles.

Allen Yee of **Chesterfield**, Virginia, Member, appointed October 29, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed himself.

State Executive Council for Children's Services

Dalia A. Palchik of **Fairfax**, Virginia, Member, appointed November 12, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed Mary Biggs.

State Rehabilitation Council

Frederick C. Foard of **Virginia Beach**, Virginia, Member, appointed November 19, 2021, for a term of three years beginning October 1, 2021, and ending September 30, 2024, to succeed Pam Cobler.

Heidi Lawyer of **Henrico**, Virginia, Member, appointed November 19, 2021, to serve an unexpired term beginning September 10, 2021, and ending September 30, 2022, to succeed Tammy Burns.

Talisha McAuley-Davis of **Chesterfield**, Virginia, Member, appointed November 19, 2021, to serve an unexpired term beginning September 10, 2021, and ending September 30, 2022, to succeed Dawn Mosley.

Karen Michalski-Karney of **Glade Hill**, Virginia, Member, appointed November 19, 2021, for a term of three years beginning October 1, 2021, and ending September 30, 2024, to succeed herself.

Madeline Helen Nunnally of **Henrico**, Virginia, Member, appointed November 19, 2021, for a term of three years beginning October 1, 2021, and ending September 30, 2024, to succeed herself.

Justin M. Spurlock of **Aylett**, Virginia, Member, appointed November 19, 2021, for a term of three years beginning October 1, 2021, and ending September 30, 2024, to succeed himself.

Statewide Independent Living Council

Wilfredo Antonio Benavides Medrano of **Herndon**, Virginia, Member, appointed November 19, 2021, to serve an unexpired term beginning November 19, 2021, and ending September 30, 2022, to succeed Arthurette Holmes-Martin.

Gayl Brunk of **Singers Glen**, Virginia, Member, appointed November 19, 2021, for a term of three years beginning October 1, 2021, and ending September 30, 2024, to succeed Gerald O'Neil.

Marcia DuBois of **Richmond**, Virginia, Member, appointed November 19, 2021, for a term of three years beginning October 1, 2021, and ending September 30, 2024, to succeed herself.

Judy Jackson of **Stuarts Draft**, Virginia, Member, appointed November 19, 2021, for a term of three years beginning October 1, 2021, and ending September 30, 2024, to succeed herself.

Brian Montgomery of **Richmond**, Virginia, Member, appointed November 19, 2021, for a term of three years beginning October 1, 2021, and ending September 30, 2024, to succeed himself.

Eric Raff of **Henrico**, Virginia, Member, appointed November 19, 2021, for a term of three years beginning October 1, 2021, and ending September 30, 2024, to succeed himself.

Chandra Robinson of **Aylett**, Virginia, Member, appointed November 19, 2021, to serve an unexpired term beginning November 19, 2021, and ending September 30, 2022, to succeed Alexis Nichols.

Edmond "Ed" Turner of **Virginia Beach**, Virginia, Member, appointed November 19, 2021, for a term of three years beginning October 1, 2021, and ending September 30, 2024, to succeed himself.

Virginia Board for People with Disabilities

Emmetri Monica Beane of **Culpeper**, Virginia, Member, appointed November 19, 2021, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed John Kelly.

Virginia Interagency Coordinating Council

Christina Harrison of **Bristol**, Virginia, Member, appointed October 22, 2021, to serve an unexpired term beginning October 1, 2020, and ending September 30, 2023, to succeed Kelly Hill.

Ghazala Hashmi of **Midlothian**, Virginia, Member, appointed October 22, 2021, for a term of three years beginning October 1, 2021, and ending September 30, 2024, to succeed herself.

Kendall Lee of **Kenbridge**, Virginia, Member, appointed October 22, 2021, for a term of three years beginning October 1, 2021, and ending September 30, 2024, to succeed himself.

Heather Rogers of **Palmyra**, Virginia, Member, appointed October 22, 2021, for a term of three years beginning October 1, 2021, and ending September 30, 2024, to succeed Michael Saxone.

LABOR

Safety and Health Codes Board

Fernando Franco of **Barboursville**, Virginia, Member, appointed October 29, 2021, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed Tina Renee Hoover. [Not Confirmed by the House of Delegates]

Milagro Rodriguez of **Falls Church**, Virginia, Member, appointed October 29, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed herself. [Not Confirmed by the House of Delegates]

Virginia Board of Workforce Development

Robby Demeria of **Richmond**, Virginia, Member, appointed November 19, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Julie A. Gifford.

LEGISLATIVE

Virginia Conflict of Interest and Ethics Advisory Council

Tracy Retchin of **Glen Allen**, Virginia, Member, appointed November 19, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Bernard Henderson.

NATURAL AND HISTORIC RESOURCES

Virginia Council on Environmental Justice

John Wesley Boyd, Jr., of **Baskerville**, Virginia, Member, appointed November 19, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Jamie R. Hurd.

Virginia Outdoors Foundation Board of Trustees

Adetokunboh O. Afonja of **Hampton**, Virginia, Member, appointed November 5, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Stephanie Ridder.

Elizabeth Hinton Crowther of **Reedville**, Virginia, Member, appointed November 5, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Brent T. Thompson.

Elsie Delva-Smith of **Saluda**, Virginia, Member, appointed November 5, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Elizabeth A. Obenshain.

PUBLIC SAFETY AND HOMELAND SECURITY

9-1-1 Services Board

Michelle Painter Lama of **South Riding**, Virginia, Member, appointed October 15, 2021, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2025, to succeed Seth Weis.

Advisory Committee on Sexual and Domestic Violence

Elvira De la Cruz of **Colonial Heights**, Virginia, Member, appointed October 29, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to fill a new seat.

Sanu Dieng of **Newport News**, Virginia, Member, appointed October 29, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to fill a new seat.

Marva Jo Dunn of **Emporia**, Virginia, Member, appointed October 29, 2021, to serve an unexpired term beginning October 29, 2021, and ending June 30, 2023, to succeed Mindy Stell.

Claudia Lopez-Muniz of **Staunton**, Virginia, Member, appointed October 29, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to fill a new seat.

Unique Phillips of **Christiansburg**, Virginia, Member, appointed October 29, 2021, to serve an unexpired term beginning October 29, 2021, and ending June 30, 2023, to succeed Ashley Reynolds-Marshall.

Board of Juvenile Justice

Eric English of **Henrico**, Virginia, Member, appointed October 22, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed David Hines.

Tyren Frazier of **Chesterfield**, Virginia, Member, appointed October 22, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

William Johnson of **Chesterfield**, Virginia, Member, appointed October 22, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Robyn McDougle.

Scott Kizner of **Harrisonburg**, Virginia, Member, appointed October 22, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Robert Vilchez of **Alexandria**, Virginia, Member, appointed October 22, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Synethia White of **Hampton**, Virginia, Member, appointed October 22, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Quwanisha Roman.

TRANSPORTATION**Commonwealth Transportation Board**

Tom Fowlkes of **Bristol**, Virginia, Member, appointed October 8, 2021, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed Jerry Stinson.

Raymond Smoot of **Blacksburg**, Virginia, Member, appointed October 8, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Virginia Air and Space Center Board of Directors

L'Allegro Smith of **Alexandria**, Virginia, Member, appointed October 29, 2021, to serve an unexpired term beginning July 1, 2018, and ending June 30, 2022, to succeed Kimberley Martin.

VETERANS AND DEFENSE AFFAIRS**Board of Veterans Services**

Victor S. Angry of **Woodbridge**, Virginia, Member, appointed November 19, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

David Ashe of **Virginia Beach**, Virginia, Member, appointed November 19, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Julie K. Waters.

Carl B. Bedell of **Arlington**, Virginia, Member, appointed November 19, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Susan Vervaeet Riveland of **Henrico**, Virginia, Member, appointed November 19, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Efrain Reyes.

Melissa Watts of **Moseley**, Virginia, Member, appointed November 19, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Mahboba Lyla Kohistany.

Joint Leadership Council of Veterans Service Organizations

William Aramony of **Alexandria**, Virginia, Member, appointed October 29, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed Richard Carl Oertel.

Mark L. Atchison of **Glen Allen**, Virginia, Member, appointed October 29, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed James Cuthbertson.

John R. Clickener of **Henrico**, Virginia, Member, appointed November 5, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed James R. Barrett.

George Corbett of **Williamsburg**, Virginia, Member, appointed October 29, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed Charles Ray Montgomery.

Preston Curry of **Midlothian**, Virginia, Member, appointed November 5, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed himself.

Jack Hilgers of **Virginia Beach**, Virginia, Member, appointed October 22, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed Robert Steven Herbert.

Kevin Hoffman of **Staunton**, Virginia, Member, appointed November 5, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed himself.

Daniel E. Karnes of **Roanoke**, Virginia, Member, appointed November 5, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed Perry Chester Taylor.

Sha'ron D. Martin of **Virginia Beach**, Virginia, Member, appointed October 22, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed William Benedict Ashton.

Terrence Moore of **Chesterfield**, Virginia, Member, appointed October 29, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed David K. Sitler.

Richard Raskin of **Manassas**, Virginia, Member, appointed October 22, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed Daniel Dean Boyer.

Rich Shook, Jr., of **Yorktown**, Virginia, Member, appointed October 22, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed Thomas G. Wozniak.

Denice Fairecloth Williams of **Suffolk**, Virginia, Member, appointed October 22, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed herself.

William Glenn Yarborough, Jr., of **McLean**, Virginia, Member, appointed October 29, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed Michael P. Flanagan.

Monti Zimmerman of **Manassas**, Virginia, Member, appointed October 22, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed himself.

Virginia Military Advisory Council

James Albino of **Alexandria**, Virginia, Member, appointed November 12, 2021, to serve at the pleasure of the Governor, to succeed Juan Fernandez.

SENATE JOINT RESOLUTION NO. 40

Confirming appointments by the Governor of certain persons communicated to the General Assembly October 1, 2021.

Agreed to by the Senate, January 24, 2022

Agreed to by the House of Delegates, February 11, 2022

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Ralph Northam and communicated to the General Assembly October 1, 2021.

AGENCY HEADS

Ann F. Jennings of Richmond, Virginia, Secretary of Natural and Historic Resources, to serve at the pleasure of the Governor beginning September 25, 2021, to succeed Matthew Strickler.

ADMINISTRATION

Virginia Data Advisory Commission

Zaki Barzinji of Herndon, Virginia, Member, appointed September 24, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to fill a new seat.

Arlyn Burgess of Charlottesville, Virginia, Member, appointed September 24, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to fill a new seat.

Mary Beth Dunkenberger of Roanoke, Virginia, Member, appointed September 24, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to fill a new seat.

Carrie Gaston of Mechanicsville, Virginia, Member, appointed September 24, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to fill a new seat.

Bridget Dalton Giles of Smithfield, Virginia, Member, appointed September 24, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to fill a new seat.

Bryant Hood of Danville, Virginia, Member, appointed September 24, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to fill a new seat.

Tyler Schenck of Winchester, Virginia, Member, appointed September 24, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to fill a new seat.

AGRICULTURE AND FORESTRY

Board of Agriculture and Consumer Services

Jacquelin Easter of Jetersville, Virginia, Member, appointed August 27, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Larry W. Kirby.

Donald H. Horsley of Virginia Beach, Virginia, Member, appointed August 27, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

James S. Huffard, III, of Crockett, Virginia, Member, appointed August 27, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Richard Sellers of Burke, Virginia, Member, appointed August 27, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Cecil E. Shell of Kenbridge, Virginia, Member, appointed August 27, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Tyler Wegmeyer of Hamilton, Virginia, Member, appointed August 27, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed John Ralph Marker.

Board of Forestry

Jennifer Gagnon of Hiwassee, Virginia, Member, appointed September 17, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed David Smith.

Brian Irvine of Courtland, Virginia, Member, appointed September 17, 2021, to serve an unexpired term beginning April 1, 2021, and ending June 30, 2023, to succeed Ben Reeves.

Carolyn Mulligan of Midlothian, Virginia, Member, appointed September 17, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Elton Worrell.

Ralph Sampson, Jr., of Harrisonburg, Virginia, Member, appointed September 17, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed John W. Burke.

Chad Shelton of Chatham, Virginia, Member, appointed September 17, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Franklin Myers.

Corn Board

M. Heath Bray of Urbanna, Virginia, Member, appointed August 20, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed himself.

William C. Crossman, III, of Mount Holly, Virginia, Member, appointed August 20, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed himself.

Ray Keating of Norfolk, Virginia, Member, appointed August 20, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed himself.

Peanut Board

Wayne Barnes of **Dinwiddie**, Virginia, Member, appointed September 10, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Ernest L. Blount of **Elberon**, Virginia, Member, appointed September 10, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Michael J. Marks, Sr., of **Capron**, Virginia, Member, appointed September 10, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

AUTHORITIES**Commonwealth of Virginia Innovation Partnership Authority**

Richard Hall of **Martinsville**, Virginia, Member, appointed September 17, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Hampton Roads Sanitation District Commission

Nancy J. Stern of **Belle Haven**, Virginia, Member, appointed August 6, 2021, for a term of four years beginning June 8, 2021, and ending June 7, 2025, to succeed Maurice Patrick Lynch.

Elizabeth A. Taraski of **Suffolk**, Virginia, Member, appointed August 6, 2021, for a term of four years beginning June 8, 2021, and ending June 7, 2025, to succeed herself.

Opioid Abatement Authority

Joseph P. Baron of **Norfolk**, Virginia, Member, appointed September 3, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to fill a new seat.

Sharon H. Buckman of **Franklin**, Virginia, Member, appointed September 3, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to fill a new seat.

James Holland of **North Chesterfield**, Virginia, Member, appointed September 3, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to fill a new seat.

Victor McKenzie, Jr., of **Richmond**, Virginia, Member, appointed September 3, 2021, for a term of one year beginning July 1, 2021, and ending June 30, 2022, to fill a new seat.

Sarah T. Melton of **Bristol**, Virginia, Member, appointed September 3, 2021, for a term of one year beginning July 1, 2021, and ending June 30, 2022, to fill a new seat.

Timothy R. Spencer of **Roanoke**, Virginia, Member, appointed September 3, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to fill a new seat.

James Thompson of **Midlothian**, Virginia, Member, appointed September 3, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to fill a new seat.

Daryl Washington of **Fairfax**, Virginia, Member, appointed September 3, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to fill a new seat.

Virginia College Building Authority

Martin Thomas, Jr., of **Norfolk**, Virginia, Member, appointed August 6, 2021, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed John G. Dane.

Virginia Passenger Rail Authority

Victor O. Cardwell of **Salem**, Virginia, Member, appointed August 13, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Cynthia Moses-Nedd of **Woodbridge**, Virginia, Member, appointed August 13, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Mariia Zimmerman of **Richmond**, Virginia, Member, appointed August 13, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Virginia Solar Energy Development and Energy Storage Authority

Paul Grems Duncan of **Oakton**, Virginia, Member, appointed August 13, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

William Gathright of **Bumpass**, Virginia, Member, appointed August 13, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Rumy J. Mohta of **Midlothian**, Virginia, Member, appointed August 13, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Benjamin H. Framme.

COMMERCE AND TRADE**Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects**

Vickie McEntire Anglin of **Bristow**, Virginia, Member, appointed August 13, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

April C. Drake of **Alexandria**, Virginia, Member, appointed August 13, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Christine F. Snetter.

Jim Kelly of **Williamsburg**, Virginia, Member, appointed August 13, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Ann P. Stokes of **Norfolk**, Virginia, Member, appointed August 13, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Board for Hearing Aid Specialists and Opticians

Saman Aghaebrahim of **Henrico**, Virginia, Member, appointed September 3, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Lakshminarayanan Krishnan.

Mike Armstrong, Jr., of **Henrico**, Virginia, Member, appointed September 3, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Alidad Arabshahi.

Stacey Brayboy of **Alexandria**, Virginia, Member, appointed September 3, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Bonnie Predd.

June Rogers of **Chesapeake**, Virginia, Member, appointed September 3, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Board for Professional and Occupational Regulation

Enid Candelaria-Vega of **Virginia Beach**, Virginia, Member, appointed September 24, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Chika Anyadike.

H. Scott Johnson, Jr., of **Springfield**, Virginia, Member, appointed September 24, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Broadband Advisory Council

Ray LaMura of **Richmond**, Virginia, Member, appointed September 3, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to succeed himself.

Real Estate Board

Kemper Funkhouser of **Harrisonburg**, Virginia, Member, appointed October 1, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Marzia Nawroz Abbasi.

Southwest Virginia Cultural Heritage Foundation Board of Trustees

Mary Anne Holbrook of **Bristol**, Virginia, Member, appointed September 17, 2021, to serve an unexpired term beginning July 1, 2021, and ending June 30, 2023, to succeed Robyn Raines.

State Building Code Technical Review Board

Robert Jonah Margarella of **North Chesterfield**, Virginia, Member, appointed October 1, 2021, to serve at the pleasure of the Governor, to succeed Jack K. Payne.

Virginia Growth and Opportunity Board (GO Virginia)

Leah Fremouw of **North Chesterfield**, Virginia, Member, appointed August 27, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Eva Teig Hardy of **Richmond**, Virginia, Member, appointed September 9, 2021, to serve an unexpired term beginning April 3, 2021, and ending June 30, 2022, to succeed Thomas Farrell, II.

Todd Stottlemeyer of **Oakton**, Virginia, Member, appointed August 27, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Virginia Racing Commission

John F. Tanner, Jr., of **Exmore**, Virginia, Member, appointed September 24, 2021, to serve an unexpired term beginning April 23, 2021, and ending December 31, 2022, to succeed D.G. Van Clief.

COMMONWEALTH**Latino Advisory Board**

Max Luna of **Charlottesville**, Virginia, Member, appointed August 6, 2021, to serve an unexpired term beginning July 28, 2021, and ending June 30, 2022, to succeed Damien Cabezas.

Virginia African American Advisory Board

Cozy E. Bailey, Sr., of **Dumfries**, Virginia, Member, appointed August 6, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Sheila Dixon of **Chantilly**, Virginia, Member, appointed August 6, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Gilbert Bland.

Keren Charles Dongo of **Alexandria**, Virginia, Member, appointed August 6, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Chris Sanchez of **Christiansburg**, Virginia, Member, appointed August 6, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Monica Motley.

Tamara Wilkerson Dias of **Charlottesville**, Virginia, Member, appointed August 6, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Zyahna Bryant.

Tia Yancey of **Danville**, Virginia, Member, appointed August 6, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Xavier Beale.

Virginia-Asian Advisory Board

Lisa Chen of **Louisa**, Virginia, Member, appointed August 8, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Patrick Mulloy.

Rowena F. Finn of **Virginia Beach**, Virginia, Member, appointed August 8, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Hyun Lee.

Thomas Okuda Fitzpatrick of **Richmond**, Virginia, Member, appointed August 8, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed May Nivar.

Salinna Lor of **Richmond**, Virginia, Member, appointed August 8, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Julia Chen.

Marie Sankaran Raval of **Henrico**, Virginia, Member, appointed August 8, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Quan Tiet Schneider of **Glen Allen**, Virginia, Member, appointed August 8, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Mona Siddiqui.

Henry "Hank" Yuan of **Fairfax**, Virginia, Member, appointed August 8, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Timothy Aderman.

Virginia Council on Women

Marzia Nawroz Abbasi of **Fairfax**, Virginia, Member, appointed September 24, 2021, to serve an unexpired term beginning June 23, 2021, and ending June 30, 2022, to succeed Michelle Strucke.

Mary Kate Andris of **Chesapeake**, Virginia, Member, appointed August 6, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Margie Del Castillo.

Diana Gates of **Alexandria**, Virginia, Member, appointed August 6, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Kristina Hagen of **Richmond**, Virginia, Member, appointed August 6, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Kelley Powell.

Courtney Hill of **Arlington**, Virginia, Member, appointed August 6, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Aisha Johnson of **Salem**, Virginia, Member, appointed August 6, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Hyun Lee of **Centreville**, Virginia, Member, appointed August 6, 2021, to serve an unexpired term beginning October 19, 2020, and ending June 30, 2022, to succeed Michelle Woods.

Karishma Merchant of **Arlington**, Virginia, Member, appointed August 6, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Marisol Morales-Diaz of **Newport News**, Virginia, Member, appointed August 6, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Donna Price of **Scottsville**, Virginia, Member, appointed August 6, 2021, to serve an unexpired term beginning June 24, 2021, and ending June 30, 2024, to succeed Tara Rountree.

Virginia LGBTQ+ Advisory Board

Matt Banfield of **Henrico**, Virginia, Member, appointed August 8, 2021, for a term of one year beginning July 1, 2021, and ending June 30, 2022, to fill a new seat.

Michael Berlucchi of **Virginia Beach**, Virginia, Member, appointed August 8, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to fill a new seat.

Demas Boudreaux of **Richmond**, Virginia, Member, appointed August 8, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to fill a new seat.

Evelyn I. BruMar of **Gainesville**, Virginia, Member, appointed August 8, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to fill a new seat.

Charley Burton of **Charlottesville**, Virginia, Member, appointed August 8, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to fill a new seat.

Jonathan Dromgoole of **Arlington**, Virginia, Member, appointed August 8, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to fill a new seat.

Amanda Goehring of **McLean**, Virginia, Member, appointed August 8, 2021, for a term of one year beginning July 1, 2021, and ending June 30, 2022, to fill a new seat.

Kevin Han of **McLean**, Virginia, Member, appointed August 8, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to fill a new seat.

Aurora Higgs of **Henrico**, Virginia, Member, appointed August 8, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to fill a new seat.

Rob Keeling of **Richmond**, Virginia, Member, appointed August 8, 2021, for a term of one year beginning July 1, 2021, and ending June 30, 2022, to fill a new seat.

Joanna Keller of **Verona**, Virginia, Member, appointed August 8, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to fill a new seat.

Kyle Mason of **Richmond**, Virginia, Member, appointed August 8, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to fill a new seat.

Karen Mullen McPhail of **Great Falls**, Virginia, Member, appointed August 8, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to fill a new seat.

Stephanie Merlo of **Henrico**, Virginia, Member, appointed August 8, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to fill a new seat.

Tracy L. Monegain of **Richmond**, Virginia, Member, appointed August 8, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to fill a new seat.

Monica Motley of **Danville**, Virginia, Member, appointed August 8, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to fill a new seat.

Bryan Price of **South Boston**, Virginia, Member, appointed August 8, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to fill a new seat.

Jes Simmons of **Farmville**, Virginia, Member, appointed August 8, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to fill a new seat.

Patty Smith of **Chester**, Virginia, Member, appointed August 8, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to fill a new seat.

Michael Thorne-Begland of **Richmond**, Virginia, Member, appointed August 8, 2021, for a term of one year beginning July 1, 2021, and ending June 30, 2022, to fill a new seat.

Lisa A. Turner of **Virginia Beach**, Virginia, Member, appointed August 8, 2021, for a term of one year beginning July 1, 2021, and ending June 30, 2022, to fill a new seat.

COMPACTS

Interstate Commission on the Potomac River Basin

Paul A. Holland of **Arlington**, Virginia, Member, appointed August 27, 2021, for a term of four years beginning March 1, 2021, and ending February 28, 2025, to succeed himself.

Mark Peterson of **Purcellville**, Virginia, Member, appointed August 27, 2021, for a term of four years beginning March 1, 2021, and ending February 28, 2025, to succeed himself.

Potomac River Fisheries Commission

Christina Everett of **Norfolk**, Virginia, Member, appointed September 17, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Kennedy E. Neill.

Roanoke River Basin Bi-State Commission

Gerald Lovelace of **Halifax**, Virginia, Member, appointed August 6, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to succeed himself.

Southern Regional Education Board

Javaid Siddiqi of **Midlothian**, Virginia, Member, appointed August 20, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Glenda Scales.

Washington Metrorail Safety Commission Interstate Compact Board of Directors

Greg Hull of **Reedville**, Virginia, Member, appointed August 13, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

EDUCATION

Board of Trustees of the A.L. Philpott Manufacturing Extension Partnership - GENEDGE Alliance

Richard Gagliano of **Charlottesville**, Virginia, Member, appointed August 20, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Karen Sorber of **Abingdon**, Virginia, Member, appointed September 24, 2021, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed Aviv Goldsmith.

Wayne Stilwell of **Manassas**, Virginia, Member, appointed August 20, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Kaushik Vashee of **Greensboro, North Carolina**, Member, appointed August 20, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Tamea Franco.

Kristen Westover of **Dryden**, Virginia, Member, appointed September 3, 2021, to serve an unexpired term beginning May 16, 2021, and ending June 30, 2024, to succeed Jacqueline Gill.

Board of Trustees of the Frontier Culture Museum of Virginia

Eric W. Bond of **Waynesboro**, Virginia, Member, appointed September 10, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Ronald Capps of **Staunton**, Virginia, Member, appointed September 10, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed William L. Hausrath.

Pamela Fox of **Staunton**, Virginia, Member, appointed September 10, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

William F. Sibert of **Staunton**, Virginia, Member, appointed September 24, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Virginia Commission for the Arts

Frazier Millner Armstrong of **Richmond**, Virginia, Member, appointed September 3, 2021, for a term of five years beginning July 1, 2021, and ending June 30, 2026, to succeed Matthew Conrad.

LaTasha Julonda Do'zia of **Stephens City**, Virginia, Member, appointed September 3, 2021, for a term of five years beginning July 1, 2021, and ending June 30, 2026, to succeed Abigail Celia Gomez.

Barbara B. Parker of **Collinsville**, Virginia, Member, appointed September 3, 2021, for a term of five years beginning July 1, 2021, and ending June 30, 2026, to succeed herself.

HEALTH AND HUMAN RESOURCES**Board of Dentistry**

Sidra Butt of **Midlothian**, Virginia, Member, appointed September 17, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Augustus Petticolas.

Jamiah K. Dawson of **Newport News**, Virginia, Member, appointed September 17, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

A. Ronald Hendricksen of **Lynchburg**, Virginia, Member, appointed September 17, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Sandra Catchings.

Board of Funeral Directors and Embalmers

Lacyn Barton of **Sandston**, Virginia, Member, appointed August 27, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Louis Jones.

Muhammad Hanif of **Midlothian**, Virginia, Member, appointed August 27, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Board of Long-Term Care Administrators

Pam Dukes of **Fincastle**, Virginia, Member, appointed September 17, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Shervonne Banks.

Jenny Inker of **Williamsburg**, Virginia, Member, appointed September 17, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed herself.

Ashley B. Jackson of **Chesapeake**, Virginia, Member, appointed September 17, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed herself.

Lisa Kirby of **Suffolk**, Virginia, Member, appointed September 17, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Derrick Kendall.

Ann L. Williams of **Henrico**, Virginia, Member, appointed September 17, 2021, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed Basil Acey.

Board of Medicine

Oliver J. Kim of **Alexandria**, Virginia, Member, appointed September 24, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Martha Wingfield.

L. Blanton Marchese of **North Chesterfield**, Virginia, Member, appointed September 24, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Pradeep K. Pradhan of **Danville**, Virginia, Member, appointed September 24, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Lori Conklin.

Jennifer Rathmann of **Blacksburg**, Virginia, Member, appointed September 24, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Nathaniel Tuck.

Board of Nursing

Teri Crawford Brown of **Richlands**, Virginia, Member, appointed September 17, 2021, for a term of one year beginning July 1, 2021, and ending June 30, 2022, to succeed Ethyl Gibson.

Laurie Buchwald of **Radford**, Virginia, Member, appointed September 17, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Louise Hershkowitz.

Margaret Joan Friedenberg of **Richmond**, Virginia, Member, appointed September 17, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Cynthia Swineford of **Prince George**, Virginia, Member, appointed September 17, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Board of Psychology

Aliya Chapman of **Blacksburg**, Virginia, Member, appointed August 27, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Norma Murdoch-Kitt of **Richmond**, Virginia, Member, appointed August 27, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Herbert Stewart.

Board of Social Work

Eboni Bugg of **Charlottesville**, Virginia, Member, appointed August 27, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed John Salay.

Family and Children's Trust Fund Board of Trustees

Maureen Coffey of **Arlington**, Virginia, Member, appointed September 10, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Mary Riley.

Beverly T. Crowder of **Halifax**, Virginia, Member, appointed September 10, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Tarina Keene of **Alexandria**, Virginia, Member, appointed September 10, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Allison Lawrence of **Henrico**, Virginia, Member, appointed September 10, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Virginia Powell of **Richmond**, Virginia, Member, appointed September 10, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Rare Disease Council

Ijeoma Azubuko of **Alexandria**, Virginia, Member, appointed September 24, 2021, for a term of one year beginning July 1, 2021, and ending June 30, 2022, to fill a new seat.

Maureen E. Dempsey of **Glen Allen**, Virginia, Member, appointed September 24, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to fill a new seat.

Rebecca Goldbach of **Virginia Beach**, Virginia, Member, appointed September 24, 2021, for a term of one year beginning July 1, 2021, and ending June 30, 2022, to fill a new seat.

Stephen L. Green of **Haymarket**, Virginia, Member, appointed September 24, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to fill a new seat.

Greg Josephs of **Ashburn**, Virginia, Member, appointed September 24, 2021, for a term of one year beginning July 1, 2021, and ending June 30, 2022, to fill a new seat.

Lisa G. Kaplowitz of **Alexandria**, Virginia, Member, appointed September 24, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to fill a new seat.

Peter Kasson of **Charlottesville**, Virginia, Member, appointed September 24, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to fill a new seat.

Holly Kearl of **Reston**, Virginia, Member, appointed September 24, 2021, for a term of one year beginning July 1, 2021, and ending June 30, 2022, to fill a new seat.

Tiffany Kimbrough of **Henrico**, Virginia, Member, appointed September 24, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to fill a new seat.

Susan Klees of **Charlottesville**, Virginia, Member, appointed September 24, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to fill a new seat.

Shannon McNeil of **Alexandria**, Virginia, Member, appointed September 24, 2021, for a term of one year beginning July 1, 2021, and ending June 30, 2022, to fill a new seat.

Jana A. Monaco of **Woodbridge**, Virginia, Member, appointed September 24, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to fill a new seat.

Richard Nicholas of **Oakwood**, Virginia, Member, appointed September 24, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to fill a new seat.

Megan O'Boyle of **Arlington**, Virginia, Member, appointed September 24, 2021, for a term of one year beginning July 1, 2021, and ending June 30, 2022, to fill a new seat.

Sarah Paciulli of **Richmond**, Virginia, Member, appointed September 24, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to fill a new seat.

Stephen S. Rich of **Charlottesville**, Virginia, Member, appointed September 24, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to fill a new seat.

Samantha A. Vergano of **Norfolk**, Virginia, Member, appointed September 24, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to fill a new seat.

Virginia Board for People with Disabilities

Brandon Cassady of **Vienna**, Virginia, Member, appointed September 10, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Maya Simmons.

Dennis Findley of **McLean**, Virginia, Member, appointed September 10, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Florence L. Jones of **Arlington**, Virginia, Member, appointed September 10, 2021, to serve an unexpired term beginning June 7, 2021, and ending June 30, 2022, to succeed Caroline Raker.

Thomas J. Leach of **Henrico**, Virginia, Member, appointed September 10, 2021, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed Travis Webb.

Robert Matuszak of **Virginia Beach**, Virginia, Member, appointed September 10, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Matthew Shapiro.

Olivia Price of **Covington**, Virginia, Member, appointed September 10, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Sarah Graham Taylor of **Alexandria**, Virginia, Member, appointed September 10, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Felicia Hamilton.

Virginia Foundation for Healthy Youth

Karin T. Addison of **Midlothian**, Virginia, Member, appointed August 13, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Yaseen Bhatti of **Chesterfield**, Virginia, Member, appointed August 13, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Madelyn Cahill.

Patte Gleason Koval of **Richmond**, Virginia, Member, appointed August 13, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Ghulam Dastgir Qureshi of **Henrico**, Virginia, Member, appointed August 13, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Virginia Health Benefit Exchange Advisory Committee

Julie Green Bataille of **McLean**, Virginia, Member, appointed August 13, 2021, to serve an unexpired beginning May 27, 2021, and ending June 30, 2024, to succeed Chiquita Brooks-Lasure.

Ikeita Cantú Hinojosa of **McLean**, Virginia, Member, appointed August 13, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

INDEPENDENT**Chesapeake Bay Bridge and Tunnel Commission**

Gregory Lee Duncan, Sr., of **Mappsville**, Virginia, Member, appointed September 10, 2021, for a term of four years beginning May 15, 2021, and ending May 14, 2025, to succeed himself.

William H. Ferguson of **Newport News**, Virginia, Member, appointed September 10, 2021, for a term of four years beginning May 15, 2021, and ending May 14, 2025, to succeed Thomas Meehan.

John F. Malbon of **Virginia Beach**, Virginia, Member, appointed September 10, 2021, to serve an unexpired term beginning September 10, 2021, and ending May 14, 2023, to succeed Fred Stant.

Frederick T. Stant, III, of **Virginia Beach**, Virginia, Member, appointed September 10, 2021, to serve an unexpired term beginning September 10, 2021, and ending June 30, 2022, to succeed John Malbon.

Virginia Commonwealth University Health System Authority Board of Directors

Joel Bieber of **Richmond**, Virginia, Member, appointed September 24, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed Marilyn Tavenner.

Virginia Foundation for the Humanities and Public Policy Board of Directors

Megan Beyer of **Alexandria**, Virginia, Member, appointed September 10, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed herself.

Linda J. Seligmann of **McLean**, Virginia, Member, appointed September 10, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed Marjorie M. Clark.

LABOR**Safety and Health Codes Board**

Jay S. Abbott of **Blacksburg**, Virginia, Member, appointed August 20, 2021, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed Philip Glaize.

Robert H. Buchler of **Moseley**, Virginia, Member, appointed August 20, 2021, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed Anna Jolly.

Kelly Bundy of **Richmond**, Virginia, Member, appointed August 20, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Courtney Malveaux.

Lutheria H. Smith of **Roanoke**, Virginia, Member, appointed August 20, 2021, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed Kenneth Wayne Richardson.

Virginia Board of Workforce Development

Rich Allevi of **Charlottesville**, Virginia, Member, appointed September 10, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Dan Gomez.

John Bahouth, Jr., of **Charlottesville**, Virginia, Member, appointed September 10, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Dean Hymes.

Xavier L. Beale of **Smithfield**, Virginia, Member, appointed September 17, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Lynne Bushey of **Arlington**, Virginia, Member, appointed September 17, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Doris Crouse-Mays of **Vinton**, Virginia, Member, appointed September 17, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Tierney T. Fairchild of **Charlottesville**, Virginia, Member, appointed September 10, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Joan B. Peterson.

Paty Funegra of **Waldorf, Maryland**, Member, appointed September 17, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Jimmy Gray of **Hampton**, Virginia, Member, appointed September 17, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Richard Hatch of **Richmond**, Virginia, Member, appointed September 10, 2021, to serve an unexpired term beginning June 22, 2021, and ending June 30, 2023, to succeed Virginia R. Diamond.

Nathaniel X. Marshall of **Lynchburg**, Virginia, Member, appointed September 17, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

James T. Monroe of **Richmond**, Virginia, Member, appointed September 17, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Antonio Rice of **Charlottesville**, Virginia, Member, appointed September 10, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to fill a new seat.

Carrie Roth of **Midlothian**, Virginia, Member, appointed September 17, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed herself.

Becky Sawyer of **Virginia Beach**, Virginia, Member, appointed September 17, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Anne Jolly Schlussler of **Richmond**, Virginia, Member, appointed September 17, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Raheel Sheikh of **Woodbridge**, Virginia, Member, appointed September 17, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

John David Smith, Jr., of **Winchester**, Virginia, Member, appointed September 17, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Travis W. Staton of **Abingdon**, Virginia, Member, appointed September 17, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Zuzana Steen of **Manassas**, Virginia, Member, appointed September 17, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Louise Welch of **Richmond**, Virginia, Member, appointed September 10, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Melissa K. Jiulianti.

LEGISLATIVE

Capitol Square Preservation Council

Robert H. Brink of **Arlington**, Virginia, Member, appointed August 20, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed himself.

Lauranett Lee of **Chesterfield**, Virginia, Member, appointed August 20, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed herself.

NATURAL AND HISTORIC RESOURCES

Alexandria Historical Restoration and Preservation Commission

Tiffany Pache of **Alexandria**, Virginia, Member, appointed September 3, 2021, to serve an unexpired term beginning May 12, 2021, and ending July 31, 2022, to succeed Cindy Stevens.

Board of Trustees of the Virginia Museum of Natural History

Makunda Abdul-Mbacke of **Axton**, Virginia, Member, appointed September 24, 2021, for a term of five years beginning July 1, 2020, and ending June 30, 2025, to succeed herself.

Lisa L. Carter of **Richmond**, Virginia, Member, appointed September 17, 2021, for a term of five years beginning July 1, 2021, and ending June 30, 2026, to succeed herself.

Arthur V. Evans of **Ashland**, Virginia, Member, appointed September 17, 2021, for a term of five years beginning July 1, 2021, and ending June 30, 2026, to succeed himself.

State Water Control Board

Jack O. Lanier of **Richmond**, Virginia, Member, appointed September 3, 2021, to serve an unexpired term beginning August 5, 2021, and ending June 30, 2022, to succeed James Lofton. [Not Confirmed by the House of Delegates]

Virginia Council on Environmental Justice

Fernando Mercado Violand of **Charlottesville**, Virginia, Member, appointed September 17, 2021, to serve an unexpired term beginning April 28, 2021, and ending June 30, 2024, to succeed Nikki Bass.

Virginia Marine Resources Commission

Christina Everett of **Norfolk**, Virginia, Member, appointed August 6, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself. [Not Confirmed by the House of Delegates]

Chris Newsome of **Cobbs Creek**, Virginia, Member, appointed August 6, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Kennedy E. Neill. [Not Confirmed by the House of Delegates]

Virginia Soil and Water Conservation Board

Charles A. Arnason of **Blackstone**, Virginia, Member, appointed August 13, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Stephen R. Hill of **Madison**, Virginia, Member, appointed August 13, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Mario Albritton.

Virginia Waste Management Board

Eric DeGross of **Chesapeake**, Virginia, Member, appointed August 6, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Amarjit Singh Riatt of **Haymarket**, Virginia, Member, appointed August 6, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

PUBLIC SAFETY AND HOMELAND SECURITY

Scientific Advisory Committee

Erin Forry of **Boston**, **Massachusetts**, Member, appointed September 3, 2021, to serve an unexpired beginning June 28, 2021, and ending June 30, 2023, to succeed Jami St. Clair.

State Board of Local and Regional Jails

Charles Jett of **Stafford**, Virginia, Member, appointed August 13, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Cleopatra Lightfoot-Booker of **Hanover**, Virginia, Member, appointed August 13, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Olivia Garland.

Roland B. "Randy" Sherrod, Jr., of **Richmond**, Virginia, Member, appointed August 13, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Kevin Sykes.

TRANSPORTATION

Aerospace Advisory Council

Nicholas P. Devereux of **Alexandria**, Virginia, Member, appointed August 20, 2021, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2022, to succeed Peter Bale.

Roosevelt Mercer, Jr., of **Norfolk**, Virginia, Member, appointed August 20, 2021, to serve an unexpired term beginning July 6, 2021, and ending June 30, 2022, to succeed Dale Nash.

Commonwealth Transportation Board

E. Scott Kasprowicz of **Middleburg**, Virginia, Member, appointed September 10, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Frederick T. Stant, III, of **Virginia Beach**, Virginia, Member, appointed September 10, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed John Malbon.

Virginia Aviation Board

Donald T. Robertson of **Smithfield**, Virginia, Member, appointed August 27, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Marie Therese Dominguez.

Sophia Chafin Vance of **Lebanon**, Virginia, Member, appointed August 27, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Jack Kennedy.

VETERANS AND DEFENSE AFFAIRS

Veterans Services Foundation Board of Trustees

Mike Coleman of **Colonial Heights**, Virginia, Member, appointed October 1, 2021, to serve an unexpired term beginning September 16, 2021, and ending June 30, 2023, to succeed Robin Beres.

SENATE JOINT RESOLUTION NO. 41

Celebrating the life of John McKenzie Gunn, Jr.

Agreed to by the Senate, January 20, 2022

Agreed to by the House of Delegates, January 24, 2022

WHEREAS, John McKenzie Gunn, Jr., an esteemed professor of economics at Washington and Lee University, honorable veteran, and a beloved member of the Rockbridge County community, died on October 16, 2021; and

WHEREAS, born in Florida and raised in Georgia, John Gunn matriculated at Washington and Lee University in 1941, but was soon after called to serve his country, enlisting with the United States Army and serving in the medical corps of the 84th Infantry Division; and

WHEREAS, as a member of the 84th Infantry Division, John Gunn bravely contributed to the Allied war effort at several historic junctures during World War II, including the invasion of Utah Beach in Normandy, France, and the Battle of the Bulge in Belgium and Luxembourg; and

WHEREAS, following the war, John Gunn completed his bachelor's degree in physics at the Georgia Institute of Technology and worked briefly as a metallurgist before identifying his passion for economics and pursuing further studies at the University of North Carolina and Princeton University; and

WHEREAS, upon completing his graduate studies in international finance at Princeton University, John Gunn took a position at Florida State University, but was quickly recruited to return to his alma mater, Washington and Lee University, to serve as an assistant professor of economics; and

WHEREAS, John Gunn would go on to enjoy an illustrious, 37-year career at Washington and Lee University, covering subjects such as international monetary economics and trade, economics and the environment, the history of economic thought, and human population problems; he was named the school's Lewis Whitaker Adams Professor of Economics in 1993 and retired with emeritus status the following year; and

WHEREAS, in addition to his contributions in the classroom, John Gunn was valued by students and faculty alike for his incomparable knowledge of Washington and Lee University, serving as a living repository of the school's history, honor system, traditions, and values; and

WHEREAS, John Gunn's legacy at Washington and Lee University continues to grow as a result of several endowments and scholarships established in his honor, including the John M. Gunn International Scholarship and the John M. Gunn Endowment for Student Learning and Engagement; and

WHEREAS, outside of Washington and Lee University, John Gunn was an active and engaged leader in his community, spearheading the establishment of the Rockbridge Chapter of the National Alliance for the Mentally Ill and the Lexington Lacrosse Club, while also serving as president of his local parent-teacher association and as a lifelong member of the local chapter of the Democratic Party; and

WHEREAS, John Gunn's commitment to improving mental health care and research ran particularly deep and included service on the state and national boards of the National Alliance for the Mentally Ill, now the National Alliance on Mental Illness, and the member advisory committee at the Harvard Brain Tissue Resource Center; and

WHEREAS, preceded in death by his loving wife, Charlotte, and his son John, John Gunn will be fondly remembered and dearly missed by his son David and his family; and by numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of John McKenzie Gunn, Jr., a distinguished professor of economics at Washington and Lee University whose generosity and mentorship over the years touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of John McKenzie Gunn, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 43

Celebrating the life of Gerald Glenn Poindexter.

Agreed to by the Senate, January 20, 2022

Agreed to by the House of Delegates, January 24, 2022

WHEREAS, Gerald Glenn Poindexter, an esteemed attorney and active and beloved member of the Surry County community, died on December 17, 2021; and

WHEREAS, a native of Louisa, Gerald Poindexter graduated from Virginia Union University in 1961 at the age of 20 before attending graduate school at Howard University, where he studied biology; and

WHEREAS, inspired by civil rights leaders of the 1960s, such as Oliver Hill and Thurgood Marshall, Gerald Poindexter changed his focus to the law, earning his juris doctor degree from the University of Michigan in 1970; and

WHEREAS, following law school, Gerald Poindexter spent a year with the Legal Aid Society of Roanoke Valley before becoming a partner with Greene, Buxton, and Poindexter, one of the first interracial law practices in Richmond; and

WHEREAS, Gerald Poindexter was named the county attorney for Surry County in 1972, becoming one of the first African American county attorneys in the country, and would go on to hold the position for the next 32 years while maintaining a private practice; and

WHEREAS, having demonstrated his adroit legal mind and commitment to fairness and justice, Gerald Poindexter was elected Commonwealth's Attorney for Surry County in 1995, leading the locality's prosecutorial endeavors with great wisdom and compassion; and

WHEREAS, Gerald Poindexter's involvement in the community included membership with several distinguished civic and social organizations, including Omega Psi Phi Fraternity, Inc., the Progressive Men's Club of Surry County, the Epsilon Delta Boulé of Sigma Pi Phi fraternity, and the Board of Visitors of John Tyler Community College; and

WHEREAS, Gerald Poindexter will be fondly remembered and dearly missed by his loving wife of more than 50 years, Gammie; his children, Eric, John, and Chris, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Gerald Glenn Poindexter, an accomplished attorney whose kindness, empathy, and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Gerald Glenn Poindexter as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 44

Commending the Oscar F. Smith High School football team.

Agreed to by the Senate, January 20, 2022

Agreed to by the House of Delegates, January 24, 2022

WHEREAS, the Oscar F. Smith High School football team of Chesapeake won the Virginia High School League Class 6 state championship on December 11, 2021, at Old Dominion University's S.B. Ballard Stadium; and

WHEREAS, the Oscar F. Smith High School Tigers defeated the James Madison High School Warhawks of Vienna by a score of 42-17, capturing back-to-back state titles and earning the unique distinction of having won two state titles in the same year; and

WHEREAS, the Oscar F. Smith Tigers were lifted by stellar defense, which left the James Madison Warhawks scoreless in the fourth quarter, and a gutsy performance from Kevon King, who rushed for 290 yards and three touchdowns despite dislocating his finger on his team's first drive of the game; and

WHEREAS, the Oscar F. Smith Tigers' victory capped an impressive 13-1 season in which the team built off its momentum from the May 2021 state title to post commanding wins week after week; and

WHEREAS, the success of the Oscar F. Smith Tigers is a testament to the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of the entire Oscar F. Smith High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Oscar F. Smith High School football team for winning the Virginia High School League Class 6 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Chris Scott, head coach of the Oscar F. Smith High School football team, as an expression of the General Assembly's admiration for the team's achievement.

SENATE JOINT RESOLUTION NO. 45

Celebrating the life of Commander Brian Michael Bourgeois, USN.

Agreed to by the Senate, January 20, 2022

Agreed to by the House of Delegates, January 24, 2022

WHEREAS, Commander Brian Michael Bourgeois, USN, commanding officer of United States Navy Sea, Air, and Land Team 8 and a beloved member of the Hampton Roads community, died on December 7, 2021; and

WHEREAS, a native of Lake Charles, Louisiana, Brian Bourgeois grew up hunting and fishing and was a standout athlete in both football and baseball; and

WHEREAS, after graduating from James E. Taylor High School in Katy, Texas, in 1997, Brian Bourgeois studied at the United States Naval Academy, where he was a four-year member of the varsity football team; and

WHEREAS, upon graduating and receiving his commission in 2001, Brian Bourgeois served briefly as a surface warfare officer before being selected for Basic Underwater Demolition/SEAL training, graduating with class 253; he also went on to earn a master's degree in defense analysis at the Naval Postgraduate School, where he earned the Pat Tillman Leadership Award; and

WHEREAS, Brian Bourgeois's two decades of service with the United States Navy was characterized by his hardworking and determined nature, his decisive leadership, and his unwavering compassion and concern for the well-being of others; and

WHEREAS, in recognition of his courage and valor in service to his country, Brian Bourgeois was the recipient of several honors and awards, including a Bronze Star with Combat "V," two Defense Meritorious Service Medals, two Navy & Marine Corps Achievement Medals, and a National Defense Service Medal; and

WHEREAS, despite the rigors of his profession, Brian Bourgeois was the consummate family man, who was readily found cheering on his children at their many sporting events or helping them with their homework; and

WHEREAS, Brian Bourgeois will be fondly remembered and dearly missed by his loving wife of 20 years, Megan; his children, Barrett, Allee, Piper, Callen, and Jonathan; his parents, David and Marlene; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Commander Brian Michael Bourgeois, USN, whose leadership and integrity was an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Commander Brian Michael Bourgeois, USN, as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 46

Celebrating the life of the Honorable Thomas Anthony Fortkort.

Agreed to by the Senate, January 20, 2022

Agreed to by the House of Delegates, January 24, 2022

WHEREAS, the Honorable Thomas Anthony Fortkort of Vienna, a former chief judge of the Fairfax Juvenile and Domestic Relations District Court and judge of the Fairfax Circuit Court, died on October 9, 2021; and

WHEREAS, a native of Buffalo, New York, Thomas "Tom" Fortkort attended St. Joseph's Collegiate Institute and earned a bachelor's degree from St. Bonaventure University and a law degree from Georgetown University; and

WHEREAS, Tom Fortkort established the firm Fortkort, Moshos and Davis and practiced law in Fairfax County until he was selected as a judge of the Fairfax Juvenile and Domestic Relations District Court of the 19th Judicial District of Virginia; and

WHEREAS, Tom Fortkort presided over the court with great fairness and wisdom and served as chief judge from 1981 to 1985, then was subsequently appointed as a judge of the Fairfax Circuit Court of the 19th Judicial Circuit of Virginia; and

WHEREAS, after his well-earned retirement in 1996, Tom Fortkort continued to serve the community as a substitute judge and offered his expertise to the American Arbitration Association, through which he became a member of panels that studied royalty rates for the U.S. Copyright Office; and

WHEREAS, outside of his career, Tom Fortkort volunteered his time with the Knights of Columbus, the Irish Cultural Society, the Friendly Sons of St. Patrick, and the Fairfax County Soccer Association, and he was a talented athlete who completed triathlons and marathons throughout the country; and

WHEREAS, predeceased by his wife of 50 years, Deanna, Tom Fortkort will be fondly remembered and greatly missed by his children, Mary, Michael, Peter, and John, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Thomas Anthony Fortkort, a respected judge in Fairfax County; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Thomas Anthony Fortkort as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 47

Expressing the sense of the General Assembly in supporting the Jones Act.

Agreed to by the Senate, January 27, 2022

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, Virginia's rich history of shipbuilding and maritime trade makes the Commonwealth a critical hub in the nation's transportation system and essential in the growth of offshore renewable energy development; and

WHEREAS, the COVID-19 pandemic has demonstrated the critical importance of maintaining resilient domestic industries and transportation services for Virginia's citizens and workforce; and

WHEREAS, the Merchant Marine Act of 1920, known as the Jones Act and codified in Title 46 of the United States Code, requires that vessels carrying cargo between locations in the United States be owned by American companies, crewed by American mariners, and built in American shipyards; and

WHEREAS, America's ability to project and deploy forces globally and to supply and maintain military installations domestically depends on the civilian fleet of Jones Act vessels and mariners; and

WHEREAS, mariners aboard Jones Act vessels strengthen America's homeland security as additional eyes and ears to monitor the nation's 95,000 miles of shoreline and 25,000 miles of navigable inland waterways; and

WHEREAS, Virginia is home to over 19,280 maritime jobs supported by the Jones Act that generate \$1.3 billion in labor income; and

WHEREAS, maritime industry jobs create ladders of opportunity through high-paying, family-wage careers that offer significant career advancement without generally necessitating advanced formal education and extensive student loans; and

WHEREAS, the Jones Act fleet, more than 40,000 vessels strong, supports nearly 650,000 family-wage jobs and over \$154 billion in economic output nationally, including more than \$4 billion in the Virginia economy; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby express its support for the Jones Act. In affirming its resolute support for the Jones Act, the General Assembly also celebrates the centennial of the Jones Act as it continues to foster a strong domestic maritime industry that is critical to Virginia's and the nation's economic prosperity and national security; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

SENATE JOINT RESOLUTION NO. 48

Celebrating the life of Staff Sergeant John Joseph Nichols, USA, Ret.

Agreed to by the Senate, January 20, 2022

Agreed to by the House of Delegates, January 24, 2022

WHEREAS, Staff Sergeant John Joseph Nichols, USA, Ret., a patriotic veteran who served the United States during World War II and the Korean War and who had been one of the last surviving members of a Buffalo Soldier regiment, died on March 20, 2021; and

WHEREAS, John Nichols grew up in Colorado Springs and learned the value of hard work and responsibility at a young age, working odd jobs in his community to help support his family; and

WHEREAS, after the attack on Pearl Harbor in 1941, John Nichols was inspired to volunteer for the United States Army and was assigned to the 10th Cavalry Regiment, one of the original all-Black military units formed after the Civil War that came to be known as Buffalo Soldiers; and

WHEREAS, John Nichols deployed to North Africa as a staff sergeant and served with the 10th Cavalry Regiment in a support role; desirous to be of further service, he volunteered to serve in combat under General George S. Patton; and

WHEREAS, John Nichols was forced to accept a demotion in rank due to concerns that white soldiers would refuse to follow the orders of a Black officer; he ultimately served in combat in northern Italy as a private; and

WHEREAS, John Nichols continued to serve the nation during the Korean War, then deployed to Germany, and once again achieved the rank of staff sergeant prior to his retirement in 1964; and

WHEREAS, a talented linguist, John Nichols lived in Germany for nearly 20 years after his honorable discharge and served as an interpreter for English speakers in German courts; and

WHEREAS, after returning to the United States, John Nichols settled in the Commonwealth and became a charter member of The Buffalo Soldiers of Petersburg, a motorcycle club that encourages good citizenship and promotes the history and accomplishments of the Buffalo Soldier regiments; and

WHEREAS, John Nichols enjoyed fellowship and worship with the Midlothian community as a member of Victory Tabernacle Church, where he had been ordained as a minister; and

WHEREAS, John Nichols will be fondly remembered and greatly missed by his wife, Marion Nichols; and numerous other family members, friends, and fellow veterans; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Staff Sergeant John Joseph Nichols, USA, Ret.; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Staff Sergeant John Joseph Nichols, USA, Ret., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 49

Celebrating the life of the Honorable Barbara Stafford.

Agreed to by the Senate, January 20, 2022

Agreed to by the House of Delegates, January 24, 2022

WHEREAS, the Honorable Barbara Stafford, a former member of the House of Delegates and the former mayor of Pearisburg, who touched countless lives in Southwest Virginia through her compassion, generosity, and dedication to service, died on June 16, 2021; and

WHEREAS, Barbara Stafford was born on May 7, 1953, to the late Howard Morris and Francis Morris (Ratcliffe); and

WHEREAS, Barbara Stafford was a lifelong resident of Giles County, where she came from humble beginnings that taught her to push through any limitations; and

WHEREAS, Barbara Stafford cultivated an understanding of local government from a young age as the daughter of a longtime member and chair of the Giles County Board of Supervisors; and

WHEREAS, Barbara Stafford attended Smithdeal-Massey Business College, then returned home to Southwest Virginia, where she met her husband, Jeff, who had served the community as a member of the House of Delegates for two decades; and

WHEREAS, after her husband's untimely passing, Barbara Stafford ran a successful special election campaign to fill his seat and ably represent the residents of what was then the 5th House District for the remainder of the term, while also raising her three children; and

WHEREAS, after completing her service as a state legislator, Barbara Stafford joined the Pearisburg Town Council; and

WHEREAS, Barbara Stafford was subsequently elected Mayor of Pearisburg; and

WHEREAS, Barbara Stafford served as Executive Director of the Giles County Chamber of Commerce and was also an active Girl Scout troop leader and a Sunday school teacher; and

WHEREAS, in 2011, Barbara Stafford joined the staff of the Honorable Morgan Griffith as Constituent Services Representative for Virginia's 9th Congressional District; and

WHEREAS, during her time with Congressman Griffith's staff, Barbara Stafford relished every opportunity to meet with fellow Southwest Virginia residents and help constituents stay engaged with the federal government while interacting with federal agencies; and

WHEREAS, Barbara Stafford served the Commonwealth and the Pearisburg community with the utmost dedication and integrity while inspiring others through her strength of character and perseverance; and

WHEREAS, in 2021, the Giles County Republican Committee honored Barbara Stafford with its prestigious Lifetime Achievement Award; and

WHEREAS, Barbara Stafford will be fondly remembered and greatly missed by her children, Christopher Mann, Elizabeth Stafford, and Mary Stafford Zirkle; her granddaughters, Mallory Stafford Mann, Frances Pendleton Zirkle, and Winsome Louise Zirkle; her sisters, Rhonda Reynolds, Linda Candelieri, and Heather Frazier; her soul friend, Betsy Davis Beamer; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Barbara Stafford, a highly admired public servant and loyal friend to Southwest Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Barbara Stafford as an expression of the General Assembly's respect for her memory and appreciation for her commitment to the Commonwealth.

SENATE JOINT RESOLUTION NO. 50

Designating October, in 2022 and in each succeeding year, as Chiropractic Health Month in Virginia.

Agreed to by the Senate, January 27, 2022

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, due to advances in technology and transportation, there has been a general increase in sedentary lifestyles, which has been further exacerbated by the effects of the COVID-19 pandemic and the prevalence of remote work, leading to an increase in musculoskeletal conditions such as low back pain and joint pain; and

WHEREAS, the COVID-19 pandemic has also led to an increase in stress and mental health problems nationwide; a survey in March 2021 by the Centers for Disease Control and Prevention found that the prevalence of adults with anxiety or a depressive disorder increased from 36.4 percent to 41.5 percent between August 2020 and February 2021; and

WHEREAS, research shows that physical activity provides several important health benefits, including helping to manage weight, increase bone and muscle strength, lower blood pressure and cholesterol, and decrease risk of heart disease and stroke; and

WHEREAS, research shows that physical activity also provides valuable benefits to mental health by reducing the risk of anxiety and depression and enhancing sleep and quality of life; and

WHEREAS, doctors of chiropractic medicine are physician-level health care providers who focus on the whole person as part of their hands-on, nondrug approach to pain management and health promotion and who have special expertise in the prevention, treatment, and rehabilitation of musculoskeletal conditions that may inhibit movement and physical activity; and

WHEREAS, chiropractors are highly trained in spinal manipulation and are prepared to recommend appropriate therapeutic and rehabilitative exercises and to provide nutritional, dietary, and lifestyle advice to help people enhance their physical fitness and overall wellness; and

WHEREAS, chiropractors are trained to diagnose conditions and to refer patients to other health care providers and specialties when necessary and have been designated as essential health care workers by the U.S. Department of Homeland Security; and

WHEREAS, during Chiropractic Health Month, the American Chiropractic Association joins with practices around the country to encourage the public to learn about the benefits of chiropractic care and promote the physical and mental health benefits of physical activity; and

WHEREAS, Chiropractic Health Month serves as a reminder to all Virginians that doctors of chiropractic health can be key partners in helping them to keep moving by treating pain and improving function with noninvasive, nondrug approaches that are safe and effective; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly designate October, in 2022 and in each succeeding year, as Chiropractic Health Month in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to the American Chiropractic Association so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the Senate post the designation of this month on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 51

Celebrating the life of Curtis Walton.

Agreed to by the Senate, January 20, 2022

Agreed to by the House of Delegates, January 24, 2022

WHEREAS, Curtis Walton, an esteemed attorney who greatly served his country throughout his career in public service with the United States government, died on April 8, 2020; and

WHEREAS, Curtis Walton demonstrated tremendous leadership potential from a young age, volunteering for organizations like the Making a Difference Foundation, Toys for Tots, and the Salvation Army, serving on the Portsmouth Youth Advisory Commission, and helping the community whenever he could; and

WHEREAS, Curtis Walton graduated summa cum laude from Old Dominion University with a bachelor's degree in political science and a minor in economics; major highlights of his university career included roles with the student body government and internships at the General Assembly with former Senator Ken Stolle and former Senator Harry Blevins; and

WHEREAS, Curtis Walton also received the Boyd Fellowship to the prestigious Thomas C. Sorensen Institute for Political Leadership at the University of Virginia; and

WHEREAS, after briefly working in Iraq and throughout the United States, Curtis Walton attended Liberty University, earning his juris doctor in 2012; shortly thereafter, he was admitted to the United States District Court Eastern District of Virginia and the Virginia State Bar; and

WHEREAS, Curtis Walton served his country meritoriously with various agencies, including the U.S. Department of Homeland Security, the U.S. Department of Veterans Affairs, and the U.S. Department of State; and

WHEREAS, as a refugee officer, Curtis Walton traveled to multiple countries and states where he interviewed refugee and asylum applicants to determine their eligibility for immigration benefits; and

WHEREAS, at the headquarters of the U.S. Department of Homeland Security, Curtis Walton developed, executed, and facilitated new training programs for immigration officers across the United States; and

WHEREAS, guided through his life by his faith, Curtis Walton enjoyed worship and fellowship with his community at Pinecrest Baptist Church in Portsmouth, where he obtained an AWANA Citation Award and with whom he attended several mission trips; and

WHEREAS, Curtis Walton Empowers is a nonprofit organization affiliated with Bayport Credit Union that is dedicated to honoring Curtis Walton's legacy by empowering others to achieve their dreams as he did throughout his life; and

WHEREAS, preceded in death by his father, David, Curtis Walton will be fondly remembered and dearly missed by his mother, Bonnie; his sister, Cheryl; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Curtis Walton, a respected public servant whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Curtis Walton as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 52

Celebrating the life of Michael F. Gelardi, Sr.

Agreed to by the Senate, January 20, 2022

Agreed to by the House of Delegates, January 24, 2022

WHEREAS, Michael F. Gelardi, Sr., an esteemed builder and developer and beloved member of the Virginia Beach community, died on December 12, 2021; and

WHEREAS, vice president of ESG Enterprises, Inc., since 1978, Michael "Mike" Gelardi contributed immensely to the development of residential, commercial, and recreational properties in Virginia Beach throughout his career; and

WHEREAS, Mike Gelardi's impressive portfolio included homes and apartments, marinas, shopping centers, hotels, restaurants, waterparks, military bases, and a space center, all built for the benefit and enjoyment of the residents of Virginia Beach; and

WHEREAS, Mike Gelardi's demonstrable leadership and expertise led to gubernatorial appointments to both the Board for Contractors within the Virginia Department of Professional and Occupational Regulation and the Board of Housing and Community Development within the Virginia Department of Housing and Community Development; and

WHEREAS, deeply invested in the well-being of the Virginia Beach community, Mike Gelardi gave generously of his time by overseeing both the construction of the Tidewater Veterans Memorial Park and renovations to the Star of the Sea Catholic Church and its school; and

WHEREAS, Mike Gelardi was a lifelong learner who loved to get at the heart of issues through hours of in-depth research, and he could be readily depended upon by his family, friends, and neighbors for advice or support in their time of need; and

WHEREAS, an adoring and devoted husband, father, grandfather, and great-grandfather, Mike Gelardi was most satisfied when spending quality time with his large and ever-growing family; and

WHEREAS, Mike Gelardi will be fondly remembered and dearly missed by his loving wife, Susan; his children, Michael, Jr., Joseph, John, and Michelle, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Michael F. Gelardi, Sr., an accomplished builder and developer whose compassion and dedication were an inspiration to many; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Michael F. Gelardi, Sr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 53

Endorsing the framework of the statewide strategic plan for higher education developed by the State Council of Higher Education for Virginia as the Commonwealth's vision and plan for higher education. Report.

Agreed to by the Senate, February 1, 2022

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, pursuant to § 23.1-203 of the Code of Virginia, the State Council of Higher Education for Virginia (Council or SCHEV) is charged with the development of a statewide strategic plan for higher education that (i) reflects codified goals and objectives set out in §§ 23.1-309 and 23.1-1002 of the Code of Virginia; (ii) identifies a coordinated approach to state and regional goals; and (iii) emphasizes the future needs for higher education in the Commonwealth; and

WHEREAS, as the Commonwealth's coordinating agency, SCHEV is required to (i) advocate for and promote the operation of an educationally and economically sound, vigorous, progressive, and coordinated system of higher education; (ii) lead state-level postsecondary strategic planning, policy development, and implementation based on research and analysis; (iii) facilitate collaboration among institutions of higher education to enhance quality and create operational efficiencies; and (iv) work with institutions and governing boards on board development; and

WHEREAS, in executing its charge, SCHEV has collaborated successfully with its constituents and stakeholders to revise and update the statewide strategic plan, "Pathways to Opportunity: The Virginia Plan for Higher Education"; and

WHEREAS, in fulfillment of its duty, the Council has approved a framework of mission, vision, goals, and strategies for the statewide strategic plan for higher education in the Commonwealth that is grounded in the Commonwealth's changing economy and demographics, its regional differences, and the current and future needs of its citizens for postsecondary education and training; and

WHEREAS, within this planning framework, SCHEV has articulated a mission for higher education in the Commonwealth as follows: "Virginia will advance equitable, affordable and transformative higher education and seeks to be the Best State for Education by 2030"; expressed a vision for higher education in the Commonwealth to be the "Best State for Education"; set three overarching goals for higher education in the Commonwealth: (i) equitable higher education - close access and completion gaps; (ii) affordable higher education - lower cost to students; and (iii) transformative higher education - expand prosperity"; and offered multiple tactical strategies for achieving each goal; and

WHEREAS, when uncertain state revenues and economic and technological disruption challenge the diversity, quality, and value of higher education in the Commonwealth, the Commonwealth must make strategic decisions guided by a shared vision and common goals; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the framework of the statewide strategic plan for higher education developed by the State Council of Higher Education for Virginia as the Commonwealth's vision and plan for higher education be endorsed; and, be it

RESOLVED FURTHER, That the mission, vision, goals, and strategies for the statewide strategic plan for higher education be developed and approved by the State Council of Higher Education for Virginia as the Commonwealth's vision and plan for higher education; and, be it

RESOLVED FURTHER, That such framework shall serve to guide the planning and resource allocation decisions of the General Assembly as the Commonwealth seeks to provide quality education and in-demand skills for a changing populace, as well as opportunities for economic development and job growth; and, be it

RESOLVED FURTHER, That the mission, vision, goals, and strategies expressed in the statewide strategic plan framework also guide the development of the strategic plan and six-year plan at each public institution of higher education, as well as the agency plan for SCHEV, and that SCHEV report annually on the Commonwealth's progress toward achieving these goals and targets to the Governor, the General Assembly, institutions of higher education, and the public; and, be it

RESOLVED FINALLY, That the State Council of Higher Education for Virginia submit annually to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of each regular session of the General Assembly for six years, beginning with the 2022 Regular Session, and shall be posted on the Virginia General Assembly's website.

SENATE JOINT RESOLUTION NO. 54

Celebrating the life of the Honorable Robert D. Laney.

Agreed to by the Senate, January 20, 2022

Agreed to by the House of Delegates, January 24, 2022

WHEREAS, the Honorable Robert D. Laney, a former chief judge of the 12th Judicial District of Virginia, died on December 15, 2021; and

WHEREAS, Robert Laney attended Petersburg High School and was a member of the school football team; in his youth, he also served as president of the Student Conservation Association and was a longtime member of the Boy Scouts of America; and

WHEREAS, Robert Laney matriculated at the University of Michigan, then enlisted in the United States Navy in 1958; he returned to the Commonwealth after his military service and graduated from the University of Richmond, where he had been elected president of Sigma Chi fraternity; and

WHEREAS, after completing his undergraduate degree, Robert Laney earned a law degree from the T.C. Williams School of Law at the University of Richmond and worked in private practice in Colonial Heights; and

WHEREAS, Robert Laney began serving as a substitute judge in 1974 and also worked part-time as an assistant attorney for the Commonwealth from 1974 to 1976; and

WHEREAS, in 1984, Robert Laney was sworn in as a judge of the 12th Judicial District of Virginia and served on the Chesterfield and Colonial Heights General District Courts; and

WHEREAS, during his tenure on the bench, Robert Laney presided with great fairness and wisdom, and he treated everyone who came before his courts with dignity and respect, earning a reputation for consistency and compassion; and

WHEREAS, Robert Laney served as chief judge for several years over the course of his career and continued to provide his expertise to courts throughout Central Virginia as substitute judge after his well-earned retirement in 2009; and

WHEREAS, Robert Laney enjoyed many hobbies outside of the legal profession and proudly coached his son Matthew's Little League Baseball team and later relished every opportunity to travel and watch his son's college and minor league games; and

WHEREAS, Robert Laney will be fondly remembered and greatly missed by his wife of 36 years, Rebecca; his children, Jennifer, Susan, and Matthew, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Robert D. Laney; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Robert D. Laney as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 55

Commending Barry C. Faison.

Agreed to by the Senate, January 20, 2022

Agreed to by the House of Delegates, January 24, 2022

WHEREAS, for more than 45 years, Barry C. Faison has diligently served public employees, employers, and retirees in the Commonwealth as chief financial officer of the Virginia Retirement System; and

WHEREAS, Barry Faison began his life of public service at an early age as a member of the United States Army, from which he received an honorable discharge; and

WHEREAS, Barry Faison is a graduate of Virginia Commonwealth University, having earned a bachelor's degree in accounting and a master's of business administration; and

WHEREAS, Barry Faison began his distinguished career with the Commonwealth as an auditor with the Auditor of Public Accounts, then was hired in 1979 by the Virginia Retirement System, where he contributed immeasurably to the organization in various positions and ultimately assumed the role of chief financial officer in 2001; and

WHEREAS, Barry Faison also completed the Virginia Executive Institute and is a Certified Public Accountant, a Chartered Global Management Accountant, and a Certified Government Financial Manager; and

WHEREAS, as chief financial officer, Barry Faison oversaw various work units in the Finance Department, including Finance, Budget, and Performance Reporting, General Accounting, Employer Reporting, and Investment Accounting where, under his leadership and tutelage, best practices in financial management and control became integral to the agency's mission and operations; and

WHEREAS, known for his commitment to excellence and innovation, as well as his expert knowledge of government accounting standards, Barry Faison has also served in various capacities in the Government Finance Officers Association, including vice chair of the Committee on Retirement and Benefit Administration; and

WHEREAS, as the chief financial officer of the Virginia Retirement System, Barry Faison serves as the working state social security administrator, answering questions about coverage, managing the Commonwealth's Section 218 Agreement and existing modifications, and gathering the information required by the Social Security Administration to support modifications to ensure compliance with Social Security Administration regulations; and

WHEREAS, with his careful adherence to statements published by the Governmental Accounting Standards Board, Barry Faison was instrumental in the Virginia Retirement System receiving an Achievement for Excellence in Financial Reporting for its 2020 Comprehensive Annual Financial Report for the 39th consecutive year and an Award for Outstanding Achievement for its Popular Annual Financial Reporting for the fifth consecutive year since inception from the Government Finance Officers Association of the United States and Canada; and

WHEREAS, Barry Faison served as a vocal advocate for innovation and as a visionary leader of the agency's modernization program to integrate several disparate legacy systems and provide a holistic online view of members' career service and retirement benefits for Virginia Retirement System employers, members, and retirees; and

WHEREAS, Barry Faison oversaw many changes in the modernization effort that led to enhanced employer reporting and record maintenance and the creation of a paperless, electronic system to enable members and retirees to interact with the agency via a web-based system; and

WHEREAS, Barry Faison is universally recognized throughout the Commonwealth by his peers, employers, and state officials for his unwavering dedication and fiduciary responsibility to the Virginia Retirement System, its members, employers, and retirees; his knowledge and counsel is sought after by colleagues and he has been a trusted mentor to other state employees; and

WHEREAS, with his knowledge of financial reporting requirements and problem-solving expertise, Barry Faison is a valuable asset to statewide steering committees for the Cardinal Financial and Cardinal Human Capital Management projects to support the move from legacy systems to the latest web technology; and

WHEREAS, after more than 45 years of distinguished service with the Commonwealth, Barry Faison now looks forward to enjoying more time with family and traveling; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Barry C. Faison for his innumerable contributions to the Commonwealth on the occasion of his well-earned retirement; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Barry C. Faison as an expression of the General Assembly's gratitude for his exemplary service to the Commonwealth and its public employees and retirees and best wishes on his future endeavors.

SENATE JOINT RESOLUTION NO. 56

Commending the Mountain Mission School.

Agreed to by the Senate, January 20, 2022

Agreed to by the House of Delegates, January 24, 2022

WHEREAS, the Mountain Mission School of Grundy, which has tended to the physical, educational, and spiritual needs of thousands of children since its founding, celebrated its 100th anniversary in 2021; and

WHEREAS, the Mountain Mission School was established as the Grundy Academy on April 22, 1921, by Sam Hurley, a local businessman and member of Disciples of Christ who envisioned a school that would care for the vulnerable children of Appalachia; and

WHEREAS, in the early days of the Mountain Mission School, children could pay for their education by working on the school's farm, which also provided food for the students; and

WHEREAS, while the growth of the local public school system reduced the need for institutions like the Mountain Mission School, the school's reputation and outreach helped draw students from beyond Appalachia; and

WHEREAS, over the past century, Mountain Mission School educators have taught more than 20,000 students from more than 80 different countries; and

WHEREAS, of the 17 mission schools in Appalachia when it was founded, the Mountain Mission School is the only one in the region still operational to this day; and

WHEREAS, through fulfillment of its mission to meet the emotional, physical, educational, and spiritual needs of its students, the Mountain Mission School has enabled thousands of young people to go on to college, trade school, or military service and to achieve success beyond the classroom; and

WHEREAS, the accomplishments of the Mountain Mission School over the years are the result of the wisdom of its founders and the steadfast dedication of its myriad leaders, educators, and staff; and

WHEREAS, by providing a safe haven in which at-risk youth could receive the support they needed to thrive, the Mountain Mission School has exemplified the values and ideals that citizens of the Commonwealth hold most dear; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Mountain Mission School on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Chris Mitchell, president of the Mountain Mission School, as an expression of the General Assembly's admiration for the school's contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 57

Confirming appointments by the Governor of certain persons communicated to the General Assembly January 1, 2022.

Agreed to by the Senate, January 31, 2022

Agreed to by the House of Delegates, February 11, 2022

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Ralph Northam and communicated to the General Assembly January 1, 2022.

AGENCY HEAD

Matthew James of Richmond, Virginia, Director, Department of Small Business and Supplier Diversity, to serve at the pleasure of the Governor beginning October 11, 2021, to succeed Tracey Jeter Wiley.

ADMINISTRATION

Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion

Caroline Corl of Richmond, Virginia, Member, appointed December 30, 2021, for a term of five years beginning April 1, 2021, and ending March 31, 2026, to succeed James Schuyler.

Bryan Green of Richmond, Virginia, Member, appointed December 30, 2021, for a term of five years beginning April 1, 2021, and ending March 31, 2026, to succeed Kathleen Kilpatrick.

Eucharía Jackson of **Richmond**, Virginia, Member, appointed December 17, 2021, for a term of five years beginning April 1, 2021, and ending March 31, 2026, to succeed Christy Coleman.

Lindsey Watson of **Cumberland**, Virginia, Member, appointed December 17, 2021, for a term of five years beginning April 1, 2021, and ending March 31, 2026, to succeed Eileen Catherine Lee.

Modeling and Simulation Advisory Council

Leah R. Colvin of **Yorktown**, Virginia, Member, appointed December 3, 2021, to serve an unexpired term beginning July 1, 2019, and ending June 30, 2023, to succeed Jeanine Zubowsky.

C. Donald Combs of **Norfolk**, Virginia, Member, appointed December 3, 2021, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed James McArthur.

Johnny Garcia of **Suffolk**, Virginia, Member, appointed December 3, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Beverly Seay.

Tracy Gregorio of **Virginia Beach**, Virginia, Member, appointed December 3, 2021, to serve an unexpired term beginning July 1, 2019, and ending June 30, 2023, to succeed John Kenney.

Paul Gustavson of **Fredericksburg**, Virginia, Member, appointed December 3, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Gianna Fernandez.

Harry E. Johnson, Sr., of **Suffolk**, Virginia, Member, appointed December 3, 2021, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed Bill Thomas.

Jim Robb of **Palm Springs**, Virginia, Member, appointed December 3, 2021, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed Paul Gustarson.

Jennifer H. Van Mullekom of **Blacksburg**, Virginia, Member, appointed December 3, 2021, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed Christopher Barrett.

AGRICULTURE AND FORESTRY

Marine Products Board

J.C. Hudgins of **Mathews**, Virginia, Member, appointed December 30, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed himself.

Daniel Knott of **Gloucester**, Virginia, Member, appointed December 30, 2021, for a term of three years beginning July 1, 2020, and ending June 30, 2023, to succeed himself.

Beverly S. Ludford of **Virginia Beach**, Virginia, Member, appointed December 30, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed Frederick Barlow.

Michael Oesterling of **Gloucester**, Virginia, Member, appointed December 30, 2021, for a term of three years beginning July 1, 2020, and ending June 30, 2023, to succeed himself.

Monica Schenemann of **Lottsburg**, Virginia, Member, appointed December 30, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed Kimberly Huskey.

Milk Commission

Sandra Welsford of **Arlington**, Virginia, Member, appointed October 22, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Carolyn Y. Carlson.

Soybean Board

Lynn P. Gayle of **Onancock**, Virginia, Member, appointed December 10, 2021, for a term of three years beginning October 1, 2021, and ending September 30, 2024, to succeed Leonard Bruce Holland.

Craig H. Giese of **Lancaster**, Virginia, Member, appointed December 10, 2021, for a term of three years beginning October 1, 2021, and ending September 30, 2024, to succeed himself.

Bill Nelson of **Henrico**, Virginia, Member, appointed December 10, 2021, for a term of three years beginning October 1, 2021, and ending September 30, 2024, to succeed himself.

Ronnie Russell of **Water View**, Virginia, Member, appointed December 10, 2021, for a term of three years beginning October 1, 2021, and ending September 30, 2024, to succeed himself.

AUTHORITIES

Hampton Roads Regional Arena Authority

Dwight M. Parker, Sr., of **Chesapeake**, Virginia, Member, appointed October 8, 2021, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2022, to fill a new seat.

Hampton Roads Sanitation District Commission

Ann W. Templeman of **Hampton**, Virginia, Member, appointed December 3, 2021, to serve an unexpired term beginning November 9, 2021, and ending June 7, 2024, to succeed Molly Joseph Ward.

Virginia Recreational Facilities Authority Board of Directors

Olivia E. Branch of **Keswick**, Virginia, Member, appointed December 30, 2021, for a term of five years beginning July 1, 2020, and ending June 30, 2025, to succeed herself.

Ravenn McDowell-Burs of **Hampton Roads**, Virginia, Member, appointed December 30, 2021, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2025, to succeed Barry Thompson.

Victoria McNiff of **Roanoke**, Virginia, Member, appointed December 30, 2021, to serve an unexpired term beginning July 1, 2019, and ending June 30, 2024, to succeed Deborah Pitts.

Taylor Spellman of **Troutville**, Virginia, Member, appointed December 30, 2021, for a term of five years beginning July 1, 2020, and ending June 30, 2025, to succeed herself.

Bill Tanger of **Hollins**, Virginia, Member, appointed December 30, 2021, for a term of five years beginning July 1, 2019, and ending June 30, 2024, to succeed himself.

Peter Volosin of **Roanoke**, Virginia, Member, appointed December 30, 2021, for a term of five years beginning July 1, 2020, and ending June 30, 2025, to succeed himself.

COMMERCE AND TRADE

Commission on Local Government

Edwin S. Rosado of **Chesterfield**, Virginia, Member, appointed December 3, 2021, for a term of five years beginning January 1, 2022, and ending December 31, 2026, to succeed Ross Michael Amyx.

Tobacco Region Revitalization Commission

Ed Blevins of **Abingdon**, Virginia, Member, appointed December 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Gretchen Clark of **Gretna**, Virginia, Member, appointed December 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Joel Cunningham, Jr., of **Halifax**, Virginia, Member, appointed December 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Julienne D. Hensley of **Gate City**, Virginia, Member, appointed December 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Sandy J. Ratliff of **Abingdon**, Virginia, Member, appointed December 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Walter H. Shelton, Jr., of **Gretna**, Virginia, Member, appointed December 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

COMMONWEALTH

Virginia LGBTQ+ Advisory Board

N. McKeller Crosby of **Henrico**, Virginia, Member, appointed December 30, 2021, for a term of three years beginning November 8, 2021, and ending June 30, 2024, to succeed Karen McPhail.

COMPACT

Southeast Interstate Low-Level Radioactive Waste Management Compact Commission

Lea Perlas of **North Chesterfield**, Virginia, Member, appointed December 10, 2021, to serve at the pleasure of the Governor, to succeed Steven Harrison.

EDUCATION

Board of Trustees of the Science Museum of Virginia

Gina M. Burgin of **Richmond**, Virginia, Member, appointed December 30, 2021, for a term of five years beginning July 1, 2021, and ending June 30, 2026, to succeed David B. Botkins.

Elsa Q. Falls of **Richmond**, Virginia, Member, appointed December 10, 2021, for a term of five years beginning July 1, 2021, and ending June 30, 2026, to succeed herself.

Surendra Ganeriwala of **Henrico**, Virginia, Member, appointed December 10, 2021, to serve an unexpired term beginning November 9, 2021, and ending June 30, 2023, to succeed Molly Joseph Ward.

Patricia Nicoson of **Reston**, Virginia, Member, appointed December 10, 2021, for a term of five years beginning July 1, 2021, and ending June 30, 2026, to succeed herself.

Sarah Huang Spota of **Midlothian**, Virginia, Member, appointed December 10, 2021, for a term of five years beginning July 1, 2021, and ending June 30, 2026, to succeed Amy Josephine Laufer.

Board of Trustees of the Southwest Virginia Higher Education Center

Esther W. Bolling of **Wise**, Virginia, Member, appointed December 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Joshua Ely.

Karen Shelton of **Bristol**, Virginia, Member, appointed December 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Maria Colobro.

The Library Board

L. Preston Bryant, Jr., of **Richmond**, Virginia, Member, appointed December 30, 2021, for a term of five years beginning July 1, 2021, and ending June 30, 2026, to succeed himself.

Suzette Denslow of **Richmond**, Virginia, Member, appointed December 30, 2021, for a term of five years beginning July 1, 2021, and ending June 30, 2026, to succeed Mohammed Esslami.

Shelley Viola Murphy of **Palmyra**, Virginia, Member, appointed December 30, 2021, for a term of five years beginning July 1, 2021, and ending June 30, 2026, to succeed herself.

Virginia Water Resources Research Center Statewide Advisory Board

Mark R. Bennett of **Fredericksburg**, Virginia, Member, appointed December 10, 2021, to serve at the pleasure of the Governor, to succeed himself.

David L. Bulova of **Fairfax**, Virginia, Member, appointed December 17, 2021, to serve at the pleasure of the Governor, to succeed himself.

Hope F. Cupit of **Forest**, Virginia, Member, appointed December 10, 2021, to serve at the pleasure of the Governor, to succeed herself.

Melanie Davenport of **Richmond**, Virginia, Member, appointed December 10, 2021, to serve at the pleasure of the Governor, to succeed herself.

Carl Hershner of **Gloucester**, Virginia, Member, appointed December 10, 2021, to serve at the pleasure of the Governor, to succeed himself.

Whitney Katchmark of **Chesapeake**, Virginia, Member, appointed December 17, 2021, to serve at the pleasure of the Governor, to succeed herself.

Wayne M. Kirkpatrick of **Stuart**, Virginia, Member, appointed December 17, 2021, to serve at the pleasure of the Governor, to succeed himself.

Joseph H. Maroon of **Midlothian**, Virginia, Member, appointed December 10, 2021, to serve at the pleasure of the Governor, to succeed himself.

Brian Richter of **Crozet**, Virginia, Member, appointed December 10, 2021, to serve at the pleasure of the Governor, to succeed himself.

Raina A. Rosado of **Forest**, Virginia, Member, appointed December 10, 2021, to serve at the pleasure of the Governor, to succeed herself.

Stephen Silberstein of **Oak Hill**, Virginia, Member, appointed December 10, 2021, to serve at the pleasure of the Governor, to succeed himself.

Ginny Snead of **Williamsburg**, Virginia, Member, appointed December 17, 2021, to serve at the pleasure of the Governor, to succeed herself.

HEALTH AND HUMAN RESOURCES

Advisory Board on Massage Therapy

Lisa Speller of **Glen Allen**, Virginia, Member, appointed December 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Jermaine Mincey.

Board for the Blind and Vision Impaired

Robert Bartolotta of **Falls Church**, Virginia, Member, appointed December 17, 2021, for a term of four years beginning December 17, 2021, and ending June 30, 2025, to succeed Leo Kim.

Board of Dentistry

Joshua W. Anderson of **Lorton**, Virginia, Member, appointed December 17, 2021, to serve an unexpired term beginning September 20, 2021, and ending June 30, 2022, to succeed Perry Jones.

Board of Long-Term Care Administrators

Kimberly R. Searcy of **Fairfax**, Virginia, Member, appointed December 17, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Marjorie Pantone.

Board of Social Services

William "Buckey" Boone of **Meadowview**, Virginia, Member, appointed December 10, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Sheryl Garland of **Chester**, Virginia, Member, appointed December 10, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Danny Avula.

Zulma Santos of **Woodbridge**, Virginia, Member, appointed December 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Andrew Heck.

Rachna Sizemore Heizer of **Burke**, Virginia, Member, appointed December 10, 2021, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed Maryann Boyd.

Maternal Mortality Review Team

Bryan Boyd of **Bristol**, Virginia, Member, appointed December 17, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed himself.

James E. Brown, III, of **Charlottesville**, Virginia, Member, appointed December 17, 2021, for a term of three years beginning July 1, 2020, and ending June 30, 2023, to succeed himself.

Kristie Burnette of **Chesterfield**, Virginia, Member, appointed December 17, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed herself.

Donald J. Dudley of **Charlottesville**, Virginia, Member, appointed December 17, 2021, for a term of three years beginning July 1, 2020, and ending June 30, 2023, to succeed himself.

Susan M. Lanni of **Montpelier**, Virginia, Member, appointed December 17, 2021, for a term of three years beginning July 1, 2020, and ending June 30, 2023, to succeed herself.

Lisa C. Linthicum of **Rustburg**, Virginia, Member, appointed December 17, 2021, for a term of three years beginning July 1, 2020, and ending June 30, 2023, to succeed herself.

Sharon L. Sheffield of **Franklin**, Virginia, Member, appointed December 17, 2021, for a term of three years beginning July 1, 2020, and ending June 30, 2023, to succeed herself.

Elizabeth Gray Uzzle of **Virginia Beach**, Virginia, Member, appointed December 17, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed Kathleen Page.

State Rehabilitation Council for the Blind and Vision Impaired

Leelynn Brady of **Suffolk**, Virginia, Member, appointed December 10, 2021, for a term of three years beginning October 1, 2021, and ending September 30, 2024, to succeed Raymond Kenney.

Heidi Lawyer of Henrico, Virginia, Member, appointed December 10, 2021, for a term of three years beginning October 1, 2021, and ending September 30, 2024, to succeed Tammy Burns.

Rachael Rounds of Midlothian, Virginia, Member, appointed December 10, 2021, for a term of three years beginning October 1, 2021, and ending September 30, 2024, to succeed Larysa Kautz.

Virginia Board for People with Disabilities

Kyle E. Jones of Richmond, Virginia, Member, appointed December 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Katherine Olson.

Virginia Health Workforce Development Authority Board of Directors

Cecilia E. Barbosa of Richmond, Virginia, Member, appointed December 30, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to succeed Lori Rutherford.

Alan Dow of Henrico, Virginia, Member, appointed December 30, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to succeed himself.

Beth O'Connor of Blacksburg, Virginia, Member, appointed December 30, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to fill a new seat.

Woodi Sprinkel of Ashland, Virginia, Member, appointed December 30, 2021, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to succeed herself.

Wendy Welch of Wytheville, Virginia, Member, appointed December 30, 2021, to serve an unexpired term beginning December 30, 2021, and ending June 30, 2022, to succeed Thelma Watson.

LABOR

Board for Contractors

Gerald Burr, Jr. of Chester, Virginia, Member, appointed December 30, 2021, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed Sheila Coleman.

Rudolph Burwell of Arlington, Virginia, Member, appointed December 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Jason Curtis Trenary.

Donald Groh of Chesapeake, Virginia, Member, appointed December 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Randy C. Haddock of Virginia Beach, Virginia, Member, appointed December 30, 2021, to serve an unexpired term beginning July 1, 2019, and ending June 30, 2023, to succeed James David Oliver.

Satish Korpe of Mount Vernon, Virginia, Member, appointed December 30, 2021, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed Vance Ayres.

Alvin Pardo-Monell of Culpeper, Virginia, Member, appointed December 30, 2021, to serve an unexpired term beginning July 1, 2018, and ending June 30, 2022, to succeed Erby Middleton.

Kevin Saucedo-Broach of Arlington, Virginia, Member, appointed December 30, 2021, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed Gene Edward Magruder.

Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals

Thomas Fore of Altavista, Virginia, Member, appointed December 3, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Common Interest Community Board

Katherine E. Waddell of Henrico, Virginia, Member, appointed December 3, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Fair Housing Board

Scott Astrada of Alexandria, Virginia, Member, appointed December 3, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Dean A. Lynch of Midlothian, Virginia, Member, appointed December 3, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Real Estate Appraiser Board

Kelvin C. Bratton of Roanoke, Virginia, Member, appointed October 29, 2021, for a term of four years beginning April 3, 2021, and ending April 2, 2025, to succeed Robert O. Rochester.

Virginia Board for Asbestos, Lead, and Home Inspectors

John Cranor of Midlothian, Virginia, Member, appointed December 17, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Patrick Studley of Hampton, Virginia, Member, appointed December 17, 2021, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed himself.

Louis W. Walker of Midlothian, Virginia, Member, appointed December 17, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Virginia Board of Workforce Development

Lee Worley of Reston, Virginia, Member, appointed December 17, 2021, to serve an unexpired term beginning October 23, 2021, and ending June 30, 2023, to succeed Thomas Anthony Bell.

LEGISLATIVE

Virginia-Israel Advisory Board

Jeffrey P. Bialos of **McLean**, Virginia, Member, appointed December 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Steven Valdez.

Irving M. Blank of **Richmond**, Virginia, Member, appointed December 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Scott Brown of **Annandale**, Virginia, Member, appointed December 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to Aviva Shapiro.

NATURAL AND HISTORIC RESOURCES**Mount Vernon Board of Visitors**

Todd Cimino-Johnson of **Leesburg**, Virginia, Member, appointed December 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Carlos Del Toro.

Thomas J. Lehner of **Alexandria**, Virginia, Member, appointed December 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Virginia Cave Board

John Haynes of **Charlottesville**, Virginia, Member, appointed December 17, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Russell H. Kohrs of **Mount Jackson**, Virginia, Member, appointed December 17, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Marian McConnell.

Virginia Council on Environmental Justice

Ronald M. Howell, Jr., of **Spring Grove**, Virginia, Member, appointed December 17, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Virginia Soil and Water Conservation Board

Anna Killius of **Henrico**, Virginia, Member, appointed December 10, 2021, to serve an unexpired term beginning August 10, 2021, and ending June 30, 2023, to succeed Kristen L. Saacke Blunk.

PUBLIC SAFETY AND HOMELAND SECURITY**Advisory Committee on Juvenile Justice and Prevention**

Joseph Lee Gong of **Bedford**, Virginia, Member, appointed December 3, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Robert Gray of **Albemarle**, Virginia, Member, appointed December 3, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed John Dougherty.

Melissa K. Morgan of **Newport News**, Virginia, Member, appointed December 3, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Anthony Jackson.

Toni M. Randall of **Henrico**, Virginia, Member, appointed December 3, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Criminal Justice Services Board

Mary Biggs of **Blacksburg**, Virginia, Member, appointed December 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Craig L. Branch of **Chesterfield**, Virginia, Member, appointed December 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Maggie A. DeBoard of **Fairfax Station**, Virginia, Member, appointed December 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed James Williams.

Joseph C. Lindsey of **Norfolk**, Virginia, Member, appointed December 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Mary Bennett Malveaux.

Sesha Joi Moon of **Springfield**, Virginia, Member, appointed December 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to fill a new seat.

Robert P. Mosier of **Warrenton**, Virginia, Member, appointed December 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Vanessa Crawford.

Bryan Porter of **Alexandria**, Virginia, Member, appointed December 30, 2021, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Scientific Advisory Committee

Patricia A. Manzolino of **Harpers Ferry, West Virginia**, Member, appointed December 30, 2021, to serve an unexpired term beginning October 9, 2021, and ending June 30, 2023, to succeed Leslie Edinboro.

Virginia Geographic Information Network Advisory Board

Pravin Mathur of **Henrico**, Virginia, Member, appointed December 17, 2021, for a term of five years beginning July 1, 2021, and ending June 30, 2026, to succeed himself.

David H. Wells of **Chesapeake**, Virginia, Member, appointed December 17, 2021, to serve an unexpired term beginning September 8, 2021, and ending June 30, 2022, to succeed Douglas Richmond.

VETERANS AND DEFENSE AFFAIRS**Board of Veterans Services**

Joyce Henderson of **Alexandria**, Virginia, Member, appointed December 3, 2021, to serve an unexpired term beginning August 13, 2021, and ending June 30, 2024, to succeed Tammi R. Lambert.

Joint Leadership Council of Veterans Service Organizations

Richard H. Van Norton of **Frederick County**, Virginia, Member, appointed December 10, 2021, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed John R. Cooper.

SENATE JOINT RESOLUTION NO. 58

Commending the Riverheads High School football team.

Agreed to by the Senate, January 20, 2022

Agreed to by the House of Delegates, January 24, 2022

WHEREAS, the Riverheads High School football team of Staunton won the Virginia High School League Class 1 state championship at Salem Stadium on December 11, 2021; and

WHEREAS, the Riverheads High School Gladiators defeated the Galax High School Maroon Tide by a score of 45-14 to bring home the program's sixth consecutive state title and its ninth in program history; and

WHEREAS, the Riverheads High School Gladiators' streak of six straight victories in the title game extends a Virginia High School League state record for most consecutive state championships; and

WHEREAS, the Riverheads Gladiators' victory completes its undefeated season and furthers its winning streak to 50 games, the longest active winning streak among high school football programs in the nation and two games shy of the Virginia High School League record for most consecutive wins; and

WHEREAS, the Riverheads Gladiators were led by strong performances from Cayden Cook-Cash, who had four touchdowns and 216 yards on 18 carries, and Luke Bryant, who rushed for 174 yards, including a magnificent 77-yard touchdown run in the third quarter; and

WHEREAS, as a result of schedule changes caused by the COVID-19 pandemic, the Riverheads Gladiators also won a Virginia High School League state championship in May 2021, giving the team the unique distinction of winning two state titles in the same year; and

WHEREAS, the accomplishments of the Riverheads Gladiators are the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of the entire Riverheads High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Riverheads High School football team for winning the Virginia High School League Class 1 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Robert Casto, head coach of the Riverheads High School football team, as an expression of the General Assembly's admiration for the team's achievement.

SENATE JOINT RESOLUTION NO. 59

Commending Stephen J. Chantry.

Agreed to by the Senate, January 27, 2022

Agreed to by the House of Delegates, January 31, 2022

WHEREAS, Stephen J. Chantry, a standout distance runner and esteemed education administrator, has contributed greatly to the Williamsburg community over many years; and

WHEREAS, Stephen Chantry's educational pursuits included a bachelor's degree from St. Lawrence University and master's and doctoral degrees from The College of William and Mary; and

WHEREAS, Stephen Chantry is a track and field legend in Williamsburg, who has received an age grading of more than 90 percent, indicating world-class caliber performance, in 40 different races throughout his career; and

WHEREAS, a two-time individual track and field world champion and a 22-time individual track and field national champion, Stephen Chantry also holds the distinction of being a triple national champion, winning the 3000-meter, mile, and 800-meter events at the USA Track & Field championships in 2006, 2013, and 2018; and

WHEREAS, in addition to his numerous titles, Stephen Chantry currently holds state records in the five kilometer event in both the men's 55-59 age category and the men's 65-69 age category, as well as a world record in the 4 x 800-meter relay event in both the men's 50-54 age category and the men's 60-64 age category; and

WHEREAS, a longtime member of the Colonial Road Runners, a nonprofit association promoting running in the Williamsburg area, Stephen Chantry has fostered a culture of health and fitness in his community; and

WHEREAS, Stephen Chantry had an illustrious 33-year career in public education, retiring as executive director for student services with Williamsburg James City County Public Schools after serving as principal of both Dozier Middle School and Reservoir Middle School with Newport News Public Schools and as a mentor for at-risk youth and families; and

WHEREAS, an innovative education leader, Stephen Chantry helped create one of the first web-based textbooks, helping school divisions reduce costs on learning materials, and was involved with several committees and organizations, such as Achievable Dream Academy; and

WHEREAS, Stephen Chantry's accomplishments both as a runner and an education administrator have brought great honor to Williamsburg and the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Stephen J. Chantry for his years of excellence both on the track and in the classroom; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Stephen J. Chantry as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 60

Commending G. Robert Aston, Jr.

Agreed to by the Senate, January 27, 2022

Agreed to by the House of Delegates, January 31, 2022

WHEREAS, G. Robert Aston, Jr., founder and executive chairman of TowneBank, the largest bank chartered in the Commonwealth, was named First Citizen of Hampton Roads by the Hampton Roads Chamber of Commerce in 2021; and

WHEREAS, the Hampton Roads Chamber of Commerce selected Robert "Bob" Aston for its prestigious annual award to honor his tireless efforts to foster greater collaboration and collective prosperity in the Hampton Roads region; the award was presented at the organization's Bravo! Celebration of Leadership event on December 16, 2021; and

WHEREAS, working out of his garage in Portsmouth in 1998, Bob Aston and his colleagues envisioned a bank that would strive to meet the financial aspirations of local residents and businesses; TowneBank was founded a year later, and the institution has grown continuously ever since as the result of a steadfast commitment to the community; and

WHEREAS, under Bob Aston's visionary leadership, TowneBank has established more than 40 locations throughout the Commonwealth and North Carolina and accumulated more than \$15 billion in assets, while developing a family of companies providing mortgage, insurance, wealth management, and real estate services to broaden the bank's support of the local economy; and

WHEREAS, Bob Aston and TowneBank have served as lifelines throughout the COVID-19 pandemic by facilitating Paycheck Protection Program small business loans and other services to clients; in recognition of their myriad accomplishments, the bank was named the #16 "Best Bank in America" by *Forbes* magazine in 2021; and

WHEREAS, embodying the values and ideals of both a business and civic leader, Bob Aston has been a guiding light in Hampton Roads for many years and an integral part of the region's success; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend G. Robert Aston, Jr., founder and executive chairman of TowneBank, for being named the Hampton Roads Chamber of Commerce's 2021 First Citizen of Hampton Roads; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to G. Robert Aston, Jr., as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 61

Celebrating the life of the Honorable William Lunsford Person, Jr.

Agreed to by the Senate, January 27, 2022

Agreed to by the House of Delegates, January 31, 2022

WHEREAS, the Honorable William Lunsford Person, Jr., of Anaheim, California, a former judge of the Williamsburg/James City County Circuit Court, died in January 2022; and

WHEREAS, William "Bill" Person grew up in Williamsburg and attended Matthew Whaley High School, where he set the all-time record for points scored on the school's varsity basketball team; and

WHEREAS, Bill Person continued to play basketball while earning a bachelor's degree at The College of William and Mary and subsequently graduated from the University of Virginia School of Law; and

WHEREAS, Bill Person began his legal career as an assistant city attorney in Newport News, then served as the Commonwealth's Attorney for the City of Williamsburg and James City County from 1964 to 1989; and

WHEREAS, as Commonwealth's Attorney, Bill Person conducted the duties of his office with complete openness and integrity and was a mentor to many other local attorneys; and

WHEREAS, during his tenure, Bill Person prosecuted the first capital murder case after Virginia reinstated the death penalty, resulting in a conviction that was affirmed by the Supreme Court of the United States in a 5-4 decision and became the benchmark for all capital murder cases that followed it; and

WHEREAS, Bill Person was so well regarded as a trial attorney by his peers that he was elected as president of the Commonwealth's Attorneys' Services Council and, under his leadership, the organization established its headquarters at the Marshall-Wythe School of Law at The College of William and Mary; and

WHEREAS, Bill Person also formed the law office of Person and Fairbanks which operated from 1975 until 1983 when the office of Commonwealth's Attorney became a full-time position; and

WHEREAS, in 1989, Bill Person was selected as a judge of the Williamsburg/James City County Circuit Court of the 9th Judicial Circuit of Virginia and presided over the court with great fairness and wisdom until his retirement in 1997; and

WHEREAS, during his time on the bench, Bill Person was known for his civility, patience, and good sense of humor, and he was nominated by his peers for a seat on the Virginia Supreme Court; and

WHEREAS, Bill Person was the driving force in the planning, design, and construction of the current Williamsburg-James City County Courthouse, which stands as a symbol to his foresight and leadership; and

WHEREAS, Bill Person proudly served as the master of ceremonies at the opening of the new courthouse, which was dedicated by United States Supreme Court Justice Sandra Day O'Connor; and

WHEREAS, upon his retirement, Bill Person moved to Palm City, Florida, where he frequented Payson Park, a thoroughbred race horse training facility located nearby and became great friends with Bill Mott and Christophe Clement, well-known trainers, and he became such a fixture there that a plaque is affixed to the track rail where he often sat; and

WHEREAS, Bill Person was present with Bill Mott in 2010 when his horse Drosselmeyer won the Belmont Stakes and he was in attendance with Christophe Clement in 2014 when his horse Tonalist won the Belmont Stakes; and

WHEREAS, Bill Person will be fondly remembered and greatly missed by his wife, Fran; his daughter, Mary, and her husband, Sean; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable William Lunsford Person, Jr., a former judge, dedicated community leader, and outstanding Virginian; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable William Lunsford Person, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 62

Celebrating the life of Anastasius Jack Georgalas.

Agreed to by the Senate, January 27, 2022

Agreed to by the House of Delegates, January 31, 2022

WHEREAS, Anastasius Jack Georgalas, a patriotic veteran, successful entrepreneur, and respected community leader in Hampton Roads, died on November 3, 2021; and

WHEREAS, born in New York City, Jack Georgalas moved to Newport News with his family at a young age; he attended Saint Vincent de Paul Catholic High School and Georgia Military Academy, then earned a bachelor's degree from the University of Virginia; and

WHEREAS, after his honorable discharge from the United States Marine Corps, Jack Georgalas established Tri-Cities Beverage Corporation in 1959; he helped the company grow from distributing one brand of beer from one truck to a thriving enterprise that continues to create jobs and serve the Newport News community; and

WHEREAS, Jack Georgalas was a pillar of the Newport News community, supporting many civic organizations and local projects, and his legacy lives on through his contributions to the development of Oyster Point and City Center; and

WHEREAS, Jack Georgalas enjoyed fellowship and worship with the community as a founding member of Saints Constantine and Helen Greek Orthodox Church, where he served on the parish council and played a critical role in the success of the annual church festival; and

WHEREAS, Jack Georgalas supported countless fellow Greek Americans as an active member of the Order of AHEPA (American Hellenic Educational Progressive Association), including as chair of the organization's national board, chair of the Cyprus/Hellenic Affairs Committee, and supreme president; and

WHEREAS, predeceased by his wife, Mary, and two children, Suzanne and Harry, Jack Georgalas will be fondly remembered and greatly missed by his children, Venisse and Jack, and their families; and by numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Anastasius Jack Georgalas; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Anastasius Jack Georgalas as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 63*Commending Robert Casto.*

Agreed to by the Senate, January 27, 2022

Agreed to by the House of Delegates, January 31, 2022

WHEREAS, Robert Casto, longtime head coach of the Riverheads High School football team of Staunton, whose nine state championships over 26 seasons made him a legend of Virginia high school football, retired in 2022; and

WHEREAS, Robert Casto began his storied coaching career as an assistant coach at Buffalo Gap High School in Swoope and later served as head coach at Chincoteague High School before becoming an assistant coach at Riverheads High School; and

WHEREAS, Robert Casto took command of the Riverheads High School Gladiators in 1996 and within four years had led the team to an undefeated season and a state championship title; and

WHEREAS, in addition to their title from 2000, Robert Casto's Gladiators claimed state championship victories in 2006 and 2010 before mounting an astounding six-championship streak from 2016 to 2021; and

WHEREAS, at the time of Robert Casto's retirement, the Riverheads Gladiators' run of 50 consecutive wins stands as the longest active winning streak in the nation for a high school football program and is only two games shy of the Virginia High School League record; and

WHEREAS, following his team's 45-14 victory over Galax High School in the 2021 Virginia High School League Class 1 state championship, Robert Casto's lifetime record at Riverheads High School stands at 261-59; and

WHEREAS, Robert Casto's achievements are the result of his steadfast commitment to his players and their growth and maturation as both athletes and citizens, as he has cultivated a team culture that is an inspiration to programs throughout the region; and

WHEREAS, Robert Casto also retires from a distinguished career as a physical education teacher, in which he worked tirelessly to promote the health and well-being of his students and to ensure their success beyond the classroom; and

WHEREAS, Robert Casto's legacy at Riverheads High School includes the community there that he has helped build, which will fondly remember and ardently celebrate his accomplishments on the gridiron for years to come; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Robert Casto, beloved coach of the Riverheads High School football team, on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Robert Casto as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 64*Commending Antioch Baptist Church.*

Agreed to by the Senate, January 27, 2022

Agreed to by the House of Delegates, January 31, 2022

WHEREAS, for 250 years, Antioch Baptist Church in Sussex County has provided spiritual leadership, generous outreach programs, and opportunities for joyful worship to members of the Yale, Sussex County, and Southampton County communities; and

WHEREAS, inspired by the effective preaching of Elder John Meglamre from Kehukee Baptist Church in Halifax, North Carolina, 87 individuals established the Raccoon Swamp Meeting House in Sussex County on June 13, 1772; the congregation was the first Baptist church in Sussex County and one of the earliest in the Commonwealth; it would later become Antioch Baptist Church; and

WHEREAS, upon the founding of the Raccoon Swamp Meeting House, Elder John Meglamre was chosen by the congregation to serve as pastor, while James Bell and Thomas Bailey were ordained as deacons and William Bishop was chosen to serve as clerk; and

WHEREAS, from 1772 to 1794, the Reverend John Meglamre served as pastor of the Raccoon Swamp Meeting House; five years into his tenure, the reformed Kehukee Association of 19 Baptist churches in the Commonwealth and North Carolina notably held its organizational meeting at the church; and

WHEREAS, William Browne, who had served as assistant pastor alongside the Reverend John Meglamre, assumed leadership of the congregation from 1794 to 1810; he has since been succeeded by a line of 56 pastors; and

WHEREAS, Antioch Baptist Church was known as the Raccoon Swamp Meeting House until 1852 and has over the years served as a mother church to six congregations located across four counties; and

WHEREAS, under the direction of the membership and the leadership of the Reverend J.D. Brown, Antioch Baptist Church was completely renovated in 1883; and

WHEREAS, the Antioch Baptist Church Sunday school building was added in 1949 under the direction of the membership and the leadership of the Reverend M.K. Roberson, followed by the parsonage in 1957 and the vestibule in 1960, both under the direction of the membership and the leadership of the Reverend R.S. Carlton; and

WHEREAS, in May 2020, the Reverend Thomas E. Guess became the 58th pastor of Antioch Baptist Church, and he has since grown the church's attendance and membership through his compassionate leadership and inspirational sermons about God and faith; and

WHEREAS, throughout its history, Antioch Baptist Church has welcomed people from diverse backgrounds and built an enduring sense of community in the Yale, Sussex County, and Southampton County areas; the many friends and former members who return to the church when they are in town for homecomings and revival services are a testament to the close bonds the congregation shares; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Antioch Baptist Church on the occasion of its 250th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Reverend Thomas E. Guess, pastor of Antioch Baptist Church, as an expression of the General Assembly's admiration for the church's legacy of contributions to the Yale, Sussex County, and Southampton County communities.

SENATE JOINT RESOLUTION NO. 65

Celebrating the life of the Honorable Frank DuVal Hargrove, Sr.

Agreed to by the Senate, February 3, 2022

Agreed to by the House of Delegates, February 7, 2022

WHEREAS, the Honorable Frank DuVal Hargrove, Sr., a former member of the House of Delegates who made many contributions to life in the Commonwealth and had a transformative impact on Hanover County, died on October 16, 2021; and

WHEREAS, Frank Hargrove developed a love of travel at a young age and began learning to fly airplanes as a teenager; he was a standout football player at Thomas Jefferson High School in Richmond, then joined the United States Army after graduation in 1945 and served as part of the Allied occupation of Japan; and

WHEREAS, after completing his military service, Frank Hargrove attended Virginia Polytechnic Institute and State University on a football scholarship and earned a bachelor's degree in business administration; he was best known in his college years for his daring exploits in his private plane, including once landing in the middle of campus; and

WHEREAS, Frank Hargrove pursued a career in the insurance business and established what became one of the largest independent insurance agencies in the Commonwealth, A.W. Hargrove Insurance Agency; and

WHEREAS, Frank Hargrove continued flying, and even spotted his beloved family home, Cool Water, from the air; in the late 1960s, he worked with a group of friends to promote the establishment of Hanover County Municipal Airport, the airfield at which is now named in his honor; and

WHEREAS, desirous to be of further service to the Commonwealth, Frank Hargrove ran for and was elected to the House of Delegates and represented the residents of the 55th District from 1982 to 2010; and

WHEREAS, during his tenure as a state lawmaker, Frank Hargrove introduced and supported many important pieces of legislation to benefit all Virginians and was a staunch advocate for the abolition of the death penalty; he served on the Commerce and Labor Committee, the Privileges and Elections Committee, and the Rules Committee; and

WHEREAS, Frank Hargrove was a longtime champion for the Virginia War Memorial and played an instrumental role in the restoration of the Shrine of Memory and other facilities; he also led fundraising efforts to support the construction of the Paul and Phyllis Galanti Education Center; and

WHEREAS, Frank Hargrove proudly volunteered his leadership and expertise to many other organizations, including the governing bodies of Ferrum College and Randolph-Macon College; and

WHEREAS, in addition to his passion for flying, Frank Hargrove was a self-taught sailor who served as commodore of the Fishing Bay Yacht Club and competed in regattas throughout the United States; never one to shy away from a challenge, he also took up long-distance running and cycling in later life; and

WHEREAS, predeceased by his wife of 57 years, Oriana, Frank Hargrove will be fondly remembered and greatly missed by his children, Dale, Frank Jr., Stewart, and Wellesley, and their families; and numerous other family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Frank DuVal Hargrove, Sr., a pillar of the Hanover County community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Frank DuVal Hargrove, Sr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 66

Designating the first week in October, in 2022 and in each succeeding year, as Malnutrition Awareness Week in Virginia.

Agreed to by the Senate, February 15, 2022

Agreed to by the House of Delegates, March 8, 2022

WHEREAS, many experts agree that nutrition status is a direct measure of patient health and that good nutrition can increase wellness and reduce health care costs, which can range up to \$49 billion annually for hospital stays involving malnutrition; and

WHEREAS, inadequate or unbalanced nutrition, known as malnutrition, is particularly prevalent in vulnerable populations, such as hospitalized patients, older adults, and people in underserved communities; these populations also shoulder the highest statistical incidences of the most severe chronic illnesses such as diabetes, kidney disease, cancer, and cardiovascular disease; and

WHEREAS, malnutrition can result in the loss of lean body mass, leading to complications that affect good patient health outcomes, including recovery from an unrelated surgery, illness, injury, or disease; and

WHEREAS, Enhanced Recovery After Surgery care plans implemented by a team of multidisciplinary health care professionals can improve patient nutrition to support a strong recovery and help reduce risk of complications from surgeries; and

WHEREAS, the effects of malnutrition have been exacerbated by the COVID-19 pandemic, which has intensified disparities and social isolation for older adults, which is further compounded by food insecurity across many communities; and

WHEREAS, despite the recognized link between good nutrition and good health, nutrition screening and intervention have not been systematically incorporated across the continuum of care; and

WHEREAS, clinical quality measures can help improve nutrition screening and intervention, and the Centers for Medicare & Medicaid Services (CMS) has approved multiple malnutrition-specific clinical quality measures for two CMS-qualified clinical data registries; and

WHEREAS, federal legislation has allocated supplemental funding for federal community nutrition programs but additional local, state, and national resources are necessary to properly address malnutrition; and

WHEREAS, a collaborative effort among key stakeholders in the public and private sectors is required to increase awareness of the dangers of and to prevent malnutrition, and the *National Blueprint: Achieving Quality Malnutrition Care for Older Adults, 2020 Update* serves as a template for such collaboration; and

WHEREAS, in 2012, the American Society for Parenteral and Enteral Nutrition established Malnutrition Awareness Week as a multi-organization awareness campaign to increase understanding about the dangers of malnutrition and increase support for critical intervention and treatment options; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly designate the first week in October, in 2022 and in each succeeding year, as Malnutrition Awareness Week in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to the American Society for Parenteral and Enteral Nutrition so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the Senate post the designation of this week on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 67

Commending Lynwood Butner.

Agreed to by the Senate, January 27, 2022

Agreed to by the House of Delegates, January 31, 2022

WHEREAS, Lynwood Butner, a trusted authority on transportation and regulatory matters in the Commonwealth who held prominent positions in the Virginia Department of Transportation and the Department of Motor Vehicles and later assisted numerous businesses in his capacity as a consultant and legislative liaison, retired in October 2021; and

WHEREAS, Lynwood Butner's three decades of service with the Virginia Department of Transportation (VDOT) included roles as state traffic engineer, overseeing all traffic operations in the Commonwealth, and as legislative liaison, a position he held for more than 20 years; he would also serve as deputy commissioner of the Department of Motor Vehicles (DMV) in the agency's lead legislative role; and

WHEREAS, following his retirement from state government, Lynwood Butner held the position of vice president at an esteemed government relations and association management firm before ultimately founding Butner Consulting, which he led as president; and

WHEREAS, in his work as a consultant, Lynwood Butner served as executive director of numerous statewide businesses in several industries and employed his vast knowledge and expertise while working alongside local, state, and federal transportation agencies to facilitate the goals of both his clients and the Commonwealth; and

WHEREAS, at the end of his noteworthy career, Lynwood Butner co-founded KVCF Solutions, LLC, a government relations subsidiary of the Richmond law firm Kaplan Voekler Cunningham & Frank PLC, where he continued to advocate on behalf of the transportation industry, state employees, and law-enforcement sheriffs in the Commonwealth; and

WHEREAS, Lynwood Butner's educational pursuits included a certificate in traffic engineering from Northwestern University in 1972, a bachelor's degree in history from the University of Richmond in 1975, and a master's degree in public administration from Virginia Commonwealth University in 1980; and

WHEREAS, Lynwood Butner maintained various professional affiliations throughout his career, while his accomplishments were recognized through many honors and awards, including the DMV Commissioner's Award for Excellence and the VDOT Commissioner's Award for Excellence; and

WHEREAS, Lynwood Butner's decades of service on behalf of the Commonwealth and its citizens are only outshined by the unwavering optimism and selflessness that he brought to his work every day; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Lynwood Butner, acclaimed transportation expert and legislative liaison, on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Lynwood Butner as an expression of the General Assembly's admiration for his contributions to the Commonwealth and best wishes for a happy and fulfilling retirement.

SENATE JOINT RESOLUTION NO. 68

Celebrating the life of David Stuart Buchanan, Sr.

Agreed to by the Senate, January 27, 2022

Agreed to by the House of Delegates, January 31, 2022

WHEREAS, David Stuart Buchanan, Sr., honorable veteran, accomplished insurance agent, and active and beloved member of the Mecklenburg County community, died on November 7, 2021; and

WHEREAS, a member of the Clarksville High School Class of 1949, Stuart Buchanan enlisted with the United States Air Force from 1950 to 1954 and bravely served his country as a crypto operator in Japan and during the Korean War, decoding and coding secret messages to aid in the nation's defense; and

WHEREAS, following his military service, Stuart Buchanan studied at the University of Richmond before embarking on a successful, 35-year career as an agent with State Farm Insurance, during which time he worked tirelessly to meet the needs of his clients; and

WHEREAS, dedicated to fostering the growth and development of young people, Stuart Buchanan organized and managed several youth baseball teams and later helped build the Clarksville Education and Enrichment Complex, now the Mecklenburg County Community Services Corporation; and

WHEREAS, while serving as the president of the Clarksville Jaycees, Stuart Buchanan collaborated with local pharmacist Bill Thompson to acquire the polio vaccine for the community, greatly improving public health in the area for generations to come; he also served eight years on the Mecklenburg County Social Services Board; and

WHEREAS, a proud veteran who was commander of the Veterans of Foreign Wars Roanoke River Post 8163, Stuart Buchanan played an outsized role in the establishment of the Mecklenburg County Veterans Memorial in Clarksville in 2004, as he designed the monument, served as its chief fundraiser, and oversaw its maintenance for several years; and

WHEREAS, preceded in death by his daughter Julie, Stuart Buchanan will be fondly remembered and dearly missed by his loving wife of 65 years, Marianne; his children, Beth and David, Jr., and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of David Stuart Buchanan, Sr., a community leader of Mecklenburg County whose extraordinary efforts touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of David Stuart Buchanan, Sr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 69

Commending Tiffany McKillip Franks.

Agreed to by the Senate, January 27, 2022

Agreed to by the House of Delegates, January 31, 2022

WHEREAS, Tiffany McKillip Franks, president of Averett University, received the 2022 Credo Courageous Leadership Award for her collaborative and inclusive stewardship of the institution, contributions to the community, and passionate advocacy on behalf of students; and

WHEREAS, the Courageous Leadership Award is presented annually by the higher education consulting firm Credo to honor outstanding higher education administrators like Tiffany Franks for their commitment to student success; and

WHEREAS, in 2008, Tiffany Franks became the first woman president of Averett University, and she has since overseen a significant increase in enrollment, strengthened the university's endowment, expanded the campus, and enhanced academic and athletic programs; and

WHEREAS, during Tiffany Franks's tenure as president, Averett University opened its Riverview Campus, completed a new athletic stadium and fine arts facilities, established the Center for Community Engagement and Career Competitiveness, and became a fixed-base operator at Danville Regional Airport; and

WHEREAS, Tiffany Franks is best known for her dedication to building strong, personal relationships with students and fostering a sense of trust and mutual respect between faculty and staff members; and

WHEREAS, Tiffany Franks has worked diligently to create a sense of shared purpose and community spirit at Averett University through her wisdom, humility, communication, and engagement with campus life; and

WHEREAS, Tiffany Franks has also supported the residents of Danville and the surrounding region by helping to establish Smart Beginnings Danville Pittsylvania; she serves on the board of LifeSpire of Virginia and was the first woman member of the board of directors for the Future of the Piedmont Foundation; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Tiffany McKillip Franks on receiving the 2022 Credo Courageous Leadership Award; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Tiffany McKillip Franks as an expression of the General Assembly's admiration for her outstanding achievements in higher education administration.

SENATE JOINT RESOLUTION NO. 70

Commending Trooper Jonathan R. Davis.

Agreed to by the Senate, January 27, 2022

Agreed to by the House of Delegates, January 31, 2022

WHEREAS, Trooper Jonathan R. Davis, an outstanding law-enforcement officer with the Virginia State Police, received the 2021 Leadership in Looking Beyond the License Plate Award for his work to disrupt a credit card theft operation; and

WHEREAS, the Leadership in Looking Beyond the License Plate Award is presented by the International Association of Chiefs of Police to law-enforcement officers such as Jonathan Davis, whose work during routine traffic stops plays a role in preventing additional, more severe crimes; and

WHEREAS, Jonathan Davis joined the Virginia State Police in 2018 and is currently assigned to the Area 22 Office of Virginia State Police Division Three; and

WHEREAS, on April 23, 2020, Jonathan Davis stopped a vehicle for speeding on Interstate 85 near South Hill; he conducted a search of the vehicle after noticing that the paper license plate taped to the rear window did not match the title information presented to him by the driver; and

WHEREAS, Jonathan Davis determined that the occupants of the vehicle were foreign nationals residing in New York and uncovered a bag containing a credit card skimmer, 14 credit or debit cards, and \$140,000 in cash; and

WHEREAS, Jonathan Davis proactively contacted the U.S. Department of Homeland Security, which dispatched an agent to the scene; the agent used a mobile scanning device to confirm that several of the cards had been rewritten with stolen information; and

WHEREAS, Jonathan Davis also contacted the Virginia State Police High Tech Crimes Division, which analyzed the cellular phones and other electronics seized from the vehicle; and

WHEREAS, thanks to Jonathan Davis's outstanding investigative work, a grand jury indicted both occupants of the vehicle on six felony charges; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Trooper Jonathan R. Davis of the Virginia State Police on winning the 2021 Leadership in Looking Beyond the License Plate Award; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Trooper Jonathan R. Davis as an expression of the General Assembly's admiration for his achievements in service to the residents of the Commonwealth.

SENATE JOINT RESOLUTION NO. 71

Celebrating the life of Magalen Ohrstrom Bryant.

Agreed to by the Senate, January 27, 2022

Agreed to by the House of Delegates, January 31, 2022

WHEREAS, Magalen Ohrstrom Bryant, a prominent leader in thoroughbred horse racing who touched countless lives throughout the Commonwealth and the world through her commitment to philanthropy, died on June 28, 2021; and

WHEREAS, born in New York, Magalen "Maggie" Bryant lived in Connecticut before relocating to Virginia, where she graduated from Chatham Hall preparatory school; she earned a bachelor's degree from Radcliffe College in Massachusetts, then returned to Virginia and settled in Middleburg; and

WHEREAS, having taken up equestrian sports at a young age, Maggie Bryant developed a stable of winning horses at her 2,400-acre farm and was inducted into the Virginia Steeplechase Association Hall of Fame in 2014; and

WHEREAS, Maggie Bryant became the first American female owner to win the Grand Steeple-Chase de Paris with her horse Milord Thomas in 2015, and she followed up with wins in 2016 and 2017 with her horse So French; and

WHEREAS, a passionate conservationist, Maggie Bryant established and donated more than 12,000 acres of land in Mississippi to the Tara Wildlife Foundation; she also served as chair of the National Fish and Wildlife Foundation; and

WHEREAS, Maggie Bryant supported young people around the world through the establishment of summer camps in the United States, Montessori schools in Paraguay, and teacher training programs in South Africa; and

WHEREAS, closer to home, Maggie Bryant was a leading investor in the privately owned Dulles Greenway toll road that connects Washington Dulles International Airport to Leesburg; and

WHEREAS, Maggie Bryant will be fondly remembered and greatly missed by her children, Magalen C. Werbert, W. Carey Crane III, Michael R. Crane, Kristiane C. Graham, and John C. O. Bryant, and their families; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Magalen Ohrstrom Bryant; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Magalen Ohrstrom Bryant as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 73

Celebrating the life of the Honorable Harry Russell Potts, Jr.

Agreed to by the Senate, February 10, 2022

Agreed to by the House of Delegates, February 14, 2022

WHEREAS, the Honorable Harry Russell Potts, Jr., a former member of the Senate of Virginia who produced a number of classic athletic events throughout his career in college sports marketing, died on December 19, 2021; and

WHEREAS, Russell "Russ" Potts developed a love of sports at a young age and played halfback on the John Handley High School football team; during that time, he began to cultivate his deep faith while attending services with teammates; and

WHEREAS, Russ Potts graduated from the University of Maryland with a bachelor's degree in journalism and subsequently became the sports editor of the *Winchester Star* and *Loudoun Times-Mirror*; in the 1960s, he also hosted a radio sports program called "Calling the Shots with Russ Potts"; and

WHEREAS, in 1970, Russ Potts returned to the University of Maryland as sports marketing director, the first such position in college athletics; he later served as assistant athletic director and oversaw the installation of the institution's first commercial scoreboard package, the first national television coverage of a women's basketball game, and high attendance records at football games; and

WHEREAS, Russ Potts became the athletic director of Southern Methodist University in Texas in 1978 and earned the Big D Award from the Dallas Sports Association for his achievements on behalf of the institution and the local sports community; and

WHEREAS, after a stint as vice president of the Chicago White Sox, Russ Potts established Russ Potts Productions, which promoted some of the largest and most successful independent sporting events in North America; and

WHEREAS, desirous to be of further service, Russ Potts ran for and was elected to the Senate of Virginia in 1991 and represented the residents of the 27th District until 2008; he earned multiple Senator of the Year awards from a wide range of organizations, including the Virginia Education Association and the Virginia Medical Society; and

WHEREAS, during his tenure as a state lawmaker, Russ Potts offered his expertise to several standing committees and introduced and supported many important pieces of legislation to benefit all Virginians, including the creation of the Christopher Reeve Stem Cell Research Fund and support for the Shenandoah River State Park; and

WHEREAS, in later life, Russ Potts served as executive director of the Winchester Education Foundation, which raised more than \$15 million for the renovation of John Handley High School and \$4 million for the Emil & Grace Shihadeh Innovation Center under his exceptional leadership; and

WHEREAS, among many awards and accolades, Russ Potts was inducted into the Virginia Sports Hall of Fame in 2004 and the National Association of Collegiate Marketing Administrators Hall of Fame in 2012; and

WHEREAS, Russ Potts will be fondly remembered and greatly missed by his wife, Emily; his daughters, Katie and Kelly, and their families; and numerous other family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Harry Russell Potts, Jr., a distinguished public servant who made countless contributions to collegiate sports; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Harry Russell Potts, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 74

Commending Chief Justice Donald W. Lemons.

Agreed to by the Senate, February 3, 2022

Agreed to by the House of Delegates, February 7, 2022

WHEREAS, Chief Justice Donald W. Lemons has served in every level of the Virginia judiciary, as a Substitute Judge on the General District Court and Juvenile and Domestic Relations Court for the City of Richmond; a Judge on the Circuit Court for the City of Richmond in the 13th Judicial Circuit; a Judge on the Court of Appeals of Virginia; a Justice on the Supreme Court of Virginia; and since 2015, the Chief Justice of the Supreme Court of Virginia; and

WHEREAS, Chief Justice Donald W. Lemons prized the advancement of legal knowledge. After graduating from the University of Virginia School of Law in 1976, Chief Justice Lemons joined his alma mater as an Assistant Dean and Assistant Professor of Law. During his later service on the bench, he was chosen as the A.L. Philpott Distinguished Adjunct Professor of Law and the John Marshall Professor of Judicial Studies at the University of Richmond School of Law and as a Distinguished Professor of Judicial Studies at the Washington and Lee University School of Law. He was named a Jessine Monaghan Fellow at the Washington and Lee University School of Law in recognition of his excellence in teaching law; and

WHEREAS, Chief Justice Donald W. Lemons's love of legal history and devotion to professionalism was recognized and honored by being selected as Master of the Bench for the John Marshall Inn of Court and the Lewis F. Powell, Jr. Inn of Court; President of the John Marshall Inn of Court in 2002; Honorary Bencher for the Middle Temple Inns of Court in London; and President of the American Inns of Court from 2010-2014; and

WHEREAS, Chief Justice Donald W. Lemons received countless awards for his service to the ideals of the law in our Commonwealth. Among them are the Virginia State Bar's Rakes Leadership in Education Award; the Dean's Medal for Judicial Excellence by the George Mason University Antonin Scalia Law School; the Rule of Law Day, Civility in the Law Award by the Virginia Law Foundation and Virginia Holocaust Museum; the Virginia Bar Association's Gerald L. Baliles Distinguished Service Award; and the American Inns of Court Lewis F. Powell Jr. Award for Professionalism and Ethics; and

WHEREAS, Chief Justice Donald W. Lemons contributed to many legislative reforms that improved the Virginia judiciary. Included among these efforts was his service as a member of a Senate and House Joint Subcommittee to study the domestic relations laws of Virginia, resulting in the adoption of the Equitable Distribution statute; his advocacy for the legislative approval of drug treatment courts that judicially monitor and supervise addicts in drug-related cases; his support for the legislative merger of law and equity procedures in Virginia courts; and his studied recommendation in favor of the recent legislative expansion of the jurisdiction of the Court of Appeals of Virginia; and

WHEREAS, in his role as Chief Justice of the Supreme Court of Virginia, Chief Justice Lemons sagaciously balanced the competing demands of constancy and change. His leadership style respected the traditions of the past while embracing the never-ending task of initiating reforms for a better future. His emphasis on calm professionalism, both among judges and lawyers, was a wholesome force during challenging times. All of these characteristics showed their worth in recent memory when the Supreme Court of Virginia faced the challenge of providing access to Virginia courts during a pandemic and when the Supreme Court of Virginia performed its constitutional task of presiding over the judicial creation of the first nonpartisan legislative and congressional voting districts in the history of our Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Chief Justice Donald W. Lemons for his dedicated service and inspired leadership as Chief Justice of the Supreme Court of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation in honor of Chief Justice Donald W. Lemons, as an expression of the General Assembly's gratitude and appreciation.

SENATE JOINT RESOLUTION NO. 75

Commending Clyde E. Cristman.

Agreed to by the Senate, January 27, 2022

Agreed to by the House of Delegates, January 31, 2022

WHEREAS, Clyde E. Cristman retired as director of the Virginia Department of Conservation and Recreation in January 2022, after a long and distinguished career in state government; and

WHEREAS, Clyde Cristman previously served the Commonwealth in various roles, including as a legislative fiscal analyst for both the Virginia House Appropriations Committee and the Senate Finance Committee, as director of the Virginia Department of Charitable Gaming, and as Deputy Secretary of Public Safety; and

WHEREAS, Clyde Cristman became director of the Department of Conservation and Recreation in April 2014, and under his leadership, the department achieved numerous milestones in dam safety, flood resilience, land conservation, and outdoor recreation; and

WHEREAS, during Clyde Cristman's tenure as director of the Department of Conservation and Recreation, the Commonwealth opened five new state parks at Clinch River, Machicomoco, Natural Bridge, Seven Bends, and Widewater and reopened Green Pastures; in addition, four state parks were designated as International Dark Sky Parks; and

WHEREAS, Clyde Cristman also oversaw the establishment of five new natural area preserves including Bald Knob, Cave Hill, Dundas Granite Flatrock, Lyndhurst Ponds, and Piney Grove Flatwoods; and

WHEREAS, Clyde Cristman helped the Department of Conservation and Recreation secure the permanent conservation of Falkland Farms, the largest land donation in Virginia history, and the Virginia Land Conservation Foundation awarded \$50 million to protect more than 70,000 acres of land across the Commonwealth; and

WHEREAS, Clyde Cristman and the Department of Conservation and Recreation also spearheaded the Project Harmony gravestone retrieval and memorial initiative at Chotank Creek Natural Area Preserve and Caledon State Park; and

WHEREAS, Clyde Cristman fostered strong, collaborative partnerships with many stakeholders, including the Virginia Association of Soil and Water Conservation Districts and local districts across the Commonwealth and led efforts to expand and redesign programs to support agriculture best management practices; and

WHEREAS, under Clyde Cristman's leadership, the Division of Dam Safety and Floodplain Management launched the Community Flood Preparedness Fund and began extensive outreach and education efforts including the first Flood Awareness Week, Dam Safety Awareness Day, Dam Safety Awareness Month, and Hurricane Awareness and Preparedness Week; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Clyde E. Cristman on the occasion of his retirement as director of the Virginia Department of Conservation and Recreation; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Clyde E. Cristman as an expression of the General Assembly's admiration for his outstanding contributions to the protection of Virginia's recreational and natural resources and work to enhance public safety in the Commonwealth.

SENATE JOINT RESOLUTION NO. 76

Celebrating the life of the Honorable Linwood A. Holton, Jr.

Agreed to by the Senate, February 3, 2022

Agreed to by the House of Delegates, February 7, 2022

WHEREAS, the Honorable Linwood A. Holton, Jr., the 61st Governor of Virginia, whose election ushered in a new era of competitive two-party politics in the Commonwealth, died on October 28, 2021; and

WHEREAS, a native of Big Stone Gap, Linwood Holton dreamed of becoming a public servant from a young age, and after graduating from Washington and Lee University in 1944, he joined many of the other young men of his generation in service to the nation as a member of the United States Navy during World War II; and

WHEREAS, Linwood Holton continued his military service during the Allied occupation of Japan, then attended Harvard Law School and returned to the Commonwealth to practice law in the Roanoke area; and

WHEREAS, Linwood Holton came to prominence in the Republican Party as a champion for school integration and the civil rights movement; after an unsuccessful run for Governor in 1965, he defeated William C. Battle in 1969 to become the first Governor of Virginia from the Republican Party since the Reconstruction era; and

WHEREAS, among his many achievements, Linwood Holton laid the foundation for the modern executive cabinet and increased hiring of women and minorities in state government; he also created the Virginia Governor's Schools Program, provided the first state funds for community mental health centers, and was a champion for the restoration and conservation of the Commonwealth's waterways; and

WHEREAS, Linwood Holton was a pioneer in school integration efforts and voluntarily enrolled his children in formerly all-Black public schools in Richmond; and

WHEREAS, after completing his term as Governor, Linwood Holton served as Assistant Secretary of State for Legislative Affairs under the Nixon administration, then practiced law with the firm McCandlish Holton; and

WHEREAS, Linwood Holton also offered his leadership and expertise to the Center for Innovative Technology and Amtrak and played a role in the establishment of the Metropolitan Washington Airports Authority; and

WHEREAS, a man of deep and abiding faith, Linwood Holton was a member of Presbyterian churches throughout Virginia and often held leadership roles in his congregations; and

WHEREAS, Linwood Holton will be fondly remembered and greatly missed by his wife of 68 years, Virginia; his children, Tayloe, Anne, Woody, and Dwight, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Linwood A. Holton, Jr., a former Governor of Virginia and highly admired community leader; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Linwood A. Holton, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 77

Commending American Legion Post 320.

Agreed to by the Senate, February 3, 2022

Agreed to by the House of Delegates, February 7, 2022

WHEREAS, for 75 years, American Legion Post 320 has supported local veterans and served all members of the Spotsylvania County community; and

WHEREAS, American Legion Post 320 was established in 1946 with more than two dozen charter members led by the inaugural post commander, John W. Massey; the organization held its first official meeting in June to plan a square dance event and received its signed charter by the end of the year; and

WHEREAS, in 1947, Post 320 formed an Honor Guard to attend official ceremonies and local funerals, sponsored Boy Scouts of America Troop 193, and soon began hosting charitable events, including bingo games to support the March of Dimes; and

WHEREAS, Post 320 held its early meetings in a spare room above a gas station in Thornburg and subsequently relocated to a room at N. A. Dukes Store in Bumpass, Waite Lumber Company office in Thornburg, rooms in courthouse and elementary school buildings in Spotsylvania County, and finally its current location on 8456 Brock Road in Spotsylvania Courthouse; and

WHEREAS, in 1950, members of Post 320 discussed the need for a local auxiliary organization, and Spotsylvania American Legion Auxiliary Unit 320 was formed the following year to support ongoing community outreach efforts and charitable events; and

WHEREAS, throughout the 1950s and 1960s, Post 320 actively supported other regional and state civic organizations and worked diligently to inspire and recognize young people, establishing an annual Citizenship Award for high school graduates and a youth baseball program that has enjoyed decades of success; and

WHEREAS, in the 1970s, Post 320 reached new heights of membership and community engagement and participated in celebrations to commemorate the 250th anniversary of the formation of Spotsylvania County; and

WHEREAS, from the 1990s to the present, Post 320 has been a consistent winner of the American Legion Department of Virginia Children and Youth Award, Americanism Award, and Department Service Trophy for its outstanding contributions to veterans, among other awards and accolades; and

WHEREAS, in 2004, Post 320 commemorated the 50th anniversary of the Korean War, recognizing more than 60 local Korean War veterans, and in 2016, the post hosted a tribute celebration for World War II veterans; the post also marked the 100th anniversary of the formation of the American Legion in 2019; and

WHEREAS, over the course of its history, the generous and dedicated members of Post 320 have participated in a wide range of family and youth programs, funded scholarships for students, promoted patriotism and volunteerism, conducted community outreach, and engaged in state and national conferences, all while offering fellowship and support to local veterans; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend American Legion Post 320 in Spotsylvania County on the occasion of its 75th anniversary in 2021; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to George Joseph Nemes, Jr., commander of American Legion Post 320, as an expression of the General Assembly's admiration for the post's achievements in service to the community.

SENATE JOINT RESOLUTION NO. 78

Commending William C. Chase, Jr.

Agreed to by the Senate, February 3, 2022

Agreed to by the House of Delegates, February 7, 2022

WHEREAS, for 40 years, William C. Chase, Jr., has served his community with extraordinary commitment, leadership, and integrity as a member of the Culpeper County Board of Supervisors since 1982; and

WHEREAS, a distinguished veteran, William "Bill" Chase served his country during the Vietnam War as an officer in the United States Army Rangers, earning four Bronze Star Medals, nine Army Air Medals, the Purple Heart, and the Army Commendation Medal, among other awards and decorations; and

WHEREAS, Bill Chase graduated from the United States Military Academy at West Point and the University of Virginia; he served as president of Potts Run Coal Company and has enjoyed a long and fulfilling career as a farmer; and

WHEREAS, Bill Chase first began working with Culpeper County as a member of the Culpeper County Planning Commission, serving for seven years, including three years as chair of the commission; and

WHEREAS, desirous to be of further service to his fellow Culpeper residents, Bill Chase ran for and was elected to the Culpeper County Board of Supervisors, and he has represented the Stevensburg District for 10 consecutive four-year terms since 1982; and

WHEREAS, in recognition of his visionary leadership and genuine dedication to the well-being of all Culpeper County residents, Bill Chase was elected as chair of the Culpeper County Board of Supervisors from 1984 to 1988, 2008 to 2009, 2011 to 2012, and 2018 to 2019; and

WHEREAS, during his tenure on the Culpeper County Board of Supervisors, Bill Chase has offered his leadership and expertise to the Public Safety Committee, the E-911 Board, the Museum Board, the Disability Services Committee, and the Airport Committee; and

WHEREAS, Bill Chase enjoys fellowship and worship with the congregation of Mitchells Presbyterian Church, where he serves as an elder and a past trustee, and has generously volunteered his time with numerous other civic and service organizations; and

WHEREAS, throughout his career, Bill Chase was supported and encouraged by his beloved family, including his late wife, Judy; their four children, William, Jane, Elizabeth, and Kerr; their grandchildren; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend William C. Chase, Jr., a pillar of the Culpeper County community, for his 40 years of service as a local elected official; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to William C. Chase, Jr., as an expression of the General Assembly's admiration for his achievements on behalf of the residents of Culpeper County.

SENATE JOINT RESOLUTION NO. 79

Commending Dawn Harman.

Agreed to by the Senate, February 3, 2022

Agreed to by the House of Delegates, February 7, 2022

WHEREAS, Dawn Harman, assistant police chief of the Prince William County Police Department, who has honorably served the citizens of Prince William County for the past 30 years, retired in 2021; and

WHEREAS, a native of Prince William County, Dawn Harman graduated from Gar-Field High School in Woodbridge and earned a bachelor's degree in animal and veterinary science from West Virginia University; and

WHEREAS, Dawn Harman joined the Prince William County Police Department as a deputy animal warden in 1991 and was promoted to police officer less than three years later, the first of many promotions that she would earn as a result of her exemplary leadership and commitment to serving the agency; and

WHEREAS, Dawn Harman covered various assignments over her distinguished 30-year career, including animal control, patrol operations, crime prevention, accreditation, and support services, and served previously as the director of the Animal Control Bureau and as the Western District commander; and

WHEREAS, Dawn Harman was promoted to the rank of major in September 2014, holding the distinction of being the first female assistant chief in the history of the Prince William County Police Department; and

WHEREAS, during her tenure as assistant chief, Dawn Harman supported several capital improvement programs and significant department initiatives, including the planning and construction of a new animal services center and the expansion of the public safety training center; and

WHEREAS, Dawn Harman has been a mentor to future generations of law-enforcement officers at the Prince William County Police Department and also shared her expertise with students as an adjunct faculty member in the Department of Criminology, Law and Society at George Mason University; and

WHEREAS, in her retirement, Dawn Harman will have more time to spend with her loving husband, Mark, who is also retired from the Prince William County Police Department, and her four children, two of whom are carrying on the Harman legacy as officers with the Prince William County Police Department; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Dawn Harman, assistant chief of the Prince William County Police Department, on the occasion of her retirement; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Dawn Harman as an expression of the General Assembly's admiration for her contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 80

Celebrating the life of Colonel Edward David Shames, USA, Ret.

Agreed to by the Senate, February 3, 2022

Agreed to by the House of Delegates, February 7, 2022

WHEREAS, Colonel Edward David Shames, USA, Ret., of Virginia Beach, the last surviving officer of E Company, 2nd Battalion, 506th Parachute Infantry Regiment, 101st Airborne Division, the World War II paratrooper unit known as the "Band of Brothers," died on December 3, 2021; and

WHEREAS, the youngest child of Jewish immigrants from Russia who settled in the Commonwealth, Edward "Ed" Shames grew up in Norfolk; and

WHEREAS, in 1942, Ed Shames joined many of the other young men of his generation in service to the nation during World War II when he enlisted in the United States Army and volunteered for paratrooper training; and

WHEREAS, Ed Shames was assigned to I Company, 3rd Battalion, 506th Parachute Infantry Regiment, 101st Airborne Division, and made his first combat jump in June 1944 as part of Operation Overlord, dropping behind enemy lines to support the amphibious landings at Normandy on D-Day; and

WHEREAS, in recognition of his leadership abilities, Ed Shames received a battlefield commission to second lieutenant and transferred to E "Easy" Company as leader of the company's third platoon; and

WHEREAS, Ed Shames completed another combat jump into the Netherlands with Easy Company as part of Operation Market Garden in September 1944 and participated in Operation Pegasus, a mission to rescue Allied soldiers and civilians hiding in German-occupied territory after the Battle of Arnhem; and

WHEREAS, in December 1944, Ed Shames and Easy Company fought in the Battle of the Bulge, holding a critical position near the town of Bastogne against overwhelming odds until Allied forces stalled the offensive and shattered the Nazi front line; and

WHEREAS, after American forces crossed into Germany, Ed Shames was one of the first members of his unit to enter a sub-camp of the Dachau concentration camp complex, uncovering hundreds of dead and liberating many fellow Jews and other political prisoners; and

WHEREAS, Ed Shames subsequently entered the Eagle's Nest, a mountaintop retreat near Berchtesgaden, where he liberated several bottles of cognac marked for Adolf Hitler's private use that he later shared with family and friends at his first son's Bar Mitzvah; and

WHEREAS, the wartime achievements of Easy Company and Ed Shames were immortalized in the book *Band of Brothers* by Stephen E. Ambrose, which was adapted into an acclaimed HBO miniseries created by Tom Hanks and Steven Spielberg; and

WHEREAS, Ed Shames returned to the Commonwealth and pursued a career with the National Security Agency, becoming an expert on Middle East affairs; he continued to serve in uniform as a member of the United States Army Reserve and retired with the rank of colonel in 1973; and

WHEREAS, predeceased by his wife of 73 years, Ida, Ed Shames will be fondly remembered and greatly missed by his sons, Steven and Douglas, and their families; and numerous other family members, friends, and fellow veterans; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Colonel Edward David Shames, USA, Ret., a member of the Greatest Generation who served the nation during World War II; and a highly admired member of the Virginia Beach community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Colonel Edward David Shames, USA, Ret., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 81

Celebrating the life of Donn Casserly Hart, Jr.

Agreed to by the Senate, February 3, 2022

Agreed to by the House of Delegates, February 7, 2022

WHEREAS, Donn Casserly Hart, Jr., an accomplished builder, honorable United States Army reservist, and a beloved member of the Fredericksburg community, died on January 6, 2022; and

WHEREAS, the son of a United States Marine Corps general and a United States Navy nurse, Donn Hart spent some years of his childhood in Japan while largely growing up in the Mount Vernon area, where he met his wife, Donna, at the age of 16; and

WHEREAS, after the birth of their first two children, Donn Hart and his family relocated to a house he built along the Rappahannock River in Fredericksburg in 1975; and

WHEREAS, driven by his strong work ethic and commitment to excellence, Donn Hart founded several enterprises over his career, while proudly serving his country as a member of the United States Army Reserves; and

WHEREAS, Donn Hart's first venture as a builder, Hart Homes, led to the construction of hundreds of quality homes throughout the Commonwealth for the benefit of innumerable families and individuals; and

WHEREAS, Donn Hart later co-founded Dominion Insulation, ably serving the building insulation needs of his customers for 20 years before selling the business in 1999; and

WHEREAS, in 2000, Donn Hart established Virginia Properties, Inc., a family-run real estate and brokerage firm based in Spotsylvania County that has contributed immensely to the development of commercial, retail, medical, professional, and industrial properties in the region; and

WHEREAS, a born adventurer, Donn Hart embraced every opportunity to travel with family to cities around the world and also made regular trips to the beaches at the Outer Banks in North Carolina; and

WHEREAS, with his agile and peripatetic mind, Donn Hart explored several hobbies in his lifetime, including hunting, fishing, and boating, while taking time to become a licensed pilot, an advanced scuba diver, and a cannon aficionado; and

WHEREAS, Donn Hart will be fondly remembered and dearly missed by his loving wife of 50 years, Donna; his children, Donnie, Jason, and Sara, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Donn Casserly Hart, Jr., an esteemed builder whose enthusiastic and wholehearted approach to life inspired all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Donn Casserly Hart, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 82

Commending Virginia Housing.

Agreed to by the Senate, February 3, 2022

Agreed to by the House of Delegates, February 7, 2022

WHEREAS, Virginia Housing, a nonprofit housing finance agency chartered by the General Assembly, will proudly celebrate 50 years of helping Virginians attain quality affordable housing in 2022; and

WHEREAS, as a result of the findings and recommendations of the Virginia Housing Study Commission, the Virginia Housing Development Authority, now known as Virginia Housing, was created in 1972 by the General Assembly; and

WHEREAS, as an independent, self-supporting housing finance agency, Virginia Housing is a national model of what public-private partnerships can achieve in programmatic and service excellence; and

WHEREAS, Virginia Housing's activities generate more than \$3 billion in economic output, including almost 23,000 jobs supported per year, which has helped more than 234,000 Virginians become first-time homeowners while financing approximately 138,000 new or revitalized rental units; and

WHEREAS, in 2005, Virginia Housing created REACH Virginia, a multifaceted housing program that has made over \$728 million of the organization's net revenues available to invest in critical housing needs in communities across the Commonwealth; and

WHEREAS, Virginia Housing effectively and accountably serves as the steward of critical federal housing programs and commitments, including COVID-19 rental and mortgage assistance, the Housing Choice Voucher Program, and the Low-Income Housing Tax Credit program, which are essential to providing stable housing for the most vulnerable individuals and families; and

WHEREAS, Virginia Housing continues to be a leader among state housing finance authorities, which reflects its deep commitment to its mission, the people and communities of Virginia, and maintaining superior financial and programmatic performance; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Virginia Housing on its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Virginia Housing as an expression of the General Assembly's congratulations and admiration for the authority's dedication to serving the residents of the Commonwealth.

SENATE JOINT RESOLUTION NO. 83

Confirming appointments by the Governor of certain persons communicated to the General Assembly January 21, 2022.

Agreed to by the Senate, February 9, 2022

Agreed to by the House of Delegates, March 2, 2022

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Glenn Youngkin and communicated to the General Assembly January 21, 2022.

AGENCY HEADS

Jillian Balow of Cheyenne, Wyoming, Superintendent of Public Instruction, Department of Education, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed Rosa Atkins.

Stephen C. Brich of Virginia Beach, Virginia, Commissioner, Department of Transportation, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed himself.

David E. Brown of **Charlottesville**, Virginia, Director, Department of Health Professions, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed himself.

Craig Burns of **Richmond**, Virginia, State Tax Commissioner, Department of Taxation, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed himself.

Greg Campbell of **Staunton**, Virginia, Director, Department of Aviation, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed Mark K. Flynn.

Harold W. Clarke of **Richmond**, Virginia, Director, Department of Corrections, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed himself.

Joseph F. Damico of **Richmond**, Virginia, Director, Department of General Services, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed himself.

Emily Elliott of **Richmond**, Virginia, Director, Department of Human Resource Management, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed herself.

Rob Farrell of **Keswick**, Virginia, State Forester, Department of Forestry, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed himself.

Amy Floriano of **Portsmouth**, Virginia, Director, Department of Juvenile Justice, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed Valerie Boykin.

Daniel Gade of **Alexandria**, Virginia, Commissioner, Department of Veterans Services, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed John Maxwell.

Manju S. Ganeriwala of **Richmond**, Virginia, State Treasurer, Department of the Treasury, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed herself.

Joseph Guthrie of **Dublin**, Virginia, Commissioner, Department of Agriculture and Consumer Services, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed Bradley Copenhaver.

Kathryn Hayfield of **Richmond**, Virginia, Commissioner, Department for Aging and Rehabilitative Services, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed herself.

Travis Hill of **Midlothian**, Virginia, Chief Executive Officer, Virginia Alcoholic Beverage Control Authority, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed himself.

Raymond Hopkins of **Richmond**, Virginia, Commissioner, Department for the Blind and Vision Impaired, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed himself.

Bryan Horn of **Henrico**, Virginia, Director, Department of Housing and Community Development, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed Erik Johnson.

Marty Kilgore of **Glen Allen**, Virginia, Executive Director, Virginia Foundation for Healthy Youth, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed herself.

Karen Kimsey of **Richmond**, Virginia, Director, Department of Medical Assistance Services, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed herself.

Demetrios Melis of **Glen Allen**, Virginia, Director, Department of Professional and Occupational Regulation, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed Mary Broz-Vaughan.

Jennifer L. Mitchell of **Richmond**, Virginia, Director, Department of Rail and Public Transportation, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed herself.

Gary Pan of **Great Falls**, Virginia, Commissioner, Department of Labor and Industry, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed Carlton Davenport.

Eric Raff of **Henrico**, Virginia, Director, Department for the Deaf and Hard-of-Hearing, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed himself.

Michael Rolband of **Catlett**, Virginia, Director, Department of Environmental Quality, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed David Paylor.

Carrie Roth of **Richmond**, Virginia, Commissioner, Virginia Employment Commission, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed Ellen Hess.

Gary T. Settle of **North Chesterfield**, Virginia, Superintendent, Virginia State Police, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed himself.

Nelson Smith of **Midlothian**, Virginia, Commissioner, Department of Behavioral Health and Developmental Services, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed Alison Land.

Scott Stroh of **Mason Neck**, Virginia, Director, Gunston Hall, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed himself.

Shawn Talmadge of **Midlothian**, Virginia, State Coordinator, Department of Emergency Management, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed Curtis Brown.

Shannon Dion Taylor of **Richmond**, Virginia, Director, Department of Criminal Justice Services, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed herself.

David A. Von Moll of **Richmond**, Virginia, Comptroller, Department of Accounts, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed himself.

Timothy P. Williams of **Mechanicsville**, Virginia, Adjutant General, Department of Military Affairs, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed himself.

Phil Wittmer of **Leawood, Kansas**, Chief Information Officer, Virginia Information Technologies Agency, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed Nelson Moe.

ADMINISTRATION

State Compensation Board

Jeffrey Palmore of **Henrico**, Virginia, Chairman, State Compensation Board, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed Tyrone Nelson.

PUBLIC SAFETY AND HOMELAND SECURITY

Virginia Parole Board

Chadwick Dotson of **Wise**, Virginia, Chairman, Virginia Parole Board, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed Tonya Chapman.

SENATE JOINT RESOLUTION NO. 84

Confirming appointments by the Governor of certain persons communicated to the General Assembly January 21, 2022.

Agreed to by the Senate, February 9, 2022

Agreed to by the House of Delegates, March 2, 2022

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of Secretaries and advisors to the Governor made by Governor Glenn Youngkin and communicated to the General Assembly January 21, 2022.

Craig Crenshaw of **Stafford**, Virginia, Secretary of Veterans and Defense Affairs, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed Carlos Hopkins.

Richard Cullen of **Henrico**, Virginia, General Counsel, to serve at the pleasure of the Governor beginning January 15, 2022.

Stephen Cummings of **Richmond**, Virginia, Secretary of Finance, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed Kenneth "Joe" Flores.

Jeffrey Goettman of **McLean**, Virginia, Chief of Staff to the Governor, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed Clark Mercer.

Aimee Rogstad Guidera of **Richmond**, Virginia, Secretary of Education, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed Atif Qarni.

Kay Coles James of **Midlothian**, Virginia, Secretary of the Commonwealth, to serve at the pleasure of the Governor beginning January 24, 2022, to succeed Kelly Thomasson.

John Littel of **Virginia Beach**, Virginia, Secretary of Health and Human Resources, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed Daniel Carey.

Matthew J. Lohr of **Broadway**, Virginia, Secretary of Agriculture and Forestry, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed Bettina Ring.

Margaret "Lyn" McDermid of **Manakin Sabot**, Virginia, Secretary of Administration, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed Grindly Johnson.

Caren Merrick of **Alexandria**, Virginia, Secretary of Commerce and Trade, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed Robert Ball.

W. Sheppard Miller, III, of **Norfolk**, Virginia, Secretary of Transportation, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed Shannon Valentine.

Eric Moeller of **Louisa**, Virginia, Chief Transformation Officer, to serve at the pleasure of the Governor beginning January 15, 2022.

Robert "Bob" Mosier of **Warrenton**, Virginia, Secretary of Public Safety and Homeland Security, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed Brian Moran.

Angela Sailor of **Haymarket**, Virginia, Chief Diversity, Opportunity, and Inclusion Officer, to serve at the pleasure of the Governor beginning January 19, 2022.

George "Bryan" Slater of **Washington, D.C.**, Secretary of Labor, to serve at the pleasure of the Governor beginning January 15, 2022, to succeed Megan Healy.

SENATE JOINT RESOLUTION NO. 85

Confirming appointments by the Governor of certain persons communicated to the General Assembly January 18, 2022.

Agreed to by the Senate, February 9, 2022

Agreed to by the House of Delegates, February 11, 2022

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Ralph Northam and communicated to the General Assembly January 18, 2022.

ADMINISTRATION

Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion

Kelley Fanto Deetz of **Lynchburg**, Virginia, Member, appointed January 7, 2022, to serve an unexpired term beginning April 1, 2019, and ending March 31, 2024, to succeed Susan Alefantis.

Stanley Rayfield of **Midlothian**, Virginia, Member, appointed January 14, 2022, to serve an unexpired term beginning April 1, 2019, and ending March 31, 2024, to succeed Jane Meacham Plum.

AGRICULTURE AND FORESTRY

Cotton Board

James Babb of **Windsor**, Virginia, Member, appointed January 7, 2022, for a term of three years beginning September 26, 2021, and ending September 25, 2024, to succeed Philip F. Edwards.

Michael W. Griffin of **Suffolk**, Virginia, Member, appointed January 7, 2022, for a term of three years beginning September 26, 2021, and ending September 25, 2024, to succeed Monte K. Walden.

Horse Industry Board

Robert Banner, Jr., of **The Plains**, Virginia, Member, appointed January 7, 2022, for a term of three years beginning June 20, 2021, and ending June 19, 2024, to succeed himself.

Floyd "Tommy" Barron of **Vinton**, Virginia, Member, appointed January 7, 2022, for a term of three years beginning June 20, 2021, and ending June 19, 2024, to succeed Jeffrey S. Oakley.

Kelly S. Foltman of **Hillsboro**, Virginia, Member, appointed January 7, 2022, for a term of three years beginning June 20, 2021, and ending June 19, 2024, to succeed herself.

David R. Lands of **Gloucester**, Virginia, Member, appointed January 7, 2022, for a term of three years beginning June 20, 2021, and ending June 19, 2024, to succeed Nancy C. Troutman.

Jeff Oakley of **Prince George**, Virginia, Member, appointed October 9, 2020, to serve an unexpired term beginning January 22, 2020, and ending June 19, 2021, to succeed Susan L. Fanelli.

Marine Products Board

Michael Congrove of **Gwynn**, Virginia, Member, appointed January 7, 2022, to serve an unexpired term beginning July 1, 2019, and ending June 30, 2022, to succeed Glen W. France.

Ann Gullivan of **Bayford**, Virginia, Member, appointed January 7, 2022, for a term of three years beginning July 1, 2020, and ending June 30, 2023, to succeed herself.

John A. Hall of **Reedville**, Virginia, Member, appointed January 7, 2022, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed himself.

James R. Sowers of **Cobbs Creek**, Virginia, Member, appointed January 7, 2022, to serve an unexpired term beginning July 1, 2019, and ending June 30, 2022, to succeed Brian Terry.

Peanut Board

Joey Doyle of **Emporia**, Virginia, Member, appointed January 7, 2022, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed himself.

Potato Board

William Sinclair Floyd of **Machipongo**, Virginia, Member, appointed January 7, 2022, for a term of four years beginning June 20, 2021, and ending June 19, 2025, to succeed himself.

John P. Holland of **Salisbury, Maryland**, Member, appointed January 7, 2022, for a term of four years beginning June 20, 2021, and ending June 19, 2025, to succeed himself.

State Certified Seed Board

Franklin Hundley of **Champlain**, Virginia, Member, appointed January 7, 2022, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed Russell Owens.

Mark Simmons of **Courtland**, Virginia, Member, appointed January 7, 2022, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed himself.

Sheep Industry Board

Rosalea Potter of **Lexington**, Virginia, Member, appointed January 7, 2022, for a term of four years beginning March 9, 2021, and ending March 8, 2025, to succeed herself.

J. Lawson Roberts of **Amelia**, Virginia, Member, appointed January 7, 2022, for a term of four years beginning March 9, 2021, and ending March 8, 2025, to succeed himself.

Larry W. Weeks of **Waynesboro**, Virginia, Member, appointed January 7, 2022, for a term of four years beginning March 9, 2021, and ending March 8, 2025, to succeed himself.

Small Grains Board

Dave Black of **Charles City**, Virginia, Member, appointed January 7, 2022, for a term of three years beginning September 1, 2021, and ending August 31, 2024, to succeed himself.

Michael Downing of **Lottsburg**, Virginia, Member, appointed January 7, 2022, for a term of three years beginning September 1, 2021, and ending August 31, 2024, to succeed himself.

Lynn P. Gayle of **Accomack**, Virginia, Member, appointed January 7, 2022, for a term of three years beginning September 1, 2021, and ending August 31, 2024, to succeed herself.

Jimmy Oliver of **Windsor**, Virginia, Member, appointed January 7, 2022, for a term of three years beginning September 1, 2021, and ending August 31, 2024, to succeed Delores C. Darden.

Candice M. Wilson of **West Point**, Virginia, Member, appointed January 7, 2022, for a term of three years beginning September 1, 2021, and ending August 31, 2024, to succeed herself.

Virginia Racing Commission

Stuart Charles Siegel of **Richmond**, Virginia, Member, appointed January 7, 2022, for a term of five years beginning January 1, 2022, and ending December 31, 2026, to succeed himself.

Virginia Spirits Board

Vicki L. Haneberg of **Richmond**, Virginia, Member, appointed January 7, 2022, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed William E. Karlson.

Matthew Harris of **Hartfield**, Virginia, Member, appointed January 7, 2022, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Tim Nichols of **Abingdon**, Virginia, Member, appointed January 7, 2022, to serve an unexpired term beginning September 30, 2021, and ending June 30, 2022, to succeed Kara R. King.

Brian Prewitt of **Fredericksburg**, Virginia, Member, appointed January 7, 2022, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

AUTHORITIES

Virginia Biotechnology Research Partnership Authority

Art Espey of **Chester**, Virginia, Member, appointed January 7, 2022, for a term of three years beginning July 1, 2021, and ending June 30, 2023, to succeed Mary Doswell.

Charles Macfarlane of **Richmond**, Virginia, Member, appointed January 7, 2022, for a term of three years beginning July 1, 2021, and ending June 30, 2023, to succeed Gail Letts.

Virginia Recreational Facilities Authority Board of Directors

Dwight W. McDowell of **Norfolk**, Virginia, Member, appointed January 7, 2022, for a term of five years beginning July 1, 2020, and ending June 30, 2025, to succeed himself.

Alexander Scott of **Roanoke**, Virginia, Member, appointed January 7, 2022, for a term of five years beginning July 1, 2021, and ending June 30, 2026, to succeed William Lemon.

COMMERCE AND TRADE

Board of Coal Mining Examiners

Quintin Justice of **Bastian**, Virginia, Member, January 7, 2022, appointed for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Bennie Bryan Johnson.

Broadband Advisory Council

Casey Logan of **Chester**, Virginia, Member, appointed January 7, 2022, to serve an unexpired term beginning December 8, 2021, and ending June 30, 2023, to succeed Michael Keyser.

Coal Surface Mining Reclamation Fund Advisory Board

Gregory F. Baker of **Wise**, Virginia, Member, appointed January 12, 2022, to serve an unexpired term beginning June 1, 2021, and ending June 30, 2022, to succeed Gavin Bledsoe.

Timothy Browning of **Abingdon**, Virginia, Member, appointed January 7, 2022, to serve an unexpired term beginning January 12, 2021, and ending June 30, 2025, to succeed Gerald D. Collins.

Southeastern Public Service Authority

Dale E. Baugh of **Smithfield**, Virginia, Member, appointed January 7, 2022, for a term of four years beginning January 1, 2022, and ending December 31, 2025, to succeed himself.

Donald Rossen S. Greene of **Suffolk**, Virginia, Member, appointed January 7, 2022, for a term of four years beginning January 1, 2022, and ending December 31, 2025, to succeed David L. Arnold.

John Keifer of **Norfolk**, Virginia, Member, appointed January 7, 2022, for a term of four years beginning January 1, 2022, and ending December 31, 2025, to succeed himself.

Thomas Leahy of **Virginia Beach**, Virginia, Member, appointed January 7, 2022, for a term of four years beginning January 1, 2022, and ending December 31, 2025, to succeed himself.

John T. Maxwell of **Chesapeake**, Virginia, Member, appointed January 7, 2022, for a term of four years beginning January 1, 2022, and ending December 31, 2025, to succeed himself.

Clarence McCoy of **Portsmouth**, Virginia, Member, appointed January 7, 2022, for a term of four years beginning January 1, 2022, and ending December 31, 2025, to succeed himself.

Tony Parnell of **Courtland**, Virginia, Member, appointed January 7, 2022, for a term of four years beginning January 1, 2022, and ending December 31, 2025, to succeed Mark H. Hodges.

Sheryl Raulston of **Franklin**, Virginia, Member, appointed January 7, 2022, for a term of four years beginning January 1, 2022, and ending December 31, 2025, to succeed herself.

Virginia Offshore Wind Development Authority

Will Fediw of **Virginia Beach**, Virginia, Member, appointed January 7, 2022, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Robert R. Matthias.

Ashley K. McLeod of **Virginia Beach**, Virginia, Member, appointed January 7, 2022, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Arthur W. Moye.

Eileen Woll of **Norfolk**, Virginia, Member, appointed January 7, 2022, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Joan M. Bondareff.

Virginia Small Business Financing Authority Board of Directors

Ronald K. Hobson of **Fairfax**, Virginia, Member, appointed January 7, 2022, to serve an unexpired term beginning September 1, 2021, and ending June 30, 2023, to succeed John M. Hopper.

COMMONWEALTH

Virginia Latino Advisory Board

Yahusef Medina of **Richmond**, Virginia, Member, appointed January 7, 2022, to serve an unexpired term beginning December 4, 2021, and ending June 30, 2024, to succeed Melody Gonzales.

Lourdes Morales of **Arlington**, Virginia, Member, appointed January 7, 2022, to serve an unexpired term beginning December 31, 2021, and ending June 30, 2022, to succeed Cecilia Barbosa.

EDUCATION

Board of Trustees of the A.L. Philpott Manufacturing Extension Partnership - GENEDGE Alliance

Gabriel LaMois of **Alexandria**, Virginia, Member, appointed January 7, 2022, to serve an unexpired term beginning December 3, 2021, and ending June 30, 2024, to succeed James McEwan.

Board of Trustees of the Science Museum of Virginia

Frances C. Bradford of **Richmond**, Virginia, Member, appointed January 12, 2022, to serve an unexpired term beginning January 14, 2022, and ending June 30, 2026, to succeed Sarah H. Spota.

Board of Trustees of the Virginia Museum of Fine Arts

Brian Ball of **Richmond**, Virginia, Member, appointed January 7, 2022, for a term of five years beginning July 1, 2021, and ending June 30, 2026, to succeed Ankit Nitin Desai.

Board of Visitors of University of Mary Washington

Kerri Barile of **Fredericksburg**, Virginia, Member, appointed January 13, 2022, to serve an unexpired term beginning January 13, 2022, and ending June 30, 2023, to succeed Rhonda Stephanie Van Lowe.

Lisa Henry of **Fredericksburg**, Virginia, Member, appointed January 13, 2022, to serve an unexpired term beginning January 13, 2022, and ending June 30, 2022, to succeed Leopoldo J. Martinez.

HEALTH AND HUMAN RESOURCES

Virginia Health Workforce Development Authority Board of Directors

Joseph D. Wilkins of **Chester**, Virginia, Member, appointed January 7, 2022, for a term of two years beginning July 1, 2021, and ending June 30, 2023, to succeed fill a new seat.

INDEPENDENT

Virginia Birth-Related Neurological Injury Compensation Program Board of Directors

Vanessa S. Rakestraw of **Henrico**, Virginia, Member, appointed January 12, 2022, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed herself.

Joseph H. Stepp of **Glen Allen**, Virginia, Member, appointed January 12, 2022, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed himself.

Virginia Lottery Board

Ferhan Hamid of **Fairfax**, Virginia, Member, appointed January 7, 2022, for a term of five years beginning January 15, 2022, and ending January 14, 2027, to succeed himself.

John Powell of **Roanoke**, Virginia, Member, appointed January 7, 2022, to serve an unexpired term beginning February 20, 2021, and ending January 14, 2023, to succeed Christopher Tsui.

JUDICIAL

Virginia Criminal Sentencing Commission

Michon J. Moon of **North Chesterfield**, Virginia, Member, appointed January 7, 2022, for a term of four years beginning January 1, 2022, and ending December 31, 2025, to succeed Kyanna Perkins.

LABOR

Board for Contractors

Wiley Johnson of **Madison Heights**, Virginia, Member, appointed January 7, 2022, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Doug Lowe of **Charlottesville**, Virginia, Member, appointed January 7, 2022, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Board for Waste Management Facility Operators

Toby F. Edwards of **Meadowview**, Virginia, Member, appointed January 7, 2022, to serve an unexpired term beginning July 1, 2018, and ending June 30, 2022, to succeed Christopher A. Chiodo.

Donald W. Lawhorne of **Bedford**, Virginia, Member, appointed January 7, 2022, to serve an unexpired term beginning July 1, 2019, and ending June 30, 2023, to succeed Joyce Doughty.

Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals

James Brockwell of **West Point**, Virginia, Member, appointed January 10, 2020, for a term of one year beginning July 1, 2019, and ending June 30, 2020, to succeed himself.

James Brockwell of **West Point**, Virginia, Member, appointed January 12, 2022, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed himself.

John Keith Ewing of **Richmond**, Virginia, Member, appointed January 10, 2020, for a term of two years beginning July 1, 2019, and ending June 30, 2021, to succeed himself.

John Keith Ewing of **Richmond**, Virginia, Member, appointed January 12, 2022, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Pamela M. Pruett of **Warrenton**, Virginia, Member, appointed January 10, 2020, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed herself.

Real Estate Appraiser Board

Ursula D. Edwards of **Henrico**, Virginia, Member, appointed October 29, 2021, for a term of four years beginning April 3, 2021, and ending April 2, 2025, to succeed Kelvin C. Bratton.

Virginia Board for Asbestos, Lead, and Home Inspectors

Stacy J. Armentrout of **Chesapeake**, Virginia, Member, appointed January 7, 2022, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed Peter David Palmer.

Kevin Salva of **Williamsburg**, Virginia, Member, appointed January 7, 2022, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed David Paul Rushton.

Sharad C. Tandale of **Chantilly**, Virginia, Member, appointed January 7, 2022, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Galappa D. Madhusudhan.

LEGISLATIVE

State Water Commission

Lamont W. Curtis of **Newport News**, Virginia, Member, appointed January 7, 2022, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

NATURAL AND HISTORIC RESOURCES

Board for Conservation and Recreation

Kat Maybury of **Charlottesville**, Virginia, Member, appointed January 7, 2022, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Cisco C. Minthorn of **Alexandria**, Virginia, Member, appointed January 7, 2022, to serve an unexpired term beginning January 22, 2021, and ending June 30, 2023, to succeed Maria Camille C. Touton.

Esther M. Nizer of **Elkton**, Virginia, Member, appointed January 7, 2022, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Ross Stewart of **New Kent**, Virginia, Member, appointed January 7, 2022, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Harvey Morgan.

Litter Control and Recycling Fund Advisory Board

Katie Register of **Farmville**, Virginia, Member, appointed January 7, 2022, to serve an unexpired term beginning July 1, 2019, and ending June 30, 2023, to succeed Clara Meador Mills.

Nick Surace of **Annapolis, Maryland**, Member, appointed January 7, 2022, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Mount Vernon Board of Visitors

Matthew Reisman of **Springfield**, Virginia, Member, appointed January 7, 2022, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Mark A. Herzog.

Virginia Council on Environmental Justice

Meryem Karad of **Richmond**, Virginia, Member, appointed January 7, 2022, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to fill a new seat.

Lydia Lawrence of **Herndon**, Virginia, Member, appointed January 7, 2022, to serve an unexpired term beginning January 6, 2022, and ending June 30, 2023, to succeed Duron L. Chavis.

Kevin D. McLean of **Henrico**, Virginia, Member, appointed January 7, 2022, to serve an unexpired term beginning November 11, 2021, and ending June 30, 2022, to succeed Lisa Johnson.

Virginia Land Conservation Foundation Board of Trustees

Jay C. Ford of **Belle Haven**, Virginia, Member, appointed January 7, 2022, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Samantha Vargas Poppe of **Oak Hill**, Virginia, Member, appointed January 12, 2022, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed Robert Lazaro Jr.

Lisa Kestner Quigley of **Saltville**, Virginia, Member, appointed January 7, 2022, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed Russell Vern Presley.

Woodie Walker of **Tappahannock**, Virginia, Member, appointed January 7, 2022, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Albert C. Pollard.

Krystina E. White of **Alexandria**, Virginia, Member, appointed January 7, 2022, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed John P. Woodley.

Virginia Museum of Natural History Board of Trustees

Emma Ito of **Richmond**, Virginia, Member, appointed January 7, 2022, for a term of five years beginning July 1, 2021, and ending June 30, 2026, to succeed Faye Crawford Cooper.

Sherri D. Jordan of **Alexandria**, Virginia, Member, appointed January 7, 2022, to serve an unexpired term beginning September 3, 2021, and ending June 30, 2024, to succeed Siri Russell.

PUBLIC SAFETY AND HOMELAND SECURITY

Criminal Justice Services Board

C. O. Balderson of **Montross**, Virginia, Member, appointed January 7, 2022, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Anthony Roper.

Rosario "Angie" Carrera of **Manassas Park**, Virginia, Member, appointed January 7, 2022, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed herself.

Ebony Clark of **Henrico**, Virginia, Member, appointed January 7, 2022, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to fill a new seat.

Bennie L. Evans, Jr., of **Alexandria**, Virginia, Member, appointed January 7, 2022, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Abbey Philips of **Richmond**, Virginia, Member, appointed January 14, 2022, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Francine L. Horne.

Ashley Waddell of **Petersburg**, Virginia, Member, appointed January 14, 2022, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to fill a new seat.

E 9-1-1 Services Board

Matthew Ogburn of **Richmond**, Virginia, Member, appointed January 7, 2022, to serve an unexpired term beginning December 31, 2021, and ending June 30, 2023, to succeed Jeffrey Thomas Merriman.

TRANSPORTATION

Virginia Commercial Space Flight Authority

Morris Foster of **Norfolk**, Virginia, Member, appointed January 7, 2022, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed himself.

Claude R. Kehler of **Alexandria**, Virginia, Member, appointed January 7, 2022, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Marke F. Gibson.

VETERANS AND DEFENSE AFFAIRS

Joint Leadership Council of Veterans Service Organizations

Richard A. Mansfield of **Hampton**, Virginia, Member, appointed January 7, 2022, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to fill a new seat.

SENATE JOINT RESOLUTION NO. 86

Commending the Virginia Beach Lifesaving Service.

Agreed to by the Senate, February 3, 2022

Agreed to by the House of Delegates, February 7, 2022

WHEREAS, the Virginia Beach Lifesaving Service, which works diligently to safeguard the millions of visitors to the Virginia Beach Oceanfront every year, conducted hundreds of rescues and provided aid to dozens of individuals over the course of a record-breaking summer season in 2021; and

WHEREAS, the Virginia Beach Lifesaving Service is a certified agency of the United States Lifesaving Association that provides lifeguard services to the City of Virginia Beach, patrolling more than five miles of oceanfront property; and

WHEREAS, on May 9, 2021, members of the Virginia Beach Lifesaving Service rescued and helped stabilize an individual who had attempted to drown while experiencing a mental health crisis; and

WHEREAS, later in the month, the Virginia Beach Lifesaving Service conducted numerous rescues when storm conditions created dangerous rip currents in the waters along the Virginia Beach Oceanfront; and

WHEREAS, during that time, the Virginia Beach Lifesaving Service pulled numerous swimmers to safety and helped treat several spinal cord injuries from individuals diving into water that was more shallow than expected; and

WHEREAS, on May 23, 2021, alone, the 12-member staff of the Virginia Beach Lifesaving Service assisted 75 people, 63 of whom were pulled from the water, an incredible amount when compared to the approximately 260 rescues over the course of the entire summer in 2020; and

WHEREAS, on July 4, 2021, the Virginia Beach Lifesaving Service encountered one of the largest crowds of beach-goers in the organization's history and conducted 31 rescues in one day, as well as reuniting 119 lost children with their families; and

WHEREAS, after the height of the summer season, the Virginia Beach Lifesaving Service continued to fulfill its mission to serve the community, rescuing three individuals after a skiff capsized on October 5, 2021; and

WHEREAS, in total, the Virginia Beach Lifesaving Service rescued 645 victims, transferred 150 individuals to local emergency services agencies for additional treatment, and reunited 903 lost children with their families in 2021; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Virginia Beach Lifesaving Service for its outstanding performance of its duties in 2021; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Tom Gill, chief of the Virginia Beach Lifesaving Service, as an expression of the General Assembly's appreciation for the organization's critical mission.

SENATE JOINT RESOLUTION NO. 87

Celebrating the life of Betty J. Wright.

Agreed to by the Senate, February 3, 2022

Agreed to by the House of Delegates, February 7, 2022

WHEREAS, Betty J. Wright of Portsmouth, a beloved mother and grandmother and highly admired community leader, died on January 7, 2022; and

WHEREAS, Betty Wright grew up in Philadelphia and later relocated to Virginia, where she worked for Portsmouth Public Schools as a substitute teacher and helped coordinate the Head Start program; and

WHEREAS, after retiring as an educator, Betty Wright worked in crime prevention for the City of Portsmouth and organized several national night out events and fundraisers to support community members in need; and

WHEREAS, Betty Wright and her husband, Joseph, were active leaders in the Cavalier Manor neighborhood and became known to residents as the mayor and first lady of the community; she offered her wisdom and expertise to the United Civic League of Cavalier Manor and the Cavalier Manor Neighborhood Watch; and

WHEREAS, Betty Wright was also a member of the Portsmouth Martin Luther King, Jr. Leadership Steering Committee, the Portsmouth Moose Lodge, and the Daughters of Isis Arabia Temple No. 12, where she was a past commandress and oversaw the Isiserettes team; and

WHEREAS, predeceased by her beloved husband, Joseph, Betty Wright will be fondly remembered and greatly missed by her children, Joseph, LaDonna, and DeAngela, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Betty J. Wright; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Betty J. Wright as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 88

Celebrating the life of the Reverend Canon John Fletcher Lowe, Jr.

Agreed to by the Senate, February 3, 2022

Agreed to by the House of Delegates, February 7, 2022

WHEREAS, the Reverend Canon John Fletcher Lowe, Jr., esteemed spiritual leader, accomplished social justice advocate, and beloved member of the Richmond community, died on August 25, 2021; and

WHEREAS, born in Greenville, South Carolina, Fletcher Lowe graduated from the Gilman School in Baltimore before earning degrees from Washington and Lee University and the General Theological Seminary; and

WHEREAS, Fletcher Lowe was ordained to the priesthood in 1960 and served parishes in the Episcopal Dioceses of South Carolina and Southwestern Virginia before assuming the role of Executive Secretary of the Department of Christian Social Relations with the Episcopal Diocese of Virginia in 1967; and

WHEREAS, Fletcher Lowe subsequently led the parish of Church of the Holy Comforter in Richmond as rector from 1970 to 1985 while holding positions on various leadership bodies with the Episcopal Diocese of Virginia, including its Liturgical Commission, Executive Board, and Standing Committee, which he served as president; and

WHEREAS, Fletcher Lowe devoted his last decade of full-time ministry to parishes under the Diocese of Delaware before retiring in 1994; he then held several interim positions around the world, first at St. John's Episcopal Church in Richmond and later with churches in Germany, Italy, Switzerland, and France; and

WHEREAS, in recognition of his efforts in 1971 to protect Christian clergy who had faced persecution under the administration of Ugandan president Idi Amin, Fletcher Lowe was made a canon of St. Paul's Cathedral Namirembe in Kampala, Uganda; and

WHEREAS, Fletcher Lowe was a tireless advocate for economic, racial, and social justice throughout his life and was integral to the founding of the Virginia Interfaith Center for Public Policy, the largest statewide advocacy organization for the faith community, where he served as Executive Director in 1997 through 2004; and

WHEREAS, Fletcher Lowe was particularly concerned for the religious rights of incarcerated individuals, serving many years as a visiting chaplain at state penitentiaries, and spoke often and ardently in favor of criminal justice reform; and

WHEREAS, Fletcher Lowe will be fondly remembered and dearly missed by his loving wife of 62 years, Mary Frances; his children, John, Elizabeth, and Suzanne, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Reverend Canon John Fletcher Lowe, Jr., whose sagacious spiritual counsel and unwavering commitment to the less fortunate members of society were an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Reverend Canon John Fletcher Lowe, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 89

Commending John H. Foote.

Agreed to by the Senate, February 3, 2022

Agreed to by the House of Delegates, February 7, 2022

WHEREAS, John H. Foote, an esteemed attorney at the firm Walsh, Colucci, Lubeley & Walsh, P.C., was inducted into the *Virginia Lawyers Weekly* Hall of Fame in 2021; and

WHEREAS, John Foote began his distinguished legal career in the Office of the County Attorney of Prince William County, serving as its chief litigator while holding the title of deputy county attorney from 1977 to 1982 and county attorney from 1982 to 1989; and

WHEREAS, John Foote entered private practice in 1989 with the firm Hazel & Thomas, P.C., and 10 years later joined the firm Walsh, Colucci, Lubeley & Walsh, P.C., where he has been one of the leaders of its land use and zoning division; and

WHEREAS, John Foote has admirably represented clients throughout the Commonwealth before the governing bodies and subsidiary boards of more than two dozen Virginia jurisdictions and numerous state agencies; and

WHEREAS, John Foote has argued more than 20 cases before the Supreme Court of Virginia, resulting in some of the court's most significant land use and zoning decisions in recent years; and

WHEREAS, John Foote's considerable expertise of land use and zoning laws in the Commonwealth includes federal regulation of wetland and waters of the United States, state regulation of Chesapeake Bay Protection Areas and storm-water management, and historic preservation requirements; and

WHEREAS, John Foote is the author of a principal text on planning and zoning in the Commonwealth and has given generously of his time to teach and mentor younger generations of attorneys in the areas of land use and local government; and

WHEREAS, John Foote's professional accomplishments have earned him numerous accolades over the years in addition to his recent Hall of Fame induction, including being named Lawyer of the Year by publisher *Best Lawyers* in 2016 and being consistently listed in the company's *Best Lawyers in America* publications; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend John H. Foote for being inducted into the *Virginia Lawyers Weekly* Hall of Fame; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to John H. Foote as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 90

Commending the Honorable Paul S. Tribble, Jr.

Agreed to by the Senate, February 3, 2022

Agreed to by the House of Delegates, February 7, 2022

WHEREAS, for almost 50 years the Honorable Paul S. Tribble, Jr., has served the citizens of Virginia with integrity and excellence as an Assistant U.S. Attorney for the Eastern District of Virginia, Commonwealth's Attorney of Essex County, United States Congressman, United States Senator, and President of Christopher Newport University; and

WHEREAS, on January 1, 1996, Paul Tribble became the fifth president of Christopher Newport University, and his vision and leadership have led to the growth of one of America's preeminent public liberal arts universities; and

WHEREAS, Paul Tribble envisioned the creation of a great university for America that cared about minds and hearts and that would inspire students to choose to live lives of meaning, consequence, and purpose—a life of significance—as it is now called at Christopher Newport University; and

WHEREAS, during Paul Tribble's tenure, applications to Christopher Newport University have increased by 700 percent, the average GPA of entering students has soared from 2.6 to 3.8, the number of full-time students has increased to 5,000, and the institution's four-year graduation rate is now one of the highest among all public colleges and universities in the United States; and

WHEREAS, with the strong support of the General Assembly, Christopher Newport University offers a beautiful campus, great teaching, a rich and rigorous academic curriculum in the liberal arts and sciences, and a marvelous sense of community where people speak and smile and support and encourage each other; and

WHEREAS, Paul Tribble has emphasized the values of leadership, honor, and service in the life of Christopher Newport University through the President's Leadership Program, the Center for Community Engagement, and the Wason Center for Civic Leadership and through superb academic programs in Leadership and American Studies; and

WHEREAS, Paul Tribble has profoundly contributed to the economic and cultural life of the Virginia Peninsula, Hampton Roads and the Commonwealth through the creation of the Ferguson Center for the Performing Arts, the Mary M. Torggler Fine Arts Center, and the Christopher Newport University Center for Community Engagement, which enables students to perform over 100,000 hours of community service each year; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Honorable Paul S. Tribble, Jr., for his outstanding service to all citizens of the Commonwealth, to the more than 25,000 graduates of Christopher Newport University during his long and distinguished tenure, and to the Virginians who will attend the institution in the future; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Honorable Paul S. Tribble, Jr., as an expression of the General Assembly's admiration for his achievements on behalf of the Commonwealth and the Christopher Newport University community.

SENATE JOINT RESOLUTION NO. 91

Celebrating the life of the Honorable John Howson Rust, Jr.

Agreed to by the Senate, February 10, 2022

Agreed to by the House of Delegates, February 14, 2022

WHEREAS, the Honorable John Howson Rust, Jr., of the City of Fairfax, who served the Commonwealth as a member of the House of Delegates, died on December 30, 2021; and

WHEREAS, a native of Fairfax, Virginia, John "Jack" Rust earned his undergraduate and law degrees from the University of Virginia, where he served on the board of editors of the *Virginia Law Review* and was elected to the Order of the Coif; and

WHEREAS, after serving his country as a member of the United States Army during the Vietnam War, Jack Rust returned to Fairfax where he pursued a career as an attorney with the family law firm, Rust & Rust; and

WHEREAS, Jack Rust was admitted to practice before the United States District Court for the Eastern District of Virginia, the United States Court of Appeals for the Fourth Circuit, and the Supreme Court of the United States; he also followed in his father's footsteps when he served as the Fairfax city attorney; and

WHEREAS, desirous to be of further service to the Commonwealth, Jack Rust ran for and was elected to the House of Delegates in 1979; he served from 1980 to 1982, then later won a special election and represented the 37th District from 1997 to 2002; and

WHEREAS, during his time in the House of Delegates, Jack Rust became one of Virginia's most influential lawmakers; he was named Legislator of the Year by the Virginia Treasurers' Association and received Tech Ten Legislator, Business Leader of the Year, and Fairfax County Chamber of Commerce Chamber Champion awards; and

WHEREAS, Jack Rust introduced many important pieces of legislation to benefit his constituents and all Virginians, and he offered his expertise to his colleagues during the biennial redistricting process after the 2000 United States Census; and

WHEREAS, in addition to his service with the House of Delegates, Jack Rust served terms on the Virginia State Board of Elections and the Virginia Resource Authority and was the commissioner of accounts for the 19th Judicial Circuit of Virginia; and

WHEREAS, Jack Rust worked diligently to build bipartisan consensus and mutual respect, and throughout his career, he was a trusted mentor to countless young lawyers, advocates, and state officials, all of whom admired his deep knowledge of the law, tireless work ethic, and dazzling creativity; and

WHEREAS, Jack Rust had a keen business mind and helped establish numerous thriving enterprises, including two community banks and many other small businesses and joint ventures; and

WHEREAS, Jack Rust's long and distinguished service to friends and family, his community, and the Commonwealth was characterized by honesty, integrity, wit, and grace; and

WHEREAS, Jack Rust will be fondly remembered and greatly missed by his beloved wife of more than 51 years, Sue; his children, J.W., Tom, and Bob, and their families; and numerous other family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable John Howson Rust, Jr., an accomplished public servant and a distinguished Virginian; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable John Howson Rust, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 92

Commending MEDIKO.

Agreed to by the Senate, February 10, 2022

Agreed to by the House of Delegates, February 14, 2022

WHEREAS, MEDIKO, based in Richmond, has met the unique challenges of providing health care to inmates in the Commonwealth by offering cost-effective medical services in correctional facilities for 25 years; and

WHEREAS, MEDIKO was established by Kaveh Ofogh, MD, on October 16, 1996, and initially provided physician services to inmates in Virginia correctional facilities; soon after, the organization also began offering psychiatric care and mental health counseling; and

WHEREAS, MEDIKO has grown to provide comprehensive medical care through a highly trained staff of physicians and nurses, along with pharmaceutical and laboratory services, dialysis treatment, and access to offsite medical services when appropriate; and

WHEREAS, in 2005, MEDIKO became the first organization to offer telepsychiatry services to any jail in the Commonwealth and has since conducted more than 50,000 telepsychiatry sessions; and

WHEREAS, in addition to its achievements in Virginia, MEDIKO has expanded throughout North Carolina, South Carolina, and Tennessee, developing strong partnerships to ensure that the organization is responsive to regional operational needs and patients receive the highest quality medical services; and

WHEREAS, over the years, MEDIKO has continued to fulfill its mission through the hard work of its professional staff members, the generosity of donors and volunteers, and the dedication of client partners and contractors; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend MEDIKO, an innovative leader in correctional facility health care services, on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Kaveh Ofogh, MD, founder and chief executive officer of MEDIKO, as an expression of the General Assembly's admiration for the organization's outstanding achievements and important mission.

SENATE JOINT RESOLUTION NO. 93

Celebrating the life of William Franklin LaVecchia.

Agreed to by the Senate, February 10, 2022

Agreed to by the House of Delegates, February 14, 2022

WHEREAS, William Franklin LaVecchia, honorable veteran and esteemed former county manager of Henrico County, died on November 11, 2021; and

WHEREAS, upon graduating from high school, William "Bill" LaVecchia enlisted with the United States Army, serving his country with honor and valor during both World War II and the Korean War; and

WHEREAS, following his service, Bill LaVecchia attended Virginia Polytechnic Institute and State University, earning a bachelor's degree in civil engineering and a master's degree in municipal engineering and public administration; and

WHEREAS, after completing his studies, Bill LaVecchia took a position as assistant city manager and city engineer of Athens, Tennessee, returning shortly thereafter to Blacksburg to serve as the locality's town manager; and

WHEREAS, in 1959, Bill LaVecchia joined Henrico County as a planning administrator, receiving a promotion to deputy county manager for planning and inspections in 1978; and

WHEREAS, the Board of Supervisors of Henrico County named Bill LaVecchia acting county manager in May 1984 and formally installed him in the position a month later; and

WHEREAS, during his tenure as county manager, Bill LaVecchia was known for emphasizing clear and honest communication between both agency leaders and employees and the county government and the residents it served; and

WHEREAS, Bill LaVecchia guided Henrico County during a period of tremendous growth, overseeing the development of various schools, libraries, fire stations, and other public services, as well as the establishment of the Eastern Government Center in eastern Henrico County; and

WHEREAS, beyond his work as county manager, Bill LaVecchia selflessly volunteered his time in support of his community, logging 65 years of perfect attendance as a Rotarian, the last 60 of which he fulfilled as a member of the Sandston Rotary Club; he also served on the boards of the former Virginia United Methodist Homes and Covenant Woods; and

WHEREAS, guided throughout his life by his faith, Bill LaVecchia enjoyed worship and fellowship with his community at Fairmount United Methodist Church in Richmond, serving in leadership capacities with the church and various district and conference committees over the years; and

WHEREAS, in memoriam and in recognition of Bill LaVecchia's extraordinary contributions to the community he served, the current county manager of Henrico County, John Vithoulkas, ordered the Henrico County flag to be lowered to half-staff at all county buildings and facilities for two weeks; and

WHEREAS, preceded in death by his first wife, Elma, Bill LaVecchia will be fondly remembered and dearly missed by his loving wife, Frances; his children, Donald and David, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of William Franklin LaVecchia, a distinguished veteran and public servant whose wisdom and compassion touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of William Franklin LaVecchia as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 94

Commending the Honorable H. Jan Roltsch-Anoll.

Agreed to by the Senate, February 10, 2022

Agreed to by the House of Delegates, February 14, 2022

WHEREAS, the Honorable H. Jan Roltsch-Anoll, a former chief judge of the Prince William Juvenile and Domestic Relations District Court, retired as a judge after six years of service; and

WHEREAS, Jan Roltsch-Anoll grew up in Prince William County, where she graduated from Gar-Field High School; she attended The College of William and Mary as one of the first female recipients of a gymnastics scholarship after the passage of Title IX and was later inducted into the William and Mary Athletics Hall of Fame; and

WHEREAS, after graduating from the Marshall-Wythe School of Law, Jan Roltsch-Anoll traveled the country with her husband while he served in the military; she was admitted to the bar in Florida and California, then practiced civil litigation in trial, appellate, and federal courts in Virginia for three decades; and

WHEREAS, during that time, Jan Roltsch-Anoll served as president of the Prince William County Bar Foundation and was recognized for her contributions to the advancement of women in the legal profession when she received the 2010 Justitia Award from the Prince William County Chapter of the Virginia Women's Attorneys Association; and

WHEREAS, Jan Roltsch-Anoll previously served as a substitute judge and became a judge of the Prince William Juvenile and Domestic Relations District Court of the 31st Judicial District of Virginia in 2014; she presided over the court with great fairness and wisdom and was selected by her peers as chief judge; and

WHEREAS, while serving as chief judge in the early stages of the COVID-19 pandemic, Jan Roltsch-Anoll developed plans to ensure that the court remained open in a safe and effective manner to ensure timely access to the justice system for all members of the community; and

WHEREAS, during her tenure, Jan Roltsch-Anoll also created a juvenile justice task force that helped divert some young people from the court system and allowed others to stay in school while their cases were pending; and

WHEREAS, Jan Roltsch-Anoll served the residents of Prince William County and the Commonwealth with the utmost integrity and dedication; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Honorable H. Jan Roltsch-Anoll on the occasion of her retirement as a judge; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Honorable H. Jan Roltsch-Anoll as an expression of the General Assembly's admiration for her achievements on behalf of the residents of Prince William County and service to the Commonwealth.

SENATE JOINT RESOLUTION NO. 95

Commending Causey Cole.

Agreed to by the Senate, February 10, 2022

Agreed to by the House of Delegates, February 14, 2022

WHEREAS, Causey Cole, an honorable veteran and an active and beloved member of the Clarksville community, celebrates his 100th birthday in 2022; and

WHEREAS, despite initially being turned down by the draft board on account of a medical condition, Causey Cole persevered in his ambition to serve his country, enlisting with the United States Marine Corps and later the United States Army Air Forces in the 1940s; and

WHEREAS, following his discharge on August 1, 1946, Causey Cole joined the crew building the Burlington Industries mill in Clarksville, contributing greatly to what would become a major economic driver in the region; and

WHEREAS, Causey Cole spent much of his career as a printer with *The Clarksville Times*, supporting the newspaper's efforts to deliver its readers the consequential news of the day in a timely and professional manner; and

WHEREAS, Causey Cole's subsequent professional endeavors included staffing the small businesses of Vaughan's Foods and later Elliott's True Value Hardware in Clarksville, where his friendly and exceptional attention to the needs of his customers brought cheer to countless people over the years; and

WHEREAS, always dedicated to helping others, Causey Cole spent many years with the Mecklenburg County Lifesaving and Rescue Squad and was presented with a local award in 2014 for his meritorious service; and

WHEREAS, Causey Cole has been guided throughout his life by his faith and is a devoted member of Clarksville Baptist Church, receiving the title of deacon emeritus from the congregation in 2015; and

WHEREAS, Causey Cole's long and fulfilling life serves as an inspiration to all who know him, encouraging many to give their best each and every day; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Causey Cole, a cherished centenarian of the Clarksville community, on the occasion of his 100th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Causey Cole as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 96

Celebrating the life of Caramine Kellam.

Agreed to by the Senate, February 10, 2022

Agreed to by the House of Delegates, February 14, 2022

WHEREAS, Caramine Kellam, a highly admired longtime resident of the Eastern Shore, died on January 4, 2022; and

WHEREAS, Caramine Kellam graduated from Penn Hall Preparatory School and Junior College in Pennsylvania, then attended St. Mary's College in North Carolina; and

WHEREAS, Caramine Kellam was an active and generous volunteer who supported the Colonial Dames, the Daughters of the American Revolution, the Historical Society of the Eastern Shore of Virginia, and Eastern Shore Community College, among other organizations; and

WHEREAS, Caramine Kellam also offered her leadership and expertise to several local, state, and national boards and commissions, taking a particular interest in expanding access to health care through the Eastern Shore Rural Health System, Riverside Health System, and the American Medical Association Alliance; and

WHEREAS, Caramine Kellam was the first woman chair of the board for Northampton-Accomack Memorial Hospital and helped the hospital grow to better serve the community; and

WHEREAS, guided by her faith, Caramine Kellam enjoyed fellowship and worship with the congregations of Belle Haven Presbyterian Church, Johnsons United Methodist Church, and the Episcopal Church of the Good Shepherd in Punta Gorda, Florida, where she settled in later life; and

WHEREAS, Caramine Kellam's greatest joy in life was her family, and she relished every opportunity to support her children in all their academic, athletic, musical, and professional endeavors throughout their lives; and

WHEREAS, Caramine Kellam will be fondly remembered and greatly missed by her daughters, Kellam, Caramine, and Somers, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Caramine Kellam; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Caramine Kellam as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 97

Commending Chuck Paterakis.

Agreed to by the Senate, February 10, 2022

Agreed to by the House of Delegates, February 14, 2022

WHEREAS, Chuck Paterakis, co-owner of H&S Bakery in Baltimore, provided baked goods to motorists stranded on Interstate-95 near Fredericksburg during an extreme weather event; and

WHEREAS, in January 2022, a multi-vehicle crash during a severe winter storm resulted in hundreds of vehicles becoming trapped on Interstate-95 near Fredericksburg for more than 24 hours; and

WHEREAS, during the ordeal, two motorists from Ellicott City, Maryland, Casey Holihan and John Noe, noticed a delivery truck for Schmidt Baking Co., a subsidiary of H&S Bakery, a family-owned business that has served the Baltimore community for more than 70 years; and

WHEREAS, Casey Holihan called the company's service number on the back of the truck and subsequently spoke with Chuck Paterakis, who runs H&S Bakery with his three brothers, asking for permission to distribute bread to motorists on the highway; and

WHEREAS, Chuck Paterakis authorized the truck's driver, Ron Hill, to open the truck, and Hill, Holihan, and Noe worked together to organize a group of volunteers that distributed approximately 500 loaves of bread to cars in a two-mile area of the highway; and

WHEREAS, the inspirational joint effort among strangers helped provide nourishment, comfort, and hope to motorists who had been trapped in their vehicles in freezing temperatures for hours; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Chuck Paterakis of H&S Bakery for providing food to motorists stranded near Fredericksburg during a winter storm; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Chuck Paterakis as an expression of the General Assembly's admiration for his generosity and commitment to service.

SENATE JOINT RESOLUTION NO. 98

Commending health care workers in Virginia.

Agreed to by the Senate, February 10, 2022

Agreed to by the House of Delegates, February 14, 2022

WHEREAS, on March 12, 2020, former Governor Ralph Northam declared a state of emergency in Virginia to coordinate the Commonwealth's response to the COVID-19 pandemic; and

WHEREAS, doctors, nurses, technicians, transporters, emergency medical technicians, pharmacists, and all who support patient care have risen to the occasion and have cared for the Commonwealth's most vulnerable populations, all while risking their personal exposure to the virus; and

WHEREAS, health care workers across the Commonwealth have worked tirelessly to keep Virginians safe, and in the last two years, they have made great personal sacrifices and endured exhaustion and fatigue from extended hours of work caused by the pandemic; and

WHEREAS, health care workers on the front lines leading the charge to abate the crisis and protect the Commonwealth have shown bravery and courage, and many have isolated themselves to keep their families safe; and

WHEREAS, health care workers have proven to be not just leaders in medicine, but leaders in small business innovation; health systems and small practices alike have reinvented the way health care is delivered to patients by embracing and implementing telemedicine to maintain continuity of care; and

WHEREAS, health care workers have gone above and beyond their call of duty, exhibiting boundless compassion, unfailing commitment to saving the lives of their patients, and incredible strength to continue battling the COVID-19 pandemic on a daily basis; and

WHEREAS, the health care workers who have enhanced and upheld quality of care and sustained a commitment to the maintenance of high standards in their profession have earned the recognition and gratitude of all Virginians; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend health care workers in Virginia for their ongoing efforts to combat the unprecedented challenges of the COVID-19 pandemic; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to representatives of health care workers in Virginia as an expression of the General Assembly's admiration for their service and sacrifices and appreciation for the differences they have made in the lives of thousands of Virginians.

SENATE JOINT RESOLUTION NO. 99

Commending James A. Baldwin.

Agreed to by the Senate, February 10, 2022

Agreed to by the House of Delegates, February 14, 2022

WHEREAS, James A. Baldwin, executive director of the Cumberland Plateau Planning District Commission, has offered wise counsel and regional leadership to localities in Southwest Virginia for 50 years; and

WHEREAS, James "Jim" Baldwin grew up in Honaker and graduated from Honaker High School before continuing his studies at The College of William & Mary; and

WHEREAS, Jim Baldwin began his career at the Cumberland Plateau Planning District Commission (CPPDC) on February 1, 1972, as a planner; and

WHEREAS, on July 1, 2006, Jim Baldwin became the executive director at CPPDC, continuing a long and fulfilling career leading collaborative and cooperative initiatives in the counties of Buchanan, Dickenson, Russell, and Tazewell; and

WHEREAS, Jim Baldwin has worked to advance and facilitate the completion of countless community projects within the region, including substantially increasing the availability of clean drinking water, expanding deployment of high-speed broadband internet and improved wireless connectivity, and spearheading downtown improvement initiatives that have transformed the economic prospects of towns in the region, among many other projects; and

WHEREAS, Jim Baldwin has served as president of the Development District Association of Appalachia as well as a board member for several important national, state, and regional organizations, including the National Association of Development Organizations, the Crooked Road, 'Round the Mountain, the Southwest Virginia Cultural Heritage

Foundation, the Coalfield Water Development Fund, the Virginia Coalfield Coalition, and the Virginia Coalfield Economic Development Authority, among others; and

WHEREAS, Jim Baldwin's service to the region has been lauded by his peers and by countless community leaders and he is a recipient of the President's Award from the Virginia Association of Planning District Commissions; and

WHEREAS, throughout his career, Jim Baldwin has been guided by his unwavering desire to support the CPPDC's communities and improve the lives of its citizens; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend James A. Baldwin for his 50 years of service to the Cumberland Plateau Planning District Commission and its localities in Southwest Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to James A. Baldwin as an expression of the General Assembly's admiration for his dedication and commitment to regional planning and to the betterment of the Commonwealth.

SENATE JOINT RESOLUTION NO. 100

Celebrating the life of Sally Lamb.

Agreed to by the Senate, February 10, 2022

Agreed to by the House of Delegates, February 14, 2022

WHEREAS, Sally Lamb of Gordonsville, a respected leader in the horseback riding community in the Commonwealth, died on December 22, 2020; and

WHEREAS, Sally Lamb grew up in Culpeper County, where she attended Culpeper County High School, and she subsequently graduated from Virginia Polytechnic Institute and State University; and

WHEREAS, in 1979, Sally Lamb and her husband, David, established Oakland Heights Farm in Gordonsville to preserve the history and heritage of the art of horseback riding and provide professional instruction to riding enthusiasts of all ages; and

WHEREAS, Sally and David Lamb have been involved with countless equine activities and endeavors, participating in horse shows, county fairs, local parades, and other events, and they have offered their expertise to the community on training, boarding, breeding, sales, hay production, and other aspects of the industry; and

WHEREAS, over the course of their career, Sally and David Lamb were trusted mentors to countless young people in the Gordonsville community; their son, Matt, followed in their footsteps as a horseman and runs the BLM Bull and Rodeo Company at Oakland Heights Farm; and

WHEREAS, Sally Lamb was a longtime regional representative and former president of the Virginia Horse Council and received the organization's Horsewoman of the Year Award for her outstanding contributions to horseback riders throughout the Commonwealth; and

WHEREAS, Sally Lamb was also an avid foxhunter and had served as a member of the Board of Directors at Bull Run Hunt Club and the Board of Governors at Keswick Hunt Club; and

WHEREAS, through Oakland Heights Farm, Sally Lamb has supported several charitable organizations, including the Wounded Warrior Project, St. Jude Children's Research Hospital, and the Juvenile Diabetes Research Foundation; in addition, she established the Four Horseshoes Youth Foundation to support underprivileged youths interested in horseback riding; and

WHEREAS, Sally Lamb will be fondly remembered and greatly missed by her husband, David; her son, Matt; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Sally Lamb; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Sally Lamb as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 101

Commending Virginia Polytechnic Institute and State University.

Agreed to by the Senate, February 10, 2022

Agreed to by the House of Delegates, February 14, 2022

WHEREAS, for 150 years, Virginia Polytechnic Institute and State University, one of the Commonwealth's premier institutions of higher learning, has provided outstanding educational and research opportunities to young men and women, while serving the community and the Commonwealth as a whole; and

WHEREAS, Virginia Polytechnic Institute and State University opened its doors on October 1, 1872, as the Commonwealth's first land-grant institution, originally known as the Virginia Agricultural and Mechanical College, with the bill signed by Governor Gilbert C. Walker in 1872 and funds provided through the Morrill Land-Grant Act; and

WHEREAS, 150 years and many name changes later, Virginia Polytechnic Institute and State University (Virginia Tech) is distinguished as the Commonwealth's most comprehensive university and leading research institution with nearly 300 undergraduate and graduate degree programs across nine colleges and an enrollment of more than 37,000 undergraduate, graduate, and professional students; and

WHEREAS, over the course of its 150-year history, Virginia Tech has benefited from the leadership of 16 presidents, whose consequential actions have enabled the institution to emerge as a forerunner in higher education locally, nationally, and globally, inspiring and empowering students, faculty, and partners to learn, innovate, and serve their communities in transformational ways; and

WHEREAS, Virginia Tech is guided by a founding vision based on the core tenets of research and discovery, teaching and learning, and outreach and engagement, and the institution promotes the importance of diverse and inclusive communities, the pursuit of knowledge and innovation, opportunity and affordability, and excellence and integrity; and

WHEREAS, Virginia Tech has 11 Agricultural Research and Extension Center locations delivering research and extension programs to support producers, K-12 programs, and citizens throughout the Commonwealth; and

WHEREAS, the mission of Virginia Tech is inspired by its land-grant identity and driven by its motto *Ut Prosim* (That I May Serve) to be an inclusive community of knowledge, discovery, and creativity dedicated to improving the quality of life and the human condition within the Commonwealth and throughout the world; and

WHEREAS, Virginia Tech is steeped in rich traditions and the sacred ideals of Brotherhood, Honor, Leadership, Sacrifice, Service, Loyalty, Duty, and *Ut Prosim* inscribed on the pylons that oblige all who enter the gateway of the main campus to consider and live out the primary principles upon which the institution was founded; and

WHEREAS, Virginia Tech maintains an active presence at its 2,600-acre main campus in Blacksburg, as well as a significant presence in other parts of the Commonwealth, including the Innovation Campus in Northern Virginia, the Health Sciences and Technology Campus in Roanoke, and Centers in Newport News and Richmond, along with an international study-abroad site in Switzerland; and

WHEREAS, Virginia Tech is one of the great national and global universities of the 21st century, recognized for its research strengths, world-class faculty, exceptional facilities, and ability to integrate and adapt its learning, discovery, and engagement missions; and

WHEREAS, alumni of Virginia Tech can be found around the globe and have changed the nation and the world for the better by becoming pioneers and leaders in a wealth of fields and industries, all while proudly representing what it means to be a Hokie; and

WHEREAS, the members of the General Assembly join with the students, faculty, staff, and more than 270,000 alumni of Virginia Tech in commemorating this important milestone in the university's long and storied history; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Virginia Polytechnic Institute and State University on the occasion of its 150th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Rector Letitia A. Long and President Timothy D. Sands of Virginia Polytechnic Institute and State University, as an expression of the General Assembly's admiration for the institution's extraordinary history, unparalleled legacy of excellence, and invaluable contributions to the Commonwealth, the nation, and the world.

SENATE JOINT RESOLUTION NO. 102

Commending Jesse Waltz.

Agreed to by the Senate, February 10, 2022

Agreed to by the House of Delegates, February 14, 2022

WHEREAS, Jesse Waltz, a professional engineer and founder of JES Foundation Repair, was named a 2020 Hampton Roads Business Hall of Fame laureate during an event sponsored by Junior Achievement of Greater Hampton Roads on October 21, 2021; and

WHEREAS, Jesse Waltz's induction into the Hampton Roads Business Hall of Fame recognized him as an innovative, effective, and civically engaged business leader who has greatly served his community and company over the past three decades; and

WHEREAS, Jesse Waltz founded JES Foundation Repair in 1993 alongside his wife, Stella, and the company has since provided more than 250,000 engineered solutions at residential and commercial properties throughout the Commonwealth, Maryland, and beyond; and

WHEREAS, along with his certification as a professional engineer and his company's affiliation with Groundworks, a family of brands at the forefront of the foundation services industry, Jesse Waltz has proven his reputation in his field through the growth of JES Foundation Repair and its years of quality and dependable service; and

WHEREAS, in 2016, JES Foundation Repair had four offices, 190 employees, and \$30 million in sales; today, the company employs more than 4,200 employees in 49 offices across 20 brands, netting \$950 million in sales annually as it meets the foundation repair and waterproofing needs of thousands of clients; and

WHEREAS, through his entrepreneurial spirit and abiding commitment to the safety and well-being of others, Jesse Waltz has impacted the lives of countless individuals and helped make the Commonwealth a wonderful place to live, work, and play; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Jesse Waltz, founder of JES Foundation Repair, for his induction into the Hampton Roads Business Hall of Fame; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Jesse Waltz as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 103

Celebrating the life of Rebecca Kellam Chalmers.

Agreed to by the Senate, February 17, 2022

Agreed to by the House of Delegates, February 21, 2022

WHEREAS, Rebecca Kellam Chalmers, a dedicated educator who made many contributions to the Virginia Beach community, died on December 9, 2021; and

WHEREAS, Rebecca "Becky" Chalmers grew up in the former Princess Anne County and lived much of her life in Virginia Beach; she graduated from Princess Anne High School, where she was head majorette and relished opportunities to participate in local parades and events; and

WHEREAS, Becky Chalmers subsequently earned a bachelor's degree from The College of William and Mary and pursued a career in education at Alanton Elementary School in Virginia Beach and later at Halifax Academy in Roanoke Rapids, North Carolina; and

WHEREAS, in addition to her work as a teacher, Becky Chalmers volunteered her leadership and expertise to the boards of the Virginia Beach Community Foundation and Tidewater Community College; and

WHEREAS, Becky Chalmers supported a wide range of local organizations, including Eastern Virginia Medical School, Virginia Wesleyan University, Virginia Aquarium and Marine Science Center, Vanguard Landing, Grommet Island Park, Lynnhaven River NOW, and the Chesapeake Bay Foundation; and

WHEREAS, Becky Chalmers and her sister Anne also established a college scholarship in their parents' honor at Floyd E. Kellam High School, which is named for their late father; and

WHEREAS, Becky Chalmers enjoyed fellowship and worship with the community as a longtime member of Nimmo United Methodist Church; and

WHEREAS, Becky Chalmers will be fondly remembered and greatly missed by her husband of 51 years, Norman; her children, Cameron and Annie, and their families; her sister, Anne; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Rebecca Kellam Chalmers, a passionate educator and philanthropic leader in Virginia Beach; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Rebecca Kellam Chalmers as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 104

Commending the Richmond Free Press.

Agreed to by the Senate, March 3, 2022

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, for three decades, the *Richmond Free Press*, a mission-driven independent newspaper, has worked to inform, educate, and empower readers in the Richmond area; and

WHEREAS, the *Richmond Free Press* was established in 1992 by Raymond H. Boone, Sr., a Suffolk native who was inspired to become a journalist in his youth, and previously worked at the *Suffolk News-Herald*, *Baltimore Afro-American*, and the *Richmond Afro-American* newspapers; and

WHEREAS, throughout its history, the *Richmond Free Press* has provided timely, accurate information to readers, elevated local voices on important issues, and advocated for transparency and accountability in local and state government; and

WHEREAS, the *Richmond Free Press* has covered a wide range of local issues, including economic inequality, workplace discrimination, criminal justice reform, and quality of life issues in the Richmond area, such as housing, employment, and the conditions of roads and public schools; and

WHEREAS, the *Richmond Free Press* has achieved numerous accolades thanks to the hard work and dedication of its loyal staff members and the newspaper has earned the respect of its competitors for its impactful articles, thoughtful editorials, and engaging photography; and

WHEREAS, the *Richmond Free Press* has inspired generations of Richmond residents to expand their horizons, engage more fully in civic life, and seek opportunities to serve the community through volunteer leadership; and

WHEREAS, after Raymond Boone's death in 2014, his wife, Jean, the former advertising manager, became the publisher of the *Richmond Free Press* and has guided the newspaper through new challenges while maintaining a strong commitment to free expression and high quality investigative journalism; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the *Richmond Free Press* on the occasion of its 30th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the *Richmond Free Press* as an expression of the General Assembly's admiration for the newspaper's legacy of contributions to the Black community in Richmond.

SENATE JOINT RESOLUTION NO. 105

Commending B. Wayne Coleman.

Agreed to by the Senate, February 17, 2022

Agreed to by the House of Delegates, February 21, 2022

WHEREAS, B. Wayne Coleman, chairman of the Norfolk-based shipping company CV International, Inc., has greatly served the Commonwealth and the Virginia Maritime Association throughout his half-century career in the maritime industry; and

WHEREAS, Wayne Coleman, with his wife, Judy, opened a freight forwarding business in 1984, which grew through several mergers, acquisitions, and expansions to become CV International, Inc., and Capes Shipping Agencies; and

WHEREAS, Wayne Coleman's enterprises maintain offices throughout the Mid-Atlantic and Southeastern United States and are well-equipped to provide exporters and importers with world-class freight forwarding, customs brokerage, and ship agency services, and a suite of other professional logistics services; and

WHEREAS, committed to the growth and development of his trade, Wayne Coleman has held many leadership roles in various organizations, including the Virginia Maritime Association, the Virginia Port Authority advisory committee, and the Old Dominion University Maritime, Ports & Logistics Institute Board of Directors, which he served as chair; and

WHEREAS, under Wayne Coleman's leadership, CV International, Inc., was a founding partner of the Virginia Leaders in Export Trade program, an initiative spearheaded by the Virginia Economic Development Partnership to help companies in the Commonwealth expand into international markets; and

WHEREAS, to celebrate his myriad professional accomplishments and efforts to promote world trade, Wayne Coleman was presented with the Hampton Roads Global Commerce Council's Commerce Builder Award in 2014; and

WHEREAS, in recognition of a career of extended involvement and readiness to assist the maritime industry in promoting, protecting, and encouraging Virginia's ports, Wayne Coleman was presented the 2021 Distinguished Service Award by the Virginia Maritime Association; and

WHEREAS, throughout his career, Wayne Coleman has represented the interests of the maritime industry with the utmost integrity and distinction and has advanced endeavors that will ensure the Port of Virginia's preeminence in global trade for years to come; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend B. Wayne Coleman, chairman of CV International, Inc., for his years of dedicated service to the maritime industry and ports of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to B. Wayne Coleman as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 106

Celebrating the life of James J.L. Stegmaier.

Agreed to by the Senate, February 17, 2022

Agreed to by the House of Delegates, February 21, 2022

WHEREAS, James J.L. Stegmaier, an esteemed public servant whose 37-year career with Chesterfield County left an outsized impact on the community, died on January 20, 2022; and

WHEREAS, a native of Falls Church, James "Jay" Stegmaier earned a bachelor's degree in experimental psychology from the Catholic University of America in 1976 and a master's degree in public administration from The University of Virginia three years later; and

WHEREAS, shortly after graduating, Jay Stegmaier joined Chesterfield County as an analyst in its Department of Budget and Management and moved swiftly through the ranks, becoming budget director in 1986 and deputy county administrator for management services in 1997; and

WHEREAS, Jay Stegmaier's aptitude for finance enabled Chesterfield County to hone the efficiency and cost-effectiveness of its operations while helping to secure the locality the special distinction of holding a AAA credit rating from all three major credit rating agencies; and

WHEREAS, in recognition of his exceptional talents and leadership abilities, the Chesterfield County Board of Supervisors appointed Jay Stegmaier as county administrator in 2007, whereupon he masterfully navigated the locality through the Great Recession of 2008 and for several more years until his retirement in 2016; and

WHEREAS, throughout his tenure with Chesterfield County, Jay Stegmaier fostered the economic vitality of both the county and the region by attracting new companies and development projects and spearheading initiatives such as the Greater Richmond Convention Center; and

WHEREAS, Jay Stegmaier served as a mentor to countless fellow staff and colleagues over the years as the unwavering optimism and integrity that he brought to his work every day inspired others to imagine what they could accomplish through public service; and

WHEREAS, in his early years, Jay Stegmaier had worked as a group home manager and an outpatient therapist, and he was admired throughout his career for his uniquely empathetic approach to working with others and solving problems; and

WHEREAS, Jay Stegmaier gave generously his time and talents to many organizations in support of the community, serving as chair of the Appomattox River Water Authority and on the boards of several organizations, including the South Central Wastewater Authority, Virginia Biotechnology Research Park, and United Way of Greater Richmond and Petersburg; and

WHEREAS, Jay Stegmaier's service to the community continued after his retirement from Chesterfield County, as he served his term as chair of the United Way of Greater Richmond and Petersburg Board of Directors until July 2021; and

WHEREAS, Jay Stegmaier was appointed to the Virginia State University (VSU) Board of Visitors in 2016 by Governor Terry McAuliffe and reappointed in 2020 by Governor Ralph Northam, serving faithfully until his passing; during his tenure with the board, he served as a member and chair of the Facilities, Finance and Audit Committee; as a member of the Personnel, Compensation and Governance Committee; and as a liaison to the VSU Real Estate Foundation; and

WHEREAS, guided throughout his life by his Catholic faith and a keen appreciation for the ephemeral nature of our existence, Jay Stegmaier lived each and every day to the fullest, spending as much time as he could with his adoring family; and

WHEREAS, Jay Stegmaier will be fondly remembered and dearly missed by his loving wife, Margot; his children, Jamey, Andrew, and Emily, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of James J.L. Stegmaier, beloved public servant of Chesterfield County, whose kind and benevolent nature was an inspiration and comfort to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of James J.L. Stegmaier as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 107

Celebrating the life of Lawrence Lee Sutton.

Agreed to by the Senate, February 17, 2022

Agreed to by the House of Delegates, February 21, 2022

WHEREAS, Lawrence Lee Sutton, a respected community leader in Virginia Beach, died on December 26, 2021; and

WHEREAS, a native of Perquimans County, North Carolina, Lawrence "Larry" Sutton served his country as a member of the United States Army and settled in Virginia Beach in 1970 to raise his family; and

WHEREAS, Larry Sutton worked as a state sales director for Anheuser-Busch and enjoyed bringing the company's Clydesdale horse mascots to the area for community events; and

WHEREAS, Larry Sutton subsequently joined Hoffman Beverage Company and worked his way up to become president before retiring after a 37-year career with the company; he was highly admired in the industry and served as a member of both the Virginia Beer Wholesalers Association and the National Beer Wholesalers Association; and

WHEREAS, Larry Sutton enriched cultural life in Virginia Beach through his longtime involvement with the Neptune Festival; he joined the Royal Order in 1984, served as chair of the festival in 1995, and was selected as King Neptune in 2000; and

WHEREAS, Larry Sutton was an avid golfer who played until the age of 85; over the years he sponsored or established many charitable golf tournaments to benefit worthy causes, including the annual Neptune Festival Charity Golf Tournament; and

WHEREAS, Larry Sutton was a founding member of Monarch Bank and Bayville Golf Club and volunteered his time and leadership to Lynnhaven Masonic Lodge No. 220 and Khedive Shrine Center; and

WHEREAS, Larry Sutton will be fondly remembered and greatly missed by his wife of 65 years, Carolyn; his daughters, Denise and Laura, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Lawrence Lee Sutton; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Lawrence Lee Sutton as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 108

Commending the Saint Bridget Catholic School robotics team.

Agreed to by the Senate, February 17, 2022

Agreed to by the House of Delegates, February 21, 2022

WHEREAS, the Saint Bridget Catholic School robotics team won the FIRST LEGO League Challenge state championship in December 2021; and

WHEREAS, in the FIRST LEGO League Challenge, teams from elementary and middle schools representing more than 100 countries around the world, such as the outstanding members of the Saint Bridget Catholic School robotics team, research real-world issues and develop solutions using LEGO parts and robotics software; and

WHEREAS, at the state championship, the Saint Bridget Catholic School robotics team, nicknamed Team Clueless, earned the Robot Performance Award and the Championship Award; and

WHEREAS, the members of the Saint Bridget Catholic School robotics team have also worked diligently to give back to their community and were nominated for the Global Innovation Award for their work with BusBox; and

WHEREAS, through BusBox, the Saint Bridget Catholic School robotics team has proposed allowing school districts to partner with private companies to deliver packages with school buses between student transit times, allowing underserved communities to receive deliveries in a more timely manner while providing additional opportunities for bus drivers; and

WHEREAS, as state champions, the Saint Bridget Catholic School robotics team will represent Virginia as the only team from the Commonwealth to advance to the FIRST LEGO League Challenge world championships in April 2022; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Saint Bridget Catholic School robotics team on winning the FIRST LEGO League Challenge state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Saint Bridget Catholic School robotics team as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

SENATE JOINT RESOLUTION NO. 109

Celebrating the life of Leigh B. Middleditch, Jr.

Agreed to by the Senate, February 17, 2022

Agreed to by the House of Delegates, February 21, 2022

WHEREAS, Leigh B. Middleditch, Jr., a philanthropic leader who worked to benefit all Virginians by striving to break down partisan divides and build consensus in government, died on October 3, 2021; and

WHEREAS, born in Detroit, Michigan, Leigh Middleditch received a bachelor's degree from The University of Virginia (UVA), where he was a member of Omicron Delta Kappa, then served his country as a member of the United States Navy and the United States Navy Reserve; and

WHEREAS, after his active-duty military service, Leigh Middleditch returned to UVA to earn a law degree; he worked for a district court judge and subsequently practiced law with the firms Battle, Neal, Harris, Minor & Williams and McGuire, Woods, Battle & Boothe (now McGuire Woods), from which he retired in 2018; and

WHEREAS, throughout his distinguished legal career, Leigh Middleditch promoted transparency and accessibility, and he inspired many of his fellow attorneys to place a higher emphasis on pro bono work and public service; and

WHEREAS, a proud and active alumnus of UVA, Leigh Middleditch instructed students at the institution's Law School and School of Business, served as UVA's legal advisor and special counsel during the institution's transition to coeducation, and later became a member of the UVA Board of Visitors; and

WHEREAS, Leigh Middleditch offered his leadership and expertise to a number of other organizations, including the United States Chamber of Commerce, American Bar Association, Virginia State Bar, Virginia Health Care Foundation, UVA Health Services Foundation, and the Thomas Jefferson Foundation, but he was best known for cofounding the Sorensen Institute for Political Leadership at UVA; and

WHEREAS, thanks to Leigh Middleditch's visionary leadership, the Sorensen Institute for Political Leadership has helped bridge political divides by training dozens of current and former members of the General Assembly and other state and national officials in the arts of negotiation and bipartisan cooperation; and

WHEREAS, Leigh Middleditch also established OneVirginia2021: Virginians for Fair Redistricting, which advocated for a state referendum on independent redistricting reform that passed with overwhelming public support; and

WHEREAS, Leigh Middleditch inspired others through his tireless work effort and humility and served communities throughout the Commonwealth with the utmost dedication and integrity; and

WHEREAS, Leigh Middleditch will be fondly remembered and greatly missed by his wife, Betty Lou; his children, Katherine, Leigh III, and Andrew, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Leigh B. Middleditch, Jr., an exemplar of good citizenship and servant leadership; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Leigh B. Middleditch, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 110

Commending the Richmond Ambulance Authority.

Agreed to by the Senate, March 3, 2022

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, on September 23, 2021, the Richmond Ambulance Authority celebrated its 30th anniversary of providing equitable, state-of-the-art ambulance services for emergency and non-emergency medical incidents to the Richmond community; and

WHEREAS, in 1990, the Richmond community faced a dire crisis in the delivery of emergency and non-emergency medical services because ambulance companies operating in the city at the time often put profits ahead of people, delivering poor-quality care and refusing to serve some city neighborhoods; and

WHEREAS, in 1991, the Virginia General Assembly authorized the creation of the Richmond Ambulance Authority to provide emergency and non-emergency medical services within the city; and

WHEREAS, the City of Richmond established the Richmond Ambulance Authority as a political subdivision and authorized it to deliver high-quality patient care throughout the city in an efficient, cost-effective manner; and

WHEREAS, the Richmond Ambulance Authority has earned a high reputation for excellence at the national and international levels, and it has been called upon to train and mentor other service providers around the globe; and

WHEREAS, the Richmond Ambulance Authority responds to more than 70,000 calls for service each year and transports nearly 50,000 patients; and

WHEREAS, the Richmond Ambulance Authority's average response time to a life-threatening emergency is under six minutes, and the organization consistently benchmarks its performance against national and international EMS agencies; and

WHEREAS, the Richmond Ambulance Authority is one of an elite few EMS agencies in the United States accredited by both the Commission on Accreditation of Ambulance Services and the International Academies of Emergency Dispatch; and

WHEREAS, the Richmond Ambulance Authority continues to participate in cutting-edge studies and clinical research to help advance protocols and standards for the overall improvement of patient outcomes; and

WHEREAS, over the course of the organization's 30-year history, the men and women of the Richmond Ambulance Authority have dedicated their time and talents and made numerous personal sacrifices to provide the highest quality service to Richmond residents; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Richmond Ambulance Authority on the occasion of its 30th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Richmond Ambulance Authority as an expression of the General Assembly's admiration for its decades of service to the Richmond community.

SENATE JOINT RESOLUTION NO. 111

Commending Kevin Roller.

Agreed to by the Senate, February 17, 2022

Agreed to by the House of Delegates, February 21, 2022

WHEREAS, Kevin Roller, head coach of the James Madison High School boys' basketball team, achieved his 200th career win as a coach in December 2021; and

WHEREAS, before joining the staff of James Madison High School, Kevin Roller was the head basketball coach at McLean High School, where he oversaw 82 wins, including a Liberty District championship victory; and

WHEREAS, Kevin Roller became the most winning coach in school history, and during the 2011-2012 season, he helped the McLean High School Highlanders achieve a single-season team record with 24 wins; and

WHEREAS, Kevin Roller accepted the head coaching job at James Madison High School in 2013 and has maintained his commitment to excellence, helping players thrive and develop both on and off the court; and

WHEREAS, Kevin Roller and the James Madison High School Warhawks notched his milestone 200th win at home against the West Springfield High School Spartans with a score of 64-61; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Kevin Roller on recording his 200th career win as a coach; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Kevin Roller as an expression of the General Assembly's admiration for his accomplishments.

SENATE JOINT RESOLUTION NO. 112

Commending the James Madison High School marching band.

Agreed to by the Senate, February 17, 2022
Agreed to by the House of Delegates, February 21, 2022

WHEREAS, the James Madison High School marching band of Vienna won its third consecutive Virginia Marching Band Cooperative state title in 2021; and

WHEREAS, the James Madison High School marching band faced talented bands from around the Commonwealth in the state tournament, held in Arthur L. Williams Stadium at Liberty University; and

WHEREAS, the James Madison High School marching band secured the Group 5 state championship in the preliminary competition, then earned the top overall state award, the Commonwealth Cup, with a score of 96.04; and

WHEREAS, the James Madison High School marching band's successful season is a tribute to the hard work and dedication of the student musicians, the leadership and guidance of their director and advisors, and the passionate support of the entire James Madison High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the James Madison High School marching band on winning the Virginia Marching Band Cooperative state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the James Madison High School marching band as an expression of the General Assembly's admiration for the band's achievements.

SENATE JOINT RESOLUTION NO. 113

Commending the James Madison High School baseball team.

Agreed to by the Senate, February 17, 2022
Agreed to by the House of Delegates, February 21, 2022

WHEREAS, in 2021, the James Madison High School baseball team earned its first state title since 2015 with a victory in the Virginia High School League Class 6 state championship; and

WHEREAS, the James Madison High School Warhawks defeated the previously unbeaten Colgan High School Sharks by a score of 2-1; and

WHEREAS, the James Madison Warhawks were dominant throughout the season, outscoring opponents by 185-43; and WHEREAS, five members of the James Madison Warhawks have committed to Division I schools, including Miguel Echazarreta, Ramsey Collins, Colin Tuft, Bryce Eldridge, and James Triantos; and

WHEREAS, James Triantos, who recorded 11 home runs and was struck out only twice in his senior season, was rated as one of the top prospects in the country, and signed by the Chicago Cubs in the Major League Baseball Amateur Draft; and

WHEREAS, the victorious season is a tribute to the skill and determination of all the student-athletes, the leadership and guidance of the coaches and staff, and the passionate support of the entire James Madison High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the James Madison High School baseball team hereby be commended on winning the Virginia High School League Class 6 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the James Madison High School baseball team as an expression of the General Assembly's admiration for the team's achievements.

SENATE JOINT RESOLUTION NO. 114

Commending the Oakton High School tennis program.

Agreed to by the Senate, February 17, 2022
Agreed to by the House of Delegates, February 21, 2022

WHEREAS, in 2021, the Oakton High School tennis program finished the season with district, region, and state championship titles for both the girls' and boys' teams; and

WHEREAS, both the Oakton High School girls' and boys' tennis teams had strong showings in the regular season, defeating their rivals in the Concorde District by comfortable margins, then secured Region 6D North titles; and

WHEREAS, the Oakton High School girls' tennis team defeated a talented team from Cosby High School by a score of 5-2 in the Virginia High School League (VHSL) Class 6 state final; and

WHEREAS, the Oakton High School boys' tennis team also defeated Cosby High School in the final, winning with a 5-0 shutout; and

WHEREAS, the state titles were the third for the Oakton High School girls' tennis team and the second for the boys' team; and

WHEREAS, the exceptional season is a tribute to the skill and hard work of all the student-athletes, the leadership and dedication of the coaches and staff, and the passionate support of the entire Oakton High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Oakton High School tennis program on winning girls' and boys' district, region, and state championships in 2021; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Mary Ellen Giuseppe and Betsy Tyskowski, head coaches of the Oakton High School tennis program, as an expression of the General Assembly's admiration for the teams' achievements and best wishes for the future.

SENATE JOINT RESOLUTION NO. 115

Commending David K. Paylor.

Agreed to by the Senate, February 17, 2022

Agreed to by the House of Delegates, February 21, 2022

WHEREAS, David K. Paylor retired as director of the Virginia Department of Environmental Quality in January 2022 after 45 years of service to the Commonwealth; and

WHEREAS, the Department of Environmental Quality (DEQ) is committed to conservation and protection of the Commonwealth's natural resources for future generations, and David Paylor dedicated his career, in multiple capacities, to finding solutions to environmental challenges and achieving measurable results; and

WHEREAS, David Paylor began his career in public service on June 1, 1976, serving in many roles protecting Virginia's natural resources, first as a field biologist, then as an aquatic ecologist, water resources manager, petroleum programs director, and director of operations for DEQ; and

WHEREAS, under David Paylor's leadership, Virginia's environment and the well-being of its citizens has improved substantially, and DEQ has followed the science and adhered to the law, earning national recognition for continuous improvement; and

WHEREAS, during David Paylor's tenure, air pollution in Virginia has decreased by more than 50 percent, and the number of high-ozone days has diminished by approximately 96 percent statewide; and

WHEREAS, David Paylor has also overseen a significant growth in the Commonwealth's recycling rate, and water quality has improved in 400 waterways, 29 square miles of estuaries, and nearly 2,000 miles of streams; and

WHEREAS, David Paylor helped ensure that more than 30,000 leaking petroleum tank sites and 4,000 acres of contaminated lands have been remediated and secured adequate water supplies by developing management plans throughout Virginia and leading communities toward sustainable groundwater use and slowing threats to the Commonwealth's aquifers; and

WHEREAS, a number of innovative programs have been established and bolstered under the leadership of David Paylor, including nutrient trading, biosolids, wastewater reclamation, brownfields assistance, clean water funding, employee recognition and training, Clean Communities and Clean School Bus programs, the Marine Debris Reduction Plan, and the establishment of a DEQ Environmental Justice Office; and

WHEREAS, David Paylor is respected by his peers in the Commonwealth and throughout the nation, serving as president of the Environmental Research Institute of the States and as former president of the Environmental Council of the States; and

WHEREAS, David Paylor is known to be an avid outdoorsman who enjoys camping, canoeing, and fishing, and he has inspired friends and colleagues through his professional commitment, thoughtfulness, and sincerity; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend David K. Paylor on the occasion of his retirement as director of the Virginia Department of Environmental Quality; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to David K. Paylor as an expression of the General Assembly's admiration for his faithful and meritorious service, exemplary career, and outstanding contributions to the enhancement and protection of Virginia's environment and natural resources in the Commonwealth.

SENATE JOINT RESOLUTION NO. 116

Celebrating the life of Stewart Woodruff Bentley, Sr.

Agreed to by the Senate, February 17, 2022

Agreed to by the House of Delegates, February 21, 2022

WHEREAS, Stewart Woodruff Bentley, Sr., an honorable veteran and beloved member of the Vienna and Charleston, South Carolina, communities, died on April 11, 2021; and

WHEREAS, Stewart "Woody" Bentley enlisted with the United States Army in 1958 and, after graduating from George Washington University, was commissioned in the United States Air Force; and

WHEREAS, Woody Bentley began his career with the United States Air Force as a missile officer before transferring to the United States Air Force Office of Special Investigations, a posting that would entail six years in Germany and one in Korea during the height of the Cold War; and

WHEREAS, Woody Bentley was actively involved in the community through his membership with the Rotary Club of Vienna, serving as its Rotary Foundation chairman and helping to organize the organization's ViVa! Vienna! event; and

WHEREAS, in recognition of his considerable efforts on behalf of the Rotary Club of Vienna, Woody Bentley was honored by Vienna Mayor, Laurie DiRocco, during an event at the Vienna Volunteer Fire Department on April 17, 2018; and

WHEREAS, with great concern for the health and well-being of young people, Woody Bentley also served as a scoutmaster with the Boy Scouts of America and coached soccer; and

WHEREAS, Woody Bentley was notably affiliated in his lifetime with the Bolling Family Association, with whom he served as president, and the Ancient Free and Accepted Masons, including its auxiliaries the National Sojourners and Heroes of '76; and

WHEREAS, guided throughout his life by his faith, Woody Bentley enjoyed worship and fellowship with his church community while serving in the vestry and participating in prison ministries; and

WHEREAS, Woody Bentley will be fondly remembered and dearly missed by his loving wife of 59 years, Claire; his children; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Stewart Woodruff Bentley, Sr., a distinguished veteran whose legacy of service is an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Stewart Woodruff Bentley, Sr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 117

Commending Robert L. Dandridge, Jr.

Agreed to by the Senate, February 17, 2022

Agreed to by the House of Delegates, February 21, 2022

WHEREAS, Robert L. Dandridge, Jr., the Norfolk State University legend who played 13 seasons in the National Basketball Association with the Milwaukee Bucks and the Washington Bullets, was inducted into the Naismith Memorial Basketball Hall of Fame in Springfield, Massachusetts, on September 11, 2021; and

WHEREAS, born and raised in Richmond, Robert "Bob" Dandridge learned the game of basketball on the courts of the former West End School and was a member of the Maggie L. Walker High School Class of 1965; and

WHEREAS, Bob Dandridge enjoyed one of the most storied basketball careers in Norfolk State University history, leading his team to a Central Intercollegiate Athletic Association championship title in 1968; his 32.3 points per game scoring average during the 1968-1969 season remains a school record; and

WHEREAS, selected by the Milwaukee Bucks in the 1969 National Basketball Association (NBA) draft, Bob Dandridge immediately made an impact on the team on both sides of the court, earning all-rookie first team honors; and

WHEREAS, Bob Dandridge was an integral part of the Milwaukee Bucks' championship run in the 1970-1971 season, averaging 18.4 points per game as the team notched a 66-16 record and went on to sweep the Baltimore Bullets in the NBA Finals; and

WHEREAS, Bob Dandridge joined the Washington Bullets in the 1977-1978 season and helped the team overcome years of playoff disappointment to win its first and only championship title in franchise history that same year; and

WHEREAS, beyond his two championship titles, Bob Dandridge's accomplishments after 13 years in the NBA included four All-Star Game appearances, eight playoff appearances, and an impressive career average of 18.5 points per game; and

WHEREAS, following his career in the NBA, Bob Dandridge admirably dedicated himself to helping young people grow and thrive; he was an assistant coach at Hampton University for several years and, after earning a degree in counseling, formed the Dandridge Group, a nonprofit organization with a mission to pass on life skills to at-risk youth in Norfolk; he is a 1992 inductee into the Virginia Sports Hall of Fame; and

WHEREAS, drawing from his experience as a player and a counselor, Bob Dandridge extended his legacy in the NBA in the 1990s by working to establish player development programs, such as the rookie transition program and the Top 100 High School Basketball Camp, which have since guided hundreds of young players through the early years of their careers; and

WHEREAS, by embodying the ideals of competitiveness, compassion, heroism, and humility throughout his life, Bob Dandridge has been an inspiration to countless citizens of the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Robert L. Dandridge, Jr., Virginia native and superstar of the National Basketball Association, on the occasion of his induction into the Naismith Memorial Basketball Hall of Fame; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Robert L. Dandridge, Jr., as an expression of the General Assembly's admiration for his accomplishments and contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 118

Celebrating the life of Anthony Eugene Hamilton.

Agreed to by the Senate, February 17, 2022

Agreed to by the House of Delegates, February 21, 2022

WHEREAS, Anthony Eugene Hamilton, an honorable veteran and beloved member of the Richmond community, died on January 26, 2022; and

WHEREAS, Anthony "Tony" Hamilton was born and raised in Staunton and graduated from the former Robert E. Lee High School, where he was a standout athlete in baseball, basketball, football, and track; and

WHEREAS, Tony Hamilton next attended the Virginia Military Institute from 1974 to 1979, during which time he ran track and played football, earned a bachelor's degree in economics, and became the first African American student body president in school history; and

WHEREAS, Tony Hamilton moved to Richmond following graduation, where he raised his family and built his career, ultimately retiring as a network operations consultant with MasterCard; and

WHEREAS, Tony Hamilton admirably dedicated 10 years in service to the country as a company commander with the United States Army Reserve; and

WHEREAS, guided by his faith, Tony Hamilton enjoyed worship and fellowship with his community at Cross Keys Baptist Church in Florissant, Missouri, where he served as a deacon; and

WHEREAS, preceded in death by his father, Alphonso, Tony Hamilton will be fondly remembered and dearly missed by his loving wife of 37 years, Cassandra; his children, Tory, Martin, Stephen, Joel, and Hope, and their families; his mother, Catherine; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Anthony Eugene Hamilton; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Anthony Eugene Hamilton as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 119

Commending Zachary Scott Hyman.

Agreed to by the Senate, February 17, 2022

Agreed to by the House of Delegates, February 21, 2022

WHEREAS, Zachary Scott Hyman, an esteemed officer with the Suffolk Police Department, was honored as "Top Cop" at the 21st Annual Greater Hampton Roads Regional Crime Lines, Inc., Top Cop Awards on November 20, 2021; and

WHEREAS, an officer with the Suffolk Police Department for nearly six years, Zachary Hyman was recognized for the prestigious award following the bravery he demonstrated on February 25, 2021; and

WHEREAS, on that evening, Zachary Hyman responded to an urgent call that a car had crashed on Portsmouth Boulevard in Suffolk and was partially submerged in water alongside the road; and

WHEREAS, when Zachary Hyman arrived at the scene, he discovered that the car was sinking into the water and that a young child and a woman remained inside; and

WHEREAS, Zachary Hyman quickly jumped into action and, with the help of his punch tool and two bystanders, managed to rescue the occupants just moments before their vehicle went completely underwater; and

WHEREAS, Zachary Hyman sustained several cuts and lacerations from the car's broken glass and needed to be treated for hypothermia as a result of his heroic efforts to save two lives; and

WHEREAS, by responding to a dire emergency resolutely and without concern for himself, Zachary Hyman embodied the highest ideals of an officer's oath to protect and serve the community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Zachary Scott Hyman for being named Top Cop of the Greater Hampton Roads region; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Zachary Scott Hyman as an expression of the General Assembly's admiration for his extraordinary service and courage in the face of danger.

SENATE JOINT RESOLUTION NO. 120

Commending The Cheese Shop.

Agreed to by the Senate, February 24, 2022

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, The Cheese Shop, a renowned purveyor of fine wines, cheeses, and sandwiches in Williamsburg, celebrated its 50th anniversary in 2021; and

WHEREAS, founded by Thomas Power in 1971, the first iteration of The Cheese Shop opened in Warwick Shopping Center in Newport News, followed two years later by a second establishment on Prince George Street in Williamsburg; and

WHEREAS, located in Colonial Williamsburg's Merchants Square since 2003, The Cheese Shop has long delighted locals, college students, and tourists who flock to the eatery for its world-class sandwiches and famous original house dressing; and

WHEREAS, known as a reliable source for rare wines, cheeses, and other specialty items, The Cheese Shop has helped lead a culinary renaissance in Williamsburg over its half-century in business; and

WHEREAS, the Power family's ventures have also included the restaurants The Trellis Bar and Grill and Fat Canary in Williamsburg, which have only added to the reputation and prestige of The Cheese Shop; and

WHEREAS, with a steadfast commitment to giving back to the community who supported him, The Cheese Shop's founder, Thomas Power, was active in various local causes and organizations over his lifetime, including the Williamsburg Farmers Market, which he helped establish, and TowneBank Williamsburg, for which he served on the board of directors; and

WHEREAS, The Cheese Shop has provided employment to hundreds of individuals over the years, many of whom were students at The College of William and Mary at one time; to recognize their years of community service and connection to the institution, Thomas Power and his wife, Mary Ellen, were recipients of the university's Prentis Award in 2017; and

WHEREAS, by cultivating a uniquely satisfying dining and shopping experience, The Cheese Shop has become an iconic destination in Williamsburg and will remain lovingly adored by patrons both near and far for many years to come; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend The Cheese Shop on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Power family, owners of The Cheese Shop, as an expression of the General Assembly's admiration for the establishment's contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 121

Celebrating the life of Joseph Will Rogers.

Agreed to by the Senate, February 17, 2022

Agreed to by the House of Delegates, February 21, 2022

WHEREAS, Joseph Will Rogers, an accomplished accountant and beloved member of the Woodbridge community, died on June 3, 2021; and

WHEREAS, Will Rogers graduated from Catonsville High School in Baltimore County, Maryland, before earning a bachelor's degree in accounting from the Baltimore College of Commerce; and

WHEREAS, Will Rogers enjoyed a long and distinguished career as an accountant and controller, tending to the financial matters of his clients with great probity and professionalism; and

WHEREAS, an avid sports fan, Will Rogers was active late into his life in many local softball leagues, first in Alexandria and later in Prince William County; and

WHEREAS, in recognition of his extraordinary involvement over the years, Will Rogers was inducted into the Prince William County Softball Hall of Fame in 2009; and

WHEREAS, Will Rogers' other favorite pastimes in life included traveling, spending time with his family, and taking long walks on the beach; and

WHEREAS, Will Rogers will be fondly remembered and dearly missed by his loving wife, Jane; his children, Michael, Scott, Julie, Tracey, Edward, and Jeremy, and their families; and numerous other family members and friends; now therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Joseph Will Rogers, whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Joseph Will Rogers as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 122

Commending Laura Goldzung.

Agreed to by the Senate, February 17, 2022

Agreed to by the House of Delegates, February 21, 2022

WHEREAS, Laura Goldzung of Bristow, the former principal of Baldwin Elementary School in Manassas, received the 2021-2022 National Administrator of the Year award from Project Lead the Way for her commitment to excellence in education; and

WHEREAS, Project Lead the Way, a national nonprofit organization that strives to transform the education system through innovative programs, selected Laura Goldzung from a pool of talented school administrators around the country in recognition of her work to deliver an inspiring and empowering student experience; and

WHEREAS, before joining Baldwin Elementary School in 2016, Laura Goldzung worked in Northern Virginia as an instructional assistant, a literacy tutor, a special education teacher, and a school-based administrator; and

WHEREAS, as principal, Laura Goldzung supported interdisciplinary instruction and unique assessment methods; she implemented Project Lead the Way Launch modules to help students stay better engaged in the learning process and build the skills and knowledge to meet the challenges of the future; and

WHEREAS, in 2021, Laura Goldzung accepted a position with Manassas City Public Schools as director for accountability and assessment and will continue to provide her leadership and expertise to the school district as a whole; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Laura Goldzung on her selection as Project Lead the Way's 2021-2022 National Administrator of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Laura Goldzung as an expression of the General Assembly's admiration for her achievements in service to young people in Manassas.

SENATE JOINT RESOLUTION NO. 123

Celebrating the life of Nicole DeMasters Bendily.

Agreed to by the Senate, February 17, 2022

Agreed to by the House of Delegates, February 21, 2022

WHEREAS, Nicole DeMasters Bendily, an esteemed law-enforcement officer who admirably served the citizens of Virginia Beach as a lieutenant with the Virginia Beach Sheriff's Office, died on October 18, 2021; and

WHEREAS, a native of Norfolk, Nicole Bendily graduated from First Colonial High School in Virginia Beach before earning a bachelor's degree in business administration from Columbia Southern University; and

WHEREAS, Nicole Bendily joined the Virginia Beach Sheriff's Office on July 1, 2002, and rose to the rank of lieutenant over her distinguished, 19-year career with the agency; and

WHEREAS, Nicole Bendily masterfully supported the operations of several divisions within the Virginia Beach Sheriff's Office during her career, including correctional operations, intake and release, the professional standards office, and ultimately the medical division; and

WHEREAS, dedicated to fostering the development of young officers, Nicole Bendily was an instructor certified by the Virginia Department of Criminal Justice Services who taught ethics and other topics to recruits at academies in the Commonwealth; and

WHEREAS, Nicole Bendily played an instrumental role in the formation of the Virginia Beach Sheriff's Office's criminal intelligence unit and helped to investigate and prosecute the first Racketeer Influenced and Corrupt Organizations Act case in Virginia Beach; and

WHEREAS, committed to the well-being of the community she served, Nicole Bendily was a driving force behind the Virginia Beach Sheriff's Office's involvement with Special Olympics Virginia and other noteworthy causes; and

WHEREAS, a devoted wife and mother, Nicole Bendily's daughters, MacKenzie and Samantha, were the center of her world and her daily inspiration for serving and protecting others to the utmost of her ability; and

WHEREAS, Nicole Bendily will be fondly remembered and dearly missed by her loving husband of 27 years, Jesse; her children, MacKenzie and Samantha; her father, Gene; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Nicole DeMasters Bendily, a respected law-enforcement officer and beloved member of the Virginia Beach community whose unbounded kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Nicole DeMasters Bendily as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 124

Celebrating the life of Carol Ann Myskowski.

Agreed to by the Senate, February 24, 2022

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, Carol Ann Myskowski, an accomplished nurse and an active and beloved member of the Woodbridge community, died on February 20, 2021; and

WHEREAS, Carol Myskowski graduated from DePaul Catholic High School in Wayne, New Jersey, in 1962 before entering the Congregation of the Sisters of St. Joseph of Newark as Sister Sharon; and

WHEREAS, Carol Myskowski then studied at the Seton Hall University College of Nursing, became a registered nurse in 1969, and chose to return to secular life when her vows expired a year later; and

WHEREAS, Carol Myskowski worked at New Milford Hospital in Connecticut for some years and lived briefly in Pennsylvania before settling for the remainder of her life in Woodbridge, where she would dedicate many years to raising and caring for her children; and

WHEREAS, after her children were grown, Carol Myskowski recertified as a registered nurse and worked in the oncology department at the former Potomac Hospital in Woodbridge, concluding her career with the successful establishment of the hospital's case management program; and

WHEREAS, guided by her faith, Carol Myskowski and her husband, Emil, were founding members of St. Elizabeth Ann Seton Catholic Church in Lake Ridge, where they provided musical accompaniment to the noon mass for many years; and

WHEREAS, Carol Myskowski's devotion to her faith and serving others also manifested itself through her support of her husband Emil's ministry, her work as the St. Elizabeth Ann Seton Catholic Church's parish secretary, and her music classes at St. Thomas Aquinas Regional School in Woodbridge; and

WHEREAS, Carol Myskowski will be fondly remembered and dearly missed by her loving husband of nearly 50 years, Emil; her children, Christine, Sharon, and Matthew, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Carol Ann Myskowski, a cherished member of the Woodbridge community whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Carol Ann Myskowski as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 125

Celebrating the life of Fred Ellsworth Eberly.

Agreed to by the Senate, February 24, 2022

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, Fred Ellsworth Eberly, an accomplished business executive, esteemed public servant, and beloved member of the Harrisonburg community, died on July 8, 2021; and

WHEREAS, a native of Rockingham County, Fred Eberly graduated from Turner Ashby High School in Bridgewater in 1963 and earned a degree from what is now Eastern Mennonite University in 1969; and

WHEREAS, after graduation, Fred Eberly fulfilled his alternative service requirement in Boston working as director of the pulmonary research laboratory at Harvard University's Peter Bent Brigham Hospital and at Tufts New England Medical Center; he also completed graduate studies at Northeastern University at this time; and

WHEREAS, Fred Eberly later returned to his home in the Shenandoah Valley when he took a position as director of the respiratory and pulmonary department at the former Rockbridge Memorial Hospital; and

WHEREAS, Fred Eberly subsequently joined Excel Steel Works, Inc., in Harrisonburg as a partner and general manager, guiding the company's work in heating, ventilation, and air conditioning for 31 years; and

WHEREAS, deeply committed to the well-being of his community, Fred Eberly was a member of local chapters of both Rotary International and Ruritan National and served on the boards of various organizations, including the Rockingham County School Board, the Virginia School Boards Association, and WVPT public radio; and

WHEREAS, Fred Eberly wholeheartedly embraced the opportunity to represent his community when he was elected to the Rockingham County Board of Supervisors in 2007, serving his constituents with great honor and integrity until he stepped down in 2018; and

WHEREAS, guided throughout his life by his faith, Fred Eberly enjoyed worship and fellowship with his community at Lindale Mennonite Church in Linville, serving the church in various capacities over the years; and

WHEREAS, Fred Eberly will be fondly remembered and dearly missed by his loving wife, Karen; his daughter, Melissa; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Fred Ellsworth Eberly, a cherished member of the Harrisonburg community whose kind and good-natured disposition was a comfort and inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Fred Ellsworth Eberly as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 126

Celebrating the life of Gloria Ann Smith Stickley.

Agreed to by the Senate, February 24, 2022

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, Gloria Ann Smith Stickley, an accomplished public historian and author and a beloved member of the Strasburg community, died on September 2, 2021; and

WHEREAS, a native of Strasburg, Gloria Stickley graduated from Strasburg High School, Lord Fairfax Community College, and what is now Shepherd University; and

WHEREAS, Gloria Stickley admirably served the children of Shenandoah County for many years as a library media specialist at Toms Brook Elementary School and later at Strasburg High School, during which time she oversaw the transition from card catalogs to computers; and

WHEREAS, for her efforts with Shenandoah County Public Schools, Gloria Stickley was named Regional Media Specialist of the Year by the former Virginia Educational Media Association in 1999 and honorary member of the Strasburg High School chapter of Future Farmers of America; she was also recognized by the mayor of the Town of Strasburg for her dedicated professional service to education; and

WHEREAS, Gloria Stickley's legacy in Strasburg includes the many contributions she made to the study and presentation of the town's local history, as the energy and enthusiasm she brought to her work compelled many to reflect more deeply on the area's past; and

WHEREAS, Gloria Stickley served as president of the Strasburg Museum from 2008 to 2020, curating several exhibitions about the town's history and earning "Best Community Volunteer" honors in a poll organized by the *Northern Virginia Daily* newspaper in 2021; and

WHEREAS, Gloria Stickley's pursuits as a local historian also led to several publications; she authored *Reflections: Early Schools of Shenandoah County, Virginia* with the Shenandoah County Historical Society; *Strasburg, Virginia, and Its Neighbors: Our History in Post Cards*, which won the 2015 Excellence in Preservation Award from the Shenandoah County Historical Society; and *Legacy: A History of St. Paul Lutheran Church, Strasburg, Virginia, 1700s-2000* with the Reverend William H. Hall; and

WHEREAS, Gloria Stickley was an active and engaged member of the community who served as president of the United Daughters of the Confederacy and was a member of the Strasburg Heritage Association; and

WHEREAS, Gloria Stickley was guided throughout her life by her faith and enjoyed worship and fellowship with her community at St. Paul's Lutheran Church in Strasburg for many years; and

WHEREAS, Gloria Stickley will be fondly remembered and dearly missed by her loving husband of 61 years, Ralph; her children, Mark and Ralph, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Gloria Ann Smith Stickley, a cherished member of the Strasburg community whose passion for local history inspired all who knew her; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Gloria Ann Smith Stickley as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 127

Celebrating the life of Carlyle Whitelaw.

Agreed to by the Senate, February 24, 2022

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, Carlyle Whitelaw, an esteemed educator, honorable veteran, accomplished coach, and a prominent and beloved member of the Bridgewater community, died on October 15, 2021; and

WHEREAS, Carlyle Whitelaw graduated from the former St. Emma's Military Academy in Richmond and served his country with honor and valor as a member of the United States Army; and

WHEREAS, Carlyle Whitelaw graduated from Bridgewater College, where he broke down color barriers both as a student and an athlete while lettering in football, basketball, and track; and

WHEREAS, Carlyle Whitelaw then worked as an educator with Staunton Public Schools for a decade before earning a master's degree in education from the University of Virginia and returning to his alma mater, Bridgewater College, in 1969, where he would teach and coach for the next 28 years; and

WHEREAS, Carlyle Whitelaw mentored countless young people at Bridgewater College over the years as a member of the physical education faculty, supervisor of student teaching, and coach of the football, basketball, and tennis teams; and

WHEREAS, as a result of his dedication to his students and athletes, Carlyle Whitelaw was recognized as the Old Dominion Athletic Conference Coach of the Year for tennis in 1979 and was inducted into the Bridgewater College Athletic Hall of Fame in 2001; and

WHEREAS, active and engaged with his community, Carlyle Whitelow was a longtime member of the Bridgewater Rotary Club and gave generously of his time on the boards of the North River Library and local chapters of the Salvation Army and the American Red Cross; and

WHEREAS, Carlyle Whitelow was cherished for his prolific correspondence with family and friends, for regularly visiting individuals in the hospital or nursing homes, and for reliably greeting motorists and pedestrians in the mornings along Main Street in Bridgewater; and

WHEREAS, as a testament to Carlyle Whitelow's outsized presence in the Bridgewater community, the Town of Bridgewater named Whitelow Park in his honor in 2018; he was also a previous recipient of the Bridgewater Rotary Club's Citizen of the Year honor; and

WHEREAS, guided throughout his life by his faith, Carlyle Whitelow enjoyed worship and fellowship with his community at John Wesley United Methodist Church in Harrisonburg; and

WHEREAS, Carlyle Whitelow will be fondly remembered and dearly missed by his nephews, Carter and Taylor, and their families; and by numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Carlyle Whitelow, a pillar of the Bridgewater community whose positive and joyful nature brightened countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Carlyle Whitelow as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 128

Celebrating the life of Michael Eugene Ruckman, Jr.

Agreed to by the Senate, February 24, 2022

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, Michael Eugene Ruckman, Jr., an esteemed educator with Harrisonburg Public Schools and a beloved member of the Bridgewater community, died on November 2, 2021; and

WHEREAS, Michael Ruckman graduated from Fort Defiance High School, where he won the Virginia High School League Valley District individual championship in golf twice and received Athlete of the Year honors in 1986; and

WHEREAS, Michael Ruckman earned a degree from James Madison University in 1991 and remained an avid fan of the university's sports programs throughout his life; and

WHEREAS, Michael Ruckman served Harrisonburg Public Schools by teaching physical education at Waterman Elementary School for 29 years, contributing in meaningful ways to the growth and development of an untold number of young people; and

WHEREAS, Michael Ruckman's commitment to area youth also manifested itself through his efforts as a high school basketball referee and as coach of the Harrisonburg High School golf team, which he led to three regional titles and a state championship over his 25-year tenure; and

WHEREAS, in recognition of his past accomplishments and years of service, Michael Ruckman was inducted into the Harrisonburg High School Hall of Fame in 2019; and

WHEREAS, Michael Ruckman was guided throughout his life by his faith and enjoyed worship and fellowship with his community at Mill Creek Church of the Brethren in Port Republic for many years; and

WHEREAS, Michael Ruckman will be fondly remembered and dearly missed by his daughter, Amanda, and her family; his parents, Michael, Sr., and Rebecca; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Michael Eugene Ruckman, Jr., a cherished member of the Bridgewater and Harrisonburg communities whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Michael Eugene Ruckman, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 129

Commending Joe Simmons.

Agreed to by the Senate, February 24, 2022

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, Joe Simmons, an experienced and highly dedicated law-enforcement officer, retired as chief of the Bridgewater Police Department in September 2021; and

WHEREAS, after considering becoming a firefighter, Joe Simmons joined the Rockingham County Sheriff's Office in 1989 as a part-time dispatcher; he later began working at the regional jail, then was promoted to road deputy in 1991; and

WHEREAS, Joe Simmons joined the Rockingham County Sheriff's Office SWAT Team in 1996, and the following year, he began working with the RUSH Drug Task Force, a coalition of local, state, and federal law-enforcement agencies addressing crimes related to illegal drugs; and

WHEREAS, Joe Simmons transferred to the Bridgewater Police Department as a patrol officer in 1998 and worked his way up the ranks to become chief of the department in 2011; and

WHEREAS, placing a high emphasis on the importance of community policing, Joe Simmons cultivated strong relationships based on trust and mutual respect between his officers and members of the public; and

WHEREAS, as chief for more than 10 years, Joe Simmons worked diligently to ensure that his officers had the best possible tools and training with which to serve and protect local residents and helped Bridgewater achieve one of the lowest crime rates in the Commonwealth; and

WHEREAS, after his well-earned retirement, Joe Simmons plans to spend more time with family and friends, as well as seek new opportunities to serve the community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Joe Simmons on the occasion of his retirement as chief of the Bridgewater Police Department; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Joe Simmons as an expression of the General Assembly's admiration for his contributions to the Bridgewater community.

SENATE JOINT RESOLUTION NO. 130

Commending the Boys & Girls Clubs of Harrisonburg & Rockingham County.

Agreed to by the Senate, February 24, 2022

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, the Boys & Girls Clubs of Harrisonburg & Rockingham County, which provide comprehensive and effective services to young people in the Harrisonburg and Rockingham County communities, celebrated its 25th anniversary on December 21, 2021; and

WHEREAS, the Boys & Girls Clubs of Harrisonburg & Rockingham County are focused on enabling young people to reach their full potential as productive, caring, responsible citizens through programs dedicated to academic success, healthy lifestyles, good character, and citizenship; and

WHEREAS, recognizing that the young people of Harrisonburg and Rockingham County are tomorrow's leaders, the Boys & Girls Clubs of Harrisonburg & Rockingham County provide youth development services to more than 900 young people ages five through 18 annually; and

WHEREAS, the Boys & Girls Clubs of Harrisonburg & Rockingham County help to ensure young people have a safe, inclusive, and supportive environment to go where they can find mentorship and assistance from caring adult advisors; and

WHEREAS, the Boys & Girls Clubs of Harrisonburg & Rockingham County provide vital academic support to the community's schools and fostered the well-being of our youth and families during the COVID-19 pandemic; and

WHEREAS, the Boys & Girls Clubs of Harrisonburg & Rockingham County are celebrating 25 years of providing essential after-school programs and services to thousands of young people and their families during its quarter-century of service; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Boys & Girls Clubs of Harrisonburg & Rockingham County on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Boys & Girls Clubs of Harrisonburg & Rockingham County as an expression of the General Assembly's admiration for the organization's contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 131

Celebrating the life of J. Kenneth Klinge.

Agreed to by the Senate, February 24, 2022

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, J. Kenneth Klinge, an esteemed political consultant, influential transportation expert, and beloved member of the Basye community, died on October 27, 2021; and

WHEREAS, Kenneth "Kenny" Klinge was executive director of the Republican Party of Virginia during its rise in the 1970s and helped to secure electoral victories for Governors Mills Godwin and John Dalton; he also later played a major role in the successful campaigns of Governors George Allen and James Gilmore, as well as United States Representative Thomas Davis; and

WHEREAS, on the national level, Kenny Klinge held leadership positions in President Ronald Reagan's campaigns for the 1976, 1980, and 1984 elections and was the national political director for the National Republican Congressional Committee during the 1988 election cycle; and

WHEREAS, Kenny Klinge served as special assistant and deputy assistant secretary to two Secretaries of Transportation during President Ronald Reagan's administration and went on to lead various transportation entities in the Washington, D.C., metropolitan area before retiring in the early 2000s; and

WHEREAS, Kenny Klinge's illustrious career was marked by several major accomplishments, including the expansion of Ronald Reagan Washington National Airport while he was serving on the Board of Directors of the Metropolitan Washington Airports Authority and the extension of the Washington Metro out to the Dulles Corridor in Northern Virginia during his tenure as chairman of the Dulles Corridor Task Force; and

WHEREAS, Kenny Klinge was a regular at Bryce Resort in Basye, where he enjoyed playing golf, and was known for his exceptional ability to entertain family and friends with stories from his travels and experiences; and

WHEREAS, Kenny Klinge will be fondly remembered and dearly missed by his loving wife of 44 years, Jean; his children, Michael, John, and Kendra, and their families; and by numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of J. Kenneth Klinge, an accomplished political consultant whose contributions to the Commonwealth impacted countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of J. Kenneth Klinge as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 132

Celebrating the life of the Honorable Richard Allen Claybrook, Jr.

Agreed to by the Senate, February 24, 2022

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, the Honorable Richard Allen Claybrook, Jr., an accomplished attorney who later served as a judge on the 26th General District Court, died on November 16, 2021; and

WHEREAS, Richard "Rick" Claybrook graduated from Bridgewater College in 1974 with a bachelor's degree in art history before earning his juris doctor degree from the University of Richmond's T.C. Williams School of Law three years later; and

WHEREAS, Rick Claybrook began his illustrious career in politics, supporting the campaign of Governor John Dalton and later serving in his administration; and

WHEREAS, Rick Claybrook subsequently settled in Harrisonburg and established his legal career, working alternately in private practice and with the office of the Commonwealth's Attorney, both as Assistant Commonwealth's Attorney and Deputy Commonwealth's Attorney; and

WHEREAS, Rick Claybrook was sworn in as a judge on the 26th General District Court in 2009 and served with a great sense of duty and purpose until his retirement in 2015, then five years after as a substitute judge; and

WHEREAS, with experience as both a prosecutor and a defense attorney, Rick Claybrook was fair and impartial on the bench, while also receiving credit for his efforts to make the court system more accessible to the public; and

WHEREAS, Rick Claybrook was active and engaged in his community and gave generously of his time as a member of the Bridgewater Ruritan Club; and

WHEREAS, guided throughout his life by his faith, Rick Claybrook enjoyed worship and fellowship with his community at Asbury United Methodist Church in Harrisonburg for many years; and

WHEREAS, Rick Claybrook will be fondly remembered and dearly missed by his mother, Elizabeth; his sister, Helen; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Richard Allen Claybrook, Jr., whose service on behalf of the citizens of Harrisonburg and Rockingham County touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Richard Allen Claybrook, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 133

Celebrating the life of Warren Ballinger French, Jr.

Agreed to by the Senate, February 24, 2022

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Warren Ballinger French, Jr., an active leader of the Shenandoah community whose outsized life touched many corners of the Commonwealth, died on November 4, 2021; and

WHEREAS, the oldest of 10 children, Warren French was a graduate of Woodstock High School, Massanutten Military Academy, and The University of Virginia, where he earned a degree in electrical engineering; and

WHEREAS, already a student with the V-12 Navy College Training Program when the United States entered World War II, Warren French received accelerated training, left college, and went on to serve in the United States Navy's Pacific campaign as the executive officer of two Landing Craft Infantry assault ships and as captain of another; and

WHEREAS, following his service and the completion of his degree at The University of Virginia in 1947, Warren French worked as an engineer with AT&T Long Lines, first in Washington, D.C., and later in New York City; and

WHEREAS, feeling the pull of his beloved Shenandoah Valley, Warren French left AT&T in 1954 to become the general manager of the Farmers Mutual Telephone System of Shenandoah County; and

WHEREAS, from 1973 to his retirement in 1988, Warren French served as president of the Farmers Mutual Telephone System and its successors, the Shenandoah Telephone Company and later the Shenandoah Telecommunications Company, growing the company five-fold during his tenure; and

WHEREAS, Warren French was dedicated to fostering the independent phone industry and was highly involved with several industry associations on both the state and national level; in recognition of his efforts, he received the Organization for the Protection and Advancement of Small Telephone Companies' President's Award in 1988 and was inducted into the Independent Telecommunications Pioneer Association Hall of Fame in 1993; and

WHEREAS, Warren French was active in politics throughout his life, serving as chairman of the Republican Party of Virginia from 1970 to 1972 and supporting various politicians and campaigns over the years; and

WHEREAS, in recognition of his capable leadership, Warren French received two gubernatorial appointments to The University of Virginia Board of Visitors, and he also served on the boards of Shenandoah Memorial Hospital and Blue Cross & Blue Shield of Virginia; and

WHEREAS, Warren French gave generously of his time with the Woodstock Rotary Club, where he served as president and was a Paul Harris fellow, and as president of the Shenandoah Area Council of the Boy Scouts of America; he was also instrumental to the founding of the Shenandoah County Library and the Shenandoah Community Foundation; and

WHEREAS, guided throughout his life by his faith, Warren French enjoyed worship and fellowship with his community at Woodstock United Methodist Church, where he was a trustee and chairman of the administrative board; and

WHEREAS, preceded in death by his loving wife, Patricia, and his son, Warren III, Warren French will be fondly remembered and dearly missed by his children, Anne, Cynthia, and Christopher, and their families; and by numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Warren Ballinger French, Jr., whose many contributions to the Shenandoah Valley community and the Commonwealth touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Warren Ballinger French, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 134

Designating April, in 2022 and in each succeeding year, as Scots-Irish Heritage Month in Virginia.

Agreed to by the Senate, March 2, 2022

Agreed to by the House of Delegates, March 9, 2022

WHEREAS, Scots-Irish generally refers to Scottish immigrants who settled in the Ulster area of Northern Ireland and later migrated to North America, where they contributed to the foundation of the United States and have made a lasting impact on American culture; and

WHEREAS, many Scottish and Scots-Irish people traveled to the American Colonies in search of greater religious liberty, while others arrived in the colonies as indentured servants working to gain their freedom; and

WHEREAS, driven by their pursuit of liberty and sense of adventure, many Scots-Irish immigrants struck out for the frontier, and Scots-Irish culture grew deep roots throughout Appalachia; and

WHEREAS, Scots-Irish people have long played a role in American government, with nine of the original governors of the Thirteen American Colonies claiming Scottish or Scots-Irish heritage; and

WHEREAS, the Declaration of Arbroath, in which Scotland declared its independence from England, was a precursor of the Declaration of Independence, almost half of the signers of which were Scottish or Scots-Irish; and

WHEREAS, Scots-Irish immigrants played a vital role in the growth of early American industry, and Scots-Irish people have since made incredible contributions to business, education, the arts, medicine, government, and the military in the United States; and

WHEREAS, it is estimated that more than 27 million Americans can trace their ancestry to Scotland and Northern Ireland; and

WHEREAS, many present-day Scottish Highland games and festivals take place throughout the United States, and Scots-Irish Heritage Month provides an opportunity for all Virginians to celebrate Scottish and Scots-Irish culture while learning about the history, heritage, and contributions of the Scots-Irish people; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly designate April, in 2022 and in each succeeding year, as Scots-Irish Heritage Month in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to representatives of the Scots-Irish community so that they may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it RESOLVED FINALLY, That the Clerk of the Senate post the designation of this month on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 135

Celebrating the life of Floyd D. Gottwald.

Agreed to by the Senate, February 24, 2022

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, Floyd D. Gottwald, an esteemed business executive and philanthropist, honorable veteran, and beloved member of the Richmond community, died on January 27, 2022; and

WHEREAS, known among friends and family as "Bill," Floyd Gottwald graduated from John Marshall High School in Richmond before earning a bachelor's degree in chemistry from the Virginia Military Institute in 1943; and

WHEREAS, Floyd Gottwald courageously served his country with the United States Army during World War II; as a result of his heroic service as a lieutenant in the China-Burma-India theatre, he was awarded both a Purple Heart and the Bronze Star Medal with a "V" for valor; and

WHEREAS, Floyd Gottwald joined the Albemarle Paper Manufacturing Company as a chemist in 1943 and quickly rose through the ranks of production manager, corporate secretary, vice president, and president; and

WHEREAS, after helping Albemarle Paper Manufacturing Company negotiate its noteworthy acquisition of the Ethyl Corporation in 1962, Floyd Gottwald served as vice president of Ethyl Corporation and as vice chairman of its board in the 1960s before ultimately serving as chief executive officer from 1970 to 1992; and

WHEREAS, when Ethyl Corporation spun off its specialty chemical business as Albemarle Corporation in 1994, Floyd Gottwald assumed the positions of chairman and chief executive officer, fulfilling the responsibilities of each until 2001 and 2002, respectively; he was then elected chairman emeritus of the company in 2007; and

WHEREAS, Floyd Gottwald's leadership in business also included serving as a director of Ethyl Corporation, Tredegar Corporation, the American Petroleum Institute, CSX Corporation, First Colony Life Insurance Company, the Council for Financial Aid to Education, the National Association of Manufacturers, and the Federal Reserve Bank of Richmond, while he was a member of The Conference Board and the Virginia Business Council; and

WHEREAS, Floyd Gottwald was active in the community and gave generously of his time and talents as president of the Virginia Museum of Fine Arts and the VMI Foundation, as trustee of the University of Richmond and a member of the Board of Visitors of The College of William and Mary, and as a trustee and advisory council member of the George C. Marshall Foundation; and

WHEREAS, Floyd Gottwald was the recipient of a plethora of accolades in his lifetime, including the Medallion Award from The College of William and Mary; the Distinguished Service Award from the VMI Foundation; honorary degrees from the University of Richmond, Virginia Commonwealth University, Virginia Union University, and The College of William and Mary; and the Outstanding Virginian Award, the Commonwealth's highest honor; and

WHEREAS, an avid hunter and fisherman who notably won the 1976 Masters Angling Tournament, Floyd Gottwald cultivated his passion for the outdoors as an early member of the Virginia Anglers Club in Richmond and as a trustee emeritus of the International Game Fish Association; and

WHEREAS, preceded in death by his first wife, Elisabeth, Floyd Gottwald will be fondly remembered and dearly missed by his wife of 17 years, Helga; his children, William, James, and John, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Floyd D. Gottwald, a respected business leader and philanthropist of the Richmond community whose vision and dedication left a profound and lasting legacy; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Floyd D. Gottwald as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 136

Commending Glenn DuBois, Ph.D.

Agreed to by the Senate, February 24, 2022

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, Glenn DuBois, Ph.D., esteemed chancellor of the Virginia Community College System who has greatly supported the dreams and aspirations of thousands of young people throughout his distinguished career, will retire on June 30, 2022; and

WHEREAS, Glenn DuBois learned first-hand as a student that community colleges help people earn the right skills and knowledge so that lives and communities are strengthened, and he dedicated his entire professional career to advancing that

mission, becoming the longest-serving chancellor in the history of the Virginia Community College System (VCCS) after assuming the role on July 1, 2001; and

WHEREAS, throughout Glenn DuBois's tenure, more than half a million Virginians have earned an associate degree, certificate, or postsecondary credential at a Virginia community college, while the number of African American students who have graduated annually from the Commonwealth's community colleges has doubled, the number of Asian graduates has tripled, and the number of Latino graduates has increased by a factor of eight; and

WHEREAS, under Glenn DuBois's leadership, no fewer than 250,000 students have transferred from a Virginia community college to a public or private university in the Commonwealth, with more than two-thirds of them completing a baccalaureate degree; and

WHEREAS, many of those successful college transfers were made possible through two significant innovations created during the tenure of Glenn DuBois, the guaranteed articulation agreements created and held with more than three dozen senior universities and the Commonwealth's Two-Year College Transfer Grant Program; and

WHEREAS, Glenn DuBois, mindful of the financial challenges his own community college pursuit posed to his family, championed affordability throughout his tenure, maintaining a community college tuition and fees rate at one-third of the comparable charges at senior public institutions, and managed to avoid tuition increases no fewer than four times in his tenure; and

WHEREAS, Glenn DuBois worked with the General Assembly and seven different gubernatorial administrations to make Virginia's community colleges the Commonwealth's leading provider of workforce development services through innovations like the New Virginia Economy Workforce Credential Grant Program (FastForward) and the G3 initiative; and

WHEREAS, Glenn DuBois's tenure as chancellor involved unprecedented innovations and efficiency-focused changes such as career coaches and the Virginia Education Wizard to facilitate career and college planning for middle and high school students, the Great Expectations program to serve students who have experienced foster care, an updated evaluation system co-created with faculty leaders focused on instructor development and growth, and a VCCS Shared Services Center to modernize business operations and enhance procedural compliance; and

WHEREAS, Glenn DuBois is a founding member of Rebuilding America's Middle Class, a coalition of state and individual community college systems from across the country whose advocacy is informed by the belief that community colleges are one of America's primary solutions to building a strong, more competitive workforce and therefore, a strong middle class; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Glenn DuBois, Ph.D., for his many accomplishments and well-earned honors on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Glenn DuBois, Ph.D., as an expression of the General Assembly's congratulations and best wishes.

SENATE JOINT RESOLUTION NO. 137

Celebrating the life of the Honorable Helen Marie Taylor.

Agreed to by the Senate, February 24, 2022

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, the Honorable Helen Marie Taylor, a longtime resident of Richmond and Orange, a talented actress, a passionate advocate for historic preservation, and former representative of the United States at the United Nations, died on January 25, 2022; and

WHEREAS, a native of Waco, Texas, Helen Taylor graduated from Baylor University and the Royal Academy of Dramatic Art in London, England; and

WHEREAS, during World War II, Helen Taylor served as the entertainment director for the Seventh United States Army and, upon returning to the United States, pursued a career in the performing arts, appearing in numerous Shakespearean plays including an award-winning performance as Ophelia in "Hamlet"; and

WHEREAS, Helen Taylor also taught Shakespeare at the American Academy of Dramatic Arts and was the founder of theatre companies throughout the country, as well as a member of the Association of Producing Artists in New York; and

WHEREAS, for more than 50 years, Helen Taylor lived on Monument Avenue in Richmond, and in 1968, she famously stood in front of paving machines attempting to lay asphalt over the original cobblestones; as a result, the city abandoned the project and the historic street designs were preserved for years to come; and

WHEREAS, Helen Taylor also spent time at her family home, Bloomsbury, in Orange, where she cofounded the James Madison Museum of Orange County Heritage; her visionary leadership also led to the establishment of the nearby museum at James Madison's Montpelier, and she received the organization's first and only lifetime membership in 2009; and

WHEREAS, in 1983, President Ronald Reagan selected Helen Taylor as the United States delegate to the United Nations Educational, Scientific, and Cultural Organization meeting in Paris, and she served as a United States representative to the United Nations from 1986 to 1987; and

WHEREAS, Helen Taylor offered her wisdom and expertise to a number of civic organizations and conservative groups, serving as vice president of the Eagle Forum for more than 40 years; and

WHEREAS, in the late 1980s, Helen Taylor returned to her hometown of Waco and purchased the former Barron Springs Elementary School, preserving both the school and the historically significant sites related to the Waco Indians on the surrounding land; the facility reopened in 1993 as the Helen Marie Taylor Museum of Waco History and offers a wide range of exhibits celebrating local and national heritage; and

WHEREAS, predeceased by her first husband, George Barber Munroe, and her second husband, Jaquelin Erasmus Taylor, and two sons, Jaquelin Pendleton Taylor and Ralph William Taylor, Helen Taylor will be fondly remembered and greatly missed by her sons, Howell Taylor and George Taylor, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Helen Marie Taylor; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Helen Marie Taylor as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 138

Commending Carlos A. Castro.

Agreed to by the Senate, February 24, 2022

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, Carlos A. Castro is a respected Hispanic businessman who exemplifies the American Dream and has made countless contributions to his fellow Virginians; and

WHEREAS, Carlos Castro immigrated to the United States from El Salvador at the age of 25 in March 1980, having lived a life in poverty while the country was involved in a bloody 12-year civil war; and

WHEREAS, Carlos Castro worked in blue-collar occupations in California before coming to Virginia, where he worked as a cook and dishwasher; and

WHEREAS, Carlos Castro made every effort to assimilate and live the American Dream by taking English classes, learning the mechanics of business, and saving to provide for his family still in El Salvador; he ultimately brought his wife, Gladis, and their children to the United States in 1982; and

WHEREAS, Carlos and Gladis Castro opened the first Todos Supermarket in Woodbridge to fulfill the needs of a growing Hispanic community in 1990; they expanded the supermarket's offerings beyond groceries to include money transfers and notary and income tax preparation services; and

WHEREAS, Carlos Castro created an inclusive company culture that helps retain employees by providing advancement opportunities, mentoring, education, and training; he also cultivated a strong focus on community involvement, and his outreach efforts have attracted a diverse array of talent in the youth community; and

WHEREAS, beyond the Woodbridge area, Carlos Castro is involved in an international outreach program promoting economic opportunities for the people of El Salvador; and

WHEREAS, for more than five years, Carlos Castro has supported young people in El Salvador by providing funding and advice to promote entrepreneurship in the town of Berlin, Usulután, El Salvador, teaching tourism, encouraging self-sufficiency, and developing independent minded individuals; and

WHEREAS, Carlos Castro is also developing a program that promotes economic development through eco-tourism and continues to develop an ecological nature park featuring extreme sports and adventure programs; and

WHEREAS, Carlos Castro is one of the founders of the Hispanic Organization for Leadership and Action and served on boards of the Prince William Chamber of Commerce, Virginia Chamber of Commerce, Youth for Tomorrow, Potomac Health Foundation, and Northern Virginia Community College, among many others; and

WHEREAS, as one of the top businesses in the Commonwealth, Carlos Castro's company has received three consecutive Fantastic 50 awards from the Virginia Chamber of Commerce, and he has demonstrated the ideals of the American Dream and the reality of prosperity and advancement through hard work by opening his second store in Woodbridge; and

WHEREAS, Carlos Castro and his wife, Gladis, along with their entire family, have been role models for the Hispanic community and all immigrants in Virginia, and they have worked diligently to enhance the overall quality of life in the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Carlos A. Castro for his success as an entrepreneur and his leadership as a humanitarian; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Carlos A. Castro as an expression of the General Assembly's admiration for his personal and professional achievements.

SENATE JOINT RESOLUTION NO. 139

Celebrating the life of Gary Clark Campbell.

Agreed to by the Senate, February 24, 2022

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, Gary Clark Campbell, the battalion chief with the Spotsylvania County Department of Fire, Rescue, and Emergency Management who made many significant contributions to the Spotsylvania County community, died on January 20, 2022; and

WHEREAS, Gary Campbell was a lifelong resident of Spotsylvania County and touched the lives of many friends and neighbors and all those he came in contact with; and

WHEREAS, Gary Campbell grew up as an avid hunter and expert marksman under the guidance of his father, Clinton Byrd Campbell, and was a founding member of the Flat Top Hunt Club; and

WHEREAS, Gary Campbell used his talents as a master carpenter to produce remarkable works of craftsmanship, often lending assistance to family and friends to complete projects of their own; and

WHEREAS, Gary Campbell dedicated himself to a life of service at a young age, joining the Spotsylvania Volunteer Fire Department, where he continued to serve as a lifetime member; and

WHEREAS, Gary Campbell began his career as a firefighter on October 5, 1992, with the Spotsylvania County Department of Fire, Rescue, and Emergency Management, and rose through the ranks to the position of battalion chief; and

WHEREAS, throughout his service to the community of Spotsylvania County, Gary Campbell saved many lives and countless homes and property of others in the community; and

WHEREAS, Gary Campbell was respected throughout Virginia's fire service community as a recognized and beloved leader, who always demonstrated true servant leadership by defending and representing the needs and well-being of those he worked with, while never hesitating to share his vast knowledge of fire service operations with others; and

WHEREAS, Gary Campbell was a dedicated father, demonstrating a profound amount of loyalty, care, compassion, and pride toward the members of his immediate and extended family, all of whom will greatly miss and fondly remember him; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Gary Clark Campbell, a pillar of the Spotsylvania County community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Gary Clark Campbell as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 140

Commending the Middleridge community.

Agreed to by the Senate, February 24, 2022

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, the Middleridge community in Fairfax County celebrated its 50th anniversary in 2020; and

WHEREAS, the land on which Middleridge was developed is steeped in history; the name was derived from a decision in 1766 by the vestry of Truro Parish, including George Washington and George William Fairfax, to establish the new Payne's Church at the "middle ridge" of Ox Road; and

WHEREAS, a 95.5-acre plot of the John Clatterbuck estate was officially subdivided into the first section of Middleridge on October 30, 1969; and

WHEREAS, the opening of the Middleridge community was announced in *The Evening Star* on July 17, 1970, featuring four styles of homes built by Foster Brothers, Inc., the original models of which can be seen on Wilcoxon Tavern Court; and

WHEREAS, in its early years, Middleridge offered a quiet refuge from the bustle of Washington, D.C., while still being conveniently located near numerous amenities, and the neighborhood has remained one of the area's premier places to live and raise a family; and

WHEREAS, the young Middleridge community was hit by the April Fool's Day Tornado of April 1, 1973, and more than a dozen homes were seriously damaged along Paynes Church Drive, Ellzey Drive, Governor Yeardley Drive, Quincy Marr Drive, and Rumsy Place; and

WHEREAS, Middleridge recovered from the tornado and continued to grow over the years, finally reaching 578 homes; and

WHEREAS, Middleridge has a strong sense of community and formed the all-volunteer Middleridge Civic Association, which supports events such as Easter egg hunts, home and garden tours, Halloween parades, holiday light decorating contests, and community movie nights; and

WHEREAS, the Middleridge National Night Out celebration was recognized by the Fairfax County Board of Supervisors in 2012 as being one of the largest such events in the entire county and was featured on the front cover of the August 2018 *Fairfax Connection*; and

WHEREAS, Middleridge further supports the community through its active Neighborhood Watch program and by providing welcome gifts to new neighbors, hosting stream clean-ups, and awarding annual scholarships to high school seniors; and

WHEREAS, the residents of Middleridge have built a strong sense of community and made many contributions to Fairfax County and the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Middleridge community on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to representatives of the Middleridge community as an expression of the General Assembly's admiration for the community's history and contributions to the region.

SENATE JOINT RESOLUTION NO. 141

Commending Brion's Grille.

Agreed to by the Senate, February 24, 2022

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, for more than three decades, Brion's Grille, a beloved eatery in the heart of Fairfax County, enriched the George Mason University community as a social gathering place for students and faculty alike; and

WHEREAS, George Mason University (GMU) alumnus Brion Sumser established Brion's Grille in 1989 and built strong connections with his alma mater from the beginning; as a former member of the GMU men's basketball team, he decorated the restaurant with school memorabilia and even named certain dishes after members of the institution's athletics department; and

WHEREAS, Brion's Grille grew to become the GMU community's premier unofficial meeting place, with students, faculty, staff, alumni, and visitors celebrating the institution's legacy while enjoying delicious meals and good company; and

WHEREAS, Brion Sumser supported fundraising efforts for the GMU athletics department through the Patriot Club Advisory Board and was honored by the Green Coat Society for his consistent and generous donations to the institution; and

WHEREAS, over the years, Brion's Grille offered discounts for alumni and homecoming events, donated food to hospitality rooms for basketball games and two university golf tournaments, provided food and meeting space for the Green Machine Pep Band banquet, and provided low-cost lunches to attendees of a children's summer camp on campus; and

WHEREAS, Brion's Grille closed in 2021, having served countless customers and enhanced campus life for generations of GMU Patriots; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Brion's Grille for more than 30 years of service to the community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Brion Sumser, founder of Brion's Grille, as an expression of the General Assembly's admiration for his contributions to the Fairfax community.

SENATE JOINT RESOLUTION NO. 142

Commending the Fairfax High School gymnastics team.

Agreed to by the Senate, February 24, 2022

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, at the 2021 Virginia High School League Class 6 state championship, the Fairfax High School gymnastics team earned the first gymnastics team title in school history, along with several individual titles; and

WHEREAS, after strong performances in the floor, vault, and parallel bars events, the Fairfax High School Lions led the runner-up Ocean Lakes High School Dolphins by less than one point; and

WHEREAS, junior Payton Morrison clinched the win for the Fairfax Lions with an outstanding score of 9.55 on the last event of the day, the balance beam, and the team ended the competition with a total of 145.631 points; and

WHEREAS, Payton Morrison also recorded the top score on the vault and finished second in the floor routine and third on the uneven bars, qualifying for all four events in the individual open championship; and

WHEREAS, Payton Morrison secured individual state titles on the balance beam with a score of 9.8 and in the floor routine with a score of 9.6; she wrapped up the day by earning an individual all-around state title with a total score of 38.534 after second-place finishes on the uneven bars and the vault; and

WHEREAS, the successful season is a tribute to the skill and hard work of all the student-athletes, the leadership and guidance of coaches and staff, and the enthusiastic support of the entire Fairfax High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Fairfax High School gymnastics team on winning the team title and several individual titles in the Virginia High School League Class 6 state championships; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Susan Barborek, head coach of the Fairfax High School gymnastics team, as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

SENATE JOINT RESOLUTION NO. 143

Commending Louis Rodman Whitaker, Jr.

Agreed to by the Senate, February 24, 2022

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, Louis Rodman Whitaker, Jr., an elite second baseman hailing from Martinsville who played 19 seasons with the Detroit Tigers of Major League Baseball, will have his number officially retired by his former club in 2022; and

WHEREAS, Louis "Lou" Whitaker, known affectionately among fans as "Sweet Lou," grew up in Martinsville and was a member of the Martinsville High School Class of 1975; and

WHEREAS, Lou Whitaker was selected by the Detroit Tigers as the 99th overall selection in the 1975 Major League Baseball (MLB) draft and was called up by the team two years later, winning the American League Rookie of the Year Award in 1978 after recording a .285 batting average and 71 runs; and

WHEREAS, a five-time MLB All-Star who won four Silver Slugger Awards and three Gold Glove Awards, Lou Whitaker is fondly remembered as one of the best defensive second basemen of his generation, posting an impressive career fielding percentage of .984; and

WHEREAS, over 19 seasons and 2,390 games, Lou Whitaker amassed a .276 career batting average and a .363 career on-base percentage, including 244 home runs, 1,084 runs-batted-in, 2,369 hits, 420 doubles, 65 triples, and 143 stolen bases; and

WHEREAS, Lou Whitaker's commitment to the Detroit Tigers extended beyond his career on the diamond as he spent several years in retirement serving as a hitting instructor during the team's spring training sessions in Florida; and

WHEREAS, to honor his nearly two decades of stellar play on behalf of the organization, the Detroit Tigers have announced plans to retire Lou Whitaker's number in 2022, allowing countless future fans to reflect upon his legacy; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Louis Rodman Whitaker, Jr., All-Star second baseman of the Detroit Tigers and beloved member of the Martinsville community, on the occasion of his number being retired by the Detroit Tigers; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Louis Rodman Whitaker, Jr., as an expression of the General Assembly's admiration for his achievements.

SENATE JOINT RESOLUTION NO. 144

Celebrating the life of the Reverend Jeanne Marie Pupke.

Agreed to by the Senate, February 24, 2022

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, the Reverend Jeanne Marie Pupke, esteemed senior minister of the First Unitarian Universalist Church of Richmond and a beloved member of the Richmond community, died on February 9, 2022; and

WHEREAS, after college, Jeanne Pupke joined The Sisters of the Immaculate Heart of Mary, but left after four years and diverged from her Catholic faith soon thereafter; and

WHEREAS, while attending graduate school at the University of Missouri, Jeanne Pupke joined Diemakers, Inc., a small tool die company, as a consultant, ultimately rising to the rank of Vice President of Administration; later, she also worked as Chief Operating Officer at Batdorf & Bronson Coffee Roasters in Olympia, Washington; and

WHEREAS, Jeanne Pupke was called to the ministry, graduating from Meadville Lombard Theological School before assuming a part-time pastorship with the Unitarian Universalist (UU) Fellowship of Central Oregon in Bend, Oregon, and serving as a growth minister for the church's Pacific Northwest District; and

WHEREAS, Jeanne Pupke became pastor of First Unitarian Universalist Church of Richmond in 2006, and since that time the congregation has grown into one of the largest in the denomination; and

WHEREAS, emphasizing the recognition of members' religious diversity, Jeanne Pupke became a leader of the denomination nationwide, serving a four-year term on the Unitarian Universalist Association Board of Trustees, where she chaired the finance committee; and

WHEREAS, Jeanne Pupke has counseled many aspiring ministers as a ministerial internship supervisor and a member of the Meadville Lombard Theological School Board of Trustees, allowing her spiritual guidance to radiate beyond her community; and

WHEREAS, as a founding member and a director of the UU Legislative Ministry in the Commonwealth, Jeanne Pupke advocated tirelessly in support of racial justice and women's, LGBTQ+, and youth rights; and

WHEREAS, Jeanne Pupke often delivered the morning prayer at the General Assembly, providing its members with a moment for reflection and contemplation at the outset of their day; and

WHEREAS, Jeanne Pupke will be fondly remembered and dearly missed by her spouse of 28 years, Regina; her mother, Ruth; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Reverend Jeanne Marie Pupke, senior pastor of First Unitarian Universalist Church of Richmond, whose loving compassion, integrity, and commitment to her faith have touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Reverend Jeanne Marie Pupke as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 145

Commending the Franklin County High School robotics team.

Agreed to by the Senate, February 24, 2022

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, the Franklin County High School robotics team won the SkillsUSA Mobile Robotics Technology state championship in April 2021; and

WHEREAS, SkillsUSA is a career and technical student organization that offers a wide range of competitions for students to develop occupational and leadership skills; the Franklin County High School robotics team won in the Mobile Robotics Technology category, which simulates challenges encountered by robotic programmers and support professionals; and

WHEREAS, over the course of the three-week competition, the Franklin County High School robotics team used a mobile robotic system to solve an assigned challenge, while adhering to industry safety standards using only the hardware and software provided; and

WHEREAS, as state champions, the Franklin County High School robotics team represented the Commonwealth at the national tournament in June 2021, finishing in eighth place; and

WHEREAS, each member of the Franklin County High School robotics team—Gavin Pulley, Zakrie Richards, Madison Williams, and Aubrey Hendrickson Stanley—contributed to the exceptional performance; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Franklin County High School robotics team on winning the SkillsUSA Mobile Robotics Technology state championship in 2021; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Daniel Johnson, head coach of the Franklin County High School robotics team, as an expression of the General Assembly's admiration for the team's achievements.

SENATE JOINT RESOLUTION NO. 146

Celebrating the life of Ernest Linwood Wright III.

Agreed to by the Senate, February 24, 2022

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Ernest Linwood Wright III, an accomplished research chemist and business executive, former mayor of Danville, and a major figure in the city's economic development over many years, died on September 29, 2021; and

WHEREAS, after graduating from Duke University with a bachelor's degree in chemistry in 1956, Linwood Wright embarked upon an illustrious career at Dan River Mills, Inc., first working as a research chemist designing molecules to modify cotton fiber and later serving as an executive overseeing research and development, quality control, customer service, and regulatory compliance; and

WHEREAS, Linwood Wright's efforts to produce fire-retardant and water-repellant finishes and other innovations would lead to multiple patents, as he contributed to the creation of fabrics used by clients such as the United States military and high-end apparel companies like Brooks Brothers; and

WHEREAS, dedicated to the well-being of his community, Linwood Wright served on the Danville City Council from 1986 to 1998, including a term as mayor in his final two years with the governing body; and

WHEREAS, Linwood Wright later redoubled his commitment to Danville by serving as a public and governmental affairs consultant with the city's Office of Economic Development, supporting various initiatives designed to enhance the economic vitality of the region; and

WHEREAS, Linwood Wright's extensive involvement in the growth and maturation of Danville included serving as the first chairman of the Board of Trustees of the Institute for Advanced Learning and Research and as the founding chairman of the Future of the Piedmont Foundation; and

WHEREAS, Linwood Wright was also an active member of various trade and civic boards, including the Danville Area Association for the Arts and Humanities, the Danville Concert Association, and the Danville Museum of Fine Arts & History; and

WHEREAS, guided throughout his life by his faith, Linwood Wright enjoyed worship and fellowship with his community at Mount Vernon United Methodist Church in Danville and taught at the Landis Sunday School for decades; and

WHEREAS, Linwood Wright will be fondly remembered and dearly missed by his loving wife of 65 years, Peggy; his children, Nelson and Phillip, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Ernest Linwood Wright III, cherished public servant of Danville, whose heartfelt commitment to his community affected countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Ernest Linwood Wright III as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 147

Celebrating the life of William Quinton Overton, Sr.

Agreed to by the Senate, February 24, 2022

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, William Quinton Overton, Sr., an esteemed law-enforcement officer and public servant who held the office of sheriff of Franklin County for more than 30 years, died on October 5, 2021; and

WHEREAS, William "Quint" Overton began his career in law enforcement in 1959 with the Virginia State Police and served briefly with the Virginia Department of Alcoholic Beverage Control in the early 1970s before being elected sheriff of Franklin County in 1975; and

WHEREAS, Quint Overton would lead the sheriff's office of Franklin County from January 1, 1976, until his retirement in 2007, concluding his service as the longest sitting sheriff in the history of Franklin County; and

WHEREAS, Quint Overton's resounding election victories throughout his career testify to his constituency's appreciation for his service and the efforts he made to build the Franklin County Sheriff's Office into the institution that it is today; and

WHEREAS, Quint Overton cared for the needs of each and every citizen of Franklin County and earned respect throughout the community for his willingness to make himself available and accessible to everyone; and

WHEREAS, Quint Overton approached the role of sheriff as that of a steward, beginning the custom of the Franklin County Sheriff's Office sending deputies to escort and attend the funeral processions of citizens of Franklin County, a time-honored tradition that continues to this day; and

WHEREAS, Quint Overton's commitment to the well-being of his community was also evidenced by his active involvement in youth sports, particularly Franklin County's sandlot football league, in which he coached for many years; and

WHEREAS, preceded in death by his loving wife of 59 years, Ann Marie, Quint Overton will be fondly remembered and dearly missed by his children, William, Jr., and David, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of William Quinton Overton, Sr., longtime sheriff of Franklin County, whose unwavering compassion and concern for others affected countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of William Quinton Overton, Sr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 148

Commending the South Boston Speedway.

Agreed to by the Senate, February 24, 2022

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, the South Boston Speedway, a beloved raceway in Halifax County that has delighted fans for generations, celebrates its 65th anniversary in 2022; and

WHEREAS, affectionately known as "SoBo," the South Boston Speedway was originally built as a quarter-mile dirt track by founders Buck Wilkins and Dave Blount and opened on August 10, 1957; and

WHEREAS, the South Boston Speedway hosted its first races sanctioned by the National Association for Stock Car Auto Racing (NASCAR) in 1960 and was paved shortly thereafter; and

WHEREAS, over the years, the South Boston Speedway has played host to various racing circuits, including the former NASCAR Grand National Series, now known as the NASCAR Cup Series, and the former NASCAR Busch Grand National Series, now known as the NASCAR Xfinity Series, of which the track was a charter member in 1982; and

WHEREAS, celebrated as "America's Hometown Track," the South Boston Speedway has also supported the NASCAR Camping World Truck Series, the former NASCAR Grand American and NASCAR Goody's Dash Series, and the NASCAR Whelen Modified Tour, among other NASCAR series; and

WHEREAS, fans have been able to witness a number of other regional and national touring series at the South Boston Speedway, including the Automobile Racing Club of America Menards Series and United States Auto Club Sprint Car and American Motorcyclist Association motorcycle, motocross, and oval-track events; and

WHEREAS, today, the South Boston Speedway is a four-tenths-mile paved oval that plays host to NASCAR-sanctioned races weekly on Saturdays from late March through the middle of September; and

WHEREAS, the South Boston Speedway is a major attraction in the South Central Virginia region and an institution in the local community, drawing most of its regular fans from the immediate surrounding area; and

WHEREAS, considered one of the best venues for NASCAR late model stock car racing in the nation, fans have joyfully witnessed NASCAR's top competitors hone their skills at the South Boston Speedway, including Nationwide and Sprint Cup drivers, Stacy Compton, Ward and Jeff Burton, Elliott and Hermie Sadler, and Denny Hamlin; and

WHEREAS, the traditions at South Boston Speedway have built a fan-friendly facility with a family-friendly atmosphere, helping to make South Boston and the surrounding area a wonderful place to call home; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the South Boston Speedway on the occasion of its 65th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the South Boston Speedway as an expression of the General Assembly's admiration for the track's history and its contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 149

Celebrating the life of Mark E. Skiles.

Agreed to by the Senate, February 24, 2022

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, Mark E. Skiles, a retired coal industry executive and avid outdoorsman, died on December 25, 2021; and

WHEREAS, Mark Skiles, a graduate of Carmichaels High School in Carmichaels, Pennsylvania, earned a degree from Pennsylvania State University; and

WHEREAS, a third-generation coal miner from southwest Pennsylvania, Mark Skiles finished his career as a senior executive at the Mine Safety and Health Administration in the U.S. Department of Labor; and

WHEREAS, Mark Skiles was instrumental to advancements in mine safety and operations, writing several safety training manuals, producing safety training videos, and consulting on critical safety and ventilation issues in the mining industry both within the United States and overseas; and

WHEREAS, Mark Skiles was the recipient of several awards for various safety innovations throughout the years, including being named the National Safety and Training Innovator of the Year in 1997 and the Holmes Safety Association Coal Safety Leader in 1998; and

WHEREAS, during his career in mining safety and operations, Mark Skiles led many daring mine rescue operations, including the Quecreek Mine rescue in Somerset, Pennsylvania, in July 2002; and

WHEREAS, in his later life, Mark Skiles retired to the mountains of West Virginia to pursue his passion for hunting and fishing; and

WHEREAS, as an avid historian, Mark Skiles was fond of reading and researching various periods of American history, including the Civil War and World War II; and

WHEREAS, Mark Skiles will be fondly remembered by colleagues, friends, and neighbors and dearly missed by his family; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Mark E. Skiles, a cherished member of the community whose professional achievements profoundly impacted the lives of many in the coal industry; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Mark E. Skiles's wife, Kim B. Skiles, and son, David A. Skiles, as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 150

Commending the Sweet Briar College equestrian team.

Agreed to by the Senate, February 24, 2022

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, the Sweet Briar College equestrian team secured a national title at the first-ever National Collegiate Equestrian Association Single Discipline National Championship in Waco, Texas, in 2021; and

WHEREAS, the Sweet Briar College Vixens entered the competition as the number one seed and finished with a 6-2 victory over the University of Lynchburg Hornets in the tournament final; and

WHEREAS, the Sweet Briar College Vixens scored three points in the flat event, with winning rides by Britt Larson-Jackson, Emmy Longest, and Lily Peterson, who also earned a point in the over fences event, along with Katie Balding and Rachel Perry; and

WHEREAS, Lily Peterson posted high scores in both events and was selected as the Equo Most Outstanding Fences Performer (Single Discipline) and was named as a member of the McLennan County All-Championship Over Fences Team; and

WHEREAS, prior to reaching the national competition, the Sweet Briar Vixens won their fourth Old Dominion Athletic Conference (ODAC) championship, and coach Mimi Wroten was selected as ODAC Coach of the Year; and

WHEREAS, the victory is a tribute to the hard work and dedication of all the student-athletes, the leadership and guidance of coaches and staff, and the enthusiastic support of the entire Sweet Briar College community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Sweet Briar College equestrian team on winning the National Collegiate Equestrian Association Single Discipline National Championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Mimi Wroten, director of the Sweet Briar College equestrian program, as an expression of the General Assembly's admiration for the team's accomplishments and skill.

SENATE JOINT RESOLUTION NO. 151

Commending Charlie King.

Agreed to by the Senate, February 24, 2022

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, Charlie King, who greatly served James Madison University as Senior Vice President of Administration and Finance for the past 25 years, retired in December 2021; and

WHEREAS, Charlie King's educational pursuits included bachelor's and master's degrees from Appalachian State University; and

WHEREAS, Charlie King began his career at the University of North Carolina at Wilmington, where he held various titles, including assistant dean of students, director of housing and food services, director of business services, and assistant vice chancellor, between 1975 and 1991; and

WHEREAS, Charlie King then served as Vice President for Business Affairs at Radford University from 1991 to 1996 before joining the staff at James Madison University; and

WHEREAS, Charlie King has played a major role in James Madison University's growth and development over the years and has helped the university chart a path to continued success; and

WHEREAS, Charlie King advanced dozens of major capital projects in support of the university's mission during his tenure, to include The Forbes Center for the Performing Arts, much of the East Campus, Veterans Memorial Park, the Atlantic Union Bank Center, and many others; and

WHEREAS, Charlie King was integral to James Madison University's government relations efforts, working with legislators across the Commonwealth to further the interests of the university; and

WHEREAS, Charlie King oversaw numerous departments at James Madison University, to include budget management, business services, finance, human resources, information technology, intercollegiate athletics, and university police; and

WHEREAS, as a testament to Charlie King's exemplary leadership abilities, James Madison University earned level three autonomy, the highest level of management autonomy for public institutions of higher education in the Commonwealth, during his tenure; and

WHEREAS, through his steadfast dedication to James Madison University, Charlie King has fostered the well-being of countless young people and prepared the institution to be a paragon of excellence in higher education for many years to come; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Charlie King, Senior Vice President of Administration and Finance at James Madison University, on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Charlie King as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 152

Celebrating the life of John Elwood Painter.

Agreed to by the Senate, February 24, 2022

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, John Elwood Painter, an honorable veteran, retired chief of police of Grottoes, and revered campus police officer at Bridgewater College, died in the line of duty on February 1, 2022; and

WHEREAS, born in Germany and raised in Augusta County, John Painter graduated from Riverheads High School before enlisting with the United States Air Force; and

WHEREAS, John Painter began his stellar career in law enforcement in 1989 as a deputy sheriff with the King George County Sheriff's Office and later served as an intelligence analyst with the United States Army National Guard from 1999 to 2000; and

WHEREAS, John Painter was subsequently the chief of police for the Town of Grottoes for 18 years, where his exemplary dedication to the safety and well-being of others earned admiration from both his colleagues and the residents he served; and

WHEREAS, John Painter later joined Bridgewater College Police Department as a campus police officer in 2019 and quickly became a cherished and respected member of the community; and

WHEREAS, the heroism demonstrated by John Painter in his final hour saved an untold number of lives and will be honored for generations to come; and

WHEREAS, Bridgewater College recently established the John Painter and Vashon "J.J." Jefferson Memorial Student Support Fund to memorialize John Painter's legacy of service; and

WHEREAS, John Painter was a mentor and role model to many of his fellow law-enforcement officers, inspiring them to fulfill their oath to protect and serve others to the utmost of their abilities; and

WHEREAS, John Painter was an avid outdoorsman and noted animal lover, who took great joy in hunting and fishing and spending time with his dogs, Mercury and Bella; and

WHEREAS, in honor of John Painter's sacrifice, flags in the Commonwealth were flown at half-staff on February 9, 2022, while thousands gathered at a memorial service at James Madison University's Atlantic Union Bank Center to pay their respects; and

WHEREAS, John Painter will be fondly remembered and dearly missed by his daughter, Courtney; his parents, Willie and Roswita; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of John Elwood Painter, former Grottoes chief of police and campus police officer with the Bridgewater College Police Department, whose bravery in his community's time of need will never be forgotten; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of John Elwood Painter as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 153

Celebrating the life of Vashon A. Jefferson.

Agreed to by the Senate, February 24, 2022

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, Vashon A. Jefferson, an honorable veteran, revered campus safety officer at Bridgewater College, and beloved member of the Bridgewater community, died in the line of duty on February 1, 2022; and

WHEREAS, a native of Florida who grew up in Upperville, Vashon "J.J." Jefferson graduated from Fauquier High School, where he was a standout fullback and defensive lineman on the school's football team; and

WHEREAS, J.J. Jefferson served his country with valor and distinction as a member of the United States Marine Corps and embarked upon his noble career in law enforcement in 1997 as a patrol officer with the Fairfax County Sheriff's Office and

WHEREAS, shortly thereafter, J.J. Jefferson served as a national reconnaissance officer in Chantilly from 1999 to 2011, supporting various intelligence endeavors in the interest of the nation's defense; and

WHEREAS, J.J. Jefferson subsequently joined the Shenandoah University Department of Public Safety and attained the rank of sergeant, becoming a visible and comforting presence on campus while developing thoughtful initiatives that earned him the university's James R. and Mary B. Wilkins Appreciation Award in 2017; and

WHEREAS, J.J. Jefferson came to Bridgewater College in August 2018 as a campus safety officer and was quickly recognized for his tireless efforts to ensure the well-being of the college community; and

WHEREAS, the heroism demonstrated by J.J. Jefferson in his final hour saved an untold number of lives and will be honored for generations to come; and

WHEREAS, Bridgewater College recently established the John Painter and Vashon "J.J." Jefferson Memorial Student Support Fund to memorialize J.J. Jefferson's sacrifice and legacy of service; and

WHEREAS, in addition to his contributions as a law-enforcement officer, J.J. Jefferson's commitment to public safety included his work as a firefighter with the Upperville Volunteer Fire Company; and

WHEREAS, in honor of J.J. Jefferson's sacrifice, flags in the Commonwealth were flown at half-staff on February 9, 2022, while thousands gathered at a memorial service at James Madison University's Atlantic Union Bank Center to pay their respects; and

WHEREAS, J.J. Jefferson will be fondly remembered and dearly missed by his loving wife, Shannon; his mother, Willie; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Vashon A. Jefferson, a campus safety officer at Bridgewater College whose bravery in his community's time of need will never be forgotten; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Vashon A. Jefferson as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 154

Celebrating the life of Stacey White Thomas.

Agreed to by the Senate, February 24, 2022

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, Stacey White Thomas, a vibrant member of the community and a beloved wife, mother, and friend, died on September 1, 2021; and

WHEREAS, a native of Abingdon, Stacey Thomas attended Abingdon High School and The College of William & Mary and graduated from Virginia Commonwealth University; and

WHEREAS, Stacey Thomas learned civic involvement and responsibility at an early age, serving as a page in the House of Delegates for the 1976 Session, a chairwoman of the Virginia Commonwealth University College Republicans, and an organizer or volunteer on dozens of state, congressional, and local campaigns; and

WHEREAS, Stacey Thomas was active for many years in the life of her church, serving at various times as a member of the Vestry or choir or as a teacher in Sunday School; and

WHEREAS, throughout her life, Stacey Thomas was an avid student and reader with an unquenchable thirst for knowledge, reading thousands of books on every topic imaginable, a trait she passed on to her children; and

WHEREAS, both her formal and self-directed study honed in Stacey Thomas an exceptional gift for wielding the written word in both creative and nonfiction outlets, a passion she loved to share with others; and

WHEREAS, Stacey Thomas excelled at gift-giving and acts of service, whether it was using her numerous creative and artistic talents to create unique and personalized gifts for friends, or showing up with a home-cooked meal during someone's time of struggle, always there to show that she cared and that the person was loved; and

WHEREAS, her eagerness to grow led Stacey Thomas to be readily willing to adjust her personal and political viewpoint when presented with new information or a different perspective; and

WHEREAS, regardless of what each season of life brought to her, a constant for Stacey Thomas was her family, whom she loved deeply and fiercely and gave up so much for; and

WHEREAS, Stacey Thomas will be fondly remembered and greatly missed by her husband, Mike; her children, Ashley, Alec, Katie, and Ellie; her grandchildren, Aiden, ChloeLise, Paris, Delilah, and Alice; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Stacey White Thomas; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Stacey White Thomas as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 155

Commending Russell Montgomery.

Agreed to by the Senate, February 24, 2022

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, Russell Montgomery, a major with the Luray Police Department, has served communities throughout the Commonwealth for more than five decades as a law-enforcement officer; and

WHEREAS, Russell Montgomery began his law-enforcement career with the Virginia State Police on April 1, 1971; and

WHEREAS, Russell Montgomery subsequently served with the Page County Sheriff's Office, then joined the Luray Police Department on August 12, 2016; and

WHEREAS, Russell Montgomery has been a trusted friend and an inspirational mentor to many of his fellow police officers, and he has built many strong relationships with members of the public to fulfill his mission to serve and protect the community; and

WHEREAS, Russell Montgomery has served generations of Virginians with the utmost professionalism, dedication, and distinction; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Russell Montgomery for more than 50 years of service as a law-enforcement officer; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Russell Montgomery as an expression of the General Assembly's admiration for his achievements in service to the residents of Page County and the Commonwealth.

SENATE JOINT RESOLUTION NO. 156

Celebrating the life of Maury B. Brickhouse.

Agreed to by the Senate, March 3, 2022

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Maury B. Brickhouse, a respected resident of Chesapeake, died on February 8, 2022; and

WHEREAS, Maury Brickhouse grew up in the Portlock area of Chesapeake and attended Oscar F. Smith High School; and

WHEREAS, Maury Brickhouse continued his education at Old Dominion University (ODU), then began working as a juvenile probation officer; he ultimately became the director of court services for Chesapeake and served in that capacity for 44 years; and

WHEREAS, Maury Brickhouse further offered his leadership and expertise to the community as chair of the Chesapeake School Board and a member of the Chesapeake Industrial Authority; and

WHEREAS, Maury Brickhouse volunteered his time with South Norfolk Masonic Lodge No. 339 of the Ancient Free and Accepted Masons, the Norfolk Scottish Rite, the Rotary Club of Chesapeake, and Paint Your Heart Out; and

WHEREAS, Maury Brickhouse was a devout member of St. Thomas Episcopal Church, where he served as senior warden; and

WHEREAS, Maury Brickhouse enjoyed traveling, driving his vintage Triumph TR6, and supporting the ODU football team, but his greatest joy in life was his beloved family, and he relished every opportunity to spend time with his children and grandchildren; and

WHEREAS, Maury Brickhouse will be fondly remembered and greatly missed by his wife of 45 years, Martha; his children, Brad, Meredith, and Lauren, and their families; his mother, Ruth; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Maury B. Brickhouse; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Maury B. Brickhouse as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 157

Celebrating the life of Eddie Harold Hodges.

Agreed to by the Senate, March 3, 2022

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Eddie Harold Hodges, a hardworking civil servant and dedicated community leader in Hampton Roads, died on January 29, 2022; and

WHEREAS, a native of Washington, North Carolina, Eddie Hodges relocated to Norfolk with his family at a young age and graduated from Great Bridge High School; and

WHEREAS, Eddie Hodges served his country as a member of the United States Navy and worked at Norfolk Naval Shipyard after his honorable discharge; and

WHEREAS, Eddie Hodges subsequently worked for the regional officer in charge of construction at Naval Station Norfolk, where he retired after 30 years of service to the fleet; and

WHEREAS, Eddie Hodges was an active community leader as a past master of Great Bridge Masonic Lodge No. 257 of the Ancient Free and Accepted Masons, chaplain of the local Khedive Temple; and past president and chaplain of the Chesapeake Shrine Club, as well as chair of the club's annual oyster roast for 35 years; and

WHEREAS, Eddie Hodges inspired others through his unfailing kindness and incredible generosity; he was a charter member and past president of the South Norfolk Ruritan Club, leading numerous other fundraisers and charitable events; and

WHEREAS, predeceased by his wife of 61 years, Betty Jean, Eddie Hodges will be fondly remembered and greatly missed by his sons, Lance and Tracey, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Eddie Harold Hodges; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Eddie Harold Hodges as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 158

Celebrating the life of John J. Rice.

Agreed to by the Senate, February 24, 2022

Agreed to by the House of Delegates, February 28, 2022

WHEREAS, John J. Rice, a respected veteran and a highly admired attorney who served communities in Hampton Roads and on the Virginia Peninsula, died on February 6, 2022; and

WHEREAS, born in Richmond, John "Jack" Rice was the son of a United States Navy officer and lived throughout the United States in his youth, gaining a lifelong appreciation for the great outdoors on numerous hunting, fishing, and camping trips around the country; and

WHEREAS, Jack Rice earned a bachelor's degree from the University of Richmond and a master's degree and law degree from The College of William and Mary; he served his country in the United States Army during the Korean War and later rose to the rank of captain in the United States Army Reserve; and

WHEREAS, Jack Rice practiced law in Williamsburg, Newport News, and throughout Hampton Roads for 41 years and was well known by colleagues for his intelligence and sharp wit; and

WHEREAS, Jack Rice touched countless lives as a longtime associate professor at Hampton University, where he taught business law and inspired young men and women to achieve their fullest potential; and

WHEREAS, outside of his career, Jack Rice enjoyed riding his Tennessee Walking Horse and spending time with family and friends at his farm, Woodfield; and

WHEREAS, Jack Rice will be fondly remembered and greatly missed by his beloved wife of more than 50 years, Linda; his sons, John and James, and their families; and many other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of John J. Rice; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of John J. Rice as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 159

Celebrating the life of Naval Air Crewman 2nd Class James P. Buriak, USN.

Agreed to by the Senate, March 3, 2022

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Naval Air Crewman 2nd Class James P. Buriak, USN, of Salem, died in the line of duty on August 31, 2021; and

WHEREAS, James "Jimmy" Buriak graduated from Salem High School and earned a bachelor's degree in sports management from Roanoke College; and

WHEREAS, desirous to be of service to the nation, Jimmy Buriak joined the United States Navy and was assigned to Helicopter Sea Combat Squadron 8 based at Naval Air Station North Island in San Diego; and

WHEREAS, while on Gun Beach in Guam in 2020, Jimmy Buriak, a trained rescue swimmer, was alerted that a surfer had been caught in a rip current and heroically dove into the water to help pull the individual to shore; and

WHEREAS, on August 31, 2021, Jimmy Buriak was conducting routine flight operations from the USS *Abraham Lincoln* when his Sikorsky MH-60S helicopter crashed off the coast of California; and

WHEREAS, Jimmy Buriak served the nation with integrity and dedication, and his tragic loss is a reminder of the dangers faced by men and women in uniform at home and abroad; and

WHEREAS, Jimmy Buriak will be fondly remembered and greatly missed by his wife, Megan; his son, Caulder; his parents, Jim and Carol; his sister, Laura, and her family; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Naval Air Crewman 2nd Class James P. Buriak, USN; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Naval Air Crewman 2nd Class James P. Buriak, USN, as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 160

Celebrating the life of Lieutenant Paul R. Fridley, USN.

Agreed to by the Senate, March 3, 2022
 Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Lieutenant Paul R. Fridley, USN, of Fairfax County, died in the line of duty on August 31, 2021; and
 WHEREAS, a resident of Annandale, Paul Fridley graduated from The University of Virginia, where he had been a member of the university's Naval Reserve Officers Training Corps program along with his future wife, Sarah; and
 WHEREAS, desirous to be of service to the nation, Paul Fridley joined the United States Navy after graduation and was assigned to Helicopter Sea Combat Squadron 8 based at Naval Air Station North Island in San Diego; and
 WHEREAS, on August 31, 2021, Paul Fridley was conducting routine flight operations from the USS *Abraham Lincoln* when his Sikorsky MH-60S helicopter crashed off the coast of California; and
 WHEREAS, Paul Fridley served the nation with integrity and dedication, and his tragic loss is a reminder of the dangers faced by men and women in uniform at home and abroad; and
 WHEREAS, Paul Fridley will be fondly remembered and greatly missed by his wife, Lieutenant Sarah Fuller Fridley, USN, and numerous other family members and friends; now, therefore, be it
 RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Lieutenant Paul R. Fridley, USN; and, be it
 RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Lieutenant Paul R. Fridley, USN, as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 161

Commending Sue Bell.

Agreed to by the Senate, February 24, 2022
 Agreed to by the House of Delegates, February 28, 2022

WHEREAS, Sue Bell, founder and executive director of Homeward Trails Animal Rescue, has coordinated adoptions for more than 150 dogs rescued from a breeding and research facility; and
 WHEREAS, Sue Bell established Homeward Trails Animal Rescue in 2001, when she began fostering three dogs from a shelter in West Virginia that had been damaged in a flood; she subsequently worked with the shelter to arrange adoptions in the Washington, D.C., Metropolitan Area; and
 WHEREAS, under Sue Bell's visionary leadership, Homeward Trails Animal Rescue has rescued more than 30,000 animals and provides adoption services in Washington, D.C., Virginia, and Maryland; and
 WHEREAS, in February 2022, Sue Bell and Homeward Trails Animal Rescue acquired 150 beagle puppies from a facility that was cited for multiple animal welfare violations, including dirty living conditions and untreated illnesses; and
 WHEREAS, Sue Bell and Homeward Trails Animal Rescue arranged transfer of the dogs to Kindness Animal Ranch Sanctuary in Wyoming, a specialized facility with an outstanding record of retraining and rehoming former research and lab dogs; and
 WHEREAS, Sue Bell and Homeward Trails Animal Rescue plan to continue their good work, with a goal of adopting as many as 400 dogs in need of care and permanent homes; now, therefore, be it
 RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Sue Bell for her work to find homes for the Envigo beagles; and, be it
 RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Sue Bell as an expression of the General Assembly's admiration for her kindness and commitment to animal welfare.

SENATE JOINT RESOLUTION NO. 162

Commending the Williamsburg Farmers Market.

Agreed to by the Senate, March 3, 2022
 Agreed to by the House of Delegates, March 7, 2022

WHEREAS, the Williamsburg Farmers Market, which was established in 2002 by its founding sponsors: the City of Williamsburg, the Colonial Williamsburg Foundation, the Williamsburg Land Conservancy, and the Merchants Square Association, celebrates its 20th anniversary in 2022; and
 WHEREAS, the Williamsburg Farmers Market has provided healthy, regionally-produced food to individuals from all economic levels of the community, featuring more than 60 Virginia-based producer-vendors of vegetables, fruits, meats,

seafood, mushrooms, nuts, honey, dairy products, wines, cider, baked goods, soups, jams, and pasta, as well as producer-vendors of flowers and plants, natural decorations, and soaps; and

WHEREAS, part of the Virginia Department of Agriculture and Consumer Service's Virginia Grown initiative, the Williamsburg Farmers Market has promoted sustainable agricultural and business practices in the region, stimulating the local farm economy and helping to preserve farmland in the Commonwealth; and

WHEREAS, operating weekly at a premier location on Duke of Gloucester Street, the Williamsburg Farmers Market attracts more than 50,000 annual customers and produces in excess of \$1 million in annual revenue among its vendors; and

WHEREAS, by offering scholarships for agricultural and market courses of study, the Williamsburg Farmers Market has fostered the growth and development of numerous vendors and aspiring farmers; and

WHEREAS, the Williamsburg Farmers Market has created a fun, educational venue that enhances the historic role of the Williamsburg town center through various activities, including local entertainment, a chef's tent featuring fresh, seasonal ingredients, and a "Power of Produce Club" to introduce young people to healthy eating; and

WHEREAS, by giving customers the opportunity to interact directly with those who grow, raise, catch, harvest, gather, cure, ferment, bake, and prepare the foods we eat, the Williamsburg Farmers Market has helped make the Commonwealth a wonderful place to live, work, and play; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Williamsburg Farmers Market on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Mike Westfall, chair of the Williamsburg Farmers Market, as an expression of the General Assembly's admiration for the organization's contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 163

Commending Longwood University.

Agreed to by the Senate, March 3, 2022

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Longwood University, the third oldest public university in the Commonwealth, is committed to educating and inspiring students to become citizen leaders, through its Civitae Core Curriculum; and

WHEREAS, in 1999, Mary Farley Ames Lee, a faithful alumna of Longwood University's class of 1938, entrusted her family home, Hull Springs Farm in Westmoreland County, to the institution to steward the property for conservation and educational purposes; and

WHEREAS, the strategic vision of Longwood University has been to ensure that Hull Springs Farm is an exceptional and valuable asset to the Northern Neck community, offering prospects for internships, workforce training, and employment opportunities; and

WHEREAS, the Honorable Gerald L. Baliles was a visionary citizen-leader who was driven throughout his career in public service, as an assistant attorney general, deputy attorney general, member of the House of Delegates, attorney general, and governor, to promote and sustain the valuable resources of the Commonwealth, both natural and cultural; and

WHEREAS, Governor Baliles, upon whom Longwood University bestowed an honorary doctorate in 1986, respected and understood the value and importance of education, recognizing that education is the great equalizer, essential to the enrichment of a life well-lived and the foundation for developing and sustaining a strong economy; and

WHEREAS, Governor Baliles was an advocate for the environment, who established the first cabinet-level secretariat to support and foster protection of the tremendous natural resources of the Commonwealth and oversaw the adoption of the 1987 Chesapeake Bay Agreement and the 1988 Chesapeake Bay Preservation Act; and

WHEREAS, to properly honor Mary Lee's gift and recognize Governor Baliles's commitment to the Commonwealth and the environment, the Longwood University Board of Visitors dedicated the Gerald L. Baliles Center for Environmental Education at Hull Springs; and

WHEREAS, in addition to giving purpose to Mary Lee's generosity, Longwood University has created a center for furthering the education of citizen-leaders who, like Governor Baliles, will work to sustain the natural resources of the Commonwealth and serve as an economic accelerator for the region; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Longwood University on the occasion of the dedication of the Gerald L. Baliles Center for Environmental Education at Hull Springs; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Longwood University as an expression of the General Assembly's admiration for the institution's contributions to higher education and environmental conservation.

SENATE JOINT RESOLUTION NO. 164

Commending the Fairfield's Volunteer Fire Department.

Agreed to by the Senate, March 3, 2022
 Agreed to by the House of Delegates, March 7, 2022

WHEREAS, the Fairfield's Volunteer Fire Department, an organization that bravely and proudly serves the citizens of Northumberland County, celebrates its 75th anniversary in 2022; and

WHEREAS, the formation of the Fairfield's Volunteer Fire Department was spearheaded in 1947 by members of The American Legion Post 117, who led a successful fundraising campaign to establish a firefighting organization in the Fairfield's District of Northumberland County; and

WHEREAS, the first meeting of the Fairfield's Volunteer Fire Department was held in the Pythian Hall of Reedville on January 30, 1947, when R. L. Haynie was elected chairman and the Reverend Joe M. Dameron was elected fire commissioner; and

WHEREAS, after briefly storing its firefighting equipment at Reedville High School, the Fairfield's Volunteer Fire Department purchased a lot along Route 360 to serve as the location for its new firehouse; and

WHEREAS, in 1959, the Fairfield's Volunteer Fire Department established a branch station at Glebe Point, greatly expanding and enhancing its ability to serve residents in all corners of Northumberland County; and

WHEREAS, since its founding, the Fairfield's Volunteer Fire Department has been run entirely by a dedicated crew of volunteers who give generously of their time to protect life and property in Northumberland County; and

WHEREAS, as a result of the efforts of its Support Team and regular fundraising events, the Fairfield's Volunteer Fire Department has been able to enhance its ability to outfit its members and serve the community over the years; and

WHEREAS, the Fairfield's Volunteer Fire Department is continually upgrading its equipment and methods and training its members to ensure that the department responds to emergencies as promptly and effectively as possible; and

WHEREAS, the Fairfield's Volunteer Fire Department has been integral to local civic affairs throughout its existence, sponsoring first aid classes and scout troops, recruiting doctors for the region, and arranging for the community's annual Christmas tree presentation; and

WHEREAS, with the support of approximately 35 current members, the Fairfield's Volunteer Fire Department responds to hundreds of calls annually, including field and brush fires, house fires, and various other incidences; and

WHEREAS, through their tireless commitment to helping others, the members of the Fairfield's Volunteer Fire Department have kept their community safe and made Northumberland County a more wonderful place to call home; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Fairfield's Volunteer Fire Department on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Johnny Beauchamp, president of the Fairfield's Volunteer Fire Department, as an expression of the General Assembly's admiration for the organization's rich history and many contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 165

Commending the University of Virginia Comprehensive Cancer Center.

Agreed to by the Senate, March 3, 2022
 Agreed to by the House of Delegates, March 7, 2022

WHEREAS, the University of Virginia Cancer Center was awarded Comprehensive Cancer Center status by the National Cancer Institute effective February 1, 2022; and

WHEREAS, the mission of the University of Virginia Comprehensive Cancer Center (UVA Cancer Center) is to reduce the burden of cancer for the patients of today through skilled, integrated, and compassionate care and to eliminate the threat of cancer for the patients of tomorrow through research and education in an environment that promotes diversity, equity, and inclusion; and

WHEREAS, UVA Cancer Center comprises 162 members from 25 departments amongst four UVA schools: Medicine, Nursing, Engineering, and the College of Arts and Sciences; and

WHEREAS, UVA Cancer Center serves 3.2 million residents from a large catchment area that includes 87 counties throughout Northern, Central, Southside, and Southwest Virginia, as well as eastern West Virginia; and

WHEREAS, UVA Cancer Center's history of conducting nationally and internationally recognized research, as well as providing highly specialized patient care that spans the Commonwealth and beyond has led to recognition as a designated cancer center by the National Cancer Institute (NCI) for the past 34 years; and

WHEREAS, throughout its 34 years of existence, UVA Cancer Center has continued to grow in excellence, providing clinical care, education, research, and community engagement relating to cancer; and

WHEREAS, UVA Cancer Center has excelled nationally in basic cancer biology research, innovated in cancer nanomedicine, pioneered immunotherapy treatments, and translated novel ideas from the laboratory to the patient; and

WHEREAS, after demonstrating its achievements across the full spectrum of research, training, and outreach, UVA Cancer Center was recently awarded NCI's highest designation, Comprehensive Cancer Center, becoming one of only 52 such centers in the country and the first in Virginia; and

WHEREAS, Comprehensive Cancer Center status will grant patients of UVA Cancer Center better access to innovative clinical research and the latest treatment options, and will enable UVA Cancer Center to achieve its goal that no Virginia resident should ever have to leave the Commonwealth to receive the highest-quality cancer care and the treatment options they need; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the University of Virginia Comprehensive Cancer Center for receiving Comprehensive Cancer Center status; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the University of Virginia Comprehensive Cancer Center as an expression of the General Assembly's admiration for the Center's contributions to cancer research and treatment of cancer patients within the Commonwealth.

SENATE JOINT RESOLUTION NO. 166

Commending the Henrico Citizen.

Agreed to by the Senate, March 3, 2022

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, the *Henrico Citizen*, a cherished hometown news source for residents of Henrico County, celebrated its 20th anniversary in 2021; and

WHEREAS, since its founding in 2001, the *Henrico Citizen* has been owned and operated by publisher Tom Lappas, who embarked upon his career as a newspaper owner shortly after graduating with a degree in journalism from the University of Richmond; and

WHEREAS, the inaugural print edition of the *Henrico Citizen* ran on September 20, 2001, carrying the headline "New North Park Library Dedicated," an indication of the local coverage that would serve as the outlet's prime focus; and

WHEREAS, the *Henrico Citizen* features stories that highlight the people, places, and events that define Henrico County, while also covering the various local issues that are pertinent to its residents; and

WHEREAS, the *Henrico Citizen* is a member of the Virginia Press Association, and its staff have earned more than 230 awards over the past 20 years for excellence in journalism and advertising; and

WHEREAS, the accomplishments of the *Henrico Citizen* have been made possible through the newspaper's sterling leadership, including longtime managing editor Patty Kruszewski and online and events editor Sarah Story, as well as the tireless efforts of more than 100 writers, salespeople, contributors, and interns who have served the paper over the years; and

WHEREAS, despite ending its print edition in response to the COVID-19 pandemic in March 2020, the *Henrico Citizen* continues to reach its audience through various digital platforms, including its website, email newsletter, regular podcasts, and social media; and

WHEREAS, the *Henrico Citizen* has seen its readership increase to more than 70,000 unique readers per month since shifting completely online, and its writers have responded by producing more than 2,300 articles, briefs, event notices, and other types of coverage over the past year; and

WHEREAS, the *Henrico Citizen* was one of three Virginia news organizations to receive funding through the Facebook Journalism Project's COVID-19 Local News Relief Fund Grant Program in 2020 and was one of only two newsrooms in the Commonwealth to be selected to host a Report for America corps member in 2021; and

WHEREAS, reflecting the importance of an educated citizenry to the health of American democracy, the *Henrico Citizen* may be regarded as playing an indispensable role in society's pursuit of liberty and justice for all; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the *Henrico Citizen* on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Tom Lappas, publisher of the *Henrico Citizen*, as an expression of the General Assembly's admiration for the newspaper's contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 167

Celebrating the life of the Reverend Dr. Leonard N. Smith.

Agreed to by the Senate, March 1, 2022

Agreed to by the House of Delegates, March 2, 2022

WHEREAS, the Reverend Dr. Leonard N. Smith, senior minister at Mount Zion Baptist Church in Arlington and an active and beloved member of the Northern Virginia community, died on February 20, 2022; and

WHEREAS, Leonard Smith was born in Baltimore and spent part of his childhood in the Washington, D.C., area, gathering spiritual wisdom from his grandmother that would guide him throughout his life; and

WHEREAS, Leonard Smith embarked upon his career as a faith leader in 1985 when he became pastor of Union Baptist Church in Gordonsville, transferring four years later to Rivermont Baptist Church in Lynchburg; and

WHEREAS, in 1991, Leonard Smith was called to lead Mount Zion Baptist Church, where he provided enlightening and edifying spiritual counsel and community outreach until his retirement on December 31, 2021; and

WHEREAS, the congregation at Mount Zion Baptist Church swelled by thousands under Leonard Smith's stewardship, while the church broadened and diversified its impact in the community through tutoring programs, food assistance, and other forms of support; and

WHEREAS, Leonard Smith took his message beyond the walls of Mount Zion Baptist Church as a chaplain with both the fire and police departments of Arlington County and as a member of various local and state boards, commissions, and civic organizations; and

WHEREAS, Leonard Smith also served as president of the Richmond Virginia Seminary from 2005 to 2008 and the Virginia Baptist State Convention from 2009 to 2012, playing an influential role in faith communities across the Commonwealth; and

WHEREAS, in recent years, Leonard Smith served as the chancellor of the Richmond Virginia Seminary and as special assistant to the president at Virginia University of Lynchburg and was active with the Progressive National Baptist Convention, Inc., and other faith organizations in myriad capacities; and

WHEREAS, Leonard Smith's educational pursuits and accomplishments in service to others over his lifetime earned him a master of divinity degree, a doctorate of ministry, and nine honorary degrees, while inspiring him in his later years to teach classes at seminaries online and to author the book *We Need to Talk: Saying What We Need to Say Without Hurting Each Other*; and

WHEREAS, Leonard Smith will be fondly remembered and dearly missed by his loving wife, Yalonda; his children, Tiffany and Phillip, and their families; his sister, Carol Murray; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Reverend Dr. Leonard N. Smith, longtime leader of Mount Zion Baptist Church in Arlington, whose servant leadership and compassion for others were an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Reverend Dr. Leonard N. Smith as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 168

Commending Dianna C. Bowser.

Agreed to by the Senate, March 3, 2022

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Dianna C. Bowser, President and Chief Executive Officer of the Southside Community Development and Housing Corporation, celebrated 25 years of service to the organization in 2021; and

WHEREAS, Dianna Bowser joined the Southside Community Development and Housing Corporation (SCDHC) as an assistant in 1996 and was promoted to housing counseling manager before being appointed president and chief executive officer in 2007; and

WHEREAS, as the head of SCDHC, Dianna Bowser oversees an organization and staff dedicated to finding holistic housing solutions for residents in the Greater Richmond area while implementing a comprehensive housing counseling program that has been approved by the United States Department of Housing and Urban Development since 1999; and

WHEREAS, through her work with SCDHC, Dianna Bowser has acquired more than 25 years of experience developing new and renovated homes for low-income and moderate-income residents, helping to create millions of dollars' worth of multifamily housing units while preparing tens of thousands of individuals for the responsibilities of homeownership; and

WHEREAS, during Dianna Bowser's tenure, SCDHC was awarded two years of funding to launch its Local Initiatives Support Corporation Financial Opportunity Center in 2019, enhancing the organization's ability to provide financial counseling and promote economic stability in the community; and

WHEREAS, born in Petersburg and raised in Richmond, Dianna Bowser graduated from John Marshall High School in 1975 and The Ohio State University in 1979 and outside of work enjoys spending time with her husband, retired United States Army Sergeant Lawrence Bowser, and her daughter, Ashley; and

WHEREAS, under her leadership, the SCDHC will continue to pursue its mission into the future, developing temporary housing for individuals and families impacted by the COVID-19 pandemic, expanding its multifamily housing portfolio, and executing a multimillion dollar capital campaign to ensure the organization's sustainability for years to come; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Dianna C. Bowser for her tenure as president and chief executive officer of the Southside Community Development and Housing Corporation; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Dianna C. Bowser as an expression of the General Assembly's admiration for her contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 170

Commending the McIntire School of Commerce at the University of Virginia.

Agreed to by the Senate, March 3, 2022

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, 2021 marked the 100th anniversary of the McIntire School of Commerce at the University of Virginia, which educates and inspires innovative business leaders to use commerce to strengthen and advance communities across the Commonwealth, the nation, and the world; and

WHEREAS, the McIntire School of Commerce has advanced the ideals responsible for how commerce can be used as a catalyst for creating positive and lasting change through inspirational vision, ethical consideration, and profound humility; and

WHEREAS, 100 years ago, the McIntire School of Commerce began by offering courses in fundamental business subjects, but its curriculum evolved into its renowned, top-ranked Bachelor of Science in Commerce degree program, which is now complemented by three interdisciplinary minors; and

WHEREAS, the McIntire School's unparalleled Integrated Core Experience is a cutting-edge curriculum characterized by an intellectual and practical rigor rarely found at the undergraduate level, carefully constructed to provide students with the technical, analytical, strategic thinking, and behavioral skills they need to successfully tackle real-world business problems; and

WHEREAS, the McIntire School has built five inventive and internationally acclaimed graduate programs, originating with the M.S. in Accounting degree program, the first such program in the Commonwealth to receive accounting accreditation, and followed later by the M.S. in Commerce degree program, which *The Economist* recently named the top-ranked U.S.-based master's in management program and the sixth worldwide; and

WHEREAS, the McIntire School has shown its dedication to scholarship through the establishment and development of seven dynamic research centers that engage University of Virginia faculty and students and members of industry across the Commonwealth and beyond, encouraging intrepid research, critical collaboration, and the ongoing exploration of new knowledge; and

WHEREAS, throughout its 100-year history, the McIntire School of Commerce has been led by five successful and resolute deans and, for generations, McIntire faculty have remained committed scholars who contribute new knowledge across traditional business disciplines and emerging areas while inspiring students to lead with integrity and purpose when confronting society's grand business challenges; and

WHEREAS, across 100 classes, the McIntire School has graduated enterprising and engaged members of the business community who assume responsibility for using commerce for the common good to balance economic growth, create job opportunities, remove barriers, and, most importantly, improve the standard of living for people across the globe; and

WHEREAS, for a century, the community of McIntire School alumni and friends have unequivocally supported the legacy and lasting success of the school through their generous contributions of time, talent, and treasure, propelling it forward into its next century; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the McIntire School of Commerce at the University of Virginia on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the McIntire School of Commerce at the University of Virginia as an expression of the General Assembly's admiration for its many contributions to the Commonwealth and its unparalleled commitment to preparing innovative business leaders across the world.

SENATE JOINT RESOLUTION NO. 171

Celebrating the life of Sarah Bell Bennett Grant.

Agreed to by the Senate, March 3, 2022

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Sarah Bell Bennett Grant of Portsmouth, an entrepreneur who helped enhance the lives of seniors in Hampton Roads, died on January 19, 2022; and

WHEREAS, affectionately known to family and friends as "Bell," Sarah Grant was devoted to community service and inspired others through her kindness, generosity, and grace; and

WHEREAS, Sarah Grant established Grant's Residential Adult Care Enterprises and provided compassionate, high-quality care to seniors for more than 30 years; and

WHEREAS, Sarah Grant's organization operated three assisted living facilities, Cavalier Estates, Bell's Residential Adult Care, and Pruden Place, which offered comprehensive long-term care in elegant, but affordable settings; and

WHEREAS, Sarah Grant worked diligently to ensure that individuals and families had access to the support they needed to remain healthy, active members of their communities and treated all of her clients with the utmost care and respect; and

WHEREAS, predeceased by her husband, Reginald, and one daughter, Mary, Sarah Grant will be fondly remembered and greatly missed by her children, Ronald, Barbara, Linda, Reginald, Jr., Cornelius, Charles, Carolyn, and Marvin, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Sarah Bell Bennett Grant; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Sarah Bell Bennett Grant as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 172

Celebrating the life of Wendell Oliver Scott, Jr.

Agreed to by the Senate, March 3, 2022

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Wendell Oliver Scott, Jr., a trailblazing figure in NASCAR racing, died on February 10, 2022; and

WHEREAS, Wendell Scott grew up in Danville and served on the racing crew for his father, Wendell Scott, Sr., who was the first Black driver to compete full-time in NASCAR's top racing series; and

WHEREAS, Wendell Scott helped his father win a historic victory in the 1963 NASCAR Grand National Series race at Speedway Park in Jacksonville, Florida, and later represented his father at his posthumous induction in the NASCAR Hall of Fame in 2015; and

WHEREAS, in addition to working in the crew with other members of his family, Wendell Scott also made three starts as a NASCAR driver in the Grand National East Series during the 1973 season, achieving a 13th place finish at Hickory Speedway in North Carolina in November of that year; and

WHEREAS, Wendell Scott will be fondly remembered and greatly missed by his siblings, William, Janis, Cheryl, Sybil, and Michael, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Wendell Oliver Scott, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Wendell Oliver Scott, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 173

Commending Sharon Horton.

Agreed to by the Senate, March 3, 2022

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, in 2022, Sharon Horton of Horton Vineyards received the prestigious Monteith Bowl Trophy for her contributions to the development and sustainability of the wine industry in the United States; and

WHEREAS, the Monteith Bowl Trophy is presented by the Atlantic Seaboard Wine Association to recognize individuals or organizations that have advanced the wine industry through their expertise and commitment to excellence; and

WHEREAS, Sharon Horton and her husband, Dennis, established Horton Vineyards in 1989, and she has provided her wide breadth of viticultural knowledge and guidance to other wineries throughout the Commonwealth and other states over the years; and

WHEREAS, Sharon Horton earned the Monteith Bowl Trophy for her work with Viognier grapes, having planted the variety at a time when there were only 100 acres of registered Viognier vineyards in the world; and

WHEREAS, Sharon Horton provided budwood and cuttings from Horton Vineyards' Viognier grapes to other vineyards and nurseries to help increase the variety's chances for sustainability; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Sharon Horton of Horton Vineyards, winner of the 2022 Monteith Bowl Trophy; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Sharon Horton as an expression of the General Assembly's admiration for her achievements in viticulture and contributions to the Virginia wine industry.

SENATE JOINT RESOLUTION NO. 174

Celebrating the life of Elizabeth Sexton Harrington.

Agreed to by the Senate, March 3, 2022

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Elizabeth Sexton Harrington, a vibrant member of the Spotsylvania County community, died on January 19, 2022; and

WHEREAS, Elizabeth "Betty" Harrington grew up in Norfolk and graduated from Maury High School; she continued her education at the Norfolk Division of The College of William & Mary and Virginia Polytechnic Institute, now known as Old Dominion University; and

WHEREAS, Betty Harrington inspired others with her patriotism and civic-mindedness; she worked to honor the sacrifices of men and women in uniform and volunteered her time with local, state, and national service organizations, including the Salvation Army for more than 20 years; and

WHEREAS, Betty Harrington was a former chair of the Fredericksburg Clean Community Commission, chair of the Fredericksburg Eagle Forum, chair of the Dominion Republican Women's Club, president of the Twin Lakes Civic Association, and treasurer of the James Monroe High School Band Boosters; and

WHEREAS, Betty Harrington served the Commonwealth as a member of the Virginia Commission on the Status of Women, appointed by Governor John Dalton; and

WHEREAS, Betty Harrington's greatest joy in life was her beloved family and she relished every opportunity to impart her sense of kindness and wisdom to her children and grandchildren; and

WHEREAS, a woman of deep and abiding faith, Betty Harrington enjoyed fellowship and worship with the community as a member of First Christian Church in Fredericksburg; and

WHEREAS, predeceased by her husband, Baldwin, and one daughter, Jill, Betty Harrington will be fondly remembered and greatly missed by her children, Win, Anna, Dean, and Keith, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Elizabeth Sexton Harrington; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Elizabeth Sexton Harrington as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 175

Celebrating the life of Josh Neuman.

Agreed to by the Senate, March 3, 2022

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Josh Neuman, a talented longboarder, filmmaker, content creator, entrepreneur, and philanthropist, who thrilled millions of viewers all over the world with his YouTube videos, died on February 3, 2022, after an airplane crash; and

WHEREAS, born in North Carolina, Josh Neuman began making skateboarding videos in his neighborhood at the age of 12; he quickly gained notoriety for his incredible skill and subsequently began filming breathtaking runs through beautiful locales around the world; and

WHEREAS, a fearless adventurer with a passion for extreme sports, Josh Neuman skated through scenic vistas in Laguna Beach, California, around hairpin curves in Norway, and down winding mountain roads in the Alps; and

WHEREAS, Josh Neuman produced the most-watched skateboarding video on YouTube, "Raw Run: Race Against the Storm," which had been viewed more than 106 million times as of February 2022; and

WHEREAS, as an admired social media influencer, Josh Neuman worked with high-profile brands like Prada, Sony, Lexus, and GoPro at the young age of 21; and

WHEREAS, in 2021, Josh Neuman founded NeuVision Skate Co., which sells his preferred version of longboard, as well as a clothing line, and he donated 100 percent of the profits from his initial launch to an organization building wells for communities with limited access to clean water; and

WHEREAS, Josh Neuman will be fondly remembered and greatly missed by numerous family members and friends; and

WHEREAS, Josh Neuman will be most remembered for the effect he had on others through his positive outlook on life; he always encouraged everyone to follow their passion and "live a good story"; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Josh Neuman; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Josh Neuman as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 176

Commending William C. Baker.

Agreed to by the Senate, March 3, 2022
Agreed to by the House of Delegates, March 7, 2022

WHEREAS, for 40 years, beginning in 1982, William C. Baker served as president of the Chesapeake Bay Foundation, the largest nonprofit conservation organization dedicated solely to preserving, protecting, and restoring the Chesapeake Bay; and

WHEREAS, under William Baker's leadership, the Chesapeake Bay Foundation's work to "Save the Bay" has benefited the Chesapeake Bay and all of its tributary rivers and streams by helping to restore them through education, advocacy, restoration, and litigation; and

WHEREAS, under William Baker's leadership, the Chesapeake Bay Foundation's efforts to reduce pollution to waterways in Virginia has led to measurable improvements in water quality and benefited the economy and quality of life for residents throughout our Commonwealth and region; and

WHEREAS, over the course of his four decades of leadership, William Baker worked closely with state and federal elected officials, partner organizations, and residents throughout the Chesapeake Bay watershed to bring about scientifically sound programs and ensure adequate investments in a vibrant bay and clean environment for future generations; and

WHEREAS, under William Baker's leadership, the Chesapeake Bay Foundation helped lay the foundation for federal and regional state partners to make progressively stronger commitments to restore and protect the Chesapeake Bay in the Chesapeake Bay Agreement of 1983, the 1987 Chesapeake Bay Agreement, and the Chesapeake 2000 Agreement; and

WHEREAS, under William Baker's leadership, the Chesapeake Bay Foundation was instrumental in the development and adoption by federal and state partners of the 2010 Chesapeake Bay Total Maximum Daily Load and the state watershed implementation plans, (collectively known as the Chesapeake Clean Water Blueprint) which all partners agreed to implement by 2025, the practices necessary to achieve restoration; and

WHEREAS, during William Baker's tenure, the Chesapeake Bay Foundation worked to support the Chesapeake Bay's myriad marine species, including oysters, menhaden, and striped bass, as well as other essential species like underwater grasses; and

WHEREAS, William Baker oversaw the Chesapeake Bay Foundation's efforts to advance environmental justice by working to protect members of local communities from disproportionate harm from pollution; and

WHEREAS, William Baker guided the Chesapeake Bay Foundation to work toward addressing the causes and deleterious effects of climate change on the Chesapeake Bay; and

WHEREAS, under William Baker's leadership, the Chesapeake Bay Foundation educated and inspired the next generation of leaders by providing more than one million meaningful watershed environmental education experiences to students, teachers, and adults in Virginia and across the Chesapeake Bay region; and

WHEREAS, under the leadership of William Baker, the Chesapeake Bay Foundation and state and local partners began an effort to add 10 billion oysters to the Chesapeake Bay's waters and 10 million new trees within the watershed region by 2025; and

WHEREAS, William Baker is rightly known throughout the Commonwealth and the Chesapeake Bay watershed region as a strong, dedicated, and visionary leader who has recognized the urgency of restoring the Chesapeake Bay and whose leadership has been instrumental in inspiring Virginia and federal and regional partner states to keep on the path to saving this national treasure; and

WHEREAS, William Baker retired from his outstanding career with the Chesapeake Bay Foundation at the end of 2021, and he left the organization and his successor, Hilary Harp Falk, well-prepared to lead the effort to ensure a legacy of cleaner water in the Chesapeake Bay and the Commonwealth's rivers and streams for future generations; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend William C. Baker for his immense contributions to the Chesapeake Bay and to the Commonwealth and its residents; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to William C. Baker as an expression of the General Assembly's admiration for his personal and professional achievements.

SENATE JOINT RESOLUTION NO. 177

Commending Bruce Thompson.

Agreed to by the Senate, March 3, 2022
Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Bruce Thompson, an esteemed developer, hotelier, and restaurateur whose various ventures in recent years have helped to transform Hampton Roads into the world-class tourist destination it is today, was named Person of the Year by *Virginia Business* magazine in 2021; and

WHEREAS, after working as a music promoter, farmhand, and bartender in his early years, Bruce Thompson achieved his first major success in business with his company Great Atlantic Travel; and

WHEREAS, in the early 1980s, Bruce Thompson pivoted to the hospitality industry, opening his first hotel, the Ocean House Hotel, at 31st Street and Atlantic Avenue in Virginia Beach; and

WHEREAS, Bruce Thompson developed his hotel interests under Professional Hospitality Resources while founding Gold Key, a timeshare company, along with other marketing and finance companies; and

WHEREAS, at the peak of Professional Hospitality Resources and Gold Key, it is estimated that the companies controlled more than half of the commercial bedrooms along the Virginia Beach oceanfront; and

WHEREAS, Bruce Thompson subsequently applied his skills and expertise to the restaurant trade, building an impressive portfolio of as many as 21 establishments; and

WHEREAS, Bruce Thompson sold several of his companies in the 1990s and consolidated those remaining under the banner of Gold Key § PHR in 1999, which continues to be a regional leader in the areas of hospitality and real estate development; and

WHEREAS, Bruce Thompson's vision for Virginia Beach as a top tourist destination has led to the construction of several luxury hotels along the city's oceanfront in recent years, beginning with the Hilton Virginia Beach Oceanfront hotel in 2003; and

WHEREAS, building off the success of the Oceanfront Hilton, Bruce Thompson opened Hilton Norfolk The Main in 2017 and spearheaded the development of the Cavalier Resort, a major tourism initiative on the Virginia Beach waterfront centered around the historic Cavalier Hotel; and

WHEREAS, over the past 15 years, Bruce Thompson's Gold Key § PHR has invested more than \$1 billion in Hampton Roads and the Outer Banks of North Carolina, while providing employment to more than 1,700 people in these communities; and

WHEREAS, Bruce Thompson's dedication to Virginia Beach included serving on its inaugural Resort Area Advisory Commission in the 1970s, which supported the creation of the Virginia Aquarium & Marine Science Center, the Virginia Beach Convention Center, and the Veterans United Home Loans Amphitheater, as well as other improvements along the oceanfront boardwalk; and

WHEREAS, Bruce Thompson has served on several boards and commissions, including GO Virginia Region 5 Council, the Commonwealth's COVID-19 Business Task Force, and the Eastern Virginia Medical School Board of Visitors; and

WHEREAS, Bruce Thompson has become a major supporter and fundraiser for initiatives to improve research into and treatment of amyotrophic lateral sclerosis, helping to raise more than \$20 million for various projects over the past decade; and

WHEREAS, through his commitment to excellence and his visionary leadership, Bruce Thompson has left a profound impact on Hampton Roads that will benefit residents and visitors for generations to come; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Bruce Thompson, an influential developer in the Hampton Roads region, for being named the *Virginia Business* Person of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Bruce Thompson as an expression of the General Assembly's admiration for his contributions to Hampton Roads and the Commonwealth.

SENATE JOINT RESOLUTION NO. 178

Commending Donna Lawson.

Agreed to by the Senate, March 3, 2022

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Donna Lawson of Poquoson retired as the legislative affairs officer of the National Aeronautics and Space Administration Langley Research Center after a long and distinguished career; and

WHEREAS, Donna Lawson grew up in Newport News and cultivated a love of lifelong learning and a fascination with space exploration from a young age; and

WHEREAS, Donna Lawson graduated from Old Dominion University as a first-generation college student and began working at the National Aeronautics and Space Administration (NASA) after earning her master's degree; and

WHEREAS, early in her career with NASA, Donna Lawson managed the outreach and exhibits program and used the opportunity to impart her passion for space and aeronautics to her children by bringing them to state fairs, air shows, and shuttle launches; and

WHEREAS, Donna Lawson joined NASA Langley Research Center as a technical publications editor in 1991 and became the legislative affairs officer in 2003; in that capacity, she communicated the value of both NASA and the NASA Langley Research Center to local, state, and federal officials; and

WHEREAS, Donna Lawson coordinated with industry experts, academia, and community leaders to raise awareness of how NASA and the aerospace industry contribute to scientific advancement and the economic vitality of the nation; and

WHEREAS, Donna Lawson developed many regional economic partnerships, served as a primary liaison for NASA-related issues to numerous stakeholders, and led annual Aerospace Days at the Virginia General Assembly; and

WHEREAS, among many awards and accolades in her career, Donna Lawson earned the Silver Achievement Medal and several group and team achievement awards for her contributions to various projects at NASA Langley Research Center, including anniversary commemorations and efforts to raise awareness of the contributions of scientists and mathematicians in the 1960s; and

WHEREAS, an explorer at heart, Donna Lawson is a trailblazing leader who has helped Virginians from many different backgrounds not only gain an appreciation for the wonders of space, but develop the courage to push beyond personal frontiers and achieve their fullest potential; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Donna Lawson on the occasion of her retirement as legislative affairs officer of NASA Langley Research Center; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Donna Lawson as an expression of the General Assembly's admiration for her achievements in service to the American space program and the Commonwealth.

SENATE JOINT RESOLUTION NO. 179

Celebrating the life of Connor Garstka.

Agreed to by the Senate, March 3, 2022

Agreed to by the House of Delegates, March 7, 2022

WHEREAS, Connor Garstka, a senior attorney with the Division of Legislative Services in the Finance and Government Section and a beloved son, brother, and friend, died on February 13, 2022; and

WHEREAS, a native of New Hampshire, Connor Garstka graduated magna cum laude from Boston College in 2011 and subsequently earned a law degree from The College of William and Mary, where he also received the CALI Excellence for the Future Award for his academic achievements; and

WHEREAS, while a student at the William and Mary Law School, Connor Garstka interned with the Department of Environmental Quality, the Office of the Attorney General, the Chesapeake Bay Foundation, and the Environmental Protection Agency, gaining a wealth of knowledge on state and federal laws and regulations; and

WHEREAS, in 2015, Connor Garstka assisted the Department of Conservation and Recreation with the development of a Flood Protection Plan and Manual through the Virginia Coastal Policy Center; and

WHEREAS, Connor Garstka joined the Division of Legislative Services on October 25, 2016, and, as a member of the Finance and Government Section, he provided staff support to the House Appropriations, House Finance, and Senate Finance and Appropriations committees, building strong working relationships with members of the General Assembly; and

WHEREAS, admired for his attention to detail, legal acumen, and insightful drafting skills, Connor Garstka contributed to the research, preparation, and revision of hundreds of pieces of complex legislation during regular and special sessions of the General Assembly; and

WHEREAS, Connor Garstka's personal integrity, commitment to public service, and humble professionalism helped ensure the good and efficient functioning of state government and enabled the members of the General Assembly to better serve the Commonwealth; and

WHEREAS, a true Renaissance man, Connor Garstka was driven by intellectual curiosity and a pursuit of excellence; he was an avid reader, writer, and poet, as well as a talented musician who played with the band Carmen Ann and the Low Down Gamblers; and

WHEREAS, Connor Garstka was an elegant conversationalist who put others at ease through his genuine warmth, wit, and kindness; his friends and colleagues at the Division of Legislative Services are richer for having had the privilege to know him and work by his side; and

WHEREAS, Connor Garstka will be fondly remembered and greatly missed by his parents, Ellen and Alan; his brother, Colin; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Connor Garstka; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Connor Garstka as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 180

Commending John Hugo, D.M.A.

Agreed to by the Senate, March 9, 2022

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, John Hugo, D.M.A., chair of the Department of Music Theory and History at Liberty University and chorus master for the Roanoke Symphony Orchestra, masterfully crafted a special duet arrangement of "The Star-Spangled Banner," our National Anthem, that was performed at the inauguration of Governor Glenn Youngkin on January 15, 2022; and

WHEREAS, after attending the New England Conservatory of Music, where he studied under the legendary Lorna Cooke deVaron, John Hugo earned a doctorate of musical arts degree from Arizona State University; and

WHEREAS, director of the Liberty University concert choir since 1988, John Hugo also teaches private voice, music history, and choral conducting and has directed five musicals at the university: *The Most Happy Fella*, *The Mikado*, *Brigadoon*, *H. M. S. Pinafore*, and *Anything Goes*; and

WHEREAS, John Hugo became the chorus master of the Roanoke Symphony Orchestra in 1999 and has prepared performances of significant choral and orchestral works there ever since; and

WHEREAS, John Hugo is also an accomplished singer whose performances have included solo roles at Opera Roanoke, the Lynchburg Fine Arts Center, and Liberty University's Tower Theater, as well as appearances as a concert soloist with the Roanoke, Lynchburg, and Liberty University Symphony Orchestras; and

WHEREAS, committed to enhancing musical education in the Commonwealth, John Hugo has served as the secretary, vice president, president, and governor of the Virginia Chapter of the National Association of Teachers of Singing; and

WHEREAS, John Hugo proudly holds memberships with the American Choral Directors Association (ACDA), the National Association of Teachers of Singing, the National Association for Music Education, and the Phi Kappa Phi honor society; and

WHEREAS, John Hugo has also supported his craft as an adjudicator for choral auditions of the Virginia chapter of ACDA and the Virginia Music Educators Association; and

WHEREAS, John Hugo has given generously of his talents by conducting school festival choirs in Central Virginia and by leading congregational singing at Thomas Road Baptist Church in Lynchburg during its weekly services; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend John Hugo, D.M.A., an esteemed member of the Commonwealth's music community, for composing a special arrangement of the National Anthem in honor of the inauguration of Governor Glenn Youngkin; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to John Hugo, D.M.A., as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 181

Celebrating the life of the Reverend Patrick Joseph White.

Agreed to by the Senate, March 10, 2022

Agreed to by the House of Delegates, March 12, 2022

WHEREAS, the Reverend Patrick Joseph White, an honorable veteran, esteemed spiritual leader at Saint Bridget Catholic Church in Richmond, and a beloved member of the Richmond community, died on January 19, 2022; and

WHEREAS, Patrick "Pat" White graduated from Hopewell High School in 1972 and briefly attended Washington and Lee University before he enlisted with the United States Navy, serving his country admirably from 1975 to 1981 as a petty officer first class on the USS *America*; and

WHEREAS, following his years of service, Pat White settled in Richmond, embarking upon a career in the field of information technology (IT) while pursuing a degree at Virginia Commonwealth University; and

WHEREAS, after rising to the position of IT director for both Overnite Transportation and Markel Corporation, Pat White took an early retirement to teach theology at Benedictine College Preparatory in Richmond; and

WHEREAS, as an educator at Benedictine College Preparatory from 2003 until 2016, Pat White fostered the intellectual and spiritual development of hundreds of young men, contributing to their success both in the classroom and in life; and

WHEREAS, inspired to extend his wisdom and faith further into the community, Pat White earned a master's degree in theology from Saint Leo University and became a deacon in 2015; and

WHEREAS, Pat White then served at Saint Bridget Catholic Church in Richmond for several years, helping the parish to swell both in size and spirit while providing its members with enlightening and edifying counsel; and

WHEREAS, Pat White enjoyed the distinct privilege of standing on the altar with Pope Francis during the Jubilee of Deacons celebration at the Vatican in 2015; and

WHEREAS, Pat White will be fondly remembered and dearly missed by his loving wife, Katherine; his children, Elizabeth, Christopher, and Bridget, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Reverend Patrick Joseph White, a cherished member of the Richmond community whose kind and caring nature and dedication to service were an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Reverend Patrick Joseph White as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 182

Commending Veterans of Foreign Wars Post 8469.

Agreed to by the Senate, March 9, 2022

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, Veterans of Foreign Wars Post 8469 in Fairfax County celebrated its 75th anniversary of service to veterans, active duty military, military families, and the community in 2021; and

WHEREAS, Veterans of Foreign Wars (VFW) Post 8469 is a nonprofit, patriotic, social, fraternal, and educational association that strives to honor the service and sacrifices of veterans through contributions to the community and servant leadership; and

WHEREAS, charitable donations from Veterans Day and Memorial Day events organized by the members of VFW Post 8469 have supported the United Service Organizations, military relief societies for multiple branches of the military, and other worthy causes; and

WHEREAS, VFW Post 8469 has delighted generations of attendees at local Fourth of July festivities by sending a decorated float, restored World War II vehicles, and members of its color guard and marching unit to parades; and

WHEREAS, VFW Post 8469 also awards scholarships to local young people and has partnered with other charitable organizations to enhance the quality of life throughout the community and provide hope and support to people in need; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Veterans of Foreign Wars Post 8469 on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Veterans of Foreign Wars Post 8469 as an expression of the General Assembly's admiration for the organization's legacy of service to the Fairfax community.

SENATE JOINT RESOLUTION NO. 183

Commending the Virginia Cardinals Rugby Football Club.

Agreed to by the Senate, March 9, 2022

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, the Virginia Cardinals Rugby Football Club won the National Old Boys Rugby Championship at Wagner Park in Aspen, Colorado, on September 26, 2021; and

WHEREAS, the National Old Boys Rugby Championship was held as part of the 53rd annual Rufferfest, which brings rugby clubs of various ages from around the nation together each year for spirited and friendly competition; and

WHEREAS, the Virginia Cardinals faced off against other clubs with players ages 50 and up in a four-day tournament that culminated with the National Old Boys Rugby Championship match; and

WHEREAS, the Virginia Cardinals have won at Rufferfest many times over the past 20 years and were the reigning champions in the 50 and over division going into this year's tournament, having won the most recent championship in 2019 before the 2020 event was cancelled due to the COVID-19 pandemic; and

WHEREAS, along with their victory, the Virginia Cardinals celebrated the life of the late John Alexander Carr over the weekend, a founder of the club and longtime promoter of rugby in both the Commonwealth and at James Madison University, who died in May 2021; and

WHEREAS, the success of the Virginia Cardinals is the result of the hard work and dedication of its veteran athletes and the unwavering support of the entire Virginia Cardinals community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Virginia Cardinals Rugby Football Club for winning the 2021 National Old Boys Rugby Championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Virginia Cardinals Rugby Football Club as an expression of the General Assembly's admiration for the team's achievements.

SENATE JOINT RESOLUTION NO. 184

Commending Together We Bake.

Agreed to by the Senate, March 9, 2022

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, Together We Bake, an organization dedicated to providing a comprehensive workforce training and personal development program to help women achieve sustainable employment and move toward self-sufficiency, celebrated its 10th anniversary in 2022; and

WHEREAS, Together We Bake was co-founded by Stephanie Wright and Tricia Sabatini, who drew from the former's background in social work and the latter's exceptional cookie recipe when envisioning their organization; and

WHEREAS, Together We Bake empowers women through its workforce and soft skills training program and counseling from its staff, enabling team members to obtain and maintain employment while learning to manage adversity in ways beneficial to their well-being and stability; and

WHEREAS, in 2016, Together We Bake acquired Fruitycycle, a successful business that turns unwanted produce into healthy snacks, increasing its product offerings and distribution channels; and

WHEREAS, Together We Bake continues to expand its operations to better meet demand and to hone its program to improve its efficacy, adding a digital literacy component in 2020; and

WHEREAS, of the 215 women who have graduated from the Together We Bake program, 83 percent have earned national certification from ServSafe, while 70 percent of the alumni from the last two years are currently employed; and

WHEREAS, Together We Bake has been accepted into the National Restaurant Association Educational Foundation's Restaurant Ready program, enhancing its ability to serve the community; and

WHEREAS, Together We Bake has been recognized by the Catalogue for Philanthropy as a top small nonprofit, while its co-founder, Stephanie Wright, was the recipient of the Women's Empowerment Award from the UNFCU Foundation in 2020; and

WHEREAS, the accomplishments of Together We Bake are the result of the visionary leadership of its founders, the steadfast dedication of its staff, and the unwavering commitment of its team members; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Together We Bake on the occasion of its 10th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Together We Bake as an expression of the General Assembly's admiration for the organization's mission and its contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 185

Celebrating the life of Florence King.

Agreed to by the Senate, March 9, 2022

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, Florence King, an esteemed financial educator, accomplished civic activist, and prominent and beloved member of the Alexandria community, died on December 9, 2021; and

WHEREAS, Florence King excelled in school despite the segregationist policies prevailing throughout her childhood, graduating from Luther Jackson High School in Tysons before earning a bachelor's degree in sociology with a minor in business administration from George Mason University; and

WHEREAS, Florence King worked the first 17 years of her career with the United States Government, serving first at the Army National Guard Personnel Center at the Pentagon, where she was recognized with the agency's Meritorious Service Award and promoted to chief of the Military Personnel Records Branch, and later at the Federal Emergency Management Agency; and

WHEREAS, Florence King went on to found FMK Credit Services in 1991, providing thousands of clients with valuable financial advice to enable them to improve their credit ratings and realize opportunities for success; and

WHEREAS, Florence King later founded the FMK Credit Education Center in 2005 and the nonprofit FMK Financial Literacy Center in 2016, advancing her mission to help disadvantaged families and seniors achieve greater independence and economic stability; and

WHEREAS, Florence King demonstrated her deep commitment to Alexandria through her service with various local civic organizations, including as vice chair of Agenda: Alexandria, as vice president of the Northern Virginia Urban League Guild, and as a board member of the Alexandria Symphony Orchestra and Living Legends of Alexandria; and

WHEREAS, Florence King felt a personal connection to the Northern Virginia region and its history as a descendent of Thornton and Thomasine Gray, who had both been enslaved at President George Washington's Mount Vernon plantation in their lifetimes; and

WHEREAS, Florence King was a driving force in organizations such as the Historic Alexandria Resources Commission, the Freedmen Cemetery Memorial steering committee, and the Laurel Grove School Association, which maintains the only remaining African American schoolhouse in Northern Virginia; and

WHEREAS, in recognition of her tireless efforts to teach financial literacy and serve her community, Florence King was held in high regard by public leaders across Alexandria and named an Alexandria Living Legend in 2018; and

WHEREAS, guided throughout her life by her faith, Florence King enjoyed worship and fellowship with her community at McLean Bible Church, where she was a vital member of the financial counseling team ministry for nearly 20 years; and

WHEREAS, Florence King will be fondly remembered and dearly missed by her children, siblings, and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Florence King, an influential and cherished member of the Alexandria community whose dedication to serving others touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Florence King as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 186

Commending the Older Americans Act Nutrition Program.

Agreed to by the Senate, March 9, 2022

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, on March 22, 1972, President Richard Nixon signed into law a measure that amended the Older Americans Act of 1965 to include a national nutrition program for individuals 60 years and older; and

WHEREAS, for five decades, this landmark law has helped to fund community-based organizations like Meals on Wheels, and it is still the only federal program designed specifically to meet the nutritional and social needs of older adults; and

WHEREAS, in 2022, Meals on Wheels programs across the country are joining together for the March for Meals awareness campaign to celebrate 50 years of success and garner the support needed to ensure these critical programs can continue to address food insecurity and malnutrition, combat social isolation, enable independence, and improve health for years to come; and

WHEREAS, volunteers for Meals on Wheels programs are the backbone of the Older Americans Act Nutrition Program, and they not only deliver nutritious meals to seniors and individuals with disabilities who are at significant risk of hunger and isolation, but also provide caring, companionship, and attention to their welfare; and

WHEREAS, Meals on Wheels programs throughout the Commonwealth provide nutritious meals to seniors that help them maintain their health and independence, thereby helping to prevent unnecessary falls, hospitalizations, or premature institutionalization; and

WHEREAS, Meals on Wheels programs in Virginia have made heroic contributions to communities by providing essential services during the COVID-19 pandemic; and

WHEREAS, the COVID-19 pandemic placed unprecedented barriers on the independence of individuals over 60, and organizations like Senior Services Alexandria (SSA) expanded their nutrition services programs to more than double the number of clients served previously; and

WHEREAS, SSA's meal delivery programs expanded from delivering roughly 900 meals weekly in March 2020, to delivering approximately 2,500 meals weekly by June; the organization's no-fee grocery shopping service also became a lifeline for at-risk older adults, serving more than 135 seniors; and

WHEREAS, in addition, Meals on Wheels Alexandria extended their services beyond nutritional support to help schedule over 600 COVID-19 vaccine appointments for older, high-risk individuals; and

WHEREAS, the senior population across the country is increasing substantially, and action is needed to support local Meals on Wheels programs through volunteering, donations, and efforts to raise awareness of these vital services to ensure that they can continue to be delivered for another 50 years; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Older Americans Act Nutrition Program on the occasion of the 50th anniversary of its creation; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to representatives of Meals on Wheels programs in Virginia as an expression of the General Assembly's appreciation for the way the Older Americans Act Nutrition Program has enriched communities by addressing food insecurity and isolation among seniors.

SENATE JOINT RESOLUTION NO. 187

Commending Seven Hills School.

Agreed to by the Senate, March 9, 2022

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, Seven Hills School, an all-boys private middle school in the Northside neighborhood of Richmond, celebrates its 20th anniversary throughout the 2021-2022 school year; and

WHEREAS, the origins of Seven Hills School date to 1999, when a group of Richmond parents came together to pursue their vision for a school that would engage their sons in their learning and inspire them to reach their full potential; and

WHEREAS, a year later, the group tapped longtime educator David Dorsey to be their head of school and, in September 2001, Seven Hills School opened its doors to the first students; and

WHEREAS, initially located at St. Thomas' Episcopal Church in Ginter Park, Seven Hills School moved to a large campus on Overbrook Road in 2008 to expand programming; and

WHEREAS, the mission of Seven Hills School is to cultivate both the intellect and emotional intelligence of its students through hands-on learning, critical thinking, and guided exploration; and

WHEREAS, since its founding two decades ago, Seven Hills School has graduated 338 alumni while establishing itself as a national leader in the education of middle school-aged boys; and

WHEREAS, the accomplishments of Seven Hills School were made possible through the effort and enthusiasm of its students, the dedication and capability of its educators, and the unwavering generosity and support of its parents, trustees, and community partners; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Seven Hills School of Richmond on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Dagan Rowe, head of Seven Hills School, as an expression of the General Assembly's admiration for the school's contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 188

Celebrating the life of Phyllis Maxine Taylor.

Agreed to by the Senate, March 9, 2022

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, Phyllis Maxine Taylor, an inspirational member of the South Prince George community, died on December 24, 2021; and

WHEREAS, a native of Southampton, Phyllis Taylor grew up in Prince George County and graduated from Peabody High School in 1947; the following year she married the love of her life, Wesley Meloy Taylor, Sr., and the couple proudly raised nine children and enjoyed nearly 70 years of marriage; and

WHEREAS, Phyllis Taylor worked as a waitress early in her adult life, then for the Arnold Pen Company alongside her sister, Sarah, for many years; and

WHEREAS, when her husband answered the call to the ministry, Phyllis Taylor supported his congregations by teaching, praying with, and mentoring women of the community; and

WHEREAS, Phyllis Taylor served as state missionary president for the Virginia Southern Diocese of the Church of Our Lord Jesus Christ of the Apostolic Faith (COOLJC) during her husband's tenure as bishop, and she became first lady of COOLJC Region IV from 2005 to 2017; and

WHEREAS, Phyllis Taylor was the cofounder and matriarch of Calvary Temple Church and offered her wise counsel to Calvary Pentecostal Ministries, Calvary Outreach Revival Center, pastored by her son, Irving, and House of Prayer Church, pastored by her son, Wesley, Jr.; and

WHEREAS, affectionately known to family and friends as "Mother Taylor," Phyllis Taylor inspired others through her kindness, humility, and grace, always putting the needs of others before her own; and

WHEREAS, predeceased by her husband, Wesley, and one daughter, Jacquelyn, Phyllis Taylor will be fondly remembered and greatly missed by her children, James, Robert, Patricia, Irving, Barbara, Kenneth, Alfred, and Wesley, Jr., and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Phyllis Maxine Taylor, a beloved member of the South Prince George community who touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Phyllis Maxine Taylor as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 190

Celebrating the life of Anna Jane Leider.

Agreed to by the Senate, March 9, 2022

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, Anna Jane Leider, esteemed former voter registrar of the City of Alexandria and a beloved member of the Alexandria community, died on February 12, 2022; and

WHEREAS, while a student at T.C. Williams High School in Alexandria, Anna Leider won a national essay contest sponsored by the National Football League with her submission "Why is Football so American?" in which she cleverly drew parallels between the ideals of the nation and the objectives of football; and

WHEREAS, Anna Leider later earned a bachelor's degree from Amherst College and a master's degree in business administration from New York University before taking a job on Capitol Hill in the office of United States Senator John Warner; and

WHEREAS, Anna Leider subsequently supported President Bill Clinton's bid for the White House as his Alexandria campaign manager, an experience that led her to chair the Alexandria Democratic Committee from 1993 to 1997; and

WHEREAS, Anna Leider joined the City of Alexandria's Office of Voter Registration and Elections in 1998 and thereafter rose from election official to the position of general registrar and director of elections as appointed by the electoral board of the City of Alexandria; and

WHEREAS, over her 22-year tenure at the Office of Voter Registration and Elections, Anna Leider helped manage more than 40 elections, while the numbers of registered voters and polling places increased significantly under her watch; and

WHEREAS, Anna Leider was a valued mentor to many colleagues and local officials, inspiring others to pursue excellence in the administration of their public duties; and

WHEREAS, Anna Leider was a devoted sports fan who enjoyed few activities more than cheering on her favorite teams, the Washington Nationals and the Kansas University Jayhawks; and

WHEREAS, preceded in death by her father, Robert, Anna Leider will be fondly remembered and dearly missed by her mother, Kit, and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Anna Jane Leider, admired former voter registrar of the City of Alexandria who demonstrated exceptional kindness, generosity, and integrity throughout her life; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Anna Jane Leider as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 191

Commending J. David Bailey.

Agreed to by the Senate, March 9, 2022

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, J. David Bailey, an honorable and distinguished veteran and resident of Alexandria who is believed to be the oldest living survivor of the Battle of the Bulge, celebrated his 100th birthday on January 3, 2022; and

WHEREAS, David Bailey served his country valiantly during World War II as a member of Company F of the 442nd Regiment of the 106th Infantry Division of the United States Army; and

WHEREAS, landing in Le Havre, France, on December 3, 1944, and traveling to St. Vith, Belgium, a week later, David Bailey and his fellow troops would be caught by a German surprise attack on December 16 in what would later become known as the Battle of the Bulge, one of the largest and bloodiest battles of World War II; and

WHEREAS, although David Bailey's entire battalion was captured during the battle, he was able to escape and survive, appearing later on the cover of a victory edition of *Stars and Stripes* in the final days of the war; and

WHEREAS, David Bailey has helped to honor and preserve the history of World War II through his work with the Battle of the Bulge Association, serving as president of the organization from 2010 to 2012 and continuing to regularly attend board meetings and national reunions as an elected official to this day; and

WHEREAS, David Bailey had the distinction of being one of the veterans to lay the wreath at the Tomb of the Unknown Soldier in Arlington National Cemetery at an event on January 25, 2022, commemorating the end of the Battle of the Bulge; and

WHEREAS, David Bailey has been present at various other World War II commemorations over the years, including the opening of the World War II Memorial in Washington, D.C., and the 70th Anniversary of V-E Day ceremony held at that site on May 8, 2015, and was a guest of President Barack Obama at the White House on Veterans Day in 2011; and

WHEREAS, in recognition of his heroism in support of the Allied war effort, David Bailey was recently bestowed the National Order of the Legion of Honour, the highest French order of merit, and received the Order of St. Maurice medallion from the National Infantry Association in 2012; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend J. David Bailey on the occasion of his centennial birthday; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to J. David Bailey as an expression of the General Assembly's admiration for his service to the country and high regard for his impressive and inspirational life.

SENATE JOINT RESOLUTION NO. 192

Celebrating the life of Christopher Ray Agee.

Agreed to by the Senate, March 9, 2022

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, Christopher Ray Agee, a dedicated law-enforcement officer and highly admired member of the Axton community, died on January 23, 2022; and

WHEREAS, Christopher "Chris" Agee grew up in Martinsville and began working at a Kroger grocery store at the age of 16; he was promoted to supervisor within a few months, a testament to his maturity, sense of responsibility, and work ethic; and

WHEREAS, Chris Agee subsequently became the youngest person hired as part of the security team at the Tultex textile manufacturing plant in Martinsville, then accepted a job performing inspections at nursing homes throughout the Commonwealth and Maryland; and

WHEREAS, Chris Agee fulfilled his longtime dream to become a law-enforcement officer when he joined the Newport News Police Department, and 13 years later, he returned to Southside Virginia as a member of the Danville Police Department; and

WHEREAS, Chris Agee was a trusted mentor and devoted friend to his fellow police officers, and he inspired everyone he met through his commitment to servant leadership; and

WHEREAS, Chris Agee will be fondly remembered and greatly missed by his mother, Kathy; his fiancé, Krystina; numerous other family members and friends; and his fellow law-enforcement officers at the Danville Police Department; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Christopher Ray Agee; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Christopher Ray Agee as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 193

Commending Charlie Euripides.

Agreed to by the Senate, March 9, 2022

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, Charlie Euripides, an honorable veteran of the Korean War and esteemed owner of Royal Restaurant and Caterers in Alexandria, will celebrate his 90th birthday on December 6, 2022; and

WHEREAS, raised in Cyprus, Charlie Euripides left his family as a teenager to immigrate to the United States, arriving in Alexandria in 1951; and

WHEREAS, while working tirelessly alongside an uncle who owned a small restaurant at the corner of King and Royal Streets in Alexandria, Charlie Euripides took citizenship classes at the former George Washington High School in Del Ray and studied engineering at George Washington University; and

WHEREAS, Charlie Euripides then served his country with courage and valor as a member of the United States Navy during the Korean War, including two years aboard the U.S.S. *New Jersey* in the gunnery division and two years with the flagship of the U.S. Sixth Fleet, the U.S.S. *Salem*; and

WHEREAS, while with the United States Navy, Charlie Euripides also served in a special services unit translating messages from the Greek military and other various pieces of high-level intel; and

WHEREAS, following his service, Charlie Euripides took over the Royal Café for his uncle, guiding the restaurant's move to its present location on North St. Asaph Street and renaming it the Royal Restaurant; and

WHEREAS, long popular with local politicians, law-enforcement officers, and judges due to its proximity to Alexandria City Hall and its reputation for quality and service, Charlie Euripides' restaurant continued to thrive, while also attracting prominent clientele such as former President Gerald Ford, Bob Hope, Sammy Davis, Jr., and Elizabeth Taylor over the years; and

WHEREAS, inspired by his own experiences, Charlie Euripides and his wife not only provided jobs to newly arrived immigrants, but also mentored and supported them in their personal journeys to attain American citizenship; and

WHEREAS, after joining American Legion Post 24 in Old Town in 1958, Charlie Euripides became motivated to care for veterans who had fallen on hard times, providing countless meals and other forms of assistance, including Thanksgiving Day banquets that were open for all to attend; and

WHEREAS, Charlie Euripides' commitment to his community has only grown over the years, leading him to make generous contributions to civic organizations such as The Salvation Army, Del Ray Artisans, and the Alexandria Police Foundation; and

WHEREAS, Charlie Euripides has been recognized with numerous accolades and awards over the years, including the Distinguished Patriot Award from the Alexandria Chamber of Commerce in 2016 and a Living Legends of Alexandria honor in 2018; and

WHEREAS, Charlie Euripides has not only built a successful and cherished business, but has also taken great effort to support the aspirations of future U.S. citizens and the needs of our nation's veterans, making him a true embodiment of the American Dream; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Charlie Euripides, distinguished businessman and citizen of Alexandria, on the occasion of his 90th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Charlie Euripides as an expression of the General Assembly's admiration for his inspirational life and many contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 194

Commending the Hayfield High School boys' basketball team.

Agreed to by the Senate, March 9, 2022

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, the Hayfield High School boys' basketball team won the Virginia High School League Region 6C championship in 2022; and

WHEREAS, the Hayfield High School Hawks defeated the Fairfax High School Lions by a score of 82-45 to secure their second consecutive regional title; and

WHEREAS, the Hayfield Hawks led by an eight-point margin at halftime, but ran away with the second half, outscoring the Fairfax Lions 28-3 in the third quarter alone; and

WHEREAS, the Hayfield Hawks went on to win the Virginia Class 6 semifinal on Monday, March 7th; No. 5 Hayfield pounded No. 11 South Lakes, 67-48, to earn a spot in the championship game in Richmond; and

WHEREAS, the members of the Hayfield Hawks team are Braylon Wheeler, Daryl "dj" Holloway, Ashton Pratt, Nate Tesfaye, Markus Rouse, Sean Burton, Ryan Payne, Juan Henriquez, Andy Ramirez, Colin Souther, Mark Mckenzie, Javon Brown, Greg Jones, Braelen Cage, David King and Sky Thompson; and

WHEREAS, these victories are a tribute to the hard work and dedication of all the student-athletes, the leadership and guidance of coaches and staff, and the enthusiastic support of the entire Hayfield High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Hayfield High School boys' basketball team on winning the Virginia High School League Region 6C championship and the Virginia Class 6 semifinal; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Carlos Poindexter, head coach of the Hayfield High School boys' basketball team, as an expression of the General Assembly's admiration for the team's achievements.

SENATE JOINT RESOLUTION NO. 195

Commending Glebe Landing Baptist Church.

Agreed to by the Senate, March 9, 2022

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, for more than 250 years, Glebe Landing Baptist Church has provided spiritual leadership, generous community outreach programs, and opportunities for joyful worship in the Baptist tradition to the residents of Middlesex County to the Glory of God; and

WHEREAS, Glebe Landing Baptist Church was the first active Baptist congregation in the area and was constituted in October 1772 by the Baptist preacher John Waller, who played a vital role in the defense of religious liberty in the Virginia Colony; and

WHEREAS, the Reverend William Mullins served as the first pastor of Glebe Landing Baptist Church, which took its name from the nearby Old Glebe farm overlooking the Rappahannock River; the church held nearly all of its early baptisms in the Rappahannock River and has maintained the tradition by offering river baptisms by request; and

WHEREAS, the current Glebe Landing Baptist Church sanctuary was constructed in 1839, and the historic building has undergone numerous renovations and received several additions to better serve its members and the wider community; and

WHEREAS, from its humble beginning with only 20 members, the Glebe Landing Baptist Church has grown to include generations of Middlesex County residents, and the church has become the mother of two other thriving church communities, Hermitage Baptist Church and Union Shiloh Baptist Church; and

WHEREAS, members of the Glebe Landing Baptist Church congregation have demonstrated exceptional leadership in the Virginia Baptist community and have gone on to serve the Commonwealth and the nation in a wide variety of roles and professions, including a long tradition of military service dating back to the Revolutionary War; and

WHEREAS, over the course of its distinguished history, Glebe Landing Baptist Church has benefited from the able leadership of 32 pastors and two interim pastors; its current pastor, the Reverend Gene Cumbia, has served the congregation since 2011; and

WHEREAS, Reverend Cumbia has helped Glebe Landing Baptist Church continue to grow in faith and increased outreach to the community through programs like a Youth Night event, free lunches for people in need, nursing home visits, and other activities; and

WHEREAS, Glebe Landing Baptist Church has enriched the quality of life in Middlesex County and played an essential role in maintaining the history and traditions of the Baptist faith in the Commonwealth to the Glory of God; and

WHEREAS, Glebe Landing Baptist Church will commemorate its historic 250th anniversary with a special service on October 16, 2022; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Glebe Landing Baptist Church on the occasion of its 250th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Glebe Landing Baptist Church as an expression of the General Assembly's admiration for the church's storied history and legacy of contributions to the Middlesex County community and the Commonwealth and to religious liberty in the nations of the world.

SENATE JOINT RESOLUTION NO. 196

Celebrating the life of Adeline Rose Krizek.

Agreed to by the Senate, March 9, 2022

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, Adeline Rose Krizek, a highly admired community leader in Alexandria who offered her wisdom and expertise to a range of philanthropic and humanitarian organizations, died on September 5, 2021; and

WHEREAS, born in London, Adeline "Addy" Krizek lived in the Notting Hill neighborhood until World War II, when she and her sisters were evacuated to the countryside to live with a series of host families; and

WHEREAS, at age 20, Addy Krizek immigrated to the United States, and in 1955, she met her future husband, Eugene "Gene" Krizek, while they were both working as congressional staffers; the couple settled in the Hollin Hills area of Alexandria and became active leaders in the community; and

WHEREAS, Addy Krizek worked for a member of the Fairfax County Board of Supervisors, was a past president of the local chapter of what is now the Junior Diabetes Research Foundation, and served as a board member of Burgundy Farm Country Day School of Alexandria and the Friendship House of Washington, D.C.; and

WHEREAS, Addy Krizek also worked for the Council for a Livable World, which promoted the elimination of nuclear weapons, and served on the board of Bread and Water for Africa UK; in 1984, she became the first volunteer at Christian Relief Services, a nonprofit organization established by her husband; and

WHEREAS, Addy Krizek was a longtime board member of United Community Ministries, which strives to meet both the emergency and long-term needs of Alexandria residents, and also served terms as director of volunteer services and director of development; and

WHEREAS, in addition to her commitment to community service, Addy Krizek shared her passion for the arts with young people as an art teacher for a Sunday school and an artist aide at Hollin Meadows Elementary School; and

WHEREAS, Addy Krizek was active in local government through the Mount Vernon Democratic Committee, and she proudly volunteered for her son, the Honorable Paul Krizek, during his campaign for a seat in the House of Delegates; and

WHEREAS, among many awards and accolades, Addy and Gene Krizek were selected as Lord and Lady Fairfax by the Fairfax County Board of Supervisors in 1995, and she received the 2019 Gerald W. Hyland Humanitarian Award for her legacy of contributions to United Community Ministries and other service organizations; and

WHEREAS, Addy Krizek's beloved husband of 66 years, Gene, died on October 5, 2021; she will be fondly remembered and greatly missed by her sons, Paul, Bryan, and Neil, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Adeline Rose Krizek; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Adeline Rose Krizek as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 197

Celebrating the life of Eugene L. Krizek.

Agreed to by the Senate, March 9, 2022

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, Eugene L. Krizek, a distinguished former federal employee who devoted his life to philanthropic and humanitarian causes and touched countless lives around the world through his leadership and generosity, died on October 5, 2021; and

WHEREAS, Eugene "Gene" Krizek grew up in Ohio and was the child of Czechoslovakian immigrants; after his father's untimely death, he began helping to support his family and received a special dispensation for a driver's license at the age of 14 so that he could better care for his mother and siblings; and

WHEREAS, Gene Krizek joined many of the other young men of his generation in service to the nation during World War II; he subsequently served as a member of the United States Air Force during the Korean War and was a longtime member of the Air Force Reserve; and

WHEREAS, after his military service, Gene Krizek graduated from what is now Case Western Reserve University, then worked as a congressional staffer on Capitol Hill, where he met his wife, Adeline; and

WHEREAS, Gene Krizek also served as a state campaign manager for President John F. Kennedy and was subsequently appointed as the director of the White House Liaison office at the U.S. Department of State; and

WHEREAS, under President Lyndon B. Johnson, Gene Krizek continued his distinguished career at the State Department, working in congressional relations to advocate for humanitarian aid bills and legislation to assist refugees; and

WHEREAS, in the 1980s, Gene Krizek founded Christian Relief Services, which grew under his determined leadership to become a thriving international philanthropic organization responsible for providing millions of dollars in food, medical supplies, shelter, tools, training, and educational programs to people in need around the world; and

WHEREAS, in addition, Gene Krizek founded Bread and Water for Africa, which supports grassroots initiatives to promote literacy and education, provide medical care and job training, and encourage self-sufficiency in underdeveloped areas; and

WHEREAS, closer to home, Gene Krizek worked with a group of concerned volunteers to establish Americans Helping Americans, which provides food and other necessities, rehabilitates homes, and provides funds for youth summer camps in Appalachia; and

WHEREAS, profoundly impacted by an article about the high rate of suicide among American Indian teenagers, Gene Krizek also developed Running Strong for American Indian Youth, which supports critical services for thousands of individuals on Indian reservations; and

WHEREAS, Gene Krizek's visionary leadership and unparalleled commitment to philanthropy empowered communities throughout the world and built a legacy of kindness that has endured across generations; and

WHEREAS, predeceased by his beloved wife of 66 years, Addy, Gene Krizek will be fondly remembered and greatly missed by his sons, Paul, Bryan, and Neil, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Eugene L. Krizek, a longtime federal employee and esteemed leader in humanitarian services; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Eugene L. Krizek as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 198

Celebrating the life of Reverend Stanley B. Bennett.

Agreed to by the Senate, March 9, 2022

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, Reverend Stanley B. Bennett, the founder and senior pastor of Cornerstone Baptist Church in North Chesterfield and a beloved member of the Greater Richmond community, died on January 21, 2022; and

WHEREAS, born in Fairfield, Alabama, as the youngest boy of 21 children, Stanley Bennett enlisted with the United States Marine Corps in 1968 and served his country honorably for six years while stationed at Quantico; and

WHEREAS, while living in Queens, New York, in the 1970s, Stanley Bennett was baptized and renewed his commitment to his faith, serving as a deacon, Sunday school superintendent, bus captain, and usher at the International Baptist Church in Brooklyn, New York; and

WHEREAS, Stanley Bennett then earned a bachelor's degree in church ministries from Trinity Baptist College in 1989 and a master's degree from Louisiana Baptist University; he would also later receive honorary doctor of divinity degrees from Trinity Baptist College and New Life Bible College; and

WHEREAS, after graduating, Stanley Bennett was encouraged to establish an independent fundamental Baptist church in Richmond, which led to the founding of Cornerstone Baptist Church on February 4, 1990, in North Chesterfield; and

WHEREAS, from its humble beginnings in Stanley Bennett's family's living room, Cornerstone Baptist Church quickly grew, moving first to Richmond Christian School and later to a 12-acre campus on Cornerstone Boulevard in North Chesterfield as the congregation swelled into the hundreds; and

WHEREAS, Stanley Bennett provided his followers with edifying and uplifting spiritual guidance and opportunities for charitable outreach over more than 30 years, spearheading various ministries and initiatives that made a positive difference in the lives of those he served; and

WHEREAS, Stanley Bennett took his message and counsel beyond the walls of Cornerstone Baptist Church, serving as a regional vice president for Trinity Baptist College and as a member of the Richmond Police Chaplain Academy and the steering committee of the Virginia Assembly of Independent Baptists; and

WHEREAS, Stanley Bennett will be fondly remembered and dearly missed by his loving wife of 49 years, Deborah; his children, Pamela, Matthew, and Jonathan, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Reverend Stanley B. Bennett, founder and senior pastor of Cornerstone Baptist Church, whose integrity, generosity, and compassion for others were an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Reverend Stanley B. Bennett as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 199

Commending Vanessa Reese Crawford.

Agreed to by the Senate, March 9, 2022

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, Vanessa Reese Crawford, an esteemed law-enforcement officer and Sheriff of the City of Petersburg, will be presented the Ferris E. Lucas Sheriff of the Year Award at the Annual Conference of the National Sheriffs' Association in Kansas City, Missouri, on June 28, 2022; and

WHEREAS, the National Sheriffs' Association recognized Vanessa Crawford with the National Sheriff of the Year award for her efforts to elevate the Office of Sheriff on the local, state, and national level and for her extraordinary involvement in the community; and

WHEREAS, Vanessa Crawford was sworn in as Sheriff for the City of Petersburg on December 15, 2005, becoming the first female to hold the position in the city's history; she has since been reelected to her post in 2009, 2013, 2017, and 2021, making her the longest actively serving elected official with the City of Petersburg; and

WHEREAS, Vanessa Crawford's accomplishments as a trailblazer include being the first woman to run an all-male facility in the Virginia Department of Corrections, where she retired with more than 28 years of service, as well as being the only African American female sheriff in the United States from 2014 to 2017 and the only sheriff in the Commonwealth to attain certification by the U.S. Department of Justice as a Prison Rape Elimination Act auditor; and

WHEREAS, born and raised in Petersburg, Vanessa Crawford has given generously of her time to her hometown in various leadership capacities, including as a trustee at Good Shepherd Baptist Church, as a member and vice chair of the Petersburg School Board, and as a president of the Petersburg High School Boosters Club and the Petersburg Kiwanis Luncheon Club; and

WHEREAS, Vanessa Crawford provided invaluable leadership on several law-enforcement boards and commissions, including the Virginia Correctional Association, which she served as president from 2016 to 2018; and

WHEREAS, with the overwhelming support of her peers, Vanessa Crawford was unanimously elected by all sheriffs in the Commonwealth to serve as president of the Virginia Sheriffs' Association from 2017 to 2018; and

WHEREAS, Vanessa Crawford has previously been the recipient of myriad honors and accolades in recognition of her impact on the community, including the Nathaniel Gatlin Award from the Petersburg Chamber of Commerce in 2020 and the Lifetime Achievement Award from the Virginia Correctional Association in 2016; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Vanessa Reese Crawford, sheriff of the City of Petersburg, for receiving the 2022 Ferris E. Lucas Sheriff of the Year Award from the National Sheriffs' Association; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Vanessa Reese Crawford as an expression of the General Assembly's admiration for her achievements in service to the Commonwealth.

SENATE JOINT RESOLUTION NO. 200

Celebrating the life of Muncie Tazewell Mitchell.

Agreed to by the Senate, March 9, 2022

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, Muncie Tazewell Mitchell, a respected member of the Franklin County community, died on September 9, 2021; and

WHEREAS, a patriotic veteran, Muncie "MT" Mitchell proudly served his country as a member of the United States Army; and

WHEREAS, MT Mitchell served the residents of and visitors to Franklin County as the longtime owner of Mitchell's Store in Rocky Mount; and

WHEREAS, MT Mitchell had also worked for the United States Postal Service for 19 years and was an avid farmer; and

WHEREAS, MT Mitchell was best known as a devoted husband, father, grandfather, and friend who brought joy to others through his kindness, generosity, and unflinching optimism; and

WHEREAS, MT Mitchell will be fondly remembered and greatly missed by his beloved wife of 63 years, Audrey; his children, Lucille and Charlie, and their families; and numerous other family members and friends; now, therefore, be it
 RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Muncie Tazewell Mitchell; and, be it
 RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Muncie Tazewell Mitchell as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 201

Commending the Virginia School Breakfast Program.

Agreed to by the Senate, March 9, 2022
 Agreed to by the House of Delegates, March 10, 2022

WHEREAS, the Virginia School Breakfast Program, administered by the Virginia Department of Education, provides nutritious breakfast meals to students in school districts throughout the Commonwealth; and
 WHEREAS, 11 percent of children were food insecure in Virginia in 2019, and more families have experienced food insecurity as a result of the COVID-19 pandemic; and
 WHEREAS, school-aged children who experience hunger are more likely to be absent from school, visit the school nurse, and experience more challenges than children with a nutritious diet; and
 WHEREAS, a school breakfast, often the only morning meal available to many children, helps improve children's overall diet, builds healthy eating habits, and enhances their ability to learn and perform academically; and
 WHEREAS, the School Breakfast Program, administered by the Food and Nutrition Service of the United States Department of Agriculture, provides nutritious breakfast options in accordance with the Dietary Guidelines for Americans to nearly 15 million children across 91,000 schools and institutions in the United States each day, based on pre-pandemic data; and
 WHEREAS, the Virginia Department of Education, recognizing the value of adequate and proper nutrition for each child, administers the School Breakfast Program in the Commonwealth with the help of dedicated administrators at local school districts; and
 WHEREAS, local school food authorities operating the Virginia School Breakfast Program served more than 58 million breakfast meals in 2019, reaching approximately 360,000 students; and
 WHEREAS, organizations like No Kid Hungry and the School Nutrition Association offer information, tools, resources, and grants to support schools in implementing and expanding school breakfast programs; and
 WHEREAS, National School Breakfast Week is observed annually to promote the importance of a nutritious breakfast to student health and learning, and to recognize the critical role of the School Breakfast Program in meeting the nutritional needs of children across the United States; now, therefore, be it
 RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Virginia School Breakfast Program for its outstanding contributions to students across the Commonwealth; and, be it
 RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to members of the Bristol Public Schools Nutrition Department on behalf of school nutrition professionals throughout the Commonwealth as an expression of the General Assembly's appreciation for the critical importance of the Virginia School Breakfast Program.

SENATE JOINT RESOLUTION NO. 202

Commending Metro Richmond Area Young Democrats.

Agreed to by the Senate, March 9, 2022
 Agreed to by the House of Delegates, March 10, 2022

WHEREAS, Metro Richmond Area Young Democrats (MRAYD) was founded in 1997; and
 WHEREAS, MRAYD compels young people in the community to become more active and engaged in their communities through involvement in local Democratic committees; and
 WHEREAS, MRAYD encourages more pluralistic participation in the Democratic Party, increasing the roles for women, people of color, and other under-represented groups in government and the Democratic Party; and
 WHEREAS, MRAYD represents the interests of youth, under 36, who support the Democratic Party in the cities of Richmond and Petersburg and Hanover, Henrico, and Chesterfield counties; and
 WHEREAS, MRAYD members have run for office, served the Commonwealth in the Executive Branch, Legislative Branch, state agencies, local and federal offices, and nonprofits; and
 WHEREAS, MRAYD's notable alumni include Senator Jennifer McClellan, former Delegate Lashreese Aird, former Secretary of Veterans Affairs Carlos Hopkins, former Secretary of Administration Keyanna Conner, Richmond School Board 1st District representative Elizabeth Doerr, former Richmond School Board 2nd District representative J. Scott Barlow, former Legislative Director to Governor Ralph Northam, Melissa Neff; and

WHEREAS, MRAYD has hosted multiple Virginia Young Democrats conventions including 2006, 2012 and 2014; and
 WHEREAS, MRAYD meets monthly to provide its members with updates on its events and activities and to plan future initiatives in support of its mission; and

WHEREAS, MRAYD has performed great acts of community service for the Metro Richmond Area since its inception; and

WHEREAS, the accomplishments of MRAYD are the result of the visionary leadership of its board and the enthusiastic support of its members; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Metro Richmond Area Young Democrats on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Malena Llanos, President of Metro Richmond Area Young Democrats, as an expression of the General Assembly's admiration for the organization's contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 203

Commending the Virginia Economic Developers Association.

Agreed to by the Senate, March 9, 2022

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, the Virginia Economic Developers Association, an organization dedicated to supporting the economic health of the Commonwealth, celebrates its 40th anniversary in 2022; and

WHEREAS, the Virginia Economic Developers Association (VEDA) was established in 1982 by individuals with a shared professional interest in facilitating economic development across the Commonwealth; and

WHEREAS, VEDA was created with the express purpose to increase the effectiveness of individuals in the practice of economic development in Virginia; and

WHEREAS, VEDA bolsters economic development in Virginia by encouraging cooperation, the exchange of information, and other professional development activities; and

WHEREAS, VEDA members include local, regional, and state economic development professionals, as well as public and private partners such as local government staff, utility and transportation industry representatives, elected officials, and professionals working in marketing, engineering, construction, development, higher education, real estate, consulting, finance, and more; and

WHEREAS, VEDA supports sound economic development policies, regional cooperation, and the maintenance and expansion of efforts by state, regional, and local governments and other interested organizations to foster the growth of employment business sectors that will increase job opportunities and improve the quality of life for all Virginians; and

WHEREAS, VEDA's mission is to be the voice in Virginia for shaping economic development public policy and to be a primary source of strong and effective education and networking for economic development professionals; and

WHEREAS, VEDA has grown from fewer than 100 members in 1982 to more than 500 members today and shows great promise to continue being a leader of economic development in the Commonwealth for many years to come; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Virginia Economic Developers Association for their achievements over the last four decades in promoting professionalism in economic development across the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare copies of this resolution for presentation to David Manley, executive director of the Joint Industrial Development Authority of Wythe County and president and executive committee chair of the Virginia Economic Developers Association, and Connie Long, executive director of the Virginia Economic Developers Association, as an expression of the General Assembly's appreciation for the association's efforts to promote quality investment and create jobs in harmony with community goals in the Commonwealth.

SENATE JOINT RESOLUTION NO. 204

Celebrating the life of Eunice M. Wilder.

Agreed to by the Senate, March 10, 2022

Agreed to by the House of Delegates, March 12, 2022

WHEREAS, Eunice M. Wilder, the former longtime treasurer of the City of Richmond and a respected member of the community, died on January 23, 2022; and

WHEREAS, Eunice Wilder grew up in Philadelphia and attended the Philadelphia High School for Girls; she subsequently earned a bachelor's degree from Howard University, where she met her former husband, former Virginia Governor L. Douglas Wilder; and

WHEREAS, Eunice Wilder began her professional career at Consolidated Bank and Trust Company and later became a cost accountant at Reynolds Metals Company; and

WHEREAS, Eunice Wilder earned a real estate broker's license and a certification in public accounting and worked at several firms until 1992, when she was appointed treasurer of the City of Richmond; she subsequently won six elections for the office and served Richmond residents in that capacity for 25 years; and

WHEREAS, Eunice Wilder was a member of the American Institute of Certified Public Accountants, the Virginia Association of Realtors, the Treasurers' Association of Virginia, and Leadership Metro Richmond; she also volunteered her leadership to the Richmond Chapter of The Links, Incorporated, the National Epicureans, Incorporated, and The Girl Friends, Inc.; and

WHEREAS, Eunice Wilder inspired others through her generosity, kindness, and strength of character, and she strove to always maintain her grace and sense of humor in the face of any challenge; and

WHEREAS, Eunice Wilder will be fondly remembered and greatly missed by her children, Lynn, Larry, and Loren, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Eunice M. Wilder; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Eunice M. Wilder as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 205

Celebrating the life of Thelma Bland Watson, Ph.D.

Agreed to by the Senate, March 9, 2022

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, Thelma Bland Watson, Ph.D., esteemed executive director of Senior Connections, The Capital Area Agency on Aging in Richmond and a leading advocate for older adults in the Commonwealth, died on June 25, 2021; and

WHEREAS, Thelma Watson's educational pursuits included a bachelor's degree in sociology from Virginia State University with a concentration in social work and a graduate degree in gerontology and doctoral degree in public policy and administration from Virginia Commonwealth University; and

WHEREAS, since 2002, Thelma Watson served as the executive director of Senior Connections, The Capital Area Agency on Aging, a nonprofit organization with a mission to enhance the quality of life of seniors and families in the Greater Richmond area; and

WHEREAS, Senior Connections thrived under Thelma Watson's leadership and today serves approximately 25,000 older Virginians and individuals with disabilities, primarily through a variety of educational programs, counseling, and health care services; and

WHEREAS, prior to her work with Senior Connections, Thelma Watson was the Commissioner of Aging in the Virginia Department for the Aging, now part of the Virginia Department for Aging and Rehabilitative Services, under three governors, helping to ensure the effective implementation of public policy for the benefit of older Virginians in the Commonwealth; and

WHEREAS, from 1997 to 2002, Thelma Watson served as the executive director of field services for the National Committee to Preserve Social Security and Medicare in Washington, D.C., advocating tirelessly for federal policies that would support the care and well-being of older adults; and

WHEREAS, Thelma Watson also previously served as assistant executive director of the Crater District Area Agency on Aging in Petersburg as well as in various capacities with the Crater Planning District Commission; and

WHEREAS, Thelma Watson demonstrated an extraordinary commitment to her community through her service on various boards and committees, including those of the Alzheimer's Association of Greater Richmond, the Virginia Health Quality Center, project:HOMES, and Covenant Woods retirement community; and

WHEREAS, in recognition of her longstanding support of the community, Thelma Watson received numerous honors and accolades in her lifetime, including the 2015 Humanitarian Award from the Virginia Center for Inclusive Communities and 2019 Person of the Year honors from the *Richmond Times-Dispatch*; and

WHEREAS, guided throughout her life by her faith, Thelma Watson enjoyed worship and fellowship with her community at Union Branch Baptist Church in Chesterfield and supported its ministries in several capacities over the years; and

WHEREAS, Thelma Watson will be fondly remembered and dearly missed by her loving husband, Walter; her children, Chrystal, Damali, and Daniel, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Thelma Bland Watson, Ph.D., executive director of Senior Connections, The Capital Area Agency on Aging, whose tireless efforts and dedication to serving others helped countless seniors lead healthier, happier, and more meaningful lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Thelma Bland Watson, Ph.D., as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 206

Celebrating the life of Commander Frederick Bage Malvin, USN, Ret.

Agreed to by the Senate, March 9, 2022

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, Commander Frederick Bage Malvin, USN, Ret., an honorable veteran, esteemed accountant, and active and beloved member of the Williamsburg community, died on February 4, 2022; and

WHEREAS, a native of Syracuse who grew up in Norfolk, Frederick "Fred" Malvin attended the Shady Side Academy in Pennsylvania, where he shined both as a student and a wrestler, going undefeated in league competition for three years; and

WHEREAS, Fred Malvin's educational pursuits thereafter included a bachelor's degree in accounting from The College of William and Mary, master's degrees from George Washington University and the U.S. Naval War College, and postgraduate studies at the Marshall-Wythe School of Law at The College of William & Mary; and

WHEREAS, Fred Malvin served his country admirably for 22 years with United States Naval aviation, logging more than 5,000 flight hours and serving as commanding officer of U.S. Navy bases in the Bahamas and Norfolk; and

WHEREAS, after his service, Fred Malvin became a certified public accountant and founded the firm of Malvin, Riggins & Co. in 1986 with Joyce Riggins Schaffer, serving as its board chairman until his retirement; and

WHEREAS, Fred Malvin supported the health and well-being of young people in his community as president of the Boys and Girls Clubs of the Virginia Peninsula and as chairman of its foundation, earning recognition as a board member of the year from the regional leadership council; he was also chairman of Peninsula Drug Rehabilitation Services and Friends of the Homeless; and

WHEREAS, Fred Malvin had a major impact on his community through many philanthropic efforts and initiatives, and his legacy lives on through those programs' contributions to the residents of the Virginia Peninsula; and

WHEREAS, few could match Fred Malvin's passion for his alma mater, and he served on the board of the William & Mary Tribe Club, as chair of the William & Mary Olde Guard Council, and as treasurer of the Williamsburg chapter of the William & Mary Alumni Society, while also holding membership with various clubs and societies at the university; and

WHEREAS, Fred Malvin also made an impact in his community through his work with the St. Stephen's Episcopal Church Foundation; The American Legion Post 39, of which he served as treasurer; and the Virginia Peninsula chapter of the Military Officers Association of America; and

WHEREAS, preceded in death by his daughter, Cynthia, and his son, Jonathan, Fred Malvin will be fondly remembered and dearly missed by his loving wife, Donna; his son, Robert, and his family; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Commander Frederick Bage Malvin, USN, Ret., whose commitment to helping others touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Commander Frederick Bage Malvin, USN, Ret., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 207

Commending Steven G. Bowman.

Agreed to by the Senate, March 9, 2022

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, Steven G. Bowman has served the Commonwealth for decades as a law-enforcement officer and a state official; and

WHEREAS, Steven "Steve" Bowman is a graduate of Christopher Newport University and the University of Louisville's Southern Police Institute; he began his career in law enforcement with the Isle of Wight County Sheriff's Office and the Virginia State Police; and

WHEREAS, Steve Bowman joined the Virginia Marine Resources Commission as deputy chief of the Law Enforcement Division in 1992 and was promoted to chief in 1996; and

WHEREAS, Steve Bowman was appointed by Governor Timothy Kaine as commissioner of the Virginia Marine Resources Commission in 2006 and reappointed by Governor Robert McDonnell in 2010; and

WHEREAS, Steve Bowman subsequently served as chief of the Smithfield Police Department, then returned to state government in 2018 as commissioner of the Virginia Marine Resources Commission under Governor Ralph Northam; and

WHEREAS, Steve Bowman worked diligently to help make the Virginia waterways cleaner and support the Commonwealth's vital fishing and maritime industries; and

WHEREAS, Steve Bowman is a devoted and caring father to his two sons, Steven and Connor, and a loving husband to his wife, Amy; and

WHEREAS, Steve Bowman demonstrated steady leadership throughout his tenure as commissioner and served the Commonwealth with the utmost integrity and dedication; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Steven G. Bowman for his legacy of outstanding service as commissioner of the Virginia Marine Resources Commission; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Steven G. Bowman as an expression of the General Assembly's admiration for his professional achievements and contributions to Virginians.

SENATE JOINT RESOLUTION NO. 208

Commending Rose Hill Elementary School.

Agreed to by the Senate, March 9, 2022

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, for 65 years, Rose Hill Elementary School has provided an outstanding educational foundation for young people in the Alexandria community; and

WHEREAS, Rose Hill Elementary School and the community of Rose Hill were named after an 18th-century estate once located nearby that was established by Daniel French, the first builder of Pohick Church, on land that had been part of George Mason's Gunston Hall estate; and

WHEREAS, Rose Hill Elementary School opened on September 3, 1957, with an initial enrollment of 482 students in grades one through seven; in the 1960s, enrollment rose to more than 700 students due to the addition of a care center for babies and kindergarten classes; and

WHEREAS, other major changes occurred for Rose Hill Elementary School in the 1960s, including racial integration and the construction of the first intermediate schools in Fairfax County, when seventh-grade students were reassigned to Mark Twain Intermediate School; and

WHEREAS, during that period, Rose Hill Elementary School students began receiving swimming and water safety instruction as part of their regular physical education program; the school partnered with Meadowview Pool and was one of the first schools in Fairfax County to offer a program to improve physical fitness through swimming; and

WHEREAS, Rose Hill Elementary School was designed by the architecture firm Willgoos and Chase and originally had 20 classrooms, a library, an administrative office, a clinic, and a cafeteria; the first major addition was completed in 1971, including the construction of a gymnasium, music room, and seven new classrooms, and a second major addition was completed in 2000; and

WHEREAS, Rose Hill Elementary School proudly offers preschool and preschool enhanced autism programs where students as young as two years old receive an adapted curriculum that provides equal access to academics, music, art, and physical education; and

WHEREAS, the Rose Hill Players theatre group has hosted a theatrical production almost every year since 1988; the play is a community effort where parents make the costumes, teachers provide drama instruction, and former students return to run the music and lights and serve as stage managers; and

WHEREAS, as part of the second-grade science curriculum, Rose Hill Elementary School maintains a certified monarch butterfly garden in its courtyard, and students care for the garden on a year-round basis; and

WHEREAS, with more than 31 years of service, Rose Hill Elementary School maintains one of the longest standing dual-language Spanish Immersion programs in Fairfax County, and the diverse student body of Rose Hill Elementary School represents young people from more than 26 nations of origin; and

WHEREAS, Rose Hill Elementary School has benefited from an active parent-teacher association that has helped to raise funds to update the tables in the cafeteria and purchase student laptops and other classroom technology; and

WHEREAS, Rose Hill Elementary School has fulfilled its mission to give young people the tools to become lifelong learners through the hard work and dedication of its faculty, administrators, and staff members; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Rose Hill Elementary School on the occasion of its 65th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Rose Hill Elementary School as an expression of the General Assembly's admiration for the school's long history and contributions to the Fairfax County community.

SENATE JOINT RESOLUTION NO. 209

Commending Belle View Elementary School.

Agreed to by the Senate, March 9, 2022

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, in 2022, Belle View Elementary School in Alexandria will proudly celebrate 70 years of providing a quality education to its students; and

WHEREAS, Belle View Elementary School history extends back to shortly after World War II, when then rural Fairfax County experienced a population boom that resulted in approximately one-third of the student population being taught in temporary facilities such as churches, fire departments, and apartment buildings; and

WHEREAS, Fairfax County embarked on an ambitious construction agenda to meet the unprecedented need, building 21 elementary schools between 1951 and 1957; and

WHEREAS, in November 1952, Belle View Elementary School, designed by architect Robert Willgoos, opened its doors with Principal Harry Burks and 16 teachers welcoming 618 students in grades one through seven; and

WHEREAS, during the 1960s, Belle View Elementary School underwent many changes as Fairfax County schools were integrated, while the Space Race and developments in Southeast Asia led to the increased use of technology and an emphasis on learning about different cultures; and

WHEREAS, schools across the nation also began to implement kindergarten classes in response to the federal Head Start initiative; Belle View Elementary School had its first class of kindergartners in 1968; and

WHEREAS, by the 1980s, the student population of Belle View Elementary School had become more diverse as the greater metropolitan Washington, D.C., area began to experience an increase in immigration; and

WHEREAS, a leader in environmental education, Belle View Elementary School provides its young students with the opportunity to view firsthand lifecycles and organisms in their natural habitats with a rain garden, vegetable garden, and flower garden that attract birds, butterflies, and other wildlife; and

WHEREAS, in 2011, Belle View Elementary School became the only school in Fairfax County to have a naturally occurring wetlands on school property; the wetlands include a marsh and meadow area and a walkway for students to traverse the area; and

WHEREAS, in the summer of 2018, Belle View Elementary School embarked on a whole school renovation to include a new library, fine arts wing, main office, and additional classrooms equipped with the latest technology to better meet the growing needs of students; and

WHEREAS, Belle View Elementary School, the parent-teacher association, and the entire school community continue to work in partnership to benefit student success and achievement both in the classroom, on the school grounds, and through diverse after-school programs; and

WHEREAS, while the school mascot has changed from Beagles to Bobcats and student fashions have changed, Belle View Elementary School has remained committed to providing an academically challenging and positive learning environment in which all students can thrive; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Belle View Elementary School on the occasion of its 70th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Thomas Kuntz, principal of Belle View Elementary School, as an expression of the General Assembly's gratitude for the school's commitment to the young people of Fairfax County and best wishes for a joyful 70th anniversary celebration.

SENATE JOINT RESOLUTION NO. 210

Commending Lake Ridge Parks and Recreation Association, Inc.

Agreed to by the Senate, March 9, 2022

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, Lake Ridge Parks and Recreation Association, Inc., was incorporated as a Virginia nonstock corporation on February 4, 1972, to serve a developing mixed-use community in Prince William County; and

WHEREAS, with 7,278 homes in 94 subdivisions, Lake Ridge is home to more than 20,000 Virginians and features multiple types of housing, including single-family dwellings, townhomes, condominiums, and rental homes, as well as 18 commercial properties; and

WHEREAS, Lake Ridge comprises more than 4,000 acres with 1,200 acres, almost one third of which is dedicated as open space and designated as common area; and

WHEREAS, Lake Ridge offers residents a host of amenities that support an active lifestyle with five swimming pools and a spray park, seven tennis courts, youth baseball and soccer fields, a fantasy playground, and two neighborhood community centers; and

WHEREAS, Lake Ridge partners with Prince William County Government to share with other county and state residents certain recreational opportunities on Lake Ridge common areas, a dog park, and the Occoquan Greenway Trail; and

WHEREAS, Lake Ridge partners with public service organizations, businesses, and faith communities to promote volunteer opportunities such as the annual cleanup of the Occoquan Greenway Trail and the beautiful Occoquan Reservoir, its tributaries, and storm water facilities, community projects that bring together hundreds of volunteers who have removed tons of debris from the trail and from the watershed; and

WHEREAS, Lake Ridge volunteers operate a Deer Management Assistance Program in conjunction with the Virginia Department of Game and Inland Fisheries, which includes coordinating bow hunting in forested common areas, contributing to the control of the local deer population by collecting biological data and providing condition information on local herds, while also removing invasive species and re-planting native species in those areas; and

WHEREAS, with a staff of 50, Lake Ridge provides essential services to a thriving community, which includes a preschool, trash removal, street maintenance and repair, common area lighting and maintenance, and other municipal services traditionally provided by local governments, as well as creative and innovative recreational programming designed to bring residents together and build esprit de corps; and

WHEREAS, the Lake Ridge Facilities Team has adopted multiple Virginia Department of Transportation roads, including Spring Woods Drive, to perform routine trash removal; and

WHEREAS, governance of Lake Ridge is provided by a team of volunteer leaders who serve on the Lake Ridge Board of Directors and other committees, including the Architectural Committee, and who have worked thousands of hours to serve and support Lake Ridge owners and residents; and

WHEREAS, since its founding, Lake Ridge Parks and Recreation Association has served its members well through open and transparent governance, thoughtful and meaningful programming, careful attention to preservation of Lake Ridge's valuable assets, and consistent financial stewardship; and

WHEREAS, Lake Ridge Parks and Recreation Association serves as an example of what neighborhoods can and should be and demonstrates the essential role that common interest communities serve in improving the lives of Virginians by protecting and preserving the most valuable asset owned by many Virginia citizens, their homes, and creating and sustaining a sense of community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Lake Ridge Parks and Recreation Association, Inc., on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Lake Ridge Parks and Recreation Association, Inc., as an expression of the General Assembly's admiration for the organization's achievements on behalf of its residents.

SENATE JOINT RESOLUTION NO. 211

Commending Hayfield Elementary School.

Agreed to by the Senate, March 9, 2022

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, Hayfield Elementary School, an outstanding public primary school in Alexandria, has helped young people develop a strong foundation for lifelong learning for 55 years; and

WHEREAS, built on land that was once owned by President George Washington and later sold to his cousin, Lund Washington, Hayfield Elementary School opened in 1967 and was modeled after Spring Hill Elementary School; and

WHEREAS, Hayfield Elementary School opened with an enrollment of 295 students and was equipped with 20 classrooms, two activity rooms, a conference hall, offices, a cafeteria, an audio-visual center, and a library; and

WHEREAS, in 1972, Hayfield Elementary School converted the library into a science lab and created a new media center, along with a gymnasium, a music room, and 10 additional classrooms; and

WHEREAS, Hayfield Elementary School began offering school-age child care services in 1991 and conducted a school-wide renovation in 2000 that resulted in the construction of new classrooms and a courtyard; and

WHEREAS, Hayfield Elementary School currently enrolls nearly 650 students and strives to provide a safe, nurturing environment in which all students can grow academically, socially, and emotionally; and

WHEREAS, Hayfield Elementary School's vision statement, NEST (Nurture, Educate, Soar, Thrive), guides the school's curriculum and programs, ensuring that students have the tools and support to achieve their fullest potential in and out of the classroom; and

WHEREAS, Hayfield Elementary School has fulfilled its mission through the hard work and dedication of its faculty and staff and the generosity of parents, family members, and community partners; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Hayfield Elementary School on the occasion of its 55th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Hayfield Elementary School as an expression of the General Assembly's admiration for the school's legacy of contributions to the Alexandria community.

SENATE JOINT RESOLUTION NO. 212

Commending Woodlawn Elementary School.

Agreed to by the Senate, March 9, 2022

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, for 85 years, Woodlawn Elementary School, an outstanding public primary school in Alexandria, has served and supported young people in the community from its current facility on Highland Lane; and

WHEREAS, originally established by Quaker settlers in 1846, Woodlawn Elementary School took its name from the nearby Woodlawn Plantation, also known as Dogue Run Farm, on land that was gifted by President George Washington to his niece, Nelly Custis; and

WHEREAS, Woodlawn Elementary School was destroyed by fire in approximately 1917, but it was rebuilt in the 1920s with new enhancements, such as a school library, thanks to donations from the school board and parents; and

WHEREAS, the current Woodlawn Elementary School building was constructed by the New Deal-Era Works Progress Administration in 1937 on 485 acres of land in a wooded knoll then known as Engleside, along with eight other elementary schools in Fairfax County and Mount Vernon High School, as part of a state and federal government program to modernize Virginia school infrastructure from one-room school houses to modern buildings; and

WHEREAS, by the 1940s, the student body of Woodlawn Elementary School had grown significantly, and the school constructed additions with new classrooms, a cafeteria, a kitchen, and a teacher's lounge; and

WHEREAS, in the 1950s, Woodlawn Elementary School added a clinic, an auditorium, a multi-purpose room, a playground, and more classrooms to better serve its students; and

WHEREAS, in 2019, Woodlawn Elementary School underwent its most recent renovation to modernize learning infrastructure and give students access to 21st Century technology; and

WHEREAS, Woodlawn Elementary School strives to help young people engage with the world, be enthusiastic about lifelong learning, develop empathy toward others, and become empowered to achieve their fullest potential in and out of the classroom; and

WHEREAS, teachers at Woodlawn Elementary School adhere to high standards of professional development to ensure that students receive up-to-date instruction that is relevant in a global society; and

WHEREAS, through the years and as one of the oldest elementary schools in Northern Virginia, Woodlawn Elementary School has fulfilled its mission through the hard work and dedication of its faculty and staff and the generosity of parents, family members, and community partners; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Woodlawn Elementary School on the occasion of the 85th anniversary of the construction of its current building; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Woodlawn Elementary School as an expression of the General Assembly's admiration for the school's contributions to the Alexandria community.

SENATE JOINT RESOLUTION NO. 213

Commending Christopher Lindsay.

Agreed to by the Senate, March 9, 2022

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, Christopher Lindsay of Lindsay Automotive Group is the 2022 *Time* Magazine Quality Automobile Dealer of the Year nominee for Virginia; and

WHEREAS, Christopher "Chris" Lindsay represents the third generation of his family to be nominated for this prestigious award; and

WHEREAS, Chris Lindsay, whose career in the auto industry has spanned almost four decades, got his start in his family's business as a "lot boy" after his freshman year at the University of Richmond; and

WHEREAS, Chris Lindsay took opportunities to learn everything he could about the dealership business, particularly the used car business, which became his passion; and

WHEREAS, looking to help with his father's plans to expand the business outside Alexandria, Chris Lindsay became the dealer at Lindsay Chevrolet when his family purchased the dealership in 1998; and

WHEREAS, Chris Lindsay worked to make Lindsay Chevrolet in Woodbridge the top-selling Chevrolet dealer in Virginia; it has consistently ranked in the top 100 dealerships in the country and was named as a Chevrolet Elite and Mark of Excellence Dealer; and

WHEREAS, an active and dedicated leader in his community, Chris Lindsay has supported a wide array of worthy causes for many years, continuing the Lindsay family's long tradition of service and community engagement; and

WHEREAS, Chris Lindsay has supported a diverse array of charitable organizations, including Autism Speaks, the Alexandria Bar Foundation, the Alexandria Sportsman Club, and the Boys and Girls Club, with a special focus on pet charities like Lost Dog and Grey Face Acres Senior Dog Rescue; and

WHEREAS, Chris Lindsay has also served as a volunteer for the Special Gifts Committee of Catholic Charities and as a member of the Board of Directors of the Alexandria Hospital Foundation; and

WHEREAS, highly admired by his peers in the industry, Chris Lindsay has served his customers and his community with a generous spirit and has been an example to fellow dealers in the region and around the Commonwealth; and

WHEREAS, Chris Lindsay has served his industry as an active member of the Virginia Automobile Dealers Association, including service as a member of its Board of Directors; and

WHEREAS, Chris Lindsay served as chair of the Virginia Automobile Dealers Association in 2010, leading all his fellow franchise dealers as their top elected officer and becoming the third generation of his family to lead the association; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Christopher Lindsay on his selection as the 2022 *Time* Magazine Quality Dealer of the Year nominee for Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Christopher Lindsay as an expression of the General Assembly's congratulations and best wishes.

SENATE JOINT RESOLUTION NO. 214

Commending Gary Christie.

Agreed to by the Senate, March 9, 2022

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, Gary Christie, longtime executive director of the Central Virginia Planning District Commission, has been a dedicated advocate for the coordination and cooperation of local governments and regional partners in Central Virginia for the past 18 years; and

WHEREAS, Gary Christie has served the public for more than 46 years, beginning as a staff associate to the Honorable Kenneth Hechler in the United States Senate and then as city/town manager of South Boston, executive director of the Rappahannock-Rapidan Regional Commission, county administrator for New Kent County, and a member of the Office of Management and Budget for the City of Lynchburg; and

WHEREAS, Gary Christie was hired by the Central Virginia Planning District Commission (CVPDC) in December 2004 to advance the organization's mission, vision, and goals through strategic implementation of its programs, plans, and projects within the 10 member localities of the planning district, which include Amherst, Appomattox, Bedford and Campbell Counties; the City of Lynchburg; and the Towns of Altavista, Amherst, Appomattox, Bedford, and Brookneal; and

WHEREAS, during Gary Christie's tenure as CVPDC executive director, the agency and its partners successfully advanced regional collaboration and cooperation, as evidenced by CVPDC receiving a 2009 Innovation Award from the National Association of Development Organizations; and

WHEREAS, Gary Christie and CVPDC provided essential technical support to its member localities, making significant strides in the areas of community development, emergency services, transportation, and the environment; and

WHEREAS, Gary Christie and CVPDC have championed workforce and economic development initiatives throughout the region by leveraging resources to provide executive leadership and financial and human resource services to the Virginia Career Works Central Region; and

WHEREAS, Gary Christie and CVPDC also provided administrative, financial, and staff support to promote the goals and strategies of the Region 2000 Comprehensive Economic Development Strategy, as well as administrative support services to CVPDC's localities for numerous comprehensive community and downtown revitalization efforts; and

WHEREAS, during Gary Christie's tenure at CVPDC, he led its work to promote the health, safety, and well-being of the region through involvement in and development of various regional services and initiatives, including the Region 2000 Services Authority, Central Virginia Transportation Planning Organization, Central Virginia Radio Communications Board, Safe Routes to School, and Ride Solutions; and

WHEREAS, Gary Christie has continued his commitment to strengthening the region through participation in the community service efforts of local civic and religious organizations; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Gary Christie, executive director of the Central Virginia Planning District Commission, on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Gary Christie as an expression of the General Assembly's sincere appreciation for his innumerable contributions to the Commonwealth and best wishes for a long and fulfilling retirement.

SENATE JOINT RESOLUTION NO. 215

Commending the Toga Volunteer Fire Department, Inc.

Agreed to by the Senate, March 9, 2022

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, the Toga Volunteer Fire Department, Inc., has served and safeguarded the residents of Dillwyn and the surrounding area for 50 years; and

WHEREAS, the Toga Volunteer Fire Department was chartered on November 14, 1972, by a group of concerned citizens hoping to protect and safeguard their fellow residents; of the 22 original members, two are still living, Roger Moore and Bill Talbert, who is still active with the department; and

WHEREAS, the fourth volunteer fire department established in Buckingham County, Toga Volunteer Fire Department primarily serves a 200-square-mile area in the western part of the county; and

WHEREAS, throughout its history, Toga Volunteer Fire Department has responded to many high profile incidents, including the fire at Longwood University in 2001 and the search and recovery operation of a crashed United States Army Blackhawk helicopter in 2004; and

WHEREAS, in 2021, Toga Volunteer Fire Department completed construction of an emergency shelter, which was put into use during a winter storm in January 2022 and provided 94 individuals with warmth and safety in extreme conditions; and

WHEREAS, the Toga Volunteer Fire Department is equipped with the latest equipment to handle a wide range of emergency situations, including structure fires, brush fires, motor vehicle accidents, machinery extrication, search and rescue operations, and other services; and

WHEREAS, members of the Toga Volunteer Fire Department are highly trained and committed to community service, enhancing life in the region not only through their courage and determination in the face of crisis situations, but through outreach programs like smoke detector giveaways and school visits; and

WHEREAS, the Toga Volunteer Fire Department strives to create a welcoming and supportive atmosphere for its members; it was the first fire company in Buckingham County to count female members among its ranks and the first to be led by a Black chief; and

WHEREAS, the current 36 members of the Toga Volunteer Fire Department have a combined 400 years of experience in fire service for an average of 11.6 years per member, and the department is well poised to continue serving the community and meet the challenges of the future; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Toga Volunteer Fire Department, Inc., on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Toga Volunteer Fire Department, Inc., as an expression of the General Assembly's admiration for the department's contributions to the Buckingham County community.

SENATE JOINT RESOLUTION NO. 216

Commending the Appomattox County High School softball team.

Agreed to by the Senate, March 9, 2022

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, the Appomattox County High School softball team won the Virginia High School League Class 2 state championship on June 26, 2021, in Charlotte Court House; and

WHEREAS, the Appomattox County High School Raiders defeated the Randolph-Henry High School Statesmen of Charlotte Court House by the score of 2-0 to bring home the program's first state championship title since 1987; and

WHEREAS, the Appomattox Raiders were set up for victory by pitcher Courtney Layne, who threw her fourth perfect game of the season, and took the lead in the sixth inning when Macee Hargis's RBI triple scored Kelsey Hackett; and

WHEREAS, the Appomattox Raiders finished their season with a perfect 16-0 record following a commanding performance in the Virginia High School League Region 2C tournament, where the team outscored its opponents 27-2; and

WHEREAS, the success of the Appomattox Raiders is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of their parents and the entire Appomattox County High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Appomattox County High School softball team for winning the 2021 Virginia High School League Class 2 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Janet Rawes, head coach of the Appomattox County High School softball team, as an expression of the General Assembly's admiration for the team's achievement.

SENATE JOINT RESOLUTION NO. 217

Commending Edgar Martin Wright, Jr.

Agreed to by the Senate, March 9, 2022

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, Edgar Martin Wright, Jr., was originally appointed as Commonwealth's Attorney for Buckingham County in 1976; and

WHEREAS, Edgar "E. M." Wright was elected as Commonwealth's Attorney for Buckingham County on November 8, 1977; he was reelected in every subsequent election over the next 45 years, having run unopposed in every election; and

WHEREAS, E. M. Wright has served and continues to serve on numerous committees of the Virginia State Bar, including as a member of the Virginia State Bar Council and chair of the Lawyer Discipline Committee and Fifth District Committee; and

WHEREAS, E. M. Wright has served on the Virginia Commonwealth's Attorneys' Services Council Board for more than two decades; and

WHEREAS, E. M. Wright served as president of the Virginia Commonwealth's Attorneys' Services Council from 2000 to 2001; and

WHEREAS, E. M. Wright also serves as County Attorney for Buckingham County as well as counsel for the Buckingham County and Cumberland County Departments of Social Services; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Edgar Martin Wright, Jr., for his outstanding service as Commonwealth's Attorney of Buckingham County; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Edgar Martin Wright, Jr., as an expression of the General Assembly's admiration for his contributions to the residents of Buckingham County.

SENATE JOINT RESOLUTION NO. 218

Commending George S. Goodwin III.

Agreed to by the Senate, March 9, 2022

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, George S. Goodwin III has served the Commonwealth and the nation with dedication and distinction for many years; and

WHEREAS, a native of Louisa County, George Goodwin received engineering degrees from the Virginia Military Institute and the University of Virginia, and he served his country as a member of the United States Air Force from 1973 to 1974; and

WHEREAS, George Goodwin served in numerous roles of public service to the Commonwealth and the United States, including as an engineer for the Virginia Department of Transportation, as a senior intelligence analyst for the United States government, and as director of planning and integration at the National Ground Intelligence Center; and

WHEREAS, George Goodwin later served in state government as legislative director to the Honorable Tom Garrett and the Honorable Mark Peake for 10 years, earning the affection and admiration of colleagues, stakeholders, and constituents for his professionalism and attention to detail in service to the Commonwealth; and

WHEREAS, George Goodwin also serves his local community in numerous roles, including as a member of the Louisa County Planning Commission, Gilboa Christian Church, and the Louisa County Lions Club; and

WHEREAS, George Goodwin and his wife, Renee, have two children and have managed an active beef cattle operation for the past 40 years; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend George S. Goodwin III for his exemplary service and contributions to the Commonwealth and the United States; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to George S. Goodwin III as an expression of the General Assembly's admiration for his personal and professional achievements.

SENATE JOINT RESOLUTION NO. 219

Commending Paul Marcus.

Agreed to by the Senate, March 9, 2022

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, Paul Marcus, an esteemed legal expert and educator who has most recently served as the R. Hugh and Nolie Haynes Professor of Law at the William & Mary Law School, will retire in 2022; and

WHEREAS, early in his career, Paul Marcus worked briefly in private practice and clerked for a year before teaching at the University of Illinois and serving as dean of the University of Arizona College of Law; and

WHEREAS, Paul Marcus joined the faculty of the William & Mary Law School in 1992, serving as acting dean from 1993 to 1994 and 1997 to 1998, and has fostered a deeper sense of community at the university over the past three decades; and

WHEREAS, Paul Marcus contributed greatly to the success of his students both in and out of the classroom, mentoring many who have gone on to reach great heights in their legal careers as state and federal judges, attorneys, law professors, and administrators; and

WHEREAS, as testament to his impact at William & Mary, Paul Marcus has received numerous honors and accolades over the years, including the Thomas Jefferson Award, William & Mary's highest faculty honor, in 2022; the State Council for Higher Education of Virginia's Outstanding Faculty Award in 2010; and the Walter Williams, Jr., Memorial Teaching Award, which is selected by graduating William & Mary law students, three times; and

WHEREAS, Paul Marcus is an accomplished scholar of criminal law and criminal procedure, having authored or co-authored a dozen books in the fields, while lecturing on criminal law at schools across the United States and in over 20 countries; and

WHEREAS, as founder of the Literature and Law Program at the Central Virginia Regional Jail, Paul Marcus has supported many incarcerated individuals on their path to reformation and redemption; and

WHEREAS, Paul Marcus and his wife, Becca, established the Paul Marcus Public Interest Fellowship Endowment in 2013 to encourage graduating William & Mary law students to pursue careers in public service; and

WHEREAS, beyond his work at William & Mary, Paul Marcus has offered his expertise as an advisor or consultant to various federal and state entities in all branches of government and served a term as president of the Association of American Law Schools from 2017 to 2018; and

WHEREAS, in his retirement, Paul Marcus plans to develop his research in the areas of criminal conspiracy and access to justice, while enjoying more time to spend with his family and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Paul Marcus, the R. Hugh and Nolie Haynes Professor of Law at the William & Mary Law School, on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Paul Marcus as an expression of the General Assembly's admiration for his contributions to the William & Mary Law School and the Commonwealth and best wishes for a wonderful retirement.

SENATE JOINT RESOLUTION NO. 220

Commending Harry Wason.

Agreed to by the Senate, March 10, 2022

Agreed to by the House of Delegates, March 12, 2022

WHEREAS, Harry Wason, an entrepreneur, conservationist, and humanitarian, has made countless contributions to the Hampton Roads community and the Commonwealth as a whole; and

WHEREAS, a graduate of The College of William & Mary and a former real estate developer, Harry Wason founded Wason Realty Company in 1953 but is better known in the community for his exceptional commitment to philanthropy and engaged citizenship; and

WHEREAS, in 1963, Harry Wason worked with physicians and members of the business community to create Virginia Health Services, which independently operates a range of nursing homes, convalescent and rehabilitation centers, and assisted living and retirement communities; and

WHEREAS, Harry Wason is passionate about preserving the Commonwealth's natural resources and played a vital role in the establishment of the Virginia Living Museum in Newport News, a combination zoo, aquarium, botanical garden, and science center; he has served the museum in a variety of leadership roles and helped create the institution's planned giving program; and

WHEREAS, Harry Wason has volunteered his leadership and expertise to the Rotary Club of Warwick at City Center Newport News, the Junior League of Hampton Roads, and the Board of Directors of Harbor Bank, and he was instrumental in the establishment of the Fairfield Foundation, a nonprofit archaeological research organization in Gloucester; and

WHEREAS, Harry Wason has enjoyed a long affiliation with Christopher Newport University, serving as chair of the community group that advised the institution on policy when it became independent from The College of William & Mary, as well as serving as the first vice rector of the Board of Visitors from 1976 to 1979; and

WHEREAS, Harry Wason and his wife, Judy, are longtime supporters of the Jamestown-Yorktown Foundation and the American Revolution Museum at Yorktown, through which they commissioned the play "Slave Spy: The Story of James Lafayette," which was performed at the International Spy Museum in Washington, D.C.; and

WHEREAS, Harry and Judy Wason have initiated and contributed to countless philanthropic efforts which have immeasurably benefited the lives of countless Virginians in the Newport News community, the Virginia Peninsula region, and across the entire Commonwealth; and

WHEREAS, Harry and Judy Wason have also funded scholarships for students through the Peninsula Community Foundation and created the Wason Fund for Public Safety to increase communication between local law-enforcement agencies and residents; and

WHEREAS, Harry Wason has served numerous communities in the Commonwealth with the utmost dedication, integrity, and distinction; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Harry Wason for his legacy of service to Hampton Roads and the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Harry Wason as an expression of the General Assembly's admiration for his personal and professional achievements.

SENATE JOINT RESOLUTION NO. 221

Commending the Longwood University men's and women's basketball teams.

Agreed to by the Senate, March 9, 2022

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, the Longwood University men's and women's basketball teams each won the National Collegiate Athletic Association Big South Conference Championship on March 6, 2022; and

WHEREAS, the Longwood University men's and women's basketball teams had their best regular seasons in their Division I histories - both winning more than 20 games for the first time, both winning the Big South Conference regular season championship for the first time, and both winning the Big South Tournament on the same day to advance to the Men's and Women's NCAA Division I Tournament; and

WHEREAS, Rebecca Tillett, head coach of the Longwood University women's basketball team and Griff Aldrich, head coach of the Longwood University men's basketball team are native Virginians and graduates of Virginia institutions of higher education; and

WHEREAS, both programs adhere to Longwood University's mission of building citizen-leaders, and consider character development central to the student-athlete experience; and

WHEREAS, the student-athletes in both programs have excelled in the classroom, through community service, and have served as role models in their community; and

WHEREAS, Longwood University is a proud Virginia public university, the third-oldest in the Commonwealth and a source of pride for many thousands of Virginians who are alumni, students, parents, supporters and the Southside Virginia community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Longwood University men's and women's basketball teams hereby be commended for winning the 2022 National Collegiate Athletic Association Big South Conference Championship; advancing to, and representing the Commonwealth in the NCAA Tournament; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Rebecca Tillett, head coach of the Longwood University women's basketball team, Griff Aldrich, head coach of the Longwood University men's basketball team, and W. Taylor Reveley IV, President of Longwood University on behalf of Longwood University, as an expression of the General Assembly's admiration for the teams' spectacular seasons and best wishes for continued success.

SENATE JOINT RESOLUTION NO. 222

Commending Bob Brown.

Agreed to by the Senate, March 9, 2022

Agreed to by the House of Delegates, March 10, 2022

WHEREAS, Bob Brown, a senior photographer with the *Richmond Times-Dispatch* will retire in March 2022 after a distinguished 54-year career in photojournalism; and

WHEREAS, growing up in the Shenandoah Valley, Bob Brown developed a passion for exploration and the beauty of the natural world from a young age; he was also a talented vocalist in his youth, singing in his church choir, as a member of the all-state chorus, and later in a barbershop chorus, The Virginians; and

WHEREAS, Bob Brown attended art school at what is now Virginia Commonwealth University, but changed majors in his second year after discovering his passion and talent for photography; and

WHEREAS, after graduation, Bob Brown was hired by WRVA-TV as a film editor, and during his 10 years in television, he also made occasional appearances on "The Sailor Bob Show" and further honed his musical talents by writing and recording jingles for commercials; and

WHEREAS, Bob Brown began his career in photography by shooting promotional still photos for local businesses as a freelancer, and his exceptional work caught the attention of local newspaper editors who invited him to apply for a job; and

WHEREAS, in 1968, Bob Brown joined the *Richmond Times-Dispatch* and covered a wide range of local, state, and national stories, from high school sports and extreme weather events to 11 national political conventions and nine presidential inaugurations, from Jimmy Carter in 1977 to Barack Obama in 2009; and

WHEREAS, Bob Brown was first assigned to cover a session of the General Assembly in 1970 and has since become an institution on Capitol Square, working and building strong relationships with 13 Governors and generations of state lawmakers on both sides of the aisle; and

WHEREAS, throughout his tenure at the Virginia State Capitol, Bob Brown produced meaningful and engaging photos that have given *Richmond Times-Dispatch* readers a window into the everyday interactions and operations of the General Assembly; and

WHEREAS, Bob Brown has earned the admiration of his colleagues for his commitment to treating every assignment with the utmost care and professionalism, as well as his keen creative eye and his ability to portray the fascinating nuance of even the most mundane scenes; and

WHEREAS, Bob Brown has been a trusted mentor to countless other photographers and members of the *Richmond Times-Dispatch* staff; his absence during General Assembly sessions will be deeply felt and he will be sorely missed; and

WHEREAS, among many honors and accolades, Bob Brown was named the Virginia News Photographer of the Year three times and received the Miley Award from the Virginia News Photographers Association in 1985 and the George Mason Award from the Society of Professional Journalists Virginia Pro Chapter in 2014; he was also inducted into the Virginia Communications Hall of Fame in 2005 and the Virginia Capitol Correspondents Association Hall of Fame in 2018; and

WHEREAS, Bob Brown has published several collections of his photography, including a set of humorous outtakes from his time at the General Assembly, and the Back Roads series of books that document the interesting people and places he has encountered in his travels throughout the Commonwealth; and

WHEREAS, after his retirement, Bob Brown looks forward to spending more time with his beloved family, including his wife, Evelyn, and their five children, two step-daughters, and 12 grandchildren; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Bob Brown, an esteemed senior photographer for the *Richmond Times-Dispatch*, on the occasion of his well-earned retirement; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Bob Brown as an expression of the General Assembly's admiration for his prolific body of work and achievements as a photojournalist and gratitude for his outstanding service to the residents of the Commonwealth.

SENATE RESOLUTION NO. 2

2022 Session operating resolution.

Agreed to by the Senate, January 12, 2022

RESOLVED by the Senate of Virginia, That the Comptroller is directed to issue his warrants on the Treasurer, payable from the contingent fund of the Senate, to accomplish the work of the Senate of Virginia as reported by the Clerk of the Senate to the Senate Committee on Rules during the 2022 Session. Necessary payments to cover salaries of temporary employees and the Pages, per diem for legislative assistants who establish a temporary residence, per diem for Pages and certain employees designated by the Clerk and reported to the Chair of the Senate Committee on Rules, as well as other contingent and incidental expenses, will be certified by the Clerk of the Senate or her designee. Per diem for orientation will be paid as approved by the Clerk.

SENATE RESOLUTION NO. 3

Commending Michael E. Karmis.

Agreed to by the Senate, January 27, 2022

WHEREAS, after more than 20 years of exceptional service to the Commonwealth, Michael E. Karmis retired as the director of the Virginia Center for Coal and Energy Research on December 31, 2021; and

WHEREAS, the Virginia Center for Coal and Energy Research was created on March 30, 1977, as an interdisciplinary study, research, information, and resource facility of Virginia Polytechnic Institute and State University; since becoming director in 1998, Michael Karmis has helped the center support the university's mission to provide high-quality instruction and opportunities for research and extension; and

WHEREAS, Michael Karmis's indefatigable efforts to identify funding sources and initiatives, to develop partnerships with other universities, to establish relationships with government agencies, and to create consortia that include diverse profit and non-profit organizations and represent broad constituencies, have resulted in unprecedented growth in research funding and sponsored contracts for the Virginia Center for Coal and Energy Research; and

WHEREAS, under the leadership of Michael Karmis, the Virginia Center for Coal and Energy Research has provided support for undergraduate students, graduate students, post-doctoral associates, staff, and administrative, research, and teaching faculty; the center has also created mentorship and research opportunities for numerous students and junior faculty, enabling them to become successful professionals in the fields of mineral extraction, health and safety, sustainable development, and carbon management; and

WHEREAS, Michael Karmis has contributed to the environmental and economic well-being of the Commonwealth and the Appalachian region, both personally and through the Virginia Center for Coal and Energy Research, by providing unbiased information to businesses, legislators, federal, state, and local agencies, and the general public; now, therefore, be it

RESOLVED by the Senate of Virginia, That Michael E. Karmis hereby be commended on the occasion of his retirement as director of the Virginia Center for Coal and Energy Research; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Michael E. Karmis as an expression of the Senate of Virginia's admiration for his outstanding contributions to higher education and the energy profession.

SENATE RESOLUTION NO. 4

Relating to a replica of the chair used by Lieutenant Governor Justin E. Fairfax.

Agreed to by the Senate, January 27, 2022

RESOLVED by the Senate of Virginia, That Justin E. Fairfax be and is hereby vested with title to and authorized to possess a replica of the chair used by the Lieutenant Governor when presiding over the Senate as visible evidence of the high esteem with which he is regarded by all who know him. The Clerk of the Senate is hereby directed and authorized to procure such replica and upon receipt of same to deliver to Justin E. Fairfax the chair that he is entitled to receive. The Clerk is further authorized to expend a sum sufficient from the contingent fund of the Senate to carry out the duty imposed hereunder.

SENATE RESOLUTION NO. 5

Relating to a portrait of Lieutenant Governor Justin E. Fairfax.

Agreed to by the Senate, January 27, 2022

RESOLVED by the Senate, That the President pro tempore of the Senate, the Chair of the Senate Committee on Rules, the Majority Leader of the Senate, the Minority Leader of the Senate, and the Clerk of the Senate are constituted a committee to contract for, have painted, and have appropriately framed and placed in the Capitol a portrait of Lieutenant Governor Justin E. Fairfax. The Clerk is further authorized to expend a sum sufficient from the contingent fund of the Senate to carry out the duty imposed hereunder.

SENATE RESOLUTION NO. 6

Commending the Richmond Chapter of the Islamic Circle of North America Relief.

Agreed to by the Senate, January 27, 2022

WHEREAS, the Richmond Chapter of the Islamic Circle of North America Relief has greatly served its community through a series of food and school supply distributions in 2021; and

WHEREAS, the Islamic Circle of North America (ICNA) Relief is an organization dedicated to supporting individuals and families in need through its nationwide network of programs and services, including shelters, food pantries, health clinics, educational programs, and disaster relief and refugee services; and

WHEREAS, ICNA Relief frequently works alongside governmental agencies and major non-governmental organizations to fulfill its mission; in 2021, the Richmond Chapter of ICNA Relief partnered with Henrico County Public Schools and Chesterfield County Public Schools to facilitate its distribution efforts; and

WHEREAS, throughout the summer, volunteers with the Richmond Chapter of ICNA Relief at the Masjid Al Falah food pantry in Lakeside assembled bags of food, which included fresh poultry, vegetables, bread, and canned goods, in preparation for monthly distributions at Quiocasin Middle School in Richmond; and

WHEREAS, in addition to its food drive, the Richmond Chapter of ICNA Relief prepared backpacks with school supplies and hygiene packs with sanitation products to assist families facing the difficult transition back to in-school learning and other challenges of the COVID-19 pandemic; and

WHEREAS, from January to October 2021, the Richmond Chapter of ICNA Relief distributed 454,346 pounds of food, reaching 45,130 individuals and providing a service valued at \$1.2 million; additionally, the group provided 599 COVID-19 vaccines, 7,550 hygiene packs, and 1,000 backpacks with supplies to underserved individuals and families; and

WHEREAS, the accomplishments of the Richmond Chapter of ICNA Relief are a testament to the overwhelming generosity of its volunteer members and donors and the sage guidance of its leaders, including Amir Saeed, chief information officer of ICNA Relief USA; and

WHEREAS, by working to ensure that no individual in the Greater Richmond area goes hungry and that no child is ill-equipped for learning, the Richmond Chapter of ICNA Relief has helped to make the Commonwealth a more welcoming place for all; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Richmond Chapter of the Islamic Circle of North America Relief hereby be commended for its steadfast efforts to serve the members of its community in need; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Richmond Chapter of the Islamic Circle of North America Relief as an expression of the Senate of Virginia's admiration for the organization's contributions to the Commonwealth.

SENATE RESOLUTION NO. 7

Celebrating the life of Aubrey Mae Stanley, Jr.

Agreed to by the Senate, January 27, 2022

WHEREAS, Aubrey Mae Stanley, Jr., accomplished business executive, esteemed public servant, and beloved member of the Beaverdam community, died on December 31, 2021; and

WHEREAS, affectionately known by family and friends as "Bucky," Aubrey Stanley was a native of Hanover County and graduated from Patrick Henry High School in Ashland in 1962 before attending North Carolina State University; and

WHEREAS, Aubrey Stanley enjoyed an illustrious career in the timber and lumber industry, first with the family business, AM Stanley Lumber, and later as owner of AMS Timber, LLC; and

WHEREAS, Aubrey Stanley was elected to the Hanover County Board of Supervisors in 1983 and proudly represented the residents of Beaverdam for the next 38 years, including six terms as board chairman; and

WHEREAS, Aubrey Stanley's 10 consecutive election victories make him the longest serving member in the history of the Hanover County Board of Supervisors and one of the longest serving members of any board of supervisors in the history of the Commonwealth; and

WHEREAS, during his tenure on the Hanover County Board of Supervisors, Aubrey Stanley was highly regarded for his dedication to his constituents and his ability to foster consensus among the members of the board; and

WHEREAS, Aubrey Stanley was also a member of the Capital Region Airport Commission since 1986 and chairman of that board four times, overseeing the operation and management of Richmond International Airport for the benefit of the community; and

WHEREAS, in his spare time, Aubrey Stanley cultivated his passion for men's softball by managing and sponsoring several elite teams that traveled throughout the nation to compete at the highest echelons of the sport; and

WHEREAS, in recognition of his success in men's softball, Aubrey Stanley's sporting legacy is enshrined today in the halls of fame of various athletic organizations; and

WHEREAS, preceded in death by his loving wife, Ellen, Aubrey Stanley will be fondly remembered and dearly missed by his son, Darrell, and his family; and by numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Aubrey Mae Stanley, Jr., an admired public servant whose honesty and dedication inspired countless citizens of Hanover County; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Aubrey Mae Stanley, Jr., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 8

Nominating persons to be elected to the Court of Appeals of Virginia.

Agreed to by the Senate, January 24, 2022

RESOLVED by the Senate of Virginia, That the following persons are hereby nominated to be elected to the Court of Appeals of Virginia as follows:

The Honorable Randolph A. Beales, of Henrico and Mecklenburg, as a judge of the Court of Appeals of Virginia for a term of eight years commencing April 16, 2022.

The Honorable Marla Graff Decker, of Henrico, as a judge of the Court of Appeals of Virginia for a term of eight years commencing February 1, 2022.

SENATE RESOLUTION NO. 9

Nominating persons to be elected to circuit court judgeships.

Agreed to by the Senate, January 24, 2022

RESOLVED by the Senate of Virginia, That the following persons are hereby nominated to be elected to the respective circuit court judgeships as follows:

The Honorable Steven C. Frucci, of Virginia Beach, as a judge of the Second Judicial Circuit for a term of eight years commencing February 1, 2022.

The Honorable James C. Lewis, of Virginia Beach, as a judge of the Second Judicial Circuit for a term of eight years commencing January 1, 2023.

The Honorable Tanya Bullock, of Virginia Beach, as a judge of the Second Judicial Circuit for a term of eight years commencing March 1, 2022.

The Honorable David W. Lannetti, of Norfolk, as a judge of the Fourth Judicial Circuit for a term of eight years commencing December 1, 2022.

The Honorable L. Wayne Farmer, of Isle of Wight, as a judge of the Fifth Judicial Circuit for a term of eight years commencing December 1, 2022.

The Honorable Robert H. Sandwich, Jr., of Suffolk, as a judge of the Fifth Judicial Circuit for a term of eight years commencing February 1, 2022.

The Honorable Bryant L. Sugg, of Newport News, as a judge of the Seventh Judicial Circuit for a term of eight years commencing December 1, 2022.

The Honorable B. Elliott Bondurant, of King William, as a judge of the Ninth Judicial Circuit for a term of eight years commencing January 1, 2023.

The Honorable Jeffrey W. Shaw, of Middlesex, as a judge of the Ninth Judicial Circuit for a term of eight years commencing December 1, 2022.

The Honorable Donald C. Blessing, of Prince Edward, as a judge of the Tenth Judicial Circuit for a term of eight years commencing December 1, 2022.

The Honorable Joseph M. Teefey, Jr., of Amelia, as a judge of the Eleventh Judicial Circuit for a term of eight years commencing January 1, 2023.

The Honorable David E. Johnson, of Chesterfield, as a judge of the Twelfth Judicial Circuit for a term of eight years commencing December 1, 2022.

The Honorable Edward A. Robbins, Jr., of Chesterfield, as a judge of the Twelfth Judicial Circuit for a term of eight years commencing December 1, 2022.

The Honorable Clarence N. Jenkins, Jr., of Richmond, as a judge of the Thirteenth Judicial Circuit for a term of eight years commencing October 1, 2022.

The Honorable W. Reilly Marchant, of Richmond, as a judge of the Thirteenth Judicial Circuit for a term of eight years commencing January 1, 2023.

The Honorable Lee A. Harris, Jr., of Henrico, as a judge of the Fourteenth Judicial Circuit for a term of eight years commencing August 1, 2022.

The Honorable Herbert M. Hewitt, of King George, as a judge of the Fifteenth Judicial Circuit for a term of eight years commencing December 1, 2022.

The Honorable Victoria A. B. Willis, of Fredericksburg, as a judge of the Fifteenth Judicial Circuit for a term of eight years commencing December 1, 2022.

The Honorable Grace Burke Carroll, of Fairfax, as a judge of the Nineteenth Judicial Circuit for a term of eight years commencing December 1, 2022.

Christie A. Leary, Esquire, of Fairfax, as a judge of the Nineteenth Judicial Circuit for a term of eight years commencing March 1, 2022.

The Honorable Jeanette A. Irby, of Loudoun, as a judge of the Twentieth Judicial Circuit for a term of eight years commencing December 1, 2022.

The Honorable Stephen E. Sincavage, of Loudoun, as a judge of the Twentieth Judicial Circuit for a term of eight years commencing February 1, 2022.

The Honorable James W. Updike, Jr., of Bedford, as a judge of the Twenty-fourth Judicial Circuit for a term of eight years commencing April 1, 2022.

The Honorable Clark A. Ritchie, of Rockingham, as a judge of the Twenty-sixth Judicial Circuit for a term of eight years commencing December 1, 2022.

The Honorable Bradley W. Finch, of Montgomery, as a judge of the Twenty-seventh Judicial Circuit for a term of eight years commencing December 1, 2022.

The Honorable Josiah T. Showalter, Jr., of Montgomery, as a judge of the Twenty-seventh Judicial Circuit for a term of eight years commencing April 1, 2022.

The Honorable Richard C. Patterson, of Tazewell, as a judge of the Twenty-ninth Judicial Circuit for a term of eight years commencing December 1, 2022.

SENATE RESOLUTION NO. 10

Nominating persons to be elected to general district court judgeships.

Agreed to by the Senate, January 24, 2022

RESOLVED by the Senate of Virginia, That the following persons are hereby nominated to be elected to the respective general district court judgeships as follows:

Patrick A. Robbins, Esquire, of Accomack, as a judge of the Judicial District 2-A for a term of six years commencing February 1, 2022.

The Honorable Douglas B. Ottinger, of Portsmouth, as a judge of the Third Judicial District for a term of six years commencing February 1, 2022.

Joseph C. Lindsey, Esquire, of Norfolk, as a judge of the Fourth Judicial District for a term of six years commencing February 1, 2022.

The Honorable David B. Caddell, Jr., of Hanover, as a judge of the Fifteenth Judicial District for a term of six years commencing July 1, 2022.

The Honorable John S. Martin, of Lancaster, as a judge of the Fifteenth Judicial District for a term of six years commencing July 1, 2022.

The Honorable Richard T. McGrath, of Hanover, as a judge of the Fifteenth Judicial District for a term of six years commencing July 1, 2022.

The Honorable Claiborne H. Stokes, Jr., of Goochland, as a judge of the Sixteenth Judicial District for a term of six years commencing July 1, 2022.

Vanessa R. Jordan, Esquire, of Fairfax, as a judge of the Nineteenth Judicial District for a term of six years commencing April 1, 2022.

The Honorable Thomas W. Roe, Jr., of Roanoke, as a judge of the Twenty-third Judicial District for a term of six years commencing July 1, 2022.

The Honorable Randy C. Krantz, of Bedford, as a judge of the Twenty-fourth Judicial District for a term of six years commencing July 1, 2022.

Christopher E. Collins, Esquire, of Winchester, as a judge of the Twenty-sixth Judicial District for a term of six years commencing February 16, 2022.

The Honorable Randal J. Duncan, of Radford, as a judge of the Twenty-seventh Judicial District for a term of six years commencing May 1, 2022.

SENATE RESOLUTION NO. 11

Nominating persons to be elected to juvenile and domestic relations district court judgeships.

Agreed to by the Senate, January 24, 2022

RESOLVED by the Senate of Virginia, That the following persons are hereby nominated to be elected to the respective juvenile and domestic relations district court judgeships as follows:

The Honorable James E. Wiser, of Suffolk, as a judge of the Fifth Judicial District for a term of six years commencing July 1, 2022.

The Honorable Marvin H. Dunkum, Jr., of Buckingham, as a judge of the Tenth Judicial District for a term of six years commencing April 1, 2022.

The Honorable Nora J. Miller, of Mecklenburg, as a judge of the Tenth Judicial District for a term of six years commencing July 1, 2022.

The Honorable D. Gregory Carr, of Chesterfield, as a judge of the Twelfth Judicial District for a term of six years commencing February 1, 2022.

The Honorable Mary E. Langer, of Richmond, as a judge of the Thirteenth Judicial District for a term of six years commencing August 1, 2022.

The Honorable William L. Lewis, of Essex, as a judge of the Fifteenth Judicial District for a term of six years commencing July 1, 2022.

The Honorable Robin Robb Kendrick, of Arlington, as a judge of the Seventeenth Judicial District for a term of six years commencing July 1, 2022.

The Honorable Todd G. Petit, of Fairfax, as a judge of the Nineteenth Judicial District for a term of six years commencing July 1, 2022.

The Honorable Dale M. Wiley, of Danville, as a judge of the Twenty-second Judicial District for a term of six years commencing July 1, 2022.

The Honorable Robert Louis Harrison, Jr., of Bedford, as a judge of the Twenty-fourth Judicial District for a term of six years commencing February 1, 2022.

The Honorable Correy R. Smith, of Augusta, as a judge of the Twenty-fifth Judicial District for a term of six years commencing July 1, 2022.

The Honorable Elizabeth Kellas Burton, of Winchester, as a judge of the Twenty-sixth Judicial District for a term of six years commencing May 1, 2022.

The Honorable Laura F. Robinson, of Dickenson, as a judge of the Twenty-ninth Judicial District for a term of six years commencing July 1, 2022.

The Honorable D. Scott Bailey, of Manassas, as a judge of the Thirty-first Judicial District for a term of six years commencing February 1, 2022.

SENATE RESOLUTION NO. 12

Nominating a person to be elected to the Virginia Workers' Compensation Commission.

Agreed to by the Senate, January 24, 2022

RESOLVED by the Senate of Virginia, That the following person is hereby nominated to be elected to the Virginia Workers' Compensation Commission as follows:

The Honorable Robert Ferrell Newman, of Henrico, as a member of the Virginia Workers' Compensation Commission for a term of six years commencing February 1, 2022.

SENATE RESOLUTION NO. 14

Celebrating the life of Brigadier General James Postell Jervey, USA, Ret.

Agreed to by the Senate, February 3, 2022

WHEREAS, Brigadier General James Postell Jervey, USA, Ret., a military engineer whose legacy lives on through his contributions to harbors and marine waterways throughout the United States and the world, including work on the Panama Canal, died on March 12, 1947; and

WHEREAS, James Jervey, the third of six sons born to Dr. Henry D. Jervey, an assistant surgeon originally from Charleston, South Carolina, and Helen Louise Wesson Jervey, of Northampton County, North Carolina, was born on November 14, 1869, and raised at St. Helen's, a modest farm in the Fine Creek Mills area of Powhatan County; and

WHEREAS, James Jervey was employed by the Southern Cotton Oil Company in Atlanta when he was notified that he had been appointed to the United States Military Academy at West Point, New York; he entered West Point on June 16, 1888, just days after his eldest brother, Henry, had graduated; and

WHEREAS, James Jervey graduated with honors as the second-highest ranked student in the Class of 1892 and was assigned to the United States Army Corps of Engineers; he entered the Army Engineering School of Application at Willet's Point in New York Harbor and graduated on August 7, 1895, with the equivalent of a master's degree in civil engineering; and

WHEREAS, after completing his education, James Jervey was initially assigned to Montgomery, Alabama, then was placed in charge of fortification work and underwater mine defenses at Pensacola, Florida, during the Spanish-American War; and

WHEREAS, James Jervey was subsequently ordered back to West Point, where he was an instructor in practical military engineering and an assistant professor in the Department of Civil and Military Engineering until 1901; and

WHEREAS, James Jervey completed a tour of duty in the Philippines serving as engineer of the Moro Province, secretary of the Moro Province, and commander in charge of fortification work at Subic Bay; upon returning to the United States in August 1907, he commanded the 1st Battalion of Engineers and the post of Fort Mason, California, until 1907 when he was sent to Washington, D.C., as an instructor of civil engineering; and

WHEREAS, in recognition of his outstanding service record, James Jervey was selected to assist with the construction of the Panama Canal; he reported to the Isthmian Canal Commission on July 16, 1908, as assistant engineer in charge of construction of Gatun Locks and later resident engineer in charge of construction until 1913; and

WHEREAS, James Jervey then served as a district engineer in Wheeling, West Virginia, building dams and locks to make the Upper Ohio River navigable for shipping, and in Norfolk, where his duties included expanding and improving the intracoastal waterway in the region; and

WHEREAS, during World War I, James Jervey commanded the 304th Engineers of the 79th Division, participating in the Meuse-Argonne offensive; he later became chief engineer of the 7th Corps and assistant to the chief engineer of the American Expeditionary Forces; and

WHEREAS, among many awards and accolades, James Jervey received the Distinguished Military Service Medal for his contributions to maintaining roads in a suitable condition for the transportation of artillery and large quantities of supplies during the attack on Montfaucon and Nantillois; and

WHEREAS, after the war, James Jervey was assigned to postings in Washington, D.C., Delaware, and Maryland and served as a member of the River and Harbor Board; he retired from the United States Army on September 21, 1920, with the rank of brigadier general; and

WHEREAS, from 1920 to 1926, James Jervey was city manager of Portsmouth, and his engineering ability, sound judgment, and management skills helped the city build an exceptional record of economic efficiency; and

WHEREAS, a talented and passionate educator, James Jervey joined the University of the South in Sewanee, Tennessee, as chair of the mathematics department, and at the onset of World War II, he contributed to the war effort by teaching an accelerated course in navigation to Naval ROTC cadets and United States Navy officers; and

WHEREAS, James Jervey retired in 1945 and settled in Powhatan with his wife, Jean; after his death in 1947, he was laid to rest at St. Luke's Episcopal Church, the church of his youth, alongside many fellow members of the Jervey family; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Brigadier General James Postell Jervey, USA, Ret., a leader in military engineering who made many contributions to the Commonwealth and the United States; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Brigadier General James Postell Jervey, USA, Ret., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 15

Celebrating the life of Major General Henry Jervey, Jr., USA, Ret.

Agreed to by the Senate, February 3, 2022

WHEREAS, Major General Henry Jervey, Jr., USA, Ret., an inspiration to military engineers whose legacy lives on through the countless enhancements he made to American harbors and waterways, died September 30, 1942, after a lifetime of dauntless service; and

WHEREAS, Henry Jervey was born on June 5, 1866, and raised on St. Helen's Farm in the Fine Creek Mills area of Powhatan; he was the eldest of six sons born to Dr. Henry D. Jervey, an assistant surgeon originally of Charleston, South Carolina, and to Helen Louise Wesson Jervey, originally of Summit Plantation, Northampton County, North Carolina; and

WHEREAS, after the death of his paternal grandfather, Henry Jervey helped escort the coffin to Charleston for burial and remained in the area; he graduated from high school with high marks, entered The University of the South at the age of 15, and graduated with a degree in civil engineering, as both the youngest and highest-ranked student in his class; and

WHEREAS, Henry Jervey subsequently graduated from the United States Military Academy at West Point with a degree in civil engineering as the top-ranked student in the Class of 1888; and

WHEREAS, Henry Jervey was assigned to the Army Corps of Engineers' Engineering School of Application at Willet's Point in the New York Harbor and graduated three years later with the equivalent of a master's degree in civil engineering; he served an additional tour of duty there as an instructor in military photography and in self-propelled naval mines; and

WHEREAS, in 1898, Henry Jervey was in charge of the Mississippi River Improvement Fourth District, supervising a crew of 19 aboard a ship taking up mines which had been laid at the onset of the Spanish-American War, when an unseen mine several feet below the surface exploded suddenly; and

WHEREAS, the ship's forecandle and pilot house were destroyed, six men were blown into the water and killed, and the ship sank within a day; however, Henry Jervey, who had been standing just feet from the pilot house, was left miraculously unscathed; and

WHEREAS, Henry Jervey continued to work with the Mississippi River Improvement Fourth District and supervised hundreds of laborers who moved 200,000 cubic yards of earth in the construction of the Kempe Levee, which was 18 feet tall and three-quarters of a mile in length when completed; and

WHEREAS, Henry Jervey was subsequently assigned to the defense of rivers and harbors of Tampa Bay and the west coast of Florida, served in the Philippines as a lighthouse inspector, and then returned to West Point as an assistant professor of chemistry; and

WHEREAS, from 1905 to 1910, Henry Jervey was in charge of harbors and defenses of the Mobile District in Alabama and directed the expansion of Mobile Bay's channel to better accommodate modern ships; and

WHEREAS, from 1910 to 1915, Henry Jervey was responsible for the improvement of the Ohio River for navigation; during that period, he completed the Fernbank Dam and began construction of several other dams in Ohio, Kentucky, and Indiana; according to a Cincinnati newspaper article, he was reportedly the most popular and well-respected army engineer ever assigned to supervise the area; and

WHEREAS, Henry Jervey graduated from the Army War College in 1916 and was assigned an additional tour of duty there as an instructor, during which time he wrote *Warfare of the Future*, published in 1917; and

WHEREAS, in 1917, Henry Jervey oversaw the construction of army barracks erected on the American University grounds in Washington, D.C., and the construction of fortifications along the south Atlantic coastline, including Cape Henry at the mouth of the Chesapeake Bay; he also served as commander of the 66th Field Artillery Group at Camp Greene in Charlotte, North Carolina; and

WHEREAS, later in 1917, Henry Jervey was assigned as acting assistant chief of staff/director of operations for the first Chief of Staff of the United States Army, General Hugh Scott, followed by General Tasker Bliss; and

WHEREAS, in 1918, newly appointed Chief of Staff General Peyton March reappointed Henry Jervey his assistant chief of staff/director of operations, overseeing what was then the largest and fastest military buildup in history; and

WHEREAS, Henry Jervey was among the first six officers to receive the Distinguished Military Service Medal, created by the United States Congress in 1918, for "especially meritorious and conspicuous services as Director of Operations, General Staff during the Great World War"; and

WHEREAS, in recognition of his service during World War I, Henry Jervey also received honors from the United Kingdom, France, Belgium, and Italy; and

WHEREAS, after the war, Henry Jervey oversaw the purchase of 135,000 acres near Fayetteville, North Carolina, for the creation of what is now Fort Bragg; he later served as commander of the 41st Division at Camp Mills, then as commander of the 11th Brigade Field Artillery in Hawaii; and

WHEREAS, Henry Jervey retired from the United States Army in 1922 and resided in Washington and California before returning to South Carolina; he was laid to rest at Arlington National Cemetery after his passing in 1942; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Major General Henry Jervey, Jr., USA, Ret., a distinguished veteran who made contributions to communities throughout the United States; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to descendants of Major General Henry Jervey, Jr., USA, Ret., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 16

Celebrating the life of Colonel Alexander Shepherd Quintard, USA, Ret.

Agreed to by the Senate, February 3, 2022

WHEREAS, Colonel Alexander Shepherd Quintard, USA, Ret., of Powhatan County, a patriotic veteran who served the United States with distinction during two world wars, died on September 18, 1972; and

WHEREAS, Alexander "Alec" Quintard was born in 1891 to Dr. and Mrs. Edward Quintard of Washington, D.C.; he was inspired to pursue a life of service by his grandfathers; and

WHEREAS, Alec Quintard's maternal grandfather, Alexander Robey Shepherd, served as the second and last Governor of the District of Columbia and made numerous contributions to the enhancement of local infrastructure; his paternal grandfather, Charles Todd Quintard, was a Civil War chaplain who later became the founding vice-chancellor of The University of the South in Sewanee, Tennessee; and

WHEREAS, in 1909, Alec Quintard graduated from Sewanee Military Academy, located on the campus of The University of the South, then traveled the country as a member of the United States Geological Survey; and

WHEREAS, Alec Quintard subsequently worked for banking and insurance firms in Norfolk until he volunteered for military service in the lead-up to World War I; in 1918, he was assigned to the Eighth Field Artillery Regiment in Georgia, where he met his wife, Jean Postell Jervey, with whom he proudly raised three daughters; and

WHEREAS, Alec Quintard earned the Distinguished Service Medal for his meritorious actions during the Battle of Saint-Mihiel and continued serving on active duty with the United States Army after the end of the war; and

WHEREAS, in the 1930s, Alec Quintard served as a field artillery instructor with the North Carolina National Guard, and in 1941, he was promoted to colonel and given command of the 301st Field Artillery Regiment in the Philippines; and

WHEREAS, after Japan launched a surprise attack on the Philippines on December 8, 1941, Alec Quintard was tasked with organizing a field artillery unit with civilian volunteers; in a testament to his abilities, he trained nearly 600 volunteers with no prior military experience as heavy artillerymen that courageously opposed the Japanese invasion force; and

WHEREAS, during the Battle of Bataan in 1941, Alec Quintard commanded the heavy artillery for II Corps and received another Distinguished Service Medal for his gallantry and exceptional leadership; and

WHEREAS, after the fall of the Philippines, Alec Quintard and his fellow prisoners of war participated in the infamous Bataan Death March, a grueling forced march from the Bataan peninsula to a concentration camp between 60 and 70 miles away that resulted in thousands of Allied casualties; and

WHEREAS, Alec Quintard was transferred to several different camps during three and a half years of captivity; he was being held by Japanese forces in China when news of the Japanese surrender was delivered to the camp by a team of American paratroopers; and

WHEREAS, as a sign of surrender, Alec Quintard accepted the camp commander's sword, which remains a cherished family heirloom; and

WHEREAS, Alec Quintard returned to the Commonwealth and commanded what is now Fort A.P. Hill in Bowling Green from 1946 to 1949; he later retired to the Fine Creek Mills area of Powhatan County, naming his home "Midway" as a reference to the decisive Battle of Midway during the war; and

WHEREAS, Alec Quintard was a highly admired community leader in Powhatan County, establishing two Boy Scout troops in the area and serving as Sunday school superintendent and senior warden at St. Luke's Episcopal Church; and

WHEREAS, Alec Quintard is fondly remembered and greatly missed by numerous surviving family members; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Colonel Alexander Shepherd Quintard, USA, Ret.; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Colonel Alexander Shepherd Quintard, USA, Ret., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 17

Celebrating the life of Jameel Jalal Abed.

Agreed to by the Senate, February 10, 2022

WHEREAS, Jameel Jalal Abed, owner of the Mediterranean Bakery & Deli on Quiccasin Road in Henrico County and a founding member of the Islamic Center of Virginia in Chesterfield County, died on August 10, 2021; and

WHEREAS, born on August 16, 1950, in Palestine, Jameel Abed came to Richmond with his father in the late 1960s to help him with his importing and exporting business; and

WHEREAS, Jameel Abed met his wife, Saba, when he was visiting Palestine in the 1970s, and the couple were married soon after, at which point Saba joined Jameel in Richmond; and

WHEREAS, Jameel and Saba Abed opened Royal Bakery in the mid-1980s, producing pita bread and other baked goods for sale at Ukrop's Super Markets locations in the Greater Richmond area; and

WHEREAS, Jameel Abed sold Royal Bakery to purchase the Mediterranean Bakery & Deli and subsequently transformed the restaurant into a community space for individuals from all walks of life to gather and take refuge; and

WHEREAS, Jameel Abed was known for his generosity and supported many refugees new to the Richmond area by helping them navigate American culture, secure employment, shop in grocery stores, and obtain driver's licenses; and

WHEREAS, Jameel Abed faced racism and prejudice as an Arab American in the Commonwealth and was inspired by these experiences to become politically active and find ways to fight discrimination; and

WHEREAS, Jameel Abed's work to promote equality included collaborating with the Virginia Interfaith Center for Public Policy, founding the Commonwealth's first Arab political action committee, and participating in anti-discrimination rallies in Richmond and Washington, D.C.; and

WHEREAS, Jameel Abed was a man led by his Muslim faith, who stood tall on his convictions and lived with an open heart toward all humans; and

WHEREAS, Jameel Abed's faith also manifested itself in part through his efforts to raise funds to build the Islamic Center of Virginia, a masjid serving Muslims in the Greater Richmond area; and

WHEREAS, as a community leader and business owner, Jameel Abed consistently strived to make Richmond a more welcoming and compassionate city for all; and

WHEREAS, Jameel Abed was a longtime supporter of the Armenian community in the Greater Richmond area whose contributions to the annual Armenian Food Festival hosted by St. James Armenian Church in Richmond were instrumental to the event's success; and

WHEREAS, Jameel Abed will be fondly remembered and deeply missed by his wife of 51 years, Saba; his three sons, Niddal, Osama, and Bassam; his four grandchildren; two brothers; two sisters; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Jameel Jalal Abed; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Jameel Jalal Abed as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 18

Commending Bluefield University.

Agreed to by the Senate, February 10, 2022

WHEREAS, Bluefield University, a private higher education institution in Tazewell County, has provided outstanding opportunities for academic and personal growth to students for 100 years; and

WHEREAS, in 1915, during the annual session of the Baptist General Association of Virginia, a resolution was approved to appoint an advising committee on the establishment of a school for young men in Southwest Virginia of the same quality as Virginia Interment College located in Bristol; and

WHEREAS, on September 20, 1922, Bluefield College opened its doors to 100 students as a coeducational junior college; and

WHEREAS, in 1974, Bluefield College became a four-year baccalaureate institution with expanded degree programs centered in the liberal arts tradition; and

WHEREAS, in 2019, Bluefield College joined a network of schools, including the Edward Via College of Osteopathic Medicine and the Appalachian College of Pharmacy, to meet healthcare needs in Appalachia and the southeast United States by preparing graduates to serve rural communities and communities of high need; and

WHEREAS, in 2021, the Bluefield College Board of Trustees voted to change the name of the institution to Bluefield University as its centennial year began, reflecting the achievements of its first century of service and anticipation of its expanded opportunities in years to come; and

WHEREAS, Bluefield University offers over 71 programs from certificates and associate's degree level to graduate level degrees for both in-person and online students; and

WHEREAS, Bluefield University is a Christ-centered learning community developing servant leaders to transform the world that has remained true to its mission and character for 100 years; now, therefore, be it

RESOLVED by the Senate of Virginia, That Bluefield University hereby be commended on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to David W. Olive, president of Bluefield University, as an expression of the Senate of Virginia's admiration for the institution's commitment to excellence in higher education.

SENATE RESOLUTION NO. 19

Commending Rita Carter Forrester.

Agreed to by the Senate, February 11, 2022

WHEREAS, Rita Carter Forrester, the granddaughter of two members of one of the most influential folk and country music bands of all time, the Carter Family, has worked diligently to preserve the band's legacy and promote Southwest Virginia's contributions to the American musical landscape; and

WHEREAS, presented by the General Assembly's Outstanding Virginian Committee in conjunction with The University of Virginia's Frank Batten School of Leadership and Public Policy, the Outstanding Virginian Award is considered the Commonwealth's highest civilian honor and is awarded to citizens, such as Rita Carter Forrester, who have distinguished themselves through extraordinary civic service; and

WHEREAS, the Carter Family, originally comprised of Sara Carter, her husband, A.P. Carter, and her sister-in-law, Maybelle Carter, became local legends playing at town events, church functions, and house parties in Scott County and throughout Southwest Virginia and became one of the first groups to record commercially produced country music at the famed Bristol Sessions in 1927; and

WHEREAS, known as "the first family of country music," the members of the Carter Family were highly admired for their exceptional talents, commitment to honing their craft as musicians, and prolific songwriting, and they influenced other performers in a wide range of genres for decades; and

WHEREAS, in 1979, Janette Carter, daughter of Sara and A.P. Carter, established the Carter Family Fold as a concert venue dedicated to performances of old-time country and bluegrass music; located in what is now Hiltons, the venue has helped preserve traditional musical styles and support local artists, while also welcoming nationally known performers like Johnny Cash; and

WHEREAS, Rita Carter Forrester, Janette Carter's daughter, has continued to uphold the family legacy of musical preservation and became the executive director of the Carter Family Memorial Music Center, which includes the Carter Family Fold, after her mother's death in 2006; and

WHEREAS, the Carter Family Memorial Music Center has thrived under Rita Carter Forrester's leadership, with the Carter Family Fold hosting weekly concerts to celebrate traditional Appalachian music and dancing, as well as serving delicious family dishes based on recipes passed down through generations; and

WHEREAS, in 2009, Rita Carter Forrester presided over a major project to renovate and rededicate the Carter Family Museum, an unparalleled collection of Carter Family memorabilia; and

WHEREAS, the Carter Family Memorial Music Center also features the restored 1880s cabin where A.P. Carter was born and the organization holds an annual Carter Family Memorial Festival in August; and

WHEREAS, in addition to her work with the Carter Family Memorial Music Center, Rita Carter Forrester is a full-time employee of her alma mater, East Tennessee State University, as an administrative assistant; she often works long and late hours to ensure that the Carter Family Fold fulfills its mission to serve and enrich the community; and

WHEREAS, Rita Carter Forrester has shared the joys of the Appalachian mountain lifestyle with visitors from around the Commonwealth, the nation, and the world and ensured that fans of the Carter Family and all music lovers have a place to learn about and appreciate the early roots of country music; now, therefore, be it

RESOLVED by the Senate of Virginia, That Rita Carter Forrester hereby be commended on her selection as the 2022 Outstanding Virginian for her work to preserve the rich musical heritage of Southwest Virginia as executive director of the Carter Family Memorial Music Center; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Rita Carter Forrester as an expression of the Senate of Virginia's admiration for her contributions to cultural life in the Commonwealth.

SENATE RESOLUTION NO. 20

Commending the Virginia Center for Inclusive Communities.

Agreed to by the Senate, February 17, 2022

WHEREAS, the Virginia Center for Inclusive Communities, a nonprofit organization that promotes understanding and inclusion in collaboration with schools, businesses, and communities, has greatly served residents of the Commonwealth for many years; and

WHEREAS, the Virginia Center for Inclusive Communities (VCIC) began in 1935 as the Lynchburg Round Table, where religious leaders met to develop ways to foster harmony and understanding between people of different faiths, backgrounds, and cultures; and

WHEREAS, by 1946, chapters inspired by the Lynchburg Round Table in Norfolk and Richmond had affiliated with the National Conference of Christians and Jews (NCCJ), and they were soon followed by additional chapters in other cities of the Commonwealth; and

WHEREAS, under the banner of the Virginia Region of the NCCJ, these chapters advanced interfaith understanding and cooperation through youth seminars, teacher workshops, clergy dialogues, and other special programs; and

WHEREAS, since 2007, after several name changes and revisions to its mission to incorporate other faiths and issues, the organization has been known as the Virginia Center for Inclusive Communities; and

WHEREAS, the VCIC continues to grow as a powerful force for interfaith cooperation and community inclusion and is always prepared to convene diverse religious groups in opposition to bigotry and prejudice, as it has in recent years on behalf of the Muslim and Jewish communities of Richmond; and

WHEREAS, since 2020, the VCIC has administered more than 1,700 programs in schools, businesses, and communities that have made an impact in the lives of more than 50,000 Virginians; and

WHEREAS, VCIC's school-based programs included student workshops and forums designed to reduce bullying and professional development workshops for educators and administrators to increase student engagement and promote inclusive pedagogy; and

WHEREAS, the VCIC encouraged positive, inclusive relations in the workplace through myriad programs, including the Virginia Inclusion Summit, the Workplace Inclusion Network, and customized workplace trainings and consultations; and

WHEREAS, the VCIC's other notable ventures in the community included rapid-response support after incidents of bias, bullying, or discrimination; development of virtual programming in response to the COVID-19 pandemic; and presentations of the organization's prestigious Humanitarian Awards at events throughout the Commonwealth; and

WHEREAS, members of the VCIC have generously given their time in service to the Commonwealth through appointments to the Virginia Complete Count Commission, the Commission on African American History Education in the Commonwealth, and the Task Force on Culturally Inclusive School Meals and Calendars; and

WHEREAS, through their tireless efforts to foster understanding and bring communities together, the VCIC and its members have helped make the Commonwealth a more welcoming place for all; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Virginia Center for Inclusive Communities hereby be commended for its legacy of service and for its unwavering commitment to engendering goodwill and understanding between individuals of all causes and creeds; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Virginia Center for Inclusive Communities as an expression of the Senate of Virginia's admiration for the organization's objectives and its contributions to the Commonwealth.

SENATE RESOLUTION NO. 21

Celebrating the life of Ronald Bowen Watson.

Agreed to by the Senate, February 17, 2022

WHEREAS, Ronald Bowen Watson, an accomplished craftsman and businessman and a beloved member of the Hopewell community, died on January 25, 2022; and

WHEREAS, Ronald Watson worked admirably for more than 30 years as a millwright with the former Allied Chemical Corporation, contributing greatly to the company's success; and

WHEREAS, Ronald Watson was licensed by the United States Coast Guard to operate as a tug boat captain and served the local marine industry as the owner of James River Towing Company; and

WHEREAS, dedicated to the well-being of his community, Ronald Watson was a member of the Hopewell Optimist Club for 60 years, during which time he held nearly every leadership position, including president, and was a regular presence at the organization's various fundraisers; and

WHEREAS, Ronald Watson was at home in the outdoors and relished every opportunity to hunt, camp, and fish, especially at his cherished Cape Hatteras; and

WHEREAS, a devoted husband and father, Ronald Watson was happiest when spending time with his large and ever-growing family; and

WHEREAS, guided throughout his life by his faith, Ronald Watson enjoyed worship and fellowship with his community at First United Methodist Church in Hopewell for 76 years; and

WHEREAS, Ronald Watson will be fondly remembered and dearly missed by his loving wife, Viola; his children, Rhonda, Vicki, Michael, and Wendy, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Ronald Bowen Watson, whose hard-working and caring nature was an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Ronald Bowen Watson as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 22

Commending the 2020 and 2022 inductees into the Virginia Sports Hall of Fame.

Agreed to by the Senate, March 3, 2022

WHEREAS, in 1996, the Virginia Sports Hall of Fame was designated the official Sports Hall of Fame of the Commonwealth; and

WHEREAS, the Virginia Sports Hall of Fame, located in Virginia Beach, has honored many of Virginia's exceptional athletes, coaches, and media personalities since its inception; and

WHEREAS, the Virginia Sports Hall of Fame celebrates athletic excellence in the Commonwealth, highlights philanthropy through sports, and inspires sports fans through engaging and entertaining programs; and

WHEREAS, as part of its 49th Induction Weekend, the Virginia Sports Hall of Fame will honor the Class of 2020, the 2020 Steve Guback Distinguished Virginia Award honoree, and the Class of 2022; and

WHEREAS, the Virginia Sports Hall of Fame is honored to present the Class of 2020 inductees as follows:

The Class of 2020

Dennis Carter

A native of Danville, Dennis Carter began his career in sports media working for two outlets in his hometown, the *Danville Register*, and WBTM/WAKG Radio. He moved to WSET-TV in Lynchburg in 1983 and worked there for 37 years, 35 as sports director. He has been honored numerous times by both the Virginia Associated Press Broadcasters and Virginia Association of Broadcasters. He has previously been inducted into the Lynchburg Area, Amherst County, and Danville Community College Sports Halls of Fame.

Michael "Mike" Cabbage

A Charlottesville native and University of Virginia graduate, Mike Cabbage was drafted by the Washington Senators in the Major League Baseball (MLB) Draft in 1971. He played eight seasons in the MLB, then served as manager for the Tidewater Tides and Lynchburg Mets. He also held coaching roles for the New York Mets, Houston Astros, and Boston Red Sox, including one stint as interim manager for the New York Mets. Beginning in 2004, he focused on scouting and player development and served as a special assistant to the general manager of the 2019 World Series Champion, Washington Nationals.

Lawrence Johnson

A native of Chesapeake and a graduate of Great Bridge High School, Lawrence Johnson placed first in the pole vault high school division at the 1992 Penn Relays and continued that success at the University of Tennessee. He was a seven-time Southeastern Conference champion and four-time National Collegiate Athletic Association (NCAA) champion and was named the 1996 NCAA Athlete of the Year. He competed in two Summer Olympics and won a silver medal in Sydney in 2000, becoming the first African American pole vaulter to medal in an Olympic Games.

Bruce Rader

Bruce Rader took on the role of Sports Director at WAVY-TV in Portsmouth in 1979 and has held that position for 43 years. Serving the Hampton Roads market, he changed the landscape of television sports media by focusing on underserved segments such as high school sports and the area's historically Black colleges and universities. He has previously been honored by the National Academy of Television Arts and Sciences, the Virginia Association of Broadcasters, and the Norfolk Sports Club. He has been inducted into the Central Intercollegiate Athletic Association Hall of Fame, the Hampton Roads Sports Hall of Fame, and the Hampton Roads Sports Media Hall of Fame.

Tracy Saunders

A native of Suffolk, Tracy Saunders enjoyed a legendary career with the Norfolk State University women's basketball team. While playing for the Lady Spartans, she was named three-time All-Conference, two-time All-American, the 1991 NCAA Division II Player of the Year, as well as the 1991 Honda Award recipient, recognizing the top female athlete in all Division II sports. She finished her career with 2,084 points and 978 rebounds. Her number "10" jersey is retired by Norfolk State University, and she has previously been honored by the Norfolk State Athletics Hall of Fame, the Hampton Roads Sports Hall of Fame, and the Hampton Roads African American Sports Hall of Fame.

Albert "Al" Toon, Jr.

Al Toon from Menchville High School in Newport News was a record-setting athlete at the University of Wisconsin-Madison in both football and track and field (triple jump). Drafted 10th overall by the New York Jets in the 1985 National Football League Draft, he caught 517 passes for 6,605 yards, and 31 touchdowns over an eight-year career with the Jets. He was a three-time Pro-Bowl and three-time All-Pro Selection and was named the AFC Player of the Year in 1986. He was also named to the Jets All-Time Four Decade Team in 2003 and the team's Ring of Honor in 2011.

David Wright

David Wright is a native of Virginia Beach and a graduate of Hickory High School in Chesapeake. He made his MLB debut in 2004 and enjoyed a 14-year baseball career, which saw him set numerous team records for the New York Mets. He is the all-time leader in hits, runs scored, runs batted in, doubles, extra base hits, and all-star selections for the Mets. He is a seven-time All-Star selection and two-time Gold Glove and Silver Slugger Awards winner, and he was named team captain from 2013 until his retirement in 2018. He ended his career with a .296 career average, 1,777 hits, 242 home runs, 970 runs batted in, and 949 runs scored; and

WHEREAS, the Virginia Sports Hall of Fame is honored to present the winner of the 2020 Steve Guback Distinguished Virginian Award:

Dennis Ellmer

Dennis Ellmer is a Norfolk native and the founder and chief executive officer of Priority Automotive Group. Since 2011, through his involvement with the Priority Toyota Charity Bowl, he has helped raise over \$3.8 million to support children's charities in the Hampton Roads region. Over 400,000 children have benefited from the money raised by the Charity Bowl. He is the fifth Distinguished Virginian honoree in the Hall of Fame's history. The award recognizes an individual that uses sports as a philanthropic platform, and is named in honor of 2005 Virginia Sports Hall of Fame inductee, Steve Guback; and

WHEREAS, the Virginia Sports Hall of Fame is honored to present the Class of 2022 inductees as follows:

The Class of 2022

William "Sonny" Allen

Sonny Allen came to Old Dominion University as the head coach of the men's basketball team in 1965 and built the Monarchs into one of the most entertaining teams in the country over the course of 10 seasons. Culminating with a 1975 NCAA Division II national championship victory, his teams won 181 games during his tenure. His impact was felt off the court as well, as he became the first coach at a predominantly white school in Virginia to offer an athletic scholarship to an African American athlete.

Jon Lugbill

A graduate of Oakton High School in Fairfax County and The University of Virginia, Jon Lugbill is considered the best paddler to ever compete in the sport of whitewater canoeing. He is a five-time world champion in C1 Slalom, a seven-time team world champion, and a three-time World Cup overall gold medalist. He was recognized as USA Canoe Kayak's Male Athlete of the Year in 1989 and is the only paddler ever to appear on the Wheaties Box. He was also a 2005 inductee into the International Whitewater Hall of Fame.

Anthony Poindexter

A native of Lynchburg, Anthony Poindexter was a two-sport star at Jefferson Forest High School in Forest and earned 1993 Group AA State Football Player of the Year honors. At the University of Virginia, he became one of the most decorated defensive players in Cavaliers history. He was the 1998 Consensus 1st-Team All-American and the Atlantic Coast Conference Defensive Player of the Year and one of just three players in UVA history to receive All-Atlantic Coast Conference recognition three times. His number "3" jersey was retired by the University of Virginia, and he was a 2020 inductee into the College Football Hall of Fame.

Chris Warren

Chris Warren grew up in Northern Virginia and graduated from Robinson Secondary School in Fairfax. He helped lead Ferrum College to back-to-back NCAA Division III South Region Championships in 1988 and 1989. He was named Eastern College Athletic Conference Division III South Player of the Year in 1989 and Virginia Sports Information Directors State College Division Player of the Year in 1988 and 1989. He was selected by the Seattle Seahawks in the NFL Draft in 1990 and played 11 seasons in the NFL with the Seattle Seahawks, Dallas Cowboys, and Philadelphia Eagles. The three-time Pro-Bowl and two-time All-Pro selection finished his career with 7,696 rushing yards, 1,935 receiving yards, and 58 total touchdowns; now, therefore, be it

RESOLVED by the Senate of Virginia, That Dennis Carter, Michael "Mike" Cabbage, Lawrence Johnson, Bruce Rader, Tracy Saunders, Albert "Al" Toon, Jr., David Wright, Dennis Ellmer, William "Sonny" Allen, Jon Lugbill, Anthony Poindexter, and Chris Warren hereby be commended for their outstanding achievements in athletics and philanthropy; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare copies of this resolution for presentation to the Virginia Sports Hall of Fame and its 2020 and 2022 inductees and award winners as an expression of the Senate of Virginia's congratulations and admiration for their many contributions to the world of sports.

SENATE RESOLUTION NO. 23

Commending the Richmond Public Art Commission.

Agreed to by the Senate, March 9, 2022

WHEREAS, the Richmond Public Art Commission, in coordination with dedicated citizens, enabled the construction and completion of the Maggie L. Walker Statue and Plaza in 2017 after a decades-long campaign to honor the life and legacy of Maggie L. Walker; the site serves as a unique monument to the advancements and achievements of women and members of the Black community in Richmond; and

WHEREAS, Maggie Walker touched countless lives through her roles as an entrepreneur, educator, and trailblazing leader in banking; as the founder of St. Luke Penny Savings Bank, she became the first woman in the United States to charter and serve as president of a bank; and

WHEREAS, Maggie Walker also served on the boards of many community organizations, such as the National Association of Colored Women and the Virginia Industrial School for Girls, was the vice president of the Richmond branch of the NAACP, and established a local newspaper, the *St. Luke Herald*; and

WHEREAS, soon after Maggie Walker's death in 1934, concepts were developed for a monument honoring her life and legacy; however, these efforts gained little traction until the late 1990s after the placement of the Arthur Ashe Monument; and

WHEREAS, thanks in large part to the determined advocacy of the Richmond Public Art Commission, the Richmond Planning Commission approved the construction of the Maggie L. Walker Statue and Plaza in 2016; and

WHEREAS, the 10-foot bronze statue of Maggie Walker was designed by Maryland-based artist Antonio Tobias Mendez and features low-relief panels depicting Maggie Walker's myriad contributions to the community, while the surrounding plaza was completed by the engineering firm VHB of Boston and incorporates benches adorned with important dates and events from her life; and

WHEREAS, the Maggie L. Walker Statue and Plaza serves as a gateway to Jackson Ward, one of Richmond's most prominent historically Black neighborhoods, which is also the location of the Maggie L. Walker National Historic Site at her former residence; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Richmond Public Art Commission hereby be commended for its role in the creation of the Maggie L. Walker Statue and Plaza and its contributions to historical interpretation and cultural life in Richmond; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Richmond Public Art Commission as an expression of the Senate of Virginia's appreciation for the importance of the Maggie L. Walker Statue and Plaza.

SENATE RESOLUTION NO. 24

Celebrating the life of the Reverend Gary Michael Roberts.

Agreed to by the Senate, March 3, 2022

WHEREAS, the Reverend Gary Michael Roberts, a dedicated religious leader and highly admired member of the Richlands and Cedar Bluff communities, died on May 13, 2021; and

WHEREAS, a lifelong resident of Tazewell County, Michael "Mike" Roberts graduated from Richlands High School and was one of the first students to major in business administration at Southwest Virginia Community College; and

WHEREAS, Mike Roberts worked for Deskins Supermarket, the *Richlands News-Press*, and WR Boyd Construction; he was a Class A contractor as well as a master electrician and plumber; and

WHEREAS, Mike Roberts began to cultivate his deep and abiding faith at a young age and became a lay preacher and evangelist at Richlands Tabernacle; he subsequently became the pastor of Westside Holiness Church in Raven; and

WHEREAS, over the course of his long career as a minister, Mike Roberts also served and supported young people as a founding member of the Southwest Virginia Holiness Youth Camp, also known as Camp Golan; and

WHEREAS, Mike Roberts was an avid reader and a passionate historian and scholar, who spent much of his life building a library of Christian works that was second to none in the area; and

WHEREAS, predeceased by his first wife, Debra, Mike Roberts will be fondly remembered and greatly missed by his loving wife, Connie; his sons, Aaron, Jonathan, and Benjamin, and their families; his stepchildren, Marthanna and Ashley, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of the Reverend Gary Michael Roberts; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Reverend Gary Michael Roberts as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 25

Celebrating the life of Donald Burns Baker.

Agreed to by the Senate, March 3, 2022

WHEREAS, Donald Burns Baker, a public servant who worked diligently to enhance the quality of life in Clintwood for more than four decades, died on October 7, 2021; and

WHEREAS, Donald Baker made his career in the coal mining industry and worked in the family coal company for many years; he also provided leadership to several local banks and had served the nation as a member of the United States Army Reserve; and

WHEREAS, desirous to be of further service to the community, Donald Baker ran for and was elected to the Clintwood Town Council; he was subsequently elected as mayor and served in that capacity from 1988 until the time of his passing; and

WHEREAS, over the course of his long and distinguished career, Donald Baker helped bring jobs to the region, secured a reliable source of public water for Clintwood residents and surrounding communities, and built strong coalitions to obtain funding for community enhancement projects, including the Ralph Stanley Museum, the Jettie Baker Center, Kids Korner Park, and many others; and

WHEREAS, Donald Baker was committed to fiscal stability, and his expertise allowed Clintwood to maintain a steady real estate tax rate and reduce other tax rates while offering low fees for water, sewer, and garbage services; and

WHEREAS, at the state level, Donald Baker was appointed to the Virginia Coalfield Development Authority by five governors from both political parties, and he was the only member of the authority to serve multiple terms as chair; and

WHEREAS, Donald Baker was a champion for youth athletics who strove to ensure that Clintwood High School teams had the support they needed to achieve success; he volunteered with Little League baseball and softball for more than 60 years, including terms as a district administrator and state officer; and

WHEREAS, Donald Baker enjoyed fellowship and worship with the community as a member of Clintwood Baptist Church; and

WHEREAS, predeceased by his wife, Martha, Donald Baker will be fondly remembered and greatly missed by his sons, Greg and Mike, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Donald Burns Baker, the esteemed longtime mayor of Clintwood; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Donald Burns Baker as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 26

Commending Paymerang.

Agreed to by the Senate, March 9, 2022

WHEREAS, Paymerang is a software company based in Chesterfield that utilizes artificial intelligence and other technologies to provide cutting-edge financial and accounting services to its increasing number of clients; and

WHEREAS, Paymerang provides a streamlined invoice and payment automation platform that brings Accounts Payable (AP) departments into the modern age; and

WHEREAS, Paymerang's platform saves AP departments thousands of hours annually, enhances visibility, increases accuracy, improves efficiency, and earns rebates while reducing paper, fraud risks, and operating costs; and

WHEREAS, since 2018, Paymerang has evolved into an industry-leading finance automation solution, growing from 27 to 200 employees while expanding company operations, new product development, and marketing; and

WHEREAS, Paymerang is deeply invested in fostering an environment of inclusion and growth for its team members; most recently, the company sponsored training and development initiatives for emerging leaders, while providing professional development to members of its sales and operations department; and

WHEREAS, Paymerang's goal is to cultivate high-performing teams in an environment of continuous learning, where everyone can discover their strengths, master new skills, and utilize different tools to overcome new challenges; and

WHEREAS, a vast majority of the promotions within Paymerang have been received by women or people of color, reflecting the company's belief in the importance of equitability in the workplace; and

WHEREAS, Paymerang is committed to providing a work environment focused on work-life balance, healthy lifestyles, philanthropy, and personal and professional development, providing its employees with generous benefits packages to ensure their security and well-being; and

WHEREAS, in the wake of the pandemic, Paymerang has helped numerous businesses build business continuity models, specifically in their AP departments, that help them to run their businesses and enhance operational efficiency from anywhere; and

WHEREAS, Paymerang has launched an initiative to help local governments protect taxpayer dollars from fraud, bringing world-class security to public sector financial operations, while remaining committed to partnering with local,

state, and federal law enforcement to help the authorities ensure criminals who engage in payment fraud are brought to justice; and

WHEREAS, in support of clients that are institutions of higher education, Paymerang provided resources to facilitate the government-funded CARES Act, utilizing the Paymerang CARES program launched in April 2020 to help clients quickly and effectively disburse massive volumes of CARES Act payments to students; and

WHEREAS, Paymerang has received numerous honors on the local and national levels, including recognition from the *Richmond Times-Dispatch* and the National Association for Business Resources several years running; and

WHEREAS, noted as one of the fastest growing private companies in America, Paymerang promises to continue to provide exemplary services to its clients while meeting the needs and aspirations of its employees and making Chesterfield a more wonderful place to call home; now, therefore, be it

RESOLVED by the Senate of Virginia, That Paymerang hereby be commended for its efforts to enhance financial and accounting services for the benefit of its clients and their customers; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Paymerang as an expression of the Senate of Virginia's admiration for its contributions to the Commonwealth.

SENATE RESOLUTION NO. 27

Celebrating the life of Rebecca Mae Benson Cross.

Agreed to by the Senate, March 3, 2022

WHEREAS, Rebecca Mae Benson Cross, an accomplished lab technician and medical administrator and a lifelong and beloved member of the Irvington community, died on October 24, 2020; and

WHEREAS, Rebecca Cross graduated from Lancaster High School before completing the clinical laboratory program at Johnston-Willis Hospital in Richmond; and

WHEREAS, over a distinguished 55-year career in the medical field, Rebecca Cross devoted 40 years to the Kilmarnock Clinic and the remaining 15 years with Riverside Health System, contributing greatly to the health and well-being of the patients she served; and

WHEREAS, Rebecca Cross was an active and engaged member of the community who volunteered extensively at Rappahannock General Hospital, the Steamboat Era Museum and with Meals on Wheels; and

WHEREAS, Rebecca Cross enjoyed nothing more than spending time with her family, including the many nieces and nephews with whom she was very close; and

WHEREAS, guided throughout her life by her faith, Rebecca Cross enjoyed worship and fellowship with her community at Irvington Baptist Church, serving as its treasurer for 48 years and with various committees while also co-founding the Irvington Baptist In Touch Mission Group; and

WHEREAS, Rebecca Cross will be fondly remembered and dearly missed by her loving husband of 58 years, Phillip; and by numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Rebecca Mae Benson Cross, a cherished member of the Irvington community whose servant's heart and unwavering compassion and generosity were an inspiration to all who knew her; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Rebecca Mae Benson Cross as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 28

Celebrating the life of Mary Dear Moon.

Agreed to by the Senate, March 3, 2022

WHEREAS, Mary Dear Moon, an active and beloved member of the Charlottesville community, died on July 17, 2020; and

WHEREAS, born in Washington, D.C., and raised in Gilbertsville, New York, Mary Moon attended the University of Virginia School of Nursing, where she met her future husband, Dr. Cary N. Moon, Jr., who was a medical student at the time; and

WHEREAS, Mary Moon gave generously of her time for more than 60 years as a volunteer at Martha Jefferson Hospital in Charlottesville, which honored her service with its volunteer award in 2007; and

WHEREAS, in response to the school closings in the Commonwealth in 1958 due to the Massive Resistance policy of the era, Mary Moon mobilized with other mothers to establish the Parents' Committee for Emergency Schooling, educating more than 300 students in basements across the Charlottesville community until schools were reopened; and

WHEREAS, Mary Moon fostered the achievements and success of others as president of the parent-teacher association of Venable School in Charlottesville, as president of what is now the Junior League of Charlottesville, and as a board member of Westminster Canterbury of the Blue Ridge; and

WHEREAS, an avid gardener, Mary Moon was still tending to her yard into her 90s and was admired by many for her ability to craft artful arrangements from the flowers and greenery she grew at home; and

WHEREAS, guided throughout her life by her faith, Mary Moon enjoyed worship and fellowship with her community at Christ Church Glendower in Albemarle County, where she served as senior warden from 1986 to 1987; and

WHEREAS, preceded in death by her husband of 54 years, Cary, and her second husband, University of Virginia professor Norman Graebner, Mary Moon will be fondly remembered and dearly missed by her children, Larré Holladay (Douglas), Ridie Otey (David), Cary III (Leigh), Richard (Lori), James "J" (Jenna), and Page (Elizabeth), and their families; and by numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Mary Dear Moon, a cherished member of the Charlottesville community whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Mary Dear Moon as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 29

Celebrating the life of Joyce Evelyn Drumgoole Bland.

Agreed to by the Senate, March 3, 2022

WHEREAS, Joyce Evelyn Drumgoole Bland, an esteemed public servant and beloved member of the Lawrenceville community, died on January 15, 2022; and

WHEREAS, Joyce Bland graduated from James Solomon Russell High School in Lawrenceville, where she met her husband and soulmate Charles; and

WHEREAS, Joyce Bland lived for several years in Brooklyn before returning to the Commonwealth to take a position with the Brunswick County Sheriff's Office, where she ultimately retired after years of exemplary service as a dispatcher; and

WHEREAS, an active and engaged member of the community, Joyce Bland served on the Lawrenceville Town Council from September 1992 until January 2022, regularly participated in events with her local branch of the NAACP, and often worked the polls during elections; and

WHEREAS, admired for her ability as a stylist and chef, Joyce Bland was always impeccably dressed and prepared meals for her loved ones with great care and affection; and

WHEREAS, guided throughout her life by her faith, Joyce Bland enjoyed worship and fellowship with her community at Mason Grove Baptist Church in Valentines, where she attended church in her youth and later served as an usher, deacon, trustee, and pastor aide, as well as in the hospitality ministry; and

WHEREAS, preceded in death by her son Charles, Jr., Joyce Bland will be fondly remembered and dearly missed by her loving husband, Charles, Sr.; her children, Christy and Helen, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Joyce Evelyn Drumgoole Bland, whose kind and generous nature touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Joyce Evelyn Drumgoole Bland as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 30

Commending Lieutenant Commander Wendell E. Parker, USN, Ret.

Agreed to by the Senate, March 3, 2022

WHEREAS, Lieutenant Commander Wendell E. Parker, USN, Ret., has greatly served his community as Boys State program coordinator for The American Legion Post 110 in Virginia Beach for the past 12 years; and

WHEREAS, a member of the United States Navy for 23 years, Wendell Parker served his country with tremendous honor and distinction, retiring at the rank of lieutenant commander in 1992; and

WHEREAS, Wendell Parker has supported war veterans of the United States for 22 years through his membership with The American Legion; and

WHEREAS, in his role as Boys State program coordinator for The American Legion Post 110, Wendell Parker facilitates one of the nation's most respected and selective high school education programs for the study of government and civics, in which participants learn by engaging in the functions of local, county, and state governments; and

WHEREAS, Wendell Parker's duties with Boys State include interfacing with local high schools to educate them about the program, interviewing applicants, guiding The American Legion Post 110's selection process, and coordinating all logistics for the students attending the program and for their recognition afterwards; and

WHEREAS, through his involvement with The American Legion's Boys State program, Wendell Parker has helped numerous young people develop a better understanding of the rights, privileges, and responsibilities of franchised citizens; now, therefore, be it

RESOLVED by the Senate of Virginia, That Lieutenant Commander Wendell E. Parker, USN, Ret., hereby be commended for his service to the community as Boys State program coordinator for The American Legion Post 110 of Virginia Beach; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Lieutenant Commander Wendell E. Parker, USN, Ret., as an expression of the Senate of Virginia's admiration for his contributions to the Commonwealth.

SENATE RESOLUTION NO. 31

Commending MVLE.

Agreed to by the Senate, March 11, 2022

WHEREAS, MVLE, a 501(c)(3) nonprofit organization dedicated to creating better futures for individuals with disabilities through employment and other support services, celebrated its 50th anniversary in 2021; and

WHEREAS, MVLE was founded in 1971 with the objective to provide individuals with disabilities and other barriers the opportunity to achieve independence through social activities, supported employment, and customized skills training; and

WHEREAS, through its array of services, MVLE gives individuals with disabilities the chance to become valued members in the workplace while preparing businesses and organizations to accommodate their needs in ways that stay true to their bottom line; and

WHEREAS, MVLE has achieved its goals over the years by developing strong and extensive partnerships with businesses and organizations in the community and by cultivating a reliable and capable workforce to serve them; and

WHEREAS, in 2018, MVLE joined the Fedcap Group, a global network of leading nonprofit agencies, to expand its capacity to care for and support disadvantaged individuals and their families; and

WHEREAS, MVLE is committed to excellence, maintaining accreditation with the Commission on Accreditation of Rehabilitation Facilities and licensure with the Virginia Department of Behavioral Health and Developmental Services; and

WHEREAS, MVLE has deepened its impact through collaboration with the Community Services Boards of Arlington, Fairfax, Loudoun, and Prince William Counties and the Cities of Alexandria and Falls Church; and

WHEREAS, by empowering individuals to be active, engaged, and gainfully employed members of their communities, MVLE has helped make Northern Virginia more inclusive and welcoming for all; now, therefore, be it

RESOLVED by the Senate of Virginia, That MVLE hereby be commended for its exemplary service to the community on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Retired Rear Admiral Michael Smith, Chairman of MVLE, as an expression of the Senate of Virginia's admiration for the organization's mission and its contributions to the Commonwealth.

SENATE RESOLUTION NO. 32

Celebrating the life of Nannie C. Poe.

Agreed to by the Senate, March 11, 2022

WHEREAS, Nannie C. Poe, a resident of Hume who made many contributions to the community, died on November 28, 2021; and

WHEREAS, Nannie Poe was born in Huntly to the late James and Mary Cameron, and she gained an appreciation for the value of hard work and responsibility at a young age; and

WHEREAS, Nannie Poe served the community as an employee of the Fauquier County Sheriff's Office and later worked at the Fauquier Livestock Exchange and the Marshall CFC Farm and Home Center; and

WHEREAS, Nannie Poe brought joy to others through her kindness and generosity, and she was well known for her delicious homemade cakes and pies; and

WHEREAS, Nannie Poe enjoyed fellowship and worship with the congregation of Hume Baptist Church; and

WHEREAS, predeceased by her husband of 51 years, Roger, Nannie Poe will be fondly remembered and greatly missed by her children, Ross and Clydetta, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Nannie C. Poe, a vibrant member of the Hume community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Nannie C. Poe as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 33

Commending Middleburg American Legion Post 295.

Agreed to by the Senate, March 11, 2022

WHEREAS, for 75 years, Middleburg American Legion Post 295 has served and advocated for veterans, active duty service members, and military families; and

WHEREAS, the American Legion was chartered by the United States Congress in 1919 as a patriotic nonprofit organization for veterans, and Middleburg American Legion Post 295 is one of more than 200 posts located in the Commonwealth; and

WHEREAS, Middleburg American Legion Post 295 was recognized as one of the top posts in the Commonwealth after receiving numerous accolades, including the Jefferson Award, the Jamestown Award, the Veterans Day Award, the Dogwood Award, the Yorktown Award, the Fox Hound Award, the Legion Birthday Award, and the Old Dominion Award; and

WHEREAS, in addition, Middleburg American Legion Post 295 received the Dan Daniel Award for achieving 110 percent membership and the John J. Wicker Award for attaining the highest percentage of new members in the Commonwealth; and

WHEREAS, the commander of Middleburg American Legion Post 295, John P. Moliere, received the Above and Beyond Award for his commitment to community service and the Year End Post Membership Chairman Award for the post's 2020 membership records; and

WHEREAS, Middleburg American Legion Post 295 has made a positive impact in the lives of many veterans by providing financial assistance to those in need, camaraderie for those needing support, and a community gathering place for both veterans and members of the public; now, therefore, be it

RESOLVED by the Senate of Virginia, That Middleburg American Legion Post 295 hereby be commended on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Middleburg American Legion Post 295 as an expression of the Senate of Virginia's admiration for its contributions to veterans, service members, and military families in Loudoun County.

SENATE RESOLUTION NO. 34

Celebrating the life of Thomas Arthur Schultz III.

Agreed to by the Senate, March 11, 2022

WHEREAS, Thomas Arthur Schultz III, an acclaimed photographer, adventurer, and passionate conservationist, died on June 4, 2021; and

WHEREAS, Thomas "Tommy" Schultz grew up in Winchester, where he cultivated a love of the great outdoors from a young age; he was a talented fly fisherman and spent countless hours fishing at Shenandoah National Park; and

WHEREAS, Tommy Schultz attended James Wood High School and later became a member of the first graduating class of Sherando High School in 1994; he continued his education at the University of Virginia, earning a bachelor's degree in environmental science; and

WHEREAS, after graduation, Tommy Schultz worked for the Orvis Fly Fishing School in Vermont and served as the director of marketing for Trout Unlimited, a national nonprofit conservation organization; and

WHEREAS, Tommy Schultz joined the Peace Corps in 2004 and served as a coastal resource management volunteer assigned to the Silliman University Marine Laboratory in Dumaguete, Philippines; he became a beloved member of the community and was well known for playing guitar with the local band *Frying Nemo*; and

WHEREAS, Tommy Schultz continued traveling throughout Asia and pursued a career as a freelance writer and photographer; he was based in Bali, Indonesia, for 14 years and compiled an extensive body of work on local communities in the area through the *National Geographic* PhotoVoice project; and

WHEREAS, Tommy Schultz used his skills as a scuba diver, swimmer, and surfer to reach remote islands and capture stunning images on and under the water, documenting pristine coral reefs and marine life, while celebrating the majesty of the ocean; and

WHEREAS, Tommy Schultz's work has been published by *National Geographic*, *The Surfer's Journal*, *DestinAsian*, *Smile*, several airline magazines, the World Wildlife Fund and companies such as Patagonia, The North Face, and Orvis; and

WHEREAS, Tommy Schultz will be fondly remembered and greatly missed by his parents, Thomas and Kate Schultz; his brother, Preston, and his family; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Thomas Arthur Schultz III; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Thomas Arthur Schultz III as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 35

Commending Patricia Carroll.

Agreed to by the Senate, March 11, 2022

WHEREAS, Patricia Carroll was a determined advocate for the residents of Arlington County for 16 years, representing the vision and values of the community at the regional and state levels; and

WHEREAS, born on the Fourth of July, Patricia Carroll began to develop a strong sense of patriotism and civic engagement at a young age and inherited an appreciation for politics from her father, a former editor of *The New York Times*, Washington Bureau, and editor and publisher of the *Winston-Salem Journal*; and

WHEREAS, a longtime Arlington resident, Patricia Carroll is an accomplished gardener and serves on her neighborhood's landscape committee; she also volunteers her time to bake a turkey for workers at the Shirlington Employment and Education Center every Thanksgiving; and

WHEREAS, desirous to be of further service, Patricia Carroll advocated for Arlington County at 16 sessions of the General Assembly from 2006 to 2021; with her proactive and efficient leadership style, she helped develop countless solutions to local challenges over the years and ably represented her community; and

WHEREAS, Patricia Carroll cultivated strong relationships with statewide organizations and subject matter experts to identify pathways to success and inspired others through her confidence, courteousness, and dedication to the people of Arlington County; now, therefore, be it

RESOLVED by the Senate of Virginia, That Patricia Carroll hereby be commended for her legacy of service to Arlington County; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Patricia Carroll as an expression of the Senate of Virginia's admiration for her achievements on behalf of the residents of Arlington County.

SENATE RESOLUTION NO. 36

Commending the ICNA Relief Resource Center.

Agreed to by the Senate, March 9, 2022

WHEREAS, the ICNA Relief Resource Center in Henrico County has worked with area mosques and other organizations to provide food and other necessities to local residents and organize vaccination clinics during the COVID-19 pandemic; and

WHEREAS, at the outset of the pandemic, several area mosques met to discuss how to best meet the community's needs and selected the Islamic Center of Henrico as a central location to serve local families; and

WHEREAS, the Islamic Center of Henrico coordinated with the Islamic Center of Richmond, the West End Islamic Center, the Islamic Center of Virginia, the Muslim Community Center of Chesterfield, the Tri-City Islamic Center, and the Petersburg Islamic Center; and

WHEREAS, the Islamic Center of Henrico and its partner organizations contacted the Richmond Chapter of ICNA Relief, a faith-based humanitarian organization, to form the ICNA Relief Resource Center; and

WHEREAS, the ICNA Relief Resource Center began serving 50 families in April 2020 and was soon serving as many as 300 families each month, supported by generous donations from community members; and

WHEREAS, the ICNA Relief Resource Center further expanded its efforts through a partnership with For Richmond, a nonprofit Christian organization that helps church leaders coordinate responses to community-wide issues; and

WHEREAS, the ICNA Relief Resource Center also developed partnerships with Feed More and Henrico County Public Schools to extend its outreach; and

WHEREAS, after 18 months of operation, the ICNA Relief Resource Center moved to a standalone location near the Islamic Center of Henrico and now provides COVID-19 vaccinations, counseling, and computer training, along with food, household goods, and clothing; now, therefore, be it

RESOLVED by the Senate of Virginia, That the ICNA Relief Resource Center hereby be commended for its contributions to the community during the COVID-19 pandemic; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the ICNA Relief Resource Center as an expression of the Senate of Virginia's admiration for the center's accomplishments.

SENATE RESOLUTION NO. 37

Celebrating the life of Zia Hasan Hashmi, Ph.D.

Agreed to by the Senate, March 9, 2022

WHEREAS, Zia Hasan Hashmi, Ph.D., esteemed professor emeritus of international relations at Georgia Southern University and a beloved member of the Midlothian community, died on March 9, 2021; and

WHEREAS, born in Warangal, Hyderabad State, in the former British India, Zia H. Hashmi earned a bachelor's degree from Osmania University and later a master's degree and bachelor of laws degree from Aligarh Muslim University, where he served two terms as president of the student union and received the university's gold medal for Urdu elocution; and

WHEREAS, Zia H. Hashmi was briefly a member of the political science faculty of the University of Karachi before receiving a fellowship in 1964 to pursue doctoral studies in international relations at the University of South Carolina; and

WHEREAS, after completing his doctoral fellowship, Zia H. Hashmi joined the faculty of Georgia Southern University (GSU) in 1968, embarking upon an illustrious 32-year career with the institution, including 16 years as the founding director of its Center for International Studies; and

WHEREAS, during his tenure with the GSU Center for International Studies, Zia H. Hashmi organized more than 50 workshops and seminars and obtained more than \$450,000 in grants to advance the center's mission, facilitating opportunities for students and faculty alike to engage with diverse global perspectives; and

WHEREAS, Zia H. Hashmi developed many productive collaborations with colleagues over the years, co-founding an interdisciplinary minor in international studies at GSU and establishing academic partnerships throughout Georgia and other states; and

WHEREAS, Zia H. Hashmi's contributions to student life at GSU also included serving often as faculty co-advisor to the university's Model United Nations program and regularly teaching courses in its Bell Honors Program; and

WHEREAS, Zia H. Hashmi notably collaborated with Dr. Harold Isaacs, professor of history at Georgia Southwestern State University, to help found the Association of Third World Studies, now the Association of Global South Studies, and to edit the association's journal, aiding in the advancement of a highly consequential and underserved area of scholarship; and

WHEREAS, Zia H. Hashmi's legacy as a professor is carried on by the hundreds of students he inspired and trained and the institutions he helped build, as his efforts to foster the study of international relations at GSU will continue to resonate for years to come; and

WHEREAS, from 2000 to 2013, Zia H. Hashmi lived in Midlothian and supported the lifelong learning goals of countless students by teaching at the Osher Lifelong Learning Institute at the University of Richmond; and

WHEREAS, guided through life by his faith, Zia H. Hashmi was an active member of the Islamic Center of Virginia in Bon Air and gave generously of his time by participating in chaplaincy programs that served incarcerated individuals in Central Virginia; and

WHEREAS, Zia H. Hashmi will be fondly remembered and dearly missed by his loving wife of 59 years, Tanveer; his children, Sohail, Ghazala, and Saira, and their families, including grandchildren Yasmin, Noor, Manar, Firas, and Sofia; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Zia Hasan Hashmi, Ph.D., a respected professor of international relations at Georgia Southern University whose dedication to education and scholarly discourse was an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Zia Hasan Hashmi, Ph.D., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 38

Celebrating the life of Leslee King.

Agreed to by the Senate, March 10, 2022

WHEREAS, Leslee King, a dedicated member of the Loudoun County School Board who proudly served the students and families of Loudoun County, died on August 31, 2021; and

WHEREAS, Leslee King grew up in Richmond and around Washington, D.C., and later was a middle school educator at several different schools in the area before moving west for some time and returning to the Commonwealth in 1986; and

WHEREAS, Leslee King spent most of her professional career as an advanced systems engineer and software architect, performing site assessments and teaching courses for the benefit of various government agencies; and

WHEREAS, Leslee King took a seat on the Loudoun County School Board in 2020, representing the Broad Run District, chairing the finance and operations and student services committees, and serving as a member of the equity and communication and outreach committees; and

WHEREAS, Leslee King was a known advocate for LGBTQ+ students at Loudoun County Public Schools and made a difference through her strong commitment to defending the safety of all students; and

WHEREAS, Leslee King was admired by her colleagues for her ability to speak kindly and unapologetically in support of her beliefs, and she was known to be a passionate storyteller who especially loved sharing stories about her family; and

WHEREAS, Leslee King will be fondly remembered and dearly missed by her loving husband; her children and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Leslee King, a cherished member of the Loudoun County community whose compassion and public service touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Leslee King as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 39

Commending Dorethea Vincent Johnson.

Agreed to by the Senate, March 9, 2022

WHEREAS, Dorethea Vincent Johnson, an active and beloved centenarian and lifelong member of the Portsmouth community, celebrated her 100th birthday on March 4, 2022; and

WHEREAS, affectionately known by family and friends as "Ree," "Doe," or "Gran," Dorethea Johnson was born the third of seven children to John and Georgia Vincent on March 4, 1922, in Portsmouth; and

WHEREAS, growing up in the Lincolnville area, Dorethea Johnson was educated in Portsmouth Public Schools, where she developed the knowledge and skills she would need to be a productive member of her community; and

WHEREAS, Dorethea Johnson worked tirelessly for many years as a domestic engineer while also raising her three children, Earl, Jerome, and Diane, as well as her two younger siblings; and

WHEREAS, guided throughout her life by her faith, Dorethea Johnson has been a faithful member of the historic Third Baptist Church in Portsmouth for more than 70 years; and

WHEREAS, every Sunday morning, Dorethea Johnson may be seen walking down Godwin Street in Portsmouth toward Third Baptist Church with a line of children from the community, bringing joy to the many individuals and families that they pass; and

WHEREAS, Dorethea Johnson has given generously of her time to several ministries and groups at Third Baptist Church, including the Junior Missionaries, the A.B. Mason Missionary Ministry, the Lydia Ministry, Sunday School Class #12, and the Feed the Hungry Ministry; and

WHEREAS, a lifetime member of Lott Carey Foreign Missions and a member of the Tidewater Baptist Women Missionary and Educational Convention, Dorethea Johnson has also served her community as one of the team moms for the Woodrow Wilson High School football team in Portsmouth and as a longtime member of the Portsmouth Branch of the NAACP; and

WHEREAS, Dorethea Johnson is a loving mother, grandmother, great-grandmother, great-great-grandmother, aunt, and sister who has instilled prayer and the word of God in all her family members and friends; now, therefore, be it

RESOLVED by the Senate of Virginia, That Dorethea Vincent Johnson, a cherished member of the Portsmouth community, hereby be commended on the occasion of her 100th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Dorethea Vincent Johnson as an expression of the Senate of Virginia's admiration for her inspirational life and congratulations for reaching this remarkable milestone.

SENATE RESOLUTION NO. 40

Commending Carrie Brockwell.

Agreed to by the Senate, March 9, 2022

WHEREAS, Carrie Brockwell, a sophomore at Appomattox Regional Governor's School in Petersburg who has been singing to the delight of audiences in Chesterfield County and beyond for many years, will appear on the hit television show *American Idol* in 2022; and

WHEREAS, Carrie Brockwell is accomplished on both the piano and guitar, providing pleasant music to accompany her beautiful and powerful voice; and

WHEREAS, early in her music career, Carrie Brockwell "cut her chops" singing alongside her father, Barry, and her uncle, Bruce, in their band Redneck Pool Party; and

WHEREAS, Carrie Brockwell recently auditioned for Season 20 of *American Idol*, the hit television show that has produced some of America's most beloved artists, with hopes of joining the long roster of famous artists the show has produced; and

WHEREAS, Carrie Brockwell has performed at high-profile events like the 2019 Chesterfield County Investiture ceremony and currently graces stages at local restaurants and clubs in Chesterfield, contributing greatly to the rich musical culture of the Commonwealth; and

WHEREAS, Carrie Brockwell's achievements as a musician are the result of her extraordinary talent and dedication and the outpouring of support from her family, friends, and fans; now, therefore, be it

RESOLVED by the Senate of Virginia, That Carrie Brockwell hereby be commended for entertaining and inspiring the Chesterfield County community on the occasion of her national television debut; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Carrie Brockwell as an expression of the Senate of Virginia's admiration for her accomplishments and best wishes for her future success.

SENATE RESOLUTION NO. 41

Commending Colonel John A. Salo, USA, Ret.

Agreed to by the Senate, March 9, 2022

WHEREAS, Colonel John A. Salo, USA, Ret., retired from military service after 40 years of outstanding contributions to the Commonwealth and the nation; and

WHEREAS, John Salo joined the United States Army in 1981 and initially served as a military police officer until 1991; and

WHEREAS, John Salo was commissioned as an officer in 1994 and served in logistics for much of his distinguished career; and

WHEREAS, John Salo was stationed at Fort Sam Houston, Texas, with the 4th Expeditionary Sustainment Command from 2013 to 2016, during which time he also completed a 10-month deployment to Camp Arifjan in Kuwait; and

WHEREAS, from 2016 to 2017, John Salo was subsequently stationed at Fort Knox, Kentucky, with the United States Army Human Resources Command and was responsible for drafting and reviewing personnel policies and reserve programs; and

WHEREAS, in 2018 and 2019, John Salo was assigned to the 200th Military Police Command at Fort Meade, Maryland; and

WHEREAS, most recently, John Salo was stationed at the United States Army Logistics Center with Combined Arms Support Command at Fort Lee; he served as the chief of the Reserve Component Affairs Office at the Quartermaster School; and

WHEREAS, after his well-earned retirement, John Salo plans to move to Texas with his wife, Maryl, and seek new opportunities to serve his community there; now, therefore, be it

RESOLVED by the Senate of Virginia, That Colonel John A. Salo, USA, Ret., hereby be commended on the occasion of his retirement from the United States Army; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Colonel John A. Salo, USA, Ret., as an expression of the Senate of Virginia's admiration for his achievements and best wishes.

SENATE RESOLUTION NO. 42

Commending the Grundy High School wrestling team.

Agreed to by the Senate, March 9, 2022

WHEREAS, the Grundy High School wrestling team earned its 25th state title in 2022 with a victory in the Virginia High School League Class 1 state championship; and

WHEREAS, with all 14 of its wrestlers, the Grundy High School wrestling team won the team title with 303.5 points, nearly 100 points more than the runners-up from Rural Retreat High School; and

WHEREAS, every member of the Grundy High School Golden Wave finished in the top five of their events, including six individual champions and two second-place finishers; and

WHEREAS, senior Chris Stiltner earned his 100th career victory and capped off a 23-1 season with an individual title in the 145-pound division; and

WHEREAS, junior Ian Scammel finished the season 25-3 and earned an individual title in the 170-pound division; and

WHEREAS, junior Logan Looney defeated a two-time state champion in the 285-pound final to claim an individual title in one of the tournament's biggest upsets and finish the season 29-0; and

WHEREAS, senior Levid Rodriguez also finished the season undefeated at 30-0 and won the individual title in the 220-pound division; and

WHEREAS, sophomore Ethan Roberts finished the season 20-7 and won the 160-pound final; and

WHEREAS, freshman Wyatt Bush secured the state title in the 195-pound division and finished the season with a perfect 28-0 record; and

WHEREAS, the victorious season is a tribute to the skill and hard work of all the student-athletes, the leadership and guidance of coaches and staff, and the passionate support of the entire Grundy High School community; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Grundy High School wrestling team hereby be commended on winning its 25th Virginia High School League state championship in 2022; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Travis Fiser, head coach of the Grundy High School wrestling team, as an expression of the Senate of Virginia's admiration for the team's achievements.

SENATE RESOLUTION NO. 43

Commending the Honorable George A. Jones, Jr.

Agreed to by the Senate, March 9, 2022

WHEREAS, the Honorable George A. Jones, Jr., a former chief judge of the Franklin County General District Court, retired after decades of outstanding service; and

WHEREAS, George Jones pursued a career as an attorney after earning degrees from the Virginia Military Institute and the Washington and Lee University School of Law; he subsequently served as the Commonwealth's Attorney for Pittsylvania County and was appointed as a substitute judge in 1986; and

WHEREAS, George Jones began his first term as a judge of the Franklin County General District Court of the 22nd Judicial District of Virginia on April 1, 1994, and presided over the court with great fairness and wisdom during his tenure on the bench; and

WHEREAS, in recognition of his leadership and legal acumen, George Jones was selected by his peers to serve as chief judge; and

WHEREAS, George Jones has served the Commonwealth with the utmost integrity, dedication, and distinction; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Honorable George A. Jones, Jr., hereby be commended on the occasion of his retirement as a judge; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Honorable George A. Jones, Jr., as an expression of the Senate of Virginia's admiration for his achievements in service to the Commonwealth.

SENATE RESOLUTION NO. 44

Celebrating the life of Gilbert K. Davis.

Agreed to by the Senate, March 9, 2022

WHEREAS, Gilbert K. Davis of Fairfax, a former trial attorney and federal prosecutor who was involved in numerous high profile cases, died on February 13, 2022; and

WHEREAS, a native of Waterloo, Iowa, Gilbert "Gil" Davis graduated from Cornell College and worked as a teacher and basketball coach in Iowa City; and

WHEREAS, Gil Davis continued his education at the University of Virginia School of Law and was appointed as an Assistant U.S. Attorney for the Eastern District of Virginia after graduating in 1969; and

WHEREAS, Gil Davis prosecuted numerous significant federal cases, including the first aircraft hijacking in the United States, the first case related to the Clean Air Act, and the first case related to the Gun Control Act of 1968; he also drafted the Criminal Procedure Manual for the Eastern District of Virginia; and

WHEREAS, in 1973, Gil Davis began practicing with the firm Duvall, Tate, Bywater and Davis in Northern Virginia; he subsequently filed a case against the Bethlehem Steel Company on behalf of a Kentucky landowner who claimed the ownership rights to the coal under his property, which ultimately resulted in the largest unliquidated damage award in state history; and

WHEREAS, Gil Davis also represented Paula Corbin Jones in the landmark Supreme Court of the United States case *Clinton v. Jones*, in which the court ruled in a 9-0 decision that a sitting United States president does not have immunity from civil litigation for acts done before taking office and not related to the office; and

WHEREAS, desirous to be of further service to the Commonwealth, Gil Davis ran for Virginia Attorney General in 1997 and he continued practicing law in the Fairfax area with the firm Gilbert K. Davis and Associates; and

WHEREAS, Gil Davis served as parliamentarian of the White House Conference on Small Business and as general counsel and parliamentarian of the 11th Congressional District Republican Committee; he was an active member of the Fairfax County Republican Committee and supported many local and state candidates for public office; and

WHEREAS, Gil Davis also volunteered his time and wise leadership with the Rotary Club of Bailey's Crossroads; and

WHEREAS, Gil Davis will be fondly remembered and greatly missed by his wife, Pamela; his daughters, Luanne and Heidi, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Gilbert K. Davis, a distinguished attorney in Fairfax; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Gilbert K. Davis as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 45

Commending the Reverend Michelle C. Thomas.

Agreed to by the Senate, March 9, 2022

WHEREAS, for 15 years, the Reverend Michelle C. Thomas has worked diligently to serve and empower residents of Loudoun County as the founding pastor of Holy & Whole Life Changing Ministries International; and

WHEREAS, in 2006, Michelle Thomas established Holy & Whole Life Changing Ministries International in Lansdowne; it was the first church in Loudoun County founded by a Black woman and has since helped countless members grow in faith and learn to better serve their community; and

WHEREAS, Michelle Thomas and Holy & Whole Life Changing Ministries International created the Freedom Technology Group and the Northern Virginia Datacenter Academy to provide training programs, workforce development opportunities, and experiential education to help members of underrepresented communities pursue careers in high-technology fields; and

WHEREAS, Michelle Thomas guided the Northern Virginia Datacenter Academy to seek a partnership with Microsoft, and the program has made significant contributions to economic and educational equity in Loudoun County; and

WHEREAS, in 2012, Michelle Thomas gave an invocation for President Barack Obama at Loudoun Valley High School after his historic election; and

WHEREAS, Michelle Thomas has also served the community and protected the Commonwealth's valuable natural resources as the first Black woman elected to the Loudoun County Soil and Water Conservation District; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Reverend Michelle C. Thomas hereby be commended for her 15 years of leadership as pastor of Holy & Whole Life Changing Ministries International; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Reverend Michelle C. Thomas as an expression of the Senate of Virginia's admiration for her contributions to the Loudoun County community.

SENATE RESOLUTION NO. 46

Commending Holy & Whole Life Changing Ministries International.

Agreed to by the Senate, March 9, 2022

WHEREAS, for 15 years, Holy & Whole Life Changing Ministries International in Lansdowne has provided opportunities for spiritual growth and joyful worship while offering generous outreach to the community; and

WHEREAS, Holy & Whole Life Changing Ministries International was established in 2006 by the Reverend Michelle C. Thomas and was the first church in Loudoun County founded by a Black woman; since its inception, it has helped countless members grow in faith and learn to better serve their community; and

WHEREAS, through the Freedom Technology Group and the Northern Virginia Datacenter Academy, Holy & Whole Life Changing Ministries International provides training programs, workforce development opportunities, and experiential education to help members of underrepresented communities pursue careers in high-technology fields; and

WHEREAS, Reverend Thomas guided the Northern Virginia Datacenter Academy to seek a partnership with Microsoft, and the program has made significant contributions to economic and educational equity in Loudoun County; and

WHEREAS, Holy & Whole Life Changing Ministries International offers youth groups, Bible studies, and other ministries to help members of the congregation better connect with the Gospel, and the organization has touched countless lives through its message of hope and empowerment through faith; now, therefore, be it

RESOLVED by the Senate of Virginia, That Holy & Whole Life Changing Ministries International hereby be commended for 15 years of service to the residents of Loudoun County; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Holy & Whole Life Changing Ministries International as an expression of the Senate of Virginia's admiration for its contributions to the Loudoun County community.

SENATE RESOLUTION NO. 48

Celebrating the life of Donald Lee Bell, Sr.

Agreed to by the Senate, March 9, 2022

WHEREAS, Donald Lee Bell, Sr., a respected member of his community and a loving husband and father, died on January 28, 2012; and

WHEREAS, Donald Bell was born in Louisville, Kentucky, and later lived in Shelbyville and Horse Cave; and

WHEREAS, Donald Bell was admired for his work ethic and put the needs of others before his own; he touched countless lives through his kindness and commitment to service; and

WHEREAS, Donald Bell enjoyed fellowship and worship with the community as a member of Christian Worship Center Church in Horse Cave; and

WHEREAS, Donald Bell is fondly remembered and greatly missed by his wife, Modinea; his children, Ginny, Brenda, Pam, Sam, and Bobby, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Donald Lee Bell, Sr.; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Donald Lee Bell, Sr., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 49

Celebrating the life of Senior Chief Petty Officer Ronald Arrington Pritchard, USN, Ret.

Agreed to by the Senate, March 9, 2022

WHEREAS, Senior Chief Petty Officer Ronald Arrington Pritchard, USN, Ret., an honorable veteran, leader of several organizations addressing substance abuse disorder in the Commonwealth, and a beloved member of the Virginia Beach community, died on February 16, 2022; and

WHEREAS, born and raised in Henderson, North Carolina, Ronald "Ron" Pritchard joined the United States Navy after graduating from high school, proudly serving his country for 28 years, including a post as a military liaison to the Government of Sardinia; and

WHEREAS, Ron Pritchard graduated from the University of Maryland in 1983; and, following his retirement from the U.S. Navy in 1988, took a position with the City of Norfolk to manage its homeless intervention program and to serve as an access coordinator for medically indigent clients; and

WHEREAS, Ron Pritchard then served as a counselor at Naval Medical Center Portsmouth for 15 years, where he co-developed several programs, including a transitional psychiatric outpatient service and a program addressing co-occurring substance use disorders and post-traumatic stress disorder; and

WHEREAS, as the owner and manager of Addiction Program Consultants in Virginia Beach, Ron Pritchard provided consultation and training for the development and implementation of alcohol, drug, tobacco, and behavioral modification programs for dual-diagnosed patients; and

WHEREAS, Ron Pritchard was the founder and chairman of Virginia Recovers, Inc., and chairman of Baby Steps, Inc., nonprofit substance abuse prevention and education programs designed to further advance provider skills in the prevention and treatment of substance abuse and related disorders; and

WHEREAS, as a founder and executive director of the Virginia Recovery Coalition, Ron Pritchard invigorated the recovery community and provided focus and leadership to help addiction professionals in the Commonwealth and their clients; and

WHEREAS, Ron Pritchard carried out his mission as an advocate in various leadership capacities, including as co-founder of the Virginia Summer Institute for Addiction Studies and as president of the Virginia Association of Addiction Professionals and the Virginia Association of Alcoholism and Drug Abuse Counselors; and

WHEREAS, in recognition of his work promoting the health and well-being of his community, Ron Pritchard was the recipient of many accolades and awards over the years, including the 2002 Ginger Acey Counselor of the Year Award from the Virginia Association of Drug and Alcohol Programs and a Meritorious Civilian Service Award from the United States Navy; and

WHEREAS, guided throughout his life by his faith, Ron Pritchard enjoyed worship and fellowship with his community at Thalia United Methodist Church in Virginia Beach for more than 25 years, serving or leading his fellow congregants in myriad ways; and

WHEREAS, Ron Pritchard will be fondly remembered and dearly missed by his daughter, Sybil, and her family; and by numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Senior Chief Petty Officer Ronald Arrington Pritchard, USN, Ret., whose efforts to enhance substance abuse prevention, treatment, and recovery services in the Commonwealth and beyond made a positive difference in countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Senior Chief Petty Officer Ronald Arrington Pritchard, USN, Ret., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 50

Commending the Saint Mary's Catholic School fifth grade girls' basketball team.

Agreed to by the Senate, March 9, 2022

WHEREAS, the Saint Mary's Catholic School fifth grade girls' basketball team won the Benedictine Schools of Richmond Basketball League championship on February 25, 2022; and

WHEREAS, founded in 1967 and located in Henrico County, Saint Mary's Catholic School has 430 students in Pre-K through eighth grade and offers rigorous academic programs, including through its middle school International Baccalaureate program; and

WHEREAS, Saint Mary's Catholic School provides opportunities for students to grow in faith, wisdom, and knowledge in a challenging academic environment guided by Catholic tradition; and

WHEREAS, each member of the Saint Mary's Catholic School fifth grade girls' basketball team—Emily Brown, Reagan Core, Ellie Creasey, Virginia Dillard, Meadow Dowdy, Sydney Duda, Lucy Heller, Allison Niederer, Anna Schein, Lilly Singleton, and Mary-Catherine Vehorn—and coaches Matt Singleton, Grace Creasey, and Scott Schaefer, contributed to the victorious campaign; and

WHEREAS, the members of the Saint Mary's Catholic School fifth grade girls' basketball team enjoyed the support of their teachers, parents, friends, and the entire school community; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Saint Mary's Catholic School fifth grade girls' basketball team hereby be commended on winning the Benedictine Schools of Richmond Basketball League championship in 2022; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Saint Mary's Catholic School fifth grade girls' basketball team as an expression of the Senate of Virginia's admiration for the team's achievements and best wishes for the future.

SENATE RESOLUTION NO. 51

Celebrating the life of Daniel Winn Boatwright.

Agreed to by the Senate, March 9, 2022

WHEREAS, Daniel Winn Boatwright, who served the Henrico County community for more than three decades as a firefighter, died on February 24, 2022; and

WHEREAS, a native of Henrico County, Daniel "Danny" Boatwright graduated from Douglas Freeman High School and pursued a life of service to the community; and

WHEREAS, Danny Boatwright joined the Henrico County Division of Fire and rose through the ranks to become battalion chief; he was one of the original members of the division's Hazardous Incident Team and played an important role in the planning and construction of Station 17 on River Road, serving as its first captain; and

WHEREAS, Danny Boatwright served on a committee that oversaw the publication of a history of the Henrico County Division of Fire, and he earned the Fire Chiefs Medal of Honor in 2000 for his outstanding contributions to the division and the residents of Henrico County; and

WHEREAS, Danny Boatwright also served as an active member of the Henrico Professional Firefighters Association, serving as vice president and president, and after his well-earned retirement from the Henrico County Division of Fire, he offered his leadership to the Goochland Volunteer Fire Rescue Association Board of Directors; and

WHEREAS, Danny Boatwright relished every opportunity to spend time with his beloved family, and he was an accomplished traveler who had visited all 50 states; and

WHEREAS, Danny Boatwright will be fondly remembered and greatly missed by his wife of 54 years, Brenda; his children, Troy, John, and Danielle, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Daniel Winn Boatwright, a dedicated longtime firefighter in Henrico County; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Daniel Winn Boatwright as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 52

Celebrating the life of William Frederick Kastelberg V.

Agreed to by the Senate, March 9, 2022

WHEREAS, William Frederick Kastelberg V, a beloved husband, father, brother, son, and friend in Richmond, died on February 25, 2022; and

WHEREAS, William "Bill" Kastelberg was a graduate of Benedictine High School, now known as the Benedictine College Preparatory School, and the Virginia Military Institute; and

WHEREAS, Bill Kastelberg pursued a career as a carpenter and ultimately served as a project manager with the family business, Mako Builders, Inc.; and

WHEREAS, Bill Kastelberg was admired for his generosity and his willingness to support others through his talents as a homebuilder and a handyman; he patiently answered his friends' questions about their do-it-yourself home projects and was always happy to offer help and advice; and

WHEREAS, Bill Kastelberg enjoyed fellowship and worship with the community as a member of Cathedral of the Sacred Heart and served on the board of the church's nonprofit preservation foundation; and

WHEREAS, Bill Kastelberg offered his leadership to the Saint Gertrude High School Board, the Mary Munford Elementary School Grounds Committee, and the Benedictine College Preparatory School Building Committee; and

WHEREAS, Bill Kastelberg also volunteered his time as a youth athletics coach and worked diligently to ensure that the children in his care had a positive experience; and

WHEREAS, Bill Kastelberg loved the great outdoors and relished every opportunity to spend time with family and friends in the mountains or at his vacation home on Mobjack Bay; and

WHEREAS, Bill Kastelberg will be fondly remembered and greatly missed by his wife, Liz; his sons, Liam, Teddy, and Peter; his parents, Rick and Page; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of William Frederick Kastelberg V; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of William Frederick Kastelberg V as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 53

Commending Adonis Lattimore.

Agreed to by the Senate, March 9, 2022

WHEREAS, Adonis Lattimore, a member of the Landstown High School wrestling team and an inspirational member of the Virginia Beach community, won an individual state title in the Virginia High School League Class 6 state championship in 2022; and

WHEREAS, born with no right leg, a partial left leg, and only one finger on his right hand, Adonis Lattimore is a determined competitor who has demonstrated that no challenge is too great to overcome; and

WHEREAS, Adonis Lattimore began wrestling in second grade and subsequently joined the Landstown High School wrestling team as a freshman; he has helped foster a strong sense of camaraderie among the Landstown Eagles throughout his high school career; and

WHEREAS, Adonis Lattimore entered the postseason ranked as the number two wrestler in Hampton Roads and finished his senior season with a 32-7 record after a 5-1 victory in the 106-pound division of the state final; and

WHEREAS, Adonis Lattimore fulfilled his dreams with the help and support of his family, friends, coaches, and teammates; now, therefore, be it

RESOLVED by the Senate of Virginia, That Adonis Lattimore hereby be commended on winning an individual title in the Virginia High School League Class 6 state wrestling championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Adonis Lattimore as an expression of the Senate of Virginia's admiration for his exceptional achievements and best wishes for the future.

SENATE RESOLUTION NO. 54

Commending Bob Sasser.

Agreed to by the Senate, March 9, 2022

WHEREAS, for more than 20 years, Bob Sasser has held numerous executive leadership positions in the discount retail chain Dollar Tree, Inc., which is headquartered in Chesapeake; and

WHEREAS, Bob Sasser grew up in Florida and graduated from Florida State University; he has remained a loyal alumnus of the institution, serving on the Board of Trustees since 2015 and often sharing his wisdom with students and faculty; and

WHEREAS, Bob Sasser began his career in retail in 1975 with Roses Discount Stores, where he became vice president of merchandising and later served as senior vice president of merchandise and marketing; he also worked for Michaels Stores, Inc., as vice president and general merchandising manager; and

WHEREAS, Bob Sasser joined Dollar Tree in 1999 and served as chief operating officer, president, chief executive officer, and executive chairman over the course of his distinguished tenure with the company; and

WHEREAS, Bob Sasser oversaw numerous transformational changes to Dollar Tree, driving growth and improving practices at all levels of the business to help withstand the pressures of market downturns and industry changes; and

WHEREAS, under Bob Sasser's leadership, Dollar Tree grew from a regional company with fewer than 1,200 stores, 18,000 employees, and \$1 billion in annual sales to an international Fortune 111 company with 16,000 stores, 200,000 employees, and more than \$26 billion in annual sales; and

WHEREAS, Bob Sasser oversaw the growth of the Dollar Tree brand through six acquisitions, including the purchase of Family Dollar Stores, Inc., which turned the business into the largest discount retailer by store count in the United States; and

WHEREAS, outside of his career, Bob Sasser has been an active community leader in the Commonwealth as a past trustee of the Virginia Foundation for Independent Colleges and a current trustee of the Chrysler Museum of Art in Norfolk; and

WHEREAS, after his retirement, Bob Sasser looks forward to spending more time with his wife, Pam; their two children, Robert and Jennifer; and their grandchildren; as well as seeking new opportunities for community leadership; now, therefore, be it

RESOLVED by the Senate of Virginia, That Bob Sasser hereby be commended on the occasion of his retirement as executive chairman of Dollar Tree in 2022; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Bob Sasser as an expression of the Senate of Virginia's admiration for his contributions to the economic vitality of the Commonwealth and best wishes on his well-earned retirement.

SENATE RESOLUTION NO. 55

Commending The Elizabeth Kates Foundation.

Agreed to by the Senate, March 9, 2022

WHEREAS, Elizabeth M. Kates was the first female warden in the history of the system of prisons operated by the Commonwealth of Virginia; and

WHEREAS, in 1934, Elizabeth Kates commenced her tenure as warden of the Virginia Correctional Center for Women (VCCW), located in Goochland County, with an inmate population of 13; and

WHEREAS, well in advance of many in her profession, Elizabeth Kates believed that "inmates in prison could benefit from personal growth, and by learning the necessary job skills to become productive members of the community after paying their debt to society"; and

WHEREAS, when the inmate population grew and inmates' needs changed, Elizabeth Kates called upon members of the Richmond Alumnae Club of Pi Beta Phi Fraternity for Women to assist her in meeting inmates' needs for vocational training and general education; and

WHEREAS, Pi Beta Phi members responded enthusiastically and sacrificially, resulting in the creation of The Elizabeth Kates Foundation in 1942; and

WHEREAS, The Elizabeth Kates Foundation enables VCCW inmates to enroll in on-site community college courses in several subjects; and

WHEREAS, The Elizabeth Kates Foundation also enables VCCW inmates to earn an associate's degree through the "Campus within Walls" program of Southside Virginia Community College; and

WHEREAS, The Elizabeth Kates Foundation offers scholarships that provide inmates with the expenses for tuition, books, and supplies; and

WHEREAS, The Elizabeth Kates Foundation also provides scholarships enabling inmates to enroll in correspondence courses through several national universities; and

WHEREAS, The Elizabeth Kates Foundation further supports the VCCW's highly successful program in horticulture, offering inmates a certificate in Career and Technical Education (CTE), thus enabling inmates after release to secure employment in horticulture, landscape, and nursery firms; and

WHEREAS, The Elizabeth Kates Foundation also conducts two book club programs for inmates, one to assist women in earning the General Education Diploma (GED) and one to assist women who have earned the GED to further their education; and

WHEREAS, Elizabeth Kates served as warden of the Virginia Correctional Center for Women for 30 years, from 1934 through 1964; and

WHEREAS, Elizabeth Kates, who passed away in 1965, bequeathed to The Elizabeth Kates Foundation funds sufficient to help support her life's work well into the future; and

WHEREAS, members of Pi Beta Phi Fraternity for Women, and all who support the vision of Elizabeth Kates, are commemorating the 80th anniversary of the establishment of The Elizabeth Kates Foundation in 2022; and

WHEREAS, because the population of the Virginia Correctional Center for Women now numbers some 550 inmates, the work of The Elizabeth Kates Foundation is as important as it has ever been; now, therefore, be it

RESOLVED by the Senate of Virginia, That The Elizabeth Kates Foundation be commended for eighty years of devoted service to the inmates of the Virginia Correctional Center for Women; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare copies of this resolution for presentation to The Elizabeth Kates Foundation whose members and supporters this year are celebrating the life and legacy of Elizabeth Kates and the Foundation she inspired.

SENATE RESOLUTION NO. 56

Commending Martinsville Speedway.

Agreed to by the Senate, March 9, 2022

WHEREAS, in 2022, Martinsville Speedway celebrates its 75th anniversary of providing one of the most competitive and traditional stock car racing experiences for both fans and drivers; and

WHEREAS, Martinsville Speedway was founded by Virginia native H. Clay Earles in 1947 as a half-mile dirt track built near the Norfolk Southern Railway in Martinsville in Henry County, and the first race at the racetrack hosted 9,013 fans with 750 seats ready on September 7, 1947; and

WHEREAS, Martinsville Speedway hosted the first National Association for Stock Car Auto Racing (NASCAR) Strictly Stock Series race, which was the precursor to the NASCAR Grand National Series and present day NASCAR Cup Series, in Virginia on September 25, 1949, when future NASCAR Hall of Famer Red Byron led 97 of 200 laps to win the race; and

WHEREAS, today, Martinsville Speedway is the only NASCAR racetrack to host NASCAR Cup Series races every year since its inception in 1949; and

WHEREAS, Bill France, Sr., NASCAR founder and inaugural NASCAR Hall of Fame class member, joined H. Clay Earles as a 50 percent partner of Martinsville Speedway in the early 1950s; and

WHEREAS, racing fans have attended Martinsville Speedway for its twice-yearly NASCAR race weekends since 1959; the track, known for its distinctive paperclip shape, was paved in 1955 and remains the shortest racetrack on the NASCAR Cup Series schedule at 0.526 miles and a width of 55 feet, with 800-foot asphalt straights and tight 588-foot concrete turns, banked at 12 degrees; and

WHEREAS, in 1964, H. Clay Earles introduced the Martinsville Speedway grandfather clock as the Martinsville Speedway race winner's trophy in Victory Lane, with Fred Lorenzen as its first winner; the grandfather clock has become a historic tradition in motorsports and one of the most famous trophies in all of professional sports; and

WHEREAS, in 2017, Martinsville Speedway became the first major motorsports facility in the nation to install LED lights; the fall 2017 NASCAR Cup Series race was the first in the 70-year history of the racetrack to finish under the lights, and the first full NASCAR Cup Series race was held under the lights on June 20, 2020; and

WHEREAS, the semiannual NASCAR race weekends at Martinsville Speedway feature the NASCAR Cup Series and either the NASCAR Xfinity Series or NASCAR Camping World Truck Series and annually hosts the nation's biggest, richest, and most prestigious NASCAR Late Model Stock Car race; and

WHEREAS, in 2022, Martinsville Speedway welcomes back the NASCAR Whelen Modified Tour season finale for the first time since 1991; and

WHEREAS, Martinsville Speedway founder H. Clay Earles remained chairman of the board and chief executive officer until his death on November 16, 1999, and he was recognized with the NASCAR Hall of Fame Landmark Award; his grandson, William Clay Campbell of Martinsville, was named the Martinsville Speedway president in 1988 and remains the longest serving track president in NASCAR to this day; and

WHEREAS, the 75th anniversary of Martinsville Speedway will be recognized with an exhibit sharing historic artifacts and memorabilia at the NASCAR Hall of Fame in Charlotte, North Carolina, throughout 2022; and

WHEREAS, Martinsville Speedway events attract millions of fans viewing on broadcast television and thousands of spectators to the Commonwealth year after year, many of whom stay on-site or in hotels throughout Southwest Virginia to be part of the excitement, camaraderie, and world-class racing experience; and

WHEREAS, stock car racing enthusiasts eagerly anticipate NASCAR racing at Martinsville Speedway since the historic track is one of the most popular and competitive racing venues for racing fanatics and competitors, featuring the famous Martinsville hot dog and the challenge of intense short track racing with the authentic, traditional race experience, all of which have resulted in memorable experiences for the many devotees of the sport; now, therefore, be it

RESOLVED by the Senate of Virginia, That Martinsville Speedway hereby be commended on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Jim France, chairman and chief executive officer of NASCAR, Lesa Kennedy, executive vice chair of NASCAR, and Clay Campbell, president of Martinsville Speedway, as an expression of the Senate of Virginia's congratulations for its many years of offering world-class stock car racing in the Commonwealth and providing lasting memories for thousands of fans.

SENATE RESOLUTION NO. 57

Nominating persons to be elected to circuit court judgeships.

Agreed to by the Senate, March 9, 2022

RESOLVED by the Senate of Virginia, That the following persons are hereby nominated to be elected to the respective circuit court judgeships as follows:

The Honorable Robert B. Rigney, of Norfolk, as a judge of the Fourth Judicial Circuit for a term of eight years commencing May 1, 2022.

The Honorable Matthew W. Hoffman, of Newport News, as a judge of the Seventh Judicial Circuit for a term of eight years commencing June 1, 2022.

The Honorable M. Duncan Minton, Jr., of Chesterfield, as a judge of the Twelfth Judicial Circuit for a term of eight years commencing May 1, 2022.

The Honorable Richard B. Campbell, of Richmond, as a judge of the Thirteenth Judicial Circuit for a term of eight years commencing October 1, 2022.

The Honorable David M. Barredo, of Albemarle, as a judge of the Sixteenth Judicial Circuit for a term of eight years commencing December 1, 2022.

The Honorable James R. McGarry, of Martinsville, as a judge of the Twenty-first Judicial Circuit for a term of eight years commencing May 1, 2022.

Andrew S. Baugher, Esquire, of Rockingham, as a judge of the Twenty-sixth Judicial Circuit for a term of eight years commencing June 1, 2022.

The Honorable Daryl L. Funk, of Warren, as a judge of the Twenty-sixth Judicial Circuit for a term of eight years commencing July 1, 2022.

Thomas W. Baker, Esquire, of Lee, as a judge of the Thirtieth Judicial Circuit for a term of eight years commencing June 1, 2022.

The Honorable Robert P. Coleman, of Prince William, as a judge of the Thirty-first Judicial Circuit for a term of eight years commencing July 1, 2022.

SENATE RESOLUTION NO. 58

Nominating persons to be elected to general district court judgeships.

Agreed to by the Senate, March 9, 2022

RESOLVED by the Senate of Virginia, That the following persons are hereby nominated to be elected to the respective general district court judgeships as follows:

Jamilah D. Le Cruise, Esquire, of Norfolk, as a judge of the Fourth Judicial District for a term of six years commencing May 1, 2022.

Leondras J. Webster, Esquire, of Norfolk, as a judge of the Fourth Judicial District for a term of six years commencing March 16, 2022.

Rian E. Lewis, Esquire, of Newport News, as a judge of the Seventh Judicial District for a term of six years commencing June 1, 2022.

Matthew T. Paulk, Esquire, of Richmond, as a judge of the Thirteenth Judicial District for a term of six years commencing April 16, 2022.

Todd M. Zinicola, Esquire, of Fairfax, as a judge of the Nineteenth Judicial District for a term of six years commencing July 1, 2022.

Stephanie B. Vipperman, Esquire, of Patrick, as a judge of the Twenty-first Judicial District for a term of six years commencing May 1, 2022.

Allen W. Dudley, Jr., Esquire, of Franklin, as a judge of the Twenty-second Judicial District for a term of six years commencing May 1, 2022.

Kenneth L. Alger, II, Esquire, of Page, as a judge of the Twenty-sixth Judicial District for a term of six years commencing June 1, 2022.

Abigail A. Miller, Esquire, of Prince William, as a judge of the Thirty-first Judicial District for a term of six years commencing July 1, 2022.

SENATE RESOLUTION NO. 59

Nominating persons to be elected to juvenile and domestic relations district court judgeships.

Agreed to by the Senate, March 9, 2022

RESOLVED by the Senate of Virginia, That the following persons are hereby nominated to be elected to the respective juvenile and domestic relations district court judgeships as follows:

James P. Normile, IV, Esquire, of Virginia Beach, as a judge of the Second Judicial District for a term of six years commencing March 16, 2022.

Jennifer B. Shupert, Esquire, of Virginia Beach, as a judge of the Second Judicial District for a term of six years commencing May 1, 2022.

Tara Dowdy Hatcher, Esquire, of Chesterfield, as a judge of the Twelfth Judicial District for a term of six years commencing May 1, 2022.

J. Alexis Fisher-Rizk, Esquire, of Richmond, as a judge of the Thirteenth Judicial District for a term of six years commencing October 1, 2022.

Marissa D. Mitchell, Esquire, of Henrico, as a judge of the Fourteenth Judicial District for a term of six years commencing May 1, 2022.

Areshini Pather, Esquire, of Goochland, as a judge of the Sixteenth Judicial District for a term of six years commencing December 1, 2022.

W. Michael Chick, Jr., Esquire, of Arlington, as a judge of the Seventeenth Judicial District for a term of six years commencing April 16, 2022.

David A. Furrow, Esquire, of Franklin, as a judge of the Twenty-second Judicial District for a term of six years commencing May 1, 2022.

James A. Drown, Esquire, of Winchester, as a judge of the Twenty-sixth Judicial District for a term of six years commencing May 1, 2022.

Nancie S. Williams, Esquire, of Warren, as a judge of the Twenty-sixth Judicial District for a term of six years commencing July 1, 2022.

Katherine C. McCollam, Esquire, of Prince William, as a judge of the Thirty-first Judicial District for a term of six years commencing June 1, 2022.

SENATE RESOLUTION NO. 60

Celebrating the life of Mary P. James.

Agreed to by the Senate, March 10, 2022

WHEREAS, Mary P. James, a vibrant member of the Richmond community who touched countless lives, died on December 16, 2020; and

WHEREAS, a native of Lawrenceville, Mary P. James attended Brunswick County Public Schools and graduated from James Solomon Russell High School; and

WHEREAS, Mary P. James studied at Saint Paul's College and graduated from Virginia State University with a bachelor's degree in social work and a master's degree in education; she later conducted post-graduate work at the Samuel DeWitt Proctor School of Theology at Virginia Union University; and

WHEREAS, Mary P. James worked in Petersburg City Public Schools as a teacher's aide, then joined the Department of Vocational Rehabilitation at Central State Hospital in Petersburg, where she worked as a rehabilitation counselor until her retirement in 1977; and

WHEREAS, Mary P. James inspired others through her kindness, empathy, and grace, and she offered her wise counsel and compassionate support to family members, friends, and anyone in need; and

WHEREAS, predeceased by her son, Alexander, Mary P. James will be fondly remembered and greatly missed by her husband, Lincoln; her children, Torrey and Alexandra, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Mary P. James, a beloved resident of Richmond who made many contributions to the community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Mary P. James as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 61

Commending the Newport News (VA) Chapter of The Links, Incorporated.

Agreed to by the Senate, March 10, 2022

WHEREAS, the Newport News (VA) Chapter of The Links, Incorporated, a noble and distinguished organization serving the community of Newport News, celebrates its 70th anniversary in 2022; and

WHEREAS, exemplifying friendship and sisterhood, Hazel Reid of the Portsmouth Chapter of The Links, Inc., supported the establishment of the Newport News Chapter of The Links, Inc., with the organization's area director, Lottie Dinks, presiding over the installation service on February 15, 1952; and

WHEREAS, the charter members of the Newport News Chapter were ladies with varying careers and ambitions, including Alice Collins, Anne Cross, Vivian Dabney, Mildred Downing, Margaret Epps, Marion Erwin, Kay Frazier, Mattie Reid, Wray Robinson, Mae Scott, Mabel Smith, Inez Tucker, Rebecca Ward, Eva Winstead, and Sadie Yancey; and

WHEREAS, the Newport News Chapter's first activities focused on the arts, as the organization sponsored art shows, exhibitions, musical performances, book fairs, and poetry contests for local students; and

WHEREAS, over the years, the Newport News Chapter has aided the youth of the community through various initiatives, providing Christmas stockings at local hospitals, assisting students with scholarships and other financial aid, conducting tutorials at local churches, and furnishing transportation for children to attend performances at the Newport News Children's Theater and Hampton University; and

WHEREAS, the Newport News Chapter has donated more than \$13,000 to local civic agencies and scholarship winners while sponsoring Broadway productions such as "Raisin" at Chrysler Hall in Norfolk and "Dreamgirls" and "Motown Review" at the Ferguson Center for the Arts in Newport News; and

WHEREAS, time and again, the Newport News Chapter's "Diamonds and Denim" community fundraisers have brought the community together for good fun in support of a great cause; and

WHEREAS, inspired by former National Aeronautics and Space Administration employee and organization alumnae member Dr. Christine Mann Darden, the Newport News Chapter recently chartered a National Science of Black Engineering Jr. chapter; and

WHEREAS, the accomplishments of the Newport News Chapter over the past 70 years are the result of the vision of its founders and the resolute dedication of its members, who will maintain the organization's traditions of excellence for many more years to come; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Newport News (VA) Chapter of The Links, Incorporated, hereby be commended on the occasion of its 70th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Newport News (VA) Chapter of The Links, Incorporated, as an expression of the Senate of Virginia's admiration for the organization's history and its many contributions to the Commonwealth.

SENATE RESOLUTION NO. 62

Commending Carl R. Bolling.

Agreed to by the Senate, March 11, 2022

WHEREAS, Carl R. Bolling, an attorney in Richlands, has served several counties in the Southwest Virginia area for over four decades; and

WHEREAS, Carl "Randy" Bolling was born to Carlos and Flaudean Bolling on May 19, 1948, and grew up in Pound, where he graduated from Pound High School; and

WHEREAS, Randy Bolling married Cathy Foster on June 21, 1969, and the couple has raised two daughters, Joelle and Sara Beth; and

WHEREAS, Randy Bolling is a proud graduate of the University of Miami with a bachelor's degree in finance; and

WHEREAS, Randy Bolling attended the University of Richmond's T.C. Williams School of Law and graduated in 1975; and

WHEREAS, after law school, Randy Bolling went to work for the Internal Revenue Service in Washington, D.C.; and

WHEREAS, Randy Bolling returned to Southwest Virginia and opened his own office in Grundy on July 7, 1975; he received a \$10,000 unsecured loan from Miners & Merchants Bank and paid it back with money won from friendly poker games; and

WHEREAS, Randy Bolling's first desk in his office was a refrigerator box, but he helped the business grow and achieve success through his expertise and commitment to serving his clients; and

WHEREAS, in 1978, Randy Bolling opened offices in Richlands and Lebanon, and in 1995 he opened an office in Abingdon, which remains open; and

WHEREAS, Randy Bolling helped mentor and train several lawyers through the years, including one who is a sitting judge and four who are still practicing attorneys in Southwest Virginia; and

WHEREAS, Randy Bolling represented the late Harry Ranier, legendary NASCAR team owner whose drivers included Davey Allison, Cale Yarborough, and Tony Stewart; and

WHEREAS, Randy Bolling has traveled to help clients close deals throughout the United States, as well as in France, Monte Carlo, and Australia; and

WHEREAS, Randy Bolling represented the parties behind the Pure Salmon project to develop salmon farming in the Commonwealth; and

WHEREAS, Randy Bolling represented hundreds of businesses and entrepreneurs throughout Southwest Virginia until his retirement in December 2016; and

WHEREAS, Randy and Cathy Bolling continue to serve the community in many ways, including through the local Backpacks Unite program, which Cathy organized with the United Way of Southwest Virginia for many years; now, therefore, be it

RESOLVED by the Senate of Virginia, That Carl R. Bolling hereby be commended for his contributions and service to the residents throughout Southwest Virginia as a business owner and a pillar of the community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Carl R. Bolling as an expression of the Senate of Virginia's admiration for his personal and professional achievements.

SENATE RESOLUTION NO. 63

Commending Christina Shinall.

Agreed to by the Senate, March 11, 2022

WHEREAS, Christina Shinall has served the Tazewell County community as a 911 operator for 25 years; and

WHEREAS, Christina Shinall is a certified emergency medical technician and previously worked as a volunteer medic and ambulance driver for the Richlands Town Rescue Squad; and

WHEREAS, Christina Shinall joined the Tazewell County 911 center as a dispatcher in 1997; she has helped guide the center through significant growth and technological advances over the years, having started at a time when the center had only two dispatch consoles and no computerized maps or call logs; and

WHEREAS, when the 911 center merged into the Tazewell County Sheriff's Office, Christina Shinall was sworn in as a communications officer with the department; and

WHEREAS, Christina Shinall has completed numerous courses and training programs, including basic dispatch training at the Criminal Justice Training Academy and specialized training for dispatches related to Amber Alerts, natural disasters, domestic violence, suicides, active shooter incidents, and medical emergencies; and

WHEREAS, Christina Shinall has responded to a wide range of calls for emergency service in her career and has touched countless lives through her ability to stay calm under pressure and relay accurate information; now, therefore, be it

RESOLVED by the Senate of Virginia, That Christina Shinall hereby be commended for her service as a 911 operator; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Christina Shinall as an expression of the Senate of Virginia's admiration for her contributions to public safety in Tazewell County.

SENATE RESOLUTION NO. 64

Commending Kevin McNulty.

Agreed to by the Senate, March 11, 2022

WHEREAS, Kevin McNulty received the 2021 Alexandria Chamber of Commerce Rising Star Award for his contributions as a member of the Chamber's board of directors and chair of the legislative affairs committee; and

WHEREAS, Kevin McNulty holds a bachelor's degree from the Catholic University of America and a master of public administration degree from George Mason University, and he currently works as manager of government affairs with Cox Communications, a provider of broadband, digital cable, and telecommunications services; and

WHEREAS, in that capacity, Kevin McNulty works with elected and appointed officials at all levels of government in Virginia, including serving as the company's chief advocate before the General Assembly; and

WHEREAS, prior to his position with Cox Communications, Kevin McNulty served as the associate vice president of government relations for the Northern Virginia Chamber of Commerce and advocated on behalf of the business community before state and local governments; and

WHEREAS, Kevin McNulty has more than a decade of experience in Virginia politics, ranging from political campaigns to experience working with senior-level government officials; now, therefore, be it

RESOLVED by the Senate of Virginia, That Kevin McNulty, recipient of the 2021 Alexandria Chamber of Commerce Rising Star Award, hereby be commended for his contributions to the business community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Kevin McNulty as an expression of the Senate of Virginia's admiration for his personal and professional achievements.

SENATE RESOLUTION NO. 65

Commending The Birchmere.

Agreed to by the Senate, March 11, 2022

WHEREAS, for more than 55 years, The Birchmere, owned by Gary Oelze and now located in Alexandria, has delighted audiences as one of the premier music and comedy clubs in the Commonwealth and the United States; and

WHEREAS, Gary Oelze, a Kentucky native, former musician, United States Air Force veteran, and successful restaurateur, cofounded The Birchmere with the late William Hooper in 1966; the original location was near the Pentagon and primarily served government workers and members of the military; and

WHEREAS, Gary Oelze began booking bluegrass and folk musicians on Wednesday and Saturday nights, and the performances were so well received by the community that The Birchmere became a full-time music venue by 1975; and

WHEREAS, The Birchmere moved to a new location in Alexandria in 1981 and settled in its current location on Mount Vernon Avenue in Alexandria in 1996; the club offers shows from an array of musical genres, including country, rock, soul, jazz, and rhythm and blues, and also features comedy programs; and

WHEREAS, over the years, The Birchmere has hosted more than 14,000 performances and thousands of bands and musical artists, with big names like Little Richard, Johnny Cash, Rosanne Cash, Arlo Guthrie, Pete Seeger, Keiko Matsui, Emmylou Harris, Lyle Lovett, Buddy Guy, Mary Chapin Carpenter, Townes Van Zandt, Steve Earle, Shawn Colvin, Sir George Martin, and John Waters; and

WHEREAS, Grammy Award-winning country artist Vince Gill got his start playing at The Birchmere when he was 17 years old, and the legendary Ray Charles performed his final live show at The Birchmere; and

WHEREAS, in 2021, The Birchmere commemorated its 55th anniversary with the release of an illustrated history book, *All Roads Lead to the Birchmere: America's Legendary Music Hall*; now, therefore, be it

RESOLVED by the Senate of Virginia, That The Birchmere hereby be commended on the occasion of its 55th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Gary Oelze, owner of The Birchmere, as an expression of the Senate of Virginia's admiration for the venue's contributions to cultural life in Northern Virginia.

SENATE RESOLUTION NO. 66

Commending the Hayfield Secondary School boys' basketball team.

Agreed to by the Senate, March 11, 2022

WHEREAS, the Hayfield Secondary School boys' basketball team won the Virginia High School League Class 6 State Championship in 2022; and

WHEREAS, the Hayfield Secondary School Hawks defeated the Fairfax High School Lions by a score of 82-45 to secure their second consecutive Occoquan regional title; and

WHEREAS, the Hayfield Hawks advanced to the Class 6 semifinal of the state tournament on March 7, 2022, as the number five seed and pounded the No. 11 South Lakes Seahawks by a score of 67-48 to earn a spot in the championship game in Richmond; and

WHEREAS, the Hayfield Hawks balanced offense had four players finish in double figures in the Championship Game; and

WHEREAS, the Hayfield Hawks defeated the Battlefield High School Bobcats by a score of 67-47 to remain undefeated and finish the season 32-0; and

WHEREAS, each member of the Hayfield Hawks—Javon Brown, Sean Burton, Braelen Cage, Juan Henriquez, Daryl Holloway, Greg Jones, David King, Mark McKenzie, Ryan Payne, Ashton Pratt, Andy Ramirez, Markus Rouse, Colin Souther, Nate Tesfaye, Sky Thompson, and Braylon Wheeler—has contributed and exemplified outstanding teamwork with particularly strong defensive pressure throughout the season; and

WHEREAS, the victory is a tribute to the hard work and dedication of all the student-athletes, the leadership and guidance of Coach Carlos Poindexter and his outstanding staff, and the enthusiastic support of the entire Hayfield Secondary School community; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Hayfield Secondary School boys' basketball team hereby be commended on winning the Virginia High School League Class 6 State Championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Carlos Poindexter, head coach of the Hayfield Secondary School boys' basketball team, as an expression of the Senate of Virginia's admiration for the team's achievements.

SENATE RESOLUTION NO. 67

Celebrating the life of Willie James Moffett.

Agreed to by the Senate, March 11, 2022

WHEREAS, Willie James Moffett, a respected public servant and highly admired community leader in Hampton, died on February 1, 2022; and

WHEREAS, Willie "Will" Moffett grew up in Detroit, Michigan, where he attended Kettering High School; he continued his education at the University of South Carolina, St. Leo University, and the North Carolina College of Theology; and

WHEREAS, Will Moffett served his country for six years as a member of the United States Air Force, then pursued a 30-year career with the Department of the Army as a visual information manager and director of plans, mobilization, training, and security; and

WHEREAS, after his retirement from the Department of the Army, Will Moffett established Moffett Consultants; he was also a dedicated volunteer, offering his leadership and expertise to the Hampton Neighborhood Commission, Hampton Redevelopment and Housing Authority, Hampton 400th Anniversary Committee, and many other nonprofit organizations; and

WHEREAS, Will Moffett represented Hampton before the International City/County Management Association and played a pivotal role in the creation of the Y.H. Thomas Community Center, and helped the city win two All-America City Awards from the National Civic League; and

WHEREAS, desirous to be of further service to the community, Will Moffett ran for and was elected to the Hampton City Council in 2010 and was reelected in 2014; during his tenure, he represented the city before several regional boards and commissions, including the Transportation District of Hampton Roads and the Hampton Roads Planning District Commission; and

WHEREAS, Will Moffett served as a delegate to the National League of Cities, Cities United, and the Virginia Municipal League, and he was selected to participate in the 2011 Reinhard Mohn Prize Symposium on civic engagement in Germany; and

WHEREAS, among many awards and accolades, Will Moffett received the prestigious Hampton Distinguished Citizen Award, the Omega Psi Phi Citizen of the Year Award, and the Kappa Alpha Psi Community Service Award; and

WHEREAS, Will Moffett will be fondly remembered and greatly missed by his wife of 49 years, Theresa; his children, Tetaun, Telon, and Tamara, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Willie James Moffett, a community leader and public servant who touched countless lives in Hampton; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Willie James Moffett as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 68

Celebrating the life of Juanita Strawn, Ph.D.

Agreed to by the Senate, March 11, 2022

WHEREAS, Juanita Strawn, Ph.D., an esteemed educator at Hampton University and beloved member of the Hampton Roads community, died on December 30, 2021; and

WHEREAS, born in Lynchburg, Juanita Strawn earned a bachelor's degree and master's degree in home economics education from Virginia State College before receiving her doctoral degree in home economics from The Ohio State University; and

WHEREAS, as division director of human ecology and social and environmental studies at Hampton University, Juanita Strawn contributed greatly to the growth and development of her students, preparing them to lead rewarding and successful lives; and

WHEREAS, active and engaged in her community, Juanita Strawn was a member of the Gamma Upsilon Omega Chapter of Alpha Kappa Alpha Sorority, Inc., and was notably the first African American president of the Virginia Home Economics Association; and

WHEREAS, preceded in death by her loving husband of 56 years, Alexander, Juanita Strawn will be fondly remembered and dearly missed by her children, Alexander, Jr., and Stacey, and their families; and by numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Juanita Strawn, Ph.D., a cherished member of the Hampton Roads community whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Juanita Strawn, Ph.D., as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 69

Celebrating the life of Morris H. Morgan III.

Agreed to by the Senate, March 11, 2022

WHEREAS, Morris H. Morgan III, esteemed professor of environmental engineering at Hampton University and a beloved member of the Hampton Roads community, died on February 25, 2022; and

WHEREAS, after graduating from Cedar Hill High School in Cedartown, Georgia, Morris Morgan attended Vanderbilt University as a member of its second class of African American students, earning a bachelor's degree in chemical engineering in 1969 at the age of 19; and

WHEREAS, Morris Morgan subsequently received a master's degree in chemical engineering from the University of Dayton and became the second African American to receive a doctoral degree in chemical engineering from Rensselaer Polytechnic Institute (RPI) in 1978; and

WHEREAS, after briefly conducting research at General Electric, Morris Morgan returned to RPI as the first tenured African American professor in the engineering school's history; and

WHEREAS, Morris Morgan joined Hampton University in 1996 as a professor and chair of the environmental engineering department and then served from 1998 to 2003 as the second dean of the Hampton University School of Engineering and Technology, during which time he secured funding for various initiatives to enhance the institution's facilities and programs; and

WHEREAS, throughout his career, Morris Morgan published 96 research articles and six book chapters while acquiring four patents and in 2008 was a candidate for the Virginia Outstanding Scientist Award for his research in fluid-particle systems; and

WHEREAS, a treasured mentor who advised several students in their pursuits of master's and doctoral degrees, Morris Morgan was recognized with a plethora of accolades and awards over his career, including Vanderbilt University's Legacy Award in 2015; and

WHEREAS, an avid and accomplished athlete throughout his life, Morris Morgan helped set the Cedar Hill High School 4x100 meter record in 1965, which stood for over 40 years, won awards in local road races while studying at RPI, and competed in the Virginia Senior Games and triathlons in his later years; and

WHEREAS, guided throughout his life by his faith, Morris Morgan enjoyed worship and fellowship with his community at Williamsburg Presbyterian Church, where he served as a deacon; and

WHEREAS, Morris Morgan will be fondly remembered and dearly missed by his loving wife of 52 years, Carolyn; his children, Eric and Kristin; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Morris H. Morgan III, a respected professor of engineering whose dedication to teaching and research was an inspiration to many; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Morris H. Morgan III as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 70

Commending EnJewel.

Agreed to by the Senate, March 11, 2022

WHEREAS, EnJewel, a nonprofit organization in Virginia Beach, works to eradicate human trafficking locally and globally by collaborating with local programs and resources to engage the community, educating the possible targets of human trafficking and interested advocates, and empowering victims, individuals, and businesses; and

WHEREAS, EnJewel (Equality and Justice for Every Woman Every Land) raises awareness of the horrors of human trafficking, an international issue that includes both sex exploitation and forced labor and servitude; and

WHEREAS, EnJewel emphasizes that while human trafficking affects people of many ages, backgrounds, and demographics, most of its victims are women and children; traffickers generally target vulnerable populations such as native peoples, migrant workers, refugees, the homeless, or people with disabilities; and

WHEREAS, EnJewel promotes enhanced community education to raise awareness of indicators for people vulnerable to trafficking and increase knowledge about prevention strategies or access to resources for survivors; and

WHEREAS, during the COVID-19 pandemic, EnJewel has gone above and beyond to continue to fulfill its critical mission; and

WHEREAS, in February and March 2020, EnJewel launched a campaign to acquire kitchen appliances and furniture for the Butterfly House, a transitional home for women rescued from sex trafficking; the organization also assembled bundles of necessities for women rescued from traffickers, as well as backpacks of school supplies for children; and

WHEREAS, in July 2020, EnJewel hosted a virtual five-kilometer race, with participants from all over the world donating thousands of dollars to support the Butterfly House and Regeneration International, an organization building a similar facility in the Philippines; and

WHEREAS, every January, EnJewel commemorates Human Trafficking Prevention Month through special events and programming to raise awareness of the dangers of human trafficking and promote and support other organizations working to end human trafficking; now, therefore, be it

RESOLVED by the Senate of Virginia, That EnJewel hereby be commended for its work to educate, engage with, and empower individuals to make a difference in the fight against human trafficking; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Naomi Estaris, founder of EnJewel, as an expression of the Senate of Virginia's admiration for the importance of its mission to end human trafficking in the Commonwealth, the United States, and around the world.

SENATE RESOLUTION NO. 71

Commending James L. Wood.

Agreed to by the Senate, March 11, 2022

WHEREAS, James L. Wood, an outstanding public servant, has made numerous contributions to the Virginia Beach community as a law-enforcement officer and an elected official; and

WHEREAS, a graduate of Princess Anne High School, James "Jim" Wood holds degrees from Washington and Lee University and Sam Houston University; and

WHEREAS, Jim Wood began his career as a member of the Virginia Beach Police Department and served the department in many capacities, including on the drunk driving enforcement team and the anti-crime unit; and

WHEREAS, desirous to be of further service to the community, Jim Wood ran for and was elected to the Virginia Beach City Council in 2002, representing the residents of the Lynnhaven District; he was subsequently reelected four times and served as vice mayor in 2019; and

WHEREAS, Jim Wood provided his wisdom and expertise to specialized advisory committees and commissions throughout the community as a Virginia Beach City Council liaison; and

WHEREAS, with his background in law enforcement, Jim Wood was a champion for the city's public safety agencies and advocated tirelessly for the emergency medical services departments and volunteer rescue squads; and

WHEREAS, Jim Wood played an instrumental role in the development of the city's budgets and worked diligently to address local priorities without tax increases; and

WHEREAS, Jim Wood represented Virginia Beach as a commissioner and two-time past chair of the Transportation District of Hampton Roads and was appointed by the Senate of Virginia to serve on the Joint Subcommittee to Address Recurrent Flooding; and

WHEREAS, Jim Wood served the residents of Virginia Beach with the utmost integrity, dedication, and distinction; now, therefore, be it

RESOLVED by the Senate of Virginia, That James L. Wood hereby be commended for his legacy of service to the Virginia Beach community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to James L. Wood as an expression of the Senate of Virginia's admiration for his achievements on behalf of the residents of Virginia Beach.

SENATE RESOLUTION NO. 72

Commending The Charlottesville Band.

Agreed to by the Senate, March 11, 2022

WHEREAS, The Charlottesville Band Mission Statement reads: "We are The Charlottesville Band; local musicians enriching community life through excellence in musical performance and education since 1922 and through our free concerts, varied repertoire, and partnerships, we provide our members and audiences with experiences that entertain, uplift, and inspire"; and

WHEREAS, the Municipal Band of Charlottesville, Inc. was established on August 17, 1922, and, under the direction of Harry Lowe, gave its first concert at a park in downtown Charlottesville on August 29, 1922; and

WHEREAS, since its founding in 1922, the Band has played hundreds of free concerts at civic functions, patriotic occasions and celebrations including events to honor several Presidents of the United States as well as the Queen of England in Charlottesville and throughout Virginia and the southern United States; and

WHEREAS, since admitting women to the Band in 1957, over 600 women have played with the Band, and Peggy Madison, one of the first 18 women to join in 1957, continues to play with the Band to this day; and

WHEREAS, in 2020 and 2021, the Band upheld its commitment to a century of free uninterrupted music, playing through the pandemic with its ensembles performing at safely distanced outdoor concerts in the summer and with the full Band performing a December holiday concert in downtown Charlottesville; and

WHEREAS, in 2021, the Municipal Band of Charlottesville changed its name to "The Charlottesville Band" to reflect its standing as an independent band, and created a commensurate new logo; and

WHEREAS, the Band has played for thousands of Virginia residents and beyond, always without an admission charge, and has had more than 1,700 musician members perform with it over its lifetime; and

WHEREAS, The Charlottesville Band continues to be one of the oldest continually operating community bands in the United States; now, therefore, be it

RESOLVED by the Senate of Virginia, That The Charlottesville Band hereby be commended for its service to the community on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Stephen R. Layman, Music Director of The Charlottesville Band, as an expression of the Senate of Virginia's admiration for the band's achievements and best wishes for the future.

SENATE RESOLUTION NO. 73

Celebrating the life of Gavin William Dent.

Agreed to by the Senate, March 11, 2022

WHEREAS, Gavin William Dent, a beloved son, brother, and friend who made numerous contributions to the Roanoke Valley, passed away on October 24, 2021; and

WHEREAS, Gavin Dent grew up in Roanoke County and was a senior at Hidden Valley High School at the time of his passing; he was a member of the school's archery team and a saxophone player in the marching band, jazz band, and wind ensemble; and

WHEREAS, Gavin Dent was passionate about history and had been awarded a grand prize by the Library of Congress for an essay he wrote about American forces landing on Omaha Beach on D-Day; and

WHEREAS, Gavin Dent was civically engaged as a Roanoke County Republican Party volunteer; and

WHEREAS, Gavin Dent earned an emergency medical technician certification from the Burton Center for Arts and Technology and a career studies certificate from Virginia Western Community College; he had also been accepted into the Radford University Carilion Emergency Services program; and

WHEREAS, Gavin Dent served his fellow members of the community with the Cave Spring Fire Department, and he assisted with search and rescue operations as a cadet in the Civil Air Patrol; and

WHEREAS, Gavin Dent was a talented amateur radio operator and was a member of the Roanoke Valley Amateur Radio Club and the Potomac Valley Radio Club; and

WHEREAS, Gavin Dent also volunteered his time with a support group for military families and was an associate member of the 29th Infantry Division Association; and

WHEREAS, Gavin Dent will be fondly remembered and greatly missed by his parents, Greg and Jane; his brother, Chase; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Gavin William Dent, a young servant leader in the Roanoke Valley; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Gavin William Dent as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 74

Celebrating the life of Howard Kelley Moore.

Agreed to by the Senate, March 11, 2022

WHEREAS, Howard Kelley Moore, beloved husband, father, grandfather, and member of the Roanoke community who cared for countless patients throughout his career as a registered nurse, passed away on March 3, 2022; and

WHEREAS, beyond his noble service caring for the medical needs of others as a registered nurse, Kelley Moore was known to always offer a helping hand and gave generously of his time to the Boy Scouts of America and the Agape Center Vinton; and

WHEREAS, guided throughout his life by his faith, Kelley Moore enjoyed worship and fellowship with his community at Fellowship Community Church in Roanoke and often demonstrated his enthusiasm for Christ's gospel by cheerfully greeting motorists on Buck Mountain Road in Roanoke County on Sunday mornings; and

WHEREAS, Kelley Moore will be fondly remembered and dearly missed by his loving wife of 45 years, Aileen; his children, Daniel and Shannon, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Howard Kelley Moore, a cherished member of the Roanoke community whose faith, kindness, and good nature were a comfort to many; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Howard Kelley Moore as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 75

Commending Anna Moir.

Agreed to by the Senate, March 11, 2022

WHEREAS, Anna Moir, an esteemed attorney who greatly served the Commonwealth as a member of the Virginia Division of Legislative Services and as co-counsel, with Julia Carlton, to the Senate Education and Health Committee during the 2020, 2021, and 2022 General Assembly sessions; and

WHEREAS, after graduating from Hidden Valley High School and graduating magna cum laude with a bachelor's degree in literary studies and creative writing from Roanoke College, Anna Moir earned her juris doctor degree in 2018 from the Washington and Lee University School of Law, where she was the advancement editor of the *Washington and Lee Journal of Civil Rights and Social Justice*; and

WHEREAS, while in law school, Anna Moir completed an internship with the Office of the Commonwealth's Attorney in Roanoke in 2016 and was a summer associate with Gentry Locke Attorneys in 2017 and an extern with the Office of General Counsel of Washington and Lee University in 2018; and

WHEREAS, Anna Moir joined the Virginia Division of Legislative Services (DLS) on October 25, 2019, applying her impressive legal acumen for the benefit of the Commonwealth while staffing the Senate Committee on Education and Health, as well as the Virginia Disability Commission, the Autism Advisory Council, and the Joint Subcommittee on Barrier Crimes; and

WHEREAS, Anna Moir's astute legal guidance was a tremendous asset to the Senate of Virginia as it crafted and considered legislation of significant importance to the people of the Commonwealth; and

WHEREAS, Anna Moir was a beloved and greatly appreciated member of the Education, Health and Social Services team at DLS, who was always kind, caring, and supportive of her peers and ready to take on a new challenge or to help as needed; and

WHEREAS, Anna Moir's bright and positive demeanor contributed greatly to the culture at DLS and her presence in the halls of the General Assembly was greatly appreciated; now, therefore, be it

RESOLVED by the Senate of Virginia, That Anna Moir hereby be commended for her exceptional service on behalf of the Commonwealth as a member of the Virginia Division of Legislative Services; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Anna Moir as an expression of the Senate of Virginia's admiration for her contributions to the Commonwealth and best wishes for her future endeavors.

SENATE RESOLUTION NO. 76

Commending the Eastern Montgomery High School girls' soccer team.

Agreed to by the Senate, March 11, 2022

WHEREAS, in 2021, the Eastern Montgomery High School girls' soccer team claimed the first state title in any sport in the school's history with a victory in the Virginia High School League Class 1 state championship; and

WHEREAS, the Eastern Montgomery High School Mustangs defeated a talented team from West Point High School by a score of 5-1; and

WHEREAS, although West Point High School scored first, sophomore Maddie Bruce answered with three goals in the first half to give the Eastern Montgomery Mustangs an insurmountable lead by halftime; and

WHEREAS, senior Elli Underwood and junior Laken Smith added two more goals for Eastern Montgomery High School in the second half; and

WHEREAS, the state championship win capped off a perfect 14-0 season for the Eastern Montgomery Mustangs, who outscored their opponents 118-1; and

WHEREAS, the victorious season is a testament to the skill and determination of the student-athletes, the leadership and guidance of coaches and staff, and the passionate support of the entire Eastern Montgomery High School community; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Eastern Montgomery High School girls' soccer team hereby be commended on its historic victory in the Virginia High School League Class 1 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Whitney Shaver, head coach of the Eastern Montgomery High School girls' soccer team, as an expression of the Senate of Virginia's admiration for the team's achievements.

SENATE RESOLUTION NO. 77

Commending the Glenvar High School volleyball team.

Agreed to by the Senate, March 11, 2022

WHEREAS, the Glenvar High School volleyball team won the Virginia High School League Class 2 state championship in 2021; and

WHEREAS, the Glenvar High School Highlanders defeated a talented team from Central High School in three sets by scores of 25-16, 25-20, and 25-14; and

WHEREAS, the Glenvar Highlanders dominated the state final with five players earning kills, including Bailey Conner, who led the team with 20, while Central High School only recorded 23 kills overall as a team; and

WHEREAS, Glenvar High School finished the season with an impressive 23-3 record and was known for its high skill level, impeccable court awareness, and versatility; and

WHEREAS, the successful season was a tribute to the hard work of the student-athletes, the leadership and guidance of coaches and staff, and the passionate support of the entire Glenvar High School community; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Glenvar High School volleyball team hereby be commended on winning the Virginia High School League Class 2 state title in 2021; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Mark Rohrback, head coach of the Glenvar High School volleyball team, as an expression of the Senate of Virginia's admiration for the team's athletic achievements.

SENATE RESOLUTION NO. 78

Commending Carly Wilkes.

Agreed to by the Senate, March 11, 2022

WHEREAS, Carly Wilkes, a senior at Glenvar High School, won her second consecutive Virginia High School League Class 2 cross country individual state title in November 2021; and

WHEREAS, Carly Wilkes took an early lead in the state final and never looked back, finishing with a time of 17:47.4; and

WHEREAS, Carly Wilkes outpaced the second-place finisher from Tazewell High School by more than two minutes; and

WHEREAS, throughout the season, Carly Wilkes has enjoyed the support of her teammates, friends, family members, and the entire Glenvar High School community; now, therefore, be it

RESOLVED by the Senate of Virginia, That Carly Wilkes hereby be commended on winning the Virginia High School League Class 2 state title; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Carly Wilkes as an expression of the Senate of Virginia's admiration for her athletic achievements and best wishes for the future.

SENATE RESOLUTION NO. 79

Commending Daniel Zearfoss.

Agreed to by the Senate, March 11, 2022

WHEREAS, Daniel Zearfoss, a senior at Glenvar High School, won the Virginia High School League Class 2 cross country individual state title in November 2021; and

WHEREAS, for much of the race, Daniel Zearfoss was locked in a tense duel with two other runners, one of whom was a former state champion; and

WHEREAS, in the final 1,000 meters of the race, Daniel Zearfoss surged ahead to win with a time of 16:20.8, beating the second-place finisher by 12 seconds; and

WHEREAS, throughout the season, Daniel Zearfoss has enjoyed the support of his teammates, friends, family members, and the entire Glenvar High School community; now, therefore, be it

RESOLVED by the Senate of Virginia, That Daniel Zearfoss hereby be commended on winning the Virginia High School League Class 2 individual state title; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Daniel Zearfoss as an expression of the Senate of Virginia's admiration for his athletic achievements and best wishes for the future.

SENATE RESOLUTION NO. 80

Commending the Cave Spring High School cheerleading team.

Agreed to by the Senate, March 11, 2022

WHEREAS, the Cave Spring High School cheerleading team claimed its fourth state title after a victory in the Virginia High School League Class 3 state championship in 2021; and

WHEREAS, respected as a dynasty in Virginia high school cheerleading, the Cave Spring High School Knights have finished either first or second in the state final over the past nine years; and

WHEREAS, the Cave Spring Knights have established a strong tradition of excellence that will inspire members of the team for years to come; and

WHEREAS, the successful season is a tribute to the skill and hard work of all the student-athletes, the leadership and guidance of the coaches and staff, and the enthusiastic support of the entire Cave Spring High School community; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Cave Spring High School cheerleading team hereby be commended on winning the Virginia High School League Class 3 state championship in 2021; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Cave Spring High School cheerleading team as an expression of the Senate of Virginia's admiration for the team's athletic achievements.

SENATE RESOLUTION NO. 81

Commemorating the lives and legacies of the eight Black men who served as officers in the Virginia State Navy during the Revolutionary War.

Agreed to by the Senate, March 11, 2022

WHEREAS, prior to the start of the Revolutionary War, service by Black men in the military forces of the Virginia Colony was limited to non-armed support roles; and

WHEREAS, in December 1775, George Washington, then commander in chief of the Continental Army, authorized American generals to allow free Black men to enlist in the military; and

WHEREAS, studies indicate that by the conclusion of the war in 1783, at least 420 free Black men and an undocumented number of slaves served in American military units, including at least 140 in the Virginia State Navy; and

WHEREAS, eight Black men have been identified in the historical record as serving in the Virginia State Navy as officers or otherwise fulfilling the roles and responsibilities of officers without the commissions or formal recognition of their white counterparts; and

WHEREAS, James Thomas, a free Black man of Norfolk County, helped secure the Eastern Shore as a Boatswain's Mate aboard the galley *Safeguard* and the brigantine *Northampton*; he participated in one of the Virginia State Navy's only international operations, a raid on Bermuda; and

WHEREAS, John Laws, a free Black man of Northumberland County, joined the Virginia State Navy prior to 1776 and served as a sailmaker aboard the ship *Liberty*; he was subsequently listed as a Second Master and Boatswain's Mate and served aboard ships patrolling the Eastern Shore and the rivers of Virginia; and

WHEREAS, Timothy Laws, a free Black man of Northumberland County and brother of John Laws, joined the Virginia State Navy prior to 1779, when he was recorded as serving aboard the galley *Tempest* as a Gunner; he also took part in the raid on Bermuda and died in 1782 as a result of small pox contracted during the Siege of Yorktown; and

WHEREAS, James Sorrell, a free Black man of Northumberland County, joined the Virginia State Navy in 1777 as a Gunner's Mate and served aboard a galley that was captured and burned by the British in 1779, then subsequently served aboard the *Dragon*; and

WHEREAS, over the course of the Revolutionary War, many enslaved Black men served the Virginia State Navy as pilots, owing to their familiarity with the navigation of the Chesapeake Bay and other inland waterways; and

WHEREAS, Caesar Tarrant, an enslaved Black man from the Tidewater region, joined the Virginia State Navy as a Pilot early in the war and piloted the ship *Patriot* during multiple engagements with British privateers; he returned to Hampton as a slave, but was later freed by an act of the General Assembly in 1789 in recognition of his wartime service; and

WHEREAS, Cuffee, also known as Cuffy, an enslaved Black man from the Tidewater region, served as a Pilot either aboard the *Patriot* or the *Jefferson* and died as a result of injuries sustained in the line of duty; and

WHEREAS, Minny, an enslaved Black man from the Tidewater region, was one of the early casualties of the war and was killed in action while serving as a Pilot during a skirmish with a privateer on the Rappahannock River; and

WHEREAS, Mark Sterling, also known as Mark Starlins, an enslaved Black man in the Tidewater region, was mentioned as serving as Pilot in the Virginia State Navy by Commodore James Barron, though he appears in no other records and is believed to have died in bondage after the war; and

WHEREAS, while several of these men or their heirs received the land grant of 2,666 acres due to officers after the conclusion of the Revolutionary War, others received lesser grants and some received no recognition at all; and

WHEREAS, the eight Black officers in the Virginia State Navy earned the admiration of their shipmates and senior officers through their personal abilities and valorous actions, and they served the nation with the utmost dedication and distinction; now, therefore, be it

RESOLVED by the Senate of Virginia, That the lives and legacies of James Thomas, John Laws, Timothy Laws, James Sorrell, Caesar Tarrant, Cuffee, Minny, and Mark Sterling, officers in the Virginia State Navy during the Revolutionary War, hereby be commemorated; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the American Revolution Museum at Yorktown as an expression of the Senate of Virginia's admiration for the service and sacrifices of the eight Black men who served as officers in the Virginia State Navy during the Revolutionary War.

SENATE RESOLUTION NO. 82

Nominating a person to be elected to a circuit court judgeship.

Agreed to by the Senate, March 12, 2022

RESOLVED by the Senate of Virginia, That the following person is hereby nominated to be elected to the respective circuit court judgeship as follows:

Steven B. Novey, Esquire, of Chesterfield, as a judge of the Twelfth Judicial Circuit for a term of eight years commencing December 1, 2022.

SENATE RESOLUTION NO. 83

Celebrating the life of Mary MacLeod Woodruff.

Agreed to by the Senate, March 12, 2022

WHEREAS, Mary MacLeod Woodruff, a beloved wife, cherished mother, and beloved teacher who dedicated more than a half-century of her life to a distinguished career in education, died on February 16, 2022; and

WHEREAS, born in New York City, Mary Woodruff lived for some time in Florence, Italy, before receiving her bachelor's degree from Shepherd University and her master's degree in fine arts from Antioch University; and

WHEREAS, Mary Woodruff then spent 57 years in a career as an educator, contributing greatly to the success of her students and fellow teachers; and

WHEREAS, for the last 27 years of her career, Mary Woodruff was the beloved art teacher and librarian at the Hill School of Middleburg; and

WHEREAS, Mary Woodruff shaped the character and intellectual curiosity of multiple generations of young people who passed through the Hill School, where she emphasized a love of learning and more importantly the greater qualities of caring and kindness to others; and

WHEREAS, Mary Woodruff was an iconic figure, not just at the Hill School, but also in the town of Middleburg where she served with distinction in multiple capacities; and

WHEREAS, Mary Woodruff will be fondly remembered and dearly missed by her husband, Don; her children, Don III and Michelle, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Mary MacLeod Woodruff, a treasured resident of the Commonwealth whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Mary MacLeod Woodruff as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 84

Commending the Cave Spring High School boys' basketball team.

Agreed to by the Senate, March 12, 2022

WHEREAS, the Cave Spring High School boys' basketball team won the 2021-2022 Virginia High School League AAA championship; and

WHEREAS, the Cave Spring Knights went undefeated in River Ridge District regular season play on strong team play including the efforts of River Ridge District Player of the Year Stark Jones; and

WHEREAS, Cave Spring beat the Blacksburg High School Bruins in the River Ridge District championship game 60-34 before their raucous Cave Spring Castle fans; and

WHEREAS, Cave Spring defeated the Northside High School Vikings by a score of 63-60 in the regional championship with 25 points from Dylan Saunders including the game-winning three pointer; and

WHEREAS, Cave Spring defeated Fluvanna County High School's Flying Flucos 72-54 in the state quarterfinal game with exceptionally strong post play from Dylan Saunders that produced 28 points; and

WHEREAS, Cave Spring beat Northside in their fourth meeting of the season at the state semifinal game 58-56 on a buzzer beater from Bryce Cooper to advance to the AAA state championship game; and

WHEREAS, Cave Spring faced the Petersburg High School Crimson Wave and their well-earned reputation for stellar, physical defensive play at Virginia Commonwealth University's Siegel Center in the AAA state championship game; and

WHEREAS, Cave Spring met the Crimson Wave's aggressive defense with stellar offensive team play including 18 points from Stark Jones, 13 points from Dylan Saunders, eight points from Graham Lilley, three points each from Bryce Cooper and Kameron Tinsley, two points from Skylor Griffiths; and

WHEREAS, Owyn Dawyot had already used several back door cuts while scoring 28 points in the AAA state championship game before making a key steal with ten seconds remaining and the game tied 75-75; and

WHEREAS, Owyn Dawyot then made a key free throw with only six seconds left that proved to be the game-winning shot; and

WHEREAS, Coach Jacob Gruse successfully preached a "We First" attitude that was widely embraced through the Cave Spring Knights basketball program all season allowing the team to rely on so many different players at clutch moments; and

WHEREAS, the Cave Spring Knights' successful season and fifth boys' basketball state championship is a tribute to the skill and hard work of all the student-athletes, the leadership and guidance of the coaches and staff, and the passionate support of the Cave Spring Castle and the larger South County community; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Cave Spring High School boys' basketball team hereby be commended on winning the 2021-2022 Virginia High School League AAA championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate of Virginia prepare a copy of this resolution for presentation to Jacob Gruse, head coach of the Cave Spring High School boys' basketball team, as an expression of the Senate of Virginia's admiration and respect for the team's athletic achievements.

SENATE RESOLUTION NO. 85

Commending the Carroll County High School girls' basketball team.

Agreed to by the Senate, March 12, 2022

WHEREAS, the Carroll County High School Lady Cavaliers basketball team won the 2021-2022 Virginia High School League AAA championship; and

WHEREAS, Carroll County entered the state championship game against the defending champion Meridian High School Mustangs following an excellent regular season and playoff run; and

WHEREAS, Carroll County received offensive contributions from Alyssa Ervin's 19 points, Ashton Richardson's nine points, Jaleyn Hagee's nine points, Lauren Alley's eight points, Kalee Easter's five points, and Isabella Crotts's two points; and

WHEREAS, Carroll County began the championship game down 12-4 and trailed 45-41 with three minutes left in regulation before coming back to win 51-47, in front of the large crowd of Carroll fans who drove four hours to Virginia Commonwealth University's Siegel Center; and

WHEREAS, the success of the Carroll County Lady Cavaliers is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of the entire Carroll County community; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Carroll County High School Lady Cavaliers are hereby to be commended for winning the 2021-2022 Virginia High School League AAA championship and delivering the school's first state basketball championship in history; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Marc Motley, head coach of the Carroll County High School girls' basketball team, as an expression of the Senate of Virginia's admiration for the team's achievement.

SUMMARY OF 2022 REGULAR SESSION LEGISLATION

TOTAL INTRODUCED LEGISLATION	3143
House Bills	1364
Senate Bills	777
House Joint Resolutions	456
Senate Joint Resolutions	222
House Resolutions	239
Senate Resolutions	85
TOTAL LEGISLATION PASSED AND/OR AGREED TO	1767
House Bills	469
Senate Bills	371
House Joint Resolutions	410
Senate Joint Resolutions	203
House Resolutions	232
Senate Resolutions	82
TOTAL BILLS ENACTED INTO LAW	807
House Bills	455
Senate Bills	352
House Joint Resolutions	0
Senate Joint Resolutions	0
TOTAL CHAPTERS	807
BILLS VETOED BY GOVERNOR	33
House Bills	14
Senate Bills	19

HOUSE BILLS APPROVED SHOWING CHAPTERS AND PAGE NUMBERS

HOUSE			HOUSE			HOUSE			HOUSE		
HB	Chapter	Page									
1	87	208	166	602	1132	267	165	335	426	79	154
2	88	208	167	478	838	268	675	1268	427	418	735
3	12	28	170	153	324	269	11	26	429	504	874
4	793	1532	173	220	397	270	754 E	1429	431	560	1024
6	687	1277	179	52	105	272	178	346	434	645	1228
16	81	185	180	378	657	275	425	742	437	480	842
17	38	74	182	581	1058	277	755	1434	439	254	430
18	662	1256	184	160	331	281	610	1159	443	255	432
19	97	215	186	746	1416	282	382	661	444	597	1118
20	85	204	189	35	71	283	45	92	445	592	1116
28	409	718	190	155	328	284	118	262	449	62	114
32	347	550	192	747	1417	285	197	365	450	758	1438
40	20	54	193	114	237	286	184	351	451	276	472
44	176	344	195	5	13	298	15	36	453	256	433
45	440	786	197	156	328	307	756	1435	454	280	475
49	175	343	199	663	1257	309	290	483	455	589	1062
50	174	343	200	167	336	312	250	425	462	8	20
52	199	370	203	370	645	314	289	483	463	34	70
55	4	12	205	697	1312	316	574	1047	468	352	561
60	622	1192	206	688	1278	319	550	977	470	65	118
62	180	347	207	647	1229	321	288	482	473	9	22
65	146	310	209	606	1138	323	287	481	474	340	539
67	50	103	210	748	1417	324	10	24	481	297	490
78	557	1020	213	17	39	338	294	488	482	680	1274
81	742	1412	214	158	330	342	49	101	484	298	490
82	113	230	215	749	1417	348	274	467	492	258	437
83	89	208	216	528	919	350	336	537	496	259	439
84	173	342	217	558	1023	354	345	547	497	397	693
88	449	798	218	120	263	355	365	634	502	399	694
91	171	341	219	122	264	358	575	1049	507	510	895
93	172	341	220	123	264	360	284	477	516	494	858
95	743	1413	223	105	224	368	286	481	517	786	1513
96	272	466	224	416	733	370	354	562	518	7	15
99	170	341	225	101	219	377	566	1032	523	273	467
112	436	776	226	358	620	381	423	740	525	693	1284
117	148	311	228	414	721	383	293	487	526	795	1536
120	40	75	229	750	1419	385	787	1514	530	139	295
125	744	1415	230	546	957	386	6	14	537	275	468
127	485	849	231	430	764	388	295	488	540	39	74
137	367	642	234	559	1023	389	524	910	542	140	298
138	189	359	235	112	229	394	296	489	548	225	400
139	586	1062	236	104 E	223	396	388	675	551	551	990
140	450	799	238	111	228	397	572	1039	553	142	306
141	185	353	239	195	364	400	624	1194	555	73	130
142	745	1415	241	476	837	402	252	428	556	143	306
145	151	315	242	509	879	404	253	430	557	448	798
146	164	335	246	58	109	405	216	388	558	759	1438
148	14	32	248	646	1228	409	477	837	561	234	409
150	396	693	258	751	1419	414	653	1244	562	235	410
158	805	1555	259	752	1424	418	61	112	565	499	868
161	152	319	263	623	1194	419	757	1437	571	502	873
164	227	401	264	753 E	1427	421	649	1237	574	511	898
165	13 E	29	266	363	624	422	625	1195	582	483	848

Note: E signifies emergency status

HOUSE BILLS APPROVED SHOWING CHAPTERS AND PAGE NUMBERS

HOUSE			HOUSE			HOUSE			HOUSE		
HB	Chapter	Page									
583	686	1277	749	210	384	925	598	1129	1132	317	521
585	760	1446	750	208	383	927	125	265	1136	788	1515
587	424	741	751	766	1462	932	644	1226	1138	798	1544
598	71	128	752	600	1131	933	391	680	1140	318	522
604	677	1269	756	47	100	936	643	1225	1145	469	827
606	666	1260	761	588	1062	938	99	218	1146	60	110
615	281	475	763	767	1465	939	774 E	1486	1151	411	718
616	249	424	765	609	1140	951	361	623	1153	400	695
623	243	420	766	768	1477	957	77	133	1155	434	767
632	490	856	767	608	1140	961	369	645	1156	132	287
634	242	420	768	349	552	964	360	622	1162	319	523
641	239	415	769	486	849	970	525	910	1163	320	524
642	372	646	771	207	382	971	3 E	2	1170	321	525
644	761	1447	773	471	829	979	656	1246	1173	461	813
648	181	348	774	70	128	987	775	1492	1178	162	335
649	238	413	782	206 E	382	990	221	397	1187	463 E	819
652	668	1261	791	671	1266	994	23	57	1188	778	1494
654	137	294	793	457	810	996	314	516	1191	619	1179
657	762	1449	800	300	493	1001	116	260	1193	621	1191
659	568	1033	808	447	796	1006	648	1230	1194	489	854
663	763	1449	813	375	648	1010	29	61	1199	779	1495
665	681	1275	814	301	493	1019	68	127	1203	322	525
667	53	107	815	302	497	1022	233	406	1204	169	340
671	374	648	821	580	1057	1023	459	812	1212	278	473
677	683	1275	822	537	939	1026	776	1492	1215	168	336
678	299	492	828	1 E	1	1027	516	903	1223	661	1256
679	512	900	829	205	379	1028	315	517	1224	32 E	66
682	684	1276	830	310	514	1042	497	866	1225	465	821
684	473	833	831	539	943	1050	55	107	1231	655	1245
689	213	386	837	204	376	1060	394	691	1234	324	527
691	82	193	842	548	962	1063	799	1544	1236	467	823
693	237	413	850	303	498	1065	564	1031	1237	323	526
695	431	764	857	605	1137	1066	777	1493	1238	517	905
700	514	902	869	377	651	1067	127	269	1239	30 E	62
702	268	457	873	769	1478	1071	678	1270	1249	633	1205
703	54	107	879	770	1480	1076	224	399	1251	194	361
710	306	507	884	404	703	1080	316	520	1254	357	618
711	408	717	887	309	513	1081	134	293	1255	433	766
714	451	801	889	771	1480	1083	202	373	1256	328	530
716	561	1025	894	488	853	1084	659	1252	1258	329	532
717	801	1550	895	443	789	1087	492	857	1263	426	742
718	699	1312	896	563	1027	1088	271	464	1265	518	905
719	453	805	900	772	1481	1092	163	335	1268	439	785
727	541	948	902	806	1557	1098	460	813	1269	18 E	42
731	455	808	904	312	515	1102	576	1049	1271	231	406
733	64	116	907	44	91	1107	232	406	1272	780	1499
734	386	670	910	342	540	1108	192	360	1273	651	1238
738	75	131	911	773	1486	1112	193	361	1277	330	532
740	664	1258	912	353	562	1121	690	1282	1278	108	227
741	57	108	916	218	393	1122	479	841	1282	266	455
745	764 E	1461	917	313	515	1129	22	56	1285	632	1205
746	765	1462	919	585	1060	1130	245	421	1286	601	1131
748	42	83	920	506	876	1131	129	282	1287	781	1499

Note: E signifies emergency status

HOUSE BILLS APPROVED SHOWING CHAPTERS AND PAGE NUMBERS

HOUSE			HOUSE		
HB	Chapter	Page			
1289	407	717			
1290	626	1196			
1297	331	533			
1299	343	541			
1303	25	58			
1304	261	448			
1305	147	311			
1308	468	824			
1309	782	1499			
1310	429	763			
1311	332	534			
1318	569	1034			
1320	783	1505			
1322	333	535			
1323	791	1524			
1324	628	1201			
1325	402	700			
1326	177	346			
1327	279	474			
1328	695	1287			
1329	520	906			
1330	387	672			
1332	673	1267			
1334	366	634			
1336	334	536			
1345	72	129			
1350	94	213			
1358	521	907			
1359	784	1505			
1363	56	108			
1364	669 E	1266			

Note: E signifies emergency status

SENATE BILLS APPROVED SHOWING CHAPTERS AND PAGE NUMBERS

SENATE			SENATE			SENATE			SENATE		
SB	Chapter	Page									
3	126	267	100	709	1323	212	107	226	346	257	435
4	803	1552	101	481	843	215	701	1313	348	527	915
5	26	5959	102	326	529	216	715	1336	349	438	782
6	579	1056	103	76	131	219	716 E	1339	350	534	927
8	98	216	106	532	925	221	109	227	351	530	923
9	702	1313	108	710	1325	223	638	1210	353	337	538
12	166	336	115	603	1134	225	505	875	355	128	276
13	466	822	119	474	835	227	110	227	357	282	476
14	703	1314	120	711	1326	232	222	398	358	406	716
15	131	283	121	149	312	237	236	412	359	283	476
17	704	1314	124	654	1244	238	650	1238	361	613	1166
22	685	1276	128	150	313	241	717	1343	362	341	540
23	540	946	129	191	360	247	507	876	366	503	873
24	797	1544	130	712	1326	248	538	941	369	720 E	1346
25	223	398	131	635	1208	249	594	1117	370	444	792
26	634	1206	139	636	1208	253	584	1060	375	16	37
28	83	199	141	33	70	254	78	133	377	515	902
31	705	1314	142	713	1331	256	691	1283	383	412	720
34	183	350	143	714 E	1332	258	413	721	385	660	1254
36	794	1534	145	159	330	259	565	1031	386	417	734
40	706	1318	146	393	691	263	196	365	387	338	538
46	785	1513	148	617	1174	265	240	417	392	543	951
48	533	926	149	456	809	268	482	844	394	612	1160
49	395	692	150	41	76	274	639	1212	395	611	1160
52	629	1202	151	587	1062	279	614	1169	396	305	499
53	226	400	152	325	528	281	718	1345	399	555	1019
54	390	679	154	545	955	283	807	1558	400	262	451
55	117	261	158	186	355	291	248	423	401	721	1349
57	529	921	161	428	762	292	410	718	402	554	999
60	217	391	163	800	1550	294	348	551	403	722	1350
62	707	1320	164	637	1209	295	327	529	404	403	702
63	80	176	169	198	369	300	513	901	405	599	1130
64	535	936	172	616	1173	301	292	485	408	339	539
68	657	1249	183	161	334	302	630	1203	409	383	663
69	267	456	184	379	658	303	401	697	414	667	1260
70	229	403	185	203	374	305	291	484	416	802	1551
71	604	1137	186	51	103	307	562	1026	417	130	283
77	362	623	187	526	913	308	577	1051	421	355	579
78	708	1321	188	422	738	315	346	549	423	723	1362
80	698	1312	191	304	498	316	63	114	424	570	1036
82	385	669	192	804	1554	317	464 E	820	426	269	459
84	658	1252	193	615	1172	321	102	221	427	472	831
85	219	397	194	188	358	322	335	536	428	285	479
87	95	214	195	405	710	325	201	371	431	692	1284
88	93	213	196	84	202	326	676	1269	432	154	324
90	91	209	197	66	122	327	209	384	433	133	292
91	121	263	198	508	877	328	376	649	434	544	953
92	124	265	199	792	1530	329	607	1139	435	419	736
93	86 E	205	201	679	1272	335	350	555	436	724	1362
94	19 E	43	202	103	223	337	531	924	437	106	225
96	475	837	207	246	422	338	547	960	438	652	1239
97	536	937	210	96	214	342	719	1346	439	694	1285
99	618	1175	211	28	60	345	796	1538	441	682	1275

Note: E signifies emergency status

SENATE BILLS APPROVED SHOWING CHAPTERS AND PAGE NUMBERS

SENATE			SENATE			SENATE			
SB	Chapter	Page	SB	Chapter	Page	SB	Chapter	Page	
444	67	126	590	145	310	703	260	445	
446	593	1116	593	730	1376	705	567	1033	
449	556	1019	594	214	387	715	307	507	
450	458	811	595	731	1380	716	519	905	
455	427	743	596	59	110	719	373	647	
467	46	96	597	437	776	720	230	405	
468	484	848	600	21	55	723	389	677	
469	251	427	604	92	209	724	211	385	
470	263	451	607	398	694	725	212	385	
476	190	360	612	446	795	726	311	514	
477	187	356	614	48	101	729	665	1259	
478	368	643	616	549	963	733	736	1396	
479	264	452	618	37	73	737	696	1299	
480	247	423	622	732	1381	738	344	544	
485	522	908	627	200	370	739	2 E	1	
493	523	909	629	135	293	740	421	738	
496	371	646	631	462	816	741	737	1397	
497	596	1118	633	470	828	743	491	857	
499	69	128	647	733 E	1383	748	738	1401	
500	582	1059	648	631	1204	749	157	328	
501	179	347	649	542	950	753	119	262	
502	493	858	651	640	1212	754	308	508	
505	364	629	653	136	294	755	573	1043	
509	36	72	656	100	218	756	739	1405	
510	725	1363	657	356	602	758	27	59	
511	138	294	658	454	806	759	115	249	
513	672	1267	660	591	1115	764	627	1199	
514	381	659	661	700	1313	768	442	788	
517	552	992	663	384	665	769	740	1411	
519	590	1089	666	734	1388	771	578	1053	
525	441	787	667	420	737	774	241	419	
526	43	90	671	392	685	775	670 E	1266	
527	583	1060	672	790	1517	776	741	1411	
529	24	58	673	277	473	777	31 E	65	
530	553	994	675	270	464				
533	380	658	677	182	349				
534	452	803	678	487	853				
537	620	1183	679	641	1217				
538	726	1364	681	351	558				
546	415	727	683	435	771				
547	141	305	684	501	869				
550	727	1365	685	500	868				
551	495	861	686	496	865				
554	265	455	687	642	1219				
562	498	867	689	432	766				
565	728	1367	691	74	130				
567	144	310	692	689	1280				
572	595	1117	693	244	421				
575	789	1516	694	735	1390				
577	729 E	1375	698	445	794				
580	215	388	699	571	1038				
581	359	621	700	674	1268				
589	90	209	701	228	401				

Note: E signifies emergency status

BILLS VETOED BY THE GOVERNOR

(Communications from the Governor, relating to the bills that were vetoed, may be found in the Journals of the House of Delegates and the Senate for the 2022 Regular Session.)

The following vetoed bills were returned unsigned by Governor Glenn Youngkin:

HOUSE BILLS

- HB 339 Falls Church, City of; amending charter, qualifications of members of boards and commissions. Chief Patron: Simon
- HB 384 State and local employees; rights of employees, freedoms of conscience and expression. Chief Patron: Davis
- HB 573 Statute of limitations; actions on a contract for services provided by a licensed health care provider, provisions shall only apply to contracts entered into on or after July 1, 2022. Chief Patron: Clark
- HB 614 Appeals bond; removes requirement for indigent parties to post, appeal of unlawful detainer, definition of "indigent." Chief Patron: Bourne
- HB 669 Swimming pools and other water recreational facilities; Commissioner of Health shall convene a work group to study whether facilities for public use, etc., should be regulated by the Department of Health. Chief Patron: Hope
- HB 670 Independent policing auditor; governing body of any county with the county manager plan of government (Arlington County) to appoint. Chief Patron: Hope
- HB 675 Health insurance; eliminates the authority of a health carrier to vary its premium rates based on tobacco use, provisions shall apply to health benefit plans providing individual or small group health insurance coverage entered into, amended, etc., on or after January 1, 2023. Chief Patron: Hope
- HB 802 Virginia Residential Landlord and Tenant Act; enforcement by localities, landlord's duty to maintain rental dwelling unit in a fit and habitable condition, etc. Chief Patron: Price
- HB 820 Small Business and Supplier Diversity, Department of; disparity study. Chief Patron: Torian
- HB 891 Noncitizens of the United States; removes certain terminology in the Code of Virginia. Chief Patron: Lopez
- HB 1004 Two-Year College Transfer Grant, etc.; eligibility, removes registry for Selective Service. Chief Patron: Guzman
- HB 1197 Secretariat agency responsibilities; work group to determine the feasibility and benefits of transferring responsibility for the Department of Juvenile Justice from the Secretary of Public Safety and Homeland Security to the Secretary of Health and Human Resources. Chief Patron: Hope
- HB 1270 SNAP benefits; Department of Social Services shall convene a work group to analyze and develop a proposal to request a waiver to allow individuals in custody of state or local correctional facilities to apply for benefits prior to release, report. Chief Patron: Sickles
- HB 1298 High school student-athletes; compensation for name, image, or likeness. Chief Patron: Price

SENATE BILLS

- SB 182 Falls Church, City of; amending charter, qualifications of members of boards and commissions. Chief Patron: Saslaw

- SB 250 Nonhazardous solid waste management facilities; increases the annual fees, indexes the fees annually based on the change in the Consumer Price Index. Chief Patron: Surovell
- SB 271 Insurance; discrimination based on status as living organ donor prohibited, provisions shall apply to life insurance, disability insurance, or long-term care insurance plans that are amended, extended, etc., on or after January 1, 2023. Chief Patron: Ebbin
- SB 278 Parking of vehicles; electric motor vehicle charging spaces, signage for penalty, civil penalties. Chief Patron: Ebbin
- SB 280 Electric utilities, certain; local reliability data provided to a locality upon request. Chief Patron: Ebbin
- SB 286 Historic districts; required disclosure for buyer to beware, buyer to exercise necessary due diligence. Chief Patron: Ebbin
- SB 288 Income tax, state and corporate; deductions for business interest, 30 percent of interest disallowed as a deduction. Chief Patron: Ebbin
- SB 297 Health care providers; stay of debt collection activities, prohibited practice under Virginia Consumer Protection Act, if provider has referred debt to third party for billing or collection prior to receiving notice of a claim, provider shall notify party of requirements, etc. Chief Patron: Deeds
- SB 311 Real property; duty to disclose ownership interest and lis pendens. Chief Patron: Ebbin
- SB 347 Electric utilities; SCC shall establish for Phase II Utilities annual energy efficiency savings targets for certain customers, sunset provision. Chief Patron: Bell
- SB 389 Support of parents by child; repeals provision requiring an adult child to assist in providing for the support and maintenance of his or her parent, when such parent requires assistance. Chief Patron: Ebbin
- SB 393 Consumer Data Protection Act; data deletion request, controller may retain a record of request and minimum data necessary for purpose of ensuring data remains deleted. Chief Patron: Ebbin
- SB 422 Health insurance; eliminates the authority of a health carrier to vary its premium rates based on tobacco use, provisions shall apply to health benefit plans providing individual or small group health insurance coverage entered into, amended, etc., on or after January 1, 2023. Chief Patron: Edwards
- SB 464 Witnesses; summons in a criminal matter, requirements. Chief Patron: Surovell
- SB 474 Appeals bond; removes requirement for indigent parties to post, appeal of unlawful detainer, definition of "indigent." Chief Patron: McClellan
- SB 508 Virginia Community Preparedness Fund; shifts administration to Water and Soil Conservation Board, quorum shall include at least four farmer or district director representatives. Chief Patron: Lewis
- SB 655 Unemployment compensation; electronic submission of information or payments, Virginia Employment Commission shall develop a plan for a pilot program to proactively provide separation information, etc. Chief Patron: Ebbin
- SB 706 Heavy trucks, etc.; operation in certain weather conditions. Chief Patron: Marsden
- SB 722 Improper parking; governing body in any county, city, or town in Planning District 8 (Northern Virginia) may, by ordinance, prohibit the parking of a vehicle with its wheels fully on the curb, or straddling the curb, improper parking shall be subject to a fine and may be removed. Chief Patron: Marsden

**THE HOUSE OF DELEGATES
2022 REGULAR SESSION**

District Number	Name	County and/or City Represented
68	Adams, Dawn M. (D)	Counties of Chesterfield (part) and Henrico (part); City of Richmond (part)
16	Adams, Leslie R. (R)	Counties of Henry (part) and Pittsylvania (part); City of Martinsville
83	Anderson, Timothy V. (R)	Cities of Norfolk (part) and Virginia Beach (part)
19	Austin, Terry L. (R)	Counties of Alleghany, Bedford (part), and Botetourt (part); City of Covington
20	Avoli, G. John (R)	Counties of Augusta (part), Highland, and Nelson (part); Cities of Staunton and Waynesboro
74	Bagby, Lamont (D)	County of Henrico (part)
12	Ballard, Jason S. (R)	Counties of Giles, Montgomery (part), and Pulaski (part); City of Radford
96	Batten, Amanda E. (R)	Counties of James City (part) and York (part)
58	Bell, Robert B. (R)	Counties of Albemarle (part), Fluvanna (part), Greene, and Rockingham (part)
45	Bennett-Parker, Elizabeth B. (D)	Counties of Arlington (part) and Fairfax (part); City of Alexandria (part)
100	Bloxom, Robert S., Jr. (R)	Counties of Accomack and Northampton; Cities of Norfolk (part) and Virginia Beach (part)
71	Bourne, Jeffrey M. (D)	City of Richmond (part)
64	Brewer, Emily M. (R)	Counties of Isle of Wight, Prince George (part), and Surry; City of Suffolk (part)
37	Bulova, David L. (D)	County of Fairfax (part); City of Fairfax
22	Byron, Kathy J. (R)	Counties of Bedford (part), Campbell (part), and Franklin (part); City of Lynchburg (part)
6	Campbell, Jeffrey L. (R)	Counties of Carroll, Smyth (part), and Wythe
24	Campbell, Ronnie R. (R)	Counties of Amherst (part), Augusta (part), Bath, and Rockbridge; Cities of Buena Vista and Lexington
69	Carr, Betsy B. (D)	City of Richmond (part)
66	Cherry, Michael A. (R)	County of Chesterfield (part); City of Colonial Heights
79	Clark, Nadarius E. (D)	Cities of Chesapeake (part), Norfolk (part), and Portsmouth (part)
21	Convirs-Fowler, Kelly K. (D)	Cities of Chesapeake (part) and Virginia Beach (part)
91	Cordoza, A.C. (R)	County of York (part); Cities of Hampton (part) and Poquoson

**THE HOUSE OF DELEGATES
2022 REGULAR SESSION**

District Number	Name	County and/or City Represented
62	Coyner, Carrie E. (R)	Counties of Chesterfield (part) and Prince George (part); City of Hopewell (part)
84	Davis, Glenn R., Jr. (R)	City of Virginia Beach (part)
67	Delaney, Karrie K. (D)	Counties of Fairfax (part) and Loudoun (part)
28	Durant, Tara A. (R)	County of Stafford (part); City of Fredericksburg (part)
60	Edmunds, James E., II (R)	Counties of Campbell (part), Charlotte, Halifax, and Prince Edward
59	Fariss, C. Matthew (R)	Counties of Albemarle (part), Appomattox, Buckingham, Campbell (part), and Nelson (part)
41	Filler-Corn, Eileen (D)	County of Fairfax (part)
55	Fowler, Hyland F., Jr. (R)	Counties of Caroline (part), Hanover (part), and Spotsylvania (part)
30	Freitas, Nicholas J. (R)	Counties of Culpeper (part), Madison, and Orange
15	Gilbert, C. Todd (R)	Counties of Page, Rockingham (part), Shenandoah, and Warren (part)
89	Glass, Jackie Hope (D)	City of Norfolk (part)
10	Gooditis, Gwendolyn W. (D)	Counties of Clarke (part), Frederick (part), and Loudoun (part)
85	Greenhalgh, Karen S. (R)	City of Virginia Beach (part)
31	Guzman, Elizabeth R. (D)	Counties of Fauquier (part) and Prince William (part)
77	Hayes, C.E., Jr. (D)	City of Chesapeake (part)
17	Head, Christopher T. (R)	Counties of Botetourt (part) and Roanoke (part); City of Roanoke (part)
40	Helmer, Daniel I. (D)	Counties of Fairfax (part) and Prince William (part)
46	Herring, Charniele L. (D)	City of Alexandria (part)
98	Hodges, M. Keith (R)	Counties of Essex, Gloucester, King and Queen, King William (part), Mathews, and Middlesex
47	Hope, Patrick A. (D)	County of Arlington (part)
57	Hudson, Sally L. (D)	County of Albemarle (part); City of Charlottesville
76	Jenkins, Clinton L. (D)	Cities of Chesapeake (part) and Suffolk (part)
35	Keam, Mark L. (D)	County of Fairfax (part)
1	Kilgore, Terry G. (R)	Counties of Lee, Scott, and Wise (part); City of Norton
81	Knight, Barry D. (R)	Cities of Chesapeake (part) and Virginia Beach (part)

**THE HOUSE OF DELEGATES
2022 REGULAR SESSION**

District Number	Name	County and/or City Represented
38	Kory, Kaye (D)	County of Fairfax (part)
44	Krizek, Paul E. (D)	County of Fairfax (part)
33	LaRock, David A. (R)	Counties of Clarke (part), Frederick (part), and Loudoun (part)
78	Leftwich, James A., Jr. (R)	City of Chesapeake (part)
49	Lopez, Alfonso H. (D)	Counties of Arlington (part) and Fairfax (part)
50	Maldonado, Michelle Lopes (D)	County of Prince William (part); City of Manassas
7	March Marie E. (R)	Counties of Floyd, Montgomery (part), and Pulaski (part)
14	Marshall, Daniel W., III (R)	Counties of Henry (part) and Pittsylvania (part); City of Danville
56	McGuire, John J., III (R)	Counties of Goochland (part), Henrico (part), Louisa, and Spotsylvania (part)
8	McNamara, Joseph P. (R)	Counties of Craig, Montgomery (part), and Roanoke (part); City of Salem
70	McQuinn, Delores L. (D)	Counties of Charles City, Chesterfield (part), and Henrico (part); City of Richmond (part)
3	Morefield, James W. (R)	Counties of Bland, Buchanan, Russell (part), and Tazewell
93	Mullin, Michael P. (D)	Counties of James City (part) and York (part); Cities of Newport News (part) and Williamsburg
2	Mundon King, Candi (D)	Counties of Prince William (part) and Stafford (part)
34	Murphy, Kathleen J. (D)	Counties of Fairfax (part) and Loudoun (part)
5	O'Quinn, Israel D. (R)	Counties of Grayson, Smyth (part), and Washington (part); Cities of Bristol and Galax
54	Orrock, Robert D., Sr. (R)	Counties of Caroline (part) and Spotsylvania (part)
36	Plum, Kenneth R. (D)	County of Fairfax (part)
95	Price, Marcia S. (D)	City of Newport News (part)
99	Ransone, Margaret B. (R)	Counties of Caroline (part), King George, Lancaster, Northumberland, Richmond, and Westmoreland
11	Rasoul, Sam (D)	City of Roanoke (part)
32	Reid, David A. (D)	County of Loudoun (part)
27	Robinson, Roxann L. (R)	County of Chesterfield (part)
13	Roem, Danica A. (D)	County of Prince William (part); City of Manassas Park

**THE HOUSE OF DELEGATES
2022 REGULAR SESSION**

District Number	Name	County and/or City Represented
25	Runion, Chris (R)	Counties of Albemarle (part), Augusta (part), and Rockingham (part)
80	Scott, Don L., Jr. (D)	City of Portsmouth (part)
88	Scott, Phillip A. (R)	Counties of Fauquier (part), Spotsylvania (part), and Stafford (part); City of Fredericksburg (part)
51	Sewell, Briana D. (D)	County of Prince William (part)
86	Shin, Irene (D)	Counties of Fairfax (part) and Loudoun (part)
43	Sickles, Mark D. (D)	County of Fairfax (part)
53	Simon, Marcus B. (D)	County of Fairfax (part); City of Falls Church
94	Simonds, Shelly A. (D)	City of Newport News (part)
87	Subramanyam, Suhas (D)	Counties of Loudoun (part) and Prince William (part)
48	Sullivan, Richard C., Jr. (D)	Counties of Arlington (part) and Fairfax (part)
82	Tata, Anne Ferrell H. (R)	City of Virginia Beach (part)
63	Taylor, Kimberly A. (R)	Counties of Chesterfield (part) and Dinwiddie; City of Petersburg
52	Torian, Luke E. (D)	County of Prince William (part)
42	Tran, Kathy KL (D)	County of Fairfax (part)
72	VanValkenburg, Schuyler T. (D)	County of Henrico (part)
75	Wachsmann, Howard Otto, Jr. (R)	Counties of Brunswick, Greensville, Lunenburg (part), Southampton, and Sussex; Cities of Emporia and Franklin
23	Walker, Wendell S. (R)	Counties of Amherst (part) and Bedford (part); City of Lynchburg (part)
4	Wampler, William C., III (R)	Counties of Dickenson, Russell (part), Washington (part), and Wise (part)
92	Ward, Jeion A. (D)	City of Hampton (part)
65	Ware, R. Lee (R)	Counties of Chesterfield (part), Fluvanna (part), Goochland (part), and Powhatan
39	Watts, Vivian E. (D)	County of Fairfax (part)
18	Webert, Michael J. (R)	Counties of Culpeper (part), Fauquier (part), Rappahannock, and Warren (part)
29	Wiley, William D. (R)	Counties of Frederick (part) and Warren (part); City of Winchester
73	Willett, Rodney T. (D)	County of Henrico (part)
9	Williams, Wren M. (R)	Counties of Franklin (part), Henry (part), and Patrick

**THE HOUSE OF DELEGATES
2022 REGULAR SESSION**

District Number	Name	County and/or City Represented
90	Williams Graves, Angelia (D)	Cities of Norfolk (part)
26	Wilt, Tony O. (R)	County of Rockingham (part); City of Harrisonburg
61	Wright, Thomas C., Jr. (R)	Counties of Amelia, Cumberland, Lunenburg (part), Mecklenburg, and Nottoway
97	Wyatt, Scott A. (R)	Counties of Hanover (part), King William (part), and New Kent

**THE SENATE
2022 REGULAR SESSION**

District Number	Name	County and/or City Represented
39	Barker, George L. (D)	Counties of Fairfax (part) and Prince William (part); City of Alexandria (part)
13	Bell, John J. (D)	Counties of Loudoun (part) and Prince William (part)
33	Boysko, Jennifer B. (D)	Counties of Fairfax (part) and Loudoun (part)
11	Chase, Amanda F. (R)	Counties of Amelia and Chesterfield (part); City of Colonial Heights
14	Cosgrove, John A., Jr. (R)	Counties of Isle of Wight (part) and Southampton (part); Cities of Chesapeake (part), Franklin (part), Portsmouth (part), Suffolk (part), and Virginia Beach (part)
25	Deeds, R. Creigh (D)	Counties of Albemarle (part), Alleghany, Bath, Highland, Nelson, and Rockbridge; Cities of Buena Vista, Charlottesville, Covington, and Lexington
8	DeSteph, Bill (R)	City of Virginia Beach (part)
12	Dunnivant, Siobhan S. (R)	Counties of Hanover (part) and Henrico (part)
30	Ebbin, Adam P. (D)	Counties of Arlington (part) and Fairfax (part); City of Alexandria (part)
21	Edwards, John S. (D)	Counties of Giles, Montgomery (part), and Roanoke (part); City of Roanoke
31	Favola, Barbara A. (D)	Counties of Arlington (part), Fairfax (part), and Loudoun (part)
38	Hackworth, T. Travis (R)	Counties of Bland, Buchanan, Dickenson, Montgomery (part), Pulaski, Russell, Smyth (part), Tazewell, and Wise (part); Cities of Norton and Radford
24	Hanger, Emmett W., Jr. (R)	Counties of Augusta, Culpeper (part), Greene, Madison, and Rockingham (part); Cities of Staunton and Waynesboro
10	Hashmi, Ghazala F. (D)	Counties of Chesterfield (part) and Powhatan; City of Richmond (part)
32	Howell, Janet D. (D)	Counties of Arlington (part) and Fairfax (part)
7	Kiggans, Jen A. (R)	Cities of Norfolk (part) and Virginia Beach (part)
6	Lewis, Lynwood W., Jr. (D)	Counties of Accomack, Mathews, and Northampton; Cities of Norfolk (part) and Virginia Beach (part)
2	Locke, Mamie E. (D)	County of York (part); Cities of Hampton (part), Newport News (part), and Portsmouth (part)
18	Lucas, L. Louise (D)	Counties of Brunswick (part), Greensville, Isle of Wight (part), Southampton (part), Surry (part), and Sussex; Cities of Chesapeake (part), Emporia, Franklin (part), Portsmouth (part), and Suffolk (part)

**THE SENATE
2022 REGULAR SESSION**

District Number	Name	County and/or City Represented
37	Marsden, David W. (D)	County of Fairfax (part)
1	Mason, T. Montgomery (D)	Counties of James City (part) and York (part); Cities of Hampton (part), Newport News (part), Suffolk (part), and Williamsburg
9	McClellan, Jennifer L. (D)	Counties of Charles City, Hanover (part), and Henrico (part); City of Richmond (part)
4	McDougle, Ryan T. (R)	Counties of Caroline, Essex, Hanover (part), King George (part), Lancaster, Middlesex, Northumberland, Richmond, Spotsylvania (part), and Westmoreland (part)
29	McPike, Jeremy S. (D)	County of Prince William (part); Cities of Manassas and Manassas Park
16	Morrissey, Joseph D. (D)	Counties of Chesterfield (part), Dinwiddie (part), and Prince George (part); Cities of Hopewell, Petersburg, and Richmond (part)
23	Newman, Stephen D. (R)	Counties of Bedford (part), Botetourt, Campbell (part), Craig, and Roanoke (part); City of Lynchburg (part)
3	Norment, Thomas K., Jr. (R)	Counties of Gloucester, Isle of Wight (part), James City (part), King and Queen, King William, New Kent, Surry (part), and York (part); Cities of Hampton (part), Poquoson, and Suffolk (part)
26	Obenshain, Mark D. (R)	Counties of Page, Rappahannock, Rockingham (part), Shenandoah, and Warren; City of Harrisonburg
22	Peake, Mark J. (R)	Counties of Amherst, Appomattox, Buckingham, Cumberland, Fluvanna, Goochland, Louisa (part), and Prince Edward; City of Lynchburg (part)
34	Petersen, J. Chapman (D)	County of Fairfax (part); City of Fairfax
40	Pillion, Todd E. (R)	Counties of Grayson, Lee, Scott, Smyth (part), Washington, Wise (part), and Wythe (part); City of Bristol
17	Reeves, Bryce E. (R)	Counties of Albemarle (part), Culpeper (part), Louisa (part), Orange, and Spotsylvania (part); City of Fredericksburg
15	Ruff, Frank M., Jr. (R)	Counties of Brunswick (part), Campbell (part), Charlotte, Dinwiddie (part), Halifax (part), Lunenburg, Mecklenburg, Nottoway, Pittsylvania (part), and Prince George (part); City of Danville (part)
35	Saslaw, Richard L. (D)	County of Fairfax (part); Cities of Alexandria (part) and Falls Church
5	Spruill, Lionell, Sr. (D)	Cities of Chesapeake (part) and Norfolk (part)
20	Stanley, William M., Jr. (R)	Counties of Carroll (part), Franklin (part), Halifax (part), Henry, Patrick, and Pittsylvania (part); Cities of Danville (part), Galax, and Martinsville

THE SENATE
2022 REGULAR SESSION

District Number	Name	County and/or City Represented
28	Stuart, Richard H. (R)	Counties of King George (part), Prince William (part), Spotsylvania (part), Stafford (part), and Westmoreland (part)
19	Suetterlein, David R. (R)	Counties of Bedford (part), Carroll (part), Floyd, Franklin (part), Montgomery (part), Roanoke (part), and Wythe (part); City of Salem
36	Surovell, Scott A. (D)	Counties of Fairfax (part), Prince William (part), and Stafford (part)
27	Vogel, Jill Holtzman (R)	Counties of Clarke, Culpeper (part), Fauquier, Frederick, Loudoun (part), and Stafford (part); City of Winchester

**SENATORS AND DELEGATES BY COUNTIES
2022 REGULAR SESSION**

COUNTIES	SENATORS	DELEGATES
Accomack	Lynwood W. Lewis, Jr. (D)	Robert S. Bloxom, Jr. (R)
Albemarle.....	R. Creigh Deeds (D).....	Robert B. Bell (R)
	Bryce E. Reeves (R)	C. Matthew Fariss (R)
		Sally L. Hudson (D)
		Chris Runion (R)
Alleghany.....	R. Creigh Deeds (D).....	Terry L. Austin (R)
Amelia.....	Amanda F. Chase (R).....	Thomas C. Wright, Jr. (R)
Amherst.....	Mark J. Peake (R).....	Ronnie R. Campbell (R)
		Wendell S. Walker (R)
Appomattox.....	Mark J. Peake (R).....	C. Matthew Fariss (R)
Arlington	Adam P. Ebbin (D).....	Elizabeth B. Bennett-Parker (D)
	Barbara A. Favola (D)	Patrick A. Hope (D)
	Janet D. Howell (D)	Alfonso H. Lopez (D)
		Richard C. Sullivan, Jr. (D)
Augusta	Emmett W. Hanger, Jr. (R).....	G. John Avoli (R)
		Ronnie R. Campbell (R)
		Chris Runion (R)
Bath	R. Creigh Deeds (D).....	Ronnie R. Campbell (R)
Bedford	Stephen D. Newman (R).....	Terry L. Austin (R)
	David R. Suetterlein (R)	Kathy J. Byron (R)
		Wendell S. Walker (R)
Bland.....	T. Travis Hackworth (R)	James W. Morefield (R)
Botetourt	Stephen D. Newman (R).....	Terry L. Austin (R)
		Christopher T. Head (R)
Brunswick.....	L. Louise Lucas (D)	Howard Otto Wachsmann, Jr. (R)
	Frank M. Ruff, Jr. (R)	
Buchanan.....	T. Travis Hackworth (R)	James W. Morefield (R)
Buckingham	Mark J. Peake (R).....	C. Matthew Fariss (R)
Campbell	Stephen D. Newman (R).....	Kathy J. Byron (R)
	Frank M. Ruff, Jr. (R)	James E. Edmunds II (R)
		C. Matthew Fariss (R)
Caroline.....	Ryan T. McDougle (R).....	Hyland F. Fowler, Jr. (R)
		Robert D. Orrock, Sr. (R)
		Margaret B. Ransone (R)
Carroll	William M. Stanley, Jr. (R)	Jeffrey L. Campbell (R)
	David R. Suetterlein (R)	
Charles City	Jennifer L. McClellan (D).....	Delores L. McQuinn (D)
Charlotte.....	Frank M. Ruff, Jr. (R).....	James E. Edmunds II (R)
Chesterfield	Amanda F. Chase (R).....	Dawn M. Adams (D)
	Ghazala F. Hashmi (D)	Mike A. Cherry (R)
	Joseph D. Morrissey (D)	Carrie E. Coyner (R)
		Delores L. McQuinn (D)
		Roxann L. Robinson (R)
		Kimberly A. Taylor (R)
		R. Lee Ware (R)
Clarke.....	Jill Holtzman Vogel (R)	Gwendolyn W. Gooditis (D)
		David A. LaRock (R)
Craig.....	Stephen D. Newman (R).....	Joseph P. McNamara (R)
Culpeper.....	Emmett W. Hanger, Jr. (R).....	Nicholas J. Freitas (R)
	Bryce E. Reeves (R)	Michael J. Webert (R)
	Jill Holtzman Vogel (R)	
Cumberland.....	Mark J. Peake (R).....	Thomas C. Wright, Jr. (R)
Dickenson	T. Travis Hackworth (R)	William C. Wampler III (R)

**SENATORS AND DELEGATES BY COUNTIES
2022 REGULAR SESSION**

COUNTIES	SENATORS	DELEGATES
Dinwiddie.....	Joseph D. Morrissey (D)..... Frank M. Ruff, Jr. (R)	Kimberly A. Taylor (R)
Essex	Ryan T. McDougale (R)	M. Keith Hodges (R)
Fairfax	George L. Barker (D)	Elizabeth B. Bennett-Parker (D)
	Jennifer B. Boysko (D)	David L. Bulova (D)
	Adam P. Ebbin (D)	Karrie K. Delaney (D)
	Barbara A. Favola (D)	Eileen Filler-Corn (D)
	Janet D. Howell (D)	Daniel I. Helmer (D)
	David W. Marsden (D)	Mark L. Keam (D)
	J. Chapman Petersen (D)	Kaye Kory (D)
	Richard L. Saslaw (D)	Paul E. Krizek (D)
	Scott A. Surovell (D)	Alfonso H. Lopez (D)
		Kathleen J. Murphy (D)
		Kenneth R. Plum (D)
		Irene Shin (D)
		Mark D. Sickles (D)
		Marcus B. Simon (D)
		Richard C. Sullivan, Jr. (D)
		Kathy KL Tran (D)
		Vivian E. Watts (D)
Fauquier	Jill Holtzman Vogel (R).....	Phillip A. Scott (R)
		Elizabeth R. Guzman (D)
		Michael J. Webert (R)
Floyd	David R. Suetterlein (R).....	Marie E. March (R)
Fluvanna.....	Mark J. Peake (R).....	Robert B. Bell (R)
		R. Lee Ware (R)
Franklin.....	William M. Stanley, Jr. (R).....	Kathy J. Byron (R)
	David R. Suetterlein (R)	Wren M. Williams (R)
Frederick	Jill Holtzman Vogel (R).....	Gwendolyn W. Gooditis (D)
		David A. LaRock (R)
		William D. Wiley (R)
Giles	John S. Edwards (D)	Jason S. Ballard (R)
Gloucester	Thomas K. Norment, Jr. (R).....	M. Keith Hodges (R)
Goochland	Mark J. Peake (R).....	John J. McGuire III (R)
		R. Lee Ware (R)
Grayson.....	Todd E. Pillion (R).....	Israel D. O'Quinn (R)
Greene	Emmett W. Hanger, Jr. (R)	Robert B. Bell (R)
Greensville	L. Louise Lucas (D)	Howard Otto Wachsmann, Jr. (R)
Halifax.....	Frank M. Ruff, Jr. (R).....	James E. Edmunds II (R)
	William M. Stanley, Jr. (R)	
Hanover.....	Siobhan S. Dunnavant (R).....	Hyland F. Fowler, Jr. (R)
	Jennifer L. McClellan (D)	Scott A. Wyatt (R)
	Ryan T. McDougale (R)	
Henrico.....	Siobhan S. Dunnavant (R).....	Dawn M. Adams (D)
	Jennifer L. McClellan (D)	Lamont Bagby (D)
		John J. McGuire III (R)
		Delores L. McQuinn (D)
		Schuyler T. VanValkenburg (D)
		Rodney T. Willett (D)
Henry.....	William M. Stanley, Jr. (R).....	Leslie R. Adams (R)
		Daniel W. Marshall III (R)
		Wren M. Williams (R)
Highland.....	R. Creigh Deeds (D).....	G. John Avoli (R)

**SENATORS AND DELEGATES BY COUNTIES
2022 REGULAR SESSION**

COUNTIES	SENATORS	DELEGATES
Isle of Wight.....	John A. Cosgrove, Jr. (R) L. Louise Lucas (D) Thomas K. Norment, Jr. (R)	Emily M. Brewer (R)
James City.....	T. Montgomery Mason (D) Thomas K. Norment, Jr. (R)	Amanda E. Batten (R) Michael P. Mullin (D)
King and Queen	Thomas K. Norment, Jr. (R).....	M. Keith Hodges (R)
King George.....	Ryan T. McDougle (R)..... Richard H. Stuart (R)	Margaret B. Ransone (R)
King William.....	Thomas K. Norment, Jr. (R).....	M. Keith Hodges (R) Scott A. Wyatt (R)
Lancaster	Ryan T. McDougle (R).....	Margaret B. Ransone (R)
Lee.....	Todd E. Pillion (R).....	Terry G. Kilgore (R)
Loudoun	John J. Bell (D) Jennifer B. Boysko (D) Barbara A. Favola (D) Jill Holtzman Vogel (R)	Karrie K. Delaney (D) Gwendolyn W. Gooditis (D) David A. LaRock (R) Kathleen J. Murphy (D) David A. Reid (D) Irene Shin (D) Suhass Subramanyam (D)
Louisa.....	Mark J. Peake (R)..... Bryce E. Reeves (R)	John J. McGuire III (R)
Lunenburg.....	Frank M. Ruff, Jr. (R).....	Howard Otto Wachsmann, Jr. (R) Thomas C. Wright, Jr. (R)
Madison.....	Emmett W. Hanger, Jr. (R).....	Nicholas J. Freitas (R)
Mathews.....	Lynwood W. Lewis, Jr. (D).....	M. Keith Hodges (R)
Mecklenburg	Frank M. Ruff, Jr. (R).....	Thomas C. Wright, Jr. (R)
Middlesex.....	Ryan T. McDougle (R).....	M. Keith Hodges (R)
Montgomery.....	John S. Edwards (D) T. Travis Hackworth (R) David R. Suetterlein (R)	Jason S. Ballard (R) Marie E. March (R) Joseph P. McNamara (R)
Nelson	R. Creigh Deeds (D).....	G. John Avoli (R) C. Matthew Fariss (R)
New Kent	Thomas K. Norment, Jr. (R).....	Scott A. Wyatt (R)
Northampton	Lynwood W. Lewis, Jr. (D).....	Robert S. Bloxom, Jr. (R)
Northumberland	Ryan T. McDougle (R).....	Margaret B. Ransone (R)
Nottoway.....	Frank M. Ruff, Jr. (R).....	Thomas C. Wright, Jr. (R)
Orange.....	Bryce E. Reeves (R).....	Nicholas J. Freitas (R)
Page.....	Mark D. Obenshain (R).....	C. Todd Gilbert (R)
Patrick	William M. Stanley, Jr. (R).....	Wren M. Williams (R)
Pittsylvania.....	Frank M. Ruff, Jr. (R)..... William M. Stanley, Jr. (R)	Leslie R. Adams (R) Daniel W. Marshall III (R)
Powhatan.....	Ghazala F. Hashmi (D).....	R. Lee Ware (R)
Prince Edward.....	Mark J. Peake (R).....	James E. Edmunds II (R)
Prince George.....	Joseph D. Morrissey (D)..... Frank M. Ruff, Jr. (R)	Emily M. Brewer (R) Carrie E. Coyner (R)
Prince William	George L. Barker (D)..... John J. Bell (D) Jeremy S. McPike (D) Richard H. Stuart (R) Scott A. Surovell (D)	Elizabeth R. Guzman (D) Daniel I. Helmer (D) Michelle-Ann E.L. Maldonado (D) Candi Mundon King (D) Danica A. Roem (D) Briana D. Sewell (D) Suhass Subramanyam (D) Luke E. Torian (D)

**SENATORS AND DELEGATES BY COUNTIES
2022 REGULAR SESSION**

COUNTIES	SENATORS	DELEGATES
Pulaski.....	T. Travis Hackworth (R)	Jason S. Ballard (R) Marie E. March (R)
Rappahannock.....	Mark D. Obenshain (R).....	Michael J. Webert (R)
Richmond.....	Ryan T. McDougale (R).....	Margaret B. Ransone (R)
Roanoke	John S. Edwards (D)	Christopher T. Head (R)
	Stephen D. Newman (R)	Joseph P. McNamara (R)
	David R. Suetterlein (R)	
Rockbridge.....	R. Creigh Deeds (D)	Ronnie R. Campbell (R)
Rockingham	Emmett W. Hanger, Jr. (R).....	Robert B. Bell (R)
	Mark D. Obenshain (R)	C. Todd Gilbert (R)
		Chris Runion (R)
		Tony O. Wilt (R)
Russell.....	T. Travis Hackworth (R)	James W. Morefield (R) William C. Wampler III (R)
Scott	Todd E. Pillion (R).....	Terry G. Kilgore (R)
Shenandoah.....	Mark D. Obenshain (R).....	C. Todd Gilbert (R)
Smyth	T. Travis Hackworth (R)	Jeffrey L. Campbell (R)
	Todd E. Pillion (R)	Israel D. O'Quinn (R)
Southampton	John A. Cosgrove, Jr. (R).....	Howard Otto Wachsmann, Jr. (R)
	L. Louise Lucas (D)	
Spotsylvania.....	Ryan T. McDougale (R).....	Phillip A. Scott (R)
	Bryce E. Reeves (R)	Hyland F. Fowler, Jr. (R)
	Richard H. Stuart (R)	John J. McGuire III (R)
		Robert D. Orrock, Sr. (R)
Stafford	Richard H. Stuart (R)	Tara A. Durant (R)
	Scott A. Surovell (D)	Phillip A. Scott (R)
	Jill Holtzman Vogel (R)	Candi Mundon King (D)
Surry.....	L. Louise Lucas (D)	Emily M. Brewer (R)
	Thomas K. Norment, Jr. (R)	
Sussex	L. Louise Lucas (D)	Howard Otto Wachsmann, Jr. (R)
Tazewell.....	T. Travis Hackworth (R)	James W. Morefield (R)
Warren.....	Mark D. Obenshain (R).....	C. Todd Gilbert (R)
		Michael J. Webert (R)
		William D. Wiley (R)
Washington.....	Todd E. Pillion (R).....	Israel D. O'Quinn (R) William C. Wampler III (R)
Westmoreland.....	Ryan T. McDougale (R).....	Margaret B. Ransone (R)
	Richard H. Stuart (R)	
Wise	T. Travis Hackworth (R)	Terry G. Kilgore (R)
	Todd E. Pillion (R)	William C. Wampler III (R)
Wythe	Todd E. Pillion (R).....	Jeffrey L. Campbell (R)
	David R. Suetterlein (R)	
York.....	Mamie E. Locke (D)	Amanda E. Batten (R)
	T. Montgomery Mason (D)	A.C. Cordoza (R)
	Thomas K. Norment, Jr. (R)	Michael P. Mullin (D)

**SENATORS AND DELEGATES BY CITIES
2022 REGULAR SESSION**

CITIES	SENATORS	DELEGATES
Alexandria.....	George L. Barker (D) Adam P. Ebbin (D) Richard L. Saslaw (D)	Elizabeth B. Bennett-Parker (D) Charniele L. Herring (D)
Bristol.....	Todd E. Pillion (R)	Israel D. O'Quinn (R)
Buena Vista	R. Creigh Deeds (D).....	Ronnie R. Campbell (R)
Charlottesville	R. Creigh Deeds (D).....	Sally L. Hudson (D)
Chesapeake	John A. Cosgrove, Jr. (R) L. Louise Lucas (D) Lionell Spruill, Sr. (D)	Nadarius E. Clark (D) Kelly K. Convirs-Fowler (D) C.E. Hayes, Jr. (D) Clinton L. Jenkins (D) Barry D. Knight (R) James A. Leftwich, Jr. (R)
Colonial Heights	Amanda F. Chase (R)	Mike A. Cherry (R)
Covington.....	R. Creigh Deeds (D).....	Terry L. Austin (R)
Danville.....	Frank M. Ruff, Jr. (R)..... William M. Stanley, Jr. (R)	Daniel W. Marshall III (R)
Emporia.....	L. Louise Lucas (D)	Howard Otto Wachsmann, Jr. (R)
Fairfax.....	J. Chapman Petersen (D).....	David L. Bulova (D)
Falls Church.....	Richard L. Saslaw (D).....	Marcus D. Simon (D)
Franklin.....	John A. Cosgrove, Jr. (R) L. Louise Lucas (D)	Howard Otto Wachsmann, Jr. (R)
Fredericksburg	Bryce E. Reeves (R).....	Tara A. Durant (R) Phillip A. Scott (R)
Galax.....	William M. Stanley, Jr. (R)	Israel D. O'Quinn (R)
Hampton.....	Mamie E. Locke (D) T. Montgomery Mason (D) Thomas K. Norment, Jr. (R)	A.C. Cordoza (R) Jeion A. Ward (D)
Harrisonburg	Mark D. Obenshain (R).....	Tony O. Wilt (R)
Hopewell.....	Joseph D. Morrissey (D).....	Carrie E. Coyner (R)
Lexington.....	R. Creigh Deeds (D).....	Ronnie R. Campbell (R)
Lynchburg.....	Stephen D. Newman (R) Mark J. Peake (R)	Kathy J. Byron (R) Wendell S. Walker (R)
Manassas	Jeremy S. McPike (D).....	Michelle-Ann E.L. Maldonado (D)
Manassas Park.....	Jeremy S. McPike (D).....	Danica A. Roem (D)
Martinsville.....	William M. Stanley, Jr. (R)	Leslie R. Adams (R)
Newport News	Mamie E. Locke (D) T. Montgomery Mason (D)	Michael P. Mullin (D) Marcia S. Price (D) Shelly A. Simonds (D)
Norfolk.....	Jen A. Kiggans (R) Lynwood W. Lewis, Jr. (D) Lionell Spruill, Sr. (D)	Timothy V. Anderson (R) Robert S. Bloxom, Jr. (R) Nadarius E. Clark (D) Jackie Hope Glass (D) Angelia Williams Graves (D)
Norton.....	T. Travis Hackworth (R)	Terry G. Kilgore (R)
Petersburg.....	Joseph D. Morrissey (D).....	Kimberly A. Taylor (R)
Poquoson.....	Thomas K. Norment, Jr. (R).....	A.C. Cordoza (R)
Portsmouth.....	John A. Cosgrove, Jr. (R) Mamie E. Locke (D) L. Louise Lucas (D)	Nadarius E. Clark (D) Don L. Scott, Jr. (D)
Radford.....	T. Travis Hackworth (R)	Jason S. Ballard (R)
Richmond.....	Ghazala F. Hashmi (D)..... Jennifer L. McClellan (D) Joseph D. Morrissey (D)	Dawn M. Adams (D) Jeffrey M. Bourne (D) Betsy B. Carr (D) Delores L. McQuinn (D)

**SENATORS AND DELEGATES BY CITIES
2022 REGULAR SESSION**

CITIES	SENATORS	DELEGATES
Roanoke	John S. Edwards (D)	Christopher T. Head (R) Sam Rasoul (D)
Salem.....	David R. Suetterlein (R).....	Joseph P. McNamara (R)
Staunton	Emmett W. Hanger, Jr. (R)	G. John Avoli (R)
Suffolk.....	John A. Cosgrove, Jr. (R)	Emily M. Brewer (R)
	L. Louise Lucas (D)	Clinton L. Jenkins (D)
	T. Montgomery Mason (D)	
	Thomas K. Norment, Jr. (R)	
Virginia Beach.....	John A. Cosgrove, Jr. (R)	Timothy V. Anderson (R)
	Bill DeSteph (R)	Robert S. Bloxom, Jr. (R)
	Jen A. Kiggans (R)	Kelly K. Convirs-Fowler (D)
	Lynwood W. Lewis, Jr. (D)	Glenn R. Davis, Jr. (R)
		Karen S. Greenhalgh (R)
		Barry D. Knight (R)
		Anne Ferrell H. Tata (R)
Waynesboro.....	Emmett W. Hanger, Jr. (R)	G. John Avoli (R)
Williamsburg.....	T. Montgomery Mason (D)	Michael P. Mullin (D)
Winchester.....	Jill Holtzman Vogel (R).....	William D. Wiley (R)

COUNTIES AND CITIES—LAND AREA AND POPULATION

United States Census of 2020 (December 21, 2021)

COUNTIES	Land Area in Square Miles	Population	COUNTIES	Land Area in Square Miles	Population
Accomack	449	33,413	Pittsylvania	969	60,501
Albemarle	720	112,395	Powhatan	260	30,333
Alleghany	446	15,233	Prince Edward	350	21,849
Amelia	355	13,265	Prince George	265	43,010
Amherst	474	31,307	Prince William	336	482,204
Appomattox	334	16,119	Pulaski	320	33,800
Arlington	26	238,643	Rappahannock	266	7,348
Augusta	967	77,487	Richmond	191	8,923
Bath	529	4,209	Roanoke	251	96,929
Bedford	760	79,462	Rockbridge	596	22,650
Bland	358	6,270	Rockingham	850	83,757
Botetourt	541	33,596	Russell	473	25,781
Brunswick	566	15,849	Scott	536	21,576
Buchanan	503	20,355	Shenandoah	508	44,186
Buckingham	580	16,824	Smyth	451	29,800
Campbell	503	55,696	Southampton	599	17,996
Caroline	528	30,887	Spotsylvania	401	140,032
Carroll	475	29,155	Stafford	269	156,927
Charles City	183	6,773	Surry	279	6,651
Charlotte	475	11,529	Sussex	490	10,829
Chesterfield	423	364,548	Tazewell	519	40,429
Clarke	176	14,783	Warren	215	40,727
Craig	328	4,892	Washington	561	53,935
Culpeper	379	52,552	Westmoreland	229	18,477
Cumberland	297	9,675	Wise	403	36,130
Dickenson	330	14,124	Wythe	462	28,290
Dinwiddie	504	27,947	York	105	70,045
Essex	257	10,599			
Fairfax	391	1,150,309			
Fauquier	648	72,972	CITIES		
Floyd	381	15,476	Alexandria	15	159,467
Fluvanna	287	27,249	Bristol	13	17,219
Franklin	690	54,477	Buena Vista	6	6,641
Frederick	413	91,419	Charlottesville	10	46,553
Giles	357	16,787	Chesapeake	338	249,422
Gloucester	218	38,711	Colonial Heights	8	18,170
Goochland	281	24,727	Covington	5	5,737
Grayson	442	15,333	Danville	43	42,590
Greene	156	20,552	Emporia	7	5,766
Greensville	295	11,391	Fairfax	6	24,146
Halifax	818	34,022	Falls Church	2	14,658
Hanover	469	109,979	Franklin	8	8,180
Henrico	234	334,389	Fredericksburg	10	27,982
Henry	382	50,948	Galax	8	6,720
Highland	415	2,232	Hampton	51	137,148
Isle of Wight	315	38,606	Harrisonburg	17	51,814
James City	142	78,254	Hopewell	10	23,033
King and Queen	315	6,608	Lexington	2	7,320
King George	180	26,723	Lynchburg	49	79,009
King William	273	17,810	Manassas	10	42,772
Lancaster	133	10,919	Manassas Park	3	17,219
Lee	435	22,173	Martinsville	11	13,485
Loudoun	515	420,959	Newport News	69	186,247
Louisa	496	37,596	Norfolk	53	238,005
Lunenburg	431	11,936	Norton	7	3,687
Madison	320	13,837	Petersburg	23	33,458
Mathews	86	8,533	Poquoson	15	12,460
Mecklenburg	625	30,319	Portsmouth	33	97,915
Middlesex	130	10,625	Radford	10	16,070
Montgomery	387	99,721	Richmond	60	226,610
Nelson	471	14,775	Roanoke	43	100,011
New Kent	210	22,945	Salem	14	25,346
Northampton	212	12,282	Staunton	20	25,750
Northumberland	191	11,839	Suffolk	399	94,324
Nottoway	314	15,642	Virginia Beach	245	459,470
Orange	341	36,254	Waynesboro	15	22,196
Page	310	23,709	Williamsburg	9	15,425
Patrick	483	17,608	Winchester	9	28,120

Population of Virginia, 2020 Census, 8,631,393.

COUNTIES AND CITIES--RANKED BY POPULATION

United States Census of 2020 (As of December 21, 2021)

Population	County	Population	County	Population	County
2,232	Highland	16,824	Buckingham	38,606	Isle of Wight
4,209	Bath	17,608	Patrick	38,711	Gloucester
4,892	Craig	17,810	King William	40,429	Tazewell
6,270	Bland	17,996	Southampton	40,727	Warren
6,608	King and Queen	18,477	Westmoreland	43,010	Prince George
6,651	Surry	20,355	Buchanan	44,186	Shenandoah
6,773	Charles City	20,552	Greene	50,948	Henry
7,348	Rappahannock	21,576	Scott	52,552	Culpeper
8,533	Mathews	21,849	Prince Edward	53,935	Washington
8,923	Richmond	22,173	Lee	54,477	Franklin
9,675	Cumberland	22,650	Rockbridge	55,696	Campbell
10,599	Essex	22,945	New Kent	60,501	Pittsylvania
10,625	Middlesex	23,709	Page	70,045	York
10,829	Sussex	24,727	Goochland	72,972	Fauquier
10,919	Lancaster	25,781	Russell	77,487	Augusta
11,391	Greensville	27,249	Fluvanna	78,254	James City
11,529	Charlotte	27,947	Dinwiddie	79,462	Bedford
11,839	Northumberland	26,723	King George	83,757	Rockingham
11,936	Lunenburg	28,290	Wythe	91,419	Frederick
12,282	Northampton	29,155	Carroll	96,929	Roanoke
13,265	Amelia	29,800	Smyth	99,721	Montgomery
13,837	Madison	30,319	Mecklenburg	109,979	Hanover
14,124	Dickenson	30,333	Powhatan	112,395	Albemarle
14,775	Nelson	30,887	Caroline	140,032	Spotsylvania
14,783	Clarke	31,307	Amherst	156,927	Stafford
15,233	Alleghany	33,413	Accomack	238,643	Arlington
15,333	Grayson	33,596	Botetourt	334,389	Henrico
15,476	Floyd	33,800	Pulaski	364,548	Chesterfield
15,642	Nottoway	34,022	Halifax	420,959	Loudoun
15,849	Brunswick	36,130	Wise	482,204	Prince William
16,119	Appomattox	36,254	Orange	1,150,309	Fairfax
16,787	Giles	37,596	Louisa		

Population	Cities	Population	Cities	Population	Cities
3,687	Norton	17,219	Manassas Park	46,553	Charlottesville
5,737	Covington	17,219	Bristol	51,814	Harrisonburg
5,766	Emporia	18,170	Colonial Heights	79,009	Lynchburg
6,641	Buena Vista	22,196	Waynesboro	94,324	Suffolk
6,657	Bedford*	23,033	Hopewell	97,915	Portsmouth
6,720	Galax	25,346	Salem	100,011	Roanoke
7,320	Lexington	25,750	Staunton	137,148	Hampton
8,180	Franklin	24,146	Fairfax	159,467	Alexandria
12,460	Poquoson	27,982	Fredericksburg	186,247	Newport News
13,485	Martinsville	28,120	Winchester	226,610	Richmond
14,658	Falls Church	33,458	Petersburg	238,005	Norfolk
15,425	Williamsburg	42,590	Danville	249,422	Chesapeake
16,070	Radford	42,772	Manassas	459,470	Virginia Beach

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Dealers; prohibits sale of dogs or cats for experimental purposes, clarifies meaning of "dealer" and "commercial dog or cat breeder," certain provisions shall only apply to violations that occur on or after July 1, 2023. Patron—Bell	HB	1350	94	213
Patron—Stanley	SB	87	95	214
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Slaughter and meat-processing facilities; establishes that it is the policy of the General Assembly to encourage, expand, and develop facilities through strategic planning and financial incentive programs. Patron—Wilt	HB	830	310	514
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Alcoholic beverage control; beer and wine lawfully purchased in the Commonwealth for personal use and not for resale, transported within the Commonwealth in personal possession of the purchaser, etc., repeals provision relating to illegal importation, shipment and transportation of alcoholic beverages, transportation of alcoholic beverages purchased outside the Commonwealth. (Patron—Reeves)	SB	325	201 371
Alcoholic beverage control; delivery of alcoholic beverages, third-party delivery license, ABC Authority shall monitor implementation of certain provision to identify any difficulties of third-party delivery licensees, etc.			
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Gubernatorial appointments to boards; revises the length of terms for persons appointed to several commodity and commodity-related boards within the Department of Agriculture and Consumer Services, etc.

Patron—Ransone	HB	1102	576	1049
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Rules, Joint Committee on, and the Speaker of the House of Delegates; confirming various appointments. (Patron—Filler-Corn)

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APPOMATTOX COUNTY**Appomattox County High School softball team;** commending.

Patron—Fariss	HR	94		1852
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James River; designating an additional portion running through Nelson and Appomattox Counties as a component of the Virginia Scenic Rivers System.

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APPOMATTOX, TOWN OF**Appomattox, Town of;** amending charter, election and appointment of officers.

Patron—Fariss	HB	1170	321	525
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APPROPRIATIONS**Abuse and neglect;** financial exploitation, changes term incapacitated adults, definitions, penalties.

Patron—Mullin	HB	496	259	439
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Catalytic converters; Class 6 felony for a person to tamper with, break, or remove a converter from a motor vehicle, etc.

Patron—Bell	HB	740	664	1258
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Charitable gaming; definitions, authorization to conduct electronic gaming required, electronic gaming adjusted gross receipts, electronic gaming for social organizations within its social quarters, etc., civil penalty, certain regulations exempt from Administrative Process Act.

Patron—Krizek	HB	763	767	1465
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Coastal Flooding, Joint Subcommittee on; continued as the Joint Subcommittee on Recurrent Flooding, appropriation.

Patron—Hodges	HJR	16		1566
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Comprehensive Campaign Finance Reform, Joint Subcommittee Studying; continued. (Patron—Bulova)

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Correctional facility; intentionally covering, removing, etc., a security camera, penalty.

Patron—Greenhalgh	HB	1332	673	1267
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Criminal sexual assault; broadens definition of intimate parts, penalty.

Patron—Sewell	HB	434	645	1228
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Misdemeanor sexual offenses where the victim is a minor; statute of limitations, penalty. (Patron—Obenshain)

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Arab American Heritage Month; designating as April 2022 and in each succeeding year thereafter. (Patron—Rasoul)	HJR	82	1589
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Virginia Public Procurement Act; architectural and professional engineering term contracting, limitations, provisions shall apply to any contract for which the solicitation was issued on and after July 1, 2022.			
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Volunteer audiologists; out-of-state audiologists permitted to volunteer to provide free health care to an underserved area of the Commonwealth. (Patron—Kilgore)	HB 84	173	342
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Augusta County; removal of county courthouse from City of Staunton, plans shall be made available to the public at least two months prior to planned date of the referendum, if acquisition of property is required, the appraised value of that property shall be included in computation of total cost, etc.			
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Austin, Lorraine Paula; recording sorrow upon death. (Patron—Simonds)	HJR 220		1662

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Central Virginia Transportation Authority; adds the Chief Executive Officer of the Capital Region Airport Commission as an ex officio, nonvoting member.			
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Chesapeake Airport Authority; removes certain language in the Authority authorizing language related to removal of members from office.			
Patron—Cosgrove	SB	54	390 679
Roanoke Higher Education Authority; adds president of Virginia State University or his designee to the board of trustees and removes presidents of Averett University and Mary Baldwin College or their designees from board. (Patron—Edwards)			
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Virginia Motor Vehicle Warrant Enforcement Act; adds autocycles to the vehicles protected by Act. (Patron—Adams, D.M.)			
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Roanoke Higher Education Authority; adds president of Virginia State University or his designee to the board of trustees and removes presidents of Averett University and Mary Baldwin College or their designees from board. (Patron—Edwards)			
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Chesapeake Airport Authority; removes certain language in the Authority authorizing language related to removal of members from office. (Patron—Cosgrove)			
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Public aircraft; extends sunset provision. (Patron—Cosgrove)			
	SB	653	136 294
Retail Sales and Use Tax; extends sunset date for exemption of aircraft components, for manned systems, "aircraft" shall include only aircraft with a maximum takeoff weight of at least 2,400 pounds.			
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Alcoholic beverage control ; beer and wine lawfully purchased in the Commonwealth for personal use and not for resale, transported within the Commonwealth in personal possession of the purchaser, etc., repeals provision relating to illegal importation, shipment and transportation of alcoholic beverages, transportation of alcoholic beverages purchased outside the Commonwealth. (Patron—Reeves)	SB 325	201	371
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Patron—Cordoza	HB	1060	394	691
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Patron—Barker	SB	434	544	953
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Involuntary temporary detention; if person receiving services in a hospital emergency department, treating physician or his designee, etc., shall disclose information pertaining to treatment.				
Patron—Hope	HB	684	473	833
Patron—Hanger	SB	119	474	835
Licensed programs, Department of Behavioral Health and Developmental Services; cardiopulmonary resuscitation for program participants, compliance with participant's valid written order not to resuscitate if included in individualized service plan, Department shall develop and distribute to providers guidance regarding compliance with a program participant's valid written order. (Patron—Hanger)	SB	100	709	1323
Mandatory outpatient treatment; reorganizes and clarifies provisions governing, repeals provision relating to court review of mandatory outpatient treatment plan, effective date. (Patron—Hope)	HB	663	763	1449
Marcus alert system; optional participation in the system for certain localities, etc., locality with a population that is greater than 40,000 shall establish protocols, report.				
Patron—Ransone	HB	1191	619	1179
Patron—Stuart	SB	361	613	1166
Opioids; providers of treatment for addiction, conditions for initial licensure, location, effective date.				
Patron—Hope	HB	679	512	900
Patron—Deeds	SB	300	513	901
Professional counselors, licensed; added to list of eligible providers who can disclose or recommend withholding of records, etc. (Patron—Adams, D.M.)	HB	242	509	879

BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES - Continued

Recovery residences; every residence shall disclose to potential residents its credentialing entity, definitions.				
Patron—Coyner	HB	277	755	1434
Patron—Favola	SB	622	732	1381
Sentencing documents; transmission to the Department of Health Professions and Department of Behavioral Health and Developmental Services. (Patron—Dunnavant)	SB	408	339	539
State facilities; director of every state facility shall establish a process to facilitate visitation through use of audio and video equipment for individuals receiving services. (Patron—Willett)	HB	388	295	488
Suicide Prevention Coordinator; position created in the Department of Veterans Services, report. (Patron—Tata)	HB	1203	322	525
Telemedicine; out-of-state providers, behavioral health services provided by practitioner. (Patron—Batten)	HB	537	275	468
BELL, DONALD LEE, SR.				
Bell, Donald Lee, Sr.; recording sorrow upon death. (Patron—Bell)	SR	48		2107
BELL, SUE				
Bell, Sue; commending. (Patron—Stanley)	SJR	161		2047
BELLE VIEW ELEMENTARY SCHOOL				
Belle View Elementary School; commemorating its 70th anniversary.				
Patron—Surovell	SJR	209		2073
BENDILY, NICOLE DEMASTERS				
Bendily, Nicole DeMasters; recording sorrow upon death.				
Patron—Convirs-Fowler	HJR	178		1639
Patron—DeSteph	SJR	123		2026
BENKA, DANIEL L.				
Benka, Daniel L.; recording sorrow upon death. (Patron—Brewer)	HR	132		1871
BENKA, ELIZABETH JOAN THOMPSON				
Benka, Elizabeth Joan Thompson; recording sorrow upon death. (Patron—Brewer) .	HR	133		1871
BENNETT, STANLEY B.				
Bennett, Stanley B.; recording sorrow upon death. (Patron—Hashmi)	SJR	198		2067
BENTLEY, STEWART WOODRUFF, SR.				
Bentley, Stewart Woodruff, Sr.; recording sorrow upon death. (Patron—Petersen) ...	SJR	116		2022
BENZEL, MIKE				
Benzel, Mike; commending. (Patron—Knight)	HR	21		1817
BERKLEY SUPERMARKET				
Berkley Supermarket; commending. (Patron—Glass)	HR	186		1896
BETTER TOGETHER FALLS CHURCH				
Better Together Falls Church; commending. (Patron—Simon)	HR	44		1829
BICKFORD, SAMUEL GORDON, JR.				
Bickford, Samuel Gordon, Jr.; commending. (Patron—Head)	HJR	335		1728
BICYCLES				
Bicycles and certain other vehicles; riding two abreast shall not impede traffic, failure to move into a single-file formation shall not constitute negligence per se in any civil action. (Patron—Stuart)	SB	362	341	540
BIG H.O.M.I.E.S.				
Big H.O.M.I.E.S.; commending. (Patron—Clark)	HR	27		1820
BIKEWALK WILLIAMSBURG				
BikeWalk Williamsburg; commending. (Patron—Mullin)	HJR	350		1737
BINFORD MIDDLE SCHOOL				
Binford Middle School boys' basketball team; commending. (Patron—Bourne)	HR	160		1884
Binford Middle School girls' basketball team; commending. (Patron—Bourne)	HR	161		1885
BIRDSONG, SUE				
Birdsong, Sue; recording sorrow upon death. (Patron—Brewer)	HR	211		1907

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BIRTH AND DEATH RECORDS			
Death certificates; State Registrar, upon receipt of an affidavit and supporting evidence testifying to corrected information on a certificate within 45 days of the filing of a death certificate, shall amend such certificate.			
Patron—Runion	HB 1001	116	260
Patron—Cosgrove	SB 55	117	261
BLACK BUSINESS MONTH			
Black Business Month; designating as August 2022 and in each succeeding year thereafter. (Patron—Price)			
	HJR 75		1588
BLACKSBURG HIGH SCHOOL			
Blacksburg High School boys' swim and dive team; commending. (Patron—Ballard)			
	HR 36		1825
Blacksburg High School girls' swim and dive team; commending. (Patron—Ballard)			
	HR 37		1825
BLACKSTONE, TOWN OF			
Blackstone, Town of; amending charter, updates election provisions.			
Patron—Wright	HB 220	123	264
Patron—Ruff	SB 92	124	265
BLAND, JOYCE EVELYN DRUMGOOLE			
Bland, Joyce Evelyn Drumgoole; recording sorrow upon death.			
Patron—Wachsmann	HJR 217		1661
Patron—Lucas	SR 29		2098
BLANKENSHIP, JOHN GREGORY			
Blankenship, John Gregory; recording sorrow upon death. (Patron—Austin)			
	HJR 258		1683
BLUE RIDGE HABITAT FOR HUMANITY			
Blue Ridge Habitat for Humanity; commemorating its 25th anniversary.			
Patron—Gooditis	HR 105		1857
BLUEFIELD UNIVERSITY			
Bluefield University; commemorating its 100th anniversary.			
Patron—Morefield	HR 20		1816
Patron—Hackworth	SR 18		2090
BOATS AND BOATING			
Boat ramps; removes authorization for Department of Wildlife Resources to charge a fee for use of facilities.			
Patron—Austin	HB 463	34	70
Patron—Edwards	SB 141	33	70
BOATWRIGHT, DANIEL WINN			
Boatwright, Daniel Winn; recording sorrow upon death.			
Patron—McGuire	HJR 386		1757
Patron—Dunnavant	SR 51		2108
BOLLING, CARL B.			
Bolling, Carl B.; commending. (Patron—Hackworth)			
	SR 62		2114
BOND ISSUES			
Commonwealth of Virginia Higher Educational Institutions Bond Act of 2022; created.			
Patron—Knight	HB 165	13	29
Patron—Howell	SB 93	86	205
BONDES, KIM WILLIAM			
Bondes, Kim William; recording sorrow upon death. (Patron—Ward)			
	HJR 246		1677
BOTETOURT COUNTY			
Libraries, local and regional; adds Botetourt County to the list of localities that are not required to establish a library board. (Patron—Austin)			
	HB 468	352	561
Norvel LaFayette Ray Lee Memorial Highway; designating as portion of U.S. Route 220 in Botetourt County between State Route 43 (Narrow Passage Road) and boundary line between Botetourt and Alleghany Counties. (Patron—Austin)			
	HB 1363	56	108
BOURGEOIS, BRIAN MICHAEL			
Bourgeois, Brian Michael; recording sorrow upon death. (Patron—Cosgrove)			
	SJR 45		1972
BOWEN, ROBERT S.			
Bowen, Robert S.; commending. (Patron—Williams Graves)			
	HJR 416		1774
BOWMAN, STEVEN G.			
Bowman, Steven G.; commending. (Patron—Mason)			
	SJR 207		2072

BOWSER, DIANNA C.

Bowser, Dianna C.; commending. (Patron—Morrissey) SJR 168 2051

BOYS & GIRLS CLUBS OF HARRISONBURG & ROCKINGHAM COUNTY

Boys & Girls Clubs of Harrisonburg & Rockingham County; commemorating their 25th anniversary.

Patron—Wilt HJR 317 1719

Patron—Obenshain SJR 130 2030

BREDRUP, OLE CHRISTIAN, JR.

Bredrup, Ole Christian, Jr.; recording sorrow upon death. (Patron—Carr) HJR 255 1681

BRENTSVILLE COURTHOUSE HISTORIC CENTRE

Brentsville Courthouse Historic Centre; commemorating the 200th anniversary of the courthouse's construction. (Patron—Sewell) HR 183 1895

BRENTSVILLE DISTRICT HIGH SCHOOL

Brentsville District High School turf management program; commending.

Patron—Sewell HR 130 1870

BRESKO, MICHAEL B.

Bresko, Michael B.; commending. (Patron—Cherry) HJR 340 1731

BRICKHOUSE, MAURY B.

Brickhouse, Maury B.; recording sorrow upon death.

Patron—Leftwich HJR 343 1733

Patron—Cosgrove SJR 156 2045

BRIGGS, PERRY LEE, SR.

Briggs, Perry Lee, Sr.; recording sorrow upon death. (Patron—Carr) HJR 257 1682

BRIGHT CENTER

Bright Center; commending. (Patron—Mundon King) HR 57 1834

BRION'S GRILLE

Brion's Grille; commemorating its 30th anniversary. (Patron—Petersen) SJR 141 2037

BRIONES, AUXILIADORA

Briones, Auxiliadora; commending. (Patron—Tran) HR 220 1912

BRISTOL, CITY OF

Bristol, City of; amending charter, election of councilmembers, etc.

Patron—O'Quinn HB 556 143 306

BRISTOL, MARKUS

Bristol, Markus; commending. (Patron—Simon) HR 82 1846

BROCKWELL, CARRIE

Brockwell, Carrie; commending. (Patron—Chase) SR 40 2103

BROWN, BOB

Brown, Bob; commending.

Patron—McQuinn HJR 449 1791

Patron—McClellan SJR 222 2081

BROWN, CHARLES ST. CLAIR

Brown, Charles St. Clair; recording sorrow upon death. (Patron—Hope) HJR 312 1715

BROWN, MELICIA

Brown, Melicia; commending. (Patron—Convirs-Fowler) HJR 203 1653

BROWN, WOODROW M., JR.

Brown, Woodrow M., Jr.; recording sorrow upon death. (Patron—Price) HJR 374 1750

BROWN, ZACHARY

Brown, Zachary; commending. (Patron—Coyner) HR 41 1827

BRYANT, MAGALEN OHRSTROM

Bryant, Magalen Ohrstrom; recording sorrow upon death.

Patron—Gilbert HR 148 1878

Patron—Vogel SJR 71 1992

BRYANT, NEIL RANDOLPH

Bryant, Neil Randolph; recording sorrow upon death. (Patron—Gooditis) HR 92 1851

BUCHANAN, DAVID STUART, SR.

Buchanan, David Stuart, Sr.; recording sorrow upon death. (Patron—Ruff) SJR 68 1991

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BUCKLEY, SAMUEL			
Buckley, Samuel; commending. (Patron—LaRock)	HR 232		1919
BUILDING CODE			
Automatic fire sprinkler inspectors; certification, exempts building officials and technical assistants, or fire officials, etc. (Patron—Brewer)	HB 474	340	539
Uniform Statewide Building Code; Board of Housing and Community Development to consider certain revisions to provide an exemption from certain use and occupancy classifications. (Patron—Head)	HB 1289	407	717
BULLOCK, HARVEY D., SR.			
Bullock, Harvey D., Sr.; recording sorrow upon death. (Patron—Jenkins)	HR 229		1917
BURIAK, JAMES P.			
Buriak, James P.; recording sorrow upon death.			
Patron—McNamara	HJR 245		1676
Patron—DeSteph	SJR 159		2046
BURKE, THOMAS PATRICK, JR.			
Burke, Thomas Patrick, Jr.; recording sorrow upon death. (Patron—Carr)	HJR 286		1700
BURNS, VALERIE ANN DELISIO			
Burns, Valerie Ann DeLisio; recording sorrow upon death.			
Patron—VanValkenburg	HJR 213		1658
BURTON, WILLIS H., JR.			
Burton, Willis H., Jr.; recording sorrow upon death. (Patron—Delaney)	HR 214		1909
BUSES			
Transit buses; exempts a manufacturer, factory branch, etc., engaged in the manufacture or distribution from certain requirements. (Patron—Ebbin)	SB 281	718	1345
BUSINESSES			
Income tax, state; extends sunset provision for major business facility job tax credit.			
Patron—Byron	HB 269	11	26
Patron—Ruff	SB 185	203	374
Income tax, state; property information and analytics firms, business operations, definitions.			
Patron—Knight	HB 453	256	433
Patron—Barker	SB 346	257	435
BUTNER, LYNWOOD			
Butner, Lynwood; commending. (Patron—Saslaw)	SJR 67		1990
CAMPAIGN PRACTICES			
Campaign finance; record retention requirements and reviews of campaign finance disclosure reports, finance reports filed prior to July 1, 2024, effective date, report.			
Patron—Bulova	HB 492	258	437
Comprehensive Campaign Finance Reform, Joint Subcommittee Studying; continued. (Patron—Bulova)	HJR 53		1582
Elections; political campaign advertisements, violations, civil penalties not to exceed \$25,000. (Patron—Davis)	HB 125	744	1415
CAMPBELL, GARY CLARK			
Campbell, Gary Clark; recording sorrow upon death. (Patron—Reeves)	SJR 139		2036
CANCER			
Workers' compensation; time period for filing claim, certain cancers, claim for benefits made as a result of diagnosis shall be barred if employee is 65 years of age or older, etc.			
Patron—Brewer	HB 1042	497	866
Patron—Saslaw	SB 562	498	867
CANNABIS			
Pharmaceutical processors; amends the definition of "cannabis oil," processors and cannabis dispensing facilities shall electronically transmit, on a monthly basis, all new written certifications received, Board of Pharmacy shall maintain an electronic database of certified patients, etc.			
Patron—Robinson	HB 933	391	680
Patron—Dunnivant	SB 671	392	685
CAPE HENRY COLLEGIATE			
Cape Henry Collegiate boys' basketball team; commending. (Patron—Tata)	HJR 229		1667

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Capital Caring ; commemorating its 45th anniversary. (Patron—Simon)	HR 116		1862
CAPITAL OUTLAY			
Capital outlay plan ; repeals existing six-year capital outlay for projects to be funded.			
Patron—Knight	HB 166	602	1132
Patron—Howell	SB 115	603	1134
CAPITOL SQUARE			
Pocahontas Building ; Department of General Services, in cooperation with Clerks of the Senate of Virginia and House of Delegates, shall conduct sale or auction of surplus property as part of replacement project, proceeds to fund restoration and ongoing preservation of Capitol Square. (Patron—Locke)	SB 776	741	1411
CARLSON, DAVID R.			
Carlson, David R. ; recording sorrow upon death. (Patron—Hope)	HJR 143		1618
CARROLL COUNTY			
Carroll County High School girls' basketball team ; commending.			
Patron—Suetterlein	SR 85		2125
CARROLL, JAMES T., III			
Carroll, James T., III ; commending. (Patron—Hayes)	HJR 358		1741
CARROLL, PATRICIA			
Carroll, Patricia ; commending. (Patron—Favola)	SR 35		2101
CARTER, JOSEPH			
Relief ; Carter, Joseph. (Patron—Sullivan)	HB 383	293	487
CASH, ERNEST			
Cash, Ernest ; commending. (Patron—Campbell, R.R.)	HJR 173		1636
CASINO GAMING			
Casino gaming ; sale and consumption of alcoholic beverages in casino gaming establishments, etc., mixed beverage casino licensees, wagers, accounting and games.			
Patron—Knight	HB 455	589	1062
Patron—Lucas	SB 519	590	1089
CASSIDY, MICHAEL J.			
Cassidy, Michael J. ; commending. (Patron—Surovell)	SJR 6		1923
CASTO, ROBERT			
Casto, Robert ; commending.			
Patron—Campbell, R.R.	HJR 129		1609
Patron—Hanger	SJR 63		1988
CASTRO, CARLOS A.			
Castro, Carlos A. ; commending.			
Patron—Mundon King	HR 58		1835
Patron—Reeves	SJR 138		2035
CATS			
Breeders of cats and dogs ; requirement to keep accurate records of animals sold or transferred to animal testing facility, etc. (Patron—Stanley)	SB 88	93	213
Breeders of dogs and cats for animal testing facilities ; adoption of dogs and cats. (Patron—Stanley)	SB 90	91	209
Dealers ; prohibits sale of dogs or cats for experimental purposes, clarifies meaning of "dealer" and "commercial dog or cat breeder," certain provisions shall only apply to violations that occur on or after July 1, 2023.			
Patron—Bell	HB 1350	94	213
Patron—Stanley	SB 87	95	214
Pet shops ; shops shall retain records indicating any time a dog or cat in its possession or custody dies or is euthanized. (Patron—Convirs-Fowler)	HB 523	273	467
CAVE SPRING HIGH SCHOOL			
Cave Spring High School boys' basketball team ; commending.			
Patron—Suetterlein	SR 84		2124
Cave Spring High School cheerleading team ; commending. (Patron—Suetterlein)	SR 80		2123
CECIL, JOHNNY J.			
Cecil, Johnny J. ; commending. (Patron—O'Quinn)	HR 124		1866

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Cedarfield ; commemorating its 25th anniversary. (Patron—Willett)	HJR	91	1591
CELL PHONES			
Commercial mobile radio or cellular telephone service providers ; grants authority to the State Corporation Commission to designate any provider as an eligible telecommunications carrier for purposes of providing Lifeline service. (Patron—Kilgore)	HB	112	436 776
CEMETERIES AND GRAVEYARDS			
Cemetery Board ; appointment of receiver upon revocation or surrender of license to operate cemetery. (Patron—Ruff)	SB	183	161 334
CENTRAL HIGH SCHOOL			
Central High School football team ; commending. (Patron—Gilbert)	HR	19	1816
CENTRE RIDGE ELEMENTARY SCHOOL			
Staff of Centre Ridge Elementary School ; commending. (Patron—Helmer)	HR	188	1897
CHALMERS, REBECCA KELLAM			
Chalmers, Rebecca Kellam ; recording sorrow upon death. (Patron—DeSteph)	SJR	103	2016
CHANDLER, MICHAEL D.			
Chandler, Michael D. ; recording sorrow upon death. (Patron—Kilgore)	HJR	51	1582
CHANTRY, STEPHEN J.			
Chantry, Stephen J. ; commending. (Patron—Norment)	SJR	59	1985
CHARITABLE, CIVIC AND VOLUNTEER INSTITUTIONS, AND ORGANIZATIONS			
Charitable institutions and associations ; no organization shall be prohibited from applying for or receiving public funds as part of a neutral grant or funding program from a locality, etc. (Patron—Subramanyam)	HB	377	566 1032
Food donations ; no food donor or food organization shall be criminally or civilly liable for donating or receiving food past best-by or sell-by date as long as food meets labeling and date requirements. (Patron—Davis)	HB	1249	633 1205
CHARITABLE GAMING			
Charitable gaming ; any person or organization, whether qualified or permitted, that conducts without a permit, civil penalty. (Patron—Krizek)	HB	767	608 1140
(Patron—Bell)	SB	399	555 1019
Charitable gaming ; definitions, authorization to conduct electronic gaming required, electronic gaming adjusted gross receipts, electronic gaming for social organizations within its social quarters, etc., civil penalty, certain regulations exempt from Administrative Process Act. (Patron—Krizek)	HB	763	767 1465
(Patron—Reeves)	SB	403	722 1350
Charitable gaming ; registration of landlords, Texas Hold'em poker operations, individual poker games. (Patron—Bell)	SB	394	612 1160
Charitable Gaming Board ; powers and duties moved to Department of Agriculture and Consumer Services, Commissioner shall promulgate regulations regarding Texas Hold'em poker tournaments, etc., opportunity for public comment on regulations prior to adoption. (Patron—Krizek)	HB	765	609 1140
(Patron—Reeves)	SB	402	554 999
Gaming laws ; enforcement, definitions, Gaming Enforcement Coordinator established. (Patron—Krizek)	HB	766	768 1477
(Patron—Bell)	SB	401	721 1349
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(Patron—Peake)	SB	164	637 1209
Blackstone, Town of ; amending charter, updates election provisions. (Patron—Wright)	HB	220	123 264
(Patron—Ruff)	SB	92	124 265
Bristol, City of ; amending charter, election of councilmembers, etc. (Patron—O'Quinn)	HB	556	143 306
Chase City, Town of ; amending charter, municipal elections. (Patron—Wright)	HB	1256	328 530

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Colonial Beach, Town of; amending charter, appointment of chief of police.			
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Grottoes, Town of; new charter, previous charter repealed.			
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Hampton, City of; amending charter, election of mayor. (Patron—Locke)	SB	253	584 1060
Kenbridge, Town of; amending charter, municipal elections. (Patron—Wright)	HB	219	122 264
La Crosse, Town of; amending charter, municipal elections. (Patron—Wright)	HB	1258	329 532
Lovettsville, Town of; amending charter, town officers and powers.			
Patron—LaRock	HB	1028	315 517
Norfolk, City of; amending charter, municipal elections. (Patron—Williams Graves) ..	HB	321	288 482
Occoquan, Town of; new charter, previous charter repealed except section 2.			
Patron—Torian	HB	822	537 939
Patron—Surovell	SB	97	536 937
Port Royal, Town of; amending charter, reduces town council membership.			
Patron—McDougle	SB	387	338 538
Pound, Town of; repealing Charter, effective date. (Patron—Kilgore)	HB	904	312 515
South Hill, Town of; amending, updates charter to reflect its upcoming shift from May to November municipal elections. (Patron—Wright)	HB	1	87 208
Tazewell, Town of; amending charter, increases term length for members of board of zoning appeals.			
Patron—Morefield	HB	52	199 370
Patron—Hackworth	SB	627	200 370
The Plains, Town of; amending charter, election dates and terms of offices.			
Patron—Vogel	SB	322	335 536
Urbanna, Town of; amending charter, extends term for elected mayor and council members. (Patron—Hodges)	HB	190	155 328
Victoria, Town of; amending, updates charter to reflect its upcoming shift from May to November municipal elections. (Patron—Wright)	HB	2	88 208
Vienna, Town of; amending charter, election and term dates.			
Patron—Keam	HB	700	514 902
Patron—Petersen	SB	377	515 902
Virginia Beach, City of; amending charter, expands board of equalization.			
Patron—Greenhalgh	HB	1163	320 524
Patron—DeSteph	SB	274	639 1212
Waynesboro, City of; amending charter, elections and appointments, council, city manager, and school board.			
Patron—Avoli	HB	1311	332 534
Patron—Hanger	SB	699	571 1038
CHASE CITY, TOWN OF			
Chase City, Town of; amending charter, municipal elections. (Patron—Wright)	HB	1256	328 530
CHASE, WILLIAM C., JR.			
Chase, William C., Jr.; commending. (Patron—Reeves)	SJR	78	1996
CHERRY, MICHAEL			
Cherry, Michael; commending. (Patron—Hayes)	HJR	125	1607
CHESAPEAKE BAY			
Aquaculture; right to use and occupy the ground for the terms of a lease in Chesapeake Bay waters.			
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Chesapeake Bay Preservation Area information; each local government in Tidewater Virginia shall publish on its website elements and criteria adopted for local plan. (Patron—Hodges)	HB	771	207 382
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Chesapeake, City of; amending charter, operating budget. (Patron—Knight)	HB	454	280 475

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CHILD ABUSE OR NEGLECT			
Adult or child abuse or neglect, suspected; adds any person who engages in the practice of behavior analysis to the list of individuals required to report.			
Patron—Bell	HB	751	766 1462
Child abuse and neglect; amends definition, valid complaint. (Patron—Murphy)	HB	1334	366 634
CHILD CARE			
Child Care Subsidy Program; Board of Education shall examine its regulations and determine feasibility of amending, permitting all active duty Armed Forces members who serve as caregivers to apply for Program.			
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Early childhood care and education; regional entities, Child Care Subsidy Program Overpayment Fund established. (Patron—Bulova)	HB	389	524 910
Early childhood care and education entities; administration of an appropriate weight-based dosage of epinephrine.			
Patron—Delaney	HB	1328	695 1287
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Virginia Residential Landlord and Tenant Act; rental agreements may contain provisions that allow operation of child care services. (Patron—Favola)	SB	69	267 456
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Child and spousal support; retroactivity, support obligations, party's incarceration not deemed voluntary unemployment or underemployment. (Patron—Surovell)	SB	348	527 915
Child support; calculation of gross income for determination, rental income.			
Patron—Boysko	SB	455	427 743
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Children who are deaf or hard of hearing; language development, assessment resources for parents and educators, advisory committee established, sunset date for committee, advisory committee function shall terminate effective June 30, 2023.			
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Patron—Hashmi	SB	265	240 417
Family life education curricula, certain; optional instruction on human trafficking of children. (Patron—Guzman)	HB	1023	459 812
Foster care placements; authority of the court to review the child's status, etc., report.			
Patron—Edwards	SB	396	305 499
Safe haven protections; newborn safety device at hospitals for reception of children.			
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CHIROPRACTIC HEALTH MONTH			
Chiropractic Health Month; designating as October 2022 and in each succeeding year thereafter. (Patron—Ebbin)	SJR	50	1975
CHOI, KYUNG MI KAY			
Choi, Kyung Mi Kay; commending. (Patron—Guzman)	HR	179	1893
CHRISTIE, GARY			
Christie, Gary; commending. (Patron—Peake)	SJR	214	2077
CHRISTOPHER NEWPORT UNIVERSITY			
Christopher Newport University women's soccer team; commending.			
Patron—Simonds	HJR	239	1673
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Patron–Edwards	SR	82		2124
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Judges; election in Court of Appeals of Virginia, circuit court, general district court, juvenile and domestic relations district court, and a member of the Workers' Compensation Commission. (Patron–Adams, L.R.)	HJR	152		1623
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Retired circuit and district court judges under recall; evaluation, qualification by the Senate Committee on the Judiciary and the House Committee for Courts of Justice. (Patron–Surovell)	SB	106	532	925

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Court of Appeals of Virginia; makes various changes to procedures and jurisdiction of the Court. (Patron–Edwards)	SB	143	714	1332
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Patron–Delaney	HB	1328	695	1287
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Patron–Leftwich	HB	1145	469	827
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Health insurers; duty of in-network providers to submit claims, prohibited practices.				
Patron–Obenshain	SB	681	351	558
Health records; patient's right to disclosure. (Patron–Surovell)	SB	350	534	927
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Patron–Reeves	SB	530	553	994
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Judgments; limitations on enforcement, extensions and renewals. (Patron–Head)	HB	1234	324	527
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Patron–Hope	HB	678	299	492
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Arlington Babe Ruth 9YO Storm Black baseball team; commending.			
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Aston, G. Robert, Jr.; commending. (Patron—Norment)	SJR	60	1986
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Better Together Falls Church; commending. (Patron—Simon)	HR	44	1829
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Cape Henry Collegiate boys' basketball team; commending. (Patron—Tata)	HJR	229	1667
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Eastern Montgomery High School girls' soccer team ; commending. Patron—Suetterlein	SR	76	2121
Edwards, Daniel Webster ; commending. (Patron—Bagby)	HJR	261	1685
Edwards, Jeff ; commending. (Patron—Byron)	HJR	393	1760
Edwards, Weldon ; commending. (Patron—Avoli)	HJR	175	1637
Encore Learning ; commemorating its 20th anniversary. (Patron—Sullivan)	HJR	387	1757
Independence Center, Inc. ; commending. (Patron—Clark)	HR	28	1820
EnJewel ; commending. (Patron—Kiggans)	SR	70	2118
Euripides, Charlie ; commending. (Patron—Ebbin)	SJR	193	2064
European honey bee ; commemorating the 400th anniversary of the arrival to North America. (Patron—Deeds)	SJR	18	1946
Fairfax County School Board ; commending. (Patron—Kory)	HR	141	1874
Fairfax High School gymnastics team ; commending. (Patron—Petersen)	SJR	142	2037
Fairfields Volunteer Fire Department ; commemorating its 75th anniversary. Patron—Ransone	HJR	292	1704
Patron—Stuart	SJR	164	2049
Faison, Barry C. ; commending. (Patron—Howell)	SJR	55	1978
Families for Safe Streets ; commending. (Patron—Kory)	HJR	42	1578
Fannon, Frank, IV ; commending. (Patron—Bennett-Parker)	HJR	406	1767
Fauquier Chamber of Commerce ; commemorating its 100th anniversary. Patron—Webert	HJR	40	1577
Feeding Southwest Virginia ; commemorating its 40th anniversary. (Patron—Rasoul)	HJR	10	1563
Feuerberg, Stan C. ; commending. (Patron—Keam)	HJR	414	1772
Fincastle Volunteer Fire Department ; commemorating its 75th anniversary. Patron—Austin	HR	196	1900
First Baptist Church Mahan ; commemorating its 155th anniversary. Patron—Jenkins	HR	176	1892
First Colonial High School boys' soccer team ; commending. (Patron—Tata)	HJR	225	1665
First Colonial High School girls' soccer team ; commending. (Patron—Tata)	HJR	224	1665
First Colonial High School girls' swim and dive team ; commending. Patron—Tata	HJR	433	1783
Flat Iron Crossroads ; commending. (Patron—Hodges)	HR	110	1859
Food City 300 NASCAR Xfinity Series Race at Bristol Motor Speedway ; commemorating its 30th anniversary. (Patron—O'Quinn)	HJR	356	1740
FoodaTude ; commending. (Patron—Mullin)	HJR	234	1671
Foote, John H. ; commending. (Patron—McPike)	SJR	89	2008
Foreman, Todd ; commending. (Patron—Austin)	HJR	180	1640
Forrester, Rita Carter ; commending. (Patron—Hackworth)	SR	19	2091
4-H All Stars, Virginia Chapter of ; commemorating its 100th anniversary. Patron—Orrock	HJR	451	1793
Frank W. Cox High School baseball team ; commending. (Patron—Tata)	HJR	221	1663
Frank W. Cox High School field hockey team ; commending. (Patron—Tata)	HJR	222	1664
Franklin County High School robotics team ; commending. (Patron—Stanley)	SJR	145	2039
Franks, Tiffany McKillip ; commending. (Patron—Ruff)	SJR	69	1991

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Friends of Dumfries Slave Cemetery; commending. (Patron—Mundon King)	HR	60 1836
Fulson, Daphne Tamara; commending. (Patron—Hayes)	HJR	69 1586
Futrell, Bernadine; commending. (Patron—Mundon King)	HR	59 1836
Gale, Kellean K.; commending. (Patron—March)	HJR	182 1641
Gale, Michael D.; commending. (Patron—March)	HJR	183 1642
Gardner, Gay; commending. (Patron—Kory)	HJR	36 1575
Garrison, Les; commending. (Patron—Bennett-Parker)	HJR	402 1765
Geary, Thomas; commending. (Patron—Convirs-Fowler)	HJR	155 1626
George M. Hampton Foundation; commending. (Patron—Mundon King)	HR	61 1837
George Mason University; commemorating its 50th anniversary.		
Patron—Herring	HJR	34 1573
Patron—McPike	SJR	9 1924
Giles High School girls' volleyball team; commending. (Patron—Ballard)	HR	38 1825
Gilley, James Wade; commending. (Patron—Plum)	HJR	232 1669
Glasner, Sol; commending. (Patron—Keam)	HJR	415 1773
Glebe Landing Baptist Church; commemorating its 250th anniversary.		
Patron—Chase	SJR	195 2065
Glen Allen High School boys' cross country team; commending. (Patron—Willett)	HJR	169 1634
Glen Allen High School boys' volleyball team; commending. (Patron—Willett)	HJR	116 1603
Glenvar High School volleyball team; commending. (Patron—Suetterlein)	SR	77 2122
Glover, Fanchon; commending. (Patron—Mullin)	HJR	349 1736
Goff, Robert; commending. (Patron—Simon)	HR	84 1847
Goldzug, Laura; commending.		
Patron—Maldonado	HJR	241 1674
Patron—McPike	SJR	122 2025
Gooden, Lena M.; commending. (Patron—Roem)	HR	200 1902
Goodman, Doug; commending. (Patron—Fowler)	HJR	231 1668
Goodwin, George S., III; commending. (Patron—Peake)	SJR	218 2079
Goshen Baptist Church; commemorating its 150th anniversary. (Patron—Orrock)	HJR	380 1754
Grace Christian School cross country team; commending. (Patron—Wyatt)	HJR	218 1661
Grant, Davis; commending. (Patron—Kory)	HJR	35 1574
Gray, Reinhardt; commending. (Patron—Tran)	HR	218 1910
Green and Beyond; commending. (Patron—Subramanyam)	HR	166 1887
Greenman, Lucy; commending. (Patron—Subramanyam)	HR	65 1839
Greenwood Volunteer Fire and Rescue Company, Inc.; commending.		
Patron—LaRock	HR	231 1918
Grundy High School wrestling team; commending. (Patron—Hackworth)	SR	42 2104
Guns, Geoffrey V.; commending. (Patron—Williams Graves)	HJR	160 1629
Habitat for Humanity Peninsula and Greater Williamsburg; commending.		
Patron—Price	HJR	368 1747
Hagan, David L.; commending. (Patron—March)	HJR	108 1599
Hall, Keven W.; commending. (Patron—Austin)	HJR	310 1714
Hall, Kevin; commending. (Patron—Krizek)	HR	25 1819
Hall, M.E. Marty, Jr.; commending. (Patron—March)	HR	165 1887
Hall, Tim; commending. (Patron—Marshall)	HJR	399 1763
Halpern, Penny; commending. (Patron—Shin)	HJR	110 1600
Hamlar-Curtis Funeral Home and Crematory; commemorating its 70th anniversary.		
Patron—Rasoul	HJR	269 1690
Hampton, George M.; commending. (Patron—Mundon King)	HR	128 1869
Hampton Roads Urban Agriculture; commending. (Patron—Price)	HJR	369 1747
Hampton University Mobile Vaccination Clinic; commending. (Patron—Jenkins)	HR	174 1891
Hanula, Thomas; commending. (Patron—Hope)	HJR	331 1727
Harman, Dawn; commending. (Patron—Reeves)	SJR	79 1997
Harper, Love; commending. (Patron—Kilgore)	HR	172 1890
Harris, Monroe E., Jr.; commending. (Patron—Carr)	HJR	306 1711
Harrisonburg, Rotary Club of; commemorating its 100th anniversary.		
Patron—Runion	HJR	140 1615
Hartman, Cheryl; commending. (Patron—Rasoul)	HJR	194 1648

COMMENDATIONS AND COMMEMORATIONS - Continued

Harvey, William R.; commending.			
Patron—Cordoza	HJR	320	1720
Patron—Ward	HR	158	1883
Hayfield Elementary School; commemorating its 55th anniversary.			
Patron—Surovell	SJR	211	2075
Hayfield High School boys' basketball team; commending.			
Patron—Ebbin	SJR	194	2065
Patron—Ebbin	SR	66	2116
Hayfield Secondary School boys' basketball team; commending. (Patron—Sickles) .	HR	147	1878
Haymarket Regional Food Pantry; commending. (Patron—Roem)	HR	154	1881
Health care workers in Virginia; commending. (Patron—Dunnavant)	SJR	98	2013
Healthy Families Newport News; commemorating its 25th anniversary.			
Patron—Price	HJR	371	1749
Henrico Citizen; commemorating its 20th anniversary.			
Patron—VanValkenburg	HJR	209	1656
Patron—McClellan	SJR	166	2050
Henricus Colledge (1619)®; commending. (Patron—Coynor)	HJR	288	1701
Heritage High School; commemorating its 25th anniversary. (Patron—Price)	HJR	372	1749
Heritage High School girls' indoor track and field team; commending.			
Patron—Price	HR	226	1915
Hewlett, Stephen L.; commending. (Patron—Carr)	HJR	280	1696
Hilda M. Barg Homeless Prevention Center; commending.			
Patron—Mundon King	HR	113	1861
Hirst, Thomson, and Galdo-Hirst, Magaly; commending.			
Patron—Bennett-Parker	HJR	435	1784
Hite, John Wayne; commending. (Patron—Avoli)	HJR	378	1753
Holcomb, Richard D.; commending. (Patron—Willett)	HJR	117	1603
Holloway, Grant; commending. (Patron—Hayes)	HJR	124	1607
Holthaus, Lauren; commending. (Patron—Bennett-Parker)	HR	234	1920
Holy & Whole Life Changing Ministries International; commending.			
Patron—Bell	SR	46	2106
Hope House Foundation; commending. (Patron—Clark)	HR	26	1819
Horton, Sharon; commending. (Patron—Reeves)	SJR	173	2053
Hotel Roanoke and Conference Center; commemorating its 140th anniversary.			
Patron—Rasoul	HJR	271	1691
Hughes, O. Renee; commending. (Patron—Marshall)	HJR	384	1756
Hugo, John; commending.			
Patron—Head	HJR	337	1730
Patron—Cosgrove	SJR	180	2057
Hunt, Jackson; commending. (Patron—Subramanyam)	HR	138	1873
Huntley, Bobby Raye; commending. (Patron—Convirs-Fowler)	HJR	161	1629
Hutcherson, Carl B., Jr.; commending. (Patron—Walker)	HJR	352	1738
Hyman, Zachary; commending. (Patron—Jenkins)	HJR	158	1628
Hyman, Zachary Scott; commending. (Patron—Norment)	SJR	119	2024
ICNA Relief Resource Center; commending. (Patron—Dunnavant)	SR	36	2101
Incatasciato, Marissa; commending. (Patron—Gooditis)	HR	108	1858
Inclusive Communities, Virginia Center for; commending. (Patron—Hashmi)	SR	20	2092
INMED Partnerships for Children; commending. (Patron—Subramanyam)	HR	191	1898
Innsbrook Foundation; commending. (Patron—VanValkenburg)	HJR	210	1657
Islamic Center of Henrico; commending. (Patron—VanValkenburg)	HJR	401	1765
Islamic Center of Richmond; commending. (Patron—VanValkenburg)	HJR	412	1771
Islamic Circle of North America Relief, Richmond Chapter of; commending.			
Patron—Hashmi	SR	6	2083
Jamerson, Carol Wood; commending. (Patron—Hodges)	HR	115	1862
James Madison High School baseball team; commending. (Patron—Petersen)	SJR	113	2021
James Madison High School marching band; commending. (Patron—Petersen)	SJR	112	2021
James, Mary P.; recording sorrow upon death. (Patron—Morrissey)	SR	60	2113
Janopaul, Nina; commending. (Patron—Hope)	HJR	206	1654
Jindal, Pranamya; commending. (Patron—Subramanyam)	HR	52	1832

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Jinks, Mark; commending. (Patron—Bennett-Parker)	HJR 404	1766
Johnson, Dorethea Vincent; commending. (Patron—Lucas)	SR 39	2103
Johnson, Robert Walter; commemorating his life and legacy and the 50th anniversary of his death. (Patron—Maldonado)	HR 64	1839
Johnston, Charles; commending. (Patron—Gooditis)	HR 79	1845
Jones, George A., Jr.; commending. (Patron—Stanley)	SR 43	2105
Justice High School football team; commending. (Patron—Kory)	HR 237	1921
Justice High School Scholarship Fund; commending. (Patron—Kory)	HR 238	1921
Karmis, Michael E.; commending. Patron—Ballard	HJR 41	1577
Patron—Wiley	HJR 149	1621
Patron—Hackworth	SR 3	2082
Keaney, Maura; commending. (Patron—Tran)	HR 167	1887
Keep Loudoun Beautiful; commemorating its 50th anniversary. Patron—Subramanyam	HR 190	1898
Keswick Hunt Club; commemorating its 125th anniversary. (Patron—Bell)	HJR 176	1638
Kidd, Victoria; commending. (Patron—Gooditis)	HR 86	1848
Kim, Eugene Y.; commending. (Patron—Keam)	HR 205	1904
King, Charlie; commending. Patron—Wilt	HJR 316	1718
Patron—Obenshain	SJR 151	2042
King, Joshua; commending. (Patron—Roem)	HR 199	1902
King William High School football team; commending. (Patron—Wyatt)	HR 8	1809
King's Fork High School boys' basketball team; commending. (Patron—Jenkins) . . .	HJR 439	1786
King's Fork High School girls' basketball team; commending. (Patron—Jenkins) . . .	HJR 441	1787
Kiwanis Club of Danville; commemorating its 100th anniversary. Patron—Marshall	HJR 297	1707
Knop, Peter J. and Beata K.; commending. (Patron—Subramanyam)	HR 137	1873
Konopasek, Scott O.; commending. (Patron—Helmer)	HR 206	1905
Krishnan, Abhishek, and Metu, Jeet; commending. (Patron—Subramanyam)	HR 177	1892
Lafayette High School football team; commending. (Patron—Batten)	HJR 187	1644
Lake Braddock Secondary School girls' gymnastics team; commending. Patron—Helmer	HR 189	1897
Lake Ridge Parks and Recreation Association, Inc.; commemorating its 50th anniversary. (Patron—Surovell)	SJR 210	2074
Lakeland High School girls' basketball team; commending. (Patron—Jenkins)	HJR 440	1787
Landeros, Rosa; commending. (Patron—Bennett-Parker)	HJR 407	1768
Langley High School golf team; commending. (Patron—Murphy)	HJR 226	1666
Lanier, Myles; commending. (Patron—Roem)	HR 198	1901
LaPorte, Loren Messick; commending. (Patron—Ransone)	HJR 68	1585
Larson, Glenn; commending. (Patron—Adams, D.M.)	HJR 398	1763
Lattimore, Adonis; commending. Patron—Freitas	HR 225	1915
Patron—Cosgrove	SR 53	2109
Lawhorne, Dana; commending. (Patron—Bennett-Parker)	HJR 400	1764
Lawson, Donna; commending. (Patron—Cosgrove)	SJR 178	2056
Lee, Elijah; commending. (Patron—Adams, D.M.)	HJR 283	1698
Lee, Norvel LaFalette Ray; commemorating his life and legacy. (Patron—Austin) . . .	HJR 379	1753
Lemons, Donald W.; commending. Patron—Bell	HJR 172	1635
Patron—Edwards	SJR 74	1994
Liberty University; commemorating its 50th anniversary. (Patron—Walker)	HJR 184	1642
Lindsay, Christopher; commending. (Patron—McPike)	SJR 213	2076
Literacy Council of Northern Virginia; commemorating its 60th anniversary. Patron—Simon	HR 40	1826
Loaves & Fishes Chilhowie Area Food Pantry; commending. (Patron—O'Quinn) . . .	HJR 238	1673
Long, Marcus H., Jr.; commending. (Patron—March)	HJR 93	1591
Longwood University; commending. (Patron—Mason)	SJR 163	2048

COMMENDATIONS AND COMMEMORATIONS - Continued

Longwood University men's and women's basketball teams; commending. Patron—Peake	SJR	221	2081
Loudoun County Master Gardeners of Virginia Cooperative Extension; commending. (Patron—Gooditis)	HR	78	1844
Loudoun Free Clinic; commending. (Patron—Gooditis)	HR	109	1859
Luthman, Audrey; commending. (Patron—Simon)	HR	85	1848
Lynchburg Daily Bread, Inc.; commemorating its 40th anniversary. Patron—Walker	HJR	104	1597
Manassas Park Fire and Rescue Department; commending. (Patron—Roem)	HR	197	1901
Manassas Park Latino Festival; commending. (Patron—Roem)	HR	201	1903
Manoukian Brothers Oriental Rugs; commemorating its 100th anniversary. Patron—Lopez	HJR	362	1743
Marcus, Paul; commending. (Patron—Mason)	SJR	219	2079
Marik, Paul; commending. (Patron—LaRock)	HR	228	1916
Marion Police Department; commemorating its 80th anniversary. Patron—O'Quinn	HJR	355	1739
Martinez, Reynaldo; commending. (Patron—Kory)	HR	239	1922
Martinsville Speedway; commemorating its 75th anniversary. (Patron—Stanley)	SR	56	2111
Massanutten Technical Center; commemorating its 50th anniversary. Patron—Wilt	HJR	326	1724
Maxey, Michael C.; commending. (Patron—Rasoul)	HJR	228	1666
McConico, Madison; commending. (Patron—Coyner)	HR	34	1824
McDemmond, Marie V.; commending. (Patron—Mundon King)	HR	153	1881
McIntire School of Commerce at the University of Virginia; commemorating its 100th anniversary. (Patron—Saslaw)	SJR	170	2052
McLean Project for the Arts; commemorating its 60th anniversary. Patron—Murphy	HR	187	1896
McNulty, Kevin; commending. (Patron—Ebbin)	SR	64	2115
MEDIKO; commemorating its 25th anniversary. (Patron—Dunnavant)	SJR	92	2010
Medina, Andolyn T.; commending. (Patron—Hayes)	HJR	342	1733
Metro Richmond Area Young Democrats; commemorating its 25th anniversary. Patron—McClellan	SJR	202	2069
Middleburg American Legion Post 295; commemorating its 75th anniversary. Patron—Vogel	SR	33	2100
Millridge Community; commemorating its 50th anniversary. (Patron—Petersen)	SJR	140	2036
Mims, William C.; commending. (Patron—Boysko)	SJR	38	1953
Mobile Hope of Loudoun; commending. Patron—Subramanyam	HR	66	1840
Patron—Gooditis	HR	68	1840
Moir, Anna; commending. (Patron—Suetterlein)	SR	75	2121
Monarc Construction, Inc.; commending. (Patron—Simon)	HR	90	1850
Montgomery, Russell; commending. (Patron—Obenshain)	SJR	155	2044
Monument Terrace "Support Our Troops" rallies; commemorating its 20th anniversary. (Patron—Walker)	HJR	97	1593
Mount Olive Cemetery; commending. (Patron—Glass)	HR	182	1894
Mountain Mission School; commemorating its 100th anniversary. Patron—Morefield	HJR	89	1589
Patron—Hackworth	SJR	56	1979
Murray, Robert G.; commending. (Patron—Williams Graves)	HJR	293	1704
MVLE; commemorating its 50th anniversary. (Patron—Barker)	SR	31	2099
Myers, McArthur; commending. (Patron—Bennett-Parker)	HJR	410	1770
Nanda, Seema; commending. (Patron—Tran)	HJR	432	1782
NASCAR Cup Series Food City Dirt Race; commending Food City on 30 years of sponsorship at Bristol Motor Speedway. (Patron—O'Quinn)	HJR	357	1741
New River Resource Authority; commending. (Patron—March)	HJR	237	1672
Norfolk State University baseball team; commending. (Patron—Hayes)	HJR	122	1606
Norfolk State University men's basketball team; commending. (Patron—Hayes) ...	HJR	126	1608
Northam, Pamela; commending. (Patron—Murphy)	HJR	301	1709

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Northern Virginia Resettling Afghan Families Together; commending.			
Patron—Tran	HR 215		1909
Oakton High School; commending. (Patron—Petersen)	SJR 114		2021
Oakton High School boys' cross country team; commending. (Patron—Keam)	HJR 443		1788
Obranovich, Virginia and Richard; commending. (Patron—Bennett-Parker)	HJR 411		1770
Officers in the Virginia State Navy during the Revolutionary War; commemorating the lives and legacies of the eight Black men who served. (Patron—Kiggans)	SR 81		2123
Old Dominion; commending. (Patron—Edmunds)	HJR 121		1605
Older Americans Act Nutrition Program; commemorating its 50th anniversary. Patron—Ebbin	SJR 186		2061
Omega Psi Phi Fraternity, Pi Lambda Chapter; commemorating its 18th anniversary. (Patron—Mundon King)	HR 112		1860
Opportunities, Alternatives & Resources; commemorating its 50th anniversary. Patron—Keam	HJR 442		1787
Oscar F. Smith High School football team; commending. Patron—Hayes	HJR 341		1732
Patron—Spruill	SJR 44		1971
Osher Lifelong Learning Institute at George Mason University; commemorating its 30th anniversary. (Patron—Plum)	HJR 157		1627
Paige, Anthony Curtis; commending. (Patron—Williams Graves)	HJR 201		1652
Pappula, Medha; commending. (Patron—Gooditis)	HR 107		1858
Parker, Wendell E.; commending. (Patron—Kiggans)	SR 30		2098
Parpart, Larry; commending. (Patron—Willett)	HJR 197		1649
Parry McCluer High School boys' basketball team; commending. Patron—Campbell, R.R.	HJR 38		1576
Paterakis, Chuck; commending. (Patron—Cosgrove)	SJR 97		2012
Patrick & Henry Community College; commemorating its 60th anniversary. Patron—Williams	HJR 446		1790
Patrick Henry High School boys' volleyball team; commending. Patron—Fowler	HJR 67		1585
Patriot High School boys' swim and dive team; commending. (Patron—Sewell)	HR 131		1870
Paylor, David K.; commending. (Patron—Petersen)	SJR 115		2022
Paymerang; commending. (Patron—Hashmi)	SR 26		2096
Payne, Albert L.; commending. (Patron—Marshall)	HJR 296		1706
Payton, Mercury; commending. (Patron—Keam)	HJR 445		1789
Peace, Christopher Kilian; commending. (Patron—Hodges)	HR 125		1867
Peace, Linda; commending. (Patron—Tran)	HR 168		1888
Pernell "Sweet Pea" Whitaker Boxing and Fitness Center; commending. Patron—Glass	HR 184		1895
Petersburg High School boys' basketball team; commending. (Patron—Taylor)	HR 126		1868
Piper, Christopher E.; commending. (Patron—Adams, D.M.)	HJR 284		1699
Potineni, Abhinav and Cheluvi; commending. (Patron—Subramanyam)	HR 164		1886
Prince Michel Winery; commemorating its 40th anniversary. (Patron—Freitas)	HR 54		1833
Pryor, Jason; commending. (Patron—Mullin)	HJR 348		1736
Radford University Carilion; commemorating its 40th anniversary. Patron—Rasoul	HJR 291		1703
Ready, Karen; commending. (Patron—Simon)	HR 45		1829
Reagan, Bill; commending. (Patron—Bennett-Parker)	HJR 405		1767
Reamon, Tommy, Sr.; commending. (Patron—Price)	HR 227		1916
Reed, Cora; commending. (Patron—Bennett-Parker)	HJR 403		1766
Republic of Ghana; commemorating its 65th anniversary. (Patron—Mundon King)	HR 159		1884
Rettig, Erin; commending. (Patron—Willett)	HJR 181		1641
Rey, Chris V.; commending. (Patron—Sewell)	HR 50		1831
Richards, Megan; commending. (Patron—Coyner)	HR 33		1823
Richmond Ambulance Authority; commemorating its 30th anniversary. Patron—Bagby	HJR 165		1631
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Richmond Free Press ; commemorating its 30th anniversary.			
Patron—Bourne	HJR	153	1624
Patron—McClellan	SJR	104	2016
Richmond Public Art Commission ; commending. (Patron—Morrissey)	SR	23	2095
Riddell, Austin ; commending. (Patron—Wiley)	HJR	242	1675
River Basin Grand Winners of the Clean Water Farm Award ; commending.			
Patron—Ware	HJR	354	1739
Riverheads High School football team ; commending.			
Patron—Campbell, R.R.	HJR	106	1598
Patron—Hanger	SJR	58	1985
Roanoke College ; commemorating its 180th anniversary. (Patron—Rasoul)	HJR	305	1711
Roanoke 100 Miler ; commemorating its 10th anniversary. (Patron—Rasoul)	HJR	195	1648
Robinson Secondary School wrestling team ; commending. (Patron—Filler-Corn) ...	HJR	388	1758
Rodriguez, Viviana ; commending. (Patron—Roem)	HR	202	1903
Roller, Kevin ; commending. (Patron—Petersen)	SJR	111	2020
Roltsch-Anoll, H. Jan ; commending. (Patron—Surovell)	SJR	94	2011
Rose Hill Elementary School ; commemorating its 65th anniversary.			
Patron—Surovell	SJR	208	2073
Ross, Christine Emily ; commending. (Patron—Convirs-Fowler)	HJR	162	1630
Rotary Club of Winchester ; commemorating its 100th anniversary.			
Patron—Gooditis	HR	102	1856
Rumberger, Dale ; commending. (Patron—Tran)	HR	219	1911
Rustburg High School girls' volleyball team ; commending. (Patron—Fariss)	HR	96	1853
Rustburg High School softball team ; commending. (Patron—Fariss)	HR	97	1853
Saint Bridget Catholic School robotics team ; commending. (Patron—Dunnivant) ...	SJR	108	2019
Saint Mary's Catholic School fifth grade girls' basketball team ; commending.			
Patron—Dunnivant	SR	50	2108
Salo, John A. ; commending. (Patron—Chase)	SR	41	2104
Sangster Elementary School ; commending. (Patron—Tran)	HJR	426	1779
Sasser, Bob ; commending.			
Patron—Davis	HR	69	1841
Patron—Cosgrove	SR	54	2109
Scott, Edward T. ; commending. (Patron—Freitas)	HR	98	1854
Scott, Nick ; commending. (Patron—Delaney)	HR	224	1914
Second Baptist Church of South Richmond ; commending. (Patron—Carr)	HJR	279	1696
Sentara Healthcare Nightingale Regional Air Ambulance ; commemorating its 40th anniversary. (Patron—Williams Graves)	HJR	272	1692
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Seven Hills School ; commemorating its 20th anniversary. (Patron—McClellan)	SJR	187	2061
Shaffer, John ; commending. (Patron—Gilbert)	HJR	192	1647
Sheers, Kelly ; commending. (Patron—Tran)	HR	216	1909
Sheikh, M. Siddique ; commending. (Patron—Mundon King)	HR	129	1869
Shelor, Larry J. ; commending. (Patron—March)	HJR	109	1599
Shelton, Jackson H. ; commending. (Patron—Glass)	HR	204	1904
Shenandoah County ; commemorating its 250th anniversary. (Patron—Gilbert)	HJR	196	1649
Sherando High School girls' swim team ; commending. (Patron—Gooditis)	HR	80	1845
Shifflett, Lauren ; commending. (Patron—Runion)	HJR	236	1672
Shinall, Christina ; commending. (Patron—Hackworth)	SR	63	2115
Shincheonji New Heaven New Earth Church ; commending. (Patron—Kory)	HR	140	1874
Shupe, Elizabeth Joanne ; commending. (Patron—Simon)	HJR	208	1655
Sieber, Caroline and Corinne ; commending. (Patron—Helmer)	HJR	333	1727
Sierra Leone, Republic of ; commemorating its 60th anniversary.			
Patron—Mundon King	HR	48	1830
Silver Hand Meadery ; commending. (Patron—Mullin)	HJR	389	1758
Simmons, Harold ; commending. (Patron—Tran)	HJR	428	1780
Simmons, Joe ; commending. (Patron—Obenshain)	SJR	129	2029
Simpson, Donald, Jr. ; commending. (Patron—Bennett-Parker)	HJR	434	1783
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South County High School girls' soccer team ; commending. (Patron—Tran)	HJR	429	1781

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Staff of Centre Ridge Elementary School ; commending. (Patron—Helmer)	HR	188	1897
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The Elizabeth Kates Foundation ; commending. Patron—Ware	HR	162	1885
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The Korea Times ; commemorating its 50th anniversary. (Patron—Shin)	HJR	285	1700
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Uniwest Construction, Inc.; commending. (Patron—Simon)	HR 91	1851
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Veterans Moving Forward; commending. (Patron—Subramanyam)	HR 136	1872
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Veterans of Foreign Wars Post 8469; commemorating its 75th anniversary. Patron—Helmer	HJR 329	1726
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Virginia Beach Lifesaving Service; commending. (Patron—DeSteph)	SJR 86	2006
Virginia Cardinals Rugby Football Club; commending. (Patron—Petersen)	SJR 183	2059
Virginia Coalition for Beagle Protection; commending. (Patron—Kory)	HR 155	1882
Virginia Commonwealth University women's basketball team; commending. Patron—Bourne	HR 203	1904
Virginia Economic Developers Association; commending. (Patron—Pillion)	SJR 203	2070
Virginia Housing; commemorating its 50th anniversary. Patron—Marshall	HJR 264	1687
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Virginia Manufacturers Association; commemorating its 100th anniversary. Patron—Byron	HJR 202	1652
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Virginia School Breakfast Program; commending. Patron—O'Quinn	HJR 430	1781
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Virginia Sports Hall of Fame; commending 2020 and 2022 inductees. Patron—Davis	HR 32	1822
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Waltz, Jesse; commending. (Patron—DeSteph)	SJR 102	2015
Washington, Kyairra; commending. (Patron—Coyner)	HR 35	1824
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Wason, Harry; commending. (Patron—Mason)	SJR 220	2080
Weneta, Shawn; commending. (Patron—Kory)	HJR 94	1592
Werblood, Mark; commending. (Patron—Simon)	HR 88	1849
Whitaker, Louis Rodman, Jr.; commending. Patron—Adams, L.R.	HJR 247	1677
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Whitehead, Robert A., Sr.; commending. (Patron—Mullin)	HJR 347	1735
Wiley, David Stewart; commending. (Patron—Head)	HJR 436	1784
Wilkes, Carly; commending. (Patron—Suetterlein)	SR 78	2122
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Wilson, Anthony S.; commending. (Patron—Ballard) HR 146 1877

Winchester Rescue Mission; commending. (Patron—Gooditis) HR 106 1858

Windsor, Town of; commemorating its 120th anniversary. (Patron—Brewer) HR 143 1875

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Wood, James L.; commending. (Patron—Kiggans) SR 71 2119

Wood, William C.; commending. (Patron—Runion) HJR 324 1723

Woodlawn Elementary School; commemorating its 85th anniversary.
 Patron—Surovell SJR 212 2076

Wray, Derek; commending. (Patron—McNamara) HJR 119 1604

Wright, Edgar Martin, Jr.; commending.
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Zadan, Walter; commending. (Patron—Mullin) HJR 345 1734

Zearfoss, Daniel; commending. (Patron—Suetterlein) SR 79 2122

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Zysk, Andrew; commending. (Patron—Simonds) HR 235 1920

COMMISSIONERS OF THE REVENUE

Land use assessment; forms used for revalidation of applications shall be prepared by the Tax Department, Department shall seek input from commissioners of revenue regarding such forms and ensure geographic diversity. (Patron—Orrock) HB 238 111 228

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Agritourism event buildings; authorizes the Board of Housing and Community Development to promulgate regulations pertaining to construction and rehabilitation of buildings, membership of Agritourism Event Structure Technical Advisory Committee. (Patron—Hanger) SB 400 262 451

Air Pollution Control Board and State Water Control Board; transfer of authority to Department of Environmental Quality, definitions, "controversial permit," criteria for requesting and granting a public hearing, repeals provisions relating to procedures for public hearings and permits for both Boards. (Patron—Stuart) SB 657 356 602

Alkaline hydrolysis; Board of Funeral Directors and Embalmers shall convene a work group to determine regulatory and statutory changes needed to legalize, implement, and regulate process, work group shall provide opportunity for public participation, etc., report. (Patron—Morrissey) SB 129 191 360

American Revolution 250 Commission; adds five legislative members to the Commission.
 Patron—Ware HB 6 687 1277
 Patron—Locke SB 22 685 1276

Apprenticeship programs; Board of Workforce Development, et al., reviewing performance of programs in meeting high-demand industry needs, creating a primary office for programs.
 Patron—Filler-Corn HB 718 699 1312
 Patron—Lucas SB 661 700 1313

Arts, Virginia Commission for the; eliminates Virginia Arts Foundation and transfers its powers and fund to Commission. (Patron—Pillion) SB 597 437 776

Asbestos, Lead, and Home Inspectors, Board for; Board to require that a home inspection and the report on its findings include a determination of whether the home's smoke detectors are in good working order. (Patron—McPike) SB 607 398 694

Capital Region Airport Commission; authorized to make charitable donations to organizations, etc.
 Patron—McQuinn HB 137 367 642
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Central Virginia Transportation Authority; adds the Chief Executive Officer of the Capital Region Airport Commission as an ex officio, nonvoting member. Patron—McQuinn	HB	138	189 359
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Certificate of Birth Resulting in Stillbirth; removes requirement that Board of Health prescribe a reasonable fee to cover the administrative cost and preparation. (Patron—Head)	HB	91	171 341
Charitable Gaming Board; powers and duties moved to Department of Agriculture and Consumer Services, Commissioner shall promulgate regulations regarding Texas Hold'em poker tournaments, etc., opportunity for public comment on regulations prior to adoption. Patron—Krizek	HB	765	609 1140
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Child Care Subsidy Program; Board of Education shall examine its regulations and determine feasibility of amending, permitting all active duty Armed Forces members who serve as caregivers to apply for Program. Patron—Brewer	HB	994	23 57
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Commonwealth Transportation Board; Board to adopt performance standards for review of certain plans by Department of Transportation, report. (Patron—Austin) . .	HB	482	680 1274
Comprehensive water supply planning process; State Water Control Board shall consider existing interjurisdictional arrangements in designating regional planning areas. (Patron—Webert)	HB	1297	331 533
Correctional facilities, local or regional; State Board of Local and Regional Jails shall convene a work group to review and make recommendations regarding reduction or elimination of costs and fees charged to inmates, report. (Patron—Morrissey)	SB	581	359 621
Education, Board of; qualifications of members, Governor shall consider appointing two members. (Patron—Rasoul)	HB	879	770 1480
Hospitals; Board of Health shall convene a workgroup to provide recommendations regarding regulations to develop protocols for connecting patients receiving rehabilitation services to necessary follow-up care. (Patron—Orrock)	HB	235	112 229
Hotels; Department of Criminal Justice Services, under the direction of the Criminal Justice Services Board, to develop an online course to train hotel proprietors and their employees to recognize and report instances of suspected trafficking, definitions, Department shall approve or disapprove of use of any alternative online or in-person course, etc., effective dates. (Patron—Simonds)	HB	258	751 1419
Independent dealer-operator recertification; codifies existing Motor Vehicle Dealer Board regulations. (Patron—Wyatt)	HB	316	574 1047
Insurance; removes an exception to regulation of insurance rates by SCC relating to certain automobile bodily injury and property damage liability insurance policies, repeals airtrip accident policy provision. (Patron—Ward)	HB	62	180 347
Kinship foster care; notice and appeal, forms or materials shall be provided to the relative, etc., Board of Social Services shall promulgate regulations to implement provisions. Patron—Gooditis	HB	716	561 1025
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Maximum contaminant levels (MCLs) in water supplies and waterworks; Board of Health regulations, report. (Patron—Orrock)	HB	919	585 1060
Notice of final adverse decision; Common Interest Community Board shall review feasibility of allowing audio and video recordings to be submitted with notice as a record pertinent to the decision, report. (Patron—Petersen)	SB	693	244 421
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Obesity prevention and other obesity-related services; Joint Commission on Health Care shall study and provide recommendations related to the payment of medical assistance for services. (Patron—Guzman)	HB	1098	460 813

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Out-of-state health care practitioners; temporary authorization to practice, provided certain conditions are met, person is contracted by or has received an offer of employment from hospital, etc., licensure by reciprocity for physicians, Board of Medicine shall pursue reciprocity agreements with jurisdictions that surround the Commonwealth, report.				
Patron—Helmer	HB	1187	463	819
Patron—Favola	SB	317	464	820
Pharmaceutical processors; amends the definition of "cannabis oil," processors and cannabis dispensing facilities shall electronically transmit, on a monthly basis, all new written certifications received, Board of Pharmacy shall maintain an electronic database of certified patients, etc.				
Patron—Robinson	HB	933	391	680
Patron—Dunnavant	SB	671	392	685
Pharmacists; initiation of treatment with and dispensing and administration of vaccines, drugs, devices, etc., administration of vaccine to persons three years of age or older, Board of Medicine, et al., shall establish a statewide protocol.				
Patron—Orrock	HB	1323	791	1524
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Pharmacy, Board of; Board shall adopt regulations related to work environment requirements for pharmacy personnel that protect the health, safety, and welfare of patients. (Patron—Hodges)				
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Prescription drug donation program; Board of Pharmacy shall convene a work group to evaluate, report. (Patron—Favola)				
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Provisional teacher licensure; Board of Education may provide issuance to teachers, who have held within the last five years, a valid license or certification to teach issued by an entity outside of the United States, etc.				
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Real Estate Appraiser Board; continuing education to include fair housing or appraisal bias courses, effective date. (Patron—Coyner)				
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Real Estate Board; death or disability of a real estate broker, designating licensed broker at time of application for licensure, effective date. (Patron—Suetterlein)				
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Sales and use tax; entitlement to revenues from tourism projects, entitlement shall be subject to review and approval by MEI Project Approval Commission.				
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State Water Control Board; amending certain regulations relating to an existing sewage treatment plant constructed and placed into service prior to January 1, 2001, etc. (Patron—Stuart)				
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Statewide Telehealth Plan; Board of Health shall contract with the Virginia Telehealth Network or another Virginia-based nongovernmental, nonprofit organization in amending and maintaining.				
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Student Advisory Board; established. (Patron—Davis)				
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Patron—Orrock	HB	236	104	223
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Transit Ridership Incentive Program; Commonwealth Transportation Board to use at least 25 percent of the funds available for the Program for grants to fund reduced-fare or zero-fare transit projects, sunset date on certain provision. Patron—Barker	SB	342	719	1346
Uniform Statewide Building Code; Board of Housing and Community Development to consider certain revisions to provide an exemption from certain use and occupancy classifications. (Patron—Head)	HB	1289	407	717
Virginia Employment Commission; administrative reforms, reporting requirements, electronic submissions, Unemployment Compensation Ombudsman position created, redetermination of monetary determination. Patron—Byron	HB	270	754	1429
Patron—McPike	SB	219	716	1339
Virginia Freedom of Information Act; individual votes of members of the Virginia Parole Board shall be public records and subject to provisions of the Act. Patron—Williams	HB	1303	25	58
Patron—Suetterlein	SB	5	26	59
Virginia Parole Board; monthly reports. (Patron—DeSteph)	SB	547	141	305
Waste coal; removal in the public interest, sunset date, Commission on Electric Utility Regulation may review information on approximate volume and number of waste coal piles present in coalfield region. (Patron—Kilgore)	HB	1326	177	346
Wildlife Resources, Board of; conveyance of certain property to Shenandoah Valley Battlefields Foundation. (Patron—Wiley)	HB	1278	108	227
COMMONWEALTH PUBLIC SAFETY				
DNA data bank sample tracking system; samples shall be mailed or transported, replaces certain references in the Code to the Local Inmate Data System with references to the Department of Forensic Science DNA data bank sample tracking system. Patron—Bell	HB	748	42	83
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Hotels; Department of Criminal Justice Services, under the direction of the Criminal Justice Services Board, to develop an online course to train hotel proprietors and their employees to recognize and report instances of suspected trafficking, definitions, Department shall approve or disapprove of use of any alternative online or in-person course, etc., effective dates. (Patron—Simonds)	HB	258	751	1419
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Line of Duty Act; Virginia licensed health practitioners required to conduct medical reviews, persons issued a comparable license, as determined by Virginia Retirement System, by the District of Columbia or a state that is contiguous to Virginia. Patron—DeSteph	SB	468	484	848
Marcus alert system; optional participation in the system for certain localities, etc., locality with a population that is greater than 40,000 shall establish protocols, report. Patron—Ransone	HB	1191	619	1179
Patron—Stuart	SB	361	613	1166
Sex offenders in emergency shelters; notification, registration, no person shall be denied entry into shelter solely on basis of status as offender. (Patron—Leftwich) . . .	HB	1080	316	520
Virginia Sexual and Domestic Violence Victim Fund; purpose, guidelines. Patron—Bell	HB	749	210	384
Volunteer Fire Department Training Fund; created. (Patron—Bell)	HB	746	765	1462
COMMONWEALTH'S ATTORNEYS				
Bail for a person accused of a crime that is an act of violence; magistrate shall transmit within 24 hours completed form to attorney for the Commonwealth, transmission of copy may be by facsimile or other electronic means. Patron—Adams, L.R.	HB	756	47	100
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Patron—Favola	SB 131	635	1208
COMPANION ANIMALS			
Animal cruelty; no agricultural animal or game species, or animal actively involved in bona fide scientific or medical experimentation shall be considered a companion animal, etc. (Patron—Stanley)			
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Companion animals; duty to identify submitted animal, scanning for microchip, certain requirements shall not apply to transfer of animals between veterinarians, etc.			
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Compton, Keith Allen; recording sorrow upon death. (Patron—Kilgore)			
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COMPUTER SERVICES AND USES			
Broadband affordability; Department of Housing and Community Development to develop a plan to address, report.			
Patron—Subramanyam	HB 1265	518	905
Patron—Petersen	SB 716	519	905
Data centers; center fixtures are taxed as part of the real property where they are located, etc.			
Patron—McNamara	HB 791	671	1266
Patron—McPike	SB 513	672	1267
Health care providers; health records of minors, disclosure of patient records, available via secure website. (Patron—Robinson)			
	HB 916	218	393
Index of wills; clerk of Rockingham Circuit Court may establish a pilot project to lodge wills for safekeeping with a searchable database, report. (Patron—Obenshain)			
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Lists of persons voting at elections; creation of searchable public lists prohibited.			
Patron—Deeds	SB 698	445	794
Public bodies; security of government databases and data communications, report.			
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Patron—Barker	SB 764	627	1199
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Patron—Byron	HB 1155	434	767
Patron—Marsden	SB 683	435	771
Virginia Freedom of Information Act; local public bodies to post meeting minutes on its website. (Patron—March)			
	HB 150	396	693
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Eminent domain; various changes to the laws pertaining to condemnation procedures, clarifies definition of "lost access," certificate of completion, repeals provision relating to remedy of landowners under certain conditions, certain provisions shall apply only to the taking of or damage to property that has occurred on or after July 1, 2022, etc. (Patron—Obenshain)			
	SB 694	735	1390
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Conflict of Interests Act, State and Local Government; definition of gift, certain tickets and registration or admission fees.			
Patron—Simonds	HB 216	528	919
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requesting and granting a public hearing, repeals provisions relating to procedures for public hearings and permits for both Boards. (Patron—Stuart)	SB	657	356 602
Conservation and natural resources; amendments for clarity sections that are currently carried by reference only. (Patron—Scott, D.L.)	HB	562	235 410
Enhanced Nutrient Removal Certainty Program; adds Fredericksburg Waste Water Treatment Facility to list of priority projects for Program, nutrient technology requirements. Patron—Scott, P.A.	HB	1067	127 269
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Flood resiliency and protection; implements recommendations from first Virginia Coastal Resilience Master Plan. Patron—Bulova	HB	516	494 858
Patron—Marsden	SB	551	495 861
Historical African American cemeteries; changes the date of establishment that qualifies cemeteries for appropriated funds to care for such cemeteries. Patron—McQuinn	HB	140	450 799
Patron—McClellan	SB	477	187 356
Historical African American cemeteries and graves; disbursement of funds, eligibility for funding, amends definition of qualified organization. Patron—Ward	HB	727	541 948
Patron—Locke	SB	23	540 946
James River; designating an additional portion running through Nelson and Appomattox Counties as a component of the Virginia Scenic Rivers System. Patron—Fariss	HB	49	175 343
Lyme disease; signage in state parks, instructional resources and materials, report. Patron—Reid	HB	850	303 498
Maury River; extends the portion previously designated as a state scenic river by an additional 23.2 miles. Patron—Campbell, R.R.	HB	28	409 718
Patron—Deeds	SB	292	410 718
Resilient Virginia Revolving Loan Fund; created, definitions, loans and grants to a local government. Patron—Bulova	HB	1309	782 1499
Patron—Lewis	SB	756	739 1405
Shenandoah River; designates an 8.8-mile portion of the North Fork as the Shenandoah State Scenic River. (Patron—Avoli)	HB	1223	661 1256
Small renewable energy projects; impact on natural resources, defines "prime agricultural soils" and clarifies meaning of "forest land," etc., report. Patron—Webert	HB	206	688 1278
Virginia Black, Indigenous, and People of Color Historic Preservation Fund; created. Patron—McQuinn	HB	141	185 353
Patron—Hashmi	SB	158	186 355
Virginia Business Ready Sites Program Fund; created, definitions, repeals existing law that created the Major Employment and Investment Project Site Planning Grant Fund, report. (Patron—Marsden)	SB	28	83 199
Virginia Land Conservation Foundation and Fund; members of the Foundation, various changes to the allocation and use of funds. (Patron—Marsden)	SB	31	705 1314
CONSTITUTIONAL AMENDMENTS			
Absentee ballots; information on proposed constitutional amendments and referenda. Patron—VanValkenburg	HB	439	254 430
CONSUMER PROTECTION			
Consumer Data Protection Act; data deletion request, controller may retain a record of request and minimum data necessary for purpose of ensuring data remains deleted. Patron—Davis	HB	381	423 740
CONTINUING EDUCATION			
Funeral service licensees, funeral directors, and embalmers; at least one hour of continuing education in preneed funeral arrangements to be completed every three years. (Patron—Head)	HB	99	170 341
Real Estate Appraiser Board; continuing education to include fair housing or appraisal bias courses, effective date. (Patron—Coyner)	HB	284	118 262

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CONTRACTORS AND SUBCONTRACTORS			
Contractors ; exemption from licensure for work providing remodeling, etc., valued at \$25,000, or less. (Patron—Hackworth)	SB	121	149 312
Contracts ; payment clauses to be included that obligate a contractor on a construction contract to be liable for entire amount owed to any subcontractor, right to payment of subcontractors, report, effective date for certain provisions. (Patron—Bell)	SB	550	727 1365
Nonpayment of wages ; as evidence a general contractor or subcontractor, regardless of tier, may offer a written certification, etc.			
Patron—Kilgore	HB	889	771 1480
Patron—Peake	SB	538	726 1364
CONTRACTS			
Contracts ; payment clauses to be included that obligate a contractor on a construction contract to be liable for entire amount owed to any subcontractor, right to payment of subcontractors, report, effective date for certain provisions. (Patron—Bell)	SB	550	727 1365
Energy performance-based contracts ; roof replacement to be a part of a larger energy performance-based contract, when the roof replacement is necessary for the completion of the other conservation or efficiency measures.			
Patron—Bulova	HB	1225	465 821
Patron—Favola	SB	13	466 822
Nonpayment of wages ; as evidence a general contractor or subcontractor, regardless of tier, may offer a written certification, etc.			
Patron—Kilgore	HB	889	771 1480
Patron—Peake	SB	538	726 1364
Virginia Public Procurement Act ; architectural and professional engineering term contracting, limitations, provisions shall apply to any contract for which the solicitation was issued on and after July 1, 2022.			
Patron—Bulova	HB	429	504 874
Patron—McPike	SB	225	505 875
Virginia Public Procurement Act ; performance and payment bonds, nontransportation-related public construction contracts. (Patron—Bell)	SB	259	565 1031
Virginia Public Procurement Act ; revision of procurement procedures.			
Patron—Shin	HB	1310	429 763
CORPORATIONS			
Business entities ; conversion and domestication. (Patron—Keam)	HB	691	82 193
Corporations and regulated business entities ; sets out sections that are currently carried by reference only, repeals a section not set out that states the legislative intent of the chapter relating to professional corporations. (Patron—Scott, D.L.)	HB	561	234 409
Income tax, corporate ; filing status for tax returns of certain affiliated corporations.			
Patron—Coyner	HB	224	416 733
Patron—McDougle	SB	386	417 734
Income tax, corporate ; tax returns of affiliated corporations, permission to change basis of type of return filed. (Patron—Watts)	HB	348	274 467
Income tax, state and corporate ; deductions for business interest, 30 percent of interest disallowed as a deduction.			
Patron—Brewer	HB	1006	648 1230
Landlords, participating ; tax credits on individual and corporate income tax.			
Patron—Willett	HB	402	252 428
Limited liability companies ; prepayment of annual registration fees, determining projected excess of fees and actual fees, etc. (Patron—Rasoul)	HB	309	290 483
CORRECTIONAL ENTERPRISES			
Correctional facilities ; work release programs, Secretary of Public Safety and Homeland Security to convene a work group to study programs.			
Patron—Marshall	HB	170	153 324
Correctional facilities, local ; authorizes the Governor and members of the General Assembly to enter the interior of any facility. (Patron—Morrissey)	SB	673	277 473
Correctional facilities, local or regional ; State Board of Local and Regional Jails shall convene a work group to review and make recommendations regarding reduction or elimination of costs and fees charged to inmates, report. (Patron—Morrissey)	SB	581	359 621

CORRECTIONAL ENTERPRISES - Continued

Correctional facilities, state; Department of Corrections shall convene a work group to review and make recommendations regarding reduction or elimination of costs and fees charged to inmates, report.				
Patron—Hope	HB	665	681	1275
Patron—Boysko	SB	441	682	1275
Correctional facilities, state, and juvenile; Department of Corrections shall convene a work group to study use of restorative housing. (Patron—Morrissey)	SB	108	710	1325
Correctional facility; intentionally covering, removing, etc., a security camera, penalty.				
Patron—Greenhalgh	HB	1332	673	1267
Patron—DeSteph	SB	700	674	1268
Medical assistance services; eligibility, individuals confined in state correctional facilities. (Patron—Price)	HB	800	300	493
CORRECTIONS, BOARD OF OR DEPARTMENT OF				
Correctional facilities, state; Department of Corrections shall convene a work group to review and make recommendations regarding reduction or elimination of costs and fees charged to inmates, report.				
Patron—Hope	HB	665	681	1275
Patron—Boysko	SB	441	682	1275
Correctional facilities, state, and juvenile; Department of Corrections shall convene a work group to study use of restorative housing. (Patron—Morrissey)	SB	108	710	1325
Staffing levels, employment conditions, and compensation at the Virginia Department of Corrections, joint committee of various House and Senate Committees Studying; continued, appropriations. (Patron—Hope)	HJR	61		1583
COSBY, TONY DARNELL				
Cosby, Tony Darnell; recording sorrow upon death. (Patron—McQuinn)	HJR	251		1679
COUNTIES, CITIES, AND TOWNS				
Alarm systems; regulation, battery-charged fence security systems.				
Patron—Brewer	HB	907	44	91
Patron—Lucas	SB	526	43	90
Approved local volunteer activities; definitions, localities, by ordinance, may provide a credit against taxes and fees imposed by the locality. (Patron—Orrock)	HB	911	773	1486
Arrest and summons quotas; prohibits any agency of the Commonwealth or director or chief executive of any agency or department employing law-enforcement officers, etc., from establishing a formal or informal quota.				
Patron—Bell	HB	750	208	383
Patron—Reeves	SB	327	209	384
Bath County; adds County to the list of counties that may by ordinance, and after a public hearing, levy a fee for the management of solid waste.				
Patron—Campbell, R.R.	HB	32	347	550
Patron—Deeds	SB	294	348	551
Cemeteries; registration by locality of places of burial on private property, publication prior to sale. (Patron—Roem)	HB	961	369	645
Charitable institutions and associations; no organization shall be prohibited from applying for or receiving public funds as part of a neutral grant or funding program from a locality, etc. (Patron—Subramanyam)	HB	377	566	1032
Cigarette tax, local; identifying unsold inventory, localities that increase taxes.				
Patron—McNamara	HB	1076	224	399
Patron—Ruff	SB	25	223	398
City reversion; disposition of police department or sheriff's department motorcycles.				
Patron—Stanley	SB	82	385	669
Comprehensive plan; local planning commission to hold a public hearing as part of the process for determining whether certain proposed features or facilities are substantially in accord with the locality's plan. (Patron—Kory)	HB	648	181	348
County boards of supervisors; salaries. (Patron—Peake)	SB	172	616	1173
Critically missing adult; expands definition, receipt of reports.				
Patron—Cordoza	HB	1060	394	691
Patron—Favola	SB	49	395	692
Delinquent tax lands; authorizes localities to have a special commissioner appointed to, in lieu of a sale at public auction, convey certain real estate having delinquent taxes or liens to a land bank entity, etc., parcels containing a structure that is a derelict				

COUNTIES, CITIES, AND TOWNS - Continued

building, taxes and liens, together, including penalty and accumulated interest, exceed 25 percent of assessed value of parcel, land bank entity or existing nonprofit entity receiving property.				
Patron—Rasoul	HB	298	15	36
Patron—Edwards	SB	142	713	1331
Election officials, state and local; acceptance of certain gifts and funding prohibited, shall not prohibit acceptance of a federal government grant funded in whole or part by donations from private individuals, etc.				
Patron—Wachsmann	HB	205	697	1312
Patron—Stanley	SB	80	698	1312
Electric utilities, certain; local reliability data provided to a locality upon request.				
Patron—Herring	HB	414	653	1244
Emergency custody orders or temporary detention process; custody and transportation of persons, etc., alternative custody, auxiliary police officers.				
Patron—Newman	SB	593	730	1376
Emergency Shelters Upgrade Assistance Grant Fund; funds to be paid to entities outlined in local shelter plans. (Patron—Vogel)	SB	353	337	538
Exhaust systems; regulation of noise from a vehicle on a highway that is not equipped with a muffler and system, repeals provision relating to regulation of motorcycle, etc., noise. (Patron—Carr)	HB	632	490	856
Facial recognition technology; redefines, authorized uses, local law-enforcement agencies and campus police shall not use technology for tracking movements of an identified individual in a public space in real time, etc., State Police Model Facial Recognition Technology Policy, report, sunset provision. (Patron—Surovell)	SB	741	737	1397
Food and drink law; permitting requirements, duties of Commissioner, local food inspection or permitting ordinance, etc. (Patron—Wilt)	HB	837	204	376
GO Virginia Grants; extends sunset provision that allows a locality to use grant funds awarded by the Tobacco Region Revitalization Commission as matching funds.				
Patron—Wampler	HB	654	137	294
High-speed broadband service; Department of Housing and Community Development shall convene advisory group on expanding service and associated infrastructure in new residential and commercial development.				
Patron—Murphy	HB	445	592	1116
Patron—Boysko	SB	446	593	1116
Industrial Development and Revenue Bond Act; industrial development authority to make grants associated with the construction of affordable housing in order to promote safe and affordable housing in the Commonwealth. (Patron—Carr)	HB	1194	489	854
Insurance; locality may provide for employees of certain public school foundations.				
Patron—Coyner	HB	223	105	224
Patron—Dunnivant	SB	437	106	225
Land preservation program; special assessment. (Patron—Webert)	HB	199	663	1257
Law-enforcement agencies; acquisition of military property.				
Patron—Williams	HB	813	375	648
Patron—Reeves	SB	328	376	649
License plates, special; localities to pay initial issuance fee costs for development and issuance. (Patron—Keam)	HB	703	54	107
License taxes, local; limitation of authority.				
Patron—Leftwich	HB	1084	659	1252
Patron—McDougle	SB	385	660	1254
Local government; hiring people with disabilities. (Patron—Keam)	HB	710	306	507
Local governments; general powers, Commercial Property Assessed Clean Energy (C-PACE) financing programs, localities adopting or amending its C-Pace ordinance, etc. (Patron—Reid)	HB	1325	402	700
Local land use approvals; extension of approvals to address the COVID-19 pandemic, provisions shall not be construed to extend previous extensions related to the COVID-19 housing crisis.				
Patron—Marshall	HB	272	178	346
Patron—Lewis	SB	501	179	347
Localities; public meeting during state project planning phase. (Patron—Bulova)	HB	437	480	842
Localities; publication of notice in newspaper. (Patron—Ransone)	HB	167	478	838

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COUNTIES, CITIES, AND TOWNS - Continued

Louisa, Town of; Town may appoint from five to seven members to serve on the board of economic development authority. (Patron—McGuire)	HB	60	622	1192
Marcus alert system; optional participation in the system for certain localities, etc., locality with a population that is greater than 40,000 shall establish protocols, report. Patron—Ransone	HB	1191	619	1179
Patron—Stuart	SB	361	613	1166
Martinsville, City of; approval of voters before city can revert to town status, sunset provision. Patron—Marshall	HB	173	220	397
Patron—Stanley	SB	85	219	397
Onsite sewage system pump-out oversight; Department of Health, effective July 1, 2023, to manage and enforce compliance for certain counties and the incorporated towns within those counties, report. (Patron—Hodges)	HB	769	486	849
Park authorities; authority to operate, etc., electric vehicle charging stations. Patron—Bulova	HB	443	255	432
Personal property; distrained or levied on property, auctioneers or auction firms outside county or city of an officer. (Patron—Bulova)	HB	449	62	114
Planning; definition of subdivision, boundary line agreement, copy of final decree shall be provided to zoning administrator of the locality in which property is located. Patron—Leftwich	HB	1088	271	464
Political subdivisions; group self-insurance pools. (Patron—Head)	HB	1268	439	785
Political subdivisions; powers and duties, emergency management assessment. Patron—Hackworth	SB	60	217	391
Posting of notices; electronic posting on public government website of the locality, etc., effective date. (Patron—Hope)	HB	677	683	1275
Public accommodations, employment, and housing; prohibited discrimination on the basis of religion, includes outward religious expression. (Patron—Shin)	HB	1063	799	1544
Real property tax; assessment cycles by counties. Patron—Hodges	HB	951	361	623
Patron—Norment	SB	77	362	623
Real property taxes; notice of proposed increase, notice of public hearing shall be published on different day than notice for annual budget hearing. (Patron—Durant)	HB	1010	29	61
Refunds of local taxes; authority of treasurer. (Patron—Williams Graves)	HB	368	286	481
Tax, local; solar facility exemption, facilities measured in direct current kilowatts of not more than 25 kilowatts, effective date. (Patron—Mason)	SB	686	496	865
Taxes; appeal of local assessments. (Patron—Coyner)	HB	226	358	620
Taxes, local; grants localities permissive authority to return real or surplus personal property tax revenues, or both, to taxpayers. Patron—McNamara	HB	267	165	335
Patron—Suetterlein	SB	12	166	336
Trees; replacement and conservation during land development process in localities, silvicultural practices, powers of local government. (Patron—Marsden)	SB	537	620	1183
Utilities, certain; pro rata reimbursements for installation. (Patron—Cosgrove)	SB	52	629	1202
Virginia Code Commission; work group to review public notices required to be published by localities. Patron—Williams	HB	1131	129	282
Patron—Stanley	SB	417	130	283
Virginia Freedom of Information Act; local public bodies to post meeting minutes on its website. (Patron—March)	HB	150	396	693
Virginia Regional Industrial Facilities Act; localities' revenue sharing agreements. Patron—Morefield	HB	1271	231	406
Patron—Hackworth	SB	720	230	405
Waterway Maintenance Grant Program; qualifications of recipient for grants. Patron—Stuart	SB	357	282	476
Zoning appeals, board of; local governing body to appropriate such funds as necessary so that its board may employ or contract for secretaries, clerks, etc. Patron—Roem	HB	616	249	424

COURT OF APPEALS OF VIRGINIA

Court of Appeals of Virginia; makes various changes to procedures and jurisdiction of the Court. (Patron—Edwards)	SB	143	714	1332
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COURT OF APPEALS OF VIRGINIA - Continued

Judges; election in Court of Appeals of Virginia, circuit court, general district court, juvenile and domestic relations district court, and a member of the Workers' Compensation Commission. (Patron—Adams, L.R.)	HJR	152		1623
Judges; nominations for election to Court of Appeals of Virginia.				
Patron—Adams, L.R.	HR	10		1811
Patron—Edwards	SR	8		2084

COURTHOUSES AND COURTROOMS

Augusta County; removal of county courthouse from City of Staunton, plans shall be made available to the public at least two months prior to planned date of the referendum, if acquisition of property is required, the appraised value of that property shall be included in computation of total cost, etc.

Patron—Avoli	HB	902	806	1557
Patron—Hanger	SB	283	807	1558

COURTS NOT OF RECORD

Child abuse and neglect; amends definition, valid complaint. (Patron—Murphy)	HB	1334	366	634
Child and spousal support; retroactivity, support obligations, party's incarceration not deemed voluntary unemployment or underemployment. (Patron—Surovell)	SB	348	527	915
Clerk of the court; copies of appointment order to counsel. (Patron—Surovell)	SB	392	543	951
Foster care placements; authority of the court to review the child's status, etc., report.				
Patron—Edwards	SB	396	305	499
Health care bills and records; defines the term "bill" for the purposes of evidence of medical services provided in certain civil actions, identifying costs of health care services, etc.				
Patron—Leftwich	HB	1145	469	827
Patron—Stanley	SB	633	470	828
Judges; election in circuit court, general district court, and juvenile and domestic relations district court. (Patron—Adams, L.R.)	HJR	450		1792
Judges; election in Court of Appeals of Virginia, circuit court, general district court, juvenile and domestic relations district court, and a member of the Workers' Compensation Commission. (Patron—Adams, L.R.)	HJR	152		1623
Judges; nominations for election to general district court.				
Patron—Adams, L.R.	HR	12		1812
Patron—Adams, L.R.	HR	151		1880
Patron—Edwards	SR	10		2086
Patron—Edwards	SR	58		2112
Judges; nominations for election to juvenile and domestic relations district court.				
Patron—Adams, L.R.	HR	13		1812
Patron—Adams, L.R.	HR	152		1880
Patron—Edwards	SR	11		2086
Patron—Edwards	SR	59		2113
Juvenile boot camps; eliminates authority of the Department of Juvenile Justice to establish.				
Patron—Coyner	HB	228	414	721
Patron—Marsden	SB	546	415	727
Juvenile law-enforcement records; disclosures to school principals.				
Patron—Hanger	SB	649	542	950
Juvenile law-enforcement records; inspection of records by counsel for juvenile only if no other law or rule of the Supreme Court of Virginia requires or allows withholding of the record, etc.				
Patron—Ward	HB	731	455	808
Patron—Norment	SB	149	456	809
Retired circuit and district court judges under recall; evaluation, qualification by the Senate Committee on the Judiciary and the House Committee for Courts of Justice. (Patron—Surovell)	SB	106	532	925

COURTS OF RECORD

Adoption; allows a circuit court, upon consideration of a petition to immediately enter an interlocutory order referring the case to a child-placing agency, etc., report of visitation, putative father's registration with the Virginia Birth Father Registry.

Patron—Brewer	HB	869	377	651
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Civil cases; court shall not allow a defendant convicted of a crime from which civil matter arose to recover such cost from victim. (Patron—Krizek)

	HB	1327	279	474
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COURTS OF RECORD - Continued

Discretionary sentencing guidelines; midpoint for violent felony offenses, report, effective date.			
Patron—Adams, L.R.	HB	1320	783 1505
Patron—Edwards	SB	423	723 1362
Injunctions; review by the Supreme Court of Virginia, petitions for review, appeal of interlocutory orders and decrees, matters of contempt, etc. (Patron—Petersen)			
	SB	715	307 507
Judge; election in circuit court. (Patron—Adams, L.R.)			
	HJR	454	1795
Judge; nomination for election to circuit court.			
Patron—Adams, L.R.	HR	236	1921
Patron—Edwards	SR	82	2124
Judges; election in circuit court, general district court, and juvenile and domestic relations district court. (Patron—Adams, L.R.)			
	HJR	450	1792
Judges; election in Court of Appeals of Virginia, circuit court, general district court, juvenile and domestic relations district court, and a member of the Workers' Compensation Commission. (Patron—Adams, L.R.)			
	HJR	152	1623
Judges; increases from six to seven the maximum number in the Thirty-first Judicial Circuit.			
Patron—Torian	HB	821	580 1057
Patron—Surovell	SB	6	579 1056
Judges; nominations for election to circuit court.			
Patron—Adams, L.R.	HR	11	1811
Patron—Adams, L.R.	HR	150	1879
Patron—Edwards	SR	9	2085
Patron—Edwards	SR	57	2112
Judges; nominations for election to Court of Appeals of Virginia.			
Patron—Adams, L.R.	HR	10	1811
Patron—Edwards	SR	8	2084
Judicial Inquiry and Review Commission; availability of complaint forms, sign posted in location accessible to the public that provides instructions to obtain a downloadable electronic version of forms. (Patron—Krizek)			
	HB	761	588 1062
Probation violation guidelines; use of sentencing revocation report and discretionary sentencing guidelines in revocation proceedings.			
Patron—Adams, L.R.	HB	1318	569 1034
Patron—Edwards	SB	424	570 1036
Retired circuit and district court judges under recall; evaluation, qualification by the Senate Committee on the Judiciary and the House Committee for Courts of Justice. (Patron—Surovell)			
	SB	106	532 925
COVID-19			
COVID-19; Department of Education to recommend options for isolation and quarantine for students and employees at public schools who contract or are exposed.			
Patron—Dunnavant	SB	431	692 1284
Local land use approvals; extension of approvals to address the COVID-19 pandemic, provisions shall not be construed to extend previous extensions related to the COVID-19 housing crisis.			
Patron—Marshall	HB	272	178 346
Patron—Lewis	SB	501	179 347
Workers' compensation; extends date by which COVID-19 causing the death or disability of a health care provider is presumed to be an occupational disease.			
Patron—Robinson	HB	932	644 1226
COX, M. KIRKLAND			
Cox, M. Kirkland; commending. (Patron—Cherry)	HR	2	1797
CRABTREE, MARK			
Crabtree, Mark; commending. (Patron—Marshall)	HJR	263	1686
CRANDALL, STEVEN CLARKE			
Crandall, Steven Clarke; recording sorrow upon death. (Patron—Deeds)	SJR	16	1945
CRAWFORD, VANESSA REESE			
Crawford, Vanessa Reese; commending. (Patron—Morrissey)	SJR	199	2068
CREATIVE CAULDRON			
Creative Cauldron; commemorating its 20th anniversary. (Patron—Simon)	HR	117	1863

CREDIT CARDS, CREDIT SERVICES, AND CREDIT UNIONS

Credit unions; activity authorized for a federally chartered credit union, activity, service, or other practice does not include credit union field of membership or field of membership expansion.

Patron—Webert HB 209 606 1138
Patron—Bell SB 329 607 1139

Credit unions; priority of shares.

Patron—Byron HB 268 675 1268
Patron—Bell SB 326 676 1269

CRESTWOOD ELEMENTARY SCHOOL

Crestwood Elementary School; commending. (Patron—Robinson) HJR 262 1685

CRIMES AND OFFENSES GENERALLY

Abuse and neglect; financial exploitation, changes term incapacitated adults, definitions, penalties.

Patron—Mullin HB 496 259 439
Patron—Mason SB 687 642 1219

Catalytic converters; Class 6 felony for a person to tamper with, break, or remove a converter from a motor vehicle, etc.

Patron—Bell HB 740 664 1258
Patron—Ruff SB 729 665 1259

Charitable gaming; any person or organization, whether qualified or permitted, that conducts without a permit, civil penalty.

Patron—Krizek HB 767 608 1140
Patron—Bell SB 399 555 1019

Charitable gaming; definitions, authorization to conduct electronic gaming required, electronic gaming adjusted gross receipts, electronic gaming for social organizations within its social quarters, etc., civil penalty, certain regulations exempt from Administrative Process Act.

Patron—Krizek HB 763 767 1465
Patron—Reeves SB 403 722 1350

Charitable gaming; registration of landlords, Texas Hold'em poker operations, individual poker games. (Patron—Bell) SB 394 612 1160

Charitable Gaming Board; powers and duties moved to Department of Agriculture and Consumer Services, Commissioner shall promulgate regulations regarding Texas Hold'em poker tournaments, etc., opportunity for public comment on regulations prior to adoption.

Patron—Krizek HB 765 609 1140
Patron—Reeves SB 402 554 999

Correctional facility; intentionally covering, removing, etc., a security camera, penalty.

Patron—Greenhalgh HB 1332 673 1267
Patron—DeSteph SB 700 674 1268

Criminal sexual assault; broadens definition of intimate parts, penalty.

Patron—Sewell HB 434 645 1228

Firearms; criminal history record information check required to sell, exception for purchase of service weapon. (Patron—Reeves) SB 675 270 464

Illegal gaming devices; adds manufacturing for sale, selling, or distributing of device while knowing that it is or is intended to be operated in the Commonwealth in violation of the law to the list of violations for which a civil penalty may be assessed, denial, suspension, etc., of permit, reports of gross receipts, failure to file.

Patron—Reeves SB 530 553 994

Military honor guards and veterans service organizations; paramilitary activities, exception.

Patron—Fowler HB 17 38 74
Patron—Stuart SB 618 37 73

Misuse of power of attorney; financial exploitation of incapacitated adults by an agent, penalty.

Patron—Mullin HB 497 397 693
Patron—Obenshain SB 124 654 1244

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CRIMES AND OFFENSES GENERALLY - Continued

Safe haven protections; newborn safety device at hospitals for reception of children.

Patron—Fowler HB 16 81 185
Patron—Ruff SB 63 80 176

Sexual abuse of animals; definitions, penalty. (Patron—Surovell) SB 249 594 1117

Switchblade; eliminates the prohibition for selling, bartering, etc., with the intent of selling, bartering, giving, or furnishing. (Patron—Pillion) SB 758 27 59

Threats and harassment of certain officials and property; removes provisions that allow certain crimes to be prosecuted in the City of Richmond if venue cannot otherwise be established, etc. (Patron—Freitas) HB 350 336 537

CRIMINAL HISTORY INFORMATION

Children's residential facilities; facility may employ person pending results of criminal history background checks, person does not work in the facility or any other location where children placed in facility are present, etc. (Patron—Mason) SB 577 729 1375

Firearms; criminal history record information check required to sell, exception for purchase of service weapon. (Patron—Reeves) SB 675 270 464

Foster or adoptive homes; Department of Social Services shall develop recommendations regarding changes to provisions governing criminal history background checks and barrier crimes for applicants, report. (Patron—Mason) SB 689 432 766

CRIMINAL JUSTICE SERVICES

Hotels; Department of Criminal Justice Services, under the direction of the Criminal Justice Services Board, to develop an online course to train hotel proprietors and their employees to recognize and report instances of suspected trafficking, definitions, Department shall approve or disapprove of use of any alternative online or in-person course, etc., effective dates. (Patron—Simonds) HB 258 751 1419

CRIMINAL PROCEDURE

Arrest warrant; offenses committed during a close pursuit. (Patron—Hanger) SB 102 326 529

Bail for a person accused of a crime that is an act of violence; magistrate shall transmit within 24 hours completed form to attorney for the Commonwealth, transmission of copy may be by facsimile or other electronic means.

Patron—Adams, L.R. HB 756 47 100
Patron—Stanley SB 614 48 101

Behavioral health dockets; responsibilities of local pretrial services officers.

Patron—Deeds SB 295 327 529

Clerk of the court; copies of appointment order to counsel. (Patron—Surovell) SB 392 543 951

Competency to stand trial; order for evaluation or treatment, copy to the Department of Behavioral Health and Developmental Services.

Patron—Bell HB 738 75 131
Patron—Mason SB 691 74 130

Criminal cases; increases compensation for experts. (Patron—Mason) SB 191 304 498

Disposition when defendant found incompetent; involuntary admission of the defendant, sunset date. (Patron—Mason) SB 198 508 877

DNA data bank sample tracking system; samples shall be mailed or transported, replaces certain references in the Code to the Local Inmate Data System with references to the Department of Forensic Science DNA data bank sample tracking system.

Patron—Bell HB 748 42 83
Patron—Edwards SB 150 41 76

Mandatory outpatient treatment; reorganizes and clarifies provisions governing, repeals provision relating to court review of mandatory outpatient treatment plan, effective date. (Patron—Hope) HB 663 763 1449

Misdemeanor sexual offenses where the victim is a minor; statute of limitations, penalty. (Patron—Obenshain) SB 227 110 227

Permanent protective orders; Hope Card Program created. (Patron—Hope) HB 671 374 648

Physical evidence recovery kits; victim's right to notification, storage, when a state or local law-enforcement agency has taken over responsibility for the investigation the kit shall be transferred to such agency, kit shall be submitted to Department within 60 days of receipt, etc.

Patron—Filler-Corn HB 719 453 805
Patron—McClellan SB 658 454 806

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CRIMINAL PROCEDURE - Continued

Probation violation guidelines; use of sentencing revocation report and discretionary sentencing guidelines in revocation proceedings.			
Patron—Adams, L.R.	HB	1318	569 1034
Patron—Edwards	SB	424	570 1036
Search warrants; copy of search warrant and affidavit given to at least one adult occupant. (Patron—Stuart)			
	SB	404	403 702
Sentencing documents; transmission to the Department of Health Professions and Department of Behavioral Health and Developmental Services.			
Patron—Dunnivant	SB	408	339 539
Sexual assault nurse and forensic examiners; testimony by two-way video conferencing related to certain forensic medical examinations. (Patron—Delaney) ..			
	HB	404	253 430
Sharing of forfeited assets; promoting law enforcement. (Patron—Glass)			
	HB	1282	266 455
Writ of actual innocence; changes the provision requiring that a petitioner petitioning for a writ based on previously unknown or unavailable nonbiological evidence allege that such evidence is such as could not, by the exercise of diligence, have been discovered or obtained before the expiration of 21 days. (Patron—Herring)			
	HB	422	625 1195
Writ of vacatur; victims of sex trafficking, payment of fees or costs.			
Patron—Keam	HB	711	408 717
CRISTMAN, CLYDE E.			
Cristman, Clyde E.; commending. (Patron—Hanger)	SJR	75	1994
CRITTENDEN, FLORA LONETTE DAVIS			
Crittenden, Flora Lonette Davis; recording sorrow upon death. (Patron—Price)	HJR	448	1791
CROSS, REBECCA MAE BENSON			
Cross, Rebecca Mae Benson; recording sorrow upon death. (Patron—Vogel)	SR	27	2097
CRUM, PAUL JONAS, JR.			
Relief; Crum, Paul Jonas, Jr. (Patron—Hudson)	HB	1263	426 742
CULLEN, WINTER CALVERT, III			
Cullen, Winter Calvert, III; recording sorrow upon death. (Patron—Bloxom)	HJR	15	1566
CUMMINGS, CONNER			
Cummings, Conner; commending. (Patron—Filler-Corn)	HJR	267	1688
CUPPETT PERFORMING ARTS CENTER			
Cuppett Performing Arts Center; commemorating its 60th anniversary.			
Patron—Keam	HJR	444	1788
CURCIO, TRACEY			
Curcio, Tracey; commending. (Patron—Coyner)	HR	100	1855
CURTIN, MARY ANN			
Curtin, Mary Ann; commending. (Patron—McQuinn)	HJR	44	1579
CUTLER, MALCOLM RUPERT			
Cutler, Malcolm Rupert; commending. (Patron—Austin)	HR	101	1855
D'AMATO, KEIRA CARLSTROM			
D'Amato, Keira Carlstrom; commending. (Patron—Adams, D.M.)	HJR	39	1576
DAN KAIN TROPHIES			
Dan Kain Trophies; commending. (Patron—Simon)	HR	89	1850
DANDRIDGE, ROBERT L., JR.			
Dandridge, Robert L., Jr.; commending.			
Patron—Hayes	HJR	123	1606
Patron—Bourne	HJR	154	1625
Patron—McClellan	SJR	117	2023
DAR AL NOOR ISLAMIC COMMUNITY CENTER			
Dar Al Noor Islamic Community Center; commending. (Patron—Maldonado)	HJR	240	1674
DAS, ROHINI			
Das, Rohini; commending. (Patron—Gooditis)	HR	76	1844
DATA BUSINESS SYSTEMS			
Data Business Systems; commemorating its 45th anniversary. (Patron—Simon)	HR	119	1864
DATABASES			
Index of wills; clerk of Rockingham Circuit Court may establish a pilot project to lodge wills for safekeeping with a searchable database, report. (Patron—Obenshain)	SB	221	109 227

DATABASES - Continued

Pharmaceutical processors; amends the definition of "cannabis oil," processors and cannabis dispensing facilities shall electronically transmit, on a monthly basis, all new written certifications received, Board of Pharmacy shall maintain an electronic database of certified patients, etc.				
Patron—Robinson	HB	933	391	680
Patron—Dunnivant	SB	671	392	685
Public bodies; security of government databases and data communications, report.				
Patron—Hayes	HB	1290	626	1196
Patron—Barker	SB	764	627	1199
DAUGHERTY, KELLY				
Daugherty, Kelly; commending. (Patron—Tran)	HR	217		1910
DAVIS, GILBERT K.				
Davis, Gilbert K.; recording sorrow upon death. (Patron—Stanley)	SR	44		2105
DAVIS, HUBERT CLAYTON				
Davis, Hubert Clayton; recording sorrow upon death. (Patron—Ballard)	HJR	273		1693
DAVIS, JONATHAN R.				
Davis, Jonathan R.; commending. (Patron—Ruff)	SJR	70		1992
DAY, LARRY BENTON, SR.				
Day, Larry Benton, Sr.; recording sorrow upon death. (Patron—Ballard)	HJR	274		1693
DEATHS				
Aaron, Bertram Donald; recording sorrow upon death. (Patron—Batten)	HJR	189		1645
Abed, Jameel Jalal; recording sorrow upon death.				
Patron—Willett	HJR	101		1595
Patron—Hashmi	SR	17		2090
Agee, Christopher Ray; recording sorrow upon death. (Patron—Stanley)	SJR	192		2063
Alber, George Phillip; recording sorrow upon death. (Patron—Helmer)	HJR	328		1725
Alexander, James Martin, Jr.; recording sorrow upon death. (Patron—Wyatt)	HJR	266		1688
Allen, William Lee, Sr.; recording sorrow upon death. (Patron—Bloxom)	HJR	12		1564
Anderson, E. Walter, Jr.; recording sorrow upon death. (Patron—McQuinn)	HJR	249		1678
Andrus, Keith Melville; recording sorrow upon death. (Patron—Brewer)	HJR	313		1716
Armstrong, Linda Holt; recording sorrow upon death. (Patron—Carr)	HJR	256		1682
Askew, Claire Robinson; recording sorrow upon death. (Patron—Hayes)	HJR	127		1608
Austin, Lorraine Paula; recording sorrow upon death. (Patron—Simonds)	HJR	220		1662
Bailey, Alyson Sudow; recording sorrow upon death. (Patron—Murphy)	HR	122		1865
Bailey, Peter H., Jr.; recording sorrow upon death. (Patron—McQuinn)	HJR	382		1755
Baker, Donald Burns; recording sorrow upon death.				
Patron—Kilgore	HR	51		1832
Patron—Hackworth	SR	25		2096
Barr, Richard L.; recording sorrow upon death. (Patron—Hope)	HJR	205		1654
Barresi, Patricia Ann; recording sorrow upon death. (Patron—Simonds)	HR	23		1818
Bayford, Dorothy Doretha; recording sorrow upon death. (Patron—Hodges)	HJR	289		1702
Bell, Donald Lee, Sr.; recording sorrow upon death. (Patron—Bell)	SR	48		2107
Bendily, Nicole DeMasters; recording sorrow upon death.				
Patron—Convirs-Fowler	HJR	178		1639
Patron—DeSteph	SJR	123		2026
Benka, Daniel L.; recording sorrow upon death. (Patron—Brewer)	HR	132		1871
Benka, Elizabeth Joan Thompson; recording sorrow upon death. (Patron—Brewer)	HR	133		1871
Bennett, Stanley B.; recording sorrow upon death. (Patron—Hashmi)	SJR	198		2067
Bentley, Stewart Woodruff, Sr.; recording sorrow upon death. (Patron—Petersen)	SJR	116		2022
Birdsong, Sue; recording sorrow upon death. (Patron—Brewer)	HR	211		1907
Bland, Joyce Evelyn Drumgoole; recording sorrow upon death.				
Patron—Wachsmann	HJR	217		1661
Patron—Lucas	SR	29		2098
Blankenship, John Gregory; recording sorrow upon death. (Patron—Austin)	HJR	258		1683
Boatwright, Daniel Winn; recording sorrow upon death.				
Patron—McGuire	HJR	386		1757
Patron—Dunnivant	SR	51		2108
Bondes, Kim William; recording sorrow upon death. (Patron—Ward)	HJR	246		1677
Bourgeois, Brian Michael; recording sorrow upon death. (Patron—Cosgrove)	SJR	45		1972

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DEATHS - Continued

Bredrup, Ole Christian, Jr.; recording sorrow upon death. (Patron—Carr)	HJR	255	1681
Brickhouse, Maury B.; recording sorrow upon death.			
Patron—Leftwich	HJR	343	1733
Patron—Cosgrove	SJR	156	2045
Briggs, Perry Lee, Sr.; recording sorrow upon death. (Patron—Carr)	HJR	257	1682
Brown, Charles St. Clair; recording sorrow upon death. (Patron—Hope)	HJR	312	1715
Brown, Woodrow M., Jr.; recording sorrow upon death. (Patron—Price)	HJR	374	1750
Bryant, Magalen Ohrstrom; recording sorrow upon death.			
Patron—Gilbert	HR	148	1878
Patron—Vogel	SJR	71	1992
Bryant, Neil Randolph; recording sorrow upon death. (Patron—Gooditis)	HR	92	1851
Buchanan, David Stuart, Sr.; recording sorrow upon death. (Patron—Ruff)	SJR	68	1991
Bullock, Harvey D., Sr.; recording sorrow upon death. (Patron—Jenkins)	HR	229	1917
Buriak, James P.; recording sorrow upon death.			
Patron—McNamara	HJR	245	1676
Patron—DeSteph	SJR	159	2046
Burke, Thomas Patrick, Jr.; recording sorrow upon death. (Patron—Carr)	HJR	286	1700
Burns, Valerie Ann DeLisio; recording sorrow upon death.			
Patron—VanValkenburg	HJR	213	1658
Burton, Willis H., Jr.; recording sorrow upon death. (Patron—Delaney)	HR	214	1909
Campbell, Gary Clark; recording sorrow upon death. (Patron—Reeves)	SJR	139	2036
Carlson, David R.; recording sorrow upon death. (Patron—Hope)	HJR	143	1618
Chalmers, Rebecca Kellam; recording sorrow upon death. (Patron—DeSteph)	SJR	103	2016
Chandler, Michael D.; recording sorrow upon death. (Patron—Kilgore)	HJR	51	1582
Claybrook, Richard Allen, Jr.; recording sorrow upon death. (Patron—Obenshain)	SJR	132	2031
Compton, Keith Allen; recording sorrow upon death. (Patron—Kilgore)	HJR	49	1581
Cosby, Tony Darnell; recording sorrow upon death. (Patron—McQuinn)	HJR	251	1679
Crandall, Steven Clarke; recording sorrow upon death. (Patron—Deeds)	SJR	16	1945
Crittenden, Flora Lonette Davis; recording sorrow upon death. (Patron—Price)	HJR	448	1791
Cross, Rebecca Mae Benson; recording sorrow upon death. (Patron—Vogel)	SR	27	2097
Cullen, Winter Calvert, III; recording sorrow upon death. (Patron—Bloxom)	HJR	15	1566
Davis, Gilbert K.; recording sorrow upon death. (Patron—Stanley)	SR	44	2105
Davis, Hubert Clayton; recording sorrow upon death. (Patron—Ballard)	HJR	273	1693
Day, Larry Benton, Sr.; recording sorrow upon death. (Patron—Ballard)	HJR	274	1693
Deloian, Harry; recording sorrow upon death. (Patron—Carr)	HJR	275	1694
Dent, Gavin William; recording sorrow upon death. (Patron—Suetterlein)	SR	73	2120
Dockery, Janie Lawson; recording sorrow upon death. (Patron—Kilgore)	HJR	314	1717
Doczi, Frank Clifford; recording sorrow upon death. (Patron—Knight)	HR	5	1809
Doud, Richard Van Evera, Jr.; recording sorrow upon death. (Patron—Hope)	HJR	452	1794
Dugan, Ferdinand C., III; recording sorrow upon death. (Patron—Ransone)	HJR	113	1601
Duncan, Paul Allen; recording sorrow upon death. (Patron—March)	HJR	95	1593
Eberly, Fred Ellsworth; recording sorrow upon death.			
Patron—Wilt	HJR	318	1719
Patron—Obenshain	SJR	125	2027
Fannon, Kenneth Gene; recording sorrow upon death. (Patron—Kilgore)	HJR	50	1581
Farrell, Thomas Francis, II; recording sorrow upon death. (Patron—McGuire)	HJR	281	1697
Federici, Benigno D.; recording sorrow upon death. (Patron—Brewer)	HR	213	1908
Ferguson, John Joseph; recording sorrow upon death. (Patron—Kilgore)	HJR	164	1631
Flemer, Carl Fletcher, Jr.; recording sorrow upon death. (Patron—Stuart)	SJR	22	1947
Fortkort, Thomas Anthony; recording sorrow upon death. (Patron—Petersen)	SJR	46	1972
Fountain, Maybell Ann Smith; recording sorrow upon death. (Patron—Carr)	HJR	278	1695
Franklin, William Alexander, Jr.; recording sorrow upon death. (Patron—Price)	HJR	376	1752
Freeman, Marie Frankie Muse; recording sorrow upon death.			
Patron—Mundon King	HR	62	1837
French, Warren Ballinger, Jr.; recording sorrow upon death.			
Patron—Gilbert	HJR	191	1646
Patron—Obenshain	SJR	133	2031
Fridley, Paul R.; recording sorrow upon death. (Patron—DeSteph)	SJR	160	2047
Gardner, Steven C.; recording sorrow upon death. (Patron—Kilgore)	HJR	47	1580

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Gardy, Jeffrey Lee ; recording sorrow upon death. (Patron—Brewer)	HR	207	1905
Garstka, Connor ; recording sorrow upon death.			
Patron—Carr	HJR	385	1756
Patron—Howell	SJR	179	2057
Gelardi, Michael F., Sr. ; recording sorrow upon death. (Patron—Cosgrove)	SJR	52	1976
Georgalas, Anastasius Jack ; recording sorrow upon death. (Patron—Norment)	SJR	62	1987
Giesen, Arthur R., Jr. ; recording sorrow upon death.			
Patron—Runion	HJR	114	1602
Patron—Hanger	SJR	8	1924
Gill, LaVerne McCain ; recording sorrow upon death. (Patron—Plum)	HJR	223	1664
Glass, Terry W. ; recording sorrow upon death. (Patron—Locke)	SJR	31	1950
Gonzales, Richard John ; recording sorrow upon death. (Patron—Batten)	HJR	188	1644
Gottwald, Floyd D. ; recording sorrow upon death. (Patron—Dunnavant)	SJR	135	2033
Grant, Sarah Bell Bennett ; recording sorrow upon death. (Patron—Lucas)	SJR	171	2052
Graves, Francis Madison, Jr. ; recording sorrow upon death. (Patron—Freitas)	HR	56	1834
Graves, Mildred Fayette Odom ; recording sorrow upon death.			
Patron—Williams Graves	HJR	185	1643
Green, Isaac Lee ; recording sorrow upon death. (Patron—Glass)	HR	194	1899
Greenwood, Julia Ann ; recording sorrow upon death. (Patron—Willet)	HJR	103	1596
Griffin, Christopher George ; recording sorrow upon death. (Patron—Jenkins)	HJR	171	1635
Griffin, Jon Kevin ; recording sorrow upon death. (Patron—Campbell, J.L.)	HJR	177	1638
Gunn, John McKenzie, Jr. ; recording sorrow upon death. (Patron—Deeds)	SJR	41	1970
Gunst, Sidney J., Jr. ; recording sorrow upon death. (Patron—VanValkenburg)	HJR	211	1657
Hall, James Douglas ; recording sorrow upon death. (Patron—Williams)	HJR	447	1790
Halsey, Elizabeth Lindsay Graham ; recording sorrow upon death. (Patron—Carr)	HJR	252	1680
Hamilton, Anthony Eugene ; recording sorrow upon death. (Patron—McDougle)	SJR	118	2024
Hardy, Thomas S. ; recording sorrow upon death. (Patron—Locke)	SJR	4	1923
Hargrove, Frank DuVal, Sr. ; recording sorrow upon death.			
Patron—Fowler	HJR	148	1621
Patron—Dunnavant	SJR	65	1989
Harmon, Rhonda Michelle ; recording sorrow upon death. (Patron—Bourne)	HR	195	1900
Harper, Linwood ; recording sorrow upon death. (Patron—Ward)	HJR	45	1579
Harrington, Elizabeth Sexton ; recording sorrow upon death. (Patron—Reeves)	SJR	174	2054
Hart, Donn Casserly, Jr. ; recording sorrow upon death. (Patron—Reeves)	SJR	81	1998
Harvey, Franklin D., Sr. ; recording sorrow upon death. (Patron—Bourne)	HR	171	1889
Harvey, George Millard, Sr. ; recording sorrow upon death.			
Patron—Morefield	HJR	2	1561
Patron—Hackworth	SJR	2	1922
Hashmi, Zia Hasan ; recording sorrow upon death. (Patron—Bell)	SR	37	2102
Hedges, Paul Reddick ; recording sorrow upon death. (Patron—McQuinn)	HJR	250	1679
Henderson, Carol Scott ; recording sorrow upon death. (Patron—Willet)	HR	169	1889
Hines, Ross M. ; recording sorrow upon death. (Patron—Price)	HJR	375	1751
Hixon, Steven Lamarr ; recording sorrow upon death. (Patron—Bagby)	HJR	298	1707
Hodges, Eddie Harold ; recording sorrow upon death. (Patron—Cosgrove)	SJR	157	2045
Holt, Mary Sherwood ; recording sorrow upon death. (Patron—Simonds)	HJR	200	1651
Holton, Linwood A., Jr. ; recording sorrow upon death. (Patron—Reeves)	SJR	76	1995
Horn, Jack Moore ; recording sorrow upon death. (Patron—Deeds)	SJR	17	1945
Isaac, Robert Edward ; recording sorrow upon death. (Patron—Kilgore)	HJR	46	1580
Jefferson, Vashon A. ; recording sorrow upon death. (Patron—Obenshain)	SJR	153	2043
Jensen, Ruth Anna ; recording sorrow upon death. (Patron—Locke)	SJR	29	1949
Jervey, Henry, Jr. ; recording sorrow upon death. (Patron—Hashmi)	SR	15	2088
Jervey, James Postell ; recording sorrow upon death. (Patron—Hashmi)	SR	14	2087
Jett, Barry K. ; recording sorrow upon death. (Patron—Orrock)	HJR	105	1597
Johnson, Deborah Lyvonne Hunt ; recording sorrow upon death.			
Patron—Williams Graves	HJR	134	1612
Johnson, Harry Graves, Jr. ; recording sorrow upon death. (Patron—Rasoul)	HJR	198	1650
Jones, Sharon ; recording sorrow upon death. (Patron—Convirs-Fowler)	HJR	168	1633
Jones-King, Vivian Yvette ; recording sorrow upon death. (Patron—Jenkins)	HJR	422	1777

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Karinshak, John Stephen; recording sorrow upon death. (Patron—Hope)	HJR 377		1752
Kastelberg, William Frederick, V; recording sorrow upon death. Patron—Dunnivant	SR 52		2109
Kegley, George Andrew; recording sorrow upon death. (Patron—Rasoul)	HJR 327		1725
Kellam, Caramine; recording sorrow upon death. (Patron—Lewis)	SJR 96		2012
Kimm, Victor J.; recording sorrow upon death. (Patron—Murphy)	HJR 174		1637
King, Florence; recording sorrow upon death. Patron—Bennett-Parker	HJR 395		1761
Patron—Ebbin	SJR 185		2060
King, Leslee; recording sorrow upon death. Patron—Gooditis	HR 81		1846
Patron—Boysko	SR 38		2102
Kirby, Wilson L.; recording sorrow upon death. (Patron—LaRock)	HJR 421		1776
Kirksey, Ulysses; recording sorrow upon death. (Patron—Bagby)	HJR 259		1683
Klinge, J. Kenneth; recording sorrow upon death. (Patron—Obenshain)	SJR 131		2030
Krizek, Adeline Rose; recording sorrow upon death. Patron—Sickles	HJR 308		1713
Patron—Ebbin	SJR 196		2066
Krizek, Eugene L.; recording sorrow upon death. Patron—Sickles	HJR 307		1712
Patron—Ebbin	SJR 197		2066
Lamb, Sally; recording sorrow upon death. Patron—Freitas	HR 1		1796
Patron—Hanger	SJR 100		2014
Lambert, Donald Lee, Jr.; recording sorrow upon death. (Patron—Willett)	HJR 102		1596
Lane, Kenneth Richard; recording sorrow upon death. (Patron—Deeds)	SJR 15		1944
Laney, Robert D.; recording sorrow upon death. (Patron—Morrissey)	SJR 54		1977
Lanier, John T., Sr.; recording sorrow upon death. (Patron—McQuinn)	HJR 319		1720
Lanzillotta, A. Paul; recording sorrow upon death. (Patron—Hope)	HJR 420		1776
LaVecchia, William Franklin; recording sorrow upon death. (Patron—Dunnivant)	SJR 93		2010
Leider, Anna Jane; recording sorrow upon death. Patron—Herring	HJR 344		1734
Patron—Ebbin	SJR 190		2062
Lineweaver, Winston; recording sorrow upon death. (Patron—Gilbert)	HR 22		1818
Little, Dean Michael, Sr.; recording sorrow upon death. (Patron—Hodges)	HJR 418		1775
Lowe, Canon John Fletcher, Jr.; recording sorrow upon death. Patron—Carr	HJR 253		1680
Patron—McClellan	SJR 88		2007
Lucas, Hattie Ann Thomas; recording sorrow upon death. Patron—Price	HJR 373		1750
Patron—Locke	SJR 28		1949
Macdonald-Scarborough, Donna Helen; recording sorrow upon death. Patron—Keam	HJR 417		1774
Malkin, Bruce; recording sorrow upon death. (Patron—Krizek)	HR 134		1872
Malvin, Frederick Bage; recording sorrow upon death. (Patron—Mason)	SJR 206		2072
Mann, James Arthur; recording sorrow upon death. (Patron—Scott, P.A.)	HJR 336		1729
Mansfield, Jennifer Gayle Rios; recording sorrow upon death. (Patron—Simonds)	HR 31		1821
Markeloff, Richard; recording sorrow upon death. (Patron—Shin)	HJR 167		1633
McCadden, Estelle Hunter; recording sorrow upon death. (Patron—Rasoul)	HJR 214		1659
McConnell, Ubert Lee; recording sorrow upon death. (Patron—Kilgore)	HR 170		1889
McKenzie, Ayanna F.; recording sorrow upon death. (Patron—McQuinn)	HJR 381		1755
McKiernan, Judith Ann; recording sorrow upon death. (Patron—Wiley)	HJR 243		1675
McWilliams, William Harvey, Jr.; recording sorrow upon death. (Patron—Carr)	HJR 254		1681
Melton, Mary Francis Andrews; recording sorrow upon death. (Patron—Carr)	HJR 277		1695
Middleditch, Leigh B., Jr.; recording sorrow upon death. (Patron—Deeds)	SJR 109		2019
Miller, William Morgan, Jr.; recording sorrow upon death. (Patron—Edmunds)	HR 93		1852
Milteer, Curtis Robert, Sr.; recording sorrow upon death. (Patron—Brewer)	HR 208		1906
Mitchell, Muncie Tazewell; recording sorrow upon death. (Patron—Stanley)	SJR 200		2068

DEATHS - Continued

Moffett, Willie James; recording sorrow upon death.			
Patron—Ward	HJR	323	1722
Patron—Locke	SR	67	2117
Monolo, Joseph Carlo; recording sorrow upon death. (Patron—Fowler)			
	HJR	70	1586
Moon, Mary Dear; recording sorrow upon death. (Patron—Vogel)			
	SR	28	2097
Moore, Gayles Parker; recording sorrow upon death. (Patron—McQuinn)			
	HJR	383	1755
Moore, Howard Kelley; recording sorrow upon death. (Patron—Suetterlein)			
	SR	74	2120
Moore, James T., Sr.; recording sorrow upon death. (Patron—Hope)			
	HJR	142	1617
Morgan, Morris H., III; recording sorrow upon death. (Patron—Locke)			
	SR	69	2118
Murphy, William Tayloe, Jr.; recording sorrow upon death. (Patron—Stuart)			
	SJR	21	1946
Myskowski, Carol Ann; recording sorrow upon death. (Patron—Barker)			
	SJR	124	2026
Nelson, Wallace Jay, Jr.; recording sorrow upon death. (Patron—Ballard)			
	HJR	311	1715
Neuman, Josh; recording sorrow upon death. (Patron—Stanley)			
	SJR	175	2054
Nichols, John Joseph; recording sorrow upon death. (Patron—Hashmi)			
	SJR	48	1973
Nieves, David Jonathan; recording sorrow upon death. (Patron—Convirs-Fowler)			
	HJR	302	1709
Oaks, Adam Jeffrey; recording sorrow upon death. (Patron—Murphy)			
	HJR	396	1762
Overton, William Quinton, Sr.; recording sorrow upon death. (Patron—Stanley)			
	SJR	147	2040
Painter, John Elwood; recording sorrow upon death. (Patron—Obenshain)			
	SJR	152	2043
Person, William Lunsford, Jr.; recording sorrow upon death. (Patron—Norment)			
	SJR	61	1986
Phillips, Rufus Colfax, III; recording sorrow upon death. (Patron—Van Valkenburg)			
	HJR	212	1658
Poe, Margaret Ann; recording sorrow upon death. (Patron—Webert)			
	HJR	131	1611
Poe, Nannie C.; recording sorrow upon death. (Patron—Vogel)			
	SR	32	2099
Poindexter, Carver E.; recording sorrow upon death. (Patron—Mundon King)			
	HR	17	1815
Poindexter, Gerald Glenn; recording sorrow upon death. (Patron—Lucas)			
	SJR	43	1971
Potts, Harry Russell, Jr.; recording sorrow upon death.			
Patron—Wiley	HJR	156	1626
Patron—Vogel	SJR	73	1993
Pritchard, Ronald Arrington; recording sorrow upon death. (Patron—Bell)			
	SR	49	2107
Pupke, Jeanne Marie; recording sorrow upon death.			
Patron—Carr	HJR	287	1701
Patron—Hashmi	SJR	144	2038
Quintard, Alexander Shepherd; recording sorrow upon death. (Patron—Hashmi)			
	SR	16	2089
Reynolds, James Thomas, Sr.; recording sorrow upon death. (Patron—Simonds)			
	HJR	219	1662
Rhea, Dean; recording sorrow upon death. (Patron—Campbell, J.L.)			
	HJR	321	1721
Rhodes, Coolidge Elmo, Sr.; recording sorrow upon death. (Patron—Fariss)			
	HR	120	1864
Rice, John J.; recording sorrow upon death. (Patron—Norment)			
	SJR	158	2046
Rilee, Eugene Thomas, Jr.; recording sorrow upon death. (Patron—Willett)			
	HJR	144	1618
Roberts, Gary Michael; recording sorrow upon death.			
Patron—Morefield	HR	43	1828
Patron—Hackworth	SR	24	2095
Rogers, Joseph Will; recording sorrow upon death. (Patron—Surovell)			
	SJR	121	2025
Ruckman, Michael Eugene, Jr.; recording sorrow upon death. (Patron—Obenshain)			
	SJR	128	2029
Rust, John Howson, Jr.; recording sorrow upon death.			
Patron—Bulova	HJR	166	1632
Patron—Petersen	SJR	91	2009
Saget, Robert Lane; recording sorrow upon death. (Patron—Williams Graves)			
	HJR	397	1762
Satterfield, Patricia Goode; recording sorrow upon death. (Patron—Austin)			
	HR	18	1815
Sayre, April Pulley; recording sorrow upon death. (Patron—Willett)			
	HJR	163	1630
Schaffer, Alma Lee; recording sorrow upon death. (Patron—Guzman)			
	HR	193	1899
Schultz, Thomas Arthur, III; recording sorrow upon death. (Patron—Vogel)			
	SR	34	2100
Scott, Samuel J., Sr.; recording sorrow upon death. (Patron—Simonds)			
	HJR	353	1738
Scott, Wendell Oliver, Jr.; recording sorrow upon death. (Patron—Stanley)			
	SJR	172	2053
Shames, Edward David; recording sorrow upon death. (Patron—Reeves)			
	SJR	80	1997
Shaw, Nikia Yvonne; recording sorrow upon death. (Patron—Carr)			
	HJR	309	1713
Simcoe, Thomas Michael; recording sorrow upon death. (Patron—Bulova)			
	HJR	99	1595
Sisk, James Anthony; recording sorrow upon death. (Patron—Freitas)			
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Skiles, Mark E.; recording sorrow upon death.			
Patron—Coyner	HR	42	1828
Patron—Norment	SJR	149	2041
Smith, Leonard N.; recording sorrow upon death. (Patron—Ebbin)	SJR	167	2050
Smoot, Joanne Suschinski; recording sorrow upon death. (Patron—Webert)	HJR	132	1611
Snodgrass, Carl Ray; recording sorrow upon death. (Patron—Kilgore)	HJR	215	1659
Sperry, Teresa Makenzie; recording sorrow upon death. (Patron—Convirs-Fowler)	HJR	303	1710
Spurrier, James Ira, Jr.; recording sorrow upon death. (Patron—Campbell, J.L.)	HJR	322	1721
Stafford, Barbara; recording sorrow upon death. (Patron—Hackworth)	SJR	49	1974
Stanley, Aubrey Mae, Jr.; recording sorrow upon death.			
Patron—Fowler	HJR	111	1600
Patron—McDougle	SR	7	2084
Stegmaier, James J.L.; recording sorrow upon death. (Patron—Hashmi)	SJR	106	2017
Stein, Brian Daniel; recording sorrow upon death. (Patron—Tran)	HJR	419	1775
Stephens, Robert Emerson; recording sorrow upon death. (Patron—Brewer)	HR	212	1908
Stewart, Victor Wayne; recording sorrow upon death. (Patron—Convirs-Fowler)	HJR	204	1653
Stickley, Gloria Ann Smith; recording sorrow upon death. (Patron—Obenshain)	SJR	126	2028
Strawn, Juanita; recording sorrow upon death. (Patron—Locke)	SR	68	2117
Strother, Candace Lee; recording sorrow upon death. (Patron—LaRock)	HR	230	1917
Stuntz, Constance Pendleton; recording sorrow upon death. (Patron—Keam)	HJR	423	1777
Sutton, Lawrence Lee; recording sorrow upon death. (Patron—Cosgrove)	SJR	107	2018
Tahey, Philip; recoding sorrow upon death. (Patron—Batten)	HR	142	1875
Tata, Robert; recording sorrow upon death. (Patron—Tata)	HR	16	1814
Taylor, Helen Marie; recording sorrow upon death.			
Patron—Freitas	HR	55	1833
Patron—Reeves	SJR	137	2034
Taylor, Phyllis Maxine; recording sorrow upon death. (Patron—Morrissey)	SJR	188	2062
Taylor, Thomas; recording sorrow upon death. (Patron—Hodges)	HJR	265	1687
Taylor, Virginia Ann; recording sorrow upon death. (Patron—Simonds)	HJR	282	1698
Thomas, Stacey White; recording sorrow upon death. (Patron—Obenshain)	SJR	154	2044
Underwood, Thomas Gunn; recording sorrow upon death. (Patron—Brewer)	HR	209	1906
Vehorn, Franklin Esby; recording sorrow upon death. (Patron—Brewer)	HJR	304	1710
Walden, Ruby Holland; recording sorrow upon death. (Patron—Brewer)	HR	210	1907
Walton, Curtis; recording sorrow upon death. (Patron—Spruill)	SJR	51	1975
Ward, Steven L.; recording sorrow upon death. (Patron—Batten)	HJR	190	1646
Watson, Ronald Bowen; recording sorrow upon death.			
Patron—Batten	HR	39	1826
Patron—Norment	SR	21	2092
Watson, Thelma Bland; recording sorrow upon death.			
Patron—Bagby	HJR	260	1684
Patron—McClellan	SJR	205	2071
Wells, Mario; recording sorrow upon death. (Patron—Willett)	HJR	227	1666
Wessells, Madison Taylor; recording sorrow upon death. (Patron—Bloxom)	HJR	14	1565
Whitaker, Clifton, Jr.; recording sorrow upon death. (Patron—McQuinn)	HJR	248	1678
White, Geraldine Doris; recording sorrow upon death. (Patron—Ransone)	HJR	394	1761
White, Patrick Joseph; recording sorrow upon death. (Patron—Dunnavant)	SJR	181	2058
Whitelow, Carlyle; recording sorrow upon death. (Patron—Obenshain)	SJR	127	2028
Wildner, Eunice M.; recording sorrow upon death.			
Patron—Carr	HJR	276	1694
Patron—McClellan	SJR	204	2070
Willett, Henry Irving, Jr.; recording sorrow upon death. (Patron—Willett)	HJR	115	1602
Williams, Peggy Gray; recording sorrow upon death. (Patron—Bloxom)	HJR	13	1565
Williams, Robert Louis; recording sorrow upon death. (Patron—Williams Graves)	HR	73	1842
Williams, Robert Saunders; recording sorrow upon death. (Patron—Locke)	SJR	30	1950
Willis, Barbara Pratt; recording sorrow upon death. (Patron—Stuart)	SJR	23	1948
Woodruff, Mary MacLeod; recording sorrow upon death. (Patron—Vogel)	SR	83	2124
Wright, Betty J.; recording sorrow upon death. (Patron—Lucas)	SJR	87	2007
Wright, Ernest Linwood, III; recording sorrow upon death. (Patron—Stanley)	SJR	146	2039

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Civil cases; court shall not allow a defendant convicted of a crime from which civil matter arose to recover such cost from victim. (Patron—Krizek)	HB 1327	279	474
Disposition when defendant found incompetent; involuntary admission of the defendant, sunset date. (Patron—Mason)	SB 198	508	877
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Del Toro, Carlos; commending. (Patron—Tran)	HJR 425		1779
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Didlake; commending. (Patron—Sewell)	HR 46		1829
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DiPiro, Joseph T.; commending. (Patron—Hodges)	HJR 424		1778
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Insurance; discrimination based on status as living organ donor prohibited, provisions shall apply to life insurance, disability insurance, or long-term care insurance plans that are amended, extended, etc., on or after January 1, 2023. Patron—Delaney	HB 421	649	1237
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Insurance; discrimination based on status as living organ donor prohibited, provisions shall apply to life insurance, disability insurance, or long-term care insurance plans that are amended, extended, etc., on or after January 1, 2023. Patron—Delaney	HB 421	649	1237
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Judges; nominations for election to general district court. Patron—Adams, L.R.	HR 12		1812
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references to the Department of Forensic Science DNA data bank sample tracking system.

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DOCKERY, JANIE LAWSON

Dockery, Janie Lawson ; recording sorrow upon death. (Patron—Kilgore)	HJR	314		1717
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DOCZI, FRANK CLIFFORD

Doczi, Frank Clifford ; recording sorrow upon death. (Patron—Knight)	HR	5		1809
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DOGS AND DOG LAWS

Breeders of cats and dogs ; requirement to keep accurate records of animals sold or transferred to animal testing facility, etc. (Patron—Stanley)	SB	88	93	213
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Breeders of dogs and cats for animal testing facilities ; adoption of dogs and cats. Patron—Stanley	SB	90	91	209
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Dealers ; prohibits sale of dogs or cats for experimental purposes, clarifies meaning of "dealer" and "commercial dog or cat breeder," certain provisions shall only apply to violations that occur on or after July 1, 2023.				
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Patron—Bell	HB	1350	94	213
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Hunting with dogs ; dogs to wear tags. (Patron—Wright)	HB	1273	651	1238
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Pet shops ; shops shall retain records indicating any time a dog or cat in its possession or custody dies or is euthanized. (Patron—Convirs-Fowler)	HB	523	273	467
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Vicious dogs ; a law-enforcement officer or animal control officer to apply to a magistrate for a summons, etc. (Patron—DeSteph)	SB	279	614	1169
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DOMESTIC RELATIONS

Child and spousal support ; retroactivity, support obligations, party's incarceration not deemed voluntary unemployment or underemployment. (Patron—Surovell)	SB	348	527	915
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Child support ; calculation of gross income for determination, rental income. Patron—Boysko	SB	455	427	743
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Division of marital property ; Virginia Retirement System managed defined contribution plan, calculation of gains and losses. (Patron—Surovell)	SB	349	438	782
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Support orders ; income withholding order, employer fees. (Patron—Price)	HB	808	447	796
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Surrogacy contracts ; provisions requiring or prohibiting abortions or selective reductions unenforceable. (Patron—Peake)	SB	163	800	1550
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Virginia Sexual and Domestic Violence Victim Fund ; purpose, guidelines. Patron—Bell	HB	749	210	384
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DOUD, RICHARD VAN EVERA, JR.

Doud, Richard Van Evera, Jr. ; recording sorrow upon death. (Patron—Hope)	HJR	452		1794
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DOWLING, JOE

Dowling, Joe ; commending. (Patron—Simon)	HR	83		1847
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DRIVER EDUCATION PROGRAM

Driver education programs ; participation of student's parent or guardian in Planning District 8 (Northern Virginia), requirement for an additional minimum 90-minute parent/student driver education component as part of classroom portion of curriculum, certification of courses. (Patron—Norment)	SB	78	708	1321
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DRIVERS' LICENSES

Commercial driver's license ; if third party tester is a governmental entity that tests drivers who are not employed by that entity, the tester shall maintain evidence that driver was employed by an entity or enrolled in training course, results of skills test shall be valid for six months following completion of test. (Patron—Bell)	HB	1146	60	110
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Commercial driver's license examinations ; requirements for third party testers, validity of results of skills test, results valid for six months following completion of test. (Patron—Deeds)	SB	301	292	485
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Commercial driver's licenses ; Secretary of Transportation, et al., to implement various initiatives, sunset provision. (Patron—O'Quinn)	HB	553	142	306
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Driver's license ; extension of validity. (Patron—Roem)	HB	540	39	74
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Driver's license or identification card ; indication of blood type to be noted on license or card, effective date. (Patron—Barker)	SB	345	796	1538
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DRIVERS' LICENSES - Continued

Minors; authorizes the chief juvenile and domestic relations district court judge to waive the ceremonial requirements for issuance within the district of original driver's licenses.

Patron—Leftwich HB 1050 55 107
Patron—Edwards SB 139 636 1208

DUBOIS, GLENN

DuBois, Glenn; commending.

Patron—Lopez HJR 366 1745
Patron—Hashmi SJR 136 2033

DUGAN, FERDINAND C., III

Dugan, Ferdinand C., III; recording sorrow upon death. (Patron—Ransone) HJR 113 1601

DULLES AREA ASSOCIATION OF REALTORS®

Dulles Area Association of REALTORS®; commemorating its 60th anniversary.

Patron—Reid HJR 199 1650

DULLES SOUTH SOUP KITCHEN

Dulles South Soup Kitchen; commending. (Patron—Subramanyam) HR 163 1886

DUMFRIES-TRIANGLE VOLUNTEER FIRE DEPARTMENT

Dumfries-Triangle Volunteer Fire Department; commending.

Patron—Mundon King HR 111 1860

DUNCAN, PAUL ALLEN

Duncan, Paul Allen; recording sorrow upon death. (Patron—March) HJR 95 1593

DURGAN, MARIA

Durgan, Maria; commending. (Patron—Lopez) HJR 364 1744

DURHAM, BLAIR

Durham, Blair; commending. (Patron—Glass) HR 185 1896

EASEMENTS

General Services, Department of; adjustment of boundary lines of surplus property, easements shall be approved by the Attorney General and subject to written approval of the Governor. (Patron—Carr) HB 644 761 1447

EAST END BAPTIST CHURCH OF SUFFOLK

East End Baptist Church of Suffolk; commending. (Patron—Jenkins) HJR 438 1786

EASTERN MONTGOMERY HIGH SCHOOL

Eastern Montgomery High School girls' soccer team; commending.

Patron—Suetterlein SR 76 2121

EBERLY, FRED ELLSWORTH

Eberly, Fred Ellsworth; recording sorrow upon death.

Patron—Wilt HJR 318 1719
Patron—Obenshain SJR 125 2027

ECONOMIC DEVELOPMENT

Louisa, Town of; Town may appoint from five to seven members to serve on the board of economic development authority. (Patron—McGuire) HB 60 622 1192

EDUCATION

Annual public elementary and secondary school safety audits; creation or review of school building floor plans required. (Patron—Bell) HB 741 57 108

Child day programs; licensure, accredited private schools. (Patron—Mason) SB 193 615 1172

Children who are deaf or hard of hearing; language development, assessment resources for parents and educators, advisory committee established, sunset date for committee, advisory committee function shall terminate effective June 30, 2023.

Patron—Carr HB 649 238 413
Patron—Hashmi SB 265 240 417

COVID-19; Department of Education to recommend options for isolation and quarantine for students and employees at public schools who contract or are exposed.

Patron—Dunnavant SB 431 692 1284

Driver education programs; participation of student's parent or guardian in Planning District 8 (Northern Virginia), requirement for an additional minimum 90-minute parent/student driver education component as part of classroom portion of curriculum, certification of courses. (Patron—Norment) SB 78 708 1321

Early childhood care and education; regional entities, Child Care Subsidy Program Overpayment Fund established. (Patron—Bulova) HB 389 524 910

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Early childhood care and education entities; administration of an appropriate weight-based dosage of epinephrine.			
Patron—Delaney	HB	1328	695 1287
Patron—Boysko	SB	737	696 1299
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Elementary and secondary education, public; removes Reading Recovery from the list of programs and initiatives for which school boards may use at-risk add-on funds.			
Patron—Delaney	HB	418	61 112
Family life education curricula, certain; optional instruction on human trafficking of children. (Patron—Guzman)	HB	1023	459 812
Governor's Schools, academic year; certain practices prohibited and required.			
Patron—Davis	HB	127	485 849
Heat-related illness; Department of Education shall develop guidelines on policies to inform and educate coaches and student athletes and their parents or guardians of the nature and risk, etc. (Patron—Hashmi)	SB	161	428 762
High school students; instruction concerning post-graduate opportunities, duties of State Council of Higher Education.			
Patron—Coyner	HB	1299	343 541
Patron—Morrisey	SB	738	344 544
Insurance; locality may provide for employees of certain public school foundations.			
Patron—Coyner	HB	223	105 224
Patron—Dunnivant	SB	437	106 225
Internet Safety Advisory Council; established, sunset date, report.			
Patron—Guzman	HB	1026	776 1492
Juvenile law-enforcement records; disclosures to school principals.			
Patron—Hanger	SB	649	542 950
Libraries and education services; revises and repeals obsolete provisions related to early childhood education and elementary and secondary education and related to libraries and the Virginia Public Records Act. (Patron—Edwards)	SB	421	355 579
Lyme disease; signage in state parks, instructional resources and materials, report.			
Patron—Reid	HB	850	303 498
Provisional teacher licensure; Board of Education may provide issuance to teachers, who have held within the last five years, a valid license or certification to teach issued by an entity outside of the United States, etc.			
Patron—Tran	HB	979	656 1246
Patron—Favola	SB	68	657 1249
Public elementary and secondary school students; ability to pay for meals and school meal debt, extracurricular school activities. (Patron—Roem)	HB	583	686 1277
Public elementary and secondary school students, certain; one excused absence per academic year, attendance at tribal nation's pow wow, parent to provide advanced notice of absence. (Patron—Guzman)	HB	1022	233 406
Public elementary and secondary schools; threat assessment team membership, law-enforcement liaison for certain school administrators for each public school that does not employ a school resource officer. (Patron—Greenhalgh)	HB	873	769 1478
Public elementary and secondary schools and public school-based early childhood care and education programs; provision of in-person instruction, wearing mask while on school property, Governor's authority with regard to a communicable disease of public health threat. (Patron—Batten)	HB	1272	780 1499
Public elementary and secondary schools and public school-based early childhood care and education programs; provision of in-person instruction, wearing mask while on school property, Governor's authority with regard to a communicable disease of public health threat, each local school division must comply with certain provisions no later than March 1, 2022. (Patron—Dunnivant)	SB	739	2 1
Public elementary and secondary schools and students; evaluation and recommendations for certain current and proposed policies and performance standards, reporting recommendations for revisions. (Patron—Robinson)	HB	938	99 218
Public middle schools; physical education to include personal safety training.			
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EDUCATION - Continued**School attendance;** 4-H educational programs and activities.

Patron—Kilgore	HB	246	58	109
Patron—Pillion	SB	596	59	110

School boards; annual report lists each student's 9-1-1 address that does not have broadband service. (Patron—Pillion)

SB 724 211 385

School boards; appointed members, salaries. (Patron—Fowler)

HB 18 662 1256

School Breakfast Program and National School Lunch Program; processing of applications, school divisions that cannot currently comply with requirements shall develop a plan for ensuring compliance by August 1, 2023. (Patron—Roem)

HB 587 424 741

School buses; permits school board of any school division to enter into agreements with any third-party logistics company to allow for the use of buses, company shall not use buses to provide transportation of passengers for compensation or for residential delivery of products for compensation. (Patron—Dunnivant)

SB 774 241 419

School counselors; any local school board may employ under a provisional license for three years, etc. (Patron—Wilt)

HB 829 205 379

School division maintenance reserve tool; Department of Education, et al., shall develop or adopt and maintain a data collection tool to assist school boards.

Patron—McPike

SB 238 650 1238

School Health Services Committee; established, membership, chairman and vice-chairman shall be members of the General Assembly, report, sunset provision.

Patron—Robinson

HB 215 749 1417

Patron—Favola

SB 62 707 1320

School principals; required to report to law enforcement certain enumerated acts that may constitute a misdemeanor offense, written threats against school personnel, report to the parents of any minor student who is the specific object of such act, etc., alternative school discipline.

Patron—Wyatt

HB 4 793 1532

Patron—Norment

SB 36 794 1534

School safety audits; each local school board to require its schools to collaborate with the chief law-enforcement officer of the locality or his designee when conducting.

Patron—Taylor

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Patron—Pillion

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Sexually explicit content; Department of Education shall develop and make available to each school board model policies for ensuring parental notification of any instructional material, etc. (Patron—Dunnivant)

SB 656 100 218

STEM and Computing (STEM+C); Virginia Economic Development Partnership Authority's Office of Education and Labor Market Alignment shall review occupational categories to determine certain deficiencies and promote better alignment of education and workforce priorities, report. (Patron—Simonds)

HB 217 558 1023

Student Advisory Board; established. (Patron—Davis)

HB 1188 778 1494

Teachers; licensure by reciprocity for military spouses, timeline for determination.

Patron—Coyner

HB 230 546 957

Patron—Locke

SB 154 545 955

Teachers' licenses, certain; Board of Education permitted to temporarily extend.

Patron—Orrock

HB 236 104 223

Through-year growth assessment system; Board of Education shall seek input from local school divisions regarding ways in which administration of such assessments and reporting assessments results can be improved, and incorporate input and suggestions into system. (Patron—Webert)

HB 197 156 328

Virginia Literacy Act; early student literacy, evidence-based literacy instruction, science-based reading research, microcredential program, reading specialists.

Patron—Coyner

HB 319 550 977

Patron—Lucas

SB 616 549 963

Virginia School for the Deaf and Blind; Board of Visitors to report to the Governor.

Patron—Bell

SB 723 389 677

Virginia Standards of Learning; Secretary of Education and Virginia Superintendent of Public Instruction shall convene a work group to revise summative assessments of proficiency and develop a plan for implementation, report.

Patron—VanValkenburg

HB 585 760 1446

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Virginia Standards of Learning; Secretary of Education and Virginia Superintendent of Public Instruction shall convene a work group to revise summative assessments of proficiency and develop a plan for implementation, report.

Patron—VanValkenburg HB 585 760 1446

EDWARDS, DANIEL WEBSTER

Edwards, Daniel Webster; commending. (Patron—Bagby) HJR 261 1685

EDWARDS, JEFF

Edwards, Jeff; commending. (Patron—Byron) HJR 393 1760

EDWARDS, WELDON

Edwards, Weldon; commending. (Patron—Avoli) HJR 175 1637

ELECTIONS

Absentee ballots; information on proposed constitutional amendments and referenda.

Patron—VanValkenburg HB 439 254 430

Campaign finance; record retention requirements and reviews of campaign finance disclosure reports, finance reports filed prior to July 1, 2024, effective date, report.

Patron—Bulova HB 492 258 437

Comprehensive Campaign Finance Reform, Joint Subcommittee Studying; continued. (Patron—Bulova) HJR 53 1582

Election officials, state and local; acceptance of certain gifts and funding prohibited, shall not prohibit acceptance of a federal government grant funded in whole or part by donations from private individuals, etc.

Patron—Wachsmann HB 205 697 1312

Patron—Stanley SB 80 698 1312

Elections; local electoral boards and general registrars to perform certain risk-limiting audits, etc., report.

Patron—Kilgore HB 895 443 789

Patron—Bell SB 370 444 792

Elections; political campaign advertisements, violations, civil penalties not to exceed \$25,000. (Patron—Davis) HB 125 744 1415

Elections administration; reclassification of assistant registrars. (Patron—Batten) HB 542 140 298

Lists of persons voting at elections; creation of searchable public lists prohibited.

Patron—Deeds SB 698 445 794

Polling places; location requirements, waiver in certain circumstances. (Patron—Ransone) HB 195 5 13

Voter registration; cancellation of registration, notice requirement. (Patron—Walker) HB 1140 318 522

Voter registration; list maintenance, lists of decedents 17 years of age or older transmitted by State Registrar of Vital Records to Department of Elections on a weekly basis, general registrar shall promptly cancel registration of all persons known by him to be deceased, etc.

Patron—Greenhalgh HB 55 4 12

Patron—Kiggans SB 211 28 60

Voting systems; reporting absentee results by precinct, definitions.

Patron—Robinson HB 927 125 265

Patron—Suetterlein SB 3 126 267

ELECTRONIC PROCESSES

Administrative Process Act; clarifies that signed originals of final agency case decisions may be retained in an electronic medium. (Patron—McClellan) SB 480 247 423

Bail for a person accused of a crime that is an act of violence; magistrate shall transmit within 24 hours completed form to attorney for the Commonwealth, transmission of copy may be by facsimile or other electronic means.

Patron—Adams, L.R. HB 756 47 100

Patron—Stanley SB 614 48 101

Electronic credentials; discretionary fee, up to \$10 per year, assessed by DMV for each individual, Department may issue an electronic registration card to an individual who holds a valid physical card, etc. (Patron—Marsden) SB 34 183 350

Electronic vehicle titling and registration; permits DMV to expand existing program.

Patron—McPike SB 215 701 1313

Health care providers; transfer of patient records in conjunction with closure, sale, or relocation of practice, electronic notice permitted. (Patron—Hayes) HB 555 73 130

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Health insurance; provider credentialing, receipt of application, if carrier doesn't accept applications through an online credentialing system, carrier shall be required, within 10 days of receiving an application, notification to applicant by mail or electronically.

Patron—Hodges HB 773 471 829
Patron—Dunnavant SB 427 472 831

Posting of notices; electronic posting on public government website of the locality, etc., effective date. (Patron—Hope)

HB 677 683 1275

Virginia Freedom of Information Act; definitions, meetings conducted by electronic communication means, situations other than declared states of emergency.

Patron—Bennett-Parker HB 444 597 1118

Virginia Public Procurement Act; methods of procurement, submitting bids electronically, upon request of a state public body an exemption may be granted.

Patron—Subramanyam HB 964 360 622

ELEMENTARY SCHOOLS

Annual public elementary and secondary school safety audits; creation or review of school building floor plans required. (Patron—Bell)

HB 741 57 108

Elementary and secondary education, public; removes Reading Recovery from the list of programs and initiatives for which school boards may use at-risk add-on funds.

Patron—Delaney HB 418 61 112

Public elementary and secondary school students; ability to pay for meals and school meal debt, extracurricular school activities. (Patron—Roem)

HB 583 686 1277

Public elementary and secondary school students, certain; one excused absence per academic year, attendance at tribal nation's pow wow, parent to provide advanced notice of absence. (Patron—Guzman)

HB 1022 233 406

Public elementary and secondary schools; threat assessment team membership, law-enforcement liaison for certain school administrators for each public school that does not employ a school resource officer. (Patron—Greenhalgh)

HB 873 769 1478

Public elementary and secondary schools and public school-based early childhood care and education programs; provision of in-person instruction, wearing mask while on school property, Governor's authority with regard to a communicable disease of public health threat. (Patron—Batten)

HB 1272 780 1499

Public elementary and secondary schools and public school-based early childhood care and education programs; provision of in-person instruction, wearing mask while on school property, Governor's authority with regard to a communicable disease of public health threat, each local school division must comply with certain provisions no later than March 1, 2022. (Patron—Dunnavant)

SB 739 2 1

Public elementary and secondary schools and students; evaluation and recommendations for certain current and proposed policies and performance standards, reporting recommendations for revisions. (Patron—Robinson)

HB 938 99 218

EMERGENCY LEGISLATION

Children's residential facilities; facility may employ person pending results of criminal history background checks, person does not work in the facility or any other location where children placed in facility are present, etc. (Patron—Mason)

SB 577 729 1375

Commonwealth of Virginia Higher Educational Institutions Bond Act of 2022; created.

Patron—Knight HB 165 13 29
Patron—Howell SB 93 86 205

Commonwealth's taxation system; conformity with the Internal Revenue Code, Rebuild Virginia grants and Paycheck Protections Program loans, etc.

Patron—Byron HB 971 3 2
Patron—Howell SB 94 19 43

Court of Appeals of Virginia; makes various changes to procedures and jurisdiction of the Court. (Patron—Edwards)

SB 143 714 1332

Dairy Producer Margin Coverage Premium Assistance Program; expands eligibility for participation. (Patron—Wilt)

HB 828 1 1

Front and rear bumpers; height limits. (Patron—Peake)

SB 777 31 65

Nonsuits; appeals from judgment of a general district court. (Patron—Williams)

HB 782 206 382

Out-of-state health care practitioners; temporary authorization to practice, provided certain conditions are met, person is contracted by or has received an offer of employment from hospital, etc., licensure by reciprocity for physicians, Board of

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Medicine shall pursue reciprocity agreements with jurisdictions that surround the Commonwealth, report.

Patron—Helmer	HB	1187	463	819
Patron—Favola	SB	317	464	820

Personal property; other classifications of tangible property for taxation, classification of vehicles, provisions shall apply to taxable years beginning on or after January 1, 2022, but before January 1, 2025.

Patron—Scott, P.A.	HB	1239	30	62
Patron—Stuart	SB	771	578	1053

Preneed funeral contracts; removes requirement relating to life insurance or annuity contract, face amount of life insurance issued to fund contract shall not be decreased over life of policy, etc. (Patron—Head)

HB	1269	18	42
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Public elementary and secondary schools and public school-based early childhood care and education programs; provision of in-person instruction, wearing mask while on school property, Governor's authority with regard to a communicable disease of public health threat, each local school division must comply with certain provisions no later than March 1, 2022. (Patron—Dunnivant)

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Public health emergency; Commissioner of Health to authorize administration and dispensing of necessary drugs, devices, and vaccines.

Patron—Robinson	HB	939	774	1486
Patron—Dunnivant	SB	647	733	1383

Public health emergency; out-of-state licenses, deemed licensure.

Patron—Head	HB	264	753	1427
Patron—Stuart	SB	369	720	1346

Real estate settlement agents; seller shall not be prohibited from retaining a licensed attorney to represent his interests and provide legal advice pertaining to escrow, closing, or settlement services.

Patron—Leftwich	HB	1364	669	1266
Patron—Lewis	SB	775	670	1266

Respiratory therapists; practice pending licensure. (Patron—Bell)

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Stormwater management; proprietary best management practices (BMP), Department of Environmental Quality shall prioritize review of any proprietary BMP, etc. (Patron—Bulova)

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Teachers' licenses, certain; Board of Education permitted to temporarily extend. (Patron—Orrock)

HB	236	104	223
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Virginia Employment Commission; administrative reforms, reporting requirements, electronic submissions, Unemployment Compensation Ombudsman position created, redetermination of monetary determination.

Patron—Byron	HB	270	754	1429
Patron—McPike	SB	219	716	1339

EMINENT DOMAIN

Eminent domain; attorney fees and interest to be awarded in cases in which there is a judgment for a property owner if such judgment is not paid within the time required by law. (Patron—Petersen)

SB	9	702	1313
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Eminent domain; redefines lost access and lost profits, certain provisions shall not apply to condemnation proceedings in which petitioner filed prior to July 1, 2022.

Patron—Petersen	SB	666	734	1388
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Eminent domain; various changes to the laws pertaining to condemnation procedures, clarifies definition of "lost access," certificate of completion, repeals provision relating to remedy of landowners under certain conditions, certain provisions shall apply only to the taking of or damage to property that has occurred on or after July 1, 2022, etc. (Patron—Obenshain)

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ENCORE LEARNING

Encore Learning; commemorating its 20th anniversary. (Patron—Sullivan)

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INDEPENDENCE CENTER, INC.

Independence Center, Inc.; commending. (Patron—Clark)

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ENERGY CONSERVATION AND RESOURCES

Renewable energy facilities; State Corporation Commission shall create a task force, in consultation with Department of Energy and Department of Environmental Quality, to analyze life cycle, report.

Patron—Hodges HB 774 70 128
Patron—Lewis SB 499 69 128

Small renewable energy projects; impact on natural resources, defines "prime agricultural soils" and clarifies meaning of "forest land," etc., report.

Patron—Webert HB 206 688 1278

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Virginia Public Procurement Act; architectural and professional engineering term contracting, limitations, provisions shall apply to any contract for which the solicitation was issued on and after July 1, 2022.

Patron—Bulova HB 429 504 874
Patron—McPike SB 225 505 875

ENJEWEL

EnJewel; commending. (Patron—Kiggans) SR 70 2118

EPINEPHRINE

Early childhood care and education entities; administration of an appropriate weight-based dosage of epinephrine.

Patron—Delaney HB 1328 695 1287
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ETHNIC GROUPS

Virginia Black, Indigenous, and People of Color Historic Preservation Fund; created.

Patron—McQuinn HB 141 185 353
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Euripides, Charlie; commending. (Patron—Ebbin) SJR 193 2064

EUROPEAN HONEY BEE

European honey bee; commemorating the 400th anniversary of the arrival to North America. (Patron—Deeds) SJR 18 1946

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Physical evidence recovery kits; victim's right to notification, storage, when a state or local law-enforcement agency has taken over responsibility for the investigation the kit shall be transferred to such agency, kit shall be submitted to Department within 60 days of receipt, etc.

Patron—Filler-Corn HB 719 453 805
Patron—McClellan SB 658 454 806

FAIRFAX COUNTY

Fairfax County School Board; commending. (Patron—Kory) HR 141 1874

Valluvar Way; designating as Brentwall Drive in Fairfax County. (Patron—Helmer) HB 1238 517 905

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Fairfax High School gymnastics team; commending. (Patron—Petersen) SJR 142 2037

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Lieutenant Governor Justin E. Fairfax; authorized to receive a replica of the chair used when presiding over the Senate. (Patron—Locke) SR 4 2083

Lieutenant Governor Justin E. Fairfax; establishes a committee to contract for a portrait to be painted, framed, and installed in the Capitol. (Patron—Locke) SR 5 2083

FAIRFIELDS VOLUNTEER FIRE DEPARTMENT

Fairfields Volunteer Fire Department; commemorating its 75th anniversary.

Patron—Ransone HJR 292 1704
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FAISON, BARRY C.

Faison, Barry C.; commending. (Patron—Howell) SJR 55 1978

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HENRICO CITIZEN

Henrico Citizen; commemorating its 20th anniversary.
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HENRICUS COLLEDGE (1619)®

Henricus Colledge (1619)®; commending. (Patron–Coyner) HJR 288 1701

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High school students ; instruction concerning post-graduate opportunities, duties of State Council of Higher Education.				
Patron—Coyner	HB	1299	343	541
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Higher educational institutions, public ; institution to ensure that all students have access to accurate information about the Supplemental Nutrition Assistance Program (SNAP), including eligibility and how to apply. (Patron—Roem)				
	HB	582	483	848
Higher educational institutions, public or private ; education preparation programs, coursework, audit, provisions effective beginning with 2024-2025 school year.				
Patron—Delaney	HB	419	757	1437
Roanoke Higher Education Authority ; adds president of Virginia State University or his designee to the board of trustees and removes presidents of Averett University and Mary Baldwin College or their designees from board. (Patron—Edwards)				
	SB	395	611	1160
Virginia National Guard ; adds parameters around grants distributed by the Department of Military Affairs to members that are enrolled in any course or program at any public institution of higher education or accredited nonprofit private institution of higher education, if applications for grants exceed amount funding appropriated, Department shall issue grants to eligible recipients based on order in which applications were received, federal active duty mobilizations shall count toward the two-year service obligation. (Patron—Reid)				
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	SB	71	604	1137
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Patron—Sullivan	HB	386	6	14
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Central Virginia Transportation Authority; adds the Chief Executive Officer of the Capital Region Airport Commission as an ex officio, nonvoting member.

Patron—McQuinn	HB	138	189	359
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Commonwealth Transportation Board; Board to adopt performance standards for review of certain plans by Department of Transportation, report. (Patron—Austin) ..

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Front and rear bumpers; height limits. (Patron—Peake)

SB	777	31	65
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Golf carts and utility vehicles; adds the Town of Ivor to the list of towns that may authorize the operation on designated public highways. (Patron—Wachsmann)

HB	88	449	798
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Norvel LaFayette Ray Lee Memorial Highway; designating as portion of U.S. Route 220 in Botetourt County between State Route 43 (Narrow Passage Road) and boundary line between Botetourt and Alleghany Counties. (Patron—Austin)

HB	1363	56	108
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Secondary street acceptance; Commonwealth Transportation Board regulations.

Patron—Coyner	HB	275	425	742
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Staff Sergeant Darrell "Shifty" Powers Memorial Highway; designating as Shifty Lane in the Town of Clinchco. (Patron—Wampler)

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Transit Ridership Incentive Program; changes amount of funds to be used to support establishment of programs, sunset date for certain provision. (Patron—McQuinn) ...

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Transit Ridership Incentive Program; Commonwealth Transportation Board to use at least 25 percent of the funds available for the Program for grants to fund reduced-fare or zero-fare transit projects, sunset date on certain provision.

Patron—Barker	SB	342	719	1346
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Valluvar Way; designating as Brentwall Drive in Fairfax County. (Patron—Helmer) ..

HB	1238	517	905
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Virginia Passenger Rail Authority; membership, certain members to reside in designated Districts. (Patron—Pillion)

SB	725	212	385
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HILDA M. BARG HOMELESS PREVENTION CENTER

Hilda M. Barg Homeless Prevention Center; commending.

Patron—Mundon King	HR	113		1861
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HINDU HERITAGE MONTH

Hindu Heritage Month; designating as October 2022 and in each succeeding year thereafter. (Patron—Subramanyam)

HJR	141		1616
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HINES, ROSS M.

Hines, Ross M.; recording sorrow upon death. (Patron—Price)

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HIRST, THOMSON

Hirst, Thomson, and Galdo-Hirst, Magaly; commending.

Patron—Bennett-Parker	HJR	435		1784
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HISTORIC AREAS, LANDMARKS, AND MONUMENTS

Historical African American cemeteries; changes the date of establishment that qualifies cemeteries for appropriated funds to care for such cemeteries.

Patron—McQuinn	HB	140	450	799
Patron—McClellan	SB	477	187	356

Historical African American cemeteries and graves; disbursement of funds, eligibility for funding, amends definition of qualified organization.

Patron—Ward	HB	727	541	948
Patron—Locke	SB	23	540	946

HITE, JOHN WAYNE

Hite, John Wayne; commending. (Patron—Avoli)

HJR	378		1753
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HIXON, STEVEN LAMARR

Hixon, Steven Lamarr; recording sorrow upon death. (Patron—Bagby)

HJR	298		1707
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HODGES, EDDIE HAROLD

Hodges, Eddie Harold; recording sorrow upon death. (Patron—Cosgrove)

SJR	157		2045
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HOLCOMB, RICHARD D.

Holcomb, Richard D.; commending. (Patron—Willett)

HJR	117		1603
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HOLIDAYS, SPECIAL DAYS, ETC.

African Diaspora Heritage Month; designating as September 2022 and in each succeeding year thereafter.

Patron—Maldonado	HJR	133		1611
Patron—McClellan	SJR	34		1951

HOLIDAYS, SPECIAL DAYS, ETC. - Continued

Arab American Heritage Month ; designating as April 2022 and in each succeeding year thereafter. (Patron—Rasoul)	HJR	82	1589
Barbara Johns Walk to School Day ; designating as the last Wednesday of April 2022 and in each succeeding year thereafter. (Patron—Shin)	HJR	150	1622
Behavior Analysis Week ; designating as week of March 20, 2022, and in each succeeding year thereafter. (Patron—Taylor)	HJR	151	1622
Black Business Month ; designating as August 2022 and in each succeeding year thereafter. (Patron—Price)	HJR	75	1588
Chiropractic Health Month ; designating as October 2022 and in each succeeding year thereafter. (Patron—Ebbin)	SJR	50	1975
Food Allergy Awareness Month ; designating as May 2022 and in each succeeding year thereafter. (Patron—Price)	HJR	74	1587
Girl Scout Week ; designating as week of March 12, 2022, and in each succeeding year thereafter. (Patron—Price)	HJR	136	1613
Hindu Heritage Month ; designating as October 2022 and in each succeeding year thereafter. (Patron—Subramanyam)	HJR	141	1616
Inflammatory Breast Cancer Awareness Day ; designating as October 4, 2022, and in each succeeding year thereafter. (Patron—Reid)	HJR	80	1588
Kimchi Day ; designating as November 22, 2022, and in each succeeding year thereafter. (Patron—Shin)	HJR	147	1620
Late Onset Hearing Loss Awareness Week ; designating as May 4 -10 in 2022 and in each succeeding year thereafter. (Patron—Boysko)	SJR	26	1948
Local History Month ; designating as October 2022 and in each succeeding year thereafter. (Patron—Adams, L.R.)	HJR	64	1584
Malnutrition Awareness Week ; designating as the first week in October 2022 and in each succeeding year thereafter. (Patron—Lewis)	SJR	66	1990
Peripheral Artery Disease Awareness Month ; designating as September 2022 and in each succeeding year thereafter. (Patron—Price)	HJR	137	1614
Scots-Irish Heritage Month ; designating as April 2022 and in each succeeding year thereafter. (Patron—Petersen)	SJR	134	2032
Student-Athlete Mental Health Awareness Day ; designating as May 27, 2022, and in each succeeding year thereafter. (Patron—Webert)	HJR	4	1562
Tamil Heritage Month ; designating as January 2022 and in each succeeding year thereafter. (Patron—Bulova)	HJR	146	1619
Usher Syndrome Awareness Day ; designating as third Saturday in September 2022 and in each succeeding year thereafter. (Patron—Coyner)	HJR	18	1568
World Parkinson's Day ; designating as April 11, 2022, and each succeeding year thereafter. (Patron—Sullivan)	HJR	135	1613
World Polio Day ; designating as October 24, 2022, and in each succeeding year thereafter. (Patron—Watts)	HJR	26	1573
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Holloway, Grant ; commending. (Patron—Hayes)	HJR	124	1607
HOLT, MARY SHERWOOD			
Holt, Mary Sherwood ; recording sorrow upon death. (Patron—Simonds)	HJR	200	1651
HOLTHAUS, LAUREN			
Holthaus, Lauren ; commending. (Patron—Bennett-Parker)	HR	234	1920
HOLTON, LINWOOD A., JR.			
Holton, Linwood A., Jr. ; recording sorrow upon death. (Patron—Reeves)	SJR	76	1995
HOLY & WHOLE LIFE CHANGING MINISTRIES INTERNATIONAL			
Holy & Whole Life Changing Ministries International ; commending. Patron—Bell	SR	46	2106
HOPE HOUSE FOUNDATION			
Hope House Foundation ; commending. (Patron—Clark)	HR	26	1819
HORN, JACK MOORE			
Horn, Jack Moore ; recording sorrow upon death. (Patron—Deeds)	SJR	17	1945
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Horse racing tax; 0.01 percent of amount that a licensee retains from wagering on historical horse racing pools shall be deposited in the Problem Gambling Treatment and Support Fund, pari-mutual pools generated by wagering on historical racing, etc. Patron—Krzek	HB	574	511 898
HORTON, SHARON			
Horton, Sharon; commending. (Patron—Reeves)	SJR	173	2053
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HOSPITALS AND HOSPITALIZATION			
Hospitals; Board of Health shall convene a workgroup to provide recommendations regarding regulations to develop protocols for connecting patients receiving rehabilitation services to necessary follow-up care. (Patron—Orrock)	HB	235	112 229
Hospitals; Department of Health shall develop recommendations for protocols on obstetrical services, report. (Patron—McQuinn)	HB	1107	232 406
Hospitals; emergency department CPT code data reporting, quarterly reports. Patron—Orrock	HB	910	342 540
Hospitals; financial assistance for uninsured patient, charity care policies, individuals with limited English proficiency, report, payment plans, every hospital shall annually report data and information regarding amount of charity care, discounted care, etc., provided under its financial assistance policy. Patron—Tran	HB	1071	678 1270
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Hospitals; information about standard charges for items and services provided to be available on website, effective date, report. (Patron—Helmer)	HB	481	297 490
Patrick County; State Health Commissioner shall accept and review applications for and may issue a license to an acute care hospital, etc. (Patron—Williams)	HB	1305	147 311
Public health emergency; creates temporary exemption from requirement for a certificate of public need or license for temporary addition of beds located in temporary location by a hospital or nursing home, etc. Patron—Avoli	HB	900	772 1481
Patron—Favola	SB	130	712 1326
Safe haven protections; newborn safety device at hospitals for reception of children. Patron—Fowler	HB	16	81 185
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HOTEL ROANOKE AND CONFERENCE CENTER			
Hotel Roanoke and Conference Center; commemorating its 140th anniversary. Patron—Rasoul	HJR	271	1691
HOTELS, RESTAURANTS, SUMMER CAMPS, AND CAMPGROUNDS			
Food donations; no food donor or food organization shall be criminally or civilly liable for donating or receiving food past best-by or sell-by date as long as food meets labeling and date requirements. (Patron—Davis)	HB	1249	633 1205
Hotels; Department of Criminal Justice Services, under the direction of the Criminal Justice Services Board, to develop an online course to train hotel proprietors and their employees to recognize and report instances of suspected trafficking, definitions, Department shall approve or disapprove of use of any alternative online or in-person course, etc., effective dates. (Patron—Simonds)	HB	258	751 1419
Restaurants; on-site certified food protection managers. (Patron—Suetterlein)	SB	146	393 691
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Eviction Diversion Pilot Program; extends sunset date, report. (Patron—Locke)	SB	24	797 1544

HOUSING - Continued

Housing and Supportive Services Interagency Leadership Team (ILT) initiative; housing and services to include adults 65 years of age or older.				
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Housing Authorities Law; notice of intent to dispose of housing projects.				
Patron—Hudson	HB	1286	601	1131
Local land use approvals; extension of approvals to address the COVID-19 pandemic, provisions shall not be construed to extend previous extensions related to the COVID-19 housing crisis.				
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Public accommodations, employment, and housing; prohibited discrimination on the basis of religion, includes outward religious expression. (Patron—Shin)				
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Uniform Statewide Building Code; Board of Housing and Community Development to consider certain revisions to provide an exemption from certain use and occupancy classifications. (Patron—Head)				
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Hughes, O. Renee; commending. (Patron—Marshall)	HJR	384		1756
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Hugo, John; commending.				
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Family life education curricula, certain; optional instruction on human trafficking of children. (Patron—Guzman)				
	HB	1023	459	812
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Hunting with dogs; dogs to wear tags. (Patron—Wright)				
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Huntley, Bobby Raye; commending. (Patron—Convirs-Fowler)	HJR	161		1629
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Hutcherson, Carl B., Jr.; commending. (Patron—Walker)	HJR	352		1738
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Hyman, Zachary; commending. (Patron—Jenkins)	HJR	158		1628
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Hyman, Zachary Scott; commending. (Patron—Norment)	SJR	119		2024
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ICNA Relief Resource Center; commending. (Patron—Dunnivant)	SR	36		2101

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IMMUNIZATIONS

Pharmacists; initiation of treatment with and dispensing and administration of vaccines, drugs, devices, etc., administration of vaccine to persons three years of age or older, Board of Medicine, et al., shall establish a statewide protocol.

Patron—Orrock HB 1323 791 1524

Patron—Dunnivant SB 672 790 1517

Public health emergency; Commissioner of Health to authorize administration and dispensing of necessary drugs, devices, and vaccines.

Patron—Robinson HB 939 774 1486

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INCATASCIATO, MARISSA

Incatasciato, Marissa; commending. (Patron—Gooditis) HR 108 1858

INCLUSIVE COMMUNITIES, VIRGINIA CENTER FOR

Inclusive Communities, Virginia Center for; commending. (Patron—Hashmi) SR 20 2092

INCOME TAX

Income tax, corporate; filing status for tax returns of certain affiliated corporations.

Patron—Coyner HB 224 416 733

Patron—McDougle SB 386 417 734

Income tax, corporate; tax returns of affiliated corporations, permission to change basis of type of return filed. (Patron—Watts) HB 348 274 467

Income tax, state; extends sunset provision for major business facility job tax credit.

Patron—Byron HB 269 11 26

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Income tax, state; property information and analytics firms, business operations, definitions.

Patron—Knight HB 453 256 433

Patron—Barker SB 346 257 435

Income tax, state; taxable years beginning on or after January 1, 2021, but before January 1, 2026, the amount of tax paid by a pass-through entity under law of another state shall be deemed to have been paid by its individual owner, etc., definitions, publicly available guidelines.

Patron—McNamara HB 1121 690 1282

Patron—Petersen SB 692 689 1280

Income tax, state and corporate; deductions for business interest, 30 percent of interest disallowed as a deduction.

Patron—Brewer HB 1006 648 1230

Landlords, participating; tax credits on individual and corporate income tax.

Patron—Willett HB 402 252 428

INDIAN TRIBES

Public elementary and secondary school students, certain; one excused absence per academic year, attendance at tribal nation's pow wow, parent to provide advanced notice of absence. (Patron—Guzman) HB 1022 233 406

Updating Virginia Law to Reflect Federal Recognition of Virginia Tribes, Commission on; established, report. (Patron—Krizek) HB 1136 788 1515

INDUSTRIAL DEVELOPMENT

Industrial Development and Revenue Bond Act; industrial development authority to make grants associated with the construction of affordable housing in order to promote safe and affordable housing in the Commonwealth. (Patron—Carr) HB 1194 489 854

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Infant relinquishment laws; Department of Social Services shall establish a toll-free, 24-hour hotline to make information about safe haven laws available to the public, etc. (Patron—Fariss) HB 50 174 343

INFLAMMATORY BREAST CANCER AWARENESS DAY

Inflammatory Breast Cancer Awareness Day; designating as October 4, 2022, and in each succeeding year thereafter. (Patron—Reid) HJR 80 1588

INFRASTRUCTURE

High-speed broadband service; Department of Housing and Community Development shall convene advisory group on expanding service and associated infrastructure in new residential and commercial development.

Patron—Murphy HB 445 592 1116
Patron—Boysko SB 446 593 1116

INMATES

Correctional facilities, local or regional; State Board of Local and Regional Jails shall convene a work group to review and make recommendations regarding reduction or elimination of costs and fees charged to inmates, report. (Patron—Morrissey)

SB 581 359 621

Correctional facilities, state; Department of Corrections shall convene a work group to review and make recommendations regarding reduction or elimination of costs and fees charged to inmates, report.

Patron—Hope HB 665 681 1275
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INMED PARTNERSHIPS FOR CHILDREN

INMED Partnerships for Children; commending. (Patron—Subramanyam) HR 191 1898

INNSBROOK FOUNDATION

Innsbrook Foundation; commending. (Patron—VanValkenburg) HJR 210 1657

INSTITUTIONS OF HIGHER EDUCATION; OTHER EDUCATIONAL AND CULTURAL INSTITUTIONS

Advanced Manufacturing Talent Investment Fund; created.

Patron—O'Quinn HB 565 499 868
Patron—Mason SB 685 500 868

Arts, Virginia Commission for the; eliminates Virginia Arts Foundation and transfers its powers and fund to Commission. (Patron—Pillion)

SB 597 437 776

Bluefield University; commemorating its 100th anniversary.

Patron—Morefield HR 20 1816
Patron—Hackworth SR 18 2090

Christopher Newport University women's soccer team; commending.

Patron—Simonds HJR 239 1673

Commonwealth of Virginia Higher Educational Institutions Bond Act of 2022; created.

Patron—Knight HB 165 13 29
Patron—Howell SB 93 86 205

Facial recognition technology; redefines, authorized uses, local law-enforcement agencies and campus police shall not use technology for tracking movements of an identified individual in a public space in real time, etc., State Police Model Facial Recognition Technology Policy, report, sunset provision. (Patron—Surovell)

SB 741 737 1397

George Mason University; commemorating its 50th anniversary.

Patron—Herring HJR 34 1573
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Hampton University Mobile Vaccination Clinic; commending. (Patron—Jenkins) HR 174 1891

High school students; instruction concerning post-graduate opportunities, duties of State Council of Higher Education.

Patron—Coyner HB 1299 343 541
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Higher education; endorses framework of mission, vision, goals, and strategies for the statewide strategic plan developed and approved by the State Council of Higher Education for Virginia.

Patron—Davis HJR 145 1619
Patron—Locke SJR 53 1976

Higher educational institutions, baccalaureate public; website, posting of certain comparative data relating to undergraduate students. (Patron—Freitas)

HB 355 365 634

Higher educational institutions, nonprofit private and public; definitions, hazing prevention training, institution reports of hazing violations.

Patron—Murphy HB 525 693 1284
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Higher educational institutions, public; earning academic credit, education, experience, training, and credentials in Armed Forces of the United States, State

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Higher educational institutions, public; institution to ensure that all students have access to accurate information about the Supplemental Nutrition Assistance Program (SNAP), including eligibility and how to apply. (Patron—Roem)	HB	582	483 848
Higher educational institutions, public or private; education preparation programs, coursework, audit, provisions effective beginning with 2024-2025 school year. Patron—Delaney	HB	419	757 1437
Innovative Internship Program; State Council of Higher Education for Virginia to partner with the Office of Education and Labor Market Alignment to collect and utilize certain data. (Patron—Hashmi)	SB	667	420 737
Intercollegiate athletics; definitions, student-athletes, compensation and representation for name, image, or likeness. Patron—Austin	HB	507	510 895
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Longwood University; commending. (Patron—Mason)	SJR	163	2048
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New College Institute; noncredit workforce training, permits the board of directors to provide specialized noncredit workforce training independent of local comprehensive community colleges. (Patron—Stanley)	SB	84	658 1252
Norfolk State University baseball team; commending. (Patron—Hayes)	HJR	122	1606
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Roanoke Higher Education Authority; adds president of Virginia State University or his designee to the board of trustees and removes presidents of Averett University and Mary Baldwin College or their designees from board. (Patron—Edwards)	SB	395	611 1160
Sweet Briar College equestrian team; commending. (Patron—Petersen)	SJR	150	2041
University of Virginia Comprehensive Cancer Center; commending. Patron—Deeds	SJR	165	2049
Victims of human trafficking; eligibility for in-state tuition. (Patron—Batten)	HB	526	795 1536
Virginia Commonwealth University women's basketball team; commending. Patron—Bourne	HR	203	1904
Virginia Literacy Act; early student literacy, evidence-based literacy instruction, science-based reading research, microcredential program, reading specialists. Patron—Coyner	HB	319	550 977
Patron—Lucas	SB	616	549 963
Virginia Military Survivors and Dependents Education Program; tuition and fee waivers, stepchild of a deceased military service member shall receive all benefits, etc., domicile or physical presence requirements. (Patron—Reeves)	SB	768	442 788
Virginia National Guard; adds parameters around grants distributed by the Department of Military Affairs to members that are enrolled in any course or program at any public institution of higher education or accredited nonprofit private institution of higher education, if applications for grants exceed amount funding appropriated, Department shall issue grants to eligible recipients based on order in which applications were received, federal active duty mobilizations shall count toward the two-year service obligation. (Patron—Reid)	HB	857	605 1137
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Patron—Helmer	HB 1130	245	421
Patron—Petersen	SB 207	246	422
School safety audits; each local school board to require its schools to collaborate with the chief law-enforcement officer of the locality or his designee when conducting.			
Patron—Taylor	HB 1129	22	56
Patron—Pillion	SB 600	21	55
Vicious dogs; a law-enforcement officer or animal control officer to apply to a magistrate for a summons, etc. (Patron—DeSteph)	SB 279	614	1169
LAWHORNE, DANA			
Lawhorne, Dana; commending. (Patron—Bennett-Parker)	HJR 400		1764
LAWSON, DONNA			
Lawson, Donna; commending. (Patron—Cosgrove)	SJR 178		2056
LAWYERS			
Attorneys; examinations and issuance of licenses, requirements before an applicant is permitted to take the Virginia bar exam. (Patron—Kilgore)	HB 117	148	311
LEE COUNTY			
St. Charles, Town of; termination of township in Lee County.			
Patron—Kilgore	HB 83	89	208
Patron—Pillion	SB 589	90	209

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LEE, ELIJAH			
Lee, Elijah; commending. (Patron—Adams, D.M.)	HJR	283	1698
LEE, NORVEL LAFALLETTE RAY			
Lee, Norvel LaFalette Ray; commemorating his life and legacy. (Patron—Austin) . . .	HJR	379	1753
LEIDER, ANNA JANE			
Leider, Anna Jane; recording sorrow upon death.			
Patron—Herring	HJR	344	1734
Patron—Ebbin	SJR	190	2062
LEMONS, DONALD W.			
Lemons, Donald W.; commending.			
Patron—Bell	HJR	172	1635
Patron—Edwards	SJR	74	1994
LIBERTY UNIVERSITY			
Liberty University; commemorating its 50th anniversary. (Patron—Walker)	HJR	184	1642
LIBRARIES			
Libraries and education services; revises and repeals obsolete provisions related to early childhood education and elementary and secondary education and related to libraries and the Virginia Public Records Act. (Patron—Edwards)	SB	421	355 579
Libraries, local and regional; adds Botetourt County to the list of localities that are not required to establish a library board. (Patron—Austin)	HB	468	352 561
LICENSE PLATES AND REGISTRATION			
Antique motor vehicles and antique trailers; multiple requests, DMV shall accept if number combination requested is not currently registered on certain license plates, etc. (Patron—McDougle)	SB	749	157 328
Electronic vehicle titling and registration; permits DMV to expand existing program.			
Patron—McPike	SB	215	701 1313
License plate, special; authorizes a disabled veteran special license plate to be transferred, upon his death, to his unremarried surviving spouse.			
Patron—Scott, P.A.	HB	40	20 54
License plates, special; issuance of plates commemorating the Richmond Planet newspaper bearing the legend THE RICHMOND PLANET. (Patron—Morrissey) . . .	SB	753	119 262
License plates, special; issuance to active members and certain veterans of the United States Navy. (Patron—Kiggans)	SB	212	107 226
License plates, special; localities to pay initial issuance fee costs for development and issuance. (Patron—Keam)	HB	703	54 107
Vehicle registration; personal property tax relief. (Patron—Keam)	HB	693	237 413
LICENSE TAX			
License taxes, local; limitation of authority.			
Patron—Leftwich	HB	1084	659 1252
Patron—McDougle	SB	385	660 1254
LIEUTENANT GOVERNOR			
Lieutenant Governor Justin E. Fairfax; authorized to receive a replica of the chair used when presiding over the Senate. (Patron—Locke)	SR	4	2083
Lieutenant Governor Justin E. Fairfax; establishes a committee to contract for a portrait to be painted, framed, and installed in the Capitol. (Patron—Locke)	SR	5	2083
LIFE INSURANCE			
Credit life insurance and credit accident and sickness insurance; adjustment of rates, requirement for hearing. (Patron—McDougle)	SB	383	412 720
Insurance; discrimination based on status as living organ donor prohibited, provisions shall apply to life insurance, disability insurance, or long-term care insurance plans that are amended, extended, etc., on or after January 1, 2023.			
Patron—Delaney	HB	421	649 1237
Life insurance; standard nonforfeiture provisions, decreases the minimum nonforfeiture amount interest rate. (Patron—Ware)	HB	44	176 344
Preneed funeral contracts; removes requirement relating to life insurance or annuity contract, face amount of life insurance issued to fund contract shall not be decreased over life of policy, etc. (Patron—Head)	HB	1269	18 42
Preneed funeral contracts; requirements of life insurance policy or annuity contracts used to fund, face amount of policy, etc. (Patron—Spruill)	SB	679	641 1217

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LINDSAY, CHRISTOPHER			
Lindsay, Christopher; commending. (Patron—McPike)	SJR 213		2076
LINE OF DUTY ACT			
Line of Duty Act; Virginia licensed health practitioners required to conduct medical reviews, persons issued a comparable license, as determined by Virginia Retirement System, by the District of Columbia or a state that is contiguous to Virginia. Patron—DeSteph	SB 468	484	848
LINEWEAVER, WINSTON			
Lineweaver, Winston; recording sorrow upon death. (Patron—Gilbert)	HR 22		1818
LITERACY COUNCIL OF NORTHERN VIRGINIA			
Literacy Council of Northern Virginia; commemorating its 60th anniversary. Patron—Simon	HR 40		1826
LITTLE, DEAN MICHAEL, SR.			
Little, Dean Michael, Sr.; recording sorrow upon death. (Patron—Hodges)	HJR 418		1775
LOAVES & FISHES CHILHOWIE AREA FOOD PANTRY			
Loaves & Fishes Chilhowie Area Food Pantry; commending. (Patron—O'Quinn) . . .	HJR 238		1673
LOCAL GOVERNMENT AND OFFICIALS			
Chesapeake Bay Preservation Area information; each local government in Tidewater Virginia shall publish on its website elements and criteria adopted for local plan. (Patron—Hodges)	HB 771	207	382
Chesapeake, City of; local government authority to require analysis of water. Patron—Hayes	HB 548	225	400
Patron—Cosgrove	SB 53	226	400
Conflict of Interests Act, State and Local Government; definition of gift, certain tickets and registration or admission fees. Patron—Simonds	HB 216	528	919
Patron—Locke	SB 57	529	921
Local government; hiring people with disabilities. (Patron—Keam)	HB 710	306	507
Local governments; general powers, Commercial Property Assessed Clean Energy (C-PACE) financing programs, localities adopting or amending its C-Pace ordinance, etc. (Patron—Reid)	HB 1325	402	700
Medicaid; program information, accessibility on every state agency or local government website. (Patron—Tran)	HB 987	775	1492
Resilient Virginia Revolving Loan Fund; created, definitions, loans and grants to a local government. Patron—Bulova	HB 1309	782	1499
Patron—Lewis	SB 756	739	1405
Trees; replacement and conservation during land development process in localities, silvicultural practices, powers of local government. (Patron—Marsden)	SB 537	620	1183
Zoning appeals, board of; local governing body to appropriate such funds as necessary so that its board may employ or contract for secretaries, clerks, etc. Patron—Roem	HB 616	249	424
LOCAL HISTORY MONTH			
Local History Month; designating as October 2022 and in each succeeding year thereafter. (Patron—Adams, L.R.)	HJR 64		1584
LONG, MARCUS H., JR.			
Long, Marcus H., Jr.; commending. (Patron—March)	HJR 93		1591
LONG-TERM CARE			
Insurance; discrimination based on status as living organ donor prohibited, provisions shall apply to life insurance, disability insurance, or long-term care insurance plans that are amended, extended, etc., on or after January 1, 2023. Patron—Delaney	HB 421	649	1237
LONGWOOD UNIVERSITY			
Longwood University; commending. (Patron—Mason)	SJR 163		2048
Longwood University men's and women's basketball teams; commending. Patron—Peake	SJR 221		2081
LOUDOUN COUNTY			
Loudoun County Master Gardeners of Virginia Cooperative Extension; commending. (Patron—Gooditis)	HR 78		1844

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Loudoun County School Board ; staggering of member terms, lot drawing, timeframe. Patron—Reid	HB 1138	798	1544
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Loudoun Free Clinic ; commending. (Patron—Gooditis)	HR 109	1859	
LOUISA, TOWN OF			
Louisa, Town of ; Town may appoint from five to seven members to serve on the board of economic development authority. (Patron—McGuire)	HB 60	622	1192
LOVETTSVILLE, TOWN OF			
Lovettsville, Town of ; amending charter, town officers and powers. Patron—LaRock	HB 1028	315	517
LOWE, CANON JOHN FLETCHER, JR.			
Lowe, Canon John Fletcher, Jr. ; recording sorrow upon death. Patron—Carr	HJR 253		1680
Patron—McClellan	SJR 88		2007
LUCAS, HATTIE ANN THOMAS			
Lucas, Hattie Ann Thomas ; recording sorrow upon death. Patron—Price	HJR 373		1750
Patron—Locke	SJR 28		1949
LUTHMAN, AUDREY			
Luthman, Audrey ; commending. (Patron—Simon)	HR 85		1848
LYME DISEASE			
Lyme disease ; signage in state parks, instructional resources and materials, report. Patron—Reid	HB 850	303	498
LYNCHBURG DAILY BREAD, INC.			
Lynchburg Daily Bread, Inc. ; commemorating its 40th anniversary. Patron—Walker	HJR 104		1597
MACDONALD-SCARBOROUGH, DONNA HELEN			
Macdonald-Scarborough, Donna Helen ; recording sorrow upon death. Patron—Keam	HJR 417		1774
MAGISTRATES			
Bail for a person accused of a crime that is an act of violence ; magistrate shall transmit within 24 hours completed form to attorney for the Commonwealth, transmission of copy may be by facsimile or other electronic means. Patron—Adams, L.R.	HB 756	47	100
Patron—Stanley	SB 614	48	101
Vicious dogs ; a law-enforcement officer or animal control officer to apply to a magistrate for a summons, etc. (Patron—DeSteph)	SB 279	614	1169
MALKIN, BRUCE			
Malkin, Bruce ; recording sorrow upon death. (Patron—Krizek)	HR 134		1872
MALNUTRITION AWARENESS WEEK			
Malnutrition Awareness Week ; designating as the first week in October 2022 and in each succeeding year thereafter. (Patron—Lewis)	SJR 66		1990
MALVIN, FREDERICK BAGE			
Malvin, Frederick Bage ; recording sorrow upon death. (Patron—Mason)	SJR 206		2072
MANASSAS PARK FIRE AND RESCUE DEPARTMENT			
Manassas Park Fire and Rescue Department ; commending. (Patron—Roem)	HR 197		1901
MANASSAS PARK LATINO FESTIVAL			
Manassas Park Latino Festival ; commending. (Patron—Roem)	HR 201		1903
MANN, JAMES ARTHUR			
Mann, James Arthur ; recording sorrow upon death. (Patron—Scott, P.A.)	HJR 336		1729
MANOUKIAN BROTHERS ORIENTAL RUGS			
Manoukian Brothers Oriental Rugs ; commemorating its 100th anniversary. Patron—Lopez	HJR 362		1743
MANSFIELD, JENNIFER GAYLE RIOS			
Mansfield, Jennifer Gayle Rios ; recording sorrow upon death. (Patron—Simonds) . . .	HR 31		1821

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MANUFACTURED HOUSING			
Manufactured home lot agreements and home park notices; Department of Housing and Community Development shall convene a work group for purpose of developing sample documents. (Patron—Krizek)	HB 1065	564	1031
Manufactured homes, certain; release of manufactured home records. Patron—Campbell, J.L.	HB 1122	479	841
MANUFACTURERS			
Motor vehicle dealers and manufacturers; compensation for recall, warranty, and maintenance obligations. Patron—Wyatt	HB 259	752	1424
Patron—McPike	SB 216	715	1336
Nitrile Glove Manufacturing Training Program; established. Patron—Campbell, J.L.	HB 186	746	1416
Patron—Pillion	SB 595	731	1380
MARCUS, PAUL			
Marcus, Paul; commending. (Patron—Mason)	SJR 219		2079
MARIK, PAUL			
Marik, Paul; commending. (Patron—LaRock)	HR 228		1916
MARION POLICE DEPARTMENT			
Marion Police Department; commemorating its 80th anniversary. Patron—O'Quinn	HJR 355		1739
MARKELOFF, RICHARD			
Markeloff, Richard; recording sorrow upon death. (Patron—Shin)	HJR 167		1633
MARRIAGE			
Division of marital property; Virginia Retirement System managed defined contribution plan, calculation of gains and losses. (Patron—Surovell)	SB 349	438	782
MARTINEZ, REYNALDO			
Martinez, Reynaldo; commending. (Patron—Kory)	HR 239		1922
MARTINSVILLE, CITY OF			
Martinsville, City of; approval of voters before city can revert to town status, sunset provision. Patron—Marshall	HB 173	220	397
Patron—Stanley	SB 85	219	397
MARTINSVILLE SPEEDWAY			
Martinsville Speedway; commemorating its 75th anniversary. (Patron—Stanley)	SR 56		2111
MARY BALDWIN COLLEGE			
Roanoke Higher Education Authority; adds president of Virginia State University or his designee to the board of trustees and removes presidents of Averett University and Mary Baldwin College or their designees from board. (Patron—Edwards)	SB 395	611	1160
MASSANUTTEN TECHNICAL CENTER			
Massanutten Technical Center; commemorating its 50th anniversary. Patron—Wilt	HJR 326		1724
MAURY RIVER			
Maury River; extends the portion previously designated as a state scenic river by an additional 23.2 miles. Patron—Campbell, R.R.	HB 28	409	718
Patron—Deeds	SB 292	410	718
MAXEY, MICHAEL C.			
Maxey, Michael C.; commending. (Patron—Rasoul)	HJR 228		1666
MCCADDEN, ESTELLE HUNTER			
McCadden, Estelle Hunter; recording sorrow upon death. (Patron—Rasoul)	HJR 214		1659
MCCONICO, MADISON			
McConico, Madison; commending. (Patron—Coyner)	HR 34		1824
MCCONNELL, UBERT LEE			
McConnell, Ubert Lee; recording sorrow upon death. (Patron—Kilgore)	HR 170		1889
MCDEMMOND, MARIE V.			
McDemmond, Marie V.; commending. (Patron—Mundon King)	HR 153		1881

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MCKENZIE, AYANNA F.			
McKenzie, Ayanna F. ; recording sorrow upon death. (Patron—McQuinn)	HJR 381		1755
MCKIERNAN, JUDITH ANN			
McKiernan, Judith Ann ; recording sorrow upon death. (Patron—Wiley)	HJR 243		1675
MCLEAN PROJECT FOR THE ARTS			
McLean Project for the Arts ; commemorating its 60th anniversary. Patron—Murphy	HR 187		1896
MCNULTY, KEVIN			
McNulty, Kevin ; commending. (Patron—Ebbin)	SR 64		2115
MCWILLIAMS, WILLIAM HARVEY, JR.			
McWilliams, William Harvey, Jr. ; recording sorrow upon death. (Patron—Carr)	HJR 254		1681
MEANS, DEMETRIUS			
Ashburn, Carroll, and Demetrius Means ; commending. (Patron—Ransone)	HJR 290		1703
MEDICAID AND MEDICARE PROGRAMS			
Medicaid ; program information, accessibility on every state agency or local government website. (Patron—Tran)	HB 987	775	1492
Medicaid participants ; treatment involving the prescription of opioids, payment. Patron—Pillion	SB 594	214	387
MEDICAL TREATMENT, CARE, AND ASSISTANCE			
Medical assistance ; Department of Medical Assistance Services shall convene a work group to study overall cost of and options for provision to cover and reimburse complex rehabilitation technology (CRT), manual and power wheelchair bases and related accessories for qualified individuals who reside in nursing facilities. Patron—Adams, D.M.	HB 241	476	837
Medical assistance services ; eligibility, individuals confined in state correctional facilities. (Patron—Price)	HB 800	300	493
Medical assistance services ; state plan, remote patient monitoring, payment of assistance for provider-to-provider consultations, etc. (Patron—Dunnavant)	SB 426	269	459
Medical Assistance Services, Department of ; Department shall establish work group to evaluate and make recommendations to improve approaches to early psychosis and mood disorder detection approaches, report. (Patron—Hope)	HB 1193	621	1191
Obesity prevention and other obesity-related services ; Joint Commission on Health Care shall study and provide recommendations related to the payment of medical assistance for services. (Patron—Guzman)	HB 1098	460	813
Telemedicine services ; state plan for medical assistance services, provision for payment of services facilitated by emergency medical services. (Patron—Stanley) . .	SB 663	384	665
MEDIKO			
MEDIKO ; commemorating its 25th anniversary. (Patron—Dunnavant)	SJR 92		2010
MEDINA, ANDOLYN T.			
Medina, Andolyn T. ; commending. (Patron—Hayes)	HJR 342		1733
MELTON, MARY FRANCIS ANDREWS			
Melton, Mary Francis Andrews ; recording sorrow upon death. (Patron—Carr)	HJR 277		1695
METRO RICHMOND AREA YOUNG DEMOCRATS			
Metro Richmond Area Young Democrats ; commemorating its 25th anniversary. Patron—McClellan	SJR 202		2069
METU, JEET			
Krishnan, Abhishek, and Metu, Jeet ; commending. (Patron—Subramanyam)	HR 177		1892
MIDDLE SCHOOLS			
Public middle schools ; physical education to include personal safety training. Patron—Ransone	HB 1215	168	336
MIDDLEBURG AMERICAN LEGION POST 295			
Middleburg American Legion Post 295 ; commemorating its 75th anniversary. Patron—Vogel	SR 33		2100
MIDDLEDITCH, LEIGH B., JR.			
Middleditch, Leigh B., Jr. ; recording sorrow upon death. (Patron—Deeds)	SJR 109		2019
MILITARY AND EMERGENCY LAWS			
Emergency and quarantine orders, certain ; additional procedural requirements. Patron—Petersen	SB 46	785	1513

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MILITARY AND EMERGENCY LAWS - Continued

Emergency Services and Disaster Law; limits the duration of any executive order issued by the Governor pursuant to his powers to no more than 45 days from the date of issuance, etc.

Patron—Byron	HB	158	805	1555
Patron—Suetterlein	SB	4	803	1552

Emergency Shelters Upgrade Assistance Grant Fund; funds to be paid to entities outlined in local shelter plans. (Patron—Vogel)

SB	353	337	538
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Health care coverage; premium payments for certain service members.

Patron—Carr	HB	642	372	646
Patron—Cosgrove	SB	719	373	647

Military personnel; increases days for leaves of absence. (Patron—Orrock)

HB	231	430	764
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Political subdivisions; powers and duties, emergency management assessment.

Patron—Hackworth	SB	60	217	391
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MILLER, WILLIAM MORGAN, JR.

Miller, William Morgan, Jr.; recording sorrow upon death. (Patron—Edmunds)

HR	93		1852
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MILLRIDGE COMMUNITY

Millridge Community; commemorating its 50th anniversary. (Patron—Petersen)

SJR	140		2036
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MILTEER, CURTIS ROBERT, SR.

Milteer, Curtis Robert, Sr.; recording sorrow upon death. (Patron—Brewer)

HR	208		1906
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MIMS, WILLIAM C.

Mims, William C.; commending. (Patron—Boysko)

SJR	38		1953
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MINES, MINERALS, AND ENERGY

Energy performance-based contracts; roof replacement to be a part of a larger energy performance-based contract, when the roof replacement is necessary for the completion of the other conservation or efficiency measures.

Patron—Bulova	HB	1225	465	821
Patron—Favola	SB	13	466	822

Waste coal; removal in the public interest, sunset date, Commission on Electric Utility Regulation may review information on approximate volume and number of waste coal piles present in coalfield region. (Patron—Kilgore)

HB	1326	177	346
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MINORITY BUSINESSES

Small, women-owned, and minority-owned businesses; Department of Small Business and Supplier Diversity to annually review and provide feedback on state agencies' plans to enhance procurement. (Patron—Torian)

HB	814	301	493
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Women-owned or minority-owned businesses; Department of Small Business and Supplier Diversity to administer a mentorship pilot program under which established businesses, or industry sector experts, act as mentors to start-up businesses.

Patron—Torian	HB	815	302	497
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MINORS

Health care providers; health records of minors, disclosure of patient records, available via secure website. (Patron—Robinson)

HB	916	218	393
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Minors; authorizes the chief juvenile and domestic relations district court judge to waive the ceremonial requirements for issuance within the district of original driver's licenses.

Patron—Leftwich	HB	1050	55	107
Patron—Edwards	SB	139	636	1208

Misdemeanor sexual offenses where the victim is a minor; statute of limitations, penalty. (Patron—Obenshain)

SB	227	110	227
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Proceeds of compromise agreements; investment in college savings trust accounts for minors. (Patron—Surovell)

SB	64	535	936
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Unaccompanied homeless youths; consent for housing services, provider of housing services shall attempt to contact parents or guardian of youth, reporting child's presence to local law enforcement, etc., report. (Patron—Filler-Corn)

HB	717	801	1550
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MISDEMEANORS

Careless driving; person is guilty of a Class 1 misdemeanor if he operates a vehicle in a careless or distracted manner and causes death or serious bodily injury on a vulnerable road user.

Patron—Kilgore	HB	920	506	876
Patron—Surovell	SB	247	507	876

MISDEMEANORS - Continued

Misdemeanor sexual offenses where the victim is a minor ; statute of limitations, penalty. (Patron—Obenshain)	SB	227	110	227
School principals ; required to report to law enforcement certain enumerated acts that may constitute a misdemeanor offense, written threats against school personnel, report to the parents of any minor student who is the specific object of such act, etc., alternative school discipline.				
Patron—Wyatt	HB	4	793	1532
Patron—Norment	SB	36	794	1534

MITCHELL, MUNCIE TAZEWELL

Mitchell, Muncie Tazewell ; recording sorrow upon death. (Patron—Stanley)	SJR	200		2068
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MIXED BEVERAGES, ALCOHOLIC

Casino gaming ; sale and consumption of alcoholic beverages in casino gaming establishments, etc., mixed beverage casino licensees, wagers, accounting and games.				
Patron—Knight	HB	455	589	1062
Patron—Lucas	SB	519	590	1089

MOBILE HOPE OF LOUDOUN

Mobile Hope of Loudoun ; commending.				
Patron—Subramanyam	HR	66		1840
Patron—Gooditis	HR	68		1840

MOFFETT, WILLIE JAMES

Moffett, Willie James ; recording sorrow upon death.				
Patron—Ward	HJR	323		1722
Patron—Locke	SR	67		2117

MOIR, ANNA

Moir, Anna ; commending. (Patron—Suetterlein)	SR	75		2121
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MONARC CONSTRUCTION, INC.

Monarc Construction, Inc. ; commending. (Patron—Simon)	HR	90		1850
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MONOLO, JOSEPH CARLO

Monolo, Joseph Carlo ; recording sorrow upon death. (Patron—Fowler)	HJR	70		1586
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MONTGOMERY, RUSSELL

Montgomery, Russell ; commending. (Patron—Obenshain)	SJR	155		2044
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MONUMENT TERRACE "SUPPORT OUR TROOPS" RALLIES

Monument Terrace "Support Our Troops" rallies ; commemorating its 20th anniversary. (Patron—Walker)	HJR	97		1593
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MOON, MARY DEAR

Moon, Mary Dear ; recording sorrow upon death. (Patron—Vogel)	SR	28		2097
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MOORE, GAYLES PARKER

Moore, Gayles Parker ; recording sorrow upon death. (Patron—McQuinn)	HJR	383		1755
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MOORE, HOWARD KELLEY

Moore, Howard Kelley ; recording sorrow upon death. (Patron—Suetterlein)	SR	74		2120
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MOORE, JAMES T., SR.

Moore, James T., Sr. ; recording sorrow upon death. (Patron—Hope)	HJR	142		1617
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MORGAN, MORRIS H., III

Morgan, Morris H., III ; recording sorrow upon death. (Patron—Locke)	SR	69		2118
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MORMAN, BOBBIE JAMES, JR.

Relief ; Morman, Bobbie James, Jr. (Patron—Sullivan)	HB	385	787	1514
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MOTOR CARRIERS

Projecting vehicle loads ; warning flags required on any vehicle transporting a load that projects certain inches from either side or rear of vehicle, effective date.				
Patron—Edmunds	HB	67	50	103

MOTOR VEHICLE INSURANCE

Motor vehicle insurance ; motor vehicle liability insurance policy issued, etc., to include a specific statement regarding the insurer requirements to provide underinsured motorist coverage, uninsured motorist coverage. (Patron—Obenshain)	SB	754	308	508
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MOTOR VEHICLE INSURANCE - Continued

Motor vehicles, trailers, and semi-trailers; vehicles exempted from registration requirement shall be insured under a general liability policy that includes personal injury liability insurance, etc., or by an umbrella or excess insurance policy.

Patron—Ruff SB 733 736 1396

MOTOR VEHICLES

Antique motor vehicles and antique trailers; multiple requests, DMV shall accept if number combination requested is not currently registered on certain license plates, etc. (Patron—McDougle)

SB 749 157 328

Arland D. Williams, Jr. Memorial Bridge; added to Potomac River bridges subject to the Potomac River Bridge Towing Compact, Compact applies to bridges as they are currently named, etc.

Patron—Sullivan HB 386 6 14

Patron—Favola SB 131 635 1208

Bicycles and certain other vehicles; riding two abreast shall not impede traffic, failure to move into a single-file formation shall not constitute negligence per se in any civil action. (Patron—Stuart)

SB 362 341 540

Careless driving; person is guilty of a Class 1 misdemeanor if he operates a vehicle in a careless or distracted manner and causes death or serious bodily injury on a vulnerable road user.

Patron—Kilgore HB 920 506 876

Patron—Surovell SB 247 507 876

Catalytic converters; Class 6 felony for a person to tamper with, break, or remove a converter from a motor vehicle, etc.

Patron—Bell HB 740 664 1258

Patron—Ruff SB 729 665 1259

Commercial driver's license; if third party tester is a governmental entity that tests drivers who are not employed by that entity, the tester shall maintain evidence that driver was employed by an entity or enrolled in training course, results of skills test shall be valid for six months following completion of test. (Patron—Bell)

HB 1146 60 110

Commercial driver's license examinations; requirements for third party testers, validity of results of skills test, results valid for six months following completion of test. (Patron—Deeds)

SB 301 292 485

Driver education programs; participation of student's parent or guardian in Planning District 8 (Northern Virginia), requirement for an additional minimum 90-minute parent/student driver education component as part of classroom portion of curriculum, certification of courses. (Patron—Norment)

SB 78 708 1321

Driver training; authorizes governmental entities certified as third party testers to test and train drivers employed by another governmental entity or enrolled in a commercial driver training course offered by a community college, repeals the prohibition on applicants 18 years of age and older retaking skills test within 15 days.

Patron—Batten HB 530 139 295

Driver's license; extension of validity. (Patron—Roem)

HB 540 39 74

Driver's license or identification card; indication of blood type to be noted on license or card, effective date. (Patron—Barker)

SB 345 796 1538

Electronic credentials; discretionary fee, up to \$10 per year, assessed by DMV for each individual, Department may issue an electronic registration card to an individual who holds a valid physical card, etc. (Patron—Marsden)

SB 34 183 350

Electronic vehicle titling and registration; permits DMV to expand existing program.

Patron—McPike SB 215 701 1313

Exhaust systems; regulation of noise from a vehicle on a highway that is not equipped with a muffler and system, repeals provision relating to regulation of motorcycle, etc., noise. (Patron—Carr)

HB 632 490 856

Front and rear bumpers; height limits. (Patron—Peake)

SB 777 31 65

Golf carts and utility vehicles; adds the Town of Ivor to the list of towns that may authorize the operation on designated public highways. (Patron—Wachsmann)

HB 88 449 798

Highway use fee, mileage-based user fee program; program clarifications, option to participate without location tracking, process to issue refund of fee.

Patron—Boysko SB 612 446 795

Independent dealer-operator recertification; codifies existing Motor Vehicle Dealer Board regulations. (Patron—Wyatt)

HB 316 574 1047

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MOTOR VEHICLES - Continued

License plate, special; authorizes a disabled veteran special license plate to be transferred, upon his death, to his unremarried surviving spouse. Patron—Scott, P.A.	HB	40	20	54
License plates, special; issuance to active members and certain veterans of the United States Navy. (Patron—Kiggans)	SB	212	107	226
License plates, special; localities to pay initial issuance fee costs for development and issuance. (Patron—Keam)	HB	703	54	107
Manufactured homes, certain; release of manufactured home records. Patron—Campbell, J.L.	HB	1122	479	841
Mileage-based user fee program; protection of data, option to participate without location tracking, etc. (Patron—McPike)	SB	237	236	412
Minors; authorizes the chief juvenile and domestic relations district court judge to waive the ceremonial requirements for issuance within the district of original driver's licenses. Patron—Leftwich	HB	1050	55	107
Patron—Edwards	SB	139	636	1208
Motor vehicle dealers and manufacturers; compensation for recall, warranty, and maintenance obligations. Patron—Wyatt	HB	259	752	1424
Patron—McPike	SB	216	715	1336
Motor vehicle insurance; motor vehicle liability insurance policy issued, etc., to include a specific statement regarding the insurer requirements to provide underinsured motorist coverage, uninsured motorist coverage. (Patron—Obenshain)	SB	754	308	508
Motor vehicles, trailers, and semi-trailers; vehicles exempted from registration requirement shall be insured under a general liability policy that includes personal injury liability insurance, etc., or by an umbrella or excess insurance policy. Patron—Ruff	SB	733	736	1396
Nonreparable and rebuilt vehicles; repeals sunset provisions. (Patron—Kilgore)	HB	1092	163	335
Parking of vehicles; electric motor vehicle charging spaces, signage for penalty, civil penalty of not more than \$25. (Patron—Bennett-Parker)	HB	450	758	1438
Permanent farm use placard; an owner or lessee of a vehicle claiming a farm use exemption from the registration, licensing, etc., for a vehicle, trailer, or semitrailer to obtain from DMV, DMV may charge a fee of \$15 for placard, if vehicle is no longer used for farm use, owner or lessee is required to return placard to DMV, effective date. Patron—Bloxom	HB	179	52	105
Patron—Hanger	SB	186	51	103
Projecting vehicle loads; warning flags required on any vehicle transporting a load that projects certain inches from either side or rear of vehicle, effective date. Patron—Edmunds	HB	67	50	103
Tangible personal property taxes; valuation of property. (Patron—Robinson)	HB	1231	655	1245
Towing; certain large vehicles, civil penalty. (Patron—Marsden)	SB	705	567	1033
Traffic incident management vehicles; exempt from certain traffic regulations at or en route to the scene of a traffic accident or similar incident. Patron—LaRock	HB	793	457	810
Patron—Boysko	SB	450	458	811
Transit buses; exempts a manufacturer, factory branch, etc., engaged in the manufacture or distribution from certain requirements. (Patron—Ebbin)	SB	281	718	1345
Transportation network companies; authorizes collection of cash fares. Patron—Carr	HB	641	239	415
Vehicle registration; personal property tax relief. (Patron—Keam)	HB	693	237	413
MOTORCYCLES				
City reversion; disposition of police department or sheriff's department motorcycles. Patron—Stanley	SB	82	385	669
Exhaust systems; regulation of noise from a vehicle on a highway that is not equipped with a muffler and system, repeals provision relating to regulation of motorcycle, etc., noise. (Patron—Carr)	HB	632	490	856
MOUNT OLIVE CEMETERY				
Mount Olive Cemetery; commending. (Patron—Glass)	HR	182		1894

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MOUNTAIN MISSION SCHOOL

Mountain Mission School; commemorating its 100th anniversary.

Patron—Morefield	HJR	89		1589
Patron—Hackworth	SJR	56		1979

MURPHY, WILLIAM TAYLOE, JR.

Murphy, William Tayloe, Jr.; recording sorrow upon death. (Patron—Stuart) SJR 21 1946

MURRAY, ROBERT G.

Murray, Robert G.; commending. (Patron—Williams Graves) HJR 293 1704

MUSEUMS

Science Museum of Virginia; conveyance of certain easements to the Children's Museum of Richmond. (Patron—McClellan)

SB	470	263	451
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MVLE

MVLE; commemorating its 50th anniversary. (Patron—Barker) SR 31 2099

MYERS, MCARTHUR

Myers, McArthur; commending. (Patron—Bennett-Parker) HJR 410 1770

MYSKOWSKI, CAROL ANN

Myskowski, Carol Ann; recording sorrow upon death. (Patron—Barker) SJR 124 2026

NANDA, SEEMA

Nanda, Seema; commending. (Patron—Tran) HJR 432 1782

NARCOTICS AND DRUGS

Drug Control Act; adds certain chemicals to Schedules I, II, IV, and V.

Patron—Hodges	HB	193	114	237
Patron—Newman	SB	759	115	249

Pharmaceutical processors; amends the definition of "cannabis oil," processors and cannabis dispensing facilities shall electronically transmit, on a monthly basis, all new written certifications received, Board of Pharmacy shall maintain an electronic database of certified patients, etc.

Patron—Robinson	HB	933	391	680
Patron—Dunnavant	SB	671	392	685

Prescription drug donation program; Board of Pharmacy shall convene a work group to evaluate, report. (Patron—Favola)

SB	14	703	1314
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Public health emergency; Commissioner of Health to authorize administration and dispensing of necessary drugs, devices, and vaccines.

Patron—Robinson	HB	939	774	1486
Patron—Dunnavant	SB	647	733	1383

Retail Sales and Use Tax; beginning July 1, 2022, and ending July 1, 2025, exemption for prescription medicines and drugs purchased by veterinarians and administered or dispensed to patients.

Patron—Scott, D.L.	HB	551	551	990
Patron—Lucas	SB	517	552	992

NASCAR CUP SERIES FOOD CITY DIRT RACE

NASCAR Cup Series Food City Dirt Race; commending Food City on 30 years of sponsorship at Bristol Motor Speedway. (Patron—O'Quinn)

HJR	357		1741
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NATURAL GAS

Natural gas, biogas, and other gas sources of energy; definitions, energy conservation and efficiency, biogas supply infrastructure projects, SCC may exempt customer education components from required test parameters for a conservation and energy efficiency program, work group to determine feasibility of setting a statewide methane reduction goal, etc.

Patron—O'Quinn	HB	558	759	1438
Patron—Surovell	SB	565	728	1367

NELSON COUNTY

James River; designating an additional portion running through Nelson and Appomattox Counties as a component of the Virginia Scenic Rivers System.

Patron—Fariss	HB	49	175	343
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NELSON, WALLACE JAY, JR.

Nelson, Wallace Jay, Jr.; recording sorrow upon death. (Patron—Ballard) HJR 311 1715

NEUMAN, JOSH

Neuman, Josh; recording sorrow upon death. (Patron—Stanley) SJR 175 2054

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NEW RIVER RESOURCE AUTHORITY			
New River Resource Authority ; commending. (Patron—March)	HJR 237		1672
NEWS MEDIA			
Localities ; publication of notice in newspaper. (Patron—Ransone)	HB 167	478	838
Virginia Code Commission ; work group to review public notices required to be published by localities.			
Patron—Williams	HB 1131	129	282
Patron—Stanley	SB 417	130	283
NICHOLS, JOHN JOSEPH			
Nichols, John Joseph ; recording sorrow upon death. (Patron—Hashmi)	SJR 48		1973
NIEVES, DAVID JONATHON			
Nieves, David Jonathon ; recording sorrow upon death. (Patron—Convirs-Fowler) . . .	HJR 302		1709
NONPROFIT ORGANIZATIONS			
Carrier and managed care health insurance plans ; Department of Health, through its contract with the nonprofit organization, shall develop and implement a methodology to review and measure efficiency, etc. (Patron—Davis)	HB 248	646	1228
Charitable institutions and associations ; no organization shall be prohibited from applying for or receiving public funds as part of a neutral grant or funding program from a locality, etc. (Patron—Subramanyam)	HB 377	566	1032
NORFOLK, CITY OF			
Norfolk, City of ; amending charter, municipal elections. (Patron—Williams Graves) . .	HB 321	288	482
NORFOLK STATE UNIVERSITY			
Norfolk State University baseball team ; commending. (Patron—Hayes)	HJR 122		1606
Norfolk State University men's basketball team ; commending. (Patron—Hayes) . . .	HJR 126		1608
NORTHAM, PAMELA			
Northam, Pamela ; commending. (Patron—Murphy)	HJR 301		1709
NORTHAMPTON COUNTY			
Judge ; one judge of the Second Judicial Circuit shall be a resident and domiciliary of the County of Accomack or Northampton. (Patron—Lewis)	SB 497	596	1118
NORTHERN VIRGINIA			
Driver education programs ; participation of student's parent or guardian in Planning District 8 (Northern Virginia), requirement for an additional minimum 90-minute parent/student driver education component as part of classroom portion of curriculum, certification of courses. (Patron—Norment)	SB 78	708	1321
Northern Virginia Resettling Afghan Families Together ; commending.			
Patron—Tran	HR 215		1909
NORVEL LAFALLETTE RAY LEE MEMORIAL HIGHWAY			
Norvel LaFayette Ray Lee Memorial Highway ; designating as portion of U.S. Route 220 in Botetourt County between State Route 43 (Narrow Passage Road) and boundary line between Botetourt and Alleghany Counties. (Patron—Austin)	HB 1363	56	108
NURSE PRACTITIONERS			
Nurse practitioner ; licensure and practice. (Patron—Adams, D.M.)	HB 896	563	1027
Nurse practitioners ; authorized to declare death and determine cause of death.			
Patron—Adams, D.M.	HB 286	184	351
Nurse practitioners ; patient care team physician supervision capacity, a physician may serve as a team physician on a team with up to 10 nurse practitioners licensed in the category psychiatric-mental health nurse practitioner. (Patron—Kiggans)	SB 414	667	1260
NURSES			
Clinical nurse specialist ; practice agreements. (Patron—Adams, D.M.)	HB 285	197	365
Nursing, Board of ; power and duty to prescribe minimum standards and approval curricula for educational programs. (Patron—Sickles)	HB 604	677	1269
Opioid treatment program pharmacy ; medication dispensing, registered nurses and licensed practical nurses. (Patron—Suetterlein)	SB 511	138	294
Practical nurses, licensed ; authority to pronounce death for a patient in hospice, etc.			
Patron—Peake	SB 169	198	369
Sexual assault nurse and forensic examiners ; testimony by two-way video conferencing related to certain forensic medical examinations. (Patron—Delaney) . .	HB 404	253	430

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NURSING HOMES			
Medical assistance; Department of Medical Assistance Services shall convene a work group to study overall cost of and options for provision to cover and reimburse complex rehabilitation technology (CRT), manual and power wheelchair bases and related accessories for qualified individuals who reside in nursing facilities.			
Patron—Adams, D.M.	HB 241	476	837
Nursing homes, assisted living facilities, etc.; Secretary of Health and Human Resources shall study current oversight and regulation. (Patron—Orrock)	HB 234	559	1023
Public health emergency; creates temporary exemption from requirement for a certificate of public need or license for temporary addition of beds located in temporary location by a hospital or nursing home, etc.			
Patron—Avoli	HB 900	772	1481
Patron—Favola	SB 130	712	1326
OAKS, ADAM JEFFREY			
Oaks, Adam Jeffrey; recording sorrow upon death. (Patron—Murphy)	HJR 396		1762
OAKTON HIGH SCHOOL			
Oakton High School; commending. (Patron—Petersen)	SJR 114		2021
Oakton High School boys' cross country team; commending. (Patron—Keam)	HJR 443		1788
OBESITY			
Obesity prevention and other obesity-related services; Joint Commission on Health Care shall study and provide recommendations related to the payment of medical assistance for services. (Patron—Guzman)	HB 1098	460	813
OBРАНОВИЧ, RICHARD			
Obранovich, Virginia and Richard; commending. (Patron—Bennett-Parker)	HJR 411		1770
OBРАНОВИЧ, VIRGINIA			
Obранovich, Virginia and Richard; commending. (Patron—Bennett-Parker)	HJR 411		1770
OCOQUAN, TOWN OF			
Occoquan, Town of; new charter, previous charter repealed except section 2.			
Patron—Torian	HB 822	537	939
Patron—Surovell	SB 97	536	937
OLD DOMINION			
Old Dominion; commending. (Patron—Edmunds)	HJR 121		1605
OLDER AMERICANS ACT NUTRITION PROGRAM			
Older Americans Act Nutrition Program; commemorating its 50th anniversary.			
Patron—Ebbin	SJR 186		2061
OMEGA PSI PHI FRATERNITY, PI LAMBDA CHAPTER			
Omega Psi Phi Fraternity, Pi Lambda Chapter; commemorating its 18th anniversary. (Patron—Mundon King)	HR 112		1860
OPIOIDS			
Medicaid participants; treatment involving the prescription of opioids, payment.			
Patron—Pillion	SB 594	214	387
Opioid treatment program pharmacy; medication dispensing, registered nurses and licensed practical nurses. (Patron—Suetterlein)	SB 511	138	294
Opioids; amends sunset provisions for the requirement that a prescriber registered with the Prescription Monitoring Program request information about a patient from the Program. (Patron—Hodges)	HB 192	747	1417
Opioids; providers of treatment for addiction, conditions for initial licensure, location, effective date.			
Patron—Hope	HB 679	512	900
Patron—Deeds	SB 300	513	901
OPPORTUNITIES, ALTERNATIVES & RESOURCES			
Opportunities, Alternatives & Resources; commemorating its 50th anniversary.			
Patron—Keam	HJR 442		1787
OPTICIANS AND OPTOMETRISTS			
Optometrists; allowed to perform laser surgery if certified by Board of Optometry, Board shall promulgate regulations establishing criteria for certification, annual registration, report.			
Patron—Robinson	HB 213	17	39
Patron—Petersen	SB 375	16	37

ORDINANCES

Approved local volunteer activities; definitions, localities, by ordinance, may provide a credit against taxes and fees imposed by the locality. (Patron—Orrock)	HB	911	773	1486
Bath County; adds County to the list of counties that may by ordinance, and after a public hearing, levy a fee for the management of solid waste.				
Patron—Campbell, R.R.	HB	32	347	550
Patron—Deeds	SB	294	348	551
Local governments; general powers, Commercial Property Assessed Clean Energy (C-PACE) financing programs, localities adopting or amending its C-Pace ordinance, etc. (Patron—Reid)	HB	1325	402	700
OSCAR F. SMITH HIGH SCHOOL				
Oscar F. Smith High School football team; commending.				
Patron—Hayes	HJR	341		1732
Patron—Spruill	SJR	44		1971
OVERTON, WILLIAM QUINTON, SR.				
Overton, William Quinton, Sr.; recording sorrow upon death. (Patron—Stanley)	SJR	147		2040
OYSTERS AND OYSTER PLANTING GROUNDS				
Oysters; extends from March 1 to March 31 the season for taking from public oyster beds, rocks, or shoals. (Patron—Stuart)	SB	629	135	293
PAIGE, ANTHONY CURTIS				
Paige, Anthony Curtis; commending. (Patron—Williams Graves)	HJR	201		1652
PAINTER, JOHN ELWOOD				
Painter, John Elwood; recording sorrow upon death. (Patron—Obenshain)	SJR	152		2043
PAPPULA, MEDHA				
Pappula, Medha; commending. (Patron—Gooditis)	HR	107		1858
PARKER, WENDELL E.				
Parker, Wendell E.; commending. (Patron—Kiggans)	SR	30		2098
PARKING AREAS AND REGULATIONS				
Parking of vehicles; electric motor vehicle charging spaces, signage for penalty, civil penalty of not more than \$25. (Patron—Bennett-Parker)	HB	450	758	1438
PAROLE AND PROBATION				
Probation violation guidelines; use of sentencing revocation report and discretionary sentencing guidelines in revocation proceedings.				
Patron—Adams, L.R.	HB	1318	569	1034
Patron—Edwards	SB	424	570	1036
PARPART, LARRY				
Parpart, Larry; commending. (Patron—Willett)	HJR	197		1649
PARRY MCCLUER HIGH SCHOOL				
Parry McCluer High School boys' basketball team; commending.				
Patron—Campbell, R.R.	HJR	38		1576
PATERAKIS, CHUCK				
Paterakis, Chuck; commending. (Patron—Cosgrove)	SJR	97		2012
PATRICK & HENRY COMMUNITY COLLEGE				
Patrick & Henry Community College; commemorating its 60th anniversary.				
Patron—Williams	HJR	446		1790
PATRICK COUNTY				
Patrick County; State Health Commissioner shall accept and review applications for and may issue a license to an acute care hospital, etc. (Patron—Williams)				
Patron—Williams	HB	1305	147	311
PATRICK HENRY HIGH SCHOOL				
Patrick Henry High School boys' volleyball team; commending. (Patron—Fowler)	HJR	67		1585
PATRIOT HIGH SCHOOL				
Patriot High School boys' swim and dive team; commending. (Patron—Sewell)	HR	131		1870
PAYLOR, DAVID K.				
Paylor, David K.; commending. (Patron—Petersen)	SJR	115		2022
PAYMERANG				
Paymerang; commending. (Patron—Hashmi)	SR	26		2096
PAYNE, ALBERT L.				
Payne, Albert L.; commending. (Patron—Marshall)	HJR	296		1706

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PAYTON, MERCURY			
Payton, Mercury; commending. (Patron—Keam)	HJR	445	1789
PEACE, CHRISTOPHER KILIAN			
Peace, Christopher Kilian; commending. (Patron—Hodges)	HR	125	1867
PEACE, LINDA			
Peace, Linda; commending. (Patron—Tran)	HR	168	1888
PENSIONS, BENEFITS, AND RETIREMENT			
Division of marital property; Virginia Retirement System managed defined contribution plan, calculation of gains and losses. (Patron—Surovell)	SB	349	438 782
Retirement and taxation; sets out a section that is currently carried by reference only, repeals three obsolete sections. (Patron—Simon)	HB	338	294 488
Virginia Retirement System; separates the employer contribution for VRS employers participating in the Hybrid Retirement Plan into defined benefit and defined contribution components.			
Patron—Bulova	HB	473	9 22
Patron—Newman	SB	70	229 403
PERIPHERAL ARTERY DISEASE AWARENESS MONTH			
Peripheral Artery Disease Awareness Month; designating as September 2022 and in each succeeding year thereafter. (Patron—Price)	HJR	137	1614
PERNELL "SWEET PEA" WHITAKER BOXING AND FITNESS CENTER			
Pernell "Sweet Pea" Whitaker Boxing and Fitness Center; commending.			
Patron—Glass	HR	184	1895
PERSON, WILLIAM LUNSFORD, JR.			
Person, William Lunsford, Jr.; recording sorrow upon death. (Patron—Norment)	SJR	61	1986
PERSONAL PROPERTY			
Personal property; distrained or levied on property, auctioneers or auction firms outside county or city of an officer. (Patron—Bulova)	HB	449	62 114
Personal property; other classifications of tangible property for taxation, classification of vehicles, provisions shall apply to taxable years beginning on or after January 1, 2022, but before January 1, 2025.			
Patron—Scott, P.A.	HB	1239	30 62
Patron—Stuart	SB	771	578 1053
PERSONAL PROPERTY AND PERSONAL PROPERTY TAX			
Real and personal property; tax exemption shall include property of a certain single member limited liability company. (Patron—Webert)	HB	200	167 336
Tangible personal property taxes; valuation of property. (Patron—Robinson)	HB	1231	655 1245
Taxes, local; grants localities permissive authority to return real or surplus personal property tax revenues, or both, to taxpayers.			
Patron—McNamara	HB	267	165 335
Patron—Suetterlein	SB	12	166 336
Vehicle registration; personal property tax relief. (Patron—Keam)	HB	693	237 413
PERSONS WITH DISABILITIES			
Aging, Commonwealth Council on; required to submit an annual report.			
Patron—Favola	SB	48	533 926
Aging services; allocation of resources, individuals with the greatest economic need.			
Patron—Orrock	HB	917	313 515
Incapacitated persons; changes to provisions of guardianship and conservatorship, duties of guardian ad litem, annual report by guardian. (Patron—McPike)	SB	514	381 659
Investigation of death; Department of Behavioral Health and Developmental Services shall establish a work group to study and make recommendations regarding appropriate investigations, including regarding when autopsies may be appropriate, of deaths of individuals with intellectual or developmental disabilities and when person dies while receiving services from a licensed program. (Patron—Hope)	HB	659	568 1033
Local government; hiring people with disabilities. (Patron—Keam)	HB	710	306 507
Misuse of power of attorney; financial exploitation of incapacitated adults by an agent, penalty.			
Patron—Mullin	HB	497	397 693
Patron—Obenshain	SB	124	654 1244

PERSONS WITH DISABILITIES - Continued

Person under a disability; includes in definition persons made defendants by the general description of "parties unknown" in suits involving real property. Patron—Hope	HB	678	299	492
Public guardian and conservator program; decennial review of staff-to-client ratios, report. (Patron—Head)	HB	96	272	466
Real property tax; exemption for the elderly and handicapped. (Patron—McPike) . . .	SB	648	631	1204
PETERSBURG HIGH SCHOOL				
Petersburg High School boys' basketball team; commending. (Patron—Taylor) . . .	HR	126		1868
PETS, PET DEALERS, AND SUPPLIES				
Pet shops; shops shall retain records indicating any time a dog or cat in its possession or custody dies or is euthanized. (Patron—Convirs-Fowler)	HB	523	273	467
PHARMACIES				
Health insurance; definitions, discrimination prohibited against covered entities and contract pharmacies, prohibited conduct by carriers and pharmacy benefit managers. Patron—Wachsmann	HB	1162	319	523
Pharmacy, Board of; Board shall adopt regulations related to work environment requirements for pharmacy personnel that protect the health, safety, and welfare of patients. (Patron—Hodges)	HB	1324	628	1201
PHARMACISTS				
Pharmacists; initiation of treatment with and dispensing and administration of vaccines, drugs, devices, etc., administration of vaccine to persons three years of age or older, Board of Medicine, et al., shall establish a statewide protocol. Patron—Orrock	HB	1323	791	1524
Patron—Dunnivant	SB	672	790	1517
PHILLIPS, RUFUS COLFAX, III				
Phillips, Rufus Colfax, III; recording sorrow upon death. (Patron—VanValkenburg) ..	HJR	212		1658
PHYSICIAN ASSISTANTS				
Physician assistants; removes requirement that assistants appointed as medical examiners practice as part of a patient care team, etc. (Patron—Head)	HB	145	151	315
PHYSICIANS AND SURGEONS				
Nurse practitioners; patient care team physician supervision capacity, a physician may serve as a team physician on a team with up to 10 nurse practitioners licensed in the category psychiatric-mental health nurse practitioner. (Patron—Kiggans)	SB	414	667	1260
Out-of-state health care practitioners; temporary authorization to practice, provided certain conditions are met, person is contracted by or has received an offer of employment from hospital, etc., licensure by reciprocity for physicians, Board of Medicine shall pursue reciprocity agreements with jurisdictions that surround the Commonwealth, report. Patron—Helmer	HB	1187	463	819
Patron—Favola	SB	317	464	820
PIPER, CHRISTOPHER E.				
Piper, Christopher E.; commending. (Patron—Adams, D.M.)	HJR	284		1699
POE, MARGARET ANN				
Poe, Margaret Ann; recording sorrow upon death. (Patron—Webert)	HJR	131		1611
POE, NANNIE C.				
Poe, Nannie C.; recording sorrow upon death. (Patron—Vogel)	SR	32		2099
POINDEXTER, CARVER E.				
Poindexter, Carver E.; recording sorrow upon death. (Patron—Mundon King)	HR	17		1815
POINDEXTER, GERALD GLENN				
Poindexter, Gerald Glenn; recording sorrow upon death. (Patron—Lucas)	SJR	43		1971
POLICE				
Arrest and summons quotas; prohibits any agency of the Commonwealth or director or chief executive of any agency or department employing law-enforcement officers, etc., from establishing a formal or informal quota. Patron—Bell	HB	750	208	383
Patron—Reeves	SB	327	209	384
City reversion; disposition of police department or sheriff's department motorcycles. (Patron—Stanley)	SB	82	385	669

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POLICE - Continued

Emergency custody orders or temporary detention process; custody and transportation of persons, etc., alternative custody, auxiliary police officers.

Patron—Newman SB 593 730 1376

Facial recognition technology; redefines, authorized uses, local law-enforcement agencies and campus police shall not use technology for tracking movements of an identified individual in a public space in real time, etc., State Police Model Facial Recognition Technology Policy, report, sunset provision. (Patron—Surovell)

SB 741 737 1397

Human trafficking; training for law-enforcement personnel.

Patron—Brewer HB 283 45 92

Patron—Vogel SB 467 46 96

Juvenile law-enforcement records; disclosures to school principals.

Patron—Hanger SB 649 542 950

Physical evidence recovery kits; victim's right to notification, storage, when a state or local law-enforcement agency has taken over responsibility for the investigation the kit shall be transferred to such agency, kit shall be submitted to Department within 60 days of receipt, etc.

Patron—Filler-Corn HB 719 453 805

Patron—McClellan SB 658 454 806

School principals; required to report to law enforcement certain enumerated acts that may constitute a misdemeanor offense, written threats against school personnel, report to the parents of any minor student who is the specific object of such act, etc., alternative school discipline.

Patron—Wyatt HB 4 793 1532

Patron—Norment SB 36 794 1534

Sharing of forfeited assets; promoting law enforcement. (Patron—Glass)

HB 1282 266 455

POLICE, STATE

Arrest and summons quotas; prohibits any agency of the Commonwealth or director or chief executive of any agency or department employing law-enforcement officers, etc., from establishing a formal or informal quota.

Patron—Bell HB 750 208 383

Patron—Reeves SB 327 209 384

Critically missing adult; expands definition, receipt of reports.

Patron—Cordova HB 1060 394 691

Patron—Favola SB 49 395 692

Facial recognition technology; redefines, authorized uses, local law-enforcement agencies and campus police shall not use technology for tracking movements of an identified individual in a public space in real time, etc., State Police Model Facial Recognition Technology Policy, report, sunset provision. (Patron—Surovell)

SB 741 737 1397

Gaming laws; enforcement, definitions, Gaming Enforcement Coordinator established.

Patron—Krizek HB 766 768 1477

Patron—Bell SB 401 721 1349

Law-enforcement agencies; acquisition of military property.

Patron—Williams HB 813 375 648

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Law-enforcement officers, former; retention of identification and badge.

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Police, Virginia State; removes obsolete language relating to the teletype system formerly used. (Patron—Simon)

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Polling places; location requirements, waiver in certain circumstances.

Patron—Ransone HB 195 5 13

POLLUTION AND POLLUTION CONTROL

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Patron—Runion HB 148 14 32

Patron—Mason SB 684 501 869

PORT ROYAL, TOWN OF

Port Royal, Town of; amending charter, reduces town council membership.

Patron—McDougle SB 387 338 538

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Potineni, Abhinav and Cheluvi; commending. (Patron—Subramanyam)

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Patron—Favola	SB	131	635	1208
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Patron—Fowler	HB	360	284	477
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Patron—Scott, D.L.	HB	551	551	990
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Correctional facilities, local or regional ; State Board of Local and Regional Jails shall convene a work group to review and make recommendations regarding reduction or elimination of costs and fees charged to inmates, report. (Patron—Morrissey)	SB	581	359	621
Correctional facilities, state ; Department of Corrections shall convene a work group to review and make recommendations regarding reduction or elimination of costs and fees charged to inmates, report.				
Patron—Hope	HB	665	681	1275
Patron—Boysko	SB	441	682	1275
Correctional facilities, state, and juvenile ; Department of Corrections shall convene a work group to study use of restorative housing. (Patron—Morrissey)	SB	108	710	1325
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Contractors ; exemption from licensure for work providing remodeling, etc., valued at \$25,000, or less. (Patron—Hackworth)	SB	121	149	312
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Patron—Coyner	HB	282	382	661
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Real Estate Board; death or disability of a real estate broker, designating licensed broker at time of application for licensure, effective date. (Patron—Suetterlein) SB 510 725 1363
Real estate brokers; protection of real estate escrow funds. (Patron—Lewis) SB 533 380 658

PROFESSIONS AND OCCUPATIONS

Abuse and neglect; financial exploitation, changes term incapacitated adults, definitions, penalties.
Patron—Mullin HB 496 259 439
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Attorneys; examinations and issuance of licenses, requirements before an applicant is permitted to take the Virginia bar exam. (Patron—Kilgore) HB 117 148 311

Automatic fire sprinkler inspectors; certification, exempts building officials and technical assistants, or fire officials, etc. (Patron—Brewer) HB 474 340 539

Cemetery Board; appointment of receiver upon revocation or surrender of license to operate cemetery. (Patron—Ruff) SB 183 161 334

Clinical nurse specialist; practice agreements. (Patron—Adams, D.M.) HB 285 197 365

Common interest communities; prohibition on refusal to recognize a licensed real estate broker.
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Corporations and regulated business entities; sets out sections that are currently carried by reference only, repeals a section not set out that states the legislative intent of the chapter relating to professional corporations. (Patron—Scott, D.L.) HB 561 234 409

Dentistry; license to teach, foreign dental program graduates. (Patron—Pillion) SB 590 145 310

Drug Control Act; adds certain chemicals to Schedules I, II, IV, and V.
Patron—Hodges HB 193 114 237
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Funeral service licensees, funeral directors, and embalmers; at least one hour of continuing education in preneed funeral arrangements to be completed every three years. (Patron—Head) HB 99 170 341

Health care; consent to disclosure of records, actions for which an authorization is not required. (Patron—Byron) HB 1359 784 1505

Health care providers; health records of minors, disclosure of patient records, available via secure website. (Patron—Robinson) HB 916 218 393

Health care providers; transfer of patient records in conjunction with closure, sale, or relocation of practice, electronic notice permitted. (Patron—Hayes) HB 555 73 130

Intercollegiate athletics; definitions, student-athletes, compensation and representation for name, image, or likeness.
Patron—Austin HB 507 510 895
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Licensed programs, Department of Behavioral Health and Developmental Services; cardiopulmonary resuscitation for program participants, compliance with participant's valid written order not to resuscitate if included in individualized service plan, Department shall develop and distribute to providers guidance regarding compliance with a program participant's valid written order. (Patron—Hanger) SB 100 709 1323

Medicaid participants; treatment involving the prescription of opioids, payment.
Patron—Pillion SB 594 214 387

Nurse practitioner; licensure and practice. (Patron—Adams, D.M.) HB 896 563 1027

Nurse practitioners; authorized to declare death and determine cause of death.
Patron—Adams, D.M. HB 286 184 351

Nurse practitioners; patient care team physician supervision capacity, a physician may serve as a team physician on a team with up to 10 nurse practitioners licensed in the category psychiatric-mental health nurse practitioner. (Patron—Kiggans) SB 414 667 1260

Nursing, Board of; power and duty to prescribe minimum standards and approval curricula for educational programs. (Patron—Sickles) HB 604 677 1269

Opioid treatment program pharmacy; medication dispensing, registered nurses and licensed practical nurses. (Patron—Suetterlein) SB 511 138 294

Optometrists; allowed to perform laser surgery if certified by Board of Optometry, Board shall promulgate regulations establishing criteria for certification, annual registration, report.
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PROFESSIONS AND OCCUPATIONS - Continued

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Patron—Favola	SB	317	464	820
Pharmaceutical processors; amends the definition of "cannabis oil," processors and cannabis dispensing facilities shall electronically transmit, on a monthly basis, all new written certifications received, Board of Pharmacy shall maintain an electronic database of certified patients, etc.				
Patron—Robinson	HB	933	391	680
Patron—Dunnivant	SB	671	392	685
Physician assistants; removes requirement that assistants appointed as medical examiners practice as part of a patient care team, etc. (Patron—Head)	HB	145	151	315
Practical nurses, licensed; authority to pronounce death for a patient in hospice, etc.				
Patron—Peake	SB	169	198	369
Preneed funeral contracts; removes requirement relating to life insurance or annuity contract, face amount of life insurance issued to fund contract shall not be decreased over life of policy, etc. (Patron—Head)	HB	1269	18	42
Preneed funeral contracts; requirements of life insurance policy or annuity contracts used to fund, face amount of policy, etc. (Patron—Spruill)	SB	679	641	1217
Professional counselors, licensed; added to list of eligible providers who can disclose or recommend withholding of records, etc. (Patron—Adams, D.M.)	HB	242	509	879
Public health emergency; out-of-state licenses, deemed licensure.				
Patron—Head	HB	264	753	1427
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Real Estate Appraiser Board; continuing education to include fair housing or appraisal bias courses, effective date. (Patron—Coyner)	HB	284	118	262
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Patron—Coyner	HB	281	610	1159
Registered surgical technologist; criteria for registration. (Patron—Hayes)	HB	598	71	128
Respiratory therapists; practice pending licensure. (Patron—Bell)	HB	745	764	1461
Telemedicine; out-of-state providers, behavioral health services provided by practitioner. (Patron—Batten)	HB	537	275	468
Volunteer audiologists; out-of-state audiologists permitted to volunteer to provide free health care to an underserved area of the Commonwealth. (Patron—Kilgore)	HB	84	173	342
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Recovery residences; every residence shall disclose to potential residents its credentialing entity, definitions.				
Patron—Coyner	HB	277	755	1434
Patron—Favola	SB	622	732	1381
Rental agreement; agreement may provide the occupant with option to designate an alternative contact to receive notices, etc. (Patron—Mason)	SB	199	792	1530
Science Museum of Virginia; conveyance of certain easements to the Children's Museum of Richmond. (Patron—McClellan)	SB	470	263	451
Southwestern Virginia Mental Health Institute; Governor to convey a portion of property previously used by the Department of Behavioral Health and Developmental Services to Smyth County. (Patron—O'Quinn)	HB	557	448	798

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Patron—Brewer	HB 1019	68	127
Patron—Boysko	SB 444	67	126
Virginia Residential Landlord and Tenant Act; rental agreements may contain provisions that allow operation of child care services. (Patron—Favola)	SB 69	267	456
Virginia Residential Property Disclosure Act; required disclosures for buyer to beware, buyer to exercise necessary due diligence, lot coverage. (Patron—Keam) . . .	HB 702	268	457
Wildlife Resources, Board of; conveyance of certain property to Shenandoah Valley Battlefields Foundation. (Patron—Wiley)	HB 1278	108	227
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Lieutenant Governor Justin E. Fairfax; establishes a committee to contract for a portrait to be painted, framed, and installed in the Capitol. (Patron—Locke)	SR 5		2083
Lyme disease; signage in state parks, instructional resources and materials, report.			
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Eminent domain; attorney fees and interest to be awarded in cases in which there is a judgment for a property owner if such judgment is not paid within the time required by law. (Patron—Petersen)	SB 9	702	1313
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Alternative custody arrangements; Secretary of Health and Human Resources, together with the Secretary of Public Safety and Homeland Security, to study options to increase the use of arrangements for individuals who are subject to an emergency custody or temporary detention order. (Patron—Newman)	SB 202	103	223
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Patron—Marshall	HB 170	153	324
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Annual public elementary and secondary school safety audits; creation or review of school building floor plans required. (Patron—Bell)	HB 741	57	108
COVID-19; Department of Education to recommend options for isolation and quarantine for students and employees at public schools who contract or are exposed.			
Patron—Dunnivant	SB 431	692	1284
Public elementary and secondary school students; ability to pay for meals and school meal debt, extracurricular school activities. (Patron—Roem)	HB 583	686	1277
Public elementary and secondary school students, certain; one excused absence per academic year, attendance at tribal nation's pow wow, parent to provide advanced notice of absence. (Patron—Guzman)	HB 1022	233	406
Public elementary and secondary schools; threat assessment team membership, law-enforcement liaison for certain school administrators for each public school that does not employ a school resource officer. (Patron—Greenhalgh)	HB 873	769	1478
Public elementary and secondary schools and public school-based early childhood care and education programs; provision of in-person instruction, wearing mask while on school property, Governor's authority with regard to a communicable disease of public health threat. (Patron—Batten)	HB 1272	780	1499
Public elementary and secondary schools and public school-based early childhood care and education programs; provision of in-person instruction, wearing mask while on school property, Governor's authority with regard to a communicable disease of public health threat, each local school division must comply with certain provisions no later than March 1, 2022. (Patron—Dunnivant)	SB 739	2	1
Public elementary and secondary schools and students; evaluation and recommendations for certain current and proposed policies and performance standards, reporting recommendations for revisions. (Patron—Robinson)	HB 938	99	218
Public schools; instruction concerning gambling, report. (Patron—Rasoul)	HB 1108	192	360

PUBLIC SERVICE COMPANIES

Advanced small modular reactors; Department of Energy to study development and consider minimizing impacts on prime farmland a key priority in completing its Virginia Energy Plan, etc., report. (Patron—Kilgore)	HB	894	488	853
Business park electric transmission infrastructure pilot program; definitions, location of qualifying projects to include a business park located in Planning District 19 (Crater). (Patron—Ballard)	HB	405	216	388
Corporations and regulated business entities; sets out sections that are currently carried by reference only, repeals a section not set out that states the legislative intent of the chapter relating to professional corporations. (Patron—Scott, D.L.)	HB	561	234	409
Electric cooperatives; net energy metering, power purchase agreements, local facilities usage charges, customer shall have right to petition for redress and review of charges, etc.				
Patron—Head	HB	266	363	624
Patron—Lewis	SB	505	364	629
Electric utilities; various changes to the pilot program for municipal net energy metering, program shall be conducted within service territory of each Phase II Utility. Patron—Sullivan	HB	396	388	675
Electric utilities, certain; local reliability data provided to a locality upon request. Patron—Herring	HB	414	653	1244
Investor-owned water and water and sewer utilities; ratemaking proceedings, evaluation of utilities.				
Patron—Bloxom	HB	182	581	1058
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Natural gas, biogas, and other gas sources of energy; definitions, energy conservation and efficiency, biogas supply infrastructure projects, SCC may exempt customer education components from required test parameters for a conservation and energy efficiency program, work group to determine feasibility of setting a statewide methane reduction goal, etc.				
Patron—O'Quinn	HB	558	759	1438
Patron—Surovell	SB	565	728	1367
Park authorities; authority to operate, etc., electric vehicle charging stations. Patron—Bulova	HB	443	255	432
Renewable energy certificates; priority of procurement. (Patron—Kilgore)	HB	1204	169	340
Shared solar programs; SCC shall convene a work group to evaluate for Phase I Utilities and electric cooperatives. (Patron—Hanger)	SB	660	591	1115
Waste coal; removal in the public interest, sunset date, Commission on Electric Utility Regulation may review information on approximate volume and number of waste coal piles present in coalfield region. (Patron—Kilgore)	HB	1326	177	346
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Real estate brokers; protection of real estate escrow funds. (Patron—Lewis)	SB	533	380	658
Real estate settlement agents; seller shall not be prohibited from retaining a licensed attorney to represent his interests and provide legal advice pertaining to escrow, closing, or settlement services.				
Patron—Leftwich	HB	1364	669	1266
Patron—Lewis	SB	775	670	1266

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REAL ESTATE AND REAL ESTATE TAX

Delinquent tax lands; authorizes localities to have a special commissioner appointed to, in lieu of a sale at public auction, convey certain real estate having delinquent taxes or liens to a land bank entity, etc., parcels containing a structure that is a derelict building, taxes and liens, together, including penalty and accumulated interest, exceed 25 percent of assessed value of parcel, land bank entity or existing nonprofit entity receiving property.

Patron–Rasoul HB 298 15 36
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REAL PROPERTY

Data centers; center fixtures are taxed as part of the real property where they are located, etc.

Patron–McNamara HB 791 671 1266
Patron–McPike SB 513 672 1267

Person under a disability; includes in definition persons made defendants by the general description of "parties unknown" in suits involving real property.

Patron–Hope HB 678 299 492

Real and personal property; tax exemption shall include property of a certain single member limited liability company. (Patron–Webert)

HB 200 167 336

Real property; assessment of real estate in determining the fair market value that is operated as affordable rental housing. (Patron–Willett)

HB 400 624 1194

Real property; classification, property owned by certain surviving spouses of armed force members for tax purposes. (Patron–Tran)

HB 957 77 133

Real property; duty to disclose ownership interest and lis pendens.

Patron–Coyner HB 281 610 1159

Real property tax; assessment cycles by counties.

Patron–Hodges HB 951 361 623
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Real property tax; exemption for the elderly and handicapped. (Patron–McPike)

SB 648 631 1204

Real property taxes; notice of proposed increase, notice of public hearing shall be published on different day than notice for annual budget hearing. (Patron–Durant)

HB 1010 29 61

Taxes, local; grants localities permissive authority to return real or surplus personal property tax revenues, or both, to taxpayers.

Patron–McNamara HB 267 165 335
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REAMON, TOMMY, SR.

Reamon, Tommy, Sr.; commending. (Patron–Price) HR 227 1916

RECKLESS DRIVING

Careless driving; person is guilty of a Class 1 misdemeanor if he operates a vehicle in a careless or distracted manner and causes death or serious bodily injury on a vulnerable road user.

Patron–Kilgore HB 920 506 876
Patron–Surovell SB 247 507 876

RECORDS RETENTION

Campaign finance; record retention requirements and reviews of campaign finance disclosure reports, finance reports filed prior to July 1, 2024, effective date, report. (Patron–Bulova)

HB 492 258 437

RECYCLED PRODUCTS

Procured plastic materials; Department of General Services shall amend its regulations to direct state agencies to identify recycled content amounts. (Patron–Runion)

HB 1287 781 1499

REED, CORA

Reed, Cora; commending. (Patron–Bennett-Parker) HJR 403 1766

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Patron–VanValkenburg HB 439 254 430

Augusta County; removal of county courthouse from City of Staunton, plans shall be made available to the public at least two months prior to planned date of the

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referendum, if acquisition of property is required, the appraised value of that property shall be included in computation of total cost, etc.

Patron—Avoli HB 902 806 1557
Patron—Hanger SB 283 807 1558

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Elections; local electoral boards and general registrars to perform certain risk-limiting audits, etc., report.

Patron—Kilgore HB 895 443 789
Patron—Bell SB 370 444 792

Elections administration; reclassification of assistant registrars. (Patron—Batten) . . . HB 542 140 298

Voter registration; list maintenance, lists of decedents 17 years of age or older transmitted by State Registrar of Vital Records to Department of Elections on a weekly basis, general registrar shall promptly cancel registration of all persons known by him to be deceased, etc.

Patron—Greenhalgh HB 55 4 12
Patron—Kiggans SB 211 28 60

RELIGIOUS AND CHARITABLE MATTERS; CEMETERIES

Cemeteries; registration by locality of places of burial on private property, publication prior to sale. (Patron—Roem) HB 961 369 645

Cemetery Board; appointment of receiver upon revocation or surrender of license to operate cemetery. (Patron—Ruff) SB 183 161 334

Historical African American cemeteries; changes the date of establishment that qualifies cemeteries for appropriated funds to care for such cemeteries.

Patron—McQuinn HB 140 450 799
Patron—McClellan SB 477 187 356

Historical African American cemeteries and graves; disbursement of funds, eligibility for funding, amends definition of qualified organization.

Patron—Ward HB 727 541 948
Patron—Locke SB 23 540 946

Public accommodations, employment, and housing; prohibited discrimination on the basis of religion, includes outward religious expression. (Patron—Shin) HB 1063 799 1544

Sale of cemeteries owned by a locality; notice to descendants. (Patron—Roem) HB 615 281 475

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Rental agreement; agreement may provide the occupant with option to designate an alternative contact to receive notices, etc. (Patron—Mason) SB 199 792 1530

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Republic of Ghana; commemorating its 65th anniversary. (Patron—Mundon King) . . . HR 159 1884

RETAIL SALES AND USE TAX

Retail Sales and Use Tax; extends sunset date for exemption of aircraft components, for manned systems, "aircraft" shall include only aircraft with a maximum takeoff weight of at least 2,400 pounds.

Patron—Austin HB 462 8 20
Patron—Kiggans SB 701 228 401

RETIREMENT SYSTEMS

Division of marital property; Virginia Retirement System managed defined contribution plan, calculation of gains and losses. (Patron—Surovell) SB 349 438 782

Retirement and taxation; sets out a section that is currently carried by reference only, repeals three obsolete sections. (Patron—Simon) HB 338 294 488

Virginia Retirement System; separates the employer contribution for VRS employers participating in the Hybrid Retirement Plan into defined benefit and defined contribution components.

Patron—Bulova HB 473 9 22
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ROSE HILL ELEMENTARY SCHOOL			
Rose Hill Elementary School ; commemorating its 65th anniversary.			
Patron—Surovell	SJR	208	2073
ROSS, CHRISTINE EMILY			
Ross, Christine Emily ; commending. (Patron—Convirs-Fowler)	HJR	162	1630
ROTARY CLUB OF WINCHESTER			
Rotary Club of Winchester ; commemorating its 100th anniversary.			
Patron—Gooditis	HR	102	1856
ROUTE 220			
Norvel LaFayette Ray Lee Memorial Highway ; designating as portion of U.S. Route 220 in Botetourt County between State Route 43 (Narrow Passage Road) and boundary line between Botetourt and Alleghany Counties. (Patron—Austin)	HB	1363	56 108
RUCKMAN, MICHAEL EUGENE, JR.			
Ruckman, Michael Eugene, Jr. ; recording sorrow upon death. (Patron—Obenshain)	SJR	128	2029
RUMBERGER, DALE			
Rumberger, Dale ; commending. (Patron—Tran)	HR	219	1911
RUSSIA			
Russia ; encouraging all residents of the Commonwealth of Virginia to boycott all goods and services. (Patron—Helmer)	HR	71	1842
RUST, JOHN HOWSON, JR.			
Rust, John Howson, Jr. ; recording sorrow upon death.			
Patron—Bulova	HJR	166	1632
Patron—Petersen	SJR	91	2009
RUSTBURG HIGH SCHOOL			
Rustburg High School girls' volleyball team ; commending. (Patron—Fariss)	HR	96	1853
Rustburg High School softball team ; commending. (Patron—Fariss)	HR	97	1853
SAGET, ROBERT LANE			
Saget, Robert Lane ; recording sorrow upon death. (Patron—Williams Graves)	HJR	397	1762
SAINT BRIDGET CATHOLIC SCHOOL			
Saint Bridget Catholic School robotics team ; commending. (Patron—Dunnivant)	SJR	108	2019
SAINT MARY'S CATHOLIC SCHOOL			
Saint Mary's Catholic School fifth grade girls' basketball team ; commending.			
Patron—Dunnivant	SR	50	2108
SALES AND USE TAX			
Gold, silver, and platinum bullion and legal tender coins ; extends sunset date for the sales tax exemption, effective through June 30, 2025.			
Patron—Ware	HB	3	12 28
Patron—Ruff	SB	26	634 1206
Gold, silver, or platinum bullion or legal tender coins ; extends the sunset date to June 30, 2025, for sales tax exemption and limitation that only purchases in excess of \$1,000 are eligible for the exemption. (Patron—Batten)	HB	936	643 1225
Retail Sales and Use Tax ; beginning July 1, 2022, and ending July 1, 2025, exemption for prescription medicines and drugs purchased by veterinarians and administered or dispensed to patients.			
Patron—Scott, D.L.	HB	551	551 990
Patron—Lucas	SB	517	552 992
Retail Sales and Use Tax ; definitions, media-related exemptions.			
Patron—Byron	HB	1155	434 767
Patron—Marsden	SB	683	435 771
Retail Sales and Use Tax ; extends media-related exemptions. (Patron—Hanger)	SB	101	481 843
Retail Sales and Use Tax ; extends sunset date for exemption of aircraft components, for manned systems, "aircraft" shall include only aircraft with a maximum takeoff weight of at least 2,400 pounds.			
Patron—Austin	HB	462	8 20
Patron—Kiggans	SB	701	228 401
Sales and transient occupancy taxes ; changes process for collection of taxes involving accommodations intermediaries, certain provisions effective on October 1, 2022, membership of work group, report. (Patron—Head)	HB	518	7 15

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SALES AND USE TAX - Continued

Sales and transient occupancy taxes; changes process for collection of taxes involving accommodations intermediaries, membership of work group, report.

Patron—Vogel SB 651 640 1212

Sales and use tax; entitlement to revenues from tourism projects, entitlement shall be subject to review and approval by MEI Project Approval Commission.

Patron—Fowler HB 1308 468 824

Sales tax; City of Williamsburg, James City County, and York County to appropriate annual amounts to entities promoting tourism and recreation in the Historic Triangle.

Patron—Norment SB 438 652 1239

Sales tax; clarifies definition of "accommodations," effective dates.

Patron—Dunnavant SB 432 154 324

SALO, JOHN A.

Salo, John A.; commending. (Patron—Chase) SR 41 2104

SANGSTER ELEMENTARY SCHOOL

Sangster Elementary School; commending. (Patron—Tran) HJR 426 1779

SASSER, BOB

Sasser, Bob; commending.

Patron—Davis HR 69 1841

Patron—Cosgrove SR 54 2109

SATTERFIELD, PATRICIA GOODE

Satterfield, Patricia Goode; recording sorrow upon death. (Patron—Austin) HR 18 1815

SAYRE, APRIL PULLEY

Sayre, April Pulley; recording sorrow upon death. (Patron—Willett) HJR 163 1630

SCENIC RIVERS

James River; designating an additional portion running through Nelson and Appomattox Counties as a component of the Virginia Scenic Rivers System.

Patron—Fariss HB 49 175 343

Mauzy River; extends the portion previously designated as a state scenic river by an additional 23.2 miles.

Patron—Campbell, R.R. HB 28 409 718

Patron—Deeds SB 292 410 718

Shenandoah River; designates an 8.8-mile portion of the North Fork as the Shenandoah State Scenic River. (Patron—Avoli) HB 1223 661 1256

SCHAFFER, ALMA LEE

Schaffer, Alma Lee; recording sorrow upon death. (Patron—Guzman) HR 193 1899

SCHOOL BOARDS

Elementary and secondary education, public; removes Reading Recovery from the list of programs and initiatives for which school boards may use at-risk add-on funds.

Patron—Delaney HB 418 61 112

Loudoun County School Board; staggering of member terms, lot drawing, timeframe.

Patron—Reid HB 1138 798 1544

School boards; annual report lists each student's 9-1-1 address that does not have broadband service. (Patron—Pillion) SB 724 211 385

School boards; appointed members, salaries. (Patron—Fowler) HB 18 662 1256

School buses; permits school board of any school division to enter into agreements with any third-party logistics company to allow for the use of buses, company shall not use buses to provide transportation of passengers for compensation or for residential delivery of products for compensation. (Patron—Dunnavant) SB 774 241 419

School counselors; any local school board may employ under a provisional license for three years, etc. (Patron—Wilt) HB 829 205 379

School division maintenance reserve tool; Department of Education, et al., shall develop or adopt and maintain a data collection tool to assist school boards.

Patron—McPike SB 238 650 1238

School safety audits; each local school board to require its schools to collaborate with the chief law-enforcement officer of the locality or his designee when conducting.

Patron—Taylor HB 1129 22 56

Patron—Pillion SB 600 21 55

Sexually explicit content; Department of Education shall develop and make available to each school board model policies for ensuring parental notification of any instructional material, etc. (Patron—Dunnavant) SB 656 100 218

SCHOOL BUSES

School buses; permits school board of any school division to enter into agreements with any third-party logistics company to allow for the use of buses, company shall not use buses to provide transportation of passengers for compensation or for residential delivery of products for compensation. (Patron—Dunnivant) SB 774 241 419

SCHULTZ, THOMAS ARTHUR, III

Schultz, Thomas Arthur, III; recording sorrow upon death. (Patron—Vogel) SR 34 2100

SCOTS-IRISH HERITAGE MONTH

Scots-Irish Heritage Month; designating as April 2022 and in each succeeding year thereafter. (Patron—Petersen) SJR 134 2032

SCOTT, EDWARD T.

Scott, Edward T.; commending. (Patron—Freitas) HR 98 1854

SCOTT, NICK

Scott, Nick; commending. (Patron—Delaney) HR 224 1914

SCOTT, SAMUEL J., SR.

Scott, Samuel J., Sr.; recording sorrow upon death. (Patron—Simonds) HJR 353 1738

SCOTT, WENDELL OLIVER, JR.

Scott, Wendell Oliver, Jr.; recording sorrow upon death. (Patron—Stanley) SJR 172 2053

SEARCH WARRANTS

Search warrants; copy of search warrant and affidavit given to at least one adult occupant. (Patron—Stuart) SB 404 403 702

SECOND BAPTIST CHURCH OF SOUTH RICHMOND

Second Baptist Church of South Richmond; commending. (Patron—Carr) HJR 279 1696

SENATE OF VIRGINIA

Lieutenant Governor Justin E. Fairfax; authorized to receive a replica of the chair used when presiding over the Senate. (Patron—Locke) SR 4 2083

Lieutenant Governor Justin E. Fairfax; establishes a committee to contract for a portrait to be painted, framed, and installed in the Capitol. (Patron—Locke) SR 5 2083

Retired circuit and district court judges under recall; evaluation, qualification by the Senate Committee on the Judiciary and the House Committee for Courts of Justice. (Patron—Surovell) SB 106 532 925

Senate; 2022 operating resolution. (Patron—Locke) SR 2 2082

Staffing levels, employment conditions, and compensation at the Virginia Department of Corrections, joint committee of various House and Senate Committees Studying; continued, appropriations. (Patron—Hope) HJR 61 1583

SENIOR CITIZENS

Housing and Supportive Services Interagency Leadership Team (ILT) initiative; housing and services to include adults 65 years of age or older.
Patron—Adams, D.M. HB 239 195 364
Patron—Hashmi SB 263 196 365

Real property tax; exemption for the elderly and handicapped. (Patron—McPike) SB 648 631 1204

SENTARA HEALTHCARE NIGHTINGALE REGIONAL AIR AMBULANCE

Sentara Healthcare Nightingale Regional Air Ambulance; commemorating its 40th anniversary. (Patron—Williams Graves) HJR 272 1692

SENTIMENTAL JOURNEY SINGERS

Sentimental Journey Singers; commending. (Patron—Delaney) HR 221 1913

SERVICE OF PROCESS

Service of process; investigator employed by an attorney for the Commonwealth or Indigent Defense Commission, serving witness subpoenas.
Patron—Hope HB 682 684 1276
Patron—Deeds SB 291 248 423

SEVEN HILLS SCHOOL

Seven Hills School; commemorating its 20th anniversary. (Patron—McClellan) SJR 187 2061

SEWAGE DISPOSAL AND SEWERAGE SYSTEMS

Onsite sewage system pump-out oversight; Department of Health, effective July 1, 2023, to manage and enforce compliance for certain counties and the incorporated towns within those counties, report. (Patron—Hodges) HB 769 486 849

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SEWAGE DISPOSAL AND SEWERAGE SYSTEMS - Continued			
State Water Control Board ; amending certain regulations relating to an existing sewage treatment plant constructed and placed into service prior to January 1, 2001, etc. (Patron—Stuart)	SB	567 144	310
SEX TRAFFICKING			
Writ of vacatur ; victims of sex trafficking, payment of fees or costs. Patron—Keam	HB	711 408	717
SEXUAL OFFENSES			
Criminal sexual assault ; broadens definition of intimate parts, penalty. Patron—Sewell	HB	434 645	1228
Misdemeanor sexual offenses where the victim is a minor ; statute of limitations, penalty. (Patron—Obenshain)	SB	227 110	227
Sex offenders in emergency shelters ; notification, registration, no person shall be denied entry into shelter solely on basis of status as offender. (Patron—Leftwich) . . .	HB	1080 316	520
Sexual assault ; pediatric survivors, treatment services for survivors, expands from under 13 years of age to under 18 years of age the age range, etc. Patron—Delaney	HB	1329 520	906
SHAFFER, JOHN			
Shaffer, John ; commending. (Patron—Gilbert)	HJR	192	1647
SHAMES, EDWARD DAVID			
Shames, Edward David ; recording sorrow upon death. (Patron—Reeves)	SJR	80	1997
SHAW, NIKIA YVONNE			
Shaw, Nikia Yvonne ; recording sorrow upon death. (Patron—Carr)	HJR	309	1713
SHEERS, KELLY			
Sheers, Kelly ; commending. (Patron—Tran)	HR	216	1909
SHEIKH, M. SIDDIQUE			
Sheikh, M. Siddique ; commending. (Patron—Mundon King)	HR	129	1869
SHELOR, LARRY J.			
Shelor, Larry J. ; commending. (Patron—March)	HJR	109	1599
SHELTON, JACKSON H.			
Shelton, Jackson H. ; commending. (Patron—Glass)	HR	204	1904
SHENANDOAH COUNTY			
Shenandoah County ; commemorating its 250th anniversary. (Patron—Gilbert)	HJR	196	1649
SHENANDOAH RIVER			
Shenandoah River ; designates an 8.8-mile portion of the North Fork as the Shenandoah State Scenic River. (Patron—Avoli)	HB	1223 661	1256
SHERANDO HIGH SCHOOL			
Sherando High School girls' swim team ; commending. (Patron—Gooditis)	HR	80	1845
SHERIFFS			
City reversion ; disposition of police department or sheriff's department motorcycles. Patron—Stanley	SB	82 385	669
SHIFFLETT, LAUREN			
Shifflett, Lauren ; commending. (Patron—Runion)	HJR	236	1672
SHINALL, CHRISTINA			
Shinall, Christina ; commending. (Patron—Hackworth)	SR	63	2115
SHINCHEONJI NEW HEAVEN NEW EARTH CHURCH			
Shincheonji New Heaven New Earth Church ; commending. (Patron—Kory)	HR	140	1874
SHUPE, ELIZABETH JOANNE			
Shupe, Elizabeth Joanne ; commending. (Patron—Simon)	HJR	208	1655
SIEBER, CAROLINE			
Sieber, Caroline and Corinne ; commending. (Patron—Helmer)	HJR	333	1727
SIEBER, CORINNE			
Sieber, Caroline and Corinne ; commending. (Patron—Helmer)	HJR	333	1727
SIERRA LEONE, REPUBLIC OF			
Sierra Leone, Republic of ; commemorating its 60th anniversary. Patron—Mundon King	HR	48	1830
SILVER HAND MEADERY			
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Simcoe, Thomas Michael ; recording sorrow upon death. (Patron—Bulova)	HJR 99		1595
SIMMONS, HAROLD			
Simmons, Harold ; commending. (Patron—Tran)	HJR 428		1780
SIMMONS, JOE			
Simmons, Joe ; commending. (Patron—Obenshain)	SJR 129		2029
SIMPSON, DONALD, JR.			
Simpson, Donald, Jr. ; commending. (Patron—Bennett-Parker)	HJR 434		1783
SISK, JAMES ANTHONY			
Sisk, James Anthony ; recording sorrow upon death. (Patron—Freitas)	HJR 8		1563
SKILES, MARK E.			
Skiles, Mark E. ; recording sorrow upon death.			
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SMALL BUSINESSES			
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Patron—Obenshain	SB 128	150	313
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Patron—McGuire	HB 358	575	1049
Patron—Kiggans	SB 572	595	1117
SMITH, LEONARD N.			
Smith, Leonard N. ; recording sorrow upon death. (Patron—Ebbin)	SJR 167		2050
SMOKE DETECTORS			
Asbestos, Lead, and Home Inspectors, Board for ; Board to require that a home inspection and the report on its findings include a determination of whether the home's smoke detectors are in good working order. (Patron—McPike)	SB 607	398	694
SMOOT, JOANNE SUSCHINSKI			
Smoot, Joanne Suschinski ; recording sorrow upon death. (Patron—Webert)	HJR 132		1611
SMYTH COUNTY			
Southwestern Virginia Mental Health Institute ; Governor to convey a portion of property previously used by the Department of Behavioral Health and Developmental Services to Smyth County. (Patron—O'Quinn)	HB 557	448	798
SNODGRASS, CARL RAY			
Snodgrass, Carl Ray ; recording sorrow upon death. (Patron—Kilgore)	HJR 215		1659
SOCIAL SERVICES, BOARD OF OR DEPARTMENT OF			
Foster or adoptive homes ; Department of Social Services shall develop recommendations regarding changes to provisions governing criminal history background checks and barrier crimes for applicants, report. (Patron—Mason)	SB 689	432	766
Infant relinquishment laws ; Department of Social Services shall establish a toll-free, 24-hour hotline to make information about safe haven laws available to the public, etc. (Patron—Fariss)	HB 50	174	343
Kinship foster care ; notice and appeal, forms or materials shall be provided to the relative, etc., Board of Social Services shall promulgate regulations to implement provisions.			
Patron—Gooditis	HB 716	561	1025
Patron—Mason	SB 307	562	1026
SOLAR ENERGY			
Shared solar programs ; SCC shall convene a work group to evaluate for Phase I Utilities and electric cooperatives. (Patron—Hanger)	SB 660	591	1115
Solar photovoltaic projects ; local taxation for projects five megawatts or less, if locality assesses a revenue share on projects shall be 100 percent of assessed value, provisions shall not apply to projects approved prior to July 1, 2022.			
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SOLAR ENERGY - Continued			
Solar photovoltaic projects; local taxation for projects five megawatts or less, provisions shall not apply to projects approved prior to July 1, 2022.			
Patron—Leftwich	HB 1087	492	857
Tax, local; solar facility exemption, facilities measured in direct current kilowatts of not more than 25 kilowatts, effective date. (Patron—Mason)	SB 686	496	865
SOLID WASTE DISPOSAL			
Bath County; adds County to the list of counties that may by ordinance, and after a public hearing, levy a fee for the management of solid waste.			
Patron—Campbell, R.R.	HB 32	347	550
Patron—Deeds	SB 294	348	551
SOUTH BOSTON SPEEDWAY			
South Boston Speedway; commemorating its 65th anniversary. (Patron—Stanley) ...	SJR 148		2040
SOUTH COUNTY HIGH SCHOOL			
South County High School girls' soccer team; commending. (Patron—Tran)	HJR 429		1781
SOUTH HILL, TOWN OF			
South Hill, Town of; amending, updates charter to reflect its upcoming shift from May to November municipal elections. (Patron—Wright)	HB 1	87	208
SOUTH NORFOLK			
South Norfolk; commemorating its 100th anniversary. (Patron—Hayes)	HR 149		1879
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Southwestern Virginia Mental Health Institute; Governor to convey a portion of property previously used by the Department of Behavioral Health and Developmental Services to Smyth County. (Patron—O'Quinn)			
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SPOTSYLVANIA COUNTY			
American Legion Post 320 in Spotsylvania County; commemorating its 75th anniversary. (Patron—Reeves)			
	SJR 77		1996
SPOUSAL SUPPORT			
Child and spousal support; retroactivity, support obligations, party's incarceration not deemed voluntary unemployment or underemployment. (Patron—Surovell)			
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SPURRIER, JAMES IRA, JR.			
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ST. ANDREW'S CATHOLIC CHURCH			
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Patron—Rasoul	HJR 270		1691
ST. CHARLES, TOWN OF			
St. Charles, Town of; termination of township in Lee County.			
Patron—Kilgore	HB 83	89	208
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St. John's Episcopal Church; commemorating its 130th anniversary.			
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STAFF SERGEANT DARRELL "SHIFTY" POWERS MEMORIAL HIGHWAY			
Staff Sergeant Darrell "Shifty" Powers Memorial Highway; designating as Shifty Lane in the Town of Clinchco. (Patron—Wampler)			
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STAFFORD, BARBARA			
Stafford, Barbara; recording sorrow upon death. (Patron—Hackworth)	SJR 49		1974
STALKING			
Stalking; venue, penalty. (Patron—Bennett-Parker)			
	HB 451	276	472

STANDARDS OF LEARNING

Virginia Standards of Learning; Secretary of Education and Virginia Superintendent of Public Instruction shall convene a work group to revise summative assessments of proficiency and develop a plan for implementation, report.

Patron—VanValkenburg HB 585 760 1446

STANLEY, AUBREY MAE, JR.

Stanley, Aubrey Mae, Jr.; recording sorrow upon death.

Patron—Fowler HJR 111 1600

Patron—McDougle SR 7 2084

STATE AGENCIES

Medicaid; program information, accessibility on every state agency or local government website. (Patron—Tran)

HB 987 775 1492

Procured plastic materials; Department of General Services shall amend its regulations to direct state agencies to identify recycled content amounts.

Patron—Runion HB 1287 781 1499

Small, women-owned, and minority-owned businesses; Department of Small Business and Supplier Diversity to annually review and provide feedback on state agencies' plans to enhance procurement. (Patron—Torian)

HB 814 301 493

Telecommunications companies; added to the list of entities to which a state department, agency, or institution may grant an easement.

Patron—Brewer HB 1019 68 127

Patron—Boysko SB 444 67 126

Virginia Public Procurement Act; purchase of personal protective equipment by state agencies, report. (Patron—DeSteph)

SB 416 802 1551

STATE CORPORATION COMMISSION

Accident and sickness insurance; authorizes the State Corporation Commission to issue rules and regulations related to minimum standards and excepted benefits.

Patron—Barker SB 337 531 924

Commercial mobile radio or cellular telephone service providers; grants authority to the State Corporation Commission to designate any provider as an eligible telecommunications carrier for purposes of providing Lifeline service.

Patron—Kilgore HB 112 436 776

Continuity of care; Bureau of Insurance of State Corporation Commission shall convene a work group to determine options for care covered by insurance, etc.

Patron—Orrock HB 912 353 562

Insurance; removes an exception to regulation of insurance rates by SCC relating to certain automobile bodily injury and property damage liability insurance policies, repeals airtrip accident policy provision. (Patron—Ward)

HB 62 180 347

Natural gas, biogas, and other gas sources of energy; definitions, energy conservation and efficiency, biogas supply infrastructure projects, SCC may exempt customer education components from required test parameters for a conservation and energy efficiency program, work group to determine feasibility of setting a statewide methane reduction goal, etc.

Patron—O'Quinn HB 558 759 1438

Patron—Surovell SB 565 728 1367

Renewable energy facilities; State Corporation Commission shall create a task force, in consultation with Department of Energy and Department of Environmental Quality, to analyze life cycle, report.

Patron—Hodges HB 774 70 128

Patron—Lewis SB 499 69 128

Shared solar programs; SCC shall convene a work group to evaluate for Phase I Utilities and electric cooperatives. (Patron—Hanger)

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STATE PARKS

Lyme disease; signage in state parks, instructional resources and materials, report.

Patron—Reid HB 850 303 498

STATE ROUTE 43

Norvel LaFayette Ray Lee Memorial Highway; designating as portion of U.S. Route 220 in Botetourt County between State Route 43 (Narrow Passage Road) and boundary line between Botetourt and Alleghany Counties. (Patron—Austin)

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STAUNTON, CITY OF				
Augusta County ; removal of county courthouse from City of Staunton, plans shall be made available to the public at least two months prior to planned date of the referendum, if acquisition of property is required, the appraised value of that property shall be included in computation of total cost, etc.				
Patron—Avoli	HB	902	806	1557
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STEGMAIER, JAMES J.L.				
Stegmaier, James J.L. ; recording sorrow upon death. (Patron—Hashmi)	SJR	106		2017
STEIN, BRIAN DANIEL				
Stein, Brian Daniel ; recording sorrow upon death. (Patron—Tran)	HJR	419		1775
STEPHENS, ROBERT EMERSON				
Stephens, Robert Emerson ; recording sorrow upon death. (Patron—Brewer)	HR	212		1908
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Stewart, Victor Wayne ; recording sorrow upon death. (Patron—Convirs-Fowler)	HJR	204		1653
STICKLEY, GLORIA ANN SMITH				
Stickley, Gloria Ann Smith ; recording sorrow upon death. (Patron—Obenshain)	SJR	126		2028
STILLS, SONJA O.				
Stills, Sonja O. ; commending. (Patron—Williams Graves)	HJR	315		1717
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Stormwater management ; proprietary best management practices (BMP), Department of Environmental Quality shall prioritize review of any proprietary BMP, etc.				
Patron—Bulova	HB	1224	32	66
Virginia Stormwater Management Programs or Virginia Erosion and Stormwater Management Program ; review, approve, etc., permits of regional industrial facility authorities. (Patron—Marshall)				
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Strawn, Juanita ; recording sorrow upon death. (Patron—Locke)	SR	68		2117
STROTHER, CANDACE LEE				
Strother, Candace Lee ; recording sorrow upon death. (Patron—LaRock)	HR	230		1917
STUBER, KAREN F.				
Stuber, Karen F. ; commending. (Patron—Ransone)	HJR	230		1668
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Student-Athlete Mental Health Awareness Day ; designating as May 27, 2022, and in each succeeding year thereafter. (Patron—Webert)	HJR	4		1562
STUDENTS				
COVID-19 ; Department of Education to recommend options for isolation and quarantine for students and employees at public schools who contract or are exposed.				
Patron—Dunnivant	SB	431	692	1284
Driver education programs ; participation of student's parent or guardian in Planning District 8 (Northern Virginia), requirement for an additional minimum 90-minute parent/student driver education component as part of classroom portion of curriculum, certification of courses. (Patron—Norment)				
	SB	78	708	1321
Heat-related illness ; Department of Education shall develop guidelines on policies to inform and educate coaches and student athletes and their parents or guardians of the nature and risk, etc. (Patron—Hashmi)				
	SB	161	428	762
High school students ; instruction concerning post-graduate opportunities, duties of State Council of Higher Education.				
Patron—Coyner	HB	1299	343	541
Patron—Morrissey	SB	738	344	544
Higher educational institutions, baccalaureate public ; website, posting of certain comparative data relating to undergraduate students. (Patron—Freitas)				
	HB	355	365	634
Higher educational institutions, public ; institution to ensure that all students have access to accurate information about the Supplemental Nutrition Assistance Program (SNAP), including eligibility and how to apply. (Patron—Roem)				
	HB	582	483	848
Public elementary and secondary school students ; ability to pay for meals and school meal debt, extracurricular school activities. (Patron—Roem)				
	HB	583	686	1277

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Public elementary and secondary schools and students; evaluation and recommendations for certain current and proposed policies and performance standards, reporting recommendations for revisions. (Patron—Robinson)	HB	938	99	218
School boards; annual report lists each student's 9-1-1 address that does not have broadband service. (Patron—Pillion)	SB	724	211	385
School principals; required to report to law enforcement certain enumerated acts that may constitute a misdemeanor offense, written threats against school personnel, report to the parents of any minor student who is the specific object of such act, etc., alternative school discipline. Patron—Wyatt	HB	4	793	1532
Patron—Norment	SB	36	794	1534
Student Advisory Board; established. (Patron—Davis)	HB	1188	778	1494
Virginia Initiative for Education and Work; exemption for postsecondary students. Patron—Helmer	HB	484	298	490
Virginia Literacy Act; early student literacy, evidence-based literacy instruction, science-based reading research, microcredential program, reading specialists. Patron—Coyner	HB	319	550	977
Patron—Lucas	SB	616	549	963

STUDY COMMISSIONS, COMMITTEES, AND REPORTS

Advanced small modular reactors; Department of Energy to study development and consider minimizing impacts on prime farmland a key priority in completing its Virginia Energy Plan, etc., report. (Patron—Kilgore)	HB	894	488	853
Aging, Commonwealth Council on; required to submit an annual report. Patron—Favola	SB	48	533	926
Alcoholic beverage control; tax allocation for funding the Virginia Spirits Promotion Fund, report. Patron—Fowler	HB	20	85	204
Patron—Mason	SB	196	84	202
Alkaline hydrolysis; Board of Funeral Directors and Embalmers shall convene a work group to determine regulatory and statutory changes needed to legalize, implement, and regulate process, work group shall provide opportunity for public participation, etc., report. (Patron—Morrissey)	SB	129	191	360
Alternative custody arrangements; Secretary of Health and Human Resources, together with the Secretary of Public Safety and Homeland Security, to study options to increase the use of arrangements for individuals who are subject to an emergency custody or temporary detention order. (Patron—Newman)	SB	202	103	223
Apprenticeship programs; Board of Workforce Development, et al., reviewing performance of programs in meeting high-demand industry needs, creating a primary office for programs. Patron—Filler-Corn	HB	718	699	1312
Patron—Lucas	SB	661	700	1313
Broadband affordability; Department of Housing and Community Development to develop a plan to address, report. Patron—Subramanyam	HB	1265	518	905
Patron—Petersen	SB	716	519	905
Campaign finance; record retention requirements and reviews of campaign finance disclosure reports, finance reports filed prior to July 1, 2024, effective date, report. Patron—Bulova	HB	492	258	437
Child Care Subsidy Program; Board of Education shall examine its regulations and determine feasibility of amending, permitting all active duty Armed Forces members who serve as caregivers to apply for Program. Patron—Brewer	HB	994	23	57
Patron—Reeves	SB	529	24	58
Children who are deaf or hard of hearing; language development, assessment resources for parents and educators, advisory committee established, sunset date for committee, advisory committee function shall terminate effective June 30, 2023. Patron—Carr	HB	649	238	413
Patron—Hashmi	SB	265	240	417

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Children's Services Act; who may serve on community policy and management teams and family assessment and planning teams, parent representatives who are not employed by a public or private program that receives funds, etc.

Patron—Herring	HB	427	418	735
Patron—Barker	SB	435	419	736

Coastal Flooding, Joint Subcommittee on; continued as the Joint Subcommittee on Recurrent Flooding, appropriation.

Patron—Hodges	HJR	16		1566
Patron—Lewis	SJR	35		1951

Common interest communities; Department of Professional and Occupational Regulation shall establish a work group to study adequacy of current laws addressing standards for structural integrity, etc. (Patron—Surovell)

SB	740	421	738
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Commonwealth Transportation Board; Board to adopt performance standards for review of certain plans by Department of Transportation, report. (Patron—Austin)

HB	482	680	1274
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Comprehensive Campaign Finance Reform, Joint Subcommittee Studying; continued. (Patron—Bulova)

HJR	53		1582
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Continuity of care; Bureau of Insurance of State Corporation Commission shall convene a work group to determine options for care covered by insurance, etc.

Patron—Orrock	HB	912	353	562
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Contracts; payment clauses to be included that obligate a contractor on a construction contract to be liable for entire amount owed to any subcontractor, right to payment of subcontractors, report, effective date for certain provisions. (Patron—Bell)

SB	550	727	1365
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Correctional facilities; work release programs, Secretary of Public Safety and Homeland Security to convene a work group to study programs.

Patron—Marshall	HB	170	153	324
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Correctional facilities, local or regional; State Board of Local and Regional Jails shall convene a work group to review and make recommendations regarding reduction or elimination of costs and fees charged to inmates, report. (Patron—Morrissey)

SB	581	359	621
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Correctional facilities, state; Department of Corrections shall convene a work group to review and make recommendations regarding reduction or elimination of costs and fees charged to inmates, report.

Patron—Hope	HB	665	681	1275
Patron—Boysko	SB	441	682	1275

Correctional facilities, state, and juvenile; Department of Corrections shall convene a work group to study use of restorative housing. (Patron—Morrissey)

SB	108	710	1325
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Criminal records; effect of criminal convictions on licensure, regulatory board shall have the authority to refuse license, etc., based upon all information available, etc., data to be included in biennial report.

Patron—Coyner	HB	282	382	661
Patron—Morrissey	SB	409	383	663

Discretionary sentencing guidelines; midpoint for violent felony offenses, report, effective date.

Patron—Adams, L.R.	HB	1320	783	1505
Patron—Edwards	SB	423	723	1362

Division of marital property; Virginia Retirement System managed defined contribution plan, calculation of gains and losses. (Patron—Surovell)

SB	349	438	782
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Elections; local electoral boards and general registrars to perform certain risk-limiting audits, etc., report.

Patron—Kilgore	HB	895	443	789
Patron—Bell	SB	370	444	792

Eviction Diversion Pilot Program; extends sunset date, report. (Patron—Locke)

SB	24	797	1544
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Facial recognition technology; redefines, authorized uses, local law-enforcement agencies and campus police shall not use technology for tracking movements of an identified individual in a public space in real time, etc., State Police Model Facial Recognition Technology Policy, report, sunset provision. (Patron—Surovell)

SB	741	737	1397
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Fair Labor Standards Act; employer liability, overtime required for certain employees, report.

Patron—Ware	HB	1173	461	813
Patron—Barker	SB	631	462	816

STUDY COMMISSIONS, COMMITTEES, AND REPORTS - Continued

Flood resiliency and protection; implements recommendations from first Virginia Coastal Resilience Master Plan.				
Patron—Bulova	HB	516	494	858
Patron—Marsden	SB	551	495	861
Foster care placements; authority of the court to review the child's status, etc., report.				
Patron—Edwards	SB	396	305	499
Foster or adoptive homes; Department of Social Services shall develop recommendations regarding changes to provisions governing criminal history background checks and barrier crimes for applicants, report. (Patron—Mason)				
	SB	689	432	766
General Services, Department of; state fleet managers to use total cost of ownership calculations, clarifies definition of "light-duty vehicle," report. (Patron—Mason) ...				
	SB	575	789	1516
Guardians; appointment, petitions for guardianship, report. (Patron—Deeds)				
	SB	302	630	1203
Guardianship visitation requirements; Department for Aging and Rehabilitative Services shall convene a work group to review and evaluate, report.				
Patron—Roem	HB	634	242	420
Health care coverage; premium payments for certain service members.				
Patron—Carr	HB	642	372	646
Patron—Cosgrove	SB	719	373	647
Health insurance; carrier contracts, carrier provision of certain prescription drug information, work group to evaluate and make recommendations to modify process for prior authorization for drug benefits in order to maximize efficiency and minimize delays, report.				
Patron—Fowler	HB	360	284	477
Patron—Dunnavant	SB	428	285	479
Health insurance; coverage for mental health and substance use disorders, report.				
Patron—Barker	SB	434	544	953
Higher education; endorses framework of mission, vision, goals, and strategies for the statewide strategic plan developed and approved by the State Council of Higher Education for Virginia.				
Patron—Davis	HJR	145		1619
Patron—Locke	SJR	53		1976
High-speed broadband service; Department of Housing and Community Development shall convene advisory group on expanding service and associated infrastructure in new residential and commercial development.				
Patron—Murphy	HB	445	592	1116
Patron—Boysko	SB	446	593	1116
Hospitals; Board of Health shall convene a workgroup to provide recommendations regarding regulations to develop protocols for connecting patients receiving rehabilitation services to necessary follow-up care. (Patron—Orrock)				
	HB	235	112	229
Hospitals; Department of Health shall develop recommendations for protocols on obstetrical services, report. (Patron—McQuinn)				
	HB	1107	232	406
Hospitals; financial assistance for uninsured patient, charity care policies, individuals with limited English proficiency, report, payment plans, every hospital shall annually report data and information regarding amount of charity care, discounted care, etc., provided under its financial assistance policy.				
Patron—Tran	HB	1071	678	1270
Patron—Favola	SB	201	679	1272
Hospitals; information about standard charges for items and services provided to be available on website, effective date, report. (Patron—Helmer)				
	HB	481	297	490
Income tax, state; property information and analytics firms, business operations, definitions.				
Patron—Knight	HB	453	256	433
Patron—Barker	SB	346	257	435
Index of wills; clerk of Rockingham Circuit Court may establish a pilot project to lodge wills for safekeeping with a searchable database, report. (Patron—Obenshain)				
	SB	221	109	227
Individuals with intellectual and developmental disabilities; Department of Medical Assistance Services shall continue the work group to study and develop recommendations for permanent use of virtual support, etc.				
Patron—Runion	HB	990	221	397
Patron—Suetterlein	SB	232	222	398

STUDY COMMISSIONS, COMMITTEES, AND REPORTS - Continued

Information Technology Advisory Council; increases membership, powers and duties, report, repeals provision relating to Health Information Technology Standards Advisory Committee.				
Patron—Davis	HB	1304	261	448
Patron—Boysko	SB	703	260	445
Internet Safety Advisory Council; established, sunset date, report. (Patron—Guzman)	HB	1026	776	1492
Investigation of death; Department of Behavioral Health and Developmental Services shall establish a work group to study and make recommendations regarding appropriate investigations, including regarding when autopsies may be appropriate, of deaths of individuals with intellectual or developmental disabilities and when person dies while receiving services from a licensed program. (Patron—Hope)	HB	659	568	1033
Lyme disease; signage in state parks, instructional resources and materials, report.				
Patron—Reid	HB	850	303	498
Marcus alert system; optional participation in the system for certain localities, etc., locality with a population that is greater than 40,000 shall establish protocols, report.				
Patron—Ransone	HB	1191	619	1179
Patron—Stuart	SB	361	613	1166
Maximum contaminant levels (MCLs) in water supplies and waterworks; Board of Health regulations, report. (Patron—Orrock)	HB	919	585	1060
Medical assistance; Department of Medical Assistance Services shall convene a work group to study overall cost of and options for provision to cover and reimburse complex rehabilitation technology (CRT), manual and power wheelchair bases and related accessories for qualified individuals who reside in nursing facilities.				
Patron—Adams, D.M.	HB	241	476	837
Medical Assistance Services, Department of; Department shall establish work group to evaluate and make recommendations to improve approaches to early psychosis and mood disorder detection approaches, report. (Patron—Hope)	HB	1193	621	1191
Natural gas, biogas, and other gas sources of energy; definitions, energy conservation and efficiency, biogas supply infrastructure projects, SCC may exempt customer education components from required test parameters for a conservation and energy efficiency program, work group to determine feasibility of setting a statewide methane reduction goal, etc.				
Patron—O'Quinn	HB	558	759	1438
Patron—Surovell	SB	565	728	1367
Notice of final adverse decision; Common Interest Community Board shall review feasibility of allowing audio and video recordings to be submitted with notice as a record pertinent to the decision, report. (Patron—Petersen)	SB	693	244	421
Nursing homes, assisted living facilities, etc.; Secretary of Health and Human Resources shall study current oversight and regulation. (Patron—Orrock)	HB	234	559	1023
Obesity prevention and other obesity-related services; Joint Commission on Health Care shall study and provide recommendations related to the payment of medical assistance for services. (Patron—Guzman)	HB	1098	460	813
Onsite sewage system pump-out oversight; Department of Health, effective July 1, 2023, to manage and enforce compliance for certain counties and the incorporated towns within those counties, report. (Patron—Hodges)	HB	769	486	849
Optometrists; allowed to perform laser surgery if certified by Board of Optometry, Board shall promulgate regulations establishing criteria for certification, annual registration, report.				
Patron—Robinson	HB	213	17	39
Patron—Petersen	SB	375	16	37
Out-of-state health care practitioners; temporary authorization to practice, provided certain conditions are met, person is contracted by or has received an offer of employment from hospital, etc., licensure by reciprocity for physicians, Board of Medicine shall pursue reciprocity agreements with jurisdictions that surround the Commonwealth, report.				
Patron—Helmer	HB	1187	463	819
Patron—Favola	SB	317	464	820
Pandemic response and preparedness; joint subcommittee to study.				
Patron—Surovell	SJR	10		1926
Pharmacy benefits managers; frequency of required report. (Patron—Stuart)	SB	359	283	476

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Public bodies; security of government databases and data communications, report. Patron—Hayes	HB	1290	626 1196
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Public elementary and secondary schools and students; evaluation and recommendations for certain current and proposed policies and performance standards, reporting recommendations for revisions. (Patron—Robinson)	HB	938	99 218
Public guardian and conservator program; decennial review of staff-to-client ratios, report. (Patron—Head)	HB	96	272 466
Public schools; instruction concerning gambling, report. (Patron—Rasoul)	HB	1108	192 360
Renal Disease Council; created, report. (Patron—Hashmi)	SB	241	717 1343
Renewable energy facilities; State Corporation Commission shall create a task force, in consultation with Department of Energy and Department of Environmental Quality, to analyze life cycle, report. Patron—Hodges	HB	774	70 128
Patron—Lewis	SB	499	69 128
Sales and transient occupancy taxes; changes process for collection of taxes involving accommodations intermediaries, certain provisions effective on October 1, 2022, membership of work group, report. (Patron—Head)	HB	518	7 15
Sales and transient occupancy taxes; changes process for collection of taxes involving accommodations intermediaries, membership of work group, report. Patron—Vogel	SB	651	640 1212
School boards; annual report lists each student's 9-1-1 address that does not have broadband service. (Patron—Pillion)	SB	724	211 385
School Health Services Committee; established, membership, chairman and vice-chairman shall be members of the General Assembly, report, sunset provision. Patron—Robinson	HB	215	749 1417
Patron—Favola	SB	62	707 1320
Seafood industry; Governor shall designate the Secretary of Labor or his designee to serve as a liaison to address workforce needs, report. (Patron—Stuart)	SB	358	406 716
Shared solar programs; SCC shall convene a work group to evaluate for Phase I Utilities and electric cooperatives. (Patron—Hanger)	SB	660	591 1115
Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination Against African Americans, Commission to Study; extends sunset date. Patron—McQuinn	HB	139	586 1062
Patron—Locke	SB	151	587 1062
Small renewable energy projects; impact on natural resources, defines "prime agricultural soils" and clarifies meaning of "forest land," etc., report. Patron—Webert	HB	206	688 1278
Staffing levels, employment conditions, and compensation at the Virginia Department of Corrections, joint committee of various House and Senate Committees Studying; continued, appropriations. (Patron—Hope)	HJR	61	1583
STEM and Computing (STEM+C); Virginia Economic Development Partnership Authority's Office of Education and Labor Market Alignment shall review occupational categories to determine certain deficiencies and promote better alignment of education and workforce priorities, report. (Patron—Simonds)	HB	217	558 1023
Suicide Prevention Coordinator; position created in the Department of Veterans Services, report. (Patron—Tata)	HB	1203	322 525
Trees; replacement and conservation during land development process in localities, silvicultural practices, powers of local government. (Patron—Marsden)	SB	537	620 1183
Unaccompanied homeless youths; consent for housing services, provider of housing services shall attempt to contact parents or guardian of youth, reporting child's presence to local law enforcement, etc., report. (Patron—Filler-Corn)	HB	717	801 1550
Unemployment compensation; program integrity activities, improper claims, report, effective date. (Patron—Reeves)	SB	769	740 1411
Updating Virginia Law to Reflect Federal Recognition of Virginia Tribes, Commission on; established, report. (Patron—Krizek)	HB	1136	788 1515

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Virginia Business Ready Sites Program Fund; created, definitions, repeals existing law that created the Major Employment and Investment Project Site Planning Grant Fund, report. (Patron—Marsden)	SB 28	83	199
Virginia Code Commission; work group to review public notices required to be published by localities.			
Patron—Williams	HB 1131	129	282
Patron—Stanley	SB 417	130	283
Virginia Employment Commission; administrative reforms, reporting requirements, electronic submissions, Unemployment Compensation Ombudsman position created, redetermination of monetary determination.			
Patron—Byron	HB 270	754	1429
Patron—McPike	SB 219	716	1339
Virginia Public Procurement Act; purchase of personal protective equipment by state agencies, report. (Patron—DeSteph)	SB 416	802	1551
Virginia Standards of Learning; Secretary of Education and Virginia Superintendent of Public Instruction shall convene a work group to revise summative assessments of proficiency and develop a plan for implementation, report.			
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Waste coal piles; Department of Energy, et al., shall identify approximate volume and number in the coalfield region, report, work group to evaluate opportunities for development of public infrastructure projects at current or proposed sites for storage of coal ash, report.			
Patron—Wampler	HB 657	762	1449
Patron—Hackworth	SB 120	711	1326
Winery, farm winery, and limited brewery licensees; Department of Agriculture and Consumer Services shall convene a work group to conduct research to determine the appropriate fee structure and general fund appropriation necessary to adequately address staffing needs and perform information technology system upgrades for the purpose of accommodating, etc., report. (Patron—Robinson)	HB 1336	334	536
Women-owned or minority-owned businesses; Department of Small Business and Supplier Diversity to administer a mentorship pilot program under which established businesses, or industry sector experts, act as mentors to start-up businesses.			
Patron—Torian	HB 815	302	497
Workers' compensation; Workers' Compensation Commission to study practice of charging premiums on bonus pay, vacations, and holidays. (Patron—Marshall)	HJR 11		1564
STUNTZ, CONSTANCE PENDLETON			
Stutz, Constance Pendleton; recording sorrow upon death. (Patron—Keam)	HJR 423		1777
STUTTS, JAMES CARMON			
Stutts, James Carmon; commending. (Patron—Ware)	HJR 1		1561
SUBAQUEOUS BEDS			
Subaqueous beds; unlawful use, maintenance or replacement of previously authorized pier, reconstructed within footprint of existing pier. (Patron—Cosgrove)	SB 145	159	330
SUBDIVISIONS			
Planning; definition of subdivision, boundary line agreement, copy of final decree shall be provided to zoning administrator of the locality in which property is located.			
Patron—Leftwich	HB 1088	271	464
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Service of process; investigator employed by an attorney for the Commonwealth or Indigent Defense Commission, serving witness subpoenas.			
Patron—Hope	HB 682	684	1276
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SUMMONS AND PROCESS

Arrest and summons quotas; prohibits any agency of the Commonwealth or director or chief executive of any agency or department employing law-enforcement officers, etc., from establishing a formal or informal quota.

Patron—Bell HB 750 208 383
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Summons for unlawful detainer; notice to tenant, adverse employment actions prohibited. (Patron—Jenkins)

HB 1236 467 823

Vicious dogs; a law-enforcement officer or animal control officer to apply to a magistrate for a summons, etc. (Patron—DeSteph)

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County boards of supervisors; salaries. (Patron—Peake)

SB 172 616 1173

SUPREME COURT OF VIRGINIA

Injunctions; review by the Supreme Court of Virginia, petitions for review, appeal of interlocutory orders and decrees, matters of contempt, etc. (Patron—Petersen)

SB 715 307 507

Juvenile law-enforcement records; inspection of records by counsel for juvenile only if no other law or rule of the Supreme Court of Virginia requires or allows withholding of the record, etc.

Patron—Ward HB 731 455 808
Patron—Norment SB 149 456 809

Virginia State Bar; repeals sunset provision on the Supreme Court's authority to adopt rules assessing members an annual fee. (Patron—Sullivan)

HB 1285 632 1205

SUTTON, LAWRENCE LEE

Sutton, Lawrence Lee; recording sorrow upon death. (Patron—Cosgrove)

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SWANSON, LINDSEY

Swanson, Lindsey, and Katey Halasz; commending. (Patron—Bennett-Parker)

HJR 408 1769

SWEET BRIAR COLLEGE

Sweet Briar College equestrian team; commending. (Patron—Petersen)

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TACKIE, EMMANUEL

Tackie, Emmanuel; commending. (Patron—Tran)

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Tahey, Philip; recoding sorrow upon death. (Patron—Batten)

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TAMIL HERITAGE MONTH

Tamil Heritage Month; designating as January 2022 and in each succeeding year thereafter. (Patron—Bulova)

HJR 146 1619

TANG, HONGYANG

Tang, Hongyang; commending. (Patron—Kory)

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TARRING, DOUGLAS R.

Tarring, Douglas R.; commending. (Patron—Hudson)

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Tata, Robert; recording sorrow upon death. (Patron—Tata)

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TAXATION

Approved local volunteer activities; definitions, localities, by ordinance, may provide a credit against taxes and fees imposed by the locality. (Patron—Orrock)

HB 911 773 1486

Casino gaming; sale and consumption of alcoholic beverages in casino gaming establishments, etc., mixed beverage casino licensees, wagers, accounting and games.

Patron—Knight HB 455 589 1062
Patron—Lucas SB 519 590 1089

Certified pollution control equipment; certification by subdivisions.

Patron—Runion HB 148 14 32
Patron—Mason SB 684 501 869

Charitable institutions and associations; no organization shall be prohibited from applying for or receiving public funds as part of a neutral grant or funding program from a locality, etc. (Patron—Subramanyam)

HB 377 566 1032

Cigarette tax, local; identifying unsold inventory, localities that increase taxes.

Patron—McNamara HB 1076 224 399
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Commonwealth's taxation system; conformity with the Internal Revenue Code, Rebuild Virginia grants and Paycheck Protections Program loans, etc.

Patron—Byron HB 971 3 2
Patron—Howell SB 94 19 43

Data centers; center fixtures are taxed as part of the real property where they are located, etc.

Patron—McNamara HB 791 671 1266
Patron—McPike SB 513 672 1267

Delinquent tax lands; authorizes localities to have a special commissioner appointed to, in lieu of a sale at public auction, convey certain real estate having delinquent taxes or liens to a land bank entity, etc., parcels containing a structure that is a derelict building, taxes and liens, together, including penalty and accumulated interest, exceed 25 percent of assessed value of parcel, land bank entity or existing nonprofit entity receiving property.

Patron—Rasoul HB 298 15 36
Patron—Edwards SB 142 713 1331

Forest Sustainability Fund; created.

Patron—Bloxom HB 180 378 657
Patron—Ruff SB 184 379 658

Gaming; use of the phrase "Virginia is for Bettors", civil penalty. (Patron—Norment) SB 96 475 837

Gold, silver, and platinum bullion and legal tender coins; extends sunset date for the sales tax exemption, effective through June 30, 2025.

Patron—Ware HB 3 12 28
Patron—Ruff SB 26 634 1206

Gold, silver, or platinum bullion or legal tender coins; extends the sunset date to June 30, 2025, for sales tax exemption and limitation that only purchases in excess of \$1,000 are eligible for the exemption. (Patron—Batten) HB 936 643 1225

Horse racing tax; 0.01 percent of amount that a licensee retains from wagering on historical horse racing pools shall be deposited in the Problem Gambling Treatment and Support Fund, pari-mutual pools generated by wagering on historical racing, etc.

Patron—Krizek HB 574 511 898

Income tax, corporate; filing status for tax returns of certain affiliated corporations.

Patron—Coyner HB 224 416 733
Patron—McDougle SB 386 417 734

Income tax, corporate; tax returns of affiliated corporations, permission to change basis of type of return filed. (Patron—Watts) HB 348 274 467

Income tax, state; extends sunset provision for major business facility job tax credit.

Patron—Byron HB 269 11 26
Patron—Ruff SB 185 203 374

Income tax, state; property information and analytics firms, business operations, definitions.

Patron—Knight HB 453 256 433
Patron—Barker SB 346 257 435

Income tax, state; taxable years beginning on or after January 1, 2021, but before January 1, 2026, the amount of tax paid by a pass-through entity under law of another state shall be deemed to have been paid by its individual owner, etc., definitions, publicly available guidelines.

Patron—McNamara HB 1121 690 1282
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Income tax, state and corporate; deductions for business interest, 30 percent of interest disallowed as a deduction.

Patron—Brewer HB 1006 648 1230

Land preservation program; special assessment. (Patron—Webert) HB 199 663 1257

Land use assessment; forms used for revalidation of applications shall be prepared by the Tax Department, Department shall seek input from commissioners of revenue regarding such forms and ensure geographic diversity. (Patron—Orrock) HB 238 111 228

Land use assessment; parcels with multiple owners. (Patron—Webert) HB 996 314 516

Landlords, participating; tax credits on individual and corporate income tax.

Patron—Willett HB 402 252 428

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License taxes, local; limitation of authority.

Patron—Leftwich HB 1084 659 1252
Patron—McDougle SB 385 660 1254

Personal property; other classifications of tangible property for taxation, classification of vehicles, provisions shall apply to taxable years beginning on or after January 1, 2022, but before January 1, 2025.

Patron—Scott, P.A. HB 1239 30 62
Patron—Stuart SB 771 578 1053

Real and personal property; tax exemption shall include property of a certain single member limited liability company. (Patron—Webert)

HB 200 167 336

Real property; assessment of real estate in determining the fair market value that is operated as affordable rental housing. (Patron—Willett)

HB 400 624 1194

Real property; classification, property owned by certain surviving spouses of armed force members for tax purposes. (Patron—Tran)

HB 957 77 133

Real property tax; assessment cycles by counties.

Patron—Hodges HB 951 361 623
Patron—Norment SB 77 362 623

Real property tax; exemption for the elderly and handicapped. (Patron—McPike)

SB 648 631 1204

Real property taxes; notice of proposed increase, notice of public hearing shall be published on different day than notice for annual budget hearing. (Patron—Durant)

HB 1010 29 61

Refunds of local taxes; authority of treasurer. (Patron—Williams Graves)

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Retail Sales and Use Tax; beginning July 1, 2022, and ending July 1, 2025, exemption for prescription medicines and drugs purchased by veterinarians and administered or dispensed to patients.

Patron—Scott, D.L. HB 551 551 990
Patron—Lucas SB 517 552 992

Retail Sales and Use Tax; definitions, media-related exemptions.

Patron—Byron HB 1155 434 767
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Retail Sales and Use Tax; extends media-related exemptions. (Patron—Hanger)

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Retail Sales and Use Tax; extends sunset date for exemption of aircraft components, for manned systems, "aircraft" shall include only aircraft with a maximum takeoff weight of at least 2,400 pounds.

Patron—Austin HB 462 8 20
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Retirement and taxation; sets out a section that is currently carried by reference only, repeals three obsolete sections. (Patron—Simon)

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Sales and transient occupancy taxes; changes process for collection of taxes involving accommodations intermediaries, certain provisions effective on October 1, 2022, membership of work group, report. (Patron—Head)

HB 518 7 15

Sales and transient occupancy taxes; changes process for collection of taxes involving accommodations intermediaries, membership of work group, report.

Patron—Vogel SB 651 640 1212

Sales and use tax; entitlement to revenues from tourism projects, entitlement shall be subject to review and approval by MEI Project Approval Commission.

Patron—Fowler HB 1308 468 824

Sales tax; City of Williamsburg, James City County, and York County to appropriate annual amounts to entities promoting tourism and recreation in the Historic Triangle.

Patron—Norment SB 438 652 1239

Sales tax; clarifies definition of "accommodations," effective dates.

Patron—Dunnavant SB 432 154 324

Solar photovoltaic projects; local taxation for projects five megawatts or less, if locality assesses a revenue share on projects shall be 100 percent of assessed value, provisions shall not apply to projects approved prior to July 1, 2022.

Patron—Lewis SB 502 493 858

Solar photovoltaic projects; local taxation for projects five megawatts or less, provisions shall not apply to projects approved prior to July 1, 2022.

Patron—Leftwich HB 1087 492 857

Tangible personal property taxes; valuation of property. (Patron—Robinson)

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Tax assessments; effective January 1, 2023, Department of Taxation to identify on bills for omitted tax assessments the date the initial tax return or payment was received. (Patron—Leftwich)	HB	1083	202	373
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Taylor, Helen Marie; recording sorrow upon death.				
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Taylor, Virginia Ann; recording sorrow upon death. (Patron—Simonds)	HJR	282		1698
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TAZEWELL, TOWN OF

Tazewell, Town of; amending charter, increases term length for members of board of zoning appeals.				
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Provisional teacher licensure; Board of Education may provide issuance to teachers, who have held within the last five years, a valid license or certification to teach issued by an entity outside of the United States, etc.				
Patron—Tran	HB	979	656	1246
Patron—Favola	SB	68	657	1249
Teachers; licensure by reciprocity for military spouses, timeline for determination.				
Patron—Coyner	HB	230	546	957
Patron—Locke	SB	154	545	955
Teachers' licenses, certain; Board of Education permitted to temporarily extend.				
Patron—Orrock	HB	236	104	223

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Teetor, Alison; commending. (Patron—Gooditis)	HR	77		1844
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Telecommunications companies; added to the list of entities to which a state department, agency, or institution may grant an easement.				
Patron—Brewer	HB	1019	68	127
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The Cadet and The Cadet Foundation ; commending. (Patron—Durant)	HJR	453		1794
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Patron—Davis	HB	381	423 740
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Group health benefit plans; sponsoring associations, formation of benefits consortium, definitions.			
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Historical horse racing; electronic gaming terminals, age requirement, penalty.			
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Patron—Williams Graves	HB	324	10	24
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Sales and transient occupancy taxes; changes process for collection of taxes involving accommodations intermediaries, certain provisions effective on October 1, 2022, membership of work group, report. (Patron—Head)	HB	518	7	15
Sales and transient occupancy taxes; changes process for collection of taxes involving accommodations intermediaries, membership of work group, report.				
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Sales tax; clarifies definition of "accommodations," effective dates.				
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Transit Ridership Incentive Program; Commonwealth Transportation Board to use at least 25 percent of the funds available for the Program for grants to fund reduced-fare or zero-fare transit projects, sunset date on certain provision.				
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Patron—Coyner	HB	275	425	742
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UNCODIFIED LEGISLATION

Advanced small modular reactors; Department of Energy to study development and consider minimizing impacts on prime farmland a key priority in completing its Virginia Energy Plan, etc., report. (Patron—Kilgore)	HB	894	488	853
Alcoholic beverage control; neutral grain spirits or alcohol sold at government stores, proof limit, repeals sunset provision. (Patron—Saslaw)	SB	527	583	1060
Alkaline hydrolysis; Board of Funeral Directors and Embalmers shall convene a work group to determine regulatory and statutory changes needed to legalize, implement, and regulate process, work group shall provide opportunity for public participation, etc., report. (Patron—Morrissey)	SB	129	191	360
Alternative custody arrangements; Secretary of Health and Human Resources, together with the Secretary of Public Safety and Homeland Security, to study options to increase the use of arrangements for individuals who are subject to an emergency custody or temporary detention order. (Patron—Newman)	SB	202	103	223
Apprenticeship programs; Board of Workforce Development, et al., reviewing performance of programs in meeting high-demand industry needs, creating a primary office for programs.				
Patron—Filler-Corn	HB	718	699	1312
Patron—Lucas	SB	661	700	1313
Asbestos, Lead, and Home Inspectors, Board for; Board to require that a home inspection and the report on its findings include a determination of whether the home's smoke detectors are in good working order. (Patron—McPike)	SB	607	398	694
Augusta County; removal of county courthouse from City of Staunton, plans shall be made available to the public at least two months prior to planned date of the referendum, if acquisition of property is required, the appraised value of that property shall be included in computation of total cost, etc.				
Patron—Avoli	HB	902	806	1557
Patron—Hanger	SB	283	807	1558
Broadband affordability; Department of Housing and Community Development to develop a plan to address, report.				
Patron—Subramanyam	HB	1265	518	905
Patron—Petersen	SB	716	519	905
Capital outlay plan; repeals existing six-year capital outlay for projects to be funded.				
Patron—Knight	HB	166	602	1132
Patron—Howell	SB	115	603	1134
Capital Region Airport Commission; authorized to make charitable donations to organizations, etc.				
Patron—McQuinn	HB	137	367	642
Patron—McClellan	SB	478	368	643
Carrier and managed care health insurance plans; Department of Health, through its contract with the nonprofit organization, shall develop and implement a methodology to review and measure efficiency, etc. (Patron—Davis)	HB	248	646	1228
Chesapeake Airport Authority; removes certain language in the Authority authorizing language related to removal of members from office. (Patron—Cosgrove)	SB	54	390	679
Child Care Subsidy Program; Board of Education shall examine its regulations and determine feasibility of amending, permitting all active duty Armed Forces members who serve as caregivers to apply for Program.				
Patron—Brewer	HB	994	23	57
Patron—Reeves	SB	529	24	58
Commercial driver's licenses; Secretary of Transportation, et al., to implement various initiatives, sunset provision. (Patron—O'Quinn)	HB	553	142	306
Commercial mobile radio or cellular telephone service providers; grants authority to the State Corporation Commission to designate any provider as an eligible telecommunications carrier for purposes of providing Lifeline service.				
Patron—Kilgore	HB	112	436	776
Common interest communities; Department of Professional and Occupational Regulation shall establish a work group to study adequacy of current laws addressing standards for structural integrity, etc. (Patron—Surovell)	SB	740	421	738

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Commonwealth of Virginia Higher Educational Institutions Bond Act of 2022;
created.

Patron–Knight	HB	165	13	29
Patron–Howell	SB	93	86	205

Continuity of care; Bureau of Insurance of State Corporation Commission shall convene a work group to determine options for care covered by insurance, etc.

Patron–Orrock	HB	912	353	562
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Correctional facilities; work release programs, Secretary of Public Safety and Homeland Security to convene a work group to study programs. (Patron–Marshall)

Patron–Marshall	HB	170	153	324
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Correctional facilities, local or regional; State Board of Local and Regional Jails shall convene a work group to review and make recommendations regarding reduction or elimination of costs and fees charged to inmates, report. (Patron–Morrissey)

Patron–Morrissey	SB	581	359	621
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Correctional facilities, state; Department of Corrections shall convene a work group to review and make recommendations regarding reduction or elimination of costs and fees charged to inmates, report.

Patron–Hope	HB	665	681	1275
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Patron–Boysko	SB	441	682	1275
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Correctional facilities, state, and juvenile; Department of Corrections shall convene a work group to study use of restorative housing. (Patron–Morrissey)

Patron–Morrissey	SB	108	710	1325
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COVID-19; Department of Education to recommend options for isolation and quarantine for students and employees at public schools who contract or are exposed.

Patron–Dunnivant	SB	431	692	1284
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Electric utilities, certain; local reliability data provided to a locality upon request.

Patron–Herring	HB	414	653	1244
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Eviction Diversion Pilot Program; extends sunset date, report. (Patron–Locke)

Patron–Locke	SB	24	797	1544
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Foster or adoptive homes; Department of Social Services shall develop recommendations regarding changes to provisions governing criminal history background checks and barrier crimes for applicants, report. (Patron–Mason)

Patron–Mason	SB	689	432	766
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GO Virginia Grants; extends sunset provision that allows a locality to use grant funds awarded by the Tobacco Region Revitalization Commission as matching funds. (Patron–Wampler)

Patron–Wampler	HB	654	137	294
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Guardianship visitation requirements; Department for Aging and Rehabilitative Services shall convene a work group to review and evaluate, report.

Patron–Roem	HB	634	242	420
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Heat-related illness; Department of Education shall develop guidelines on policies to inform and educate coaches and student athletes and their parents or guardians of the nature and risk, etc. (Patron–Hashmi)

Patron–Hashmi	SB	161	428	762
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High-speed broadband service; Department of Housing and Community Development shall convene advisory group on expanding service and associated infrastructure in new residential and commercial development.

Patron–Murphy	HB	445	592	1116
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Patron–Boysko	SB	446	593	1116
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Home care organizations; Department of Health shall amend regulations to remove triennial audit requirement. (Patron–McDougle)

Patron–McDougle	SB	580	215	388
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Hospitals; Board of Health shall convene a workgroup to provide recommendations regarding regulations to develop protocols for connecting patients receiving rehabilitation services to necessary follow-up care. (Patron–Orrock)

Patron–Orrock	HB	235	112	229
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Hospitals; Department of Health shall develop recommendations for protocols on obstetrical services, report. (Patron–McQuinn)

Patron–McQuinn	HB	1107	232	406
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Housing and Supportive Services Interagency Leadership Team (ILT) initiative; housing and services to include adults 65 years of age or older.

Patron–Adams, D.M.	HB	239	195	364
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Patron–Hashmi	SB	263	196	365
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Index of wills; clerk of Rockingham Circuit Court may establish a pilot project to lodge wills for safekeeping with a searchable database, report. (Patron–Obenshain)

Patron–Obenshain	SB	221	109	227
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Individuals with intellectual and developmental disabilities; Department of Medical Assistance Services shall continue the work group to study and develop recommendations for permanent use of virtual support, etc.

Patron–Runion	HB	990	221	397
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Patron–Suetterlein	SB	232	222	398
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Infant relinquishment laws; Department of Social Services shall establish a toll-free, 24-hour hotline to make information about safe haven laws available to the public, etc. (Patron—Fariss)	HB	50	174 343
Investigation of death; Department of Behavioral Health and Developmental Services shall establish a work group to study and make recommendations regarding appropriate investigations, including regarding when autopsies may be appropriate, of deaths of individuals with intellectual or developmental disabilities and when person dies while receiving services from a licensed program. (Patron—Hope)	HB	659	568 1033
Judge; one judge of the Second Judicial Circuit shall be a resident and domiciliary of the County of Accomack or Northampton. (Patron—Lewis)	SB	497	596 1118
License plates, special; issuance of plates commemorating the Richmond Planet newspaper bearing the legend THE RICHMOND PLANET. (Patron—Morrissey)	SB	753	119 262
Loudoun County School Board; staggering of member terms, lot drawing, timeframe. Patron—Reid	HB	1138	798 1544
Manufactured home lot rental agreements and home park notices; Department of Housing and Community Development shall convene a work group for purpose of developing sample documents. (Patron—Krizek)	HB	1065	564 1031
Martinsville, City of; approval of voters before city can revert to town status, sunset provision. Patron—Marshall	HB	173	220 397
Patron—Stanley	SB	85	219 397
Medical assistance; Department of Medical Assistance Services shall convene a work group to study overall cost of and options for provision to cover and reimburse complex rehabilitation technology (CRT), manual and power wheelchair bases and related accessories for qualified individuals who reside in nursing facilities. Patron—Adams, D.M.	HB	241	476 837
Nonrepairable and rebuilt vehicles; repeals sunset provisions. (Patron—Kilgore)	HB	1092	163 335
Notice of final adverse decision; Common Interest Community Board shall review feasibility of allowing audio and video recordings to be submitted with notice as a record pertinent to the decision, report. (Patron—Petersen)	SB	693	244 421
Noxious weeds and invasive plants; dissemination of consumer information. Patron—Krizek	HB	314	289 483
Nursing homes, assisted living facilities, etc.; Secretary of Health and Human Resources shall study current oversight and regulation. (Patron—Orrock)	HB	234	559 1023
Obesity prevention and other obesity-related services; Joint Commission on Health Care shall study and provide recommendations related to the payment of medical assistance for services. (Patron—Guzman)	HB	1098	460 813
Opioids; amends sunset provisions for the requirement that a prescriber registered with the Prescription Monitoring Program request information about a patient from the Program. (Patron—Hodges)	HB	192	747 1417
Patrick County; State Health Commissioner shall accept and review applications for and may issue a license to an acute care hospital, etc. (Patron—Williams)	HB	1305	147 311
Pharmacy, Board of; Board shall adopt regulations related to work environment requirements for pharmacy personnel that protect the health, safety, and welfare of patients. (Patron—Hodges)	HB	1324	628 1201
Pocahontas Building; Department of General Services, in cooperation with Clerks of the Senate of Virginia and House of Delegates, shall conduct sale or auction of surplus property as part of replacement project, proceeds to fund restoration and ongoing preservation of Capitol Square. (Patron—Locke)	SB	776	741 1411
Prescription drug donation program; Board of Pharmacy shall convene a work group to evaluate, report. (Patron—Favola)	SB	14	703 1314
Procured plastic materials; Department of General Services shall amend its regulations to direct state agencies to identify recycled content amounts. Patron—Runion	HB	1287	781 1499
Public aircraft; extends sunset provision. (Patron—Cosgrove)	SB	653	136 294
Public elementary and secondary schools and students; evaluation and recommendations for certain current and proposed policies and performance standards, reporting recommendations for revisions. (Patron—Robinson)	HB	938	99 218
Renewable energy certificates; priority of procurement. (Patron—Kilgore)	HB	1204	169 340

UNCODIFIED LEGISLATION - Continued

Renewable energy facilities; State Corporation Commission shall create a task force, in consultation with Department of Energy and Department of Environmental Quality, to analyze life cycle, report. Patron—Hodges	HB	774	70	128
Patron—Lewis	SB	499	69	128
School boards; annual report lists each student's 9-1-1 address that does not have broadband service. (Patron—Pillion)	SB	724	211	385
Science Museum of Virginia; conveyance of certain easements to the Children's Museum of Richmond. (Patron—McClellan)	SB	470	263	451
Seafood industry; Governor shall designate the Secretary of Labor or his designee to serve as a liaison to address workforce needs, report. (Patron—Stuart)	SB	358	406	716
Seizure first aid information; Department of Labor and Industry to disseminate information by means determined, including electronically, and information approved by Department consistent with information and guidelines developed by Epilepsy Foundation of America. (Patron—Avoli)	HB	1178	162	335
Shared solar programs; SCC shall convene a work group to evaluate for Phase I Utilities and electric cooperatives. (Patron—Hanger)	SB	660	591	1115
Southwestern Virginia Mental Health Institute; Governor to convey a portion of property previously used by the Department of Behavioral Health and Developmental Services to Smyth County. (Patron—O'Quinn)	HB	557	448	798
St. Charles, Town of; termination of township in Lee County. Patron—Kilgore	HB	83	89	208
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STEM and Computing (STEM+C); Virginia Economic Development Partnership Authority's Office of Education and Labor Market Alignment shall review occupational categories to determine certain deficiencies and promote better alignment of education and workforce priorities, report. (Patron—Simonds)	HB	217	558	1023
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Through-year growth assessment system; Board of Education shall seek input from local school divisions regarding ways in which administration of such assessments and reporting assessments results can be improved, and incorporate input and suggestions into system. (Patron—Webert)	HB	197	156	328
Uniform Statewide Building Code; Board of Housing and Community Development to consider certain revisions to provide an exemption from certain use and occupancy classifications. (Patron—Head)	HB	1289	407	717
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Virginia Code Commission; work group to review public notices required to be published by localities. Patron—Williams	HB	1131	129	282
Patron—Stanley	SB	417	130	283
Virginia Standards of Learning; Secretary of Education and Virginia Superintendent of Public Instruction shall convene a work group to revise summative assessments of proficiency and develop a plan for implementation, report. Patron—VanValkenburg	HB	585	760	1446
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Virginia National Guard; adds parameters around grants distributed by the Department of Military Affairs to members that are enrolled in any course or program at any public institution of higher education or accredited nonprofit private institution of higher education, federal active duty mobilizations shall count toward the two-year service obligation. (Patron—Ruff)	SB	71	604 1137
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Virginia Public Procurement Act; architectural and professional engineering term contracting, limitations, provisions shall apply to any contract for which the solicitation was issued on and after July 1, 2022.			
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Virginia Public Procurement Act; bid bonds, construction contracts. (Patron—Bell)	SB	258	413 721

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Virginia Public Procurement Act; definitions, disclosure required by certain offerors who submit a proposal to a public higher educational institution for any construction project, civil penalty, certain provisions shall expire on June 30, 2027.

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Virginia Public Procurement Act; methods of procurement, submitting bids electronically, upon request of a state public body an exemption may be granted.

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Virginia Public Procurement Act; performance and payment bonds, nontransportation-related public construction contracts. (Patron—Bell)

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Virginia Public Procurement Act; purchase of personal protective equipment by state agencies, report. (Patron—DeSteph)

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Patron—Shin HB 1310 429 763

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VIRGINIA RESIDENTIAL PROPERTY DISCLOSURE ACT

Virginia Residential Property Disclosure Act; required disclosures for buyer to beware, buyer to exercise necessary due diligence, lot coverage. (Patron—Keam) . . .

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Virginia School Breakfast Program; commending.

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Virginia Sports Hall of Fame; commending 2020 and 2022 inductees.

Patron—Davis HR 32 1822
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Officers in the Virginia State Navy during the Revolutionary War; commemorating the lives and legacies of the eight Black men who served. (Patron—Kiggans)

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Roanoke Higher Education Authority; adds president of Virginia State University or his designee to the board of trustees and removes presidents of Averett University and Mary Baldwin College or their designees from board. (Patron—Edwards)

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VITAL STATISTICS

Voter registration; list maintenance, lists of decedents 17 years of age or older transmitted by State Registrar of Vital Records to Department of Elections on a weekly basis, general registrar shall promptly cancel registration of all persons known by him to be deceased, etc.

Patron—Greenhalgh HB 55 4 12
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Voter registration; cancellation of registration, notice requirement. (Patron—Walker) .

HB 1140 318 522

Voter registration; list maintenance, lists of decedents 17 years of age or older transmitted by State Registrar of Vital Records to Department of Elections on a weekly basis, general registrar shall promptly cancel registration of all persons known by him to be deceased, etc.

Patron—Greenhalgh HB 55 4 12
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VOTERS AND VOTING

Lists of persons voting at elections; creation of searchable public lists prohibited.

Patron—Deeds SB 698 445 794

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Walden, Ruby Holland; recording sorrow upon death. (Patron—Brewer)

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Waltz, Jesse; commending. (Patron—DeSteph)

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Ward, Steven L.; recording sorrow upon death. (Patron—Batten)

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Washington, Kyairra; commending. (Patron—Coyner)

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Washington-Liberty High School International Baccalaureate program; commemorating its 25th anniversary. (Patron—Lopez)

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Wason, Harry; commending. (Patron—Mason)

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WASTE MANAGEMENT

Enhanced Nutrient Removal Certainty Program; adds Fredericksburg Waste Water Treatment Facility to list of priority projects for Program, nutrient technology requirements.

Patron—Scott, P.A.	HB	1067	127	269
Patron—Stuart	SB	355	128	276

WATER AND SEWER SYSTEMS

Investor-owned water and water and sewer utilities; ratemaking proceedings, evaluation of utilities.

Patron—Bloxom	HB	182	581	1058
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Air Pollution Control Board and State Water Control Board; transfer of authority to Department of Environmental Quality, definitions, "controversial permit," criteria for requesting and granting a public hearing, repeals provisions relating to procedures for public hearings and permits for both Boards. (Patron—Stuart)

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Comprehensive water supply planning process; State Water Control Board shall consider existing interjurisdictional arrangements in designating regional planning areas. (Patron—Webert)

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WATERS OF THE STATE, PORTS, AND HARBORS

Chesapeake Bay Preservation Area information; each local government in Tidewater Virginia shall publish on its website elements and criteria adopted for local plan. (Patron—Hodges)

HB	771	207	382
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Comprehensive water supply planning process; State Water Control Board shall consider existing interjurisdictional arrangements in designating regional planning areas. (Patron—Webert)

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Conservation and natural resources; amendments for clarity sections that are currently carried by reference only. (Patron—Scott, D.L.)

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Enhanced Nutrient Removal Certainty Program; adds Fredericksburg Waste Water Treatment Facility to list of priority projects for Program, nutrient technology requirements.

Patron—Scott, P.A.	HB	1067	127	269
Patron—Stuart	SB	355	128	276

James River; designating an additional portion running through Nelson and Appomattox Counties as a component of the Virginia Scenic Rivers System.

Patron—Fariss	HB	49	175	343
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Nutrient credits; Department of Environmental Quality may accelerate the release of credits from a stream restoration project, provisions shall become effective 30 days after the Department of Environmental Quality issues guidance regarding implementation. (Patron—Hanger)	SB	187	526	913
Onsite sewage system pump-out oversight; Department of Health, effective July 1, 2023, to manage and enforce compliance for certain counties and the incorporated towns within those counties, report. (Patron—Hodges)	HB	769	486	849
Resilient Virginia Revolving Loan Fund; created, definitions, loans and grants to a local government.				
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Patron—Lewis	SB	756	739	1405
Shenandoah River; designates an 8.8-mile portion of the North Fork as the Shenandoah State Scenic River. (Patron—Avoli)	HB	1223	661	1256
Stormwater management; proprietary best management practices (BMP), Department of Environmental Quality shall prioritize review of any proprietary BMP, etc.				
Patron—Bulova	HB	1224	32	66
Virginia Stormwater Management Programs or Virginia Erosion and Stormwater Management Program; review, approve, etc., permits of regional industrial facility authorities. (Patron—Marshall)	HB	184	160	331
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Adoption; allows a circuit court, upon consideration of a petition to immediately enter an interlocutory order referring the case to a child-placing agency, etc., report of visitation, putative father's registration with the Virginia Birth Father Registry.				
Patron—Brewer	HB	869	377	651
Adult or child abuse or neglect, suspected; adds any person who engages in the practice of behavior analysis to the list of individuals required to report.				
Patron—Bell	HB	751	766	1462
Adult protective services investigations; financial institutions to furnish records and information to local department of social services or to a court-appointed guardian ad litem, immunity from civil or criminal liability for providing records, etc.				
Patron—Head	HB	95	743	1413
Assisted living facilities; involuntary discharge, safeguards for residents, relocation assistance. (Patron—Spruill)	SB	40	706	1318
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Health services; removes certain requirements for Department of Behavioral Health and Developmental Services, removes obsolete provisions of Uniform Act on Adoption and Medical Assistance. (Patron—McClellan)	SB	479	264 452
Infant relinquishment laws; Department of Social Services shall establish a toll-free, 24-hour hotline to make information about safe haven laws available to the public, etc. (Patron—Fariss)	HB	50	174 343
Juvenile records; identification of children receiving coordinated services, formal agreements entered into by local agencies and Department of Juvenile Justice shall be reviewed by the Office of the Attorney General before such agreement may take effect, sharing information derived from records. Patron—Bell	HB	733	64 116
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Kinship foster care; notice and appeal, forms or materials shall be provided to the relative, etc., Board of Social Services shall promulgate regulations to implement provisions. Patron—Gooditis	HB	716	561 1025
Patron—Mason	SB	307	562 1026
Safe haven protections; newborn safety device at hospitals for reception of children. Patron—Fowler	HB	16	81 185
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Unaccompanied homeless youths; consent for housing services, provider of housing services shall attempt to contact parents or guardian of youth, reporting child's presence to local law enforcement, etc., report. (Patron—Filler-Corn)	HB	717	801 1550
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Patron—Austin	HB	463	34	70
Patron—Edwards	SB	141	33	70
Disabled veterans, certain; special hunting and fishing licenses. (Patron—Wyatt) . . .	HB	120	40	75
Hunting on Sundays; permits hunting on public or private land, so long as it takes place more than 200 yards from a place of worship or any accessory structure thereof.				
Patron—Petersen	SB	8	98	216
Hunting with dogs; dogs to wear tags. (Patron—Wright)	HB	1273	651	1238
Live nutria; existing prohibition against possession, sale, etc., does not apply to employees of the Department of Wildlife Resources and certain federal agencies, or persons involved in research or management activities with such agencies.				
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Williams, Robert Louis; recording sorrow upon death. (Patron—Williams Graves) . . .	HR	73		1842
WILLIAMS, ROBERT SAUNDERS				
Williams, Robert Saunders; recording sorrow upon death. (Patron—Locke)	SJR	30		1950
WILLIAMSBURG AREA MEALS ON WHEELS				
Williamsburg Area Meals on Wheels; commending. (Patron—Mullin)	HJR	346		1735
WILLIAMSBURG, CITY OF				
Sales tax; City of Williamsburg, James City County, and York County to appropriate annual amounts to entities promoting tourism and recreation in the Historic Triangle.				
Patron—Norment	SB	438	652	1239
WILLIAMSBURG FARMERS MARKET				
Williamsburg Farmers Market; commemorating its 20th anniversary.				
Patron—Batten	HJR	186		1643
Patron—Mason	SJR	162		2047
WILLIS, BARBARA PRATT				
Willis, Barbara Pratt; recording sorrow upon death. (Patron—Stuart)	SJR	23		1948
WILLIS, DAVID				
Willis, David; commending. (Patron—Marshall)	HJR	295		1705
WILLS, TRUSTS, AND FIDUCIARIES				
Fiduciaries; payment of small amounts to certain persons without involvement, threshold amount. (Patron—Williams)	HB	1132	317	521
Guardians; appointment, petitions for guardianship, report. (Patron—Deeds)	SB	302	630	1203
Guardianship and conservatorship; duties of the guardian ad litem, notifying court as soon as practicable if respondent requests counsel, report contents.				
Patron—Hudson	HB	623	243	420
Guardianship and conservatorship; notice of hearing, cross-petitions.				
Patron—Glass	HB	1212	278	473

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WILLS, TRUSTS, AND FIDUCIARIES - Continued

Guardianship visitation requirements; Department for Aging and Rehabilitative Services shall convene a work group to review and evaluate, report.

Patron—Roem HB 634 242 420

Incapacitated persons; changes to provisions of guardianship and conservatorship, duties of guardian ad litem, annual report by guardian. (Patron—McPike)

SB 514 381 659

Index of wills; clerk of Rockingham Circuit Court may establish a pilot project to lodge wills for safekeeping with a searchable database, report. (Patron—Obenshain)

SB 221 109 227

Misuse of power of attorney; financial exploitation of incapacitated adults by an agent, penalty.

Patron—Mullin HB 497 397 693

Patron—Obenshain SB 124 654 1244

Notice of probate; exception to notice. (Patron—Leftwich)

HB 1066 777 1493

Transfer on death deed; conveyance of cooperative interest. (Patron—Tata)

HB 887 309 513

Uniform Fiduciary Income and Principal Act; replaces prior Act.

Patron—Sullivan HB 370 354 562

Will contest; presumption of undue influence. (Patron—Obenshain)

SB 554 265 455

WILROY BAPTIST CHURCH

Wilroy Baptist Church; commending. (Patron—Jenkins)

HR 175 1891

WILSON, ANTHONY S.

Wilson, Anthony S.; commending. (Patron—Ballard)

HR 146 1877

WINCHESTER RESCUE MISSION

Winchester Rescue Mission; commending. (Patron—Gooditis)

HR 106 1858

WINDSOR, TOWN OF

Windsor, Town of; commemorating its 120th anniversary. (Patron—Brewer)

HR 143 1875

WINE

Alcoholic beverage control; beer and wine lawfully purchased in the Commonwealth for personal use and not for resale, transported within the Commonwealth in personal possession of the purchaser, etc., repeals provision relating to illegal importation, shipment and transportation of alcoholic beverages, transportation of alcoholic beverages purchased outside the Commonwealth. (Patron—Reeves)

SB 325 201 371

Winery, farm winery, and limited brewery licensees; Department of Agriculture and Consumer Services shall convene a work group to conduct research to determine the appropriate fee structure and general fund appropriation necessary to adequately address staffing needs and perform information technology system upgrades for the purpose of accommodating, etc., report. (Patron—Robinson)

HB 1336 334 536

WINNERS CHURCH OF DUMFRIES

Winners Church of Dumfries; commending. (Patron—Mundon King)

HR 173 1890

WITNESSES

Service of process; investigator employed by an attorney for the Commonwealth or Indigent Defense Commission, serving witness subpoenas.

Patron—Hope HB 682 684 1276

Patron—Deeds SB 291 248 423

WOMEN

Small, women-owned, and minority-owned businesses; Department of Small Business and Supplier Diversity to annually review and provide feedback on state agencies' plans to enhance procurement. (Patron—Torian)

HB 814 301 493

Women-owned or minority-owned businesses; Department of Small Business and Supplier Diversity to administer a mentorship pilot program under which established businesses, or industry sector experts, act as mentors to start-up businesses.

Patron—Torian HB 815 302 497

WOOD, JAMES L.

Wood, James L.; commending. (Patron—Kiggans)

SR 71 2119

WOOD, WILLIAM C.

Wood, William C.; commending. (Patron—Runion)

HJR 324 1723

WOODLAWN ELEMENTARY SCHOOL

Woodlawn Elementary School; commemorating its 85th anniversary.

Patron—Surovell SJR 212 2076

WOODRUFF, MARY MACLEOD

Woodruff, Mary MacLeod; recording sorrow upon death. (Patron—Vogel)

SR 83 2124

WORKERS' COMPENSATION

Judges; election in Court of Appeals of Virginia, circuit court, general district court, juvenile and domestic relations district court, and a member of the Workers' Compensation Commission. (Patron—Adams, L.R.)	HJR	152		1623
Virginia Workers' Compensation Commission; nomination for election of member.				
Patron—Byron	HR	14		1813
Patron—Saslaw	SR	12		2087
Workers' compensation; cost-of-living supplements shall be payable to claimants who are receiving disability benefits. (Patron—Lewis)	SB	677	182	349
Workers' compensation; employer duty to furnish medical attention, cost limit.				
Patron—Wampler	HB	689	213	386
Workers' compensation; extends date by which COVID-19 causing the death or disability of a health care provider is presumed to be an occupational disease.				
Patron—Robinson	HB	932	644	1226
Workers' compensation; permanent and total incapacity, subsequent accident.				
Patron—Surovell	SB	351	530	923
Workers' compensation; time period for filing claim, certain cancers, claim for benefits made as a result of diagnosis shall be barred if employee is 65 years of age or older, etc.				
Patron—Brewer	HB	1042	497	866
Patron—Saslaw	SB	562	498	867
Workers' compensation; Workers' Compensation Commission to study practice of charging premiums on bonus pay, vacations, and holidays. (Patron—Marshall)	HJR	11		1564
WORKFORCE				
Apprenticeship programs; Board of Workforce Development, et al., reviewing performance of programs in meeting high-demand industry needs, creating a primary office for programs.				
Patron—Filler-Corn	HB	718	699	1312
Patron—Lucas	SB	661	700	1313
WORLD PARKINSON'S DAY				
World Parkinson's Day; designating as April 11, 2022, and each succeeding year thereafter. (Patron—Sullivan)	HJR	135		1613
WORLD POLIO DAY				
World Polio Day; designating as October 24, 2022, and in each succeeding year thereafter. (Patron—Watts)	HJR	26		1573
WRAY, DEREK				
Wray, Derek; commending. (Patron—McNamara)	HJR	119		1604
WRIGHT, BETTY J.				
Wright, Betty J.; recording sorrow upon death. (Patron—Lucas)	SJR	87		2007
WRIGHT, EDGAR MARTIN, JR.				
Wright, Edgar Martin, Jr.; commending.				
Patron—Fariss	HJR	351		1737
Patron—Peake	SJR	217		2079
WRIGHT, ERNEST LINWOOD, III				
Wright, Ernest Linwood, III; recording sorrow upon death. (Patron—Stanley)	SJR	146		2039
WRITS				
Writ of actual innocence; changes the provision requiring that a petitioner petitioning for a writ based on previously unknown or unavailable nonbiological evidence allege that such evidence is such as could not, by the exercise of diligence, have been discovered or obtained before the expiration of 21 days. (Patron—Herring)	HB	422	625	1195
Writ of vacatur; victims of sex trafficking, payment of fees or costs.				
Patron—Keam	HB	711	408	717
WYATT, LONDON RUSSELL, JR.				
Wyatt, Landon Russell, Jr.; recording sorrow upon death. (Patron—Marshall)	HJR	299		1708
YORK COUNTY				
Sales tax; City of Williamsburg, James City County, and York County to appropriate annual amounts to entities promoting tourism and recreation in the Historic Triangle.				
Patron—Norment	SB	438	652	1239

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ZADAN, WALTER			
Zadan, Walter; commending. (Patron—Mullin)	HJR	345	1734
ZEARFOSS, DANIEL			
Zearfoss, Daniel; commending. (Patron—Suetterlein)	SR	79	2122
ZIENTARA, DON			
Zientara, Don; commending. (Patron—Lopez)	HJR	360	1742
ZIMMERMAN, RYAN			
Zimmerman, Ryan; commending. (Patron—Greenhalgh)	HJR	367	1746
ZONING			
Planning; definition of subdivision, boundary line agreement, copy of final decree shall be provided to zoning administrator of the locality in which property is located.			
Patron—Leftwich	HB	1088	271 464
ZYSK, ANDREW			
Zysk, Andrew; commending. (Patron—Simonds)	HR	235	1920